Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Wednesday, January 31, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Right Reverend Monsignor Patrick J. Ryan, major general, U.S. Army, retired, Washington, D.C., offered the following prayer:

Almighty God, our Heavenly Father, we lift our hearts in prayer to renew again our loyalty to You and to our beloved country. We ask You especially to bless this august body of lawmakers as they convene today. Direct them by Your wisdom, surround them by your justice, guard them by your power. Make them prudent in judgment, steadfast in danger, patient in adversity, humble in prosperity. Let them learn from You how fragile is the earthly, how great the divine, how brief the temporal, how permanent the eternal. Pour out Your spirit upon all our people, so that they may not confuse dissent for disloyalty. May they use their mighty power for the healing of differences among nations, for justice and mercy and love, and for the peace of all mankind. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 29, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACK ON SENATOR STENNIS

Mr. MANSFIELD. Mr. President, it was with shock, to put it mildly, that I learned of the shooting of the distinguished junior Senator from Mississippi (Mr. STENNIS). It is my understanding that his condition is still serious, but that the doctors are encouraged, and that the Senator is conscious.

I hardly know what to say about this incident except to express my great sorrow and deep regret that this cold-blooded shooting has occurred in the Capital of the Nation. I am sure that there are many other "Senator Stennises" who have not received the publicity which this one has received. I would hope, in the name of the American people, that appropriate legislation would be reported by the Committee on the Judiciary, at the appropriate time, and as expeditiously as possible, so that we can guarantee a greater degree of safety than we can at this time to our citizens in the cities, in the suburbs, in the rural areas.

It is disgraceful that an instance of this sort can occur—and it does occur daily—in this city. It is a necessity that something be done, and done quickly, not on the basis of emotion, but on the basis of the facts as they exist. We are all aware that many citizens have to undergo the same results of criminal activities as our distinguished colleague is undergoing.

The Democratic conference this morning asked the leadership to forward a request to the distinguished chairman of the Committee on the Judiciary, the senior Senator from Mississippi, the President pro tempore of this body (Mr. EASTLAND) and to the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), so that the omnibus crime control bill can be reported, after the committee holds hearings, as expeditiously as possible; and also other legislation seeking to cope with this gripping ailment, this illness, which affects the Republic, so that the necessary corrective measures can be brought into being, and thereby to safeguard the well-being of our citizens to the greatest possible degree.

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, the ending of the violence in which the United States was involved abroad turns attention more sharply than ever to the enormous increase of violence in this country. Our cities are dangerous places in which to live. It is hazardous for our citizens, regardless of their location within the States or their status in a community. We live behind locked doors. We see armed guards around our embassies. We have an increased police force—and a good one.

My own experience, in my own house, is that we are barricaded in at night, with huge wooden beams across the doors. Available windows and available french doors are nailed shut. This is the kind of life which we are compelled to lead in a city where the corruption of lust and greed is rife, and the ease with which violence can be committed and the readiness with which weapons can be procured are prevalent. All these things are the concomitants of a society where there has been a search for scapegoats, rather than a consistent, more zealous pursuit of the solution.

The shocking assault on our friend, Senator STENNIS, who was a schoolmate of mine at the university we attended—he has been my friend longer than I have known any other Member of Congress—is another very sad example of what goes on here and in other places. I do not think we should search for scapegoats. Let us move with the omnibus crime control bill; move with that kind of legislation which seems necessary and desirable, and to the degree with which we can make it preventive.

I think we ought to redouble our concern about putting an end to the pushing and the use of drugs. We do not know whether this crime was done by someone in search of money with which to purchase drugs or not. We do know that it was done callously by a couple of teenagers who deliberately, after the robbery, shot a man, gravely injuring him, for the sheer power and joy of the act itself. That, of course, will be of some help to the sob sisters who cheer the courts for abolishing the death penalty. They say it is not a preventive. I say it is. I would not impose it too widely or without regard to the kind of crime involved. But where skyjacking is involved, where robbery with a weapon is involved, where kidnaping is involved, we ought to have a restoration of the death penalty.

This is no new thing with me. I have advocated it before. I am not simply reacting to an emotional moment.

Our sympathy goes out to Senator STENNIS, his wife, and all his loved ones. We hope that he will recover soon and be back with us. His distinguished career is such that every day we need him here, and every day he is a guide and a friend.

I hope that we will be brought more suddenly aware of the need to proceed to do more things about the ills that infect and infest the American Nation, particularly its cities, than we have heretofore done.

APPOINTMENTS BY THE VICE PRESIDENT—NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law

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APPOINTMENTS BY THE VICE PRESIDENT—NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law

90-259, appoints the Senator from Alaska (Mr. Stevens) to the National Commission on Fire Prevention and Control, in lieu of the Senator from Delaware (Mr. Boggs), retired.

APPOINTMENTS BY THE VICE PRESIDENT—SENATE OFFICE BUILDING COMMISSION

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 84-944, appoints the Senator from Louisiana (Mr. Johnston) and the Senator from Maine (Mr. Hathaway) to the Senate Office Building Commission, in lieu of the Senator from North Carolina (Mr. Jordan) and the Senator from Georgia (Mr. Gambrell), retired.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota (Mr. Humphrey) is recognized for not to exceed 15 minutes.

Mr. HUMPHREY. Mr. President, I understand that the distinguished Senator from California must leave on another assignment. If it is agreeable, I yield to him whatever time he requires for a statement at this time, provided that the Senator, who also has time under the orders, will yield me an equal amount of time for my presentation.

Mr. TUNNEY. I certainly do. I have not yet been recognized, but I yield in advance my 15 minutes to the distinguished Senator from Minnesota.

A TRIBUTE TO EUGENE L. WYMAN

Mr. TUNNEY. Mr. President, Eugene L. Wyman was both a quiet and a majestic man. His impact on the lives and the hearts of others was powerful. His manner was warm. His talent was great. His energy was boundless. His friendship was deep.

When I learned that he had died unexpectedly, the loss was startling. He was young, vibrant, and active. If I or a colleague needed advice, encouragement, or simply wanted to share the stimulation or challenge of a lively conversation, we would pick up the phone and call Gene. He was always there.

I miss Gene deeply. Still, I fear that, as the days pass, his loss will be felt even more profoundly. The support and strength which he gave to so many will be missed more fully as time passes and the full measure of his absence is absorbed.

Although Gene lived only 47 years, he left a lasting legacy—both public and private. His public legacy is well known especially to members of my political party. His leadership and dedication to practical progress were invaluable to Democrats both in California and across the land.

But it was not only for members of his party that he had a sense of dedication. I recall shortly after being elected to the Senate when Gene invited me to his home to meet some of the leaders of the Republican Party of California. The kind of friendship that had grown up between Gene and them belied any accusations that could be made that Gene Wyman was first and foremost a partisan. He was not. He was first and foremost an American and he was prepared to work with anyone of any political persuasion in order to bring to fruition his ideals.

His loyalty and his wisdom combined into a remarkable talent and strength upon which many, many persons relied.

That loyalty and wisdom, and the love with which he imparted those qualities to his family and friends affected most those who had the enriching privilege to know him best. Obviously, no one was more affected by these qualities of Gene Wyman than his warm and wonderful family. I have never met a man with Gene Wyman's responsibilities, who was as busy as he was with his law practice, charitable services, with political activities, and yet who made more time to spend with his family and to care for their interests.

Shortly before he died he asked me if I would speak at the school where his son, Bob, is studying. I said that, of course, I would, and I went there to speak. As it turned out, only the high school students were invited to the speech. Bob is still in the junior high school so he did not hear the speech. Gene wrote me a letter, which I received the day after his death, thanking me for having gone to the school and saying that inasmuch as his son did not have the opportunity to hear my speech that he wanted a raincheck. "Won't you come back," he asked. That was the way he related to other people. He related to them as a warm, affectionate, human being who was deeply concerned about his family.

The love that he and his wife Roz shared was known to all who knew them. No secret was made of the rare and tender affection that Gene held for Roz and that Roz held for Gene. Few marriages have been as blessed. Few relationships have been as close.

That marriage produced three talented children, Betty, Bob, and Brad. These three children were the apple of his eye. Gene was not privileged to share enough of their lives with them but anyone who has met Betty, Bobby, or Brad knows that Gene had his impact upon them—that they have the vitality and energy that marked Gene's life.

We will remember Gene for the causes in which he believed and to which he dedicated himself: The improvement of this Nation and the survival of the State of Israel. We will also remember him for the quiet and yet profound way in which he touched our lives—with deep concern and loyal friendship. He was an unusual man and a loving friend. His living memory will never leave the lives of those he touched.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. MANSFIELD. I wish to join my distinguished colleague in sadness on the passing of a man who contributed much and expected little.

I had the privilege of being with Gene Wyman in Los Angeles in mid-October. As always, it was a joy to see him and his wife Roz. But now, as always, it is sad to note that this man of outstanding ability and integrity has now passed from the scene. There is little that one can say in times like this. But I do want the record to show my high regard for this outstanding citizen, to express my deep regret and sense of personal loss and sadness, and to extend to his wife Rosalind the sympathy of my wife, my daughter, and me in her hour of sorrow.

Mr. HUMPHREY. Mr. President, first of all, I wish to thank the distinguished Senator from California for his beautiful words of eulogy and tribute to our friend, Gene Wyman, and of course the words of our distinguished majority leader.

On Friday, January 19, I lost one of my beloved friends when Eugene Wyman suddenly and unexpectedly died. I rise to offer my condolences to his loyal and devoted wife, Rosalind, to his dear, wonderful children, Betty, Bob, and Brad, and to his saddened and shaken mother, family, and friends. It is with grief that I speak of this most honored friend and brilliant young man. But it is with the realization that in his brief 48 years of life, Gene Wyman lived a full life, one of great service and deep experience.

One of my Jewish friends recently brought to my attention a piece of wisdom from the Talmud which urges us to measure the life span of a man not by the number of his years but by the number of his good deeds in behalf of his fellow man. By these true standards, Gene lived to be a very old man because those deeds were legion in number.

A reading of his many outstanding obituary notices might lead a stranger to believe that Gene's most noteworthy accomplishments were in the political area. It is true that it was through this opportunity that I and many of us here in this Chamber came to meet Gene and Roz Wyman. But I personally came to see that the strength, compassion, and wisdom of that man permeated so many other areas of his life and contributed to so many aspects of our society.

Gene, a self-made man who worked his way through school to become one of the most able and successful lawyers in our country, was committed to education as the vehicle for enlightenment and fulfillment in a democratic society. The scholarships endowed by him are evidence of that commitment.

Even as he looked ahead to the better tomorrows in mankind's evolutionary development, Gene never forgot his ancestry and the beautifully rich traditions of his Jewish faith, both in this country and as it achieved its historical promise in Israel. Gene Wyman's tremendously dedicated and successful efforts for the purchase of Israel bonds in this country are evidence of that commitment. And by merging his commitments to Israel and to education, it was only natural that Gene should have directed his energies toward Hebrew University on Mount Scopus where, as a tribute to these efforts, the Rosalind and Eugene Wyman Political Science Building will be dedicated later this year.

But the true measure of that rare man must be taken by humanitarian, person-to-person relationships—and by family relationships—and here again, Gene excelled. Bess Myerson's most moving and eloquent eulogy at his funeral services last Sunday described these qualities in words that cannot be surpassed. I know because I was one of those many friends strengthened by Gene's judgment and human warmth—the excitement and pleasure of the conversation that good food and fellowship around the dining room table at the Wyman California home; and the relaxation and comfort sitting around the Wyman living room with an occasional movie to soothe the exhausted body and sometimes troubled spirit. These memories will always remain—memories that include wise counsel and advice of this unusual and brilliant man.

Gene's political work can only be correctly understood with the perspective of these other qualities and commitments and so I return to politics. To Gene, politics was not a tool for self-aggrandizement. Indeed, few have sacrificed so much and given of themselves more to the political process. To Gene, politics was the highest service a citizen could perform for his country. It was the price we had to pay for civilization and the opportunity for the highest aspiration of citizenship. And as a loyal American, as a devoted Jew, as a lawyer with an understanding of freedom's value, as a father anxious to pass on a better society to his children—indeed as a true citizen of a democracy, Gene Wyman knew that participation in the political process was the proper expression of the Judaic-Christian ethic that permeates the idealism of our country.

It was a matter of profound regret that I was unable, due to illness, to be present at Gene Wyman's funeral service. My wife, Muriel, and my friends tell me that its spiritual dignity was appropriately symbolic of Gene's values in life. The two beautiful eulogies delivered that afternoon provided that message. The services and eulogy delivered by Rabbi Jacob Pressman, of Temple Beth Am, reflected the close association between Gene and this most distinguished and respected man of learning and religion. Bess Myerson's beautifully moving tribute came from a heart eternally touched and ennobled by Roz and Gene Wyman's loyal and devoted friendship with this unusually talented and brilliant public servant.

Gene was, in many ways, a very fortunate man—fortunate in the sense that he had as his partner this wonderful lady that we affectionately called Roz, whom we know as Rosalind, and a host of his friends that brought joy and meaning to life. I miss him. His passing is a great personal loss, but, more significantly, I think it is a loss for his community of Los Angeles and California, for the Democratic Party, to which he gave so much of his time, talent, and resources, and indeed to our country.

Gene Wyman was a voice of reason. His was a voice of compassion. His was a life of service.

I ask unanimous consent that eulogies delivered at the funeral service be printed in the RECORD at this point.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

EULOGY BY RABBI JACOB PRESSMAN ON THE DEATH OF EUGENE L. WYMAN

It is written in the talmud Rabbi Tarphon said, "The day is short, and the work is great, and the laborers dally, and the reward is much, and the master is urgent. It is not thy duty to complete the work, but neither art thou free to desist from it."

The modern classic Hebrew poet, Chaim Nachman Bialik, wrote his own epitaph, saying:

אחרי מותי, ככה ספדו לי
היה איש, וראו, איננו עוד
קודם זמנו מת האיש ההוא
ושירת חיין בעמצה נפסקה
וצער — עוד היה לאיש מזמור אחד
והמזמור, אבד לעד, אבד לעד.

"After my death, thus shall you mourn for me.
There was a man, and behold, he is no more.
Before his time he died, this man,
And the song of his life was interrupted in the middle,
And oh, the tragedy! He had one more song
And now that song is lost, forever, lost forever."

DEAR FRIENDS: When the utterly shattering, unbelievable word raced through the United California Building, work abruptly ceased in dozens of offices. When it flashed throughout the city on news broadcasts minutes later, the cry of, "Oh, no! It can't be! It musn't be" sprang to the lips of men and women in a thousand locations. When it reached across the land, the phones started ringing, and plane reservations were hastily arranged, and a torrent of grief and love began to rush toward the Wyman home. There, as each new visitor hugged and kissed Roz and the children, people, whether humble or prominent, wept unconsolably, where they had come to console, wept out of this deep, frustrating sense of helplessness and personal loss that grows at the vitals of every person in this sanctuary.

What is there about this Eugene L. Wyman that makes this moment so difficult, so unreal? It isn't only that we reject the notion that a man of forty-seven can be stricken so swiftly. It is that our Gene exuded such a vibrant, vital air of purpose, and vitality, and confidence, and strength and youth, and love; and these are the very antithesis of death.

But, no matter how we might wish it otherwise, this moment is real, and the harsh fact is that Gene's great heart is still, and from the four corners of the land, and from every pursuit and station in life we have come to pay our respects. Secretaries and Senators, Congressmen and Consuls, businessmen and bankers, producers and politicians, actors and academicians, clients and colleagues and representatives of the broadest spectrum of human interests. And all of us convinced he really cared about us. That was the keynote of his life, and Bess Myerson sounded it; he cared.

When did he start caring? I think it must have been when he lost his mother at the age of six, when he was the big brother—and Milford, the baby, and Gene reached out to please—please his father, Abe—please his Aunt Harriet, who at eighteen married Abe and became Gene's second mother—please Milford and later Melvin when he came along—please his teachers in school by trying harder.

It was in school. Ducoyne Township High School in Illinois, that Gene found his first and oldest mentor, Paul Hibbs, who saw the genius in the 16 year old athlete who had broken his leg and turned to debating. Mr. Hobbs poured his eloquence and erudition into Gene with exacting but loving demands, and Gene rewarded his teacher not only with a shower of awards won for his school but with a life-long friendship. Gene called him often, paid him the high compliment of seeking his help with words, and recently established a scholarship in Paul Hibbs name at the very university, Northwestern, to which Mr. Hibbs had obtained a scholarship for Gene. Paul is here today, in sadness united with the family as he has been in joy, because Gene cared.

He cared for learning, and pursued it at Northwestern and later at Harvard Law School, where he edited the Law Review and continued to earn highest honors.

He cared for the law, and came here to California to practice it—starting out, a struggling unknown, and ultimately leading one of the largest and most prestigious firms in the land.

He cared for this country. He enlisted in the army during World War II the moment he graduated high school and served for a time before they discovered his eyes didn't measure up to army requirements and he was released. But in time found a way to serve our country—by entering the political arena and helping good men to travel the costly road to elected office—men like the late John F. Kennedy, Lyndon B. Johnson, Hubert Humphrey, Edmund G. Brown, Pierre Salinger, and John Tunney among others. And Gene was scheduled to chair the Jackson-Jefferson Day dinner in Washington in May, to raise millions to meet the indebtedness of his party. He took the grinding, unglamorous job of fund-raising because he believed that he could best serve and help America by making the political process work.

He cared about friends and never forgot them—old or new. He still called his boyhood chums from Illinois wherever they were. We here all know men, less important and overburdened than Gene, who were inaccessible, and play hard to get. But Gene, he had time to answer a call or call back later and make us feel comfortable and thank us for calling on him. Perhaps that is why I have seen great men's shoulders heaving sobs these past 48 hours and heard women telling how they could take their troubles to him for wise counsel more easily than to any other living person.

He cared for Israel! What a phenomenal job he performed for her during his chairmanship of the Bonds of Israel campaign, and during his chairmanship of the Friends of Hebrew University. The drive, the imagination, the love he poured into those campaigns are recognized by a grateful State of Israel, as messages conveyed through Counsul General Yoachov Avrad testify.

This sanctuary has memories of his caring. He never said no to the Temple or to me. He stood here at this very podium and urged our people on to new peaks of giving for Israel. He stood there at the center table and presented his good friend Otis Chandler to our people. Two months ago he stood on the floor exactly where his body now rests and had a rap-session with our fascinated teen-agers about politics and law.

He cared for all of us, his friends, and I have a feeling that if he could speak to us now, he might say, Good friends, be kind to one another. Life is so short, and you just dont' know how long you have! So all those good things you meant to do—don't put them off. You husbands and wives in your prime—be tender and say all the loving things in your heart—don't put them off. Take time for your kids—now—because time is a one way street—and now is when they need you. All the other stuff isn't all that important—do the really important, personal things today—Because, tomorrow—who knows?"

But, most of all he cared about you in the family room—about brother Milford and Ray, and brother Melvin and Sybel—about Harriet—about Roz's dear mother and dad, Sarah and Oscar, so recently bereft of their son George. He was also a son to them and they doted on him. To say he cared about Betty and Bob and Brad is inadequate to describe the father who studied with them, played with them, shared his careers with them, shared his time with them. Your daddy knew the pain and astonishment you feel in your hearts today—when his natural mother died and when his own dad died 17 years ago. And you will be just as brave and good as he was, and find a place for yourselves in life because of all he has taught you—I know you will. And you will help your Mom as she will help you.

As for Roz, how she cared for you—respected you, encouraged you, fought fiercely for you and loved you. When I married the two of you 18½ years ago. I said, "You are going to be two very busy people. Reserve quiet moments in your life for each other, and let nothing intrude and rob you of them." Well, you promised and you kept your promise. Thank God you did because you can look back without regret upon a marriage in which busy as you both were publicly, you managed to have the kind of home Bess described at the Scopus dinner last December "a warm and happy home"—of which a friend once said, "It's a great place to visit, but boy, would I love to live there."

Roz, when I blessed the two of you on your wedding day, I prayed for a long life for you both. Somehow in the cosmic scheme of things, your marriage was not destined to be long, but deep, and significant and faithful, and beautiful. And for that, in days to come, you will find the strength, to say, "dear God, thank you for giving me this beautiful man for the years that you did, and thank you for letting us love each other as we did."

Self Eulogy—Written Before His Death by Rabbi Bernard Harrison, December 1957

If I had one year to live. . . . I would want to live longer—but would console myself with the hard medicine, that no one lives forever! There is a time to laugh and a time to weep—to sow—and to reap—to be born and to die.

If I had a few years—I would want to be loved, for myself—with all my frailties and my strength—and if I can't hold to my love so long—then I would find consolation in this—that it is better to have loved deeply, sincerely, fully, and lost—than never to have loved at all.

If I had but a short time to go—I would want to live it so that my children would remember me kindly, lovingly and with pride in their hearts for what good qualities I may have been blessed; and for them to walk in my footsteps—their memory of me, a spur and inspiration to them.

And, if my parents survived me, and my brothers (and sisters)—to remember what joy I may have brought them and forgive what hurt I may have done them—and above all. That we had each other for even a little while.

If I had a short time to go—I would want to do something I could take pride in—my chosen work—if I were a builder, to build one beautiful, as nearly perfect home, as I could. If I were a physician, to bring back to health, at least a few who are in mortal danger, and if I could not do more, to console myself with this—

(That homes were built before me and will be after me; that lives were saved and will be saved—and) if I were to live a hundred years I could not build all the houses and bring back to health all the ill in the world.

And so, with what time is allotted for me—I would want to do my work so that my colleagues would take pride in it—and be honored in our association.

And if I had a little while to be here—I would want to win to myself the love and companionship of friends, friends who would respect me and love me whatever my weaknesses and faults, and remember only those good qualities I may possess, and—finally—if I had but a short time left—

I would be charitable to all men—irrespective of their creed or color. I would try to do what good I can to my fellowmen and leave the world a little the better, the happier, the nobler, for my having been in it.

And, if I could not stay longer here—I would find consolation in this:—the grandest sepulcher of all is not where my remains may be laid, but to have found a home in the *minds* of men.

And I would want this to be remembered by my beloved, my children, and my family, my colleagues and my friends:

Forget that I died—remember only that I lived:"

Let us rise.

Eugene Wyman—Eulogy Delivered by Miss Bess Myerson, January 21, 1973

Our lives are poorer today, now that Gene is gone, but how much poorer we would be, each of us, if his life had never touched ours.

Whatever is best in us has part of Gene in it. His quiet strength renewed our own. His loyalty taught us the deeper meanings of friendship—his compassion drew us out of our own selves.

He cared—one of his friends once said—"When Gene says, 'How are you,' he really means it and he's ready to listen."

He invited other people's lives into his own. He was not reluctant to become involved. If *you* had a problem, *he* had a problem—and he brought the full force of his energy and his talent to those problems, small or large, as a friend, as a neighbor, as a citizen of this country he loved so strongly.

Whenever there was work to be done to try to make lives and conditions better, the word "NO" was not in Gene's vocabulary.

For those who didn't care enough to get involved and who tried to mask their indifference by saying, "Well, what can you do, that's the way things are today." Gene had an answer, "Yes, but they don't have to be that way tomorrow." Tomorrow was always the spur of Gene's life because he was a planner of changes and a builder of futures. Gene could find the common denominators of the human condition and bring people together.

"Come on over, we'll talk", he would say—and somehow areas of confrontation would become areas of cooperation and frequently new friendships would be formed.

He always seemed able to handle any problem and rarely burdened his friends with his own.

That's why I was startled one day when he said to me on the telephone—"Something is bothering me and I would like to discuss it with you." He sounded tired and I was concerned, although I couldn't imagine what the problem might be, but I was ready to help. I should have known Gene better.

"This is my problem," he said, "I'm worrying because I think you are working too hard on that job of yours and I want you to take it easy for a while—come on out to see Roz and me and the kids and have some fun."

That was his problem—as tired and overworked as he sounded at that moment. "Come on out to see Roz and me and the kids"—*that's* where Gene's life found its fullest expression.

He was a brilliant lawyer and a concerned and active citizen—but the solid foundations on which those careers were built were his family and his home.

That's where the love and compassion, which were evident in everything he did, had their deep roots—Roz and Betty and Brad and Bobby know better than anyone that this committed man had no greater commitment than as *husband* and *father*. No generation gap or human gaps of any kind ever came between the blessed members of this family circle.

Roz and Gene set high standards for their family—for themselves as parents and for their children. No ideas were strangers in their home—and all shared the joy, the excitement and stimulation as a family and as individuals of the widest variety of learning experiences—learning about each other and about the world and all its people—learning to understand and respect the ideas and work of the great men and women who visited the Wyman home and the anonymous also, who found friendship and respectful attention there.

It was home with a capital "H"—one he was always reluctant to leave for an evening or business journey, and the healthiest kind of place in which children (and parents) can grow. One measure of Gene Wyman and Roz Wyman, is their children—*minds open* with a sense of curiosity and adventure about all ideas and all people with the strength and the courage to accept individual and social responsibility and with the self-reliance to get done what must be done for themselves and for others.

Gene will live in their lives—and in the lives of all of us who knew him and loved him and learned from him how to reach for a better world. There is no more meaningful legacy.

He will be painfully missed by both those who knew him well and by those whose path crossed his only briefly. He will be missed as husband, as father, as son, as companion, as partner, as neighbor, as concerned citizen—and always, as friend.

And, when any of us in the future find ourselves in a rough spot, trying to choose the right way to go, and perhaps overwhelmed by the obstacles, I think we might hear again, inside our heads and our hearts, Gene saying what he said many times to each of us—"You can do it."

And as always, he'll convince us again, and we'll do it. That's his great legacy to us also.

The poet Carl Sandburg wrote and spoke these words at the passing of a great man and friend—and we speak them today for Gene.

"A bell rings in the heart, telling it and the bell rings again and again, remembering what the first bell told, the going away, the great heart still—and they will go on remembering and they is you, and you, and me, and me.

Can a bell ring proud in the heart—over a voice yet lingering, over a face past any forgetting/Over a shadow alive and speaking, over echoes and lights come keener, come deeper?

Dreamer, sleep deep, toiler, sleep long, fighter, be rested."

We will go on remembering, always.

Mr. HOLLINGS. Mr. President, it is a privilege for me to join my colleagues in paying tribute to Eugene L. Wyman. His untimely death at only 47 years of age comes as a shock to his many friends throughout the country. He was struck down in the very prime of his career, and we are much poorer for his passing.

Gene Wyman exemplified public service at its finest. He offered his help to his party with no thought of personal advantage or advancement. He did it because he knew there was a job to be done, and he wanted to see it done with the same honesty and efficiency he applied to everything he was involved in.

Many of my democratic colleagues will recall the superb job Gene Wyman did in assisting the National Committee for the Reelection of a Democratic Congress this past year. It was an honor for me to be associated with him in several of the activities of the fall campaign. I know how pleased he was by the outcome of his endeavors. But he was never one to rest, and his activities were already aimed toward the future. He was hard at work in building his party for the days ahead.

Our deepest sympathy goes out for Gene's dedicated and lovely wife, Rosalind, and to all the members of his family. Mrs. Wyman brings to her work the same public spiritedness and high mindedness that her husband did. She is a major reason for the success of the Wyman team. We hope, Mr. President, that this remarkable lady will continue the labors of her husband and we look forward to our continuing association and friendship with her.

I ask unanimous consent that an article from the New York Times of January 20, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 20, 1973]

EUGENE L. WYMAN, LAWYER, 47, DIES—FUND RAISER FOR DEMOCRATS SERVED AS COAST CHAIRMAN

BEVERLY HILLS, CALIF., Jan. 19.—Eugene L. Wyman, a prominent fund raiser for the Democratic party, died, apparently of a heart attack, at his law office here today. He was 47 years old.

He leaves his wife, the former Rosalind Weiner, a member of the Los Angeles City Council; two sons, Bradley and Robert; a daughter, Betty, and two brothers, Melvin and Milford.

BACKER OF HUMPHREY

Eugene Wyman was the senior partner in the law firm of Wyman, Bautzer, Rothman & Kuchel and had served as State Democratic chairman in California and as a national committeeman.

Early in last year's Presidential campaign he raised the bulk of the funds for Hubert H. Humphrey's campaign.

When Senator George McGovern won the party's Presidential nomination, Mr. Wyman supported the Senator. However, he could not resist remarking that Mr. McGovern's choice of Sargent Shriver as his running mate, replacing Senator Thomas F. Eagleton, was "McGovern's first good move."

Mr. Wyman entered political fund-raising with John F. Kennedy's campaign in 1960. His theory of obtaining money was that big donors must be exposed to the candidate and "establish a personal relationship" with him.

Senator Humphrey had established contacts with wealthy men in California partly through his support of Jewish causes, and this caused Mr. Wyman to remark, "Hubert Humphrey is the best salesman of Israel bonds in the country."

In 1965 Mr. Wyman assisted Pierre Salinger, the former press secretary to President Kennedy, in forming the Golden Bear Club, a Democratic fund-raising organization.

Mr. SPARKMAN. Mr. President, I join with the other Senators who have risen here today to say a word about the recent death of Gene Wyman.

I certainly join with them in the expressions they have made. He was a man of vigor, a man of great activity, a man who, while he was played up in the press as a man who did a great deal of work in raising funds for political campaigns, was also a man who did many useful things in the community in which he lived.

He was a very active, progressive, clear-thinking young man.

He was taken away when he was only 47 years of age with still a prospect of long service beyond that point.

I extend to his dear wife my deepest sympathy in connection with his death.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the senior Senator from California is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that recognition be laid aside temporarily, but not forgotten, and that the Senate go into executive session to consider nominations on the calendar.

The PRESIDING OFFICER. Without objection it is so ordered.

EXECUTIVE SESSION

The Senate proceeded to consider executive business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that consideration be given to the nominations in the Department of Transportation and the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk read the nomination of Frank C. Herringer, of Virginia, to be Urban Mass Transportation Administrator.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL LABOR RELATIONS BOARD

The second assistant legislative clerk read the nomination of John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I make the same request for those nominations.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I make the same request for those nominations.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I renew my request that the order for the time which was allocated to the distinguished Senator from California (Mr. CRANSTON) be vitiated at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the remainder of my time be allotted to my distinguished colleague, the senior Senator from South Carolina, on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR ERVIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a news story which appeared in the Washington Star on yesterday, entitled "Man in the Hot Seat on Capitol Hill," by Shirley Elder, describing the situation which confronts the distinguished senior Senator from North Carolina, Senator Sam Ervin, at this time be incorporated at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Man in the Hot Seat on Capitol Hill

(By Shirley Elder)

Samuel James Ervin, Jr., lawyer, judge, defender of the Constitution, took office as the junior senator from North Carolina on June 6, 1954. Almost immediately he was in the middle of things.

Only weeks before, the Supreme Court had jolted the South and ruled that separate-but-equal public schools were not equal enough for black kids. Ervin, born in the South, quarreled with that ruling and helped draft the Southern Manifesto in protest.

In those days, Sen. Joseph McCarthy still was hunting Communists and terrorizing federal workers, riding high, heading for a fall in which the new senator would figure prominently—as one of those who solemnly contemplated the facts and recommended censure.

The world has changed since 1954 but not Sam Ervin. He looks to the future in terms of the past with unabashed reverence for the United States Constitution as written, opposing expansion of those words either to the left or to the right.

He criticized the Supreme Court for expanding the Constitution in 1954 to outlaw segregated schools; he criticizes the Supreme Court today for narrowing the Constitution to force a newsman to testify before a grand jury.

Over the years Ervin often has found himself in the middle of controversy, fighting civil rights bills, fighting for individual rights, gaining a reputation as a constitutional expert. But the battles usually came one at a time.

Today Ervin again is in the middle of controversy and it is all coming at once. Acting as chairman of the Government Operations Committee, or one of two Judiciary subcommittees, constitutional rights or separation of powers, or as chairman of a new special investigating unit, Ervin will lead some of the most important legislative battles of the new Congress.

Starting today, he will conduct hearings on one of the hottest topics of the day, impoundment—President Nixon's practice of refusing to spend money appropriated by Congress. Ervin has a bill to give Congress a veto over impoundments.

Starting Feb. 20, Ervin will conduct hearings on a basketful of proposals designed to protect newsmen from court actions forcing them to reveal confidential information. He says legislation should not be necessary but the courts "missed the boat."

"I've always said all judges should possess wisdom as well as knowledge," Ervin said in a recent interview. "And I think if I'd been a judge out in California, I'd've exercised a little wisdom and tried not to compel that newsman (New York Times reporter Earl Caldwell) to reveal his sources."

That lack of wisdom, Ervin said, carried on up to the Supreme Court which rejected Caldwell's plea in a 5-4 decision. "Five of them muffed a golden opportunity to do something constructive in this field," Ervin said, "and they just flatly held the First Amendment didn't give a newsgathering any privilege at all."

Ervin said that in his own opinion, each case should be decided on its merits. There are some situations where a newsman should be compelled to testify but there are others when he should not. The courts must balance the two interests of society—to know what is going on through a free press and to prosecute crimes in which newsmen may have knowledge.

Starting as soon as a federal court trial is completed, Ervin then will take on the politically touchy issue of the bugging of the Democratic Party headquarters at the Watergate—and related tales of political espionage from the 1972 presidential campaign. He says it will be a thorough investigation and no witnesses will be allowed to duck behind a wall of "executive privilege."

"I think the Watergate is a very serious affair," Ervin said. "There are serious charges made about the spying on presidential candidates. There are serious attempts to disrupt political meetings. There are serious charges made about the misuse of campaign funds. And I think all of these things ought to be investigated.

"If people are not guilty about some of the insinuations, they ought to be exonerated. And if they're not guilty, they ought to insist on their own exoneration."

NO EXECUTIVE PRIVILEGE

Ervin said he is particularly concerned about the so-called "Canuck incident" in which Sen. Edmund S. Muskie, D-Maine, then campaigning for the Democratic presidential nomination, was accused of prejudice against French Canadians (by calling them "Canucks") in a letter to the Manchester (N.H.) Union Leader. The author of the letter, never located, was said to be a White House aide.

Ervin said the plea of executive privilege, often claimed as a general immunity from Congressional scrutiny for all White House staff, will not be accepted in the Watergate investigation.

Executive privilege is another area of Ervin concern and he enthusiastically backed a Senate Democratic Caucus resolution that would limit its use and provide for Senate review whenever a witness claims such immunity to avoid testifying.

There is a legitimate area of executive privilege, he said, but it is not an absolute right. It can be inferred from the constitutional grant of executive power to the President that there must be some confidential matters between President and staff, Ervin explains, just as investigative authority is seen as a necessary tool in Congress' power to legislate.

MIX OF CORNPONE, WISDOM

Ervin approaches his collection of assignments this year without hesitation: "My wife says if I see a controversy from far off, I come running right up and jump into the middle of it," he said.

But, when it comes to the Constitution, and all these matters touch in some way on the Constitution—rights and powers—Ervin is ready. He is, as one aide said, a scholar as much as a politician. He reads constitutional law cases for recreation.

At 76, Ervin's hair is grayer that when he arrived in Washington. His tall frame is a bit stooped but his words tumble out in a mix of cornpone and wisdom that has become familiar over the years on Capitol Hill.

His trademark is the folksy anecdote that makes a point: "Way back yonder when I used to practice law . . ." or "We had a very fine poet in North Carolina some years ago . . . or "That reminds me of a story . . ."

Sometimes the stories go on and on, punctuated by eyebrows that shoot up and down giving Ervin a slightly astonished look. But he obviously enjoys the stories and wants everyone else to. Often, as he speaks on the Senate floor, he will glance up to the press gallery to make certain the newsmen are getting the point.

But the great flow of words dries up when Ervin is asked about his personal life. He lives across the street from the Capitol in the Methodist Building with his wife of nearly 50 years. He is a private person. At home in Morganton, N.C., he likes to fish. In Washington, he reads.

Mr. MANSFIELD. Mr. President, the article is an excellent one. In my opinion, the Senator from North Carolina (Mr. Ervin) is not only the man in the hot seat, but he is also the man who, as far as the Senate is concerned, deserves commendation at this time.

TRIBUTE TO WILLIAM SAFIRE

Mr. MANSFIELD. Mr. President, I note in the newspaper that Mr. William Safire, a Nixon aide, is leaving the White House to join the New York Times as a columnist.

May I say that I am sorry to see William Safire leave the confines of the Government, and I use the word "confines" advisedly. I applaud him for broadening out his activities to include the writing of a column for the New York Times.

This shift ought to bring together two refreshing points of view, and I am sure that spice will be added to the New York Times because of its acquisition of a man of the caliber of William Safire.

I have a very high regard for Bill Safire and his wife. I think they have performed outstandingly well together, and he especially as an associate of the President in the White House.

I take this means not only to ask unanimous consent to have the New York Times article printed in the Record, but also to extend to Bill and Helene Safire my very best wishes for them in the years ahead and my hopes for their continued success in life.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 31, 1973]

William Safire, a Nixon Aide, To Join the Times as Columnist—Speech Writer Will Produce Two Articles a Week for Op-Ed Page

William L. Safire, a special assistant to President Nixon, will join The New York Times as a columnist, Arthur Ochs Sulzberger, publisher of The Times, announced yesterday.

Beginning in April, Mr. Safire, a speech writer for Mr. Nixon, will write a column twice a week for The Times. It will appear on the Op-Ed Page and be distributed by the New York Times News Service to its 225 American and 137 foreign subscribers.

"I am delighted that Bill Safire has decided to join The New York Times," Mr. Sulzberger said. "He will bring to us a new and different point of view, sharpened by his recent years in the White House.

"I think the readers of The Times and of its news service will be more than well served by this fresh new voice in American journalism."

"REGRET" FROM NIXON

In Washington, Gerald Warren, a deputy White House press secretary, said the President "is accepting with deep personal regret the resignation of William Safire."

Mr. Safire, 43 years old, is an author and former public-relations executive. He has been a member of the President's staff since the beginning of the Nixon Administration.

In the last campaign, he specialized in writing the speeches that dealt with Mr. Nixon's political philosophy.

Mr. Safire has worked on five campaigns for Mr. Nixon, and has accompanied him on two European trips. He also brought Mr. Nixon, then the Vice President, and Soviet Premier Khrushchev together in Moscow in 1959 in their famous "kitchen debate." Mr. Safire was a public-relations man at the time.

Mr. Safire has long been associated with Republican politics. In 1952, he directed a rally in Madison Square Garden for Gen. Dwight D. Eisenhower. He headed a division of volunteers for Mr. Nixon in 1960, and he directed the advertising for the Republican City Committee here in 1961.

He was deputy campaign manager for Senator Jacob K. Javits in 1962 and he supervised public relations for the New York City Rockefeller for Governor campaign in 1964.

From 1955 to 1960, Mr. Safire was vice president of Tex McCrary, Inc., a public-relations concern in New York. He left to become president of Safire Public Relations, Inc., which he left to join the 1968 campaign.

He wrote "The New Language of Politics," which was published in 1968 and reissued last year. He wrote "The Relations Explosion" in 1962, and was co-author of "Plunging into Politics" in 1964.

COINED "NABOB" PHRASE

In 1970, Mr. Safire was detached from Mr. Nixon's staff to write speeches for Vice President Agnew. Among other things, he coined the phrase "nattering nabobs of negativism."

He has also contributed in the past to The Times Op-Ed page and to The Sunday Times Magazine.

Mr. Safire attended Syracuse University and began his career in 1949 as a reporter for a column in The New York Herald Tribune. He was a correspondent for WNBC–MNBT in Europe and the Middle East, and an Army correspondent from 1952 to 1954. In 1955 he was a radio-television producer for WNBC in New York.

Mr. Safire is married to the former Helene Julius.

THE VIOLENT ATTACK ON SENATOR STENNIS LAST NIGHT

Mr. THURMOND. Mr. President, I believe I share the feelings of all the Members of this body when I say that we are both saddened and outraged by the violent attack on Senator STENNIS last night. I know that we are all saddened and outraged, but I doubt that we are shocked. Indeed, a great part of the tragedy of this incident lies in the fact that its occurrence is not so far out of the ordinary experience as to create shock.

Most probably, this crime is one more in the large number of violent crimes which are occurring all over the Nation, particularly in the large cities. The papers are daily filled with incidents similar to this and it is the public visibility of the victim, as well as his closeness to those of us in the Senate, that makes this criminal assault both more noteworthy and more disturbing than numerous similar crimes which occur so often.

Mr. President, there is also the possibility that the attack upon Senator STENNIS was not an ordinary criminal assault, but that his identity was known to his assailants and may have been a motive in his attack. Even if this was the case, it is still difficult to say this was shocking. John F. Kennedy, Martin Luther King, Robert F. Kennedy, George Wallace—as the list of public figures who have been the victims of violent assault in this country lengthens, the shock that accompanies each new incident lessens as our senses become tragically dulled to the horrors of such crimes.

Whether the attack upon Senator STENNIS was in a category with the thousands of similar criminal assaults which occur daily in the United States, or whether his identity was known to his attackers, the crime was heinous, and I hope it will sufficiently arouse the Members of Congress to initiate action promptly to strengthen our criminal laws and bring an end to the violence from which no one is immune.

We are all familiar with the record of the Supreme Court several years back when such decisions as Mallory and Miranda and Escobedo shackled our law enforcement officers in their efforts to apprehend criminals and impeded the prosecutors in their efforts to convict criminals. Tragically, these decisions came at the very time when our Nation was experiencing a dramatic increase in crime. Fortunately, the Congress and the courts, particularly in the last 4 years, have indicated a trend against the permissive attitudes toward violence. Recent decisions and acts of Congress have tempered the excesses of previous court rulings; however, this country is still not free of the crime wave which these earlier decisions encouraged. We have only to look to the recent rape trial here in the District of Columbia in which a confession was not admitted into evidence and the guilty assailant went free.

Mr. President, I hope the Congress will act with dispatch and good judgment to strengthen further our criminal laws and to encourage the States to do likewise. I have found from my experience, both as a lawyer and as a judge, that the greatest deterrent to crime is swift apprehension and sure punishment. We should certainly consider, carefully and seriously, legislation to restore capital punishment for certain crimes. In addition, inasmuch as we in the Congress are responsible for the criminal laws of our Nation's Capital, where the assault on Senator STENNIS took place, we should carefully review and strengthen the criminal laws for the District.

With this in mind, I introduced a bill on January 4, 1973, to restrict the carrying of concealed weapons in the District. This bill would raise the penalty for carriers of concealed weapons to $1,000 and imprisonment for not less than 6 months. This is but one step in the right direction. Washington Police Chief Jerry V. Wilson reported that in his judgment—

> The first step on the road to alleviating the critical handgun problem in the Nation generally, and in the District of Columbia specifically, is the creation of a public awareness that carrying a pistol on the street is a crime of the first magnitude, which, upon conviction, will result in more than a slap on the wrists.

I am contacting the chairman of the District of Columbia Committee to urge prompt consideration of this and all legislation that would deal with the increasing amount of crime in the District of Columbia.

Mr. President, in addition, I think we should realize that many Federal judges, particularly those appointed during the era when permissiveness reigned, show an unfortunate penchant to favor the defendant in criminal cases. The Congress should consider legislation which would provide for either the reappointment or reconfirmation of Federal judges periodically, such as every 6 years.

In summary, Mr. President, let us not allow the attack upon Senator STENNIS to become merely one more statistic or one more headline. I strongly recommend that Congress take action on legislation to bring an end to the era of criminial violence, which is yet with us, and to review continually the criminal statutes and court decisions so that once again the scales of justice will be in balance.

Mr. BIBLE. Mr. President, I am absolutely appalled at the street robbery and shooting last evening of my dear friend and distinguished colleague, Senator JOHN STENNIS.

I spent the early part of last evening with Senator STENNIS at the National Guard Association reception at the National Guard Memorial. I think we left that building at 1 Massachusetts Avenue at about 7 o'clock. Shortly afterwards this very unfortunate shooting occurred. He was his usual gracious, attentive, vigorous self we all know so well, and I left him only a short while before the tragic incident he encountered outside his home.

JOHN STENNIS is without question one of our Nation's great Senator-statesmen. The Senate is enriched by his leadership. He is also a warmly human person and a man of remarkable physical stamina and vigor. I pray that his strength will carry him through this ordeal.

My heartfelt sympathy goes out to the Senator's good wife, Coy. I pray for JOHN STENNIS' early and complete recovery.

Mr. GURNEY. Mr. President, the whole Nation was shocked to learn of this tragic, senseless, brutal shooting yesterday evening of our distinguished colleague from Mississippi, Senator JOHN STENNIS. I am sure I speak for all my colleagues when I wish him the speediest possible recovery and a quick return to his duties here in the Senate.

It is, indeed, a sad commentary that a U.S. Senator should be gunned down right in front of his own home here in the Nation's Capital. The two young punks responsible—and that is the most charitable term I can think of for them—obviously have no respect for the law, or even for life itself. How they could gun down a man whom they had already robbed is simply beyond me, but let us hope that they will be quickly found and brought to justice.

No matter how much progress we have made in fighting crime here in Washington, the job is not complete until people can go home at night in relative safety. Just as Washington has a special responsibility to the Nation to see that the people's representatives are adequately protected, so do we here in Congress have the responsibility to see that the city has the wherewithal to do the job. This tragic incident indicates that somewhere along the line, something is not being done that ought to be done.

First, it may well be that we need still more police and law enforcement equipment here in the District. If so, let us not wait until another tragic incident like this to act. Second, we should make sure that, once criminals like these are caught, justice be quickly but fairly dispensed. If that means we need to make further improvements in our system of criminal justice, then let us go ahead and make them. And third, we should consider—as a deterrent—the possibility of tougher penalties for those who commit crimes with a gun.

To that end, I am today introducing a bill to provide for mandatory sentence of an additional 10 to 25 years imprisonment for anyone who uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or carries a firearm unlawfully in the commission of such a felony. Furthermore, this additional penalty could not be made subject to suspension, probation, parole, or reduction for good behavior, nor could it run concurrently with the term of imprisonment imposed for the basic crime. This type of legislation is badly needed, and if there is any good to be derived out of what happened last night, let us hope it will be to arouse public opinion about the need for stricter penalties for those committing a crime with a gun.

However, we must not hold institutions or society totally responsible. It was two individuals who did this deed and they must bear ultimate responsibility for their actions. Only by throwing the book at punks like these—by handing out the stiffest possible sentences—can we discourage others from trying the same thing on other poor, innocent victims, I would hope that no leniency would be shown these two gunmen, and that no one would expect leniency to be shown—for any reason.

For 26 years now, JOHN STENNIS has served in the Senate with the greatest distinction. As chairman of the Senate Armed Services Committee, he has a great responsibility and for many years he has fulfilled it well. Yet, now, two misguided criminals have deprived the Nation—for a while at least—of his valuable services. That is the Nation's loss, as well as being a personal tragedy. I would hope all Americans would join with me in extending best wishes to the Senator and his family at this time of crisis. We need him and hope to see him back at his desk as soon as possible.

Mr. CHURCH. Mr. President, on this occasion I wish to extend my heartfelt sympathy to the members of the family of Senator STENNIS who was so brutally attacked last evening, and to express my steadfast hope that the Senator recovers from that assault.

The first year I entered the Senate I recall, with pleasure, attending a hearing conducted by Senator STENNIS in my State. After the hearing, there was a luncheon and the Senator recounted with mirth that one of those who had participated in the hearings, one of the witnesses, had said to him afterward that this was the first time he had ever heard the business of the Nation conducted in the southern language. So often since I have heard the business of the Senate, indeed, some of the most important bills to come before the Senate, conducted in the southern language through the astute floor management of the distinguished Senator from Mississippi.

I have come to admire him greatly, to take pride in his friendship, and I want all of his family and loved ones to know that my hopes and my prayers for his recovery are with him today. He is a man who reflects so much credit on the Senate. Never does he take the floor but with the strongest of convictions and the highest of purposes. He has served his State and the country exceedingly well and we can ill afford to lose him.

Mr. JAVITS. Mr. President, the shocking and senseless assault last night upon Senator STENNIS must once again impress upon us how life in our cities is constantly shattered by the gunfire of criminal assailants. Astonishingly, these are commonplace and even almost daily occurrences everywhere in our country; highlighted here by the distinction of the victim in this case and the esteem and affection in which he is held.

Our prayers are with Senator STENNIS and his family for his quick and full recovery as they suffer through what all too many of our fellow citizens have suffered, also, as a result of the increased rate of violent crime throughout our society.

Shocking as it may seem in the wake of these daily tragedies, it is hardly more difficult for anyone—be he madman, murderer, or petty thief—to obtain some sort of gun today than it was at the time of the assassination of President Kennedy or, for that matter, the assassination of President Lincoln. In recent years Congress has passed some important gun control legislation, but we have yet really to come to grips with this critical and complex problem.

Each year more than 20,000 citizens are killed and 200,000 are maimed or injured by guns. Between 1964 and 1972, armed robberies increased 230 percent, with about 63 percent of these robberies committed with guns; 65 percent of all murders in this period were committed with guns. Too often, the handgun is the instrument of death—easily obtained and concealed, it was responsible for the murder of 94 policemen in 1971.

Accordingly I am again this year, as I have in the past, supporting legislation that would provide for the licensing of all handgun owners and for the registration of all handguns.

Are any of us ever safe from the gun obtained by means we ought to make unlawful?

The answer, tragically, must be no. It is time to stop the bloodshed caused by the criminal use of this weapon. It is time to eliminate, as far as we are able, the fear that handguns spread.

I hope that this most recent occurrence will change the views in both the Senate and House on gun-control legislation. The lack of such legislation is responsible for a heavy quotient of these terrible occurrences.

Mr. EAGLETON. Mr. President, I am horrified, as everyone must be, at the brutal shooting of Senator STENNIS yesterday evening.

At the age of 71, Senator STENNIS is a stronger man in body, mind, and spirit than many men of fewer years. I pray that that strength will see him through the next critical hours and days.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. HUDDLESTON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Joint Economic Committee:

To the Congress of the United States:

As predicted, 1972 was a very good year for the American economy.

From the end of 1971 to the end of 1972, total output rose by about 7½ percent. This is one of the largest 1-year increases in the past 25 years. This growth took place in a largely peacetime economy; it was not achieved by a warfed, inflationary boom. In fact, real defense spending declined 5 percent during the year. More important is the fact that the big increase of production in the year just ended was accompanied by a reduced rate of inflation. Consumer prices increased a little more than 3 percent from 1971 to 1972—a far cry from the runaway inflation rate of 6 percent that confronted us in 1969.

A year ago, looking ahead to 1972, I said that the great problem was to get the unemployment rate down from the 6-percent level where it was in 1971. During 1972 the rate was reduced to a little over 5 percent. We should get this down further, and expect to do so, but what was accomplished was gratifying. It is especially significant that the total number of people at work rose by 2.3 million from 1971 to 1972, the largest 1-year increase in 25 years.

Everything was not ideal in 1972—in the economy any more than in other aspects of our national life. Rising food prices were a major concern. The U.S. balance of trade with other countries did not improve as we had hoped. But all-in-all it was a very good year.

The economic performance of 1972 owed much to sound and forceful Government policy. The history of this policy goes back before 1972, and back before the dramatic moves taken on August 15, 1971. It goes back to the decision made in 1969 to bring to an end the dangerous inflation that had started in the mid-sixties. The decision was carried out by slowing down the rise of Federal spending and continuing the temporary tax increase that had been enacted in 1968 and by tightening monetary conditions. As a result, much of the cause of the inflation was removed and the rise in the cost of living was moderated. Without these steps, the subsequent success of price and wage controls would have been impossible.

Curbing inflation and cutting back on defense production necessarily involved a downturn in the economy and a rise of unemployment. To keep this from going too far, fiscal and monetary policy shifted in an expansive direction in 1970. And to speed up both the decline of inflation and the recovery of the economy, I announced the New Economic Policy on August 15, 1971. Temporary controls were imposed on prices, rents, and wages. Taxes were reduced. A little later we moved to stimulate the economy further by boosting Government expenditures in the first half of 1972, mainly by bringing forward expenditures that would have been made later.

The policies that began in 1969 contributed to the economic progress so visible in 1972. But Government policies alone did not do the job. Credit goes largely to a strong private economy and to the private citizens who cooperated in raising productivity, maintaining industrial peace, and conforming to the standards of the control system. The Government helped to create conditions in which private people could adapt to a growing economy that was far less defense-oriented and much less inflationary. But it was the individual American who made the adaptations.

The immediate economic goals for the domestic economy in 1973 are clear. Output and incomes should expand. Both the unemployment rate and the rate of inflation should be reduced further, and realistic confidence must be created that neither need rise again.

The prospects for achieving these goals in 1973 are bright—if we behave with reasonable prudence and foresight. By all signs a vigorous economic expansion is underway and will continue during the year. This will raise output and employment and reduce unemployment. The problem, as far as can now be foreseen, will be to prevent this expansion from becoming an inflationary boom.

That is why I put restraining Federal expenditures at the top of the list of economic policies for 1973. Nothing is easier or more pleasant, at least for a bureaucracy, than to spend money. But beyond some point, which our budget plans already reach, everything that the Government gives out with one hand it must take back with the other, in higher taxes or more inflation or both. Spending proposals must be looked at in this way, by asking whether they are worth either of these costs. Much Government spending fails this test.

I am proposing a budget with expenditures of $250 billion in the current fiscal year—an increase of $18 billion from last year. I am proposing a $19 billion increase for next year, to $269 billion. Although those are large totals and large increases, they reflect a sense of responsibility and discipline. I urgently seek the cooperation of the country and the Congress in staying within my budget proposals.

Only by holding the line on Federal spending will we be able to reduce the inflation rate further in 1973. Productivity should still be rising strongly. Inflationary expectations have been subdued. Workers have been experiencing large gains in their real incomes and so the pressure to catch up will be less than it was earlier. Anti-inflationary forces are at work, but it will be necessary to keep our healthy expansion from becoming an overheated boom.

The system of wage and price controls in effect during 1972 helped bring about a combination of less inflation and more production. But it is not the best system for 1973. After intensive consultation with all parts of the American society we have concluded that controls should be substantially modified. There are several problem areas—food, construction, and medical care costs—where special efforts at restraint are needed, in some cases more intense than last year.

In the economy at large there is need to establish more firmly a pattern of behavior consistent with reasonable price stability. At the same time our own experience and the experience of other countries demonstrate that as controls continue, unless they are suitably modified, red tape multiplies, inequities increase, interferences with production and productivity become more severe, and the possibility is enhanced that prices will explode when controls are lifted. Therefore, we are modifying the control system in several ways.

We are setting forth standards of reasonable price and wage behavior to which we ask business and labor to conform. Private economic units will be able to determine by themselves whether price or wage increases are within the standards or not. They will not require advance approval from the Government. However, the Government will maintain the legal authority, the practical capacity, and the will to intervene where necessary to stop action that is unreasonably inconsistent with the standards. I am asking Congress to extend the Economic Stabilization Act for 1 year, to April 30, 1974, to continue the authority. There should be no doubt about the fact that the authority will be used where needed.

An essential part of our anti-inflation program must be an increase of food supplies to restrain increases of food prices to bring about reductions where possible. The combination of natural occurrences holding down food production in the United States and abroad with rising consumers' incomes at home caused a sharp increase in food prices last year. These same forces will be at work in the early part of this year. But we have taken steps to increase food supplies. Quotas which previously limited the import of meat have been suspended. Restrictions on the acreage planted to major field crops have been relaxed. An increased amount of dried milk is being allowed into the country. Subsidies on agricultural exports have been eliminated. Grazing of cattle is being permitted on acreage diverted from crop production. We have established new machinery in the Federal Government to assume that high priority is given to holding down food prices.

Restraint in budget policy, the new system of cooperative price and wage controls and special efforts to increase food supplies, coupled with the productivity and vigor of the private economy, should make 1973 another year in which inflation and unemployment decline and output rises. But what is at stake in the policies of 1973 is more than economic performance in 1973. What is at stake is whether we can make 1973 the prelude to a sustained period of growth and stability in a free economy. Since 1968 the Government and the economy have been largely absorbed in the negative task of correcting the destabilizing consequences of the financing of the Vietnam war. That period is almost over. Now we can stop putting out fires and turn to building a better economic order.

We must develop more reliable and responsible attitudes and methods for dealing with the Federal budget, so that it is not perpetually on the margin of an inflationary explosion. We must prepare for the end of wage and price controls, and be willing to show the same courage in taking them off as was shown in imposing them. We must weed out the restrictive effects of the large number of other economic controls exercised by the Federal Government, most of them having their origins decades ago, and many of them interfering with productivity and production. And we must strengthen the forces of competition in a vigorous free-enterprise economy.

Nowhere is the need to make 1973 a year of economic reform more apparent than in our international relations. Our actions of August 15, 1971, put the world on the path of negotiation for improvement of the international economy. Last year we made proposals for the reform of the international financial system, and these proposals are now the subject of discussion by high-level officials of the member countries of the International Monetary Fund. This year we expect to enter negotiations on the subject of trade.

We want the American people to be able to buy those foreign goods and services that are better, cheaper, or more interesting than our own. That raises the American standard of living. We want our people to be able to invest abroad when that is the most profitable thing to do. But we also want the American people to be able to pay for these purchases and investments in the way that is best for us. That means, first, that we must be able to pay by selling abroad the things that we produce best, and selling them on the best terms that we can freely obtain. Second, it means that we must be able to pay in a way that is sustainable so that we are not confronted with the need for sudden and possibly painful adjustments.

Existing arrangements are not favorable to us in either respect. We have been buying from abroad in rapidly increasing amounts, and that has helped the American people. But our exports, with which we seek to pay for these imports, have been subject to high barriers, particularly in the case of our agricultural products. We have not been able to sell enough to pay for our overseas expenditures, and so we have had to pay by incurring more and more short-term debts abroad. This is not a situation that can go on indefinitely; its sudden ending could be disruptive. Therefore we want to bring about those reforms that will permit us to earn our way.

Our proposals have been, and will be, put forth in the U.S. national interest. But this is not contrary to the interest of other countries. International competition is shifting from the military and political arenas to the economic. This is a great advantage, because in economic competition every participant can win—there need be no losers. The effort of each nation to produce and sell what it can do most efficiently will benefit others. This is the fundamental belief underlying our proposals for reform and the fundamental reason for thinking that a satisfactory agreement will be reached.

* * * * *

The general prediction is that 1973 will be another very good year for the American economy. I believe that it *can* be a great year. It can be a year in which we reduce unemployment and inflation further and enter into a sustained period of strong growth, full employment, and price stability. But 1973 will be a great year only if we manage our fiscal affairs prudently and do not exceed the increases in Federal expenditures that I have proposed. This is the practical lesson of the experience from 1965 to 1968, when loose fiscal policy turned a healthy expansion into a feverish boom followed by a recession. I am determined to live by this lesson. And I urgently appeal to the Congress to join me in doing so.

RICHARD NIXON.

JANUARY 31, 1973.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield five minutes to the distinguished junior Senator from Alabama (Mr. ALLEN).

THE HOLDUP AND SHOOTING OF SENATOR STENNIS

Mr. ALLEN. Mr. President, the senseless shooting of Senator JOHN STENNIS of Mississippi has shocked the Nation. It is distressing that such a tragedy should befall this great American, whose distinguished services in the U.S. Senate are so much needed by our country in these critical times.

Mr. President, perhaps there is no indispensable man. Perhaps there is no irreplaceable man. But Senator JOHN STENNIS comes just as near to being an indispensable man in the U.S. Senate and an irreplaceable man in the U.S. Senate as it is possible for a Senator to be.

Mr. President, the Senate needs Senator STENNIS. His great State of Mississippi needs him. The country needs him. The free world needs him. Certainly the administration needs him to steer through Congress bills that are necessary to provide for an adequate defense for this country.

Senator STENNIS sets an example for all of us of dedicated public service. We need his moral force in the Senate and in the country. We need his moral leadership.

The attributes of Senator STENNIS are legion. I would set in the forefront of his attributes the word "character," the word "patriotism," the word "ability," and the word "dedication."

Mr. President, many voices and hearts have been lifted in prayer to God spontaneously, to pray for God's healing hand, that He might bring Senator STENNIS back to health and to a return to his duties here in the U.S. Senate.

Senator STENNIS is my dear friend, and a true friend of the State of Alabama, frequently referring to himself as "Alabama's third Senator." My fellow Alabamians join me in prayer to God for his early and complete recovery.

I thank the distinguished Senator from West Virginia for yielding.

THE CONTINUING WAR ON THE STREETS

Mr. ROBERT C. BYRD. Mr. President, the unspeakable crime in which our honored colleague, Senator JOHN STENNIS, of Mississippi, has been gravely wounded should shock the conscience of every Member of this body and of all American citizens. In spite of all the reassuring statements concerning the publicized reduction of crime in the Nation's Capital, it becomes appallingly apparent once again that no one is safe on the streets of the District of Columbia.

My sympathy, and the sympathy of every Member of the Senate, goes out to Senator STENNIS and to the members of his family. We offer our prayers for his swift and complete recovery. No more respected, no more capable, no more decent man has served in this Chamber than he.

The prominence of the victim, Mr. President, and the wide amount of public attention being given to his robbery and wounding serve to underline an ironic fact: Senator STENNIS is but one of hundreds who have been so accosted on the streets of the Capital City of the leading Nation of the world. The poor and obscure victims of violence seldom have their tragedies brought to public notice. It is a shameful and heavy burden that we bear for the conditions which have been permitted to develop in this once safe and civilized community.

The terror which stalks this city, Mr. President, is but the end product of the failure of our system of justice. Private citizens of all races who live here, visitors who come to Washington, and officials of this and other governments who go about their duties here will continue to be attacked and to have their lives endangered so long as hoodlums are permitted to maraud at will and to go unpunished for their misdeeds.

This ghastly and senseless and unprovoked attack upon Senator STENNIS should shatter any premature illusions that anyone may have had that our much discussed war on crime is yet being won. The Senator from Mississippi is not a vindictive man, but the tragedy which has befallen him should serve to stir in all who have a responsibility for law and order in the District of Columbia a new resolve to make this city once again a safe place for all who live, or work, or visit here.

To that end, I express the fervent hope, in closing these brief remarks, that the Metropolitan Police and the Federal Bureau of Investigation will swiftly apprehend those responsible for this sickening thing and that the courts will deal adequately with them.

Mr. President, we have been very concerned, and rightly so, about the war in Vietnam, from which we have now been able to extricate ourselves, or will within the next few days. But yet it remains a fact that the war on the streets of America continues unabated. As I have already indicated, things such as that which happened last night to one of our most distinguished citizens and distinguished Senators go on in this city every night. Innocent victims—men, women, old people and young people—are accosted, robbed, raped, beaten, and murdered in their homes and on the streets of the Nation's Capital.

I am in favor of doing everything we possibly can to remove the causes of crime, if we can determine what they are, and to reduce the opportunities and risks of the commission of crime. I am in favor of beefing up police forces. I am in favor of additional street lighting. I am in favor of recompensing, as much as we can, the victims of crime. But I think that until we get down to the inevitable fact that the criminal must himself be made to realize that he is going to be punished severely and promptly for the commission of crimes, we are never going to do a great deal about this problem.

Mr. President, I personally feel that there ought to be a law, which would provide that any individual who commits a felony in the District of Columbia, or on any Federal installation, and who uses a gun while he is acting in the commission of such felony, be given a mandatory 20 or 25 years in prison without probation or parole and, further that if, in the commission of such felony, a death results, there be a mandatory death sentence applied.

The Supreme Court has gone a long way toward eliminating the death penalty but it has not completely closed the door. One of the things—probably the thing—that appeared to create the greatest problem for the Supreme Court in its decision was that the death penalty is not applied uniformly and evenhandedly across the board. But, if made mandatory in the commission of certain crimes, the Supreme Court would possibly not find the death penalty to be unconstitutional.

Thus, Mr. President, I think there should be a mandatory death penalty here. It would seem to me that that would be the one sure way to provide a deterrent to those who are prone to roam the streets of the Federal City committing rapes, armed robberies, murders, and other acts of violence against helpless victims. I see no other way to greatly reduce these heinous crimes.

I am not speaking out of the emotions of the instant. I have advocated the death penalty all along. But I think that the crime that occurred last night emphasizes the need for strong action on the part of the Federal Legislature in dealing with such crimes.

THE ROLE OF COAL

Mr. ROBERT C. BYRD. Mr. President, the Thursday, January 18, edition of the Mullens, W. Va., Advocate carried an interesting and informative editorial entitled "Coal Rediscovered As Energy Source."

In the editorial, writer David Cline talks of the possibility of coal playing a major role in solving the energy crisis now facing the United States. And he says that:

> The only real answer to this dilemma is in the technology in which Americans pride themselves. A crash program met with the fervor shown in our outstanding space program might possibly develop the cleaning units for coal and solve the energy crisis.

I am in total agreement with Mr. Cline, and have consistently urged over the past several years that such a crash program be initiated. Relying on imported energy fuels to solve our domestic crisis is simply not feasible, from either an economic or security standpoint. And every step we take toward developing nuclear energy seems to take us one step further away from completing that development.

We know we have enough coal to meet our energy needs. And we know the problem that exists in coal—namely, coal with sulfur does not burn cleanly enough to meet our antipollution standards. The logical and practical step, then, would be to develop clean-burning coal.

I agree with Mr. Cline that this should be given the highest priority, and I plan to continue my efforts to see that it is.

Mr. President, I believe Mr. Cline's editorial is worth the attention of the Senate. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Coal Rediscovered As Energy Source

(By David Cline)

The subject of coal has been big news over the past week and, for a change, it has been mostly good news. It began to look as if every prophet of doom was prepared to sound the death knell for coal and we all know that when the bell tolls for coal, it also tolls for West Virginia.

But the gloom seemed to lift this week for several reasons not the least of which was the indication that President Nixon has big plans for coal in solving the energy crisis. It seems the more critical the picture becomes for petroleum and natural gas, the more government and industry begins to look favorably at our plentiful supply of coal. The many problems encountered in adopting nuclear energy to widespread use have pushed that possibility farther into the future.

This enthusiasm for coal, however, does not mean that our black gold will suddenly leap into the lead of the energy sweepstakes. There are still several serious roadblocks to be contended with if coal is supposed to reach its full potential.

It is easy to picture one's self as an ecologist when it involves someone else's livelihood. The fact is that coal, at least coal with sulphur, burns dirty and is truly a pollutant. Much of the coal that the nation so desperately needs, and we so desperately need to sell, has been all but outlawed in several parts of the country. Anti-pollution laws forbid the use of certain types of coal without certain cleaning elements in its use and thus-far these elements have not been perfected. While the federal law allows the use of such coal until 1977, state and local governments have already put many of the restrictions into effect.

There is, of course, the possibility that the restrictions may be temporarily rescinded to allow coal to meet the immediate needs of the nation's energy problems. This is an answer and it would help the economy of West Virginia, but we cannot honestly say that this is the answer we want.

In our small way we have fought long and hard for protection of the environment and we cannot forego firm ideals for the sake of expediency.

Our hope seems to lie in one direction. The only real answer to this dilemma is in the technology in which Americans pride themselves. A crash program met with the fervor shown in our outstanding space program might possibly develop the cleaning units for coal and solve our two big problems at once. The cleaners would protect the air and allow the use of coal. The widespread use of coal would again insure the prosperity of West Virginia.

Another aspect of the use of coal is moving from the experimental stage to the brink of public use. It is called Coal Gasification. Just as its name implies, it is a process for converting coal into a gas. This gas, we are told, would be as convenient and non-polluting as the natural gas we now use.

Two major projects for the construction of coal gasification plants have been approved by the federal government, one in Indiana and another in Alabama. We are, of course, pleased that the plants are underway, but we must confess that we do not really understand why they are being constructed so far from the major coal fields. The coal is already here and, because this area has a large natural gas industry, there is an extensive network of pipelines heading in all directions from the state. We must admit that we do not complain too much on this point since the transportation of coal insures the heavy use of the railroad which employs many people in West Virginia.

Should the coal gasification program really blossom, it would be a boon to the industries of coal, gas and railway. This would not only be a key to the solution of the energy crisis, but would create and maintain a great deal of employment.

We are, by no means, out of the woods yet, but the renewed interest in coal does brighten a picture that was becoming increasingly dark. If at the same time a way can be found to control the pollution problems, we West Virginians may be able to have our cake and eat it too.

ORDER FOR RECOGNITION OF SENATORS BROCK, HELMS, HANSEN, SCOTT OF VIRGINIA, AND McCLURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, following the recognition of Senators for whom orders have already been entered, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated:

Senators Brock, Helms, Hansen, Scott of Virginia, and McClure.

The PRESIDING OFFICER (Mr. Huddleston). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Hawaii (Mr. Fong) is now recognized for 15 minutes.

(The remarks Senator Fong made at this point when he introduced S. 640, amendment of the Taft-Hartley Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks Senator Church made at this point when he submitted Senate Resolution 51, dealing with funds for the Subcommittee on Aging, are printed in the Record under Submission of a Resolution.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond 2 p.m., with statements limited therein to 3 minutes.

ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that on Thursday following the previous orders that have been entered Senator Brooke be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator Huddleston made at this point when he introduced Senate Joint Resolution 45, dealing with the erection of a monument to honor U.S. forces who served in the Vietnam War, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, in accordance with paragraph 1, rule V, of the Standing Rules of the Senate, I have been asked by the distinguished senior Senator from Indiana (Mr. Hartke) to request a leave of absence from the Senate during the remainder of this week because of the death of his mother.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SAFETY AND THE FAA

Mr. ROBERT C. BYRD. Mr. President, the distinguished senior Senator from the State of Indiana (Mr. Hartke) is unable, as I have earlier stated, to attend today's session because of the death of his mother.

At his request, I ask unanimous consent that a statement which he had prepared to be read on the floor of the Senate today be placed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Aviation Safety and the FAA

(By Senator Hartke)

Aviation is a major national asset. Far more than a pleasure conveyance, airplanes are vital to the Nation's business and economy. As our dependence on the airways grow, we are rapidly reaching the point where our needs will far exceed our ability to provide safe air transportation.

The decade of the 1960's saw a tremendous expansion of the Nation's aviation system. Aircraft operations at FAA control tower airports increased by 112 percent between 1960 and 1969, and the number of aircraft handled by FAA air route control centers increased by 111 percent.

By 1980, the FAA predicts that demand will result in a 300-percent increase in these activities. Yet it is clear to every impartial observer that the airways will simply be unable to cope with this traffic safely.

Despite the uniform predictions of crisis, the FAA has been content to proceed at a snail's pace to meet the needs of an expanded aviation system. In many ways, this Federal bureaucracy is a prime example of how not to regulate an industry. Charged with the responsibility of promoting aviation safety, the FAA has been too slow to perceive problems, too slow to recommend corrective action, and too lax in enforcement.

Just as Congress provided for a national highway system, so must we provide for a national aviation system. There is a Federal role in this endeavor, but it cannot be performed by an agency which is mired in its own paperwork and a prisoner of the interests which it is designed to regulate. In the 14 years since it was created, the FAA has been unable to act with the requisite speed and foresight which are required if we are to avoid carnage in our Nation's airways.

During the coming weeks, I intend to report to my colleagues in the Senate and to the public on some of the major problems facing aviation in America and on some of the major problems facing aviation in America and on the failures of the Federal Aviation Administration. These reports will include comments on the following areas:

1. Creation of the FAA

a. Reasons for its establishment;

b. Public responsibility placed upon the FAA;

c. How well has the FAA met its responsibilities?

2. The role of the FAA within the Department of Transportation

a. Organization of the FAA within DOT;

b. Comparison with operations of FAA as an independent agency;

c. Relationship of FAA with the National Transportation Safety Board, the Civil Aeronautics Board and other Federal agencies which have aviation responsibilities;

d. Can the organization of the FAA within DOT be improved?

3. General and "For Hire" Aviation

a. What has the FAA done to improve the training and regulation of pilots and other certificated airmen?

b. What are the standards of aviation training schools? Should they be improved?

c. What has been done to tighten regulation and surveillance of charter aircraft?

d. What has been done to improve surveillance of aircraft manufacturers?

e. Should general aviation pilots undergo periodic re-examinations?

4. Air Taxi operations

a. Need for upgrading standards for air taxi industry;

b. Need to improve short haul and rural air service.

5. Air Traffic Control and Collision Avoidance

a. What is the current status of air traffic control and collision avoidance systems?

b. To what extent do these systems meet the aviation needs of the future?

c. Has too much emphasis been placed on centralizing these systems within the FAA and/or on the ground?

6. Safety

a. What has the FAA done to implement the recommendations of the National Transportation Safety Board?

b. What timetable does FAA have on completing tests, in cooperation with NASA on possible problems associated with barometric altimetry systems?

c. What level of priority does this research have?

d. Is there any research underway on alternate systems?

7. Airports

a. What is being done to improve instrument landing systems at airports?

b. What is being done to lure commercial and general aviation traffic away from congested airports?

c. What other steps are being taken to alleviate airport congestion?

d. What is being done to integrate high speed ground transit with airport facilities?

e. Can underutilized military airports be given a role in civil aviation?

f. What is being done to reduce aircraft noise?

Mr. President, this list does not exhaust the areas which I believe must be investigated if this Congress is to undertake an adequate oversight investigation of the FAA. A detailed study along the lines I have recommended is long overdue, and I intend to do my best to assure that each of my colleagues knows of the problems and the dangers inherent in our Nation's aviation system before the crisis occurs.

THE ENERGY CRISIS

Mr. DOMENICI. Mr. President, I rise to concur in the sense of urgency about the national energy crisis as stated by Mr. Randolph, Mr. Fannin, and others on January 16. I specifically wish to speak on behalf of my support for the deregulation of natural gas sold in interstate commerce.

As a Senator from New Mexico, I represent a State which offers a maximum number of potential solutions to our country's worsening energy crisis—illustrated dramatically last week by a sharp cut in oil supplies to many populous Eastern States.

New Mexico has been a leader to the Nation in the development of nuclear energy—both in the theoretical and practical aspects of nuclear physics and as a source of uranium, which makes their application possible. It is also an outstanding supplier of fossil fuels—oil, natural gas, and coal, including coal for gasification. My State even offers exceptional opportunities for developing new and relatively untried energy sources—geothermal and solar energy, for example.

But New Mexicans are disturbed because, thus far, our Government's moves in this important area of energy appear to have been on a sporadic and ad hoc basis only.

One example of this lack of farsightedness is the Federal Power Commission's regulation of the price of wellhead gas—a policy which, unintentionally, of course, but nonetheless really has led to a decade of waste of a prime natural resource.

This body has already heard from the distinguished Senator from West Virginia (Mr. Randolph) and from others, why our present policy is unsatisfactory. It discourages exploration for expanded domestic supplies of this necessary fuel and it forces us into reliance on undependable and enormously expensive sources outside our own boundaries.

Without being unduly critical of those who made this decision in the past, Mr. President, I recommend that natural gas at the wellhead be returned to our free enterprise system and that we move expeditiously and with imagination to a total attack on the problem of energy sources.

My language is strong because I believe this problem has become one of top priority for our Nation and the world.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 2 p.m. today.

Mr. TAFT. Mr. President, will the Senator withhold that motion?

Mr. ROBERT C. BYRD. Mr. President, I withhold that motion and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator Javits made at this point when he introduced S. 649, the Japan-United States Friendship Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

OVERSEAS PRIVATE INVESTMENT CORPORATION REBOUNDS

Mr. JAVITS. Mr. President, Mark Twain's celebrated response to the publication of his obituary—"The reports of my death are grossly exaggerated"—comes to mind over the impression spread around that the Overseas Private Investment Corporation—OPIC—was on the verge of "bankruptcy" because of Chile's expropriation of American copper properties 18 months ago.

In the aftermath of the confiscatory wave of July 1971, some felt that OPIC, launched a scant 6 months before, would never weather the storm.

As the Senate sponsor of OPIC, I am happy to report precisely the contrary. An article in the December 14 Journal of Commerce reviews OPIC's tribulations over the past 2 years and forecasts a sunnier future than is generally realized. Since OPIC programs will be under review by both the House Foreign Affairs Committee and the Senate Foreign Relations Multinational Corporations Subcommittee in the near future, I ask unanimous consent that the Journal of Commerce article be inserted in the Record at this point:

There being no objection, the article was ordered to be printed in the Record, as follows:

OPIC Foresees Rebound in Its Insurance Activity

(By Richard Lawrence)

Washington.—The Overseas Private Investment Corp., pictured in some reports as on the brink of bankruptcy, actually is moving toward financial "independence."

The U.S. goevrnment agency, which underwrites U.S. private investors in over 90 developing nations, is gradually boosting its reserves and, if Congress only "returns" funds it took a few years ago from OPIC's predecessor, the aegncy says it could be self-sufficient," regardless of claims pending against it.

EXPECTS REBOUND

Meanwhile, OPIC, barely two years old, expects its insurance activities to rebound this year, after a depressed fiscal 1972. Possibly, it also will start underwriting American firms in Yugoslavia and Romania, for which it recently won congressional authority.

Beyond that, the administration may ask Congress to authorize OPIC insurance cover for other East European countries, perhaps including the Soviet Union.

OPIC, an outgrowth of the Agency for International Development's one-time Office of Private Resources, remains controversial on Capitol Hill, however.

For years, Sen. J. W. Fulbright, D-Ark., and other Senate Foreign Relations Committee members have questioned the wisdom of the U.S. Government financially backing American business abroad.

That kind of involvement, they have said, can lead to more political problems with the poorer nations.

CHILE EXPROPRIATIONS

The rash of Chilean expropriations of U.S. corporate affiliates has sharpened this suspicion. The claims resulting from the expropriations have put OPIC's still relatively small reserves in jeopardy.

Others in Congress, such as Reps. Otto Passman, D-La., and H. R. Gross, R-Iowa, also have been dubious of OPIC's role, if mainly for budgetary reasons.

Meantime, a Senate foreign relations subcommittee headed by Sen. Frank Church, D-Idaho, plans to take a closer look at OPIC next year in a probe of the political activities of U.S. multinational corporations.

Yet, OPIC stays in business and is expected to continue doing so unless it can be conclusively shown, as the labor unions now argue, that U.S. foreign investment is bad for the United States.

But, U.S. statistics seem to say, foreign investment really helps the U.S. balance of payments with the rest of the world, as it brings in rising sums of foreign income. Foreign investment also spurs U.S. capital goods exports, while helping establish a more general market for American products.

ASSESS RETURNS

OPIC now emphasizes that before approving insurance or a guarantee, it assesses the return to the U.S. of patential earnings, dividends, interest and royalties. (Insurance is issued on equity, guarantees on long-term loans.)

In justifying itself, the agency also cites an increasingly strong argument that Japan, Canada and West European governments are developing foreign investment insurance programs on their own to help their industries gain a bigger share of developing country markets.

OPIC incidentally is critical of these countries for charging such relatively low premium rates, which it feels, smack of investment subsidies. West Germany, for instance, charges only one-half of 1 per cent, compared to OPIC's 1.5 per cent.

TIGHTENED UP POLICIES

Since taking office in early 1971, OPIC management has made a point of "tightening up" agency procedures. Rarely does OPIC underwrite investments in natural resources, and it is very careful in backing any unusually large project.

Soon after, Chile, Colombia, Bolivia, Ecuador and Peru agreed to the so-called Andean Investment Code, which some believe menaces foreign investors, OPIC stopped issuing new policies for investors in those five countries.

OPIC also began charging more for its policies, and it began a closer watch on its "exposure", country-by-country.

The agency now has over $7 billion in political risk insurance policies outstanding, with liabilities ranging from more than $2 billion in expropriation policies to about $1 billion in currency inconvertibility policies.

Less than $200 million of guarantees, which cover commercial plus political risks, are outstanding.

Just about half of all the outstanding political insurance has been issued to U.S. investors in Latin America, and a little over one-fourth has been for East Asian investment, particularly Korea, Taiwan, Indonesia, Thailand, and Singapore.

As of June 30, OPIC had 22 "recognized" insurance claims, totaling $215 million, pending against it. The two biggest claims were for $92 million from IT&T Corp. and $74 million from Kennecott Copper, both in Chile. OPIC's insurance reserves were $114 million, as the agency added $29 million of earnings in fiscal 1972.

In September, however, OPIC paid Anaconda an $11.9 million claim for the expropriated Exotica mine in Chile. OPIC does not recognize another $154 million Anaconda claim for two other Chilean mines.

But OPIC argues that Congress "owes" it another $85 million, comprising $50 million in earnings which Congress once transferred to the Agency for International Development and "the interest lost" during the 24 years that insurance earnings could not be invested.

Congress recently voted to "restore" $42.5 million of these funds, but it is due to review the issue, along with the entire foreign aid bill, in February. OPIC, meanwhile, promises to keep asking Congress to restore the money, no matter how long it takes.

If it can bring its insurance reserves to close to $300 million, OPIC should then be financially self-sufficient, officials say. If Congress cooperates, that could be achieved within another two years or so.

In fiscal 1972, OPIC wrote only about $600 million in political risk insurance, the smallest sum in many years, largely reflecting a sharp decline in Latin American activity. Only in Brazil, some Central American and Caribbean countries did OPIC's Western Hemisphere activity increase.

BACKLOG UP

But, officials report, the backlog of insurance applications is up—it was $3.3 billion as of June 30—and a larger amount of insurance is expected to be issued this fiscal year.

Meanwhile, the agency is instituting new programs—insuring small U.S. investors who buy stock in new projects it underwrites, coverage for U.S. constructors abroad, and reconnaissance and feasibility funds for small U.S. firms considering foreign investment.

Soon, OPIC may announce a more flexible premium rate-policy, whereby rates will vary according to the country and type of investment.

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VISIT OF PRIME MINISTER HEATH

Mr. JAVITS. Mr. President, British Prime Minister Heath will be in Washington tomorrow and Friday to consult with President Nixon. The timing of this visit, the first official meeting between President Nixon and a Western European leader since President Nixon's reelection, is most fortuitous.

With the Vietnam cease-fire, the United States now hopefully will turn its foreign policy attention to mending our relations with Western Europe and Japan which are in a state of relative disrepair. It is also my hope that this bilateral summit will only be the first of several bilateral summits with leaders of the free world and that this bilateral summitry in turn could lead to a multilateral summit prior to the intensively difficult negotiations which will commence in the trade, monetary, and military areas in the course of this year.

The visit of Prime Minister Heath also takes place at a time when the international monetary markets are extremely shaky and when the dollar is under severe pressure. Unfortunately exchange controls also seem to be proliferating and press reports indicate that last week's Committee of 20 Deputies meeting on the reform of the international monetary system met with less than success. I was distressed to read that C. Jeremy Morse, the talented British chairman of the group of 20 indicated—according to press reports—that he did not know if governments are willing to put any new system into effect that would let the United States strengthen its balance-of-payments position. It is my hope that these reports are overly pessimistic and if they are not, that the meetings between Prime Minister Heath and President Nixon will give a new impulse to efforts to reform the international monetary system. The alternative to such reform could well be a retreat to the beggar-thy-neighbor policies of trade and currency controls which contributed to the world depression of the early 1930's.

The agenda for Prime Minister Heath and President Nixon is a full one and it is my hope that it will be a key building block leading to a successful "Year of Europe."

I ask unanimous consent that a fine article entitled "And Now, Speaking for Europe: Mr. Heath Can Demonstrate in Washington Next Week That a Britain in Europe Has Things To Say That Americans Need To Hear," which appeared in the January 27 issue of The Economist, of London, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

And Now, Speaking for Europe: Mr. Heath Can Demonstrate in Washington Next Week That a Britain in Europe Has Things To Say That Americans Need To Hear

It is a good time for the Prime Minister to go to Washington. Mr. Heath will see President Nixon next Thursday and Friday, a few days after the Vietnam ceasefire takes effect. The preoccupation of the Nixon Administration with the peace talks postponed the major tasks that lie before it this year: to tighten the links of the Atlantic alliance and sort out the trade disputes that threaten to carve up the industrial world into three quarrelsome and self-seeking blocks. Now Mr. Nixon has clawed away, at least for the moment, the incubus of the war. He still has to try to persuade the isolationists and protectionists in Congress, and above all the trade unions, not to shut themselves up in a fortress America palisaded behind tariff barriers and import quotas.

Britain can help to provide some of the arguments that Mr. Nixon needs. The British Government held itself aloof from the emotional uproar that echoed around Europe during the bombing of Hanoi last month. Part of the reason for that calculated silence was the understanding that when Europeans describe America's commitments outside Europe as silly or wicked or simply irrelevant, they sound like Americans talking about European conflicts before 1941. It is not for an increasingly inward-looking Europe to tell the Americans not to bother about Asia. Any attempt to do so is liable to hasten a process of American withdrawal that could end by undermining Europe's own defences.

Mr. Heath now has some title to speak for the European community as well as Britain, although President Pompidou and Herr Brandt, edging closer together (see page 15), would have their ideas about that. But Mr. Heath must use his position within Europe to uphold the Atlantic relationship against the "third force" illusionists and the little Europeans, especially in Paris, who seem to think that the Americans will keep 300,000 men in Europe because it is in their own interests to do so even if the Europeans refuse to sort out a lopsided agricultural policy and lean towards a trading relationship with the rest of the industrial world that flouts free trade principles. Of course, the Americans themselves are far from being as free-trading as they like to make out. But if, for example, Concorde is in difficulties with the major American airlines, it is because they do not like its economics, not because the Administration has told the airlines not to buy it (see page 72).

Mr. Heath is in a position to mediate between America and Europe. There are the ties of history and culture between Britain and the United States that he likes to sum up as "the natural relationship." And British and American interests still seem to run parallel on a number of immediate issues. The two most fundamental are their common suspicion, or at least doubts, about the present course of Soviet policy in Europe; and the construction of a more stable international system of trade and payments. In particular, Britain and the United States have a common interest (which the Germans now seem to share) in modifying a system of support prices for European agriculture that favours Europe's peasants at the expense of consumers and world trade. Britain and America should also think about heading off a future scramble for sources of energy that would make the industrial countries look like old ladies tussling to get into a jumble sale.

And Britain, more than most members of the European community, retains an interest that matches the American one in the political future of the world outside Europe. The apparent thaw in east-west relations, and the chatter about strategic parity between Russia and America, have obscured the fact that the first of these powers is expanding and the second is contracting. Russia's naval expansion and its increasing influence in Asia and Africa suggest that the strategic balance is shifting in subtler ways. The small British presence in Malaysia and Singapore is an isolated token that Britain's strategic horizon still reaches beyond Suez; it has been welcome to the Americans, and Mr. Heath and Mr. Nixon both wish to keep the Australians in there too.

THE TROJAN HORSE

It will be argued that Mr. Heath can serve as an effective spokesman for Europe only if he does not leave his flank too exposed to the old gaullist accusation that a Britain inside the community would act as the Americans' Trojan horse. The French authorities, particularly prickly with their March election looming up, are bound to trot out the old complaint if Britain seems to be negotiating a common position with the Americans rather than to be carrying a brief for the EEC as a whole. But the time has passed when Britain needed to make French reactions the only test of its actions. Mr. Heath has gone to some pains in consulting his European colleagues—and notably President Pompidou—on how to talk to Mr. Nixon. But he no longer has to work under the shadow of a threatened French veto.

Mr. Heath's mission in Washington is not just to reaffirm the Atlantic connection, but to redefine it in the light of British entry into the community. Those in America who have supported the idea of a united Europe have always hoped for an effective political partner across the Atlantic that would help to disentangle international disputes and to shoulder the burden of keeping the balance of power. That idea ought to encourage Mr. Nixon to visit Europe later this year. It should be Mr. Heath's policy to carry the community towards a more self-confident European role in the world, and a more generous approach to trade policy.

DESIGNATION OF PERIOD ON TUESDAY NEXT FOR EULOGIES TO THE LATE FORMER PRESIDENT HARRY S TRUMAN

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Missouri (Mr. SYMINGTON), and with the approval of the distinguished majority leader, I ask unanimous consent that on next Tuesday, February 6, following the recognition of Senators under any special orders previously entered, and the transaction of any routine morning business, there be a period of not to exceed 2 hours set aside for the delivery of eulogies with regard to the late former President Harry S Truman, that the RECORD remain open for 15 days thereafter for the insertion of additional eulogies, and that such eulogies then be collected and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for eulogies to the late former President Harry S Truman on Tuesday, February 6, be under the control of the distinguished senior Senator from Missouri (Mr. SYMINGTON), or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCERPTS FROM PROCEEDINGS OF THE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement which I made to the Democratic conference this morning pertaining to the dastardly attack on our distinguished colleague, the Senator from Mississippi (Mr. STENNIS), another statement which I made relative to what we have attempted to do in the Democratic caucus and through consultation, and three resolutions with a covering statement; the first, a policy committee resolution on freedom of news gathering, the second, a resolution by Senator TUNNEY on the budget, and the third, a resolution by Senator PASTORE on the scarcity of oil and home heating fuel, be printed in the RECORD at this point. It is noted that all three resolutions were approved by the majority caucus.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

Gentlemen: We meet this morning following on the eve of a very tragic event. What happened to John Stennis, what happened to George Wallace, and Bob Kennedy, what has happened to so many of our great leaders in the past decade, and what happens and what might happen to every American as he walks the streets, as he lives his life, is something that the Senate and the Nation must face again and again until we rid ourselves, once and for all, of this terrible, festering blight of crime. As a first order of business I ask today that the Senate take all steps to provide effective crime control legislation. I ask John McClellan to move immediately on the Omnibus Victims of Crime bill, the bill that would compensate the innocent victim of violent crime, the bill that would provide added benefits to policemen and their survivors who are killed or maimed in the line of duty, the bill that would provide incentives to all law enforcement officers who are especially exposed to crime.

And also I ask that Senator Eastland, Senator McClellan and all others on the Committee on the Judiciary move with utmost dispatch on all proposals under their jurisdiction covering the question of crime, on all measures designed to inhibit the criminal and to inhibit his access to deadly weapons used against innocent victims.

The Senate ought to take a fresh look, I think, at all proposals on this subject, past and present. The criminal and his indiscriminate use of weapons, his indiscriminate access to weapons, the number of law enforcement officers required, the training they need are all matters which must be explored. They are all a part of the war on crime.

Finally I would say that an event such as the one that occurred last night and all of the tragedy in the past merely bring home again the fact of what is happening and what has happened all along. It is not a time to overreact; it is a time to respond reasonably, with restraint and with effective action.

STATEMENT OF SENATOR MIKE MANSFIELD BEFORE THE DEMOCRATIC CONFERENCE

We have been meeting, as Senate democrats, very regularly both in the Policy Committee and in these Conferences since the beginning of the year. We have been trying to give substance to our unity as democrats and to give form and direction to a Democratic program for the Senate.

In addition, the Senate Leadership has met several times with the House Leadership. Together with the Speaker and his associates, we are seeking ways to promote effective unity between the democrats in the two Houses of Congress. In turn, the joint Congressional leadership is establishing regular contact with the Democratic governors of the nation and with the Chairman of the Democratic National Committee. All of these initiatives represent follow-throughs on the keynote statement which was delivered to this Conference on January 3 and adopted unanimously as the guide for the Senate Leadership in the 93rd Congress.

We have been making our way carefully in an effort to rediscover the territory of democratic unity. It is not easy to discern the route. The problems of coordination and adjustment and reconciliation of viewpoints are very great.

I want to report to you, today, however, that in my judgment, we are on the right road. We are headed towards an effective and constructive role for the democratic-controlled Senate in the 93rd Congress and, I believe, we will also make a major contribution to the role of the Democratic Party in the political life of the nation.

It is not yet a month since we set out on this path but we have already established the basis for better coordination between the House and Senate Democratic Majorities. We are also in good rapport with the democratic governors' caucus under the Chairmanship of Dale Bumpers and we have every expectation of developing an active relationship which can lead to a contribution to the work of the government and the Senate from that source.

Here in the Senate, we have already established by resolution or other action a number of identifiable and widely supported democratic positions with regard to the following:

1. The establishment of the initial legislative priorities of the 93rd Congress;

2. The termination of the participation of the United States in the war, a position which has been sustained by the recently negotiated settlement in Paris;

3. The acceptance of the Constitutional responsibility of Cabinet and other executive officials to appear and testify before Congressional Committees as a condition of Senate confirmation of their appointments;

4. The limiting of the use of the doctrine of Executive Privilege by officials of the Executive Branch for avoiding their Constitutional accountability to the Congress;

5. The reinforcement of the principle of "Open Hearings" as regards the procedures of all Senate Committees;

6. The curtailment of tendencies of the Executive Branch to interfere in media programming, planning and news reporting;

7. The Senate's responsibility to inquire into the Watergate affair and other insidious tamperings with the integrity of the electoral process.

I want to note, too, that, under the new doctrine of "juniority," the Policy Committee has had the participation at each of the last two meetings, of new Senators, in reverse order of seniority, beginning with Senators Biden and Haskell. This practice will be continued until all members have had an opportunity to participate in a meeting of the Policy Committee and to give the Committee the benefit of their insights and observations.

Finally, two ad hoc committees of the Conference are now functioning, the first on the improvement of Senate procedures and practices which is under Senator Stevenson's Chairmanship and the other on Executive Privilege, chaired by Senator Ervin.

Before proceeding to the regular items of business for today's meeting, I want to express my deep gratitude to the members of the Policy Committee and to those Senators who have made exceptional contributions to the articulation of unified democratic positions on certain potentially divisive issues. In particular, I want to thank Senator Stennis and Senator Nelson for their help on the question of Executive Privilege and Senator Ervin for his work on that issue and others. He will be carrying in his Committee a great deal of the load of investigatory work for this session.

In closing, let me repeat that we are off on the right track. Whether or not we stay on it depends on every Democratic Senator, on our readiness to restrain our individual inclinations sufficiently to permit common meaningful action. In this respect, the leadership has had the help, the forebearance and the understanding of the entire Conference in this first month of the new session. That alone explains the progress which has been recorded. If we can continue in this fashion throughout the 93d, I believe we shall make, as democrats, a substantial contribution to the vitality of the Senate's role in the government and to the strengthening of the national political process.

Mr. MANSFIELD. Mr. President, yesterday the Democratic policy committee met and adopted three resolutions, two of which specified that they be brought to the caucus for consideration and hopefully for approval. The third resolution dealing with the fuel oil shortage simply specified that a report be made to the Democratic conference on the policy committee action.

The first item of consideration by the caucus will be resolution No. 1, dealing with freedom of the press. The resolution has been distributed to the caucus and the secretary will read the resolution.

The second resolution adopted by the policy committee was a recommendation originally proposed by Senator TUNNEY and considered by the conference. It deals with the establishment of procedures—and I emphasize the word "procedures"—to take into consideration a more significant role for the Congress in the total budgetary process. The resolution has been distributed. The secretary will also read this resolution.

As a final matter on the agenda, the resolution on fuel oil shortage will be distributed and read by the secretary. The policy committee did not direct that this matter also be voted on by the caucus, but that notification be given to the caucus of the action by the policy committee in this regard.

The resolutions follow:

POLICY COMMITTEE RESOLUTION ON FREEDOM OF NEWS GATHERING

Whereas, the First Amendment of the Constitution of the United States safeguards the freedom of the press;

Whereas, reporters have been imprisoned for carrying out what they deem to be their professional obligations under the First Amendment;

Whereas, judicial interpretations of the rights and obligations of the press appear to cast the shadow of encroachment on practices basic to a free press;

Whereas, the Senate Democratic Conference on January 3, 1973, endorsed the principle that the Congress shares "with the President and the Courts a Constitutional responsibility to protect *the freedom of the press to operate as a free press;*"

The Majority Policy Committee of the Senate resolves:

1. That the Senate Committee on the Judiciary undertake during the 93rd Congress, an inquiry into the adequacy of the legal privileges and immunities related to news-gathering;

2. That such investigation include but not necessarily be limited to pertinent recent judicial interpretations which relate to the rights and responsibilities of a free press;

3. That the Committee on the Judiciary report its findings and conclusions, together with whatever recommendations it deems appropriate to safeguard the freedom of the press to operate as a free press.

The Majority Leader is directed to place this resolution before the Senate Democratic Conference and, if concurred in, to communicate a copy to the Chairman of the Committee on the Judiciary. He is directed, further, to discuss the resolution with the Minority Leader of the Senate with a view to obtaining bi-partisan endorsement of the proposed inquiry.

RESOLUTION BY SENATOR JOHN TUNNEY

Whereas, The Constitution grants two great fiscal powers to Congress: the power to raise revenue and the power to spend; and

Whereas, The President has seized by means of impoundment, unilateral budget cuts, and fiscal manipulations outside the knowledge or control of Congress the power over the determination of priorities and expenditure levels; and

Whereas, Congress must recapture its rightful constitutional place in the fiscal process; and

Whereas, The Congress in the past four years has cut $20 billion from the President's appropriation requests in an effort significantly to limit federal expenditures; and

Whereas, In spite of these cuts by the Democratic Congress more than $100 billion has been added to the national debt by this present Administration over the past four years; and

Whereas, The Congress is deeply concerned about the impact of runaway inflation upon the American people and the plight of 5 million unemployed; and

Whereas, the Democratic Caucus has unanimously adopted the remarks of Senator Mansfield, the distinguished Majority Leader, that "unless and until specific means are recommended by the Joint Committee, . . . (he) would hope that the (Caucus) will give the Leadership some guidance on how an over-all expenditures ceiling may be set as a goal for the first session of the 93rd Congress."

Therefore, Be it resolved that it is the sense of the Caucus that the Senate members of the Joint Committee to Review the Operation of the Budget be urged to conduct studies and investigations for the purpose of recommending to the Congress by February 15, 1973, (1) procedures for establishing a ceiling on budget outlays and new obligational authority, (2) procedures for relating individual appropriations and other spending actions to the expenditures ceiling, (3) revisions in the Federal budget and appropriations process to assure the proper relationship between expenditures and revenues.

RESOLUTION ON THE OIL SHORTAGE

Whereas, The supply of energy for heating purposes has reached a critical stage in many parts of this country; and

Whereas, Governors have expressed grave concern that the fuel oil shortage for industry, agriculture and home heating has reached a critical stage in some States; and

Whereas, An Intergovernmental Task Force appointed by President Nixon recommended in 1970 the phasing out of the import quotas for oil;

The Majority Policy Committee of the Senate recommends:

1. That the President set in motion all necessary emergency procedures, including the release of military stockpile supplies, to meet the essential requirements for oil and other fuels in regions of critical shortage;

2. That the President of the United States and appropriate Committees of the Senate under S. Res. 45, review the matter of the crude oil shortage and home heating oil shortage and the quota system to assure to the American consumer an adequate supply at reasonable prices and also protection to the domestic industry and national security.

3. That the appropriate Senate Committees examine further into the critical situation to determine if additional legislation is required to provide assurances of a continuing supply of crude oil and other essential petroleum products from any and all sources.

COUNSEL TO THE PRESIDENT REPLIES ON QUESTION OF OFFICIALS' REFUSAL TO TESTIFY

Mr. MANSFIELD. Mr. President, on January 11, 1973, I wrote the President of the United States informing him of the action of the majority conference of the Senate in adopting a resolution concerning the refusal of Cabinet and other officials to testify before Senate committees.

By letter of January 25, 1973, Mr. John W. Dean III, Counsel to the President, replied to my letter.

I ask unanimous consent that my letter and the reply of Mr. Dean thereto be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JANUARY 11, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Majority Conference of the United States Senate has requested that I advise you most respectfully of its action today in adopting the following resolution concerning the refusal of Cabinet and other officials to testify before Senate Committees:

Whereas, the Constitution of the United States, Article II, Section 2, vests the President with the power of appointment "by and with the Advice and Consent" of the Senate;

Whereas, on behalf of the Senate, Committees of the Senate are authorized to summon witnesses to appear and testify on the business of the Senate;

Whereas, appointed officials, subsequent to Senate confirmation, have refused on occasion to appear and testify before duly constituted Committees of the Senate:

Resolved by the Democratic Majority of the Senate:

(1) That a prerequisite to confirmation is the commitment of Presidential appointees to appear and testify before duly constituted Committees of the Senate in response to Committee requests therefor;

(2) That all Senate Committees bear a responsibility to determine, prior to confirmation, the commitment of Presidential appointees to comply with requests to appear and testify before Committees;

(3) That Committee reports to the Senate on all cabinet designees and such other appointees as deemed appropriate should contain an evaluation of their commitment to respond to requests to appear and testify before duly constituted Senate Committees.

It will be my intention as Majority Leader to cooperate in every way in carrying out the purposes and intentions of this resolution.

Respectfully,

MIKE MANSFIELD.

THE WHITE HOUSE,
Washington, D.C., January 25, 1973.

Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In response to your letter of January 11, 1973, the President has asked me to thank you for forwarding the text of a resolution adopted by the Democratic Conference of the Senate which advocates, as a prerequisite to confirmation, that Presidential appointees provide the appropriate confirming committees with assurances that they will appear and testify. Indeed, this proposal does not conflict with the policy of this Administration that appointed officials who are subject to Senate confirmation not only respond to invitations to appear before duly constituted committees of Congress but, on appropriate occasions, request time to testify on matters of mutual interest to the committees and their departments or agencies.

Recognizing that there are over 300 committees and subcommittees in the Congress, most committee chairmen have been cooperative and reasonable in scheduling witnesses. As Majority Leader of the Senate, your continued assistance in recognizing the scheduling difficulties of officials who must manage the departments and agencies and assuring that sufficient notice of hearings is provided prospective witnesses in order that witnesses can be fully responsive to the information needs of the Congress should greatly aid in avoiding scheduling problems for both the Executive and Legislative Branches.

At an appropriate opportunity, I would like to discuss with you the recurring problem of "leaks" of classified information given in closed, executive sessions of Senate committees. Not only does this practice violate the Senate's own rules, but it makes it most difficult for the Administration to fully share such information, especially in the area of national security and foreign policy.

As we begin the next four years of this Administration, I wish to reiterate that in dealing with the matters of Executive Privilege, the same policy and procedure will be in effect that has been employed in the past. The President early in his first term expressly outlined the policy to be followed by the heads of Executive departments and agencies. The President directed that Executive Privilege would be used only with specific Presidential approval after a rigorous inquiry into actual need for its exercise. As you know, it has been necessary to invoke this privilege on only three occasions in the past four years.

Since this response goes beyond the items raised in your letter, I am taking the liberty of sharing a copy with the Republican Leader, Senator Hugh Scott.

With cordial regards.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON INTERNATIONAL AGREEMENTS, OTHER THAN TREATIES

A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on International Agreements, other than Treaties (with accompanying papers); to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Illinois; to the Committee on Finance:

"HOUSE RESOLUTION 918

"Whereas, The growing fuel, oil and propane gas shortage spreading over the Midwest is posing an immediate threat to Northern Illinois and Rockford and other communities; and

"Whereas, Schools, hospitals, factories and homes face the possibility of no heat unless the supply problem is solved; and

"Whereas, Illinois farmers are faced with crippling financial losses because of insufficient energy to dry crops; and

"Whereas, The resultant crop loss will further increase food costs borne by the consumer; and

"Whereas, This fuel crisis is the result of sizeable cutbacks imposed on many fuel dealers by refineries and increased demands for energy; therefore, be it

"*Resolved,* That the President and Congress take action to increase the supply of petroleum fuels by lifting import restrictions and by facilitating the transportation of fuel to areas facing a fuel crisis; be it further

"*Resolved,* That federal government examine the long term energy needs of the nation and develop appropriate policies to prevent the re-occurence of such an energy crisis; and; be it further

"*Resolved,* That a suitable copy of this preamble and resolution be presented by the Office of the Secretary of State to the Secretary of the Senate and the Clerk of the House of the U.S. Congress and the President of the United States.

"Adopted by the House, January 9, 1973."

A resolution adopted by the Iowa State Soil Conservation Committee regarding the termination of the Rural Environmental Assistance Program; to the Committee on Agriculture and Forestry.

A resolution adopted by the Board of Commissioners, Clarke County, Georgia, with respect to the passage of the State and Local Assistance Act of 1972; to the Committee on Finance.

A resolution adopted by the Mayor and Town Council of Forest Heights, Maryland relating to a constitutional amendment on busing; to the Committee on the Judiciary.

The petition of James A. Higgins, praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the City Council of the City of Fresno, California, in memory of President Johnson; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Government Operations, without amendment:

S. 261. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes (Rept. No. 93–10).

Mr. MUSKIE. Mr. President, from the Committee on Government Operations, I report favorably the bill (S. 261) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

By Mr. LONG, from the Committee on Finance, without amendment:

S. Res. 40. Resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Joseph T. Sneed, of North Carolina, to be Deputy Attorney General.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Robert H. Bork, of Connecticut, to be Solicitor General of the United States.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Robert G. Dixon, Jr., of Maryland, to be an Assistant Attorney General.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

J. Stanley Pottinger, of California, to be an Assistant Attorney General.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

James D. McKevitt, of Colorado, to be an Assistant Attorney General.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MOSS, from the Committee on Commerce:

Richard W. Roberts, of New York, to be Director of the National Bureau of Standards.

The nominee has agreed to make himself available for testimony at any time the committee requests.

By Mr. EAGLETON, from the Committee on the District of Columbia:

Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 613. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years. Referred to the Committee on Commerce.

S. 614. A bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder;

S. 615. A bill to amend title II of the Social Security Act to permit an individual to receive retroactive payments of benefits thereunder if such individual was without fault in failing to make timely application for such benefits; and

S. 616. A bill to amend the Internal Revenue Code of 1954 to provide for a reduced rate of tax for gasoline which contains grain alcohol and no lead. Referred to the Committee on Finance.

S. 617. A bill for the relief of James Evans, publisher of the Colfax County Press, and Morris Odavarka; and

S. 618. A bill to designate November 11 of each year as Veterans Day and to make such day a legal public holiday. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. Baker, Mr. Buckley, Mr. Helms, Mr. Nunn, Mr. Scott of Virginia, Mr. Sparkman, Mr. Stennis, Mr. Talmadge, and Mr. Thurmond):

S. 619. A bill to prescribe uniform criteria for formulating judicial remedies for the elimination of dual school ssytems. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 620. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Ala. Referred to the Committee on Public Works.

By Mr. TAFT:

S. 621. A bill to amend title 5, United States Code, to provide for withholding city income taxes from compensation paid Federal employees. Referred to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Young, and Mr. Pearson):

S. 622. A bill to provide price support for milk at not less than 85 percent of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

By Mr. HANSEN (for himself and Mr. McGee):

S. 623. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River irrigation project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 624. A bill for the relief of John R. Poe. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 625. A bill to provide for the establishment of the Cathedral Caverns National Monument in the State of Alabama, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 626. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

6. 627. A bill to amend the Internal Revenue Code of 1954 to provide that the first $4,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 628. A bill to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married; and

S. 629. A bill to increase the contribution by the Federal Government to the costs of Federal employees' health benefits insurance, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. NELSON (for himself, Mr. Metcalf, Mr. Eagleton, Mr. Humphrey, Mr. Mondale, Mr. Church, Mr. Cranston, Mr. Case, Mr. McIntyre, Mr. Williams, Mr. Javits, Mr. Ervin, Mr. Pell, Mr. Randolph, Mr. Muskie, Mr. Fulbright, Mr. Percy, Mr. Schweiker, Mr. Hughes, Mr. Hatfield, and Mr. Ribicoff):

S. 630. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. Referred to the Committee on Post Office and Civil Service.

By Mr. CHURCH (for himself and Mr. Magnuson):

S. 631. A bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act. Referred to the Committee on Finance.

By Mr. CHURCH (for himself, Mr. Magnuson, Mr. Mansfield, and Mr. Cranston):

S. 632. A bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes. Referred to the Committee on Finance.

By Mr. CHURCH (for himself and Mr. Magnuson):

S. 633. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHURCH (for himself and Mr. McClure):

S. 634. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 635. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 636. A bill for the relief of Edwin J. Anglesey. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. Mansfield, Mr. Proxmire, Mr. McGovern, Mr. Humphrey, Mr. Pell, Mr. Burdick, Mr. Williams, and Mr. Haskell):

S. 637. A bill to protect the free flow of information coming into the possession of the media of communication. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 638. A bill for the relief of Fernando De la Rama and Carmen De la Rama. Referred to the Committee on the Judiciary.

S. 639. A bill to limit subsidy payments under the wheat, cotton, and feed grain programs. Referred to the Committee on Agriculture and Forestry.

By Mr. FONG:

S. 640. A bill to amend the Labor-Management Relations Act of 1947 to provide more effective means for protecting the public interest and promoting settlement of emergency disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 641. A bill for the relief of Chu York Lui (also known as Cheu Wah Lui);

S. 642. A bill for the relief of Ruby Y. K. Kum;

S. 643. A bill for the relief of Antonio Ballesteros; and

S. 644. A bill for the relief of Fred D. Domingo, Aquilina B. Domingo, Froilan Domingo, Azucena Mae Domingo, and William Domingo. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. Cook):

S. 645. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 646. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of five years, and to establish certain rules for the consideration of applications for renewal of broadcast licenses. Referred to the Committee on Commerce.

By Mr. McGEE (by request):

S. 647. A bill to establish a nationwide National Public Employee Merit System. Referred to the Committee on Post Office and Civil Service.

By Mr. McGEE (for himself, Mr. Williams, Mr. Eastland, and Mr. Mondale):

S. 648. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Abourezk, Mr. Brock, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Fong, Mr. Gravel, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. McGovern, Mr. Moss, Mr. Jackson, Mr. Williams, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Ribicoff, Mr. Roth, Mr. Scott of Pennsylvania, and Mr. Tunney):

S. 649. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. PACKWOOD (for himself, Mr. Abourezk, Mr. Baker, Mr. Beall, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hathaway, Mr. Huddleston, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McClure, Mr. McGovern- Mr. McIntyre, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Stevenson, Mr. Tunney, Mr. Weicker, and Mr. McGee):

S. 650. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

By Mr. McCLURE:

S. 651. A bill to amend chapter 44 of title 18 of the United States Code—respecting firearms—to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; and

S. 652. A bill to repeal the Gun Control Act of 1968. Referred to the Committee on the Judiciary.

By Mr. BELLMON (for himself, Mr. Bartlett, Mr. Beall, Mr. Bible, Mr. Chiles, Mr. Ervin, Mr. Fulbright, Mr. Gravel, Mr. Humphrey, Mr. McClellan, Mr. McGee, Mr. Mondale, and Mr. Thurmond):

S. 653. A bill to insure the separation of powers by prohibiting the impoundment of funds from the highway trust fund which have been apportioned and appropriated. Referred to the Committee on Finance.

By Mr. BEALL:

S. 654. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

S. 655. A bill for the relief of Lt. Comdr. Ralph Wayne Tobias, U.S. Navy (retired). Referred to the Committee on the Judiciary.

S. 656. A bill for the relief of Peggy S. Foy. Referred to the Commmittee on the Judiciary.

By Mr. HATFIELD:

S. 657. A bill to designate the Hells Canyon National Forest Parklands Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GURNEY:

S. 658. A bill to authorize the President to designate the first week in November of each year as "National Art Week." Referred to the Committee on the Judiciary.

S. 659. A bill to increase the penalty with respect to offenses involving the commission of a felony while armed with a firearm. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself and Mr. Tower):

S. 660. A bill to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 661. A bill for the relief of Okechukwu Baldwin M. Ewuzie and Theresa Nwanneka Ewuzie. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 662. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself and Mr. Burdick):

S. 663. A bill to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. McIntyre):

S. 664. A bill to provide an additional permanent district judgeship in New Hampshire. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 665. A bill for the relief of Mercedes Toalino de Romero, Patricia Romero, Magda Romero, and Mercedes Nela Romero; and

S. 666. A bill for the relief of Slobodan Babic. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Gravel, Mr. Dominick, Mr. Hart, Mr. Javits, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Scott of Pennsylvania, Mr. Stevens, and Mr. Williams):

S. 667. A bil to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 668. A bill for the relief of Mrs. Vimala Subbiah, Mr. Ponnambalam Subbiah, Miss Meena Kumari Subbiah, Miss Ponni Subbiah, and Miss Komathi Subbiah. Referred to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. McIntyre):

S. 669. A bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself and Mr. Young):

S. 670. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 671. A bill for the relief of Irena Jardzioch;

S. 672. A bill for the relief of Saada Aybout (Sandra Oade); and

S. 673. A bill for the relief of Soledad R. Isturis. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 674. A bill for the relief of Jesus Tagle Kangleon and his wife, Solita Alconcel Kangleon; and

S. 675. A bill for the relief of Mr. Jose F. Aquino. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 676. A bill to provide that budget requests of executive agencies shall be made known to the Congress and the public and to require public disclosure by Government agencies of participation in its rulemaking process by other Government agencies. Referred to the Committee on Government Operations.

By Mr. WILLIAMS:

S. 677. A bill for the relief of Rigoberto Jimenez and his wife, Rosa Jimenez. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 678. A bill for the relief of Glen Donald Murphy. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Weicker, Mr. Brooke, Mr. Hart, Mr. Javits, Mr. McGovern, Mr. Pastore, Mr. Pell, Mr. Ribicoff, and Mr. Scott of Pennsylvania):

S. 679. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes. Referred to the Committee on Public Works.

By Mr. COTTON:

S. 680. A bill for the relief of Vera Lucia Carvalho, Marcia Maria Carvalho, and Marcos Vinecius Carvalho. Referred to the Committee on the Judiciary.

By Mr. LONG (for himself and Mr. Johnston):

S. 681. A bill to amend title 23 of the United States Code to authorize the expenditure of Federal-aid highway funds on toll roads which are part of the interstate system and are made toll-free prior to a certain date, and for other purposes;

S. 682. A bill to modify the project for flood control on the Mississippi River and tributaries with respect to the Atchafalaya River basin in Louisiana; and

S. 683. A bill to modify the project for navigation in the Atchafalya River Bayous Chene, Boeuf, and Black, Louisiana. Referred to the Committee on Public Works.

By Mr. STEVENSON:

S. 684. A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II. Referred to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

S.J. Res. 44. A joint resoluton to authorize the President to designate the period beginning April 15, 1973, as "National Plumbing Industry Week." Referred to the Committee on the Judiciary.

By Mr. HUDDLESTON:

S.J. Res. 45. A joint resolution to provide for the erection of a memorial to those who served in the armed forces of the United States in the Vietnam war. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S.J. Res. 46. A joint resolution to authorize and request the President to proclaim April 1973 as "Hobby Month." Referred to the Committee on the Judiciary.

By Mr. BARTLETT:

S.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS:

S. 613. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of

5 years. Referred to the Committee on Commerce.

Mr. CURTIS. Mr. President, I am today reintroducing my bill to provide that broadcasters' licenses will be issued for 5-year terms instead of the present 3 years. Support for my proposal has grown considerably in recent months, and I hope that the Committee on Commerce can give it early and favorable action.

I have felt for a long time, based upon my contacts with many small radio stations in Nebraska, that a 3-year license period is not long enough to encourage the best broadcasting service to the listeners who depend upon it. In recent years, the volume of paperwork required by the Federal Communications Commission to justify the reissuance of a broadcast license has been greatly increased. This paperwork includes all types of survey information which broadcasters must gather from their listeners and viewers to submit with their license applications. The purpose of the information is to show that the radio or television station is truly serving the public interest in its home community.

The very volume of this information required today by the Federal Communications Commission, Mr. President, is sufficient to justify a longer license period. Gathering this information requires hundreds and in some cases thousands of hours of work by the employees of broadcast stations.

The time that it takes for the Federal Communications Commission to review all this information also is a factor favoring a 5-year license period. The Federal Communications Commission does not have sufficient personnel to review all of the information required to be submitted to it. Extending the license period from 3 to 5 years would give the FCC the time for adding personnel to its staff to devote adequate attention to all details.

Finally, Mr. President, I am pleased to report that the administration is supporting a 5-year license period for the first time. This support was announced publicly recently by Mr. Clay Whitehead, Director of Telecommunications. For years I have been urging the administration to take a such position. I am glad to have this support ad I believe it is a significant factor that should be considered by the Committee on Commerce in giving my proposal early and favorable action.

By Mr. ALLEN (for himself, Mr. BAKER, Mr. BUCKLEY, Mr. HELMS, Mr. NUNN, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, and Mr. THURMOND):

S. 619. A bill to prescribe uniform criteria for formulating judicial remedies for the elimination of dual school systems. Referred to the Committee on the Judiciary.

THE UNIFORM CRITERIA ACT OF 1973

Mr. ALLEN. Mr. President, I introduce for myself, Mr. BAKER, Mr. BUCKLEY, Mr. HELMS, Mr. NUNN, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, a bill designed to provide uniform statutory criteria for the formulation of remedies in school desegregation cases. I request unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, some of the provisions of this bill are taken from the Equal Educational Opportunities Act of 1972—H.R. 13915, 92d Congress—which was killed by a liberal-led Senate filibuster in the waning days of that Congress. However, this version is different in several substantive particulars. The statement of policy and purpose is different as are the congressional findings; the prescribed standards for the formulation of remedies; and the prescribed statutory limitations on the exercise of discretionary equity power of U.S. district court judges in the formulation of desegregation decrees which require transportation of students.

Previous congressional efforts to provide statutory limitations on forced busing have been defeated by reason of such limitations being set out in bills which would authorize Federal intervention in de facto school segregation situations. This bill isolates the issue as to whether or not heretofore near unlimited discretionary equity powers of Federal judges to formulate desegregation decrees should be limited by Congress to the extent necessary to prevent abuses of the judicial discretion in the form of decrees which, in implementation, require excessive busing and cross-busing of schoolchildren.

Mr. President, I will not elaborate at this time on all of the provisions of the bill. Hopefully, hearings will provide ample opportunity for that. It is sufficient to say that provisions of the bill are adequate to accomplish the stated policy and purpose of implementing the due process guarantee of the Constitution in a manner to protect citizens and local institutions of self-government from the exercise of limitless discretionary powers by Federal judges or by any branch, agency, or officer of the U.S. Government; and to terminate, by means consistent with the Constitution, the involvement of Federal courts in matters affecting the operation, management, and control of public schools.

Briefly, the bill sets forth a series of findings, all of which are accessible from accumulated data and common sense observations of the continuously evolving desegregation process over a period of almost 20 years. These findings set out in the bill constitute the basis for statutory standards and limitations to be taken into account in formulating desegregation plans and decrees.

Title I states an obvious conclusion that it is not unconstitutional to assign students to a school nearest their places of residence unless such assignments are made for the purpose of segregating students on the basis of race, color, sex, or national origin. No statutory provision on this subject would be necessary were it not for the fact that some U.S. district court judges seem to be of a contrary opinion. It is further provided, in effect, that since racial balance is not an affirmative requirement of the Constitution, the failure of a school board to achieve or maintain a racial balance of students among schools does not violate the Constitution.

Title II relates to formulating remedies. In considering the provisions of this title, it is necessary to bear in mind that the provisions deal specifically with discretionary equity powers of Federal court judges, but only in cases where a desegregation decree may require transportation of students. Equity is one of the devices in our judicial system for individualizing the law. It is proper that judges, in the exercise of equity power, should consider the efficacy of specific remedies and combinations of remedies designed to meet the requirements of particular situations. That is precisely what title II provides. In this connection, I have omitted in this bill the previously suggested statutory authority for a judge, in his sole discretion, to require school officials to construct school parks. The reason for this omission is that the specific provision of Public Law 92-318, which authorizes the expenditure of emergency school aid funds for construction of school parks, would be repealed by a subsequent section of this bill as it was by an identical provision of H.R. 13915, which passed the House in the 92d Congress.

We have also omitted a suggested authorization for a judge, in his sole discretion, to close inferior schools and order the construction of new schools. The judgement as to what constitutes superior and inferior schools necessarily involves subjective considerations. As such, there are no objective criteria from which to make valid judgments on this question. Accordingly, such judgments should be made by local school authorities and not by a Federal judge. Furthermore, statutory authority to authorize a judge to close schools and to order the construction of new schools would vest the judge with a legislative power to establish priorities for the expenditure of local tax revenues. Such a discretionary power in the hands of a Federal judge is inconsistent not only with traditional principles of equity but also with public policy in that such a delegation of power to a Federal judge would conflict with the controlling constitutional doctrine of separation of powers.

It should be pointed out that each of the statutory remedies set out in the bill and to be considered in the formulation of judicial remedies authorizes some degree of busing. In addition, there is a catch-all provision which authorizes any other educationally sound and administratively feasible desegregation plan which may require some busing if not inconsistent with limitations on busing and other provisions of the bill. The efficacy of these remedies and combination of remedies have long been demonstrated in the South.

Mr. President, were the bill to stop at this point, there would be very little in it by way of relief from judicial abuses of power which have been demonstrated so frequently in Southern States. However, the bill contains additional provisions which offer relief in the form of specific limitations on the transportation of students. These relate to statutory limitations on the exercise of discretionary equity powers of Federal court judges.

For example, a pupil may be ordered to be transported to a school which offers the appropriate grade level and type of education to meet the needs of the pupil but not to such a school located beyond one next closest to his place of residence. The existing equity power of judges to pair schools, cluster schools, and gerrymander school attendance boundaries are all recognized under the provisions of the bill. With such statutory remedies available, it is incredible that the vestiges of the dual school system or de facto segregation, for that matter, could not be eliminated without transporting a student beyond the limit of a suitable school next nearest to his place of residence.

The existing discretionary power of a judge to order transportation of students for distances which pose a risk to the health or significantly impinge on the educational process of the students is prohibited. Had U.S. district court judges not disregarded these criteria, the validity of which are recognized by the U.S. Supreme Court, such a statutory prohibition would not be necessary. This last provision makes it clear that judges have neither discretionary equity power nor statutory authority to enter decrees which disregard these criteria.

Another provision of the bill imposes a limitation on discretionary equity power of judges by making it clear that equity does not contemplate a discretionary power in Federal judges to disregard the boundary lines of political subdivisions of a State in formulating desegregation decrees. The boundary lines of most school districts correspond to boundary lines of counties, cities, or municipalities. Questions on the validity of this limitation on discretionary equity powers of U.S. district court judges is presently before the U.S. Supreme Court. It is impossible to predict what the Court may hold. Nevertheless, it would seem appropriate for Congress to express itself on this point in keeping with the negative proposed by the bill.

With respect to remedies in desegregation cases and criteria for the formulation of such remedies, it must be confessed that this bill offers no panacea. Traditionally, equity jurisdiction and remedies are invoked when it is made to appear that a complete and adequate remedy is not available at law. Thus, any court may consider the remedies and limitations which may be enacted by Congress and conclude that they are inadequate to vindicate a constitutionally protected right. In such cases, the court would merely invoke its equity power to provide a complete and adequate remedy. It will be seen that liberal arguments to the effect that statutory limitations on discretionary power of Federal judges would turn the clock back to pre-Brown I days, or that the act would inhibit the U.S. Supreme Court in the vindication of a constitutionally protected right is pure bunk.

This bill also contains a reopener provision. In instances where a U.S. district court judge may have abused his discretionary power, the bill provides a statutory right in school officials to file for modification of existing decrees to make them consistent with the laws of Congress. The substantive right of parties to file for modification of decrees in equity is not dependent on statutory authority. However, the power of the Attorney General to intervene on behalf of plaintiff school boards is dependent on statutory authority. Such authority is provided by the bill.

From the standpoint of termination of orders, it should be noted that the U.S. Supreme Court has acknowledged that at some point separate school systems will have eliminated dual school systems along with the vestiges of such systems. The Court has further acknowledged that at such time the jurisdiction of the Court, dependent as it is on a constitutional violation, will have terminated. The bill provides for such termination under such circumstances. It is inconceivable that Federal courts should remain entangled in this mess in perpetuity.

Mr. President, I have not made an effort to meet all of the arguments which might be raised to the separate provisions of this bill. Needless to say, legislation dealing with judicial proceedings and particularly proceedings which raise the question of the power of Congress to impose reasonable statutory limitations on the exercise of traditional discretionary equity powers of U.S. courts, presents issues which specifically come within the domain of the Senate Committee on the Judiciary. I understand that the bill will be referred to that committee.

EXHIBIT 1

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Criteria Act of 1973".

POLICY AND PURPOSE

Sec. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all persons in the United States are entitled to freedom from coercion imposed in the exercise of limitless discretionary powers by any branch, agency, or officer of the United States government;

(2) it is in the public interest to terminate at the earliest practical date by means consistent with the Constitution on the involvement of U.S. courts in decisions affecting the operation, management, and control of public schools.

(b) In order to carry out this policy it is the purpose of this Act to specify appropriate criteria for the formulation of remedies for the orderly elimination of the vestiges of dual school systems.

FINDINGS

Sec. 3. (a) The Congress finds that—

(1) dual school systems as defined by the courts have been effectively dismantled in the U.S.;

(2) in the process of eliminating dual school systems, many local educational agencies have been required to reorganize their school systems and undertake massive reassignments of students and to engage in the extensive transportation of such students;

(3) the guidelines provided by the courts for fashioning remedies to dismantle previously-maintained dual school systems and for the elimination of the vestiges of dual systems have been acknowledged by the Supreme Court of the United States to be "incomplete and imperfect," and the Congress finds that they are particularly inadequate from the standpoint of providing criteria for determining the extent to which an educational agency is required to reassign or transport students to eliminate the vestiges of the dual school system;

(4) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend a large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(5) transportation of students is excessive when it creates serious risks to the health and safety of students, or disrupts the educational process carried out with respect to such students, or impinges significantly on their educational opportunity;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades;

(7) the neighborhood is the appropriate basis for determining public school assignments in the first six grades;

(8) the assignment of students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis is educationally sound and is consistent with public policy long recognized by Congress.

(9) it is contrary to public policy to require an educational agency to attain or maintain a balance, on the basis of race, color, sex, national origin or socio-economic classes of students among its schools;

(10) it is contrary to the public interest to require an educational agency to make year by year school assignments to adjust the racial composition of student bodies after desegregation has been accomplished and racial discrimination through official action is eliminated from the separate school systems in the nation;

(11) in the interest of orderly administration of public schools, it is urgent that school authorities be provided authoritative criteria by which to determine what is required by Congress and the courts to eliminate the vestiges of previously-maintained dual school systems;

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

TITLE I—ASSIGNMENT PROVISIONS

ASSIGNMENT ON NEIGHBORHOOD BASIS

Sec. 101. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal protection of the laws unless such assignment is made for the purpose of segregating students on the basis of race, color, sex, or national origin.

BALANCE NOT REQUIRED

Sec. 102. The failure of an educational agency to attain a balance, on the basis of race, color, sex, national origin, or socioeconomic status of students among its schools shall not constitute a denial of equal protection of the laws.

TITLE II—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

Sec. 201. In formulating a remedy for a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal protection of the laws.

Sec. 202. In formulating a remedy for a denial of the equal protection of the laws, which may involve the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial;

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 203;

(e) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 203 and 204 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 203. (a) No court, department, or agency of the United States shall, pursuant to section 202, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, no educational agency shall because of such shifts be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan to compensate wholly or in part for such shifts in school population.

DISTRICT LINES

SEC. 204. In the formulation of remedies under section 201 or 202 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose of segregating children among public schools on the basis of race, color, sex, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 205. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 206. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

TERMINATION OF ORDERS

SEC. 207. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.

TITLE III—DEFINITIONS

SEC. 301. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801 (k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801 (f) of the Elementary and Secondary Education Act of 1965.

(c) A "dual school system" is one in which students are assigned to schools solely on the basis of race, color, sex, or national origin for the purpose of segregating such students in schools of the system.

(d) A "unitary school system" is one in which an educational agency is not effectively excluding any person from any school because of race, color, or national origin, whether or not such school system was in the past segregated de jure or de facto.

(e) The term "segregation" means the operation of a school system in which students are assigned to schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(f) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. Section 709 (a) (3) of the Emergency School Aid Act is hereby repealed.

SEPARABILITY OF PROVISIONS

SEC. 402. If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. TAFT:

S. 621. A bill to amend title 5, United States Code, to provide for withholding city income taxes from compensation paid Federal employees. Referred to the Committee on Finance.

Mr. TAFT. Mr. President, today I am reintroducing legislation which would require the Federal Government to withhold city income taxes from its employees. This legislation would benefit directly hundreds of thousands of Federal workers.

Because local income taxes are not withheld from the wages of Federal employees, these workers are forced to pay the taxes in lump sums on a quarterly or annual basis. The obligation to pay a substantial amount in local taxes at one time presents a serious hardship to many Federal workers. As of last winter, one third of Cleveland's postal workers had not been able to meet this obligation, and owed the city hundreds of dollars per person in back taxes.

This legislation would allow Federal workers to pay their city taxes in the same convenient manner as other workers, by making the payments in even installments throughout the year.

The legislation would also provide some extra money for the cities. Because the cities' tax collection departments will no longer have to devote extra attention to Federal workers, administrative costs will decrease. In my own State of Ohio, the city of Akron, Columbus, and Toledo expect that they could each save $20,000 to $35,000 in this manner. The major new source of income, however, would occur as a result of a reduction in tax delinquencies and an increase in the cities' ability to collect delinquent taxes. Cleveland's tax department has estimated that because of fewer losses in uncollected taxes, the city's income could be increased by $300,000 to $400,000 annually. The city of Cincinnati expects the enactment of this bill to save its taxpayers about $100,000. Similar savings would be realized by cities in other States.

My bill would apply to cities with populations of 60,000 or more. When legislation pertaining to this subject was debated on the Senate floor during the last Congress, an amendment was added to exempt residents of States other than that in which the taxing city is located from the withholding requirement unless they consent to withholding. In the interest of making my legislation acceptable to all concerned and thus facilitating its passage, I have included this amendment.

The major organizations representing groups which my legislation would affect strongly support it. These organizations include the National League of Cities—U.S. Conference of Mayors, the National Postal Union, and other major Federal employees' associations. The Treasury Department and the Office of Management and Budget have historically supported legislation along these lines, and I have been informed that their positions have not changed.

Legislation identical to this bill was passed by the Senate during the 92d Congress, but the House of Representatives did not have time to act on the measure. The House passed similar legislation several years ago.

I hope that during the 93d Congress, both Houses of Congress will seize the opportunity to provide equal treatment for our Federal workers and additional assistance for our cities.

I ask unanimous consent that the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 5517 of title 5 of the United States Code is amended—

(1) by inserting "or city" after "State" each place it appears in subsections (a) and (b), and

(2) by inserting before the period at the end of subsection (c) the following: ", and 'city' means only a city which is incorporated under the law of a State and which had a population (according to the last decennial census before the request under subsection (a)) of sixty thousand or more individuals".

(b) Section 5517 of such title is further amended by adding at the end of subsection (a) the following sentence: "The agreement may not permit withholding of a city tax from the pay of an employee who is not a resident of the State in which that city is located unless he consents to such withholding."

(c) The heading for such section 5517 is amended to read as follows:

"SEC. 5517. WITHHOLDING STATE AND CITY INCOME TAXES".

(d) The analysis for subchapter II of chapter 55 of title 5 of the United States Code is amended by striking out the item relating to section 5517 and inserting in lieu thereof the following:

"5517. Withholding State and city income taxes."

(e) The amendments made by this section shall apply only in respect of agreements entered into after the date of the enactment of this Act.

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 623. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River irrigation project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, today, on behalf of myself and the senior Senator from Wyoming, Senator MCGEE, I am introducing legislation which would authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River irrigation project, Wyoming.

It is estimated that $75,827.84 was expended on an irrigation project that benefited only certain individual members of the tribe. Congress has recognized that such expenditures are not tribal irrigation costs, and has reimbursed the tribes in the past for such expenditures. By the act of May 18, 1916, Congress reimbursed the tribes of the Blackfeet, Flathead, and Fort Peck Reservations for tribal funds that had been expended on behalf of individuals rather than for the tribes on the operation and maintenance of irrigation projects.

As recently as 1970, Congress passed the act of September 18, 1970, which reimbursed the Ute Tribe of the Uinta and Ouray Reservation tribal funds that had been expended in the construction, operation, and maintenance of the Uinta Indian irrigation project. This act, as would this bill, also provided for payment to the tribe of interest on its money at 4 percent from the date of expenditure to the date of enactment. Precedent for this provision is contained in the act of May 25, 1948, which authorized the outstanding payment to reimburse the Kootenai Tribes of the Flathead Reservation, Mont.

In light of the favorable past actions of Congress, I request that this bill be assigned to the appropriate committee and early action be taken.

By Mr. MOSS:

S. 626. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; and

S. 627. A bill to amend the Internal Revenue Code of 1954 to provide that the first $4,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 628. A bill to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married; and

S. 629. A bill to increase the contribution by the Federal Government to the costs of Federal employees' health benefits insurance, and for other purposes. Referred to the Committee on Post Office and Civil Service.

CIVIL SERVICE RETIREMENT BILLS

Mr. MOSS. Mr. President, in this session of Congress, a number of bills will be introduced whose purpose is to enable senior American citizens to live with the security and dignity to which they are entitled. I urge the Congress to give all these bills the fullest consideration and topmost priority. Today I am introducing four bills representing only a small portion of the task before us in meeting the needs of our elderly. These bills would provide some measure of assistance to one group of senior citizens—the civil service annuitants—who are now in the midst of a financial crisis. Federal workers who retired prior to 3 years ago face financial problems that are particularly acute. Their retirement income is fixed by outmoded formulas, and they have seen the value of this income steadily eroded by inflation. The primary purpose of the legislation I am introducing is simply to alleviate some of the financial burden on some of these older civil service annuitants, and to bring them into a more equitable position compared with more recent retirees. These four bills, with one or two minor adjustments, are part of the legislative program of NARCE, the National Association of Retired Civil Service Employees.

The first of the bills would provide an increase of $25 per month for all annuitants who retired prior to October 1969. This would exclude from the increase those who retired after the new formula for computing annuities was put into effect—the high- 3-year formula that has resulted in larger annuities for many people. It would also exclude those who have benefited by the pay raises for classified civil service employees in the past 4 years. It would help mostly the low-income retirees who retired during the period of lower pay scales.

In addition, the bill would set the minimum annuity at a level equal to the minimum amount that may be received under social security. At present, there are approximately 110,000 civil service retirees who receive less than $84.50 per month, which is now the minimum social security benefit. Surely, it is no more than a basic question of equity to see that these low income retirees receive the same minimum amount that they would receive if they were under social security. And surely, $84.50 per month is not too much to ask at this time for Government servants who have devoted many good years of their lives to programs that benefit us all.

The second bill I am introducing would exempt from gross income for Federal income tax purposes the first $4,000 of a civil service annuity.

This would give to civil service retirees a measure of the tax advantages already granted to social security and railroad retirement beneficiaries, whose maximum retirement pension is free from Federal income tax. The top amount that can be drawn and that is tax exempt under the railroad retirement system is about $8,000, and under the social security system the amount is more than $4,000. So the bill for $4,000 tax exemption for civil service annuitants is certainly fair and reasonable.

The third bill would increase the Government's contribution toward premium costs under the Federal employees health benefits program from the present 40 percent to 50 percent. My colleagues will remember that the 40 percent level was achieved in the 91st Congress, but was lower than some of us felt it should be. As a result, the Senate last session passed a bill that would increase the Government's share to 45 percent, and the House passed a bill that would eventually increase the contribution to 75 percent. Unfortunately, discussions in conference committee broke down over the question of whether to include postal workers in the new health benefits program, and no increase ever went into law. The bill I am now introducing provides for only a slightly greater Federal contribution than was approved by the Senate last session. An equal sharing by the Federal Government and the insured Federal worker would bring the Federal level more in line with that of private industry.

The final bill would provide restoration of a full annuity when a retiree has been predeceased by the designated survivor and has not remarried. Again, this is a bill which grows out of legislation enacted in the 91st Congress. In that Congress a bill which I introduced—S. 437—provided that when a spouse who had been designated as a survivor to a civil service annuity dies first, the surviving spouse could designate a second spouse to receive those benefits, provided that marriage had been in effect 2 years at the death of the retiree. The bill likewise provided that if a survivor spouse died, the retiree could begin receiving a full annuity instead of a reduced annuity. The first part of the bill was passed and became public law but the second part of the bill was dropped.

The bill I am introducing today provides that when the survivor has predeceased the retiree, and no other spouse has been acquired to eventually receive the benefits being paid for, the retiree can apply for restoration of full annuity during the period of no marriage. This is most certainly equitable.

Mr. President, I am not claiming that we will reach any far-reaching solutions by passing these bills. These are modest bills, and I introduce them simply in the name of fairness and equity. They would provide one group of our senior citizens with some portion of what they are entitled to. There obviously remains a great deal more to be done in order to see that senior citizens retain honored places in American society.

I ask unanimous consent that the texts of all the bills be printed in the Record at the close of my statement.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 626

A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"(o) The annuity of an employee or Member retiring under this subchapter, or prior comparable provision of law, shall in no event be less than 12 times the smallest primary insurance amount (including any cost-of-living increase added to that amount) used as a basis for determining the amount of benefits payable to individuals from time to time under title II of the Social Security Act."

Sec. 2. Section 8341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The annuity of a survivor payable under this subchapter, or prior comparable provision of law, shall in no event be—

"(1) in the case of a surviving child, less than 36 times the smallest primary insurance amount (including any cost-of-living increase added to that amount) used as a basis for determining the amount of benefits payable to individuals from time to time under title II of the Social Security Act divided by the number of children; and

"(2) in the case of any other survivor, less than 12 times such primary insurance amount (including any such cost-of-living increase."

Sec. 3. (a) An annuity payable from the Civil Service Retirement and Disability Fund to an annuitant as the result of a separation from service occurring prior to October 20, 1969, shall be increased by $300.

(b) An annuity payable from that Fund to the surviving spouse of an annuitant, as the result of a separation from service of the annuitant occurring prior to October 20, 1969, shall be increased by $165.

Sec. 4. This Act (other than this section) shall become effective on July 1, 1973. Increases in annuities provided by this Act shall apply with respect to a monthly payment of any annuity made for any month commencing on or after July 1, 1973.

S. 627

A bill to amend the Internal Revenue Code of 1954 to provide that the first $4,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125, and by inserting after section 123 the following new section:

"Sec. 124. RETIREMENT ANNUITIES PAID BY THE UNITED STATES OR ANY AGENCY THEREOF

In the case of an individual who receives annuity payments as an annuitant or survivor annuitant under subchapter III of chapter 83 of title 5, United States Code, or prior comparable provision of law, gross income does not include amounts received under that annuity during the taxable year equal to the greater of—

"1) the amount excluded from gross income for that taxable year under section 72, or

"(2) an amount not in excess of $4,000."

Sec. 2. The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out

"Sec. 124. Cross references to other Acts."

and inserting in lieu thereof:

"Sec. 124. Retirement annuities paid by the United States or any agency thereof.

"Sec. 125. Cross references to other Acts."

Sec. 3. (a) Section 37 (d) (1) of the Internal Revenue Code of 1954 (relating to limitation on retirement income) is amended by striking out "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) under subchapter III of chapter 83 of title 5, United States Code, or prior comparable provision of law, or".

(b) Section 72 (p) of such Code (relating to cross references to other Acts) is amended to read as follows:

"(p) Cross References.—

"(1) For limitation on adjustments to basis of annuity contracts sold, see section 1021.

"(2) For additional exclusion of amounts received under a United States civil service retirement plan, see section 124."

Sec. 4. The amendments made by this Act shall apply with respect to taxable years ending after the date of the enactment of this Act.

S. 628

A bill to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8339(j) of title 5, United States Code, is amended by inserting immediately after "is reduced" a comma and the following: "for any month during which that employee or Member is married for any portion of the month,".

Sec. 2. The amendment made by this Act shall only apply with respect to monthly payments of annuities paid for any month commencing on or after the date of enactment of this Act.

S. 629

A bill to increase the contribution by the Federal Government to the costs of Federal employees' health benefits insurance, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

Sec. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86–724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

By Mr. NELSON (for himself, Mr. Metcalf, Mr. Eagleton, Mr. Humphrey, Mr. Mondale, Mr. Church, Mr. Cranston, Mr. Case, Mr. McIntyre, Mr. Williams, Mr. Javits, Mr. Ervin, Mr. Pell, Mr. Randolph, Mr. Muskie, Mr. Fulbright, Mr. Percy, Mr. Schweiker, Mr. Hughes, Mr. Hatfield, and Mr. Ribicoff):

S. 630. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. Referred to the Committee on Post Office and Civil Service.

POPULATION INFORMATION, POPULAR GOVERNMENT, AND SECOND-CLASS POSTAL RATES

Mr. NELSON. Mr. President, for all of the 178 years that the U.S. Congress exercised the singular responsibility for setting mail rates for printed publications, a basic proposition of self-governing democracy was honored with low rates of postage: An essential educational service in keeping the American people informed with a full range of ideas and opinions is performed by the widest possible distribution of newspapers, periodicals, and journals. Since 1792, the low postal rates which were set by Congress for the distribution of second-class publications through the mails was recognized as a form of national subsidy which was justified by the educational function and a significant contribution to the self-governing aspect of citizenship.

In February 1971, the newly formed independent U.S. Postal Service created by the Postal Reorganization Act of 1970 requested rate increases for second-class mail that would have averaged 143 percent over a 5-year period. When this proposal was instituted on a temporary basis in May of 1971, it became obvious that this action threatened to stifle the free flow of ideas and information in this country and to effectively silence some of the most independent journals and publications throughout all parts of the Nation. Of particular concern is the impact of the Postal Service proposal for second-class rates upon the smaller, more specialized and less profitable newspapers and magazines which fuel the national competition of ideas with new thoughts, divergent opinions, and singular points of view.

On June 28, 1972, I introduced legislation in the 92d Congress to reemphasize the 178 years of direct congressional support for the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. More importantly, a lengthy statement which accompanied the introduction of S. 3758 detailed the philosophical and legislative history of preferential postal rates for printed publications. This statement focused congressional and public attention on the dire threats to a vital educational factor of self-government that would be made by the suggested postal rates for second-class matter. It also pointed out that in ending congressional support since 1972 for printed matter sent through the mails, the U.S. Postal Service was misreading the intent of the 1970 Postal Reorganization Act and substituting a single-minded concern for postal revenue for the larger public interest of providing a basic and fundamental service to the American people.

On June 29, 1972, the Board of Governors of the U.S. Postal Service announced that so-called permanent postal rates would be placed in effect on July 6, 1972. Two days after the Independence Day celebration last year, second-class postal rates were "permanently" increased an average of 127 percent phased in over a 5-year period.

Because "temporary" rate increases were already in effect, the next impact will not be felt by most publications until July 6 of this year when the second phase of the "permanent" rates is implemented. However, the experience under the "temporary" increases and the first year of the "permanent" increases in second-class mail rates indicated that many important sources of news and opinion are severely affected already.

National headlines, editorials, and columns last December paid respect to the demise of Life, as the last great, mass-circulation magazine in the Nation folded. Life's officers cited postal rate increases of 170 percent over the next 5 years as one of the terminal conditions which sent this important publication to join the likes of Collier's, the Saturday Evening Post, and Look. Looking beyond the experience of large mass-circulation magazines with significant advertising support, however, it is apparent that the heaviest burden of these rate increases will fall on the smaller, less profitable magazines and newspapers that serve smaller, more specialized audiences with a more specific point of view.

There will be no headlines when a small religious publication or rural newspaper must cease serving the public, and I doubt that it will attract much attention when some small magazine of diverse intellectual or artistic expression can publish no longer. But it will not only be the individual subscribers who no longer can receive the benefits of a special point of view who will be the lesser for the loss; the entire Nation is weakened when one voice is silenced and its contribution to lively public discussion of politics, literature, science, education, and other items of national importance is ended.

There are some important signs that the impact of second-class mail rates on the national dialog is receiving a wider and more influential audience. At the end of last Congress, the chairman of the House Postal Service Subcommittee introduced legislation on the subject of second-class mail rates and indicated that newspapers and magazines are far too important a communications medium in our society to run the risk of threatening their very existence. Congressman UDALL also indicated that this subject should be a matter of first priority in this Congress.

On January 16, 1973, the chairman of the Senate Post Office and Civil Service Committee, Senator McGEE, voiced his conviction that the American public generally has a vested interest in the survival of newspapers and magazines. In introducing a legislative proposal on the subject of second-class rates and other postal matters, Chairman McGEE indicated that hearings before his committee would be scheduled soon to allow the public and the publishers to articulate and defend their case.

With these impending hearings in mind, and with the particular contributions to American self-government that are made by the small, virtually nonprofit independent publications which serve the public interest at stake, I am today reintroducing legislation to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

First of all, this legislation would amend the policy section of the Postal Reorganization Act of 1970 to make it abundantly clear that the Postal Service has an obligation to provide postal services at rates which will encourage and assist the wide publishing of information and differing points of view on all issues of interest to the country.

Second, this bill would set the second-class postal rates at the level of June 1, 1972, for the first 250,000 issues of newspapers and magazines sent through the mails. These rates include the approximately 33⅓ percent increase in second-class charges that were put into effect on a temporary basis last May. This provision would be of particular support to the smaller, almost nonprofit independent journals of opinion that already exist. It would also encourage the entry to new publications of this type and provide continuing outlets for divergent views and fresh ideas.

Any future increase in second-class rates for issues over the 250,000 copy ceiling would be phased in during a 10-year period under this bill. This 10-year period would apply only to increases on editorial content, and any increases for advertising material would be implemented during 5 years as is presently the law for both categories.

Finally, and perhaps most important for many small publications, this legislation would expressly write into law longstanding congressional policy against per piece surcharges on individual issues of second-class publications.

The preservation of a free press and the encouragement of the widest possible dissemination of news and opinion in this country to support the public in their active participation in the process of self-government is a battle that has been fought and refought in this country since colonial times. In that period, the battle was to initiate some form of public education and information. Our early American leaders recognized that an essential feature of liberty and democracy was an informed citizenry. They fought successfully to overthrow the position exemplified in a statement made by the Governor of Virginia, Sir William Berkeley, in 1642:

> I thank God that there are no free schools nor printing, and I hope we shall not have these hundred years: for learning has brought disobedience and heresy and sects into the world, and printing has divulged them, and libels on the best governments. God keep us from both:

The answer to Sir William, of course, was a revolution of arms and ideas fueled by the thoughts and writings of two of Virginia's most illustrious sons, Thomas Jefferson and James Madison. Madison knew that popular government can only exist when there is popular information:

> Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Thomas Jefferson knew that while free and lively public discussion will be subject to error and falsehood, such mistakes are an unavoidable part of participatory democracy and "Error of opinion may be tolerated where reason is left free to combat it."

To obtain the information and opinions necessary for "knowledge," our early leaders realized that a wide range of thought must not only be tolerated, but actively encouraged. Forceful wide-ranging inquiry and discussion has been the method of seeking moral and political truth since the time of the Greeks and the Socratic dialogs. As explained by Aristotle:

> The ability to raise searching difficulties on both sides of a subject will make us detect more easily the truth and error about the several points that arise.

An open forum for the lively discussion of fact and fancy implies toleration for a wide range of raw information and divergent views. The justification for this tolerant view of expression is that it is essential for the full examination of any and all opinion. For America to be truly a self-governing democratic nation, it must publicly examine its life and its institutions on a continual basis.

The necessity for an active pursuit of information and opinion in a democracy is perhaps best explained by Walter Lippman in a passage from "The Indispensable Opposition" published in the Atlantic Monthly in 1939:

> The unexamined life, said Socrates, is unfit to be lived by man. This is the virtue of liberty, and the ground on which we may best justify our belief in it, that it tolerates error in order to serve the truth. When men are brought face to face with their opponents, forced to listen and learn and mend their ideas, they cease to be children and savages and begin to live like civilized men. Then only is freedom a reality, when men may voice their opinions because they must examine their opinions.
>
> The only reason for dwelling on all this is that if we are to preserve democracy we

> must understand its principles. And the principle which distinguishes it from all other forms of government is that in a democracy the opposition not only is tolerated as constitutional but must be maintained because it is in fact indispensable.

When the Board of Governors made their announcement on "permanent" postal rate increases last June 29, the Chairman of the Board stated that—

> (T)he Governors recognize that the increased rates will work a temporary hardship on some users.

If the pain of death can be considered as only temporary to some second-class publishers, it will be much more lasting to the American public who will be without the contribution of these newspapers and magazines.

This shortsighted view of the threat to publishers throughout the country was repeated in the remarks of the Postmaster General of the United States in a New York Times article on August 2, 1972. Mr. Klassen opened his article by stating:

> (W)e read a great deal today about unnamed magazines and newspapers facing what is asserted to be a catastrophic situation allegedly caused by recently authorized postal rate increases.

He then went on to focus attention on only one major national publisher, Time, Inc., and to assume that all publications would be increased by the 127-percent average over 5 years, and that, furthermore, postal rates only represent a small portion of the costs of all magazines.

As far as the "unnamed magazines and newspapers" are concerned, virtually all of the communications which I have received on this subject over the past months have been very eloquent in stating the position of their named publication and the impact of the rates. While the Postmaster General's claim that Time, Inc., could absorb the increased rates, that did not prevent the demise of Life or satisfactorily answer the implication of the postal rates in Life's final agonies. What is more important, however, is that many, many small diverse publications—agriculture newspapers, the religious press, labor journals, and intellectual magazines—face postal rate increases many times greater than 127 percent. In addition, those many publications which face increases well above 127 percent are also newspapers or magazines in which postal rates represent a larger percentage of their costs, and which are virtually nonprofit and therefore unable to shift the burden of the increases to either subscribers or nonexistent advertisers.

It is these voices—the little press, the controversial, the opinion press—which serve the specialized interests of some Americans and the basic interest of all America. Their voices may not be heard or acknowledged in the corporate boardroom of the U.S. Postal Service where the singular preoccupation appears to be efficiency and bigness, but I do not believe that the case of the small but vital independent voice of journalism will be unheard or unappreciated in Congress.

Many articulate comments on the second-class rate increases have been sent to me by a wide range of publications in Wisconsin and throughout the country. The following sampling of their thoughts and viewpoints is an expression of the issue at stake and direct testimony from the publications that must bear the burden of these increased rates. Though small in size, I think these publications speak loudly about a matter of basic concern for popular information, and therefore of basic concern for popular government:

Mrs. Jeff Dean, Editor, Wisconsin Trails, Madison, Wisconsin: "(A)s the editor of a small (roughly 25,000 circulation), 'virtually nonprofit' quarterly that is totally without advertising, I can only wish you and S. 3578 every success in Congress."

Charles M. Phillips, Executive Director, Wisconsin Catholic Conference, Madison, Wisconsin: "There is great danger, I believe, that the proposed increase in U.S. Postal Service rates would put many of our diocesan newspapers out of business."

Robert Berglund, Publisher, Tribune-Record-Gleaner, Loyal, Wisconsin: "My newspaper, the Tribune-Record-Gleaner, is one that has felt the increase in postage. The communities of Greenwood, Loyal and Spencer which I serve were on the brink of losing their newspaper several years ago. I was able to merge the Loyal Tribune, the Spencer Record and the Greenwood Gleaner into one newspaper to serve the three communities. Without this merger these communities would be without a newspaper, the official voice of the community.

"Yet the continuation of a newspaper to serve these communities, or any other community in this country still face a challenge. . . . I'm sure community newspapers through the nation are all faced with the same problem."

Harry A. Palmiter, Managing Editor, The Cheese Reporter, Wisconsin: "We have seen considerable change, during the past 22 years, of publications in the dairy industry field alone. There would be little doubt that some of the reason for the discontinuance of some of these publications and the merging of others has been influenced by the increased costs of mail service.

"By the same philosophy you expound in your statement of June 28, 1972, the little tabloid newspaper called The Cheese Reporter is about to begin its 97th year of publication, certainly based on the success of its having carried out a free flow of ideas and information to a specific industry.

"By either size or circulation volume we can hardly call ourselves a major factor in the publishing field, but we do know positively that most of the influential members of the nation's—and many of the world's—cheese industry faithfully subscribe to and read The Cheese Reporter for its value to them as part of the industry.

"We appreciate your concern over the dramatically proposed postal increases and their effect on the press, both as publishers of a very small publication and as journalists who believe firmly in the opportunity to serve an industry through information and awareness of issues."

Philip S. Habermann, Executive Director, State Bar of Wisconsin, Madison, Wisconsin: "Thank you for your letter expressing your views on the sizeable increase of second class mail rates.

"I concur with you completely.

"As administrator of the State Bar, I have noted a drastic increase in the cost of mailing our Wisconsin Bar Bulletin with second class rates. I have not actually been called upon to complain about that, since certainly the lawyers can afford the increases.

"However, I have always believed that freedom of information, and the continued circulation of a wide variety of publications is essential to the well-being of the population. I dislike very much seeing the postal services attempt to load all of the costs which they can total up to the second class mail."

Anthony Van der Linden, Business Manager, Milwaukee Publishers, Inc., Milwaukee, Wisconsin: "The dissolution of news publications because of prohibitive postal rate increases is a distinct reality. And their dissolution can only mean a retrenching of our employees in the printing trades.

"We need the voice of the opposition when it is necessary to 'take on the big daily press.' If that voice is stilled we will only hear that which the big daily media wants us to hear. This certainly is not what America stands for."

Paul H. Poberezny, President, Experimental Aircraft Association, Franklin, Wisconsin: "Freedom of speech and the press have always been cornerstones of democracy, and, as you so eloquently point out, nothing has changed since the 1780's—if anything, in this day of instant, electronic 'news' we need the sobering, reflective virtues of the printed media more than ever before.

"Our monthly publication, *Sport Aviation*, would be very seriously threatened by the proposed second class postage increases. Nearly 33,000 citizens would be deprived of a forum from which they can freely exchange their views and knowledge on a subject that is very important to them."

Eugene R. Brauer, Business Manager, Milwaukee Labor Press, Milwaukee, Wisconsin: "Extinction is exactly the terminology that should be used, for should the USPS announced guidelines be upheld many of us would be forced to close up shop, eliminating the jobs of our employes along with those of workers in the allied printing trades. Equally important is the fact that the voice of opposition, and in our own instance, the voice of the working person would be silenced.

"The voice of the big daily newspaper, and big business would however continue. These publications do not rely on use of the mails for their distribution. We cannot continue to raise advertising rates and still remain competitive. We do not have the financial structure so common with the big press that grants a big reduction for placing the same advertisement in their morning publication as placed in their evening newspaper. Such is true of the operation of the Journal and Sentinel among others.

"Dissenting viewpoints admittedly are part of our American way of life. By stifling the free flow of information you sever the lifeline of democracy."

R. H. Fackelman, Gulf Coast Newspapers, Inc., Panama City, Florida: "In another company affiliated with this—Newspaper Service Company, Inc.—I see new and fresh evidences every day of the threats you envision. Small town publishers are wanting to sell their papers . . . and the market is slipping away rapidly. The postage hikes are just one of the factors . . . but this seems to hurt the most in that there is no way of minimizing its impact.

"There is much, much more to the story as you well know. I only wish it were possible to enable all members of your august body meet a few of these proud publishers who are experiencing declining incomes against rising costs and who realize that this new inroad can put a '30' on the career they chose so many years back.

"And, like you, I feel that the loss of this grass roots press would leave a tragic hole in the nation's well being."

Frank W. Mayborn, President, Frank W. Mayborn Newspapers, Temple, Texas: "Surely much of the strength of this country has been brought about by and fortified through the medium of public information. This has been made possible largely through mail channels, and I feel that if this avenue of information is stifled through high postal rates, the American people will not be afforded the opportunity to know just what is happening in our country on a day to day basis.

"The larger this nation grows, the greater the importance that our citizenry be well informed, for if they are not given the opportunity to learn, then they will be subject to the convincing arguments of rascals as well as good intentioned people. It is only through mass circulation of viewpoints, both pros and cons, that enables a citizen to determine just what is right. He may not make the right decision every time, but in the general consensus he will be well enough informed to come up with the right answer. Certainly everything that is written and disseminated is neither good for the public nor is it the truth. Therefore, it is necessary that he receive a wide distribution of information."

John M. Jones, President, Greeneville Publishing Company, Greeneville, Tennessee: "The small weeklies and dailies that are forced to use rural mail delivery are the ones that will suffer most from the present drastic steps taken by the Postal Department in increasing postal rates 145 percent over a period of five years.

"Already, small newspapers have felt the effect of increased rates, not only in more marginal operations, but forcing them to increase mail rates to the point that they will probably be losing circulation within the next year or two, especially in the smaller publications.

"The community newspapers which largely serve their own county or the fringe areas around their own counties have been an essential part of the information syndrome in this country since its very beginning. If the tremendous increases in postage costs are followed through by the postal service, then it will eliminate a great deal of this circulation and eliminate also a great deal of the information on community operations and affairs that these publications produce.

"Metropolitan papers will not cover news in depth in the county courts, in the school boards, in the beer board hearings, and especially in those agencies that affect the tax base of the people of these communities. It is the small town press that deals in these stories that inform people of what is happening to them before it is too late for them to react.

"(I)t is absolutely essential, but only to the small press of this nation, but for the information of the people on subjects which the magazines and metropolitan press simply ignore."

George Jagolinzer, Circulation Manager, Rutland Daily Herald, Rutland, Vermont: "The U.S. Postal Service maintains the reason for increased 2nd class postal rates that went into effect last May and the proposed new increase in rates is due to the fact that they must secure attributing costs to maintain the postal service on a paying basis. First of all, no other government agency makes added charges for maintaining their service. On top of that fact, a portion of everyone's taxes goes to pay for this service and he pays additional taxes when he purchases a stamp. Along with this, many voters in the State of Vermont, as an example, live in a rural area and live on a limited income. The increased cost of a daily newspaper coming to them through the mail places a substantial financial burden on them. In many cases, they have been unable to continue to have a newspaper mailed to them. This fact is borne out by *our own 10 percent loss in mail subscriptions since the increase in price*. This is a loss of revenue to the Rutland Herald and the U.S. Postal Service.

"As you may very likely be aware, the newspaper publishing business is a peculiar one in that the cost of producing each issue far exceeds the selling price, despite rate increases over recent years. Substantially increased postage costs merely aggravates this unusual situation. Revenue to make up this deficit and ensure a reasonable profit can only come from increased product prices (single copy and subscription rates) and/or advertising rates, both of which are now Government controlled. While you can only go to the well just so often, it is particularly true in a rural state with relatively little economic and population growth."

RESOLUTION REGARDING SECOND-CLASS POSTAL RATES

The Louisiana Baptist Convention, Alexandria, Louisiana: Passed by the Executive Board of the Louisiana Baptist Convention in regular session September 26, 1972:

Whereas second class postal rates for nonprofit publications have increased 38% since April, 1972; and

Whereas they are scheduled for a total increase of 350% over a period of years; and

Whereas this affects churches as well as religious publications: Therefore be it

Resolved, That the Executive Board of the Louisiana Baptist Convention express its support of the bills recently introduced into both the Senate and the House of Representatives of the United States Congress to freeze the postal rate of second class publications; and be it

Resolved further, That copies of this resolution be sent to Senator Gaylord Nelson and Representative Robert F. Drinan who introduced the bills, Senator Russell B. Long and the senator-elect, Louisiana members of the House of Representatives, the Chairman and Vice-Chairman of the Senate Post Office and Civil Service Committee, and the Chairman and the Vice-Chairman of the House Post Office and Civil Service Committee.

Paul F. Rubinstein, Manager, Jewish Daily Forward, New York, New York: "As a small newspaper serving a readership scattered throughout almost every state of the union we are vitally interested in your proposed legislation. Neither we nor our readers who are mostly elderly people can afford such rising costs."

Albert P. Stauderman, Editor, The Lutheran, Philadelphia, Pennsylvania: "The impact of the proposed increases in second-class postal rates will make it difficult and perhaps impossible for non-profit publications to survive. In our own case, the cost of mailing to our 530,000 subscribers could rise from the present $72,000 annually to about $240,000."

David A. Wilson, The American Lutheran Church Office of Public Relations, Minneapolis, Minnesota: "I edit a small tabloid for the Southwestern Minnesota District of The American Lutheran Church on a part-time basis. It is mailed to about 46,000 homes in the district, the entire membership of this 1-18th segment of The American Lutheran Church. The reports of proposals for rate increases of a year or so ago would place the future of this publication in serious question. Beyond the proposal for the increase is the method of budgeting, the budget being adopted each spring for the coming year (the 1973 budget was adopted in May of 1972)."

Spurgeon M. Dunnam, III, The Texas Methodist, Dallas, Texas: "Having been notified on July 5 of a 60%-plus increase in rates, effective on July 6, our publication is still suffering under the hasty and drastic action taken by the U.S. Postal Service (With 160,000 subscribers, this represented an increase of over $250.00 weekly.)

"I, for one, do not wish to be classed with those who say: 'postal increases will put us out of business.' Most publications, if they are worth continuing, will find some way to do so.

"However, the type of sudden and drastic increase which we recently received, does work an extreme hardship on publications such as ours, which operate with minimal reserves and no profit. For us to suddenly up our rates, would create such ill-will that we would lose many subscribers. Unfortunately, the U.S. Postal Service seems not to care about the non-monetary effects of its precipitous action."

Reverend Owen F. Campion, the Tennessee Register, Nashville, Tennessee: "In the last two years, Senator, the Tennessee Register's fiscal policy has greatly been dominated by the threat of postal rate increases which could not be realistically sustained. We have reduced the actual size of the newspaper to decrease weight and have curtailed the number of issues. Indirectly, we have relentlessly followed a close cost control practice.

"If the rates as proposed for the mailers of our category by the U.S. Postal Service do go into effect, even these measures will be inadequate. Significant increase in our subscription charge would ultimately limit our readership appeal so that our circulation could not be maintained at its present or near levels. Our alternative, frankly, would be to discontinue publication.

"The Tennessee Register is in the 36th year of its life. . . . (W)e serve citizens residing in 74 of Tennessee's 95 counties. We are gratified by the local and national recognition for services which we have rendered. And, since we must depend upon the mails for distribution, we would be most unhappy if the postal rates forced us to go out of business."

"Schedule 2—Second Class Phased Rates of Authorized Nonprofit Organizations, Outside County have been in effect long enough to judge their impact on nonprofit publications.

The following comparison based on May 1972 issue of St. Anthony Messenger illustrates the full impact to us, of the postal increases:

	Number of copies	Weight	Rate	Monthly postpaid	Yearly postpaid
May 1972	229,245	54,058	2.4	$1,297.40	
Plus per piece charge			.04	91.70	
Total				1,389.10	$16,669.20
September 1972	229,245	54,058	2.4	1,297.40	
Plus per piece charge			.2	458.49	
Total				1,755.49	21,065.88
After 10 annual steps	229,245	54,058	5.0	2,702.90	
Plus per piece charge			1.5	3,438.68	
Total				6,141.58	73,698.96

Note: The above does not include in-county postage, or the advertising portion of the issue, but only the editorial content.

The difference between now and the ten annual steps would increase our yearly postal bill by $57,029.76. Such an increase would seriously jeopardize the continued publication of St. Anthony Messenger. It is extremely doubtful that subscription revenue could be increased enough to offset the postage increase. If we raise our subscription cost substantially, as we would have to, to cover the added postage costs, past experience shows us that we would lose subscribers. With fewer subscribers, our unit cost for printing, editorial, etc., will rise, making it economically impossible to publish the magazine.

Nor is there any hope that advertising will be able to pay the added costs. The supplementary charge on the advertising portion of a nonprofit publication (if over 10% of total pages of issue) will also increase drastically. For example, the rates for the 8th zone, now .915, will increase to 17.7 in ten annual steps. This increase will certainly reduce any advertising net revenues and consequently our chances of survival."

(Reverend) Andrew Fox, O.F.M.,
Publisher, St. Anthony Messenger, Cincinnati, Ohio.

"It is encouraging that a number of midwestern Senators have joined in the sponsorship of this important bill. It is in these states that the proposed postal increases on second-class mail will strike hardest.

Our own circulation structure provides dramatic proof of this. More than 50,000 of the 247,000 Des Moines Register subscribers get their newspaper by mail. Almost all of them live on RFD routes.

If the present postal service rates, including the surcharge (which is most damaging), are allowed to follow the proposed schedule, the increases per customer would amount to an estimated $9.60 annually, or slightly more than 223 percent as compared with the 127 percent mentioned in your letter.

Obviously, should these increases go into effect, we will have no choice but to increase circulation rates. There is no alternative method of delivery possible when fewer than four customers per mile must be served.

Just as obviously, these proposed higher rates would put the cost of our and other daily newspapers beyond the economic reach of thousands. In Iowa the daily Register is the primary and only complete source of information about activities in the state for many thousands."

David Kruidenier,
President and Publisher, Des Moines Register and Tribune, Des Moines, Iowa.

"This journal was founded in the 1930's and is now the leading academic publication in the fields of mass communications and survey research. Many of the most significant scholarly studies in opinion-research of the past three decades have been reported in our pages.

Nevertheless, like so many other academic journals, our financial health is, at best, feeble. I would say that increasing our postal costs to the extent now proposed would put us on the critical list."

Bernard Roshco,
Editor, The Public Opinion Quarterly, New York, N.Y.

"As you correctly point out, second class postage carries most of the 'thin and thoughful' journals of intellectual and scientific concern. Few of these publications in which many new and important ideas are first presented and tested are self-supporting, but those which are would certainly perish under the burden of a 127 percent increase in second class mail rates.

This magazine is an example. Founded in 1945 by the atomic scientists of Chicago, seeking to transfer the Promethean gift of atomic energy from military to civilian control, the Bulletin of the Atomic Scientists has become one of the leading journals of scientific opinion in the English language. And it would be severely crippled, if not extinguished, by such an unjustified increase.

The Postal Service exists to serve the interests of all the people. Whose special interest is being served by a rate increase that threatens to stifle the most sensitive segment of the American print media?"

Richard S. Lewis,
Editor, Bulletin of The Atomic Scientists, Chicago, Ill.

"Thank you for your letter of 20 July and for the enclosed statement by you regarding the new postal increase for second-class materials. You can well appreciate our concern and that of all periodicals in this matter. And the effects of this unprecedented increase upon small, non-profit literary quarterlies like The Hudson Review might well be catastrophic. Your efforts in the Senate on our behalf, and on behalf of the right of all people to distribute and to have access to ideas and information, are heartening indeed and warmly appreciated by us.

Frederick Morgan,
Editor, the Hudson Review, New York, N.Y.

"The application of the proposed 143% increase in postal rates over the next 5 years will be the death knell of many of these publications.

I am the firearms editor of two of these magazines. Both with circulations under 200,000 and both depending to major extent on the post office department to see that the subscribers get their monthly issues. To have you step into the breach and propose just and orderly increases—and in no event the extraordinary 143%—is muchly appreciated by people like myself!"

Colonel Charles Askins,
Guns Magazine, San Antonio, Tex.

"It was, of course, the intent of the Founding Fathers to see to a free press as the guarantee of ever-growing popular control of our republican institutions. Even though the hideous rise in second class rates does not strongly affect our magazines, American Heritage and Horizon, because they carry no advertising, they still hurt us and they will prove disastrous for some of the finest and most distinguished magazines this country possesses. Certainly Congress cannot have intended to do this when it set up the new postal service. The Post Office can no more be expected to make a profit than the street in front of one's house or the fire company down at the corner."

Oliver Jensen,
Editor, American Heritage Publishing Co., Inc., New York, N.Y.

54th Annual National Convention, The American Legion

Chicago, Ill., *August 22, 23, 24, 1972.*

Resolution No. 501.
Committee: Finance.
Subject: Seek legislation to amend Postal Reorganization Act to afford relief to certain second-class mailers.

Whereas, The current postal rate schedule will increase the annual costs of mailing The American Legion Magazine in this decade by 235%, or from approximately $325,000.00 in 1972 to more than one million dollars by 1980 at a rate in excess of 20% each year; and

Whereas, This will constitute a serious financial crisis for The American Legion; and

Whereas, There is developing within the Congress of the United States a movement for relief from the exorbitant postal rate increases, and in keeping with the traditional and historic policy of the United States Congress of giving preferential treatment to non-profit mailers engaged in presenting beneficial information to the public; Now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that the National Legislative Commission petition the Congress of the United States to amend the Postal Reorganization Act in such a manner as to afford relief to authorized second-class mailers from the excessive rate increases, for example, by the deletion of the 1.5 cents per piece charge; and, be it

Further resolved, That this subject matter be accorded the highest legislative priority.

Herald E. Stringer,
Director, National Legislative Commission, Washington, D.C.

I'm sure the International Labor Press Association has conveyed to you the problems faced by labor publications in connection with the scheduled rate increases.

Let me add a comment from a broader viewpoint.

Thousands upon thousands of small publications have flourished in America in recent years because people have wanted alternative sources of information to supplement the stereotyped information they get from TV and large daily newspapers—media which are not seriously affected by the postal rate increases.

It would be a crying shame if higher postal rates should drive out of business these thousands of minority view publications and leave the people to subsist only on an intellectual diet of routine AP and UPI dispatches and the thirty second reports of the television commentators.

The Federal Government spends so much money in so many ways and subsidizes so many enterprises of dubious merit that it seems a shame that relatively modest subsidies to the Postal Service cannot be continued.

A. F. Grospiron,
President, Oil, Chemical and Atomic Workers International Union, Denver, Colo.

As a member of the International Labor Press Association, 1199 News and its publisher, Local 1199, Drug and Hospital Union, RWDSU, AFL–CIO, are in support of your bill to prevent the levying of damaging and, in some cases disastrous, postal costs on labor periodicals.

Your bill, in exempting the first 250,000 copies of such publications from the proposed surcharges, would spare the total mailing of our magazine from most of the increases. As a result, its passage would keep our members' funds free for increased services to them and for the ongoing effort to organize low-paid hospital employees.

The proposed costs, if realized, would add about 10 percent to the current cost of printing our monthly magazine by the fifth year of the increase schedule. By that year the increases would mean a hike of more than 150 percent in current postal costs, and by the tenth year of the schedule the increase in our postal costs would be more than 300 percent.

Our union is only one of the many whose members will suffer to some extent if the proposed increases go through. There are many other smaller unions publishing modest but nonetheless informative papers that would probably have to be abandoned completely.

Moe Foner,
Executive Secretary, Local 1199, Drug and Hospital Union, New York, N.Y.

"We of the Ohio AFL–CIO are deeply concerned and troubled over the recent—and proposed future—increases in second-class postal rates for non-profit organizations. These increases pose a serious threat to the continued existence of labor publications not only in Ohio, but the nation as a whole.

The Ohio AFL–CIO publishes a monthly magazine, "focus." A copy of it is attached. In April 1972, we mailed some 750,000 copies of "focus" at a cost of $2,258.20. The first step of postal rate increases that went into effect on July 6, 1972, boosted our August mailing bill to $3,428.65 for the same number of copies. When all the steps of the rate increase are in effect, it will cost $13,395.60 each month to mail an identical number of copies of "focus" to our members. On a yearly basis it cost $30,323.80 to mail our 750,000 copies before the increase (we publish only nine issues per year). When the full increase is in effect, this will cost a staggering $120,560.40 to mail the same number of copies.

The Ohio AFL–CIO also publishes a weekly newsletter, "News and Views," which has a limited circulation of approximately 20,000 copies. The postal rate increases will have a similar effect on our mailing costs for this publication, but on a smaller scale.

Our state labor federation operates on a modest dues structure. The above-mentioned publications are financed out of these dues, and are already a tremendous strain on our operations budget. The rate increases for mailing these publications places the future of these publications in serious jeopardy.

In Ohio, there are some 150 publications printed by local unions and central labor councils. The postal rate increases will deal many of them an even harder blow because their fund limitations are more severe. Many of these publications will probably cease to exist because of this postal rate increase.

The need to keep our members well-informed is vital. Yet we recognize costs are rising, everywhere. The labor movement, as represented by the International Labor Press Association, has testified before the Postal Rate Commission that we will accept an increase in postal rates if they are needed. But the rate schedule as adopted by the Postal Board of Governors is discriminatory in nature because nonprofit organizations are being forced to pay a much higher percentage of increase than other classes of mailers. And, as you are well aware, the labor movement has had a proud tradition of being opposed to any discrimination. Whether it be in job opportunities, housing—or mailing rates."

Warren J. Smith,
Secretary-Treasurer, Ohio AFL–CIO, Columbus, Ohio

Mr. President, I ask unanimous consent that a copy of the legislation which I am introducing at this time be printed at this point in the Record and I further ask unanimous consent that a series of editorials from Wisconsin newspapers commenting upon this legislation, and several articles on the subject by Mr. David Lawrence and Mr. Tom Wicker which appeared in the Evening Star and Daily News and the New York Times, be printed in the Record following the text of the legislation.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of title 39, United States Code, is amended by inserting after the second sentence the following new sentence: "The Postal Service shall also be obligated to provide postal services at rates which will encourage and support the widest possible dissemination of news, opinion, scientific, cultural, and educational matter."

(b) Section 101(d) of title 39, United States Code, is amended to read: "Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis that takes into consideration all aspects of postal policy."

Sec. 2. (a) Subchapter V of chapter 36 of title 39, United States Code, is amended by inserting after section 3683 the following new section:

"§ 3683A. Prohibition against a per piece surcharge

"Notwithstanding any other provision of this title, the rates of postage established for matter mailed under former sections 4358 and 4359 of this title may not include a per piece charge that is added to the basic rate of postage established for such mail matter."

(b) The analysis of such subchapter, preceding section 3601, is amended by inserting between items 3683 and 3684 the following new item:

"3683A. Prohibition against a per piece surcharge.".

Sec. 3. (a) (1) Subchapter II of chapter 36 of title 39, United States Code, is amended by inserting after section 3626 the following new section:

"§ 3626A. Special publication rate

"Each rate of reduced postage adopted under section 3626 of this title for matter mailed under former sections 4358 and 4359 of this title shall be at the rates that existed for such matter on June 1, 1972, for the first two hundred and fifty thousand copies of each issue mailed. The sender shall determine which copies of each issue that are to be sent at the rates provided under this section."

(2) The analysis of such subchapter, preceding section 3601, is amended by inserting between items 3626 and 3627 the following new item:

"3626A. Special publication rate.".

(b) Section 2401(c) of such title is amended by striking out "and 3626" and inserting in lieu thereof "3626, and 3626A".

Sec. 4. Section 3626 of title 39, United States Code, is amended—

(1) by inserting in clause (1), after "4554 (b) and (c)", a comma and the following: "and for the nonadvertising portion of mail under former section 4359,"; and

(2) by amending clause (2) by—

(A) striking out "4359,"; and

(B) inserting after "4554(a)" a comma and the following: "and for the advertising portion of mail under former section 4359".

[From the Wisconsin Rapids Tribune, July 5, 1972]

Editorials—More Than Dollars Involved in Proposed Mail Increases

Last week Wisconsin Sen. Gaylord Nelson took a strong stand against second-class mail rate increases proposed by the U.S. Postal Service.

Nelson contended the proposed increases "threaten to stifle the free flow of ideas and information and effectively silence some of the most important sources of competing independent journalism in the country."

The respected senator was not being overdramatic in his conclusion, and the facts support his stand.

The postal service's proposal calls for an average 142 per cent increase in rates for newspapers and magazines over the next five years. The service's board of governors appears ready to accept the proposals which include an additional per piece surcharge over the same period for these same mail users.

Congress' establishment of the independent postal service with a directive that it become efficient and self supporting was a sound move. Congress also declared that all users of the postal service should as nearly as possible pay the costs that are truly attributable to them, and again this seems reasonable.

However, up to this point the postal service has not established a solid case to justify raising second-class rates two and a half times at a time when most of the businesses affected are under federal wage-price guidelines.

Allocating costs among the different classes of mail just isn't that easy. The high overhead costs of operating a postal system would exist if there were no publications distributed across the country.

In addition, many magazine publishers and newspapers, including the Daily Tribune, sort, bundle and deliver their publications to the post office at their own expense. Meanwhile, other pieces of mail must be repeatedly sorted by postal employes en route to their destination.

This pre-sorting of second class mail cuts down considerably on the delivery costs of these items.

And it should be pointed out that the delivery of magazines and newspapers to the citizens of this country is an important part of the day-to-day operation of our democratic society. This is one of the points Sen. Nelson was making last week in his speech before the U.S. Senate.

Nelson noted it has been national policy since 1792 to aid the exchange of ideas and opinions by providing lower postage rates for newspapers, magazines and independent journals. He said the entire nation would suffer if the increases were allowed to go into effect because "the sustaining educational activities of democratic government would be stifled."

Many smaller publications such as independent opinion periodicals and weekly newspapers who rely heavily on mail circulation to rural areas would not be able to continue operations if they had to meet the financial burdens that would occur with proposed rate hikes.

This would be a most serious loss to this country where the free flow of information and ideas must be continued rather than limited.

Also for the Central Wisconsin area the economic effects could be considerable. For example, Consolidated Papers, Inc. provides a large volume of printing papers for the major magazines in the country. And the huge rate increases are expected to put a true pinch in the operation of these industry giants as well as the smaller publications.

The postal service should reconsider its proposal and trim the asked-for increases to a more realistic level. It should keep in mind the contribution of newspapers and magazines to the democratic process and the education of our citizens. Knowledge of government is vital to a living democracy and the information carried through publications is an indispensable part of that knowledge. Forcing publications out of business or causing cutbacks in quality because of exorbitant costs will severely damage this important function in our society.

[From the Delevan (Wis.) Enterprise, July 6, 1927]

In Freedom's Interest

On the surface, it is obviously self serving for second class publications—primarily newspapers and magazines—to protest the large (127% at least) postal rate increases that are proposed and already partially instituted by the United States Postal Service.

Most weekly newspapers (the Enterprise included), a substantial portion of the circulation of daily newspapers and probably a major portion of magazine circulation is handled by the U.S. mail service, under second class mailing permits. From a purely business point of view—profit, if you will—these publications would be expected to protest in their own self interest.

Yet, if these same publications do not protest, as this newspaper is now doing and will continue to do, they would not only be failing to respond to a business motive but also failing to serve their prime reason for being, which is the dissemination of the news, information and opinion that is absolutely vital to the existence of a democratic form of government.

That's why the Enterprise believes strongly that Wisconsin's Sen. Gaylord Nelson has performed an important service by introducing legislation to limit the increases for smaller publications. Nelson's bill would prohibit the Postal Service from imposing per piece surcharges on second class matter and provides that the first 250,000 copies of each issue of a publication mailed under second class rates be charged the rate that existed on June 1 of this year. Any revenue thus lost to the Postal Service by that rate would be assumed by Congressional appropriations.

Another section of the Nelson bill provides that any rate increases for the editorial content of second class publications be phased on equal stages over a 10-year period.

In a statement to the senate on June 28 Sen. Nelson quoted widely from such men as James Madison, Thomas Jefferson, John Calhoun and others in establishing his bill's main tenet, that the mass dissemination of information (news) and opinion (editorial) is basic to the survival of a free society. The quotations and the summary of the unbroken government policy that the flow of information must be aided, rather than impeded, are impressive. However, so is Nelson's own statement, to wit:

"The strangulation of news and opinion through a single minded concern for postal revenue is appalling. That such actions are occurring in the United States at a time of great national controversy over the ability of this society's institutions to respond to the great issues of war and peace, and to the daily affairs which intrude ever closer on our individual lives, is a national tragedy.

". . . what we would not allow to happen with a censor's stamp or scissors should not be permitted to occur because of a single-minded application of accounting efficiency."

There is no doubt that the imposition of the proposed second class rates would seriously affect the ability of many publications to survive. And that group does not merely include smaller newspapers such as this one, but such major publications as Time, Newsweek and others. The new rates will deal an especially severe blow to smaller circulation magazines of opinion, the kind of magazines whose survival is important to this country's future. It will also seriously affect such national newspapers as the Christian Science Monitor and the New York Times, among others.

Every newspaper, large or small, can probably point to times in its existence when the information it has disseminated on local issues has played a major role in the eventual outcome of those issues. In the case of this newspaper, there is no need to look in the long-ago files—the creation of a sanitary district and the current sanitary sewer project at Delavan Lake are examples.

Postal costs for distribution of the Enterprise have doubled, tripled and quadrupled in the past 15 years. Part of this is due to increased circulation and the increased size of the paper. But much of it is due to higher postal rates. The proposed new increases will be severely felt by this newspaper.

One hopes that the Congress will approve Sen. Nelson's bill, thus signifying its agreement with a former Postmaster-General, Charles E. Smith, whom Nelson quotes thusly:

"Our free institutions rest on popular intelligence, and it has from the beginning been our fixed and enlightened policy to foster and promote the general diffusion of public information. Congress has wisely framed the postal laws with this just and liberal conception. It has uniformly sought to encourage inter-communication and the exchange of intelligence."

It should continue to do so.

[From the Clintonville (Wis.) Tribune-Gazette, July 6, 1972]

SUFFER THE LITTLE VOICE

There's always a terrible tendency to be self-serving in almost any role and such an action ordinarily alienates most others, but occasionally one finds himself in the center of a problem and there is no way out except to mention it.

For something like 178 years the United States has demonstrated a national concern for its press, particularly its least august members. By offering the use of the postal service at special rates, it has helped keep many of the nation's opinion and information purveyors alive and economic pressures that would have silenced them were distribution costs not borne in part by the government.

This is not news to our readers who may well think such a subsidy is an unfair privilege extended to a few people at the expense of the many. If special postal rates were used only to assist a few people earn a livelihood publishing newspapers of limited distribution, we'd have to feel it was a misuse of tax funds.

The distinction between keeping a community voice alive and supporting those who actually publish a newspaper is a clear one, however. The newspaper is far more important than the people who put it out, regardless of circulation or policies in any particular period.

Clintonville, for example, has had a newspaper of its own since 1881 under the widely differing management and political philosophies of Frank Brady, Barnum and Cotton, the Moldenhauers, Carl Frederichs, Risvold and Turner and the current stewards. Who owned it in any of those eras matters very little. What matters is the public service the newspaper provided. It is this service that the Congress has seen fit to preserve by preferential postal treatment.

Last year there was a major change in the schedule of postal charges, inaugurated early this year and projected for the future. It amounts to an increase of something like 143 per cent, not an inconsiderable amount by any standards. It is enough to make some small newspapers suspend publication.

It could be argued that a newspaper which can't stand the expense of distribution isn't worth saving. Newspapers are more important than that, though. Ask the residents of Bowler or some other communities which found they simply could not support a community voice alone, even with preferential postal rates.

This is the point at which we might, but don't want to, sound self-serving. There isn't a margin of profit in newspapers at the lower levels sufficient to absorb great cost increases. There is a definite limit on the amount that can be charged for subscriptions and there is certainly a point at which newspaper advertising rates cease to be competitive with other forms of advertising.

It happens that we aren't pleading the case for Clintonville, just yet. The Tribune-Gazette will survive the current postal increases. We do feel, nevertheless, that the nation is going to lose something very valuable if it prices community newspapers out of the post office.

The point of all this is to say we may have found a new friend in an old acquaintance. Wisconsin's Sen. Gaylord Nelson has taken up the cause which many in Washington have ignored in recent years.

Last Wednesday's Congressional Record contains a speech by the senator, a bill to reverse the trend toward prohibitive postal rates and about 12 pages of communications from periodicals all across the country evidencing real concern for the future of the press.

We'd like to quote one paragraph from the senator's lengthly speech which pretty much sums up the contribution of that segment of the press most dependent upon low-cost distribution:

"The publications which will be affected by this bill are those which have primarily sought to serve the public interest and operate at little or no profit. They have generated tremendous benefits for the American public, however, as they have been instrumental in bringing the first writings of scholars and the ideas of individuals from every walk of life in every field of endeavor before the public. In continuing support for these journals of news and opinion through low second-class postal rates, the Congress will not be writing off private mis-management—it will be making an investment in public education and self-government."

[From the Fond du Lac (Wis.), Commonwealth Reporter, July 7, 1972]

INCREASES IN POSTAL RATES ECONOMIC THREAT TO NEWSPAPERS

Wisconsin Sen. Gaylord Nelson, preoccupied with Earth Days and other matters ecological in recent years, has said:

"What we would not allow to happen with a censor's stamp or scissors should not be permitted to occur because of a singleminded application of accounting efficiency."

What Sen. Nelson was talking about was the possibility that postal rate increases might drive some newspapers out of business and keep new ones from being started. He was pleading for a limit on increases in rates for smaller publications so that they might survive.

Sen. Nelson feels so strongly about the possibility of losing any type of publication, whether it supports him or not or whether it supports the Nixon Administration or not, that he has introduced legislation into the Senate to put a ceiling on second-class rates imposed by the U.S. Postal Service.

We support this legislation because we firmly believe that only through a free press, through media opinion and representation of all kinds, through the ability to publish and distribute and through the educational functions of the media can democracy continue.

Sen. Nelson warned the Congress: "The proposed increases in second-class mail rates threaten to stifle the free flow of ideas and information and effectively silence some of the most important sources of competing, independent journalism and opinions in this country."

It seems the senator is overly worried about the threatened loss of what he called "dissenting viewpoints." Actually, he and we should be equally concerned about the media of any viewpoint, supporting or dissenting. Both stand to lose with increased postal rates which make publication prohibitive.

The Wisconsin senator described the postal rate recommendations as a reversal of a policy position of the Congress which dates to 1792.

For 178 years, he told the Senate in a speech introducing the bill, low postal rates had been set by Congress for distribution of printed publications through the mails as a form of national subsidy justified by the educational function and contribution to the self-governing aspect of citizenship.

He said the recommended increases would be particularly damaging to the smaller and economically marginal publications that often perform "the crucial role of providing public access to new and untested ideas, to minority thoughts which might otherwise remain hidden and to the whole range of human experience and expression."

Sen. Nelson said his bill makes it the obligation of the Postal Service to provide services at rates which encourage and support the widest possible dissemination of news, opinion, scientific, cultural and educational matter.

Any revenue lost to the Postal Service will be assumed by Congressional appropriations, Sen. Nelson said.

[From the Antigo (Wis.) Daily Journal, July 11, 1972]

Impact Critical

The newspaper and magazine reader, no less than the publications, will feel the impact of the second class mailing rates, nearly doubled in one step. This is just one of many over a five or six year period which will see some second class rates increased as much as five and a half times.

The postal services, up to now, has not established a firm case to justify the rate increases, and that at a time when most of the businesses affected are under federal wage-price guidelines.

For many newspapers this will mean phasing out more and more mail customers and changing to "tube routes," in which a truck or car driver deposits the newspaper in tubes mounted on metal poles along the highway. While this is expensive, the customer receives the paper the same day and a higher subscription can be charged than for "second day" delivery by mail.

Senator Nelson has taken up the cause of the newspaper. A recent issue of the Congressional Record contained a speech by the senator, together with a bill to reverse the trend toward prohibitive postal rates and communications from periodicals all across the country evidencing real concern for the future of the press. The senator said:

"The publications which will be affected by this bill are those which have primarily sought to serve the public interest and operate at little or no profit. They have generated tremendous benefits for the American public, however, as they have been instrumental in bringing the first writings of scholars and the ideas of individuals from every walk of life in every field of endeavor before the public. In continuing support for these journals of news and opinion through low second-class postal rates, the Congress will not be writing off private mismanagement—it will be making an investment in public education and self-government."

Small town weeklies which have mostly mail distribution, will suffer, many to the point of extinction, from the high mail rates because they have mostly mail distribution. As the Clintonville Tribune-Gazette has pointed out editorially:

"There isn't a margin of profit in newspapers at the lower levels sufficient to absorb great cost increases. There is a definite limit on the amount which can be charged for subscriptions and there is certainly a point at which newspaper advertising rates cease to be competitive with other forms of advertising."

Many magazine publishers have predicted the end of the magazine era if the proposed increases are instituted in the coming five years. Some magazines, such as Life, have dropped thousands of subscribers from their rolls just to save shipping costs.

[From the Janesville (Wis.) Gazette, July 26, 1972]

Periodicals in Danger

Postal rate increases imposed on newspapers, magazines and periodicals are becoming a major issue in Washington. Debate in Congress is being spearheaded by Sen. Gaylord Nelson who proposes that the Congress, which thought it had excluded itself from rate increase and general management problems of the Post Office Department, get back into the action by rolling back the 127 per cent increase scheduled for the "second class" postage classifications.

At stake is the survival of certain periodicals, particularly those journals of opinion, poetry, fiction, technical and critical nature, which depend upon readers' subscription prices for support. It is doubtful that their customers will be willing to pay the large increase demanded by the Post Office.

The issue seems to be whether the postal service should be strictly a business enterprise, or operated as a service to the people. Postal management insists that the 1970 Postal Reform Act specified that mail delivery in the United States should pay its own way by 1980.

However, others note that the law also stated, "The postal service shall have as its basic function the obligation to provide postal service to bind the nation together through the personal, educational, literary and business correspondence of the people."

Senator Nelson refers to the heavy rate increases as having the potential of "strangulation" of news and opinion. He says that the government has created a postal monopoly which "vastly increases the opportunity for abuse and disregard for the welfare of all the people."

Public opinion and the force of government acting "in the public good" will certainly demand some relief for the important journals of opinion. No private business could get away with an increase of 127 per cent, even though spread out over five years.

Almost any newspaper, magazine or periodical, however, will be able to adjust to postage increases that are "reasonable and just." And every publisher, whatever his field, endorses the idea of increased revenue for the Post Office Department provided that the increases are matched by distribution efficiencies.

[From the Journal Times, Racine, Wis., Dec. 12, 1972]

Death of Life Magazine

There have been repeated warnings that a staggering 170 per cent increase in postal rates over the next five years would kill off many of the nation's periodicals.

One of the first major victims was Look magazine which went down the road to oblivion 15 months ago. Now Life magazine is folding, ending a 36-year career.

Life will publish its last issue in December, ironically on the joys of Christmas.

The economic forces which killed Life include competition from television and the rapidly rising costs of production and distribution of the magazine.

The *coup de grace*, however, was delivered by the Postal Service with its disproportionate increases in mail rates.

If the boost in second-class mail rates is sounding the death knell for the great news weeklies, it all but dooms the small periodicals which are an important avenue of communication.

These intellectual gadflies are the primary, often the only means of publishing a vast quantity of writing by scholars, scientists, historians, economists, engineers and agronomists.

Some of the best contemporary literature—poetry, fiction, criticism and scholarly work—is published in the periodicals that will fall victim to the mail rate increases.

In an effort to make the United States mails a self-sustaining business, the Postal Service may succeed only in cutting off freedom of expression and communication in America.

Many will mourn the death of Life magazine. It pioneered in the field or photo journalism, opening up new horizons in the coverage of art, religion, science and current history.

There will be more casualties unless Congress intervenes. Wisconsin Sen. Gaylord Nelson proposed a bill in the last session which would have put limits on the mail rate increases, but it failed to pass.

The bill expressly stated, "That it shall be the obligation of the Postal Service to provide service at rates which encourage the widest possible dissemination of news, opinion, scientific, cultural and education matter."

Nelson and other lawmakers should reintroduce legislation that will prevent the certain destruction of many periodicals and other publications. If necessary, Congress should provide the Postal Service with funds so that rates won't be subject to such high increases.

Unless the trend is reversed, we will see a graveyard of magazines and periodicals and all of us will suffer an irreparable loss.

[From the New York Times, July 18, 1972]

Pricing Out Ideas

(By Tom Wicker)

Washington, July 17.—First it was the Nixon Administration, scaring ideas out of the market with the Vice President's attacks on the press, and with the court cases against publication of the Pentagon Papers.

Then it was the Supreme Court, ruling ideas out of the market by its holdings that reporters have no constitutional right to protect the confidentiality of their sources, and that members of Congress have no protected right to inform their constituencies, if in so doing they violate security classification procedures.

And on June 29, it was one of those faceless administrative agencies over which the American people have so little control—in this case, the Board of Governors of the U.S. Postal Service—pricing ideas out of the market by ordering into effect on July 6 second-class postal rate increases that average 127 per cent. The word to note here is *average;* in some of the most sensitive cases, the rate increases will be much higher.

The first increase in the new second-class rate structure will average over 30 per cent; the full increase will go into effect within five years. Its impact on the flow of ideas and opinion in America is likely to be catastrophic, for it is precisely upon smaller, usually less profitable publications that it will impose the heaviest burden. In such journals, the liveliest and most controversial intellectual traffic is usually to be found.

The television networks can hardly provide such material; they are under the shadow of Government regulation and intervention (as witness President Nixon's recent veto of funds for public television) and the necessity for widespread popular acceptance (even the entertaining Dick Cavett, it appears, is too intellectual for commercial TV). The big-circulation newspapers and magazines, in most cases, also cater to the conventional wisdom or, in deference to their supposed impact on public opinion, conduct themselves with a certain prudence (Mr. Agnew to the contrary notwithstanding).

That leaves it up to the "little magazines," the trade journals (Stone's Weekly was probably indispensable to a national peace movement in the 1960's), even the so-called "underground press," to propagate unpopular ideas, circulate contrary opinions, prod their larger colleagues, and act as intellectual and political gadflies in a nation all too prone to conformity and complacency.

This is not a question of party or ideology. Right-wing publications will suffer from these rate increases as quickly as those of the left; Human Events is as much affected as The Texas Observer. Aside, moreover, from political, economic and social commentary as Herman Wouk put it to Congress on behalf of writers and artists: "Much of the best contemporary literature—poetry, fiction, criticism and scholarly work—is published in the very magazines that will be the earliest victims of the scheduled second-class rate increases.

Some would make the case that manageable second-class rates are, in effect, Government subsidies to publishers. This is to turn the matter around, because it is clear that to increase the postal costs of a marginal publication from, say, $100,000 annually to $227,000 annually, is to strike it a death blow.

Besides, it has been Congressional policy since 1792 to provide certain preferential postal rates, not to enrich publishers but because as Mr. Justice Douglas once put it, it was considered heretofore that "periodicals which disseminated 'information of a public character' or which were devoted to 'literature, the sciences, arts, or some special industry' . . . contributed to the public good." That is not quite the same thing as subsidizing corporate farmers like Senator James O. Eastland or subsidizing oilmen with the depletion allowance; and the Senate Post Office and Civil Service Committee, reporting on the legislation establishing the Postal Service in 1970, made it quite clear that "the Postal Service is in fact and shall be operated as a service to the American people, not as a business enterprise."

Clearly, therefore, Congress ought to roll back the disastrous second-class increases that have been administratively imposed on a vital segment of the American press, and which may quite possibly destroy or cripple it. That can be done at this session, through legislation sponsored by Senator Nelson of Wisconsin, which would freeze the rate increases at the first-step level already in effect, phase future increases over a ten instead of a five-year period, and prevent the kind of surcharges particularly damaging to the smallest-circulation, lightest-weight publications.

This legislation would have no effect on third- and fourth-class rate increases. Its whole effect would be to stop the Postal Service from pricing ideas out of the market, at a time when the First Amendment is beginning to look like a Swiss cheese.

[From the Washington Evening Star and Daily News, Dec. 6, 1972]

POSTAL RATES AND PERIODICALS

(By David Lawrence)

Whenever any large private enterprise raises its prices to the public, there is a howl for the government to step in. But, oddly enough, when big government itself permits an unprecedented cost increase to be imposed on the publishing industry, causing the demise of some magazines and threatening the existence of others, nothing is done.

Despite protests by the publishers of periodicals who have expressed willingness to pay higher second-class postal rates if these were spread over 10 years instead of a 5-year period, the government takes no action.

The net result is that lots of companies are facing huge expenses with little time to prepare for them, and the government is failing to assist the publications in their transition difficulties.

The first announcement by the Postal Service called for an increase of 142 percent in the rates for second-class mail. This was subsequently changed to 129 percent, but the reduction is relatively ineffective in solving the problems of the publishing companies.

For decades past, the government made special provision for the mails to be used to help disseminate information to the public. But now this is going to be one of the costliest means of communication. Any publisher will have to feel assured of either a substantial increase in subscription prices or a big volume of advertising to take care of the expenses involved in delivering magazines to their destination.

Various magazines, of course, have been trying to overcome the dilemma by arranging with private companies to carry their issues to distant zones in order that the mail rates applicable would not be so high. But the Postal Service promptly changed the effect of this by declaring that postage would have to be paid on each individual piece of mail in addition to the customary weight charges.

Two years ago one company which had been steadily developing a successful publication was able to make a profit of a million dollars. But the next year, 1971, the higher postal rates came along and cut deeply into profits. If in that year the full amount of the postal increase had been in effect, it would have completely wiped out the profit and put the company in the red.

The data in other cases in which magazines could not recover from the losses have been given to members of Congress by committees formed by the magazine publishers, and efforts have been made to get bills passed by Congress to spread the added postal costs over a 10-year period so that they can be more readily absorbed. But no action was taken in the last session of Congress, and there is no indication that the administration will do anything about it during the next.

The government, of course, established the postal corporation, which is supposed to be a semiprivate body. It has, however, no right to impose rates that are so high as to impair the operations of businesses. But with the exception of a few senators and representatives who have written letters of protest on the subject, there has been little evidence of concern over the attitude taken by the postal service.

Yet it is known that some of the magazines which have ceased publication in the last two years have been affected by the postal-rate problem. Others have been encountering trouble because of the heavy costs under the new plan of high rates.

Over the years Congress has held the view that the press—including, of course, magazines—should have the benefit of low mail rates because this is one way of stimulating the establishment of publications of all kinds which could be of educational importance. In the last year and a half, however, the government's interest in the future of magazines has waned, and all magazines now are faced with serious problems which may eliminate more of them within the next decade. For they cannot raise subscription prices enough to cover the postal charges. People aren't accustomed to paying $25 or $30 a year for a magazine, and it will take a number of years to get them used to such prices. Meanwhile, some publications will not be able to survive because they will not have money enough to pay the higher second-class postal rates.

Fortunately, there are publications that have a cushion of assets which will enable them to go through the crisis. But even if one's own enterprise is not threatened, the fate of others is still a matter of great concern to anyone who has grown up with the idea that the U.S. government has a stake in seeing printed newspapers and magazines distributed widely to help tell the people what's going on. Entertainment is important, but the facts about the happenings in government and in the life of the nation are essential if public opinion is to become important.

[From the Washington Evening Star and Daily News, Dec. 11, 1972]

POSTAL RISE CULPRIT IN "LIFE" DEATH

(By David Lawrence)

A concrete example of how the high rates for second-class postage have upset the publishing industry is furnished by the announcement just made by Time, Inc., that it will suspend the publication of Life magazine at the end of this month.

This is the second of the larger national magazines to be crushed by the second-class postal rates. In a statement on the latest suspension, executives of the magazine pointed out that it had reduced its production from 8.5 to 5.5 million copies and increased the per copy price, but said that the impact of these moves was undercut by "a very heavy increase in second-class postal rates."

When the postal rate increase was first proposed, publishers realized that an added $130 million would have to be found annually to pay for mail service by the year 1976. Life magazine, in an editorial, declared that this amount was more than twice the profits earned by all magazines in 1970. The editorial added:

"Our four magazines (published by Time, Inc.) earned $11 million before taxes last year (1970); over the next five years the bill for mailing these magazines to subscribers would rise by about $27 million.

"Such drastic increases might be tolerable if the publishing industry could pass them on to customers by raising subscription and advertising rates.

"The industry has been raising both in recent years, but as the shrinking profit figures show, the high rates haven't been sufficient to offset higher costs. The experience of recent years also shows that steep increases in subscription rates tend to lead to lower circulation.

"Thus, if the entire postal rate increase were passed on to subscribers, a chain reaction might get under way in which falling circulation would lead to lower quality, thence to a further drop in circulation, and so on. . . .

"The postal service obviously needs more revenue. But it should not impose an increase that could literally drive hundreds of marginal magazines and newspapers out of business and lower the quality of those that survive.

"On the available data, it appears to us that a far more modest rate increase of about 60 percent over five years—still very stiff by any normal yardstick—would cover all costs directly related to the carrying of second-class mail and in addition would provide a modest contribution to the postal system's overhead."

The editorial went on to say the Congress, by turning over the postal service to an independent rate commission, had given it the "power of life and death" over a segment of the press.

There's no question that publishers believe an increase in rates could be imposed without putting either magazines or newspapers out of business, and the general feeling is that, by distributing the rise over ten years, the objective can be attained. Strangely enough, however, although this argument has been laid before Congress and the Postal Service, nothing has been done about it. Not only has Look magazine gone, but now Life, which has been a leading publication in the photojournalism field in the United States, has announced its demise.

Time, Inc., happens to be a company able to retain on its payrolls many of the employees working on Life magazine and to assist others with severance pay and help in getting employment elsewhere. But the death of the big magazine, which had a huge circulation and has been popular, shows that the government has ignored the pleas for lower postal rate increases during a 10-year transition period so magazines could handle the new levies without in any way reducing long-range benefits to the government.

Nothing of importance has been done in the last year and a half despite the pressures applied and the moves by some members of Congress to get a new formula adopted. If Congress would assure an appropriation for a 10-year period to take care of a lower second-class postal rate than now proposed, the publishing world would be greatly relieved.

This is something that does not merely relate to profitable operations. It has a good deal to do with making it possible for publishing companies to continue to exist and to carry on their enterprises. For it is evident that it is not practical to raise subscription prices suddenly and that it is essential that the period of transition be adapted to the conditions which prevail in the publishing industry.

By Mr. CHURCH (for himself and Mr. MAGNUSON):

S. 631. A bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act. Referred to the Committee on Finance.

COVERAGE OF OUT-OF-HOSPITAL PRESCRIPTION DRUGS UNDER MEDICARE

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) and myself, I introduce for appropriate reference a bill to extend medicare coverage to include out-of-hospital prescription drugs which are necessary for the treatment of crippling or life-threatening conditions.

Medicare now covers the cost of prescriptions for patients in a hospital or extended care facility. But, it does not provide protection for older or disabled Americans who require drugs on an outpatient basis.

This lack of coverage represents one of the most serious gaps in the entire medicare program.

Prescriptions now constitute the largest single health care expense which the aged must meet almost entirely from their own resources. The 1971 Social Security Advisory Council pointed out, for example, that about 20 percent of all private health care expenditures for the aged are for drugs.

Annual per capita expenses for prescriptions are more than three times as great for older Americans as for persons under 65.

Perhaps even more significant, this expense falls most heavily upon those who can least afford it—the low-income aged who suffer from chronic conditions. Approximately 15 percent of all older Americans are afflicted with severe chronic conditions. And drug costs for this group are nearly six times as great as for younger Americans.

Today, the greatest threat to the economic security of many older Americans is the high cost of illness. Despite its valuable protection, medicare covers only about 42 percent of the health care expenses of the elderly. However, coverage of out-of-hospital prescriptions for crippling or life threatening conditions would be a crucial step in closing a major gap in medicare coverage.

This protection is, in my judgment, not only indispensable for the elderly, but it is also long overdue.

The need for this coverage has been reaffirmed time and time again by numerous leading authorities—including the President's own Task Force on Aging, the 1971 Social Security Advisory Council, an HEW Task Force on Prescription Drugs, a Review Committee on Prescription Drugs, and national senior citizen organizations.

Today, some hospital stays are prolonged simply to enable medicare patients to obtain reimbursement for their prescriptions. This practice is not only wasteful, but it also drives up medical costs because institutionalization is the most expensive form of health care. However, if our Nation could shave one hospital day off the medicare national average, this savings could amount to nearly $400 million.

For these reasons, I again emphatically urge the adoption of this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 631

A bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226(c)(1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and eligible drugs".

(b) Section 1811 of the Social Security Act is amended by inserting "and eligible drugs" after "related post-hospital services".

(c) Section 1812(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) eligible drugs.".

(d) Section 1813(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) The reasonable allowance, as defined in section 1813, for eligible drugs furnished an individual pursuant to any one prescription (or each renewal thereof) and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment obligation which shall be $1."

(e)(1) Section 1814(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to and requiring (except for insulin) a physician's prescription, such drugs or biologicals are eligible drugs as defined in section 1861(t) and the participating pharmacy (as defined in section 1861 (dd)) has such prescription in its possession, or some other record (in the case of insulin) that is satisfactory to the Secretary."

(2) Section 1814(b) of such Act is amended—

(A) by inserting "(1)" after "(b)",

(B) by inserting "(other than a pharmacy)" immediately after "provider of services",

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(D) by redesignating clauses (A) and (B) of paragraph (1) as clauses (i) and (ii), respectively, and

(E) by adding at the end thereof the following new paragraph:

"(2) The amount paid to any participating pharmacy which is a provider of services with respect to eligible drugs for which payment may be made under this part shall, subject to the provisions of section 1813, be the reasonable allowance (as defined in section 1822) with respect to such drugs."

(f) Section 1814 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Eligible Drugs

"(j) Payments may be made under this part for eligible drugs only when such drugs are dispensed by a participating pharmacy; except that payment under this part may be made for eligible drugs dispensed by a physician where the Secretary determines, in accordance with regulations, that such eligible drugs were required in an emergency or that there was no participating pharmacy available in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a participating pharmacy for purposes of this part with respect to the dispensing of such eligible drugs."

(g) Part A of title XVIII of the Social Security Act is further amended by adding after section 1818 the following new sections:

"MEDICARE FORMULARY COMMITTEE

"SEC. 1819. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Medicare Formulary Committee (hereinafter referred to as the 'Committee'), a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the employ of the Federal Government) who do not have a direct or indirect financial interest in the composition of the Formulary established under this section and who are of recognized professional standing and distinction in the fields of medicine, pharmacology, or pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected annually from the appointed members thereof, by majority vote of the members of the Committee.

"(2) Each appointed member of the Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of each of the first five years. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary (but not in excess of the daily rate paid under GS-18 of the General Schedule under section 5332 of title 5, United States Code), including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c)(1) The Committee is authorized, with the approval of the Secretary, to engage or contract for such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"MEDICARE FORMULARY

"SEC. 1820. (a)(1) The Committee shall compile, publish, and make available a Medicare Formulary (hereinafter in this title referred to as the 'Formulary').

"(2) The Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(b) (1) The Formulary shall contain an alphabetically arranged listing, by established name, of those drug entities within the following therapeutic categories:

"Adrenocorticoids
"Anti-anginals
"Anti-arrhythmics
"Anti-coagulants
"Anti-convulsants (excluding phenobarbital)
"Anti-hypertensives
"Anti-neoplastics
"Anti-Parkinsonism agents
"Anti-rheumatics
"Bronchodilators
"Cardiotonics
"Cholinesterase inhibitors
"Diuretics
"Gout suppressants
"Hypoglycemics
"Miotics
"Thyroid hormones
"Tuberculostatics

which the Committee decides are necessary for individuals using such drugs. The Committee shall exclude from the Formulary any drug entities (or dosage forms and strengths thereof) which the Committee decides are not necessary for proper patient care, taking into account other drug entities (or dosage forms and strengths thereof) which are included in the Formulary.

"(2) Such listing shall include the specific dosage forms and strengths of each drug entity (included in the Formulary in accordance with paragraph (1)) which the Committee decides are necessary for individuals using such drugs.

"(3) Such listing shall include the prices at which the products (in the same dosage form and strength) of such drug entities are generally sold by the suppliers thereof and the limit applicable to such prices under section 1822(b) (1) for purposes of determining the reasonable allowance.

"(4) The Committee may also include in the Formulary, either as a separate part (or parts) thereof or as a supplement (or supplements) thereto, any or all of the following information:

"(A) A supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drug entities (and dosage forms and strengths thereof) included in the listing referred to in paragraph (1).

"(B) The proprietary names under which products of a drug entity listed in the Formulary by established names (and dosage form and strength) are sold and the names of each supplier thereof.

"(C) Any other information with respect to eligible drug entities which in the judgment of the Committee would be useful in carrying out the purposes of this part.

"(c) In considering whether a particular drug entity (or strength or dosage form thereof) shall be included in or excluded from the Formulary, the Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug entity which is available to any other department, agency, or instrumentality of the Federal Government, and to request suppliers or manufacturers of drugs and other knowledgeable persons or organizations to make available to the Committee information relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Committee shall respect the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of its authority.

"(d) (1) The Committee shall establish such procedures as it determines to be necessary in its evaluation of the appropriateness of the inclusion in or exclusion from the Formulary, of any drug entity (or dosage form or strength thereof). For purposes of inclusion in or exclusion from the Formulary the principal factors in the determination of the Committee shall be:

"(A) the factor of clinical equivalence in the case of the same dosage forms in the same strength of the same drug entity, and

"(B) the factor of relative therapeutic value in the case of similar or dissimilar drug entities in the same therapeutic category.

"(2) The Committee, prior to making a final decision to remove from listing in the Formulary any drug entity (or dosage forms or strengths thereof) which is included therein, shall afford a reasonable opportunity for a formal or informal hearing on the matter to any person engaged in manufacturing, preparing, compounding, or processing such drug entity who shows reasonable ground for such a hearing.

"(3) Any person engaged in the manufacture, preparation, compounding, or processing of any drug entity (or dosage forms or strengths thereof) not included in the Formulary which such person believes to possess the requisite qualities to entitle such drug to be included in the Formulary pursuant to subsection (b), may petition for inclusion of such drug entity and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a formal or informal hearing on the matter in accordance with rules and procedures established by such Committee.

"LIMITATIONS ON MEDICARE PAYMENT FOR CHARGES OF PROVIDERS OF SERVICES

"SEC. 1821. (a) Any provider of services as defined in section 1861(u), whose services are otherwise reimbursable, under any program under this Act in which there is Federal financial participation on the basis of 'reasonable cost', shall not be entitled to a professional fee or dispensing charge or reasonable billing allowance as determined pursuant to this part.

"(b) A fee, charge, or billing allowance shall not be payable under this section with respect to any drug entity that (as determined in accordance with regulations) is furnished as an incident to a physician's professional service, and is of a kind commonly furnished in physicians' offices and commonly either rendered without charge or included in the physicians' bills.

"REASONABLE ALLOWANCE FOR ELIGIBLE DRUGS

"SEC. 1822. (a) For purposes of this part, the term 'reasonable allowance' when used in reference to an eligible drug (as defined in subsection (h) of this section) means the following:

"(1) When used with respect to a prescription legend drug entity, in a given dosage form and strength, such term means the lesser of—

"(A) an amount equal to the customary charge at which the participating pharmacy sells or offers such drug entity, in a given dosage form and strength, to the general public, or

"(B) the price determined by the Secretary, in accordance with subsection (b) of this section, plus the professional fee or dispensing charges determined in accordance with subsection (c) of this section.

"(2) When used with respect to insulin such term means the charge not in excess of the reasonable customary price at which the participating pharmacy offers or sells the product to the general public, plus a reasonable billing allowance.

"(b) (1) For purposes of establishing the reasonable allowance in accordance with subsection (a) the price shall be (A) in the case of a drug entity (in any given dosage form and strength) available from and sold by only one supplier, the price at which such drug entity is generally sold (to establishments dispensing drugs), and (B) in any case in which a drug entity (in any given dosage form and strength) is available and sold by more than one supplier, only each of the lower prices at which the products of such drug entity are generally sold (and such lower prices shall consist of only those prices of different suppliers sufficient to assure actual and adequate availability of the drug entity, in a given dosage form and strength, at such prices in a region).

"(2) If a particular drug entity (in a given dosage form and strength) in the Formulary is available from more than one supplier, and the product of such drug entity as available from one supplier possesses demonstrated distinct therapeutic advantages over other products of such drug entity as determined by the Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug entity, then the reasonable allowance for such supplier's drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(3) If the prescriber, in his handwritten order, has specifically designated a particular product of a drug entity (and dosage form and strength) included in the Formulary by its established name together with the name of the supplier of the final dosage form thereof, the reasonable allowance for such drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(c) (1) For the purpose of establishing the reasonable allowance (in accordance with subsection (a)) a participating pharmacy, shall, in the form and manner prescribed by the Secretary, file with the Secretary, at such times as he shall specify, a statement of its professional fee or other dispensing charges.

"(2) A participating pharmacy, which has agreed with the Secretary to serve as a provider of services under this part, shall, except for subsection (a) (1) (A), be reimbursed, in addition to any price provided for in subsection (b), the amount of the fee or charges filed in paragraph (1), except that no fee or charges shall exceed the highest fee or charges filed by 75 per centum of participating pharmacies (with such pharmacies classified on the basis of (A) lesser dollar volume of prescriptions and (B) all others) in a census region which were customarily charged to the general public as of June 1, 1973. Such prevailing professional fees or dispensing charges may be modified by the Secretary in accordance with criteria and types of data comparable to those applicable to recognition of increases in reasonable charges for services under section 1842.

"(3) A participating pharmacy shall agree to certify that, whenever such pharmacy is required to submit its usual professional fee or dispensing charge for a prescription, such charge does not exceed its customary charge."

(h) Section 1861 (t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'eligible drug' means a drug or biological which (A) can be self-administered, (B) requires a physician's prescription (except for insulin), (C) is prescribed when the individual requiring such drug is not an inpatient in a hospital or extended care facility, during a period of covered care, (D) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (E) is dispensed (except as provided by section 1814 (j)), by a pharmacist from a participating pharmacy, and (F) is dispensed in quantities consistent with proper medical practice and reasonable professional discretion."

(i) Section 1861(u) of the Social Security Act is amended by striking out "home health agency," and inserting in lieu thereof "home health agency, pharmacy,".

(j) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Participating pharmacy

"(dd) The term 'participating pharmacy' means a pharmacy, or other establishment (including the outpatient department of a hospital) providing pharmaceutical services (1) which is licensed as such under the laws of the State (where such State requires such licensure) or which is otherwise lawfully providing pharmaceutical services in which such drug is provided or otherwise dispensed in accordance with this title, (2) which has agreed with the Secretary to act as a provider of services in accordance with the requirements of this section, and which complies with such other requirements as may be established by the Secretary in regulations to assure the proper, economical, and efficient administration of this title, (3) which has agreed to submit, at such frequency and in such form as may be prescribed in regulations, bills for amounts payable under this title for eligible drugs furnished under part A of this title, and (4) which has agreed not to charge beneficiaries under this title any amounts in excess of those allowable under this title with respect to eligible drugs except as is provided under section 1813(a)(4), and except for so much of the charge for a prescription (in the case of a drug product prescribed by a physician, of a drug entity in a strength and dosage form included in the Formulary where the price at which such product is sold by the supplier thereof exceeds the reasonable allowance) as is in excess of the reasonable allowance established for such drug entity in accordance with section 1822."

(k)(1) The first sentence of section 1866 (a)(2)(A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment obligation and excess above the reasonable allowance consistent with section 1861(dd) (4) and (iii)".

(2) The second sentence of section 1866 (a)(2)(A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(l) The amendments made by this section shall apply with respect to eligible drugs furnished on and after the first day of January 1974.

SEC. 2. (a)(1)(A) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Section 209(a) of such Act is further amended by inserting, immediately after paragraph (8) thereof, the following new paragraph:

"(9) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding provisions of this section) equal to $13,200 with respect to employment has been paid to an individual during any calendar year after 1974 and prior to 1976, is paid to such individual during such calendar year;".

(C) Paragraph (9) of section 209(a) of such Act is—

(i) redesignated as paragraph (10); and

(ii) amended by striking out "1974" and inserting in lieu thereof "1975".

(2)(A) Section 211(b)(1)(H) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Paragraph (1) of section 211(b) of such Act is further amended by inserting, immediately after subparagraph (H) thereof, the following new subparagraph:

"(I) For any taxable year beginning after 1974 and prior to 1976, (i) $13,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and".

(C) Subparagraph I of paragraph (1) of section 211 (b) of such Act—

(i) is redesignated as subparagraph (J); and

(ii) is amended by striking out "1974" and inserting in lieu thereof "1975".

(3)(A) Section 213 (a)(2)(ii) of such Act is amended by striking out "or $12,000 in the case of a calendar year after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof "or $12,300 in the case of a calendar year after 1973 and before 1975, or $13,200 in the case of a calendar year after 1974 and before 1976, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1975 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "or $12,000 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974" and inserting in lieu thereof "or $12,300 in the case of a taxable year beginning after 1974 and before 1976, or an amount equal to the contribution and benefit base (as determined under section 230 which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1975".

(4) Section 215(e)(1) of such Act is amended by striking out "the excess over $12,000 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof "the excess over $12,300 in the case of any calendar year after 1973 and before 1975, the excess over $13,200 in the case of any calendar year after 1974 and before 1976, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1975 with respect to which such contribution and benefit base is effective."

(b)(1)(A) Section 1402(b)(1)(H) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended (i) by striking out "$12,000" and inserting in lieu thereof "$12,300," and (ii) by striking out "and" at the end thereof.

(B) Section 1402(b)(1) of such Code is further amended by inserting, immediately after subparagraph (H) thereof, the following new subparagraph:

"(I) for any taxable year beginning after 1974 and before 1976, (i) $13,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and".

(C) Subparagraph (I) of section 1402(b) (1) of such Code—

(i) is redesignated as subparagraph (J); and

(ii) is amended by striking out "1974" and inserting in lieu thereof "1975."

(2)(A)(i) Effective with respect to remuneration paid after 1973 section 3121 (a) (1) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out "$10,800" each place it appears and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(2)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, section 3121(a)(1) of such Code is amended by striking out "$12,300" each place it appears and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to remuneration paid after 1975, section 3121(a)(1) of such Code is amended—

(I) by striking out "$13,200" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(II) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(ii) Section 203(b)(2)(C) of Public Law 92-336 is hereby repealed.

(3)(A)(i) Effective with respect to remuneration paid after 1973 the second sentence of section 3122 of the Internal Revenue Code of 1954 (relating to Federal service) is amended by striking out "$10,800" and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(3)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "$12,300" and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to remuneration paid after 1975, the second sentence of section 3122 of such Code is amended by striking out "the $13,300 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(ii) Section 203(b)(3)(C) of Public Law 92-336 is hereby repealed.

(4)(A)(i) Effective with respect to remuneration paid after 1973, section 3125 of the Internal Revenue Code of 1954 (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$10,800" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(4)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "$12,300" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to remuneration paid after 1975, section 3125 of such Code is amended by striking out "the $13,200 limitation", where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "the contribution and benefit base limitation".

(ii) Section 203(b)(4)(C) of Public Law 92-336 is hereby repealed.

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by striking out "(G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,000, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year," and inserting in lieu thereof "(G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,300, or (H) during any calendar year after the calendar year 1974 and prior to the calendar year 1976, the wages received by him during such year exceed $13,200, or (I) during any calendar year after 1975, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(B) by striking out 'or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year" and inserting in lieu thereof "or which exceeds the tax with respect to the first $12,300 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to the first $12,200 of such wages received in such calendar year after 1974 and before 1976, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1975 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413 (a)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "$12,000 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof "$12,300 for the calendar year 1974, $13,200 for the calendar year 1975, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1975 with respect to which such contribution and benefit base is effective".

(7)(A)(i) Effective with respect to taxable years beginning after 1973, section 6654 (d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$10,800" and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(7)(B) of Public Law 92–336 is hereby repealed.

(B) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B) (ii) of such Code is amended by striking out "$12,300" and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to taxable years beginning after 1975, section 6654(d) (2)(B)(ii) of such Code is amended by striking out "the excess of $13,200 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(ii) Section 203(b)(7)(C) of Public Law 92–336 is hereby repealed.

Sec. 3. Section 230(c) of the Social Security Act is amended—

(1) by striking out "year after 1973" and inserting in lieu thereof "year after 1975"; and

(2) by striking out "$12,000" and inserting in lieu thereof "$13,200".

Sec. 4. (a) Section 1401 (b) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1974, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1973, the tax shall be equal to 1.05 percent of the amount of the self-employment income for such taxable year."

(b) Section 3101 (b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar year 1973, the rate shall be 1.0 percent; and

"(3) with respect to wages received after December 31, 1973, the rate shall be 1.05 percent."

(c) Section 3111 (b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 1.0 percent; and

"(3) with respect to wages paid after December 31, 1973, the rate shall be 1.05 percent."

(d) The amendment made by subsection (a) shall apply only with respect to taxable years beginning after December 31, 1973; the amendments made by subsections (b) and (c) shall apply only with respect to remuneration paid after December 31, 1973.

By Mr. CHURCH (for himself, Mr. Magnuson, Mr. Mansfield, and Mr. Cranston):

S. 632. A bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes. Referred to the Committee on Finance.

INCREASE IN SOCIAL SECURITY RETIREMENT TEST TO $3,000

Mr. CHURCH. Mr. President, on behalf of the Senator from Montana (Mr. Mansfield) the Senator from Washington (Mr. Magnuson), and the Senator from California (Mr. Cranston), I introduce for appropriate reference a bill to raise the social security retirement test to $3,000.

In recent years our Nation has erected serious roadblocks to employment opportunities for older Americans. As a result, more and more are forced to drop out of the labor force. Today only about 15 percent of all persons age 65 or older are employed—quite frequently in part-time and lower-paying jobs.

But why should our Nation attempt to shut off activity for the elderly, especially when inactivity is one of their greatest enemies?

Why should our national policies penalize or discourage those who want to work or need to work?

Despite these recurring questions, the retirement test under social security continues to act as a deterrent to employment for many older Americans.

Last year, the Congress took a number of constructive steps to improve this provision.

First, the maximum annual earnings limitation for persons under age 72 was increased from $1,680 to $2,100 a year.

Second, for earnings in excess of this amount, $1 in social security benefits will be withheld for each $2 of earnings. Under prior law, this $1-for-$2 reduction applied only to wages between $1,680 and $2,880. Thereafter, social security payments were reduced for each dollar of wages.

Third, the amount of exempt earnings will be increased automatically in proportion to the rise in average wages, whenever social security benefits are raised automatically.

Fourth, earnings in and after the month in which a person attains age 72 will not be included, as under prior law, in determining total wages for the year.

The bill that I introduce today is designed to build upon these earlier positive reforms. Briefly stated, my proposal would raise the maximum exempt earnings limitation under social security from $2,100 to $3,000.

This measure, I strongly believe, would help to provide greater equity for those who must work to supplement their retirement income.

All too often, social security payments are insufficient to enable older Americans to live decently and comfortably.

Average benefits for retired workers now amount to about $1,932 a year—or about $37 a week.

Consequently, many older Americans need to work if they are to live independently. And they should be given every opportunity to help themselves.

The elderly are not asking for a handout. They simply want a chance to earn additional income to escape from the vice-like grip of poverty or to live in dignity and self-respect in retirement.

My proposal, I also want to emphasize, was enthusiastically endorsed by the income section at the 1971 White House Conference on Aging.

And I am hopeful that this measure will receive priority attention during this Congress.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4)(B) of section 203(f), and paragraph (1)(A) of section 203 (h), of the Social Security Act are each amended by striking out "$175" and inserting in lieu thereof "$250".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 1973.

Sec. 2. (a)(1)(A) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Section 209(a) of such Act is further amended by inserting, immediately after paragraph (8) thereof, the following new paragraph:

"(9) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding provisions of this section) equal to $13,200 with respect to employment has been paid to an individual during any calendar year after 1974 and prior to 1976, is paid to such individual during such calendar year;".

(C) Paragraph (9) of section 209(a) of such Act is—

(i) redesignated as paragraph (10); and

(ii) amended by striking out "1974" and inserting in lieu thereof "1975".

(2)(A) Section 211(b)(1)(H) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Paragraph (1) of section 211(b) of such Act is further amended by inserting, immediately after subparagraph (H) thereof, the following new subparagraph:

"(I) For any taxable year beginning after 1974 and prior to 1976, (i) $13,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and".

(C) Subparagraph I of paragraph (1) of section 211(b) of such Act—

(i) is redesignated as subparagraph (J); and

(ii) is amended by striking out "1974" and inserting in lieu thereof "1975".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "or $12,000 in the case of a calendar year after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof "or $12,300 in the case of a calendar year after 1973 and before 1975, or $13,200 in the case of a calendar year after 1974 and before 1976, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1975 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "or $12,000 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974" and inserting in lieu thereof "or $12,300 in the case of a taxable year beginning after 1974 and before 1976, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1975".

(4) Section 215(e)(1) of such Act is amended by striking out "the excess over $12,000 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof "the excess over $12,300 in the case of any calendar year after 1973 and before 1975, the excess over $13,200 in the case of any calendar year after 1974 and before 1976, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1975 with respect to which such contribution and benefit base is effective".

(b)(1)(A) Section 1402(b)(1)(H) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended (i) by striking out "$12,000" and inserting in lieu thereof "$12,300", and (ii) by striking out "and" at the end thereof.

(B) Section 1402(b)(1) of such Code is further amended by inserting, immediately after subparagraph (H) thereof, the following new subparagraph:

"(I) for any taxable year beginning after 1974 and before 1976, (i) $13,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and".

(C) Subparagraph (I) of section 1402 (b)(1) of such Code—

(i) is redesignated as subparagraph (J); and

(ii) is amended by striking out "1974" and inserting in lieu thereof "1975".

(2)(A)(i) Effective with respect to remuneration paid after 1973, section 3121 (a)(1) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out "$10,800" each place it appears and inserting in lieu thereof "$12,300".

(ii) Section 203 (b) (2) (B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, section 3121 (a) (1) of such Code is amended by striking out "$12,300" each place it appears and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to remuneration paid after 1975, section 3121 (a)(1) of such Code is amended—

(I) by striking out "$13,200" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(II) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(ii) Section 203(b)(2)(C) of Public Law 92-336 is hereby repealed.

(3)(A)(i) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of the Internal Revenue Code of 1954 (relating to Federal service) is amended by striking out "$10,800" and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(3)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "$12,300" and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to remuneration paid after 1975, the second sentence of section 3122 of such code is amended by striking out "the $13,300 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(ii) Section 203(b)(3)(C) of Public Law 92-336 is hereby repealed.

(4)(A)(i) Effective with respect to remuneration paid after 1973, section 3125 of the Internal Revenue Code of 1954 (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$10,800" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(4)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "$12,300" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "$13,2000".

(C)(i) Effective with respect to remuneration paid after 1975, section 3125 of such Code is amended by striking out "the $13,200 limitation", where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "the contribution and benefit base limitation".

(ii) Section 203(b)(4)(C) of Public Law 92-336 is hereby repealed.

(5) Section 6413(c)(1) of such code (relating to special refunds of employment taxes) is amended—

(A) by striking out "(G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,000, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year," and inserting in lieu thereof "(G) during any calendar year after the calendar year 1973 and prior to the calendar year after 1975, the wages received by him during such year exceed $12,300, or (H) during any calendar year after the calendar year 1974 and prior to the calendar year 1976, the wages received by him during such year exceed $13,200, or (I) during any calendar year after 1975, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year, "; and

(B) by striking out "or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year" and inserting in lieu thereof "or which exceeds the tax with respect to the first $12,300 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to the first $13,200 of such wages received in such calendar year after 1974 and before 1976, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1975 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(a)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "$12,000 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective" and inserting in lieu thereof $12,300 for the calendar year 1974, $13,200 for the calendar year 1975, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1975 with respect to which such contribution and benefit base is effective".

(7)(A)(i) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$10,800" and inserting in lieu thereof "$12,300".

(ii) Section 203(b)(7)(B) of Public Law 92-336 is hereby repealed.

(B) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$12,300" and inserting in lieu thereof "$13,200".

(C)(i) Effective with respect to taxable years beginning after 1975, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $13,200 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(ii) Section 203(b)(7)(C) of Public Law 92-336 is hereby repealed.

SEC. 3. (a) Section 230(c) of the Social Security Act is amended—

(1) by striking out "year after 1973" and inserting in lieu thereof "year after 1975"; and

(2) by striking out "$12,000" and inserting in lieu thereof "$13,200".

By Mr. CHURCH (for himself and Mr. MAGNUSON):

S. 633. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS HOME REPAIR ASSISTANCE ACT

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) and myself, I introduce for appropriate reference the Older Americans Home Repair Assistance Act.

Nearly 70 percent of all persons 65 or older now own their homes. But homeownership—even though it may have required a lifetime of toil and savings—does not automatically guarantee comfort, security or satisfaction. Today many aged homeowners are caught in the web of spiraling maintenance costs. In far too many cases, there is simply no way out.

Over the past 4 years, the overall cost of living has increased by 19 percent. Home maintenance costs, however, have jumped by 30 percent.

As a result, large numbers of older Americans find it impossible to stretch their limited incomes far enough to maintain or repair their homes. Others cannot perform these tasks because of failing health. And some, especially elderly widows, do not have the necessary skills to repair leaky roofs or do other necessary chores to rehabilitate their deteriorating homes.

Today it is estimated that perhaps 6 million older Americans live in dilapidated or substandard housing. It is no wonder that millions of elderly find themselves in an impossible housing situation. Rising property taxes and maintenance costs are driving them from their homes. Yet, suitable alternative rental quarters at reasonable prices are frequently not available.

The proposal that I introduce today is designed to focus on one crucial aspect of this intensifying problem: the need to make home repair services available for aged homeowners who would otherwise have difficulty in paying for these costs. To achieve this goal, my bill would authorize the Secretary of Labor to enter into contracts with public or private nonprofit organizations sponsoring home repair projects.

Supplies and materials would be furnished by the elderly homeowner, but the labor would be provided without charge. Appropriate safeguards are also included in the bill to insure that these projects would not displace employed workers or impair existing contracts.

The benefits of this undertaking, it seems to me, are many. First, vital home repairs—such as renovation of decaying houses, rebuilding porches, and installing window glass—would help many elderly persons to live independently in their own homes. From a policy standpoint, this is particularly desirable because most older Americans would prefer to remain in their own homes.

Second, this measure would also provide new and gainful job opportunities for unemployed individuals 55 or older. For many older workers—particularly those with skills outdistanced by technological advances—serving others in their own communities can offer a second and exciting career. The importance of this thrust should not be underestimated because more than 500,000 persons 55 or older are now unemployed. Moreover, this figure probably only represents the tip of the iceberg since there is a substantial amount of "hidden" unemployment among persons in this age category.

Third, enactment of this measure would help to build upon the solid achievements of the Mainstream pilot projects, such as Green Thumb, Senior Aides, Senior Community Service Aides, and the Senior Community Service Program. These projects have proved to be enormously successful, and they should become national programs.

Safe and decent housing is indispensable for a satisfying life for the elderly. And passage of the Older Americans Home Repair Assistance Act can be an important stepping stone toward the longstanding goal of a suitable living environment for the aged.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Home Repair Assistance Act of 1973".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "eligible individual" means an individual who is at least 55 years of age, who has an income, as determined by the Secretary, not in excess of 125 percent of the poverty level income for poor individuals established for that fiscal year by the Director of the Office of Management and Budget, and who has or is determined reasonably likely to have difficulty in securing employment;

(2) "home-repair project" means any work determined by the Secretary to be appropriate for any eligible individual to perform with respect to the repair of a home of any adult categorical assistance recipient under the Social Security Act or any other eligible homeowner and includes carpentry, painting, masonry, plumbing, wallpapering, and electrical work;

(3) "eligible homeowner" means any person aged 65 or older whose income is not in excess of the intermediate budget for a retired couple in urban areas of the United States, as determined by the most recent data available to the Secretary;

(4) "Secretary" means the Secretary of Labor;

(5) "State" means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

APPROPRIATIONS AUTHORIZED

SEC. 3. There are hereby authorized to be appropriated $———— for the fiscal year ending June 30, 1973, and $———— for the fiscal year ending June 30, 1974.

PROGRAM AUTHORIZED

SEC. 4. (a) In order to promote work opportunities for unemployed or underemployed persons who are at least 55 years of age and who have poor employment prospects and to assist eligible homeowners to repair their homes, the Secretary is authorized in accordance with the provisions of this Act, to enter into contracts with public or private nonprofit agencies or organizations for the conduct of home repair projects by eligible individuals.

(b) The Secretary shall not enter into any contract under this Act unless he determines that such project—

(1) will provide work opportunities for eligible individuals who do not have opportunities for other suitable paid employment;

(2) will provide work for such individuals only on a home-repair project;

(3) will result in an increase in employment opportunities for eligible individuals and will not result in the displacement of employed workers or impair existing contracts;

(4) will utilize methods of recruitment and selection which will assure that the maximum of eligible individuals will have an opportunity to participate in the project to be assisted;

(5) will include such short-term training as may be necessary to make the most effective use of the skills and talents of those eligible individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained including a reasonable subsistence allowance;

(6) will assure that reasonably safe and healthy conditions of work will be provided, and will assure that persons employed under such programs will be paid at rates comparable to the rates of pay prevailing in the same labor market area for persons employed in similar work, but in no event shall any person employed under such programs be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, or the appropriate State minimum wage, whichever is higher;

(7) will be administered with the advice of persons who are knowledgeable with regard to the needs of older persons; and

(8) will authorize pay for transportation costs of eligible individuals which may be incurred in employment in any project assisted under this Act in accordance with regulations promulgated by the Secretary.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States and between urban and rural areas under this Act. In developing such criteria the Secretary shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 6. (a) Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may approve assistance in excess of 90 per centum if he determines, pursuant to regulations establishing objective criteria for such determinations, that it is necessary to further the objectives of this Act to pay such excess. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(b) Payments under this Act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary determines necessary to carry out the objectives of this Act.

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 8. Eligible individuals who are employed in any project assisted under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

ADMINISTRATION

SEC. 9. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORT

SEC. 10. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act.

By Mr. CHURCH (for himself and Mr. McCLURE):

S. 634. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LANDS FOR THE KOOTENAI TRIBE

Mr. CHURCH. Mr. President, I am today introducing legislation on behalf of myself and my distinguished colleague (Mr. McCLURE) which would declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes.

The Kootenai Tribe of Idaho has no tribal land at present. The tribe has long desired the return of the Kootenai Mission Village site, which consists of 12.5 acres of land owned by the U.S. Government, 2.5 acres of which were purchased by the United States in 1914 from Kootenai allotment No. 11 to be used as the site for a Kootenai Indian school. With the acquisition of this specified acreage they can construct a tribal community center—an important step for the continuance of the social and economic development of the tribe.

Similar legislation was introduced by Senator Len Jordan and myself during the 92d Congress. I am pleased that my distinguished colleague, Mr. McCLURE, who as a Congressman sponsored the House of Representatives' version of this legislation last year, is joining me in an all-out effort to obtain this small tract of land in north Idaho for the Kootenai Tribe of Idaho.

By Mr. BENTSEN:

S. 635. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

AGE DISCRIMINATION IN EMPLOYMENT LEGISLATION

Mr. BENTSEN. Mr. President, I introduce for appropriate reference a measure to bring Federal, State, and local employees under the jurisdiction of the Age Discrimination in Employment Act of 1967.

This is essentially the same legislation I introduced last year, both as a separate bill and as an amendment to the Fair Labor Standards Act. It received unanimous Senate support, passing by a vote of 86 to 0. Unfortunately, the House refused to go to conference because of disagreements concerning the proposed level of the minimum wage, and, as a consequence, my amendment died along with the rest of the bill.

I am convinced, however, that there is little opposition to the substance of this bill. Indeed, it has been hailed by leaders in both parties as a necessary step to afford Government employees the same protection against age discrimination as we now afford to employees of private business.

Mr. President, I have been asked what constitutes age discrimination. There can be several answers to that question. Age discrimination occurs when an employee's qualifications for being hired, promoted or paid are determined primarily on the basis of his age rather than on the merits of his performance.

For example, if a private industry or a governmental agency, has a pattern of refusing to consider middle-aged or older workers for any job openings, or placing the major burden of layoffs on the elderly, or paying lower salaries to older workers, that industry or that agency may be engaging in age discrimination practices.

In Government employment, which received the thrust of this bill, if employees are subject to pressures from their administrators to retire as the result of so-called "reduction in force" orders cutting employment, if they are harassed by being repeatedly transferred, if they are denied their right to "bump" employees with less experience when personnel cutbacks are ordered, or indeed, if they are subject to psychological pressures from their superiors urging them to retire before their time, they may be the victims of age discrimination.

Mr. President, this legislation is particularly significant at this time. The President, as we know, has ordered a cutback in Government personnel. In general, I support his objectives, for I believe that the bureaucracy has become bloated and unmanageable. But I want to make very sure that when and if cutbacks are made that the main burden of the reduction does not fall upon older workers simply because they have attained a certain chronological age. That would be an unconscionable retreat from responsibility.

Indeed, with longevity steadily increasing and medical science on the verge of unlocking the secrets of aging, it makes little sense to concentrate on moving older workers out of the labor force. Our efforts, rather, should be directed at improving employment opportunities beyond the age of 60 so that our older citizens can have the maximum opportunity to remain productive as long as they have the ability and the desire to work.

Mr. President, the crux of this legislation is the section concerning age discrimination in Federal Government employment. The administration last year offered a bill as a substitute for mine which would have protected State and local employees without extending protection to Federal workers. In my view, that omission would leave the bill substantially flawed.

We know from reports in the Wall Street Journal, the Washington Post, and the Washington Star that there is widespread age discrimination in Federal employment. We know from a special study completed by the Senate Select Committee on Aging that there are repeated instances of subtle and direct discrimination against Federal workers.

In fact, the Senate report, entitled "Cancelled Careers", concludes:

> There is very disturbing evidence to suggest that the Federal Government—which it seems clear, ought to be a model employer—may be a leading offender in applying pressure tactics to coerce older employees to retire at an early age.

The "disturbing evidence" referred to by the committee includes the following harsh facts:

First. Federal training programs are frequently "off limits" to persons 45 and older. Less than 4 percent of all first time enrollees in Federal manpower and training programs are 45 and older. Yet this age group accounts for 20 percent of the unemployment in the United States and 30 percent of the long-term joblessness.

Second. The number of discontinued service or "involuntary" early retirements has soared in the last several years. Figures for fiscal year 1971 show that they were two and one-half times as great as in 1970 and six times that of the total of 1969.

Third. Annuity income received by early retirees under the involuntary retirement provisions usually replaces less than one-half of their Government salary.

Mr. President, quite apart from the economic problems created by Government pressures against older workers, enforced retirement or the setting of arbitrary age limits on hiring can lead to what one commentator has termed "a human tragedy." The central issue is whether we want to give older workers a feeling that they can still contribute, that their age is no bar to a productive life. If we fail to give our older citizens an equal chance in employment opportunities, we may add to the feeling of uselessness which is so prevalent among older Americans today.

I believe that this legislation will insure that older employees receive that equal chance, and I will continue my efforts to see that it is signed into law during this session of Congress.

By Mr. MONDALE (for himself, Mr. MANSFIELD, Mr. PROXMIRE, Mr. McGOVERN, Mr. HUMPHREY, Mr. PELL, Mr. BURDICK, Mr. WILLIAMS, and Mr. HASKELL):

S. 637. A bill to protect the free flow of information coming into the possession of the media of communication. Referred to the Committee on the Judiciary.

Mr. MONDALE. Mr. President, last August, when I introduced the Free Flow in Information Act of 1972, a major threat to the freedom of our Nation's press was looming on the horizon. On June 29, 1972, the Supreme Court in the case of Branzburg versus Hayes had determined that the first amendment does not afford newsmen protection from answering a grand jury's questions, even though these answers may require the disclosure of confidential information and sources.

In August, much of the danger posed by this decision lay in the future. Today, these threats have become realities, and the need for effective action has grown even more urgent.

The American educator Zechariah Chaffee, Jr., in 1947 accurately uncovered the primary reason why we must be concerned with these threats to press freedoms. He stated:

> In many subjects the complexity of the pertinent facts increases. Equal access to the facts becomes more and more difficult. The power of government over the sources of information tends to grow. Hence the misuse of this power by government becomes a more and more serious danger. What is significant is the enormous recent expansion of the subjects which officials are seeking to hide from publication until they give the signal.

If action is not taken to reverse the trend toward the harassment and imprisonment of newsmen, we will find ourselves with only one source of information—the Government official. We will find ourselves without the information on corruption or waste or inefficiency in Government which is so often provided by a source who does not want his identity revealed. Indeed, in many such instances, these sources are themselves Government employees and, for them, revelation of their identity would mean almost certain dismissal.

As Mr. Justice Stewart noted in his dissent in Branzburg:

> The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated.

This fear expressed by Mr. Justice Stewart is by no means unique. Two years ago, Dan Rather, CBS News White House reporter, submitted an affidavit in the Ninth Circuit case of United States versus Caldwell—one of the cases ultimately decided by the June 29 Branzburg decision. In it, he referred to a longtime friend and confidential news source:

> This decent, honest citizen, who cares deeply about his country, has now told me that he fears that pressure from the Government, enforced by the courts, may lead to violation of confidence, and he is therefore unwilling to continue to communicate with me on the basis of trust which existed between us.

Instances such as this are multiplying since the Supreme Court ruling of last June.

Recently, CBS wanted to interview a welfare mother who had been cheating by collecting welfare payments while her husband was living with her. The interview was to help dramatize how some current welfare regulations have actually encouraged the breakups of families. Producer Ike Kleinerman agreed to disguise the woman's voice and appearance. The woman, however, feared prosecution, and demanded a pledge that the network not reveal her name if demanded to do so through a Government subpena. Kleinerman called CBS legal counsel in New York, and was told that the network simply could not guarantee its ability to protect the woman's identity. The interview was cancelled.

This is not an isolated instance. As columnist James J. Kilpatrick recently noted:

> Newsmen across the country, at considerable personal danger, are undertaking to report on the extent of the traffic in marijuana and narcotic drugs. It is a big story. This is news the people are entitled to have if they are to make wise policy decision on a major social problem. But the story cannot be reported fully. Subjects who might have cooperated a couple of years ago have clammed up now. They have read the papers, and they know that investigative reporters are being jailed or hard-pressured to reveal their sources.

Numerous other similar examples could be cited. The essential point, however, is that we are facing a major crisis in the ability of the press to report the type of news that we need to know, if we are to maintain our status as a democracy in which there is a free and open exchange of ideas. We are face-to-face with the dangerous situation of reporters and other newsgatherers being unable to uncover news of waste in Government, or the extent of the hard-drug traffic, or the attitudes and plans of extremist groups of either the right or the left.

At the same time, we are also facing an unprecedented expansion of governmental use of "background briefings," in which the Government leaks the information it desires to reporters on the condition that the source of such information not be revealed.

The practical effect of these twin trends is that we are getting more and more of what the Government wants us to know—and less and less of the other side of the facts. We are being fed Government information on a confidential basis, at the same time that our reporters are finding it increasingly difficult to obtain information in confidence which would prove corruption or waste in Government.

The specter of this one-sided relationship has aroused the interest of people of all political persuasions, including many of the very Government officials who respect the press for the function which they play in keeping Government honest.

Governor Nelson Rockefeller of New York, in supporting the concept of shield legislation recently, noted that without it that:

> The kind of resourceful, probing journalism that first exposed most of the serious scandals, corruption and injustices in our nation's history would simply disappear. . . . I would far prefer a society where a free press occasionally upsets a public official to a society where public officials could ever upset freedom of the press.

Gov. Wendell Anderson, of my State of Minnesota, noted in his State-of-the-State message this year that:

> Reporters are being prosecuted not because they are irresponsible, but precisely because they have been responsible to their basic function of publishing the truth.
>
> Everyone in public life occasionally disagrees with some article or coverage. But government officials who fear the press, and seek to suppress it, are very short-sighted indeed. For our system of government itself would die without the freedom of speech and freedom of the press guaranteed us in the First Amendment.

Since the ruling of the Supreme Court in Branzburg v. Hayes, the attack on the ability of reporters to protect their sources and information has been steadily mounting.

In New Jersey, reporter Peter Bridge was jailed for 21 days for refusing to answer five specific questions from a grand jury regarding an article he had published on corruption in the Newark Housing Authority. This, in spite of the fact that he had already answered 80 questions from the grand jury before refusing to answer those which would have required him to violate a confidence.

In California, reporter William Farr has spent over a month in jail for refusing to tell a Los Angeles Superior Court judge which of six attorneys in the Charles Manson murder trial gave him incriminating information he published in a Los Angeles paper, in violation of the judge's order banning all publicity in the trial. This, in spite of the fact that, when the article was published, the jury had been sequestered, and could not have been prejudiced by publication of the information which Mr. Farr revealed.

In Washington, D.C., John Lawrence, Washington bureau chief of the Los Angeles Times, was jailed briefly on December 19 for refusing to produce tapes of an interview held by two Times reporters with Alfred Baldwin, a key Government witness in the Watergate bugging case. This, in spite of the fact that an appeal had been lodged. As Lawrence stated:

> I am deeply shocked that in America a journalist can be put behind bars even for a few minutes while his case is still subject to appeal.

In addition, to these jailings, and the brief jailing of Harry Thornton in Chattanooga, Tenn., for failing to reveal a source, there have recently been about a dozen other attempts by courts, prosecutors, and legislators—through contempt citations, subpenas, and other devices—to obtain confidential information and sources.

The legislation which I am introducing today, along with Senators Mansfield, Proxmire, McGovern, Humphrey, Pell, Burdick, Williams, and Haskell, would seek to put an end to the jailings and harassment of newsmen which we have witnessed for the past months. This is needed both to protect newsmen and their sources, but more importantly to insure that these sources continue to come forth with the type of information on which an informed populace must rely.

While we, in Congress, must carefully study the exact contours of any legislation we ultimately enact, we must utilize the public concern over this encroachment of freedom of the press to mobilize effective and quick action.

The legislation I am introducing today would provide a strong, qualified protection for news gatherers, consistent with the legitimate right of the Government to sccure certain very limited types of information. Part of this bill owes its origin to an ad hoc drafting committee of media organizations, which studied various alternative sets of language, and to which I am grateful.

This legislation would apply in all Federal and State proceedings, including courts, grand juries, legislative committees, and administrative tribunals.

The great majority of the recent jailings and harassment of news gatherers since the Branzburg decision have resulted from State proceedings. Protection is needed now to insure uniformity among the States, to provide protection for news gatherers in each of the 50 States. There is now a good deal of interest at the State level in protecting newsmen. However, the degree of interest varies from State to State, and the provisions of proposed State statutes also vary widely.

If we are to secure the continued free flow of information from those sources who are now refusing to speak because of the events of recent months, we must provide a mechanism for uniformity of standards nationwide. We need one approach, with tightly drawn standards and procedures, to provide as much certainty as possible.

This bill will protect both the source of any published or unpublished information and any unpublished information obtained in the gathering, receiving or processing of information for any medium of communication to the public.

Consistent with historical Supreme Court rulings on first amendment rights, the media of communication covered by the act are defined broadly, to include newspapers, magazines or other periodicals, books, wire services, news or feature syndicates, broadcast stations or networks, or cable television systems.

While providing strong protection for newsmen, the bill does allow the Government—in certain, very limited circumstances—to obtain sources of information. However, the showing which the Government must make is a very stiff one indeed, and this showing must come at the earliest possible procedural point in any trial or inquiry.

It is the opinion of many in the news media—an opinion in which I concur—that the degree of protection offered by any qualified bill increases directly in proportion to the procedural difficulty the Government must face in order to obtain divestiture of the protection. Therefore, unlike the qualified shield legislation of the past, my bill makes it clear that no subpena will be issued until the Government has made its showing. This places the burden of going forward entirely on the Government, where this burden belongs.

Under terms of my legislation, a reporter or other newsgatherer could not be compelled even to appear inside a closed grand jury or committee room until the Government had made its showing of need.

This showing would require the person seeking divestiture to prove:

First, that there is probable cause to believe that the person from whom disclosure is sought possesses information or source identities relevant to a specified probable violation of law;

Second, that the Federal or State proceeding in question has clear jurisdiction over this probable violation of law;

Third, that the information or source cannot be obtained by alternative means; and

Fourth, that there exists an imminent danger of foreign aggression, espionage, or threat to human life, which cannot be prevented without disclosure.

The Government would be required to show by clear and convincing evidence the existence of all four conditions before divestiture of the protection could be ordered by the court.

These conditions together insure that the only types of information or source identities which the Government or any other party seeking disclosure could obtain would be limited to absolutely essential matters. In particular, condition 2 would prevent unauthorized grand jury "fishing expeditions," and condition 4 by requiring "imminent danger" makes divestiture substantially more difficult than in earlier qualified newsman's shield legislation. In addition, substitution of this type of language for the more general "compelling and overriding national interest" insures that court interpretations will not emasculate the protection which the act is designed to afford.

Finally, my legislation specifically states that should the Government succeed in making the required showing at the trial court level, the protection of the act would remain in full force until all appeals are exhausted.

The need for legislation of the type I am introducing today is urgent. The interests at stake are no less than the survival of the system of free inquiry and expression as the basis of our democracy.

Justice William O. Douglas has placed these interests in a broad and eloquent perspective.

> Free speech and free press—not spaceships or automobiles—are the important symbols of Western civilization. In material things, the Communist world will in time catch up. But no totalitarian regime can afford free speech and a free press. Ideas are dangerous—the most dangerous in the world because they are haunting and enduring. Those committed to democracy live dangerously for they stand committed never to still a voice in protest or a pen in rebellion.

This is what is at stake in our fight to preserve the press freedoms we have all come to take for granted. If we do not act, we will witness these freedoms slowly but steadily drifting away, leaving each one of us so much the poorer as a result.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be entitled "The Free Flow of Media Information Act".

SECTION 1. The Congress hereby finds and declares that—

(a) those who gather, write, or edit information for the public or disseminate information to the public can perform a vital function which can only be properly exercised in a free and unfettered atmosphere, marked by the absence of direct or indirect governmental restraint or sanction imposed by governmental process;

(b) such persons must be encouraged to gather, write, edit, or disseminate information vigorously and freely so that the public can be fully informed;

(c) such persons, to properly exercise their freedom to gather, write, edit, or disseminate such information must rely on a wide variety of sources for information;

(d) compelling such persons to disclose a source of information or disclose unpublished information is contrary to the public interest, and inhibits the free flow of information to the public;

(e) the inhibition of the free flow of information through any medium of communication to the public adversely affects interstate commerce; and

(f) the purpose of this Act is to implement the urgent need to provide effective measures to halt and prevent this inhibition and insure the free flow of news and other information to the public.

SEC. 2. Except as provided in section 4, no person shall be required to disclose in any Federal or State proceeding either—

(a) the source of any published or unpublished information obtained in the gathering, receiving, or processing of information for any medium of communication to the public, or

(b) any unpublished information obtained or prepared in the gathering, receiving, or processing of information for any medium of communication to the public.

SEC. 3. For the purpose of this Act, the term—

(a) "Federal or State proceeding" includes any proceeding or investigation before or by any Federal or State judicial, legislative, executive or administrative body;

(b) "Medium of communication" includes any newspaper, magazine or other periodical, book, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system;

(c) "Information" includes any written, oral or pictorial news or other material;

(d) "Published information" means any information disseminated to the public by the person from whom disclosure is sought;

(e) "Unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated;

(f) "Processing" includes compiling, sorting, and editing of information;

(g) "Person" means any individual, and any partnership, corporation, association, or other legal entity existing under, or authorized by, the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

SEC. 4. (a) In any Federal proceeding where a person seeks information or the source of information protected by section 2, no subpoena *ad testificatum*, subpoena *duces tecum*, or any other compulsory process demanding disclosure of sources of information or information protected by section 2 shall be issued unless such person applies to the United States district court for an order divesting such protection. Such application shall be made to the district court in the district wherein the proceeding in which the information sought is pending. Timely notice of such application shall be served by the applicant on the person from whom disclosure is sought.

(b) In any state proceeding where a person seeks information or the source of information protected by section 2, no subpoena *ad testificatum*, subpoena *duces tecum*, or any other compulsory process demanding disclosure of sources of information or information protected by section 2 shall be issued unless such person applies to the state trial court of general jurisdiction for an order divesting such protection. Such application shall be made to the state trial court in the judicial district or division wherein the proceeding in which the information is sought is pending. Timely notice of such application shall be served by the applicant on the person from whom disclosure is sought.

(c) Such application shall allege:

(1) the name of the person from whom disclosure is sought,

(2) the specific information sought or the identity of the source sought and its direct relevancy to the proceeding,

(3) the following conditions:

(A) that there is probable cause to believe that the person from whom the information or source of information is sought possesses information or knowledge of the identity of a source of information which is clearly relevant to a specific probable violation of law;

(B) that the Federal or state proceeding has clear jurisdiction over the specific probable violation regarding which such information or the source of such information is sought;

(C) that the information or source of information sought cannot be obtained by alternative means; and

(D) that there exists an imminent danger of foreign aggression, of espionage, or of threat to human life, which cannot be prevented without disclosure of the information or source of information.

(d) The court may issue an order requiring disclosure in whole or in part if, after hearing the parties, it finds that the person seeking divestiture of the protection of section 2, by clear and convincing evidence, has demonstrated the existence of conditions (c) (3) (A), (B), (C) and (D).

SEC. 5. Any order divesting the protection of section 2 shall be subject to appeal. During the pendency of any such appeal, the protection of section 2 shall remain in full force and effect.

Mr. WILLIAMS. Mr. President, I join with the distinguished Senator from Minnesota in introducing the Free Flow of Media Information Act.

James Madison once said:

> A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or Tragedy; or, perhaps both. Knowledge will forever govern ignorance; And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

Last June, in Branzburg against Hayes, the Supreme Court held by a margin of 5 to 4 that the first amendment's guarantee of a free press does not relieve a newsman of the obligation to respond to questioning by a grand jury even though his answers might require the disclosure of confidential information and sources. The Court indicated, however, that Congress is free to establish a statutory newsmen's privilege, and in my opinion such legislation is imperative to preserve the public's right to be informed.

The principle underlying the first amendment's guarantee of a free press is that effective self-government cannot succeed unless the people are immersed in a steady, uncensored flow of opinion and reporting which is continuously open to critique, rebuttal, and reexamination. It seems to me that unless a newsman is able to protect his sources of information the historic independence of the press will be undermined. Without protective legislation potential informants will never be sure that their identities or off the record communications will not subsequently be revealed through the compelled testimony of a newsman. A public spirited person inside government, who is not implicated in any crime, will be fearful of revealing corruption or other government wrongdoing, because he will know he can subsequently be identified by the use of compulsory process. As Mr. Justice Douglas stated in his dissenting opinion in Branzburg:

> A reporter is no better than his source of information. Unless he has a privilege to withhold the identity of his source, he will be the victim of governmental intrigue or aggression. If he can be summoned to testify in secret before a grand jury, his sources will dry up and the attempted exposure, the effort to enlighten the public, will be ended. If what the court sanctions today becomes settled law, then the reporter's main function in American society will be to pass on to the public the press releases which the various departments of government issue.

We must enact legislation to insure that the journalistic profession is not annexed by Federal or State authorities as an investigative arm of government.

I think that the Free Flow of Media Information Act represents the most reasonable approach to this problem. This bill provides that no person will be required to reveal information or sources obtained in the course of gathering news unless the government makes the following showing:

First, that the person from whom the information is sought has information directly relevant to a specific probable violation of law;

Second, that the information is not available through alternative means;

Third, that the court, grand jury, legislative or executive body has clear jurisdiction over the violation of law regarding which information is sought; and

Fourth, that there exists an imminent danger of threat to human life, of espionage, or of foreign aggression.

This bill's protection against revealing sources and information applies in all Federal or State proceedings including grand juries, courts, and legislative committees.

Mr. President, I am reminded of the words of the late Mr. Justice Black on the historical role of the press in our society. He said:

> The press was to serve the governed, not the governors. . . . The press was protected so that it could bare the secrets of government and inform the people.

Speech is often provocative and challenging, and as such it is the bulwark of a free society. The Free Flow of Media Information Act is an effective way of preserving the public's right to be informed and of insuring that freedom of the press and freedom of speech are not destroyed. I commend it to my colleagues.

By Mr. BAYH:

S. 639. A bill to limit subsidy payments under the wheat, cotton, and feed grain programs. Referred to the Committee on Agriculture and Forestry.

FARM SUBSIDY CEILING

Mr. BAYH. Mr. President, the goal of reduced Federal spending has already been established as one of the main themes for the 93d Congress. During the coming debate, it will be Congress responsibility to slash unnecessary spending and to fight for funds to assist the truly needy.

With this goal in mind, I am introducing a bill to place a $20,000 ceiling per farmer on farm subsidy payments during the next 3 years. I am introducing this bill because I believe the $55,000 payments limit passed by Congress in 1970 has been insufficient to curtail the past pattern of huge subsidies to a few large farmers. Both the Department of Agriculture and the General Accounting Office have verified that the $55,000 limit simply resulted in a proliferation of partners in farming operations so that the same large subsidies to each farm were merely redistributed among more family members or corporate subdivisions. In addition, the Department of Agriculture and the GAO have issued reports indicating that a $20,000 payment limitation would not have the adverse effect on farm programs which opponents of such legislation have claimed. Therefore, I believe that this year is a propitious time to reduce the payments ceiling.

As a brief background of my interest in this field, let me say that I express my concern in this matter of agriculture as one who has spent most of his life actively engaged in the agricultural industry of his State, from a youth on the farm, through education in one of our finest land-grant colleges, where I continue to own and operate a family farm in Indiana. I have been deeply involved in what it takes to make a going operation on the farm.

A $20,000 limitation, Mr. President, would result in substantial savings to the American taxpayer. An even more compelling argument for adopting a $20,000 payment limitation, however, is the need to insure that the benefits of subsidy programs would be distributed more equitably. The Department of Agriculture, for example, has concluded that the $55,000 limitation enacted in 1970 which was supposed to be a great breakthrough, resulted simply in the large payments being shared among more family members and corporate subdivisions. In effect, there has been little or no effect of the $55,000 limitation because of legal loopholes contained in the legislation providing for that enactment.

In response to Senate Resolution 153, the Department of Agriculture submitted a report to the Senate which indicates that a $20,000 limitation would not have any adverse effect on the set-aside programs. The General Accounting Office, in addition, has made an independent study of the administration of the $55,000 payment limitation in 1971 and concurs in the Department of Agriculture's conclusions.

The number of American farmers receiving subsidy payments in excess of $20,000 is incredibly small—and is even smaller percentagewise if we were to concern ourselves, as I believe we should, with family farmers and not corporate conglomerates. In the cotton program last year, the total number of producers receiving more than $20,000 was 8,810—out of 271,101 receiving payment—or a mere 3.2 percent. In the wheat program, the number of producers receiving $20,000-plus payments was only 1,088—out of a total of 1,075,000 producers receiving payments—or one-tenth of 1 percent. And in the feed grains program a mere 245 producers, out of a total of 1,712,000 receiving payments, collected more than the proposed $20,000 limit. That works out to one one-thousandth of 1 percent of the farm producers in America today. The time, it seems to me, to act on this $20,000 limitation is now, Mr. President.

It is important to look at the national trends, to show why it is important to act now and not delay another year as some of our colleagues, with every good intention, would have us do before we even consider this matter.

The number of such payments has been growing steadily each year. Four years ago only 5,914 farmers received payments in excess of $20,000, and they received a total of $273 million. Last year 13,751 farmers received payments in excess of $20,000 and they received a total of $486 million.

The number and amount of payments in excess of $20,000 per producer, 1968–71, follows:

In 1968—5,914 producers, total payments $273,333,643.

In 1969—7,705 producers, total payments $366,779,995.

In 1970—10,371 producers, total payments $414,500,000.

In 1971—13,751 producers, total payments $486,339,509.

It is almost certain that a further sharp increase in number and amount of payments in excess of $20,000 will occur in 1973 and, in my judgment, will continue to do so next year and the year after, unless we take steps to limit the increase.

The second development favoring the adoption of a $20,000 limitation results from the passage of Senate Resolution 153 on July 15, 1971. As I noted earlier, this resolution directed the Department of Agriculture to make a study and report on the effect to the $55,000 farm program payment limitation, including an evaluation of the probable effect of a $20,000 limitation. The U.S. Department of Agriculture report in response to Senate Resolution 153 was received March 15, 1972, and published as a Senate Committee on Agriculture and Forestry committee print.

In concludes that Government expenditures in 1971 were reduced only $2 million as a result of the $55,000 payment limitation. Although 1,350 producers earned payments in excess of $55,000 in 1970 totaling $138.8 million, only 466 producers had their payments reduced by a total of $2 million in 1970 by the limitation.

Of the 1,200 cotton producers who received payments in excess of $55,000 in 1970, 1,000 changed their farming operations, usually by leasing out a part of their cotton allotments or by subdividing their farms, and taking advantage of other legal loopholes which clearly had no effect in limiting subsidies to these individual owners.

It is evident from the Department of Agriculture and the GAO reports that a $20,000 limitation would not have the adverse effect on the programs which opponents of such legislation have claimed. Also, a $20,000 payment limitation would reduce governmental expenditures on a relative basis much more than the $55,000 limitation because of the greater difficulty in dividing large operations up into so many, much smaller units to take advantage of the loopholes.

Mr. President, the limitation I am proposing is designed to limit subsidies to large corporate farmers—not deny them to family farmers. The present farm payment program is now obsolete. Since the 1930's payments have been distributed according to production, and since production of goods is concentrated in more and more corporate farms today, a small number of farmers receive huge payments.

Mr. President, when farm programs were introduced in 1933, there were 7 million farms in the United States and production was spread fairly evenly among them—and, as a result, so were payments. Now there are only 3 million farms, and of that number, fewer than 1 million top farmers provide more than $25,000 worth of marketable produce per year. Family farming has been forced to give way to big business farming, and a system of payments based simply on amounts of production funnels Federal money into the hands of the big producers. Then those large producers turn around and use the money to buy more land, to further consolidate, and to then use the additional acreage to qualify for more subsidy payments. In the process, more family farms are forced out of the farming business.

Seen from this perspective, my proposal is actually only the beginning of needed reforms. In my judgment, it should be passed to indicate the resolve of Congress to begin that process of reform. It should not be looked at as a proposal which would cast our Nation's farmers into poverty by limiting needed funds. According to last year's figures, a $20,000 limit would affect only 10,143 out of about 2.4 million recipients. In other words, of the total number of recipients, only one-half of 1 percent—who are now collecting about 14 percent of total subsidy payments—would receive less money.

And, of course, if my bill were passed, they would receive less subsidy. However, I should point out that it is the largest farmers, the richest farmers that need subsidy payments the least.

In spite of all the evidence in favor of stricter limitations, there are still some opponents who argue that limitations would disrupt the supply adjustment features of the present commodity programs. Theoretically, present commodity programs are designed to aid the farmer in achieving the precarious balance between supply and the demands of the marketplace of offering direct payments as incentives to withhold acres from planting. Opponents of a payment limitation have argued that a ceiling on payments would destroy these voluntary adjustment programs by removing the incentive for large farmers to participate. In the absence of these payments, it has been said, the large efficient corporate farms would expand production and drive out the smaller farmers.

At first glance, Mr. President, that argument sounds plausible enough, but on my closer examination it fails to hold up. Using the Department of Agriculture's own figures, it appears that more than one-third of all payments are really income supplements—payments that merely supplement the incomes of already wealthy landowners—and are not required to achieve desired supply adjustment goals. In short, we are now paying out a great deal more than we need to in order to divert the required number of acres from production.

During a year when farm programs are being cut for reasons of expense, we are wasting precious dollars which could be used to better advantage elsewhere. I urge the Congress to pass this bill. I ask unanimous consent that a copy of the amendment be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Savings in Farm Subsidies Act".

SEC. 2. Section 101(1) of the "Agriculture Act of 1970" (84 Stat. 1358) is amended to read as follows: "The total amount of payments which a person shall be entitled to receive under each annual program for wheat, feed grains and cotton for 1974, 1975, or 1976 crop of the commodity shall not exceed $20,000."

By Mr. FONG:

S. 640. A bill to amend the Labor-Management Relations Act of 1947 to provide more effective means for protecting the public interest and promoting settlement of emergency disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

REFORMING TAFT-HARTLEY TO KEEP TRANSPORTATION LIFELINES OPEN

Mr. FONG. Mr. President, my State of Hawaii has just passed through an 18-month period, from mid-1971 to the end of 1972, in which, for 1 day out of every 3, our vital ocean lifeline to the west coast of the United States was cut off by labor-management disputes outside Hawaii which closed down the docks and idled the ships. Hawaii's 800,000 people were in the classic position of being held hostage by faraway disputes for which they were in no way responsible.

My colleagues know that the island State of Hawaii is anchored in the Pacific Ocean, 2,500 miles from the west coast. When the ships no longer call at our ports, there is absolutely no alternative form of surface transportation. No trucks, trains, cars, buses, nor any other means of transport on the earth's surface, are available. Quite simply, that is why a shipping strike is a devastating blow to my State.

The dimensions of our situation become clear by imagining Washington, D.C., surrounded on all sides by such an immense water barrier, empty of American ships. Imagine that Washington's only supply line is by aircraft starting their flights at least as far away as Los Angeles, aircraft capable of carrying only a tiny fraction of the exports and imports essential to sustain the health, safety, and economy of this community.

For 6 of the 18 months of which I speak, this was Hawaii's experience.

With our ocean shipping service almost completely severed, we could only turn to air cargo, a strictly limited option. As I suggested in my analogy with Washington, the sheer volume of east- and west-bound shipments necessary to sustain the people and economy of Hawaii far outstrips available air cargo capacity. Ships transport an estimated 99 percent of the total freight between Hawaii and the U.S. mainland—the food, medicine, automobiles, parcel post, clothing, industrial products, cattle feed, and other imports essential to modern living, and the pineapple, sugar, textiles and other exports vital to Hawaii's economic health.

Air transport normally carries an estimated 1 percent of the total cargo tonnage between Hawaii and the mainland. When shipping is tied up and air transport becomes the only alternative, it has only a capacity to handle at most between 2 percent and 2½ percent of the normal freight tonnage. Hawaii must then forego the other 97 percent.

Commencing July 1, 1971, Hawaii's ocean lifeline was severed for 134 days, when a contract dispute involving 13,500 longshoremen on the west coast closed down the docks from Seattle to San Diego. One hundred days passed before a Taft-Hartley injunction could be obtained on the ground of national emergency. Despite two voluntary extensions of the injunction period by labor and management, however, Taft-Hartley failed to produce a settlement.

The strike, therefore, began again on January 17, 1972. Again days and weeks went by with settlement always tantalizingly close but never in hand. As a last resort, the President asked Congress to pass a bill requiring compulsory arbitration of the west coast strike. This was done, and, after the President signed the bill but before it could be put into effect, the Pacific Maritime Association and the West Coast International Longshoremen's and Warehousemen's Union reached an agreement.

Three more times last year our ocean shipping lifeline was cut—by a 2½-day work stoppage on the Hawaii docks in October and later by 41-day and 1-day strikes by the Masters, Mates, and Pilots on the west coast.

Hawaii was badly hurt by these events. During the 134-day west coast strike, unemployment rose to 6.5 percent, its highest level since statehood. Because our imports and exports dropped precipitously, workers in all sections of our economy, from the construction industry to retail trade, were laid off or put on shortened workweeks. Merchants unable to resupply and short of capital closed their doors. State tax collections dropped. Shortages became widespread, and staples disappeared from grocers' shelves. Prices increased, reducing purchasing power and depressing economic growth and activity.

Business, investor, and public confidence was further shaken by the shorter strikes which followed, particularly the 41-day west coast Masters, Mates and Pilots tieup which, by immobilizing some 40 vessels on the west coast and in Hawaii, helped bring about additional business failures.

Again and again during longshore and maritime disputes on the mainland, therefore, the people of my State became hostages because of Hawaii's geographical position in the mid-Pacific Ocean and our heavy dependence on ocean shipping.

But the people of my State have also found themselves held hostage during these strikes because existing law could not provide an effective response to the emergency which arises when Hawaii loses its essential transportation services. Nor could the law ultimately provide more than the Taft-Hartley 80-day cooling-off period as a vehicle for settlement.

For the record, I should note at this point that Taft-Hartley injunctions have failed in no less than nine of the 12 maritime and longshore disputes in which they have been used, a dismal record.

Nothing can be done to escape or change the facts of geography or commerce, of course, but action can be taken by this Congress, and should be taken by this Congress, to reform and extend the statutory remedies available in these emergency disputes in the transportation industry.

The lesson I have drawn from Hawaii's experience is that the Taft-Hartley Act must be amended with regard to emergency disputes in the transportation industry to permit, first, an extension of the Taft-Hartley cooling-off period; second, partial operation of the affected industry; and third, a procedure for guaranteed settlement of strikes and lockouts.

There is no provision for guaranteed settlement under Taft-Hartley at this time. The 80-day injunction and last-offer balloting procedures which accompany it do not assure settlement. Out of 32 Taft-Hartley emergency disputes, 14 were not resolved before expiration of the cooling-off period, and, in nine of these, all in the maritime or longshore industries, the strike then resumed. At that point, the public interest was without any remedy or defense, short of congressional action. It is clear to me that in emergency disputes in the transportation industry, upon which our intermeshed economy is so heavily dependent, the public interest requires that the President have the option of adopting a course guaranteeing settlement.

Guaranteed settlement, partial operation, and the back-to-work injunction must of necessity be made available also in regional as well as in national transportation emergency disputes and in disputes depriving any State of essential transportation services.

The bill which I introduce today, the Emergency Transportation Dispute Act of 1973, meets these objectives. I make this proposal as one who is deeply committed to the principle of collective bargaining between labor and management, and as one who is equally committed to the public interest, to the general welfare of all our citizens. On those occasions when collective bargaining, conciliation, and other normal processes have failed to settle labor-management disputes in the transportation industry, then, in the public interest, for the public good, something else must be done.

My bill is generally based upon crippling strikes legislation which was introduced on a number of occasions in the last Congress, in three instances with myself as a cosponsor. Twice the substance of these bills was offered as an amendment to pending legislation on the Senate floor, once in November 1971 to amend an economic stabilization bill and once last February to amend President Nixon's compulsory arbitration bill to end the west coast dock dispute. On both occasions, the amendment was tabled after vigorous debate, although in the second instance by a margin of just three votes, 42 to 39.

The Emergency Transportation Disputes Act of 1973 is premised on the failure of present procedures for dealing with emergency disputes in the transportation industry, as exemplified by the recent shipping strikes cutting essential services to Hawaii and the manifest public interest in securing reform.

It amends sections 206 and 208 of the Taft-Hartley Labor-Management Relations Act to make the familiar 80-day national emergency dispute injunction available also, first, if there is an imperilment of the health, safety, or economy of the Nation, second, if there is an imperilment of the health, safety, or economy of a substantial sector of the Nation, or third, if any State is deprived of essential transportation services. The substantial interruption of transportation services between the west coast of the United States and the State of Hawaii is expressly stated to constitute a deprivation of essential transportation services to my State.

By amendment to section 212, the airline and railroad industries, now subject to the dispute-resolution procedures of the Railway Labor Act, are brought under Taft-Hartley at the discretion of the President. As my colleagues are aware, Congress has had to be asked over and over again to legislate settlement of strikes in the railroad industry, because of the inadequacy of existing machinery under the Railway Labor Act.

My bill goes on to provide the President with three new alternatives which he may follow to promote settlement of emergency disputes in the five transportation industries—railroads, airlines, maritime, longshore, and trucking. These may be followed in such sequence as the President deems appropriate following the failure of an 80-day cooling-off period to bring about a settlement.

The first new alternative would be an extension of the original 80-day cooling-off period by up to 30 additional days, to give the parties additional time to settle.

Second, my bill would permit up to

180 days of partial operation in lieu of a full strike or lockout in all or a substantial portion of an industry. This action would be taken to avoid imperiling the health, safety, or economy of the Nation or a substantial sector of the Nation, or depriving any State of essential transportation services. In the event of a west coast dock strike, for example, this procedure could be used to provide emergency shipping services to Hawaii.

The third option available to the President under my bill would be the choice of the final offer selection process, or last best offer, to guarantee settlement. Under this procedure, the President directs labor and management each to submit to the Secretary of Labor a final offer constituting a complete collective bargaining agreement resolving all issues involved in the dispute. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

After receipt of each other's final offers, the parties shall bargain collectively for 5 days, during which period the Secretary of Labor may act as a mediator. If no settlement is reached before the end of this period, the parties may within 2 days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, it will be appointed by the President.

The panel shall have 30 days from the time the President directed the parties to submit final offers in which to conduct hearings and reach its determination as to which is the most reasonable of the final offers submitted by the parties. During this time, operations will continue in the affected industry and employees will continue to work and draw their pay. Strikes, lockouts, and similar activity are prohibited during this period.

The most reasonable offer selected by the panel will serve as the contract between the parties, unless the selection by the panel is found arbitrary or capricious by a Federal court. The panel cannot compromise or alter the final offer it selects, but must pick one or the other intact.

In making its selection, the final offer selection panel will be governed by such factors as past collective bargaining contracts between the parties, comparative wages, hours and conditions of work among similar employees and in industries in general, views obtained in the hearings conducted by the panel, and other elements normally considered in the determination of wages, hours, and conditions of employment. The public interest is specifically set forth as a consideration to be weighed by the final offer selection panel.

The effect of the final offer selection procedure, or last best offer, I believe, will be to draw the parties together in their negotiating positions rather than to drive them apart, as often happens in arbitration.

Final offer selection is not compulsory arbitration. Under compulsory arbitration, the arbitrator is generally thought to split the parties' differences down the middle, negating any incentive to be reasonable and to compromise. In fact, the incentive is quite the opposite, toward establishing extreme positions and extreme demands. Bargaining positions tend to become more rigid when the parties to the dispute know that an arbitrator will ultimately split their differences.

Final offer selection, or last best offer, avoids this problem by requiring the panel to select the single most reasonable final package. This provides the needed positive incentive for compromise and reasonableness, since each party knows that the most reasonable offer will be selected intact. The parties cannot risk submitting extreme or unreasonable proposals, for fear of having the total offer rejected and the offer of the other party selected.

In short, negotiations between the parties become centripetal, drawing inwards toward agreement, rather than centrifugal, moving outward away from resolution of their differences.

Hawaii has recently suffered more than any other State from the absence of the emergency transportation dispute, reforms set forth in the bill which I introduce today. My colleagues will recognize, however, that a sudden cessation of transportation services can occur anywhere in the Nation, and the inevitable result will be human stress and economic dislocation.

A number of contracts in the transportation industry are due to expire in the immediate future. These include the nationwide Teamsters contract and the west coast longshore contract on June 30. Also coming up in June are the railroad union contracts and ground crew contracts for one of our major airlines. Each of these events carries with it the potential for a transportation emergency. I respectfully request, therefore, that the committee to which my bill is referred schedule prompt hearings on this legislation.

It is my firm conviction that the national public interest requires and would be well served by enactment of the Emergency Transportation Disputes Act of 1973 by the Congress.

Mr. President, I send this bill to the desk for referral to the appropriate committee and ask unanimous consent that the text of the Emergency Transportation Disputes Act of 1973 be printed in full in the RECORD at this point, to be immediately followed by the text of my January 1973 newsletter to my constituents, which contains an extended analysis of emergency strike proposals which I believe may be of value to a larger audience.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Transportation Disputes Act of 1973."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds—

(1) that present procedures for promoting settlement of labor-management disputes in the transportation industry have too often proved insufficient to prevent serious disruptions of transportation services;

(2) that recent interruptions of essential transportation services to Hawaii because of labor-management disputes in which present procedures were not available or not effective caused extensive economic injury in that State and demonstrate the need for reformed and extended remedies to meet such circumstances;

(3) that the vital role of transportation in our intermeshed economy requires, in the public interest, that new procedures be established for resolving emergency disputes in the transportation industry, including a procedure to guarantee settlement.

(b) The Congress declares it to be the purpose and policy of this Act, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to make available a range of flexible procedures to be utilized in taking emergency action to assure insofar as possible that no strike or lockout in the transportation industry will imperil the national health, safety or economy, or the health, safety or economy of a substantial sector of the Nation or deprive any State of essential transportation services.

TITLE I—AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT, 1947, RELATING TO EMERGENCY DISPUTES IN THE TRANSPORTATION INDUSTRY

SEC. 101. (a) Title II of the Labor-Management Relations Act, 1947 is redesignated as title II, part A.

(b) (1) Section 206 is amended to read as follows:

"SEC. 206. (a) Whenever in the opinion of the President of the United States, a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health, safety or economy or, when the strike or lockout is in an industry subject to Part B of this title, imperil the health, safety or economy of a substantial sector of the Nation or deprive any State of essential transportation services, he may appoint a board of inquiry into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public."

"(b) For the purposes of this title the substantial interruption of transportation services between the West Coast of the United States and the State of Hawaii shall be deemed and considered to deprive the State of Hawaii of essential transportation services."

(2) Section 208(a) is amended to read as follows:

"SEC. 208. (a) Upon receiving a report from a board of inquiry, the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof and if the court finds that such threatened or actual strike or lockout—

"(1) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations or engaged in the production of goods for commerce; and

"(2) if permitted to occur or to continue will (i) imperil the national health, safety or economy or (ii), when the strike or lockout is in an industry subject to Part B of this title, imperil the health, safety or economy of a substantial sector of the Nation or deprive any State of essential transportation services.

it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate: *Provided*, That when such petition is sought to enjoin a strike or lockout in an industry subject to part B of this title it shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code."

(3) Section 208(c) is amended by substituting a semicolon for the period at the end thereof and adding the following: "except that where the proviso in section 208(a) is applicable, appeal shall be to the United States Supreme Court in accordance with section 1253 of title 28, United States Code."

(4) Section 209(a) is amended to read as follows:

"SEC. 209. (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health, safety or economy or imperil or threaten to imperil the health, safety or economy of a substantial sector of the Nation or deprive any State of essential transportation services, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service."

(5) Section 212 is amended to read as follows:

"ALTERNATIVE PROCEDURES

"SEC. 212. With respect to industries subject to the Railway Labor Act, the President may, at his discretion, choose procedures prescribed by the Railway Labor Act, as amended from time to time, or this title, or both."

SEC. 102. Title II of the Labor-Management Relations Act, 1947, is hereby further amended by adding a new part II B at the end of part II A to read as follows:

"PART B—ALTERNATIVE PROCEDURES FOLLOWING INITIAL EIGHTY-DAY COOLING-OFF

"APPLICABILITY OF THIS PART

"SEC. 213. This part shall apply only to the following transportation industries: (1) railroads, (2) airlines, (3) maritime, (4) longshore, and (5) trucking.

"SEC. 214. (a) If no settlement is reached before the injunction obtained pursuant to section 208 of this Act is discharged, the President may, within ten days, invoke any of the procedures set forth in section 217, 218, or 219. The President may proceed under these sections in such sequence as he may deem appropriate until it is certified by the Secretary of Labor that the dispute is settled: *Provided, however*, That the President may only invoke the procedures of a new section immediately upon the termination of the procedures of the previously invoked section and that the procedures of a section may be invoked only once during a dispute.

"(b) The President may, if he deems it consistent with the purposes of this Act, terminate any procedures invoked under section 217 or 218. He may thereafter proceed under another of sections 217, 218, or 219.

"(c) If the procedure set forth in section 219 is invoked, the President may not, in the same dispute, invoke subsequently the procedures of section 217 or 218.

"SEC. 215. The President shall immediately notify the Congress of each choice of procedure, unless the Congress has adjourned or is in a recess in which such case notice shall be transmitted as soon as Congress reconvenes.

"SEC. 216. If the President does not choose to invoke any of the procedures set forth in sections 217, 218, and 219 of this Act, the President shall submit to the Congress a supplemental report including such recommendations as he may see fit to make.

ADDITIONAL COOLING-OFF PERIOD

"SEC. 217. The President may direct the parties to the controversy to refrain from making any changes, except by agreement, in the terms and conditions of employment for a specified period of not more than thirty days from the date of his direction. During such period, the parties shall continue to bargain collectively and shall engage in no strike, lockout, or similar activity. The board of inquiry may continue to mediate the dispute with the assistance of, and in close coordination with the Director of the Federal Mediation and Conciliation Service.

PARTIAL OPERATION

"SEC. 218. (a) The President may appoint a special board of three impartial members for the purpose of having the board make the following determinations:

"(1) Whether and under what conditions a partial strike or lockout in lieu of a full strike or lockout in an entire industry or substantial part thereof could take place without imperiling the national health, safety or economy or the health, safety or economy of a substantial sector of the Nation or depriving any State of essential transportation services; and

"(2) Whether, under such conditions, the extent of such partial strike or lockout would, in the judgment of the board, appear to be sufficient in economic impact to encourage each of the parties to make continuing efforts to resolve the dispute.

"(b)(1) If the board makes a determination that there are conditions under which a partial strike or lockout can take place in accordance with the criteria specified in subsection (a), it shall issue an order specifying the extent and conditions of partial operation that must be maintained. The board shall make reasonable efforts to assure that no greater economic burden is placed on any party than that which would be caused by a total cessation of operations.

"(2) If the board makes a determination that a partial strike or lockout cannot take place in accordance with such criteria, it shall submit a report to the President.

"(c) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the board. The board's order shall be effective for a period determined by the board, but not to exceed one hundred and eighty days.

"(d) The board's order or any modification thereof shall be conclusive unless found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"(e)(1) The board shall issue its order no later than thirty days from the date of its appointment by the President, unless the parties, including the Government, agree to an extension of time, but such extension shall reduce pro tanto the maximum effective period of the board's order.

"(2) On notice to the parties, the board may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"(f) Until the board makes its determination and during any period of partial operation ordered by the board no change, except by agreement, shall be made in the terms and conditions of employment, and no strike, lockout, or similar activity shall take place except as may be provided by order of the board. If the board determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, it may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"(g) The following rules of procedures shall be applicable to the board's functions under this subsection:

"(1) NOTICE OF HEARING.—Upon appointment by the President the board shall promptly notify and inform all parties, including the Government, of the time, place, and nature of the hearings, and the matters to be covered therein.

"(2) HEARING TO BE PUBLIC.—The board shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties, including the Government, agree to present their positions in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

"(3) PARTICIPATION BY BOARD IN THE HEARING.—The board, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, including a plan for partial operation, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

"(4) PARTICIPATION BY PARTIES IN HEARING.—The parties, the Government, or their representatives shall be given reasonable opportunity; (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues including a plan for partial operation; (D) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (E) to present to the board oral or written argument on the issues.

"(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

"(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

"(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The board shall have the power of subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible. In case of refusal to obey a subpena, the board may request the Attorney General to invoke the aid of any district court of the United States or the United States courts of any territory or possession within the jurisdiction of which such person is found or resides or transacts business and such court shall have jurisdiction to issue to such person an order requiring such person to appear or to produce evidence, if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(h) If a settlement certified by the Secretary is reached at any time during the hearing, the Board shall adjourn the hearing and report to the President within ten days the fact that a settlement has been reached and the terms of such settlement.

"(i) (1) Members of the Board shall receive compensation at the per diem equivalent of the rate for GS–18 when engaged in the work of the Board as prescribed by this Act, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(2) For the purposes of carrying out its functions under this Act, the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"FINAL OFFER SELECTION

"Sec. 219. (a) (1) The President may direct each party to submit a final offer to the Secretary of Labor within three days. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

"(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

"(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(b) The parties shall continue to bargain collectively for a period of five days after they receive the other parties' offers. The Secretary of Labor may act as mediator during the period of the final offer selection proceedings.

"(c) If no settlement has been reached before the end of the period prescribed in subsection (b) of this section, the parties may within two days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(e) The provisions of section 218(h) and 218(i) (1) and (2) of this Act shall apply to the panel.

"(f) The panel shall conduct an informal hearing in accordance with section 218(g) of this Act insofar as practicable, except that—

"(1) the Government shall have no right to participate; and

"(2) the thirty-day period in which the panel shall complete its hearings and reach its determination shall run from the time that the President directed the parties to submit final offers, but in no case shall the panel close the hearing until five days from the date of its appointment as provided in subsection (c) herein.

"(g) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(h) From the time of appointment by the President until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"(i) The panel shall entertain applications for intervention from any persons asserting an interest because of a conflicting claim to all or any portion of the work involved in the dispute subject to these proceedings. Such application must be filed within five days from the time of appointment of the panel as provided in subsection (c) herein. The panel, thereafter, may, in its discretion allow such applicant to participate in the hearings, under rules established by the panel, solely for the purpose of presenting views in support of either of the final offers previously submitted.

"(j) Beginning with the direction of the President to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment, and no strike, lockout, or similar activity shall take place. In no instance shall such period exceed thirty days.

"(k) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in the dispute, including offers of settlement not contained in the final offers.

"(l) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties and shall state, in writing, the reasons for its selection. The panel may take into account the following factors:

"(1) past collective bargaining contracts between the parties, including the bargaining that led up to such contracts;

"(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations;

"(5) The views in support of either final offer of any additional persons permitted to intervene in the proceedings as provided by subsection (i) herein; and

"(6) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

"(m) The final offer selected by the panel shall be deemed to represent the contract between the parties, except to the extent that any provision is determined, under appropriate procedures, not to be in accordance with applicable law.

"(n) The determination of the panel shall be conclusive, unless modified pursuant to subsection (m), or found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"Sec. 220. (a) Any board or panel established under part B of title II of this Act may act by majority vote.

"(b) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. In the case of a vacancy due to death or resignation, the President may appoint a successor to fill such vacancy."

TITLE II—MISCELLANEOUS PROVISIONS

INAPPLICABILITY OF THE NORRIS-LA GUARDIA ACT

Sec. 201. The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act.

RIGHTS OF EMPLOYEES

Sec. 202. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

APPROPRIATIONS

Sec. 203. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

Sec. 204. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[U.S. Senator Hiram Fong Reports From Washington. Vol. XIII, No. 1, January 1973]

Keeping Our Shipping Lifeline Open

Because Hawaii is an Island State in the mid-Pacific Ocean, sea transportation is literally a lifeline for our people and our economy. All of us have a vital and personal stake in finding ways to avoid shipping tie-ups, such as those which have disrupted and damaged Hawaii repeatedly over the past 18 months.

In 1971, a labor-management dispute involving 13,500 longshoremen on the West Coast began a 134-day work stoppage which affected every resident of Hawaii and increased our unemployment rate to a record 6.5%, the highest since Statehood.

Our own ILWU longshoremen stayed on the job throughout this period, by repeated voluntary extensions of their contract, and rendered invaluable service to the people of our State by moving foreign and East and Gulf Coast Cargo. But, with the West Coast cut off, our imports and exports dropped precipitously. As a result, workers in all sectors of our economy, from the construction industry to retail trade, were laid off or put on shortened workweeks. Merchants unable to resupply closed their doors. Shortages became widespread, and staples disappeared from grocers' shelves. Prices increased, reducing purchasing power and depressing economic growth and activity.

Three more work stoppages followed—a 2½-day dispute on the Hawaii docks in October and 41-day and one-day West Coast Masters, Mates and Pilots strikes.

As a result, for six of the last 18 months—or one day of every three—the vital ocean lifeline between Hawaii and the West Coast has been partially or totally cut.

Public interest legislation to reform our present means of dealing with labor-management disputes in the transportation industry is needed to safeguard Hawaii—which means protecting our jobs, personal savings, consumer purchasing power, economic development, and ultimately the whole fabric of our Island life.

I approach this problem as one who is firmly committed to the principle of collective bargaining. This is one of the cornerstones of our Nation's labor-management relations. The freedom of labor and management to bargain across the table on wages, hours, working conditions, and fringe benefits is one of the hallmarks of America's private enterprise system and distinguishes our system from many other nations where government controls and operates industry, both management and workers.

At the same time, I also have a deep commitment to the public interest, to the general welfare of our citizens. On those occasions when collective bargaining, mediation, conciliation and other normal processes have failed to settle labor-management disputes, then in the public interest, for the public good, something must be done.

EXISTING FEDERAL EMERGENCY DISPUTE LAW

The primary law permitting Federal action to curb strikes and lockouts is the Labor-Management Relations Act, known as the Taft-Hartley Act. This applies to all industries affecting commerce except the airlines and railroads.

In the event of a strike or threatened strike, Taft-Hartley authorizes the President to appoint a board of inquiry if in his opinion the dispute will "imperil of the national health or safety" and so constitute a national emergency, and if he finds that a substantial part or all of an entire industry is, or would be, affected. The board of inquiry investigates the dispute and reports the facts concerning it, without recommendation.

After the board has reported, the President may undertake to delay or end a work stoppage by seeking in court an 80-day injunction. The court must make the same findings as are required for the appointment of the Presidential board of inquiry, including the determination that a national emergency exists. Courts do not issue Taft-Hartley injunctions automatically. In 1971 the Federal Government was denied an injunction it sought in a grain elevator dispute.

If the dispute remains unsettled after 60 days despite continued bargaining and conciliation efforts, the President must reconvene the board of inquiry for a status report. During the next 15 days the National Labor Relations Board must poll the employees on whether or not they will accept the employer's last offer. Regardless of the vote outcome, the injunction must be discharged at the end of 80 days, and the strike or lockout may resume if agreement has not been reached.

The cooling-off period afforded by a Taft-Hartley injunction does not guarantee settlement of a strike or lockout. If a renewed dispute is to be stopped by Federal law, it would be necessary for Congress to enact special legislation to do so.

Injunctions have been obtained on occasion in strikes involving just a few thousand employees—as in a 1967 dispute involving 2,400 workers at the only plant making engines for troop-carrying helicopters, because the court found the engines critically needed in Vietnam and a national emergency therefore existed. National emergency injunctions have also been granted four times prior to threatened strikes: three times in 1948 (1) when a walkout by uranium production workers at Oak Ridge was imminent; (2) under threat of an all-coasts maritime strike; (3) in an Atlantic Coast longshore dispute. The fourth instance was in 1963 when the court found a work stoppage threatened by Boeing Co. aerospace employees constituted a national emergency.

TAFT-HARTLEY SELDOM ENDS SHIPPING STRIKES

Past experience demonstrates that Taft-Hartley injunctions have failed to settle 75% of all national emergency maritime and longshore strikes. Since enactment of Taft-Hartley in 1947, there have been a total of 32 national emergency disputes, 12 of which were in the longshore and maritime industries. Only one of the nine longshore and two of the three maritime disputes were settled during the 80-day cooling-off period.

Because an emergency must be national, Taft-Hartley could not even be used in the West Coast dock dispute which began on July 1, 1971, until 100 days had elapsed. By then extensive economic injury had spread to the Middle West farm belt, and another strike had closed all other Mainland ocean ports. A Taft-Hartley injunction obtained in early October, although twice extended voluntarily, failed to produce a settlement. The West-Coast shipping tie-up resumed for 34 more days. Negotiators reached agreement only after a bill requiring compulsory arbitration had been passed by Congress and signed by the President.

Again, in the 41-day Masters, Mates and Pilots strike, Taft-Hartley could not be used because this shipping tie-up did not constitute a national emergency.

NON-LEGISLATIVE EFFORTS TO END SHIPPING TIE-UPS

When Taft-Hartley does not apply or is not effective, what can be done? In addition to legislative action, which I shall discuss later, those of us gravely concerned over these transportation crises have made repeated efforts to bring the parties back to the bargaining table when negotiations broke down, as they did several times in both the 1971–72 West Coast dispute and the 41-day Masters, Mates and Pilots shipping tie-up. And, while negotiations were in progress, we worked hard to expedite agreement. For instance, in mid-September 1971, during the West Coast dock dispute, I urged that the Director of the Federal Mediation and Conciliation Service take a personal role in the negotiations. Very shortly thereafter he was directed by the President to go to the West Coast for that purpose.

Throughout both the 1971–72 West Coast and the 41-day Masters, Mates and Pilots strikes, I had frequent contact with the White House, the Secretary of Labor, the Mediation Service and others directly involved in efforts to resolve these work stoppages. All concerned were made constantly aware of the continuing and increasing economic harm inflicted on our State—the lost jobs, business failures, and crippled development.

Testifying on emergency strike legislation in Honolulu last January before the Merchant Marine Subcommittee of he Senate Commerce Committee, I asked the Subcommittee members "to help Hawaii find a viable solution to our dilemma."

I made arrangements for the Operation Blackeye group, which arrived in Washington late last January, to tell the plain truths about the economic impact of the dock strike on Hawaii at the White House and Federal agencies and to numerous Senators. I went with the group to discuss Hawaii's plight with a number of Senators and shortly afterward called attention to their mission and their message in a Senate speech.

Two months ago I joined other members of Hawaii's Congressional delegation, State government and community leaders in a wire to the President asking him to do everything possible to bring about settlement of the Masters, Mates and Pilots dispute.

NEW IDEAS FOR LABOR-MANAGEMENT PEACE

Both sides in longshore and maritime disputes suffer great losses when ships lie idle and work stops. A worker typically has payments on his mortgage, car, children's education and other obligations, which are jeopardized by loss of wages. Industry risks losing markets to foreign competition and loss of income to other forms of transportation, which often can never be recovered. In our intermeshed economy, for every worker who loses a paycheck because of his involvement in a strike or lockout, particularly in the transportation industry, several more workers in affected industries can lose their jobs or have their hours reduced. The general public suffers shortages, higher prices, delays and uncertainty.

It is evident that we desperately need new mechanisms to help all concerned—labor, management, the public—avoid the consequences of resort to strikes and lockouts.

The president of our largest national labor federation testified recently that he does not believe in strikes, though he believes in having the right to strike when he comes to the bargaining table. Meetings with the American Arbitration Association are underway for the purpose of finding out if there is some other method by which labor and management can voluntarily agree. One suggestion would be a contractual arrangement to extend for six months contracts due to expire for lack of agreement on a new contract, with an impartial arbitrator or arbitrating committee setting the terms of the extension. This could change the bargaining atmosphere—instead of everyone thinking and talking strike, there would be a much more positive relationship between the parties.

Another new negotiating procedure has been proposed by a prominent labor leader specifically to head off future shipping strikes. At regular monthly meetings, labor and shipping leaders could discuss problems as they arise in order to improve prospects that both sides would be ready to sign new contracts when old agreements expire. This idea offers hope for greater labor peace both on the Mainland and in Hawaii.

The President is expected to announce soon the formation of a National Commission for Industrial Peace, which will explore new ways for labor and management to compose their differences at the bargaining table and will suggest new crippling strikes legislation. I have urged the President to appoint to the Commission someone from Hawaii intimately familiar with the severe impact of shipping strikes on our people.

THREE BILLS FOR REFORM

While those other solutions are being considered, I have been directing my attention to legislative reform of the Taft-Hartley Act. I believe reform should provide a method whereby the workingman need not stop work and lose his wages, and the employer need not suspend operations, while new remedies are applied to help dissolve the dispute.

The unquestioned fact that our Island State is most vulnerable to maritime and longshore labor disputes, precisely the two industries in which Taft-Hartley has failed most often, has convinced me that the Act must be amended (1) to permit an injunction in regional as well as national disputes and in disputes depriving any section of the country of vital transportation services; (2) to allow essential shipping services to Hawaii; and (3) to guarantee settlement of emergency disputes in the transportation industry.

In 1971 and 1972, I cosponsored three bills to reform the Taft-Hartley Act to meet Hawaii's special needs: S. 2850, the Emergency Labor Disputes Act of 1971, S. 2959, a revised Emergency Labor Disputes Act, and S. 3232, the Transportation Crisis Prevention Act of 1972.

While retaining the familiar 80-day injunction, these bills proposed new options to use in emergency disputes in the transportation industry. These would be (1), further 15- or 30-day extensions of the injunction period; (2) partial operation of the affected industry, which could provide emergency shipping services to Hawaii, and (3) a final offer selection process, whereby a neutral panel would select the most reasonable of the final offers submitted by labor and management, which would become their binding contract unless the choice were found arbitrary or capricious by a Federal court. I was instrumental in assuring that these options as well as the familiar 80-day Taft-Hartley injunction would be expressly available in regional as well as national emergencies, a critical point for Hawaii.

In a statement to the Senate Labor Subcommittee on this legislation, I endorsed the final offer selection process because it places the burden of compromise where it should go, on the parties to the dispute themselves, rather than on the arbitrator. The interest of labor and management will lie in moving toward a reasonable, centrist position, since one of the offers will be selected intact as the contract. The final offer selection process is not compulsory arbitration.

Despite repeated requests by myself and others for prompt hearings, the Senate Labor Subcommittee delayed taking testimony on these and related bills to reform handling of national emergency disputes. After hearings were finally held, the full Labor Committee refused to report a bill for consideration by the entire Senate, again despite the best efforts of those of us urgently seeking reform.

SENATE VOTES AGAINST TAFT-HARTLEY REFORM

Our reform group was able on two occasions, however, to offer the substance of the bills I cosponsored as an amendment to legislation then pending on the Senate floor, once to amend an economic stabilization bill and once to amend the President's compulsory arbitration bill. I participated in vigorous floor fights on both these amendments.

During the economic stabilization debate in November 1971, the reform amendment was tabled (killed) by a vote of 58 to 29. I voted against tabling because I favored the amendment. When the President's compulsory arbitration bill came to the Senate for a vote on February 8, I and others again offered our Taft-Hartley reform proposals as an amendment to the bill. After a close hard-fought debate, the Senate tabled (killed) our amendment by a margin of just three votes, 42–39. I voted against tabling. The compulsory arbitration bill then passed the Senate 79–3, with myself voting in favor, and passed the House the next day. It was approved by the President on February 21, and the next day the ILWU and the Pacific Maritime Association reached an agreement on their own, ending the West Coast tie-up.

REFORM ACTION DURING THE 93D CONGRESS

I have already publicly pledged to introduce Taft-Hartley reform legislation in the 93rd Congress, which has just convened. I realize, as I am sure you do, that the legislative path will be a difficult one to travel in the new Congress, as it was in the last one. It is my deeply held conviction, however, that Hawaii's vital interests make imperative a renewed effort in Congress to protect our State from transportation disputes which cut our shipping lifeline. I will make that effort, exploring nonlegislative as well as legislative remedies, and I am confident of your support in so doing.

By Mr. BAYH (for himself and Mr. COOK):

S. 645. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes. Referred to the Committee on the Judiciary.

RUNAWAY YOUTH ACT

Mr. BAYH. Mr. President, today I am reintroducing the Runaway Youth Act, which is designed to meet the growing crisis of runaway children. I introduced the Runaway Youth Act during the 92d Congress. Cosponsored by 20 of my distinguished colleagues, it passed the Senate on July 31, 1972. Unfortunately, the 92d Congress ended before the House had the opportunity to complete action. However, at the time of adjournment, the Runaway Youth Act had been favorably reported by the General Education Subcommittee of the House Committee on Education and Labor.

More and more children run away from home each year. Yet, although the problem has become increasingly critical, neither the Federal Government nor the States have made a serious attempt to focus their resources on it. In the early 1950's an estimated 275,000 children ran away from home each year. Today, as many as 1 million children run away each year. I believe that it is time for the Federal Government to take effective action.

The runaway problem has continued unnoticed for many years because it is a silent problem, far less dramatic than most of the other ills that affect our young people. Most runaways are not criminals. Instead, they are confused boys and girls who are overburdened with personal, family, or school problems and decide to flee. They deserve our help and understanding, but instead they have been treated with indifference and even hostility.

Although most runaways have committed no crime for which an adult could be charged, running away is against the law in most States for children under the age of 18. A runaway may be brought to court and may be incarcerated in a juvenile institution. Even when this does not occur, the runaway is subject to arrest by the police. More and more runaway children have been arrested each year. In 1967, the FBI's Uniform Crime Statistics estimated that more than 130,000 arrests for running away were made by the Nation's police departments. By 1971, the FBI's estimate had risen to 269,000.

Many of these children are detained in county jail or juvenile hall before being returned home. There they are exposed to more experienced juveniles and in some cases to adult offenders. Even worse, society's concern usually ceases when the runaway is returned home. Thus, the runaway is often returned to the same probems which originally caused him to run away no better equipped to deal with them than when he first left home. For this reason, many runaways leave home again and again.

Hearings held last year by the Senate Subcommittee To Investigate Juvenile Delinquency, of which I am chairman, provided a number of insights about the typical runaway and the problems which he faces. Runaways are generally young. The largest group are 15 or 16 years old, but many are as young as 12 or 13. There are at least as many female runaways as males. However, in many places the number of female runaways seems to be increasing rapidly. While most runaways are white and from the suburbs, this is not simply a white middle-class problem. Runaways come from all racial, social, and economic groups.

Most runaways seek the anonymity of the city. Since most runaways flee from the suburbs and are generally young, their experience on the streets of most of our major cities can be extremely damaging. Being inexperienced and without resources, they are vulnerable to many of our urban dangers. For many young people, the runaway episode provides the first contact with drugs, street violence, and petty crime. In this way, many young runaways are prepared for more serious criminal behavior in the future.

The Runaway Youth Act attempts to deal with this problem by helping young people come off the street without police intervention, by returning them home, and by providing the child and his family with counseling to understand the problems that caused him to run away in the first place. The act authorizes the Secretary of Health, Education, and Welfare to provide assistance to local private and public agencies to operate temporary shelter care programs in areas where runaways tend to congregate. Unlike traditional halfway houses, these facilities are designed to shelter young people for a very short period of time rather than on a long term basis. They could be used by the courts and the police to house runaways temporarily prior to their return home or to another permanent living arrangement. However, their primary function would be to provide a place where runaways could find immediate assistance, such as medical care and counseling. Once in the runaway house, the young person would be encouraged to contact his home and reestablish a permanent living arrangement. Professional, medical, and psychological services would be available to these houses from the community as they are needed.

Most importantly, the shelters established under this act will be equipped to provide counseling for both the runaway and his family after the runaway has moved to permanent living facilities. If counseling is not appropriate or feasible, information on where to seek more comprehensive professional help will be supplied. In short, these houses will serve as highly specialized alternatives to the traditional law enforcement methods of dealing with runaways.

The act authorizes appropriations of $10 million for each of 3 years. While this amount is not large, temporary shelter care is relatively inexpensive to provide. Furthermore, experience has shown that these houses can serve a large number of clients. For those programs now in existence, it is not unusual to provide residential services for more than 500 young people a year.

The Runaway Youth Act also authorizes funds to conduct research on the scope of the runaway problem in order to collect data on the children who run away. I believe that reliable statistics rather than broad-based, general research will be more useful at the present time in developing effective approaches to the runaway youth problem. Thus, the research would focus on the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior.

Mr. President, we often speak of inferior prisons, overcrowded courts, and overworked police. But we also know that if we are ever to reduce crime and improve our criminal justice system, we must begin to help people before they come in contact with the law. The Runaway Youth Act makes this effort. It is a delinquency prevention measure designed to help troubled youngsters before they become a serious threat to society. I urge my distinguished colleagues to give it serious and favorable consideration as they did during the last Congress. I ask unanimous consent that the text of the bill and the summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Runaway Youth Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) that the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) that many of these young people, because of their age and situation are urgently in need of temporary shelter and counseling services;

(4) that the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) that in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

TITLE I

SEC. 101. (a) The Secretary of Health, Education, and Welfare is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this title. Grants under this title should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways.

(b) The Secretary may promulgate and enforce any rules, regulations, standards and procedures which he may deem necessary and appropriate to fulfill the purposes of this act.

SEC. 102. (a) To be eligible for assistance under this title, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify, an applicant must submit a plan to the Secretary of Health, Education, and Welfare meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

(3) shall develop an adequate plan for contacting the child's parents or relatives in accordance with the law of the State in which the runaway house is established and insuring his safe return according to the best interests of the child;

(4) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway children and their parents within the State in which the runaway house is located and assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves;

(7) shall submit annual reports to the Secretary of Health, Education, and Welfare detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required in section 102(b)(6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary of Health, Education, and Welfare; and

(9) shall supply such other information as the Secretary of Health, Education, and Welfare reasonably deems necessary.

SEC. 103. An application by a State, locality, or nonprofit private agency for a grant under this title may be approved by the Secretary only if it is consistent with the applicable provisions of this title and meets the requirements set forth in section 102. Priority shall be given to grants smaller than $50,000.

SEC. 104. Nothing in this title shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this title and agree to be legally responsible for the operation of the runaway house. Nothing in this title shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this title.

SEC. 105. The Secretary of Health, Education, and Welfare shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services; and

(3) their effectiveness in strengthening family relationships and encouraging stable living situations for children.

SEC. 106. As used in this title, the term "State" shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 107. (a) The Federal share for the construction of new facilities under this title shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) For the purpose of carrying out this title there is authorized to be appropriated for each of the fiscal years 1974, 1975, and 1976 the sum of $10,000,000.

TITLE II

SEC. 201. The Secretary of Health, Education, and Welfare shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socioeconomic background of runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1974.

SEC. 202. For the purpose of carrying out this title there is authorized to be appropriated the sum of $500,000.

SUMMARY OF THE RUNAWAY YOUTH ACT

Title I authorizes the Secretary of Health, Education, and Welfare to make grants to establish local institutions to deal primarily with runaways outside the traditional law enforcement, juvenile justice system.

Section 101 requires that grants be made on the basis of the number of runaways in the community and the present availability of services for runaways. Additionally, it requires that priority be given to private organizations who have had experience dealing with runaways.

Section 102 establishes the requirements which runaway houses must meet to be eligible to receive grants. These include: (1) location in an area frequented or reachable by runaways; (2) a maximum capacity of no more than 20; and (3) the development of adequate plans to insure proper contact with the police, safe return of the runaway, and adequate after-care counseling. Additionally, each proposed grantee must keep statistical surveys of their clients and report them annually to the Secretary. This is intended to aid in the research financed through title II.

Section 103 requires that a plan meet the requirements of Section 102 before it may be approved by the Secretary.

Section 104 insures that the Federal government will have no direct control over the staffing of the runaway houses.

Section 105 requires the Secretary to report annually to Congress on the effectiveness of runaway houses.

Section 106 includes Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in the term "State."

Section 107 authorizes $10,000,000 for fiscal years 1974, 1975, and 1976. Additionally, it requires that the Federal share of the cost of constructing such houses be not more than 50 percent. The Federal share of the cost of renovating existing structures, providing counseling services and staff training, and general operating expenses is established at 90 percent.

Title II authorizes the Secretary of Health, Education and Welfare to conduct research on all aspects of the runaway problem. It authorizes $500,000 to be spent for this purpose and requires the Secretary to report to Congress no later than June 30, 1974.

Mr. COOK. Mr. President I am pleased to again join with my friend and colleague, Mr. BAYH, the Senator from Indiana, in the introduction of the Runaway

Youth Act, a bill in which we have both been extremely interested since we first introduced this legislation in November of 1971.

As a lawyer and a former county judge in Kentucky, as well as the father of five teenage children, I have been particularly concerned in recent years with the situation of young people who, in the midst of growing up and asserting their independence, have found themselves in serious legal trouble and under the jurisdiction of our criminal justice system. Quite often these youngsters are guilty of nothing more than obstinence and an overpowering desire to prove that they can do and decide things on their own. These young people are guilty of juvenile status offenses—crimes that would not be crimes if they were adults—such as running away from home.

In many States and localities throughout this country such youngsters are found and held by local police authorities and treated in much the same manner as any other criminal. I do not feel that this is either just or wise, and the purpose of this legislation is to encourage the development of alternate ways of dealing with these youngsters. A number of different programs are currently underway in various places around the country, offering counseling and encouragement to such youngsters and providing the positive sort of feedback the criminal justice system is unable to provide for them.

I am hopeful that this body will once again give prompt consideration to this proposal and that the House will act favorably on this legislation.

By Mr. BENTSEN:

S. 646. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years, and to establish certain rules for the consideration of applications for renewal of broadcast licenses. Referred to the Committee on Commerce.

Mr. BENTSEN. Mr. President, due to the currently complicated and disruptive procedures for the renewal of broadcast licenses, the very future of many television and radio stations throughout the country is in question. Every station in every State is affected by present license renewal policy which is confusing and ambiguous.

The power to choose broadcast licensees and impose conditions on licenses is the power to control broadcasting in this country. It is in the interest of everyone that such power be exercised fairly and with restraint to provide a stable, responsible broadcasting service as free as possible from Government control. And it is vital that the limits of such power be clearly and unequivocally defined by the Congress.

At present, the obligations and responsibilities of broadcasters are not clear. My bill is designed to clear up the ambiguities and uncertainties involved. The Congress must specify what those holding licenses will have to do to be able to renew them and we must delineate in plain language and well-defined terms the authority of the Federal Communications Commission in this regard. This bill will assure broadcasters that if their broadcasting efforts reflect a good-faith effort to serve the community then their licenses will be renewed—but only if they have, indeed, proven that they have served their community well. I believe that an FCC policy that results in licenses being auctioned off to whatever bidder makes the most promises tends to produce instability, loss of freedom and irresponsibilty.

I wish to emphasize, Mr. President, that I in no way oppose the right of the challenger to challenge. What I do oppose is a lengthy, costly, chaotic renewal process which fails to take into full consideration the licensee's past record of service to the community. Until fairly recently a broadcaster could rely on his having substantially met and served the public interest to give him preference over a new applicant for the license. However, in the landmark WHDH case in 1969, the FCC, giving little credit to the licensee for past performance, took the license away and awarded it to the competing applicant. This decision injected into the license renewal procedure a degree of instability which goes against the public interest.

A series of further FCC and U.S. court of appeals decisions has done little to clarify the situation. Broadcasters are just not sure as to what criteria they must meet to have their licenses renewed. Management assumes an unnecessarily high risk in making long-term capital commitments to improve the quality of transmission and service of its station. The costs of such investments may not be amortized over a reasonable length of time because of the increased possibility of arbitrary or capricious cancellation of licenses for factors beyond the control of the licensee. Broadcasting thereby suffers and this is a disservice to the public.

The importance of this issue to the public cannot be overemphasized. The value to the public of a free broadcasting system lies in unintimidated broadcasting and news coverage. Therefore, a stable license renewal procedure is not only beneficial to broadcasters but also is indispensable to the public. The public deserves to have a broadcasting system free from pressure emanating from the threat of irresponsible license challenges.

Failure to take prompt action to enact license renewal legislation will result not only in continued instability in the broadcasting industry but also in a lack of faith in the media by the very community the media serve. Freedom of the press is currently being attacked on all sides. We in the Congress must move to assure that this freedom is preserved and protected.

By Mr. McGEE (by request):

S. 647. A bill to establish a nationwide national public employee merit system. Referred to the Committee on Post Office and Civil Service.

NATIONAL PUBLIC EMPLOYEE MERIT SYSTEM AND REPRESENTATION ACT OF 1973

Mr. McGEE. Mr. President, it has been said that in the year 2000 the 1970's will be referred to as the "decade of the public sector," taking its place along with the 1880's and the 1930's as one of the three most significant periods in labor relations history in our Nation. Today, State and local government employment reflects one of the most dynamic growth patterns in our economy. In 1935 State and local government employment represented approximately 8 percent of the total civilian nonagriculture labor force. Today approximately 12 percent of our total civilian nonagriculture labor force is in the non-Federal employment sector, totally over 13 million persons. Six out of every 10 new jobs created in our economy are in the non-Federal Government sector.

During the recent past, however, this Nation has witnessed the increase of disruption in the public sector. Even as I make these remarks there are hundreds of public servants who are on strike. This Nation witnessed its first strike of public employees in 1835 when a few hundred employees walked off their jobs at the Washington Naval Yard. And all can recall the disruption of mail service when over 200,000 mail clerks and carriers walked off their jobs in 1970.

The States have developed a variety of methods to work with public employee organizations to achieve sound methods of meaningful public employee labor relations. Some are successful, some are less than successful and many are totally inadequate. Consequently, I believe it is incumbent upon the Congress of the United States to explore methods by which we can assist the States in developing meaningful public employee labor relations. By this statement, I in no way suggest that Congress should take over the traditional role of the States, but I do believe we should fully explore the subject.

I am introducing today the Public Employee Merit System and Representation Act of 1973. The purpose of this legislation is to focus attention upon the recognized needs of sound labor principles for the public employee. Realizing the tremendous importance and impact of this segment of our society, I am suggesting by this legislation and we thoroughly examine the means and methods to assist all levels of public employment in establishing tranquil as well as meaningful labor relations. As the national legislative body of this country, I do not believe we can afford to do less.

Mr. President, I ask unanimous consent that a copy of this bill be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 647

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "National Public Employee Merit System and Representation Act of 1973".

DECLARATION OF POLICY

SEC. 2. (a) It is the policy of the United States that public employees be selected, promoted and retained on the basis of merit and fitness without regard to sex, race, religion or political or organizational affiliation, and that they be afforded the rights to which all employees working in a free, democratic society are entitled.

(b) The failure by some public employers to establish and maintain merit systems, the denial by some public employers of the right of public employees to form, join, and participate in employee organizations of their own choosing, and the refusal by some public employers to adopt laws and procedures for employee representation deprive public employees of the effective exercise of rights guaranteed under the Constitution, deprive the public and employees of a fair and efficient government service, and also leads to strikes and other forms of strife and unrest with the consequent effect of obstructing the flow of commerce thereby denying the right of citizens of the United States to exercise rights protected by the Constitution and interfering with the normal and necessary operations of government.

(c) Experience in public personnel administration has proven that the constitutional rights of employees, and particularly the disadvantaged, are better protected and their civil rights enhanced by providing opportunities for appointment, advancement, and protection of employment through merit systems.

(d) It also has been proven that protection by law of the rights of employees to form, join, and participate in employee organizations of their choice and to bargain collectively protects commerce and the public interest therein from injury, impairment or interruption, including commerce among the States; safeguards rights guaranteed by the Constitution; and promotes the flow of commerce by removing recognized sources of strife and unrest. Protection of these employee rights encourages practices fundamental to the peaceful adjustment of employment relations disputes and fosters democratic relationships between public employers and employees.

(e) It is further declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce among the States, to mitigate and eliminate these obstructions when they occur, and to protect the effective exercise of rights guaranteed by the United States Constitution by promoting the establishment and maintenance of merit systems of personnel administration at all levels of government, and providing for the positive participation of public employees in the formulation and implementation of personnel policies and procedures through collective bargaining and other forms of employee representation.

DEFINITIONS

SEC. 3. When used in this Act, the term—

(1) "public employer" means each State, and each political subdivision thereof, including but not limited to, any town, city, county, borough, district, public or quasi-public corporation, or other government authority or public agency established by State or local law;

(2) "public employee" means any individual employed by a public employer except (A) individuals employed by the legislative or judicial branch of a public employer, (B) officials elected to office, and (C) officials appointed by the chief executive officer of a public employer who determine policies to be pursued by such employer in such employer's relations with other public employers or with the government of the United States or in the administration of State and local laws;

(3) "employee organization" means an organization the membership of which is composed of public employees and which has as one of its primary purposes the representation of such employees in their dealings with public employers concerning grievances, labor disputes, wages, hours of employment, and other terms and conditions of employment;

(4) "Commission" means the National Public Employee Relations Commission;

(5) "collective bargaining" means the mutual obligation of a public employer and the representative of an employee organization (which is recognized for the purpose of collective bargaining) when in disagreement over employment conditions, employer-employee relations (including questions concerning wages and hours of work), or any other terms and conditions of employment to personally meet and through the free exchange of information, opinions, and proposals to endeavor to reach agreement on matters in dispute in good faith within a reasonable time and to execute, upon the request of either party, a written contract incorporating any agreement reached, but such obligation shall not compel either party to agree to any proposal or to make any concession;

(6) "tenure" means the granting of permanent employment status by a public employer to a teacher; and

(7) "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

RIGHTS OF PUBLIC EMPLOYEES

SEC. 4. Each public employee has the right of self-organization and to engage in collective bargaining through representatives of his choice free from interference, restraint, or coercion, and the right to refrain from any or all of such activities.

EMPLOYMENT STANDARDS

SEC. 5. (a) For the purpose of carrying out the provisions of this Act and as a condition of eligibility to receive any funds from the Federal Government which may be used to finance any program conducted in a State, each State shall establish a public personnel system which shall be in effect and applicable to each public employer within such State and which shall—

(1) provide, in the case of public employees, that permanent appointments, promotions, and retention in positions be made exclusively on the basis of merit, fitness, and efficiency, without regard to sex, race, religion or political or organizational affiliation;

(2) provide that the right of each public employee to freely join or not join and be represented by an employee organization be guaranteed;

(3) provide that the right of an employee organization to represent its membership in determining terms and conditions of employment be recognized;

(4) provide (A) that each public employer shall adopt procedures for collective bargaining which shall include provisions for the adjudication of grievances and guarantee to public employees the right of collective bargaining and (B) procedures for the presentation and consideration of petitions from public employees;

(5) provide that each public employer will provide reasonable assistance to employee organizations including withholding of employee organization membership dues;

(6) provide for the establishment or designation of one State agency which shall be responsible for public employee relations and which shall (A) have the power to hold hearings and issue subpoenas, and (B) establish appropriate procedures to resolve recognition and representation disputes, to assure adherence to the law by all parties to such disputes, and to furnish the means of settling controversies arising out of unfair labor practice charges or negotiation impasses; and

(7) provide for the establishment of (A) a grievance procedure under which a public employee who has in any manner been adversely affected in his employment by an action or failure of action by a public employer, a supervisor, or another public employee shall be entitled to a fair hearing, (B) a tenure system under which a teacher employed by a public employer may be granted permanent employment status, (C) a procedure for providing the opportunity for a fair hearing before any public employee may be demoted, suspended or dismissed, or denied or deprived of tenure or status, and (D) a means for protecting the rights guaranteed public employees under section 4 of this Act and for resolving charges concerning unfair labor practices.

(b)(1) In order to promote uniform and effective public personnel administration and to facilitate the administration of Federal grant-in-aid programs and projects undertaken by public employers and as a condition of receiving such aid and assistance, each public employer shall, by July 1, 1975, adopt a program complying with the standards set forth in subsection (a), or shall give satisfactory assurance to the Commission established under section 7 of this Act that the public employer will conform to such standards.

(2) The Commission, upon finding that any public employer is not complying with the requirements of subsection (a), may order any such public employer to establish a public personnel system in accordance with subsection (a).

(3) Upon a finding that any order issued under paragraph (2) has not been implemented, the Commission may direct the suspension of any payment otherwise payable under the provisions of any Federal program to such employer and shall notify each department, agency, or instrumentality of the Federal Government from which such payment would be received of its action.

(4) Notwithstanding any other provision of law, each department, agency, or instrumentality of the Federal Government shall, upon receipt of any order issued under the provisions of this subsection, suspend the payment of any funds which are directed to be suspended by such order and otherwise comply with the terms of such order.

UNFAIR LABOR PRACTICES

SEC. 6 (a) It shall be an unfair labor practice for a public employer—

(1) to interfere with, restrain or coerce public employees in the exercise of the rights guaranteed under section 4 of this Act;

(2) to dominate, interfere or assist in the formation or administration of any employee organization;

(3) to encourage or discourage membership in any employee organization through use of discriminatory practices with respect to hiring, granting tenure, or deciding any other condition or term of employment;

(4) to discharge or otherwise discriminate against a public employee because he has filed a complaint, affidavit, petition or given any information or testimony regarding his employment;

(5) to refuse to bargain collectively in good faith; or

(6) to fail to comply with the policies and standards of this Act.

(B) It shall be an unfair labor practice for an employee organization or its agents—

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed by section 4 of this Act, but this paragraph shall not affect the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) a public employer in the selection of his representative for the purpose of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause a public employer to discriminate against a public employee in violation of subsection (a)(3) or to discriminate against a public employee with respect to whom membership in such organization has been denied or terminated on a basis other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership; or

(3) to refuse to bargain collective in good faith with a public employer.

ESTABLISHMENT OF COMMISSION

SEC. 7. (a) (1) There is hereby established the National Public Employee Relations Commission which shall be responsible for the enforcement of the provisions of this Act. The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. The members of the Commission shall not engage in any other business, vocation, or employment during the term of their appointment.

(2) Each of the original five members of the Commission shall be appointed for terms of one, two, three, four, and five years respectively, as determined by the President, but the term of office of each member appointed thereafter shall be five years, except that any individual appointed to fill a vacancy on the Commission shall be appointed only for the unexpired term of the vacating member.

(3) Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(4) Any vacancy in the membership of the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(5) The Chairman of the Commission shall be designated by the President.

(6) Three members of the Commission shall constitute a quorum.

(b) (1) For the purpose of conducting hearings and investigations, the Commission, or its duly authorized agent, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence in the possession or control of any person being investigated or proceeded against if such evidence relates to any matter under investigation or in question. The Commission, or any member thereof, shall upon application of any party to such proceedings, issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Commission to revoke, and the Commission shall revoke, such subpena if, in its opinion, the evidence required to be produced does not relate to any matter under investigation, or to any matter in question in such proceedings, or if, in its opinion, such subpena does not describe with sufficient particularity the evidence required to be produced. Any person may appeal the Commission's revocation of a subpena to any district court of the United States or the United States courts of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on. Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any territory or possession thereof, at any designated place of hearing.

(2) In the case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or courts of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission or any party to a proceeding under this section shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, or agent, to produce evidence if so ordered, or to give testimony relevant to the matter under investigation or in issue; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Commission, its member, or agent, may be served either personally or by registered or certified mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed shall be proof of service of the same. Witnesses summoned before the Commission, its member, or agent, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and witnesss whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of public employers and employee organizations shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

(7) Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall, upon conviction, be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

(c) The Commission shall adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this Act. Public hearings shall be held by the Commission on any proposed rule or regulation of general applicability designed to implement, interpret or prescribe policy, procedure, or practice requirements under the provisions of this Act and on any proposed change to any such rule or regulation. Reasonable notice shall be given prior to such hearings, which shall include the time, place, and nature of such hearing and also the terms or substance of the proposed rule or regulation or the proposed changes to such rule or regulation.

(d) (1) There shall be a General Counsel of the Commission who shall be appointed by the Commission and who shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level V. The General Counsel shall be authorized to investigate alleged violations of this Act, to file and prosecute complaints and represent the Commission in all legal proceedings. The General Counsel shall exercise such other powers as the Commission may prescribe.

(2) All expenses of the Commission, including all necessary travel and subsistence expenses incurred by its members or employees, shall be paid after approval by the Commission or any individual designated for that purpose by the Commission.

(3) The Commission may hire such employees as it deems necessary for the proper performance of its duties.

(e) The Commission shall at the close of each fiscal year submit a report in writing to the Congress and to the President stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and other individuals under the supervision of the Commission, and an account of all moneys disbursed.

(f) The principal office of the Commission shall be in the District of Columbia, but the Commission may meet and exercise any or all of its powers at any other place.

MERIT SYSTEM

SEC. 8. Nothing in this Act or in any proceeding adopted hereunder shall be construed to require public employers to enter into agreements under which appointments and promotions in the public service shall be made on any basis other than merit, fitness and efficiency and without regard to sex, race, religion or political or organizational affiliation.

SEVERABILITY

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

COMPENSATION OF COMMISSION MEMBERS

SEC. 10. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Members, National Public Employee Relations Commission (5).".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(97) General Counsel of the National Public Employee Relations Commission.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 12. The provisions of this Act shall become effective 90 days after the date of enactment.

By Mr. McGEE (for himself, Mr. MONDALE, Mr. WILLIAMS, and Mr. EASTLAND):

S. 648. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes. Referred to the Committee on Labor and Public Welfare.

NATIONAL DIABETES ACT OF 1973

Mr. McGEE. Mr. President, today my colleague from New Jersey (Mr. WILLIAMS) and I are introducing the National Diabetes Act of 1973. I am especially pleased to have Senator WILLIAMS join me in sponsoring this legislation. As you know, he is chairman of the Committee on Labor and Public Welfare and the ranking member on the Health Subcommittee. I am also happy to announce that Senator EASTLAND, chairman of the Judiciary Committee, has joined as a sponsor.

The objective of the proposed National Diabetes Act of 1973 is to amend the Public Health Service Act in order to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases so that a national attack on diabetes mellitus may be undertaken.

Approximately 5 million Americans now have diabetes. Its known prevalence has doubled in the past decade. It is the fifth leading cause of death from disease. It is the second most-common cause of new cases of blindness. Complications of diabetes frequently lead to other serious health problems including heart attacks, strokes, gangrene of the extremities, kidney failure, and impaired nerve function. Uncontrolled diabetes significantly decreases life expectancy, and limits the ability of the afflicted individuals to work and earn wages. It has been particularly difficult to manage the disease satisfactorily in many children and adolescents. High quality health care has usually not been available to those who have diabetes and who are economically or educationally deprived.

The citizens of the United States are entitled to a full understanding of the nature and impact of diabetes. They should know that present methods of treating diabetes are associated with many difficult and unsolved problems that occur during the course of the disease. The attainment of better methods of diagnosis and treatment of diabetes mellitus deserves the highest priority. The greatest potential for advancement against diabetes lies in the National Institute of Arthritis, Metabolism, and Digestive Diseases, and in the coordination of its research programs and those related to diabetes of other institutes of the National Institutes of Health. Thus the National Diabetes Act of 1973 would expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases—NIAMDD—by adding four new sections to section 3, part D of title 4 of the Public Health Service Act.

The first section would set up a national diabetes program under the Director of NIAMDD with the advice of that Institute's National Advisory Council. The program would expand, intensify, and coordinate the activities of the Institute respecting diabetes and related endocrine and metabolic diseases, and would coordinate with other research institutes of NIH to the extent that they had responsibilities respecting such diseases. This coordination would involve investigations into the causes, pathologic physiology, prevention, and control of diabetes, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants that are involved. Research into the basic biological mechanisms underlying the abnormal phenomena associated with diabetes would be undertaken. Research into the development, trial, and evaluation of therapeutic modalities and drugs used in the diagnosis, treatment and prevention of diabetes would be carried out.

Programs that would focus and apply technological efforts involving the biological, physical, and engineering sciences in all facets of diabetes would be established. Field studies including large-scale testing, evaluation, and demonstration of preventive, diagnostic, therapeutic, rehabilitative, and control approaches to diabetes would be established. Scientists, including clinicians and educators in the fields and specialties related to diabetes, would be trained so that they may provide leadership in establishing and supervising the previously noted programs. Those so trained would provide in turn professional, public, and patient education related to all aspects of diabetes for the Nation at large.

The plan required by this section would be developed and transmitted to the Congress within 270 days after the effective date. It would set out NIAMDD staff requirements to carry out the program, and it would make recommendations for appropriations for the program. After the end of each calendar year, the Director of the Institute would prepare in consultation with the Council for submission to the President and transmittal to the Congress a report of the activities, progress, and accomplishments under the program during the preceding year and plans for the program during the next 5 years. The Director of the Institute under policies established by the Director of NIH and after consultation with the Council, might, if authorized by the Council, obtain the services of not more than 10 experts or consultants who have scientific or professional qualifications in the field of diabetes.

The second section would establish a diabetes prevention and control program which would cooperate with other Federal health agencies, State, local and regional public health agencies, and nonprofit private health agencies so that diabetes could be diagnosed as soon as possible, prevented when possible, and controlled or treated appropriately in as many patients as possible. The prevention, diagnosis, control, and treatment of the disease in children would be appropriately emphasized.

The third section would provide for the establishment of a minimum of 15 national research and demonstration centers for diabetes. Eventually we envision as many as 50 such centers located geographically across the Nation so as to equally serve and reach all people and areas. These centers would engage in basic and clinical research in the prevention, diagnosis, control, and treatment of diabetes, in the training of individuals to carry out such activities, and in the demonstration of modern methods of preventing, diagnosing, controlling, and treating diabetes to both professional and lay individuals. These centers would be utilized for research, training, and demonstration programs to develop improved methods of detecting individuals with a risk of developing diabetes, and to develop improved methods of intervention against those factors which cause individuals to have a risk of developing diabetes. These centers would develop programs to train highly skilled physicians and allied health professionals in the prevention and control of diabetes.

The Director of NIAMDD under policies established by the Director of NIH and after consultation with the Council would be authorized to enter into cooperative agreements with public and nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening and providing basic operating support for existing or new centers, and to pay for basic or clinical research into, training in, and demonstration of advanced diagnostic, prevention, treatment, and control methods of diabetes. These funds may be used for construction, staffing, and other basic operating costs including such patient care costs as are required for research, training, and demonstration purposes. The support for each center may be for a period not to exceed 5 years. The support, however, may be extended by the Director of NIAMDD for additional periods of not more than 5 years each after review by an appropriate scientific review group established by the Director.

It has been estimated that diabetes-related sickness absenteeism, disability, and lifetime productivity losses due to premature death result in the loss of about $2 billion in earnings each year. When the National Diabetes Act of 1973 is enacted into law, it will be possible for the first time to develop rational medical care systems of high quality for all patients in the United States with diabetes. New knowledge that will be accumulated by research and investigation will make it possible to control the disease more satisfactorily, and may lead to the development of methods that can prevent or cure diabetes. There is every reason to believe that there will be significant decrease in sickness absenteeism, disability, and premature death from diabetes once the National Diabetes Act of 1973 is implemented.

Mr. President, I respectfully urge my colleagues in the Senate to join me in support of this proposal, and I am hopeful that Congress will approve this legislation early in this Session.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Diabetes Act of 1973."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that diabetes mellitus is a major health problem in the United States in that it afflicts approximately 5,000,000 Americns;

(2) that it is the fifth leading cause of death from disease, and that it is the second leading cause of new cases of blindness;

(3) that the complications of diabetes mellitus lead to many other serious health problems;

(4) that uncontrolled diabetes significantly decreases life expectancy.

(5) that the citizens of the United States should have a full understanding of the nature of the impact of diabetes mellitus;

(6) that there is convincing evidence that the known prevalence of diabetes mellitus

has increased dramatically in the past decade;

(7) that the present level of knowledge of therapy of diabetes mellitus has not provided solutions to many difficult problems and especially in the delivery of health care to those who are economically and educationally deprived;

(8) that the severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of diabetes mellitus;

(9) that the attainment of better methods of diagnosis and treatment of diabetes mellitus deserves the highest priority; and

(10) that the greatest potential for advancement against diabetes lies in the National Institute of Arthritis, Metabolism, and Digestive Diseases, but advancement against this and related diseases depends not only on the research program of that Institute but also on the research programs of the other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes.

DIABETES PROGRAMS

SEC. 3. Part D of title IV of the Public Health Service Act is amended by adding after section 434 of such title the following new sections:

"NATIONAL DIABETES PROGRAM

"SEC. 435. (a) (1) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, with the advice of the National Advisory Council of the Institute (hereinafter referred to as the 'Council'), shall develop a plan for a National Diabetes Program (hereinafter in this part referred to as the 'Program'). For the purpose of this part the Program will include and be aided by similar efforts with regard to related endocrine and metabolic diseases and to basic biologic processes and mechanisms, the better understanding of which is essential to solution of the problem of diabetes.

"(2) It is the purpose of the Program to expand, intensify, and coordinate the activities of the Institute respecting diabetes and related endocrine and metabolic diseases. The Program shall be coordinated with the other programs conducted or administered by the research institutes of the National Institutes of Health to the extent that such institutes have responsibility respecting such diseases. The Program shall provide for—

"(A) investigation into the epidemiology, etiology, prevention and control of diabetes, including investigation into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, prevention and control of diabetes;

"(B) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal phenomena associated with diabetes including abnormalities of the skin, gastrointestinal tract, kidneys, eyes, and nervous system. The studies and research shall also include evaluation of influences of other endocrine hormones on the etiology, treatment, and complications of diabetes.

"(C) research into the development, trial, and evaluation of techniques and drugs used in, and approaches to, the diagnosis, treatment and prevention of diabetes;

"(D) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical and engineering science to all facets of diabetes;

"(E) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation and demonstration of preventive, diagnostic, therapeutic, rehabilitative and control approaches to diabetes;

"(F) the education and training of scientists, clinicians, and educators in the fields and specialties requisite to the conduct of programs respecting diabetes; and

"(G) patient, public and professional education relating to all aspects of diabetes.

"(b) (1) The plan required by subsection (a) of this section shall be developed within two hundred and seventy days after the effective date of this section, and be transmitted promptly to the Congress. Such plan shall set out the staff requirements and resources necessary for the National Institute of Arthritis, Metabolism, and Digestive Diseases to carry out the Program and recommendations for adequate funding levels for the Program.

"(2) In the development of the plan, attention will be given to means to assure continued production of fundamental new knowledge which would form the basis of future advances in the understanding, treatment, and control of diabetes. Specific recommendations will be made on the proportion of the effort devoted to the production of new knowledge which would be expected to occur as the result of individual projects undertaken in the nation's and the world's biomedical research laboratories generally and that which would be anticipated as arising from the research conducted in the centers under Section 437.

"(3) The Director of that Institute shall as soon as practicable after the end of each calendar year prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress and accomplishments under the Program during the preceding year and a plan for the Program for the succeeding five-year period.

"(c) In carrying out the Program, the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provisions of this Act may, if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than ten experts or consultants who have scientific or professional qualifications.

"DIABETES PREVENTION AND CONTROL PROGRAM

"SEC. 436. (a) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, under policies established by the Director of the National Institutes of Health, and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local and regional public health agencies, and nonprofit private health agencies, in the prevention, control, and evaluation of diagnosis and treatment of diabetes, appropriately emphasizing the prevention, control, diagnosis and treatment of such diseases in children.

"(b) There is authorized to be appropriated to carry out this section $25,000,000 for the fiscal year ending June 30, 1974, $35,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR DIABETES

"SEC. 437. (a) (1) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases may provide for the development of not less than 15 centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention and treatment methods for diabetes.

"(2) The centers developed under paragraph (1) of this subsection shall, in addition to being used for research, training, and demonstration projects, be available for the following prevention program for diabetes:

"(A) programs to develop improved methods of detecting individuals with a risk of developing diabetes;

"(B) programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing diabetes; and

"(C) programs to develop health professions and allied health professions personnel highly skilled in the prevention and control of diabetes.

"(3) (a) Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, treatment and control methods for diabetes. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405;

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) training, including training for allied health professions personnel; and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases for additional periods of not more than five years each, after review of the operations of the center by a scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 438. (a) The Secretary shall establish an Interagency Technical Committee on Diabetes which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to diabetes to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary."

CONFORMING AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Section 431 (a) of the Public Health Service Act is amended by striking out "and metabolism" and inserting in lieu thereof "diabetes and metabolic diseases."

By Mr. JAVITS (for himself, Mr. ABOUREZK, Mr. BROCK, Mr. BROOKE, Mr. CASE, Mr. CRANSton, Mr. Fong, Mr. Gravel, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Ribicoff, Mr. Roth, Mr. Scott of Pennsylvania, Mr. Tunney, and Mr. Williams):

S. 649. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

Referred to the Committee on Foreign Relations.

JAPAN-UNITED STATES FRIENDSHIP ACT

Mr. JAVITS. Mr. President, as we all remember, just 28 years ago U.S. relations with Japan were in a state of total war and were characterized by distrust and enmity. Today, Japan is a close ally, our second biggest trading partner, and a thriving democracy. Through intelligent diplomacy, mutual self-interest, and reciprocal respect, the relationship of 28 years ago has been transformed into a cooperative and mutually beneficial friendship that is unprecedented in East-West relations. Perhaps, the most significant symbol of this new United States-Japan relationship is the Okinawa Reversion Agreement, approved by the Senate on November 10, 1971, by a vote of 84 to 6. This unique relationship grows out of the experiences of the past 20 years and is the foundation for plans and aspirations in Asia for the next 20 years; I believe it must be perpetuated.

Clearly an example of cooperation, mutual respect, understanding, and trust between equals, this agreement effected the return of Okinawa to Japanese administration. The agreement also provides that Japan pay $320 million to the United States, over a period of 5 years, as repayment of the cost to the United States for public utilities and other facilities on the island and now turned over to Japanese administration plus some costs in connection with relocation of American facilities and employment of indigenous labor.

Therefore, today I reintroduce for myself and Senators Abourezk, Brock, Brooke, Case, Cranston, Fong, Gravel, Hatfield, Hughes, Humphrey, Inouye, Jackson, Kennedy, McGovern, Moss, Muskie, Nelson, Ribicoff, Roth, Scott of Pennsylvania, Tunney, and Williams, the Japan-United States Friendship Act. The bill sets aside 10 percent of the payments to be received from Japan in connection with the reversion of Okinawa to establish a fund to promote scholarly, cultural, and artistic interchange between Japan and the United States. It authorizes the appropriation of $32 million, from the $100 million already paid to the U.S. Treasury as specified by the Reversion Agreement. The text of the bill, as compared to that originally introduced on August 2, 1972, has undergone some nonsubstantive revisions in the interests of clarity and readability. Identical legislation is being introduced in the House today by a distinguished member of the House Committee on Education and Labor, Representative Marvin L. Esch of Michigan and 13 others.

The $32 million authorized to be appropriated by the Japanese-American Friendship Act would create a Japan-United States Friendship Trust Fund. These funds would draw interest at the average rate of Federal obligation for the preceding 2 years. This interest, gifts and donations, and up to 5 percent of the principal would be available for expenditure annually for the following purposes:

First, support for studies, including language studies, in institutions of higher learning or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

Second, support for major collections of Japanese books and libraries at American colleges and universities located throughout the United States;

Third, support for programs in the arts in association with institutions of higher education in Japan and the United States;

Fourth, support for fellowships and scholarships at the undergraduate, graduate, and faculty levels in Japan and the United States in accord with the purposes of this act;

Fifth, support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

Sixth, support for other Japan-United States exchanges consistent with the purposes of this act.

To administer these programs, the bill establishes a Japan-United States Friendship Commission, composed of the Secretary of State, the Secretary of Health, Education, and Welfare, and six public members, appointed by the President and to serve terms of 3 years on a rotating, staggered basis. The six public members would be selected from persons who are:

First, conversant with Japan-United States relations, or

Second, generally recognized experts in the field of education, the arts, and the humanities, or

Third, representative of the general public.

The Chairmen of the National Endowment for the Arts and the National Endowment for the Humanities would serve as ex-officio, nonvoting members.

To administer the programs enumerated above, the Japan-United States Friendship Commission is empowered to expend annually, at its own discretion, the trust fund's annual and accumulated interest and up to 5 percent of the principal, any gifts and donations which the Commission is authorized to receive may be either spent upon receipt or added to the principal of the trust fund. The Commission is required to submit to the President and to the Congress an annual report of its activities, together with such recommendations as the Commission thinks appropriate.

There is an important historical precedent for this kind of use of funds. The funds which were payable to the United States by the Government of China under the Boxer Indemnity Fund were set aside for educational purposes. While the circumstances of payment in this case are very different, the object in mind respecting the use of the funds receivable is analogous: to strengthen the bonds of friendship and understanding with a great nation of Asia.

This legislation is most timely. The "Japanese Miracle" is one of the major developments of the last half of the 20th century. But relatively little is known and understood in detail about the remarkable Japanese society that has achieved such progress. The Japanese language is probably the least known in the United States of any of the world's greatest languages. Japanese art and literature are treasures which remain to be more fully explored by American scholars and by the American public. It is essential to our national interest that we achieve a deeper understanding of Japanese society and culture. This act could make a major difference in this regard. It enjoys broad and enthusiastic support in academic and scholarly circles.

Japanese studies programs presently are available in only 1 percent of all American colleges and universities, have often a low priority, and have suffered considerably thereby. Foundations are withdrawing their support for the most part; as their aid was never intended to be permanent but to get programs off the ground so that the U.S. Government could then step in with financial aid when the programs had proved their worth. However, despite moderate increases in the past 2 years, funds for the Fulbright-Hays exchange programs with Japan are still far below their 1966 peak. In all areas, Federal assistance has not been forthcoming on a scale to fulfill even minimum needs.

Japan has demonstrated its willingness to bear its share of the burden to bridge these gaps in public understanding by the establishment of the Japan Foundation to expand cultural and educational exchanges with the United States and Southeast Asia. This Foundation, formed by the Japanese Government in October 1972, is scheduled to eventually have an endowment of $320 million.

The obvious need for the United States to expand Japanese studies here and to enable more extensive cultural, artistic, and scholarly exchanges with the Japanese, over and above present levels, argues strongly for prompt congressional action. Other considerations at this significant juncture in United States-Japan relations ony reinforce this contention.

Relations between Japan and the United States have reached a psychological watershed of great importance. The style of the relationship forged during the occupation, which characterized Japan as the younger brother needy of tutelage, has long since been rendered obsolete and has been superseded in government-to-government relations and has been replaced, most appropriately, by a true partnership. Japan has emerged as the second strongest economic power in the free world. This is a new reality which must be accommodated, especially in our nonofficial relationships and perceptions as well.

The United States may well be in a mood of retrenchment and diversion to domestic troubles, in the wake of our tragic experience in Vietnam. Sensitivity in both Washington and Tokyo are thus perhaps more exposed to irritation than at any time in the past 20 years. Tact and hardheadedness are required in equal measure, if there is to be the kind of creative United States-Japan relationship which, in concert with other multilateral efforts, could inaugurate an era of unprecedented growth, prosperity, and mutual understanding and communication.

The overwhelmingly favorable response to the Japan-United States Friendship Act since its original introduction in August 1972 is most encouraging. The original bill enjoyed 21 cosponsors in the Senate and 22 in the House.

Also highly significant is the support the bill has evoked in the academic community. I have received numerous expressions of support from scholars throughout the country. Indeed, the dean of American Japanologists, Edwin O. Reischauer, in addition to Prof. Robert E. Ward of the University of Michigan, who has worked closely with myself and Congressman Esch on this legislation, and several of the Nation's other more prominent scholars of Asia have written to the executive branch expressing strong support for this legislation and urging expeditious action. I will include this correspondence at the conclusion of my remarks.

Realizing the need for increased contacts with Japan, President Nixon has expressed his intention to expand cultural, scholarly, and artistic contacts with Japan in the communiques following his January 1972 meeting with former Prime Minister Sato and the Nixon-Tanaka summit of August 1972 in Hawaii. In my judgment, the Japan-United States Friendship Act will give impetus to the President's intention.

The Japan-United States Friendship Act has also attracted the favorable attention of the newspaper media both here and in Japan; comments have appeared in the Washington Post and several prominent Japanese newspapers. I will include these also at the end of my remarks.

Therefore, Mr. President, in light of the clear need for the Japan-United States Friendship Act and the strong support this legislation is privileged to receive from the Senate, the academic community, the news media, and—in principle—President Nixon, in my judgment, we are acting at a fortuitous time. I am very hopeful that this bill will have rather quick action on the part of the Senate and the House. The present state of our relationship with Japan deserves no less.

I ask unanimous consent that the text of the Japan-United States Friendship Act and correspondence and articles concerning it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Japan-United States Friendship Act."

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds that—

(1) the evolution of the relationship between Japan and the United States from wartime bitterness to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(a) the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 19, 1970, is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this Act to provide for the use of an amount equal to a part of the sums to be paid by Japan to the United States in connection with the reversion of Okinawa to Japanese administration to aid education and culture at the highest level in order to enhance reciprocal people to people understanding and to support the close friendship and mutuality of interests between the United States and Japan.

ESTABLISHMENT OF THE FUND; EXPENDITURES

Sec. 3. (a) There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter referred to as the "Fund".)

(b) Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and libraries at United States colleges and universities located throughout the United States;

(3) support for programs in the arts in association with institutions of higher education in Japan and the United States;

(4) support for fellowships and scholarships at the undergraduate, graduate, and faculty levels in Japan and the United States in accord with the purposes of this Act;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States exchanges consistent with the purposes of this Act.

(c) Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by Section 4 of this Act, as directed by that Commission.

(d) There is authorized to be appropriated to the Fund, for fiscal year 1974, an amount equal to 10 percent of the funds paid to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 19, 1970. Any unappropriated portion of the amount authorized to be appropriated for such fiscal year may be appropriated in any subsequent fiscal year.

THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 4. (a) There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the Secretary of State;

(2) the Secretary of Health, Education, and Welfare;

(3) six members appointed by the President from among individuals who are (A) conversant with Japan-United States relations; (B) expert in the field of education, the arts, or the humanities; or (C) representative of the general public;

(4) the Chairman of the National Endowment for the Arts, who shall have no vote; and

(5) the Chairman of the National Endowment for the Humanities, who shall have no vote.

(b) The term of office of each of the six public members of the Commission appointed under clause (3) of subsection (a) of this section shall be three years, except that (1) such members first appointed shall serve as designated by the President, two for terms of three years, two for terms of two years, and two for terms of one year, and (2) any member appointed under such clause to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(c) Members of the Commission who are not regular, full-time employees of the United States shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The President shall appoint the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year.

FUNCTIONS OF THE COMMISSION

Sec. 5. The Commission is authorized to—

(1) develop and carry out programs of public or private institutions for the promotion of scholarly, cultural, and artistic activities by Japan and the United States consistent with the provisions of section 3(b) of this Act;

(2) make grants to carry out such programs; and

(3) submit to the President and to the Congress an annual report of its activities under this Act together with such recommendations as the Commission determines appropriate.

ADMINISTRATIVE PROVISIONS

Sec. 6. In order to carry out its functions under this Act, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this Act, and any such donation shall be exempt from any Federal income, state, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, state, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund and not to exceed 5 percent of the an-

nual principal of the Fund for the purposes of this Act, including the payment of Commission expenses if needed;

(5) appoint an Executive Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who shall be compensated at the rate provided for a GS-18 of the General Schedule of such title;

(6) appoint and fix compensation of such additional personnel as may be necessary to carry out the provisions of this Act;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code;

(8) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(9) enter into contracts, grants, or other arrangements, or modifications thereof to carry out the provisions of this Act, or any other provisions of law relating to competitive bidding; and

(10) make advances, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

MANAGEMENT OF THE FUND

SEC. 7. (a) The Fund shall consist of—

(1) amounts appropriated under section 3(d) of this Act;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as it not, in the judgment of the Commission, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) In accordance with section 6(4) of this Act, the Secretary shall pay out of the Fund such accounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this Act.

UNIVERSITY OF MICHIGAN,
CENTER FOR JAPANESE STUDIES,
Ann Arbor, Mich., August 7, 1972.

Hon. MARSHALL GREEN,
Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State, Washington, D.C.

DEAR MR. SECRETARY: We are writing to bring to your attention a Bill entitled "The Japanese-American Friendship Act of 1972" (House Bill #HR16152, Senate Bill #S3872). I have attached the text of the Bill and a statement made by Senator Jacob Javits at the time the Bill was introduced (Congressional Record, August 2, 1972). The purpose of the Bill is to set aside a small portion of the $320,000,000 being paid the United States Government in dollars by the Japanese Government in connection with the return of Okinawa to Japanese administrative control for the purpose of financing scholarly and cultural relations with Japan. In our estimation the Bill is of very substantial long-term importance to both our national interest and to the future of Japanese Studies in this country. We would like to solicit any assistance you may be able to give with regard to this Bill.

Our judgment of the importance of this Bill rests upon the following considerations:

1. Of all our external relations in the Pacific and Asian areas, those with Japan are by long odds the most important. In the present absorbedness of the press and public with the dramatic but still unpredictable negotiations with Peking there is a serious danger that we may lose sight of this basic fact. This is almost as true at the university and cultural relations level as it is at the public level.

2. Our relations with Japan have been going through a period of serious strain, the ultimate outcome of which is most difficult to predict with any reasonable degree of certainty. The exchanges at San Clemente, while undoubtedly helpful, have not really alleviated a widespread concern in Japan over the basic reliability of the American security guarantees and the long-term policy implications of our approaches to Peking. The present and emerging economic difficulties between Japan and the United States are of at least equal seriousness and they, too, have by no means been resolved.

3. This situation coincides with a period of financial stringency where the field of Japanese Studies in the United States is concerned that is unprecedented in post-World War II times. There is a serious danger that this small but important source of specialized training and expertise for critical and growing national needs in the fields of higher and secondary education, government, and business will be seriously endangered at just the point in United States relations where its skills are most needed.

4. The Japanese Government, long laggard in this respect, has recently recognized the imminence of this danger and the importance of these circumstances by establishing the "Japan Foundation" to finance expanded scholarly and cultural relations between Japan and other nations, in particular the United States and Southeast Asia. The present size of this fund is slightly more than $16,600,000 (five billion yen) at the current exchange rate. The Japanese Foreign Ministry has officially stated that the fund will be doubled to $33,200,000 (ten billion yen) in fiscal 1973 and in several years expanded to a size of $100,000,000. The income from this fund will be devoted to the support of scholarly and cultural exchanges abroad, of collaborative research between Japanese and foreign scholars, and of needful programs of Japanese Studies in foreign countries, especially in the United States. Our Inter-University Center for Japanese Language Studies in Tokyo—an invaluable advanced language training facility for American students operated by a consortium of eleven American universities which has for the past two years hovered on the bring of financial collapse—has already been officially informed that the Japanese Ministry of Foreign Affairs will contribute $58,000 towards its support in 1972–73, a sum that, incidentally, is substantially larger than that provided by our own Office of Education. The Japanese Government intends to continue this support on an annual basis.

5. We recall that the President of the United States and the Prime Minister of Japan in their joint statement issued at San Clemente on January 7, 1972: ". . . reaffirmed the basic view that Japan and the United States . . . would cooperate closely with each other in all areas such as the political, cultural, economic. scientific and technological fields to achieve the common goal of maintaining and promoting peace and prosperity of the world and the well-being of their countrymen . . . they also agreed that steps be taken to increase cultural exchanges and in this regard the President welcomed the explanation given on the contemplated establishment of a Japanese cultural exchange program."

Against this background this seems to me an unusually propitious time at which to set aside in a special fund an appropriate portion of the $320,000,000 being paid by Japan into the United States Treasury over a five-year period beginning in May 1972 as a result of the retrocession of administrative control over Okinawa. This sum represents repayment to the United States Government for the cost of public utilities and other facilities installed on the island at our expense and now being turned over to the Japanese plus some costs in connection with relocation of American facilities, employment of indigenous labor, and a few other matters. The funds revert to the Treasury of the United States and, we understand, can be made available for this or other purposes only by Congressional authorization and appropriation.

In our estimation this sum could best be used for purposes such as the following:

1. Continuing support of the Inter-University Center for Japanese Language Studies in Tokyo, now operated by a consortium of eleven American universities.

2. Supplementary support for the operating expenses of a selection of programs of Japanese Studies in the United States that constitute in effect "national resources" in this field. The universities concerned would continue to bear the basic salaries and administrative costs involved.

3. Supplementary support on similar terms for a regionally-distributed selection of major collections of Japanese-language reference, research, and teaching materials.

4. Funds to facilitate means to enable such "national resource programs" to make their skills and resources available on a regional basis to smaller universities, junior and community colleges, and secondary schools interested in adding a non-Western element to their curricula or providing training for their staff members along these lines. Similar programs might also be developed to assist American businesses seriously involved in the Japanese market where the advanced training of personnel to be stationed in Japan is concerned. Given the present and future scale of our business relations with Japan, there will certainly be increasing needs for training in this area.

5. Support for programs of fellowships and scholarships at the undergraduate, graduate, faculty and professional levels related to training and research programs on Japan. These should be tenable either in this country or in Japan.

6. Support for a program intended to increase the flow of visiting Japanese professors and lecturers to American universities and schools and send American counterparts to Japan.

We feel that enactment of this Bill would serve several larger purposes. It would preserve and expand the capacity of our universities to produce well-trained specialists and reliable information in all fields of Japanese Studies at a time when this capacity has been seriously endangered by cutbacks in local, foundation, and federal support. It would at the same time provide a means for financing programs intended to spread knowledge and understanding of Japan to other neglected levels of higher and secondary education far more extensively than has heretofore been the case. Given the present importance of Japan to this country in a political, economic, and cultural sense and the very high degree of probability that these relationships will expand rather than contract in the future, these seem to us to be considerations of basic concern to the quality of our future national relations with Japan.

It also seems to us that after a prolonged period of obduracy and poor or mediocre performance in many of their relations with the United States, the Japanese Government in a number of cases has recently become remarkably forthcoming and helpful sometimes in circumstances affording considerable temptation to act otherwise. The establishment of the Japan Foundation, with a distinct bias in favor of the American interest, is but the latest example of such a changed disposition.

Under these circumstances would it not be both useful and appropriate for the United States Government to extend positive recognition of the fact that there has been a significant change for the better in Japanese policy and that we understand and appreciate this fact—particularly if such a gesture can be made on terms that are basically self-financing and do not entail new cost to the Treasury. The "Japanese-American Friendship Act of 1972" constitutes positive recognition of the sort we have in mind. The forthcoming Hawaii Meeting of the President and the new Japanese Prime Minister, Mr. Tanaka, on August 31, 1972, might well provide a most appropriate occasion for announcing to the Japanese, the Administration's intention to support legislation along this bias.

We are most grateful for your attention and for any assistance you may be able to give.

Sincerely yours,
Rodney E. Armstrong, Executive Director, Japan Society, Inc.
George Beckman, Dean, College of Letters and Science, University of Washington.
John W. Hall, Professor of History and Chairman, Department of East Asian Languages and Literatures, Yale University.
James W. Morley, Professor of Political Science and Director, East Asian Institute, Columbia University.
Edwin O. Reischauer, University Professor, Harvard.
Robert A. Scalapino, Professor of Political Science, University of California, Berkeley.
Robert E. Ward, Professor of Political Science and Director, Center for Japanese Studies, University of Michigan.

[From the Washington Post, Oct. 11, 1972]

On Reading the Japanese

This country's relationship with Japan is something of a curiosity. The exchange of trade is now the largest between any two nations in history with the exception of our Canadian trade. Even apart from economic interests, millions of Americans have lived in Japan in the course of the occupation and the cooperative defense that followed. There is a substantial population of Japanese descent in this country. But there are not many Japanese who speak English well and the number of Americans who speak Japanese, other than those who learned it from immigrant parents, is miniscule. If there are few Americans who know the language there are not many more who have any real sense of Japanese culture at all.

The Japanese government inaugurated last week a new fund, the Japanese Foundation, to underwrite exchanges of teachers and scholars, as well as supporting the Japanese Language Center in Tokyo and Japanese studies in American universities. This welcome initiative is analagous to the Fulbright fellowship program, one of the wisest investments that this country ever made. The Japanese, an island people whose national life has never been easily accessible to foreigners, are to be congratulated for taking this step.

The phrase "international understanding" usually connotes a rather sentimental and unfocused good feeling. That kind of good feeling dissolves very quickly when national interests collide. But there is another level of comprehension that, in bad times as well as good, provides insurance against misreadings of national purpose. There have already been enough examples of crucial misunderstandings in the Pacific politics of this century. Particularly with the present rise of Japanese wealth and influence, Americans can no longer leave it to a few diplomatic specialists to follow the internal dialogue in Japan.

The advent of the Japan Foundation brings attention to the meager state of Asian studies in this country. Senator Javits recently observed that "Japanese studies are available in only four per cent of all American colleges and universities, have an unfortunately low priority, and have suffered thereby." The senator offers an extremely useful proposal. In the reversion of Okinawa to Japan earlier this year, the Japanese agreed to pay the United States some $320 million for our investment, during the long occupation, in public facilities on Okinawa, Senator Javits has introduced legislation to devote one tenth of that compensation to "scholarly educational and cultural interchange." It would be a modest down payment on a reservoir of competence for which the need is already evident.

United States-Japan Problems Won't Be Solved Quickly

(By Henry Owen)

The best time to judge the results of a summit meeting is not in the immediate wake of exuberant communiques but after the excitement has subsided. The recent meeting between President Nixon and Prime Minister Tanaka of Japan is no exception. The passage of a week since that meeting makes it easier to appraise its results.

The Nixon-Tanaka meeting followed a ritual from which high level U.S.-Japanese meetings rarely deviate. Before the meeting, informed sources on both sides suggested that the object would be a full and frank discussion of key problems in U.S.-Japanese relations.

After the meeting, we were told—with some justice—that progress had been made. Phase 3 of the cycle, if past experience is any guide, will be increasing reports a few months hence from Tokyo and Washington that basic problems in U.S.-Japanese relations persist, and that another high-level meeting will have to be scheduled to deal with them—thus starting the cycle all over again.

The fact that this cycle persists, despite, periodic high-level meetings, should tell us something: That difficulties in U.S.-Japanese relations are not simply a matter of misunderstandings which can be set right by greater consultation but rather that they reflect substantive problems which are rooted in both countries' domestic politics, and which will continue until basic changes have taken place in attitudes on both sides of the Pacific.

Consider, for example, the issue of China. Both American and Japanese public opinion is attracted, for somewhat different reasons, by the notion of rapprochement with China. American and Japanese leaders thus draw domestic political advantage from trying to move their countries closer to Peking. Publicly, each welcomes the other's moves; privately, each worries that the other will win the competition for Peking's favor, and make too many concessions in the process.

This creates an inherent tension, as between two men courting the same girl, which cannot be obviated simply by their keeping each other "informed." This tension will continue until the powerful holds of the China myth—the belief that great things can be accomplished, and dire threats averted, by dealings with Peking—abates in both countries.

But this will not happen quickly. Public opinion in Japan and the United States has formed an exaggerated view of China's power and policy for a good many years, and a goodly period will be required before more realistic views prevail.

The second area of growing dispute is security. Japanese leaders worry lest the U.S.—in a fit of enthusiasm over the Nixon Doctrine—withdraw its forces not only from Southeast Asia, which most Japanese would be glad to see us evacuate, but also from Northeast Asia (the area around Japan and Korea), which they consider vital to their security.

They do not believe that it would be politically feasible for Japan to extend its military power beyond the home islands and thus replace the United States; they fear that the growing sense of insecurity which a U.S. withdrawal from Northeast Asia would trigger in Japan would lead to increasing pressure for a national Japanese nuclear deterrent.

Japanese worries that the United States will withdraw from Northeast Asia are not without foundation. U.S. defense budgets are increasing—as a result of the rising costs of weapons and military manpower. This will create continuing pressure to reduce our general-purpose forces—Army and Marine divisions, tactical air wings, and combat naval vessels.

If these cuts bite too deep, a real question will arise as to whether we can keep forces in Northeast Asia, and particularly in Korea—which the Japanese consider the key to their defense.

This problem will persist until we can find ways to bring U.S. defense costs under control without deep cuts in general-purpose force levels. This, too, will take time: Powerful groups—in the country, the Congress, and the bureaucracy—will have to be persuaded that unnecessary military bases in the United States should be closed, that gold-plated weapons systems should be simplified, and that further military pay and pension increases should be resisted, so that we can maintain the forces we need at a price we can afford.

Meanwhile, keeping U.S. forces in Northeast Asia won't be made any easier by the fact that Japanese governments will find it difficult—again, for domestic reasons—to indicate publicly their desire to see the United States maintain substantial force levels there.

In the economic area, Japan has agreed to a large increase in imports from the United States. Much of this is a speed-up of purchases that would have taken place anyway. After awhile it will become clear that the basic problem persists: Japan and the United States continue to maintain barriers against each other's imports, and the Japanese are more competitive in certain exports than the United States.

So the argument will go on. The right way to resolve the argument is by a far-reaching agreement that tariffs and other barriers to trade among developed countries should be eliminated in the coming decade and that the international monetary system should provide for easy and frequent changes in currency values as required to take account of changes in trading countries economic positions.

Powerful domestic obstacles to both these reforms exist in the United States and Japan, as well as in Europe, which would also have to be involved. Until these obstacles can be overcome—until the three great industrial areas can agree on needed changes in the present international economic order—economic disputes between the United States and Japan will persist.

Obstacles to progress on all three of these problems—China, security, and economic policy—are compounded by the fact that the Japanese and American public don't understand each others' attitudes; a measure of thinly-veiled hostility can be sensed rising in both countries.

This is not surprising considering the obstacles of distance, language, and culture which exist. The Japanese government has recently taken a promising step to reduce these obstacles. It has created a Japan Foundation to support studies which will increase understanding of Japan and its relations with other countries; a large part of this foundation's fund will go to support studies in the United States, or by Americans in Japan.

Sen. Javits has introduced a bill providing for creation of a U.S. fund to be financed out of Japanese payments to the U.S. for Okinawa, which would support comparable studies. Early congressional action on this bill could be as important as any single step now pending in U.S.-Japanese relations; but, even if the bill is approved, the resulting studies and exchanges will take time to bear fruit.

So no one should be surprised if reports begin to emanate from Washington and Tokyo a few months hence which suggest that the meeting between President Nixon and Premier Tanaka did not resolve the troubles in U.S.-Japanese relations, and that important problems persist.

The President handled the Hawaii meeting well, and it ended on an upbeat note. But a hard look at its results, a week after the event, underlines the harsh reality: U.S.-Japanese relations are troubled not because of lack of consultation between the leaders of the two nations but because of basic problems—deeply rooted in the two countries' domestic politics—whose resolution will require much time and effort.

In the wake of Hawaii, the need is to get on with that effort, and to face up to the basic changes in policies and attitudes which it will require on both sides of the Pacific.

Fund To Be Established From Okinawa Reversion Payments for Promotion of Japan-United States Cultural Exchange Bill Introduced in Congress

This act will set aside 10 percent ($32 million) of the $320 million reversion payment to be received from Japan under the Okinawa Reversion Agreement, for the purpose of establishing a fund to promote scholarly educational and cultural interchange between the United States and Japan.

Senator Javits announced the purposes of the act as follows:

1. Support for studies, including language studies, in institutions of higher education in Japan and the United States;

2. Support for major collections of Japanese books and libraries at American colleges and universities located throughout the United States;

3. Support for a mutual studies abroad program at the undergraduate, graduate and faculty levels; and

4. Support for visiting professors and lecturers at colleges and universities in Japan and the United States.

The act is designed to lay the groundwork for mutual understanding between Japan and the United States through institutions of higher education such as colleges and universities.

The need for promoting cultural exchange between Japan and the United States was underscored by both Japan and the United States at the Japan-United States summit meeting held in January this year at San Clemente. On the proposal of former Foreign Minister Takeo Fukuda, the establishment of a $100 million Japan Fund is now being formulated.

Under the act, a Japanese-American Friendship Commission composed of the Secretary of State, the Secretary of Health, Education, and Welfare, and six public members appointed by the President will be established to administer the funds.

Senator Javits explained the proposals and pointed out that (1) Japan has emerged as the second strongest economic power in the free world, but the number of students studying the Japanese language in the United States is as few as before; (2) Japanese studies are available in only 4 percent of all American colleges and universities; (3) friction between Japan and the United States stemming from the textile problem, President Nixon's China policy, and the new economic policy has made us appreciate how vitally important is the need for mutual understanding and communication between United States and Japan. In seeking Senate support of the bill, Senator Javits stated that "It is highly significant that a fund should be established for educational and cultural exchange out of the reversion payment in connection with the reversion of Okinawa whose historical achievement symbolizes cooperative friendly relations between United States and Japan."

An identical bill has been introduced in the House.

Japanese-American Friendship Act Introduced in Congress Will Promote Japan-United States Educational and Cultural Exchange Funds From Okinawa Reversion Payments

Senator Jacob K. Javits together with 10 co-sponsors, and Representative Marvin L. Esch introduced in the Senate and the House respectively, on August 2 the Japanese-American Friendship Act of 1972 to administer a $32 million trust fund. This act appropriates to the President 10 percent of the $320 million payment to be received from Japan under the Okinawa Reversion Agreement for the purpose of establishing a fund to promote on a wide-ranging front educational and cultural exchange between the United States and Japan. This act is the counterpart to the Japan Fund (Japan-United States Cultural Exchange Fund).

In submitting the bill, Senator Javits, in his accompanying announcement pointed out the existence of significant gaps in communication created by economic friction over the textile problem and the Nixon shock, and stressed that promotion of studies in Japanese language, culture, and artistic activities remain a matter of utmost urgency for the United States.

The gist of the act is as follows:

1. It will appropriate to the President 10 percent of the payments to be received from Japan under the Okinawa Reversion Agreement for the purpose of establishing a Japanese-American Friendship Trust Fund. This fund will be used for educational and cultural interchange between the United States and Japan. The interest from the fund and no more than 5 percent of the principal, will be available as annual outlays.

2. The funds will provide support for (a) studies, including language studies, in institutions of higher education in Japan and the United States; (b) major collections of Japanese books and libraries at American colleges and universities located throughout the United States; (c) programs in the arts in association with institutions of higher education in Japan and the United States; (d) fellowships and scholarships for exchange students at the undergraduate and graduate levels; and (e) visiting professors and lecturers at colleges and universities in Japan and the United States.

3. To administer the funds, a Japanese-American Friendship Commission will be established. It will consist of the Secretary of State, the Secretary of Health, Education, and Welfare, and six other men of learning and experience.

"Japanese-American Educational Exchange Fund," Bill Introduced in Senate, Portion of Okinawa Reversion Payments To Be Used

Republican Senator Jacob K. Javits will introduce in the Senate on August 2 the Japanese-American Friendship Act of 1972. This act will set aside 10 percent of the $320 million reversion payment to be received from Japan under the Okinawa Reversion Agreement for the purpose of establishing a $32 million fund to revitalize educational and cultural exchange between the United States and Japan. Democratic Senator Edmund Muskie and others have added their names as co-sponsors, and it appears a certainty that, with bipartisan support, the act will be passed.

This act is based on the decision arrived at the meeting between former Prime Minister Sato and President Nixon at San Clemente to increase cultural exchanges between the United States and Japan. It is a counterpart to the ¥100 million Japan-United States Cultural Exchange Fund. Sources in the State Department are hopeful that this act will revitalize cultural exchanges between the United States and Japan which had dwindled due to United States budgetary constraints.

Under the act, a Japanese-American Friendship Commission composed of six public members appointed by the President together with the Secretary of State, and the Secretary of Health, Education, and Welfare will be established to administer the funds. The funds will provide support for (1) Japanese studies, including language studies, in institutions of higher education in the United States; (2) purchase of Japanese-related research materials at the universities and colleges; (3) a mutual studies abroad program for undergraduates and graduate students; and (4) exchange of visiting professors at colleges and universities in Japan and the United States.

As a reason for introducing the act, Senator Javits pointed out that Japanese studies programs are available in only 4 percent of all the universities and colleges, and only a few students are pursuing Japanese studies. If improvement of Japanese-United States relations is desired, he emphasized strongly the need to lay a firm foundation for cultural exchange programs.

By Mr. PACKWOOD (for himself, Mr. Abourezk, Mr. Baker, Mr. Beall, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hathaway, Mr. Huddleston, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McClure, Mr. McGovern, Mr. McIntyre, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Stevenson, Mr. Tunney, Mr. Weicker, and Mr. McGee):

S. 650. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

TO RIGHT A WRONG

Mr. PACKWOOD. Mr. President, today I am introducing a bill that will remove an outrageously unfair tax burden from the shoulders of 30 million Americans who are being treated like second-class citizens by our tax laws.

They are the widows and widowers, the unmarried men and women, and the divorced of this great Nation. And, simply because they are single, they are forced to pay up to 20 percent more in taxes than their married counterparts on the same amounts of taxable income.

Last October, the Senate passed an amendment I introduced that would have corrected this grievous error perpetrated by Congress. The bill my colleagues and I are bringing before the Senate today is identical to that amendment, and I hope my colleagues again will approve this much-needed bill.

This bill will authorize unmarried taxpayers to figure their tax using the table in section 1 of the Internal Revenue Code that is currently reserved for use by married couples filing jointly.

Mr. President, I do not think we can overemphasize the seriousness or the magnitude of this problem. We are talking about a group of people big enough to populate three States the size Illinois—or 15 States the size of Oregon.

Congress pushed these overtaxed Americans into an unfair tax bracket, and it is up to Congress to right this wrong.

Under our current system of assessing tax liability on the basis of the taxpayer's marital status, we are asking these 30 million unmarried citizens to assume a disproportionate share of the cost of running our Government. It has been estimated that the total cost of this discriminatory "surtax" on single people is about $1.6 billion. I ask unanimous consent to have printed at the conclusion of my remarks a table showing the extent to which this "surtax" is levied against unmarried taxpayers.

Let me cite two examples of the inequitable situation that results from the presence of the various tables in the Internal Revenue Code.

A single taxpayer having a taxable income of $8,000 pays $1,590 in Federal income taxes. By contrast, a married taxpayer having the same taxable income of $8,000 will pay only $1,380—a difference of $210.

In another instance, a single taxpayer having a taxable income of $14,000 will pay $3,210 in Federal income taxes compared to the $2,760 paid by his married friend living next door. That comes down to a single-person "surtax" of $450.

Those figures, Mr. President, graphically portray the extent to which the Federal tax law discriminates against single taxpayers.

Here, I also would like to point out a rather frightening fact that we may not all be aware of—and it is that only six other countries tax their unmarried persons more heavily than their married persons. Of the six, five are dictatorships: Russia, three of her satellites and Spain. Among democracies, only the Netherlands, places a tax penalty on being unmarried.

To continue this unfair taxation is totally unpalatable, unacceptable and undemocratic.

We are living in an age and time where discrimination in any form is being fought. Our Federal tax laws recognize the special tax problems of the poor, the elderly, the oil-well owner and the real estate investor—yet we blatantly discriminate against 30 million persons simply because they do not have a spouse.

Yet, there are those among our colleagues who would have us believe that such unfair treatment is justified on the basis of the additional burden of married life. Let us, for the moment, assume that such a consideration is justified—mind you, I am not suggesting that it is—but let us just assume for the sake of the debate that it is. How then can we explain this discrimination to the 3.6 million taxpayers who file their taxes as heads of household?

These taxpayers must meet all of the responsibilities of a married couple with a family. In fact, I would suggest that a head of household bears a greater burden in the raising of his or her family. This is so far a number of reasons—the most obvious being that with only one adult present, the potential income production of the family unit is half that of a married couple with a family, and that additional expenses are incurred in caring for the family while the sole wage-earner plys his or her trade.

Mr. President, it occurs to me if our tax laws are to discriminate in favor of any class of taxpayers, we might logically conclude that the favored group would be those taxpayers who bear the burden of raising a family alone. But logic is not one of the characteristic features of our Federal tax laws; for these "parents without partners," as they are sometimes referred to, are not given preferential treatment, they are not even given equal treatment as compared with married couples. They, too, are discriminated against most unfairly by our tax laws. Granted, they pay only half the penalty single persons do—with a maximum of 10 percent more in taxes than a married couple with an identical amount of taxable income. Still this is a most unfair burden to ask these 3.6 million taxpayers to bear.

Let us look for a moment at the dollars and cents translation of this inequitable treatment of a head of household by our tax law. A head of household with taxable income of $8,000 pays $1,480 in taxes, his married neighbors—whether or not they have assumed the responsibility of raising a family—pay $1,380 for a net "surtax" of $100 levied against the unmarried family head. When the taxable income doubles to $16,000, a head of household pays $3,540; his married neighbors pay $3,260; a net "surtax" of $280. This unfair treatment of these unmarried taxpayers must be stopped now.

It is only fair that the Federal tax laws recognize the varying living costs beween a family and a single individual. But the income tax laws should reflect such differences in conditions and responsibilities by allowing reasonable deductions and exemptions. If we have not done this, as some suggest we have not, then it deserves a closer look in the future. In any event, such a failure on our part to adequately consider these matters through the vehicle of deductions from adjusted gross income is not to be viewed as an excuse for continuing 1 day longer our current discrimination between taxpayers of differing marital status with identical amounts of taxable income.

Mr. President, this is the crux of the issue at hand. Once taxable income is determined, the same rate should apply to all who have the same income, regardless of their marital status. To achieve this desirable end, we must reorient our thinking and adjust the focus of our tax laws.

Let me refer briefly to a principle argument present by some people who favor retaining the unfair applications of the tax laws. They argue that to eliminate this remaining major vestige of discriminatory treatment of unmarried individuals would undermine some mysteriously essential bulwark of marriage and that its elimination would encourage cohabitation, concubinage, and other moral atrocities.

Frankly, I cannot bring myself to believe that the institution of marriage leans upon such a frail reed as the treatment accorded married people as opposed to unmarried people by the Federal income tax law.

In any event, to the extent this argument is advanced by opponents of this bill, I would counter by declaring that I subscribe completely with the sentiments of Vivian Kellems, that grand 77-year-old Connecticut woman, who once said:

> Taxation is for one purpose only, to raise revenues for the legitimate functions of the government . . . the people of this country are perfectly capable of taking care of their morals whether they are married or single.

She went on to say that—

> It is not the province of the Congress to legislate the peoples' morals by means of taxation.

During the last two decades, Congress has done much to approach the point where unmarried people are viewed as being equal to married couples in the eyes of the tax collector. But we have not yet gone the full distance. Notably, in 1969, Congress became openly concerned about the higher tax rate applied to the taxable incomes of unmarried persons and reduced them.

Until 1969, however, single taxpayers paid up to 41 percent greater taxes than married people with the same taxable income. The Tax Reform Act of 1969 reduced, but did not abolish, the inequity.

When my amendment was offered to the Revenue Act of 1971, opponents argued the tax schedules currently contained in the Internal Revenue Code provide that, in general, and given identical taxable incomes, the tax paid by an unmarried individual would never exceed the tax levied against a married couple filing a joint return by more than 20 percent.

They apparently look upon this as evidence that we, in the Congress, in our benevolent munificence, have decided to grant 80 percent tax equality to our unmarried citizens.

This is not fair by any stretch of the imagination.

We are still 20 percent wrong in our treatment of unmarried taxpayers. To put it another way, to pompously state that we are granting 80 percent equality to single taxpayers is not unlike the Congress publicly declaring in law that it shall henceforth be the policy of these United States that a black man can be equal to a white man 80 percent of the time—or that a woman can rightly claim equality with a man 80 percent of the time.

Ludicrous, is not it? But that is precisely the metaphorical meaning of the argument presented by opponents of this legislation when they self-righteously point to the 1969 Tax Reform Act as evidence of our good intentions.

When we are doing everything we can in the field of day care, when we have already done everything we can in the area of an equal rights amendment, and when we are doing everyhing we can to make it possible for men and women, married or single, to be treated equally, there is no longer any reason—if, indeed, there was ever any—to be found in our continuing this discriminatory treatment of one-fourth of our taxpayers.

Why should these 30 million people be compelled to contribute an estimated additional $1.6 billion to the Federal Treasury this year simply because, whether by choice or by chance, they are unmarried?

It is preposterous that this unfair element of the Internal Revenue Code has been allowed to go unchallenged in any serious degree for so many years. Congress is responsible for this gross inequity in our tax laws—only Congress can right this wrong.

Consequently, I urge my colleagues to eliminate this unmitigated Federal tax discrimination against 30 million of our citizens. We must waste no more time in building a fair tax law for all individuals, regardless of their marital status.

Mr. President, I ask unanimous consent that the text of the bill I am introducing, as well as a letter from the Department of the Treasury, be inserted in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(a) by striking out subsections (b) and (c);

(b) by redesignating subsection (d) as (b); and

(c) by striking out so much of subsection (a) as precedes the table therein and inserting in lieu thereof the following:

"(a) General Rule.—There is hereby imposed on the taxable income of every individual, other than an individual to whom subsection (b) applies, a tax determined in accordance with the following table:".

Sec. 2. Section 2 of such Code (relating to definitions and special rules) is amended—

(a) by striking out subsections (a) and (b); and

(b) by redesignating subsections (c), (d) and (e) as subsections (a), (b) and (c), respectively.

Sec. 3. Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

Sec. 4. Section 6015 (a)(1) of such Code is amended to read as follows:

"(1) the gross income for the taxable year can reasonably be expected to exceed $10,000 ($5,000, in the case of an individual subject to tax imposed by section 1(b) for the taxable year); or".

Sec. 5. The amendments made by this Act shall apply to taxable years beginning after December 31, 1973.

Sec. 6. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this Act which shall apply, in lieu of the tables set forth in section 3402(a) of the Internal Revenue Code of 1954 (relating to percentage methods of withholding), with respect to wages paid on or after January 1, 1974.

Department of the Treasury,
Washington, D.C., January 4, 1973.

Hon. Bob Packwood,
U.S. Senate,
Washington, D.C.

Dear Senator Packwood: Mr. Edward Kemp of your office has requested by telephone a current Department of the Treasury estimate of the cost of a bill which would eliminate the present individual income tax rate schedules for single persons and heads of households making the rate schedule now used for joint returns applicable to all returns except those of married couples filing separately and returns of estates and trusts. We have not had the opportunity to make a detailed recalculation of the cost of this proposal at income levels and under tax laws applicable to 1973 but the cost would be of the general magnitude of $1.6 or $1.7 billion annually. Mr. Kemp indicated that a rough estimate now would be more useful than waiting for a more precise estimate at a later date.

I hope this information will be helpful to you.

Sincerely yours,
Martin J. Bailey,
Deputy Assistant Secretary.

Fact Sheet on the Single-Person Tax Amendment

HOW WOULD THE AMENDMENT OPERATE?

Currently, there are four tax tables for use by taxpayers in different categories: unmarrieds, heads of household, married filing jointly, and married filing separately. The amendment would result in having two tax tables: married filing separately and everyone else.

WHEN WOULD THE AMENDMENT GO INTO EFFECT?

The change in the tax law would be effective beginning January 1, 1974. It would benefit all unmarried taxpayers who file a return on April 15, 1975, and from there on.

WHAT WOULD BE THE COST OF THE AMENDMENT?

It is estimated by the Department of the Treasury that the first year loss in revenues from passage of this amendment will be $1.6 billion. Thereafter, the loss in revenue would increase proportionally to the increase in the personal income tax base.

HOW MANY TAXPAYERS WILL BE AFFECTED BY THE AMENDMENT?

Estimates indicate that there are approximately 30 million single persons and heads of household who will benefit by approval of this amendment. These taxpayers are, of course, located throughout the nation.

CAN YOU GIVE ME SOME EXAMPLES OF HOW THIS AMENDMENT WOULD CHANGE THE INCOME TAX LIABILITY OF A SINGLE PERSON?

Certainly! First, though, it is imperative that we remember that the change in the tax laws would affect the tax liability based on taxable income. The effect of this fact is that a married couple could very well earn more money—as reflected in Adjusted Gross Income—than an unmarried person and still have an identical tax liability.

Enough said, following are a few examples of how a single person's tax liability would be reduced (equalized) by virtue of passage of this amendment:

	Present tax	Proposed tax
Taxable income:		
$8,000	$1,590	$1,380
$14,000	3,210	2,760
$20,000	5,230	4,380

FEDERAL INCOME TAX SURTAX LEVIED AGAINST UNMARRIED INDIVIDUALS—TAX LIABILITY

	Married filing jointly	Single individual			Head of household		
		Tax	Surtax	Percentage	Tax	Surtax	Percentage
Taxable income:							
$6,000	$1,000	$1,110	$110	11.0	$1,040	$40	4.0
$8,000	1,380	1,590	210	15.2	1,480	100	7.2
$10,000	1,820	2,090	270	14.8	1,940	120	6.6
$12,000	2,260	2,630	370	16.4	2,440	180	8.0
$14,000	2,760	3,210	450	16.3	2,980	220	8.0
$16,000	$3,260	$3,830	$570	17.5	$3,540	$280	8.6
$20,000	4,380	5,230	850	19.4	4,800	420	9.6
$24,000	5,660	6,790	1,130	20.0	6,220	560	9.9
$28,000	7,100	8,490	1,390	19.6	7,800	700	9.9
$32,000	8,660	10,290	1,630	18.8	9,480	820	9.5
$44,000	14,060	16,590	2,530	18.0	15,340	1,280	9.1

FAIR TAXES FOR SINGLE PERSONS

Mr. RIBICOFF. Mr. President, I am pleased to join the distinguished Senator from Oregon (Mr. Packwood) in introducing legislation to extend equal tax treatment to the more than 30 million single individuals now treated unfairly by the Internal Revenue Code.

The present discriminatory tax rates for single people occurred by historical accident. Before World War II, eight States had community property laws which divided income equally between husband and wife. The U.S. Supreme Court ruled that married couples in these

States could therefore divide their income and file separate U.S. tax returns. This meant that such couples were taxed at a lower rate.

Several other States soon passed laws giving their citizens a similar tax advantage. In an effort to restore tax equality and to prevent wholesale disruption of local tax and property laws, Congress in 1948 made income-splitting by married couples a national procedure.

While this move benefited married taxpayers, it increased the relative tax burden on unmarried citizens by approximately $1.6 billion per year. For example, under the present code a single taxpayer with an income of $8,000 pays $1,590 in Federal income taxes. A married taxpayer with the same income would only owe $1,380—a difference of $210. If both parties' income was $14,000 the single person would pay $450 more than the married person.

The income tax should reflect differences in condition and responsibilities by allowing reasonable deductions. However, once the taxable income is determined, the same rate should apply to all those who have the same income, regardless of whether they are married or single.

Defenders of the present system argue that single persons do not bear the costs and responsibilities of raising children. But income-splitting under the present law does not differentiate among taxpayers in this respect, since the benefit is the same whether or not they have children.

Under the present Internal Revenue Code, married taxpayers without children are even treated better than single heads of households with children even though those single taxpayers have all the responsibilities of married couple with children.

The Tax Reform Act of 1969 took a step in the right direction by limiting the differential between single and married rates to a maximum of 20 percent. That, however, is not enough. The bill we introduce today would finish the reform by eliminating this inequity completely.

Much of the credit for the progress already made in this area goes, I am pleased to say, to a long time friend of mine, Miss Vivien Kellems of East Haddam, Conn. Miss Kellems has been the founder and guiding force behind the movement to free single persons from the inequities of higher taxes. She has refused to retreat from her position and has even gone so far as to join battle personally with the Internal Revenue Service.

Vivien Kellems has pointed the way and now it is up to those of us in the Congress to follow through. Last year during the consideration of the debt limit bill, an identical amendment to the bill we introduce today passed the Senate by voice vote after an attempt to table it was defeated 53 to 19. I hope that when tax reform legislation is considered by the 93d Congress our bill will receive similar positive support.

By Mr. McCLURE:

S. 651. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; and

S. 652. A bill to repeal the Gun Control Act of 1968. Referred to the Committee on the Judiciary.

Mr. McCLURE. Mr. President, I heard the news about JOHN STENNIS with great sadness. In only 3 weeks in the Senate, I have already learned why this kind, decent man is so respected.

It would be ironic if this tragedy were to form the basis of another assault on our personal liberties by those who want to disarm the private citizen. I am sure it is being viewed as an opportunity for another round of firearms legislation, although Senator STENNIS himself would be the first to say you do not prevent crime by taking guns away from the innocent.

Gun control advocates conveniently forget that crime flourishes when courts are lenient and when controls on police officers hamper effective law enforcement. All of the firearm laws in the world are not going to deter crime until there is change in attitude toward the role of law enforcement. I do not minimize for a moment the seriousness of the crime situation in the District of Columbia. Neither do I minimize the danger that the threat of further firearms control can bring.

To emphasize my concern, I am taking this opportunity to reintroduce two pieces of legislation which I sponsored in the House of Representatives. Taken together, I think they put the question of guns and crime in the proper perspective.

The first would repeal the Gun Control Act of 1968, a law passed at a moment of national hysteria and a law that has proved to have no adverse effect on anyone other than the law-abiding citizen.

The second bill provides that the use of a firearm in the commission of any Federal crime is a separate Federal offense. A mandatory sentence of from 5 to 10 years imprisonment would be imposed upon criminals convicted of using a gun while committing a Federal felony. A second conviction would result in a mandatory 10 years to life sentence. Courts would neither suspend the sentence nor allow it to run concurrently with any other sentence. In addition, the bill removes registration requirements from ammunition.

Idaho led the fight against gun controls back in 1968, and time has proven us right. Existing laws are little more than harrassment of honest citizens. Crime statistics, where a gun is involved, are no lower. It is time to shift this burden from the shoulders of the lawful to the criminal. I think Senator STENNIS would heartily approve.

By Mr. BELLMON (for himself, Mr. BARTLETT, Mr. BEALL, Mr. BIBLE, Mr. CHILES, Mr. ERVIN, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HUMPHREY, Mr. McCLELLAN, Mr. McGEE, Mr. MONDALE, and Mr. THURMOND):

S. 653. A bill to insure the separation of powers by prohibiting the impoundment of funds from the highway trust fund which have been apportioned and appropriated. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, on behalf of myself and 12 other Senators, I am introducing legislation which is intended to rectify a serious Executive encroachment upon the legislative power of Congress, and to prevent the executive branch from further frustrating the legislative purpose of the Federal Aid Highway Act. This bill when enacted will prohibit the practice of impoundment of money from the highway trust fund.

Mr. President, the framers of our Constitution wisely created three separate but coequal branches of Government out of which grew the constitutional doctrine of "separation of powers." Now, nearly 200 years later, this doctrine is being severely tested and, in fact, largely ignored at least insofar as it concerns the present and past administration of the highway trust fund. Therefore, it is the intent of this bill to finally set straight what Congress always intended, by prohibiting action by any officer or employee of any department, agency, or instrumentality of the executive branch which would result in the impoundment or withholding from obligation of money from the highway trust fund.

The need for this legislation is quite evident when one examines only briefly the legislative history of the 1956 Federal Aid Highway Act. Let me explain: In 1956, Congress passed the Federal Aid Highway Act and in so doing created the highway trust fund wherein Congress earmarked revenue from certain taxes to go directly into a trust fund which was then to be apportioned to the various States. These taxes are:

Motor fuel: 4 cents per gallon.

New trucks, and trailers—over 10,000 pounds gross weight—and new buses, other than transit: 10 percent on the manufacturer's wholesale price.

Highway vehicle tires and tubes: 10 cents per pound.

Other tires, and tread rubber: 5 cents per pound.

Heavy vehicle use: $3.00 per 1,000 pounds annually on the total gross weight of vehicles rated at more than 26,000 pounds gross weight.

Parts and accessories: 8 percent on the manufacturer's wholesale price of truck and bus parts and accessories.

Lubricating oil: 6 cents per gallon, if used for highway purposes.

This system worked extremely well and the construction of the Nation's interstate highway system was progressing in an orderly manner until 6 years ago, at which time the administration began an impoundment practice. I believe this to be clearly contrary to the will of Congress and the legislative purpose of the highway act.

The practice of refusing to permit States to enter into highway construction contracts, to the extent authorized by Congress, was initiated in fiscal year 1967. The Director of the Bureau of the Budget ordered the reduction of obligational authority under the Federal aid highway program by $700 million with an additional reduction of $600 million ordered on January 23, 1968, for calendar year 1968. Another withholding occurred in fiscal year 1971, when the $5.425 billion congressional authorization was reduced to $4.6 billion. Although this reduction was partially in response to a congressional spending ceiling, it was also the direct result of fiscal policies announced by the President on July 18, 1970. Finally, for fiscal year 1972 and fiscal year 1973, further reductions in obligational authority were made of approximately $438 million and $1.7 billion respectively.

What possible authority or legal justification does the executive branch have to indulge in this practice of withholding obligational authority from the States? Certainly none as far as I am concerned. In fact, a Federal district court recently held that the executive branch has unlawfully impounded that part of the Highway Trust Fund which should be apportioned to the State of Missouri. The U.S. District Court for the Western District of Missouri ruled on June 12, 1972, in the case of *Missouri Highway Commission* v. *Volpe*, 347 F. Supp. 951, that the Secretary of Transportation and the Director of the Office of Management and Budget do not have discretion under the Federal Aid Highway Act of 1956 to impound highway trust moneys except for very specific reasons. This case was argued on appeal on January 10, 1973, before the U.S. Court of Appeals for the Eighth Circuit in St. Louis and a decision is presently pending by that court.

In the lower court's decision, Judge Becker's opinion was based largely upon an interpretation of paragraph (c) of 23 U.S.C. 101 which states:

> (c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which would be required to be made from such fund.

Judge Becker found that the withholding of funds from obligational authority was not "within the lawful discretion of the Secretary."

He stated further:

> The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109 Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri and Judicial relief should be granted.

It is a mystery to me why, with the intent of Congress clearly spelled out in the statutes and a further declaration of the sense of Congress that no funds should be impounded or withheld from obligation, the executive branch continues to hold this vital program hostage. Certainly one thing is quite clear—that every State suffers as a result of this practice, funds have now been withheld and this policy is having a devastating impact upon the completion of our interstate highway system, resulting in increased costs, periodic unemployment, and the construction postponement of vital segments of this system. As the third coequal branch of Government, the Court is an independent arbiter and thus uniquely qualified to rule in this area.

Such a practice contributes significantly to the ever-increasing cost of highway construction. To illustrate: From 1956, when the act was originally initiated, through 1970, highway construction costs rose by more than 41 percent. Certainly an early completion of our Interstate System is a worthwhile goal because delays in completion will only mean that additional outlays must eventually be made.

In addition, completion of our national Interstate System is imperative if we are to reduce the slaughter which is presently taking place on our Nation's highways. It is a national disgrace when more than 55,000 persons lose their lives each year on our country's roads. Delays only mean that more lives will be lost on our highways and will only postpone the day when our citizens have a safe system of interstate roads.

The concern felt by the States regarding this problem was expressed in policy positions adopted by the National Governor's Conference at its 64th anual meeting held June 4–7, 1972, in Houston, Tex.

In the section dealing with highways, the Governors stated:

> The management of the federal Highway Trust Fund during fiscal year 1972 continues to exemplify the problems which have persisted since 1967 by severely hampering the capital planning and programming capability of the States. If we are to attain and retain any stability in constructing the Nation's highway system, efforts must be made to eliminate the up and down obligational authority of the highway program. The continued practice of using the Highway Trust Fund as a stop-gap effort to adjust the economy must be ended.

Mr. President, in 1967 the Attorney General of the United States rendered an opinion which in part stated:

> There is nothing in Title 23 of the United States Code which imposes upon the Executive Branch the duty to approve all qualifying projects for which apportioned funds are available.

The bill I have introduced will finally set the record straight and impose such a duty. Congress will go on record to clearly spell out its intent that funds not be withheld from obligational authority from the States.

Regardless of whether one believes the highway trust fund should be utilized for mass transit, or whatever, one must agree that the practice of executive impoundment in this area should and must be stopped. I am fully aware that many in the Senate feel that money should be diverted from the trust fund for this purpose. My bill does not deal with this issue. The important question at this time is: Who is going to decide when and how this money will be spent, Congress or the Executive? I am firmly committed to the principle that until Congress decides otherwise the executive should follow the legislative mandate of Congress regarding the highway trust fund. Failure to do so is nothing short of a direct violation of the "separation of powers" doctrine. Congress is given by the Constitution the legislative power, including the power under article 1, section 9, to appropriate funds. The executive branch is given no role to play in the legislative process other than the power to recommend legislation and limited veto power. In addition, the President is required by article 11, section 3 of the Constitution to "take care that the laws be faithfully executed." In my view, it would be extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with the congressional directive to spend as enumerated in section 101 (c) of the Federal Highway Act.

Let the Senate act promptly to cause the highway trust fund to be used as originally intended. Let the Senate act to end "stop and go" financing which causes periodic unemployment for thousands of construction workers and which by intermittent funding has greatly increased the cost of highway construction. It is time that Congress reasserted its proper role in the appropriation process and enacted this legislation in order to prohibit the Executive from further thwarting the will of Congress.

I ask unanimous consent that this bill be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

By Mr. BEALL:

S. 654. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, I introduce the Emergency Medical Services Systems Act.

The legislation is almost identical to S. 3911, which was introduced in the last Congress, although some minor technical changes have been made.

This bill was designed to encourage

State and local communities to implement programs to improve and expand emergency medical services in the Nation so as to prevent needless loss of lives and to assure nationwide availability and accessibility of emergency medical services to mobile citizens.

Specifically, the legislation authorizes:

First, the establishment of an Emergency Medical Services Administration within the Department of Health, Education, and Welfare, headed by a Director appointed by the President.

Second, a Federal matching program to the States for grants to communities within the States for development and operation of emergency medical service systems. The Federal contribution would be limited to 75 percent of the costs for the initial year, 50 percent for the second year, and 25 percent in any year thereafter.

Third, the Federal Director to issue standards governing the operation of emergency medical service systems which would include the establishment of minimum requirements for emergency medical service equipment; licensure by States of ambulance service procedures; communications and reporting; levels of adequate liability insurance to cover ambulance operations; and personnel training.

Fourth, direct Federal assistance up to 50 percent of the costs of a community for the initial purchase of ambulance facilities.

Fifth, a Federal research and development program under which the Director would be authorized to conduct or contract for studies and research on the problems and conditions of emergency medical care and methods with particular attention to the utilization of technological advances in the improvements of emergency services. This would also include at least one statewide emergency transportation system.

For those provisions providing for community emergency medical services systems and for initial purchasing of ambulance facility equipment and communication systems, the bill authorizes $150 million for each of 3 years. For the other expenses in administering the program, the bill authorizes $50, $60, and $75 million over a 3-year period.

To illustrate the magnitude and gravity of the problem of emergency care and services, when I introduced the legislation last year, I compared the deaths and costs of the tropical storm Agnes, which swept the east coast of the United States from June 16 to June 23 and which had been front page news, with the staggering toll of accidents in this country. I noted that during the 6 days that Agnes rampaged through the east coast 118 lives were lost and the total damage nationally was estimated at $3 billion.

However, I observed that on each of these days an average of 316 of our citizens died of injuries resulting from accidents, for a total of 2,212 victims over the same 6-day period.

The comparison indicates. I believe, the seriousness of the problem and the urgency for action in this area, action that may mean the difference between life and death for the 316 Americans who will die from accidents today and the 316 who will die tomorrow, the next day and so on.

Mr. President, emergency health care for too long has been a neglected health area, which has rightfully been called the hidden crisis in health care by Secretary DuVal.

Yet, injuries are the killer of Americans ages 1 through 37, second leading cause of deaths between the ages of 1 through 48 and the fourth cause of deaths among the total population. One out of every four citizens in this country will have some type of accident this year. Every eighth hospital bed is occupied by an accident victim.

The National Safety Council has estimated that accidents cause loss of 150,000 lives annually; 55,000 individuals were killed as a result of motor vehicle accidents alone

In addition, these accidents cause approximately 10 million disabling injuries leaving 400,000 individuals totally disabled. The total cost to the Nation of these injuries is estimated at $25 billion. Each year the number that dies from trauma or serious injuries is greater than the total of all Americans killed in Vietnam.

All of us are potential victims. Yet, the public in general tends to regard accidents as unfortunate occurrences that are inevitable.

In Vietnam this premise was not accepted with the result that a trauma victim in Vietnam probably has a better chance of survival than a victim here in the United States. This is because the military has developed during World War II and the Korean conflict an organized system of transporting and treating emergency victims. This procedure has been perfected further in Vietnam, until the Secretary of Defense was able to say that the death rate of such victims in Vietnam is near zero. I would point out that this measure also would encourage the utilization of the skills of returning corpsmen in appropriate emergency service positions. Veterans could employ the skills they acquired in the military to save lives here at home.

Mr. President, I am convinced that the technology and know-how exists to make similar dramatic improvements here at home. We need only to rationalize and categorize our emergency facilities and services, and additional resources to enable the application of known life saving methods. Heart attack victims could also benefit from improved emergency care arrangements. Some experts have estimated that prompt and early care might save 150,000 heart attack victims annually.

President Nixon responded to the neglect in the emergency care area by initiating a research and development effort to demonstrate improved emergency care and services here in the United States.

The State of Maryland has been a pioneer in this area for some time. We probably have the most sophisticated trauma center in the Nation located at the University of Maryland Hospital in Baltimore. A system of rapid transportation has been developed utilizing a helicopter system operated by the Maryland State Police.

The Maryland University Shock-Trauma Center, the Johns Hopkins University Hospital Pediatrics Trauma Center, the Baltimore City Hospital—University of Maryland Neonatal Centers, the Baltimore City Hospital Burn Center, special coronary units, community hospitals and the paid and volunteer ambulance services provided the Baltimore metropolitan area and the State, means that Maryland has the component parts, and an outstanding capability to lead the Nation in this vital area.

I have been working with the State, the Maryland Truma Center and others to assure that our resources, capabilities, and expertise in the emergency care will be available to all our citizens across the State.

Recently it was my pleasure to announce that the State was granted a $1.25 million grant for the development of an emergency medical services communications system, a vital component of a total emergency care system, in the Baltimore metropolitan area.

This communications system will improve care for victims of medical emergencies by getting the victim to the best medical facility as rapidly as possible. Hospitals, ambulances, helicopters, and medical personnel will be linked by a radio-telephone network.

The project will establish a central dispatch facility, provide 24-hour medical consultation, link hospitals with the State police's medivac helicopter program, and provide immediate care for coronary patients through telemetry equipment installed in ambulances. I believe that we should develop a statewide system for emergency care.

This Congress and the administration have accelerated our attack against cancer and heart diseases. In both of these areas we are looking for new discoveries and new breakthroughs. In the trauma area I am convinced that the technology and know-how exists to dramatically reduce the tragic accident deaths. This is an area where action will lead to immediate payoffs in terms of lives saved. Legislation encouraging emergency medical care is badly needed. Action in this area can mean the difference between life and death for accident victims.

The proposal I advance today is the product of the interest and work of the AMA. I want to take this opportunity to congratulate the AMA and the doctors of America for their help in focusing national attention on this area of need of the health system.

I also want to encourage doctors and hospital administrators and all other members of the health team, as well as the general public, to get interested in this area. For our ultimate success will not depend on what is done at the Federal level, although Federal assistance will help, but on the response and action by the States and communities.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Emergency Medical Service Systems Act".

FINDINGS; DECLARATION OF POLICY AND PURPOSE

SEC. 2. (a) The Congress finds——

(1) That there is an urgent need for the development and improvement of emergency medical services in many urban, suburban, and rural areas throughout the Nation.

(2) That countless lives have been and are being lost through the lack of prompt and professional emergency services, and many of these lives could be saved if such care were more readily available.

(3) That while programs can best be planned at the local and regional levels, implementation will require coordination at community, regional, State and National levels.

(b) It is the policy of the Congress and the purpose of this Act to encourage the implementation of programs for delivery of emergency medical services, to assure nationwide availability and accessibility of such emergency medical services, and to prevent the needless loss of life by upgrading the quality of emergency medical services in the United States. This purpose should be achieved through the establishment of a Federal entity having the authority to set standards for ambulance and life support equipment, ambulance-to-hospital and disaster radio communication, personnel training, emergency room facilities and personnel, ancillary supporting services within the hospital, and other components of qualified emergency medical service systems, giving special consideration to the utilization and training of discharged military medical corpsmen, and the authority to provide financial assistance to States for distribution in the development and establishment of qualified emergency medical service systems operated by or under the supervision and auspices of local political subdivisions or combinations thereof.

ESTABLISHMENT OF EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 3. There is established within the Department of Health, Education, and Welfare an Emergency Medical Services Administration (hereinafter referred to as the "Administration"). The Administration shall be headed by a Director (hereinafter referred to as the "Director") who shall be a qualified health care professional appointed by the President, by and with the advice and consent of the Senate.

DIRECTOR OF THE ADMINISTRATION; TECHNICAL AND PROFESSIONAL PERSONNEL

SEC. 4. (a) The Director, under the general direction and supervision of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), shall carry out the functions and responsibilities vested in or transferred to him or the Administration by or under this Act, and shall perform such related duties as may be prescribed by the Secretary to carry out the purpose of this Act.

(b) The Director shall serve at the pleasure of the President and shall receive basic pay at the rate prescribed for level V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code.

(c) With the approval of the Secretary, the Director shall appoint such technical and professional personnel as he deems necessary, in addition to the regular personnel of the Department under his jurisdiction and control, to carry out the functions of the Administration, and shall fix the pay of the personnel so appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

FINANCIAL ASSISTANCE FOR DEVELOPMENT AND OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEMS

SEC. 5. (a) In order to make funds available to local communities to assist in the development and operation of qualified emergency medical service systems, and improvement of existing emergency medical services, the Director is authorized to allot funds to qualified States for distribution to communities as provided in section 6.

(b) A community, within the meaning of subsection (a), shall be a political subdivision or a regional combination of subdivisions and may encompass an area of one or more counties, or a part or contiguous parts thereof, and may be situated in more than one state.

(c) A qualified emergency medical service system, within the meaning of subsection (a), shall operate within standards which the Director shall by regulations prescribe, shall provide comprehensive emergency medical services, directly through facilities and staff of the community or indirectly through contractual arrangements with public or private agencies, organizations, or other entities, and shall include:

(1) well-equipped emergency vehicles, staffed by emergency medical service technicians, with special consideration given to the utilization of discharged military corpsmen, trained and equipped to provide necessary life support at the scene of accident or illness and during transportation;

(2) a communications system that assures prompt response to the need;

(3) high quality emergency care facilities, staff, and equipment at the hospital level;

(4) medical self-help training programs that reach a large number of area residents;

(5) adequate highway signs to locate emergency medical services;

(6) emergency medical services adequate to meet the needs of the community or region;

(7) periodic evaluation of the quality of services to be provided through systems of inspection by the State, and such other quality control measures as the Director shall deem appropriate;

(8) registration of ambulance attendants through a national registry program maintained by a voluntary organization such as the National Registry of Emergency Medical Technicians which shall provide for periodic review of personnel;

(9) categorization of emergency capabilities within regional planning;

(10) hospital facilities to meet the emergency medical service needs for the area; and

(11) such other components as the Director may add.

GRANTS TO STATES

SEC. 6. (a) The Director shall allocate and pay to each State which qualifies under section 7, with respect to any fiscal year, from the funds appropriated pursuant to section 18(a) for such year, an amount (based on the population of the State and other conditions, such as population density and the availability of physicians and hospital facilities, demonstrating or bearing upon the adequacy of emergency medical services in the State) which reflects the needs of such State and its political subdivisions for improved emergency medical services relative to the corresponding needs in other qualified States.

(b) Funds made available to a qualified State with respect to any fiscal year under subsection (a) shall be disbursed by the appropriate agency of such State to eligible communities as defined in section 8, in accordance with the State's emergency medical services program and on such additional terms and conditions (consistent with such program) as such agency deems appropriate, for the development, operation, and improvement of qualified emergency medical service systems. Provided, however, funds shall not be utilized to duplicate or compete with any existing private enterprise for emergency ambulance service that meets the standards established by the Director and is satisfactorily providing services within the purposes of this Act.

(c) Under regulations prescribed by the Director, any funds which have been disbursed by a State to a community with respect to any fiscal year for the development and operation of an emergency medical service system, and which remain unexpended and unobligated, may be withdrawn from such community (and redistributed to other communities in that State), if the State administrator as referred to in section 7 (b) deems the withdrawal of such funds warranted on the basis of subsequent inspections made or information received. Funds allocated by the Director to any State for any fiscal year under subsection (a) which remain unexpended and unobligated may be withdrawn from such State and redistributed by the Director to other qualified States.

QUALIFICATION OF STATES

SEC. 7. In order for a State to qualify for assistance under section 6, the Governor of the State (or the State health officer, if designated by the Governor) shall submit to the Director a State plan for comprehensive emergency medical services, and the Director must approve the plan. Such a plan must—

(a) Designate the appropriate State health agency (hereinafter referred to as the "designated State agency") as the sole agency for the administration of the emergency medical service program within the State;

(b) Provide for the appointment by the Governor of an administrator (hereinafter referred to as the "State administrator") who shall direct the activities of the designated State agency and who shall disburse funds in accordance with the provisions of this Act.

(c) Provide for the establishment of a State Emergency Medical Service Advisory Council, pursuant to the provisions in section 14, to consult with the designated State agency in carrying out the State plan;

(d) Provide for financial assistance to communities for the establishment and operation of emergency medical services, and the improvement of existing emergency medical services, pursuant to plans which include reasonable assurance of the establishment of qualified, emergency medical service systems within such communities.

(e) Provide for a program of collection preparation and dissemination to the general public within the State of information on availability and accessibility of emergency medical services in the State.

(f) Provide for a system of inspection and periodic evaluation of the quality of services performed by communities receiving assistance under this Act; and

(g) Provide for reports by the designated State agency to the Director, as the Director may by regulations direct, on the administration of the State's emergency medical service program under this Act.

COMMUNITY QUALIFICATION FOR ASSISTANCE

SEC. 8. (a) In order for a community to qualify for financial assistance under this Act—

(1) The community must make application to the designated State agency in its State for financial assistance and submit therewith a plan for the development and operation of an emergency medical service system, or the improvement of an existing system, and establishment of a qualified emergency medical service system in the community.

(2) The community application and plan shall be in such form as the designated State

agency may by regulations prescribe and shall contain reasonable assurance of the establishment of a qualified emergency medical service system.

(3) The community application and plan must be approved by the designated State agency within the provisions in subsection (b).

(b) Before any application and plan referred to in subsection (a) may be approved by the designated State agency—

(1) The State Comprehensive Planning Agency, and the local health planning agency, if any, and the State Emergency Medical Service Advisory Council must be given an opportunity to review such application and plan and to submit its recommendation respecting approval thereof to the designated State agency for its consideration.

(2) In the evaluation of any application and plan for approval under this subsection, consideration shall be given to the importance of linking together, in a regional system, emergency medical services in rural and small communities which do not have the necessary resources to develop and support their own qualified emergency medical service systems, and the adequacy of the community plan to meet the needs of the community; and the State and local medical societies and other appropriate professional and voluntary health agencies in the area to be served shall be consulted.

PAYMENTS TO COMMUNITY

SEC. 9. (a) The designated State agency shall make payments to a community, for the purpose of this Act, only under the following conditions:

(1) Such community meets the conditions of eligibility under section 8.

(2) The State administrator has, on the basis of reports submitted by the community along with its application for funds, and onsite inspection, review, and other information and data which the Director may deem necessary, specifically approved any such payment as suitably contributing to the achievement of the plan for a qualified emergency medical service system.

(b) Payments to a community under this section may be made with respect to any fiscal year for the development and operation, and the improvement of any component or components of a qualified emergency medical service system (including the purchase of new equipment for these purposes) in an amount not to exceed 75 per centum of costs incurred therefor by the community during a fiscal year; and payments to such a community may be continued in an amount not to exceed 50 per centum of such costs incurred by such community during the next succeeding fiscal year, and in an amount not to exceed 25 per centum of such costs incurred by such community during the second succeeding fiscal year.

(c) (1) Whenever the State administrator, after reasonable notice and opportunity for hearing to a community, finds that a community is not adequately performing pursuant to the emergency medical service plan which he approved as a condition of eligibility for assistance under section 8(c), he may deny any further payments to the community under this Act. He shall give the community notice of any such denial and state a reasonable time to correct the condition as a basis of reinstatement of payments. If the condition is not corrected within the time stated, or within any extension of time which may be granted by the State administrator, the State administrator may withdraw the approval of financial assistance to the community under this Act, and shall give notice of any such action to the community. Any determination by the State administrator under this subsection shall be subject to appeal by the community to the Director within thirty days following notice thereof.

(2) On appeal duly made from a determination of the State administrator under subparagraph (1), the Director shall have authority to confirm, reject, or modify the determination of the State administrator, and shall within thirty days following such action of appeal make a determination in the matter and give notice thereof to the community.

(3) The community shall be entitled, further, to court review of the Director's determination under subparagraph (2) by commencing an action in the Federal district court for the district in which the community is situated within thirty days following notice of the Director's determination.

ESTABLISHMENT OF STANDARDS FOR OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 10. The Director shall establish, keep current, and from time to time publish standards to govern the operation of an emergency medical service system. Such standards shall be designed to insure that such services are provided and available on the widest possible basis, and shall include (without being limited to) standards and minimum requirements for:

(a) Emergency medical service equipment, including:

(1) type of emergency ambulance and related rescue vehicles, including mobile intensive and coronary care units;

(2) type and amount of rescue resuscitation and life support equipment to carry onboard ambulance vehicles;

(3) radio or radio-telephone equipment for communication between ambulance and hospital.

(b) Licensure by States of ambulance service providers based upon periodic inspection of such providers' vehicles and equipment and periodic review of the training level of its presonnel and the adequacy of its dispatching and communications system.

(c) Communications and reporting, including:

(1) establishment of a universal emergency telephone number;

(2) ambulance to hospital communications, which tie in to other public service agencies for daily and disaster radio communications;

(3) establishment of methods and standards for interregional emergency communication, including radio, microwave relay, and other technology;

(4) establishment of emergency medical service information and data retrieval systems, including telemetry, biomedical data relays and human intellect augmentation systems;

(5) filing of reports on emergency rescue and ambulance services and the integration of these reports with patient emergency care records;

(d) Levels of adequate liability insurance to cover any ambulance operations.

(e) The performance of training, advisory functions, and quality control by physicians designated as responsible for the medical supervision of ambulance services, including standards for training curriculums.

(f) Facilities and routing:

(1) establishment of emergency medical services operations centers;

(2) categorization of emergency medical services capabilities;

(3) establishment of methods for marking the location of emergency medical facilities and the establishment of routes thereto.

(4) physicians and personnel back-up by a hospital of its emergency department and adequate in-house back-up with special unit beds.

FINANCIAL ASSISTANCE FOR INITIAL PURCHASE OF EQUIPMENT

SEC. 11. (a) In addition to providing financial assistance for the development and operation or improvement of a qualified emergency medical service system, the Director is authorized, subject to the conditions in subsection (b), to assist in the establishment of new ambulance services and new emergency departments in any political subdivision or regional combination in a qualified State by making grants to a subdivision or combination for—

(1) The initial purchase of ambulance vehicles, equipment, and communication systems to be used in the provision of ambulance services by or under the supervision and auspices of an officer of such political subdivision, and

(2) acquisition of equipment for emergency departments and special units in rehabilitation areas (but not for the construction of new facilities).

Such special grants shall be limited to designated items by the Director and shall be made only with respect to purchases approved by the Director, after recommendation for approval by the State administrator.

(b) A grant under this section shall be in an amount not exceeding 50 per centum of the costs of the purchase of equipment involved, and shall be made only to a community which demonstrates to the satisfaction of the Director, after recommendation of the State administrator, that, with the acquisition of such equipment, it will rapidly be able to provide ambulance services or emergency departments which can be integrated into a qualified emergency medical service system.

TRANSFER OF EMERGENCY MEDICAL SERVICES PROGRAM OF THE FEDERAL GOVERNMENT TO THE EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 12. (a) All functions, powers, and duties of the Secretary of Transportation and the National Highway Traffic Safety Administration relating to emergency medical services (standard numbered 11) which are being exercised under, in connection with, or as a part of the uniform standards for State highway safety programs are transferred to and vested in the Secretary of Health, Education, and Welfare, to be exercised and carried out by him through the Director and the facilities and other personnel of the Administration.

(b) Within one hundred and eighty days of the effective date of this Act, the President may, in addition to the functions, powers, and duties transferred by subsection (a), transfer to the Secretary any functions, powers, and duties relating to emergency medical services which are being exercised by any other Federal departments or agencies.

(c) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Secretary and the agencies noted, as were employed, held, used, or available for use exclusively or primarily in connection with the functions, powers, and duties transferred by subsection (a) or (b) shall be transferred to the Administration along with such functions, powers, and duties.

(d) The transfers under subsections (a), (b), and (c) shall be made in accordance with such regulations as the Director of the Office of Management and Budget may prescribe to carry out this section.

(e) With respect to any function, power, or duty transfered by subsection (a) and exercised after the date of the enactment of this Act, any reference in any law, document, or record to the previous governmental program shall be deemed as a reference to the Director and the Administration.

APPLICATION OF STANDARDS TO FEDERAL PROGRAMS

SEC. 13. (a) The standards established by the Director under section 10 shall apply to and govern the operation of all ambulances and other emergency medical services, except those ambulances and services operated under the auspices of the Department of Defense, which are provided or assisted in any way under Federal law or under programs established, carried on, or supported under Federal law.

(b) The Director shall consult with and provide technical and other advice and services to the heads of the various Federal departments and agencies having jurisdiction over programs or activities involving the provision of ambulance or other emergency medical services or the provision of assistance in any form, directly, or indirectly, to entities furnishing such services, in order to insure that the requirements of this section will be met and that all such programs and activities of the Federal Government will be effectively coordinated with a view to the widest possible achievement of the purpose of this Act.

STATE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

SEC 14. (a) The composition of the State Emergency Medical Services Advisory Council established in accordance with the State plan submitted under section 7 shall include representatives of providers of health services, including medical societies, hospital administrators, nursing groups, ambulance services, local chapters of voluntary health services; public agencies, including the fire and police departments, hospital departments (and medical examiners and coroners), health planning agencies, and local government; community leaders representing civic and service clubs, traffic and highway safety groups, telephone companies, and public utilities, and other groups, including the news media, which would have an interest in emergency care.

INTERAGENCY COUNCIL

SEC. 15. There is established an Interagency Council to provide for, communication and exchange of information that is necessary to maintain the necessary coordination and effectiveness of emergency medical service programs and activities of all Federal agencies and developments that are involved in such programs. The Council shall consist of an Assistant Secretary of the Department of Defense, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor, and the Department of Transportation, the Chief Medical Director of the Veterans Administration, the Deputy Director of the Office of Emergency Preparedness, and the Deputy Administrator of the Health Services and Mental Health Administrator, who shall serve ex officio. The Secretary or his designee shall serve as Chairman of the Council and the Council shall meet at the call of the Chairman, but not less often than four times a year.

NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

SEC. 16. (a) There is established a National Emergency Medical Services Advisory Committee which shall advise, consult with, and make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all emergency medical services. Committee shall consist of sixteen members appointed by the President who shall be persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Committee. Of the members so appointed, four shall be officials of the State or local governments or governmental agencies who are actively engaged in emergency medical services, four shall be doctors of medicine, and the remainder shall be persons who are representative of the ambulance services and others who have shown expertise in emergency medical services and have special knowledge of nursing, transportation, consumer needs and desires, hospital facilities, and educational and manpower development. The President shall designate the Chairman of the Committee and the Committee shall meet at the call of the Chairman but not less than four times a year.

(b) Members of the Committee (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expense and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 17. (a) In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any other agencies of the United States and of any non-Federal public private agencies or institutions, in accordance with agreements entered into between the Director and the heads of such agencies or institutions, on a reimbursable basis or otherwise.

(b) The Director is authorized to conduct or contract with others to conduct studies and research projects on the problems and conditions of emergency medical care. Such studies or projects shall particularly be directed toward the utilization of technological advances in the improvement of emergency medical services. Such studies shall include (but not be limited to):

(1) planning and development for emergency medical services programs;

(2) establishment and improvement of medical emergency transportation systems, including at least one stateside system, using aircraft, helicopters, and radio-equipped vehicles;

(3) providing for cooperative use of equipment and personnel of the Armed Forces for medical emergency transportation assistance;

(4) design, development, and demonstration of advanced methods of, and equipment for, medical emergency transportation communications;

(5) development and operation of training programs for emergency medical service personnel.

(c) The Director, with the approval of the Secretary, shall prescribe such regulations as may be necessary or appropriate to carry out this Act.

(d) The Director shall submit to the Secretary for transmittal to the President and the Congress a full and complete annual report on activities under this Act, including such recommendations as he may consider necessary or desirable for legislative or administrative action to improve and make more effective the program under this Act.

(e) The Secretary of each military department (or his designee) is authorized to enter into agreements with communities under which equipment and personnel of the armed forces under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of the armed forces, provide transportation and other services in emergency conditions. If the Coast Guard is not operating as a service of the Navy, the Secretary of Transportation (or his designee) may enter into such agreements for the provision of such services by Coast Guard equipment and personnel.

AUTHORIZATION OF APPROPRIATIONS

SEC. 18. (a) For grants under sections 6 and 11, there is authorized to be appropriated the sum of $150,000,000 for the fiscal year ending June 30, 1973, the sum of $150,000,000 for the fiscal year ending June 30, 1974, and the sum of $150,000,000 for the fiscal year ending June 30, 1975.

(b) For other expenses incurred by the Director and the Administration in carrying out this Act, there is authorized to be appropriated the sum of $50,000,000 for the fiscal year ending June 30, 1973, the sum of $60,000,000 for the fiscal year ending June 30, 1974, and the sum of $70,000,000 for the fiscal year ending June 30, 1975.

(c) Any amounts appropriated pursuant to this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

By Mr. HATFIELD:

S. 657. A bill to designate the Hells Canyon National Forest Parklands Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

HELLS CANYON NATIONAL FOREST PARKLANDS AREA

Mr. HATFIELD, Mr. President, today I introduce for appropriate reference legislation to create the Hells Canyon National Forest Parklands Area.

This legislation, which Congressman AL ULLMAN has introduced in the House, represents what I believe is a well-thought-out approach to the issues we must consider in dealing with the Hells Canyon of the Middle Snake River.

First, this bill precludes the construction of dams in the area, while preserving the upstream water rights. This resolves an issue which has been before the Senate for several years. I have earlier sponsored with the distinguished senior Senator from Idaho (Mr. CHURCH) and his distinguished former colleague, Mr. Jordan, legislation to establish a moratorium on dam construction on the Middle Snake River. The measure passed the Senate unanimously on two occasions, but failed to receive action in the House.

The second major issue relating to this area is that of land use. Last year, the Governors of Oregon, Idaho, and Washington joined with several members of the respective congressional delegations in supporting the purchase by the Forest Service of some 12,000 acres of privately owned lands along the river. I was pleased to work within the Senate Appropriations Committee to add $4 million to the Forest Service budget specifically for this purpose. Our motivation in doing so was to prohibit commercial development of this unique area. We were successful in this project and the Forest Service is presently taking steps to purchase the lands.

The question remains, however of how the canyon lands and the surrounding area are to be managed.

This legislation would designate 726,400 acres as the Hells Canyon National Forest Parklands Area, to be administered by the Secretary of Agriculture. The Secretary is directed in by the legislation to develop a comprehensive management plan for the entire area within 3 years. A 270,000-acre roadless area, including the canyon face of the Snake River and the roadless area in the Seven Devils Scenic Area would be studied for wilderness suitability. The legislation provides for public participation in the planning process.

The Snake and Imnaha Rivers would be managed as wild and scenic rivers, though not placed under that legislative authority. Subject to valid existing rights, mineral entry would be prohibited.

Mr. President, I believe this bill provides the flexibility necessary for the management of this diverse area and I think it deserves the careful consideration of this body I realize that several of my colleagues are drafting legislation which also deals with the management of the Hells Canyon Area and I have been in contact with them as these proposals have been developing. I also intend to work with the citizens of northeastern Oregon, who have a vital interest in such legislation. I am confident that we can enact legislation which will benefit the people of Oregon, the people of Idaho, and all Americans in preserving this magnificent canyon.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain spectacular canyon and water areas, forested areas, fresh water lakes, and other recreational features and facilities in the States of Idaho and Oregon by present and future generations and the conservation of scenic, scientific, fish and wildlife, historic, geologic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Hells Canyon National Forest Parklands (hereinafter referred to as "the Parklands"), comprising approximately 726,400 acres. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Hells Canyon National Forest Parkland Area" dated January, 1973, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

SEC. 2. The Administration, protection, and development of the Parklands area shall be by the Secretary of Agriculture (hereinafter called the "Secretary"), in accordance with the laws, rules, and regulations applicable to the national forest system, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, fish and wildlife, geologic, historic, and other values contributing to public enjoyment; and (3) such management, utilization, or disposal of natural resources including, but not limited to the production and harvesting of timber and the grazing of livestock as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the Parklands area is established. The Secretray shall not within the area delineated as to be managed without public roads on the map referred to in Section 1 of this Act, construct or permit the construction of any public road, or permit the harvesting of timber, except as may be necessary for protection of the public health and safety.

SEC. 3. Within three years after the enactment of this Act, the Secretary shall with provision for appropriate public participation in the planning process, (a) develop a comprehensive management plan for the entire Parklands area. Said plan shall provide for a broad range of land uses and recreation opportunities, including areas with potential for management as wilderness, and areas to be managed for roadless and/or primitive backcountry, or intensive recreation and shall include provisions for motorized access to and within areas not delineated to be managed without public roads. Further, the comprehensive management plan shall prescribe management controls, indicate boundaries of any special management areas, indicate type and amount of access, and set forth other protection, management and development requirements.

(b) review those areas depicted on the map referenced in Section 1 of this Act as "Roadless" and shall report to the President, in accordance with subsection 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (d)), his recommendation as to the suitability or nonsuitability of any area within the above area for preservation as wilderness, and designation of any such area as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 4. (a) Within one year after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the Parklands area and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description may be made.

(b) The boundaries of the Wallowa-Whitman and Nez Perce National Forests are hereby extended to include all of the lands not presently within national forest boundaries lying within the Parklands area as described in accordance with section 1 of this Act. Notwithstanding any other provision of law, any Federal property located within the Parklands area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

SEC. 5. (a)(1) The FPC shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the FPA (41 Stat. 10633), as amended (16 U.S.C. 791a et seq.), on or directly affecting the presently free-flowing portions of the Snake and Imnaha Rivers within the Parkland area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resource facility that would have a direct and adverse effect on the values for which such river segments are protected, as determined by the Secretary.

(2) It is intended that no provision of this Act shall in any way limit, restrict, or conflict with present and future uses of the waters of the Snake River and its tributaries upstream from the boundaries of the Parklands area, for beneficial purposes, whether consumptive or non-consumptive, now or hereafter existing, including waters used for domestic, municipal stockwater, irrigation, mining, power, or industrial purposes.

(3) Any disputes between water use rights protected by subsections (1) and (2) above shall be resolved in accordance with established principles of law.

(b) Those segments of the Snake and Imnaha Rivers included in the Parklands area and presently free flowing shall be preserved in a free-flowing condition and shall be administered in such manner as to protect and enhance natural values described in Section 5(a) above, without insofar as is consistent therewith, limiting other uses that do not substantially interfer with public use and enjoyment of these values.

(c) The jurisdiction of the States and the United States over waters or any stream included in the Parklands area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water rights which are vested under either State or Federal law at the time of enactment of this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(d) Further that the Secretary in consultation with other concerned State and Federal agencies is authorized to control and regulate the amount and type of watercraft use on those segments of the Snake and Imnaha Rivers within the Parkland necessary to accomplish the purposes of this Act.

(e) Further, as soon as practicable, the Secretary shall prescribe management controls and make provision for facilities necessary for the health and safety of users of the Snake and Imnaha Rivers and related adjacent land areas.

SEC. 6. The Secretary shall make and publish regulations setting standards for the use, subdivision and development of privately owned property within the boundaries of the Parklands area. Within the Parklands area the Secretary is authorized to acquire lands, waters, or other property, or any interest therein, in such manner as he considers to be in the public interest to carry out the purposes of this Act. Any lands, waters, and interests therein owned by or under the control of the States of Idaho and Oregon or any political subdivisions thereof may be acquired only with the consent of such States or political subdivisions. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the Parklands area shall become parts of the Parklands area and of the national forest within which they are located.

SEC. 7. The Secretary shall permit hunting, fishing, and trapping on the land and waters under this jurisdiction within the Parklands area in accordance with applicable Federal and State laws: *Provided,* That the Secretary, after consultation with the appropriate Ate game commission, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

SEC. 8. The lands within the Parklands area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the Parklands area in accordance with the provisions of section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), and he may permit the removal of leasable minerals from lands or interests in lands within the Parklands area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the Parklands area: Provided, that any lease respecting such minerals in the Parklands area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts for national forests. Any receipts derived from permits or leases issued on lands within the Parklands area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

SEC. 9. The Secretary shall cooperate with the States of Idaho and Oregon or any political subdivisions thereof in the administration of the Parklands area and in the administration and protection of lands within or adjacent to the Parklands area owned or controlled by the States or political subdivisions thereof. Nothing in this Act shall deprive any private owner of land within the Parklands area of any rights to adequate access to such privately owned land by such private owner. Nothing in this Act shall deprive the respective States or any political subdivisions thereof of their right to exercise civil and criminal jurisdiction within the recreation area, or of their right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the Parklands area.

By Mr. GURNEY:

S. 658. A bill to authorize the President to designate the first week in November of each year as "National Art Week." Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, some of the earliest sources of our information of the history of mankind are to be found in prehistoric art. Before there was the written word there was man's conception of the world around him expressed through pictures and sculptures of other creatures. Aristic expressions, Mr. President, are man's first efforts to express his understanding of the world.

Human art has continued, with a wide diversity of its forms and styles. Art is not only the precursor of the written word, it has remained supreme because it can be understood and appreciated without regard to language and culture. It is altogether fitting then, Mr. President, that Congress should take steps to set aside a portion of each year to properly commemorate our appreciation of art, in its many forms.

Therefore, I am today introducing a Senate joint resolution authorizing and requesting the President of the United States to designate the first week in November of each year as "National Art Week." This will provide an opportunity for the many interested groups and organizations properly to recognize and commemorate art and its unique contribution not only to this country but to the world.

I ask unanimous consent that the text of my bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first week in November of each year as "National Art Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

By Mr. GURNEY:

S. 659. A bill to increase the penalty with respect to offenses involving the commission of a felony while armed with a firearm. Referred to the Committee on Judiciary.

Mr. GURNEY. Mr. President, as a beloved colleague lies stricken by a brutal assailant who robbed then shot him, I send to the desk a bill to strengthen our existing penalties for anyone who uses a firearm to commit any felony for which he may be prosecuted in a court of the United States or carries a firearm unlawfully during the commission of such a felony.

The bill I now introduce provides that the felon who uses a firearm in such a manner shall be sentenced to a mandatory term of imprisonment for not less than 10 nor more than 25 years. This sentence cannot be suspended or probated, nor is it subject to parole or reduction for good behavior. Neither can it run concurrently with any term of imprisonment imposed for commission of the felony itself, except that when a sentence of death is imposed that sentence can be carried out immediately.

The existing law on this subject is found in section 924(c) of title 18, United States Code, a section which in view of the events of last night is clearly inadequate. The present section 924(c) provides that whoever uses a firearm to commit a Federal felony or carries a firearm unlawfully during the commission of such a felony shall be sentenced to an additional term of imprisonment of not less than 1 nor more than 10 years. In the case of a second or subsequent conviction, the additional penalty is a term of imprisonment of not less than 2 nor more than 25 years. Unfortunately, there are a number of defects and inadequacies in the present section 924.

In the first place, there is an ambiguity in the statutory language. The present section 924(c) provides that in the case of a second or subsequent conviction, the 2 to 25 year additional sentence shall not be suspended, nor shall the person be given a probationary sentence, nor shall the term of imprisonment run concurrently with any term of imprisonment for commission of the basic felony. This language indicates that for a first conviction the 1 to 10 year additional sentence for using or carrying a firearm, suspension, probation, parole, or a concurrent sentence would be possible, since expressly excluding these possibilities for the second sentence implies they are not excluded for the first.

More importantly, there is a basic deficiency in the statutory scheme under the existing section 924(c). The thrust of the statute is to provide for an increased sentence for a second conviction under the statute. This type of increased penalty scheme may be adequate for some crimes, but, in my view, it has no place here. The purpose of providing additional penalties for using or carrying a firearm in the commission of a felony is to deter the use of such weapons. To apply the reasoning of increased penalties for subsequent convictions is to sanction "one bite at the apple."

The object of the statute, however, ought to be to provide a stiff penalty for using or carrying a firearm during the commission of a felony, regardless of whether it is a first or second offense. The second victim will take no solace in knowing the criminal will get a greater penalty because he has committed the crime again. Instead, he will wonder just why it was that the penalty for the first offense was so slight as not to prevent the second.

Mr. President, my bill makes no distinction between first and second offenders. Both are equally heinous; both must be deterred if penalties for using or carrying firearms during the commission of felonies are to mean anything at all. Hopefully, by providing for the type of stiff sentence my bill will establish, there will not be a great problem with second offenders.

Parenthetically, my bill provides that the additional penalties do not apply in any case in which the sentence imposed for the basic felony is death. This provision does not reimpose the death penalty for any crime. Rather, it allows for an otherwise lawful death penalty to be carried out without having to wait around for service of an additional penalty of a term of years for using or carrying a firearm. In this respect, it is intended as a technical provision only.

In one final respect, my bill will change the existing law. My bill makes it clear that the additional penalty imposed for using or carrying a firearm is not subject to parole or reduction for good behavior.

Mr. President, last night's tragedy brings home the need for this bill. We have an awesome responsibility as the National Legislature to enact laws calculated to make our streets and cities safe. Reduction of firearms offenses is one sure step to that end. The way to reduce such offenses is by providing the necessary penalties to deter such conduct. During 1972, 108 police officers were killed by the use of firearms. We owe these Americans, as well as all Americans, the reassurance of strong laws for their protection.

The available statistics on the use of firearms to commit crimes clearly indicate the necessity for strong legislation against their use. For example, in testimony last year before the Juvenile Delinquency Subcommittee, Commissioner John Nichols of the Detroit Police Department recited how handguns have increasingly come to be used in the commission of homicides in Detroit, as shown by the following table.

Year	Homicide total	Handgun	Percent total
July 1971	305	184	60.3
1970	495	297	60.0
1969	439	268	61.0
1968	388	237	60.9
1967	281	127	45.2
1966	214	101	47.2
1965	188	68	36.3
1964	125	40	32.0
1963	125	51	40.8

These increases have not been limited to Detroit, but rather are nationwide figures. In Chicago the overall homicide rate doubled between 1965 and 1970, while the rate of homicides by firearms increased by 169 percent.

Between 1964 and 1971, armed robberies such as that which so tragically struck our colleague increased by 230 percent, with about 63 percent of these robberies involving firearms; 65 percent of the murders committed in this country involved firearms, and in 1971, 125 police officers were killed, 74 percent of them by the use of firearms. The prevalence of the use of firearms in the commission of violent crimes is very clear. We must enact legislation to curb it.

I request unanimous consent that my bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) (1) Whoever—

"(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(B) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten years or more than twenty-five years. With respect to such additional sentence, the court, notwithstanding any other provision of law, shall not suspend such sentence or impose a probationary sentence, and the provisions of section 4202 and chapter 309 of this title shall not apply. Such additional sentence so imposed shall not run concurrently with any term of imprisonment imposed for the commission of such felony.

"(2) The provisions of paragraph (1) of this subsection shall not apply in any case in which the sentence imposed with respect to any such felony is death.".

By Mr. GURNEY (for himself and Mr. Tower):

S. 660. A bill to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, by studying what has transpired in the past, it is easier to understand what is occurring in the present. Americans are better able to understand and appreciate their country by studying its history. For this reason it is important to take appropriate steps to encourage our fellow citizens to engage in a study of our American history. One significant action this Congress can take to so encourage our fellow Americans to study our history is to enact legislation setting aside annually 1 month in which interested groups can join in encouraging others to appreciate and study American history. Therefore, on behalf of myself and the distinguished Senator from Texas (Mr. Tower) I am introducing today a bill to designate February of each year as "American History Month."

During this month all Americans should be encouraged to look to our past, not merely to instill within each of us a pride of country but better to enable us to act in the future with the dignity and compassion which is our national characteristic.

I request unanimous consent that the text of my proposed bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the month of February of each year as "American History Month", and calling upon the people of the United States and interested groups and organizations to observe that month with appropriate ceremonies and activities.

By Mr. JACKSON:

S. 662. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference the "Natural and Human Resources Restoration and Conservation Act of 1973."

The purpose of this measure is to provide direct Federal employment for unemployed workers in the country's national parks, forests, recreation areas, and public lands. It builds upon the proven and tried concepts found in the Civilian Conservation Corps of the 1930's. Priority is given to those areas of the Nation which have high levels of unemployment and a need for more intensive timber, recreation, and resources management on Federal lands and on Indian Reservations.

The act builds upon the automatic "trigger" concept found in the "Emergency Employment Act of 1971." First, the Secretary of the Interior is authorized to establish a permanent National Environmental Services Corps. The permanent Corps would consist of a nucleus of appropriate administrative and supervisory personnel.

Second, when national unemployment levels exceeded 4½ percent the Secretary is directed to enlarge the Corps by hiring temporary personnel for the period of time unemployment is high. For each one-half percent gain above a national unemployment level of 4½ percent, the Secretary is authorized to hire an additional 50,000 Corps members.

Third, the Secretary is authorized to hire as many as 200,000 Corps members to work in areas of the country experiencing substantial or persistent unemployment—levels of 6 percent or more—without regard to the national unemployment level.

Persons serving in the Corps on a temporary basis would receive benefits and salary equivalent to other temporary or short-term Federal employees doing work of a similar nature.

The act has two important national purposes. The first is to deal with the tremendous backlog of resources conservation and restoration work on the Federal lands. There is a high priority need in many parts of the Nation to replant forests, to eliminate disease, to prevent erosion, to abate pollution, to guard against fire, to protect our parks, to add new facilities—trails, bridges, camping areas—in our recreation areas, to enhance watershed management, and to make the beauty and grandeur of our public lands accessible to the American people.

The second purpose this measure serves is that it provides an alternative to welfare and unemployment assistance in the form of important, self-respecting work for American working men and women who are the victims of an economic system which at times like the present does not have jobs for skilled, conscientious workers.

One of the most important features of this proposal is that it does not require a great deal of startup time. The work is there. Federal foresters, park rangers, and land managers in regional offices all across the country have on their desks long lists of specific work assignments which need to be done. Most of this work is planned and programed. It does not require expensive machinery. It requires only people to do the job and the money to pay them.

Natural resource management and environment improvement program needs now stand at an alltime high. Consider for a moment these statistics on the immediate needs of our conservation and environmental protection agencies.

The U.S. Forest Service currently has over 5 million acres of highly productive forest land awaiting replanting. Another nearly 12 million acres are not producing adequately for lack of proper forest management. Another 3 million acres are essentially unproductive and will remain so until erosion is curbed. A conservative estimate by Forest Service officials reveals that to reduce their backlog of essential conservation work would require 240,000 man-years of labor.

The manpower needs of the Bureau of Land Management, the National Park Service, the Bureau of Sports Fisheries, the Bureau of Indian Affairs, and the Environmental Protection Agency to perform essential work on public lands and facilities are also very great.

The work is not glamorous. But it is good clean, hard outdoor work. The Environmental Services Corps means that the Federal Government can give a man a choice between welfare dole and self respect; between hopeless days of frustration and the opportunity to do meaningful work that a man can take pride in.

The difference in the public cost of creating these jobs and the public cost of the welfare and unemployment compensation that will be incurred if jobs are not created is de minimus. But the difference in terms of national benefit and in terms of human dignity is immense.

Mr. President, I would like to quote from the final report to the Secretary of the Interior on the Civilian Conservation Corps program of the Department of Interior. This 1944 report, as presented to Secretary Harold L. Ickes by Conrad L. Wirth, Departmental Representative on the Advisory Council, CCC, states in part:

> It is recommended that an organization similar to the Civilian Conservation Corps be established on a permanent basis and designated the "Conservation Corps", and that such an organization be a joint enterprise of the Federal departments and agencies administering and protecting the natural resources of the nation. The purpose of the Corps should be to provide a pool of manpower and funds for those agencies charged by Congress with the development, protection, and use of the natural resources of the United States. The main objectives should be:
>
> 1. Development and protection of the natural resources of the country for the use and enjoyment of the present and future generations:
>
> 2. Teaching the workers and others the real necessity and the importance of proper use of the natural resources;
>
> 3. The coordination and integration of a nationally planned program through a uniform and respected work organization; and
>
> 4. This to be done without interference with the objectives and responsibilities of the various member agencies as charged by Congress.
>
> There was in 1933, and there still is, a real need to give nation-wide attention to the conservation of our natural resources. The natural resources are so vital to existence and progress of any nation that it seems reasonable to give them constant and continuing attention and protection.
>
> The general type of program as planned and executed by the CCC was well received by all. Perhaps one of the greatest accomplishments of the Civilian Conservation Corps was that it brought to the minds of the people of this country the need and value of a sound, active conservation program.
>
> The CCC not only taught the youth of our nation in a very practical way the meaning and value of our natural resources, but helped to restore and strengthen the nation's human resources.
>
> Working in the open, with nature, brings optimum beneficial results to an individual which are almost impossible to obtain otherwise. It builds the body and the mind; it teaches the basic principles of existence; and it creates an understanding of what must be done to protect and properly use natural resources. A future permanent Civilian Conservation Corps must take into consideration these basic facts which should be made known to every home and command the respect of all people through its teachings and accomplishments.

The objectives of and the values embodied in the Civilian Conservation Corps are still valid today. This Nation would be well advised to follow the advice of Secretary Ickes and insure the continuance of such values and objectives. We should act now to create the National Environmental Service Corps. Our Nation's environmental, economic, and social well-being will be enhanced by the passage of the Natural and Human Resources Restoration and Conservation Act of 1973.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural and Human Resources Restoration and Conservation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) there is a growing backlog of necessary and essential work which must be performed if the quality of the Nation's national forests, parks, recreation areas, game refuges, and public lands, and Indian reservations are to be maintained and improved;

(2) tasks which must be performed include reforestation, fire prevention, protection against floods and soil erosion, disease control, pollution abatement, trail construction, road maintenance and improvement, and development of recreational facilities.

(b) The Congress further finds that—

(1) parallel with the need to improve the quality of the Nation's environment and to protect public resources, the country is experiencing critically high levels of unemployment in various regions, and many of the people unemployed have valuable skills which could be utilized to restore, protect, and improve the management of the environment, the public lands, and other shared and common resources;

(2) the United States Government has a responsibility to provide direct Federal employment to fill the growing backlog of unmet national conservation needs and, at the same time, provide programs of permanent and transitional employment to achieve important public purposes;

(3) implementation of a National Environmental Services Corps program and building upon the highly successful experience of the Civilian Conservation Corps will reduce dependency upon welfare and unemployment assistance to meet essential human needs, and will advance the national interest in a stable economy and full employment by providing important and meaningful public jobs during times of high unemployment in the country at large or in any region of the country.

POLICY

SEC. 3. (a) The Congress hereby reaffirms that the national policy of full employment declared in the Employment Act of 1946 continues to be a fundamentally sound and socially enlightened national policy, and that it is the responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

(b) It is the purpose of this Act to provide a Federal natural resource management program designed to:

(1) relieve and alleviate the social distress and human indignity resulting from unemployment by providing a permanent program of direct employment by Federal land and resource management agencies and by expanding direct employment during times of high unemployment in the Nation or in various regions of the country; and

(2) achieve the goals and objectives declared in the National Environmental Policy Act of 1969 (P.L. 91-190) and fulfill the responsibilities of this generation as trustee of the environment for succeeding generations by a work program of reforestation, pollution abatement, disease eradication, prevention of floods and soil erosion, fire protection, watershed management enhancement, construction of new recreation facilities, trail and road development and maintenance, wildlife and sports fisheries management and other activities to improve the quality of the environment.

NATIONAL ENVIRONMENTAL SERVICES CORPS

SEC. 4. There is hereby established the National Environmental Services Corps (hereinafter referred to as the "Corps"). The Secretary of the Interior (hereinafter referred to as the "Secretary") shall be responsible for management and administration of the Corps program. In carrying out his duties under this Act, the Secretary shall consult with the heads of other agencies and departments of the Federal Government. All agencies of the Federal Government are directed to cooperate with and to assist the Secretary in the development and administration of the Corps program.

EMPLOYMENT LEVELS

SEC. 5. (a) There are hereby authorized to be appropriated for carrying out the purposes of this Act $250,000,000 annually for establishment and administration of the permanent Corps program and such sums as are necessary to enlarge the Corps to meet the employment conditions set out in subsection (c).

(b) The permanent Corps shall consist of a national office and appropriate regional and subregional offices, and shall be responsible for providing employment opportunities in natural resource management on Federal lands on a continuing basis up to the level of the appropriation authorization set forth in subsection (a) of section 5. In addition, the permanent Corps shall be responsible for administration, supervision, and training of temporary Corps members when Corps employment is expanded to meet the employment conditions set forth in subsection (c) of section 5.

(c) The Secretary is authorized, out of funds appropriated to carry out the purposes of this Act, to expand employment in the Corps program in accordance with the following clauses:

(1) by one hundred thousand Corps members when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ per centum for three consecutive months prior to such determination;

(2) by fifty thousand Corps members for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1); and

(3) without regard to the determinations required by clauses (1) and (2), by up to two hundred thousand Corps members to work in regions of the country categorized as areas of "substantial unemployment", "persistent unemployment", or "concentrated unemployment or underemployment" in the Department of Labor's monthly Bulletin on "Area Trends in Employment and Unemployment".

(d) Funds made available to the Secretary pursuant to this section for the employment of Corps members shall, insofar as possible, be apportioned on an equitable basis among States and, within each State among, local areas, including Indian reservations. To the extent practicable, such funds and employment opportunities shall be apportioned on the basis of—

(1) relative numbers of unemployed;

(2) severity of unemployment in each area; and

(3) relative need of the area for intensified management, development, and conservation of lands under Federal jurisdiction.

SECRETARIAL DUTIES

SEC. 6. (a) The Secretary, after consultation with the heads of other Federal land and resource management agencies, shall—

(1) determine the areas under Federal jurisdiction which are appropriate for carrying out programs using employees of the Corps;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall be paid the prevailing rates of pay, as appropriate, for persons permanently or temporarily employed by the Federal land management agencies, and all persons employed in the Corps will be assured of workmen's compensation, health insurance, and other benefits at the same levels and to the same extent as other permanent and temporary employees of Federal land management agencies;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as he may deem necessary or appropriate for the needs of members of the Corps in their duties: *Provided*, That whenever economically feasible, existing but unoccupied Federal facilities, including military facilities, shall be utilized for the purposes of the Corps where appropriate and with the approval of the Federal agency involved;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members; and

(5) advise every participant in the Corps program, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) In expanding the Corps to meet national resource and environmental management goals and to provide new employment opportunities pursuant to subsection (b) of section 5, the Secretary shall first determine that the Corps program—

(1) will result in an increase in employment opportunities over those which would otherwise be available;

(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits);

(3) will not impair existing contracts for services or result in the substitution of Federal or other funds in connection with work that would otherwise be performed; and

(4) will not substitute jobs of Corps members for existing federally assisted jobs.

PERSONS ELIGIBLE

SEC. 7. Any person who is unemployed and who desires and is available for work and who is physically able to perform the available jobs shall be eligible for employment in the National Environmental Services Corps. Any person who is underemployed in that their present employment is not providing sufficient income to enable such persons and their families to be self-supporting without welfare assistance shall also be eligible for employment in the Corps.

TERMINATION OF CORPS EMPLOYMENT

SEC. 8. In the administration of this Act the Secretary shall make every effort to provide training and other assistance to temporary members of the Corps provided employment pursuant to section 5, which will enable them to obtain permanent private or public employment. When the rate of national or area unemployment declines below the standards set forth in subsection (c) of section 5, the Secretary shall make maximum efforts to locate permanent employment or training opportunities not supported under this Act for each Corps member temporarily employed under this Act, and shall gradually phase out the temporary Corps program on an area-by-area basis as is warranted by improved local employment opportunities and the accomplishment of the resource and environmental improvement program on the Federal lands in each such area.

SECRETARIAL POWERS

SEC. 9. (a) The Secretary shall promulgate and publish in the Federal Register such regulations as he determines are necessary for the administration of this Act.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments in installments and in advance by way of reimbursements, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

REPORT

SEC. 10. The Secretary shall transmit an annual report to the Congress setting forth a report of the activities under, an evaluation of the programs authorized by, and relevant data on employment created and public purposes achieved pursuant to this Act.

EFFECTIVE DATE

SEC. 11. This Act shall be effective upon enactment. The determinations to be made under subsection (c) of section 5 shall take into account the rate or rates of unemployment for a period of three consecutive months even though all or a part of such period may have occurred prior to the enactment of this Act.

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 663. A bill to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes. Referred to the Committee on the Judiciary.

JUDICIAL REVIEW OF CERTAIN ICC ORDERS

Mr. HRUSKA. Mr. President, for myself and the Senator from North Dakota (Mr. BURDICK) I introduce a bill to improve the Federal judicial machinery by amending title 28, United States Code, to change the method for review of decisions of the Interstate Commerce Commission.

The present law governing review of ICC orders, except those for enforcement or for the payment of money, is based on the Urgent Deficiencies Act of 1913. This requries a special three-judge district court, consisting of at least one appeals court judge, to hear ICC cases. Appeal from this three-judge court is made directly to the Supreme Court, bypassing the Circuit Court of Appeals. (28 U.S.C. 1336, 2284, 2321, and 2325.)

The problems with this process are many. First, three-judge district courts, which are also currently required in certain constitutional cases, have received extensive criticism from legal scholars, judges, and attorneys. It is felt that these courts are a waste of judicial manpower, no established procedural and evidentiary rules are applicable to them, and they often produce lengthy delays.

In 1941 Mr. Justice Frankfurter described the three-judge procedure as—

> A serious drain upon the federal judicial system particularly in regions where, despite modern facilities, distance still plays an important part in the effective administration of justice. And all but the few great metropolitan areas are such regions. *Phillips* v. *United States*, 312 U.S. 246, 250 (1941).

The specific evils of three-judge courts were brought to our attention during hearings last year. See hearings on S. 1876 before the Subcommittee on Improvements in Judicial Machinery of the Senate Judiciary Committee, part 2, 92d Congress, second session, 731 (1972). At those hearings, chaired by Senator BURDICK, both Chief Judge Henry Friendly of the second circuit and Prof. Charles Wright of the University of Texas Law School urged reform of ICC appeals procedures.

Another problem with the present statute is that appeals are taken directly from the three-judge court to the Supreme Court. This does not give the Supreme Court the benefit of the wisdom of lower appellate review, and it adds directly to the heavy workload of the High Court. The result is that the Supreme Court, without the winnowing effect of the circuit courts, often has to decide seemingly trivial ICC issues. Already this term, the Court affirmed an opinion holding that cooked chicken was an agricultural commodity and thus exempt from ICC regulation. *ICC* v. *Gold Kist, Inc.*, 409 U.S. — (1972). Surely such an issue could likely have been resolved at a level lower than the Nation's highest judicial tribunal.

In another recent ICC case, the Supreme Court heard oral argument and issued its opinion even though the three-judge district court had decided the case without an opinion. The case, *Port of Portland* v. *U.S.*, 408 U.S. 811 (1972), involved complicated facts concerning a railroad acquisition. If such issues were presented to a circuit court, surely they would be discussed and decided in a written opinion, and the Supreme Court would not be required to write the first opinion in the case.

Along with other proposals which have been made to eliminate three-judge courts in most constitutional cases, this bill supports the established principle that the Supreme Court should be free to control its own workload. Reform of ICC appeals along the lines advocated here was urged by Chief Justice Burger in his 1972 state of the judiciary speech delivered to the American Bar Association last August.

In fiscal 1972, there were 52 ICC appeals, one-sixth of all three-judge cases. The number of ICC cases increased 27 percent from 1971, and for the past 10 years there has been an average of 56 ICC cases yearly. Of these cases, it heard argument and wrote opinions in only two instances. The remainder of the cases were affirmed or reversed without opinion. Thus, it appears that direct appeal of these cases to the Supreme Court is inappropriate and no longer necessary.

This bill repeals the Urgent Deficiencies Act as applicable to ICC orders. Under the bill, ICC appeals would be made to circuit courts, with review by certiorari to the Supreme Court. The bill would also change existing law to eliminate multiple suits to challenge a single ICC order that can now be brought simultaneously in different locations, and it would impose a 60-day time limit after the issuance of ICC orders during which appeals must be taken. There is now no time limit for ICC appeals.

A further objective of this proposal is uniformity. The present ICC appeals structure is unique among Federal administrative agencies. All other appeals of agency orders are governed by procedures similar to those this bill establishes for the ICC. Also, because the circuit courts regularly hear administrative cases, they have developed an expertise in administrative law and regulatory issues that is often lacking in the three-judge district courts that now hear ICC cases.

The measure we introduce today is not new. In March of 1970 I introduced a similar bill at the request of the Department of Justice. See hearings on S. 3597 before the Subcommittee on Improvements in Judicial Machinery of the Senate Judiciary Committee, 91st Congress, second session (1970). In its previous form, the bill had the support of the Administrative Conference, the Judicial Conference, and the American Bar Association, as well as the Department of Justice.

The venue provisions in this bill have been drawn more narrowly than they were in the earlier proposal. The present bill eliminates optional venue in the Circuit Court of Appeals for the District of Columbia and allows for suit only in the circuit court where the petitioner resides or has his principal place of business. This change was made on the recommendation of the ICC and the Administrative Conference. There is a general feeling that because of the local nature of ICC appeals they are best tried in the circuit court representing the area in which the claim arose.

The ICC supports replacing the current three-judge district court review procedure by review in the courts of appeals with certiorari to the Supreme Court, but the Commission in the past objected to the fact that this bill gives the Attorney General primary responsibility for control of litigation. However, the importance of having uniform control of all suits involving the United States has long been recognized, and it seems wise to put the ICC in a position similar to other agencies.

While I appreciate that the relationship between the Attorney General and independent agencies perhaps deserves consideration in the broader context, I believe that the merits of this bill—and its broad support—outweigh the ICC's objections. Perhaps the right of an agency to appeal without the concurrence or support of the Attorney General ought to be a matter for separate legislative study. Uniform procedures for judicial review of all agency decisions—not those of just the ICC—could be studied at that time.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 1336(a) of title 28, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by Act of Congress, the district courts shall have jurisdiction of any civil action to enforce, in whole or in part, any order of the Interstate Commerce Commission, and to enjoin or suspend, in whole or in part, any order of the Interstate Commerce Commission for the payment of money or the collection of fines, penalties, and forfeitures."

SEC. 2. Section 1398(a) of title 28, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by law, venue in any civil action to enforce, enjoin or suspend, in whole or in part, an order of the Interstate Commerce Commission for the payment of money or the collection of fines, penalties, and forfeitures is in the judicial district in which the petitioner resides or has its principal office.

SEC. 3. Section 2341 (3)(A) of title 28, United States Code, is amended by inserting following "Federal Maritime Commission", the words "the Interstate Commerce Commission,".

SEC. 4. Section 2342 of title 28, United States Code, is amended as follows:

(a) In the paragraph designated "(3)", following the semicolon, strike "and";

(b) In the paragraph designated "(4)", strike the period and insert in lieu thereof a semicolon followed by the word "and";

(c) Add a new paragraph "(5)" as follows:

"(5) all rules, regulations or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title."

SEC. 5. Section 2343 of title 28, United States Code, is amended to read:

"The venue of a proceeding under this chapter is in the judicial circuit in which the petitioner resides or has its principal office, or, except for a proceeding under paragraph (5) of section 2342 of this title, in the United States Court of Appeals for the District of Columbia Circuit."

SEC. 6. Section 2321 of title 28, United States Code, is amended to read:

"2321. Judicial review of Commission's orders and decisions; procedure generally; process

"(a) Except as otherwise provided by an Act of Congress, a proceeding to enjoin or suspend, in whole or in part, a rule, regulation or order of the Interstate Commerce Commission shall be brought in the court of appeals as provided by and in the manner prescribed in chapter 158 of this title.

"(b) The procedure in the district courts in actions to enforce, in whole or in part, any order of the Interstate Commerce Commission other than for payment of money or the collection of fines, penalties, and forfeitures, shall be as provided in this chapter.

"(c) The orders, writs, and process of the district courts may, in the cases specified in subsection (b) and in the cases and proceedings under section 20 of the Act of February 4, 1887, as amended (24 Stat. 386; 49 U.S.C. 20), section 23 of the Act of May 16, 1942, as amended (56 Stat. 301; 49 U.S.C. 23), and section 3 of the Act of February 19, 1903, as amended (32 Stat. 848; 49 U.S.C. 43), run, be served and be returnable anywhere in the United States."

SEC. 7. Section 2324 of title 28, United States Code, is amended—

(1) by striking after the word "enjoin" the words "set aside, annul", and

(2) by inserting after the word "Commission" the words "for the payment of money or the collection of fines, penalties, and forfeitures."

SEC. 8. The first paragraph of section 2323 of title 28, United States Code, is amended to read as follows:

"The Attorney General shall represent the Government in the actions specified in section 2321 of this title and in actions under section 20 of the Act of February 4, 1887, as amended (24 Stat. 386; 49 U.S.C. 20), section 23 of the Act of May 16, 1942, as amended (56 Stat. 301; 49 U.S.C. 23), and section 3 of the Act of February 19, 1903, as amended (32 Stat. 848; 49 U.S.C. 43)."

SEC. 9. Section 2325 of title 28, United States Code, is hereby repealed.

SEC. 10. The table of sections of Chapter 157 of title 28, United States Code, is amended to read:

"CHAPTER 157—INTERSTATE COMMERCE COMMISSION ORDERS: ENFORCEMENT AND REVIEW

Sec.

2321. Judicial review of Commission's orders and decisions; procedure generally; process.
2322. United States as party.
2323. Duties of Attorney General; intervenors.
2324. Stay of Commission's order."

ANALYSIS OF SECTIONS

Section 1 amends 28 U.S.C. 1336(a) to narrow the present general jurisdiction of the district courts in civil cases involving orders of the ICC. Under the amended language, the district courts would retain jurisdiction only to enforce any Commission orders and to enjoin or modify Commission orders that relate to the payment of fines or penalties. Other jurisdiction previously given the district courts is now given to the courts of appeals by 28 U.S.C. 2321(a). The section is also changed by deleting the words "set aside, anul" since they are redundant. Corresponding changes have been made throughout the bill.

Section 2 is a conforming amendment to 28 U.S.C. 1398(a), the section that specifies the district court venue of ICC judicial review actions. The amendment implements the objective of section 1 by narrowing the scope of 28 U.S.C. 1398(a) to actions not eliminated by section 1 and whose jurisdiction therefore remains in the district courts. The venue of the cases transferred to the court of appeals is governed by 28 U.S.C. 2343.

Section 3 amends the definition of the term "agency" contained in the Hobbs Act (28 U.S.C. 2341(3)(A) to include the ICC.

Section 4 amends the provision of the Hobbs Act (28 U.S.C. 2342) that specifies the classes of cases and agencies embraced by the Hobbs Act, by adding a new paragraph (5) and including therein all rules, regulations, or final orders of the Commission which are made reviewable by 28 U.S.C. 2321 (which, in turn, is amended by section 5 of the bill).

Section 5 amends the venue provisions of the Hobbs Act so that venue in ICC cases lies only in the judicial circuit where the petitioner resides or has his principal office. Alternative venue in the District of Columbia Circuit is not allowed because of the local nature of cases.

Section 6 containing three subsections, confers jurisdiction on the courts of appeals over those cases which section 1 of this bill removes from the jurisdiction of the district courts.

Subsection (a) provides that the courts of appeals shall have jurisdiction over any proceeding to enjoin or suspend in whole or in part, a rule, regulation, or order of the Commission and specifies that such proceedings shall be brought in the manner prescribed by the Hobbs Act (28 U.S.C. 2341–2351). The clause, "except as otherwise provided by an Act of Congress," refers to actions to enforce Commission orders or to enjon or modify orders of the Commission for the payment of money or the collection of fines. Jurisdiction over these orders remains in the district courts pursuant to section 1 of the bill.

Subsection (b) is derived from the first paragraph of the existing provisions of 28 U.S.C. 2321. It refers solely to actions for enforcement of orders of the Commission. The jurisdiction and procedure for these cases are not altered by the bill.

Subsection (c) is derived from the second paragraph of the existing provisions of 28 U.S.C. 2321 and with the exception of a minor conforming amendment, effects no change in existing law. The provision for nationwide service of orders, writs, and process of the district courts is retained for those cases whose jurisdiction remains in the district courts.

Section 7 is an amendment to the first paragraph of 28 U.S.C. 2323, designed to retain the existing responsibility of the Attorney General to represent the Government in all actions embraced by 28 U.S.C. 2321, as amended by section 6 of the bill.

Section 8 is a technical amendment designed to preserve the existing discretionary authority of district courts to grant stays in those cases in which jurisdiction remains in the district courts. A comparable provision in the Hobbs Act, 28 U.S.C. 2349(b), will apply to the cases whose jurisdiction is being transferred to the court of appeals by section 6 of the bill.

Section 9 repeals the provision of existing law that an order of the Commission can be enjoined only by a district court of three judges. The elimination of district court jurisdiction in section 1 of the bill renders the existing language in 28 U.S.C. 2325 obsolete.

Section 10 amends the table of sections of Chapter 157 of title 28, United States Code.

Section 11 is a conforming amendment to section 205(h) of the Motor Carrier Act, as amended (49 Stat. 550; 49 U.S.C. 305(g)), designed to eliminate any reference to the three-judge district court proceedings which have been abolished by section 1 of the bill and to conform the language to the changes effected by section 6.

Section 12 provides that the bill shall become effective with respect only to actions filed after the last day of the first month beginning after the date of enactment. Existing law shall govern all other actions until final disposition, including any appeals, that may be taken.

Mr. BURDICK. Mr. President, I am pleased to join with the Senator from Nebraska as a cosponsor of this measure. His interest in improving the administration of justice through the courts is familiar to me from his work as the ranking minority member of the judicial improvements subcommittee. Also, I am aware of his long-expressed desire to simplify current cumbersome and confusing procedure for appealing orders of the Interstate Commerce Commission.

This bill eliminates the requirement for three-judge district courts in ICC cases. These special tribunals have become a major procedural bottleneck in the Federal judicial system. The evils of three-judge courts were explained at length during hearings last year before the judicial improvements subcommittee. Many distinguished jurists and legal scholars urged their abolition—both for the trial of ICC appeals and for those constitutional cases where they are presently required.

I recently introduced another bill, S. 271, that would do away with three-judge courts in constitutional cases. This measure accomplishes the same objective for ICC appeals. It provides that, as in other administrative cases, they will be reviewed by the circuit courts of appeals.

There has been, as we are aware, some differences over the respective roles of the Justice Department and the ICC in controlling the litigation in review of these cases. I feel that the bill as drafted is adequate and I am hopeful that hearings on this measure will develop the respective interests of these agencies and that an appropriate understanding can be reached so that each party may fully represent its views and carry out its responsibilities in the judicial review of these controversies.

If these bills were both to become law, the burden of three-judge courts would become a thing of the past. It is with this hope that I give my support to the views expressed in the introductory statement of the Senator from Nebraska.

By Mr. RANDOLPH (for himself, Mr. Gravel, Mr. Dominick, Mr. Hart, Mr. Javits, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Scott of Pennsylvania, Mr. Stevens, and Mr. Williams):

S. 667. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation. Referred to the Committee on Labor and Public Welfare.

HEALTH AND SAFETY ACT OF 1973

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to provide for Federal minimum standards for the training and mandatory State licensure of radiologic technologists. At issue is assuring that the consumers, in this case the medical care patient, is receiving the most efficacious medical services that modern science is capable of delivering.

As pointed out when I introduced earlier versions of this measure in 1970 and 1971, only three States—California, New Jersey, and New York—required individuals exposing the consumer, in this case medical care patients, to potentially dangerous ionizing radiation to demonstrate proficiency in the operation of medical and dental X-ray equipment. As Dr. Karl Z. Morgan has pointed out this is, in part, why in the United States the average exposure of the consumer to medical radiation is 10 times as much as is necessary. Without question such practices are not efficacious.

In an effort to improve this situation and provide an opportunity for career mobility for well qualified radiologic technologists a distinction is provided in the bill between several categories of radiologic technologists. Consequently, the technologist will have the opportunity to progress upward from the status of "technologists-in-training" to that of a "senior radiologic technologist" in recognition of improved proficiency and additional professional responsibilities.

On several occasions the American Society of Radiologic Technologists have affirmed both their support of Federal minimum standards of education and licensure for radiologic technologists and their support of the Radiation Health and Safety Act which I introduced in the 91st and 92d Congresses and again introduce today. The potential hazards of X-rays to the consumer from medical and dental exposures has been the subject of several articles in the general press, in 1972, including Woman's Day magazine and Reader's Digest. In addition Regnery Publishers of Chicago, Ill., on January 15, 1973, announced publication of the "Silent Slaughter," a book by Joel Griffiths and Richard Ballantine on the radiation hazards of conusmer exposures from medical and dental uses of radiation as well as electronic products.

Each of these publications support in principle the need to assure that individuals responsible for exposing the general public to potentially hazardous radiation understand the adverse implications of radiation exposure and how to minimize the attendant risks to medical and dental uses of radiation.

At this point I ask unanimous consent to place in the Record the text of the Radiation Health and Safety Act of 1973, which is being cosponsored by the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Hart), the Senator from New York (Mr. Javits), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska (Mr. Stevens), and the Senator from New Jersey (Mr. Williams). I ask unanimous consent also that copies of the American Society of Radiologic Technologists resolution of July 20, 1972, supporting this measure and the articles to which I have referred to in my introductory remarks be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be ctied as the "Radiation Health and Safety Act of 1973".

Sec. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technologists by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technologists;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technologists; and

(c) provide for State adoption and administration of programs for the accreditation of education institutions training radiologic technologists and programs for the licensure of radiologic technologists, with authority for the Secretary to take necessary action in the absence of State action.

Sec. 3. Title III of the Public Health Service Act is amended by inserting after part F, subpart 3, section 360F, the following:

"Subpart 4.—Radiologic Technologists

"DECLARATION OF PURPOSE

"Sec. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the National Council on Radiation Protection and the International Commission on Radiological Protection and Measurement, it is in the national interest and in the interest of public health and safety to minimize exposures of the public to ionizing radiation from all sources;

"(b) while the operation and use of radiologic equipment and methods is essential in modern medicine, even the most advanced equipment and methods will not adequately protect the health and safety of patients subjected to radiologic diagnosis or therapy and the health and safety of radiologic technologists applying radiologic equipment and methods, including their progeny, unless these technologists are fully trained and qualified in the operation of such equipment or the application of such methods so as to avoid unnecessary exposure to ionizing radiation;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technologists and that any person who operated radiologic equipment or employs radiologic methods should be required to demonstrate competence by training, experience, and examination; and

"(d) that the protection of the public health and safety from unnecessary exposure to ionizing radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal Government."

"RECOMMENDED CRITERIA AND STANDARDS

"SEC. 360H. (a) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1973, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic technologists and minimum criteria for education institutions conducting programs for the training of medical and dental, practitioners and dental hygienists. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1973, develop and issue to the States criteria and minimum standards for licensure of radiologic technologists, and such other advice and assistance as he deems necessary. Such criteria and minimum standards shall distinguish between senior radiologic technologists, medical radiologic technologists, dental radiologic technologists, radiation therapy technologists, nuclear medicine technologists, photo-roentgen technician, and technologist-in-training. Such criteria and standards shall be published in the Federal Register.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with State health departments and appropriate professional organizations including, but not limited to, the American Society of Radiologic Technologists, the American Podiatry Association, the American Board of Nuclear Medicine, the Society of Nuclear Medicine, the American Society of Clinical Pathologist, the American Academy of Dental Radiology, the American Registry of Radiologic Technologists, the American Dental Association, the American Medical Association, the American College of Radiology, the American Osteopathic College of Radiology, the American Osteopathic Association, the American Board of Health Physicists, the American Association of Physicists in Medicine, and the Health Physics Society.

"(d) The Secretary shall give to the States such other advice and assistance as will encourage them to enact and enforce appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, revise the criteria and standards material issued by him pursuant to this section.

"STATE ACCREDITATION AND LICENSURE

"SEC. 360I. (a) The training and licensure of radiologic technologists who intend to apply ionizing radiation to humans for diagnostic or therapeutic purposes in any State or States shall be subject to the provisions of this section.

"(b) Consistent with the policy declaration of this subpart, State and local government shall be encouraged to minimize exposures of the public to ionizing radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsection (c) or (d).

"(c) After receiving any criteria and minimum standards issued pursuant to section 360H for the accreditation of educational institutions conducting programs for the training of radiologic technologists, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum, the standards for accreditation of educational institutions conducting programs for the training of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions for the training of radiologic technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of the subpart, such State standards shall be the standards applicable to such State.

"(d) Upon application of a Governor, the Secretary may grant an extension under subsection (c) for not more than two years if after review the Secretary determines that good faith efforts have been made by the State and reasonable assurance is provided that an effective program to implement the purposes of this Act will be provided by the State within the period of the extension.

"(e) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technologists, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologist technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this Act, such State standards shall be the standards applicable to such State.

"(f) For the purpose of implementing licensure of radiologic technologists, the Secretary may certify appropriate State or professional licensing organizations.

"(g) The Secretary may make grants to States in an amount up to two-thirds of the first year and one-third of the second year costs of planning, developing, or establishing programs to carry out the purposes of the Radiation Health and Safety Act of 1973.

"(h) The Secretary may make grants to educational institutions under section 314 (E) of this Act (Partnership for Health Amendments of 1967, Public Law 90–174) or the Health Manpower Act of 1968 (Public Law 90–940) to carry out the purposes of the Radiation Health and Safety Act of 1973.

"(i) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization when he determines that administration of such State program is inconsistent with the purposes of this subpart or revised criteria and minimum standards issued pursuant to subsection 360H(e)."

"PROHIBITED ACTS

"SEC. 360J. (a) Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for any institution to conduct a program for training of radiologic technologists unless accredited by the Secretary or a State program approved by the Secretary, or for any individual to apply ionizing radiation to humans for diagnostic or therapeutic purposes unless he is a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, or holds a valid radiologic technologist license issued according to the standards promulgated pursuant to Section 360H: Except, for licensed photo-roentgen technologists and technologist-in-training who must be under the supervision of a radiologist or a more senior radiologic technologist as provided for in Section 360H.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c)(1) Any violation of this subsection by the owner or operator of an educational institution, or an individual applying radiation to human beings for diagnostic or therapeutic purposes shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

"(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law."

RESOLUTION BY THE AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS

Whereas, the American Society of Radiologic Technologists is supportive of any effort to reduce risk to the public from unnecessary exposure to ionizing radiation,

Whereas, the Society recognizes the need for assurance of adequate personnel qualifications as part of this total effort,

Whereas, the Society recognizes the necessity for state regulation of radiologic technology to provide such assurance,

Whereas, the Society must encourage regulation in each state based upon uniform minimum standards of training and curricular accreditation as the only effective means of providing such assurance.

Therefore, be it Resolved that the American Society of Radiologic Technologists call upon the 92nd Congress to enact legislation which will provide a vehicle for effective state regulation of radiologic technologists as delineated in Senate Bill 426. I move the reaffirmation of this Resolution.

X-RAY HAZARDS—AND HOW TO AVOID THEM

(By Marjorie Hope and James Young)

Scientists are becoming increasingly alarmed about the harmful effects of radiation—especially the potential for genetic defects and various forms of cancer. As individuals, we have little or no control over some radiation sources—such as cosmic rays or radioactive minerals in rocks—but we can do something about the amount we get from man-made sources.

According to Dr. Karl Z. Morgan, former director of the Health Physics Division of the Oak Ridge National Laboratory, approximately 90 percent of the man-made radiation to which we're exposed comes from diagnostic X-rays. What's more, Dr. Morgan believes this exposure could be cut to one-tenth of its present amount without losing the benefits of X-rays.

No one disputes the value of diagnostic X-rays. They undoubtedly save tens of thousands of lives every year. But Dr. Morgan and other experts believe that faulty X-ray equipment, poor techniques, and the indiscriminate use of X-rays also cause thousands of deaths every year. Although a single X-ray is not apt to cause much damage, all exposure involves some risk. And the effects are cumulative. Experts are especially concerned about X-ray damage to the embryo and reproductive organs. Studies show that damage to the embryo can produce birth defects and childhood cancer and that radiation injury to reproductive cells can lead to genetic defects.

This does not mean that a person who needs X-rays should be afraid of them, for the potential benefits far outweigh the possible damage from radiation exposure. What it does mean is that X-rays should always be kept to a minimum.

Many of the most common X-rays are now considered unnecessary. The U.S. Public Health Service, for instance, is discouraging the use of mobile chest X-ray units to detect tuberculosis. For screening purposes, officials recommend the tuberculin skin test (often known as the time test) which consists of a scratch. If the reaction is positive (that is, if the skin puffs up) the test should be followed up with an X-ray.

Although many people believe teeth should be X-rayed on a regular basis, the American Dental Association has now taken the stand that "radiographic examinations should not be a standard part of every dental examination, but used only when necessary for proper diagnosis."

Health physicists also disapprove of taking routine X-ray measurements of the pregnant womb. These should be reserved for special cases in which difficulties are expected with delivery. The routine use of X-rays to treat bursitis or non-malignant skin ailments is being discouraged as well.

X-rays should not be employed unless there is clear medical benefit. This means that physicians should not fluoroscope youngsters to show parents their anatomy, nor use X-rays to treat ringworm of the scalp. It means that such outmoded practices as inspecting factory employees with fluoroscopic equipment to discourage stealing, using fluoroscopes to observe the jaws and throats of music students, and teaching schoolchildren about X-rays with the aid of hand-held fluoroscopic screens should be completely eliminated.

Even when X-rays are necessary, care should be taken to avoid duplication. As Dr. John McClenahan pointed out in the journal, Radiology, "Some interns and some chiefs reorder, by reflex, a series of X-ray examinations when a patient enters their hospital even though he may carry in his hands a set of films one week old that establish his diagnosis unequivocally." Unless there is a clear reason to question the results of recent X-rays, they should not be repeated.

When you do make sure that the actual radiation exposure is kept to a minimum. The first consideration is the training of the person who runs the machine. Unfortunately, most physicians, dentists, chiropractors and other practitioners have had little or no formal training in the proper operation of X-ray equipment. And the training of many technicians is limited to a few hours of instruction from a manufacturer's representative. Since an incompetent operator can unwittingly expose patients to as much as 200 times the amount of radiation necessary, it's wise to seek out those who've passed the certifying exam given by the American Registry of Radiologic Technologists. (Only three states—New York, New Jersey, and California—require a license to operate medical X-ray machines.) Technicians who work under the supervision of a radiologist in a hospital or medical group are also apt to be better trained than those in a private physician's office.

The use of modern equipment and safety devices can reduce the radiation exposure to as little as one thousandth of that produced by faulty equipment. The best machines have either a collimator (controlled by a dial) or an assortment of cones to restrict the X-ray beam to the part of the body being examined. This requires more careful aim on the part of the operator, but can make a significant difference. So can filters that sift out unnecessary "soft" rays (much more dangerous than the hard).

Since X-rays can also give off "scatter," it is wise to protect the reproductive organs with lead-lined rubber shields or a lead-lined rubber apron. For fluoroscopic exams, doctors should always use image intensifiers—large cylindrical devices on the top of the fluoroscopic screen. These enhance the light from the screen so that less radiation is needed. Fluoroscopes should be used only when motion studies are necessary.

X-ray films should not be outdated, improperly stored, or of the slow-speed type. Proper sensitivity of the film is important. In many cases, the radiation dose can be reduced to one tenth simply by using more sensitive film.

Perhaps the most important precaution you can take, however, is to discuss all X-rays with your physician or dentist. Many doctors are so pressured that, in the words of Dr. McClenahan, "it is easier to order an X-ray examination than to think." Others are so fearful of malpractice suits that they order unnecessary X-rays just to have visual proof of the nature of an injury in the event they are taken to court.

It's up to you to take the initiative. Keep a list of the X-ray examinations you've had and show them to every new doctor. You can refuse to have duplicate X-rays taken. If you sign a release form, your doctor can request that films of previous X-rays be transferred to him. If he wants to repeat X-rays of some part of your body that has been examined recently, ask him if it is really necessary. On reflection, doctors often decide the examination is not essential, after all. And merely asking questions sometimes encourages the use of precautionary measures.

If there's any chance at all that you might be pregnant, X-rays of your pelvic and abdominal regions should be postponed (if your doctor thinks it's safe) until your menstrual period or the safe period immediately after it. If other parts of the body are being X-rayed, ask for shields to protect your reproductive organs. Shields are particularly important for pregnant women, and also for small children since their reproductive organs are relatively close to the chest or teeth. The cells of unborn and young children are also more sensitive to X-rays than those of adults.

Don't be afraid to ask an X-ray technician if he uses cones or a collimater. If the answer is no, consider going elsewhere. Although properly inspected equipment should be safe regardless of its age, some of the latest machines (which are more commonly found in hospitals) can take pictures in one hundredth of a second—which means a significant decrease in exposure. In any case, it's important to follow the technician's directions carefully to minimize the necessity of retakes.

When you're having dental X-rays, make sure that the cone-shaped "spacer" is placed so that it touches your skin when the exposure is taken. This helps limit the area of exposure to the area of the film in your mouth. (Holding the film between your teeth, by the way, involves no danger to you, and avoids unnecessary "scatter" to the person who works near radiation all day long.)

Most of these precautions would be unnecessary if the laws regarding X-ray equipment and technicians were more effective. They should require the use of shields and collimation, mandatory inspection of equipment on a regular basis, the easy transfer of X-rays from one doctor or hospital to another and, most important of all, compulsory licensing of all people who use X-ray equipment. What's more, laws already on the books should be better enforced. The latest Bureau of Radiological Health report shows that at the end of 1971, only 76.3 percent of the dental X-ray machines and 71.7 percent of the medical machines were "in compliance" with existing laws.

Although a recent nation-wide survey by the U.S. Bureau of Radiological Health shows a drop from an average of 55 to 36 millirads per year in the genetically significant dose from diagnostic X-rays, we're still way behind England, where the laws are very strict. In 1964, the genetically significant dose there averaged only 8.6 millirads, and some British authorities believe it can be reduced to 2 millirads in the 1970's.

British doctors order far fewer X-ray examinations than Americans (who have the highest number of X-rays per capita in the Western world), and duplication is rare. This does not mean that British health standards are lower than ours. On the contrary, their infant mortality rate is lower, and their life expectancy slightly greater than in the United States.

Looking toward the future, Dr. Morgan recommends use of a computerized radiation-exposure record. It would include all relevant information such as dates of exposures, reason, type of examination, shields used, estimated dose, and pertinent details of pregnancy. Dr. Morgan estimates that with such a system less than five minutes would be required to process the data on each patient.

Even more important is the development of a new technique—electronic radiography—that can replace X-ray film or fluoroscopy in many examinations, and reduce the radiation exposure in diagnostic procedures to as little as 1 percent of the normal dose. An X-ray image is converted into a television signal, which is instantly stored on a magnetic disk and then replayed over a television monitor as a frozen picture (similar to stop-action on television sports programs).

At the University of Pittsburgh School of Medicine, a team headed by Drs. Donald Sashin and Ernest Sternglass has been using electronic radiography for several purposes—including fluoroscopy of the gastrointestinal tract—and is refining the technique for use in pelvimetry and intra-uterine transfusions (which will dramatically reduce the radiation dose to the baby). Dr. Julius Grollman and his colleagues at the U.C.L.A. Medical School have been using electronic radiography daily to make fluoroscopic studies of the heart. These are only two examples of the promising new uses of alternatives to conventional X-rays.

They point up the need for a three-pronged approach development of alternatives to X-rays, reduction of exposure in the X-ray techniques now being used, and licensing of all those who use X-ray machines.

In our complex society, many of the benefits we enjoy carry some potential risks. Clearly, the *overall* benefits of X-rays far outweigh the risks. Yet with more stringent controls and greater prudence on the part of everyone concerned with X-rays, we should be able to reduce the risks from a tool that has done so much to prolong our lives.

WARNING: X-RAYS MAY BE DANGEROUS TO YOUR HEALTH

(By Fred Warshofsky)

In 1970, the last year for which figures are available, 129 million Americans were exposed to a total of 210 million medical and dental X-ray examinations, involving the taking of 650 million films. Such X rays make up 95 percent of all the man-made radiation to which we are exposed, and undoubtedly save hundreds of thousands of lives each year. At the same time, however, experts are becoming increasingly concerned that X rays may pose a major threat to the genetic inheritance of children as yet unconceived and that they may be causing a significant number of avoidable deaths each year. Shockingly, much of this diagnostic X-ray exposure, at least 30 percent, according to John Villforth, director of the U.S. Bureau of Radiological Health, is unproductive—the examination doesn't contribute any diagnostic information to the physician.

Medical X rays are packed with tremendous energy. The beams rip like lightening bolts through the delicate walls of cells, altering their metabolism, changing their character, often destroying them. If enough cells of a particular type are struck, the results are disastrous. If, for example, they are blood-making cells in the bone marrow and enough of them are damaged, leukemia can result. K. Z. Morgan, director of the Health Services Division. Oak Ridge National Laboratories, estimates that deaths due to X-ray-induced diseases (such as bone cancer, thyroid tumors and leukemia) range from 3,000 to 4,000 and more annually.

Yet it is not leukemia and cancer but the threat to our reproductive cells that is causing the most concern. If these cells, housed in the male and female genitals, are damaged by X rays, the chances of genetic defects in the offspring—from mental retardation and blindness to a host of lethal mutations—are greatly increased.

No one knows precisely how much of a radiation dose will cause mutations. But animal experiments have convinced radiation biologists that *any* dose to the gonads—no matter how small—carries some risk. The effects, furthermore, are cumulative. K. Z. Morgan estimates that as many as 30,000 malignancies, stillbirths and spontaneous abortions may occur each year in future generations because of such genetic damage. Mutations almost always produce damaged offspring, and constitute an increasingly greater burden to parents and society. One study indicates, for example, that there may be increased risk of childhood cancers as a result of X-ray exposure of the mother prior to conception. This means that the reproductive machinery of the mother had been altered by X-rays in such a way as to include an increased risk of cancer as part of the future child's genetic inheritance, and henceforth this inheritance may be passed from one generation to another.

Perhaps the greatest X-ray threat comes during pregnancy. A Harvard study of more than 700,000 infants in 39 U.S. hospitals showed a 40-percent increase in leukemia and cancer of the central nervous system in children whose mothers were X-rayed during pregnancy. A study in Great Britain by Dr. Alice Stewart found that the risk of death from leukemia and other forms of cancer is about 50-percent higher among children exposed to diagnostic X rays in utero. As a result of such findings the International Commission on Radiological Protection recommends that all radiological examinations of the lower abdomen and pelvis of women of reproductive capacity, that are not in connection with an immediate illness of the patient, be limited to the ten-day interval following the onset of menstruation, the period when pregnancy is least likely. Yet pregnant women are still being exposed to X rays in the pelvic area.

Why are people subjected so needlessly to X rays? One trouble is that too many X-ray machines in the United States are owned and operated by nonradiologists (such as physicians, dentists and chiropractors), who have no education in health physics or radiation protection. Only three states require that X-ray technicians be licensed, and two of those three exempt the physician simply because he has an M.D. after his name. But rare is the medical-school curriculum that has more than two or three lectures on radiological protection and techniques. Actually, the only real X-ray training the non-radiologist gets is more than likely from the X-ray-equipment salesman, who may well be more interested in selling machines than in protecting the patient.

But in many instances radiation protection is easy to provide. One way is to use a collimator. This can be as simple as a lead washer that narrows the X-ray-beam size to the exact size of the film. Without collimation, the beam is often as much as four times larger than necessary, thereby exposing far more of the body area. In the case of chest, abdominal and spinal X-rays, this means that the gonads are also irradiated. Unfortunately, collimation is often ignored. "Collimation means that the beam must be aimed more precisely," explains John Villforth. "If the doctor or technician is careless about aiming, he may miss the target organ entirely and have to reshoot. Too many are willing to expose the patient to a lot more beam, to be certain of getting their picture."

Another way to reduce or eliminate X-ray exposure of the gonads is to use gonadal shielding. A University of California team has recently improved what amounts to a set of lead underdrawers to be worn by men. But it is unlikely that an effective shield can be developed for women.

The best way to reduce exposure, obviously, would be to eliminate unnecessary X-ray examinations. Why are they made? Sometimes the patient pressures the doctor into ordering an X-ray because he feels that an examination is incomplete without one. Sometimes physicians are so fearful of malpractice suits that they will order X-rays simply to have evidence to show the nature of the problem treated and that their treatment was correct. Sometimes, with Medicaid and local programs paying up to $15 to $25 per X-ray, doctors and dentists use their machines simply to make money. It is suspected that in some ghetto clinics, even before seeing a doctor, patients have two chest X-rays, a spinal X-ray for the chiropractor and two X-rays of the feet for the podiatrist. Later the patient may have a full set of 14 mouth X-rays made for the dentist. In New York one dentist with 17 X-ray machines in his two offices recently sued Medicaid for non-payment of more than $300,000 in X-ray fees.

But it is in the daily practice of medicine that most people are needlessly exposed, simply because X-rays have become routine. "It is," says Dr. John L. McClenahan in an editorial in *Radiology*, "easier to order an X-ray examination than to think." Proving this point, Drs. Russell S. Bell and John W. Loop of the University of Washington School of Medicine studied 435 patients who received head injuries and were X-rayed in hospital emergency rooms even though preliminary examination did not indicate a fracture. They did not find a single patient whose treatment was significantly different as a result of X-ray. Bell and Loop found that 34 percent of the skull X-rays were made for legal reasons, anticipating a suit or insurance claim.

Some small progress is being made in reducing the routine use of X-ray. Such old routines as mass chest X-rays are being eliminated. But rare indeed is the dentist who does not recommend or simply go ahead with a full set of 14 X-rays of his patient's mouth once a year. The Bureau of Radiological Health and the American College of Radiology have established guidelines and sent them out in the form of a booklet to every user of X-ray equipment in the United States. The single most important step, however—the enforcement of standards for everyone who operates X-ray equipment—is the province of the states, and virtually all states have either not yet established standards or are so hampered by a lack of funds that their standards are unenforced.

Increasing awareness of X-ray dangers has produced some hopeful results. Notably there is a decline in a measurement known as the "genetically significant dose," a highly technical statistical measure of the X-ray exposure to the reproductive system of men under 65 and women under 50. Last spring the U.S. Public Health Service announced that between 1964 and 1970 the GSD had dropped by a third. But officials warn against interpreting these figures too optimistically: the decline was due primarily to a decrease in the gonadal dose to males; the dose to women of childbearing age *increased* by 12 percent in the same period.

For all its dangers, the X-ray is certainly too important a tool to abandon. Until everyone who operates X-ray equipment is properly trained and made to conform to standards, there are questions the patient himself can ask to prevent unnecessary exposure. He should ask his physician or dentist:

"Is this X-ray absolutely essential to my wellbeing?"

"Are there no previously made X-ray films or other test results that might provide the needed information?"

"If the X-ray is essential, has every step been taken to limit the exposure to the absolute minimum and to restrict the X-ray beam to that part of my body undergoing examination?"

If everyone who operates X-ray equipment will proceed only when he can answer yes to these questions, then the X-ray beam will resume its role as a vital weapon against disease and not itself become a threat to health.

By Mr. MUSKIE:

S. 676. A bill to provide that budget requests of executive agencies shall be made known to the Congress and the public and to require public disclosure by Government agencies of participation in its rulemaking process by other Government agencies. Referred to the Committee on Government Operations.

PUBLIC BUDGETING AND RULEMAKING ACT OF 1973

Mr. MUSKIE. Mr. President, over the past decade the Office of Management and Budget has greatly increased its power and influence over all Federal programs affecting domestic affairs. In the past 4 years its influence over some domestic agencies has become all powerful to the point where OMB makes decisions that not only affect agency budget and mangement structures but go to the very substance of agency programs.

In many cases OMB has become the de facto supervisor of programs assigned by the Congress to a particular Federal agency. It has usurped powers intended for an agency by Congress and imposed decisions on agencies with no accountability whatsoever for its actions.

We know the Secretary of Transportation and his assistants. They must come before us to explain their agency actions, and they are subject to Senate confirmation. But who knows the man at OMB, directing DOT's affairs and often telling the DOT what its polices must be.

We know the Secretary of Health, Education, and Welfare and his assistants. They testify before us, and they are subject to Senate confirmation. But who knows the officials at OMB who say congressionally authorized programs are to be terminated and regulatory activities curtailed.

We know the Administrator of the Environmental Protection Agency and his assistants. They testify before us, they are subject to Senate confirmation. But who knows the officials at OMB who have the last say in ultimate decision-making power on EPA's budget, EPA's management structure, and many of its rulemaking activities

Mr. President, many agencies today are run by two heads. The designated agency head, assigned by Congress with responsibility to run a program, and his invisible but powerful partner at OMB who makes many of the decisions on how a program will be run.

This is not responsible policymaking. It makes for secret, unaccountable government, easily affected by special interests, with access to OMB and its directors in the White House, but impossible to fathom for Congress and the public who are trying to define and determine accountability and responsibility for vital decisions which are being made.

The legislation I propose today would end that practice. It would reaffirm the authority of the individual agencies to work in the area of expertise, to make recommendations to Congress and to implement programs as intended by Congress. At the same time it would allow OMB to continue planning overall budgetary ceilings, setting priorities among the agencies as a public rather than a private process, and generally overseeing the management of Government and making recommendations, but again through a public, not a private process. Briefly, the legislation I propose would do the following:

First. Require that each Federal agency develop its own budgetary proposals—this is currently done by each individual agency anyway; it is made a requirement to avoid any claim that agency budget data are covered by executive privilege—and that each agency submit these budgetary proposals to Congress at the same time those budgetary proposals are submitted to the Office of Management and Budget or any other Federal agency.

Second. Require that any and all documents submitted to Congress, the Office of Management and Budget, or any other Federal agency with respect to the proposed budget of a particular agency, be made available for public inspection, except where national security matters are involved.

Third. Provide that where any Federal agency publishes proposed regulations, comments of other Federal agencies, including the Office of Management and Budget, on those regulations shall be allowed only to the same extent and in the same time frame as comment by the public is allowed. Further, all comments by Federal agencies on another agency's rulemaking proposals must be in writing and available for subsequent public inspection.

The advantages of this legislation will be many:

First. It would further the objective of open government. Budgeting and rulemaking activities would be open to much greater public scrutiny and public involvement through availability of documents relating to budgeting and rulemaking activity.

Second. It would speed the rulemaking process. Delays in rulemaking which have been occasioned by OMB reviews would be substantially reduced and the deadlines intended by Congress would be more readily achieved. These delays have been particularly critical in the Clean Air Act where, for example, regulations relating to hazardous substances, originally proposed by EPA early last year have yet to be published because of the delays imposed by OMB.

Third. Government lines of authority would be clearer. It would be easier for Congress and the public to establish responsibility for changes in guidelines and regulations—such as the OMB mandated changes in EPA regulations relating to State implementation plans under the Clean Air Act. Because each agency's comments would be required to be made public, and their commenting opportunities limited to the same time frame as the public, responsibility for recommended policy changes which surface in final guidelines would be simpler to assign.

It would end the current process, under which the issuing agency must often tell less than the truth, taking responsibility for all changes in guidelines or regulations, regardless of whether the changes were developed at the issuing agency or imposed upon them by another Federal agency.

Fourth. Most importantly, this bill will make Congress a more responsible partner in the budgetmaking procedure. Congress will have budgets recommended by the individual agencies—something it is denied today. With these, Congress can assume a much greater role in priority setting than is possible now when the only information available to Congress is information furnished by OMB after it has established priorities for all the Federal agencies. OMB priorities are, of course, established within the context of a maximum level of expenditures which the administration deems appropriate. Agency budgets are then presented to Congress as wholly adequate to perform all of the functions of the agencies. No one, of course, believes this but it is a position of untruth which many civil servants are forced to take in justifying their budgets.

A more truthful procedure and one which gave greater recognition to the congressional power of the purse would be for the administration to provide both the budget request of the individual agencies, indicating what those agencies believed necessary to accomplish their functions and, subsequently, the budget request of OMB indicating the administration's allocation of priority among those functions and the maximum level of expenditures the administration deems appropriate. With these documents, Congresse could then more accurately make decisions on appropriate allocation of priorities and levels of expenditures and exercise better oversight over implementation of laws it has passed. These powers are now limited because Congress does not have available to it all of the information relating to individual agency needs to perform their tasks according to the congressional mandate.

It is my belief that this legislation is necessary to meet the challenge stated to us by our distinguished majority leader that "if there is one mandate to us above all others, it is to exercise our separate and distinct constitutional role in the operation of the Federal Government. The people have not chosen to be governed by one branch of government alone."

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. BROOKE, Mr. HART, Mr. JAVITS, Mr. MCGOVERN, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, and Mr. SCOTT of Pennsylvania):

S. 679. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes. Referred to the Committee on Public Works.

HIGHWAYS AND RELATED TRANSPORTATION SYSTEMS IMPROVEMENT ACT OF 1973

Mr. KENNEDY. Mr. President, I am introducing today with the distinguished Senator from Connecticut (Mr. WEICKER) the Highways and Related Transportation Systems Improvement Act of 1973 to seek some progress this year toward correcting the distortions and imbalances in our transportation system.

A year ago, we introduced a similar measure with the hopes that it might prove the basis for a new look at the way the Federal Government has stimulated a one-sided view of how to move people and cargo across this continent.

To a degree, I believe we were successful as the Senate finally blasted the first crack in the transportation ethos that more highways are the only answer to our transportation needs.

Even that step—Senate passage of the Cooper-Muskie amendment to offer an option to cities in the use of $800 million of the highway trust fund for mass transit—was a limited one. But it did reflect a dawning recognition that the traditional system of transportation financing could no longer be depended upon to meet modern transportation needs.

Now it is time to extend that recognition to the Congress as a whole and to permanently change the highway trust fund from a Federal conduit for concrete into a sensible national mechanism to finance transportation solutions—whether they call for mass rail transit, buses, intercity rail or essential highways. For only in this way can we relieve the transportation crisis that now exists.

It is a crisis borne of our own reluctance to analyze and review what our predecessors established over 15 years ago. Thus, the Department of Transportation in its first national transportation policy statement discovered, as former DOT Secretary John Volpe noted:

> On the whole, the transportation system which has evolved, both consciously and unconsciously, represents an uneven fabric ill-suited to today's needs, and is, itself, a major contributor to the problems facing transportation today.

The DOT analysis found a nonsystem distinguished by these by-products: too many cars and trucks in urban areas, severe decay of the environment and financial distress in key segments of the transport industry.

This analysis and a host of other expert studies have confirmed that the critical flaw in our transportation system is that each mode of travel is linked to separate Federal and State construction programs, each demanding separate planning and each receiving funds from separate sources.

And each program has its own host of special interests hovering about like a swarm of jealous bees. The auto manufacturers, the trucking interests, the contractors, and the oil interests which comprise the highway lobby have made it clear that they consider the highway trust fund their personal feed trough.

And the sad result of their success is that no city, no State, no region is able to select the mix of road, rail, and air services to fit its special circumstances and needs.

Cities suffer most. For urban residents pay more than their fair share of the cost of the highway trust fund; yet they receive substantially less in return.

They pay more than half of all taxes paid into the trust fund; yet the vast majority of trust fund moneys have been spent outside the urban areas.

And the cities pay most of the indirect costs of the highway program as well. They receive most of the pollution, most of the congestion, and most of the neighborhood destruction which rides along with the highway program.

This forced Federal regimentation in the use of transportation moneys and the imbalance on the side of highways also has produced serious consequences for those segments of the population which have the least mobility.

The continued overemphasis on the private automobile in transportation will only increase the plight of the disadvantaged.

And when we view this problem we cannot forget that some 57,000 Americans were killed on our Nation's highways last year, almost equal to the number killed in Vietnam during a decade of war. Surely, part of the answer is to provide transportation systems that begin to reduce our nearly total dependence on highways.

For all these reasons, I introduced in 1970, and again last session, legislation providing for a single transportation trust fund to permit comprehensive and integrated planning and funding of all transportation programs. I will again introduce this measure in this Congress as the only long-range answer to permitting transportation priorities to be established without the bias of huge pots of Federal money for one mode of transportation and miniscule cups of money for the rest.

For highways have been funded from a free-flowing Federal spigot that has poured out more than $53 billion for the past 16 years. Last year alone, the Federal transportation budget was planned to spend 62.9 percent on highways and 3.4 percent on mass transit and intercity rail. And this Federal direction has helped force local and State governments into the same mode—so that in 1973, $22.4 billion is planned for expenditure on roads and highways.

Today we have a backlog of more than $4 billion in requests for urban mass transit assistance from the Nation's cities. And we have additional needs for intercity rail transportation. Yet the administration has impounded some $300 million in urban mass transportation funds and has acknowledged that it is scaling down its support of Amtrak.

Urban America has continued to be the main victim of our distorted transportation priorities. And now we learn that urban mass transit research is being cut in half under this administration's proposed budget while SST research is being increased.

But in our efforts to provide more options in transportation planning and construction, we are not speaking solely for the cities.

For at the Governors' conference 2 years ago, strong support was voiced for discretion in the use of trust fund moneys. Governors of our Western, Midwestern, and Southern States understand full well that highways no longer offer the sole answer or the best answer to many transportation problems.

Some look to buses, some to urban mass transit and some to intercity high-speed rail transportation. For it is not just the 12 States in the Boston to Washington corridor where there is a need for upgraded rail passenger service.

There are other urban corridors developing, many in rural States, corridors where Governors and mayors are beginning to think about high-speed rail systems as part of the answer to their transportation needs.

These are Philadelphia-Pittsburgh, Miami-Jacksonville, Chicago-Indianapolis-Cincinnati, Detroit-Chicago, Chicago-St. Louis, St. Louis-Kansas City, Milwaukee-Minneapolis, Seattle-Portland, Oklahoma City-Dallas-Houston, Memphis-New Orleans, San Diego-Los Angeles, and Oakland-Sacramento.

Governors may well decide that transportation needs in these corridors demand priority, and that the best answer is not further highways but a balanced system including commuter and intercity rail.

Governors and mayors throughout the Nation also are becoming aware of the relationship of more highways and more autos to clean air and 67 cities will have to reduce auto traffic to meet Clean Air Act standards and many are not east coast or west coast cities. They are from the heartland of the Nation.

The seriousness of the situation cannot be overlooked by citizens or Congressmen. The automobile and its concrete carriers are directly responsible for at least 39 percent of the Nation's air pollution, and up to 80 percent of the air pollution in some of our major cities, such as Washington.

The President's Council or Environmental Quality stated:

> The annual toll of air pollution on health, vegetation, materials, and property values has been estimated by the Environmental Protection Agency at more than $16 billion annually—over $80 for each person in the United States. In all probabilty, the estimates of the cost will be even higher when the cost of discomfort from illness is considered and when damage can be more precisely traced to pollutants.

Our failure to examine the concrete dream has produced federally financed highways that are laden with air pollution to such an extent that our health authorities may not allow us to drive on them. Only 2 weeks ago, EPA Director William Ruckelshaus proposed rationing of gasoline consumption in Los Angeles by 1975 to reduce auto use by some 80 percent during the summer months. A major city is being told to kick its autos off the streets if it wants to assure an adequate supply of clean air to its citizens.

While Los Angeles may be unique in its geographical and meteorological characteristics, the essential element remains: almost total reliance on highways and the automobile to meet transportation requirements has produced a host of environmental, social and economic disasters in its wake.

The critical issue to be decided is whether we will give the mayors and the governors new options to enable them to meet these problems.

Whether urban metropolis or rural America, local and State officials have the best understanding of the transportation priorities of their regions. And they must have the capability to blend together highways and mass transit in a balanced transportation system if we are to meet the Nation's transportation requirements.

I believe the bill we have introduced permits them to make those choices by making significant strides toward matching Federal resources with Federal transportation needs.

Let me say first what this bill does not do: It does not touch a cent of the $3.25 billion a year estimate of the funds needed to complete the Interstate System. Nor does it mandate a single mass transit system. Nor does it mandate an end to a single highway. But what it does do is provide options.

First, it would permit the noninterstate moneys authorized out of the highway trust fund to be spent either for highways, as they are now, or for acquisition, construction, reconstruction, improvement, operation, or maintenance of public transportation systems, including rail transit. This bill would authorize $2.75 billion for fiscal year 1974 and $3.25 billion for the following 5 years.

The decision how to use the money would be based on a locally determined comprehensive transportation plan.

Second, while it would provide sufficient funds to meet the Department of Transportation estimate of $3.25 billion to complete the Interstate System for each of the next 6 years, it also would do the following:

It would direct a review of existing interstate routes as well as authorize a halt to some interstate routes through urban areas. Where cities and States concurred, the interstate route could be altered but the funds would continue to be used in those areas for carrying out transportation projects, including mass rail transit, if that is the local choice.

It would, as did the committee bill recently introduced, require that the new transportation plan provide for assuring the continuation of the interstate system around a city through a bypass or beltway.

These provisions are particularly critical since some $17.5 billion of the $30.7 billion remaining to complete the interstate system involve urban segments, segments which cost up to $100 million per mile to build and which often carry unacceptable environmental, social and economic consequences in their wake.

Thus, in Boston, after a 33-month exhaustive study, the Governor concluded that it was in the public interest to put a permanent moratorium on interstate routes planned through the Boston metropolitan area. Instead, he opted, and wisely I believe, for a plan that concentrated on mass transit. Highways still will be constructed but not through urban neighborhoods or scarce parklands or historic sites.

Similar actions appear likely in a host of other cities where routes have been stalled by citizen and court actions.

In all of these areas, present law prohibits money allocated for highway routes to be used for any other purpose. If it is not used to complete the original route, then it is reallocated to another area. Nor is the bill introduced by the committee an adequate answer since it still prohibits a single dollar of those funds from being used for mass rail transit.

Our bill would remedy this flaw, permitting the completion of an interstate network and at the same time promoting urban transportation solutions.

Third, the allocation formula embodied within the bill apportions 90 percent of the non-interstate funds to the States. Half of this amount would be administered by State Governors, and the other half would be passed through by Governors directly to local governments in the metropolitan areas where some 73 percent of our citizens reside.

The remaining 10 percent of the funds will be available for grants by the Secretary at this discretion for the purposes of the act but with priority to be given to regional planning assistance, development of emergency systems to meet ambient air quality standards of the Clean Air Act and emergency relief programs for areas hit by natural disasters.

The money allotted to large urban areas would be apportioned to each of the 233 SMSA's on the basis of population. The money allotted to the Governors would be expended in the State as part of the State comprehensive plan.

Fourth, comprehensive planning requirements are spelled out in an effort to make the intent of title 23 effective. Balanced transportation planning—that is, planning which has as its objective, the solution of transportation problems with a combination of roads, rail, and buses that makes the most sense—could not develop when adequate funding existed only for the construction of highways. Without access to sufficient funding, transportation planning will remain an empty exercise for planners.

The planning section requires State and areawide planning, comprehensive review and the preeminence of local planning agencies to develop an adequate transportation system.

The State plan must be approved by the Governor of the State and administered by a single agency. A prerequisite to DOT approval is considered by the state of social, environmental, and economic impacts of various mixes of transportation modes for solving transportation problems.

This year's measure does not mandate the formation of metropolitan transportation agencies but it does strengthen and encourage them. In this new planning process, elected officials and citizens would be involved in planning from its inception. Elected authorities would participate in the management of the planning agency and they would have voting power proportional to their population.

Finally, the key to this legislation is that it provides flexibility to local and State decisionmakers on how to meet their transportation needs and it assures adequate funds to permit the creation of a balanced transportation system. It does not mandate more mass transit and less highway construction. But for the first time, it does not distort the planning process by tempting financially pressed cities and States with Federal dollars for highways and virtually nothing for any other transportation programs.

In many cities and States, highways will continue to be the primary mode of ground transportation. These areas will have funds for building highways. But what is equally important, cities and States who choose mass rail transit also will find an equal number of Federal dollars available to them.

I ask unanimous consent that the bill be printed in the Record immediately following these remarks.

I also ask unanimous consent that several articles on the transportation crisis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highways and Related Transportation Systems Improvement Act of 1973".

FINDINGS AND PURPOSE

Sec. 2. The Congress finds that highway congestion, air pollution, and related safety problems are increasingly impairing the efficiency of the Nation's highway system; that the efficiency of the Nation's highway system can be improved by developing highway or related transportation systems which are tributaries to and supportive of highways; and that highways and related systems can be improved best by according to the States and local communities greater flexibility in the use of Federal assistance for highways.

DEFINITIONS

Sec. 3. Section 101(a) of title 23, United States Code, is amended as follows:

(1) After the definition of the term "forest highway", add the following new paragraphs:

"The term 'Governor' means the chief executive officer of the State.

"The term 'highway or related transportation service' means (1) the acquisition construction, reconstruction, improvement, operation or maintenance of highway, bicycle paths, pedestrians walkway, equestrian trail, traffic control, or public transportation systems, facilities, or equipment (including safety facilities and equipment; (2) planning, training, research, development, and demonstration activities for such activities, and highway safety program activities; and (3) beautification, relocation, and environmental protection activities associated with any activity set forth in clause (1) or (2) of this paragraph."

(2) After the definition of the term "maintenance", add the following new paragraphs:

"The term 'metropolitan area' means a standard metropolitan statistical area as designated and defined by the Office of Management and Budget.

"The term 'population' means the total resident population based on the most recent data compiled by the Bureau of the Census and referable to the same point or period of time.

"The term 'unit of general local government' means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State."

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

Sec. 4. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1974, additional sum of $3,250,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1979."

INTERSTATE SYSTEM APPORTIONMENTS

Sec. 5. The Secretary is authorized to make the apportionment for fiscal years 1974 and 1975 of the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House Committee Print Numbered 92–29.

EXTENSION OF TIME FOR COMPLETION OF INTERSTATE SYSTEM

SEC. 6. (a) The second paragraph of section 102(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104 (b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) Such section 104(b)(5) is further amended by striking out the sentence immediately preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending June 30, 1978, and June 30, 1979."

INTERSTATE SYSTEM ADJUSTMENTS

SEC. 7. (a) The fourth sentence of subsection (e)(2) of section 103 of title 23, United States Code, is amended to read: "The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following: "The authority granted by this paragraph shall expire on the date of enactment of the Highways and Related Transportation Systems Improvement Act of 1973."

(c) Subsection (e) of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be that as of the date of the withdrawal. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State and metropolitan area, in which the segment was to have been constructed, for expenditure pursuant to chapter 6 of this title, except that the Federal share of project costs shall be the same as for the Interstate System."

HIGHWAY BEAUTIFICATION

SEC. 8. (a) Section 131(b) of title 23, United States Code, is amended by inserting immediately preceding the penultimate sentence thereof the following: "Federal-aid highway funds appropriated to a State after the first expiration occurring after January 1, 1974, of a regular session of the State legislature shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to the State under section 104 of this title, until such time as the State shall provide for effective control, if the Secretary determines that the State has not made provision for effective control, of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices, the advertising or informative content of which can be seen from the main traveled way of the system."

(b) Section 131(d) of title 23, United States Code, is amended by striking out "within six hundred and sixty feet to the nearest edge of the right-of-way" by inserting in lieu thereof "at any location."

(c) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for each of the fiscal years 1973, 1974, and 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(d) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of the fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for fiscal year 1973, and not to exceed $7,000,000 for each of the fiscal years 1974 and 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

NEW PROGRAM AUTHORIZATION

SEC. 9. Title 23, United States Code, is hereby amended by adding at the end thereof the following new chapter:

"CHAPTER 6—HIGHWAYS AND RELATED TRANSPORTATION SERVICES IMPROVMENT PROGRAM

"Sec.
"601. Creation of program.
"602. Authorization.
"603. Allocation formula.
"604. Comprehenhive State and local transportation plans.
"605. Records, audit, and reports.
"606. Recovery of funds.
"607. Rules and regulations.
"608. Annual report.
"609. Application of Civil Rights Act of 1964.
"610. Relocation assistance.
"611. Highway safety programs.

"CREATION OF PROGRAM

"SEC. 601. There is hereby created a highways and related transportation services improvement program under which the Secretary of Transportation shall be authorized to apportion Highway Trust Funds to States and local governments to aid them in operating maintaining and making improvements to highways and related transportation facilities including public transportation services. Recipients are authorized to use funds received in accordance with this section for the construction of facilities and the acquisition of public transportation equipment for highways and related transportation services within the responsibilities of governmental and quasi-governmental agencies in Standard Metropolitan Statistical Areas if such activities are performed in accordance with a State or local transportation plan authorized in section 604.

"AUTHORIZATION

"SEC. 602. There are authorized to be appropriated for the highways and related transportation services improvement program, out of the Highway Trust Fund, $2,750,000,000 for the fiscal year ending June 30, 1974, and the additional sum of $3,250,000,000 for each of the fiscal years 1975, 1976, 1977, 1978, and 1979.

"ALLOCATION FORMULA

"SEC. 603. (a) For each fiscal year beginning after June 30, 1973, and ending prior to July 1, 1980, the Secretary, after consultation with the Secretary of the Treasury, shall apportion 90 per centum of the funds authorized to be appropriated under section 602 among the States as follows:

"(1) 50 per centum in the ratio which the population in metropolitan areas in each State bears to the total population in metropolitan areas in all States;

"(2) 25 per centum in the ratio which the population of each State bears to the total population of all States; and

"(3) 25 per centum in the ratio which the square root of the area of each State bears to the sum of the square roots of the areas of all States. No State shall receive less than one-half of 1 per centum of each year's total allocation to the States under this subsection.

"(b) The remaining 10 per centum shall be available for grants by the Secretary at his discretion for any highway or related transportation service he deems appropriate, but priority shall be given to assisting State, local, and regional government entities in developing and implementing comprehensive transportation plans, developing emergency systems to meet the ambient air quality standards of the Clean Air Act, constructing and improving bridges, financing research, development, and demonstration projects, and emergency relief repairs and reconstruction of serious damage resulting from natural disasters and catastrophic failures from any cause.

"(c)(1) Funds apportioned to a State pursuant to section 603(a)(1) shall be reapportioned by the State directly to metropolitan areas within the State in the ratio which the population of each metropolitan area bears to the total population of all metropolitan areas within the State.

"(2) Funds allocated to any metropolitan area under section 603(a)(1) shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(3) Where the units of general purpose local government in any urbanized area shall combine together under State law to create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated to those units of local government under section 603(a)(1) shall be available to such metropolitan transportation agency for projects authorized by this chapter in accordance with a State or local transportation plan approved under section 604.

"(4) A transportation agency shall be considered to exist when an allocation for the purposes of transportation planning has been created by the unit or units of general local government within the metropolitan area which represent at least 75 per centum of the total population of the metropolitan area and include the largest city. In addition each transportation agency shall have (A) representation in its executive management of the highest appropriate elected official of each participating unit of general purpose local government or, in the case of the District of Columbia, representation of the Commissioner; (B) a citizen advisory board composed of representatives of citizen groups; (C) planning authority for all urban surface modes of transportation; (D) proportional voting based on population; and (E) authority to develop the program of projects required under section 604, except that implementation of such projects may be carried out by units of local government.

"(5) Where a State reduces its allocations to support highways or related transportation services of any local government below the level of assistance which the services within the jurisdiction of that local government received in the fiscal year ending immediately preceding the date of enactment of this section, that State shall have its allocations under sections 603(a)(2) and 603(a)(3) reduced by a like amount, unless the State can demonstrate to the Secretary special circumstances which warrant such reduction in assistance."

"COMPREHENSIVE STATE AND LOCAL TRANSPORTATION PLANS

SEC. 604. (a) A State shall be eligible to receive its allocation pursuant to section 603 (a) (2) and (3) for any fiscal year if it has a comprehensive State and local transportation plan approved by the Secretary under this section. Such plan shall:

"(1) provide for the development, maintenance, and operation of highways and related transportation services responsive to the needs of such State and its communities;

"(2) be coordinated with local community development plans and take into consideration the social, economic, and environmental impact of the available transportation alternatives and assure adequate citizen involvement in the planning process through public hearings and related activities; and

"(3) include a program of projects to be undertaken with funds appropriated under 603(a) (2) and (3), such program to be submitted annually to the Department of Transportation.

"(4) (A) be approved by the Governor of each State and (B) be reapproved with any recommended revision by a similar procedure within a period of not more than two years from the previous approval or reapproval; and

"(5) be administered by a single State agency with authority for preparation and execution of such State's comprehensive transportation plan and for transportation policy and programs generally in such State.

"(b) State and metropolitan plans shall show how they comply with the Clean Air Act.

"(c) The Secretary shall not finally disapprove any State or metropolitan plan submitted under this chapter, or any modification thereof, without first affording the State or metropolitan administering agency reasonable note and opportunity for a hearing.

"(d) Not to exceed 3 per centum of the allocation of each State or metropolitan area under this chapter may be expended for planning and administration of the planning program.

"RECORDS, AUDIT AND REPORTS

SEC. 605. (a) All funds allocated under this chapter shall be properly accounted for as Federal funds in the accounts of the recipients.

"(b) In order to assure that funds allocated under this chapter are used in accordance with the provisions of this chapter, each recipient shall—

"(1) use such fiscal and accounting procedures as may be necessary to assure (A) proper accounting for obligations incurred and payments received by it, and (B) proper disbursement of such amounts;

"(2) provide to the Secretary, on reasonable notice, access to and the right to examine any books, documents, papers, or records as he may reasonably require; and

"(3) make such reports to the Secretary as he may reasonably require.

"RECOVERY OF FUNDS

"SEC. 606. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with the provisions of this chapter he shall—

"(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action will be instituted; or

"(2) notify the recipient that if corrective action is not taken within sixty days from the date of notification, funds allocated to it will be reduced in the same or succeeding fiscal year by an amount equal to the amounts which were not expended in accordance with the provisions of this chapter; or

"(3) take such other action as may be provided by law.

"(b) When a matter is referred to the Attorney General pursuant to subsection (a) (1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"(c)(1) Any recipient which received notice of reduction of funds allocated under subsection (a)(2) of this section may, within sixty days after receiving notice of such reduction, file with the United States court of appeals for the circuit in which such recipient is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

"(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless the objection has been urged before the Secretary.

"(d) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

"(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"RULES AND REGULATIONS

"SEC. 607. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this chapter.

"ANNUAL REPORT

"SEC. 608. The Secretary shall make an annual transportation report to the President and the Congress pertaining to transportation requirements and to the effectiveness of programs authorized under this chapter.

"APPLICATION OF CIVIL RIGHTS ACT OF 1964

"SEC. 609. Funds allocated under this chapter shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

"RELOCATION ASSISTANCE

"SEC. 610. Notwithstanding the provisions of section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), no Federal contribution in addition to funds allocated under this chapter shall be provided for relocation payments and assistance for those displaced by transportation activities assisted under this chapter.

"HIGHWAY SAFETY PROGRAMS

"SEC. 611. Nothing in this chapter shall be interpreted as repealing the requirements in section 402(a) of this title respecting the establishment by States of highway safety programs approved by the Secretary. For the purposes of the sixth sentence of section 402(c) of this title the phrase 'Federal-aid highway funds apportioned' shall mean funds apportioned pursuant to section 104 (b)(5) of this title.

"LABOR STANDARDS

"SEC. 612. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such loan or grant without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have,

with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"(c) It shall be a condition of any assistance to mass transit systems under section 601 of this chapter that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5 (2) (f) of the Interstate Commerce Act (49 U.S.C. 5 (2) (f)). The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements."

[From the U.S. News & World Report, Jan. 29, 1973]

To Clear the Air—Laws May Limit Your Driving

You can expect radical changes in the way you use your car, and in the car itself, if plans now being prepared to cleanse the nation's air go into effect on schedule.

An extreme example of just how severe such shifts could be came in the disclosure on January 15 of the Federal Government's program to bring smog in Los Angeles under control by 1977.

The key to that program: a system of gasoline rationing that would reduce driving by more than 80 per cent during the smog-prone months of May through October.

Another essential of the Los Angeles plan would be the installation of anti-pollution devices on all vehicles now in use at a cost of $200 to $400 each.

Measures to clean up the air in the rest of the U.S. will not be as severe as those needed in southern California. But 27 other major urban areas in 18 States—listed elsewhere on this page—expect to impose some curbs on how, when and where cars and trucks can be driven.

Ideas being proposed for these localities include massive expansion and improvement of bus systems, special tax breaks or reduced toll rates for car pools, staggered work hours, daily taxes on commuters' cars and severe restrictions on parking.

Additionally, all new vehicles starting with 1975 models must include sophisticated pollution controls that reduce emissions by 97 per cent from the uncontrolled vehicles of the early 1960s. These devices will boost auto prices at least $275 over today's models.

DEADLINE: 1977

All of these actions come as a result of the Clean Air Act of 1970, in which Congress drew up a schedule designed to end air pollution by 1977 at the latest.

Under this law the Environmental Protection Agency set a national standard for air quality. Nowhere, the agency ruled, should pollutants exceed .08 parts per million in any single hour. Details were to be worked out at local levels for federal approval.

At immediate issue are reductions in carbon monoxide, hydrocarbons and nitrogen oxides, all of which come mainly from automobiles. Photochemical smog—the Los Angeles type—is formed when hydrocarbons and nitrogen oxides react in sunlight.

States had to submit preliminary plans a year ago but were given until February 15 of this year to work out any necessary controls over transportation. If they fail, the EPA must tackle the job.

Los Angeles authorities declared that they could not solve their problem within the time allowed and tossed it back to the Agency.

In addition to rationing and installation of pollution-control devices on individual cars, the Los Angeles plan would require converting all fleets of 10 or more autos or trucks to some fuel other than gasoline. Also required would be annual vehicle inspections to check whether pollution controls were working—with mandatory repair if they weren't.

EPA Administrator William D. Ruckelshaus said that, although he had "grave reservations" about the feasibility of the plan, there was no way to meet the pollution limits in the Los Angeles area without severe cutbacks in driving and that this could best be accomplished by stringent gasoline rationing.

"The question of whether people will buy an 80 percent traffic reduction is crucial," Mr. Ruckelshaus said. "Maybe the law has to be changed. But let's go through the political process."

LIKE PROHIBITION?

The plan is preliminary, subject to public hearings and modification. Reaction—most of it adverse—came immediately.

Senator John Tunney (Dem.), of California, said the proposal would turn Los Angeles into a "20th Century ghost town." Mayor Sam Yorty called it "simply impossible." Peter Schabarum, chairman of the Los Angeles County Board of Supervisors, said: "It would be like destroying the community in order to save it." A. J. Haagen-Smit, chairman of the State Air Resources Board, called it "worse than Prohibition."

But Dr. James N. Pitts, Jr., director of the Air Pollution Research Center at Riverside, Calif., welcomed the plan as an opportunity "for a national debate on how much we Americans are willing to alter our lives to achieve clean air."

Final plans—in California and elsewhere—appear likely to echo Dr. Pitts, who says that "incredible changes" in the way people live will be required to solve the problem of air pollution.

WHERE PLANS ARE AFOOT TO RESTRICT CARS

All told, 28 urban areas in the U.S. are working on plans that may involve rationing the use of cars and trucks. They are, in addition to Los Angeles:

Alaska: Fairbanks.
Arizona: Phoenix, Tucson.
California: San Francisco Bay, Sacramento Valley, San Joaquin Valley, San Diego.
Colorado: Denver.
District of Columbia: Washington.
Maryland: Baltimore and Washington suburbs.
Illinois: Chicago.
Massachusetts: Boston.
Minnesota: Minneapolis-St. Paul.
New York, New Jersey, Connecticut: Metropolitan area of New York City.
Pennsylvania: Philadelphia, Pittsburgh.
Nevada: Las Vegas.
Ohio: Dayton.
Oregon: Portland.
Texas: San Antonio, Dallas-Fort Worth, Austin-Waco, Corpus Christi-Victoria, Houston-Galveston, El Paso-Las Cruces (N.M.).
Utah: Salt Lake City.
Washington: Seattle, Spokane-Coeur d'Alene (Ida.)

Source: U.S. Environmental Protection Agency.

[From the Washington Post, Jan. 16, 1973]

Rationed Gas Proposed for Autos in L.A.

(By Leroy F. Aarons)

Los Angeles, January 1.—The nations environmental protection administrator, William D. Ruckelshaus, today proposed a system of gasoline rationing for the Los Angeles area that would curtail automobile use by up to 82 percent during summer months, when pollution is heaviest.

The dramatic proposal, the first of its kind for any U.S. city, is certain to stir enormous controversy. While emphasizing that "now is not the time for emotional responses, not the time for panic," Ruckelshaus told a jam-packed news conference that part of his strategy was "to force the public to confront this issue" of air pollution.

Ruckelshaus made it clear that he would like greater flexibility under the 1970 Clean Air Act to deal with unique areas such as Los Angeles. There has been speculation among environmentalists that the gas rationing proposal would be used as a weapon by those seeking to weaken the act.

But Ruckelshaus insisted that while he perhaps would like to see certain changes, "if the result (of this proposal) were to convince people that the act itself was a bad act, it would be very unfortunate."

Moreover, Ruckelshaus indicated he himself didn't have much stomach for the proposal, emphasizing that this is the only practical plan "at this time" that will reach legal air standards by 1977. He said it could severely disrupt the economic and social fabric of an area that is uniquely dependent on the automobile.

In calling for public hearings within the next 60 to 90 days, he indicated that the public must decide, "through the political process," whether other methods—such as mass transit—or revision of the law to provide more time or reduced standards, should be sought.

The rationing proposal was denounced as "illogical and impractical" by Los Angeles County's chief air pollution control officer, Robert L. Chass.

"It would be a little like destroying a community to save it. It would shut down the community. It would have a serious impact on all aspects of life. Essentially, it is not a solution," Chass said.

The Environmental Protection Agency's gas rationing proposal was part of a larger package of proposals announced in response to an order by a U.S. District Court judge in California.

The court acted on the petition of several plaintiffs, including the cities of Riverside and San Bernardino, in the Los Angeles Basin. The plaintiffs asked that EPA be ordered to submit a plan that would meet the national standards under the 1970 Clean Air Act of .08 parts per million of photochemical oxidants in the Los Angeles area.

The state of California's original plan was rejected by the EPA, and a revised plan is not due until Feb. 15. The U.S. District Court had ordered Ruckelshaus to submit his plan by today.

Under the EPA plan, gas rationing would be effective during the high-smog months, May through October. The degree of rationing might vary from month to month, but the expected maximum would curtail auto use 82 per cent.

Ruckelshaus did not spell out such details as how much gasoline each motorist would be allowed, leaving this to be worked out later.

There would be one of two alternative methods of rationing: issuance of gasoline coupons to the public, or restriction of distribution of gasoline to retail outlets.

The gas rationing system would be phased in, Ruckelshaus said, over a period of two years, beginning in 1975, so it could be fully implemented by 1977, California's target date for meeting the Clean Air Act standards.

The Los Angeles area exceeded the .08

standard in 1970 on at least 250 days, reaching a maximum of .62 ppm in Riverside.

Under the Clean Air Act transportation control measures are required for any region where automobile emission controls and stationary pollution controls are not enough to reduce pollution to required levels.

Ruckelshaus said that even with stepped-up emission controls and stationary source controls proposed in today's package there would still be an excess of roughly 270 tons of hydrocarbon effluent emitted daily during the high-pollution months in the Los Angeles Basin. Gas rationing would eliminate this excess.

The region is unique, he added, in that it is geographically and meterologically closed.

"The encircling mountains and frequent inversions hold in pollutants, and the Southern California climate provides ample sunshine to aid the formation of photochemical smog. The automobile is by far the dominant mode of transportation. For example, in 1972, the South Coast Air Basin contained over 10 million persons and nearly 6 million motor vehicles."

The current rate of population growth is 1.7 per cent per year, Ruckelshaus said—but the automobile population increases 3 to 4 per cent annually and gasoline consumption grows at the rate of 4.5 per cent each year.

Ruckelshaus conceded that his plan would severely disrupt the Southern California area. "Reduction in the mobility of workers and consumers could have a major impact on the economic fabric of the community," he said. "Interference with the ability of citizens to move as freely will alter the life-style of the region. . . . Cost of doing business may rise to an unknown extent."

"I am proposing a strategy," he said, "but by no means saying we have exhausted all the other means. Other strategies we have not proposed should be examined by the public. . . . We believe [for example] that very serious, intelligent investigation of mass transit here in Los Angeles is very important."

He added that the community must weigh the social costs against the benefit of achieving healthy air within the time frame.

"If the economic and social dislocation of the people of this community is severe, then their representatives in Congress may see a need for stretching out the time limit in meeting those standards.

"I don't know if reducing traffic by 80 per cent is possible if you're still to have a viable community.

"It takes something like this to get people to focus on the nature of the problem. The national [Clean Air] act is a great success, but because 5 per cent of it may not be working doesn't mean you ought to junk the whole act. But this is not to say I would not like more flexibility."

Ruckelshaus also conceded that there are questions as to EPA's "authority and capacity" for implementing the proposal. "These questions," he said, "include the extent to which state or local governments should be required to perform functions contemplated by the proposal and the difficulties involved in federal or state enforcement of the plan."

In addition to gas rationing, the proposal calls for:

Annual car inspections, using dynamometers, to insure vehicles are operating at lowest pollution levels.

Use of retrofit devices to prevent evaporation of gas from gas tanks and car carburetors of 1966–69 cars and 1966–67 trucks.

All 1971–74 cars and trucks in fleets of ten or more would be required to convert to low-polluting fuels such as natural gas.

On stationary sources, vapor recovery systems to prevent gasoline evaporation at service stations, changes in the substance used in industrial depressing operations, and a system to prevent evarporating of solvents into the air at dry cleaners.

[From the New York Times Magazine, Oct. 15, 1972]

THE UNTRUSTWORTHY HIGHWAY FUND

(By William V. Shannon)

After years of skirmishing, border raids and local guerrilla actions, the great highway struggle has broken out in open warfare. At issue is the fate of the Highway Trust Fund, which grows by more than $5-billion a year, pumps money into the states to build more roads for more automobiles and has had more to do with determining the physical character and social style of America's cities and suburbs than any other Government program.

The Trust Fund, established in 1956, receives the revenue from a 4-cent levy on every gallon of gasoline sold, as well as from Federal taxes on the sale of trucks, tires and other highway-related items. Since the number of vehicles on the road and the amount of gasoline sold increase every year, the fund's income grows inexorably. It was $4.6-billion in 1969, $5.4-billion in 1970, and $5.7-billion last year. Because spending on highway construction does not always keep pace with this annual golden flow, the fund has built up a surplus of nearly $4-billion. Not only is the Treasury forbidden to tap that money for any other purpose, but it pays the fund approximately 5 per cent interest on the unexpended balance.

Critics of the automobile's long supremacy in the nation's transportation system are out to break the Trust Fund. They believe that this easy, automatic flow of money to the states from the Trust Fund for the sole purpose of highway construction has a profoundly distorting effect on the nation's transportation priorities and, indirectly, on the present and future development of cities and their suburbs.

The first major battle came in the Senate in late September when the Federal-Aid Highway Act of 1972 reached the floor. The antihighway forces scored a small but significant victory. By the surprisingly wide margin of 48 to 26, the Senate voted to permit the states to use up to $800-million a year from the Highway Trust Fund for construction of various kinds of mass transit. Because the bill had come from the Public Works Committee, this money could only have been spent to buy buses and build bus lanes. The effect of the amendment offered by Senators Edmund S. Muskie, Maine Democrat, and John Sherman Cooper, Kentucky Republican, was to permit expenditures for subways, commuter railroads and other rail projects. This sum is only a modest proportion of the total annual highway appropriation of more than $7-billion, but except for safety and beautification projects, it was the first time either house of Congress had ever voted to divert any part of the Trust Fund revenues for anything except highway construction.

The ultimate aim of the antihighway forces is to abolish the Trust Fund or convert it into a general transportation fund. As a first step toward this objective, Senators Edward Kennedy, Massachusetts Democrat, and Lowell Weicker, Connecticut Republican, offered an amendment opening up nearly half of the Trust Fund's revenues for any transit use which metropolitan areas choose. As expected, it was overwhelming defeated, but it laid down the lines along which the coming struggle over national transportation policy will be waged. It is a struggle with a long history, but only in the last decade has it gained real intensity at the local and state level and finally become a national issue.

The Federal Government began helping to finance the construction of highways in 1916, and most of the basic procedures still in use were laid down at that time. Each state selects its own routes and highway designs, manages the construction and pays for the maintenance. The Federal Government reviews each project and can prohibit the use of Federal money for roads or sections of road of which it disapproves. After the state pays the construction costs, it is reimbursed by Washington for the Federal share, which is 50 per cent.

Near the end of World War II, Congress authorized a long-term program to construct highways of three types: (A) major highways, (B) farm-to-market and feeder roads and (C) roads within built-up urban areas. This A.B.C. program, as it is known in the highway trade, is open-ended. There is no specified number of miles to be built and no target date for completion. It remains the basic Federal highway progam, and about $1-billion in Federal funds are spent on it every year.

Much better-known is the Interstate program, which Congress approved in 1956. The objective was to link every city of 50,000 persons or more with a continuous system of modern, limited-access superhighways of uniform quality. When this 41,000-mile network was completed, it would be possible to drive from Maine to California without hitting a traffic light. It was to cost $27 billion and be completed in 1969, but costs have ballooned. It is now a 42,500-mile system, expected to cost $68 billion (and probably more) and to be finished in 1980. To lure the states into full cooperation, the Federal share of the cost was upped from 50 per cent to 90 per cent.

The decision to build the Interstate was easily the most significant act of the Eisenhower Administration. It was sold to the President and Congress partly as a defense measure. (Its full name is the National System of Interstate and Defense Highways.) Since the Eisenhower Administration always fretted about the unbalanced budget, it was decided to keep the program out of the regular budget and pay for it by setting up the Trust Fund, for which certain tax revenues would be earmarked. (Under the new consolidated budget introduced by the Johnson Administration, which takes account of Trust Fund expenditures and receipts, this gimmick makes no difference, but under the old budget procedures followed in 1956, the masking of these large expenditures was a considerable factor.)

This earmarking of taxes was a successful maneuver which highway forces had pioneered in the states during the nineteen-twenties and thirties.

Forty-five of the 50 states have either constitutional or statutory restrictions on the use of gasoline taxes for any purpose except highway construction and maintenance. Getting those restrictions repealed has been part of the guerrilla fighting between prohighway and antihighway groups in recent years.

Highway interests have naturally made skillful propaganda use of the phrase "trust fund." The illusion is carefully fostered that these highway user taxes were levied for highway purposes and that to divert them to any other use would be to break faith with millions of motorists. In fact, of course, several of these taxes were levied before there was a Trust Fund. They were part of the Government's general revenues.

If the Trust Fund were abolished, no one thinks the Treasury would stop collecting these taxes.

As Senator Gaylord Nelson, Wisconsin Democrat and a trenchant critic of the highway interest, likes to point out, no other Federal taxes are specially segregated. Tobacco taxes are not reserved for cancer research or alcohol taxes for the care of alcoholics. Nelson asks, "If annual appropriations from the general fund and full flexible control by the Congress are good enough for national defense, for housing, for education, why are they not good enough for highways?"

It is also worth noting that the Trust Fund works like a one-way street. All money that goes into it has been used for highways, but not all highways are financed from it. The A.B.C. and Interstate programs are supported by the fund, but the Federal Government appropriates more than $300-million each year in addition to pay for roads in national forests, parks, Indian reservations, military installations and in a special program for Appalachia.

Critics have pointed out that when local, county and state highway spending is added to the Federal expenditure, the total is more than $17-billion a year, more than all these levels of government spend on housing, parks, recreation, sanitation and fire and police protection combined.

The Interstate system is now more than three-quarters completed. Its early years were greeted with fairly widespread approval. The American love affair with the automobile and therefore with good roads is a long romance. From the nineteen-twenties, when the automobile first came into its own, through the nineteen-fifties, most Americans were satisfied with the automobile as the ideal solution to the problem of personal transportation. If there were any problems, they were with the road—eliminate this blind curve or that railroad grade crossing, or widen it from two lanes to four. It is no accident that Congress approved the Interstate with no real controversy and by lopsided margins.

Good highways have opened up some rural and suburban areas for industrial development and, like the coming of the railroads in the last century, created economic booms in some localities. They have also made possible the consolidation of rural schools, quicker access to good medical and hospital care in an emergency and improved the marketing and distribution of perishable fruits, vegetables and other products.

But by the nineteen-sixties, Americans were becoming increasingly aware of the defects of life in the automobile age. Except in thinly populated areas like West Texas or the mountainous reaches of Wyoming, the idea of driving for pleasure has virtually disappeared. Early critics of the automobile like Lewis Mumford have begun to gain a much wider hearing. Fifteen years ago, Mumford wrote: "As long as motorcars were few in number, he who had one was a king; he could go where he pleased and halt where he pleased; and this machine itself appeared as a compensatory device for enlarging an ego which had been shrunken by our very success in mechanization.

"That sense of freedom and power remains a fact today only in low-density areas, in the open country; the popularity of this method of escape has ruined the promise it once held forth.

"In using the car to flee the metropolis, the motorist finds that he has merely transferred congestion to the highway and thereby doubled it. When he reaches his destination, in a distant suburb, he finds that the countryside he sought has disappeared: "Beyond him, thanks to the motorway, lies only another suburb."

The automobile explosion has begun to arouse the alarm already evoked by the explosion in human population. Every time a baby is born in this country, two automotive vehicles are also born. This prompted Walter Hickel, then Secretary of the Interior, to quip in 1970 that what the country needed was a birth-control pill for the automobile. "We are reaching the point where the automobile is becoming counterproductive. It is using up more resources and time than it is worth," Hickel said. "Rapid mass transit is the answer."

No pill having been invented yet, the number of automobiles has reached 92 million. There are also 202,000 buses, nearly 19 million trucks, and 1.6 million publicly owned vehicles of various kinds for a total of 112 million plus. The Department of Transportation estimates that these figures will climb to 138 million by 1980 and 162 million by 1990.

The appalling cost of a transportation system based upon tens of millions of private automobiles is gradually becoming apparent. The old Bureau of Public Roads, boasting about the Interstate System as "'America's lifeline," offered these facts:

Total excavations will move enough materials to bury Connecticut knee-deep in dirt.

New right-of-way needed amounts to one and one-half million acres.

Sand, gravel and crushed stone for the construction would build a wall 50 feet wide and nine feet high around the world.

The steel used will take 30 million tons of iron ore, 18 millions tons of coal and 6.5 million tons of limestone.

Lumber and timber requirements would take all the trees from a 400-square-mile forest.

Enough culvert and drain pipe is needed to equal the combined water and sewer systems in six cities the size of Chicago.

Facts like these, which once would have been innocently impressive, are seen as alarming in a time of new concern over the dwindling supply of natural resources and the mutilated landscape.

In addition, the human costs of an ever-expanding private car system have become dramatically apparent in recent years. It can be reckoned in the frayed tempers and lost time of traffic jams, the racking noise, the deadly smog of air pollution and, of course, the continuing toll of deaths and maimings in traffic accidents.

Senator Weicker points out that if this country were starting from scratch to build its transportation system, no public official would dare propose a system which kills 55,000 men, women and children every year and disables another two million. Weicker also stresses other risks of total reliance on automobiles: "In February 1969, one of the nation's transportation hubs—New York's Kennedy International Airport—was completely cut off from the rest of the world by snowstorm. Runways and roads were buried and there was no way out for people because although all highways lead to Kennedy, subways and rail lines do not."

And then there are the less visible, less dramatic costs. The aged, the very poor and older children and adolescents are penalized because they do not have cars and public transportation is often infrequent and unreliable. There are also the members of the new servant class—the suburban housewives—who drive their family's second car and so find that they have become involuntary chauffeurs. There is no other way to get their children to music lessons, dental appointments or friends' houses.

The need for alternative transportation systems is obvious: subways in big populated centers to move people quickly underground, high-speed commuter railroads to move morning and evening rush-hour traffic from the suburbs and perhaps an innovative network of minibuses or newly designed small vehicles that could move 8 or 10 passengers on flexible routes in cities and suburbs. Between cities, there is need for greatly improved passenger railroad service.

The public seems ready to support such reforms. A modest improvement in service in the form of the Metroliner increased passenger traffic on the railroad between New York and Washington by 46 per cent in the first year. If the roadbed were rebuilt, the trip could safely be cut to two hours or less, and there would be almost no limit to the increase in passenger traffic.

The Highway Users Federation for Safety and Mobility, a major group in the highway lobby, commissioned a public opinion survey by the Opinion Research Corporation and was embarrassed when the unsatisfactory findings were leaked to the opposition. Among the findings: Of the rural and urban people interviewed, 57 per cent said they "think it would be a good idea" to limit the use of automobiles in downtown areas of cities. Of people living in cities of one million or more in population, 66 per cent favored this idea.

To be sure, mass-transit facilities are expensive to build or renovate and few of them can be expected to operate at a profit; they would require a sizable Federal investment to build and a continuing subsidy to keep going. But the financing ought not to be a problem: If Congress in 1956 had decided to allocate half the money in the Highway Trust Fund to highways and the other half to mass transit, scores of bus companies would require a sizable Federal investment commuter railroads would not have sunk into weedy disrepair. From 1947 through 1970, the U.S. Government spent $58-billion for highways, $12.6-billion for airports and airline subsidies, $6-billion for waterways, and only $795-million, or 1 per cent, for urban mass transit.

Not only are the restrictions on Trust Fund moneys out of touch with changing public needs; spending within the highway program has been fantastically disproportionate. Of the huge sums expended on highways, the greater part has gone for the Interstate system, yet the actual pattern of travel can hardly justify such a heavy investment in high-speed superhighways. Americans travel about two trillion passenger miles in a year. (A passenger mile is one person riding one mile.) Nearly four-fifths of this traveling is done by car, and almost all of that (about 85 per cent) consists of short trips to and from work, to the store and on errands around town. The other 15 per cent is overnight trips out of town or trips of more than 200 miles in one day.

Since the Interstate system (which eats up 50 per cent of all Federal highway spending) primarily serves this other 15 per cent, it does not meet the major need of most motorists most of the time. That is why the A.B.C. program and the enormous state and local expenditures continue to be necessary. But the Interstate can serve those it does help only if it gets close enough to the cities. There is no way to push a six-lane highway with its huge ramps and clover-leaf interchanges into a city or even near one without huge expense and severe dislocations of people and businesses. Church parishes and college campuses are bisected; trees are leveled and parks engulfed in traffic; historic sites are obliterated or—as in parts of old Boston—made isolated and almost inaccessible.

By 1967, the Interstate program had completed 3,450 miles of urban expressways, had scheduled an additional 2,300 miles—and had citizen revolts blazing in almost every major metropolitan area.

Fights about the routing of Interstate highways brought about an unusual political coalition between the slum dwellers and the wealthy. There are two land corridors which appeal to highway planners in every city. One is a ribbon of park land often following a lake front or the course of a river. The other is a slum neighborhood where the cost of knocking down tenements and old commercial buildings is cheaper than it would be in a newer, more prosperous, middle-class neighborhood.

But park lands evoke the loyalty not only of many ordinary citizens but also of wealthy nature lovers, often conservative on other issues, who have the money and the personal friendships to mount an effectual local protest. These "petunia-planting esthetes, bird-watchers, and do-gooders," as one highway advocate has called them, have been the bane of highway engineers for decades. At the same time, ramming an expressway through a slum—which once meant through a passive, politically impotent community—now means a head-on battle with newly militant blacks.

Many ordinary white citizens grown weary of the daily commuting grind have joined the gold-coast-and-slum coalition in these antiexpressway protests. This is a political combine which worries mayors and governors who 20 years ago would have ignored complaints against their highway commissioners.

Overton Park in Memphis, Brackenridge Park in San Antonio, Shaker Lakes in Cleveland, the French Quarter in New Orleans, the Hudson River Expressway in New York, Three Sisters Bridge in Washington, D. C.—these and a score of other names have become historic battles in the civil war of the nineteen-sixties between the highway and antihighway forces. In zoning board and planning commission hearings, in city-council meetings and state-house conferences, on picket lines, and most of all, in the Federal courts they have fought, each side winning some and losing some, with other battles still in doubt.

The antihighway forces have triumphed often enough to turn a once lightly contested issue into a closely matched struggle. In the Overton Park case in Memphis, for example, they won a precedent-setting case requiring the highway planners to consider all other feasible alternatives before invading a park.

In all, 32 citizen suits are now pending in the Federal courts to block the continuation of Interstate highways into cities across the nation from Boston to Seattle. The Interstate system, the proud blue ribbon of the highway profession, has had the unintended effect of catalyzing diffuse antihighway sentiment and bringing into existence for the first time an effective national lobby against unlimited road building. The Highway Action Coalition (HAC) and its monthly newsletter, "The Concrete Opposition", speak for a congeries of national environmental organizations, innumerable *ad hoc* local groups and private citizens.

Though vocal and energetic, HAC is still far smaller in staff, financial resources, and political clout than its opposition spearheaded by the Highway Users Federation for Safety and Mobility. The highway lobby includes trade associations such as the National Crushed Stone Association, the National Association of Motor Bus Owners, the American Trucking Associations, the American Road Builders Association and the Associated General Contractors of America. It includes the nation's largest union, the Teamsters, and several construction unions whose members work on road projects. The American Automobile Association, nominally a broad-based membership organization representing millions of motorists but actually a self-contained, self-perpetuating pyramid of local club officials, gives the highway lobby the appearance of a mass base.

Probably more significant is the little-known American Association of State Highway Officials. The career bureaucrats who make up A.A.S.H.O. are mostly civil engineers who devote their lives to the construction and maintenance of highways. Nonpartisan themselves, they are accustomed to dealing with politically sophisticated highway contractors and with politicians who control the hiring of laborers and semiskilled employes in many highway departments. Most such departments have one or more career employes in each highway district who spend their time making speeches to service clubs and community organizations about the highway program and maintaining liaison with the local business community. Thus, when A.A.S.H.O. alerts its members about an upcoming fight in Congress, it activates a well-established network of respected professionals with influence in every city and town.

The state officials naturally have close links with Federal highway officials. These engineers are also construction-and-maintenance oriented. Their narrow focus accounts for the highway lobby's intransigent resistance to the use of Trust Fund money for any other purposes, even highway-related ones such as safety or beautification.

Our Nationwide Transportation Mess

(By Edward M. Kennedy)

A satellite photo of the United States traces narrow black ribbons of highway that crisscross over mountains, around valleys and through cities. The neat lines seem to represent a carefully designed orderly arrangement attesting to human intelligence and ingenuity. Unfortunately, this rational orderliness disappears when one comes down to earth.

For, up close, we are aware that thousands of homes have been displaced by expressways. We are aware that two-thirds of our urban land area has been given over to the internal combustion engine, a gas-consuming, pollution-expelling predator. And we are aware that every major metropolitan region in the nation is slowly choking to death in the madness of the twice-a-day commuter stampede.

How is it that transportation in the U.S. can range from the sublime to the ridiculous? Our cars, trucks, trains, planes and ships carry more people and things more miles in more directions and at greater speeds than any other nations' do. Yet too often we spend more time in riding from our home to the airport than we do in flying to our destination.

How is it that our out-of-pocket payments for transportation totalled $200 billion last year—yet it takes longer today to get from Washington, D.C. to New York City by air than it did in 1953?

How is it that airlines are purchasing giant new airbuses at a cost of $15 million each—yet the planes now flying from coast to coast average 65 to 70 per cent empty seats on each flight?

How is it that the Federal Government spent $3.3 billion for interstate highways alone last year—yet the nation's mass transit companies lost over $350 million during the same period?

The depressing answer to all these depressing questions is that we have a hydra-headed transportation system consuming massive amounts of public and private funds annually and providing minimal amounts of benefit to the American people.

What's worse is that, although we know what is wrong, we have been unable to put a stop to it.

The U.S. Department of Transportation issued a national policy statement last fall asserting that the major by-products of our transportation "non-system" are: too many cars and trucks in urban areas, severe deterioration of local public passenger service, congestion of airplane traffic at airports and in the air, hazards to safety, decay of the environment and financial distress in key segments of the transport industry.

Most experts confirm that the Achilles heel of our transportation setup is that each mode of travel is linked to *separate* Federal and state building programs, each requiring *separate* planning and *separate* sources of financing. And each program has its own congeries of special interests hovering about like a swarm of jealous bees. The result has been the victory of the highway lobby and the defeat of a balanced transportation system.

No city, no state, no region is able to choose a plan with the right mix of road, rail and air services to fit its special circumstances and needs—and then obtain Federal aid to put it into effect. Instead, the Federal Government has channeled its resources in such a way that cities, states and regions are virtually coerced into constructing more highways as their "solution" to the transportation problem.

The Federal Highway Trust Fund is the main instrumentality for this coercion. Begun in 1956 to finance a $27 billion Interstate Highway System that was to be complete in 1972, it has grown to a $76-billion program that now is to be ended on Oct. 1, 1977. The fund's money has been exclusively earmarked for the construction and maintenance of highways. And already the highway lobby has started a campaign to continue the FHTF-financed paving of America beyond that date.

Thus far, the Federal Government has spent $53 billion from the fund—and the states have added another $164 billion—for road building alone. For all other modes and means of transportation, we have expended only a total of $29 billion during the same time period. This distortion of priorities is clearly shown when we look at the overall Federal transportation expenditure in a given year in 1970, some $7.7 billion was spent—62.9 per cent for highways, 20.9 per cent for aviation, 12.8 per cent for water travel, 2.8 per cent for mass transit and .6 per cent for intercity rail lines.

This year, once again, the tax revenues on motor fuel, rubber, trucks, trailers, lubricating oils, bus and truck parts, use of heavy vehicles, etc. will bulge to FHTF to some $5.7 billion. And once against the Administration will cut back on the paltry sums for urban mass transit that are available out of general revenues, forcing more of our public transit systems deeper into debt and preventing the construction of long-overdue rapid transit systems.

Back in October 1970, I introduced legislation providing for a National Transportation Trust Fund (S. 295) to establish a flexible way to permit the financing of a balanced nationwide transportation system. No action was taken on the bill and I reintroduced it at the start of the 92nd Congress a year ago.

Under the provisions of this bill, the FHTF would be dissolved and its revenues would go into the NTTF. Similarly, monies from the Airport-Airways Trust Fund and the Urban Mass Transit Administration also would funnel into the NTTF.

This combined financing would bring into a single fund nearly $8 billion, approximately the same amount currently expended by the Federal Government each year for all kinds of transportation. But the critically important difference would be that NTTF money could be spent to implement a balanced countrywide system developed from plans approved at the state and local levels. This means that if a city decided that it did not want an eight-lane highway tearing through residential areas, it could plan for mass transit instead and get adequate Federal funds with which to do the job.

The single trust fund would mean that cities and states could make rational decisions about building—or not building—highways as part of an overall solution to their transportation problems. They would no longer be victimized by a Federal financing arrangement that pays for more highways—and nothing else.

This NTTF legislation also would require that a single agency be formed at the state level. To obtain financing from the NTTF, that agency would have to develop comprehensive transportation blueprints that in turn would incorporate the specific travel and transit plans of each city with over 50,000 inhabitants.

The bill seeks to encourage cooperation among the states as well, so I have urged that the final form of this legislation enable regions to prepare plans for unified transportation programs in those geographical areas in which each city is too small to constitute a planning unit and yet the state is too large to function effectively as one.

I also feel that it is important to allocate this money in terms of people instead of in terms of things. Too often the present FHTF allots financing to a state on the basis of how many miles of highway it contains rather than on the basis of how many people live in it. We should start out by recognizing that the true function of transportation is to serve human beings—to move them and their goods to and from places they need to go in ways that are safe, swift and healthful.

This proposed legislation, by breaking up the pro-automobile, pro-road monopoly now held by the highway lobby and the FHTF, would begin the process of restoring a balance to our national transportation picture.

The possibility of restoring this balance has been open to question in the past. Observers looked at the highway lobby and at the gasoline lobby and at state departments of highways and at the Federal Highway Administration and saw an unyielding conglomerate opposed to any adjustment in our transportation priorities.

But today we have a chance and a challenge to prove those observers wrong. Last year, we came within three votes of defeating the highway lobby on the floor of the Senate. And we were successful in conference in keeping out of a final bill the highway lobby's pet amendment to pump more money into the FHTF. In California, we lost on an attempt to open that state's highway trust fund for other transportation needs; but now in Massachusetts there is a bipartisan campaign to permit portions of gas tax revenues to go into mass transit. And in several other states there is growing recognition that the deathhold of the highway lobby on transportation dollars must be broken. The determination to accomplish that goal is found in the spontaneous uprising of local homeowners and environmental groups to block the extension of highways through their communities.

At the national level there has been a subtle shift as well. Even top officials of certain oil companies such as Mobil and Gulf have inched away from their past refusal to permit any tampering with the sacrosanct funds of the FHTF. They, along with men such as Henry Ford II, are beginning to feel the heat of public demands for a change in national transportation decision-making.

Furthermore, we have the clear unequivocal statements of the National Governors' Conference and of the National League of Cities that FHTF monies must be made available for mass transit needs. These city and state representatives know that as long as $5 billion of the Federal Government's $8-billion annual expenditure remain frozen for highways only, the critical needs of public transportation will continue to go unmet.

They also realize that the stifling and pollution that clouds every American city will never be controlled until there is a shift away from the private automobile toward public transportation systems. And they also are aware that for the very old and the very young, for the poor and the disabled, the first priority of our national transportation effort must be efficient, dependable, safe and comfortable mass transit.

Even the Administration has begun to recognize the need for change. Secretary of Transportation John A. Volpe finally succeeded this past March in overcoming White House opposition to tampering with the FHTF. This may permit a portion of FHTF money to be made available for urban mass transit if the Administration puts its weight behind the new initiative.

But the nation cannot wait. The time to establish the NTTF and the time to readjust our transportation priorities is not two or three or five years hence; the time is now.

NOT ONLY IN AMERICA

If it's any consolation, city dwellers abroad are feeling—and sometimes coming to grips with—the same kinds of transportation problems that afflict their American counterparts. Here are some striking examples:

Edinburgh is taking steps to completely prohibit auto traffic in some areas, limiting transportation in them to buses.

London is being forced to absorb continuing increases in daily auto traffic. The number of cars entering London per day rose from 58,000 in 1960 to 73,000 in 1970, while the number of people entering the city by car dropped from 120,000 to 112,000. As of early 1972, the London local government was reported to have more than 50 plans under study for relieving congestion—many of which would restrict automobile use in congested commercial areas and, therefore, would be opposed by the city's businessmen.

Rome has created and is expanding vehicle-free "preserves" in the downtown area. Coupled with this program to rid the center city of cars (a move also being pushed in Copenhagen and Goteborg, Sweden), the Eternal City is experimenting with the removal of all transit fares during peak hours as a means of inducing more people to use bus and streetcar lines. The carrot-and-stick approach of freeing mass transit services of toll boxes while concurrently banning cars is one that has great attraction to city planners—but not to highway engineers.

Stockholm, in one of the most far-reaching moves taken by any large municipality so far to keep automobiles out of the heart of the city, has made available to its citizens a low-cost, no-limit permit for using mass transportation services anywhere within metropolitan limits. As a supplement to an already restrictive parking and street-use policy for cars, the plan is intended to eventually eliminate all but a handful of autos from the city's center.

Tokyo, beleaguered in the past few years by an onslaught of private autos that caught the city totally unprepared, has experimented with selectively banning cars from streets in its five major entertainment areas and closing some downtown streets during lunch hours. Were it not for a well-developed rail and subway mass transit system, its auto pollution and congestion ailments would be impossible instead of just intolerable.

Toronto, fed up with the afflictions of the auto, halted the construction of a planned six-lane, $230-million commuter expressway that was slated to destroy about 700 homes in its path. The local government took the action even though the project was already partially built.

THE FIGHT FOR A TRANSPORTATION SYSTEM THAT WORKS

(By Theodore W. Kheel)

At one time or another everyone of us has felt annoyed by something his government has done or failed to do. But beyond complaining, we rarely know what else to do about it. Our civic teachers tell us that the cure for bad government is the ballot box. If you do not like the incumbent, vote against him at the next election. But the answer is not quite that simple. Often the choice is not clear, especially when our frustration concerns a particular subject.

Take the matter of transportation, a subject that has disturbed me for many years. Back in 1955, I first spoke out against the imbalance we in this country were creating by favoring the automobile over the subway, the commuter railroad and the bus. Since that time I have been trying to do as much as possible to establish an equitable balance between highway automobile traffic and mass transit. I think I can take some credit for the doubling of the bridge and tunnel tolls in the New York City area by the Triborough Bridge and Tunnel Authority and the use of the surplus funds of that agency to subsidize mass transit. I believe I have also helped reverse the notion prevalent in the 1950's actually a throwback to the 19th century, that the New York City subway system, the most efficient way of getting people about the large metropolis should be self-supporting. To hold to that obsolete idea means, of course, that the fare has to go up whenever expenses exceed revenues. Our experience with the self-sustaining fare since 1949 when it was a nickel shows clearly that people switch from mass to automobile transportation in large numbers when the fare goes up. The result is to clog the streets with traffic and pollute the air with carbon monoxide. The automobile is the least efficient way of getting people to their jobs or the shopping centers. While the car driver is actually not being paid, he is providing his labor usually to carry just one passenger. In comparison, buses and trains transport millions of people—with a work force that is comparatively tiny.

My concern with our continuing urge towards self-destruction through the automobile led me last fall to oppose the $2.5-billion transportation bond issue in New York State. I was appalled to discover at that time that Governor Nelson A. Rockefeller had overspent by some $300 million for highway construction during a period when the state was short of funds for such vital needs as education, crime control, drug abuse and the like. Not only that, but he was arguing that the voters should allow him to borrow $1,150,000,000 for highways so that he could repay the $300 million to avoid tax increases. But this would still have meant spending an additional $850 million for more highways even though there was not enough money around for essentials. I compared this to a man applying for a loan to buy milk for his children and at the same time asking for an additional $25 for champagne.

The vocal opponents of the bond issue were few and far between and had no money. On the other hand, the bond issue's supporters were, if anything, overfinanced. The proponents included the Governor and Mayor John V. Lindsay, the Democrats and the Republicans, the Liberals and the reformers, the bankers, the brokers, the industrialists and the trade unionists. Nevertheless, the bond issue was beaten. Radio and television were of great help in defeating it. The public was fully informed—which is why it rejected a further proliferation of polluting highways.

I have been conducting a battle on another front in the cause of a balanced and coordinated transportation system, but the results so far have been negative. Nor have I been able to get across to the public the importance of the issue. In fact, I have not even been able to make the courts understand what is involved. I refer, of course, to my right to get the Port of New York Authority, to do the job, it was first mandated to do back in 1921 by the states of New York and New Jersey. It was instructed at that time to develop and coordinate *all forms of transportation* in what the framers of this compact between these two states called the "port district." Such a compact or treaty between states has to be approved by the United States Congress—and it was. The port district is the area within a radius of 25 miles of the Statue of Liberty which, the initiators of the pact said, had become commercially one center or district. Obviously, it was not possible for either New York or New Jersey separately to deal with transportation in a bi-state area. A new form of government was called for and the Port Authority was created as the first special body of its type with jurisdiction beyond the geographical limits of the states that brought it into existence. An authority is a non-elective governmental unit that can make decisions supposedly in the interest of greater efficiency, without voter approval.

But the Port Authority's bureaucracy, relieved of effective review and accountability, found that there was no money in mass transit and abandoned the mandate is was originally given to develop and coordinate *all* forms of transportation. It decided instead to invest its ever-increasing financial resources in facilities that were, as they called them, "self-supporting." In other words, profitable. (This led it into sponsoring the largest office building complex in the world, the World Trade Center, in competition with private enterprise which has erected more office space in the lower one-third of Manhattan than there exists in practically every other major city in the United States put together. And private enterprise did this without any government subsidies. But the Port Authority gets what amounts to special subsidization because it can borrow money at low rates since the interest it pays is tax exempt. As a result, the U.S. Government loses that amount in taxes. This in essence is a subsidy to an agency for a purpose not designated by Congress. The Port Authority, in effect, decides what Congressional funds should be used for.)

Not only has the agency disregarded mass transit and simultaneously encouraged automobile usage by building bridges and tunnels—including an underdecking for the George Washington Bridge (which was originally intended for a commuter railroad)—but it also induced the legislatures of New York and New Jersey in 1962 to pass laws that make it impossible to require the agency to use any of its money for any railroad purpose whatsoever! Thus the states handcuffed themselves. What's more, the authority claims that New York and New Jersey cannot repeal this self-imposed restriction.

You might wonder how it is possible to prevent the two states from repealing their own laws. The device is an ingenious one thought up by the Port Authority's general solicitor, Daniel Goldberg. It makes use of a famous U.S. Supreme Court decision, the so-called Dartmouth College case. By getting New York and New Jersey to pass laws in the form of covenants or agreements with future holders of Port Authority bonds, these covenants become in effect contracts that, it is claimed, cannot be abrogated by the states that entered into them. Since the agency continuously sells bonds for terms of 35 years (the most recent ones were sold in February 1972), it now claims that New York and New Jersey cannot repeal these covenants until all the bonds are paid off. That means that the earliest possible date for any Port Authority aid to mass transit is 2007 when the last bonds bought up to now can be redeemed. If the agency sells more bonds with later maturity dates, it can put off repeal indefinitely. I believe these covenants are illegal because 1) they amend the original compact without Congressional approval and 2) they improperly delegate the powers of the legislatures of the two states to a non-elective body.

Over the years the Port Authority had been able to avoid its full responsibilities to to mass transit by means of slick public relations and effective lobbying. But as the subway, bus and rail crisis worsened, politicians began to come to the view that the agency should do something for mass transit, although to the present day they still do not thoroughly understand the necessity of having the rich and talent-filled Port Authority coordinate all forms of transportation in the port district. It is the only existing agency that can do this. Without a regional approach through a single agency with firm jurisdiction, the metropolitan area's transportation system is going to continue to become even more unbalanced.

Newspapers and public officials have begun to see a glimmer of light. The New York Times, which had been one of the Port Authority's main supporters, started to talk about its "historic neglect" of mass transit. Governor William T. Cahill of New Jersey campaigned and won against former Governor Robert B. Meyner in 1969 on a platform calling for the Port Authority to do something more for mass transit. Gov. Rockefeller joined the bandwagon and together the two governors put out a statement early in 1971 outlining a variety of projects they wanted the agency to undertake.

The principal project was to construct rail links from Manhattan to Kennedy and Newark airports—with intermediate stops in between—at an estimated cost of some $420 million. Austin J. Tobin, who was the agency's executive director but has since resigned after holding the job for almost 30 years, said in no uncertain terms that it would be unconstitutional for the Port Authority to use any of its funds for these rail links because of the 1962 covenants.

In 1958 he had beaten down a similar effort by Gov. Rockefeller to help mass transit. At that time the Governor proposed that the agency use its funds to buy rail cars and lease them to the commuter railroads. It could have done this at a considerable saving because of the tax-exempt funds it was able to borrow. But Tobin opposed Rockefeller unless New York and New Jersey guaranteed that the agency would be reimbursed by the states for the loss of any of its funds, which led one person to ask, "Who needs the Port Authority?" Nevertheless, New York's Constitution was amended to make the procedure possible. The whole affair taught Rockefeller to be careful in taking on this formidable opponent of mass transit.

In 1971, beyond saying that building rail links would be "unconstitutional," Tobin was noticeably silent about his opposition to the project, reflecting undoubtedly the fact that public opinion was demanding that some Port Authority funds be allocated to mass transit. But his silence did not mean consent.

The governors of New York and New Jersey were apparently advised that they might get around the ban on the use of Port Authority funds for any railroad purpose by redefining the term airport to include the rail links. But the Port Authority countered this strategy in defending a suit that I—and other representatives of people in the port district dependent on mass transit—initiated to have the original covenants between the authority and states declared unconstitutional. The agency openly admitted that the links to the airports were railroads and not extensions of the airports. On this point I agree with the Port Authority. Even if there were signs in the railway cars reading, "Fasten seat belt, no smoking, please," a railroad is still a railroad—and the fact that it leads to an airport, with intermediate stops along the way, cannot change it into an airport.

Our suit to have the restrictions declared unconstitutional was really designed to help the governors carry out their program. It was begun in the Federal Courts in March of 1971—along with a companion suit in New Jersey that has been held in abeyance pending the outcome of the New York suit. You might think that the officials advocating Port Authority help for mass transit would have welcomed this litigation. If successful, it would have enabled the governors to avoid the subterfuge of trying to call a railroad an airport, when obviously this strategy was not going to work. Not only were we unaided in this suit, but practically all public officials have silently stood by while the Port Authority has fought to prevent the courts from deciding whether or not the covenants are unconstitutional. To this end, the agency moved to prevent us from having our case heard. It made four arguments. Firstly, it said we were merely asking for an advisory opinion and not a declaratory judgment. Legally that meant we had no case because there was no real problem. It also said that our claim did not raise a substantial Federal question for two reasons: 1) that we were merely attacking a defense the Port Authority might urge if called upon to help mass transit and 2) that there was under $10,000 involved in the claim we made, the requisite minimum amount necessary for Federal jurisdiction. Lastly, it claimed that under Federal law we had no standing to sue.

This case was argued before District Court Judge Harold R. Tyler in early June of 1971. In late July he handed down a decision saying that it was not necessary for him to pass on the four reasons the Port Authority gave why we should be thrown out of court because in his judgment there was still a *fifth* reason why he had no right to sue. Our contention that the covenants amended the compact and therefore required Congressional approval before becoming effective was, he ruled, incorrect. Congressional approval was not needed, he maintained, because the covenants merely reduced the number of duties the Port Authority was assigned. Congressional approval was necessary only if the agency were given new duties, he reasoned.

We immediately made a motion to reargue, contending that the judge had missed the essential point of our case. It was that the Port Authority was required to coordinate all forms of transportation in the port district. If it could not use any of its funds for mass transit, it was incapable of performing the essential job of coordinating—and that was a fundamental amendment of the compact. How could it stop the imbalance in transportation resulting from the overabundance of automobiles it had so helped to encourage if it could do nothing for mass transit?

The Port Authority opposed our motion to reargue, contending that Judge Tyler was correct—and Judge Tyler agreed that he was correct.

We then took our case to the Second Circuit Court of Appeals, arguing that Judge Tyler failed to understand why the Port Authority was created. This time in its answer to our brief, to our great surprise, the agency abandoned Judge Tyler's argument, contending that he should never have decided the case on the basis on which he did, but rather should have held that we had no right to be in court for the four reasons originally stipulated. We pointed out to the Second Circuit that the Port Authority's revised position meant that the Appeals Court had before it both our claim that Judge Tyler was wrong and the Port Authority's contention that he should not have made the decision he did but should have thrown us out of court for the four reasons he did not pass on. Needless to say, it was far from simple to join issue with the Port Authority in the appellate court.

Two months later, the Court of Appeals handed down a decision saying that Judge Tyler should never have considered the issue he based his decision on. It claimed instead that we were not entitled to test the constitutionality of the covenants because there was not $10,000 involved in our suit. It based its conclusion primarily on an affidavit I had submitted to satisfy this requirement, pointing out that because of the deterioration in mass transportation I was required to use taxis at a personal cost of at least $1,350 a year. Multiplied by the number of years until I would reach the retirement age of 65, the extra cost to me exceeded $10,000. I felt awkward about this petty argument in a suit involving the future of transportation in the port district, but prior decisions of the court indicated that it would think along these lines.

In a unanimous opinion, the court said that the test of jurisdiction is not the damages that the people of the port district suffered because the Port Authority violated its mandate, but whether I personally stand to gain, if the suit were successful, the kind of a transportation system I required for my own needs. The course inferred that this called for building me a new subway and concluded that it would take too long to do this to do me any good. Consequently, the court reasoned, I could not show that would be $10,000 worth of advantage to me in having declared unconstitutional the absolute ban on the Port Authority's use of its funds for mass transportation.

That may be the law but we do not think

it is. The purpose of the $10,000 limitation is to keep minor matters out of the Federal courts—and that makes sense. The issue here is whether the Port Authority, the only agency that can perform a bi-state function, should carry out its original mandate to develop and coordinate transportation in the port district. More immediately, it is whether the Port Authority should build the rail links to airports at a cost of $420 million of its money. It is also a question of whether the agency should follow the example of the Triborough Bridge and Tunnel Authority and double the tolls of the bridges and tunnels it owns and use those funds—an additional $70 million a year—for mass transit. It is also a question of whether the Port Authority should use its vast borrowing capacity—and its huge rental income from the World Trade Center—to obtain the $2.5 billion I estimate it could and should borrow for mass transit.

In a motion to have the court reconsider its decision, we are now arguing that the rail links can be built in time to be of use to me. Regardless of the outcome, the essential question remains: what can a private citizen do—beyond voting "no"—when his government is doing something wrong. I am still trying to find out.

THE HIGHWAY LOBBY—CONGESTION AND POLLUTION

(By Ben Kelley)

Millions of people in New York City jammed into antiquated subways . . . dozens of lanes of Washington, D.C. auto traffic inching along at a time-wasting, air-polluting crawl . . . hundreds of suburban commuter buses bogged along a vehicle-saturated expressway into Chicago: countless man-hours, dollars and pulses of human nervous energy consumed in the process.

A sudden national crisis?

Certainly not. Just a typical weekday morning or evening for these and other cities that are trying—but generally failing—to efficiently move millions of people into and out of downtown employment centers during what we curiously call "rush hour."

An undercurrent of hopelessness is apparent in the reaction of people to the worsening problems of handling peak-hour commuter traffic in major American metropolitan areas. Faced on one hand with deteriorating uncomfortable, undependable rail, bus and subway services that cost too much to use—and on the other with highways glutted with unmoving streams of pollution-producing cars—urbanites understandably have concluded that there may be no achievable way out of the rush-hour transportation mess.

And that's a tragedy, because there *are* ways to effectively extricate big city dwellers from their transportation woes and put them on the road to healthy mobility. They center on, first, severely limiting the access of automobiles to urban areas during hours in which roads are in heavy demand and, second, investing the public funds necessary to substantially improve and expand rail and bus mass transit systems so as to provide commuters and shoppers with attractive alternatives to transportation by car.

They do not, however, include building still more miles of downtown and suburban freeway. That approach, embodied in the Interstate Highway System, has long since proved to be a generator and compounder of some of a large city's worst features: traffic jams, run-down or non-existent public transportation, exhaust-laden air, destroyed neighborhoods—with consequent loss of downtown shoppers and the revenues they produce. More city freeways mean additional, not fewer, city problems because, as a study of a major metropolitan freeway system recently concluded, "On urban commuter expressways, peak-hour traffic congestion will rise to meet maximum capacity."

Yet as it's now framed, Federal policy demands that the overwhelming bulk of urban transportation investment be channeled not into much-needed mass transit improvement and extension, but into ever-lengthening miles of freeway pavement. The mechanism that enforces that policy is the Federal Highway Trust Fund, a special financial account that receives money from highway-related taxes—mainly excise taxes on sales of gasoline, new trucks, tires, truck replacement parts, etc. The money may be spent only for highway construction and maintenance.

This fund was created by Congress in 1956 to finance the IHS. It was supposed to end in 1972, but pro-highway interests have persuaded Congress to extend it to 1977. The FHTF takes in and spends more than $5 billion a year on roads. In contrast, the Federal outlay for mass transit in the fiscal year 1971 was only $400 million.

All in all, including Federal, state and local expenditures, Americans today are laying out some $20 billion a year to construct and take care of their highways and streets. They pay out another $20 billion to buy and maintain the motor vehicles that run on these highways and streets. This means that a total of $40 billion a year of our tax and buying power is devoted strictly to the automotive vehicle and its right-of-way—more money than is expended by the nation on any single item outside of its defense budget.

Unlike other trust such as Social Security and union pension plans, the highway version returns to its contributors not dollars but miles of pavement. Whether it's the best way to finance road building depends on the perspective of the beholder. To those who think that expressway projects are more necessary than mass transit, schools, housing renewal or other competing urban needs, the FHTF approach probably looks good.

But it doesn't look so good to the traffic-strangled urbanite. The clear preference of the 140 million people who live or work in and around big cities is for a drastic shift in public spending priorities *away* from fund-created proliferation of cars and concrete and *toward* needed public transportation improvements.

They are signaling this preference in numerous ways. In a recent public opinion poll—one carried out by the highway lobby itself—more than 65 per cent of residents in cities of a million or more in population thought it would be "a good idea . . . to limit the use of automobiles in downtown areas of cities." More than half of the respondents said they thought that the "effect of highways on the environment and the places they go through" is "unfavorable."

Upwards of 40 lawsuits are currently in progress against Federally-aided expressway projects, the bulk of them involving local-level attacks against construction planned in or around urban areas. And some cities, exasperated beyond endurance by the burdens of highway auto transportation, have tried to limit its future in order to make room for something better.

For example, in 1966 San Francisco, using a unique California law, refused to permit IHS construction within its municipal borders because the community could foresee the glut of cars that the proposed new expressways would bring. The decision cost the city $280 million in FHTF "aid" (it was largely money that San Franciscans themselves had paid into the fund through gasoline taxes, but now would never recover). Then, to underscore its commitment to good transportation, the city undertook construction of a comprehensive mass transit rail system—the Bay Area Rapid Transit—funded almost entirely out of the community's own pocket.

Other cities have moved to ban or at least curtail the operation of automobiles in their downtown sections. Berkeley, Calif., aghast at discovering that 25 per cent of its land area was devoted to the care, storage and operation of automobiles banned cars—and car-attracting street improvements—from many of its neighborhoods in 1968. More recently, Highland Park, Mich.—headquarters for a large auto manufacturer—has sought to cut down on vehicular congestion by forbidding Detroit-to-suburbs through traffic on its main streets during commuter hours.

New York City joined other major cities in resisting the proliferation of highways when its voters rejected a transportation bond issue proposed by Governor Nelson A. Rockefeller last year because it was so heavily slanted in favor of road construction and against urban mass transit improvement. Two other large municipalities have also indicated their pro-mass transit or anti-new highway positions: Atlanta, Ga.—voting only weeks before the turndown by New York of increased highway building—approved a one-cent city sales tax to finance needed rail transit development; Washington, D.C. has two citizen-sparked lawsuits underway to halt construction of Interstate 66 and its link, the Three Sisters Bridge, between Washington and Virginia.

In the face of such compelling evidence of the urban dweller's disenchantment with highways and cars, pro-freeway forces might reasonably be expected to modify their intransigent "not one cent for mass transit" attitude that they adopted at the outset of the Interstate program.

Indeed, a few have. Henry Ford II suggested in an off-the-cuff remark at a press conference early this year that small amounts of FHTF money might usefully be spent on mass transit experimentation. This modest proposal, coming as it did from an auto maker, promoted considerable pleased editorial comment on his "defection . . . to the common sense lobby," as THE NEW YORK TIMES called it.

The Mobil Oil Co. played the renegade earlier. In a 1970 print-media ad that encouraged mass transit proponents at a time when prospects for Federal-aid support seemed even more remote than now, Mobil said, "In weighing priorities, no decision-maker can ignore the increasing congestion on those fine highways of ours, especially in and around the great urban centers. But more and better mass transit could stop traffic jams before they start." Special "earmarked funds" for highways should be abandoned and mass transit should be given "a green light," the heretical statement concluded.

But for every tentative concession by a company such as Mobil Oil or by an automobile manufacturer like Henry Ford—whose company isn't insensitive to the new-product and marketing opportunities that may flow to it from an upturn in mass transit development—innumerable defensive battles are being waged by the hard-core highway-support lobby. Some are carried out openly, others are not. All are directed at stemming public pressures on lawmakers, both Federal and state, to release earmarked FHTF dollars in order to improve and expand urban public transportation facilities.

The New York transportation bond issue controversy involved one such highway-lobby activity. Shortly after the bond proposal had been defeated at the polls in December, 1971, questions began to be asked about the make-up of a faceless group known as "Yes for Transportation, Inc." that had vigorously—and expensively—campaigned on behalf of passage of the road building revenue measure. Although full details about who belongs to this group and what its financial resources are must still be ascertained, preliminary investigation already has disclosed that "Yes" included among its principal supporters a number of banks (Chase Manhattan, for example, gave it at least $10,000) and Mobil Oil contributed generous $45,000. You will recall that Mobil's ad in favor of mass transit had seemed so refreshing a year earlier.

One of those particularly interested in the true character of "Yes" was attorney Theodore Kheel, the NYC mediator and arbitrator of labor disputes, who had led a skimpily-funded but nonetheless successful grassroots campaign against the transportation bond issue. "This committee ["Yes"] collected countless dollars, probably in the neighborhood of three million," said Kheel. "They used the money principally for television advertisements . . . Rockefeller said that the corporation consisted of companies interested in the future of New York. I said that it was a pity that people interested in the future of New York, if willing to put their money up, should not step forward for identification so they could be complimented. They should, I said, put their mouths where their money is . . ."

In California some months earlier a similar effort by the highway lobby succeeded. There it hid behind the name "Californians Against Street and Road Tax Trap." Its mission was to persuade voters to defeat a referendum issue, Proposition 18, that would have diverted modest amounts of state highway fund money into smog control research and mass transit improvement. Proposition 18 was a shoo-in for approval, according to surveys taken in that conservation-conscious state, a few weeks before the vote. Then the Road Tax Trap movement launched a high-intensity last-minute campaign of television, billboard and print ads insinuating that the measure would increase taxes—an untruth, since there was not one cent of additional taxation called for by Proposition 18. The campaign worked and the measure was narrowly defeated. Subsequent probes revealed that the Road Tax Trap group had raised and spent 15 times more lobbying money than supporters of Proposition 18, with about 75 per cent of it coming from oil companies (Mobil, again, was on the scene) and the remainder from auto clubs and their insurance subsidiaries and from rock, concrete, asphalt, cement, tire and road construction interests.

In less clandestine ways, too, pro-highway forces are fighting to preserve the privileged funding arrangements that support freeway proliferation in and outside of urban areas.

For instance, the American Association of State Highway Officials is just what its name says—a national-level organization of the powerful men who run the country's state highway departments and make the decisions regarding what Interstate extensions—and other roads—should be constructed within any state's borders. When the present FHTF expires in 1977, AASHO wants a follow-up road improvement program that will cost at least as much as, and probably a good deal more than, the current $5-billion-a-year outlay. In that future program AASHO foresees expenditures from the FHTF of $1 billion a year or more just to "finance the relief of traffic congestion" in urban areas—not through the development and maintenance of alternative public transportation systems to induce drivers to keep off the highways, but through additional road construction and "improvement." For AASHO, the answer to highway problems in cities is more highways in cities.

Equally vocal in calling for continued large amounts of money from the FHTF—money to be earmarked for highway building—is the Federal Highway Administration, an arm of the United States Department of Transportation that collects and disburses fund dollars and reviews state project plans for Interstate and other Federally-aided highway programs. Francis Turner, the highway administration's chief, told U.S. NEWS AND WORLD REPORT in January that "within the city, three quarters of all traffic uses 15 per cent of the streets. These need to be overhauled." The magazine went on to report that, in the view of Federal highway officials, "Total highways costs between the late 1970s and 1990 would run around $320 billion, with the Federal Trust Fund paying $172 billion of that amount." Total Federal-state-local road spending now amounts to about $20 billion a year.

But the expectations of AASHO and the Federal Highway Administration are restrained compared to those of the so-called "Highway Users Federation for Safety and Mobility." HUFSAM is an amalgam of pro-highway construction state organizations, auto and road building companies, oil refiners and other industrial interests whose business futures are tied up with road and highway expansion and operation. According to HUFSAM's transportation development manager, James O. Granum, the country should spend "about $40 billion a year" over the next 20 years for highway needs, half of it in metropolitan areas. HUFSAM rejects the idea that even a penny of FHTF money should be used to improve urban mass transportation. This is indeed ironic because it was HUFSAM itself that sponsored that public opinion poll we referred to earlier—the one in which city dwellers so roundly condemned the impact of freeways on their environment and so strongly called for the banning of cars in the downtown areas of large urban centers.

So intent is HUFSAM on combating public demands for use of trust fund money to assist urban mass transportation that it has launched a "truth squad" campaign to refute antitrust "myths." The effort entails HUFSAM staff and members delivering canned pro-road development speeches to whomever will listen. Meanwhile, the Federal Highway Administration has for some time been carrying out its own program to offset highway criticism; this one involved handing out to newspapermen and others "resource" material describing cases in which highways have contributed to environmental improvement. Sample item: ". . . highway planning and building brought a back-to-nature bonus to a tribe of South Dakota Indians—a new lake where they can enjoy fishing, swimming and canoeing." A careful reading of the full report from which this item is excerpted discloses that members of the tribe, located near Parmelee, S.D., made a pond by building a dam along a state highway embankment—defraying the expense, it turns out, not with funds allocated to road building but with their own money and a supplemental grant from the Bureau of Indian Affairs.

Then there is TRIP—The Road Improvement Program—formed last year by the American Road Builders Association as an independent propaganda agency. TRIP runs paid radio ads praising highway construction and urging preservation of the FHTF. It spent $250,000 in late 1971 to that end and hopes to have raised and spent $1 million by the end of this year for such advertising.

The road builders, along with other highway lobby groups, make much of what is known as the "diversion" argument in their resistance to opening up the FHTF for mass transit projects. The argument goes like this: since FHTF money comes strictly from highway-use taxes, it should go strictly to highway extension and improvement and not be "diverted" to other transportation needs. The corollary of that argument is, of course, that non-highway taxes shouldn't be used for highway building—but of course they are.

The sincerity of those who put forth the "diversion" argument came into question late in 1971 when highway lobbyists tried to pull off an interesting legislative ploy. They spotted a provision in the Nixon Administration's tax bill that would have repealed some $350 million in small-truck excise taxes—money that traditionally goes into the FHTF. Desperate at the thought of losing even so relatively small an amount of inflow to the $5-billion-a-year fund, they urged, through an amendment introduced by Senate Public Works Committee chairman Jennings Randolph, West Virginia Democrat, that $350 million in alcohol taxes be "diverted" from the general treasury into the FHTF to make up the loss.

"The highway lobby and their political allies have become drunk with power," THE NEW YORK TIMES editorialized on November 13. "Only they could have dreamed of characterizing a tax on alcohol as a 'highway user tax.' It is time for the Senate to sober them up."

But the Senate did not sober them up, despite a letter from the White House opposing the alcohol tax diversion and a valiant floor fight against it led by Republican Senators Charles Percy of Illinois and Lowell P. Weicker Jr. of Connecticut. By a narrow margin it voted on November 16 to go along with the highway lobby's wishes.

Belatedly but nevertheless vigorously, forces on the other side of the argument now swung into operation. Led by the Highway Action Coalition, a team of urban and environmental groups began counter-lobbying in preparation for a scheduled House-Senate conference on the bill. In mid-December the legislation emerged from the conference minus the provision diverting alcohol taxes to highway construction.

HAC and its allies were understandably jubilant. The conference veto demonstrated "a growing disenchantment on Capitol Hill with the highway program and with the whole direction of transportation priorities", said HAC co-director John Kramer.

Not so, retorted Senator Randolph in a declaration made through his office after the vote: ". . . the loss of revenues to the trust fund should not be interpreted as a victory for those who oppose the fund or want to use its resources for other purposes." And the statement warned that because of the defeat, Randolph now plans to work hard for a pet objective of the highway lobby—one that is particularly disturbing to both environmentalists and city dwellers—extension of FHTF's life even beyond the new liberal 1977 cutoff date that Congress granted it only two years ago.

Extension of the FHTF means, of course, extension of the IHS construction program, which consumes four out of every five dollars of the fund's inflow. It becomes crucial to ask whether America's cities would be better served by continuing the IHS program or rechanneling that money into mass transit improvements.

A look at the Interstate's evolution helps provide an answer. As the Eisenhower Administration and Congress originally conceived it, the IHS was to be a 37,600-mile network of quality superhighways built largely over existing rights-of-way, to cost less than $30 billion and to be completed no later than 1972. But that was 1956. Partly because of genuine need and partly because of highway lobby maneuvering, the Interstate over the years has been transformed into a 42,500-mile system—with 85 per cent of those miles being built over new urban and rural rights-of-way. Its ultimate cost will exceed $70 billion.

The Interstate has been rightly called one of the nation's greatest engineering feats. Whether it has also been of genuine service to urban transportation is another matter, considering that:

Because its construction uses 80 per cent of all Federal funds available for roadbuilding, it has drained needed improvement resources away from the 3.6 million miles of American highways and streets that are not a part of the high-speed system.

Interstate expansion into and near cities, where many of us work or live, had added to rather than ameliorated urban transport congestion. The new miles of road have produced even more miles of stalled autos at peak hours—usually commuter cars containing only one or two passengers. And while dollars have flowed into urban IHS projects, they have been denied to crucially needed improvements in bus, subway and other means of transporting very large numbers of people to, from and about large cities, which in turn would relieve traffic congestion on metropolitan highways and roads.

Ironically, those who can least afford the personal convenience of owning a new car and driving it every day over new urban expressways are those most hurt by IHS construction. The poor need decent and dependable public transportation systems to get to jobs and schools and stores. As the IHS expansion blatantly ignores this need, it also imposes an additional financial burden on the underprivileged, because it is through poorer neighborhoods that the massive construction projects usually are routed. A Government-conducted survey showed that of some 50,000 residents uprooted by Federally-aided road building projects during a typical 18-month period, 17,820 lived in residences valued below $6,000 or paid monthly rentals of $60 or less and 22,466 were in homes valued between $6,000 and $15,000 or paid monthly rentals of between $61 and $110. The remainder of those surveyed owned more expensive houses or were charged higher rents.

At a Congressional hearing in 1969, Federal highway administrator Turner played down the impact of proposed IHS projects on urban dwellers. Concerned because he thought that Turner was giving unjustified short shrift to a huge problem. Clarence Mitchell, head of the National Association for the Advancement of Colored People's Washington office, asked the administrator to divulge "the number of persons who are affected" by the projects—"I feel certain that such identification will show that many of the people affected are poor and members of minority groups."

But the requested data, which probably would have given urban planners and Federal budget makers important new insights into the impact of freeway construction on disadvantaged people in large cities, simply were never produced. And yet there are many examples of Interstate's non-concern, in past construction and prospective road building plans, with the well-being of urban poor people and members of minority groups. Here are three:

Interstate 395 is an eight-tenths-of-a-mile expressway that saves commuters 15 minutes per trip between Miami, Fla. and its outlying Cutler Ridge suburb. In order to effect this small savings in commuting time a formerly cohesive black neighborhood, whose median annual income is $2,500, was sliced in two. The expressway is a 50-yard-wide swath through the heart of this neighborhood, marking the destruction of acres of low-income housing. Not only do some of the residents now suffer from the din and pollution of a freeway only 200 feet from their windows, but also all of the inhabitants are separated from their nearest shopping and commercial center by the high-speed traffic on the superhighway.

"For the residents of the area that was cut apart by the new expressway," according to a National Urban Coalition analysis, "the closest access to it is nearly a mile away at downtown Biscayne Boulevard. Ironically, those who had given the most for the expressway benefited from it the least."

Chicago Crosstown, an as yet unnumbered Interstate route in Illinois for which ground is to be broken sometime this year, will cut a 22-mile-long stretch through predominantly poor neighborhoods. Some 200,000 citizens have banded together to oppose the $1-billion project, but city and state officials seem intent on going forward with it anyway.

Mass transit might be one alternative to the Crosstown highway, but if so it will remain an untried one. For as the U.S. Department of Transportation's regional representative in Chicago warned at a meeting of community spokesmen in October 1971, local government officials are "presently powerless to decree or initiate changes in highway plans" even though community representatives are "not without conviction as to the desirability of, or preferential route for, a proposed new highway." In other words, the Crosstown route will be completed exactly according to state and Federal highway planners' specifications unless the courts intervene to stop it.

Interstate 40 in Nashville, Tenn. is a monument to inhumane highway planning. The original route line was "approved" at a clandestine "public hearing" in 1957, ironically, the residents of black North Nashville, the area through which the expressway now passes, were not told about the hearing. The superhighway's course and design served to seal off the black community's 100 square blocks from the rest of the city. Furthermore, the building of the expressway required destroying or damaging 234 Negro-owned businesses, 650 houses, 27 apartment buildings and several churches.

It was not until 1967 that the local black leadership was told of the full implications of the I-40 route plan, and by that time bulldozers already had started clearing less-settled areas along the line. Hastily organizing, the community fought the project before the state highway department, the U.S. Department of Transportation and the U.S. Supreme Court. But aside from getting some relatively minor design modifications, the people whose lives were wrecked by the expressway were unable to gain satisfaction.

To continue the FHTF and the IHS will be to guarantee the kinds of freeway construction abuses whose scars are worn by Nashville, Miami and many other large and small cities. Moreover, it will be to perpetuate a scheme of national taxing and spending that provides an enormous amount of money for creating new highways in urban areas—which in turn increase auto pollution and congestion—but only a pittance for such critically-needed alternatives as comprehensive rail mass transit, greatly improved and accelerated public bus service and, for selected experimental areas, free bus, subway and train transit.

It will be up to Congress this year or next to decide whether the FHTF has outlived its usefulness and become a retarding rather than invigorating force in solving the nation's critical transportation and social problems. Urging that the FHTF and the IHS construction programs be continued and extended will be the still powerful, still single-minded highway lobby. At the same time the emerging coalition of environmental, urban protection and public health groups will be pressing, to one degree or another, for reform of urban transportation spending policies at the Federal level. The future of urban transportation and, quite likely, the future of America's big cities depend on which voices our legislators listen to, on how clearly the voters make their wishes known.

Resolution Adopted at UAW Convention, April 1972—Transportation System

A dramatic re-ordering of U.S. transportation priorities is promptly needed. Federal transportation programs have been primarily directed toward building the interstate highway system. Five billion dollars a year is available for highways through the Highway Trust Fund, but in 1971 only $80 million in Federal funds were available for mass transit. The Federal share of interstate highway construction projects is never more than 66⅔%. The cost of the interstate system is now projected to total $76 billion.

Billions more are spent or being planned for airports, merchant marine subsidies and rail subsidies. But little is being done for the millions of people who need a fast, convenient, safe mode of transportation to work. Present law provides $3 billion during the next five years for mass transportation. But capital needs alone during the 1970's have been estimated between $28 and $34 billion. Transit patronage has dropped to one-quarter of what it was 25 years ago, and bus companies are failing while fares are skyrocketing.

The trend must be reversed. The automobile has a major role in a balanced transportation system, but reliance upon the automobile as the only major source of transportation is unwise at best, disaster at worst.

Mass transportation systems will enable inner city residents to reach their jobs more easily and provide greater mobility for young people and senior and handicapped citizens. Moreover, commuters, shoppers and tourists need a mass transportation system.

Federal funds must be allocated to developing mass transportation systems in amounts that will significantly improve the quality, variety and scope of transit services.

Such systems will provide cost savings. Their expansion will help to preserve the environment by reducing air pollution, conserving natural resources and increasing transportation safety. They will add to the general improvement in the quality of urban life. Americans will have more time for recreation and cultural activities as they spend less time commuting—and mass transportation can help them to reach such activities. Not the least of the benefits will be the creation of thousands upon thousands of jobs in the production of mass transportation vehicles and in the operation of mass transportation systems after they are built.

But city governments are up against the wall financially. With declining revenues and increasing expenditures, they cannot raise the huge amounts of money needed to plan and construct modern public transport systems.

Resolved: The UAW supports a national policy that will put mass transportation systems on an equal footing with other forms of transportation, with the federal government providing 90 percent of funding and 10 percent raised locally, as now provided for freeways.

The UAW further supports improvements in the urban transportation planning process that will assure timely and effective citizen participation in the decision-making process, improve the quality of the environment and implement the continuing, comprehensive, coordinated planning process authorized by the Federal Highway Act of 1972.

The UAW urges that the Highway Trust Fund be renamed the Transportation Trust Fund, with a realistic amount of its revenues earmarked for planning, construction and operation of a total mass transportation system.

The automobile industry has expressed itself in favor of the development of mass transportation system. It must do more than pay lip service to this concept. Therefore, the UAW urges the automobile industry to take the lead in supporting, developing and producing for mass transportation systems. Auto industry experience, plant investment and know-how should be utilized toward this end just as the automobile industry converted to war production in the 1940's. Such an effort would fill an important need for the nation and create tens of thousands of jobs required to keep the economy viable.

[From the Wall Street Journal, Jan. 16, 1973]

Chicago Agency Plans To Sharply Curtail Mass-Transit Service

Chicago.—The financially troubled Chicago Transit Authority, operators of Chicago's bus, subway and "L" train systems, proposed massive service cutbacks to help eliminate expected operating deficits.

Last week, the CTA announced some service cutbacks and an increase in the basic fare to 50 cents from 45 cents, making Chicago's mass-transit fare among the highest in the nation.

The CTA said the new cutbacks, designed to save an estimated $12 million annually, would close 23 rapid-transit stations, eliminate express service from Evanston to downtown Chicago, abolish 18 bus lines and cut night and weekend service on some "L" lines. The cutbacks will eliminate about 600 jobs, the CTA said.

The CTA, which has been seeking permanent operating subsidies from local, county, state and federal agencies, has said that adequate subsidies would allow rescinding of the fare increase and at least some of the cutbacks.

The bus routes being eliminated carry about 56,000 riders daily. About 6,500 daily riders use the express service from Evanston, will be forced to ride slower local trains. In addition, the "L" train service being eliminated on Sunday carriers about 2,000 persons.

[From the New York Times, Dec. 19, 1972]

Jersey Central Commuter Runs To End Unless State Pays More

(By Joseph F. Sullivan)

Newark, December 18.—Federal Judge Anthony T. Augelli gave the Jersey Central Railroad permission today to eliminate passenger service after Jan. 21 on its main line and Jersey Shore service. The lines carry 15,000 riders daily.

Judge Augelli said he reached his decision "somewhat reluctantly" after agreeing with the bankrupt railroad's contention that it could not continue to absorb losses of $500,000 a month on its commuter runs. The judge said the losses "are eating into the very heart of this unfortunate carrier."

The shutdown could be averted if the state and the rail line agree on a new subsidy contract considerably higher than the $5.1-million subsidy for the current year. Deputy Attorney General Robert Bossolt, who represented the State Transportation Department at today's hearing, said he was "not optimistic" about the prospects of increasing the subsidy in line with the railroad's request.

State Transportation Commissioner John C. Kohl issued a brief statement in Trenton in which he promised commuters "will not be left high and dry."

"There are several options open which are under consideration," Mr. Kohl said. "Among these is an appeal to a higher court and until this is decided we are holding all other action in abeyance."

Mr. Bossolt revealed in court that one option being considered is the running of 200 buses along the route of the Jersey Central main line from Hampton to Newark.

A spokesman for the department said the ruling appears to be designed to pressure New Jersey into abandoning its "avoidable cost" formula in computing rail subsidies and into adopting a "full service" contract similar to that recently started in New York between the state and the bankrupt Penn Central Railroad.

Robert D. Timpany, the court-appointed trustee for the Jersey Central, asked for a full service contract in today's court action, but Judge Augelli did not mention it in his order. Mr. Timpany said the state subsidy must be increased by $10-million annually if the company was to avoid further losses.

Under the avoidance-cost system, the state reimburse the carrier for costs it could avoid if it dropped its commuter service. The full-cost formula includes station and right-of-way maintenance as well as other costs of operation in the computation and it has been rejected by the state in the past.

Two weeks ago Judge Augelli denied a move by the Manufacturers Hanover Trust Company, the trustee for the bond holders of the Jersey Central, to liquidate the rail carrier before it went deeper in the red.

At that time, Mr. Timpany opposed the application and contended the carrier could realize an $800,000 profit from its freight operation in the coming year if it were allowed to make certain changes in its operation. The changes envisioned include the termination of all present commuter service in the state.

The loss of main line service would affect 7,000 riders and 1,000 others who use the Cranford-to-Bayonne shuttle. The elimination of the service between Newark and the Jersey Shore resorts of Monmouth and northern ocean counties would inconvenience 7,000 others who would be forced onto Penn Central trains or buses.

The shore service is operated by the two rail carriers through a jointly owned holding company, the New York and Long Branch Railroad, which owns the tracks and stations but no rolling stock. At present, the Penn Central provides "silghtly more" than 50 per cent of the Shore service, according to a Jersey Central spokesman.

The Jersey Central, which has received more than $40-million in state subsidies since 1961, has been bankrupt since 1967.

The threatened shutdown of the important commuter lines comes at a time when Governor Cahill is attempting to increase the rail mass transportation system in Northern New Jersey through a proposed extension of the Port Authority Trans-Hudson system Penn Station in Newark out to Cranford and eventually to Plainfield.

Despite the hardline adopted thus far by the Transportation Department, the Governor's stepped-up emphasis on mass transit and next year's gubernatorial and legislative elections are expected to provide the pressure needed to force the administration to reexamine its rail subsidy program and possibly find new revenue to keep the rail line going when the Legislature reconvenes Jan. 9.

[From the New York Times, Nov. 25, 1972]

Fund Shortage Foreseen by Port Authority Official

(By Frank J. Prial)

Newark, November 24.—The acting director of the Port of New York and New Jersey Authority said yesterday that the huge agency might soon be in serious need of capital funds and was apparently unable to raise any through the sale of its bonds at favorable rates.

The acting director, Patrick J. Falvey, asserted at a meeting of New Jersey legislators here that the financial community's "uncertainty" over the Port Authority's future role in mass transit was responsible for the agency's financial situation.

The Port Authority is urging the New Jersey Legislature to pass a bill next week that would guarantee to present holders of Port Authority obligations that their investments were safe. The bill and a similar one to be presented in Albany in January were announced last week as part of a deal in which the Port Authority will undertake some $650 million in commuter rail improvements in the metropolitan area.

It was announced at the time that the bills were designed to eliminate a 1962 covenant prohibiting Port Authority bonds from "future Port Authority bond issues" from being used for mass-transit purposes.

The New York State Legislature passed a law last spring eliminating the covenant from all Port Authority bonds, but it did not take effect because New Jersey did not enact a similar measure.

The proposed new laws would restore the covenant in New York so far as it applied to all existing Port Authority bonds. The covenant was passed by both states in 1962 to guarantee bondholders that the bistate agency would never get involved in any deficit passenger-rail operations other than PATH, the commuter service the two states required the agency to take over and rehabilitate.

Normally, the Port Authority goes to the bond market with a new issue twice a year. Thus far in 1972; the agency has sold only one issue—$150-million in tax-exempt bonds. That was in February, before the New York State Legislature passes its law on the bonds.

Richard Sullivan, a spokesman for the Port Authority, confirmed that "serious consideration has been given to the New York legislation, which seems to completely abrogate the 1962 covenant. This is of serious concern to the money market and affects the normal interest rates," Mr. Sullivan said.

Mr. Falvey told the New Jersey legislators that "we have a great need to issue bonds very, very soon so we can get going on our other projects." He indicated that this would be extremely difficult if the legislators did not pass the bill before them. Mr. Sullivan said later that the Port Authority had "a continuing program and we've got to maintain our schedule." If bonds cannot be sold soon, he said, "we face increased borrowing requirements next year."

Theodore W. Kheel, a long-time critic of the Port Authority's role, said yesterday that an official of Standard and Poors, the bond-rating organization, had told him in a letter last July that the two goals—Port Authority involvement in mass transit and safe Port Authority bonds—were incompatible, and that the question of how they could both be met would have to be resolved "before the next port bond sale."

"What they are doing," Mr. Kheel said yesterday, "is trying to correct what they think is Rockefeller's mistake. They are returning the covenant to New York law.

Few of the approximately 25 New Jersey legislators raised any question about financial issues at the meeting at the Port Authority's administration building at Port Newark. The Democrats present, led by Senate Minority Leader Edward J. Crabiel, said they would call for a public hearing on the mass-transit plan before debating the legislation.

If the two bills changing the 1962 covenant are passed, work on the mass-transit plan could begin next year, the Port Authority says.

[From the Washington Post, Nov. 23, 1972]

Big City Transit Woes Increasing

(By Donald M. Rothberg)

New York.—A Penn Central commuter reaches into his bag of daily horror stories and pulls out this one:

"This morning I took the 7:20 train which got to my station at 7:30 and managed to be about 25 minutes late getting to New York. Now, that's not too bad. The other night I was an hour and 10 minutes late getting home."

Or there's the subway system, particularly in a summer rush hour.

When the Lexington Avenue train stops between stations and the temperature is over 100 and your clothing is soaked and the guy in the leather jacket jammed against your right side hasn't bathed in a month and looks a little homicidal besides, then each stalled minute lasts an hour and you have a taste of subway commuting and an idea why all those people who do it twice a working day stare at each other with expressions of resignation, rage, fear, or loathing.

By train, subway, automobile, and ferry 2 million people struggle into Manhattan each weekday morning. More than 90 per cent use public transportation.

No other city approaches that percentage, but transit officials in Chicago, Philadelphia, Atlanta, Boston and other big cities dream of someday coming close to it.

Their hope is to lure commuters out of their automobiles by offering fast, clean, comfortable rapid-transit service. They claim that increased ridership would reduce deficits and perhaps reverse the generally worsening lot of the nation's commuters.

But little in the New York experience justifies these hopes. Its subways and railroads offer mostly erratic, dirty, uncomfortable service and show gigantic deficits that give little sign of coming under control.

And many of New York's problems are not unique.

A close look turns up problems found in smaller cities: fare increases followed by declining ridership; equipment obsolete and in disrepair; a spiraling deficit; planning influenced more by political than social needs.

So what cautionary examples has New York for cities seeking to expand their rapid-transit systems? First, there's ridership.

Twenty-five years ago, the New York subway system carried nearly 7 million riders a day compared with 4.5 million today.

"We used to have guards pushing people onto trains," said a Transit Authority official.

That peak year, 1947, the fare was a nickel. The next year it went to a dime and the ridership decline began. Other factors were involved, but each successive fare boost to the current 35 cents was followed by further declines.

And even with those increases, labor costs run $1.08 for every $1 of farebox revenue.

Then, there's the problem of equipment.

The New York subway system is the world's largest, with 720 miles of track, 476 stations, and 7,000 passenger cars, of which fewer than 1,000 are air conditioned.

The rest of that fleet includes 1,200 40-year-old cars in daily use that the Transit Authority says "lack passenger amenities, are noisy and uncomfortable and are not air conditioned. Breakdown of this equipment has been a major element in subway delays and the costs of maintaining these cars are high. Illumination in the cars, provided by bare, incandescent light bulbs, is poor."

That description was in an announcement of plans to buy 752 new, air-conditioned cars for $210.5 million to replace the oldest of the system's fleet.

Even with that order, by 1975 only 20 per cent of the New York subway cars will be air-conditioned.

New air-conditioned cars cost $273,000 each. City Hall sources described a meeting of the mayor and city finance officials to discuss money for subway cars.

One participant, trying to be funny, said, "I know how we can save money. We don't have to air-condition the cars. Just heat the stations."

According to the story, the mayor was not amused.

There are few American cities where officials aren't having similar meetings in which they scratch for the resources to replace antiquated buses and subway cars.

Philadelphia has drawn up a capital improvement program that would cost $4 billion, but "we simply don't have enough matching funds to get the federal money," said James McConnon, chairman of the agency that runs that city's transit system.

In Massachusetts, the transit system serving the Boston area taps real-estate-tax revenues of communities its serves. But they are growing increasingly balky.

[From the New York Times, Nov. 12, 1972]

Officials Urge Better Transit Systems for Today, Not the Future

(By Frank J. Prial)

A panel of city and Federal officials agreed here this week that advanced transportation concepts such as people-movers and personal rapid-transit system can have little or no impact on the city's immediate transportation needs.

Their conclusion was not without some irony. The panel discussion took place at the Owens-Corning Fiberglass Center, 717 Fifth Avenue, where an exhibition of advanced transportation concepts is on display.

"Everything here is Buck Rogers," said Jaquelin T. Robertson, the director of the Office of Midtown Planning and Development. "It's not going to change our lives for many years to come."

"We are talking about advanced systems," said Jerome Kretchmer, the city's Environmental Protection Administrator, "and the first one I saw when I walked in here was a menace."

DEEMPHASIS URGED

Mr. Kretchmer was referring to an electric-powered car prototype that has a long, pointed glass-fiber snout. Mr. Kretchmer said the car could be dangerous on city streets. "No one," he continued, "is really working to provide a transportation system that will work in our environment."

Mr. Robertson, whose principal current project is the proposed Madison Avenue mall, called for a de-emphasis on "money and technology" because they cannot provide the short-term solutions most cities need.

"We will have to use existing technology and existing rights of way for the next 10 years, maybe 15," he said. Mr. Robertson called for the development of "maxi-cabs and mini-buses, limited-size trucks, and a reapportionment of street use, banning autos from many central-city areas.

"The automobile," he said, "is a hopelessly inefficient carrier of bodies" in the urban environment.

"FOR 10 YEARS FROM NOW"

Mr. Robertson urged that existing funds for transportation development be used to foster "pedestrianism and jitneys in the central city, and trains for intercity travel." "If there is any money left," he added, "it can be spent diddling around with far-out things."

William Allison, a deputy administrator of the Federal Department of Transportation's Urban Mass Transit Administration, which pays for development of most of the "far-out things," conceded that people-movers were a long-range concept. "The people-mover is for 10 years from now," he said, "but we must have long-range planning."

He said his administration was deeply committed to short-term planning. He cited projects that could produce a totally new urban bus by 1974 and two projects being developed by the Metropolitan Transportation Administration here. They are the gas-turbine commuter car being developed for the Long Island Rail Road and a stored-energy braking system for the New York City subways.

Representative Edward I. Koch said a bill that he had sponsored was designed to open the Highway Trust Fund to mass-Transportation uses. It is expected to reach the House floor in January. He said he expected "the hardest fight imaginable," because the fund, which contains about $5-billion, is jealously guarded by powerful highway interests.

Robert N. Rickles, executive director of the Institute for Public Transportation, which was a sponsor of the panel discussion, urged all groups concerned about mass transportation to bring their cases to the public.

"Transportation," he said, "is the only environmental issue on which we can excite the majority." "It's not a white, middle-class, elitist issue," he said. "It's a political issue and the middle class and the poor must join together to demand what they are entitled to."

"We've got to convince people that transportation is important and that it can get better," he said.

[From the Journal of Commerce, Oct. 27, 1972]

Need for Mass Transport, Housing Likely To Rise as Population Grows

(By Robert M. Lewin)

Chicago, October 26.—The need for mass transportation and mass housing will increase as the nation's population spurts to 230–233 million by 1980 and to 255–260 million by 1990, the National Council of Physical Distribution Management was told here recently.

Nevertheless, Dr. William Lazer, a professor at Michigan State University's Graduate School of Business Administration, who made the prediction, also said that he believed further congestion in cities would develop.

He added there will be a "continuing growth of urban areas."

"No large extension is anticipated in the creation of new cities which will attract large populations," Dr. Lazer continued.

CHANGES IN LIFE STYLES

"The reduction of a rural emphasis will result in significant changes in life styles.

"Urban concentrations will heighten the desire for privacy and the 'need to get away from it all.'" Dr. Lazer told the council that the change in life styles will "reflect the tastes and products of the world."

"Broader exposure of consumers will result in even more favorable images of international products," he went on.

"The world will be brought into American homes. The results will be both an uplifting of tastes—and a broader acceptance of different life styles.

"Consumers will be exposed to an increasing number of product alternatives. Choices will become more difficult."

Dr. Lazer warned that "there will be a greater awareness by society of ecological-environmental factors and issues, and increasing concern with the quality of life."

He forecasts that sewage, power, air, water and noise pollution will be scrutinized more carefully, adding:

GOVERNMENT ACTION NEEDED

"Government action will be required and instituted to gain adherence to the desired ecological standards by business."

Dr. Lazer stressed that consumers would place more emphasis on humanism, individualism and self-development—with more of their dollars being spent on services. He forecast a gross national product of about $1.5 trillion (the value of goods and services produced in a year) by 1980, projecting an annual growth rate of more than 4.5 per cent in real income in each of the 10 years between 1970–80.

The 1972 gross national product has been estimated at $1.15 trillion.

"Increasing real income will lead to an increase in both the quantities and qualities of products consumed," said Dr. Lazer.

"People will purchase what they always wanted but could not afford. The home will remain the major focus of the American life style.

"The role of wives and other family members, however, will change.

"Convenience and product-use values will be significant. Leisure, recreation, travel, cosmopolitanism, urbanism, and the desire to 'return to nature' will all have an impact."

Dr. Lazer said that the government, through income maintenance programs, will have a major impact on life styles. "Services, warranties, product environment, interfaces, price-cost relationships and social responsibilities will be re-evaluated by business."

Dr. Lazer said he believed that prices probably would increase throughout the 1970s and although, in his opinion, inflation will not "gallop," it will "continue."

"Pressures will exist for increasing wages and other worker benefits," he also said.

"The ecological problems, social programs, higher interest rates and increasing levels of taxation will be reflected in higher prices. Consumers will have an orientation of expecting to pay higher prices for products and services.

"Continuing inflation will become the norm."

Dr. Lazer said that management decisions no longer can be justified on the basis of costs and profits alone.

"Attention must be given to social costs, social profits, social product, social audits and social indicators," he noted.

> "The marketing manager of the future must be cognizant of these developments and must recognize their importance and impact.
>
> "He must be prepared to factor them into his management equations and into his decisions and strategies."

Mr. **WEICKER**. Mr. President, I am delighted to join with the distinguished senior Senator from Massachusetts in introducing the "Highways and Related Transportation Systems Improvement Act of 1973."

The thrust of the bill we are introducing is to increase the flexibility and scope of the Highway Trust Fund. It is important to note that this proposal will in no way interfere with that portion of the trust fund allocated for completion of the interstate highway system. State and local governments will, however, be given the choice—and I emphasize the word choice—of spending noninterstate funds to their best advantage where buses, railroads, or subways present a more viable solution to the transportation problem.

In the simplest terms, then, this bill provides that an estimated $3.25 billion, allocated for completion of the interstate system, will not be touched.

The important distinction is the treatment of an estimated $2.75 billion allocated for noninterstate funding. While there will be no requirement that these funds be spent on mass transit, States, and cities will be given an option to spend these funds on rail or bus transit.

A second feature of this proposal is that half the $2.75 billion available for flexible spending will go directly to metropolitan areas, under a so-called passthrough provision. An individual city's share under this passthrough would be based on that city's size in relation to the size of all cities in the State.

Should a number of cities decide to work together in setting up a regional transportation agency, the individual funding shares of all those cities would then go to the regional agency.

The overall intent of these passthrough provisions is to stimulate transportation planning in urban areas at the local level. And, in fact, money becomes available under the passthrough only when a city or agency has a comprehensive transportation plan approved by the Secretary of Transportation and the Governor.

The other half of the $2.75 billion available for flexible spending will go to the State government, to be administered by a single State agency—such as a State Department of Transportation—which is responsible for developing a comprehensive and balanced transportation plan. This plan must be approved by the Governor and the Secretary of the U.S. Department of Transportation.

An additional provision of this bill would charge the Secretary of Transportation to use a portion of his discretionary funds for emergency steps to help meet the air quality standards as set forth in the Clean Air Act of 1970. Funds are also specifically allocated for highway beautification and safety standards.

Finally, this bill provides that the Secretary of Transportation may withdraw his approval for the construction of any controversial Interstate segment, upon the joint request of a Governor and the local government concerned. The funds that would have been spent on such projects shall not be lost by the State, but rather an equal amount of money shall be reallocated to other federally aided transportation projects in the same locality as the wtihdrawn project.

Mr. President, in my judgment this proposal is the most progressive and appropriate plan for applying our Highway Trust Fund to the transportation needs of America. Highways were our first priority when the trust fund was set up in 1956. But the building of highways became a national obsession—and this obsession has caused what can only be described as "the great American motion sickness."

Our transportation system has become an indifferent, inefficient, destructive, and deadly "beast of national burden." It goes where the spirit of speculation moves it—and it is driven by the wheels of vested interest.

In 1906, traffic in downtown New York crept along behind horses at an average speed of 11.5 miles per hour. By 1966, it was creeping along at 8.5 miles per hour, behind the most powerful engines Detroit could mass-produce.

Public transportation systems in our cities are in disrepair and decline—in some cities they are vitrually nonexistent.

In Watts, the site of major riots in the 1960's, the only way to reach the county hospital was by taxi. The roundtrip fare was $10—so when a man or woman felt sick, the bitter question was whether he felt "ten dollars sick."

It is a sad commentary when we come upon a city with the skies black from smoke, with ambulances rushing to help the wounded and planes circling overhead, where men in helmets are digging trenches in the street, and people are pushing and shoving in a desperate attempt to escape—and we would have to ask whether it was a city at war—or the evening rush hour.

Seventy-five percent of our people now live in urban areas, and endless highways often do them more harm than good. The young, the old, the poor, and the disabled are helpless in these cities, because recent innovations in mass transit have been sacrificed on the altar of the two-car family. And now that the grass of the suburbs is giving way to one more highway, even the advantaged are getting nervous—as they see the vertical concrete they left turning horizontal.

Turning to the hard tragedy of our transportation crisis—and now that our concerns with Vietnam have been ended—I must ask, where is an equal concern for the 57,000 casualties on our highways each year? Perhaps this bloodbath would be more newsworthy if the same result were accomplished by driving a bus, jammed with 156 people, into a brick wall—killing them all—once a day. To complete the story, however, we would then have to drive 35 more buses, each packed with 156 more people, into that wall every day—to be maimed and disabled. This is not to mention the $14.3 billion annual cost of such madness.

All I can ask is how, by any form of reasoning, can we support a program to expand this tragedy—in the face of logical alternatives?

When we realize what the transportation issue is, we understand that the fight for balanced transportation is a fight for life.

For too long I have hoped to see a dramatic awakening with respect to the Nation's transportation problems. It has not happened, because it has been a creeping rather than an instantaneous catastrophe.

Mr. President, the senior Senator from Massachusetts and I have offered a bill that is not antihighway in its purpose. Rather, for the first time, transportation decisions could be made by humans living in 1973, not a highway trust fund created in 1956. This bill states that in diversity rather than sameness lies the answer to mobility in the United States.

In 1956, without knowledge of costs, monetary or human, the Congress of the United States created the highway trust fund. And that congressional action has remained basically unchanged for 16 years and eight elections.

An automatic pilot was turned on, and America has overflown its transportation destination many times over.

In creating the highway trust fund, Congress let a concept rather than a Congress shape transportation policies. Concepts are words—Congress is human. Trust fund sounds so proper. It sounds much better than politics. But the fact is that, with the creation of the trust fund, the Congress of the United States turned over its responsibilities in the area of transportation to private interests.

The fact is that the Congress of the United States made a commitment of taxpayers' moneys, not just for one session of the Congress but for what has now been 16 sessions of the Congress—without consultation with or accountability by those taxpayers.

What we are now saying to the Congress is that the highway trust fund is no more sacrosanct than any other Federal project, regardless of what it is called.

If the money or the concept is not doing the job, then change—not hanging on—is the order of the day.

That same national mania for highways that set back the railroads in 1966 could turn to mass transit in 1972 and leave highways a forgotten transportation project. But we need a balanced transportation system, not a multitude of transportation happenings.

Finally, the highway lobby in Washington has fought a vigorous battle to protect "its" fund. Arrogantly they claim to speak for all Americans, and unfortunately most Americans are too lazy to face them down.

Since it has been creeping rather than instantaneous disaster, all of us are willing to accept the traffic jams, the death, the pollution, the environmental desecration. Grumbling as we sit in our car, we find laziness in full command when the ignition is turned off and the car is in the garage.

But the biggest reason of all for no change in our transportation policies has been the American people themselves. Only recently in the State of Connecticut, transportation was listed in a poll as being an important issue to only 3 percent of Connecticut's voters. Ninety percent felt pollution was an issue; 95 percent felt that the environment was an issue; both are component parts of the transportation crisis, but only 3 percent designated the crisis itself as important.

I think slowly all of Connecticut, as well as the rest of this Nation, is beginning to understand that transportation is not only of concern to the commuter. It is the concern of the suburban dweller, the factory worker, and the storeowner. Just as surely, transportation is no longer simply a Connecticut, New York, or Massachusetts issue, it is an issue for all the new population centers, be they in Georgia, or California, or Texas, or Florida.

This was the background then when the Highway Trust Fund came up for its automatic biennial approval last year. For the first time in its 16-year career, the highway lobby was run over by the Senate of the United States.

Senator KENNEDY and myself on the one hand, Senators COOPER and MUSKIE on the other, tried to amend the highway bill to provide for the use of highway funds for mass transit—mass transit rail, mass transit bus. The Kennedy-Weicker amendment was a slightly broader, more adequately financed proposal and should be the law of the future.

Unfortunately, what was a successful fight in the Senate came to grief in the House.

What this means is that instead of waiting until 1974, transportation policy will be shaped by Congress in 1973.

What is clear is that highways alone, or in overwhelming proportions, are a mobility, environmental, and safety disaster. We have become a nation of automotive lemmings.

I am reminded of the parable of how not to "cook a frog." If you were to boil a pot of water and drop the frog in, his reflexes would cause him to jump out of the pot, thus saving him from being cooked. On the other hand, put him in a pot of cold water, heat it slowly and he would eventually be cooked.

In terms of transportation, we are the frog and we had better jump or——

By Mr. STEVENSON:

S. 684. A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II. Referred to the Committee on Veterans Affairs.

Mr. STEVENSON. Mr. President, during World War II, the armed forces of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and Yugoslavia fought valiantly on the Allied side. After the war, there was a change of government in each of those countries, a change which deprived the Eastern European people of the freedom for which they had fought. Consequently Eastern Europeans, by the hundreds of thousands, emigrated to the United States in search of the kind of life they could no longer lead in their own countries.

A great many of them are now American citizens who have enriched our Nation through hard work. The bill I introduce today recognizes the important contribution these brave Americans made to the Allied war effort by providing that they will be eligible for Veterans' Administration medical and hospital benefits on exactly the same basis as war veterans of the U.S. Armed Forces. The bill is limited to persons who have been American citizens for at least 10 years and who participated in armed conflict with an enemy of the United States during World War II while serving in the armed forces of the countries enumerated above. American citizens who fought in Gen. Joseph Haller's Army during World War I are covered on the same terms.

Under existing law, the U.S. Government pays for medical and hospital benefits given to persons who served in the Armed Forces of the Philippines during World War II, even if such persons are not American citizens. We can do no less for Eastern European veterans who are American citizens. There is no reason to treat these first-class Americans as second-class citizens. At the modest cost of approximately $12 million annually, we can do justice to these veterans by providing them with the VA medical and hospital benefits they have earned.

I ask unanimous consent that the text of the bill, which is identical to a bill introduced in the House by Congressman ANNUNZIO, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 109 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) (1) Any person who—

"(A) Served—

"(i) during World War I as a member of the military organization commonly known as General Joseph Haller's army; or

"(ii) during World War II as a member of any armed force of the government of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, or Yugoslavia, and participated while so serving in armed conflict with an enemy of the United States; and

"(B) has been a citizen of the United States for at least ten years

shall, by virtue of such service, be entitled to hospital and domiciliary care and medical services within the United States under chapter 17 of this title to the same extent as if such service had been performed in the Armed Forces of the United States unless, such person is entitled to, or would, upon application therefor, be entitled to, payment for equivalent care and services under a program established by the foreign government concerned for persons who served in its armed forces in World War I or in World War II

"(2) For the purpose of this subsection, World War I shall be deemed to have begun on July 28, 1914, and World War II shall be deemed to have begun on September 1, 1939."

By Mr. BENTSEN:

S.J. Res. 44. A joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Plumbing Industry Week." Referred to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, I am introducing today a joint resolution designating the week of April 15, 1973 as "National Plumbing Industry Week."

The 2 million member plumbing, heating, cooling, and piping industry is planning special activities that week to focus attention on the role their industry plays in providing for the health, comfort, and care of the people of this country.

They have chosen for their principal theme the efforts of the plumbing industry to keep our waters clean and the contributions of the piping industry toward maintaining cleaner environment. The pollution laws that we have enacted here will rely heavily on the men and women of the plumbing and piping industry and on the technological innovations that they have provided us.

In addition to these concerns, Mr. President, the plumbing and piping industries provide much of the convenience and high standard of living that we enjoy in America today. It is certainly fitting that we should recognize these efforts and achievements by designating the week of April 15 as "National Plumbing Industry Week."

By Mr. HUDDLESTON:

S.J. Res. 45. A joint resolution to provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam war. Referred to the Committee on Interior and Insular Affairs.

Mr. HUDDLESTON. Mr. President, I am introducing today a joint resolution to authorize the Secretary of the Interior to erect a monument in the Nation's Capital that will honor all members of the U.S. Armed Forces who served in the Vietnam war.

This monument is not intended to glorify war, especially this particular war. Nor is it intended as a commentary on the wisdom of our involvement in the war.

Rather, it is designed to honor those Americans who had to bear the burden of our participation in the war, a burden greatly increased by the long and intense division it created within our own country. We as a nation are eternally in their debt.

Since the cease-fire announcement, the attention of the American people has been focused, and righlty so, on the plight of our prisoners of war and those listed as missing in action. But I hope we will not forget that since 1961 the Vietnam death toll of American soldiers killed in hostile action totals 45,937. Another 10,300 died from nonhostile causes, making the total death toll 56,237. The number of Americans wounded in action totals 303,622.

My own State of Kentucky has suffered dearly, along with the rest of the Nation. The latest Pentagon breakdown by States shows that 845 Kentuckians died from hostile action and 186 from nonhostile causes. That is a total of 1,031 Kentuckians who gave their lives in the Vietnam war.

Mr. President, I hope that as a nation we will not merely view these figures as statistics. They are not. Each one represents a human life that has either been taken from us or has suffered grievous injuries in the service of his country.

I cannot help but think of the tremendous sacrifices that have been made in Nelson County, Ky., which is adjacent to my county of Hardin County, a county with scarcely more than 20,000 people. Yet no less than 12 Nelson County residents have given their lives in Vietnam. Tremendous sacrifices have been made by citizens of all the States throughout the Nation.

What I am proposing today is that we erect an appropriate monument in Washington to pay tribute to those who have served and sacrificed so greatly for their Nation.

Mr. President, in conclusion, a total of 2.5 million young men served this country in Vietnam. I hope if Congress does approve the erection of this monument that we do not see it as the end of our responsibility to these young men and women; that we now during this session review those programs that have been developed to aid our returning servicemen so that they can find a way to reform their lives and participate in the opportunities this great Nation extends to our people and overcome the handicap that they obtained by having to leave their peaceful pursuits and join in the pursuit of the policy of our country in a foreign, distant, and strange land, in a war that had not proved popular in our own country.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. ROBERT C. BYRD. I want to congratulate my able colleague from my neighboring sister State of Kentucky for the proposal he has made. Coming from West Virginia—a State which gave 710 of its illustrious sons in hostile action, a State which, of the 50 States, has the highest number of killed in action in Vietnam per 1,000 population, to wit, 39.8—I join with the able Senator in this thoughtful expression of his sentiments. I think it is wholly appropriate that such recognition of their sacrifice be accorded to those men who have fought in what was perhaps the most thankless of all wars. I want to assure the distinguished Senator from Kentucky (Mr. Huddleston) that I will give whatever support I can to his efforts in this regard.

By Mr. BARTLETT:

S.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

Mr. BARTLETT. Mr. President, I am introducing a constitutional amendment to prohibit the forced busing of our schoolchildren. It is very similar to the resolution previously offered by Mr. Brock and cosponsored by myself, but it is unique in that it contains the same wording as the present Oklahoma law which has been ignominously ignored by our Federal courts.

The proposed amendment assures that no child shall be forced to attend a particular school because of his color. In its 1954 Brown decision, the Supreme Court quite properly dictated that color should play no part in deciding school attendance. The Court stated that students should be admitted on a "nonracial basis." Since the decision of 1954, the Supreme Court has retreated by ordering busing and in essence making color a criteria in determining which school a person attends. As I said in October 1970, discrimination to end discrimination is wrong and is a cure as sickly as the disease, itself.

In order to overturn the Supreme Court decision, it appears that a constitutional amendment is required. I hope other means of reinstituting neighborhood schools will become a reality because the route of a constitutional amendment is long and arduous. However, as no quicker alternative remedy is now evident, I believe this Congress must listen to the American people and pass a constitutional amendment forbidding this unworkable social experiment.

This is an opportunity for the Congress both to reflect the will of the people and to recapture the legislative process which has been so severely eroded by the Supreme Court. As this proposed amendment is very short, I ask unanimous consent that it be printed in full in the Record following my statement.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 47

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"Section 1. No public school student shall be assigned, transferred, or otherwise compelled to attend any school on account of his race, color, creed, or national origin.

"Sec. 2. The Congress shall have the power to enforce this article by appropriate legislation."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3

Mr. KENNEDY. Mr. President. I ask unanimous consent that the names of the following Senators be added as cosponsors to the bill S. 3, the Health Security Act: The Senator from South Dakota (Mr. Abourezk), the Senator from New York (Mr. Javits), and the Senator from West Virginia (Mr. Randolph).

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 12

At the request of Mr. Williams, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 12, the Urban Parkland Heritage Act of 1972.

S. 39

At the request of Mr. Cannon, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 39, to amend the Federal Aviation Act of 1958, to provide a more effective program to prevent aircraft piracy and for other purposes.

S. 50

At the request of the Senator from Missouri (Mr. Eagleton), the Senator from South Dakota (Mr. Abourezk), the Senator from Vermont (Mr. Aiken), the Senator from Alabama (Mr. Allen), the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Bible), the Senator from Delaware (Mr. Biden), the Senator from Massachusetts (Mr. Brooke), the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Chiles), the Senator from Iowa (Mr. Clark), the Senator from Kentucky (Mr. Cook), the Senator from New Mexico (Mr. Domenici), the Senator from Mississippi (Mr. Eastland), the Senator from Arizona (Mr. Fannin), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Colorado (Mr. Haskell), the Senator from Oregon (Mr. Hatfield), the Senator from Maine (Mr. Hathaway), the Senator from Kentucky (Mr. Huddleston), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Mansfield), the Senator from Maryland (Mr. Mathias), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Nunn), the Senator from Oregon (Mr. Packwood), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Alaska (Mr. Stevens), the Senator from Missouri (Mr. Symington), the Senator from Ohio (Mr. Taft), the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) were added as cosponsors to S. 50, a bill to strengthen and improve the Older Americans Act of 1965, and for other purposes.

S. 174

Mr. MONTOYA. Mr. President, on behalf of Senators Long, Ribicoff and myself, I ask unanimous consent that the Senator from Arkansas (Mr. Fulbright) and the Senator from Minnesota (Mr. Mondale) be added as cosponsors of S. 174, to provide for coverage of outpatient drugs under medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 200

At the request of Mr. McIntyre, the Senator from Colorado (Mr. Haskell), the Senator from Virginia (Mr. Scott), the Senator from Iowa (Mr. Hughes), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Nunn), the Senator from Louisiana (Mr. Johnston), the Senator from Alaska (Mr. Stevens), and the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 200, a bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation.

S. 261

At the request of Mr. Muskie, the Senator from North Dakota (Mr. Burdick) and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 261, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes.

S. 335

At the request of Mr. Church, the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from South Dakota (Mr. McGovern), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 335, a bill to promote development and expansion of community schools throughout the United States.

S. 355

At the request of Mr. Mansfield (for Mr. Magnuson) the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 355, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

S. 370

At the request of Mr. Tower, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 370, authorizing the Secretary of Agriculture to carry out a program for flood prevention in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area, and for other purposes.

S. 394

At the request of Mr. Humphrey, the Senator from Texas (Mr. Bentsen), the Senator from New Mexico (Mr. Montoya), the Senator from Mississippi (Mr. Stennis), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Hollings), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 394, to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out programs provided for in such act be fully obligated in said year, and for other purposes.

S. 548

At the request of Mr. Humphrey, the Senator from Wyoming (Mr. McGee) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 548, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 571

At the request of Mr. Hansen, the Senator from Nebraska (Mr. Hruska) and the Senator from South Dakota (Mr. (McGovern) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act to require that imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer.

S. 584

At the request of Mr. Bayh, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 584, a bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966.

S. 587

At the request of Mr. Tower, the Senator from North Dakota (Mr. Young) was added as a cosponsor of S. 587, to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost.

S. 609

At the request of Mr. McGee, the Senator from Idaho (Mr. Church), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 609, a bill to amend the Internal Revenue Code of 1954 with respect to .22 caliber ammunition recordkeeping requirements.

Senate Joint Resolution 27

At the request of Mr. Talmadge, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 27, a joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year.

SENATE RESOLUTION 49—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

(Referred to the Committee on Rules and Administration.)

Mr. BIBLE (for himself and Mr. Javits) submitted the following resolution:

S. Res. 49

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

Sec. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

Sec. 3. The expenses of the committee under this resolution shall not exceed $188,000, of which amount (1) not to exceed $2,500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 shall be available for the training of the professional staff of such committee.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 50—SUBMISSION OF A RESOLUTION CONTINUING, AND AUTHORIZING ADDITIONAL EXPENDITURES BY, THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Referred to the Committee on Rules and Administration, by unanimous consent.)

Mr. McGOVERN. Mr. President, for myself, Mr. Percy, Mr. Hart, Mr. Kennedy, Mr. Cook, Mr. Schweiker, Mr. Taft, Mr. Humphrey, and Mr. Mondale, I submit a resolution. I ask unanimous consent that the resolution calling for the extension of the Select Committee on Nutrition and Human Needs, which was approved unanimously by the committee earlier this week, be referred to the Committee on Rules and Administration. This matter has been cleared on both sides of the aisle with the chairman and ranking member of the Committee on Labor and Public Welfare, which ordinarily would get this resolution.

The PRESIDING OFFICER (Mr. Huddleston). Without objection, it is so ordered.

The resolution is as follows:

S. Res. 50

Resolved, That the Select Committee on Nutrition and Human Needs, established by Senate Resolution 281, Ninetieth Congress, agreed to on July 30 1968, as amended and supplemented, is hereby extended through February 28, 1974.

Sec. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State and local governments and other individuals and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 3. The expenses of the committee under this resolution shall not exceed $291,000 of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. PERCY. Mr. President, as the ranking minority member of the Select Committee on Nutrition and Human Needs as well as a public official deeply concerned about the problem of hunger and malnutrition in this country, I enthusiastically endorse the resolution extending the mandate of the select committee for 1 year.

I believe this committee has played an extremely important role in the progress we have made in the last 4 years toward closing the hunger gap in America. I believe it has an equally vital role to play in completing the task President Nixon set out for us in May 1969 of eliminating hunger from America for all time.

The select committee must continue the efforts which have lead to a rapid expansion of the U.S. Department of Agriculture's food assistance programs. The select committee must continue the study of nutrition education it began last December, for it is not enough to assure access to food if we do not know what food to eat to enjoy good health. The select committee must continue its advocacy on behalf of the poor, the sick, the elderly, and other nutritionally vulnerable groups who are supposed to be the beneficiaries of Federal feeding programs.

The select committee has a solid record on which to build in the year ahead and it has developed an expertise which will be invaluable in carrying on the fight against hunger and malnutrition. While the hunger gap still exists in this country we cannot afford to let this experience and expertise go to waste.

If we extend the mandate of the select committee for another year, then I believe we shall make greater progress in improving the nutrition of the American people. Better nutrition will in turn mean better health for all Americans and, of course, public and private savings on health care.

I urge favorable action on the resolution.

SENATE RESOLUTION 51—SUBMISSION OF A RESOLUTION CONTINUING, AND AUTHORIZING ADDITIONAL EXPENDITURES BY, THE SPECIAL COMMITTEE ON AGING

(Referred to the Committee on Rules and Administration, by unanimous consent.)

Mr. CHURCH. Mr. President, I send a resolution to the desk and ask that it be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, may I inquire of the distinguished Senator from Idaho what the resolution is about.

Mr. CHURCH. Yes. The resolution is a routine resolution having to do with the request for funds for the Committee on Aging, and it goes to the Committee on Rules and Administration. Today, I understand, is the deadline.

Mr. GRIFFIN. Mr. President, understanding that the resolution routinely would be referred to the Committee on Rules and Administration, I have no objection.

The PRESIDING OFFICER. The measure would ordinarily be referred to the Committee on Rules and Administration.

Without objection, it is so ordered.

The text of Senate Resolution 51 is as follows:

S. RES. 51

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 28, 1974.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $404,362, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974. The committee shall cease to exist at the close of business on February 28, 1974.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED RELATING TO EXPENDITURES BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Referred to the Committee on Rules and Administration.)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported the following original resolution:

S. RES. 52

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $275,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 53—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(S. REPT. NO. 93-9)

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, and submitted a report thereon:

S. RES. 53

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $331,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $125,000 shall be available for a study or investigation of privileges and elections.

SEC. 4. Not to exceed $206,000 shall be available for a study or investigation of computer services for the Senate, of which amount not to exceed $20,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 54 AND SENATE RESOLUTION 55—ORIGINAL RESOLUTIONS REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON. Mr. President, everyone knows of the recent tragedy encountered by Senator STENNIS and in the absence of Senator SYMINGTON from the city I send to the desk two resolutions from the Committee on Armed Services.

One resolution authorizes an additional increment of $60,000 for the full committee for routine purposes.

The other resolution authorizes additional expenditures in the amount of $520,000 for inquiries and investigations during the first session.

Both of these resolutions have been approved by the full committee.

The resolutions are as follows:

S. Res. 54

Resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes.

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-Third Congress, $60,000 in addition to the amount, and for the same purposes specified in section 134(a) of the Legislative Reorganization Act of 1946.

S. RES. 55

Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Armed Services is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $30,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $490,000, to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 4. Not to exceed $337,000 shall be available for a general study or investigation of—

(1) the common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service

(6) the size and composition of the Army, Navy and Air Force;

(7) forts, arsenals, military reservations, and navy yards,

(8) ammunition depots,

(9) the maintenance and operation of the Panama Canal, including the administration, sanitation, and Government of the Canal Zone;

(10) the conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical material necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 5. Not to exceed $153,000 shall be available for studies and investigations pertaining to military readiness and preparedness for the common defense generally.

SEC. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 7. Expenses of the committee under this resolution, which shall not exceed in the aggregate $520,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 56—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution:

S. RES. 56

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate as far as applicable, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services or personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $4,312,300 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution. For the purposes of this resolution, the committee or a duly authorized subcommittee thereof, or the chairman of the committee or of such subcommittees, or any other member of the committee or of such subcommittee designated by the chairman of the committee, may issue subpenas under the authority vested in the committee by section 134(a) of such Act.

SEC. 3. Not to exceed $388,800 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $769,000 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $265,000 shall be available for a study or investigation of constitutional amendments, of which amount not to exceed $12,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 6. Not to exceed $354,000 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 7. Not to exceed $238,000 shall be available for a study or investigation of criminal laws and procedures.

Sec. 8. Not to exceed $15,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

Sec. 9. Not to exceed $240,000 shall be available for a study or investigation of immigration and naturalization.

Sec. 10. Not to exceed $259,000 shall be available for a study or investigation of improvements in judicial machinery.

Sec. 11. Not to exceed $612,000 shall be available for a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States, and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organization controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence or otherwise threatening the internal security of the United States. Of such $612,000, not to exceed $3,785 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 12. Not to exceed $367,700 shall be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 13. Not to exceed $185,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

Sec. 14. Not to exceed $79,000 shall be available for a study or investigation of national penitentiaries, of which amount not to exceed $1,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 15. Not to exceed $227,000 shall be available for a study or investigation of refugees and escapees, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 16. Not to exceed $62,300 shall be available for a study or investigation of revision and codification.

Sec. 17. Not to exceed $250,000 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 57—SUBMISSION OF A RESOLUTION DESIGNATING A ROOM IN THE CAPITOL AS THE "STYLES BRIDGES ROOM"

(Referred to the Committee on Rules and Administration.)

Mr. COTTON submitted the following resolution:

S. Res. 57

Resolved, That the room located in the United States Capitol and designated as number S–120 is hereby designated, and shall be known, as the "Styles Bridges Room".

Sec. 2. (a) Any law, regulation, document, map, or record of the United States in which reference is made to the room referred to in the first section of this resolution shall be held and considered to be a reference to the "Styles Bridges Room".

(b) The Committee on Rules and Administration is hereby authorized and directed to place an appropriate marker or inscription at a suitable location or locations to commemorate and designate such room as provided herein. Expenses incurred in connection therewith shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of such committee.

SENATE RESOLUTION 58—SUBMISSION OF A RESOLUTION TO AMEND RULE XXV RELATIVE TO OPEN AND CLOSED SESSIONS OF COMMITTEES

(Referred to the Committee on Rules and Administration.)

Mr. CHILES. Mr. President, the interpretation given to the provisions of section 133(6) of the Legislative Reorganization Act of 1946, as amended, appears to keep committee meetings closed and prevents them from being opened up. It appears necessary to change the Senate rules in such a way so as to allow every committee to, by its own rule, open up its meetings to the public.

I am delighted to join my Senate colleagues from the Joint Committee on Congressional Operations in offering a proposed Senate rules change which would allow every committee to establish a rule to open up its meetings to the public by rule of majority vote with no exceptions. Exceptions can be adopted by individual committees.

Mr. President, while I support the proposed rule change, I personally feel the Congress can and should go further in this area and even extend "Government in the Sunshine" to the executive as well—my bill S. 260 would go a long way to extend this goal to both the executive and legislative branches of the Government.

Mr. METCALF. Mr. President, the provisions of the Legislative Reorganization Act of 1970 are at least ambiguous as to the right of Senate standing committees to hold open hearings for the mark-up and voting upon Senate bills.

Under the provisions of section 101 of the Legislative Reorganization Act the right of the Senate to change its rules despite the provisions of statute is specifically set forth.

That section is as follows:

> Sec. 101. The following sections of this title are enacted by the Congress—
>
> (1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

Of course that is merely a restatement of the constitutional power of the Senate to make its own rules of procedure.

In view of the fact that some of the committees of the Senate are desirous of having open sessions, not only for hearings but for consideration and marking up of the bills which have heretofore been done in closed sessions the Senate Members of the Joint Committee on Congressional Operations have unanimously joined with Senator Chiles in the recommendation that the Senate adopt a rule permitting open hearings.

The resolution is as follows:

S. Res. 58

> To amend Rule XXV, Section 7, as follows: After the number "7.", insert (a)
>
> At the end of the paragraph, insert a new Section (b) as follows: "(b) Meetings for the transaction of business of each standing committee shall be open to the public except when the committee by rule or by majority vote, determines otherwise."

This rule makes it clear that committees of the Senate may adopt such rules for open or closed meetings as a majority of the committee deems appropriate.

At the same time the proposed rule would state a general Senate policy that meetings and hearings are to be open.

On behalf of the Senate Members of the Joint Committee the Senator from Florida, Senator Chiles, has been requested to introduce the Resolution, cosponsored by all of the above Senators.

AUTHORIZATION OF APPROPRIATIONS FOR THE CONSTRUCTION OF CERTAIN HIGHWAYS—AMENDMENTS

AMENDMENT NO. 4

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. MUSKIE (for himself, Mr. Baker, Mr. Biden, Mr. Brooke, Mr. Buckley, Mr. Case, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Ribicoff, Mr. Stevenson, and Mr. Tunney) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

NOTICE OF HEARINGS ON S. 470 AND S. 488

Mr. WILLIAMS. Mr. President, I should like to announce that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs will hold 3 days of hearings on S. 470 and S. 488. S. 470 which I introduced with Senators Bennett and Tower deals with membership on national securities exchanges, the use of brokerage commissions to pay for securities research, the sale of management companies which have advisory contracts with mutual funds, and related matters. S. 488, introduced by Senator Sparkman, deals with membership on national securities exchanges and the elimination of fixed commission rates.

The hearings will be held in room 5302 on February 20 and 21 at 2 p.m. and on February 22 at 10 a.m.

The subcommittee will welcome statements for inclusion in the record of hearings.

NOMINATION HEARING ON LEWIS ENGMAN TO BE MEMBER OF THE FEDERAL TRADE COMMISSION

Mr. MOSS. Mr. President, on Monday, the distinguished chairman of the Senate Commerce Committee, Mr. MAGNUSON, publicly announced that hearings would be held on the nomination of Lewis Engman of Michigan to be a member of the Federal Trade Commission. In order that there be more widespread notification of this hearing, I ask unanimous consent that the announcement be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

FROM THE SENATE COMMITTEE ON COMMERCE

Chairman Warren G. Magnuson, Democrat of Washington today announced that the Senate Commerce Committee will hold a hearing on the nomination of Lewis Engman of Michigan to be a member of the Federal Trade Commission.

The hearing will be held on February 5, 1973. Senator FRANK E. MOSS, Democrat of Utah will preside at the hearing which will begin at 10 a.m. in room 5110 of the New Senate Office Building.

For further information, please contact Michael Pertschuk or Edward Merlis at (202) 225-9321.

NOTICE OF HEARINGS ON RECOMMENDED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce continuation of the public hearings before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations of the Judicial Conference of the United States for creation of an additional 51 judgeships.

On February 6, 1973, the hearing will be held, commencing at 10 a.m. in room 2228, Dirksen Office Building. The witnesses scheduled for that date will be the chief judges of the district in the northern, middle, and southern districts of Alabama.

On February 7, 1973, the chief judges from the middle and southern districts of Florida and the northern district of Georgia will appear—commencing at 10 a.m. in room 2228 Dirksen Office Building.

Communications relative to this series of hearings should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

ADDITIONAL STATEMENTS

MEMBERSHIP OF JOINT COMMITTEE ON DEFENSE PRODUCTION

Mr. SPARKMAN. Mr. President, section 712(a)(1) of the Defense Production Act, as amended, provides that the Joint Committee on Defense Production shall be composed of 10 members, five of them members of the Senate Committee on Banking, Housing and Urban Affairs, and five of them members of the House Committee on Banking and Currency. The law provides that these five members from each of the committees are to be appointed by the chairmen of the respective committees, three from the majority and two from the minority party.

The Senate members of the Joint Committee on Defense Production will be Senators SPARKMAN, PROXMIRE, WILLIAMS, TOWER, and BENNETT.

AGRICULTURE AND THE PUBLIC AT LARGE

Mr. CURTIS. Mr. President, I joined more than a year ago with the Honorable GEORGE MAHON, Congressman from Texas, in an effort to develop a national, nongovernmental organization to help carry the positive side of agriculture straight to the American people. This effort is on the threshold of success. Plans have been discussed and developed to the point where a number of representatives of agricultural organizations and agribusiness firms are banding together to take on the job.

One of the persons who has been very active and helpful in carrying this movement toward its desired goal is Mr. John W. Megown, of Marion, Iowa, chairman of the Iowa Agriculture Promotion Board. A little over a month ago, Mr. Megown made a speech before the annual meeting of the American Society of Farm Managers and Rural Appraisers at St. Louis, Mo. The title of this speech was "Stand Up For Agriculture." I ask unanimous consent to have the pertinent portions of his speech entered in the RECORD in order to point out to the Senate some of the steps that have been taken and others that still need to be taken to accomplish the desired goal of better communication between agriculture and the public at large.

There being no objection, the excerpts from the statement were ordered to be printed in the RECORD, as follows:

STAND UP FOR AGRICULTURE

Any way you slice it, agriculture no longer has as much political clout in Congress as it did a short time ago and Congress is certainly going to be a much tougher nut to crack this time around. Based on the redistricting, which set the stage for even greater urbanite domination of Congress, and the subsequent congressional elections, we now have only a very small handful of true agricultural advocates in the halls of Congress. Each of you probably is familiar with some of them. You should try to pinpoint all of them and communicate with them on important agricultural issues. I'm sure that your organization's officers and staff can help you in doing this.

This agriculturally-oriented minority in Congress is going to need our strong support in the months and years just ahead. We're all going to have to have to do a much better job of telling the story of American agriculture. It's a story that must be told. We're also going to have to quickly adopt modern methods of communicating our story.

Why should all of us try to do a better job of telling the story of agriculture? If we don't tell it better, we're going to have more and more problems . . . What with much of the vast urban public constantly misunderstanding argiculture and oftentimes downgrading its importance to this Nation.

Let me ask all of you a few questions: How many of you have read some confusing or misleading stories in newspapers, and magazines, or seen erroneous television presentations, that could have caused misimpressions by people who aren't knowledgeable enough about agriculture? How many of you saw or heard about the eastern food chain newspaper advertisements that attempted to place much of the blame for higher retail meat prices on the source? How many of you are aware of the recent attacks on our agricultural universities? How many of you have heard about meat boycotts by big city housewives? I could go on and on with questions like these, but I see I don't have to, because you obviously know exactly what I mean when I speak of creating misunderstandings.

So far, the year 1972 has certainly been an extremly tough one from the standpoint of agriculture's image situation. By image, I am referring to what others think of us, or how they view us. Many times the facts about agriculture have been obscured by emotional rhetoric, which helped to confuse some of our city cousins and created more misimpressions. Agriculture has been a sitting duck for some articulate consumer advocates, environmentalists, politicians, urban-interests spokesmen, and just about every cause-happy character that felt like taking a pot shot at it.

Why does agriculture seem so vulnerable on this score? There are probably many reasons; one of which might relate partly to the man of the soil's age-old belief that everything will usually work out all right in the end; along with his natural diffidence when it comes to bragging about his accomplishments and contributions.

Also, it would appear that many people involved in farming and agribusiness, until very recently, just couldn't seem to see any necessity for telling the story of agriculture. Another factor relates to an apparent lack of unity within agriculture, which is needed in order to get this important job done right.

The need for effectively telling this story and for more unity on this issue has been dramatically highlighted during the past ten or twelve months.

We're going to have to, as I said before, begin to quickly adopt modern communications methods to get this job done, and to get it done right. We must also quit being so darned modest and bashful about telling our story. It's a story to be proud of.

Let me give you a hypothetical example of what's been wrong with agriculture in this regard.

In a recent eastern State election there was a fine, moderate man running for the United States Congress. His credentials were impeccable. He was well-educated, but not an egghead; he was a successful businessman, but a socially-conscious one. His two sons had served with honor in Vietnam; his daughter planned to enter the Peace Corps on graduating from college. To a man, whether right or left wing, black or white, everybody with whom this man came in personal contact liked and respected him. I repeat: Everybody with whom he came in *personal* contact liked and respected him.

The man had one problem, the way he looked and sounded on radio and television. Before a microphone or camera he appeared dull to the point of blandness. His advisors were worried that this deficiency, if such it was, could cost him the election. The candidate disagreed and was even contemptuous of their advice. His candidacy, he insisted, would rise or fall on his integrity and his personal magnetism . . . whether or not that magnetism showed to best advantage over the electronic media.

His staff persisted: wouldn't he please consent to a professional makeup man; to some pointers from a media expert; to certain little tricks which would make him look more natural and interesting? They showed him his slipping polls, they forced him to watch his lackluster performances.

But the man was adamant. He would not be seduced by the cynical magics of Madison Avenue.

The man of principle lost the election to a lesser man, a bona fide carpetbagger whose only interest was his own career.

Now some of you are thinking of the "good" candidate, he's a man to be admired, even if he was defeated. But I question that. If, as he claimed, he was really the best man, and had our country's best interests at heart, then he would not have been so stubborn, so resistant to modern techniques and the tools at hand. Think of it this way, because of his reluctance, whether it was the reluctance of principle or petulance, he allowed an obviously inferior, self-serving opponent to be seated in our Congress. If practicality had been his first principle, then he could have had his ultimate principle, too: the betterment of the United States.

In traveling around the country, I meet a lot of agri-business people and farmers who are like that other fine-principled man. They seem to know deep down that we must do a better job of telling agriculture's tremendous story, but they are just too complacent. They don't seem to realize what's really at stake. They stand on the easy principle that American agriculture has made great contributions to this country of ours and people should recognize this fact, but they don't want to really get involved in finding the ways to effectively tell this great story.

The congressional candidate's final emotion was a bittersweet satisfaction of knowing he was right, but he and his district were the losers. Agricultural people can also have this same type of bittersweet satisfaction of knowing that they have contributed greatly to this nation, and they also can someday in the future possibly be the losers.

But I say to you that the fruits of that kind of defeated satisfaction are sour indeed when compared to the fruits of getting what should rightfully be ours . . . the public's understanding of our contributions and their recognition that we are a vital part of the Nation's economy and social structure. We don't want their sympathy, we just want them to listen to our story and try to understand it. We must find ways to prevent and counter attacks on agriculture by consumers, consumer advocates, urbanites, politicians, newspaper editors, etc. We must go on the offensive from a communications standpoint.

And how to do this? One means of accomplishing it has recently been set in motion. It happened at two meetings; one in the U.S. capitol building on October 13, 1972, and one in Chicago on November 16, 1972. Here's the story on this:

In June of 1971, it was my good fortune to share the rostrum at the Nebraska Agricultural Communications Conference at the University of Nebraska with a man by the name of Don Shasteen. Don is Republican U.S. Senator Carl Curtis' executive assistant. In my speech I called for a "Summit Conference" of Agriculture's Public Relations and Communictions pros. Don called on business leaders to help tell agriculture's story.

After listening to each other's speeches, we found we had a common cause. It was to try to improve agricultural communications methods in order to improve agriculture's image.

A few weeks later a man by the name of Allen Paul wrote and then phoned me from Washington, D.C., to discuss some of the proposals made in the Nebraska speeches. Allen is executive director of the National Agricultural Institute in Washington. He had read the newspaper publicity about Don's and my speeches and wanted us to all work closely together to see what could be accomplished.

Going back a moment, I want to quickly tell you more about Senator Curtis' project as reported by Don Shasteen at the communications conference back in June of 1971. Senator Curtis had written to 150 of the Nation's leading agri-business corporations, including some of the big multi-industry companies that depend upon agriculture for a good share of their product markets. He asked them whether they would be willing to assist in a broad, national agricultural communications effort aimed at the general public.

The response was very positive . . . positive in terms of wide recognition that such a program is needed, and positive from the standpoint of willingness to do something about it.

So on November 8, 1971, a group of top-level people assembled in the U.S. Capitol building for an exploratory meeting. The meeting was hosted by Senator Curtis and Democratic Congressman George Mahon from Texas and arranged for by the National Agricultural Institute. From this meeting came the Curtis-Mahon ad hoc study committee on agricultural communications, which by May 13, 1972, had studied the situation in great depth and recommended the formation of a temporary "National Agricultural Communications Board" (NACB). Allen Paul of the National Agricultural Institute was chosen to coordinate this project. Ben Maas, rural marketing manager of American Oil Company, was elected temporary chairman.

On October 13, 1972, a permanent NACB came into existence, which we hope will provide the ways and means for establishing a continuing, positive, non-partisan organization structure at the national level to coordinate agricultural communications and public affairs efforts. This is what has been needed for so long, a high-level national advisory organization with the sole purpose of improving agricultural communications to the public.

Then, in Chicago on November 16. 1972, a formal organizational meeting of the NACB was held. By-laws were approved and officers and board of directors were elected. The officers are: Chairman, John Selensky of Occidental Chemical Co.; vice-chairman, myself; secretary-treasurer, W. W. Gaston of Gold Kist, Inc., and finance chairman, Gail Janssen of Badger Northland, Inc. We are now geared for action.

And you can bet that we are not going to be like our fine-principled congressional candidate, we're going to adopt and utilize all the modern communications techniques and tools at hand. We're going to communicate our story through modern media techniques. . . . "exploit" it in the best sense of that word.

We have a fantastic story to tell to the American people. American agriculture is truly the envy of the globe, yet in the United States, it is too often taken for granted.

Agriculture is truly an unequalled boon to our economy. To most Americans that's a surprising statement. They still seem to think that the farmer's major contribution to our society is his daughters . . . which he is always naively putting at the disposal of traveling salesmen. That's a round-about way of blaming the farmer for yet another crime: The population explosion.

This could be one of those agricultural misimpressions that I keep talking about. There obviously are others that we must know much more about. To do this communications job properly, we felt that we needed first to do an attitude study on agricultural issues. So, earlier this year a number of agri-business companies donated funds to do an exploratory research study with people from various walks of life; most of them being urbanites.

The study was coordinated by the National Agricultural Institute and conducted by the Opinion Research Corporation of Princeton, New Jersey; one of the leading firms of this type.

We could literally spend hours going over this one research report, since twenty-one specific hypotheses were developed in the course of the exploratory research. To quickly summarize, the research results strongly suggest that consumers do not have clear and accurate views of a good many issues which relate to agriculture. It would appear that contradictory communications, which promote points of view from conflicting sources, may have created confusion among many consumers . . . apparently consumer understanding is hampered by lack of information.

The lack of firm and clear positive views represents a danger in that the public might prove susceptible to sudden negative shifts due to random events or negative publicity.

The following five areas were indicated as where the need for educational effort is greatest at the present time, and the potential pay-off in favorable attitude shifts and consumer good will is most profound:

(1) social status of farmers.
(2) corporate farms.
(3) food prices.
(4) farm programs.
(5) food safety.

In the future we hope to be able to study public attitudes further by means of other opinion research projects. We must know more about consumer attitudes in order to overcome existing erroneous beliefs and misimpressions.

Another area that needs attention is the compilation of agricultural data and facts . . . the basic information that needs to be communicated must be accumulated and carefully checked out. It also must be prepared in easily understandable form.

Here, for example, is some of the basic positive-type information that probably should be told in the most effective way possible:

The farmer's contributions to our economy are almost unimaginably large. Three out of every ten jobs in our country today are related directly or indirectly to agriculture. Farming's assets total over $335 billion, equal to roughly one-half of the market value of all corporation stocks on the New York Stock Exchange; or to about three-fifths of the value of the capital assets of all corporations in the United States. Farmers carry a debt load of more than $65 billion. Farmers spent over $44 billion on production costs in 1971. Projected production costs for 1972 should be over $46 billion. There's another $30 billion or so that farmers invest, spend on consumer goods or services, or pay in income taxes.

Farming itself employs about 4.4 million workers. Just think about that, only 4.4 million farm workers are now feeding and clothing a Nation with a population of about 207 million people. The USDA tells us that in 1971 one farmer produced enough to feed 48 persons (41.2 persons at home and 7.0 persons abroad).

Back in 1930, there were 12.5 million farm workers out of a total population of 123 million (took care of himself and 9 others).

Under Secretary of Agriculture Phil Campbell recently said, "an efficient American agriculture has kept pace with the changing society and moved America from bread and potatoes to a high protein diet in keeping with the times in which we live." He went on to say, "in the past 10 years output per man-hour in agriculture increased about three-fourths . . . nearly two and a half times as fast as the increse of 30 percent registered by non-farm workers."

U.S. agricultural exports tallied a record $8 billion in the 1971–72 fiscal year. They should reach $10 billion in the fiscal year ending next June 30, 1973. This means the United States is the world leader in agricultural exports. Farm products make up nearly one-fifth of all U.S. exports. These agricultural exports generate a positive contribution to the U.S. balance of payments and to our whole economic picture.

Today, Americans spend less than 16 cents out of each take-home dollar for food. This is by far the lowest of any country. Yet consumers and newspaper writers seem to be constantly griping about high food prices. Earlier this year when beef prices were under fire, it was found that the farmers were actually receiving the same prices they received 20 years ago for beef. The average consumer is now, however, eating a whopping 115 pounds of beef, compared to only 56 pounds 20 years ago.

I could go on and on quoting you impressive facts and statistics, but that is not really the purpose of my talk today. My purpose is simply to act something like a cheerleader to get you enthused about promoting American agriculture, as an important agricultural organization and as individuals.

We have personally been involved with a multitude of public relations and communications projects to try to improve the image of American agriculture. We have thought of numerous projects to try to get the job done and have kept a watchful eye for projects being conducted by others. During the past couple of years, there has been a tremendous increase in projects of this type.

In the closing minutes, I'd like to review certain things that have already been done by some agriculturally-oriented people. I hope you will be inspired to think of ways to adapt some of their ideas to your own uses, and to evolve some new ideas of your own.

Item: The Linn County (Iowa) Farm Bureau Women's Organization developed a farm-oriented fashion show for service clubs. The objective? To illustrate in a humorous way the mounting cost of producing farm products.

Item: A farm family near Marion, Iowa, regularly conducts farm tours for grade school children, and conducted one special tour for city businessmen. They put price tags on all the farm equipment. The purpose of this tour? To prove to city people that running a farm is a costly operation and a grave risk for the farmer.

Item: In Oregon a group of farm wives formed "Women for Agriculture," an issues-oriented public relations and educational group. Touring their State, they give speeches, lobby in the State legislature, conduct tours, set up displays and show films. The purpose of their group? To show city people, particularly city housewives, that farming is not the easy or profitable life so many uninformed citizens presume it to be.

(Item) Farmland industries has produced several series of four-color Sunday supplement advertisements which tell the urban audience the real facts about food prices, the importance of agriculture to our Nation and rural ecology. They also ran an ad telling the importance of agriculture in the Rotary magazine. The purpose of the advertisements? To prove that farmers have nothing to do with food prices as such, to show the great contributions of farmers and to show that a lot of "farm pollution" talk is impetuous.

(Item) "Women for the Survival of Agriculture in Michigan" came into being in September of 1971. Has hundreds of members. Their objectives? To become better informed about agricultural issues and to inform the public about the economic side of the agricultural story.

(Item) The Vigortone Products Company launched its "farm products national promotion" back early in 1969. Included in the program were several bumper stickers promoting farm products as being good foods. They included: "Beef is good food"; "pork is good food"; "milk is good food"; and "eggs are good food"; et cetera. We also, in mid-1969, originated "non-commercials" on some 45 radio stations telling the farmer's story and selling none of our products whatsoever. Then, on July 4, 1970, we introduced a farmer pride-building program consisting of a sticker saying, "I'm proud to be a farmer," plus a radio interview series and speeches before farmer groups. Then in 1971, we introduced the "Agriculture—America's Number One Industry" bumper sticker. Almost 1 million stickers have now been distributed. The purpose of these projects? To help to promote farming and farm products and to emphasize the importance of agriculture to our Nation.

(Item) During the past couple of years the Wisconsin Agribusiness Council, under the direction of Russ Weisensel, has been very active. The objective of this group of farmers and agri-businessmen? To help tell agriculture's story from the offensive standpoint rather than the defensive.

(Item) Recently a group known as "CAST" (Council for Agricultural Science and Technology) was created by several major scientific agricultural societies. The purpose of CAST? To provide objective information on agricultural science and technology to the mass media, the Government and directly to the public.

(Item) earlier this year a group of volunteers called the "Illini 500" was organized by the Illinois Department of Agriculture. The purpose of the organization? To provide volunteer speakers for urban civic groups to tell agriculture's story.

We could spend an hour, or more, just citing examples of outstanding and unique agricultural communications and public affairs projects. If we had the time, we could describe those of New Holland, Southern States Cooperative, Funks Seeds International, International Harvester, Pioneer Hi-bred International, Kent Feeds, Standard Oil and others. We could talk about "operation fact," a national food and agricultural communications tour of seven major cities made by four operating farmers last spring. Yes, we would like to do this, but I'm sure by now we have given you sufficient food for thought.

As you can see, some of these programs were expensive and demanded professional talent; but many were grass-roots programs, done by the farmers and their families themselves very inexpensively. And each in its way, whether it was the quiet way of the farm tour for grade school children, or the bugle-blasting way of the four-color Sunday supplement advertisement; each in its way contributed to a common objective . . . familiarizing urban America with farm products and the contributions of agriculture.

I realize, of course, that it has been necessary for us to speak first among and to ourselves . . . the express purpose of the Curtis-Mahon study committee and speeches like this one. We must determine to unite; to rally around the hard accomplishments and pride inherent in the story of agriculture; to emphasize similarities and waylay our differences and when we've decided what must be said . . . then we quit talking to ourselves and address the American public.

I feel that if we take the true story of agriculture to the American people with the kind of pride the story deserves . . . and if we begin to utilize the many modern communications methods and tools of today . . . we might get a better shake in the scheme of things. We must try to make the communications aspect of agriculture as effective as the food-producing aspect. All of the various agricultural factions should unite in this particular effort. We cannot afford to have dissension in our ranks, like has happened so often. At least in telling our story, we must present a strong united front.

Our mission is to get the story out and impressed on the consciences of all of our citizens. We've discussed some of the ways in which this has and can be done . . . from the farm tours for urban businessmen to the National Agricultural Communications Board.

I believe in the end that all these efforts will be worth it.

I believe that in the end Americans everywhere will understand that in saying "stand up for agriculture" a person is really saying "Stand Up for America."

THE KING OF FRANCE AND TWICE TEN THOUSAND MEN

Mr. MOSS. Mr. President, the Aeronautical and Space Sciences Committee has a new chairman. That chairman was not a member of the committee, and he is without experience in the mysteries of weighing the machinations of OMB with the advent of the release of the sacred budget insofar as that budget relates to the activities of the Aeronautical and Space Sciences Committee.

I confess to you, as the new chairman, that I have only commenced the learning experience which any newly appointed chairman of a full committee must do, but my initial reaction to the President's budget is one of puzzlement. I, too, am concerned with him about the rising governmental costs and the need for a sound fiscal policy. But I inquire of you, what is our course? Do we simply whack away at statistics without any long range planning? And what of the needs of the country?

On January 26, 1973, in the magazine Science appeared a very thoughtful editorial by Phillip H. Abelson, president of the Carnegie Institute of Technology, entitled, "Technological Initiatives and Political Realities." Mr. Abelson begins as follows:

> Harvey Brooks and others have commented on the mismatch of the time constants of technology and politics. A substantial innovation usually requires 8 to 10 years to reach fruition. Politics has a large emotional content whose thrust changes rapidly and unpredictably. In the course of a decade we experience scores of major or minor political tempests.
>
> Because of the performance record of science and technology, politicians are inclined to call on them when political problems emerge. Often, though, before substantive efforts can be made, the political climate has changed and a program that was a political asset has become a liability.
>
> The vagaries of the interaction of politics with technology are illustrated by a series of events that began in 1971 and are still in process. In 1971, several factors combined to create a climate in which it seemed politically desirable for the government to foster new technological initiatives. A deteriorating balance of payment carried with it the implication that our technological supremacy had slipped. Widespread and publicized reports told of unemployment among scientists and engineers. There was a general feeling that some of the technological expertise that put men on the moon should be devoted to solving urgent domestic problems. The economy was in a slump, and means for stimulating it were being sought.

Task forces were formed, and suddenly Washington watchers were aware of the name of Magruder—Science, October 22, 1971. There was great moving in and out of Washington of distinguished scientists and engineers and talk of programs costing billions of dollars. In November and December 1971, excitement reached a peak and we were told that big things would be announced early in the following year.

Dr. Abelson said:

> Somehow the promised events did not quite come off.

I entirely agree, for somehow the promises turned out to be only a stage play and came off only in the theater.

A National Journal article of October 23, 1971, by Claude E. Barfield described the auspicious plans in these terms:

> The Nixon Administration is planning a radical shift of emphasis in government-supported research and development (R and D) that would for the first time make the federal government a partner in major industries outside of space and defense.
>
> The goals of the undertaking are twofold: to apply high technology to solve social problems at home and to improve the competitive position of the United States in world markets.
>
> Major initiatives—including tax measures and direct spending—are being considered to encourage application of technology to law enforcement, health care and housing, to control of pollution and of the weather, to detection of earthquakes and to a whole range of items in the transportation and aerospace fields.
>
> On Sept. 9, [1971] President Nixon said that the nation should "find the means to insure that in this decade of challenge, the remarkable technology that took these Americans to the moon can also be applied to reaching our goals here on earth."

In that same article, page 2115, appears the following statement from a member of the Board of the National Science Foundation in recollection of a private meeting in which Mr. Nixon shortly after his inauguration said:

> We are all facing a powerful anti-science and technology movement in American society and to some degree in the Congress. I can sell government support of science and technology to Congress and the country only if you come up with practical ideas and programs that clearly and demonstrably help the American people and the economy.

And now 2 years later and in a second Nixon administration we have a proposal from the President to abolish the National Aeronautics and Space Council, apparently on the theory that aeronautics and space activities of the agencies are now coordinated for all time. We have the resignation of Dr. David as the President's science adviser, the abolishment of the 50-person White House Office of Science and Technology and the President's 20-member Science Advisory Committee, and commensurate cuts in budget items—not the least of which is that suffered by NASA. Under that budget, NASA will absorb sharp additional personnel cuts.

A quick review of the budget plan summary shows a total appropriation for NASA of new obligational authority in fiscal year 1973 of $3,407,650,000—a good part of which was impounded—as compared to the 1974 new obligational authority in the sum of $3,016,000,000. This is a $391 million drop in new obligational authority.

The scientific community mourns the loss in program authorizations of such projects as the HEAO or High Energy Astronomy Laboratory.

One scientist, deploring the suspension of this program has likened the present period of discovery in high energy astronomy to the early observations of the optical sky after the invention of the telescope. In this climate who can say when our science and technology will be free again to discover anew?

As Dr. Abelson puts it, it reminds him of a rhyme:

> The King of France and twice ten thousand men—marched up the hill and then marched back again.

I quite agree.

Science, research, and development must be viewed as a tool for solving our national problems and strengthened—not debilitated.

Problems affecting the quality of life challenge the leadership skills of mankind and require the application of the kind of scientific and technological effort, urged upon the Nation by President Kennedy and President Johnson, which resulted in the success of Apollo.

Today a new view of earth is required. Problems of land use, of deteriorating mineral and water resources, of pollution and of energy needs demand the application of new techniques and the full use of our science, research, and technology potential. We need better ways of discovering, estimating, and monitoring earth's valuable resources. Space can be used in many ways to assist directly in solving these problems. Scientific research, like research and exploration throughout history, can unlock secrets that will make a better way of life.

Knowledgeable and ardent Senator LOWELL P. WEICKER, JR., Republican, of Connecticut, a member of the Aeronautical and Space Sciences Committee for 3 years, on January 9, 1973, in a speech before the American Institute of Aeronautics and Astronautics, said:

> When the Soviet Union lofted Sputnik into orbit in 1957, Americans reacted with disbelief, admiration and near-paralyzing concern. The United States, so self-assured about its primacy in science, technology and the accomplishment of the impossible, realized in cold shock that the Russians were way ahead of us. It was they who had been the visionaries—the doers. The implications were chilling. Not just in terms of national security but in terms of national spirit. The champ had become fat and flabby.
>
> But that blinking little sphere in space galvanized this nation. It inspired the most intensive national stock-taking in history. We took a new hard look at our national priorities, at our spirit of commitment, at our educational system, at our values. And we reacted. We reacted so vigorously that in ten years, after virtually starting from scratch, we flew our first manned Apollo flight.

And now are we to cut back, lose our vision and retreat? I cannot believe that Richard Nixon, who must be first in victory in Vietnam, is willing to let this country become second in space science and technology.

Again, to quote Senator WEICKER:

> In spite of how long we know it has taken to make the tremendous advances in medicine, in education, in space, we seem to be unaware of, or indifferent to, the reality of lead time required to accomplish important new landmarks for mankind.
>
> Of all administrations that understand this concept of lead time, certainly it should be a Republican Administration drawing heavily as it does from the business community. And if anyone understands the importance of lead time, and research and development funding, it is the business community, which without such innovation and risk courts deficits and early demise.
>
> When we concentrate only on the immediate, we are failing to plant the seeds of the programs and institutions that should be in place and running for those who come after us. It's human nature to focus on the day's problems but fortunately past American leadership has always left open a spot for solving the unknown and beating the impossible—and with no apparent justification for that moment in time.

My ancestors were pioneer stock who had the vision to open up the West. I cannot now envision that we do not have the courage and the vision to open up the world through the miracles of aeronautics and space. I fail to see the wisdom in cutting back in an area of our national concern which has such potential for our tomorrow. Are we to march up the hill—only to march back down again in the vagaries of the budget? Are we to be condemned like Sisiphous to pushing an eternal burden up the bill—always to have it roll back down again? As chairman of the Aeronautics and Space Committee, I wish to assure you that I will initiate early hearings to inquire carefully into these matters so drastically affected by the budget.

VACCINE SAFETY

Mr. RIBICOFF. Mr. President, I am announcing today that the Subcommittee on Executive Reorganization and Government Research will hold hearings this spring on the FDA's program of vaccine and blood products regulation.

During the past session of Congress, the subcommittee, together with the GAO and Dr. Anthony Morris and James Turner, raised a large number of deeply troubling issues about the safety and effectiveness of vaccines and the Government's role in assuring that American consumers are receiving the kind of protection the law provides. Among these issues were the Government's release of millions of doses of subpotent influenza vaccine; its failure to require that vaccines be proved effective in use before being released to the public; the release and failure to recall adenovirus vaccines that was contaminated with a virus that caused cancer in test animals; the failure to pay adequate attention to disturbing test findings about a number of vaccines; and, most basic, a fundamental and pervasive disregard of its responsibility to the public and ignorance of the way a regulatory agency should operate.

The emergence of these and other issues focused attention upon the relatively obscure Federal agency that had responsibility for vaccine regulation: the Division of Biologics Standards in the National Institutes of Health. For the first time in many years, the performance of this Agency was brought to the attention of the general public and the top policymakers in the Department of Health, Education, and Welfare.

Shortly after the subcommittee chairman made these problems public in a series of statements in the CONGRESSIONAL RECORD, the Department announced the resignation of the Director of DBS, effective July 1, 1972. A few weeks later, in a hearing before the subcommittee, Secretary Richardson announced that the functions of the DBS would be transferred from the National Institutes of Health to a new Bureau of Biologics in the Food and Drug Administration.

The Bureau of Biologics has now had responsibiilty for vaccine regulation for over half a year. It is time to examine the directions in which the Bureau is headed. The problems the Bureau faces in establishing a vigorous and principled regulatory program are enormous.

The hearings the subcommittee will hold will seek to answer several basic questions about the Bureau of Biologics and its handling of its job: First, are the new leaders of the Bureau fully cognizant of scientific problems that the DBS failed to address and what are they doing about them? Second, what steps are being taken to make the Bureau's actual operations conform to legal requirements? Third, how is the Bureau being organized to cope with its responsibility? Fourth, what changes in basic philosophy about the role and performance of a regulatory agency do its leaders feel are necessary and how are they seeking to implement them? Fifth, are there adequate resources available to make the necessary changes in scientific and regulatory procedure? Sixth, if the problems are too numerous to be handled all at once, what areas are receiving priority treatment and why? What areas are not?

The scope of the problems in the Government's regulation of vaccines has recently been brought dramatically into focus by a case decided on November 7 by the Federal district court in Philadelphia. The case, Griffin against United States, was brought by a Philadelphia housewife who alleged that she had been permanently paralyzed from the neck down by a dose of Sabin type 3 polio vaccine. The court found that officials of the DBS had been negligent and had violated their own regulations by allowing on the market the vaccine lot that paralyzed Mrs. Griffin. It awarded the plaintiffs $2 million in damages because of DBS's negligence. This case marked the first time a plaintiff had successfully sued the Government for damages due to the negligent release of a drug.

The staff of the Subcommittee on Executive Reorganization is reviewing the voluminous record of the case. After their review is completed, they will make recommendations to the subcommittee about what further investigation may be desirable to determine the true dimensions of the problems the Bureau of Biologics must now act to correct.

I ask unanimous consent that an article by Victor Cohn that appeared in Monday's Washington Post be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

United States Ordered To Pay Polio Victim $1.7 Million

(By Victor Cohn)

On Oct 27, 1963, Mary Jane Griffin of Gladwyne, Pa., swallowed a cube of sugar containing a dose of Sabin Type III live-virus polio vaccine.

A month later she lay near death in a coma at Lankenau Hospital in Philadelphia, the victim of what her doctors diagnosed as serious paralytic poliomyelitis. Her life was saved but to this day she remains a largely paralyzed quadriplegic confined to bed and wheelchair, still, in the words of Federal District Court Judge Clarence C. Newcomer, the subject of "ever present and continuing agony."

In Philadelphia Tuesday Judge Newcomer made final a Nov. 7 decision ordering the United States government to pay Mrs. Griffin $1,759,946.25 and her husband, Richard, $300,000 for loss of his consort and for his own fate as her caretaker.

The government is guilty, the judge decided, because of the "negligence" of the Divsion of Biologic Standards, part of the National Institutes of Health, in approving a batch of Pfizer Inc. vaccine that, instead of preventing polio, caused it in Mrs. Griffin.

It was the first time the government has been found responsible for damage caused by its release of a biological product.

INTENSE STUDY

That fact—and the massive size of the judgment and the possibility that the government might be liable in other past or future drug mishaps—are now under intense study and debate in the Departments of Justice and Health, Education and Welfare. There is argument about how to respond even within the former Division of Biologic Standards or DBS, now the Bureau of Biologics.

Whether or not the government should appeal is part of the uncertainty. An appellate court might overturn the case on any of several grounds FDA attorney Marc Bozeman explained yesterday. On the other hand, he said, a judge on other grounds might "affirm it in language that is considerably stronger and broader," making the possible application far wider.

Sen. Abraham A. Ribicoff (D-Conn.) calls the case an important one in revealing "the true dimensions" of problems that the Bureau of Biologics still must correct.

The agency was transferred to the Food and Drug Administration last year as the result of Congressional and other criticism of its vaccine testing competence.

James S. Turner, former Ralph Nader associate now head of Consumer Action for Improved Food and Drugs, told a scientific conference at the New York Academy of Sciences this month that "if this decision holds up, everyone in the government had better be on notice that the government is liable as regulator."

Consumers and Congress, he added, will have to watch the federal drug regulators more closely than ever to see that they do not lower their standards to try to escape future suits. There is already some evidence, he said, that "some regulators are considering just this course."

"I don't think that should be an agency decision," Turner said. "I think it should be a broad social decision," publicly debated.

The allegations of DBS "negligence" was strongly denied at the trial by by Dr. Albert Sabin himself. The developer of the oral polio vaccine that was approved by the government in 1962, he says "it was never proved" that Mrs. Griffin had polio, and that she probably had another obscure nerve disease; that in any case her disease could not have been caused by his Type III vaccine; that DBS erred in writing regulations that failed to leave room for normal biologic variation of any medicinal substance; and that charges that his vaccine has ever produced polio or paralysis are also unproved.

"I do not know of any evidence," he says, "for a single case."

Many polio specialists disagree. No drug or vaccine, they maintain, has ever proved completely safe.

Smallpox vaccine causes approximately one death per million doses. This is one of the reasons health officials have recommended that it no longer be given routinely, except to persons traveling to places of high risk.

The Salk polio vaccine virtually ended epidemic polio in parts of the United States where it was adequately used. But batches made by Cutter Laboratories of Berkeley, Calif., caused 11 deaths and 204 polio cases in 1955 before the government tightened production and inspection standards.

Salk-type killed-virus vaccines have caused no such problems since. But federal and world health officials overwhelmingly decided that an oral modified live-virus vaccine might confer longer-lasting protection, and that it would be easier to reach large populations with a few spoonfuls of liquid—the form in which Sabin vaccine is given today—than with four Salk injections over a period of months.

Sabin vaccine today is given to most of the four million infants born in the United States each year—in three doses containing modified forms of the three known types of polio virus. A booster is recommended on entering school.

Dr. Bruce Dull of the U.S. Communicable Disease Center in Atlanta. "The most recent information we have," he said, "is that between 1962 and 1970 there were nine cases of oral vaccine-associated polio in vaccine recipients, or about one case in each 10 to 11 million doses. There were another 21 cases in family and other contacts, or about two more cases for each 10 million doses."

NOT RECOMMENDED

But the oral vaccine is not recommended today for anyone over high school age. For the "tamed" or modified Type III polio virus, according to widely held theory, sometimes reverts to virulence in the intestinal tract.

And if the patient is an older adolescent or adult the chances are far greater that the disease will be serious.

Again, Dr. Sabin disagrees with this whole line of reasoning. In the opinion of most federal vaccine advisers, however, such cases began to occur almost as soon as the oral polio vaccine was first used. In September 1962 a surgeon general's advisory committee recommended that Type III vaccine be given only through school age, except for those at high risk.

Pfizer, disagreeing—said Avram Alder and Stanley Kops, the Griffins' attorneys—"told DBS that unless the caveat . . . relating to adults was modified," it would stop making the vaccine. In December 1962 the surgeon general's committee re-endorsed vaccination for all age groups—after sharp debate and a 6-to-4 vote.

MASS DRIVE

In 1963 the medical societies of the Philadelphia-Camden, N.J., area sponsored a mass oral vaccine drive for persons of all ages Mary Jane Griffin was then 41. "The sugar cube which Mrs. Griffin ingested," said her lawyers, "bore no printing which delineated the risk that she undertook . . . Mrs. Griffin as an ultimate consumer deserved better."

The nub of the case, however, was the allegation that DBS officials failed even further. "By the time Lot 56"—the apparently guilty Pfizer batch of vaccine—"was released," found Judge Newcomer, "DBS knew" that Type III could be unstable "and knew that the test results of the laboratories of the drug manufacturers could not be trusted," and it had to rely on its own tests.

Instead, he said, DBS underrated its own tests in monkeys, giving their result a far more optimistic reading that DBS regulations clearly required. Lot 56, said the judge, "was released basically either because the personnel of DBS charged with enforcing the regulation failed to read (it) carefully, or because they did not understand or failed to take seriously the strict duty imposed upon them . . . Either circumstance constitutes negligence."

When Judge Newcomer issued his Nov. 7 decision, he said that his more than $2 million judgment to Mary Jane and Richard

Griffin might be reduced in light of the fact that Mrs. Griffin had already received an undisclosed amount in a suit against Pfizer. That sum has been reputed to be between $300,000 and $400,000.

Tuesday the judge ruled that according to Pennsylvania law and the facts of the case, the full amount would stand.

The government now has two months in which to decide whether or not to appeal.

TRIBUTE TO SECRETARY MEL LAIRD

Mr. SCOTT of Pennsylvania. Mr. President, as he relinquishes the awesome responsibilities of the Office of Secretary of Defense, Mel Laird leaves a remarkable legacy to every military and civilian member of the Defense Establishment, and in a larger sense to every American who cherishes freedom. This legacy, conceived from his strong concern for people and peace, is a tribute to his dedication and resolve. Those things he set out to accomplish 4 years ago, he has accomplished. History will accord him his proper place among his predecessors—he will be recorded as an exceptional Secretary of Defense—he will be remembered as a compassionate man whose first interest was people.

Mr. President, permit me to touch briefly on some of those tangible aspects of his legacy Mel Laird is leaving our Nation:

His human goals program is a model to be emulated by every other Federal agency. Because of this program, there is no other sector of our society today which has the equality of opportunity and dignity for all, enjoyed by our service men and women.

Vietnamization is a reality. Secretary Laird's program has made possible the end of U.S. involvement in Vietnam while, at the same time accomplished a successful negotiation. During his stewardship Secretary Laird has brought home over half a million men from Vietnam.

In implementing the Nixon doctrine and the strategy of realistic deterrence, Secretary Laird has moved us toward a concept whereby our allies provide the cops on their own beats. By providing adequate security assistance to these Allies to assist them in policing their own beats, Secretary Laird has been able to reduce military manpower worldwide by over one million—a reduction of over 600,000 in the Pacific alone.

Mr. President, while his prime concern was for people, one of the significant changes Secretary Laird inaugurated pertains to hardware—to weapons system acquisition. He replaced the bankrupt total package procurement practice with fly-before-you-buy procedures and broad use of prototyping and contract milestones.

For the first time, a Secretary of Defense has had the foresight and courage to utilize total force planning, whereby all our resources are most effectively employed to provide us maximum security.

Mr. President, in closing, I would be remiss if I failed to mention the favorable, no, excellent, relationship Secretary Laird has maintained with the Congress. Whether this stems from his nine terms as a colleague in the House of Representatives or from his deep conviction that the Congress is a coequal branch of Government, the fact is that he has done his homework, he has placed the problems of national defense above partisan politics and has provided us a vast amount of information. In sum, he has been responsive and extremely cooperative.

Mr. President, we in the Congress will miss Mel Laird in the Pentagon. I wish him Godspeed and every future success.

CONGRESSIONAL LEADERSHIP IN REVISION OF 1973 TAX GUIDE FOR SMALL BUSINESS

Mr. BIBLE. Mr. President, on January 2, the Internal Revenue Service announced that the 1973 edition of the "Tax Guide for Small Business"—publication 334—became available to the general public.

Those receiving this year's guide will notice that it has a new look. The changed appearance results from the initiative of the Select Committee on Small Business in conducting, in cooperation with the Internal Revenue Service, a year-long, full-scale revision of the tax guide, the first since its publication in 1956.

In that year, our committee and the Internal Revenue Service prepared this booklet as an aid to new and small businesses which may be unfamiliar with tax law and may, therefore, have particular difficulties in discovering the requirements and forms with which they must comply. This booklet was published by the Senate as a small business committee print in 1956.

By 1972, the tax guide had grown in circulation to more than 456,000 copies in that year alone. There are now a total of 12 million enterprises of all kinds in the country, 97½ percent of which are small business. It is clear that the small business tax guide is being seen and used by a significant proportion of them. The guide also, customarily, returns a profit to the U.S. Treasury; $172,000 in 1971.

The following members of the organizations listed below participated in the revision of the tax guide during the past year:

American Bar Association, section on taxation, Lawrence Gray, Esq.;

American Bar Association, small business committe, Charles Noone, Esq.;

Federal Bar Association, committee on taxation, John Yurow, Esq., and George Leibowitz;

American Institute of Certified Public Accountants, Joel Forster, CPA, and Mike Mintz, CPA;

National Association of Small Business Investment Companies, Charles Noone, Esq.;

National Small Business Association, John Mendenhall, CPA;

Smaller Business Association of New England, Richard Glennon, CPA;

Small Business Administration, Thomas V. Bryant, chief counsel for economic development;

Internal Revenue Service, William Hagemann, Chief, Technical Publications Branch, together with Dean Ludeman, Chief, Taxpayer Publications Branch, and W. L. Rogers, tax law specialist.

Their work spanned a series of meetings, to which were submitted the results of examination and an analysis of the guide's contents by the participants, and in several instances, ad hoc committees were called upon to review the publication. The time and expertise devoted by these persons as a public service, and the graciousness of the associations concerned in allowing participation by these recognized experts in their individual capacities made such a major project possible. In my opinion, these factors also made it quite successful.

For the information of my distinguished colleagues and their many small business constituents, I might list several improvements in the 1973 tax guide which are attributable to the revision:

First. Increased emphasis upon reaction and comments to the contents of the guide by its users. This was accomplished in two ways: More prominence was given to the Internal Revenue Commissioner's invitation to offer comments and suggestions; and inclusion, for the first time, of a brief questionnaire which can be torn out and returned to IRS.

Responses to the simple questions can help all concerned by informing IRS of the types of people using the guide and what their real needs are.

I hope that the small business organizations concerned can take advantage of the opportunity presented by this questionnaire to gain a wider reaction to the usefulness of the tax guide for their members across the Nation. A good sampling of opinion from the small business community could serve as a prelude to making the publication even more responsive to their requirements in the future.

Second. Recognition of the guide as the official position of the U.S. Government. The 1973 tax guide bears a note on its inside cover that the guide "reflects the official interpretation by the IRS of the tax laws." It explains that certain courts have taken positions more favorable to the taxpayer; and further that taxpayers have appellate rights within the IRS and that they may appeal to the courts in cases of disagreement. I feel that this is a significant step forward in defining the relative positions of the taxpayer and the service in what is, after all, our common enterprise of providing financial support for the governing of the United States.

Third. Expansion of the table of contents to a full page. This has permitted a complete listing of major subject matter headings which are found throughout the guide.

Fourth. Incorporation of an edge index for easier reference. This was a feature of the original 1956 edition, and has been restored in 1973.

Fifth. An extensive list of additional publications and an order blank by which these reference works may be obtained. This should be of great informational value for the aprpoximately one-fourth million new businesses which are created each year. It should also improve access by new and small firms to the wealth of materials prepared by the Internal Revenue Service to facilitate tax compliance.

Sixth. Inclusion of a checklist of commonly used forms. Provision is also made for ordering applicable forms which should be an outstanding convenience to small businesses and their legal and accounting advisers.

Seventh. Illustration of filled-out tax forms in the guide have been broadened to include those of individual proprietorships, partnerships, corporations, and subchapter S corporations.

Eighth. Several dozen technical changes, clarifications, corrections, and editing changes were made as a result of our review throughout the substantive text of the guide's eight parts and 35 chapters.

The cumulative effect of these improvements and the substantial amendments to the governing law and regulations in the past year is that the number of pages in the guide has been enlarged from 160 to 192 pages in 1973.

As a consequence of all of this labor, I believe that the tax guide for small business has been improved materially in form and content. I feel that the 1973 edition will be easier to understand and more usable to millions of small enterpreneurs in this country, as well as their professional, legal, and tax advisers.

Of particular significance also, in my judgment, is that the dialog between the Internal Revenue Service and a group of small business representatives establishes a forum for the exchange of views between the administrators of our tax system and the spokesmen for hundreds of thousands of guide users, and ultimately of the entire small business community in this country. I feel that many small business tax problems can be resolved, and others will be avoided, through periodic contacts of this kind.

I can further report to the Senate that our committee plans, early this year, to repeat the process of review of this publication. It is our intention to open participation to even a wider group of small business organizations which have the competence and interest in this area.

I would like to particularly commend the Internal Revenue Service, Mr. Hagemann mentioned above, and Commissioner Johnnie M. Walters for the fine cooperation which they have given to the committee in this matter. Their willingness to collaborate in this way with the Congress and with taxpayer representatives on this project seems to me to reflect the highest standards of professionalism in the administration of the taxing authority of this Government. Our committee looks forward to working with the Treasury and with the IRS in making this good publication even better in future years.

For information purposes, the 1973 Tax Guide for Small Business is presently available at all IRS offices, the U.S. Government Printing Office book stores, and at some post offices, at a cost of 75 cents per copy.

THE CONSUMER MOVEMENT: BATTLE FOR AN AMERICA THAT CARES AGAIN

Mr. MOSS. Mr. President, one of the highest priorities facing the Congress this year is to afford to the American consumer needed protection against unworthy goods and services.

In this connection, I am pleased to see that there will be reintroduced in the Senate this week legislation to create a Consumer Protection Agency to serve as an advocate for consumers in the deliberations of Government agencies and courts that substantially affect the interests of more than 200 million Americans. One of the sponsors of that legislation and a leading spokesman in the Senate on consumer interests, the distinguished senior Senator from Illinois (Mr. PERCY), last week addressed the Consumer Federation of America's Consumer Assembly on the reasons why he—as a former head of one of the most successful firms in this country, Bell and Howell—believes that consumer protection is not only in the interest of American business, it is best for business.

I could not agree more with my colleague when he notes that the consumer movement of today amounts to:

> . . . a cry of "Enough" to ineffective flu vaccines, rancid food, filth-laden warehouses, squalor and inhumane treatment in nursing homes, and to diseased blood used in transfusions. "Enough" to unfair property taxes, insurance inequities, and to the erosion due to inflation of the purchasing power of all consumers.

Because of the importance of Senator PERCY's keynote remarks to consumers, businessmen, and members of Congress alike, I ask unanimous consent that the full text of his statement be printed in the RECORD.

There being no objection, the text of the statement was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR CHARLES H. PERCY

I am honored that you have chosen me to keynote your 1973 Consumer Assembly. As one who wears a few battle ribbons, and several scars, from previous legislative campaigns in behalf of the consumer interest, I come before you today as an advocate, to invite you to involve yourselves in the effort to make a federal Consumer Protection Agency a reality in 1973.

But, before I begin to explain why I believe that enactment of this legislation is of vital importance to both the consumer and the businessman, I'd like to offer one Senator's observations on the larger implications of the consumer movement in the United States today.

To me, the consumer movement represents a broad public reaction against certain bureaucratic neglect and corporate disregard of the public.

It is a repudiation of misleading advertising, empty warranties and guarantees, deceptive packaging, anti-competitive conduct, unfair pricing and bait-and switch merchandising.

It is a check on sham, misrepresentation, deceit and fraud. And it is a control against monopolistic behavior by some corporations and the abuse of authority or discretion by certain agencies of government.

It is a cry of "Enough" to ineffective flu vaccines, rancid food, filth-laden warehouses, squalor and inhumane treatment in nursing homes, and to diseased blood used in transfusions. "Enough" to unfair property taxes, insurance inequities, and to the erosion due to inflation of the purchasing power of all consumers.

"Enough" to one-sided lobbying for loopholes and to secret deals that sell out the consumer.

The fight for consumer protection is a battle for quality in goods and services, for fairness in advertising and promotion, for honesty in the marketplace. In its broadest sense, I believe that the consumer movements amounts to a yearning for an improved quality of life—for an America that works again, for an America that cares again, for people, products and governmental institutions that *support* society rather than embitter it or tear it apart. It is a recognition of the need for *open* government responsive to the *needs* of the people. It is an affirmation of the interest of the many over the interest of the few, of a broader public interest over narrow special interests.

As many of you know, I spent 25 years of my life in business. I believe in the free enterprise system, and I remain deeply concerned about the vitality of legitimate, responsible businesses. What I am saying here today is entirely consistent with what I have said to my friends in the business community for the past quarter of a century. The essence of my message is simply this: What's good for the consumer *is* good for business. Most businessmen know this and build their businesses on this philosophy.

If a business is to be truly successful, it must have something to grow on. And there is no better foundation than insuring that the product or service produced is worthy of public acceptance.

There is a corollary to this, of course. And that is: If the product or service is unfit for the purpose for which it is intended, if *it* is unsafe or defective or its marketing deceptive, then those facts should be made known to the public.

Let's consider some of these unsavory facts and thoughtless business decisions by examining some case histories:

During last summer's Olympic telecast, a commercial for one company's product showed a double-edged razor blade being flexed between two fingers. As might be expected, a child in Dallas tried doing just what he saw on TV and was seriously cut. The Federal Trade Commission, which has jurisdiction, decided to do nothing. The Bureau of Product Safety within the Food and Drug Administration proudly announced that it had prevailed upon the company to "correct" the problem by including a printed message on the screen warning, "Sharp edged—don't try this at home." Now I ask you, as mothers and fathers of young children: What good is a printed warning for young children, who are good imitators but can't read?

Now, let us consider the case of the disease-bearing turtles. About 15 million turtles are sold in this country each year, most around Christmas and Easter. Approximately 280,000 children contract salmonella infections from these pets annually. As is so frequent, the buck began to pass. For years, nothing was done by industry, retailers or government, in spite of mounting evidence of cause and effect. The FDA said that its jurisdiction was questionable because the pets couldn't be eaten. The Agriculture department said that the turtles fell outside of its regulatory control because they were cold-blooded. The Fish and Wildlife Service denied itself a role by claiming that the turtles were not classified as commercial or sports fish. Even after the Child Protection and Toy Safety Act was passed in 1969, the FDA continued to look askance, presumably on the theory that turtles could hardly be called toys—even though children play with them. No one spoke for the consumer. It was not until December 18 of last year, almost 10 years after salmonella was traced to pet turtles, that the FDA finally required certification that all turtles shipped in interstate commerce be free of disease.

It was just last week that CBS–TV news reported on results of an investigation it conducted in New York City of persistent overcharges by airline ticket offices. The study revealed that in 24 of 36 instances—two-thirds of the time—airline ticket agents overcharged the CBS investigator. In only one instance was there an undercharge. To date, the Civil Aeronautics Board has done nothing about this problem. Its only vigorous action recently has been its decision to eliminate its own Consumer Advisory Panel. No one represented the consumer.

Few issue have provoked more heated discussion in the last year than the question of busing. But, while the educational and constitutional ramifications of this issue have been closely scrutinized, almost no attention has been paid to the question of the safety of the 20 million children who ride a quarter of a milion buses to school each day. Yet, in 1971 there were 47,000 school bus accidents in this country, which claimed 150 lives and resulted in injuries to 5,600 persons.

Many of the injuries were due to weak structural design, which allowed the buses to crumble on impact; others resulted from poor seating design, which permitted the chests and heads of children to be propelled into inflexible metal bars on the tops of the seat backs; still others were caused because of low seat backs, which made it possible for children to be hurled forward over the seats into protruding steel in the front of the buses. Incredibly, the Department of Transportation has not taken even the most elementary precautions to prevent bus accidents. Although DOT regulations for automobiles require seat belts, collapsible steering columns, padded interiors and strong seat anchorages, these items are notoriously lacking on school buses.

As a final case history—and I am limited to five only by time, not by a lack of material—let us consider the lethal cribs. For the past four years, the manufacturers of several brands of baby cribs have been told by experts that the spaces between the bars of their cribs are wide enough to allow a baby to squeeze his body through them, but not his head. Because of this callous cutting of corners—obviously fewer slats mean less lumber invested in each crib—as many as 200 babies a year strangle themselves. Apprised of the danger, the chairman of one of the largest makers of cribs responded, "So what?" The FDA, with the power to remove the cribs from the market, has failed to act forcefully. In this instance, caveat emptor—let the buyer beware—literally has meant, let the children perish.

I can remember during the closing days of my reelection campaign meeting with a top-level group of heads and vice presidents of some of the major advertising firms of Chicago. We discussed the reasons underlying creation of an institutionalized voice in government for consumers. I won't deny that there weren't one or two troglodytes in the group, who wouldn't support a consumer protection agency come hell or high water. But after my talk, one of those present addressed himself to my remarks and said: "Senator Percy, I may make myself a little unpopular with some of my friends here, but I'd like you to know that some of the examples you've given barely scratch the surface. I'm embarrassed to have to say," he continued, "but there are practices in this industry and things which we are asked to do even by respectable firms which you just wouldn't believe," adding, "and government agencies have looked the other way, almost it seems as if they didn't care."

I could go on—to leaded paint that kills children, to carbon monoxide that poisons auto passengers, to clothes that flare into flame, to contaminated roasts, to chicken wings pocked with tumors. But I trust the point is clear: consumer protection legislation should have very high priority.

Yet, in spite of the abuses I have cited, I want to emphasize that I do not regard the consumer movement as an effort to discredit any person, corporation, association, or industry. It most certainly is not a rallying cry for achieving the dismemberment of an economic system that has served this country well for over 200 years.

Instead, I view consumer protection as a viable buffer against instances of corporate, industrial and governmental irresponsibility which would otherwise be permitted to go unchecked.

Moreover, it is a means of separating out those few firms which act without regard for their customers from the overwhelming majority which do. And it is unfortunately the latter whose good name and standing are stained because of the indecencies of the few.

The first—and the best—line of defense against the practices I described earlier is responsible and forthright remedial action on the part of the company or industry involved. When a corporation or industry refuses to take corrective action in the face of obvious abuse, then it is the responsibility of government to step in.

At the federal level, Congress has established regulatory agencies to provide a second line of protection for the American consumer—to pass on the wholesomeness of foods and the safety and efficacy of drugs, to approve or reject licenses, rate increases, route changes and patent applications, to assess product safety, packaging, advertising and merchandising, and to perform a great many other tasks that are taken for granted.

But in the course of years of oversight hearings on how these agencies are functioning—or not functioning—we in the Congress have determined that there are certain flaws in the regulatory apparatus which permit some abuses to persist.

Therefore, after a great deal of deliberation and research on recurring abuses, we have focused upon an approach that seems to offer the greatest prospect of success.

Our approach involves supplementing the present regulatory apparatus with a new catalyst to more responsible behavior—the proposed Consumer Protection Agency.

The new agency would not be able to grant or deny rates, routes or applications. It would not be empowered to compel action by an existing agency of government. Its first, foremost and final responsibility would be to represent the interests of consumers in those deliberations before government agencies and the courts which involve substantial consumer concern. It is a plan, so far as the consumer is concerned, where we can at last say, "The buck stops here."

In sum, the CPA would serve as a voice for consumers in situations where they previously have been voiceless. Its role would be to compile information, present relevant facts, supply testimony, rebut contrary evidence, submit briefs, conduct research and investigations, to be concerned.

As important as what the CPA would do—primarily inform and disclose—is what it would not do.

It would not decide any case before any agency or any court. It would be neither judge nor jury.

When all the excessive rhetoric that has been generated by the CPA is swept away, what remains is a comparatively tame—but vitally necessary—creature. Its scope of authority would be severely limited. And for that reason, we have permitted a breadth of jurisdiction, which would allow the CPA to deal with any agency of government likely to be making decisions of substantial concern to consumers.

The consumer's demands are relatively modest. He asks only for a free consumer choice in a competitive market, the prevention of unfair or deceptive trade practices, fair advertising, promotion and sale practices, adequate product information and warnings and protection of his legal rights and those of other consumers.

I know of no responsible corporation or business executive who would question the desirability of the consumer's goals. Yet last year, as we sought to pass a CPA bill that had the evident support of the Congress and the public, we witnessed what appeared to be a conscious effort to misrepresent the purpose of the legislation. We heard everything from cries that the CPA would be a "superagency" to the outrageously overblown assertion that the proposed CPA constituted "the most serious threat to free enterprise and orderly government ever to be proposed in Congress."

That battle is behind us. We were ground down by filibuster in the waning days of the 92nd Congress, but we are prepared to fight the battle again. The principal sponsors of the CPA legislation, Senators Ribicoff, Javits and myself, expect to reintroduce a bill, probably next week, and to hold several days of hearings in early March.

From the initial soundings I have taken, it would appear that we will be able to expect considerably more business support for a Consumer Protection Agency this year.

We will begin the year with the endorsement and active support of a far-sighted company that had the courage to stick its neck out last year—Marcor, the parent company to Montgomery Ward and the Container Corporation of America.

I hope, and I believe, that Marcor's decision will be echoed in dozens of other executive suites this year. Companies with vision—and I believe there are many of them—will understand, as Marcor did, that corporate self-interest and the consumer interest are ultimately synonymous. Strengthening protection for the public enhances public confidence in business.

Leo Schoenhofen, chairman of Marcor, expressed this thought very well in a letter to me. He said:

"There is a growing body of opinion that sees a close correlation between the belief of numerous consumers that they don't yet have adequate protection in some important circumstances and today's less than optimum public confidence in business, the declining interest of some talented young people in business careers and other ills that currently plague the marketplace. Because we believe a fair and effective Consumer Protection Agency law would be a positive step toward correcting some of these problems and because we believe it would advance the vital cause of providing all Americans with fair and effective consumer protection, we are pleased to announce our support . . ."

Beyond an anticipated increase in business support, I believe we have another reason for optimism this year. In this Congress, I would hope we could begin consideration of the CPA legislation soon and finish early. On every prior occasion that the Senate has been permitted to express its will on this measure, it has indicated its overwhelming support. In the closing days of the 91st Congress, in December, 1970, it approved basically the same measure by a 74–4 margin, but the bill was killed in the House Rules Committee. In four tests last year, the Senate resoundingly turned back amendments designed to strip it of its essential elements, and then three times went on to vote by a substantial majority to invoke cloture against a filibuster launched by the bill's opponents. We failed to gain the necessary two-thirds votes to achieve cloture by just four votes the first time and three on the two ensuing occasions.

This year, I anticipate no filibuster because early consideration of the CPA bill will make such tactics exceedingly difficult. If we have the support of concerned citizens such as you, if you will urge not only the members of Congress but also the business leaders in your communities to actively support the legislation, then we can have prompt consideration and quick passage of the bill in 1973. And if that is the case, every consumer in America—more than 200 million of them—will be a beneficiary.

MULTIPLE SCLEROSIS

Mr. CURTIS. Mr. President, I would like to bring to the Senate's attention further recognition of our interest in moving ahead to conquer the devastating disease of multiple sclerosis—MS. I specifically call attention to an article by Linda Biser Behrens in Biomedical News which has elicited considerable interest among members of the Multiple Sclerosis Society and which I ask unanimous consent to have printed in the RECORD.

The article reports on the first recovery of virus from the brains of patients who died from the disease. We, in Congress, should especially take note of the legal difficulties regarding autopsy that deter researchers from obtaining brain material of human MS victims within a certain period of time, making progress in this field very difficult.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DATA OBTAINED FROM BRAINS OF VICTIMS

(By Linda Biser Behrens)

For the first time, virus has been isolated from the brains of patients who died of multiple sclerosis.

Three groups of researchers report finding viruses that appear to be in the paramyxovirus category.

Dr. Hilary Koprowski, director of the Wistar Institute at Philadelphia and coworkers were the first to isolate parainfluenza type 1 viruses from the brains of two patients who died of MS. The work was done at the University of Gottingen in the Federal Republic of Germany and although the virus is not yet properly identified, parainfluenza type 1 includes three viruses, the isolate, and two prototype viruses.

Other reports come from Dr. E. J. Field and coworkers at Newcastle General Hospital, Newcastle upon Tyne, England, who found a paramyxovirus-like agent which resembles measles virus. An Australian researcher, Dr. John Prineas, formerly of Albert Einstein College of Medicine of Yeshiva University in New York, will report his paramyxovirus find in a forthcoming issue of Science.

It remains to be proved that the newly found viruses are involved in causing MS. An infectious origin has not been established for MS, but the pursuit of virus may, in the distant future, enable researchers to link MS to an infectious agent. Possibly other viruses are involved, Dr. Koprowski notes.

Dr. Luiz Horta-Barbosa of the National Institute of Neurological Diseases and Stroke questions, is this virus cause or consequence of MS? A sick brain would harbor strange virus he adds.

Dr. Koprowski told Biomedical News of his future research plans, outlined in a grant proposal to the National Multiple Sclerosis Society. The most important points are to identify the virus within the parainfluenza group, to differentiate the virus by biochemical and other means, and to attempt to isolate further viruses.

The researchers in Germany used cell fusion and virus rescue techniques to reveal the viruses. Cells are fused into giant cells by combining MS brain cells with indicator cells from established cell lines such as CV–1 cells of African green monkey origin and human diploid cells. Then, other MS brain cells in the culture are observed for virus. The virus was observed only in cells fused with a fusion factor, the chemical lysolecithin, and was not observed in cells fused with inactivated Sendai virus that causes parainfluenza in mice. (Sendai virus is closely related to paramyxovirus but is not usually found in humans.)

Also critical to the successful isolation was the use of fresh MS brain material observed for virus within two to three hours after the death of the patient. Such fresh MS brain material is difficult to obtain, Dr. Koprowski notes, and other researchers agree.

The search for virus in MS has intensified. Dr. John L. Sever heads the group at the Infectious Disease Branch of NINDS which is screening cerebrospinal fluid of 500 MS patients to determine whether they contain elevated titers of antibody against type 1 parainfluenza virus. If they do, this will tend to further incriminate the virus. "Paraflu" antibodies are almost universally present in sera and have developed usually by age three. So that their presence in sera is not unusual but paraflu antibodies in cerebrospinal fluid would be unusual and suspicious.

Paramyxoviruses are arranged in four groups, 1, 2, 3, and 4; all cause respiratory distress and work is underway at the National Institute of Allergy and Infectious Diseases to develop parainfluenza vaccine.

ANTIBODY TITERS HIGHER

MS patients have slightly higher measles antibody titers. Measles virus is related to the paramyxovirus group.

Prior to the finding of the virus in MS, Dr. Jacob A. Brody of the Epidemiology Branch of NINDS speculated that an unknown virus related to measles could be responsible for elevated measles anibody titers.

Another virus recently found to cause demyelination of the nerve as MS does is the virus of canine distemper, which is in the measles virus group.

Distemper in dogs is a disease similar to subacute sclerosing panencephalitis (SSPE), a rare disease in children caused by measles virus.

Canine distemper is a severe respiratory disease more common in pups and older dogs, but it also occurs in wolves, foxes, racoons, ferrets, and minks. Infantile croup, a severe and dangerous respiratory disease, is frequently associated with paramyxovirus type 1.

Dr. Brody notes that MS is rare among Asians and Africans and, at least in the northern hemisphere, increases with distance from the equator. Blacks in the U.S. have a lower rate of MS than whites, but incidence of the disease in blacks is also greater in the north than in the south.

VIRUS DIFFICULT TO RECOVER

Dr. Brody thinks it is possible that the virus might be found probably transiently in cerebrospinal fluid in small amounts that would make it difficult to recover. Possibly it appears only early in the disease, he thinks.

Autopsies in the U.S. are performed immediately in cases of violent deaths, but in natural deaths, laws are strict, requiring notification of numerous relatives prior to autopsy so that too much time elapses and, as cells expire within two hours of death, viruses are lysed and there is no technique to recover them although antibodies are detectable even after material has been frozen.

NINDS projects developing five MS treatment centers with a primary objective of obtaining tissues from recently dead MS patients. Autopsy teams would be immediately available and relative consent to autopsy obtained more swiftly.

The House has passed legislation establishing a national advisory commission on MS. Prior to the virus finding, Rep. Margaret M. Heckler (R-Mass) proposed a Presidential Commission on MS, but the bill evolved to favor the committee under NIH composed of five members of NINDS and four from the interested public. Senator Harrison A. Williams, Jr. (D-N.J.) sponsors a bill to create an 11-member Presidential Commission on MS. The bill is now in the Senate Committee on Labor and Public Welfare. If it passes, the differences in the two bills will be settled in conference.

LYNDON BAINES JOHNSON

Mr. RIBICOFF. Mr. President, Lyndon Baines Johnson, the 36th President of the United States, was a strong, purposeful, determined man, as idealistic as he was often misunderstood. He felt deeply about America and the American dream of a land where all citizens enjoy equality of opportunity. Lyndon Johnson wanted more than anything else to make this Nation a better place for all our people. His accomplishments in health, education, civil rights, and poverty programs will be rated by future historians as the most far-reaching achievements for social progress in this century.

In those first few hours and days of uncertainty that followed the assassination of President John Kennedy, Lyndon Johnson moved with skill, confidence, and calm as he assumed control of the Government. He showed a steady, courageous hand to the American people and, in so doing, assured them that their Government and their Nation would persevere. For that accomplishment alone, President Johnson earned the deep and everlasting gratitude and respect of the American people. But more work awaited President Johnson than to manage the succession of executive power.

Blessed with extraordinary energy, Mr. Johnson acted with unprecedented skill in seeking to carry out the domestic policies which had been at the heart of the program John Kennedy and he had been elected on. Given impetus by the landslide election in 1964, President Johnson was able to win over heartening majorities in both Houses of Congress and amassed an historic legislative record.

Haynes Johnson of the Washington Post wrote two articles about President Johnson that say much about the former President. The articles appeared January 23 and 24, 1973.

Two Washington Post editorials about Mr. Johnson are equally interesting. The first appeared January 19, 1969, at the conclusion of the President's term; the second on January 24, 1973, 2 days after Mr. Johnson died.

James Reston of the New York Times wrote a perceptive column about President Johnson January 24, 1973.

Mr. President, I ask unanimous consent that the editorials and articles be printed in the RECORD at this point.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 24, 1973]

THE GLORY AND TRAGEDY OF L. B. J.

(By James Reston)

WASHINGTON, January 23.—Both the glory and the tragedy of Lyndon Johnson was that he believed utterly in the romantic tradition of America—in the Congress and the church, in that order; in Main Street and Wall Street, in the competitive state and in the welfare state—in all of it part of the time and some of it all of the time; all the dreams and realities and myths, from Horatio Alger to Lord Keynes, no matter how contradictory.

In other words, he was a symbol of this confusing time in America—a little nearer to the old spirit of Frederick Jackson Turner's American frontier than most of his fellow countrymen, but also a little nearer to the folks who had been left behind when the frontier and battle moved to the cities.

Mr. Johnson was not only sure of the greatness and supremacy of his country but of his own ability to persuade the Congress, after the death of John Kennedy, that it must pass his civil rights bill of 1964 and his equal voting rights act of 1965, and prove that the Congress was equal to the promises of the Constitution and the Bill of Rights. These are his monuments.

In Washington, he knew every card in the deck, but in the world, he didn't. He knew very little about Vietnam. He was not very comfortable with what he called the "fancy-pants" characters in the State Department and the Foreign Service, who knew a great deal more than he did about the philosophy and escape-hatch boundaries for guerrilla warfare in Indochina, but he had a strong personal conviction.

It was simply inconceivable to him, with his belief in America's noble purposes, as he saw them, and his belief in military power, money and machines, that any big nation, let alone, as he called it, any "two-bit nation" could carry on for very long.

He was very close to General Eisenhower. When Ike was President and Mr. Johnson was the Democratic majority leader of the Senate, Mr. Johnson never opposed him on foreign affairs. We fight at home, Lyndon said, but when we go overseas, he's my President.

And yet, one of the very odd things in this tragedy of human and political relations is that President Johnson, after he got into the White House, paid little or no heed to General Eisenhower's judgment on Vietnam.

Mr. Eisenhower's views about Vietnam were well known in Washington at that time. Mr. Johnson had heard them all years before when Vice President Nixon, Secretary of State Dulles, and the chairman of the Joint Chiefs of Staff, Admiral Radford, had argued for American intervention in Vietnam during the French crisis at Dien Bien Phu.

Ike said then, what he wrote in his book later, that the political situation in Saigon was weak and confused, and that, without strong political and popular support, American intervention was unwise.

"Willingness to fight for freedom, no matter where the battle may be," Ike wrote, "has always been characteristic of our people, but the conditions then prevailing in Indochina were such as to make unilateral intervention nothing less than sheer folly."

Mr. Johnson wasn't thinking about President Eisenhower, much as he admired him, when President Kennedy was assassinated. If the evidence of his own book is accurate, he wasn't even thinking about himself. Certainly he was not concentrating on changing the whole policy. He was focusing on the death of Kennedy, on carrying on Kennedy's policies, on political loyalty, as he saw it; so he plunged deeper into the war, and it destroyed him in the end.

The journalists tried to deal with all this at the time, and even at Mr. Johnson's death, but it is beyond us. Like Kennedy and Nixon, he is a subject for a great psychological American novel.

But Mr. Johnson was different. He left a broken record, triumphant at home and tragic in Vietnam, and like most Presidents, his policies will be judged by the historians.

The difference is that Lyndon Johnson was a great talker, one of the last of the old Southern and frontier story-tellers of the age. He didn't leave the real story in his documents at the University of Texas but in the memories of his friends, companions and political adversaries in Washington.

He loved the camera. No President collected more photographs of himself and his visitors than Mr. Johnson; but the tape recorder was really the instrument he should have used. For he gave himself to his visitors, and historians will never be able to sort out the glory and the tragedy unless they manage to collect the stories, listen to the tape recorders and forget the television, which was his downfall, and somehow hear him talking endlessly about his problems, his cunning contrivances, his feeling for the Congress, his love of his country, and particularly his affection for his lovely and remarkable wife, and his hard-scrabble land in Texas.

[From the Washington Post, Jan. 24, 1973]

Lyndon Baines Johnson

(By Haynes Johnson)

Perhaps the most poignant aspect of Lyndon Johnson's death is that this most public man, who was in his element when surrounded by cheering crowds, died alone, calling for help.

His wife, who had stood by him in every crisis and on whom he relied so much, was away. His daughters, grandchildren, cronies and friends whom he loved to regale with his inimitable stories were absent.

He reached for a phone in his bedroom at 3:50 p.m., we are told, and asked for the head of his Secret Service detail. The agent was in a car at the time, so another agent answered the call. Mr. Johnson asked him to come immediately to the bedroom without saying why.

When the agents arrived, they found the 36th President lying on the floor next to his bed, apparently dead.

His death came quietly, in lonely seclusion, after a stormy life played out so largely in public view.

It is that vibrant life that Washington is recalling today as Lyndon Johnson's body is borne back to the Capitol he once dominated.

While memories are fresh, and before the stories pale, let one last recollection be recorded. It is an account of the last time many of us at The Washington Post saw Lyndon Johnson.

He came to lunch that Tuesday, April 7, 1970. Nearly five hours later he left us all drained, fascinated, enthralled and full of questions that never could be answered or resolved.

Probably none of us present that day could successfully capture or reconstruct all the moods, the language, the mobile expressions or the specific points made. It was, at the least, a virtuoso performance. He was soft, sarcastic, crisp, commanding, anecdotal, colorful—and in the end confounding as always.

Lyndon Johnson was telling us his story, and speaking to his place in history. He was a salesman, and the ex-President came prepared with the goods in the form of stacks of papers marked Top Secret and Top Secret Sensitive. Over and over, he read from the various memoranda, letters and other documents to back up his positions.

In retrospect what was most memorable about his performance was not what he said about the war or other aspects of his presidency. It was the two sides of Lyndon Johnson displayed that day that made the most lasting impression.

It was a subdued, somber Lyndon Johnson who first appeared. He had only recently recovered from a stay in a San Antonio hospital, where he had been admitted suffering from chest pains, and his initial conversation was all about his health. He had aged dramatically.

"He came in a little after 12:30," Richard Harwood wrote immediately after the long luncheon, 'looking less tall, less bulky than I had remembered him. His hair was almost completely white and was growing long in the back in the old-fashioned Southern senator style, the way Mendel Rivers wears it.

"His illness showed in his face, I thought, and from the side his skin had the yellowish-gray look you find on extremely sick men. His hands were mottled with crimson splotches; there was a scab on the back of one finger and lots of freckles, all of which brought images of an old man."

Lyndon Johnson's own manner reinforced the impression. He seemed tired, withdrawn, quiet, and appeared preoccupied with problems of his health. He was on a diet of 850 calories a day, he said, and was getting back his strength gradually. There had been quite a bit of pain this time, he said. His trouble really had begun the previous spring when he was working on his ranch.

He liked to get out and take his exercise, he went on slowly. One day he was laying lengths of pipe, lifting and placing them in the mud. Suddenly he became short of breath and began to experience slight pains in his chest. He remembered stopping his work without realizing quite why.

For nearly the next hour at the luncheon, he continued in the same vein. He was the elder statesman, above partisanship.

There was none of the old remembered Johnson fire and flash, none of the earthy anecdotes about men and events, he would not comment on Richard Nixon. He preferred to speak philosophically, it seemed, to talk about the memoirs on which he was working each day, to reflect on the higher problems of the presidency (he favored a single six-year term, and he didn't think being a lame-duck President necessarily reduced a chief executive's power).

But gradually his manner and mood changed. He began talking about Vietnam, and suddenly he was more vigorous and assertive. He folded and unfolded his napkin, began leaning forward, rocking back and forth in his chair, speaking first softly and then loudly. Now he was, clearly, LBJ.

To quote Harwood's recollections—one of many we all composed that day—"As he talked he seemed to take on another appearance. The pallor and signs of sickness went away and all of a sudden you were sitting with a vigorous, commanding, strong man whose mind was so clear, so well-organized, so quick that you instantly became aware of the power of his personality, of the ability to dominate and persuade and overwhelm."

Much of what he said that day about Vietnam has since appeared in his book. But what was most fascinating was not what he said about the war and other problems, but how he said it.

LBJ was overpowering. He thumped on the table, moved back and forth vigorously, grimaced, licked his lips, gestured with his arms, slumped back into his seat, switched from a sharp to a soft story, and kept the conversation going from the moment he sat down at the dining table until hours later when his wife called The Post and sent in a note reminding him he should come home and rest.

As he reminisced, going back into his childhood and then on through his entire political career, he became more colloquial and more Texan. His Daddy used to whip him with a razor strap, he said, and "It hurt him more than it hurt me. But that's the kind of thing you have to do in a family." In a way, it was the same thing as being President: there were certain things you had to do that were unpopular, but you did them for the public benefit.

His language, and phrases, were picturesque:

"So I took a cold belly buster . . ."

"Anyone who's smart enough to pour water from a boot . . ."

"And Dick Russell said, "I've been to the duck blind with the man. I know him. I may not agree with him on everything, but he's a good man, he cares for the people, and he'll try to do what's right (referring to his plans to nominate his friend, Judge Homer Thornberry of Texas, to the Supreme Court)."

"Those Laotians can't stop anybody. They just stand around throwing water at each other . . ."

"MacArthur pinned a medal on me for heroism. It looks good on my chest"—here, he fingered the Silver Star citation in his coat lapel—"but it's a good thing they couldn't see what that flight did to my pants."

"Now, I don't want you good people to have a heart attack here at this good table eating this good food. And if any of you have heart trouble, you better take nitroglycerine now, because the first person to urge me to halt the bombing was Walt Rostow . . ."

He mentioned his wife, Lady Bird, and said, "She always knew how to handle me." Then he told how he had decided, in advance of the 1964 Democratic convention, that he was going to announce publicly that he would not be a candidate that year. But Lady Bird, he said, talked him out of it. She told him she knew he would like to leave the White House, but that he would miss being where things were happening, and where he had a chance to accomplish everything he had worked for in 30 years of politics.

But that wasn't why he should run, he said she told him. "It would make it seem as though you were running away. Your friends would hang their heads in shame, your enemies would dance and rejoice."

He recalled a story from his early days as a young Texas congressman, Elliott Roosevelt, the President's son, came to him on behalf of electrical power interests in Texas, he said. This was at a time when LBJ was fighting the power companies there.

"I always liked Elliott," he said. "He was a good boy. But they'd got to him, and so he came down there to see me and asked me to ease up on them.

"He said he had talked with his Daddy and his Daddy wanted him to tell me that he agreed. So I said, 'All right, I'll do that, Elliott. But before I do, I want you to do one thing for me. I want you to go back to your Daddy and tell him I'll do it if he wants me to, but ask him to write me a letter, in his own hand, saying what he wants, and then sign it.' Well, I could see Elliott wasn't expecting that. I'd kind of roughed him up. So he said, 'Why do you want father to write you a letter? I've already seen him, and he wants you to do this.'

"And I told him, 'Well, Elliott, it's this way: when I do what your Daddy wants and I come back to Texas they're going to run me out of the state. Now the nearest border is 150 miles away and that's over the bridge to Mexico. And I figure I can get to that bridge before they get me, and when I'm half way over, and on the Mexican side, I want to be able to turn around and stop and hold up that letter showing the signature of Franklin Delano Roosevelt so everyone can read it. Like this'."

He held up an imaginary piece of paper, relishing the role he was playing and the laughter it inspired.

LBJ was full of such performances. He acted out various roles. He mimicked people: Clark Clifford sitting up straight and dignified like this (he sat up very straight and very solemnly in his chair and folded his arms over his chest); Hubert Humphrey and HHH's reaction to the news LBJ was going to renounce the presidency in 1968: "I told him not to go off to Mexico, but I guess he didn't believe me." LBJ gave a "hee-hee-hee-hee-hee" rendition to show how silly Humphrey thought the idea.

Finally, after nearly five hours, Lady Bird's note was sent into the dining room asking him to come home. Lyndon Johnson became serious. "I want you to know," he said, "no matter how we differ about things, I feel I am at the table of friends, and I want to thank you for letting me come and visit with you."

Here he was, he went on, in the twilight of his years, among good friends. He had one more story to tell. It was one Sam Rayburn used to tell about a small Texas town.

Once, when Rayburn was just beginning as a politician, everyone important in that town had turned him down when he was looking for a place to spend the night—the banker, the newspaper editor, the judge. Finally a little old blacksmith said he would be glad to take Rayburn in for the night. Years later, after Rayburn had become famous and powerful, he came back to that town. Everyone clamored for him, the banker, the newspaper editor, the judge. They all wanted the honor of his staying with them.

No, Rayburn told each to his face, he didn't want to stay with them. But was that little old blacksmith still there. Yes, he was. Bring him to me, Rayburn commanded. When the blacksmith came, Rayburn told him: "Jeeter, I'd like to spend the night at your house if you'll have me." The blacksmith did, and kept Rayburn up all night talking. When Rayburn said he had to go to sleep, for he had a busy day ahead of him, tears welled up in the blacksmith's eyes.

"Mr. Sam, I'd just like to talk to you all night."

And that, Lyndon Baines Johnson said, was the way he felt about his friends at The Post.

There were some bitter-end Johnson critics among those of us around that dining table, but when LBJ stood up to begin shaking each person's hand to say good-bye we all spontaneously burst into applause. Some of us had tears in our eyes.

We thought we might never see his likes again. And perhaps we were right.

[From an editorial in the Washington Post, Jan. 19, 1969]

LYNDON JOHNSON'S PRESIDENCY

They have not been dull, the Johnson years, from the first crisis in Panama to Santo Domingo and South Vietnam, from the wild campaign of 1964 to the triumphs in Congress, the protests on the campus, the riots in the cities and the sudden abdication in 1968. And they have not been unproductive, in their rich yield of civil rights and social welfare legislation. More than anything, perhaps, they have been sad, in the sense that Franklin D. Roosevelt thought of Lincoln as a "sad man because he couldn't get it all at once—and nobody can."

Lyndon Johnson tried, you have to give him that. He brought more raw force and endless energy and craving for accomplishment to the office of President than anyone could ask. Where he succeeded, he succeeded big, in education and civil rights and all the rest. And while it can be said that he also failed big—by not being able to win his way in the war in his time, and by having to acknowledge such a division in the country that he could only carry on in his final year by foreswearing his candidacy for another term—not the least of his legacies to President Nixon is what he himself did to turn the war around and head it in the direction of a gradual American disengagement and a political settlement. Serious peace talking is to begin in Paris this coming week not so much because Lyndon Johnson halted the bombing of North Vietnam in October but because he stared down his generals last March and made the much more difficult decision to refuse them the massive reinforcement of American troops that they were asking for.

If this seems a somewhat negative legacy, there are more than enough that are positive. The list of legislative accomplishments runs on and on from the 1964 Civil Rights Act to rent supplements, voting rights, model cities, medicare, control of water pollution, immigration reform, job training, educational aid. And while some of this was the finishing of unfinished business, well begun before his time, some of it broke new ground.

A landmark aid to education act, for elementary and secondary schools, cracked a constitutional and political impasse over church-school relationships, and it was brought into being not by past momentum or by parliamentary manipulation, but through the innovation and sheer determination of the President. . . .

It is often said of Mr. Johnson that his trouble came from some incapacity to inspire, and thus to lead. He would say, on the contrary, that he was unjustly victimized by Easterners and intellectuals and liberals and the Kennedy people who scorned him for his regionalism and his roughness, his table manners and the twang of his voice. There is truth to both, and also irony, because the sad thing is that his origins are the best thing about him, the thing he has going for him whenever he is himself, and he didn't know it. Or maybe he just wasn't confident enough about it.

Whatever it was, he tried to run the country in the way he ran the United States Senate and it did not work. He wheedled and cajoled and high-pressured and oversold, and seemed to be counting the legislation passed not so much for its contents as its bulk, and this wasn't what people were concerned about. They were worrying about casualty figures and about how the combat troops got to Vietnam in the first place and how they got involved in combat operations when the Secretaries of State and Defense had said they weren't supposed to; they were worrying about how it was all going to end and what it was doing to the country and whether it was worth it, and by the time the Administration got around to leveling a little more on the subject it was too late, because the confidence was gone.

This isn't the whole story by any means but it was a big part of the story of how Lyndon Johnson lost his majority: If he was, like Lincoln, a sad man, he didn't show it and he didn't let it slow him; he was forever driving. He wanted nothing more than to succeed—and he did, in many, many ways. But he wanted support for the the war and money for a bigger antipoverty effort and safety in the streets and housing for the poor and education for all our children and medical care for all of the elderly and the love and respect of all the elderly people, and it wouldn't stretch. He wanted to get it all at once and Roosevelt was right: nobody can.

[Editorial From the Washington Post, Jan. 24, 1973]

LYNDON BAINES JOHNSON

The public lifetime of Lyndon Baines Johnson spanned almost four decades. It was a period marked not just by the development of certain powerful currents in American thought, but also by an eventual reappraisal of where those currents had led. Thus, much which had been considered desirable, necessary and even holy in Mr. Johnson's political youth had fallen into disrepute by the time that he left office. "Internationalism" had come to be known as "interventionism" by many, its painful and costly effects haunting the nation in a seemingly unendable war. And the vital and generous impulses that had animated Mr. Johnson's commitment to domestic legislation from the New Deal through the Great Society had come to be seen by many as obsolete and outworn habits of mind which caused as many troubles as they cured. At the airport sendoff that January day in 1969, when Lyndon B. Johnson's homebound plane vanished into the clouds, his longtime friends and colleagues were left with more than an eerie feeling of the suddenness and totality with which power is relinquished in this country. The summary departure of this man who had been the larger-than-life center of ambition and authority in government for five years, also seemed symbolically to end a self-contained chapter in the nation's political development.

It was an era characterized both domestically and in foreign policy terms by an assumption of responsibility—national responsibility—for the welfare of the poor, the rights of the mistreated, the fairness of the way in which we distribute our wealth and the general well-being and stability of countries all over the world. Of Mr. Johnson's participation in all this—as a Congressman, Senator, Vice President and President—it must be said that his impact was so profound that there is hardly a case in which the nation was either blessed or victimized by this particular 20th century passion for responsibility for which Lyndon Johnson himself was not largely responsible. Like indifferent lovers of fractious offspring, a nation can often take things for granted or seem only to notice when it has been wronged. The death of Mr. Johnson may serve momentarily to pull us back from these perspectives, to remind us that much which we now expect from our government and our society as a matter of course—black voting rights, care for our elderly and our ill—came to us very recently and largely by courtesy of Lyndon Johnson.

The simple, inescapable fact is that he cared—and that it showed. Being in all ways larger than life-sized, he cared about a lot of things; his own political fortunes, his image, and his place in history for of course he was vain. But he was consistent; all of his appetites were king-sized. So he cared about people with the same enormous intensity. In fact, a fair case can be made that one set of appetites fed on the other; he struggled and wheedled and hammered and cajoled for political power because he yearned powerfully to do great and good things and that is what he wanted the power for.

This was at once the strength and the weakness of Lyndon Johnson, for while this tremendous force was more often than not irresistible over the years, both as Senate Majority Leader and President, it was, like everything about the man, very often excessive. It could bend the political process to his will, and to good effect. But it could also bear down too hard, so that the system cracked under his weight. A master at the instrumentality of events, he could use a Selma or an assassination to lever a civil rights law or a gun control bill through Congress. But he could also use a minor gunboat skirmish in the Gulf of Tonkin to produce a resolution from Congress giving overwhelming support to a war effort whose true nature was never revealed in terms which could be expected to prepare either the Congress or the public for the sacrifice that both would later be expected to accept.

Neither Lyndon Johnson's memory nor his place in history, we would hope, is going to turn entirely, or even primarily on the war that grew out of that resolution; for Vietnam there is blame enough for all concerned, over four administrations and a good number of Congresses. Confined and carried along by earlier commitments, counselled by the men recruited by his predecessors, unchecked by Congress, Mr. Johnson plunged on, overstating, over-promising, over-hoping, over-reaching. But if his time in office marked the big Vietnam escalation, it also will be remembered for the fact that he, by implication and by painfully difficult decision, moved toward the end of his term to acknowledge a great miscalculation—widely shared in, let it be said—which is not something incumbent Presidents are given to doing. Reluctantly, grudgingly, but effectively, he turned the war effort around, abandoning "graduated response" as the method of choice, and bequeathed to his successor a greater opportunity than he himself inherited to move toward disengagement and a re-definition of the mission in realistic terms.

When Harry Truman died a few weeks ago at the age of 88, he died the beneficiary of a gift Lyndon Johnson was not to receive: 20 years had passed since the embattled and much maligned Mr. Truman had held office so that time and change and hindsight vastly altered the view people had of him. Mr. Johnson was never lucky in this regard. His each and every achievement from his Senate years on seemed to be followed or accompanied by some series of events that spoiled the glory of the moment. Still, we do not share the notion, now being advanced (sometimes with bitterness) of how unfair it was that he rarely received the recognition he deserved in his lifetime for the good and also great things he did—or that the criticism of his handling of the war unfairly overshadowed all the rest. He would, we suspect, have a wryly humorous view of all this—much as he craved to be well-loved and well-remembered—because he was too shrewd, not to say cynical a student of human and political nature not to have been amused by these efforts by those who served him badly from time to time to revise the record in his (and their) favor. Lyndon Johnson must have known that he did not need to be helped into history.

[From the Washington Post, Jan. 23, 1973]

JOHNSON PERSONIFIED A NATION'S TRAUMA

(By Haynes Johnson)

Lyndon Johnson once said he didn't want everyone to love him, as his enemies often said, he merely wanted them to like him. It was part of his tragedy that he wound up being reviled as no leader since Lincoln. No President ever fell so swiftly from so high a pinnacle.

There had been a time, in the mid 1960s, when history seemed to have set Lyndon Johnson on a different course. He had won what was up to that time the greatest political victory in American history. All the old problems on the American agenda—race and regionalism, poverty and public education, medical care and housing—suddenly seemed capable of resolution. The country was united. Blacks and whites joined hands and marched together. There were no riots, no rancor, no revolution, no dissenters. If it was not a Great Society that was being fashioned, in the typically grandiloquent Johnson phrase, at least it promised to be a better one. It was, the wise men said, the beginning of the Johnson Era. They found a good omen in a Southerner leading the nation toward a new day of reconciliation.

Mr. Johnson himself had pronounced the theme. "Come," he said, borrowing from the Bible and the Book of Isaiah, "let us reason together."

When he left office only a few short years later the nation had been cleft in two. Lyndon Johnson, the conciliator, the man of consensus, the compleat politician, presided over a nation more deeply divided than at any time since the Civil War. At home, there were riots and the beginnings of a revolution in the streets. Abroad, America was embroiled in the most unpopular war in her history. And Mr. Johnson, a man who craved affection and attention, was unable to travel freely in his country without hearing the chant, "Hey, hey, LBJ, how many kids did you kill today?"

Mr. Johnson personified the national trauma. He was blamed as both architect and executioner of tragedy. Some Negroes, whose cause he espoused more vigorously than any other President, felt he had abandoned them. The South, from whose soil he sprung, rejected him. The students, whose hearts he wanted more than any group, turned on him as a Judas who took them into "Johnson's war." The conservatives found him too radical, too spendthrift, the liberals too easily diverted from domestic priorities, too quick to pervert what they presumed to be the ideals of John F. Kennedy.

CERTAIN DISADVANTAGES

From hardly a corner of the country was there a kind word for him.

Had he been a Kennedy he might have chosen a line from Shakespeare to express his lament. Lyndon Johnson's response came out of a different milieu.

He blustered, he bellowed, he lashed out at all whom he felt had let him down along the way. The press. The politicians. The Negroes. The South. The Democrats. The American people themselves. Then, in a softer tone, he expressed a different thought.

It was always clear to him, he said after leaving office, that he had "certain disadvantages" that affected his ability to lead the nation: his upbringing, his limited educational advantages, his place of birth, his accent and "the prejudices that exist." He had, he said, a general inability to stimulate, inspire and unite all the people of the country, which I think is an essential function of the presidency."

Lyndon Johnson added:

"Now I have never believed that I was the man to do that particular job."

And again:

"I always felt that every job that I had was really too big for me."

As he should have expected, those remarks brought further abuse. To the end, he was not believed.

CONTRADICTORY, COMPLEX, CONFOUNDING

Lyndon Johnson, in the popular picture, partly self-drawn, partly cruel caricature, was a monumental egotist with an unbridled passion for power and place. Yet it is also possible to believe he was something else—a man of massive talent, and equally massive insecurities. Looking back on it now, everything he did seemed to fit the pattern.

Lyndon Johnson didn't want just a good society, in the term cast by Walter Lippmann in the 1930's; he wanted a *great* society. He did not want to equal his mentor, Franklin Roosevelt; he wanted to eclipse him. He didn't want just to help rebuild Southeast Asia; he wanted to transform it into a grander Europe.

He was contradictory, complex, confounding. He could be cruel and vindictive, kind, and thoughtful. He could weep in public—and did on the day Roosevelt died. He could be vulgar, petty, scheming, conspiratorial—and compassionate and generous. No one who saw him close up could ever forget him.

Every politician wears many faces, probably none more than LBJ. The very initials were so much a mark of the man. The LBJ Ranch. Lady Bird Johnson, Lynda Bird Johnson, Luci Baines Johnson. He even named one of his dogs Little Beagle Johnson.

It was proof, if any more were needed, that the man needed to leave his mark. Some saw it as a sinister manifestation of a deeper psychological problem: He was so vainglorious, so absorbed in himself, it was said, that he could not distinguish issues clearly. Everything came through colored by the complexities of his personality.

Perhaps. Certainly, he was memorable—and bewildering.

CONTRASTING STYLES

That first impression, somewhere in the 1950s, remains indelible. It was a political rally in Washington, dreary in its way, as they all are. All the war horses of the Democrats had turned out: Harry Truman, the former President: Sam Rayburn, "Mister Sam," tough, balding, flinty, somewhat inscrutable Speaker of the House; Averell Harriman, the ambassador who wanted to become President. There were others who wanted to be President, senators all of them—Hubert Humphrey of Minnesota, Stuart Symington of Missouri, John Kennedy of Massachusetts. Then there was LBJ.

He took the podium, leaned forward, and launched into a loud, stem-winding stump speech. He flailed his arms. He pounded the lectern. He shouted until he was hoarse. He leaned forward to watch the crowd. You could see the veins bulging out on his neck. No one was surprised; that was the way the rangy majority leader regaled the faithful in Texas.

Years later, another Johnson and another speech. It was his first address to Congress as President. Soft, subdued, almost soulful. Seeing him, it seemed impossible to remember him as ever being anything other than the quiet, fatherly figure he presented that day.

Throughout his presidency those same mercurial glimpses could be seen. They were illuminating flashes between the private Johnson and the public one.

His first trip as President was one of those moments. For months after the Kennedy assassination Mr. Johnson had remained in the White House, waiting out the transition period between mourning and action. Then, in the early spring of 1964, he took to the country.

He was a force unleased. Restless, searching, he charged into crowds, grasping hands and beaming at the squeals and screams his presence elicited while his Secret Service men stood by in despair. He moved across the land, from town to city to state, declaring war on poverty and promising to banish it from the nation. Finally, late in the day his helicopter arrived in Inez, Ky., a hamlet tucked away in the Appalachians.

By then, his wife was exhausted. She sat in the car, holding a bouquet of roses, grateful for a moment's respite while her husband charged through the crowds. As he walked forward, shaking hands left and right, he noticed his wife wasn't at his side.

"Where's Bird?" he said in a low tone to a Secret Service agent at his side.

"She's behind us in the limousine, Mr. President."

"Tell her to get out here and walk with me," the President said, still in the same low tone, still moving forward shaking hands.

"She's very tired, Mr. President," the agent began.

"Get Bird out here and tell her I want her to walk with me," the President snapped.

Minutes later, his wife joined him, smiling faintly, still carrying her roses.

Lyndon Johnson could be that way.

He also could humiliate some of his closest aides. More than once in the presence of reporters or others in his Oval Office he ridiculed such men as Jack Valenti, his self-effacing assistant.

TEXAS HYPERBOLE

Some of those sessions with Mr. Johnson created other lasting impressions. There was the press briefing immediately following the establishment of order in Santo Domingo. Mr. Johnson had dispatched American forces in great numbers to put down what he said was a Communist threat to that small Caribbean island in May, 1965. In the process, he came under sharp criticism for his motives and his actions.

Before the television cameras, he was measured and judicious. In his own office, with no cameras and only reporters present, he was something else.

He snapped his fingers in reporter's faces, his eyes flashing. He pulled what he said were classified documents from his pockets, and read snatches of them to prove his point. He pounded the desk. He was bellicose. He said things that later proved to be untrue. (It was a case, his aides always explained, of his penchant for "Texas hyperbole.")

It was also a foretaste of later actions that were to have more serious consequences. Mr. Johnson, under criticism, reacted with increasing defensiveness. He seemed unable to accept criticism. Privately, and sometimes publicly, he made disparaging remarks about those who opposed him, including some who had been his respected colleagues for years. In time, he lost some of his most valuable counselors and supporters.

As the Vietnam war turned into something no one wanted, a true land war in Asia, and as dissent began to rise at home about American priorities and actions, Mr. Johnson reacted with more and more truculence.

It's only a matter of speculation, but many a veteran LBJ observer in Washington came to believe that part of the seeds of Mr. Johnson's final fall were sown in the 1964 campaign. It was seductive. He won so great a victory—even greater than the Roosevelt landslide of 1936—that few men would have been able to keep a perspective about their place in the public heart.

Whatever the analysis, one thing was clear. The American people were not following their President. A substantial portion of the public turned on him with a vehemence beyond recollection. An overwhelming majority wanted a change. In 1968, in that most confounding and devastating year in our political history they go it.

MAINTAINED HIS HOLD

To the end, Mr. Johnson maintained his hold, if not his power, over the American people. In the most surprising development of that political year, he announced he was withdrawing from consideration as a presidential candidate. His stunning "I shall not seek and I will not accept" his party's nomination signaled the finish to his presidency. Before he left office, he set in motion the process of disengagement and ultimate withdrawal from Vietnam that was pursued by his successor, Richard Nixon.

Of Lyndon Johnson it can be said that he was a victim of himself—of his excesses, of his flamboyance, of his manner and style, of his penchant for secrecy and manipulation. The public believed him to be a Machiavellian politician, the master of the deal, the biggest political operator of them all.

Yet in a larger sense he was also a victim of circumstances over which he had no control—of the aura of the assassinated young and elegant President, of the resentment of those who were left waiting for the next Kennedy restoration, of prejudice toward Southerners, of the policies of the past that he did not fashion.

History may judge him differently, and more kindly. At the least, he will be regarded as one of the most tragic Presidents.

It may well be that his finest moment came in that time of national tragedy as he assumed the presidency. When the nation was shocked, uncertain, and fearful after John F. Kennedy's assassination, Lyndon Johnson was cool, assured, capable. He provided a steady hand as he carried out the difficult process of picking up the threads of government. The way in which he gathered together the various elements was reassuring. He was a model of stability.

Mr. Johnson also showed a personal brand of courage then. On that November day when John F. Kennedy was buried on the slopes of Arlington amid a gathering of kings, princes and prime ministers, the President's Secret Service agents urged him not to march in the public procession. They were afraid of another mad assassin's attempt. Mr. Johnson brushed the security arguments aside.

"I would rather lose my life than be afraid to risk it," he said.

He walked at the head of the procession from the White House to St. Matthew's Cathedral.

A FEELING FOR PROBLEMS

Mr. Johnson, in those early days, led a united nation. Within two years, he was facing the personal attacks that increased in emotion and venom for the remainder of his presidency.

For all the bitterness his presence engendered, for all the anger and outrage that swirled around his time in office, it was easy to overlook other traits in the man. He was, as it was said, melodramatic; in the sneering term, he was a cornball. But he did have a feeling for American problems, for poverty, for problems of the disinherited and disadvantaged, for those who never knew the comforts of society or advantages of a fine education.

During his presidential campaign, he used to draw rude snickers from some when he would say, in his flagrant manner, that he knew something about poverty. He knew what it was to shine shoes and work for a dollar a day. He knew what it was to be hungry.

It seemed incongruous. The big Texan, strong, powerful. a multi-millionaire who lived at the peak and created the image of some potentate of old, surrounded by servants (and some thought sycophants), was anything but a man out of poverty. But he was.

Lyndon Johnson had come up the hard way. He did know what it meant to be poor and hungry. The hill country of Texas left its lasting stamp. It was desolate, barren country, a place of rocks and hills and scrub grass and small, gnarled trees, not rich ranch country.

Johnson City, in the valley of the Pedernales River, was a small, sleepy, impoverished town. A few buildings, a few stores, a bank, a barber shop—that was all. Dusty and drab.

By the time he was 15, Lyndon Johnson began working for a road gang at a dollar a day. His biographers—the real biographers, not the pamphleteers and propagandists who wrote such one-sided accounts of him—have one intriguing period of his life to unravel. When he was still in his teens, Lyndon Johnson took to the highways.

EVENTS THAT SHAPED HIM

His formal campaign material only noted that he worked his way west to California by taking odd jobs. He was an elevator operator, a car washer, a handyman in a cafe. Then he worked his way back to Texas. What happened to him on those journeys, what experiences colored his outlook, no one knows. He finally decided, though, as he once recalled, "that there was something to this idea of higher education"; then he hitchhiked to San Marcos, Tex., enrolled in Southwest State Teachers College and became a student.

He continued to work his way through school—as janitor at the school, door-to-door hosiery salesman, secretary to the college president.

Even so, he was forced to drop out of school for a year because he didn't have enough money to pay his tuition.

Those events shaped Lyndon Johnson in ways that were little understood, or appreciated, later when he became the quintessence of the powerful politician.

Although his critics belittled his style, his accent, his fragrant and folksy expressions (we were going to "nail the coonskin to the wall" in Vietnam, he said; "Get on your horses and get me a plan!" he recalled saying to his Secretary of State, Lyndon Johnson was more than a bombastic Texas stereotype. He sensed personal problems, understood and tried to alleviate them.

AN AMERICAN PRIMITIVE

By the time his moment on the stage was passing, Mr. Johnson bore the marks of the tumultuous period. He was older, slower, grayer, more subdued. That expressively mobile face, all long lines and creases, wore a somber expression. Later, he would reminisce in a melancholy vein about the ordeal of the presidency—and particularly his personal ordeal over Vietnam.

"The real horror was to be sleeping soundly about 3:30 or 4 or 5 o'clock in the morning and have the telephone ring and the operator say, 'Sorry to wake you, Mr. President.' There's just a second between the time the operator got Mr. (Walt) Rostow in the Situation Room, or Mr. (McGeorge) Bundy in the Situation Room, or maybe Secretary (Dean) Rusk or Secretary (Robert) McNamara, or Secretary (Clark) Clifford.

"And we went through the horrors of hell that 30 seconds or minute or two minutes. Had we hit a Russian ship? Had an accident occurred? We have another Pueblo? Some one made a mistake—were we at war?"

That was part of Mr. Johnson's problem—and part, at least, was of his own making. Not all of the other problems could be laid at his feet.

It was his fate to preside at a time when the old values were changing, when new forces were rising, when society and government were under severe challenge. It was his fate, too, to preside when the old voice of the progressive or populist no longer was adequate to the moment.

He spoke as an American primitive, and left a legacy as an American original. He was both great and gross, full of promise and imperfections. He did more than the country realized or appreciated, and accomplished less than his own dreams.

In that, Lyndon Johnson was like America herself.

SENATOR McGOVERN'S ADDRESS AT ST. CATHERINE'S COLLEGE, OXFORD UNIVERSITY

Mr. ABOUREZK. Mr. President, on January 21, my senior colleague from South Dakota, Senator McGovern, delivered a remarkably wise and perceptive address in Oxford, England, on an issue of overriding importance to the Congress and the American people.

That description will probably come as a surprise to anyone who has relied on secondary reports of the speech. It has become a source of some controversy. But I have been encouraged in recent days by comments from people who have actually bothered to study the text, who have read it rather than reacting to a few quotes from it and the comments of a few others about it.

Some local Washington columnists and editorial writers have left the impression that Senator McGovern let fly with a long and bitter tirade about the recent presidential campaign, in which he is supposed to have blamed everyone but himself for the result. That reading has produced, in turn, a new round of armchair assessments of Senator McGovern's character and conduct, along with a generous outpouring of advice on the proper deportment for defeated presidential candidates. Even some Members of the Congress have chimed in.

So I was frankly astonished when I read the text. For it stretches things to assert that the address Senator McGovern delivered at Oxford was about the 1972 campaign at all. It made scant reference to that effort, and then only by way of illustrating other points.

Instead, the address was a thoughtful study of an issue which has preoccupied most of us since the first days of the session—the concentration of power in the White House, in defiance of the spirit of the Constitution and in denial of the interests of the Congress, the free press, and the American people. Senator McGovern examined the sources of that trend, the manner in which it has been exercised, and its acceleration in recent years. And he suggested a series of steps to reverse it.

Certainly no one would seriously claim that his experience as a presidential candidate renders Senator McGovern less qualified than the rest of us to comment on that issue. On the contrary, we might even conclude that his view from that vantage point gave him some special insights the rest of us may not have.

Moreover, Senator McGovern's track record on other great issues of the last decade should lead anyone to think long and hard before they dismiss his statement on this one. I can just see a Washington Post editorial writer or columnist back in 1963 commenting with some degree of self-assurance that this new, first-term Senator from South Dakota should leave Vietnam to the generals and the State Department, stop criticizing the American role there, and limit himself to remarks more appropriate to his station. Fortunately, both as a freshman Senator and as a defeated presidential candidate, George McGovern has not followed that course.

In any event, it is plain to me that in his Oxford speech, Senator McGovern's tone was no more blunt than that of a good many other members of the Congress, and his conclusions no stronger—although somewhat more scholarly—than you might expect to read in, say, a column by Joseph Kraft or a Washington Post editorial. I am sure that the students at Oxford found his remarks highly illuminating and entirely appropriate to their keen interest in American public affairs. And I suspect, as well, that they would be as amazed as I am by some of the reaction here in the United States.

But the text itself is the best response to misimpression or misinterpretation. For that reason, and because it is a careful and eloquent analysis of an issue of deep and growing concern to the Congress, I ask unanimous consent that the text of Senator McGovern's remarks be inserted at this point in the Record.

There being no objection, the adress was ordered to be printed in the Record, as follows:

I am grateful for your generous invitation to discuss the future of American politics. Let me begin with the past in order to explain the present, and then explore the possibilities of the future.

Just why the American electorate gave the present Administration such an overwhelming mandate in November remains something of a mystery to me. I do not expect ever to find a fully satisfactory answer. I firmly believed throughout 1971 that the major hurdle to winning the Presidency was winning the Democratic nomination. I believed that any reasonable Democrat could defeat President Nixon. I now think that no one could have defeated him in 1972. And I am not certain that the Democratic Congress will hold him in check for the next four years. I am convinced that the United States is closer to one-man rule than at any time in our history—and this paradoxically by a President who is not popular.

Fundamentally, we have experienced an exhaustion of important institutions in America. Today only the Presidency is activist and strong, while other traditional centers of power are timid and depleted. This is why one man in the White House was able for so long to continue a conflict hated by so many of his countrymen.

The institution of Congress has been exhausted by Executive encroachment and legislative paralysis. For a decade, a war was waged without Congressional approval; for years, that war raged on in part due to Congressional inaction. The representatives of the people proved unwilling to end a policy opposed by the people.

But the impotence of Congress and the omnipotence of the Presidency have deeper roots and a longer history. In 1933, the Senate and the House passed Administration bills almost before they were printed or read. It was a time of crisis. But in the years since then, the Congress has acted as though the crisis were permanent. We now appear to accept the curious notion that the legislative initiative rests with the Executive branch. Indeed, students of American government are themselves surprised at the startling fact that nearly 90% of the legislation the Congress considers originates with the Administration.

And in the last generation, Presidential activism and Congressional passivity have been even more pronounced in the field of foreign policy. Congress was not asked for approval in the 1950s before the American troops were dispatched to Korea and Lebanon. The chairman of the Senate Foreign Relations Committee, who advised against the Bay of Pigs invasion, was ignored, while other members of Congress were not even consulted. The Senate was assured that the Gulf of Tonkin Resolution was no writ for a wider war; it was then used as an excuse for the widest war since 1945.

Now this tide—which has ebbed and flowed for four decades—has crested at a new high. Just before Christmas, the President, in the flush of his electoral landslide, unleashed the most barbarous bombing of the war without even forewarning the Congress. He then refused to explain it or to permit any of his subordinates to explain it—a situation which must strike you especially as strange, since not only the Foreign Secretary but the Prime Minister are regularly called to account in the House of Commons.

I only wish your government had expressed to us the moral outrage that a good friend was obligated to express against the Nixon destruction of Indochina. Thank God for the eloquent and timely words of Roy Jenkins.

The President's defense for his silence was that he was invoking the American doctrine of executive privilege, which is supposed to protect certain limited types of communication within the executive branch. The truth is that he was abusing executive privilege, which is not supposed to prevent review and the exercise of responsibility by the legislative branch.

Our Constitution, like yours, is an organic document. Although the first Americans sketched the essential outlines of government, they wisely left the embellishment of the relationship among its three branches to experience. Thus, the assignment of specific authority is only in a few instances explicit.

But among the rights clearly assigned to the Congress are the powers of war and peace and the power of the purse. The power to make or unmake war, as I have already suggested, has been stripped almost completely from the Senate and the House. And now, for the first time, the Executive has mounted a serious challenge to the Congressional control of appropriations. Perhaps the Congress invited this attack by a complacent acquiescence in the Vietnam disaster; in any case, the battle is on, and the Congress is losing.

Last fall, we submitted to the President a bill to clean up our nation's waterways. He vetoed the bill, and we passed it again over his veto. He then simply refused to spend the money as Congress directed. The success of this tactic was followed by the impoundment of funds for other domestic programs. Most incredibly, at the end of the last legislative session the President demanded that the Congress rubberstamp such impoundments in advance. He asked us to agree to set a budgetary ceiling within which the sole power of appropriation was reserved to the executive branch. Even more incredible was the speed with which the House of Representatives approved this request, and its relatively narrow defeat in the Senate. And after Congress refused the President this authority, he just took it. One wonders why he even bothered to ask.

This is not the way of a government of laws or even of men, but of one man. Today the United States is moving dangerously in that direction. The Congress seems incapable of stopping what it opposes or securing what it seeks. It has been described by a Republican Senator as a "third or fourth rate power" in Washington. And it may be fairly asked whether the Congress of the United States in the seventh decade of this century is in peril of going the way of the House of Lords in the first decade. The difference is that the diminution of the Lords made English government more democratic, while the diminution of the Congress makes American government more dictatorial.

And the exhaustion of the Congress is matched by the exhaustion of the political parties. The Republican Party, reduced to utter vassalage by the White House, offers little more than an administrative program. They offer the politics of efficiency—but to what end and impact? Their answer to the transportation crisis is to rearrange the Department of Transportation. Their answer to desperate social needs is to reduce and rename social programs. And their answer to the threat of racism is the malignancy of benign neglect.

At the same time, the loyal opposition is neither loyal to a specific set of ideas nor effective in its opposition. The Democratic Party is in peril of becoming a party of incumbency out of power, much like the Whigs of the 19th Century—a party with no principles, no programs, living only from day to day, caring only for the prerogatives of office, doing nothing, and worse, not caring that nothing is done.

Though important and, I believe, enduring reforms have opened the Democratic party to broader citizen participation, the purposes for which it stands remain disputed and undefined. For twenty-eight of the last forty years, those purposes were set by Democratic Presidents in the White House. Today, the party consists largely of fragments and factions, often still divided along the same lines as in 1968, when pro-administration and anti-war forces contended for its soul.

At the same time, the Democratic constituency has declined; in both of the last national elections, the Democratic candidate could count only 40% of the vote. I believe the party is still the best hope and help of the unprivileged majority of Americans. Yet I know that we have failed to convey the Democratic appeal to millions who are not racist, but afraid; who do not seek a Wallace, but will settle for him if no one else seems to hear or heed them.

And what is the response of the Democratic Party? Not a determinated effort to shape a constituency for change, but an exhausted armistice with the status quo. In 1973, the party itself is no longer a challenging source of ideas and innovation in society. Indeed, in the midst of the quarrels and the contention, the safest course for party officials has been to emphasize that they are interested, not in the ideology, but in the technology of politics.

Without principles, there is no party. And a nation cannot be led nobly or even decently by a collection of politicans whose highest purpose is power.

But perhaps the most discouraging development of recent years is the exhaustion of the institution of the press.

Under constant pressure from an administration that appears to believe that the right of a free press is the right to print or say what they agree with, the media have critical reporting that is a tradition in American politics. It was not always comfortable, but it is always necessary. Yet Mr. Nixon escaped a similar scrutiny. The press never really laid a glove on him, and they seldom told the people that he was hiding or that his plans for the next four years were hidden. Six days after the Wategate gang was run to the ground, Mr. Nixon invited reporters into his office, and submitted to the only interrogation his managers allowed during the fall campaign. Not a single reporter could gather the courage to ask a question about the bugging and burglary of the Democratic National Committee. Much of this can be blamed on the incestuous character of the White House press corps itself. Ask one wrong question, and a reporter may find himself cut off altogether, thus ending this repose in one of the cushiest assignments a journalist can draw.

Now, with the election over, the executive branch has tightened the pressure on the media. For example, the administration has expressed an intention to punish offending television networks by depriving their stations of licenses. Already, the White House has dismantled the Public Broadcasting System, whose public affairs presentations the President found irritating. And the press has responded by retreating. It has catalogued the slashes in domestic programs and the plans for conservative, insensitive government—but it has not even noticed anything amiss in the fact that these steps were concealed or denied before the election. There are of course, brave reporters, newspapers, and television channels ready to take the heat; but there are countless others who have left the kitchen for a more comfortable, uncritical existence in the antechamber of this Administration. They are trying to get along by going along.

And the exhaustion of American institutions is matched by an exhaustion of the American spirit.

This even touches some liberal intellectuals, traditionally the most tireless group in America. Today you can hear such liberals saying that government cannot make any real difference for good in the lives of people—that whatever it touches will turn to failure. Many of those who supported the advances of the 1960s so fervently now denounce with equal fervor the setbacks of the 1960s. And they are reluctant to resume the imperfect but important march interrupted by the war. Instead they seem almost happy to fulfill the prophecy of W. R. Inge, the Gloomy Dean, that he who would marry the spirit of the age soon finds himself a widower. And they seem to draw a curious personal consolation from the evidence that my appeals to idealism and morality of America were rejected by the majority of Americans.

Indeed, these so-called liberals now tell us that we should not try to save our cities, cure the causes of crime, or eradicate poverty. They say that if we are part of the solution, then we are also part of the problem. Their motto appears to be: "Nothing ventured, nothing lost."

The same dispirit envelops millions of other Americans. They have followed a bloody trail of disappointment from a sunny street in Dallas to a hotel kitchen in Los Angeles. Three times they have voted for peace; at least twice, they have been given more war. They were oversold on the social experiments of the 1960s; now they are wary of buying even sensible and essential social progress from any political leader. They see government as at best an annoyance, at worst an enemy, and they wish it would just leave them alone. Broken promises have ended in broken power. Public officials are viewed principally as annoying tax collectors.

To my mind, this mood was central to the outcome of the 1972 election. For example, the commentators have suggested that credibility was among my principal difficulties during the campaign. I agree, but not with the proposition that people did not believe me. I think they did believe that I would do what I said, and they were afraid. Many Americans looked back at the debris of the last decade, and they feared that once again, they were about to face a hard effort and harvest nothing from it.

So to me the central challenge for the future of American politics is to end the paralysis of institutions and ease the apprehensions of the electorate. The United States must find a way to replace exhaustion with energy, cynicism with hope, resignation with determination, destructive anger with constructive activism.

That is so easy to say, so hard to do.

I no longer think it can be done merely by calls to greatness or appeals to idealism, no matter how eloquent. Americans have been told until they are tired of hearing it that they shall overcome, that they can move their country forward, that they can have a great society, that they can seek a newer world or find the lift of a driving dream—or even bring America home to its founding ideals. This kind of summons has value; indeed, in my view, Americans are desperately anxious to believe in a transcendent, almost mystical purpose. But they are also skeptical now of any such summons unless there are signs of progress already there.

As I discovered in the last campaign, it is not even enough to outline proposals in specific detail. The only way to reawaken faith in the system is for government and politicians to restore it step by step, through substantive advances that mean something to people. They must see their sons home from Vietnam, their neighborhood crime rate reduced, their taxes used to build better lives instead of bigger bureaucracies, their children educated in decent schools and their illnesses cared for at reasonable cost. The progress must be visible, sure and steady.

This requires above all else a determined effort to improve and strengthen the institutions in America that are supposed to serve the citizens of America. After a decade of disillusion, institutions may be unfashionable things. But institutions are not evil, they are neutral; and they are indispensable instruments of change in society. More often than not, the ebbs and tides of history are determined by the nuts and bolts of governments.

In modern times, when American liberals have recognized that truth, they have tended to see it in terms of the Presidency. Only a few years ago, liberal scholarship still celebrated the strong executive and sought to strengthen it even more. Now we have learned that the Presidency, too, is a neutral instrument that power in the White House can be abused as well as used—that a reactionary or a war maker can also read Richard Neustadt and James McGregor Burns.

Twice now our answer has been attempts to change the person in the Presidency. Both times we have ended in at least as much difficulty as we were before. It is now almost four years until the next national election. It is also time to ask whether American progressives should continue to rely on a quadrennial chance to capture what is becoming an elective dictatorship.

We may lose again as we have before. And liberty is the real loser when so much authority is vested in a single office.

There will be plenty of time to prepare for the next campaign. But now is the time for a determined effort to change, not the person in the White House, but the power of the Presidency. American liberals must reverse the forty year trend toward a stronger President and return to the two hundred year old tradition of shared power.

The Supreme Court is subject to fate and executive appointment, with only the Senate standing between the court and an ideological coup. So the true priority is to protect the place of the Congress in the Federal system. We must seek a pluralism of power, where Congress and the President guard and prod each other.

Some political scientists claim that this is the wrong aim. They say: "Only the President can lead because only the President has a mandate." But Congress has a constructive mandate, made by a blend and balance of the regional interests reflected in each member's election. And that constructive mandate can be as effective as the President's universal mandate. The Congress can work to check the Executive and to move the country. It can seek cooperation with the President; it can also shape a kind of cooperative tension with him that can make change happen. In the words of an ancient philosopher: "That which is in opposition is in concert, and from things that differ comes . . . harmony."

In pursuit of a pluralism of power, the Congress has powerful weapons at its disposal. And after executive provocation without peer or precedent, the legislative branch at long last seems ready to act.

Now the Congress must exert its authority to achieve a full measure of influence. For example, when the legislation that allows the President to control wages and prices comes up for renewal, the Senate and the House should not issue another blank check. We should include safeguards to assure that profits, dividends and interest rates are never again permitted a special break while the wages of workers bear the full burden.

But the Congress should not wait for such opportunities. It should mount a consistent and coherent effort, founded on its foremost power—control over appropriations. James Madison wrote in *The Federalist Paper*, number 58:

"The power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

The insight is borne out in the history of your own land. For five centuries, from Edward I to George III, English liberty was purchased piece by piece by the Parliamentary power of the purse. And in 1973, the Congressional power of the purse can sustain American liberty.

It can be used to stop the abuse of executive privilege. Part or perhaps all of an appropriation could be conditioned on the Administration's consent for the appropriate officials to testify before House and Senate Committees.

It can be used to stop executive wars by whim. The Congress must refuse to fund conflicts it has not declared or even decided to fight. From the tragedy and travail of Vietnam, the Congress at least must learn the truth of Edmund Burke's warning: "The thing you fight for is not the thing which you recover; but depreciated, sunk, wasted and consumed in the contest." American ideals have been depreciated. American wealth has been sunk. Human lievs have been wasted, and Indochina itself has been consumed in the contest. The United States must fight when the course is right. But never again should the Congress allow young American lives to be lost for the defense of a corrupt dictator anywhere in the world.

And these steps are only a beginning. For if the Congress is to assume a role of leadership, it must have not only the negative power to review and reverse policy, but also the positive power to make policy in the first place. It must know enough—so it will not hear the reply that the President always knows best. It must be structured for integrated decision making—so it will not hear the reply that only the President can pull all the pieces together.

First, the Congress should establish a unified budget assessment mechanism. The Senate and House should establish a committee to estimate revenues, set a general level of expenditures, and establish priorities to relate specific appropriation decisions to that general level. This committee should have sufficient resources of expertise and information. There is no reason to let the President control the budget because he has the only Office of Managament and Budget.

Second, the Congress should establish a similar mechanism for national security policy. With members drawn from the Appropriations, Foreign Relations and Armed Services Committees, such a unified committee could offer a thoughtful and sensible alternative to executive proposals. This committee, too, should have the necessary resources. If the President can have two State Departments, the Congress can have at least one agency to provide information and recommendations about foreign affairs and defense policy.

Third, the Congress should adjust the seniority system. No other legislative body in the Western World uses length of service as the sole standard for place and power in its committees. If the Congress is to carry out its constructive mandate, it must do what the mandate means, not what a few individuals from safe districts want. An activist, effective Congress must reflect the popular will. It cannot do so unless the members freely elect committee chairmen.

Finally, the Congress should defend its power as it extends them. It must consider and choose from a number of alternatives to cancel or control the impoundment of its appropriations. Only then can the Congress assure the execution of the policies it has enacted.

So if the Congress has the will, there is a way to exercise positive leadership. For the long term, the question is—in what direction?

I am convinced still that the society to which America should aspire is a liberal one. To those who charge that liberalism has been tried and found wanting, I answer that the failure is not in the idea, but in the course of recent history. The New Deal was ended by World War II. The New Frontier was closed by Berlin and Cuba almost before it was opened. And the Great Society lost its greatness in the jungles of Indochina.

Of course, liberal programs will sometimes fail anyway, for human decisions are frail always. Government is the creation of men and encompasses the weaknesses of men. Plans can be poorly conceived or poorly executed—though a Congress with sense and a bit of intelligence can work to prevent that. But that government is best, I believe, that best serves the demands of justice. So what Americans should seek is a system in which the principles of civil equality and individual liberty have the highest claim on statesmanship. We must strive to provide a decent standard of life for all citizens and to redistribute wealth and power so each citizen has a fair share. And along with this must come a foreign policy which puts humanity and morality ahead of Cold War myths and the prestige of leaders who would rather compound error than face reality.

And an institutional revival of the Congress not only can lead America in a new direction; it can also spark a similar institutional revival outside government.

Where power is pluralistic rather than presidential, the press will not have so much to fear from the executive branch. It could institute reforms such as the rotation of correspondents at the White House and among candidates in a national election, and the assignment of political reporters and not just "regulars" to the President during a campaign.

There are also hopeful signs of a reawakening in the Democratic Party. The Party is scheduled to hold biennial conferences to set national policy, with the first one next year.

And as Democrats look ahead to 1976, they can be encouraged by the enduring gains of 1972. For I believe my campaign set the manner in which future candidates must seek the Democratic nomination—openly, candidly, not with the traditional strategy of saying as little as possible, but with a pledge to seek and speak the truth. I believe we also set a standard for the conduct of future campaigns—which will have to reveal their contributors and represent the people rather than the politicians. And never again will Americans accept wiretapping, Watergates, and the spectacle of a candidate hiding in the White House. Instead, they will expect at least a commitment to correct wrongs rather than committing them. Finally, I believe our campaign set forth the great issues that will dominate the debate of the 1970s, ranging from tax reform to a rational military budget.

And millions of Democrats, whether they are ordinary citizens or Senators, are anxious to carry the banner. I have faith that their energy and efforts can end the exhaustion of the electorate, enlist the country in a coalition of conscience as well as self interest, and expand the 28 million votes the national ticket won in 1972 into a majority that is right as well as new.

But as I have noted, the next election is four years away. For the immediate future, the key is the Congress. It must take the initiative and provide the inspiration. It must cure the paralysis and procrastination that have earned it the doubt, the disrespect and the cynicism of the American people. The *New York Times* recently described the President as a leader who "behaves with the aloofness of a Roman emperor." It is useful to remember that no Roman emperor was crowned until the Roman Senate abdicated.

Before most of you were born, Henry Luce described this time in history as the American century. Since then, the United States has learned the hard way that you cannot colonize centuries any more than you can colonize countries. But I would still like to believe that my country has something of value to offer to a beleagured world.

It is not just our wealth and our technology—though that we should share with those who need it.

And it is not the terrible gift of another Guernica in Indochina.

And surely it is not our power to unleash a nuclear reign of terror, to give the earth a last shimmering moment of light before the endless night.

Throughout our history, America's greatest offering—as I said in accepting the Democratic presidential nomination—has been as "a witness to the world for what is noble and just in human affairs." This is what summoned the dock workers of Manchester to support Abraham Lincoln and the cause of liberty during our Civil War. And this is what America must restore. If we fail, other generations who are not free will look back and say that things cannot be any other way.

So in my mind, the challenge of the American future is to revive our institutions and resume our progress at home, while we act abroad with "a decent respect for the opinions of mankind."

MR. NIXON AND THE RUSSIANS

Mr. SCOTT of Pennsylvania. Mr. President, the distinguished British journalist, Henry Brandon, has written a provocative book on contemporary U.S. foreign policy, "Retreat of American Power." It has not as yet been published but an excerpt from it was printed in last Sunday's New York Times Magazine, entitled "Mr. Nixon's Way With the Russians."

The article is extremely interesting and I recommend it particularly to those critics who choose to ignore the far more peaceable world we enjoy in 1973 as a result of President Nixon's foreign policies.

I ask unanimous consent that Mr. Brandon's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon's Way With the Russians

(By Henry Brandon)

When Richard Nixon accepted his nomination at the 1968 Republican Convention in Miami and said that he would move from confrontation to negotiation with the Soviet Union, it seemed to many that this was the best promise he could make. Yet, even though some of those close to him suggested to me then that it was less close to his political instincts than to his political calculations, and even though it was one of those vague generalities that are the stuff of convention and campaign speechmaking, now, as he begins his second term, it can be said that he lived up to it more than anybody expected—most of all, perhaps, Nixon himself.

The last thing Nixon would want is to go down in history as having retreated before Russian or any other Communist power. And if anybody had impeccable anti-Communist credentials, it was Richard Nixon. He exploited them adroitly. In the 1968 Presidential compaign, for instance, he hammered home the fact that he, an avowed anti-Communist, had a better chance than any Democrat of getting the United States public to accept conciliatory moves toward Communist countries. President Johnson was uncertain in his attitude to the Russians, though he always had the notion that he would make some sort of deal with them. Dean Rusk, L.B.J.'s Secretary of State, was dovish toward Moscow, but felt hawkish toward the Government in Peking; he favored a policy of containing China in collusion with the Soviet Union. Nixon rejected this approach because he thought it would be interpreted in Asia as a racist-influenced policy, and from the start prepared for an evenhanded policy, though one based on a belief that the Russians were the more dangerous because they were more likely to take military risks. Nevertheless, his Vietnam-policy decisions risked Russian defiance.

What made some sort of rapprochement with the Soviets look more hopeful than perhaps ever before was that some time in 1970, if not earlier, the Kremlin decided that it wanted to aim at a limited amount of cooperation with the United States and with Western Europe and that it wanted to reduce tension with both. This decision was reflected in Brezhnev's speech at the Communist Party Congress in March, 1971, and set the basic direction of Soviet policy. I remember how at a dinner party at the house of Gov. Averell Harriman in June of 1971, the then Polish Ambassador Jerzy Michalowski admonished everybody present to read the Brezhnev speech carefully, for it represented a very important change in Soviet policy to which, he said, the United States should respond in a conciliatory and understanding way; otherwise, an opportunity might be missed.

He argued among other things that since the Russians had more or less achieved nuclear parity with the United States, they were now anxious to commit more of their economic resources to raising their people's standard of living, and he admitted that with the tense situation along the Sino-Soviet border there was a need to shift troops from Western Europe to the East. The problem for Nixon, who was quite willing to sound out the prospects, was now to begin. He therefore set a cautious pace and a slower one than suited the Kremlin. On his European tour he reassured America's allies that he would not negotiate with the Soviet Union behind their backs.

LINKAGE VERSUS ROULETTE

Nixon's basic strategy was to negotiate with the Russians on a broad front of problems which would be seen to be interconnected. This idea later came to be called the "linkage" principle and was defined by William Safire in his "The New Language of Politics" as "a global negotiations strategy holding that progress on one front is necessary to, or helpful to, progress on other fronts. It was expressed by Kissinger in a background briefing on Feb. 6, 1969, in which he explained that the President would like to deal with the problem of peace on the entire front on which peace was challenged and not only on nuclear arms talks, and that a reduction of tension in one area could be achieved only if it also applied to others. It was with linkage in mind that the President sounded an early alarm about the dangers in the Middle East and Berlin. He wanted to make it clear that a *détenté,* like peace itself, was indivisible.

More specifically, Nixon and Kissinger laid down, shortly after the Inauguration, a basic set of principles on handling the Russians. These were not processed through the National Security Council machinery, with the result that the council never developed a full-fledged, over-all policy paper on United States-Soviet relations, but instead continued to deal with specific problems—the Middle East, SALT, Berlin, and so on—as they came up. The Nixon-Kissinger guidelines went roughly as follows: Keep relations on an even keel, have no illusions about how much can be accomplished, and do not treat arms control as a "safety valve" (as Kissinger liked to call it) against issues fraught with danger, because it will not in itself alleviate this danger. Individual issues simply were not to be singled out; the key to a better, more stable relationship was a relaxation of tensions on all fronts. The behavioral etiquette in dealing with the Russians was to be cool, matter-of-fact, even distant. Public polemics were to be avoided, and so were negotiations that sought only to sweeten the atmosphere.

These guidelines represented a radical change, for under President Johnson the idea was that you should try to do business with Moscow whenever possible. Nixon believed that he could reach an understanding with the Russians, but since the Communists were evil, expansionist and untrustworthy, he had to insist on an *over-all* understanding, and retain the freedom of the willpower to use military force if necessary. He thought such a broad understanding could be arrived at by the United States' making concessions on SALT and Vietnam, and by the Russians' doing so on the Middle East; other issues would have to be resolved somehow by mutual compromise. The idea that a package deal could be negotiated with the Russians on the basis of the "linkage" theory became very controversial among the experts and many of them viewed it as hopelessly unrealistic, betraying ignorance of the Russian psyche.

The late Llewellyn Thompson, twice Ambassador to Moscow and one of the most respected among the experts, was one of those who dissented. Thompson contended that "linkage" to the Russians meant negotiating from strength, a phrase that went back to John Foster Dulles, one of the many devils in the wax museum of the Soviet diplomatic mind. Because they suffered from an inferiority complex, he argued, they would object to the idea and resist it.

Thompson once maintained to me that to the Russians each case for negotiation "was another throw of the roulette ball," and "every time the roulette ball spins, one has to watch how it turns and where it falls. There is no necessary connection between the throws." Thompson continued to defend the idea of simply seeking to improve the atmosphere between the two powers, because once they reciprocated, they always committed themselves a little more, assuming. however slightly, a new attitude. "It does therefore help," Thompson insisted, "to commit the Russians to a trend and direction because they lack flexibility in their propaganda, which makes it difficult for them to reverse it."

Thompson developed his view once to Kissinger in the latter's office and, as it happened, the President called on the telephone during their conversation. When he heard that Thompson was in Kissinger's office, he asked both to come and see him. Thompson then explained his views to the President and left feeling that the President had agreed with his interpretation.

Gradually, as Nixon's approach to the Russians evolved, it turned into a mixture of the Kissinger and the Thompson theories, though every time the Russians did something reasonable on one front and something unreasonable on another, the cry of "linkage" was heard from the White House, which put the Kremlin on notice that this was not the way to reach an understanding. But the mixture was inevitable and Mr. Nixon slowly recognized it. It is one of his eccentricities that he likes to appear more inflexible than he really is.

If necessary, though, he can be quite adroitly flexible, especially when the political stakes warrant it. For a long time, for instance, he was convinced that the Russians could help him to persuade Hanoi to make a settlement—which contributed to his slowness about starting the SALT talks—but in the end he recognized that Russian leverage with the North Vietamese was limited for a number of complicated reasons, and that he had better not make this the stumbling block to a new understanding with the Soviets.

FOOTHILLS OF THE SUMMIT

Kissinger, from the start, assumed supreme control over diplomatic contacts with the Russians. His first meeting with Ambassador Anatoly Dobrynin occurred in New York before President Nixon's Inauguration, and their meetings after a time became an accepted thing whenever something that could develop into a crisis had to be thrashed out. Dobrynin, a master of the diplomatic trade, quickly recognized the uneven balance of power between Kissinger and Rogers.

Seeing where the center of power really was, he lavished attention, as ought any shrewd diplomat in Washington who had the opportunity, on Kissinger. He established easy access to him and soon found out that, for quick action, this was the place to call. Dobrynin, as ambassadors go, saw perhaps more of him than most, and soon earned in Kissinger a kind of fond respect. Here were two men who could display an extraordinary amount of charm and wit, but also vie in toughness with each other. Kissinger even had him home for negotiations—and few have seen the Kissinger household from the inside—but only after an electronic sanitizing squad had made certain that the Russians had not bugged the house in advance.

Despite the Kissinger-Dobrynin compatibility, despite the prospects for improved relations between their two countries, the progression toward serious negotiations was slow, and various peripheral crises interferred with it at various times. The Russians distrusted Nixon—though at the start they were willing to forget his past and judge him on performance—not only because of his reluctance actually to begin the SALT discussions but also because of his policy in Vietnam and his provocative visit to Rumania.

His overtures to China, however, really shocked them. I was not surprised when in September of 1969, Georgy Arbatov, the perspicacious deputy director of the Moscow Institute for Soviet-American Affairs, said to me that this was a moment when the United States should try to inspire trust, not the opposite, and that the prospects of improved relations between the United States and the Soviet Union had been endangered.

But Nixon did not want to move too fast, for he was afraid Congress would otherwise have refused to approve the Safeguard legislation for a new antiballistic missile defense. He also wanted further to test the MIRV (Multiple Independent Re-entry Vehicle), which he had no intention of banning, and to give more time to the new methodical studies of the whole disarmament problem ordered by Kissinger. John F. Kennedy made the missile gap a big issue during his Presidental campaign, but once in a power he found that the situation was not so bad after all. Nixon, on the other hand, during his 1968 campaign was led to believe that the United States had a powerful advantage in missilery.

Once in office, however, he found that the situation was worse than he had been led to believe and that a serious imbalance in the missile field could develop in a half-dozen years. President Johnson had decided on the evidence he was given that the Talinn Line around Moscow was not an ABM defense and that the SS–9 intercontinental ballistic missiles were not equipped with maneuverable warheads. But in 1969, Kissinger's verification panel succeeded in injecting doubts into these conclusions, even through the C.I.A. continued to support the earlier ones.

Shortly thereafter, in spite of Nixon's orders for everybody to throttle down on anti-Soviet speeches and to exercise restraint, Defense Secretary Melvin Laird accused the Russians of aiming at a first-strike capability. It was the most anti-Soviet statement an American in Laird's position could have made, for it implied aggressive Kremlin intentions.

As regards trade, Nixon was again cautious and uncooperative. In his efforts to accumulate as many bargaining chips as possible, this, too, was to be husbanded for the day when it could be exchanged for something he needed. Contrary to the common assumption, Nixon was convinced that trade could only follow improvements in the political field. This, again, was different from the old theory held by Ambassador Thompson in his Moscow days. The argument then was that since the trade would not amount to very much, it would be worth making concessions as a demonstration of goodwill. But Thompson blamed American industry for its Government's reluctance, because he thought the industrialists feared Russian competition.

THE CUBAN INCIDENT

Still, Nixon meant to get into serious negotiations with the Russians on a broad front of problems, even though he began to realize that he would not be able to insist on these negotiations being interrelated. He learned it the hard way. After his first disappointment of learning that the Russians could not help him in Hanoi, his second was that he could not arrive at an agreed policy with them on the Middle East. It led him to have grave doubts about Russian intentions.

They were sharply accentuated by the so-called "Cuban incident" in September, 1970, involving a Soviet submarine tender. Nixon at first did not want to disturb relations and decided to try secret diplomacy to avoid creating too much of a fuss about it, and to make clear to the Russians that he was as determined as Kennedy to prevent their establishing an offensive military base at Cienfuegos.

But the "incident" broke into the open in a column by C. L. Sulzberger of The New York Times on Sept. 25. The same day, the Pentagon cautiously confirmed it, and later still the same day, Henry Kissinger at a background briefing on the President's trip to the Mediterranean issued a strong warning that the United States would consider the establishment of a Soviet strategic base in Cuba a hostile act. The State Department was at first puzzled by these warnings and some of its officials criticized them as a cold-war exercise. But the White House, though it did not want to ring the alarm bell in public, made certain that the full implications of this Russian initiative were understood at least by the press and Congress.

The reason for the American concern stemmed from the presence of the 9,000-ton Ugra-class submarine tender and two barges which, according to an expertly researched story by Benjamin Welles, also in The New York Times, had been shipped from the Soviet naval base of Polyarny, near Murmansk, to Cuba. They had no power of their own and were intended as storage space for radioactive wastes which nuclear submarine reactors discharge from time to time.

The initial suspicions that the Russians were building up a new presence in Cuba had been aroused by photographs showing a soccer field close to new military barracks, and since it is well known that Cubans do not play soccer, but that in Russia this is a very popular sport, a warning signal went up. U–2 photo reconnaissance, which had dropped to one flight a month, was swiftly increased and came up with proof that new communication towers, new barracks and new antiaircraft sites were under construction, and that two barges and a tender were at anchor at Cienfuegos; it all added up to a potential nuclear-submarine base. A nuclear submarine was even identified in the vicinity, though not actually at the harbor of Cienfuegos.

One of the key questions was whether the submarine and tender would marry up, for that would have been the most conclusive evidence. They never did, though they probably would have, the experts concluded, had not the preparations been discovered in time. Once the installations were in place, the United States would have been presented with a *fait accompli*. The Russians could have said then that because the Americans had not raised the issue, they had simply assumed it was acceptable and had gone ahead. The Soviets could have argued, too, that in exchange for a withdrawal the United States had to make a concession—say, by giving up a base in Europe.

What worried the Pentagon was that with a refueling base in Cuba, Soviet submarine strength in the area could be increased, for then the Russians could cut short their patrols and avoid the 8,000-mile round trip from their West Atlantic stations back to Polyarny. What worried the White House more, though, was the deception by the Russians just when the two sides were beginning to have serious talks. Since there was every indication that the facilities to handle nuclear submarines were being built on a crash basis—the new construction had been erected within a month—a speedy intercession with the Russians was imperative.

Kissinger summoned Ambassador Dobrynin to his office and reminded him, after describing the American findings, that the Russian activities violated the Kennedy-Khrushchev understanding which stipulated that the Soviet Union would not use Cuba as a base for nuclear weapons. Dobrynin at first expressed surprise but, according to a description in Kissinger's own memo of record, turned "ashen" when the full evidence was presented and the possible consequences of Soviet persistence in these activities were outlined.

The Kennedy-Khrushchev understanding of 1962 allowed for defensive ground-based SAM and ABM missiles on Cuba, but not for servicing nuclear submarines which are offensive weapons. Dobrynin promised to give Kissinger requested assurances, but did not manage to do so so before Sept. 27, when Kissinger left with the President on his second trip to Europe, designed to bolster NATO and to warn the Russians not to overplay their hand in the Mediterranean.

One of the problems at the time was to convince the American public, Congress and the press that the Cuban accusations were not an attempt to "manufacture" a crisis, but a serious controversy with grave implications. The perturbations were set at rest when the Russians, after separate talks between Rogers and Gromyko at the United Nations, and Kissinger and Dobrynin in Washington, laconically reconfirmed through a Tass statement in Oct. 13 that the Soviet Union "has not been and is not building its own military base" in Cuba.

In private, Dobrynin confirmed that the understanding of 1962 existed and would be upheld. Even though these Russian assurances were not all that was asked for, the State Department spokesman characterized the Soviet statement as "positive," indicating that the United States was satisfied. It was a textbook case of preventive secret diplomacy which succeeded in averting the build-up of a really serious, potentially dangerous crisis. Nevertheless, the White House privately suggested to the press that it would prefer that no victory be claimed. The case was considered closed.

Between the summer of 1970 and the autumn of 1971, United States-Soviet relations underwent important tests of strength: not only in the Cuban incident but also in Jordan and in the cease-fire confusion along the Suez Canal. In each case the United States remained firm. And there was also what one could call an internal Communist crisis, the workers' rebellion in Poland, which must have made quite an impression in the Communist Party Congress in Moscow at which Brezhnev signaled the basic decision in favor of the *détente* policy and the new approach to domestic economic development. It was a far-reaching decision and it led to increasingly more businesslike negotiations.

KISSINGER MEETS BREZHNEV

Chairman Brezhnev, for the first time, moved to the forefront as the man behind the forceful *détente* policy when he invited Chancellor Willy Brandt to the Soviet Union. It was on this occasion that Gromyko, with his sardonic humor, expressed Russia's unconcern about the Common Market by remarking to Brandt, "It is a tame animal, a dinosaur born in captivity."

Brezhnev's private exchanges with President Nixon also gained frequency and led to the first agreement in principle on SALT and later to the clinching of the Berlin agreement. Other Russo-American bilateral interests began to be more carefully defined and worked over, as were the plans for a summit meeting which, the Russians insisted, was first suggested by President Nixon. But from the Russian viewpoint, it seemed to be a virtual must after Mr. Nixon's voyage to China, for the Russians were far too concerned about the possibility of American-Chinese collusion directed against them.

Kissinger flew to Moscow early last spring on Brezhnev's invitation to try to work out guidelines for the summit conference. Not unexpectedly, the subject of Vietnam occupied almost half the time of the discussions between Kissinger and Brezhnev, who surprised Nixon's emissary because he proved to be much smarter, much more intelligent, much better informed than he had expected from everything he had heard about him. It only went to prove that although Brezhnev is a creature of the Soviet bureaucracy, to become *primus inter pares* nevertheless requires outstanding leadership qualities.

Kissinger found him tough, but capable of greater informality than he had expected, a man who needed no coaxing or coaching by aides in discussing the issues at hand and who dealt with most of them personally and knowledgeably. But in contrast to Mao's or Chou En-lai's mind, his was nonconceptual; it was also difficult to discuss internal political problems that had direct bearing on foreign affairs. For instance, during Kissinger's first stay in Peking, Chou suggested that he wanted to tell him about the cultural revolution.

His enraptured guest indicated that he need not, if it were at all embarrassing to him, but the Chinese Premier simply set aside this courtesy with a wave of his hand and insisted that he wanted to explain this very significant development in Chinese history because it was essential to an understanding of Chinese policy today. With the Russians, on the other hand, when Kissinger once or twice tried to raise questions about domestic events that went back 15 to 20 years, they behaved as if they had not heard him.

Much progress was made in preparing the summit agenda. Half a dozen difficult points in the SALT agreement still were left open, but the inclusion of sea-based Polaris missiles, to which the Russians had previously objected strenuously, was accepted by Brezhnev within a day after Kissinger further explained a new compromise proposal he had forwarded 10 days in advance via Ambassador Dobrynin. No decision was reached on whether to include the agreed "principles" that the Russians had originally proposed as part of the package of agreements; the problem of Vietnam also remained unresolved. The general framework for the summit, however, was agreed on, and there was a good understanding as to the emphasis to be given to various issues. A new tone for negotiations had been set, a new readiness on both sides to talk informally had been achieved that nobody had held possible.

Most disappointing, but not surprising, was the Russian refusal to stop supplying North Vietnam with more arms. But there was ample evidence that Mr. Brezhnev was unhappy about the timing and even the launching of North Vietnam's massive offensive.

With the United States forces withdrawing, it seemed inevitable, at least to the Russians, that Hanoi would gain its objectives within a very few years; the enormous losses in men and material, therefore, seemed to them a sign of stubborn foolishness. The Russians had taken that view for a long time. As far back as the time of Kosygin's visit to London in February of 1967, when Prime Minister Harold Wilson thought he had detected a willingness on the part of the Russian Premier to intervene in Hanoi, the Russians argued that if the North Vietnamese were only smarter and not so blood-thirsty they could have conquered South Vietnam with ease.

When Kissinger was about to leave after four days of private talks with Brezhnev, he was toasted by Deputy Foreign Minister Vasily V. Kuznetsov, a man of considerable charm and humor, in the name of the state of the Soviet Union. Sergei Nikolayevich Antonov, the man in charge of V.I.P. security, whose ward Kissinger was wherever he went, was pleased that everything had gone well, and also raised his glass to their American guest, toasting him in the name of the state secret police. Kuznetsov, a little surprised at Antonov's toast, asked, "Do you mean to say that the secret police is not part of the state?" But Antonov simply repeated that he wanted to add his toast in the name of the state secret police!

The secret meeting between Kissinger and Le Duc Tho, Hanoi's chief negotiator, in Paris, shortly after his talks with Brezhnev, which the Russian leader had said could be productive, was somewhere between a fiasco and a charade. The North Vietnamese, with their military offensive in full swing, wanted to gain time for Hanoi's forces to occupy as much territory as possible before accepting anything resembling a cease-fire, and Kissinger did not want to wait for the situation on the battlefield to get worse, knowing that the President was ready to play a trump card of desperation and order the mining of Haiphong harbor. If Le Duc Tho had some concessions up his sleeve, he did not produce them at the first meeting and Kissinger did not give him a second chance.

THE HAIPHONG GAMBLE

Kissinger returned to Washington with the stage set for the Moscow summit, but just at that time President Nixon was facing the most daring decision he had yet taken, to mine Haiphong harbor as a counterthrust against North Vietnam's May offensive. This was a decision President Johnson had never risked taking; it was a slap in the face for the Russians and a challenge to their ideological relationship with Hanoi. It created suspense in the White House where the possibility of postponement or cancellation of the summit suddenly looked likely. It created suspense in Congress and in the press, where Mr. Nixon was widely criticized for risking a SALT agreement for the sake of an intensification of the war. It created suspense in Moscow, where the Politburo obviously saw itself confronted with an extremely embarrassing decision. But President Nixon had talked himself into white anger.

The North Vietnamese offensive had upset all his calculations. It proved to pack a far greater punch than anybody in the United States Government had anticipated, thanks to the heavy and more sophisticated weapons the Soviet Union had provided—the tank and artillery strength, particularly, were well above American intelligence estimates. Without the enormous panoply of American air power, the South Vietnamese Army would have been destroyed.

On the old target list prepared by the Joint Chiefs of Staff in President Johnson's days, after the bombing of Haiphong—came the mining of the harbor. President Nixon, desperate to prove that the Vietnamization he had praised so often was not a failure, decided to play the riskiest card. He hardly batted an eyelid. He had considered the consequences and was willing to accept them.

His advisers were unanimous that the Russians would not go ahead with the summit as planned. Indeed, some would have welcomed a Russian postponement or a cancellation to avoid Mr. Nixon's arriving in Moscow with his position in Vietnam eroding. Serious consideration was given to an American cancellation of the summit—a speech to announce the cancellation had already been prepared—but then that idea was rejected in favor of testing the Russian "manhood" first. No doubt, if the summit had been canceled or postponed Mr. Nixon would have tried to wrap himself in the American flag and claim he had acted in the defense of American honor.

It soon became clear that there had been bitter controversy in the Kremlin, but that after several days of hard deliberations over whether to proceed with the summit, Chairman Brezhnev carried the day; to the surprise of the White House and Mr. Nixon's critics, there would be no change in the timing or in the arrangements for the visit. The last thing the President's critics had expected was to be disarmed by the Kremlin.

Several Soviet trade and maritime officials who were in Washington for negotiations at the time spent a day or two of uncertainty but then continued to smile and to negotiate. When Comrade Pyotr Y. Shelest was demoted a few days later, it became obvious that Brezhnev had made certain that he had the unanimous backing of the leadership. The lone dissenter was not allowed to disturb this unanimity.

Two weeks later, Pravda went a long way toward admitting that a controversy had occurred in the Politburo: "The dialogue took place despite the complexity of the international situation and in the face of the sometimes direct opposition of those who like to warm their hands by fanning the fires of hostility and tension." Pravda sounded like Senator Fulbright putting Senator Scoop Jackson in his place. Nikita Khrushchev had been willing to rupture relations with President Eisenhower after the U–2 incident in 1959 and had broken up the Paris summit meeting; but he knew the President had only another year in office. Brezhnev did not want to take the same risk with President Nixon.

A cancellation of the summit would almost certainly have jeopardized ratification of the Soviet-West German treaties. It would, also have left the United States seemingly with better relations with China than the Soviet Union. It would have delayed prospects for trade expansion and put the question of *détente* with the West into question, the *détente* on which Breznev had staked his place in history. Compared with these objectives, Haiphong was only a passing incident.

PEACEMAKING

The validity of these considerations was confirmed in various ways by Brezhnev in his private talks with the President. Brezhnev, who is 66 but looks 55, has most likely only another five years at the top, and there were ample indications that he wanted to be remembered as neither a Stalin nor a Khrushchev, but as a peacemaker who also wanted to improve the life of his people. By remarks such as "the terrible things people say about me," he showed that he was aware of having the reputation of being crude and brutal—a reputation that seemed partly to go back to the punitive expedition into Czechoslovakia in 1968—and that he wanted to erase it.

He has even gone to such extremes as shaving down his bushy eyebrows because they give him a somewhat sinister look and make him an easy target for cartoonists. He pays much attention to clothes: to the earlier Kissinger meetings he sported a light blue jacket and flamboyant tie, but for the President he preferred the sober-suited look of the trade-union boss in his Sunday best. Socially, he is surprisingly at ease.

In business discussions, be exudes a dynamic bargaining technique. In various small ways during the Moscow summit he went to great lengths to show that he has good simple human qualities. Quite obviously, he is a man with a much more balanced temperament than Khrushchev, who had he been confronted with the mining of Haiphong harbor, undoubtedly would have volleyed his shoes against the wall in anger and canceled the summit. Brezhnev, it soon became evident to the President and Kissinger, was much more deeply committed than they had assumed to a detente not only with the United States but also Western Europe.

The competitive feeling toward China also came out. It appeared to be conditioned by ideological and security considerations, but it also went deeper, and those who had a chance to listen to Brezhnev came away with a feeling that it might be rooted in some sort of ethnic prejudice, certain cultural inferiority complexes and possibly also a feeling of guilt about past relations with China. "For a European mind like mine," the Communist party chairman once remarked in a tone of quiet exasperation, "the Chinese are impossible to understand."

During most of the private conversations the President had with Brezhnev, no members of the Politburo were present, only Foreign Minister Andrei Gromyko. To the surprise of the President, Brezhnev insisted that the only interpreter allowed to be present at this talk was to be Victor Sukhodriev, the charming and adroit Russian who can put on an American accent as well as an English accent. Brezhnev was obviously distrustful of an American interpreter and refused to accept one. The President had to rely on minutes dictated by a Russian. Once, in talking to Kissinger, Brezhnev seemed to share President Nixon's idea about the dispensability of foreign secretaries. "Maybe we should send Messrs. Gromyko and Rogers first to Mars to see what it's like up there," he suggested, "and if they don't come back we shouldn't go." Then he teased Kissinger about how much better university professors are treated in the Soviet Union.

Gromyko, too, showed not only his impressive qualities as a foreign-policy expert, but also his puckish sense of humor. When Kissinger wondered whether it was better for him to speak close to the orange or the apple, implying that he assumed that one or the other contained a miniature microphone, Gromyko looked up to the ceiling, from where a sculpture of a heavy-bosomed woman looked down on them. He pointed at one of her breasts—word of Kissinger's interest in the ladies had obviously reached the Kremlin—and said: "No, I believe it is in there."

Brezhnev, though always appearing to be acting within the guidelines agreed on by the Politburo, clearly had a strong hand in formulating them. He also seemed to have more rapid access to information than the others in the main negotiating sessions, Kosygin and Podgorny accompanied the chairman.

During the summit meetings last May, Brezhnev seemed much calmer and more at ease than when he met with Kissinger earlier in the spring. Then he played constantly with his watch chain, tapped the table with his cigarette holder, got up at intervals and walked around restlessly. Now he seemed jovial and in a joking mood. Several times he put his arm around Kissinger's shoulders as a kind of gesture of welcome, and proved to be an altogether more likable person than the Americans had expected. With Nixon, he kept a formal and respectful distance.

THE BENEFITS OF THE SUMMIT

It was not only the factual negotiations or their results that mattered; above all, an American President and the Soviet leadership took full advantage of an opportunity really to discuss their mutual problems and their outlook on the world in a relaxed and informal manner. They were able to feel each other out and to lose some of those preconceived views about each other.

Obviously the mountains of suspicion accumulated over two decades of cold war cannot be blasted away in one meeting; many will persist, and on the periphery of the direct bilateral interests between the United States and the Soviet Union dangerous situations will continue to exist. But what was most reassuring to the President was that the Soviet leadership had finally come to understand the full implications of nuclear war, the need for imposing controls on the arms race, for redoubling the efforts to widen those controls and to grapple with the conceptual problem—irrespective of their ideological view of the world, of which there continued to exist strong vestiges that assert themselves from time to time—of how to live with the most powerful enemy in a way that will not jeopardize each other's and everybody else's survival; in short, how to maintain order in the world, like everybody else, though, the leaders of the Soviet Union remain very much confused on that score.

They were most likely as much confused by Kissinger's initial euphoric statement last Oct. 26 about peace in Vietnam being at hand and by the subsequent sudden breakdown of the peace negotiations as were most Americans. The essential clue, I believe, to what had happened was that Kissinger's first and foremost aim was to end the American involvement in Vietnam on terms that would give President Thieu a reasonable enough chance to preserve the independence of South Vietnam, while President Nixon's overriding aim was a settlement that would insure South Vietnam's independence at least to the extent that he would not be embarrassed by its collapse while still in office.

The usually ultrarational Kissinger, fired by finding himself on the threshold of fulfilling the greatest task he had set himself in the White House—ending the American involvement in the war—became uncharacteristically euphoric as he faced the press. It was most likely also this euphoria that led him to be overconfident in his ability to persuade Thieu to accept the terms he had negotiated.

He defined them in private conversations at the time as the "best attainable." President Thieu successfully resisted them, and Mr. Nixon subsequently seemed to have reached the conclusion that better terms must be obtainable.

The savage bombing of Hanoi after the talks had been broken off aroused worldwide criticism. It also led Mr. Brezhnev to make some sharp comments. But he did not feel bitter enough to keep his children from attending a reception at the U.S. Embassy in Moscow given for Mr. Nixon's daughter Tricia and her husband. Bilateral interests again seem to have asserted themselves. Still, the unexpected prolongation of the war, the uncertainty about American trade policy toward the Soviet Union after the dismissal of Peter G. Peterson, who negotiated the trail-blazing trade agreements, created enough uncertainties in the Kremlin for high-level hints to be dropped that Mr. Brezhnev's spring visit would be postponed until autumn.

For Americans the *détente* with the Soviet Union was also a confusing experience. For two decades it had climbed and climbed to become the world's supreme power, it accepted responsibilities much against its traditions and habits of thinking, and with a certain amount of guilt as well as ambition.

Both the political right and left were united, by the fear of communism and a missionary zeal, a new deal to the many downtrodden around the world. It was the only way for a number of successive Administrations to maintain public backing for a foreign policy that was new and alien to most Americans.

Now the traditions and the guilt and a reassessment of American values and a disillusionment with the results of that policy are asserting themselves, and as a consequence, the consensus that sustained it has disintegrated. The Soviet leadership, on the other hand, though it has come to recognize a certain community of interest with the United States, shows a new dynamism that animates its foreign policy and continues to propel it toward more ambitious geopolitical goals.

In other words, while the Soviet Union has acquired a new zest in establishing itself as a world power more or less equal to the United States, the United States has become a reluctant world power.

ARCHITECTURAL BARRIERS ON CAPITOL HILL

Mr. CHURCH. Mr. President, on December 7, Mrs. Church and I—alarmed by reports that architectural barriers were causing problems for handicapped congressional employees and visitors to Capitol Hill—inspected the Capitol Building in the company of the Architect of the Capitol, Mr. George M. White.

Mr. White had agreed to accompany us on an inspection tour led by Mr. Peter Lassen, former executive director of the Paralyzed Veterans of America and for the last 3 years an administrative assistant with the Veterans' Administration. From his wheelchair, Mr. Lassen pointed out physical features which cause difficulties for the elderly and the handicapped in the Senate Office Buildings, the subway to the Capitol, and the Capitol.

We discovered, for example, that passenger waiting areas at the subway are painted in gray, providing poor contrast between the tracks and the curb. Some ramps have been erected over steep stairways, but they are for the convenience of maintenance men pushing hand trucks, rather than for the convenience of visitors or handicapped employees. The Senate Gallery is inaccessible to visitors in wheelchairs.

I am happy to report that Mr. White was most alert to the possibilities for corrective action. In fact, he told Mrs. Church and me that many of these actions can be taken without great expense. I submit for the RECORD a copy of a letter in which the Architect reports on the progress made thus far, as well as his plans for future action.

I am pleased by the Architect's responsiveness and obvious concern. I believe that the Capitol Hill complex of public buildings can provide model solutions for corrective action in old buildings and in buildings now under construction.

Furthermore, I am pleased that Mr. White has agreed to meet from time to time with an informal advisory group composed of individuals who have been helpful to the Senate Committee on Aging, of which I am chairman, in our study of architectural barriers as they affect the elderly and the handicapped.

In addition to Mr. Lassen, the group includes architect Edward Noakes, representing the President's Committee on Employment of the Physically Handicapped and the American Institute of Architects. Mrs. Martin Eaton, who is associated with the Cerebral Palsy Associations, also participated in the December 7 tour and has provided important assistance.

Mr. President, I applaud the Architect of the Capitol for making such a promising beginning, and I can assure him that the Committee on Aging will maintain a lively interest in his future progress. Speaking for Mrs. Church, who is director at large of the Women's Committee for the United Cerebral Palsy Associations, I can assure him of her continuing interest, as well.

I also ask unanimous consent to have printed in the RECORD two excellent articles reporting on the December 7 visit.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 20, 1972.

Hon. and Mrs. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR AND MRS. CHURCH: This interim report is submitted in order to keep you apprised of progress regarding our program to alleviate architectural barriers to the handicapped on Capitol Hill.

In accordance with our discussions during our December 7th tour of the buildings, drawings are being prepared so that the various ramps that we encountered can be altered to reduce the percentage gradient to an appropriate amount.

The subject of a desirable color differential at the subway track areas raised, for me, the entire question of safety at these locations. As a result, I have initiated the design of railings to be installed along the edges of the loading platforms, with openings at the car door locations.

Additionally, with regard to the new James Madison Memorial Library Building, I have initiated a re-examination of our previously established policy of designing new buildings to be barrier-free, in order that we may be certain that no possible barriers have been overlooked. I hasten to add that our initial review has indicated that the building has indeed been designed appropriately from that standpoint.

Peter Lassen, Pat Callahan, Edward Noakes and I met on December 19th and evolved the following four-step procedure:

(1) A member of my staff will conduct an in-house inspection of the buildings under my jurisdiction after an orientation meeting with Peter Lassen.

(2) Our ad hoc committee (named above) will meet to consider the inventory of items resulting from the inspection.

(3) The committee will establish priorities from the inventory list and will determine appropriate means of implementation of the needed corrections.

(4) Obvious and simple implementation of apparent difficulties will proceed simultaneously with (3).

The group recognized that our goal is not simply to concern ourselves with the difficulties that are encountered by persons in wheel chairs but, rather, to include the problems that are a concern of the aged.

A further consideration is the difference in needs of those handicapped persons who might be employed on the Hill and those who may simply be visitors.

We shall continue to press forward after the first of the year and will keep you apprised of our progress.

Best wishes of the holiday season to both of you.

Cordially,

GEORGE M. WHITE,
FAIA, Architect of the Capitol.

[From the Washington Star-News, Dec. 8, 1972]

WHEEL CHAIR DEMONSTRATION: CAPITOL NAVIGATING ROUGH

(By Betty James)

The U.S. Capitol is a veritable obstacle course for the handicapped and the aged, particularly if they are in wheelchairs, a senator and a paralyzed Vietnam veteran maintain.

To prove their point, Sen. Frank Church, D-Idaho, chairman of the Senate Special Committee on Aging, and Peter Lassen, a paralyzed Veterans Administration official in a wheelchair demonstrated to George M. White, architect of the Capitol, the pitfalls awaiting the handicapped yesterday.

They started their tour with the famous and—for those who can board it—fun Senate subway.

But Lassen and the party took the walkway from one of the Senate office buildings to the Capitol rather than the subway because, as Lassen explained: "It's impossible for a person in a wheel chair." Church observed that the cars could easily have been designed level with the platform and with wider doors.

The tour went on through revolving doors that have to be partially dismantled by Capitol police for use by a wheelchair, an effective outdoor ramp installed for President Franklin Roosevelt—"nothing wrong with this except esthetics," Lassen said—and to inaccessible phone booths and coat racks.

The party then came to inside ramps, too steep and too narrow, with an incline of 12 percent to 15 percent while a good incline is 3 percent to 5 percent, Lassen said.

Running next to steps on the first floor of the Senate and House these ramps were not installed for the benefit of the handicapped, as many nonhandicapped innocently assume, but to make it easier to push handcarts from one hall to another.

The ramp on the Senate side is in the oldest part of the Capitol, begun in 1793 and completed in 1799, White said. William E. Oriol, staff director of the aging committee, said "If we can fix things up here (for the handicapped) in this old, old building we should be able to do it anywhere."

One thing was a complete success from Lassen's point of view: New tables in the Senate cafeteria, 28½-inches high and set on a pedestal base, have plenty of room for a wheelchair to slip under.

The senator's wife, director-at-large of the women's committee for the United Cerebral Palsy Association, Inc., also took the tour.

She and Church had expressed their concern to the architect in a letter that said: "It would be unfortunate indeed if handicapped individuals are unable to accept employment . . . simply because inadequate thought has been given to the architectural barriers within the Capitol Hill federal complex."

White, who was named to his post in January 1971, pledged his full cooperation and committed himself on the spot to several changes. "Where you have a historic building you're not as free to do some of the things you would want to do," he said. "Don't misunderstand me. We can do a lot."

[From the Washington Post, Dec. 8, 1972]

A WHEELCHAIR VIEW

(By Judith Martin)

The Architect of the Capitol went on a tour of the Capitol yesterday—walking slowly because he was following a wheelchair—and saw a number of things of which no official notice has been taken before:

Ramps which are fine for trash carts but too steep for people in wheelchairs.

Elevators too narrow for a wheelchair to enter.

Subway cars useless to anyone who can't climb up into them.

Doorsills difficult for a person in a wheelchair to negotiate.

Revolving doors: Impossible without two policemen to prop them open.

A public gallery open only to members of the public who can manage the steps into them.

The tour was conducted by Peter Lassen, who is with the Veterans Administration and serves as national architectural chairman of the Paralyzed Veterans of America. It was suggested by Sen. Frank Church (D–Idaho) and Mrs. Church, who went along on the tour with the Architect of the Capitol, George M. White; Edward H. Noakes, who is on the President's Committee on Employment of the Handicapped, and Mrs. Martin Eaton, who works with the Cerebral Palsy Associations.

Some of the changes necessary might be easy, said White: lengthening ramps to make them less steep, for instance. But he said he was not able to predict when these might be accomplished.

Other changes proposed were questioned by Lassen and Mrs. Eaton. Making special tables available in cafeterias which could accommodate wheelchairs would, they pointed out, have the effect of segregating the handicapped. By chance, it turned out that the table in the Senate Refectory, (which was on the tour) worked nicely.

Sen. Church hopes to introduce a bill next year which would call for stricter provisions for accessibility than are presently required in new federal buildings.

In the meantime, it was proposed that a pamphlet be prepared showing the handicapped what routes to take in going through the building. "That's fine," said Lassen, "but it's also a way of showing you all the places you can't go."

AIRPORT HEAD TAX

Mr. MOSS. Mr. President, just last week the Senate Commerce Committee reported out S. 38, legislation which would prohibit the imposition of head taxes on air travelers. This is only fair and equitable. Under the Airport and Airway Development Act, a substantial tax is already charged to the traveling air passenger. What justification can there be for localities to levy additional taxes when they are benefiting already from the federally levied taxes on the traveler.

Even more ironic is the audacity of some communities to levy the tax and not even use it for airport operation. I will continue to oppose the head tax as it is inequitable and unjustified in view of the Airport and Airway Development Act and the taxes already in existence.

Mr. President, a most lucid editorial on this problem appeared in the Deseret News on January 2, 1973. I ask unanimous consent that the Deseret News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUNK THIS TAX

Should Salt Lake City charge air travelers a departure fee at the boarding gate to help maintain International Airport?

Sooner or later that question seems likely to arise locally as more and more communities impose such a head tax. At last count airport departure fees, from $1 to $3, were charged in 19 communities, from Philadelphia to Lewiston, Idaho.

In fact, so popular—and bothersome—have such fees become that next month a once-vetoed bill that will be reintroduced in Congress to ban departure taxes and raise the level of federal aid available for airport development.

The argument for the departure tax is based on the proposition that airports should be operated as nearly as possible on a self-sustaining basis. Local taxation, it is contended, is—like any other user charge—a potential means by which airports could gain additional revenue. Moreover, if someone can pay $100 to fly from one city to another, he can afford to pay an additional dollar or so to help relieve the tax load on local residents.

The argument against the departure tax sounds more persuasive. In some cases, increased taxes on air travel are being used for purposes having nothing at all to do with airport development.

While air prassengers should pay a fair share of the benefits of air travel, an airport helps many people in a community including those who never take a plane. Imagine what would happen to Salt Lake City's economy if International Airport were shut down.

For years airlines have been working to reduce the time involved in ticketing a passenger and getting him aboard a plane. But when an airline must collect a departure tax, it takes additional administrative time.

Besides, a departure fee is a form of double taxation. The price of an airline ticket already includes a federal tax used to finance airport development and improvement.

The Supreme Court has ruled that airport departure taxes are legal. But that certainly doesn't make them wise.

THE VIETNAM SETTLEMENT

Mr. HELMS. Mr. President, if we are to think clearly about the Vietnam settlement, we must speak clearly about it.

For years many people, including some in this body, have spoken with less than real clarity about various aspects of this war. This has been the case particularly with regard to various measures described as "end the war" measures.

It has always been the case that Congress has been powerless to end the war. And it has been apparent for a number of years that the United States would not use the force necessary, in the manner necessary, to end the war. The war in Indochina was raging long before the first American died there in 1961, and it would be rash to assume that the war will not rage again.

We have made a truce and called it peace.

The truce we have made is fragile. Just how fragile it is can be inferred from the fact that, as the President made clear in his address to the Nation, and as Dr. Kissinger made clear in his news conference, the durability of the truce depends on two notoriously unreliable things. It depends on the good will—the trustworthiness of the Communist governments concerned. And it depends on the effectiveness of an international policing mechanism.

As regards the Communist powers concerned, the government in Hanoi must keep its word to respect the truce, and the governments in Peking and Moscow must exercise uncommon—not to say unprecedented—restraint in supplying Hanoi with the means to further its traditional policies of aggression. Of course, it is not absolutely inconceivable that a Communist government will keep its word. The laws of probability being what they are, someday some Communist government may do just that. But the fragile truce at stake depends for its success on three Communist governments simultaneously acting honorably. Let us bear this in mind before succumbing to euphoria about our success at "ending the war."

Moreover, the durability of the truce depends on the effectiveness of an international policing mechanism of a sort that has a depressing record of unrelieved futility in Indochina. I hope the mechanism will succeed. I do not bet on it doing so?

With this said, what can we say we have accomplished?

I believe we may have won the war. Or, to be precise, we may have thus far achieved what passes for victory in limited wars. We have achieved—thus far—our limited aims. We have frustrated North Vietnam's aggression. North Vietnam set out to impose a government of its choosing on South Vietnam. It has failed, thus far. We have organized South Vietnam for the continuing effort that will be necessary to frustrate what probably will be North Vietnam's continuing aggression.

There are those who say we have not achieved anything that we could not have achieved 4 years ago. This is nonsense. Four years ago the North Vietnamese insisted on a complete American military disengagement before discussing political matters. In other words, the North Vietnamese wanted us to abandon the means of influencing political matters before discussing political matters.

Four years ago—indeed, 6 weeks ago—it was impossible to get an agreement whereby the United States would get its prisoners back, and its missing accounted for, without forcing the South Vietnamese to release various prisoners.

Four years ago the fundamental North Vietnamese goal was to get the United States to impose a coalition government on the people of South Vietnam. Unable to win that on the battlefield, the North Vietnamese tried to win it at the conference table. They failed.

Of course, we too, failed to get at the conference table what we refused to win on the battlefield. That is why substantial numbers of North Vietnamese troops remain in South Vietnam.

The truce pact is not clear—indeed, it is a study in calculated ambiguity—on the point about which the war was fought. This is, what is the status of South Vietnam? Is it a sovereign entity? Is it a separate nation? This was the subject at stake in the negotiations that took much of the time in the closing days of the Paris talks, the subject of the demilitarized zone—DMZ. The question was: Is the DMZ a temporary military demarcation, or is it a political frontier dividing two sovereign states? It is clear that Hanoi thinks the documents initialed in Paris confirm that the DMZ is merely a military demarcation line. It is equally clear that the South Vietnamese can find some support in the documents for calling the DMZ a political frontier. What we have, then, is a situation where a disagreement—a crucial disagreement—persists. If the history of Indochina teaches us anything, it teaches us that when such disagreements exist, the disagreeing parties fight.

Thus, our policy for the future must include the following three lines of action.

We must do what we can to make the truce work.

We must share our material strength with the South Vietnamese, our allies, so they can defend themselves if the truce does not work.

We must make it clear to Moscow and Peking that we consider them implicated in any renewed aggression on the part of the Hanoi government which depends on Moscow and Peking.

To sum up: Our joy over the return of our men should not distract us from the fact that the cause for which they sacrificed, and for which so many of their colleagues sacrified, is not secure. We would mock American sacrifices if we did not continue to help the South Vietnamese resist aggression.

EUGENE WYMAN

Mr. BAYH. Mr. President, one of the great strengths of the American political system is the participation of concerned citizens in the political process. Democracy draws its lifeblood from the energy and commitment of public-spirited individuals who take on political roles ranging from complex campaign management to the simple act of casting a vote on election day.

Eugene Wyman of California, whose shocking death earlier this month saddened us all, was one of those individuals whose special devotion to the political process gave us all faith in its survival, despite growing cynicism in some quarters. Democracy is built on the devotion of people like Gene Wyman and his death is not only a great loss to his dear family and many friends, but a loss to all who respect the 200-year-old American tradition of participatory democracy.

As Democratic State Chairman in California and as a member of the Democratic National Committee, Gene Wyman took on major responsibilities within our party. And while he always liked our party to succeed, Gene Wyman, a concerned, involved American, cared most about the perpetuation of a vital, strong democracy.

This is his epitaph. It is one of which his lovely wife, Roz, may be justly proud. Marvello and I mourn her loss, for her loss is really a loss for all of us.

PRESIDENT LYNDON B. JOHNSON

Mr. HUMPHREY. Mr. President, we have observed in the press an outpouring of meaningful comment on the life and legacy of our remarkable former President, Lyndon B. Johnson.

I ask unanimous consent that a selection of recent articles and editorials, including the transcript of a CBS news special, be printed in the RECORD.

I hope that when the bound volume of tributes to President Johnson is printed it will be possible and proper that these editorial reflections be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Jan. 23, 1973]

LYNDON B. JOHNSON

An era died yesterday with Lyndon Baines Johnson. It was already coming to an end in March 1968 when, as president, he said he would not run for re-election. Perhaps Mr. Johnson knew, although he did not admit, that under his presidency the nation had done itself incalculable damage by sliding deep into the Indochina quagmire. "What irony, what tragedy," writes David Halberstam, "for a man who had so little taste for the military . . . who never wanted this particular little war, who had a sense of foreboding about what it might do to his domestic dreams, but could not pull back from what he saw as the forces of history."

To define the era that ended, one need only think back on those who preceded and followed Lyndon Johnson in office, and on what he did and failed to do.

He was a political child of Franklin Roosevelt's New Deal. In Congress then and during the Truman years he saw the rise of America to its predominant world role and the rise, too, of federal concern for the black, the poor and the old. Under Dwight Eisenhower he was leader of the loyal opposition in the Senate, cautioning the president against intervention to forestall French defeat in Indochina. As John Kennedy's vice-president, he was never quite at ease among the energetic intellectuals brought into the White House, but he shared the can-do philosophy of the thousand days. He lived to see Richard Nixon take more than four years to end

"Johnson's war"; to see a revolution in American relations with Russia and China; to see, sadly, a start made in undercutting Mr. Johnson's finest achievements.

Every president of the last 40 years has earned a place in history by acts of leadership. Mr. Johnson's place is assured by his initiative in social reform. Not only did he say what needed to be done, but—equally important—he had the support and the know-how to push his programs through Congress.

In May 1964 he told students at the University of Michigan: "For in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society . . . It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning."

One thinks of Medicare, the Voting Rights Act, of legislation for an array of urban programs, of the expanded activities of Health, Education, and Welfare. Some of those ideas were too hastily conceived, and some created unrealistic expectations of early success. But they created a needed momentum of social concern backed by a commitment of resources. It is a commitment that neither Mr. Johnson nor, we believe, most Americans would want to see eroded by the executive-branch reaction now in the offing.

Ironically, it is another kind of commitment that marred the Johnson record. He carried the stigma of Vietnam, although he was not the president who first involved Americans in the war. And although he was the president who first said of that involvement, Enough, it is he who rightly was charged with letting American participation grow to devastating proportions.

What died with Lyndon Johnson, and maybe before, was the American belief that this country must go any place to defend any ally at any price. In its place has grown the more prudent belief in limitations of American power to which President Nixon alluded Saturday. That should not mean a shirking of international responsibility, only an admission that this country alone cannot act as global guardian.

What grew with Lyndon Johnson was the American belief in responsibilities at home. Not all his visions of the Great Society fully materialized, but a surprising number did. As he said in the 1964 Michigan speech, "But that is just the beginning." It is a good way to remember Lyndon Johnson.

[From the Minneapolis Star, Jan. 23, 1973]

Lyndon Baines Johnson

So strong was Lyndon B. Johnson's personality that even though four years have passed since he left the White House, we still have not been able to perceive clearly his accomplishments. And yet this is natural enough, for Johnson was one of those presidents whose personal life and public acts were so interwoven that neither could be understood without the other.

He was part of a pattern that began with Jackson and may very well be ended now: The home-spun, up-from-the-soil politician that was a product of the American frontier. Out of this, each in his own way, came presidents like Lincoln and Truman and below the presidential level scores of senators and congressmen. This was, in wide outline, the Populist tradition, and it is close to Minnesota's own tradition.

It was no accident that the lives of Lyndon Johnson and Hubert Humphrey are so closely intertwined.

They represent, as did Harry Truman, the stump-speaking, hand-shaking, down-to-earth, folksy style. In his lifetime this was often ridiculed as "cornpone" but even when Johnson was crushed with disappointment and frustration he was never aloof. He was a man of the people and, divided though the country became, he was a man for the people. That was why he found it so hard to understand the miasmic forces and hatred that the war unleashed.

From what perspective we now have it is both significant and ironic that he died as the war was finally ending, no longer "his war" but Richard Nixon's. It is difficult to see now how history will interpret the war he so enlarged in a more benign light, though in the fullness of time it may find some aspects less unforgiveable than we see them now. What is clear is that the war all but destroyed the Great Society. That was not only his, but the nation's tragedy.

But Johnson, more Western than Southern although still a man of the South, leaves a magnificent civil rights record, and already in short retrospect the framework of a progressive and humane domestic program. That he was carrying out the last stages of the Roosevelt revolution is no blemish on that record. He was the epitome of that great surge of humanitarianism. He could do no other.

He understood deep in his soul what was to stand weak in the dust, beset by economic forces over which one has no control. It is another historical irony that he died as President Nixon was seeking to change the fundamental policy putting aside as paternalism the kind of government Johnson had felt in his bones was right.

It may be that Nixon will demonstrate that New Deal "big government" is not the solution any more. In Johnson's time the spirit, if not always the form, of New Deal, Fair Deal, New Frontier and Great Society government seemed the only answer.

That Johnson, whose style was as open as the small town neighborhood, was under the pressure of adversity an angry, at times uncouth and downright mean man, can be forgiven now. He agonized over his mistakes. He was only too human, and the epitaph he deserves is his conviction "that we shall overcome" if we but gather and reason together.

[From the St. Paul (Minn.) Dispatch, Jan. 27, 1973]

Lyndon Baines Johnson

A few weeks ago Lyndon Baines Johnson, the 36th President of these United States, sat in Austin, Texas, at a symposium and listened as old faces and names and some new figures in the struggle for decent civil and human rights in this country, were seen and heard on a podium set up in the Johnson Memorial Library.

Against his physician's admonitions he made a moving speech asking his audience to shake themselves loose from their lethargy and start anew a crusade against race discrimination and bigotry in this country.

When opposing black groups triggered by ultra-militants, some strident voices tried to take over the conference and an open dispute arose, Johnson again rose to his feet and made an impassioned speech in which he urged the assembled group to quit the quarreling, to sit down and reason out a course of strategy, and action to get the human rights movement back on track. While he talked he had to use nitro-glycerine tablets to keep from collapsing—all in the interest of trying to convince leaders that fragmentation and division were suicidal to solid progress and offered no real return in progress.

Lyndon Baines Johnson died the other day. We believe that he never had fully recovered from his physical and emotional effort at Austin at the civil rights symposium. In a large sense, be became a martyr with Martin Luther King, John and Robert Kennedy, to the cause of human rights and decency for all American people.

Just as he picked up Dr. King's cry for peace and victory over bigotry, "We shall Overcome," he died that all people should enjoy the freedom promised by the Bill of Rights. Lyndon Johnson knew his days were numbered unless he was very careful about his health, but he felt he had a contribution to make and he felt he had to rally once again those who had led the battle for decency in the Civil Rights Bill, the Voting Rights Bill and other legislation needed to give a large percentage of this nation's population its just rights. He dared to risk his life to do this and Monday he made the Supreme Sacrifice because of what he felt was his duty.

Lyndon Baines Johnson looms large and larger in our minds as he leaves us. We stand bereft—comforted, however, because there was a man who dared move over with a black man and join him in proclaiming, "We Shall Overcome."

[From the St. Paul (Minn.) Dispatch, Jan. 23, 1973]

Lyndon B. Johnson

And then came Vietnam, violent dissent and personal defeat and tragedy. That is about the essence of what could have been a presidential career that would have been viewed by historians as grandly humanitarian and unqualifiedly great.

Without the war Lyndon Johnson, who died Monday at the age of 64, would have been given instant recognition as one of our great presidents. The activist southerner bulling through the Civil Rights Act of 1964 would, in itself, have given some guarantee of that.

What will be remembered most by this generation, though, was his widening escalation of the Vietnam war which had, at its worst under him, about a half-million fighting men involved in bloody conflict.

He got us into a major war there through one device or another, superbly confident of his mission and convinced of its rightness. In spite of the outburst of public praise and mourning Monday from friend and seeming foe, it will not be easy to arrive at the easy assessments so predictable at such a time. The Vietnam war was his tragedy and downfall.

He was a man. He had faults. He could be cruel. He could be generous. He was devious. He had a jovial openness. He did what he thought was right but understood and used the force of political clout as few before him.

He became the complete man in retirement, an elder statesman in the best sense of the term. He stayed out of the limelight he had treasured. He developed a mellowness that surprised those who had known him. He did not second guess or whine. We had all wished him a longer, peaceful retirement.

Although there were warnings, his death seemed to surprise us and to come far too soon. Whatever his faults, he was unique and a man who loved his country. His presence will be missed and he will not be forgotten.

[From the Christian Science Monitor, Jan. 24, 1973]

Lyndon Baines Johnson

Lyndon Johnson's place in American history is presently obscured by the oppressive cloud of the war he allowed to get big during his presidency and which he was unable to finish one way or another. Yet someday that war will go away and its memory will fade. When that time comes the other Lyndon Johnson, who tried so very hard to make his country a better place for all its people, will take over as the more lasting memory of a president who was big of heart and enormous of ambition.

Much of what that other Johnson tried to do is under attack right now. The Johnson method is called "throwing money at problems." In the current wisdom that isn't the way to solve problems. Richard Nixon is trying to undo much of what Lyndon Johnson launched. And, as such things are perceived today, much of it may have to be reworked and begun again.

The flaw in Johnson's work was that he tried to do more in one presidency than any one man could do in the span allotted to him in the White House. Yet, while it was a mistake to overdo, it was also the kind of mistake that springs from goodness and bigness of heart.

Lyndon Johnson had a dream. It was the new-old dream of frontier America, a dream of a society in which men are truly equal in opportunity and in dignity. In that dream all Americans—old or young, rich or poor, white or black, Protestant, Catholic, Jew or Muslim—begin the "pursuit of happiness" from the same starting line.

To that end Lyndon Johnson bullied, cajoled, and maneuvered the Congress into passing the biggest quantity of social legislation since the Roosevelt New Deal, perhaps the biggest quantity attempted in any modern country in such a short span of time. It included civil and voting rights for all, low-cost housing for the poor, rent and welfare for the still poorer and underpriviledged, better education for all, an end to slums in the cities, clean air and clean water, free health services for the elderly.

Had he been satisfied just to achieve that gargantuan program of physical and spiritual renewal for America and the American people he could have gone down in history as one of the truly great presidents. All that he dreamed of doing will someday be done by other men, if at a slower pace. But he tried to do all that and also impose his political ideas and his imperious will on people way off in Southeast Asia whom he did not know or understand. The methods which might work with Congress failed to work on the Vietnamese.

The strain of trying to remake America and the world as well was too much for the country and for the man. He had to hand over the presidency, as he did. He was exhausted by his superhuman efforts.

Everything Lyndon Johnson did was done in a big way. He failed big in Vietnam and failed to make all Americans love each other and work harmoniously together. His administration was marked by unprecedented turmoil and strife among Americans. Yet he stirred things up and revived old dreams. In the long run his country will be the better for having been driven, too fast of course, in the right direction by this overly ambitious and oversized human being.

[From the New York Times, Jan. 23, 1973]

A Personal Politician—Johnson Pressed for Great Society and the War in a Face-to-Face Style

(By Max Frankel)

He was larger than life, almost a caricature that he could never shake, but he never lost his humanity, because with Lyndon Johnson everything was really personal.

The war that overwhelmed his years in the White House was personal—a test of endurance against Ho Chi Minh, which he acknowledged having lost in the end, no matter who actually won the spoils of battle.

AN APPRAISAL

The Great Society was personal, because a lackluster education in his own life had saved him from shiftlessness and he deemed learning of any kind to be forever more the way to get ahead in this world.

The civil rights laws that he wanted as his monument were, in the end, highly personal, because they were drawn on the testimony of his Negro cook and her humiliations whenever she traveled without reliable food or lodging between Washington and the Texas ranch.

PERSONAL POLITICS

And even politics, the business in which he excelled and in which he took such great pride, was to him only a personal, face-to-face thing. If he had talked George Meany into acquiescence on a point, he thought he had won over all of American labor. If he had conquered Richard Russell on a budget matter, he thought he had won over the Southland.

In this fashion, he had been able to encompass every issue and every center of power in his years as majority leader of the Senate. But from the White House, even his huge reach fell short and his incredibly hard work and keen mind felt often overwhelmed.

Insecure despite his size and force, L.B.J. felt from the moment of John Kennedy's death in Dallas that the nation would never accept his Southern speech and rural manners as a replacement for the slain prince.

CLUNG TO KENNEDY MEN

So he clung to the Kennedy men and boasted of their Ph.D. degrees and he was afraid, even after his landslide election in 1964, to bring his own men to the capital.

And he could not comprehend, to the moment of death, how so many Kennedy partisans around the country could turn against him because of a war in which he felt he had taken the counsel of his predecessor's Cabinet and aides.

So he took it personally. He thought he saw a plot to promote yet another Kennedy and he thought he saw his fate as being merely the caretaker between two Kennedy administrations and he hated the thought and all who made it seem so real.

In his own mind, he felt certain that history would bring vindication:

A Southerner, who brought the blacks to the ultimate legal equality, with their own seat on the Supreme Court and a Court that ruled in their cause.

A conservative kept alive in politics by conservative votes for Texas interests, who made war on poverty an elaborate concern of the Federal Government.

A wartime leader who was governed to the end by respect and occasionally even compassion for his "enemy," who really wanted to extend the Great Society to the Mekong River and who systematically refused to whip the nation into an anti-Communist frenzy.

A backwoods boy of modest learning, who gave what seemed to him the disrespectful Establishment figures of the East the scope and mandate for great social works.

That is how he saw himself and how he expected to be seen in history. He confronted antagonists to the end, always hoping that reason and short ideals and long conversations—really monologues—could find a compromise for every conflict.

HATED CONFLICT

Although overcome by a bitter war and the hatreds that it spawned throughout the country, Lyndon Johnson remained a man who hated conflict and who feared confrontation for himself and country.

He made the Joint Chiefs of Staff testify in writing that he should really stand at the siege of Khe San.

He made all his diplomatic advisers commit themselves in writing to the advice that he really go to meet Soviet Premier Kosygin at Glassboro, N.J.

He won from his wife, Ladybird, a written recommendation that he ride into battle against Barry Goldwater in 1964 and that he should buck the battle for re-election in 1968. He never did want to stand alone.

"Well, Max," he asked an acquaintance on the morning after the surprise announcement of his intended retirement in 1968, "do you still believe in the First Amendment?" He thought free speech and free assembly had destroyed him, he believed in the First Amendment.

He wanted everyone with him all the time and when they weren't, it broke his heart.

[From the Wall Street Journal, Jan. 23, 1973]

Lyndon B. Johnson

It is impossible to do justice to Lyndon Johnson in the few moments between his death and the printing of this newspaper, if indeed it will be possible for any of his contemporaries to do justice to him ever. Above all he was a Texas larger-than-life picture, a man whose faults were parodies of his virtues.

The judgments of President Johnson this morning will be harsh, for it was his fate to preside over this nation in some of its most wrenching hours. It should not be forgotten, though, that much of this really was fate. He was handed the presidency, for example, three weeks after the overthrow of President Diem, an act that did much to make our commitment to South Vietnam an open-ended one, and an act that Vice President Johnson had opposed. On domestic policy, similarly, the Great Society may now seem the *reductio ad absurdum* of the liberal impulse, but in its time those who held that impulse celebrated it as their final victory.

None of which is to excuse Lyndon Johnson for any of his mistakes. It was he who sent the combat troops into Vietnam. It was he who engineered the ineffectual social programs. It was he who refused to face the reality of choice between the two in 1965. And most telling of all, it was he who lost the confidence of American society—which, as he and his defenders have suggested, may be some mark against that society, but is certainly a compelling judgment against the leader of any society.

For all of that, Lyndon Johnson was in his day a much maligned man. He was not the greedy imperialist, but a man who wanted to help the South Vietnamese and to defend freedom. He was not the evil-hearted manipulator, but a man who wanted to help the downtrodden in American society, and who, in some measure, succeeded. If he was the wrong man in the wrong place at the wrong time, he was a man who wanted to do good.

[From the New York Times, Jan. 23, 1973]

Lyndon Baines Johnson

The shocking news of the death of Lyndon B. Johnson will sadden every American, regardless of party, who reveres the Presidential office. Coming so soon and so suddenly after the loss of Harry S. Truman, who had been the only other living ex-President, Mr. Johnson's death leaves a sorrowful void in the American scene.

A giant in physical stature, overpowering in his personal approach, an intense and driving extrovert who nonetheless was in some ways a peculiarly private person, Lyndon Baines Johnson was the most paradoxical of all American Presidents.

Convinced for many frustrating years that no man from the South could be nominated, much less elected, in his lifetime, Lyndon Johnson nonetheless won the largest percentage of the popular vote ever accorded a Presidential candidate in modern history.

A man who, once in office, aspired only to educate the nation's young, feed its hungry, lift up its poor, promote equality and "end war among the brothers of this earth," finished his political career five years later, discouraged, trapped and bogged down in one of the most unpopular wars in the country's entire history. Many who had been his political friends and supporters forgot his magnificient contributions to the national good and held him almost solely culpable for the war he did not start but might have stopped.

A tempestuous and mercurial man, Mr. Johnson provided his critics with fuel to spare. They said he was flamboyant, that he lacked "style," particularly in contrast to his graceful predecessor. They said he was a manipulator, as indeed he was, a "wheeler and dealer," which in a sense a President must be if he is to get action on his program. They said his talk was often crude, a charge sometimes made against Lincoln; that he was vain and, worst of all in some circles, "corny." There is enough on the record to substantiate such criticisms. But there is more than enough on the record to dwarf them in the final summing up.

Wrung out as the country was in the days following the assassination of President Kennedy, few Americans could have been unmoved by the emphasis in the new President's first speech to Congress: "We have talked long enough in this country about equal rights. We have talked for 100 years or more. It is time now to write it in the books of law."

He persuaded Congress to do just that, with the most substantial civil rights bill in a century. And to provide medical care for the aged, to give massive Federal financial aid to the elementary and secondary schools of the nation, to raise the minimum wage, launch a major housing program and make a start on what has now become a crusade to clean up the country's air and water. This and more—extraordinary legislative record as it was—was to be only the beginning of the Johnson advance toward the "Great Society," following in the tradition of F.D.R.'s New Deal.

Tragically, Lyndon Johnson had given little attention as Senate majority leader to the intricacies of foreign policy. He came to the Presidency imbued with the simplicities of the postwar years—specifically that there was a monolithic world power called Communism which had to be kept from spreading wherever it could be stayed without bringing on a major war.

A few months of limited military action in Vietnam seemed to him, as it had seemed to President Kennedy, one of the more obvious cases in point. And the quagmire that was to destroy thousands of American troops ultimately destroyed the political life of Lyndon Johnson as well.

Wanting almost patheticaly to be loved, as his hero Franklin D. Roosevelt had been loved in his time, President Johnson felt instead the sting of vilification. Tough and sinewy, he was yet sentimental and felt all the more what he conceived to be not principled differences, but betrayal by his friends.

Yet, sensitive though he was, he stood stubbornly by the course he thought was right—until the political instinct that was the breath of his life persuaded him that the majority he had enjoyed in 1964 had possibly evaporated. Then this man who had lived for power and enjoyed its exercise yielded it up with hardly more than a murmur. And even his severest critics conceded that nothing so became him in office as the leaving of it.

In this age of instant history, with the bitterness of the Vietnam war still unabated, the life of Lyndon B. Johnson will no doubt be recorded with more passion than perspective. Future historians should find that life as rich in achievement as in colorful contradiction.

[From the Washington Post, Jan. 23, 1973 (From an editorial in the Washington Post, Jan. 19, 1969)]

LYNDON JOHNSON'S PRESIDENCY

They have not been dull, the Johnson years, from the first crisis in Panama to Santo Domingo and South Vietnam, from the wild campaign of 1964 to the triumphs in Congress, the protests on the campus, the riots in the cities and the sudden abdication in 1968. And they have not been unproductive, in their rich yield of civil rights and social welfare legislation. More than anything, perhaps, they have been sad, in the sense that Franklin D. Roosevelt thought of Lincoln as a "sad man because he couldn't get it all at once—and nobody can."

Lyndon Johnson tried, you have to give him that. He brought more raw force and endless energy and craving for accomplishment to the office of President than anyone could ask. Where he succeeded, he succeeded big, in education and civil rights and all the rest. And while it can be said that he also failed big—by not being able to win his way in the war in his time, and by having to acknowledge such a division in the country that he could only carry on in his final year by foreswearing his candidacy for another term—not the least of his legacies to President Nixon is what he himself did to turn the war around and head it in the direction of a gradual American disengagement and a political settlement. Serious peace talking is to begin in Paris this coming week not so much because Lyndon Johnson halted the bombing of North Vietnam in October but because he stared down his generals last March and made the much more difficult decision to refuse them the massive reinforcement of American troops that they were asking for.

If this seems a somewhat negative legacy, there are more than enough that are positive. The list of legislative accomplishments runs on and on from the 1964 Civil Rights Act to rent supplements, voting rights, model cities, medicare, control of water pollution, immigration reform, job training, educational aid. And while some of this was the finishing of unfinished business, well begun before his time, some of it broke new ground. A landmark aid to education act, for elementary and secondary schools, cracked a constitutional and political impasse over church-school relationships, and it was brought into being not by past momentum or by parliamentary manipulation, but through the innovation and sheer determination of the President. . .

It is often said of Mr. Johnson that his trouble came from some incapacity to inspire, and thus to lead. He would say, on the contrary, that he was unjustly victimized by Easterners and intellectuals and liberals and the Kennedy people who scorned him for his regionalism and his roughness, his table manners and the twang of his voice. There is truth to both, and also irony, because the sad thing is that his origins are the best thing about him, the thing he has going for him whenever he is himself, and he didn't know it. Or maybe he just wasn't confident enough about it. Whatever it was, he tried to run the country in the way he ran the United States Senate and it did not work. He wheedled and cajoled and high-pressured and oversold, and seemed to be counting the legislation passed not so much for its contents as its bulk, and this wasn't what people were concerned about. They were worrying about casualty figures and about how the combat troops got to Vietnam in the first place and how they got involved in combat operation when the Secretaries of State and Defense had said they weren't supposed to; they were worrying about how it was all going to end and what it was doing to the country and whether it was worth it, and by the time the Administration got around to leveling a litle more on the subject it was too late, because the confidence was gone.

This isn't the whole story by any means but it was a big part of the story of how Lyndon Johnson lost his majority: If he was, like Lincoln, a sad man, he didn't show it and he didn't let it slow him; he was forever driving. He wanted nothing more than to succeed—and he did, in many, many ways. But he wanted support for the war and money for a bigger antipoverty effort and safety in the streets and housing for the poor and education for all our children and medical care for all the elderly and the love and respect of all the elderly people, and it wouldn't stretch. He wanted to get it all at once and Roosevelt was right: nobody can.

[From the Evening Star and the Washington Daily News, Jan. 23, 1973]

L. B. J.

He was six-foot-three and everything about him—his ability, his high sense of national purpose, his towering rages—seemed somehow slightly larger than life. Now he is gone at the age of 64, the second former President to die within a month.

The very memory of Lyndon Baines Johnson, thrust into the presidency by an assassin's bullet, is so freighted with partisan feeling that it must remain for another generation of Americans, immunized by time from the contagion of emotion, to assess fairly the man and to judge impartially his presidency.

When that day comes, when the Vietnam conflict—like the Spanish Civil War which stirred the conscience of another generation—has become an issue to bring the flush of passion only to the cheeks of old men, we believe that the man from the Pedernales will be counted among this country's near-great presidents.

Historians will record that the first Southern president since Reconstruction engineered the Civil Rights Bill of 1964 (the first in more than 80 years), outlawing racial discrimination in public facilites, employment and union membership, and giving the attorney general new powers to enforce Negro voting rights and to step up the pace of school desegregation. They will remember that, while he committed large numbers of U.S. troops to a conflict on the Asian mainland, he kept us out of nuclear war. This and much else in the fields of civil rights, housing and health did Johnson, who was perhaps the most consummate politician in modern American history, make part and parcel of our children's heritage.

And yet, at the last, he failed—or believed himself to have failed—withdrawing himself from contention in the 1968 election, leaving the country and his party weary and divided.

The roots of that failure are manifold and difficult to trace. Was it, as he insisted, too close to Appomattox for the country as a whole to accept and appreciate a Southern president, to believe in his vision of "the Great Society?" Was it inevitable, in a rising tide of bitterness and disaffection, that John F. Kennedy's successor should be struck down by the tumbling ruins of Camelot? Did he simply fail to gauge correctly the mood of the country when he vowed to nail that Vietnam coonskin to the wall? Was there some fatal and concealed flaw in his character which prevented him from dealing effectively with the burgeoning crisis of the races?

A little of each of these factors, perhaps, contributed to the downfall and bitterness of a man whose personality so vividly reflected the brashness, drive, optimism and acquisitiveness of his native state. Those good qualities and those defects which he brought to the presidency, in fact, may well have been the inevitable outgrowth of his state and regional heritage.

When time cools the passions of the moment, it will be remembered that he served his state and country, as congressman, senator, vice president and President for 31 consecutive years, and that if he did well by Lyndon Johnson, dying a multimillionaire, he also tried to do well (and often succeeded) by Texas and the United States.

To a certain extent, the measure of statesmen can be calculated by the passions they arouse among their contemporaries. Churchill and De Gaulle, for instance, were nothing if not controversial. In this respect, the hostility of his foes makes the big Texan look like tall timber indeed among the scrub growth which forested much of the political hills of America in our times.

Lyndon Johnson was a big man and a big President.

[From the Washington Post, Jan. 25, 1973]

One More Call To Reason Together

(By Hugh Sidey)

Several months ago, when Johnson and his staff began planning symposiums for the Lyndon Baines Johnson Library at the University of Texas, it was Johnson himself who insisted on a session dealing with civil rights.

So a fortnight ago they came by jet and auto and bus through an ice storm to be in Austin with "the President" again, one of the few times in the last four years that the men and women who carried the civil rights banner for two decades had assembled. There were some new faces among them, but the focus was on men like Hubert Humphrey, Roy Wilkins, Clarence Mitchell and former Chief Justice Earl Warren. They showed up with more wrinkles than they used to have, more gray hair and a lot more discouragement. From the beginning of the two-day meeting it was plain that civil rights no longer had a clear national leader. Nor could anyone perceive any sympathy for the cause in the White House.

L.B.J. put on his tan rancher's twill and his cowboy boots and came in from the country, sitting silently through the first day's meetings, the fatigue growing on him. That night he went to the reception for the 1,000 guests. The strain took its toll. For Johnson the rest of the night was filled with pain and restlessness. His doctors suggested, pleaded, ordered him to give up his scheduled address the next day. He ignored them. He put on his dark-blue presidential suit and those flawlessly polished oxfords and came back the next morning.

He didn't take a seat in the auditorium but, with a worried Lady Bird at his side, watched the first two hours' proceedings on closed-circuit TV in an anteroom. Near noon he walked slowly to the podium. In a low but steady voice he talked eloquently for 20 minutes. "Until we overcome unequal history, we cannot overcome unequal opportunity," he said. "But to be black in a white society is not to stand on equal and level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. . . . So I think it's time to leave aside the legalisms and euphemisms and eloquent evasions. It's time we get down to the business of trying to stand black and white on level ground." Even in that short plea there was pain, and Johnson reached for one of his pills, munching in front of everybody. It was something he rarely does.

When he was done he acknowledged the applause and stepped off the stage to take a seat in the auditorium. Then squabbling broke out among the black factions, and one of the participants read an indictment of Richard Nixon and his administration.

Lyndon Johnson sat for a few minutes in the midst of it. Then, just as if he were back in Washington, he moved. The fatigue of the night before seemed to drop away, the old adrenalin machine pumping back into action. Going to the microphone, with his hands molding the air, he delivered one of his sermons on brotherhood and reason, flavoring it with one of those marvelous stories about a backwoods judge and the town drunk, reminiscences of when he arrived in Hoover's Washington and the bonus marchers were driven down Pennsylvania Avenue.

"Now, what I want you to do is go back, all of you counsel together," he said, "that soft, kind way, just cool and push off wrath, indulge, tolerate, and finally come out with a program with objectives. . . . There's everything right about a group saying, 'Mr. President, we would like for you to set aside an hour to let us talk,' and you don't need to start off by saying he's terrible, because he doesn't think he's terrible. . . . While I can't provide much go-go at this period of my life, I can provide a lot of hope and dream and encouragement, and I'll sell a few wormy calves now and then and contribute."

In the auditorium in Austin, the ovation that followed Johnson's appeal washed away the controversy, for a moment. People came to the stage and crowded around him as he tried to leave. They were all reaching for a bit of the old magic. But nobody got so much of it as Mr. Youngblood, a thin, aging black who used to wait on tables in Austin's ancient Driskill Hotel, where Johnson sweated out election night returns. The former President and the former waiter stood there for a few seconds gripping hands, and if any questions lingered about what Lyndon Johnson had tried to do for his country, they were answered right then.

L. B. J.: A Rare Personal Force

(By Marianne Means)

Washington.—The nation buried last week a retired leader whose towering presence dominated much of American public life for more than two decades.

As Lyndon Johnson went to his grave with the national panoply earned by only 37 men in two centuries, his place in history is still a subject of violent argument.

But there is no dispute among those who knew him and dealt with him that the man himself was a rare personal force with almost no outer limits.

He could be anyone, or anything, at any time. He dominated every room he entered within a few minutes. When he told a humorous story, it was a long one. When he gave orders, they were short. Both received the same attention.

GENEROUS WITH PRAISE AND REVENGE

He did not hold any of himself back. It was all there for his friends and his enemies to see and to judge. When crossed, he got revenge if it took 30 years. When served well, he was generous with praise and with his pocketbook.

He was an excellent judge of human nature and it fascinated him endlessly. He loved to tease. He once owned a small automobile equipped to be driven into the water and float, and he delighted in alarming passengers as he plunged off the road into Lake LBJ.

He was a people person, a man who worked out his ideas by discussing them with others rather than poring over tomes of written theories. He never lost his common sense, and his sense of the common man.

He was smarter than almost anybody else, but he contrived to make them forget it. He always warned, "When anyone says he's a country boy, put your hand on your wallet." Then he would laugh and describe himself as a country boy.

His manners were often atrocious. He knew better, but he thought many of the social graces were superficial and he never liked anything to be superficial.

He thrived on adversity and great decisions. Author Theodore H. White once called him "a heavy-duty motor" that functions best when the going is rough but develops a cough when forced to idle.

IMAGINATION OR LYING

He was a ham. He loved play-acting, and the Presidency was a role he played to the hilt. Sometimes he got carried away with his own imagination, and the press refused to call it that but called it lying instead.

He loved plotting and scheming and making people and systems work and produce. He would have made a great puppeteer.

He could be more sentimental than any old maid. He never failed to comment on the beauty of the sunset over Packsaddle Mountain, near his ranch.

He had more intimate friends than most Presidents and they had earned their right to be in his circle by their fierce loyalty to him. So many friends wanted to sit by his coffin as it lay in state in the rotunda that several arguments ensued over who had loved him best.

In the beginning, he had been strong and brave and diligent. And the best politician on Capitol Hill.

In his last years, he had mellowed and thought more about real estate than affairs of state.

But he never lost that special quality of personality which made him unique and which made him a man who will not be forgotten.

Some Friends of President Johnson (As Broadcast Over the CBS Television Network, January 24, 1973)

Walter Cronkite. Good evening.

We are gathered here not to discuss perhaps the serious side of President Lyndon Johnson, but some of the inside of that thirty-sixth President of the United States as seen by men who were very close to him indeed.

May I introduce them to you: Hubert Humphrey, who was his vice president, as you all know, and now, again, senator from Minnesota; Dean Rusk, who was his, as well as President Kennedy's, secretary of State; General William Westmoreland, who was the chief of staff immediately after President Johnson and was, for most of President Johnson's career in the White House, the commander of our forces in Vietnam; and Harry McPherson, who was counsel to President Johnson, wrote many of his speeches, and, therefore, knew him intimately, of course, and a fellow Texan.

Gentleman, I suppose the cliche that one probably hears most about President Johnson and that lives, because those cliches which are true seem to, was that he was bigger than life. To many people he was their most unforgettable character. I'm just wondering if you remember—I'm sure you do—the first time you ever met Lyndon Baines Johnson.

Senator **Hubert H. Humphrey.** I surely do. I remember him in the United States Senate. I was a very lonesome fellow there. I'd just arrived from Minnesota. Frankly, I didn't know anybody in the Senate. This town of Washington seemed a very different place than Minneapolis. And I was a member of the Eighty-first Congress, 1949. And I heard about a man from Texas that had just barely won an election down there. And his name was Lyndon Johnson. And very shortly after we were in the Senate, I believe, Harry, they were calling him "Landslide Lyndon" then . . .

Harry McPherson. That's right.

Senator **Humphrey.** And, of course, just to even have any jest about anybody—I was so up-tight about being in the Senate and not exactly the most popular fellow at the time having given that civil rights speech up in Philadelphia, as you may recall . . .

Cronkite. Particularly with southerners, I would suppose.

Senator **Humphrey.** Yes, that's right. But Lyndon Johnson was the first man of what we called the southern senators, which I found later on did not properly classify Lyndon Johnson, that came on over to me, towering over me, just like, you know, you'd expect him to be, and looking down at me and asking me all kinds of questions about how I got elected and how it was to be mayor of Minneapolis—made me feel important. I liked him. I guess he was about the only one at that time that was really interested in my election. I remember that. I also was impressed by the fact that he knew Sam Rayburn, that he knew men that I'd been told were very important, as they turned out to be—Dick Russell, Walter George and Tom Connally, Harry Byrd, Scott Lucas. He knew all these men. I didn't hardly know the way home, Walter, to be honest with you.

CRONKITE. But he also was a freshman senator. Did he come on with that air of importance then, even though he was a freshman, even as you were?

Senator HUMPHREY. No, it wasn't importance. He was just accustomed to it. As a matter of fact, in your initial greetings with Lyndon Johnson, he'd always seem kind of like he was being a little over-modest with you until you got to know him better. I'm sure all of you recall. He'd just sort of always kind of come up to you, kind of—just sort of kind of saddle up to you, you know, and not coming on strong, but showing interest in you.

And I always remember he kind of always looked at you, you know. It wasn't as if somehow that he was looking off in the distance. He was looking right at you and making you wonder whether he was analyzing you, on the one hand, or really had such a great interest in you that he was just really concentrating on you.

CRONKITE. That's a rare quality in Washington where most people are looking over your shoulder to see if there's somebody more important that they ought to be speaking to.

Secretary Rusk, do you remember your first meeting . . . ?

Secretary DEAN RUSK. Well, I had met Senator Johnson very briefly while he was a senator. But I first really came to know him when he became vice president. And I was deeply grateful for the effort which he and Lady Bird made to help out in our relations with other governments, not only here in Washington, but in his travels overseas. And it was obvious that we were dealing with a very strong personality.

I always marveled at the restraint which he showed as vice president, because he was an energetic and powerful man. You talked about his way of coming up to you in a quiet and deprecating fashion. But you and I know, Hubert, that when a man from the farm country starts out by saying, "Well, I'm just a simple farmer" . . .

CRONKITE. Watch out.

RUSK. . . . You'd better throw up your pockets . . .

Senator HUMPHREY. That's right.

RUSK. . . . because you know you're going to be had.

[Laughter.]

RUSK. But he was tremendously helpful as vice president, and I'll never forget it.

CRONKITE. How about you, General?

General WILLIAM WESTMORELAND. Well, I first met him when he was the Vice President. I was the superintendent at the Military Academy at West Point. And he came up to make the graduating address for the class of 1961, I met him at a nearby airfield. And we got in the automobile and proceeded to West Point. It took about twenty-five minutes. And the first comment he made—he said, "General"—he said—"I read my speech coming up in the airplane, and I didn't like it at all" . . .

CRONKITE. Had Harry written it?

General WESTMORELAND. I think Harry wrote it.

[Laughter.]

He thought it was a lousy speech. "And I'm thinking about casting it aside and speaking from my heart. And I'd like to have your advice." And I said, "Well, Mr. Vice President, I haven't read your speech, but I do respect your judgment. And if you think it's lousy, I'm sure it is. And I suggest that you follow your instincts and speak from your heart." And he did. And he talked about freedom; freedom in this country, freedom abroad. And at that time, of course, the young cadets and all of us who were pursuing a military career had ringing in our ears President Kennedy's inaugural address where this country would go to any extreme to protect freedom throughout the world. And that was the theme of his address, and it was an inspiring address from the heart.

CRONKITE. I'm going to ask in just a second, Harry, about that first remembrance of yours of President Johnson. But first of all, I'd like to talk about that speech matter now, because you did write some speeches for him. And I don't know which ones you wrote necessarily. I mean I don't recall offhand. You might be able to refresh my memory on some.

But it seemed to me that it was true about President Johnson that he was not very good at reading a speech, that he was tremendous when he went off on his own, like this speech. That was when he began giving that gesture, you know, and he pounded that point home with his left hand. And what did that do to you who wrote speeches for him?

MCPHERSON. Well, it'd make you feel wretched. You could never write as well as he could do extemporaneously. The best speech I ever heard him make was in Abilene, Texas to a group of REA district managers. . .

Senator HUMPHREY. Oh, he loved to talk to them.

MCPHERSON. And he loved them.

RUSK. Rural Electrification.

MCPHERSON. That's right. It was early one morning. We were having breakfast with them. He showed up about eight, and he ate two or three bowls of oatmeal as he talked to them. And I guess he talked for two hours. It was absolutely magnificent. He told them why they had a great deal in common with Walter Reuther and other people who wanted low interest rates. And for these farmer electrical managers out there in west Texas, that was rather strange medicine. But it was absolutely superb. It went on for an hour and a half. And no speechwriter could have ever matched it.

RUSK. Yes, it's extraordinary, because in a small, informal group Lyndon Johnson could be the most persuasive. . .

MCPHERSON. That's right.

RUSK. . . . and eloquent man in the world. For some reason that I will never understand, when he came onto television and on a formal occasion, he seemed to freeze up. But he was most persuasive in a group like this.

I remember being at a dinner in the White House one evening which he had given to the top business leaders of the country. Probably four-fifths of the economic structure of the country was represented there that evening. And I was sitting at a table with about eight of these people. And President Johnson got up and just talked. And after a bit one of my businessman neighbors turned to me and said, "My God, he's going to be elected unanimously."

He was absolutely—the difference between the man in a small group and the man in a formal occasion was really quite extraordinary.

Senator HUMPHREY. And the sense of humor.

RUSK. Yes.

Senator HUMPHREY. And every one of his stories that he would tell—and they all were related to the political life of a community or a state or a country. Every one of them had a punch and a twist. And he could mimic. You know, I've often felt that if I could have been his agent, I could have made a fortune. Because, you know, he could mimic anybody, and he could go through all the gyrations of different people that he knew. I wouldn't even dare tell you how—I'm sure he mimicked me many times. But I used to see him mimic some of my colleagues, you know . . .

VOICE. He did.

Senator HUMPHREY. . . . as he did. I know. I know. No doubt about it. But, you know, I think the reason that he was the way we're describing him is that he had a richness of experience. You know, he wasn't what I'd call a book politician. Everything about his political life was out of an experience. I mean when you talk about REA, that's one of the reasons that we got along good. We were against high interest rates. We both came from the Dust Bowl, so to speak. You know, we were kind of contemporaries of the Depression, admirers of Roosevelt, except, of course, he knew him, and all I did was know about him.

But when he saw farmers, he really felt at home with them, you know, and they could just feel the juices. You know, they knew it. And I used to just—oh, I used to just feel, you know, when I was over there at the White House in the vice presidency—I would think if he could just get out in the country and he could just talk to them like he's talking to us . . . .

RUSK. Yes. Right.

Senator HUMPHREY. . . . you know, because it was really a talent lost on that TV. But when he was with you, he'd have you rolling in the aisles, if he wanted, and crying the next minute, you know, and you talking about coming down like that. You remember when he used to do this? You'd go out of there; you'd feel like you were punctured.

[Confusion of voices.]

Senator HUMPHREY. And then he'd get right up on you. You remember, Walter?

CRONKITE. Yes.

Senator HUMPHREY. Well, you know, he was a virtuoso.

MCPHERSON. Well, that's it. When he was in a small group, he could use every device known to man . . .

Senator HUMPHREY. And he did.

MCPHERSON. . . . moral, immoral, ethical, appeals to country, appeals to self-interest, anything. And one of them would sink home. And he could tell it when it did. And then he would begin driving in on that one.

CRONKITE. It must have driven you people who were charged with trying to get the image across nationally in the television and the public speeches absolutely crazy that you couldn't capture this quality. And I'm going to ask you about that in just a minute, Harry. We're going to be right back.

CRONKITE. Harry, presidents are always difficult to talk to. After all, they're the President of the United States. They hold the biggest job in the world. And they become Mr. President. They're no longer Lyndon, or anything else.

How did he take to advice on his public image when you, as a speechwriter, and others around him tried to say, "Look, Mr. President?" Or did you ever try to say, "Mr. President, if you'd only do it this way?"

MCPHERSON. Well, I didn't render a great deal of advice about his public image. But you know, as in everything else, he was a complex man and a various man. On the one hand, he hoped to have a good public image and he was sensitive about it. He raised a lot of Cain with television and the press, because they didn't present him in an image that he wanted to have.

On the other hand, he was extremely realistic about himself. I remember sitting with him one night in the White House as he went over some photographs of himself with various public figures. And there, in one set of photographs, was what I used to call the John Wayne face. It was the face—I can't really make it. But it had the eyebrows going up and the furrows going up into a kind of inverted "V." It was a very sweet face and one that you couldn't believe if you saw it every day of your life. And he said, "Look at that picture." He said, "Have you ever seen anything more hypocritical in your life?" And I said, "No, I really haven't."

[Laughter.]

And he said, "You know, I can't stand that fellow" that he was standing next to. "And everytime I'm with somebody I can't stand, I try to look all the more sincere. And everytime I try it, I look just the worse. And it's a bind I can't get out of. What do you recommend?" Well, what do you recommend to that, because he was really—he was showing how he really felt on his face. And people saw that. And the more he tried to look like a bishop, solemn and sincere and sweet, the more people mistrusted him, because it wasn't really the galvanic personality that he was, full of passion and emotion.

One of the unhappy things for me about this obituary period is that everyone will remember the goodness and the humanity that he had in great measure. But no one will talk about the other side of it, which was also part of his tremendous personality, the capacity to rage and the capacity for mimicry and great fun that was there as well.

CRONKITE. Well, it was said that he was very hard to work for! Was that right?

MCPHERSON. Yes and no. He could be very rough on you. He certainly was on me on occasion. On the other hand, he was the most exciting man you can imagine to work for. He was the fastest intelligence I've ever known. He was probably the brightest man I've ever known. He was not an intellectual. He had almost no interest in things in themselves. He had an interest in things insofar as they led to something. But he could put together information and collate it faster than any human being I've ever seen. And that was very exciting to work for.

CRONKITE. Well—excuse me.

RUSK. I think it's important to say about Lyndon Johnson that he had a passion for performance rather than words. I remember two days after he became President. He picked up the phone and called me and said, "What are we doing about the Alliance for Progress?" And I gave him about two minutes of a typical State Department answer. And he said, "I'm not talking about that. What are we doing? What contracts are we letting? What projects are underway? What are we doing?" And if you'll look at the record, you'll see that the activities of the Alliance for Progress just went up like that as soon as he became President.

He was always snapping at our heels. He was a tough man to work for. But he was tough on himself. . . .

Senator HUMPHREY. Right. Very definitely.

CRONKITE. I mean his personal relations with those of you, particularly you three—I think, Harry, your relation was rather special, being right in the White House family. But you were secretary of State, you were vice president, you were commander . . .

Senator HUMPHREY. But I was senator with him too, and that's another dimension . . .

CRONKITE. You were what?

Senator HUMPHREY. . . . When you're senator with him, he was a different man as senator than when that President/Vice President relationship. That's an entirely different relationship. When you were over there in the Senate with him, and when he wanted to get something done, and when he'd call you into his office and he'd explain things to you and he'd tell you what his plans were, and you know that there was more to it than he was telling you, and all that relationship—that was when you were on a first name basis. He was an incredible performer.

You talk about demanding things, you know. His sense of timing in the legislative was superb. Lots of us would be wondering, you know, well, when is this going to happen. And we'd think that he wasn't going to do anything and he was dragging his feet. I had a big battle with some of my ADA liberal friends one time about Lyndon Johnson. This was when he was in the Senate. Was he a civil libertarian? And I remember President Johnson, then Senator Johnson, Majority Leader, masterminding a maneuver in the Senate where he put together—Harry, you may recall this—four bills that had been reported out of a committee, all of which would have destroyed the Constitution, any one of them. And every one of them would pass on their own. And cleverly enough, he permitted every one of them to pass and then moved to put them all together in one packet. And he said, when you go out to kill the snake with the hoe, you've got to take its head off. You remember how he used to talk?

RUSK. Yes.

Senator HUMPHREY. And down—those bills went down the drain.

In the meantime there must have been at least fifteen of my closest liberal friends that said, "You see, I told you. He's betraying you. You've been leading us down," because I would say, "No, it's going to work out all right. You've got to have some faith. He promised me. It's going to work out all right." And each day it looked like it was getting worse and worse and worse. And finally the hour came. And by the cleverest of maneuvers—I still don't know how it was done. But he was a master at the legislative process and the rules of the Senate. Before anybody knew what had happened, those four separate bills, Walter, were in one package, and before you knew what had happened on that, there was a roll call vote. And when the roll was called, the bills were dead as McNamara's goat.

And he walked out and he says, "Tell those liberal friends of yours to have a little faith in me, would you?" You know, he always used to do that. And I said—you know, he used to call my buddies bomb throwers. And Harry, I guess I was kind of a bridge between that part of the Senate and President Johnson.

MCPHERSON. You were.

Senator HUMPHREY. But I trusted him. I used to get mad at him, though. I'll be honest with you about that. You know, he'd work you over sometimes and leave you wondering what was going to happen.

CRONKITE. Was that true when you were vice president?

Senator HUMPHREY. Oh, yes. There was a different relationship. If he were applying the penalty to me then, it was not verbally; it was that I might not just be around for a little while.

But I'll tell you what would happen. All I needed was one news story attacking me for something that I did or didn't do or making fun of the Vice President. Then the next day I'd get a call, and over to the White House I'd come. He'd put his arm around me, and he'd say, "Hubert, let's have lunch." Or we'd have breakfast. And I just tell you, all I needed to do was to have some reporter just give me a real—you know, a real shot, just give me a tough one, and he'd come to my defense; he'd pick me up. And from there on out for at least a week, I'd be the best friend he had, I guess, around there. He'd tell Dean and all of them what a great vice president I was.

Then after that was done for a while, why, I'd maybe be out to pasture a little bit. But my relationship with him was a good one. I can honestly say—and I'm somewhat of a student of vice presidents. I've tried to study the history of them. I think that it's very difficult to be a vice president and a president and to have a friendship. Lyndon Johnson himself told me that he couldn't recall any president and vice president over any extended period of time that ever were able to preserve their friendship. When he asked if I wanted to run on the ticket with him in '64, he said, "You know, I hate to ask you, because we're such good friends." And he said, "I'm afraid that if you run with me and we're elected," he said, "that friendship's apt to dissolve."

And he reminded me of Truman and Barkley. He said, "You know, there were no two better friends. But within a year after the election, that close relationship kind of dissolved." And we talked out what the possibilities were—this is before the election of '64—and what the ground rules would be. And I think I came out of those four years—I believe I can honestly say that we preserved not only a respect for each other, but a warm friendship.

CRONKITE. You had something of an advantage in that Lyndon Johnson himself had been a vice president, so he knew . . .

Senator HUMPHREY. Yes, he remembered that . . .

CRONKITE. . . . the other side of the coin.

Senator HUMPHREY. He remembered that.

RUSK. You know, it's a part of the political game in Washington that the staff people around the President get a lot of fun out of poking at the vice president . . .

Senator HUMPHREY. Yes, they do.

RUSK. But this does not represent the attitude of presidents toward their vice president. President Kennedy had the greatest regard for Lyndon Johnson. And Lyndon Johnson had the greatest possible regard for you. But that is not the conventional wisdom, because you always have these fellows at the second and third echelons who think it's fun to snipe at a vice president.

CRONKITE. Well, but you see, the press does serve a purpose. They wrote a little nasty piece and you got invited to the White House.

Senator HUMPHREY. Well, listen, Walter, I never ever called him to ask him to see him but what I got (word unintelligible) right quickly from him.

CRONKITE. I'm going to ask you, General Westmoreland, in just a moment, if I may, about your relations with the President at the other end of the phone line where you were most of the time in Vietnam with the communications system that you had. Let me ask you that when we come back in just a minute.

CRONKITE. General Westmoreland, we were talking about whether President Johnson was a tough boss. You must have heard some salty language occasionally, I guess, at the other end of that communications line to Vietnam, didn't you?

WESTMORELAND. Walter, I think it's generally accepted that President Johnson called me on the telephone once or twice a day. But as a matter of fact, I've never talked to President Johnson on the telephone from Saigon to Washington. Although he liked to talk to many people and communicate with a variety of individuals whose opinions he respected, he always dealt with me through the chairman of the Joint Chiefs of Staff, General Wheeler. Now I talked to General Wheeler frequently. And frequently I would get messages from General Wheeler which would reflect the questions of the President. On a few occasions, I received communications over the teletype from the President, but they were normally in terms of, say, giving me bravos and a vote of confidence.

Now, on the other hand, when we conferred in Saigon or in Washington—I saw him frequently—and this was quite different. When I came back to Washington—and I normally stayed at the White House—I would usually get a message, enroute back, asking me to be his guest at the White House. Well, normally I'd made other plans, but I changed them rapidly. And many times Mrs. Westmoreland and I were his guests at the White House. And he would call me at 11:00 at night, and he said, "Westy, have you gone to bed?" And I said, "Well, Mr. President, yes. But I'm not totally asleep." And he said, "Well, can you come down to my bedroom." So I would go down and sit at his bedside, and the televisions would be going—and he had usually three or more in his bedroom—and we would talk. Or he would call me up at seven o'clock in the morning. And he says, "Are you up yet?" And I said, "Well, not quite, Mr. President." And he said, "Well, when you get up, please come down and have breakfast with me." So I would get up rapidly and I would go down, and we would have breakfast together. And while having breakfast, he would make half a dozen telephone calls. He would listen to three televisions. He would be conferring with several staff aides. Joe Califano or Cy Vance would be coming in on various matters. And it was a three ring circus. I mean how he could juggle so many balls in the air and keep them all sorted out was absolutely remarkable.

And of course, frequently we met in Hawaii. And Dean, you remember the famous conference we had at a critical stage of the war in February of 1965. And after two days of conference, he made a very emotional speech, which ended up—he says "The time has arrived to pin the coonskins on the wall." Now, this meant something to the Americans, but the Vietnamese were there themselves, and I'm not sure they knew what a coon was, much less a coonskin.

But he was a very energetic man. He projected himself very well. And when you were with him, there were no dull moments.

CRONKITE. Did he ever get angry with you in those personal meetings at his bedside or at breakfast? Was he ever . . .

WESTMORELAND. No, not really. The only time he got angry with me was after the Manila Conference. And Dean, you were there. It had been concluded, and a general agreement had been arrived at between the various nations associated with our effort. It was about eleven o'clock at night. And we were discussing a visit by the President to Vietnam. I recommended Cam Ranh Bay. He said when can you see me. And I said, "Mr. President, it's going to be awfully difficult for me to make the necessary arrangements and provide the security in less than twenty-four hours." And he pounded the desk and he shook his finger at me, and he said, "If you don't want me to come, I won't come. And if I'm going, I'm going tomorrow morning, or nothing."

So I flew back that night. I made arrangements. He arrived on schedule about eight o'clock the next morning, and I had a representation of all the units there at Cam Ranh Bay with a cover plan so that nobody knew where they were going. But they saw the President, and he had a great visit.

CRONKITE. That must have been one of the best quick movements of troops since Patton wheeled the Third Army around in the Battle of the Bulge.

WESTMORELAND. Much quicker than that. [Laughter.]

RUSK. You know, there's one point, Walter, that affects Lyndon Johnson's relations with General Westmoreland. It was not just a great personal confidence and trust in General Westmoreland; but it was a very strong feeling on the President's part about the ordinary GI in the field. That fellow out there, that dogface, was always on his mind. And what he wanted to do was to give that fellow as much support and as much of a chance as possible. And that had contributed a lot to the relations between you and President Johnson.

CRONKITE. It speaks something of the concern he had throughout the Vietnam war . . .

RUSK. Right.

CRONKITE. . . . and expressed in every personal conversation about the concern for that man.

RUSK. Right.

CRONKITE. We're going to be back in just a moment for more discussion among the friends of Lyndon Johnson.

* * * * *

CRONKITE. We were talking to General Westmoreland about the fact that the one time you recall his blowing up was over a matter of personal arrangements of getting to Cam Ranh Bay. Was that—was that typical of the President? Mr. Secretary?

RUSK. Well, he was very demanding about his personal arrangements. After he became President after the tragic assassination of John F. Kennedy, he was, among other things, under great pressure from the Secret Service not to announce his movements and his presence in advance. And that gave him a reputation of being impetuous. But he did believe that it was up to the State Department to make arrangements with foreign presidents and potentates and princes in a way that would make it possible for him to conduct his business, as he saw it, in the most efficient fashion. And sometimes that got to be very difficult. And he wouldn't let up.

VOICES. Yes.

[Laughter].

RUSK. So that he was demanding on that kind of thing. No question about it.

CRONKITE. I, you know, had had the great privilege of interiewing him several times since he left office for television, a series we did. And I've selected a couple of quotations from his own words here that I'd like to get your comments on, if I might. I don't want to make any[thing] formal out of this. But on himself, he said once to me: "It's been very clear to me that I had certain serious disadvantages which would ultimately preclude my completing my term as President as I would like to complete it. Those disadvantages I thought were upbringing, brought up in a poor setting; limited education advantages; geography, where my mother was born, and the prejudices that exist; and, in general, a general inability to stimulate, inspire and unite all the people of the country, which I think is an essential function of the presidency."

Well, that's a terrible statement, it seems to me, in a way, indicating a feeling of inadequacy, a feeling of snobbery on the part of a great number of our people, and perhaps of particular groups. Did he have an inferiority complex, do you think, Harry?

MCPHERSON. Well, I don't know. I think . . .

CRONKITE. I mean, because the vision, of course, is just the opposite, basically: a superiority complex, if anything.

MCPHERSON. Well, he had some. And as it was said earlier, he had a feeling of coming in after a very glamorous President, John Kennedy, one who was very much beloved in the Georgetown salons, and that he was something of a bumpkin in their eyes. He had that feeling.

But I thought maybe he misread it. And my own view was that Johnson was not a Texas provincial. He was a Washington provincial.

VOICE. Yes.

MCPHERSON. This was his town. This was his province. He knew this place like the back of his hand. There is probably no more sophisticated human being in the Twentieth Century in the life and affairs of Washington, D.C. He knew the representatives of power on the Hill, in business and labor, in government, and all the rest of it.

But that's an essential world for a President to know. But if you concentrate on it totally, you may not be able to pick up the vibrations from out there in the states. And I think that was really the provincialism that made it very difficult for him to convey himself to the people.

Senator HUMPHREY: And don't you think that was true, Harry, particularly in that formative period of his life as a congressman and a senator. When he was the Majority Leader in the Senate, you know, you couldn't get him to travel a great deal. He masterminded the Senate. And that is a task unto itself. At that time, ninety-six, then soon a hundred, individualists. Sometimes we're called prima donnas. But he was able to make that place work and do it both with a Democratic president and a Republican president.

I do think that he had a feeling about, though, you know, that in Washington a Texan from the hill country—I think he maybe even talked himself into that a little bit. And because of the way he worked in the Senate, where it isn't how much oratory you have and it isn't how suave you look; it's how you know how to put the mechanics, the pieces together. The operation of the Senate is like putting a jigsaw puzzle together to get a picture or a pattern. It doesn't make any difference whether you can whistle or sing, or charm or charisma. That stuff doesn't—that just doesn't go there. I mean, because that's a limited clientele that you have. . . .

CRONKITE. That dog doesn't hunt. . . .

Senator HUMPHREY. That dog doesn't hunt. That's right.

[Confusion of voices.]

Senator HUMPHREY. So this is where he got—this is where he got his reputation with what we call the media or the press corps.

Then, as you say, when he went to the White House as vice president, you don't make many points as vice president, to be frank about it, with the media. You can't. You're supposed to be second man. You're not front man. You're not making policy pronouncements. You are following the outlines and the guidelines of an administration, and the President is up front.

So during that period of time of the vice president, when he was immensely loyal to Kennedy—and I'm glad you said that, because he really was. And I know, because I was then the majority whip of the Senate. And the things he got us to do over there and how he worked for President Kennedy day after day to get [the] program moving [sic].

But when he became President, that feeling, both on the people that observed him as well as himself, existed for a while. I used to say, just like you said, if we could just get him out there. If I could have brought him out to Minnesota for the Minnesota Editorial Association and turned him loose, like we were talking about, in one of these free-for-all, free swinging, ad lib commentaries of his, he'd have had them in the palm of his hand. He really would have. Whoever he brought into the White House at those dinners—and, by the way, he didn't just bring the rich and the mighty. You know what I liked, Walter. He'd bring in those friends of his from down in Texas. He'd bring in somebody he met in a war. He'd bring in somebody that he just met someplace, and they'd be sitting right there with the big shots, you know . . .

CRONKITE. Well, a Pakistani camel driver.

Senator HUMPHREY. Yes, this is how the man was.

MCPHERSON. Right.

RUSK. Let a man from Georgia point out that provincialism turns up in all sorts of places . . .

Senator HUMPHREY. Yes.

RUSK. I talked to a graduate student some weeks ago who is writing a Ph. D. thesis on the politics of a southern accent. Now there are places in our country which will accept any accent in the world—German, Oxford, Russian, Yiddish—but not a southern accent, because they think that anyone with a southern accent somehow's a little stupid.

Now one of the things that's going to surprise the historians when they get full access to those thirty-one million documents in the Johnson Library will be the intellectual power of this man. But this was concealed . . .

Senator HUMPHREY. Yes.

RUSK. . . . from some elements in our society by his southern accent and his homily and cornpone stories.

And so I think he was aware of this . . .

Senator HUMPHREY. Yes, that's right . . .

Rusk. . . . because it is a fact in our society. And this derives from some of the flamboyance and the reactionism of some of the Senators we've had in the last hundred years in our Senate. But this, I think, he felt was a handicap. And who can say that he was wrong

Cronkite. You said that he was loyal to the Kennedys . . .

Senator Humphrey. Yes.

Cronkite. Senator, but do you think there might also have been some jealously, some resentment, perhaps, on the other hand, of the Eastern establishment, the Ivy League, and so forth?

Senator Humphrey. Yes, I really do. I think that was there.

But I'll tell you something else, Walter—that in terms of the way that that group loved President Kennedy. President Kennedy was an extremely charming and charismatic man, a remarkable person; very different from Lyndon Johnson. They were very, very different personalities. But, of course, they complemented each other.

But I always—I always felt that in order to understand President Johnson's kind of politics, you really had to be the kind of a person that had been in the political arena and kind of just wrestled around in the pit of politics. Then you understood it. His politics was glandular, in part, as well as a bright mind and an experienced political person, and with intellectual depth.

I think that the one thing that impressed me first after President Kennedy's assassination—I never will forget sitting with him that night, Harry, when he came back here at Andrews Air Force Base. He called a few of us in. We went over to the Executive Office Building before he went to his home. And he said to us—in a very sober mood, he said, "Look, I not only need your prayers"; he said, "I need your help." He said, "I'm tellin' you, this is—this is—this is more than I can do." And he said, "We've just got to carry through now." And he told us—you know, it really was a kind of a moving, sentimental moment. And he was a very sentimental man.

And then he set out to make sure that every single program that President Kennedy had advocated was passed. And I tell you that I can remember—I think I had more intimate conversations with him about things like this in those days than any other time. I believe he really relied a great deal on me, Harry, if I may say, when I was the majority whip. He thought I'd get things done. I was a can-do man for him. And he used to say to me, "We're going to put through, Hubert, everything that John Kennedy put up to that Congress." He said, "That's going to be my tribute to him. That's what we're going to do. We're going to get everything done." And I'm tellin' you, we did. That's when you really saw the man who was determined to prove not only his loyalty, but his dedication.

Then when he went into this own term of office, it was another thing, but with the same kind of dedication and the same kind of demand.

Cronkite. Did he do that, in carrying on the Kennedy program, as a matter of conviction, that he believed that program was right, or as a matter of sentiment, as a matter of the man who had picked up the fallen leader's baton?

Senator Humphrey. Both. Both. I think it's fair to say that Kennedy, President Kennedy, relied on Lyndon Johnson a great deal in the formulation of the legislative program, from what I knew at that time, because we used to come to those breakfasts, Harry, you know. And I sat right on the side of the table alongside of Vice President Johnson on those Wednesday morning breakfasts. And that's where we really caulked out the legislation and who would do what. So that President Johnson was looked upon, in his vice presidency, by President Kennedy as his chief legislative arm, because Johnson knew so much about the Congress.

Cronkite. You know, we think of him in domestic policy, but not so much in the foreign policy, and certainly not when he was vice president.

You told me a story, Mr. Secretary, about the Cuban missile crisis. And I'm going to ask you about it in just a minute when we come back.

Rusk. All right.

Cronkite. Secretary Rusk, you told me once that you thought that President Johnson, when he was vice president, had a considerable influence in the Cuban missile crisis.

Rusk. Yes. That story is not likely to be told because it is not in the documentation. But throughout that crisis, he would come over and sit in quietly and informally with the various task forces that were considering the alternatives that were in front of us. He would spend a lot of time with Secretary McNamara and myself and with President Kennedy. His practical wisdom was injected into the discussions in a way that was very important.

And one thing that I will always remember with the greatest gratitude was that the two coolest men in town during that frightful crisis were John F. Kennedy and Lyndon Johnson. His role in that crisis, I suspect, will probably never be told. Maybe someday I'll tell it, but it is a very important role.

Cronkite. You know, he was thought of as being mercurial in many ways. But was he, in most crises, cool, would you say, Harry?

McPherson. Yes, I think he was, the ones that I saw him in the last two or three years of his administration. I think he was cool.

Senator Humphrey. Remember that Six Day War crisis, Dean, down in the situation room . . .

Rusk. Yes.

Senator Humphrey. And the hotline I guess had been used.

Rusk. The Israeli Six Day War.

Senator Humphrey. Yes. The Six Day War in June, '67. And the fleet—he had removed the Sixth Fleet from along the coastline there at Haifa in Israel and got it back deeper in the Mediterranean . . .

Rusk. Right. Right.

Senator Humphrey. And apparently Mr. Kosygin, or one of the Russian leaders, had sent a rather sharp message, that either tell the Israelis to stop or do this, or we'll take whatever action, including military action. And I happened to be at that meeting. That was a very important meeting. And quietly, he told—maybe it was you or Secretary McNamara, one of you—he said, just order the fleet to turn around. And he didn't send back any message to Kosygin, per se, at the time. The Russians understood that. He said, "They'll understand that better than anything I can say." And that fleet that had been coming out of the Mediterranean was wheeled around and didn't need to go very far. And the Russians cooled right away. And there was just no doubt about it. And he was as cool, as they say out home, as a cucumber. He just did it.

Those were days that I saw him face up to tremendous pressures. There were pressures from all sides, domestic and international.

Rusk. He didn't react emotionally . . .

Senator Humphrey. No.

Rusk. . . . to major issues of war and peace. As a matter of fact, he had an extraordinary capacity to put himself in the other fellow's shoes in order to try to understand what was eating on the other fellow. And he was very deliberate and calm about the major decisions which he had to make in those foreign policy questions which involved the possibility of war.

Now there were times he had to act quickly. For example, in the Dominican affair. About two o'clock in the afternoon, our ambassador in the Dominican Republic said, "We don't need the Marines. Don't worry about it." And then about two hours later, the ambassador came in and said the situation has changed completely; we've got to have the Marines.

Now, you've got to decide that within a couple of hours. You can't send out a bunch of people to do Ph. D. theses on the question. So that when he had to act, he acted. But he always thought about them and did not act in any kind of emotional response.

I mean, this notion that he was moved by hubris, that is false pride, or machismo, or things of that [sort], is utter nonsense. Utter nonsense. Because he recognized the responsibilities which rest upon a President of the United States.

Senator Humphrey. You remember the admonition that he gave every one of us? You mentioned that today in the ceremony at the Rotunda. "To cool the rhetoric." Didn't make any Cold War speeches. The detente that we're talking about with the Soviet Union didn't happen just last week. That was a long process through Lyndon Johnson's administration. Dealing with President de Gaulle: constant care. Always I remember that the whole idea was that somehow or another that if you get the rhetoric around [sic], it'll be easier to talk sense; if you'll cool down the verbiage, the adjectives and the rhetoric.

I know that the preparations for those SALT talks were very dear to him, as you know better than anybody else.

Rusk. Well, you'll see from the public record that he didn't let us attack Chairman Khrushchev . . .

Senator Humphrey. No.

Rusk. . . . or later Mr. Brezhnev or Mr. Kosygin, or Ho Chi Minh, or President de Gaulle, or anyone in personal terms, because diplomacy has learned over the last three hundred years that that's not the way you settle problems.

Cronkite. Well, clearly, he was a man who was concerned about what people thought of him. What man isn't, and particularly a man in a leadership role? And it's only human to have been. But he did seem to occasionally carry it to the extreme. He carried those polls around with him all the time, and it didn't take a drop of the hat to show them to you.

[Laughter.]

But he must have felt . . .

Rusk. I bet Hubert carried some polls . . .

Senator Humphrey. I'll tell you, when you're an elective officer, there's nothing that's more cheering to you than a favorable poll.

Cronkite. Well, I was going to say—I was going to say that, did he—among you, did he worry about his image? Did he ever say I'm so sick that I'm misunderstood? Did he wear this on his sleeve? Harry?

McPherson. No, not with me. I don't think I ever heard that. I know that people were brought in from time to time to fix it up, to work on the television image and the rest of it. And surely many of the things he did were done to improve the image. But I never heard him worry out loud about it being a bad image.

Cronkite. Did the Vietnam war—you know, everybody—the common knowledge is that—the common feeling is that it was the Vietnam war that brought him down, that everything else worked well and that this did not. You gentlemen were part of the policy that did that. Do you agree with that assessment? I mean, do you think he was misunderstood on the Vietnam war?

Rusk. This war was his great agony, because there would not have been, General Westmoreland, a single American in uniform firing a weapon at anyone in Southeast Asia if Ho Chi Minh had kept his men and his arms in his own country.

President Kennedy made the basic decision to intrude American forces out there. And President Kennedy was faced with the terrible Berlin crisis of '61, '62, with the unspeakably dangerous Cuban missile crisis, and the situation in Southeast Asia. President Kennedy and President Johnson didn't want these situations. They were presented to them.

The Vietnam war stood in the way of so many things that Lyndon Johnson wanted to accomplish as President of the United States. And no one wanted peace more than he did.

As a matter of fact, we went into every capital of the world looking for peace, to the point where some of our experienced friends in Europe said to me, "Look, you're trying too hard. You're going to create misunderstandings in Hanoi. You better be quiet for a while . . ."

Senator Humphrey. I heard the President of Burma tell that directly to the President of the United States. I don't know whether you're supposed to talk this openly or not. But when the President said to him, "What am I doing that's wrong?"—when President Johnson [sic]—he says "You're asking for peace." And he said, "That's interpreted in our part of the world as a sign of weakness." And President Johnson said, "Look, I'm President of the United States. Our people want peace. And that's what I want."

Rusk. Exactly.

Senator Humphrey. I mean, I remember being taken upstairs that one evening when there was a state dinner. Wasn't it President . . .?

Rusk. Ne Win.

Senator Humphrey. Ne Win, yes. And we were talking about it.

Rusk. But this idea that somehow Lyndon Johnson looked upon himself as a broncobuster, all-out to go gung ho to do somebody in the eye, is a complete misunderstanding of his approach to this problem.

Cronkite. Well, thank you very much, gentlemen, all friends of Lyndon Johnson. I'll be back in just a moment.

Cronkite. We've been talking with some friends of Lyndon Johnson. There was one side to the President that all of us knew, or that everyone who met him was vividly aware of, I'm sure, and that was his great pride in his country.

He told me this story during an interview at the LBJ Library. And I think it's an appropriate way to close this hour.

President Lyndon B. Johnson. I heard a president of the University of Minnesota tell this story the other day about the Frenchman that was talking to an Englishman, and he said to him, if I had not been born a Frenchman, I think I would have liked to have been born an Englishman. And the Englishman was—responded and said, well, I think if I had not been born an Englishman, I would have wished to have been born an Englishman.

And that's the way I feel about my country. I'm so glad I was fortunate enough, lucky enough, to be born an American, with our system; that if I had not been born an American, I just really believe that, knowing what I do about this country and its system, I would have wished to have been born an American.

Cronkite. Thank you, Mr. President.

Announcer. "Some Friends of President Johnson" was recorded earlier tonight in our CBS News studios in Washington.

THE NUCLEAR SUMBARINE (SSN 692) "OMAHA"

Mr. CURTIS. Mr. President, on last Saturday, January 27, the keel was laid for a nuclear submarine at Groton, Conn., and the name of that new submarine will be the *Omaha*.

It was a memorable occasion. Mrs. Roman L. Hruska authenticated the keel and did so most graciously. My colleague, Senator Hruska, was the principal speaker and his remarks were both outstanding and inspiring.

Mr. President, I ask unanimous consent to include in my remarks the important speeches made on that occasion. These include the remarks of Mr. David S. Lewis of the General Dynamics Corp.; Secretary of the Navy Mr. Warner; Vice Adm. H. G. Rickover, U.S.N., in introducing Senator Hruska; a telegram from Adm. E. R. Zumwalt, Jr.; and the speech of my colleague, Senator Hruska.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by David S. Lewis

Senator Hruska, Mrs. Hruska, Secretary Warner, (Admiral Zumwalt): The men and women of General Dynamics are extremely gratified to have been selected to play a major role in the important 688 attack submarine program.

There is no project more demanding of excellence in technology, in workmanship and in management than the Navy's nuclear submarine construction program.

We believe the able, experienced team at Electric Boat is fully up to those challenges.

We know they are fully dedicated to providing the Navy the highest quality, most reliable ships possible—and on schedule!

It is a real pleasure to be on hand to recognize the first major milestone in the construction schedule of the Omaha.

Our next speaker and I were here last summer for the laying of the keel of the Philadelphia—we were also together on this stand two years ago when he was our speaker at the launching of the Archerfish, for which his daughter was the sponsor.

That had to be the coldest day in the history of the world—

Thank goodness our people are now doing a better job of planning for these events!

So we are glad to welcome back this morning one of Electric Boat's old friends, Secretary of the Navy John Warner.

Secretary Warner has a long and important record of service and leadership to the Navy and to the Nation.

He began his Navy service as an enlisted man during the World War Two, and later served as an officer during the Korean conflict.

In 1971—at the request of President Nixon he again answered the call to public service and left a distinguished career in corporate law to become undersecretary of the Navy. He served in that position with distinction, and last May fourth was named as Secretary of the Navy. He has proven himself a man of action and determination in making certain that the Navy will remain our first line of defense.

Ladies and gentlemen, I would like to introduce the Honorable John W. Warner.

Mr. Secretary.

Remarks by Secretary of the Navy Warner

The last time I spoke here the temperature was four degrees and I promised the audience I would limit my remarks to four minutes. The temperature today is 20 degrees but I'll not exercise the 20 minutes.

I'd like to go back to the year 1939. Two historical events occurred that year—one a tragedy—the sinking of the USS *Squalus*, a submarine, off the coast of New Hampshire. We have the privilege of having with us today the master chief petty officer who made the dives to rescue the men from that stricken ship, for which he was awarded the Congressional Medal of Honor, Master Chief Petty Officer William Badders, please step forward.

Also, in the year 1939, Senator Carl T. Curtis of the State of Nebraska began his public service in the State of Nebraska—Senator Curtis.

Joining us here today from that friendly state where they don't mind cold weather at all are Congressman and Mrs. Thone.

Congressman McCollister, who represents the District of Omaha, was unable to be here today so the best he could do was send his bride, Mrs. McCollister.

Now the Hruska family, although from the heart of our nation have had a long association with the Navy. We are proud to have Victor Hruska who served in the Navy in World War II.

Senator Hruska's son, Quentin, who is a carrier aviator and last but not least, Jana Hruska. We started together in 1960 in the service of then Vice President Nixon, and we have served together since then in one way or another in the public service of the United States.

I have used my 3½ minutes and I'll save just one to introduce our principal speaker.

For the past 20 years he has devoted his entire life to the people of the United States. He started in the Congress of the U.S. in 1952 and in 1954 he was elected to his first term as U.S. Senator. In my judgment, he impresses all of us with the great qualities that we in the east have come to associate with those who pioneered the west. I am proud to introduce our principal speaker—Senator Roman Hruska.

Introduction of Mrs. Roman L. Hruska and Miss Jana L. Hruska by Vice Adm. H. G. Rickover

I am happy to introduce two charming ladies, Mrs. Roman L. Hruska, who will authenticate the keel for the Omaha; and Miss Jana L. Hruska, her daughter and maid of honor.

But first I would like to speak about Senator Hruska, a man for whom I have much admiration.

Over the span of his 20 years in Congress, he is a man who has had the character and intellectual capacity to gain and retain the respect of his colleagues and of his constituents. Combined with diplomacy and an absence of formality and pomp, he has the ability to talk with men and women, the military, scientists, and colleagues, in their own language—a gift indispensable to one in his profession.

The casual observer, considering that he began his working life so modestly, and rose to his present high position, might say that fortune smiled on him and that he was lucky. This is not the case. Anyone familiar with his background knows that he has earned his position and his responsibilities by application and industry, by force of mind, character and integrity.

There is no affectation in him, no false humility. He knows his capacities, and takes pride in them. He looks on them as a trust, of which he must be the diligent and faithful steward.

He acts on principle, not on personality. The people to whom he responds, are those who have ability, and put it to full use, who are daunted neither by toil nor difficulty, but give themselves without reserve to the work in hand.

He is a prodigious worker. Nothing less than full mastery of any subject he tackles will satisfy him. Although a man of intense convictions, he is open-minded, and not beyond persuasion until the last word has been spoken. He understands that it is the task of a leader to determine which difficulties will resolve themselves, and which will spread their rot when shoved under the rug.

In an age when prolixity is becoming a substitute for conviction, his speeches are to the point, and his positions are firm. He has been a consistent supporter of a strong national defense. He knows that in today's troubled world, if one might err in judgment, it is better to err on the side of strength than on the side of weakness.

Mrs. Hruska, whose maiden name was Victoria Kuncl, is a native of Omaha, where the Senator has also lived his adult life. She was educated in the Omaha public schools and the University of Nebraska. Her studies included a semester at the University of Nebraska Medical School. She was married to Omaha attorney Roman Hruska in 1930. They have three children and four grandchildren.

In the early days of our country women and men worked hard together to clear the land, to build a home, to grow food, and to raise their children. Out of this partnership grew many of our great men. Today our environment has changed, but the fundamental nature of this partnership has not. Victoria Hruska understands this. Her fine children and her active help in the Senator's election campaigns bear witness to this. Besides her busy family, this gracious lady finds time for gardening, and participation in the Congressional Club, the Republican Congressional Wives Club, and the Red Cross unit of the Ladies of the Senate.

Miss Jana Hruska, who will assist her mother today, is another example of the contribution to public service of this remarkable family. This lovely young lady, who graduated from the University of Nebraska, now occupies a position in the executive branch of the government.

I introduce to you Mrs. Hruska who, with the assistance of Jana, her maid of honor, will authenticate the keel of the Omaha.

Washington, D.C., *January 27, 1973.*

Mr. David S. Lewis,
Chairman of the Board, General Dynamics, Groton, Conn.:

I deeply regret that I am unable to be with you as you lay the keel for the U.S.S. *Omaha*—the newest addition to our Navy's nuclear attack submarine forces. I am sure, however, that the presence of Sec. Warner and other Navy representatives along with the distinguished citizens of the State of Nebraska will more than make up for my absence. I am especially pleased that Mrs. Hruska will be there to authenticate the keel and that her husband Sen. Hruska has consented to make the major address for this historic occasion. Please extend to all of those present my deep appreciation for their attendance and my apologies for not being able to be with you.

Warm regards,

E. R. Zumwalt, Jr.,
Admiral U.S. Navy

Remarks by Senator Roman L. Hruska

Mrs. Hruska and I, together with all Nebraskans present, are highly pleased and delighted to participate in the keel laying ceremony for the nuclear powered attack submarine, *Omaha* (SSN 692).

All of us, in fact all citizens of Nebraska, are proud and honored that the name chosen for it is that of the Metropolitan City of our State.

Keel laying ceremonies, followed by launchings and commissionings, are always important, historical events. It means another factor of strength and force in our Navy, which has developed a proud tradition and history.

The City of Omaha, itself, also has played a substantial role in the development of our Nation. Situated on a site visited by the Lewis and Clark expedition, Omaha early became and continues as an important river port and supply station for the West. It is called the Gateway to the West. It grew to be the fourth largest rail center in the country. It is the world's largest livestock market.

Within a few miles to the South is found Offutt Air Force Base, on which Strategic Air Command Headquarters and the Joint Target Command are located. These are all so closely allied to the Naval forces and the kind of ship for which these keel laying ceremonies are being held.

The SSN *Omaha* will be the third ship to carry the name of our City to the sea. The first *Omaha* was laid down in 1867. She adequately served the Navy for 23 years before being decommissioned.

The second Omaha was launched in 1920. She made many ports-of-call in her peacetime cruises. During World War II, she played a significant role in stopping Nazi blockade runners.

Now comes the third Omaha.

I understand that when completed, there will be more science packed into her keel than in any previous warship. There is a saying among submariners that "there is room for everything aboard a submarine except a mistake." Advantage is being taken of this adage because it will have the most advanced anti-submarine warfare capabilities.

It will add greatly to our powerful force for peace in this troubled world.

It will be built and commissioned at a highly opportune time of our history. It is a period in which timely, adequate, and firm progress must be made toward a military capability second to none; a military strength equal to the challenges that could arise.

There are some people who do not subscribe to this goal.

They point to the cease fire in Vietnam; to the great successes of President Nixon in reducing world tensions and reaching better understanding with the Soviet Union and Communist China. They point to other improvements in good will among nations, of true enlightenment and conviction of all nations that war is no longer thinkable as a matter of settling disputes. Hence, that there will be no wars.

Such arguments are used as a basis for heavy reductions in our military resources and power. Their cry is that such reductions are safe and in order. Moneys intended to them should be used for purposes of peace.

History should remind us, however, that isolationism and weakness are not guarantors of peace. Just the opposite is true. In the 1930's and again following World War II, this Nation withdrew within its borders in an attempt to forget the rest of the world and concentrate on our own domestic problems and priorities. The results of those two periods of isolationism were not happy: the events of 1941–45 and 1950–53 should be grim reminders of the fruits of weakness. The United States, in the decade of the 70's, cannot afford another such experience.

That is President Nixon's strong conviction and commitment. Here are his recent words:

"For the United States to abdicate its leadership role in the world, or to attempt to meet its responsibilities through good intentions alone, without the backing of a strong defense, would be one of the greatest tragedies of history.

"Let us never go down that road. That is the road which led an unprepared America into two world wars earlier in this century."

My studied belief is that a vast majority of the American people have rejected the proposal that our first place military position should be reduced or impaired.

They know we cannot afford the alternative. They know that a philosophy dedicated to weakening America and ushering in a new isolationism—an isolationism that would cut us off from our friends and give our adversaries an overwhelming military superiority—is unacceptable.

A weakened America, vulnerable to military blackmail and without confidence and trust of other nations of the Free World would never be able to face down another country seeking to force its will on others.

The sea occupies three-fourths of the area of this globe. To insure peace and security for our Nation and our allies, we need the protection that our nuclear submarine fleet provides. It is my sincere hope that the Omaha will never be called upon to use her nuclear might. But, it is also my firm conviction that without the Omaha and other submarines like her, our chances for peace would be far less than they are now.

The question we as a nation face today is simply this: Can we ever be left in peace if we do not actively assume the burden of keeping the peace? A strong U.S. military posture is the source of stability in this world. It is essential to peace.

A WORLD ASSEMBLY ON AGING

Mr. CHURCH. Mr. President, last September, at the 25th Annual Conference on Aging of the Institute for Gerontology at Ann Arbor, Mich., I proposed that a World Assembly on Aging be conducted in the next 3 to 5 years, possibly under the auspices of the United Nations. Since that time, I have received must solid support for the proposed assembly, which would assist each nation in determining what kinds of commitments, must be made in a world in which an ever-increasing segment of the population lives in a lengthening number of years which we now call retirement.

A world Assembly on Aging would also serve as a prod for encouraging the United States to develop and implement a national policy on aging—something which had been hoped for with the White House Conference on Aging of 1971. The momentum which had been generated by that conference now needs recharging.

When we consider that between now and 1985, the overall world population is expected to grow at a rate of about 11 percent, while the older population is forecast to gain 24 percent, it becomes increasingly more imperative that we direct attention to resolving the fundamental issues created by this phenomenon which I have termed the "retirement revolution."

The beneficial effects of a World Assembly on Aging upon the developing nations should not be underestimated. With their older population expected to grow by more than 38 percent by 1980, they too will eventually be engulfed by the retirement revolution. The World Assembly on Aging could help the developing nations prepare for the social and economic changes produced by a longer average life expectancy.

The time has come for the United States and other governments to actively pursue a course of cooperation taking positive steps leading to the world convocation.

As I have stated, I am pleased by the solid support which I have been receiving and wish to call specific attention to the high importance placed upon the proposed World Assembly on Aging by the nationally known writer in the field of aging, Theodore Schuchat. A syndicated article by Mr. Schuchat, entitled "Conference on Aging a Necessity," appeared on December 10, 1972.

Mr. President, I ask unanimous consent that the article by Mr. Schuchat be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Sunday Record, Dec. 10, 1972]

Conference on Aging a Necessity

(By Theodore Schuchat)

Sen. Frank Church of Idaho wants the United Nations to convene a world assembly on aging to deal with the retirement revolution he says is already a major force in industrialized countries.

Chairman of the Senate's Special Committee on Aging, Church believes that this retirement revolution eventually will engulf the developing nations. A world assembly on aging in the next three to five years, he says, could help them prepare for the social and economic changes produced by a longer average life expectancy.

A recent UN report cited by Church showed that there are 24 million more people of age 65 or older on Earth now than there were five years ago. By 1985, there will be 270 million older people in all, or 70 million more of age 65 or more than there are today.

HIGHER THAN AVERAGE

Compared to other age groups, the proportion of older persons is rising at a much faster rate around the world, according to the U.N. study. Between now and 1985, overall population growth is expected to be about 11 per cent, while the older population will grow by 24 per cent.

In the less developed nations, overall population growth is forecast at almost 28 per cent between 1970 and 1980, but the estimate for the older population group is more than 38 per cent.

"The United Nations report," Church says, "says the world has an aging population, with social and economic implications which are not yet clearly understood."

RETIREMENT AND YOU

A major task of a world assembly on aging, Church suggests, would be to involve governments in a cooperative venture which would help each nation determine what kind of commitments must be made in a world in which larger and larger segments of the population live to be older and older.

Such a global meeting would also serve selfish interests of the United States, the youthful senator believes.

"For one thing, a world assembly on aging would be an additional prod for development of policy on aging—something we had hoped that the White House Conference (of 1971) would do," he explained.

NEW ENERGY

"The momentum of that conference needs recharging. If the United States had to prepare for an international meeting at which it would develop its commitment on aging in conjunction with other nations, we would be more certain that a national policy would not only be formulated, but implemented," he said.

A critic of the Nixon Administration, Church argues that an international meeting on retirement problems would help the United States develop real perspective on its failures and achievements.

He wants the United States and the Soviet Union to add aging to the agreements they have made to cooperate in research against cancer, heart disease, and environmental health problems. In contrast, President Nixon vetoed Congressional action to create a national institute on aging and to expand the work of the U.S. Administration on Aging.

Church was a leader in the fight to enact a larger increase in Social Security benefits than the Nixon Administration proposed.

Describing the recent 20 percent increase as only modest, he declared that the Nixon Administration has no policy at all on retirement income.

Both advanced and developing nations have to decide a lot of questions regarding their elderly population, Church maintains, adding that a world assembly could help them deal with such questions as these:

How much of an economy, for example, should be committed to retirement income?

If skills become obsolete in middle age within industrial nations, what will be the effect upon employment status of those affected, and what effect will unemployment or underemployment have on their social insurance payments for retirement?

What if nations around the world follow one after the other in establishing lower compulsory retirement ages? How will the lower number of productive years affect tomorrow's retirement?"

In developing nations, what effect upon the elderly will result from the widespread move of younger people from the rural areas to the cities?"

The big industrialized nations have tried to answer these questions in different ways, but not always with success. They need some better answers, Church suggests, and the developing nations have a chance to avoid making mistakes when facing the same questions.

WHITE GOLD ON TREASURE MOUNTAIN

Mr. MOSS. Mr. President, an article appeared this past weekend in the Washington Post celebrating some of the manifest attractions of the State of Utah. Our high mountain country has been famous for a number of years for its excellent skiing, but as the article pointed out, it is not merely the steep slopes and superb snow that is drawing so many visitors to Utah. For these visitors have discovered a State possessing great natural beauty, a colorful frontier history, warm hospitality, and a thriving cultural life.

Those of us who are natives have known about the fine qualities of our State for some time, and as my colleagues know, I have extolled these qualities on this floor on more than one occasion. I am pleased now to find that the word is spreading.

Mr. President, I ask unanimous consent that the Post article by Mr. Peter Tonge be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

They're Shoveling White Gold on Treasure Mountain

(By Peter Tonge)

Salt Lake City.—It used to be the silver from within the mighty mountain that drew people like a magnet to the area. Now the snow that mantles it proves the attraction.

They call it Treasure Mountain. In its day the tunnels that cut deeply into the rock face poured out more than a billion dollars worth of minerals: Silver for the most part but lead, zinc, and a little gold, too. It is estimated that an equal value of minerals still lies hidden there, but the dollars now flowing into Park City, as the one-time mining town is named, come from those who love to ski the snow-packed runs that snake down the mountainside.

They come from all over to this and 10 other mountain resorts near the great Salt Lake during a six to seven-month season that starts around Thanksgiving and extends through May. That's what makes this Utah region such a great one.

There is excellent skiing terrain, a fabulous snowfall that in some areas tops 36 feet most years and frequently goes as high as 50 feet. All of it is within 60 minutes driving time of the international airport here.

Park City, for instance, is just half an hour away from downtown Salt Lake City, or from the ballet, the theater, or whatever other reason might make you prefer a city-center motel to a mountainside lodge.

Just as the miners followed the soldiers to these mountains a century ago, so the skiers followed the photographers in more recent times. When the miners moved out in the early years of this century, the picture takers, apparently, moved in. They were pioneers, too, in a still infant industry, who sought to capture the grandeur of the mountainside on film. As some tell it here, skiers saw the photographs, then hastened out to schuss the slopes.

In more recent years, photographic forays were followed by helicopter-hopping ski trips to the more remote peaks until the entrepreneurs put in the ski lodges and lifts on some of them. While this took some of the excitement out of the sport for the hardy (and wealthy) few, it opened up more of a skiers' paradise for the many.

Even now helicopters gyrate up to any one of a hundred otherwise untouched peaks to provide powder skiing and precipitous descents for the really skillful.

Nestling in a wide spruce and aspen valley, 8,000 feet up but still 3,000 feet below the top of the many ski runs, lie two of the three resorts I visited recently: Alta and Snowbird, one of the oldest and one of the newest of this nation's ski resorts; the classic and ultramodern side by side. The very contrast adds to the enjoyment of skiing in the area.

Alta, like Park City, was once a bustling mining town of 5,000 residents. It was one of the first in the area to swap mining gear for ski equipment. They were skiing there more or less regularly in 1930. Eight years later the first chair lift was installed.

Now there are many such comfortable mechanical rides to the top and a bewildering array of routes for the exhilarating, whistling descent to the canyon floor. Some of the European-style lodges here include breakfast and dinner with their accommodations; a homey touch which adds to the old-fashioned charm of the place.

Snowbird, a decade in the planning, has just entered its second year of operation. The single-dwelling sprawl has been ruled out in this development. Planning is such that as little of the natural terrain as possible is disturbed. Trees are covered at all times, and the whole village, if such it can be called, blends with the surroundings. It's a quality, luxury development that many suggest may become the pattern for future resorts in the U.S.

Park City has base facilities that are as impressive as any in the area and plans for improvements which will see $100 million spent during the next decade. The old mining town itself still exists, and its main street, rising fairly steeply up a mountainside, remains much as it appeared at the turn of the century.

ENGLISH FOR FOREIGN LANGUAGE SPEAKERS

Mr. TAFT. Mr. President, one group whose special educational needs are often overlooked is the large non-English speaking community found in many of our urban areas. In the Nation's Capital, however, a volunteer project has made wide-scale English language instruction available on television to the foreign-speaking population. At a time when the President is asking that we keep expenses down, this project, in which concerned broadcasters and educators have joined together to provide a free service to the many in need, indicates that the American tradition of helping one another continues to be a viable solution to pressing social problems.

An article entitled "English for Foreign Speakers—A Television Solution," written by Michael R. Kelley, Ph. D., professor of English, George Mason University, Fairfax, Va., describing this project which he coordinated and produced, was published in the November 1972 issue of Audiovisual Instruction. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENGLISH FOR FOREIGN SPEAKERS—A TELEVISION SOLUTION

(By Michael R. Kelley)

Although television long ago established itself as a valuable medium for in-school instruction, neither educational nor commercial television has ever been fully utilized as a vehicle for in-home general audience instruction. Perhaps the basic reason for this lies in the nature of adult education. Television is an expensive medium, and the adult student's educational needs are generally too limited in scope or fragmented in need to warrant the high expense of a mass medium. Additionally, teachers have tended to be wary (rightfully in some cases), of any use of television which would completely eliminate their day-to-day function in the educational process.

There are currently hundreds of thousands of non-English speaking residents in America's major urban centers who desperately need instruction in English as a foreign language. In most cases, they are strongly motivated, but with the present shortage of adequately trained teachers and available facilities, many still have no learning opportunity. Surprisingly, with only one or two exceptions in the past decade, television has not played a significant role in solving this pressing need. Yet, as a recent Washington, D.C., project shows, it does provide a very efficient solution.

In the metropolitan Washington, D.C., area, where the estimated number of non-English speakers is 120,000, the need for such a mass educational effort was so great, that once it was brought to their attention, there commercial VHF broadcasters (the three network affiliates in the city), (WMAL, WTOP, WRC) were willing to donate their services without charge. Working with them was a team of volunteer curriculum specialists, teachers and actors, who in conjunction with the D.C. Public Schools, produced "Time for English"—a 90-program course in English as a foreign language, which went on the air March 15, 1971. These 45 hours of color television language instruction carried a total price tag of under $5,000—not one penny of which was spent on the actual production and broadcast of the television programs.

METHODOLOGY

In order to make the entire series valuable to speakers of various nationalities and language backgrounds, the "direct method"—now considered to be the most efficient approach to language teaching—was utilized throughout. In this approach, English words and phrases are associated directly with their meanings, rather than with a word or phrase of similar meaning in the student's native language. The student learns a controlled number of basic sentence patterns, and is taught (through imitation) how to interchange various linguistic elements of the same class, and to alter the order of elements within the structural frame to achieve variations in meaning.

In an effort to gear the instruction to each individual student's personal needs without the use of a classroom teacher, the total curriculum of 90 half-hour lessons was divided into three competency levels of 30 lessons each, and one level was assigned to each volunteering station. The curriculum was designed so that each level would be a complete unit in itself, with its own teacher or team of teachers, while at the same time dovetailing into the next higher level, where repetition for learning reinforcement was built in. This reduced the total financial burden carried by any one station, and each, on a beginning, an intermediate, and an advanced level. Production and broadcast schedules were synchronized so that the first program in each of the three levels went on the air the same day, and at roughly the same time. By this device, which can work just as efficiently with one television station and three time periods per day, the student with a competency level equal or close to that of the intermediate or advanced level did not have to wait for lessons at the lower level to be broadcast before starting his or her own instruction. Instead, he or she simply tuned to the channel broadcasting the level most suited to the individual need.

All three of the levels lasted for six weeks, and were broadcast five days per week. At the end of each six-week period, each station repeated its particular level. This provided every student with an additional personal choice to either repeat the same course level for review, or to move to the next higher level by simply tuning to another channel. The opportunity for the student to repeat each course level more than once, without waiting for the entire 90-lesson series to be broadcast, was considered to be a necessary requirement for efficient language learning. By this basically simple method, television was able to easily and economically meet the requirement.

Although language acquisition is best achieved by listening and speaking, a limited amount of written instructional material can also be helpful in speeding the learning process. Accordingly, exercise books were written to accompany each of the instructional levels. Large quantities of the books were printed with District of Columbia government and private foundation money, and at $3,000 were the largest single expense item for the entire project. The books were free to any student who wanted them, and to minimize the logistical difficulties in supplying them to the home-viewing students, the various branches of the D.C. Public Library system and selected branch libraries in the surrounding suburbs were used as points of distribution.

In addition to their use as an instructional supplement, the books were originally conceived of as a means to measure the students' learning achievement. The initial intention was to have the student pick up the exercise books one level at a time, and to return one completed book to the library when the book for the next higher level was picked up. Motivation for the return of the books was to have been a certificate of completion for each level, issued by the D.C. Public Schools. Before the books went to press, however, it was felt that the task of correcting them and mailing the certificates would be an overly burdensome job for our volunteer staff. It was also thought that the books would have a greater educational value if they contained additional reference material, and the students were allowed to retain them as study tools. Thus, the certificate program was abandoned and we incorporated into the exercise books such reference items as conversion tables for weights and measures; a table converting centigrade to Fahrenheit temperatures; a full set of paradigms for the verb "to be" and the personal pronouns; pronunciation charts using the phonetic alphabet; and even the words to some American folksongs for cultural reinforcement purposes.

The use of the exercise books still provided an excellent means of determining student interest and participation in the programs. By the first day of broadcast, the original printing run of 6,000 books was depleted, and additional printings were necessary. The beginning level programs are still being broadcast at the time of this writing, largely because of the continuing demand for the books at this particular level. This continuing response to the programs has also resulted in a grant which is being used to make them available to other cities through an instructional television library.

TECHNIQUES

The nature of the television medium presented certain problems in the production of "Time for English." Since the programs were taped in advance, there was no sure way of determining if the pace of each day's lesson was appropriate to each home viewing student's needs. There also was no way of knowing when or if a student needed further practice and drill in a particular segment of lesson material. Each of these problems was partly overcome by trying out lessons before taping with a small group of students enrolled in a class at the same level in the one school of adult English education operated by the D.C. Schools. Appropriate revisions in the lessons were made based on student reactions at these run-throughs. Teachers and curriculum writers also drew on their own extensive classroom experience to anticipate student difficulties by providing additional time in the lessons for the more complex linguistic structures. To further handle student problems, a telephone question line was established and students were encouraged to call in during announced hours each day with specific questions about the morning's lesson.

By its very nature, language learning requires a great deal of active student participation to be successful. Since nothing can be deadlier than a television teacher looking intently into a camera, pretending to "listen" while the student at home repeats a drill, a small group of native English speakers was used off-camera in the beginning and advanced levels to fill the pauses, and do the repetitions along with the students at home. In this manner, they also provided an additional repetition of the material for the viewers. In the intermediate level, a class of foreign-speaking students was used in the studio for the drills. They provided viewer interest, but no additional reinforcement in standard English pronunciation.

In the beginning level, where the student's working vocabulary is particularly limited, a team teaching approach was adopted. It was found that members of the team working together could convey the material far more efficiently than a teacher alone in the studio could. In the advanced level, where language competency is much higher, and variety in presentation is essential, the team approach also worked well. Here the teachers played word games, sang songs, and divided up the lesson presentation for each day among themselves. In both levels where team teaching was used, it worked to counteract some of the impersonality of television, by providing the student at home with a tutorial kind of experience, with more than one teacher involved in his or her personal instruction.

EVALUATION

It is, of course, impossible to become proficient in a second language after only 45 hours of television instruction. An adult needs one or two years of constant training at the rate of six to eight hours per day to become fluent. This was not the goal of the "Time for English" series. Rather, the programs were designed to introduce the student with little or no knowledge of English to a sufficient number of grammatical patterns and vocabulary items to allow him or her to function at a minimal level of linguistic performance, and to supply a source of additional controlled practice for those who were already somewhat familiar with the English language. Any amount of controlled language instruction is better than none at all, and the surrounding English speaking community in which our adult students are living can be relied upon to constantly provide the additional total submersion and practice that is a prerequisite to language acquisition.

The solutions we adopted in using television in this project are, of course, not the only ones possible. They appear, however, to have achieved their intended results. Although no formal determination of the series' overall success has yet been made, the hundreds of telephone calls and the numerous letters which the series has received and continues to receive, indicate that it is working well as a teaching vehicle. A number of informal interviews with students who have viewed the entire three-level series also pointed up that all had gained fluency in English from the televised lessons. In all of the responses to the programs, there was strong emphasis on the fact that "Time for English" had supplied an effective source of English instruction when no other was available.

Our efforts clearly indicate that television can be an effective means of adult education in this critically pressing social and educational area. The circumstances would seem to warrant additional efforts in this field by both commercial and educational broadcasters in cooperation with local educators in America's other urban centers.

COMPLIMENT TO SECRETARY OF STATE ROGERS

Mr. SPARKMAN. Mr. President, Joe McMurray, who had long service in Washington prior to becoming president of a college in New York, has written a very interesting and thoughtful letter to the New York Times, which was published on January 10, 1973.

The letter is entitled "The Importance of William Rogers." I believe that Senators will find it interesting and thoughtful, as I did.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 10, 1973]

THE IMPORTANCE OF WILLIAM ROGERS

To the EDITOR:

It is now a generally accepted conclusion that Secretary of State William Rogers, if you believe the news stories, editorials and columns, is the Secretary in name only. As a somewhat expert observer of the national Government and a long-time Congressional staff member and Government administrator and educator and because of having known and observed him since he was on the staff of the Truman National Defense Committee and its successor, the Mead Committee, I believe history will reveal him as one of our best Secretaries.

Admittedly, Mr. Kissinger is the person to whom the President looks for advice on our immediate critical international problems and is his international troubleshooter. But as a practical matter it would be impossible to act in Mr. Kissinger's role and administer a department that is responsible for the relationship with some 160 nations of the world plus the day-to-day operational problems of that farflung and enormously important department.

No one, including Mr. Kissinger, can be expert on some 160 nations and their relationships with the United States and with all of the other nations of the world. To have a Secretary who thinks or acts as though he were (some accused Secretary Dulles of this) could be disastrous. The best kind of Secretary is one who can facilitate the flow of expert, grassroots information and advice, listen judiciously and act and decide accordingly. What may be a minor problem with some nation around the world today could, if not properly handled by the Secretary or someone in whom he has confidence, develop into a critical and world-shaking problem in the future.

The Middle East is by no means a minor problem, but Secretary Rogers deserves major credit for the more stable situation that exists there, as compared to when he came into office.

Bill Rogers was one of the most respected and well-liked staff members among many who worked in the Congress. As Attorney General under President Eisenhower, he maintained excellent relations with the Congress, the judiciary and the legal profession, and the morale in the department was very high. He still communicates more with the Congress and individual members than any other Secretary and is affectionately regarded by a large majority of the members on both sides of the aisle.

William Rogers as Secretary of State, as Attorney General, as a very successful and distinguished lawyer has never acted or treated any of his old acquaintances, such as myself, any differently from the way he treated them some 25 years ago. I am happy he is our Secretary of State and hope he continues to serve in that capacity.

As a citizen, incidentally a Democrat, I would understand and be happy if at some subsequent time he accepted an appointment to the Supreme Court if it were offered to him, as he could continue to serve our nation well in that important role for many years to come.

JOSEPH P. MCMURRAY,
New Rochelle, N.Y.

DECEMBER 30, 1972.

DEFENSE BUDGET ALSO NEEDS PRUNING

Mr. PROXMIRE. Mr. President, in a year of Government-wide austerity, the Pentagon is seeking a whopping $85 billion for defense spending. This is excessive.

I agree with many of the cuts the President has proposed in the civilian budget. I support cuts for urban renewal and impacted school aid. I would cut the budget for the overly stuffed National Institutes of Health which the President has not touched. But the fat defense budget should take its share of the pruning, too.

Procurement, and research and development are going up at a time when DOD claims that manpower costs have been stabilized at 56 percent of the defense budget.

NAVY DOMINATES FUNDING

A look at recent statistics of defense spending shows that the Navy is getting the lion's share of the increase for defense. The Navy budget has risen $6.5 billion from fiscal year 1968 to fiscal year 1974 while the Army's budget actually decreased and the Air Force registered only a modest gain.

The Navy has been plagued by a number of inefficient or unnecessary programs including the new billion dollar aircraft carrier the CVN-70, the Litton LHA assault ship scandal, the delayed DD-963 destroyer program, and huge cost overruns in general.

Two other Navy programs specifically bear watching in the new budget, the Trident submarine and the F-14 airplane.

TRIDENT REALINED

The new $1.7 billion request for Trident is twice the size of last year's funding. This new request would also effect a major change in long-term Navy plans for the program.

Under the new plans, development of the Trident 1 missile would be stretched out, to coincide with the planned 1978 completion date of the first new Trident submarine. And the Trident 1 would then be deployed directly in the Trident submarine and not retrofitted in Poseidon submarines as proposed last year.

As I stated last fall when I first learned of this proposed change in Navy plans, the net effect is to kill a sound missile retrofit program which has attracted widespread congressional support and to move full steam ahead on a dubious submarine construction effort which Congress nearly rejected a year ago.

These new plans may save $140 million in fiscal 1974 Trident 1 missile R. & D. funding, but they could add billions to the long-term costs of the Trident program.

In addition, where would we be if there is a serious threat to the survivability of our sea-based deterrent in the late 1970's if delays are encountered in the crash Trident submarine construction effort and if Trident 1 missile development remains tied to the submarine completion date.

FEWER F-14'S NEEDED

The Navy budget also includes $572 million procurement dollars for the purchase of 48 additional F-14's, despite the fact that it is still unclear whether the 48 planes approved last year will be built by Grumman under its Navy contract.

The overall status of the F-14 program is certain to receive detailed scrutiny by the Congress. While many aspects of the program's status remain unclear, two points can be noted now.

First, the 48 planes proposed for the budget is a much smaller buy than the 88 planes assumed for fiscal 1974 in previous Navy planning. If the Navy still proposes to buy a total of 313 F-14's, this stretch in the schedule for the proposed buy is certain to raise the costs of the total program at least 10 percent, even if Grumman is held to the terms of its present contract.

Second, the new budget contains funds for a Marine Corps purchase of 10 F-4J's, the first installment in a total Marine Corps buy of 138 F-4J's over the next 4 years. These F-4J's are designed to replace 3 squadrons of F-14's previously planned on by the Marine Corps and included in the previously proposed 313 aircraft Navy F-14 buy.

The effect of these changed Marine Corps plans on the Navy's F-14 plans should be speedily ascertained by the Congress. They should permit a substantial reduction in the total size of the Navy's proposed F-14 buy, perhaps to the point where Grumman might be able to complete production without experiencing cumulative losses which would force it into bankruptcy in the absence of a Navy bailout.

Mr. President, I ask unanimous consent that the editorial from Washington Post of January 31, dealing with the defense budget, be placed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PROPOSED OUTLAYS FOR DEFENSE

Minus funds for the Atomic Energy Commission, the Defense portion of Mr. Nixon's proposed outlay for fiscal 1974 comes to around $79 billion. This figure, as the President and his spokesmen have rightly pointed out, represents a much lower proportion of the overall federal budget and of the GNP than defense spending did when he assumed office. They also observe that in constant 1974 dollars, the total figure represents a lower expenditure for defense than in fiscal year 1964—before the Vietnam build-up.

It is to take nothing away from the administration's understandable satisfaction with these developments to remark that the defense budget is still mighty high. We have no doubt that had the same rigid standards of proven need and proven efficiency been applied to certain weapons procurement programs that were applied to programs in the domestic sector, a number of planes and ships would likely have gone the way of the poverty program or impacted area aid to the schools. And, based on his record over the past couple of years, Chairman Stennis of the Senate Armed Services Committee (who was reported in serious condition at a late hour last night as a result of gunshot wounds) offered us reasons to expect that between $1 and $2 billion worth of excess in proposed expenditures for military procurement and research could be found. There will doubtless be other congressional settings for dispute over these hardware programs.

It is a dispute into which the services will move unequally. The Army, having already lost its proposed gunship helicopter and main battle tank to congressional actions, comes in with very little in the way of big, immediately costly programs beyond the SAM-d missile. And, to its credit, the administration has not asked funds to build the second Safeguard ABM site permitted us under the SALT agreement. The Air Force is, so to speak, at the take-off stage. Both the B-1 strategic bomber and the F-15 fighter do not yet reflect anything like the costs they could in time incur, although this year's budget does include a big purchase of F-15s. (We note that our old friend AWACS, the strategic air defense program about which Secretary Laird once accurately observed that this newspaper had a "thing," is in a state of relative repose. It is reportedly in process of being transformed into a less ambitious and more sensible tactical air defense project.)

It is the Navy that will be incurring the large and visible procurement costs with its various aircraft and shipbuilding projects and with its progress on the new long range underwater strategic missile system, Trident, and the new CVN 70 nuclear powered aircraft carrier among other major projects. Navy cost overruns, plus the relationship of Mr. Nixon's new budget director, Roy Ash, to the settlement of his old firm's (Litton Industries) claims against the Navy are bound to stir up further controversy on the Hill. And, despite the fact that Congress last year authorized procurement for both the Trident and the CVN 70, so too the pace at which the first project is proceeding and the early initiation of the second are bound to create new conflict. Especially where Trident is concerned, the accelerated rate of the program continues to raise the question of whether our underwater arsenal is dangerously outpacing our possible knowledge of the anti-submarine warfare techniques it may eventually be pitted against.

Both ultimate outlays of money and the safety and security afforded by the force structure we are creating are at issue in these administration requests, and they are matters on which Chairman Stennis along with others on the Hill have spoken wisely. But Mr. Stennis—unlike some of the liberal Democrats in Congress—also has no illusions about where the big financial outlay is going. It is going into manpower costs which have risen to 56% of the defense budget. As Caspar Weinberger, Mr. Nixon's outgoing budget director has aptly said, until the Congress granted substantial military pay increases in the mid-sixties, the nation was in effect taxing draftees to pay our national military bill. Now the public has assumed the cost. Compared to 1968, we are now spending approximately $7 billion dollars a year more on military pay and personnel costs, even though military forces have been reduced by 1.3 million men. If we were paying this smaller force at the old rate, we would be saving close to $20 billion a year. With the creation of an all-volunteer army and with the need to create new incentives to bolster the strength and effectiveness of the Reserves and National Guard, these costs cannot be expected to wither away. Moreover, the pressure for an unwarranted increase in military retirement benefits—"recomputation"—could put the whole thing out of sight.

All this suggests two things to us. One is that the Pentagon, for all the modest progress in these matters it has claimed, is obliged to take much more comprehensive and effective measures to reduce the excessive ratio of support-to-combat troops in the services, to cut back on the overblown general officer class, to close unneeded bases and to take similar steps such as creating a smaller but more efficient Reserve that will result in holding the line on personnel-related costs. The other is that those legislators who have preferred to address the defense budget solely in terms of glamorous, visible and highly costly individual weapons systems, should bend their attention to the manpower cost issue. Last summer, Chairman Stennis could only get three votes beside his own against a bill for "recomputation" of retirement benefits; and this year the administration has requested a "recomputation" bill that would cost around $360 million for the coming fiscal year. The point is that the administration bill would also incur a retirement benefit obligation to those it covered coming, over time, to more than $10 billion.

Recomputation, like other payroll issues, lacks much of the drama of the weapons systems battles. But that is where sensible congressional attention should now be turned. We would cite Mr. Weinberger again in support of the need to keep our military outlays under control: "The defense budget . . . must be seen not only in terms of what we must defend ourselves against but what we have to defend. The more we take from the common wealth for its defense, the smaller it becomes."

UKRAINIAN INDEPENDENCE DAY

Mr. FANNIN. Mr. President, January 22 was the 55th anniversary of Ukrainian independence. Unlike most independence days celebrated around the world, this annual commemoration is filled with anguish rather than joy. Instead of independence, the 47 million Ukrainians are a captive nation today.

Ukrainian independence was declared 55 years ago in the closing months of World War I. Their freedom was short-lived, however. Within a few years the Ukraine was again under the heel of a new oppressor, the Soviet Union.

Soviet rule has done more than rob Ukrainians of their freedom, it has imposed harsh conditions that have even caused starvation. The repression has been both political and cultural.

The history of the Ukraine is a history of struggle and these valiant people have not given up their fight for independence. I join with Ukrainians of the free world in commemorating this occasion to demonstrate that the spirit is not broken.

TRIBUTE TO EUGENE L. WYMAN

Mr. MONTOYA. Mr. President, the news of the sudden death of Eugene L. Wyman almost 2 weeks ago burst like a bombshell on many of us here.

For Gene, in the prime of life and in full flower, was the very symbol of energy and enthusiasm to those who knew him. But the energy was always channeled and the enthusiasm was always directed toward a central goal: making the world a better place for us all to live in.

There was another side of Gene, too. A side that few were really privileged to know. Although he was a public man, he had a very private life. He rejoiced in his home and family and always found there a source of regeneration and strength.

For if nothing else could be said of Gene Wyman—and the list of his accomplishments is almost endless—it would have to be said that he gave of himself.

There was never a problem too small for him to take an interest in. People meeting him for the first time were astounded when he asked them how they were: he really wanted to know. He cared for people, and that care penetrated into every corner and crevice of his life. It permeated every conversation and colored every meeting. When he said "let's talk" he meant that ideas should be exchanged, not that he was going to deliver a speech.

The care that he felt for people and the concern that he felt for their lives expressed itself in a career of public service that spanned most of his 47 too short years.

But, although he devoted himself to public service, he never held an elective office. Instead, he gave selflessly of himself at every level of campaign and party work. He was absolutely committed to the ideals of democratic government, and he was well aware of the dangers for our form of government when citizens do not become involved.

At the age of 19, he worked in his first campaign. In a time when young people shunned politics and planned careers in business instead of walking precincts, Gene Wyman was walking precincts for Adlai Stevenson and Paul Douglas.

The idealism of his youth never dimmed during his life—if anything, it became stronger and more vital. That idealism, coupled with warmth and compassion and backed by irrepressible drive, were the overriding traits that we associated with him.

Gene could have run for office, but he always shunned the limelight, preferring instead to take a role that was often more difficult by far than that of candidate.

To Gene fell the enormous and often heartbreaking tasks of organization and finance in campaigns too numerous to mention. To Gene fell the tasks of helping to keep healthy our American political system through his seat on the Democratic National Committee.

Where smaller men would have shrunk from the responsibility that was thrust upon him, he seemed to thrive on it. Where men less dedicated to their ideals would have eased the burden, Gene added new responsibilities daily.

Gene Wyman called California his home, and during most of his life he worked for the good of his State. But the commitment he felt went far beyond the parochial boundaries imposed by State lines. That he was a truly national figure is best demonstrated by the homes of the gentlemen gathered here to pay tribute to him today.

And although he was a political man, Gene was also a humanitarian. His goal was to make life better for others. When he could work for that goal as a member of the board of a hospital or the great Los Angeles Music Center or any of dozens of other community activities, he did. Service was the key to his life.

A fitting, if too early, memorial to the ideals that Gene and his wife Rosalyn, worked for so hard is rising in the State of Israel. Gene gave much of himself to the cause of that fledgling nation when its friends were few and those few were called upon to sacrifice much.

On the campus of the Hebrew University in Jerusalem is rising a building dedicated to the study of politics. The Rosalyn and Eugene Wyman Political Science Building will house scholars seeking to understand and explain the political world that Gene knew was so important.

In 1968, Gene served as finance chairman of the Humphrey-Muskie campaign, reserving for himself the thankless but all too important task of raising money from potential contributors. His friends asked him:

> Why do you torment yourself like this?

He said quietly:

> I do it because our political system requires it.

And that, more than anything else, describes the essential Gene Wyman whom we loved so well and whom we will miss so much. There was no job too big or too small, no problem too difficult that he would not give of himself and no person that he did not care about.

He saw politics not as a game, but as the means to help others live better, fuller, richer lives; and he gave.

DEATH OF GENE WYMAN

Mr. STEVENSON. Mr. President, I join Senators in paying tribute to Gene Wyman—a selfless friend who contributed much to our democratic process of government. Gene Wyman believed in our system of government and, unlike many others, was willing to undertake the oftentimes thankless tasks which make it work. He asked nothing from those he supported except that they be true to the public interest.

Gene Wyman was known as a Californian, but he was a son of Illinois. He gained his first interest in public service while a student at DuQuoin High School, in southern Illinois. It is a mark of this man that, long after he had left DuQuoin to become a successful attorney in southern California, he took time from his busy schedule to organize a citywide tribute to his high school debate coach in DuQuoin. It was the only favor Gene ever asked of me—that I come back and speak at a high school rally honoring his former coach. He came home to DuQuoin, spent several days organizing and participating in the events, and when he addressed the public, he spoke to the young and of their duty to participate in public service.

Gene went a long way from DuQuoin, Ill., but he never lost the common touch, the understanding that people are important, and the belief that the best values are those simple values of trust and honesty and service.

Gene Wyman is gone, but his contribution to our political life will live on.

ACCOUNTANTS ASSIST SMALL BUSINESSES

Mr. FONG. Mr. President, small businesses constitute a vital part of Hawaii's economy and of our national economy as well. It was with great interest, therefore, that I read in the Pacific Business News of the efforts of the Honolulu office of the U.S. Small Business Administration to enlist the aid of the accountants in the State to assist small businesses.

I commend both the officials of the SBA office in Honolulu and the accountants for their cooperative efforts to assist small firms.

As other communities in America may be encouraged to undertake similar programs, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

SBA Enlists Accountants' Help in Effort To Aid Ailing Firms

(By John D. Ramsey)

Honolulu's Small Business Administration officials have launched a program to help trouble-plagued small businessmen before they reach the crisis stage—and to make the all-important contact through the accountants who serve those businessmen.

Already, the program shows great promise. Such a venture was clearly needed.

All too often, a small business goes bankrupt because the man in the manager's seat didn't realize he was in danger of folding—until it was too late.

SBA officials here have been trying desperately to help save a dozen local companies whose leaders waited until they were in critical financial condition before seeking that Federal agency's help.

But the help came too late, and the 12 companies are in the process of liquidation.

Says David K. Nakagawa, the SBA's District Director in Hawaii:

"Many people think that the time to come to the SBA is when they're halfway in bankruptcy. That's not true. A loan at that point in time only creates the pressure of additional debt burden.

The time to come to the SBA, says Nakagawa, is *before* the crisis develops.

Too often, the small businessman is so busy trying to run his company that he doesn't know when he's insolvent. Before he realizes it, his company is beyond salvaging.

"We asked ourselves, 'How do we reach the small businessman before he is confronted with such a crisis?' " says Nakagawa.

"The answer: through his accountant. A man's accountant can spot the danger signals far in advance. It's like a doctor dealing with cancer. If he catches it soon enough, chances are good we can cure it."

Obviously, the first step was to make contact with the accountants. The SBA took that step last August 9. Nakagawa wrote a letter to every accountant in the State.

Along with that letter he sent a questionnaire intended to find out:

1—How many accountants had ever worked with the SBA with regard to a loan application.

2—What accountants think of the SBA and its effectiveness in helping put a small business on a sound financial basis.

"We received 245 replies to our questionnaire," Nakagawa says. "One-third of the accountants told us they've worked on SBA loans and that they ran into all kinds of red tape and delays.

"Two-thirds of the accountants didn't have any experience with the SBA. That in itself told us a lot of things. We hadn't reached them."

The next step was to make the accountants realize that things are a lot better than they once were.

"We started off with a breakfast meeting with members of the Hawaii Society of Certified Public Accountants," says Nakagawa.

"As a result of this meetiing, they set up a small business committee headed by Kenneth Lacy of Peat, Marwick, Mitchell & Co. Through this committee and with the support of the president of the Society, Hal Oishi, we hope to communicate our SBA story to the entire membership and to improve our working relationship.

"In October and November, we began to set up workshops with the accountants in Kauai, Honolulu, Hilo, and Guam.

"This Thursday, we will meet with the accountants on Maui.

"Through these workshops, the accountants are learning that the basic function of the SBA is to participate with the banks to take on higher risks and to extend longer term loans for growth and expansion.

"They are finding out that government red tape has been eliminated through simplified procedures and improved working relationships established with the local banks.

"At the same time, we are clearing up a number of misconceptions about SBA loans which have discouraged them from utilizing SBA loans.

"We are now reaching a real understanding of the purpose of SBA loans and the function and role of the accountants in working with the local banks and SBA in helping their business clients.

"All this," Nakagawa explained, "can well be a major development in our term loan program because by establishing better working relationships with the professional accountants, we are opening the doors wider to more and more small businessmen and small businesswomen who need longer term loans to improve their financial position and compete more effectively against big business.

"Everywhere I go," says Nakagawa, "I find lots of enthusiasm on the part of the accountants.

"I know these people are going to be very helpful in working together with the banks and the SBA in helping the small business clients."

WHAT THE NIXON BUDGET WOULD DO TO MEDICARE

Mr. CHURCH. Mr. President, the budget submitted by President Nixon on Monday would drastically increase the cost of medicare for persons who need and use that program.

Of all the ways in which the Nixon administration could have chosen to reduce the budget—and heaven knows that tighter spending controls are needed—it could not have chosen a more inappropriate target than medicare.

This is an attempt to put the burden of budget-cutting on the backs of the old and the sick, and it should be opposed by Congress and the general public.

Mr. Nixon's budget uses innocuous language to describe the forthcoming legislation to raise medicare costs for participants. It says merely that the legislation would: "redesign the deductible and coinsurance provisions—in order to provide stronger and more equitable incentives for use of appropriate and economical services and to reduce the financial burdens of lengthy hospitalizations."

Preliminary reports on the actual provisions of that legislation, however, indicate that the impact will be especially severe among those persons whom the medicare programs was designed specifically to help most.

If the administration has its way, this is what will happen:

A patient in need of hospitalization would pay the full cost of his first day and 10 percent for all costs after that. A patient now pays the first $72 of his hospital bill and nothing after that until the 61st day. There is some talk that medicaid could help patients meet the new requirements, but past experience shows that this kind of help is often difficult to obtain, that it involves a means test, and that many medicare patients regard it as "welfare medicine." It is a far cry from what Congress had in mind when it enacted medicare 8 years ago.

The medicare deductible for part B physicians' bills is now $60 but the new budget would raise it to $85. And after that the patient's share on the balance would rise from 20 to 25 percent.

Mr. President, the administration attempts to make it appear that such changes would reduce utilization of hospitals and physicians services and would therefore be economy measures.

This argument is apparently based upon the notion that those eligible for medicare somehow like to spend days in the hospital or long hours in a doctor's waiting room.

All evidence shows that overutilization is not the problem in terms of medicare costs; what is really needed are far more effective efforts and to prevent incipient health problems from worsening.

I wish that the budgetmakers had paid some attention to excellent testimony given within recent days before the Senate Committee on Aging.

For example, Nelson Cruikshank, president of the National Council of Senior Citizens, said that increases in deductibles and coinsurance—euphemistically called "cost-sharing"—inevitably cause the patient to postpone needed care. Mr. Cruikshank said that a 1971 survey by the Blue Cross Association and the National Association of Blue Shield plans found that coinsurance and deductibles do not, in fact, act as checks against overutilization.

He added:

> It is the poor, not the well-to-do, who will go without health care, thus increasing inequities and aggravating the health problems of all but the most fortunate.

As is so often the cause, a step taken in the name of cost cutting can produce just the opposite effect.

I believe that this is true in the case of the budget proposals for medicare; I believe that it is true of much else included in the budget.

It, therefore, behooves Congress to challenge the executive branch on questionable economies.

It is vital that Congress adopts its own initiatives to hold Federal spending in check while determining how the budget should be apportioned for the well-being of our people. We need congressional priorities, congressional direction, and congressional control.

If we are to believe the headlines, the war is over in Vietnam. And yet the requested military budget is to go up by $5 billion. I say, let us not replace a costly, runaway war with a costly, runaway Military Establishment.

Why is the administration proposing to spend $3 billion on the space program even though we have sent our last man to the moon? And why, despite the many questions raised about foreign aid, has the President once more come back to us with a sharply increased budget calling for $4.3 billion in foreign assistance?

The President has said he is out to get the "sacred cows" among the Federal programs in order to reduce the budget. I agree with him that many of our programs are costly and outmoded and I will work with him wherever proposed cost cutting is based on good judgment, sound information, and genuine economy.

But "sacred cows" still graze in the pasturelands of the administration, and they, too, must face questioning and—where called for—curtailment or elimination.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Star-News of January 30. It describes Social Security Commissioner Robert Ball's concern about the budget proposals on medicare. Mr. Ball was also a witness at the hearings I mentioned earlier; he has worked with the Social Security Administration since 1937 and he has had much to do with the development of medicare. His remarks certainly are based on expert opinion, and it is unfortunate indeed that the administration has chosen to take a course contrary to those which Commissioner Ball and others feel to be a major blow at the overall security and well-being of older Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY HEAD DISPUTES BENEFIT CUTS

(By Philip Shandler)

President Nixon's claims that increased payments by Medicare recipients of their hospitalization costs would shorten hospital stays have been disputed by the outgoing Social Security administrator.

Robert M. Ball, whose resignation from the post he has held the last 11 years has been accepted by Nixon, said he cannot support several aspects of the proposed budget for health care for the elderly.

In his budget message yesterday Nixon called for legislation to raise the annual deductible—the patient's initial out-of-pocket cost—on doctors' bills from $60 to $85, and to boost the patient's share of subsequent expenses from 20 percent to 25 percent.

More basically, he recommended revising the payment formula for the hospital insurance portion of Medicare available to anyone over 65 without an enrollment fee.

Currently each patient entering a hospital pays $72 for room and board the first day, a national average, but nothing more until the 61st day of hospitalization. Then he pays $13-a-day for the next 30 days and $26-a-day a maximum of another 60 days when the benefits run out.

The administration would have the patient pay the actual cost of his first day in the hospital, and 10 percent of all services thereafter.

Administration officials said their aim is confronting both patients and doctors with "the real costs" of hospitalization to discourage long stays.

But, Ball said, if patient costs were "a major thing" in hospital-bed utilization, how come hospitalization is lower for subscribers to the so-called Kaiser plan, a health-maintenance organization, than for the public generally?

Subscribers in health-maintenance organizations are entitled to virtually free medical and hospital care on payment of an annual fee. The administration has been citing reduced hospital usage by these persons in advocating funding for the creation of more HMOs.

Ball's remarks were the first clear indication of a policy split with the Nixon administration.

The President announced three weeks ago that he had accepted Ball's resignation. Ball said he was happy to go, though willing to serve on.

But friends said he would have preferred to remain, and key congressmen said they were distressed that he would be leaving as the government is moving into several new programs, including federalization of current state welfare assistance for adults.

GEORGE B. HARTZOG

Mr. McGEE. Mr. President, it is true, I believe, that political appointees from one administration seldom survive the takeover of another. However, to dismiss a man who was doing good work is an example of poor management—a condition this administration has demonstrated by many examples.

In this case, it is to the credit of George B. Hartzog that he has remained through three administrations as Director of the National Park Service. Hartzog came to the Department of the Interior in 1946, and in 1964, after 18 years of service, then-Secretary of the Interior Stewart Udall appointed him to head the National Park Service.

In the years of his service as Director of the Park Service, Hartzog has proved his ability to deal with the critical demands of a diverse constituency; he has honed and sharpened the skills needed for a balanced approach to the conflict between preservation and overuse of the national parks. This was an invaluable skill when it came to presenting Congress with alternatives which would prove acceptable to both points of view.

Two statements from a recent master plan draft for the long-range management of Yellowstone National Park, the Nation's first and, often, the pacesetter of the national parks, exemplify the scope and the forethoughtful direction to which Director Hartzog had pointed the Service:

> If Yellowstone is to survive the next 100 years, a new equilibrium must be achieved—the irreplaceable park resources must be weighed against the human impact upon them an a new balance struck.
>
> In the final analysis, however, the public must be made to recognize that there is a limit to the ability of the park to withstand open-ended overnight use. Parks are not for people, if it means that public use will be permitted to the point that park values are destroyed. Ultimately, the public must recognize that unlimited development signals eventual destruction.

The removal of George Hartzog from a job he did well—politically rationalized as it may be—was an unfortunate insensitivity to the needs of this country for dedicated and reasonable men in positions of leadership. More than 70 new units were added to the areas available to Americans for healthful moments of recreation while Director Hartzog had charge of the Park Service; they are monuments in his honor.

There is no question that George Hartzog will bring his vigor and experience to his next job. As I understand, he has decided to join a legal firm specializing in environmental law. I am sure this is not the last we will hear of Mr. Hartzog on the important matters of the environment.

SPEECH BY SENATOR HRUSKA BEFORE THE NCCJ

Mr. GURNEY. Mr. President, crime has been characterized as one of America's most pressing domestic problems. Its solution is a challenge to each American and to government at every level.

Under the auspices of the Law Enforcement Assistance Administration, the National Conference on Criminal Justice recently concluded a 3-day meeting here in Washington which was called to bring together citizens and professionals from all sectors of criminal justice, with the sole objective of reducing crime in a just and equitable fashion.

On January 25, the third plenary session of this conference was addressed by the distinguished senior Senator from Nebraska (Mr. Hruska) on the subject of pending Federal criminal legislation.

Senator Hruska has long held a venerable place in the continuing development of Federal criminal law. As the ranking minority member of the Subcommittee on Criminal Laws and Procedures and the full Committee on the Judiciary, he is considered quite accurately as the Republican professor of criminal law by all the Members of this body.

For the enlightenment of Senators, I ask unanimous consent to have printed in the Record the speech by Senator Hruska and suggest it as required reading for the 93d Congress.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Pending Legislation Relating to Criminal Justice

My first statement this morning is a warm greeting with congratulations and commendation to two groups: (1) the members and staff of the National Advisory Commission on Criminal Justice Standards and Goals; and (2) those of you attending this National Conference to partake of the fruits of the Commission's labors and to join in its mission of advancing criminal justice in America.

You are to be commended for the substance of the Commission Report and the deliberations upon it.

The spirit and intent with which you pursue the objectives are also noteworthy. They do not contain coercion or "heavy new pressures" upon any segment of government. Rather the spirit and intent is to inform all concerned of the composite judgment and wisdom gathered in the Standards and Goals. Then to generate in each and everyone the intelligent yet driving desire to engage and utilize the very utmost in securing their adaptation and approval through regular legislative channels in the respective jurisdictions involved.

This is the truly enlightened way in which to proceed.

It is the method whereby effective and enduring results may be attained.

Your labors and concern are noted. There is appreciation for them. As time goes on both the notation and the appreciation will widen and intensify.

Pending legislation in Congress is voluminous in mass and variety.

It is of great depth and scope.

Of immediate and direct interest to those present is the major and early review of law enforcement activity and the Law Enforcement Assistance Administration.

Statutory authorization for this Agency will expire on June 30.

The Administration is preparing an extension proposal along lines of special revenue sharing. Members of Congress have some proposals to make. All of these I will elaborate upon later in my remarks.

TOTAL REVISION OF FEDERAL CRIMINAL LAWS

Work is already well advanced on a total revision of federal criminal laws. In 1966, a National Commission on Reform of Federal Criminal Laws was created. This group submitted an extensive report to Congress two years ago. Since that time the Senate Subcommittee on Criminal Laws and Procedures has undertaken an ambitious program of hearings on the Commission proposals and earlier this month Senator McClellan, Senator Ervin and I introduced a bill—S. 1, amounting to some 540 pages—which would revise and codify the general structure and recommendations of the Commission.

Over the next months we will be asking for comments on this bill and a companion proposal soon to be submitted by the Administration so that we can prepare for the full Senate our final suggestions on this massive and tremendously important project. It is our hope that by the end of 1974 the Congress and the President will have approved a bill which will modernize and standardize all aspects of federal criminal law. In this bi-partisan effort we will be addressing all of the tough questions that confront the criminal law today—such as capital punishment, gun control, abortion, narcotics, and obscenity—and we will have to take a stand on these questions—but beyond these controversial issues the real heart of the code will be such major improvements as standardized grading of offenses, systematized approach to jurisdictional questions apart from the substance of the offense, and the revision and codification rather than consolidation of criminal law for the first time in our history.

PENAL REFORM

A number of varied proposals have been submitted in the past to deal with what we all recognize are deficiencies and weaknesses in this nation's corrections systems. These range from my own suggestion of a National Institute of Corrections to pre-trial diversion to a complete phase-out of incarceration as a penal technique. The 93rd Congress will have to take a hard look at these and other proposals in order to meet its responsibility to provide federal leadership in this field. With the guidance of Senator Burdick of the Senate Penitentiaries Subcommittee, I believe that the Senate will approve some significant legislation in this area.

OTHER ISSUES AND SUBJECTS

Other issues are waiting in the wings for our attention. Such matters as speedy trial, changes in present gun control laws, additional narcotics control legislation, consideration of the question of newsmen's privilege, and skyjacking. In the areas of the Federal Judiciary: 1. Proposed rules of Evidence; 2. Additional Judges; 3. Revision of the Appellate system, and 4. Re-examination and revision of the federal jurisdiction.

This latter as to jurisdiction will be based on a 10 year study (1959–1969) of the American Law Institute. It is quite inclusive of all aspects of the subject, including three judge court cases, and diversity of citizenship cases. State courts will be especially affected by diversity cases amendments. In my judgment all for the good.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

There is no greater issue facing the nation today than the assurance and the fact of safe streets and communities. The insuring of domestic tranquility.

If our people cannot feel secure in their own homes, then all other triumphs are diminished—and government has failed in its obligations to the electorate.

Congress has long recognized its responsibilities in this matter, and it referred to them four years ago when it passed the Omnibus Crime Control and Safe Streets Act.

In 1968, the year of the Act's passage, the United States was faced with one of the greatest domestic crises of this generation.

Crime had become a threat to our survival as a nation in a manner never before seen in our history.

To be completely frank about it, we were about to plunge over into the chaos of anarchy and lawlessness.

To us in the Congress, it had become apparent that our law enforcement and criminal justice agencies faced a stark future unless they could be given prompt and substantial assistance.

In the United States—unlike many countries in the world today—police, courts, and corrections agencies are almost entirely dependent upon local financial sources. Except for the relatively modest-in-size Federal criminal justice system, all crimes and criminals are state and local responsibilities.

However, as we all know, state and local governments by and large are in great financial distress.

Congress felt there also was an urgent need for a new, vigorous, and forceful initiative to jar law enforcement and criminal justice agencies out of their old, outdated habits—to make them discard ineffective ways of doing things that were tolerated simply by force of habit.

Congress felt that it was time to restructure and to modernize, to develop needed new programs, and to review what was good about what we had been doing and what was in need of substantial improvement.

At the same time, there were certain principles we kept foremost in our minds as the Safe Streets Act was being written. Chief among them was that the states and their local subdivisions absolutely must maintain their autonomy in criminal justice.

It simply would not do if Congress were to revamp the system by imposing a national police system on the sovereign states and territories.

I feel safe in categoricallv stating that none of us wants a national police force. None of us wants any national agency to usurp or dictate or dominate state and local responsibilities in any part of their criminal justice system.

This conviction is national policy. Congress formalized it in the Act's preamble which declares: "Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively."

This, then, is how the block grant concept arose. Knowing that state and local governments needed help, but also recognizing that they should not tolerate or suffer Federal dictation, Congress wrote into the legislation safeguards to protect our freedom and self-determination.

Instead of creating a new Federal agency to parcel out financial aid to obedient and subservient local recipients, Congress resolved to put the state and territorial governors in charge of their own programs.

Thus, 85 percent of the Law Enforcement Assistance Administration's action funds go directly to the states according to their populations; and 75 percent thereof must go to general local government.

This was not popular with a small minority in Congress that continued to cling to its dangerous theories of Federal dictation.

Nevertheless, it is what the people demanded. And what the Congress decisively voted.

In accord with these principles, LEAA was created as a self-help program that relies upon local responsibility.

It has been a success. It has created a dynamic new leadership at the state and local levels in criminal justice.

It has done much to erase old rivalries, and it has accomplished much in improving those agencies that had been lagging in crime control.

What I have just described is the essence of what the President calls the New Federalism. It means helping state and local governments to help themselves.

Last Saturday the President put it in these words: Ask not what your country can do for you; ask what you can do for yourself.

In so saying, he was talking to the individual person to be sure. But he addressed at the same time our state and local governments and institutions.

Indeed, the block grant concept written into the Safe Streets Act was the forerunner or prototype of the New Federalism. It has paid off very well.

To be sure, crime is still with us, but many extremely significant things have occurred in the struggle against lawlessness since LEAA was enacted.

Greater efforts have been made to combat crime than at any previous time in our history.

However, not everyone will admit this truth. There are still a few persons who have challenged blockgrants. Many of them have spoken without the benefit of all the facts.

An example of what I mean is the 1971 hearings of a House Government Operations Subcommittee into the Law Enforcement Assistance Administration's operations. This was purely a partisan effort to destroy the block grant program. The Subcommittee report on these hearings was notable for its bias and inaccuracy, as the panel's Republican members pointed out so convincingly in their dissenting report.

There is another movement afoot to wreck LEAA, the block grant program approved by Congress in 1968 and again in 1970, and the concept of revenue sharing. It is the proposal to create a National Institute of Justice to replace the sound and workable program that we already have.

Institute advocates would substitute a public corporation for an existing Federal agency. The ostensible reason is the false charge that LEAA is not financing significant court reforms.

However, that accusation is belied by the fact that most of the Institutes' proposals would empower the proposed institute to establish projects in law enforcement, corrections, parole, probation, and all other criminal justice areas.

What makes the institute idea all the more suspect is that many of its advocates have attacked LEAA by name or have ignored its many accomplishments in court reform and every other criminal justice discipline.

Not a few institute advocates, for example, have uncritically praised the Committee for Economic Development for its statement on "Reducing Crime and Assuring Justice."

The Committee for Economic Development is a distinguished body of businessmen and other leading citizens. However, the staff statement on justice made a number of superficial and unwarranted charges against LEAA that does the CED no credit.

The statement said, for example, that LEAA should be transferred to a new government agency, which it called the Federal Authority to Ensure Justice.

This, according to the CED statement, would serve "as a nucleus for an expanded unit to manage large conditional grants."

Such a program would do away with block grants and re-attach all those old bureaucratic strings for which Washington is so justly famous—or infamous.

The National Urban Coalition and the Lawyers' Committee for Civil Rights Under Law also participated in the attacks on the block grants.

Let me state, so that there is absolutely no misunderstanding, that everyone in this country has the right, and even the duty, to take a critical look at what the government is doing. That is part of good citizenship and our responsibility as voters.

However, that examination must be fair, honest, and objective. In short, it must be judicious. There is no justification whatsoever for hysterical condemnations of programs that just don't happen to coincide with someone's preconceived ideological notions.

And that, I am sorry to say, is what was wrong with the Lawyers' Committee report on LEAA, which emotionally charged that the Safe Streets Program was financing an antidemocratic strengthening of police powers to be used against innocent citizens.

Nothing could be further from the truth, as every professional knows. As we have all emphasized so many times before, what this program is all about is *more* democracy, *more* local control, *more* responsibility for the people in their own communities.

It probably will come as no surprise to you that many of the persons who helped prepare the Committee on Economic Development statement and the Lawyers' Committee report as well as those who are most vigorously supporting the proposed Institute are long-time opponents of block grants and the new Federalism.

Above all else, partisanship should not be allowed to interfere in such an important cause as the betterment of criminal justice.

many of the New Federalism's critics have failed to take a close look at the Safe Streets

Unfortunately, and to my great regret, too program and the demonstrated effectiveness of the block grant approach.

For example, they have failed to give heed to the changing patterns of crime that have occurred in the last few years.

There is simply no denying that the soaring crime rate increases of the past decade are moderating.

Crime rose 122 percent between 1960 and 1968.

But during the first nine months of last year, serious crime rose just one percent.

That is the smallest nine-month increase since the FBI began issuing quarterly reports in 1960.

There was no increase in crimes against property during the first nine months of 1972. This compares with a six percent increase in property crime during the comparable period in the preceding year.

Violent crime increased 3 percent during the first nine months of last year, compared to a 10 percent rise in the first nine months of 1971.

The FBI figures also show that, in the first nine months of 1972, 83 of America's major cities recorded actual decreases in serious crime, compared to only 52 for the comparable period.

So something good is happening.

A few critics have tried to quarrel with the score keeping. But the facts speak for themselves. Progress is being made.

Many critics also fail to take note of the very real successes of the LEAA program.

Projects like the Crime Specific Burglary Prevention and Control Program in California which received $1.5 million in LEAA funds.

Begun last April, the program has already achieved impressive results in a number of target cities in the State. San Francisco, for example, reported a 47 percent reduction in the burglary rate since the project began. Bellflower, another California target city, reported a 30 percent drop in burglaries.

Early last year, LEAA announced a major new program designed to achieve a tangible reduction in street crime and burglary—the violent crimes which generate the most fear among citizens.

It is the High Impact program now under way in eight major cities: Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland (Oregon), and St. Louis.

Results are already beginning to appear. In St. Louis, for example a total of $5 million in Impact funds has been awarded to finance 23 innovative projects to reduce crime. One of the programs funded is a special police patrol team which the city says has helped to decrease burglaries by 19 percent since it began.

LEAA has also played a major role in the Federal effort to curb drug abuse, a menace which threatens the lives and well-being of a shocking number of our young people.

LEAA awarded over $3 million last year to establish innovative drug treatment programs in Cleveland, Wilmington, Delaware, and Philadelphia. Called Treatment Alternatives to Street Crime—TASC—the programs are being conducted in cooperation with the Special Action Office of Drug Abuse Prevention. TASC provides for identification and treatment of narcotics offenders, rather than institutionalizing them.

In addition to the three cities I've just mentioned, TASC programs will be carried out in the other Impact cities as part of their total anti-crime effort, and in a number of other major cities throughout the country.

LEAA also provides fund support for the Office of Drug Abuse Law Enforcement (DALE), which is conducting a campaign against street-level heroin traffickers in 33 major cities.

Another successful narcotics-related project supported by LEAA is under way in New York City. Under a $7.5 million LEAA grant, the city has established eight special narcotics courts to handle the backlog of felony narcotics cases. The special courts began operating in February and in three months, disposed of 850 indictments by trial or plea.

This is just a brief sample of the kinds of successful projects now in operation all over the country. The range of programs cover every aspect of the criminal justice system—police, courts, corrections—and the most pressing crime problems—organized crime, juvenile delinquency, narcotics abuse.

None of this progress would have happened without the LEAA program.

I believe that the overwhelming majority of informed American people support the LEAA approach to crime control.

The credit for this unprecedented national attack on crime should go in large measure to state and local governments. They have responded to the LEAA program and, in the overwhelming number of cases, made wise and effective use of LEAA funds.

But despite what already has been done, local governments still lack the one key ingredient they need to make the battle against crime fully effective.

They still are caught in a financial trap caused by dwindling resources and swelling needs.

The general revenue sharing program sought for so long by the President has now become a reality. And it will be of enormous assistance.

It is essential now to take another step to make Federal assistance to local law enforcement and criminal justice even more effective.

As the President noted in a newspaper interview not long ago:

"What we need is basically, reform of existing institutions and not the destruction of our tried values in this country."

The President went on to say in the interview that his next Administration "will be one of reform, not just adding more dollars."

He said there would be reform in all fields, and he specifically cited "reform in Federal-state relations."

In a radio address on crime and drug abuse from the White House last October 15 the President declared, and I quote:

"I will ask the new Congress to move swiftly in enacting my proposals for Law Enforcement Special Revenue Sharing, to give the States and cities greater decision-making power in meeting their own needs."

I am not in a position to discuss with you in detail the exact language that will be in the President's request of the 93rd Congress—for it is yet to be submitted. It will be soon.

However, I can say that it will be a great boon for every state and local community in the nation—make no mistake about it.

You will want to be behind it because it is a program specifically aimed at crime.

But despite the need for law enforcement revenue sharing, we can be certain that there will be attacks mounted against it.

There will be attacks mounted against continuing any efforts to aid the states and localities in reducing crime that involves block grants or revenue sharing.

Those who oppose these courses want the Federal government to assume dictatorial powers in the fight against crime—dictatorial powers over state and local governments.

I believe they will lose again—as they have lost in the past. They will lose because the New Federalism is the wave of the future.

Law enforcement revenue sharing will provide the states and units of local government greater flexibility and freedom in expending funds for criminal justice purposes.

It is one of the most innovative and significant proposals of our lifetime. It recognized the long-felt need of states and localities for adequate and unfettered Federal financial assistance.

The President's program needs support. It needs the sympathy and understanding of all officials. It's your program, after all.

That does not mean that LEAA will not stand for any more criticism.

Far from it.

All I am saying is that we can no longer afford the luxury of aimless broadsides against legislation that was created to help you.

We need a higher level of cooperation—a better partnership between our Federal government and our local governments.

I am firmly convinced that this is the course that the vast majority of Americans expect of all of us. This program has the support of the people who know it best, of the men and women who work with it day-in, day-out, all year long.

But it is also up to us to get this message across to those few who have not yet gotten the word. The safety of all Americans depends upon it.

Legislatively speaking the 93rd Congress could prove, if it successfully faces even a portion of the issues before it, to be one of the most significant legislative sessions on criminal law matters in recent decades.

May it come to pass!

FUNDING OF LONG ISLAND SOUND AND HOUSATONIC RIVER BASIN STUDIES

Mr. RIBICOFF. Mr. President, I am pleased that the administration's proposed budget contains the funds I requested for two important environmental programs affecting Connecticut—the New England River Basins Commission's Long Island Sound study and the Army Corps of Engineers wastewater management study of the Housatonic River Basin.

A few years ago Long Island Sound, this Nation's first urban sea, was on the verge of becoming another Lake Erie. The prime factor in its deterioration was the bureaucratic confusion caused by the fact that innumerable counties and municipalities, two States, and 18 Federal agencies shared jurisdiction over the sound.

In order to bring order to this chaotic situation, I introduced in 1969 legislation creating a unified intergovernmental study of the region. As a result of that bill and the hearings I held in Washington, New York, and Connecticut, President Nixon extended the New England River Basins Commission to include the entire sound and authorized a comprehensive study of its resources.

The commission's study, based in New Haven, Conn., is now in its second full year. I have been informed that the project is going well and keeping close to the original timetable. The $1,138,000 budgeted by the administration will insure the success of this important undertaking as it enters its third and final year.

Another area threatened by pollution is the Housatonic River Basin. In its northern reaches the Housatonic is one of the most scenic rivers in New England. It has not been intensively developed and remains close to its natural state. However, the southern reaches of the Housatonic and its principal tributary, the Naugatuck River, are severely polluted.

The Water Pollution Control Act of 1972 will help these rivers run clean once again. In order to insist the cities and towns in the basin meet the requirements of the act, the Congress last year authorized at my request a comprehensive waste water management study of the Housatonic and its tributaries. The goal of the study is the formulation of alternative plans that would give the people of the basin an opportunity to chose the degree and method of treatment they themselves consider appropriate for immediate and long term implementation. The communities will not be required to accept any particular plan, but will be provided a series of choices they would not have been able to develop on their own.

The $240,000 budgeted for this study means that the Corps of Engineers can begin serious work on this important project this year.

CIGARETTE SMOKING AND AUTOMOBILE DRIVING

Mr. MOSS. Mr. President, in the legislative controversy that swirled around the enactment of a statute to forbid advertising of cigarettes on television and radio based on the findings of the Surgeon General and the medical community that smoking of cigarettes is harmful to health, many of the opponents of this action insisted that cigarettes were not harmful and that those pressing for lower consumption or cessation of smoking were doing so out of prejudice or misinformation.

This morning there is a new fact to be plowed into this dialog. One of our great insurance companies, after running a survey in three of the populous States of our Union, has made a determination that those who smoke are nearly twice as likely to be involved in an accident while driving an automobile. Because of this accident-prone factor, that insurance company is offering a reduction in premium to those who do not smoke, and this reduction runs from $25 to $50 a year. I welcome this information. Maybe many who refuse to be persuaded by the medical evidence of sickness and death induced by smoking will allow hard money figures to persuade them that the way to health and safety is to stop smoking. I ask unanimous consent that an article by Andrew Wilson, published in the Washington Post this morning, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Smoker Motorist Is Accident Prone

(By Andrew Wilson)

St. Louis, Mo., January 30—Add one more item to the list of evils associated with smoking: compared with nonsmokers, smokers are about twice as likely to bang up their cars.

Having tested the concept in three states—Washington, Wisconsin and California, the Farmers Insurance Group, based in Los Angeles, will extend a special non-smokers discount to drivers in 17 more Western and Midwestern states, beginning, Feb. 1.

Non-smoking drivers will have $30 to $50 year under the discount, or up to 25 per cent off their annual automobile insurance premiums.

"Public acceptance has been quite good," Parke Godwin, vice president in charge of actuary, said, "our agents have been very enthusiastic about it."

The insurance plan, described as the first of its kind in the country, was sparked by research done by Columbia university in 1965 showing that a significantly higher ratio of smokers than nonsmokers fell into the high automobile accident group.

In 1968–69, Farmers, also a pioneer in offering reduced life insurance rates to nonsmokers, conducted a pilot study of its own using 3,000 motorists who had both automobile and life insurance policies with Farmers or one of its subsidiaries.

Its findings backed up those of the Columbia study, Godwin said.

"We found the accident rate among smokers was 6.59 per cent compared with 3.75 per cent among non-smokers—or almost twice as much," Godwin said.

Farmers initiated the nonsmokers discount about two years ago in Washington. The discount may soon be offered in all 25 states in which Farmers operates, Godwin said, adding that he expected to "see some others (insurance companies) follow us."

For the present, Farmers has no plans of increasing premiums for smokers. Yet higher premiums may eventually become part of the wages of the habit.

"It's all just long-range speculation, but if nothing else happens, the rates will have to go up on one group if they go down on another," Godwin said.

The Farmers group had over two million auto insurance policyholders in the 20 states where the discount will be offered, and will write about $500 million in auto coverage in all 25 states this year, according to Godwin.

Despite radio and newspaper promotion of the discount in the three states where it has already been offered, only 10 to 15 per cent of Farmers' policyholders there have availed themselves of it.

Godwin said he expected the proportion of users to rise sharply as the new plan becomes better known.

Why should smokers be any more prone to automobile accidents than non-smokers?

Paul Whealen, director of Farmers' product development department, speculated that smokers might be generally more reckless than nonsmokers.

"It probably has more to do with the psychology of the people in both groups and has nothing to do with the actual physical act of smoking while driving," he said. "Nonsmokers are probably more conservative in their driving habits."

Whealen agreed that a greater percentage of nonsmokers might also be nondrinkers.

"I think there must be something to the fact that the act of smoking does cause some distractions," Godwin said, emphasizing that he was speaking only speculatively. "Smoke in the eyes, flicking ashes off of one's clothes, must have some effect."

NEW CRUTCHES HELP THE HANDICAPPED

Mr. DOLE. Mr. President, our society is fortunate to have people who dedicate their talents to helping others. Such an individual is Joseph Manzo. He has developed improved orthopedic equipment to aid the handicapped in moving about more freely in everyday situations. An article describing Mr. Manzo's aids recently appeared in the Washington Post. I ask unanimous consent that the article entitled "New Crutches Help the Handicapped," written by William H. Jones, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW CRUTCHES HELP THE HANDICAPPED

(By William H. Jones)

Joseph Manzo is a man who really knows his business. As an inventor and manufacturer of aids for handicapped people, he's been his own guinea pig. He was a victim of polio at the age of 7 and has had to use crutches ever since.

Manzo, of Alexandria, recalls that one of the things that bothered him a great deal when he was growing up in his native Rhode Island was unsatisfactory equipment—particularly during icy weather. He had to use crutches that slipped on ice, that were too light, too heavy, or unbalanced, or whose "rivets worked loose, and screws broke."

He studied engineering at New York University and decided to devote his career to making better products for the millions of people who need specialized orthopedic equipment.

Manzo pursued graduate studies at the University of Rhode Island where he earned a master's degree in mechanical engineering. Later, he worked as a consulting engineer and taught at North Carolina State University.

It was during this time that Manzo came up with what sounds at first like a simple idea—but it was one no one else had: he designed a retractable pick for the end of crutches, a steel point that protects users against falling on ice, wet grass and other slippery surfaces, using the same principle that led tire manufacturers to put studs on snow tires. U.S. and foreign patents are pending on the steel tip.

According to Manzo, "It was the first major breakthrough for crutches and canes in 27 years." It was also a breakthrough that led to establishment of a now flourishing company and gave Manzo something in common with a football player named Sonny Jurgensen.

Jurgensen has been using Manzo designed crutches since the operation on his Achilles tendon, after purchasing them at Alexandria Medical Arts Pharmacy.

Manzo founded Engineering Arts, Inc., at 800 N. West Street, Alexandria, in 1971, to manufacture and distribute a line of canes, crutches and other patient aids. Financing was aided by a loan from United Virginia Bank/First and Citizens National, guaranteed by the Small Business Administration.

Actual marketing operations began last June 1 and sales in the first several months to government agencies and commercial outlets topped $40,000. Engineering Arts employs five persons full-time, and four persons part-time; Manzo is training future workers under a state community college program.

"One of the reasons I decided to get into business here is because of what I believe is still real prejudice against handicapped people," Manzo said.

"I recall on my interviews being asked whether or not I could make it to the water cooler or rest room . . . In fact, even at a company where I worked for a short while, I was denied any special parking consideration because the manager did not feel that he should extend this courtesy."

Manzo's line of crutches is being sold throughout the United States, and orders from abroad have started to arrive—partly through Virginia's foreign trade division, which has an Office in Brussels, Belgium, that distributed brochures on Engineering Arts products.

Perhaps most important, a number of government agencies have approved the crutches for use in their facilities, and are allowing prescriptions of the equipment. The Veterans Administration recently ordered 2,460 pairs of Manzo crutches, for example.

The Small Business Administration also certified Engineering Arts, Inc., as a company to which the government should direct purchases under a program of aiding small firms, and approved management assistance aid for Manzo's firm under which Decision Sciences Corp., of Jenkintown, Pa., is helping guide Engineering Arts' initial marketing efforts.

"Patient aids have not been generally sold with much innovative marketing or merchandising," Manzo said, "and I do believe we owe much of our success to date to our creative graphics, advertising and marketing," which has been displayed in various medical trade publications.

Manzo said he is working on additional products, including a walker and commode chair. He also said long-term plans include regular hiring of the handicapped veterans and other disadvantaged workers when the payroll is increased, and eventual ownership by employees.

Because of large production requirements in such a short time, said Manzo, his company is designing high-speed, pneumatic, fully automated equipment. "This would be a first in the industry," he said, "since most patient aid manufacturers use low-priced semiskilled labor."

Manzo also is completing a study of the government's efforts to increase ridership opportunities on mass transit for the elderly and handicapped, and he generally credits the Urban Mass Transit Administration in the Transportation Department with an "excellent" job of making the public aware of these needs.

The 37-year-old Manzo also praised legislation passed by Congress last year, and signed by President Nixon, that will permit the SBA to provide special loans for the handicapped.

A bachelor, Manzo participates in amateur theater at Alexandria's Little Theater, and also enjoys rifle shooting.

GENE WYMAN WOULD HAVE BEEN THE FIRST TO AGREE

Mr. MONDALE. Mr. President, I would like to add just a few words to those already spoken here in praise of the late Eugene L. Wyman.

All the obituaries written about Gene naturally have highlighted the role he played as fundraiser for the Democratic Party. He did the job very well—even lent dignity to it by always being open and candid with reporters and others who questioned him about his activities.

I only wish that Gene's obituaries would have added that he wanted to be put out of the political fundraising business. While he did that job well and with dignity, he hoped we would find a better—a saner—way to finance campaigns and thus free politics from the hold of money.

In a way, we began to pay real tribute to Gene Wyman while he was still alive. And we did so by stiffening public reporting laws, by restricting campaign spending, and by approving a checkoff system to provide public funds for presidential elections.

But the crucial step still lies ahead. Teddy Roosevelt proposed it years ago: public financing for all campaign costs as an alternative to private contributions.

We must strive to reach that goal for it is in the best interests of the United States. Gene Wyman would have been the first to agree.

SENATOR STENNIS

Mr. STEVENSON. Mr. President, I share with all Members of the Senate the shock and grief which accompanied the terrible news of the brutal assault upon Senator Stennis last night. As one, we all pray and devoutly hope for his full and speedy recovery and send our sympathy to him and to the members of his family. His injury is a tragedy not only for himself and his family but also for the Senate, which he has served faithfully and well for many years.

CONTROL OF FEDERAL SPENDING

Mr. ROTH. Mr. President, the Senate knows of my continuing interest in bringing Federal spending back into the control of Congress. I think it is becoming clear to many Members that if we sincerely want substantive reform, we must regain our power to establish both a responsible level of expenditures, and then to subdivide this total between priorities as we see them.

I am delighted to see that the distinguished Senator from Tennessee (Mr. Brock) has been working hard toward this goal. I am pleased, therefore, to bring the following article to the attention of the Senate. It is an example of the bold thinking which will be needed if we are to bring about much needed change, and I commend it to the Senate's attention.

Mr. President, I ask unanimous consent that the article by Senator Brock, printed in the December 1972, Nation's Business, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Plan To Make Federal Budgeting Make Sense

(By Senator William E. Brock III)

Picture, if you can, a corporation with 500 men on its board of directors.

If that doesn't tax your credulity, try this.

For reasons of its own, the board can't—or won't—pass on the corporation's overall annual budget.

Instead, it farms out small parts of the budget to scores of subcommittees, each riding herd on an office or two.

They hold hearings that go on for months, as one executive after another comes forward to sell his office's spending plans.

Some executives go beyond personal appeals.

They coax stockholders to appear before the subcommittees to plug the executives' pet projects.

Finally, often after the new fiscal year has begun, about 20 separate budget reports—or mini-budgets—go before the board. Most members have only a foggy notion of what's in a report or behind it. Only the handful who held hearings, and drafted it, know that.

So the board tends to go along with the spending plans those colleagues have endorsed.

Thus, bit by bit, the overall budget takes shape.

Meanwhile, no board member knows how much it will add up to. Nor does the board weigh the relative merits of competing demands on corporate funds. It's an open-ended way to draft a budget.

We all know what would happen under a system like this. The board members would soon spend the corporation into bankruptcy.

I ask, is that any way to run a railroad—or any other enterprise?

Well, that's the way Congress runs the country.

Almost every business, or municipality, adopts a budget before it starts spending money for the coming year.

But not the federal government.

To be sure, the President proposes a budget. But at no time does Congress accept it completely nor does Congress adopt a budget of its own.

HODGEPODGE ON THE HILL

Instead, the system works like this:

Each January, the President sends his budget to Congress, asking it to approve specific spending programs and to provide money for them in appropriations bills. Since there are thousands of federal spending programs, each bill includes funds for a number of them.

Once introduced, the bills are sent to the House and Senate Appropriations Committees. There the various parts are referred to subcommittees.

The House Committee, for example, has 13 subcommittees. There are subcommittees for agriculture, and environmental and consumer protection; for housing and urban development, space and science; for labor, health, education and welfare; for the Treasury, Post Office, and general government—plus others.

In theory, the full Committee controls these appropriations bills. In practice, the subcommittees have almost complete say-so in their own spheres.

For one thing, they become experts in their specialized fields. So members of one subcommittee tend not to challenge the decisions of the others.

When the subcommittees have finished, their recommendations are lumped together in an overall appropriations bill.

Obviously, this catch-all measure may or may not reflect the judgment of the full Committee. It represents a collection of decisions delegated to a lower level.

Sound like a weird way to run our biggest institution—the federal government?

Well, there's more.

FALSE CEILINGS

Before voting any money, the Appropriations Committees usually wait for a green light from other policymaking committees of Congress.

Each house has about 20 of them, with numerous subcommittees. They set an authorization, or spending ceiling, on all programs, new and old.

Sometimes these ceilings are quite misleading.

They may be set high in full knowledge that far less money will actually be appropriated. In this way, Congressmen can make what seem to be lavish, multibillion-dollar promises, with the comforting knowledge that they won't be kept.

Or they may grossly understate full costs by setting only short-term ceilings on long-range projects. In this way, Congressmen can let a pet program get its foot in the door—apparently dirt cheap.

Only later do taxpayers find that, over the years, costs skyrocket. Medicaid is a good recent example.

So much for spending.

Now for raising the money to pay for it.

The committees that spend have nothing to do with paying the tab.

That's the job of two other committees—the House Ways and Means Committee and the Senate Finance Committee. They write the tax laws, change the rules, raise the rates or lower them.

At no point does any Congressional body say: "Here's how much we want to spend. Here's what it's for. Here's how we'll get the money to pay for it."

Or, better still: "Here's all that we have to spend. And here's how we'll stretch it to cover our priority needs."

Unfortunately, a long time ago, Congress let the ultimate authority for fiscal responsibility gravitate to the White House.

Today, the only place where a budget is put together is in the Office of Management and Budget in the Executive Office of the President.

About all Congress does is look at the priorities set by OMB and add or subtract a few items.

A LACK OF MACHINERY

Congress lacks the machinery to arrive at its own priorities.

All too often, it increases a budget rather than prunes it. For example, in the last session, its impact on the President's budget was to increase the deficit by some $9 billion before Presidential vetoes whittled that down to $5.76 billion.

Under this system, quite predictably, efforts to control federal spending have flopped. Here's how the federal budget has climbed in the past few fiscal years:

From 1968 to 1969, up nearly $6 billion.

From 1969 to 1970, $12 billion.

From 1970 to 1971, nearly $15 billion.

From 1971 to 1972, more than $20 billion.

It's estimated that from 1972 to 1973, the rise will be as much as $25 billion.

The red ink on our balance sheet presents an even more dismal picture. Federal deficits from fiscal 1970 through 1973 will total an estimated $84 billion—or approaching one fifth of our national debt.

Nor is the future any brighter. A recent American Enterprise Institute study estimates these deficits, even on a so-called "full employment" basis, at $5 billion in 1973; $14 billion in 1974; $22 billion in 1975.

It's quite apparent that growing federal spending has brought us to a crisis stage. This fiscal crisis affects every American.

Over 10 per cent of the average family's taxes go to pay the interest on our national debt—which is approaching $500 billion.

And the country is embarking on a new spending spree—for so-called social needs. Washington has an ingrained belief that if anything is wrong, anywhere the cure is to throw money at it.

This year, federal spending on education, manpower, health, housing, civil rights and other social programs will add up to $122 billion. That's about half of Washington's total expenditures.

A FRESH APPROACH

It's time to try a fresh approach. We can't provide essential social needs within an expanding economy without a sound budgetary process.

What is needed is thorough reform of the way in which Congress handles spending and tax measures.

To meet this crisis, I will reintroduce a bill I submitted at the last session: the Federal Act to Control Expenditures and Upgrade Priorities.

If passed, it would require not only Congress as a body, but each individual member, to face up to his duty to curb spending. My bill contains five points:

It would amend the House and Senate rules to create a Joint Committee on the Budget.

This Committee would develop a legislative budget—as opposed to an executive budget—providing a way to establish priorities and control expenditures.

It would require five-year budget projections for every major category of federal spending.

This would compel Congress and the Executive branch to acknowledge fully the long-range costs of spending programs. All too often, in the years after they've passed Congress, federal programs' costs have ballooned. It is no longer acceptable to evaluate project spending on a one-year basis, as in the past.

It would require reevaluation of spending programs every three years.

The purpose of this is to ensure periodic Congressional review of all important federal programs. The trend today is to add new programs without even attempting to do away with those that are outmoded and useless. As a result, the government gets bigger and bigger and bigger.

It would require consideration of at least two years' pilot testing of every proposed major program.

This would provide Congress, and the country, with a better estimate of the costs and benefits of new federal projects. No prudent businessman would promote a new product nationwide without some preliminary market testing. I feel government should use the same prudent approach with tax dollars.

Money for all federal spending, including that of the trust funds, would have to be appropriated annually by Congress.

At present, more than 800 of these federal trust funds are not subject to this kind of annual review by Congress.

Instead, they have a permanent spending authority. This spending adds to our huge federal deficits and should be subject to some review and discipline.

HOW MANY—AND HOW MUCH?

The government has lost its sense of purpose in developing federal programs. New ones are hastily concocted with little or no knowledge of what's already in existence. Duplication is the order of the day.

Let's take just one example.

Today, we have more than 1,050 federal domestic assistance programs.

Many overlap. This makes it almost impossible to find out how many people are getting aid—and how much. It also leads to a great deal of waste and inefficiency.

Making matters worse, it's hard to determine what good the program is doing, if any.

The five-point plan I have outlined will bring about long-needed reform in the budgetary process if passed by Congress.

It permits Congressional control over federal pending and, at the same time, a constant review and upgrading of national priorities.

If Congress does not put an end to the spending spree, we face two alternatives: Taxes will go up—or a new surge of inflation will boost prices even higher.

Neither is acceptable to me, nor tolerable to an already overburdened free society.

SENATOR CHURCH TESTIFIES ON IMPOUNDMENT AND EXECUTIVE EMERGENCY POWERS

Mr. CHURCH. Mr. President, I ask unanimous consent that my testimony yesterday before the Senate Judiciary Subcommittee on Separation of Powers concerning the current Constitutional crisis confronting our country in regard to Executive impounding of congressionally appropriated funds and Executive emergency powers be inserted in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR FRANK CHURCH BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON THE SEPARATION OF POWERS, JANUARY 30, 1973

Mr. Chairman, I am pleased to have this opportunity to come before the Senate Judiciary Subcommittee on Separation of Powers and present my views about the current Constitutional crisis confronting our country, and specifically to testify on behalf of S. 373, a bill to protect Congress' power over the public purse by restricting the practice of Executive impoundment.[1]

Article I of the Constitution explicitly states that Congress is an equal and separate branch of government, exercising exclusively prescribed powers in some cases and sharing powers with the Executive branch in others. In no case, does the Constitution contemplate that the role of Congress is to merely underwrite the power of the Executive branch. I have offered and worked for legislation to strengthen the rightful role of the Congress to share with the Executive on a coequal basis, the formulation of national policy, whether it be in matters of war and peace, the allocation of American assistance abroad, strengthening our social security system here at home, improving our environment, or steering budgetary priorities along the path of productive and needed social services. The history of our nation provides ample proof that if the separate branches remain strong and vital they are an effective system of checks and balances on the exercise of unfettered power; this system of restrained power is the bedrock principle on which our political system was founded and has been the very genius of our form of government. As Aristotle noted long ago, "If liberty and equality . . . are to be founded in democracy, they will be best attained when all [institutions] share in government to the utmost."[2] In this regard, Congress' prime role is its power over appropriations and directing the allocation of federal funds. Or, to put it as the distinguished Chairman of the Judiciary Subcommittee on the Separation of Powers so concisely did recently, "The power of the purse belongs to the Congress, and Congress alone."[3] This power is the key to Congress' independence, influence, and integrity.

IMPOUNDMENT

Under the Constitution, the right to appropriate belongs to Congress. Article I, Section 9.7, of the Constitution reads, "No money shall be drawn from the Treasury but in consequence of appropriations made by law . . ." In this century, however, through a process of subtle attrition, Congress has gradually surrendered this traditional wellspring of strength. For example, the Budget and Accounting Act of 1921[4] enlarged the President's spending discretion and established a procedure whereby the Executive no longer needed to send up to Congress itemized budget requests as had been the custom, and replaced this procedure with a budgeting and appropriating system based on a "keep the faith" attitude among executive officials and appropriations committees.[5] The Act also created the Bureau of the Budget, now reorganized into the potent Office of Management and Budget. This legislation has, over a period of years, tilted the balance of political power clearly in favor of the Executive. Instead of "More Power to Congress!" as was the Hamiltonian demand during the discussions preceding the Philadelphia convention in 1787, Congress, divesting itself of its own power, granted "More power to the Executive!"

Through the growth of "central clearance," then, the appropriations power, once exclusively a legislative function, emerged as a strong new arm of the Executive. One observer suggests with devastating candor that "Congress, according to the Constitution, must appropriate—but what is appropriated, speaking very generally, is what is presented to them by the Administration."[6] The growing volume and complexity of governmental transactions, and the flexibility with which they must be handled in the absence of Congressional efforts to adapt its procedures to handle greater complexity, inevitably has led to increased Executive control over public spending. In the light of the major role that the Executive branch has assumed, the importance of safeguarding what remains of Congressional power over the purse is manifest.

Executive impoundment represents a clear threat to that remaining Congressional power, as recent history illustrates. In my view, it was during the Roosevelt Administration, acting under a continual state of emergency in the Depression and later in World War II, that Executive impoundment changed its character from that of simple economy measures and became a widely used instrument for Executive policy. From 1933 on, a quantum jump occurred in the frequency of impoundment. Measures were passed by Congress to permit President Roosevelt to pursue those activities he deemed necessary to ease the economic crisis of the Thirties; and, similarly, during the Forties Congress supported the President in his policy of deferring projects which he believed might absorb funds required for the war effort.

Throughout this period of crisis, the Executive branch based its rationale for impounding funds chiefly upon the war powers of the President. Writing a year after America's entry into the war, a leading proponent of a strong presidency, Professor Edward Corwin, concluded: "The chief lesson of the war to date for constitutional interpretation is that the Constitution is an easily dispensable factor of our war effort—perhaps one might say an 'expendable' factor." Professor Corwin underlined part of the problem:

"In its control of the purse strings, Congress possesses its most effective check on Presidential power. At best, the promise of this rule is seriously impaired by war, inasmuch as legislative prying into Presidential budgets at such a time always involves the danger of revealing military secrets."

Congressional abdication of its "most effective check on Presidential power," the power of the purse, was, thus, directly linked to the war. However, several Members of Congress, I am happy to note, were clearly unhappy about their wartime "expandability" and were concerned that the claimed emergency powers might become normal powers. A legislative amendment introduced by Senator McKellar in 1943 was "the first across-the-board curtailment of the Budget's impounding procedure to be accepted by either House of Congress."[7] After passing the Senate by a voice vote, the McKellar amendment was resoundingly defeated in the House, the floor debate over the issue, however, made it evident that even given the wartime emergency, many influential Members believed that the Executive had stepped into Congress' domain and a Constitutional crisis was in the making.

The record on impoundment since the war discloses that—far from abating—the practice has grown markedly, expanding beyond the general area of "national defense" to challenge frontally Congressional control over all aspects of civilian spending.

CURRENT CONSTITUTIONAL CRISIS

Breaking the Executive's hardening habit of impoundment is now one of the crucial tests before us—if Congress and Constitutional government are to survive. To salvage a position of power and policy, both bodies of the Congress must draw the line; Members need to live up to their oath of office and join together in a concerted effort to restore the power of the purse as required by the Constitution. Your bill, Mr. Chairman, S. 373, which I wholeheartedly cosponsor, requiring the President to come to Congress for affirmative votes by both Houses for each specific instance of impoundment, is a fitting legislative bulwark on which to stand and fight. The Supreme Court, represents, one would hope, another forum for fortifying Congress' dominant position in regard to control over the purse[8] where suit might be sought against the Executive for impounding federal funds.[9] As you are aware, Mr. Chairman, I have given the subject of executive impoundment some detailed thought, and I very much appreciate the fact that my Stanford Law Review article of June 1970 entitled

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Footnotes at end of article.

"Impoundment of Appropriated Funds: The Decline of Congressional Control Over Executive Discretion" was made a part of this Subcommittee's March 1971 hearings.[10] Since I wrote that law review article, however, the situation has worsened. According to recent press reports,[11] the Nixon Administration is currently withholding, freezing, and impounding at least $12.2 billion of appropriated funds; and according to some experts, that figure may be too low by several billion dollars.

Seen with startling regularity now are references to the impoundment of funds for highways, for combatting water pollution, for housing, for flood control projects, for hospital construction, for medical research, and other important domestic programs. Is Congress to pass legislation creating and funding programs and then plead with the White House to release the funds to implement duly enacted laws? Surely not! As Thomas Jefferson wrote long ago, "An elective despotism was not what we fought for," in our War of Independence.[12] The words of a Senator who served in this body during World War II, speaking on the impoundment issue are even more poignant today: "Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people." [13]

If the United States is to preserve its democratic institutions, the President cannot be allowed to continue his self-appointed privilege of ignoring a mandated appropriation.

CONSTITUTIONAL AND POLITICAL IMPLICATIONS

What are the Constitutional and political implications of executive impoundment? Louis Fisher, a learned authority on this issue, pursuing the answers to this question, has observed, "A *constitutional* issue emerges only when Congress finds a legislative program cancelled or abbreviated because the President considers the purpose unwise, wasteful, or inexpedient. He then no longer operates on the basis of legislative authority. On the contrary, he matches his will against that of the Congress." [14] This kind of arbitrary behavior by the Chief Executive, who, according to the Constitution, is supposed to see that "the laws are faithfully executed," is illegitimate and a threat to representative government. As one author concluded, "The high Constitutional duty to see that the laws are faithfully executed does not confer upon the President the discretion to determine what law shall be executed and how much." [15]

Those who have carefully examined the range of court decisions bearing on the impoundment issue have concluded that no cases involve the problem directly, and those cases that are of tangential significance fail to settle the issue.[16] "The relationships between the President and Congress are essentially political," a Constitutional authority observes, "and are to be solved by the operation of the political process, not by resort to legalistic arguments." [17]

Recognizing that the Constitution offers no specific guidelines concerning the "reserving" of appropriated funds, it is nonetheless plain that the authors of that document did not intend to give the Chief Executive an absolute veto over public spending. No item veto is specifically granted to the President by the Constitution, and the provision for overriding a veto upon a two-thirds vote lends credence to the proposition that the President has no Constitutional power to veto legislation absolutely. If the President or his subordinates are permitted at will to refuse to spend funds after an appropriations statute has been signed into law, then in essence these officials have "an absolute veto exercised without danger of being overridden by a two-thirds vote of Congress." [18]

The Constitution in certain specific cases seems to grant to Congress actual affirmative power rather than the right merely to limit spending. In the military sphere, for example, the constitutional prerogative of Congress to "raise and support armies" and to "provide and maintain a Navy" carries with it the implication that Congress may ensure that the funds for these military activities are expended in the manner determined by Congress. Similarly, in other areas of spending, the congressional power of the purse is not simply negative power to establish a ceiling, but rather a full and positive authority to compel expenditure of the funds.[19] A former Assistant Attorney General and now Associate Justice of the Supreme Court, stated, "with respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent." [20] Every refusal by the President to execute a program or project, once made law, is nothing less, then, than the exercise of a patently unconstitutional absolute veto.

A vital ingredient of democracy in our country is the opportunity afforded diverse political interests—civic groups, government agencies, private citizens, and others—to appeal in a meaningful way to the Congress, the courts, and the Executive branch to advance the policies they favor. Once it is widely recognized that a project may be entombed by the Executive branch—even when a convincing case has been made before the Congress and after due deliberation monies have been appropriated—the American people will sense the futility of appealing to their elected representatives. They will conclude, if they haven't already done so, that the Executive branch is the only significant arena for policy making. This undermining of confidence in the ability of Congress to act with authority on appropriations will eventually destroy what public reliance remains for the Legislature and thereby increase the power and authority of the Executive to the detriment of our system of separate institutions acting as checks and balances on one another.

The argument most readily embraced by proponents of impoundment may be stated generally as follows: The question of freezing funds is fundamentally of a political nature, and, in an era demanding administrative speed and efficiency, presidential discretion over funds is imperative. Hence, Fisher tells us:

> "The struggle between the President and Congress over impounded funds is essentially political. The decisive appeal is not to legal principles and Court decisions but to constituencies and agency support . . .
>
> . . . Since the President lacks an item veto, he must impound the unwanted funds to preserve his budgetary objectives and maintain control over his own executive officials.[21]

Miller suggests: "The answer is not to be deduced from the Constitution itself but is to be decided on the grounds of policy. This, in turn, means that the President can and may withhold expenditure of funds to the extent that the political milieu in which he operates permits him to do so." [22] We are told that impoundment is "an essential instrument for protecting budgetary policy and avoiding unnecessary and costly programs" and that "Presidents exercise this power with considerable restraint and circumspection." [23] But who is to determine what programs are unnecessary, or when the President has used circumspection in freezing funds? Surely the President alone should not, or worse still, some lower-echelon official within one of the executive agencies.

Proponents of this view seem to confuse the nature of the budgetary process with the impounding issue. The distinction is that legislative determination of appropriations is a process of bargaining and persuasion; once the appropriations are passed, however, it becomes the constitutional obligation of Congress "to compel the funds to be expended." [24] Politics, bargaining and compromise, yes, when it comes to deciding the merits among competing requests for scarce resources; politics and bargaining, no, when the laws of the land are to be carried out. Given the President's veto and his obvious influence over the whole budgetary process, there is good reason to question the motivations for trying to obstruct the intent of the Constitution. Clearly, impoundment subverts the tradition of balanced government by challenging Congress' most important instrument for making policy and for monitoring the executive branch.[25]

LEGISLATIVE REMEDIES

Clear purposeful legislation offers the best remedy for Congress to use to pry loose impounded funds and eventually to stop the Executive of its unconstitutional habit.

The Congress should use specific, mandatory language in its drafting of legislation, such as "The Congress directs" rather than "The President may." This approach, coupled with adopting specific minimum levels, below which the Chief Executive could not go, would establish expenditure ground rules clearly. For instance, in 1958, President Eisenhower "wanted to reduce the strengths of the Army Reserve and the Army National Guard, both of which had strong support in their local communities. Congress retaliated by providing mandatory language to maintain the strength at higher levels." [26]

Old fashion political pressure is another tack Congress can take. Before the 1970 elections, President Nixon withheld education funds which stimulated widespread criticism from school districts; two weeks before election day, the Administration released the money. When HEW Secretary Richardson was asked whether the upcoming elections had prompted the Administration to pry loose the funds, he replied wryly, that there was "no connection whatsoever." [27]

If any remedy is to assure that programs, once funded, are carried out as mandated, Congress must strengthen and regularize its review of Executive compliance with Congressional appropriation. At present, once an appropriation is passed, Congress usually loses sight of it. There is no regularized process for following an appropriation to see that it is spent in the legislatively prescribed manner. Moreover, the Office of Management and Budget is unwilling to release to the Congress necessary information on so-called "reserved" funds.[28] It is, therefore, apparent that for any remedy to be effective, Congress must provide for itself some means for obtaining the data necessary to determine whether to invoke that remedy. For instance, legislation passed last year requires the Administration to make prompt and full reports to Congress on its fund-freezing actions. The first report is due on February 10, 1973. Also, there is legislation in the Foreign Assistance Act of 1971 making the obligation or expenditure of funds available under the Foreign Assistance Act and the Foreign Military Sales Act contingent upon the release of certain impounded funds. The General Accounting Office, which was required to certify that the OMB had released over two billion dollars for programs administered by USDA, HEW, and HUD reported that these impounded funds had been released by the set deadline.[29]

Your Impoundment Control Bill (S. 373) goes further, requiring the President to make comprehensive, public reports to Congress within ten days after impounding appropriated funds. Congress will thus have 60 days in which to pass a resolution agreeing to the President's action. If, during the 60 days, Congress fails to approve the President's action, the President will be required to stop the withholding of funds and to proceed to apportion them as Congress directed. In effect, the President will be able to submit a revised budget for consideration by Congress,

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Footnotes at end of article.

but it still will be up to Congress to make the final decision—as it should be.

We all shoud admit that Congress must do a better job of examining the massive federal budgets which are sent to Capitol Hill each year. Last year, both Houses created a joint committee to recommend procedures for dealing with expenditure control and the setting of an annual appropriations ceiling. I would hope that this would lead to a creation of a Joint Congressional Committee on the Budget which would eventually be capable of drawing up a budget itself.

In order to restore the Constitutional balance, Congress must recover, in addition to the power of the purse, still other powers it has delegated to the Executive branch over the last several decades. In this regard, I want to call to your attention, Mr. Chairman, the work of the Special Committee on the Termination of the National Emergency, a newly authorized bi-partisan group of which our distinguished colleague from Maryland, Senator Mathias, and I are Cochairmen. The Special Committee, composed of four Democrats and four Republicans, is now engaged in a study of all emergency powers legislation now in force and, in particular, the question of terminating the national emergency declared by President Truman on December 16, 1950, which, after 23 years, is still in effect. The focus of the constitutional imbalance now evident in our country is largely due to the existence of extended emergency situations throughout this century, wars as well as economic depressions.

The Special Committee study has already determined that the Trading with the Enemy Act of 1917 and the Banking Act of 1933 provide the President with enormous emergency powers in time of peace as well as war to control the flow of privated money within and outside the United States. Section 5(b) of the Act of October 6, 1917, as amended, remains the basis for many of the executive emergency powers now on the statute books. For instance, the Executive branch, in February of 1968, restricted transfers of capital to foreign countries by substantial U.S. investors and required repatriation by these investors of holdings they held abroad, basing its authority on Section 5(b). The Attorney General gave the opinion that:

"The power of the President to regulate foreign investment by persons subject to the jurisdiction of the United States during a period of declared national emergency is supported by the clear language of Section 5(b), which has been the foundation for a variety of Executive controls of domestic as well as international financial transactions."

In order to call Section 5(b) into force a state of national emergency is required. Conveniently, the Attorney General was to justify the bypassing of Congress by declaring that:

"The national emergency declared in Proclamation 2914 of December 16, 1950, continues in existence for the purposes of Section 5(b)."[30]

The Special Committee intends to examine in detail the more than 250 existing statutes and the Executive Orders based upon them which, upon the declaration of a national emergency by the President or Congress, or both, give to the President extraordinary powers. These powers extend to every aspect of American life. Through these emergency powers, the Executive may mobilize the means and methods of production, control the distribution of foods, goods, and services, strictly regulate wages and prices, purchase or seize property, control communication and transportation, restrict travel, commerce and, in some cases, curtail personal liberties.

I support the view that the President must be able to act quickly and effectively in an emergency. The Constitution, however, already gives him that authority and responsibility. The Special Committee is now examining the need for those emergency statutes no longer justified due to changed circumstances, and to extend those that, in the judgment of Congress, are still necessary. The Special Committee also intends to examine and consider a number of proposals that will establish a regularized procedure by which the Executive and Legislative branches can act, within the framework of the Constitution, in order to meet future emergency situations.

To carry out this study, the Special Committee will be making a thorough review of existing orders and statutes, and procedures stemming from these. The Special Committee will also conduct hearings, receiving testimony from Administration witnesses, authorities on Constitutional law, and members of former Administrations familiar with executive emergency powers.

On the basis of this study and investigation, the Special Committee will make its recommendations for legislative action to the Senate.

In a letter commenting upon legislation creating the Special Committee, the State Department wrote, "The Executive branch has no objection to such a study. It would be happy to cooperate." Senator Mathias and I have already called on Attorney General Kleindienst and he has expressed his willingness to extend the assistance of the Justice Department in exploring the thicket of existing law. We will shortly call on the Secretary of State and the Secretary of Defense and other heads of Departments and agencies affected by emergency legislation to ask their cooperation and help in arriving at a procedure mutually agreeable to the Executive as well as the Legislature.

Mr. Chairman, as you are the Senate's leading expert on the Constitution, I hope that you will follow our work closely, and I hope we can call on you for advice and assistance as we move ahead and hold hearings.

Whether the issue is impoundment or emergency powers, the need for Congress to recover its normal role in these Constitutional matters is overriding. Not only must Congress retrieve powers it gave away, it must hold them in a firmer grip. As Justice Jackson wrote in his opinion of Youngstown Sheet & Tube Co. v. Sawyer in 1952, "Power to legislate . . . belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."

FOOTNOTES

[1] For the purposes of this testimony, impoundment means when the Executive branch consciously decides not to expend appropriated funds according to the expressed intent, if not actual direction, of Congress.

[2] *Politics*, Book IV, Chapter 4.

[3] New York Times, Jan. 22, 1973.

[4] Act of June 10, 1921, ch. 18, 42 Stat. 20.

[5] Fisher, "Presidential Spending Discretion and Congressional Controls," *Law and Contemporary Problems*, Winter 1972.

[6] Miller "Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision-Making, 43 N.C.L. Rev. 506 (1965).

[7] Williams, "The Impounding of Funds by the Bureau of the Budget," Inter-University Case Program No. 28, 1955, 6.

[8] On January 2, 1973, eighteen U.S. Senators filed an amicus curiae brief in the case of Missouri Highway Commission against Volpe.

[9] Rep. George E. Brown, Jr. vs. Adminstrator, U.S. Environmental Protection Agency; See Congressional Record, Jan. 23, 1973, H404. Another example of litigation is the suit filed by Campaign Clean Water, a group of Virginia conservationists, against the Environmental Protection Agency to force its administrator to release the full $11 billion approved by Congress for grants to states under the 1972 Water Pollution Control Act.

[10] See also Church, "Of Presidents and Caesars: The Decline of Constitutional Government and the Conduct of American Foreign Policy," 6 Idaho Law Review (1969).

[11] Washington Evening Star News, January 15, 1973.

[12] Thomas Jefferson, Notes on Virginia, Query 13, Jan. 14, 1784.

[13] Remarks of Senator Holman quoted in Williams, "The Impounding of Funds by the Bureau of the Budget," Inter-University Case Program No. 28, 1955, 6.

[14] Fisher, "Funds Impounded by the President: The Constitutional Issue." 36 George Washington Law Review, 124, 125–26 (1969) (Emphasis in original).

[15] Goostree, "The Power of the President to Impound Appropriated Funds: With Special Reference to Grants-in-Aid to Segregated Activities," 11 American University Law Review, 32, 39 (1962).

[16] L. Fisher, "Funds Impounded by the President: The Constitutional Issue," 38 George Washington Law Review, 124 (1969). See my Stanford Law Review article, 1249, a listing of cases pro and con impoundment.

[17] Miller, *Op. Cit.* 544.

[18] S. Huntington, "The Soldier and the State, 1957, 427.

[19] W. Morrow, Congressional Committees, 1969, 161.

[20] Memorandum from Assistant Attorney General William H. Rehnquist to Edward L. Morgan, Deputy Counsel to the President, Dec. 1, 1969, at 8.

[21] Fisher, "Funds Impounded by the President . . ., 136.

[22] Miller, *Op. Cit.*, 533.

[23] *Ibid*, 137.

[24] Huntington, *Op. Cit.*, 15.

[25] Professor Reagan writes: "(I)f the legislature doesn't legislate vigorously, why should it bother to meet at all? So runs a commonly accepted standard for evaluating Congress' performance. . . . A more sensible criterion for deciding how effectively Congress has acted is this: How well has Congress monitored the bureaucracy? How active has it been in criticizing, prodding and pushing the departments and agencies? This function, I maintain, is *the* essential task of Congress today. If it performed well, then Congress has earned its keep, no matter what its legislative output in a given session." M. Reagan, Monitoring the Bureaucracy: Congress' Most Important Task, December 1969, at 1–2 (unpublished manuscript) (emphasis in the original).

[26] Fisher, "Presidential Spending Discretion and Congressional Controls."

[72] Washington Post, October 23, 1970.

[28] Memorandum from Robert P. Mayo to Senator Sam J. Ervin, May 1969.

[29] See 117 Congressional Record, Dec. 17, 1971, S21, 903 (daily ed.) and 118 Congressional Record, May 3, 1972, H4, 098 (daily ed.),

[30] Opinion of the Attorney General of the U.S., February 3, 1968, regarding Executive Order 11387 of January 1, 1968, 33 F.R. 47.

REVENUE SHARING

Mr. STEVENSON. Mr. President, last year I was one of the Members of this body who spoke against the concept of general revenue sharing. Prior to the vote adopting the revenue sharing conference committee report, I said:

> Revenue sharing is a governmental monstrosity; giving away the taxpayer's money for state and local governments to spend as they please is not sound policy either for the federal government or for the state and local governments.

We are now embarked upon the uncharted course of general revenue sharing at a time when the Federal Government faces a $25 billion budget deficit, which State and local governments in the aggregate face unprecedented budget surpluses. The Federal Treasury will give away over $8 billion this year with no regard to whether the funds are directed to our most pressing needs. The President simultaneously intends to impound billions of dollars for education, health, the environment, and housing.

The concept of revenue sharing is as dangerous for State and local governments as it is for the Federal Government. I predicted in the debate on revenue sharing that under revenue sharing,

> The States and localities will become increasingly dependent upon the federal government for their financial sustenance. As they become more dependent, they will become, not revitalized, but more vulnerable.

I am pleased that some local officials have sensed the same danger. In my own State of Illinois, some have told me they simply do not know what to do with the Federal payments and are investing in U.S. Treasury obligations—lending the funds back to the Federal Government with interest. The Lee County board conducted extensive debate on the question of whether to accept its $62,000 revenue-sharing payment. Led by Donald Burke, 11 members of the county board voted to reject the handout.

Mr. President, I ask unanimous consent that two articles from the Dixon Evening Telegraph describing Mr. Burke's valiant efforts and an editorial from the Rockford Morning Star, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Dixon (Ill.) Evening Telegraph, Nov. 15, 1972]

BURKE PROPOSAL TO REJECT REVENUE SHARING VOTED DOWN

(By Robert H. Nellis)

Donald F. Burke's proposal to reject any federal revenue-sharing funds was defeated yesterday by a 16-to-11 vote even though his resolution was seconded by County Board chairman, A. H. Fraza, and that he pointed out both of Illinois' U.S. senators voted against the revenue-sharing measure when it came before the Senate.

Burke contended local government's acceptance of federal revenue-sharing will work against efforts to eliminate federal bureaucracy and that if it is considered as tax relief, the best way for that to be achieved is for the federal government to reduce the amount it collects from citizens.

He declared the U.S. deficit has gone up $80 billion during the last three years and that projections are the U.S. debt will increase by $23 billion this year; by $45 billion in 1973, and $25 billion in 1974.

Burke predicted 1975 will see federal tax increases of $21 billion; $13 billion in 1976 and $6 billion in 1977.

"This money has to come from someplace," Burke asserted, "and it will come from higher federal income taxes or national sales tax," he predicted.

The District 3 board member, who is a member of the Finance Committee, explained the $325,000 the country will receive in the next five years will not reduce local taxes enough to offset the increases of federally imposed taxes which will occur because of the revenue-sharing program.

Burke also argued local government has a different relationship to state government than it does to the federal government.

"The county is a creature of state government. It was created by the state. The state is responsible for local government.

"But this is not the relationship between the local government and the federal government. The federal government was created by the states and the state and federal governments have a relationship much like that between local and state governments.

"If county government allows itself to become independent on the federal government by accepting direct handouts, it is only the beginning of federal intrusion into local government affairs."

Burke prophesied, "If federal revenue sharing goes out all over the country to local government, somebody is going to foul up and there will be scandals.

"Then Congress will decide that it has to supervise the use of federally shared revenue.

"I can see the day coming when every unit of local government will have to submit to an audit by a federal agency."

Support for the idea crossed partisan party lines when Fraza seconded the motion, calling the federal revenue-sharing notion "a move forward to the socialistic state."

Fraza, from District 4, is also a Republican precinct committeeman, and Burke is chairman of the County Democratic Central Committee.

The first response came from Warren Faber, also a member of the Finance Committee and from District 2, and he is a Republican precinct committeeman and vice chairman of the Republican Central Committee.

He declared federal revenue sharing should be a concern for Lee County, for receiving it and passing it along to taxpayers by reducing tax rates could start a snowballing effect.

"If the Lee County Board would take even this small amount (about $65,000) and get it back to each taxpayer, we could set an example for the city of Dixon and the school boards to follow," he averred.

"This board should set an example for other public bodies to follow," continued Faber.

Fraza retorted, "Why collect it in the first place if the federal government is going to give it back to us. It only gives people on the public payrolls more work."

J. Herbert Henning, District 3, also a member of the Finance Committee and also chairman of the Republican Central Committee, took a different attack on Burke's proposal.

"Lee County has received $120,000 from state income tax sharing, and without this we could not have lived within our budget," contended Henning.

Not mentioning any names, Henning referred to a Dixon city commissioner who has been aggressively seeking state funds for assistance in Dixon landfill operations. The commissioner is James G. Burke, brother of Donald.

Still not mentioning any names, Henning remarked one of the individuals seated up front recently applauded the state grant from the Illinois Law Enforcement Commission. This time he was referring to Fraza.

"Without revenue sharing from the state income taxes, we'd have been flat broke before now," stressed Henning.

Burke reminded Henning the relationship between the state and local government is different than the relationship between local government and the federal government.

"Acceptance of these funds directly from the federal government is a revolutionary change in the historic relation.

"We can sell our soul to the federal government, if we wish, but be warned that where federal money goes federal power also goes," darkly prophesied Burke.

After defeating Burke's motion on a roll-call vote, the board accepted a motion made by Faber which, he said, was made in behalf of the Finance Committee, which stated any federal revenue-sharing funds received be used to reduce taxes.

How board members voted on the question whether to reject any federal revenue-sharing funds (a yes vote is to refuse the funds)—YES, Balser, Burke, Conroy, Considine, Dunphy, Erickson, Fraza, Gittleson, Kant, Rogers, Wegner, 11; NO, Allen, Beggs, Bulfer, Burrs, Faber, Green, Hanson, Henning, Huffman, Kesselring, Koch, McReynolds, Norden, Selgested, Topper, Padgett, 16, Thompson was absent when the vote was taken.

[From the Dixon (Ill.) Evening Telegraph, Nov. 1, 1972]

DON BURKE LASHES OUT AT REVENUE SHARING PLAN

Donald F. Burke, County Board member from District 3, today said he will request the board reject all federal sharing money and to return any funds received to the federal government.

"The whole concept of federal revenue sharing is ill-conceived and represents a new concentration of power at the national level," Burke declared, and suggested, "it increases the dependency upon the federal government by local governments."

The board member, who is on the Finance Committee, charged "This system of revenue sharing is a local officials' dream. We can now spend money without the responsibility for taxing the people for the funds.

"What the federal government is doing is like a father who takes the money his children earn and uses it as he sees fit, returning a small portion of it to them as an allowance.

"He would be the meanest father in town, but when the federal government does it, its supposed to be something great," Burke snapped.

Burke challenged the idea that revenue sharing will lower property taxes as being "ridiculous," pointing out "If we used all our county revenue sharing funds to lower property taxes it would make a reduction of six-tenths of one per cent."

He explained this means a person owning a house valued at $20,000 would have a saving in his annual tax bill of $3.

"We should remember," Burke suggested, "that for every dollar we send to Washington we get 54 cents in return, and in order to reduce property tax bills by $3 a year, we must pay $5.60 in federal taxes.

"Anyone who calls this tax relief must have an unusual sense of humor," scoffed Burke.

"We don't have to be mathematicians to figure out you cannot reduce property taxes by redistributing tax revenues. The only way to reduce taxes is to reduce spending," stressed the Southside board member.

Burke further complained, "In light of the $80 billion deficit of the federal government during the past four years, it is obvious we are not sharing revenue.

"We are sharing the federal debt. But even the federal government has a limit to what it can borrow, eventually the bill must be paid," he prophesied.

"In the case of revenue sharing, the bill will come in the form of income tax increases or a new national sales tax," Burke predicted.

He contended there is no way the federal government can assume the financing of state and local government on a continuing basis without providing a means for raising the money to pay the costs.

"Revenue sharing is a permanent program that must be financed through immediate and permanent tax revenues," Burke alleged.

"Revenue sharing has been hailed as revolutionary," apprised Burke, "and that it is.

"It changes the basic relationship between our national, state and local governments that have stood for almost 200 years.

"This new relationship will not be one of partners, but one of dependents," the board member insisted.

Burke warned any step taken to shift this responsibility and control from the local level to the national level, "which is so far from us, should have come only after long and thoughtful public discussions.

"It doesn't seem possible a bill of this magnitude could move through Congress with so little discussion or opposition.

"And it is harder to believe that of the tens of thousands of local officials, not one voice was heard in opposition. Not one voice was heard pointing out the long-term effects of this action.

"But, then it is probably impossible to speak out when you have your hand outstretched and a grin on your face," bitterly concluded Burke.

[From the Rockford (Ill.) Morning Star, Nov. 16, 1972]

CASH COUNTS, NOT IDEALS

Donald F. Burke has failed in his lonely attempt to turn down a $62,000 handout from Uncle Sam.

Burke, a member of the Lee County Board, doesn't see the federal revenue sharing program as the panacea for all the ills of local government. Moreover, he sees local governments being lured into a federal spider web.

Putting his unpopular convictions out where everyone could see them, Burke proposed to the county board Tuesday that it say "thanks, but no thanks," to the federal government when it gets around to distributing the revenue sharing funds.

In his appeal, Burke theorized that the program would add to the government's deficit, rather than provide tax relief. He predicted the day would come when the federal government would begin auditing all the books of local governmental agencies.

Ten board members voted with Burke, some of them undoubtedly certain their votes were safe expressions of philosophy that wouldn't cost the county any money. There were 16 votes against Burke.

Burke was right. Revenue sharing is going to cost the nation a lot of money. And federal red tape will be pervasive.

But he wasn't realistic. It's not likely that any government—state, city or county—is going to be so guided by ideals and philosophies that it will turn down any offer of money at any time.

ADDRESS BY JOHN D. GRAY

Mr. PACKWOOD. Mr. President, I invite the attention of Senators to the text of an address delivered by Mr. John D. Gray, Oregon land developer and chairman of Omark Industries, before the annual convention of the National Association of Home Builders in Houston, Tex., on January 8, 1973. The substance of Mr. Gray's remarks is an urgent plea that developers consider environmental needs when they build. He maintains that such consideration can increase rather than decrease a developer's profits. I ask unanimous consent that Mr. Gray's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

LAND USE: PROFITS AND ENVIRONMENTAL INTEGRITY

(By John D. Gray)

When a speaker can feel that he's among his own while addressing an audience, then he understandably is most at ease. Being among friends of common interests also makes it easier for him to speak with a kind of candor that is usually possible only among those who share with him similar problems and goals.

Just as are most of you, I am a land developer and a home builder. As such, I certainly need not tire you with tedious reminders of our common problems. I also work the other side of the counter in our industry. Omark Industries, of which I am chairman, manufactures several product lines widely used, directly or indirectly; in construction and homebuilding. They include powder-actuated fastening tools; fasteners and loads; chain for chain saws; stud welding equipment; and Prentice cranes for unloading and placing building materials.

So, you can see, I'm on my own home grounds today.

A BALANCING OF NEEDS

I was very pleased by an advertisement for the National Association of Home Builders published last month in a leading business magazine. Its caption read: "You should see what home builders are doing to the environment. You might be surprised." The ad then pointed out that more and more builders, by employing new land use concepts, are balancing the needs of people with the needs of the land. I hope and trust that these are not just the high-sounding words of an ad man, but are the sentiments of the NAHB's more than five hundred affiliated associations.

I have been responsible for, or closely associated with, six land development projects in the state that has the toughest environmental laws of all the 50 states. Oregon has not dozens, but hundreds, of laws and administrative regulations designed to preserve the pristine beauty of the state. The last legislature alone passed some one hundred out of three hundred environmental bills introduced. Still more are planned in the legislature that is convening today in Salem.

A STATEWIDE PROBLEM

In 1969, Oregon became the first state to say, in effect, that zoning and land use is a state responsibility because it is a statewide problem. It said this by requiring all countries to draft land use plans and zoning ordinances.

The public owns and has access to every inch of Oregon seashore, and our coastal zoning law assigns to the state responsibility for preventing defacement of this scenic resource. So complete is the protection of our wilderness and park areas that in these areas no more noise than that made by a vacuum cleaner—seventy decibles at ten feet—is permitted. We have cleaned up the one major river that is wholly within Oregon. We have banned no-return beverage bottles and cans. We are opening hundreds of miles of bike trails, footpaths and bridle paths. We have a Department of Environmental Quality that doesn't hesitate to close down a polluting factory and a state Health Division that is quick to order cities and counties to stop giving subdivision or plat approvals when a potential health hazard exists.

Oregon's Open Space Taxation Law encourages, through tax policy, the preservation of farms and golf courses and other recreation land by allowing these lands to receive special tax assessments based only on a special open-space valuation.

This week our state legislature is receiving a tough new land use bill designed to enable the state and local governments to implement more effective and coordinated land use programs. Among other things, it would permit the state to sue the uncooperative developer as a public nuisance. I have no doubt that the essential features of this bill will become law.

RUNAWAY SPRAWL SLOWED

Other states also are putting the legal brakes on runaway sprawl and the misuse of land. Vermont, Colorado, New Jersey and Delaware come immediately to mind. It's a trend that can't be stopped and shouldn't be slowed.

The mood of the people suggests that, not only will there be more laws, but that existing law will be strengthened. In Oregon, for example, environmental purity continues to be not just the concern of a few noisy ecological nuts whose efforts bring little lasting benefit. Our water and air, and especially our land, enjoy the loving solicitude of a vast majority of Oregonians—from the week-end camper right up to the governor.

Now, how has this penchant for purity, backed by the toughest laws in the country, affected growth in Oregon? It certainly has not hampered expansion and I frankly believe it has been an element of healthy growth. At any rate, Oregon is growing at a rate faster than the national average.

Our population is increasing so fast that some serious men, both in and out of government, are looking for ways to discourage newcomers. For the seventies, population growth in Oregon is projected at from 15 per cent to 25 per cent—considerably above the 11 or 12 per cent expected for the nation as a whole.

SOLID GROWTH, DESPITE RESTRICTIONS

Between September 1971 and September 1972, home building permits were up 14 per cent nationally, but in Oregon, they climbed more than 25 per cent.

Unemployment in the state is almost a percentage point below the national average, and last year the growth in our civilian labor force was half a percentage point better than the nation's.

It's obvious, then, that our intense preoccupation with, as you say in your ad, balancing the needs of the people with the needs of the land has not retarded economic expansion in Oregon.

How has it affected the land developer? Of course, I can only testify to my own experience. But first, I'd like to describe briefly some of the projects of which I am either owner, majority stockholder, general partner or director.

Salishan on the Oregon coast is a lodge and resort, and it is also a six hundred-acre second home community. In the words of our architect, John Storrs, "At Salishan, nature is a builder's best friend." We have done everything possible not to disturb nature, but rather to make it a part of the whole design element. Among several restrictions aimed at preserving the original beauty of the land is one that is 12 years old which prohibits leaseholders from removing or planting a tree, shrub or other vegetation without written permission. I think we have been successful in taking advantage of the spectacular natural settings by making it appear that the structures were dropped into the woods just as though they belonged there. For these efforts, Salishan has won several awards.

Sunriver community in central Oregon is being developed on 55 hundred acres of pine forest and open meadowland along eight miles of the Deschutes River. The area is one of mountains, lakes, streams, open range and abundant wildlife. And we are bordered on three sides by a national forest.

COMMUNITY WITH AN ECOLOGIST

Just as at Salishan, the coming of man has been more of an enhancement of the land than an intrusion upon it. Sunriver is probably the only community in America with a ful-time ecologist hired, among other reasons, to be a watchdog for the environment. He is responsible for such matters as seeing that only safe pesticides and herbicides are used on the golf course and in the community. He heads up our efforts to protect wildlife habitats and he instructs others on the staff about environmental protection. We listen to him, too.

Currently under development is John's Landing in an older section of Portland along the Williamette River. When completed, this village within a city will represent an investment of over 80 million dollars. I am a general partner in this limited partnership, and shortly I'll discuss in detail some of the concepts behind John's Landing and some of the problems we have met in this on-going project.

Mt. Hood Meadows, of which I am a principal and a director, is a ski resort on Mt. Hood. With this development, too, we have been careful to preserve the beauty of its natural setting. This was not a simple matter, as you will realize when you consider the difficulty of building a ski lift while still saving some of the trees in its path.

I have also been a principal in the planning and development of three business parks in the Portland area. Two Omark plants in the Omark Industrial Park have won awards for blending utility with beauty.

ECOLOGICAL CARE AND PROFITS

All these projects have been successful and profitable, despite the many legal constraints a land developer faces in Oregon. They have been successful, I believe, in part because the developers recognized from the beginning that regard for environmental integrity means not only greater protection of the public interest, but in the long-term, greater profit potential for the developer. As an example, although there were no laws to prevent us from doing so, we chose at Sunriver not to subdivide and sell property right on the banks of the Deschutes River. Instead, we created a permanent riverbank greenbelt. This decision greatly enhanced the value of the more numerous parcels removed from the river's edge. And the river itself is just as beautiful, just as wild as when the Indians fished it.

Now, about John's Landing. This is a private development—a self-contained urban village—in its first stage of development. The site is along almost a mile of dilapidated and untended Willamette riverfront and covers about 60 acres. One thousand living units are planned for three thousand persons. We plan for the community's population to be a cross-section of economic groups and to include students, retirees, singles, couples and families—just as in any small town.

There will be stores, restaurants, a hotel, offices, and a butcher, delicatessen, pie maker, stationer, outdoor shop, toy shop, a coffee, tea and spice shop and many other small establishments. Minimum rent for residents will be about 150 dollars a month with condominiums starting at 35 thousand dollars.

DE-EMPHASIZING THE AUTO

The entire area will be pedestrian-oriented. Shuttle buses and mass transit will help us de-emphasize automobiles by keeping autos out of the central area. Bikeways and walkways along the river, rather than roadways, will predominate.

When we have finished, I hope we have the most attractive mile of developed riverfront in America. We hope also that John's Landing will be a national example of how you can convert a deteriorating industrial area into a real asset for a city and its people. We'll be turning our faces—not our backs—to the river.

We are finding that careful planning and cooperation with all interested groups is paying off. I am sure most of you are aware of the problems faced by any developer who wants to build along the water, especially if the water is a navigable stream. Public objection, from neighbors-to-be and from ecologists, often is the first problem that must be overcome. The community must accept your plans, or you will not build.

John's Landing is being very well-received by the Portland public and officialdom. To date, the publicity we have received has all been favorable, and while there have been problems and frustrations, none of these have been caused by any public antagonism or resistance.

GETTING THE COUNCIL OF ENVIRONMENTALISTS

I think there are good reasons why we have encountered no such opposition. One of the first steps in the early planning stage was to call in the Oregon Environmental Council, a non-profit citizens group that is a militant, but not obstinate, guardian of the state's environmental integrity. We described what we wanted to do and we asked these environmentalists if they could see any objections from an ecological point of view.

As you might expect, they did have some objections. Among a few other things, they said our plans did not appear to assure sufficient protection of the riverbank. They also wanted us to leave the natural vegetation as it was.

My associates and I pondered their reservations and decided the criticisms had merit. We decided to leave the trees and other riverbank vegetation. And we went to the Army Engineers and other consultants and we asked: "How do we protect the riverbank?" They told us, and we planned accordingly.

It shouldn't surprise you when I say that John's Landing has the Oregon Environmental Council as a staunch ally.

We also turned to the residents of the neighborhood bordering our planned development. This is a stable area, bounded by high, steep hills on two sides and by the river on one side. Its residents are a mixture of not-so-recent immigrants, blue-collar workers and retirees. They are in the lower and middle income groups and their homes are modest, but neat and well-kept. It's an area where neighborhood ties are very strong. A 30-year-old grape arbor can be a source of pride to neighbors as well as to the owner.

SOLICITING THE VIEWS OF OUR NEW NEIGHBORS

The neighborhood has a community league that for several decades has been an effective spokesman for the residents. We met with the league several times to explain our plans for the area and to solicit the views of its members. We asked their help in retaining the flavor of the existing neighborhood, a matter which was of considerable concern to them.

Our group explained that, with the development of John's Landing, their properties would increase in value. With this would come the threat of increased taxes, a threat we were prepared to help them resist. You can understand that, if these people are forced out by higher taxes, the area would be opened to developers whose ideas possibly would not be consistent with the concept of John's Landing or the preservation of an old neighborhood.

We told the league that, with neighborhood help, we would make every effort to urge that the tax base of an area resident is frozen so long as he remains on the property. We will also try to arrange for the tax increment on the John's Landing property to be applied to long-promised neighborhood improvements, such as better streets and parks.

Since the meetings with the community league, some of my associates have made it a practice occasionally to stroll through the neighborhood, chatting with residents on corners and doorsteps explaining our plans in detail and answering their questions.

The result of all this has been one hundred per cent support for the development from home owners. The only opposition has come from a few of the smaller businessmen who fear—needlessly, I hope—that higher taxes will force them to relocate.

All along, there was the task of working with several layers of government, and here is where we have had, expectedly, some small and time-consuming problems. To date, there have been over 30 various government bodies contacted, with approvals and permits required from a number of them. The delays and red tape have often been frustrating, sometimes annoying. There was considerable less frustration dealing with state and local bodies than with federal departments. Uncle Sam's inflexible bureaucrats tend to interpret policy in the strictest manner possible and only very rarely do they consider regional differences and local needs and desires.

PUBLIC SUPPORT IS VITAL

Despite these irritating problems, we are still just about on schedule. However, I doubt that we would be had our policies not won the support of the general public and groups that can be concerned by projects such as this one.

So far today, I have tried to show you why I am unalterably convinced that, for the land developer, ecological consideration is another way of spelling expanded opportunity; that the more intelligent the land use, the more the profit potential.

At this point, I would like to discuss what I regard as some new directions that must be taken and some changes in attitude that must be made if we are to find an acceptable answer to the problem of housing the 60 million more Americans will have 25 years from now. That 60 million is more than the present population of the British Isles.

I think first that land owners, land developers and governments should try to understand why new concepts of land use are developing throughout the nation.

To begin with, new land use practices are absolutely mandatory. Some population projections between now and the year 2000 indicate that land needed for urban and related purposes will double the total present urban area. This means, simply, that unless some changes are made, there just won't be enough room. Current statistics on population density can be misleading when you consider that the federal government owns one-third of all the land in the United States.

LAND IS A RESOURCE—NOT A COMMODITY

Until very recently, land was considered a commodity, to be bought and sold and used in almost any manner the owner desired. However, many of us are now recognizing that land is more than a commodity, that it is a limited resource which must be conserved and used carefully. Out of necessity, this new concept must be accepted by land owner and developer alike. Those who refuse to accept it will be legislated out of business. The heyday of the migratory developer has passed.

How do these concepts square with our traditional beliefs about the sanctity of property rights? Our Constitution guarantees that we will not be deprived of our property without due process of law. Courts have held that, if regulation of property is so severe that the use of it is greatly limited, the due process clause may offer relief. On the other hand, the same Constitution was ordained and established, according to its preamble, to "promote the general welfare."

The resolution of this issue lies somewhere between the guarantee of due process and promotion of the general welfare. I am not a lawyer, but I cannot believe that there is no answer to be found in the most sophisticated system of law devised by man.

The development of new attitudes and the adoption of new concepts about land use requires some adjustments in the roles that federal, state and local governments play in the matter.

THE ROLE OF UNCLE SAM

The federal role should be limited to assuring that the individual states act in accordance with individual state needs, which vary greatly. The National Land Use Policy Act, which died in the last Congress and which is being re-introduced in the Ninety-third Congress, would accomplish this. It would require states to establish authority in a state agency for implementing land use programs by any one of the following methods:

(1) Direct state land use planning; or

(2) State administrative review of local land use plans and their implementation; or

(3) State establishment of criteria coupled with review and enforcement.

Passage of this federal legislation would be a great stride forward in the move toward wise land use planning throughout the nation.

But as important as federal legislation and policy is, the heaviest responsibility lies with the states. They will be approving and administering policy and practice at the local level. It is at the state level that your affiliated NAHB associations can be of great help. Your counsel will be needed in your state capitals to prevent the whole scheme of things from going awry.

I hope you will urge your states to approach land use policy with flexibility, avoiding the bureaucratic fallacy that regulation for the sake of regulation is good. And the states should be encouraged to cut red tape where possible so that time, which involves one of the largest expenses in development, can be conserved.

THE SMALL DEVELOPER HAS SPECIAL NEEDS

State regulatory bodies must also recognize the differing problems and needs between the large developer and the small developer, or the latter will be out of business. Where this happens, sprawl will be encouraged to the detriment of both the land and the people.

Regulations must also be kept uncomplicated and flexible, so that innovation will be encouraged. If they are not, our landscape in the future is likely to be an endless repetition of dittos.

If state plans are to be workable, it is tremendously important that states concentrate only on major—and I emphasize the word "major"—land use needs. Otherwise, state agencies will be reduced to becoming over-burdened zoning commissions.

It is also most vital that the states require participation by local governments and local citizens. Without this commitment, any program will be from the beginning doomed to failure.

When it's necessary, local government—the cities, the towns and the counties—must demand of their states the right of participation. And this participation must be by local agencies that are representative of all interests: land owners, developers, environmentalists, farmers, industry, business, labor and banking.

Much unnecessary red tape can be cut if these local authorities will make a real effort to avoid duplicating the administrative processes of other government levels. Where this is done there will be a saving of time and money for just about everyone concerned.

VISUAL POLLUTION NO ANSWER

If the machinery is to work at all, local governments must constantly remind themselves that not every new source of tax revenue is a blessing. Clutter, sprawl and visual pollution is no answer to increasing pressures for property tax relief.

Finally, there is a need for some adjustment in the policies of lending institutions. Lenders should be made more aware of the peculiar needs of the small scale developer whose capital is limited. The needs of the bulk of our population will not be met if the small developer cannot find financial backing.

You hold in your hands a large responsibility for assuring that this land remains America, the beautiful, that it does not become America, the blemished, for you are, more than most, a steward of our environment. That stewardship does not require of you the sacrifice of solvency; it does ask that when you build upon the land you add more than catchpenny shelter.

If you attend your stewardship well, your care will be shown in the color of ink on your balance sheet, as well as in the color and the shape of the land around us.

PARTICIPATORY DEMOCRACY

Mr. HUMPHREY. Mr. President, Senators have recently introduced legislation that takes a giant step toward the universal registering of Americans to vote. I strongly support that legislation which provides for a simple post card procedure. However, let us not blame citizen apathy and alienation entirely on inadequate registration procedures.

We, as the branch of Government nearest the people will be sadly misled if we look no further than the board of elections. There is growing evidence that Americans do not care about their Government and do not think they can change anything if they try. Despite the quick answers that ballots are longer, young people alienated, and campaigns dull; there is growing evidence of a deeper malaise.

Many people are tempted to attribute this lack of voter participation and enthusiasm to current administration policies. The President's "benign neglect" of minorities has led to minorities neglecting the ballot box. The President has reorganized the Cabinet in the name of efficiency. But efficiency toward what end? There are no national goals, no ends. Efficiency is not an end in itself. Changing the names of programs and departments is not the answer. Shuffling people and positions provides no solutions.

Most Americans do not find the issues that concern them on the ballot. The public often feels it has been misled. On some issues there is as often as not a cloak of secrecy. Other vital issues often become involved in a tangled web of agency guidelines and court decisions.

Instead of being angered into action, the electorate has withdrawn. Conventional political theories have failed to explain this phenomena. The last decade saw an unparalleled growth in individual earning power and educational levels. Yet that same period witnessed an overall decline in electoral activity.

Surely the answer is not that we have solved all of our Nation's problems. The average American is not satisfied with the quality of life. America is not No. 1 in health care. America does not have the lowest rate of crime in the world. America is not at the top of the list in quality education. And finally, America is not the No. 1 participatory democracy in the world.

What has happened to the American spirit? Where is the drive to be the best? I submit that this lack of citizen involvement threatens our national existence far more than any external threat.

Mr. President, I ask unanimous consent that two very fine articles by William Chapman on this dilemma be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 1973]

THE VANISHING VOTER

(By William Chapman)

In the early 1960s, John F. Kennedy looked back on the election that had made him President and was surprised to discover how few Americans had voted. Actually, the turnout had been proportionately the highest in modern times, but to Kennedy it seemed terribly low. He appointed a commission to find out why more people don't vote and the executive order creating it began, "Whereas less than 65 per cent of the United States population of voting age cast ballots for presidential electors in 1960 . . ."

If he was surprised then at the turnout in American elections, Kennedy would be astonished today. The rate of voting has dropped sharply since he was elected. About 64 per cent of the voting age population cast ballots in 1960. Last fall, only 55 per cent went to the polls.

That means America is witnessing the deepest and most persistent decline in national voting since the early days of this century. Nothing like it has happened since the proportion of voting Americans dropped sharply between 1900 and the 1920s. In round numbers, 62 million people who might have voted in 1972 did not. That is 15 million more than the number who voted to reelect Richard M. Nixon. Fewer than half vote in congressional elections.

HOW BASIC A CHANGE?

Most peculiarly, the era of the vanishing voter has occurred when, by all the rules of conventional wisdom, voting should be on the increase. The country is richer, better educated, and better informed about elections than ever before. Moreover, this supposedly is the age of "participatory democracy" when we are given to understand that John Q. Public at last has found his voice.

What accounts for the downward spiral? One theory explains it with conventional short-term reasons: Ballots are more complex these days; new young voters, as expected, didn't match their elders at the polls; registration is still difficult; campaigns have been dull and voters momentarily apathetic. In this view, nothing serious has happened; there has been no fundamental shift in political behavior.

This is the opinion of Richard M. Scammon, a prominent elections expert, who says: "I disagree with those on the left who say that everyone is fed up with the system and so they don't vote, and I also disagree with those on the right who say that everyone is happy and satisfied and so they don't need to vote.

"There is the complexity of voting—it's getting worse. I've seen voting forms that are very complex—it's like filling out your income tax," says Scammon. "You had the 18-to-20-year-olds voting this time. Anytime you move a newly enfranchised group into the electorate you get a lower turnout—it happened when women got the suffrage. There are more states now that don't elect a governor in a presidential election year, so that cuts down turnout, too."

Add these together, throw in the comparative dullness of last year's campaign, Scammon believes, and the 1960–72 drop-off is explained.

BEYOND THE VOTER'S REACH

There are others, however, who see it in a different perspective. They believe that a major shift in attitudes is taking place and that, for reasons not fully understood, more and more Americans are *intentionally* disregarding elections which seem less and less important. These people are, in one sense of a much overused word, "alienated" from the election system because it offers many frustrations and no rewards.

One of Scammon's academic friends, Walter Dean Burnham of the Massachusetts Institute of Technology, believes that voting is increasingly irrelevant to a larger and larger number of Americans. It is part of the "decay" of the entire electoral system. Political parties which once anchored millions to the election system are "decomposing."

People, particularly at the bottom of the economic heap, find voting irrelevant to their daily lives. "Look at the people in the South Bronx," says Burnham. "What does voting for President do to help these people out? Or voting for Congress?"

More than simply the poor in America are neglecting the franchise. After all, only about one-eighth of the population is classified as officially poor; yet 45 percent did not vote in a presidential election and a clear majority persistently avoid congressional elections. Obviously, some Americans higher up the economic scale are dropping out.

An American University authority on election procedures, Richard Smolka, believes it is because even important middle-class issues do not get solved by attention to the ballot box. The most vexing problems are perceived as somehow beyond the reach of the voter.

Smolka recently talked about the problem with election officials across the country and came away with their pessimistic conclusions: "They say that people just feel less and less that it's worth their time voting. The issues that most concern them don't get solved by voting. The people are told, for example, that busing is a matter for the courts—so that very pressing issue is beyond their reach. If you think that no matter who you elect, taxes are going to go up, and that it's just sort of in the nature of things, and if you know that busing is a matter for the courts, then voting gets to be less important."

Nationally, the turnout rate has fallen about 9 percentage points since 1960, but the decline in most of the large Northern states is more startling. It was off 14 points in Massachusetts, 13 points in Michigan, 14 points in Illinois.

In Connecticut, always a high-voting state, nearly 77 per cent of the eligible citizens turned out in the presidential election of 1960. Last fall, only 65.7 per cent did so.

TOPPLING TEXTBOOK TRUISMS

Experts may disagree on what causes voting to decline. What is clear is the failure of the traditional textbook truisms to explain it. For a half century, it has been assumed that voting would increase if people rose economically, became more educated, were stimulated by more information, and could register more easily. All of these happened in the 1960s; yet the percentage voting for President fell steadily.

Those lowest on the economic scale always have voted least frequently. In 1968, the Census Bureau found a difference of 15 percentage points between the national voting rate and that of the poorest Americans. As incomes rise, history shows, the likelihood of one's voting also increases.

But family incomes increased dramatically during the 1960s while the turnout rate declined. The median income of all American families rose nearly 70 per cent between 1960 and 1970; the proportion of those voting fell about 9 percentage points between 1960 and 1972.

A University of Michigan study shows more clearly that the habit of non-voting is spreading to the middle-income. It discovered through surveys that last fall 44 per cent of those with family incomes between $8,000 and $15,000 did not vote. A similar survey conducted in 1960 found that only 26 per cent in that income class had not voted. The proportion of the poorest who did not vote was approximately the same in both elections.

There is some evidence, moreover, that the current decline in voting is more prevalent in the middle classes than in the poorest. The percentage of those earning $3,000 or less who voted was about the same in 1968 as it had been in 1964. But there was a 5-percentage-point decline in voting among those earning $7,500 to $10,000, according to Census figures, and a 7-point drop for those earning $5,000 to $7,500. The decline in voting seems more pronounced among the middle and lower middle classes than among the poorest in our society.

EDUCATION AND REGISTRATION

Another truism toppled in the '60's was the assumption that political participation rises with the level of education. In the whole field of political behavior, there is no closer correlation than the one between years of schooling and voting for President.

That relationship seems to have been fractured. Between 1959 and 1972, the proportion of the people over 25 who had completed high school increased by 15 percentage points, according to the Census Bureau. It was accompanied by the 9-point decline in presidential voting.

Perhaps nothing suffered more than the conventional assumption that people don't vote because of technical impediments, chiefly those involved in registration.

It is true that registration is more difficult in the United States than in almost any other Western democracy. In most European countries, the government assumes the obligation of registering citizens; here, it is the citizen's duty and he does encounter obstacles. Voting turnouts in Great Britain usually exceed 80 per cent, and the recent German elections drew more than 90 per cent.

In this country, registration obstacles presumably caused part of the drastic decline in voting that occurred between 1900 and 1920. Eighty per cent turnouts were common in the 1870s and 1880s. Stringent registration laws and other techniques that disparaged voting were adopted around the turn of the century—in the North by "good-government" advocates who deplored election fraud and in the South by whites who deplored black participation.

But the experience of the 1960s indicates that merely making it easier to vote does not increase the national turnout. In fact, the decade was one in which technical barriers fell one after the other. The poll tax was outlawed. Literacy tests were abandoned. State residency requirements were relaxed. In states such as Texas and Virginia the long period between closing of registration books and election day had restricted voting; that was abandoned. Election officials today make more serious efforts to register prospective voters. Precinct registration has become more common.

So the average American voter last year had an easier time becoming eligible than at anytime in the last half century. Still, the percentage of people voting declined.

THE CASE OF CALIFORNIA

The Gallup Organization discovered last fall in a post-election poll that technical obstacles played only a minor role in discouraging voters. Its survey asked non-voters to designate reasons why they did not participate. About a third cited a lack of interest in politics and an additional 10 per cent felt they did not have a good choice of candidates.

George Gallup concluded that ". . . only a small proportion of non-voters appears to have a reasonably legitimate excuse for not voting. According to their own testimony, the large majority of non-voters could have voted if they had made an extra effort to register and vote."

A 1970 questionnaire by the Census Bureau turned up evidence that only about one-third of the unregistered remained so because of legal impediments or technical difficulties.

Perhaps the small state of North Dakota offers the most vivid proof that easy registration does not assure a large turnout. North Dakota has no registration requirements whatsoever. Yet between 1960 and 1972 the proportion of eligible North Dakotans voting in presidential elections declined by 9 percentage points.

Nothing better illustrates the failure of old assumptions to explain the turnout decline than the case of California. The income of its residents rose dramatically in the 1960s. So did the level of education. California is the cradle of participatory democracy, the state where parties are rather healthy and where citizen politics flourishes. Media coverage is extravagant. Registration is simple. Door-to-door canvassing and expensive, computerized registration campaigns are common. In 1972 alone, an estimated 2 million voters were added to the rolls. But between the presidential elections of 1962 and 1970, the proportion of Californians who actually voted fell off by 7 percentage points.

"WHAT'S-THE-USE" VIEW

If the conventional explanations don't suffice, what does cause the long-term decline in American voting? Many political scientists and practitioners of survey research believe that only a fundamental shift in political attitudes can account for it. They believe that elections mean less and less to more and more people, that a condition of general estrangement from politics is becoming pervasive. And from the grass roots in Florida comes some convincing evidence to support them.

For many years, like other one-party states in the South, Florida held general elections to which few people paid attention. The state always went Democratic in November, so not many bothered with the ballot. Even a presidential election which attracted more than a third of the eligible voters was a showcase of democracy. Then, gradually, with the coming of two-party competition, Florida voters began taking interest and the turnout increased.

But last year, the tide changed abruptly and the turnout of voting-aged persons was about 5 percentage points lower than in the presidential election of 1968. Only half the eligible people voted. The number participating in Florida's highly publicized first presidential primary was also surprisingly low.

Among the state officials who were puzzled was Secretary of State Richard Stone. To find out what happened, Stone mailed questionnaires to some 15,000 Florida election pollworkers, asking their opinion of why the turnout had been so low. The replies came back with varied reasons: There were too many candidates, the ballot was cluttered with amendments, the news media had not explained the issues adequately.

But heading the list was what Stone, in a report to the governor, called the "what's-the-use" attitude. The leading cause of low voter turnout, Stone concluded, was that people simply didn't think elections mattered very much.

Stone wrote: "The letters (from pollworkers) tell us that citizens feel candidates make promises they do not keep and feel that no matter whom they vote for it makes no difference—nothing changes, and so, as they put it, what's the use voting? This lack of confidence in candidates and officials is strong and must be heeded by all of us. The what's-the-use attitude apparently kept a sizable number of citizens away from the polls in 1972." It was "painful" news for elected officials, Stone acknowledged, but that was nevertheless the verdict of his pollworkers.

By all the sophisticated measurements of modern social research, they were dead right.

BLACK CYNICISM

The research on last year's presidential election also describes who is becoming alienated and therefore most likely to forget about voting. Blacks, for example, were until recently among the least cynical in their attitude toward the federal government; now they are the most. People who voted for George C. Wallace four years earlier felt distrustful, unable to make their views heard, and unlikely to vote. Young people now are as cynical about government as are the middle-aged.

"Alienation" is commonly associated with a condition of anger, and to many it is symbolized by violent student protests, urban riots, antiwar marches, and civil rights demonstrations. But it also embraces a passive withdrawal from politics, an indifference and sense of estrangement.

At election time, the alienated may in fact use the ballot to strike out at officials they dislike. Some studies have shown a high degree of alienation among those who voted against public fluoridation of water; the referendums gave the angry a chance to show their displeasure with local officeholders. Other studies have shown the same pattern in defeated school bond referendums.

But more than likely, particularly in national politics, the alienated voter goes fishing. He doesn't bother unless the election offers a vehicle for expressing his anger at the way things are. For example, nearly a fourth of the people who voted for Gov. Wallace in 1968 stayed home in 1972; the turnout in 1972 of those who had voted for the major party candidates in 1968 was higher.

Research results in the past half dozen years have astonished even the surveyors, who have noted an unprecedented increase in alienation and sharp changes within specific population groups. To them, alienation is no longer a rhetorical term of the New Left but a measurable condition affecting the entire political system.

GROWING MISTRUST

The evidence comes from the biennial surveys conducted by the Institute of Social Research at the University of Michigan. The most important are two scales, each based on a set of several questions. One scale measures citizen mistrust of the government. The other measures how strongly the citizen feels he can influence government actions.

On the first scale, there has been a sharp increase in mistrust of government. One question asks, "Does the government waste much money?" In 1964, not quite half believed "a lot" of money was wasted; last fall, 2 out of 3 gave that pessimistic answer.

Another question: Is the government run for the benefit of all the people or for the benefit of a few big interests? Eight years ago, about 1 out of every 4 Americans believed government was run for the benefit of "big interests." Now, 2 out of 4 say they believe that.

The most basic question is, "How often do you think you can trust the government?" In 1964, 22 percent said they trusted the government "only some of the time." Now, 45 percent feel that way.

After reviewing such findings, Arthur H. Miller of Ohio State University wrote: "A situation of widespread, basic discontent and political alienation is the existing condition in the United States today."

Miller arranged the responses on a composite "cynicism" scale and separated them by race. He found a startling increase in cynicism among blacks in a period of only four years (1966–70). Blacks, it seems, had been more trusting of government than whites before the mid-1960s. Curiously, the sharp decline set in just after a historic two years of civil rights legislation. In 1964, only 15 percent of blacks gave the most cynical responses to the questions on trust in government. In 1970, 56 percent did so. The increase in cynicism among whites was not so great, although it was still pronounced.

THE SKEPTICAL YOUNG

Another University of Michigan survey last fall found blacks also deeply discouraged about whether government responds to what they think. Only a fifth of them believed government paid "a good deal" of attention to them when deciding policies. There was also a sharp drop in the proportion who believed that having elections makes the government pay attention to what people think. In 1964, two-thirds had believed elections force government to pay attention to what people think; less than half did last fall. Again, the whites' belief in government responsiveness had declined, too, but not as much as blacks'.

On the surface, it seems surprising that black cynicism should increase so drastically after a period of civil rights legislation and economic advances.

"It's the old theory of 'relative deprivation,'" asserts Joel Aberback, a University of Michigan political scientist who is an authority on race and alienation. "It's not what you achieve but how much you think you were entitled to achieve. Blacks have made advances, but not as much as they thought they would."

In the preliminary results of the 1972 election study, Miller also uncovered another sharp change: Young people had become much more cynical. Contrary to much popular writing about alienated youth in the 1960s, the Michigan surveys had found, rather consistently, that the young were more inclined to trust the government than were their elders. But by last fall, they had become just as cynical as their parents' generation. About 45 percent of them believed they could trust the government "only some of the time."

Miller believes the depth of cynicism is directly related to the decline in voter turnout of the past few years. Those distrustful of government are not motivated to vote, and as the level of distrust rises the level of voting goes down. Of those who indicated they would vote last fall, 42 per cent gave cynical responses in the Michigan survey. But 57 per cent of the probable non-voters were pronounced cynics.

A SENSE OF RESIGNATION

The other important test of political alienation, measuring how much the citizen feels he can influence government, is known as "efficacy." It is closely related to voter turnout, past surveys have shown; the person who feels he can affect the course of politics is likely to vote.

During the late 1960s, the citizens' sense of their own political power declined. They were more apt to agree with such statements as: "People like me don't have any say about what the government does." Or, in 1960, for example, 24 per cent of the people believed that public officials didn't care what they thought; in 1970, about 47 per cent believed that. By last fall, moreover, nearly three-quarters of those surveyed felt that politics and government are sometimes too complicated for them to understand.

Those responses depict a public increasingly dubious about the value of voting and increasingly distrustful of the people it elects. The reasons vary. For some it may be Vietnam, for others civil rights. For some it is disenchantment with what the government does. For others it is what government promises but does not do.

It seems to be not so much a condition of anger as of resigned acceptance. American University's Smolka says, "The basic problem is that there's a lack of any concrete expectations of what's going to happen if we vote in a certain way. We just don't know what our vote is going to mean."

Ohio State's Miller adds: "If this were something that could be changed by 'throwing the rascals out,' we wouldn't be seeing this. If people felt they could vote in a new administration that changes things people would feel efficacious and trustful. But they think that you vote in a new administration and nothing changes. People don't like what government is doing and they don't see an alternative choice, so they stay at home."

[From the Washington Post, Jan. 30, 1973]

LOW VOTER TURNOUT: A FEELING OF POLITICAL WEAKNESS

(By William Chapman)

There are only three certainties in an American election. There will be a winner. There will be a loser. And there will be a barrage of editorials deploring the fact that so many people neglected to vote. Grim declamations about low voter turnout are only slightly less common than editorials praising local football teams and denouncing the decline in general civility.

The non-voter is accused of ignoring his heritage. Brave men die on battlefields to protect his suffrage and then he spurns it, we are told. A few spread the blame around to embrace recalcitrant poll officials and complicated registration laws, but usually the non-voter has to bear the calumny alone.

Now that only 55 per cent of us are voting in presidential elections, and less than that in congressional elections the line is getting harder to sell. Could 62 million non-voters have been wrong last November? Maybe so, but that's a lot of people and certainly some of them are trying to tell us something.

They are telling us, according to assorted political scientists and public opinion surveys, that they don't think elections really matter so much any more. So why bother? The issues closest to their hearts and pocketbooks aren't presented in any sensible form during the campaign. As Richard Smolka of American University said recently, the voter can't have any "concrete expectations" that his vote will change the direction of government.

During his first term, President Nixon visited Russia and China to symbolize the burial of the Cold War. He scaled down the war in Vietnam but didn't end it and momentarily he invaded Cambodia. He introduced and supported a radical change in welfare policy. He instituted wage and price controls.

Those decisions have one thing in common: None could have been known to the voter who participated in the 1968 election. So the most important events of Mr. Nixon's first administration were those which no one could rationally have anticipated on election day that year.

Perhaps more significantly the experts and the surveys tell us that people feel the important decisions are beyond the reach of whichever politicians they elect. The lever in the voting booth is not the lever of power. The important decisions are made by the courts or the bureaucracy.

Our longest war, just ended, was never declared by our congressmen and senators. The price of bread and milk on our tables will be determined by administrative fiat. Since 1966, virtually all of the decisions affecting civil rights have been made by courts and administrative enforcement agencies.

Richard Scammon, a leading authority on election behavior, recently glanced over the low-turnout returns for 1972 and expressed surprise. "You would think," Scammon said, "that if people are really unhappy about things they would turn out like crazy. I can guarantee you that if there were an election on busing in Prince George's County today there would be one hell of a turnout." But that is just the point—there isn't any Prince George's referendum on the most pressing issue in the country and it wouldn't make much difference whether a politician was pro- or anti-busing. The courts make the decisions.

No one voted last year to raise the price supports on milk, something that could affect virtually every family budget. No congressman they voted for had a chance to support or oppose the increase. That was determined by an administrative order—and only after a bundle of cash went from milk producers to Mr. Nixon's reelection committee.

The point isn't that these decisions were good or bad, fair or arbitrary. The point is that busing and milk prices and wars are the things people worry about but can't seem to influence. An accumulation of these experiences, over a period of time, produces a widespread feeling of political inefficacy. In

1970 according to the Institute for Social Research at the University of Michigan, about three fourths of all Americans believed that government is so complicated that they sometimes couldn't understand what was happening. That was about 20 per cent more than the number who felt that way 10 years earlier.

The familiar rebuttal, of course, is that in a complex industrial society bureaucracies must grow and courts inevitably expand their power and the executive will assume more authority. So people invariably will find the levers of power growing more remote. But so, it seems, will they also stop reaching for the levers in their voting booths.

FINANCIAL STATEMENT BY SENATOR AND MRS. STEVENSON

Mr. STEVENSON. Mr. President, as an officer of my State, and now the Federal Government, I have always made it a practice to publicly disclose all my economic interests. Since entering the Senate I have in January of each year entered a financial statement in the RECORD and updated it quarterly with statements available to the public in my Senate offices. I will continue that practice. I ask unanimous consent that a consolidated statement of the financial condition for my wife and myself be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Consolidated financial statement of Senator and Mrs. Adlai E. Stevenson III, January 15, 1973

REAL ESTATE	
Home, Chicago, Ill	$90,000
Home, Washington, D.C. (cost)	125,000
One-third interest, residence, Beverly, Mass	30,000
Interest in farm, JoDaviess County, Ill	67,500
Fractional interest, Fisk Building, Amarillo, Tex	3,200
Fractional interest, 1776 Pennsylvania Avenue, Washington, D.C.	20,000
Fractional interest, 633 Folsom Street, San Francisco	12,000
Real Estate, St. Maarten Island	8,000
STOCKS AND BONDS	
12,640 shares, Evergreen Communications, Inc. (publishes Bloomington, Ill., Daily Pantagraph, operates WROK, Rockford, Ill., and WJBC, Bloomington, Ill., owns 10 percent of Bloomington, Ill., CATV)	160,000
3 shares, Bloomington Broadcasting Corp., class B, nonvoting	1,500
533 shares, KBA Townbuilders Group Ltd., Tel Aviv	550
10,000 bonds, Baltimore, Md. 6.25 percent, Oct. 15, 1984 (market value as of Dec. 31, 1972)	11,275
International Harvester Commercial paper (market value as of Dec. 31, 1972)	22,000
98 shares, International Business Machines (market value as of Dec. 31, 1972)	39,396
210 shares, Xerox (market value as of Dec. 31, 1972)	31,343
442 shares, Harris Intertype (market value as of Dec. 31, 1972)	20,056
100 shares, Spectra Physics, Inc. (market value as of Dec. 31, 192)	6,800
200 shares, General Electric (market value as of Dec. 31, 1972)	14,575
156 shares, R. R. Donnelley & Sons (market value as of Dec. 31, 1972)	3,296
300 shares, Zayre Corp. (market value as of Dec. 31, 1972)	8,100

Consolidated financial statement of Senator and Mrs. Adlai E. Stevenson III, January 15, 1973—Continued

STOCKS AND BONDS—Continued	
300 shares, Rorer-Amchem, Inc. (market value as of Dec. 31, 1972)	$9,713
200 shares, Aetna Life & Casualty (market value as of Dec. 31, 1972)	14,625
450 shares, Narco Scientific Industries (market value as of Dec. 31, 1972)	12,657
400 shares, Robertshaw Controls (market value as of Dec. 31, 1972)	15,000
CASH	
Less current obligations	10,000
MISCELLANEOUS	
Personal property, including securities of nominal value, furniture, cars, paintings, and clothing	50,000
Total	786,586
DEBTS	
Mortgage—Perpetual Building Association, Washington, D.C.	77,551
Mortgage—Continental Bank, Chicago, Ill	17,683
Note payable to Charles J. and Charlotte T. Whalen	3,375
Total	98,609

LYNDON B. JOHNSON

Mr. YOUNG. Mr. President, many moving and eloquent tributes have been paid to the late President Lyndon Baines Johnson.

As an indication of the esteem in which he was held in North Dakota, I ask unanimous consent that the editorials which appeared in the Fargo Forum, published at Fargo, N. Dak., the Bismarck Tribune, published at Bismarck, N. Dak., the Minot Daily News, published at Minot, N. Dak., and Grand Forks Herald, published at Grand Forks, N. Dak., the Morning Pioneer, published at Mandan, N. Dak., and a column entitled "It Seems to Me," appearing in the Lidgerwood Monitor of January 25, be printed in the RECORD, along with an editorial appearing in the Teller, published at Milnor, N. Dak.

I also request that a resolution of condolence adopted by the Board of City Commissioners of Fargo, N. Dak., be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[Editorial from the Fargo, N. Dak., Forum, Jan. 25, 1973]

LYNDON B. JOHNSON MUST BE ADMIRED FOR STRENGTH HE SHOWED AS PRESIDENT

Today, the nation is in mourning for the last of its former presidents, Lyndon B. Johnson. The man who committed over a half million American military personnel to a land, sea and air battle died less than 48 hours before his successor, Richard M. Nixon, was to proclaim to the nation that a ceasefire had finally been signed with North Vietnam. It is significant that the end of hostilities is coming pretty much on the same basis former President Johnson would have agreed to when he finally got the North Vietnamese to the negotiating table in Paris in the last year of his five and a half years as president.

Unfortunately, the leaders of his party who have expressed their sadness in his death stress only his commitment to progress in the field of civil rights and in the war on poverty. They still tend to blame him for America's involvement in the Vietnam War on the Asian continent, and cannot bring themselves to concede, even at this final moment, that if he hadn't followed the course he did from 1965 to 1968, he would have now been regarded in the same light as Neville Chamberlain of Great Britain has been regarded for failing to stand up to Adolph Hitler in the pre-World War II days in Europe. Former Prime Minister Chamberlain is now regarded as a weak leader who succumbed at the conference table, rather than insist that Germany honor its commitments.

Chamberlain's place in history is not one of honor. He is still regarded as the "appeaser." He is still accused of hastening the beginning of World War II by failing to stand firm when firmness was needed. President Johnson did not want to be regarded in the same light in American history, and he boosted this nation's military commitment to Vietnam to undreamed-of heights after winning the 1964 presidential contest against a militant Sen. Barry Goldwater of Arizona, whose campaign utterances led the voters to believe that American forces would be marching into Hanoi the day after Goldwater took office, if elected.

President Johnson campaigned against further American involvement, and won 61 per cent of the popular vote, swamping Goldwater. Still, he found it necessary to build up American military strength in Vietnam to the half million figure, and still could not bring hostilities to an end. More than anything else, his failure to win the peace in Vietnam caused him to bow out of the 1968 presidential campaign and ultimately turn the office over to Republican Nixon.

Still, President Johnson has to be admired for the strength he showed as president. He came into office on a day of turmoil, when President John F. Kennedy was assassinated in Dallas. He took the oath of office on the plane that was carrying President Kennedy's body back to Washington. He was the old politician stepping into the shoes of a younger and greatly admired president. Well, the old pro who was put on the 1960 Democratic ticket to help hold some of the southern states for candidate Kennedy came on with his own program, his own finesse at dealing with Congress. He had full support on the Vietnam adventure for the last year of the Kennedy term and the first two years of his own term, but after that things began to go downhill on the war. Too many draftees were losing their lives in the Vietnam War, and too many reserves and national guardsmen were avoiding combat assignments. Too many draft-aged young men were finding the exemptions in colleges and through early marriages.

President Johnson's admirable record on the extension of voting rights to the Negroes in the South, and his efforts to combat poverty in both the north and south, particularly in the urban centers, did win firm congressional support, but these gains could not offset the Vietnam losses. His setbacks in Vietnam still cloud the praise of his former cohorts. President Nixon has said kinder things about President Johnson than have many of those who served in Congress with him or supported his administration in the early years.

President Johnson, of course, has to be remembered in the Upper Midwest because he picked Sen. Hubert Humphrey for vice president in 1964. The great Democratic victory in that year saw the Democrats win control of the North Dakota House of Representatives for the first time and return Gov. William L. Guy to his third term in office and Democrat Sen. Quentin Burdick to the Senate.

Then in 1968 President Johnson was the man who directed that the Democrats run Vice President Humphrey for the presidency against the Republicans' one time vice president, Mr. Nixon.

The eulogies for President Johnson stress his domestic record, gloss over the Vietnam War. It will be up to the historians in some future year to determine whether President Johnson started the proper course in world affairs as well as in domestic affairs. He showed the same courage that the other former president who died less than 30 days previously, Harry S. Truman, did when he ordered American troops into the Korean War in the early 1950s. Truman has been praised and Johnson villified for following essentially the same policy. Now that a cease-fire is fast becoming a certainty, it could be that the judgment on President Johnson will take on kinder terms.

[Editorial from the Bismarck (N. Dak.) Tribune, Jan. 24, 1973]

L. B. J.: MASTER TECHNICIAN

Lyndon B. Johnson was majority leader of the United States Senate when a group of Bismarckers went to Washington to urge establishment of a major federal facility in the Bismarck area.

Among those the Bismarck group called upon, at the suggestion of North Dakota's Senator Young, was Senator Johnson.

He received his visitors with true western cordiality, listened to their story with apparent interest and asked questions which indicated a desire to be of help.

And during a good deal of the conversation he sat with his feet cocked on the top of his desk, relaxed and disarming and agreeable.

This was the sort of a man that Lyndon Johnson was: plain, earthy, easy to talk with, good listener, great visitor.

And a great technician, both as senator-majority leader and as President of the United States.

The tributes from national leaders and others, and the resumes of his public life as senator and President, have stressed what he was able to accomplish in the way of progressive domestic legislation during his time in the White House.

They have noted that greater advances were made in the area of civil rights, and principally in racial equality, during his Presidency than during any period before or since.

Yet Johnson never seemed to evoke a response in personal affection and even gratitude from those he helped and from those he led so successfully.

They admired him for his consummate ability as a legislative technician but they did not love him. The same intellectuals who had failed so miserably to accomplish their objectives in the preceding Kennedy Administration reacted to Johnson with ill-disguised contempt when he achieved what they had not achieved.

As also has been repeated many times, the Vietnam war, the frightful product of his immediate predecessor's error, so over-clouded his Administration as to virtually erase what little personal credit Johnson did receive for his domestic achievements. It was Johnson's mistake to escalate that war until more than half-a-million American troops were involved with casualties running into the tens of thousands and ensuing complications that have taken four years to untangle. A mistake, we say; but never should anyone feel that President Johnson did anything other than what he believed to be right and good for his country and the rest of the world. He did, we are sure, what he believed to be right and good, and of no man can more be asked.

[Editorial from the Minot, D. Dak., Daily News, Jan. 24, 1973]

LYNDON JOHNSON—A GREAT MAN

Unexpectedly the nation pulls itself together to lay a richly deserved wreath on the grave of Lyndon Johnson, the forceful 36th President of the United States and a man who loved the people.

Less than a month from the passing of Harry S. Truman, another man of the people, Mr. Johnson died. His death followed by a a few days the inauguration of his successor, President Nixon, for a second term.

Lyndon Johnson was the Vice President when with a firm hand he took the presidential office Nov. 22, 1963, the day that John Kennedy was assassinated.

Mr. Johnson, using his great skill in congressional relations, pushed Mr. Kennedy's legislative program through Congress. He did it with a success that Mr. Kennedy doubtless would not have had, had he lived.

Then elected as President in 1964 by a landslide, Mr. Johnson won a firm place in history by gaining passage of strong civil rights legislation, although he was a Southerner. He went on with programs intended to improve the position of the nation's poor, its children and its aged, particularly benefitting black Americans.

Mr. Johnson's skill in managing Congress, both before he became Vice President and afterward when he was President, probably was unsurpassed in American history. His accomplishments on behalf of the minorities were a case of forcefully striking the iron while it was hot.

He was a big-hearted, loyal, impatient man. As a result of what he accomplished, the nation never again—even in periods of reaction—will drop back to the complacency which existed before, with regard to the poor and the black.

It is ironic, then, that after such a record, Mr. Johnson should have found himself in the midst of trouble. There was turmoil on the domestic front. Partly, perhaps, it stemmed from "rising expectations" of many who had never had it so good. Mainly it was a result of our involvement in a much-stepped-up war in Vietnam. He simply could not believe that our avowed goals there could not be realized, or that the nation would not stand united until those goals were accomplished.

It became a war in which the President himself as commander-in-chief, felt trapped, even as other Americans felt. There was no discernible way, it seemed, to put down the Viet Cong and the North Vietnamese; no way to extricate or terminate. President Johnson to a large degree was left to prosecute the war and make it his day-and-night worry, while many others in public places carped and criticised and condemned. While the war wore on, shocking expressions of alienation, protest and lawlessness in cities and on college campuses left the country confused.

The President, though sometimes tempestuous personally, was too much of a Populist to feel good about his duties as commander in chief. He was out of his element in military and foreign affairs. Some of the advice he got was poor. Meanwhile this most unhappy warrior suffered the calumny of being portrayed as a war monger.

Mr. Johnson inevitably must bear some responsibility for military decisions that escalated the war in hope of bringing it to an end. Some supposedly wise advisers in government could not show him a way to deal effectively, all at once, with national commitments abroad, with enemies in the field, and with the host of armchair quarterbacks at home and in the Congress and on the campuses. It was President Johnson, however, who initiated negotiations for a settlement.

Now as Lyndon Johnson is carried to his grave, the negotiations that were continued and expanded by President Nixon have borne fruit. Now we all know how frustrating, how difficult it has been to bring North Vietnam to realistic negotiations. It has come about only after further escalations of the fighting during a period when the great body of our land troops were being withdrawn.

Whoever is blamed for what, we now see this tireless man, who did not spare himself, taking his rather large place in the succession of our Presidents. He was a man of devotion to our country, and one whose dedication to equal opportunity for everybody was as great as any. In his and our most trying months and years he had our sympathy, and now he has our appreciation.

[From the Grand Forks (N. Dak.) Herald, Jan. 23, 1973]

REQUIEM FOR L. B. J.

History will probably be kinder to Lyndon Baines Johnson than have his contemporaries.

Seldom has a President been so rejected and shunned as much as Mr. Johnson in the years after his presidency. One must go back to Herbert Hoover, also a victim of policies which had their beginning before he took office, to remember a President who fell into such disrepute among his own party, and Americans at large.

But with the passage of time, Lyndon Johnson will be remembered as a masterful political tactician, a man of great human concern and a person who got things done. The shadow which the Vietnam War threw over his career may be lifted more quickly than now seems possible simply by the fact that it is a war which the American people want to forget.

The parallels between Mr. Johnson and Harry Truman, who died only last Dec. 26, are striking. Both made their names in the U.S. Senate after going to Washington with only slight local reputations. Both advanced to the presidency upon the deaths of Presidents of great popular appeal and both surprised with the speed and assuredness in which they turned their administrations into their own.

Both had to undergo unusually bitter scorn, but rose above it.

Mr. Truman lived long enough after his White House years to see the workings of history begin to lift his reputation. Although Mr. Johnson did not, and in fact was ignored at the last Democratic National Convention, he, too, undoubtedly will be elevated in esteem by the passing of the years.

[Editorial from the Morning Pioneer, Mandan, N. Dak., Jan. 23, 1973]

LYNDON B. JOHNSON

He inherited the presidency suddenly on that awful afternoon, Nov. 22, 1963. It was not an auspicious beginning. As a Southerner, he had been the first choice for the presidency of only a few in 1960. As vice president, he had been kept carefully on the sidelines of the New Frontier.

America did not know what to expect from its new president.

In the ensuing weeks and months, Lyndon Baines Johnson helped restore a feeling of sanity about American public life. He soothed the nation. This was his first great accomplishment. He was a master in the art of healing hurts.

After an immense political victory in 1964, which saw a Congress elected that in large measure was willing to enact the laws he asked for, Johnson presided over an immense output of domestic legislation, much of which was useful.

His second great accomplishment was the commitment of the federal government to racial justice. Johnson understood the dilemma of the black man in America better than any president, past or present. He gave leadership when it was needed to prod the nation into making good its promise of equal opportunities for all.

Finally, LBJ humanized the presidency. A third accomplishment which didn't seem so much a virtue during the Johnson years as it has become in retrospect.

LBJ, like his great political mentors, Sam Rayburn of Texas and Franklin D. Roosevelt of New York, was real. He liked to tell earthy jokes, he shared his joys and sorrows with the nation via television, he liked to drink whisky and Squirt by the pool at his Texas ranch.

His was a far different—and in many ways more appealing—way to conduct the presidency than the aloofness of Eisenhower, the fairyland glamour of Kennedy or the remote invisibility of Nixon.

Johnson's presidency foundered on the war in Southeast Asia, a conflict already underway when he took office. He continued a direction already pointed out by his predecessors. The wrong direction.

But passions about this war will cool in time, as do all political passions. And with the cooling will come some softening in the judgment of Johnson's war policies. In any event, his accomplishments remain.

[From the Lidgerwood (N. Dak.) Monitor,
Jan. 25, 1973]

IT SEEMS TO ME

(By C. W. Frost)

This is a week to remember! Nixon's inauguration can be the clue to help you remember—January 20, 1973, was Saturday; Monday was President Johnson's death, the last living past president gone, three of them during Nixon's term in office; then the announcement of the end of the country's longest war on Wednesday. You won't find another week like that in a hurry. The résumés of Johnson's five years in office were a good review of the Vietnam war, too, though it began as far back as when President Eisenhower still lived in the White House. If he had taken a different attitude, the whole story might have been different, since everyone felt he knew best on anything connected with war.

But then we easily forget the climate of the times then. I certainly cannot blame Johnson for sending half a million of our boys to Vietnam. Along with almost everyone else I took it for granted those little brown people would slink away home after one glance at our Lil Abner types.

[From the Milnor (N. Dak) Teller,
Jan. 24, 1973]

EDITORIALLY SPEAKING

The nation mourns once more with the passing of another great leader of our time, Lyndon B. Johnson, 36th President of the United States.

Fate seemed to work against this great leader whose political career was marred by an inherited conflict which now seems only hours away from being settled, yet not soon enough for him to have the pleasure of knowing.

Lyndon B. Johnson has been acclaimed by political leaders throughout the United States as one of the most powerful men in Congress while serving as a senator and he will go down in the annals of history as a president who managed to put more social legislation through a reluctant Congress than any other president since Franklin D. Roosevelt.

The nation's flags have again been ordered flown at half mast by President Nixon while the order for flying them at half mast for former President Truman was still in effect.

Republicans and Democrats alike join in the eulogies expressed for this great leader and join in their expression of sympathy to the bereaved.

[City of Fargo (N. Dak.), Jan. 23, 1973]

RESOLUTION OF CONDOLENCES ADOPTED—FAMILY OF THE LATE LYNDON BAINES JOHNSON

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption. (Vice President Markey presiding.)

Whereas, it was with profound sorrow that the Board of City Commissioners of the City of Fargo learned of the untimely passing on of the late, beloved, Honorable Lyndon Baines Johnson, who served his Country as Vice President for over three years and as President of the United States for five productive years; and

Whereas, the Honorable Lyndon Baines Johnson compiled an outstanding and distinguished record of service to the people of the United States by taking bold, strong and aggressive leadership roles in proposing and the enactment of vital legislation to help the disadvantaged in our society and to make the American dream more of a reality; and

Whereas, the Honorable Lyndon Baines Johnson's efforts in behalf of civil rights culminated in the enactment into law of the famous civil rights law of 1964 which will always be identified as a hallmark in the career of American Presidents; and

Whereas, the record of achievements of The Honorable Lyndon Baines Johnson covered many years in service as a distinguished Member of the House of Representatives and thereafter as a Member of the United States Senate where he was the Majority Leader and cooperated in a bi-partisan manner with the late President Dwight Eisenhower, thereby clearly placing the needs of his Country and its people above the narrow confines of partisanship and yet retaining devoted loyalty to the party which he served so vigorously throughout the years; and

Whereas, the Honorable Lyndon Baines Johnson has compiled a record which time and history will, we feel, judge him kindly and gratefully.

Now, therefore, be it resolved, that the Board of City Commissioners of the City of Fargo, on behalf of the people of Fargo, does hereby express its profound sorrow at the untimely passing on of The Honorable Lyndon Baines Johnson and does hereby express its gratitude to President Johnson for his distinguished service to our Nation and its people and does hereby express its gratitude for the great service that President Johnson rendered the American people.

Be it further resolved, that this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies furnished to the family of the late, beloved Lyndon Baines Johnson and that copies be furnished our Congressional Delegation with the request that it be entered upon the Congressional Record and placed on file at either The Johnson Library in Austin, Texas or the Archives of the United States of America, whichever the Johnson family prefers.

Be it further resolved, that the Offices of the Fargo City Hall be closed during the memorial service to be conducted honoring the memory of the late, beloved Lyndon Baines Johnson.

Second by Stockman. On the vote being taken on the question of the adoption of the Resolution Commissioners Stockman, Lashkowitz and Markey voted aye.

Commissioner Bromenschenkel passed his vote, stating that he is in complete agreement with the Resolution, but does not feel that City Hall should be closed.

Absent and not voting: Commissioner Schuster.

The Vice President declared the Resolution to have been duly passed and adopted and returned the Chair. (President Lashkowitz presiding.)

HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners, City of Fargo, North Dakota.

COMMENTARY BY ELIZABETH DREW

Mr. NELSON. Mr. President, the February issue of the Atlantic Monthly contains another of the perceptive and thoughtful commentaries by Elizabeth Drew, a Washington reporter, for the Atlantic.

Elizabeth Drew's article ought to receive wide and thoughtful attention. I ask unanimous consent that the text of her article in the February 1973, Atlantic Monthly be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPORTS AND COMMENTS

WASHINGTON.—Last summer, during the Republican convention in Miami, a brief item appeared in the *Wall Street Journal's* "Washington Wire" column headed "Who's Up?" which said a lot about both the Nixon Administration and how the press reports on it. "The White House staff is up," the item revealed. The evidence: "Members attending the Republican convention ate in the Doral Hotel's elegant main dining room, at party expense. Cabinet officers were relegated to the downstairs coffee shop, had to pay their own bills." What are commonly referred to as "Washington observers"—those sifters of tea leaves and traders in gossip who interpret the government to each other and to a presumably breathless public—know their signals and symbols. The *Wall Street Journal* item signified how it was within the Nixon Administration, and furthermore how it would be, and how, in fact, it would have been no matter who had been in power.

The President's recent "reorganization" of the government continued a trend toward gathering power within the White House that has accompanied the growth of government itself. When the President announced from Camp David, his Maryland retreat, in November that "we are going to put greater responsibility on individual Cabinet members for various functions that previously had been that of the White House staff," experienced and skeptical (which may be a redundancy) reporters were presented with a difficult dilemma. It is one which confronts them frequently when an official announces something which they believe in their bones to be untrue. If a President announces that the world is flat, it is their job to report that "the President announced today that the world is flat," and not, in print, to call him a liar. It is even indelicate to suggest, in the course of their stories, that there is another view of the matter. This is left largely to the columnists and to the "analysis" stories, which may or may not catch up with the official announcement, and may or may not be believed. Many Washington journalists have come to understand that their word is not held to be much more sacred than that of politicians.

POWERHOUSE

When Robert Finch, in a press conference just before his departure from the Administration in December, confirmed that all was not well between the White House and the Cabinet, the transcript was collected eagerly by White House reporters. "I think that is one of the biggest stories you will have to cover," Finch said, "how that tension between the White House staff and the Cabinet works." He tried to mitigate this bit of candor by saying that the tensions between the White House and the Congress and the story of the tensions between the White House and State Houses, and the story of revenue sharing, would be interesting, too. But Finch had spilled the beans, and this was something the reporters could report.

President Nixon is not the first President to accrue power in the White House and to take some pains to deny it. The purposes of the exercise, it seems, are to throw journalists and congressmen off the scent, to betray no unseemly penchant for power, and to convey the impression of frugality with public funds. While previous Presidents had their powerful and famous White House asssitants, it remained for Lyndon Johnson, as was his wont, to multiply the effect. Yet the precise size of the White House staff was one of the mysteries of the Johnson Administration. Through a nice piece of legerdemain, several White House aides were "on loan" from other agencies, and their salaries were charged elsewhere.

When President Nixon took office four years ago, it may be recalled, he displayed his new Cabinet officers on television, and described them as men of "extra dimension." His assistants told reporters that "there will be no Califano here," referring to Joseph Califano, Mr. Johnson's powerful assistant for domestic affairs. This was among other things, part of a concerted effort to establish that Mr. Nixon was going to be very different from Mr. Johnson. Much was made of the facts that the lights were on again at the White House, and that the three television sets had been removed from the President's Oval Office.

The inevitable accretion of power in the White House stems in part from the fact that there is really no other way to run the government. The more the government does, the more there must be a central body to coordinate its workings. The major issues of the day—such as the economy, race, cities, foreign policy, balance of payments—are not divisible into neat parcels to be distributed among the various Cabinet departments. An issue of trade relations can involve the Departments of Treasury, State, and Commerce, and the White House offices dealing with domestic and international economics and trade negotiations. A domestic issue of any consequence can involve the Departments of Justice, of Housing and Urban Development, of Transportation, of Health, Education and Welfare, and perhaps even Interior or Agriculture or what remains of the Office of Economic Opportunity (the poverty program). The White House and its executive arm, the Office of Management and Budget, must bring them together. Whatever rare efforts have been made by agencies to coordinate among themselves have been resisted by the OMB. The power to coordinate is power indeed.

Moreover, the budget itself is power. In the course of drawing up the budget, the President and his staff make crucial decisions about the arrangement of priorities, policy, and authority. The failure of the Congress to examine or shape the budget coherently also supplies a vacuum into which the executive and its budget makers have moved. Therefore, the Budget Bureau, which was a Wilsonian reform proposal finally adopted in 1921, has grown in importance in tandem with the White House which it serves. As the Johnson Administration piled up the programs and responsibilities, one weary Cabinet officer surveyed the scene and concluded that "Califano and Schultze [Charles Schultze, then director of the Budget Bureau] are holding the whole rickety business together."

The Nixon Administration, its protestations notwithstanding, had little alternative but to go along with the trend. Mr. Nixon moved his budget director from the Executive Office Building into the White House West Wing—a move which "Washington observers" knew to be significant. Subsequently it was said that the budget office would also "manage" the programs. It was understood in Washington that the terminological move from "coordinate" to "manage" was meaningful. Two axioms applied: the more powerful the Budget Bureau is, the weaker are the Cabinet agencies; the more proximity the budget officials have to the White House, the more politicized their decisions become.

There is also the factor of human nature. People who seek the presidency, and people who help them attain it, do not tend to be uninterested in power. White House assistants, moreover, have the unparalleled advantage of access to the king's ear. As George Ball once put it, "Nothing propinques like propinquity." As inevitable as the sunrise and traffic jams are the stories out of Washington of the complaints of congressmen and Cabinet officers about the inaccessibility of the President and the arrogance of his assistants who block their path to the Oval Office. Only the names of the offenders change: Sherman Adams, Kenneth O'Donnell, Marvin Watson, and Joseph Califano have been succeeded by Robert Haldeman and John Ehrlichman. Presidents need such people in the constant struggle for power in Washington, those who inhabit the White House hold the cards.

THE CHASM

The way in which the executive branch is managed, and its internal distribution of power, are also determined by the personal characteristics of the people at the center. The traditional rationales for regular Cabinet meetings no longer exist. Another reason why the Cabinet hardly ever meets anymore is that the President does not like meetings. His distaste for confrontations tends to place Cabinet officers with persistent disagreements out of sight and favor, and any President prefers some personalities to others. In the Nixon Administration's first term, the only Cabinet officers who gained any real access and power were John Mitchell, John Connally, George Shultz, and Melvin Laird.

Cabinet officers in any administration may have difficulty straddling the great divide that can exist between the President at whose pleasure they serve and the bureaucracy over which they preside. Robert Finch, who began at HEW, fell into the chasm; from time to time his successor, Elliot Richardson, teetered on the brink. This problem is exacerbated in the Nixon Administration, especially on domestic issues. At first there was a theory prevalent in Washington that the Nixon Administration was not interested in governing. In retrospect, it is more accurate to say that the people in the new Administration were less familiar with government than were their predecessors and had, inevitably, a different set of assumptions about its purposes. The exercise of power by the Nixon White House grew in direct proportion to its familiarity with the terrain. But whereas the Johnson White House was likely to intervene in the bureaucratic processes to propel a program along, the Nixon While House was likely to intervene to slow it down. Any White House will interfere with the bureaucracy on behalf of its political allies, but the allies will differ from administration to administration.

Yet the Nixon White House does have a kind of them-versus-us view of the bureaucracy, based in part on misapprehension of the nature of the federal bureaucracy. The prevailing characteristic of that bureaucracy is not so much (as many in the Nixon White House believe) that it is populated largely by Democrats but rather that its members tend to believe in what they do. The dispenser of vocational education grants believes in vocational education; the civil rights enforcer believes in enforcing civil rights; the administrators of the highway program believes in building highways; the procurer of aircraft carriers is convinced of the importance of procuring more aircraft carriers. The experienced Washington bureaucrat cultivates his allies in Congress and the interest groups, and understands the techniques of survival. What to the White House appears to be subversion of its goals is, to the bureaucrat, protection of a worthy activity.

Every White House has had problems with the bureaucracy; the Nixon Administration, strapped for money, skeptical of federal programs, has many. The Nixon men therefore tend to suspect the bureaucracy, to shut it out of policy considerations, and to try to fill it with Republicans. (The latter effort is a matter of some controversy in Washington. There are many reports that people entering the bureaucracy at levels where, by law, their politics are supposed to be irrelevant are asked about their party affiliation. There were reports of this sort of questioning during the Johnson Administration, too. Republicans perhaps have to try harder because Republicans, by definition, are less attracted to government. Whatever the case, their suspicions about the large number of Democrats in the bureaucracy are not without basis, given the many years of Democratic control of it.)

SEESAW

The exigencies of coherent governing, plus the White House penchant for seclusion and suspicion, shaped the recent rearrangements. They also added to Washington terminology The job description that signifies power was raised a notch. It no longer suffices to be a Cabinet officer, or even a White House assistant; one must be a "czar." This term does not show up in official announcements, of course, but everyone knows who the "czars" are: George Shultz, John Ehrlichman, Henry Kissinger, and Roy Ash, the new director of the Office of Management and Budget. ("Czars," by the way, do not have to be confirmed by Congress. Shultz needed confirmation to become Secretary of the Treasury, but by presidential fiat his economic policy domain now extends far beyond that.) These are the people with whom the President will deal on policy matters; they will bring him the information and transmit his decisions to the rest of the government. Cabinet officers will have to be content with operating within this framework.

There was a very large question as to how consequential were all of the changes of personnel and organization announced during the transition from Nixon I to Nixon II. Even though the "Washington observers" knew this, the changes inevitably became the stuff of headlines, speculation, and talk. In spite of the fact that the policies of Nixon II already were pretty clear—or perhaps *because* of the fact that the policies were known and there was therefore little else to talk about—the new appointments filled many column inches and hours of conversation.

For example, when Elliot Richardson was transferred from the Secretary's chair at HEW to that at Defense, Washington observers considered a number of possibilities. The appointment might be viewed in the context of the relationship between Richardson and Henry Kissinger, which, when Richardson was Undersecretary of State at the beginning of the Nixon Administration, had been good. But that raised the question of whether that was good or bad for Richardson in light of the rumor then making the rounds that Kissinger's standing with the President might not be as high as it once was. This was based on speculation, aired in a syndicated column by Tom Braden, that in his dealings with the North Vietnamese, Kissinger had exceeded his presidential charter. (Thus, according to this theory, he had announced that peace was "at hand" when it was not, since he had reached terms which were agreeable to neither Messrs. Thieu nor Nixon.) Richardson was chosen over Kenneth Rush, the Deputy Defense Secretary, one theory went, because Henry (all self-respecting Washington observers, whether or not they have ever met the man, refer to Kissinger as "Henry") had a low opinion of Rush. This, of course, assumed that Kissinger was in good standing. But then what did it mean when Rush was subsequently named Deputy Secretary of State? Was Rush being shunted aside (Kissinger is up) or being positioned to succeed William Rogers (Kissinger is down)? Was Richardson being sent to Defense to slash its budget or to provide a liberal camouflage for its continued growth?

The columnists play an important part in the process of deciding these things. Those "Washington observers" read the columnists with a sharp eye out for tales officials are telling and for who is doing what to whom. James Reston, for example, wrote a column in early December entitled "And What Now About Henry?" (Reston, of course, does know Kissinger, and anyone worth talking to in Washington knew that the column was based upon a conversation with him.) Reston said that despite the reappointment of Rogers (Kissinger is up), Kissinger's future was unsettled in his own mind. Reston had some hard news. Kissinger was troubled, the column said, by the wide extent of his influence, and by being shielded by executive privilege from questioning by the Congress. Until the column appeared, Kissinger's anguish over these matters had not been a subject of much speculation.

PERILOUS

Guidance on the Richardson question was provided in columns by the writing team of Rowland Evans and Robert Novak. From them it was learned that Richardson's deputy at Defense, William Clements, a Texas conservative, had been selected not by Richardson but by the White House. This was a crucial signal, for Washington observers know that leaders who cannot choose their deputies are without power. The message to the civilian and military bureaucracy was that the new Secretary could be circumvented, and the Pentagon bureaucracy cannot be outdone at circumvention. A week later, the "defense community" was reported by the columnists to be in "a frenzy." It seemed that Richardson might exercise the option of choosing his own assistant secretaries, and was considering two young men who had opposed the war and certain defense spending. Washington observers knew that someone in the "defense community," where the columnists are known to have good sources, was trying to sandbag the appointments and hog-tie Richardson.

It was, as the columnists said, "a classical Washington power struggle"—the sort of thing Washington observers love to read about over breakfast and talk about over lunch and dinner.

Although many in Washington had forgotten that the Department of Commerce existed, the removal of Peter Peterson as its Secretary became an important subject. It was known—such things become known—that Peterson had not asked to leave. The question, therefore, was why Peterson's career in the Nixon Administration had been derailed. Was it a move by the White House to curb the drive for the 1976 presidential nomination by Charles Percy, Peterson's former employer at Bell & Howell, and not exactly a White House favorite? While this was considered possible, other factors were given more weight. Peterson's style was too flamboyant: he spent too much time cultivating (successfully) the press; he turned up too often in Georgetown (for which read: homes of liberal journalists). It is perilous to negotiate the long passage from the White House to the Washington community of fashionable liberal journalists and politicians. One must tell the journalists and politicians just enough to interest and amuse them without arousing, back at the office, suspicions of disloyalty. Kissinger and presidential speechwriter William Safire, reyling on their brains and disarming wit, succeeded. For others, the attempt proved fatal.

There may even have been policy considerations surrounding Peterson's demise. Had he, an advocate of liberal trade policies, run afoul of the protectionist-minded businessmen who are the Commerce Department's clientele? (While some Cabinet officers get in trouble for representing their Department's clientele too well, others can fall from grace for pleasing them insufficiently. Such was said to have been the fate of James Hodgson, who was removed as Secretary of Labor and replaced by Peter Brennan, a leader of a construction trade union and symbol of the Administration's hope for a new Republican coalition. When Ronald Ziegler, the President's press secretary, announced that John Volpe would be named Ambassador to Italy, he pointed out that Volpe "started at the bottom of the construction trades as a hod carrier.")

The manner in which the announcements about personnel changes were made also told much about the capital during the period of transition from the first Nixon Administration to the second. The Cabinet appointments, once the subject of a television spectacular, were left to Ziegler. Neither the President nor the appointees were present. The communications between Ziegler and the press corps sank deeper and deeper into the trivia (the age, ninety-six, of a Pennsylvania state senator who was meeting with the President) and tired jokes (Kissinger's women) that have come to characterize these exchanges. Reporters who tired of waiting outside the formidable sets of fences at Camp David for Ziegler's news gathered in the White House press room, where the briefings were piped in over a loudspeaker. The scene was surreal. Reporters took notes and tape-recorded the disembodied voices. Perhaps in reaction to being at this still further remove from the realities of government, the reporters made wisecracks back to the loudspeaker. One day, the following exchange between the press secretary to the President of the United States and a member of the free press, guardians of democracy, came over the loudspeaker in the White House press room:

Q. The last time the President was up here he was reported to be seen strolling around in a pair of flared purple trousers. I wonder if you are prepared to confirm that he has such a pair.

A. Well, he wears sports clothes up here from time to time. I think "flared" is a little exaggerated. Some of his slacks don't have cuffs on them [laughter]. I mean he's a regular guy. He wears sports clothes [laughter].

Q. Does he have a purple pair?

A. I don't know if he has a purple pair. He has other colors. He has blue, maroon, and other colors. . .

GENOCIDE CONVENTION DOES NOT THREATEN CONGRESSIONAL OR STATES' RIGHTS

Mr. PROXMIRE. Mr. President, as we consider the Genocide Convention, I want to address myself toward those who have advanced the opinion that U.S. ratification of the Genocide Convention would result in the surrender of certain congressional and States' rights. Some critics have expressed the fear that this treaty usurps the expressed power of the Congress to define and punish offenses against the law of nations. Solicitor General Philip Perlman addressed this issue in testimony before a subcommittee of the Senate Foreign Relations Committee in 1950 when he stated that—

> This treaty will not bypass Congress or in itself legislate Federal Criminal Law.

Indeed, the treaty itself states that it is the duty of the domestic legislatures of the signatories involved to undertake action to state what offenses are punishable, to prescribe penalties and to try the guilty persons, thus implementing the provisions of the treaty.

The States, like the Congress, will not suffer any loss of their constitutional rights if the United States ratifies this convention. It is argued that if the Senate approves a convention which will become a part of our domestic law, then this will be the equivalent of the States' having to surrender their jurisdiction in that field of criminal jurisprudence to the Congress. However, Congress has already been invested with the power to prescribe penalties for offenses against the law of nations. This is made clear by our Constitution. It is impossible to deprive the States of jurisdiction which was never theirs in the first place.

In the words of Prof. Richard Gardner:

> Our ratification of this Convention will dissipate the embarrassing contradiction between our failure to act and our traditional leadership in support of basic human rights.

Mr. President, I urge the Senate of the United States to delay no longer in ratifying this important document.

NOTED OREGON EDITOR COMMENTS ON FREEDOM OF THE PRESS

Mr. HATFIELD. Mr. President, on January 18, I introduced a bill (S. 451) to protect our first amendment right to a free press. At the conclusion of my remarks, I was granted unanimous consent to have several articles on the subject entered in the Record. Since that time I have received another editorial by Mr. Eric W. Allen, Jr., of the Medford Oreg., Tribune, whose father served as the distinguished dean of the School of Journalism at the University of Oregon.

Mr. Allen's comments reflect a perceptive assessment of the issues involved in granting newsmen protection from forced disclosure of their confidential sources and information. I ask unanimous consent that the editorial, which clearly enunciates the people's right to know, be printed in the Recrd.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

To Whom Is the Press Accountable?

(Note.—This editorial takes the form of a personal letter.)

Dear R—: Following our recent discussion of the problems the press has had in recent months, with subpoenas and the jailing of reporters, and so on, you wrote to say you still feel the press should be just as "accountable" as everyone else seems to be these days.

I agree completely. The question is not accountability; the question is, accountability to whom?

The First Amendment to the U.S. Constitution reads in pertinent part:

"Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ."

Note that the two freedoms—speech and press—are bundled together, and complement each other. They are inseparable, for if speech is to be free, it must also be free to be distributed. That is the reason the two are tied together, for without one, the other is insignificant. They are people's freedoms, both of them.

Note also that the Constitution says "Congress shall make NO law. . . ." This is flat and unqualified, with no ifs, ands, buts or howevers.

The Founding Fathers, in this way, sought to guarantee that every person should be free to say what he thinks, and to find a way in which his opinions—political or otherwise—can be widely disseminated.

As to accountability—and you and I agree that people and institutions should be accountable—to whom should the press owe its accountability? To Big Brother? To the President? To the Congress? To the Courts?

I say no—the press must be accountable only to the ultimate power and authority in a self-governing nation: the people.

That was what the Founding Fathers expected, and what they attempted to guarantee in the First Amendment.

Today, however, through the pretext (and it is no more than that) of relying on the Sixth Amendment, which guarantees a fair and speedy trial to persons accused, the press has come under increasing pressure from prosecuting attorneys, grand juries, and judges.

They have attempted to force newsmen to reveal the sources of their information, and when the newsmen have refused—on the excellent grounds that these are confidential, and that to reveal them would be to dry up sources of "non-official" information—they have been jailed.

A newsman is a citizen. As such, he is under the same obligation as any other citizen to be accountable—to the duly constituted agencies of government in a dozen different fields. But when he is acting in his capacity as a newsman, and exercising the constitutionally-protected right to report the news as he sees it, his accountability to officialdom should end.

In doing this, he is accountable to the people—his readers. It is they he serves; not judges, or district attorneys, or grand juries. It is for the people—not officialdom—to judge whether he is trustworthy, or truthful, or honest.

And his readers have a number of ways of insisting on that accountability. They can turn to other sources of news, which is a powerful sanction, or they can make their dissatisfaction known to the newspaper, in person or by letter.

A newspaper's only stock in trade is the range of services it provides its readers, and of these the most important is the general level of accuracy and reliability of its news, and the integrity of its reporters and editors. (It is going to make mistakes, because all human institutions make mistakes, but if it is forthright in correcting these, that adds to its reputation for integrity.)

For nearly two centuries, these assumptions have governed the relationship—often an uneasy one—between the press and government. Only within the past year or two have efforts to muzzle the press—to make it accountable to public afficials, rather than to its readers—made any headway.

The Pendleton East Oregonian recently made the point this way:

"The best guarantee people in a democracy have that it will survive is freedom of the press to report fully those events that stem from government, and their meaning. From the beginning of this nation, the press and the government have been adversaries because the press has been responsible to the people government serves, not government."

Phrased differently, the point was made in a letter to the Wall Street Journal last November, which said in part:

"'The press' as used in the First Amendment refers to the use of a thing by all people. It is not something confering special privilege to an elite . . .

"To state . . . that newsmen are a special breed granted special privilege by the First Amendment is a galling arrogance that most of us less equal folk are finding intolerable."

Newsmen are not a special breed, except insofar as they have chosen to serve the people by trying to tell them what they need to know—and to do so they must be free to poke and pry and turn over rocks and—this is important—talk to people who may know of shady goings-on but who are reluctant to be quoted, and for good reason.

They must be free to do this if the readers are to get the kind of information they need to make intelligent decisions in the exercise of self-government.

This is the reason—the only reason—why so-called "shield laws" are being proposed, that would make it impossible to force reporters to divulge their sources of information.

The Press is accountable. No institution is more so, for everything it does is placed on public view to be judged by the public.

If the day comes when that accountability is due, not to the people, but to government officialdom, the First Amendment guarantees of free speech and free press—which are inseparable—are in dire danger.

EUGENE L. WYMAN

Mr. KENNEDY. Mr. President, I wish to express my sadness over the recent death of Eugene L. Wyman, who had many personal friends in this body.

His family, the law, philanthropy, politics. To these, Gene Wyman devoted a lifetime all too brief; and to each he committed all the love energy and dynamism which he amply possessed.

In every responsibility he undertook, he was "a take charge guy" with an unlimited capacity for industry.

A brilliant advocate, he built a reputation as one of the finest trial lawyers of his generation.

He gave dignity to the difficult job of raising funds, which he did so effectively for civic, political, and philanthropic causes.

My family and I first came to know Gene Wyman through his wife, Rosalind, a woman of extraordinary talents herself. Her concern for the public affairs of her community and her country were, I am sure, an inspiration to Gene throughout his life.

But with all their generous involvements in public service, Gene and Roz were devoted most of all to each other, their children, and their family. Eight weeks ago I was privileged to participate in a dinner honoring Gene and Roz Wyman for the help and support they had given as American friends of the Hebrew University in Israel. His young daughter, Betty, spoke for the Wyman children of the love that existed in their family and how close they were to one another. All of us will miss Gene. Though only 47 years long, his life was one full of satisfaction. And the night we were last together reflected that life. He had reason to be proud of his accomplishments and to have so many good friends who respected him. But he was proudest of all of his wife and his children. And he showed it.

RULES OF DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, the following committee rules have been adopted by the Committee on the District of Columbia. As required by Public Law 91–510—The Legislative Reorganization Act of 1970—these rules must be printed in the Congressional Record. I ask unanimous consent that they be so printed.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules and Procedures of the Senate Committee on the District of Columbia

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, and notice given, the Committee shall meet regularly at 10:30 a.m. on the second Friday of each month. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary, or at such times as a quorum of the Committee may request in writing, with adequate advance notice provided to all members of the Committee. Subcommittee meetings shall not be held when the full Committee is meeting.

Rule 2. The rules of the Senate and the provisions of the Legislative Reorganization Act of 1970, insofar as they are applicable, shall govern the Committee and its Subcommittees. The rules of the Committee shall be the rules of any Subcommittee of the Committee.

Rule 3. The Chairman of the Committee, or if the Chairman is not present, the ranking majority member present, shall preside at all meetings. A majority of the members of the Committee shall constitute a quorum of the Committee. However, the Committee may authorize a quorum of one Senator for the purpose of taking testimony.

Rule 4. Unless otherwise determined by a majority of the Committee, written proxies may be used for all Committee business, except that proxies shall not be permitted for the purpose of obtaining a quorum to do business. Committee business may be conducted by a written poll of the Committee, unless a member requests that a meeting of the Committee be held on the matter.

Rule 5. There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question on which a yea and nay vote is demanded. The record of each yea and nay vote shall be released by the Committee either at the end of the executive session on a bill or upon the filing of the report on that bill as a majority of the Committee shall determine. The clerk of the Committee, or his assistant, shall act as recording secretary on all proceedings before the Committee.

Rule 6. All hearings conducted by the Committee or its Subcommittee shall be open to the public, except where the Committee or the Subcommittee, as the case may be, by a majority vote, orders an executive session.

Rule 7. The Committee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 72 hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

Rule 8. Should a Subcomimttee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and report that fact to the full Committee for further disposition.

Rule 9. Attendance at executive sessions of the Committee shall be limited to members of the Committee and the Committee staff. Other persons whose presence is requested or consented to by the Committee may be admitted to such sessions.

Rule 10. The Chairman of the Committee shall be empowered to adjourn any meeting of the Committee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

Rule 11. Subpoenas for attendance of witnesses and for the production of memoranda, documents, and records may be issued by the Chairman or by any other member designated by him. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced. All witnesses subpoenaed before the Committee who are to testify as to matters of fact shall be sworn by the Chairman or another member.

Rule 12. Accurate stenographic records shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness' own testimony, whether in public or executive session, shall be made available for inspection by witnesses or by their counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by a witness in executive session and subsequently quoted or made part of the record of a public session shall be made available to any witness at his expense, if he so requests. Witnesses not testifying under oath may be given a transcript of their testimony for the purpose of making minor grammatical corrections and editing, but not for the purpose of changing the substance of the testimony. Any question arising with respect to such editing shall be decided by the Chairman.

Rule 13. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a quorum of the Committee so determines in a regular meeting with due notice, or at a meeting specifically called for that purpose.

SENATOR SAM J. ERVIN

Mr. PERCY. Mr. President, I invite the attention of Senators to an article in yesterday's Evening Star-News on the distinguished senior Senator from North Carolina, SAM J. ERVIN. All of us who have worked with SAM ERVIN admire him for his qualities of wisdom, scholarship, and integrity, and Shirley Elder of the Star-News captures these qualities vividly. He is indeed eminently suited to perform the important tasks he has been assigned. As ranking minority member of the Government Operations Committee, it is my particular pleasure now to work with Senator ERVIN in his new position as chairman of the committee.

I ask unanimous consent that the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN IN THE HOT SEAT ON CAPITOL HILL

(By Shirley Elder)

Samuel James Ervin, Jr., lawyer, judge, defender of the Constitution, took office as the junior senator from North Carolina on June 6, 1954. Almost immediately he was in the middle of things.

Only weeks before, the Supreme Court had jolted the South and ruled that separate-but-equal public schools were not equal enough for black kids. Ervin, born in the South, quarreled with that ruling and helped draft the Southern Manifesto to protest.

In those days, Sen. Joseph McCarthy still was hunting Communists and terrorizing federal workers, riding high, heading for a fall in which the new senator would figure prominently—as one of those who solemnly contemplated the facts and recommended censure.

The world has changed since 1954 but not Sam Ervin. He looks to the future in terms of the past with unabashed reverence for the United States Constitution as written, opposing expansion of those words either to the left or to the right.

He criticized the Supreme Court for expanding the Constitution in 1954 to outlaw segregated schools; he criticizes the Supreme Court today for narrowing the Constitution to force a newsman to testify before a grand jury.

Over the years Ervin often has found himself in the middle of controversy, fighting civil rights bills, fighting for individual rights, gaining a reputation as a constitutional expert. But the battles usually came one at a time.

Today Ervin again is in the middle of controversy and it is all coming at once. Acting as chairman of the Government Operations Committee, or one of two Judiciary subcommittees, constitutional right. or separation of powers, or as chairman of a new special investigating unit, Ervin will lead some of the most important legislative battles of the new Congress.

Starting today, he will conduct hearings on one of the hottest topics of the day, impoundment—President Nixon's practice of refusing to spend money appropriated by Congress. Ervin has a bill to give Congress a veto over impoundments.

Starting Feb. 20, Ervin will conduct hearings on a basketful of proposals designed to protect newsmen from court actions forcing them to reveal confidential information. He says legislation should not be necessary but the courts "missed the boat."

"I've always said all judges should possess wisdom as well as knowledge," Ervin said in a recent interview. "And I think if I'd been a judge out in California, I'd've exercised a little wisdom and tried not to compel that newsman (New York Times reporter Earl Caldwell) to reveal his sources."

That lack of wisdom, Ervin said, carried on up to the Supreme Court which rejected Caldwell's plea in a 5-4 decision. "Five of them muffled a golden opportunity to do something constructive in this field," Ervin said, "and they just flatly held the First Amendment didn't give a newsgathering any privilege at all."

Ervin said that in his own opinion, each case should be decided on its merits. There are some situations where a newsman should be compelled to testify but there are others when he should not. The courts must balance the two interests of society—to know what is going on through a free press and to prosecute crimes in which newsmen may have knowledge.

Starting as soon as a federal court trial is completed, Ervin then will take on the politically touchy issue of the bugging of the Democratic Party headquarters at the Watergate—and related tales of political espionage from the 1972 presidential campaign. He says it will be a thorough investigation and no witnesses will be allowed to duck behind a wall of "executive privilege."

"I think the Watergate is a very serious affair," Ervin said. "There are serious charges made about the spying on presidential candidates. There are serious charges made about attempts to disrupt political meetings. There are serious charges made about the misuse of campaign funds. And I think all of these things ought to be investigated.

"If people are not guilty about some of the insinuations, they ought to be exonerated: And if they're not guilty, they ought to insist on their own exoneration."

NO EXECUTIVE PRIVILEGE

Ervin said he is particularly concerned about the so-called "Canuck incident" in which Sen. Edmund S. Muskie, D-Maine, then campaigning for the Democratic presidential nomination, was accused of prejudice against French Canadians (by calling them "Canucks") in a letter to the Manchester (N.H.) Union Leader. The author of the letter, never located, was said to be a White House aide.

Ervin said the plea of executive privilege, often claimed as a general immunity from Congressional scrutiny for all White House staff, will not be accepted in the Watergate investigation.

Executive privilege is another area of Ervin concern and he enthusiastically backed a Senate Democratic Caucus resolution that would limit its use and provide for Senate review whenever a witness claims such immunity to avoid testifying.

There is a legitimate area of executive privilege, he said, but it is not an absolute right. It can be inferred from the constitutional grant of executive power to the President that there must be some confidential matters between President and staff, Ervin explains, just as investigative authority is seen as a necessary tool in Congress' power to legislate.

MIX OF CORNPONE, WISDOM

Ervin approaches his collection of assignments this year without hesitation: "My wife says if I see a controversy from far off, I come running right up and jump into the middle of it," he said.

But, when it comes to the Constitution, and all these matters touch in some way on the Constitution—rights and powers—Ervin is ready. He is, as one aide said, a scholar as much as politician. He reads constitutional law cases for recreation.

At 76, Ervin's hair is grayer than when he arrived in Washington. His tall frame is a bit stooped but his words tumble out in a mix of cornpone and wisdom that has become familiar over the years on Capitol Hill.

His trademark is the folksy anecdote that makes a point: "Way back younder when I used to practice law . . ." or "We had a very fine poet in North Carolina some years ago . . ." or "That reminds me of a story . . ."

Sometimes the stories go on and on, punctuated by eyebrows that shoot up and down giving Ervin a slightly astonished look. But he obviously enjoys the stories and wants everyone else to. Often, as he speaks on the Senate floor, he will glance up to the press gallery to make certain the newsmen are getting the point.

But the great flow of words dries up when Ervin is asked about his personal life. He lives across the street from the Capitol in the Methodist Building with his wife of nearly 50 years. He is a private person. At home in Morganton, N.C., he likes to fish. In Washington, he reads.

EUGENE WYMAN

Mr. INOUYE. Mr. President, I wish to join with Senators in paying tribute to a great and good friend of so many Members of this body who passed away recently—Eugene Wyman. Those who were not privileged to know him in person knew him by reputation, particularly on this side of the aisle, for he had been of significant help to many. Gene Wyman was best known in the political world for his willingness to be of help in securing those resources which are essential in this country to gain due consideration for a candidate and a program in our elections. He recognized that need and he volunteered his generous talents with great dedication to that most difficult of tasks—raising sufficient money for many candidates of my party so that they would stand a serious chance of being reasonably considered on election day.

This is not the glamour job of politics. It is drudging, hard work. But it is work that Gene Wyman did cheerfully and most ably. He did it at considerable cost to himself and his family in both physical and monetary terms. He performed this difficult task without thought of compensation, with no quest for personal publicity, but with a deep sense of commitment to try to "square the odds" that our political system might work its will more fairly and responsibly.

Those of us who make politics our lives will miss Gene Wyman. More important, our political system and our country will miss him. We share the grief of his lovely family over his untimely departure. We share also the great honor of having benefited from his presence among us.

DEPARTURE OF ROBERT BALL FROM SOCIAL SECURITY SYSTEM

Mr. McGEE. Mr. President, I wish to pay special tribute to an individual who has rendered superb service to the Nation as Commissioner of our social security system.

It is with a deep sense of regret that I view the President's decision not to retain Mr. Ball as Social Security Commissioner.

In an article published in the Washington Star-News of January 5, 1973, writer Philip Shandler noted that Mr. Ball's departure comes at a time when the social security program is on the verge of what may be the biggest job ever for an agency with one of the most complex missions in Government.

Bob Ball has been characterized as a near genius by Representative Wilbur Mills, chairman of the House Ways and Means Committee, which makes the dismissal of this public servant all the more unpalatable to many of us.

Bob Ball has rendered the Nation a public service that is incomparable. His knowledge, his remarkable abilities, and his intense dedication to his job and profession will be sorely missed. It is regrettable the President did not have the foresight to retain Bob Ball as Social Security Commissioner.

I ask unanimous consent that Mr. Shandler's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Social Security Chief Dropped

(By Philip Shandler)

President Nixon has decided not to retain Social Security Commissioner Robert M. Ball in the second term. Ball's departure comes as the Social Security program is on the verge of what may be the biggest job ever for an agency with one of the most complex missions in government.

In a statement prepared to coincide with the impending White House announcement, Ball, 58, said recent Social Security legislation was so significant "it can be said that the program has come of age." And he added:

"It is particularly difficult for me to leave now and not be a part of these efforts . . ."

The President was expected to announce soon, possibly today, that he has accepted the resignation of Ball, a 33-year federal careerist who for more than a decade has overseen unprecedented expansion of what is now the world's biggest retirement and insurance system.

PRAISE FROM MILLS

Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means Committee, which handles Social Security legislation, said it would be "hard to find an equal to Bob Ball," whom he called "a near-genius."

Dialogues between Ball and Mills have been a familiar and instructive fixture of congressional activity for years. And Mills said he would be "watching carefully" the choice of a successor.

Social Security annuity increases, Medicare extensions and the first federalization of a welfare program—the so-called adult categories of state aid to the needy aged, blind and disabled—were voted by Congress in its last session.

This will require, Ball said, "at least as much effort and complexity for the Social Security Administration as the setting up of the Medicare program" of health insurance for the elderly eight years ago.

But he insisted that his resignation is a "mutually agreeable departure," and that he had "every confidence that the organization will perform well" under new direction.

There was no immediate explanation from the White House for letting Ball go, nor on a successor. His deputy, Arthur Hess—the only other political appointee at Social Security has not been told to go.

Ball said he would stay on until a successor takes over.

A spokesman for Sen. Russell Long, D-La., chairman of the Senate Finance Committee, said he hoped the White House "won't politicize the job."

This could happen, however, with what many see as a conservative mood clouding the prospect for further expansive social legislation from the Congress that convened this week, and thus minimize the need for a Social Security chief of Ball's expertise.

Ball, a native of New York, developed an interest in Social Security while a senior at Wesleyan University in 1935, from a professor who was a consultant on the newly created program.

In 1939, he took a $1,620 job as a field representative, became a protege of Wilbur J. Cohen, and rose to become deputy director of the Bureau of Old Age and Survivors Insurance in 1954.

Cohen was named secretary of the Department of Health, Education and Welfare—Social Security's parent agency—by President John F. Kennedy, and Ball was promoted to head the Social Security program in 1962.

"SUPERB ADMINISTRATOR"

"A simply superb administrator," Cohen was quoted as describing Ball in a profile a few years ago.

At the same time, Ball was described by an anti-poverty worker as "my favorite bureaucrat . . . This guy really cares."

A husky six-footer with a quiet voice, Ball seemed at congressional hearings to have an inexhaustible supply of facts and patience.

In recent years, he has received top awards for service from both the government and the private sector.

In an interview, Ball said there was "very little different" he would like to have seen develop in his field legislatively.

"We've got about all one can say grace for now," he said.

When he leaves, Ball intends to write a book—"doesn't everyone?"—he said. It will deal with "the tendency in some quarters to see Social Security as just another government program."

SENATOR McCLELLAN'S RESIGNATION FROM THE PERMANENT INVESTIGATIONS SUBCOMMITTEE

Mr. GURNEY. Mr. President, I would like to take this opportunity to congratulate my distinguished colleague, the senior Senator from Arkansas, Senator McClellan on his distinguished service as chairman of the Permanent Investigations Committee of the Government Operations Committee. During the 18 years he headed that subcommittee, more investigations were held than under any other previous chairman—and the scope of these investigations has led to a number of badly needed reforms. Indeed, John McClellan has compiled a remarkable record as a congressional investigator. Although his leadership in this area will be missed, fortunately, his acceptance of the chairmanship of the Appropriations Committee means that the Nation will continue to reap the benefits from his years of experience.

John McClellan first became a member of the Government Operations Committee, then the Committee on Expenditures in the Executive Departments, in 1943. He served as chairman of that committee from 1949 to 1953 and from 1955 until last summer. From 1955 on, he headed the Permanent Investigations Subcommittee and from 1957 to 1960 he also headed the Labor Rackets Committee—better known as the McClellan Committee. Indeed, the name John McClellan has become practically synonymous with congressional investigation—and for good reason.

Few of us connected with Government will forget—or fail to acknowledge the value of—the McClellan-led investigations into organized crime, into the military sea transportation service, into OEO grants, into defense contracts, and into military service clubs. As one who took part in the last of the aforementioned investigations, I can attest to both the need for them and the proficiency the subcommittee chairman showed in conducting them. As I said last August, at the time he moved over to the Appropriations Committee, Senator McClellan has repeatedly shown, during the course of these investigations, a sense of fairness and consideration that might not be expected in a lesser man.

What is really impressive about all these investigations is not the headlines—although there were many—but the results. Despite all kinds of difficulties, the efforts of the subcommittee, under Senator McClellan's leadership, have led to dismissals, convictions, corrective legislation, administrative improvements, and billions of dollars saved the American taxpayer.

For instance, the 1961 military sea transportation service investigation revealed improper practices by contractors and supervisory personnel alike. As a result, a top official was forced to resign and certain defense contract procedures were revised.

Further tightening of defense contract procedures came about as a result of the "pyramiding of profits" hearings of 1962 and the famous TFX probe that began the same year. In the first instance, in addition to the $7.9 million in excess profits the government later recovered, the Defense Department was prompted to deal directly for subsystems, to put to effective use the concept of incentive contracts, and to establish a realistic scale of fees and profits to be paid prime contractors.

In the second case, the TFX probe resulted in a direct savings of $61 million in 1 year and the cancellation in 1968 of one portion of the F-111 program. When Congress stopped the Navy version of the plane, another $2 billion or so was saved.

In that connection, I cannot help but think of the problems that have plagued the F-111 right down to this very day. This aircraft had to be pulled out of combat in Vietnam and was not reintroduced for 4 years—hardy a distinguished record. I shudder to think what might have happened had there been no investigation. If there ever was an instance that proved the value of Senator McCLELLAN's efforts, this was it.

I am also reminded that it was my distinguished colleague from Washington, Senator JACKSON, who first urged this TFX investigation. Senator JACKSON has served with Senator McCLELLAN on both the Government Operations Committee and its permanent investigations subcommittee for a long time and we are, indeed, fortunate to have such a fine successor to pick up where Senator McCLELLAN leaves off.

When I joined the subcommittee back in early 1969, the TFX probe was still underway. Since then, though, there have been several other investigations of great significance. One of these was the much-publicized service clubs scandal that grew out of—but was not geographically restricted to—the war in South Vietnam. At a time when so many young men were sacrificing so much, it was, indeed, discouraging to find that, not only were some Vietnamese making a fortune out of the war, but also that a number of misguided Americans—in and out of the armed services—were using PX's and service clubs to line their own pockets. Reform was needed, the investigation put the public spotlight on that need, and since then changes have been made.

In surveying Senator McCLELLAN's accomplishments on this subcommittee, one could not finish without mentioning the extensive investigations into organized crime. Four such investigations have already been completed and a fifth is underway. As a result, a number of important crime-stopping bills were introduced and subsequently enacted into law.

For instance, using interstate transportation or communications of any kind for the transmittal of wagering information has now been made a crime. Also, it is now a crime to use interstate transportation for gambling paraphernalia. Beyond that, other new laws crack down on criminals fleeing from prosecution or imprisonment, and make it a felony for one to carry weapons of any kind after being convicted. These measures have led to the imprisonment of hundreds of persons involved in organized crime, and are invaluable to the Federal Government's organized crime strike forces which are operating in various sectors of the country.

Furthermore, the 1963–64 hearings led to a new subcommittee being formed to draft still more legislation. Senator McCLELLAN headed up this effort, and many of the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970 came about as a result.

The same holds true for the banking and securities probes that have been held. A 1965 investigation of bank chartering policies helped formulate the Financial Institutions Supervisory Act of 1966. Similarly, an ongoing investigation of the influence of organized crime in the securities business has led to the realization that more needs to be done to protect the public in this area.

I could go on and on, but I think the point has already been made that Senator McCLELLAN has done the Congress and the Nation a great service by bringing to light numerous instances of crime and corruption that threaten our national security. We are fortunate that we still have his guidance and counsel as a member of the Permanent Investigations Subcommittee, and his assistance as chairman of the Appropriations Committee. While all of us can understand, and appreciate, the reasons for his resignation his leadership as chairman will certainly be missed. His fairness toward all running his committee and subcommittee meetings set a fine example, and his thoroughness and dedication was, and is, an inspiration to all.

I am sure I am not alone in saying that it is with regret that I see Senator McCLELLAN take his leave of chairmanship, but I do so with the knowledge that our loss is offset by the fact that the all important Appropriations Committee will now receive even more of his time and talents. The Nation is indeed fortunate—at this point in time—that such will be the case. My best wishes to Senator McCLELLAN in this challenging task and to Senator JACKSON who must now follow in his footsteps.

SENATOR RANDOLPH STRESSES NEED FOR CONGRESS TO WORK FOR SOLUTIONS TO HEALTH CRISIS

Mr. RANDOLPH. Mr. President, I have requested the able senior Senator from Massachusetts to enter my name as a cosponsor of S. 3, the Health Security Act, of which he is chief sponsor. I was a cosponsor of this legislation in the 92d Congress and wish to continue to associate myself with the current measure. I do not subscribe to each and every one of its provisions, but I do believe that the United States is in the midst of a health crisis. We in the Congress have a compelling obligation to alleviate that crisis as quickly and as well as we can.

Before we can enact legislation to help accomplish the momentous task of insuring adequate health care for every American, the American public must know the issues and think about the alternatives. The public debate has, of course, begun. The positions of the hospitals, the doctors, the insurance companies, and others have been communicated to the Congress. Now the public must be educated to the proposals before the Congress so that they, as voters and as consumers of health care, can convey their preferences to their elected representatives.

What are some of the chronic ailments that beset health care delivery in America?

First, health care is inadequate. The United States lags behind other major industrial nations in infant mortality, in life expectancy for both males and females. Health care does not exist in many rural areas. The poor in urban areas are too often neglected in the provision of health care.

Health care is expensive. Anyone who has paid for hospital costs, prescription drugs, and medical services recently knows that these costs are skyrocketing. For those on low fixed incomes the burden is difficult. For nearly everyone who is visited by a catastrophic illness, costs can be insurmountable and permanently devastating.

Health insurance protection is inadequate. Most Americans have no coverage for dental care, and more than half have no insurance for prescription drugs, doctors' office or home visits, or outpatient X-ray and laboratory services. As presently constituted, most health insurance creates a bias toward hospitalization. The cost of catastrophic illness is rarely protected against. Health insurance benefits account for only one-third of the total private health care cost.

Mr. President, I believe the time has come for a major restructuring of the system of health care delivery in America. The people of our country know the crushing burdens and frustrating inadequacies of the existing system. Each Member of Congress has heard the rumble of discontent. Let us provide the people with alternatives. Let us discuss. Let us counsel. Then let us get on with the urgent business of easing the health care crisis in America.

As a cosponsor of S. 3, the Health Security Act and as a Senator who is very concerned about the quantity, quality, and maldistribution of health care in America today, I pledge efforts to that end.

LOBBYING BY TAX-EXEMPT ORGANIZATIONS

Mr. MUSKIE. Mr. President, one of the most lively tax reform issues of the last Congress was whether tax-exempt organizations should be allowed to lobby without losing their tax-exempt status. A proposal introduced by the senior Senator from Pennsylvania (Mr. SCOTT) and myself eventually attracted 42 cosponsors, and a similar proposal introduced in the House of Representatives also generated much support.

Senator SCOTT and I are again working on a bill to permit lobbying by tax-exempt organizations. We hope to have the active participation and support of our colleagues again this year, and to draft our proposal in conjunction with a similar effort being made in the House.

The present unfair law which unnecessarily restricts lobbying by tax-exempt organizations continues to cry out for reform. Senator SCOTT and I would welcome the comments of our colleagues as we prepare our proposal. In this regard, I commend to them an article by Alvin J. Geske in the current issue of the American Bar Association's Tax Journal, entitled "Direct Lobbying Activities of Public Charities." This article gives an overview of the history of legislative proposals in this area and agrees with us that legislation is still needed. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIRECT LOBBYING ACTIVITIES OF PUBLIC CHARITIES

(By Alvin J. Geske)

(NOTE.—Alvin J. Geske (B.A. Southern Methodist University, 1964; J. D. University of Chicago, 1967) is with the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. The opinions expressed herein are those of the author and do not necessarily reflect those of the Internal Revenue Service. This article was originally prepared as a seminar paper for a graduate course at The National Law Center, George Washington University.)

Under present law, an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954[1] and qualified to receive deductible charitable contributions under section 170(c)(2) (hereafter referred to as a "charity") which has engaged in substantial activities relating to carrying on propaganda or otherwise attempting to influence legislation may lose its tax-exempt status under section 501(c)(3) and its qualification to receive deductible contributions. On the other hand, a taxable organization can obtain a business deduction under section 162 for expenses relating to appearances before, or communications with, a legislative body or members thereof, to further its business interests.[2]

Consequently, if a charity wishes to engage in direct lobbying—to communicate with, or make appearances before, a legislative body or members thereof—with respect to matters relating to its exempt purposes, it is at a substantial disadvantage when compared with a taxable organization. For example, if a bill is being considered in the legislature of State X to control water pollution, the Doe Steel Company, one of the principal polluters of the State's rivers, can deduct expenses which relate to appearances before, submission of statements to, or sending communications to, the State legislature or any of its members or committees with respect to such bill. Furthermore, the Doe Steel Company could deduct expenses which are in direct connection with the communication of information between it and an organization of which it is a member with respect to such proposed legislation if the legislation is of direct interest to it and the organization (as it might be if the organization were a business league). The Doe Steel Company could also deduct that portion of dues paid to any organization which can be attributed to direct lobbying activities of the organization relating to this bill.[3]

On the other hand, a charity (such as a scientific organization whose members may well have particular knowledge about the effects of pollution) would encounter substantial problems if it attempted to communicate with the State legislature on this bill. If the activities connected with such communication were found to be a substantial part of the activities of the organization and such communication did not qualify as the making available of the results of "nonpartisan analysis, study or research," it could lose its status as a section 501(c)(3) organization and its qualification to receive deductible contributions.[4] Furthermore, the organization would be greatly hindered by the fact that the "substantiality" test as administered fails to give the organization any meaningful guidelines as to the extent or nature of the political activities which may be carried on by charities.[5] In addition, the Internal Revenue Service's regulations as to when material constitutes the result of nonpartisan analysis, study or research give a charity so little guidance in determining whether particular materials qualify as the "result" of such activities that the charity would very likely be reluctant to make submissions to a legislature in reliance on the nonpartisan nature of the materials submitted.[6] Since even a review of an organization's status as a section 501(c)(3) organization or an announcement by the Internal Revenue Service that it would no longer extend advance assurance of deductibility of contributions to the organization can dry up the organization's sources of funds from other exempt organizations and from individuals respectively, the charity would have a strong tendency to avoid even insubstantial political activity for fear that a particular item, even if it represents an extremely small portion of the organization's budget and activity, could lead to an investigation of, and possible revocation of, its section 501(c)(3) exemption.[7]

Thus, section 162 provides, in accordance with Congressional intent, a clear tax stimulus for taxpayers engaged in a trade or business for profit to communicate with, and make appearances before, legislative bodies or members thereof in connection with legislation affecting their activities entered into for profit even though the positions they are advocating may be inimical to the public interest.[8] Conversely, section 501(c)(3), which is predicated upon activities beneficial to the public, operates as a strong disincentive for charities to communicate with, or make appearances before, legislative bodies with respect to matters relating to their charitable programs,[9] even though some of these organizations have members and employees who are among the "most knowledgeable people in our society in areas which relate to the commonweal."[10]

It appears that, in order for legislatures to obtain the benefit of information on all sides of legislative controversies where there are competing business and non-business interests, in accordance with Congressional intent as expressed in the Committee reports accompanying the 1962 amendments to section 162, nonbusiness groups as well as business interests should be encouraged to communicate to legislatures their views with respect to legislation and proposed legislation.[11]

BACKGROUND

Prior to the Revenue Act of 1962, Treasury Regulations under section 162 or its predecessors had consistently provided that no deduction was allowable for expenses paid or incurred for lobbying purposes.[12] Although these regulations were originally interpreted by the courts as precluding deductions only for expenses relating to illegitimate or unethical practices,[13] later decisions, including Supreme Court decisions in 1941 and 1959, interpreted these regulations to preclude deductions for expenses relating to all forms of legislative activity.[14]

Under these circumstances, there appeared to be some justification for disallowing charitable deductions to organizations which engaged in substantial lobbying activities since a contrary result would have allowed a contributor to obtain indirectly a deduction for amounts used for lobbying purposes.[15]

As indicated above, in 1962 Congress enacted section 162(e), which allowed taxpayers to deduct expenses relating to direct lobbying activities in matters of direct interest to the taxpayer's trade or business.[16] The legislative history indicates that Congress wished to make the change in prior law for the following reasons: (1) since expenses of direct lobbying relate to income-producing activities, an accurate measure of net income requires that they be deductible; (2) it is anomalous to allow deductions for business expenses incurred in appearing before executive or administrative officials with respect to administrative matters, or before the courts with respect to judicial matters, and not to allow deductions for similar expenses of appearing before legislative bodies; and (3) as a matter of governmental policy it is desirable for legislative bodies to have readily available to them information concerning the impact of present laws or proposed legislation on the trade or business of taxpayers.[17]

As a result of the enactment of section 162(e), the tax law's position of basic neutrality between business interests and nonbusiness interests with respect to political activity was altered. This change and the increasing desire of many charities to engage in direct lobbying, particularly with respect to such issues as environmental protection, birth control, and health care, have lead charities to seek modification of the restrictions of section 501()c(3) on direct lobbying.

In opposition to the charities' contention that they should be able to engage in "substantial" program-related direct lobbying, it may be argued that, except where an expense for communicating with a legislative body qualifies as a business expense by virtue of its relationship to profit-motivated activities of a taxpayer, such an expense should be considered a nondeductible personal expense, and, consequently, a contribution to an organization which engages in such activity should also be nondeductible. The short answer to this argument is that many personal expenses not related to a taxpayer's business activities are deductible. One of these categoris of deductible personal expenses is charitable contributions. The theory behind allowing charitable organizations to receive deductible contributions is that these organizations perform socially desirable functions, including some functions which relieve the government of burdens.[18]

Since the theory underlying the charitable deduction is that the recipient organizations perform desirable functions, it would seem that as a part of such programs they should be able to inform the legislative bodies of their positions on proposed legislation or the need for legislation so long as this legislative activity is limited to matters which affect the organization's charitable program (or matters which concern the status of the organization or contributions to it).

When Congress considered major tax legislation in 1969, charities were hopeful of restoring the imbalance. At the hearings charities expressed their dissatisfaction with the substantiality tests.[19] But Congress was in an uncharitable mood toward charities; an amendment that would have allowed charities to engage in direct lobbying without the limitation of the "substantiality" test was introduced by Senator Cooper,[20] but never called up for consideration. In fact, the only provision in the Tax Reform Act concerning the political activities of charities further restricts the political activities of private foundations; this provision, which adds section 4945 to the Code, imposes excise taxes on amounts paid or incurred by private foundations for direct lobbying and "grass-roots" lobbying activities, even if such activities are insubstantial.[21]

RECENT LEGISLATIVE PROPOSALS

A number of bills were introduced in the Ninety-second Congress designed to provide guidelines concerning the amount and nature of lobbying activities which could be carried on by certain charities.[22] The three proposals which appeared to generate the most support were a bill introduced by Senator Muskie in March, 1971 (hereinafter the "Muskie bill"), a bill introduced jointly by Senators Muskie and Scott in January, 1972 (hereinafter the "Muskie-Scott bill"), and a bill introduced by Representative Ullman and others in March, 1972 (hereinafter the "Ullman bill"). These bills will be examined separately, and the approaches taken in them will be compared with other approaches suggested in recent legal literature.

On March 30, 1971, Senator Muskie introduced a bill that would revise the Internal Revenue Code to allow organizations de-

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scribed in section 509(a)(1), (2) or (3) (hereafter referred to as "public charities") to engage in certain direct lobbying without fear of losing their tax-exempt status or their qualification to receive deductible contributions. The key provision in this bill is a proposed amendment to section 501. This provision would add to section 501 a new subsection which would provide as follows:

(f) *Appearances, etc., with respect to legislation*—(1) *In general*—In the case of an organization described in section 509(a)(1), (2), or (3), none of the following activities shall be deemed carrying on propaganda, or otherwise attempting, to influence legislation:

(A) appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

(B) communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

(2) *Matters of direct interest*—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

(3) *Limitation*—Paragraph (1) shall not apply to any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections or referendums.[23]

Corresponding amendments would be made to sections 170(c), 2055, 2106, and 2522—the provisions concerning deductibility of contributions for purposes of the income tax, the estate tax, and the gift tax.

The Muskie bill follows the distinctions set out in section 162(e) by distinguishing between "grass-roots" lobbying (attempting to influence the general public or segments thereof on legislative issues) and direct lobbying and between matters of direct interest to the organization and other matters. Thus, the Muskie bill, like section 162(e), would permit only direct lobbying and only with respect to matters of direct interest to the organization.

On January 24, 1972, Senators Muskie and Scott introduced an amended version of the original Muskie bill.[24] This new bill (the "Muskie Scott bill") is substantially identical to the Muskie bill except that paragraph (3) of the new proposed section 501(f) would provide another limitation on the application of new proposed section 501(f)(1), the provision allowing direct lobbying by public charities. This new limitation is as follows:

"Paragraph (1) shall not apply. . . .

(B) Unless substantially more than one-half of the expenditures of the organization referred to in paragraph (1) are normally devoted to activities other than those described in subparagraphs (A) and (B) of paragraph (1). For purposes of this subparagraph, the term "expenditures" includes only amounts paid or incurred which are substantially related (aside from the need of such organization for funds or the use it makes of the profits derived) to the exercise or performance of the charitable, educational, or other purpose or function constituting the basis for the organizations' exemption under this section (or in the case of an organization described in section 511 (a)(2)(B), to the exercise or performance of any purpose or function described in paragraph (3) of section (c)). Nothing in this subsection shall be construed to limit or reduce the level of activities otherwise permitted an organization under paragraph (3) of subsection (c) or any other applicable provision of this title."[25]

In introducing this new amended bill, Senator Muskie, after noting broad bipartisan support in both houses of Congress for the earlier Muskie bill, stated that this new limitation was added to the legislative proposal to alleviate concern "that the original bill might be interpreted to permit a public charity to devote its predominate activities to legislative efforts."[26] Thus, the limitation would allow a public charity to engage in program-related direct lobbying "only if substantially more than one-half of its expenditures are normally in pursuit of its exempt functions other than lobbying."[27] As Senator Muskie notes, provisions of the Code added by the Tax Reform Act interpret "substantially more than one-half" as "65 percent" and "normally" as ordinarily requiring reference to the most recent four-year period of an organization's existence.[28]

The Ullman bill, which also applies only to public charities, deals not only with "program-related direct lobbying," that is, communications with (and appearances before) legislators and legislative bodies concerning matters which directly affect a tax-exempt purpose of a charity and direct communication of information between a charity and one or more of its members concerning such a matter, but also with all other attempts to influence legislation (including all attempts to influence the general public with respect to pending legislation and all other direct lobbying on matters not directly affecting any of the charity's tax-exempt purposes).[29] In effect, the Ullman bill would provide that an organization described in section 509(a)(1), (2), or (3) (other than an organization described in section 509(a)(3) which is a supporting organization of an organization described in section 501(c)(4), (5), or (6)) would not fail to qualify for exemption from taxation as an organization described in section 501(c)(3) so long as the amounts paid for lobbying activities other than program-related direct lobbying do not normally exceed five percent of the total current expenditures for charitable purposes (other than amounts chargeable to capital accounts), and amounts expended for all types of lobbying do not normally exceed 20 percent of the total current expenditures for charitable activities.[30] The term "normally," here, as in the Muskie-Scott bill, is apparently intended to refer to the four most recent taxable years of an organization.

Thus, under this bill, a public charity could spend up to 20 percent of its current expenditures on program-related direct lobbying (so long as it did not engage in any other lobbying). Like the Muskie-Scott bill, the Ullman bill attempts to quantify the amount of program-related direct lobbying that a public charity can perform based on the charity's current expenditures; however, the Ullman bill also quantifies the "substantiality" test for other lobbying based on an expenditures test.

Consistent with the provisions of section 4945, which imposes an excise tax on a private foundation for any attempt to influence legislation, the Ullman bill provides that certain activities relating to legislation are not considered attempts to influence legislation. These activities are as follows: (1) the making available of nonpartisan analysis, study, or research; (2) "the providing of technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a written request from such body or subdivision;" and (3) "an appearance before, or communication to, any legislative body with respect to a possible decision of such body which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to such organization."[31]

make corresponding amendments to sections
Like the other bills, the Ullman bill would 170, 2055, 2106, and 2522, but it would also make other amendments to these sections which would disallow any deduction for contributions *for the use of* a charity if the contribution is made for the purpose of influencing legislation. This provision would not appear to affect contributions *to* a charity but would disallow deductions for out-of pocket expenses incurred in carrying out a charity's activities if such expenses relate to lobbying activities.

One other novel feature of the Ullman bill is that it would allow a public charity to elect to be treated under the provisions described above or to be treated under the "substantiality" test of existing law. Apparently, it was felt that determining compliance with the expenditure-based tests would require more comprehensive audits for some organizations than are required under present law and that some of these organizations would therefore prefer to be governed by the "substantiality" test.

Policy considerations similar to those which led Congress to enact section 162(e) are applicable to proposed legislation permitting program-related direct lobbying of charities. These policy considerations are as follows: (1) the "substantiality" test of present law is difficult to administer and gives little guidance to charities; (2) it is anomalous that charities can make appearances before, and submissions to, administrative or judicial bodies, but not legislative bodies, with respect to matters affecting their charitable programs; and (3) legislative bodies need information concerning the effect of legislation or proposed legislation on charitable organizations and their programs.[32]

All three of the bills mentioned above are based on a 1969 American Bar Association resolution, reprinted with the Muskie bill in the Congressional Record.[33] Some differerences are apparent, however. The ABA resolution, which antedates the Tax Reform Act, would permit only publicly-supported charities, within the meaning of that term under former section 503(b)(3) (repealed by the Tax Reform Act) to engage in program-related direct lobbying, whereas each of the three bills would permit all public charities, whether or not publicly supported, to engage in program-related direct lobbying.[34]

The limitations of the three bills and the ABA resolution on the allowance of direct lobbying to organizations which are in some sense "public" appears to be based on a feeling that it would be "dangerous to give such power to private foundations."[35] For if private foundations could engage in such lobbying, a wealthy individual "could set up a well-endowed private foundation to 'lobby' without limit at the taxpaying public's expense in the legislatures for legislation promoting his pet 'religious, charitable, scientific, literary, or educational' beliefs."[36] Since publicly-supported charities generally are dependent for their support upon, and presumably must be responsive to, fairly substantial segments of the general public, there is not as serious a danger of such abuse where the charity is publicly supported.[37]

Nevertheless, the bills appear to apply to a more appropriate class of organizations than does the ABA resolution. Allowance of program-related direct lobbying for only publicly-supported organizations fails to recognize a fundamental proposition of the Tax Reform Act—that an organization will be treated as responsive to a broad public interest because of the nature of its control or operation, as well as because of the nature of those who support it.[38] Consequently consistent with this proposition, the appropriate dividing line is that any organization which qualifies as a "public charity" should be able to engage in program-related direct lobbying.

Another difference between the Muskie bill and the Muskie-Scott bill on the one

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hand, and the Ullman bill and the ABA resolution on the other, is that the Ullman bill and ABA resolution would also explicitly allow any charity to engage in direct lobbying with respect to legislation (or proposed legislation) which would affect its tax-exempt status or the deduction of contributions to it under the federal income, estate and gift tax laws.[39] Although neither section 501(c)(3) nor the regulations thereunder indicate that more than an insubstantial amount of activity with respect to such matters may be carried on, a good case may be made for the proposition that more than an insubstantial amount of direct lobbying on such matters can be carried on under existing law. Thus, section 4945 explicitly provides that amounts paid or incurred for direct lobbying with respect to proposed legislation affecting a private foundation's existence, its powers and duties, its tax-exempt status, or the deduction of contributions to the foundation are not taxable expenditures. The report of the Committee on Finance states, with regard to the lobbying provision, that "[e]ssentially, this provision retains the present law provision but removes the 'substantiality' test in determining whether a private foundation has made a taxable expenditure. . . ."[40] However, in the absence of Treasury pronouncements clarifying this matter, it would appear desirable to clarify existing law (as the Ullman bill does) by including in a bill relating to the political activities of charities a provision specifically providing that any charity can engage in "substantial" direct lobbying with respect to proposed legislation concerning its existence, its powers and duties, its tax-exempt status, or the deduction of contributions to it.

The three bills are also quite similar to a proposal made in 1969 by Thomas C. Jorling.[41] The Jorling proposal served as the basis for Senator Cooper's previously discussed, ill-fated, proposed amendment to H.R. 13270 (the bill which became the Tax Reform Act of 1969).[42] The Jorling proposal would permit any section 501(c)(3) organization (including a private foundation) to engage in unlimited direct lobbying on matters of direct interest to the organization. In support of allowing private foundations as well as public charities to engage in program-related direct lobbying, it may be argued that many private foundations have valuable information and expertise which they should be allowed to make available to legislative bodies. However, as noted above, where charities are not of a sufficiently public nature, the potential for abuse by an individual using the organization for private purposes exists.[43] In addition, the Jorling proposal, in allowing private foundations to engage in program-related direct lobbying, is too broad in scope to be consistent with section 4945 which, on the theory that private foundations need substantial restrictions on their programs to insure that they live up to their roles as stewards of public trust,[44] imposes severe sanctions upon program-related lobbying activities of private foundations (unless such lobbying consists of the dissemination of nonpartisan analysis, study, or research, or the furnishing of technical advice or assistance).

Another shortcoming of the Jorling proposal, and the Senate floor amendment based upon it, is that its elimination of the "substantiality" test would absolutely forbid any grassroots lobbying. The proposal's proponents appear to take the position that such a provision is necessary to put charities and trade or business organizations on an equal footing.[45] What they fail to recognize, however, is that for a trade or business organization the penalty for a minimal violation is merely disallowance of the deduction whereas for a charity the penalty for such a violation could be loss of its section 501(c)(3) status. Thus, it appears desirable to retain the "substantiality" test for grassroots lobbying, as the Ullman bill does.[46] However, if this is done and the percentage is even five percent as in the Ullman bill, it could result in the explicit availability of very large sums for grassroots lobbying.[47]

Furthermore, with respect to the Jorling proposal, it is important to note that crucial to the philosphy of the Tax Reform Act is the distinction between private foundations and public charities.[48] The Tax Reform Act recognizes that a private foundation may well be the alter ego of an individual or small group of individuals, and as such might be particularly susceptible to being used to further the personal interests of contributors, whereas public charities, by virtue of their public nature, are subject to sufficient public scrutiny to make such abuses sufficiently unlikely as not to require detailed legislative regulation of their charitable functions or the means by which such functions are achieved.[49] Thus, since the Tax Reform Act indicates that public charities are to be given more leeway than private foundations in implementation of their programs, the philosophy behind the Tax Reform Act is not inconsistent with the liberalization of the rules concerning direct lobbying of public charities despite the references in the Committee reports to Congressional policy against use of tax deductible funds for political purposes.[50] It is debatable, at best, as to whether the same can be said of private foundations.

Opponents of proposals such as the Muskie bill may also argue that allowance of unlimited program related direct lobbying to public charities would result in the advent of ideological organizations, organized and operated primarily to influence legislation, using deductible contributions primarily to achieve legislative goals. This problem may be solved by providing, in the bill or in committee reports, that the provision is not intended to affect that portion of the regulations under section 501(c)(3) which denies exemption to an organization under that section if the organization's "main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation"[51] and it advocates the attainment of such objectives in a partisan manner. This, coupled with the restrictions on grassroots lobbying, should be sufficient to prevent the use of deductible contributions for political agitation while permitting direct lobbying on matters which are related to charitable purposes of public charities.[52]

As previously discussed, this objection could also be met by providing, as the Ullman bill and the Muskie-Scott bill do, that a large percentage of the organization's program-related expenditures must be spent for exempt activities other than lobbying. Whether the requirement that at least 80 percent, or at least 65 percent, of the organization's expenditures be spent for exempt activities other than lobbying is appropriate or should be more (or less) stringent seems like a uniquely appropriate issue for a legislative decision.[53]

However, it appears that allowing up to 20 percent of each charity's current expenditures to be spent for lobbying would result in permitting several billion dollars to be used for lobbying activities.[54] Even if, due to the budget constraints and other programs of charities, only one tenth of such a maximum estimated amount were so used, it would result in more than a half billion dollars per year being used for the program-related direct lobbying of public charities. Such an amount might well have very significant effects on the legislative process.

In addition, if an organization with a large budget, such as a university, became interested in certain legislation affecting one of its exempt purposes and had funds available, the organization could spend large sums in direct lobbying for such legislation. Thus, it has been suggested that determining how much legislative activity a public charity can engage in solely by reference to a test based upon the percentage of current expenditures used for such activities is inappropriate.[55] Apparently it is felt that whether legislative activity is impermissibly "substantial" should be determined on all the facts and circumstances of each case, with factors such as the total amount expended, the use of registered lobbyists, and the type of lobbying engaged in (for example, differentiating appearances at public hearings from private meetings with legislators) being considered as well as the percentage of total current expenditures used for legislative activities.[56]

The major problem with such an approach is that the complexity would lead to great uncertainty—exactly the difficulty with present law. Also, while allowing only appearances at public hearings and communications with legislative bodies incident to such hearings would eliminate the complexity of a "facts and circumstances" test, such a limitation appears to be generally regarded as too restrictive.[57]

Another exception which might be taken to determining the permissible amount of program-related direct lobbying by reference to expenditures is that an organization's expenditure pattern does not accurately reflect its pattern of activities. The Ullman bill's prohibition against the deduction of contributions for the use of an organization if such contributions are made for the purpose of influencing legislation is apparently designed to insure that an organization's expenditure pattern more closely reflects the pattern of its activity.

As was noted at the public hearings on the Ullman bill, allowing public charities to engage in program-related direct lobbying with respect to legislation where there is no competing business interest can not be justified by the "balancing" argument.[58] However, such lobbying can be justified as representing the communication of information to legislatures (presumably a desirable goal even in the absence of competing business interests and even if charitable organizations have conflicting viewpoints).

Another criticism of the Ullman bill, which is also applicable to the other bills, is that there is a substantial problem in deciding who is a member of a charitable organization, since the term "member" has different meanings for different types of organizations and under differing state laws.[59] In particular, there are substantial problems created by parent or national organizations which have subsidiaries or local affiliates since "the membership of some large parent organizations may encompass a large segment of the entire population, and communications to such memberships may assume the proportions of grassroots lobbying."[60] However, this problem could probably be alleviated, at least to some extent, by a restrictive interpretation of the term "direct communication of information" between a public charity and its members. Also a restrictive definition of the term "members" might restrict the use of the "communication with members" provision to a degree sufficient to prevent its use for grassroots lobbying.

A problem common to all three bills and to the legislative proposals discussed above is providing appropriate subject limitations for lobbying. Under section 162(e), lobbying by businesses is limited to matters of direct interest to the taxpayers, and the regulations provide that "[l]egislation or proposed legislation is of direct interest to a taxpayer if the legislation or proposed legislation is of such a nature that it will, or may reasonably be expected to, affect the trade or business of the taxpayer."[61] When coupled with the natural limitations imposed by a profit motive, this limitation as interpreted in the regulations is probably sufficently definite to place reasonable limits on business lobbying which can be administered with relative ease.

All the bills and proposals discussed above allow lobbying by a charity only with respect to matters of direct interest to such charity. Other than stating that "matters of direct interest to an organization are those directly affecting any purpose for which it is organized and operated," neither the Ullman bill, the Muskie-Scott bill nor the Muskie bill give any meaningful guidelines as to limitations on the subject matter of lobbying by charities. Since the articles setting forth the purposes for which charities are operated are generally very broad in scope, it would appear that this test might impose little, if any, limitation on lobbying by charities.

Jorling states that "a new set of criteria will necessarily have to be established to define the appropriate nexus between any given legislation and the nonprofit organization's purpose."[62] However, his only suggestion to limit the allowable subject matter concerning which a public charity may lobby is to require that the charity state the subject matter with respect to which it wishes to lobby to the Internal Revenue Service (in its exemption application or at a later time) so that the Service could make a determination of consistency between the exempt purpose and the legislative interest.[63] If this requirement of consistency with the exempt purpose of the organization were coupled with a requirement that the lobbying be conducted only in furtherance of an exempt purpose which forms a substantial portion of the organization's exempt activities (other than lobbying), it would seem that a reasonable, meaningful restriction on the amount and nature of direct lobbying by public charities could be achieved without unduly restricting the flow of information on proposed legislation to legislatures.

CONCLUSION

In short, it appears to be desirable to treat direct lobbying expenses of nonbusiness interests and those of business interests more equally. The Ullman bill appears to accomplish this goal in a reasonable manned by providing that a public charity can engage in direct lobbying with respect to matters of direct interest to its charitable program without losing its exemption under section 501 (c) (3) or its qualification to receive deductible contributions, so long as no more than 20 percent of the organization's current expenditures for its charitable purposes are expended for lobbying activities.

The limitation of the provisions of the bill to public charities appears to be reasonable because the distinction between personal expenditures on the one hand and business and charitable purposes on the other is important in the field of lobbying expenditures. The public nature of public charities should give reasonable assurance that a broad public interest, rather than a narrow personal interest, is being served by the direct lobbying expenditures of public charities. On the other hand, such assurance is not provided in the case of such expenditures by private foundations.

Nevertheless, while the approach of the Ullman bill appears basically sound, it appears that further consideration needs to be given to the appropriate allowable expenditure percentage for program-related direct lobbying to insure that such lobbying is incident to the accomplishment of otherwise charitable purposes. It also appears that further limitations should be imposed on the scope of the "communicating with members" activities, and that reconsideration should be given to quantifying the "substantiality" test with respect to grassroots lobbying.

FOOTNOTES

[1] Section 501(c) (3) provides that organizations may qualify for tax-exempt status under section 501(a) if such organizations are:

Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Thus, under this standard, any substantial amount of activity which is directed toward influencing legislation is grounds for loss of exemption under section 501(c) (3). Loss of status as an organization described in section 501(c) (3) is especially important because, except for organizations which are organized and operated for testing for public safety (not covered in the section 170(c) (2) provisions governing deductible contributions) organizations described in section 501 (c) (3) are also qualified to receive tax-deductible contributions under sections 170(c) (2), 2055, 2106, and 2522. Although these "deductible contributions" sections do not state that an organization must be described in section 501(c) (3), they essentially track the requirements of that section, and sections 170(c) (2), 2055(a), 2106(a) and 2522 (a) explicitly provide that, to the deductible, a contribution must be to an organization "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation." Of course, a charity's exemption and its qualification to receive deductible contributions will not be challenged because of political activities unless the Internal Revenue Service, in its audit processes, makes a determination that such charity has engaged in "substantial" political activities. Consequently, loss of exemption and of qualification to receive deductible contributions appear to be sanctions which are particularly susceptible of subjective application. *See*, S. Rep. No. 91–552, 81st Cong., 1st. Sess. 47 (1969); authorities cited note 5 *infra*.

[2] I.R.C. § 162(e), as added by the Revenue Act of 1962, Pub. L. 87–834.

[3] *Id.*

[4] I.R.C. §§ 170(c) (2) and 501(c) (3). The activities that caused the Sierra Club's loss of tax-exempt status under section 501(c) (3) included direct lobbying as well as the more highly publicized grassroots lobbying. Letter Ruling, 6P-H 1967 Fed. Tax Serv. ¶ 54664; Note, *The Sierra Club; Political Activity, and Tax Exempt Charitable Status*, 55 Geo. L.J. 1128, 1131 (1967). *See* section 4945, Treas. Reg. § 1.501(c) (3)–1(c) (3) (iv) (b), and Treas. Reg. § 53.4945–2(d) (1), for the proposition that the making available of the results of nonpartisan analysis, study and research to legislative bodies or members thereof does not violate the restrictions against direct lobbying.

[5] *Hearings on the Subject of Tax Reform Before the House Comm. on Ways and Means*, 91st Cong., 1st Sess. 815–16, 911–14 (1969); *Hearings on H.R. 13270 Before the Senate Comm. on Finance*, 91st Cong., 1st Sess., Parts 5 and 6 (1969); Note, *Political Activity and Tax Exempt Organizations Before and After the Tax Reform Act of 1969*, 38 Geo. Wash. L. Rev. 1114, 1125–26, 1131 (1970).

[6] The regulations under section 501(c) (3) give no guidance as to what constitutes "nonpartisan analysis, study or research," nor do these regulations explicitly state that the results of nonpartisan analysis, study or research may be made available to legislators or legislative bodies when legislation is pending. Treas. Reg. § 1.501(c) (3)–1(c) (3) (ii) and (iv). The regulations under section 4945 do explicitly provide that the furnishing of the results of nonpartisan analysis, study or research to legislative bodies does not constitute taxable direct lobbying for private foundations. These regulations also attempt to define "nonpartisan analysis, study, or research." Treas. Reg. § 53.4945–2(d) (1). However, the comments to the proposed regulations under section 4945, see Proposed Treas. Reg. § 53.4945–2(d) (i) (March 20, 1971), indicate that private foundations have had considerable difficulty with the portion of the proposed regulations relating to "nonpartisan analysis, study, or research." In particular, the commenting foundations appear to have a great deal of difficulty interpreting the examples. *See, e.g.*, Letter to Commissioner Thrower from Lawyers' Committee for Civil Rights Under Law, April 19, 1971; Letter to Treasury Department Personnel from Foundation Lawyers Group, problems 2–10 through 2–12, June 10, 1971. Although these provisions have been revised, and the examples completely rewritten, in the final regulations, it still appears that there may well be difficulty in determining the scope of "nonpartisan analysis, study or research."

[7] 116 Cong. Rec. 4069 (daily ed. March 30, 1971) (statement of Senator Muskie); Note, *supra* note 5, at 1135–36. It should be noted that the restrictions of the substantiality test appear to "be so vague as to encourage subjective applications of the sanctions." S. Rep. No. 91–552, 91st Cong., 1st Sess. 47 (1969). Thus, for example, the Sierra Club investigation appears to have been triggered by a relatively insubstantial expenditure without which it appears unlikely that the investigation would have been undertaken. *See, e.g.*, Note, *supra* note 5, at 1121–1125, 1135 and the authorities cited therein. In the matter involving the Sierra Club, the Internal Revenue Service, as a first step in its inquiry into the exempt status of the Club, withdrew advance assurance of deductibility for contributions to the Club. IRS News Release No. 829 (June 13, 1966), *reprinted in* 7 Cch Stand. Fed. Tax Rep. ¶ 6607, at 71, 601.

[8] S. Rep. No. 1881, 87th Cong., 2d Sess. 22–23 (1962); H.R Rep. No. 1447, 87th Cong., 2d Sess. 17 (1962); Jorling, *Information, the Tax Law, and the Legislative Process*, 48 Ore. L. Rev. 227, 231 (1969).

[9] Andrews, *Foundations and the Law—A Forward*, (13 U.C.L.A. Law Rev. 933 (1966); Note, *supra* note 4, at 1133 and n. 29; authorities cited note 5 *supra*.

[10] Jorling, *supra* note 8, at 230.

[11] S. Rep. No. 1881, 87th Cong., 2d Sess. 414–17 (1962) (Supplemental and Minority Views of Senators Douglas and Gore); 116 Cong. Rec. 4070 (daily ed. March 30, 1971) (statement of Senator Muskie); 115 Cong. Rec. 29426 (1969) (statement of Senator Cooper); Jorling, *supra* note 8, at 232.

[12] *See* Liles, *A New Look at "Ordinary and Necessary" Business Expenses ("Lobbying and T & E")*, N.Y.U. 21st Ann. Inst. on Fed. Tax 1165, 1166–1173 (1963) and the authorities cited therein at nn. 3–6 and 18.

[13] Liles, *supra* note 12, at 1168 and the authorities cited therein at n. 10.

[14] Cammarano v. United States, 358 U.S. 498 (1959); Textile Mills Security Corp. v. Comm'r, 314 U.S. 326 (1941); Sunset Scavenger Co. v. Comm'r, 84 F.2d 453 (9th Cir. 1936); Liles, *supra* note 12, at 1168–1170.

[15] The provision forbidding exempt charities from engaging in lobbying was originally enacted in 1934. Revenue Act of 1934, ch. 277, § 23(a), 48 Stat. 690. Somewhat similar provisions had been found in the regulations since 1919. Treas. Reg. 45, art. 517 (1919), in T.D. 2831, 21 Treas. Decs. Int. Rev. 285 (1920).

[16] *See* notes 2–3 and 8 *supra* and accompanying text.

[17] *See* note 6 *supra*. *See also Section of Taxation, Council and Committee Recommendations*, 21 Tax Lawyer 915, 969 (1968).

[18] See, *e.g.*, S. Rep. No. 91–552, 91st Cong., 1st Sess. 25–26 (1969); Sugarman, *The Line Between Education and Propaganda*, N.Y.U. 3d Conf. on Charitable Foundations 173, 181 (1957).

[19] *See* note 5 *supra*.

[20] This amendment was introduced on October 3, 1969 (115 Cong. Rec. 28327 (1969)) and was explained on October 9, 1969 (115 Cong. Rec. 29426 (1969)) but was never called up for consideration. It was based on a proposal in Jorling, *supra* note 8, at 233–36.

[21] I.R.C. § 4945, as added by the Tax Reform Act of 1969 (Pub. L. No. 91–172). Hereafter the Tax Reform Act of 1969 will be referred to as the "Tax Reform Act."

[22] In addition to the bills discussed herein, these bills included H.R. 9691, 92d Cong., 1st Sess. (1971); H.R. 9988, 92d Cong., 1st Sess. (1971); and a number of bills which are identical to the Ullman bill (and which are listed in *Hearings on Legislative Activity by Certain Types of Exempt Organizations Before the Comm. on Ways and Means*, 92d Cong., 2d. Sess. 1 (1972) [hereinafter *"Hearings on Legislative Activity"*].

[23] S. 1408, 92d Cong., 1st Sess. (1971), reprinted at 117 Cong. Rec. 4070 (daily ed. March 30, 1971).

[24] S. 3063, 92d Cong., 2d Sess. (1972), reprinted at 118 Cong. Rec. 287 (daily ed. January 24, 1972).

[25] *Id.*

[26] 118 Cong. Rec. 287 (daily ed. January 24, 1972).

[27] *Id.*

[28] *Id.*

[29] H.R. 13720, 92d Cong., 2d Sess. (1972), reprinted in *Hearings on Legislative Activity* 2–4.

[30] *Id.*

[31] *Id.*

[32] 117 Cong. Rec. 4069 (daily ed. March 30, 1971); *Council and Committee Recommendations, supra* note 17, at 969.

[33] 117 Cong. Rec. 4070 (daily ed. March 30, 1971). The American Bar Association resolution is reprinted and discussed in *Council and Committee Recommendations, supra* note 17, at 967–72.

[34] Although by its terms the ABA resolution would apply only to organizations described in former section 503(b)(3) (and thus also described in section 170(b)(1)(A)(vi)), it would probably also apply to most religious and educational organizations described in former section 503(b)(1) and (2) (and in section 170(b)(1)(A)(i) and (ii)) since most of these organizations should be able to qualify as "publicly supported."

[35] *Council and Committee Recommendations, supra* note 17, at 971.

[36] *Id.*

[37] *Id.*

[38] *See* I.R.C. §509; S. Rep. No. 91–552, 91st Cong., 1st Sess. 56–59 (1969). In particular it should be noted that under section 509(a)(3) organizations do not have to be publicly supported to qualify as public charities if they are operated, supervised, or controlled by one or more section 509(a)(1) or (2) organizations

[39] 117 Cong. Rec. 4070 (daily ed. March 30, 1971).

[40] S. Rep. No. 91–552, 91st Cong., 1st Sess. 48 (1969).

[41] Jorling, *supra* note 8, at 233–36.

[42] 115 Cong. Rec. 29426–27 (1969).

[43] *See* text accompanying notes 35–37, *supra*.

[44] S. Rep. No. 91–552, 91st Cong., 1st Sess. 48 (1969).

[45] Jorling, *supra* note 8, at 234.

[46] Although a taxable organization cannot get a deduction for grassroots lobbying under section 162(e), it may be able to deduct certain expenses for grassroots lobbying under the guise of institutional advertising, provided the advertising message is not too flagrant. Thus, for example, although somewhat muted in tone, the advertisements for the automobile manufacturers relating to their efforts to increase automobile safety might be considered grassroots lobbying with the intent to influence the general public with respect to existing and proposed legislation concerning automobile safety standards. Denial of deductions for expenses of these advertisements, which give cnly the automobile manufacturers' side of the automobile safety issue, is probably not a realistic expectation. Conversely, except for an insubstantial amount of grassroots lobbying, any information that a public charity makes available to the general public, or a segment thereof, with respect to pending or existing legislative issues, must be sufficiently impartial to qualify as the results of nonpartisan analysis, study or research, or sufficiently general to qualify as the examination of broad social economic or similar issues. *Cf.* paragraphs (b), (d)(1), and (d)(4) of Treas. Reg. § 53.4945–2. *See* text accompanying nn. 39–40 for a discussion of the applicability of the principles contained in section 4945 and the regulations thereunder to issues concerning lobbying activities under section 501(c)(3). Thus, even with the "substantiality" test it appears that a charity may well be at a disadvantage in engaging in grassroots lobbying, as well as in engaging in direct lobbying, when compared to a taxable organization.

[47] *Hearings on Legislative Activity, supra*, note 22, at 8–9 (Statement of Honorable Edwin S. Cohen, Assistant Secretary of the Treasury).

[48] *See* note 38 *supra*.

[49] *See* Tax Reform Act of 1969 § 101, Pub. L. 91–172 (adding sections 507–509 and 4940–4948 to the Code). *See also* S. Rep. No. 91–552, 91st Cong., 1st Sess. 25–27, 28–34, 38–51, 56–59 (1969).

[50] S. Rep. No. 91–552, 91st Cong., 1st Sess. 47 (1969).

[51] Treas. Reg. § 1.501(c)(3)–1(c)(3)(iv).

[52] This seems to be in accord with the views of Judge Learned Hand in the leading case of Slee v. Comm'r, 42 F.2d 184 (2d Cir. 1930). In this case Judge Learned Hand states that:

> Political agitation as such is outside the statute, however innocent the aim . . . . [However] there are many charitable, literary and scientific ventures that as an incident to their success require changes in the law. A charity may need a special charter allowing it to receive larger gifts than the general laws allow. It would be strained to say that for this reason it became less exclusively charitable, though much might have to be done to convince legislators. A society to prevent cruelty to children, or animals, needs the positive support of law to accomplish its ends. It must have power to coerce parents and owners, and it does not lose its character when it seeks to strengthen its arm. A state university is constantly trying to get appropriations from the legislature; for all that, it seems to us still an exclusively educational institution . . . . All such activities are mediate to the primary purpose, and would not, we should think, unclass the promotors. The agitation is ancillary to the end in chief, which remains the exclusive purpose of the association. 42 F.2d at 185.

[53] At the public hearings on the Ullman bill, Assistant Secretary of the Treasury Edwin S. Cohen estimated that the percentage limits proposed by the Ullman bill would permit public charities to spend as much as $6 billion on lobbying of which $1.5 billion could be spent on grassroots lobbying. *Hearings on Legislative Activity, supra*, note 22, at 8.

[54] *Id.*

[55] *Id.* at 12–13, 16.

[56] *Id.*

[57] *Id.* at 11 (Mr. Ullman), 76 (Stanley S. Weithorn).

[58] *Id.* at 7 (Mr. Cohen).

[59] *Id.* at 9.

[60] *Id.*

[61] Treas. Reg. § 1.162-20(c)(2)(ii)(b)(1)(i).

[62] Jorling, *supra* note 8, at 234.

[63] *Id.* at 235.

LYNDON BAINES JOHNSON

Mr. JOHNSTON. Mr. President, I am pleased to have the opportunity to join Senators in paying tribute to a great American, Lyndon Baines Johnson.

Mrs. Johnston and I extend our deepest sympathy and condolences to Mrs. Johnson and to the Johnson daughters and their families. Throughout the sad events of the past week the Johnson women were pillars of strength and composure, and our hearts go out to them.

Although I did not have the opportunity to serve with him in Washington, I feel with all Americans the great sense of shock and sadness over the death of President Johnson. His unexpected passing leaves a void in the affairs of a Nation which he loved deeply and to which he dedicated a lifetime of service.

Throughout his tenure as majority leader and the 5 tumultuous years of his Presidency, I followed his career with respect and awe—respect for his forthright stands and the office he held; awe of his political acumen and his successes in the Congress.

The Johnson administration provided the leadership and impetus for Congress to enact into law ideas and social programs that had been discussed since the New Deal. Domestic legislation of the Great Society encompassed assistance for the underprivileged, the black, the aged, the Mexican-American, the American Indian and all Americans denied their just share of this affluent society.

His programs included medical protection for the elderly and poor, expanded Federal aid to education, and the eradication of all barriers to the voting booth. The Johnson administration offered the Congress approximately 200 major measures and almost 90 percent of them passed. This body of law touches all Americans in every walk of life.

He brought to the highest office in the land experience without precedent, compassion without parallel, and energy that knew no bounds. He did indeed sometimes seem larger than life, and he had seen more of life than most. Those of us who shared a somewhat common heritage as neighbors and fellow southerners draw special pride from President Johnson's untiring efforts to build a better America.

However, history finally assesses the actions of his Presidency. Lyndon Johnson's countrymen should always be grateful for the strength that enabled him to impart to America a strong sense of continuity and national purpose in the dark days following the tragedy that elevated him to the White House in 1963.

Lyndon Johnson spent his life in service to his fellow man. From his early years as a schoolteacher through his post-presidential years as elder statesman, he worked to help humanity, to correct those injustices that he saw in the world about him. Few men were as aptly suited for this task as Lyndon Baines Johnson, and history will note that few men have ever met the task so well.

SENATOR HUGHES' REMARKS BEFORE THE NATIONAL PRESS CLUB

Mr. WILLIAMS. Mr. President, last Friday, the Senator from Iowa (Mr. HUGHES) spoke before the National Press Club on a subject that has long been to him a matter of deep personal concern—the fight against alcoholism in the United States.

Senator HUGHES spoke brilliantly of the problems of alcoholism and the urgent need for care and treatment of the estimated 9 million alcoholics in this country. He again reiterated the necessity for a total national commitment in rehabilitating these citizens and ultimately preventing this grave health problem.

As chairman of the Subcommittee on Alcoholism and Narcotics, Senator HUGHES has actively and effectively initiated programs to combat this disease through Federal legislation. But to find solutions to this social problem and to cure the ills of this disease, the support of all Americans is vital. As Senator HUGHES noted in his remarks, "the key words are understanding, compassion, forgiveness, faith."

I ask unanimous consent to have printed in the RECORD the remarks of Senator HUGHES, because they clearly illustrate his compassion and understanding of this national problem.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

ALCOHOLISM IN AMERICA—THE FIGHT THAT CAN BE WON

Alcoholism is a microcosm of the social diseases afflicting the United States in the wake of the Vietnam war and the other turmoils of the past decade.

What we do as a nation about alcoholism is, in my judgment, a clue to what we will do about our decaying cities, our depressed rural areas, the central problems of racial discrimination, poverty, substandard housing and inadequate health care.

Our response at this point in history to this ancient blight can either be a tolling bell of despair or a beacon of hope.

The glorious truth about the disease of alcoholism is that it is treatable, controllable. We know this from experience. The empirical facts are on the record.

Perhaps we have talked too long—and I am as guilty as anyone else—about *solving* the problem.

There are no neat, final solutions to this or any other of the great social problems facing our nation.

Yet there are known ways to go, proven actions that can be taken to arrest a growing trend so that it will no longer be a major threat to the health and well-being of a great people.

Government, community and industrial programs are an indispensable need in coping with what Dr. Roger Egeberg once called "the nation's number one health problem."

We have come a long way with these programs but realistically there has never been adequate funding or sufficient public support—by a country mile.

Moreover, we have, I think, relied too heavily on the programmatic approach as a convenient way of getting a difficult and nasty problem out of our own sight and mind.

The most urgent need is for basic changes in public *attitudes*—the same changes, as I see it, that will spell the difference between our success or failure in healing the wounds and divisions that have resulted from the impact of the war and the profound domestic tensions we have experienced in the past ten years.

The key words are understanding, compassion, forgiveness, faith.

Faith? Yes, faith. Not a vague, passive acceptance that the problem will go away if we are patient and ignore it, but a realistic, working faith that we will deal effectively with our national malaises—for the simple reason that we are a great people and must deal with them to survive.

We are not the first generation faced with problems that seems beyond solution; nor will we be the last. But mankind somehow moves along, either by the inch or by spurts of advancement, and the prophecies of armageddon never quite materialize.

The changing of deeply rooted public attitudes is admittedly the most difficult objective of all problem areas for us because we are dealing here with "soft goods"—the subtleties and contradictions of the human mind and spirit—and the American genius has been most notably demonstrated in science, technology, and organization—"hard goods."

I want to discuss with you some of these attitudes I so deeply believe need to be changed, but first I would like to issue some disclaimers to clear the atmosphere.

I do not address this subject as an "expert" on alcoholism. There are "experts" perhaps in certain phases of the subject—medical people, for example, and few of those I regret to say. The only expertise on the over-all problem resides, as I see it, in people who care a great deal and who have the patience, the understanding, and the commitment to devote great parts of their lives, or all of their lives, to the prevention of alcoholism and the treatment and rehabilitation of alcoholic patients.

The composite portrait of the alcoholic in America cuts through every stratum of our society. It is not confined to the skid-row bum, but includes the best and the brightest, the poor and the affluent, the young and the old, business and professional people, and housewives who drink themselves into forgetfulness behind the closed blinds of their own homes.

Like many others who have traveled the same route, I have a special compassion for these people and their families because I am myself an alcoholic—a *recovered* alcoholic, not a reformed alcoholic who pulled himself up by the resources of his own will and morality, but a man with a serious illness who recovered from it because there were people in the world who cared and understood and were willing to help.

The problem of each of these estimated 9 million alcoholics in this country—and I believe the figure to be far short of the real total—is mine as well as theirs—and you share it too.

Once we comprehend this, we are on our way to transforming our national effort to deal with the disease into a steady march of advancement—slow, perhaps and sporadic, but nonetheless forward—rather than the delaying action we are now half-heartedly conducting, or the Dunkirk that could conceivably come to pass.

In developing treatment modalities for some of the newer forms of drug abuse, we are still in highly experimental stages, dealing with problems that are yet in the area of the unknown.

But we know a great deal about the treatment of alcoholism; we know that sound programs of alcoholism treatment, rehabilitation and prevention in the public sector and in private industry will pay huge dividends in the recovery of human lives and in vast economic savings.

We know, for example, that there is no single approach, no easy, yard-goods way to treat and control the disease. Some impassioned advocates of special treatment methods will disagree with me. (We can get as doctrinaire in this field as any other. Some of my older recovered friends are among the worst bigots when it comes to kids who have experimented with pot.) But most of the recognized people working with alcoholism have found that different approaches are required for different kinds of people.

As the Nixon Administration goes about its unilateral reorganization of the federal bureaucracy, I am frankly concerned about the possibility that it will consolidate and homogenize treatment programs for alcoholism and other forms of drug abuse. In seeking efficiency and reduced costs, we could end up with ineffective programs which, in turn, would cost society a bundle, whatever economies the Office of Management and Budget might proclaim.

Let me suggest, in brief terms, some of the attitudes that need to be changed if we are to deal with alcoholism more effectively—and that quite clearly *can* be changed if we set our minds to the task.

The medical profession, enlightened citizens throughout the land, and the Supreme Court have recognized that alcoholism is a disease.

Joe Doaks and his wife recognize that alcoholism is a disease. But when it comes to the case of Cousin Harry who gets drunk periodically, loses his job, and borrows money from them, they are convinced that this is because Harry is a weak-willed, parasitic bum, certainly not an alcoholic.

Despite the enlightenment of recent years, the general public and a big proportion of public officials are still more preoccupied with punishing than with curing.

If we have learned anything from the past, it should be that we will make no inroads against alcoholism and other forms of drug abuse until we get at the source of the problem—the addiction itself. You don't solve anything in a lasting way by putting sick people in jail.

But to a large degree, we continue to proceed with drug control as if motivated by a societal death wish—as if we had no capacity whatsoever to learn from the mistake of the past.

As a society, we are guilt-ridden and uneasy ourselves; our reflex is to look for someone on whom to lay the blame.

But the guilt syndrome only confuses and compounds the problem in various ways. It drives alcoholics, already overburdened by their own guilt-feelings ever deeper into their addiction. It drives society—the public, the courts and the enforcement officials—back into the treadmill of methods that have dismally failed.

Alcoholism presents unique problems in the drug abuse field in that alcohol is legal, socially accepted, and the drug of preference of some 95 million Americans.

Don't read me wrong. No national experiment has ever failed more dismally than the Volstead Act.

But it is high time that the Amalgamated Association of Drinkers who are not alcoholics did a little self-analysis about their role in the promotion of this form of drug abuse that causes more deaths, human misery and economic loss than all other forms of drug abuse combined.

At the fashionable cocktail party or the village pub, the entertaining drunk, the life of the party may be hell-bent on his way to gradual or precipitate suicide. And the genial host, so generous with the scotch, may rank as one of the town's leading pushers.

Alcoholic beverages have been around from time immemorial. I do not mean to be critical of those whose physical and emotional systems can handle it. I happen to be one of those millions of people in all walks of life whose chemistry cannot adjust. What I am asking is simply that those who can drink in moderation without ill effects be more sensible, solicitous and forgiving towards those who can't.

I have criss-crossed this country for many years trying to change attitudes and mobilize public support for proven, sensible programs for alleviating the inestimable human and economic loss of this serious and rapidly growing national health problem.

My message is no jeremiad of despair or defeat. We have the resources and know-know to succeed beyond anyone's expectations. And if you are concerned, as many public leaders are, with raising the quality of living in America, this is one hell of a place to start.

We have trainloads of statistics and case histories to back up our case. But how do you awaken the people? I have tried the economic route. It is estimated by the Department of Health, Education, and Welfare that alcohol abuse and alcoholism drain the economy of an estimated $15 billion per year.

GAO surveys, conducted at my request, revealed that the installation of sound programs of treatment, rehabilitation and prevention would save $135 to $280 million among civilian employees of the federal government and $120 million in the armed services.

The relatively few American industries that have pioneered with acoholism programs have registered a success rate of more than 60% in the recovery of afflicted personnel.

A couple of months ago, in a speech in San Diego, I challenged the American business and industrial community to invest $40 million in employee alcoholism programs in order to recover a salvageable $4 billion that is now going down the drain needlessly every year.

We are making progress—encouraging programs in some of the departments of government and an increasing number of private industries. But the potential has been barely tapped.

Obviously, more important than any economic consideration is the human quotient—the wasted lives, the ruined careers, the untold misery to families of alcoholics, the appalling damage to society in crimes and highway fatalities in which alcoholism was a contributing factor.

In our concept of an alcoholic, we too often confine our vision to the staggering inebriate, the patient whose symptoms are acute and publicly visible. This concept loses sight of the invisible victims, the persons whose alcoholism is not recognized but whose talents and potential for a rewarding life are thwarted by one of the most insidious afflictions known to the human race.

For these thwarted people, for all other victims of alcoholism, and for the rest of society that suffers inestimable damage and loss, there is hope.

We have the knowledge of what must be done; we simply need the public determination to do it.

If we were dealing with a bacteriological disease instead of a chemical addiction, we would have proclaimed a national emergency and put the problem under control in short order. There is no reason that we cannot succeed with alcoholism as we succeeded with polio and tuberculosis.

The beginning is not in Washington, the 100 statehouses, or the city halls, but within each of us as a concerned citizen and a compassionate human being.

The basic premises from which we must start are first, that we believe in the value of every human life; and second that most alcoholic patients—not all, but most—can be successfully treated and their addiction controlled.

As I suggested in the beginning, I am convinced that when we mount an effective national campaign to control alcoholism and alcohol abuse in the United States, we will provide a template for getting at other major social problems in this country that are now thought by many to be beyond remedy.

CURTAILMENT OF ARMS RACE

Mr. MUSKIE. Mr. President, in recent weeks I have voiced doubt on several occasions about the commitment of the second Nixon administration to curtail further the arms race. On Monday of this week, the administration released its proposed budget for fiscal year 1974. If accepted by Congress, this budget would have the Arms Control and Disarmament Agency lose one-third of its operating funds next year—a cut from $9.9 million to $6.7 million. Yesterday, the White House announced that the resumption of SALT II has been delayed from February 27 until March 12. Today, there is a report that the Nixon administration is taking steps to concentrate all phases of disarmament policy in the White House.

All these developments are deplorable. If there is to be a change in America's arms control policies, if there is to be a dismemberment of the Arms Control Agency as we know it, if there is to be a concentration in the White House of arms control policymaking, the President has an obligation to tell us. If the President is so intent on making things perfectly clear, let us all hope he does so soon in the arms control field.

I ask unanimous consent that an article from today's Washington Evening Star-News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star and News, Jan. 31, 1973]

White House Moves In—Arms Control Unit Bypassed

(By Oswald Johnston)

As the strategic arm limitation talks with the Soviet Union enter a new and crucial phase, the Nixon administration is taking steps to concentrate all phases of disarmament policy in the White House.

In a series of moves culminating in this week's budget, the Arms Control and Disarmament Agency has been stripped of many of its resources and much of its authority to do its job.

The budget announced Monday shows that ACADA, a semi-autonomous agency housed in the State Department, would lose a third of its operating funds next year—a cut from $10 million to $6.7 million.

Much of the cutback, it is understood, is in the agency's research budget. It used to let out contracts for up to $2 million a year. Next year, the research fund will be only $500,000.

WHITE HOUSE PROJECT

At the same time, informed sources disclosed that the White House itself has quietly let out a research contract on disarmament to a former president of the Hudson Institute who is an outspoken opponent of last summer's arms-control agreements with the Russians.

The researcher is Dr. Donald G. Brennan, a strategic arms specialist who testified in Congress against the agreement to curb an anti-ballistic missile and against its interim five-year freeze on offensive nuclear weapons. Brennan has been engaged by Henry A. Kissinger's foreign policy apparatus in the White House, the National Security Council, to assess the political impact of the arms agreement on American allies in Western Europe.

SYMPTOMS OF MISTRUST

These developments are only the most recent symptoms of a mistrust in the White House of ACDA professionals that has been apparent since the first arms-control agreement were concluded in Moscow last May.

One arms expert close to the administration viewpoint explained it this way: "The principle at stake is whether the responsibility of negotiating these arm treaties should be in the hands of an interested agency—one whose mission is to promote arms control."

Kissinger himself moved publicly to take over from ACDA in Moscow last May, when he took charge of a press briefing scheduled to explain the details of the treaty and left Gerard C. Smith, the ACDA head and chief negotiator during two-and-a-half years of talks, standing in the background.

Smith's sudden relegation to the shadows has been cited by sources close to ACDA as a factor in his decision Jan. 3 to resign from the agency.

ACDA, has remained without a chief since. But a new chief negotiator to SALT was quickly named in an evident move to keep the SALT negotiating team separate from the arms control experts.

The new chief negotiator is U. Alexis Johnson, the former undersecretary of state, who has also been designated ambassador-at-large in President Nixon's second term.

The White House announced yesterday that the next round of SALT negotiations with the Soviets will begin March 12.

Johnson has been characterized as much more receptive to hard-line Pentagon views on arms control than any of the ACDA professionals.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, the hour of 2 p.m. having arrived, the Senate will now go into executive session to consider the nomination of Peter J. Brennan, of New York, to be Secretary of Labor.

Time for debate on this nomination will be limited to 1 hour, to be equally divided and controlled by the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits).

The vote on the nomination will occur at 3 p.m. today.

The nomination on the executive calendar will be stated.

DEPARTMENT OF LABOR

The assistant legislative clerk read the nomination of Peter J. Brennan, of New York, to be Secretary of Labor.

Mr. **JAVITS**. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. **JAVITS**. Mr. President, I ask unanimous consent that a professional staff member of the Labor and Public Welfare Committee, Mr. Eugene Mittleman, be allowed the privilege of the floor in connection with this debate.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JAVITS**. Mr. President, I have been authorized by the Committee on Labor and Public Welfare, which unanimously recommended this nomination to the Senate, to report it on behalf of the committee.

Mr. President, Peter J. Brennan, the President's nominee for Secretary of Labor, has an extensive history primarily as a working man himself and as a labor leader, starting his life as a painter and still member of the painters' union in good standing. He has served in a progression of union offices, from business agent of his local union to his current post as president of the New York Building and Construction Trades Council, a position he has held with distinction since 1958.

Mr. President, I ask unanimous consent to have printed in the RECORD a curriculum vitae on Mr. Brennan.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH: PETER J. BRENNAN

A native New Yorker, Mr. Peter J. Brennan lives with his wife in New York. He has three children and five grandchildren. He was educated in New York public schools.

He was interested in labor and entered the painters' apprenticeship training. Later he became a master painter. He became active in union affairs and was elected to the office of recording secretary and later financial secretary of his local union.

When our country became involved in World War II, he jointed the U.S. Navy. He served in the Pacific with the submarine forces.

After his honorable discharge from the Navy, Mr. Brennan returned to his union activities and was elected business representative of his local union. He later became assistant to the president of the New York City Building and Construction Trades Council and director of its maintenance division.

In 1957 he was elected president of the New York City Building and Construction Trades Council after the death of its president. In 1958 he was elected to the office of president of the New York State Building and Construction Trades Council and in 1959 he was elected a vice-president of the New York State A.F.L.-C.I.O. He is active in many church, civic and youth activities and has served as a labor mediator and on many committees for the mayor of the City of New York and the Governor of New York.

Mr. Brennan was instrumental in having the Building & Construction Trades Unions work and cooperate with the Workers' Defense League in bringing minorities into their apprenticeship training programs. He also worked with the people in the Brooklyn Model Cities Area in setting up a training program for the minorities which set a good model for the rest of the city.

He was the prime mover in the several plans for training minorities for the construction industry.

Mr. Brennan is an officer and member and past member of many outstanding organizations such as:

1. Member of the executive board of the York City Central Labor Council A.F.L.-C.I.O.
2. Trustee of the Sacred Heart of Jesus Church in Manhattan.
3. Vice-president and director of the Police Athletic League.
4. Vice-president and director of the New York Building Congress.
5. Member of the board of directors of the New York World's Fair.
6. Member of the board of directors of the United Community Funds and Councils of America.
7. Member of the board of directors of Greater New York Safety Councils, Inc.
8. Member of the advisory commission of the construction technology department of the New York City Community College.
9. Vice-chairman of the New York State Job Development Authority.
10. Member of the New York State Workmen's Compensation Advisory Committee.
11. Member of the Advisory Board on Prevailing Wages for Public Works in New York State.
12. Past chairman of the 16th Precinct Youth Council.
13. Member of the Cooperative Education Commission of the New York City Board of Education.
14. Member of the Advisory Committee on Labor Relations, Cornell University School of Labor and Industrial Relations.
15. Member of the Hudson River Valley Commission.
16. Co-chairman of Construction Industry United Fund of Greater New York.
17. Vice-chairman of the Construction Industry Boy Scout Lunch-O-Ree.
18. Member Board of Directors of the United Fund of Greater New York.
19. Member of New York State Labor Department's Safety Advisory Council.
20. Co-chairman of the Joint Board of the Construction Industry of New York City.
21. Member of the New York joint legislative committee on transportation.
22. Member of the mayor's building and construction advisory council of the city of New York.
23. Member of the board of directors of the New York State Urban Development Corporation.
24. Member of the board of directors of the National Housing Conference, Inc.
25. Member of Citizens Budget Commission, Inc.

He is an officer and member and past officer of veteran, fraternal and civic organizations too numerous to list.

He has received many awards and honors from civic, fraternal, professional, youth, veteran and labor organizations. He was honored in 1964 by the Republic of Italy, when he was made a Knight Officer in the Legion of Merit.

April 21, 1956—James P. Dawson Memorial Award—for his untiring efforts on behalf of the children of the West Side.

May 24, 1956—Citation from Police Athletic League, Inc. for his outstanding service to the P.A.L. in its efforts to promote wholesome recreation and social opportunities for the boys and girls of the city of New York.

June 19, 1958—Construction Industry Award by United Jewish Appeal.

October 17, 1959—Civil Service Painters Award for outstanding leadership in labor.

May 26, 1958—Award of the local joint executive board of the Hotel and Restaurant Workers for his outstanding efforts and assistance to their members.

May 1959—Awarded citation from the Greater New York Fund for his aid in assisting to raise funds for their 425 affiliated agencies.

February 11, 1961—Distinguished Service Award of the New York City Central Labor Council.

October 1964—Firefighers Local 94 Award for his dedication in assisting the firemen obtain a better life for themselves and their families.

October 24, 1964—Ancient Order of Hibernians Award for outstanding leadership in the betterment of the social welfare of all workers in New York.

May 8, 1965—Awarded the honor award of the New York State Society of Professional Engineers for his distinguished service as president of the Building and Construction Trades Council of Greater New York in the construction of the Verrazzano-Narrows Bridge.

June 7, 1968—Received the distinguished service award from firefighters for his support of their aims and ideals.

July 3, 1970—The good citizenship medal of the National Society of the Sons of the American Revolution.

July 13, 1970—Kings County American Legion Citation for meritorious service to the legion and our country.

July 31, 1970—Green-Murray Award of the Fraternal Order of Eagles, for his distinguished and outstanding leadership and statesmanship in labor affairs.

August 19, 1970—The Veterans of Foreign Wars gold medal of merit and citation for his outstanding leadership of his union members in providing inspiration to all Americans who love their country and for supporting our fighting men in Southeast Asia.

October 9, 1970—Man of the Year Award from the National Grand Council of Irish Emerald Societies, Inc. in recognition of his untiring efforts on behalf of his fellow man regardless of race, color or creed.

October 28, 1970—Citation of appreciation and merit for his unselfish contribution to the German-American community and to all Americans regardless of race, creed or national origin, by the Grand Council of Steuben Association in Civil Service.

May 21, 1970—Received the J. F. Kennedy Library for Minorities American heritage citation for helping minorities get into apprentice training.

December 3, 1970—The Merwin K. Hart Award by the National Economic Council, for promotion of our American heritage.

December 7, 1970—The award of merit from the Order of Lafayette Association for combating communism and defending our American way of life.

April 23, 1971—Gold Patriots Award from the Congressional Medal of Honor Society of the United States of America.

October 7, 1971—Boy Scout Award—"Good Scout."

November 13, 1971—New York State Veterans of Foreign Wars Silver Medal for Patriotism.

September 15, 1971—Award from State of Israel Bonds for aiding their campaign.

May 12, 1972—St. Francis College Award for his activities in helping underprivileged children get a college education.

October 7, 1972—Greater New York Fund plaque for aiding them in fund raising for their 426 charities.

Painters District Council No. 9 plaque in recognition of his help to the painters and working men in general in their efforts to make a better living.

New York State Department of Labor certificate of merit acknowledging his meritorius service to the state.

November 21, 1972—New York State Dept. of Labor—Office of Manpower Development—for his assistance to men and women in their endeavors for a better way of life.

April 21, 1972—American Irish Immigration Committee Award.

Mr. **JAVITS**. Mr. President, while he served in his various union offices, Peter Brennan has been a colorful and able spokesman for hundreds of thousands in the building trades of New York. He is a labor leader of great distinction—or the President would not have appointed him—but also, as the list of offices, achievements, and honors in the curriculum vitae indicates, he has been a community leader of exceptional ability and achievement.

As president of the New York Building and Construction Trades Council, he is really the president of a trade association of unions. He holds no actual power to force any individual union to take a specific action in the equal opportunity field. Yet, the committee heard testimony from him, and from the action of the committee one would assume it was satisfactory testimony, that he used his prestige as president of the council, and his own powers of persuasion, in efforts to bring members of minority groups, by color and ethnic group, blacks, Puerto Ricans, and other members of minority ethnic groups, into the construction trades, through such projects as the Brooklyn model cities plan, the Buffalo "Build" program, and the New York plan. Just 2 weeks ago the New York regional administrator of the U.S. Labor Department announced that during the past 14 months, over 3,000 members of such minority groups in the New York area have participated in training programs in the construction industry, and 795 have achieved journeyman status.

There was some argument about what had been accomplished by something called the New York plan, with very small figures cited as the number of people who had actually broken through to become full-time workers or even journeymen. But the report of the Department of Labor points out that the true picture depends on considering all types of activities, not just the New York plan. Hence, it seems to me that these are the figures which should be considered as we judge Mr. Brennan's activities and other actions which were taken in New York, rather than limiting the analysis strictly to the New York plan.

Without any question, there was testimony about discriminatory employment practices by the building trades in New York, and deep complaint and feeling on that score, in an effort to lay it at Mr. Brennan's door.

The PRESIDING OFFICER (Mr. McClure). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. Mr. President, there is no doubt about the fact that Mr. Brennan would be the first to agree that we still have a long way to go to end discriminatory employment practices in New York and the rest of the country, in the construction industry and in other industries. But Mr. Brennan testified eloquently again, and apparently to the satisfaction of the committee, which acted unanimously, of his intention to give equal employment opportunity high priority in his new post, and in this and other areas. I feel that, based on his record, he will act with complete fidelity to the obligations of his office and not, as some would seem to imply, as just parochial advocate for one group of unions—that is, the construction trades unions.

Indeed, his testimony in this regard and in other regards as to the compatibility of his views as a union leader with his role as Secretary of Labor was so forthcoming and so frank that he really had to be cautioned—and I cautioned him—about the way in which he would administer policy which, because of the need for compromise in all governmental matters, might cause him to come to grief, because it might be inconsistent with his personal views.

I expect that because of what Mr. Brennan has accomplished in the antidiscrimination field, and what he did in settling the Long Island Railroad strike, which was a real achievement in ending a deadlocked strike which had gone on for almost 2 months, and which he carried off even though not yet confirmed and while he was busy learning all the things he had to learn as the incoming Secretary of Labor, the workers of America will be magnificently served by him as Secretary of Labor.

I also believe that Peter Brennan's experience in dealing with the day-to-day problems faced by all workers will be of enormous benefit in helping to improve the administration of Labor Department programs. Among these, of such high importance, are the Occupational Safety and Health Act, which is a monumental problem to administer, the Fair Labor Standards Act. His expertise will also be invaluable as we grapple with such problems as national emergency and regional emergency labor disputes and their impact on the economy of the country, and wage and price controls, the reform of pensions and welfare plans, and a host of other matters.

I deeply believe that Mr. Brennan will discharge with great fidelity all of the various measures designed to prevent the economic or physical exploitation of workers—and we all know how desperately these programs need intelligent, efficient, and yet hard-headed, commonsensical administration.

So the committee felt, according to its unanimous vote—and I feel—that Mr. Brennan's qualifications for the post of Secretary of Labor give us every right to expect a most outstanding administration, that his experience as a labor leader can be turned to enormous usefulness by the United States, and that he is not so stratified in his thinking as to prevent him from that objectivity and broad understanding of the public interest in labor matters which is the basic qualification for any Secretary of Labor.

For all those reasons, Mr. President, I hope that in the record vote which will ensue, Mr. Brennan's nomination to be Secretary of Labor will be confirmed.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President, I believe that, at the request of the leadership, the time is to be equally divided between the Senator from New York, the ranking member of the committee, and myself, as chairman.

We both support the nomination of Mr. Brennan to be Secretary of Labor. No one has requested of me any time to speak in opposition to the nomination. I believe it has been stated that the confirmation of Mr. Brennan's nomination was reported unanimously by the Committee on Labor and Public Welfare. That committee and I, as chairman, urge the adoption of this recommendation.

I think it appropriate, particularly at this time, that the person nominated to this position shall have come from the ranks of organized labor, for the incumbent of this office is the only advocate in the President's Cabinet to represent the needs of the millions of ordinary working men and women throughout this country. Other groups, such as business and industry, have many spokesmen in the upper echelons of the Federal Government, but for the average wage earner, there is only one person to plead his cause in the executive branch—the Secretary of Labor. I believe that Mr. Peter Brennan can and will present such a case on behalf of all of this Nation's working men and women.

It is especially heartening that Mr. Brennan has demonstrated a willingness to disagree with positions that the administration has previously taken. And from all that we know about him, we can fully expect that Mr. Brennan will not passively accept policies and decisions which he believes to be contrary to the interests of working people. This is in refreshing contrast to the rest of this administration, which seems to be composed of so many faceless operatives intent upon obeying White House directives to eliminate or cripple a host of programs designed to meet the needs and concerns of the people of this country.

During our committee hearings on this nomination, there was testimony in opposition to Mr. Brennan, primarily from groups concerned that he had not shown sufficient sensitivity to the problem of securing equal employment opportunity for minorities and for women. However, the committee also heard testimony from representatives of the Black Trade Unionists Committee of the New York City Central Labor Council, and from groups representing Puerto Rican workers, who, on the basis on having worked directly with Mr. Brennan, were most emphatic in praising his efforts to provide improved job opportunities for minority workers. I will say that Mr. Brennan's statements before our committee concerning his devotion to the principle of equal opportunity for women and for minority groups carried the ring of conviction and sincerity and I fully expect that he will honor his pledges as Secretary of Labor.

Mr. Brennan has promised our committee that he will be available at all times for consultation, and, unlike so many officials of this administration, appears genuinely anxious to work closely with the Congress in fashioning and improving the programs for which he will be responsible.

I profoundly hope that Mr. Brennan's tenaciousness of the past will reflect itself in the future as a fighter for the undertakings which he told the committee he personally supports—notwithstanding the fact that such positions may be contrary to those favored by the administration.

I would say, finally, that this session of Congress will be concerned with many matters of vital interest to working men and women in this country. Many of the problems and opportunities that we will face legislatively were raised in the hearings of the committee when Mr. Brennan appeared before us. I was most encouraged to hear from him expressions of philosophy and approach which suggest to me that he views today's needs very much as we view them within our committee.

Last year, we passed a bill dealing with minimum wages. In that bill we extended coverage to approximately 8 million people who are not now covered under the Fair Labor Standards Act minimum wage provisions. We also increased the minimum wage to $2.20 an hour. That measure was not enacted, because it ran into trouble in the other body, where there was greater opposition to our effort to provide equality of treatment to all workers without respect to their age. There were some in the House—enough to block the enactment of these bills—who wanted a subminimum wage for minor workers.

We raised this matter with Mr. Brennan, and he indicated quite clearly that he would not favor having two classes of workers, one getting the minimum wage and one getting a subminimum wage, for doing the same work.

This suggested to me that this is one major piece of legislation that now will come forth with the support and the advocacy not only of a majority of Congress but of the Department of Labor as well.

I could enumerate other matters we discussed with Mr. Brennan in the hearing. I was completely satisfied that the work of Congress will be implemented fully by Mr. Brennan as Secretary of Labor.

Another area of great concern is occupational health and safety. We have been highly critical here in Congress of the administration of that program. One of our major criticisms was that the Department of Labor did not gear up to do the job for which Congress legislated.

The administration has never come to Congress for an adequate inspection staff. Now, the outgoing Secretary of Labor tells us that, since there is not sufficient staff, much of the responsibility has to be turned over to the States. We could have told them that there had to be a larger staff right from the beginning

Mr. Brennan has made it clear that he knows the importance of safety on the job and, as Secretary of Labor, will do all he can to see that the program is fully implemented, and that there are sufficient inspections of working places to assure that safety and health standards are being met.

Mr. President, I support the nomination of Mr. Brennan with enthusiasm.

Mr. JAVITS. Mr. President, I yield myself one-half minute.

I thank the Senator from New Jersey so much for what he said. I hope he will join with me in seeking a quorum call, the time to be charged to both sides. I announce that I am ready to yield on my time, all except 1 minute, to anyone who wishes to speak for or against Mr. Brennan, preferably yielding to those who want to speak against, in order to give them equal time. From what the Senator from New Jersey said, I am sure he is ready to give appropriate proportionate time to anyone who wishes to speak.

Mr. President, the deputy majority leader suggests a better plan. We have no notice from anyone who desires to speak on this nomination. It is suggested that we recess until 10 minutes before 3 and that we resume at that time. At that time I would be prepared to yield all but 1 minute of my remaining time to any opponent.

Mr. HELMS. Mr. President, I rise to oppose the nomination of Peter J. Brennan as the Secretary of Labor. I want to make it clear that I do not oppose Peter J. Brennan the man. Although I do not know him personally, he has a widespread reputation as a dedicated worker, a sensitive patriot, and a man of courage, who inspires loyalty and devotion in his union colleagues.

The problem which arises is a question of national policy: Whether or not it is wise—indeed, even fair to the man involved—to place an acknowledged strong advocate for an organized minority of workers in a position where he must advise the President on issues which affect all workers equally alike. There are approximately 83 million workers in the United States; of these less than 20 million have joined unions, and many of those had no choice as to whether they wished to join or not. Mr. Brennan's professional orientation up to this point has been toward the interests of the organized minority, interests which are often in conflict with the majority of workers.

The Secretary of Labor must often act as a mediator between those opposing interests. At the same time, he often acts as a mediator between the interests of the workers in general, and those of management. This is a very delicate situation, for labor and management often depend upon each other. It is asking too much for a man who has trained himself in an adversary relationship suddenly to adopt a neutral stance.

I do not impugn Mr. Brennan's sincerity in his stated belief that he can be neutral between union and nonunion workers, and between labor and management. But good intentions cannot always work in impossible situations. I recall that President Eisenhower chose to take a similar step when he nominated Martin Durkin to the same post. Mr. Durkin was also a strong representative of organized labor, and it was only a few months until he realized that there were irreconcilable conflicts between his philosophy and the job he was supposed to be doing. Historical parallels always vary in many details and I am sure that Mr. Brennan anticipates a different outcome. Nevertheless, the basic principle cannot be denied.

Therefore, Mr. President, I am voting against the principle, not the man. I admire many of the stands he has taken on behalf of the country and of our traditional values. I think that some of the attacks made upon him have been unconscionable and unreasonable. He has made a deep impression upon a great many Members of this body and has a wide spectrum of support. Yet we must recognize that the Secretary of Labor has enormous power over all employees and all employers in this country; and if any worker or any employer feels that the Secretary of Labor is less than objective in considering special problems or in protecting their right to join or not to join a union, then we will be developing an unhealthy climate for the workers everywhere in the country.

Mr. President, I cannot forget the fact I have just been elected to this body with the support of thousands of blue-collar workers. They know where I stand, and they expect me to safeguard their interests. I can think of no better way to uphold the rights of labor—of all labor—than to uphold the principle that the Secretary of Labor should not be a man representative of special interests, one way or another. Just as I would be opposed to a man with a recorded hostility to unions, I cannot in good conscience support a nominee whose past career has been devoted to the promotion of the special point of view of compulsory unionism.

Mr. BUCKLEY. Mr. President, I strongly endorse President Nixon's nomination of Peter J. Brennan to be Secretary of Labor. Mr. Brennan is an authentic voice of the American working man, a voice that needs to be heard at the highest levels of Government. Both for what he is and for what he represents, Peter Brennan will prove to be a valuable addition to the Nixon Cabinet.

A forceful, fairminded and energetic leader, Mr. Brennan has brought distinction to the position of president of the New York City and New York State Building and Construction Trades Councils. He knows the problems of the working man at first hand, in a way far superior to the second-hand knowledge of bureaucratic or professional theorists.

The building and construction trades, in which he has worked for many years, demand from a worker more than mere competence; they demand the kind of professional skill and pride in craftsmanship that not only get the job done but get the job done in the way it should be done. It will be refreshing to have a man with his background and knowledge guiding an important part of the Federal bureaucracy.

Peter Brennan is a strong man, else he could not have achieved his present position as a union leader. He is also an intelligent, fairminded man, else he could not have earned the widespread respect he commands. He has the capacity to work with others on a reasonable basis, the ability to reach workable compromises mutually agreed upon, else he would not have such strong support among management in the New York construction industry. These surely are attributes which should serve him and the Nation well in the post to which he has been nominated.

Mr. President, I am proud, as a Senator from Peter Brennan's home State, to support his nomination because of what he is; I am equally proud to support him for what he represents. He represents a kind of American who has many names. Some call him "hard-hat"; others call him "middle American"; still others call him "blue-collar". I prefer to call him "American", a title he is proud to bear.

The American symbolized by Peter Brennan is not ashamed of being known as a patriot. When his country is in trouble, he is not persuaded by fashionable critics to desert it. He takes care of his own, whether it be his family, his property or his country. He knows what it is to work hard and he knows the satisfaction of seeing the fruits of that work enable his family to prosper.

Mr. President, we need more Peter Brennans in positions of governmental responsibility, men and women of every ethnic background who through character and diligence have achieved their own successes in every sector of American life; men and women who can bring to government a practical understanding of the forces and values upon which this country has been built.

Mr. TOWER. Mr. President, I will vote to confirm the nomination of Mr. Peter Brennan to be Secretary of Labor It has been my long-standing position that the President should be allowed maximum flexibility in choosing the individuals who will advocate and carry out his programs and policies. The only restriction that should be placed upon a cabinet nominee is that he should be free of any conflict of interest that would jeopardize his ability to function in an honest and forthright manner. Mr. Brennan is totally free of any such conflict of interest.

However, there are a number of reservations I would like to have on the record concerning some of Mr. Brennan's expressed positions. These positions are confirmed by Mr. Brennan's testimony before the Committee on Labor and Public Welfare.

It is quite clear that Mr. Brennan does not agree with many of President Nixon's legislative aims affecting the Department of Labor. For instance, he opposes the administration position on the minimum wage law. He particularly opposes the concept of a youth differential wage which became the critical aspect of the 92d Congress' deliberation on the minimum wage law. Mr. Brennan also opposes the administration-backed crippling strike prevention bill which is intended to provide some stability in the various transportation industries. This bill takes into consideration, to a greater extent than is currently recognized, the interests of the general public who are not directly involved in the collective-bargaining process.

In addition, I am very much concerned that Mr. Brennan finds himself in philosophical disagreement with the entire focus of President Nixon's new federalism. In response to a question on the decentralization of manpower programs posed by the Senator from Massachusetts (Mr. Kennedy), Mr. Brennan related his doubts about the desire and ability of the States to provide assistance to the elderly and other groups that are assisted by these programs. Since State and local control of program development and administration is the central ingredient of the thrust of the President's domestic program, I am extremely disappointed by this response.

Mr. President, it is my sincere hope that Mr. Brennan develops a broader understanding of his responsibilities as Secretary of Labor. At his hearing he seemed to indicate that he perceived his new role as that of an advocate for the wage earner. In fact, the Secretary of Labor should not be an advocate for any one segment of our society. He should fairly represent the wage earner, both the union member and the individual who exercises his right to refrain from union activity, employers both large and small, and the general public at large.

At the same time, it is important that the Secretary of Labor recognize that more and more Americans are realizing the reality of the inordinate degree of monopolistic power held by the larger unions in this country. In this respect, I would urge him to recognize the merit of some of the labor law reform proposals which have and will be introduced in Congress to reestablish a balanced national labor-management policy to insure the long-standing announced Federal position of neutrality in the collective bargaining process.

Mr. President, I am confident that Mr. Brennan has the temperament and ability to view all of these issues in a broader, perspective, taking into consideration the overall interest of the public. For my own part, I will be more than willing to assist him in these endeavors.

RECESS TO 2:50 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 2:50 p.m. today.

The motion was agreed to, and (at 2:22 p.m.) the Senate took a recess until 2:50 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. McClure).

Mr. ROBERT C. BYRD. Mr. President, I ask for order in the Chamber. I suggest the absence of a quorum and I ask unanimous consent that the time consumed by the quorum call be equally charged to both sides.

The PRESIDING OFFICER (Mr. McClure). Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 30 seconds. I just wish to announce to Senators who are here, who were not here before, that Senator Williams and I have had no requests for time for or against the nomination. I refer especially to the latter. We are quite prepared to yield whatever time we have to anyone who wishes to oppose this nomination.

Mr. President, I again suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. So that I may make a very brief comment.

Mr. JAVITS. Mr. President, I yield the Senator 2 minutes.

Mr. PERCY. I thank my distinguished colleague.

I would just like to express my enthusiastic support of the nomination before us. Mr. Brennan is eminently qualified. I have talked with a number of labor leaders, both of my own State and national labor leaders, for their reaction, and I was not at all surprised to find them equally enthusiastic at having a member of organized labor actually take the position of Secretary of Labor.

He not only enjoys the confidence of the labor leadership in this country, but also is highly respected by members of industry in the industries with which he has been associated in the past. He obviously enjoys the support of the President of the United States and has his confidence, and I think he has the confidence also of a great many Members of Congress, including myself.

So I enthusiastically support the nomination that is now before the Senate.

Mr. JAVITS. Mr. President, we are prepared to conclude debate. How much time remains?

The PRESIDING OFFICER (Mr. McClure). All time has now expired.

Mr. JAVITS. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from New York wish to ask for the yeas and nays?

Mr. JAVITS. Does the Senator wish me to do that? We do not require it. If the Senator wishes it.

Mr. ROBERT C. BYRD. I think we should have a rollcall vote because it was announced that there would be a rollcall at this time.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, the question is, Will the Senate advise and consent to the nomination of Mr. Peter J. Brennan, of New York, to be Secretary of Labor?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Arkansas (Mr. Fulbright), the Senator from Florida (Mr. Chiles), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Maine (Mr. Hathaway), the Senator from Washington (Mr. Magnuson), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I also announce that the Senator from

Indiana (Mr. HARTKE) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. HATHAWAY), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Kentucky (Mr. COOK) are necessarily absent.

The Senator from Arizona (Mr. FANNIN) is detained on official business.

The result was announced—yeas 81, nays 3, as follows:

[No. 5 Ex.]

YEAS—81

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cotton
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Abourezk
Haskell
Helms

NOT VOTING—16

Baker
Chiles
Cook
Cranston
Ervin
Fannin
Fulbright
Gravel
Hartke
Hathaway
Magnuson
Mathias
Saxbe
Stafford
Stennis
Symington

So the nomination of Peter J. Brennan, of New York, to be Secretary of Labor was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination of James T. Lynn to be Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The legislative clerk read the nomination of James T. Lynn of Ohio, to be Secretary of Housing and Urban Development.

PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what the program is for tomorrow, how long he expects debate on this nomination to take, and what the succeeding business is for the remainder of the week.

Mr. MANSFIELD. Mr. President, if the Senate will give us some attention, it is quite possible that we could dispose of the nomination of Mr. James T. Lynn in a matter of a few minutes.

Following that, it is the intention of the leadership to call up S. 606, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, to be followed either by Senate Joint Resolution 42, a joint resolution to extend the life of the Commission on Highway Beautification—very likely No. 2—and then S. 518, a bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

Other measures will be reported today and tomorrow, so I think we will have a productive week.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

It is my understanding that on the rivers and harbors bill there will be no votes today. The purpose is to get started on it, so that we can go into it more substantively tomorrow. Is that correct?

Mr. MANSFIELD. That is my understanding. We will get started on this bill. If there is a vote, we can have it tomorrow; but if we get through in sufficient time, we will then turn to Senate Joint Resolution 42, reported by the same committee.

Mr. SCOTT of Pennsylvania. May I inquire of the distinguished majority leader whether we can obtain early disposition of the nomination of the President of Mr. Caspar W. Weinberger to be Secretary of Health, Education, and Welfare?

Mr. MANSFIELD. Mr. President, in response to that question, the majority leader is hopeful that we can dispose of the Weinberger nomination before the Senate recesses for the Lincoln Day interim next week.

I assure the distinguished minority leader that, so far as I am concerned, I will do my best to expedite its consideration.

Mr. SCOTT of Pennsylvania. I thank the distinguished Senator.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I wish to state, for the information of the Senate, that the majority is showing every cooperation with the minority in expediting the consideration of Mr. Weinberger's nomination.

They will have an executive session on Friday at which Mr. Weinberger will appear. I made inquiry all around and I am satisfied that there is every will and desire to cooperate with the leader's schedule and to see that this matter can be disposed of before the recess.

NOMINATION OF JAMES T. LYNN TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the nomination of James T. Lynn, to be Secretary of Housing and Urban Development.

Mr. PROXMIRE. Mr. President, in connection with the nomination now before the Senate, four of us in committee voted against the nomination; the majority voted for the nomination. I believe the Senate should reject the nomination of Mr. James T. Lynn to be Secretary of the Department of Housing and Urban Development. I believe he should be rejected for two reasons. First, he should be rejected because he does not have the background and experience to handle the job. Second, he should be rejected as a protest against the illegal and unconstitutional moratorium on our housing and urban development programs.

Mr. President, Mr. Lynn has virtually no experience in housing or urban affairs. He has never been a mayor or local official or a Congressman or State legislator. He has never had to fight to secure adequate funds for our cities. He has no firsthand knowledge of the needs of our cities. Mr. Lynn has primarily been a corporation lawyer and in the last 4 years, he has served in the Commerce Department. There is nothing in his background to suggest that he understands the complexities of the problems facing our urban areas.

Lack of participation in organizations concerned with Cleveland improvement, in this case vital to the background he needs for the job, not only will he have had no experience with community groups but he will have an office in the Executive Office Building which also is removed from the pressures of the mayors and community groups which he would have if his office were at HUD.

In addition to a lack of knowledge, Mr. Lynn seems to lack the sense of commitment to our housing programs which we have a right to expect in a HUD Secretary. His answers to questions on this point were evasive and totally unresponsive. Any Senator who takes the time to read the hearing record cannot help but get the feeling that Mr. Lynn does not know very much about our housing and urban development programs and is not very sure that he supports them.

The Secretary of HUD is, of course, responsible to the President. But he also has a responsibility to Congress. He is responsible for carrying out the statutory responsibilities assigned to him by Congress. If he cannot give us assurance that he will faithfully discharge these responsibilities, then he should not be confirmed. Indeed, that is the whole purpose of holding a nomination hearing—to find out what the nominee thinks about the programs he will administer.

The appointment of Mr. Lynn seems to fit a pattern established by the President during his second administration. The President seems to prefer men without experience or background to administer our major departments and agencies.

Does the present administration in planning to cutback on many of our social and economic programs want to avoid trouble from the officials of those departments whose programs are cut? If so, they have a perfect formula in the Lynn nomination.

If the President wants a person to preside over the liquidation of our housing and urban development programs, he has picked an ideal candidate in Mr. Lynn. Mr. Lynn has no feel for the needs of our cities and no firm views on what should be done. Moreover, as a relatively nonpolitical individual, he has no public constituency of his own to mobilize against the anonymous budget cutters in OMB. As a corporation lawyer, he is used to following the wishes of his client, in this case, the President of the United States. And he is isolated from the housing and urban constituency so they can keep him antiseptic.

Mr. President, can you imagine the public outcry if the President were to appoint an advocate of unilateral disarmament to head our Defense Department? Everyone expects the Secretary of Defense to believe in the need for a strong national defense and to articulate those needs within the Government. Why should the Secretary of HUD be expected to behave differently? If Mr. Lynn does not speak out for the cities within the Nixon administration, then who will? If Mr. Lynn does not speak out for better housing for the poor, then who will?

There is nothing in Mr. Lynn's background to indicate that he is deeply committed to making our cities better places in which to work and live. In his home town of Cleveland, there were numerous organizations dedicated to urban development. Mr. Lynn did not belong to any of them. When asked about the future of our housing programs, he replied:

> I really do not have a feeling at this moment where I want to proceed.

When asked how he will determine which programs are viable, he said:

> I have to punt at this point in time as to the exact way I intend doing it.

Mr. President, at this critical time, we do not need a punter in charge of HUD. We need a driving, charging, plunging fullback. We need a man who will carry the ball for housing and our urban ghettos, not a man who will kick it away. If Mr. Lynn cannot come up with better answers his nomination should be rejected.

I realize that many Members of the Senate feel that a President ought to have the right to name his own Cabinet officers and that the Senate should not reject a nominee unless there is clear evidence that he is morally unfit for the job. The President ought to be given wide latitude in selecting the heads of major departments. But I do not believe our Founding Fathers had such a narrow view of the role of advise and consent.

The Constitution does not say that we must defer to the wishes of the President. The Constitution does not require us to rubberstamp all nominations unless there is evidence of personal wrongdoing. It is the Senate itself which has grown meek and flabby by failing to exercise the authorities it has under the Constitution. We have a right to impose our own standards on the officials of the executive branch and if a prospective nominee does not measure up to those standards, we have a right to reject him.

I do not notice the President meekly deferring to the Congress on constitutional issues. I do not see the President wringing his hands and complaining about the Congress usurping his responsibilities. I do not see him shrugging his shoulders and saying "this is the job of Congress, therefore I cannot interfere." Indeed in the latest budget message, the President is even advising us as to how we should reorganize our affairs.

We fail to use the authority that is ours and then we sit around and complain that the President has all the power. If we are really serious about reasserting our authority, we should begin on nominations. This is one area where our authority is clear and we can make our influence felt. There are many men who are eminently more qualified to head the Department of Housing and Urban Development than Mr. Lynn. There are men of experience with a proven commitment toward solving urban problems. We should reject Mr. Lynn and insist that the President appoint someone who is more qualified.

Mr. President, another reason for rejecting Mr. Lynn is to protest the President's illegal and unconstitutional moratorium on our housing and urban development programs. I think the housing moratorium goes way beyond the issue of executive impoundment. I differ with a number of my colleagues on the impoundment issue. I believe the President does have the right, and indeed, the duty to impound funds to help stabilize our economy. I support the President 100 percent in his efforts to hold down spending. As I matter of fact, I think he should have gone further and held outlays for 1973 to $245 billion instead of $250 billion and in the 1974 budget to $265 billion.

However it is one thing to impound money to fight inflation. It is an entirely different matter to virtually suspend the programs of a major department for 18 months without the approval of Congress. The housing and urban development programs should be cut to stay within an overall spending level that is consistent with price stability. I am not suggesting that our housing and urban development programs should not bear their fair share of the burden of fighting inflation. But I do not believe the President has the right to wipe these programs off the books for 18 months because he does not like them. If he has evidence they are not working right, let him submit the evidence to Congress with a request that the appropriate laws be repealed.

The difference between the moratorium and ordinary impoundment is one of kind and not merely degree. The President has in effect repealed legislation enacted by the Congress including the goals contained in the 1968 Housing Act.

These goals called for the construction of 26 million housing units over a 10-year period including 6 million units for low- and moderate-income families. By establishing an 18-month moratorium on our housing subsidy programs, the President is making it virtually impossible to achieve these goals.

When Mr. Lynn was questioned on this point, he did not give the committee any assurance that he would seek to persuade the President to lift the moratorium. Indeed, Mr. Lynn said just the opposite. He said that he agreed with the President and that he thought the President was right to establish the moratorium. If we confirm Mr. Lynn under these circumstances, we will give our tacit approval to the illegal action of the President.

There are some who may argue that it is not fair to use Mr. Lynn as a hostage in a quarrel with the President. This argument assumes that Mr. Lynn is an innocent bystander caught in the crossfire between the President and the Congress. However, the fact is that Mr. Lynn is not an innocent bystander caught in the crossfire. He is on the President's side and against us. He supports the President's moratorium. He clearly said during the hearing that he thinks it was the right decision. Incidentally, this was one of the few clear statements that Mr. Lynn did make.

How can the Senate confirm a man who supports and upholds the right of a President to usurp our constitutional responsibilities? If we confirm Mr. Lynn, we concede the argument to the President. One of the few constitutional powers left to Congress is the confirmation power. We should begin using it today.

HISTORY OF ADVICE AND CONSENT

Mr. President, I realize there is a prevalent feeling in the Senate that the President ought to be given the widest possible latitude on Cabinet appointments and that a Cabinet appointment ought not to be rejected unless the appointee is a proven malefactor. I believe this narrow conception of the role of advice and consent is wrong and should be challenged. Neither the Constitution nor the precedents established by the Senate support this narrow view of our responsibility. Indeed, the narrow view of advice and consent is more a product of the recent ascendency of the Presidency and the relative eclipse of the Congress. Congress is finally beginning to reassert itself and challenge the President's authority in a number of areas. As we begin this process, I believe we should take a critical look at our power of advice and consent and how we have permitted it to decline to a pale imitation of the role envisioned by our Founding Fathers.

The debates at the Constitutional Convention reveal there was a strong difference of opinion on who should have the power of appointment. There were some who argued that the power to appoint judges to the Supreme Court should rest exclusively with the Senate. Others felt the power should be assigned exclusively to the President. This debate was subsequently extended to the making of other appointments and to the making of treaties. The compromise finally reached was an attempt to reconcile these divergent views. The appointments authority under section 2, article II, reads as follows:

> [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public

> Ministers and Consuls, Judges of the Supreme Court and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The first thing to note about this language is the word "advice." Congress does not merely consent in appointments; it has the constitutional power and duty to offer its advice as well. If the Senate were not expected to exercise its independent judgment, the Founding Fathers would have omitted the word "advice." As Prof. Charles L. Black, Jr., of the Yale Law School has observed:

> Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice", unless its meaning has radically changed since 1787, makes next to impossible that conclusion. (Yale Law Review, March, 1970, p. 658)

The second thing to note about the language in section 2, article II is that the Congress, and the Congress alone determines which other offices are to be subject to Senate confirmation. Congress may subject such offices to Senate confirmation as they think proper. Thus under the Constitution, we in Congress are the exclusive and final judges of who should be confirmed and who should not. Given this power, we are also, of necessity, the exclusive and final judges of the criteria governing the confirmation of Presidential appointments. If we determine the list of appointees subject to confirmation, we inevitably determine the criteria by which they are to be judged. There are no constitutional restraints which limit our powers in this area.

The intent and meaning of the "advice and consent" power was clearly spelled out in Federalist Paper No. 77 written by Alexander Hamilton. Hamilton argued the power of advice and consent was intended to operate as a check on executive power. He concluded with the following observation in justification of the Senate's role in appointments:

> He [The President] would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, *or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.*

Mr. President, this quote from the Federalist Papers clearly indicates that the drafters of our Constitution envisioned a far broader role to the power of advice and consent than the meaning we sometimes give it today. The authors of the Constitution clearly intended for the Senate to look into the merits and qualifications of Presidential appointees and to reject those of insufficient stature and experience. I know of no better way to describe the nomination of Mr. Lynn than to re-read the words of Alexander Hamilton who once again has shown remarkable foresight: According to Hamilton:

> The power of advice and consent is to be used to prevent the President from appointing men "possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

The hearing record on Mr. Lynn's nomination clearly shows that it is the White House and not Mr. Lynn who is determining our housing policy.

Even though our constitutional authority to reject unqualified cabinet appointees is clear, one may argue that as a matter of Senate policy, we ought to give the President the widest possible latitude and to permit him to choose the members of his own cabinet. Certainly the President should be given more freedom on cabinet appointments as compared to judicial appointments. But even on cabinet appointments, the head of a major department is not exclusively the President's man as is the case of an advisor on the White House staff. All cabinet jobs are created by statute and cabinet officers are assigned specific statutory responsibilities by the Congress. In the case of HUD, the Secretary is assigned specific responsibility for administering the housing and urban development programs created by Congress.

Mr. Lynn has chosen to subordinate these legal responsibilities to the wishes of the President. He has affirmed the right of the President to suspend our housing programs for 18 months in spite of laws passed by the Congress. Mr. Lynn has said, in effect, that in a conflict between his duty to the President and his responsibility to administer the laws enacted by Congress, his duty to the President comes first. Under these circumstances, Congress has a right, and I believe a duty, to reject his nomination.

There have been few cases where cabinet appointees have been rejected by the Senate, although there have been a number of vigorous challenges. One case involving a rejection bears a striking similarity to the situation in the Lynn nomination. In 1834, President Jackson directed the Secretary of the Treasury to remove Federal funds from the Second National Bank, an act which the Secretary and many Members of Congress considered to be illegal. The Secretary refused, whereupon he was dismissed, and a new man was nominated to take his place, Mr. Roger Taney. Taney was nominated because of his willingness to follow the President's wishes. The Senate debated his nomination and rejected it by a vote of 28 to 18. The precedent established was that the Senate had the right to reject a nominee who was not likely to carry out his legal responsibilities were understood by the Senate. The conflict between the Congress and the President in 1834 over the President's legal authority to withdraw Federal funds is quite similar to the conflict we face today over the President's legal authority to impound funds and terminate programs authorized by the Congress.

Mr. President, I realize the nomination will be approved. I do not wish to delay the Senate.

Mr. JAVITS. Mr. President, first I wish to say that I am disquieted by cuts in the HUD programs as are Senators from States that have big cities generally. Therefore, I wrote to the new Secretary-designate to get his concept of his policies in that regard. I ask unanimous consent to have printed in the RECORD a letter that I wrote to him on January 17, 1973, as well as his reply of January 29.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 17, 1973.

Hon. JAMES T. LYNN,
Secretary Designate, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: On January 8th Secretary Romney announced that effective at the close of business January 5th no projects which had not received feasibility commitment letters would be funded for an indefinite time. This policy will cover FHA subsidized housing, open spaces, water and sewer and public facilities loans. Many cases have come to my attention where builders and sponsors of projects have been proceeding with construction on verbal commitments which only await the paper work (ongoing in the pipe line) for the feasibility commitment. In one case all paper work was done by December 4 under the guidelines the letter should have been issued January 4th but in fact was not until January 10th. In other cases the area office had assured the sponsor or builder that the project would be approved but held up for administrative reasons.

My question is will HUD undertake to review all such projects that request it and make exceptions to the moratorium in those particular cases where a de facto feasibility commitment exists, even though not written or where a letter arrived soon after the 5th but could have been issued earlier?

I would appreciate an answer as soon as possible and prior to your confirmation.

Sincerely,

JACOB K. JAVITS.

THE UNDER SECRETARY OF COMMERCE,
Washington, D.C., January 29, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of January 17th inquiring about HUD policy with respect to limited suspension of certain programs for the remainder of FY 1973.

HUD has announced differing criteria for particular programs affected by the suspension. The criteria were established in an effort to achieve maximum fairness and to reduce inequity. Thus, HUD has indicated that it will continue to process project applications where, in the case of water and sewer grants, open space grants, public facility loans, and college housing projects, there has been a reservation of funds; in the case of public housing projects, there has been a preliminary loan contract approval; and in the case of other subsidized housing programs, a feasibility letter has been given.

At the present time, HUD is surveying its field offices to determine the exact number of projects qualifying for eligibility under these criteria. At the same time, it is attempting to ascertain whether patterns of inequity exist that would require exceptions to the rules. I am advised that HUD is giving careful attention to the concerns you have expressed. At the same time, we recognize that certain problems will inevitably arise when business-as-usual is interrupted.

Sincerely yours,

JAMES T. LYNN.

Mr. JAVITS. Mr. President, I wish to read one portion of the reply that I received because it is very important:

> Thus, HUD has indicated that it will continue to process project applications where,

in the case of water and sewer grants, open space grants, public facility loans, and college housing projects, there has been a reservation of funds; in the case of public housing projects, there has been a preliminary loan contract approval; and in the case of other subsidized housing programs, a feasibility letter has been given.

At the present time, HUD is surveying its field offices to determine the exact number of projects qualifying for eligibility under these criteria. At the same time, it is attempting to ascertain whether patterns of inequity exist that would require exceptions to the rules.

Mr. SPARKMAN. Mr. President, I am pleased that we seem to be able to handle this nomination expeditiously.

In the beginning I wish to comment on the remarks made by the distinguished Senator from New York. He referred to Senators from States that have big cities being very much concerned about this. I can assure the Senator that Senators from small States are concerned also. As a matter of fact, one of the first points raised was what it did to farm housing and farm programs generally, another is the water and sewer grant program of benefit to people in small towns who, believe it or not are lacking good clean water to their homes. I am not going to dwell on that or make a lengthy speech.

Mr. President, I support the confirmation of Mr. James T. Lynn as Secretary of the Department of Housing and Urban Development to succeed Mr. George Romney.

The Committee on Banking, Housing and Urban Affairs, of which I am chairman, voted last week 12 to 4 to recommend the President's nomination to the Senate. It is my belief, and the belief of a majority of our committee, that the President has broad flexibility in naming members of his Cabinet and that the Senate, in carrying out its constitutional duties of advise and consent, should reject a Presidential nominee only in rare cases—for example, when the nominee clearly lacks the competence or ability to fulfill the duties of a Cabinet position.

According to information received by the committee, Mr. James Lynn demonstrated his competence as a top-level Government administrator through his performance as general counsel and later as Under Secretary of the Department of Commerce during the last 4 years. His educational background and many years in the practice of law have been outstanding.

The committee questioned Mr. Lynn extensively on several points. Some members felt that his lack of experience, either in the field of housing or in community development, would be a deficiency which would handicap Mr. Lynn in his duties as Secretary. The committee was also concerned about his being named as Counselor to the President in addition to being nominated as Secretary of Housing and Urban Development. Mr. Lynn's responses to questions raised by members of the committee about his lack of housing experience and his proposed double duties seemed to satisfy the majority of the committee. He pointed out that, as the President's Counselor on the broad subject of community development, he will be in a much better position to perform his duties as Secretary of Housing and Urban Development which he believes are so dependent upon developing a close and coordinated relationship with other departments of Government having to do with local governments and urban problems.

Mr. President, I would have preferred having a Secretary with experience in this field, and I have some concern about Mr. Lynn spreading himself so thin, serving both as counselor to the President and as Secretary of Housing and Urban Development. He will have much to learn because, as those of us who have been working in this field well know, the subject of housing alone is intricate and complex, but the field of urban development is even more so and cannot be learned overnight.

The majority of our committee was impressed by Mr. Lynn's capabilities, his interest in his new responsibilities and apparent eagerness to pitch in and take hold of the job as soon as possible. The President has nominated Mr. Lynn for this important post in our Government and we believe the Senate should consent to the President's wishes.

Mr. President, there is one very important matter which must be brought to the attention of the Senate, that is, the recent announcement by the President of an 18-month moratorium on most of our Federal housing and urban development programs. This is a very serious matter involving the very basic constitutional question of separation of powers—the authority of the Executive to impound funds duly appropriated by the Congress.

Mr. Lynn responded to questions by committee members relative to the impoundment to the effect that he was not responsible for the President's order, and that he saw no conflict in fulfilling his duties as Secretary of Housing and Urban Development within a broad policy laid down by the President. He assumed that the President had proper legal advice and precedent for his action.

I do not fault Mr. Lynn for the serious crisis which the President's 18-month moratorium has created in the field of low-cost housing and urban development. I should hope and expect that he will fulfill his promises to the committee to undertake a prompt re-evaluation of the terminated and suspended programs and use his personal influence to reinstate them as soon as possible.

I believe that his confirmation should be approved as promptly as possible to enable him to get on the job and carry out his promises to the committee.

The first shock of the President's proposed moratorium came from a rumor around the end of last year. In an attempt to forestall it, I sent a telegram to the President on December 29 pointing out that a plan to cut off subsidies for housing would be a clear violation of the intent of Congress and the housing laws requiring Federal assistance for the elimination of slums and blight and the provision for a decent home for every American family. It would also represent a breach of faith on the part of our Government to the poor and ill-housed of the Nation and could seriously affect unemployment and the economy.

Mr. President, I ask unanimous consent that a copy of my telegram to the President and the reply thereto be placed in the RECORD at this point in my remarks.

There being no objection, the telegram and the reply were ordered to be printed in the RECORD, as follows:

DECEMBER 29, 1972.

The PRESIDENT,
The White House:

Urgently request that you reject reported White House plan to cut off Federal housing subsidies as of January 1, 1973.

Such a plan would be a clear violation of intent of Congress as expressed in Appropriation Acts and of the 1949 and 1968 housing laws requiring Federal assistance to eliminate slums and blight and provide a decent home for every American family. Without Federal assistance, little hope for decent housing can be held out for six million families still living in substandard housing.

The proposed plan would not only represent a breach of faith on the part of our government to the poor and ill-housed of the nation, but it would create unemployment and have a disastrous effect on the housing industry and the nation's economy. Without subsidized housing, the nation's cities would be frustrated in carrying out their public improvement plans.

Without a reasonable notice, any sudden cut-off of commitment authority would be financially disastrous to the thousands of sponsors who have already invested heavily in preparing plans for housing projects.

My Committee plans to have extensive hearings on the need for subsidy programs early in the next Session, and I strongly urge that no cut off be made before completion of the hearings. Confirmation hearings are also planned on the new Secretary of HUD. Surely, before we schedule confirmation hearings, we should have a response from you on the Administration's intentions with respect to the proposed freeze.

JOHN SPARKMAN,
U.S. Senate.

THE WHITE HOUSE,
Washington, D.C., January 15, 1973.
Hon. JOHN J. SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: The President is out of the city and has asked me to thank you for, and to respond to, your recent telegram regarding Federal housing subsidies.

As you know, Secretary Romney recently announced a temporary suspension of new commitments for subsidized housing. This temporary halt is not intended to spell the termination of the programs, but instead to provide an opoprtunity for a thorough, serious joint effort by the Congress, the Administration and the public to reevaluate the current programs, to define clearly the Federal role in housing, and to design better ways of fulfilling that role. The object is to have better programs; not to abandon the Federal responsibility in housing. The suspension will stop further spending commitments, some of which run as long as forty years, until we can assure the taxpayer that his money is indeed being spent in ways that effectively and efficiently meet the housing needs of the nation.

Five central concepts run through the President's decision:

First, in transition. This is not an abrupt cessation of subsidized housing production. Subsidized housing starts will continue at an annual rate of about 250,000 for the next 18 months, and total starts in calendar year 1973 are expected to exceed 2 million for the third year in a row. Based upon the present pipeline of approved applications and other program commitments to be carried out, the rate of subsidized housing starts for the next eighteen months should continue at about the same rate it has for the past twelve months. Estimates point to an excellent year in the building industry, and we believe that the continued strong trends provide a particularly timely opoprtunity to initiate significant housing reforms while minimizing the economc consequences. The rate of subsidized housing we propose should ease the impact and prevent start-up problems for alternative housing programs which may begin later.

Second, is honoring our commitments. The President intends to meet the commitments he has made to the elderly, the Indians, disaster victims, and local government programs, among others. Commitments linked to the other Federal activities and programs will be honored or met by other proposals. Public housing operating subsidy payments will also continue while the program is studied and alternative proposals prepared.

Third, is fairness to the needy and to the taxpayer. The President is committed to seeing that the Federal government meets its legitimate responsibility in housing. But the solution must be equitable; it must serve the taxpayer; it must serve the needy. The bulk of the criticism of the Administration's recent action stresses that the poor will bear the brunt of the action. Most critics hold the misguided view that the poor are actually benefiting from all the programs now. This is the cruelest aspect of the present system—it does not serve the intended beneficiaries, the poor. No one more than they realize that the programs have not improved greatly either their housing or their living environment. Instead, in many cases, the programs have created false expectations, more financial hardships and disappointment. The President is determined to find alternatives that meet the real needs in an effective and efficient way that is fair to the recipients and to the taxpayer.

Fourth, is the need for fundamental reform. A series of evaluations by the Congress, the Administration and others has revealed a central theme—the program structure we have now cannot possibly yield effective results even with the most professional management. There is mounting evidence that the present programs, for the most part, have proven inequitable, wasteful, and ineffective in meeting housing needs. They have proven inadequate and in most cases counter-productive to the greater solution of our urban and rural problems. We do not believe we should continue business as usual, merely piling more of the taxpayer's money on top of the $100 billion already committed in these programs over the next forty years, unless these programs promise improvement. Our efforts in housing are part of the President's broader objective of redirecting our basic approach to urban problems from one of devoting additional billions to old discredited solutions, to one of developing fundametnal broad new approaches at all levels of government. This broader approach involves transportation, jobs, health, and law enforcement, in addition to housing and other elements necessary to meet our urban problems.

Fifth, is cooperation and broad consultation to develop alternatives. The President regards this action as a first step in a joint effort by all of us to reevaluate and to seek solutions to our housing problems. We welcome your upcoming hearings, and we offer our assistance to you in that effort.

All of these concepts apply similarly to Community Development. As you know, the President has for the past two years advocated uniting the community development programs into an Urban Community Development Revenue Sharing proposal, a version of which was passed by the Senate last session. He remains firm in this commitment and will reintroduce the revenue sharing proposal, at a significant level of funding, in his upcoming budget message. Until the development activities are folded into the revenue sharing proposal, there will be a temporary suspension of new commitments for water and sewer grants, open space and public facilities loans. Commitments already approved will proceed, as will refunding of urban renewal and Model Cities for the balance of the fiscal year. Prior to the submission of the actual UCDRS legislation, we hope to solicit your suggestions regarding changes and additions to the bill based upon your experience with it in the last Congress.

Fundamental reform remains a keynote of the President's domestic program. Simple program retooling or cosmetic legislative amendments to the existing programs will not move us toward true reform in housing. The Administration's recent actions and proposed course will achieve that reform. The ultimate goal of this reform is to produce a set of effective and efficient programs, at all levels of government, that truly meet the housing needs of the nation. I know that you share that objective, and we look forward to joining you in working toward that end.

Sincerely,

KENNETH R. COLE, Jr.,
Director, Domestic Council.

Mr. SPARKMAN. Mr. President, as we all know, the President issued his order, and the 18 months moratorium became effective January 5, 1973. HUD Secretary Romney made the announcement in Houston, Tex., on the occasion of his address at the annual meeting of the National Association of Home Builders on January 8. I was on the platform with Mr. Romney at that occasion and had the opportunity of discussing the proposed cutoff with him. Obviously, he was acting under orders of the White House and could not modify the announcement. He did recognize, however, that such a cutoff could be financially disastrous to many sponsors who, in good faith, have been proceeding with the programs and had invested heavily in preparing plans. He promised to have his staff look into these hardship cases and seek adjustments in the order to minimize the impact.

Mr. President, the housing moratorium is one of the most far-reaching Executive actions affecting our economy and the welfare of our people that I can recall in my 36 years in the Congress. It is particularly unique because of the arbitrary unilateral action of the Executive to terminate or suspend programs duly authorized and funded by the Congress. As far as I know, no one in the leadership in the Congress was consulted or even notified in advance of the Presidential order. Secretary Romney was gracious enough to inform me of the order about 1 hour before he announced it in Houston, but I know of no other ranking Member of Congress who was consulted.

Mr. President, I doubt that most Members of the Senate are aware of the extent and seriousness of this action. Let me refer to a table in the budget message on the suspension or termination of HUD programs. The title of this table is "Cutoff Dates for Suspended or Terminated HUD Programs."

Mr. President, would you believe it? Every substantive HUD grant program on the books is being either terminated or suspended—eight of them as of January 5, 1973, and the other seven programs as of June 30, 1973. There is nothing in this table which refers to the necessity of prior authority of the Congress in terminating or suspending these programs.

I ask unanimous consent that a copy of the table be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—CUT-OFF DATES FOR SUSPENDED OR TERMINATED HUD PROGRAMS

	Action	Effective date (1973)
Housing production and mortgage credit programs:		
Assisted housing (rent supplements, secs. 235 and 236, and public housing)	Suspended	Jan. 5
College housing	Terminated	do
Nonprofit sponsor assistance	Suspended	do
Housing management programs:		
Public housing modernization	do	June 30
Community development programs:		
Model cities program	Terminated	do
Neighborhood facilities	do	do
Open space land	do	Jan. 5
Water and sewer facilities	do	do
Urban renewal programs	do	[1] June 30
Rehabilitation loans	do	do
Public facility loans	do	Jan. 5
Community planning and mangement programs:		
Community development training and fellowship programs	do	June 30
Supplementary grants for new communities	do	do

[1] Termination date for new approvals. An appropriation request of $137,500,000 will be used in fiscal year 1974 primarily to close out urban renewal projects approved in prior years.

Source: Office of the Secretary, Office of Budget, Jan. 29, 1973

Mr. SPARKMAN. Mr. President, there are two basic issues here. One is authority of the Executive to suspend, terminate, or impound funds or programs duly authorized by law. I am sure that Members of the Senate are very much aware of this issue and recognize the necessity of facing up to and developing a policy on how to cope with it.

In the past, Presidents have impounded certain funds due to contingencies that arose subsequent to their appropriation by the Congress. Although individual Members often disagreed with the judgment used by the President in such cases, the Congress has not felt the need for specific action to clarify the authority. This year, I believe it is different. The extent of the Presidential action, not only in impounding funds, but in outright termination of statutorily authorized programs, raises a broader question. I am pleased that Senator ERVIN's Judiciary Subcommittee and Senator CHILES' Government Operations Subcommittee are conducting hearings on this matter which may lead to a resolution of it.

The other issue is, of course, the effect of the elimination of these programs on our people and the damage to the progress that we believe is being made on the elimination of slums and blight in our cities and on the attainment of a decent home for every American family.

Contrary to criticisms by some of our housing and community development programs, I believe they have been effective and have, for the most part, served their purpose. The quality of housing for low- and middle-income families in this Nation have steadily improved over the past 20 years.

We have been able to eliminate many deplorable slums and I believe have made reasonably good progress toward the national housing goal.

I know there have been weaknesses in some of our housing and urban development programs. Some of these are due to deficiencies in the law but we are constantly alert to such matters and have corrected them as they are brought to our attention.

I do not deny that considerable more work needs to be done and, in fact, the 1972 housing bill that passed the Senate but failed in the House had many outstanding improvements to make the subsidy programs more efficient and effective in solving the housing problems of the Nation.

The most serious blasts have been leveled at the FHA interest subsidy programs which for the most part have been motivated by apologist for maladministration in HUD and by those who are unduly concerned about the long-range budget impact. The implications have been that they are not effective and are not serving the family groups for whom they were intended, and are wasteful of subsidy funds.

Most of these charges are false. For example, everyone has read about the serious FHA foreclosures in the rundown areas of Detroit. Misinformation was spread that the fault was in the FHA section 235 interest subsidy program, and no one from the administration took the trouble to correct the record that it was not the section 235 program but the nonsubsidized section 221(d)(2) program. This latter program requires meticulous staff administration in inspecting older homes and in counseling lower income families seeking homeownership. This was not done in the Detroit FHA office.

The problem was not the design of the basic law but the administration of the law. It was demonstrated time and again that, if the HUD staff had functioned as required, the massive defaults would never have occurred.

One of the most effective programs for the people in small towns cut off by the President's order is the water and sewer grant program. I know of no scandal or substantive criticism ever made in this program and it is one of the most desirable program on the books to help so many people get clean water. I can not understand why it would be cut off.

Mr. President, without belaboring further the reason for the President's moratorium action, I believe the question now is what the Congress can do about it.

Our committee was told by Mr. Lynn that he would spend considerable time reevaluating the programs and come back to Congress sometime in the next 18 months to propose new programs. We cannot wait for this. Our cities and our people who need these programs deserve better treatment than that.

We are proposing, therefore, to take the initiative and reevaluate the programs and come forth with a legislative solution. I believe the administration will cooperate, particularly if the final legislative package includes the block grant community development legislation which was included in the Senate-passed 1972 housing bill. This legislation is very similar to the President's special revenue sharing proposal which he is seeking.

The solution has a short-run and a long-run dimension. I see three important steps in pursuing this course of action:

First. To work with the administration for a short-run solution to clarify the January 8 impoundment order, to help provide relief for hardship cases and possibly to win concessions for meritorious and productive cases.

Second. To conduct oversight hearings to evaluate existing subsidy programs, to reestablish the level of need for subsidies and to formulate legislative solutions to meet the need. These are tentatively scheduled for late March or early April.

Third. To conduct legislative hearings on 1973 housing and community development legislation, followed by timely passage of a bill in the Senate.

After the Senate completes its action, the plan will require similar action by the House of Representatives, timely cooperation by the Appropriations Committees, and full public support to assure a Presidential signature on a 1973 housing bill and his agreement for release of funds to reinstate housing assistance programs for low- and moderate-income families, and to start up the new community development block-grant program.

Mr. President, this is an ambitious undertaking and the committee will need all the help it can get. At the present time, the staff of the Housing and Urban Affairs Subcommittee is compiling information relevant to the issues raised by the administration in cutting off the programs. Such information will be made available to the committee members in advance of public hearings which, as I stated, are scheduled for late March or early April. It is hoped that the material will form the basis for questioning of a panel of expert witnesses, representing a cross section of housing consumers, the public in general, and housing and urban development practitioners.

The results of the hearings will determine the course and timing of the committee's 1973 legislative effort. I hope that, by summer, we will be well on our way to writing a 1973 housing bill.

I just wanted to say that I do not place the blame on Mr. Lynn. I hope to goodness he will not become the man to wield the ax. Of course, I am optimistic by nature. I am hopeful we will be able to work this out and I believe we will.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. Mr. President, I rise in support of the confirmation of the nomination of Mr. James T. Lynn to serve as Secretary of the Department of Housing and Urban Development.

Prior to his appearance before our committee for the confirmation hearing, I had the opportunity to visit with Jim Lynn on several occasions to discuss the critical position for which he has been nominated—its functions and responsibilities. These discussions served to convince me of his dedication to meet the challenges of that important office. His sense of commitment was unquestionably apparent.

The problems which currently plague our Nation's housing programs are substantial, and are both statutory and administrative in character. The task of the HUD Secretary will not be an easy one. In many instances it will most certainly be a thankless one. It will require a man who possesses proven managerial skills, who is capable of innovative thinking, and who has the strong will essential for one who must make the tough administrative decision. I am confident that Jim Lynn satisfies each of these requirements.

My assessment of the nominee's suitability is not based on impression alone. There is basis in fact. Having proven himself a skilled attorney in private practice, he entered the public arena for testing. While serving at the Department of Commerce during the past 4 years—half of that time in the post of General Counsel and the remainder, to this date, as Under Secretary—Jim Lynn has distinguished himself as a respected public servant and has established the deserved reputation as one of considerable intelligence who has evidenced unbounded enthusiasm in confronting the diverse tasks of his office.

Mr. President, some will criticize this nomination today expressing concern that the nominee, during the confirmation hearing, failed to provide instant solutions to the severe problems which hinder our Nation's housing effort. No one has any instant solutions to the Nation's housing problems. Certainly we cannot hope to deal with such complex problems ourselves until we first have the resources of the Department of Housing and Urban Development under the skilled direction of a capable administrator. Perhaps for the sake of accuracy, the critical remarks should be directed toward the Congress. No less than half a dozen congressional committees have examined our housing programs in recent months seeking answers to the critical questions which have arisen relative to their effectiveness in serving those most needy. Many questions have been asked—many scholarly critiques have been written—many lengthy reports have been prepared—but few answers buttressed by concrete proposals have made their way to the surface. Nonetheless some insist that the nominee possess all the answers.

Mr. President, I have stated that our Nation's housing effort suffers not only from statutory ills but also administrative deficiencies. HUD Secretary George Romney, on more than one occasion during both the 91st and the 92d Congresses appeared before the Housing Subcommittee to request—in fact "plead"—for congressional action to consolidate existing housing programs in order that they might be more effective. He openly and freely admitted that they were virtually impossible to administer in their current state. Unfortunately, his words have proven accurate.

This past year, we acted in the Senate to ease the administrative tangle, by passing the Housing and Urban Development Act of 1972. Passage of this legislation by each House would have been a significant step toward meeting the administrative problems of which Secretary Romney complained. Regretfully, the House of Representatives failed to pass similar legislation, thus the administrative problems remain. The morass of housing legislation—unclear, confusing, virtually immune from effective administration—remains on the statute books. Hopefully in 1973 a housing act will emerge from the Congress providing the essential consolidation. Until that moment, many of the administrative problems will plague Jim Lynn even as they did his predecessor. Much of the burden rests squarely on the Congress.

In my judgment, President Nixon has made a wise selection in naming James Lynn, a man of unquestioned character and boundless ability, to fill the important position of Secretary of Housing and Urban Development. I urge the confirmation of his nomination by the Senate.

Mr. President, some comment is, indeed, appropriate at this point in view of the effect of the administration's budget requests for fiscal year 1974 on programs administered by HUD.

I will myself be very involved in reviewing the various HUD programs this year in our Housing Subcommittee. We will effectively have to express a committee judgment of the budget proposal in the legislation we report this year, and where the committee differs with the administration substantially on particular programs, we may recommend to the Senate continuation of them. I do not want to prejudge the determination of where we might differ with the administration until we have held hearings, examined the ability of the community development revenue sharing concept to substitute totally for the various HUD programs now in existence, and assessed the problem of any timelag that may be involved in getting community development revenue sharing funds into the pipeline to replace the HUD programs proposed to be terminated.

Again, may I reiterate that it is important that we confirm the Department head with dispatch so that we have someone to come here and talk to us concerning HUD programs because otherwise we have no one with whom we can communicate. I join the chairman in expressing the hope we can take an in-depth, objective look at what has happened and come up with suggestions of our own and assert the will of Congress.

Mr. SPARKMAN. I join in that statement. I think we made it rather clear to Mr. Lynn the other day—all of us did—how we feel about cuts in housing, in community development, and rural development.

In the message that came back to committee, it will be recalled that he made some reference to reevaluating the housing program and coming up with new ideas, and there was some little veiled threat in there about not doing things until we have enacted special revenue sharing. The Senator will recall we wrote a community development provision in the 1972 housing bill which meets the President's special revenue share specifications. Unfortunately that bill did not become law.

Mr. TOWER. I recall very well. As a matter of fact, our committee was the first committee, I believe, to act on a special revenue-sharing proposal—community development special revenue sharing.

Mr. SPARKMAN. The Senator is correct.

Mr. TOWER. The bill was stymied in the House. I hope we again include the revenue-sharing concept in our bill. It is up to us to decide to what extent it can replace categorical grant programs.

Mr. TAFT. Mr. President, I share the questions with regard to the housing freeze that have been expressed by many Senators today. I have expressed my concern to Mr. Lynn.

I voted for Mr. Lynn in the confirmation hearings. He, of course, has been named by the President to carry out the President's programs. I do not feel that trying to judge him by the current freeze is a sound way to go about the matter of determining whether or not he is qualified to be Secretary of Housing and Urban Development.

I do not think I should leave unchallenged the statement that he is inexperienced or that he is unqualified for the job. He is a young man of exceptional capability and experience. Not only has he been named by the President for this job, but also he is one of the four counselors named by the President with whom others will communicate with regard to the whole area of community development.

He is a resident of my State. I know him personally and I know his reputation. He is a man of great ability. He came first to Washington from his law practice to become General Counsel for the Department of Commerce, where he did an outstanding job. Then he became Under Secretary of Commerce and carried out his duties with great expertise. I think the success of the minority business enterprise program has been in large part due to his leadership, and I think it was his skill in handling problems at the Department of Commerce which brought him to the attention of the President and led to his current appointment.

I do not think that anyone should feel that this man is not a topflight, qualified person to become one of the most important members of the President's Cabinet.

Like many of my colleagues, however, I am deeply troubled about the conditions under which Mr. Lynn takes office. The need for economy and a spending limit, the confusion of multiple, uncoordinated housing programs, and the strength of the present housing market all help to justify a reassessment of Government programs and procedures in this field—but they do not call for throwing out the baby with the bath water.

I am particularly concerned that the blanket nature of the shut-off action will result in the denial of assistance to some persons in areas most in need of it, even in instances where the assistance would have been handled by groups who have been carrying out community improvement programs innovatively and effectively. For example, the Dayton area's regional planning commission determined about 3 years ago that 14,000 additional units of low- and moderate-income housing were urgently needed in the area. The Commission then developed a housing dispersal program that still constitutes the most advanced effort to provide for an areawide mix of housing in any American metropolitan area. Last year Dayton was named one of 20 experimental "planned variations" cities, which gave it more flexibility in the use of community development funds. The State of Ohio has responded to these innovations by working with the Dayton area to provide more coordinated and responsive State assistance.

In view of both the tremendous need for housing assistance and the importance of encouraging and monitoring Dayton's experimental methods of meeting its needs, severe cutbacks in assistance to the Dayton area would seem to be a tragic development. Yet Dayton has been hard-hit by the cutbacks. In the area of housing alone, it would appear that the construction of almost 4,000 additional units for low- and moderate-income Daytonians will be held up as a result of the reduction in HUD funds.

Tremendous hardships will also be inflicted on builders, developers, and others who invested heavily in HUD projects because the Government gave them every reason to believe that the projects would be approved. Earlier this week a representative of a nonprofit housing group stopped by to inform me that his organization has invested close to $300,000 in a rental housing project which HUD had approved informally but not officially prior to the "freeze." His group is trying to operate in the Huff area of Cleveland, where major riots have started and housing needs are so severe that upon completion of its last 38-unit project, the group was besieged with over 500 rental applications. This organization has been a successful provider of low-income housing in the past, but its operations will be in great jeopardy if no relief from the shut-off is granted.

Builders who have been using the "over the counter" method of dealing with HUD will also lose considerable sums in some cases. In areas such as Dayton, these builders have constructed housing designed for the subsidized program after receiving HUD commitments under the unsubsidized program. The past procedure has been that the formal reservation of subsidy funds would take place upon completion of construction, but the freeze has left some of these builders out in the cold. I was recently visited by a Florida developer whose company had obtained commitments under the unsubsidized program and contracted for modular homes before he was informed that no new subsidies would be available. His land is located in an area suitable only for the subsidized program, and there is no other market for the modular homes he has contracted for.

While the Federal Government certainly should not approve applications regardless of the need for proposed housing just because private individuals have made sizable investments, we must recognize that some private investors have been treated unfairly as a result of the suspension.

In view of these problems, I hope that exceptions to the suspension will be allowed where real hardships would otherwise be inflicted upon a community whose developers or development organizations have been doing an exceptional job. In addition, special consideration should be given to those who are really suffering as a result of investments which were made because they could have definitely expected assistance if HUD's normal operating procedures had been followed. HUD has informed my office that the possibility of exceptions is presently being considered, and I hope that the Agency will give this matter its immediate and concentrated attention.

An enlightened exception policy would alleviate the most inequitable and counterproductive aspects of the freeze. At the same time, Congress and the administration should continue to work for legislative and administrative improvements in this area so that adequate housing and community development assistance can be restored as soon as possible.

Mr. President, when Mr. Lynn testified before our committee, I submitted several questions to him. I now have his replies, which were returned too late to be inserted in the hearing record. I ask unanimous consent that my questions and his replies be printed in the Record at this point.

There being no objection, the questions and answers were ordered to be printed in the Record, as follows:

SENATOR ROBERT TAFT: QUESTIONS AND ANSWERS

1. Q. Are you in favor of increasing our efforts to preserve existing housing and neighborhoods before they deteriorate substantially, or do you believe that the nation's housing needs can be met by almost sole reliance on new construction and substantial rehabilitation?

A. I note that the Third National Housing Goal Report to the Congress indicated that "preservation [of the present stock of 69 million housing units] . . . through timely maintenance, repairs, additions, alterations, and even major rehabilitation is clearly a far less expensive process than permitting the housing to deteriorate to such condition that it must be totally demolished and replaced with new construction." The Fourth Annual Report went on to raise two specific questions—"What should be the balance between new housing production and the preservation of existing housing? How should assistance in new units be balanced against assistance in existing units?"

I look forward to formulating answers to these questions in the coming months.

2. Q. In the 1970 Housing and Urban Development Act we required that 30% of all new public housing annual contributions contracts should be for leased housing, because we recognized that this program is less visible to the community and thus does not have the sociological stigma attached to conventional public housing projects. Would you support efforts to increase the importance of the leased housing program relative to conventional public housing?

A. I understand that the Leased Public Housing Program—both for existing housing and newly constructed housing—has been the subject of considerable evaluation by such organizations as the Urban Institute, the MIT Consultants to the Housing Subcommittee of the House Banking and Currency Committee, the Real Estate Research Corporation's study of Federal housing subsidies and a study released by the Joint Economic Committee of the Congress. I will be reviewing the findings of such studies as part of my own evaluation of the subsidized housing programs.

3. Q. In his January 8th address to the homebuilders, Secretary Romney emphasized that many public service needs cannot be met within the present fragmented, Balkanized structure of local government. He noted that some areas have thousands of overlapping jurisdictions. Would you favor major efforts to encourage localities to seek methods of meeting local needs and solutions to local problems which are more rationally coordinated and considered on an area-wide basis?

A. Although this whole question is extremely complex, my view at this time is that Federal efforts should be keyed to assisting the States to address the challenge of achieving a more rational local government structure.

4. Q. What steps should be taken to improve housing for our nation's elderly? Would you favor special assistance for those elderly citizens who cannot afford to make needed home repairs?

A. Improvement of housing for the elderly involves the physical quality, location, and design of the housing units as well as such essential services as health care, security, transportation, communications, and welfare which are not strictly tied to housing. In his Message on Aging, March 23, 1972, the President proposed a comprehensive strategy for meeting these needs of the elderly, and I understand that HUD has begun to play its part in implementing that strategy. For example, an Assistant to the Secretary for Programs for the Elderly and the Handicapped has been appointed for the purpose of assessing the housing programs with particular attention to their responsiveness to the needs of the elderly. You may be sure that I will be giving close attention to the special needs of the elderly as the overall evaluation of Federal housing programs goes forward.

5. Q. According to a HUD audit of 1970, 24% of newly constructed FHA Sec. 235 homes and 39% existing Sec. 235 homes had substantial defects. What steps do you advocate for improving the FHA's job of appraising so that the government does not continue to allow unsuspecting people to become owners of homes which are falling apart?

A. I understand that following the HUD audit in 1970, the Department took a number of steps to tighten up its inspection and appraisal procedures. I intend to take a fresh look at the effectiveness of these procedures in order to assure that buyers are not victimized.

6. Q. The heavy workload in FHA insuring offices causes processing delays and perhaps contributes to sloppy appraisal jobs. Do you believe that it would be feasible to reduce this workload by transferring some of the processing functions to lenders, assuming that such transfers were accompanied by safeguards to help insure that lenders would do a good job?

A. The suggestion has often been made that private lenders could bear a larger share of the processing burden for FHA insurance in an efficient manner. These possibilities will be reviewed with an eye toward the necessary safeguards that might be required to accompany any such transfers. I cannot predict prior to such a review whether or not these suggestions will ultimately prove to be feasible.

Mr. SPARKMAN. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I merely wanted to add my word of testimony to that just made by the distinguished Senator from Ohio. During the past 3 years at least I have, as the ranking minority member of the Committee on Commerce, had to work with Mr. Lynn quite frequently and continuously. He is one of the keenest and ablest minds that I have had dealings with for a long time. He has great ability. In addition to that, I found him absolutely fair. His word is completely dependable. He also is a great legal student and has a profound respect for and knowledge of the functions and powers of the Congress and of the Senate. I think he will make a very excellent Secretary of Housing and Urban Development.

Mr. WILLIAMS. Mr. President, as Senators very well know, a majority of the Members of Congress are currently engaged in a serious dispute with the Executive over the question of division of powers in our Federal Government.

I will say that I am among those who have been vocal in our contention that the current administration has exceeded its constitutional authority by a large margin.

In my judgment, the President is guilty of an outrageous abuse of the powers of his office because of his consistent refusal to implement programs mandated by Congress.

In its impoundment of funds, this administration has far exceeded any similar actions taken by any preceding administration.

Traditionally, impoundments have been made as a routine method of insuring orderly and efficient handling of appropriated funds. On occasion, they have been used as temporary responses to serious and unexpected budgetary problems, but it is difficult to find a precedent for the use which the current administration has made of impoundments.

Under the Nixon administration, impoundments have become a tool to make policy. Furthermore, they have become a means of circumventing and contravening the lawful mandates enacted by Congress. And, in my judgment, the way in which this administration has utilized its power to impound appropriated funds is illegal.

Now, these impoundments have touched a wide variety of very important programs authorized and funded by Congress, but nowhere have they had as much impact as on the programs administered by the agency involved in our deliberations today—the Department of Housing and Urban Development.

The President's freeze on programs of subsidized housing, community development, urban parks, and water and sewer grants threatens to cripple most of the functions of HUD. These are programs which were carefully developed by Congress to meet very real and very urgent needs of millions of Americans. But the President has now unilaterally decided that they are without merit and should not be continued.

He has informed us that no new commitments will be made in any of these programs for at least the next 18 months. And the Congress has been bluntly informed that nothing will be done in these areas unless, and until, we enact the President's proposed special revenue-sharing program.

In my judgment, that ultimatum amounts to legislative blackmail.

Mr. President, I know that no committee of Congress is more deeply alarmed by the administration's actions than is the Committee on Banking, Housing and Urban Affairs, of which I am privileged to be a member.

It was, of course, our committee which considered the nomination of Mr. Lynn to be Secretary of Housing and Urban Development.

And I will say I am personally very grateful for the diligent and searching inquiry into this nominee's views which was directed by our distinguished chairman.

That inquiry quite naturally embraced the subject of Executive impoundments, and, although Mr. Lynn was courteous and gracious in his responses, he conceded he had not researched the legal justification for the administration's actions.

However, Mr. Lynn did make it clear that he will support the President's policy, and faithfully implement it; and I was dismayed to see that he agreed specifically with the freeze on new commitments for low-income housing.

As a result, I felt compelled to register my strong objections to these policies by dissenting from the committee's favorable recommendation on Mr. Lynn's nomination.

However, I think it has become clear that this battle over Executive impoundments will be fought and decided on a level higher than that of a confirmation vote.

Regardless of whether Mr. Lynn is confirmed, this issue is going to be settled either by the courts or through new legislation.

As a matter of fact, the views elicited from Mr. Lynn during confirmation hearings underscore the necessity for settling the impoundment issue in one of those ways.

Mr. Lynn, of course, must be loyal to the Chief Executive who appointed him. However, I certainly hope he will come to realize that he owes even greater loyalty to the millions of people who comprise the constituency of the Department of Housing and Urban Development.

Moreover, he must be an advocate within the administration of programs to meet the needs of that constituency.

And if the issue of impoundments and freezes is resolved, as I expect it to be, I hope and anticipate that Mr. Lynn will be quick to endorse whatever change in policy is indicated.

Mr. BENNETT. Mr. President, today we have the nomination of Mr. James T. Lynn before us for our advice and consent to the appointment of Secretary of the Department of Housing and Urban Development. It is our responsibility and privilege to carefully examine Mr. Lynn's qualifications for this position. Indeed, if that were not true, there would be no reason for such nominations to be brought before the Senate for its approval.

In making our decision, I believe that we should be sure that Mr. Lynn has the capacity to perform and the dedication to serve in this office for the betterment of our Federal housing programs in order that we might meet the goals which have been set by the Congress to make available a decent home and a suitable living environment for every American family.

On last Monday, a letter was sent to Members of the Senate suggesting that the hearings before our Banking, Housing and Urban Affairs Committee on Mr. Lynn showed that he lacked "the experience in urban affairs and the sense of commitment we have a right to expect in a HUD Secretary." It was also stated in the letter that "the only area where Mr. Lynn was clear in his views was that he agreed with the President's decision to impose a moratorium on our low income housing programs." Attached to the letter were excerpts from the hearing record which were intended to support these statements.

Mr. President, I regret that it is necessary to discuss these excerpts and these charges but I know that Members of this body do not have time to read the full hearing record which is over 60 pages in printed form. Because of this fact, I believe it is important to bring the charges into a correct perspective so that a realistic judgment can be made on the nomination.

The fact that the nomination is before the Senate indicates that a majority of the committee supports it. The committee vote was an overwhelming 11 in favor, four opposed, and one absent. This vote was based on the fact that members had the opportunity to carefully question Mr. Lynn and listen to the entire hearing proceeding before the vote.

It is suggested that Mr. Lynn lacks the sense of commitment we have the right to expect in a HUD Secretary. Just what is his response to such a question? The chairman of the committee, Senator SPARKMAN, asked just such a question, and I quote the whole question along with Mr. Lynn's answer:

Senator SPARKMAN. May I say that in the letter from Mr. Martin, he, on behalf of the association of which he is president—I believe it consists of about 6,500 home builders or people engaged in the home industry in one way or another, they endorse Mr. Lynn for this job and they know something of his ability and believe he will work conscientiously at it. So there is nothing in here derogatory to the Secretary's confirmation.

I believe that is about all that I have.

Well, may I ask just this general question: Would you give us some idea, some brief statement as to just what your feeling is with reference to the importance of housing and the effect that this cutback of the President's might have, or what your thoughts may be as to what we can do to make certain we can have a steady flow of housing to take care of the needs of the lower income people, and to continue toward that goal of making a decent home and a suitable living environment available for very American family?

Mr. LYNN. I appreciate the opportunity, Mr. Chairman.

I think if you go back about a month or so ago, the only statement I had for the press at the time the President announced the appointment was that I wanted to do all I could to further that goal of the decent home in a suitable living environment.

Senator SPARKMAN. I remember seeing that.

Mr. LYNN. That is indeed a key mission, a very important one, and worthy of very great attention, suitable living environment carries you over into the area of urban development most surely and gets you into many of the issues that we face today in that area.

I would like to say at the outset that the question is not dedication to the principle. The President is every bit as committed as I am—most committed—to the precept of a decent home and a suitable living environment. The question is, what can we do best? How can we best bring about progress in the best way toward that goal?

Mr. President, what more can one be asked in the way of commitment than to do all he could to further the goal of a decent home in a suitable living environment?

Mr. President, I believe it is appropriate to discuss the questions and the answers which are purported to be the views of Mr. Lynn and the basis on which it is suggested that we turn down his nomination.

First. None of the questions are actual quotes from our hearings.

Second. None of the answers are complete answers from our hearings. Furthermore, in my opinion, it is obvious that the excerpts were not intended to give a balanced picture of the responses. Nor is it accurate to state that he made his views clear on only one issue as has been suggested.

Question 1. Will Mr. Lynn invoke executive privilege in his role as Presidential counselor?

The answer used in the letter sent to us is intended to make one believe that Mr. Lynn did not answer this question. On the contrary, at least four times during our hearings, Mr. Lynn specifically stated that he would come before our committee when requested. The first such reference was the first question asked by the chairman following the biological sketch of Mr. Lynn on page 7 of our hearing.

Senator SPARKMAN. Now, Mr. Lynn, the Democratic Conference recently adopted a proposal that we shall take up with each person appearing before us. This applies to all the committees of the Senate—the question of their willingness to come before appropriate congressional committees and to give testimony and to discuss with them matters that may be of concern.

Are you willing to say that you will appear before this committee, when we want you to, in order to discuss matters of mutual interest and concern to us?

Mr. LYNN. Of course, Mr. Chairman. I have been in Washington now for 4 years; most of my testimony has been before other committees but I think if you check with them, there has never been any reluctance on my part.

The chairman continued that Mr. Lynn would be one of three counselors to the President and asked for a response on his willingness to testify in that capacity. The entire colloquy is on page 8 of our hearings but it is obvious from the following quote that Mr. Lynn specifically said that he would appear in that capacity.

Mr. Lynn. Put it this way: The President made it very clear in his statement announcing the counselors that what he was doing was trying to organize the situation from the executive branch standpoint as it faces the White House. He was not intending in any way to interfere with or change the relationships between those departments and the Congress.

There is, however, an effect of what he is doing on the congressional side and it is an effect which actually enlarges Congress' opportunity to have people come before the Congress. Before the President put this system into effect, the situation was that you had people working in the White House as White House people with no other responsibility who attempted to perform this kind of a coordinating function along the lines of goals that we set for ourselves.

That was a situation where the immunity from testimony, I guess, ran with the person; at least it was so considered.

With this new setup that we are going to try, it will be a situation where if I do become involved in an issue in this coordinating role, in this effort to work out cooperatively with other departments solutions to some of our major problems, I am available to testify before the Congress with respect to such issue.

Senator Sparkman. That is exactly the point I was driving at. You expressed it much better than I could.

Mr. Lynn. I doubt that.

Senator Sparkman. I was down at the White House when the announcement was made to us. Several of us were there at a breakfast. We were given a description of duties and so forth. The only reason I bring up the point is that we have had some difficulty with witnesses on various committees, committees on which I serve. Not just this committee but on other committees. We have never had much of a problem in this committee. But we have had difficulty on this question of executive privilege, when it should be claimed, when it should be allowed.

I just wanted to bring this up because you are being placed in a position of wearing two hats.

Mr. Lynn. That is absolutely right, sir.

Senator Sparkman. You are wearing a hat in HUD subject to confirmation of the Senate; therefore as I construe it, that makes you answerable to Congress.

Mr. Lynn. That is right.

Senator Sparkman. Now, with this other hat, it might place you into the twilight zone, and probably will, of executive privilege.

I want to be certain that you are willing to appear before Congress and you have just made the statement you would be——

Mr. Lynn. Yes.

Then Senator Brooke discussed the matter in even more detail. On pages 9 and 10 of our hearings, the answer was given from which the quote, used as an excerpt against Mr. Lynn, was taken. I include the excerpt in content and point out that the only reservation Mr. Lynn had was on a specific communication or conversation with the President and he did say that he could not say that he would be free to disclose such communications to the committee. He did say, however, that he felt the committee had the right to call him to testify on his views on the subject.

Mr. President, I ask that the colloquy at the end of page 9 and at the beginning of page 10 of our hearings be included at this point in the Record.

Senator Brooke. I can see the question sometimes being relevant to both; to your duties as Secretary of HUD and to your duties as counselor.

Under those circumstances would you invoke executive privilege or not?

Mr. Lynn. I think, Senator, the point is that whether or not the question arises as Secretary of HUD or as counselor, the particular question will arise in a content of either a conversation or a communication.

Then we will both face the issue as to whether that communication or conversation is in the executive privilege area.

I am talking about an area I don't know a heck of a lot about, but it is one I am going to have to obviously know a lot more about than I know now. It seems the distinction is not so much the counselor—although that can play an important role—but issues could arise with a Secretary as to what he said to the President, and what the President said to him.

So the issue is not new in that regard, but it may take on different elements as to where the lines are in my role as counselor. I have to get a lot better briefed before I can speak definitively.

Senator Brooke. We wouldn't be so interested in your conversation with the President, but in your opinion on an issue which may come to you as a counselor to the President and as Secretary of HUD.

Mr. Lynn. For example, suppose there is an issue in the field of, let's say, agricultural housing, or I should say housing under programs of the Agriculture Department. I will work closely with Secretary Butz in the Community Development Committee that deals with community development programs. The thrust of what I was saying to the chairman before was that that committee has the right, if they believe it relevant, to call me to testify before them on my views on that subject.

Now, Mr. President, I hope it is clear that Mr. Lynn answered this question very satisfactorily and that he will be willing to testify before our committee whenever we request it, except perhaps on direct communications and conversations with the President.

Question 2. Does Mr. Lynn agree with the goal of building 26 million housing units including 6 million units for low- and moderate-income families over a 10-year period, as stated in the 1968 Housing Act?

The answer taken out of context is intended to show that Mr. Lynn does not know anything about the goals and that he has no commitment. The excerpt is taken from a colloquy with Senator Tower, ranking minority member on the committee, and is on page 17 and 18 of our hearings.

Senator Tower. . . . I have been coauthor and author/cosponsor of every low-income housing piece of legislation that has crossed this committee since I have been a member of it. So I assume that you do agree with the goals as stated in the legislation we have passed over the past few years.

The only question is: How do we arrive at the goal? Do you think we should have a reexamination of our progress toward that goal and the means toward which we achieve that goal?

Mr. Lynn. Senator, I think if you check on me with the other committee, one thing you will find is that I like to be precise where I can. Where we are talking about the goals of a decent home and suitable environment for all of our people, most certainly this administration is committed to that.

Now, as to the specific goal of the 1968 act—the 26 million new or rehabilitated homes, 6 million of low- and moderate-income—whether that is precisely still the goal we ought to follow is something we want to jointly explore with the Congress. In other words, with the changes that have been occurring, not only in housing starts but in the patterns of living in the United States and what may be happening to our housing stock we think it is a good time to take a look at whether that specific goal is still a good one.

I must admit I have no view on it at the moment. It is just something I would like to look at very, very hard and would hope that your people up here will also look at with us.

Senator Tower. I don't think that is inconsistent with what we intended in our legislation.

Frankly, Mr. President, I doubt that any of us would like to say that the goals of the 1968 act are precisely still the goals we should follow. We do need to review these goals and I might say that the Senator from Wisconsin has been one who has suggested that they have continual review on many occasions. A further comment on this was made in response to a statement made by Senator Brock, in which Mr. Lynn said:

You are right, Senator. We are committed to such goals.

This discussion is found on page 44 of our hearings, and I include it in context at this point to clear up the record on Mr. Lynn's commitment to housing goals.

Senator Brock. . . . In essence, Mr. Lynn, I cannot tell you how delighted I am that you have undertaken this reevaluation. I wish you well. I know the difficulties, but you are going to have one member strongly supporting your efforts to do a better job of serving the people and the taxpayers and the poor and everyone else.

May I make one additional point which you can comment on or not as you see fit. I have heard the statement made that the freeze, if you will, demonstrates a lack of commitment to housing goals, and I think it should be said on the record that this administration is building publicly supported units at about triple or more the rate of the prior administration. We are doing, I think, a rather phenomenal job, given the difficulties inherent in the program conflicts as they are today. I think Secretary Romney was an exquisite Secretary of HUD within the framework and the limitations that were imposed on him. I think this administration, in the achievements over the past 4 years, has demonstrated its commitment to the meaningful housing goals of the United States. This commitment is in no wise changed by the desire to reevaluate and combine and coordinate the existing programs so that they become more effective.

Mr. Lynn. You are right, Senator. We are committed to such goals. We want to solve these problems. We want to make progress. We are not turning our back on these problems. What we want to do is do the job in a way that is effective, and effectiveness means reaching those people we want to reach and, at the same time, being fair to our taxpayers in reaching those people in a way that is most effective for the taxpayers' dollar.

Question 3. Will Mr. Lynn seek to persuade the President to lift the housing moratorium as soon as possible?

The answer was to a question from Senator Proxmire and is found on page 24 of our hearings, as follows:

Senator Proxmire. If you are confirmed as Secretary of HUD, will you do everything within your power to persuade the President to lift the moratorium as soon as possible?

Mr. Lynn. If you mean by "as soon as pos-

> sible" tomorrow or the next day—to say "this was wrong, Mr. President, and you ought to lift it"—the answer is no, because I believe it was the right procedure.
>
> On the other hand, I do intend seeing that the process of our evaluation of where we are and where we should be going is speeded up as much as possible so we don't have a day longer than we have to of uncertainty as to where we are going from here.

What more could one ask of a person who has not been involved in the decisions of the Department of Housing and Urban Development or in the determination to establish the moratorium and who is to be responsible to the President for housing programs? He said he will do what he can to see that an evaluation is made and programs continued as soon as possible.

Question 4. What will be the future of our housing subsidy programs?

This question does not accurately describe the discussion that brought about the response from Mr. Lynn. Furthermore, the answer is taken out of context. The colloquy with Senator Brooke is on page 26 of our hearings and is as follows:

> Senator Brooke. Now, as I see it, if the policy announced in Secretary Romney's speech is carried out by the administration, then potentially more than $2 billion and over 1 million subsidized housing units will be impounded.
>
> Now, that is domestic legislation on a large scale with the attendant effects on people and jobs and the economy and many other things. That is the decisionmaking authority which is being usurped. That is what I think we are very much concerned about up here and I want to know if you are concerned about this?
>
> Mr. Lynn. Two points, Senator. One, I would be very, very concerned if we went 18 months with no solutions with respect to this kind of an issue, without answers that we're working on together. But when I look at the short-term prospects, with the commitments that are already in the pipeline and the like, I have to look at it from three or four standpoints.
>
> If the issue is the impact on the overall economy, from what I read in the journals and magazines the problem is that housing starts are so high it is having a difficult effect on housing materials and supply of the workmen and in some cases on the manner in which housing is being built. In other words, it is an overheated thing rather than underheated thing.
>
> Most of the economists I have been reading say that the action we have taken shouldn't have any repercussions for the foreseeable months ahead. So, I just don't see those bad effects.
>
> Second, the degree that there may be any impact here on, let's say for example, most builders who are particularly directed into these programs, 235 and 236, will depend in part on how long it takes us to come up with the answers.
>
> As I said earlier, Secretary Romney talked of looking at every option—what should the role of the Federal Government be, what should State and local government roles be—and said that our conclusion may be after a short period of time to turn them back on.
>
> The only thing I can tell you at this point is I sure don't know the answers. All I have is an open mind to it.

The fact is, Mr. Lynn was not commenting on the future of our housing subsidy programs directly. He was commenting on the economic effect that would result from present policy, and he said that he does not have all the answers.

Question 5. Can Mr. Lynn give just a glimmer of his thinking on the interest subsidy programs? (Sections 235 and 236.)

The response was made to a discussion with Senator Stevenson which is recorded on page 32 of our hearings. The full question and answer are as follows:

> Senator Stevenson. In response to a question from Senator Proxmire about your qualifications for this high office, you said that you fight for what you think is right. My great difficulty at the moment is that I haven't the faintest idea about what you think is right. Can't you give us a hint at least, just a glimmer, of your present thinking, for example, on the interest subsidy programs?
>
> Mr. Lynn. The only glimmer I could give you would be some of the things I want to look at with respect to them, because I really do not have a feeling at this moment as to where I do want to proceed. It seems to me a person has to be very cautious, particularly when you are looking at the changed circumstances over the last 3 years. Your question can break into pieces. One question could be: Is the program being well managed? Could management of the program be improved? From things I have heard—in fact, things that HUD itself has told me, there are ways of improving the management of the program.
>
> At the other side of the spectrum are questions as to whether there is a need for that kind of a program or to help that group of people at this point in time; and if there is a need, is this the best way of doing it?

To me, this is a very reasonable response by a person who has not had the opportunity to completely evaluate these programs which we all know have major problems in their operation.

Question 6. How does Mr. Lynn feel about phasing GNMA out of the secondary mortgage market?

This question was asked by Senator Stevenson and is recorded on page 33 of our hearings. The answer is on the following page. I include for the Record the printed version of the hearings.

> Senator Stevenson. How do you feel about phasing GNMA out of the secondary mortgage market?
>
> Mr. Lynn. When you say "phasing it out of the secondary mortgage market," what do you mean? Because they are into so many programs——
>
> Senator Stevenson. There is a rumor that the administration intends to do that.
>
> Mr. Lynn. I do not know what it means by "phasing it out of the secondary mortgage market." That is just such a broad expression. Do you mean getting it out of the tandem plan?
>
> Senator Stevenson. Stopping its secondary mortgage activities, I suppose is what it means. Would you support that kind of a move?
>
> Mr. Lynn. I may be showing my ignorance of the programs at this point, but I am afraid I cannot answer it because I really do not understand the question with the little bit of detail that I know about the program. I do not have a whole lot.
>
> Let me answer it this way, though, to put people at rest. As far as my own position is concerned, I have made no judgments as to what I would recommend doing in this connection.

It is obvious to me that Mr. Lynn did not understand just what the question was and therefore did not know how to respond. What does not show up in the printed record but is in the original transcript is that when Mr. Lynn asked "what do you mean?" The reply was, and I quote from the transcript:

> Senator Stevenson. There is a rumor that the Administration intends to do that. I do not know exactly what that means.

How is one expected to answer a rumor which is not explained and which he does not understand? All Mr. Lynn could say is that he had made no judgments as to what he would do in that connection.

Question 7. Should FHA be privatized?

This is a question asked by Senator Stevenson and recorded on page 34 of our hearings. Mr. Lynn did not know what he was asking or what privatizing meant or what functions of FHA he was referring to. Hs asked what it meant and received the response that it was assumed to mean giving some or all of the FHA insurance programs to either some form of federally chartered corporation or private institutions.

Mr. Lynn's answer to a question that was not clear and was not made clear is a reasonable one as shown in the text of the hearings as follows:

> Senator Stevenson. That is what makes me unrestful at the moment. The Assistant Secretary for Housing Production and Mortgage Credit indicated last year that HUD was studying desirability of privatizing FHA. How do you feel about that proposition?
>
> Mr. Lynn. Privatizing it?
>
> Senator Stevenson. That is his quote. That is what he said, "privatizing of FHA," which I assume means giving some or all of the FHA insurance programs to either some form of federally charactered corporation or private institutions.
>
> Mr. Lynn. Well, if I remember right—and I hope I am not saying anything about him that is not true—did not one of the mortgage bankers propose at meetings this last year that that whole operation be spun away from the Government? So I guess there was someone advocating that.
>
> One of the things you would get into in considering that question is that FHA, if you look at its accomplishments from the 1930's, has accomplished some historical things that just would not have been done otherwise, or at least it was a way of doing them. They brought about the long-term mortgage. They brought about the low equity. They brought about some changes in design for housing that are really quite remarkable.
>
> So before I privatized that side of it, I would surely want to give a lot of thought to the functions that it has performed quite apart from a sheer finance function.

Question 8. How will HUD determine which of our present housing programs are viable?

The answer used in the excerpt to this question was not given to such a straightforward, simple question. The discussion was with Senator Johnston and is on pages 41 and 42 of our hearings, as follows:

> Senator Johnston. Well, it just seemed to me that the letter was so strong that it indicated an evaluation already having been made and a judgment already having been made, and if that was so, I was going to ask next who was going to decide on the new thrust in housing and how was HUD going to go about making that decision? As a practical matter, have you set the machinery in motion now to recommend—to come up with a program?
>
> Mr. Lynn. Senator, I am presently the Under Secretary of the Department of Commerce. I am neither counselor to the President nor Secretary of HUD. So I cannot put any program in motion at the present time.

> Senator JOHNSTON. How about Secretary Romney? Has he put a program in motion?
>
> Mr. LYNN. Some time ago, to his credit, he put some activities into motion to try to do some evaluation. I would intend taking a very hard look at what he has done to date and seeing whether or not I think it fits my own style of getting those data. I have already talked once to some of the staff people from this committee to get help on how to go about doing that from their experience with these subjects, but I have to punt at this point in time as to the exact way I intend doing it. I can say that what I have tried to do, kind of off the record, so to speak, is to start gathering as many facts as I can as to where we have come in the last 4 years and what is changing in our economy; what is the effect of mobile homes; what is the effect of the new building rates. Is the problem of our inner-city really housing? Sure, housing becomes a terrible symptom, but is it really part of a larger program that must be addressed? And if so, by whom and what is the appropriate role of the Federal Government in addressing ourselves to that problem?

As is evident from the response, Mr. Lynn has already begun to get involved in this issue even though he has not been approved. He has discussed it with staff of our committee and others. I do not know how we could expect him to tell us exactly how he intends to proceed. Of course, he needs to consider all that has been done and evaluate it before reaching such a conclusion.

Question 9. Can Mr. Lynn clarify his views on our housing programs?

The question is simplistic but covers a subject area far too broad to answer in one sentence. The discussion is with Senator BIDEN on pages 48 and 49 of our printed hearings, as follows:

> Senator BIDEN. Thank you, Mr. Chairman. Mr. Lynn, I share a number of the reservations expressed by some members of the committee. I agree with Senator Packwood that the fact that you come here with an open mind is encouraging, but what disturbs me is not only do you have an open mind, but also you do not seem to have an understanding of the existing programs that are now under consideration in that you keep responding to the questions by saying, "I have not had a chance to look at that yet. I am not sure where we are there. I am not sure whether they are functioning or not." That part disturbs me. Maybe you can clarify that a little bit for me.
>
> Mr. LYNN. I appreciate your raising it. I think there is a distinction here. Although I would not profess to be as expert with regard to 235 and 236 as people who have testified in recent committee hearings before this body, I think I have a fairly decent general understanding of what the programs do in the sense of how they operate; what is the tax shelter effect of 236; what is the profit and risk element for the contractor; what happens on the tandem plan, section 236 leasing programs, rent supplements, and that type of thing.
>
> However, I am trying to make the point that I do not have any firm views at this time as to how those programs are impacting, their net effect on the overall goals we are trying to achieve. That is the point I am making.
>
> Very frankly, in talking to a number of other people, including people in the Congress, I find that view expressed by them as well—that it is a good time to see where we are and what the impact of those programs has been.
>
> I would like to think that in the course of the last 3 or 4 weeks, notwithstanding the work at Commerce, I have gotten some familiarity—boned up on the actual programs. I would also like to say that this is always a difficult thing because if you say too much you are crowing about what you know; on the other hand, if you say too little, then you catch the criticism that you do not know anything.

Question 10. What are Mr. Lynn's views on achieving a greater economic mix of residents in subsidized housing projects?

The colloquy in which the excerpt given as Mr. Lynn's answer to this question is with Senator BROOKE and is on pages 51 and 52 of our hearings, as follows:

> Senator BROOKE. Mr. Chairman, I have many questions and I would like to submit most of them for later response, if Mr. Lynn would be kind enough to answer them in writing. There are three matters that I would like to call to your attention. One is the question of economic mix. As Mr. Lynn knows very well, we have placed so many people with social problems in low-rent public housing projects. There is very little attempt to have an economic mix—that is putting low-income people with moderate income people, say the $9,000 and $10,000 range. This would be very helpful, I think, in guiding these low-income people and these social problem people.
>
> What are your views on the economic mix in housing?
>
> Mr. LYNN. Going to your point, Senator, that there have been an undue number of people from the lowest incomes going into public housing where that was not the case before. From what I have read and from what I have heard, at least so far, one of the things the social science people believe is that if you have other people in the same general area with pride in ownership who will not tolerate, let's say, disruptive or improper activity, it can help a good deal with those people that by force of their own backgrounds may not have the proper appreciation for such matters.
>
> How to best accomplish that, how to solve the problem of taking care of the people who by reason of their own background—many times no fault of their own—really are not ready for certain kinds of housing, is something that I do not think really has been properly addressed at this point. I have done a lot of reading and I did not see any solution yet, so I certainly do not have one at the moment, but I am not aware that anyone else really does, either, at this point.
>
> This is one of the reasons we have to stand back from it and see what we do. This is why I said a little earlier that I look upon the opportunity for closer relationships with people like Mr. Weinberger who will be, the Senate willing, running HEW, as of vital importance, because I do not think you can look at it solely in a housing context. You are talking about job opportunity. You are talking about health. You are talking about counseling services. You are talking about what money these people have to spend for what. And I think sometimes we tend to look at a situation as a housing problem, when it is something that has to be looked at on a lot more coordinated basis than housing.

The full answer is very responsive, particularly since an answer to this question is not readily available.

Now, Mr. President, I realize that this discussion has been quite detailed, but these questions are complicated questions. We, in the Congress, have been struggling with them for many years and we do not have the answers yet either, as is evident from the fact that we have not solved the problems.

I do not believe it is reasonable to expect that Mr. Lynn would have had ready solutions either.

In my opinion he was very responsive to difficult questions. He was in a bad spot because of the moratorium which the administration has placed on certain of our housing programs, and it is obvious that an attempt would be made by some to use his nomination as a means of trying to get the administration to change its mind about the moratorium.

More has been done to meet our housing goals during this administration than has ever been done before in any administration. The fact that they desire to take a closer look at the problems in present programs is to their credit.

I hope, as Mr. Lynn expressed when he appeared before our committee, that we can reevaluate present programs quickly and get on with the job of improving them where needed or eliminating them and replacing them with more workable programs so that we may more nearly meet our housing goals.

In conclusion, let me agree with the Senator from Wisconsin when he stated in our hearings, and I quote:

> Now I am sure Mr. Lynn is a fine and able individual. I have met him briefly, he has a brilliant academic background, he has had great success as a lawyer. I think all these are certainly in his favor and will be great assets to him as Secretary of Housing and Urban Development.

Mr. President, I hope that the Senate will not be misled by charges based on quotes taken out of context or on a partial answers to questions without giving full consideration to the complete answers.

On the basis of the complete answers given by Mr. Lynn and his competence shown in government service over the past 4 years, I hope that his nomination will be approved quickly by the Senate so that he can get on the job and continue the work that Secretary Romney has so ably begun to meet our commitment to assist in providing a decent home and a suitable living environment to all citizens of this country.

Mr. PERCY. Mr. President, I strongly urge the confirmation of James Lynn, nominated by President Nixon to be the next Secretary of Housing and Urban Development and will be happy to be held accountable for the representations I made on his behalf to a number of my colleagues.

Mr. Lynn has served with great distinction as Under Secretary of Commerce and before that as the Department's General Counsel. My own relationship with him and everything that I know about him through Secretary Peter Peterson leads me to believe he is an exceptionally competent administrator and a fine leader of those with whom he works. He is loyal to his superiors, but does not hesitate to express his convictions and effectively put across his point of view.

As a former member of the Committee on Banking, Housing and Urban Affairs, I am sympathetic with the distress of some of the members of this committee, both Republican and Democratic, at the moratorium imposed on certain housing funds. I have previously expressed my own disappointment that action was taken by the executive branch of Government without prior consultation with congressional leaders who have a major responsibility in this area. However, I do not believe it justified to delay confirmation of Mr. Lynn or to cast a negative vote against him because of this action taken prior to his nomination.

I am hopeful that the Congress can satisfactorily resolve its differences with the executive branch of Government in the important field of housing. I have great confidence that Secretary Lynn will play a constructive and responsible role in bringing this about.

In private as well as public life, Secretary Lynn is an exceptional man and our Government shall benefit greatly as a result of his continued distinguished service.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Mr. James T. Lynn to be Secretary of Housing and Urban Development.

The nomination was confirmed.

Mr. HUGHES subsequently said: Mr. President, the Senator from Iowa had stepped out of the Chamber when the vote was taken on the confirmation of the nomination of Mr. Lynn to be Secretary of Housing and Urban Development. The Senator from Iowa had read very carefully the information that the Senator from Wisconsin (Mr. PROXMIRE) had circulated to this body, and on the basis of that information, had reached the conclusion that he would oppose the nomination of Mr. Lynn. I had been informed that there would be no rollcall vote, but since I was not in the Chamber to vote "no," I wish to ask unanimous consent to be recorded as voting "no" prior to the call of the roll.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

FLOOD CONTROL ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 606, which will be read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 606) authorizing the construction, repair, and the preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMIC REPORT OF THE PRESIDENT

Mr. PROXMIRE. Mr. President, this year's "Economic Report of the President" epitomizes the Nixon domestic doctrine. Simply stated, this doctrine boils down to: "If you can't lick a problem, ignore it." I cannot recall a previous economic report—and I have read all of the reports in the 9 years before I came to the Senate and in the 15 years that I have been a Member of the Senate—that is so completely devoid of policy recommendations.

No domestic economic problem is adequately treated. There are no effective proposals for controlling inflation or for reducing unemployment. Other critical economic needs—tax reform, welfare reform, reducing poverty, strengthening competition—are not even mentioned.

The administration has tried for 4 years to get inflation under control. Though the country has paid enormous costs in terms of unemployment and lost output, inflation has not really been controlled. Even 16 months of detailed mandatory controls did not do the job. At the end of 1972, consumer prices were still rising at a rate of over 3 percent per year—higher than during the period before controls went into effect. The result was that after nearly 17 months inflation has not slowed down at all but, in fact, it has continued to speed up a little bit. Wholesale prices were rising at an alarming 10 percent rate. Yet, instead of being strengthened and streamlined, the controls are to be virtually abandoned. Phase III is not an effective control mechanism. Businessmen and investors recognize this, as is shown by the sharp decline in the stock market since Phase III was announced.

This administration has never been really concerned with reducing unemployment. This year's report is more unconcerned and complacent than ever. The Council of Economic Advisers regards 4½ percent as an adequate policy target for reducing the unemployment rate. The long-standing interim target of 4 percent has been totally abandoned. The mandate of the Employment Act to promote "maximum employment" has been ignored.

I agree with the President that there must be fiscal restraint. Indeed, expenditures can be cut even below what the President has recommended. But within this expenditure total, funds must be redirected into programs which create jobs, train workers, and improve labor market efficiency. It is simply incredible that this year's economic report contains virtually no mention of manpower and employment policy and not one single recommendation for ever reducing unemployment below 4½ percent.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the orders for the recognition of Senators which have been previously entered, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD CONTROL ACT OF 1973

The Senate continued with the consideration of the bill (S. 606) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate resume the consideration of S. 606, the so-called rivers and harbors bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow there be a limitation of time for debate on S. 606, together with a time limitation on amendments, appeals, and motions in connection therewith, as follows:

That the time for debate tomorrow on S. 606 be limited to not to exceed 2 hours, with time on any amendment in the first degree to be limited to 30 minutes, time on any amendment to an amendment to be limited to 20 minutes, and time on any debatable motion or appeal to be limited to 10 minutes, and that the vote on passage of the bill (S. 606) occur not later than 4:30 p.m.;

Provided further, That the time for debate on the bill be equally divided between and controlled by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) and the distinguished senior Senator from Tennessee (Mr. BAKER); that time on any amendment, debatable motion, or appeal be equally divided between and controlled by the mover of such amendment in the first degree, and the manager of the bill or his designee; and, with reference to amendments in the second degree, that time be divided between the mover of such and the author of the basic amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that rule XII be suspended with respect to the final vote on this bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD** subsequently said: Mr. President, if my colleague will yield further, I wish to add to my unanimous consent request regarding S. 606 the following proviso:

That time on any debatable motion or appeal be equally divided between the mover of such and the distinguished manager of the bill.

The text of the unanimous-consent agreement reads as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on February 1, 1973, during the further consideration of S. 606, the river and harbors bill, debate on any amendment in the first degree be limited to 30 minutes, debate on any amendments to amendments be limited to 20 minutes, and debate on any motion or appeal, except a motion to lay on the table, shall be limited to 10 minutes, with the time on any amendment in the first degree to be equally divided and controlled by the mover of any such amendment and the manager of the bill or his designee, and the time on any amendments to amendments to be equally divided and controlled by the mover of any such amendment and the author of the amendment in the first degree, and the time on any debatable motion or appeal to be equally divided and controlled by the mover of any such motion or appeal and the manager of the bill, Mr. Randolph.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to not to exceed 2 hours, to be equally divided and controlled by the manager of the bill, Mr. Randolph, and the Senator from Tennessee, Mr. Baker: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

Ordered further, That the vote on final passage occur not later than 4:30 p.m.

Mr. **RANDOLPH.** Mr. President, is S. 606 now before the Senate?

The **PRESIDING OFFICER.** It is the pending business.

PRIVILEGE OF THE FLOOR

Mr. **RANDOLPH.** Mr. President, I ask unanimous consent that during the debate today and tomorrow on S. 606, the following persons on the staff of the Committee on Public Works be accorded the privilege of the floor: Barry Meyer, Bailey Guard, John Yago, Hal Brayman, Wesley Hayden, Ann Garrabrant, and Richard Herod.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD.** Mr. President, will my distinguished colleague yield to me, with the understanding that he not lose his right to the floor?

Mr. **RANDOLPH.** Yes.

Mr. **ROBERT C. BYRD.** Mr. President, I should announce, for the information of the Senate, that there will be no further rollcall votes today. I would anticipate a rollcall vote on passage of the rivers and harbors bill tomorrow. May I ask my colleague if he agrees with that assumption?

Mr. **RANDOLPH.** Mr. President, I think the able assistant majority leader is correct in assuming that there will be a rollcall on this legislation. There was not a rollcall on the bill last year, but I think, in view of the fact that we are bringing back a measure which was passed by both bodies last year, agreed on in conference and later vetoed by the President, it would be worthwhile and the very best procedure to have a rollcall on final passage.

Mr. **ROBERT C. BYRD.** I thank my colleague.

Mr. **RANDOLPH.** Mr. President, as chairman of the Senate Public Works Committee, I bring before the Senate for its consideration S. 606, the Flood Control Act of 1973. I trust that this measure will be accepted in the Senate as presented from the Committee on Public Works. It is, as I have indicated in the colloquy with the able assistant majority leader, identical to a measure that passed this body unanimously during the second session of the 92d Congress.

As many Members are aware, this bill is a replacement for the conference report on S. 4018, the Flood Control Act of 1972, which was vetoed by the President on October 27 of last year. That veto occurred, as we know, after adjournment of the Congress. The legislation, as I have earlier said, embraces the same provisions as last year's measure. We have added no additional items in committee. I think it is necessary to stress this point at the beginning of our consideration of the legislation so that we can assure the Members of this body, especially the new Members, that adoption of this legislation will be a reaffirmation of action previously taken. It includes no provisions which were not taken into full account during the subcommittee hearings and subsequent floor discussion of last year's measure.

The hearings last year lasted a total of 12 days. We had testimony from approximately 230 witnesses. These witnesses included representatives of the Corps of Engineers, Members of Congress, Federal agencies, representatives of State governments, and the public in general.

In light of the legislative history, and because of the veto of the 1972 bill, we have already in this country delayed authorization of a number of urgently needed projects.

I am delighted that in the Chamber at this time is a new member of the Public Works Committee, the ranking minority member of the Water Resources Subcommittee, the distinguished Senator from Virginia (Mr. SCOTT), who is intensely interested in these measures to develop reasonable and strong water resources programs for the country.

It is the judgment of the members of the committee that the reintroduction of this bill in its present form, at this early stage of the session, is proper and is sound legislative procedure. The approximately 230 witnesses and the 12 days of intensive hearings were the backdrops that caused this legislation to come to the Senate and to be approved in this body.

I think that the judgment of the Public Works Committee members is also the judgment of the majority leadership of the Senate. I think I am correct in that statement.

I anticipate the presence in the Chamber tomorrow of the able ranking minority member of the Committee on Public Works, the Senator from Tennessee (Mr. BAKER), who will be helpful in consideration of this bill. Presumably, we will have an opportunity to discuss the measure in formal statements at the opening of debate, as I am making today, and in helpful colloquy among Members. The Senator from Tennessee (Mr. BAKER) has a thorough knowledge of this legislation and contributed to it, as did other members of the committee, during its consideration within the committee and in the Senate last year.

Mr. **SCOTT** of Virginia. Mr. President, will the Senator from West Virginia yield?

Mr. **RANDOLPH.** I am delighted to yield to the distinguished Senator from the Commonwealth of Virginia.

Mr. **SCOTT** of Virginia. I thank the Senator for yielding and regret that I was not a member of this committee last year when the hearings were held. I am not so familiar, therefore, with the provisions of the bill as I should like to be as the ranking member of the subcommittee. I appreciate the Senator's willingness to have any of the amendments considered tomorrow, when the ranking minority member of the full committee, the Senator from Tennessee (Mr. BAKER), will be present and can present the position of the minority.

The Senator from West Virginia has been very courteous and I am appreciative of it.

Mr. **RANDOLPH.** Mr. President, we have three new members of the Public Works Committee on the minority side, the Senators from Virginia (Mr. SCOTT), from Idaho (Mr. MCCLURE), and from New Mexico (Mr. DOMENICI). We also have three new committee members on the majority side, the Senators from North Dakota (Mr. BURDICK), from Iowa (Mr. CLARK), and from Delaware (Mr. BIDEN). We know that their contributions will be considerable even in the early stages of their committee experience. I am sure that we can move forward for the passage of worthwhile legislation in the public interest.

There is, I think, another basis for immediate consideration of this legislation. I am going to discuss some of these matters before going into the specifics of the bill.

I call attention at this time to the report of the Committee on Public Works to accompany S. 606 to the floor.

I also call attention to the fact that

there are the minority views of the Senator from New York (Mr. BUCKLEY). I would want Members to share with our colleagues in the Senate any differences which might occur, as they have, within the committee. Those views of the Senator from New York are set forth with the report from the committee.

There are involved in this legislation implications as to the future relations between Congress and the White House on public works issues which were read into the comments of the President when he disapproved the 1972 bill.

I am conscious of the responsibilities of the President. I feel that the Chief Executive, having the power of the veto, must, at times, use it. Then, of course, the Senate acts later in approving or in overriding the position taken by the President.

I feel that in the future the Senate should be very careful not to adjourn sine die during the life of the Congress. This was apperant in the 92d Congress. In other words, to adjourn sine die gives the Senate no opportunity to complete the legislative cycle. We had the vetoes of the President but because we adjourned sine die, we could not respond to them with votes. We cannot call ourselves back. That call can only come from the President of the United States. We were not given the opportunity and we did not have the sharing of the responsibility to say either yes or no to the vetoes in several instances in which the President expressed his judgment after reviewing the measures which had passed Congress.

It is a recommendation I would like to press even in these remarks, that we think very carefully about holding ourselves is a position so that we can, if the leadership on both sides think it advisable, come back on a date certain and act upon these vetoes of the President. I think this is very important for consideration in this Congress and in succeeding years.

I think I have made it abundantly clear that the President considered it the prerogative of the executive branch, rather than Congress, to establish the standards and criteria for evaluating future water resource projects and to determine what projects should be authorized and in what order of priority. I am not now critical of the President. I am only drawing to the attention of my colleagues in the Senate the feeling of the President. In line with that theory, the administration has already submitted to Congress its own version of a flood control bill for this year, which it has the right to do.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. SCOTT of Virginia. I thank the Senator for yielding.

I share the concern that the Senator has expressed, and I would like Congress to have the mechanisms whereby we could evaluate a project such as this. In fact, I would like us to have the entire budgetary material we would need to pass upon the measures that come before Congress. But I ask the distinguished Senator if our committee is equipped with the necessary personnel and is equipped with the necessary expertise to pass upon all these matters without the assistance of the executive branch of the Government. Are we at the present time, of necessity, dependent upon the executive branch?

Mr. RANDOLPH. Certainly there is the double responsibility of Congress and the executive branch. We do, of course, have the very intensive studies of the Corps of Engineers in the matters that are before us, as well as others. The committee also intends this year to conduct an extensive oversight inquiry into the total planning process of the Federal Government in the field of water resources development.

Mr. SCOTT of Virginia. Mr. President, I do not want to interrupt the orderly presentation of the material by the Senator.

Mr. RANDOLPH. I thank the Senator.

I was saying that the administration has forwarded to the Hill its flood control bill. It differs sharply from the measure which is now before us, the bill that was passed late last year. In my opinion—and I believe it is shared by others—the administration bill falls far short of meeting the development needs for water resource programs in the country. I have a feeling—and perhaps it is shared by others—that this is an attempt at preemption of authority by the administration. I am not attempting to be in a challenging mood, but I think that if we can bring about early adoption of the legislation, that will be our best method of countering the threat with which we are now confronted.

To attempt to resolve this issue, we bring back to the Senate something on which it acted at a very recent date. So I think early adoption of the measure is called for, and I believe it is the judgment of the committee—certainly my judgment—that S. 606 is very sound. It is very practical. It sets forth a policy which I think is the viewpoint of the committee and perhaps of Congress.

The proposal of the administration, falling far short of what is necessary, brings me to the point to say that S. 606 is a comprehensive bill. It provides the action necessary, of some type, on an estimated 70 projects or developments in 34 States and Puerto Rico. The amount authorized is approximately $593 million, and it is the most modest of any omnibus bill of this type since 1948.

In addition, in this measure we address ourselves, through general provisions, to a number of problems of major and long range importance and of real concern to the people of the country. We place particular emphasis on the problems of shoreline and stream bank erosion, which are becoming increasingly serious in many areas, and provide for both studies and demonstration projects to cope with them.

My able colleague, Senator ROBERT C. BYRD, the majority whip, who is in the Chamber at this time, knows of the problems we have particularly on the Ohio River; and the Senator from Ohio, Senator TAFT, also knows of the problems of bank erosion. More cargo is moving on that river today than in years past. Some people think the rivers are not used any more, that the inland waterways are dormant. They are carrying much more tonnage than ever before. With the movement of this freight, certain movement of the waters takes place, certain currents are churned, and certain bank erosion takes place. These are matters of concern, and we have them under study.

The bill expands the authority—and properly so—for financing the replacement of community services in major disaster areas. We are also attempting to provide—and properly so—for the construction of small flood control projects at Federal expenditure in such localities.

There is another significant feature in the measure as we bring it to the Senate. We have a provision for barring until the end of this year any increase in the discount rate for financing water resource developments in order to give time for further congressional and agency study of the factors involved in this issue. The bill reserves for Congress the right of final review in the matter of project deauthorization after an 8-year period.

The administration proposal, conversely, would provide only for notice to Congress of any deauthorization decision, with the decision automatically becoming effective 180 days after such notice without opportunity for reversal.

Other provisions are designed to clarify and improve relations between the Federal Government and State and local sponsors in planning, developing and implementing public works projects, and in addition, to provide new procedures for carrying forward such activities.

I will not discuss in detail each of the projects the bill authorizes, since the basis for each is described in the legislation and accompanying report.

I stress, however, that in recommending them for consideration the committee was convinced that each was needed by the locality concerned and would be a valuable addition to the existing Federal water resources program.

Each project was picked for a particular purpose: To prevent or reduce the damage from flood waters; to provide water for municipal, agricultural, or industrial use; to generate electric power; to provide recreational opportunities or to improve navigational facilities and services.

I am not going to discuss individual projects in detail. They are discussed in detail in the report and I ask unanimous consent to include at the conclusion of my remarks a State-by-State list of projects authorized by this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. Mr. President, in summary, the bill represents the best features of measures originated and considered in the Senate and House last year, and reconciled in conference before final approval by both bodies.

It is sound and balanced legislation, based on a proven evaluation system and designed to meet demonstrated needs on both an immediate and long-range basis.

I recognize that the legislation is not all inclusive and that a number of Members may have new proposals or further modification of existing ones, which they would want considered this year.

I assure them that such an opportunity will be afforded to the full extent which cirumstances will permit later in this session, when the Public Works Committee considers the river basin monetary authorization bill.

The able Senator from Massachusetts (Mr. KENNEDY) has discussed with me in an informal way projects in which he is interested. He has not pressed for them, and if we take them into consideration later, that would satisfy his needs.

In the interim, the committee will undertake further studies to determine whether policy or procedural changes may be needed to make the process more effective and responsive to program needs.

I stress that in committee we tried to be creative and resourceful. We are not believers in the status quo. We know that changes take place and need to take place. We need to keep current with the needs of the people and the changing times in which we live. That in no way diminishes the necessity for early decision on the issues involved in the legislation before us.

I commend this bill for the earnest consideration of my colleagues and I hope it can be passed in the form that it came to the Senate.

EXHIBIT 1

PROJECTS AUTHORIZED BY S. 606

SECTION AND PROVISION

Arkansas

1: Cache River Basin (land acquisition).

8: McClellan-Kerr Arkansas River—Conway—Cadron Creek (municipal water supply).

14: White River Basin—Norfolk Reservoir (bridge construction).

51: Beaver Dam renamed for James W. Trimble.

California

5: San Francisco Bay—Delta Model, Sausalito (operation and maintenance of project).

36: Sacramento River (bank erosion).

39: Weimar—North and Middle Fork of American River—Eldorado Co. Road near Spanish Dry Diggings (road).

40: Santa Cruz Harbor (local cooperation).

41: Anaheim Bay—Seal Beach (local cooperation).

43: Port San Luis, San Luis Obispo Harbor (local cost).

Colorado

17: South Platte River (flood control).

Connecticut

24: Pequonnock River—Town of Trumbull—St. Joseph's Manor Nursing Home (municipal sewage).

Florida

9(b): Miami River (dredging survey).

Georgia

62: Trotters Shoals Dam and Lake, Savannah River, to be named for Richard B. Russell.

Illinois

4: North Branch, Chicago (clearing and maintenance).

67: Keokuk/Burlington (bridge).

Indiana

37: Newburgh lock and dam in Ohio River (bank protection).

Iowa

45: Missouri River Basin between Gavins Point Dam and Sioux City (bank stabilization).

60: Grand River (bridge).

67: Keokuk/Burlington (bridge).

Kansas

15: Melvern Lake—Pomona Lake (surface roads).

16: Tuttle Creek Reservoir—Big Blue River (road improvement).

Kentucky

1: Camp Ground Lake (flood protection).

31: Kehoe Lake, Little Sandy River—Tygarts Creek (land acquisition).

47. Cave Run Lake project—Zilpo Recreation Area (environmental impact statement).

61: Big South Fork National River and Recreation Area (establishment of).

71: Big Sandy River (dam conversion).

Louisiana

66: Atchafalaya River, Bayous Chene, Boeuf, and Black (navigation project).

Michigan

2: Manistee Harbor—removal of sunken steamer Glen.

9(b): St. Marys River—Sault Sainte Marie (deep draft survey).

Minnesota

9(a): East Two Rivers between Tower and Vermilion Lake (flood control survey).

22: Minnesota River and Mankato (intercepter sewer).

Mississippi

38: Lower Mississippi River—Yazoo River Basin (pilot study, bank stabilization).

Missouri

1: Grand River—Pattonsburg Lake (power installation).

1: Center Creek near Loplin (flood control).

13. St. Louis (flood protection).

60: Grand River (bridge).

Montana

55: Libby Dam, Kootenai River (fish hatchery).

56: Libby Dam, Kootenai River (land acquisition etc.).

57: Libby Dam, Lake Koocanusa (compensation).

58: Libby Dam, Lake Koocanusa (reimbursement—bridge).

Nebraska

21: Niobrara (flood control).

New Hampshire

46: Beaver Brook Dam and Reservoir, Keene (local share).

1: Bowie Creek (flood protection).

1: Pearl River (flood control).

New Jersey

25: Rahway River (utility relocation).

New York

7: East and Hudson Rivers (portions declared non-navigable).

9(a): Buffalo River Basin (wastewater management study).

48: Hudson River (portion declared non-navigable).

North Carolina

59: Cape Fear to North Carolina-South Carolina state line (reimbursement).

North Dakota

48: Land conveyance to Montrail County Park Commission of three tracts of land.

Ohio

34(a): Ohio River—New Matamoras to Cincinnati (bank protection).

35: Scioto River—Chillicothe—Mill Creek Reservoir (flood control).

Oklahoma

30: Lake Texoma (perimenter access road).

Oregon

1: South Umpqua River (flood control).

Pennsylvania

19: North Branch, Susquehanna River—J.P. Ward Foundries, Blossburg (compensation).

52: Chartiers Creek (within Allegheny County) named for James G. Fulton.

63: Presque Isle Peninsula, Erie (beach erosion).

South Dakota

42: Gavins Point Dam, Missouri River—Sacred Heart Hospital at Yankton (erosion damages).

Tennessee

1: West Tennessee tributaries feature, Obion and Forked Deer Rivers.

18: Andrew Jackson Lodge, Fraternal Order of Police—Nashville—Old Hickory Project (land conveyance).

61: Big South Fork National River and Recreation Area (establishment of).

Texas

1: Blanco River at Clopton Crossing (flood control).

9(a): Alice (flood control survey).

9(b): Corpus Christi Ship Channel—Harbor Island (enlargement survey).

30: Lake Texoma (perimeter access road).

32: Lavon Reservoir, East Fork, Trinity River (road).

Virginia

1: Buena Vista—Maury River (flood protection).

1: Virginia Beach (hurricane-flood protection).

Washington

53: Wynoochee Dam—city of Aberdeen (deferred payments).

54: Wynoochee Dam (fish hatchery).

West Virginia

34(b): Ohio River—Chester to Kenova, W. Va. (streambank erosion evaluation).

68: Pocatalico River Basin (flood control).

69: Guyandot River Basin (snagging and clearing)—R.D. Bailey Lake.

71: Big Sandy River (dam conversion).

Puerto Rico

9(b): Port Las Mareas (survey).

ORDER FOR RECOGNITION OF SENATOR FONG TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of Senator BROOKE tomorrow the distinguished Senator from Hawaii (Mr. FONG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF POSITION ON VOTES BY SENATOR SYMINGTON

Mr. ROBERT C. BYRD. Mr. President, Senator SYMINGTON requests that he be shown in the RECORD as recorded in favor of the confirmation of Mr. Peter J. Brennan as Secretary of Labor and in favor of the confirmation of Mr. James T. Lynn as Secretary of Housing and Urban Development.

On January 23, Senator SYMINGTON announced his intention to vote for the confirmation of Mr. Elliot Richardson as Secretary of Defense. The permanent RECORD should also show that had he been present and voting he would have voted to confirm Mr. Richardson as Secretary of Defense, and I make such request.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be, and I hope this will be, the last quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Hawaii (Mr. FONG), the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. HUMPHREY, Mr. ROBERT C. BYRD, Mr. BROCK, Mr. HELMS, Mr. HANSEN, Mr. SCOTT of Virginia, Mr. MCCLURE, Mr. BROOKE, Mr. FONG, and Mr. STEVENSON.

There will then follow a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the Senate will resume the consideration of S. 606, the rivers and harbors bill, on which there is a time limitation of not to exceed 2 hours, with the vote to occur on the passage of the bill (S. 606) at no later than 4:30 o'clock p.m. tomorrow.

That could be a rollcall vote. I am not certain as to that, but quite possibly it will be a yea-and-nay vote.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to, and at 4:52 p.m. the Senate adjourned until tomorrow, Thursday, February 1, 1973, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1973:

DEPARTMENT OF LABOR

Peter J. Brennan, of New York, to be Secretary of Labor.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

James T. Lynn, of Ohio, to be Secretary of Housing and Urban Development.

DEPARTMENT OF TRANSPORTATION

Frank C. Herringer, of Virginia, to be Urban Mass Transportation Administrator.

NATIONAL LABOR RELATIONS BOARD

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1977.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be general

Gen. David A. Burchinal, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. John B. McPherson, [redacted]R (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated, effective January 1, 1973, under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Harry E. Goldsworth, [redacted]R (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Francis C. Gideon, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8600, in grade as follows:

To be lieutenant general

Maj. Gen. William W. Snavely, [redacted]R (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard M. Hoban, [redacted]R (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. George Vernon Underwood, Jr., [redacted]Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Fred Kornet, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Maj. Gen. Edward Michael Flanagan, Jr., [redacted]Army of the United States (brigadier general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code section 711, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 711, as follows:

To be Senior U.S. Army Member of the Military Staff Committee of the United Nations

Lt. Gen. Donald Harry Cowles, [redacted] Army of the United States, (major general, U.S. Army).

The following-named Army National Guard of the United States officer for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Joseph Richard Jelinek, [redacted], Army National Guard of the United States.

IN THE NAVY

Vice Adm. James L. Holloway III, U.S. Navy for appointment as Vice Chief of Naval Operations in the Department of the Navy pursuant to title 10, United States Code, section 5085.

Vice Adm. James L. Holloway, III, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Vice Adm. Worth H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Kenneth R. Wheeler, Supply Corps, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Thomas B. Hayward, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. John G. Finneran, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Daniel J. Murphy, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. George P. Steele II, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5133.

Comdr. Ronald E. Evans, U.S. Navy, for permanent promotion to the grade of captain in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

HOUSE OF REPRESENTATIVES—*Wednesday, January 31, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

Our Heavenly Father, at the opening of a new day we pause to lift our hearts unto Thee in an endeavor to bring our lives into harmony with Thy great and gracious purposes.

Hear our humble prayer for wisdom, truth, and love that we may be wise, loyal to the truth, and live with love aglow within us. So move in our minds that what we say and what we do may be in accord with Thy will for us and for our Nation.

Keep us strong in Thee and in the power of Thy might that we may promote peace in our world, justice in our Nation, and good will in the hearts of our people. By Thy spirit may we be more than a match for the mood of this moving generation.

Bless our Senate colleague, we pray, with Thy healing grace and restore him to health and strength.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

ELECTION OF MEMBERS TO JOINT COMMITTEES OF CONGRESS

Mr. HAYS. Mr. Speaker, I offer a resolution (H. Res. 177) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 177

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Hays, of Ohio; Mr. Brademas, of Indiana; Mr. Dickinson, of Alabama.

Joint Committee on the Library: Mr. Hays, of Ohio; Mr. Nedzi, of Michigan; Mr. Brademas, of Indiana; Mr. Harvey, of Michigan; Mr. Hansen of Idaho.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EGLIN AFB CHAPLAINS RATED BEST IN RELIGIOUS EDUCATION PROGRAMS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I am honored to report to the Congress and the American people that the chaplains at Eglin Air Force Base in my district were awarded the 1972 Terrence P. Finnegan Award for the best overall religious education program in the Air Force.

This is a high honor for these dedicated chaplains and it reflects credit on the entire base. The award is based on the entire education program for children and adults. The Eglin program reflects the interest of many of the personnel assigned to Eglin in that at least 200 volunteer workers are engaged in the program which includes discussion groups, prayer seminars, Bible studies, hospital programs, and teacher training.

These activities take place in homes, chapels, hospitals, and at the Federal prison camp. The program covers Catholics, Protestants, and members of the Jewish faith.

I am pleased to join the Air Force in recognizing the work of the chaplains; Col. Robert E. Mossey, chief Catholic chaplain, and Lt. Col. Charles H. Glaize, chief Protestant chaplain, and the hundreds of fine people at Eglin who made this award possible.

THE ANTITOBACCO FORCES HAVE STRUCK OUT

(Mr. PREYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER. Mr. Speaker, the antitobacco forces have struck again and this time they have struck out.

Recently those of us in the Congress were recipients of an imaginative appeal for a change in marihuana laws. Delivered to each of our offices was a packet of mysterious looking and strange smelling matter.

The attached letter from the National Organization for the Reform of Marihuana Laws told us in bold letters that "The Enclosed Baggie Does Not Contain Marihuana." It then made the claim that what was in the bag was tobacco which the organization described as "potentially more harmful."

Well, it turns out that what the envelop contains is not tobacco. The laboratory which has analyzed it believes that it is liatris odoratissima—wild vanilla. The principal constituent of wild vanilla is coumarin which is widely regarded as rather toxic material.

My concern today is not with the position this organization takes on marihuana laws or with its gross misrepresentation but rather with the attack it has made on the product which it erroneously claimed was in the packet.

Smoking marihuana and smoking tobacco are not the same thing. And lumping hard drugs, alcohol, and tobacco together is as dangerous as it is unfair. We do not have tobacco smoking parties as we do "pot" parties and cocktail parties and people do not smoke tobacco to alter consciousness.

Most Americans believe in controlling drug abuse. Lumping an appeal for new laws on marihuana with an attack on tobacco will not help us find any good answers to the questions about control of drugs.

Altering the facts never produced truth.

Congressman DAVE HENDERSON and I will give more details in a "Dear Colleague" letter.

REACTION TO PRESIDENT'S BUDGET

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the President's 1974 budget is too much; it benefits too few; at the detriment of too many.

First, it is too much.

At a time when we should be getting a "peace dividend" due to our withdrawal from Vietnam, the President is calling for an increase in defense spending of $4.7 billion—the increase alone is about six times as much as we spend on elementary and secondary education—thus making our defense budget $81.1 billion or 28.4 percent of the Federal budget.

At a time when we should be ending our foreign entanglements, the President is calling for a 12-percent increase in foreign aid—up to $3.8 billion.

At a time when grocery prices are out of sight, the President is calling for increased spending for price supports in order to pay the agribusinesses not to grow crops.

Second it benefits too few.

Sure, the agricorporations will be doing fine, but how about the housewife who has to pay exorbitant prices because of a shortage in supply coupled with a great demand?

Sure, the company president who is building the ABM will continue to reap windfall profits, but how about the working man who simply wants a defense that works and does not really care how many times over we are capable of totally annihilating the enemy.

Sure, the head of some foreign nation will approve of the President's budget, but how about the average taxpayer who must work from January to May merely to pay his taxes.

Third, the President's budget does not benefit those who truly need the services.

While defense spending is up, hospital construction is down.

While farm price supports are up, the emergency employment program—designed to place able-bodied individuals on payrolls, not welfare rolls—is out.

While foreign aid is increased, funds to clean up the pollution in our rivers, harbors and lakes are cut in half.

Finally, the Federal budget serves as a compass to point the direction of the country for the next year. This budget points to more "welfare for the rich"—at the expense of the workingman and his family, who, for too long, have paid more than their fair share of taxes—yet, have not reaped the benefits of their taxes.

CREDIT CRISIS FACES NATION'S FARMERS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I am reintroducing today my bill, H.R. 1975, designed to require the Secretary of Agriculture to continue operating the Farmers Home Administration Emergency Loan program. The bill would, also, make other needed amendments in subtitle C of the Consolidated Farm and Rural Development Act, which established the emergency loan program.

I am very pleased to have a number of my colleagues join me on this reintroduction today as cosponsors of this proposal. And, I am gratified that other of our colleagues have introduced bills with the same language.

It is my belief that this bill should be handled as emergency legislation because of the credit crisis faced by the Nation's farmers whose ability to continue producing food and fiber crops has been severely damaged by adverse weather conditions during 1972. The emergency loan program was enacted by the Congress to provide aid to farmers under these circumstances.

We in the Congress have a heavy responsibility to take positive action to see that this Nation has a healthy agricultural industry. The emergency loan program was passed as evidence of congressional recognition and commitment to this responsibility.

In December, the Secretary of Agriculture took steps directed at thwarting congressional intent by arbitrarily decided—without consultation with or direction from the Congress—to terminate the emergency loan program. This act was, I believe, unconstitutional.

I urge that the Congress act quickly to adopt my proposal as a renewed commitment to aiding farmers fill the Nation's need for agricultural food and fiber and as a clear indication to the executive branch that the Congress intends to fully discharge its constitutional responsibilities as the National Legislature.

THE ADMINISTRATION BUDGET

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, well, now we have the budget. And what a budget it is. Nothing tells it better than the headlines in the paper. Monday's Washington Evening Star gave us the first reaction and oftentimes, first reactions are lasting.

Consider the headlines: "Nixon Cuts Programs $6.5 Billion"; "Impact Aid Slash Faced by Schools"; "Medicare Costs Cut $893 Million"; "Consumer Affairs Gains Funds, Loses Clout"; "Two Poverty Aid Units Ended in Commerce Department"; and finally, "Defense Hits $79 Billion," and that is an increase.

Mr. Speaker, it is as if the administration searched out all the programs that help people, and hit them with a meat ax.

This Congress, Mr. Speaker, is going to go line by line over this budget. And my strong feeling is that we are going to find that some of these spending cuts are phony and many are intolerable.

And let us tell the American people the truth about this budget. This President is trying to sell himself as a cost-cutter—and he has sent us a budget which is $12 billion in deficit before we even start.

The President claims that this budget will not require higher taxes; that it will not increase inflation, because he has placed a tight lid on spending by eliminating programs which have outlived their time; and that this new budget will give us an era of domestic progress.

I do not argue with the need to control spending. I do not argue with the need to curtail inflation. But I do take issue with the President's priority of spending for fiscal year 1974. Congress fully recognizes its obligations for fiscal responsibility. But it will not permit the President to tear down the humanitarian and necessary social programs that Presidents Kennedy and Johnson helped to build. In the areas of health care, hospital construction, education, housing and community development, the President has presented to Congress an intolerably austere budget. He has dismantled and destroyed the great social programs advanced by every Democratic President since Roosevelt.

Once again, the President's proposed budget encourages "benign neglect" of our elderly and middle Americans. I question the President's priority of fiscal responsibility when the National Defense budget still requires 30 percent of our Nation's expenditures. The Vietnam war has apparently ended. And yet, the new budget request for defense spending has an increase of over $2 billion for new nuclear missiles and warhears.

While funding for national defense continues to increase, the President proposes to eliminate all the community development programs which have given new hopes for decent living conditions to low- and middle-income families. The President's budget provides no new funding for model cities, neighborhood facilities, open space land, water and sewer facilities, urban renewal and the 3-percent loan rehabilitation program. What kind of spending priority is this?

Under the budget, no new funds will be available for assisting home programs such as rent supplement, 235 homeowners program, 236 multifamily public housing. Much of the budget request in the housing area reflects the moratorium on all new commitments for housing and community development projects announced January 8th. In Massachusetts and throughout the Nation, housing starts today would not be possible without Federal support. Discontinuing these subsidies will lessen the effect of State funds.

The President is eliminating these programs July 1, 1973. For a replacement, he will submit legislation for urban community development revenue sharing to be effective July 1, 1974. That implies a 1-year hiatus in which a large sector of our Nation's economy will be suspended. I do not challenge the need to reevaluate HUD programs. But to suspend a large element of the housing market while this evaluation goes forward is economically unhealthy. Congress will not tolerate this kind of fiscal irresponsibility.

Let us take a look at the President's budget request for another important domestic sector of our economy—health.

No funds are available in 1974 for hospital construction grants, or for construction of community mental health facilities. Under the President's reform of medicare, as outlined in his budget, a senior citizen will pay more for hospitalization and doctors' care than he has under the present medicare program.

Funds for the training of orthopedic surgeons for children is decreased by nearly $10 million from the 1973 budget request. Grants for training of nurses, and grants and loans for training of public health personnel have been eliminated. These actions by the Nixon administration present a crisis in development of manpower for medical education and research. The curtailment and elimination of these training grants and fellowship programs of NIH will have disastrous consequences on our ability both to conquer the major diseases and to increase supply of physicians over the next decade. These programs have been the basis for success and viability of Federal health research efforts. Why is the President spending at the lowest possible level for health programs? He is spending $700 million less than the rate the continuing health resolution of fiscal 1973 authorized. Who is the President hurting by his austere spending priorities in health programs? It is the elderly of this Nation who will be most adversely affected by cutbacks in medicare coverage and health care delivery, hospital construction, and inadequate supply of medically trained personnel. And our senior citizens are the ones least able in our society to subsist under the President's program for our Nation's health.

In the area of public assistance, the President is already spending $500 million less than the amount Congress authorized as a ceiling. In the area of education, no funds will be available if President Nixon's budget prevails, for the National Defense Loan, which has enabled millions of young adults to attend the college of their choice, Americans who otherwise could not have afforded any higher education. And Nixon's 1974 budget calls for only $41.5 million in impact aid to local school systems located near Federal installations. Yet in fiscal year 1973, the Government provided $415 million in such aid.

No one in this Congress opposes economy in Government. No one in Congress opposes a decrease in Federal spending. No one in this Congress supports bureaucratic waste in Federal Government. But why is this austere budget so biased toward certain groups? Why must middle America, the poor, the young, the elderly, the sick, and the handicapped always have to bear the brunt of spending ceilings, of economy in government?

I believe that Congress has its own mandate from those people most affected by the President's budget. We will not allow President Nixon to eliminate these essential programs in the areas of adequate housing for middle America, the education of our youth, the health care of our elderly, and the general welfare of our Nation.

MORE ABOUT THE ADMINISTRATION BUDGET

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have been very interested in the observations and comments of my friend, the gentleman from Massachusetts (Mr. O'NEILL). He deplores the increase to the Department of Defense, but he also knows, I am sure, that those increases were primarily predicated on increased costs for personnel, increases that resulted from legislation passed by the Congress to increase the pay of men in uniform so that we could have an all-volunteer military force.

Mr. Speaker, may I ask, does the gentleman want to do away with that program? Let us just ask the gentleman that question.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, in answer to the gentleman, let me state I have always been opposed to an army of that type. I have always been opposed to an all-volunteer military force.

Mr. GERALD R. FORD. Are you against an all-volunteer Army?

Mr. O'NEILL. I have always been against the all-volunteer Army, and I stand opposed to it today as an individual.

Mr. GERALD R. FORD. May I ask, does the gentleman favor the extension of Selective Service?

Mr. O'NEILL. I favor it to a degree, yes.

Mr. GERALD R. FORD. To what degree? May I ask the gentleman, are you for the existing legislation and its extension?

Mr. O'NEILL. Yes, I voted for the extension.

Mr. GERALD R. FORD. And the gentleman will vote for it this term, I assume?

Mr. O'NEILL. And the chances are that I will probably vote for it. I have always been opposed to a volunteer Army and still stand opposed to a volunteer army.

Mr. GERALD R. FORD. And you will vote to cut the funds even though we will have 1.2 million less men on active duty now than we had 4 years ago?

Mr. O'NEILL. I presume the billions of dollars we have been spending, wasting, on the Vietnam war we will surely not need now that the war has ended, and I hope and pray it has ended.

Mr. GERALD R. FORD. There is no increase in procurement funds for the weapons systems that will help keep peace in the months ahead. Is the gentleman going to vote to cut those programs?

Mr. O'NEILL. My record has been that I have always opposed the war and all amendments concerning the Vietnam war, but I always vote for final passage of the bill.

Mr. GERALD R. FORD. If we act that way, we will be weakening ourselves and making ourselves vulnerable to enemy attack. The gentleman, in other words, wants to slash the defense budget so that we will be weak and will be inviting aggression?

Mr. O'NEILL. I have always been for a strong standing army. There is no question about it. But I cannot conceive in my mind now, when we have spent billions of dollars in Vietnam and with that behind us, not being able to have a cut in our defense program. It is almost inconceivable to me.

Mr. GERALD R. FORD. The principal increases in the defense program are related to the increased personnel costs. You do not want a volunteer army, but you are for an extension of a permanent draft with the use of Selective Service. I happen to prefer getting the people for our Defense Department by a voluntary method, and I will vote for the extra money for that purpose.

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I would like to continue the colloquy between the minority and majority leaders.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman.

Mr. O'NEILL. With regard to that, it is my understanding that the President asked for $4.7 billion more while the extent of the growth of the army comes to a figure of $2.1 billion. So there is an added cost of about $2.5 billion that the President is asking for in his budget. I want to make that point clear.

Mr. RONCALIO of Wyoming. May I add calmly in contribution to this colloquy that if the REAP program is to be cut completely and other farm programs of that sort, can the best interests of economy be served by the Ash appointment's conflict of interest on a Navy dispute of $600 million involving Litton Industries? Is that appropriate? I submit it is not appropriate, gentlemen. Mr. Ash should resign. If we can clean up that type of conflict, I will listen to talk of economy from the President on his social programs and join in trying to halt the inflation that plagues our Nation.

HELP FOR BROADCASTERS

Today I am introducing legislation that would amend the Communications Act of 1934 to provide for a 5-year broadcast license period and to provide that an application for renewal shall be granted if past performance shows a good-faith effort to serve the needs and interests of its area.

At the present time broadcasters do not have a reasonable assurance of continuity of ownership. They are finding it difficult to cope with the business needs of today where substantial, long-term plans and investments are required for labor contracts, employee pension plans, and expensive program buys running up to 7 or 8 years.

A 5-year license period would allow them to plan ahead and to improve performance. Incidentally, the National Association of Boardcasters has determined that a 5-year license period would also reduce the FCC workload an estimated 40 percent, thereby cutting down on Federal expenditures in that area.

A broadcaster is entitled to first rights on a renewal if a broadcaster has done a good job, if he has worked within the law and within FCC rules, and if he has served his public well. Without some degree of confidence that a good effort for the community will reasonably assure license renewal, we are soon going to face a chaotic situation. Already, the past months have witnessed a surge of filings against present licensees at renewal time by competing applicants.

I believe these amendments are mandatory, Mr. Speaker. I am hopeful Congress will once again consider this important matter and that public law will be the result.

CONGRESS DOES NOT SIMPLY PUSH FOR THE "SPECIAL INTERESTS"; WE DISPOSED OF RECOMPUTATION OF MILITARY RETIRED PAY LAST DECEMBER AS UNNECESSARY, WASTEFUL, AND TERRIBLY EXPENSIVE; YET THE WHITE HOUSE HAS PUT $360 MILLION FOR RECOMPUTATION INTO THE BUDGET

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, perhaps I could add a little light instead of heat to this debate with regard to the defense budget.

Most Members of Congress have been disturbed in recent days to see valuable community programs slashed from the President's budget as wasteful. In fact, the budget message implies that only the President is frugal and wise; whereas we in Congress are profligate, wasteful, and easily inclined to spend all sorts of unnecessary dollars in behalf of the so-called special interests.

Thus, I was astounded to discover last night that the new defense budget contains $360 million for recomputation of military retired pay.

Mr. Speaker, recomputation was proposed by the administration in the last Congress. I had the honor of chairing the subcommittee which conducted a most intensive examination of this proposal and submitted a detailed report at the end of December.

We found that recomputation was not only unnecessary and unjustified but if put into practice in its most extreme form would escalate the cumulative costs of military retired pay by the year 2000 to a staggering one half a trillion dollars.

I believe that as far as Congress is concerned our report successfully killed recomputation, in spite of all the "special interest" pressures brought against us. Yet here we find the White House ignoring the plain facts and figures and pressing Congress once again to follow it down the profligate path of recomputation.

So, Mr. Speaker, here is $360 million we can easily cut out of the President's defense budget. Here is $360 million we can shift instead to higher priorities—schools, new hospitals, and day care centers for children.

WE MUST GET CRIMINALS OFF OUR STREETS

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the senseless, cold-blooded shooting down of a distinguished Member of the other body emphasizes once more the need for Congress to pass legislation that will be effective in getting criminals off the streets.

Pick up almost any daily paper and you can read of the arrest of some criminal, and find that he has a record a yard long. Often you read that those arrested for one crime are out on bail and awaiting sentencing for other crimes. Why not? They have nothing to lose when courts levy concurrent sentences, and 10 crimes net little more punishment than one.

It is high time that the Congress enact a mandatory prison sentence for felonies committed with a firearm. I have again introduced such legislation. Let us lock up these predators of the night, these abusers of the privilege of carrying firearms. Let us make it carry a mandatory 5-year prison sentence, with no probation, parole, or other dilution. Too long we have listened to those who blame society for crime. Too long we have seen repeaters caught slapped on the wrist, and turned loose to wreak their crimes on society.

It is tragic that our cities have become cesspools of crime, unsafe, not only at night but anytime. The police have done their best. Now they need help. They cannot go on catching the same criminals over and over and be expected to curb crime. For those who maintain that rehabilitation is the end goal of incarceration, I submit that we must put these criminals into surroundings where rehabilitation is possible. Turning them back onto the streets only strengthens the environment of crime. How much more vicious abuse must our citizens take before this Congress gives the police the legislative backing that is a necessity if hardened criminals are to be removed from the streets of our cities?

WE MUST KEEP PISTOLS OUT OF THE HANDS OF CRIMINALS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the shocking and senseless shooting of Senator STENNIS last evening is an outrage which calls for vigorous action by the Congress to keep pistols out of the hands of criminals.

The only way to do that, in my opinion, is to make it impossible for private citizens to own handguns. That is what most civilized countries have done, and their crime figures show the startling results. In the year 1971 there were exactly three killings by handguns in the city of Tokyo, a city of 12 million people, because in Japan it is almost impossible for a private citizen to get hold of a handgun.

I intend shortly to introduce legislation which would not only prohibit the sale to the public of handguns, but would start this country down the long hard road toward effectively prohibiting possession of handguns.

Other measures, such as prohibiting the manufacture and sale of cheap handguns and requiring the licensing and registration of all firearms would be steps in the right direction, but in my judgment none of them will really do the job that is required.

In this battle we are up against one of the most powerful lobbies in the country. The power of that lobby can be upset only if the American public makes its voice heard loud and clear. I am convinced the public wants stiff, effective gun controls, but all too often the public's voice is silent.

E. S. WEBB AND H. M. VONIER HONORED BY QUITMAN PCA

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, late last year while we were in recess, I had the honor of speaking during the annual stockholders meeting of the Quitman Production Credit Association in Quitman, Ga.

Two gentlemen who were founders of this fine association were recipients of special awards in appreciation for their 39 years of outstanding service. Mr. E. S. Webb served as a member of the board since the organization of the association in 1933. He was chairman of the board for the past 20 years.

Mr. H. M. Vonier also has been serving since the organization date of 1933.

Both Mr. Webb and Mr. Vonier have now retired from their active roles with the Quitman Production Credit Association, but they were appointed to the positions of directors Emeritus by official board action. Roy E. Hallman of Boston, Ga. and J. Perry Coggins of Lake Park, Ga. were appointed to the vacant positions on the board.

I was very pleased to have a part in the program honoring Mr. Webb and Vonier who very unselfishly have given of their time to advance agricultural interests of Georgia's Second District.

In closing my remarks of that evening, I used words that were spoken by a former Chaplain of the U.S. Senate which very well could be the expression which has guided men like E. S. Webb and H. M. Vonier who believe in America and who believe in helping their fellowman:

> I am only one, but I am one. I can't do everything, but I can do something. And what I can do, that I ought to do. And what I ought to do, by the Grace of God I shall do.

BILL TO PREVENT DECREASE IN VETERANS' PENSIONS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, when the 20-percent increase in social security benefits went into effect last October, 2.3 million retired veterans could not feel the same degree of elation as their fellow social security recipients. According to present law, veterans' pensions would be reduced as a result of the social security increase. As many veterans saw it, and expressed it to me, the Government is taking away with one hand part of what it had given with the other hand.

I have been advised that 24,000 veterans will lose their veterans' pensions altogether. I am told that the pensions of veterans and widows of veterans will be reduced by an average of $8.71 a month; that is $104.52 a year—not a whole lot to a corporation executive, but a very significant amount to anyone who is just squeezing by on a barebones pension, with today's skyhigh food, fuel, and other living costs. Moreover, many veterans who called my Providence office are losing considerably more than $8.71 a month. I fully agree with their plea that the law should be changed.

The last three times there were general increases in social security benefits, Congress adjusted the law so that veterans' pensions were not decreased. It should be done again.

This afternoon I am introducing legislation to amend title 38 of the United States Code to protect recipients of veterans' pensions from having the amount of such pensions reduced because of increases in social security benefits.

According to the House Committee on Veterans' Affairs, such legislation would have a first-year cost of $420 million. Objections have been raised on the grounds that Government spending must be restrained. But I am convinced that we can replace some less worthy Federal expenditures to meet the needs of our veterans.

This legislation is retroactive to reimburse any losses beginning in January 1973. The bill would solve the problem for the future by exempting all further social security increases. There is no reason for the Congress to go through this exercise every time there is a change in social security benefits.

In the weeks ahead I will be urging the House Veterans' Affairs Committee to schedule hearings on my bill and similar measures supported by many Members of the House.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 7]

Andrews, N.C.
Ashley
Badillo
Barrett
Biaggi
Blackburn
Breckinridge
Burke, Calif.
Burke, Fla.
Carney, Ohio
Chamberlain
Chisholm
Clark
Clay
de la Garza
Derwinski
Dickinson
Diggs
Downing
Dulski
Foley
Fountain
Frey
Green, Oreg.
Hanna
Harrington
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Jarman
Koch
Kuykendall
Kyros
Landrum
McClory
McKay
McKinney
Melcher
Mizell
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Hara
Obey
Passman
Patman
Patten
Randall
Reid
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Ruppe
Shipley
Smith, N.Y.
Snyder
Stuckey
Symington
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Van Deerlin
Vander Jagt
White
Wilson, Bob
Wolff
Yatron
Young, S.C.

The SPEAKER. On this rollcall, 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SELECT COMMITTEE TO STUDY HOUSE RULES X AND XI

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 176 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 176

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the resolution (H. Res. 132) to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the previous question shall be considered as ordered on the resolution to its adoption or rejection.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin) pending which I yield myself such time as I may consume.

Mr. Speaker, yesterday the House Committee on Rules had its organizational meeting in an atmosphere of harmony and understanding. Our first order of business is the rule which we are bringing before the House today.

House Resolution 176 provides for 1 hour of general debate on House Resolution 132, a resolution to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. The effect of this rule is to give the House an additional hour to discuss this resolution which would otherwise have only 1 hour of debate.

House Resolution 132 is cosponsored by Congressman Bolling and Congressman Martin of the Committee on Rules. This is legislation to improve the Congress as an institution. The select committee will be authorized and directed to conduct a thorough study of the operation and implementation of rules X and XI of the Rules of the House of Representatives. Rule X sets forth the committees of the House and rule XI governs the powers and duties of committees. The select committee will be empowered to study the committee structure of the House, the number and optimum size of committees, their jurisdiction, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and so forth.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me before he yields to the gentleman from Nebraska?

Mr. MADDEN. Yes, I will be glad to yield to the gentleman.

Mr. GROSS. Mr. Speaker, this resolution, House Resolution 176, which the gentleman from Indiana has brought from the Rules Committee, does not provide for the amendment or amendments to the resolution which the rule makes in order.

I would ask the gentleman, why do we in the first rule offered by his committee get what amounts to a closed rule?

Mr. MADDEN. I would say in answer to the gentleman's question that this rule is a rule that has the support of the leadership on both sides of the House.

Mr. GROSS. Well, Mr. Speaker, the leadership of the House can be counted in terms of a half dozen people, which leaves some 430 other Members of the House who ought to have some consideration in matters of this kind.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes, I yield to the gentleman.

Mr. BOLLING. Mr. Speaker, the gentleman's question deserves a full answer, and the full answer is that the resolution is a very unusual resolution. It is, in fact, here by the initiative of the Speaker, and it has been supported by the minority leader; it is cosponsored by myself and the gentleman from Nebraska (Mr. Martin).

If the gentleman will examine this resolution 132—and I am sure he has—he will find it unique. It is put together very carefully to accomplish some very specific purposes, and those purposes relate one to the other.

If with the best of intentions the House decided to change the division of the balance between the two sides or change the division in the amount of money, it might very well destroy the possibility, in the judgment of at least one of the authors of the resolution, of the committee having any success. It is not normal for a committee of the House, select or otherwise, to be completely bipartisan nor is it normal for it to provide that the money to be made available to the committee will be divided in that particular way.

If the gentleman will look at the past, he will find there have been occasions when people on this side and that side have felt very strongly that that should not be done.

The present speaker would not feel that he would want to take this approach and have it imposed on it or be involved in this if it were not as provided in this resolution. It is the only way that we can figure out to protect the resolution from what I would consider to be a perversion.

Mr. GROSS. Will the gentleman yield?

Mr. MADDEN. Yes. I yield to the gentleman.

Mr. GROSS. There is no question but what this is a unique procedure both as to the first rule to come before the House of Representatives and one which is in the nature of a closed rule. Unless the previous question is voted down and this rule amended to provide for amendments to the resolution which it makes in order, it precludes the House from considering the Committee on House Administration as a vehicle for this study or the Joint Committee on Congressional Operations from being considered, or any other presently constituted committee of the House. Yet you want to go ahead and spend $1.5 million on a brand new committee for this purpose.

Mr. BOLLING. Will the gentleman yield?

Mr. MADDEN. Yes. I will yield to the gentleman.

Mr. BOLLING. I would like to comment on that.

If the gentleman feels that strongly about it—and I regret to say this—there is a ready solution. The decision to draft it in this fashion and to seek to pick a committee was a decision made deliberately. I hope to have an opportunity to discuss those other factors at more length in a more peaceful atmosphere, but the fact is that the intent is to have this kind of committee or for opponents to seek another kind of committee.

This gentleman, who is one of the authors of the resolution, is perfectly conscious of the fact that the House may vote this down and choose another vehicle, and that is surely the right of the House.

Mr. MADDEN. May I say further to the gentleman from Iowa I had experience myself on a joint committee about 7 or 8 years ago. It is a difficult law and a complicated task to make a study of this, and when this committee completes its study it will go back to the Committee on Rules and maybe we can take care of what the gentleman would like to have done when this committee comes to the Committee on Rules and it is reported to the full House with the request that it accept their study.

Mr. Speaker, I now yield to the gentleman from Nebraska (Mr. Martin).

(Mr. MARTIN of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. MARTIN of Nebraska. Mr. Speaker, House Resolution 176, as the gentleman from Indiana explained, provides for 1 hour of debate on House Resolution 132, a resolution to set up a select committee to study rules X and XI of the House. These rules deal with the 21 standing committees and the jurisdiction of these committees.

House Resolution 132 provides for the Speaker to appoint 10 members of the committee, five from the majority and five from the minority, with the chairman to be appointed by the Speaker.

In addition to this the committee is provided money out of the contingency funds of the House, which is a bit unusual—and I will explain why this was set up in this manner—$1.5 million for the period of this entire Congress, that is, for 2 years and not for 1 year, to conduct these hearings and this investigation.

The resolution provides that the select committee is authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of rules X and XI of the Rules of the House of Representatives, including committee structure of the House, the number and optimum size of committees, their jurisdiction, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and other committee facilities.

Mr. Speaker, this indepth study which will be conducted by this select committee is very vitally needed in the Congress, and in the House today. It has been over a quarter of a century since the Reorganization Act of 1946 was passed.

At that time, before the 1946 Reorganization Act was passed, we had 48 standing committees in the House. It was felt that in order to streamline and make more efficient the operation of the House these committees should be reduced and consolidated. As a result of the 1946 Reorganization Act, the total number of standing committees was reduced from 48 to 19. Since that time two additional committees have been added.

But what has occurred since 1946? We have had a proliferation, Mr. Speaker, a great proliferation of subcommittees so that today we have 128 subcommittees in the House of Representatives—128 subcommittees.

So we have just retrogressed and gone back to the difficulties and the weaknesses that we encountered before 1946. We have had changing times, we have new problems facing the House such as space, the environment, and many other areas, but yet the jurisdiction of the committees has remained practically the same.

If you carefully examine the work of some of our standing committees you will find that many of them are overworked because they have so many subjects upon which to come up with legislation and on which to make indepth studies of the legislation that is under their jurisdiction, that they cannot do a proper job in studying these fields. Then we have other committees of the House whose jurisdictions have remained the same since 1946, but whose workload has decreased because the problems in their particular areas have decreased over this period of time, and they do not have sufficient work to do.

This will be an indepth study on a bipartisan basis to try to create a more efficient operation of the committees of the House which are the heart and soul of the legislative process.

Mr. Speaker, I support House Resolution 132, and urge its adoption.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I had planned to speak at greater length in the debate on House Resolution 132 but, from the letters that I have received and the stories that I have heard, it seems wise to make some comments now.

I think it is very important for the Members to understand the concept involved in this resolution. I should say, to preface that, that as a member of the Committee on Rules I have served either as chairman or as an active member of each of the subcommittees that dealt with the problems of first ethics, and then reorganization.

A very small amount of history: We found early on when we began to consider the Reorganization Act that is the product of the joint committee—the Madden-Monroney proposal that has passed the Senate overwhelmingly—that it was virtually impossible to even begin to move on action on that because of the way in which that particular bill was drafted. We decided in that subcommittee of the Committee on Rules—BERNIE SISK and ALLEN SMITH, and the rest of us—that the thing we had to do in order to move that segment of reorganization was to eliminate all the problems over committee jurisdictions, because committee jurisdictions, of course, go to the power of every particular Member, of every Member, and the vested interests of every interest in the United States.

So the only way in which we could handle that part of reorganization was to take that segment of jurisdiction out, and that is the way we did it.

When the reorganization bill came to the floor, and in the process of its being adopted, it was modified by an amendment offered by the gentleman from Missouri, Mr. Hall, that there be established a Joint Committee on Organization, and the Joint Committee on Organization was established with the jurisdiction over everything in the Reorganization Act, but specifically excluded from dealing with this area, the area of committees and their jurisdiction.

The reason, as I understood it at the time, that it was done in that fashion was that this was the terribly difficult, thorny area. No matter how difficult it may have been to establish a Committee on Standards of Official Conduct, no matter how difficult it may have been to have a Reorganization Act of 1970, this was the meanest area.

About 5 or 6 weeks ago the Speaker of the House called me and asked me what I thought about an attempt to study this area of organization, of jurisdiction, and we had a series of conversations on that matter. The decisions were made in consultation with the minority leader, not in every detail—I would not want him to have any of the responsibility for the amount of money involved—but on almost every detail. We came to sort of a meeting of the minds of how this might conceivably be done, and that is why I am talking now.

We figured it out that there was only one way of having any hope of succeeding in the end, and that was to have a most unusual committee, a completely bipartisan committee, and in the process we decided that the only way to make that very clear that that was meaningful—although certainly we do not want to have two separate staffs—was to say in the resolution that the money would be available half-and-half, half to the majority and half to the minority. We were eliminating or hoping to eliminate all partisanship at the very outset.

This is an impossible task—with the "impossible" in quotation marks—and we wanted to make it clear that this was being undertaken not to serve any party or any interest. That is the reason the committee is unique in that way.

Furthermore we wanted to be sure that we would be as little influenced as possible by anybody in the institution who might wish to influence us in behalf of his particular jurisdiction. Thus we decided the only way in which we could achieve that would be to bypass the Committee on House Administration. Inevitably, since it is the jurisdiction of the Rules Committee there was no possible way of bypassing that, but to be as free as possible from any undue influence from the inside, we decided to bypass the Committee on House Administration in the expenditure of the money and do it very frankly. I informed the chairman of the committee of the fact and he seemed to feel that it made some sense.

Now with regard to the amount of money, I am well aware that Members on both sides of the aisle are concerned about $1.5 million, and personally I do not think we are going to spend $1.5 million if the House decides to let us attempt this "impossible" task. But this was essential to assure that over the actual year and a half—and I will talk more about that later when I have more time—that I hope this committee will be engaged we would not be subjected to any kind of pressure other than the normal pressure we expect to get from the other 425 Members of the House of Representatives, because we expect to involve every Member of the House in the decisions that are made by this committee, but we wanted to avoid pressure. We did not want to have to come back hat in hand to anybody to conclude this study.

I had a form budget made up and it came out to a great deal less than a million and a half, a budget splitting in half a competent staff of about 18 or 20 people, none of them excessively paid, none of them paid any higher than the highest allowed for congressional research employees, but an adequate staff, professional and clerical, and there is extra money in the budget in the case the committee over my opposition—and I can state that categorically—decides that it needs to have a management consultant study.

If anybody has taken the trouble to look at any of the reorganizations of any of the departments, he will find that monumental sums have been spent in employing experts. I think the only real experts we need are people we will not have to pay except to pay their transportation. I think anybody who will not come in here to help us, except for a core staff, any Member who will not help us is going to be quite surprising. I think everybody recognizes the importance of this.

I think although some Members might think I have voted for social programs which are a little too expensive, I do not think any will find any sign of my ever having been an empire builder, nor can any find that the gentleman from Nebraska, DAVE MARTIN, has ever built any empires. I am one of the relatively rare people around here who have given up the chairmanship of subcommittees.

I would like to say that I hope there will not be on the staff of this select committee, if it comes into being, a single member now presently a member of the staff of a Member. I have a young lady who had worked with me on reorganization for a number of years and she is going to spend nearly full time on this subject but she is going to stay on my payroll. This is not going to be a staff-building operation.

The gentleman from New Hampshire has asked me to yield and I yield to him.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman for yielding.

I think obviously we all agree on the need for this type of study, but I do not think the gentleman has made it clear in his discussion as to why either an existing committee or a committee of the Rules Committee could not do this job if they had it assigned to them.

Mr. Speaker, I want to make this clear, because after all the gentlemen on the Rules Committee were the fathers of the Reorganization Act including the Hall amendment. If the Joint Committee on Congressional Operations is not satisfactory or House Administration, why do we not go back to where we were when we started reorganization. We did that with a subcommittee of the Rules Committee following up the work of a Joint Committee on the Organization of Congress.

Mr. BOLLING. The answer, I thought, was completely clear. Inevitably that study, the studies on standards of official conduct, studies on the reorganization act were made by committees with partisan majorities. They were made using the staff of the Committee on Rules in a way that simply could not possibly be adequate.

The truth of the matter is that most of the members of the Committee on Rules, and I think I am as experienced in this subject as anyone, really were not prepared to put in the kind of time that was intended. I think the minority leader and the Speaker, in considering appointments, have been quite specific that this is going to take a lot of work.

We are going to have a committee of 10 members, all of whom work. I do not think that the members of the Committee on Rules generally, except those who, like myself, are preoccupied with this particular facet, such as Mr. MARTIN, who is very interested in it—I do not think they are prepared to give the kind of time that is involved.

The Joint Committee on Organization has a major jurisdiction and it has a continuing jurisdiction and a very important jurisdiction. I think that a standing committee of great utility might very well be destroyed by an attempt to deal with this subject.

That is precisely why we have a Select Committee. Second, it is a joint committee. I am not going to mention the fact that it is a partisan majority committee. I think it is demonstrable that the House of Representatives is fundamentally different from the U.S. Senate in its composition, and perhaps it should be in its organization.

The two attempts to change the Congress made in the history of the United States were those that ended in the Reorganization Act of 1946 and one in 1880. The modern one was clearly a failure. It was partly a failure because of the difficulty of dealing with two different problems in one place. The problem of organizing the Senate is very different from the problem of organizing the House of Representatives.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Is the gentleman suggesting that we can change all that jurisdiction on this side of the aisle without any reference whatsoever to the Senate——

Mr. BOLLING. I say to my friend from New Hampshire, of course we have to have some consideration, but I do not think there is anything that is demonstrable that would indicate we have to have the exact same structure.

I submit that a body of 435 men, each of them elected by the people and representing a relatively small number of people compared to the average Senator, needs to be organized with some consideration to that fact.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, as a matter of fact, in the Legislative Reorganization Act of 1946 the Senate did not end up with a Committee on Veterans' Affairs. The House did have one from its inception, so a joint House-Senate committee does not necessarily end up with committees in both bodies with identical jurisdiction.

Mr. BOLLING. Very true, and the real question is, the problem is so thorny, so difficult, why add another dimension to it? It is going to be difficult enough to deal with the problem of how to organize the House. Why take on the added complexity of the other body?

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. I remind the gentleman from Missouri that in March of 1971, he stood on this floor and said, and I quote:

> I oppose the creation of this Select Committee and still oppose the creation of this Select Committee. I do it as a matter of principle. Except in very rare cases Select Committees produce very little. I prefer to see this work done by a standing committee.

Mr. BOLLING. Absolutely right.

Mr. ROUSSELOT. I ask the gentleman from Missouri, who I am sure has thought of this very carefully, is he saying to us the present committee of this House is not capable of dealing with this important issue?

Mr. BOLLING. Yes, sir; I am.

Mr. ROUSSELOT. Then I believe the gentleman must outline to us the overwhelming and compelling reasons why we must set up a $1.5 million "slush fund" for this type of activity.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. MADDEN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. BOLLING. I should like to say to the gentleman, I am surprised because he used a word I resent when he described this $1.5 million as a "slush fund." I should like to tell the gentleman that there will be no "slush," that this will be a lean staff. I tried to make it very clear that we will not be playing that game some select committees play of self-perpetuation.

Perhaps it is a key point. If I have my way—I will be 1 of 10, but if I have my way this select committee will come to the floor with a proposition that we consider viable no later than July 1974, and preferably mid-June of 1974, or I will come to the floor and say that we cannot get the job done and I want us to be abandoned and phased out so that the House may begin afresh in a new Congress.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. MADDEN. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to my friend from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I appreciated the gentleman's explanation. I do find myself in some disagreement, though the gentleman obviously knows his subject matter, and always is precise and fair.

There is one point that has not been made, which I feel is both important and interesting. Why, in respect to a matter like this, which relates to reform, was there a compelling reason, if it was compelling, for a closed rule? Seriously, I find that hard to undestand.

Mr. BOLLING. It is very simple. I referred to that matter earlier.

I understand the gentleman's question, and it is a valid question.

In trying to figure out how to do a responsible job—and I will take the major responsibility for this—I came to the conclusion, and others agreed with me, that we had to do it just that way or it was not worth our trying to do it.

That is the reason why we have a select committee. That is the reason why we have a closed rule.

If any of the significant elements of

the committee were changed I would not be prepared to be involved in it. That is why my answer to the gentleman from Iowa was so blunt. If it is not desired to do it this way, then vote this down and somebody else can come in with a proposition.

It is a very simple thing. This is not a long, complicated bill. The way the House can work its will is to vote it up or vote it down and then proceed to the next step, if it wishes.

The gentleman from Missouri is not going to be desperately unhappy in any event. He believes the job needs to be done. He believes this is the way to do the job. If the House decides otherwise it clearly is not possible for the gentleman from Missouri to play a useful role in getting it done.

Mr. ASHBROOK. I merely say to the gentleman from Missouri that on many occasions in the time I have served here there has been talk about broader participation and preventing a few people from making all important decisions. Here is one area where a very few people are going to make the decisions.

Mr. BOLLING. That is as far from the case as it can possibly be, because the reason why we have agreed, among us, that we need 10 working Members instead of perhaps three or four is that we do not think there is any possibility of succeeding with a product that will be accepted by the institution unless we involve every Member of the institution.

I have made up the list of the people I expect to see and have conversation at length with on this select committee, and it is 100 people.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I yield further.

Mr. ASHBROOK. Every Member of the institution, except for voting on the rule. In that case the gentleman wants to close it.

Mr. BOLLING. No, sir. The gentleman is perverting what I have said. I have said to vote it up or vote it down, and if the House wants to do something else, to go ahead and do it. This is a proposition which the House can accept or reject very easily. It is not complicated.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Florida.

Mr. GIBBONS. I wanted to ask an assurance from the gentleman in the well that when his committee brings back a recommendation it will come back under an open rule.

Mr. BOLLING. I am not going to try to tie a committee down. I am not able to do that. I do not know whether it will or not.

Mr. GIBBONS. Does the gentleman mean to tell me, in asking for $1.5 million for 10 people, eight of whom we do not know who they will be, that they may come back with a closed rule?

I am telling you I am not the committee; I am on it. I would expect we would come back with an open rule, but I certainly am not the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. May I inquire, Mr. Speaker, how much time I have remaining?

The SPEAKER. The gentleman has 2 minutes remaining.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in opposition to this closed rule, and I hope at the appropriate time other Members in this Chamber will join with me in voting down the previous question so we can open up the Bolling-Martin resolution to amendment and permit this body to work its will. I think it is only fair to advise my colleagues in this Chamber that this closed rule was written after we had voted in the Rules Committee to send House Resolution 132 to the floor. No mention was made either in the open hearing on this or in executive session that this would be brought to the floor under a closed rule, without opportunity to amend, and I personally wish to dissociate myself from this rule which I am reading for the first time today.

Before I proceed on the matter of this rule, Mr. Speaker, let me make clear that I wholeheartedly endorse the motivating concept behind House Resolution 132, that is the need for a comprehensive study of this body's committee system with a view to overhauling it. Back on January 2 of this year I responded to a letter from the gentleman from Iowa (Mr. CULVER) on this subject, commending him on his initiative in raising the issue of committee structure reform. I went on to say, and I quote: "I am in full agreement with you that this is a long overdue reform which is necessary if we are to modernize the Congress and restore it as a coequal branch of government." I went on to suggest that such a study could be conducted by a reactivated special subcommittee on legislative reorganization of the House Rules Committee, or by the Joint Committee on Congressional Operations.

On that same day, January 2, I wrote to the chairman to be of the House Rules Committee (Mr. MADDEN) urging that one of our first items of business should be recreating the Special Subcommittee on Legislative Reorganization so that we could begin immediate consideration of various reform proposals in the House.

On January 15, 1973, the gentleman from Missouri (Mr. BOLLING) and the gentleman from Nebraska (Mr. MARTIN), at the request of the Speaker, introduced House Resolution 132 to form a select committee of the House to study committee jurisdiction. On January 23, I offered an alternative approach in House Concurrent Resolution 91 which would mandate the Joint Committee on Congressional Operations to conduct this study of the House committee structure. My resolution was nearly identical to Senate Concurrent Resolution 5 introduced by Senator HUMPHREY on January 18 calling on the joint committee to study the Senate committee structure. Yesterday morning in the Rules Committee I offered my resolution as a substitute for the Bolling-Martin resolution, and my motion was defeated.

Let me simply say in defense of my alternative approach to have the Joint Committee on Congressional Operations study our committee structure that it is a cheaper and sounder approach. Let me remind my colleagues that the joint committee was established by the 1970 Reorganization Act for the specific purpose, and I quote from the act—

> The Joint Committee shall make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States.

Now, my colleague from Missouri (Mr. BOLLING) argued in the Rules Committee yesterday that the joint committee is precluded by law from studying committee jurisdictions. I assume he was referring to section 402(d) of the 1970 act which reads:

> Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices or precedents of either House or the consideration of any matter on the floor of either House.

I suppose his argument is that since committee jurisdictions and procedures are part of the House rules, and since the joint committee cannot make recommendations with respect to the rules, it is therefore precluded from making any recommendations with respect to committee jurisdictions and procedures, even though its primary purpose is to study and make recommendations with respect to the organization and operation of Congress.

In response to this argument, let me simply point out to my colleague that the old Joint Committee on the Organization of the Congress operated under the same prohibition with respect to the rules, and yet in its final report of July 28, 1966, Senate Report No. 1414, on pages 14 to 18, it made eight recommendations under the heading "Committee Jurisdiction." These included splitting the House Education and Labor Committee into two separate committees, assigning environmental sciences to the House Committee on Science and Astronautics, redesignating the House Banking and Currency Committee as the Committee on Banking, Housing and Urban Affairs, and creation of a Senate Committee on Veterans' Affairs.

So, unless my colleague from Missouri would argue that the old joint committee acted contrary to its legal authority, we must conclude that the existing joint committee, which operates under exactly the same strictures, has authority to study and make recommendations on committee jurisdictions.

It would therefore seem logical, Mr. Speaker, to assign this committee structure study to an existing committee which has been established to study and make recommendations on the organization and operations of Congress. We are currently spending some $360,000 each Congress on this Joint Committee, and yet we are now being asked to spend another $1.5 million to create a new select committee to do what the Joint Committee is supposed to be doing.

Furthermore, Mr. Speaker, I would suggest that it makes much more sense to make such a study of our committee structure in conjunction with Senate efforts to study their committee structure, for if we do not, the end results are likely to be so disparate as to weaken rather than strengthen the Congress—confuse rather than clarify committee jurisdictions, and retard rather than reform the operations of the legislative branch.

We hear a lot of talk today about the need for the Congress to reform and reassert itself—to reclaim its constitutional prerogatives and restore itself as a coequal branch of our Government. But let us keep in mind, if we are serious about all this talk, that the Congress consists of the House and Senate together, and unless we work together to reform ourselves, in the words of Ben Franklin, "assuredly we shall all hang separately."

The choice seems clear, gentlemen. We can adopt the narrow, shortsighted and parochial approach of forming a new super select committee of the House at a cost of $1.5 million, or we can take the less expensive, farsighted and coordinated approach of studying this problem in the existing Joint Committee on Congressional Operations. I hope we will have the wisdom to act with the interests of the Congress, not just the House, in mind.

In conclusion, Mr. Speaker, I urge my colleagues to vote down the previous question on this rule so that we can open House Resolution 132 to amendments, including the alternative approach I have discussed. I know other Members are interested in offering their own amendments to the select committee proposal. Let me simply point out that the vote on the previous question is not a vote for or against my own pet proposal, but rather is the first test in this body this year on the concept of the closed rule.

I read with interest a New York Times article of January 9, 1973, which contained the following lead sentence:

> The new chairman of the House Rules Committee declared today that he would try to assure that tax proposals be subject to amendment on the House floor.

The article goes on to describe the chairman's opposition to closed rules on tax bills and concludes with the following paragraph: Mr. Madden said:

> Let the people vote, that's what they're sent in here for.

Mr. Speaker, I think it is especially ironic that this great reform bill is being sent to the floor today under a closed rule which is a prime target of the reformers—a closed rule which the chairman of the Rules Committee says he would not permit on tax bills. Are we to conclude that opening up this bill to amendment would be more disastrous than opening up the Internal Revenue Code to amendment? I hardly think so.

Mr. Speaker, let me conclude by advising my colleagues that this is their first opportunity in this Congress to go on record on the issue of closed rules. Make no mistake about it, a vote for the previous question is a vote for closed rules; a vote against the previous question is a vote against closed rules. In the words of my distinguished chairman, "Let the people vote. That's what they're sent in here for."

Mr. GIBBONS. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Florida.

Mr. GIBBONS. The gentleman is a very experienced member of the Committee on Rules, and I very highly value your views.

Let me ask you a question. With regard to this committee we are about to appoint, two of the members of whom we know, can that new committee come back and bring a resolution to this body for a closed rule whereby we cannot amend the proposal but have to vote on it up or down?

Mr. ANDERSON of Illinois. Of course, they could. If I understand the resolution——

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. May I have 1 additional minute to complete my answer to the gentleman?

Mr. MARTIN of Nebraska. I yield the gentleman 1 additional minute.

Mr. ANDERSON of Illinois. It is my understanding, I would say to the gentleman from Florida, that this resolution is written in such a way that the recommendations of this select committee as established would go to the Committee on Rules and they would then actually report to the floor any rules changes or legislation that would be necessary to implement the recommendations of the select committee. Obviously it would be possible under those circumstances for this matter to come before us under a closed rule.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I intend to vote yes on the previous question; I intend to vote yes for the rule; and I intend to vote yes on the resolution.

Let me tell you why. We have not had a thorough study of committee jurisdiction and committee assignment of responsibilities for 26 years. It is long overdue. The question is how you do it.

Let me give you some history of how this resolution came into being, at least my understanding of how this effort was generated.

When the Speaker, the majority leader, our whip, and myself sat down to discuss committee ratios early in this session we discussed the possibility of dividing the Committee on Education and Labor. We discussed it. From that discussion grew the resolution that is currently before you or which will be before you.

The thought was, instead of just making a decision involving one committee and perhaps dividing it, there ought to be a thorough review of all of these committee jurisdictions by House Members, not by Members of the other body.

All right. The resolution is before you, or will be shortly. I am speaking very parochially to my Republican friends. This resolution gives us five Members for five Members on that side of the aisle. If you turn it over to the joint committee, the majority party has three Members on that side and we have two in the other body and the majority party has three Members in this body and we have two. Now, how silly can you be? You do not know what a break you are getting from a Republican point of view.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Let me finish, and if I have time, I will be very happy to yield.

Let me tell you the names of the people on the other side of the Capitol who may be deciding your committee jurisdiction in this body. Let me read the names of the people who served on that joint committee in the other body in the last Congress. The probability is that they might be reappointed. Let me give you their names. In the U.S. Senate on the majority side, Senator METCALF, Senator GRAVEL, Senator CHILES; on the minority side Senator CASE of New Jersey, Senator SCHWEIKER of Pennsylvania. Do you want those five Senate Members deciding the jurisdiction of House committees?

If you do I really do not believe you have thought that through very thoroughly.

Now let us turn to why the Committee on Rules did not take jurisdiction. I believe there are some persuasive arguments that in an instance where you want to analyze committee jurisdiction over all 20 House committees, should you have representatives on this group from as many of the committees as you can find rather than having a small group of 15 having a parochial interest in the Committee on Rules deciding what the jurisdictional limits ought to be for all House committees?

So we anticipate there will be five from that side, five from this side, and at least the people whom I thought about who might be on the select committee from our side there will not be any duplication of committees; we will try to spread experience and responsibility as broadly as possible rather than having a tightly knit 15-member Committee on Rules make those decisions.

I just do not understand why you want to give exclusive jurisdiction to the Committee on Rules. Do not the rest of you who serve on other committees have some expertise and experience in the field of committee jurisdiction and responsibility? Should you not have an input?

I think this select committee is the best vehicle.

Now, as to the arguments made in the letter from my dear friend, the gentleman from New Hampshire (Mr. CLEVELAND) that we ought to turn this responsibility over to the Joint Committee on Congressional Operations, the inference is that they will not need any more staff, and they will not spend any more money.

Do you know how many staff members they have now? They have 23. I do not know in detail what they do, but they have 23 staff members. I am informed.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman please yield me 2 additional minutes?

Mr. MARTIN of Nebraska. Mr. Speaker, I yield the gentleman from Michigan 2 additional minutes.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield on that point?

Mr. GERALD R. FORD. Yes; I will be glad to yield to the gentleman from New Hampshire.

What does this staff of 23 do?

Mr. CLEVELAND. That is exactly why I wrote the letter. I think they should do something more and I think this area is where they should be doing it.

Mr. GERALD R. FORD. I appreciate the frankness of the gentleman, and that is the most heartening thing that has come out of this discussion today. That group of 23 apparently needs more work, so I gather you would like to find some additional work for them.

I think we ought to have a staff that is equally divided between Republicans and Democrats, where you will receive the input of a number of members, because they have all have had different experiences and points of view.

Mr. Speaker, I hope the previous question is approved.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, I do not want to leave the impression in this debate that we are not in agreement with the speakers on both sides of the issue that much needs to be done at this point in order to strengthen and improve the Congress.

Nor do I wish to leave the impression that the distinguished minority leader might have left that the Joint Committee on the Operation of the Congress has been totally without assigned tasks. They have worked. They have done some positive good. However, I think that a staff as large as theirs could take care of this new assignment, or do so with relatively little added cost. The House Administration Committee could do it.

The distinguished gentleman from Missouri (Mr. BOLLING) mentioned the fact that we ought to have some consultants to perform a study of the Congress. I am sure that that is one of the things we will get with the million and a half dollars he is asking for. He seems to have forgotten that the Arthur D. Little Co. made a study of the Congress a little while ago. If another study is made I am afraid that it may be too much like that of the Arthur D. Little Co., and gather dust somewhere in the archives of this body.

The distinguished minority leader made one point, and I want to address myself to that. He made quite a point of the fact that in this resolution we are going to vote on that there will be a 50-50 division of the membership, Republicans and Democrats, and that there will be a 50-50 staffing. That is an attractive piece of bait, but for some of the younger Members here I want to point out 3 years ago a bipartisan committee on the improvement of the Congress, Democrats and Republicans, got together and worked out and passed the Legislative Reorganization Act of 1970.

As part of a covenant that was written and agreements which were made, the minority party was given at least one-third of investigatory staffing and the bill was passed. The first thing that the Democratic caucus did when they got back in session 2 years ago under their caucus unit rule was to strike that out. They broke the covenant. So when somebody stands on the floor of this House and offers as bait—50-50 staffing—I am reminded of that despicable incident.

Mr. Speaker, this morning I sent a letter to every Member of this House. I think the record should show this fact and the letter, which follows:

> YOUR IMMEDIATE ATTENTION PLEASE
>
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., January 30, 1973.*
>
> DEAR COLLEAGUE: On Wednesday, the House will consider H. Res. 132 to set up a Select Committee to conduct a study of rules X and XI, including committee structure of the House, the number and optimum size of committees, their jurisdiction, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and other committee facilities. It authorizes $1,500,000 for this purpose.
>
> Unfortunately this resolution will be considered under what in effect is a closed rule. It is not only unfortunate but ironic that a Congressional Reform measure concerning our own rules of procedure will be thus considered.
>
> There are a number of objections to the Resolution. A major one is that under the Legislative Reorganization Act, we established a Joint Committee on Congressional Operations which is in being and fully staffed. In the Rules Committee, Congressman John Anderson offered a substitute which would assign the subject matter of H. Res. 132 to the Joint Committee, using its staff and saving the taxpayers the cost of setting up a new and somewhat duplicative committee. If the closed rule is adopted, following one hour of debate on the Resolution, there will be a motion to defeat the previous question. If the previous question is voted down, the Anderson substitute will be offered. It may be of interest to you to know that the Anderson substitute is patterned after a somewhat similar resolution offered in the U.S. Senate by Senator Humphrey. Because of mounting public interest in Congressional reform, I hope you will attend the debate on the rule and H. Res. 132.
>
> Sincerely,
>
> JAMES C. CLEVELAND,
> *Member of Congress.*

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, unlike the minority leader (Mr. GERALD R. FORD) I am going to vote against the previous question to bust this gag rule, and unless the previous question is voted down, I am going to vote against the resolution, which the rule makes in order, and for two reasons.

But first let me say that I am amazed at the lack of confidence in the existing committees of the House of Representatives on the part of the gentleman from Michigan (Mr. GERALD R. FORD) and the gentleman from Nebraska (Mr. MARTIN). I refuse to believe that there is no committee, either Standing or Select, already existing in the House of Representatives, that cannot be trusted with this study of the House organization. I do not believe that. If I did, I would be tempted to resign from the House. I simply refuse to believe there is no committee competent or trustworthy to handle this kind of legislation.

I am opposed to the expenditure of $1,500,000 on a proposition of this kind, and every Member of the House ought to be opposed to it—particularly the Republican Members, if they believe in economy. That is $75,000 a year to finance this comittee—and there are no salaries paid to a single member of the committee. The $1,500,000 for 2 years or $750,000 per year is purely for staffing. For God's sake, how much do the proponents want to spend on a brandnew committee? And we cannot change that outrageous figure unless we vote down the previous question and get this open to amendment.

I am surprised that the gentleman from Indiana (Mr. MADDEN), the new chairman of the Committee on Rules, would come here with a closed rule on this subject. He is quoted in the Wall Street Journal of January 17, 1973, as being opposed to closed rules. He is purported to have said:

> There are 435 members of the House of Representatives and 25 members of the Ways and Means Committee. What this means is that 410 members didn't have a damn thing to say about taxes.

He put himself on record as being against closed rules, particularly with reference to tax legislation, and yet the first crack out of the box in this session he brings in a closed rule on a bill to reform the House of Representatives.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield. I am delighted to yield to the gentleman.

Mr. MADDEN. This is an extraordinary piece of legislation.

Mr. GROSS. Well, this is an extraordinary piece of legislation. The gentleman from Missouri calls it unique legislation.

Mr. MADDEN. Will the gentleman please allow me to answer his question?

Mr. GROSS. Of course. Go right ahead.

Mr. MADDEN. This legislation, when the study is completed, comes back before the Committee on Rules, and the gentleman from Indiana will carry out the statement the gentleman just made. My vote will be for an open rule then.

Mr. GROSS. In view of the rule the gentleman has just presented to the House, I would have great reservations about accepting that statement.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. RODINO).

(Mr. RODINO asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. RODINO. Mr. Speaker, I rise in complete and wholehearted support of this resolution—which embodies a major step forward in our efforts to breathe a new and vigorous life into the organization of the Congress.

I would like first to commend you, Mr. Speaker, for having requested the introduction of this resolution and the creation of the bipartisan select committee which it authorizes. I would like, also, to commend my good friends and colleagues, the gentleman from Missouri (Mr. BOLLING), as well as the gentleman from Iowa (Mr. CULVER) for the initiative that they have shown in highlighting to all of us our need to have a new and fresh look at the basic structure under which our committee system operates.

Mr. Speaker, I know that every Member of this body is keenly aware of the need for the Congress to grow stronger and more effective. I am convinced that the people whom we represent are also keenly aware of our weaknesses and our needs for renewed strength.

The ability to grow must carry with it the ability to change—to discard obsolete ways and develop an effective, modern organizational structure. I, for one, have confidence in our ability to bring this, our own House, in order. I believe that the resolution before us will help us to accomplish that objective.

Clearly, Mr. Speaker, there are many areas in which the present rules defining committee jurisdiction should be carefully reexamined and restructured. As chairman of the Judiciary Committee, I, for one, could point to a number of problem areas involving my committee which were not foreseen at the time the present rules were enacted in 1946. Let me cite just one example:

In recent years the problem of narcotics and its close connection to crime has developed to a point of critical urgency. Yet in approaching the narcotics problem, the 25-year-old jurisdictional lines of our committees are hazy, overlapping, and cumbersome.

Narcotics matters involving criminal law often go to the Committee on Ways and Means and the Committee on Interstate and Foreign Commerce, while problems involving medical treatment of addicts often go to the Committee on the Judiciary.

Several years ago in the executive branch, the Bureau of Narcotics and Dangerous Drugs was in the Department of the Treasury. It is now a part of the Department of Justice. As a result of this change, the oversight responsibilities of the various congressional committees with respect to the Bureau of Narcotics and Dangerous Drugs have become blurred.

I would hope, for example, that the select committee would address itself to finding the best organizational structure to deal with the narcotics problem both from the point of view of legislation and of congressional oversight.

Mr. Speaker, this is just one example of the need for House Resolution 132. I could cite many other examples where important legislative matters are now in danger of falling through the jurisdictional cracks that have developed under a structure that has not been reexamined for almost a quarter of a century. Once the bipartisan select committee is established, all of us will have an opportunity to bring these jurisdictional cracks to its attention and to assist in the formulation of new approaches—new approaches which will be responsive to the true needs of the people whom we represent.

Mr. Speaker, I note with a deep sense of gratification that House Resolution 132 was reported without objection by the House Committee on Rules and in closing I want especially also to commend the chairman, the ranking minority member and all of the other members of the Rules Committee who have voted to support this resolution. I believe that all my other colleagues in the House of Representatives should do no less than give this resolution their overwhelming unanimous support.

I ask that a letter I wrote January 10 to our colleague, Mr. CULVER, endorsing his proposal for a thorough review of our House committee structure, be included in the RECORD following my remarks.

JANUARY 10, 1973.

Hon. JOHN C. CULVER,
U.S. House of Representatives,
Washington, D.C.

DEAR JOHN: With respect to your circular letter of December 29 regarding the structure of the congressional committee system, I agree that the question deserves careful study. Congress must be organized in a rational and effective manner in order to cope with the public policy issues facing us in the 1970s. I am deeply concerned about the decline of public confidence in Congress and the evident need for us to perform our constitutional role effectively vis-a-vis the executive branch. I feel it is particularly incumbent upon us to recapture the power of the purse, for example. Renewed study of the organization and alignment of committees in the House and Senate with respect to dealing with the budgetary process and other public issues undoubtedly would be a crucial element in any serious effort to strengthen the Congress.

As to which committee such a task should be entrusted, I note that the Legislative Reorganization Act of 1970 provides that the Joint Committee on Congressional Operations is not authorized to make any recommendations with respect to the rules of either House. I would therefore be agreeable to the Speaker's appointing, in conjunction with the President of the Senate, a select joint committee for this purpose. I would hope to see reflected in the composition of such a group a healthy mix of senior and junior members to assure that the matter is undertaken with political wisdom and realism. It would also be my hope that the majority members appointed to the task would additionally direct their attention to assuring that any committee reorganization undertaken will strengthen—and not weaken—the ability of the congressional Democratic Party to face the policy issues and political responsibilities of the future.

Sincerely,

PETER W. RODINO, Jr.,
Member of Congress.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I do not propose to take the 5 minutes. I hope the previous question will be voted up and that we can proceed to a further discussion.

Frankly I think the best statement which has been made on the subject so far has been made by the minority leader. It seems to me that gets to the essential point.

I am somewhat disturbed by the feeling of my friend, the gentleman from Florida (Mr. GIBBONS), about the closed rule, but if this were a complex, intricate, difficult, multifaceted issue then I would have sympathy with his concern.

I cannot make a commitment as to what kind of rule we are going to have if the committee can produce anything. I know my view on it, but I am not much given to making commitments I cannot live up to. I think unless we had it set up to go through by unanimous consent, I think anybody who wanted to reorganize the committee structure of this institution and brought in a closed rule would be planning to bring in too much of a burden on his back.

If I am a member of the committee and I do not have any intention of telling anybody here that I can assure what kind of rule it is going to be, but I think it would be very silly to expect a committee that had done a job that it was proud of not to expect to give every Member an opportunity to do anything he pleased. But I cannot guarantee anything and I do not propose to start out on this subject doing what I have never done in this House before, and that is trying to mislead anybody.

I think we should proceed, we should vote up the previous question, we should vote the rule, and then we should have a little further discussion and then make a decision as to whether we want this done this way or not.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I would like to present to the Members the legislative situation with which we are confronted at the present time. A request will be made for a vote on the previous question. I urge an "aye" vote on the previous question. That means that we will then adopt the rule, but then we will still have 1 hour of debate on the resolution itself, House Resolution 132.

If the previous question is adopted, then it is thrown completely open on the floor.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. Just a moment. The leadership of both the majority and minority parties support this resolution, House Resolution 132. I urge that we have an "aye" vote on the previous question. We will then have another hour of debate on the original resolution.

I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman says that with adoption of the rule, the main question will be thrown open on the floor. The gentleman does not mean that. He means that the establishment of still another committee will be open for an hour of debate and that is all. It will then be voted up or down. It cannot be amended in any respect.

We cannot reduce the outlandish $1,500,000 in funds for the committee.

The gentleman from Missouri says, "Oh, we will not spend all of that."

If the committee spends $1,499,999, that will take care of it, will it not?

Mr. MARTIN of Nebraska. I cannot

yield further to the gentleman from Iowa.

Mr. Speaker, I would simply point out that I believe the gentleman from Iowa does not have a reputation for being a big spender in the Congress, and I think the gentleman who is now speaking also has that same reputation of not being a big spender.

I can assure the gentleman that if I am a member of this select committee, we will get a full 100 cents on each dollar, for every dollar spent.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I would like to ask my dear friend from Iowa—he and I came together—if the previous question is beaten and the gentleman from Illinois offers his intended substitute, would the gentleman vote for that so that we could turn the determination of committee jurisdiction over to Senator CASE of New Jersey and Senator SCHWEIKER of Pennsylvania?

Is that what the gentleman from Iowa wants to vote for?

Mr. GROSS. Mr. Speaker, that is not the only option we have if we vote down the previous question. Put it in the House Administration Committee. I have some confidence in that committee. Maybe the gentleman from Michigan does not.

Mr. GERALD R. FORD. Is the gentleman for any realinement? Is the gentleman for any realinement of committees?

Mr. GROSS. Yes, if I had my druthers, I would give the House Administration Committee $50,000. That committee could do the job for a fraction of what is requested to be spent in this deal.

Mr. GERALD R. FORD. Does the gentleman think that that committee is preferable to a group that has members from a number of committees?

Mr. GROSS. I am willing to trust the House Administration Committee. I said that once and I will say it again.

Mr. MARTIN of Nebraska. Mr. Speaker, I would like to point out, in closing, that there has been a great deal of talk for many, many years about work along these lines to reorganize and make more efficient the operation of the House.

Here is an opportunity for the Members to take positive action; to stop the talking and to get on with the job of making more efficient our operations.

I urge an "aye" vote on the previous question.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to both the form and substance of the proposal now being considered. Here is another matter of great import to every Member, and here is another closed rule.

We discussed way back on January 3 the problem of "gag rule." On that occasion, a large number of distinguished Members in this august body, who had piously and ostentatiously signed the John Gardner, loyalty oath, renouncing Satin and the closed rule, could not vote "aye" fast enough on a noxious rule change allowing, more suspensions. That rule in effect gave the opportunity for more bills to be heard with no amendments, and limited debate.

Today we get more of the same. We are getting it in closed rule form. We cannot amend this wasteful and redundant proposal unless we vote down the previous question. We probably cannot vote down the previous question because so many of our distinguished Members who are against closed rules are not really against closed rules. I suppose they are only against somebody else's closed rules.

It is the last day of January. We have not had an open rule yet. At this rate, it will be the Fourth of July before we vote on an amendment.

The substance of the bill is faulty too. Its intentions are noble, but it creates, at an original cost of $1½ million, another committee to do something that we already have a $360,000 joint committee to do. It comes from a committee which could do the same thing itself. If this sort of unicameral redundancy is the best thing we can produce in a full month of effort, the Lord help the taxpayer.

I urge the defeat of the previous question.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 167, not voting 59, as follows:

[Roll No. 8]

YEAS—205

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Arends
Armstrong
Aspin
Bell
Bergland
Bevill
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Clark
Clawson, Del
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Denholm
Diggs
Donohue
Drinan
Dulski
du Pont
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Fish
Flood
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton
Fuqua
Giaimo
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gubser
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McCollister
McCormack
McFall
McSpadden
Madden
Madigan
Mahon
Mailliard
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mitchell, Md.
Mizell
Moakley
Moorhead, Pa.
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
O'Brien
O'Neill
Owens
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Preyer
Price, Ill.
Quie
Quillen
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Sandman
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shuster
Sikes
Sisk
Smith, Iowa
Stanton, J. William
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vanik
Vigorito
Waldie
Ware
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Young, Fla.
Young, Ga.
Young, Tex.

NAYS—167

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Ashbrook
Bafalis
Baker
Beard
Bennett
Biester
Bingham
Bowen
Brooks
Buchanan
Burgener
Burleson, Tex.
Burton
Butler
Byron
Casey, Tex.
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Daniel, W. C. (Dan)
Davis, S.C.
Davis, Wis.
Dellenback
Dellums
Dennis
Dent
Devine
Dingell
Dorn
Duncan
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Findley
Fisher
Flowers
Flynt
Frenzel
Froehlich
Gaydos
Gettys
Gibbons
Gilman
Goldwater
Goodling
Gray
Gross
Grover
Gude
Haley
Hanrahan
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Hogan
Huber
Hungate
Hunt
Hutchinson
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kemp
Ketchum
King
Kuykendall
Landgrebe
Leggett
Lott
McCloskey
McDade
McEwen
Macdonald
Mallary
Mann
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Miller
Mills, Md.
Mink
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Mosher
Moss
Nichols
Parris
Poage
Podell
Powell, Ohio
Price, Tex.
Pritchard
Railsback
Rangel
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Roybal
Runnels
Ruth
Ryan
Sarasin
Satterfield
Scherle
Sebelius
Shoup
Shriver
Skubitz
Slack
Spence
St Germain
Staggers
Stanton, James V.
Steiger, Ariz.
Stokes
Studds
Symms
Talcott
Taylor, Mo.
Treen
Veysey
Waggonner
Walsh
Wampler
Whalen
Whitehurst
Whitten
Williams
Winn
Wydler
Wylie
Wyman
Yates
Young, Ill.
Young, S.C.
Zablocki
Zion

NOT VOTING—59

Andrews, N.C.
Ashley
Badillo
Barrett
Biaggi
Blackburn
Breckinridge
Burke, Fla.
Chamberlain
Clay
de la Garza
Derwinski
Dickinson
Downing
Evins, Tenn.
Foley
Fountain
Frey
Green, Oreg.
Hanna
Harrington
Harsha
Harvey
Hastings
Jarman
Koch
Kyros
Landrum
McClory
McKay
McKinney
Melcher
Murphy, N.Y.
Nedzi
O'Hara
Obey

Passman
Patman
Patten
Randall
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Ruppe
Shipley
Smith, N.Y.
Snyder
Stuckey
Symington
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Van Deerlin
Vander Jagt
White
Wilson, Bob
Wolff
Yatron
Zwach

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. CLEVELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 135, not voting 58, as follows:

[Roll No. 9]

YEAS—238

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Archer
Arends
Armstrong
Aspin
Bell
Bergland
Bevill
Biester
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chappell
Clawson, Del
Cohen
Conable
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton
Fuqua
Giaimo
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McFall
McSpadden
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nix
O'Brien
O'Neill
Owens
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reid
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shuster
Sisk
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vanik
Vigorito
Waldie
Ware
Widnall
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Wylie
Yates
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zwach

NAYS—135

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Bafalis
Baker
Beard
Bennett
Bingham
Bowen
Brooks
Buchanan
Burgener
Burke, Calif.
Burleson, Tex.
Burton
Butler
Byron
Casey, Tex.
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Collier
Collins
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Daniel, W. C. (Dan)
Davis, S.C.
Davis, Wis.
Dennis
Devine
Dorn
Duncan
Erlenborn
Fisher
Flowers
Flynt
Frenzel
Froehlich
Gaydos
Gettys
Gibbons
Gilman
Goldwater
Goodling
Gray
Gross
Grover
Hanrahan
Hawkins
Hays
Hébert
Heckler, Mass.
Hinshaw
Hogan
Hosmer
Huber
Hunt
Hutchinson
Jones, N.C.
Jones, Tenn.
Kemp
Ketchum
King
Kuykendall
Landgrebe
Lott
McDade
McEwen
McKinney
Macdonald
Mallary
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Mosher
Nichols
Parris
Podell
Powell, Ohio
Price, Tex.
Railsback
Rarick
Rhodes
Rinaldo
Robinson, Va.
Rose
Rousselot
Roybal
Runnels
Ruth
Ryan
Satterfield
Scherle
Sebelius
Shoup
Shriver
Sikes
Skubitz
Slack
Spence
Steiger, Ariz.
Stubblefield
Symms
Talcott
Taylor, Mo.
Treen
Veysey
Waggonner
Walsh
Wampler
Whalen
Whitehurst
Whitten
Williams
Winn
Wydler
Wyman
Young, Ill.
Young, S.C.
Zion

NOT VOTING—58

Andrews, N.C.
Ashley
Badillo
Barrett
Biaggi
Blackburn
Breckinridge
Burke, Fla.
Chamberlain
Clark
Clay
de la Garza
Derwinski
Dickinson
Downing
Evins, Tenn.
Foley
Fountain
Frey
Green, Oreg.
Hanna
Harrington
Harsha
Harvey
Hastings
Jarman
Koch
Kyros
Landrum
McClory
McKay
Melcher
Murphy, N.Y.
Nedzi
Nelsen
O'Hara
Obey
Passman
Patman
Patten
Randall
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Ruppe
Shipley
Smith, N.Y.
Snyder
Stuckey
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Van Deerlin
Vander Jagt
White
Wilson, Bob
Wolff
Yatron

So the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on January 26, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 163. Joint resolution designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes.

SELECT COMMITTEE TO STUDY HOUSE RULES X AND XI

The SPEAKER. The Clerk will report House Resolution 132.

The Clerk read the resolution, as follows:

H. Res. 132

Resolved, That there is hereby created a select committee to be composed of ten Members of the House of Representatives to be appointed by the Speaker; five from the majority party and five from the minority party, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made.

The select committee is authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of rules X and XI of the Rules of the House of Representatives, including committee structure of the House, the number and optimum size of committees, their jurisdiction, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and other committee facilities.

The select committee is authorized and directed to report to the House by bill, resolution, or otherwise, with respect to any matters covered by this resolution.

For the purposes of this resolution, the select committee or any subcommittee thereof is authorized to sit and act during sessions of the House and during the present Congress at such times and places whether or not the House has recessed or adjourned. The majority of the members of the committee shall constitute a quorum for the transaction of business, except that two or more shall constitute a quorum for the purpose of taking evidence.

To assist the select committee in the conduct of its study under this resolution, the committee may employ investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants; and all expenses of the select committee, not to exceed $1,500,000 to be available one-half to the majority and one-half to the minority, shall be paid from the contingent fund of the House on vouchers signed by the chairman of the select committee and approved by the Speaker.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) will be recognized for 30 minutes, and the gentleman from Nebraska (Mr. Martin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. Mr. Speaker, we had a pretty good debate on the rule, and I do not propose to take additional time unless some Member would like to ask me a question. I shall be glad to reserve my time and see if the gentleman from Nebraska wishes to take time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The issue was raised as to the gentleman's position on the establishment or creation of select committees as a result of his statement of March 9, 1971, when the gentleman stated that he was opposed to the creation of select committees as a matter of principle and I assume high principle.

Mr. BOLLING. Has the gentleman read the whole statement?

Mr. GROSS. I read enough of it.

Mr. BOLLING. Has the gentleman read the part that says except in exceptional circumstances? This I consider an exceptional circumstance.

Mr. GROSS. I see. A unique circumstance?

Mr. BOLLING. Yes, sir. I think it is unique.

Mr. GROSS. All right. I just wondered if the gentleman remembered his words or remarks.

Mr. BOLLING. I had enough of a memory of them so I looked them up to be sure what they were. I thank the gentleman.

Mr. GROSS. And all of these Members to be endowed with $1.5 million, or $750,000 a year.

Will this committee travel?

Mr. BOLLING. No, sir; it will not. I hope the gentleman will give us his judgment as to how frugal the committee has been when it reports.

Mr. GROSS. It is not going to London or Paris?

Mr. BOLLING. So far as I am concerned there will be no Member travel whatever.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from California.

Mr. BELL. The gentleman in the resolution provides for $1.5 million. Even though I supported the resolution, it does seem like a rather sizable amount. I wonder if the gentleman could expand a little on that and tell us just why he thinks they need that large a sum?

Mr. BOLLING. I do not really expect that the committee, if it operates as I hope it will, will need anything like that amount, but it was imperative, I thought, to assure that half the money would be available to one side and half to the other, to make sure we were not going to be partisan. I thought the only way to do that was to assure that they could function if they had two staffs. In other words, the committee could function with two separate staffs. I do not expect that to happen. I believe we will use a great deal less money than $1.5 million, but I would have hated to have gone into a situation where it might have turned out to have an entirely partisan approach and not to have adequate money.

I have been very much opposed to having a management consultant study. I think this is a job that has to be done by 435 Members of the House on the best advice they can get, people who are somewhat familiar with the House of Representatives.

Mr. Speaker, my view about the management consultant study has been, although I spent hours working with them on it, I do not think it was successful or that it made any contribution, so I have a prejudice against studying this complicated institution with management consultants.

However, if the committee—and I am only one Member of the committee—if the committee decides I am wrong, I would like to see that the committee has the opportunity to decide. I will be fighting it all the way. That is the reason for the excessive amount of money.

Mr. BELL. Mr. Speaker, the purpose of my question was basically to find out if there was any basis upon which the gentleman came to that conclusion.

Mr. BOLLING. Well, there was a basis, and I do not happen to recall exactly, but there were people who worked out a staff that seemed reasonable of about nine people on each side, five professional, and four clerical.

We investigated the expenditures of other select committees. One thing, for example, that we found rather horrifying was that there were select committees which spent $750 a day for hearings, and I cannot conceive of doing that. But we set up a budget, taking into account all the expenditures, and we came out to about $1,200,000 if we took into account this wild business of $750 a day for hearings.

I do not even comprehend that, and I have been here for some time. In addition to that, we added to it about a quarter of a million dollars to take care of this business of a management consultant study.

Mr. Speaker, I cannot guarantee what the figures are going to be, but the gentlemen heard me do a very risky thing, that of telling my friend from Iowa that when we were all finished, I hoped he would give us a critique of how we had spent our money.

In other words, I am confident we are going to spend our money wisely and frugally and without any committee payroll excesses or the rest of those things that could go on.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. COLLIER. Mr. Speaker, may I ask the gentleman, does he anticipate that other areas of the study by this committee will be the present makeup of the minority staff?

Mr. BOLLING. I would think it would be inescapable. My own view on the subject has been made clear in a variety of places, including a couple of books I have written.

Mr. Speaker, the dilemma is that sometimes we get into a conflict where we have a legislative committee as to absolutely how much control the minority is going to have over its staff.

Now, I am for doing two things—and it is extraordinarily difficult to accomplish these things when people will not compromise—I am in favor of the minority having absolute control over a substantial portion of the staff, but I am not in favor of setting up a situation—and this has happened in the past; I saw it happen once in a committee—where the minority purposely sets out to wreck the functioning of a committee and uses its staff for that purpose.

So, Mr. Speaker, there is this reservation: that somehow the majority—and I do not mean the majority party—the majority of the committee should have final control.

Now, it is extremely difficult to do the two things at the same time, but I think we have to achieve it, and clearly that is something that would have to be studied.

Mr. COLLIER. Particularly perhaps in setting up a staff so that the minority staff Members are as near as possible in a position of being in ratio to the Members of the House?

Mr. BOLLING. Well, I think that makes sense, but I frankly am not prepared to commit myself to anything so rigid as that, because I have tried very hard to prepare myself for this task, if I had a role in it, by opening up my mind and trying to eliminate as many of the prejudices and prejudgments I had.

Mr. Speaker, I am one of those unfortunate souls who has written books about the Congress—I do not feel really unfortunate, but it is very easy to quote something I have said. Of course, we all remember the old phrase about "Only my enemy would write a book." But I also would reserve the right to change my mind, and what I would express to the gentleman in my initial response to him is that that is the best I can say.

I mean it in entire good faith.

Mr. COLLIER. I thank the gentleman.

Mr. GROSS. Will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the distinguished gentleman from Iowa.

Mr. GROSS. My friend from Missouri presently addressing the House once wrote an excellent article, or perhaps it was contained in a book about the lords and dukes in the House of Representatives.

Will this legislation do anything to dispose of these powerful people, the lords and dukes that he wrote about at one time?

Mr. BOLLING. I do not know whether there are any lords or dukes around these days, I will say to my good friend from Iowa.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. LATTA. On the question by the gentleman from Illinois about the division between the minority and the majority, as I understand it, the Rules Committee discussed the fact that we were going to try to divide it equally.

Mr. BOLLING. The resolution specifies that there will be $1.5 million allocated, one-half to the majority and one-half to the minority. Frankly, I think we would all hope we would have a combined staff, but that resolution is absolute. If the minority wants to use three-quarters of a million dollars on the operation, it is their right under the resolution, and just so long as they ask for it, I think I have to sign the voucher.

Mr. LATTA. Hopefully we will not have to use that kind of money.

Mr. BOLLING. That is exactly right.

Mr. LATTA. Because this would be the maximum amount and perhaps it could be done for a lot less.

Mr. BOLLING. That is correct.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. MAILLIARD. We have all heard the President's plan to change somewhat the executive branch of the Government. In case there are some changes made over there, I am wondering as to whether or not any effort would be made in such an organization as yours to try to dovetail it with that and the possibility of doing that. You know, they do affect each other. If the President's plan were to be passed, for example, we would have to consider seriously some changes in the Congress. Is that correct?

Mr. BOLLING. It is a question that is

so complicated I have a great deal of difficulty in giving an honest answer. I will try to, though, and I will try to be brief.

I think there is a very serious fundamental question as to whether the House of Representatives, composed of 435 Members elected by a relatively small constituency, should try to organize itself as the executive organizes itself. There you have one elected official who, for all practical purposes, has complete control of the Executive Establishment except as that is modified by law; in other words, in something passed by the Congress and signed or accepted by the President or passed by the Congress and vetoed by the President and then overridden by the Congress.

What I am trying to say is I am not sure. Ordinarily one would think along those lines, and for years I did, but I am not sure the way the House organizes itself should correspond to the executive.

Mr. MAILLIARD. If the gentleman will yield further, is it not true, generally speaking—it is not entirely true, but it is partially true. I believe—that the House committees show somewhat a relationship to the Cabinet posts, and if the President is going to change the executive, then there would have to be some corresponding change in the legislative.

Mr. BOLLING. Somewhat, I will have to say.

Mr. MAILLIARD. But would it not be necessary to function right so we would not have all jurisdiction in these committees and if they made a change there we would have to make a change here?

Mr. BOLLING. The whole situation would have to be carefully studied and considered. I want to make it clear I do not know what the end result will be.

Mr. ARENDS. Will the gentleman yield?

Mr. BOLLING. I yield to the distinguished minority whip.

Mr. ARENDS. I understand the gentleman to say that this committee will make some studies of staffing of both the majority and minority. I wonder if the gentleman will indicate whether or not they will make a complete survey of the staffs of all of these committees, both overstaffing and understaffing. I am one of those Members who think this needs a lot of looking into, and I hope you will look into it.

Mr. BOLLING. I will say to the distinguished minority whip that this committee is going to try to analyze exactly what is happening now as a basis for trying to find out how we can do it better as a body.

Mr. ARENDS. I thank the gentleman.

Mr. CULVER. Will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, it appears to me that it might be useful at this point in time to repeat—at least, for the purpose of making the legislative history in connection with House Resolution 132—to repeat very briefly the colloquy I had in the Committee on Rules with the gentleman from Missouri on yesterday. I referred at that time, he will recall, to a statement that appeared in the press on the 15th of January, the date of the introduction of the resolution, in which the gentleman indicated that further opening up of committee meetings would be under study by the select committee. I said at that time, and I expressed the hope, that it was not a matter that needed 2 years of study, and that it had been studied quite sufficiently and, indeed, as the author of the antisecrecy legislation I would hope we would get early action in this Congress on that kind of legislation either with the adoption of specific committee rules or a more general bill.

And the gentleman I think indicated yesterday that it was not his purpose in indicating this as a possible subject of discussion that it would necessarily indicate any attempt to delay or frustrate the purpose of those of us who would like to see this matter advanced on the legislative calendar.

Mr. BOLLING. That is certainly so. The Democratic caucus which meets tomorrow is going to have before it a resolution on that very subject of secrecy, and I know of nothing in this select committee that would in anyway inhibit the action of the caucus, the Members of the House, or the committees themselves.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. BELL. Mr. Speaker, would the gentleman yield?

Mr. BOLLING. I will be happy to yield to the gentleman from California.

Mr. FISH. Mr. Speaker, House Resolution 132, creating a select committee to conduct a thorough and complete study of the committee structure of the House, their jurisdiction, procedure, and staffing, is a major step in the House of Representatives becoming truly a coequal branch of the Federal Government.

Reorganization, the first since 1946, is long overdue. The effectiveness, responsiveness, and implementation of legislative oversight by the House will be greatly enhanced by a recasting of responsibility and jurisdiction of our committee system.

Mr. BROTZMAN. Mr. Speaker, reform of the committee structure in the House is an issue which should concern each and every one of us, for it is directly connected with the ability of the Congress to remain responsive to the current needs of the American people. Certainly, it is proving more and more difficult to deal effectively with the problems of an America of the 1970's when the House is still using a committee structure based on the priorities of the 1940's. I hope that this legislation will prove the beginning of a long, hard look at the current workings of the Congress with an eye to making it work better.

There is one point, however, to which I would particularly like to address myself. This is the relationship between House Resolution 132 and other meaningful reform proposals before this Congress. This legislation must not be used as an excuse for denying or delaying other measures clearly needed to effectively deal with problems of the utmost urgency. I have particular reference to my proposal, cosponsored by over 200 Members last year, to create a standing Committee on the Environment.

We must remember that House Resolution 132 will not bear fruit for at least another 2 years. The problems of which I speak will not wait that long. We are at a critical juncture in the war to protect our environment. Further delay will certainly mean added devastation for man's physical surroundings.

I would therefore urge the chairman of the Rules Committee to push forward with hearings on the proposal to establish a standing Committee on the Environment as expeditiously as possible. We must change the present system of referring environmental legislation to nearly two dozen separate legislative panels in the House if we are to responsibly protect the expressed interests of the American people in preserving a quality environment.

Mr. CULVER. Mr. Speaker, several weeks ago I wrote my colleagues suggesting that the Congress adopt a resolution reflecting the need to modernize the jurisdiction of our committees. I am therefore extremely happy today to rise in support House Resolution 132, which would create a select committee to study the operation of our committee system.

More than 25 years have elapsed since there last was a full reorganization and realinement of congressional committees. There have been a few accretions such as the science and space committees and a plethora of select, temporary, and special committees which attempt to catch up with new issues such as crime, hunger, and the elderly. During the past year several proposals for special committees have sought adoption in the House such as on energy and the environment. And there has just been organized—as a result of the fiscal crisis in the last Congress—a long overdue study committee to examine means of better equipping Congress in its budget and spending responsibilities.

It is my conviction, however, that a restructuring and reorientation of House committees is an essential task which needs to be undertaken now just as much as executive reorganization. And if one rejects large segments of contemplated executive departmental reorganization, even if one is skeptical of its philosophical underpinnings, the case for congressional committee reorganization on its own merits is compelling.

There is too much obsolescence, too much structural decay, too many cross jurisdictions and overlaps, too much erosion by time in our own committees. The past 25 years have seen a revolution in areas of public policy and concern and have added dimensions to congressional responsibilities which were not—and, in many instances, could not—be foreseen in 1946.

Though it is possible, of course, better to mesh the executive and legislative orbits of responsibility, it will at all events be impossible to achieve a perfect match between them. Surely we should do what we can to minimize excessive, redundant, or trivial appearances by executive and other witnesses. But, our first obligation is to see that there is a coherent, realistic, and contemporary setting for the consideration of all legislation and to be sure that the most commanding and imminent issues of public policy are mirrored and realized within the organizational structure of Congress.

It is clear that today both the House and the Senate fall wide of this mark. Some of our committees are already catch basins for miscellaneous or tenuously related subjects; others have acquired an unmanageable breadth of subject matter greater even than those which would be incorporated in each of the new executive departments proposed by the President; still other standing committees have jurisdictions too archaic or too narrowly conceived when viewed against modern public policy issues. And there are other policies—legislative and investigative—such as urban affairs, health services, the environment, economic conversion, energy, national population distribution and growth which fit at best uncomfortably and sometimes not at all into the committee structure within which we now operate.

This is not just a matter of convenience or incidental importance. It strikes to the core of our ability to fulfill meaningful and effective democratic assessment and control and to fulfill our appropriate constitutional role in a system of separated powers. If we are to be an accountable body, if we are to be more than a subordinate or dependent unit of government, then the reform of committees rises to the very top of any agenda of government reorganization. Tinkering, grafting, casual or periodic improvisation will no longer suffice. Nor will technology and computer resources alone—vital as these are also—compensate for or substitute for a close and vigorous review of the inner fabric of our legislative process—the committees.

I do not underestimate the complexity and difficulty of the task. However, it raises in an immediate and testing way our own ability to make Congress both a more effective and responsive branch of Government.

I believe this resolution furnishes a proper framework within which we can work toward a judicious treatment of committee structuring and jurisdiction. I am pleased that this resolution has bipartisan endorsement and that it provides for equal participation by both parties. This is essential to achieving enduring solutions which earn the confidence of the membership and of the public.

Therefore, I urge a favorable vote on House Resolution 132.

Mr. BINGHAM. Mr. Speaker, I rise in support of the resolution before the House to create a select committee to recommend reforms of the committee structure of the House, and I intend to vote for it. I voted against the rule in view of my general opposition to closed rules, which preclude amendments to bills and resolutions on the floor. My "nay" vote on the rule, however, should not be mistaken for opposition to the substance of this resolution.

I want, Mr. Speaker, to commend my friend and colleague, Mr. Bolling, for his leadership in developing this proposal and bringing it to the floor. I also want to commend our colleague, the gentleman from Iowa (Mr. Culver) for his considerable contribution to the dialog and debate about the need for reform of the House committee structure. I refer specifically to a recent letter which Mr. Culver sent to many Members of the House which eloquently described the nature and significance of outmoded committee jurisdictional boundaries in the House. That letter, in my judgment, more than any other single factor, moved the House to the action we are now taking to do something about this most important problem.

The most flagrant example, Mr. Chairman, of the need for reform of the committee structure is in the area of transportation. At least five major committees in the House have jurisdiction over one aspect or another of transportation. Public Works has jurisdiction over highways, Interstate and Foreign Commerce over airlines and intercity railroads, Banking and Currency over mass transit, Merchant Marine and Fisheries over most aspects of waterway transportation, and Ways and Means over trust funds and other special fiscal devices under which certain transportation programs are funded.

A legislative proposal to permit funds from the highway trust fund to be expended for mass transit has recently attracted considerable attention and support, and only narrowly missed being enacted by the last Congress. Consideration of that proposal in the House, however, has been greatly impeded by the deplorable fragmentation of Committee jurisdiction in the transportation field. The legislation, which I first introduced in 1965 with then-Senator Joseph Tydings, was referred to the Public Works Committee, which took the position that it did not have authority to act on it. What Committee had jurisdiction over the legislation was further confused and complicated by the fact that attempts to enact it as an amendment to legislation on the floor to a Highway Act and to an Urban Mass Transit Act were both ruled out of order as nongermane.

In response to this jurisdictional problem, Mr. Speaker, I introduced in 1970 a resolution (H. Res. 942) providing for creation of a Select Committee on Transportation charged with, among other things, recommending how we might change current machinery and procedures in the Congress to deal in a more efficient and unified manner with transportation proposals.

That resolution, which I reintroduced in the 92d Congress, has not been acted upon. But I hope and trust that the select committee created by House Resolution 132 will look very carefully at the structure of the committees with regard to transportation issues, and that it will give most serious consideration to establishing a permanent standing Committee on Transportation in the House with jurisdiction over all transportation programs.

Mr. Speaker, the Congress is faced with one of the most serious challenges of its history. Reform of the standing committees of the House to enable them to deal efficiently with current legislative issues will play a major part in reviving the Congress. If that reform is not forthcoming, the Congress will have little choice but to continue to be preempted and ignored by the executive branch. I look forward eagerly to the recommendations of the select committee to be created by House Resolution 132, and to the early implementation of its recommendations so that this Congress may better meet its responsibilities in the transportation field, and in every field of public policy.

Mr. MARTIN of Nebraska. Mr. Speaker, I have no requests for time.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 91, not voting 58, as follows:

[Roll No. 10]

YEAS—282

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Bafalis
Bell
Bergland
Bevill
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Carey, N.Y.
Carney, Ohio
Carter
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Giaimo
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holtzman
Horton
Howard
Hudnut
Hungate
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard

Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mizell
Moakley
Mollohan
Moorhead, Calif
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
O'Neill
Owens
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—91

Abdnor
Ashbrook
Baker
Beard
Bennett
Bowen
Brooks
Burgener
Burke, Calif.
Burleson, Tex.
Burton
Butler
Byron
Camp
Casey, Tex.
Chisholm
Clancy
Cochran
Collins
Conlan
Crane
Daniel, Robert W., Jr.
Daniel, W. C. (Dan)
Davis, S.C.
Davis, Wis.
Devine
Dorn
Duncan
Fisher
Flynt
Gaydos
Gettys
Gibbons
Gilman
Goldwater
Goodling
Gross
Hawkins
Hogan
Holt
Hosmer
Huber
Hunt
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Landgrebe
Lott
Lujan
McEwen
Macdonald
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Mills, Md.
Mitchell, N.Y.
Montgomery
Nichols
O'Brien
O'Hara
Parris
Podell
Powell, Ohio
Price, Tex.
Rarick
Rhodes
Robinson, Va.
Rose
Rousselot
Runnels
Ruth
Satterfield
Scherle
Sebelius
Shoup
Shriver
Skubitz
Spence
Steiger, Ariz.
Symms
Waggonner
Walsh
Wampler
Whitehurst
Whitten
Winn
Wyman
Young, S.C.
Zion

NOT VOTING—58

Andrews, N.C.
Ashley
Badillo
Barrett
Biaggi
Blackburn
Breckinridge
Burke, Fla.
Cederberg
Chamberlain
Clay
de la Garza
Derwinski
Dickinson
Downing
Flowers
Fountain
Frey
Hanna
Harrington
Harsha
Harvey
Hastings
Hébert
Jarman
Koch
Kyros
Landrum
McClory
McKay
Melcher
Mills, Ark.
Murphy, N.Y.
Nedzi
Nix
Obey
Passman
Patman
Patten
Randall
Rangel
Rooney, N.Y.
Rostenkowski
Ruppe
Ryan
Shipley
Smith, N.Y.
Snyder
Stuckey
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Van Deerlin
Vander Jagt
White
Wilson, Bob
Wolff
Yatron

To the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 132, 93d Congress, the Chair appoints as members of the select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives the following members of the House:

Mr. Bolling, chairman; Mr. Stephens; Mr. Culver; Mr. Meeds; Mr. Sarbanes; Mr. Martin of Nebraska; Mr. Frelinghuysen; Mr. Wiggins; Mr. Steiger of Wisconsin, and Mr. Young of Florida.

GENERAL LEAVE

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 176 and House Resolution 132.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MEETING OF SELECT COMMITTEE

Mr. BOLLING. Mr. Speaker, I would like to announce that if at all possible, I hope the members of the committee just appointed will meet in the Committee on Rules at 3:30 p.m., today, room H313, for a very brief meeting.

REQUEST FOR ADJOURNMENT OVER UNTIL FRIDAY

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman explain why the House should meet on Friday next? What business is there to transact?

Mr. BRADEMAS. I am glad to say to the gentleman from Iowa that there is a Democratic Caucus tomorrow and that there is no business for tomorrow, nor is there business for Friday.

Mr. GROSS. There will be business Friday if the House is called into session.

Mr. BRADEMAS. As the gentleman from Iowa, who is a great expert on the rules of the House, knows, it is not possible to adjourn over.

Mr. GROSS. Not possible to do what?

Mr. BRADEMAS. It is not possible to adjourn under the Constitution for more than 3 days.

Mr. GROSS. I assumed the House would adjourn from tomorrow until Monday next, in the absence of business on Friday and Saturday.

Mr. BRADEMAS. I yield to the distinguished majority leader.

Mr. O'NEILL. The Democrats go into caucus tomorrow at 10 o'clock.

Mr. GROSS. Just a moment.

Mr. O'NEILL. The gentleman has yielded to me.

Mr. GROSS. Just a minute. I happen to have the time, I may say to the gentleman.

Mr. O'NEILL. I am sorry.

Mr. GROSS. I yield to the gentleman.

Mr. O'NEILL. I am sorry; I thought the gentleman from Indiana had the time.

I thank the gentleman for yielding.

It is the desire of the majority of the House, in view of that fact that we are having a caucus tomorrow, to have an all-day caucus. We have a long agenda.

There is no business scheduled for the remainder of the week. In view of this fact, we have asked that the session which would normally be scheduled for tomorrow, merely a perfunctory session, go over until Friday. We did not anticipate there would be objection by any Member.

Mr. GROSS. Do the Democrats who attend the caucus plan to eat no lunch tomorrow? Are they going to starve themselves in an all-day session?

Mr. O'NEILL. It is very interesting when one gets into a Democratic caucus.

Mr. GROSS. We can all agree on that.

Mr. O'NEILL. I am glad we are in agreement.

Mr. GROSS. I just do not like the idea of a session on Friday when there is absolutely no business. I had other plans made for Friday.

Mr. O'NEILL. I am sure the gentleman is aware of the fact that there will be no legislative business on Friday. I am sure he has complete faith and trust in the leadership.

Mr. GROSS. I wish I could say it was complete in matters of this kind.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-28)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed with illustrations:

To the Congress of the United States:

As predicted, 1972 was a very good year for the American economy.

From the end of 1971 to the end of 1972, total output rose by about 7½ percent. This is one of the largest 1-year increases in the past 25 years. This growth took place in a largely peacetime economy; it was not achieved by a war-fed, inflationary boom. In fact, real defense spending declined 5 percent during the year. More important is the fact that the big increase of production in the year just ended was accompanied by a reduced rate of inflation. Consumer prices increased a little more than 3 percent from 1971 to 1972—a far cry from the runaway inflation rate of 6 percent that confronted us in 1969.

A year ago, looking ahead to 1972, I said that the great problem was to get the unemployment rate down from the 6-percent level where it was in 1971. During 1972 the rate was reduced to a little over 5 percent. We should get this down further, and expect to do so, but what was accomplished was gratifying.

It is especially significant that the total number of people at work rose by 2.3 million from 1971 to 1972, the largest 1-year increase in 25 years.

Everything was not ideal in 1972—in the economy any more than in other aspects of our national life. Rising food prices were a major concern. The U.S. balance of trade with other countries did not improve as we had hoped. But all-in-all it was a very good year.

The economic performance of 1972 owed much to sound and forceful Government policy. The history of this policy goes back before 1972, and back before the dramatic moves taken on August 15, 1971. It goes back to the decision made in 1969 to bring to an end the dangerous inflation that had started in the mid-sixties. The decision was carried out by slowing down the rise of Federal spending and continuing the temporary tax increase that had been enacted in 1968 and by tightening monetary conditions. As a result, much of the cause of the inflation was removed and the rise in the cost of living was moderated. Without these steps, the subsequent success of price and wage controls would have been impossible.

Curbing inflation and cutting back on defense production necessarily involved a downturn in the economy and a rise of unemployment. To keep this from going too far, fiscal and monetary policy shifted in an expansive direction in 1970. And to speed up both the decline of inflation and the recovery of the economy, I announced the New Economic Policy on August 15, 1971. Temporary controls were imposed on prices, rents, and wages. Taxes were reduced. A little later we moved to stimulate the economy further by boosting Government expenditures in the first half of 1972, mainly by bringing forward expenditures that would have been made later.

The policies that began in 1969 contributed to the economic progress so visible in 1972. But Government policies alone did not do the job. Credit goes largely to a strong private economy and to the private citizens who cooperated in raising productivity, maintaining industrial peace, and conforming to the standards of the control system. The Government helped to create conditions in which private people could adapt to a growing economy that was far less defense-oriented and much less inflationary. But it was the individual American who made the adaptations.

The immediate economic goals for the domestic economy in 1973 are clear. Output and incomes should expand. Both the unemployment rate and the rate of inflation should be reduced further, and realistic confidence must be created that neither need rise again.

The prospects for achieving these goals in 1973 are bright—if we behave with reasonable prudence and foresight. By all signs a vigorous economic expansion is underway and will continue during the year. This will raise output and employment and reduce unemployment. The problem, as far as can now be foreseen, will be to prevent this expansion from becoming an inflationary boom.

That is why I put restraining Federal expenditures at the top of the list of economic policies for 1973. Nothing is easier or more pleasant, at least for a bureaucracy, than to spend money. But beyond some point, which our budget plans already reach, everything that the Government gives out with one hand it must take back with the other, in higher taxes or more inflation or both. Spending proposals must be looked at in this way, by asking whether they are worth either of these costs. Much Government spending fails this test.

I am proposing a budget with expenditures of $250 billion in the current fiscal year—an increase of $18 billion from last year. I am proposing a $19 billion increase for next year, to $269 billion. Although those are large totals and large increases, they reflect a sense of responsibility and discipline. I urgently seek the cooperation of the country and the Congress in staying within my budget proposals.

Only by holding the line on Federal spending will we be able to reduce the inflation rate further in 1973. Productivity should still be rising strongly. Inflationary expectations have been subdued. Workers have been experiencing large gains in their real incomes and so the pressure to catch up will be less than it was earlier. Anti-inflationary forces are at work, but it will be necessary to keep our healthy expansion from becoming an overheated boom.

The system of wage and price controls in effect during 1972 helped bring about a combination of less inflation and more production. But it is not the best system for 1973. After intensive consultation with all parts of the American society we have concluded that controls should be substantially modified. There are several problem areas—food, construction, and medical care costs—where special efforts at restraint are needed, in some cases more intense than last year.

In the economy at large there is need to establish more firmly a pattern of behavior consistent with reasonable price stability. At the same time our own experience and the experience of other countries demonstrate that as controls continue, unless they are suitably modified, red tape multiplies, inequities increase, interferences with production and productivity become more severe, and the possibility is enhanced that prices will explode when controls are lifted. Therefore, we are modifying the control system in several ways.

We are setting forth standards of reasonable price and wage behavior to which we ask business and labor to conform. Private economic units will be able to determine by themselves whether price or wage increases are within the standards or not. They will not require advance approval from the Government. However, the Government will maintain the legal authority, the practical capacity, and the will to intervene where necessary to stop action that is unreasonably inconsistent with the standards. I am asking Congress to extend the Economic Stabilization Act for 1 year, to April 30, 1974, to continue the authority. There should be no doubt about the fact that the authority will be used where needed.

An essential part of our anti-inflation program must be an increase of food supplies to restrain increases of food prices and bring about reductions where possible. The combination of natural occurrences holding down food production in the United States and abroad with rising consumers' incomes at home caused a sharp increase in food prices last year. These same forces will be at work in the early part of this year. But we have taken steps to increase food supplies. Quotas which previously limited the import of meat have been suspended. Restrictions on the acreage planted to major field crops have been relaxed. An increased amount of dried milk is being allowed into the country. Subsidies on agricultural exports have been eliminated. Grazing of cattle is being permitted on acreage diverted from crop production. We have established new machinery in the Federal Government to assure that high priority is given to holding down food prices.

Restraint in budget policy, the new system of cooperative price and wage controls and special efforts to increase food supplies, coupled with the productivity and vigor of the private economy, should make 1973 another year in which inflation and unemployment decline and output rises. But what is at stake in the policies of 1973 is more than economic performance in 1973. What is at stake is whether we can make 1973 the prelude to a sustained period of growth and stability in a free economy. Since 1968 the Government and the economy have been largely absorbed in the negative task of correcting the destabilizing consequences of the financing of the Vietnam war. That period is almost over. Now we can stop putting out fires and turn to building a better economic order.

We must develop more reliable and responsible attitudes and methods for dealing with the Federal budget, so that it is not perpetually on the margin of an inflationary explosion. We must prepare for the end of wage and price controls, and be willing to show the same courage in taking them off as was shown in imposing them. We must weed out the restrictive effects of the large number of other economic controls exercised by the Federal Government, most of them having their origins decades ago, and many of them interfering with productivity and production. And we must strengthen the forces of competition in a vigorous free-enterprise economy.

Nowhere is the need to make 1973 a year of economic reform more apparent than in our international relations. Our actions of August 15, 1971, put the world on the path of negotiation for improvement of the international economy. Last year we made proposals for the reform of the international financial system, and these proposals are now the subject of discussion by high-level officials of the member countries of the International Monetary Fund. This year we expect to enter negotiations on the subject of trade.

We want the American people to be able to buy those foreign goods and services that are better, cheaper, or more interesting than our own. That raises the American standard of living. We want our people to be able to invest abroad when that is the most profitable thing to do. But we also want the American people to be able to pay for these purchases and investments in the way that is best for us. That means, first, that we must be able to pay by selling abroad the things that we produce best, and selling them on the best terms that we can freely obtain. Second, it means that we must be able to pay in a way that is sustainable so that we are not confronted with the need for sudden and possibly painful adjustments.

Existing arrangements are not favorable to us in either respect. We have been buying from abroad in rapidly increasing amounts, and that has helped the American people. But our exports, with which we seek to pay for these imports, have been subject to high barriers, particularly in the case of our agricultural products. We have not been able to sell enough to pay for our overseas expenditures, and so we have had to pay by incurring more and more short-term debts abroad. This is not a situation that can go on indefinitely; its sudden ending could be disruptive. Therefore we want to bring about those reforms that will permit us to earn our way.

Our proposals have been, and will be, put forth in the U.S. national interest. But this is not contrary to the interest of other countries. International competition is shifting from the military and political arenas to the economic. This is a great advantage, because in economic competition every participant can win—there need be no losers. The effort of each nation to produce and sell what it can do most efficiently will benefit others. This is the fundamental belief underlying our proposals for reform and the fundamental reason for thinking that a satisfactory agreement will be reached.

* * * * *

The general prediction is that 1973 will be another very good year for the American economy. I believe that it *can* be a great year. It can be a year in which we reduce unemployment and inflation further and enter into a sustained period of strong growth, full employment, and price stability. But 1973 will be a great year only if we manage our fiscal affairs prudently and do not exceed the increases in Federal expenditures that I have proposed. This is the practical lesson of the experience from 1965 to 1968, when loose fiscal policy turned a healthy expansion into a feverish boom followed by a recession. I am determined to live by this lesson. And I urgently appeal to the Congress to join me in doing so.

RICHARD NIXON.

JANUARY 31, 1973.

TIME FOR CHANGE IN REA

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent editorial regarding subsidized REA interest rates which appeared in the January 3, 1973, edition of the Commercial Appeal of Memphis, Tenn.:

TIME FOR CHANGE IN REA

The Nixon administration has a good case for its decision to replace the low-cost credit system of the Rural Electrification Administration with higher-interest loans. The bleak days of the New Deal required emergency measures that are no longer needed.

In the early 1930s, much of rural America was still relying on oil and candles for light. Private utility companies found it unprofitable to extend service to those areas. So Congress set up the REA in 1936. The goal was two-fold: To electrify the countryside, and to help provide a low-cost, dependable source of power that would force private utilities to keep their rates down.

The first goal has largely been met. Rural cooperatives would not have been possible without government backing. But now their major work is expanding and refining service. They should be able to do that with more modest support.

A good parallel is offered by the Tennessee Valley Authority, which also was established to bring power to an area that private industry was unwilling to serve. At first the authority was funded directly from Washington. Now it successfully goes to the open bond market to finance improvements.

The second goal involves much more controversy. The rural and municipal utilities have kept private rates lower than they would have been. In 1967, the respective averages per kilowatt-hour were $1.49 and $2.31. But the private industry has been charged with gross overcharging of customers because of the laxity of state regulatory commissions.

The commissions set private rates. A reasonable return on investment in plant and equipment is generally considered to be six per cent. Critics contend, however, that the commissions often accept the word of the utilities about their revenue needs, partly because of understaffing and partly because the private companies with their high-powered attorneys have developed an excessive influence over the politically appointed commissioners.

Senator Lee Metcalf (D-Mont.) has maintained that, on the basis of a six-per-cent return, the utilities overcharged the public 1.4 billion dollars in 1967. He cited two reasons: Some commissions approved rates that gave more than six per cent, and the utilities are permitted to include charitable donations, lobbying and advertising expenses and the cost of preparing rate cases as part of their investment.

The elimination of the two-percent federal loans by the REA is not likely to add to the rate problem. Nor are the new five-per-cent guaranteed loans likely to put the rural cooperatives out of business. The rate issue should be settled by the state commissions, if necessary with investigations by the Federal Power Commission or Congress to make sure that "reasonable" rates are not unreasonably padded. For one thing, the commissions should have skilled lawyers and other staff members qualified to judge utility operations.

PROPOSED OUTLAYS FOR DEFENSE

(Mr. HEINZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, the President's proposed budget is a clear expression of his intention to define Federal responsibility over the next 4 years by shifting the solution for many domestic problems away from Washington. However, the attention to the military side of the budget appears to be constant and there are items in the budget that will demand the scrutiny and concern of all Members of Congress, if we are to develop an intelligent and effective defense posture for the future.

Today's Washington Post contains an excellent editorial appraisal of the proposed defense outlays, along with some cogent suggestions of areas that merit close congressional attention. I include the text of that editorial:

THE PROPOSED OUTLAYS FOR DEFENSE

Minus funds for the Atomic Energy Commission, the Defense portion of Mr. Nixon's proposed outlay for fiscal 1974 comes to around $79 billion. This figure, as the President and his spokesmen have rightly pointed out, represents a much lower proportion of the overall federal budget and of the GNP than defense spending did when he assumed office. They also observe that in constant 1974 dollars, the total figure represents a lower expenditure for defense than in fiscal year 1964—before the Vietnam build-up.

It is to take nothing away from the administration's understandable satisfaction with these developments to remark that the defense budget is still mighty high. We have no doubt that had the same rigid standards of proven need and proven efficiency been applied to certain weapons procurement programs that were applied to programs in the domestic sector, a number of planes and ships would likely have gone the way of the poverty program or impacted area aid to the schools. And, based on his record over the past couple of years, Chairman Stennis of the Senate Armed Services Committee (who was reported in serious condition at a late hour last night as a result of gunshot wounds) offered us reasons to expect that between $1 and $2 billion worth of excess in proposed expenditures for military procurement and research could be found. There will doubtless be other congressional settings for dispute over these hardware programs.

It is a dispute into which the services will move unequally. The Army, having already lost its proposed gunship helicopter and main battle tank to congressional actions, comes in with very little in the way of big, immediately costly programs beyond the SAM-d missile. And, to its credit, the administration has not asked funds to build the second Safeguard ABM site permitted us under the SALT agreement. The Air Force is, so to speak, at the take-off stage. Both the B–1 strategic bomber and the F-15 fighter do not yet reflect anything like the costs they could in time incur, although this year's budget does include a big purchase of F-15s. (We note that our old friend AWACS, the strategic air defense program about which Secretary Laird once accurately observed that this newspaper had a "thing," is in a state of relative repose. It is reportedly in process of being transformed into a less ambitious and more sensible tactical air defense project.)

It is the Navy that will be incurring the large and visible procurement costs with its various aircraft and ship-building projects and with its progress on the new long range underwater strategic missile system. Trident, and the new CVN 70 nuclear powered aircraft carrier among other major projects. Navy cost overruns, plus the relationship of Mr. Nixon's new budget director, Roy Ash, to the settlement of his old firm's (Litton Industries) claims against the Navy are bound to stir up further controversy on the Hill. And, despite the fact that Congress last year authorized procurement for both the Trident and the CVN 70, so too the pace at which the first project is proceeding and the early initiation of the second are bound to create new conflict. Especially where Trident is concerned, the accelerated rate of the program continues to raise the question of whether our underwater arsenal is dangerously outpacing our possible knowledge of the anti-submarine warfare techniques it may eventually be pitted against.

Both ultimate outlays of money and the safety and security afforded by the force structure we are creating are at issue in these administration requests, and they are matters on which Chairman Stennis along with others on the Hill have spoken wisely. But Mr. Stennis—unlike some of the liberal Democrats in Congress—also has no illusions about where the big financial outlay is going. It is going into manpower costs which have risen to 56% of the defense budget. As Caspar Weinberger, Mr. Nixon's outgoing budget director has aptly said, until the Congress granted substantial military pay increases in the mid-sixties, the nation was in effect taxing draftees to pay our national military bill. Now the public has assumed the cost. Compared to 1968, we are now spending approximately $7 billion dollars a year more on military pay and personnel costs, even though military forces have been reduced by 1.3 million men. If we were paying this smaller force at the old rate, we would be saving close to $20 billion a year. With the creation of an all-volunteer army and with the need to create new incentives to bolster the strength and effectiveness of the Reserves and National Guard, these costs cannot be expected to wither away. Moreover, the pressure for an unwarranted increase in military retirement benefits "recomputation" could put the whole thing out of sight.

All this suggests two things to us. One is that the Pentagon, for all the modest progress in these matters it has claimed, is obliged to take much more comprehensive and effective measures to reduce the excessive ratio of support-to-combat troops in the services, to cut back on the overblown general officer class, to close unneeded bases and to take similar steps such as creating a smaller but more efficient Reserve that will result in holding the line on personnel-related costs. The other is that those legislators who have preferred to address the defense budget solely in terms of glamorous, visible and highly costly individual weapons systems, should bend their attention to the manpower cost issue. Last summer, Chairman Stennis could only get three votes beside his own against a bill for "recomputation" of retirement benefits; and this year the administration has requested a "recomputation" bill that would cost around $360 million for the coming fiscal year. The point is that the administration bill would also incur a retirement benefit obligation to those it covered coming, over time, to more than $10 billion.

Recomputation, like other payroll issues, lacks much of the drama of the weapons systems battles. But that is where sensible congressional attention should now be turned. We would cite Mr. Weinberger again in support of the need to keep our military outlays under control: "The defense budget . . . must be seen not only in terms of what we must defend ourselves against but what we have to defend. The more we take from the commonwealth for its defense, the smaller it becomes."

THE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1973

(Mr. DOMINICK V. DANIELS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the recent riots and disturbances at Attica, Rahway, and other correctional institutions stand as vivid testimoney to the failure of America's prison system. Soaring crime rates contribute further evidence. Many believe that recidivism constitutes the hard core of this country's crime problem. An estimated 40 to 75 percent of our supposedly "rehabilitated" offenders commit additional and often more serious crimes upon release. Four out of five felonies are committed by alumni of our correctional institutions. It seems that our prisons are not correctional at all but rather colleges of crime that graduate men and women more deviant, disturbed, and expert in criminal methods than when they were first admitted.

Although rehabilitation has been the espoused goal of prisons for over a century, more attention has been given to punishment than positive action. We have paid sorely for this negligence—with the lives of prisoners, of correctional officers, and of ordinary citizens, who are increasingly the victims of a growing crime rate.

Today I am introducing a bill which is designed to close the gap between rhetoric and the reality of true reform. I am pleased to announce that the gentleman from Michigan (Mr. ESCH), the ranking minority member of the Select Subcommittee on Labor, is a cosponsor. Only with bipartisan support can we expect to combat effectively the grave problems facing penal institutions. This is not another research or study effort. The Correctional Manpower and Employment Act of 1973 is an action proposal with a two-fold purpose: To create training and employment programs for offenders in order to increase their chances of getting and keeping a constructive job upon release, and to improve the effectiveness of correctional staff through better programs of recruitment, training, and personnel management.

The goal of our correctional process should be to prepare an offender to reenter the community so that he can lead a productive and crime-free life. Employment is absolutely essential. Studies have shown conclusively that the ability of a released offender to stay out of trouble is tied directly to his ability to get and hold a job. Teaching offenders skills and enabling them to find decent jobs ought to be the most important aim of the correctional process.

But the unemployment rate for ex-offenders is three times the national average. Why? Surprisingly, the ex-offender's prison record is not the most significant barrier to his employment; it is his lack of marketable vocational skills. Fewer than 85 percent of all Federal prisoners have marketable job skills, and prisoners leaving our State institutions are even less prepared to face the job market of today.

Prison training programs today are limited in range and content and bear little relevance to outside employment needs. They are not geared to the inmate's interests or capabilities but rather to the institution's needs. For example, prisoners in New York State institutions are trained to become barbers, only to find upon release that the State of New York refuses to grant barbers' licenses to ex-offenders. As Chief Justice Burger so aptly put it:

> It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union.

The thrust of my bill is to link job training with existing opportunities for employment. It authorizes the Secretary of Labor to make grants to correctional agencies and to public or private agencies for the training and employment of offenders, giving priority to programs in which public or private employers actually find jobs for participants.

The bill aims at creating job training and employment opportunities for offenders during all stages of the criminal justice system—before trial and during and after incarceration. For example, financial assistance will be given to pretrial or other intervention programs, thereby, offering an opportunity to offenders to participate prior to consideration of their cases. Following the program, a recommendation is made to the court on the behavior of the individual charged. If his performance is favorable, charges could be dropped. Such a program not only reduces court congestion and long delays between arrest and trial, but also prevents stigmatization of young first offenders.

To help offenders during the time of their incarceration, my bill provides grants to prisons, jails, and other agencies to increase and expand their job training and employment opportunities. Let me briefly describe a few of the programs included. First, it is important to know the offender's skills, aptitudes, and interests before selecting his rehabilitative program. So diagnostic tests and interviews are available.

Another hindrance facing offenders is simply their ignorance of the process of finding a job. We must instruct them in job interviewing and proper work habits.

In addition, we need to make prison work more relevant to outside job vacancies. My bill would upgrade work in correctional institutions so that skills developed by offenders, such as institutional cooking or laundering could be applied effectively to outside employment opportunities.

In cooperation with various labor unions, my bill supports apprentice training programs in skills that will be in demand upon release. Training time spent within the correctional institution would be counted toward the required union apprenticeship period.

The bill also provides grants to public or private agencies to establish training and employment programs for offenders after their release. It supports work-release programs that allow the offender to gain realistic on-the-job training in a community. The participant could learn not only vocational skills, but also how to adjust to work-a-day community living.

Another program eligible for funding is a training program for important people in the offenders' lives—their families, parole officers, and other appropriate citizens—to sensitize them to the special employment problems of ex-offenders and their key role in the rehabilitative process.

A role is given to both the public and private sectors. The cooperation of the private sector in particular is paramount to the success of our job-oriented rehabilitative efforts. Unless the offender can feel part of the larger community again—as demonstrated by his ability to obtain a job—he cannot be expected to commit himself to a law-abiding life within it. My bill provides for a tax credit to employers of ex-offenders, after the offender has worked for 1 year, and it is agreed he will be kept on for another year.

Another section of the bill authorizes the Secretary of Labor to conduct various types of model programs specifically designed to increase the employment opportunities of offenders.

One is a probation subsidy experiment, under which the Secretary would make grants to certain States that agreed not to incarcerate offenders. Instead the States would keep offenders in the community and provide them with intensive counseling, vocational training, and other supportive services using the funds that otherwise would have been spent on incarceration.

Another model program is an ex-offender-oriented employment service. The bill would fund special units established in State agencies of the U.S. Employment Service, composed of specialized personnel responsible for placement activities. They would interview prisoners while in the institutions and give them special assistance in finding jobs upon release.

A third program is a project to aid selected States in shifting their juvenile offenders from reform schools to smaller community-based facilities or programs. Reform schools have proven just as ineffective and harmful as our adult correctional institutions, if not more so. Recidivism rates for the under-20 age group are higher than for any other age category—typically as high as 80 percent. This bill authorizes grants to selected States so they can close down their youth prisons, using their resources instead to place young offenders in halfway houses, group shelters, foster homes, and other community-based facilities. There the juveniles would be provided with special counseling services, education and vocational training, employment opportunities, and other supportive services designed to give them a true opportunity for rehabilitation. For the dangerously disturbed few, who must remain confined for safety's sake, grants are available to States to provide them with special psychiatric care.

The bill also includes two model programs which are designed to increase communication between inmates and correctional officials.

One is a project to determine the value of establishing ombudsmen in correctional institutions to help resolve prisoner grievances, which while sometimes petty, nonetheless have led to riot and disturbance. The bill authorizes grants to selected States for establishing prison ombudsmen, who would be responsible for dealing with inmate grievances on a day-by-day basis. Particular attention would be given to solving those problems involving prisoner work assignments, vocational training, and employment opportunities.

Should communication between prisoner and official break down, and a riot occur, however, we need an effective means to negotiate prisoner grievances without the bloodshed of violent confrontation. The bill thus authorizes funding for a project to evaluate the use of third-party professional mediators to resolve conflicts between inmates and officials during such critical times. Under this program, grants are authorized to establish mobile "crisis teams" who would be trained to negotiate agreements during prison riots or other disturbances. These teams would be comprised of professional negotiators from business, industry, and other appropriate fields. Grants available under this program would also cover any workshop sessions and training programs established to adapt arbitration skills to the specific area of prison conflict.

In addition to the above-mentioned programs, the Secretary may conduct other projects designed to improve inmate training and employment opportunities and the effectiveness of correctional personnel. It is important that the Federal Government support innovative programs that could have possible nationwide application and bring insight into new correctional techniques.

Federal, State, and local laws pose another significant barrier to an ex-offender's employment, since they often deny him access to certain positions because of his past record. In some States ex-offenders cannot obtain driver's licenses, work in establishments handling alcoholic beverages, or serve as beauty operators. I fail to see the necessity or value of such laws. They harm the offender's chances for rehabilitation, and threaten the community by increasing the likelihood that the offender will be forced back into crime. My bill authorizes the study of State laws that are statutory impediments to employment, so that we can best determine how to change them.

In order to bring about the reform so desperately needed in our corrections system, we need not only the right programs but also the right people to administer them. Without this key ingredient, it will be difficult if not impossible to implement our proposals.

The second purpose of this measure is to improve the effectiveness of correctional personnel. We need more aggressive programs of recruitment, training, and personnel management to fulfill a vital need in the overall correctional process.

Many correctional personnel are older than most inmates and have other differences that act as barriers to understanding and communication. Recruitment of correctional staffworkers is further hampered by restrictive physical requirements which are unrelated to any work that must be performed, and result in turning away many otherwise qualified applicants.

Training programs are also inadequate. Many guards qualify for their demanding, difficult jobs by simply passing a civil service examination and a physical. Most have a low level of general education—16 percent have not even completed high school. Yet, inservice training programs for correctional staff are extremely limited.

A national survey of correctional personnel conducted by the Joint Commission on Correctional Manpower and Training found that inservice training programs were available to only 7 percent of all administrators, 9 percent of all supervisors, 10 percent of all functional specialists and 14 percent of institutional lineworkers.

My bill attempts to overcome this deficit by giving funds to correctional agencies to expand their recruitment and training programs. Emphasis is on opening up the correctional field to a greater number of young people, women, and minority group members. Grants are also available to recruit volunteers and legal, medical, and other professional and paraprofessional personnel to assist in the area of corrections. Priority will be given to those programs that contribute to the elimination of artificial barriers to employment and advancement of correctional personnel so that tightly scheduled written examinations or unrelated physical requirements are removed as impediments to a correctional career.

Training programs will be extended to present correctional personnel as well as to the new recruits, which will include seminars, courses, and sabbatical leaves for educational purposes. Funds are also available for the development of courses and curriculum in cooperation with institutions of higher education to raise the general level of education of corrections staff and to inform them of new ideas in their field. Financial assistance will also be available for persons attending school to advance in a corrections career.

The Correctional Manpower and Employment Act also creates a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons that will focus on a long-term manpower development plan to meet the overall needs of the correctional system. The center will also arrange regional training programs as well as give technical assistance to correctional institutions.

I am making available to the Members of the House a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS OF THE CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1973

SEC. 2. Statement of Purpose.

This section declares it to be the policy of the United States to improve the correctional process by providing comprehensive manpower training and employment programs for offenders, and by improving the effectiveness of correctional personnel through better programs of recruitment, training, and personnel management.

SEC. 101. Grants to Correctional Agencies for the Training and Employment of Offenders and the Improvement of Correctional Personnel.

Authorizes the Secretary of Labor to make grants to any correctional agency for programs to improve training and employment opportunities of offenders and to improve the effectiveness of correctional personnel.

Manpower programs for offenders, eligible for assistance, include: training and employment programs in correctional institutions (including on-site and off-site work experience projects); research programs, training and employment programs in model community training and employment centers for juvenile offenders; diagnostic tests and interviews of offenders; training for offenders in finding employment; pre-release furloughs for offenders seeking employment; halfway houses for work-releasees; and methods of upgrading work in correctional institutions.

Programs to improve correctional personnel include recruiting and training programs, with priority given to those programs that help eliminate artificial barriers to employment and occupational advancement. These programs include attracting paraprofessionals through in-service training which would provide upward mobility into a corrections career; attracting young people, women, minority group members, volunteers, and legal, medical, and other professionals to assist in the area of corrections. Training programs eligible for assistance provide for use of private industry's resources; programs to retrain present corrections personnel; provision of sabbatical leaves; development of courses and curricula in cooperation with institutions of higher education; and financial assistance to persons attending educational institutions to advance in a corrections career.

Provision is also made for flexible work schedules, improved working conditions, promotional opportunities and health insurance for correctional personnel.

Sec. 201. Grants to Public or Private Agencies for the Training and Employment of Offenders and Ex-Offenders.

Authorizes the Secretary of Labor to make grants to any public or non-profit private department, agency, or organization to establish training and employment programs for offenders and ex-offenders, and programs to improve the effectiveness of correctional personnel. Provides that the Secretary may also make contracts with any profit-making organization for the employment of offenders, including related training programs and supportive services.

These programs include pretrial and other intervention programs which provide an opportunity to individuals who have been charged with an offense to participate in training and employment programs, prior to final disposition of their cases; programs offering a full range of public employment and advancement opportunities; training programs, established by Joint Apprenticeship Committees, with priority given for programs in which training time spent within the correctional institution is counted toward period of apprenticeship of offenders completing training: work-release programs, including programs in the area of environmental protection; professional and paraprofessional training programs; training programs for ex-offenders in the process of finding employment; and training programs for prospective employers, parole officers, family members of ex-offenders, and others to sensitize them to the ex-offender's special employment problems.

Sec. 301. Federal Programs for the Training and Employment of Offenders and Ex-Offenders and the Improvement of Correctional Personnel.

Authorizes the Secretary of Labor to conduct model or demonstration programs designed to facilitate the training and employment of offenders and their reintegration into the community, and to improve the effectiveness of correctional personnel.

Requires the Secretary to establish these programs on the basis of their potential effectiveness, and in areas having the most need.

These programs include the following: (1) a Probation Services project, under which the Secretary shall make grants to selected States of one-half the amount it costs to incarcerate an offender, if the States agree to keep certain offenders in the community and use an amount equal to the cost of their incarceration to provide them with intensive probation services, emphasizing vocational training and employment, (2) a State Employment Service project, which establishes in State agencies of the U.S. Employment Service special units composed of specialized personnel responsible for the job placement of ex-offenders, (3) an Ex-Offender Placement project, to assist in the placing of qualified ex-offenders who are denied employment for reasons other than their ability to perform, including difficulty in securing bonding, (4) a project for the employment of offenders in Federal assistance programs, (5) projects to determine the efficacy of closing down State reform schools, providing instead community-based treatment for juvenile offenders, (6) projects to determine the value of using professional mediators to resolve conflicts between inmates and correctional officials during prison riots and disturbances, and (7) projects to determine the value of establishing ombudsmen in correctional institutions to deal with prisoner grievances, especially those relating to vocational training programs and assignments and employment opportunities before and after release.

Sec. 401. Conditions for Assistance for All Applicants.

Requires any correctional agency or public or private agency desiring financial assistance to submit an application to the Secretary of Labor. Each application shall include assurances that the applicant will make use of the best available resources in developing their programs; appropriate evidence of community understanding and cooperation in the development or operation of offender training and employment programs in the community; provision for the involvement of industry, labor and employment personnel from the private sector of the economy, as well as educational and vocational education personnel; provision for utilization of trained professionals and paraprofessionals; and provisions meeting other administrative requirements.

Sec. 402. Conditions for Assistance for Correctional Agencies.

Provides that each application submitted by a correctional agency shall include certain additional provisions, including assurances that offenders participating in training and employment programs are selected on an objective basis; assurances that supportive services are provided along with training and employment; provision for the maximum utilization of work-release and the use of up-to-date training equipment; and assurances that prior arrangements have been made for release of participants upon satisfactory completion of training.

Sec. 403. Conditions for Assistance for Public or Private Agencies.

Provides that each application submitted by a public or private agency shall include certain additional provisions, including evidence of cooperation from the appropriate State department of corrections or correctional agency; and, in the case of a profit-making agency, assurances that employment will be provided for each offender who participates in a training program.

Sec. 411. Allocation of Funds—Equitable Distribution.

Requires the Secretary to establish criteria assuring equitable distribution of assistance by State, taking into account, among other factors, the ratio of the number of prisoners under 25 in each State to the total number in the country; the ratio of the number of prisoners in each State to the total population of the State; the ratio of the number of persons in the care of correctional agencies within each State to the total number in the country; the needs of the correctional agencies within each State in proportion to the needs in the Nation as a whole.

The aggregate assistance to the agencies and entities within any one State shall not exceed 15% of the funds appropriated.

Sec. 412. Allocation of Funds—Priority in Funding.

Provides priority in funding for programs assisted under this Act to be given to those most likely to be effective in meeting their goals. With respect to training and employment programs for offenders, priority shall be given to those in which arrangements are made with public or private employers for the employment of individuals participating in these programs.

Sec. 413. Allocation of Funds—Priority in Refunding.

Provides priority in continuing funding for programs assisted under this Act to be given to those applicants who show a high placement rate, taking into account either the relation of their placement rate to the gross national placement rate for all offenders or to the national rate for offenders having similar placement problems.

Sec. 414. Allocation of Funds—Installment Payments.

This section permits the Secretary of Labor to make installment payments to any grantees under this Act.

Sec. 421. Coordination and Program Linkages—Agencies Involved.

Requires the Secretary of Labor, the Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity to enter into agreements to avoid program duplication and to assure the combining of resources, maximum coordination, and joint planning between programs conducted under this Act and other programs administered by these officers.

Sec. 422. Coordination and Program Linkages—Education for Offenders and Correctional Personnel.

Requires the Secretary of Labor and the Secretary of Health, Education and Welfare to enter into agreements pursuant to which the Secretary of Health, Education and Welfare will provide education for offenders and ex-offenders and correctional personnel participating in programs under this Act, and will establish linkages between programs under this Act and education, vocational rehabilitation, and other similar programs.

Sec. 423. Coordination and Program Linkages—Volunteer Recruitment.

Authorizes the Secretary of Labor to make arrangements with the Director of Action for the use of volunteers recruited by the Director to assist in the operation of programs under this Act.

Sec. 424. Coordination and Program Linkages within Each State.

Authorizes the Secretary of Labor to enter into such arrangements as are necessary to ensure maximum coordination and joint planning between programs conducted under this Act within each State.

Sec. 431. Definitions.

This section defines the terms "correctional agency", "offender", and "State".

"Correctional agency" means, in addition to any Federal, State, or local jail or prison, any Federal, State, or local correctional department or agency, any community-based correctional facilities, such as half-way houses, prerelease and postajudicatory referral centers, juvenile homes and detention facilities, and other appropriate facilities.

"Offender" means any person charged with or convicted of an offense, including juveniles against whom proceedings have been brought.

"State" means any State of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Sec. 501. Additional Incentive for Employment of Offenders and Ex-Offenders.

This section provides for a tax credit for employers who place offenders or ex-offenders, certified by the Secretary as having successfully completed training under this Act, in employment or on-the-job training. Such employers may claim an income tax credit equal to 20% of the wages paid such employees in the first 12 months of employment, in the same manner and to the same extent as in the case of work incentive program expenses. (The amount of the tax credit for any one employer is limited to no more than the greater of $25,000 or 50% of his total tax liability in any taxable year, but amounts in excess of these limits may be applied to other taxable years under carryback and carryover provisions. Tax credits would be recaptured if the employer discharges the employee during the first 12 months of employment or within a year after the first 12 months of employment unless the employee leaves voluntarily or because of disability or is discharged for misconduct. The employee must be paid wages comparable to those paid to other employees of such employer who perform comparable services.)

SEC. 601. National Corrections Manpower Center.

This section establishes a National Corrections Manpower Center under the supervision of the Director of the Federal Bureau of Prisons. The purpose of the Center is to develop a long-term manpower development plan and program to meet the overall needs of the correctional system; provide technical assistance to correctional institutions in the development of correctional manpower; develop and provide both training programs and experts for the improvement of corrections personnel; and arrange regional training programs.

SEC. 701. Studies and Reports—Program Effectiveness.

Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education and Welfare, to conduct a continuing evaluation of programs under this Act to measure their effectiveness, particularly with respect to participants' recidivism rates. The Secretary is also required to submit to the President and Congress annually a detailed report of his findings.

SEC. 702. Studies and Reports—Statutory Impediments to Offender Employment.

Requires the Secretary of Labor to conduct a nationwide study of State laws resulting in statutory impediments to employment of offenders, in order to measure their effect upon the ability of ex-offenders to find jobs, and their resultant effect on recidivism rates. Requires the Secretary of Labor, through the Bureau of Labor Statistics, to compile other relevant information regarding offender employment opportunities, and to publish the results.

SEC. 703. Studies and Reports—Civil Service Commission.

Requires the Chairman of the U.S. Civil Service Commission, in consultation with the Secretary of Labor, to report to the President and Congress, no later than one year from the date of enactment of this Act, on the extent to which employment opportunities for offenders may be increased in the Federal service.

SEC. 801. Appropriations.

This section authorizes appropriations of $150 million for fiscal year 1974, $200 million for fiscal year 1975, and such sums as may be necessary for each of the next three fiscal years.

FEDERAL GOVERNMENT COMPETITION WITH AUDIOVISUAL INDUSTRY

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOLDWATER. Mr. Speaker, judging from numerous news stories in the past few months as well as the commentary that has taken place in the Congress in the new session, there is no doubt that big government will be the subject of lengthy debate in the years ahead. Statistics prove that the Federal Government has grown at an unprecedented rate in the last decade, and no one in the Congress needs to be reminded that Federal programs, bureaus, agencies, and departments touch virtually every facet of our lives.

A manifestation of the growth of the Federal Government is seen in the ever-increasing tendency to create in-house goods and services. There are over 18,000 in-house operations in Government, many that could and should be contracted to the private sector.

Together with my colleagues, Mr. BELL and Mr. CORMAN, I have introduced a bill (H.R. 2675) The Federal Audio-Visual Act of 1973, that would take steps to eliminate unnecessary Government competition with private industry in one of these areas, audio-visual material.

More than $300 million is spent annually by the Federal Government on audio-visual production. This makes the Federal Government the Nation's single largest producer of audio-visual material.

The Defense Department is one of the biggest offenders. In 1971 and 1972 they produced 12 films on one subject: "How To Brush Your Teeth." Venereal disease got almost as much attention; 10 films were manufactured on the subject.

Not only is there duplication of products within each Department, but there is also needless duplication of personnel and equipment between all agencies. Last fall I released a 66-page report on Federal involvement in audio-visual production based on a comprehensive study of the problem and specific inquiries to agencies to determine their role in this production. To my original inquiries 13 Government agencies declared they had a total of $15 million worth of audio-visual equipment. Investigation showed, however, that the Defense Department alone has more than $289 million worth of AV equipment. Six of the seven major agencies comprising the Department of Health, Education, and Welfare possess individual facilities, equipment, and personnel.

There was great discrepancy in the original Agriculture Department report and a subsequent report that was given to my investigatory team. It was to the tune of $310,000 in 1969.

The Defense Department made even more blatant errors. They reported to the Library of Congress that $9.7 million had been spent for AV activities. A report later issued by the General Accounting Office upped that figure more than $50 million—to $60.2 million.

The waste of taxpayers' money through duplication and mismanagement is just one portion of the inequities and inefficiencies created by Government competition with the private sector. There are hundreds of millions of dollars in radio/televison/film production facilities sitting idle and there are thousands of fine professional performing and technical personnel who are jobless. At any given time union members of the American Federation of Television and Radio Artists—AFTRA—and the Screen Actors Guild—SAG—are suffering 50 percent to 80 percent unemployment.

I discovered in my investigation that the Departments of Agriculture, Transportation, Labor, Interior, and Defense pay performers about one-sixth of the union pay scale.

The Federal Government must be induced to discontinue this direct competition with the private sector and to contract more productions to private audio-visual firms. This practice would result in a higher quality product and less duplication.

Of course, Government competition with the private sector is present in many other Government operations, and broadened investigation of Government in-house industrial and commercial functions is urgently needed.

The Federal Audio-Visual Act of 1973 is an attempt to end needless Government in-house audio-visual production; I hope that its purpose will trigger similar investigations in other areas. The text of the bill is as follows:

H.R. 2675

A bill to establish the Federal Audio-Visual Coordination Board, regulate production by Federal agencies of audio-visual materials, and provide certain labor standards in connection therewith

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Audio-Visual Act of 1973".

PURPOSE

SEC. 2. The purpose of this Act is to provide regulation and coordination of the use and production of audio-visual material by Federal agencies.

DEFINITIONS

SEC. 3. Where used in this Act—

(1) the term "audiovisual materials" means motion pictures, television video tapes, radio tapes, slide films, filmstrips, photographs, phonograph records, and transcriptions;

(2) the term "audiovisual supplies and equipment" means unexposed, unprocessed, or unrecorded films, tapes, and recording discs, and cameras, projectors, sound recording devices, and related equipment, but does not include any equipment or supplies which are primarily used for the reproduction (by photograph or otherwise) of documents, correspondence, and other paperwork;

(3) the term "employees" means actors, announcers, newsmen, singers, musicians, dancers, phonograph recording artists, laborers, mechanics, craftsmen, technicians, and any other supporting personnel engaged in the production of audiovisual materials;

(4) the term "production", when used in conjunction with audiovisual materials, means creating, preparing, editing, reediting, or reproducing such materials;

(5) the term "Board" means the Federal Audio-Visual Coordination Board established by this Act; and

(6) The term "Federal agency" means any department, independent establishment, commission, board, bureau, division, office, or subdivision thereof, and any corporation wholly owned by the United States, but does not include the Congress, the courts of the United States, the governments of the territories or possessions of the United States, or the government of the District of Columbia.

FEDERAL AUDIOVISUAL COORDINATION BOARD

SEC. 4. (a) ESTABLISHMENT.—There is established a board to be known as the Federal Audio-Visual Coordination Board.

(b) DUTIES.—The Board shall—

(1) work to achieve a coordinated and cooperative relationship between Federal agencies and the audio-visual industry of the United States;

(2) undertake systematic appraisals of Federal agency procurement, utilization, and production of audio-visual supplies and equipment; and promulgate standards to create uniformity and interchangeability, and increase economies;

(3) organize and supervise the administration of section 5, and prescribe such rules and regulations as are necessary to carry out this Act.

(c) MEMBERSHIP.—The Board shall be composed of eleven members as follows:

(1) the Deputy Director of the Office of Management and Budget;

(2) five members appointed by the President from persons who represent the audiovisual units of Federal agencies;

(3) five members appointed by the President who represent the private audiovisual production industry (two or more of such persons shall represent the organized labor sector of such industry).

(d) TERMS.—Members shall be appointed for terms of three years. A vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(e) CHAIRMAN.—The Chairman of the Board shall be the Deputy Director of the Office of Management and Budget.

(f) PAY AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (2) members of the Board shall each be entitled to receive $25 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

(2) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Board.

(3) While away from their homes or regular places of business in the performance of services for the Board, all members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(g) DIRECTOR AND STAFF.—The Board shall have the power to appoint and fix the compensation of a Director and a staff of not more than five persons without regard to the provisions of chapter 51 and subchapters III and IV of chapter 53 of such title relating to classification and General Schedule pay rates. The Director shall be paid compensation at a rate not to exceed the rate prescribed for level IV of the Federal Executive Salary Schedule, and any staff appointed shall be paid compensation at a rate not to exceed the rate of basic pay in effect for grade GS–11 of the General Schedule.

(h) EXPERTS AND CONSULTANTS.—The Board may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code.

(i) STAFF OF FEDERAL AGENCIES.—Upon request of the Board the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist it in carrying out its duties under this Act.

(j) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(k) MAILS. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(l) GOVERNMENT AGENCY COOPERATION.—All Federal agencies are authorized and directed to cooperate with the Board, and shall furnish to the Board, upon its request, any information necessary to enable it to carry out this Act.

AUDIOVISUAL PRODUCTION

SEC. 5. (a) GENERAL RULE.—No Government agency, except as provided in subsection (b), shall produce any audiovisual materials. All such materials shall be obtained from private sources.

(b) EXCEPTION.—Any Government agency may produce up to 25 per centum of the audiovisual materials which are solely for the internal consumption of such agency. Such 25 per centum shall be based upon the monetary value of the materials produced.

(c) ADJUSTMENTS TO STANDARD.—In these instances where the Board finds that a measure which is based entirely upon monetary value is either inequitable or unworkable, it is authorized to require such adjustments, or apply such other types of measure, as it finds necessary.

LABOR STANDARDS

SEC. 6. Every employee under a contract entered into by a Federal agency pursuant to section 5(a) or any subcontract thereunder, shall be compensated at rates not less than those prevailing for similar employees as determined by the Secretary of Labor in accordance with the Service Contract Act of 1965. Every contract, without regard to the monetary value thereof, made pursuant to section 5(a) of this Act shall be subject to the requirements and provisions of the Service Contract Act of 1965, notwithstanding the exclusions contained in sections 7 (1), (2), (5), and (6) of such Act.

EXEMPTIONS

SEC. 7. This Act shall not apply—

(1) where the audiovisual materials or production involved include information classified, or likely to be classified, pursuant to Executive Order Numbered 10501 (Safeguarding Official Information);

(2) where the audiovisual materials are used or produced by a Federal agency for the purposes of scientific research, testing, or development; or as part of official surveillance for crime investigation, administration of law enforcement activities, or collecting and compiling intelligence regarding national security;

(3) to restrict a Federal employee or member of the Armed Forces from appearing in any audiovisual material in which he is portrayed in a role which is contained in his job classification, but only if he is regularly employed by the Federal agency for which the audiovisual material is being produced and regularly functions in such role; or

(4) where the Board, by a vote of two-thirds of its members, has found it in the interests of the United States to provide an exemption.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 9. This Act shall take effect sixty days after the date of its enactment.

TO PROTECT CONFIDENTIAL SOURCES OF INFORMATION

(Mr. REID asked and was given permission to address the House for a minute, to revise and extend his remarks.)

Mr. REID. Mr. Speaker, I am today introducing a shield bill to give absolute and unqualified protection to journalists, authors, and news media from compulsory disclosure of or testimony about any information or its sources, obtained in their capacity as a journalist, before the Congress, any Federal court, grand jury, agency, or other body.

Mr. Speaker, I think that the press today is under the most serious attack in its history. What is at stake is the first amendment.

The actions of this administration in subpenaing reporters' notes pursuant to offensive Justice Department guidelines, in using the courts to prohibit newspapers from publishing through prior restraint, and in making charges of "ideological plugola" against the broadcast networks and seeking to influence program content through abuse of the broadcast licensing process, do grave damage to the fundamental principles of free press and free speech embodied in the first amendment.

In its most raw and repugnant form, the assault on our free press has in recent months included the actual throwing of news reporters into jail, some for indefinite periods.

Within the past year our heritage of a free press has been stigmatized by the jailings of: Edwin A. Goodman of WBAI, in an action in the New York courts in which the District Attorney's office sought production of tapes broadcast on WBAI; Peter Bridge, the New Jersey journalist, who spent 20 days in jail for refusing to answer certain questions put to him by a grand jury relating to his confidential communications with news source; William Farr, of the Los Angeles Times, who was jailed for refusing to disclose which lawyer in the Manson case gave him certain confidential and—by court order—secret documents; and John Lawrence, Washington Bureau Chief of the Los Angeles Times, in a matter relating to the Watergate case now proceeding in Washington.

These actions should be abhorrent to all Americans. They do fundamental violence to the most cherished of our constitutional values and freedoms. The jailing of newsmen is something we hastily deplore when perpetrated by foreign, less democratic countries. We must not tolerate it in our own free society.

Out of these considerations, I have concluded that the only effective guarantee against abuse of the press by overzealous grand juries, courts, and investigatory agencies is an absolute statutory protection of newsmen and authors against compulsory disclosure of any kind of information, whether published or unpublished, or sources of information, whether human, documentary, recorded, or otherwise.

The essential features of my bill are:

An absolute and totally unqualified privilege against compulsory disclosure of information or sources of information obtained or received by a person or organization while acting in the capacity of journalist or news medium;

Conferral of this privilege with respect to both published and unpublished information, including the person's mental knowledge, notes, film, recordings, photographs, outtakes and information in any other form whatsoever;

Comprehensive definition of "journalist" as including any employee or agent of a newspaper, magazine, radio or television station or network, or wire or news service, or book—including an author; and

Comprehensive definition of "news medium" as including any newspaper, magazine or other periodical, radio or television station or network, book or pamphlet, or wire or news service and any employee, operator, publisher, or agent thereof.

This extremely broad and comprehensive protection represents a departure from the qualified privilege bill which I introduced in the last Congress. The principal reason for this departure is the recent tendency of several courts, in construing state "shield" statutes, to place extraordinarily narrow interpretations on the privilege against compulsory disclosure and to rule the privilege not applicable in important cases.

Thus, in the Farr case in Los Angeles, a judge held the California privilege statute inapplicable, in part, because Farr was no longer a reporter even though he was at the time he received the confidential communications. Whatever else may be said of this opinion, it is logically impossible to defend the proposition that such statutes could do any good if reporters who once leave the profession are then required to testify as to confidences obtained during the course of their work as journalists.

Another aspect of the Farr case is the suggestion by the Court that since it had barred communication between all lawyers and the press, no statute—however broadly phrased—could limit the Court from requiring the reporter to testify as to the nature of any violation of his order. In this fashion, the California statute was turned on its head and the reporter, instead of being protected against forced testimony as to his source, was held required to testify precisely because the judge wanted to know who the source was.

Another example is that in the Village Voice case in New York in which the broad New York statute which contains no reference to confidentiality as a precondition for applicability, was held to require a confidential relationship between the reporter and his source. Absent such relationship, the Court held, the statute gave the reporter no protection.

Still again, in the Bridge case in New Jersey, the New Jersey statute was held not to apply on the ground that the paper for which Bridge worked—the Newark Evening News—was out of business at the time he was called to testify.

All these decisions reflect an unwillingness by the judiciary to give any but the most grudging interpretations to such statutes. When one adds to this the likelihood that the current administration will argue most broadly for any definition of "national security" or the like contained in any exception to a bill, one is led to the conclusion that the best solution is an absolute bill.

Mr. Speaker, I urge my colleagues to give the most serious consideration to this approach. In my judgment, anything short of this approach will fail to guarantee a free and unfettered press—a press accountable only to the American people it serves and not to Government authorities. We must not allow the press to be used as an unwilling investigating arm of the Government or the courts, and therefore we must not enact loopholes in our law which would allow this.

In its opinion in the Caldwell case last year, the Supreme Court invited Congress to enact "shield" legislation, stating:

> Congress has freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or as broad as deemed necessary to address the evil discerned.

Justice Potter Stewart, in his dissenting opinion in the same case, criticized the Court for showing "a disturbing insensitivity to the critical role of an independent press in our society." Let the Congress not be equally insensitive.

I hope the Congress will treat this matter with urgency. Every encroachment on a free press besmirches our constitutional heritage. We have witnessed far too many such encroachments already. Let us act promptly and decisively to close this sad chapter of our recent history.

Mr. Speaker, I ask unanimous consent that the text of my bill and a section-by-section analysis be included in the RECORD at this point.

FIRST AMENDMENT PROTECTION ACT OF 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That this Act may be cited as the "First Amendment Protection Act of 1973."

SECTION 2. Congress declares that:

(1) The values embodied in the First Amendment to the Constitution are currently under sustained and most dangerous siege.

(2) A well-informed public is essential to the survival of democratic government and it is thus of the highest priority that a free and unfettered flow of information be made available to the public.

(3) Such information cannot be provided the public unless journalists are free to gather, prepare, edit, analyze, comment on, write and broadcast news without fear of governmental restraint or sanction.

(4) Such information cannot be provided the public unless individuals with information can confide in journalists and rely upon them to protect their identities and their confidences and not to serve as governmental agents.

(5) Compelling journalists to disclose information gathered by them or the sources thereof inhibits and impedes the newsgathering process and the free flow of information to the public and thus violates the essence of the First Amendment.

(6) Journalists, in quickly and dangerously increasing numbers, have been compelled to disclose information gathered by them and/or sources thereof and have been ordered jailed for failure to make such disclosure.

(7) It is now urgently necessary for Congress to protect the values embodied in the First Amendment of the Constitution by providing protection for journalists and thus for the public as a whole so as to insure that the free and unfettered flow of information to the public is not limited.

SECTION 3. No journalist or news medium shall be required by any judicial, executive, legislative or administrative body of the United States or of any Commonwealth, Territory, Possession, or Trusteeship thereof, including, but not limited to, any court, grand jury, agency, department or commission, or by either House of Congress or any committee thereof, to disclose any information received or obtained while acting as a journalist or news medium.

SECTION 4. No journalist or news medium shall be required by any judicial, executive, legislative or administrative body of the United States or of any Commonwealth, Territory, Possession, or Trusteeship thereof, including, but not limited to, any court, grand jury, agency, department or commission, or by either House of Congress or any committee thereof, to disclose the source of any information received or obtained while acting as a journalist or news medium.

SECTION 5. As used in this Act, the following definitions shall apply:

(1) "Information" shall mean any written, oral or pictorial news or other material of whatever sort, whether or not published, including, without limitation, notes of journalists relating thereto, outtakes, tapes, recordings, films, photographs, and any and all other such materials in whatever form they may take.

(2) "Newspaper" shall mean any paper that is published and distributed periodically that contains information.

(3) "Magazine or other periodical" shall mean any publication which is published and distributed periodically that contains information.

(4) "Book or pamphlet" shall mean any book or pamphlet that contains information.

(5) "Radio or television station" shall mean any station, network, group or affiliation of stations, equipped to engage in the transmission by radio or television signals of writings, signs, signals, pictures, sounds and information of all kind, including all instrumentalities, facilities, apparatus and services (among other things, the receipt, forwarding and delivering of communications) incidental to such transmission, intended to be received by the public, directly or by the intermediary of relay stations.

(6) "Wire or news service" shall mean any group or affiliation of newspapers and/or radio and television stations engaging in gathering, transmitting and supplying information to its members.

(7) "News medium" shall mean any newspaper, magazine or other periodical, radio station, television station, book or pamphlet, or wire or news service, any employee or agent thereof, and any individual, partnership, corporation, or other legal entity owning, publishing or operating the same.

(8) "Journalist" shall mean anyone who is or has engaged in gathering, preparing, editing, analyzing, commenting on, writing, broadcasting or processing information for a newspaper, magazine, radio station, television station, book or wire or news service, and any employee or agent thereof.

(9) "Source" shall mean any person, document, record or animate or inanimate supplier of information.

FIRST AMENDMENT PROTECTION ACT OF 1973

SECTION-BY-SECTION ANALYSIS

SEC. 1. Entitles act the "First Amendment Protection Act of 1973," to emphasize the need for legislation to preserve and protect the principles of freedom of the press and the public's right to know embodied in the First Amendment.

SEC. 2. Declaration of findings that a well-informed public is essential to the survival of a democracy, and that protection of confidential relationships between newsmen and their sources is necessary to assure a free and unfettered flow of information to the public.

SEC. 3. Totally exempts any journalist—(defined as) reporter, editor, commentator, analyst, writer, news gatherer, photographer, cameraman, announcer, broadcaster, author, or any other employee or agent of a newspaper, magazine, radio or television station, wire or news service, or book—and any news medium—(defined as) newspaper, magazine or other periodical, radio or television station, book or pamphlet, or wire or news service and any employee, agent, operator, or publisher thereof—from compulsory disclosure before Congress or any Federal body of any information, (including reporters' notes, film clips, outtakes, recordings, photographs and all other materials in any form), whether or not published, obtained or received while acting as a journalist or news medium.

SEC. 4. Applies the identical exemption as in section 3 with respect to sources of information (whether human, documentary, recorded, animate or inanimate).

SEC. 5. Definitions (see above and text of bill).

TRIBUTE TO THE LATE HONORABLE OLIVER PAYNE BOLTON

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Ohio (Mr. MINSHALL) is recognized for 60 minutes.

Mr. MINSHALL of Ohio. Mr. Speaker, it is always difficult to say goodby to good and close friends, and especially so today as we join to pay tribute to our former colleague, the late Oliver Bolton, whose death December 13, has left a poignant vacancy in the lives of all who knew him.

Oliver Bolton served three terms in the House of Representatives, in the 83d and 84th Congresses and again in the 88th, adding his own luster to the distinguished public service rendered by both his father, the late Chester C. Bolton, a Congressman from 1929 until his death in 1939, and his mother, Frances Payne Bolton, Congresswoman from 1940 until 1969.

For a span of almost 40 years, this remarkable family gave their districts and the Nation the benefits of their unexcelled leadership and wisdom. Oliver never stood in the shadow of his magnificent mother, even during the periods in which they served together in the House, and this was a point of pride to both of them. As Ollie said, when he first came to Congress, he and his mother might not always vote alike, but "if we do, it will be coincidence and not much more than that. We will have arrived at our conclusions independently by individual processes." His mother agreed, adding with her characteristic candor:

> I don't know how he will vote on the big issues, although we have discussed many of them. The working of Oliver's mind always has fascinated me, for his thinking has taken many unexpected turns. I can never predict it.

While major votes did occasionally find them voting in opposition to one another, their basic philosophy of government was similar and they were leaders in many important legislative battles.

Oliver Bolton commanded through the strength of his own personality, convictions, wisdom and wit, the affection and respect of all who served with him. To those of us who had the privilege of knowing him well as a friend, he was an incomparable companion with a ready sense of humor.

It was with sorrow that we watched Ollie's career shadowed by his heart condition. But he made it more triumph than tragedy in his personal life. As he once explained in a newsletter to his constituents, following a heart attack, his illness had given him the ability to reexamine his convictions, shoring some up and discarding others. He wrote:

> Life, cannot be lived in a state of constant tension, but rather should be lived rationally and calmly with interest in all things, with concern for some and worry for none.

Ollie has left us now. We will miss him sorely, but with the thought always of his indomitable spirit, his joyous zest for living, his courage in the face of physical adversity, and his unconquerable faith in our great Nation's ability to achieve the greatest good.

To his beloved mother, Mrs. Bolton, to his charming wife, Adelaide, and his two fine sons and daughter, Mrs. Minshall and I extend our deepest, most sincere condolences.

I include an article from the Washington Post of December 15, 1972, at this point:

OLIVER P. BOLTON, EX-OHIO CONGRESSMAN, DIES

(By Jean R. Hailey)

Former Rep. Oliver P. Bolton, a Republican from Ohio, who with his mother, former Rep. Frances P. Bolton, also a Republican from Ohio, became the first mother-son team in the history of Congress, died Wednesday in Palm Beach, Fla.

Oliver Bolton, who was 55, served three terms in the House of Representatives. He first represented Ohio's 11th District from 1952 to 1956, when he decided not to seek re-election after suffering a heart attack.

His health later improved enough so that he ran again in the same district and was re-elected to a third term in 1962. He was defeated two years later when he ran for representative-at-large from Ohio.

His mother, who now lives in Mentor, Ohio, represented the 22d District of that state for 14 consecutive terms in Congress until her defeat in 1968. She succeeded his father, Chester C. Bolton, who was serving his fifth term in Congress when he died in 1939.

Oliver Bolton, who was born in Cleveland on Washington's Birthday, attended St. Alban's School here and later graduated from Harvard College. He also held a bachelor of law degree from Western Reserve University in Cleveland.

During World War II, he served with the intelligence section of the 5th Marine Amphibious Corps in the Pacific.

He soon became involved in Republican politics in Ohio, although years earlier, while he was a student at Harvard, he had ventured that he would never follow in his father's footsteps.

He recalled later that he changed his mind, after he served as chauffeur for his father during a campaign.

"I learned a lot about politics, and I've changed my mind about a lot of things," he said after he was first elected to Congress. "I first started then to see the workings of practical politics and some of the fallacies of textbook politics."

During his first two terms in the House, Rep. Bolton supported flexible farm price supports, foreign aid assistance, reciprocal trade agreements and civil rights. He served on the Post Office and Civil Service Committee and the House Administration Committee.

Although there were strong bonds of affection between Rep. Bolton and his mother, he insisted that there were no apron strings when it came to making decisions on national legislation.

"I want to make one thing clear," he said. "Mother and I may vote alike on some of the questions that come up in Congress. If we do, it will be coincidence and not much more than that. We will have arrived at our conclusions independently by individual processes."

His mother agreed on his independence.

"I don't know how he will vote on the big issues, although we have discussed many of them. The working of Oliver's mind always has fascinated me, for his thinking has taken many unexpected turns. I can never predict it," she said, without elaborating.

Oliver Bolton was stricken with a heart attack at the early age of 38 but returned to work in Congress in 1955 after months of enforced rest. In a news letter to his constituents, he explained that he had a new philosophy:

"You re-examine your philosophy, shore up some of your earlier convictions, discard others and—with the wider vision of one who has looked into the valley—you adopt broader ones . . .

"The weeks in the hospital have made you realize that life cannot be lived in a state of constant tension, but rather should be lived rationally and calmly with interest in all things, with concern for some and worry for none."

After he decided to retire, Rep. Bolton continued to be active in state politics. He served briefly as Ohio director of commerce.

Most of his time, however, was devoted to the investment business and to the Dover Daily Reporter and the Willoughby News Herald, which he published from 1952 to 1963.

During his third term, Rep. Bolton won a battle to put on public record the spending of congressional committees and the Capitol architect.

He attacked the U.S. Food and Peace Program's aid to Egypt and also spoke against a proposed wheat deal with the Soviet Union, charging it would bring "fantastic profits" to foreign ship owners such as Aristotle Onassis.

He further took off on Onassis when he publicly questioned the propriety of a cruise taken by the then Mrs. John F. Kennedy on Onassis' yacht in the Aegean Sea in 1963.

After his defeat in 1964, Rep. Bolton retired from politics.

In addition to his mother, he is survived by his wife, Adelaide; two sons, Charles P. and William B.; a daughter, Mrs. Jerome Grapry, and two brothers, Charles B. and Kenyon C. Bolton.

[From the Washington Star and News, Dec. 15, 1972]

OLIVER P. BOLTON, 55, SERVED IN CONGRESS WITH MOTHER

Oliver P. Bolton, 55, a former Republican congressman from Ohio, died Wednesday in a Palm Beach hospital of complications from the latest of several heart attacks. He lived in Mentor, Ohio, and spent winters in Florida.

Mr. Bolton and his mother, former Rep. Frances P. Bolton, also an Ohio Republican, were the first mother and son team to serve in Congress.

He was elected in 1952 and 1954, but did not seek reelection following a heart attack. He recovered and was elected to another term from Ohio's 11th District in 1962, but was defeated in the 1964 election for an at-large seat.

His mother, who was defeated in 1968, came to Congress in 1940, the year after the death of her husband, Rep. Chester C. Bolton, who had served in Congress since 1929. Her grandfather was Sen. Henry B. Payne, D-Ohio.

Mr. Bolton, while a student at Harvard University in 1936, told his father, he did not believe politics was an honorable calling. His father countered by inviting him to be his chauffeur for the rest of the campaign that fall.

"I learned a lot about politics," Mr. Bolton said, "and I've changed my mind about a lot of things since then. I first started to see the workings of practical politics and some of the fallacies of textbook politics."

When Mr. Bolton came to Congress he warned that he and his mother might not always vote alike. "If we do, it will be a coincidence and not much more than that. We will have arrived at our conclusions independently by individual processes."

Between 1952 and 1963, he was publisher of two Ohio newspapers, the Willoughby News Herald and the Dover Daily Reporter. After his second term in Congress he was appointed Ohio's director of commerce.

Mr. Bolton served on the House Administration and Banking and Currency committees. He supported civil rights legislation, flexibile farm price supports and reciprocal trade agreements, but opposed a plan to sell wheat to the Soviet Union.

He was born in Lyndhurst, Ohio. After graduating from Harvard he served in the Army during World War II and returned to school at then-Western Reserve University in Cleveland, where he received a law degree.

Besides his mother, he leaves his wife, the former Adelaide Brownlee, and two sons, Charles P. and William B., of Mentor, Ohio; a daughter, Mrs. Jerome Grapry of Paris, Ohio, and two brothers, Charles B., of Lyndhurst and Kenyon C., of Shaker Heights, Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL of Ohio. Mr. Speaker, it is a great privilege for me to yield to Congressman BILL STANTON from the 11th District of Ohio, who succeeded Ollie and since he has been here has done a magnificent job as a Member of Congress from the great State of Ohio.

Mr. J. WILLIAM STANTON. I thank my colleague from Ohio for yielding.

Mr. Speaker, it is with a feeling of deep personal sadness that I arise at this time to pay tribute to the late Oliver P. Bolton for I have had the privilege of being his Congressman these past 8 years.

All who served with Ollie Bolton would agree on one point: If you knew Ollie, you liked him. He had a personality unmatched by anyone I have ever met. He was able to bring out the best qualities in everyone he knew.

My personal knowledge of Oliver Bolton extends to a period immediately following World War II. First active in his mother's campaign for Congress, he decided in 1952 to run for the House from the newly created 11th Congressional District. It was my pleasure to work closely with him at that time and to share with him the thrill of victory on election night.

Mr. Speaker, only failing health kept Oliver Bolton from a brilliant political career. He was a man of great courage and ability: a man who had few peers as a public speaker, a man who called a spade a spade, and gained new friends and allies wherever he went.

When his heart would no longer take the heat of the political arena, he voluntarily retired in 1956 from Congress. In 1962, he answered an appeal from the leaders of our congressional district to return to Congress. However, his health did not improve and for a period of 15 years, it handicapped him far greater than most people ever realized.

Mr. Speaker, a recent editorial in Oliver Bolton's hometown paper, the News-Herald, which he once owned, said it better than I can:

> It would not be out of line to call him a great American. He was a man you couldn't help but love, a man you couldn't help respect; he was in every way a tremendous person.

I will miss him and so will everyone else who knew him.

To his wife, Adie, his mother, our beloved former colleague Frances, and the other members of his family I extend my sincere condolences.

Mr. GONZALEZ. Mr. Speaker, would the gentleman yield?

Mr. J. WILLIAM STANTON. I will be happy to yield to my colleague, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank my colleague who serves with me on the same committee, and I rise only to welcome this opportunity to join with the gentleman from Ohio (Mr. J. WILLIAM STANTON) who has just spoken, and with the other gentleman from Ohio (Mr. MINSHALL) in expressing my condolences and in joining at this moment concerning the fact that this very fine Ohioan and fine American has passed on.

Mr. Speaker, I was in my first year, and, in fact, had not gotten very far into that year in the Congress, when I met Representative Bolton. For a while we were neighbors. My first office assignment was on the seventh floor, room 1741, of the Longworth Building, and as a result I discovered soon that in this new constellation of faces Oliver Bolton was friendly. And we became fairly good friends considering the fact that he remained only for that one Congress after my first venture on this scene.

Mr. Speaker, I certainly share in the assessments that have been made of Oliver Bolton. He had a unique personality, and was warmhearted, friendly, down-to-earth. He was very much a human being; and he did not let the office go to his head. I sincerely regret that he has passed on. I cannot help but feel that he is still very, very useful. You could not know Mr. Bolton without feeling that you were talking to a very fine young man.

Again I thank the gentleman for allowing me to express my condolences at this moment.

Mr. J. WILLIAM STANTON. Mr. Speaker, I certainly thank my distinguished colleague, the gentleman from Texas (Mr. GONZALEZ), for his kind words.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. J. WILLIAM STANTON. I am happy to yield to my colleague, the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding to me. I think that Ollie Bolton held a rather unique position in this House as the famous son of a famous father, and a famous mother, both of whom served here in the Congress. Of course, his father, Chester, was here long before I ever served in the Congress, but his mother, Frances P. Bolton, Congresswoman Bolton—we called her "Congresslady"—was perhaps one of the most unique persons who ever served in this body. She was highly respected in the Committee on Foreign Affairs and highly respected on both sides of the aisle.

Oliver came to the Congress and served in a different district from that of his mother, but they served together at the same time. I cannot think of another family in the annals of the history of the Congress as a unique as theirs, with a father, mother, and son who served in the Congress.

Oliver Bolton served in this body, and he served honorably, efficiently, and well. Oliver was quite active in our political party, taking an extremely active part in it even though he did suffer from ill health. He was a friend of mine. I know we are all thankful for the contributions that he made, not only to the Congress of the United States, but to the Bolton family name.

Mr. J. WILLIAM STANTON. Mr. Speaker, I thank the gentleman from Ohio, and again I thank the gentleman from Ohio (Mr. MINSHALL), for taking this special order.

Mr. ASHLEY. Mr. Speaker, it was with the deepest regret that I learned of the death of our former colleague, Oliver P. Bolton, on December 13.

I have especially fond recollections of Mr. Bolton because we came to the House of Representatives at about the same time, we are essentially the same age, we are both from Ohio and we served together for a time on the same committee.

Oliver came naturally by his commitment to public service. The Bolton family is one of the most distinguished in Ohio and each of his parents served many years in the Congress with real dedication and distinction. But Oliver was much more than a thoughtful, intelligent Representative. He was a warm and gracious human being, with courage and resilience to overcome adversity and personal loss.

To the Bolton family I extend my deepest sympathy upon the loss of this splendid and outstanding gentleman. He served his community and Nation proudly and well, and many of us share the sense of loss which is felt so keenly by his family and close friends.

Mrs. SULLLIVAN. Mr. Speaker, we have had brothers and fathers and sons serving simultaneously in the House and the Senate—the Mortons, the Symingtons, and the Goldwaters, for instance—but the Boltons were the only mother and son to serve simultaneously in the House. Former Congresswoman Frances P. Bolton served here with such great distinction for so long and is so loved by all of us who have had the privilege of knowing her that when her son Oliver was elected from a different district of Ohio and came into the House where his mother was then a political star his role was a difficult one. Their views and votes on legislation were often different, and Congressman Oliver P. Bolton was often admonished in a good-natured way by other Members that "mother knows best."

During his service here, Mr. Bolton had the courage of his convictions and fought resolutely for what he believed in and earned the respect of all of his colleagues. During our second terms in the House, we served together on the Committee on Banking and Currency. He was an able and effective advocate of the legislative positions he favored and he contributed much to our deliberations. He was a popular Member of the House and his death has saddened all who knew him.

I express my deepest sympathy to his remarkable mother and to the other members of his family.

Mr. CARNEY of Ohio. Mr. Speaker, to those familiar with the personal and political achievements of the Honorable Oliver P. Bolton, formerly a member of the Ohio delegation, news of his passing has been received in a spirit of deep remorse. Throughout his lifetime he stood as a symbol of political integrity in the eyes of thousands, and his independence, innate honesty and unquestionable courage endeared him to the many fortunate enough to know him, both in his native Ohio and here in Washington.

Oliver Bolton was a graduate of Harvard College, class of 1939, and served his country for 5 years during World War II. Upon returning to civilian life, he studied law at Western Reserve University and entered politics with considerable enthusiasm. He was chairman of the Ohio Young Republicans in 1948 and 1949, and Young Republican's National Committeeman from Ohio in 1950 and 1951. He was nominated for Congress by his party in 1952 and elected.

As a Congressman, Oliver Bolton served on the Committee on Banking and Currency and the Committee on House Administration, performing with distinction. His knowledge of finance and his deep concern for fiscal responsibility made him a leader in committee and on the House floor.

As a member of the Ohio State Senate during the period of his service in Congress, I had occasion to meet with Oliver Bolton on numerous occasions, to discuss the problems confronting our State and our respective districts.

In all my dealings with him, I was impressed by the deep sincerity of his opinions and his intense desire to work for what he regarded as the benefit of his district, his State, and his country.

We were from different parties, he and I, and on many issues we were in total disagreement. But on many others we could, in fact, agree, and work together productively in friendship and harmony.

Oliver Bolton was an outstanding Representative during his time in Congress, and I wish now to commend his performance and praise the memory of a leader who will be missed by all who served with him.

Mr. McDADE. Mr. Speaker, no one who served with him here in the House of Representatives could be less than deeply moved by the announcement of the death of our former colleague, Oliver Bolton.

I served with Ollie Bolton on the Committee on Banking and Currency. I came to know him, not only as a fine and distinguished member of that committee, who knew the work of the committee well and who used that knowledge to serve his constituency and his Nation; I knew him also as one of the most charming, one of the most friendly, one of the most delightful men I could ever come to know.

There was an enthusiasm about everything he did that was infectious. He was a friend to everyone, and he had the complete respect of all.

He served here in the Congress with his mother. They represented the great State of Ohio here in Washington, and they represented it well.

To his family who mourn his passing I extend my deepest sympathy. He was a fine man, a distinguished man, a warm friend, and an outstanding public servant.

Mr. WHALEN. Mr. Speaker, I wish to join in extending sympathy to the family of our late colleague, the Honorable Oliver P. Bolton, who served the State of Ohio as a Member of the House of Representatives.

Ollie Bolton was a member of one of Ohio's distinguished families, a family which established a long tradition of public service, particularly in the House of Representatives. His father, Chester C. Bolton, served in the House from the 71st through 76th Congresses, and his mother, Frances P. Bolton, was a Member of the House for 14 consecutive terms.

Among Ollie's major contributions to our Nation's progress was his farsighted interest in making more congressional records available to the public. He played an instrumental role in opening for public scrutiny congressional financial information, particularly with respect to committees. In an era when the public's "right to know" is of vital importance, we, as Members of the House and as citizens of the United States, appreciate Ollie's foresight.

His friendliness, integrity, and perception attracted me to him during our brief association in the late 1950's. It was these same qualities which, through the years, earned him the respect and friendship of those constituents and congressional colleagues who were privileged to know him.

Mrs. Whalen joins me in extending to former Congresswoman Bolton and to Ollie's family our sincere condolences.

May he rest in peace.

Mr. BENNETT. Mr. Speaker, it is with great sadness that I speak of the passing of our former beloved colleague Oliver Bolton. I remember with great pleasure how we worked together on a number of projects—one in particular was to have a patriotic and inspirational content in our postage stamps, a thing which is now a well-established policy. Like his mother, our former beloved colleague, Frances Bolton, he brought to Congress high ideals and warmth and humanity which will long be remembered together with the substantial contributions of both of the Boltons as major legislators. My family and I extend our deepest sympathy to his widow and family and to his mother and her family as well. We will long miss Oliver and remember him not only for his good work in Congress but for the warm personal friendship which he generously gave to all of us.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was with deep regret that I learned of the passing of our former colleague, Representative Oliver P. Bolton. He was a fine man and a distinguished American.

It is especially sad since he was still in the prime of life. But during his life he served his country well, and no man can ask for more.

Although I was not privileged to serve with him, I grew to know and admire his mother, our colleague Mrs. Frances Bolton. Oliver and his mother were the only mother and son team ever to serve in the House of Representatives. They were quite a team, and the people of Ohio were served well by their diligent endeavors.

My deepest sympathies are extended to Mrs. Bolton. I know that she was her son's greatest source of support and inspiration. As she will miss him, so shall we all.

Mr. BROWN of Ohio. Mr. Speaker, it is with a profound feeling of sadness that I address my comments to the death some weeks ago of our former colleague and long-time friend Oliver P. Bolton.

The Bolton family has enjoyed a record of public service to the State of Ohio and to the Nation almost unparalleled in our Nation's history. Ollie Bolton's great contributions to that tradition were both well known and respected by the voters of Ohio and his colleagues on the Hill.

My personal relationship with the Bolton family extends back to childhood when my father and Ollie's late father, Chester C. Bolton, served together in the House. When the senior Mr. Bolton died, he was succeeded by his widow, Frances Payne Bolton who served until 1968. During that time, young Ollie undertook his own separate political career and eventually served with his mother and my father in the House during the 83d, 84th, and 88th Congresses. And then in 1965 it was my privilege to come here to serve with Mrs. Bolton for a short time. But Ollie's service in the House preceded mine and so I never had the opportunity to serve personally with him.

Ollie had early been identified as one of the rising young political stars in Ohio, and following his three terms representing Ohio's Third Congressional District, he ran for the State's Congressman-at-large seat in 1964. Unfortunately, that year was not a good one for Republicans and he was defeated. Such a loss can be tolerated as one of the transitory fortunes of politics. The real loss came when coronary disease obliged Ollie, for the sake of his family and himself, to give up the strenuous life of politics. The loss was not so much his as it was a loss to the people of Ohio and the Nation because he had on him the mark of greatness and within him the capacities of character, commonsense and persuasive leadership to give his State, his party and his Nation many years of devoted and capable service.

Ollie had the necessary dedication, too. The Boltons never participated in politics as a means of paying the family bills. They considered public service one of the obligations, like their many pilanthropies, which came with wealth. But Ollie could not have worked harder had he been poor than he did in the pragmatic business of campaigning or in the philosophic business of espousing his viewpoint on legislative matters. And he always did it with an articulate deftness and an appealing humor that won the friendship of his adversaries, if not their votes. He was a great guy as well as great politician.

The Browns have felt the deepest ties of affection for the Bolton family, and we now extend our sympathies in the passing of one of its members.

The death of Oliver Bolton represents the loss of a dear friend to those of us who knew him and the loss of a true public servant to the citizens of Ohio and the Nation. We shall miss him greatly.

Mr. VANIK. Mr. Speaker, I would like to join with my colleague from Ohio (Mr. MINSHALL), and the other Members here today, in paying respect to our former colleague, the Honorable Oliver P. Bolton.

Our colleague, Mr. Bolton, was a member of one of Ohio's—and the Nation's—most remarkable political families. He himself served three terms in the House of Representatives and was active in civic and community activities throughout his life. He was former secretary of commerce for the State of Ohio, a major newspaper publisher, and a member of the Kent State University board of trustees.

During his service with us here in the House, he had the distinction of having as a colleague his mother, the Honorable Francis P. Bolton. Together, his mother and father—the late Chester C. Bolton—served in the House for a remarkable total of 40 years.

We who served with "Ollie" will miss his presence and the warm association of his company. We all extend our deepest condolences and sympathy to his mother, to his wife and children, and to his brother. I hope that this family will be strengthened in the widespread appreciation of his devotion and dedication to the public service.

Mr. COLLIER. Mr. Speaker, it is hard to realize that our former colleague, Oliver P. Bolton, has broken from the ranks. A comparatively young man, it seemed that he had many useful years of service ahead of him.

Oliver Bolton served his Nation well, first as a soldier during World War II, when he acquitted himself bravely, and later in the political arena, where he performed with great distinction. He found time also to make a name for himself in the fields of law and journalism.

While I mourn his untimely passing, I am grateful that his paths and mine crossed frequently during the years. My deepest sympathies are extended to the members of his family. May God comfort and sustain them in the days ahead.

Mr. RHODES. Mr. Speaker, with the death of Oliver P. Bolton the United States loses one of its ablest and most intelligent citizens. Mrs. Rhodes and I lose one of our closest and dearest personal friends.

Oliver Bolton and I came to Congress together in 1953. He was one of the original members of the S.O.S. group, and had much to do with the 83d Club and its activities. Ollie was probably the most popular member of the 83d Club. He never said or did anything which was unkind or demeaning to any person, and always had a jovial word and a slap on the back for his colleagues. Being around him made you feel that the day was just a little bit better than it had been before he came on to the scene.

Oliver Bolton was a fine Congressman. He represented his district and the people in it conscientiously and well. His voice was only raised in the interests of his country, his State and his district as he saw them. His opinions were sought after and heeded.

Ollie was a great citizen of this country, but he was also a devoted father, husband and son. Knowing the Bolton family has enriched the lives of many of us. Certainly, the mother-son combination of Frances P. Bolton and Oliver P. Bolton represented a great team working for our country and its people.

Mrs. Rhodes joins me in extending our deepest sympathy to Adie Bolton and her family upon this loss, which we share.

Mr. CEDERBERG. Mr. Speaker, the sudden passing of my good friend and former colleague Oliver Bolton came as a real shock. Ollie served in this body with great distinction. It was my privilege to have known him not only as a colleague but as a warm personal friend. We both came here in the 83d Congress. Those who served with him know what a warm and jovial personality he was. After he retired from Congress several years ago he still maintained an active concern for the affairs of Government and he never forgot the friendships he made here. Peg and I had the privilege recently of visiting Ollie and Adie at their home in Palm Beach. Even in adversities of health his warm and congenial personality never changed.

Peg and I extend our deepest sympathy to his lovely wife Adie and family and to his mother Mrs. Bolton with whom we also served for many years. May the memory that he was a wonderful husband, father and son who served his country with such dedication sustain them in their time of bereavement.

Mr. CLANCY. Mr. Speaker, I mournfully commend to my colleagues' attention the passing and death of former Congressman Oliver Payne Bolton, a member of one of Ohio's most honorable and prestigious political families.

Oliver Bolton served in the 83d, 84th, and 88th U.S. Congresses. Both of his parents were Members of Congress as was his maternal great grandfather. His father was Chester Castle Bolton who had a distinguished record of military service during World War I and served in Congress from March 4, 1929, to January 3, 1937, and for 10 months in the 76th Congress until his death.

Mrs. Frances Payne Bolton succeeded her husband, was reelected to 14 succeeding Congresses and to the 91st U.S. Congress. She was a granddaughter of Henry B. Payne who served in the 44th Congress and was a U.S. Senator from Ohio from March 4, 1885, to March 3, 1891.

Treading in ancestral footsteps, Oliver Bolton was 24 years old when America entered World War II and he served 5 years in the military, including a tour with the 5th Amphibious Corps in the South Pacific. After discharge, he completed his legal education and was admitted to the bar in 1947.

Subsequently, he was elected chairman of the Ohio Young Republicans for 2 years, was national committeeman to the Young Republicans 2 more years, publisher of two newspapers from 1952 to 1963, Ohio State Director of Commerce and, finally, an investment banker in Mentor, Ohio.

Oliver Payne Bolton was only 55 when he died last December 13. He had made himself always available for consultation on matters of public service. We, who knew him and came to admire and respect him down through the years, shall miss his sage advice and willing counsel.

Mr. ASHBROOK. Mr. Speaker, I want to join my colleagues in the House to pay special tribute to my good friend and valuable public servant, the late Oliver P. Bolton of Ohio. Ollie was always one of my favorites because of his warmth and friendliness. I first became associated with Ollie when I was in the Young Republican National Federation in the middle fifties. At that time he was one of the most energetic young Members of Congress.

When I first came to Congress in 1961, I was able to know Oliver P. Bolton in a different capacity, as a colleague and fellow candidate. My previous high regard for him was multiplied many times by my good fortune in working closely with him in the House of Representatives during the 88th Congress and on the campaign trails.

Ollie Bolton generated a warmth and a concern and was one of our most popular statewide candidates. Unfortunately, 1964 was not a good year for Republicans and Ollie's brilliant career, already partially hindered by problems of health, came to a close. Even after that, Oliver Bolton was active and interested in politics and the Republican party and it was my good fortune to have our paths cross often.

I extend to his family my sincere regrets at his untimely passing. I know their loss is somewhat diminished by the knowledge that he was truly loved and respected by his friends and colleagues in Congress and thousands of people throughout his congressional district in the State of Ohio. Ollie Bolton set very high standards and was an inspiration to us all.

Mr. DERWINSKI. Mr. Speaker, our late colleague, Oliver Bolton, was an outstanding Member of this body during the period when he served as a Member of the House from Ohio. I join my colleagues this afternoon in paying respect to his memory.

He was a very effective Member, respected by those of us who were honored to serve with him, for his knowledge of legislative procedures, his skill in debate, and the great devotion with which he fulfilled his assignment as a representative of the public. He was a respected and effective Republican political leader in Ohio as well and, in his legislative and political activities, he set an example which shows the best in American public service. Oliver was also a very friendly and congenial companion, a true friend, and one of the finest individuals with whom I have had the opportunity to serve.

We also recognize that he served in the best traditions of the great service that his family has given to public office, serving as he did in the same body in which his father and mother served as Representatives.

Mrs. Derwinski and I send our condolences to his wife, Adelaide.

Mr. MINSHALL of Ohio. Mr. Speaker, I would like to include among the tributes being paid to Oliver Bolton today the warm words of affection spoken for him by another former colleague of ours, William H. Ayres.

TRIBUTE TO OLIVER BOLTON

Ollie Bolton was unique amongst men, unique amongst Congressmen, unique amongst friends.

I doubt if Ollie Bolton had an enemy. If he did they never made such an admission. Mary Helen joins me in saying "Mrs. Bolton, your late son, Ollie, died too young. Fortunately, his sons will carry on the heritage. What they have been left shall never die.

My deepest sympathy to Ollie's widow, Adie. Her strength is too great to ever weaken.

Mr. ROYBAL. Mr. Speaker, it is with a deep sense of personal loss that we take note of the passing of our friend and former colleague, the late Oliver P. Bolton.

Following in the footsteps of both his father and mother, Oliver Bolton served as a member of this body with honor and distinction. He will long be remembered as one of our outstanding Congressmen—one who brought to his office a wisdom and judgment that distinguished his service in the House of Representatives.

To his family, friends, and associates I extend my sincere sympathy.

Mr. MURPHY of New York. Mr. Speaker, it is with a feeling of deep regret that I join with my colleagues in mourning the passing of Oliver Payne Bolton, our former colleague from Ohio. He was a man sincerely concerned with the preservation of democracy in our great Nation. He was a champion of freedom, for not only this country, but for all countries who were threatened or oppressed by outside forces.

He distinguished himself with a rich and varied career as soldier, newspaper publisher, Congressman, public servant, and banker.

When America went to war in 1941, Mr. Bolton, as a member of the 107th Cavalry of the Ohio National Guard, entered active duty and served his country for 5 years, until 1946.

His first political experience was gained with the Ohio Young Republicans, an organization which he served as chairman in 1948 and 1949, and as the Young Republicans national committeeman from Ohio in 1950 and 1951.

Bolton also distinguished himself in the field of journalism as publisher of the Lake County News Herald, Willoughby, Ohio, and the Daily Reporter, Dover, Ohio, during the fifties and early sixties.

He was first elected to Congress in 1952, capably representing his district during the 83d and 84th Congresses. After a tenure as director of commerce for Ohio, he returned to the House of Representatives for the 88th Congress.

During his final years, he was a partner of Prescott, Merrill, Turben & Co., investment bankers. He will be remembered by his many friends both in public service and in the private sector.

Mr. REUSS. Mr. Speaker, I appreciate this chance to join in paying tribute to our late colleague, Oliver P. Bolton, who died on December 13.

We all know—it was amply played up throughout his career and again in his obituary notices—that Oliver Bolton was "part of the first mother-son team to serve in the House."

But it would be unfair and unfortunate if this "first," impressive though it may be, became his prime lasting identification.

Oliver Bolton deserves to be remembered not simply for family relationships, but as a concerned and conscientious Congressman in his own right.

The tragedy of a heart attack suffered when he was just 38 years old interrupted a promising congressional career after two terms in 1956.

Months of enforced idleness gave him a chance to hone his own philosophy: he decided that "life cannot be lived in a state of constant tension, but rather should be lived rationally and calmly with interest in all things, with concern for some and worry for none."

Sufficiently recovered to take on his House duties again in 1962, he won reelection and returned to exhibit his interest and concern anew.

Serving with him on the House Banking and Currency Committee, I found him to be both a legislator who did his homework on matters before the committee, and a true gentleman at all times. He cared about people, and he showed it.

I extend my sincere symathy to his mother, former Representative Frances P. Bolton; his wife, Adelaide, and his family.

Mr. BOB WILSON. Mr. Speaker, there is little that I can add to the beautiful eulogies for our departed colleague, Oliver Bolton, of Ohio.

Ollie was one of my best friends, having arrived in Washington as a newly elected Congressman the same day I did. Ollie had many outstanding attributes, one of the most important of which, in my opinion, was his boundless enthusiasm for life. He was a man of tremendous energy and yet he always took the time to be courteous and kind to those with whom he dealt.

As one member of the unique team of mother-son legislators, Ollie showed great respect and admiration for his mother, Representative Frances Bolton, and yet he at times showed his independence by voting differently than she.

I extend my sincere condolences to his wife, Adie, and their children and especially to his mother who made such a remarkable name for herself while serving in this body.

Mr. BROYHILL of North Carolina. Mr. Speaker, it was with great sorrow that I learned of the passing of our former colleague in the House of Representatives, Oliver P. Bolton. Although Ollie had not served in the Congress since 1965, I know that he is fondly remembered by many Members here.

Ollie Bolton came from a distinguished and politically active Ohio family with a tradition of Government service. First elected to the 83d Congress, he served in the House of Representatives from 1953 to 1957. After dropping out of public life for a short period, Ollie was reelected to the 88th Congress in 1962. This was the year I was first elected to the House, and Ollie and I became close friends at that time.

I greatly respected him for his grasp of national problems and his legislative abilities. It was a privilege to serve with him in the House of Representatives and an honor to have been his friend. I would like to extend to his family my sincere condolences on their loss.

Mr. BROOKS. Mr. Speaker, when one of our former associates in this body dies the whole Congress seems touched with a sense of sadness and humility. We say to ourselves, in due time there go I, and we reflect on what, if anything, we have done, or will do, worthy to be remembered in the short span we are privileged to walk and work in this House.

Oliver Bolton was my friend. We were not close—did not serve on the same committees—were not of the same party; but, as a fellow representative of the people we each, in our own way, worked in this Hall to hammer out on the anvil of controversy and compromise, the legislation of our day.

His service here was short. Plagued by ill health he served two terms—from 1953 to 1957—and then in 1963 returned for another term. Born on George Washington's Birthday in 1917, he died at the early age of 55 years.

Who can say what Oliver Bolton, son of a distinguished father and mother who both served long and ably in this House, might have done had not Providence decreed for him a short and interrupted service in this body?

The concern of all of us, I hope, will be of comfort to his mother and his loved ones. I consider it a privilege to participate in paying tribute to him and to his service as a Member of the House of Representatives.

Mr. WON PAT. Mr. Speaker, on behalf of the Americans of the Territory of Guam and myself, I take this opportunity to join my colleagues in paying our respects to the memory of the late Congressman Oliver P. Bolton, who unfortunately passed away this past December.

Congressman Bolton was truly a credit to his country and his absence will be undoubtedly felt by his friends and former colleagues. During the late Congressman's service in the House, he was an active supporter of legislation which was beneficial to his fellow Americans on Guam. Men such as Congressman Bolton have done much to maintain the high standards of this legislative body, and he will be sorely missed.

GENERAL LEAVE

Mr. MINSHALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the life, character and public service of the late Oliver Payne Bolton.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE TRUE STATE OF THE UNION OVERVIEW

The SPEAKER pro tempore. Under previous order of the House the Chair recognizes the gentleman from Ohio (Mr. STOKES) for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, in March 1971, the Congressional Black Caucus met with President Nixon in the White House. At that meeting, we presented 60 recommendations to the President and we told him that—

> Our people are no longer asking for equality as a rhetorical promise. They are demanding from the National Administration and from elected officials with regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of results.

The President's reply to our document came to us 2 days after the deadline date which we had set for his response. His document consisted of 115 pages—took 2 months to prepare—and according to his own admission, was compiled by 200 people. The man-hour cost of 200 people working 60 days on this document was well over a million dollars.

Yet the document said nothing. It amounted to a recodification of his administration's policies and goals, which were after all, the reason we went to see him in the first place. And yet, it had been the President himself who, at our meeting said to us:

> I appreciate the candor with which you gentlemen have spoken here this afternoon. If I were in your shoes—if I were seated in your places at this table, I would speak with the same deep commitment and concern with which you have spoken.

And then, unsolicited, the President added:

> Your people have not gotten a fair shake in this country. . . .

Unfortunately, the President's printed document did not reflect his spoken sentiments. In addition, subsequent statements and programs have shown us that the President carries an extremely low and distorted estimate of the real needs of minority, poor, and disadvantaged Americans.

On January 20, 1973, in a perverted twist on the message of John F. Kennedy, President Nixon callously exhorted the American people:

> In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself?

The question is a dangerous one in an era when people's ability to help themselves is dwindling and when a Federal commitment to humanity is needed more than ever before.

People are helpless when they are uneducated; or poor; or sick; when they are at the mercy of drug addicts and pushers; when they are out of work; when living costs spiral upward beyond their reach; when they live in unsanitary and indecent housing, when they are a minority in a racist nation; and when they are victims of a foreign policy that few believe in. The number of people who lack the tools to become self-reliant is on the rise in the United States today. The fact that this administration intends to keep those necessary tools locked away—and will award the key only to the privileged and the powerful—was signaled to us in both the inaugural address and the 1974 budget.

The Congressional Black Caucus does not intend to sit idly on the sidelines while corporate and vested interests take bread from the mouths of the poor. Over the past 4 years we have learned that self-reliance is a virtue which is demanded only from minorities, the poor and the disadvantaged; no one told Lockheed and Penn Central to pull themselves up by their bootstraps. That is the central fallacy in Mr. Nixon's exhortation. It is one which the Congressional Black Caucus intends to expose and to combat—with legislative programs and congressional action.

We, too, would like to believe in self-reliance, but we see it as a goal. It is not, as Mr. Nixon would have us believe, a means. The means to the end of self-reliance lie in a Federal commitment to the fulfillment of human and social needs. The legislative package which we intend to produce would meet the needs of minority, poor and disadvantaged Americans. It would give people the tools they need to lift themselves out of the quagmire of despair and of helplessness.

AN ALTERNATIVE

Today, the members of the Congressional Black Caucus stand together in this Chamber to present an alternative to what the President has to offer. The President perceives our society and the solutions to our problems in one way; we have a different perception. We are not afraid to see inequality and injustice—problems that are crying out for solutions. We do not shy away from the challenge of completing a task. We believe that this Congress can, at any time, reassert its powers on behalf of the American people and we intend to help lead this body out of its lethargy.

Today, the members of the Congressional Black Caucus present a report on the true state of the Union. Each section of this document discusses the past record and offers alternatives for the future.

DOMESTIC NEEDS

We begin from the premise that, in this richest and most advanced technological Nation, poverty is a shameful anachronism. The Federal Government has the power to eradicate poverty. In the absence of jobs, the welfare system must be revised to provide an adequate income for every American citizen. At the same time, the Government must institute a program of full employment. It should evolve new and more effective manpower training techniques and create millions of jobs in both the public and private sectors. We will oppose the budget's proposed $600 million cut in manpower programs and its termination of the Job Corps program. The Congressional Black Caucus will work toward full employment. In the meantime, we will promote legislation which assists employable persons during the transition period and permanently provides for the disabled and the disadvantaged.

We do not believe that inflation should or can be fought with unemployment. The proper means of combating inflation is an effective stabilization program. Phase II should have been succeeded by an improved and strengthened stabilization effort—it should not have been scrapped.

We will watch the implementation of the revenue-sharing program with close attention. We are aware of lapses and inequities in the present law and we intend to fill an oversight function which the administration appears to have abdicated. Special attention will be paid to civil rights compliance within the revenue-sharing program. We will fight against proposed special revenue sharing in the areas of manpower, education, and community development.

Recent years have witnessed a great disparity between promise and performance in education, health, and housing. It is to the everlasting discredit of this President that he has vetoed an unprecedented number of education, health, and housing bills. Where the veto has failed, impoundment has succeeded. The Congressional Black Caucus will take part in what we hope will be a massive action by this Congress to prohibit the impoundment of appropriated funds.

The Law Enforcement Assistance Administration, with its block grant approach to funding, was billed as a comprehensive solution to the problems of our criminal justice system. Black people and poor people suffer most from the ravages of crime, because they live in areas where crime rates are highest. They also suffer from racial discrimination by the police, in the courts, and in the corrections system. LEAA has failed to provide the innovative leadership necessary for real reform in the administration of criminal justice. Instead, it continues to devote huge sums to the purchase of weapons and hardware for local law enforcement agencies. The rhetoric of "law and order" must be replaced by creative, constructive efforts to deal with the causes of crime and retribution must be replaced by rehabilitation.

A spirit of innovation is desperately

needed to solve the growing problem of narcotics addiction and drug-related crime. Our Government must attack this scourge at its source, by taking retaliatory action against those countries which grow and process the heroin being sold on our city streets and in our schools. We need treatment and rehabilitation facilities and we need drug education programs. Addiction must be treated as a sickness and not a crime. The Government must be willing to take on the forces of organized crime if it is to win our national battle against narcotics addiction.

Innovation must also be applied to the rooting out of racism in the military. Our own research and recent events have proven beyond doubt that our Armed Forces have institutionalized the practice of racism. We believe that the justice which we demand in all walks of daily life must be extended to our armed services.

The difficulties that disadvantaged Americans face nationally are especially acute in the District of Columbia, where nearly a million Americans are denied adequate representation. The Black Caucus will provide the congressional leadership to rectify this situation.

FOREIGN POLICY

Just as our concerns do not stop at the boundaries of our congressional districts, they do not cease at our national borders. We are concerned about oppressed peoples in other lands, particularly on the African Continent and in Southeast Asia. We advocate a complete reassessment of our Nation's foreign commitments. We deplore this Government's sympathy with the white minority in Africa and we intend to resist all Presidential and congressional efforts to aid the Portuguese, the Rhodesians, and the South Africans in their practices and their wars of oppression. This is essential in light of our belief that, unless immediate steps are taken to fulfill our stated commitment to majority rule at home and abroad, Southern Africa might well become our next Vietnam.

We are unalterably opposed to this country's dual practice of colonialism and imperialism, and we have seen the disastrous effects of those policies in Indochina. We will participate in congressional action to make future Vietnams—future unauthorized and unconstitutional wars—impossible.

We watched as, over the years, officials attempted to justify this country's military presence in Southeast Asia on the grounds that we could not abandon our allies. Billions of dollars and millions of lives were wasted because our Government did not ask the same self-reliance from the South Vietnamese as it did from minority poor and disadvantaged Americans. We demand that the American people be afforded the same advantages and the same assistance that our Government poured into a land halfway around the globe.

COMPLEX PROBLEMS NEED COMPREHENSIVE SOLUTIONS

The President has inflamed racism by exploiting the issues of busing, quotas, and law and order. We will persist in exposing his inflammatory and simplistic rhetoric for what it is—while advocating programs which provide comprehensive solutions to problems that we recognize as highly complex. In an era when civil rights and liberties are under attack on every front, we will seek to expand those rights.

With each new veto and each new revelation of impounded money, minority, poor, and disadvantaged people have been put on the defensive. It is wrong that when the number of poor Americans is increasing, when new and better Federal programs are desperately needed, the poor are being made to retrench and to defend programs which were insufficient to begin with.

The American public has been asked to believe that the inadequacies in past programs—such as OEO, title I, 235 housing or Hill-Burton—make the goals of those programs unrealistic. We disagree. The goals of the poverty program, of equality in education, housing, and health care remain goals to work toward. We would expand past programs which worked and replace those which did not. In this spirit, we will work for the continued existence of programs which are threatened by the 1974 budget. Some of these are OEO; legal services; regional medical planning; comprehensive health service grants; maternal and child health project grants; NIH research; emergency school assistance; elementary education development grants; Project Followthrough; funding for titles III and V of ESEA; drug abuse education; Model Cities; urban renewal; and new communities. These are only some of the major cuts. Taken as a whole, the budget presents a clear view of the distorted and perverted priorities of this administration.

EMBARKING ON A LEGISLATIVE PROGRAM

This, then, is the true state of the Union as we see it. After over a year of hearings in which we collected data that had never been assembled before, we now embark on a legislative program in this Congress. We believe that a strong Congress is absolutely essential to thwart the repressive and inhumane impulses of this administration.

We sense growing support in this Chamber for our positions on many issues. We will cultivate that support and work to make this body an equal partner in our tripartite system of government.

While inequality and injustice are facts of life for millions of Americans, we maintain that they are perversions of life. We seek equal opportunity and equal justice for all Americans. The true state of the Union tells us that these remain goals to be sought.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I want to commend the gentleman from Ohio, the distinguished chairman of the Congressional Black Caucus, for an extremely perceptive opening statement. I believe it clearly outlines the tremendous amount of thought that has gone into the presentation of this special order, "The True State of the Union."

The Congressional Black Caucus today pledges itself to the launching of a comprehensive legislative attack upon several of the most pernicious and unjust aspects of the so-called "criminal justice system." The stark reality we face is the fact that in its most direct contact with crime, in terms of prevention, detection, apprehension, conviction, and incarceration, the criminal justice system fails miserably to do anything about its reduction.

For the President to brag in his "Special Analysis of the 1974 Budget" that the FBI crime index increased only 1 percent during the first 3 quarters of 1972, supposedly the "lowest rate of growth since 1960," represents a crude attempt on the part of the Nixon administration to dupe the American public into believing that his "law and order" approach to crime has effectively resulted in the reduction of crime.

The fact of the matter is that crime increased massively last year across the country, and in every year that Mr. Nixon has been in office. No amount of statistics juggling can hide the fact that the criminal justice system has broken down at every conceivable stage. That system is a source of anything but justice, and is in itself "criminal" in nature, given the manner in which it victimizes both the public at large and the hundreds of thousands whom it apprehends, tries in its courts, and condemns to the prisons which are nothing more than schools of crime and recidivism.

In the portion of our "State of the Union" message dealing with the massive failure of the criminal justice system, the full text of which I now submit for inclusion in the RECORD at the conclusion of these brief remarks, I have outlined in detail the injustice, inequities and ineffectiveness of the Law Enforcement Assistance Administration, the "no-knock" and "preventive detention" provisions of the District of Columbia Court Reform and Procedure Act of 1970, and the obvious defects of the American system of prisons, courts and police law enforcement.

Included in my analysis are concrete recommendations; 13 dealing with the prisons and the "correction" system, 16 dealing with the court system, and seven dealing with police and law enforcement officers; all of which will be followed up by specific legislative proposals.

These recommendations are far from all inclusive, but their tenor suggests the types of changes which are needed if the notion of "Equal Justice Under Law" is to be anything but an empty phrase.

In addition, it is vital to note that for the last 25 years, the Congress has failed to examine the Federal Criminal Code as a body of law. Efforts have now been made by Senator McCLELLAN and the National Commission on Reform of Federal Criminal Laws—established by Congress in Public Law 89–801—to revise our national criminal laws. Hearings have begun in the Senate with regard to Senate bill No. 1, designed to revise the entire title 18 of the United States Code, introduced by the senior Senator from Arkansas. S. 1 is frightening in its length, if not in the serious legal implications of some of the changes in the criminal code which it seeks to implement.

Mr. Speaker, the bill is 538 pages long, and it is the largest bill in history ever presented to the Congress. It is even longer than another famous bit of injustice—this time economic—the infamous Internal Revenue Code of 1954.

The Judiciary Committee in this body is undertaking a similar study of the criminal code, and I an. very happy to note that three members of the Congressional Black Caucus serve on the Judiciary Committee and will be working diligently on this long-overdue overhaul of title 18.

Mr. Speaker, this administration and the 93d Congress must take our recommendations for criminal justice reform very seriously.

President Nixon's simplistic response to the so-called crime problem can be summarized in three words: "Spend! Spend! Spend!"

This year we are once again pumping $800 million in assistance to State and local governments to be allocated through the Law Enforcement Assistance Administration and the law enforcement revenue-sharing program.

The new Nixon budget reveals that LEAA will continue to devote a disproportionate percentage of its funds to the purchase of weaponry and hardware for local law enforcement agencies, a policy which totally defies any rational approach to the long-range control of crime and injustice on the part of the Federal Government.

Mr. Speaker, the new Nixon budget is disturbing, as our chairman of the caucus has mentioned, in several other respects as well. With regard to the criminal justice system, why, for instance, is the LEAA going to fund the U.S. Air Force, of all people, for translating police equipment needs into practical hardware systems for police departments?

Why is LEAA about to pay the U.S. Army Missile and Munitions Center a substantial amount of money to conduct project studies on civil disorders?

Why is the projected Federal outlay for inmate education and training being reduced significantly at a time when our prisons are failing to carry out their rehabilitative role?

Why are LEAA action grants to the States going to be increased by $35.7 million in fiscal year 1974, despite the fact that LEAA has conducted virtually no evaluation on how effective such blanket expenditures have been in the past?

Mr. Speaker, let me point out that LEAA spends a mere 1 percent of its budget on evaluation. If there is anything good that can be said about the Defense Department, it is that it at least spends about 15 percent of its budget on evaluation of its myriad programs.

The National Council on Crime and Delinquency—NCCD—has recommended that at least 12 to 14 percent of the funds for each LEAA program be set aside for evaluation so that we can find out where this nearly $1 billion a year in Federal moneys is going and how effectively it is being spent by LEAA vis-a-vis the reduction of crime and the rehabilitation of offenders.

Why does the Department of Justice continue in its failure to issue minimum standards in the form of enforceable regulations and guidelines with respect to police, courts, and corrections; opting instead for "National Advisory Commission on Criminal Justice Standards and Goals" recommendations with absolutely no enforcement provisions attendant thereto?

We are going to examine these questions in the Black Caucus and hopefully in the Congress.

Yes, the failure of the Nixon administration to deal in any substantive way with criminal justice reform can perhaps best be seen in the poor performance of LEAA. But it can also be seen in the administration's and this Congress continued failure to recognize the social and economic root causes of crime. How can we make it understood to this Nation's leaders that crime predominates in the same place where infant mortality is four times greater than in the city as a whole; where the death rate is 25 percent higher; where life expectancy is 10 years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight times more frequent; where education is the poorest; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where, in short, dehumanization, alienation, and exploitation hold the black and the poor in a relentless grip? How can the President seriously expect us to believe him when he says that he is determined to reduce crime on the one hand, while with the other he tries to wipe out the Office of Economic Opportunity, and the health, and education and manpower programs which are the only truly remedial and responsive solution to the so-called crime problem?

Yes, any realistic look at the current state of the Union dictates our recognition that the failure of every aspect of the criminal justice system raises questions which go even deeper than the mere failure to reduce crime serious as that is. For it raises other questions which go to the very heart and nature of our racist society. The community outside the prison walls must never separate itself from the community inside the jailhouse, and the corrective measures against crime must be at least partially administered in the community. The essential problem is not that of an "improper" individual behind bars; for most of us sense intuitively that the problem basically is that of an improper society outside the prison gates. It is a society which is rampant with inherent contradictions, which we as a caucus and which we as a legislative body are charged with trying to resolve and untangle.

So it is in this context that I join with my fellow members of this distinguished caucus to recognize that unless we simultaneously address ourselves to these larger questions, attempts at correcting the criminal justice system will take place in a vacuum.

America's criminal justice system is a source of anything but justice, and is in itself "criminal" in nature given the manner in which it victimizes both the public at large and the luckless thousands whom it apprehends, tries in its courts, and condemns to schools of crime and recidivism. In its most direct contact with crime—prevention, detection, apprehension, conviction, and correction—the system of criminal justice fails miserably to do anything about its reduction.

If it is to succeed, the criminal justice system must be viewed as a process, all components of which must unfold toward the same goal, namely, the prevention and control of crime and the rehabilitation of offenders. To succeed, this system must flow humanely, efficiently, and with justice from police to prosecutor to judge to jailer. The success of each function depends upon the effectiveness of all. The failure of any one component insures the failure of the entire system. Yet, as it exists today, the criminal justice system has broken down at every conceivable stage.

An overwhelmingly disproportionate number of victims of the criminal justice system spring from the black, poor, exploited, and alienated sectors of American society. Despite the capture of the crime issue through "law and order" rhetoric, black men and women fall victim to crime and are subject to arrest entirely out of proportion to their numbres in the general population. Twenty-seven percent of all individuals arrested nationwide are black, even though blacks comprise only 11 percent of the total population. Selective enforcement of the law has become the rule of the day. It has been estimated that the total cost to the American public resulting from corporation price-fixing alone is at least equal to all costs resulting from crimes against property. Yet blacks are arrested and subjected to police brutality out of proportion to their numbers, while white-collar crime and "crime in the suites" continue to be politely tolerated by law enforcement officials. More blacks than whites have been executed in the United States, and this does not include lynching, so-called self-defense, or police killings.

Two-thirds of the arrests take place among about 2 percent of the population. And where does that 2 percent reside in every city? It is in the same place where infant mortality is four times greater than in the city as a whole; where the death rate is 25 percent higher; where life expectancy is 10 years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight times more frequent; where education is the poorest; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where, in short, dehumanization, alienation, and exploitation hold the lives of the poor in a relentless grip.

The failure of the Nixon administration to deal in any substantive way with criminal justice reform can best be seen in the virtual nonpreformance of the heavily funded Law Enforcement Assistance Administration—LEAA. On March 25, 1971, the Congressional Black Caucus met with President Nixon and included in its 60 specific recommendations for governmental action several concisely worded criticisms of the LEAA performance. The President's reply to those criticisms was, for the most part, totally inadequate:

LEAA continues to devote a disproportionate percentage of its funds to the excessive purchase of weapons and hardware for local law enforcement agencies, a policy which totally defies any rational approach to the long-range reduction of crime and injustice by the Federal Government. For the President to reply that "LEAA has fostered the broadest program of criminal justice reforms and improvements in the Nation's history" is grossly misleading, since LEAA is, in fact, the only "comprehensive" crime control program. The President's reply says nothing regarding the quality of that program, referring only quantitatively to the millions of LEAA dollars spent in various ways.

The LEAA block grant program remains essentially a fiscal relief program devoted to beefing up criminal justice system components as they presently exist, and doing precious little in an innovative vein. In fiscal year 1971, 42 percent of all LEAA block funds went for police, primarily police equipment, reflecting a distorted vision of which component of the system is in most dire need of funds at this time. The only innovation that ever takes place occurs when an occasional isolated local official decides to use LEAA money to effect criminal justice reform. LEAA itself has failed to provide leadership to the States for criminal justice reform.

Although LEAA now does require some degree of title VI compliance with regard to grantees, title VI enforcement remains, on the whole, totally inadequate. For example, LEAA has never considered the degree to which saturation policing grants and other programs which result from its funding lead to discriminatory practices.

Meanwhile, to this day, virtually no internal research, planning, or evalution of LEAA programs are conducted by LEAA itself. According to the National Council on Crime and Delinquency—NCCD—whereas less than 1 percent of LEAA funds are now devoted to evaluation, no less than 12 percent of funds provided by LEAA for each program should be devoted to this purpose. LEAA has no idea what the specific impact of its block or discretionary grants has been, and with few exceptions no States carry out substantive evaluation of expenditures of LEAA funds.

The President's reply to our demand that LEAA insure adequate minority and community representation on planning agencies at all levels was also grossly inadequate. A content analysis of 35 of the 55 State planning agencies and their respective review commissions conducted in 1971 shows that private citizen representation on such agencies remained at only 14 percent, and was, where it existed, totally unrepresentative of the public at large. This figure compared with 20 percent police representation, 16.8 percent elected Government official representation, and 10 percent prosecutor representation.

Increased accountability and evaluation of all LEAA programs must occur immediately. The failure of LEAA to address the true nature and underlying causes of crime can no longer be tolerated by the American public.

The administration has done nothing to dispel our concern that although the "no-knock" and "preventive detention" provisions of the District of Columbia Court Reform and Criminal Procedure Act of 1970 clearly impinge on the constitutional rights of suspects and defendants, it continues to be advertised by this administration as a model for the Nation. Other laws with similar constitutionally odious provisions are the Organized Crime Control Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970. None of these acts ought to be advertised as models, and we strongly urge that the administration support legislation to repeal such sections of those acts as inimical to the interests of a free society.

We pledge ourselves to the launching of a comprehensive legislative attack upon several of the most pernicious and unjust aspects of the American criminal justice system, and we implore the administration and the 93d Congress to consider seriously the following tentative list of recommendations. These recommendations are far from all-inclusive, but their tenor suggests the type of changes which are required if the notion of "Equal Justice Under Law" is to be anything but an empty promise:

CORRECTIONS

The first black prisoners in this country were Africans brought here in chains in 1619. Our African ancestors were the victims of the political, economic, and social oppression of white America, and let it always be remembered and understood that the majority of present-day black offenses in the context of the criminal justice system have their roots in the political, economic, and social deprivations of blacks by Anglo-America. Slave camps, leg irons, handcuffs, reservations, and concentration camps; Sing Sing, Jackson, Attica, Soledad. These are the real monuments of this country, more so than Monticello or the Statue of Liberty.

The handwriting is on the wall for the American system of "corrections." It is scrawled with the pen of intolerance and corruption, and written in the blood and human anguish of its victims. Our prisons are scenes of physical, verbal, and psychological brutality, inadequate medical care, arbitrary and capricious rendering of disciplinary decisions without regard to an inmate's constitutional rights, and total dehumanization and human destruction. Involuntary subjection of primarily black inmates to various forms of medical, drug, and psychological experimentation has reached alarming proportions, as the uncovering of the Tuskegee studies and investigations of such atrocities as the experimental use of thorazine and prolixin on "unruly" prisoners graphically indicate.

When the dehumanization and nonrecord of rehabilitation by correctional agencies are considered, the failure of the criminal justice system is compounded and assured. Rehabilitation is the major chance of the criminal justice system to reduce crime, yet here, it fails perhaps worst of all. Recidivism rates for released prisoners are generally constant for various parts of the country despite variations in the outmoded correctional practices currently employed everywhere. There is no difference in the recidivism ratios between inmates who had received "rehabilitative training" as it is presently being conducted within the confines of prisons and those who had not. Government officials have yet to face the fact that community based treatment is cheaper than building more and more gigantic prisons. It would cost less per year to send an offender to college than it does to incarcerate him. Probation costs only one-sixth as much as institutional care, and parole only one-fourteenth as much.

One study shows that 93 percent of the juvenile court jurisdictions in the country lack detention facilities other than city jails or police lockups. The majority of the offenders held in the corrections system are between 15 and 30. In jails across the country, juveniles, and adults are mixed, with untried detainees and convicted felons placed in the same cell so that misdemeanants can sit at the feet of seasoned offenders.

There is a total absence of strictly enforced minimum standards for the treatment of prisoners. Existing procedures for the review of prisoner complaints are inadequate. Policy makers have forgotten that the central constitutitonal principle underlying all rules, regulations, procedures, and practices relating to persons imprisoned in accordance with Federal law is that such persons must retain all rights—such as the guarantee of free expression and association—except those expressly removed by title 18 of the United States Code. Instead, cruel and unusual punishment abounds.

If the Federal Government generally and LEAA specifically are serious about wishing to lower crime rates—which they have failed to do thus far—they are going to have to raise the priority of corrections significantly. After all, 85 percent of the crimes in this country are committed by repeaters, and 98 percent of all inmates eventually return to the community. Yet the corrections system is underfinanced and overtaxed. Federal, State, and local governments together spend less than one-fifth of their criminal justice budgets on corrections. They spend more than three-fifths on police.

We recommend the following:

First. A ban on the building of any new correctional institutions for juveniles or place of community based rehabilitation programs and other alternatives to incarceration.

Second. The establishment of small, State and local community-based correctional treatment centers—including diagnostic services, halfway houses, and other supervisory programs for preadjudication and postadjudication referral of delinquents, youthful offenders, first offenders, and all inmates—so as to afford a reasonable opportunity for participation in innovative work-release, school release, and various treatment programs.

Third. Community-oriented programs for the supervision of parolees and integration of inmates into the community upon parole or release through vocational training, job placement, and on-the-job counseling.

Fourth. A ban on all laws which do not allow professional licenses to be granted to former inmates.

Fifth. The establishment and enforcement of prisoner treatment standards and the creation of an agency within the framework of a national enforcement mechanism to hear complaints arising from alleged infractions of such standards.

Sixth. The establishment of parole decisionmaking bodies for adult and juvenile offenders which are independent of correctional institutions, the establishment of an independent and regionalized Board of Parole, the provision of fair and equitable Federal parole procedures, and the provision of assistance to the States for the operation of fair and adequately staffed parole systems.

Seventh. The establishment of alternatives to the detention of persons awaiting trial.

Eighth. The entitlement of prisoners to furloughs for family and social visitation.

Ninth. The establishment of a "Bill of Rights for Prisoners," of procedures to insure the right of offenders to be free from personal abuse, and of formalized and enforced grievance procedures for inmates.

Tenth. The banning of all psychiatric, drug, and other medical testing and experimentation in prisons.

Eleventh. Attorney rights for all prisoners in preparing their parole applications, habeas corpus briefs, et cetera.

Twelfth. An end to parole regulations placing undue restrictions on parolees regardless of the merits of individual cases.

Thirteenth. The prohibition of the arbitrary dissemination of arrest records to prospective employers of ex-inmates.

COURTS

The overwhelming majority of the adjudicated cases occur in the State and local courts, and State and local judicial systems suffer from a number of serious administrative, structural, and fiscal problems. Court systems in most States are highly fragmented, lack central administrative direction, exhibit disparate rules of practice and procedure, have cumbersome procedures for judicial selection, discipline, removal, and retirement, and are often faced with critical shortages of funding. All of this leads to a disorganized, inefficient, and unjust judicial system.

Overwhelming caseloads, overlapping jurisdictions, widely varying procedures for trying similar types of offenses, and wide disparities in sentencing practices and the quality of judicial personnel pose a severe threat to the rights of the accused and to the equitable functioning of the judiciary. Although the right of the poor to a defense attorney at all stages of any Federal or State criminal proceeding has been established by the Supreme Court, implementation of this right lags seriously behind the case law. Those supposedly "presumed to be innocent" are packed into courts with overcrowded dockets and often provided with inadequate legal counsel after being held in jail for inordinate lengths of time awaiting trial. Fifty-two percent of the American jail population at any given moment has not been convicted of anything. For those individuals who are arrested, it is bail for the rich and jail for the poor. One's ability to post bond is almost entirely a function of his socioeconomic status, relegating the entire bail system to the depths of class discrimination. The practice of "plea-bargaining" is regularly abused by prosecutors and inept defense attorneys alike. Defendants often plead guilty to crimes they did not commit after being induced and/or coerced to do so.

With regard to "preventive detention," studies show that the factors which a court could use in determining who should be preventively detained have never been empirically established, thus compounding the danger of total arbitrariness in its application. On the other hand, statistics show that if all arrested persons could be brought to trial within 2 months after arrest, well over 50 percent of crime committed by those on bail could be eliminated. Even a 1970 pilot study authorized by the Department of Justice to support preventive detention theories indicated that the possibility of predicting pretrial crime is negligible, while most pretrial crime occurs after 60 days have passed between the time of arrest and the time of trial.

The fact that State and Federal judges of courts on all levels are appointed and not elected prejudices a fair trial in many cases, and precludes black representation in most cases, since there is not a single black official in this Nation who has the power to appoint a judge. Despite President Nixon's feeble attempt to answer our 1971 demand that he appoint equitable numbers of black Federal judges and other legal officials, including U.S. attorneys, U.S. marshals, Federal correctional officials, and other high-ranking Justice Department employees in every region of the country, black representation in all of these areas does not even begin to approach parity with the black population level in this Nation.

We recommend the following:

First. A drastic increase in the percentage of LEAA and other funds spent on the judicial system.

Second. Speedier trials, with a maximum of 60 days' wait for felonies and 30 days for misdemeanors. These limits should be flexible enough to allow for continuances requested by defense attorneys, pretrial discovery by both prosecution and defense, and so forth.

Third. The immediate appointment by the President of equitable numbers of black Federal judges and other judicial officials, including U.S. attorneys, U.S. marshals, Federal correctional officials, and other high-ranking Justice Department employees in every region of the country.

Fourth. Improvements in court administration and organization on all levels.

Fifth. The removal of traffic cases from the purview of the judiciary and their placement under the jurisdiction of administrative boards.

Sixth. A tightening of sentencing laws to make them more consistent and punishment less disparate.

Seventh. Elimination of sentences which call for the payment of a fine, or, in the alternative, incarceration for those who cannot pay fines.

Eighth. The decriminalization of "victimless crimes."

Ninth. The cessation of selective use of grand juries to habitually indict individuals for clearly political reasons.

Tenth. The establishment of strictly enforced standards for the provision of legal services to individuals involved in every stage of the criminal justice system, including habeas corpus and parole application preparation.

Eleventh. The prohibition of prosecutorial coercive inducements to entering a plea of guilty and the banning of any plea negotiations being conducted without the presence of defense counsel.

Twelfth. The improvement of pretrial release programs, including, in appropriate cases, increased diversion of offenders out of the criminal justice system and into community-based rehabilitative programs prior to trial or conviction, the establishment of procedures for the issuance of a summons in lieu of arrest, and wider use of citation release systems, station house release, and third-party custody for all but the most serious alleged crimes.

Thirteenth. The upgrading of the quality and standards of judges and judicial conduct through more stringent selection processes which are based solely on merit and which involve representatives of the lay public as well as those thoroughly schooled and experienced in the law and the judicial process.

Fourteenth. Substantive reform of the bail system.

Fifteenth. The creation of pretrial discovery provisions which place definite obligations on both prosecution and defense.

Sixteenth. The wider use of "screening"—the discretionary decision to stop, prior to trial or plea, all formal proceedings against a person who has been arrested—based not only upon insufficiency of evidence but also upon such factors as the financial hardship or family disruption of the accused, the value of further proceedings in preventing future offenses by the accused, and improper motives of the complainant.

POLICE

Police brutality and the abuses which American citizens must endure daily at the hands of the police have been widely exposed and discussed, yet nothing substantive has been done to curb the wanton disrespect so often shown by law enforcement officers with regard to individuals' constitutional and civil rights. The 1968 rioting of policemen in Chicago should not be mistaken as an isolated occurrence for the residents of ghettos and barrios are constantly confronted with the reality of perpetual police abuse.

One need only critically examine the difference between the way policemen generally return white, middle-class juvenile offenders to their mother's doorsteps with a slap on the wrist and perhaps a verbal tongue lashing while black delinquents are almost invariably thrust into the cruel criminal justice system upon committing their first offense, to grasp the inherently discriminatory nature of present-day enforcement. It has been empirically determined that, in addition to the courts, arresting police officers exercise a considerable amount of discretion in making the decision to divert certain alleged offenders from the criminal justice system. Yet, police diversion practices are terribly inconsistent. A study of 48 police agencies in Los Angeles County revealed diversion rates ranging from a high of 82 percent to a low of 2 percent. The police, like the courts, have often failed to realize that certain types of conduct, such as that manifested by the mentally ill, alcoholics, and juveniles, can best be dealt with by diversion from the criminal or juvenile justice systems.

Police selection, recruitment, and training continue to take place in the absence of strictly observed minimum government standards. While about two-thirds of the States have established councils on police standards, myriad abuses still occur. As the Police Task Force of the President's Commission on Law Enforcement and the Administration of Justice put it:

> Existing selection requirements and procedures in the majority of departments . . . do not screen out the unfit. Hence, it is not surprising that far too many of those charged with protecting life and property and rationally enforcing our laws are not respected by their fellow officers, and are incompetent, corrupt, or abusive.

A study by the International Association of Chiefs of Police showed that of 162 major law enforcement agencies across the country, only 41 administer psychological tests to applicants. Six of these agencies did not even conduct personal interviews. Educational requirements for policemen are minimal, with many departments not even requiring a high school education. Courses in the sociology and psychology of poverty and ghetto life are virtually nonexistent in the police academies. Even the President's Commission on Crime in the District of Columbia noted that recruits who were not deemed qualified to write citations were nontheless immediately issued guns and ammunition.

We recommend the following:

First. The immediate upgrading of standards for police selection, training, and recruitment.

Second. The amendment of title 18, United States Code, section 242, so that it becomes a more effective legal tool in prosecuting those policemen who deprive citizens of their constitutional rights under color of law while making an arrest.

Third. The encouragement of lateral recruitment of lawyers, medical paraprofessionals, college graduates, and others into the ranks of police forces, and the modification of restrictive civil service regulations that prohibit lateral recruitment.

Fourth. The creation of citizens' review boards empowered to monitor police practices and handle citizen complaints outside the framework of police agencies.

Fifth. An end to discriminatory policies of police recruitment, selection and promotion, and the proportionate employment of ethnic minorities on police forces.

Sixth. The formalization of all police diversion decisions with regard to juvenile offenders. Such decisions must be made by highly trained juvenile specialists. There must be a corresponding increase in monetary support for community-based programs geared for providing assistance and counseling to referred juveniles.

Seventh. The provision of comprehensive Government tort liability insurance for police employees. This would enable the public to collect for damages to person and property that arise from the misuse of police discretionary powers. Furthermore, if the Government is paying for insurance, it will be more likely to see to it that police discretion is kept within legitimate bounds.

The hard logic of practical American politics dictates that a hesitant administration and Congress, all too carried away with the current "law-and-order" ethic, will only be compelled to encourage legislation aimed at an amelioration of the failures of the criminal justice system if they are pressured to do so by an aroused citizenry which holds out its power at the ballot box and which demands change in a constructive, collective, and organized fashion.

Any realistic look at the current state of the Union dictates our recognition that the failure of every aspect of the so-called system of legal justice raises questions which go even deeper than the failure to reduce crime; for it raises other questions which go to the heart and very nature of our society. The community outside the prison walls must never separate itself from the community inside the jailhouse. And the corrective measures against crime must be at least partially administered in the community. The essential problem is not that of an "improper" individual behind the bars; for most of us sense intuitively that the problem basically is that of an improper society outside the prison gates. It is a society which is rampant with inherent contradictions. It is in this context that the Congressional Black Caucus recognizes at the outset that unless we simultaneously address ourselves to this larger question, all talk of correcting the criminal justice system takes place in a vacuum.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Michigan (Mr. CONYERS), for his observations in this particular area.

Mr. Speaker, I am now pleased to yield to the distinguished gentlewoman from the State of California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Speaker, I thank the gentleman for yielding me this time.

The subject that I shall address myself to is the question of poverty in the United States, and in particular the Office of Economic Opportunity. It is a tragic coincidence that both President Lyndon Johnson and one of his most forward-looking and important creations are dying within weeks of each other for, just as our former President has passed away, so the Nixon administration is killing the Office of Economic Opportunity.

Two years ago the Congressional Black Caucus specifically urged the President not to destroy OEO and, although I was not a member of the Black Caucus and not a Member of this body at that time I, along with the entire nation of concerned citizens, and in particular the black population of this country, applauded as the Black Caucus made this sincere attempt to maintain OEO.

In response to the caucus the administration implied that there would be a continuing role for the agency. That response noted that "as OEO tests and proves new ideas, and as those programs mature and become more a matter of management than innovation, they should be spun off to the line departments which have primary responsibility for administering social programs. This would free OEO to continue its primary mission as innovator and advocate for the poor. It would also make increasingly aware to the line departments the special needs of the poor, and as proven programs and experienced personnel transfer to those departments would have the benefit of their experience. This would give the poor not only a spokesman in OEO, but an enhanced awareness and sensitivity to their needs in the line departments where ongoing programs which affect the poor would be administered."

Now that commitment by the administration has been abandoned, and those words are revealed as hollow rhetoric. Once again the Nixon administration's total lack of concern for the rights and equities of millions of poor and minority Americans becomes evident.

From its inception in the Johnson administration OEO was created as a challenge to existing bureaucracies as a means of showing that new ways of meeting the real needs of the poor could be demonstrated. OEO set out to bring about conditions at the local level to advance institutional change, and to affect the decision and policymaking processes to encompass and involve the needs of the poor and the disenfranchised.

OEO was established because the line departments—the very same agencies to which OEO programs now are being scattered—were both unwilling and unable to deal with low income and minority citizens. And, despite the serious constraints imposed on OEO over the past 4 years by the Nixon administration—constraints which limited the ability to seek any new directions or programs—we believe that OEO was becoming a success and that it was making a positive effort to involve the poor in the decision-making which affected their everyday lives.

Even before the recent announcement of OEO's final dismantling, as a result of Nixon's policies, it was but a mere shadow of its initial intent and hopes.

Starting with an immediate freeze on any new program directions made in the first days of the Nixon term, OEO has been bludgeoned and beaten back until it hardly can be called an effective agency for change and growth.

Yet we strongly believe that with proper control and funding OEO can be revived and become a strong advocate for the poor. And it must be Congress taking the lead in this area, because the Nixon administration has given only lip service to the needs and programs established by and for OEO.

Despite the rhetorical claims of support for OEO, here is the reality of the Nixon job that has been done on the poverty program:

The Job Corps has been gutted and removed from OEO and switched to the Department of Labor.

Headstart and day care have been cut back and transferred to HEW.

Legal services—those lawyers now can be utilized for only routine casework, and the important right to fight instances of explicit governmental lawlessness has been placed in jeopardy.

Probably one of the reasons legal services has been cut back was because it was doing such an effective job.

Comprehensive health programs—those funds have been cut by 10 percent.

Community development—funds have been slashed 30 percent.

Family planning—funds have been lowered 37 percent.

Emergency food and medical services—funds have been virtually eliminated.

The Office of Program Development has been abolished outright.

VISTA, Foster Grandparents, alcoholism programs—have all been transferred.

Today approximately 30,000 people may be unemployed as a result of the dismembering of OEO. At the same time Community Action, Legal Services, and migrant programs increasingly have been subjected to partisan political considerations. Contracts have been awarded to firms on the basis of how much they contributed to the Republican Party, not by any standard of how much they may help the needy and the poor.

In sum, the net effect of President Nixon's 1971 commitment to OEO as "innovator and advocate for the poor" has been instead, dismemberment of the agency, emasculation of antipoverty programs, and abandonment of this Nation's poor.

Finally, I should like to make this comment. The President's budget for the 1974 fiscal year proposes to transfer responsibilities for programs now funded through the OEO to other agencies of the Government, and some of these programs will receive a reduced level of funding.

To dismantle OEO without presenting a reorganization plan to Congress is grossly illegal. Under the Executive Reorganization Act, as amended, the President must submit his proposed plan to Congress before it may take effect. Specifically, title 5, U.S.C. section 905(b) states, and I quote:

> A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress before April 1, 1973.

We have heard of no plan to submit such a plan for the reorganization of OEO. Indeed, last week Mr. Roy Ash, the President's selection to head the Office of Management and Budget, announced that three executive offices would be reorganized and plans sent to Congress. These included the Office of Emergency Preparedness, the Office of Science and Technology, and the National Aeronautics and Space Council. No mention was made to send up a plan regarding the reorganization of OEO to Congress for review, as required by law.

Under the law either House has 60 days in which to pass a resolution stating in substance that it does not favor the reorganization plan—and this is under section 906(a).

It bothers me that the President apparently feels he can violate the law when it is to his choosing, but crusades for law and order. I think we should ask the President: "Are you going to send up an executive reorganization plan for OEO so that Congress can exercise its legal authority to review the plan?"

Thank you very much, Mr. Chairman, for yielding this time, and I yield back any time remaining.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California for her contribution in this area.

I would now like to recognize the distinguished gentlewoman from New York (Mrs. CHISHOLM) in the area of welfare reform.

Mrs. CHISHOLM. Thank you very much, Mr. Chairman.

No issue was more cleverly exploited during the first 4 years of the Nixon administration than was the issue of welfare reform. And yet, no issue is more worthy of our attention than the survival of the 14 million persons—mostly mothers and children, the aged, the blind, and the totally disabled of all ages and ethnic groups—who are not able to completely take care of themselves.

While repeatedly stating its desire to help welfare recipients become more self-sufficient, the administration's words have been only that—rhetoric without action. Recommendations made to President Nixon in 1971 by the Congressional Black Caucus included the need for:

A guaranteed income maintenance plan;

Standardization of eligibility requirements;

Establishment of adequate payment standards;

Elimination of degrading treatment of recipients;

Provision of suitable work opportunities which maximize individual freedom of choice and self-respect; and

Improvement of food assistance delivery systems.

Now, in 1973, we must report to the Nation that none of these recommendations was translated into reality. Let us take them point by point.

First. The administration supported a family assistance plan that set a maximum guaranteed income of $2,400 a year for a family of four, well under the caucus recommendation of $6,500. However, that $2,400 was actually less aid than 45 of the 50 States were already providing families and would have made recipients ineligible for food stamps.

Second. The administration agreed with the caucus that eligibility requirements, adequate payment standards, elimination of abuse to recipients, and provision of work opportunities were necessary aspects of reform. It also said its proposed program would provide 200,000 public service jobs at no less than the minimum wage, would include additional training and child care and would entail "required acceptance of suitable work or training."

But what happened?

First, the 203,000 jobs provided through the public employment program passed by Congress in 1971 have boiled down to a present 148,000 persons still employed and a directive has gone out from the Department of Labor ordering an end to any new hiring. In addition, the program was designed to reach no more than 3 percent of the unemployed from its inception.

Even more drastic has been the administration's decision—not publicly revealed until very recently—to put a freeze on most manpower training and job development programs.

Second, we all know that President Nixon vetoed last session a comprehensive child care bill which would have authorized Federal support for a child development program for dependents of working parents.

And third, the "required acceptance of suitable work" clause was translated into a repressive "workfare" concept in a bill introduced in the Senate which one dissenting Senator termed a "slavefare" concept.

Under workfare, recipients—except mothers with children under 6—would be required to register for employment with public or private employers for a fee equal to the prevailing—not minimum—wage in their locality. They would not be protected by any State or Federal laws regulating hours of work, rates of pay, or other conditions of employment except for social security if a private employee in that position were so protected.

Training for job placements for mothers on workfare would have included "cleaning up and beautifying their apartments" and "providing a pleasing home atmosphere with child-centered activities" certainly an absurd and irrelevant preparation for a job outside the home.

As for child care promised by the administration—this bill proposed that afterschool care, if needed, would be the responsibility of any member of the family, whether a minor or an adult, who would be found "capable" of providing supervision.

The workfare approach also established a "parent-locator service" to track down and obtain support from absent fathers, utilizing the services of the U.S. Attorney General, legal service attorneys and regional blood-typing laboratories to determine paternity. Mothers would lose their benefits if they failed to cooperate, even though it is well known that matching blood types of a man and an infant can disprove paternity but cannot prove that the man is, in fact, the father.

We need not wait until 1984 to decry such police state tactics.

The workfare bill also included elimination of the declaration methods for determining eligibility, elimination of food stamps and a restriction of fair hearing rights and other legal protection of recipients.

Meanwhile, when State and local governments compared the proposed 5-year package of $15.8 billion in welfare fiscal relief that Congress offered with the $29.8 billion which would be provided in the same period under the general revenue-sharing plan being discussed at the same time, they shifted their support from welfare reform to revenue sharing. Not only was the fiscal relief provided under revenue sharing greater than that under welfare reform the money could be used for virtually anything and therefore was seen as politically more beneficial to a greater number of constituencies.

The preoccupation with securing revenue sharing on the part of State and local governments also led to passage of an amendment to the revenue-sharing package imposing a $2.5 billion ceiling on expenditures for social services which, since 1967, had allowed local governments to finance such services as foster care, orphanages, family planning, health, vocational training and rehabilitation, day care, senior citizens centers, and drug and alcoholic rehabilitation programs.

In other words, the governments were willing to give up both the $4.6 billion they needed for domestic programs and welfare reform in exchange for a blank check they could spend however they wanted with no strings attached.

It was just as well that the welfare reform bills most favored by the administration were killed during the 92d Congress since they were more repressive than progressive in many ways.

However, Congress may find itself deliberating similar legislation again this year, legislation whose intent will be to make life even more miserable for our Nation's poor than it is now, legislation that would contain inadequate—if any—provisions for meaningful child care and job training and development.

In spite of this discouraging state of affairs, most thoughtful observers still agree on the urgency of improving—if genuine reform is impossible—the patchwork quilt of welfare programs presently being administered by States and the Federal Government.

Many feel that improvement is needed to make the system more humane as well as more efficient. But President Nixon's emphasis is on punishing those forced to accept aid in a society that denies them all other choices. Throughout his first administration, the President used "welfare" as a code word to conjur up in the minds of his so-called silent majority visions of a woman having another child to increase her dole or a man living off the taxpayers rather than finding a job he could surely have "if he really wanted it."

Although his inaugural speech repeated the word "new" 17 times, according to one commentator, his thesis that "the Government should take less from the people so they can do more for themselves" included the same old phrase "work instead of welfare." Once again, the President is waving the red flag by equating those on welfare as being those who do not or will not work for a living. Once again; he is castigating welfare recipients while simultaneously impounding funds for or eliminating entire job training and development programs designed to provide precisely those same persons with an opportunity to escape the hated relief rolls.

In the face of an overall 5.2-percent rate of unemployment—and a disgraceful 10 percent among blacks—the President is willing to live with this rate of joblessness, claiming it is a curb on inflation. In effect, the poor shall be sacrificed to the interests of the middle class.

Clearly, the prospects for meaningful welfare reform are as dim now as they have been for the last 4 years. The Nixon administration still seems bent on penalizing those unlucky enough to be poor in our society.

Nevertheless, we insist that reform is one of the priority issues facing us and our constituents throughout the Nation. If the President would have the people "do more for themselves," he will have to help provide them with a chance to reach that admirable goal.

At the very least, those citizens who are desperately trying to survive—with or without aid—should have the following protections:

Extension of minimum wage coverage to those workers—mostly minority group—who are concentrated in the lowest paying and least secure jobs.

Elimination of a subminimum wage clause from any welfare reform bill on grounds that almost all Americans will support the concept of a fair day's pay for an honest day's work.

Increased support for job development and public service employment instead of impoundments and freezes on such programs, with the added assurance that welfare recipients and the chronically poor be represented in fair proportion to their numbers.

Provision of child care programs that would include educational and nutritional components rather than being custodial warehousing of the precious children of working mothers.

This administration's overriding philosophy has been a harkening back to those mythical good old days when every man, woman, and child was tied to the work ethic and when jobs in a developing nation were available to every person who needed to make a living except those who, because of race and class discrimination, were denied this basic means of survival.

The inheritors of that caste system are with us today and are still being denied the right to earn a living with dignity and self-respect. They want that right. They need that right. They must have that right with all the privileges that go with it.

Mr. STOKES. I thank the gentlewoman from New York for an excellent and very articulate statement on behalf of this Congressional Black Caucus.

Mr. CLAY. Mr. Speaker, education in America has suffered many setbacks during the first 4 years of the Nixon administration, with the years ahead looking leaner still as the budget trimmers recklessly perform their "fat trimming" operations, cutting into the very fiber of our educational system, and threatening the goal of quality education for all our citizens.

In October 1968, candidate Nixon promised:

> When we talk about cutting the expense of government—either federal, state or local—the one area we can't shortchange is education.

This was indeed a laudable and promising beginning. How unfortunate then that these words were not given meaning through Presidential actions in the first term of the Nixon administration, how incredible that these sentiments should now be labelled, "the sacred cow" of Congress.

In March of 1971, the Congressional Black Caucus presented the President with a list of recommendations for action in the area of education. We began by recommending the initiation of a program of comprehensive child development services to be provided as a right to every American child. This was a commitment which the President himself had publicly articulated in 1969, but which he emphatically reversed by vetoing the OEO and Child Care Amendments in December 1971.

We called for the strengthening of title I of the Elementary and Secondary Education Act, urging the full and advanced funding of this act, and stating our opposition to the proposed system of block grants to supplant title I and various other categorical programs. The administration's response has been one of all-out support for educational revenue sharing, a proposal which threatens to dilute the funds presently going to title I, and diffuse the impact of compensatory education by subjecting such programs to the machinations of State and local politics.

Recognizing the extensive power of the Office of the President, we called upon Mr. Nixon to exert national leadership to meet the constitutional commitment of equal opportunity for all men. The response to his rhetoric has been sorely contradicted by the clear expression of his actions supporting two major legislative assaults on these rights, through the successful inclusion of a busing moratorium in the Higher Education Amendments of 1972 and the prohibitions of busing fundamental to the Equal Educational Opportunity Act.

Finally, we recommended an increase in Federal aid to higher education in the form of increased student assistance and aid to black colleges and universities. Congressional passage of the Higher Education Amendments implemented several of our suggestions for helping students finance their educations, but the President's present spending level and new budget for these amendments substantially obstructs their full implementation.

Since coming to office in 1969, this administration has vetoed six major pieces of legislation in the area of education alone, including four bills to provide badly needed funds for the current school year.

The President vetoed the 1971 child development bill; fought passage of the Drug Education Act to help schools teach children the dangers of drug abuse; and opposed passage of the Environmental Education Act to support school ecology programs.

Even when the President has not vetoed vital education measures, he has often refused to spend the amounts of money appropriated by Congress. Examples of these lower spending levels include: zero spending for title III of the National Defense Education Act, this despite congressional appropriations of $50 million for the acquisition of education equipment; nor are funds being spent for title 5C of the Elementary and Secondary Education Act which provides aid to State departments of education for planning and evaluation; nor for the career education program.

Most prominent among these programs is title I of the Elementary and Secondary Education Act, which has long been an object of Presidential scorn, and which has never been fully funded to the $7 or $8 billion level authorized. Even the present spending level of $1.5 billion was achieved only through strong and persistent congressional pressure. Congress last year added about $200 million in title I funds, which are presently embargoed due to the President's veto of the Labor-HEW appropriations.

Federal expenditures for title I have actually been shrinking relative to the total budget and the impact of inflation. Since 1965, title I appropriations have increased by some $638 million, but the percentage of title I funds in the total budget has dropped from 0.7 to 0.6 percent. When this is added to a cumulative rate of inflation of nearly 20 percent, the decline of effort becomes quite considerable and most disconcerting in light of the fact that only about one-third of the eligible children are presently being reached.

The President's proposed education revenue sharing would further dilute the impact of title I by combining title I funds with emergency school aid funds, with little likelihood of significant increase in funds for either, and the potential threat that existing funds may be diverted, or functional programs terminated.

Over the past few years, there has been considerable controversy over the effectiveness of compensatory education. We must closely examine the real facts concerning the operation and intensity of focus of existing compensatory education programs. In so doing, we will probably find that funds and resources are being diffused to such an extent as to make their impact negligible. Let us look at the record of the Kansas City and Philadelphia public school programs where ghetto kindergarten students are successfully learning to read, a skill their more affluent white counterparts will not be formally taught until the first grade. This suggests that the cycle of failure for ghetto children can probably be terminated at the source if resources and efforts are concentrated on the real problem.

In 1972, Congress enacted an administration proposal amending the Higher Education Act to prohibit the implementation of court orders calling for the busing of schoolchildren, pending the exhaustion of judicial appeals. Several months later, the House enacted an administration measure which sought to provide equal educational opportunity by prohibiting busing beyond the next closest school and permitting the reopening of prior court desegregation orders. Fortunately, the vigilance of the Senate prevented its enactment into law.

These measures represent a complete retreat from responsibility, and a tragic failure of moral and political leadership. They claim to advance the cause of equal education, while blatantly denying these opportunities to millions of poor and minority children. They propose to consign untold numbers to separate and unequal educations, with little regard for the tragic social and educational consequences.

The issue of busing has nothing to do with the fundamental quality of education—rather, it has long been recognized as the most immediately feasible tool to provide children access to the best available educational opportunities. We must continue to utlize it, while seeking out more satisfying and permanent solutions.

If this administration and the Nation are truly concerned about equal education, they will move beyond the sham of busing to the more fundamental issue of the financing of education. Recent court decisions in this area have established that a basic inequity exists in the present reliance upon property tax for the financing of education. Moreover, the use of local property taxes to finance schools violates the 14th amendment by making educational opportunity a function of local wealth.

If we are to guarantee equal education, we must implement the recommendations of the President's Commission on School Finance that "each State assume responsibility for raising and allocating educational resources," and for increasing the present 7 percent Federal share of total educational expenditures, so as to more nearly equalize resources among the states.

A final area of concern must be the financing of higher education. In 1971, the Caucus called for a 70-percent increase in Federal aid to higher education in the form of increased student assistance and aid to black colleges and universities. While congressional passage of the 1972 Higher Education Amendments implemented several of our suggestions, the financial crisis being faced in higher education is increasingly acute, particularly for black institutions and black college students.

Approximately 85 black institutions of higher education provide 80 percent of the total black graduates annually. Black institutions are also principal educators of the poor, educating some 17 percent of the college enrollment from low-income families. A full two-thirds of the graduates from black institutions come from families with an income of $5200 or less—a remarkable achievement in light of a national figure of less than 10 percent of the population from that income level ever receiving a college degree.

In 1970, Federal funding to these institutions totalled $125 million, or 3.4 percent of the total Federal budget for higher education. A full 45 percent of this aid goes into student financial aid, as opposed to the average of 21 percent in other institutions.

Most of the Federal aid received by these institutions is from the basic education programs of HEW. Black institutions receive only 0.3 percent of all the funds allocated for research and development—a fact which severely limits the growth of these institutions and their students in the critical areas of physical sciences and medical and nuclear research.

If these institutions are to continue to provide the training and education necessary for poor and minority students to take an active role in the society, the sources of revenues available to them must be greatly expanded. The Federal effort both in terms of direct aid to institutions, and more importantly, in the providing of financial aid to students, must be substantially increased.

At every level the American educational system is being challenged to provide quality educational opportunities for all our citizens. The President's record, and recent budget statement, however, give little hope for an increasing Federal role to meet this challenge.

The Members of Congress must, therefore, assume the responsibility and exert the necessary leadership to fulfill this commitment. We, the members of the Congressional Black Caucus, reaffirm our support for legislative action to provide comprehensive child development services, as a right to all American children.

We deplore the decrease in effort for title I which has occurred under this administration, and again call for the full and advanced funding of this program.

We call for the reinstatement of vital sources of financial aid to students available under the direct loan and educational opportunity grant programs, programs which Congress deliberately maintained in the Higher Education Amendments of 1972.

Finally, we urge Mr. Nixon, to recall his 1968 commitment, and call upon him to fulfill that promise not to shortchange America in the field of education.

CONGRESSIONAL BLACK CAUCUS STATE OF THE UNION MESSAGE

The SPEAKER pro tempore (Mr. BURKE of Massachusetts). Under a previous order of the House, the gentleman from California (Mr. DELLUMS), is recognized for 60 minutes.

Mr. DELLUMS. Mr. Speaker, I yield my time to the distinguished chairman of the Congressional Black Caucus, Mr. STOKES.

Mr. STOKES. Mr. Speaker, I now yield to the distinguished gentleman from the State of California (Mr. DELLUMS), on military and foreign policy.

Mr. DELLUMS. Mr. Speaker, it is with extraordinary pride that I rise this afternoon to join with my distinguished colleague the gentleman from Ohio, the chairman of the Congressional Black Caucus, and my other friends and colleagues who make up the composition of the Congressional Black Caucus, to attempt from the floor of this body to address the American people on what is in fact the real state of the Union.

In the moments I have allotted to me I will address myself to two issues; first, the question of racism in the military and, second, the general issue of foreign policy.

First, on the question of racism in the military:

I

Mr. Speaker, the history of racism within the military dates back as far as there have been minority members of the Armed Forces. Yet, it was only 23 years ago—in 1948—that President Truman officially abolished segregation in the military. It took another 15 years—until 1963—for the Defense Department to issue an initial directive opposing racial discrimination and calling for equal opportunity programs for minority servicemen and their families. Three years ago, Secretary Laird issued yet another directive condemning discrimination. Only after that directive did the military services move to implement programs and directives of their own dealing with internal racism.

Following the 1971 Congressional Black Caucus meeting with President Nixon, the Defense Department responded by setting up the Task Force on the Administration of Military Justice in the Armed Services and by promoting four blacks to the rank of General. However, we cannot accept these actions as anything but minimal first steps. Certainly they have no real impact on the day-to-day practices which affect each minority serviceman; the arbitrary decisions, unfairness and blatant administrative and judicial practices which render stated policy meaningless. Complaints received daily in Congressional Black Caucus offices from minority servicemen indicate that existing Defense Department policies are negated continually by lower grade commanding officers and NCO's.

The very existence of these directives has led many minority servicemen to expect equal participation in every level of the military. This has not been the case. For example, although the total proportion of officers to enlisted men has risen significantly over the past 3 years, minority officers are still drastically underrepresented; out of a total enlisted strength of 1.6 million, blacks now compromise 249 thousand or over 13 percent; but only 7,900 men or 2.3 perecnt are officers. And minority servicemen continue to receive the least desirable job classifications and opportunities for advancement.

For black servicemen, justice in the military is usually a travesty.

Minority servicemen receive a vastly disproportionate percentage of article 15 punishments, of pretrial confinements, and of less than honorable discharges; thus making it more difficult for black servicemen to obtain jobs and training on return to civilian life. According to the Pentagon's own recent Task Force on the Administration of Military Justice:

> Black servicemen receive Article 15 punishment in greater numbers than their proportionate number within the armed services.

Over one-fifth of those men in pretrial confinement were black—with the average length of such confinement 34 days, over 5 days longer than the average confinement of whites. With only 1 percent of the military attorneys available to defend them being blacks, civilian groups have been forced to organize to see that the minority servicemen receive the counseling and legal help they require.

In November 1971, the Congressional Black Caucus held specific hearings on racism in the military. These hearings brought out that racism has become institutionalized at all levels of the military. We saw that this racism takes many of the same forms as in civilian life; slow advancement; over-literal interpretations of the regulations; punishment disproportionately borne by the minority; the difficulty or even impossibility of obtaining fringe benefits; subtle and not-so subtle harassments, and many others. This situation is worse in the military since civil rights are so difficult to protest in this closed society and there is so little publicity of the violations.

What we in the Congressional Black Caucus heard about—and warned both the Congress and the Pentagon about—in 1971 exploded last year. Minority servicemen clearly indicated they would no longer passively accept the racism which confronted them in the military. They were well aware of the directives which had been issued; they expected that commanding officers would heed these directives; time after time they brought these problems to the attention of their superiors. And yet, after investigations were completed, the replies they received were invariably similar: "You are not being discriminated against," they were told.

Whenever violence occurs, the reaction of the military has been to focus attention on acts of violence and not on circumstances which produced this response. The minority serviceman found himself punished for his reactions to racism—while no attention was given to the causes of his discontent.

Yet, the unique feature of the military which offers the hope of real change is its authoritarian reward-punishment mechanism which conditions the survival and the chances for advancement of members of the military. The Black Caucus accepts these black servicemen as their constituents and insists that compliance with equal opportunity policies become an effective part of the reward-punishment system, even to the extent of making racial discrimination punishable by court-martial.

The Congressional Black Caucus believes that racism in the military must be eliminated—not only because of its debilitating effect on racial minorities, but also because racism in the military poses a serious threat to our national security. Certainly this Nation cannot be secure as long as the Armed Forces are more concerned with protecting themselves against their fellow servicemen than with defending against an external enemy. The increasing polarization of blacks and whites in our Armed Forces is rapidly approaching the point where the overall effectiveness of the military as a fighting force will be seriously hampered, if not completely stalemated, by its inability to eliminate this internal racial strife. Therefore, it is obvious that drastic and far-reaching changes must be initiated immediately to insure that racism and discrimination toward all minority groups in the military is finally eliminated.

Realizing that we can depend less and less on an insensitive administration for solutions to these very serious problems, the Caucus recommends that legislation be enacted by Congress in the following areas:

First. Promotion of the Deputy Assistant Secretary of Defense for Equal Employment to Assistant Secretary of Defense for Equal Employment, so that he will be able to report directly to the Secretary of Defense.

Second. Amending the UCMJ—Uniform Code of Military Justice—to make racial discrimination a court-martial offense.

Third. Amending the UCMJ to remove all civilian crimes and offenses from military control and returning them to the civilian courts.

Fourth. Allow nonmilitary personnel to be represented on court-martial boards and have selection-at-random from the entire base population.

Fifth. Establish more explicit conditions which would allow for release of those held in pretrial confinement.

Sixth. Guarantee that persons charged under article 15 would have the right to confer with legal counsel before accepting or rejecting the article.

Seventh. Elimination of all punitive discharges and establishment of certificates of service.

II

Mr. Speaker, in 1969 and again in 1973, President Nixon talked about a "generation of peace" and a new era in our relations with the other countries of the world. To achieve these goals would require a complete reorientation across the entire range of American foreign policy. Yet, not only has the Nixon administration failed to begin this massive effort, but it has intensified reliance on power politics and the brutal use of force to achieve ends.

A real "generation of peace" cannot begin until America realizes the heritage of unfairness and oppression found in the history of its foreign policy. Ever since America became a world power, foreign policy has been based on callous disregard of the rights and aspirations—many times even the lives—of non-Western peoples. Just as America's nonwhite minorities have refused any longer to accept an inferior status within America, we refuse to accept a foreign policy based on the implicit inequality between whites and the Third World.

Nowhere is this underlying racism more clear than in Southeast Asia, and in the ability of President Nixon to continue for so long acts of senseless destruction and devastation without either effective protest or control at any time by Congress. We do not believe any President would have been allowed to perpetrate this insane policy against any white nation. We do not believe that any number of POW's would justify a policy of terror directed against an entire nation—if that nation were European. We do not believe the costs of the war would have been tolerated if the administration were not adept at shifting them to the backs of black and poor people.

Every one of us is aware of the President's failure to make good his promise of a speedy withdrawal from Indochina. Yet the full dimensions of the costs of the war have been difficult to grasp. The plain fact of the matter is that our adventurism in Southeast Asia still continues to cripple the efforts of black and poor Ameircans to bring about desperately needed reforms in the community and the Nation. The President has felt compelled to cut deeply, not only into reform efforts, but also into basic domestic services. Even as this war ends, misdirection of financial resources will cost us dearly now and in years to come.

No matter what we are told by administration and Pentagon spokesmen about alleged dwindling defense budgets and economic problems that stem from whatever minimal cutbacks in domestic military spending have occurred, in reality this country still allocates $10 to $20 billion too much each year for defense. By making military decisions primary and domestic decisions only secondary, this administration shows a basic misunderstanding of the real sources of American strength.

Material costs of the war have been high, but spiritual costs have been even higher, for we have been asked to exchange the true pride that comes from the commitment to our national ideals on equality and self-determination for the false pride based on belligerence and abuse of power.

The Government began this undeclared war not in reaction to any real threat to the Nation but on the basis of a foreign-policy calculation that the United States could contain the Russian and Chinese superpowers through the small country of Vietnam. Now the Nixon administration tries to reach over the heads of the Vietnamese and settle the war on the basis of an understanding between the great powers. This kind of diplomacy may bring peace to the United States, but let no one imagine it has brought peace to Vietnam, that it has succeeded in leaving Vietnam anything but a legacy of continuing violence. The Vietnamese will not be at peace until a stable solution is found by the Vietnamese themselves, not by any outsiders, whether they be Russian, Chinese, or American.

Even more disheartening, Nixon's entire foreign policy seems based on the ease with which the United States takes more from the Third World than it ever intends to give back. Economic aid and trade investment policies build up economic structures useful only to this Nation's establishment and not the host population. America's power over markets is used to monopolize raw materials without paying a truly fair price. Although many people are under the impression that U.S. foreign aid is helping to equalize world income, the truth is that the gap between the rich nations and the poor nations continues to increase. The rate of economic growth of the poor countries is in a losing race with the rate of population increase, while America's swollen economy takes more and more of the raw materials and energy sources needed to attain our standards of living. No one can expect this situation to continue without bringing about confrontation on a global scale. There is no evidence that the present administration has any realization of the magnitude of this crisis.

The Nixon administration still ties national prestige and power to dictatorial regimes that have to rely on American support to maintain themselves against their own people. Nowhere was this more true than in the shocking tragedy of Bangladesh where power politics took precedence over human decency. As in the case of Chile, the administration still shows blind hostility to any government—no matter how democratic or nationalist—that threatens any U.S. business interest. Black Caucus members have introduced legislation to end our military aid to the Brazilian generals, to maintain economic sanctions against the Rhodesian minority government, to end U.S. involvement in the South African forced-labor economy, and to reorient foreign aid efforts with a massive increase in truly helpful economic aid. But these efforts met with little success.

The Black Caucus hopes that the truce signing really mean a final end to the insanity of using America's wealth to make life miserable for people who never did us any harm. We hope that pressures for continuation of hostilities are successfully withstood.

But we also intend to do much more than hope. We call on Congress to assert the responsibility it has evaded so long. Congress must insure that withdrawal signifies more than an empty phrase—and that the Pentagon and its friends understand it. Congress must no longer allow secret wars to be fought anywhere. And if Mr. Nixon characteristically tries to reverse course, Congress must refuse all funds for any further terror diplomacy.

The Congressional Black Caucus is in the process of making an analysis of the President's budget message and will make a more detailed statement to the Nation at a later date.

However, the caucus has serious concern over some of the premises underlying the budget cuts and suggests they be carefully scrutinized by the Congress.

The budget begins with the premise that defense spending cannot be cut. While we understand that rising manpower costs and costs for a volunteer army contribute to much of this increase, there is much waste in the military, particularly in many of the weapon systems which are of questionable value in the country's defense. In addition, use of U.S. military in European countries must be reevaluated in relation to critical domestic needs. A $4.6 billion increase in defense in the face of a $1.3 billion decrease in military manpower raises serious questions regarding our national priorities.

The state of this Union will continue sick and distrustful, unready for the challenges that lay ahead, until the blight of the war and all it represents is finally lifted from the country and from the black and poor communities. It is time to begin; to face our responsibilities to the rest of the world; to cease killing and maiming and to start working toward solutions to our common problems recognizing our common humanity, and common need to live in peace, freedom, dignity, and justice.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from California (Mr. Dellums) for his statement on behalf of the Congressional Black Caucus.

At this time, Mr. Speaker, I am pleased to yield to the gentleman from Michigan (Mr. Diggs) the distinguished chairman of the Committee on the District of Columbia of the House of Representatives, also chairman of the African Affairs Committee of the Committee on Foreign Affairs of the House, who will state the position of the Black Caucus on Africa.

Mr. DIGGS. Mr. Speaker, while the Congressional Black Caucus and President Nixon agree that the "two awesome problems" still facing Africa are the quest for modernization and the attainment of majority rule in southern Africa," our views on the means of resolving those problems are diametrically opposed.

The caucus finds that the President's concept of "progress" in this area, as in many others, is far from realistic.

President Nixon has failed to act positively on our recommendations of May 1971. Africa has not been given priority in foreign affairs. Far less than 1 percent of the U.S. gross national product has been allocated to foreign assistance in the developing countries. A special representative task force to provide a comprehensive review of U.S. policy has not been created. The White House rejected our recommendation to withdraw South Africa's sugar quota. This Government has not joined the Council of Namibia. While we welcome the appointment of a black Foreign Service officer to the American Embassy in South Africa, and note the administration's intention to encourage private enterprise in sub-Saharan Africa, we remind the administration that its interest in supporting the majority-ruled states of southern Africa must include Zambia as well as Lesotho, Botswana, and Swaziland.

Since the May 1971 Black Caucus report to the Nation, there has been a definite trend in U.S. policy toward more support of repressive minority governments in southern Africa and the intensification of economic policies that create hardships for the economies of black African nations.

Despite a United Nations' decision that the least developed countries—and Africa contains 16 of the 25 least developed nations—should be given priority in foreign assistance, the Nixon administration has decreased the proportion of foreign aid to developing countries since 1971. American aid to Africa declined from 8.4 percent of its total foreign assistance to less-developed countries in 1971, to 7.9 percent in 1972 and will probably amount to 6.8 percent in 1973.

Recent revaluation of major currencies, one result of President Nixon's new economic programs, crippled foreign trade, and monetary reserves and increased external debts of African and other developing states.

The Nixon administration has refused to endorse an international commodity agreement for cocoa sought by primarily African countries and is threatening not to renew the international coffee trade agreement to which a number of African nations are a party.

The United States lags behind the more progressive policy of the European Economic Community in granting general trade preferences to African and other developing countries.

The Nixon administration has withheld its support from a proposal to further link international finance and credit mechanisms to development needs. Such a link would immeasurably assist African and other developing countries to better handle trade fluctuations caused by price changes in industrial countries. This approach would also help to halt the deterioration in terms of trade for critical items.

As President Nixon designs new trade and international monetary policies, proper consideration should be given to the internal economic needs of less-developed countries. We must avoid at all costs the entrenchment of a world stratification system which consists of a few rich white nations and a massive majority of poor nations of nonwhite peoples.

If the Nixon administration's economic policy toward Africa and the rest of the developing world has been deplorable, its posture toward southern Africa has been nothing short of criminal.

In dealing with Portuguese administered territories:

The satanic assassination of Amilcar Cabral in Conakry last Saturday serves only to dramatize the gravity of the situation in the Portuguese administered territories of Africa. This leader of the PAIGC, slain like Patrice Lumumba and Eduardo Mondlane in a struggle against European colonial domination, was about to proclaim the independence of Guinea Bissau and Cape Verde.

In Mozambique, the effectiveness of the Frelimo forces has been so successful in the Tete Province of that country, that Rhodesia and South Africa have felt constrained to assist Portugal's defense of Mozambique.

The President bypassed the Senate to sign an executive agreement on the Azores military base in December 1971. By adding a nearly $434 million aid package, he markedly improved Portugal's capacity to wage war.

The President has failed to control the sale of defoliants to Portugal. These chemicals are being used to denude the land in Angola, Mozambique and Guinea Bissau.

The administration has relaxed the embargo on arms and military equipment to Portugal, allowing certain aircraft, such as helicopters and troop transports, to be exported to the Lisbon regime.

The Nixon administration voted against a resolution in the last U.N. General Assembly session which declared that liberation movements in territories in Africa under Portuguese administration were authentic representatives of the people there.

Concerning Rhodesia:

As early as September 1970 the Nixon administration ignored international economic sanctions to permit importation of 150,000 tons of Rhodesian chrome. A year later the White House failed to exert the necessary pressure to block the passage of the Byrd amendment which permits importation of strategic materials from the Rhodesian rebel colony in violation of United Nations Charter obligations. Even after the African people of Rhodesia dramatically demonstrated their opposition last January to the Heath-Smith accord, the President did virtually nothing to encourage rescinding the Byrd amendment. We now see that Rhodesia has imposed economic sanctions against Zambia, causing a new threat to international peace and security.

The Nixon administration appeared to give its approval to this action. Only 2 months before, the former chairman of the Committee to Re-elect the President, predicted over Rhodesian television on November 27, a "change" in U.S. policy "sooner than anyone realized."

Since the passage of the Byrd amendment, over 25 ships carrying Rhodesian contraband—particularly chromium ore, ferrochrome, nickel, and nickel cathodes—have entered the United States.

The President continues to permit the Rhodesian Information Office, which tends to function as an unofficial Embassy, to operate in Washington, D.C. In contrast, the Rhodesian Information Office located in Australia was ordered closed recently by Prime Minister Whitlam.

Turning to South Africa:

While there has been a total failure of the "dialog with South Africa" policy among African states, the Nixon administration still pursues a policy of communication and increased contact with the Pretoria regime.

The White House supported renewal of the South African sugar quota.

In dealing with Namibia:

The Nixon administration still allows tax credits to U.S. corporations doing business in Namibia for taxes paid to the illegal South African administering authority. Further, it has taken no concrete action to implement its oral decision in 1967 to discourage new U.S. investment in Namibia.

The Nixon administration continues to protect American business in Namibia vis-a-vis the illegal administering authority.

We specifically urge the Nixon administration to:

Take concerted action to improve hiring policies to insure that blacks are represented in the foreign service, world wide at all levels, in all career specialties.

Enforce arms embargoes against South Africa and Portugal especially for aircraft and other military transport equipment and weapons.

Adopt a policy of majority rule for South Africa and disavow the "separate development" policy.

End nuclear cooperation with South Africa.

Terminate all military aid to Portugal under NATO until it grants self-determination to its African territories.

Cancel the executive agreement with Portugal on the Azores military base.

Vigorously support U.N. sanctions against Southern Rhodesia and end all dealing with the illegal Smith regime.

Join the United Nations Council on Namibia and seek ways to implement U.N. resolutions and the World Court opinion concerning South African withdrawal from Namibia.

Provide substantial bilateral aid to Zambia consistent with U.S. stated support for majority ruled countries of Southern Africa.

Render all necessary assistance to Zambia following Rhodesia's closing of their mutual border to assure importation and exportation of products required to maintain economic stability.

Grant priority to African countries in the allocation of U.S. foreign economic assistance.

Act forcefully to bring about the demonetization of gold.

Support an international commodity agreement for cocoa and renew the international coffee trade agreement when it lapses this September.

Work actively to obtain a multinational accord on increasing the allocation of International Monetary Fund Special Drawing Rights to the developing countries and linking SDR's to development in those countries.

Make a substantial contribution to the special fund of the African Development Bank.

Establish a special task force composed of a broadly representative policy group to provide comprehensive review policies affecting Africa.

Maintain the moratorium on U.S. ship visits and shore leave in South Africa until apartheid is ended.

Reject the application of South African Airways for a new air route to the United States.

Mr. DELLUMS. Mr. Speaker, I would like to thank my friend and distinguished colleague from the State of Michigan (Mr. DIGGS) for his sensitive perception, his articulate analysis and forceful recommendations.

It is now my pleasure to yield to my distinguished colleague and friend from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Madam Speaker and Members of this distinguished body, we have just heard a very eloquent and perceptive analysis of our support of colonialism abroad. I rise to talk about colonialism at home, for as this Nation approaches celebration of its bicentennial anniversary, the people of the District of Columbia approach a centennial observance. Tragically, this centennial cannot be called a celebration. Indeed this centennial, unfortunately, is an infamous one. 1973 marks the 99th anniversary of the District of Columbia's being stripped of its right to govern itself. 1974 is the 100th year of bondage.

Much has happened these past 100 years. In 1874, the Congress removed the right of the District of Columbia to elect its local officials and to have a meaningful voice in local affairs. In a real sense, the District of Columbia was among the first colonies. At the end of the 19th century, this Nation found its "manifest destiny" and reached out for colonies the world over—Hawaii, the Philippines, and Cuba. In the past 100 years, these all were governed in one manner or another as a colony of the United States. History and the pressure of events has caused each to be freed from colonial domination. Only one real colony remains. The District of Columbia is truly the last colony.

People in the District of Columbia have no vote in the Congress. They have no right to elect local officials directly responsible to them.

They pay taxes and pay the overwhelming share of the cost of running local government, but they have no right to determine what those taxes are or determining how their tax money shall be spent. For these 100 years, the Congress of the United States has acted as the city council and the state legislature for the District of Columbia. No man, no matter how good his motivation or strong his ideals, can know what is right for the people of the city unless he is accountable to those people.

While the bicentennial celebration is inevitable. We, in the 93d Congress, and particularly blacks in the 93d Congress, will have an unparalleled opportunity to be certain that the District's infamous centennial does not come to pass. With the District's 71 percent black population, blacks across this country will view congressional action on this question as a test of whether Congress will deal with the problems of blacks generally in a fair and just fashion. We have an opportunity to give the people of the District of Columbia what is justly theirs—their right to govern themselves, thus bringing 99 years of bondage to an end. This is our challenge.

The task is not simple. The path is not free of obstruction. Both Congress and the President have a major role in making this dream come to pass. First, the framework for self-determination must be laid. The Nelsen Commission has made a number of recommendations for the shaping of the present District Government into an efficient machinery for delivery of governmental service. We know that the Committee on the District of Columbia under its new leadership will bring forth an implementation of these recommendations. As the Nelsen Commission itself indicated, however, the implementation of its recommendations cannot serve as a substitute for the granting of self-determination to the people of the District of Columbia. At the same time that the foundation for efficient and responsive government is being set, the Congress must move forward to find a form of self-government that reflects the best information and expertise that can be used to fashion self-rule for the people of the District. We are confident that this can be done. This Congress can also give the people of the District of Columbia voting representation in both the House of Representatives and the Senate.

Congress has its responsibility, and the President also must act. The White House has been strangely silent in the past 18 months about its attitude toward self-rule for the people of the District. It has been unwilling to use its influence to shape a constructive approach to the problem. All we have seen is silence and indifference. Even at the time in the last session of Congress when home rule legislation may have been within grasp, the President did nothing and provided no help.

Self-rule for the District of Columbia is not a Republican issue nor a Democratic issue. It is not even strictly a black issue. The denial of self-determination for the people of the District is an issue of democracy, central to whether this Nation can be perceived to be truly free. As long as the District of Columbia is denied its just rights under a democracy, an indelible stain is spread across the pages of this Nation's political history.

Madam Speaker, I wish to thank the gentleman from California for allowing me this time, and let us move forward to implement this part of our agenda.

Mr. DELLUMS. I thank my esteemed and distinguished colleague from the District of Columbia (Mr. FAUNTROY) for his sensitive and articulate presentation.

Madam Speaker, it is now my pleasure and my privilege to introduce another friend, my distinguished colleague from the State of California (Mr. HAWKINS) who will speak to us on the subject of employment and the economy.

Mr. HAWKINS. Madam Speaker, I thank the gentleman for yielding this time to me.

The Nixon administration has greeted recent signs of recovery from its 1970–71 recession as "good news" justifying program retrenchment, widespread cutbacks in Federal spending, and continuation of economic policies that "feed the fat and starve the lean."

While real growth of the 1972 gross national product averaged 6.5 percent, inflation was 3 percent. The growth rate exceeded averages for the post World War II years only because such advance is normal in years of recovery from deep recessions. But figures such as these are not realistic gauges of economic growth.

Administration claims of high employment and a decreasing unemployment rate for 1972 must not be judged by the "official" figures, but by examining the the actual situation in which millions of American citizens live: in poverty, with marginal employment, insecurty, and alienation.

The Nixon administration is, in fact, failing, through statistical misrepresentation, to count an estimated 20 million persons who are able and willing to work but who for various reasons are not covered under the Labor Department definition of "jobseekers."

Some, for example, stop looking for jobs that do not exist and are never counted in the BLS work force and unemployment statistics. In addition to these discouraged workers, there are other categories of the uncounted unemployed and underemployed. They include those who are involuntarily working part time; the "hidden unemployed"—housewives, welfare recipients, older persons, et cetera; and those, who, for legitimate but temporary personal reasons, are not seeking work.

Taken together, they reach a true figure of not 4.3 million, but over 20 million uncounted unemployed. Even this number does not include the thousands of underemployed persons who work full time but do not earn enough to support themselves and their families. The current minimum wage, $1.60 per hour, paid to a person working a 40-hour week amounts to a yearly income of $3,328.

Because the administration continues to exclude these persons from its statistics, we are presented with the illusion of relative employment prosperity. Moynihan's benign neglect has become malignant disregard of millions of people without jobs. One of the numerous negative results of this underreporting is that it allows the President to cut the funding of some job and job-training programs, and to abolish others entirely.

In addition, the lack of public awareness of the extent of the problem prevents public demand for remedial action. Thus, severe unemployment continues—leading to increased welfare rolls, the dismembering of families, hostility between ethnic groups vieing for the same job or programs, and, of course, more crime.

We believe that the Nixon administration must be willing to commit itself to guaranteeing full productivity and full use of our human resources through a vigorous program of public service jobs and sensitive and relevant economic and fiscal policies conducive to the highest levels of employment by private enterprise.

Having failed to acknowledge the true number of unemployed persons and thus to take appropriate measures to see that necessary jobs were available, this administration has cost America billions of dollars in lost tax revenues.

The President's appeal for public support of his merciless and unwarranted abolition of anti-poverty, manpower, education and health programs under the guise of fighting inflation and preventing a tax increase is purely a political hoax.

First. He rules out completely tax revision based on ability to pay as a means of increasing revenues, granting tax relief, and meeting the costs of essential human needs.

Second. He ignores the simple fact that while taxes may be burdensome it is the higher costs of living involved in his policies from which we suffer the most: High interest rates, rents, runaway food prices, increasing medical costs, and inflated utility payments.

Third. He advocates improperly that by reducing expenditures for programs to meet human needs, economy is achieved and somehow those needs will be met by someone closer to the people or by the people themselves. It would be just as logical to reason that it is economical to save by encouraging school dropouts so fewer would have to be educated or to shorten life expectancy in order to avoid providing old age benefits, or to require each of us to sweep the street in front of our property, empty our own waste, or educate our own children, with a return to the simple frontier days of early America.

Granted, some reduction in spending is desirable. But the point is that increased revenue without additional taxation is possible by reducing unemployment and increasing the economic growth rate. A simple 1-percent reduction in the official unemployment rate would increase revenues by over $12 billion and at the same time help to achieve the work ethic the President cherishes so dearly. It is also well documented that we lose at least $7.8 billion of gross national product due to the underutilization of minorities.

Billions can be saved and inflationary pressures relieved by honestly disengaging altogether from Indochina, by reducing the need to make large unemployment insurance payments through implementing full employment, and by cutbacks in huge subsidies to a few giant industrial, agricultural, and financial monopolies. This would be in line with the President's admonition and belief in self-reliance and free competitive enterprise. In addition, we should point out that the military budget is being increased by $4.7 billion—an increase which is six times what the Government spends on elementary and secondary education.

We refute the cynical theory that lowering the unemployment rate would necessarily lead to inflation. Administration economists claim, if the unemployment rate goes down, inflation necessarily has to go up. And today, it becomes perfectly clear that the administration is more than willing to trade off millions of workers to stop inflation.

In the first place, the economy is entirely too complex for such simplistic reasoning that lower unemployment leads to higher inflation. An administration that wants to control the economy, can battle inflation through other means—such as monetary policies. At this stage of our Nation's economy, it is preposterous to see the gross national product increasing at 6.5 percent in 1 year and the Chairman of the Council of Economic Advisers saying that the "average person" is better off as a result. But we know that the "average person" has not benefited this much and we know that the person who is unemployed is not "average" but does have an inalienable right to participate in that 6.5-percent increase in GNP.

Second, we detect a cynicism in an administration's policies designed to scrap social programs—manpower training, education, day care—under the guise of reducing the role of Government in the economy while at the same time imposing controls on the wages of working people, allowing prices and profits to rise, and even promoting guaranteed loans to large corporations. Is the land of opportunity really one in which people are permitted to be unemployed while an inefficient "free enterprise" corporation is saved by the Government?

The Congressional Black Caucus, in its statement to the President in 1971 recommended the creation of 1,100,000 public service jobs; a comprehensive manpower planning program that could train the unskilled for those jobs and for others in the private sector; basic changes in Federal recruitment, testing, and promotion policies to make them more equitable; enforcement of the mandate of the Office of Federal Contract Compliance to insure equal employment opportunities for potential and actual employees of companies with Federal contracts; and cease and desist power for the Equal Employment Opportunity Commission.

The Office of Federal Contract Compliance suffers from the lack of authority to enforce its own guidelines. It has become clear that the current administration has neither the interest nor the desire to see that women and minority workers have a fair chance to get jobs with Federal contractors. On the contrary, the National OFCC Director has been told to go slow on compliance and has had his supervisory relationship with the OFCC field representatives taken away.

In regard to testing, the Civil Service Commission has held that the decision of the Supreme Court in Duke against Griggs Power Co. which says tests must be job related does not apply to jobs within the Civil Service Commission itself. And CSC continues to recommend and place potential Federal employees in jobs using the results of tests that are patently non-job-related and furthermore have never been validated.

Finally, of those recommendations to the President here mentioned, the empowering of the EEOC to bring suit against groups not in compliance with the Civil Rights Act of 1964 was accomplished in Congress last March largely through the efforts of Members of this caucus. Thus, 2 years after our statement to the President, we find that only one of the recommendations was carried out—and this one against the bitter opposition of the administration, and in a weakened form.

I suggest that our principal economic troubles and social tensions arise out of the fact that we negate in practice the national goals we assert in principle. Current policies have made shambles out of the Employment Act of 1946 which mandated high employment and production. The Civil Rights Act—implementing the goal of equal opportunities—is becoming obsolete through disuse. The goal of "a decent home for every American" is profaned by arbitrary executive action that cuts off housing programs for low- and moderate-income groups. And the war against poverty has turned into a war against the poor.

These goals were set cooperatively by the Congress and the executive branch—and neither acting alone has the right to repeal them.

Today Members of the Congress are being asked to tax the American people in order to turn funds for programs of national concern over to "local officials" as if Congressmen were not also locally elected by the same constituents.

It is said that too much power resides in Washington. If so, it is on Pennsylvania Avenue—not on Capitol Hill or in the Supreme Court across the street. The Government is referred to by the President as some monstrosity separate from "the people" and not as the instrumentality by which people democratically, efficiently, and economically meet their human needs.

A government "of, by and for the people" is today a delusion. It is a government of vast power, manipulated by a few men, for special interests. Starting here in the Congress—with peoples of diverse interests and identity as allies—we must articulate national hopes and relocate the pathways that lead to achieving national goals.

Mr. DELLUMS. Mr. Speaker, I thank my friend and distinguished colleague, the gentleman from California (Mr. HAWKINS) for his articulate presentation, and his forceful recommendations.

Mr. REID. Mr. Speaker, would the gentleman yield?

Mr. DELLUMS. I am delighted to yield to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, I would like to commend the gentleman from California (Mr. DELLUMS) and our other colleagues for taking to the well of the House tonight on the true state of the Union, affecting the future of democracy in these United States.

With reference to what is happening to the budget, wherein immeasurable programs critical to the needs of the American people are being slashed—and slashed precipitously—I think what is at stake is whether or not this Congress is going to honor an American commitment to the poor, to early childhood education, to a host of antipoverty and health programs, indeed, to higher education which is in the process of being decimated in many areas. Clearly, the Congress must stand up today and be counted.

It is critically important that we return the power of the purse to the Congress, and that we have checks and balances in our Government.

The House is allegedly the people's representative, the people's body. We must and can regain the power to cut funds when they are being improperly spent by the executive, inconsistent with congressional mandate or statute. At the same time, we must and can direct the executive to spend the funds that have been improperly impounded, or perhaps use the powers of the debt clause of the Constitution to sign the checks ourselves. As a step, we might consider a Comptroller General appointed, not by the President, but by the Congress, through concurrent resolution.

Unless we can get these basic powers and effectively use our power to compel testimony and information of witnesses relative to our congressional and constitutional purposes, this body could become increasingly somewhat irrelevant.

Conversely, it is my conviction that unless the Congress stands up and exercises power thoughtfully and wisely, we will be treated with increasing condescension by the Executive. If we want thoughtful cooperation, we have got to deal from a position of strength in the public interest. Ultimately what is at stake is not just the checks and balances in our system of government, nor is it simply what is going to happen to the American people and the children and the poor throughout our land—the people whose hopes have been dashed; it is a question of survival of freedom itself.

I have seen in many countries of the world the cause of freedom of the press threatened. Today we are seeing this under the most serious attack in our history. We must fight for the viability and strength and integrity of our free institutions. To me this means, among other things, a free and viable press, including radio and TV. It means unfettered courts, free to interpret justice as they see it and, finally, a proper balance between a strong Executive, a judiciary, and Congress. If these institutions can be maintained in the strength of viability and hope and integrity, then I have great hope for the United States, and, above all, for a government that must recognize that it is accountable to the American people.

This is something that I think some in the Executive Office fight today. We are here as servants, and the role of government is to govern, not to divide and conquer.

I think the gentleman in taking the well, and also the entire Black Caucus, today is helping to illustrate, to underline and underscore, the importance of these issues which go to the heart of freedom in this country and, indeed, throughout the world, and to our commitment as free men to serve as servants of the people. It is our duty to see that people are involved in the decisions affecting their lives, and that the commitments of their Government done in their name are honored.

I thank the gentleman for yielding, and I commend the Congressional Black Caucus not only for taking time tonight, but also for its valuable contributions to the rights and liberties of all Americans.

Mr. DELLUMS. I thank my friend and distinguished colleague from New York for his comments and his thoughts and his commitment to action, and his sense of idealism. I am certain that if the 92d Congress was any indication of the gentleman's commitment, I am sure that he will be one of the many Members of Congress who will join the Congressional Black Caucus in helping us fight to right the wrongs and redress the human issues and solve the human problems that confront us in this country and throughout the world.

It is now my privilege and my pleasure to introduce one of the new members of the Congressional Black Caucus, the gentlewoman from Texas, who will discuss the issues of civil rights enforcement. I yield now to my colleague and friend, Miss JORDAN, from the State of Texas.

Miss JORDAN. Thank you, Mr. Chairman, for yielding me a portion of time to give you an overview of civil rights enforcement.

In the 19 years since the historic decision of the U.S. Supreme Court which outlawed segregated education, the Federal civil rights arsenal has been stocked almost full. Almost every aspect of discrimination has been prohibited by statute, Executive order, or Supreme Court decisions. Much of the administrative machinery has been established to give the Federal Government the means to insure that no citizen is denied the opportunities guaranteed by the Constitution. But in the 1970's, this array of weapons is in danger of becoming like the arsenal in colonial Williamsburg, neatly stored in an isolated blockhouse, noticed only by students and historical scholars. The legacy of two decades of national upheaval is withering away from lack of use, and, in some areas, from active attempts to dismantle the enforcement machinery.

This atrophy is certainly not attributable to a lessening of the need for forceful programs to assure minorities equal access to decent homes, good jobs, effective health care and full participation in the processes of democracy. Despite some dramatic progress in the last two decades, racism continues to flourish across this land, crippling the lives of blacks, Puerto Ricans, Mexican Americans, Indians and other oppressed minority groups. Black families earn only 61 percent of what white families earn. Black unemployment continues at twice the rate for whites. Nonwhite male infant mortality is increasing while fewer white infants are dying. It is small comfort to a black family struggling to overcome ancient prejudices to know that it is guaranteed equality in legal theory.

Only with national resolve and unflinching enforcement of civil rights laws can this legal theory be translated into fact. Both resolve and enforcement are in dwindling supply in this decade. The buoyancy and optimism of the 1960's, when statutes and orders were won to break down almost every barrier to equality, have given way to dismal perceptions of the demise of "the second reconstruction." Instead of promoting racial conciliation and social change through the active enforcement of civil rights laws, this administration has combined indifferent, lackluster enforcement with blatant backtracking.

These disastrous, regressive policies are apparent throughout the Federal Establishment. The Federal Government itself, the Nation's largest employer with over 3 million employees, has yet to give minorities equal employment prospects, especially in the higher levels of the civil service system where decisionmaking power and influence rest. Twenty-seven percent of the civil service employees in grades 1 to 4 are black, but only 4 percent of those in grades 12 to 18 are black. Despite improving efforts by the Civil Service Commission to increase recruitment of blacks and other minorities in all levels, these proportions have scarcely changed.

The private employment picture is far worse. The Federal Government has a wide array of powers designed to open up industries and unions to minorities which have been systematically excluded from well-paid employment. The Equal Employment Opportunity Commission, which has responsibility for title VII of the Civil Rights Act of 1964, prohibiting discrimination in private employment, has had little impact on the pervasive racism it is directed to attack. Long vacancies in key positions, limited and time-consuming powers, continuing lack of sufficient staff and funds and negligible coordination with other key agencies have relegated the Commission to piecemeal reactions to individual complaints. It has made relatively few initiatives to attack the broad patterns of discrimination in employment and promotion possibilities which abound throughout the private sector. Those complaints which it does handle take from 16 months to 2 years to process. Attempts in the 92d Congress to give the Commission the power to issue cease and desist orders to employers or unions found guilty of discrimination were opposed by the administration and defeated.

The Office of Federal Contract Compliance in the Department of Labor has shown even less effectiveness in making Government contractors follow nondiscrimination in their employment practices. Its principal sanction—termination of Government contracts—has been used so rarely that it is no longer a credible weapon. The Philadelphia Plan and other "hometown" efforts to open up construction unions to minorities are widely recognized as charades which result in little real improvement in the employment prospects for black construction workers. The principal tool available to these agencies and many others in the Federal Establishment, affirmative action plans for increasing minority employment, have come under increasing attack as the undemocratic imposition of forced quotas.

Setting reasonable goals for minority employment, with accompanying timetable and carefully laid out plans for approaching those goals, are the essential mechanisms for gaining access for minorities to employment in the economic mainstream. The adminstration's vehement opposition to quotas, which is a perversion of the goals required by affirmative action plans, has given the cloak of respectability to the opposition to this principal means for securing equal employment opportunity. These spurious attacks seek to characterize affirmative action plans as the establishment of mechanical selection procedures which ignore merit and concentrate only on skin color, ethnicity or sex. Instead, affirmative action must be seen as a remedy when an employer or union is shown to have discriminated against minorities, for without explicit plans and targets that discrimination will continue to exist. The Nation must be made to realize that the time has come to pay the moral dues for the centuries of discrimination and neglect which have cut off millions of black and brown citizens from enjoying the fruits of our society.

The Department of Justice's Division of Civil Rights, which should be the focal point of the Federal civil rights effort, plays an almost invisible role. Its minimal staff prevents it from exercising the coordination required, with the result that its attorneys concentrate on minor and lengthy litigation. Instead of imaginative and aggressive enforcement of the laws, pressing other Federal, State, and local agencies to generate major civil rights compliance activity, the Civil Rights Division exercises scant leadership in the field. Its principal responsibility for insuring every citizen the right to vote has been all but abandoned. The administration tried in the last Congress to dismantle the special provisions of the Voting Rights Act of 1965 which are virtually needed to enfranchise the 2.5 million still unregistered black voters in the South. The Federal Government shows an alarming willingness to let these disenfrenchised blacks fend for themselves, rather than actively seeking to prevent States and political subdivisions from establishing discriminatory voting procedures.

This dreary picture repeats itself throughout the Federal establishment. Title VI offices in almost every Federal agency, charged with insuring that minorities have equal access to and participation in Federal programs, are understaffed, underfunded and inadequately trained. Their efforts are characterized by self-certification of nondiscrimination with little, if any, agency investigation; rare pre-approval of grantees compliance with civil rights statutes; and no enforcement of those statutes if discrimination is found. The U.S. Commission on Civil Rights, the independent watchdog of the Federal civil rights effort, has consistently pointed out the utter inadequancy of existing enforcement programs. No agency has ever been rated as making more than a marginal effort in any civil rights area. Recent personnel decisions by the President give no reason to hope for improvement. A union official who has actively resisted the development of affirmative action plans in the construction industry has been designated the Secretary of Labor. The head of the Health, Education, and Welfare Department's Division of Civil Rights, whose enforcement programs have been severely criticized for inactivity and ineffectiveness by a Federal court, has been designated to take charge of the Civil Rights Division of the Justice Department. The Chairman of the Civil Rights Commission, whose agency has fought an uphill battle to breathe life into civil rights enforcement, has been forced to resign. The Community Relations Service of the Justice Department, once a forceful advocate of minority causes in communities across the country, has been decimated by budget cuts.

How did this Nation, which seemed to have rediscovered conscience and concern for the rights and opportunities of others in the last two decades, so quickly find itself in a period of increasing reaction and racial antagonism? Perhaps it is because we all underestimated the complexity of the problems of racism and the deeply rooted attitudes and institutional procedures which sustain it. Certainly the task of rooting out the discrimination which pervades almost every aspect of life in this country cannot be accomplished merely by statutes or court orders. Vigorous enforcement of the law with the leadership of the highest officials in Government is clearly necessary, but so obviously lacking. The sense of urgency about civil rights seemed to melt away when the ghettos stopped burning and the present administration began 4 years of "low profile" numbing Government.

There are only a few hopeful signs of change. Recent agreements arranged by the administration with the American Telephone & Telegraph Co. and the Bethlehem Steel Co. in separate cases could have major impact on previous discriminatory practices in those companies and demonstrate the potential impact of large industry actions. Thousands of employees should find new avenues of promotion and advancement opened up to them as a result of these Federal compliance activities. Millions more could benefit from increased Federal actions of this kind.

Another hopeful sign is that the budget request for fiscal year 1974 showed few decreases, other than in the Community Relations Service of the Department of Justice, for civil rights enforcement activities, and a number of small increases in agency allotments. These modest increases will not revolutionize civil rights enforcement but they can help retard the backsliding which has become increasingly typical of the Federal effort.

However, the problems remaining to be solved are immense, and the momentum of the 1960's has run out. The 93d Congress will be called upon to defend progress already made rather than undertake new initiatives. The effort to extend the Nation's concept of equality to include all men of all colors cannot yet be abandoned.

Mr. DELLUMS. Mr. Speaker, I thank my friend and distinguished colleague, the gentlewoman from Texas, for her illuminating presentation and pointed recommendations.

It is now my pleasure and my privilege to introduce my colleague from the State of Illinois, the gentleman from Illinois (Mr. METCALFE) who will speak to you on the issue of health.

Mr. METCALFE. Mr. Speaker, I would like to take this occasion to express my thanks to my very distinguished colleague from California (Mr. DELLUMS) for yielding to me and affording me the opportunity to participate in this very momentous occasion.

Racism is more than a matter of civil rights.

In a country with a gross national product exceeding $1 trillion, we are unable to take care of the basic health care needs of many citizens—especially blacks and other minorities. Priorities must be reordered so that a greater proportion of funds are allocated to meeting human needs and improving the quality of life rather than devoting huge amounts to developing weapons systems and increasing overkill abilities.

Yet, as it relates to the health crisis, the Nixon administration pursues an active policy of health services retrenchment and cut backs of appropriated funds for health care.

More distressing is the President's failure to propose a health care plan which would minimally meet the health needs of all Americans. Instead, the administration sends to Congress a program which amounts to nothing more than a billion dollar bonanza for private insurance companies—one which would add an extra 8 percent of total health care transactions to insurance company coffers by 1974.

The Nixon response aims to assist the entrenched establishment of health care in America—the insurance companies, hospital bureaucracies, and the private medical profession. It is just this establishment which confuses and impedes the development of a national program of health care for all citizens—and such a condition we can all afford to tolerate.

How great is the health crisis?

Among 20 industrial nations in 1967, the United States ranked 14th in infant mortality with 22 deaths per thousand.

Infant death rates are 80 percent higher for minority group members than for whites; 35.9 deaths for 1,000 live births for nonwhites as against 19.7 for whites.

The United States ranks 11th in maternal mortality, 22d in life expectancy for men, and eighth in doctors per capita.

One quarter of all persons with family incomes under $3,000 have activity-limiting chronic conditions.

Persons in the poorest income categories are nearly four times more likely to have an activity-limiting condition as those in higher income ranks of $10,000 and over.

Those in high income classes are 3½ times more likely to have a routine physical examination and 4½ times more likely to visit a pediatrician or an obstretrician-gynecologist than persons in lower income groups.

Although most babies now are delivered in hospitals, as many as one-third to one-half of the women, who deliver in public hospitals have had no prenatal care. For a poor woman, the cost of such care may be prohibitive and access to a clinic difficult.

The pervasiveness of the agony and torment generated by the health crisis can be seen in every major city in America. The reasons are readily apparent. Black physicians comprise only about 2.2 percent of the Nation's doctors—a reflection of the history of discrimination which runs throughout the medical care field. And conditions in Mexican American and Puerto Rican communities may be even worse; as many as 44 percent of nonwhites have no health insurance as compared with only 19 percent of all whites.

Faced with these distressing conditions, the Nixon administration has taken an about-face in expanding Government activities in the health sector. Prior to enactment of medicare and medicaid in the mid-1960's, the Federal Government confined its health activities primarily to regulation of drugs and medical devices and to construction of hospitals. Under the Johnson administration came establishment of new and innovative programs for health. Laws authorized substantial amounts of funds for construction of mental health facilities, medical schools and public health schools. For the first time, Federal money was allocated for regional medical programs for heart, cancer, and stroke research. Programs were established for vaccinations against communicable diseases and to assist the mentally retarded.

Such programs as the Comprehensive Health Planning and Services Act of 1966 and the Health Manpower Act of 1968 all received overwhelming bipartisan support in Congress. Now, the Nixon administration has made health care a subject of controversy. President Nixon has blocked major congressional initiatives. He vetoed:

The Hill-Burton Medical Facilities Construction and Modernization Amendments in 1969 after it unanimously passed the House.

A measure to increase the supply of family doctors, after it was approved by Congress with only two dissenting votes; President Nixon waited until Congress adjourned for Christmas to utilize a pocket veto and thus avoid an almost certain override.

Appropriations for the Departments of Labor and Health, Education, and Welfare totaling millions of dollars slated for health programs. Since the President has not sent Congress any meaningful proposal for national health care insurance and since he has backtracked on his support for health maintenance organization, these vetoes are irresponsible.

On rank-and-file health programs authorized under the Public Health Service Act, the Nixon administration either has no view or recommends against any extension. For example, during hearings on the Emergency Health Personnel Act Amendments last year, the administration portrayed characteristic negativeness. A spokesman acknowledged there was a need to get doctors into scarcity areas and that this was a specific Nixon objective. However, the spokesman urged that the legislative authority to do so not be extended, pending review—a contradiction in positions at best.

Since Congress has not acted on any viable proposal to obtain better health for all citizens, the "buck" stops here. We must realize there are no easy answers and that no single program is going to work for all the people. There must be a continuing effort which no doubt will include national health insurance. Enormous costs of such a program necessitate a closer look at how services are delivered. And, because health problems are so interlaced with social and economic hardships, Congress must design a health care package which adequately meets the needs and aspirations of poor and minority groups. Finally, we must deal with the entrenched and highly active health providers who oppose needed changes.

We can achieve better health care for all citizens. The President must reorder priorities to end the disgrace which exists in the health care field today.

POSITION OF CONGRESSIONAL BLACK CAUCUS ON HOUSING AND ECONOMIC BLACK DEVELOPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 60 minutes.

Mr. MITCHELL of Maryland. Mr. Speaker, I wish to yield my time to the distinguished chairman of the Congressional Black Caucus, the gentleman from Ohio (Mr. STOKES).

The SPEAKER pro tempore. The gentleman is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding at this time.

It is my pleasure and privilege to call upon the gentleman from the State of Maryland (Mr. MITCHELL) who serves on the Banking and Currency Committee of the House, and who at this time will state the position of the Congressional Black Caucus with reference to housing and economic black development.

Mr. MITCHELL of Maryland. Mr. Speaker, I wish to thank the gentleman.

Mr. Speaker, historically, the struggle of black Americans and other minorities for inclusion in the mainstream of American life has been preoccupied with obtaining and seeking enforcement of civil rights and other constitutional guarantees through vigorous affirmative action by the Federal Government. It was a preoccupation that I feel was necessary and vital for black survival.

However, the tenor of our struggle in recent years has changed. Today, black Americans and other minority groups are actively and vigorously seeking full participation in the economic process. The seventies have brought recognition of the fact that equal justice and civil rights are linked to economic security, and that political empowerment must be undergirded by economic empowerment.

As a result of this new dimension to our seemingly never-ending endeavors to achieve full participation in the American system, various inadequately funded government programs have sprang up purporting to address themselves to our economic plight. Despite this administration's stated commitment to minority owned business as a first line effort to address black needs, performance has fallen far short of the promise. While the Office of Minority Business Enterprise has moved from a powerless public relations office to achievement of some visible progress, the overall performance of the administration has tended more toward rhetoric than reality.

In 1969, the Department of Commerce conducted a census of minority business which showed all too clearly where minority business stood in the American economic system. The Minority Business Census Report revealed that approximately 322,000 minority business enterprises—representing only 4 percent of the total number of all enterprises—had total receipts of $10.6 billion, and accounted for a mere 0.7 percent of the receipts reported by all U.S. firms, even though minorities—black, Indians, Eskimos, Puerto Ricans, Mexican-Americans, Cuban-Americans and others—constituted 20.89 percent of the total population, as of the 1970 census. At last, the extent to which minorities was excluded from the American marketplace was known. This report only bore out what many black Americans and their minorities had suspected all along.

Supposedly in response to this situation, a March 1969 Executive order created the Office of Minority Business Enterprise—OMBE—to serve as the coordinator of all Federal efforts to enhance minority enterprise. Although OMBE's credibility in the minority business community has risen considerably since the days of its beginning, there is an inadequate commitment of funds to underwrite vastly expanded loans from the private sector through OMBE.

As a result of this modicum of success, it appears that the administration is going to put most of its minority enterprise emphasis in OMBE. But this position is looked upon cautiously by minority entrepreneurs and businessmen, and with good reason. Many minority businessmen, who generally are delighted with OMBE's new facelift, express caution and concern about OMBE's future and indeed the entire Government minority enterprise program.

Many black business leaders see important gaps in OMBE's program still, and a need for substantially more funds if OMBE is going to make a dent in the minority enterprise problem.

Moreover, technical assistance and training alone are not enough. Other facets of the total minority enterprise program seem less promising and less well supported than the OMBE program. For instance, although the Small Business Administration—SBA has increased its loans, guarantees, and other forms of credit support from $107.1 million in fiscal year 1969 to $297.5 million in fiscal year 1972, of the total loans and grants made to all small businesses, the percentage going to minority businesses has actually declined over the past two fiscal years.

The Office of Economic Opportunity's Title I-D: Special Impact Program—now title VII under the most recent OEO legislation—which venture capital as well as technical assistance and support funds to Community Development Corporations, buttressing their efforts to lessen the impact of unemployment and underemployment in urban and rural poverty communities, have decreased grants from 31,241,000 in fiscal year 1970 to 24,000,000 in fiscal year 1972.

It is this kind of backsliding in minority programs that has caused many black Americans to be apprehensive about the future of minority enterprise programs, for there is no indication that these declining allocations will be reversed nor will they be ploughed into OMBE programs to cover these slippages from other agencies.

By far the most highly touted program instituted early in the Nixon administration was the minority enterprise small business investment companies programs. Established in November, 1969, the MESBIC program was to specialize in providing long-term venture capital to minority businesses. Since very little Federal money is available for equity investment, the private-sector was looked upon to furnish the needed equity capital. The MESBIC concept was to be the vehicle to lure this private sector equity capital.

Despite high expectations voiced by then Secretary of Commerce Maurice Stans in 1969, MESBIC's have been put on the back burner of the administration's list of priorities. Three years after the program was launched, it is only halfway toward the goal of 100 investment companies set for July, 1970. The fiscal year 1972 Progress Report on minority enterprise programs proudly points out that the 51 licensed MESBIC's have a total private capitalization of $17.5 million. This, however, is a far cry from the 100 MESBIC's with private capital of $225 million envisioned by the Nixon administration.

Moreover, of the $36 million MESBIC's are eligible to borrow from SBA for reinvestment, only $5 million has been actually received from SBA. The 1972 Fiscal Year Progress Report also beams with pride that 442 financings were made by MESBIC's by the end of 1972, using $7.6 million of MESBIC capital to generate $35.9 million for the same portfolio companies in additional investments and SBA guaranteed bank loans. When viewed against the enormous capitalization disadvantaged businessman need if they are to have more than a microscopic share of America's business, the MESBIC achievement is hardly impressive. Despite recent legislation to improve MESBIC operations, the program still suffers from lack of administrative support funds, too much emphasis on mom and pop store-type businesses and undercapitalization.

It has been stated over and over again that the real growth of minority enterprise will come only when the private sector is made to recognize that investing in minority business is good business. But the private sector has at best, put only a minimum amount of capital into minority businesses, at worst they have adhered to an attitude of diffidence toward minority enterprise.

Although Federal procurement has shown a substantial percentage increase in recent years, the total of $393.9 million for fiscal year 1972—inclusive of $151.6 million of 8(a) procurement—still represents less than 0.4 of 1 percent of all Federal procurement.

The Congressional Black Caucus was not impressed then, and it is not impressed now. It is true that increases have been made in Federal procurement but present levels are still only a drop in the bucket of this multibillion-dollar business.

In our original 61 recommendations to the President in March 1971, we recommended that "in addition to increased Federal support and employment of direct set-aside programs for all procurement, that he support the enactment of legislation requiring that contractors working on federally assisted and financed projects set aside a specified percentage of their subcontract work for minority firms."

Again we submit the above recommendation to the President as well as to the Congress, for the recalcitrance of major contractors has denied minorities access to their fair share of the Government procurement market. By his own admission, Mr. Thomas Kleppe, Administrator of the Small Business Administration, stated that there is major resistance from middle management, in both Government and the private sector, toward minorities obtaining a piece of the Federal procurement action in particular, and economic parity in general.

In addition to increased Federal financial support, new and innovative programs and legislation are essential. For instance, one such piece of legislation was introduced in the Senate in the last session of Congress. This bill proposes to guarantee equity investments in minority businesses by private investors. This is the kind of legislation that should be seriously and actively discussed, analyzed, and pursued by both the Congress and the administration.

We urge the President to continue to fund Community Development Corporations which, as part of OEO, are under administration attack. Despite inadequate funding, CDC's have contributed significantly in the creation of jobs, increased community income, and expanded minority ownership opportunities. Support should also be continued for the highly innovative and promising demonstration programs of the Opportunity Funding Corporation.

The Congressional Black Caucus also continues to urge the creation of a major federally financed guarantee organization to insure securities and obligations of CDC's.

To seriously address the continuing problem of scarcity of risk capital for minority enterprise, an independent publicly funded development bank should be organized with an initial appropriation of $1 billion. This agency should be under the direction of a board with broadly representative minority membership.

As far back as 20 years ago, the Federal Government recognized the need to undergird U.S. corporate investments overseas. Over the last 20 years the State Department, and more recently, additional governmental mechanisms, have written some $7 billion of insurance and guaranteed loans totaling $160 million for major U.S. corporations.

Our minority business development effort, deserves and needs the same type of Government consideration before the present downward trend can be corrected. The Congressional Black Caucus urge the President and our congressional colleagues to meet the real needs in minority enterprise. We must provide the true resources needed to establish a development bank for minority enterprise.

Even were the President and Congress to implement every recommendation in this report immediately, it would not be enough to lift black and other minority Americans to anything approximating economic equality during the lifetime of anyone now alive. For historically, black, brown, and red Americans are the only Americans who have never benefited from preferential economic treatment by the Federal Government. Enslaved blacks, embattled Indians and economically enshackled Chicanos were in poor position to capitalize on the Preemption and Homestead Acts, so that the vast majority of the 1.6 million families who acquired Western homesteads were white Americans, many of them recent immigrants. Having been excluded as landholders, minority Americans were in poor position to benefit from the expansion of agricultural credit in the first third of this century. Even less were they in position to take advantage of what DuBois has described as "the widespread custom" during the industrial revolution of "public investment for private profit." When Federal, State, and local governments paid three-fifths of the cost of the railroads and handed them over to individuals and corporations, no black man profited or gained a piece of ownership.

Thus it is no accident that blacks are today among the most propertyless of all Americans, excluded from the mainstream of the American economy—not by their own indolence or lack of entrepreneurial instinct, but by the fact of slavery and its aftermath, which placed them on the sidelines when the great national giveaways were occurring. Only, then, by a massive program to bring large numbers of these propertyless people into the ownership class can America hope to convert them from opponents of the economic and political system which now excludes them to supporters of the system. This goal cannot be achieved cheaply. It cannot be achieved by awarding a few franchises, establishing a few hundred small businesses—or even creating a few black millionaires. Achievement of this goal means that minority Americans must be given preferential access to investment capital, and preferential access to sheltered markets. Therefore, the Congressional Black Caucus calls once more on the President, the Congress, and the Nation to initiate a truly effective minority economic development program.

Over the past 4 years of the Nixon administration, we have witnessed a deterioration of our cities across the country. This deterioration continues despite that handful of local housing authority heads in each city who are doing their best to provide decent housing for all. It continues despite a plethora of programs and endless reiterations of high-minded goals. For millions of ill-housed Americans, the very real fact is that the Federal Government has barely constructed more housing than it has demolished.

Accompanying this deterioration has been a calculated retreat by the executive branch from its legislated responsibility to house our Nation's citizens. This responsibility is clearly spelled out in the Housing Act of 1937, which committed the Government to a policy of utilizing its funds and credit to assist the States and localities in providing decent housing for low-income families. The responsibility was formalized with the enactment of the Housing Act of 1949, which quite clearly, called for "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American." Finally, the Housing Act of 1968, the Congress set forth the goal of some 26 million housing units to be built by 1978. Six million of those housing units were to be for low- and moderate-income families. This Federal responsibility has been reaffirmed by the Congress in each of the 4 Nixon years.

As the second term of the Nixon administration begins, conventional starts have been well ahead of schedule. But the subsidy programs—those that create housing for the poor—have been beset with problems, from scandal-ridden FHA programs to fiscal abandonment by HUD. Rather than reform the program or present realistic alternatives, the administration imperiously cuts off housing for the poor.

This drastic action follows on decades of Federal housing assistance to the well-to-do. FHA, through low-interest rates on guaranteed loans, stimulated the growth of America's suburbs after World War II. In the 25 years following its birth, it insured more than $81 billion in residential mortgages for seven and a half million middle-income families. During that time, however, the agency actively discriminated against blacks and other minorities by discouraging investment in racially mixed areas. By extending full credit for developments outside of the city limits and by refusing to offer even conservative credit to builders and buyers in the city, FHA successfully closed off the suburbs to blacks and simultaneously contributed to the decline of the inner city. In 1968, the Congress paved the way for FHA's entry into the inner city by deleting the economic soundness stipulation for mortgage insurance and substituting "acceptable risk" for families that lived in older, declining neighborhoods. Though the Federal intent was to provide more housing for the low- and moderate-income families, the result has been the victimization of many by speculative builders and investors aided by unscrupulous FHA employees who looked the other way. Leaky basements, poor plumbing, inferior wiring and inadequate insulation are just a few of the problems that have confronted new subsidized homeowners.

The fiscal abandonment by HUD comes at a time when capital and operating costs are at all-time highs as a result of inflation. The Congress, on its part, has been emphatic in its commitment to solving this housing crisis. It enacted the Housing and Urban Development Act of 1969 that contained the Brooke amendment forbidding local housing authorities to charge tenants rent in excess of 25 percent of their adjusted incomes. By the same statute, it increased HUD's contract authority by $75 million to cover the costs incurred. In 1970 and again in 1971, it amended the terms of the Brooke amendment, further reducing the rent burden upon low-income families by defining more stringently the income base against which the 25 percent stipulation was to be computed, and extending the coverage of the provision to include welfare tenants not covered in the original legislation.

The administration's response to this affirmative action by the Congress has been thorough disregard. Not until fiscal year 1971–72 did HUD pay general operating subsidies to local authorities, and even then, the Department refused to obligate itself except on a year to year basis. This past year, with a HUD projection of $325.4 million needed to cover deficits and provide adequate services, it sought only $170 million. The President said that he lacked contract authority for the additional funds. Congress gave him that authority in the sum of $150 million more than he sought. But as the year ended, these desperately needed funds still had not been released by the President.

Again, during the period ending June 30, 1972, this administration released funds totaling $200 million less than Congress appropriated for Housing production. This impoundment meant that 144,500 units less of subsidized housing than the President guaranteed the Congress at budget time was produced.

HUD's administrative regulations have been equally discouraging. One regulation declared that local authorities could evict or bar mothers with out-of-wedlock children, despite a Supreme Court ruling to the contrary. Another announced that no more units of public housing could be built unless operating expenses could be held down to 85 percent of rental income. This gave preference to the high-income poor. Still another declared that tenants would have to earn enough so as not to spend more than 35 percent of their income on rents to be eligible for admission into moderate income projects, under section 236 housing.

The result of these calculated measures has been to leave those who are unable to pay increased rents at the mercy of the private housing market, in which decent housing for low-income families is virtually nonexistent.

The picture is quite clear then. The recently announced moratorium on assisted housing is no more than the culmination of a well laid plan by the executive branch to disregard the actions of the Congress and to completely emasculate the statutory rights of millions of Americans.

That it comes at a time when housing experts across the country are calling for a tripling of our efforts in subsidized housing is completely understood by the President. He knows that millions of poor people will remain ill-housed and at the mercy of unscrupulous landlords as a result of his actions.

In short, the moratorium is no mistake. There is no misunderstanding. This is phase I of the administration plan for complete withdrawal from the field of housing. These callous actions that ignore the will of Congress and eschew a basic need and right of a massive number of this country's citizens must be stopped.

Local housing authorities across the country have been forced to take this administration into court in order to gain the release of the impounded funds so vitally necessary for their survival. Tenant associations in all of our major cities are gearing up for a protracted struggle. But we in Congress must also do our part.

We strongly urge the President to take the following steps:

First. The immediate release of all impounded funds for housing programs;

Second. If the President is insistent about the moratorium, the caucus recommends that he extend coverage of the moratorium to all phases of Federal housing; not just that for the poor. At issue here is whether this country becomes one that builds houses primarily for shelter or rather one that builds houses primarily for profit.

Additionally, we strongly urge that the Congress take the following steps:

First. With emphasis being placed on tax reform in this session, the Congressional Black Caucus calls again for tax legislation to provide for broadening favorable treatment of investment in new and rehabilitated housing to provide identical preference to investment in inner city real property development, sponsored or substantially owned by a community development corporation or other organization of minority or low-income citizens.

Second. Finally, we again call for $1 billion a year through a large-scale housing allowance program to go directly to families. This will give them some choice in housing. Subsidies for new housing would still be necessary though, to make up for the continuing shortage of units.

It is only through such measures as these that we, in the Congress, avert for America the disaster to which it is headed.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Maryland. I would be delighted to yield to my distinguished colleague.

Mr. CONYERS. Mr. Speaker, I not only agree with the gentleman, but I would hope that every white American would not quibble on this issue. I am hoping that out of the gentleman's remarks will grow a deeper understanding on the part of our colleagues in the Congress, supporting the logic the gentleman speaks of.

Mr. MITCHELL of Maryland. Mr. Speaker, I appreciate the comments of my distinguished colleague.

Maurice Stans lamented and moaned and the President said, "Oh, we must do something about this." Promises were made and some actions were initiated. Let us look at those actions that were initiated.

The OMBI program came into being and it has taken on a greater credibility in the black community in recent months. Black businessmen are beginning to see it as a viable program, but we warn that that program is inadequately funded. Unless it is adequately funded it will not make a dent in terms of the enterprise system in this country. You had better fund it adequately, because a large number of black, brown, and red Americans are asking the question can the system of capitalism really work for us. If you do not bring us in, you simply add to the idea that it is not going to work for us and we will have to look elsewhere for direction.

Mr. CONYERS. Will the gentleman yield?

Mr. MITCHELL of Maryland. I am glad to yield to the gentleman.

Mr. CONYERS. Is there any evidence that the program will be funded?

Mr. MITCHELL of Maryland. There is every evidence to point out this program will suffer the fate of other domestic programs. There is no indication at all from the White House that the OMBI program will be adequately funded. However, that becomes a responsibility of this body to assure that it is adequately funded.

Mr. CONYERS. I thank the gentleman.

Mr. MITCHELL of Maryland. You are quite welcome.

Let us look at the shell game, which is what it was—a shell game, a great game that was played. Now you see it and now you do not. Here it is and here it ain't. Let us look at the Small Business Administration.

There is a great deal of talk about the amount of loans made by the SBA, but if you trace it from 1970 up to the present time, the actual number of loans that were made to black enterprises have decreased and not increased. It started in 1970 at 41 percent of the blacks getting loans, and now it is down to 16 percent. Concomitantly with that decrease there has been a decrease in the dollar volume, according to black businessmen.

Let us play another little game and let us look at the massive confidence game that has been played in terms of black enterprise.

We talk about the OEO programs and the community development funding programs. OEO is threatened and those funding programs are threatened. Therefore we fear there is no great hope in looking in that direction.

Mr. Speaker, I do not intend to stand here and tautologize this discussion. I simply want to point out what we need in the black community is equity capital. We are not going to get it through the private sector or entirely through expanded governmental loan programs. What I would like to see—and the caucus knows this—is the establishment of a national development bank funded initially to the tune of $1 billion. That will provide the equity capital needed by black interests.

There are several other recommendations that I have to make. The hour is late, and I will not take up your time on this. I will include it in the RECORD and see that all parties concerned get copies of the recommendations.

Now let me talk about the matter of housing briefly.

Do not be fooled by a housing moratorium. Do not let anyone tell you this was a mistake on the President's part; he did not understand what he was doing; he operated in terms of insufficient information. I submit to you it was no mistake. The President knew exactly what he was doing. It is part of a cruel, callous, cynical plan on the part of the administration to withdraw the Government from the area of housing. That is where we are going. It is his intent to turn the whole housing sector back over to the private sector. That private sector has made no contribution in our major urban areas in the field of housing in the last 20 years. What the President is suggesting, in short, is let them be ill housed, let the private sector ignore them, let the black poor and red people and other minorities become the victims of those who would exploit us in that area of housing.

Mr. Speaker, I have lots more I would like to say. My time is limited and your time is limited.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Maryland. I shall be glad to yield to my distinguished colleague, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding to me. I just merely wish to add my voice to that of the voice of the gentleman in the well speaking now, and also to that of the voices of those who preceded the gentleman. I would also like to take advantage of the opportunity he has so generously given me to say that there is historically a very important resemblance in this period with one precisely 100 years ago. After the Civil War, the struggle, the sacrifice, and the achievements on the legislative front of some gains we had a revision to what one would call reconstruction. I think that we can say that in interpreting as the President is doing the election as a mandate in 1972, that this is in turn a reconstruction period.

I rise to compliment the gentlemen in this group in the Congress because I believe that perhaps here lies the only contravailing force that will give us the needed initiative to make it impossible to have a second reconstruction period in which the breakthroughs of the 1960's and the great promises of the Great Society are being destroyed.

Take, as an example, another group—the Spanish-speaking minority in the United States, and there too it reflects the truth of what the gentleman has said, in the very callous disregard of the promises made in the heat of passion in the campaign of last October. Even to the point where the President had his picture taken at San Clemente with a group that had been granted funds in the manpower training sector programs. With a great fanfare they announced that the President was about to give twice as much money to what is known as SER. But like on a New Year's Eve when they say "Happy New Year," they were saying, "Forget it, that contract has been canceled." Yet, they had a great fanfare about this during the campaign, and they would go to the Spanish-speaking communities and say, "Look what the President has promised, and look whom the President has appointed. He has named a woman, Romana Bañuelos, to sign the dollar bills in the Treasury," and they laughed at us when we said, "It is great, it is wonderful to have this woman signing dollar bills," and it is fine that she happens to be what you call a Mexicano. But we are interested in seeing that those dollar bills are accessible to the Mexicanos. We do not care who signs those dollar bills, because that does not put the workman in a position of having access to them.

Further, we find that the President has destroyed the model cities program.

But we find that the only hope for the future is right here, just as these gentlemen during this colloquy have stated so eloquently, it is in this Congress, and the Congress itself is faced with a great challenge.

The President has stated, and his party is following through, that they will have a thousand-dollar-a-plate dinner in a few weeks for the purpose, as the President explains it, to get the kind of Congress that is needed in 1974, and by that means to continue what was done in 1874, and to try to undo the sacrifice of all the men who died in the name of humanity.

I thank the gentleman in behalf of what I am sure will be thousands and millions of Americans who did not have a voice, who have these voices now. Hopefully some of us will be willing to join them, and hopefully we can paint a different history in the 20th century than the 19th century did.

I thank the gentleman.

Mr. MITCHELL of Maryland. I am heartened by the comments of the distinguished gentleman, my colleague, from Texas, and sincerely grateful for them.

My time is up. I want to take 2 minutes in terms of commenting on what he has had to say.

No. 1, the more diabolical aspect of the administration was that it deliberately played Mexican Americans off against black Americans prior to the election. There was the holdout promise that the Mexican American, Spanish-speaking people ought to get their fair share; that the blacks are getting it all. That game was played in deliberate diabolical fashion.

The other comment was during the debate on the busing issue when I stood at this precise spot in the well of the House and said:

> I believe that black Americans stand poised on the brink of a second post-war reconstruction period, and unless the Congress acts with some sense and some guts and some gumption, there is a danger that that period might indeed return.

I thank the gentleman for giving me time to speak.

Mr. STOKES. I thank the gentleman from Maryland for his very articulate statement and presentation on this occasion, which the entire Congressional

Black Caucus can certainly stand behind in every respect.

It is my pleasure and privilege at this time to present to you another member of the Congressional Black Caucus, a gentleman who will make a presentation to us on drug addiction and crime, the distinguished gentleman from the State of New York, Mr. Charles Rangel.

Mr. RANGEL. I thank the chairman for this opportunity to discuss this very serious area of concern, and also to thank Congressman Henry Gonzalez from Texas, because I think what he has done is emphasize the need and the cause of the Congressional Black Caucus as we attempt to highlight the needs of black people being excluded from the state of the Union, the atrocities that have been committed on poor people and Spanish-speaking people; as we have seen that those people who have been denied so much the opportunity to share have sometimes found themselves in the cities fighting over the crumbs that have been left by this Nixon administration. I think by the insertion of the gentleman's remarks that he properly reflects the thinking of the Congressional Black Caucus as we attempt to take care of the needs of the poor people in this Nation, which, of course, is highlighted by the needs of the black poor of this Nation.

We talk now about narcotic addiction and crime.

President Nixon attempted to give the impression of significant progress in the drug and crime war by his May 1971 responses to the recommendations of the Congressional Black Caucus. But, the claims of tremendous efforts in law enforcement, drug rehabilitation, and education do not begin to paint an accurate picture.

During the first 4 years of the Nixon administration, we have seen the narcotics addict population in this Nation double in size; we have watched the spread of heroin and other harmful drugs to our elementary schoolchildren; we have seen the flow of illegal heroin into this Nation jump from under 5 tons to around 10 tons; and we have experienced an increase of 60 percent in the number of violent crimes committed.

In the area of drug abuse and crime prevention, despite any claims to the contrary, the real state of the Union after 4 years of the Nixon administration is a sorry one at best.

During the last year of the Johnson administration, 4,500,000 serious crimes were reported. In 1971, after 3 years of the Nixon administration, 6 million serious crimes were reported; and this was to have been a "law and order" administration.

In two of the communities I represent, the Harlem-East Harlem sections of New York City, the everpresent crime is inextricably bound to the plague of drug addiction. As in communities across this Nation, between 50 and 70 percent of crime in these two communities is drug-related.

In fact, the problems of these communities are but a small sample of the picture across the country. A recent Gallup poll of urban residents showed crime in the streets identified as the most important problem facing America today. One in three of these persons had been a victim of crimes against person or property, with one in five among all Americans being personally victimized.

An examination of the Harlem section of New York does present, however, some clear evidence of what the future holds and what the present is like for other areas.

According to an extensive survey of the Harlem community by the Small Business Chamber of Commerce of New York, 51.2 percent of those interviewed said they had been victims of criminal assault during 1970. Sixty-nine percent of those interviewed blamed the narcotics addict for the recent increase of crime in Harlem.

In a study conducted by the New York State Narcotic Addiction Control Commission, 11,762 of the 52,479 narcotic arrests in New York City for 1971, or one in four cases, occurred in Harlem.

Even more alarming than the stark statistics on drug addiction and crime is the effect of these forces on my district and the rest of the Nation. The Fleischmann Commission study of New York's schools and the roving hearings held by the House Select Committee on Crime found evidence that between 40 and 50 percent of this Nation's high school students have used or are using some form of mind-altering drug.

Reports from Miami to Seattle tell of 8-year-olds beginning to experiment with drugs and cases of heroin addicts who are this young are not uncommon in areas of high addiction concentration.

The National Institute of Mental Health reported that in 1971, for example, there were 18,000 addicts living in a 40-block area in Central Harlem. Of these, approximately 6,000 were between 16 and 21 years of age, and 2,000 were between 7 and 15 years old. There are an estimated 40,000 addicts in all of Harlem, about one in every 6 people.

DRUG EDUCATION A FAILURE

In the face of these kind of staggering problems, the Nixon administration launched a "drug education by horrification" program which, by the Government's own evaluation, is doing more harm than good. Particularly in the area of drug films, the administration's use of overly simplistic approaches bolstered with twisted or inaccurate misinformation has succeeded mainly in convincing some formerly uninterested youths to try drugs out of curiosity.

I am sure the Nation's pushers are extremely pleased with the state of the Union when the Federal Government helps them sell their deadly goods.

UNITED STATES AIDS ASIAN HEROIN TRADE

While this stream of daily death pours into every corner of our society, this administration has seen fit to subsidize, with tax dollars, the Air America Co. This company, according to congressional studies, aids in the transport of heroin from Southeast Asian poppy fields to nearby refineries. "Air Heroin", as Air America is sometimes called, travels its routes of death and destruction under the supervision of the corrupt generals and government officials in the totalitarian dicatorship of the Thieu regime. This is happening at the same time the administration has seen fit to refuse to provide money for adequate cemeteries to bury the thousands of Americans who died so that democracy might flourish in Vietnam.

ORGANIZED CRIME AND CORRUPTION FLOURISH

This is the real state of the Union. In addition, only this year have the Nation's criminal investigation agencies taken their heads from under the 19th century to see the corrupting, cancerous criminal influence exerted by the Mafia and its followers.

The Knapp Commission report and other studies tell us that the New York City and other police departments are riddled with the kind of corruption that only the organized forces of international crime can generate. But this administration's so-called Department of Justice spends its time filing suits to block the court and congressionally ordered integration of the Nation's schools. This too, is the real state of the Union.

ANTIADDICTION EFFORT NOT INCLUDED IN ANNOUNCED WAR ON CRIME

The inevitable link between heroin addiction and the criminal justice system necessitates an increased commitment of Federal funds to permit the criminal justice system to respond to the special problems presented by narcotics addiction. In his response to the recommendations of the Congressional Black Caucus in 1971, President Nixon stated that the Law Enforcement Assistance Administration was providing the impetus for the development of new and effective programs to reduce crime. The record of the 19 months which have passed since this Presidential response shows clearly that LEAA has not addressed the problem of drug-related crime.

While LEAA funds have been invested in bigger and better armaments, including police toys, such as tanks and armored helicopters, the severe problems of revolving-door justice for narcotics addicts have gone largely untouched by LEAA. Narcotics addicts typically are arrested, let loose on bail and often are rearrested before trial on the first offense because of their continued need to steal to support their habit. Even if the addict is tried and convicted, as soon as he is released he will be back on the street stealing to support his habit if nothing is done to treat his addiction while in jail. Unless the criminal justice system intervenes to provide treatment and rehabilitation of the narcotics addiction at some point in this cycle, nothing is being done to help the addict or to protect society from his criminal activity.

TREATMENT METHODS INADEQUATE

The implications for black and poor communities go far beyond the problems of crime and fear of criminal activity by narcotic addicts. The willingness of this administration to pour the heroin substitute methadone into these communities without providing counseling, job training, or placement assistance threatens to permanently narcotize a significant portion of the young and poor.

Despite the administration's mouthings that drug abuse treatment and prevention is one of its top priorities, there is scanty evidence of an appropriate effort.

How many addicts are presently under treatment? Although it is difficult to obtain reliable information in this area, the Special Action Office for Drug Abuse Prevention estimates that at the end of October 1972 there were approximately 60,000 narcotics addicts in treatment and rehabilitation programs in the United States, with another 30,000 addicts desiring treatment but remaining on waiting lists because existing programs are filled to capacity.

It is estimated by most narcotics treatment experts that half the Nation's 560,000 addicts would voluntarily seek treatment if treatment were available. Thus, although actual waiting lists may contain only 30,000 names, there are an estimated 190,000 addicts who would like to obtain treatment for their addiction but are unable to do so.

That such a large number of sick people remain untreated in a society which has more than enough resources to provide adequately for their medical needs would be a national scandal if these 190,000 addicts were untreated tuberculosis patients.

Our failure to provide adequate treatment opportunities for 90 percent of the addict population is proof of our failure to adequately address the drug-abuse problem as a whole.

The Federal Government bears ultimate responsibility for every ounce of heroin that enters the lifeblood of our society. The opium poppy cannot be grown in commercial quantity in the United States; it, therefore, must be imported through our borders, whose integrity is the responsibility of the Federal Government. So long as the Federal Government is unwilling to prevent the smuggling of heroin into the United States, it has the moral responsibility to alleviate the consequences of its failure by providing for the care of those who have become addicted to heroin.

ADMINISTRATION COMMITMENT LACKING

The administration's fiscal 1973 budget was a disappointment to those of us who expected tangible evidence of substantial effort to meet the national emergency of widespread drug addiction, as declared by the President's June 17, 1971, message to the Congress on the drug problem. This message gave hope of a substantial new effort against drug abuse—it called for new approaches to the rehabilitation of narcotic addicts, and more coordinated Federal responsibility for the drug problem and spoke of new initiatives by law enforcement against drug pushers and smugglers.

The administration's fiscal 1973 budget, however, failed to provide adequate funding for the commitment announced by the President. Although the budget for drug abuse programs totaled $365.2 million, a substantial increase over previous years, an examination of this increase showed that most of the additional funding was scheduled for programs designed to meet the problem of drug abuse in the military.

For example, of the $230.2 million budgeted for the treatment and rehabilitation of narcotic addicts in fiscal 1973, $84.2 million was allocated to the Department of Defense and the Veterans' Administration, leaving but $146 million for the treatment and rehabilitation of civilian narcotic addicts. This $146 million represented only $21 million more than was allocated for nonmilitary treatment and rehabilitation programs in the fiscal 1972 budget and fell far short of the amount allocated by New York State alone for treatment and rehabilitation, which budgeted $161.5 million for drug abuse treatment programs during its 1971–72 fiscal year.

Thus the massive new Federal treatment and rehabilitation effort described by the administration in the summer of 1971 withered in implementation to a program that is not even as large as that conducted by a single State, the State of New York.

As great as is the need to provide treatment and rehabilitation services for the returning addicted Vietnam veterans, the Federal Government cannot pretend to be waging a war against drug addiction if its increased spending for the treatment and rehabilitation of narcotic addicts is limited to the addicted veteran and provides no significant increases for programs for the treatment and rehabilitation of the large and growing civilian addict population.

There needs to be an immediate commitment by the Federal Government to provide treatment and rehabilitation to every narcotics addict in the country who desires it; beyond this there is the need to provide supportive services for rehabilitated addicts so that they may return to their former roles as productive members of society.

STEPS FOR CHANGE

The critical steps to bringing this about are:

First. The immediate enforcement of the Foreign Assistance Act provision I authored which provides that aid funds should be cut off when a country does not make every effort to stop the export of illegal drugs to the United States. South Vietnam should be first.

Second. An immediate end to all methadone addiction control programs that do not offer supportive services, or the addition of these services to the programs. Also, the prohibition of heroin maintenance.

Third. An all-out Federal crash program to find an effective, nonaddictive heroin antagonist.

Fourth. The elevation of an all-out Federal attack on organized crime at the highest level. The damage from this source is far greater than that from seasonal campus radicals or so-called ghetto revolutionaries. The FBI and other agencies should put their efforts where the danger really exists.

Fifth. At least a threefold increase in the capacity of addiction treatment programs, remedial education, job training, placement and counseling services to meet the needs of our low-income communities and the Nation generally.

Sixth. A revision of Law Enforcement Assistance Administration guidelines to mandated development of programs to combat drug-related crime.

Seventh. Strict enforcement of drug laws at every level, with an emphasis on suppliers and major pushers.

Eighth. A major tightening of our borders to prevent the heavy influx of illegal drugs.

Ninth. An all-out Federal effort to clean up State and local law enforcement agencies where Federal laws are violated. I firmly believe the sagging confidence in our criminal justice system can be restored if we determine to root out corruption.

Tenth. An immediate reform of drug education programs and drug treatment and rehabilitation programs to include greater input from members of affected communities and ex-addicts.

If this administration can somehow be shown in the next 4 years that this Nation will not survive under its present policies, these steps can be implemented before the cancers of crime and drug addiction destroy us.

Mr. STOKES. Mr. Speaker, I thank my friend and colleague, the distinguished gentleman from the State of New York, for his very eloquent and articulate statement on this occasion.

Now, Mr. Speaker, I yield myself such time as I may consume to speak on revenue sharing.

Mr. Speaker, revenue sharing under Richard Nixon is nothing more than a convenient excuse to cut categorical programs for minorities and the poor. More and more, people who come to Washington for help are sent home again to fight for a small slice of the revenue-sharing pie.

In the Congressional Black Caucus statement to the President 2 years ago, we urged that this concept be utilized to meet the desperate human needs of our cities and States. Unfortunately, the Nixon response is to promote revenue sharing primarily as a means to reduce local taxes rather than to improve urban services. As such, revenue sharing becomes a political expediency rather than a solution to pressing human needs or a way to return decisionmaking to local citizens.

Indeed, given the inherent weaknesses of the revenue-sharing law and the Nixon administration's adherence to the dubious principle of benign neglect, we have much to fear from this concept. Already, we hear from mayors and Governors wondering whether they may have lost more in categorical program funds than they will ever gain from revenue sharing.

If we are to target funds where they are most needed, we cannot simply accept a block grant program based on a cold, computerized formula frozen into law. Flexible programs must be developed to meet specific needs, and we here in Congress must shoulder our responsibility to create the machinery to meet those needs.

For us, as representatives of the poor, minorities, and disenfranchised, revenue sharing is not—and will not—be the answer.

CIVIL RIGHTS COMPLIANCE

For example, even though the revenue-sharing law contains a nondiscrimination provision, the Nixon administration shows no sign of preparing to force compliance. In a letter to the General Counsel of the Treasury Department, the Leadership Conference on Civil Rights pointed out glaring weaknesses in these nondiscrimination regulations. We subscribe to these comments and we stand ready to take legislative action if the administration fails to make necessary changes.

Regulations already issued do nothing more than recite the statutory requirements found in the law as passed and in title VI of the Civil Rights Act. The administration could have required State and local governments to report on civil rights compliance—but it did not. The administration could have spelled out how fund recipients would be expected to carry out their equal opportunity obligations—but it did not. The administration could have outlined other Federal agencies' responsibilities to monitor and investigate compliance—but it did not. The administration could have endorsed our 1971 recommendation that neighborhood groups be included in planning distribution of funds—but it did not.

Apart from the outright discriminatory aspects of revenue sharing as now practiced by the Nixon administration, there are other—equally dangerous—problems. Distribution formulas can be altered by State legislatures to the disadvantage of poorer and needy communities. And already, one State is moving toward ceding authority for allocating funds to a regional planning body which is not answerable to any elected official.

EXTENDING THE BLOCK-GRANT APPROACH

Yet, given these serious shortcomings, the Nixon administration now wants to extend revenue sharing to specific areas such as health, education, and housing. And President Nixon seems determined to hold hostage funds appropriated by the Congress until he gets special revenue-sharing legislation enacted.

This strategy is clearest in the area of housing. The President wants to replace existing housing subsidy programs with a special revenue-sharing package. If the President has his way, block grants would go to local communities for housing and then Federal programs to solve specific housing problems would be eliminated. And while Congress considers Nixon's proposal and possible alternatives, no new Federal funds will reach communities.

However, before we take action on these special revenue-sharing programs, it would be wise to analyze the one existing prototype in this area—the LEAA program. We view LEAA's block grants as an example of the possible perversions of the revenue-sharing concept. Without controls, without sufficient planning requirements, without civil rights enforcement, LEAA programs are marked by inefficiency, waste, racism, maladministration, and in some cases, corruption. Worst of all, this hundred-million-dollar effort has had little—if any—impact on the incidence of crime in America.

With all these serious fallacies, the Congressional Black Caucus intends to seriously question the need for further revenue sharing. We will work to insure that Government funds are directed toward the Nation's most critical needs and that they are allocated in an equitable, nondiscriminatory manner.

It is my pleasure and privilege at this time to recognize the distinguished gentleman, a new member of the Congressional Black Caucus and a distinguished Member of this body; that is, the gentleman from the State of Georgia (Mr. YOUNG) who will speak on the subject of rural development.

Mr. YOUNG of Georgia. Mr. Speaker, I would like to thank the chairman of the Congressional Black Caucus for this opportunity to speak.

In the increasingly urban society, the 64 million Americans living in rural areas and small towns are too often forgotten. The resulting problems contribute directly to the crisis we face in the Nation's cities.

Much of rural America is destitute. More than one-fourth of the rural population is impoverished. Substandard housing is widespread. Employment opportunities remain scarce. Education is woefully inadequate. The available medical care is often too little, too late, and too expensive. In rural areas where the needs are greatest, government programs and services are the poorest.

It is no wonder, then, that families of small farmers and small town residents continue to move into the cities, despite their love of rural life and despite their lack of preparation for living in the city.

Any serious approach to solving urban problems, therefore, should take into account the urgent need for redevelopment of our rural areas.

To a much greater extent than most people realize, our urban problems are a result of a massive exodus from rural America to the cities. The cities will never be able to solve their problems until that massive immigration is slowed down or reversed. Housing, jobs, and educational opportunities must be made available for rural Americans. It has been customary of late to speak of black problems and urban problems interchangeably, but the fact is that 51.5 percent of the black population of America still reside in 11 Southern States. With the mechanization of farming they are forgotten and unwanted.

The Farmers Home Administration in testimony before Congress less than a year ago estimated that a minimum of $12 billion was needed to supply water and waste disposal systems to the small towns of rural America: Yet what has happened? The Nixon administration has terminated the water and waste disposal grant program. This is a four-fold loss. Disease and ill health will continue to plague communities with inadequate water supplies; inadequate—more likely, nonexistent—waste treatment will further pollute the streams and water table spreading the problems; it will deprive small communities of the additional employment opportunities such public works provide; and, it will continue to force more people into the cities where at least the basic amenities are available. This Nation cannot afford such economics.

One might suppose that a nation dedicated to education as the tool of upward mobility would indeed devote specific sums of money toward improving rural and small town schools and educational programs. Indeed, Congress so intended with the Elementary and Secondary Education Act, and the Migrant Education Act, among others. But the administration of those and other educational acts has been so warped by urban thinking and urban administrators, that the money is largely spent in urban school districts attempting to correct the presumed deficiencies of rural children forced off the land into cities. And this administration's answer has not been to improve the administration, but rather to cut back the programs. Such reasoning only contributes to the general decline of educational standards in both rural and urban areas. It will not surprise you to hear that black households have the worst of it, and that, relative to white households, they have lost ground since 1960. Representing less than 10 percent of all households, blacks account for 24 percent of substandard and/or crowded occupancies. In nonmetropolitan areas, less than 40 percent of the black households live in dwellings which are not one or the other. This is considerably better than in 1960—when less than 20 percent of the black families in nonmetropolitan areas lived in standard, uncrowded housing—but parity with white households is, in a sense, further away. In 1960, the incidence of substandard and/or crowded housing was about three times as high for nonmetropolitan blacks as for nonmetropolitan whites. In 1970, the figure for blacks is almost four times as large as for whites.

And the need for Indian housing is even greater. Nearly two-thirds of all occupied housing under the jurisdiction of the Bureau of Indian Affairs are rated as substandard.

Efforts to implement the congressional pledge of 1949 to provide a decent, safe and sanitary home for every citizen are not being carried forward by this administration, and that is particularly true in rural areas.

Lack of sanitary housing and water supply, inadequate basic education all contribute to increased need for medical care, but, as in almost all areas of rural life, the medical care available is too often too little, too late. While this administration tells us the Hill-Burton Act has resulted in a 20-percent oversupply of hospital beds, they fail to mention that the oversupply is in the urban and particularly suburban areas. There is still a shortage in rural areas—as there is of doctors and paramedical personnel, of clinics and nursing homes, of emergency ambulance service and visiting nurses, and of public health services generally. Once again in rural areas where the needs are greatest, the programs and services are poorest.

Last year the Economic Research Service of the USDA prepared for the Senate Government Operations Committee a study on "The Distribution of Federal Outlays Among U.S. Counties." It largely confirms that pattern of "metropoliana" into which this country has lapsed. Per capita income in nonmetropolitan counties is more than $1,000 below that in metropolitan counties and the level of per capita outlays is more than $100 less than in metro counties. Figures for the housing programs—excluding public housing and rent supplements, neither of them generally available in rural areas—work out to $91 per capita in metropolitan counties, $40 in nonmetropolitan counties, and only $35 in the most rural counties.

It is no wonder then that transportation, job training, public employment programs, community facilities and programs of all kinds for senior citizens are tragically absent from our rural communities. And their continued absence makes almost certain the continued migration from rural areas to metropolitan centers.

We call upon the Nation to recognize both the strength and the need of our rural citizens and to act with both commonsense and compassion. Commonsense in recognizing that it is in the long run both easier and more economical to treat social and economic problems where they first occur, and compassion in admitting our policy mistakes of a generation which have forced rural areas and their citizens into second-class citizens.

Nixon administration economic policies have been disastrous for low income and poor citizens—especially when we analyze the suffering caused by the inequities of policies which have led to controls on wages, to soaring prices, and to soaring profits.

Those persons fortunate enough to have jobs as wage earners are the main victims of Nixon's new economic programs. At the low end, wages have been held in check, but prices have not been stabilized. While workers have produced more goods and services—raising gross national product by $100 billion in 1972 alone—the bulk of this increase shows up in record profit levels which rose 12 percent in less than a year. The prospect for 1973 looks to be the same.

Blacks, poor people, and blue-collar workers will see a lot more of the same from recently inaugurated administration, because, already they have been told by their President to "ask not what the Government can do for you, but ask what you"—poor people—"can do for yourself."

We ask: What can the poor and blue-collar worker do for themselves when for nearly 18 months a cruel, callous, and repressive economic squeeze has been so tightly clamped about their lifelines? Or, is Nixon really saying: "You take care of yourselves and I will take care of the rich and established."

The poor and working classes will not be able "to do for themselves" because:

Their jobs are the ones most affected by Nixon policies.

Unemployment in the inner city—where the Nation's poor generally live—has soared to postwar highs at least double the national average.

They pay an inordinate amount of their income for the basics, shelter, food, and utilities. Under the Nixon policies, food prices have risen at the most rapid rate in a decade, inadequate controls on rents have made the poor an immediate prey of exploitative landlords, and utility rates have skyrocketed.

There have been no attempts to control insurance premiums, interest rates, mortgage rates, land prices, costs of homes, clothing, used cars, and furniture—key items purchased by low wage earners, welfare recipients, senior citizens, and the poor.

They have no advocates within the administration or on the agencies created to administer the overall economic policies.

And so, the low wage earner, the poor and aged have felt a rising assault by the privileged classes who are continually exempted and favored by the Nixon economic programs.

A first policy for this Congress must be to make sure that wage and price restrictions are equally applied. Working people will support a stabilization program—if it covers profits, investment earnings, fringe benefits, as well as prices and wages.

But, the overall goal must be to return the economy to a system which generates growth and production instead of death and destruction. In such an economy we will be able to achieve maximum employment and production—along with stable prices—and we will not need any artificial controls.

We urge that the collection and utilization of Federal revenues be reformed, beginning with an entirely new system of equitable taxation and expenditures of taxes collected from the people and as allocated by the Congress.

If phase III of the Nixon game is to mean anything to the average American family, there must be strenuous attempts to equitably regulate prices, interest rates and profits. Compensatory individual tax allowances of substance will certainly be encouragement enough for the individual to do something for himself and his country. But, if phase III turns out as did phase I and II, then there are catastrophic days ahead, and the greatest burdens will once again be placed upon the poor, working poor and blue collar citizen.

Since President Nixon has consistently shown his economic interests are not with the poor and working American, it becomes the responsibility of Congress to provide the aggressive leadership in rebuilding an economy of peace and justice.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Georgia (Mr. YOUNG) for his statements on this occasion.

Mr. Speaker, in conclusion this evening, this being in a sense another historic occasion, since this is the first time that the Congressional Black Caucus has taken the occasion to deliver to this Nation its own state of the Union message. Our action was necessitated by virtue of the fact that in the state of the Union messages delivered to this body over the past 4 years by the President of the United States he has not in fact addressed himself to the problems of black, poor, and disadvantaged people in this Nation.

So, on this occasion I want to personally thank each and every member of the Congressional Black Caucus for his or her participation in this special order this afternoon. I think each of them have rendered a service, not only to this body but a service to this Nation.

Also, I want to thank those other Members of this body, our friends and our colleagues, who have taken the time to come here this afternoon and participate in this special order with us.

Before I make my concluding remarks, I want to yield to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, would not the chairman join with me as we anticipate that these remarks, being spread across the CONGRESSIONAL RECORD, that he invite our colleagues in the Congress to carefully peruse the subject matters which we have discussed here today on both sides of the aisle, and hope that they will feel constrained to join with us in any of these remarks; present to us any points that they would have made and illuminate us to any objections or exceptions that they have to any of the remarks that were made here today in the course of this extraordinary and lengthy special order.

Mr. STOKES. Mr. Speaker, I thank the gentleman very much, and certainly join in the gentleman's remarks.

At this time I yield to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman.

Apropos of the remarks made by my distinguished colleague from Michigan, I want to reemphasize the point that, though we have challenged and have been highly critical of the administration, this whole special order ought also be construed as a challenge to this 93d Congress. It is this Congress, if it intends to seize the power usurped by the President; it is this Congress if it intends to reach out for a common humanity rather than individualistic, selfish motives; it is this Congress that must act upon the recommendations that we made in this colloquy.

I thank the gentleman for yielding.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Maryland for his apropos remarks on this occasion.

I yield at this time to the distinguished gentleman from the State of California (Mr. DELLUMS) for his comments.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

I rise only to place in specific terms the comments made by the two previous speakers, the gentleman from Michigan and the gentleman from Maryland.

Mr. Speaker, I would only say that we as Members of Congress do have a major responsibility to take back the power that has been taken from us by the administration, because I think we in many ways face a very serious constitutional crisis.

In that regard, if we as the Congress want to take back our power, there are three areas we must become active in and propose legislation about.

No. 1. The Congress must assume the responsibility for making this place a democratically run operation. I believe the Democratic caucus has gone a long way in establishing reforms that will allow this body to operate democratically.

Second, the Congress must assert its authority to see that its will is being carried out. In that respect we make three proposals.

No. 1 is that we must establish stringent administrative procedures on the issue of impoundment. As to that, we are simply saying that the President should be required, through the Office of OMB, not only to inform the Congress of an intent to impound but also to state clearly the circumstances in the general economy that precipitate the need for the impoundment.

As to the impoundment of funds, it should not be a statement as generic as, "We are attempting to fight inflation."

No. 2. With respect to the stringent procedural requirements for impounding, the President ought to state, after presentation to and perusal by the Congress, what is required, and ought not to move until such time as the House and the Senate in joint resolution concur in the impoundment.

No. 3. Operation of the GAO certainly ought to be strengthened. At present from time to time reports are made available to the public. I believe the GAO ought to be strengthened so that we may regularize reports available to the American people. The thrust of those reports should not simply focus on administrative efficiency, but should determine whether or not the administration is effectively and efficiently carrying out the mandate of the Congress.

Certainly third and high on our list is that there has been some debate around this country in the past few weeks as to a stringent limitation on the President's use of executive privilege. We think that privilege ought to be invoked only on the issue of national security and that the President certainly should not be able to slam the door in the face of the House and the Senate, duly elected by the American people.

I would say that we must modify and amend the Administrative Procedure Act in order to protect the rights of those persons who are immediately affected by the programs in the general population, so that they do have access to the hearings and rulemaking procedures.

Finally, I think we should give serious consideration to whether or not we make some serious amendments to the present rule of civilian immunity. At this point in time we can bring a lawsuit against the Federal Government on the issue of money, but the American people cannot bring a lawsuit against the Federal Government for blatant violations of law. I think we ought to spend some time debating those issues.

If we in fact do those things, we as a Congress can exercise the power of Congress and try to make America a better place to live.

Mr. STOKES. I thank my friend and colleague for those excellent observations.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, I should like to take a very brief moment, if I may, speaking as a Representative of a district whose black population is not much more than 2 percent, to thank my colleagues of the Black Congressional Caucus for taking the time to express their valuable views in what they have said. I believe the message is a broadly human one, a broadly constitutional one.

The way these gentlemen and women have called upon the President to fulfill his constitutional responsibility to enforce the laws of this land, rather than simply to cry "law and order," is very much in order.

As I say, I take this occasion to commend my colleagues and to thank them on behalf not simply of the minorities of this Nation but for all of the people of the Nation for whom they have spoken clearly and very eloquently.

Thank you.

Mr. STOKES. We certainly thank the distinguished gentleman for his very excellent comments on behalf of the caucus. We certainly appreciate his participation here this afternoon in this special order.

This has for us, Mr. Speaker, been a rather long day. It began at 11 a.m. this morning with a press conference held before all of us came to this Chamber to participate in this special order.

Of necessity, into such a day go many hours of work. At this time, on behalf of the members of the Congressional Black Caucus, and as chairman of that group, I want to express to the individual staffs of each of the Members our sincere appreciation for the tireless effort that they put in, working on behalf of the presentation which we have made here this afternoon, along with the members of the staff of the Congressional Black Caucus itself.

It is a unified effort and one which we are highly appreciative of, for everything that went into it and all those who participated in the preparations for this occasion.

In conclusion, Mr. Speaker, we have now heard from the members of the Congressional Black Caucus. We have set forth our views as to the true state of the Union and the path we feel this Nation must follow. We hope to help stimulate the revival of the Congress as an effective, innovative, coequal branch of Government. We must begin a massive new effort to meet the human needs of this country. To accomplish our goals, we will need the cooperation of our colleagues in the Congress. Let us hope that this Congress will rise to the challenge. Let us hope that it will be the 93d Congress that will be remembered as the Congress that cared about people. History will in its own inevitable way record for all posterity Mr. Nixon's stand against people.

Mr. DRINAN. Mr. Speaker, I rise today to support the efforts of the Congressional Black Caucus to draw attention to the failures of the administration to face the needs of millions of Americans.

It is appropriate that this subject should be discussed under the ominous shadow of the 1974 budget. As is well known to our colleagues, this budget is an unmistakable retreat from the historic commitments made by our Government to better the lives of the disadvantaged.

I fear that this budget is designed not to benefit the broad public, but to maintain the privileged position of a few. It is, as other Members of Congress have said in recent days, a "special-interest" budget, a "big-business" budget.

The President claims that this is a "fiscally responsible" budget. These are strange words coming from the man who in his 4-year stewardship has presided over an increase in the national debt of $106 billion—nearly one-fourth of the entire debt. The budget proclaims a deficit of "only" $13 billion, but as our colleague Chairman MAHON has pointed out, the real deficit implicit in this budget, when not masked by the so-called "unified budget" accounting manipulations, is estimated to be $28 billion.

As unfortunate as the fiscal problems left unsettled by this budget are, they in no way compare with the injury it threatens to many "people programs." What has been proposed is the wholesale elimination of the very programs which have brought help to those Americans who need help most.

In the years following the Great Depression, this country made a commitment to improve the lives of Americans living in poverty. This commitment was expanded during the last decade to include the enactment of long-overdue civil rights legislation. Yet for all that was done, the poor in our country continue to lead downtrodden lives, trapped in poverty to which they were born and from which many cannot escape. Black Americans for example, continue to be handicapped by a society that has institutionalized racism in many overt and covert ways.

The answer to these challenges is not the "self-reliance" that the President brandishes as a cure-all before the country. For what is "self-reliance" to the ghetto, or to Appalachia? "Self-reliance" is just another code word, this time symbolizing a proposed governmental neglect of poor people.

It requires vision to make this country decent for all people, and this vision entails a grave responsibility. The responsibility is not a mathematically calculated political gain, or to one faction at the expense of another, but to all people.

There are ghettos to be cleared, decent housing to be built. There are Americans who are sick, but in our society their health is a privilege of wealth, not a right. There are the ill educated who require special help. There are the handicapped and the mentally ill. There is pervasive, lingering discrimination. There is the obnoxious malignancy of drug abuse, and continuing crime in the streets. There is foul air and filthy water. There is a system of justice that demands reform. This litany of sorrows could go on indefinitely. But to catalog the ills of America no more solves them than do admonitions of "self-reliance." These ills require not words, but work and dollars.

Where is the progress, the "self-reliance," in the new budget? Does it come in the form of a $200 million increase in military aid to Southeast Asia, for a total of $1.5 billion? Does it come in another $45 million for the cold-war relics, Voice of America and Radio Liberty—an incerase of $6 million? Does it come in another $4.7 billion for the Defense Department? Or in $657 million for an unneeded nuclear aircraft carrier, or $1.7 billion for a ballistic missile submarine that is likely to be obsolescent before it is built? Will it come from the additional $12 million the Atomic Energy Commission will spend to build new atomic artillery rounds—weapons that will in all likelihood serve no purpose other than to gather dust?

It is the administration's desire that this be a time of retrenchment for domestic people-oriented programs. The emergency employment program, which has provided 140,000 jobs at a cost of $1.2 billion—about the cost of one new Trident submarine—is to be wiped out. The Office of Economic Opportunity is to be dismantled and its important programs scattered on a piecemeal basis. Despite the chronic housing shortage in many areas of the country and the abundance of substandard housing everywhere, virtually the entire government housing program is to be shelved. Urban renewal, model cities, and other community development programs are to be dropped. Most of the landmark programs of the Elementary and Secondary Education Act, including aid to disadvantaged education, special schooling for the handicapped, vocational aid, and school support, are threatened. The Hill-Burton hospital construction program is on the way out, as are funds for regional medical programs, community mental health centers, and National Institutes of Health medical research grants.

What is to be done to existing programs is bad enough. But the central failure of this budget is not in what it does, however misconceived, but in what it does not do. This is a budget that confuses motion for progress.

Mr. Speaker, in the months ahead we in Congress will be faced with a choice of priorities. Do we turn our backs on the real needs of the people? Or do we reassert our Government and strive after the great goal of a better society?

Ms. ABZUG. Mr. Speaker, Roy Wilkins has said that Mr. Nixon has put the black community in a state of siege. The proposed budget would make that siege permanent. But the budget would rob all—black and white, young, and old, urban or rural—all except the big league financiers. It is socialism for the rich and do-it-yourself for the poor.

It would take money away from the young, dismantling most elementary and secondary educational programs, even taking the milk out of school lunches.

Although providing funds for a new scholarship program for college students, it provides no money for direct aid to colleges and universities. Many of our educational institutions, already in dire straits, simply cannot survive without Federal assistance. And for what do we citizens pay taxes if not to provide for future generations?

The proposed budget takes money from city dwellers—largely by dissolving the Office of Economic Opportunity's community action program.

Ineligible welfare recipients and overpayments are to be ferreted out, presumably by a small army of well-paid bureaucratic snoopers.

It eliminates public service jobs which have been literally life savers for so many people.

It ends many urban development programs including model cities.

The proposed budget takes money from the elderly; for example, by requiring 23 million Americans eligible for medicare to pay an additional $1 billion a year in hospital costs.

It eliminates new housing for low-moderate- and middle-income groups.

It takes money from health services, actually ending aid to hospital construction and mental health programs at a time when the shortage of hospital beds and the rise of mental illness are national scandals.

It cuts training grants for all but doctors and dentists, eliminating paramedical personnel, even phasing out basic training grants.

It takes money from research at a time when knowledge is essential even to keep up with scientific progress, to say nothing of advancing it.

The proposal cuts environmental programs supported by more and more citizens weary of living in and dying from polluted air and water. Funds to control water pollution are cut from $6 to $3 billion.

And where is the saving to go? Why, to the Pentagon, for items useless to human beings, such as a new strategic submarine launch cruise missile. Total military spending is raised from $76.4 billion in fiscal 1973 to $8 billion in fiscal 1974.

The President threatens that if Congress does not approve his budget, he will have to raise taxes. Why does he not suggest the other alternatives, such as tax reform? Why does he not close the loopholes that give tax breaks to corporations, to millionaires, to agribusiness firms? Why does he not cut military spending, as the Nation has been urging him to do? His own policy of detente with China and the Soviet Union would be furthered by cutting military spending. Why is it to increase?

Last year, with an election campaign ahead of him, Mr. Nixon talked a great deal about tax reform. This year, the whole idea seems to have slipped his mind.

The budget he proposes simply wipes out the gains we have all made with so much effort during the Truman, Eisenhower, Kennedy, and Johnson administrations. Archie Bunker's song says, "we need a man like Herbert Hoover today." Well, we have got one—and you and I are old enough to remember the depression that ended the Hoover era.

We in this Congress have a duty to oppose such retrogression. For all its faults, we have fashioned a society which offers some measure of protection to the individual against ever-increasing technology. Protection of the individual was the basis of the founding of our society, yet this budget would strip the individual of his right to food, shelter, housing, education, and health care unless he is able to make it on his own through the technological jungle.

Congress has the power of the purse. Revenue sharing proposed throughout this budget as an alternative takes away that power and distributes it without control through the Executive to State and local governments.

We must not allow this to happen. We in Congress must propose our own state of the Union message with adequate concern for the rights of every American, not just the millionaires.

HOW PEACE CAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 60 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, every American and undoubtedly every thoughtful person in our war-weary world is gratified that a cease-fire has finally been negotiated for Vietnam.

While we are breathing a collective sigh of relief over the fact that a peace agreement has, at long last, been signed, it is also time for us to reflect on those events that brought the parties to the peace table.

It was interesting that Newsweek magazine in its January 15 edition in "The Periscope" said:

> Diplomats read the holiday travels of Anatoly Dobrynin, Soviet Ambassador to the U.S. as strong evidence that the Kremlin played a large role in Hanoi's return to the Paris Peace Talks.

The article goes on to say:

> Embassy Row saw Dobrynin's moves as confirmation of other signs that Moscow pressed Hanoi to resume talks because their interruption had disrupted Soviet efforts to keep improving relations with the U.S. Faced with another poor wheat harvest, the Kremlin will need more American grain and more East-West trade to earn the dollars to pay for it.

Newsweek is certainly not a farm magazine, but its article shows an interesting insight into just what has been happening in the past several months.

I would hope that the residents of our big cities, New York, Chicago, Philadelphia, who are joining with those of us who live in the more rural areas of this great Nation in relief that peace seems to be finally at hand, will similarly take a careful look at the contribution our farmers have made toward this goal. I have long felt that our country could win far more friends with food than with bullets and bayonets.

Last summer the whole world heralded the courage and imagination of President Nixon's trips behind the Bamboo and Iron Curtains. These visits allowed the beginning of a more normal exchange of ideas and commerce between our countries. The trips were made possible by many months of painstaking negotiation on the part of President Nixon and his staff with the leaders of both Russia and China. I submit, however, that one of the positive agents sparking interest for such talks on the part of the Russians and Chinese was the prospect of drastic internal food shortages and their new felt need to do something about it.

Consumerism has emerged, not only in our country, but seemingly also in Communist lands. When Russia has had droughts before, their government has told their people to get along on potatoes and water. The changed attitude turned their thoughts to the possibility of bringing in adequate food supplies from overseas to raise their people's standard of living, to provide more wheat, the basic necessity of life, and to provide feed grains to produce the meat that makes high protein diets possible.

The only place they could find these grains in abundance and at a reasonable price was in the United States, and they set about ways and means of opening doors to trade with us. Along with the trade which has benefited the farmers of our country and the consumers behind the Iron Curtain, came an even greater benefit—the peace dividend.

Everyone knows that peace, once gained, is even more difficult to keep and maintain. The fact that what our farmers had to offer bridged the gap between our two very dissimilar cultures and types of government makes it incumbent on us to maintain and broaden this type of trade.

A decade ago we had the glimmer of a beginning of such trade—in 1963 under President Kennedy. Then, obstinacy on both sides of the ocean set up so many pitfalls that after the initial sale, no further sales were able to be made, and during that decade we not only lost trade, but also the opportunity for better understanding.

There are those who say that sales were made at the expense of the American consumer. The American housewife's cost for food is far less than the cost housewives pay in other countries in this world. Wheat has now reached the $2.50 level in the United States. Compare that with the price of wheat in Europe, which is $3.75 a bushel. Our consumers are continuing to get, as they have for the past 2 decades, the greatest bargain in food costs in the world. Twenty years ago hard red spring wheat, the premier flour wheat, brought $2.45 in my home State, North Dakota. Now, 20 years later, after disastrously low prices the price of wheat in North Dakota has again finally gone above the $2 a bushel figure. It should be pointed out that 20 years ago the price of a 1-pound loaf of bread was 16 cents and now with wheat coming back to the same price range it was when bread sold for 16 cents, a 1-pound loaf sells for 25 cents. Clearly, the big part of the price rise is caused by other than farm price increases.

These new sales overseas have not only benefited the American farmer, but the American transportation industry, our maritime people, implement dealers, and a host of other economic groups. We can also put a dollars and cents value on the more favorable balance of payments we have gained. But, a far greater benefit—a benefit that no one can put a dollars and cents figure on was the benefit of better understanding in a troubled world.

This new trade relationship with Russia and China undoubtedly, as Newsweek pointed out, provided the push for peace that they exerted on Hanoi after the summer trade began. So, Mr. Speaker, in celebrating this step toward peace, let us not forget to take our hats off to the most basic industry of any nation, our farmers who have helped make possible this day we have waited for so long.

Mr. TREEN. Mr. Speaker, today I would like to join a number of my colleagues in paying tribute to that so often neglected segment of our society, the American farmer.

AGRICULTURE, A NATIONAL KEYSTONE

The strength and greatness of our Nation has always been in the strength and determination of our people and nowhere is this attitude more evident than in the agricultural sector of our economy. Agriculture, which has always been one of the keystones of our national economy, has led our entire economy in annual increases in productivity per man-hour.

Through the Agricultural Act of 1970 the American farmer gained greater independence in the utilization of his resources and thus was better able to plan his own production. The result has been a record output with increased markets both at home and abroad.

INCREASE IN FARM EXPORTS

During the Nixon Administration the downward trend in farm exports was reversed. Foreign sales of American farm commodities have soared to an all-time record high of almost $10 billion in 1972 and it is expected to exceed that margin in fiscal year 1973. One out of every four farm acres in this country is used for export and agriculture is one of the very few areas in which we have a trade surplus. With agricultural imports of $6½ billion in 1972 we were able to reflect a trade surplus of almost $3½ billion.

AN EFFICIENT PRODUCER

The American farmer has established himself as the biggest, best, and most efficient producer in a number of agricultural areas, including corn for grain—41 percent of the world market—and soy beans—73 percent of the world market. Although no one can truly estimate the impact of "trade for peace," the political opportunities gained through such moves as our wheat, soy beans and seed grain sales to the Soviet Union—$1.2 billion—and to mainland China—$58 million—should not be underestimated. Our leverage for negotiation with the world's powers is closely related to what we have to offer them.

Equally important to the economic significance of our agricultural strength and its influence on our relations with foreign nations is the humanitarian factor. Every year American agricultural commodities valued at approximately $1 billion is exported to developing nations under Government concession terms.

The importance of this program and of such agricultural commodities as, for example, soy beans, which alone accounts for over $2 billion of our agricultural exports, is especially significant when we recognize that not only is it a high protein commodity of value in itself but that it increases the quality of living through the development of animal agriculture.

INSURE EQUITABLE TREATMENT FOR OUR FARMERS

The American farmer is indeed a crucial element in our society. We must, therefore, insure that our farmers receive fair returns for their labor and investments. If Government uses the products of the American farmer in its policies then Government policy must equally insure equity and fairness of treatment for our farmers.

Increase in farm costs have been slowed and we are now losing fewer farms. We must insure that this trend continues and that the rural areas share in the affluence of our Nation.

A SALUTE TO OUR FARMERS

I am happy to have the opportunity to pay tribute to the American farmer and I share in my colleague's salute to our farmers. As President Nixon said in his radio address of 1971:

> Nothing I have seen anywhere on earth can ever begin to compare with the success story written by the men and women of agriculture in our country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth and it has contributed to our strength abroad and to our strength at home.

Mr. ABDNOR. Mr. Speaker, I thank the Congressman from North Dakota for yielding and for calling to the attention of the Congress the great importance of the role of rural America in bringing about peace in Vietnam.

In an era when urban living draws the focal attention of the American people, rural America—though its population is declining—continues to prove the backbone on which the economy of the Nation and the peace of the world is based.

As an example of the former: An integral part of the problem of inflation has been our continuing deficit of payments. In 1972 this trade deficit jumped to $6.4 billion. The figure was reached despite the fact that exports jumped 13 percent overall and agricultural exports jumped 22 percent. Grain sales to Russia accounted for about a quarter of the increase.

Mr. Speaker, American agriculture has never been more important to the world than in 1972. Indeed, food supplies, or the lack of them, were a strong influence in the peace negotiations.

The urgency of an adequate food supply for military personnel and civilians in a country involved in a war has been demonstrated time and again since the beginning of history. That "an army travels on its stomach" can be proved over and over. It is a certainty that a nation hard-pressed to feed its people will be even more severely pressed to support an army.

North Vietnam and its allies, China and the Soviet Union, were all faced with serious food shortages in 1972.

Last July all laborers including military reinforcements and refugees were pressed into service to harvest the North Vietnamese spring rice crop. The Hanoi government urged its people to devote every inch of tillable land to food crops. Even in good years, North Vietnam has had to depend on China and Russia for

50,000 to 60,000 tons of food imports per month. These imports were greatly hampered by American bombing and the blockade of Hanoi's harbor.

China has had a historic problem of keeping its food supply apace with its population growth. In September China purchased 15 million bushels of wheat from the United States to ease its problem. A month later the wheat was followed by 12 million bushels of American corn.

Various factors were held responsible for the food crisis facing Russia. During the fall, this problem was eased with the purchase of 400 million bushels of American wheat. China and Russia, facing problems of feeding their own people had no supplies to send their ally, North Vietnam.

In September, Mr. Speaker, Cambodia faced a severe food crisis—a crisis greatly eased by the productivity of the American farmer. The United States airlifted 30,000 tons of rice to this nation. South Vietnam loaned Cambodia 10,000 tons from its stores—rice which had been earlier supplied by the United States. Our assistance to Cambodia reached $56.3 million in fiscal year 1972.

Public Law 480 has fed needy nations of this world for many years. Title I of the law permits the United States to sell food to foreign nations in exchange for local currencies. Much of this currency is used to promote the economic development of the purchasing country.

Taking advantage of Public Law 480, South Vietnam purchased with its currency almost $110 million worth of agricultural commodities in fiscal 1971 and $100 million more in fiscal 1972. Long-term loans for the purchase of food were also provided for South Vietnam and Cambodia.

Mr. Speaker, volunteer relief agencies have also had a role as well as our technological and Aid for International Development teams. Thousands of technicians have been sent in to the countries to help farmers cope with or conquer pests and weeds, and initiate new crop varieties. AID teams have been sent in to advise on agricultural practices, land reform, flood control, and irrigation.

With the peace agreement, the U.S. farmer stands ready to aid his country in keeping the peace, as he has done following other wars. The U.S. farmer can produce economically and abundantly, the substance to feed and clothe a population of hundreds of millions. That we can do this efficiently and cheaply is an incentive for nations that hunger to retain our good will.

Mr. Speaker, as a South Dakota farmer, I am very proud of the role American agriculture plays in the world today. Thank you.

GENERAL LEAVE

Mr. ARMSTRONG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of Mr. ANDREWS' special order today.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Colorado.

There was no objection.

FAIR, EQUITABLE, AND FISCALLY RESPONSIBLE MILITARY RETIREMENT PROGRAM IS ESSENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, on Friday, January 26, I introduced a bill which, if enacted, would help this Nation keep faith with the men and women who gave a major part of their lives to the security of our country as careerists in the military services. My bill would have us return to the practice of computing retirement benefits for these public servants on the basis of the current salaries of men and women who hold the rank and have the years of service which the retirees held and had when they left the service.

This action on my part does not mean that I fail to recognize the probability that the Congress should review the retirement program which has been established for persons in our military services. Indeed, I believe that such a review should be undertaken. A fair, equitable, and fiscally responsible military retirement program is essential if our Nation is to maintain the quality of defense system that we must have.

The terms of the retirement program, and the manner in which it will perform in the future, in relation to our national economy, must be clearly spelled out for the men and women who wish, and whom we want, to make military service their career.

Today the pension for retired military personnel is raised in response to increases in the cost of living. This practice was instituted in 1958, ending the practice of computing retirement pay on the basis of the current salaries for persons of equal rank and years in service.

To me, this action was a breach of trust with the men and women who had served our Nation loyally and well in the Armed Forces. For them their salaries would not have been unacceptable but for the pension program which could be considered deferred salary.

Is it not deceitful to encourage men and women to make military service a career with one kind of pension program in operation, and, after they have retired, change the rules to penalize them for their trust.

I endorse, indeed, I urge that a reevaluation of the military pension program be undertaken and that just and equitable solutions to the problems involved in it—including those created by the 1958 law—be enacted.

STATEMENT BY MAJORITY LEADER O'NEILL ON THE PRESIDENT'S ECONOMIC REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 15 minutes.

Mr. O'NEILL. Mr. Speaker, I find the President's economic report deficient on both humanitarian and economic grounds. It is obviously a blueprint for repetition of the economic witches brew which featured the first 2 years of the Nixon administration. That unhappy era was characterized by what economists had previously felt was unattainable; soaring prices and escalating unemployment at the same time.

If one strips away the academic and bureaucratic jargon in which this document is encased, it is apparent that the President and his economic advisers have cooly and indifferently written off the 4½ million still unemployed. What is it in the background and training of Mr. Nixon's economic counsellors which enables them to analyze and discuss human misery and want with such detached and amoral pronouncements? Neither the academic cloister nor the carpeted and well appointed office of the high level Federal functionary provides a suitable environment for acquiring a knowledge of what inflation and unemployment truly mean in human terms.

Unemployment is a cancer, a cancer of the human spirit. The father who cannot find a job to support his family, or may be even forced to leave them so they can qualify for welfare, is not a statistic. He is a fellow human being. Prolonged unemployment will inevitably destroy that human being in every meaningful sense.

What is inflation? Inflation is the price of hamburger and bread and potatoes and other necessities of life on which the working people of this country spend their paychecks. This administration never did believe in controlling prices. It was only political necessity which forced the President to impose price controls in August 1971. Those controls were limited in their scope, they never applied to food, and in those areas which they did apply they were never enforced very rigorously. But they were better than nothing. Now, for all practical purposes, there will be no controls.

If this economic message is unenlightened from a humanitarian point of view, so it is equally deficient in its economic approach. The President is obviously fearful that a nonexistent boom is about to get out of hand. He proposes to rein it in by reducing public expenditures. At that same time, we may be sure that his friend Dr. Burns of the Federal Reserve Board, fearful of the results of the premature abandonment of price controls, will invoke a restrictive monetary policy. This combination, a retrenchment in the fiscal area and the imposition of tight money, will guarantee a halt in economic expansion and produce a repetition of the unemployment and inflation which characterized the 1969–71 period.

SENIOR CITIZEN INTERN PROGRAM RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, I am today joined by 37 colleagues in introducing a resolution establishing a senior citizen intern program in the House of Representatives. As some of my colleagues will remember, I proposed such a project toward the end of the last Congress.

Briefly, the program is patterned after the college summer internships, although on a smaller and more limited scale. As outlined in the resolution, each Member would be authorized to hire two additional employees, aged 65 or over, for 2-week periods during the month of May. Each would receive a stipend of $100 per week. Since one of the purposes of the program is to give the senior citizens the opportunity to learn more about current congressional activities, the interns must be employed in the Member's Washington office. The reason for specifying May as the internship period is to facilitate the organization of special programs, briefings and the like for the benefit of all the interns as a group.

The idea for this program resulted from an internship I made available to a senior citizen couple from my district last April. They studied and received briefings on current Federal programs involving the elderly and pending legislation of interest to senior citizens. Their schedule also included committee hearings and briefings with staff of Hill committees and private organizations concerned with senior citizen affairs.

This program offered the senior citizens a unique opportunity to learn first-hand how their Federal Government is attempting to resolve the problems of the aging. As representatives of several senior citizen clubs in my district, the interns were able to provide me with a greater understanding of the specific needs of the elderly in my local area. When they returned to the district, the interns reported on their experience in Washington before several groups and have since become a helpful communication link between their fellow senior citizens and the Federal Government.

I know my colleagues will agree that perhaps the most challenging task facing Congress today is the restoration of public confidence in government, generally, and Congress, specifically. One of the ways in which this may be achieved is for Congress, through individual Congressmen, to improve lines of communication with all segments of the population. Senior citizens represent an articulate and organized body of individuals with whom we should and can maintain closer relations. An intern program along the lines of the one I have introduced today will, I believe, go a long way toward helping Congress relate more meaningfully to a most important segment of the population.

Mr. Speaker, I invite my colleagues to join me in supporting and participating in the senior citizen intern program.

HIJACKING SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I rise in strong support of this measure, to provide for the suspension of air transportation between the United States and foreign countries in cases of international aircraft hijacking.

The crisis in both domestic and international air transportation is well known to every citizen. Daily we witness accounts in radio, television, and newspapers of the current progress of the "hijacking of the day. One might even say that it is rapidly becoming one of our most avid spectator sports.

Yet we obviously cannot afford to treat this subject lightly. The spiraling costs of hijacking, measured not only in terms of dollars and cents, but in the far more precious terms of human deaths and injuries, are more than we can tolerate.

Air service is constantly disrupted. Would-be passengers are becoming leery of air travel. We have even witnessed the disastrous effects of an international pilot's strike to protest the inaction of the world's governments.

In short, Mr. Speaker, it is time for the Congress to act, in a positive and constructive manner, to curtail any further incidents. This bill will permit the President to suspend air transportation between the United States and any foreign country when a hijacking has occurred and where that country has either failed to return the hijacker to the United States within 30 days, or failed to return the passengers, crew, aircraft, and any extorted ransom moneys within 5 days. This suspension shall remain in effect until the President determines that the resumption of air traffic will not endanger the safety of any aircraft or its passengers, crew, and cargo.

In conjunction with this bill, Mr. Speaker, I also offer the following resolution, expressing the sense of the Congress with respect to an international conference on air piracy. It calls on the President to take such steps as necessary to convene a conference for the purpose of establishing new and improved international policies and procedures designed to facilitate the apprehension and punishment of hijackers, as well as assure the safety of aircraft, passengers, and crews. It is further hoped that the conference will consider specific measures directed against international aircraft hijacking which should at least include, but not be limited to, the sanctions proposed in the bill which is companion to this resolution.

The purpose of these measures is evident. The suspension of air traffic will invoke economic pressure on foreign countries to refrain from aiding or abetting international air hijackers. If, through the aegis of an international conference, we can induce other governments to enact similar sanctions, then a great step will have been made toward curbing the dangerous spread of hijacking.

We of the Congress are extremely familiar with the expression "power of the purse" and all that it implies. If the responsible countries of the world join ranks in the cause of eliminating hijacking, and exercise their cumulative powers, then those countries who currently harbor these international fugitives will have to contend with pressures which are far more substantial than the somewhat ephemeral force of world opinion. The first step in this process, of course, is for our body to resoundingly endorse the bill and resolution which have been introduced today.

Mr. Speaker, I call on my colleagues to support this bill and the attendant resolution:

H.R. 3348

A bill to provide for the suspension of air transportation between the United States and Federal countries in cases of international aircraft hijacking

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1512) is amended by adding at the end thereof the following new section:

"SUSPENSION OF AIR TRANSPORTATION IN CASES OF INTERNATIONAL AIRCRAFT HIJACKING

"SEC. 1113. In any case in which an aircraft registered in the United States is operating in interstate, overseas, or foreign air transportation and is hijacked to a foreign country and the President determines that such foreign country—

"(1) has willfully failed to return the hijacker to the country in which the hijacking originated within thirty days; or

"(2) has failed to take adequate steps to assure the safety of the hijacked aircraft, together with its passengers and crew, and provide for their safe return to the country from which the flight originated within five days; or

"(3) has willfully failed to return all funds or other valuable items extorted by the hijacker within five days;

the President shall suspend all air transportation to such foreign country by any aircraft registered under this Act and shall suspend all air transportation to the United States by any aircraft registered in such foreign country. Such suspension shall continue until the President determines that the resumption of air transportation suspended under this section will not result in danger to the safety of any aircraft operating in interstate, overseas, or foreign air transportation (including its passengers, crew, and cargo).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof of the following:

"Sec. 1113. Suspension of certain air transportation in cases of international aircraft hijacking.".

H. CON. RES. 101

Concurrent resolution expressing the sense of the Congress with respect to an international conference on air piracy

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take such steps as may be necessary to call for an immediate international conference on air piracy for the purpose of establishing new and improved international policies and procedures designed to facilitate the apprehension and punishment of individuals guilty of international aircraft hijacking and to assure the prompt and safe return of the aircraft, together with its passengers and crew.

SEC. 2. It is further the sense of the Congress that the President should take such steps as may be necessary to assure that the international conference referred to in the first section of this concurrent resolution will consider specific measures directed against international aircraft hijacking, which measures should include, but not be limited to—

(1) a requirement that any individual guilty of international aircraft hijacking must be returned to the country in which the hijacking originated within thirty days;

(2) requirements that each country must take adequate steps to assure the safety of

the hijacked aircraft, together with its passengers and crew, and provide for their safe return to the country from which the flight originated within five days; and

(3) appropriate provisions requiring that all funds or other valuable items extorted by the hijacker must be returned together with the hijacked aircraft, its passengers and crew.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I think that Members of Congress and the American people should be kept informed of the good works of the Intergovernmental Committee for European Migration.

This 31-member international organization has assisted in the movement of nearly 2 million persons to new homelands during its 20 years of existence. Of this number, one-half have been refugees who, through no fault of their own, had to abandon their homelands due to fear of religious or political persecution. Over the years, ICEM has done an excellent job in helping to keep the refugee camps of Europe free of buildups of refugee cases and has responded rapidly to emergency situations, such as the Hungarian crisis in 1956 and the need of the Czechoslovakian refugees in 1968.

In the early days of October 1972, a new crisis began to develop in Uganda when Uganda President Ida Amin decreed that all Asians residing in that country had to leave by November 8, 1972. As that date was nearing, grave concern developed in the countries of Western Europe as to what would happen with the Asian expellees if they were not granted refuge in other countries.

ICEM was the first international organization to send personnel into Uganda to assist in the movement of Asians who were being expelled. For days the ICEM team of counselors and medical personnel registered and medically examined 300 to 400 persons a day. ICEM arranged travel accommodations on regularly scheduled airlines servicing Uganda and by chartering additional flights. After concentrated efforts in which the staff members worked practically 24 hours at a stretch, some 5,000 Asians were moved to those European countries which had offered their facilities as countries of first asylum.

ICEM is continuing to work with the Asian expellees who are now in transit centers in Europe and is assisting these people in finding countries of permanent resettlement. Many families have been separated during the period of the hasty exodus and ICEM, along with the International Red Cross, is attempting to reunite these unfortunate families.

I wish to stress the point, Mr. Speaker, that ICEM, established through the initiative of the United States, deserves our continued support in its activities which recognize the humanitarian needs of the oppressed and the homeless.

I would also like to pay tribute to the American voluntary agencies who have worked so closely with ICEM in assisting persons who have found it necessary to leave their homelands in search of freedom.

BABY SEALS PROTECTED UNDER MARINE MAMMAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, in my remarks of January 24, 1973, I told my colleagues that I was seeking information concerning the "undue economic hardship" exemption which had been applied for under the Marine Mammal Protection Act to permit the importation of about 10,000 dressed Beater and Blueback sealskins for resale. My action was prompted by a notice in the Federal Register that the Department of Commerce had received such an application from the Bergner International Corp., of New York, N.Y.

We have now received a copy of the Bergner application, which I will insert in the RECORD below, indicating the request is to import 10,000 dressed skins from Blueback seals 1 month old, and from Beater seals ranging from 1 to 16 months in age. The seals would be taken during the Canadian hunting season which commences in late March and continues to the end of June 1973.

Sections 103 and 104 of the Marine Mammal Protection Act authorize the Secretary of Commerce to issue permits for the taking of marine mammals following consultation with the Marine Mammal Commission. That Commission has not yet been appointed by the President, but I am informed that it will probably be announced within the next 2 weeks. Such permits are to be issued on the basis of the best scientific evidence available concerning good conservation practices and the preservation of marine mammal species.

Additionally, under section 101(c) of the law, the Secretary is authorized to exempt persons from the provisions of the act "in order to minimize undue economic hardship," for no more than 1 year from the date of enactment. The fair inference from this 1-year limitation is that Congress intended to provide a reasonable period of time to find alternative sources of income for, and for "phasing out," those persons who are engaged in the business of dealing in marine mammals and marine mammal products, as well as to provide a reasonable interval of time in which to establish the Marine Mammal Commission and the Committee of Scientific Advisers so that permits can be issued under sections 103 and 104.

The act does not spell out exactly what constitutes "undue economic hardship" nor are there any regulations which define "undue economic hardship." Rather, in applying for the exemption, the applicant is expected to show such economic hardship to the satisfaction of the Secretary.

However, the Bergner application raises a more serious question in that they are requesting an exemption to import, for resale, sealskins from animals that have not yet been slaughtered—in fact, many of these animals have not yet been born.

Section 102(b) of the act, flatly prohibits the importation of marine mammals which are "nursing at the time of taking, or less than 8 months old, whichever occurs later," except for purposes of scientific research. Thus, even if the Marine Mammal Commission and the Committee of Scientific Advisers were in existence, I doubt that the Secretary would be authorized to issue a permit for the taking or importation for resale.

In support of its application, Bergner notes that it is the principal importer into the United States of sealskins, and that this importing is "a very important part" of Bergner's business. They state that, if the exemption is not granted, it will result in "the curtailment of a very substantial portion of the business of the applicant and of the businesses which are supplied by the applicant."

They also state they are seeking alternatives, but they do not indicate that the viability of their business will be threatened by the curtailment. But the basic premise of the Bergner application is that the sealskins will be taken regardless of whether they are eventually imported into the United States.

In other words, if these skins are not sold here, they will be sold somewhere else. There is room under the law for an exemption because of undue economic hardship, but there is no room for the Bergner contention that an exemption should be granted because "these skins will be produced regardless of whether or not this application is granted."

Congress passed the Marine Mammal Protection Act in order to close off the lucrative U.S. market to marine mammal products taken from certain animals which we want to protect from exploitation. We did this in the belief that the U.S. market is a substantial part of the world market, and without the U.S. market, exploiters of marine mammals will have less economic incentive to take the animals, or at least that fewer animals will be taken.

The application of Bergner International follows below:

BERGNER INTERNATIONAL CORP.,
New York, N.Y., January 3, 1973.

Re Chapter II, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Part 216 Regulations governing the taking and importing of marine mammals. Public Law 92-522—86 Stat. 1027. Application for Economic Hardship Exemption under Subpart C Paragraph 216.13—Application Number Two.

The DIRECTOR,
National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C.

DEAR SIR: Pursuant to Paragraph 216.13 (a), we apply for an economic hardship exemption with relation to importation of certain Sealskins to be produced in the Dominion of Canada during the sealing season February/June 1973. This is a second application—not to be confused with our application for an economic hardship exemption concerning the voluntary registration of "inventories and stocks" of marine mammals held by us—not physically located within the jurisdiction of the United States.

The information required by Paragraph 216.13(a)(2)(i) as outlined in Paragraph 216.12(a) appears below:

(1) The name and address of the applicant is: Bergner International Corp., 130 West 30 Street, New York, N.Y. 10001, Telephone: 212-565-3715.

(2) We are applying for a hardship exemption which will permit us to import at least during the calendar year 1973, dressed Sealskins bearing the scientific name: Pagophilus groenlandicus; common or trade name: Beater Saleskin—country of origin; Dominion of Canada; and also, scientific name; Cystophora cristata; common or trade name: Blueback Sealskins—country of origin: Dominion of Canada.

The population stock would be hundreds of thousands—exact numbers unknown. The age of the animals would be one month to sixteen months of age in the case of the Beaters and about one month of age in the case of the Bluebacks. The sexes will be mixed. There will not be any pregnant or nursing animals involved.

(3) The taking would occur in the Northwest Atlantic Ocean and/or the Gulf of St. Lawrence and/or the Straits of Belle Isle by licensed sealing vessels operating under the flag of the Dominion of Canada and also by native fishermen who are also known colloquially as "landsmen", operating on the Canadian Labrador and along the coastal areas of the Gulf of St. Lawrence and Newfoundland. The seal hunting would commence in late March, in the case of the Seals, to which this application refers, and continue until about the end of June 1973.

The sealskins would be exported from the Dominion of Canada to a European country for processing and would then be imported into the United States through the port of New York.

The total number would be about 10,000 skins.

It is respectfully submitted, in support of this application, that:

The applicant is and has been, for very many years, the principal importer into the United States of Sealskins of these varieties and of many other varieties.

The Sealskin business is a very important part of the business of the applicant.

The applicant's certified public accountant has made a statement in support of its application No. 1 for economic hardship exemption. This statement shows the statistical and financial significance of the seal business to the business of the applicant. An additional copy of this statement is attached to this application.

Public Law 92-522 and the regulations thereunder has the effect of terminating this part of the applicant's business, abruptly. It is respectfully suggested that the relative provision of the Act, and this provision of the regulations, were intended to apply, amongst other, to the applicant's situation.

The Sealskins, which are the subject of this application, shall be produced under any circumstances. The ships which shall produce them shall be operating, lawfully, under the laws of the Dominion of Canada with the sanction of ICNAF. The "landsmen" shall be hunting (for their livelihood), as usual. In the ordinary course of business we shall be handling these legal catches for distribution in Canada and in Europe. In the regular course of business we would have imported the quantity applied for, or a larger quantity, for sale in the United States of America and also for distribution from bonded warehouse to European buyers.

Small businesses, in the United States of America, rely upon these skins for their productions of manufactured goods.

(iv) None of these marine mammals or marine mammal products is listed as an endangered species pursuant to the Endangered Species Act of 1969 and has not been designated by the Secretary as depleted.

(v)(b)(1) The granting of this exemption will not affect the species or population stocks in question because these skins will be produced regardless of whether or not this application is granted.

(2) The degree of economic hardship to be anticipated, should the exemption not be granted, is the curtailment of a very substantial portion of the business of the applicant and of the businesses which are supplied by the applicant.

(3) The economic alternative available to the applicant are to find substitutes for this business, which the applicant intends to do. If this application is granted it will help the applicant to tide over the abrupt curtailment of this business.

At this point, with respect to "legal alternatives", we should assert our belief that the International Convention for the Northwest Atlantic Fisheries creates an automatic exception of these skins, under Paragraph 216.7, but until this legal position is clarified, this exemption would enable the applicant to operate its business without danger of being engaged in an unlawful act.

This application is without prejudice to our rights under Section 102(a)(2) and Subpart C, Paragraph 216.7 of the regulations thereunder or any other applicable law or regulation which would make this application unnecessary.

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (86 Stat. 1027) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

The applicant respectfully begs leave to amend this application when and if necessary.

Respectfully submitted,
I. BERGNER,
President.

TAX DEDUCTION FOR VOLUNTEER WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, Dr. Albert Schweitzer once said:

> I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who have sought and found how to serve.

Throughout the Nation, millions of people have found how to serve their fellowman through giving of their time and themselves in volunteer work for worthwhile organizations.

Today I am introducing a bill to provide a special tax deduction for volunteer work with public or private nonprofit groups. It is my hope that if we recognize the remarkable accomplishments of this Nation's volunteers by providing deserved incentives, the hours given to volunteer work will multiply.

The deduction provided in my legislation would be available to any individual who has contributed at least 50 hours of uncompensated volunteer work during the year. The amount of the deduction would equal the number of hours multiplied by the Federal minimum wage of $2, whichever is greater, with a maximum deduction of $2,000. If both a husband and wife want to claim this deduction, each of them must meet the 50-hour requirement. The deduction would apply to a variety of recognized public and private nonprofit civic organizations, including social and charitable groups, church groups, volunteer firemen and civil defense workers, and nonpartisan work for electoral or legislative reforms.

This bill would prove a boon for volunteer work in America. The people in this Nation have always helped their neighbors through volunteer work—from barnraising to collecting contributions for local charities. According to estimates, there are over one million independent voluntary organizations in this country. A Gallup poll taken last year revealed that over 61 million Americans are willing to give 4 hours per week as volunteers, efforts that are in great demand by hospitals, libraries, and other institutions and organizations which require the selfless dedication and personal good will of volunteers.

Volunteer work widens personal interests, decreases boredom, and allows an individual the opportunity to go beyond narrow specialized job activities. At a time when so many people feel alienated from their fellow man, volunteer work in a civic or social organization brings them closer together in a common cause. Volunteer work also provides a sense of achievement as people help their neighbors to overcome problems that so often affect all of us.

At this time, many public and private nonprofit organizations must continue their operations with small overworked staffs. Passage of this bill would establish an appropriate way to thank and encourage these dedicated individuals.

In 1968 an article in Time stated:

> If the country's social problems are curable, the cure is likely to be found . . . in a lot of little efforts by lot of people.

I would hope that passage of my bill would provide deserved recognition for the significant, albeit "little efforts" of the thousands of volunteers throughout this great Nation.

LATVIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call my colleagues' attention to an example being set in a far corner of the world that all of us here in the United States can take inspiration from. I speak of the people of Latvia, who on last November 18 celebrated their 54th anniversary of independence. Like our forefathers, Latvians paid an enormous price for their freedom by expelling two invaders in 1918 and 1919. Although their freedom from foreign domination lasted only slightly more than 20 years, Latvians made tremendous strides in their quest for a just society. They proved their devotion to democracy by establishing an advanced form of representative government with a parliament, cabinet, president, and freely organized parties. All the basic freedoms we so cherish here in the United States, enunciated by our own Bill of Rights, were guaranteed to Latvians.

Latvia joined the League of Nations on September 22, 1921, and proved to be a model member, persevering in trying to spread peace and understanding to all parts of the world. Latvia was blessed with fine leaders in its early years. People like Janis Cakste, Gustav Zemgals, Karlis Ulmanis, Janis Goldmanis, Karlis Zarins will long be remembered for their dedication and sense of purpose. We should all remember the tyranny that destroyed their aspirations and dreams for Latvia.

Latvia has become a radiant symbol for the great majority of Americans who believe in freedom for all nations, large or small. During these years of ruthless tyranny by the Soviet Union, the Latvian people have not lost hope for the reflowering of democracy in the land they so love. I salute Latvian people the world over and I am certain that the American people join them in their prayers and hopes that soon they will be free in their homeland.

AMNESTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I was shocked by President Nixon's statement at his press conference this morning that individuals who resisted the draft or deserted from the Armed Forces because of their objection to our involvement in Vietnam must pay a criminal penalty if they wish to return to this country.

The amnesty issue must not be dismissed out-of-hand in the vindictive tone Mr. Nixon takes. Now that the prisoners of war are returning, we must make provision for the return of the hundreds of thousands of political refugees who were compelled to leave their homeland or go to prison for their beliefs.

Amnesty is not only for these young men, who were the conscience of a nation, but also for their families and friends. This significant section of an entire generation must not remain hostages of an immoral war, and I hope that Congress will give early approval to my universal and unconditional amnesty bill (H.R. 236).

This measure, entitled "The War Resistors Exoneration Act of 1973," would grant unconditional and automatic amnesty to individuals who refused registration or service under the Selective Service Act or who deserted, went AWOL or missed a troop movement while in the military during the Vietnam era. Granting automatic amnesty in these cases avoids discrimination against those who are less well-educated by not requiring a sophisticated explanation of motives.

The bill also establishes an Amnesty Commission empowered to grant amnesty on a case-by-case basis for other offenders, first whose violation was in substantial part motivated by opposition to the war and, second who were not responsible for significant property damage or substantial personal injury. If such damage or injury did result, the Commission could still grant amnesty if it finds that the conduct was justifiable on the basis of a moral or ethical belief deeply held by the individual. This last proviso would probably result in a grant of amnesty for the Catonsville 9, who destroyed draft records, but not for the individuals whose bombing of a University of Wisconsin building resulted in the death of a student.

Amnesty granted under this bill would restore all civil rights. It would also expunge all notations relating to violations from the records of courts and law enforcement agencies. Where an individual received an other than honorable military discharge in substantial part because of a violation for which amnesty is granted, the discharge would be changed to honorable. Finally, the bill would permit anyone who renounced his citizenship because of opposition to the war to recover that citizenship.

H.R. 236 differs from other amnesty legislation in that it covers not only draft resisters, who are generally middle or upper class, but also deserters, who are more commonly poor, and other violators. Also, it would not require any alternative or punitive service on the part of those to whom amnesty is granted. I include the text of this bill at the conclusion of my remarks.

Now that our tragic involvement in Vietnam appears to be nearing an end, we must resolve not to condemn to permanent exile or obloquy the thousands of young Americans who for reasons of conscience refused to go along with our intervention in Vietnam.

The text of the bill follows:

H.R. 236

To exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "War Resisters Exoneration Act of 1973".

FINDINGS AND DECLARATION

SEC. 2. (a) The Congress finds and declares that a general and unconditional amnesty, with full restoration of all civil, political, property, and other rights is a necessary measure, after the cessation of United States military operations in Indochina, for the reconciliation and reinstatement of persons who have been prosecuted, or who may be subject to prosecution, for failing to comply with any requirement of, or relating to, service in the Armed Forces during the involvement of the United States in Indochina, or for engaging in any nonviolent activity or activity justified by deeply held moral or ethical belief in protest of, or opposition to, the involvement of the United States in Indochina.

(b) The Congress further finds and declares that it is an immunity of citizens of the United States (within the meaning of section 1 of the fourteenth amendment to the Constitution of the United States) to enjoy the annulment of all legal disadvantages that have been incurred or suffered by reason of opposition to the involvement of the United States in Indochina, to the greatest extent consistent with the preservation of life and property.

EFFECT OF GENERAL AMNESTY

SEC. 3. The general amnesty granted by or under this Act shall, with respect to any violation of law enumerated in section 4 or covered under section 6—

(1) restore to the grantee all civil, political, citizenship and property rights which have been or might be lost, suspended, or otherwise limited as a consequence of such violation;

(2) immunize the grantee from criminal prosecution for such violation;

(3) expunge all notation relating to such violation from the records of courts and law enforcement agencies;

(4) require the granting of an honorable discharge to any person who received a discharge other than an honorable discharge from the Armed Forces if such violation was solely the cause, or a substantial cause, of the granting of such other than honorable discharge; and

(5) nullify all other legal consequences of such violation.

AUTOMATIC GENERAL AMNESTY

SEC. 4. (a) Notwithstanding any other provision of law, general amnesty is hereby granted to any person for violation of one or more of the laws enumerated in this section, or regulations and policies promulgated pursuant thereto, if such violation was committed between August 4, 1964, and the effective date of this section. Such amnesty is automatic, and no application to the Amnesty Commission or any other agency is necessary to effectuate it.

(b) General amnesty is granted for violations of any of the following laws:

(1) Section 12 of the Military Selective Service Act (50 App. U.S.C. 462) with respect to the following prohibited acts—

(A) evading or refusing registration, evading or refusing induction into the Armed Forces, or willfully failing to perform any other duty under such Act, or conspiring to do so;

(B) knowingly counseling, aiding, or abetting others to refuse or evade registration or service in the Armed Forces of the United States, or conspiring to do so; or

(C) publicly and knowingly destroying or mutilating any registration or classification card issued or prescribed pursuant to such Act and knowingly violating or evading any of the provisions of such Act, or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of any registration or classification card.

(2) Section 882 of title 10, United States Code, which prohibits the soliciting or advising another, or attempting to solicit or advise others, to desert the Armed Forces of the United States.

(3) Sections 885 and 886 of title 10, United States Code, which prohibit deserting or going absent without leave from the Armed Forces of the United States.

(4) Section 887 of title 10, United States Code, which prohibits missing the movement of a ship, aircraft, or unit with which it is required in the course of duty to move.

(5) Section 888 of title 10, United States Code, which prohibits using contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, territory, Commonwealth, or possession on which he is on duty or present while a commissioned officer in the United States Armed Forces.

(6) Section 1381 of title 18, United States Code, which prohibits the enticing or procuring, or conspiring or attempting to entice or procure any person in the Armed Forces of the United States, or who has been recruited for service therein, to desert therefrom, or aiding any such person in deserting, or in attempting to desert from such service; or harboring, concealing, protecting, or as-

sisting any such person who may have deserted from such service, knowing him to have deserted therefrom, or refusing to give up and deliver such person on the demand of any officer authorized to receive him.

(7) Section 2387 of title 18, United States Code, which prohibits the advising, counseling, urging or in any manner causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States, with the intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States.

AMNESTY COMMISSION

SEC. 5. (a) There is established a commission to be known as the Amnesty Commission (hereinafter in this Act referred to as the "Commission").

(b) The Commission shall be composed of five members, qualified to serve on the Commission by virtue of their education, training, or experience, as follows:

(1) One appointed by the President.

(2) One appointed by the President pro tempore of the Senate.

(3) One appointed by the Speaker of the House of Representatives.

(4) One appointed by the minority leader of the Senate.

(5) One appointed by the minority leader of the House of Representatives.

Individuals who are officers or employees of any government are not eligible for appointment to the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Members shall be appointed for the life of the Commission.

(d)(1) Members of the Commission shall each be entitled to receive an annual salary equal to the annual salary payable to a judge of a United States district court.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(e) Three members of the Commission shall constitute a quorum. The Chairman of the Commission shall be elected by the members of the Commission.

(f) The Commission may appoint and fix the pay of such personnel as it deems desirable, including such hearing examiners as are necessary for proceedings under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5 are applicable to hearing examiners appointed pursuant to this subsection.

(g)(1) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(3) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

GRANT OF GENERAL AMNESTY BY THE COMMISSION

SEC. 6 (a) Notwithstanding any other provision of law, the Commission shall grant general amnesty as provided for in section 3 of this Act to any individual who, during the period beginning August 5, 1964, and ending on the effective date of this Act, violated any Federal law (other than one enumerated in section 4 of this Act) or State or local law if the Commission finds that—

(1) such violation was in substantial part motivated by the individual's opposition to, or protest against, the involvement of the United States in Indochina; and

(2) the individual was not personally responsible for any significant property damage or substantial personal injury to others in the course of his violation of any such law;

except that, in any case in which the Commission finds that an individual was personally responsible for significant property damage or substantial personal injury to others in the course of his violation of any such law, the Commission shall grant amnesty if it finds that such conduct was justifiable on the basis of a moral or ethical belief deeply held by the individual.

(b)(1) Whenever the Commission grants general amnesty under this section to an applicant who received a discharge other than an honorable discharge from the Armed Forces, it shall make a finding as to whether any violation of law for which general amnesty is granted was solely the cause, or a substantial cause, of the granting of such discharge.

(2) The Commission shall also have jurisdiction to hear and determine applications from individuals entitled to automatic amnesty under section 4 of this Act and aggrieved by the refusal of the military board concerned to grant an honorable discharge to him under section 3(4) of this Act.

(3) Any finding or determination made by the Commission pursuant to this subsection shall be conclusive upon the military board concerned and is not reviewable by any agency or member of the Armed Forces or any civilian officer of the military establishment.

(c) Any individual desiring amnesty under this section, or review of the decision by a military board to deny him an honorable discharge, shall make application therefor to the Commission in such form as it shall prescribe. The Commission shall not receive any application for amnesty or discharge review under this Act after the close of the forty-eighth month after the month in which this section takes effect.

(d) Any application for amnesty or discharge review which is timely filed shall be determined on the record after opportunity for hearing in accordance with sections 554, 556, and 557 of title 5 United States Code. The entire record developed at the hearing on any application shall be certified to the Commission for decision. All decisions of the Commission shall be by majority vote.

(e) Any applicant may obtain judicial review of a decision by the Commission which is adverse to him by filing a petition for review in the United States court of appeals for the circuit wherein he resides within sixty days after the date on which the decision is made. The Commission shall thereupon file in the court the record of the proceedings on which the Commission based its decision, as provided in section 2112 of title 28. The court shall have jurisdiction to review the decision in accordance with chapter 7 of title 5 and to grant appropriate relief as provided for in such chapter.

(f) Any individual not able to apply to the Commission for a determination under subsection (b)(2) of this subsection because the decision of the military board concerned to deny him an honorable discharge was made after a date sixty days prior to the closing date specified in subsection (c) of this section may obtain judicial review of such decision by filing a petition for review in the United States district court for the district wherein he resides within sixty days after the date of such decision. The military board concerned shall thereupon file in the court the record of the proceedings on which the board based its decision. The court shall have jurisdiction to review the decision of the military board in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided for in such chapter.

RESTORATION OF CITIZENSHIP

SEC. 7. Upon petition to any district court of the United States, the United States citizenship of any former citizen who states that he renounced such citizenship solely or partly because of disapproval of involvement of the United States in Indochina shall be fully and unconditionally restored.

SUITS IN THE DISTRICT COURTS

SEC. 8. (a) The district courts of the United States shall have jurisdiction without regard to the amount in controversy to hear actions brought to redress the deprivation of rights granted by section 3 of this Act, and to grant such legal and equitable relief as may be appropriate.

(b) Notwithstanding the provisions of section 2283 of title 28, United States Code, or any successor provision thereto, a district court hearing an action brought pursuant to subsection (a) of this section may grant injunctive relief staying proceedings in a State court.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or to other circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 11. Sections 4, 6, 7, and 8 of this Act shall take effect upon the date of cessation of United States military operations in or over South Vietnam, North Vietnam, Cambodia, Laos, and Thailand which date shall be proclaimed by the President and shall be not later than three months after the date of enactment of this Act.

THE AIRLINE PASSENGER RIGHT TO TRAVEL ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I am today introducing a bill which I feel will achieve a major step toward the elimination of aviation hijacking. This practice is the bane of air travel, and one of the most devastating crimes in modern times against the general public. The time for definitive action has come.

My proposal contains two principal elements, one concerning international aspects of hijacking, and the other relating to the domestic problem.

First, the international aspects. In December 1970, representatives of some 77 nations attend a meeting at the Hague for the purpose of drawing up a convention designed to present a more universal opposition to aerial hijacking. That 77 nations agreed to take part in such a meeting reflects a widespread concern over this evil practice.

The convention declares that persons taken into custody who are found guilty of aircraft hijacking shall either be prosecuted or extradited, and further, that the aircraft in question, and its passengers and crew shall be allowed to continue onward.

The United States signed the Hague Convention on December 16, 1970, and in September 1971, the Senate ratified it. By the end of 1971, nearly all those nations represented at the meeting had signed. All of which points up the degree of international concern over hijacking, and a willingness to take steps to suppress it on a mutual basis.

Having become a party to the convention, the United States must now go one step further to implement it. This, of course, requires legislation, and that is one of the elements of my bill. The thrust of this legislative implementation is the universal jurisdictional provision which has the effect of making hijacking committed in another country an offense in the eyes of U.S. law enforcement officials. In other words, this part of my legislation constitutes an additional step we must take in order to make our participation in international implementation of the Hague Convention fully effective. Thus, it is "must" legislation on which the Congress should act promptly.

Another major provision in my bill is a specific authorization to the President to invoke a national boycott against nations which refuse to either punish or extradite hijackers. This gives the President discretionary power to suspend air transportaton between the United States and nations which do not implement the general principles of the Hague Convention. Further these sanctions may be applied against any nation which, it is determined, is used as a base of operations or training, or as a sanctuary, or which aids in any way, terrorist groups or organizations involved in hijacking or terrorist practices.

Mr. Speaker, the French, the Africans, and the Russians have ruptured current attempts in Montreal, Canada, to put teeth into the existing Tokyo and Hague antiskyjacking conventions by refusing to take sanctions against countries that provide "safe havens" for skyjackers.

The French are fearful of angering Algeria and other Arab nations and thereby losing commercial airline business. The African nations have interpreted "safe haven" sanctions as a threat to small countries waging wars of liberation and the Russians have decided to support the unalined countries to curry favor with them. The net result has been a breakdown of any international plan to eliminate areas of the world to which skyjackers could abscond.

This development coupled with the recent United Nations decision to defer action on "safe haven" resolutions—and study the causes of terrorism for a year—has given lunatics, criminals, and political extremists a license to hijack airliners.

These are the reasons that I have not only required in this legislation that the President of the United States institute boycotts of air service against nations that fail to extradite or punish aerial criminals but I also require that he deny landing rights in the United States to planes from nations that provide a sanctuary for sky pirates.

Strong measures, some will say. However, I am convinced that measures containing some substance are clearly essential.

The second basic element of my bill concerns the domestic hijacking problem—a problem, unfortunately, we are far from solving at this time. The main thrust of this problem is the inadequate amount of protection and surveillance provided at the Nation's airports for the traveling public and for airline and other employees involved in air travel.

I am proposing that the Federal Government assume the full and basic responsibility for provision of airport protection. Under its terms, the Federal Aviation Administration will be required to establish an air transportation security force of sufficient size to provide much greater safety at airports. I am convinced that the urgency of the problem demands our assumption of this responsibility with whatever means are appropriate. In a word, we must match the effort with the need for safety.

Such a security force will cost money. For this, my bill provides an authorization of $50 million for the first year and a like amount for future years. I consider such an expenditure not disproportionate to the task and the responsibility of protecting the public.

I envision that such a security force would have delegated to them the authority to detain and search any person intending to travel by air to determine if he is carrying a dangerous weapon, explosive, or other destruction substance. Second, the security force would be empowered to search and inspect luggage and property intended to be placed aboard aircraft. Third, to make arrests of any person whom the security force has reasonable cause to believe the individual has violated the security laws. Fourth, the security force is authorized to be armed sufficiently to carry out their responsibilities.

The Federal Aviation Administration is directed to issue a regulation to the effect that persons refusing to submit to such a search are to be refused transportation.

Another feature of my bill is the provision of funds for the purchase of additional magnetometers which are electronic devices for screening individuals and their luggage for metal objects such as guns or grenades. To rationalize, if the responsibility for a security force properly falls on the Federal Government, which I sincerely believe to be the case, then it follows that the provision of surveillance devices is also incumbent on the Federal Government. Accordingly, my bill authorizes $7.5 million for the purchase of additional magnetometers and the development of new weapon detection devices.

There is a further provision in my bill which would greatly limit the amount of carry-on baggage. This would curb the ease with which some hijackers carry their weapons aboard with them.

These are the major elements of my bill to put some teeth in our antihijacking efforts. I would like to make the observation that the Senate passed a bill in the last Congress which contained proposals similar to mine. The Senate passed that bill by a 75-to-1 margin. The lone dissenting Senator later stated that his objection centered solely on a point other than any of the provisions I have discussed here. Such substantial support reflects concern over a serious problem, and a desire to provide measures to correct it.

Mr. Speaker, I am too deeply concerned about hijacking, and I am certain that my colleagues herein this Chamber share my concern. Temporary "crash" programs against skyjacking have caused a recent drop-off of piracy attempts. This is to be expected. In the long term, however, this infamous practice, is continuing to grow, patricularly in scope and motivation. Blackmail on a massive international scale, and political extortion have become common manifestations of hijacking. New schemes feed on the success of past excursions. We are in a kind of vicious cycle and only firm, effective and lasting measures can resolve this problem.

In this regard, I consider the administration's current move to place the burden of airport protection on the local authorities to be totally inadequate and doomed to prove ineffective. For one thing, some of the local authorities are opposing the takeover of the security responsibility on grounds that they do not have money to fund it. And rightly so.

Perhaps the most serious weakness is the inconsistency from airport to airport which is bound to follow. Moreover, a centrally directed security force can benefit immediately from experiences, and even mistakes, as they occur. I am convinced that the answer lies in a Federal security force which is highly trained to perform what is a specialized task.

It is for all these reasons that I submit, for proper reference, my bill on antihijacking measures.

THE GREAT RIVER ROAD—A SCENIC HIGHWAY FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, I reintroduce today, for appropriate reference, a bill to provide for significant Federal participation in the up-coming national celebration of the Mississippi Tricentennial—the 300th anniversary of the discovery of the Mississippi River by Marquette and Joliet.

The legislation I reintroduce today would, for the first time, provide Federal assistance, to the 10 States concerned to help in the building and beautification of the Great River Road—the scenic highways that America will build along the shores of the Mississippi—scenic roads stretching from Canada, through Minnesota, Iowa, Wisconsin, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, and Louisiana.

Mr. Speaker, the concept of the Great River Road has been discussed since the 1930's. Originally it was hoped that a great National Parkway would be located on the banks of the Mississippi. After all, it is the most significant north-south scenic corridor in the Nation, and is within easy driving distance of millions and millions of American families. There is no need for me to rhapsodize on the beauty and diversity of the Mississippi River Valley—it is a combination of the swift Colorado, the tropical and delta Niles, the bluff-shadowed Rhine, the Blue Danube triumphant—and all beginning in the lake country of Minnesota as a clear, fresh, north-country stream.

Over 8 years ago the President's Council on Recreation and Natural Beauty recommended the establishment of a system of scenic and recreational highways and parkways. The Council recommended a $4 billion, 10-year program to provide the American people with the kind of roads they deserve, if they are really going to be able to enjoy the scenic and recreational values of this vast and beautiful expanse of America and its people.

Mr. Speaker, no type of recreation in this country is as popular as pleasure driving. Americans drive more than 300 billion miles a year for pleasure—that is nearly 11,000 trips down the entire length of the Great River Road—from Lake Itasca to the Gulf of Mexico.

A study of outdoor recreation in Iowa, suggests that the demand for decent, safe, and attractive scenic roads is far outpacing the roads we are providing.

Like the rest of the country, in Iowa, pleasure driving is the most popular outdoor recreation activity—78.7 percent of all Iowans average 18 days of such driving—or a total of more than 28.1 million user-days a year.

Driving was then followed by other activities closely associated with and available along the Great River Road—77 percent picnicking; 59 percent sightseeing; 58 percent hiking and walking; 40 percent fishing; and 35 percent boating.

Clearly the demand for the access and the recreational facilities that would be provided by roads such as the Great River Road is overwhelming and is increasing almost geometrically.

Mr. Speaker, the day may very well come when we will see stretching along the banks of the Mississippi the parkway that Americans deserve. Clearly the need is there. But today, in consonance with recommendations of the Federal Highway Administration and the National Park Service, we must necessarily tailor our plans to the financial realities we face. It is for that reason that I introduce a bill that embodies the philosophy and hopes of the two distinguished chairmen of the Public Works Committees of the Congress, Congressman BLATNIK and Senator RANDOLPH and yet pays heed to the economic realities of the day.

Today, I am introducing a bill that will provide a beginning of this system of scenic highways we all recognize as so necessary.

I would like to emphasize that the Great River Road is not to become an expressway or super highway designed for heavy commercial traffic and thus deface the essential environmental and esthetic values we are trying to preserve along the banks of the Mississippi. The system is and will continue to utilize present rights-of-way, but these rights-of-way will be improved in order to provide permanent protection for the road and the river—protection from inappropriate and unsightly development.

The bill I introduce would provide $30 million for each of 2 fiscal years. It would help States begin acquisition of properties and easements necessary to protect the environmental and esthetic values on the Mississippi banks. It would also provide some beginning help in constructing and reconstructing the road surfaces themselves and the attendant scenic viewing points and roadside parks necessary for proper enjoyment of the vistas the Mississippi affords.

Thus, this project clearly demonstrates that this type of highway improvement and scenic development is not incompatible with the essential job of preserving and enhancing the environment.

Mr. Speaker, we must begin somewhere. I sincerely hope that the Great River Road will serve as a worthy prototype of the national system of scenic highways we will eventually enjoy. I can think of no more worthy place to begin nor a more auspicious date on which to begin this undertaking. The Mississippi is an integral scenic corridor—we celebrate the 300th anniversary of its discovery this year—the need is recognized—modest funds are requested—congressional awareness and support are promising.

It is my hope that the Congress will take this opportunity to provide all Americans with this beginning—a beginning too long delayed; but a beginning whose time has come.

There is a phrase very much in evidence today: "Let's make driving a good thing again!" Mr. Speaker, let we in the Congress provide a place for that to happen—along the beautiful, scenic, and historic banks of the great Mississippi River.

Mr. Speaker, in closing, I wish to thank the very distinguished chairman of the House Public Works Committee for sponsoring this bill with me. His guidance and encouragement has been the critical force in holding out hope to us all that this long delayed dream will be realized.

Mr. Speaker, I include the text of the bill at the conclusion of my remarks in the RECORD:

H.R. 3372

A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 145. Development of a prototype of a national highway program.

"(a) (1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be maintained by the appropriate state or local jurisdiction and shall remain within their present highway system designation except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds authorized for each fiscal year pursuant to subsection (h) (1) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over

Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the States pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h)(2) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated out of the Highway Trust Fund (1) not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and 1975, for allocations to the States pursuant to this section, and (2) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and 1975, to carry out the provisions of subsection (g)."

SEC. 2. The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Development of a prototype of a national scenic and recreational highway program.".

DELEGATE ANTONIO B. WON PAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, it is with great pleasure that I request permission to insert into today's RECORD a resolution from the 11th Guam Legislature hailing the election of the territory's first Delegate to the House of Representatives, my good friend and colleague, ANTONIO B. WON PAT.

Delegate WON PAT has served his people well, as many of you here know. For over two decades TONY WON PAT has been coming to Washington as an emissary before the Federal Government for his constituents. During the years TONY has made countless appearances before congressional committees in his efforts to gain additional benefits for Guam. And, the amazing record of his accomplishments as a result of his hard work is a tribute to TONY WON PAT.

As this resolution indicates, the legislature and the people of Guam are proud of the tremendous progress, both politically, and economically, which they have made in the past few years, and rightly so. It is hard for those of us who enjoy the full benefits of our American citizenship to realize just how far our fellow Americans in the Western Pacific have come. Less than 6 years ago, even though they too were American citizens, the people of Guam not only lacked representation in Congress, but they were denied the right to choose their own Governor and Lieutenant Governor. Moreover, Guam was not included in the overwhelming majority of Federal grant programs, thereby placing a serious stumbling block in their progress.

Largely due to the dedicated efforts of one man, TONY WON PAT, and with the generous understanding of the Congress, Guam today participates in over 100 grant-in-aid programs, elects its own chief executive, and last November the people of Guam voted to send its foremost spokesman, Delegate WON PAT, to serve with us in the House.

As an old friend of the Guam Delegate, I welcome him as our colleague, as I am sure so do my fellow Members.

The Guam Legislature's resolution follows:

ELEVENTH GUAM LEGISLATURE, 1972 SECOND REGULAR SESSION—RESOLUTION NO. 667

Introduced by F. T. Ramirez, W. D. L. Flores, J. B. Butler, J. R. Duenas, T. C. Charfauros, J. A. Perez, A. A. Sekt, A. L. Cristobal, L. S. N. Paulino, A. C. Sanchez, F. R. Santos, P. J. Bordallo, O. L. Delfin, F. G. Lujan, and G. M. Bamba.

Relative to commending the Honorable Antonio B. Won Pat upon his election as Guam's first non-voting delegate to the United States Congress and declaring the election of Guam's representative in Congress as one of the milestones in Guam's attainment of local self-government.

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the territory of Guam was ceded to the United States as a result of the Treaty of Paris of December 10, 1898, which ended the Spanish-American War; and

Whereas, the island of Guam was administered by the United States Navy for almost fifty years, its indigenous people having the status of nationals of the United States; and

Whereas, the Organic Act of Guam enacted by the United States Congress in 1950 established civil government on Guam and bestowed American citizenship upon its inhabitants, the Congress of the United States thus granting the people of Guam a substantial measure of self-government; and

Whereas, another milestone in the territory's constitutional development was achieved in 1968, with the passage by the United States Congress of the Elected Governorship Bill for Guam, which resulted in the election of Guam's first elected Governor and Lt. Governor in November of 1970; and

Whereas, H.R. 3237 enacted by the 92d Congress of the United States in 1971 extended representation to the territory of Guam in the United States House of Representatives; and

Whereas, Honorable Antonio B. Won Pat was elected in November of 1972 to hold the prestigious office of Guam's first non-voting delegate to the House of Representatives; and

Whereas, the members of this Legislature recognize that the cornerstone of our democratic system of government is the concept of self-government in which the people determine their own form of government; and

Whereas, it is the consensus of this Legislature that the people of Guam desire closer ties with their fellow citizens in the American Mainland and that, having gained a voice in the halls of the United States Congress, Guam has made substantial and undeniable progress toward the attainment of this goal; and

Whereas, the people of Guam who now enjoy this measure of self-determination and self-government consider any requirements for periodic reports to foreign powers or the United Nations relative to their political, economic, and social status as an intrusion and infringement on their dignity and rights as a self-governing people; now therefore be it

Resolved, that the Eleventh Guam Legislature on behalf of the people of Guam does hereby commend the Honorable Antonio B. Won Pat upon his election in November of 1972 as Guam's first elected Non-Voting Delegate to the United States Congress; and be it further

Resolved, that the Eleventh Guam Legislature on behalf of the people of Guam does hereby declare any requirement for making periodic reports to any foreign power or to the United Nations on its political, economic and social status to be an infringement on Guam's present level of self-rule and demeaning to the people of Guam and does hereby assert that any such requirement should therefore be terminated forthwith; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Antonio B. Won Pat, to the Secretary of the Interior, to the Secretary of State, to the Speaker of the House of Representatives, to the President of the Senate, to the Chairman, House Committee on Interior and Insular Affairs, to the Chairman, Senate Committee on Interior and Insular Affairs and to the Governor of Guam.

Duly and regularly adopted on the 17th day of November, 1972.

A. C. SANCHEZ,
Acting Speaker.
F. G. LUJAN,
Acting Legislative Secretary.

ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, Tuesday morning I held a press conference to announce my intention to introduce a constitutional amendment (H.J. Res. 261) reestablishing constitutional protections for the unborn which the U.S. Supreme Court has abolished. The questions and answers from that press conference might be of interest to our colleagues. I, therefore, insert the material in the RECORD at this point:

PRESS CONFERENCE

Question. Under the wording of the amendment, are there any provisions by which abortion may be permitted to protect the mother's health, or along those lines?

Mr. HOGAN. Yes, it has always been the law that when there is a decision between the survival of the mother and the survival of the baby, it is justifiable to choose one life over the other. My amendment would in no way change that.

Question. The latest Gallup poll showed that, by a very slim margin, the majority of the American people—not just the women—but the people—favor abortion. Realistically, what are your chances of getting two-thirds of the House and the Senate to support your amendment?

Mr. HOGAN. First of all, on the Gallup poll itself, I do not know how the questions were phrased, so I have no way of assessing the validity or the efficacy of this poll as to real public opinion on abortion. A more efficacious "poll" is the fact that some 37 state legislatures have rejected liberalized abortion proposals. The politicians in those legislatures obviously are responsive to the people who elected them. As I pointed out, abortion was also rejected by referenda last November in North Dakota by 77% and in Michigan by 63%. Now, as to the second question: Candidly, the hopes are slim. It might take decades to turn around this decisions. It also took decades to turn around the Dred Scott decision.

Question. I've noted that the opposition to abortion is portrayed as coming from the Roman Catholic Church. I represent the publication of a Protestant denomination, which is also opposed to abortion. I would like to ask you if you think the opposition has been fairly or unfairly portrayed by the media as coming primarily from the Roman Catholic Church.

Mr. HOGAN. I feel that it has been unfairly represented as coming from the Catholic Church. Abortion is no more a Catholic issue than extermination of the Jews in Nazi Germany was a Jewish issue. This is a moral, legal and an ethical question. In the State of Maryland, the leader of the anti-abortion forces is a Baptist minister. In the State of Minnesota, the anti-abortion effort is led by Lutherans. This is by no means a Catholic issue or even a religious issue.

Question. Do you have any co-sponsors of your constitutional amendment?

Mr. HOGAN. At this point, I have no co-sponsors. Although I know a number of Congressmen who do support the concept. I did not ask for co-sponsors because (1) I wanted to respond as quickly as possible while the American people still had fresh in their minds the Supreme Court's decision. (2) I know that trying to persuade and convince my colleagues is going to be a tough struggle, because abortion is a very controversial political issue. I did not want to ask for co-sponsors until I have had a chance to convince them.

Question. In view of the comments the President has made on abortion, and his very strong feelings against it, have you had any indication that the White House might get into this at all?

Mr. HOGAN. I hope that the President will lend his support to this Constitutional amendment. He has clearly indicated his opposition to abortion. Two years ago, I was active in working with the White House to turn around the Department of Defense's policy regarding abortions in military hospitals. Since we had the support and cooperation of the White House in that, I hope we will have it in this. I hope that all men in all walks of life, civilian and public, in the legal profession, the medical profession and every other, will join with us in this effort. And I say, in all sincerity, there is no more important issue before the American people and before the Congress. If this remains the law of the land, then all other rights have no meaning whatsoever. Because once you concede that government has the right to take life, it's a short step to say "We can take the life of the unborn so we can take the life of the senile and the infirm and the lame and the retarded and then the blacks and the Jews, or other minorities. This is a terrible first step for us to be taking, and we have to turn it back if our civilization, as we know it, is to survive. I don't say that to be dramatic; I mean that literally.

Question. Your amendment is also directed against euthanasia?

Mr. HOGAN. Yes.

Question. Does this mean withholding medical treatment in hopeless cases?

Mr. HOGAN. That is an ethical question for the medical profession itself. What this amendment prohibits is a positive act to conclude life. Denial of medical assistance in a particular situation may be justifiable morally, ethically and legally. One is not required to use extraordinary measures to keep a person alive, but one cannot take direct, positive measures to end another's life.

Question. There are those who say with a bill such as yours, there will be lots of unwanted pregnancies. Without the proper day care centers . . . How do you answer this?

Mr. HOGAN. Let me answer by asking you a question: Can you say that you were a convenience to your parents when you came along? That you were a "wanted" pregnancy? This is a thing we ought to think about. Now, in my case, if you'll pardon a personal reference, I was born in the depression, and my father was out of work. I know that the news of my impending arrival was not met with hosannas of great joy. At the time when the family was under a terrible strain just to survive, I was on the way. It would have been very convenient and it would have solved a lot of economic problems, for my family to have eliminated my presence through abortion. But thank God they didn't.

Maybe your mother and father were in the same situation. Maybe you were an inconvenience to them. Is the convenience of two people or one person sufficient justification to deny life to another human being? That is the basic question involved in abortion. Let's extend this argument. There are so many people who have young children who are greatly inconveniencing them. The mother wants to work, or she want to go places; the father doesn't want to be burdened with the responsibilities of parenthood. The child is a burden. He cries all the time and keeps his parents awake. Should we give them the right to destroy this unwanted post-pregnancy? A one-year-old child cannot survive without the sustenance of his mother and father or another human being and neither can a fetus. All we're talking about is a matter of age. From conception to death. Pregnancy to childhood to old age. That's the life span. Where in that spectrum do we have the justification to take life? Interestingly, the Chinese count age not from birth, but from conception, and that's one of the most ancient civilizations of all.

Question. Congressman, a number of Constitutional experts have speculated that it's possible to pass a bill by a simple majority of Congress limiting the courts' appellate jurisdiction and to prevent the courts in that way from forcing this present situation. Have you given any thought to this?

Mr. HOGAN. Yes, I would support it if it would be effective, but I don't think it would be. There is a recent history of the Supreme Court ignoring the actions and intentions of Congress. And, without bringing up another controversial issue, busing is in that same category. A simple statute will not do the job. I think the only answer to cope with this problem is a Constitutional amendment. People talked to me sometime ago about a Constitutional amendment on abortion and I said that I didn't want to introduce a Constitutional amendment because the Constitution already protected the right to life of the unborn child, because no human being could be denied his life or liberty without due process of law, and that we're all entitled to equal protection of the law. That had been the law of the United States prior to January 22, 1973. Now due process and equal protection of the laws are denied to one segment of the population who had always been afforded these Constitutional protections. That's the minority that can't speak for themselves, the unborn children. So now I'm an enthusiastic supporter of a Constitutional amendment, because I think that's the only way we can overturn this decision.

Question. Would this preclude the death penalty in the future if this is passed?

Mr. HOGAN. No, it would not, because under the death penalty an individual is accorded due process.

Question. Congressman, under the recent Supreme Court decision, the Court will not allow any kind of abortion that will affect the life of the unborn up to the time of viability; then from viability to the moment before birth only if the laws allows to save the life and health. The courts have also defined health to be the psychological and emotional state of the mother and family, her age. The Court has also held that the prosecutor may not call the doctor to the stand. So a prosecutor would have to prove beyond a reasonable doubt, without calling the doctor, that in the mind of the doctor the abortion was not performed for all these various reasons. Based on your experience in law enforcement, would you say that, in essence, the Supreme Court has allowed abortion on demand up to the day of birth?

Mr. HOGAN. Yes. I think that is a good statement. All the phraseology in the decision will have the effect of creating wholesale abortion on demand without any restrictions. We have experience in the District of Columbia to back up this contention. The Vuitch case, in effect, threw out all restrictions on abortion in D.C. The Supreme Court in that case said that the statute Vuitch was convicted under was not Constitutionally vague, but it said that the mental health of the mother was justifiable reason for terminating pregnancy. So that has become a very frivolous excuse for aborting unborn babies.

No assessment of any kind is made. No psychologist, no psychiatrist, examines the woman in depth to make a determination that her very mental health requires the termination of pregnancy. The effect is that anyone who wants an abortion in D.C. gets it, for any reason, and that's abortion on demand. This recent Supreme Court decision will create abortion on demand all over the Nation.

Question. You note that many abortions have been perfomed primarily so the woman will not have a baby, and in the light of this, could you give us some idea of your attitude toward contraception and specifically whether you plan to co-sponsor and work for renewal of the Tydings bill to provide family planning services.

Mr. HOGAN. I don't know about any Tydings bill—he's not around anymore. When the Family Planning Bill was before the Congress, I did support it. Let's make one thing abundantly clear: There is a complete difference between contraception—birth prevention—and abortion. And it's unfortunate that people do confuse them in their minds. But let's define what they are. Birth control, contraception, is prevention of birth—not allowing life to start. Now, that's acceptable, as far as I'm concerned. But once life has begun, then I say no human being has the right to conclude that life without due process of law. I distinguish the two completely.

Question. Suppose a morning-after pill were developed. Wouldn't that be tantamount to abortion?

Mr. HOGAN. Well, I'm not a physician and I'm not a medical scientist, but it's my understanding that it would not, because it would prevent conception from happening. It would prevent the seed of life from beginning.

Question. With the state laws now struck down, we have in effect abortion of demand for nine months. Is that correct?

Mr. HOGAN. Yes, that is my interpretation of what the Supreme Court decision will mean, regardless of the way they have phrased it. Here's another point: They say that for the first three months of pregnancy, without any conditions whatsoever, the woman can have the baby destroyed. So what's to prevent a woman from going in who's six months pregnant and saying she's three months pregnant?

Question. If this decision is permitted to stand, how long do you think it will be before the right to life is denied other classes of people?

Mr. HOGAN. Well, that would be speculative on my part. I will comment that the Florida state legislature has had introduced a euthanasia bill which says that an individual can decide when his life will be destroyed but—now get this—if you think that I am exaggerating in what I said during my introductory remarks about where this is going to take us—this proposed statute says that when an individual is not competent to make that decision for himself, it can be made by his next to kin! So that means that any of us has the right to say, "My mother is senile, a dredge on society, and it's very expensive for me to keep her in that nursing home, and she doesn't make too much sense when I go to see her anyway. She's not competent to make that decision, that she ought to now die so I'm going to make it for her." If that doesn't shock the conscience of America, nothing will.

Question. You make a parallel with Nazi Germany. Just as speculation, suppose we were living at the time of Nazi Germany, and we knew this was going on, but we were unable to change it. I don't know what the demands would be then. But to bring it to our present situation, suppose the Constitutional amendment is not successful, or it appears it's going to be 70 years. Suppose it is that long. We are faced, or people who believe that life begins at conception are faced, with many years of killing of their fellow citizens, their fellow human beings. Would you be inclined to speculate or to recommend any sort of remedial action? I mean, what does one do if all the old people are being killed off? What would be the responsibility of their fellow citizens?

Mr. HOGAN. Well, that would be a difficult question to answer, because if you accept our form of government, where we're supposedly a government of laws and not of men, (and, as an attorney, my confidence in that situation as existing in the United States is very shaken at this point), we have to work within the system. There is a vehicle through which we can impose the will of the majority on the courts and that route which is open to us is the Constitutional amendment. That is the route I have chosen.

Question. Of course, if the Gallup Poll is right, and it's not the will of the majority, that makes it in an even more difficult, isn't it? Because it's still medically, morally and ethically a human being.

Mr. HOGAN. Yes, it's a very dark day. Maybe we should start shopping for another country.

Question. What is your response to those who have said that your amendment would threaten religious freedom for those who do not believe in abortion?

Mr. HOGAN. First of all, there are several sects which oppose abortion. Orthodox Jews are as opposed to abortion as any group in America. But again, as I said, earlier, this is not a religious issue. This is a moral issue. This is a legal issue. The point is that the unborn child has legal rights that have now been obliterated. He had those rights. We've always given him the legal right to inherit, to sue, have a guardian appointed for him, to have things done to preserve his life. We've always done that. And now we say he has no right to live. So this is a legal, medical and moral question. It is not a religious question. But we ought not even to consider the religious aspects of this, because I think they are extraneous to what it is we're talking about.

Question. Congressman, a lot of women are going to be concerned with this in terms of its enforceability. What you are doing in fact, with this restrictive abortion law, is forcing us back to the back-alley abortionist.

Mr. HOGAN. First of all, if it's illegal, a woman should not go to any abortionist, whether it's back alley or a fancy Fifth Avenue walkup abortion mill. The point is, if it's illegal, or if it's immoral, she ought not to do that. Some of the present abortion mills are just as shocking in their hygiene and competence of their personnel as the back alley abortionist. One of the other tragedies, of this is the number of babies not available for adoption in this country today. There are many homes that want children. So when we say an unwanted child, perhaps it's unwanted by that one individual, but there are a lot of other human beings who do want that child. There are ten couples who do want that child. There are ten couples who want to adopt a child for every adoptive child available. And that's the problem. I know all the arguments of women who have said, "I have the right to do with my body whatever I want." She does *not* have that right! She does not have the right to commit suicide. She does not have the right to engage in prostitution. She does not have the right to take drugs. She does not have the right to take a part of her body—her fist—and smash it into someone else's face. She has a limited use of her body, and a limited right to use her body as long as it does not interfere with the rights of other human beings. And that's the crux of this issue.

Question. Thank you, Congressman Hogan.

FISCAL YEAR 1974 BUDGET REQUEST FOR MILITARY CONSTRUCTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, for the information of the Members of the House, I am pleased to submit details on the fiscal 1974 budget request for military construction. The total of the request for a new obligational authority is $2,937,900,000. This compares with an appropriated amount for fiscal 1973 for $2,323,221,000.

As indicated, the total increase in funds is almost $615 million. Of this, $432 million is for military construction and $183 million for family housing.

The number of new family housing units requested this year is 11,688. This compares to the 11,720 funded directly last year and the 11,938 new units programed from all funds last year. The Army has greatly increased its new family housing units as compared to last year, whereas the other services have declined. Nevertheless, the amount programed for new units in fiscal year 1974 is $357,604,000, an increase of approximately $50 million over the previous year. This is largely due to proposals to upgrade the type of housing being constructed and to meet cost increases. The amount for improvements and minor construction of family housing is to increase by $5.6 million from fiscal year 1973 to fiscal year 1974. Last year the committee added $13 million to the minor construction program, so that overall there are significant increases in this important area. There are also major increases for operation—$40 million—and maintenance—$45 million. There is a significant increase in leased units from approximately 14,000 units in fiscal year 1973 to about 16,700 units in fiscal year 1974.

A major increase in military construction is for Army bachelor housing facilities. This program has been increased from $238 to $412 million from fiscal year 1973 to fiscal year 1974, an increase of $174 million.

There is another lesser increase of $27 million in the medical category. The total requested for fiscal year 1974, which is $118 million, would have been considerably higher had not the new generation hospital proposed at Travis Air Force Base been slipped from fiscal year 1974 to fiscal year 1975, because of the complexity of the planning involved. There is likewise no construction money for the Combined Armed Services Medical School. This is largely due to the fact that DOD apparently has not defined the manner in which the school will be organized.

Pollution abatement funds are to increase for the Navy and decrease for the other services.

The overall picture for military construction for 1974 poses a healthy increase over previous programs and recognition of the fact that there is a requirement for improved living, working, and training facilities for the military services if morale and retention goals are to be achieved.

I have prepared a table showing a comparison of funding for 1973 and funding requests for 1974 by agency and item:

MILITARY CONSTRUCTION APPROPRIATION ACT, 1974

Agency and item	New budget (obligational) authority appropriated, 1973	Budget estimates of new budget (obligational) authority, 1974	Increase (+) or decrease (−), 1974 budget compared with 1973 appropriations
Military construction, Army	$413,955,000	$664,900,000	+$250,945,000
Military construction, Navy	517,830,000	685,400,000	+167,570,000
Military construction, Air Force	265,552,000	291,900,000	+26,348,000
Military construction, Defense agencies	36,704,000	19,100,000	−17,604,000
Transfer, not to exceed	20,000,000	20,000,000	
Military construction, Army National Guard	40,000,000	35,200,000	−4,800,000
Military construction, Air National Guard	16,100,000	20,000,000	+3,900,000
Military construction, Army Reserve	38,200,000	40,700,000	+2,500,000
Military construction, Naval Reserve	20,500,000	20,300,000	−200,000
Military construction, Air Force Reserve	$7,000,000	$10,000,000	+$3,000,000
Total, military construction	1,355,841,000	1,787,500,000	+431,659,000
Family housing, Defense	1,064,046,000	1,250,567,000	+186,521,000
Portion applied to debt reduction	−96,666,000	−100,167,000	−3,501,000
Subtotal, family housing	967,380,000	1,150,400,000	+183,020,000
Grand total, new budget (obligational) authority	2,323,221,000	2,937,900,000	+614,679,000

THE VERY SAD PROBLEM OF AMERICAN MIA'S AND THEIR FAMILIES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the moment of truth is fast approaching for the families of American MIA's. Prisoners of war lists thus far published by the Communists show a shockingly large number who still are unaccounted for. It is a very sad commentary that many and quite probably the majority of the 1,300 who are carried as missing in action will not be found. It is to the families of these brave men that the sympathy of all America should go out. These are days of terrible trial to wives, children, mothers, fathers, sisters, and brothers of the missing.

Some of those listed as missing will, of course, eventually be accounted for and some of them will be returned to their homes. Surely, there are those who are in the hands of the Vietcong or the Pathet Lao or in remote areas in South Vietnam or Laos. Still others may be in hiding in small villages as yet unaware of the cease-fire.

The brave families who still must sit and wait for word while others around them rejoice at the virtually certain return of their loved ones are truly the heroic figures of this tragic war. Every family in our country which is held in this terrible suspense should be helped and comforted by all those around them.

TO PROTECT CONFIDENTIAL SOURCES OF INFORMATION

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record.)

Mr. MEEDS. Mr. Speaker, I am introducing today, on behalf of 13 colleagues and myself, legislation to give news reporters and their editors near-absolute privilege to protect confidential sources of information.

Frankly, I am appalled that this legislation is necessary. It should not be. The first amendment in the Bill of Rights states quite clearly that freedom of the press is not to be abridged. But a serious threat has arisen as a result of Supreme Court action last year. The threat appears even more ominous in the current climate of repression against the news media.

As Members know, the Supreme Court ruled 5 to 4 that a reporter has no automatic right to refuse to appear before a grand jury; to refuse to divulge information gained in confidence, and to refuse to name the source of the information. The result was to legitimize an open subpoena season on investigative reporters. All too often the pursuit of a reporter's source assumes greater importance than an investigation of the abuses the story may have revealed.

Certain other relationships in our society are deemed sufficiently important to be classified as privileged communications. These include communication between husband and wife, between doctor and patient, and between lawyer and client. As a lawyer and former prosecutor concerned about the free flow of information in our society, I believe the reporter-source relationship is at least as important as these other privileges.

It was horrifying to me that the Supreme Court did not recgnize the reporter-source privilege as a commonlaw right, let alone a constitutional right. It is all too easy to visualize the chilling effect on the news media.

An investigative reporter now faces an agonizing dilemma: Am I prepared to go to jail to protect this source? Which leads to the next question: Is this story really worth the trouble? How many stories revealing abuse of power or wrongdoing in our society will end up spiked on a desk or dust-covered in a reporter's drawer—never to reach the public because of a lack of privilege to protect the source? And how many informants will entrust their careers and the well-being of their families—when they can't predict what a reporter will do if faced with the choice of revealing the informant or going to jail. The logical extreme of this vision is a journalism output of stultifying blandness designed not to offend the sensibilities of the local district attorney. It must never be allowed to happen if this country is to survive as a free society.

In last year's decisions the Supreme Court did point out that Congress may enact legislation to give news personnel the privilege to protect sources. I believe the legislation we are introducing today can offer sufficient protection.

Basically, the bill would offer newspersons absolute privilege, with the stipulation that this privilege could not be used as a defense in a civil libel suit. There are significant differences, however, between our bill and other news shield legislation.

First, it is spelled out that the privilege extends to editors or supervisors of the reporter who may have knowledge of confidential material or sources. Much of the investigative reporting in this country is done on a "team" basis and this language is to cover the possibility of the editor being subpoenaed without privilege.

Second, the bill specifically closes the loophole opened by a court in Los Angeles when reporter William Farr temporarily left the news media. It was on this basis that he was jailed for refusing to reveal the source of a story in the Los Angeles Herald-Examiner. Our bill covers a reporter regardless of whether he left the news media after the story appeared.

Our bill also covers material gathered for the story but left unpublished or not broadcast.

There is no provision in this bill setting criteria for a U.S. district court order to remove privilege under certain circumstances. It was our feeling after reviewing recent rulings that as few loopholes as possible should be left.

I urge favorable consideration for our bill.

PERENNIAL FISCAL PROBLEMS

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, as we begin this 93d Congress under a cloud of fiscal uncertainty we are hearing a lot about how the Congress needs to reassert its authority over the budgetary processes of the Federal Government, and how the House and Senate need to stand up on their hind legs and take back the control they have lost over Federal appropriations.

One of the perennial fiscal problems we face is our inability to process the annual appropriation bills before the start of the new fiscal year to which they apply. During the past 8 years, only six of nearly 100 regular appropriation bills became law before the beginning of the new fiscal year. The 91st and 92d Congresses saw none of these bills approved in time.

Now, there are many valid reasons for these delays, not the least of which is the ever increasing amount of time required to review a Federal budget that becomes more complex each year. But, the fact is that every funding bill delayed past July 1 creates confusion and hardship at all levels of government, and leaves schools, hospitals, and communities all over the country in a fiscal limbo.

I think one of the best places to begin fiscal reform is right here, by changing the Federal fiscal year to coincide with the regular calendar year, and today 90 of my colleagues and I are introducing legislation to accomplish this.

This change from a July-June Federal budgetary period to a January-December one would eliminate much of the present confusion, extend our fiscal deadline, and bring the system into line with the realities of our present congressional schedule and workload.

The current situation is disruptive not only for the Federal budgetary process, but also for the managing and planning of State and local budgets throughout the country. The Federal Government is not the only place where administrators are by law accountable on a split calendar year basis. All but three of the States use the same fiscal year as the Federal Government. This at one time may have been convenient, but any convenience has long since ceased to exist.

Public understanding of the fiscal process is another victim of our present system. The split year really lends itself well to the kinds of shell games some folk seem to enjoy playing with the budget. It is difficult enough for Members of Congress who are closely associated with the budgetary process to understand the complexities of split-year accounting, but for much of the general public, the whole system is a complete mystery.

I know that I do not have to explain to any other Member of Congress the results of the failure of our present system. We have all heard from the educators when the education bills are late; we have heard from the hospital administrators, from the builders, from our State and local officials, and from many others when appropriation bills have been delayed.

Of course, when we have a veto situation, as with the fiscal 1973 Labor-HEW bill, these problems are compounded, but the point is, if we could put our own fiscal house in order here in Congress, we would be in a much better position to deal with such contingencies.

The difficulties we face in this area of fiscal timing have no single source, but have developed because of a number of substantial changes which have occurred in Congress and in the Federal Government in recent years. Above all, these problems are not the result of obstinacy, of procrastination, or of intentional delay. They are of quite a different nature.

Take the budget for example. I have served in this body since 1957, and have been closely associated with its operations since 1949. During that time I have seen the Federal budget move from around $41 billion annually to where it is today.

As a member of the House Appropriations Committee, I have watched and waited while authorization bills were stalled in committee, necessitating a rush of tardy appropriations during the legislative logjam that occurs near the end of a late-running session of Congress.

One of the principal reasons for this is that the large number of annual authorizations and the proliferation of Federal programs in all areas have required longer and longer periods for consideration of both authorization and appropriation bills.

As the role of the Federal Government expands, it becomes more and more difficult for Congress not only to obtain the kind of information we need to legislate and to appropriate wisely, but also to digest it, to analyze it in order to arrive at any meaningful conclusions on which to base policy decisions, and this process simply takes more time than we are allotted under our present Federal fiscal year system.

In recent years, some appropriation bills have not been enacted until the 12th month after the budget was presented. Major appropriation bills may require nearly a year for enactment, and on the average over the past decade, the largest ones have required about 8 months. We are, in effect, already operating on a calendar year basis.

As we look at the problems associated with changing the fiscal year to coincide with the calendar year, it is apparent that the benefits of such a shift far outweigh the disdvantages.

Perhaps more to the point, there are no compelling reasons why such a change should not be made, and many good reasons why it should.

For instance, many businesses have a natural fiscal year, which ends at the seasonal low of their activities. In the administration of Federal finances, however, there is no natural period for receipts and expenditures.

Tax collections and other receipts reach their low point in October, with other lows in March, May, and July, and peaks in April, June, September, and intermediate levels in other months.

Expenditures reach low points in February and July, but tend more toward 2- or 3-month highs rather than monthly peaks.

Obligations data show a different month-to-month pattern from receipts or expenditures. One review of obligations, for instance, showed that the high months for defense obligations were January, June, and November, and that the high months for nondefense obligations were April and June, followed by September and November.

These patterns occur despite the fact that the fiscal year ends with June.

But, if there is no natural fiscal year for the U.S. Treasury, there definitely is one for the U.S. Congress. That year starts with the beginning of each session in January and ends with the close of the session—usually December now.

No one who has been associated with the work of the Congress will deny that we all tend to think in terms of winding up a session, and cleaning up or clearing the legislative decks for the new one. This is the self-imposed deadline we work toward, the end of the natural period for the conduct of the congressional business—including the business of appropriation.

If we cannot use the argument that the present fiscal year is natural, neither can we raise the objection that it should not be changed because of tradition.

Over a hundred years ago Congress ran into a similar problem when they met in December and tried in the next 3 or 4 weeks to pass all appropriation bills for a fiscal year beginning January 1.

This system worked for a time, but when the activities of the Federal Government increased and the budget expanded and became more complex, Congress kept falling further and further behind.

So, in 1842, the fiscal year was pushed 6 months ahead to begin on July 1. Why should we now hesitate to make a similar needed change?

The shift from the split year to a calendar year would not be without problems, of course. Some Members may feel that they would not be able to exert the impact they would like on Federal fiscal matters, since in the first session of each Congress, the Government would be operating on funds appropriated by a previous session of Congress.

Another problem relates to the budget and the economic report. The budget would have to be delayed until the spring if it is to contain any information about the finances of the previous fiscal year.

Congress rarely gets organized until well into February anyway, and the budget delay would also afford the Appropriations Committees more opportunity for independent examination of special fiscal problems which they feel need more attention, prior to receipt of the line-item justifications.

The economic report might become a semiannual or quarterly report, and in this way the timespan for economic forecasting and advance planning might be reduced.

There are likely to be problems for State and local governments in adjusting to a change in the Federal fiscal year, but again, the obvious benefits to administration and long-range planning would outweigh the disadvantages of such adjustments.

I will be the first to concede that simply changing the dates of the fiscal year would do little to solve some of the more basic authorization-appropriation problems we face.

Aside from allowing Congress to "make an honest woman" of our fiscal process by legitimatizing what we are doing now in actual practice, the principal benefits of changing the fiscal year would be in helping those whose operations are dependent on Federal funds to plan better, and hopefully, to utilize our tax dollars more wisely and effectively.

I do not believe that this, in itself, is an inconsequential goal.

There are many aspects of the authorization-appropriation process which need improvement, even drastic overhauling. The quality of the budgetary information on which Congress must base its funding decisions, for example, and the whole question of how we can accurately measure program effectiveness, need attention. The problem of how to project budgetary needs for the next fiscal year with any kind of preciseness is another problem that currently plagues the executive branch as well as the Congress. And perhaps the biggest problem, of course, is how Congress can deal with the level of the total budget, as well as the individual items.

Clearly, all these problems demand our attention and our conscientious efforts if we are to adequately fulfill our responsibilities as legislators.

But, we have to crawl before we can walk, and looking at the situation very realistically and practically, I believe the place to start is with a change in the dates of the Federal fiscal year. The time is right, the climate is right, and the need is clear, so I urge my colleagues to support the proposal we are presenting this afternoon.

NO RETURN TO VIETNAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation which provides that, after the release of all American prisoners of war and a full accounting for all our missing in action, no further expenditures may be made for U.S. military involvement in Indochina without specific congressional approval. This restriction aplies to all funds, including those which were appropriated prior to the signing of the Paris ceasefire agreement.

This bill is identical to S. 578 which was introduced in the Senate on Friday, January 26, by Senator Case and Senator Church. I am honored to have as cosponsors of this legislation Mr. Addabbo, Mr. Badillo, Mr. Bergland, Mr. Boland, Mr. Burke of Florida, Mrs. Chisholm, Mr. Conyers, Mr. Danielson, Mr. Drinan, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Howard, Miss Jordan, Mr. Leggett, Mr. Lehman, Mr. McCloskey, Mr. Mezvinsky, Mr. Moakley, Mr. O'Hara, Mr. Rangel, Mr. Rosenthal, Mr. Sarbanes, Mr. Seiberling, Mr. Studds, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Van Deerlin, Mr. Waldie, and Mr. Yatron.

The American public welcomes the end of the lengthy and tragic U.S. involvement in the Indochina fighting, and in my judgment it wants no recommitment of our military forces in Vietnam, Laos, or Cambodia once our POW's are home and our MIA's are accounted for. However, unless this Congress takes the initiative in reasserting its rightful role, the road will remain open to the President to reinvolve American military forces in the Indochina struggle.

The present cease-fire in Indochina represents a very fragile peace, for its success depends upon the cooperation of adversaries who are fundamentally opposed to each other and who have been willing to continue their armed conflict for two decades. The cease-fire agreement leaves unanswered the basic question of how the peace will be enforced.

President Nixon has made the ominous suggestion that the United States would "see to it" that the agreement would be carried out. Realistically, in the event of a breach of the agreement by Communist forces the only means which the United States has to achieve the enforcement of the agreement is the reintroduction of American troops, tanks, and ships into Vietnam and a resumption of massive aerial bombing. However, the American public simply does not want that course of action, and it is the responsibility of this Congress to see to it that the will of the people is carried out.

Mr. Speaker, the past decade has witnessed the steady erosion of the stature of the legislative branch of our Government. Even when popular opposition to the Vietnam conflict grew to enormous proportions in America and the ramifications of the U.S. involvement threatened to shatter the foundations of our society, this Congress remained virtually paralyzed.

The time has come for Congress to reestablish its authority in relation to the President. Now that all American forces are being withdrawn from Indochina pursuant to the Paris agreement, the U.S. Government must abandon any lingering notion that it may engage in future military operations in Indochina. The President's authority as Commander in Chief does not give him the power to intervene on behalf of foreign governments whenever or wherever he pleases. Our Founding Fathers denied such unfettered authority to the President, and they gave to this Congress the power to declare war and control the national purse strings. We Members of Congress have an obligation to take notice of that separation of power and of our responsibility to protect this country from further military adventures, disasters, and waste of life.

The legislation which I am introducing would guarantee that once the issue of prisoners of war and men missing in action is completely settled, not one more dollar would be spent for American military operations in Vietnam, Laos, or Cambodia without the approval of Congress. If we had only acted years ago, the monumental tragedy which has ravaged the nations of Indochina and fragmented our society could have been avoided.

The text of the bill follows:

H.R. 3350

A bill requiring congressional authorization for the reinvolvement of American Forces in Further Hostilities in Indochina

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Congress welcomes the President's achievement in reaching an agreement with the Democratic Republic of Vietnam and its allies, signed in Paris on January 27, 1973, designed to bring about an end to military hostilities in Indochina, to secure the return of United States prisoners of war, to obtain an accounting of United States personnel missing in action, and to complete the withdrawal of United States military forces from Indochina.

In order to prevent further American involvement in hostilities in Indochina, Congress directs that no funds heretofore or hereafter appropriated may be expended to finance the reinvolvement of United States military forces in hostilities in or over or from off the shores of North and South Vietnam, Laos, or Cambodia, without prior, specific authorization by Congress.

SEC. 2. The provisions of Section 1 shall take effect 60 days after the agreement was signed in Paris on January 27, 1973, or upon the release of all United States prisoners of war held by the Democratic Republic of Vietnam and its allies and an accounting of United States personnel missing in action, or upon the enactment of the Act, whichever is later.

DREW PEARSON AWARD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on December 13, the second annual Drew Pearson Foundation Award for Investigative Reporting was presented at a luncheon at the National Press Club in Washington.

The award for outstanding investigative reporting was presented to the Washington Post for its investigation and reporting of the Watergate affair.

Honorable mention was bestowed this year upon the New York Daily News for the outstanding investigative reporting by a team from that newspaper who wrote a series of 20 articles exposing cronyism, nepotism, payroll padding, and outright corruption in the government of the city of New York, leading to an investigation of the same area by the City Council of New York and the Labor Department.

The three reporters who did the outstanding reporting of the Watergate affair for the Washington Post and received the $6,000 Drew Pearson prize for excellency in investigative reporting were Carl Bernstein, Bob Woodward, and Barry Sussman.

The reporters who did the outstanding investigative reporting job in respect to corruption in New York City and shared the honorable mention award, each receiving a check for $500, were Joseph Martin, Martin McLaughlin, and James Ryan.

The awards were presented by the great and gracious widow of Drew Pearson, Mrs. Luvie Pearson. Mrs. Pearson spoke with moving sentiment about her gratification and that of the Drew Pearson Foundation that these two great newspapers and their distinguished reporters had so eminently lived up to the great record of investigative reporting of Drew Pearson.

Mrs. Pearson, in commenting upon the award to the Washington Post for the investigation of the Watergate "Caper," make the following touching remark:

> It makes me a little bit sad to think about the saga of the Watergate "Caper" because there has surely been no story that has ever come up in Washington that Drew Pearson would rather have had than that one.

And, she added further with reference to the Watergate affair:

> What these boys dredged and dug up is surely the most bizarre chain of unbelievable episodes in the entire political life of Washington.

Mr. James Ryan of the New York Daily News responded for the three recipients of the honorary mention award for the investigation of New York City corruption.

Mr. Barry Sussman spoke for the investigative reporting awardees of the Washington Post.

Mr. Warren Rogers, president of the National Press Club introduced the guests at the head table and made an able and meaningful address about the significance of these Drew Pearson Awards for outstanding investigative reporting and upon the timeliness of these awards in a period when the press is under such attack from the Government. Mr. Rogers said:

> Never in my 21 years in Washington and 33 years in the news business have I seen such a blatant attack as today on the First Amendment.

Following Mr. Rogers, and before the presentation of the awards by Mrs. Pearson, Jack Anderson, longtime initimate friend and associate of Drew Pearson, the recipient of the award last year, spoke. He, too, stressed the grave concern he and so many knowledgeable and thinking people express today about the preservation of the integrity of the first amendment, and what it means to the preservation of our freedom that that amendment shall be the viable and dynamic instrument our forefathers intended it to be.

Another outstanding speaker, who, out of his rich and rare experience, talked about the attitude of some of our great leaders toward the freedom of the press and what that freedom meant to our country, was the elder statesman of our time, the Honorable Averell Harriman.

Mr. Speaker, at this critical time in our Nation's history, when the freedom of the press and all the news media is so much in jeopardy, this second annual Drew Pearson Awards luncheon has an especially meaningful significance. Involved is the right of the people to know and the right of the media to inform them about what Government is doing and not doing respecting their interest.

So. Mr. Speaker, I think that the Members of the Congress and all who read this RECORD will profit greatly by the addresses to which I have referred which were delivered on this stirring occasion. I ask, therefore, Mr. Speaker, that in the following order the addresses of Mr. Warren Rogers, president of the National Press Club, Mr. Jack Anderson, Mr. Warren Rogers again, Mrs. Luvie Pearson, Mr. James Ryan, Mrs. Luvie Pearson again, Mr. Barry Sussman, Mr. Warren Rogers again, and the Honorable

Averell Harrison, in that order, appear following my remarks in the body of the Record.

Drew Pearson Award Luncheon, National Press Club, December 13, 1972

Ladies and gentlemen, my name is Warren Rogers. I am the President of the National Press Club and it is my honor, my privilege to welcome you once more to a National Press Club luncheon. This time we have a very special luncheon for you, the Drew Pearson Awards.

On our head table today, on my left, the Chairman of the Drew Pearson Foundation, Mrs. Luvie Pearson. On my right, Publisher of the Washington Post, Mrs. Katharine Graham. On my right, former Justice of the Supreme Court of the United States, Arthur Goldberg. On my left, my successor, the newly elected President of the National Press Club, Donald Larrabee. On my left also, the Senator from Arkansas, the Honorable J. W. Fulbright. On my right, Senator from West Virginia, the Honorable Jennings Randolph. Also on my right, Congressman from Florida, the Honorable Claude Pepper. On my left, Executive Editor, Washington Post, Benjamin Bradlee. On my right, Managing Editor, New York Daily News, Michael O'Neill. On my left, of the Drew Pearson Foundation Board, Wayne Morse, I guess he isn't here. On my right, a winner from the Washington Post, Barry Sussman. On my left, winner from the New York Daily News, James Ryan. On my right, Washington Bureau Chief, New York Daily News, Jerry Greene. On my left, new man in town, Washington Bureau Chief, New York Times, Clifton Daniel. On my right, St. Louis Post Dispatch, Mark Childs. On my left, the former president of NBC, Robert Kintner. On my right, winner from the New York Daily News, Martin McLaughlin. On my left, winner from the New York Daily News, Joseph Martin. On my right, winner from the Washington Post, Carl Bernstein. On my left, our old friend, Liz Carpenter. On my right, CBS News, Dan Schorr. On my left, from the Drew Pearson Foundation Board, Joseph Borkin. Also on my left, Stewart Mott. On my right a great investigative reporter, Izz Stone. On my left, winner from the Washington Post, Bob Woodward. On my right, from the New York Times, and last year's winner of the Drew Pearson Award, Neil Sheehan. On my left, from the Drew Pearson Foundation Board, Ernest Cuneo. Also on my left, Bureau Chief of the Des Moines Register and Tribune, Clark Mollenhoff.

Ladies and gentlemen, as those of you who have been to other lunches here know, it has been my custom to let somebody else who knew the subject better and the principals better to do the introductions, the presentation. But this time it is different—I'm going to do them all.

It is a distinct honor for me to preside at these ceremonies, the second annual presentation of the Drew Pearson Awards. I am delighted that the Drew Pearson Foundation has chosen the National Press Club as the home of this prize, already a prestigious and coveted one in our hectic and—especially these days—much-maligned profession. The relationship between the Press Club and the Foundation is a continuing one, and, in fact, we are talking about making it even closer and more formal.

There is no better service a newspaperman can perform than investigative reporting. It is the hardest, most attacked and least rewarding thing we do. Investigative reporters are the shock troops of journalism. They hit the beaches first and they do the dirty work. There is nothing glamorous about the dirty-fingernailed business of digging through courthouse files, making just one more phone call to get a date or a place right, risking your reputation or even your life to keep asking who, what, when, where, why and how long after the fancy-dan writers have fled for cover or long before they even think up the questions or develop the sense of outrage that all good reporters must have.

And the rewards are few. A fellow with a way with words is far more apt to have income tax troubles than the inquisitive, insatiable, tenacious worrier who keeps burrowing after the facts. Which is why I like the idea of the Drew Pearson people in making this award $6,000, which is six times the usual amount for journalism prizes, and $1,500 for honorable mention. Shock troops like Drew Pearson, Izzy Stone and the men we honor today make the rest of what we do possible. They take the beaches and all too often it is the rest of us who issue the victory communiques.

I should say, however, that it is the investigative reporter who is far more likely to have his income tax return investigated by IRS. It is one of the hazards. These men and women who blow the whistle on chicanery and moral lapses by government officials must be like Caesar's wife, not only free of guilt themselves but also above suspicion. They thus not only grace a noble profession but ennoble their personal lives in the bargain. All they have to worry about then are threatening phone calls in the middle of the night, being sandbagged by those they are investigating, and getting beat up or thrown into jail on trumped-up charges.

Good reporters, in the long run, have no constituencies. They are the purveyors of truth, and nobody likes the truth, deep down, unless it is about someone else. Getting killed in a war or on the city streets, being jailed or thrown out of a job or robbed of your good name are risks that any reporter worth his salt is glad to take. Because he knows that this fragile democracy of ours cannot work without him. We are the only truly free press in the world and, especially, today, the efforts to make us less free and eventually un-free are as relentless as the tides.

We are both the allies and the enemies of government officials. We and these officials agree in principle on what we are trying to accomplish—to apply the Constitution and the Bill of Rights to our society. It is on the method of application that we disagree. And, while government officials may feel, through a Papa-knows-best approach, which I have seen in every administration, I have watched in Washington since Harry Truman, although the degrees vary widely, they feel that it is all right for them to cut corners because the end justifies the means. Therefore we must be the strictest of strict constructionists. There can be no compromise with truth. If the emperor wears no clothes, we must say so. And when he does, we must say that, too.

Never, in my twenty-one years in Washington and 33 years in the news business, have I seen such a blatant attack as today on the First Amendment. It says that we "shall make no laws abridging freedom of the press" and just the other day I found myself talking to a friendly congressman who is drawing up legislation to define freedom of the press, which can only mean restricting it, which is abridging it. Ladies and gentlemen, the press is in trouble. And, while we won't win any popularity prizes among the people, nor should we ever expect to, if the press is in trouble, then the people are in trouble.

We at the National Press Club this year have sought to emphasize the professional aspects of our organization. We have taken many steps—our closer association with the Drew Pearson Awards is among them—we have taken these steps to emphasize that we are a different kind of club. Our purpose is not to get together and socialize, although we do that, too. Our purpose is to foster the ethics of our profession and, as the representative of the sum of all our parts, to protect the ramparts of the First Amendment wherever they are assailed. Toward that goal, we created a Professional Relations Committee that is working on putting out a journalism review, we protested wherever we saw a need to, we joined in setting up a Press Information Center to help newsmen claim their rights under the Freedom of Information law, and we have undertaken a study of the media's relationship with the Nixon Administration, with a report to be made public next month. Our voice, so long unused, is being heard. And, as I leave this office, I have every confidence that Don Larrabee and his administration will continue to assert that voice.

Like many people, but apparently not enough, I was outraged by the Watergate affair. If the electronic bugging by one party of the headquarters of another can be dismissed as mere political capering, then the whole point is lost. The point, it seems to me, is that, if, at the highest level of partisan politics, one side can do this to the other, how long will it be before bugs can be planted in the workshop, the offices, the living rooms and the bedrooms of anybody in the whole United States? And, if that is accepted by the American people in 1972, can 1984 be far away?

What we are experiencing here is not, as popularly supposed, a struggle between the media and the government of the day. We of the media are not the issue at all. We are merely the transmission belts of information. We don't commit the acts or omit them. We merely report what was done and what was left undone. The struggle is between the people and the government. The question is not whether our jobs are going to be easier or harder to perform. The question is whether the people have the right to know, without all but the most patently necessary restrictions on what is publishable and what is privileged. The question is whether we continue this great experiment in self-government or whether we give it all up as too unwieldy, too much trouble, and settle into a spoon-fed, automatic-reflex, by-the-numbers obedience to a set of life rules laid down by a chosen few for all the rest of us.

Ladies and gentlemen, our first speaker is a man of many parts. He was born in California and he grew up in Utah. He started in the newspaper business at the age of 12 as a Boy Scout Editor of the Maury, Utah, Eagle. He worked as a full-fledged reporter in Salt Lake City for awhile and then, as a Mormon, he did his two years of missionary work in the south. During World War II he was a war correspondent covering the Chinese guerrillas when he received his draft notice. After the war, he walked into Drew Pearson's office one day and asked for a job. He has been on that job ever since—for nearly 30 years. He has won many journalism prizes including this year's Pulitzer and I think you would agree that he won a different kind of prize last August, the 1972 Oop's Award. Ladies and gentlemen, Jack Anderson.

Jack Anderson. In view of the award that we are giving today it is at least nice to be able to speak in front of microphones you can see. Mrs. Pearson, Mrs. Graham, President Rogers, honored guests, it is my great honor as a member of the Drew Pearson Foundation and as Drew's successor to be with you today. I endorse completely everything Warren has said and I pay my greatest respects to those who will receive the Drew Pearson Awards today.

I got a note just as I came up from someone down the line, "why with all the scandal uncovered regarding the Watergate caper has the Washington Merry-Go-Round been so sparse with news about it?" Well let me start off by answering that question. The reason is that everywhere we went we found the Washington Post ahead of us. It's because they did a better job than we did. It's because they got there sooner. And that they had dug deeper. And it is altogether fitting that they should receive the Drew Pearson Award for this investigative work.

I know a little about investigative journalism. I know that if we are going to find out what the government is doing that we cannot find it out from government spokesmen. I have never known a government official to call a press conference to confess his wrongdoing. I have never known a Federal agency to issue a press release spelling out its mistakes. There are those correspondents who believe that good journalism is getting an appointment once a week with Henry Kissinger. But I have discovered that Henry Kissinger and the other spokesmen of government never tell the press anything that the President doesn't want the public to know.

Now the people who are honored here today are the kind of reporters who want to know what the government doesn't want them to know. Now for that kind of reporting these correspondents have had to dig. There are no press conferences, there are no press releases, there are no press kits for investigative reporters. The job is to uncover what the government would cover. The job is to dig out what the government would hide. The job is to report what the government doesn't want the public to know. As Warren has said, the First Amendment has given us the license to dig out government secrets. To expose the government and to oppose the government and to contradict the government. Our founding fathers intended that we should do this. Our founding fathers intended that the press should be the watchdog on the government. And those who will be honored here today are great watchdogs.

It has been my experience that the government, the bureaucracy, the new elite—those bureaucrats—that not a day goes by that they do not issue some new regulation to increase their power over us. That not a day goes by that they don't put out some new form for us to fill out to make their work easier. To make their lives more pleasant. Now those who work for the public—those who accept their pay from the public are supposed to serve the public. Increasingly, they expect the public to serve them. Increasingly, they are turning into a Frankenstein's monster which is turning upon those who should be the masters. Our founding forefathers understood that government by its nature tends to oppress the free people. That government by its nature must have a watchdog. That it must have restraints. And this is the job of the press. And this is the reason that in Drew Pearson's name we reward those who dig out the stories that the government doesn't want told. And those here today have been selected as the very best in investigative reporters for the work that they have done this year.

Every president that I have known has been a decent man. Every government official that I have known has been a basically dedicated servant. I have known very few who aren't decent and dedicated and devoted to their work. But when a man gets lifted up to the Olympian heights—when he gets up there in that lofty air, that heady, that exhilarating atmosphere and looks down upon the rest of us, far down below, it brings a change over him. And a president begins to feel that he knows what is best. That he knows better than we, what is good for us. It's not that he's unpatriotic, it's not that he is a dictator by spirit. It's rather that all the information comes in to him. He gets the jigsaw pieces of intelligence from all over the world and they are assembled in the White House and he there puts the picture together and so he feels quite naturally that he understands better than the rest of us what the story is—that he sees the whole picture better than those who don't have access to all those jigsaw pieces. And, of course, he feels in his spirit, he feels in his heart that the country would be better off if it were united behind his policies. And so he not only sees the picture but he tends to present it to the public through his eyes. And he does it in good conscience, he does it because he believes that he knows best and he tends to give us only the part of the story, only that version of events which supports his policy. And he tends to withhold from us those things that would raise questions and bring opposition.

Lyndon Johnson certainly meant well. Lyndon Johnson certainly believed he was right. I had a number of talks with him and I had no doubt that he believed in what he was doing. That he thought that the policies that he laid down were best for the country. And that he believed that if there were national solidarity behind those policies the country would be stronger. Those policies have cost us 60,000 American Lives. One hundred and fifty billion American dollars. He needed a watchdog. He needed restraint. Every President needs a watchdog. The government needs to be restrained, because they will try to control, if they possibly can, the flow of information to the public. They will try to manipulate public opinion. They will try to manage the news because this is the way that government stays in power. And this is the experience that we have had here in Washington. We have had it with presidents both Democratic and Republican. We have it from all people who get in power.

One of the finest men I've known, a man I've spent some time with, I've been at his dinner table, I've been thrilled by his burning passion for freedom. The man's name is Ferdinand Marcos. Ferdinand Marcos wore the American Army uniform when the Japanese attacked the Philippines and he was rounded up with our boys and herded into the Bataan Death March. Some Japanese guard caught him in the backsides with a bayonnet. Ferdinand Marcos took offense at this and he took the rifle away from the guard and he rammed it down his throat and he walked off and be became the greatest guerrilla of the Philippines and men used to gather at his camp and listen to his fiery, impassioned speeches about freedom and democracy. And he fought for democracy and he fought for liberty and he came out of the jungles at the end of the war the most popular man in the Philippines. He was elected President of the Philippines. He is the only Phillippino who was elected who has been re-elected. But recently his term is about to run out. He has declared martial law. He has assumed dictatorial powers. This man who has been my great friend, at whose table I have sat a number of times, whose burning speeches I have heard on freedom, on liberty. What do you suppose was the first thing he did when he gained dictatorial power over the Philippines. He closed down the newspapers and he jailed the opposition editor. You see, you can't trust them. Our role is the role of the watch dog. It is appropriate that we are here today to honor some very fine watchdogs. I thank you.

Warren Rogers. Thank you Jack. And here to present the awards is one of the gracious ladies I know. Her late husband for whom these awards are named and in whose honor they are given made many friends in a long and fruitful career but I think you will agree with me that he also made some enemies. Yet, even those who were the most wary of him were quick to praise his wife. Drew Pearson, in his lonely calling, had the good sense to choose a wife who would be his good ambassador to both friend and foe. I have never heard anybody say anything unkind about her. Ladies and gentlemen, Luvie Pearson.

Luvie Pearson. Thank you Warren for those really, really nice words. And thank you all, ladies and gentlemen of the press, and Governor Harriman and Kate Graham and everyone who took their time in this terribly frantic pre-season Christmas to come here because you really have an interest in the Drew Pearson Foundation and what it stands for.

This year we are giving an extra prize of honorable mention because we thought that a team of reporters from the New York Daily News deserved special attention for a series of 20 articles in which they persistently unearthed what has been graphically described as a refinement of the 19th century spoils system. As a result of their investigation the government of the city of New York was exposed as rife with cronyism, nepotism, padded payrolls and outright corruption. So the City Council of New York and the Labor Department are now making their own investigations of this. In fact the hearings of the New York Council are supposed to open today. So these reporters have really done a great job in the Drew Pearson tradition. They will come up and get their share of the honorable mention award which is a check of $500 each, Mr. Joseph Martin, Mr. Martin McLaughlin and Mr. James Ryan.

Mr. **James Ryan.** As would any good investigative reporter, I've got the document. This ironically is written on the back of a congratulatory message from Mayor Lindsey which at least insures that it is going to be short.

Governor Harriman, members of the Foundation, honored guests, fellow subversives, we three are proud and delighted to accept this Drew Pearson Award. As an indication of the status that a Pearson has already obtained in the journalistic sphere, one of the black reporters at our paper remarked that even though we only won honorable mention, the three of us, Martin, Ryan and McLaughlin were all a credit to our race.

This is indeed a high honor but we are not resting on our laurels. I am happy to report that we are already at work on another more far-reaching expose. This one, like the superb Watergate disclosures, reaching into the White House itself. This much I can say now. Spiro Agnew is already making plans to run for president in 1976. He will try to create for himself the image of a statesman, a noble patriarch far above the pusillanimous practice of petty politics. To forge this image he will go before the American people with dignity in a series of televised fireside chats with his dog Chappaquidik at his knee.

If the disclosures that one dishonorable mention today accomplished anything, I think they serve to put up that civil service whose weaknesses and shortcomings were the root causes of Mayor Lindsey's spoil system, that civil service is perhaps the crucial problem facing government today. As it is presently constituted, the system, 90 years old this month, serves only to hamstring administrators, demoralize the people within it and frustrate the many others locked outside by its aged rules. Civil service has failed to keep pace with changing personnel needs and skills. It has ignored, in New York at least, the emergence of powerful municipal labor unions and if it is true as some say that the war on poverty is over and poverty has won, then the rigidity of civil service in keeping minority workers out of government jobs has certainly contributed to this lamentable victory.

Civil service as a subject has never set anyone's heart fluttering. Yet for all its dullness, for all its mediocrity, civil service is the root cause of virtually every juicy scandal that appears from time to time with appalling regularity at virtually every level of government. Our thanks to the Foundation for recognizing this sad fact and for giving us this award today.

Luvie Pearson. It makes me a little bit sad to think about the saga of the Watergate Caper because there has surely been no story that has ever come up in Washington that Drew Pearson would rather have had than that one. What these boys dredged and dug up is surely a most bizarre chain of unbelievable episodes in the entire political life of Washington. But what was even more important was the revelation of what those who exercise great power and authority can and will do if the press is not alert. The title of Chief Justice Earl Warren's current book was taken from a remark that Benjamin Franklin made to a couple of old ladies who asked him what kind of a government they could expect. "It's a Republic" he said, "if you can keep it." Well, I think we are all doing our very best to keep it. Certainly Katharine Graham is contributing an enormous share in publishing one of the world's outstanding newspapers and in giving so many fine young reporters a chance to be heard. The reporters who have done more than their bit also are receiving the $6,000 Drew Pearson prize for excellency in investigative reporting. Carl Bernstein. Bob Woodward. Barry Sussman.

BARRY SUSSMAN. Thank you Mrs. Pearson. Good afternoon. We're not used at the Post to having deadlines this early in the day so this speech is a little bit rough.

The three of us are very proud to have received this award. It represents 6 months of nearly total commitment, an effort that is still continuing. Bernstein and Woodward were aided by other reporters in this coverage, and I certainly wasn't the only editor involved. So the three of us, who worked together on this speech, would like to state our appreciation not only to the Pearson Foundation but to those other Post reporters and editors who shared in the stories. I'd like to single out several of them:

Howard Simons, our Managing Editor, who early in July said we weren't doing enough to follow up on the Watergate. It was at that point that I asked Bob and Carl to work full-time on it.

Harry Rosenfeld, our boss and Assistant Managing Editor who is known for his toughness and fairness. He demanded proof with every paragraph.

Doug Feaver, Larry Fox and Bill Brady, all Editors on the City Desk who followed the stories as closely as anyone, asked the right questions and often were the responsible editors on any given story.

Al Lewis, our veteran police reporter who on June 17 gave the Post a jump on the Watergate break-in by being the only reporter present as police went through the Democratic National Committee headquarters for hours.

And those other reporters who worked on aspects of the story: Karlyn Barker, E. J. Bachinski, Peter Osnos, Lawrence Meyer, Kirk Scharfenberg, Sanford Ungar, Robert Meyers on the West Coast.

Also Roger Wilkins, whose incisive editorials for the Post gave the reader the benefit of intelligent judgments that, as straight reporters, we could not offer in the news pages.

We have saved until now Ben Bradlee and Katharine Graham. We feel the words of the Pearson Foundation, in announcing the award, state their role better than we can: "The Foundation also congratulates the publishers and editors of the Washington Post (and the New York Daily News) for the support provided their investigative staffs. It is a critical element in the defense of a free press. . . . In both cases there was . . . the willingness to risk retaliation and vilification from a powerful and entrenched opposition."

This, in brief, is what we found out in the Watergate inquiry:

We have learned about money kept in the safe of a former Secretary of Commerce and what it was spent for. We know that those funds were controlled by, among others, an attorney general of the United States, both while he held office, and later, when he managed a presidential election campaign. We know that undercover agents, hired in some instances by the White House, traveled around the country on behalf of the re-election of the President and attempted to wreak havoc with the primary campaigns of the opposition party. We know about the Mexican laundry and the Segrettis and the Canuck letters and the destruction of documents and the attempts to bug the headquarters of presidential candidates. We have learned, only in the past week, about a camouflaged telephone listing in the White House, a telephone apparently used only for the purpose of facilitating communication between Mr. Hunt and Mr. Barker. We know that, to the best of their ability, field agents of the FBI conducted a vigorous investigation and that many of their key findings are still locked in Justice Department files and were never brought to members of the grand jury.

We learned that the bugging of the Watergate was but one part of an unprecedented campaign by an incumbent administration to cripple the political opposition through spying and disruption.

In other words, the federal investigators in the Watergate case uncovered an unprecedented campaign not just to learn about the opposition—but to throw a wrench into the workings of the most precious machine in the American political system: free elections.

And what has been the government's response? This is the government that has given the widest latitude to conspiracy prosecutions, witness the Chicago Seven Trial and the Berrigan case. It has never feared to go to the public on matters before the courts, witness Calley and Manson and busing.

Yet, even as the General Accounting Office and FBI agents were making startling discoveries into the Watergate, this government ignored evidence of a real and chilling conspiracy to violate the most basic civil rights in the electoral process.

The government worked to quash other investigations, and then its spokesmen, ostensibly out of concern for the civil rights of its own aides indicted in the Watergate, sought to conceal official malfeasance. That was the legal response.

As for the response to allegations of wrongdoing in high places—well, from June to the beginning of October, that is, until the Watergate came to be regarded as one incident among many, the government's usual response was silence. It would ignore almost every allegation or disclosure. No answers. But in mid-October, as the stories got closer and closer to the President—the response changed dramatically.

The government still made no attempt to explain anything to the people. Rather, as former Attorney General Ramsey Clark said in an interview, the Nixon Administration tried to make the conduct of the press the issue—and not the conduct of the Administration.

Apparently perceiving, and quite possibly correctly, that the years of attack by Agnew on the press and TV had left their mark, the government began to call in the chips.

What followed, from the White House, the re-election committee and the GOP National Committee was probably as bitter an attack on the Post as any American government has ever launched against a single newspaper. Dole, Ziegler, MacGregor, Agnew, Colson tried to make the public believe that the Post had somehow invented the allegations and was not simply reporting the findings and statements of federal investigators and others close to the situation.

Ladies and gentlemen, how do such charges sit with the great bulk of the people who hear them? Are they a receptive audience? If they do distrust the press, why do they, and what can be done to change that?

It is our belief that the public is skeptical of what it reads in the newspapers and to a lesser degree sees on TV. And, speaking for the three of us, we feel that there is good reason for that skepticism. We think the public knows what is wrong with the press and TV—we aren't good enough. Our feeling is that the solution is not to be intimidated, the way Agnew might have us but to do better by being more thorough and aggressive.

In reporting the Watergate, there came a time when we wanted to write about Mr. Haldeman, the White House Chief of Staff. We went to our library and elsewhere and found virtually no clips of substance on him. We couldn't even find a recent picture and the wire services were of little help (luckily, Haldeman has the same crew-cut that he had three years ago.) Haldeman was in effect a mystery man. There is no reason to have mystery men running this Republic. Right from the start of the new administration here is something that the press and TV can do better. Take away the mystery. Let there be more investigative coverage of the action of government as it takes place under the rocks. Internationally, nationally, and locally, encourage reporters to work into the night, knocking on doors, refusing to accept lame answers—as Bob and Carl did.

What will create public confidence in newspapers and TV? It is not hand-wringing over protection of confidential sources, although we believe adamantly they should be protected; it is not better packaging of more human interest stories, although we favor that; it is not having the story before the other person, although we favor that too.

We feel that to a limited extent more and better investigative reporting will help restore public confidence in the news media. But investigative reporting is a threat to government, to its secrecy, to corruption and to institutionalized misuse of power. So there will be strong resistence to it. That is what we fought in the Watergate.

The net effect of the Watergate stories will not be known for some time. Not in a month or a year but in possibly two or four years as the country goes through more elections. Then we will see if Watergate politics are rejected or absorbed.

As reporters and editors we feel that the truth is somehow cleansing, that if we find the facts and print them, then the wrongs will be corrected. As human beings we know that to be terribly naive. In a sense it is a battle and not a happy battle. We can hope and build confidence in our efforts by realizing our limits. We probably should not be optimistic that we will restore anything—openness in government, better news reporting, good will or good sense.

But we must try, and in that way it is not a battle, but an enterprise that can be very proud work—that is its own reward because it is done honestly. Thank you.

WARREN ROGER. Thank you Barry. Our featured speaker is a man I am proud to call my friend. He is without question one of the most influential men of this century. His list of attainments is almost endless. The world knows him as our Ambassador to the Soviet Union during the difficult years of World War II, as Secretary of Commerce later, as our Ambassador at Large who negotiated major settlements without fanfare, quickly and with lasting effects, as a highly successful Governor of New York. Those of us who have been fortunate enough to come close to him, know him as a man of wit and wisdom, tough mindedness and compassion, courage and daring, dedication and tenacity. I have worked with him on occasion and I am much the better for it. With all the jobs he has held, I believe I share with many of you a bewilderment sometimes to know how to address him, as

Mr. Ambassador, Mr. Secretary, Governor or what. With all his attainments, I believe his common sense interpretation of what this country is all about comes through when you ask him as I once did what to call him. "Governor," he said, "because that title was given to me by the people." Ladies and gentlemen, Governor Averell Harriman.

AVERELL HARRIMAN. Thank you Warren for that kind introduction. I only recognize myself occasionally in those words but when you get older, one likes flattery so please don't take anything back. Luvie Pearson, distinguished, all of you, members of the press who are here today, the award winners, it seems to me that I am about as anti-climatic as anybody could be. The show has been on and finished and therefore I will be very brief.

It is a joy for me to be here with you and to share this day. It's quite right as Warren said about Luvie Pearson—I've never heard anybody say an unkind thing about her but part of that is because I've never really heard her say an unfair thing about anyone. I was going to say unkind but then she has her deep convictions and some of them lead to some unkind remarks. But she is one of the most wonderful friends and I am very proud to be her friend.

We're here in the name of her husband, Drew Pearson, and very little has been said about him and I would like to say a word or two about him as I do believe his name should be kept alive and I do commend the Foundation for the purpose that they are giving to his name in these awards. They are the kind of awards which he would like to have had his name associated with.

Now I was brought up as a black Republican and was well established in the establishment and had a very semi-questionable view of certain people in the press who were called muckrakers, if you remember that word, and so when Drew Pearson started his career as a columnist and critic, I wondered about where he was going. I had a friend, a very close friend, who was a journalist, Herbert Swope, you remember him as Editor of the Post, a man who gave an opportunity to columnists—he really started the columnists profession. Giants of the old, Heywood Broun, Alex Wilcox and even Pegler, whom I disagreed with on most occasions—but he gave them that opportunity on the New York World's opposite page and I had a great deal of respect for him and he helped me a great deal in many ways to understand our country and to understand people. He said about Drew Pearson, "he's a man who is touched with a sense of public responsibility." That intrigued me and I got to know him and I am very happy to say that in the post-war years I became very close to him and I am proud to say that I considered him a very, very close friend. As Luvie said, he would have loved to have had the Watergate case and he would have done it well—much as I respect what Jack Anderson is doing, I don't think he (Pearson) would have been pushed aside by even what this enormous number of Washington Post editorial staff were involved in. He would have found something about it which was different and more important and I think that the first award order—and I hope these awards will always be annual—I think the first award order should always be given for a word of understanding of what Drew Pearson did for us and for what he battled for.

Now it is true, and I am not going to take on stirring you up for concern for the First Amendment, Jack Anderson has done that well and so have others, I have had a chance to observe at close hand a number of presidents, the first one really was Franklin Roosevelt.

And as you know he was psychopathically opposed to columnists in general and to some of them in particular. And he didn't hesitate to say so. It seems as if being opposed to the press is an occupational disease of the presidents. But never before has any president tried to do something about it as this president and his administration have tried to do. So it has a different connotation. Now I have learned from my experience with presidents.

I became Governor and in public life—I recognized the press as the best friend that any public official has. I think that is a subject which the public officials ought to be made to understand. I agree that the press is a watchdog but in addition to that it tells the truth and the facts about public affairs and they can do a job in explaining the importance of issues as well as explaining the deficiencies of the administrations. It is easier to explain the deficiencies because people always like scandal—it is more readable. On the other hand, it is vitally important, there are things that are going on, there are things that are being misunderstood by the American people and these are causes which the press should undertake.

I have been reading this morning and yesterday about this great meeting which has been going on in the LBJ Library on civil rights. Earl Warren made a speech which was very impressive in which he said that the most important subject was equal opportunity in education, in employment and in voting. And he told us what would happen to our country if we failed to give that equality in education and employment and voting rights. Then there was evidently a demonstration and LBJ got up again and faced it and if you want to know what he said look at the quote of the day in the New York Times this morning. The New York Times is one of my two favorite papers—if you want to know what the other one is ask yourself whom you are working for. I never believe in superlatives. But in addition to what he said about what our country should do he also said it is necessary to give special privilege to those who have been denied opportunity before in order to give them equality of opportunity today.

Many of you may have noticed last night the NBC broadcast in which David Brinkley explained some of his impressions of going around the country. Perhaps as you know, he has been talking to people throughout the country to see their reaction since the election and he said several interesting things last night. One was there wasn't very much difference in the regional attitudes towards the problems of the day. And the people were not as concerned about the things the politicians thought they were concerned about—high prices—because they felt that everybody was suffering from that. They were concerned about things that they felt that they were being discriminated against. The high taxes, the payments problems which were caused by welfare, the unfairness, wherever there was an unfairness which they felt they were subjected to.

Now, I learned very early and I am going to end very quickly because I know that two o'clock is the date on which you all leave whether the speaker is continuing to talk or not. I was in the railroad business one time and in the 20's every railroad president got up and said what a raw deal he was getting. I sought the advice of what to do when I became Chairman of the Board of the Union Pacific about 1931 to find out what it was all about and Arthur Kuttner was in the advertising business at that time and he said, the trouble with railroads is that they are always complaining and many of you, none of you ladies I know, but some of you older men here I know will remember there was an expression in the 20's about "throw him out, he's breaking my heart" and that's something to remember. If the press wails about the raw deal they are getting, they're going to be thrown out by the American people just as if we analyse November 6 that is what my view of that election is. Causes were taken in the extreme. The American people were not made to understand their interest in it and I underline everything that has been said today about the importance of the press to the American people. We must understand that you are serving them, without you, they will suffer in a manner which cannot be retrieved.

Well, there are many things more which I would like to analyse and discuss with you but I do want to say that I fully applaud when Mr. Sussman says, the press has got to do a better job, got to do a more convincing job. I thought Teddy Kennedy this morning showed great statesmanship in either saying or giving out to the press the statement which his spokesman said he adhered to praising the President of the United States. He selected the subjects which the President should be praised for. We're still counting on Ted Kennedy to carry on the work of the men who got this award today—the Watergate incident as it is called. It must be followed through. The American people are entitled to know what happened and I think we can count on Ted doing that. But I think he showed remarkable wisdom and statesmanship in setting up the man that he was going to hit.

Now this administration has started its new career and second term—by the way, we don't have to be so concerned about Richard Nixon because President Eisenhower did a great thing for us. He got through a Constitutional Amendment that no president could serve more than two terms. So don't lets take it overly seriously as to the dangers which eventually may be happening but take seriously what the American people are suffering.

Warren Rogers did me a great service, he gave me the Annual Report of the Civil Liberties Union from June, 1971 to July, 1972. It doesn't even cover the last five months. You read that and your own problems are only part of what our country is suffering.

So I say that this administration has started its new term with a vengence. Now I always thought that vengence was a good word. A man starts his job with a vengence. I suppose all of you would like to say that when you start your job but there is a different connotation to vengence and I'm not suggesting that we show vengence against the President of the United States but that we take a good look at what he is doing and also take a look at what he isn't doing. Because that is what the American public is interested in.

So good luck to you and everything you are doing. It certainly is a privilege for me to be here in the name of Drew Pearson. It is a name that we always want to recall and hold before us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. HARVEY (at the request of Mr. GERALD R. FORD) for unlimited time on account of illness and hospitalization.

Mr. FOUNTAIN (at the request of Mr. MCFALL) for today on account of death in family.

Mr. BURKE of Florida (at the request of Mr. ARENDS) for January 29 through February 7, 1973 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PRICE of Illinois, for 60 minutes, on

February 5, 1973, to revise and extend his remarks and include extraneous matter.

Mr. Dellums to change the order of his special order from first to third today.

Mr. Patman (at the request of Mr. Pickle) for 60 minutes on Tuesday, February 6, 1973, and to revise and extend his remarks and include extraneous matter on the life and service of President Lyndon Baines Johnson.

Mr. Pickle for 60 minutes on February 6, 1973, and to revise and extend his remarks.

All Members (at the request of Mr. Pickle) to have 30 legislative days to extend their remarks on the life, character, and public service of the late President Lyndon Baines Johnson.

(The following Members (at the request of Mr. Armstrong) and to include extraneous matter and revise and extend their remarks:)

Mr. Biester, for 5 minutes, today.

Mr. Heinz, for 5 minutes, today.

Mr. Bell, for 5 minutes, today.

Mr. Hogan, for 1 hour, today.

(The following Members (at the request of Mr. Gunter) and to include extraneous and to revise and extend their remarks:)

Mr. Rodino, for 10 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mrs. Grasso, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes today.

Mr. Drinan, for 30 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Murphy of New York, for 5 minutes today.

Mr. Leggett, for 20 minutes, today.

Mr. Culver, for 10 minutes, today.

Mr. O'Neill, for 15 minutes, today.

Mr. Matsunaga, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bell, and to include extraneous material during debate on House Resolution 132 today.

(The following Members (as the request of Mr. Armstrong) and to include extraneous matter:)

Mr. Railsback.

Mr. Price of Texas.

Mr. Wyatt.

Mr. Mathias of California in three instances.

Mr. Forsythe.

Mr. Frelinghuysen in two instances.

Mr. Zwack.

Mr. Wyman in two instances.

Mr. Coughlin.

Mr. Latta.

Mr. Hunt.

Mr. Whalen.

Mr. Nelsen in three instances.

Mr. Frenzel.

Mr. Anderson of Illinois.

Mr. Baker in two instances.

Mr. Dellenback.

Mr. Kemp.

Mr. Keating in two instances.

Mr. Esch.

Mr. Robison of New York in two instances.

Mr. Abdnor.

(The following Members (at the request of Mr. Gunter) and to include extraneous matter:)

Mrs. Griffiths.

Mr. Minish.

Mr. Gonzalez in three instances.

Mr. Clay in six instances.

Mr. Rarick in four instances.

Mr. Casey of Texas.

Mr. Gunter.

Mr. Murphy of New York in two instances.

Mr. Karth.

Mr. Harrington in three instances.

Mr. Mazzoli.

Mr. Brinkley in two instances.

Mr. Danielson.

Mr. Mathis of Georgia.

Mr. Hawkins.

Mr. Evans of Colorado.

Mr. Anderson of California in three instances.

Mr. Hébert.

Mr. Koch.

Mr. Thornton in four instances.

Mr. Pepper in two instances.

Mr. Montgomery.

Mr. Roybal in 10 instances.

Mr. Carney of Ohio in two instances.

Mr. Waldie in five instances.

Mr. Roncalio of Wyoming.

Mr. O'Hara.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, February 1, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

315. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act, as amended; to the Committee on Agriculture.

316. A letter from the Acting Chairman, District of Columbia Armory Board, transmitting the 25th annual report and financial statements of the operations of the District of Columbia National Guard Armory, and the 15th annual report and financial statements of the operation of the Robert F. Kennedy Memorial Stadium, pursuant to Public Laws 80-605 and 85-300, respectively; to the Committee on the District of Columbia.

317. A letter from the vice president and general manager, Chesapeake and Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company for 1972, together with a comparative general balance sheet, pursuant to chapter 1628 of the act of Congress of 1904 and paragraph 14 of the act of March 4, 1913, respectively; to the Committee on the District of Columbia.

318. A letter from the vice president and comptroller, Potomac Electric Power Co., transmitting a copy of a balance sheet of the company as of December 31, 1972, pursuant to paragraph 14 of the act of March 4, 1913 (37 Stat. 979); to the Committee on the District of Columbia.

319. A letter from the Chairman, National Commission on Libraries and Information Science, transmitting the first annual report of the Commission, pursuant to Public Law 91-345; to the Committee on Education and Labor.

320. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; to the Committee on Foreign Affairs.

321. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

322. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a report on the disposal of foreign excess property, covering calendar year 1972, pursuant to 40 U.S.C. 514d; to the Committee on Government Operations.

323. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 14th annual report of the Commission, pursuant to Public Law 86-380; to the Committee on Government Operations.

324. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on the reclassification of certain land in the Heart Mountain Irrigation District, pursuant to 53 Stat. 1187; to the Committee on Interior and Insular Affairs.

325. A letter from the Chairman, Federal Trade Commission, transmitting the 58th Annual Report of the Commission, covering fiscal year 1972; to the Committee on Interstate and Foreign Commerce.

326. A letter from the Director, Community Relations Service, Department of Justice, transmitting a report of the activities of the Community Relations Service for fiscal year 1972, pursuant to section 1004 of Public Law 88-352; to the Committee on the Judiciary.

327. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes; to the Committee on Public Works.

328. A letter from the Federal and State Cochairmen, Upper Great Lakes Regional Commission; transmitting the Annual Report of the Commission for fiscal year 1972, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

329. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

330. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

331. A letter from the Chairman and members, U.S. Atomic Energy Commission, transmitting the Annual Report of the Commission for fiscal year 1972; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

332. A letter from the Comptroller General of the United States, transmitting a report on logistic aspects of Vietnamization—1969–72; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3341. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ALEXANDER (for himself, Mr. Jones of North Carolina, Mr. Burlison of Missouri, Mr. Rarick, Mr. Thone, Mr. Harrington, Mr. Mathis of Georgia, Mr. Howard, Mr. Nichols, Mr. Boland, Mr. McEwen, Mr. Roy, Mr. Duncan, Mr. Thompson of New Jersey, Mr. Wyatt, Mr. Steiger of Wisconsin, Mr. Byron, Mr. Hammerschmidt, Mr. Ketchum, Mr. Tiernan, Mr. Nix, Mr. Moss, Mr. Preyer, and Mr. Bowen):

H.R. 3342. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. ANDERSON of California (for himself, Mr. Anderson of Illinois, Mr. Kemp, Mr. Reid, Mr. Symington, Mr. Rosenthal, Mr. Flood, Mr. Gude, Mr. Waldie, Mr. Coughlin, Ms. Abzug, Mr. Stokes, Mr. Price of Illinois, Mr. Conyers, Mr. Mitchell of Maryland, Mr. Edwards of California, Mr. Moorhead of Pennsylvania, Mr. Studds, Mr. Rangel, Mr. Sarasin, Mr. Harrington, Mr. Ashley, Mr. Green of Pennsylvania, and Mrs. Burke of California):

H.R. 3343. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself, Mr. Anderson of Illinois, Mr. Badillo, Mr. Van Deerlin, Mr. Hechler of West Virginia, Mr. Young of Georgia, Mr. Fish, Mr. Riegle, Mr. Mailliard, Mr. Forsythe, Mr. Rees, Mr. Podell, Mr. Reuss, Mr. McClory, Mr. Danielson, Mr. Roncallo of New York, Mr. Tiernan, Mr. Conte, Mr. Lehman, Mr. Wolff, Mr. Fraser, Mr. Moakley, Mrs. Chisholm, and Mr. Sarbanes):

H.R. 3344. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself, Mr. Madden, Mr. Anderson of Illinois, Mr. Delaney, Mr. Pepper, and Mr. Matsunaga):

H.R. 3345. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself, Mr. Metcalfe, Mr. McCloskey, Mrs. Mink, Mr. Heinz, Mr. Burton, Mr. Drinan, Mr. Moss, Mr. Macdonald, and Mr. Rinaldo):

H.R. 3346. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California:

H.R. 3347. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 3348. A bill to provide for the suspension of air transportation between the United States and foreign countries in cases of international aircraft hijacking; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bergland, Mr. Boland, Mrs. Chisholm, Mr. Danielson, Mr. Drinan, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Howard, Mr. Leggett, Mr. Lehman, Mr. McCloskey, Mr. O'Hara, Mr. Rosenthal, Mr. Sarbanes, and Mr. Studds):

H.R. 3349. A bill requiring congressional authorization for the reinvolvement of American Forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mrs. Burke of California, Mr. Conyers, Miss Jordan, Mr. Moakley, Mr. Seiberling, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Van Deerlin, Mr. Waldie, and Mr. Yatron):

H.R. 3350. A bill requiring congressional authorization for the reinvolvement of American Forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BOWEN (for himself, Mr. Lott, Mr. Montgomery, and Mr. Cochran):

H.R. 3351. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. BRINKLEY:

H.R. 3352. A bill to amend title 38 of the United States Code to shorten the World War I service requirement for the purposes of establishing eligibility for pension under such title; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 3353. A bill to amend title 5, United States Code, to correct certain inequities in the prohibition on the concurrent payment of compensation for disability because of a civilian work injury and of reduced retired or retirement pay based on service in the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOLAND:

H.R. 3354. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. BURLESON of Texas:

H.R. 3355. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

H.R. 3356. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas; to the Committee on Interstate and Foreign Commerce.

H.R. 3357. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers in qualified States to claim a credit against Federal income tax for 40 percent of the net cost of State income taxes and State general sales taxes, to transfer to the several States the responsibility for certain Federal education and welfare programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 3358. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. BURTON:

H.R. 3359. A bill to amend section 6103 of title 5 of the United States Code to make the birthday of John Fitzgerald Kennedy a legal public holiday; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 3360. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. DON H. CLAUSEN:

H.R. 3361. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 3362. A bill to establish fishing zones of the United States beyond its territorial seas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS:

H.R. 3363. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 3364. A bill to amend the Internal Revenue Code of 1954 to correct an inequity with respect to the applicability of the rules involving carryback and carryover of unused credits for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 3365. A bill to amend the Internal Revenue Code of 1954 to equalize the taxation of certain cooperatives (other than marketing and purchasing agencies); to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. Koch, and Mr. Flood):

H.R. 3366. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mr. Pettis):

H.R. 3367. A bill to amend section 3303(f) of the Internal Revenue Code of 1954 with respect to the payment of unemployment taxes by certain nonprofit organizations; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Pettis, Mr. Sisk, Mr. Don H. Clausen, Mr. Johnson of California, Mr. Ketchum, Mr. Leggett, Mr. McFall, Mr. Mathias of California, Mr. Moss, and Mr. Waldie):

H.R. 3368. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Buchanan, Mrs. Chisholm, Mr. Flood, Mr. Heinz, Mr. Leggett, Mr. McCloskey, Mr. McKinney, Mr. Podell, Mr. Sandman, Mr. Sarasin, and and Mr. Charles Wilson of Texas):

H.R. 3369. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 3370. A bill to provide increased funding for accelerated planning purposes with respect to the creation of scenic highways along the banks of the Mississippi River; to the Committee on Public Works.

H.R. 3371. A bill to direct the Secretary of Transportation to make an investigation and study with respect to the feasibility of establishing a national system of scenic highways, and for other purposes; to the Committee on Public Works.

By Mr. CULVER (for himself and Mr. Blatnik):

H.R. 3372. A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program; to the Committee on Public Works.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Esch):

H.R. 3373. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.R. 3374. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 3375. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 3376. A bill to prohibit discrimination by any party to a federally related mortgage transaction on the basis of sex or marital status, and to require all parties to any such transaction to submit appropriate reports thereon for public inspection; to the Committee on Banking and Currency.

H.R. 3377. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 3378. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

H.R. 3379. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

H.R. 3380. A bill to authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3381. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3382. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 3383. A bill to prohibit discrimination on the basis of sex, and for other purposes; to the Committee on the Judiciary.

H.R. 3384. A bill to prohibit any instrumentality of the United States from using as a prefix to the name of any person any title which indicates marital status, and for other purposes; to the Committee on the Judiciary.

H.R. 3385. A bill to provide that meetings of Government agencies and congressional committees shall be open to the public; and for other purposes; to the Committee on Rules.

H.R. 3386. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

H.R. 3387. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

H.R. 3388. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 3389. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. Moss, and Mr. Eckhardt):

H.R. 3390. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, to the Committee on Government Operations.

By Mr. DINGELL (for himself and Mr. Leggett):

H.R. 3391. A bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Andrews of North Dakota, Mr. Abdnor, Mr. Fraser, Mr. Quie, and Mr. Frenzel):

H.R. 3392. A bill to increase the maximum amount of aggregate payments which may be made in calendar years after 1973 to carry out conservation agreements under the Water Bank Act; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Studds, Mr. Charles Wilson of Texas, Mr. Rodino, and Mr. Coughlin):

H.R. 3393. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of California:

H.R. 3394. A bill to amend the Immigration and Nationality Act to provide for the expeditious naturalization of certain former alien employees of the United States who have been admitted to the United States for permanent residence; to the Committee on the Judiciary.

H.R. 3395. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Veterans' Affairs.

By Mr. EILBERG:

H.R. 3396. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

H.R. 3397. A bill to amend the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 3398. A bill to amend the prevailing wage provisions of the Davis-Bacon Act to include subsistence allowances; to the Committee on Education and Labor.

H.R. 3399. A bill to amend the Davis-Bacon Act to extend its protection to workers employed in the demolition, dismantling, removal, and/or salvaging of public buildings; to the Committee on Education and Labor.

H.R. 3400. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the distribution of certain surplus Federal property to certain organizations which provide for the education and recreation of young boys and girls; to the Committee on Government Operations.

H.R. 3401. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

H.R. 3402. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

H.R. 3403. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 3404. A bill to amend title II of the Social Security Act to provide that the surviving spouse of a deceased insured individual must have paid or assumed responsibility for such individual's burial expenses in order to qualify for the lump-sum death payment; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 3405. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ESHLEMAN:

H.R. 3406. A bill to prohibit travel at Government expense outside of the United States by defeated or retiring Members of Congress; to the Committee on House Administration.

By Mr. FASCELL:

H.R. 3407. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. FISH:

H.R. 3408. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. WILLIAM D. FORD:

H.R. 3409. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Service Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. FORSYTHE:

H.R. 3410. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

H.R. 3411. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 3412. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

H.R. 3413. A bill to amend title 39 of the United States Code to exempt certain newspaper advertisements of lotteries which are legal under applicable State law, or sponsored by a State, from the list of nonmailable matter; to the Committee on Post Office and Civil Service.

H.R. 3414. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

H.R. 3415. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 3416. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who perform voluntary public service by working for certain organizations; to the Committee on Ways and Means.

By Mr. GRAY (for himself and Mr. Price of Illinois):

H.R. 3417. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. GUBSER:

H.R. 3418. A bill to amend section 505 of title 10, United States Code, to establish uniform original enlistment qualifications for male and female persons; to the Committee on Armed Services.

H.R. 3419. A bill to create regional seed-money corporations; to the Committee on Banking and Currency.

H.R. 3420. A bill to authorize the Secretary of the Interior to designate the Skyline National Parkway in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3421. A bill to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

H.R. 3422. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3423. A bill to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors; to the Committee on the Judiciary.

H.R. 3424. A bill to amend title 5, United States Code, to provide that Japanese-Americans who were placed in interment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps; to the Committee on Post Office and Civil Service.

H.R. 3425. A bill to amend title 5, United States Code, to provide for additional minimum amounts to which Federal employees group life insurance may be reduced after retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3426. A bill to amend title 38, United States Code, to extend certain benefits presently provided to veterans who are blind as a result of service-connected disability to veterans who are blind as a result of nonservice-connected disability but who have other service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

H.R. 3427. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, not in excess of $600, for amounts paid to support a parent of the taxpayer who is totally disabled, blind, or 65 or more years of age; to the Committee on Ways and Means.

H.R. 3428. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 3429. A bill to amend title II of the Social Security Act to provide wage credits under the old-age, survivors, and disability insurance program for Japanese-Americans who were detained or interned during World War II and performed compensated service during their detention or internment; to the Committee on Ways and Means.

H.R. 3430. A bill to prohibit the importation into the United States of live venomous reptiles; to the Committee on Ways and Means.

H.R. 3431. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for certain expenses of repair and maintenance of a home owned by a taxpayer who has attained the age of 65; to the Committee on Ways and Means.

H.R. 3432. A bill to amend section 5042 of the Internal Revenue Code of 1954 to provide an exemption from tax for certain wine produced for personal use; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 3433. A bill to amend title 38, United States Code, to extend the maximum educational benefits for chapter 35 trainees to 48 months and to allow additional educational benefits for certain wives and widows; to the Committee on Veterans' Affairs.

By Mr. HENDERSON:

H.R. 3434. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

H.R. 3435. A bill to amend the occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees in States having laws regulating safety in such businesses from the Federal standards created under such act; to the Committee on Education and Labor.

H.R. 3436. A bill to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.; to the Committee on Interior and Insular Affairs.

By Mr. HUBER:

H.R. 3437. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. KARTH:

H.R. 3438. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KARTH (for himself and Mr. Leggett):

H.R. 3439. A bill to provide additional funds to the States for carrying out wildlife restoration projects and programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 3440. A bill to require congressional authorization for the reinvolvement of American Armed Forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. KEMP:

H.R. 3441. A bill to establish a National Amateur Sports Foundation; to the Committee on the Judiciary.

H.R. 3442. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 3443. A bill to amend the Food Control Act of 1970; to the Committee on Public Works.

H.R. 3444. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 3445. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs; to the Committee on Ways and Means.

H.R. 3446. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KING:

H.R. 3447. A bill to amend the Internal Revenue Code of 1954 to allow an individual to deduct from gross income the expenses, not exceeding $300 a year, paid for transportation to and from his place of abode and his place of business or employment; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Anderson of Illinois, Mr. Bell, Mr. Byron, Mr. Coughlin, Mr. Cronin, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Gonzalez, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Kyros):

H.R. 3448. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Lehman, Mr. McClory, Mr. McCloskey, Mr. Mailliard, Mr. Mazzoli, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. Roy, Mr. Sarbanes, Mr. Waldie, and Mr. Wright):

H.R. 3449. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. LENT:

H.R. 3450. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. LONG of Maryland:

H.R. 3451. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. LUJAN:

H.R. 3452. A bill to designate the Manzano Mountain Wilderness, Cibola National Forest, N. Mex.; to the Committee on Interior and Insular Affairs.

H.R. 3453. A bill to designate the Bandelier Wilderness, in the Bandelier National Monument, N. Mex.; to the Committee on Interior and Insular Affairs.

H.R. 3454. A bill to designate the Apache Kid Wilderness, Cibola National Forest, N. Mex.; to the Committee on Interior and Insular Affairs.

H.R. 3455. A bill to designate the Sandia Mountain Wilderness, Cibola National Forest, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD:

H.R. 3456. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay at reduced percentages to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, and Mr. Johnson of Pennsylvania):

H.R. 3457. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. MATHIAS of California (for himself and Mr. Johnson of California):

H.R. 3458. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 3459. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. MEEDS (for himself, Mr. Brasco, Mrs. Burke of California, Mr. De Lugo, Mr. William D. Ford, Mr. Fuqua, Mr. Hawkins, Mr. Leggett, Mr. Pritchard, Mr. Tiernan, Mr. Udall, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Yates):

H.R. 3460. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 3461. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. MICHEL (for himself, Mr. Andrews of North Dakota, Mr. Archer, Mr. Arends, Mr. Baker, Mr. Biester, Mr. Blackburn, Mr. Brown of Ohio, Mr. Buchanan, Mrs. Chisholm, Mr. Del Clawson, Mr. Cleveland, Mr. Collier, Mr. Collins, Mr. Conte, Mr. Crane, Mr. Dennis, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Donohue, Mr. Downing, Mr. Duncan, Mr. Erlenborn, and Mr. Eshleman):

H.R. 3462. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Findley, Mr. Fisher, Mr. Forsythe, Mr. Fountain, Mr. Frelinghuysen, Mr. Frenzel, Mr. Giaimo, Mr. Goldwater, Mrs. Griffiths, Mr. Gude, Mr. Hanrahan, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Hosmer, Mr. Hudnut, Mr. Hunt, Mr. Hutchinson, Mr. Johnson of California, Mr. Keating, Mr. Kemp, and Mr. Landgrebe):

H.R. 3463. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Latta, Mr. Leggett, Mr. Lent, Mr. Lott, Mr. Mailliard, Mr. Mann, Mr. Mathias of California, Mr. Matsunaga, Mr. McClory, Mr. McCollister, Mr. McDade, Mrs. Mink, Mr. Myers, Mr. Nedzi, Mr. Obey, Mr. Parris, Mr. Podell, Mr. Quie, Mr. Railsback, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roush, Mr. Rousselot, and Mr. Scherle):

H.R. 3464. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Schneebeli, Mr. Sebelius, Mr. Seiberling, Mr. Shriver, Mr. Sikes, Mr. Sisk, Mr. Stratton, Mr. Teague of California, Mr. Thone, Mr. Tiernan, Mr. Waggonner, Mr. Ware, Mr. Williams, Mr. Wyatt, Mr. Yatron, Mr. Young of Illinois, and Mr. Zwach):

H.R. 3465. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Dulski, Mrs. Green of Oregon, Mr. Horton, Mr. Kemp, Mr. Long of Maryland, Mr. Railsback, and Mr. Talcott):

H.R. 3466. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MINISH:

H.R. 3467. A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to freeze rentals and carrying charges; to the Committee on Banking and Currency.

By Mr. MONTGOMERY:

H.R. 3468. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

By Mr. MURPHY of New York (for himself, Mr. Huber, Mr. Guyer, Mr. Latta, and Mr. Flowers):

H.R. 3469. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Fisher, Mr. Won Pat, Mr. Podell, Mr. Broyhill of North Carolina, Mr. Stephens, Mr. Stuckey, Mr. Slack, Mr. Whitehurst, Mr. Clark, Mr. Sikes, Mr. Price of Illinois, Mr. Yatron, Mr. Randall, Mr. Hastings, Mr. Wolff, Mr. Dulski, Mr. Walsh, Mr. Delaney, Mr. Cronin, Mr. Alexander, Mr. Hudnut, Mr. Nix, Mr. Mazzoli, and Mr. Flood):

H.R. 3470. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting on a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 3471. A bill to make illegal manufacture of thin-gage steel drums; to the Committee on Interstate and Foreign Commerce.

H.R. 3472. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H.R. 3473. A bill to amend titles 37 and 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PATTEN:

H.R. 3474. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the annual registration and inspection of food manufacturers and processors; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 3475. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. PERKINS:

H.R. 3476. A bill to continue for 2 additional years the present method of providing benefits on account of black lung disease; to the Committee on Education and Labor.

H.R. 3477. A bill to provide for the conversion of dam No. 3 on the Big Sandy River in Kentucky to a fixed-type structure, and the repair of the same, in the interest of water supply and other benefits to local interests; to the Committee Public Works.

By Mr. PRICE of Illinois:

H.R. 3478. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. PRICE of Texas:

H.R. 3479. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. RAILSBACK:

H.R. 3480. A bill to improve the eastern approach in Rock Island, Ill., to the Centennial Bridge across the Mississippi River at Rock Island; to the Committee on Public Works.

By Mr. RAILSBACK (for himself, Mr. Biester, Mrs. Heckler of Massachusetts, Mr. Moakley, Mr. Lehman, and Mr. Rinaldo):

H.R. 3481. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. REID:

H.R. 3482. A bill to provide for first amendment protection of the free press; to the Committee on the Judiciary.

H.R. 3483. A bill to exempt certain income of nonresident alien authors, artists, and composers from taxation; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 3484. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RINALDO:

H.R. 3485. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 3486. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 3487. A bill to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy; to the Committee on the Judiciary.

H.R. 3488. A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

H.R. 3489. A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees; to the committee on the Judiciary.

H.R. 3490. A bill to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees; to the Committee on the Judiciary.

H.R. 3491. A bill to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy; to the Committee on Post Office and Civil Service.

H.R. 3492. A bill to provide for the setting aside of convictions in certain cases and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. Hutchinson):

H.R. 3493. A bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 3494. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 3495. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income liimtations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RONCALIO of Wyoming:

H.R. 3496. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Ms. Abzug, Mr. Adams, Mr. Badillo, Mr. Bell, Mr. Bingham, Mr. Buchanan, Mrs. Chisholm, Mr. Conte, Mr. Cronin, Mr. Danielson, Mr. Edwards of California, Mr. Eilberg, Mr. Gibbons, and Mr. Green of Pennsylvania):

H.R. 3497. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI (for himself, Mr. Hanrahan, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Lehman, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Podell, Mr. Sarbanes, Mr. Symington, and Mr. Won Pat):

H.R. 3498. A bill to amend title VII of the Housing Act of 1961 to establish an Urban Parkland Heritage Corporation to provide funds for the acquisition and operation of open-space land, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROY:

H.R. 3499. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. ROYBAL:

H.R. 3500. A bill to provide that, after the signing of the agreement on ending the war and restoring peace in Vietnam, all U.S. military involvement in Indochina shall be prohibited; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 3501. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SANDMAN:

H.R. 3502. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 3503. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

H.R. 3504. A bill to amend title 1 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

H.R. 3505. A bill to provide the death penalty for assassinating, or attempting to assassinate, Federal elective officeholders, or persons seeking election to Federal office; to the Committee on the Judiciary.

H.R. 3506. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

H.R. 3507. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee of the Judiciary.

H.R. 3508. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3509. A bill: State approval of certain ocean facilities; to the Committee on Public Works.

H.R. 3510. A bill to order the construction of a Veterans' Administration hospital in the southern area of New Jersey; to the Committee on Veterans' Affairs.

H.R. 3511. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. SANDMAN (for himself, Mr. Gerald R. Ford, Mr. Kemp, Mr. Mathias of California, Mr. Mizell, Mr. Pettis, and Mr. Railsback):

H.R. 3512. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE (for himself, Mr. Fulton, Mr. Henderson, and Mr. Cleveland):

H.R. 3513. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SIKES:

H.R. 3514. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H.R. 3515. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. TEAGUE of California (for himself and Mr. Bennett):

H.R 3516. A bill to amend the Communications Act of 1934 to require that radio and television receivers meet certain technical standards for filtering out interference; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 3517. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 3518. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 3519. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. WALDIE (for himself, Mr. Burton, Mr. Leggett, Mr. Rees, Mr. Corman, Mr. Anderson of California, Mr. Roybal, Mr. Hawkins, Mr. McCloskey, Mr. Ryan, Mr. Stark, Mr. Dellums, Mr. Van Deerlin, Mr. Koch, and Mr. Edwards of California):

H.R. 3520. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California:

H.R. 3521. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 3522. A bill to provide price support for milk at not less than 85 per centum of the parity price therefor; to the Committee on Agriculture.

H.R. 3523. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mr. WYATT:

H.R. 3524. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YATES (for himself and Mr. Lehman):

H.R. 3525. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law-enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 3526. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 3527. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 3528. A bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3529. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.J. Res. 264. Joint resolution to designate Christmas week as Blood Donor Week; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. Rostenkowski, Mr. Alexander, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mr. Dulski, Miss Holtzman, Mr. Podell, Mr. Rosenthal, Mr. Sandman, Mr. Sarbanes, Mr. Symington, and Mr. Won Pat):

H.J. Res. 265. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.J. Res. 266. Joint resolution to authorize the President to designate the period beginning April 15, 1973, a "National Plumbing Industry Week"; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 267. Joint resolution to clarify Presidential power to order use of nuclear weapons in declared or undeclared war; to the Committee on Foreign Affairs.

By Mr. DIGGS (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mr. Bolling, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. De Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Fauntroy, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Miss Holtzman, Miss Jordan, Mr. Koch, Mr. Lehman, Mr. McCloskey, Mr. Metcalfe, and Mr. Mitchell of Maryland):

H.J. Res. 268. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. DIGGS (for himself, Mr. Moakley, Mr. Nix, Mr. Owens, Mr. Pepper, Mr. Rangel, Mr. Rosenthal, Mr. Stokes, Mr. Won Pat, and Mr. Young of Georgia):

H.J. Res. 269. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Anderson of California, and Mr. Gubser):

H.J. Res. 270. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. FUQUA:

H.J. Res. 271. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mrs. GRASSO (for herself and Mr. Steele):

H.J. Res. 272. Joint resolution to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 273. Joint resolution making continuing appropriations for educational programs, and for other purposes; to the Committee on Appropriations.

By Mr. HENDERSON:

H.J. Res. 274. Joint resolution providing for the designation of the third Saturday in June of each year as "National Hollerin' Day"; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 275. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 276. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 277. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 278. Joint resolution proposing an amendment to the Constitution of the United States to permit the offering of prayer in public schools; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 279. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. WALDIE:

H.J. Res. 280. Joint resolution authorizing the President to proclaim the week of February 5, 1973, as "National Rental Industry Week"; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 281. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from the moment of conception; to the Committee on the Judiciary.

By Mr. BELL:

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress with respect to an international conference on air piracy; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H. Con. Res. 102. Concurrent resolution expressing the sense of the Congress with respect to the establishment of permanent Peace Ambassadors by the United Nations; to the Committee on Foreign Affairs.

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 104. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

By Mr. BIESTER (for himself, Mr. Abdnor, Ms. Abzug, Mr. Buchanan, Mr. Corman, Mr. Dellenback, Mr. Denholm, Mr. Dent, Mr. Drinan, Mr. du Pont, Mr. Eilberg, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Frey, Mr. Fulton, Mr. Gude, Mr. Hansen of Idaho, Mr. Harrington, Mr. Horton, Mr. McDade, Mr. Mazzoli, Mr. Metcalfe, and Mr. Mills of Maryland):

H. Res. 178. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. BIESTER (for himself, Mr. Moorhead of Pennsylvania, Mr. O'Hara, Mr. Parris, Mr. Preyer, Mr. Riegle, Mr. Rhodes, Mr. Rodino, Mr. Roy, Mr. Sarbanes, Mr. Sebelius, Mr. Wolff, Mr. Yatron, and Mr. Coughlin):

H. Res. 179. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. DULSKI:

H. Res. 180. Resolution authorizing the Committee on Post Office and Civil Service to conduct full and complete investigations and studies of all matters within its jurisdiction under the rules of the House or the laws of the United States; to the Committee on Rules.

By Mr. PERKINS (for himself and Mr. Quie):

H. Res. 181. Resolution providing for the expenses incurred pursuant to House Resolution 175; to the Committee on House Administration.

By Mr. STAGGERS:

H. Res. 182. Resolution authorizing the Committee on Interstate and Foreign Commerce to make studies and investigations within its jurisdiction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER:

H.R. 3530. A bill for the relief of Eugenia C. Lyttle; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 3531. A bill for the relief of Lieutenant Dennis J. Fritz; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 3532. A bill for the relief of Donald L. Tyndall, Bruce Edward Tyndall, Kimberly Fay Tyndall, Lisa Michele Tyndall, and the estate of Elizabeth M. Tyndall, deceased; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 3533. A bill for the relief of the estate of the late Richard Burton, Sfc, U.S. Army (retired); to the Committee on the Judiciary.

H.R. 3534. A bill for the relief of Lester H. Kroll; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 3535. A bill for the relief of Josephine Palazzolo and Michele Palazzolo; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 3536. A bill for the relief of Ramon Herrera; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 3537. A bill for the relief of Hector and Iolanda Scafati; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 3538. A bill for the relief of Selmer Amundson; to the Committee on the Judiciary.

H.R. 3539. A bill for the relief of Robert A. Carleton; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 3540. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. SANDMAN:

H.R. 3541. A bill for the relief of Madeline B. Condon; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 3542. A bill for the relief of Miss Aldegunda Togonon Juaman; to the Committee on the Judiciary.

H.R. 3543. A bill for the relief of Cosimo Pelegrini and his wife, Angela, and their children, Giovanna and Felecia; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 3544. A bill for the relief of Robert J. Beas; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 3545. A bill for the relief of Pasquale Di Meglio; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California:

H. Res. 183. Resolution to refer the bill (H.R. 2218) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, California" to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

SENIOR CITIZENS DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mrs. GRASSO. Mr. Speaker, Sunday has been designated in Connecticut as Senior Citizens Day.

It is customary on this occasion for Connecticut people to pay special tribute to hard-working, self-respecting men and women who after a lifetime of service to family and community have earned the honored distinction of senior citizen. It is a time, as well, to assess honestly and realistically the status and role of older Americans in our society. Too often this period is one of loneliness, illness, and incapacity, of suffering and deprivation as they endeavor to meet basic human needs for food, clothing, shelter, and medical care on depleted incomes that are further eroded by an incessant inflation that continually lessens their resources.

These people do not need the admonition of a President to ask what they can do for themselves. Their record as members of the human race testifies to their courage, their determination, and their resourcefulness. Yet, at the very time that medical costs are soaring, they are asked to assume even higher medical burdens. Like the pensioner, who finds his promises blighted by the pension that does not materialize, medicare beneficiaries find they are expected to assume larger costs and lesser services in a system where the guarantees are only temporary and the warranty usually expires.

The proposed changes in medicare would mean that elderly patients would pay total hospital charges for the first day and 10 percent of daily costs after that. Under present law the patient now pays $72 for the first day, and has free care until the 61st day and pays $18 per day until benefits end on the 90th day. In addition, the initial deductible for doctor's expenses under the administration's proposal would increase from $60 to $85 and patients would pay 25 percent of the bill instead of the 20 percent they now pay.

The promise of no new taxes becomes a hollow boast when proposals such as these are actually a new tax for older citizens, who often are least able to bear additional burdens.

Clearly, our budget efforts should be directed toward ending waste, inefficiency duplication and unnecessary expenses. However, budget decisions which deny vital services to the elderly because they cannot afford them are a severe injustice to those who have given so much of themselves to our Nation.

It is our responsibility to extend our efforts to better meet the needs of older Americans. That is why I have cosponsored legislation to provide outpatient prescription drug coverage under medicare for those who suffer from the most common crippling or life-threatening chronic diseases of the elderly.

In addition, I will continue to work hard for passage of important legislation for the elderly which was vetoed during the last session of Congress. These bills include the comprehensive older Americans services amendments which provide for job opportunity for the elderly, inexpensive and convenient transportation services, as well as programs to help meet other vital needs of the elderly. Connecticut would have been eligible for up to $1.4 million under the bill toward a State plan to develop a comprehensive and coordinated system of social services for older Americans.

The vetoed National Institute on Aging bill which would provide specialized programs to deal with problems of the elderly and the vetoed nutrition program for the elderly contained in the Labor-HEW appropriations bill, will also have my strongest support.

It is through the passage of programs such as these that we will enable older Americans to keep faith with the promise of America.

THE TRUE CHALLENGE OF PEACE IN VIETNAM

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. HEINZ. Mr. Speaker, as one who has long supported and voted for legislation designed to bring an early end to American military involvement in Vietnam, President Nixon's announcement of an Indochina cease-fire brings a great sense of relief. After years of frustration, I am grateful that American involvement is about to come to an end. I only hope and pray that all parties to the agreement will cooperate openly and honestly in assuring that this cease-fire is expanded into a just and durable peace. This will be a difficult task and we should all pledge our support to this end.

President Nixon has earned our congratulations in negotiating this multifaceted accord which so objectively recognizes the harsh realities of the present political situation in Vietnam. It is precisely because these political realities are frankly confronted in the cease-fire agreement that now all the people of Vietnam have an opportunity through peaceful means to participate in determining their political future. In this regard, the President has surely fulfilled the American pledge to protect the Vietnamese right to self-determination.

The larger challenge now is to build and maintain a broader peace that will endure. With Vietnam now taking a more balanced place in our international priorities, we can turn our attention to the building of durable and equitable relations among all nations. President Nixon has already performed admirably in this regard, moving to normalize relationships with both China and the Soviet Union, as well as concluding a much-acclaimed arms agreement with the Soviets.

This is a strong foundation that President Nixon has labored intelligently and forcefully to construct, but it is only a beginning, for much remains to be done. As a Nation, we remain challenged in the pursuit of a lasting settlement in the Middle East, a broader, more comprehensive arms control agreement, stable and fair trade relationships, and strengthened international institutions. In achieving these goals, the President will need our support. Despite disagreements in other areas, past or present, I believe we can and should strongly support President Nixon in these undertakings so vital to a stable world and the hope for lasting peace.

MR. NIXON DISPLAYS BOLD LEADERSHIP

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. BAKER. Mr. Speaker, there have been many assessments of President Nixon's second inaugural address and the direction it spelled out for the American people for the next 4 years.

I particularly like the editorial which appeared in the Nashville, Tenn., Banner on Monday, January 22, under the title, "Mr. Nixon Displays Bold Leadership."

This editorial, it seems to me, puts the President's message in the right perspective and emphasizes those points which all of should keep in mind as we attack the problems at home where he indicated the major thrust will be made between now and the 200th birthday in 1976.

I commend this editorial to the attention of my colleagues. I insert it at this point in the RECORD.

MR. NIXON DISPLAYS BOLD LEADERSHIP

"As we meet here today, we stand on the threshold of a new era of peace in the world."

"Abroad and at home, the time has come to turn away from the condescending policies of paternalism—of 'Washington knows best.'"

"Above all else, the time has come for Americans to renew our faith in ourselves."

After a weekend of inaugural hoopla, President Nixon has entered his second term, voicing the hopes of Middle America, the broad-based segment of society that gave him a landslide victory.

The President's inaugural address was clear and direct, anchored to themes he stressed during last year's campaign: world peace, a smaller federal government and a new kind of self-respect for Americans.

In terms of immediate importance, the President's repeated references to the nearness of peace overshadowed all else. Mr. Nixon stopped short of saying that peace had been achieved in Vietnam, but he spoke with the confidence of a man who knew that peace now was more than a dream.

Indeed, more than a third of his speech focused on how America should enter the post-war era. This, in itself, was encouraging to those who have listened to presidents for more than a decade discuss the Vietnam war in agonizing detail.

If Mr. Nixon's speech is any indication Vietnam will no longer dominate the thoughts and actions of the President and the Congress, as it has for the last decade.

With peace in Vietnam, America will be free to look at the bigger picture, peace throughout the world, lasting peace, brought about not by American coercion, but by the self-determination of individual nations.

"The time has passed when America will make every other nation's conflict our own," the President said, "or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs."

The President was saying that there will be no more Vietnams, not for the next four years anyway. He has put the world on notice that the United States is through playing policeman.

In his first term of office, President Nixon gave special emphasis to foreign affairs. His inaugural remarks indicate that emphasis may shift to domestic matters during the next four years.

The President emphasized that he plans to work diligently for a more de-centralized federal government. The objective is fraught with difficulties, as much so as any foreign policy entanglement of his first term.

Mr. Nixon wants to trim the federal bureaucracy in numbers and in influence. In doing so, he would turn away from the old outlook of trying to meet every problem with a purely governmental solution.

His efforts are certain to spur spirited opposition, particularly in Congress. Mr. Nixon wants less government involvement in the lives of individuals; members of Congress want more. The struggle will be classic and probably bitter.

But the President has shown in his first term of office that he is willing to take the necessary heat to achieve his goals. The determination of Mr. Nixon encourages us that he will try like no President in recent history to streamline a bulky bureaucracy and to dilute the concentration of power in Washington.

Beyond that, the President thinks the stage is set for a rejuvenation of self-respect in America.

The spirit of negativism that prevailed when President Nixon took office four years ago has subsided. If previous administrations sought to make all of society feel guilty for individual transgressions, President Nixon is determined to see that Americans share the pride for accomplishments that make America number one.

President Nixon's inauguration was the picture of a man steeped in confidence and determination, the underpinnings of decisive leadership. His outlook for the next four years offers a bold, new approach, worthy of broad-based support.

PASSING OF FRANCIS MARTIN MOURNED IN BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. DULSKI. Mr. Speaker, the Buffalo, N.Y., area—and in particular our Polish-American community—has lost one of its most dedicated citizens in the passing of Francis L. Martin.

In the just over three decades in which he was a part of our community, he became an integral force in civic and public affairs, and a beloved leader within the Polish community.

Born in Poland 71 years ago, Mr. Martin came to the United States as a boy and first resided in the New York City area.

He came to Buffalo in 1941 and immediately immersed himself in community affairs, continuing his relationship with the Polish Falcons which he joined as a boy in Poland. He served 16 years as president of Nest 6 in Buffalo, was a national director, and held the organization's Legion of Honor Medal.

Most every Polish organization felt his influence and received the benefit of his great public spirit and enthusiasm as an American citizen of Polish descent.

Mr. Martin frequently visited Poland and was active in organizations aiding Polish immigrants to the United States.

Mr. Speaker, men of the caliber of Francis L. Martin form the nucleus of informed and progressive community endeavor and we in Buffalo can be so happy to have had him in our midst.

As a part of my remarks I include the obituary on Mr. Martin from the January 26 edition of the Buffalo Evening News:

FRANCIS L. MARTIN DEAD; LEADER IN AFFAIRS OF CITY, POLISH COMMUNITY

A life dedicated to the economic, social and cultural uplift of Buffalo's Polish community and to the betterment of Poles everywhere ended late Thursday (Jan. 25, 1973) with the death of Francis L. Martin.

Buffalo's civic leaders and the leaders of numerous Polish organizations joined in mourning the loss of "Frank" Martin who, in a 30-year period in Buffalo, was a vibrant force in moulding his fellow Poles into the community.

Mr. Martin, 71, came to the United States as a boy from his native town of Rudki, Poland, and for a number of years engaged in the import-export business and published a magazine, "The Monthly Future," in New York City.

From the time he arrived in Buffalo, in 1941, until he retired last October, he devoted his energies to every leading Polish organization and to citywide agencies, constantly winning recognition for his contributions as a citizen.

Mr. Martin served the Polish Falcons for 60 years, having joined as a boy in Poland. For 16 years he was president of Nest 6, in Buffalo. He was a national director and the holder of the organization's Legion of Honor Medal.

He was a past president of Dom Polski Association and an honorary member of the Judges & Police Executive Association and Pulaski Post 1847 and Plewacki Post 799, American Legion.

He was a director of the Board of Community Relations, a member of the Professional & Businessmen's Association, the Polish Olympic Committee and the Niagara Athletic Association.

Mr. Martin served as secretary and manager of the Buffalo Civic Orchestra and was a member of the Polish Singing Circle. He was granted honorary membership by the Polish American Veterans Association.

Mr. Martin, who lived at 145 Berkshire Ave., made frequent trips to Poland and was active in groups aiding immigrants to the U.S. from that country.

For 24 years prior to his retirement he was a salesman for the Bison Liquor Co.

Mrs. Martin, who survives, is the former Marie Ruszkiewicz, who was publisher of the former Everybody's Daily, a Polish-language newspaper.

Also surviving is a stepson, Joseph C. Ruszkiewicz, of Seal Beach, Calif.; two sisters, Mrs. Edward Witkowski, Brooklyn, and Mrs. Emily Cafleski, Baltimore, and a brother, Paul Martin, Baltimore.

Funeral services will be at 9:30 AM Tuesday in the Okoniewski Funeral Home, 926 Sycamore St. A Mass of Resurrection will be celebrated at 10 AM in the Church of the Transfiguration, 923 Sycamore.

INAUGURATION OF A PRESIDENT

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GRAY. Mr. Speaker, every 4 years the American people look forward to the inauguration of a President; 1973 was no exception. Americans and foreign visitors poured into the Nation's Capital from every direction. Planning the inaugural festivities was a mountainous job. When you consider the dozens of activities scheduled and the thousands of people involved as participants and performers, one cannot possibly imagine how much detailed work is put into such an undertaking.

I want to particularly single out two men who I believe did a trojan job as chairman and vice chairman, respectively, of this year's inaugural events. J. Willard Marriott and Mark Evans deserve a special thanks from all Americans. I know from personal experience that these two gentlemen and their able staff went "beyond the call of duty in planning this year's events."

Mr. Speaker, just to give you some idea, I am listing some of the programs that required thousands of people and an awful lot of planning: Salute to the States; Salute to America's Heritage; American Music Concert; Youth Concert; Symphonic Concert; the Four Inaugural Balls and the Inaugural Youth Ball.

Mr. Speaker, as chairman of the Subcommittee on Public Buildings and Grounds, I have worked very closely with Mark Evans who also has been very active in many of the important public buildings and projects Congress has passed for the District of Columbia. He has shown the same expertise and dedication with the inaugural events as he has for the many projects affecting our great Nation's Capital.

We thank and salute Willard and Mark.

THE CASE FOR WATER DEVELOPMENT PROJECTS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. JONES of Oklahoma. Mr. Speaker, in recent years there has been a growing tendency on the part of individuals and groups, both public and private, to criticize the water resources policies of Federal, State, and local governments. The building of dams for flood control, energy, and recreation purposes has come under increasing attack. Undoubtedly, some of this criticism is justified from an ecological as well as an economic point of view. Yet these critics have so dominated the public debate that we run the risk of abandoning policies which, on the whole, have been tremendously beneficial.

The State of Oklahoma is a case in point. Oklahoma has been abundantly favored by nature; yet nature has often been our greatest threat, exacting a terrible toll in floods and drought. In the last four decades, water conservation and flood control have been constant preoccupations of Oklahomans. For them, the construction of dams to provide adequate water and to prevent floods has been a necessity, not a luxury or a waste. We have abundant proof that such projects have provided important economic benefits in many areas of the State where the rising standard of living is directly related to water development projects.

Recent editorials in the Tulsa World and the Tulsa Tribune bring home these points with such force and perception that I insert these in the CONGRESSIONAL RECORD:

[From the Tulsa World, Dec. 31, 1972]

IN PRAISE OF POLYDIPSIA

The dictionary defines polydipsia as "an abnormal thirst." Until recently, it was universally believed to be a bad condition; at worst, fatal. Now we learn from a Federal study group that polydipsia is good for you. At least, that's the way we understand some of the recommendations of the National Water Commission.

The Commission, created in 1968 to study national water policies, delivered its draft report a short time ago. It is, generally speaking, a negative document.

Its authors would end most water projects that could not be paid for directly by users and beneficiaries. There would be no more navigation projects. Tolls and user charges would be placed on existing waterways. Federal flood control and irrigation projects would be curbed or halted on the grounds that there is already sufficient land under cultivation.

Small watershed programs would also be checked or done away with.

If the philosophy espoused in the report had been popular in earlier times, much of Eastern Oklahoma would still be a tick-infested range with a declining economy and little hope for the future.

Parts of Western and Central Oklahoma that now produce astounding amounts of food and fiber would still be a semi-desert.

The national commission's negativism is based in part, on the notion that water development projects are bad for the environment. Just what kind of environment could be worse than a dust bowl the experts did not define.

What is so wonderful about an environment in which livestock, property and even human life are periodically sacrificed to rampaging flood waters? They didn't say.

After working four years on their anti-water development report, the staff members of the commission have given the public a month or so to express opinions.

The Arkansas Basin Development Association and other organizations devoted to the protection and conservation of water resources will express their objections to the commission's draft report at a series of public hearings, one of which will be in the Fairmont Roosevelt Hotel in New Orleans Feb. 5–6, 1973.

Private citizens can state their views in letters to the National Water Commission, Room 405, 800 North Quincy Street, Arlington, Va. 22203. The deadline is Jan. 15, 1973.

[From the Tulsa Tribune, Jan. 11, 1973]

EASTERN OKLAHOMA PROSPERITY

Dam building, river navigation and the accompanying industrial and recreational development of Eastern Oklahoma seem to be having a healthy effect on personal income in this part of the state.

Fourteen Oklahoma counties had gains of more than 100 per cent in median family income from 1959 to 1969, according to the U.S. Census Bureau. And 11 of the 14 counties are in Eastern Oklahoma.

The biggest gain, 127.7 per cent, was recorded by McIntosh County, which contains much of Lake Eufala, the state's largest, and surrounding recreational areas including Fountainhead State Lodge.

Second, at 122.2 per cent, was Wagoner County, which has a growing population of Tulsa commuters, recreational areas on Fort Gibson Lake and a potential for industrial development along the Verdigris River waterway.

Other Eastern Oklahoma counties with income gains of more than 100 per cent were Atoka, Sequoyah, Haskell, Choctaw, Adair, Pittsburg, Rogers, McCurtain and Pushmataha.

Generally, the counties showing the biggest percentage gains were those with the lowest median incomes in 1959.

But not all those low-income counties gained as fast as those 11 in Eastern Oklahoma, many of which have been known in the past primarily for their long lists of welfare recipients. Thus their big gains in personal income are particularly encouraging.

Eastern Oklahoma is just beginning to reap the dividends of industrial development resulting from river navigation. And the potential for recreational development is far from fully exploited. The region's gains in income by 1979 could be even more impressive than those just reported.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

THE CENSUS BUREAU AND OCCUPATIONAL STEREOTYPES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD, a letter I have directed to the Director of the Bureau of the Census, George Hay Brown, objecting to sex-stereotyped occupational designations in Census Bureau publications. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 26, 1973.

Mr. GEORGE HAY BROWN,
Director, Bureau of the Census, Department of Commerce, Washington, D.C.

DEAR MR. BROWN: Federal statutes and Executive Orders have made it the firm policy of the United States to eliminate discrimination in employment on the basis of sex. So strong is this policy that the Government, both by statute (e.g. section 704(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(b))), and by regulations of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance (e.g., 29 CFR 1604.5; 41 CFR 60–20.2 (b)) prohibits publication of notices or advertisements concerning occupations which indicate a preference or discrimination based on sex stereotypes.

It therefore is rather shocking to see the Census Bureau issuing publications which repeatedly designate occupations with blatant sex stereotypes. For example, Table 8 in the Census publication issued in October 1972 entitled "1970 Census of Population, Subject Reports, Occupation by Industry, PC(2)–7C" at pages 241–248, lists, amongst others, the following occupations and numbers of jobholders, by sex:

Occupation	Male	Female
Clergymen	211, 830	6, 237
Draftsmen	262, 858	22, 257
Cranemen, derrickmen, and hoistmen	150, 332	1, 939
Electric power linemen and cablemen	100, 448	1, 444
Forgemen and hammermen	14, 649	724
Locomotive firemen	12, 869	151
Automobile body repairmen	106, 306	1, 332
Automobile mechanics and repairmen	793, 727	11, 045
Pressmen and plate printers	143, 326	13, 346
Shoe repairmen	24, 820	6, 343
Structural metal craftsmen	73, 098	868
Telephone installers and repairmen	230, 444	8, 285
Telephone linemen and splicers	51, 274	756
Blasters and powdermen	6, 776	311
Chainmen, rodmen, and axmen, surveying	10, 398	163
Furnacemen, smeltermen, and pourers	62, 455	2, 761
Stationary firemen	89, 474	4, 813
Deliverymen and routemen	600, 609	19, 691
Boatmen and canalmen	4, 631	324
Railroad brakemen	46, 844	537
Railroad switchmen	51, 396	867
Fishermen and oystermen	25, 959	1, 147
Longshoremen and stevedores	42, 349	705
Lumbermen, raftsmen, and woodchoppers	77, 741	1, 766
Busboys	80, 884	13, 528

Occupation	Male	Female
Firemen, fire protection	174,922	1,976
Guards and watchmen	302,002	16,262
Policemen and detectives	362,396	13,098
Dressmakers and seamstresses, except factory	4,706	92,114
Chambermaids and maids, except private household	10,107	186,660
Lay midwives	138	537
Airline stewardesses	1,364	31,290

It is apparent that large numbers of women are employed in occupations which you designate with an obvious male stereotype, and that many thousands of men are employed in occupations which you designate with an obvious female stereotype. While continuing to provide the statistical data as to the numbers of men and women engaged in each job category, I feel the occupational stereotypes are wholly unnecessary. I would suggest the following substitutes:

Your Designation and Suggested Substitute

Clergymen: Clergy.

Draftsmen: Drafting.

Cranemen, derrickmen and hoistmen: Crane, derrick and hoist operators.

Electric power linemen and cablemen: Electric power line and cable workers.

Forgemen and hammermen: Forge and hammer operators.

Locomotive firemen: Locomotive fuelers.

Automobile body repairmen: Automobile body repair workers.

Automobile mechanics and repairmen: Automobile mechanics.

Pressmen and plate printers: Press operators.

Shoe repairmen: Shoe repair workers.

Structural metal craftsmen: Structural metal workers.

Telephone installers and repairmen: Telephone installers and repair workers.

Telephone linemen and splicers: Telephone line workers and splicers.

Blasters and powdermen: Blasters and powder workers.

Chainmen, rodmen and axmen, surveying: Chain, rod and ax workers, surveying.

Furnacemen, smeltermen and pourers: Furnace and smelter workers and pourers.

Stationary firemen: Stationary fuelers.

Deliverymen and routemen: Delivery and route workers.

Railroad brakemen: Railroad brake operators.

Railroad switchmen: Railroad switchers.

Fishermen and oystermen: Fish and oyster gatherers.

Longshoremen and stevedores: Longshore workers and stevedores.

Lumbermen, raftsmen and woodchoppers: Lumber and raft workers and woodchoppers.

Busboys: Restaurant table cleaners.

Firemen, fire protection: Firefighters.

Guards and watchmen: Guards.

Policemen and detectives: Police officers and detectives.

Dressmakers and seamstresses, except factory: Dressmakers and dress repair workers, except factory.

Chambermaids and maids, except private household: Housekeeping, except private household.

Lay midwives: Lay obstetrical workers.

Airline stewardesses: Airline cabin attendants.

The continued use of sex-stereotyped occupational designations, particularly by an agency of Government, reinforces traditional sex prejudice in employment and tends to frustrate the objectives of fair employment laws. I request that you promptly eliminate all sex-discriminatory terms from all future Census Bureau publications.

Sincerely,

MARTHA W. GRIFFITHS,
Member of Congress.

FLUORIDATION FAILURE IN ENGLAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. RARICK. Mr. Speaker, last October I brought to the attention of our colleagues action taken by the Swedish Parliament in repealing their compulsory water fluoridation law—"Water Fluoridation Repealed in Sweden," volume 118, part 25, pages 33547–33548.

Now we learn that an English report claiming that fluoridation is a great success in preventing tooth decay, by its own figures actually reveals the fluoridation program in England to be a failure.

Country after country that has tried to force fluoridation on the public water supply has found the practice to be nonworkable.

It is for this reason that I have reintroduced legislation, H.R. 952, to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies in the United States.

I insert the text of my bill, H.R. 952, and a related newsclipping from the Manchester Union Leader that follows:

H.R. 952

A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, no part of any funds appropriated for research, or otherwise available, for expenditure by the Secretary of Health, Education, and Welfare shall be expended to promote, subsidize, or propagandize for fluoridation of public water supplies. Nor shall any such funds be expended to ridicule, dissuade, or disparage opposition to fluoridation of public water supplies.

[From the Manchester Union Leader, Jan. 27, 1973]

OFFICIAL REPORT CLAIMS GREAT SUCCESS BUT ITS OWN FIGURES SHOW OTHERWISE—THE FAILURE OF FLUORIDATION IN ENGLAND

An English report, claiming that fluoridation is a "great success" in preventing tooth decay, instead by its own figures reveals it to be a failure, says Prof. Albert Schatz, Ph. D., of Philadelphia, Pa. Excerpts from his article in the magazine Prevention are reprinted here.

(By Prof. Albert Schatz, Ph. D.)

England now has an official report on the results of fluoridation, which concludes "that the fluoridation of water supplies at the level of 1 p.p.m., is a highly effective way of reducing dental caries." This report was put out by a special Committee on Research into Fluoridation. It was officially published as Report No. 122 by the British Department of Public Health and Social Security in London.

If you read the official report uncritically and accept it on faith, you get the impression that fluoridation reduced caries. But if you carefully analyze the statistics in the report, you quickly realize that fluoridation did not reduce caries.

The official report really proves just the very opposite of what it claims to prove. The Committee which wrote the report was apparently unaware of Abraham Lincoln's famous saying: "You can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time."

The report unequivocally states "that fluoride . . . not only reduces the amount but also reduces the rate of dental caries." But the curves (on a statistical chart) conclusively prove that fluoride does not reduce the amount or rate of tooth decay.

These curves show the average DMF per child for permanent teeth in fluoridated and non-fluoridated (i.e., control) areas. DMF refers to the number of decayed, missing, and filled teeth. The data from which these curves were drawn are presented in the official report.

The fact that both curves have the same slope proves that dental caries is developing at the same rate in the fluoridated and nonfluoridated children.

The curves . . . also reveal that fluoridation only delays the appearance of caries. For example, 10-year-old fluoridated and 8.8-year-old control children have about the same DMF. A comparison of other corresponding age groups shows a similar delay of approximately 1.2 years in the appearance of caries in fluoridated children, compared to the controls. It is thus clear that fluoridation does not prevent or reduce tooth decay. Instead, it merely postpones the appearance of caries by about 1.2 years. Fluoridated children develop the same amount of tooth decay as their non-fluoridated counterparts. The only difference is that caries start developing and continue to develop approximately 1.2 years later in the fluoridated group.

Such curves show that there is no real protective effect.

The official report states "that fluoride has a continual preventive effect." Since fluoride, as we have shown, does not really prevent caries, there obviously cannot be a "continual preventive effect."

Let us however, carefully examine the statistics in Table 7 of the official report, and see exactly how caries was reduced.

These data reveal that 8-year-old control children appear to have 67 per cent more tooth decay than 8-year-old fluoridated children had. But by age 11, the difference was only 33 percent. There is thus a 50 per cent decrease in the alleged effectiveness of fluoridation between the ages of 8 and 11. This decrease is all the more significant because in the fluoridated areas children up to the age of 11 had been treated all their lives.

It is indeed a very strange kind of "continual protective effect" which decreases 50 per cent in three years while the children are being fluoridated.

PSEUDO-SCIENCE

The official report is in some ways unprecedented in modern science. It endeavors to prove things by wishful thinking, rather than by logic and sound research.

For example, the report states, and correctly so, that: "comparisons of the prevalence of decay should only be made between a study" (i.e., fluoridated) "and its corresponding control area." One would therefore assume that there was a control for every fluoridated area.

But, incredible as it may seem, that was not so. Holyhead was one of its fluoridated areas. The Committee's official report unequivocally states in three places in the text that there was no control for Holyhead. The official report also presents four figures and three tables which include Holyhead as a fluoridated area without any control.

We are therefore informed no less than 10 times that there was no control for Holyhead. But despite all that, the Committee unequivocally referred to "dental benefits in Holyhead." How it could attribute the alleged "benefits" to fluoridation is beyond our comprehension. That it would seriously expect to be believed under such circumstances is an insult to our intelligence.

Without a control for Holyhead, the Committee's claim of alleged benefits in that area is no more than wishful thinking.

ALICE IN FLUORIDE-LAND

The official report is an outstanding example of pleonasm (redundancy) and tautology (needless repetition). In that sense, it reminds one of the technics discussed by Vance Packard in his book The Hidden Persuaders.

Let us consider the preface plus the sections. The official report repeats in one way and another and no less than 89 times that fluoride protects against caries! This is an average of 10.7 times per page, and 1.8 times per paragraph! The official report uses the word "benefit" as a verb, noun, and adjective no less than 30 times. That comes out to an average of 3.6 times per page and 0.6 times per paragraph!

The preface of the official report is particularly interesting. Its seven paragraphs tell us 13 times that fluoridation protects against caries. That is an average of 1.9 times per paragraph! It extols the alleged benefits of fluoridation an average of once in every four of its 52 lines!

The tautology and pleonasm raise serious questions about the validity of the conclusions which the British Committee arrived at. If the alleged benefits of fluoridation areas are as obvious and convincing as the British Committee would like us to believe, why does the official report tell us that 10.7 times per page for a total of 89 times?

INCREASES THE COST

The official report refers to so-called "economic advantages" of fluoridation. However; the following reasons lead us to believe that there are only economic disadvantages to fluoridation.

Since fluoridation does not reduce caries, fluoridated and control children will develop the same amount of tooth decay. Both groups will therefore require the same amount of dental treatment. However, in the fluoridated area, children will need the dental care 1.2 years later. People in fluoridated communities therefore pay for the same amount of dental treatment plus the additional cost of fluoridation. What then are the "economic advantages" which the British Committee considers important?

Actually, the only individuals who really benefit economically from fluoridation are those who make money by selling fluoride and fluoridating equipment, those whose jobs depend on fluoridation, and those who built their reputations on fluoridation.

The official report is valuable because it so clearly reveals the failure of fluoridation in Great Britain. Fluoridation merely delays the appearance of caries by about 1.2 years. Fluoride therefore provides no real protection against, no real prevention of, and no real reduction in caries. Both fluoride and non-fluoridated children develop the same amount of tooth decay. The only difference is that caries begins and appears 1.2 years later as a result of fluoridation. The alleged benefits are thus nothing more than a statistical illusion.

It is therefore not surprising that the official report of the British Committee was not very convincing to many local health authorities in England. In that country, the local health authorities are the ones who decide whether their municipalities will be fluoridated. One year after the report appeared, 81 out of 184 local health authorities were against fluoridation.

Because of their opposition; the Health Education Council planned to spend a considerable sum of money to propagandize on behalf of fluoridation. A question was also raised about amending the law in order to withdraw from the local health authorities the right to decide whether their communities should be fluoridated. This was reported in the September, 1970, issue of the Journal of the American Dental Association.

The official report is therefore scientifically bankrupt. Moreover, the Hidden Persuaders technic, which was used in an attempt to "sell" the report, failed to make it convincing, even to local health authorities in England.

MEMORIAL TO THE LATE PRESIDENT HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, I take this time for two purposes—first—to announce that within the next few days I shall introduce a concurrent resolution which will authorize the Joint Committee on Printing to collect and assemble all of those eulogies, editorials, and encomiums relating to the life and times of our very dear President, Harry S Truman, as expressed in the House of Representatives and the Senate and at the memorial services in Independence, Mo., and at the National Cathedral in Washington.

My second purpose is to read into the RECORD one of the finest tributes to both Harry S Truman and Lyndon B. Johnson contained in one encomium that has ever been written.

The fact that in 1 short month we have lost two great former Presidents of the United States is a loss to America of almost inestimable proportions. Lyndon Johnson had the greatest of affection for Harry Truman. This, I know to be a fact because it was my honor to ride with him from the municipal airport at Kansas City out to the Truman Library upon the occasion when President Johnson came out to sign the medicare bill in the presence of Mr. Truman at the library which bears his name in Independence, Mo. President Johnson said to me on the way to the airport from the library—

> History will record your friend Harry Truman as one of the great American Presidents of all time.

In turn, I know that Harry Truman loved Lyndon Johnson with an affection that was somewhat like that of a father toward a son or that of a sponsor to a protege. Mr. Truman was proud when the convention in Los Angeles chose L. B. J. as the vice-presidential candidate in 1960 and I know in conversation with Mr. Truman that when Mr. Johnson succeeded to the Presidency he stood ready to offer advice and counsel from one who had been President any time that Lyndon Johnson called upon him.

Mr. Speaker, in Harry S Truman and Lyndon B. Johnson we had two Chief Executives who possessed many parallels—both succeeded to the Presidency, both were the products of the heart of America, both were deeply concerned not only about the good of the people but about the will of the people. Yes, within 1 short month our Nation has suffered a great loss by the passing of two great Presidents of the United States.

The eulogy follows:

[From Babson's Reports, Washington Forecast Letter, Jan. 29, 1973]

TWO WHO STOOD TALL

Our nation is today inestimably poorer with the loss, within one short month, of 2 former Presidents of the United States—Harry S Truman and Lyndon B. Johnson.

They had much in common . . . both were products of the grassroots, had close identity with the people; were thrust suddenly—and not psychologically prepared—into responsibilities of the Presidency but stretched to its demand-reach and earned the respect of a grateful nation.

Each succeeded Chief Executives of exceptional personal magnetism—Truman as World War II was nearing its climax, Johnson in the wake of an assassination that stunned the nation.

Both were lifted to world stage center from relative obscurity that had masked their unique abilities and dynamic leadership qualities.

They were men of strength, masters of the art of politics—decisive Presidents whose ideas and deeds won approval, heady plaudits. Yet both were frequently misunderstood, maligned . . . especially toward end of their terms.

For the tragedy of fame and high responsibility is that seldom are integrity, devotion to principle and duty, fully recognized—except in the light of history.

Both former Presidents cared—deeply—about the good of and the will of the people . . . they were also cognizant of the inexplicable mystique of government. And neither hesitated to discommode the immediate in face of the binding necessity of achieving the ultimate end.

As we mourn the passing of Presidents Truman and Johnson, it would honor their memory if we would grant the present incumbent a broader measure of understanding, support—faith in his intent and fervent prayer for its achievement.

Never before has a President stood alone for a term of 4 years deprived of the experience, wisdom, support, of a living predecessor.

SENSELESS ACT OF VIOLENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. DULSKI. Mr. Speaker, once again a senseless act of violence on an official of our Government has shocked the Nation.

Senator JOHN STENNIS, a highly respected Senator for over a quarter of a century, has become another victim of the increasing crime in our country. Our thoughts and our prayers are with the Stennis family and we share their vigil at this sad time.

It is ironic that we are struck with this tragic reminder of the war in our own country within a week of securing a peace abroad.

We must now turn our undivided attention to curing the ills of our society. The priorities of Government responsibility must be directed toward the basic freedoms of "life, liberty, and the pursuit of happiness"—and this responsibility is not being met when fear stalks the land.

Crime today knows no color lines or neighborhood boundaries. From the highest to the humblest homes, citizens of the greatest Nation on earth are fearful of life and property.

Social opportunities, training and educational advantages, and improved environment are a part of the solution. Unflinching, strict, and quick justice for the criminals is a vital part.

We must give our law enforcement officials and our courts the manpower and tools to do their jobs properly—and to protect the innocent and law-abiding citizens from the vicious elements of our society.

Our peacetime "defense budget" must be concentrated on defending our people from rampant lawlessness. Congress must, and will, cure this sickness with all the means at its disposal.

1972 ANNUAL QUESTIONNAIRE RESULTS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. DELLENBACK. Mr. Speaker, the questionnaires which I mailed throughout the Fourth Congressional District in the fall of 1972 drew the heaviest response of any I have sent since coming to Congress. Over 25,000 people responded to express their opinions on a number of issues, including welfare reform, Vietnam, and the economic stabilization program.

The results, broken down by age groups, were as follows:

OREGON FOURTH DISTRICT QUESTIONNAIRE RESULTS, 1972

[In percent]

	Under 21	21 to 30	31 to 45	46 to 65	Over 65	Total
1. What action, if any, should Congress take regarding the use of busing to end school segregation?						
(a) Leave responsibility with States and courts under guidelines of the Civil Rights Act of 1964	36	47	43	40	38	41
(b) Legislatively set restrictions on busing	14	16	11	6	10	11
(c) Approve a constitutional amendment prohibiting the use of busing for school desegregation	29	22	39	47	44	38
(d) Other	15	9	4	5	3	5
No answer	6	6	3	2	5	5
2. Do you favor a Federal law prohibiting the sale of handguns unsuitable for sporting use (Saturday night specials)?						
(a) Yes	64	54	51	49	44	51
(b) No	13	37	38	42	38	38
(c) Undecided	20	9	11	8	13	10
No answer	3			1	5	1
3. Which of the following steps do you think should be part of welfare reform?						
(a) Set a minimum benefit level for all recipients	36	41	25	15	10	24
(b) Have the Federal Government take over from the States a greater share of welfare costs	21	22	23	13	10	17
(c) Require each recipient able to work to accept training or employment, or lose benefits	57	81	83	83	75	80
(d) Other		4	5	5	13	4
No answer	3		1	1	8	1
4. A U.S. agreement to withdraw from Vietnam should include:						
(a) Return of POW's; accounting for MIA's	64	78	76	65	53	70
(b) Ceasefire under international supervision	29	42	40	52	63	47
(c) Replacement of Thieu government	36	27	20	17	13	20
(d) Withdrawal of North Vietnamese troops from South Vietnam	29	41	49	40	47	43
(e) No conditions	7	33	23	8	3	17
(f) Other	4	7	6	2	8	6
No answer	3				3	1
5. When phase II of the economic stabilization program ends, what should the Federal Government do?						
(a) Establish voluntary wage-price guidelines	27	27	28	26	35	28
(b) Establish mandatory wage-price controls	55	49	45	50	43	48
(c) Take no further action	12	17	19	17	10	17
No answer	6	7	8	7	12	7

6. Which 5 of the following do you consider to be the most critical problem areas facing the Nation today? Please number 1 through 5 in order of their importance.

TOTAL

1. Environment.
2. Vietnam.
3. Crime.
4. Drug abuse.
5. Tax reform.
6. Economy.
7. National defense.
8. Population control.
9. Government credibility.
10. Aid for elderly.
11. Unemployment.
12. Welfare.
13. Health care.
14. Education.
15. Poverty.
16. Anti-strike laws.
17. Consumer protection.
18. Foreign relations.
19. Sex discrimination.
20. Race relations.
21. Campaign spending.
22. Housing.
23. Gun control.
24. Aid for agriculture.

Under 21

1. Environment.
2. Vietnam.
3. Population control.
4. Education.
5. Unemployment.
6. Economy.
   Drug abuse.
7. Government credibility.
8. Crime.
9. Race relations.
10. Poverty.

21–30

1. Environment.
2. Vietnam.
3. Tax reform.
4. Population control.
5. Crime.
6. Government credibility.
7. Drug abuse.
8. Unemployment.
9. Economy.
10. Welfare.

31–46

1. Vietnam.
2. Environment.
3. Drug abuse.
4. Crime.
5. Economy.
6. Tax reform.
7. Government credibility.
8. Welfare.
9. National defense.
10. Education.

46–65

1. Crime.
2. Drug abuse.
3. Tax reform.
4. Vietnam.
5. Environment.
6. Economy.
7. Aid for elderly.
8. National defense.
9. Government credibility.
10. Unemployment.

Over 65

1. National defense.
2. Crime.
3. Drug abuse.
4. Tax reform.
5. Environment.
6. Health care.
7. Anti-strike laws.
8. Aid for elderly.
9. Vietnam.

BACK TO BLUE HEAVEN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. PEPPER. Mr. Speaker, 1 year ago this month the world of music grew less melodious with the passing of the king of the high tenor blues jazz singer, Gene Austin. He grew up in the Delta Region of Louisiana in the early 1900's and from this area of the country he learned a style of music which has since become known as "soul music." Gene Austin has a lot of firsts to his credit in the music world. He was the first one to receive a gold record for selling over a million records. He was the only one to receive the Gold Dog Award from RCA Victor. Austin's recording of "My Blue Heaven" was one of the best selling, if not the best selling, records of all time. The much loved performer not only played the piano and sang but he was also a song writer. He composed many of the old songs which we all know and love: "That Old Gang of Mine," "When My Sugar Walks Down the Street," "The Lonesome Road," et cetera.

I was privileged to see Gene Austin perform just a few years before his death at a lovely social affair in Miami. His special musical magic touched the audience and stirred many warm memories as he sang the songs he made famous. Following that great performance an article about Gene Austin by Columnist Larry Thompson appeared in the Miami Herald and I placed it in the RECORD at that time. Now on the first anniversary of the passing of Gene Austin, who left a legacy of music to the world, I again offer this article for the RECORD:

BACK TO BLUE HEAVEN

The other day I was sitting at my desk when that grandpappy of all press agents and promoters, George Maines, walked in with a sturdy redheaded gentleman and introduced Gene Austin.

"The Gene Austin?" I gulped as I floundered to my feet.

That evening when I got home I called the family around me.

"Guess who I met today," I said.

"President Johnson?"

"I will give you a hint. This is a very famous singer."

"Bobby Darin?"

"Johnny Mathis?"

"Joan Baez?"

"Roger Miller?'

"One of the Beatles?"

"One of the Rolling Stones?"

"Of course not," I said. "You aren't even warm. The one and only Gene Austin."

Silence.

Finally, from the boy: "Who's he?"

Who is Gene Austin? What a ridiculous question. Why when I was a boy, he was just the most, that's all he was. When I bought a Victor attachment to fit our old Edison so I could play thin records, Gene Austin was the hottest thing on platters.

Fame, as the poet once wrote, is fleeting.

I have read somewhere that Austin's classic, "My Blue Heaven," has enjoyed greater sales than any other recording. That shows there still are many people like me who remember him.

I will admit that I was surprised to hear that "My Blue Heaven" was such a big seller, after all these years. If I had made a guess, I would have said that Bing Crosby's "White Christmas" probably led the pack.

At least it seems to me that it is played more, year after year, than any other record.

In the days when Austin and Rudy Vallee were at the peak of their fame, it was harder to sell a million records than now.

Back in those days there weren't so many phonographs, and the adults did most of the buying. Now, if your daddy or mamma is rich and famous, success is practically rammed down your throat, and you can enjoy the same kind of instant success if you are shaggy and different.

This, presumably, is because the teenagers do most of the record buying.

Well, I have no argument with that. The young people have the money, they are entitled to their own tastes, and for all I know their idols have talent.

But I was mighty proud to meet that king of the olden times, the high tenor with the red hair, who made "My Blue Heaven" sound like a paradise enow.

CONGRESSMAN CAUTIONS ON INFLATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FORSYTHE. Mr. Speaker, last week the Wall Street Journal published a report pointing out the need for continued concern about inflation.

The article, in very clear and concise terms, explains the basic contributing factors to inflation—principles that I believe are all too often forgotten.

For the benefit of those of my colleagues who may have missed this illuminating report, I include it in its entirety.

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Inflation is the big worry for 1973. The pace of business will get much less vocal attention—because it enters the year booming on all fronts. The unemployment headlines are fading. Consumers are in a spending mood. Retailers have never pushed so much merchandise across their counters. Manufacturers, with order books bulging, are increasingly hard press to meet delivery demands. But the upward crawl of prices is on everybody's mind—and will likely continue to be.

This year, as in the past, the blame for inflation will be widely spread about. The farmer will be heavily scored for being behind it all. Supermarket operators, who have some of the thinnest profit margins in the country, will be pilloried as profiteers. Big business of all kinds will be ringingly denounced. And likewise big labor.

Each of these groups, of course, always tries to get for itself as much as possible of the money flowing around. But none of them can be basically blamed for inflation. The trouble, as is increasingly perceived, is—too much money. The supply of money is expanded (new money printed up) when the government year after year spends more than it collects in taxes. And the bigger money supply means less buying power for each individual dollar.

The federal government's propensity for spending more than it takes in is pretty well known by now. In each of the last fiscal years, its budget outgo was nearly $25 billion more than the intake, and another big gush of red ink is in the making for the current fiscal year.

Here is the record of how the money supply has been blown up since the middle of the last decade. The totals include (1) currency in circulation outside of banks plus (2) demand deposits in the banks. The figures, compiled by the Federal Reserve Board, are December daily averages for each year.

MONEY SUPPLY

[Dollars in billions]

Year	Currency	Deposits	Total
1965	$36.3	$130.9	$167.2
1966	38.3	133.4	171.7
1967	40.4	142.7	183.1
1968	43.4	154.0	197.4
1969	46.0	157.7	203.7
1970	49.0	165.8	214.8
1971	52.5	175.7	228.2
1972	56.9	190.0	246.9

The total has risen some 47% since 1965.

And even this doesn't tell the whole story. While currency and demand deposits, representing the money most actively moving around, is commonly used as the money supply barometer, this gauge does not reflect the additional billions stashed away in time deposits and savings accounts at commercial banks. Now above $311 billion, these deposits have more than doubled since 1965.

With the population of the U.S. up only 8% since 1965, it is not hard to see why there should be a lot more dollars per-pocket in the populace. And more dollars per-pocket there are indeed. They are reflected vividly in the country's steeply climbing per-capita disposable personal income—the side of inflation that few people ever talk about.

Here is the record on per-capita disposable personal income (after taxes) as recorded by the Commerce Department. This is the point where the dollar flood makes head-on contact with the supply of goods and services in the market place. (The 1972 figure is the fourth quarter annual rate.)

PER CAPITA DISPOSABLE INCOME

Year:	*Dollars*
1965	$2,436
1966	2,604
1967	2,749
1968	2,945
1969	3,130
1970	3,366
1971	3,595
1972	3,954

The above figures trace a climb of 62%—just since the middle of the last decade.

It is not difficult to understand how the consumer with ten dollars in his pocket is ready to bid higher for goods and services he wants than the same fellow when he only has five dollars in his pocket.

The market-place prices for good and services—despite all the hue and cry about how high they are—still lag considerably behind the growth in the money supply and the personal income. The Labor Department's index of consumer prices ("cost of living") has risen only 34% since 1965—compared with the 47% jump in the money supply and the 62% leap in personal income.

And herein lies the potential of more price inflation still to come—as the supply of goods and services strives to catch up with the flood of dollars looking for things to buy. The inflation pressure will be particularly severe in areas where the dollar flow has concentrated an especially sharp step-up in demand.

Take an outstanding example: the price of beef. It has gone "through the roof," any housewife will tell you. And yet any explanation of "why?" seldoms gets beyond a vague indictment of ranchers and supermarkets. Behind the price climb, in simple fact, is a beef-buying rampage by well-heeled consumers such as the nation has never before seen.

The table below traces the great leap in beef eating in the U.S. over the past decade. The 1972 and 1973 figures are estimates.

Per capita consumption of beef

Year	*Pounds*
1962	88.8
1963	94.5
1964	99.9
1965	99.5
1966	104.2
1967	106.5
1968	109.7
1969	110.8
1970	113.7
1971	113.3
1972	115.5
1973	118.0

Since the above figures represent per-capita eating, they do not fully reflect an even sharper leap in total tonnage of beef demanded by the American dinner table. Total consumption has jumped from around 16 billion pounds to an estimated 23 billion pounds this year. That is a lot of beef—an increase of more than 40%.

But the cattlemen are now having trouble keeping up with the dollar flood—and many less fortunate consumers are having trouble keeping up with the prices.

If still more excess dollars come from the printing presses, meat prices will go on up, and the consumption climb may well come to a halt. An increasing number of households will be switching from steak to spaghetti. This is the route of inflation.

FREEDOM OF THE PRESS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Ms. ABZUG. Mr. Speaker, I wonder whether Richard Nixon recalls the significance of the year 1735.

It is a date of special meaning to lawyers like myself and to newspaper publishers and reporters who live by the principle of freedom of the press: 1735 was the year when the British colonial authorities placed on trial John Peter Zenger, a printer, editor, and publisher of the New York Weekly Journal. It was the first free press case in the history of our land. Zenger was accused of criminal libel. What he had really done was dare to run an article severely criticizing the Governor of the Colony of New York.

His lawyers were disbarred and he was left almost defenseless until a brilliant Philadelphia lawyer, Andrew Hamilton, came to the rescue. Hamilton argued in a powerful defense speech that Zenger had simply printed the truth and that the truth is not libelous. Zenger was found not guilty and the principle of free press took root and later became part of the first amendment, which, to me, as a civil liberties lawyer and an habitual lifelong dissenter, is the very soul of our Constitution and our democracy.

As a Member of Congress, I have done my share of complaining at how I have been treated in the newspapers. I am always convinced that I could have written the article better or more fairly, but frankly, if I had to choose between a totally noncritical press and a totally and sometimes even painfully critical press, I would take my chances with the latter.

I am not talking about freedom of the press as an academic issue. Unfortunately, it is at this moment a very urgent issue. We are in danger of losing it, in the television and radio media as well as in the printed media. One does not lose a free press overnight nor is what is happening necessarily obvious to the uninformed. It can happen insidiously and I believe the current chill that is creeping over the media began several years ago when Vice President AGNEW launched his campaign of intimidation against TV and the press.

The self-censorship, particularly in television, that followed has been evident even though no laws were changed. There are fewer news documentaries, fewer hard-hitting discussion programs, and so-called news shows are now expected to be entertaining rather than informative. The chill turned to frost when a Nixon administration spokesman recently linked a broadcast license renewal bill with a not-too-subtle warning to network affiliates to "jump on" the networks for alleged bias in network news programs. Otherwise, they were told, affiliates would be held responsible for whatever appeared in a network program.

I believe in balanced presentation of the news, but the other night I saw it carried to absurdity on one of the major network news programs. It was the day after President Nixon had announced that a settlement had finally been worked out in Paris. This program was a retrospective on Vietnam and it showed about a minute of an antiwar demonstration that had been held in New York and it then balanced this with clips of a counterdemonstration by hard-hat construction workers who attacked some peace demonstrators. Then to complete this balanced presentation the TV reporter interviewed a student who had been beaten up and several hard hats who said they were not sorry.

I find this "on the one hand and on the other hand" presentation a shocking distortion of the reality of the peace movement in New York City. In the last decade I have participated in literally hundreds of peace meetings, picketlines, demonstrations, and rallies in this city. Hundreds of thousands of New Yorkers have been involved in peace actions. In all this time, in all the years, supporters of Administration policy in Vietnam managed to get together one prowar demonstration. Peter Brennan, who has since gone to his reward as Secretary of Labor in Mr. Nixon's new Cabinet, got his construction workers out for that one demonstration—time out from work with full pay.

On January 20, I was in Washington for Inaugural Day, but not at the ceremony installing Mr. Nixon. In fact, an extraordinary number of Members of Congress decided to stay home or go elsewhere on that day. I was at the counterinauguration peace rally held between the Washington Monument and Lincoln Memorial, along with about 100,000 other people. In fact, we had a larger turnout than there was for the formal inaugural parade, but you would never have known it from watching TV or reading the press. And yet these 100,000 people who came on very short notice to their Capital to express their determination that this time there had to be a peace settlement were as much a part of the American political process as the officials sitting in the Inaugural stands.

Perhaps some of you read an editorial in the New York Times on January 26 called "Voices of Conscience," which said of America's "ill-fated involvement" in the war in Indochina:

> Now that the official protocols at least give hope that the killing and suffering may indeed come to an end, it would be an ungrateful act of instant historical revisionism to fail to note the contribution of the peace movement. That movement gave expression to a facet of the American character which ought not to be forgotten at the very moment when its prayers appear—at least temporarily—to have been answered and its goal approached.

It continues:

> Despite some excesses and abuses, for the most part the peace movement remained simply the conscience of a coalition: young and old, religious leaders and veteran politicians, idealists and pragmatists worked and marched under its banner.

And the Times concludes that recognition must be given now—

> To those who doggedly kept pointing and pushing toward peace. Many—particularly the young—never faltered in their conviction that peace was too serious a matter to be left to government.

And I might add that what goes into our newspapers and into our television programs is too serious a matter to be left to Government.

I spoke earlier of a present threat to the freedom of the press which has emerged as part of what I believe is the Nixon administration's attempt to keep our voices so low that they are, indeed, silent and the eyes of the press so closed that they will be blind to such scandals as the Watergate "bugging" conspiracy. It was the Nixon administration that attempted to restrain publication in the Times and other newspapers of the Pentagon papers which dealt the final blow to any illusions about the morality of the war. It is the Nixon administration that is increasingly using grand juries as fishing expeditions to obtain evidence that can be used in conspiracy indictments.

As you know, in recent months four reporters have been sent to jail for refusing to divulge information of a confidential nature to courts or grand juries, and at least a half a dozen others face jail sentences for defying court orders that they must reveal their sources of information.

According to President Charles Perlik of the Newspaper Guild—AFL–CIO—news reporters have been flooded with demands that they disclose their information, materials and sources not only to law enforcement bodies but to defendants as well.

In the first 2½ years of the Nixon administration, in fact, 30 subpenas were served on the Chicago Sun-Times and Daily News alone, two-thirds of them on behalf of the Government. One reporter, Duane Hall of the Sun-Times, was served in 11 separate proceedings within 18 months.

During the same 30 months 124 subpenas were served on NBC and CBS and their wholly owned stations, some by Federal and State prosecutors, others by defendants.

At the same time some news media managements began turning over files, containing published and unpublished photographs, verified and unverified, information, the names of sources, and so forth, to Government agencies—sometimes without any subpena being issued—without so much as the courtesy of informing the reporters involved. Some subpenaed reporters were also refused support by their publishers in resisting subpenas.

In this atmosphere of growing intimidation, the U.S. Supreme Court, on June 29, 1972, held in a 5-to-4 decision that the first amendment does not provide journalists with a privilege to withhold confidential information from a grand jury. The law does recognize certain confidential relationships, such as husband and wife, attorney and client, physician and patient, priest and penitent, but in three cases on which the Court ruled the majority held that:

> The Constitution does not, as it never has, exempt the newsmen from performing the citizen's normal duty of appearing and furnishing information relevant to a grand jury's task.

In his separate dissenting opinion, Justice William Douglas, who is the Court's most ardent champion of the first amendment, said:

> If what the Court sanctions today becomes settled law, then the reporter's main function in American society will be to pass on to the public the press releases which the various departments of government issue.

In their dissenting opinions, Justices Stewart, Brennan, and Marshall asserted that "the right to gather news implies, in turn, a right to confidential relationship between a reporter and his source." They pointed out that uncertainty about exercise of the power will lead to self-censorship and also held:

> The Court's crabbed view of the First Amendment reflects a disturbing insensitivity to the critical role of an independent press in our society. The Court . . . invites state and Federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of the government. Not only will this decision impair performance of the press' constitutionally protected functions, but it will . . . in the long run harm rather than help the administration of justice.

Although I have quoted at length from these dissenting opinions, it is the majority opinion that now reigns supreme, and it will do so until Congress enacts legislation to create an absolute newsmen's privilege. At present, 18 States have enacted some legisation that affords, in varying degrees, a testimonial privilege to newsmen. These laws are not uniform, however, and none of them guarantees absolute protection to a reporter who, if he is really to do his job, must be able to protect his sources.

So now we get back to 1735, not the year but the number, chosen by design, of a bill I introduced at the opening of the 93d Congress and similar to a bill I introduced last June.

Called an act to protect confidential sources of the news media, it consists of one simple paragraph:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person connected with or employed by the news media or press, or otherwise engaged in gathering material for publication or broadcast, can be required by the Congress or any court, grand jury or administrative body to disclose any information or the source of any information procured for publication or broadcast, whether or not such information is actually published or broadcast.

It is not quite as short as the first amendment, but its implications for protecting freedom of the press may be as far reaching.

This is one of two bills in Congress that would create an absolute newsmen's privilege. Hearings are to be held within a few weeks by a House Judiciary Subcommittee headed by ROBERT KASTENMEIER and a Senate Judiciary Subcommittee under SAM ERVIN.

I find it interesting that just the other day Frank Stanton, vice president of the Columbia Broadcasting System, called for enactment of an absolute privilege bill. He said he had changed his stand because of the "dismaying and very serious assault that has developed in the courts and elsewhere, against newsmen's rights and the public's right to receive an unrestricted flow of information."

The heads of NBC and ABC have taken similar positions.

Although newspapers and magazines may not always look with favor on their TV competitors, I think this is one instance in which all the media share a common interest and common purpose. I hope there will be a nationwide effort by all the media to obtain this very crucial protection.

We in Congress cannot enact a law requiring the President to hold news conferences, a practice which seems to be withering away. We cannot require the President to submit to questioning by committees of Congress so that we can fully evaluate administration policies. But we can extend to the press the full freedom to do its job—to investigate, to dig out facts, to expose, to criticize, to arm citizens with the information they need to change Government policy if that is what has to be done.

The Times spoke of "voices of conscience." We still need them, and they will not be heard unless there is a free press. There is never a time when we do not need a free press, but there are times when we need it more than ever. We are in such a time.

Whether you agree or disagree with the policies of the Nixon administration, I think you will concede that there are many Americans who will be opposing some of its policies in the next 4 years. We do have a truce in Indochina at last, but only a fragile peace. The work of the peace movement is not ended. We will continue to demand limitations on the President's unprecedented and, I believe, unconstitutional use of power to make war and to conduct mass terror bombings. We will continue in Congress the move to reassert our authority and to cut off funds so that the President cannot send troops or planes back to Indochina if the civil war there is resumed.

And as the President continues to dismantle programs for the poor, for the ill-housed, for veterans, for child care, for medical research, for education, for antipollution measures, for human needs, while he pours money into military programs there will be voices of dissent heard all over the land.

As Jefferson said—

> The people are the ultimate repository of all power.

And I would add, they cannot exercise that power without a free press.

SALUTE TO VICE ADM. GEORGE M. DAVIS, JR.

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GUNTER. Mr. Speaker, I join my colleagues in paying a tribute to a distinguished naval officer, who today retires as Surgeon General of the U.S. Navy. I salute Vice Adm. George M. Davis, Jr., who has had an outstanding naval career, and I am also particularly delighted that he will become a resident of the Fifth Congressional District of Florida which I represent. Admiral Davis, in addition to being an excellent internist, is also a person who is vitally interested in community affairs and his presence will undoubtedly be a tremendous asset to central Florida.

Admiral Davis' skill, initiative, and untiring interest in providing better medical support to our operating forces and better medical care to the Navy and Marine Corps family have resulted in a number of significant improvements to the Navy's health care system. He is an exemplary leader, an innovative manager, and a superb physician. As the 25th Surgeon General of the Navy, his exceptionally meritorius service to the Nation reflects great credit upon his corps and the U.S. Navy.

Mr. Speaker, it is a pleasure to include the following sketch of Admiral Davis' career and commend its reading to my colleagues:

VICE ADM. GEORGE M. DAVIS, JR., MEDICAL CORPS, U.S. NAVY

George Monroe Davis, Jr., was born in Bixby, Oklahoma, on June 6, 1916, son of George M. and Letty F. (Buchanan) Davis. He attended Northeastern State Teachers College of Oklahoma and received the Bachelor of Science Degree in Medicine and the degree of Doctor of Medicine from the University of Oklahoma School of Medicine at Oklahoma City. He was appointed Acting Assistant Surgeon in the U.S. Navy with the accompanying rank of Lieutenant (junior grade) on August 21, 1939.

Ordered first to the U.S. Naval Hospital, San Diego, California, he interned there from August 1939 until August 1940, when he joined the Second Marine Brigade, Fleet

Marine Force, Marine Corps Base, San Diego. In December of that year, he transferred to the Second Defense Battalion at San Diego, where he remained until January 1941. He was next assigned to the U.S. Marine Defense Force, Advance Detachment, Fleet Marine Force, Dutch Harbor, Alaska, and in September 1941 reported for duty at the Naval Air Station, Dutch Harbor.

During the period September 1942 until February 1943, he served at the Naval Air Station, Norman, Oklahoma, and later that month joined the Acorn Training Detachment at Port Hueneme, California. In August 1943 he was assigned to the Headquarters and Service Company, Fourth Medical Battalion, Fourth Marine Division, Fleet Marine Force. During service with the Fourth Marine Division, he received the Navy Commendation with Ribbon for his performance at the landing on Roi Namur and a second Commendation Ribbon for the landing on Iwo Jima. He is entitled to wear the Ribbon and a facsimile of the Presidential Unit Citation awarded the Fourth Marine Division, Reinforced.

Reporting to the Navy Dispensary, Washington, D.C. in August 1945, he served there until September 1946, after which he had postgraduate instruction in internal medicine at Northwestern School of Medicine, Chicago, Illinois. Completing the course there in October 1947, he next served as Cnief of Medical Service at the Naval Hospital, Annapolis, Maryland. In August 1950, he reported for duty at the Naval Hospital, San Diego, and in November 1952 became Chief of Medicine in the Naval Hospital in the U.S.S. *Haven* (AH-12), which was in the Korean area during the hostilities there.

Detached from the *Haven* in May 1954, he returned to the Naval Hospital at San Diego, for a two-year tour of duty. In June 1956 he became Chief of Medical Service at the Naval Hospital, Great Lakes, Illinois, and in January 1959 reported as Chief of Medicine at the Naval Hospital, Oakland, California, and later became Executive Officer there. He assumed command of the Naval Hospital, Yokosuka, Japan, in August 1962 and in January 1965 became Commanding Officer of the Naval Hospital, Bethesda, Maryland. In June 1965 he was selected for promtion to the rank of Rear Admiral, Medical Corps, U.S. Navy and a year later was designated Commanding Officer of the National Naval Medical Center, Bethesda, Maryland. In March 1968 he assumed duties as Deputy Surgeon General, U.S. Navy.

Admiral Davis was appointed by the President in January 1969 to serve a four-year term as Surgeon General of the Navy and Chief, Bureau of Medicine and Surgery. He assumed the duties of that office on 1 February 1969, and was promoted to the rank of Vice Admiral. He was awarded the Distinguished Service Medal for his performance of duty as the 25th Surgeon General of the Navy.

Admiral Davis is certified by the American Board of Internal Medicine. He is a Fellow of the American College of Physicians, a Fellow of the American College of Chest Physicians, and a Fellow of the American College of Cardiology. He is also Governor for the American College of Physicians, and Delegate to the American Medical Association.

In addition to the Distinguished Service Medal, the Navy Commendation Medal (2 awards) and the Presidential Unit Citation Ribbon, Admiral Davis has the American Defense Service Medal with 1 Star; American Campaign Medal; Asiatic Pacific Campaign Medal with 3 Stars with USMC Device; World War II Victory Medal; National Defense Service Medal with 1 Star; Korean Service Medal with 3 Stars; Vietnam Service Medal with 1 Star; Korean Presidential Unit Citatation with Clasp; Philippine Liberation Ribbon; and the United Nations Service Medal.

Doctor Davis is married to the former Miss Helen Maria Hendershot of Mounds, Oklahoma, and they have one daughter, Carol Jean who is married to LCDR James E. Grise, USN.

PROTECT SOCIETY ASKS FBI HEAD J. PATRICK GRAY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. HUNT. Mr. Speaker, a recent talk by Acting FBI Director L. Patrick Gray III, should reassure Americans that not all of our so-called judicial experts have lost their senses as to who should have priority in the eyes of the law.

The distinguished Director, who has already proven his competency as head of the FBI, has now proven himself as a straight-from-the-shoulder speaker, a man who is not afraid to tell-it-like-it-is.

In a day when the law often bends over backward in protecting the accused, Gray is forward in his thoughts on the protecting of society.

To know that this highly respected agency is now being led by a man who is as highly respected is comforting. I should like to share his views, in part, as presented to the National Conference on Criminal Justice. I submit them now for the RECORD: as they appeared in the New York Times, January 26:

The head of the Federal Bureau of Investigation said today that the object of the criminal justice system should be "the protection of society, not just the protection of the rights of the accused."

L. Patrick Gray 3d, the bureau's acting director, added that he believed that, while "rehabilitation is fine" for some convicted criminals, "it is a useless gesture for those who resist every such effort, or take advantage of such efforts to gain early release and do it all over again."

Mr. Gray, in a speech to the National Conference on Criminal Justice, said there was a need for "judges who know how to sentence" and added that in some cases it might be wiser not to attempt to rehabilitate felons but to "protect society" by keeping them in prison.

"The accused on trial is not the only person whose unalienable rights are on the line in a criminal case," he declared. "The people in whose name the prosecution is brought have a rather substantial set of rights on the line, too."

Mr. Gray, . . . addressed about 500 delegates on the second day of a three-day meeting sponsored by the Justice Department's Law Enforcement Assistance Administration.

NATIONAL RENTAL INDUSTRY WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WALDIE. Mr. Speaker, at this time I should like to recognize the American Rental Association's work on behalf of the millions of citizens who rent space, equipment, and numerous other items, by means of a resolution which I am introducing today proclaiming the week of February 5, 1973, as "National Rental Industry Week."

This industry has grown immeasurably over the years and the American Rental Association and its members renders a great service—I predict a bright and optimistic future for it.

My resolution follows:

H.J. RES. 280

Joint resolution authorizing the President to proclaim the week of February 5th, 1973, as "National Rental Industry Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation in 1973 designating the week of February 5th as "National Rental Industry Week," and calling the attention of the people of the United States to the rapid growing importance of the still young rental industry.

LINCOLN CONSERVATIONISTS WRITE SECRETARY BUTZ

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. ZWACH. Mr. Speaker, my people in the Minnesota Sixth Congressional District are deeply concerned over the ending of the rural environmental assistance program. It is not only the farmers who benefit directly from this program who are complaining of its termination, but all of the people of the rural area.

They know the benefits of this program from firsthand knowledge.

Typical of the reaction of these people is a letter to Secretary of Agriculture Earl Butz from the Board of Supervisors of the Lincoln Soil and Water Conservation District which was printed in the Marshall Messenger.

Mr. Speaker, with your permission, and to inform my colleagues of the feeling about this program termination, I would like to insert this letter in the CONGRESSIONAL RECORD. The letter follows:

LINCOLN CONSERVATIONISTS WRITE SECRETARY BUTZ

To the editor: Here is a copy of our letter to Secretary of Agriculture Earl Butz, mailed Friday.

"DEAR SIR: It is our understanding that the administration has stopped funding of the Rural Environment Assistance Program (REAP) for 1973. This is even after the Congress has approved authorization for the program for the coming year.

"We feel this is a great injustice to the American people who are demanding conservation of our environment.

"Many city people support this program which beautifies the country side by cost-sharing on ponds, dams, terraces, trees and feedlot pollution control systems.

"We have several watershed projects going which need numerous small check dams to stop run-off and siltation. Earth moving contractors will also be adversely effected.

"We have got in over 20 miles of terrace each of the last six years. This reduces sediment which is a big polluter.

"We have six livestock feeders interested in pollution ponds in 1973. We might get one pollution pond and two miles of terraces without cost-sharing under this program.

"Many land owners in Lincoln County are interested in putting in terraces and feedlot manure holding ponds but do not have the funds to install projects that help others with little benefits to themselves.

"We urge you to do everything in your power to maintain cost-sharing on conservation practices.

"Yours truly,
BOARD OF SUPERVISORS,
Lincoln Soil and Water Conservation Dist., John Boulton, Secretary, Porter."

HOUSE OF REPRESENTATIVES—*Thursday, February 1, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust ye in the Lord forever, for in the Lord God is everlasting strength.—Isaiah 26: 4.

O Thou who art infinite in wisdom, power, and love, we draw near to Thee to receive that uplift of spirit which enables us to meet our duties and responsibilities with courage, with confidence, and with a creative mind.

Increase our faith in Thee that we may be so clear in our thinking, so firm in our convictions, so wise in our decisions, and so sympathetic in our outreach that through us Thy spirit may be able to create among nations and cultivate among the peoples of the earth a new charter of freedom, justice, and peace.

Thy love divine hath led us in the past,
In this free land by Thee our lot is cast;
Be Thou our ruler, guardian, guide, and stay,
Thy word our law, Thy paths our chosen way.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. O'NEILL. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I will be happy to respond to the distinguished gentleman.

There is no further legislative business for today, and upon announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for next week, the week of February 5, is as follows:

Monday suspensions—one bill, House Joint Resolution 123, the Highway Beautification Commission amendment.

Tuesday and the balance of the week there is no business scheduled. If there is any further business, it will be announced Monday or later in the week.

The Lincoln's Day recess will be from the conclusion of business on Friday, February 9, until noon, Monday, February 19.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House:

Mr. PATMAN, of Texas; Mr. BOLLING, of Missouri; Mr. REUSS, of Wisconsin; Mrs. GRIFFITHS, of Michigan; Mr. MOORHEAD of Pennsylvania; Mr. CAREY of New York; Mr. WIDNALL, of New Jersey; Mr. CONABLE, of New York; Mr. BROWN of Ohio; and Mr. BLACKBURN, of Georgia.

ADJOURNMENT OVER TO MONDAY, FEBRUARY 5, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS NEXT WEDNESDAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NO MORE GUNS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today introducing two bills designed to bring relief from the terror we face as a result of the widespread availability and constant misuse of guns. The first is a bill that would require the registration of all guns and licensing of all gunowners.

The second bill would flatly prohibit possession, manufacture, sale, purchase, transfer, receipt or transportation of handguns, except for or by members of the Armed Forces, law enforcement officials, licensed dealers, collectors, and pistol clubs. It is identical to the bill Senator HART has introduced and led the fight for in the Senate.

Mr. Speaker, I have introduced and pressed for legislation to register guns and license gunowners since I came to Congress in 1965. I have made the very strong case I feel exists for such a measure in the pages of the RECORD and elsewhere many times before, and I will not rehearse all those arguments now.

Similarly, in the 92d Congress, I introduced and argued for legislation, originally developed by our former colleague from Illinois, Mr. Mikva, to prohibit further importation, manufacture, sale, purchase, receipt, or transportation of handguns. The effect of that bill would have been to freeze the supply and location of all handguns. It would not have required, however, anyone who currently possesses a handgun to give it up.

The bill I am introducing this year takes that critical additional step. By outlawing private possession of handguns, it requires that current owners of handguns—legal or illegal as far as current law is concerned—turn in those guns. It provides a period of 180 days after enactment of the ban for citizens to turn in their handguns for the market value, which is to be paid by the Government. After that grace period, anyone possessing a handgun would be in violation of Federal law and subject to prosecution and, if found guilty, subject to fine, imprisonment, or both.

The cry is constantly heard, Mr. Speaker, that outlawing private possession of guns will leave law-abiding citizens at the total mercy of criminals, who will hold on to their guns and always have an illegal supply. That argument, of course, is deceptive. Many law enforcement experts feel that the inherent dangers to the ordinary citizen of possessing a handgun are far greater than any benefit that might be gained in terms of self-protection. Figures on accidental shootings, as compared to instances of effective use of personal handguns for self-defense, certainly support that point of view. Police officials even advise private citizens who are particularly susceptible to gun crimes, such as shopkeepers, that they are best off not to try to resist with a gun of their own.

More importantly, private citizens who possess handguns are the major source of supply of guns for criminals. Most guns used against law-abiding citizens in crimes have been stolen—stolen from private citizens or dealers who supply private citizens. The only way to remove guns from the hands of criminals is to remove their supply, and that, in turn, means banning private possession of handguns.

Mr. Speaker, there is a great deal more to be said on this subject, and I intend to address myself to it frequently in the days and weeks ahead in hopes that this Congress will take prompt action on these measures. Suffice to say now that the time has come for this society to realize the madness and danger of making handguns available to anyone with as little as $5 in his pocket and sense enough to find the location of the nearest gunshop. The time has come for us to realize the foolishness of allowing every citizen to have a gun around in the hope that it will somehow protect him and his family from danger, real or imagined. It is time we say "no more guns." It is time we commit ourselves to ridding our society of the handguns that plague us—and that means all handguns except those in possession of military and law enforcement personnel, or carefully housed in controlled gun clubs. We are the only urbanized society in the world that has yet to make such a commitment, and those nations that have rid themselves of guns have had striking success in ridding themselves of violent crime. I have made that commitment and will continue to urge it upon the Members of the Congress and to seek the enactment of legislation of the kind I have introduced today.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tomorrow night to file a report on House Joint Resolution 123.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

VEAL CUTLETS—HISTORICAL MEMORY?

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday, I went to my neighborhood supermarket. After passing a galaxy of high priced meats in the meat counter, I spotted several, discolored, passed-over and sadly neglected veal cutlets at $3.53 per pound.

Veal, a good tasting, low-cholesterol, high protein food, at one time was available in generous supplies to the American diet.

Today, it is so scarce and so overpriced that we should preserve a supply at a special Smithsonian exhibit among the growing list of former foods of the American people.

LEGISLATION TO PRESERVE HAWAII SHIPPING

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, for 175 days over the period from July 1, 1971, to December 3, 1972, the State of Hawaii was cut off from normal ocean transportation service to and from the mainland United States.

Since Hawaii receives virtually all of its daily supplies and necessities by such shipping, this was equivalent to erecting an insurmountable wall around any other State and requiring all goods to be brought in by air over a distance in excess of 2,000 miles.

The effects of these shipping interruptions have been incalculable in terms of economic injury and hardship for thousands of people and business concerns. It is safe to say that Hawaii is unique in its vulnerability to shipping disputes, and therefore we have an urgent need to find a way to halt interruptions which have plagued us over the past several years.

Today I am introducing the Shipping Preservation Act of 1973. Its intent is to offer an immediate and practical solution to this great problem. My bill does not repeal the right to strike, but it attempts to direct the economic effects of a labor dispute toward the real areas of contention—the principal places of employment.

It has been estimated that shipping to Hawaii accounts for no more than 3 percent of the total man-hours involved in longshore labor which has been the subject of the recent disputes. This amount is insignificant in terms of the economic pressures of a strike. Yet Hawaii is compelled to endure many times the suffering from the adverse effects of such a strike than the mainland States which account for 97 percent of the work involved. In essence, Hawaii is victimized as an innocent bystander.

Commonsense demands that consideration be given to the extreme efforts of a strike on parties which are only tangentially involved. In this case, I feel that my legislation offers a responsible approach toward achieving greater equity for all concerned.

Under my bill, there would be suspension by court injunction of that portion of any shipping dispute which cut, or threatened to cut, the movement of commerce into or out of any State by more than 50 percent. This would provide certain protections for Hawaii in any dispute, since virtually all our daily supplies are brought in by ship.

The court injunction would last for 80 days, during which the normal procedures of the Taft-Hartley Act would be carried out. The President is directed by the bill to appoint a board of inquiry within 3 days after the issuance of a court injunction to invetigate the issues in the dispute and make a public report to the President. If there has been no settlement in the first 80 days and substantial disagreement still exists between the parties, the Attorney General is directed by the bill to petition the court to extend the injunction for an additional 80 days.

My bill would give the people of Hawaii a total of 160 days to "stock-up" for a continued strike. The injunction could be sought initially by the U.S. Attorney General of the State of Hawaii, or any party to the dispute. I am confident this would protect the interests of the people of Hawaii without repealing the right of workers to withhold their labor which is essential to our free enterprise economy.

Another major provision of my bill is its provision for requiring that all contracts in the maritime and longshore industries expire on the same date, June 30, 1976, and at 3-year intervals thereafter. There are at least 15 groups of employees and their unions involved in these industries and we have seen one group strike in the past just after another group signed a contract after a long strike.

It is imperative that we consider this solution to the pressing problem of Hawaii shipping. This Nation can no longer tolerate the damaging losses to the economy of an entire State which are the direct result of such disputes.

My bill is based on the premise that action to preserve Hawaii shipping cannot await Presidential action. We have only to recall the delay of 100 days by President Nixon before the Taft-Hartley injunction was invoked in 1971, and his failure to do anything in our most recent strike, to realize that there is too much at stake to rely on Presidential discretion. We have suffered the results of that system, and now must look toward a direct method that will both preserve our free enterprise system of employment and maintain Hawaii's vital shipping link to the mainland.

The text of the bill follows:

H.R. 3566

A bill to amend the national emergency provisions of the Labor Management Relations Act, 1947, with respect to their application to the maritime and longshoring industries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Preservation Act of 1973".

SEC. 2. Title II of the Labor Management Relations Act, 1947 (29 U.S.C. 171 et seq.), is amended by redesignating sections 211 and 212 (and cross references thereto) as sections 212 and 213, respectively, and by inserting after section 210 the following new section:

"Major Disputes in Maritime and Longshoring Industries

"SEC. 211. (a) Whenever an interested person believes that a labor dispute in the maritime or longshoring industry has resulted in a strike or lock-out which has, or will have, if continued, caused a reduction in the gross tonnage (excluding shipments of military cargo not interrupted) being shipped by surface transportation into or out of any State or Puerto Rico or Guam of 50 per centum less than the amount which would have been so shipped but for such strike or lock-out, such interested person may petition any United States district court having jursdiction of the parties to enjoin such strike or lock-out or the continuing thereof. If the court finds that the belief of the petitioner with respect to a threatened or actual strike or lock-out is correct, it shall enjoin that portion of such strike or lock-out, or the continuing thereof, as affects such State, Puerto Rico, or Guam, as the case may be, and shall make such other orders as may be appropriate. While an injunction issued under this section is in effect, it shall be the duty of the parties to the dispute giving rise to such injunction to make every effort to adjust and settle their differences, with the assistance of the Service. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

"(b) Within three days after an injunction has been issued under subsection (a), the President shall appoint a board of inquiry to inquire into the issues inolved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of facts with respect to the dispute including each party's statement of its position, but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public. Sections 207 and 209 (other than the first sentence) shall apply to boards of inquiry and the National Labor Relations Board under this section.

"(c) Subsections (b) and (c) of section 208 shall apply with respect to court orders under this section.

"(d) If a settlement of the dispute has not been reached upon the certification of the results of the ballot under section 209, the Attorney General shall petition the court to extend its injunction for eighty additional days. The court shall grant such injunction if it determines that the parties to the dispute remain in substantial disagreement, and that, in light of all the circumstances surrounding the dispute, it appears likely that a prolonged strike or lockout will result if such injunction is not extended.

"(e) Upon the expiration of such eighty-day period the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall make a report to Congress like the report required by the second sentence of section 210.

"(f) At any time a settlement is reached in a dispute to which this section applies, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

"(g) Sections 206 to 210, inclusive, shall not, except as provided in this section, apply to disputes to which this section applies.

"(h) For purposes of this section, the term 'interested person' means the Attorney General of the United States, a duly authorized official of an affected State, or any party to the dispute."

SEC. 3. Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.), is amended by adding at the end thereof the following new section:

"UNIFORM EXPIRATION DATE FOR LABOR CONTRACTS IN MARITIME AND LONGSHORING INDUSTRIES

"SEC. 305. All provisions of any contract between an employer and a representative of his employees governing the terms and conditions of employment in the maritime or longshoring industry which is entered into after the date of enactment of this section shall remain in effect, notwithstanding any terms of the contract to the contrary, for not more than three years, and the dates upon which such a contract may expire are the thirtieth day of June 1976 and each third year thereafter, except that—

"(1) a contract entered into after the date of enactment and before July 1, 1975, shall expire on June 30, 1979, instead of June 30, 1976, if the parties so agree, and

"(2) a contract entered into after June 30, 1975, and before July 1, 1976, shall expire on June 30, 1979."

SENATOR JOHN STENNIS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the brazen holdup and shooting of the distinguished Senator from Mississippi, The Honorable JOHN C. STENNIS, in our Nation's Capital is an insult to every American and a shocking affront to every Member of this body.

We should hear demands for enforcement of the laws on the books, instead of more rhetoric or plans for new committees to investigate crime and offer new theories on how to make our streets safe. Too much time has already been spent "studying" crime. It is time demands were made for enforcement of our laws.

Cries have already gone up from those editorial writers who would exploit the incident to suggest that the only answer is more firearms control laws. I would remind them that under the District of Columbia Code, it is already illegal for any person to carry a pistol either openly or concealed, unless licensed. A crackdown on the unlicensed, illegal guns carried in the District of Columbia would be a greater deterrent to crime than another law which could not be enforced and would not be obeyed.

Our opinion makers would come closer to serving the community by demanding enforcement of the laws already on the books and calling for more stringent action by the judges in dealing with violators than another gun control law.

I join with millions of people across our land who are praying for the Senator's speedy recovery and his return to duty.

I include title 22, section 3204 of the District of Columbia Code to follow at this point:

§ 22-3204. Carrying concealed weapons.

No person shall within the District of Columbia carry either openly or concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon capable of being so concealed. Whoever violates this section shall be punished as provided in section 22-3215, unless the violation occurs after he has been convicted in the District of Columbia of a violation of this section or of a felony, either in the District of Columbia or in another jurisdiction, in which case he shall be sentenced to imprisonment for not more than ten years. (July 8, 1932, 47 Stat. 651. ch. 465, § 4; Nov. 4, 1943, 57 Stat. 586, ch. 296; Aug. 4, 1947, 61 Stat. 743, ch. 469; June 29, 1953, 67 Stat. 94. ch. 159, § 204(c).)

INDIANA DUNES NATIONAL LAKESHORE

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROUSH. Mr. Speaker, I am today introducing two bills affecting the Indiana Dunes National Lakeshore. The first of these simply completes the 1966 action of Congress which created the original Indiana Dunes National Lakeshore. At that time the authorization ceiling was $27,900,000. That sum has now been spent. Last year I introduced a bill asking that the authorization ceiling be raised in the amount of $4,636,600, a sum recommended as the necessary amount by the Department of the Interior.

Subsequently a Senate bill, with a slightly different ceiling amount, passed in that body. The Senate approved $4,700,000 to expand the authorization authority. The Senate Interior and Insular Affairs Committee noted at that time that a total of 3,333.66 acres had been acquired, leaving 2,028.07 acres of private land to be acquired. The cost increase over the original $27,900,000 was largely due to court awards in condemnation cases.

Having before them the National Park Service estimate of the $4,636,600 needed, the Senate Interior and Insular Affairs Committee, and the full Senate concurred, voted to authorize an additional $4.7 million. Since the bill passed the Senate in August, the House did not take action before the close of the 92d Congress.

Mr. Speaker, I have introduced this bill earlier in this session, and I do so again to add cosponsors. I am anxious that this bill receive the attention of the Congress as soon as possible so that the additional land acquisitions can be made. I have in this bill adopted the amount recommended by the Senate Interior and Insular Affairs Committee.

We have waited long enough in the Middle West, Mr. Speaker, for the fulfillment of the congressional promise issued in the passage of the act establishing the Indiana Dunes National Lakeshore 7 years ago. At that time the House Interior and Insular Affairs Committee described the proposed area thus:

> Located at the Southern end of Lake Michigan—less than 50 miles from the Chicago-Gary industrial complex—the proposed Indiana Dunes National Lakeshore fits the national need like a glove. . . . Nowhere in the Great Lakes is there a greater need for shoreline recreation areas.

And that need for recreation areas brings me to the second bill I am introducing at this time.

This second bill would expand the Indiana Dunes National Lakeshore to add areas based on certain priorities; namely, to protect and enhance the values of the present park land, to improve the balance, capacity, and unity of the lakeshore, to save rare ecological, recreational, geological, and historical values that were left outside the park in 1966 when the first bill passed. Some of these were included in earlier bills and had been approved as part of the "compromise" in 1963 by which both a port and a park were to be made available to the Midwest.

The details of my proposal are to be found in a map now registered with the Interior Department as No. 626-91003, January 1973. Exact boundaries of the proposal are delineated on that map. However, this does not preclude changes in the proposed boundaries due to either natural or man-made phenomena that occur before passage of the bill. Land ownership, land development, and projected usage may cause adjustments before passage of this proposal.

I would like to mention some of the areas of particular importance. The Burns Bog additions are acclaimed by geologists and naturalists, undeveloped, unspoiled they are available for light recreational use upon acquisition. These would be a prime addition to the park.

Also included would be the Beverly Shores Island which is an area of spectacular wooded dunes surrounded on four sides by authorized park land. Ninety percent of the homeowners in that area have petitioned to be included, citing the property tax and road maintenance problems resulting from their exclusion from the park.

The Miller lagoons would also be added. Here we have a series of interdunal ponds which offer an unspoiled example of natural phenomena not now included in the park. By preserving open space within the industrial city of Gary, this area also lends substance to the urban aspects of the lakeshore.

The area immediately adjacent west of the Burns Ditch offers a microcosm of the natural values that Congress recognized as being of national significance in 1966. These include Lake Michigan beach, a natural crater or blow-out formed by wind erosion, high wooded dunes ridges, and accessibility as a recreation area to millions of people.

While I introduced a similar proposal in July of 1971, I believe that this bill represents an improvement over that one, an improvement based on almost 2 years of discussion of the relative merits of each section proposed, an improvement based on certain managerial recommendations of the Park Service itself, an improvement based on an effort to add to the park contiguous areas. Due principally to management problems claimed by the Department of the Interior, the Salt Creek easement has been left out.

Mud Lake, for some of the same reasons, and because wetlands have not been provided for elsewhere in the park, is also eliminated. Thus the total new acreage comes to a total of 5,340 acres. There is a full and complete rationale for each acre recommended for inclusion. This is a bill that would go far to complete the Indiana Dunes National Lakeshore as a recreational and ecological preserve.

I was very proud to participate in the formal dedication of the Indiana Dunes National Lakeshore on September 8 of last year. Mrs. Julie Nixon Eisenhower joined us for this celebration as did the Secretary of the Interior, Rogers C. B. Morton.

In words much more descriptive than any of my own, Secretary Morton described the values of the Indiana Dunes National Lakeshore. He described it as "one of the crown jewels" of the President's legacy of parks program and as "a triumph of man's desire for beauty and open space." The Secretary noted:

> This park will preserve one of our most unique shore areas, and at the same time, it will provide outdoor recreation and environmental education opportunities for some 87,000 visitors daily.

Secretary Mortion said that the dunes would be "an enclave" and "a peaceful respite from daily pressures and crises for 10 million Americans who live and work nearby." The Secretary of the Interior described the Indiana Dunes as a "paradise." He said that the Indiana Dunes would be "a laboratory for naturalists" and "a recreation area for hikers and campers" as well as an "environmental classroom for thousands of children who will study nature's ways in the wooded areas and bogs here."

I believe the Secretary's evaluation of the present lakeshore eminently accurate. It is because of the unique value of the present park and its potential for the future that I am introducing these two bills today; the one to complete the purchase of lands already authorized for purchase, the other to add significant new areas that will further enhance the recreational and educational values of this national resource.

SOCIAL SECURITY SYSTEM WAS DESIGNED TO PROTECT, NOT TO PUNISH

(Mr. GUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNTER. Mr. Speaker, today I am introducing legislation which will totally eliminate restrictions on earned income for social security beneficiaries. At the present time those who are eligible to receive social security benefits and are less than 72 years old, face a number of unreasonable restrictions to receiving the full benefits they are entitled. Benefits, for the most part, which they have paid for out of their own pockets.

I cannot in good conscience condone a situation which, in effect, says to a retiree, "even though you have worked hard for 40 years and paid into the social security fund for much of that time, you are not entitled to a full allowance because you teach a manual arts class at the local high school, and are paid a small amount for it. It does not matter that you do it to keep alert mentally as well as solvent financially. We in Washington have decided you must limit your work, or we will penalize you financially."

In the same breath we say, "however, if you are wealthy enough to live off capital gains profits, or the dividends or interest from securities or bonds you accumulated or inherited, we will give you your full social security allotment."

A person who is eligible for a physical disability payment is told, "don't look for a job, if you do we will cut your pension. We don't care about your other expenses. We have a formula."

And we tell the widow whose husband paid into the social security fund for years, "don't get a job that pays too much—if you do, we won't give back to you the money your husband paid us. That is the way we do things here—it's the law."

Can anyone honestly believe that the present situation is fair? Can anyone believe it is rational?

I am aware that this is not a new idea and that in the past others have introduced similar legislation. I feel bound, however, to bring this matter to the attention of the Congress once again. Many of our elderly are forced to live under adverse conditions, and to annually play hide and seek with the Government in an attempt to make ends meet. I cannot in good conscience turn my back on those who have given this Nation so much and have asked for and received so little.

Every 2 years Congress rushes in to see if a few more votes can be won by increasing social security benefits. These so-called increases typically are little more than cost-of-living adjustments. This is certainly not enough. If we are ever going to allow our elderly the opportunity to live decently, we must face the fact that biennial increases will not do the job without legislation along the lines I am proposing.

How many of us could live under the limitations imposed by the present social security law? I know I would hate to have to try.

The time has come for the Congress to act. I know the program I am suggesting will cost some money—but on whom could it better be spent?

I hope that my colleagues will join with me in adopting this legislation, and once and for all provide an opportunity for a decent life for those people that the social security system was designed to protect—not punish.

Thank you for your attention.

BROKEN TREATIES PAPERS

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, as chairman of the House Indian Affairs Subcommittee, I am today inviting Jack Anderson and his associate, Les Whitten, to come before the subcommittee and discuss the so-called Broken Treaties Papers. The subcommittee will soon complete organization for the 93d Congress. High on our agenda is an investigation of the Bureau of Indian Affairs takeover last fall. The information contained in these papers is invaluable to an understanding of past BIA activities. I am extremely upset with the implied harassment and intimidation of the press inherent in Mr. Whitten's arrest by the FBI. But our main concern is that the information in these papers not be allowed to be once again locked away from public view. I think Mr. Anderson's and Mr. Whitten's testimony would contribute greatly to our investigation.

IN DEFENSE OF THE PRESIDENT'S PROPOSED BUDGET

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, many Members of this House have unleashed a barrage against President Nixon's proposed budget, and I particularly note that it has been subjected to some case-hardened partisan rhetoric. It has been described in some quarters as a "trickle down" budget, that somehow favors the affluent over the lower income people.

If there is one glaring example of the trickle down theory at work, it can be found readily in some of our Federal agencies. Here the taxpayers dollars are first drained off by a massive, high-paid bureaucracy, then loosely administered programs are further raided by corruption and abuses. Finally a few dollars trickle down to those for whom the program was designed to aid. The current medicaid scandals in New York are but one example of good intentions gone awry.

President Nixon is simply proposing

that we plug up the holes in the leaky Federal pipeline. He has suggested that local people—out where the need is—can do a better job of administering tax funds than a labyrinthian process here in Washington. Local administrators can monitor local programs better, head off graft and misdirection of funds better than absentee directorship from agency enclaves downtown.

The crocodile tears from those who lament this so-called austerity budget are uncalled for. The $268.7 billion in this budget is up 9 percent over last year. The outcries we hear are obviously provoked by Members' special interest attachments for sacred cows that will not be around for milking any more.

I say the American people are ahead of those myopic Members who insist upon spending just for spending's sake, pouring more and more money into outdated, obsolete programs that have long since outlived their usefulness. My taxpayers back home are quite well aware that there is a direct link between spending and taxes. It is up to us to back off from parochialism and view this budget process as a national project to get the most out of what we can afford to spend.

METHADONE ADDICTS—ARE THEY BETTER THAN HEROIN ADDICTS?

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, no one knows how many drug addicts there are in this Nation today. Nor does anyone know how many addicts have been successfully rehabilitated. Addiction and drug abuse are known to be widespread, and the situation has been described as a drug epidemic. Reacting to this frightening scene, the Federal Government has undertaken a huge crash program to place addicts on methadone maintenance.

It is not clear why maintaining an addict on methadone is better than maintaining him on heroin, other than that methadone is cheaper. In any event, we now have an unknown number of heroin addicts, and a very sizable number of methadone addicts. Some say that we have as many as 165,000 people on methadone today, and I believe this is a reliable figure.

What we do not know is the long-term consequences of being a methadone addict. Does it harm mental development or capacity? Does it change personality? Does it cause organic damage? There are no solid answers, because the basic research needed to provide the answers has not been done.

Nor do we even know how many methadone addicts have been successfully rehabilitated, and are drug free.

Considering what we do not know about methadone, it is conceivable that the Government has entered into a huge program that might not work, and which might in fact do great harm to a large number of people. I think it is time some hard questions were asked about methadone maintenance, for it is possible—in fact likely—that it is not the miracle it is so often presented to be. I have therefore written the Comptroller General to ask that he elicit some basic information about methadone—what is known about it, how many people have been hurt by it, how many people have been helped by it, and just what is not known about it. I think we ought to know. Mr. Speaker, herewith I make my letter to the Comptroller a part of the Record:

Mr. Elmer Staats,
Comptroller General,
General Accounting Office.

Dear Mr. Staats: In recent years there has been an immense expansion of methadone maintenance programs. Methadone, like the heroin it is supposed to substitute for, is universally recognized as a dangerous drug. My purpose in this letter is to ask the General Accounting Office to obtain accurate information on methadone by making the appropriate inquiries of those Federal agencies concerned with addict rehabilitation and drug control—the Bureau of Narcotics and Dangerous Drugs, the Food and Drug Administration, the White House Drug Abuse Action Office, and such other agencies as you deem appropriate.

I desire to know the following:

1. the approximate number of methadone addicts (patients) in the nation today, by sex;

2. the approximate number of methadone addicts who have been successfully withdrawn from all drug dependence;

3. what records have been kept, and whether there is a systematic effort to gather information, on the long and short term effects of methadone use, such as alcohol abuse (a common problem with methadone addicts), death from overdoses, and other types of casualties, by number and per cent of methadone addicts. I define a casualty as one who becomes an alcohol abuser, who is killed by overdose, or who incurs other medical problems as a result of methadone addiction;

4. what researches have been made or are in progress concerning the effects of methadone addiction, and in methods of bringing these addicts to a state of abstinence;

5. and finally, I particularly wonder what guidelines are applicable to methadone use by pregnant women. I would like to know whether research has been done on the possible genetic effects of methadone on the fetus—whether use of methadone by a pregnant person might adversely affect the child's intelligence, his growth, or even his formation. Considering the power of the drug, it seems urgent to know the full consequences of its use by anyone, but particularly pregnant women. If research on this has been done, I would like to know of it; if none has been done I would like to know why not; and if there is no evidence that use of this drug by pregnant women is safe, what restrictions there are on its use by them. The rapid expansion of this program causes me to be concerned about its effects, and I fear that research in this aspect has been sadly neglected in the haste to get addicts under some form of control.

Your early consideration of this request would be most appreciated.

With best wishes, I am
Sincerely yours,
Henry B. Gonzalez,
Member of Congress.

THE PUNXSUTAWNEY GROUNDHOG HOSTS THE WEATHER SHOW OF THE YEAR

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the science of meteorology has made great progress in the recent decades by using the finest computers, weather satellites, elaborate observation systems, and advanced technological know-how. The single goal of this achievement was to assure the man-on-the-street that he would remain dry, warm, cold, or wet, one at a time, whichever the case may be.

Today, we turn on our television news shows to be entertained by the present day vaudevillean weatherman performing the forecast as if he were opening opposite the Marx brothers. Our society has even reached the advanced state of being able to call the local phone company to receive up-to-the-minute forecasts. At its completion, we are thanked, told to have a nice day and blessed for using the phone company's facility.

Unfortunately, all of the above operations have one distinct characteristic—they have all been tampered with and effected by the intervention of man.

Today, the noblest weatherman of all is not the one who uses the computer and complicated paraphernalia. He is the Punxsutawney groundhog, a "precise" weatherman, who uses only ages of intuition bestowed on him by Nature with such accuracy that it has become legend.

The traditional appearance on Gobblers Knob in Jefferson County, Pennsylvania, by the Punxsutawney groundhog surpasses the age of modern meteorology. It certainly provides more entertainment and excitement than the slapstick weatherman, weathergirl, or weatherperson, who has become part of the great big "happy news team." In this hectic stop and go, push and pull, walk—do not walk society, it is truly refreshing to partake in the simple celebration of the time-honored Groundhog Day.

Accordingly, Mr. Speaker, I invite you—one and all—to join with me and thousands of my constituents of Punxsutawney in the exhilarating observance of Groundhog Day and all it promises.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez (at the request of Mr. Ryan), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Armstrong) and to include extraneous matter:)

Mr. Keating.
Mr. Roncallo of New York.
Mr. Young of Florida in five instances.
Mr. Shoup.
Mr. Shriver in two instances.
Mr. Kemp.
Mr. Hudnut.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Gonzalez in three instances.
Mr. Rarick in four instances.
Mr. Cotter in five instances.
Mr. Reuss in six instances.
Mrs. Grasso in 10 instances.
Mr. Howard.
Mr. Rogers in five instances.
Mrs. Griffiths in three instances.
Mr. Mills of Arkansas in six instances.
Mr. Harrington.
Mrs. Burke of California.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 26. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, February 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

333. A letter from the Comptroller, Washington Gas Light Co., transmitting a copy of the balance sheet of the company as of December 31, 1972, pursuant to 43 District of Columbia Code 313; to the Committee on the District of Columbia.

334. A letter from the Acting Assistant Secretary of Commerce for Administration transmitting a report on the disposal of foreign excess property by the Department of Commerce during calendar year 1972, pursuant to section 404(d) of Public Law 81–152; to the Committee on Government Operations.

335. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a report on the disposal of foreign excess property by the Atomic Energy Commission during fiscal year 1972, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

336. A letter from the Assistant Secretary of the Interior, transmitting the biennial report (Progress Report No. 6 dated January 1973) on continuing studies of the quality of water of the Colorado River Basin, pursuant to 70 Stat. 105, 76 Stat. 96, and 76 Stat. 389; to the Committee on Interior and Insular Affairs.

337. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a financial report of the corporation covering the month of October 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

338. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 5, 1972, submitting a report, together with accompanying papers and illustrations, on Sea Island and St. Simons Island, Ga., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 29, 1963. It is also in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted September 26, 1963; to the Committee on Public Works.

339. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 28, 1972, submitting a report, together with accompanying papers and illustrations, on Chester River, Md., requested by a resolution of the Committee on Public Works, House of Representatives, adopted September 26, 1963; to the Committee on Public Works.

340. A letter from the Federal Cochairman, Coastal Plains Regional Commission, transmitting the Annual Report of the Commission for fiscal year 1972, pursuant to 42 U.S.C. 3189; to the Committee on Public Works.

Received From the Comptroller General

341. A letter from the Comptroller General of the United States, transmitting a report on positions in the General Accounting Office in grades GS–16, 17, and 18 during calendar year 1972, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 3546. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 3547. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns, except for or by members of the Armed Forces, law enforcement officials, and as authorized by the Secretary of the Treasury, licensed importers, manufacturers, antique collectors, and pistol clubs; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. Brown of California, Mrs. Grasso, Mr. Stark, and Mr. Won Pat):

H.R. 3548. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. DELANEY:

H.R. 3549. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 3550. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 3551. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 3552. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 3553. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 3554. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

H.R. 3555. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. GUNTER:

H.R. 3556. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 3557. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. GUYER:

H.R. 3558. A bill to amend title 18 of the United States Code to increase the penalty for committing certain crimes with a firearm or while unlawfully carrying a firearm; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 3559. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. HORTON:

H.R. 3560. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

H.R. 3561. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, Mr. Johnson of Pennsylvania, Mr. Williams, Mr. Price of Illinois, and Mr. Railsback):

H.R. 3562. A bill to promote the employment of unemployed POW or MIA Vietnam veterans; to the Committee on Ways and Means.

H.R. 3563. A bill to promote the employment of unemployed handicapped Vietnam veterans; to the Committee on Ways and Means.

H.R. 3564. A bill to promote the employment of unemployed Vietnam veterans in employment reflecting experience or providing training; to the Committee on Ways and Means.

H.R. 3565. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 3566. A bill to amend the national emergency provisions of the Labor Management Relations Act, 1947, with respect to their application to the maritime and longshoring industries; to the Committee on Education and Labor.

By Mr. ROBINSON of Virginia:

H.R. 3567. A bill to amend the Occupational Safety and Health Act of 1970 with respect to certain small businesses, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBINSON of Virginia (for himself, Mr. BROYHILL of Virginia, Mr. BUTLER, Mr. W. C. (DAN) DANIEL, Mr. ROBERT W. DANIEL, JR., Mr. DOWNING, Mr. PARRIS, Mr. SATTERFIELD, Mr. WAMPLER, and Mr. WHITEHURST):

H.R. 3568. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. ROBINSON of Virginia (for himself, Mr. CLEVELAND, Mr. ROBERT W. DANIEL, JR., and Mr. HUDNUT):

H.R. 3569. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ROUSH (for himself, Mr. BRADEMAS, Mr. HAMILTON, and Mr. MADDEN):

H.R. 3570. A bill to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966; to the Committee on Interior and Insular Affairs.

H.R. 3571. A bill to amend the act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RUTH:

H.R. 3572. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 3573. A bill to provide that the imposition of taxes the proceeds of which are appropriated to the highway trust fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 3574. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 3575. A bill to permit Federal credit unions to act as insurance agents for profit; to the Committee on Banking and Currency.

H.R. 3576. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SHRIVER:

H.J. Res. 282. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. SHRIVER (for himself and Mr. SEBELIUS):

H.J. Res. 283. Joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of hard red winter wheat; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 284. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from conception; to the Committee on the Judiciary.

SENATE—*Thursday, February 1, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose Word directs us to "Trust in the Lord with all thine heart; and lean not on thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths" (Proverbs 3: 5, 6), we thank Thee for a Nation at prayer this day. Thanks be to Thee for leaders and people who live by the certainty that it is in Thee we put our trust. By drawing close to Thee, may the diverse elements of this Nation be drawn closer to one another in one mighty community of faith and love, strong in the Lord and in the power of His might.

And now, as we quiet our hearts before Thee, we beseech Thee to surround Thy servant, JOHN STENNIS, with healing ministries and grace sufficient for all his needs.

And to Thee we give all praise and thanksgiving. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that the following Members had been elected as members of the following joint committees of Congress, on the part of the House:

JOINT COMMITTEE ON PRINTING

Mr. Hays, of Ohio; Mr. Brademas, of Indiana; Mr. Dickinson, of Alabama.

JOINT COMMITTEE ON THE LIBRARY

Mr. Hays, of Ohio; Mr. Nedzi, of Michigan; Mr. Brademas, of Indiana; Mr. Harvey, of Michigan; Mr. Hansen of Idaho.

ENROLLED JOINT RESOLUTION SIGNED

The message announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The enrolled joint resolution was subsequently signed by the President pro tempore.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 1, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 31, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Mr. MANSFIELD made at this point on the introduction of S. 689, amendment of the Mineral Leasing Act of 1920, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CLARK). Does the Senator from Pennsylvania wish to be recognized at this time?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Minnesota (Mr. HUMPHREY) is now recognized for not to exceed 15 minutes.

PRESIDENT NIXON'S BUDGET MESSAGE

Mr. HUMPHREY. Mr. President, I wish to use my time to make some observations about the President's budget message and, hopefully, to outline some of the things that we might do in terms of fiscal responsibility here in Congress.

The President's budget message—any President's budget message—is more than a document of figures and fact. It is, in the best sense of the phrase, a political document. It represents the President's view of the Nation, his priorities, his view of what our country's commitments should be, the responsibility of Government to meet those commitments and, of course, the ideology or the philosophy of an administration.

It was with a very deft political touch that the President submitted a new budget to Congress this past week. A budget designed to capitalize on citizen discontent with Government, to put tax reformers on the defensive by substituting spending reform for tax reform, to blame Congress for the current budget squeeze, and to reduce Federal responsibilities with the admonition that all Federal programs are essentially negative and ill-founded.

The trouble with the Nixon budget is that politics will not solve complicated national problems.

Like all budgets, this one is controversial. That is to be expected. Out of the controversy, I will note, some good will likely come. Congress, for example, will be compelled to reorganize its budget and appropriation-making machinery. At least, I hope we will. Congress will have to establish new mechanisms of budget analysis and program evaluation. We think we should do that promptly. Congress will have to realine its committee jurisdiction better to coordinate, analyze, and legislate public policy.

It is to be noted that the House of Representatives is already moving on reform and reorganization. Also, the Senate Democratic caucus, in session only yesterday, has expressed its will and its intention to develop new mechanisms and procedures for more effective budget control, analysis, and evaluation of programs.

But I rise today to take issue with the thrust of the President's budget. The priorities of the President's budget are, in all too many instances, the wrong ones. The Nixon budget is one of deception, deficits, neglect, big business favoritism, and domestic disengagement.

DECEPTION

First: Rural electrification:

Let us take a look at the first item, deception.

Above all, the budget message should be at least frank, forthright, informative, and honest. Those qualities are missing from the Nixon budget.

The President and his subordinates have characterized, for example, the rural electrification program as wasteful, as subsidizing "country clubs and dilettantes." Through unilateral Executive action—illegal Executive action—the President has eliminated the 2-percent REA loan program.

I addressed myself to this matter only today in the Committee on Agriculture and Forestry and made note of the developments that have taken place in reference to administration commentary on rural electrification.

The Rural Electrification Administration was not set up just for farmers. It was set up to provide electric to all "unserved persons in rural areas." In fact, the words "farm" and "farmer" do not even appear in the Rural Electrification Act. Yet, we have seen the most flagrant type of propaganda about this one program.

The Secretary of the Treasury, Mr. Shultz, appearing on the "Today Show" early this week, said:

> Eighty percent of that money (REA Loans) goes into rural areas; some of it helps country clubs and things like that.

President Nixon, just yesterday, in a press conference, said:

> Eighty percent of the two percent money goes for country clubs and dilettantes, for example, and others who can afford living in the country.

Yet, the Secretary of Agriculture, Mr. Butz, on June 4, in a press conference, said:

> Twenty percent of our present meters are farmers. The rest are rural residents, are retirees, are urban workers (living in rural areas) and are industries located in REA territory.

Mr. President, the reason I make note of this one little program relating to rural electrification is that we are seeing here the distortion of the truth by the use of carefully worded sentences, the use of words that evoke certain reactions, such as "dilettantes" and "country clubs."

The fact is that less than one-tenth of 1 percent of the energy that is generated by REA goes for recreational purposes. Whatever may be the result of a rural electrification program, I think it should be noted that Congress passed the law. The law never has been repealed by Congress. The law provides for 2-percent-loan money. Whether that is right or wrong is up to Congress to determine. If the President does not think it is right, he could have vetoed the act when it was reauthorized.

I say that a President who can tamper with interest rates that are prescribed by law and raise those interest rates or ignore them may decide to tamper with tax rates prescribed by law. Perhaps the President will come to the conclusion that the tax rates are not right. If he can do it with REA interest rate loans, which are in a sense taxes—interest is a tax on money—then I imagine the next thing would be that somebody over there in the executive office will talk to the President about it and say, "Mr. President, we don't need to go to Congress to talk about taxes. We'll just adjust the rates."

My argument with the President of the United States on these programs is that he terminates them after they have been passed by Congress and funded by Congress. "Executive arrogance" is the only way to describe it—termination of programs that are ongoing, authorized, passed and funded, signed by the President, proclaimed by the President in election years, and then terminated after the election is over.

This country is not ready for one-man rule, and this country is not ready for executive edict, and I hope and pray it never will be.

Congress may at times pass laws which the President does not think too wise. He can veto them. If Congress overrides the veto, then he is under obligation of law to carry out the law. Many citizens obey laws in this country which they do not think are very good. The President of the United States said that he would not grant any general amnesty to draft evaders. I happen to believe that young men who avoided the draft should accept some minimum years of national service. There were men who did not want to go into this war. They said they thought the law was wrong and that the war was wrong. So they took off on their own. In a sense, that is what the President of the United States is doing with these laws of ours.

He does not like the rural environmental assistance program. He cancels it. He does not like the rural housing program with subsidized interest rates. He cancels it. He does not like the rural electric and rural telephone program. He cancels it. That is just like avoiding the draft. It is a violation of the law.

2. MEDICARE

Let me speak of another item, Mr. President—medicare and aid to the elderly.

The Secretary of the Treasury said that funds for the elderly are being increased. What he did not say was that medicare costs under the Nixon administration are also going to jump almost $700 million, right on the backs of the elderly. The largest group of poverty people in this country are the elderly and most of these are people on medicare.

This administration, which can bail out Penn Central in the name of helping the economy; this administration which can bail out Lockheed; this administration, which can bail out Grumann Aircraft or some other aircraft company, does not seem to worry about whether that has any effect on inflation, does not seem to worry that that might be a part of the reason why the budget ceiling is hard to maintain.

This administration loads it on the backs of the poor, on the backs of the elderly, saying, "After the second day in a hospital, you will pay 10 percent of the costs." That is $700 million on the backs of the elderly people of this country. And they claim that they are giving more money to the old people under this budget. Why? Because Congress legislated a 20-percent increase in social security, which the administration did not want, but eagerly embraced by the President in October, when he was running for election.

I suppose we ought not be surprised. The President never supported, and his party never supported medicare. They fought it hard and long. Now they are trying to weaken it. That traditional Republican Party politics.

The President's moratorium on low- and moderate-income housing is another gimmick. The Nixon administration has mismanaged these programs for 4 years, a period during which they had widespread housing scandals. Now the administration decides that the programs have failed and that they have to be cast aside. Perhaps they ought to take a look at their management techniques.

The primary problem in low- and moderate-income housing is the failure of the administration to insist on careful home inspection, and the failure to develop program control methods that would prevent land developers and real estate operators from making a fast buck. There is nothing wrong with the housing. The need is there.

God only knows it is there. But this administration has been a little slow to move in on some of the people who are willing to make a fast buck.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I am to be recognized under a special order. I yield my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

3. HUMAN RESOURCE SPENDING—MORE DECEPTION

Mr. HUMPHREY. Mr. President, a third area of deception is the administration's contention that human resources now accounts for 47 percent of the budget—outpacing defense spending, they say loudly. The administration does not tell us that more than one-half of this human resource spending covers social security, civil service, and retirement pension funds.

If we look at what the Federal Government spent in housing, agriculture, education, health, transportation, welfare, and the environment, we find it is only 22 percent of the budget. That is a far cry from massive social spending so decried by the Nixon administration.

4. POLLUTION CONTROL

Then, take a look at the administration's efforts at pollution control and you really see deception. The administration said it is increasing spending for pollution control, at the same time we know that more than one-half of the outlays for water pollution control programs are not available for obligation. How is that sleight of hand accomplished? Simply because the administration is obligated to reimburse State and local governments for the Federal share of past water and sewer facilities for which construction has been or will be completed.

5. SOCIAL SERVICES, REVENUES, WHITE HOUSE PERSONNEL

There are other examples of deception. In one case the budget claims a savings of over $2.7 billion for social services, but a ceiling of $2.5 billion was established by Congress last year.

So the $2.7 billion figure is just thin air. Some people said they wanted $2.7 billion more than Congress authorized, so the administration said, "We did not give it to them so there is a savings of $2.7 billion." Ridiculous.

Congress set the social service budget at $2.5 billion. The administration said that the Governors want it at $5.2 billion. So the administration claims credit for saving money. That is really stretching fiscal integrity.

In another case the budget overestimates fiscal 1974 revenues by several billion dollars, because its figures are calculated on a definition of full employment at 4 percent, a goal the administration has clearly abandoned recently in the President's economic message. The budget comes here based on 4 percent full employment and 2 days later the President's economic message comes here and it says that is not attainable.

Finally, after making many statements about cuts in the executive office of the President, we find that even with the cuts, the President's office will still contain 16 percent more staff than the number of people in the President's office in the final year of the Johnson administration.

DEFICITS

In connection with deficits, the President's budget is out of balance. He would have people believe it is in balance. He would have people believe that if we do not take the $268 billion ceiling, taxes will increase. The presumption is that there is enough revenue to pay off $268 billion. That is as phony as a $3 Confederate bill. The President knows this budget is out of balance by $13 billion under his own arithmetic. Every single budget sent here by the Nixon administration ends up being out of balance by more than that. More than $86 billion has been added in deficit spending, and the President accuses the Congress of being the big spender. The fact is that Congress has cut the budget every year of the Nixon administration. There have been approximately $20 billion in cuts. The Congress has cut every President's budget for the last 26 years. Congress has not been on a spending spree.

If there has been any spending spree at all, Congress has had a good partner—the President has been leading the race.

1. SPENDING CEILING

The President asked for $268 billion. What is so magical about that number? Why not $265 or $275 billion? What is justification for $268.7 billion, especially when the budget is out of balance by $13 billion?

Congress is not opposed to setting a spending ceiling. Congress has done so before. The point is that Congress and not the President should establish that figure.

The President should admit that continued deficit financing on the massive scale he has proposed in every one of his budgets is dangerously inflationary. He should have the courage to come to Congress and the American people and ask for revenues needed to finance the Government, or quit talking about fiscal responsibility.

2. ECONOMIC MISMANAGEMENT

Mr. President, the fact is that the Nixon administration has mismanaged our economy. Inflation is still high. Unemployment still runs above 5 percent. Interest rates are high. Trade balances worsen—over $6.5 billion this year. Plant capacity is still under-utilized. All of this points to more than $175 billion in lost GNP, and loss of revenue to the Federal, State, and local governments of more than $27 billion. That is the grossest form of economic mismanagement.

3. TAXES

There are still corporations that pay no corporate tax, and during the Nixon administration Republican favoritism of big business has promoted a tax law change in 1971 that even further decreased tax liability. Right now corporate taxes are only one-third of the individual income taxes collected and less than one-half of the total of payroll taxes. Yet there is not a word about making changes; there is not a word about closing tax loopholes, and there is not a word about reform. Maybe if those loopholes were closed, there would be revenue to balance the budget or to fund certain of these programs.

There is no word on property tax reform. Yet the fact is that with the cutbacks in education, health, and housing, as outlined in the Nixon administration, property taxes will likely have to be increased. The money to carry on these local community projects has to come from somewhere.

Take education. Under the Nixon administration, the Federal Government is retreating in its educational responsibility. Local communities have to make up for that effort. That means more property taxes to pay for the schools.

Take a look at vocational education. Vocational education funds are established across this country. They have been a godsend to educate hundreds of thousands of young men and women.

As these people graduate from these schools, 90 percent in many States, and in my State the figure is 95 percent, of the graduates of technical schools get jobs when they leave the schools. Mr. Nixon's budget cut the heart out of this program and cut the heart out of the manpower training program. It proposes to retreat rather than to go ahead. If a community wants to maintain its Vo-Tech school, it is going to have to raise taxes.

There is no mention of payröll tax reform. Yet the payroll tax is a most regressive and burdensome tax.

In short, it appears to me that the Nixon administration is fulfilling its pledge to big business campaign givers by not pressing for tax reform—even though last year it said it was going to do so. Last year they said, "Hold off." They told the Congress to "Hold off and we will do it this year," and there is no proposal before us. But, we should not be surprised—its traditional Republican big business policies at the expense of average working family.

The only sector not neglected in that budget is that of defense. The defense budget does not reflect a peacetime budget. It is nonsense to increase defense spending by nearly $5 billion in a time of reduced international tensions.

Every Member of this body knows there have been flagrant examples of waste in defense procurement. That is not to say on my part that we should have weakened defenses. It is simply to say that the time has come to modernize our procurement practices and quit the nonsense of going through all the purchases we make and find out the price has gone up 100 percent.

DOMESTIC DISENGAGEMENT

The Nixon administration budget does not reflect any constructive replacements for what the President has hacked to death in the domestic area. There has been domestic disengagement—not only disengagement from Vietnam, but disengagement, may I say, from Chicago, Detroit, Cleveland, Los Angeles, New York, San Francisco, Boston, and Washington—disengagement from rural America. It is pulling back and saying to the mayors and Governors, "You take care of it." If that works, the administration will say, "You see, we were right." If it does not, it will say, "It is their fault."

We know there are serious problems of crime, drug addiction, transportation, pollution, urban sprawl, filth, and deterioration. They require the total cooperation of Federal, State, and local governments. They require cooperation of the private sector if they are to be solved. That partnership is not in this budget.

Just as Mr. Nixon solves the problem of housing by abandoning programs, he appears to solve our domestic problems by dumping the problem back to the States and local governments and saying in effect, "You solve them."

Welfare reform was once the Nixon administration top domestic priority. It is not even mentioned nowadays. Yet welfare rolls continue to climb—6 million alone during the first term of Richard Nixon's presidency.

The plain fact is that the President is trying to get arm's length away from domestic problems. He does not seem to care about the problems in Mankato, Pipestone, Alexandria, or Minneapolis, Minn. If he does, he ought to listen to the farm people in my State. He ought to listen to the commissioner of education from my State. We have equalized educational opportunities in our State by increasing our State income tax. We are going to have to cut back on vocational education and education of the disadvantaged, because Federal funds have been cut drastically. Those now have been factored into the total State budget. Taxes will have to go up—but not Mr. Nixon's taxes, not Washington's, but in the State capitals.

NIXON BUDGET—A BUDGET OF NEGLECT

Mr. President, a budget should be a document that shows how a government cares not only about the present but about the future. This budget does not show that. A budget that can ignore some of the basic educational and health needs of our country, or a budget that can really, for all practical purposes, neglect the cry of the poor in this country, does not measure up to the standards of good decent and compassionate government.

I want to close by saying again there are many things in this budget that we can commend at least as a challenge to the country. I do not say every program we have adopted in the past is a good program. We ought to evaluate each program each year—a constant system of evaluation. But I am not about to abandon programs that have shown hope and promise until at least there is some alternative suggestion offered.

What is the alternative suggestion for rural housing in America—where the worst housing is to be found? What is the alternative to the care of our elderly—cutting off and increasing the cost of medical care for the elderly? What is the alternative to unemployment? Is it cutting off the manpower programs, reducing vocational education? I do not think so.

I want to repeat, I am not going to let the big lie go through this country. It is not Congress that has been fiscally irresponsible. It is not Congress, as the majority leader has pointed out time after time, that has willy-nilly gone over the President's budget request. What Congress has changed is the priorities. It has decided to cut some money out of space and foreign aid. It has decided to cut $5 billion out of the defense budget. It decided we want to put it into education and health and manpower training. Congress saw fit to put it into rural development. That is what the President does not like. There is a battle on over priorities. It is the same budget that cuts the heart out of programs for the disadvantaged, after the President spoke here a year ago, saying he was going to pour in Federal resources, and took credit for it. He puts $5 billion more into the defense budget. It is a difference over how we see this country.

I am going to call upon our colleagues to put our house in order first. Let us arrive at what we believe is a sensible spending ceiling. Then let us look at the tax laws. Let us not run away from tax reform. Let us take a look at the needs of the country. Let us take a look at a country that is privately rich and publicly poor. Let us see what we need to do about pollution control, the needs of our cities, the vast needs of rural America, the health needs of our people. Let us see what we are going to do about the hospital needs of our people.

I am not going let the working families of this Nation pay the price the Nixon administration is asking—neglect, cutback, abandonment. Let us see what we can do to make this a better country.

(The remarks Senator Humphrey made at this point on the introduction of S. 705, the Employment Opportunities Act of 1973, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senator from Tennessee (Mr. Brock) is recognized for not to exceed 15 minutes.

Mr. **ROBERT C. BYRD**. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. **BROCK**. I yield.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for Mr. Stevenson today appear immediately after the order for Mr. McClure, that the order for Mr. Scott be vacated, and that Senator Harry F. Byrd, Jr., be recognized for not to exceed 15 minutes in lieu of the position in which Mr. Stevenson now is found under the order.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE BUDGET

Mr. **BROCK**. Mr. President, I have listened with a great deal of interest to the distinguished Senator from Minnesota. There are many things he said with which I agree. I think he knows, as most of us do in this body, that I have long been an advocate of congressional reform and a legislative budget; but I find it somewhat strange that the criticism of the President, which is mounting daily, is directed only to one root of the problem.

I disagree with some of the impoundments. I am going to disagree with some elements of the budget very specifically, and I shall diligently pursue my own course in that regard; but I think it is hard to understand how the Congress can be critical of the administration for grabbing, if you will, some of its power. I do not think the President has kidnaped the baby of constitutional prerogatives and power. I think the Congress has abandoned that child on the doorstep of public responsibility.

We do not have the machinery for budget preparation. We do not have any mechanism for it. Sometimes I wonder if we have the will to establish national priorities and national requirements, because it requires difficult decisions, and we have to face up to some facts. We have to have some orders of priority and finally withdraw some things which cannot be done this year.

Congress has been unwilling to do that. It passes every bill willy-nilly without any consideration for its cost in the context of the whole or the limits of the resources of the people of this country. It is time that we look at our house and get it in order before we start casting stones.

On Monday of this week, the President submitted to the Congress his proposed budget for the fiscal year which begins on July 1, 1973.

I have watched the reaction to the President's budget. Immediately, many people jumped up to announce what an awful thing it was. All these programs would be cut. All these employees would be fired. All these initiatives would be abandoned.

I have looked high and low, and I have not seen any sign of a comprenhensive alternative budget. There is a reason for that—there is not one.

The Congres does not have one. The Congress does not have any means of producing one. The Congress, for heaven's sake, has not even gotten around to completing action on last year's budget—the one that expires 5 months from today.

Yet we jump up and criticize the President's budget for being too low, too high, too this, too that. On what rational basis can we make such a statement? Is the budget too low because it creates a great surplus of funds which ought to be spent for the benefit of the people? Hardly. The President's budget shows a $12.7 billion deficit.

Is the budget too low because we have examined each of its constituent parts in detail, made our own judgments about needs in each area, added up the totals, and found that we come out with a higher figure than $268.7 billion. No. No one here has done that.

If either of these situations were true, then I would suggest that we might have an intelligent debate on the budget and the national priorities for which it stands.

The simple fact of the matter is that Congress is not equipped to thoughtfully analyze the budget. We do not have the procedures, we do not have the staff, and I am not even sure Congress has the will.

If we ever did get into the position of being able to produce a legislative budget, we would be forced to make some very hard decisions, setting priorities among competing plans for utilizing revenues of the Federal Government which are, in fact, the taxed resources of the American people, although some people seem to consider the Federal budget as a money tree. Because people are sick of ever higher taxes, I believe many hesitate to accept that responsibility of determining priorities and making the tough decisions that go with it.

Hopefully, I am not among them. I have proposed legislation which would give us the procedures and the staff we would need to get into the budget business and determine the national needs in the country, and consider each bill not as if it were a separate, isolated piece of legislation that affected nothing other than itself on its designed program, but as if every piece of legislation were to be considered in the context of the whole and in the context of the needs and aspirations of the people of this country. But until that happens, I suspect we will continue to plod along, content with the inefficient ways of the past and criticize those who do not preside in this body.

Individuals can hurl barbs at the President. That is fun, but little is accomplished in the process. Congress does not reform itself. It fails to establish national needs and priorities, and on we go.

For once, I would like to commend the President for trying to hold the line on spending. If anything, I would like to see a budget even lower than the one he proposes.

I believe that there is one basis on which to judge the overall total of a budget. And that is by the overall total of the revenues.

I have no better figures than those of the President himself. His budget shows total revenues of $256 billion. That means his budget is $12.7 billion in the red. And he is my President, and I support him. But that simply cannot be justified in times of prosperity, and especially in inflation-plagued times like these. How anybody can say that a budget $12.7 billion in the red is too low is completely beyond me.

If we examine the budget in greater detail, with the minimal staff capability that we all have, each of us will find some specific areas in which we would propose additional expenditures. But to be intellectually honest and fiscally responsible, we are going to have to more than balance those increases against cuts elsewhere.

So I do not want to be too fulsome in praise of the President for holding the line on spending. Being presented with a budget $12.7 billion in the red, after all, is not really that good. The President's budget is a lot better than it could be, but not as good as what I had hoped.

The key point is this: Until Congress is prepared to assume some real responsibility for preparing the budget or proposing its own alternative budget, I think we are on very thin ice in making the kinds of criticism I have heard leveled at the President this week in committee, before the press, and occasionally in the Chamber of the House and Senate.

Until we are willing to say that we will accept the responsibility because we are the people's representatives and we are the instruments of reform of a free society, and until we are willing to reform ourselves, I think it ill behooves us at this time to criticize anyone.

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senator from North Carolina is now recognized for not to exceed 15 minutes.

THE PRESIDENT'S BUDGET

Mr. HELMS. Mr. President, I commend my good friend, the Senator from Tennessee, for his calm and reasoned remarks. I associate myself with his wise counsel in this regard.

Mr. President, I agree that President Nixon deserves good marks for his bout with the budget. After wrestling with this problem for 4 years, he has finally been able to get a firm grip on one of the most difficult tasks of modern government. For the first time in many years, Congress has been presented with a budget moving toward controlling inflation and making an attempt to match spending with income. Furthermore, the President has a plan to end deficit spending by 1975.

I think we should recognize that for the President even to make such an attempt is a healthy step in the right direction. His budget carries out the philosophy of self-reliance which he outlined in his inaugural address scarcely more than a week ago. At that time he said:

> We have lived too long with the consequences of attempting to gather all power and responsibility in Washington. Abroad and at home, the time has come to turn away from the condescending policies of paternalism—of "Washington knows best." . . . Let us encourage individuals at home and nations abroad to do more for themselves, to decide more for themselves. Let us locate responsibility in more places. Let us measure what we will do for others by what they will do for themselves.

This is the philosophy which the President followed. I must admit with the Senator from Tennessee, that I find it discouraging that even under the President's budget, spending continues to rise by almost $19 billion. The 1974 budget still projects a deficit of $12.7 billion, and we know that even to hold the deficit to this unacceptable level, Congress will have to show remarkable restraint—a virtue that has not been favored much in recent practice. Yet we must also recognize, as the President did, that 75 percent of Federal spending is "built in" and, therefore, for practical purposes, uncontrollable. Where the budget process allowed discretion, the President has attempted to exercise it. The relatively controllable outlays decline in the President's plan from $81.2 billion in 1972, to $75.8 billion in 1973, and to $75.2 billion in 1974. The President has simply tried to apply a system of priorities and to cut out programs which appeared to have run their course or never to have proved themselves. His first target seems to have been those programs where the help went less to those who needed help than to the organizers and promoters of the programs.

It is only natural in the push and shove of the democratic process that some people will feel that a particularly vital program—that is to say, one that benefits them—has been swept away in the general housecleaning. I would suggest in response that Congress has only itself to blame, because Congress has lacked the courage to consider its own priorities. If there be any disagreement with the President's choices, then let us make a reasoned choice ourselves.

I would like to point to one of the 70 programs which the President eliminated from his budget as a clear example of sensible priorities—the dismantling of the Office of Economic Opportunity. Without touching upon the controversial aspects of its work, the OEO has had ample opportunity to prove itself. The community development projects have had 7 years to demonstrate to the local people that such programs can actually help better their lives. If such programs are worthwhile, then the States and communities can now make the decisions on funding them. I will add, however, that I have been singularly unimpressed by the work of the legal services program, and that its basic concept of using Government programs to attack other Government programs flies in the face of representative government. I will strongly resist any attempt to establish the legal services program as an independent corporation, particularly if it is structured as a freewheeling operation. This is precisely the time for Congress to think ahead about the probable outcome and value of such programs.

The constructive response for Congress to the budget is to set its own priorities in order, and to reform our own habits of open ended spending. As the President said, the projected budget margins for 1975–78 are "quite precarious." It is up to us to keep them from breaking down.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. BROCK. I compliment the Senator from North Carolina on his remarks. I think his statement indicates how much we need his services here, and I thank him.

Mr. HELMS. I thank the Senator from Tennessee.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CLARK). Under the previous order, the Senator from Wyoming (Mr. HANSEN) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the able Senator from Idaho (Mr. MCCLURE) may proceed at this moment, without prejudice to the order recognizing the able Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

THE BUDGET

Mr. McCLURE. I thank the distinguished majority whip for accommodating both myself and the Senator from Wyoming.

Mr. President, I would join with my colleagues in the comments that have been made, and commend the Senator from Tennessee and the Senator from North Carolina for the perceptive remarks they have made on what I think is one of the most important subjects confronting this country at this time.

Mr. President, with the war behind us, the No. 1 problem facing this Nation is inflation. It robs the poor and it robs the rich. It expropriates property. It destroys initiative. If unchecked, it will also destroy the greatest economic system in the history of the world.

But when we get to the question of who is responsible for it, that is when everyone seems to run for cover.

It is clear to me, however, that inflation is a responsibility of the Congress. The trouble is that Congress will not accept the responsibility. Two examples come quickly to mind.

First, according to the Joint Committee on Reduction of Federal Expenditures, Congress has increased the total budget authority for fiscal 1973 by $8.6 billion. And that is inflationary.

Second, on two occasions Congress passed a Labor-HEW appropriations bill so far beyond the budget that it forced a Presidential veto. And then, when we fell back on the continuing resolution device, the Congress even said to the Executive, "Go ahead and fund these programs at the budgetary level." Congress seemed not to have a mind of its own.

I do not pretend for 1 minute that the President's spending priorities are the same as my own. But after Congress has done such a great job of passing the buck to the Executive, it comes as penny-ante complaining to fault the President. After all, I would think that it is our common goal to reduce expenditures, decentralize the bureaucracy, and balance a budget over which Mr. Nixon has, in truth, very little control.

One person cannot really speak with any great sense of expertise about this budget, for any document which requires 1,119 pages to explain the expenditure of $268 billion cannot be easily digested overnight. Nevertheless, while applauding the President's efforts to bring about economies, I cannot help but consider those actions as a monument of sorts to the inability or unwillingness of Congress to assume its proper legislative responsibility. I may find I disagree with the manner in which the ax has fallen, but let us not forget for a moment that it was this body which handed President Nixon the ax.

There are games we play around here which might not be fully understood by the people of Idaho, as I would like to explain them now. For instance, there is the congressional game of fiscal responsibility: Increase appropriations beyond the President's budget, legislate a spending ceiling, then wail loudly when the President makes his cuts.

Another variation is to forfeit our legislative responsibilities to the White House, then cry "foul" over the Presidential impoundment of funds.

Just as those who were critical of Mr. Nixon's handling of the war were equally critical of the peace settlement, so it is in economic matters. The target is not inflation. The target seems to be Richard Nixon.

But the President has the best of it. His objective—slicing the deficit from $24.8 billion last year to $12.7 billion this year and then to zero the next—presumes the willingness of Congress to appropriate funds within the limitations of the budget. So, the budget is not so much a balance sheet as it is a challenge to Congress to assume its proper role in protecting the Nation's economy.

I never thought I would see the day when people would feel somewhat relieved to find the Federal deficit to be only $12 billion. Considering the deficits we have had to live with recently, one that represents but 4 percent of the whole budget very nearly brings a sigh of relief. But only nearly.

Those who criticize the President's budget are, in a sense, right. It is up to Congress to take the lead. It is Congress which should eliminate the possibility of a tax increase, a hike in the interest rates, and a continuation of the inflationary forces which beset us.

When I was campaigning for the seat I now occupy, I was often asked to identify the issues which motivated me to make the race. I always replied that I thought the legislative branch should make every effort to reclaim lost responsibilities from the Executive, that the Government should not spend more than it takes in, that deficit spending inevitably means inflation, and that inflation is the cruelest tax of all.

I, for one, accept the challenge that the budget presents.

I will shoulder my share of the responsibility.

I will work to further my own order of priorities.

And I will expect each of my colleagues to do the same.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CLARK). Under the previous order, the distinguished Senator from Wyoming (Mr. HANSEN) is now recognized for not to exceed 15 minutes.

A BALANCED BUDGET

Mr. HANSEN. Mr. President, I am pleased to join with my distinguished colleagues in this discussion of the President's budget requests.

Some commentators and pundits of our land have chosen to regard President Nixon's budget as a challenge—a laying down of the gauntlet—to Congress. Perhaps they feel they must manufacture a dramatic situation of imaginary conflict in order to get the attention of the American people.

But the American people will see no drama in the budget President Nixon has submitted. They will see it for what it is. It is a practical attempt, carefully considered in almost every aspect, to return this country to a balanced budget—to put our house in order. And there can be no doubt in this Chamber that the vast majority of American people believe in a balanced budget. Some are old fashioned enough even to believe that we should strive toward a budget surplus in order that the United States could start paying off the national debt.

President Nixon's budget submission is not a shortsighted plan. It is aimed at achieving goals—now and in the future—and by constraining the increased spending syndrome that has become almost modus operandi in the Federal Government, the President has outlined plans for a balanced budget in fiscal year 1975.

This is the first time since I came to the Senate that a detailed preview of the budget for the following year has been presented by a President. It may well be the first time in our history. But I believe it is sound principle. In Wyoming, the budget is submitted on a biennial basis. It requires some planning ahead, and planning ahead has paid off well for Wyoming. Our State is one of the few in the Nation that is not in debt—that operates in the black. The State constitution prohibits us from operating otherwise. President Nixon certainly is to be commended for his planning ahead at the national level.

Achievement of the balanced budget goal for 1975 actually is a 3-year plan, as outlined by the President. It requires holding 1973 spending to $250 billion, and achieving full-employment balance in 1974 and 1975. President Nixon has recognized that the task is difficult, and we know it will require the cooperation of the Congress and the understanding and support of the American people.

The President's determined efforts to keep expenditures this fiscal year within a $250 billion limit are criticized by many in the Congress as being an unwarranted, demeaning, and illegal usurpation of the constitutional rights of Congress.

Sometimes, Members should stop talking long enough to let the echo of their strident voices fade away, and just listen.

If they did, the ensuing silence would overwhelm them.

President Nixon is doing no more than what most other Presidents have done. There is no public outcry supporting the aggrieved Congressmen. There is no national concern over the fallacious charge that the President is arrogating unto himself the rights of the Congress over control of the purse strings.

And most Members of Congress, if they are fair and honest, will recognize that all we need to do to have full control over spending is to apply these restraints on spending ourselves.

If we hold down Federal spending, the American people can be confident that higher taxes will be avoided. And by holding the line on Federal spending, we greatly improve the chances of keeping a tight rein on the rate of inflation. Every one of us in the Senate is going to have to deal with his natural zeal to develop new programs—to extend the authority of the Federal Government into new areas. Such actions, however meritorious they may appear to individuals or to certain groups, cost money, and the only source of this money is from the taxpayer. In my judgment, the taxpayer will appreciate more than anything the Congress can do, a cut in Federal spending that can in the future lead to tax relief.

President Nixon cautioned that there is—in his words—

> Very little room for the creation of new programs requiring additional outlays in 1975, and no room for the postponement of the reductions and terminations proposed in this budget.

The President needs the support of the Congress. He stated his purpose concisely, and I quote from his budget message, the following:

> The 1974 budget fulfills my pledge to hold down federal spending so that there will be no need for a tax increase.
>
> This is a budget that will continue to move the nation's economy toward a goal it has not achieved in nearly two decades: a high-employment prosperity for America's citizens without inflation and without war.

If some Members of Congress should be successful in their claimed efforts to force President Nixon to spend all the funds appropriated by Congress, the American taxpayer would face disaster.

We recall the figures released earlier this year by only one department, the Department of HEW, showing that if every program authorized for that department alone were implemented fully, the national budget would be more than doubled.

Yet Congress has refused to exercise fiscal responsibility, forcing any President to cut programs to prevent economic disaster.

Nevertheless, some Members have the audacity to fault the President for cuts that he has to make.

According to the Department of HEW reports that I read, if all eligible citizens demanded all the programs that Congress has made available over the past 10 years, it would cost an additional $256 billion annually just to run that one department alone.

We will recall that President Nixon's January 1972 budget request for operations of the entire Government for fiscal year 1973 was only $246.3 billion.

Now the President is striving to hold 1973 expenditures at the $250 billion level.

Over the past 20 years, all Americans should know that expenditures by the Department of HEW have risen from about $5.3 billion annually to almost $85 billion.

The American people have the commonsense to figure out that the money some of the big spenders in Congress advocate spending is tax money collected from the working men and women of this country. The American people have enough experience in trying to balance the books for their families and businesses readily to understand that it is one thing to come up with a theory that promises a Government cure for all their ills but that it is quite another to come up with a plan that can be paid for without bankrupting the American people.

I am sure that if we stop talking long enough and take time to listen to the voices of the people throughout America, there will be no doubt that an overwhelming majority of Americans are strong in their support of the budget that has been presented by the President of the United States. I hope that we will have the good sense to heed not only the voice of our President but to heed the concerns of our fellow Americans as well.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. SCOTT of Virginia. Mr. President, I share the thoughts of the distinguished Senator. I do have some reservations, however, that the budget is still too high.

I do not like the concept of a deficit of $12.7 billion or the concept of a full employment budget. To me, when we talk about a full employment budget, we are just giving another name to deficit financing that we have had for the past 30 or 40 years, to a very great extent. I cannot see any businessman operating his business on the basis of full production. This looks like a sort of parallel. No businessman would have his inventory based on the amount he would produce if the factory was operating at full capacity, if, in fact, it was operating that way.

We still have 5 percent unemployment, and it does not seem reasonable to me to have a budget based on full employment. To put it another way, we are paying interest of something more than $26 billion this year on the national debt; and we could have a balanced budget and still have a surplus of $13 billion or so if we had not had deficit financing in past years.

I think we have to come to the place where we return to the situation of the Government spending no more than it takes in, because it is a terrible burden to be paying $26 billion during the 1974 fiscal year as debt surplus alone; and we will continue to increase this debt surplus if we continue the concept of deficit financing by any name, whether we call it the full employment budget or anything else.

If there is any criticism of the President, my criticism would be that he has not gone far enough. But I would commend him on the start he has made and encourage him to go further, and at least this one Senator will work with him in further cuts in the budget.

I thank the Senator for yielding.

Mr. HANSEN. I thank the distinguished Senator from Virginia very much.

I think a great many businessmen, a great many realists throughout America, share his convictions. They are concerned about the continuation of programs and expenditures that far outstrip tax revenues. They know that if they were to run their own businesses in the fashion that we run the Federal Government, they would be in deep trouble.

I pledge my best in concert and in harmony with the distinguished Senator from Virginia to help work toward the time when this country will be able to pay for its outlay of expenditures each year by the revenues it collects for the appropriate period of time from which those revenues must come.

As I indicated in my earlier remarks, that is precisely the situation in Wyoming. I recognize that there can be unusual circumstances that have developed. I am on a committee to consider the termination of the national emergency that I believe may have been recognized and by action of Congress was begun back in President Truman's administration. I know that unusual circumstances can arise, but I would hope that we would join in moving toward the full implementation of the concept which will say to the American people, "Let's raise money to pay for the programs for which we spend money from year to year."

Mr. SCOTT of Virginia. Mr. President, will the Senator yield further?

Mr. HANSEN. I yield.

Mr. SCOTT of Virginia. It is nice to know that the two of us—and I am sure many other Members of this body—share this common belief.

It just seems to me that the American people are ahead of Congress in that they are concerned about the high cost of Government and the high taxes they have to pay. In fact, in my recent campaign I found that they were more concerned about this than any other matter within the State of Virginia. I wonder whether the time will come when a majority of Congress, particularly the Senate, will be in accord with the thoughts of the American people.

I thank the distinguished Senator.

Mr. HANSEN. I would like to make this final observation, Mr. President:

The realization seems to be spreading throughout the country today that Congress and Government cannot solve all the problems known to mankind simply by appropriating money, creating new programs, and employing additional hundreds of new bureaucrats.

It is our first responsibility—and I think it is obvious in the statement that the President has made—to do all we can to take care of ourselves. If each person in this country were to consider that his first obligation is to try as best he can to take care of himself, I think we would go a long way toward obviating the seeming need for many programs that are recommended and urged upon the people by Members of Congress.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business today not be laid before the Senate until the expiration of all 15-minute orders and the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY, FEBRUARY 5, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged against the time allotted to the Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized at this time for not to exceed 3 minutes, and that the time be charged against the time of the able Senator from Virginia, under his own order.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPULSORY SCHOOLBUSING

Mr. HARRY F. BYRD, JR. Mr. President, in connection with the keen interest on the part of the people in trying to do something about the compulsory busing of schoolchildren for the purpose of creating a racial balance, I invite the attention of the Senate to action taken 2 days ago by the Senate of Virginia. The Senate of Virginia passed, with only one audible dissent, a joint resolution calling for an antibusing amendment to the Constitution.

I think it is very significant that the elected representatives of the people in the Senate of Virginia took nearly unanimous action in requesting a constitutional amendment to outlaw compulsory busing of schoolchildren for the purpose of creating an artificial racial balance.

Mr. President, I reserve the remainder of my time.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. STEVENSON) is recognized for not to exceed 10 minutes.

(The remarks Senator STEVENSON made at this point when he introduced S. 708, the Federal Handgun Licensing and Registration Act, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

A LOOK BEYOND VIETNAM—A CALL FOR RECONCILIATION

Mr. BROOKE. Mr. President, I address my colleagues today with both a sense of relief and expectation. I share with all Americans the relief that comes with the imminent termination of our military involvement in the Vietnam tragedy. I speak with the expectation that the period ahead will be marked not by the acrimonious politics of recrimination and debilitating self-doubt, but rather by the healing influence of national reconciliation.

It would be understandable if, in the aftermath of Vietnam, America sought respite from the burdens of its many responsibilities. The shock engendered by Vietnam, the longest of America's wars, has been great. Fifty-six thousand U.S. servicemen have died in Vietnam, hundreds of thousands have been injured.

Confidence in the responsiveness of government to the will of the people has been seriously eroded. Distrust of the military has grown. Belief that America represents a unique force for achieving freedom and justice in the world has considerably lessened, both at home and abroad. Yes, a desire for respite from our burdens would be understandable. However, America's unique place in the world and its promises, both to itself and to others, preclude this. We cannot shun our responsibilities without compounding and exacerbating our national problems and the world's ills.

The tasks that lie ahead of America are many and complex. The first and, indeed, the most pressing, is the need to achieve reconciliation within.

There must be a reconciliation of generations. The idealism and energy of the young must combine with the hoped-for wisdom of age if we are to be equal to our tasks. "A house divided against itself cannot stand:" nor can a nation characterized by distrust between young and old truly serve the needs of all.

There must be a reconciliation between the desires of the people and the instruments of government needed to fulfill many of those desires. The dissatisfied and the angry must be convinced that our form of government can and will effectively fulfill their just demands on it.

There must be a reconciliation between those in authority and those they are supposed to serve and lead. The sharp decline in respect for authority in the United States must be arrested and reversed. This requires, most of all, that such authority merit respect. The leadership of this Nation, and especially the national congressional and Executive leadership, must seek to regain the confidence of those who now regard it with apathetic disinterest if not with outright distrust.

There must be a reconciliation between the civil and military sectors of our society. We cannot escape the need for a strong and loyal military. Nor can we ignore the need for civilian confidence in and control of that military. Yet all around us we hear expressions of concern about and distrust of our Armed Forces. Even within its ranks there is growing dissension. Racial tensions are mounting. Widespread disgust exists over the abuses of the privileges of rank. These problems must be dealt with and solved. An all-volunteer army may be one means of doing so. This initiative merits the support of the American people. Continued congressional scrutiny of defense spending and insistence that such spending be limited to clearly essential items are other means to restore confidence in our military. Most importantly, the military must show itself conscious of its role as a servant of the American people. We must seek to eliminate the abuses and the waste that make the military so rightly vulnerable to criticism.

We must seek a reconciliation between the various branches of the National Government and the principles of government that have served us so well in the past. I speak here of the need to again establish the proper separation of powers between the three branches of government and the need to insist upon the application of the system of checks and balances that has been the unique strength of our governmental system since its inception. The many expressions of intent to see that these principles are adhered to must become realities in fact.

Above all, as we seek reconciliation, we must recommit ourselves to the ideal of social justice so deeply cherished by the late President Johnson. His words eloquently express this ideal:

> This great, rich restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

A society truly committed to working toward the ideals of equal opportunity for all and equal treatment under the law can overcome these true enemies of mankind.

As we seek internal reconciliation and recommit ourselves to the ideal of social justice, we must do so with the sober realization that the domestic tasks that command our attention are not ones susceptible to easy, swift or inexpensive solution. They are difficult and demanding and will require of all Americans their best efforts if they are to be successfully met. I believe, given proper leadership, the American people are equal to these tasks. It is our responsibility to provide such leadership.

In the field of foreign affairs the tasks facing the United States are no less arduous. Nor can they be ignored with any less impunity.

Too often in the past we have mistakenly believed or argued that increased attention to domestic problems necessitates less attention to foreign concerns. This is not nor can it be the case. The issue is not one of more attention to one area over the other. Rather, it is one of adequate attention to both, predicated upon the interdependent nature of the two spheres of activity.

The guiding light for America's involvement in world affairs must be the sincere desire to achieve a "generation of peace" for all mankind. The cease-fire in Vietnam is a positive step toward this goal. Unfortunately, the tragedies of war continue in Southeast Asia as well as elsewhere in the world. Intermittent killing and strife marks the Middle East. Northern Ireland is wracked by sectarian conflict. In Africa the nationalists' struggle for independence from Portuguese colonial rule continues. Moreover, the unconscionable racist policies of the white supremacists in Rhodesia and South Africa fan the flames of discontent and threaten to bring open warfare to that area. Indeed, war in its many tragic forms, plagues our planet. There can be little question that the cause of world peace needs the support of America as much as it ever has.

The present administration has made significant attempts to bring a "generation of peace" closer to reality. It has sought to lessen the threat of nuclear confrontation between the United States and the Soviet Union through the signing of SALT I accords. A permanent limitation has been achieved on existing ABM capabilities and an interim accord placing limits on strategic offensive missile systems has been signed. We must now seek a permanent limitation on strategic offensive systems. Moreover, restrictions must be sought on the qualitative strategic arms race between the superpowers. I speak here on the need to limit the deployment of MIRV and to forestall the development of sophisticated antisubmarine warfare capabilities. Failure to do so will threaten to destabilize the existing strategic balance between the superpowers.

In seeking additional arms limitation agreements, we must assure the Soviet Union of the sincerity of our intent and demand of the Soviets the same assurance. For this reason, we must forbear from provocative activities, unnecessary for our security, that tend to create suspicions on the other side.

Our efforts to stabilize the nuclear strategic environment may prove futile unless some way is found eventually to include the People's Republic of China and other nuclear powers in arms control arrangements. The problem, however, goes far beyond the policies of the existing nuclear powers. The danger of nuclear proliferation remains and is likely to become more visible in the years ahead. The number of countries that are potential nuclear powers in the military sense is increasing. We would be extremely shortsighted should we fail to address ourselves to this problem in our efforts to limit the perils of the nuclear age.

The United States has also improved the climate for peace in the world by normalizing relations with both the Soviet Union and the People's Republic of China in other spheres of activity. Trade relations with the Soviet Union are expanding. Exports to the Soviet Union increased from $162 million for 1971 to $547 million for 1972. Imports from the Soviet Union were $95 million for 1972 as compared to $57 million the previous year. As this trading relationship grows, we can reasonably hope that the Soviet Union will perceive itself as having a "vested interest" in the continuation of such trade, an interest that will further decrease the likelihood of open conflict between the two superpowers.

Expanded relations with the People's Republic of China is another administration initiative designed to promote peace in the world. In the period ahead, we should move toward full diplomatic recognition of the Chinese People's Republic and increased trade and cultural exchanges with that country. True stability in the international system requires the full and open participation of the People's Republic in the affairs of the world.

As we seek to reduce the possibilities of conflict with our adversaries, we can ill afford to ignore our responsibilities to and our relations with our allies. The security we seek in the world cannot be attained without them. In turn, their security depends upon a close relationship with us.

In Europe, together with our allies, we have embarked on a course of action that can result in enhanced security for all at lower costs and risks. We are engaged in preliminary negotiations on the Conference on Security and Cooperation in Europe, and are beginning similar discussions on the subject of mutual force reductions. Prudence requires that we recognize that pitfalls exists in such negotiations. The Soviet Union could use the Conference for propaganda atmospherics, hoping to influence the West to ignore the reality of the growing military strength of the Warsaw Pact. The promotion of an atmosphere of détente unaccompanied by the substance of balanced force reductions could certainly accrue to the advantage of the Soviet Union.

On the other hand, it may be that the Soviet Union is serious in its desires to seek some form of meaningful relaxation of tensions in Europe. Concern over China and the desire for greater access to Western technology may be two of several reasons for a possible Soviet willingness to reach accommodations with the West.

Regardless of Soviet motivations, we and our West European allies should use these two forums to promote our own objectives. In the force reduction talks, enhanced military security should be sought at less expense and risk. Greater freedom of exchange of ideas and peoples between East and West in Europe should be the primary objective of our efforts at the Conference on Security and Cooperation. Generally, the United States must insist that the Soviet rhetoric of détente be accompanied by an actual Soviet commitment to truly balanced reductions of East-West military forces in Europe.

While the security interests of the United States and its European allies are likely to continue to coincide, this is not the case in the trade and monetary fields. The period ahead will be replete with continuing and mounting tensions with our European allies in these areas. The expanded European Common Market will exert a growing influence in world markets and in the international monetary system. Such expansion will inevitably infringe upon many American interests. The greatest danger is that these tensions may become so intense as to overshadow the priority emphasis that should be given to mutual security needs. It is for this reason that we must seek to find acceptable compromises with our European allies that can mitigate the effects of tensions in these areas. Congress must assume greater responsibility in working with the Executive to find these compromises.

In the trade and monetary areas we face similar problems in our relations with the Japanese. We are all aware of the imbalances in our trade accounts with Japan. These imbalances have not improved noticeably since the President's initiatives of August 1971. This is a source of concern to all. Again, the Congress, with the Executive, shares the responsibility of evolving equitable solutions.

Many of us are also aware of the unsettling effect our rapproachement with the People's Republic has had on the Japanese. The extent to which Japanese confidence in our security guarantee has been eroded has not as yet been fathomed. The period ahead will be one in which the Japanese continue to make fundamental adjustments in their relations with others. Already Tokyo is making extensive efforts to improve relations with both Moscow and Peking. Japan is also encouraging the extension of its commercial interests into South America and the African Continent. During this period of change, we must seek to maintain our close security relationship with Japan, to mitigate trade tensions where possible, and to accept the emergence of Japan as a leading power, both diplomatically and economically, in the world.

It is in the Mideast that I see the greatest threat to world peace. There the greatest potential for confrontation between ourselves and the Soviet Union exists. There, also, the tragedy of unresolved conflicts is most evident. Admittedly, the options open to us in seeking a peaceful way out of the present impasse are limited. The involved parties cannot be forced to accept a settlement that runs counter to their wishes. Nor, apparently, can we hope to gain the cooperation of other external powers in stemming the flow of arms to the area. What we can do is seek to extend the period of respite from open warfare, hopefully providing a time wherein some form of compromise can be reached by the involved parties. In this record, we can pray that the upcoming trip of King Hussein to this country will result in some breakthrough. An initiative at reaching some accommodation between Jordan and Israel on the status of Jerusalem and the Westbank would be a start toward an eventual solution.

Finally, I must stress the need to recommit ourselves to the original ideals of foreign aid. In the past few years, the concept of foreign aid has fallen into disrepute. Having found that largesse does not necessarily buy friends, many Americans have been reluctant to support extensive assistance programs to help the developing world. When we have engaged in such aid in the recent past, it has been, in the words of one observer, "to finance a 'second arms race' between recipients of American and Soviet assistance." It is the tragedy of our aid program that its original emphasis on aiding the weak and economically depressed has been replaced by an overriding concern with military assistance. We must return to the original objectives of foreign aid. We must seek to eliminate root causes of conflict and strife in the developing world, rather than merely providing the military wherewithal to perpetuate wars arising from these causes.

Our responsibility to participate in the task of reconstruction in Vietnam provides us with a unique opportunity to begin to reformulate our aid program along these lines. In doing so, efforts should proceed, where possible, on a multilateral basis. Other nations have already expressed a willingness to participate in the work of reconstruction. In making the efforts to rebuild Vietnam multilateral, we can help promote the sense of commonality of purpose that will be needed to effectively confront the multitude of problems of concern to all nations.

We should also examine the possibility of involving the United Nations in the reconstruction efforts in Vietnam. Secretary-General Kurt Waldheim has expressed his positive desires in this regard. Conditioned on the agreement of the Vietnam parties to such participation, our support of a United Nations effort in Vietnam would be a tangible expression of our continued support of the world organization.

Mr. President, I have briefly covered a myriad of subjects in these past few minutes. I have done so in the hope that my remarks will engender among Senators a resolve to place before the American people the great challenges that face this country. The urgency of our tasks does not allow us to withdraw from active engagement in the world's work. The promises of America to itself and to the world must be fulfilled.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Hawaii (Mr. FONG) is recognized for a period not to exceed 15 minutes.

(The remarks Senator FONG made at this point on the introduction of S. 714, increasing the duty on imports of foreign canned pineapple, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

POSTWAR RECONSTRUCTION OF INDOCHINA

Mr. PEARSON. Mr. President, at his news conference yesterday, President Nixon was asked about postwar reconstruction aid to North Vietnam and the rest of Indochina. The President said:

> I am keenly aware of the fact that even though I might believe that a program of reconstruction for North Vietnam, as well as South Vietnam, is an investment in peace, the Congress has to believe it. The Congress has to support it. And this is going to be one of the more difficult assignments I have had as President, but I think we can make it if the Congress sees what the stakes are.

President Nixon is quite correct. Only the Congress can authorize and appropriate funds for reconstruction assistance to Indochina, including North Vietnam. The issue will be a complex and difficult one for Members of Congress to consider.

With the cease-fire in Vietnam and the withdrawal of our forces, the United States has ended an era of confrontation. We pray that we have begun an era of peace. But the confrontation between the President and the Congress over their respective roles in the formulation and conduct of American foreign policy continues. And it continues to the detriment of our Nation. We all understand that prolonged confrontation between the Congress and the President has adverse effects on many aspects of our foreign relations. It is in the interest of both the President and the Congress to begin to end this era of confrontation.

If we look back through American diplomatic history, we find that there have been a number of instances in which the President and the Congress cooperated closely throughout the process of the formulation, negotiation, and ratification of important international agreements. One of the ways in which this cooperation was achieved was through the appointment of Members of the House and Senate to the delegations negotiating the agreements. In this way, the negotiators would be well informed and sensitive to the concerns of the Congress and the Congress could, at the appropriate time, be fully informed about the complexities and issues involved in the negotiations.

As we begin difficult discussions with the North Vietnamese and other states of Indochina concerning the provision of reconstruction assistance, I believe that we should once again seek the closest consultation and cooperation between the President and the Congress. To achieve this objective, I have written to President Nixon urging him to appoint a small bipartisan group of Members of the House and Senate to the delegation which will accompany Dr. Kissinger to Hanoi on February 10.

Mr. President, I ask unanimous consent that the text of my letter to President Nixon be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *February 1, 1973.*

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Dr. Kissinger's forthcoming discussions in Hanoi concerning the United States role in postwar reconstruction of Indochina will open a new phase of American involvement in that area. With these discussions, our government will begin to define the terms, conditions and amount of reconstruction assistance as provided in Chapter VIII, Article 21, of the Agreement on Ending the War and Restoring the Peace in Vietnam. While the Congress will not be asked for advice or consent about any other part of the Paris agreement, it may well be asked to authorize and appropriate substantial funds to pay for American contributions to reconstruction efforts.

Because the provision of postwar aid is of critical importance to our efforts to secure a lasting peace in Indochina, closest cooperation between the executive and legislative branches of our government is an undeniable necessity. I believe that this cooperation should begin at the earliest possible time and include in its formative stages those members who will have the most direct responsibility for consideration of any legislative proposals.

As you know, American Presidents have, from time to time during our history, included members of Congress on the delegations to important international discussions. The members served a dual role. They advise the delegation about Congressional attitudes toward various issues which arose during the discussions and they explained the terms of the agreements to their Congressional colleagues at the appropriate time.

Because the discussions with the North Vietnamese concerning reconstruction assistance are critical to our postwar Indochina policy and because the Congress will be directly responsible for authorizing and appropriating funds to implement any agreement concerning reconstruction aid, I urge you to include a small bipartisan group of members of the House and Senate on the delegation going to Hanoi on February 10. I would suggest that the Majority and Minority Leaders of each House or the Chairmen and ranking members of the Foreign Affairs Committees of both Houses would be appropriate delegates.

I believe, Mr. President, that the inclusion of members of Congress on the American delegation to Hanoi would constitute a prudent and timely beginning to a continuing consultation with Congress on reconstruction assistance to all of Indochina.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Under the previous order, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) is now recognized for not to exceed 13 minutes.

GOVERNMENT SPENDING AND THE PRESIDENT'S BUDGET MESSAGE

Mr. HARRY F. BYRD, JR. Mr. President, judging from newspaper headlines and TV and radio reports, one would think that the budget submitted by President Nixon this past Monday provides for a reduction in Federal spending.

The facts are, Mr. President, that the budget submitted by President Nixon this past Monday calls for an increase in Government spending of $19 billion.

The public, I feel, does not understand this, as all of the attention has been focused on the President's reduction of a few programs. Overlooked entirely is the fact that, taken as a whole, the new budget provides for an increase of $19 billion in Federal spending.

The able Senator from Kansas (Mr. PEARSON) just brought out, a moment ago, that the President in his press conference yesterday said that he will subsequently recommend a reconstruction program for all of Indochina—for Laos, Cambodia, South Vietnam, and North Vietnam. None of the cost involved there is included in the budget which was submitted this past Monday.

It is important that the people and Congress understand just what the situation is in regard to the Government's fiscal affairs.

For the current fiscal year, the one which will end on June 30, according to the figures submitted by the Bureau of the Budget, the Federal funds deficit will be the largest of any deficit in the past 28 years.

If we take the 5 fiscal years which will end June 30, 1974, which includes the new budget just submitted, the accumulated Federal funds deficit for that period of time—that 5-year period—will exceed $130 billion.

In no previous comparable time in our history has the U.S. Government ever run such deficits, except during World War II when we had 12 million men under arms and were fighting one war in Europe and another in the Pacific.

The cost of government is not being reduced. The cost of government is being increased.

I have mentioned that the deficit for the current fiscal year will be greater than at any other period in the last 28 years. It is true that the projected deficit for the upcoming fiscal year will be less, but only slightly less.

The Federal funds deficit, according to the figures submitted by the Office of Management and Budget, for the new fiscal year beginning July 1 will be $28 billion. That compares with a Federal funds deficit of the current fiscal year of $34 billion.

Let us take the interest on the debt. In the past 8 years, if we compare fiscal year 1967 with fiscal year 1974, one will find that the interest charges on the debt have doubled, from $13 billion in 1967 to the figure of $26 billion in the new budget—just to pay the interest on the debt.

Those figures are so gigantic that I do not comprehend them too well—$26 billion for interest; but I can comprehend this figure a little better: Of every dollar of personal and corporate income tax paid into the Federal Treasury by the wage earners of this country, 17 cents goes for one purpose, and that is to pay the interest charges on the national debt.

The national debt is now $465 billion. The budget report submitted by the President this past Monday estimates that at the end of the next fiscal year, the national debt will go to $505 billion.

Out of the total national debt, 25 percent will have been incurred in a 5-year period—fiscal 1970, fiscal 1971, fiscal 1972, fiscal 1973, and fiscal 1974. In that 5-year period, one-fourth of the total national debt of our Government will have been incurred. That means that the other 75 percent was incurred during a period of well over a hundred years, during which time we fought the War Between the States, the Spanish-American War, World War I, World War II, the Korean war, and part of the Vietnam war.

I think the Government's financial situation is in a far more serious condition than is realized by Congress or realized by the administration. If it is to be brought under control, I submit that Congress and the President must work together.

I have prepared tables which I think dramatize the facts in regard to our fiscal situation. One table gives the receipts and expenditures for fiscal years 1968 through 1974, and the other table gives the deficits in Federal funds and the interest on the national debt for the past 20 years—1955–1974, inclusive. I ask unanimous consent to have these tables printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I have listened to the statement by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) with great interest. It strikes me that it is an anomaly that the executive branch requested and the Congress enacted a general revenue sharing bill last year providing for about $30 billion in revenues to the States over the next 5 years—am I correct?

Mr. HARRY F. BYRD, JR. The Senator is correct.

Mr. ROBERT C. BYRD. Out of revenues which the Federal Government apparently does not have. The distinguished Senator from Virginia has just stated—if I understood him correctly—that by the end of the next fiscal year, meaning the end of fiscal year 1974, the national debt is estimated to become about $505 billion.

Mr. HARRY F. BYRD, JR. The Senator is correct.

Mr. ROBERT C. BYRD. That is $505 for every minute since Jesus Christ was born.

Would the Senator explain to me how the Federal Government, which has a debt of this kind hanging over it, can share general revenues to the tune of $30 billion over the next 5 years with the States? I recognize that the State governments are in difficulty; but from the picture that the able Senator has just completed painting, it strikes me that the Federal Government is in much worse shape.

Mr. HARRY F. BYRD, JR. I say to my distinguished friend and colleague, the Senator from West Virginia, that the Federal Government is in much worse shape than is any State in the Union.

When 13 Governors appeared before the Committee on Finance last year to argue in favor of revenue sharing, I put this challenge to the Governors. I said—

> Can you name any State in the Union, any one of the 50 States, that is in as bad shape financially as is the Federal Government?

None of them could name a State.

The State of California, we read in the paper this past week, is ending its fiscal year with a surplus of $850 million. My own State of Virginia will have a surplus this fiscal year.

As the able and thoughtful Senator from West Virginia pointed out a moment ago, how can you share revenue when you are running these smashing deficits?

I say there is no revenue to share. The only thing we can share with the States is the deficits.

The Federal Government gets its money from the same source as the States and localities get theirs. They can only get their funds out of the pockets of the hard-working wage earners. They cannot get the money anywhere else. So the tremendous spending that the Federal Government will do in the new program of revenue sharing enacted last year, over a 5-year period, will cost the Federal Government—the taxpayers $30 billion at a time when the accumulated Federal funds deficit of our Government will be running $130 billion in the red.

I think the able Senator from West Virginia developed an important point when he mentioned the matter of revenue sharing. It does not seem very logical to me to be embarking on new programs of that type at a time when the Federal Government is deeply in the red.

If we keep this up—and apparently we are going to keep it up for the new budget calls for $19 billion more in spending over what we have been spending, and that does not include reconstruction of Indochina, and no one knows what that is going to cost—the American people will continue to be faced with ever-increasing taxes and ever-increasing inflation, or both.

The figures I have mentioned in these remarks deal with the administrative, or Federal funds, budget. On a unified budget basis; namely, by utilizing the surplus from the social security trust fund—the deficits are not as great. But it is improper, in my judgment, to throw in the trust funds because they cannot be utilized for the general operation of the Government.

EXHIBIT 1

JAN. 29, 1973

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	[1] 1973	[1] 1974
RECEIPTS							
Individual income taxes	69.0	87.0	90.0	86.0	95.0	99.0	112.0
Corporate income taxes	29.0	37.0	33.0	27.0	32.0	34.0	37.0
Total	98.0	124.0	123.0	113.0	126.0	133.0	149.0
Excise taxes (excluding highway)	10.0	11.0	10.3	10.5	9.1	9.4	9.6
Estate and gift	3.0	3.5	3.6	3.7	5.2	4.6	5.0
Customs	2.0	2.3	2.4	2.6	3.2	3.0	3.3
Miscellaneous	2.5	3.0	3.4	3.9	3.5	4.0	4.1
Total, Federal fund receipts	116.0	143.0	143.0	134.0	149.0	154.0	171.0
Trust funds (social security, retirement highway)	38.0	44.0	51.0	54.0	60.0	71.0	85.0
Total	154.0	188.0	194.0	188.0	209.0	225.0	256.0
EXPENDITURES							
Federal funds	143.0	149.0	156.0	164.0	178.0	188.0	199.0
Trust funds	36.0	36.0	40.0	48.0	54.0	62.0	70.0
Total	179.0	185.0	196.0	212.0	232.0	250.0	269.0
Unified budget surplus (+) or deficit (−)	−25.0	+3.1	−2.0	−24.0	−23.0	−25.0	−13.0
Federal funds deficit	−27.0	−6.0	−13.0	−30.0	−29.0	−34.0	−28.0

[1] Estimated figures by Office of Management and Budget.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955-74 INCLUSIVE FEB. 1, 1973

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69 7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	10.3
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1960	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	21.0
1972	148.8	178.0	−29.2	21.8
1973 [1]	154.3	188.4	−34.1	24.2
1974 [1]	171.3	199.1	−27.8	26.1
20-year total	2,039.5	2,272.1	232.6	264.7

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO AMEND THE FEDERAL CROP INSURANCE ACT

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, reporting, pursuant to law, on the overobligation in the appropriation to the Department of Agriculture for "Forest Protection and Utilization," Forest Service, for the fiscal year 1973; to the Committee on Appropriations.

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR THE ARMED FORCES, FISCAL YEAR 1974

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Acting Chairman, District of Columbia Armory Board transmitting, pursuant to law, a report of that Board, for the fiscal year 1972 (with an accompanying report); to the Committee on the District of Columbia.

BALANCE SHEET OF POTOMAC ELECTRIC POWER CO.

A letter from the vice president and comptroller, Potomac Electric Power Co., Washington, D.C., transmitting, pursuant to law, a balance sheet of that company, as of December 31, 1972 (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, reporting, pursuant to law, on international agreements other than treaties, entered into by the United States (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Study of Federal Programs for Manpower Services for the Disadvantaged in the District of Columbia," dated January 30, 1973 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECLASSIFICATION OF LAND OF THE HEART MOUNTAIN IRRIGATION DISTRICT

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, on the reclassification of land of the Heart Mountain Irrigation District; to the Committee on Interior and Insular Affairs.

REPORT OF JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

A letter from the Federal Co-chairman, and the State Co-chairman, Federal-State Land Use Planning Commission for Alaska, Anchorage, Alaska, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED STUDY OF A CERTAIN SEGMENT OF THE OKLAWAHA RIVER

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF U.S. ATOMIC ENERGY COMMISSION

A letter from the Chairman and Members, U.S. Atomic Energy Commission, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Joint Committee on Atomic Energy.

Proposed Legislation To Authorize Appropriations for Fiscal Year 1974

A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

Report of the Federal Judicial Center

A letter from the Director, the Federal Judicial Center, Washington, D.C., transmitting, pursuant to law, a report of that Center, for the year 1972 (with an accompanying report); to the Committee on the Judiciary.

Register of Retirement Benefit Plans, Department of Labor

A letter from the Assistant Secretary of Labor, transmitting, pursuant to law, a register of retirement benefit plans, for that Department, as of January 1, 1972 (with an accompanying document); to the Committee on Labor and Public Welfare.

Report on Positions in Grades GS–16, GS–17, and GS–18

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report on positions in grades GS–16, GS–17, and GS–18, for the calendar year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

Prospectus Relating to Space Occupied by the Social Security Administration

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to space presently occupied by the Social Security Administration and by the Internal Revenue Services' Regional Office, Chicago, Ill. (with accompanying papers); to the Committee on Public Works.

Proposed Legislation To Amend the Public Buildings Act of 1959

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

Report of New England Regional Commission

A letter from the Federal Cochairman, New England Regional Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on Public Works.

Report on Disposal of Foreign Excess Property by the Veterans' Administration

A letter from the Deputy Administrator, Veterans' Administration, Washington, D.C., transmitting, pursuant to law, a report on disposal of foreign excess property by that Administration, for the fiscal year 1972 (with an accompanying report); to the Committee on Veterans' Affairs.

Proposed Oil Pollution Compensation Act of 1972

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (with accompanying papers).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the communication from Mr. Marshall Wright, Acting Assistant Secretary for Congressional Relations, Department of State, be referred jointly to the Committee on Foreign Relations and the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 267. A bill to abolish the Joint Committee on Navajo-Hopi Indian Administration (Rept. No. 93–11).

By Mr. CANNON, from the Committee on Commerce, with an amendment:

S. 38. A bill to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes (Rept. No. 93–12).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John A. Scali, of the District of Columbia, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representatives of the United States of America in the Security Council of the United Nations;

Kenneth Rush, of New York, to be Deputy Secretary of State;

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Under Secretary of State for Political Affairs;

William J. Casey, of New York, to be Under Secretary of State for Economic Affairs;

Donald Rumsfeld, of Illinois, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

John N. Irwin II, of New York, to be Ambassador Extraordinary and Plenipotentiary to France;

John A. Volpe, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary to Italy; and

U. Alexis Johnson, of California, a Foreign Service Officer of the Class of Career Ambassador, to be Ambassador at Large.

The above nominations were reported by Mr. FULBRIGHT, with a recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 685. A bill for the relief of Mamerto C. Comia;

S. 686. A bill for the relief of Jean-Patrice Courtauld;

S. 687. A bill for the relief of Soccorso M. Tecce and his wife, Bruna Tecce; and

S. 688. A bill for the relief of Leonardo Boccella. Refered to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 689. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOMINICK:

S. 690. A bill for the relief of Lugarda Losoya Damian-Ruiz. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 691. A bill for the relief of Santa Bonanno Merlino;

S. 692. A bill for the relief of Guilhermina Garcia;

S. 693. A bill for the relief of Elizabeth Cheng;

S. 694. A bill for the relief of Manuel Soares De Medeiros;

S. 695. A bill for the relief of Alphonso Cunningham;

S. 696. A bill for the relief of Christine Hadow;

S. 697. A bill for the relief of Agnese Modano; and

S. 698. A bill for the relief of Milenka Vuksanovich. Refered to the Committee on the Judiciary.

By Mr. FONG:

S. 699. A bill for the relief of Rodolfo Evangelista Corpuz;

S. 700. A bill for the relief of Romeo Farley Tanjuaquio; and

S. 701. A bill for the relief of Benigno Domlao Jacinto. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 702. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 703. A bill to control Federal spending by requiring an annual ceiling on expenditures and new obligational authority. Referred to the Committee on Government Operations.

By Mr. METCALF:

S. 704. A bill to restore the independence of certain regulatory agencies of the Federal Government. Referred to the Committee on Government Operations.

By Mr. HUMPHREY:

S. 705. A bill to provide employment opportunities in public service for unemployed persons, to assist States and local communities in providing urgently needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. WILLIAMS, and Mr. JACKSON):

S. 706. A bill to provide for an additional year of authorization for programs under the Economic Opportunity Act of 1964. Referred to the Committee on Labor and Public Welfare.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. PERCY, Mr. MAGNUSON, Mr. MOSS, and Mr. COOK):

S. 707. A bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes. Referred, by unanimous consent, jointly and simultaneously, to the Committees on Commerce and Government Operations, with the proviso that, when one committee reports the bill, the other will have 45 days in which to report or the other committee will be deemed discharged from the further consideration of the bill.

By Mr. STEVENSON:

S. 708. A bill to amend the Gun Control Act of 1968. Referred, by unanimous consent, to the Committee on the Judiciary.

By Mr. STEVENSON (for himself, Mr. Humphrey, and Mr. Mathias):

S. 709. A bill to amend the Legislative Reorganization Act of 1970 to provide for the availability of certain proposed agency rules, regulations, and orders. Referred to the Committee on Government Operations.

By Mr. FANNIN:

S. 710. A bill to prohibit fines for crossing unlawful picket lines;

S. 711. A bill to amend the National Labor Relations Act with respect to election of representatives;

S. 712. A bill to amend the national emergency provisions of the Labor-Management Relations Act, 1947, so as to provide for dissolution of injunctions thereunder only upon settlement of disputes; and

S. 713. A bill to provide for strike ballots in certain cases. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 714. A bill to increase the rates of duty on prepared and preserved pineapple and concentrated pineapple juice. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 715. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

By Mr. HRUSKA (for himself, Mr. McClellan, Mr. Burdick, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Mathias, Mr. Scott of Pennsylvania, and Mr. Tunney):

S. 716. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States. Referred to the Committee on the Judiciary.

By Mr. WEICKER (for himself and Mr. Gurney):

S. 717. A bill to repeal the bread tax on 1973 wheat crop. Referred to the Committee on Agriculture and Forestry.

By Mr. SCOTT of Virginia:

S. 718. A bill to facilitate the administration of the laws in the District of Columbia relating to the conduct of public demonstrations;

S. 719. A bill to limit the authority of the government of the District of Columbia with respect to the levying and collecting of certain taxes; and

S. 720. A bill to abolish the National Capital Planning Commission and to transfer certain of its functions to the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 721. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCOTT of Virginia:

S. 722. A bill to prohibit any State from levying income taxes on nonresidents of the State. Referred to the Committee on the Judiciary.

By Mr. BEALL (for himself, Mr. Hathaway, Mr. Javits, Mr. Pastore, Mr. Stevens, and Mr. Young):

S. 723. A bill to establish a National Institute of Health Care Delivery, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BENTSEN:

S. 724. A bill for the relief of Marcos Rojos Rodriguez. Referred to the Committee on the Judiciary.

S. 725. A bill authorizing the Secretary of the Army to construct three floodwater channels for flood prevention and other purposes in the Lower Rio Grande Basin, Willacy, Hildalgo, and Cameron Counties, Texas. Referred to the Committee on Public Works.

By Mr. BENTSEN (for himself, Mr. Abourezk, Mr. Beall, Mr. Bible, Mr. Brock, Mr. Burdick, Mr. Robert C. Byrd, Mr. Domenici, Mr. Haskell, Mr. Inouye, Mr. Humphrey, Mr. McGovern, Mr. Moss, Mr. Nunn, Mr. Randolph, and Mr. Young):

S. 726. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974. Referred to the Committee on Public Works.

By Mr. STEVENS:

S. 727. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expense incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

S. 728. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States; and

S. 729. A bill to amend the Internal Revenue Code of 1954 to exempt from a tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment. Referred to the Commitee on Finance.

By Mr. BARTLETT:

S. 730. A bill for the relief of Eleanor R. Isip. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 731. A bill for the relief of Michael Amamchuku Ojukwu. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 732. A bill for the relief of Corazon F. Mesina. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 733. A bill for the relief of James Francis Keough. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. Gurney, and Mr. Chiles):

S. 734. A bill to authorize the Secretary of the Interior to establish the Man In Space National Historic Site at Cape Kennedy, Fla. Referred to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 735. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Cannon, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Humphrey, Mr. Hughes, Mr. Javits, Mr. Mondale, Mr. Muskie, Mr. McGovern, Mr. Nelson, Mr. Pell, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, and Mr. Williams):

S. 736. A bill to provide for research for solutions to the problem of alienation among American workers and to provide for pilot projects and provide technical assistance to find ways to deal with that problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 737. A bill for the relief of Andrea Montano. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Biden, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Hathaway, Mr. Javits, Mr. Kennedy, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Tunney, and Mr. Weicker):

S. 738. A bill to establish and support State inspection programs for auto emission control systems. Referred to the Committee on Public Works.

By Mr. MUSKIE (for himself, Mr. Biden, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Hart, Mr. Hathaway, Mr. Javits, Mr. Kennedy, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Tunney, and Mr. Weicker):

S. 739. A bill to allow use of highway funds for any transportation improvements necessary to avoid air pollution dangerous to public health, and to prohibit highway projects which may create air pollution dangerous to public health. Referred to the Committee on Public Works.

By Mr. WILLIAMS (for himself, Mr. Kennedy, Mr. Javits, Mr. Dominick, Mr. Bentsen, Mr. Hughes, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Cranston, Mr. Stevenson, and Mr. Nelson):

S. 740. A bill to extend the program for health services for domestic agricultural migrant workers. Referred to the Committee on Labor and Public Welfare.

By Mr. BIBLE:

S. 741. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 742. A bill to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. Fannin):

S.J. Res. 48. A joint resolution to establish a National Commission on Social Security. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD:

S. 689. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, the Department of the Interior is one department of the Government which does not operate in the red. Mineral development is big business. According to the statistics published in February 1972, of the Geological Survey, Conservation Division cumulative production from mining operations, all Federal and Indian lands amounted to $1,139,295,835, with a cumulative royalty value of $36,676,499.

Cost of reclamation and any compensation for degradation of the immediate environment because of the exploitation of development considered necessary for the national welfare is not figured into the balance sheet.

By all odds, the local populations which suffer environmental detriment should be compensated and made as whole as can be under the circumstances of necessary surface mining operations.

The Mineral Leasing Act of 1920 now provides that 37½ percent of all moneys received from sales, bonuses, royalties, and rentals of public lands under that act be paid to States or subdivisions thereof for the construction and maintenance of public roads or for the support of public school or other educational institutions, with 52½ percent to be paid into the general reclamation fund established under the Reclamation Act of 1902. Moneys going into the general reclamation fund are not credited to reclamation programs in such States on the basis of mineral revenue from that State. The remaining 10 percent is credited to miscellaneous receipts.

The bill which I introduce today would credit 90 percent of such moneys to the States which are being exploited for reclamation and reconditioning lands damaged by surface mining operations and, thereafter, for the construction and maintenance of public roads or for the support of public schools as the legislatures of each State may direct.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

By Mr. DOMINICK:

S. 702. A bill to designate the Flat Tops Wilderness, Routt, and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, today I am introducing on behalf of myself and my distinguished colleague Senator FLOYD K. HASKELL, a bill to establish a Flat Tops Wilderness Area in the Routt and White River National Forests in Colorado. This bill would designate 212,716 acres as part of our national wilderness system.

This legislation would give permanent wilderness protection to one of the most magnificent de facto wilderness areas in Colorado. It would encompass the existing Flat Tops Primitive Area. In addition to the interesting geology of the White River Plateau, the area provides habitat for many species of wildlife. Among them are elk, mule deer, black bear, bighorn sheep, bobcat, coyote, badger, fox, beaver, marten, mink, weasel, snowshoe rabbits, blue grouse, ruffled grouse, white tailed ptarmigan, eagles, hawks, and migratory water fowl. There are more than 30 high mountain lakes in the area, and several excellent trout streams, including the South Fork of the White River, which is considered to be one of the best streams in the State for native cutthroat trout.

This bill is similar to S. 1441, which was introduced by Senator Allott and me on April 1, 1971. That bill was introduced in order to provide a departure point for hearings in an effort to bring together the views and plans of various groups and individuals. The bill that passed the Senate on October 10, 1972, provided for an area of 202,000 acres.

One of the areas that was excluded from S. 1441 was the South Fork of the White River. The question of whether the South Fork should be included has been the subject of continuing discussion.

Mr. President, the area designated G–1 on the Forest Service map referred to in the bill contains 10,716 acres and is intended to include the South Fork of the White River. This area contains 195 acres of patented land in two tracts, some of which is developed with buildings and other structures. The question of whether to include this area centers around the available water resources and its relationship to the development of the vast oil shale deposits.

The sentiment in favor of including this area is overwhelming. There is no argument that the South Fork of the White River is one of the most beautiful and unspoiled trout streams in the world. I am also mindful that the Wilderness Act specifically provides that the President may authorize prospecting for water resources, the establishment and maintenance of new reservoirs, power projects, water conservation works, transmission lines, and other facilities within a wilderness area if needed in the public interest.

Mr. President, with this backgrond, I feel that the area involving the South Fork of the White River should be fully considered at the time of hearings, and, accordingly, I have included it. I do not wish to limit the use of this water, if it is the only practical source for the future development of oil shale. However, the Wilderness Act provides the necessary protection.

Mr. President, the bill which I am introducing represents the 202,000 acres previously considered in S. 1441, which passed the Senate late in the 92d Congress, together with an additional 10,716 acres to include the South Fork of the White River—for a total of 212,716 acres.

I ask that this bill be appropriately referred and that it be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and decisions therefrom, as generally depicted on a map entitled "Flat Tops Wilderness—Proposed," dated December 20, 1972, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Flat Tops Wilderness within and as a part of the Routt and White River National Forests, comprising an area of approximately 212,716 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

Mr. HASKELL. Mr. President, I am delighted to join the distinguished senior Senator from Colorado (Mr. DOMINICK) in introducing a bill to establish a Flat Tops Wilderness Area in Colorado.

The Senate has already recognized the need to protect one of the most magnificent areas in Colorado. S. 1441, an act to designate the Flat Tops Wilderness, was passed by this body last session. Unfortunately, however, no action was taken by the House of Representatives.

We are introducing this legislation again today and are looking forward to early approval. Assuming this bill is ultimately referred to the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, I, as chairman of that subcommittee, plan to hold hearings on the proposal early in the session.

There is some disagreement on the proper boundaries of the wilderness. The legislation which passed the Senate last year did not include the wild South Fork of White River, Colo. This portion has been added to last year's 202,000 acres in our bill, bringing the total to 212,716 acres. Many Colorado people also want to include the Patterson Creek area of approximately 12,000 acres, and the Trout Creek-Mandell Creek area of approximately 8,000 acres. Possibly these should be included.

This will be explored when the bill is considered by the subcommittee.

I am pleased to be a part of the effort to protect the wild beauty of Colorado for future generations. As our urban areas continue to grow, more and more people are realizing the need to "escape" to the wilderness areas where they can cherish the beauty of the land. We have an obligation to make those areas available to the people of Colorado as well as to the people of the Nation.

By Mr. BELLMON:

S. 703. A bill to control Federal spending by requiring an annual ceiling on expenditures and new obligational authority. Referred to the Committee on Government Operations.

Mr. BELLMON. Mr. President, section 8 of article 1 of the Constitution provides that the Congress shall have power to raise and collect taxes and to pay the debts. The Constitution further provides that:

> No money shall be draw from the Treasury but in Consequence of Appropriations made by Law.

Plainly it was the intent of our Founding Fathers for the Congress to make the decisions relating both to the raising and spending of money. Over the years the Congress has gradually failed in meeting this responsibility, and now we are in the awkward position of losing much of this responsibility to the executive branch.

Today I am introducing legislation which would create a new and improved mechanism for the appropriation process and better enable the Congress to fully assert its constitutional role over the rapidly expanding Federal budget.

This bill is intended to assist the President and the Congress in a joint effort to hold Federal spending in line with the Nation's needs and our ability to pay.

One need only review the astonishing record in Federal income and spending in order to quickly determine that reforms in the appropriations process are drastically needed. Let me briefly illustrate the problem lest we lose sight of what has happened in this area. Federal tax collections amounted to $5.1 billion in 1946 and $46.4 billion in 1950. In 1960, the Government collected $77.7 billion. Receipts totaled $193.7 billion in 1970 under the unified budget concept in which trust funds are also included along with revenues. This fiscal year, 1973, Federal receipts are estimated to total approximately $223 billion.

Let us now compare Federal spending for those same years. 1940, $9 billion; 1960, $75.5 billion; 1970, $196.5 billion; and in fiscal year 1973 spending will be approximately $250 billion even after the administration has indulged in wholesale cuts of congressional appropriations through the impoundment of various Federal programs. Despite the increase in collections each year, we have witnessed growth in the national debt during this 23-year period. Our national debt is rapidly approaching the one-half trillion dollar mark. This national debt has not only fueled inflation, it has severely damaged the international stability of the American dollar and has hampered the ability of the Federal Government to cope with current problems. Interest alone on the Federal debt this year amounts to well over $23 billion. Mr. President, just imagine what could be accomplished if this sum were available to solve the domestic problems which confront this Nation in education, health, housing, or the environment.

But one must ask: What does all this mean for the average American taxpayer? We must view these figures in human terms. In my view, our Nation faces a fiscal crisis which affects every American. For example, over 10 percent of the average American family's taxes go each year just to pay the interest on the national debt. Our Federal fiscal policy has had a devastating impact on those persons with fixed incomes, acquired savings, and insurance. It does not take an expert in economics to realize that excessive Federal spending has accelerated the cost of living for all Americans.

It is imperative that the 93d Congress act, and act decisively this session to rectify the dangerous situation created by continual Federal spending far in excess of income.

Within recent weeks, we have heard an uproar from the Congress over the administration's practice of impounding appropriated funds in an effort to control Federal spending for this fiscal year. Measures have been introduced to prohibit the executive from engaging in this practice, and hearings are presently being conducted on a bill introduced by Senator Ervin. I, too, share the concern expressed by many that Congress should exercise primary control of fiscal matters, and in so doing, act as a "watchdog" over the Federal budget. My bill, if enacted, would assist the Congress in reasserting this historic role by providing the Congress with new mechanisms to make this process function better. However, the present fiscal crisis demanded immediate action to hold federal spending at a reasonable level. The President has done this, and under these conditions I support him. The conditions which led to this state of affairs need to be changed.

The real issue is who is going to control Federal expenditures—the Congress or the President. In my view, if the Congress has properly met its responsibility by asserting restraint over the Federal budget, then the administration would never have felt the necessity to engage in the withholding of congressional appropriations. Linked with any measure to restrict the executive's impoundment practices must also be the enactment of new and improved procedures in the appropriation process in order to better enable the Congress to control Federal spending.

Mr. President, I suggest the proposal which I am today introducing as one such major needed improvement. Briefly, my bill would bring about the following changes:

First, with the submission of the budget, the President would recommend to the Congress two limitations—a ceiling on Federal expenditures and net lending, and a limitation on the total amount of new obligational authority and loan authority to be made available for that fiscal year.

Second, before the appropriations process can begin, the Congress must establish these spending ceilings.

Third, this proposal would require that once these limitations are adopted by Congress and signed by the President, they would not be subject to modification except by two-thirds vote of both Houses of Congress. In effect, the process is the same as overriding a Presidential veto.

Fourth, if appropriations made during the fiscal year exceed the congressionally adopted spending limitations, the President would then be authorized to proportionately reduce spending on all budget items with the exception of the following: interest, veterans' benefits and services, payments from social insurance trust funds, social services grants under title IV of the Social Security Act and military retirement pay.

This is not an entirely new approach to the problem of runaway Federal spending. In fact, a similar proposal was adopted by the Senate last October with passage of the Jordan amendment to the debt ceiling bill. I believe that, if enacted, this bill would go far in establishing fiscal responsibility without surrendering to the President the historical role that the Congress has traditionally exercised. In addition, it would help restore a measure of fiscal integrity to the Federal Government, lessen the possibility for a tax increase, and avoid the temptation for the President to wield power indiscriminately and without regard for congressional spending priorities. I can not overemphasize that, with these new procedures, the Congress will be able to retain jurisdiction of its constitutional responsibility to control the Federal purse strings. Certainly, the concept of an annual spending ceiling is an idea whose time has come.

Enactment of a ceiling on expenditures and appropriations before the appropriations process begins would require Congress to continually monitor the level of appropriations to hold the total at or below the ceiling and hopefully within anticipated revenues. Such constant attention to the Nation's fiscal condition is an important step toward greater fiscal responsibility. States and municipalities follow this practice. So do successful business enterprises and millions of American families as they plan the household budget. The Federal Government cannot forever continue on its current financial course without certain economic catastrophe.

Mr. President, under the existing practices, the Congress has the best of all possible worlds. We can say "yes" to every group that comes to us with a request for more money, and then point an accusing finger at the administration when groups come to us asking why the full amount appropriated has not been released for spending. Frankly, this system seems not only unfair but downright hypocritical and callous.

Mr. President, as a former Governor of a State which once faced financial chaos but which now operates in a fiscally responsible manner, I know that government can put its financial house in order. I know, also, that government officials need certain tools and restraints to help them resist the constant pressures to do more and more and tax less and less. Congress needs these tools and restraints now. Based on this premise, I urge immediate action upon this proposal.

I ask unanimous consent that my bill be printed in full in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fiscal Responsibility Act".

ANNUAL CEILINGS ON EXPENDITURES AND NEW OBLIGATIONAL AUTHORITY

Sec. 2. (a) After the submission of the Budget of the United States Government and upon recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the Congress shall, by law, prescribe a limit on—

(1) the total amount of expenditures and net lending to be made by the United States Government during such fiscal year, and

(2) the total amount of new obligational authority and loan authority to be made available for such fiscal year: *Provided,* That no change in a limitation once established for the fiscal year by the provisions of this subsection shall be made except by an affirmative vote of two-thirds of the membership of the House of Representatives and the Senate present and voting.

(b) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from expenditure and net lending during each fiscal year, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year within the limit on the total amount prescribed for the fiscal year pursuant to subsection (a) (1).

(2) In carrying out the provisions of paragraph (1) for any fiscal year, the President shall reserve amounts proportionately from appropriations or other obligational authority available for such fiscal year for all programs and activities of the Government (other than expenditures for interest, vet-

erans' benefits and services, payments from social insurance trust funds, social service grants under Title IV of the Social Security Act and military retirement pay).

(c) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from the new obligational and loan authority for each fiscal year such amounts as may be necessary to keep the new obligational authority and loan authority for the fiscal year within the limit on the total amount prescribed for the fiscal year pursuant to subsection (a) (2). The amounts so reserved are hereby rescinded as of the close of such fiscal year. Within 90 days after the close of such fiscal year, the President shall make a report to the Congress identifying the amounts reserved pursuant to this paragraph.

(2) In carrying out the provisions of paragraph (1) for any fiscal year, the President shall reserve amounts proportionately from new obligational authority and loan authority made available for such fiscal year for all programs and activities of the Government (other than for expenditures for interest, veterans' benefits and services, payments from social insurance trust funds, social services grants under Title IV of the Social Security Act and military retirement pay).

(d) In the administration of any program as to which—

(1) the amount of expenditures or obligations for any fiscal year is limited pursuant to subsection (b) or (c), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution for such fiscal year, the amount available for expenditure or obligation (as determined by the President pursuant to subsection (b) or (c)) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SEC. 3. (a) Except as provided in subsection (b), it shall not be in order, in either the House of Representatives or the Senate, to consider any bill or joint resolution making appropriations for any fiscal year beginning with the fiscal year ending June 30, 1974, prior to the date of the enactment of a law prescribing, pursuant to section 2, a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year and a limit on the total amount of new obligational and loan authority to be made available for such fiscal year.

(b) Subsection (a) shall not apply with respect to any appropriation requested by the President if, in submitting the request for such appropriation, the President certified that an emergency requires the prompt enactment of legislation making such appropriation.

(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, with respect to proposed expenditures and proposed new obligational authority and loan authority set forth in the Budget of the United States Government submitted by the President for any fiscal year.

(d) This section is enacted by the Congress—

(1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

By Mr. METCALF:

S. 704. A bill to restore the independence of certain regulatory agencies of the Federal Government. Referred to the Committee on Government Operations.

SEPARATION OF REGULATORY COMMISSIONS FROM THE EXECUTIVE

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to restore the independence of certain regulatory agencies of the Federal Government.

Known as the "Regulatory Agencies Independence Act," this is a greatly strengthened and expanded version of S. 448, which I introduced in the last Congress, and on which 7 days of hearings were held by the Subcommittee on Intergovernmental Relations, of the Committee on Government Operations.

The purpose of this legislation is to separate completely the operations of seven regulatory commissions from the executive branch with respect to: the formulation and submission of their budgets; the clearance of information requests under the Federal Reports Act; the control of litigation; the appointment and tenure of commission chairmen and vice chairmen; the submission of legislative recommendations; and the apportionment of funds under the Antideficiency Act.

The seven regulatory commissions which are covered by the legislation are: The Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission.

Mr. President, the original bill S. 448 provided only that these commissions transmit their estimates and requests for appropriations directly to the Senate and House. Such requests were to be in addition to, and not in lieu of, proposals transmitted by the OMB.

The hearings brought out the facts that these "arms of Congress," which Congress intended to be independent, with quasi-legislative and quasi-judicial powers, were being subjected to the executive budget-cutting process the same as executive departments and agencies, and that in many cases, notably that of the Federal Trade Commission and the Securities and Exchange Commission, their functions and effectiveness were being impaired by the refusal of the OMB to give them what they urgently need to do their investigative and regulatory work.

The legal justification for the executive exerting this power is found in a little remembered provision in the Reorganization Act of 1939 which included these agencies in the definition of Federal departments and agencies covered in the Budgeting and Accounting Act and other statutes.

It is the intent of this bill to reverse this situation and to separate the commissions completely from the executive budget process and remove any leverage in law over their budget formulation and submission.

The hearings also disclosed that the OMB was using its budgeting powers and authority under the Antideficiency Act (31 U.S.C. 665) to affect the number and quality of commission personnel, the organization of commission offices and in some instances special programs and investigations.

Thus, in developing this legislation, we found it necessary to take the commissions out from under the apportionment control section of the Antideficiency Act and substituting therefor the authority in the Comptroller General to assure that the regulatory commission is complying with other sections of the act.

The hearings further brought out that the Department of Justice was in the position to control and influence the pursuit of litigation by the independent commissions and that such commissions were required to have Justice lawyers rather than their own in many situations, particularly with respect to appeals. This provided just another facet of executive branch control of operations and policymaking by arms of Congress.

In addition, as we all have known for years, the independent commissions were required to submit their legislative statements and recommendations to the OMB for approval before they came to Congress. This was apparently a practice that emerged during the days of the New Deal without any legislative authority. So, this needs to be remedied.

Testimony at the hearings indicated that there may be developing too close a relationship between commission chairmen and Executive Office staff representing the President. The law permits appointment of chairman by the President without advice and consent of the Senate. We felt that, if the President is to "have his own man" directing a commission, we should be able to look into his qualifications and policies in the new role as chairman.

Finally, after many days of hearings into the operation of the OMB under the Federal Reports Act, we were amazed to find that very special and essential surveys, questionnaires, and inquiries by regulatory commissions into corporate activities had to be cleared by the Director of OMB—who relied heavily on business advisory committees for his clearance decisions. Industry was in the OMB right at the start of a commission's inquiry. We felt this practice not to be consistent with Congress intent to make these regulatory commissions independent. Accordingly, the proposed bill takes them out from under the Federal Reports Act.

Mr. President, I ask unanimous consent that a memorandum from the Library of Congress, American Law Division, dated December 15, 1972, in which are cited all the code references where the Executive has powers over the operations of the commissions, be placed in the RECORD at this point.

I also ask unanimous consent that a copy of the bill to restore the independence of regulatory agencies, which I have introduced, be placed in the RECORD at this point.

There being no objection, the memorandum and bill were ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENT OF S. 448 SO AS TO WITHDRAW REGULATORY AGENCIES FROM EXECUTIVE CONTROL

Reference is made to our recent discussion of this subject matter and our letter to you respecting our understanding of the areas to be reserached. A copy of our letter is enclosed in which we list six subject areas for examination. We have checked the index to the U.S. Code under several headings for citations to pertinent provisions, and have made some examination of indexes to executive orders for references to orders touching on the areas under consideration; however, with respect to executive orders we have, due to the time limitation, relied largely on an examination of those orders set out as notes under sections of the U.S. Code. Citations are presented below under the headings of: (A) General, and (B) Selected Regulatory Agencies.

A. GENERAL

1. Budgeting supervision by the Officer of Management and Budget:

(a) 31 U.S.C. secs. 2, 11, 14, 15, 16, 18, 21, 22, 23, 24.

(b) 31 U.S.C. secs. 581, 665, 669, 1151.

(c) E.O. 6715, 31 U.S.C. sec. 11 note.

(d) Reorganization Plan 1 of 1939, Part 1, sec. 1, and Message of President (his comment on Executive Office of President) 5 App. U.S.C. note.

(e) Reorganization Plan 2 of 1970, 31 U.S.C. sec. 16 note.

(f) E.O. 9384, 31 U.S.C. sec. 21 note.

2. Disposition of Legal cases by the Department of Justice:

(a) 28 U.S.C. secs. 514–520.

3. Legislative recommendations supervisions by the Office of Management and Budget.

We recall your stating that this is covered by a circular of the Bureau of the Budget of 1939. We requested a copy of the 1939 circular which, however, was not in the material sent us. There was a circular of November 15, 1937 (Circular No. 344) which requires submission to the Bureau of the Budget of recommendations and reports concerning proposed or pending legislation. A copy of this circular and others sent us by the Office of Management and Budget are enclosed.

4. Approval of investigations and surveys involving more than ten persons by the Office of Management and Budget:

(a) 44 U.S.C. sec. 3509.

5. Designation of Commission Chairman by the President.

No general provision is found for designation of a commission chairman by the President. We have examined the law concerning the several independent agencies listed in the United States Government Organization Manual 1972/1973 beginning on page 372 and extending through page 538 and find that these laws, with a few exceptions, provide for the naming of a chairman by the President. We provide pertinent citations below to Selected Regulatory Agencies.

6. Other activities regulated or controlled by the Executive:

(a) The Federal Reports Act of 1942, 44 U.S.C. secs. 3501–3511, gives the Office of Management and Budget the right to review and control with respect to Federal Reporting Services.

The above areas, we believe, represent the major encroachments on the independence of regulatory agencies. These encroachments are fully discussed by Commissioner Everette MacIntyre of the Federal Trade Commission in an address before the Capitol Hill Chapter of the Federal Bar Association, Washington, D.C., January 16, 1969. A copy of his address on that occasion "Regulatory Independence, Factual or Fanciful" is enclosed.

B. SELECTED REGULATORY AGENCIES

We have examined the law with respect to thirteen agencies for provisions which would seem pertinent to the six areas of interest listed above under part (A) and list below citations for your examination. The citations are listed in numbered paragraphs which correspond to the numbering in part (A) above. No provisions were located for areas 1, 3, and 4.

Atomic Energy Commission

2. 42 U.S.C. secs. 2210(h), 2224, 2271, 2280, 2281, 2282.

5. 42 U.S.C. sec. 2031.

6. (Other activities regulated or controlled by the Executive):

(a) 42 U.S.C. secs. 2032, 2036, 2037, 2202, E.O. 9816 and 9829, 42 U.S.C. sec. 2031 note.

(b) E.O. 10841, 42 U.S.C. sec. 2153 note.

(c) E.O. 11057, 10899, 42 U.S.C. sec. 2162 note.

(d) E.O. 11477, 42 U.S.C. sec. 2187 note.

Civil Aeronautics Board

5. 49 U.S.C. sec. 1321 and notes.

6. 49 U.S.C. sec. 1321 and notes.

Equal Employment Opportunity Commission

2. 42 U.S.C. secs. 2000e–4(f) (6); 2000e–5(e).

5. 42 U.S.C. sec. 20003–4(a).

6. 42 U.S.C. sec. 2000e–4(a).

Federal Communications Commission

2. 47 U.S.C. sec. 401.

5. 47 U.S.C. sec. 154.

6. 47 U.S.C. sec. 154.

Federal Maritime Commission

2. 46 U.S.C. secs. 828, 1114.

5. Reorganization Plan of 1961—26 F.R. 7315, 75 Stat. 840, 5 U.S.C. App. Plan of 1961 No. 7.

6. Same as above.

Federal Power Commission

2. 16 U.S.C. sec. 825m(a).

5. 16 U.S.C. sec. 792.

6. 16 U.S.C. sec. 792.

Federal Reserve Board

5. 12 U.S.C. sec. 242.

6. 12 U.S.C. secs. 241, 242, 249.

Federal Trade Commission

2. 15 U.S.C. secs. 45, 49, 50, 56, 64, 65, 68d, 68h, 69f, 69i, 70e, 70i, 1194; P.L. 92–573, sec. 22(a) [Consumer Product Safety Act—Injunctive Enforcement and Seizure].

5. 15 U.S.C. sec. 41.

6. 15 U.S.C. sec. 41.

Interstate Commerce Commission

2. 49 U.S.C. secs. 12(1), 16(10), (12), 19a(1), 20(9), 43, 44, 45, 319, 322h, 916, 1017, 26(k).

5. Reorganization Plan No. 1 of 1969, 34 Fed. Reg. 15783, 83 Stat. 859, 49 U.S.C. sec. 11 note.

6. 49 U.S.C. sec. 11.

National Labor Relations Board

5. 29 U.S.C. sec. 153(a).

6. E.O. 10918 sec. 3, 28 U.S.C. sec. 141 note 29 U.S.C. sec. 153(a), (d). E.O. 11482 sec. 7(c), 29 U.S.C. sec. 171 note.

Occupational Safety and Health Review Commission

2. 29 U.S.C. sec. 663.

5. 29 U.S.C. sec. 661.

6. 29 U.S.C. sec. 661.

Renegotiation Board

5. 50 U.S.C. App. sec. 1217.

6. 50 U.S.C. App. sec. 1217.

Securities and Exchange Commission

2. 15 U.S.C. sec. 78u(e), 78bbb, 79r(f), 80a–41.

5. Reorganization Plan No. 10 of 1950, 15 F.R. 3175, 64 Stat. 1265, 15 U.S.C. sec. 78d note; 78bbb.

6. 15 U.S.C. sec. 78d; 78bbb.

C. OTHER

1. Creation in General Accounting office of authority to review budgets submitted by regulatory agencies.

We see no constitutional impediments to enactment of legislation granting to the General Accounting Office authority to review budgets submitted by the independent regulatory agencies. There is some question, however, as to the power of Congress to insulate commissioners of the independent regulatory agencies from removal by the President; these issues are discussed in a volume we are sending on loan: Cushman, *The Independent Regulatory Commissions*, Part VI, "The Constitutional Status of the Independent Regulatory Commissions," 1941. Also enclosed are a copy of *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935), a copy of a law review article, MacIntyre, *The Status of Regulatory Independence*, 29 Fed. B. J. 1 (1969), and a copy of a selected bibliography from the Ash Council's Report: The President's Advisory Council on Executive Organization, *A New Regulatory Framework, Report on Selected Independent Regulatory Agencies*, 1971. The recommendations of the Ash Council are discussed in the following law review articles: *Proceedings of the National Institute on New Techniques in Regulating Business: The Ash Council's Recommendations Held on April 16 and 17, 1971*, 23 Admin. L. Rev. 321 (June 1971); and *Symposium on Federal Regulatory Agencies: A Response to the Ash Report*, 57 Virginia L. Rev. 925 (Sept. 1971).

2. Information on the regulation and apportioning of funds appropriated to the:

(a) Architect of the Capitol.

(b) Library of Congress.

(c) General Accounting Office.

(d) Botanical Gardens.

(e) U.S. Senate.

(f) U.S. House of Representatives.

(g) Smithsonian Institution.

All of the above agencies except the Smithsonian are in the Legislative Branch of the Government. The Smithsonian is carried in the Department of Interior Appropriation which seems to place it in the Executive Department. We have contacted the Budget Officer here at the Library of Congress for information on what restraints, if any, are exercised by the Executive in the matter of apportioning appropriated funds. We were referred to 31 U.S.C. sec. 665, and it was stated to us that in the Legislative Branch the agency head is charged with the apportioning responsibility while in the Executive Branch the apportioning is by the Officer of Management and Budget.

D. PREPARED MATERIALS, ETC.

Copies of all items referred to above are enclosed.

HUGH P. PRICE,
GEORGE A. COSTELLO,
Legislative Attorneys.

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Agencies Independence Act".

SUBMISSION OF BUDGET ESTIMATES DIRECTLY TO CONGRESS

SEC. 2. (a) Section 206 of the Budget and Accounting Act, 1921 (31 U.S.C. 15), is amended—

(1) by striking out "No" and inserting in lieu thereof the following: "(a) Except as provided in subsection (b) of this section, no"; and

(2) by adding at the end thereof the following new subsection:

"(b) Each of the following agencies shall transmit its estimates and requests for regular, supplemental, and deficiency appropriations directly to the Senate and House of

Representatives: the Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission. Such estimates and requests shall reflect the judgment of the agency concerned and shall not be changed at the direction of any other agency of the Government. Estimates and requests transmitted pursuant to this section shall be in addition to, and not in lieu of, estimates, requests, and proposals transmitted pursuant to any other provision of this title."

(b) The last sentence of section 207 of such Act (31 U.S.C. 16) is amended by inserting after "shall have authority" a comma and the following: "except as otherwise provided in section 206(b),".

(c) The amendments made by this section shall apply with respect to budgets and requests for fiscal year 1975 and thereafter.

LEGISLATIVE RECOMMENDATIONS NOT SUBJECT TO CLEARANCE

SEC. 3. Any communication to Congress respecting legislation, made by the Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, or the Securities and Exchange Commission, shall not be submitted to, or be subject to change by, the Office of Management and Budget or any other authority.

CLEARANCE TO OBTAIN INFORMATION NOT REQUIRED

SEC. 4. (a) Chapter 35 of title 44, United States Code, is amended—

(1) by inserting in the first paragraph of section 3502, immediately after "General Accounting Office", a comma and the following: "the Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission,"; and

(2) by adding at the end thereof the following new section:

§ 3512. Exemption of regulatory agencies

"Any determination to collect information, any plan or form to be used in the collection of information, and the collection of information, by the Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, or the Securities and Exchange Commission shall not be submitted, or subject to the approval of, the Office of Management and Budget or any other authority."

(b) The analysis of such chapter 35, immediately preceding section 3501, is amended by adding at the end thereof the following new item:

"3512. Exemption of regulatory agencies."

CONTROL OF LITIGATION

SEC. 5. (a) (1) Section 201 of the Federal Aviation Act of 1958 (49 U.S.C. 1321) is amended by adding at the end thereof the following new subsection:

"(d) Nothwithstanding any other provision of law—

"(1) in any civil action, the Board is authorized to act in its own name and through its own attorneys; and

"(2) attorneys for the Board shall supervise, and may in the discretion of the Board conduct, all litigation in any civil action to which the Board is a party."

(2) Section 1008 of such Act (49 U.S.C. 1488) is amended by striking out "Board or the Administrator, as the case may be," and inserting in lieu thereof "the Administrator".

(b) Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end thereof the following new subsection:

"(p) Nothwithstanding any other provision of law—

"(1) in any civil action the Commission is authorized to act in its own name and through its own attorneys; and

"(2) attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party."

(c) Notwithstanding any other provision of law—

(1) in any civil action the Federal Maritime Commission is authorized to act in its own name and through its own attorneys; and

(2) attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party.

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Notwithstanding any other provision of law—

"(1) in any civil action the Commission is authorized to act in its own name and through it own attorneys; and

"(2)" attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party."

(e) Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law—

"(1) in any civil action the Commission is authorized to act in its own name and through its own attorneys; and

"(2) attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party."

(f) (1) Section 17 of the Interstate Commerce Act (49 U.S.C. 17) is amended by adding at the end thereof the following new paragraph:

"(13) Notwithstanding any other provision of law—

"(A) in any civil action the Commission is authorized to act in its own name and through its own attorneys; and

"(B) attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party."

(2) Section 2323 of title 28, United States Code, is amended by striking out the first and fourth paragraph; by striking out "The Interstate Commerce Commission and any" in the second paragraph and inserting in lieu thereof "Any"; and by inserting "Interstate Commerce" before "Commission, in which" in such second paragraph.

(g) Section 310 of the Federal Power Act (16 U.S.C. 825l) is amended—

(1) by inserting "; LITIGATION" immediately after "EMPLOYEES" in the section heading;

(2) by inserting "(a)" immediately after "SEC. 310."; and

(3) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law—

"(1) in any civil action the Commission is authorized to act in its own name and through its own attorneys; and

"(2) attorneys for the Commission shall supervise, and may in the discretion of the Commission conduct, litigation in any civil action to which the Commission is a party."

(h) Section 2348 of title 28, United States Code, is amended—

(1) by inserting ", other than proceedings to review orders of the Federal Communications Commission or the Federal Maritime Commission" before the period at the end of the first sentence; and

(2) by inserting "(other than such Commissions)" after "The agency" where it first appears in the second sentence.

(i) Subsection (c) of this section and the amendments made by this section shall not apply to any civil action commenced before the date of enactment of this Act, but, in any civil action commenced before such date in which the Board or any commission referred to in such amendments or such subsection has an interest, attorneys for that Board or such commission (as the case may be) may, by leave of the court, appear as a friend of the court.

APPOINTMENT AND TENURE OF AGENCY CHAIRMAN AND VICE CHAIRMAN

SEC. 6. (a) Section 201(a) (2) of the Federal Aviation Act of 1958 (49 U.S.C. 1321 (a) (2)) is amended by striking out "designate annually" in the last sentence and inserting in lieu thereof "appoint, by and with the advice and consent of the Senate,"; and by adding at the end thereof the following: "Any member appointed as chairman or vice chairman shall serve as such until the expiration of his term as a member of the Board (except that he may continue to serve as chairman or vice chairman, as the case may be, for so long as he remains a member and his successor as chairman or vice chairman has not taken office). In considering any nomination to the office of chairman or vice chairman the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a member at the same time he is appointed chairman or vice chairman."

(b) Section 4(a) of the Communications Act of 1934 (47 U.S.C. 154(a)) is amended by striking out "one of whom the President shall designate as chairman" and inserting in lieu thereof "one of whom shall be appointed chairman by the President by and with the advice and consent of the Senate. A commissioner appointed as chairman shall serve as such until the expiration of his term as a commissioner of the Commission (except that he may continue to serve as chairman for so long as he remains a commissioner and his successor as chairman has not taken office). In considering any nomination to the office of chairman the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a commissioner at the same time he is appointed chairman.".

(c) (1) One of the commissioners of the Federal Maritime Commission appointed under section 102 of Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) by the President, by and with the advice and consent of the Senate, shall be appointed chairman by the President, by and with the advice and consent of the Senate. A commissioner appointed as chairman shall serve as such until the expiration of his term as a commissioner of the Commission (except that he may continue to serve as chairman for so long as he remains a commissioner and his successor as chairman has not taken office). In considering any nomination to the office of chairman the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a commissioner at the same time he is appointed chairman.

(2) Subsection (b) of such section 102 is no longer effective.

(d) (1) The first sentence of the first section of the Federal Power Act (16 U.S.C. 792) is amended by striking out all that follows "consent of the Senate," and inserting in lieu thereof "one of whom shall be appointed as chairman by the President, by and with the advice and consent of the Senate. The commissioner so appointed shall serve as chairman until the expiration of his term as a commissioner of the Commission (except that he may continue to serve as chairman for so long as he remains a commissioner and his successor as chairman has not taken office). In considering any nomination to the office of chairman the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a commissioner at the same time he is appointed chairman.".

(2) Section 3 of Reorganization Plan Numbered 9 of 1950 (64 Stat. 1265) is no longer effective.

(e) (1) The fourth sentence of the first section of the Federal Trade Commission Act (15 U.S.C. 41) is amended to read as follows: "The President shall appoint a chairman from the Commission's membership, by and with the advice and consent of the Senate; and the Commissioner so appointed shall serve as Chairman until the expiration of his term as Commissioner (except that he may continue to serve as Chairman for so long as he remains a Commissioner and his successor as Chairman has not taken office). In considering any nomination to the office of Chairman the Senate shall give careful consideration to the qualifications of the nominee An individual may be apointed as a Commissioner at the same time he is appointed as Chairman."

(2) Section 3 of Reorganization Plan Numbered 8 of 1950 (64 Stat. 1264) is no longer effective.

(f) (1) Section 4(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new sentence: "The President shall appoint a chairman from the Commission's membership, by and with the advice and consent of the Senate; and the commissioner so appointed shall serve as Chairman until the expiration of his term as commissioner (except that he may continue to serve as Chairman for so long as he remains a commissioner and his successor as Chairman has not taken office). In considering any nomination to the office of Chairman, the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a commissioner at the same time he is appointed as chairman."

(2) Section 3 of Reorganization Plan Numbered 10 of 1950 (64 Stat. 1205) is no longer effective.

(g) (1) Section 11 of the Interstate Commerce Act (49 U.S.C. 11) is amended by adding at the end thereof the following: "The President shall appoint a chairman from the Commission's membership, by and with the advice and consent of the Senate; and the commissioner so appointed shall serve as chairman until the expiration of his term as commissioner (except that he may continue to serve as chairman for so long as he remains a commissioner and his successor as chairman has not taken office). In considering any nomination to the office of chairman, the Senate shall give careful consideration to the qualifications of the nominee. An individual may be appointed as a commissioner at the same time he is appointed as chairman."

(2) Section 3(a) of Reorganization Plan Numbered 1 of 1969 (83 Stat. 859) is no longer effective.

(h) Subsection (c) of this section and the amendments made by this section shall not apply to the service as chairman or vice chairman of the Board or any commission referred to in such subsection or amendments, of any person who was serving as chairman or vice chairman of that Board or commission on the date of enactment of this Act, except that in the case of a person serving as vice chairman for a fixed term, such amendments and subsection shall apply at the end of such term.

INDEPENDENCE IN APPORTIONING APPROPRIATIONS

SEC. 7. (a) Section 3679 of the Revised Statutes of the United States (31 U.S.C. 665) is amended as follows:

(1) In the first sentence of subsection (d) (1), immediately after "the judiciary,", insert the following: "an independent regulatory agency,".

(2) The fifth sentence of subsection (d) (2) is amended by inserting immediately before the period at the end thereof a comma and the following: "but does not include an independent regulatory agency".

(3) In subsection (g), immediately after "the judiciary,", insert "an independent regulatory agency,".

(4) Add the following new subsection at the end thereof:

"(j) (1) The Comptroller General of the United States shall review from time to time actions taken by each independent regulatory agency under this section. The Comptroller General shall make such recommendations as he considers appropriate to such agency whenever he determines that such agency is not complying with the provisions of this section, or is able to improve its administration of this section. Any such determination or recommendation shall be promptly reported to Congress.

"(2) When used in this section, the term 'independent regulatory agency' means the Civil Aeronautics Board, the Federal Communications Commission, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, or the Securities and Exchange Commission."

(b) The amendments made by this section shall apply with respect to appropriations made for fiscal year 1975 and thereafter.

By Mr. HUMPHREY:

S. 705. A bill to provide employment opportunities in public service for unemployed persons, to assist States and local communities in providing urgently needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

EMPLOYMENT OPPORTUNITIES ACT OF 1973

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, legislation that can enable this Nation to at last launch a decisive advance toward the objective of the Employment Act of 1946, "to promote maximum employment, production, and purchasing power."

It has become abundantly clear that the Nixon administration does not believe this goal must be achieved. It has been satisfied with a reduction in the level of unemployment to 5.2 percent from a disastrous rate of 6 percent a year ago. Having changed its unemployment target rather than improve its manpower policy and program aim, the administration now finds acceptable a situation where over 4 million people are out of work, not counting hundreds of thousands more who have dropped out of the labor force in despair. No matter that in a time of hopeful economic recovery, nationwide unemployment still is almost 1½ times the rate of 1969; no matter that almost one-third of the 150 major labor areas in America are classified by the Manpower Administration as areas of substantial or persistent unemployment, with which 830 other labor areas are also afflicted—still this administration presumes to congratulate itself on a current trend toward full capacity in the economy. And at the same time that it seeks to erase a past record of incredible mismanagement that produced an unprecedented situation of escalating inflation and extensive recession, this administration apparently would now seek to avoid its full responsibility to continually monitor developing signs of inflationary pressure that, with a renewal of impulsive fiscal and monetary management policies, could lead to an economic downturn in 1974.

NIXON FISCAL 1974 BUDGET SHARPLY DOWNGRADES MANPOWER

These efforts can only be compounded by an incredible administration decision in the proposed fiscal 1974 budget to reduce significantly national efforts to combat joblessness, and to curtail job training and employment opportunities for the thousands upon thousands of Americans who continue to be swept aside from the economic mainstream by poverty and racial discrimination. The Nixon administration blinds itself to the facts of economic good sense when it fails to build on the bases of vital job training and experience programs. For these programs have demonstrated clearly that the added income produced by employment resulting from enrollment in these programs yields returns many times over on the Federal cost dollar—and it is increased national income that is the most direct route to reducing Government fiscal deficits, thereby alleviating the need for increased taxes.

But the Nixon administration has presented a Federal budget for fiscal 1974 which not only proposes major cutbacks in funds for these programs, but also cancels some of them out altogether, and, moreover, even calls for the outright repeal of substantial manpower appropriations already enacted for the current fiscal year.

Instead, the Nixon administration now intends, in effect, to wash its hands of this major national responsibility by again calling for a modest program of manpower revenue sharing as if reorganization were a substitute for action. And, not content merely to propose this scheme, the President presumes to compel its approval by announcing that all new enrollments in major adult and youth job training programs have already been halted as plans are made for the changeover—meaning that Members of Congress are to acquiesce in approving manpower revenue sharing, or no Federal assistance will be allocated to their districts to combat further joblessness in areas of poverty or a crisis level of teenage unemployment this summer.

Meanwhile, the administration intends to cut back even existing levels of help. It proposes the outright repeal of $284 million in fiscal 1973 appropriations for economic opportunity manpower programs. It calls for a reduction of $66 million in fiscal 1974 outlays for the Job Corps, under which 11,000 fewer young men and women will be able to obtain vital work experience during the next fiscal year.

Overall, the administration plans to reduce outlays for manpower training and employment services for fiscal 1974 by over $600 million. This will result in part from the phaseout of emergency employment assistance.

Let me reiterate that last point: With several million Americans out of work, the Nixon administration intends to bring to a complete halt the public service jobs programs under the Emergency Employment Act. Once again, this administration would solve a problem simply by announcing that the problem no longer exists—in this case, finding the discontinuation of emergency employment assistance to be "consistent with the increase in new jobs in the private sector," as announced in the document entitled "The United States Budget in Brief." This half truth clearly exposes the Nixon administration's determination to see only what it wants to see in determining spending priorities for domestic needs. It ignores continuing and extensive human despair and anxiety. It ignores the fact that these programs under the Emergency Employment Act have been of vital importance in areas of substantial unemployment across America, providing some 190,000 jobs in services that are critically needed by our communities.

But of equal importance, the Nixon administration apparently intends to ignore the continuing crisis level of joblessness among America's youth. In addition to cutting back and dissipating the Job Corps, the administration also proposes to subsume the vital Neighborhood Youth Corps programs under its manpower revenue-sharing proposal, and at a reduced level of funding. Already, outlays for Neighborhood Youth Corps in-school, summer, and out-of-school programs have been cut back by some $94 million in fiscal 1973. By extracting comparison figures as a proportion of so-called "work support" outlays under the proposed fiscal 1974 budget, it would appear that another $50 million will be withdrawn from these Neighborhood Youth Corps programs.

CONGRESSIONAL ACTION DEMANDED TO ADDRESS CONTINUING CRISIS OF UNEMPLOYMENT

The Employment Opportunities Act of 1973, which I am introducing today, would halt this regression in Federal manpower policy and programs. It would establish a permanent program of public service employment as an integral part of the comprehensive manpower development and training legislation that must be enacted by this Congress, with the authorization for certain manpower programs funded under the Manpower Development and Training Act of 1962, as well as authority for the public service jobs program established by the Emergency Employment Act of 1971, scheduled to expire on June 30, 1973.

The time has now come for the Federal Government to become the employer of first opportunity—reversing its failure to become even employer of last resort—to restore the confidence of several million Americans and their hope in America's future.

This is the fundamental, direct purpose of the Employment Opportunities Act of 1973. Under this bill, 1,000,000 new public service jobs can be created, with an authorization of $7 billion for each of the fiscal years 1974 and 1975.

Behind the figures of a partial decline in unemployment, as total employment has increased by 2.4 million over the past year to a level of 82.9 million, are harsh facts of major groups of jobseekers still left with frustration and despair. For example, the decline in unemployment occurred wholly among adult workers. The unemployment rate for teenagers has remained at a crisis level of over 15 percent. And the unemployment rate for blacks, at 10 percent, showed an increase over the level a year ago. Moreover, a partial reflection of the problem of subemployment—a far more extensive problem than joblessness in areas of poverty—is found in an unemployment rate among part-time workers of 8.34 percent, almost the same as a year ago.

Widely publicized figures of increased employment among Vietnam-era veterans hide an unemployment rate that remains higher than the national average, and that is more than twice as much among black veterans. And figures do not tell the story of too many jobs that are menial and dead end, being all that veterans with better qualifications can find, or training schools or job fairs that still leave a veteran without a bona fide job offer, or a veteran being reclassified from "unemployed" to "college student" primarily to obtain GI bill benefits to help meet family living costs.

The Employment Opportunities Act can effectively help these people to help themselves, restoring their dignity and self-respect. It is designed to meet great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, and conservation—in short, jobs with a purpose—and to meet urgent requirements of our communities and States. The number of teachers, nurses, technicians, repairmen, park and recreation workers, policemen, firemen, and other occupational fields could be greatly expanded if local communities only had the funds.

The Employment Opportunities Act is direct and to the point. It would firmly establish a national policy to promote maximum employment. And it directs that this policy shall operate on a continuing and sustained basis, on the premise that no level of unemployment can be regarded as acceptable and, therefore, not in need of correction through Federal assistance. And to assure that a maximum effort is made across the Nation to combat joblessness, the bill designates broad categories of eligible public service employers, not distinguishing between communities on the basis of population size, or between public and private nonprofit agencies.

This bill establishes job creation levels that are achievable, assuring adequate supervision, supportive services, and safe working conditions. And it sets a level of authorizations that meets the test of fiscal responsibility. Funds are to be allocated fairly among and within the States with assistance that is directly proportional to local needs, but no State shall receive less than $1.5 million in any fiscal year. Every sector of a State's population is to receive equitable consideration in the apportionment of job creation assistance, and the misapplication or discriminatory use of Federal assistance for new public service jobs is prohibited. Moreover assistance must not result in the displacement of currently employed workers.

The Employment Opportunities Act requires that special consideration will be given to the job needs of Vietnam-era veterans—a priority that I firmly believe continues to be essential. And the emphasis throughout this legislation is that, wherever possible, job creation shall lead to advancement or suitable continued employment in either the public or private sector. But the immediate and central goal of this program is the provision of badly needed jobs that are also of critical importance to our communities in their efforts to maintain and improve public services.

THE DEMAND OF THE 1970'S: A COMPREHENSIVE AND EFFECTIVE MANPOWER POLICY

Finally, my bill draws upon provisions in the Employment and Manpower Act vetoed by President Nixon in 1970, to authorize the establishment of a National Council of Manpower Advisors. I believe it is essential right now to create this mechanism by which we can at last identify and review on a sustained basis and in a comprehensive manner the manpower goals and needs of the Nation. We confront projections of a steadily increasing work force over the coming decade and a labor market whose capacity for absorbing these new workers may be seriously limited in certain sectors and subject to significant alterations in other sectors as a consequence of rapid technological change.

We must take decisive action now on the basis of these forecasts to initiate the planning that can help our people find the jobs they need and have a right to expect, and to help American business and industry obtain the skilled and semiskilled labor resources they will increasingly require.

The National Council of Manpower Advisors will be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. In addition to assessing national manpower goals and needs, the council will continually evaluate the operation of federally assisted manpower programs and will make reports and recommendations for their improvement to the President and to Congress. And to anticipate the need for immediate and effective action in response to major economic dislocations arising from changing markets, rapid technological changes, plant shutdowns, or business failure, the council is authorized to develop an early warning system and standby capability, to be administered on a daily basis by the Secretary of Labor.

Mr. President, I believe the provisions I have outlined, in addition to further legislative action to improve and expand our manpower development and training programs, represent an absolute requirement in Federal policy if we are to address intelligently and forcefully the major issue of continuing, widespread joblessness and the need for sustained and beneficial economic growth in the coming decade.

Mr. President, I ask unanimous consent that the full text of the Employment Opportunities Act of 1973 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Opportunities Act of 1973."

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) to attain the objective of the Employment Act of 1946 to promote maximum employment, production, and purchasing power, we must assure an opportunity for gainful, productive job to every American who is seeking work;

(2) there are great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(3) to meet the urgent need for greater public services and the equally urgent need for public service employment which will provide meaningful jobs for unemployed persons, it is appropriate public policy to devote substantial resources to providing public service employment opportunities;

(4) expanded work opportunities must keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(5) many of the persons who have become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(6) unemployment severely affects the families of disadvantaged groups in our society, especially the poor and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds which have generally experienced high unemployment; and

(7) providing resources for public service employment for unemployed persons can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

AUTHORIZED APPROPRIATIONS

SEC. 3. For the purpose of carrying out this Act, there are authorized to be appropriated $7,000,000,000 annually for the fiscal year ending June 30, 1974, and for the succeeding fiscal year.

FINANCIAL ASSISTANCE

SEC. 4. (a) The Secretary of Labor shall enter into arrangements with public service employers in accordance with the provisions assistance available for the purpose of providing employment opportunities for unemployed persons in jobs providing needed public services.

(b) Financial assistance shall be provided under this Act pursuant to applications submitted by eligible public service employers, which shall be—

(1) States;

(2) cities, counties, and other units of general local governments;

(3) local educational agencies and community colleges; and

(4) other public or private nonprofit agencies and institutions, and institutions of the Federal Government, which operate facilities and programs providing public services.

APPLICATIONS

SEC. 5. (a) An application for financial assistance for the purpose of carrying out a public service employment program under this Act shall set forth a public service employment program, and related training and manpower services, designed to provide jobs for unemployed persons in providing needed public services in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, recreation, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that special consideration in filling public service jobs will be given to unemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to job counseling and employment services for veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 6. An application, or modification or amendment thereof, for financial assistance under this Act shall be approved if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, or services.

ALLOCATION OF FUNDS

SEC. 7. (a) The amounts appropriated under section 3 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in that proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in that proportion which the total number of unemployed persons in each such area bears to such total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

SPECIAL PROVISIONS

SEC. 8. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(e) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(f) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expand funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

DEFINITIONS

SEC. 9. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, housing and neighborhood improvements, education, public safety, crime prevention and control, correctional and rehabilitation programs, transportation, recreation, maintenance of parks, streets, and other public facilities, rural development, conservation, beautification, and other fields of human betterment and community improvement;

(4) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

NATIONAL COUNCIL OF MANPOWER ADVISERS

SEC. 10. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Council of Manpower Advisers which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Council, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than four meetings during each calendar year.

(b) The National Council of Manpower Advisers shall

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational, vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) develop an early warning system and standby capability, to be administered by the

Secretary of Labor, that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(4) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(5) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Council of Manpower Advisers shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such reports and activities of the National Council of Manpower Advisers.

(d) The National Council of Manpower Advisers may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Council of Manpower Advisers shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Council of Manpower Advisers, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

(f) The National Council of Manpower Advisers is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. PERCY, Mr. MAGNUSON, Mr. Moss, and Mr. COOK):

S. 707. A bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Referred, by unanimous consent, jointly and simultaneously, to the Committees on Commerce and Government Operations, with the proviso that, when one committee reports the bill, the other will have 45 days in which to report or the other committee will be deemed discharged from the further consideration of the bill.

CONSUMER PROTECTION AGENCY

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference the Consumer Protection Organization Act of 1973.

I ask unanimous consent that this bill be referred jointly and simultaneously to the Committee on Government Operations and the Committee on Commerce, that following the reporting of the bill by either committee the other committee shall have 45 calendar days thereafter to report the bill, that following such 45 days the committee not reporting the bill shall be considered to have discharged the bill, and that it be placed on the Senate Calendar of Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, Senators JAVITS, PERCY, MAGNUSON, Moss, and COOK join me as original cosponsors of this important, bipartisan legislation.

The distinguished majority leader has placed this bill on his list of priority legislation for the 93d Congress.

The history of this bill is well known. In 1970, the Senate passed a similar version 74 to 4, but the House did not act upon it. In 1971, the House passed a bill which in many respects improved on the legislation which expired at the end of the 91st Congress. And last year, the Government Operations Committee overwhelmingly approved a bill with still further refinements. A filibuster in the final days of the session prevented final Senate action, but the votes which were taken clearly showed that a large majority of the Senate favored the bill. This year we hope for early action so that the Congress will have ample time for full consideration and final passage.

The bill which I introduce is essentially the same as S. 3970, on which action was not completed last year. In brief summary, it would establish a Council of Consumer Advisers in the Executive Office of the President, and an independent Consumer Protection Agency. Together, they will provide what is now lacking in our consumer protection efforts—effective program coordination and policy development, a vigorous advocate to represent the consumer interest in the regulatory process, and support for State and local consumer protection programs.

The need for a Consumer Protection Agency is now widely accepted. Government regulatory agencies respond to the arguments of well-organized and well-financed interest groups which have the resources to employ effective advocates. There is nothing improper in this. However, consumer interests are neither well organized nor well financed. Consequently, there has been little effective consumer advocacy, and regulatory agencies with a responsibility to protect consumer interests have often been unresponsive to consumer needs. We have seen this happen in numerous instances.

The Department of Agriculture has failed to respond adequately to repeated GAO reports citing unsanitary conditions in meat and poultry processing plants and inadequate inspection programs for both domestic and imported meat. Consumers have no assurance that the meat they buy is clean and wholesome.

The CAB recently granted an air fare increase and has proposed the abolishment of youth and family fares, thus making air transportation more expensive for millions of Americans. This was done after the CAB unilaterally abolished its own inhouse consumer council.

For over 2 years the FDA and the Department of Agriculture have allowed MGA—melengestrol acetate—a potential cancer-causing animal drug, to be fed to food animals without any inspection program at all for the detection of its residues in meat.

For too long, consumers have suffered from inadequate enforcement of legislation enacted to protect their interests. Infants have strangled in their cribs because the Government agency with jurisdiction over product safety has neglected its responsibility to act. Children have died and been disfigured by burns from flammable garments because the Government agency assigned to set standards for flammable fabrics had not done so. Young adults have been paralyzed for life by vaccination because the Government agency assigned to assure the safety of vaccines failed to enforce its own regulations.

These and other Government actions have led increasing numbers of citizens to feel that Government is not responsive to their interests. In a society where Government derives its just powers from the consent of the governed, it is an ominous sign that citizens feel their Government is unresponsive to the interests of the people.

This legislation does nothing to abridge the rights of any person or organization to make its case before Federal agencies. I believe it is important to preserve access to Government agencies for all persons affected by governmental action. This legislation honors that principle. The bill is carefully drafted to advance the consumer interest without interfering in legitimate business conduct. The Agency will fit smoothly into the Federal administrative process.

It is time for the Senate to carry out the will of a majority of its Members and for the Congress to respond to the interests of consumers. It is time for us to act to make our Government more responsive to the desires of the American people. I hope and expect the Congress to give early approval to this bill.

THE "POCKETBOOK" ISSUE OF CONSUMERISM

Mr. JAVITS. Mr. President, I am joining once again with my colleagues, Senators RIBICOFF and PERCY, in cosponsoring the Consumer Protection Organization Act of 1973. I am very pleased that Senator MAGNUSON, the distinguished chairman of the Senate Commerce Committee, and Senator Moss, the distinguished chairman of the Consumer Subcommittee have joined us as original cosponsors of this important bill. Their assistance will be of inestimable value as we consider the bill on the Senate.

When I first came to Congress almost 25 years ago, "consumerism" as a national issue barely existed in the public mind. As our American economy grew more diverse and dynamic, there evolved a concern on the part of consumers and then a determination to get better products, better service, fairer interest rates, and credit terms, and a high standard of product safety.

The consumer movement continued to grow and make itself visible and articulate because more and more families properly regarded consumerism as a pocketbook issue—one which deals with their buying power and their right to a fair return for the hard-earned dollars which they invest in the hundreds of thousands of new and more sophisticated products which annually flood the American market.

We are all consumers. Together we represent the largest economic interest in the country. Collectively, there is a significant impact upon us by almost every public and private sector economic decision. Two-thirds of all spending in the economy is by consumers. Nevertheless, American consumers are not now sufficiently represented in the department. Agencies where major decisions relating to consumers interests are made.

In the bill being introduced today we have sought three general objectives in seeking to remedy the problems and legitmate grievances which our national revolution in marketing has created: first, the broader and more effective consideration of business practices as they relate to consumers; second, more effective penalties and remedies for violation of these regulations; and third, expanded consumer protection initiatives in various Federal agencies and more aggressive advocacy of consumer interests.

We have had some success in Congress in recent years with passage of important consumer legislation, including the Consumer Credit Protection Act and the truth-in-packaging law.

On other fronts there have also been important advances. Consumer protection offices and departments have been established in the White House and in many States and localities, including an excellent program under the attorney general of New York. Also, of course, the private action of consumer groups and concerned citizens, particularly the organization of Ralph Nader, have had a major impact in helping to marshal support on the side of the consumer.

I was profoundly disappointed that during the last session of Congress the Senate failed to pass the landmark consumer bill which we introduce today—the Consumer Protection Organization Act. The keystone provision of the bill—the creation of an independent Consumer Protection Agency—was approved in the Senate in the 91st Congress by a margin of 74 to 4.

The bill represents an effort by the Federal Government to organize better itself so that the consumers' interests—like those of business, agriculture, labor and so forth—are given due consideration throughout the Government's regulatory network. It had as its primary objective the improvement of the Government's consumer protection structure.

Too often—for one reason or the other—the agencies and departments of government have failed to consider adequately, in the decisionmaking processes, the needs and concerns of the consumer or to insure that the consumers' problems—vis-a-vis the problems of other private interests—were given the attention they deserved.

By providing certain structural changes, especially by the institutionalization of a consumer agency within the federal system, this bill will help the Government to correct this serious deficiency. It will establish a Consumer Protection Agency—CPA—to advocate the consumer interests before all the other departments and agencies of Government and in the Federal courts.

It will provide for grants to State and local governments and nonprofit organizations to assist them with consumer protection programs and it will establish a three-member Council of Consumer Advisers in the White House to help coordinate and reinforce the ongoing consumer efforts in the executive branch.

The CPA will not be a superagency of Government. As to its consumers' role before other agencies, it will have procedural rights, and that is all.

I appreciate that many in the business community and even some among the Federal agencies are concerned that the CPA in its advocate's role would disrupt the orderly processes of government and unduly interfere with legitimate business relationships. This is not the design, the intention, or the effect of this legislation. This bill is balanced and responsible legislation. It will offer the consumer a strong voice in his Federal Government's activities.

I and other Senators have worked for over 3 years to develop and improve this legislation. We hope to develop the case for this bill in joint hearings of the Government Operations and Commerce Committees. The important issues involved will once again come before the Senate.

The consumer's central civil right is to get his money's worth.

He has many rights and many remedies in theory. But the best place to assert them is generically in the departments and agencies.

Our bill provides that the CPA will be headed by a bipartisan three-member Commission and that the Chairman of the Commission will be the Administrator of the Agency. The Commission is vested with the authorities and powers of the Agency, but the Administrator is charged with the full responsibility of carrying on the functions and day-to-day operations.

The CPA would not be the sole repository of knowing what is best for the consumer. It is not to be thought of by the people of the United States or the other agencies as the one and only consumer voice but it is to be charged with presenting and working for consumer positions before other agencies.

It therefore is of paramount importance in my opinion that decisionmaking agencies in the Federal establishment be ever vigilant of competing consumer interests. They must keep their doors open to other consumer groups, who must be encouraged to present their own views, and even to solicit their opinions.

To vest in this new Agency any less authority to intervene and participate before the other agencies than our bill provides—that is, to provide amicus standing only—would be like giving someone a new car on the condition he is not allowed to buy gas—the car just will not go.

There are approximately 50 Federal agencies and bureaus performing some 200 or 300 functions affecting the consumer. By utilizing both the Council and the CPA created in our bill, we would create a new means to police the departments and agencies to insure that they are doing their job for the American consumer.

That assurance is long overdue for our people.

Mr. MOSS. Mr. President, I am pleased to cosponsor the bill creating the Consumer Protection Agency.

This legislation is not new to the Senate. In the 91st Congress, legislation similar to this bill was considered and favorably reported by both the Senate Commerce Committee and the Committee on Government Operations; that bill then passed the Senate by a vote of 74 to 4. The bill was badly needed then, and it is needed even more now.

This legislation would accomplish a number of important ends. It would coordinate the consumer protection activities of the Federal Government, conduct surveys and research, and disseminate information.

The most important functions of this agency, however, are its advocacy functions. There must be someone present to speak up for the consumer and present a balanced picture for those agencies of Government which almost daily make decision affecting the lives of all American consumers. From investigations of various pieces of consumer legislation undertaken in the last several Congresses by the Committee on Commerce, we have learned that the energy and effectiveness of consumer protection regulation diminishes in direct proportion to the absence of vigorous external surveillance and prodding. No single fact of bureaucratic life emerges with more striking clarity from legislative oversight activities of the Senate Commerce Committee. Creation of this new advocacy Agency will assist Congress in overseeing legislation and maintaining the vitality of the legislation.

But many legislative initiatives vest broad discretionary powers in the Government agencies. In view of the typically one-sided representation in front of most Government agencies, it is hardly surprising that a pattern of agency loss of mission and purpose has been established. This phenomenon results from the fact that in the end, the agencies every day find themselves facing only one concerned constituency—the very industry they are supposed to be regulating. The result is a subversion of the mandate of Congress and in effect an abdication of the congressional role.

Mr. President, there must be someone present to speak for the consumer and to present a balanced picture before the agencies dealing with issues affecting consumers. That is one of the primary functions of the Consumer Protection Agency and that is why I am acting as cosponsor of this legislation and urging Senate approval of it.

Mr. PERCY. Mr. President, I am most pleased to join again with Senators

RIBICOFF and JAVITS in reintroducing this vitally important consumer protection agency legislation in the 93d Congress, and welcome the additional support and sponsorship by Senator WARREN MAGNUSON, chairman of the Commerce Committee, Senator FRANK MOSS, chairman of the Consumer Subcommittee of that panel, to which the measure will be referred, and Senator MARLOW W. COOK, the ranking Republican on that subcommittee.

Each one of these sponsors has, in their role as Senators, brought examples of laxity within Government agencies and impervious behavior by some businesses to the light of public scrutiny. And, in so many cases, a bad situation for consumers has been corrected as a result.

It is also gratifying to note that the joint leadership of both Houses has indicated that this bill will be given priority attention just as soon as it is reported to the floor by the relevant committees.

The bill, as introduced today, is substantially the same as that which was accorded an untimely death last year because of the unwillingness of a few Members of this body to permit the whole Senate to deal with the bill on its merits as it did in December of 1970 in approving basically the same measure by a margin of 74 to 4.

Notwithstanding the filibuster, the Senate overwhelmingly beat back an attempt last year to strip the agency of its essential authority to participate as a full party in interest in the proceedings of other agencies of Government and courts whose deliberations affect substantial consumer concerns. Moreover, the Senate on three occasions voted by a substantial majority to cut off the filibuster but failed to achieve cloture by a mere four votes the first time and three on each of the two following occasions.

The bill we are introducing today says basically "no more" to certain recurring examples of bureaucratic arrogance and corporate unconcern for the public. The bill is designed to reinforce quality in goods and services, fairness in merchandising and promotion, and integrity in in the marketplace. As I stated in a speech before the Consumer Federation of America's Consumer Assembly last week, the measure reflects a yearning on behalf of more than 200 million Americans for an improved quality of life, for an America that works again, for an America that cares again, for people, products, and Government institutions that support the society rather than embitter it or tear it apart.

In my criticism of Federal agency performance in the consumer area, I have undoubtedly been most critical of the Food and Drug Administration because I place the highest priority on elemental health and safety. I personally feel that Commissioner Charles Edwards is one of the most dedicated servants in Government and that the record of the FDA under his direction has been without parallel in serving the American public.

But the FDA, with its mandate to protect public health and safety from needless risks associated with unsafe food, drugs, cosmetics, and consumer products, more than any other agency must be subject to the closest scrutiny.

Thus, for example, I have monitored that agency's performance and criticized it for secret agreements to permit the continued sale of leaded Christmas tree tinsel—which they have now halted—and for questionable delays in permitting potentially unsafe levels of hexachlorophene to remain in over-the-counter products—which I can also now say the agency no longer permits.

Where health and safety are concerned, there can be no good explanation for regulatory neglect or bungling. Thus, during last summer's Olympic telecast, the commercial for one company's product showed a double-edged blade flexed between two fingers. As might be expected, a child in Dallas tried doing just what he saw on TV and was seriously cut. The FTC, which has jurisdiction, decided to do nothing. The Bureau of Product Safety within FDA proudly announced that they had prevailed upon the company to correct the problem by including a message on the screen during the showing of the commercial warning: "Sharp edges—Don't try this at home." Now I ask my colleagues in this Chamber, what kind of solution is that? The hazard was especially a hazard to very young children, many not yet able to read. What good does it do to warn when the warning itself is going to have a minimal effect? Would it not be better to consider the safety implications in the first place; or when shown that a risk situation exists, to work on a meaningful—not cosmetic—solution?

A most serious matter involving the FDA of considerable concern to me at this moment involves the agency's persistent unwillingness, despite its recognition of the problem as a national tragedy and a clear mandate to do something about it, to set minimum safety standards for infant cribs. Back in June of 1970, the National Commission on Product Safety in its final report to the President and the Congress listed infant furniture as one of 16 unreasonable hazards found in and around the home. The report pointed to incidents of infant strangulations and deaths caused by too wide spacing of the slats of wooden cribs and cited statistics indicating that as many as 200 deaths a year may be due to crib design, many of those directly caused by negligent spacing. Clearly, it is cheaper to manufacture a crib with fewer slats because less lumber is needed, and some callous manufacturers are willing to risk tragic injury by indecently cutting corners.

Another fairly common problem associated with crib injuries involves the lack of standardized mattress and crib dimensions, permitting injury or death when an infant's head becomes lodged in the space between an ill-fitting mattress and the side or headboard of the crib.

Having reminded the FDA of these dangers in statements on the Senate floor last year and to the media, I received a letter back saying that a study was underway and that—notwithstanding FDA's own figures of 23 reported infant deaths from strangulation due to crib design actually reported to the agency in 1971—further action would have to await the completion and receipt of the report in August of 1973. As I wrote to Commissioner Edwards again 2 weeks ago, if those 23 reported deaths—the actual incidence is likely to be far greater—estimated at 200 by the National Commission on Product Safety—had instead been caused by a prescription drug, shrieks of horror would be heard around the country, and I am certain that the FDA would have taken immediate measures to remove the drug from the market.

But instead, we have a policy of permissiveness of the worst sort, which allows a few manufacturers to produce an unworthy and unsafe product sold to a trusting and unsuspecting public. This kind of irresponsible behavior by the few tarnishes the image of so many outstanding firms, places them in a competitive disadvantage, and, worse, causes parents to endure considerable anxiety wondering whether their child is adequately protected—and insufferable despair on awakening to find he was not. For just this one instance, of many, I can see no reason why there need be any more delay in promulgating a minimum standard for crib safety.

Had there been a CPA in existence to monitor this, I have no doubt that such a standard would already be in effect.

This is what the Consumer Protection Agency legislation is all about. But to make sure that we are not ourselves creating an institution of government which might disrupt the orderly processes of regulation and administration now being carried out by government or unduly interfere with responsible business practices, we have incorporated within this legislation what we believe to be very important and reasonable controls against abuse.

Mr. President, I ask unanimous consent to insert a reference paper at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAFEGUARDS IN CONSUMER PROTECTION AGENCY BILL

1. The CPA will have no regulatory authority. It will not be able to overrule, veto or impair any Federal agency's final determinations. The participation rights granted to the CPA are procedural only, not substantive, such that no authority granted to the CPA shall be construed as superseding, supplanting, or replacing the jurisdiction of any agency over any subject matter, nor deprive any agency of its responsibility to exercise its authority under law. Section 3(3) Declaration of Purpose

2. Limitation on CPA interventions: Authority to intervene as of right as a party is granted to the CPA in formal agency proceedings, but the Administrator must exercise discretion and avoid unnecessary involvement. He is to refrain from intervening as a party unless he determines that such extent of involvement is necessary to represent adequately the interests of consumers. Where submission of written briefs or other material is sufficient, or presentation of oral argument is sufficient, he is to exercise self-restraint and limit his involvement accordingly. Section 203(a)

3. Protection against disruption and delay of agency proceedings and activities: Upon

intervening, or participating in formal agency proceedings, the Administrator must comply with the host agency's statutes and rules of procedure governing the timing of his participation and the conduct of such proceeding (Section 203(a)). In participating in an informal agency activity, the Administrator must do so in an orderly manner and without undue delay. Section 203(b).

4. Protection against CPA intrusion in the private meetings and discussions between a Federal agency and a particular business firm: While the CPA may present orally or in writing relevant information and arguments (Section 203(b)(1)), it is not granted the right or authority to be present at any particular meeting or discussion, nor to monitor any phone conversations, between an agency and a company. Instead, it need only have full opportunity comparable to that of the company to present its views. CPA's participation, therefore, need not be simultaneous (and generally will not be) but need only occur within a reasonable time of any prior involvement by such company or at a time when it might reasonably have an input into a contemplated agency action. Section 203 (b)(2).

5. Protection against misuse of a host agency's compulsory process: Where the CPA seeks to use an agency's subpoena authority for discovery purposes, the host agency retains discretion and control over such use. CPA's request must be: (i) relevant to the matter at issue; (ii) not unnecessarily burdensome to the person from whom the information is sought; and (iii) not such as would unduly interfere with the conduct of the host agency proceeding—all to be determined by the host agency, not the CPA. Section 203(e).

6. Protection against unfair advantage to CPA in requiring information from businesses: The compulsory information gathering authority of the CPA (Section 207(b)) may not be exercised to obtain information which: (i) is available as a matter of public record; (ii) can be obtained from another Federal agency; or (iii) is for use in connection with his intervention in any pending agency proceeding. (Section 207(b)(2)). The Administrator's request under Section 207 must relate to consumer health or safety, frauds or unconscionable conduct and be specific as to the purpose for which the information is intended. Moreover, the request must be relevant to that purpose and not unnecessarily burdensome to the person from whom the information is sought. The scope of the Section has been limited so as not to require the production of records, books, or documents, the appearance of witnesses, or the disclosure of information which would violate any relationship privileged according to law. Section 207(b)(1).

7. Protection against arbitrary, capricious or vindictive intervention by CPA: The determination by the CPA that a consumer interest may be substantially affected by the result of an agency proceeding will be subject to ultimate judicial review if there was prejudicial error involved. (Section 201 (e) (1) (B)). The Administrator is required explicitly and concisely to set forth in a public statement the interests of consumers he is representing in a particular agency or court proceeding.

8. Protection against unwarranted allegations in complaints from consumers against business, its products or services: Upon receipt of consumer complaints, CPA will as a matter of course promptly notify the company named, furnish it a copy of the complaint, and afford it a reasonable time in which to respond to the charge. Both the complaint and the company's response will be placed in the public file simultaneously, together with any comments or report from any Federal agency to which the complaint was referred for action. Frivolous, malicious and unsigned complaints will not be placed in the public file. Sections 206 (b) and (c).

9. Protection against access by CPA to all classified information and restricted data under the Atomic Energy Act. Section 207 (c)(1).

10. Protection against CPA access to internal policy recommendations: The CPA will have access to factual material developed by agencies but will have no right to have access to opinions expressed by agency personnel which are not in the nature of factual data. Section 207(c)(2).

11. Protection against CPA access to information concerning routine executive and administrative functions: Most internal agency documents dealing with the management of the agency need not be accessible to the CPA. This will protect the legitimate interests of federal agencies in managing their own affairs without interference. Section 207(c)(3).

12. Protection against CPA access to personnel and medical files and other files access to which would constitute an unwarranted invasion of personnel privacy: The CPA will not have a right to have access to these files, which should properly remain private in order to preserve important interests of confidentiality. Section 207(c)(4).

13. Protection against CPA access to information which any agency is expressly prohibited by law from disclosing to another federal agency: Where a statute of judicial decision has declared that an agency may not disclose information to another agency, this policy applies to the CPA, and denies the CPA the right to access to such information. Section 207(c)(5).

14. Protection against CPA access to income tax records: There is no authorization in this act to any federal agency to disclose the amount or source of income, profits, losses, expenditures, or any particular thereof, from any income return, or to permit CPA access to any such return. This will insure that records which are now treated as confidential by the IRS with respect to access by other federal agencies will be treated in the same manner with respect to the CPA. Section 207(d).

15. Protection against disclosure of confidential information relating to business practices in the files of another agency: The CPA has access to, and can copy agency files, but cannot disclose to the public any information which the host agency has exempted from disclosure or is otherwise exempted by law. Section 208(b).

16. Protection for business trade secrets that may come into CPA's possession: Trade secrets and other confidential business information may not be disclosed under criminal penalty of law except if necessary to protect public health and safety, or to courts, committees of Congress, and other concerned federal agencies in a manner designed to preserve confidentiality. Section 208(c).

17. Protections against disclosure to the public of false or misleading information regarding a business: CPA disclosures may not be inaccurate, misleading or incomplete. Otherwise, CPA will be required promptly to issue a retraction, to take other appropriate measures to correct any error, or to release significant additional information affecting the accuracy of information previously released. Section 208(d).

18. Protection against "surprise" disclosures to the public of information likely to injure the reputation or good will of a business: CPA is required, as a matter of course, to give prior notice to such company and afford an opportunity to comment, unless public health and safety would be imperiled by such action. Section 208(d). Injunctive relief to a company which might be damaged is provided for.

19. Protections against unfair comparisons of the products or services of a business: In disclosing information, CPA: (i) must make clear that all products of a competitive nature have not been compared, if such is the case; (ii) must make clear that there is no intent or purpose to rate products compared over those not compared, not to imply that those compared are superior or preferable in quality to those not compared; and (iii) must not subjectively indicate that one product is a better buy than another. Section 208(e).

Mr. PERCY. Mr. President, with the inclusion of these safeguards from the outset, I look forward to increased business support for this legislation in this session. We start with the encouragement and support of two outstanding firms within the business community, Montgomery Ward and Container Corporation of America—subsidiaries of Marcor, Inc. I am certain that as the days pass, the legislation will win the endorsement of many other farsighted and responsible businesses who are appalled, as I am, by certain instances of unconscionable conduct which only brings shame and disrepute to American industry as a whole and to the free enterprise system on which it is founded.

Mr. President, in connection with my earlier comments regarding FDA inaction on crib hazards, I wish to share with Senators the correspondence I have had with Commissioner Edwards. I therefore ask unanimous consent that his letter of November 1, 1972, be printed in its entirety at this point, followed by my own letter to him on January 12, 1973. I have not yet received a response to my letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE,
Rockville, Md., November 1, 1972.
Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: We join in your concern for infant deaths in cribs as expressed recently in the Congressional Record, on the Today Show, and in other public comments. We have been pursuing an active program which will lead to a mandatory regulation in this area. I should like to tell you what we have been doing.

Let me begin with a description of the problem at the time of the Product Safety Commission investigation. The Commission had highlighted the problem during hearing procedures. We understand that shortly thereafter the industry voluntarily agreed to manufacture cribs with a maximum spacing between slats of 3¼ inches— a spacing based upon medical opinion. We conducted a survey during April, May, and June of this year (Attachment A describes our field program) to determine the status of cribs then being produced. Data collected from 14 firms included basic measurements of cribs and playpens: Slat spacing, interior length and width, and rail and mattress support heights at various positions. This survey also included descriptions of release mechanisms and other hardware being used.

Measurements taken of 97 full-sized wood slatted cribs (representing over 300 styles available on the retail market and near 100 percent of production showed that 82 (84.5 percent) had slat spacing of 3¼ inches or less. None was greater than 3½ inches.

In relation to fatalities, our search of coroners' reports and other data sources has disclosed that 23 deaths of infants may have occurred during 1971 (the latest year for which such data are available) from strangulation because of crib design (exclusive of possible mattress misdesign). Although information on the slat spacing of the cribs involved in these deaths is not available, we are of the opinion that a strangulation with slats 3¼ inch or less spacing is highly improbable. Anthropometric studies have been woefully inadequate as a basis for estimating meaningful body dimensions of infants. (To overcome this inadequacy, we have entered into a major contractual agreement with the Medical School of the University of Michigan to determine scientifically more than forty basic body measurements of several thousand children from throughout the Nation.)

The 200-per-year crib deaths frequently quoted resulted from testimony before the National Commission on Product Safety. It must be noted this figure was an extrapolation from the ten strangulations in twelve years in Dade County, Florida (page 51, Vol. 2, hearings NCPS). Only two of these deaths could in any way be related to crib slat spacing. You will agree, I am confident, that the statistical reliability of an extrapolation such as this must be questioned. Nevertheless, we certainly feel that any accidental death of a child is a national tragedy.

Investigations were made of some twelve cases occurring prior to 1971 (see Attachment B). Four of these were fatalities; one was a near strangulation. Two of the five were slat-space related. In both cases slat spacing was greater than 3¼ inches.

Attachment C presents summaries of 29 crib accidents reported to our Bureau of Product Safety between June 1971 and July 1972. One of these accidents caused the death of the infant—slat spacing was in no way involved.

Our efforts are devoted to the development and promulgation of a meaningful mandatory standard covering design and assembly characteristics of cribs The true aim will be to overcome slat spacing and other identifiable hazards in cribs, including specifically those disclosed during the investigations shown on Attachments B and C. Requirements will include:

1. A maximum allowable distance between slats to eliminate the risk of strangulation.

2. A strength and durability requirement for all structural and design components, including the crib floor of springs, latching devices, slats, and rails.

3. A requirement to insure the integrity and durability of the locking devices under normal use and reasonably foreseeable misuse (e.g., accidental release by crawling infants or other children outside the crib).

4. Requirements to eliminate the puncture or laceration potential of all components (e.g., the sharp edges of exposed brackets or other hardware).

5. Requirements for crib floor adjustment to permit accommodation of the mattress, regardless of its thickness, so that a child cannot be exposed to hazard because the top of the mattress is too high in relation to the top of the siderail.

6. The standardization of mattress and crib dimensions.

The Food and Drug Administration will move rapidly to develop and publish a proposed regulation on slat spacing just as soon as the appropriate minimum spacing dimension can be determined from the anthropometric studies. In the meantime, we are moving forward in developing a broad regulation covering all other mechanical hazards. Our concern for the health and welfare of children and our full utilization of the authority granted by the Congress are matters in which you may have the greatest confidence.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Commissioner of Food and Drugs.

JANUARY 12, 1973.

Dr. CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: As you well know, I have been especially concerned about the incidence of infant deaths in cribs due to hazardous design of the crib and its components. I have your letter of November 1 to me on this subject responding to my comments on the "Today" show the month earlier and to several statements I have made on the floor of the Senate in this connection. Your letter and subsequent information that has come to me concerning it confirms my view that the Food and Drug Administration has been woefully remiss in refusing to take more immediate action to assure the safety of infants from crib defects.

My original concern related to the incidence of infant strangulations and deaths caused by too wide spacing of the slats of wooden cribs. Obviously it's cheaper to build a crib with fewer slats because less lumber is required, and some callous manufacturers are willing to risk tragic injury by indecently cutting corners rather than assure a safe, quality product. The National Commission on Product Safety in its Report to the President and the Congress in June 1970 listed infant furniture as one of the sixteen unreasonable hazards found in and around the home. The chief focus of its discussion centered upon the spacing of slats, citing statistics indicating that as many as 200 deaths a year may be due to crib design, many of those directly caused by negligent spacing.

In your letter back to me you question the validity of the Commission's statistics, yet nevertheless confirm that there are numerous infant deaths each year attributable to the spacing problem, and go on to refer to this as a "national tragedy." I would say "a national disgrace."

In your letter and attachments, it is clear that slat spacing is a problem and, even from the investigations taken by your own staff, approximately 15% of cribs that were subject to surveillance by FDA inspectors failed to meet even the voluntary industry standard of 3¼ inch spacing. My own more casual observation of what's being sold, particularly in urban ghetto areas of Chicago, Cairo, East St. Louis, and here in the District of Columbia, leads me to believe that the percentage of hazardous cribs on the market is considerably higher than that found by your investigators.

Your letter concludes with what appears to be an assurance that "the Food and Drug Administration will move rapidly to develop and publish a proposed regulation on slat spacing" but then tags on a proviso "just as soon as the appropriate minimum spacing dimension can be determined from anthropometric studies." I take it the studies you allude to is a reference back to the contractural agreement the FDA has with the Medical School of the University of Michigan, cited earlier in your letter. But a check with your staff indicated that study will not be completed until August of 1973. As you and I know, studies are often delayed in receipt, and I am sure several months will be needed for the FDA to "consider and review" the study as submitted. Several more months are then likely to pass before FDA comes up with a proposed regulation which is likely to be subject to a period of public comment and review consistent with the Administrative Procedure Act prior to promulgation of a final standard. If the past is any guide, I would guess that the final regulation will permit manufacturers several more months or even years in which to comply with the new standard.

What I'm getting to is why do we have to wait? Why do we need more manufacturing negligence and tragic injury and death when we are all in agreement as to the nature of the problem and the cause of it? Should your anthropometric studies ultimately indicate that an interim Federal standard of 3¼ inch is not sufficient, then a more rigid standard could be promulgated later, but in the meantime let us at least assure the American public that a *minimum* standard is being met by 100%—not merely 85% or less—of American manufacturers.

It would be preferable, of course, to have a more comprehensive standard covering other facets of crib safety, including:

A strength and durability requirement for all structural and design components;

Elimination of sharp edges and protrusions;

Assurance of the integrity and durability of latching devices; and

Standardization of mattress and crib dimensions.

I don't really see how any of those factors need necessarily depend upon the anthropometric studies that you have under way. Again, an interim standard could probably be promulgated almost immediately. Particularly in view of your attachment describing crib injuries reported to the RDA. I believe the last factor dealing with standardized mattress and crib dimensions might well prevent most of the instances where an infant suffers injury or death as a result of his head becoming lodged in the space between an ill-fitting mattress and the side or headboard of the crib.

I urge you personally to review this situation. Notwithstanding the fact that crib design will be a matter soon to be taken over by the independent Consumer Product Safety Commission, I do not believe that this is any reason for delaying action in the interest of safety where commonsense dictates that action is long overdue. I need hardly remind you, if the 1971 toll of 23 reported infant deaths from strangulation due to crib design had instead been caused by a prescription drug, shrieks of horror would be heard around the country, and I am certain that the FDA would have taken immediate measures to remove the drug from the market. But that was not the case and instead we have a policy of permissiveness of the worst sort.

As you well know, Commissioner, and as I have stated on many occasions in public and private, I believe the record of the FDA in health and safety matters under your direction has been singularly outstanding, indeed unequaled. That fact makes it all the more difficult for me to understand why we must continue to allow a few manufacturers to produce an unworthy and unsafe product. This kind of irresponsible behavior by the few tarnishes the image of so many outstanding firms, places them at a competitive disadvantage, and, worse, causes parents to endure heightened anxiety wondering whether their child is adequately protected . . . and insufferable despair on awakening to find he was not.

Sincerely yours,

CHARLES H. PERCY,
U.S. Senator.

By Mr. STEVENSON:

S. 708. A bill to amend the Gun Control Act of 1968. Referred by unanimous consent to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, I was pleased to hear that the Committee on the Judiciary will turn its attention directly to crime control measures, including measures to reduce the easy accessibility in the Nation to guns.

I am today introducing a bill designed to reduce handgun violence in the United States, the Federal Handgun Licensing and Registration Act of 1973. I send the bill to the desk and ask unanimous consent that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, another man has fallen victim to handgun violence, this time one of our own. I share with all Members of the Senate the shock and grief which accompanied the terrible news of the brutal assault upon Senator JOHN STENNIS.

This week it was Senator STENNIS. Last May it was Governor George Wallace, gunned down in nearby Maryland by a man armed with a snub-nosed .38. In 1968, it was Senator Robert F. Kennedy, killed at short range by a man armed with a handgun.

What happened to Senator STENNIS and Governor Wallace and Senator Robert Kennedy could happen to any citizen—and frequently does. Those least prominent, and most poor, are in fact the most frequent victims of assault by gun. Each day Americans are killed, wounded, or maimed in handgun assaults. In 1971 over 17,600 Americans were murdered, and the murder rate for the first 9 months of 1972 was up another 5 percent over the previous year. Sixty-five percent of these homicides involved firearms, and over 78 percent of homicides involving firearms in fact involve handguns—and this despite the fact that only about 27 percent of the Nation's firearms are handguns.

The law enforcement official in the line of duty is a prime target for the pistol-wielding offender. In the decade 1961 through 1970, 633 policemen were murdered in the Nation—most of them with handguns. In 1971 alone 126 policemen were murdered in the line of duty. Last year the number dropped slightly to 112, but 108 of these 112 were killed with firearms and an incredible 70 percent of them with handguns.

There is a fear of crime in America, and this fear is first and foremost a fear of violence. And violence in America is, first and foremost, violence by gun: violence against citizens and violence against policemen in the performance of their duty.

And the villain in this grisly pageant of crime and death in America is the handgun—the pistol—too easily obtained, too easily concealed, too easily used to coerce, maim, and kill.

Nationally, the crime gun is the handgun. In the words of the Eisenhower Violence Commission staff:

> The handgun is the dominant firearm used in homicides. When firearms are involved in an assault and robbery . . . the handgun is almost invariably the weapon.

It is time for Congress to act. There are proposals to pass legislation providing compensation for the victims of crime and for the widows of police officers killed in the line of duty. Worthwhile as these efforts may be—and I fully support them—it is not enough to compensate the victims of crime. It is not enough to compensate the widows of police officers killed in the line of duty.

I suggest to the Congress that the time has come to stand up to the gun lobby.

It is time to save lives.

It is time to stem the bloodshed.

It is time we took the crime guns, the handguns, away from those who are most likely to misuse them.

I am, therefore, introducing a bill to control the continuing spread of handgun violence.

The provisions of the bill are clear and simple:

The bill applies to handguns only—the chief instrument of crime and violence in America.

The bill requires every handgun to be registered and every handgun owner to obtain a Federal license. The bill would in no way interfere with State laws and regulations concerning gun licensing and ownership. It applies to working pistols only—not antiques or replicas.

The program would be administered by the Secretary of the Treasury. Those who have a collection of handguns would pay only one registration fee, and registration and licensing fees would be minimal. And, though the bill requires that sportsmen and target shooters obtain a license, it does not threaten their ownership of pistols. I have been a gun collector, a target shooter, and a hunter for as long as I can remember. This bill is a price which gun owners, like myself, would glady pay to stem crime and violence.

The bill requires that a handgun owner be at least 18 years of age; that he be free of alcoholism, drug addiction, or mental disease.

It requires that a licensee be free of any criminal conviction carrying more than 1 year's imprisonment; that he not be a fugitive from justice; that he be of good moral character; and that he be qualified to own a gun under all applicable Federal, State, and local laws.

To apply for a license, the individual would fill out a simple application form, sign a statement to the effect that he may lawfully possess handguns and handgun ammunition under the laws of the United States and of the State and political subdivision of his residence, and submit a set of his fingerprints and a photograph.

The bill does not ban or confiscate any handguns, except "Saturday night specials." The bill does contain a provision granting compensation to lawful owners of handguns who voluntarily relinquish them.

The bill sets up penalties for violators: imprisonment not to exceed 5 years; a fine of $5,000; or both.

The bill is a workable and practical answer to the plague of handgun violence. It recognizes the legitimate uses for handguns, but it also recognizes that you do not shoot ducks with a snub-nosed .38.

With all respect for Senator BAYH, who has labored mightily in this cause, the "Saturday night special" bill which passed the Senate last year would not reduce the plague of handgun violence. That bill merely prohibits the future sale of certain small handguns by licensed dealers, manufacturers, and importers. It would not prevent anyone who presently owns a "Saturday night special" from owning or even selling it. The "Saturday night special" bill does nothing about the vast store of existing "Saturday night specials." And even if it did effectively prohibit "Saturday night specials," that would not be enough. The Smith & Wesson would begin to replace the cheap import, and the victim might begin to take his punishment at the end of a 6-inch barrel instead of a 4-inch barrel. That is not enough. I regret to say that the "Saturday night special" bill gives us only a cruel illusion of crime control not its reality.

To those who believe the slogan that criminal—not handguns—commit crimes, this can be said. Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. Other instruments of possible injury which have legitimate uses—cars, even dogs—are licensed. There is no instrument more sinister than the lethal, concealable pistol. If a gun is not used in a crime, the chance of death is five times less. Any policeman knows that a suspect who must rely upon a knife, a bottle or his fists is not so bold and so dangerous as one armed with a gun.

There are those who point out that gun control laws in the past have been less than effective. They are right. Our present gun laws are a patchwork of 20,000 laws—some ancient, some unenforced or unenforceable, all too narrow and too inconsistent ot be nationally effective. But this is an argument for, not against, effective national laws.

The evidence is strong that in cities—such as Boston and New York—where gun control is strict, the use of guns in homicides is less:

More than 40 percent less than the national average in New York.

Thirty percent less in Boston.

And the evidence is clear that in regions where guns are most numerous—the South and the West—violent crimes involving guns are at their worst.

As it stands now, no State or locality can effectively control the ownership of handguns. Chicago, for example, has a strict ordinance providing for the registration of handguns. But all an individual prohibited from ownership need do to obtain a handgun is step beyond the city's jurisdiction. This bill would require a Federal license before the individual could acquire a handgun anywhere in the Nation—and that license would not be issued if the individual was not entitled to own a handgun under the laws of his State and locality. It is remarkable that local controls have been effective at all, considering the ease with which they are evaded. This bill, if enacted, would for the first time make it possible for State and local authorities to control effectively the ownership of handguns. And the Federal Government would itself be acting to keep handguns out of the hands of those most likely to misuse them.

Law-abiding gunowners, like myself, accept gladly the minor inconveniences of handgun licensing and registration—in order to control the spread of criminal violence in America.

This bill is a compromise between the extremes of those who propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It will be said, as it always is, that only the law-abiding will register their guns. But that is the point of the bill. Those unable or unwilling to register will be subject to prosecution. They can be disarmed. My bill will please neither extreme. By the same token it ought to offer some common point, a compromise if you will, to all who want to do something to stem the rising tide of violence. As it is now, we face a standoff. The alternative to this bill may be nothing—and more senseless, needless bloodshed.

The bill recognizes that many crimes are committed in moments of passion, and that violence is made possible by the easy accessibility of handguns. It offers law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries, as well as crime, caused by the easy accessibility to handguns, especially unsafe and unsuitable handguns. States and localities would be able for the first time to adopt effective handgun controls.

The public dialog is divided between the extremes: between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between those who believe we are a soft society and those who believe we are a sick society.

None of them, it seems to me, is right. I am not ready to admit that we are, and must be, in urban America, a gun-toting society—some vestige of an imaginary wild west past glorified in the movies and on television screens.

I am not ready to admit either that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time now to correct the ancient failure.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to answer the pleas of the people and law enforcement officials for handgun control.

It is time to protect the lives—of citizens, of policemen—that handguns endanger.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention of those whose purpose when they founded our Nation was "to form a more perfect Union; to establish justice; to ensure domestic tranquility".

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Handgun Registration and Licensing Act of 1973".

Sec. 2. The Congress hereby finds and declares—

(a) that handguns are the principal instruments of violent crime in the United States and are concealable weapons designed for the primary purpose of killing and maiming human beings; and

(b) that such legitimate purposes for handgun ownership as exist will not be impeded by a national system of handgun registration and handgun owner licensing; and

(c) that the crimes of violence and the accidental injury caused by handguns threaten the peace and domestic tranquility of the citizens of the United States and the security and general welfare of this Nation and its people.

Sec. 3. Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms.

"(22) The term 'handgun model' means a handgun of a particular design, specification, and designation."

Sec. 4. Section 922(b) of such title 18 is amended—

(a) by striking out at the end of paragraph (4) thereof the word "and";

(b) by striking out at the end of paragraph (5) thereof the period and inserting in lieu thereof a semicolon;

(c) by adding after paragraph (5) thereof the following new paragraph:

"(6) any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(n) of this title."; and

(d) by striking out the last sentence of such subsection and inserting in lieu thereof the following: "Paragraphs (4) and (6) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary. Paragraph (6) of this subsection shall not apply to the sale or delivery of any firearm to the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof, or to any duly commissioned law enforcement officer of the United States or any department or agency thereof or of any State, department, agency or political subdivisions thereof (including but not limited to members of the Armed Forces and police officers) properly authorized to carry such firearms in his official capacity. Paragraph (6) of this subsection shall not apply to the sale or delivery by a licensed importer, licensed manufacturer, or licensed dealer to a licensed dealer of any firearm intended to be sold or delivered to any government or agency thereof or person entitled pursuant to this paragraph to have such firearms sold or delivered to him. Paragraph (6) of this subsection shall not apply to the sale or delivery to a licensed collector or licensed dealer of any firearm which is a curio or relic, as the Secretary shall by regulation define. Paragraph (6) of this subsection shall not apply to occasional, sporadic sales of single handguns by a licensed collector who is not a dealer, as defined by section 921(a) of this title."

Sec. 5. Section 922 of such title 18 is amended by adding at the end thereof the following new subsections:

"(n) The Secretary shall not approve for sale or delivery by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector any handgun model unless he has caused to be evaluated and tested representative samples of such handgun model and finds that—

"(1) in the case of a pistol, the handgun model—

"(A) has a positive manually operated safety device,

"(B) has a combined length and height in excess of 10 inches with the height (right angle measurement to the barrel without the magazine or extension) being at least 4 inches and the length being at least 6 inches, and

"(C) attains a total of at least 75 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(ii) Frame construction: (I) 15 points if investment cast steel or forged steel, and (II) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Pistol Weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (I) zero points if the pistol accepts only .22 caliber short or .25 caliber automatic ammunition, (II) three points if the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (III) 10 points if the pistol accepts 9 millimeter parabellum ammunition or over, and (IV) in the case of ammunition not falling within one of the classes enumerated in subclauses (I) through (III), such number of points not greater than ten (following the classification schedule of clause (iv) as nearly as is practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes of handgun models designed for such ammunition;

"(v) Safety features: (I) five points if the pistol has a locked breech mechanism, (II) five points if the pistol has a loaded chamber indicator, (III) three points if the pistol has a grip safety, (IV) five points if the pistol has a magazine safety, (V) 10 points if the pistol has a firing pin block or lock; and

"(vi) Miscellaneous equipment: (I) two points if the pistol has an external hammer, (II) 10 points if the pistol has a double action firing mechanism, (III) five points if the pistol has a drift adjustable target sight, (IV) 10 points if the pistol has a click adjustable target sight, (V) five points if the pistol has target grips, and (VI) two points if the pistol has a target trigger;

"(2) in the case of a revolver, the handgun model—

"(A) has an overall frame length of four and one-half inches measured on a line parallel to the barrel,

"(B) has a barrel length of at least three inches,

"(C) has a safety device which (i) automatically in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge, and which, when activated, is capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver resting in a position such that the line of the barrel is perpendicular to the plane of the horizon, and

"(D) attains a total of at least 45 points under the following criteria:

"(i) Barrel length: one-half point for each one-fourth inch that the barrel is longer than 4 inches;

"(ii) Frame construction: (I) 15 points if investment cast steel or forged steel, (II) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Revolver weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (I) zero points if the revolver accepts only .22 caliber short or .25

caliber ACP, (II) three points if the revolver accepts .22 caliber long rifle or ammunition in the range between .30 caliber and .38 S. & W., (III) four points if the revolver accepts .38 caliber special ammunition, (IV) five points if the revolver accepts .357 magnum or over, and (V) in the case of ammunition not falling within one of the classes enumerated in subclauses (I) through (IV), such number of points not greater than five (following the classification schedule of clause (iv) as nearly as practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes of handgun models designed for such ammunition; and

"(v) Miscellaneous equipment: (I) five points if the revolver has either drift or click adjustable target sights, (II) five points if the revolver has target grips, and (III) five points if the revolver has a target hammer and a target trigger; and

"(3) the handgun model also meets such additional standards as the Secretary may by regulation promulgate, after consultation with the Chief of Army Ordnance and the Secretary of Commerce, if the Secretary determines that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection that approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes be allowed, have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection, except that the Secretary shall not promulgate any such regulation which would permit the approval for sale or delivery of any handgun model which could not have been approved in the absence of such regulation.

"(o) It shall be unlawful for any person to reduce the length of the barrel or the overall length of a handgun previously approved by the Secretary for sale and delivery if as a result of such modification the handgun no longer meets the standards for approval set forth in subsection (n) of this section.

"(p) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (n) of this section to the licensee submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding. Any such notification of approval or failure shall be published in the Federal Register. At least once each year the Secretary shall compile a list of all handgun models which are then approved for sale or delivery under subsection (n) of this section, which list shall be published in the Federal Register and furnished annually to each licensee under this chapter.

"(q) Any Licensee submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such finding and a request for retesting such model, together with justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party has his principal place of business in order to obtain judicial review of such finding. Such review will be in accordance with the provisions of section 706 of title 5, United States Code."

SEC. 6. (a) Chapter 44 of such title 18 is further amended by adding after section 923 the following new section:

"§ 923A. Registration and licensing of handguns; transfer of handguns and handgun ammunition

"(a)(1)(A) No person other than a licensed importer, licensed dealer, or licensed manufacturer shall knowingly possess any handgun unless such handgun is registered with the Secretary pursuant to this subsection. The Secretary shall not register any handgun, the handgun model for which has been disapproved for sale or delivery by a person licensed under section 923.

"(B) No person shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire to another person for use in a handgun unless the transferee (other than a licensed importer, licensed dealer, licensed collector, or licensed manufacturer) displays a Federal handgun license issued under subsection (b) of this section and temporary evidence of registration of the handgun to be transferred (as provided in paragraph (3)(E) of this subsection). Where the transferee is a licensed importer, licensed dealer, licensed collector, or licensed manufacturer, no person shall transfer possession of any handgun or ammunition other than .22 rimfire for use in any handgun unless such transferee displays a license issued under section 923, and in the case of a licensed collector, temporary evidence of registration of the handgun to be transferred (as provided in paragraph (A)(E) of this subsection).

"(2) Notwithstanding the provisions of section 925(a)(1), the Secretary shall prescribe such regulations as he deems reasonably necessary to provide procedures for the registration of any handgun possessed and for which registration is applied by (A) the United States or any department or agency thereof, or (B) any State, or department, or agency, or political subdivision thereof. Any regulations so prescribed may authorize any such department, agency, or instrumentality of the United States or any State or political subdivision thereof to prescribe its own procedure for registration of handguns subject to the approval of the Secretary.

"(3) The application for registration of a handgun shall be filed in such place as the Secretary by regulation may provide and be in such form and contain such information as the Secretary shall by regulation prescribe including—

"(A) the name, address, and social security or taxpayer identification number of the applicant,

"(B) the number of the Federal handgun license issued to the applicant pursuant to subsection (b),

"(C) the name of the manufacturer, the caliber of gauge, the model and the type, and the serial number of the handgun,

"(D) the date, place, and name and address of the person from whom the handgun was obtained, the number of such person's certificate of registration of such handgun if any, and, if such person is licensed under section 923, his license number, and

"(E) a form containing sufficient copies to allow the applicant to retain a duplicate of the original application which duplicate shall be retained by the applicant and shall be temporary evidence of registration.

"(4) Each applicant shall pay a fee for registering each handgun as follows—

"(A) for the first handgun, a fee of $2,

"(B) for each additional handgun, a fee of $1, and

"(C) for a collection of handguns (as that term is defined in regulations which the Secretary shall prescribe), a fee of $2.

The provisions of this paragraph shall not apply, and no registration fee shall be charged for registration of any handgun possessed and for which registration is applied by—

"(i) the United States or any department or agency thereof,

"(ii) any State, political subdivision, department, or agency thereof.

"(5) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to the applicant a numbered registration certificate identifying such handgun and such applicant as the registered owner of such handgun.

"(6)(A) Any person shall be ineligible to register or to apply to register a handgun pursuant to this subsection who—

"(i) is under eighteen years of age;

"(ii) is, because of alcoholism, drug addiction, or mental disease or defect, an individual who cannot possess or use handguns safely or responsibly;

"(iii) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(iv) is a fugitive from justice;

"(v) is not of good moral character; or

"(vi) is not qualified under all applicable Federal, State, and local laws to register a handgun pursuant to this subsection.

Any purported registration by any of the persons described in this subparagraph shall be void.

"(B) In making determinations under subparagraph (A)(ii) above, an applicant may submit, with his application or subsequent to his initial application, to the Secretary or his authorized representative, a statement from a duly-licensed physician stating that, in the opinion of such physician, such person is not by reason of alcoholism, drug addiction, or mental disease or defect physically or mentally unfit to possess a handgun. The provisions of this subparagraph shall be considered to establish a presumption of fitness on behalf of any person submitting such a statement. Such presumption may be rebutted by clear and convincing evidence to the contrary.

"(7)(A) Any person to whom a handgun registration certificate has been issued by the Secretary under this section shall notify the Secretary of any change in such person's name or address within thirty days of the date of any such change. Such notice shall contain (i) the registration number of each handgun registration certificate issued under this subsection, and (ii) the license number of the Federal handgun license issued to such person under subsection (b) of this section.

"(B)(i) Any person to whom a handgun registration certificate has been issued by the Secretary under this section who transfers possession of any handgun so registered, shall within five days of such transfer, return to the Secretary his registration certificate, noting on it the name and residence address of the transferee, and the date of such transfer.

"(ii) Any person licensed under section 923 shall not accept possession of a handgun by way of pledge or pawn without also taking and retaining, during the term of such pledge or pawn, the Federal registration certificate issued under this section. If such pledge or pawn is not redeemed, such licensee shall return such registration certificate to the Secretary and register the handgun in his own name.

"(iii) The executor or administrator of any estate containing a registered handgun shall promptly notify the Secretary of the death of the registered owner, return the certificate of rgistration of the deceased registered owner, and register the handgun in the name of the estate according to the provisions of this section. The executor or administrator of an estate containing an unregistered handgun shall promptly surrender such handgun to the Secretary or his designee without compensation and shall not be subject to any penalty for any prior failure to register such handgun.

"(iv) Any person possessing a handgun shall within ten days notify the Secretary (in a manner to be prescribed by the Secretary) of the loss, theft, or destruction of the handgun, and shall notify the Secretary of any recovery of such handgun occurring subsequent to the date of notification of loss under this clause.

"(8) Any person to whom a handgun registration certificate has been issued by the Secretary under this section shall exhibit his registration certificate upon demand of a law enforcement officer.

"(b)(1) No person other than a licensed importer, licensed dealer, licensed manufacturer, or licensed collector shall knowingly possess or receive possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless such person has filed an application with and received a Federal handgun license from the Secretary pursuant to this subsection.

"(2) No person (except as provided in subsection (d) of this section), shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless such person has filed an application with and received a Federal handgun license from the Secretary.

"(3) No person shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless the transferee (other than a licensed importer, licensed dealer, licensed manufacturer, or licensed collector) displays a license issued under this subsection. Where the transferee is a licensed importer, licensed dealer, licensed manufacturer, or licensed collector, no person shall transfer possession of any handgun or ammunition other than .22 rimfire for use in any handgun unless such transferee displays a license issued under section 923.

"(4) The application for a Federal handgun license shall be in such form and contain such information as the Secretary shall by regulation prescribe, including—

"(A) the name, current address, date of birth, place of birth, and signature of the applicant,

"(B) a statement signed by the applicant (in such form as the Secretary shall by regulation prescribe) that the applicant may lawfully possess handguns and ammunition under the laws of the United States and of the State and political subdivision wherein he resides, and

"(C) a complete set of the applicant's fingerprints and a photograph reasonably identifying the applicant.

"(5) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue a Federal handgun license to the applicant, and such license shall be valid for a period not to exceed three years. Any such license may be renewed upon the expiration of the initial licensing period, and periodically thereafter, for periods (not to exceed three years each) to be prescribed by the Secretary. The Secretary shall by regulation prescribe the application requirements and form for such renewal applications.

"(6) An applicant for a Federal handgun license shall pay a fee for obtaining such a license in the amount of $5, and a fee for renewing any such license in the amount of $5.

"(7) (B) The Secretary shall not approve any application submitted under this subsection if—

"(i) the applicant is under eighteen years of age;

"(ii) the applicant is, because of alcoholism, drug addiction, or mental disease or defect, an individual who cannot possess or use handguns safely or responsibly;

"(iii) the applicant has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(iv) the applicant is a fugitive from justice;

"(v) the applicant is not of good moral character; or

"(vi) the applicant is not qualified under all applicable Federal, State, and local laws.

"(B) In making determinations under subparagraph (A)(ii) above, an applicant may submit, with his application or subsequent to his initial application, to the Secretary or his authorized representative, a statement from a duly-licensed physician stating that, in the opinion of such physician, such person is not by reason of alcoholism, drug addiction, or mental disease or defect physically or mentally unfit to possess a handgun. The provisions of this subparagraph shall be considered to establish a presumption of fitness on behalf of any person submitting such a statement. Such presumption may be rebutted by clear and convincing evidence to the contrary.

"(c) Denials by the Secretary of an application for registration of a handgun, or for a Federal handgun license, or renewals shall be subject to the provisions of chapter 5, title 5, United States Code. Any person aggrieved by the action of the Secretary shall have the right to judicial review of such action in accordance with the provisions of chapter 7 of title 5 of the United States Code.

"(d) Notwithstanding the provisions of subsection (b), and except as otherwise prohibited by this chapter or by the laws of any State, or political subdivision thereof, any person licensed under section 923, may transfer a handgun or handgun ammunition of a caliber other than .22 rimfire to a person only if such licensee confirms that the purchaser has been issued a valid Federal handgun license or a Federal dealer's license and notes the number of such handgun or dealer's license in the records required to be kept by section 923(g).

"(e)(1) Information required to be included in any application, form, certificate, or license submitted to or issued by the Secretary under this section shall not be disclosed by him except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"(2) When requested by the Secretary, Federal departments and agencies shall assist the Secretary, to the extent permitted by law, in the administration of this section.

"(f) Whenever the Secretary makes a finding under section 922(n) that a handgun model is not approved for sale or delivery by a licensee under this chapter, the Secretary shall cause notice to be given to all persons in possession of handguns, the handgun model of which has not been approved, of such disapproval. Notwithstanding any other provision of law, not later than sixty days after receipt of such notice, any person so notified may transfer such handgun as provided in section 926. No criminal penalty shall attach by reason of possession of any such handgun in violation of the provisions of this chapter until sixty days have passed since receipt of such notice.

"(g) For purposes of this section—

"(1) the terms 'possess' and 'possession' means asserting ownership or having custody and control;

"(2) the term 'transfer' means all sales, gifts, bequests, loans, and other means of acquiring possession of a handgun from the transferor to another person;

"(3) the term 'person' means all individuals, corporations, companies, associations, firms, partnerships, clubs, societies, joint stock companies, and estates; and

"(4) the term 'registered owner' means the person in possession of a handgun which is registered under this section and to whom the Federal registration certificate has been issued."

(b) The table of sections for chapter 44 of title 18, United States Code, is amended by inserting—

"923A. Registration and licensing of handguns."

immediately after

"923. Licensing.".

SEC. 7. Section 924 of such title 18 is amended by adding at the end thereof the following new subsections:

"(e) Whoever violates any provision of section 923A of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(f) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to section 923A of this chapter, or forges or alters any certificate of registration, or license issued or retained under such section, shall be fined not more than $10,000, or imprisoned for not more than five years, or both.".

SEC. 8. (a) Section 925 (a) of such title 18 is amended—

(1) by inserting in paragraph (1) immediately after "chapter" the following: "(except as provided in section 923A (a))"; and

(2) by inserting in paragraph (2) immediately after "chapter" the following: "(except as provided in section 923A(a)".

(b) The first sentence of section 925(c) of such title 18 is amended by striking out "(other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)" and inserting in lieu thereof the following: "(other than a crime involving the use of a firearm or other weapon or a violation of any section of this chapter except section 923A or of the National Firearms Act)".

(c) Section 925(d)(3) of such title 18 is amended to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or".

SEC. 9. (a) Sections 926, 927, and 928 of such title 18, and all references thereto, are redesignated as sections 927, 928, and 929, respectively.

(b) Chapter 44 of such title 18 is further amended by inserting after section 925 the following new section:

"§ 926. Compensation for reasonable value of handguns voluntarily transferred to law enforcement agencies

"(a) A person may at any time transfer to any Federal, State, or local law enforcement agency designated by the Secretary any handguns owned or possessed by such person.

"(b) In the case of transfer pursuant to subsection (a), the person transferring such handgun shall, upon proof that such handgun was lawfully acquired and lawfully owned by such person prior to enactment of the Handgun Control Act of 1973, be entitled to receive from the United States a payment equal to the reasonable value of such handgun, such value to be determined as of the day before enactment of the Handgun Control Act of 1973."

SEC. 10. Section 927 (as redesignated by section 9 of this Act) of such title 18 is amended to read as follows:

"§ 927. Rules and regulations; periods of amnesty

"(a) The Secretary may prescribe such

other rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including—

"(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of such license;

"(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection; and

"(3) regulations providing reasonable requirements for the marking of handguns that do not have serial numbers.

The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"(b) The Secretary may declare periods of amnesty for the registration of handguns under section 923A or the transfer to any Federal, State, or local law enforcement agency of any handgun under section 926."

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 12. (a) The provisions of this Act shall take effect immediately upon enactment, except that sections 4 and 8 of this Act shall take effect sixty days after the date of enactment and section 923A (a) of such title 18, as added by section 6 of this Act, shall take effect as provided in subsection (b) of this section.

(b) Section 923A of such title 18, as added by section 6 of this Act, shall take effect six months after the date of enactment of this Act. Each person within any State who possesses any handgun on the effective date of such section shall, within sixty days following such effective date, complete the registration and licensing required by the provisions of such section. Each person within any State who purchases a handgun after such effective date shall, within sixty days following such date or thirty days following such purchase, whichever is later, complete the registration required by such section.

Mr. HART. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. HART. I happened in toward the closing portion of the Senator from Illinois' eloquent remarks, and I rise simply to assure him that, as one who perhaps can be labeled as being at the extreme on this question, I do not find myself displeased with the suggestion the Senator from Illinois is making. Along with six others in this body a year ago, I supported the proposition that we should, indeed, outlaw the handgun, save for law enforcement officials and, under very restricted conditions, sportsmen in licensed gun clubs. Given the experience of last year; namely, seven votes, I think the most I could hope for at the moment would be the adoption of the proposal by the Senator from Illinois, and that would be, I think, a significant advance.

Mr. STEVENSON. I want to thank the Senator from Michigan. He has been a leader in showing us the threat to national tranquility from handguns. He has fought bravely for an end to that threat to our tranquility. I wish I could be more optimistic. I brought up a similar proposal after the proposal made by the Senator from Michigan was defeated last year. His received seven votes. My proposal, which attempted to strike a compromise balance between the legitimate interests of gun owners and the real necessities of law enforcement, received only 16 votes, which is a testament to the power of the gun lobby in this country. But I would hope that we might be able to do something. I am encouraged by the Senator's remarks that perhaps now, after still more violence and now the recent assault on Senator STENNIS, we would all see the merit in some of these proposals.

Mr. BROOKE. Mr. President, I would like to associate myself with the remarks made by the Senator from Illinois and the Senator from Michigan.

By Mr. STEVENSON (for himself, Mr. HUMPHREY, and Mr. MATHIAS):

S. 709. A bill to amend the Legislative Reorganization Act of 1970 to provide for the availability of certain proposed agency rules, regulations, and orders. Referred to the Committee on Government Operations.

Mr. STEVENSON. Mr. President, Senator HUMPHREY, Senator MATHIAS, and I are today introducing legislation designed to strengthen the ability of Congress to assure that the laws it passes are properly administered.

We have all experienced the frustration of seeing legislation Congress has enacted administered in a manner which bears no relation to our original intent. Indeed, it often appears that the administration is more concerned with the reaction of various clientele groups than it is with Congress. For example, OMB Circular A–85 mandates that any Federal regulations affecting State or local governments be sent to the following organizations for comment prior to publication in the Federal Register: National Governors Conference, Council of State Governments, International City Management Association, National Association of Counties, National League of Cities, and United States Conference of Mayors. These organizations are given 30 days to address comments to the Federal agency involved and to OMB. The Advisory Council on Intergovernmental Relations will arrange a meeting on request between any of these organizations and the Federal agency to discuss the regulations. OMB Circular A–85 then continues:

> If the agency does not accept major changes suggested by a State or local government association, it will promptly notify the association in writing of its decision, and will send a copy of the notification to the ACIR and the Office of Management and Budget. Within three days of receipt of notification, the State or local government association may request the ACIR to arrange a prompt meeting between representatives of the agency and the association to consider modifications of the proposed regulations. ACIR will notify the Office of Management and Budget of such a meeting.

I have no quarrel with the procedure specified in OMB circular A–85, except it ignores the Congress. Congress, which passed the laws the regulations are presumably written to implement, is the agency of Government ignored.

The legislation Senator HUMPHREY, Senator MATHIAS, and I are introducing would remedy this incomprehensible situation by simply requiring a Federal agency to make a copy of proposed rules or regulations available to the appropriate committees in Congress for comment any time such a document is made available to an individual or organization outside the Federal Government.

If enacted, this legislation will represent a small step toward reestablishing the balanced relationship between the legislative and the executive branch which has been lacking in recent years.

For the information of my colleagues I ask unanimous consent that OMB circular A–85 be printed in the RECORD at this point, to be followed by the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 20, 1971.

To: Heads of executive departments and establishments.

Subject: Consultation with heads of State and local governments in development of Federal regulations.

1. *Purpose.* This Circular, in accordance with certain general purposes of Title IV of the Intergovernmental Cooperation Act of 1968 (P.L. 90–577), provides that the chief executives of State and local governments will be given a reasonable opportunity to comment on major proposed Federal rules, regulations, standards, procedures and guidelines (hereafter called regulations), major interagency agreements concerning program operations and major organizational changes, any of which have a significant and nationwide effect on State and local governments. This Circular also provides for assistance by the Advisory Commission on Intergovernmental Relations (ACIR) in arranging to obtain State and local advice and comment on such matters, in cooperation with State and local general government associations. Circular No. A–85, dated June 28, 1967, is superseded by this revision.

2. *Background.* Federal agencies administering assistance and other programs affecting State and local government normally issue regulations under which those programs are administered. These regulations may affect the conduct of State and local affairs, including management and organization, planning, program adjustments, and fiscal and administrative systems. Federal requirements may not be consistent among Federal agencies or permit needed flexibility for State and local governments. Heads of State and local governments, therefore, should be afforded an opportunity to comment on Federal regulations prior to issuance and certain Federal interagency agreements and organizational changes prior to implementation.

3. *Policies.* Agencies will be guided, to the fullest practical extent consistent with Federal laws, by the following practices:

a. Whenever possible, agencies should engage in necessary consultation well in advance of the formal development and submittal of materials under this Circular so as to minimize the need for extensive review and discussion at the final stages of the development of regulations.

b. The central coordinating role of heads of State and local governments, including their role of initiating and developing State, regional, and local programs, will be supported and strengthened.

c. Federal regulations should not hamper the heads of State and local governments in providing effective organizational and administrative arrangements and in developing planning, budgetary, and fiscal procedures responsive to needs.

d. Duplication of reporting requirements and controls which are established by State and local governments will be avoided, and

Federal agencies should rely wherever possible on internal or independent audits performed at the State or local level as provided in Circular No. A–73, dated August 4, 1965.

e. Except as may be required by law or special circumstances, agency regulations dealing with like matters (e.g., allowable costs, definitions of like terms, and procedures and information needed for determining eligibility in like cases) will be consistent both internally and with practices of other agencies.

4. *Coverage*. This Circular applies to major agency regulations and revisions thereof, major interagency agreements concerning program operations and major organizational changes, any of which have a significant and nationwide effect on State and local governments, including quasi-public agencies (e.g., urban renewal agencies), and which directly affect one or more of the following:

a. Interstate relationships.

b. Intergovernmental relationships (e.g., State-local and interlocal),

c. Types of eligible recipients,

d. Designations of agencies within State or local governments,

e. Requirements affecting State or local personnel practices,

f. Organizational, planning, or fiscal activities of State and other governments, and

g. Roles and functions of heads of State or local governments.

5. *Procedures for informing State and local government associations of proposed new or revised regulations, and significant organization changes having a nationwide effect.*

a. The issuing agency will provide to the ACIR at least 20 copies and summaries of the proposed regulation or proposed organization change (in the case of interagency agreements, one of the parties to the agreement will take the lead in providing the necessary copies). This should be done not less than 45 days and, if practical, 60 days before the intended date of promulgation. Also, this should generally be done in advance of publication of proposed regulations in the Federal Register, although it may be necessary in some circumstances to have such publication occur simultaneously with or prior to the completion of the review process provided for in this Circular. If special legal or other circumstances do not permit at least 45 days for such notice and comment, the agency will advise the ACIR of the time available and provide at least 60 copies of a summary on abstract in lieu of the full draft text of the regulation. Such summaries should describe the nature and significance of any changes in existing policies affecting State and local governments.

b. The ACIR will promptly transmit copies of the agency materials to each of the following State and local government associations: National Governors' Conference, Council of State Governments, International City Management Association, National Association of Counties, National League of Cities, and United States Conference of Mayors. Other groups representing central management units may be sent copies of material of concern to them. ACIR will also transmit a copy to the Office of Management and Budget.

c. Unless an earlier response is essential, the State and local government associations will be given a minimum of 30 days after receiving agency materials in which to comment, addressing comments directly to the Federal agency concerned, and transmitting copies to the ACIR and the Office of Management and Budget.

d. If requested either by the Federal agency concerned or by a State or local government association, the ACIR will arrange a meeting between representatives of the agency and the association (along with State or local chief executives or their representatives, where desirable) to consider the comments offered on the proposed regulations or organization changes.

e. If the agency does not accept major changes suggested by a State or local government association, it will promptly notify the association in writing of its decision, and will send a copy of the notification to the ACIR and the Office of Management and Budget. Within three days of receipt of notification, the State or local government association may request the ACIR to arrange a prompt meeting between representatives of the agency and the association to consider modifications of the proposed regulations. ACIR will notify the Office of Management and Budget of such a meeting.

f. When appropriate and desirable, the Office of Intergrovernmental Relations shall also be advised of, and participate in any discussions and meetings under this paragraph.

g. The agency will supply seven copies of the regulation, when issued in final form to the ACIR for distribution to the State and local government associations.

h. Each agency should promptly designate one official to see that these provisions are carried out, and inform the State and local government associations, the Office of Management and Budget and the ACIR of the name of the official.

6. *Additional functions of the ACIR.*

a. The ACIR is prepared to assist agencies in developing new regulations covered by this Circular and will assist in assuring that regulations dealing with like matters are consistent, as provided in paragraph 3(d).

b. By January 31 of each year, the ACIR will make a report to the Director of the Office of Management and Budget concerning operations under this Circular during the preceding calendar year. Copies of the report will be furnished to each agency and the associations representing general units of State and local government.

7. *General considerations*. This Circular deals only with limited aspects of intergovernmental consultation: the development of regulations and organizational changes which significantly affect State and local governments. The Circular is not intended to limit the consultation process to these aspects of the intergovernmental problem. Well in advance of the stage of promulgating formal regulations or implementing significant organizational changes, consultation should be pursued actively with heads of State and local governments so that consultation need not be concentrated in a brief period prior to the proposed action. This is especially important in the case of new programs where consultation should include briefings on the nature and significance of such programs.

On the other hand, the Circular is not intended to limit the ability of agencies to carry out their mission responsibilities. It is not intended that all proposed regulations or revisions or organizational changes will be automatically channeled through the procedure called for in this Circular; no purpose would be served by creating congestion and delay. Judgment must be exercised by the agencies and by the State and local governments in applying the Circular and selectivity will be needed in determining which substantive and administrative regulations and organizational changes are significant enough to be put through the consultation arrangements.

This Circular is addressed primarily to new regulations or revisions of existing Federal regulations. However, agencies will give consideration to requests from heads of State and local governments to review and revise regulations already in effect, and to consult on such regulations with such officials on request.

8. *Effective date*. The provisions of this Circular become effective immediately.

GEORGE P. SHULTZ,
Director.

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title III of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new part:

"PART 4—AVAILABILITY OF CERTAIN PROPOSED AGENCY DOCUMENTS AND DRAFTS

"AVAILABILITY

"SEC. 341. (a) For purposes of this section—

"(1) 'Federal agency' means any department, agency, wholly owned Government corporation, establishment, or instrumentality in the executive branch of the Government of the United States (including the United States Postal Service and the Postal Rate Commission);

"(2) 'document' means any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument, and any proposed rule, regulation, order, certificate, code of fair competition, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency which, when issued, prescribed, or promulgated is required by law to be published in the Federal Register; and

"(3) 'person' includes any State, any territory or possession of the United States, any political subdivision, agency, or department of a State, territory, or possession, or any agency of two or more States, territories, or possessions.

"(b) Whenever a Federal agency makes a copy of a document available to a person (other than an officer or employee in the executive branch of the Government of the United States) prior to its publication in the Federal Register, or makes a copy of a draft of a proposed document available to any such person, that Federal agency shall at the time of such availability transmit a copy of such document or such draft to each committee of the Senate and House of Representatives, and each joint committee of Congress, having jurisdiction over the subject matter or matters which are included in the document or draft."

(b) Title III of the table of contents of such Act is amended by adding at the end thereof the following:

"Part 4—Availability of Certain Proposed Agency Documents and Drafts

"Sec. 341. Availability."

By Mr. FANNIN:

S. 710. A bill to prohibit fines for crossing unlawful picket lines;

S. 711. A bill to amend the National Labor Relations Act with respect to election of representatives;

S. 712. A bill to amend the national emergency provisions of the Labor-Management Relations Act, 1947, so as to provide for dissolution of injunctions thereunder only upon settlement of disputes; and

S. 713. A bill to provide for strike ballots in certain cases. Referred to the Committee on Labor and Public Welfare.

Mr. FANNIN. Mr. President, today I am introducing four bills to amend the National Labor Relations Act.

The first bill is an amendment to section 8(B)(1) of the National Labor Relations Act to prohibit the levying by unions of fines against employees for exercising their right under the act. Under this proposal, for example, a union could not fine an employee for exceeding production quotas set by the unions, crossing union picket lines, filing decertification petitions, nor for testifying in Board proceedings against a union. It seems to me that unions cannot be regarded in the same light as private voluntary associations, which are and should be free to impose on its members whichever rules it chooses. This bill will carry out the intent of Congress that the rights given to unions carry commensurate responsibility and obligations on unions to act in the public interest and in the interests of their members.

A December 1972 decision of the U.S. Supreme Court limiting the right of a union to fine members who cross picket lines received widespread attention by the press—NLRA against Granite. While I applaud that decision, it meets only a very limited portion of the problem. The facts upon which the Court based its opinion were: First, all 31 members had resigned before crossing the picket line and returning to work; and second, the union's constitution and bylaws were silent upon the right of a member to resign. Left unanswered are such questions as whether expulsion from membership is a lawful way to collect the fines and whether NLRB may decide the "reasonableness" of fines.

Mr. President, the second bill I am introducing concerns the NLRB rule directing that in representation elections the employer must file with the regional director a list of the names and addresses of each employee who is eligible to vote in that election. Thereupon the Board makes the list available to all unions interested in the election. If the employer fails to do so and a union loses the election, the Board will set aside the election and conduct a new one. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *Wyman-Gordon Co.* v. *NLRB*, 397 F. 2d 494 (1st Cir. 1968); 394 U.S. 759 (1969).

Mr. President, there are at least three things wrong with the current NLRB rule. First, it sloughs over the very important personal right of privacy held both by the employer and his employees. The Board may not think much of it, but there are many employees who do not like harassment by unions any more than they do badgering from any other source. These are people who simply do not want to become a target for solicitations from labor union representatives calling by telephone, ringing their doorbells, and stuffing their mailboxes any more than they want other saleshawkers at their homes.

In other words, each individual has a right to be left alone. And just because a union wants to gain a huge advantage in its representation campaign by getting hold of the employer's list does not justify invading that privacy. If the employee wants the union to have his name and home address, let him volunteer it. But let us stop this outrageous disregard of individual rights simply to promote the preconceived notions of the Board as to what is good for each employee.

Second, the Board's ruling may well violate the personal opinions of the employer, thereby putting him in the position of being forced to aid the cause of the union in its campaign at the same time his beliefs may oppose the union. It requires him to communicate to the union, through the Board, information which is extremely helpful to the union, though he may wish to remain silent. To be forced to speak when one wishes to remain silent is, in my opinion, equally as bad as not being allowed to speak at all.

When there is a large number of voters—500 to 1,000—unions often file petitions even though they have a bare 30 percent and no real expectation of winning the election. After they get the list, they sometimes withdraw the petition and refile at a later date when there is a greater chance of winning. Sometimes the union will go through with the election and lose it. But a year later, the organizer has a list of names and addresses to work with.

My bill would make it clear that employers are not obligated to furnish such lists.

Mr. President, the third bill I am introducing is identical with the bill I sponsored in both the 91st, and 92d Congresses.

It would amend the national emergency provisions of the Taft-Hartley Act to provide for dissolution of injunctions only upon the settlement of disputes. Under existing law, injunctions are limited to 80 days. The national interest must be protected as long as is necessary. Unions will, of course, retain the right to strike a particular plant or even a segment of an industry. The injunction, as under existing law, can be enforced only where the strikes are so broad as to jeopardize the national health and welfare.

Mr. President, the fourth bill I am introducing would give union members a voice in determining whether they wish to remain on strike in prolonged labor disputes.

The idea of providing for a secret strike vote is not new. It was recommended to the Congress by President Eisenhower in 1954. My proposal is new only insofar as it recognizes that there are legitimate reasons why a prestrike vote may adversely affect free collective bargaining. The bill, accordingly, provides for a secret ballot by the workers concerned only on continuing the strike and only after the right to strike has been exercised and the positions of the parties have tended to become stalemated.

Under my proposal a petition for an election to determine whether a strike should continue could not be filed until after a strike had been in effect for 30 days. The bill further provides that no more than one strike-vote election can be held within any 60-day period. The purpose of this proviso is to insure that the union's ability to bargain effectively will continue after a vote favorable to a continuation of the strike.

The bill also contains a provision designed to protect the identity of petitioners. Thus, under this proposal the required percentages necessary for an election could be secured through the filing with the Board by individuals of their approval of the petition.

Within these limitations the bill provides workers caught in a protracted bargaining stalemate with a means of ending a strike which has gone beyond the point of economic return or, alternatively, with a means of expressing to management and to the public their determination to continue the strike, despite the economic costs.

Mr. President, consider the workers whose lives and livelihood are directly affected by these struggles between the giants of labor and the giants of industry. These are the real victims in labor disputes that drag on in long and costly strikes. I know about these workers because we had more than 10,000 of them in the State of Arizona—the victims of a copper strike who still have not recovered from the long strike 5 years ago. My distinguished colleagues from New Mexico, Montana, Nevada, and Utah, as well as the other copper-producing States, had thousands more of these "forgotten men" in their constituencies.

The situation in the copper industry was symptomatic of a nationwide problem that can affect almost every workingman and woman in America. Consider the copperworker who endured months of enforced idleness. And think also of what the situation is in other industries around the Nation. I think it can be said with accuracy that almost any time a strike lasts more than 30 days, the worker stands to lose more than he can gain. I point out the General Motors strike, for example. It will take the average automobile production worker at General Motors several years to make up what he lost.

Take the machinists' 73-day strike against the major airlines during the summer of 1966. Who won? Only the high chiefs of the IAM—they showed the airlines who was top dog. And they showed the general public, too, and thousands of vacationers who had to give up their vacation plans or who were left stranded around the country.

Take the strike in the rubber industry in 1968—107 days enforced idleness, or the long steel strike in 1959, or the General Motors strike in 1964—it is the same story right down the line. Who wins? Well, really, nobody wins in a strike, but in each instance the union high command shows who is running the ball game, who has the economic stranglehold. And who loses? The worker. Every time, it is the worker.

Strikes are becoming not only more frequent, but they are becoming more severe. The length of strikes has tended to increase in many instances. Stubborn issues affecting the prerogatives of both labor and management have impeded the settlement of many strikes. In such protracted strikes the forgotten man has become the striking worker, who has paid the price in lost earnings while the unions and management have struggled for power.

I note, for example, taking available data for the first 10 months of 1968 and comparing it with the same period in previous years, that the number of strikes taking place during the first 10 months of

1963 was only 3,143, while the number going on during the first 10 months of 1968 was 4,630. In 1967 the number had been only 4,210. But, and this is the crux of the matter, the number of man-days of working time lost has been higher in recent years than at any time since 1959, when we had the long, disastrous strike in the basic steel industry.

In the first 10 months of 1963, we lost some 13.7 million working days. In January through October 1967, we lost 36.4 million man-days. In the same period in 1968, we lost 38.5 million.

Now it may seem of no great significance, Mr. President, that we lost more man-days in 1968 than in 1967. We had more strikes and a greater loss was to be expected. But in the 1967 period, we had 2,590,000 workers on strike while in 1968 we had only 2,170,000 workers idle. So the number of days lost per worker rose quite sharply between these 2 years. This is the significance of this data.

More recently, Mr. President, in 1970, 3,305,000 workers were unemployed due to 5,716 strikes which cost the Nation 66.4 million man working-days lost.

Strikes are getting longer, harder to settle, and less and less meaningful to the workers involved in terms of economic gain. It is less and less often a day or two on the picket line and a return to a fattened pay envelope.

More and more often, a strike involves weeks of unemployment and lost production, repossessed automobiles and lost profits, foreclosed mortgages and bankrupt businesses.

I think that the time is at hand when the Congress will stop automatically labeling any bill which the union leaders oppose as an antilabor bill and consider each such bill on its merits. Is it not just as important to protect the rights of workers to vote for an end to a strike as it is to protect their right to strike? If they strike and it proves to have been a mistake, must they, their families, management, and the public suffer the results indefinitely, with no opportunity for them to reconsider, when the point of economic return for all parties involved has been reached and passed?

The year 1973 will see massive confrontations in some of our most critical industries because of contract negotiations. To mention a few of the larger contracts which will expire this year, I point to the rubber workers and the major tire manufacturers, the building trades, the unions, contracts between General Electric and Westinghouse with various unions, the auto workers, and the machinists with the major airlines.

The workingman has little effective voice in the decision of their union officers to call a strike. While some union constitutions require an employee vote, the actual vote often consists of a show of hands by a small group attending a meeting. Often the strike vote is taken before bargaining has commenced with the union officers contending that it will make them more effective at the bargaining table.

A recent indepth survey by the Opinion Research Corp., of Princeton, N.J., shows that:

First. Eighty-one percent of union members want a law that would require a secret ballot on whether to continue a strike after 30 days—the public favors this by 77 percent.

Second. Eighty-nine percent of union members support giving unions and management equal rights to communicate with employees at any time—the public favors this by 78 percent.

Third. By 85 percent, union members want to be guaranteed the right to criticize union leaders without fear of reprisal—the public favors this by 74 percent.

Fourth. Fifty-two percent of union members and 51 percent of the general public would forbid strikes caused by union rivalry.

Fifth. Sixty-one percent of union members feel that strikes seriously hurt the Nation; 53 percent of them favor Government intervention to prevent or end big nationwide strikes.

These surveys demonstrate overwhelming support by both union members and the public for this bill.

I sincerely hope, Mr. President, that my bill will receive early and fair consideration on its merits, and that this Congress, like the striking workers, be given an opportunity to vote the issue, up or down.

Mr. President, I send these bills to the desk for appropriate reference and I ask unanimous consent that the text of the bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 710

A bill to prohibit fines for crossing unlawful picket lines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1) is amended by inserting before the semicolon at the end thereof a colon and the following: "*Provided further,* That no labor organization may levy a fine on an employee for exercising rights under this Act, including the right to engage in or refrain from such concerted activity as is unlawful under this Act and not prohibited by the applicable collective-bargaining contract, or for giving testimony in any proceeding under this Act, or for carrying out the instructions of his employer not in conflict with this Act or with the terms of the applicable collective-bargaining contract".

S. 711

A bill to amend the National Labor Relations Act with respect to election of representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended by adding a new paragraph at the end thereof as follows:

"No labor organization or employer shall be required to furnish, provide access, or make available, directly or indirectly, to the employer, in the case of a labor organization, or to the labor organization, in the case of an employer, materials, information (including but not limited to names and addresses of employees), time, premises, meeting places, bulletin boards or other facilities to enable such other party to communicate with or reply to any communication with employees of the employer, members of the labor organization, its supporters or adherents."

S. 712

A bill to amend the national emergency provisions of the Labor-Management Relations Act, 1947, so as to provide for dissolution of injunctions thereunder only upon settlement of disputes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 209(b) of the Labor-Management Relations Act, 1947 (29 U.S.C. 179(b)), is amended by striking out the words "and shall certify the results thereof to the Attorney General within five days thereafter".

(b) Section 210 of such Act (29 U.S.C. 180) is amended by striking out the words "Upon the certification of the results of such ballot or upon a settlement being reached, whichever happens sooner" and inserting in lieu thereof "Upon a settlement being reached".

S. 713

A bill to provide for strike ballots in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Board" means the National Labor Relations Board.

(2) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate in which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country, and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(4) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(5) The term "strike" includes any concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.

SEC. 2. Upon the filing with the Board of a petition therefor signed by at least 20 per centum of the employees in the appropriate bargaining unit or units involved in a strike which has been pending for thirty days or more in any industry affecting commerce, the Board shall conduct a referendum among the employees of such unit or units on the question whether such strike should be continued. If a majority of the employees voting in the referendum vote against the strike, the labor organization representing the employees shall order such employees to discontinue the strike and such strike shall not be resumed until at least ninety days have elapsed following the referendum. If a majority of those voting in the referendum vote in favor of the strike no subsequent petition may be filed under this section until at least sixty days have elapsed following such referendum, and unless such subsequent petition has been signed by at least 30 per centum of the employees in the appropriate bargaining unit or units involved in the strike. In determining whether a petition under this section has been signed by the requisite percentage of employees, such petition shall be deemed to have been signed by any employee whose approval in writing of such petition is filed with the Board not later than thirty days following the filing of the petition.

Sec. 3. Any employee who participates in a strike which has been continued, or resumed prior to the expiration of ninety days, after a majority of the employees in the appropriate bargaining unit or units involved in the strike voting in the most recent referendum conducted with respect to such strike under this Act shall have voted against such strike shall not during the existence of the strike or thereafter, unless reemployed or reinstated by the employer, be considered to be an employee of such employer for the purposes of the National Labor Relations Act or the Railway Labor Act.

Sec. 4. Referendums provided for in this Act shall be conducted by the Board, except that the Board may delegate, generally or in specific cases, authority to conduct such referendums to any public or private agency or organization which, in the opinion of the Board, is qualified to conduct such referendums.

Sec. 5. Nothing contained in this Act shall be construed to supersede or modify in any way the requirements of section 8(d) of the National Labor Relations Act.

By Mr. FONG:

S. 714. A bill to increase the rates of duty on prepared and preserved pineapple and concentrated pineapple juice. Referred to the Committee on Finance.

Mr. FONG. Mr. President, I am introducing legislation today to enable Hawaiian pineapple products to compete in the U.S. market with low-cost foreign canned pineapple which can easily undersell Hawaiian pineapple.

One of the finest products in all America is the sweet, juicy, delectable pineapple grown in Hawaii.

Since the turn of the century, pineapple has been a mainstay in Hawaii's economy. Today it is still my State's second largest agricultural industry, second only to sugar.

The processed value of Hawaiian pineapple last year was $137 million. The industry employs 6,200 year-round workers who earned $42 million in annual wages and another 12,000 seasonal workers who earn a total of $10 million a year.

Hawaii's pineapple industry has been very energetic and progressive, investing millions of its own dollars in research to improve pineapple quality and production. The Hawaiian pineapple industry is the most highly mechanized in the world and its fieldworkers are the highest paid in the world.

The danger flags have been flying for some years, however, and our Hawaiian pineapple industry needs help.

In the mid-1950's, Hawaii had nine pineapple companies. Today there are only four and within a year there will be only three. One of the remaining three plans to discontinue its operations on the island of Molokai by the end of 1975 or at the latest sometime in 1976. Another of the three announced just last week it will phase out its pineapple production on Molokai over the next 2½ years.

These two curtailments will mean more than 600 workers will be looking for other jobs on an island where the population is only 5,200 and the total unemployment is already about 21 percent. If present unemployment continues until pineapple operations are phased out on Molokai in 2 to 2½ years, workers without jobs would total 1,000 out of a labor force of 1,800—a 55 percent jobless rate.

In 1950, Hawaii's share of the total world pineapple production was 72 percent. By the end of 1969, Hawaii accounted for less than 33 percent of the world's supply.

Hawaii's pineapple industry faces four main problems: First, production costs much higher than its foreign competitors; second, lack of Food and Drug Administration enforcement of minimum standards of identity; third, high duties and quotas erected against Hawaiian pineapple by the major foreign markets; and, fourth, lack of adequate duties or quotas to protect Hawaiian pineapple from unfair foreign competition in the U.S. market as other canned U.S. fruits are protected.

A major reason why foreign pineapple has lower production costs than Hawaii is that labor costs are much, much lower than in Hawaii. Take Taiwan and the Philippines, for example, which are two major pineapple producing areas. I am advised that a male laborer in Taiwan makes 17 cents an hour—a female laborer, 10 cents—and in the Philippines, 15 cents. In Hawaii, a pineapple laborer is paid $2.64 an hour.

Cannery workers' wages in Taiwan range from 8 cents for a female worker to 17 to 22 cents for a male worker and 20 cents for a Philippine cannery worker. Such workers in Hawaii earn $2.69 an hour.

Drivers in Hawaii draw $3.19 an hour and in the Philippines only 20 cents an hour. Mechanics earn $3.69 an hour in Hawaii, but only 24 cents in the Philippines.

Not only is labor cheap in those pineapple-producing areas, but it is plentiful. Even with the higher wages in Hawaii, our pineapple companies are finding it more and more difficult to attract workers into the industry.

With an estimated 50 percent of low-cost foreign pineapple failing to meet FDA minimum standards of identity and quality, at the urging of Hawaii's congressional delegation the Food and Drug Administration agreed to begin enforcing its standards, effective November 1 last year. A small staff has been assigned to the project. It is too early to tell how much, if any, assistance this program will be in making Hawaiian pineapple more competitive.

As for duties and quotas imposed by importing countries against Hawaiian pineapple, our pineapple industry and Hawaii's Members of Congress have tried since Hawaii became a State in 1959 to get a fairer shake for Hawaiian pineapple in world markets. But so far, efforts to lessen foreign discrimination against Hawaiian pineapple have not been very successful.

Japan has high duties and also imposes a quota for pineapples so as to protect virtually all of Okinawa's pineapple production, which Japan imports. In addition, Japan has had a bilateral agreement with Taiwan, with special favorable treatment for its pineapple. Although this agreement has expired, Japan is likely to continue to favor Taiwan pineapple because Japan enjoys a very favorable trade with that country, selling much more of Japanese products that it buys from Taiwan.

The duty rate in Japan on other foreign pineapple is 55 percent ad valorem, which includes a 20 percent commodity tax renewable by the Diet each year. This contrasts sharply with the U.S. duty of only ¾ cent a pound—6.6 percent ad valorem equivalent.

Japan also has a global quota system in effect limiting per capita pineapple consumption to 1 pound. After the Okinawan and Taiwan pineapple are imported, there is only a residual quota amount for which all other pineapple-producing countries compete.

Out of total imports of 2,474,687 cases of canned pineapple fruit in 1970, Japan only imported 30,728 cases from the United States—Hawaii. The other 2,443,959 cases were imported from other countries, mainly Okinawa and Taiwan.

While Europe is the major foreign market for U.S. canned pineapple, the European Common Market imposes an ad valorem duty of 24.6 percent, to protect such areas as Martinique and the Ivory Coast. This protectionist rate is far higher than the U.S. duty of ¾ cent a pound—6.6 percent ad valorem equivalent.

The United Kingdom is a major importer of canned pineapple fruit, but buys very little from Hawaii, giving preference instead to British Commonwealth countries, whose pineapple enters the United Kingdom duty free. With the United Kingdom's entry into the European Common Market, the 24.6 percent ad valorem duty on pineapple will apply against the Commonwealth countries. So these Commonwealth pineapple-producing countries are looking into the U.S. market, where our duty on foreign canned pineapple is negligible, to make up for lost sales in the United Kingdom.

This will obviously generate even more competition in the U.S. market for Hawaiian pineapple, because Commonwealth countries will be able to undersell Hawaiian pineapple even with the U.S. duty added to the cost of Commonwealth pineapple.

That brings us to the fourth problem and the remedial legislation I am proposing. The United States imposes no quotas on foreign pineapple imports, and existing U.S. import duties, as I have stated, are so low as to offer no real protection for Hawaiian pineapple against low-cost foreign pineapple.

Existing U.S. import duties on canned pineapple fruit are only ¾ cent a pound, which is the equivalent ad valorem rate of 6.6 percent—3.3 percent for the Philippines until July 1, 1974, when it will rise to 5.6 percent.

The U.S. duty on concentrated canned pineapple juice is only 5 cents a gallon, which is 7.9 percent ad valorem equivalent.

With such unrealistically low duties, it is no wonder that between 1950 and

1971, imports of foreign canned pineapple fruit into the United States increased by 3,870,781 cases—a 204-percent increase.

In dollar-value equivalent, this amounts to $38.7 million. If this production were from Hawaii, 10,000 additional acres of pineapple production would be needed and 2,000 more year-round jobs would be created.

While the situation is not so severe in pineapple juice, still low-cost foreign imports have increased at the expense of Hawaiian canned pineapple juice.

It would be disastrous if Hawaii's pineapple industry were to be wiped out by unfair foreign competition. Finding jobs in Hawaii for 6,000 full-time, year-round and 12,000 part-time pineapple workers would be extremely difficult. Finding a replacement industry would be very difficult.

We cannot continue to pin our future on trade negotiations in the hope that nations now harshly discriminating against Hawaiian pineapple would open their doors.

Hawaii's pineapple industry needs prompt assistance. We cannot wait 2, 3, or 5 years for another round of trade negotiations to be concluded, especially since there is no assurance such talks would end in our favor.

I am, therefore, proposing that the U.S. import duty on canned pineapple fruit, which is now ¾ cent a pound—technically 0.75 cents a pound—be changed to 35 percent ad valorem. This will bring the duty on imported canned pineapple fruit right into line with the existing import duty of 35 percent ad valorem on canned citrus fruits, canned apricots, and canned dates.

In terms of cents, the 35 percent ad valorem duty I am proposing on canned pineapple fruit imports would be the equivalent of 3.975 cents, or almost 4 cents a pound.

The column two rate—for countries not receiving most-favored-nation rates—would keep the same spread as presently exists between duties on imports from favored and not-favored nations.

My bill also increases the duty on concentrated pineapple juice imports from 5 cents a gallon to 35 cents a gallon, the same rate now applying to orange and other citrus concentrated juices.

The bill I submit today would place low-cost foreign pineapple on a par with Hawaiian pineapple in our domestic U.S. market.

I ask unanimous consent that the text of my bill be printed in the Record at this point and that the bill be referred to the appropriate committee. I hope that early hearings will be scheduled on this measure.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 148.98 of the Tariff Schedules of the United States is amended—

(1) by striking out "0.75¢ per lb." in rate column numbered 1 and inserting in lieu thereof "35% ad val.". and

(2) by striking out "2¢ per lb." in rate column numbered 2 and inserting in lieu thereof "35% ad val.".

(b) Schedule 1, part 9, subpart B of such Schedules is amended by striking out item 148.99.

Sec. 2. Item 165.46 of the Tariff Schedules of the United States is amended by striking out "5¢ per gal." in rate column numbered 1 and inserting in lieu thereof "35¢ per gal.".

Sec. 3. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

By Mr. SCHWEIKER:

S. 715. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

LEAD IN DINNERWARE BILL

Mr. SCHWEIKER. Mr. President, I introduce a bill to expand the authority of the Food and Drug Administration to protect the public from lead poisoning from improperly made ceramic or enamel dinnerware.

I have long been interested in the potentially dangerous effect of lead on the human body, particularly as this problem relates to lead-based paint.

Through the work which was done in developing the lead-based paint program, I became aware of the potential hazards of lead which might be taken into the body from other sources. I viewed with great concern reports that quantities of lead would contaminate food contained in certain types of dishes which have not been properly made.

In early 1971 for example, a 17-month-old Philadelphia child died as a direct result of drinking from a container which was found by FDA to leach extremely high levels of lead from the container into the liquid—levels of lead which greatly exceed industry standards.

Last year, my interest in this matter was stimulated further by an NBC television program, "Chronolog," which did a special report on the hazards of lead to humans from these products. The NBC-TV "Chronolog" program pointed out very clearly the dangers of this kind of lead poisoning. Tests done on this program on products purchased from various dealers in such goods indicated that certain types of improperly made dinnerware can cause lead poisoning.

NBC-TV contributed an important public service in focusing the attention of the American people on this lead poisoning problem.

Let me emphasize that on the whole the domestic dinnerware industry is producing safe dinnerware, earthenware, and stoneware products, and I am advised that many producers have completely removed lead and cadmium from their manufacturing processes.

The problem is with some marginal pottery shops and foreign imports.

Last year I introduced a bill identical to one introduced in the other body by Congressman Frank Horton of New York. Unfortunately, this legislation was not enacted during the 92d Congress. The bill which I introduce today and which Congressman Horton is introducing in the House, is similar to the bill we introduced last year and contains certain additions which will increase the scope and effectiveness of its protection. This legislation will affect those products which do not meet safety standards and will be a major step in insuring that all dinnerware on the market is safe.

Back in the 1930's the U.S. Potters Association became concerned about this problem. In 1969 the potters and FDA agreed to standards governing the release of lead and cadmium in the foods from dinnerware. At the present time, less than 1 part per million lead is released into food by most products made by legitimate manufacturers. The Potters Association tests the goods, issues seals of compliance, and submits reports to the FDA.

The problem is that many marginal shops and foreign producers are not subject to the tests. My bill would cover virtually all dinnerware products made in the United States and all imports.

Here is what my bill does:

The Secretary of HEW is required to use the so-called atomic absorption test, with maximum levels of seven parts per million of lead and 0.5 parts per million cadmium. The Secretary may subsequently make recommendations to Congress for changes in the test.

Establishes labeling requirements so that each package of dinnerware bears name and place of business of the manufacturer or importer, to assist consumers in determining whether their dinnerware is part of a recall campaign.

Requires the Secretary to establish a procedure for certifying that dinnerware has passed the safety test, and requires the manufacturer to display certification on the package.

Preempts less restrictive State or local laws.

Adds "dinnerware" as a specific category subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Adds a section prohibiting the manufacture or sale in interstate commerce, or in a manner affecting interstate commerce, or the importation into the United States, of dinnerware which does not meet the test.

Makes dinnerware subject to seizure by the FDA.

Adds recordkeeping requirements as to where such goods are shipped in interstate commerce.

Permits FDA to inspect manufacturers' plants.

Makes imported dinnerware subject to the act.

Applies to dinnerware manufactured 120 days after enactment.

Requires FDA to undertake an educational program to alert the public to the dangers of lead-releasing dinnerware and to inform them of the provisions of the act.

This bill enlarges FDA authority in several important ways, including:

A new labeling requirement that each package of dinnerware be labeled so that, should FDA have to recall specific products, the information will be more available to consumers and distributors in determining whether their dinnerware is subject to the recall. The bill requires notice of certification of the dinnerware having met the FDA safety test to be displayed on the package. This will prevent the distribution of unsafe dinnerware.

The bill allows the FDA to get into this problem at the manufacturing stage. Present legislation limits FDA involvement to the time when such products are in interstate commerce.

The bill broadens the definition of interstate commerce to include situations affecting interstate commerce.

It specifically includes dinnerware under the Federal Food, Drug and Cosmetic Act. At the present time, FDA authority is somewhat unclear. This bill would make absolutely clear that dinnerware is subject to the provisions of the act.

In summary, it clarifies and strengthens existing FDA authority in this area and adds new authority.

I believe this legislation represents another significant forward step in our fight on lead poisoning. Back in 1970, I introduced S. 3941, a bill to provide civil penalties for the use of lead-based paint in the use of certain dwellings. Although this bill was not enacted into law, I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970.

I also strongly supported the Lead-Based Paint Poisoning Prevention Act which President Nixon signed into law on January 13, 1971.

Just recently, I joined with Senator Kennedy in sponsoring a bill, S. 607, to continue the lead-paint program and provide more funds for it.

We are making progress in the fight against the tragedy of lead-based-paint poisoning. We must continue this battle, but at the same time recognize serious dangers of lead from other sources. This bill, which adds to and strengthens the Federal Government's authority in this area, can allow us to take another giant step in this direction.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

Section 1. Chapter IV of the Federal Food, Drug and Cosmetic Act is amended by adding after section 409 (21 U.S.C. 348) the following new section:

"REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

"Sec. 410. (a) This section shall establish the maximum quantity of lead and the maximum quantity of cadmium (and the manner of testing therefore) which may be released from dinnerware. The maximum quantities of lead and cadmium (and the manner of testing therefore), established by this section shall take effect on the ninetieth day after enactment of this section.

"(b) The maximum quantities of lead and cadmium and manner of testing therefor shall be"

"(1) An article of dinnerware, upon being subjected to the test described in paragraph (2), may release a maximum of 7 parts per million of lead and a maximum of 0.5 parts per million of cadmium, calculated in the manner described in paragraph (2) (C).

"(2) Dinnerware shall be tested for release of lead in the following manner:

"(A) APPARATUS AND REAGENTS.—

"(i) ATOMIC ABSORPTION SPECTROMETER.—Perkin-Elmer Model 303 or equivalent, with the following operating conditions: wavelength 218 mm; slit 4; lead hollow cathode lamp; air acetylene burner (0.5 x 110 mm slit) with supply of air at 60 psi (flow meter 9) and acetylene at 10 psi (flow meter 9) for an aspiration rate of 0.8 ml/minute.

(ii) STANDARD SOLUTION.—Any soluble lead salt shall be dissolved in 4% acetic acid to a lead concentration of 1 mg/ml. Dilute this standard stock solution with 4% acetic acid to obtain working standards with final concentrations of 10, 20, 30 and 40 micrograms of lead per ml.

"(B) PREPARATION OF SAMPLE (LEACHING) SOLUTION.—Six units of each sample shall be individually analyzed. Prior to analysis, all vessels shall be washed with household detergent, followed by a thorough rinse with distilled water. Discard the water and dry the unit; then fill each unit with 4% acetic acid so that the acid comes within ¼" of overflowing the container. Measure volume of acid, by difference, as the units are being filled (use graduates or burets calibrated "to deliver"). Cover each unit with a watch glass or other suitable cover, being sure not to allow the cover to come in contact with the acid. Let stand at room temperature for 24 hours.

"(C) DETERMINATION.—Stir sample (leaching) solution and determine absorbance by atomic absorption spectrometry, diluting if required with 4% acetic acid. Determine the absorbance of the standard solutions in a similar fashion. Prepare a standard curve of absorbance versus concentration. Determine the amount of lead from the standard curve. Calculate results as micrograms of lead/ml of leaching solution.

"(D) A sample is considered violative if the average of the six units examined contains 7.0 micrograms lead/ml of leaching solution or more.

"(3) Dinnerware shall be tested for release of cadmium in the following manner:

"(A) APPARATUS AND REAGENTS—

(a) ATOMIC ABSORPTION SPECTROMETER.—Perkin-Elmer Model 303 or equivalent, with the following operating conditions: wavelength 228.8 mm; slit 4; cadmium hollow cathode lamp; air acetylene burner (0.5 × 110 mm slit) with supply of air at 60 psi (flow meter 9.0) and acetylene at 10 psi (flow meter 9.0) for an aspiration rate of 0.8 ml/minute.

(b) STANDARD SOLUTION.—Any soluble cadmium salt shall be dissolved in 4% acetic acid to a cadmium concentration of 0.1 mg/ml. Dilute this standard stock solution with 4% acetic acid to obtain working standards with final concentrations of 1, 2, 3 and 4 micrograms of cadmium per ml.

"(B) PREPARATION OF SAMPLE (LEACHING) SOLUTION.—Six units of each sample shall be individually analyzed. Prior to analysis, all vessels shall be washed with household detergent, followed by a thorough rinse with distilled water. Discard the water and dry the unit; then fill each unit with 4% acetic acid so that the acid comes within ¼" of overflowing the container. Measure the volume of acid, by difference, as the units are being filled (use graduates or burets calibrated "to deliver"). Cover each unit with a watch glass or other suitable cover, being sure not to allow the cover to come in contact with the acid. Let stand at room temperature for 24 hours.

"(C) DETERMINATION.—Stir sample (leaching) solution and determine absorbance by atomic absorption spectrometry, diluting if required with 4% acetic acid. Determine the absorbance of the standard solutions in a similar fashion. Prepare a standard curve of absorbance versus concentration. Prepare a standard curve of absorbance versus concentration. Determine the amount of cadmium from the standard curve. Calculate results as micrograms of cadmium/ml of leaching solution.

"(D) A sample is considered violative if the average of six units examined contains 0.5 ug cadmium/ml of leaching solution or more.

"(c) Where necessary or appropriate for the safety of the public, the Secretary may make recommendations to Congress for the amendment of such maximum quantities and the manner of testing therefor. Such recommendations shall be based on the best available scientific data and shall insure the safety of the public by reducing its exposure to lead and cadmium.

"(d) The manufacturer (or importer) shall affix to each package containing dinnerware he manufactures (or imports) a label, in accordance with regulations established by the Secretary, which shows the name and principal place of business of the manufacturer, or, if it is manufactured outside of the United States, the name and principal place of business of the manufacturer and of the importer.

Certification

"(e) The manufacture for sale, the sale, or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce, dinnerware subject to this Act which has not been certified by the manufacturer or importer thereof to meet the requirements of the applicable standards or other regulations issued or amended under the provisions of this Act, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

"(l) The manufacturer (or importer) shall affix to each package containing dinnerware he manufacturers (or imports) a label, in accordance with regulations established by the Secretary, which certifies that the contents meet the requirement of this Act with respect to maximum quantities of lead and cadmium."

Preemption of State laws

"(f) The provisions of this Act with respect to maximum quantities of lead and cadmium shall preempt all provisions of State or local law which are less restrictive, as determined by the Secretary, than those contained in this Act."

Conforming amendments

Sec. 2. (a) Section 201 of such Act (relating to definitions) (21 U.S.C. 321) is amended by adding after paragraph (x) the following:

"(y) The term 'dinnerware' means any dishware, composed in whole or in part of glazed ceramics or enamels, which is for use or which may be used in storing, preparing or serving any food, or beverage."

(b) Section 301 of such Act (relating to prohibited acts) (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The introduction or delivery for introduction into interstate commerce by the manufacturer (or importer) in the course of his business of any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d) and section 410(e)".

(c) Paragraph (1) of section 304(a) of

such Act (relating to seizure) (21 U.S.C. 334 (a)) is amended by inserting after "cosmetic that is adulterated or misbranded" the following: ", or any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d) and section 410(e),".

(d) Section 703 of such Act (relating to records of interstate shipment) (21 U.S.C. 373) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware", and by striking out "or cosmetic" each place where it occurs, and inserting in lieu thereof "cosmetic, or dinnerware".

(e) Clause (1) of the first sentence of section 704(a) of such Act (relating to inspection) (21 U.S.C. 374(a)) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware".

(f) The first sentence of section 704(b) of such Act (relating to written reports of inspection to owners) (21 U.S.C. 374(b)) is amended by inserting after "indicate that" "any dinnerware in such establishment releases lead or cadmium in excess of the quantities permitted under section 410 or is not labeled in accordance with the requirements of section 410(d) and section 410(e), or that".

(g) Section 705(b) of such Act (relating to publicity) (21 U.S.C. 375(b)) is amended by striking out "or cosmetics" after "food, drugs, devices," and inserting in lieu thereof "cosmetics, or dinnerware".

(h) The first sentence of section 801(a) of such Act (relating to samples of imports) (21 U.S.C. 381(a)) is amended by striking out "and cosmetics" after "samples of food, drugs, devices," and inserting in lieu thereof "cosmetics, and dinnerware".

(i) Clause (3) of the third sentence (relating to refusal of admission of imports) of section 801(a) of such Act (21 U.S.C. 381(a)) is amended to read as follows: "(3) such article is adulterated, misbranded, in violation of section 505 of this Act, releases lead or cadmium in excess of the quantities permitted under section 410, or is not labeled in accordance with the requirements of section 410(d), and section 410(e),".

(j) The second sentence of section 801(b) of such Act (relating to disposition of refused articles) (21 U.S.C. 381(b)) is amended by striking out "or cosmetic," after "other than a food, drug, device," and inserting in lieu thereof "cosmetic, or article of dinnerware,".

EFFECTIVE DATE

Sec. 3. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 201(y) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of this Act), and the amendments of the Federal Food, Drug, and Cosmetic Act made by sections 2(d) through 2(j) of this Act shall take effect on the date of the enactment of this Act.

(b) In the case of dinnerware manufactured or imported on or after the ninetieth day after the date of the enactment of this Act, section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the ninetieth day after the date of the enactment of this Act.

(c) In the case of dinnerware manufactured or imported before the ninetieth day after the date of the enactment of this Act, and introduced or delivered for introduction into interstate commerce on or after the ninetieth day after the date of the enactment of this Act, which releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act, and the amendment of section 304 (a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act, shall take effect on the ninetieth day after the date of the enactment of this Act, unless each article of such dinnerware—

(1) bears a permanent, conspicuous, and easily legible warning label,

(2) such label states that the article releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), and

(3) such label lists the uses of such article to avoid so as to prevent the release of lead or cadmium into food or beverages.

If such dinnerware is labeled in accordance with paragraphs (1) through (3), then such sections shall not take effect with regard to such dinnerware.

EDUCATIONAL PROGRAM

Sec. 4. The Food and Drug Administration shall undertake a significant educational program to alert the public to the dangers of lead and cadmium released from dinnerware, and to inform them of the provisions of this Act.

By Mr. HRUSKA (for himself, Mr. McClellan, Mr. Burdick, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Mathias, Mr. Scott of Pennsylvania, and Mr. Tunney):

S. 716. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States. Referred to the Committee on the Judiciary.

APPELLATE REVIEW OF CRIMINAL SENTENCES

Mr. HRUSKA. Mr. President, S. 716, a bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the District Courts of the United States. I ask unanimous consent that the full text of the bill and certain related exhibits be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, this legislation is identical to S. 2228 and S. 1501 which I introduced respectively in the 92d and 91st Congresses, and to S. 1540 which was passed unanimously by the Senate in the 90th Congress. Broadly outlined, it would authorize the appeal of an "excessive" criminal sentence imposed by a U.S. District Court.

On January 12, 1973, the senior Senator from Arkansas, Mr. McClellan, introduced S. 1, the massive "Criminal Justice Codification Revision and Reform Act of 1973." Along with Senator Ervin, I was pleased to join the distinguished chairman of the Subcommittee on Criminal Laws and Procedures as a cosponsor of this "study bill" which will, we hope, soon be developed to supplant our current body of Federal criminal law.

When Senator McClellan introduced S. 1, he addressed himself to the question of appellate review of criminal sentences with the following words:

> Whether appellate review should be authorized on a broader scope, as the Senator from Nebraska (Mr. Hruska) has long advocated, is a question that will merit close scrutiny in the coming legislative hearings. Certainly, the evidence of sentence disparity presented to the Subcommittee calls for some close attention. I, for one, am beginning to believe that some sort of review is needed in this area, and it is my intention to hold additional hearings on this vital issue soon. (*Congressional Record*, January 12, 1973, p. 993)

Hopefully, the bill which I have introduced today can be utilized by the Criminal Laws Subcommittee and engrafted onto S. 1 in appropriate form.

S. 1 had its genesis in the final report of the National Commission on Reform of Federal Criminal Laws. This Senator was very privileged to have been a member of that commission, along with Senators McClellan and Ervin.

The final report of this group embraced the concept of appellate review of sentencing with this suggested amendment to title 28:

> § 1291. The courts of appeal shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands, except where direct review may be held in the Supreme Court. Such review shall in criminal cases include the power to review the sentence and to modify or set it aside for further proceedings.

This simple amendment reflected the Commission's view that there should be some form of appellate review of sentences. It did not set forth the form that the review should take nor the contours of its jurisdiction. However, the entire sentencing scheme recommended by the Commission was predicated on the idea that appellate review of sentences would be included in the revised criminal code.

However, in the context of S. 1, appellate review is recognized only with respect to sentences for dangerous special offenders, section 3–11E3 in accord with current law 18 U.S.C. section 3576, added by Public Law 91–452, the Organized Crime Control Act of 1970.

The bill which I have introduced will correct one of the greatest single injustices existing in our Federal criminal process today: The lack of authority and machinery to review unreasonable sentences. Extensive studies have shown that unreasonably harsh sentences are imposed on many individuals who stand convicted of a violation of our laws. Many of these unreasonable sentences are imposed on individuals with fine families and good backgrounds, on individuals who strayed from the path on a single occasion and under trying circumstances, on individuals whose only offense was minor in comparison to those of others who have yet received far lesser sentences.

The problem of disparity of sentences has concerned Congress, bar associations and legal societies, students, and workers in the field of penology and, indeed, the executive branch of our Government and the courts for many years.

Putting aside what may be the ultimate or most desirable goals of a rational and humane sentence, we have in modern times been receding from the practice of enacting statutes calling for a mandatory fixed sentence. A greater number of our criminal laws now provide for a wide range of permissible sentences. The practical effect of this is obvious. As the final determining factor in the sentence to be imposed, the judge's discretionary power becomes increasingly important.

By and large the wisdom of this policy of delegating the function to the trial judge has been clearly demonstrated. Our district judges are exceedingly conscientious, knowledgeable, and experienced. They are best able, informed, and qualified to deal fairly with the convicted defendant. However, they are the first to recognize the inadequacies in the present system. The exercise of judgment in this delicate area is not easy.

The responsibility for determining the proper sentence is so great as to justify and warrant the means of review. There is little wonder that judges have openly commented on the incongruity of the situation that the power to impose a sentence is the only discretionary power vested in the Federal trial judge which is not subject to appeal.

A study of the Federal statutes and the interpretation given them by the courts establishes that no authority exists for an appellate review of the sentence imposed by the judge in a criminal case so as to determine whether the sentence is excessive. A sentence will be modified only when it is unauthorized by law as not being within the limits fixed by a valid statute.

In the 85th Congress the concern about the problem of sentence disparities brought about pioneering legislation: the Sentencing Act of 1958 which provided for institutes and joint councils on sentencing. Their value cannot be overestimated. The institutes have been described as giving "the Federal judges themselves an opportunity to assume the initiative in eliminating sentences which may appear biased, capricious, or the result of defective judgment."

However, this and other related legislation have not been a complete answer to the problem. The Judicial Conference of the United States rejected appellate review legislation in 1958, reconsidered it in 1961, and then approved appellate review legislation in 1964. When we review the actions of the Judicial Conference, it is logical to ask what caused such a substantial shift in judicial opinion. While a redraft of legislative proposals and increased interest in the problem may have played a part in this change, it is clear that the original objection of the Judicial Conference was to the principle of appellate review, and not the language of any particular bill. In retrospect, it seems that a consensus in favor of the principle did not develop until it became manifest that the problem of excessive sentences was not going to be resolved by the extensive use of the facilities provided in the Sentencing Act of 1958 or by other existing legislation.

Twelve years of experience under the act has demonstrated that such procedures and techniques are not enough. Nor has indeterminate sentencing proven to be the answer to the problem. For various reasons, many judges have declined to impose indeterminate sentences, or have imposed such sentences only infrequently.

While I am quick to recognize that S. 1 eliminates many of the sentencing disparities and inequities heretofore visited upon criminal defendants in the Federal courts, it is also clear that any new sentencing scheme will not provide a talismanic cure for improper sentences which will be imposed by Federal courts.

To adequately cope with the problem of improper sentences—to correct injustices once they have occurred—the practice of appellate review is required.

Mr. President, excessive and disparate sentencing prevent the rehabilitation of those who have been unjustly sentenced, they contribute to disorder in our prisons, and they increase disrespect for our criminal process which weakens the moral fiber of our citizens and which can only result in increasing violations of our laws.

As Justice Potter Stewart wrote in 1958, prior to the time of his appointment to the Supreme Court of the United States:

> Justice is measured in many ways, but to a convicted criminal its surest measures lies in the fairness of the sentence he receives.

The fact that the overwhelming majority of defendants in our Federal courts are convicted by pleas of guilty or nolo contendere magnifies the importance of the sentencing process.

Mr. President, the real anomaly and injustice of the existing lack of review of sentences was pinpointed by the introductory statement of the tentative draft of the American Bar Association's Advisory Committee on Sentencing and Review, "Standards Relating to Appellate Review of Sentences" when it stated:

One of the most striking ironies of the law involves a comparison of the methods for determining guilt and the methods of determining sentence. The guilt-determination process is hedged in with many rules of evidence, with many procedural rules, and, most importantly for present purposes, with a carefully structured system of appellate review designed to ferret out the slightest error. Yet in the vast majority of criminal convictions in this country—90 percent in some jurisdictions, 70 percent in others—the issue of guilt is not disputed.

What is disputed and, in many more than the guilty-plea cases alone, what is the only real issue at stake, is the question of appropriate punishment. But by comparison to the case with which the less-frequent problem of guilt is resolved, the protections in most jurisdictions surrounding the determination of sentence are indeed minuscle.

The protections in our Federal courts surrounding the determination of sentences are indeed miniscule and the situation must be corrected.

Mr. President, the concept of appellate review of sentences is not new to criminal law in the United States. Prior to 1891 the Federal Code provided a right to appeal a case on the basis of a disproportionately severe sentence. However, due to an oversight or inadvertence, a revision of the statute in 1891 did not mention sentences and the courts subsequently held that the power had been withdrawn by Congress.

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The situation that presently prevails in the Federal courts stands in marked contrast to the practice of 17 States, many foreign nations—including England and Canada—and our military courts. Indeed, the Federal jurisdiction is a singular example of an advanced system of jurisprudence that does not allow review of sentences.

Under our existing Federal law the determination of the sentence in a criminal case is the only matter that is left to the unsupervised discretion of the district judge before whom the case is pending. As long as the sentence imposed is within the statutory limits provided by the law, the sentence is unreviewable by appeal. No matter how excessive or unjust the sentence might be, an appellate court is legally powerless to modify it in any way.

This basic shortcoming in our criminal procedure has allowed serious inequities and disparities in the sentences which have been imposed.

Another unfortunate aspect of the present practice is that harsh and irrational sentences have often led appeal courts to reverse convictions on technical or minor points and on strained interpretations of the law, interpretations which may not serve justice and society in future cases.

A recent trilogy of cases in the Sixth

Circuit—*United States* v. *Daniels,* 446 F. 2d 967 (6th Cir. 1971); *United States* v. *Charles,* 6th Cir. No. 71-2061 (decided May 26, 1972); and *United States* v. *McKinney,* 6th Cir. No. 72-1480 (decided June 15, 1972)—points to the inane disposition sometimes made by well-meaning but misguided district courts and the resultant problems for our circuit courts. I might note that the Sixth Circuit—to my knowledge—stands alone in its attempts to mollify some extremely severe sentencing practices.

I do not suggest that this bill will solve all of the difficult problems in the determination of proper sentences. However, it will provide a significant tool for improving the sentencing process and for correcting unjust sentences when they are imposed.

Other phases of the work of trial judges are subject to appellate review and supervision. Only sentencing errors are immune to correction on appeal. The reasons for such a gap are for the most part historical. Such reasons are becoming irreconcilable with the standards of due process and are not in step with the need for a fair and just sentencing system.

This legislation will not allow one judge or a panel of judges, simply to substitute their judgment for that of the trial judge. Mere whim or fancy will be insufficient reason to modify the sentence. Only when it reasonably appears from the circumstances that a sentence was excessive will the appellate court act. Although the system will be made flexible by allowing review, it will remain the trial judge's duty to weigh the facts and appraise the defendant.

Valid reasons exist for variations in sentences for the same crime. Certainly a sentence which may be quite proper in a case involving one defendant and one set of circumstances may be grossly inadequate in dealing with the same offense committed by a different type of individual or under aggravated circumstances. But where the same crime has been committed by similar offenders under similar circumstances, the punishment should be reasonably uniform and just.

The determination of a proper sentence involves many considerations. Sentencing is not nor can it be reduced to an exact science. The exercise of sound judgment is an indispensable part of the process, but that does not justify arbitrary determinations. When judgments cannot be reconciled with reason, the appellate courts will be empowered to prevent a miscarriage of justice.

Mr. President, it is my hope that Congress will soon correct this injustice. I am particularly heartened by the support of my good friend, the senior Senator from Arkansas.

The hearings of the Subcommittee on Criminal Laws and Procedures on March 6, 7, and 8, relative to this bill, should explore the possibilities available with respect to appellate review and lay the necessary groundwork for subsequent committee action.

Submitted for inclusion in the RECORD pursuant to unanimous consent already granted, are the following exhibits:

First, report on the Institute Study of Sentencing in the Federal Courts, October 12, 1972. Law Enforcement Assistance Administration, U.S. Department of Justice.

Second, *United States* v. *McKinney,* 6th Cir. No. 72-1480 (dec. June 15, 1972).

Third, note, *United States* v. *Daniels,* 446 F. 2d 967 (6th Cir. 1971), appearing at 41 U. Cinn L Rev. pp. 195-205 (1972).

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 235 of title 18, United States Code, is amended by inserting immediately after section 3741 thereof the following new section:

"§ 3742. Appeal from sentence

"(a) An application for leave to appeal from the district court to the court of appeals the sentence of imprisonment or death imposed may be filed by a defendant with the clerk of the district court in any felony case in the following instances:

"(i) after a finding of guilt by a judge or jury, whether following a trial or the acceptance of a plea;

"(ii) after the revocation or modification of an order suspending the imposition or execution of a sentence or placing the defendant on probation;

"(iii) after a resentence under any other applicable provision of law.

"(b) Upon granting leave to appeal, the court of appeals may review the merits of the sentence imposed to determine whether it is excessive. This power shall be in addition to all other powers of review presently existing or hereafter conferred by law. If the application for leave to appeal is denied by the court of appeals, the decision shall be final and not subject to further judicial review.

"(c) Upon consideration of the appeal, the court of appeals may dismiss the appeal, affirm, reduce, modify, vacate, or set aside the sentence imposed, remand the cause, and direct the entry of an appropriate sentence or order or direct such further proceedings to be had as may be required under the circumstances. If the sentence imposed is not affirmed or the appeal dismissed, the court of appeals shall state the reasons for its action. The defendant's sentence shall not be increased as a result of an appeal granted under this section.

"(d) The application for leave to appeal from sentence shall be regarded as a notice of appeal for all purposes, and the procedure for taking an appeal under this section shall follow the rules of procedure for an appeal to a court of appeals. A denial of the application for leave to appeal on the ground that the sentence imposed is excessive shall not prejudice any aspect of the appeal predicated on other grounds. If the application is granted all issues on appeal shall be heard together.

"(c) When an application for leave to appeal is filed, the clerk of the district court shall certify to the court of appeals such transcripts of the proceedings, records, reports, documents, and other information relating to the offense or offenses of the defendant and to the sentence imposed upon him as the court of appeals by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant only to the extent that it was in the district court. In each felony case in which sentence of imprisonment or death is imposed the judge shall state for the record his reasons for selecting that particular sentence.

"(f) When a judge has adopted the sentencing procedure set forth in section 4208 (b) of title 18, United States Code, an application for leave to appeal may only be filed after a judgment or order is entered by the judge following the completion of the study provided by such section.

"(g) The provisions of section 3568 of title 18, United States Code, shall be applicable to any defendant appealing under this section.

"(h) This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

"(i) This section shall become effective six months after its approval and shall apply only to sentences imposed therafter."

(b) The analysis of chapter 235 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3742. Appeal from sentence."

REPORT ON THE INSTITUTE STUDY OF SENTENCING IN THE FEDERAL DISTRICT COURTS

PURPOSE

The study was designed to investigate disparities among the Federal District Courts in type and length of sentence and to analyze the relationship between defendant characteristics and sentencing variations. The study also analyzed sentencing disparities within circuits, and their relationship to defendant characteristics.

BACKGROUND

In 1966, Congress created the National Commission on Reform of the Federal Criminal Laws to review and study the statutory and case law of the United States. The Commission was to develop recommendations to Congress for legislation which would improve the Federal System of criminal justice, including possible revisions, recodifications and repeals, as well as possible changes in the penalty structure.

The Commission submitted its recommendations to the President and the Congress in January, 1971, and hearings on the Commission's recommendations began in February, 1971 before the U.S. Senate Subcommittee on Criminal Law and Procedure.

The Administrative Office of United States Courts was requested to provide the Subcommittee with a report on the sentencing data which it collects and analyzes yearly from the 93 Federal District Courts. Early this year the Administrative Office sent to the Subcommittee its report covering the years 1967 through 1971. In March, the Subcommittee requested the National Institute to undertake an analysis of the sentencing data to determine whether there were any disparities in sentences among the Federal courts and, if so, their magnitude.

Shortly thereafter, the Institute initiated the Study of Sentencing in the Federal District Courts. Three preliminary reports were prepared for the Subcommittee before July, two specifically dealing with sentence disparity, and the third reporting on U.S. Probation Officer workloads. This Report summarizes the entire study's findings on sentence disparities.

STUDY OBJECTIVES

The Institute established three major objectives for the study: To provide basic information on sentencing variations among the Federal Courts—

(1) To Congress, to assist in the conduct of hearings on the Commission's recommendations for reform of the Federal Criminal Laws.

(2) To the Federal Courts, to increase their awareness of existing disparities.

(3) To the Federal Correctional Institutions and the U.S. Parole Board, to assist them in their efforts to develop more equitable procedures and practices.

DISCUSSION

Sentence disparity has been a subject of discussion and investigation by criminal justice professionals, both Federal and state, for many years. Correctional officials, in particular, have found that inequities in sentencing for the same crime between offenders with similar backgrounds may be a hindrance to rehabilitation.

Among the many suggested causes of sentence disparity are differences in the attitudes and behavior of judges and probation officers. In its Final Report, the National Commission on Reform of the Federal Criminal Laws recommends that the appellate review process be revised to include the review of sentences. Such a review could result in modified sentences, or in cases being set aside for further proceedings (see the Commission's Final Report, section 1291). The Final Report states that the American Bar Association has endorsed this recommendation.

Few will dispute that some sentencing variations are inevitable and not necessarily inappropriate in the exercise of judicial discretion. Such variations are not, therefore, disparities *per se*. However, inequitable and unreasonable variations can only create bitterness on the part of offenders and further complicate the rehabilitation process. There is also wide agreement that solutions are not easy, and that defendants' behavioral and background characteristics will vary to some degree among the circuits. Nevertheless, there is a need to attempt to eliminate extreme variation in the sentencing process. The sentencing information presented in this report, hopefully, will assist current and future efforts to do so, particularly in the Federal Courts.

It is important to note that this study does not attempt to establish the causes or suggest a cure for variations in type and length of sentences. The study examines the data only to find the extent of the variation and to ascertain how certain defendant characteristics are related to it.

The study did not have available all the physical, social and psychological characteristics that could influence the sentencing process. The background data furnished by the Administrative Office do not include information on defendant attitudes and general behavior and include only information on the age, race, sex and prior record of each defendant. In addition to these four variables, data on the type of legal counsel were available. Finally, sufficient data for 1971 were not available on the computer tape supplied by the Administrative Office. Hence, only 1967 through 1970 data were analyzed.

The Institute ran eight tests on the data, using the computer services of Group Operations, Inc. Three Automatic Interaction Detection (AID) tests were made that compared defendant characteristics to determine which were most highly associated with sentencing variations. Two chi-square tests were run to determine whether the type of sentence (prison or probation) and circuit of trial were independent. One of these tests analyzed the data by defendants prior records. Three one-way analysis of variance tests attempted to learn whether the mean sentence lengths of the 93 Federal District Courts were roughly the same and whether any variation was due to randomness only. One of these tests included defendant prior record as a parameter.

Ten major Federal crime categories were chosen for analysis. The number of convicted and sentenced defendants in these categories represented nearly half of all Federally sentenced defendants for the four years studied. The major findings are listed below, and the analysis and evaluation of the tests are discussed in the attached Report.

MAJOR FINDINGS

1. The study found that for each crime analyzed, the type of sentence (prison or probation) given defendants varies significantly among the districts and this significant variation was found in each prior record subset analyzed. Further, the type of sentence given defendants with *no* prior record varies as significantly among the districts as that for defendants with prior *prison* records, while the variation among the districts was significantly less for defendants with prior probation and suspended records and prior juvenile records. The crime of Auto Theft illustrates the extent of the variation: the range in average percentage of prison sentences among the circuits is 11% to 41%, for defendants with *no* prior record and 61% to 90%, for defendants with prior *prison* records.

2. The study found that for each crime analyzed, the average length of prison and probation sentences varies significantly among the 93 Federal District Courts. Narcotic Drug Violation illustrates the extent of the variation: average lengths of probation sentences among the circuits range from 28 to 48 months, and the average lengths of prison sentences range from 52 to 122 months. Further, for nearly every crime analyzed, the length of sentence given defendants with no prior record, prior prison record, and prior probation and suspended record varies significantly among the districts. For half of the crimes analyzed, the length of sentence given defendants with prior juvenile records varies significantly among the districts.

3. When the relationship between prior record and sentencing was analyzed, the study found substantial consistency *within* circuits for both type and length of sentence for each crime analyzed. Thus, for each crime, defendants with similar prior records tend to be treated similarly with regard to type and length of sentence. This consistency holds whether circuits give more (or fewer) prison sentences, and longer (or shorter) prison or probation sentences than the national averages. For example, defendants in the Third Circuit, regardless of prison record, were given fewer prison sentences, on the average, than the nationwide average, for all crimes except Selective Service and Marihuana Tax Act Violations.

In the case of Selective Service, the Third Circuit gave defendants consistently more prison sentences than the national average. Conversely, defendants in the Fifth Circuit, regardless of prior record, were given consistently more prison sentences, on the average, than the nationwide average, for all crimes except Income Tax Violation. For the latter, the Fifth Circuit consistently gave fewer prison sentences.

N. B., it was impossible to determine from available data whether a prior conviction was for a felony or a misdemeanor, or was obtained in a state or Federal court. Further, it was not possible to assess whether discriminatory factors affected previous sentences in other courts.

4. The study found for the Federal crimes analyzed that nationwide, regardless of circuit, defendants with certain background characteristics were more likely to receive prison sentences than others, for nearly every crime analyzed, Thus,

a. Men received prison sentences more often than women. In fact, the average prison percentages for men were nearly double those for women in eight of the ten crimes analyzed.

b. The Over 35 age group had higher prison percentages than the Between 21 and 35 age group, which in turn had higher prison percentages than the Under 21 group. The differences between the Under 21 and Between 21 and 35 age groups varied from 0 to 17 percentage points, for all but Selective Service. The differences between the Between 21 and 35 and the Over 35 age groups varied from 0 to 12 percentage points for all but Interstate Theft and Selective Service.

c. Defendants with appointed counsel had higher prison percentages than defendants with private counsel. The appointed and private counsel groups varied from 0 to 23 percentage points for all but Narcotic Drug Violation.

d. Black defendants had higher prison percentages than white defendants (N.B., in the Federal Court data, Puerto Rican and chicano defendants are classified as whites). The black and white groups varied from 2 to 23 percentage points for all but Transportation of Forged Securities and Income Tax Violation.

[No. 72-1480, U.S. Court of Appeals for the Sixth Circuit]

UNITED STATES VERSUS PHILIP WILLIAM MCKINNEY

ORDER

Before: Phillips, Chief Judge, Weick and Celebrezze, Circuit Judges.

We are now required to consider the third appeal of this case. In the first appeal, we affirmed the judgment of conviction but remanded for reconsideration of the maximum sentence of five years imposed on the defendant upon his conviction for refusing to be inducted into the armed forces. The reason for the remand was our finding that the sentence imposed was excessive. *United States v. McKinney*, 427 F. 2d 449 (1970). Upon the remand, the District Judge adhered to his sentence and the defendant again appealed therefrom to this Court. The District Court denied bail pending appeal. Upon consideration of the arguments and briefs in the second appeal, we were still of the view that the sentence was excessive and we remanded again for reconsideration of the sentence in the light of *United States v. Daniels*, 446 F.2d 967 (6th Cir. 1971), *United States v. McKinney*, — F.2d — (6th Cir. No. 71-1563, 1971). Upon the second remand, the District Judge for the second time, refused to reduce the sentence and the defendant appealed. He has been serving his sentence in prison since June 15, 1971.

It is our opinion that the five-year sentence imposed in accordance with the practice of the District Judge was not an individualized sentence, as required by *Williams v. New York*, 337 U.S. 241 (1949). The Court also took into account that defendant was responsible for delaying his induction in the Induction Center, and for delaying his trial and imprisonment by filing Motions and taking an appeal. Furthermore, the District Court seemed to resent our remanding for reconsideration of the sentence. A goodly portion of his remarks on the remands were devoted to a discussion of appellate review of sentences. It was the thesis of the District Court in effect, that he had absolute, uncontrollable and unreviewable discretion to impose any sentence he saw fit to impose so long as it did not exceed the statutory limit, and that an appellate court had no jurisdiction to do anything about it. He even mentioned that the heavier sentences imposed in his district brought fewer cases of Selective Service violation into court than in other districts in the Circuit where lighter sentences were imposed.

It is a well known fact that disparity in sentencing causes considerable resentment among prison inmates and it is made worse when the disparity exists in the same Circuit.

The defendant is a young married man with an infant son. He has no criminal record. His good reputation in the community where he resides was attested to by a number of persons and was uncontroverted.

Our problems with the sentencing procedures of the District Court for the Eastern District of Kentucky were again succinctly stated in the recent case of *United States v. Charles*, — F. 2d — (6th Cir. No. 71-2061) [dec. May 26, 1972]. In remanding for reconsideration of the maximum sentence imposed in that case, we said:

"Yet, as we have had occasion to point out in the past, the Courts in one District within this Circuit have persistently disregarded this individual sentencing approach with respect to one category of offenses—violations of the Selective Service laws. With very rare exceptions, the judges in the Eastern District of Kentucky have consistently meted out five-year prison sentences to draft offenders regardless of the circumstances of the particular offender. We have had occasion to criticize this practice in the past. *United States v. Daniels,* 429 F. 2d 1273 (6th Cir. 1970); *United States v. Daniels,* 446 F. 2d 967 (6th Cir. 1971); *United States v. McKinney,* 427 F. 2d 449 (6th Cir. 1970); *United States v. McKinney,* (6th Cir. No. 71–1563, dec. Dec 17, 1971); we have not changed our policy on this matter."

The maximum sentence imposed by the District Judge in the present case and his persistent adherence thereto and refusal to change the same in the two remands constituted a gross abuse of discretion as well as a violation of our mandates.

And now coming to render the judgment which the District Court should have rendered, it is ordered, adjudged and decreed that the five-year sentence imposed by the District Court be modified and reduced to one year, and as soon as defendant has served one year under the original sentence as modified, allowing credit for statutory allowances, it is ordered that he shall be forthwith released from custody.

Entered by Order of the Court.

JAMES A. HIGGINS, *Clerk.*

[From the University of Cincinnati Law Review, Vol. 41]

UNITED STATES VERSUS DANIELS

(Criminal procedure—sentencing—appellate review of sentence—trial judge's abuse of discretion in sentencing a defendant is sufficient ground for a circuit court to review the trial judge's sentence and impose a lesser sentence.—*United States* v. *Daniels,* 446 F. 2d 967 (6th Cir. 1971)

Harry W. Daniels was granted conscientious objector status by his Selective Service Board and was ordered to report to the Central State Hospital at Anchorage, Kentucky, for civilian employment, as alternate service. However, his religious beliefs stemming from his membership in the Jehovah's Witnesses forbade him to obey an order of the draft board, although he would obey an order of a judicial body. Accordingly, he was convicted after jury trial before the United States District Court for the Eastern District of Kentucky for willingly and knowingly failing to comply with order of his local Selective Service Board.[1] The district judge sentenced him to five years in the federal penitentiary.

Daniels appealed to the Sixth Circuit from this decision on procedural grounds, but was turned down on both issues.[2] However, the court in a Per Curiam decision remanded the case to the district court to allow for the filing of a motion under Rule 35 of the Federal Rules of Criminal Procedure.[3] The Sixth Circuit suggested that the district judge suspend the sentence and grant probation on condition that appellant perform the same conscientious objector work under orders of the district court which he had refused to perform under orders of the Select Service Board.[4]

On remand, the district court refused to reduce or suspend its original five year sentence. Although the district trial judge noted that the pre-sentence report characterized Daniels as a well-behaved and well-mannered young man,[5] the trial judge felt compelled to give the maximum five year sentence because for as long as he had been on the bench (some thirty years) he had always given maximum sentences in cases of a refusal to obey an order of a local draft board. On appeal again to the Sixth Circuit on the sole issue of whether the district court had properly discharged its duty in imposing sentence upon the defendant, the Sixth Circuit, per Celebrezze, J., *held:* Reversed. The district court had failed to exercise its sound discretion in imposing the five year sentence and had therefore abused its discretion in sentencing the appellant. The court of appeals then imposed its own sentence of twenty-five months probation on appellant provided that he "perform civilian work contributing to the maintenance of the national health, safety or interest for a period of twenty-four (24) consecutive months." [6]

The *Daniels* case marks an acute departure from the general rule that there is no appellate review of sentences in the Federal system. The history of this rule dates back to the Act of 1891.[7] Prior to that act the circuit courts, under the Judicature Act of 1879 [8] had statutory power to review and modify sentences, it has indicated, by way of * * * or unusual) or sentences which the circuit courts considered too severe.[9] But since the Act of 1891 did not expressly incorporate the sentence review section of the 1879 Act, the circuit courts held by way of implication that they no longer had sentence modification powers.[10] While the United States Supreme Court has never ruled directly on the specific issue of whether the courts of appeal have the power to review and modify sentences, it has indicated by way of strong dictum, that it feels that they lack such power.[11] However, some inroads have recently been made into the nearly iron-clad prohibition against appellate review of sentences.

The cases establishing these inroads are founded on rather limited grounds and can be divided into two distinct categories—where the sentence violated a constitutionally protected right of the defendant, and where the judge violated a statutory procedure in sentencing the defendant. The *Daniels* case develops a third category of review—where the trial judge grossly abused his discretion in sentencing the defendant.[12]

Constitutional grounds for review have generally been found where the defendant's right to appeal was jeopardized,[13] where the trial judge relied on false or improper information,[14] and where the defendant's right to trial by jury was impaired.[15] However, there are isolated instances where a case was remanded because the sentence would tend to infringe upon the defendant's first amendment right to free speech,[16] or where it would tend to be cruel and unusual punishment.[17] *United States v. Wiley* [18] is the lead case for vacating a sentence that tended to impair a defendant's right to jury trial. In *Wiley* the Seventh Circuit remanded the case for the stated reason that the trial judge had abused his discretion in sentencing the defendant to three years imprisonment. However, the court actually based its decision on evidence which indicated that the only reason for the sentence imposed by the trial court (which was harsher than that given his (co-felons) was that the defendant had elected to stand trial rather than plead guilty as did his accomplices. Thus, the harsher sentence put a penalty on the defendant's constitutional right to stand trial.

Besides denial of constitutional rights as grounds for review of sentences, some appellate courts have also relied on statutory procedural errors. In *Leach* v. *United States,*[19] the Court of Appeals for the District of Columbia vacated the sentence imposed upon the appellant because the trial judge had not ordered a mental examination of the defendant when there was ample evidence that such an examination of the defendant should have been made. The court of appeals found that Congress had given the district court no less than three statutes on which it could have ordered such a mental examination; it then held "that the sentencing judge should use some of the resources which Congress has provided and that he may not arbitrarily ignore the data properly obtained thereby." [20] While *Daniels* is the first case in which a federal court of appeals remanded a case purely for abuse of discretion, the idea itself is not new. In *Livers* v. *United States,*[21] decided in 1950, the Sixth Circuit suggested in dictum that there could be review of a sentence upon "a plain showing of gross abuse" in the trial judge's exercise of his discretion in sentencing.[22] But, in that case no such abuse was found, and, for twenty years, the Sixth Circuit did not further develop this concept. Then in 1970 the Sixth Circuit decided a series of three cases involving conscientious objectors, *United States* v. *McKinney,*[23] *United States* v. *Daniels,*[24] and *United States* v. *Griffin,*[25] which seemed to expand the review power of the court under its abuse of discretion doctrine. The United States District Court for the Eastern District of Kentucky sentenced all three defendants to five years imprisonment. On appeal, the Sixth Circuit affirmed all three convictions but remanded the cases for resentencing in light of its opinion which said that, under the circumstances, the sentences were excessive.[26]

The *Griffin* case was later dismissed on appeal to the Supreme Court on other grounds;[27] thus the district judge did not have an opportunity to resentence. However, *Daniels* and *McKinney* were sent back, and instead of taking the court of appeal's suggestion as to probation, the district judge reimposed the same five year sentence. Both cases were again appealed; in *Daniels* the Sixth Circuit imposed its own sentence and *McKinney* is still pending.[28]

In deciding that the district judge abused his discretion by reimposing the same sentence in *Daniels,* the court of appeals based its decision on three factors. The first factor was that the history of such an inflexible practice of always handing out a five year sentence in this type of situation contradicted "the judicially approved policy in favor of 'individualizing sentences' ".[29] The court cited *Williams* v. *New York* [30] as authority for "individualizing sentences" and then quoted at length from *Williams* v. *Oklahoma* [31] for further authority that an inflexible sentencing practice is an abuse of discretion:

"Necessarily, the exercise of a sound discretion in such a case required consideration of all the circumstances of the crime for '(t) he belief no longer prevails that every offense in a like legal category calls for an identical punishment (without regard to the past life and habits of a particular offender).' . . . In discharging his duty of imposing a proper sentence, the sentencing judge is authorized, if not required, to consider all of the mitigating and aggravating circumstances involved in the crime." [32]

The second factor on which the Sixth Circuit based its opinion was that Congress did not intend every violation under 50 U.S.C. App. Section 462 (which appellant was convicted under) to be punished by the maximum five-year sentence which it permits. Rather, by implied legislative will Congress intended that a lesser sentence be imposed "in situations where there are appropriate mitigating circumstances." [33] This Congressional intent can be found in the wording of the statute which reads that violation shall "be punished by imprisonment *for not more than* five years or a fine *of not more than* $10,000." [34] (emphasis added). Thus, the district court's mechanical imposition of a five-year sentence in each case defied

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Footnotes at end of article.

Congress' implied legislative will to impose a lesser sentence where appropriate.

Finally, the court found that the trial judge had failed to sentence the appellant in accordance with the basic considerations of modern penology that the Supreme Court in *Williams* v. *New York*,[35] had cited with much approval. The court outlined those considerations as: "(a) The reformation of the offender, (b) the protection of society, (c) the disciplining of the wrongdoer, and (d) the deterrence of others from committing like offenses." [36] Since the court of appeals did not believe that any of these goals would be served by a five-year sentence in this case, the court concluded that the trial judge had completely ignored them, thus abusing his discretion in sentencing the appellant.

With regard to the Sixth Circuit's specific grounds for finding abuse of discretion in this case, it seems that the court was not only justified in developing this new pure abuse of discretion theory but also in its application here. When the Supreme Court in *Williams* v. *New York* [37] discussed specific guidelines for sentencing, and again later in *William* v. *Oklahoma*,[38] it was firmly expressing itself on the subject, and while it did not make a positive command to lower federal courts to follow this guideline, it did make it apparent that it felt those considerations should be controlling. Thus, the Sixth Circuit in *Daniels* was merely following the Supreme Court's implied command to insure that these sentencing factors were being given due regard in the district courts. Its application of that implied command is justified in this particular case because of the district judge's repeated and inflexible procedure in sentencing conscientious objectors as indicated not only by the judge's own remarks, but by his record as well.[39]

By relying on *Williams v. New York* [40] and *Williams v. Oklahoma*,[41] the Court found a ground that would give some meaning to the dictum it had earlier used in *Livers v. United States*,[42] when it declared that there would be appellate review of sentencing upon "a plain showing of gross abuse." [43] Until *Daniels*, federal appellate courts were reluctant to find abuse of discretion on which to review a sentence unless they also found some possible constitutional or statutory violation.[44] The *Daniels* case may lead the way for other circuit courts to develop the heretofore undeveloped concept of pure abuse of discretion as a means for sentence review. It can do this in two ways: first, the specific grounds on which the *Daniels* court found abuse of discretion—complete disregard for the particular individual involved and the general disregard of modern sentencing principles—may be used by other courts; secondly, it may lead courts into further developing the theory of pure abuse of discretion as a means for sentence review. Other possible grounds that could be used are a district judge's open hostility toward a particular defendant, or his failure to fully familiarize himself with the background of the defendant.[45]

The *Daniels* case is also unique in that the Sixth Circuit did not merely remand the case to the district court for resentencing, but instead, imposed its own sentence directly upon the appellant. This action flies directly in the fact of prior procedures and case law.

The Ninth Circuit in *Pependrea v. United States* [46] outlined the procedure to be used on any remand for sentence:

"While sentences here are severe (two, twenty year sentences to run consecutively) this court *is without authority to consider any reduction or modification*. Any petition for reduction of sentence may be directed to the trial court for its consideration, pursuant to rule 35 of the Federal Rules of Criminal Procedure . . ." [47] (emphasis added).

This procedure has been rigidly followed in every case except in the present case, contempt cases,[48] and in two other minor exceptions.[49]

The *Daniels* court was justified in imposing its own sentence in this case because of the district court's repeated refusal to heed the Sixth Circuit's suggestion in not only this case but in others as well.[50] Without being able to impose its own sentence, the court of appeals would be left with the disturbing situation of reviewing and remanding a case for an obvious abuse of discretion in sentencing, but being entirely unable to correct the situation, even though it had directed its resolution. While the court cited no authority for imposing its own sentence, proper reliance could be based either upon its supervisory power over the district courts [51] or upon Title 28 U.S.C. Section 2106.[52] Section 2106 provides:

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgments, decree or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree or order, or require such further proceedings to be had *as may be just under the circumstances*." (Emphasis added.)

It should be noted, however, that this statute is the present day version of the 1891 statute [53] which did not expressly include the provision in the 1879 statute [54] that gave federal appellate courts the power to review and sentence.[55] And, reliance on either the supervisory power or section 2106 for such action has never been expressly approved of by the Supreme Court, and thus, the Sixth Circuit's power to impose its own sentence seems somewhat questionable.

Unfortunately, for those who favor appellate review of sentencing within the federal system,[56] the approach used by the court in *Daniels* does not appear to be the ultimate solution to the problem of reviewing excessive but legal—within the statutory limits established by Congress—sentences. The case is not a satisfactory solution because *Daniels* can quite easily be limited to its unusual fact situation and because an interpretation of section 2106 or the Court's supervisory powers without express Congressional grant to review sentences might well lead to strained relations between the district courts and the courts of appeal. District judges are very jealous of their discretionary power in sentencing defendants [57] and resent any encroachment upon that power by the courts of of appeals.[58] In order to preserve harmony between the district and circuit courts and to provide for general appellate review of sentencing, it appears that Congress must give express power to the courts of appeal to review sentences. With express Congressional power to review sentences, the district courts will be more tolerant of the circuit court's action in this area. Without this power, the district courts will not only question the sentence that might be imposed, but also the authority of the court to even impose such a sentence. Such a questioning of authority can only lead to the long drawn-out and time consuming procedure of remanding, resentencing, that occurred in the *Daniels* case.

Furthermore, the fact is that the circuit courts are reviewing sentences and while not imposing their own sentence after such review, they are vacating sentences that are otherwise legally imposed and remanding them for resentence.[59] In this area courts will continue to find ways around the no-review rule, oftentimes leading themselves into inescapable corners.[60] The best solution would be for Congress to grant the power to the circuit Courts and develop realistic and effective rules regarding sentence review instead of the hodge-podge that is now in operation.[61]

Currently there is a bill in the Senate [62] (now in the Judiciary Committee) that would give the courts of appeal express power to review sentences upon an application for leave to appeal from the district courts. Under this proposed bill, if the court of appeals denies the application for leave to appeal, its decision is final. If the leave is granted, the court of appeals has full power to review the merits and impose its own sentence, provided that it cannot impose an increased sentence upon the defendant. Curiously enough the provision giving the courts of appeal the power to impose its own sentence is almost identical with the current section 2106 that has been so long interpreted as not allowing the federal appellate courts to review and impose sentences on appeal.[63] The bill is a compromise between those claiming that there should be an appeal as of right for sentence review and those who claim that any provision for appeal of sentence will flood the courts of appeal with frivolous appeals.[64] On the whole, the bill appears to be the best solution for providing for effective and efficient review of sentences.

Although this bill has been introduced in past sessions of Congress and died each time in the Senate Judiciary Committee,[65] there seems to be more hope for its passage this time because of the increased public and legislative interest in prison and judicial reform (as indicated by the reaction after the recent riot in Attica and other prisons). One of the major grievances of prisoners is the often complete disparity between sentences given to similar convicts for similar crimes.[66] Appellate review of sentencing will help eliminate such offensive disparities.

Oscar R. Long.

FOOTNOTES

[1] 50 U.S.C.A. App. § 462 (1967).

[2] United States v. Daniels, 429 F.2d. 1273 (6th Cir. 1970).

[3] Fed. R. Crim. P. 35 provides:

Correction or Reduction of Sentence. The court may correct an illegal sentence at any time. The court may reduce a sentence within 60 days after the sentence is imposed, or within 60 days after receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within 60 days after receipt of an order of the Supreme Court denying an application for a writ of certiorari.

[4] 429 F.2d 1273, 1274 (6th Cir. 1970).

[5] The district court stated that the presentence report revealed that the Appellant was "a very competent and well-behaved person and a good citizen" and "of apparent model behavior." Moreover, the district court agreed with Appellant's counsel's observations that Appellant had proved himself to be an utmost sincere and conscientious and very honest individual . . . with an "excellent" record in his "high school" and "community."

United States v. Daniels, 446 F.2d 967, 968 n. 2 (6th Cir. 1971).

[6] The full order provides:

It is adjudged that the defendant is guilty as charged and convicted.

It is adjudged the imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Twenty-five (25) months,

It is further ordered that during the twenty-five month period of probation the defendant shall perform civilian work contributing to the maintenance of the national health, safety or interest for a period of twenty-four (24) consecutive months less the time already served in confinement as determined by the Probation Department.

It is further ordered that during the period of probation the defendant shall conduct himself as a law-abiding industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the

Court for violation of the Court's orders. United States v. Daniels, 446 F.2d 967, 972–73 (6th Cir. 1971).

[7] Act of March 3, 1891, ch. 517, 26 Stat. 826.

[8] Act of March 3, 1879, ch. 176 § 1, 20 Stat. 354.

[9] *See, e.g.*, United States v. Wynn, 11 F. 57 (C.C.E.D. Mo. 1882); Bates v. United States, 10 F 92 (C.C.N.D. Ill. 1881).

[10] *See, e.g.*, Rosenberg v. United States, 195 F.2d 583, 607–08 (2d Cir.), *cert. denied*, 344 U.S. 838 (1952); Beckett v. United States, 84 F.2d 731, 732–33 (6th Cir. 1936); Gurera v. United States 40 F.2d 338, 340–41 (8th Cir. 1930); Freeman v. United States, 243 F. 353, 357 (9th Cir. 1917). *But see* Ballew v. United States, 160 U.S. 187, 198–99 (1895), and Hanley v. United States, 123 F. 849, 854 (2d Cir. 1903), which suggest that the statutory powers given in the 1879 Act to circuit courts had been incorporated by reference in the 1891 Act. Federal appellate courts do, however, have the power to review a sentence of criminal contempt. *See* note 48 *infra*.

[11] *See* Gore v. United States, 357 U.S. 386, 393 (1958); Rosenberg v. United States, 344 U.S. 889, 890 (1952) (denying petition for rehearing) (Frankfurter, J., concurring); Blockburger v. United States, 284 U.S. 299, 305 (1931).

[12] Although some federal courts of appeal have previously used the language, "abuse of discretion," when remanding a case for resentencing, the *Daniels* case marks the first time that a case was remanded solely for abuse of discretion reasons. In the other cases where the language was used the court always found some specific constitutional or statutory error for basing its decision; no such basis was found here. *See, e.g.*, Leach v. United States, 334 F.2d 945 (D.C. Cir. 1964), and United States v. Wiley, 278 F.2d 500 (7th Cir. 1960), where the abuse of discretion language was used, but the courts in fact based their decision on more specific findings. *See* note 18 and accompanying text, *infra*. The states are divided on whether there should be any appellate review of sentences. Even those that do allow appellate review are split as to how they provide for it. Most of the states providing for such review have express statutory provisions but a small minority have allowed review through judicial interpretation of general jurisdictional statutes. *See* Note, *A Plea for Appellate Review of Sentences*, 32 Ohio St. L.J. 410 nn. 52 & 53 (1971).

[13] Scott v. United States, 419 F.2d 264 (D.C. Cir. 1969); LeBlanc v. United States, 391 F. 2d 916 (1st Cir. 1968); Thomas v. United States, 368 F.2d 941 (5th Cir. 1966). *But see*, Gollaher v. United States, 419 F. 2d 520 (9th Cir. 1969); Williams v. United States, 273 F.2d 469 (10th Cir. 1959). Also somewhat related to this area is the problem of a harsher sentence being imposed after a new trial won on a prior successful appeal. *See, e.g.*, North Carolina v. Pearce, 395 U.S. 711 (1969); Marano v. United State, 374 F.2d 583 (1st Cir. 1967). *See also* Aplin, *Sentence Increases on Retrial After North Carolina v. Pearce*, 39 U. Cin. L. Rev. 427 (1970).

[14] *See, e.g.*, Townsend v. Burke, 334 U.S. 736 (1948) (false information); United States v. Weston, 448 F. 2d 626 (9th Cir. 1971) improper information); United States v. Malcolm, 432 F.2d 809 (2d Cir. 1970) (false information); United States v. Lewis, 392 F.2d 440 (4th Cir. 1968) (misconception of law); United States v. Myers, 374 F.2d 707 (3d Cir. 1967) (false information), and Smith v. United States, 223 F.2d 750 (5th Cir. 1955) (false information).

[15] *See, e.g.*, United States v. Wiley, 278 F.2d 500 (7th Cir. 1960); Eviere v. United States, 249 F.2d 293 (10th Cir. 1957).

[16] *See* O'Brien v. United States, 376 F.2d 538 (1st Cir. 1967), where defendant was convicted of intentionally failing to carry his draft card because he had burned it in protest over the Viet Nam War. The court of appeals upheld the conviction but remanded the case for resentencing because the six year sentence was imposed, not so much for the actual failure to carry the draft card, but because of the defendant's views on the war. Thus, the harsh sentence penalized the defendant for exercising his right of free speech.

[17] *See* Weems v. United States, 217 U.S. 349 (1910); Ralph v. Warden, 438 F.2d. 786 (4th Cir. 1970).

[18] 278 F.2d 500 (7th Cir. 1960).

[19] 334 F.2d 945 (D.C. Cir. 1964). *See also* Jones v. United States, 327 F.2d 867 (D.C. Cir. 1963); Peters v. United States, 307 F.2d 193 (D.C. Cir. 1962).

[20] 334 F. 2d at 945.

[21] 185 F.2d 807 (6th Cir. 1950).

[22] Id. at 809.

[23] 427 F.2d 449 (6th Cir. 1970), decided June 15, 1970.

[24] 429 F.2d 1273 (6th Cir. 1970), decided July 30, 1970.

[25] 434 F.2d 740 (6th Cir. 1970); decided Nov. 19, 1970. The case was later dismissed on appeal to the Supreme Court, 402 U.S. 970 (May 17, 1970). Refer to, the earlier cases of United States v. Mullory, 412 F.2d 421 (6th Cir. 1969), *rev'd on other grounds*, 398 U.S. 410 (7970); and United States v. Pratt, 412 F. 2d 426 (6th Cir. 1969), *cert. denied*, 401 U.S. 1012 (1971), For a later case in which the Sixth Circuit rejected the "remand for resentence approach" of *Daniels* and *Griffin* refer to United States v. Dudley, 436 F.2d 1057 (6th Cir. 1971). Other circuits have also rejected this approach of sentence review, even where they felt the sentence was excessive. *See, e.g.*, United States v. Sanders, 435 F.2d 683 (5th Cir. 1970); United States v. Slawson, 432 F.2d 109 (10th Cir. 1970); United States v. Fallon, 407 F.2d 621 (7th Cir.), *cert. denied*, 395 U.S. 908 (1969). For a general view of how Selective Service violators are being sentenced *see*: Note, *A Judicial Wheel of Fortune*, 5 Colum, J. L. & Soc. Prob. 164 (1969); Solomon, *Sentences in Selective Service and Income Tax Cases*, 52 F.R.D. 481 (1970).

[26] In *Griffin*, the appellant was in the same position as the appellant in *Daniels*, since he had been granted a conscientious objector status but would not obey an order of the draft board, but would obey an order of a judicial body directing him to do the same work as did the draft board. In *McKinney*, while the appellant had not been granted a conscientious objector status, he was at all times willing to serve in a noncombat capacity.

[27] *See* note 25 *supra*.

[28] On appeal *McKinney* was remanded by order without opinion for resentencing in light of *McDaniels*. United States v. McKinney, No. 71–1063 (6th Cir. Dec. 17, 1971).

[29] United States v. Daniels, 446 F.2d 967, (6th Cir. 1971).

[30] 337 U.S. 241 (1949).

[31] 358 U.S. 576 (1959).

[32] 446 F.2d at 971.

[33] *Id.* at 972.

[34] U.S.C.A. App. § 462 (1965).

[35] 337 U.S. 241 (1949).

[36] *Id.* at 248 n. 13.

[37] 337 U.S. 241 (1949).

[38] 358 U.S. 576 (1959).

[39] 446 F.2d at 969.

[40] 337 U.S. 241 (1949).

[41] 358 U.S. 576 (1959).

[42] 185 F.2d 807 (6th Cir. 1950).

[43] *Id.* at 809.

[44] *See* text at pp. 197–99 *supra*.

[45] In fact, just recently the Fourth Circuit in United States v. Wilson, 450 F. 2d 495 (4th Cir. 1971), remanded the case for resentencing where the three year sentence imposed there "may have been the product of sheer inadvertence" [*id.* at 498] on the part of the trial judge, in that he may have overlooked the fact that the defendant could have been sentenced under the Federal Youth Correction Act. 18 U.S.C. §§ 5005–5026 (1950). That Act provides for special consideration in sentencing youths between the ages of 22 and 26. Since the defendant was within that age group and there was no showing that the trial judge considered it when sentencing him the court of appeals vacated the sentence and remanded the case.

[46] 275 F.2d 325 (9th Cir. 1960).

[47] *Id.* at 330 n. 10.

[48] The contempt cases represent a special area of criminal justice and administration. Appellate courts have traditionally had power to review sentences given for contempt because the imposition of a contempt citation is purely within the discretionary power of the district courts and Congress has declared no minimum or maximum standards to be applied. *See* Green v. United States, 365 U.S. 165, 188 (1958). Thus, appellate courts have a special responsibility in this area to see that sentences are properly imposed and on several occasions they have exercised this responsibility to reduce contempt sentences **on their** own where they felt such action was required. *See, e.g.*, Yates v. United States, 356 U.S. 363 (1958); Nilva v. United States, 352 U.S. 385 (1957); United States v. United Mine Workers, 330 U.S. 258 (1947); Schnurman v. United States, 379 F.2d 92 (D.C. Cir. 1967); United States v. Levine, 288 F.2d 272 (2d Cir. 1961).

[49] In two cases of unusual but similar circumstances the Court of Appeals for the District of Columbia imposed a sentence of life imprisonment in lieu of capital punishment. Coleman v. United States, 357 F.2d 563 (D.C. Cir. 1965) (*en banc*); Frady v. United States, 348 F. 2d 84 (D.C. Cir.), *cert. denied*, 382 U.S. 909 (1965). However, the court in both of these cases clearly limited their decisions to the particular facts.

[50] United States v. McKinney, 427 F.2d 449 (6th Cir. 1970); and United States v. Griffin, 434 F.2d 740 (6th Cir. 1970).

[51] The Supreme Court does have some supervisory power over the administration of criminal justice in the federal system, but this power has generally been limited to the formulation of rules of evidence. *See* McNabb v. United States, 318 U.S. 332 (1943). Historically, the Court has declined to extend that power to the review of sentences imposed in the district courts except in the contempt cases. For a further discussion cf the supervisory power in this area *see*: Note, *What is the Proper Scope of Appellate Review of Sentencing* 75 Harv. L. Rev. 416, 417 (1961): Note, *Appellate Review of Sentencing Procedure*, 74 Yale L.J. 379, 385 (1964).

[52] 28 U.S.C. § 2106 (1964).

[53] *See* note 7 *supra*.

[54] *See* note 8 *supra*.

[55] That Act in section 3 provided that: in case of an affirmance of the judgment of the District Court, the Circuit Court shall proceed to pronounce final sentence and to award execution thereon; but if such judgment shall be reversed, the Circuit Court may proceed with the trial of said cause *de novo* or remand the same to the District Court for further proceeding. Act of March 3, 1879, 20 Stat. 354.

[56] *See, E.g., Appellate Review of Sentences, A Symposium at the Judicial Conference of the United States Court of Appeals for the Second Circuit*, 32 F.R.D. 249, 27 (1962) (remarks of Judge Sobeloff); Mueller, *Penology on Appeal: Appellate Review of Legal but Excessive Sentences*, 15 Vand. L. Rev. 671 (1962); Sobeloff, *The Sentence of the Court: Should There be Appellate Review?*, 41 A.B.A.J. 13 (1955); Tydings, *Ensuring Rational Sentences—The Case for Appellate Review*, 53 J. AM. Jud. Soc'y 68 (1969). *But see* Brewster, *Appellate Review of Sentences*, 40 F.R.D. 79 (1965).

[57] *See* United States v. Daniels, 319 F. Supp. 1061 (E.D. Ky. 1970), in which the district judge who sentenced and resentenced the defendant in this case discusses his broad

discretionary power in sentencing and how it is unique to the district court.

[58] *See* United States v. Wiley, 184 F. Supp. 679, 688 (N.D. Ill. 1960), in which the district judge that had originally sentenced the defendant in United States v. Wiley, 278 F.2d 500 (7th Cir. 1960) reimposed the same sentence he had given before the Seventh Circuit remanded the case, stating that he felt the court of appeal's action in remanding the case for resentencing was "an uncertain and dangerous precedent." However, he later suspended the sentence "out of respect for the Court of Appeals," 184 F. Supp. at 688.

[59] *See* text at pp. 197–99 *supra*.

[60] *See Appellate Review of Sentences, a Symposium at the Judicial Conference of the United States Court of Appeals for the Second Circuit*, 32 F.R.D. 249 (1962).

[61] Congress has in fact recognized that there is a need for appellate review of sentences in certain circumstances. Under the Organized Crime Act of 1970 there is an express provision for appellate review of any sentence imposed under the dangerous offenders section (18 U.S.C.A. § 3575 (1970)) of that Act. The review provision, 18 U.S.C.A. § 3576 (1970) allows the court of appeals to review the sentence imposed under section 3575 to determine "whether the procedure employed was lawful, the finding made were clearly erroneous, or the sentencing court's discretion was abused."

[62] S. 2228, 92d Cong., 1st Sess. (1971). The American Bar Association has also proposed a bill to provide for the appellate review of sentences. *See* ABA Project on Minimum Standards for Criminal Justice, Standards Relating to Appellate Review of Sentencing, (App. Draft 1968).

[63] Proposed section 3742 (c) of S. 2228, 92d Cong., 1st Sess. (1971).

[64] *See* Brewster, *Appellate Review of Sentences*, 40 F.R.D. 79, 86–7 (1965). *But cf.* Frankel, *The Sentencing Morass, and a Suggestion for Reform*, 3 Crim.L. Bull. 365, 379 (1967).

[65] The House hasn't proposed such legislation for review of sentences; however, it seems that it may act in this area. Letter from William J. Keating to author, November 30, 1971.

[66] S. Kadish & M. Paulsen, Criminal Law and Its Progresses, 1287 (2d ed. 1969): D'Esposito, Jr., *Sentencing Disparity: Causes and Cures*, 60 J. Crim. L.C. and P.S. 182 (1969).

Mr. McCLELLAN. Mr. President, I am glad to join with the distinguished Senator from Nebraska (Mr. Hruska) today in the introduction of S. 716, which would authorize appellate review of excessive sentences. In the last few years, he and I have labored hard together in the criminal justice field on a number of proposals, often, I am pleased to note, successfully. I am hopeful that this idea, too, so long championed by the Senator, can someday become law.

Mr. President, my own interest in the need for appellate review of sentences began with my experience in the investigation of organized crime as part of the work of the Permanent Subcommittee on Investigations. I know from long experience what it is to assault entrenched criminal syndicates only to see years of dedicated investigation obtaining less than maximum results.

One of the worst gangsters we uncovered in my years as chairman of the Senate Labor-Rackets Investigations was Anthony Corallo. A captain in one of New York's five mafia "families," Corallo won his nickname of "Tony Ducks" because he always managed to duck the law. One exception was a 1941 narcotics conviction, which, however, got him only 6 months. Our hearing record showed how Corallo helped Jimmy Hoffa gain control of New York City's 140,000 Teamsters by bringing in 40 hoodlums—with records of 178 arrests and 77 convictions of crimes ranging from extortion to murder—to intimidate the rank-and-file membership.

By 1962, Corallo was convicted under the Federal antiracketeering statute—18 U.S.C. § 1952. He had conspired to pay a $35,000 bribe to a New York judge and an assistant U.S. attorney to "fix" a friend's sentence for a $100,000 bankruptcy fraud. Yet when Corallo's sentence was handed down, he drew only 2 years, instead of the maximum 5-year term—despite his public record as a vicious racketeer. Of the 2 years, he actually served only 18 months, and in 1968, Federal investigators publicly stated, Corallo and his gangster associates were once again controlling at least seven of the 56 Teamsters locals in the New York area, forcing millions of consumers to pay hidden tribute.

In June 1968, Corallo stood before the same Federal judge, this time convicted under the same Federal antiracketeering statute for loan-sharking a financially pressed New York City water commissioner. Corallo, through the loan-shark deal, had been able to arrange and share a $40,000 kickback on a city contract. Nevertheless, although he specifically recalled the 1962 sentence he had given Corallo, the judge gave Corallo only 3 years, instead of the maximum 5-year sentence.

It was instances such as this that lead me to introduce and fight for the Organized Crime Control Act of 1970, title X of which authorized increased sentences in racketeer prosecutions and appellate review by the prosecution as well as the defense to reexamine the imposition or the failure to impose such sentences—18 U.S.C. § 3576. And I note that the distinguished Senator from Nebraska supported me in this effort.

Indeed, I am proud that my efforts in behalf of title X that also merited the support of such distinguished bodies as the American Bar Association—testimony of Edward L. Wright, hearings before Subcommittee No. 5, Committee on the Judiciary, House of Representatives 91st Congress, second session, serial No. 27, pages 696–701, 1970—and that it is now one of the tools available to aggressive prosecutors in the fight against organized crime.

Nevertheless, I recognize that appellate review has another dimension. Statistics made available to the Subcommittee on Criminal Laws and Procedures by the Administrative Office of the U.S. Courts and analyzed by the National Institute of Law Enforcement indicate the existence of a shocking sentence disparity. The studies made available to us, in broad outline, indicated the following:

The study found that variations in sentencing, both in type and length, among the Federal district courts for a series of designated offenses were substantial. Specificially, the analysis found that the type of sentence—prison or probation—given defendants and the length of sentence were not consistent among districts for all crimes analyzed.

Another assumption, verified by the study, is that for the Federal crimes, prior record has the most effect on variations in sentencing among the defendant characteristics available for study. In particular, the analysis found that the type of sentence given defendants with no prior record varies as significantly among the districts as that for defendants with prior prison records, while the variation among the districts was significantly less for defendants with prior probation and suspended records and prior juvenile records.

Nevertheless, the length of sentence given defendants with no prior record, prior prison record, and prior probation and suspended record was not consistent among the districts for nearly every crime analyzed. The length of sentence given defendants with prior juvenile records also lacked consistency among the districts for half of the crimes analyzed.

The study found for the Federal crimes studied that nationwide, regardless of circuit, defendants with certain background characteristics were more likely to receive prison sentences than others, for nearly every crime analyzed.

Men received prison sentences more often than women. In fact, the average prison percentages for men were nearly double those for women in eight of the ten crimes analyzed.

Those over age 35 had higher prison percentages than those between 21 and 35, which in turn had higher prison percentages than those under 21.

Defendants with appointed counsel had higher prison percentages than defendants with private counsel.

Black defendants had higher prison percentages than white defendants. The black and whites varied from 2 to 23 percentage points for all but transportation of forged securities and income tax violation, where the differences were 1 and 5 percent in the other direction.

Mr. President, I know that differences of age and sex may warrant some differences in treatment at the time of sentence. But it is difficult to justify disparity based on poverty or race.

Mr. President, the bill that the Senator from Nebraska and I have introduced today squarely raises the issue whether or not some sort of appellate review similar to that now provided by 18 U.S.C. § 3576 ought not be extended across the board in Federal prosecutions. In its present form, S. 716 would be limited to review in behalf of the defendant and sentences could be reviewed only for excessiveness. I note that this is the form in which it passed the Senate as S. 1540 in the 90th Congress, and I support it as far as it goes.

But I have joined in its introduction primarily with the idea that it may serve as a vehicle for discussion. Before I could support its enactment I would want to make its provisions more even handed. They should be extended to provide for prosecutor appeal and the increase of inadequate sentences. Our hearings on the bill, scheduled to begin soon, should consider these amendments carefully.

Neither of these two extensions would be fundamentally at odds with the bill as the Senator from Nebraska has supported it in the past, and I understand he would be receptive to considering its processing with these goals in mind.

I would also want to consider if there could not be some safeguards built into it to screen out frivolous appeals. We must be carful that we do not overload our courts. At the same time, we must keep our perspective. We must not refuse to do justice for a lack of courts. Court congestion is a reason to move with care. It is not a reason to fail to act.

Mr. President, my good friend and colleague, the distinguished Senator from Nebraska, is to be congratulated on his perserverance in behalf of justice and fairness in sentencing in the criminal justice field.

I am proud to associate myself with his efforts.

By Mr. WEICKER (for himself and Mr. GURNEY):

S. 717. A bill to repeal the bread tax on 1973 wheat crops. Referred to the Committee on Agriculture and Forestry.

REPEAL OF THE BREAD TAX

Mr. WEICKER. Mr. President, I am today introducing legislation to abolish the 75 cent-per-bushel certificate tax on wheat, a tax which has increased the cost of bread by almost 2 cents a loaf.

This measure would terminate the so-called bread tax, as of July 1 of this year. Under present law, this excise tax, which last year amounted to over 50 percent of the market value of wheat, would continue until July 1, 1974. Of all Federal excise taxes, I know of none that even approaches 50 percent of the commodity value. Without question, this is one of the most excessive and regressive of all Federal excise taxes; but an even more unfortunate aspect is that it hits hardest at those who have the least ability to bear its burden.

Of foremost concern, there is the impact of this tax on the American consumer, already overburdened by food prices. Ironically, the tax applies only on wheat for food uses—like bread and flour—and not on wheat for feed. Pigs and poultry get a better tax break on their food than people.

In addition, the bread tax has all the earmarks of an anti-anti-poverty program. The effect of this tax is, of course, passed on to the consumer—especially should bakeries be forced out of business by a resulting profit squeeze. Department of Agriculture statistics show clearly that wheat flour consumption goes up sharply as family income goes down, dramatically illustrating the regressive nature of this tax.

Home use of wheat products per person per week

[In pounds]

Annual income per family:	*U.S. average*
Under $2,000	3.83
$2,000 to $2,999	3.15
$3,000 to $3,999	2.84
$4,000 to $4,999	2.59
$5,000 to $5,999	2.58
$6,000 to $7,999	2.46
$8,000 to $9,999	2.29

Consumer spending for wheat products

[In percent]

Annual income per family:	
Under $2,000	6.6
$2,000 to $2,999	5.9
$3,000 to $3,999	5.8
$4,000 to $4,999	5.3
$5,000 to $5,999	5.1
$6,000 to $7,999	4.8
$8,000 to $9,999	4.6

The time has clearly come for the Congress to take this step to help low-income consumers—a delay will mean a $400 million burden for those least able to pay for their daily bread.

Finally, this unique wheat certificate tax imposes an undue burden upon the independent bakeries struggling to survive under an economic squeeze of rising costs and controlled prices. The extension of this extraordinary tax will mean a loss of hundreds of jobs and threaten the economic viability of small bakers. The Milling and Baking News, on December 5, 1972, published a list of 35 wholesale bakeries that had closed in the past year for economic reasons.

A letter I received recently from Robert L. Schaus, of the Reymond Baking Co. in Waterbury, Conn., illustrates this problem. As Mr. Schaus points out:

> Our bakery has suffered to the extent of an additional $5,000.00 per week for increased flour costs without price relief. While we have the legal right to increase our prices, we cannot do so because of the competition of Tier I (for wage and price control purposes) companies who cannot increase prices because of Tier I limitations under the present Price Commission Guidelines.

Clearly, we do not want the Reymond Baking Co., or any other bakery, to raise prices. Rather, we should remove the 75 cent-per-bushel certificate tax on wheat. This would not affect consumers, or, for that matter, payments to wheat farmers. Under present law, 90 percent of the funds for farm payments come from general revenue, and 10 percent come from the bread tax. Enactment of my bill would simply mean that all farm payments would come from general revenues.

Mr. President, I urge the Congress to act quickly on this measure, as a responsible, fair, and necessary step to offset the increased costs of flour caused by the recent Russian wheat deal, and to protect our consumers, independent bakeries, and low-income people. I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 379e of the Agricultural Adjustment Act of 1938, as amended by the Food and Agricultural Act of 1970, is amended by striking out the words "1971, 1972, and 1973 crops of wheat" and inserting in lieu thereof "1971 and 1972 crops of wheat".

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 721. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. FANNIN) and myself, I send to the desk for appropriate reference a bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

Mr. President, this bill was submitted and recommended by the Chairman of the Indian Claims Commission and I ask unanimous consent that the bill and letter accompanying this draft proposal be printed in full in the RECORD at this point in my remarks.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 721

A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act, 25 U.S.C. § 70, during fiscal years 1974, 1975, 1976, and 1977 such sums as may be necessary to complete the program of the Indian Claims Commission.

INDIAN CLAIMS COMMISSION,
Washington, D.C., January 29, 1973.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes." We recommend that the proposed bill be introduced and referred to the appropriate committee for consideration, and we recommend that it be enacted.

FISCAL YEAR 1974 APPROPRIATION AUTHORIZATION

The legislation under which the Indian Claims Commission conducts its program, the Indiam Claims Commission Act, as amended, 25 U.S.C. § 70e (1972), states "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress." In order to meet fiscal years 1974 through 1977 program requirements, we propose that appropriations of such sums as may be necessary be authorized. There is immediate need for enactment of this authorization in order for work to proceed during the next fiscal year.

FISCAL YEARS 1975, 1976, AND 1977

The Commission is determined to continue its program toward completing all its work by April 10, 1977, a program approved by the Congress in extending the Indian Claims Commission last year. Public Law 92-265, 86 Stat. 114. In addition to the authorization for fiscal year 1974, we are also requesting authorization for the balance of the Commission's work life. Problems of recruitment and retention in an agency where only short tenure can be expected would be compounded by the uncertainties introduced by yearly authorizations. Full oversight by the appropriate committees of Congress will be assured by the required submission of progress reports as presently provided by law.

The Office of Management and Budget has

advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely yours,

JEROME K. KUYKENDALL, *Chairman.*

Enclosure.

By Mr. BEALL (for himself, Mr. DOMINICK, Mr. HATHAWAY, Mr. JAVITS, Mr. PASTORE, Mr. STEVENS, and Mr. YOUNG):

S. 723. A bill to establish a National Institute of Health Care Delivery, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL INSTITUTE OF HEALTH CARE DELIVERY ACT

Mr. BEALL. Mr. President, on behalf of Senators DOMINICK, HATHAWAY, JAVITS, PASTORE, STEVENS, YOUNG, and myself, I introduce a bill to establish a new National Institute of Health Care Delivery. This measure is identical to S. 3329, which I introduced last year. This measure, as my colleagues know, was incorporated substantially as introduced as title V of S. 3327, the Health Maintenance Organization and Resource Development Act, which passed the Senate last year, although it was modified to coordinate with the Quality Assurance Commission. Since no final action was taken by the House on its legislation to encourage health maintenance organizations, this measure must now be reintroduced.

Mr. President, I ask unanimous consent that the complete text of the bill be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 723

A bill to establish a National Institute of Health Care Delivery, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be known as the National Institute of Health Care Delivery Act of 1973.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress of the United States finds—

(1) that the United States faces a crisis in health care;

(2) that health care costs have increased in the last five years twice as fast as the general cost of living;

(3) that there exists an acute shortage and maldistribution of physician and other medical manpower in inner city and rural areas;

(4) that millions of Americans do not have access to quality health care;

(5) that since World War II the United States has invested approximately $20,000,000,000 in biomedical research, and that this investment has resulted not only in wide recognition of the preeminence of biomedical research in the United States, but also produced many, often spectacular, advances in medical science;

(6) that during the same period comparatively few resources were invested to deliver the discoveries of medical research and technology to our citizens;

(7) that the American public is concerned with the gap between the knowledge and capabilities of medical science and what is delivered to the patient, and that this is a source of public discontentment and dissatisfaction;

(8) that significant changes regarding the health care system have been proposed and may be implemented in the near future;

(9) that the potential costs and benefits associated with the various proposals are largely unknown; and

(10) that, inadequate attention, emphasis, and resources have been devoted to health policy analysis and health care delivery.

(b) It is the purpose of this Act to establish a National Institute of Health Care Delivery and regional and special emphasis centers to improve health care delivery and to help speed the delivery of the benefits of medical science and the scientific discovery system to the people of the United States.

SEC. 3. The Public Health Service Act is amended by inserting after title X the following title:

"TITLE XI—NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

"DEFINITIONS

"SEC. 1101. For the purposes of this title—

"(1) the term 'health care delivery' includes all aspects and interrelationships of the organization, financing, and provision of direct health services to individuals, families, and groups for the purposes of prevention, cure, rehabilitation, restoration, and maintenance of function, and related health services essential to good health.

"ESTABLISHMENT OF INSTITUTE

"SEC. 1102. (a) There is hereby established in the Department of Health, Education, and Welfare a National Institute of Health Care Delivery. The Institute shall carry out a multidisciplinary research and development program to improve delivery of health care services and shall be the principal Government agency for improvement of health care in the United States.

"(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years. There shall be in the Institute a Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director and Deputy Director shall continue to serve until his successor has been appointed and has qualified.

"(c) The Director is authorized to appoint within the Institute not to exceed four Assistant Directors.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1103. (a) It shall be the function of the Institute to pursue methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States, through initiation and support of studies, research, experimentation, development, demonstration, and evaluation of, but not limited to, the following areas and subjects—

"(1) the existing health care system, emphasizing means and methods to improve such system and the devising and testing of alternative delivery systems;

"(2) health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

"(3) preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children;

"(4) systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

"(5) systems and components of rural health services;

"(6) the development of policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

"(7) methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safely delegated to other appropriately trained individuals in both new and existent health occupations;

"(8) continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

"(9) health manpower credentialing, licensing, and certification;

"(10) the medical malpractice problem, particularly as it relates to quality care, the practice of 'defensive medicine' and added costs to the public;

"(11) programs for educating health manpower and the accreditation of such education programs;

"(12) application of all forms of technology, including computers and other electronic devices, in health care delivery;

"(13) the efficiency, management, and utilization of new and existing health care of facilities including studies of admission practices and examination of cost-finding techniques;

"(14) the development of tools and methods to improve planning, management, and decisionmaking in the health care system;

"(15) the development of information by which quality, efficiency, and cost of health care may be measured;

"(16) the development of uniform accounting practices, financial reporting, and uniform health records;

"(17) the development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

"(18) the needs of individuals, families, and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bear on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development of educational materials and methods communicating to the public the importance of personal decisions and actions on health;

"(19) the economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy;

"(20) proposals for the financing of health care, including the potential cost and benefits, and their impact on the health care system;

"(21) concepts and data essential to formation of a factual basis for national health policies; and

"(22) the effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery.

"(b) The Institute shall (1) develop methods for, and support of, training of individuals to plan and conduct research, development, demonstrations, and evaluation of health care delivery and related services; (2) provide technical assistance and development of methods for the transfer of new knowledge, components, and systems to public and private agencies, programs, institutions, and individuals engaged in the improvement of health care delivery; (3) collaborate with governments and private care institutions and programs in foreign countries for the exchange of information and support of research, experiments, demonstrations, and training in order to advance health care delivery in the United States and cooperating nations.

"(c) The Institute shall evaluate the quality, effectiveness, and efficiency of Federal health programs, including titles V, XVIII, and XIX of the Social Security Act.

"(d) In improving the delivery of health care to the Nation's citizens. For the purposes of this subsection the Secretary is authorized to transfer to the Institute such funds as may be necessary pursuant to section 513 of this Act.

"ADMINISTRATIVE PROVISIONS

"SEC. 1104. (a) In order to carry out the provisions of this title the Director is authorized to—

"(1) make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit private agencies, institutions, or organizations for projects for the conduct of research and development, experiments, studies, demonstrations, and training of individuals to plan and conduct such projects;

"(2) make contracts with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and execute such contracts;

"(3) appoint and fix the compensation of the personnel of the Institute in accordance with chapter 51 of title 5, United States Code, except that (A) to the extent that the Director deems such action necessary to recruit men and women of exceptional talent, he may establish the entrance grades for personnel at a level of two grades higher than the grade level provided for such personnel under the General Schedule established by such title and fix their compensation accordingly, and (B) to the extent that the Director deems such action necessary to the discharge of his responsibilities, he may appoint personnel of the Institute without regard to civil service or classification laws, except that personnel appointed under such laws do not exceed at any one time one-third of the number of full-time regular technical or professional employees of the Institute;

"(4) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Institute and delegate authority to any officer or employee under his direction or his supervision;

"(5) acquire (by purchase, lease, condemnation, or otherwise) construct, improve, repair, operate, and maintain research and other necessary facilities and equipment and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary;

"(6) to acquire by lease or otherwise from the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years without regard to the Act of March 3, 1877;

"(7) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(8) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title;

"(9) utilize with their consent the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(10) accept voluntary and uncompensated services notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(11) accept unconditional gifts or donations of services, money, or property, real or personal, mixed, tangible or intangible;

"(12) allocate and expend or transfer to other Federal agencies for expenditure funds made available under this title as he deems necessary;

"(13) establish within the Institute such offices and procedures as may be appropriate to provide for the greatest possible coordination of activities under this title with related research and development activities being carried on by other public and private agencies and organizations; and

"(14) take such other actions as may be required for the accomplishment of the objectives of this title.

"(b) Upon requests made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, information, and statistics available, to the greatest practicable extent, consistent with other laws, to the Institute in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (8) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties including traveltime. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"COMPENSATION

"SEC. 1105. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

" '(95) Director, National Institute of Health Care Delivery.'

"(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

" '(131) Deputy Director, National Institute of Health Care Delivery.'

"JOINT WAIVER FUNDING AUTHORITY

"SEC. 1106. Where funds are advanced for a single project by more than one Federal agency for the purposes of this title, the Director of the Institute may act for all in administering the funds advanced and a single non-Federal share requirement may be established according to the proportion of the funds advanced by each Federal agency. The Director may order any such agency to waive any technical grant or contract requirement which is inconsistent with the similar requirements of the Institute or which the Institute does not impose.

"TRANSFER OF RESEARCH FUNDS OF OTHER GOVERNMENT DEPARTMENTS AND AGENCIES

"SEC. 1107. Funds available to any department or agency of the Government for health care delivery research and development, or for the provision of facilities therefor shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Institute for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Institute for the purposes for which the transfer was made.

"TRANSFER OF NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT

"SEC. 1108. (a) The National Center for Health Services Research and Development is hereby transferred from the Health Services and Mental Health Administration to the Institute.

"(b) Subject to the provisions of this section, the President, for a period of two years after the date of enactment of this title, may transfer to the Institute any functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Health, Education, and Welfare or of any officer or organizational entity thereof which relate primarily to the functions, powers, and duties of the Director as described by this title. In connection with any such transfer the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, personnel, and funds.

"NATIONAL ADVISORY COUNCIL ON HEALTH CARE DELIVERY

"SEC. 1109. (a) There is hereby established a National Advisory Council on Health Care Delivery (hereafter referred to as the Council) to be composed of twenty-one members. The Council shall consist of the Secretary of Health, Education, and Welfare, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Administrator of the Health Services and Mental Health Administration, the Director of the National Institutes of Health, and the Director of the National Institute of Health Care Delivery who shall be ex officio members and an additional fifteen members not otherwise of the regular full-time employee of the United States to be appointed by the President without regard to civil service laws. The appointed members shall be persons who are leaders in tho field of medical sciences or in the organization, delivery, or financing of health care, (2) leaders in the management sciences, or (3) representatives of the consumers of health care. At least seven of the appointed members shall be representatives of the consumers of health care.

"(b) The President shall designate a Chairman of the Council. The Council shall meet at the call of the Chairman but not less than four times a year.

"(c) Each appointed member of the Council shall hold a term of four years except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, except that the terms of the office of the members first taking office shall expire as designated by the President at the time of appointment, three at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(d) Appointed members of the Council shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expense authorized by section 503, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Chairman of the Council, with the concurrence of a majority of the Council members, shall appoint an Executive Secretary of the Council. The Executive Secretary may be appointed without regard to civil service laws and may be compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS–18 under section 5332, title 5, United States Code, as may be necessary to provide for the performance of duties as may be prescribed by the Council in connection with his duties under this Act. The Director of the Institute shall make available to the Council such additional staff information, and other persons as it may require to carry out its activities.

"(f) The Council shall—

"(1) review programs, policies, and priorities of the Institute, and centers established under section 1113, and advise the Director on the development and conduct of the programs of the Institute and centers;

"(2) examine and coordinate health care delivery efforts within the Department of Health, Education, and Welfare and other Federal departments and agencies so as to avoid duplication; and

"(3) assure that significant research and development findings of the Institute and centers are being disseminated to the health care system, and evaluate the extent such findings are making an impact on the health care delivery system.

"(g) The Council shall submit as an appendix to the report required by section 1110 of this Act, its report on the progress of the Institute and centers toward the accomplishment of the objectives of this title, and the status of health delivery research development in the United States including any minority views of the Council members.

"REPORTS

"SEC. 1110. The Director shall, within one year after the date of his appointment and prior to February 1 of each year thereafter, prepare and submit to the Secretary for his transmittal to the President and the Congress a written report that shall include:

"(1) an appraisal of the activities and accomplishments of the Institute and the centers;

(2) bibliographies with annotations of research performed or supported and a summary of the significant research and development findings which show promise (given due consideration to the cost, benefits, and the quality of health care program) of improving health care delivery or increasing the productivity of health care systems; and

"(3) identification and recommendations concerning those factors or barriers which inhibit implementation of the significant research and development findings of the Institute and centers or that prevent innovation in health care.

"HEALTH CARE DELIVERY INFORMATION SERVICES

"SEC. 1111. There is created within the National Institute of Health Care Delivery an Office of Health Care Delivery Information Services. Such office shall provide—

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1112. For the purposes of carrying out the provisions of this title (except for the provisions of section 1113) there are authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1973; $150,000,000 for the fiscal year ending June 30, 1974; and $200,000,000 for the fiscal year ending June 30, 1975. Any unexpended sums appropriated pursuant to this section may be carried over without fiscal year limitations.

"REGIONAL AND SPECIAL EMPHASIS CENTERS

"SEC. 1113. (a) In order to strengthen the Nation's research and development base in health care delivery, to enable the examination and study of health care delivery problems of the various regions of the United States, and to link better research and development findings with actual practice, the Director is authorized to enter into cooperative arrangements with public or private nonprofit agencies or institutions to pay all or part of the cost planning, establishing, and providing basic operating support for (1) not to exceed eight regional centers to carry out multidisciplinary research and development in health care delivery, and (2) two national special emphasis centers, one of which shall be designated as the Health Care Technology Center, to focus on all forms of technology, including computers and electronic devices, and its application in health care delivery; and one which shall be designated as the Health Care Management Center, to focus on the improvement of management and organization in the health field, the training and retraining administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field.

"(b) Federal payments under this subsection in support of such cooperative agreements may be used for—

"(1) construction to the extent that the National Advisory Council determines such construction is necessary;

"(2) staffing and other basic operating costs;

"(3) research and development;

"(4) training; and

"(5) demonstration purposes.

Support under this subsection other than support for construction shall not exceed $2,000,000 per year per centre, except for the Health Care Technology Center, and may be funded for an initial period of not to exceed three years. The Director, following a review of each center's operation and upon the recommendation of the National Advisory Council, may extend the centers for an additional period of not more than three years each.

"(c) The location of the regional centers authorized by subsection (a) shall be determined by the National Advisory Council with a view, to the extent possible, of broad geographical distribution of such centers.

"(d) The administrative officer of each regional and national special emphasis center shall transmit annually to the Director a report which shall set forth (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs including a summary of significant research and development findings.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975. Any unexpended sums appropriated pursuant to this subsection may be carried over without fiscal year limitations.

"SUPPLEMENTAL INCENTIVE GRANTS TO ENCOURAGE EXPERIMENTATION

"SEC. 1114. (a) In order to encourage individuals, institutions, and health facilities to participate in research and demonstration projects, which without the incentive assistance provided under this section would not otherwise be carried out, and which have been designated by the National Advisory Council as essential, the Director is authorized to provide funds to be used to increase the Federal contribution to such projects under Federal grant-in-aid programs above the fixed maximum portion of the cost of such projects otherwise authorized by an applicable law. Funds shall be so provided for Federal grant-in-aid programs for which funds are available under the Acts authorizing such programs and shall be available without regard to any appropriation authorization ceiling in such Acts.

"(b) The Federal portion of such costs shall not be increased in excess of the percentage established by the Director, and shall in no event exceed 80 percentum thereof.

"(c) The term 'Federal grant-in-aid program' as used in this section means those Federal grant-in-aid programs in the health area authorized on or before December 31, 1971.

"(d) Not to exceed 10 percentum of the funds authorized by this title shall be available to carry out this section."

Mr. BEALL. Senator KENNEDY has reintroduced the HMO legislation as passed by the Senate, as S. 14. The National Institute of Health Care Delivery is thus incorporated in S. 14 as introduced by Senator KENNEDY. I introduced the legislation separately today, not because I am unhappy that the proposal has been incorporated into S. 14, for I am extremely pleased and honored that Senator KENNEDY and the other members of the Labor and Public Welfare Committee support the new National Institute of Health Care Delivery. Rather, I introduce it as a separate measure only because I believe it will help attract the interest and focus which I believe the proposal merits.

I am confident that this proposal will once again clear the Senate as part of the health maintenance organization legislation and I am hopeful that it will be enacted into law this year.

Basically, the legislation authorizes the establishment of a National Institute of Health Care Delivery which will have a congressional mandate to improve through research and development, the delivery and organization and efficiency of health care in this Nation. In addition, there are authorized up to eight regional centers and two special emphasis centers, the Health Care Technology Center, and the Health Care Management Center. I am encouraged with the interest and support that this proposal has gained in the health, medical, and science communities, and with the general public.

This included a favorable editorial in the highly respected Science Journal. I ask unanimous consent that my floor statement, as well as information I inserted in the RECORD at that time, discussing this proposal when it was incorporated and passed as part of S. 3327, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Sept. 20, 1972]

HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1972

Mr. BEALL. Mr. President, I rise first to indicate my support for S. 3327, a bill to encourage the development of Health Maintenance Organizations in the Nation. This is landmark legislation. I congratulate the Senator from Massachusetts, the Chairman of the Subcommittee on Health, and the ranking Republican member, the Senator from New York (Mr. JAVITS), who is the ranking member of the full Committee on Labor and Public Welfare, and Senator SCHWEIKER, the ranking minority member of the health subcommittee, and Senator DOMINICK for the leadership that they have shown in the entire area of improving opportunities for health care delivery in this country. This is the result of many years of work that began long before I came to the Senate. I am happy to have had the opportunity to participate in these measures for improving access to the health system.

The Senator from Massachusetts and the Senator from New York both very eloquently described the legislation that is under consideration today and they have gone into detail on Health Maintenance Organizations sections.

I will focus my remarks on title V of the legislation, which authorizes a new National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare.

The institute's mission will be to conduct a multidisciplinary, research and development effort to improve the delivery and organization of health care in the country. In addition, there is authorized up to eight regional centers and two special emphasis centers, a health care technology center, and a health care management center. The total authorized funding for the Institute, the regional centers and the special emphasis centers will be $155 million for the first year, $185 million for the second year, and $240 million for the third year for a total of $580 million over a 3-year period.

BACKGROUND AND NEED

Mr. President, I first made this proposal for a National Institute of Health Care Delivery in a June 15, 1971 speech in Gaithersburg, Md. Thereafter, I circulated reprints of the speech to various medical and health organizations and to many experts in the field around the country. The interest in the proposal was most encouraging. I was particularly pleased with the favorable editorial comment by the respected "Science Journal." The comments, suggestions, and criticisms that I received were most helpful in molding the proposal into legislative form. I want to extend a special thanks to Johns Hopkins and Maryland University. Their faculties' interest and observations contributed significantly to the final bill. I also examined the administrative and organizational structure of the various Federal research and development efforts as well as some private organizations.

Finally, on March 13 of this year I introduced S. 3329, a bill to establish a National Institute of Health Care Delivery. S. 3329 was cosponsored by Senators DOMINICK. HOLLINGS, PASTORE, and STEVENS. I am grateful for their support and assistance on this legislation.

Mr. President, since World War II, the United States has invested approximately $20 billion in biomedical research. This investment has produced many dividends in terms of medical breakthroughs. This effort has made the United States preeminent worldwide in biomedical research.

During the same period, comparatively small investments have been made in research and development to deliver the fruits of biomedical research to the American citizens. During the last fiscal year, for example the National Institutes of Health's budget was $2.2 billion, while the budget for the National Center for Health Services Research and Development was only $62 million. I want to make it clear that the citing of this contrast does not suggest or imply that we are spending too much for biomedical research. For the record of this Senator, the Congress, and the administration clearly reveals strong support for an accelerated attack against the No. 1 and 2 diseases of our citizens, heart and cancer. Biomedical research and health-care delivery are inextricable pursuits.

The disparity in spending between biomedical research and health care research and development may help explain the preeminence of the United States in biomedical research and the deficiencies in our present health system, as well as the growing gap between what medical knows and what is delivered to the patient.

I have talked to many Marylanders and citizens of this country. Although our citizens marvel and applaud the achievements of medical science, including the miracle-like transplants that are taking place, their first plea to the health community is not for more dramatic breakthroughs, although these are wanted, but for the health system to make available, accessible, and affordable the achievements, methods, and procedures developed by medical science over the last quarter to one-half century. The public is aware of the gap between the capabilities of medical science and what is delivered to the patient, and this is a source of much discontent.

Developing the means and methods to deliver the results of medical research to our citizens wherever they live and at a price they can afford will not be an easy task. It will be the difficult mission and challenge given the new Institute.

PRESENT EFFORTS INADEQUATE

Presently, the Nation's effort in this area is at the National Center for Health Services Research and Development. This Center presently is buried in the bureaucracy of the Department of Health, Education, and Welfare, being one of the many units of the Health Services and Mental Health Administration.

This center would be moved to the new Institute. At its present position in the Department, the Center for Health Services Research and Development lacks visibility and its clout is small. It lacks an effective organizational structure and the flexibility that characterizes many Government research and development organizations. It is not funded adequately. Its research function has been shortchanged and underemphasized. It does not even have a legislative mandate. I doubt whether many in Congress, other than those with a special interest in health or serving on the health or appropriations committees, even know the center exists.

Although some interesting efforts have been undertaken at the center and elsewhere, one must admit that the efforts to date have contributed disappointingly little either to the solving of the problems of the present delivery system or to the producing of alternative systems. The fact is that important questions that had been raised about health care delivery 10 years ago, are still being asked today.

I do not believe that we can wait another decade for these answers. The committee shares this belief not only because of the urgency of our present problems, but also because we will be making fundamental decisions with respect to the directions of health care delivery in the near future and we need all the information and wisdom we can gather so that the decisions made will be the best possible. The new National Institute of Health Care Delivery, with a clear mandate from Congress, top management, the necessary organizational structure and administrative provisions, and with adequate resources, will help us to find the answers to the many health care delivery questions and help make health care delivery in the United States as important as medical research.

LOCATION AND APPROACH

The new National Institute of Health Care Delivery will be a separate agency within the Department of Health, Education, and Welfare. Its organization position within the Department will be comparable to the National Institutes of Health. This position will be needed because of the importance and urgency of health care delivery problems. It is necessary if the Institute is going to attract top management and the talented men and women required for this undertaking. This elevated structure will give health care delivery research and development greater viability and raise its stature among the public, the health community and wtihin the Government. The Institute's news structure will enable it to have a strong voice for a needed increased investment and interest in research and development in health care delivery.

The Institute will provide a creative environment wherein multidisciplinary teams from such academic disciplines as health, medicine, engineering, science, accounting, statistics, social sciencies, architecture, law, education, and the management sciences can interact and focus their attention and generate action oriented research on the critical and complex problems of health care delivery.

The importance of the multidisciplinary approach was underscored in a recent speech by Prof. William B. Schwartz of the Tufts University School of Medicine when he said:

"There is a clear implication that the problems will require a multidisciplinary approach—we are not simply dealing with economic problems to be formulated and analyzed by economists or manpower problems to be dealt with by physicians. The problem of delivery or primary medical care, for example, obviously has an enormous number of facets. It involves not simply a question of more and larger medical schools training more physicians but a range of issues including the maldistribution of physicians, inducements to rural and ghetto practice, restriction of physician entry into specialties that are overpopulated, the use of allied medical personnel to replace physicians in the delivery of primary care, the introduction of computer-aided diagnosis and management as a means of upgrading the nonphysician's performance and increasing his range of responsibilities, the use of television as a link between doctors and patients, and the introduction of new transportation strategies as a means of making high quality care available to areas of low population density.

"In weighing these approaches, consideration must also be given to patient acceptance of new personnel and new technology, to the reliability of computer-aided diagnosis and management, to the response of the physician to incursions of new health personnel and new technology into his domain, to legal problems related to licensure and malpractice, to the time lags involved in the introduction of new strategy, and to the trade-off between quality and quantity that is implicit in changing the traditional patterns of health care. Only in this way can we allocate resources appropriately and can a desirable mix of manpower and technology be brought to bear".

There is another important concept in research and development; namely, "critical mass". This term originated in nuclear physics where "critical mass" is defined as the amount of radioactive material needed to produce a self-sustaining nuclear reaction. In research and development, "critical mass" refers to the minimum size and composition needed to achieve the important self-sustaining creative atmosphere for the undertaking. In theoretical basic research, one or two researchers may be the "critical mass." On the other hand, in complex and larger research efforts, the "critical mass" may be hundreds of individuals from many disciplines. In complex and large undertakings where the "critical mass" is not achieved, reseachers tend to pursue smaller tasks individually. The smaller efforts of individuals doing their "own things" do not often cumulate to produce major efforts. Today we have inadequate numbers of people trained and experienced in this area, and those with this experience are dispersed throughout the government, unversities, and research institutions.

As a result, the synergism that can occur when a "critical mass" of people who are problem solvers from many academic disciplines interact has not yet been adequately developed.

POLICY ANALYSIS ROLE

We also need to develop a strong capability in health care policy analysis. The United

States, in reality, today has no overall health policy although there is growing recognition of the need for one.

Even the Department of Health, Education, and Welfare with its enormous responsibility in the health field, has no cadre of full-time professionals solely committed to policy research and analysis. At the secretariate level, there are a handful of individuals dealing with these matters, but their time and efforts are too often devoted to dealing with present crises or firefighting rather than examining the long-term issues, no matter how important the latter may be.

I might also add that the situation here in the Congress is even more critical. We in Congress should consider establishing a Joint Committee on Health to serve as adjunct to the respective legislative committees of both the House and the Senate. Such a committee could serve a role to the congressional committees with jurisdiction in the health area, similar to that played by the Joint Committee on Taxation in supporting and complementing the Ways and Means Finance Committees.

It is clear that the resolution of major policy issues will shape the future of health care delivery in the country. Thus, there is a critical need to develop analytical capabilities to cope with the large, complex and long-run issues, while the Nation continues to address the immediate problems in the health field.

Policy analysis then will be an important assignment of the Institute through its policy analysis division. As the committee report says:

> Policy analysis will be an important part of the work of the Institute. The committee intends that there be established within the Institute a Health Policy Analysis Division to enable groups of professionals to concentrate on long-term policies in the health field.

INSTITUTE'S MANDATE

The Institute will be headed by a Director, appointed by the President, with the advice and consent of the Senate. The salary of the Director will be at Executive Level 4, which is similar to and competitive with other Federal research and development agencies. The Institute will also have a Deputy Director and not to exceed four Assistant Directors, selected by the Director.

It will carry out its functions through an inhouse capability and through an extramural effort at the regional health care centers, the Health Care Technology Center and the Health Care Management Center, as well as broad authority to: First, make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit agencies, institutions, or organizations, and second, contract with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and conduct such efforts.

The objectives and mandate of the Institute will be broad. It will pursue all methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States through initiation and support of studies, research, experimentation, development, and demonstration of, but not limited to, 22 specific functions which are spelled out in the legislation. I ask unanimous consent that these functions be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"FUNCTIONS OF THE INSTITUTE

"(1) The existing health care system, emphasizing means and methods to improve such system and the devising and testing of alternative delivery systems;

"(2) Health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

"(3) preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children;

"(4) systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

"(5) systems and components of rural health services;

"(6) the development of policy with respect to long-term care, particularly for mentally and physical handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

"(7) methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safely delegated to other appropriately trained individuals in both new and existent health occupations;

"(8) continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

"(9) Health manpower credentialing, licensing, and certification;

"(10) The medical malpractice problem particularly as it relates to quality care, the practice of "defensive medicine" and added costs to the public;

"(11) Programs for educating health manpower and the accreditation of such education programs;

"(12) Application of all forms of technology, including computers and other electronic devices, in health care delivery;

"(13) The efficiency, management, and utilization of new and existing health care facilities including studies of admission practices and examination of cost-finding techniques;

"(14) The development of tools and methods to improve planning, management, and decisionmaking in the health care system;

"(15) The development of information by which quality, efficiency, and cost of health care may be measured;

"(16) The development of uniform accounting practices, financial reporting, and uniform health records;

"(17) The development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

"(18) The needs of individuals, families, and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bears on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development of educational materials and methods communicating to the public the importance of personal decisions and actions on health;

"(19) The economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy;

"(20) Proposals for the financing of health care, including the potential cost and benefits, and their impact on the health care system;

"(21) Concepts and data essential to formation of a factual basis for national health policies; and

"(22) The effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery."

Mr. BEALL. Mr. President, I would like to make some comments on a number of the specific functions assigned to the institute. It will examine the ways physicians and other health professionals are organized and utilized and the extent to which tasks performed by such professionals may be delegated to other appropriately trained individuals. With respect to any illness, we can combine the talents of medical personnel in various ways. Take a routine physical examination. It may be performed entirely by a doctor, by a doctor-nurse combination, with the nurse taking the medical history and the patient's temperature, or by a doctor-nurse-technician team where the technician performs many of the tests and the doctor's role is limited to the interpretation of the results such as in multiphasic screening. These different approaches to the routine physical examination may produce medical care of the same quality.

They, however, carry vastly different implications, both in terms of cost and the utilization of the physician's scarce time. Similarly, experts tell us that from 70 to 80 percent of the pediatrician's medical task could be performed by a trained physician-assistant, such as nurses. Furthermore, it is generally felt that doctors spend too much time on routine tasks, including 25 percent of their time on business, such as bookkeeping, billing, ordering supplies, et cetera. Also, it has been estimated that nurses spend up to 25 percent of their time on paperwork. We need to explore all of these areas and to improve our utilization of scarce medical personnel.

The Institute will study the manpower credentialing and malpractice problem. Both of these issues have been examined recently, but it is important that an examination and followup on these reports be made. Indications are that malpractice insurance may cost some hospitals as much as $2 a day per patient. The malpractice problem has also resulted in what some refer to as "defensive medicine" under which certain tests or procedures are ordered which may not be really necessary in order to protect a physician from a possible charge of negligence. The Institute could use the Federal Government's Public Health Service hospitals and outpatient clinics if license laws prove to be an obstacle to experimentation on the use of new categories of health manpower. Successful experimentation in these Federal facilities should encourage their use elsewhere.

The new Institute also will have the responsibility of examining the efficiency, management, and utilization of new and existing health care facilities including studies of admissions practices, financial reporting, and uniform health records.

Some medical experts estimate that as many as 30 percent of hospital admissions are unnecessary. With the average cost of a single day's stay in any hospital being $100 in many urban areas, it becomes important to avoid unnecessary hospitalization. The U.S. Chamber of Commerce in their excellent study, "Improving our Nation's Health Care System: Proposals for the Seventies," pointed out the need and potential for operational analysis to control cost saying:

"Operational analysis by hospitals should quickly become widespread. One hospital director has in effect a "predicted length of stay profile" for each diagnosis, to use in measuring a doctor's performance. He requires a prospective rather than a retrospective hospital utilization review to be carried out, so that each discharge can be measured against the predicted length of stay for that diagnosis. He suggests greater reward for doctors whose performance results in lowering community costs.

"The average length of stay in his hospital is much lower than surrounding institutions. These illustrations suggest the scope for applying to the hospital cost-saving operational analysis familiar to industrial engineers for a generation or more."

An article in Medical Economics of December 1971 features Parkview Hospital in Indiana which "operates with one-fourth fewer employees per patient than comparable hospitals nationally, and at no apparent sacrifice in the general level of care." The cost per patient at this hospital was $58.09 compared with an average of $83.11 for other Indiana hospitals with 250 beds or more.

While I have not evaluated these particular situations personality, I believe they illustrate the potential for operational analysis and the desirability of uniform accounting rules and reporting so that administrators will be able at least to compare the cost and quality of their facility with comparable facilities elsewhere. This should be a useful tool in moderating health costs.

There is also the serious problem of communities and professionals competing for the most advanced and expensive equipment. This often results in unnecessary duplication. Open heart surgery is a good example. One hospital director has said that open heart surgery requires a team of 12 doctors, nurses, and technicians on constant standby and that 50 operations are needed a year in order to keep the team at its maximum effectiveness and efficiency.

Yet, of the 800 hospitals equipped to do this surgery, one-third do not have a single operation in a year, let alone 50.

A General Accounting Office study recently released points out that the problem of duplication also exists at the Federal veterans' hospitals. The study noted that since 1965 the Veterans' Administration has established 23 open heart surgery centers in its hospitals and that only seven centers during fiscal 1971 performed the minimum number of open heart operations considered necessary.

The Institute would have a mandate to develop and test incentive payment mechanisms that reward efficiency in health-care delivery without, of course, compromising the quality of health care.

The Institute would also examine the applications of all forms of technology including computers and other electronic devices in health care delivery. In this connection the Institute along with the Health Care Technology Center, will examine data processing, which has become standard in other segments of our society. One of the Nation's aerospace corporations did a study of the famed Mayo Clinic and they found that in a $1,000 hospital bill, $300 went to unproductive information handling and filing. Alarmingly, they also found that with all the red tape required, 12 individual steps were needed merely for an X-ray picture—there was one chance in six that the hospital test had some error in it.

The potential of data processing has been illustrated in my State by the Maryland Blue Cross—computer link arrangements with 30 Maryland hospitals. This has enabled Blue Cross to cut its costs of processing patients' admissions and claims by 30 percent from $3.60 per claim to $2.52 per claim.

The Institute should encourage development of preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children. One issue that needs to be answered here is the cost and benefits associated with annual physical examinations or periodic physical examinations at critical ages. With the growing evidence regarding the importance of the early learning years and the growing interest in early childhood programs. I believe it is important that we develop techniques for early detection of physical or mental difficulties that children may have. That is why I have particularly emphasized the early diagnosis for preschool children.

The Institute will give special emphasis to the development of systems and components of rural health services. Certainly, there is little disagreement with respect to the need to upgrade health care in many rural areas.

The Institute will develop policy with respect to long term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aids. Long-term care was one of the areas of concern at the White House Conference on Aging. I believe that society's experience in other areas such as mental retardation demonstrates that alternatives to institutionalization are possible.

The Institute will develop and test systems and technical components of emergency health care and services—including at least one experimental statewide helicopter transportation emergency care system—which utilize, where possible, the skills of returning military corpsmen. This is a neglected area and has been called the "hidden crisis in health care" by Secretary Du Val. Injuries are the chief killer of Americans aged 1 through 36. All of us are potential victims. Yet, the fact is that a trauma victim in Vietnam probably has a better chance of survival than an accident victim in the United States. This is because the military, during the Second and Korean wars developed a highly organized system for transporting and caring for the emergency victim. This procedure has been perfected in Vietnam to such an extent that Secretary of Defense Laird has been able to declare that the death rate of such victims in Vietnam was near zero.

The technology and know-how is there; all we have to do is organize on a rational basis and apply these lifesaving methods. Heart attack victims could also benefit from improved emergency care arrangements. as some experts have estimated that prompt and early care might potentially save 150,000 heart attack victims annually.

My own State of Maryland, for example, is pointing the way in this area with its trauma center at the University of Maryland and its four helicopters now in operation. With three or four helicopters, this system could be statewide and the able director of the center, Dr. R. Adams Cowley, predicts that accident deaths in Maryland could be cut by one-half in 2 years.

I ask unanimous consent that an article from a booklet "Today's Neglected Disease Trauma," written by Dr. Cowley and Lieutenant Hudson on the Maryland program be printed at the conclusion of my remarks.

TRAINING AND TECHNICAL ASSISTANCE

Mr. BEALL. Mr. President, the Institute will develop methods and support for training of individuals to plan and conduct research, development, and evaluation of health-care delivery and provide technical assistance and develop methods for the transfer of new knowledge, components, and systems to the health community. The Institute is also authorized to exchange information and collaborate with other countries for the advancement of health-care delivery in the United States. The Institute and its affiliated centers will also provide an opportunity for individuals from industry, local and State government and Federal agencies to receive training.

In addition, "alumni" of the Institute and centers will be available for administrative and policymaking positions in the health community.

These responsibilities are critical. Our ability to expand research and development in the health care delivery field will require additional skilled and trained personnel. Yet, the number of economists, physicians, engineers, lawyers, and other experts qualified by training and experience to work in health care research and policy analysis field is limited. I believe that the broad authority granted to the Institute and its centers to develop methods and support for the training of individuals in this field will enable the production of the required manpower.

The Institute should seriously explore the fellowship and training grant mechanism employed so successfully by the National Institutes of Health to lure young talent into biomedical research. Basically, NIH uses two approaches. First, following an individual's intern or residency, fellowships are available on a national competitive basis for research. The competitive nature of the fellowship program plus the preeminence of the National Institutes of Health have combined to make this mechanism most successful.

Second, certain universities become training centers for a specific area; for example, heart diseases, and that institution is given a grant by the National Institutes of Health which enables the Institute to attract researchers.

The critical importance of the training functions makes it imperative that the Institute capitalize on the experience of NIH and others and provide the support necessary to produce a cadre of first-rate professionals in this field sharing common analytical concepts of understanding.

The Institute may also determine that long-term appointments are needed to attract individuals from academic life and this certainly would be possible under the broad authority also. Furthermore, the Institute or the centers may be supporting or conducting seminars in this area. These examples are only cited as illustrative of the broad authority provided to the Institute and the centers. The specific training program, incentives, and personnel policies will be decided by the Director.

The importance of this training function cannot be emphasized too much, for as the committee report notes—

"The Committee believes that the requirement and training of top caliber personnel must be an important priority of the Institute, for the ultimate success of the enterprise will depend on men and women who direct and work in the Institute and its centers."

I also want to emphasze the important responsibilities of the Institute to see that the results of its research and development efforts are disseminated to the health community. The results are of little use resting on a shelf of a researcher. Such results must reach the health community.

MAJOR EVALUATION ROLE

The new Institute will also have a major evaluation role. The Institute will evaluate the quality, effectiveness, and efficiency of Federal health programs, including medicare, medicaid, and the maternal and child health programs of the Social Security Act. For such evaluation, the Secretary of Health, Education, and Welfare is authorized to transfer the evaluation funds appropriated pursuant to section 513 of the Public Health Service Act as he deems necessary.

The Institute will have more expertise, talent and objectivity for evaluation of programs than probably any other Federal agency, and I believe its utilization for this purpose will be exceedingly desirable. There is general agreement that more and improved evaluation efforts are needed.

EXPERIMENT INCENTIVES

The legislation also provides for supplemental incentive grants to encourage experimentation. The basic thrust of this section is that when the National Advisory Council designates a project or a health facility as essential to the research and development efforts of the Institute or centers, and where it is determined that such experimental efforts would not be undertaken without this incentive, the Director could increase or supplement the regular

Federal grant-in-aid health programs up to 80 percent.

For example, under Hill-Burton, the Federal program for health facility construction and modernization, the Federal matching in general cannot exceed two-thirds. Assuming that a particular facility was designated as essential, this section would enable the facility to receive 80 percent Federal matching. Not more than 10 percent of the funds authorized by this legislation could be used for these incentive grants to encourage experimentation.

REPORTS

The Director of the Institute, within 1 year after his appointment and prior to February 1 of each year thereafter, is required to prepare and submit to the Secretary of Health, Education, and Welfare for transmittal shortly thereafter to the President and the Congress, a written report including: First, an appraisal of the Institute's activities, and accomplishments; second, a summary of its significant research and development findings; and third, an identification and recommendation concerning those factors or barriers which inhibit implementation of the Institute's significant findings or prevent innovation in health care.

ACTIVE ADVISORY COUNCIL

The Institute will have a prestigious National Advisory Council on Health Care Delivery. This Council will have 21 members, including the Secretary of Health, Education, and Welfare; the chief medical officer of the Veterans' Administration; a medical officer designated by the Secretary of Defense; the Director of the National Institutes of Health; the Administrator of the Health Services and Mental Health Administration; and the Director of the National Institute of Health Care Delivery as ex officio members. The other 15 members will be selected by the President from persons who are leaders in the field of medical science, or the organization, delivery, or financing of health care; leaders in the management sciences; or representatives of consumers of health care. In selecting the membership of this Council, it is my intention that the President search for the most distinguished and talented individuals available. The legislation does not spell out, but it is my intention, and that of the committee, that at least one of the Council members be a practicing physician. At least seven of the Council members must be representatives of consumers. The President will designate the Chairman of the Council and they will meet at the call of the Chairman, but not less than four times a year.

The bill contemplates an active Council and specific responsibilities are delineated in the legislation. The Council will be responsible for reviewing the programs, policies, and priorities of the Institute; examining and coordinating health care delivery efforts within the Department of Health, Education, and Welfare and other Federal agencies so as to avoid duplication; assuring that significant reesarch and development findings are communicated throughout the health system and to the public; and evaluating the impact that the Institute's research and development efforts are having on the health-care system.

The Council will be independent and will have its own Executive Director. If the Council is to enjoy the independence that the legislation envisions, it is important that it have a top staff person accountable only to the Council.

The Council is also required to submit as an appendix to the Director's report a summary of the progress of the Institute in achieving the bill's objectives and the Council's evaluation of the status of health-care delivery and research and development in the Nation. Any minority views of Council members will also be included in this report.

NEEDED ADMINISTRATIVE PROVISIONS

In drafting this legislation, I have studied the various Federal research and development agencies such as the National Institutes of Health, NASA, the National Science Foundation, and the National Institute of Education, which was enacted into law this year. We have given to the Institute the administrative provisions which seem to be important to a successful research and development effort.

Thus, the new Institute and centers are provided a flexible personnel system to enable the attraction of the most qualified and talented individuals. This will include the authority, when the director deems it necessary, to establish the entrance pay level up to two grades higher than it otherwise would be and the authority to appoint a percentage of the employees without regard to civil service laws.

The new Institute is granted the authority to carry over unexpended funds from one year to the next. This is vital and will permit the Institute to provide stable funding for multiyear projects which are important in research and development.

The new Institute is given multigrant authority which will enable the waiver of certain requirements for undertakings where funds are advanced to a single project by more than one Federal agency. While this is not as desirable as in my original bill, it nevertheless will be a useful provision.

REGIONAL AND SPECIAL EMPHASIS CENTERS

Title V also provides for up to eight regional centers and two special emphasis centers, the Health Care Technology Center and the Health Care Management Center. The objectives of the regional centers are: first, to enable the study of the different health care problems of the various regions of the Nation; second, to broaden and strengthen the Nation's research and development base in health-care delivery; and third, to link better research and development with actual practice.

It may also be desirable, in addition to the above general purposes and programs, that some or all of the regional centers might specialize in an area or areas such as the malpractice problem and other medical-legal issues; information handling problems; and quality assessment and insurance programs.

The location of the regional centers will be determined by the National Advisory Council. This Council, to the extent feasible, is directed to provide broad geographical dispersion of the centers. When all of the centers are operational, each region of the Nation will be served by a center.

I do want to emphasize that the bill authorizes not to exceed eight regional centers. While I believe that eight centers are ultimately desirable, I do want to underscore the admonition in the committee report that "it is not the intent of the committee that all eight centers be created initially." The committee, mindful of the manpower and other constraints, by this language is stressing our intent that we desire the regional centers to be of highest quality. While I envision that all eight centers will be operational sometime in the future, I want to reach that number without sacrificing quality.

Thus, it may be desirable that only two centers be established at the outset. Then, as the Institute's training efforts begin to produce the additional trained manpower, more centers would be established. An added advantage of this approach is that the experience of the early centers should enable subsequent centers and the Congress to learn and make adjustments as experience indicated where necessary.

The regional centers will be funded initially by the Institute for up to 3 years. Thereafter, following a review of each center's work and operations, by the Director and upon the recommendation of the National Advisory Council, the Director may extend the centers for an additional period of not more than 3 years. After this period, it is my intent that the majority of the regional centers' support will be program support in competition with other Institutions. I also hope and believe that the States in the regions in which the various centers are located will utilize the Centers for research, development, and evaluation. Thus, at the end of the 6-year period, the success of the center will be determined by the quality of their efforts and the degree of interest shown in their work by the States, local governments, private foundations and industry, and the health care community within the area in which the centers are located. These centers may be managed by a university, or a number of universities and colleges under a consortium arrangement, or by public and private organizations and associations, both profit and nonprofit.

SPECIAL EMPHASIS CENTERS

Two special emphasis centers, health care technology center and a health care management center, are also authorized.

The health care technology center will focus on all forms of technology, including computers and electronic devices, and its application in the improvement of health care.

Technological advances in such areas as space, communications, and data processing in the last decade have been almost unbelievable. Yet, the technology has not made a similar impact on the health system. In fact, much of the health care system continues to employ the same manual procedures used at the turn of the century. We need to wed 20th-century technology with 20th-century research to improve the delivery of health care. This will be the assignment of the Health Care Technology Center.

President Nixon, in a number of messages to the Congress, has emphasized the need to encourage the application of science and technology to the solution of domestic problems. In his March 2, 1972, Health Message, the President specifically identified health as a "vital area" for exploiting technology.

One must confess that the expectations, particularly in the sixties, that technology would produce a "revolution in health care" have not materialized. The Health Care Technology Center is expected to provide the leadership and mobilize the Nation's involvement and interest in the development and utilization of technology. Particular attention needs to be paid to the involvement of private industry, for the successful development of technology depends, to a great extent, on the interest and actions of private industry. Industry's limited involvement in the health technology area today results from a number of factors including the diffused markets of the health field; the limited success achieved to date; and the Government's failure to give priority to the utilization of technology in solving of health problems as has been done, for example, in space and defense.

Technological solutions are not likely to result unless the above difficulties are addressed.

To do this, there is a need to aggregate both health resources and markets. Once this occurs, I believe industry will identify and take advantage of the economics of scale that generally results from larger markets.

I am convinced that there are steps that the Federal Government in general and the Health Care Technology Center in particular can take to encourage technological development in the health area.

For example, various agencies of the Federal Government operate their own health systems, such as the Defense Department and Veterans' Administration. These Federal health systems offer the opportunity for a market sufficiently large to attract industry investment.

Second, the Federal Government could identify potential opportunity for technological solutions and solicit competitive bids through requests for proposals—RFP's—as is done by the Defense Department. Thereafter, there could be full funding of a prototype followed by a guarantee that a sufficient number would be purchased to insure a profit. The units produced could then be sold, loaned, leased, or donated to individuals or organizations that would use them effectively.

A decision, for example, could be made by the Federal Government to do something about the problems of the visually handicapped in the country. There are about 400,000 legally blind persons in the Nation today. It has been estimated that many of them have a significant amount of visual perception in at least one eye. Optical devices, such as eyeglasses, are of limited value to many of these citizens since such glasses only magnify the image and do not control brightness and contrast which are equal in importance in perceptual acuity. The Rand Corp. has designed and fabricated a prototype circuit television system—CCTV—an electro-optical system involving image magnification, brightness, and contrast. This prototype system has been tested on a number of visually handicapped people ranging in ages from 10 to 83 with a wide variety of eye disorders. Better than 80 percent of the subjects have found the system helpful in reading and writing.

Presently, the Rand Corp. is working on a second generation system which is aimed at solving the difficult problem that many partially sighted persons face, namely the transfer of information from one place to another.

The CCTV could well be the forerunner of the new series of devices which would be used to enhance the education of visually handicapped children, to permit partially sighted persons of working age to obtain and hold well-paying jobs which would otherwise be closed to them, and to allow elderly persons with reduced vision to enjoy the pleasures of reading and writing during their declining years.

I cite this as only an example of the problem area for which there exists a sufficiently large market which would undoubtedly create a response from the industrial community as well as lead to a tremendous aid for the handicapped if the decision were made to exploit technology in this area.

The second Special Emphasis Center, the Health Care Management Center, is of critical importance. For as Dr. Kerr White, professor of medical care and hospitals, of the Johns Hopkins University has observed:

"Vastly improved managerial expertise is a prerequisite for any meaningful improvement in our health care system at the operating and geographical levels."

The health care management centers will focus on the improvement of management and/or organization in the health field, the training and retraining of health administrators, and the development of leaders, planners, and policy analysts in the health field. The job of the managers in the health field is most complex. The modern manager of a health enterprise, if he is to carry out his responsibilities with maximum effectiveness must have a basic understanding of a wide variety of management skills and some background in such areas as health, economics, computer technology, and statistics to mention a few.

Quite often medical administrators are elevated to these positions without adequate preparation for these new responsibilities. Certainly American industry would make certain that its top executives are adequately trained and the health system must do no less. There is also often the need to provide retraining of health managers as is evidenced by the letter I received from one administrator, Dr. Fine, Deputy Commissioner of the Boston Department of Health and Hospitals. He said:

"Practitioners of Health Care Administration, among whom I am one, have been flying by the seat of their pants for too long. The Nation deserves better. There is currently no systematic effort I know of to reach decision makers in the health care field with the results of innovative research and to stimulate a research orientation to many of the problems we all face in the financing, organization, and delivery of services.

"There is moreover, an almost total neglect of more formal continuing eduction opportunities for health care administrators. . . . After ten years or more in the field, many of us are in positions of responsibility and strong in experience but weak in understanding of fundamental advances in health care systems, e.g. the problem-oriented medical record, how to organize a prepaid group practice, the use of television in medical diagnosis and treatment, computer applications to health systems problems, etc."

The administrative officer of each regional center and each special emphasis center will be required to submit annually to the director a report which shall include an audit of expenditures; bibliographies, with annotations of research performed; and a description of on-going research programs including a summary of significant research and development findings.

The regional and special emphasis centers have a separate authorization of $30 million for the initial fiscal year and a total of $105 million over a 3-year period. Support for a center, other than support for construction, shall not exceed $2 million per year per center, except for the Health Care Technology Center, and Federal assistance may be used for research and development, staffing and other basic operating costs, training, demonstration purposes, and construction where the National Advisory Council deems necessary.

The committee report makes a point with respect to the Technology Center's purposes which is important and bears reiteration. The report states:

"The committee wishes to emphasize that the center's purpose is to encourage the development of technology to solve the health problems of our citizens and our health institutions and not as a place to find markets for available technology."

In other words, the center should be searching for technological solutions to patient care, health institutions, and systems problems, and not for ways to utilize available technology.

It is also important that the technology or systems that are developed are such that can or will be adopted by the health professionals. It would be also extremely valuable if the Technology Center would develop expertise with respect to technological forecasting so that the consequence, particularly the cost, of new technology might be predicted. Certainly, with the rising health care costs, the health system does not need "technological playthings" which are neither cost effective or fail to increase productivity.

Mr. President, the Senate Labor and Public Welfare Committee, on which I serve, last year heard testimony regarding the potential of the computer coupled with new "health care specialists." The committee saw demonstrated a potential way of extending the doctor in remote areas which have been unable to attract a physician.

The computer is already being employed in such areas as the interpretation of the electrocardiogram and the automation of history taking. Earlier this year, I visited the University of Maryland Hospital Trauma Center and I watched the computer perform a variety of tasks, including the constant monitoring of even the chemical content of the air that the center's severe trauma victims were breathing.

I believe that there is enormous potential for the use of technology that could bring many benefits to the public and the patient. At present, our success has been limited. At present, only a handful of individuals are actively concerned with the technology and its potential in helpng to solve health problems.

The Health Care Technology Center is designed to remedy this situation and serve as the focal point for an accelerated group research effort on both program and hardware development.

CONCLUSION

Mr. President, the health care enterprise in the country is our second largest industry today with spending totaling $75 million or 7.4 percent of our gross national product. By 1974, health will probably become our largest enterprise with expenditures exceeding $100 billion.

The magnitude of these expenditures alone argue for an accelerated and strengthened research and development component in the health field. There is considerable public frustration and dissatisfaction with various aspects of health care. The public is alarmed over rising costs. I recently read an Associated Press story which headlined that the hospitals per day costs in 1971 averaged $92.31, an increase of 13.9 percent over the previous year. The story hastened to add, however, that the 1970 increase was 15.7 percent and that hospitals have been able to slow the rate of increase. Think about it, over a 2-year period almost a 30-percent increase in hospital costs occurred. This obviously cannot continue.

The public is also concerned about the manpower and facility shortages as well as their maldistribution and the Congress has taken steps enacting legislation in response to the problem. The public is also distressed that the benefits of medical science and the scientific discovery system are not reaching them.

There is considerable change occurring in the health system, the bill before the Senate today is designed to encourage additional change with the development of health maintenance organizations. The rapidity of change and reform is likely to accelerate in the years ahead. I believe that it is imperative that we strengthen our research and development capabilities in the health area so that we may make more intelligent choices and foster constructive changes. I believe that we desperately need advanced warnings of approaching "crises." I believe we need more information upon which to base decisions and make meaningful comparisons in the area.

I believe we need to sharpen our abilities to illuminate issues and to identify possible options and their implications. I believe we need a framework for evolving health-care policy for the long term while we continue to address the immediate problems. The size of the health enterprises, its importance to the American public and the growing Federal investment to make it imperative, in my judgment, that research and development in health care delivery become as important and achieve the preeminence of biomedical research in the United States.

The respected Science Journal, in a favorable editorial on my proposal said:

"A major tour de force is needed now to dramatize the importance of rationale organization and planning services . . . if the magnificent benefits of American medical research are meant for all our people, then an effective science of health care delivery is as important as the medical research itself."

As Dr. Kerr White, of Johns Hopkins University, noted—

"The issue in research and development, it seems to me, is the extent to which we are prepared to make Federal, State, institutional, academic, and industrial commitments to aggressive pursuit of improved ways of providing health care.

"Acceptance of change is inevitable and recognition that we need more science in health care rather than less seems essential. The point to be recognized is that the sciences required are more than those encompassed by the traditional biomedical sciences."

A new National Institute of Health Care Delivery represents such a "commitment" and will provide the "major tour de force" to make health care delivery as important as medical research, and to help speed the benefits of medical science and the scientific discovery system to the people of the United States.

I strongly urge its enactment by the Senate and the Congress.

I ask unanimous consent that the editorial from Science Journal be printed in the Record at the conclusion of my remarks.

I also ask unanimous consent that the portion of S. 3327, dealing with the new National Institute of Health Care Delivery, be printed in th Record.

"Exhibit 1

"Air-Vac Helicopters Help Save Lives

"(By Capt. Frank Hudson and
R. A. Cowley, M.D.)

" 'Since some accidents will always occur, steps must be taken to minimize human losses resulting from them. . . .'

"Over the years, we have watched persons with life threatening injuries or illness die at the scene awaiting an ambulance, die on their way to the nearest hospital or die in that hospital due to inadequate facilities, personnel and equipment to offer the necessary immediate treatment and care for survival.

"A study in which the deputy state medical examiner participated indicates that roughly 40 per cent of the persons killed in Maryland die in hospitals . . . and half of these could likely have been saved if promptly and properly diagnosed and treated. One concerned researcher's comment sums up the problem:

" 'It is essential that we strive for a reasonable balance between the need for prompt treatment and the better treatment which may be possible if the injured are taken to trauma centers.'

"Still, present policy seems to be to transport more injured, without regard for the severity of their injuries, to hospitals whose chief distinction is being nearest the scene. When or if the receiving doctor feels the injury is too severe to be treated in his facility, the patient is transported to another hospital (provided he has survived thus far). This adds up to an appalling waste of time, which can be ill-afforded by the person with the life threatening injury or illness.

"To help overcome this problem, the University of Maryland Hospital developed the Center for the Study of Trauma thus providing critical patients the best immediate treatment available in the country. Treatment centers of this caliber are enormously expensive and difficult to staff. As a result one cannot expect rapid development of additional facilities of this type; therefore, it is imperative that safe, rapid transportation be provided persons with life threatening illness or injury so the services of the center are made available to them.

"Medical authorities tell us that we should strive to have the severely injured in a well-equipped and staffed medical facility soon after they have been injured if complications from their injuries are to be reduced and their lives saved. Indications are that 30 minutes from the injury to definitive medical treatment is usually acceptable with one hour being the outside practical limit. With the surface traffic congestion of today and insufficient medical facilities equipped to handle the severely injured, the lightweight highspeed helicopter is the most effective and economical way to avoid congestion, cover the distances involved and assure that highway injured receive needed treatment in time.

"The State Police are duty bound to assure that the lives and safety of all persons in the state are safe-guarded and when injured or ill come under their care, they receive the best handling possible under existing conditions. Their helicopters provide for transportation of critical persons as an extension of normal police helicopter operations. This provides a sound fiscal base as existing know-how, facilities, equipment and personnel are utilized to the maximum.

"The trooper assigned to the helicopters have completed the Red Cross advanced first aid course, receive advanced ambulance attendant training from the Fire Service Extension, University of Maryland, and receive an intensive week of training in the Shock Trauma Unit.

"Our cooperative program, one of the few successful programs of this type in the country, has been a simple matter of developing community resources between the university, State Police and the City Fire Department Ambulance Service.

"State Police records show that 58,672 persons were injured in Maryland from automobile accidents last year. Of the 787 killed in these accidents, many could have been saved by fast, efficient helicopter service to University Hospital's Shock Trauma Center.

"When persons are injured in an automobile accident, volunteer fire company ambulance crews sometimes decide incorrectly to take the most serious to the nearest hospital, even though a helicopter is available.

"Such a case happened earlier this year when the helicopter landed near the scene of an accident. The ambulance crew decided to take the most serious case to the nearest hospital. When the State Police helicopter crew delivered the less severely injured victim to University Hospital, the county hospital where the other victim was taken called for the helicopter because they did not have the necessary life-saving equipment. But it was too late.

"With a top speed of 150 miles per hour, helicopters can fly from the Maryland-Pennsylvania line to University Hospital in less than 15 minutes and less than an hour from the Eastern Shore. An ambulance, even with wide-open siren, would require at least twice as much time because of traffic congestion especially on weekends when most accidents occur. An emergency in Cumberland would take only an hour to reach University Hospital by helicopter.

"Better service can be provided. The most obvious area that needs strengthening is the education and acceptance by police, ambulance and medical authorities to the fact that the best interest of the patient must be served. Some units are still guarding what they believe are their prerogatives, thus causing some critical patients to be taken to an outlying hospital (and often held there) instead of going directly to a major trauma unit. Accreditation and categorization of hospital emergency departments could go a long way toward solving this problem. This approach has long been advocated by the National Research Council's Committee on trauma and shock.

"While we learn to better utilize equipment, personnel and systems, more high-quality emergency facilities with trauma units will be needed. Quick response helicopter service will also be needed statewide. Tentative studies indicate that as few as seven fully manned helicopters are needed for definitive statewide service.

"Why not police helicopters in ambulance service? They complement not threaten surface units. The safety of the few victims demanding helicopter transport is compromised when handled routinely. The police helicopter has been here for years, their crews are vastly experienced in applying helicopter support to civil public service operations. Required communications also have been here for years, the police communications net is one of the finest designated for rapid emergency communications. This is an excellent opportunity for the public to realize a greater return for their investment in government.

"A 17-year-old boy delirious, with a high temperature was admitted suffering from a gunshot wound below the knee which was emitting a sweetish odor—gas gangrene. The infection had extended above the knee, to the thigh and onto the abdomen—traditional amputation was impossible. The wound had become contaminated with clostridia, a bacteria causing gas gangrene which can't survive in high concentrations of oxygen. If hyperbaric oxygen was not administered quickly the teenager would be dead. Once placed in the hyperbaric chamber, within 24 hours his temperature dropped, he became alert and after three days, the gangrene symptoms disappeared—his life was saved.

"In shock, the blood pressure falls, circulation slows, and the cells, which depend on oxygen for survival, suffer; if this is not corrected the cells die. Lack of oxygen in cells, called hypoxia, is the prime cause of death in shock. One way to correct this inadequacy is to drench the blood going through the cells with oxygen—hyperbaric oxygenation—in a pressurized chamber.

"Few of these hyperbaric facilities exist therefore patients from nearby states are also treated in the Maryland facility.

"In the future, an inhalation poison center will be open using the hyperbaric medical facilities and the Medi-Vac helicopter program for those victims, fire fighters, chemical workers and others throughout the state who will need this resource for survival."

"Exhibit 2

"[From Science magazine, September 1971]

"The Topsy-Turvey World of Health-Care Delivery

"(By William Bevan)

"In a recent speech Senator J. Glenn Beall, Jr. (R.-Md.), called for the establishment of a National Institute of Health-Care Delivery. In so doing, he has focused attention on a national problem on broad scale and transcendent urgency.

"Over the years the American people have prided themselves on being the best clothed, best fed, best housed, best educated, and healthiest people in the world. But recent health statistics give cause for concern. Across the board, we are not the healthiest people in the world, in spite of a number of impressive facts. The nation has spent some $20 billion on biomedical research since the late 1940's. We now have more physicians and hospitals than ever before. And currently we spend for health services more—and the rate of expenditures is escalating more rapidly—than we have ever done before. In the last decade alone, physicians' fees have risen twice as rapidly and hospital charges four times as fast as other items in the Consumer Price Index.

"The situation is a complex one. Certainly the balance among the diseases has shifted toward the degenerative disorders. But, in addition, there are striking geographic variations in the availability of health resources. There are marked differences in availability for urban and rural populations and for the poor and the more affluent. Most insurance coverage is inadequate in that it excludes outpatient and preventive services and only partially accommodates catastrophic incidents. And, generally, resources, particularly those for unusual treatment, are poorly utilized everywhere. (If, for example, the utilization of health-care resources were improved by only 10 percent, the saving would be $5 billion. But, with a high proportion of third-party payments, there is little incentive for efficiency. Instead, the trend is to use the higher-cost facilities and services and to make as many of these available as possible.)

"The essential ingredients of the Beall proposal merit serious examination. By 1970, health-care delivery had become the nation's second largest industry. But last year only $18 million was spent on research in this area. No other industry can make such a claim. The National Institute of Health are charged with the technical aspects of prevention and treatment. The Health Services and Mental Health Administration is concerned with health-care delivery, but it has other responsibilities as well. A major tour de force is needed now—an administrative mandate backed by appropriate funding—to dramatize the importance of rational organization and planning of services, even though such action would add yet another agency to the welter already existing in the health field. Future legislation would do well to direct its sole attention to the social sciences, both basic and applied, which underlie effective organization and management. Furthermore, the importance of testing and evaluation should receive significant consideration. Already, a number of alternative systems—for instance, group practice, private prepaid care, a variety of community health-care schemes, and health maintenance organizations—are in various stages of design and development, and a nation with an established scientific tradition must certainly recognize the importance of pilot projects.

"If the magnificent benefits of American medical research are meant for all of our people, then an effective science of health-care delivery is as important as the medical research itself."

"EXHIBIT 3

"TITLE XIII—NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

"ESTABLISHMENT OF INSTITUTE

"SEC. 1301. (a) There is hereby established in the Department of Health, Education, and Welfare a separate National Institute of Health Care Delivery. The Institute shall carry out a multidisciplinary research and development program to improve delivery of health care services and shall be the principal agency in the Department of Health, Education, and Welfare to coordinate and cooperate with the Commission on Quality Health Care Assurance for improvement of Health care in the United States.

"(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Institute a Deputy Director. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

"(c) The Director is authorized to appoint within the Institute not to exceed four Assistant Directors.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1302. (a) It shall be the function of the Institute in coordination and cooperation with the Commission on Quality Health Care Assurance to pursue methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States, through initiation and support of studies, research, experimentation, development, demonstration, and evaluation of, but not limited to, the following:

"(1) the existing health care system, emphasizing means and methods to improve such system and the devising and testing of alternative delivery systems;

"(2) health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

"(3) preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children;

"(4) systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

"(5) systems and components of rural health services;

"(6) the development of policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

"(7) methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safely delegated to other appropriately trained individuals in both new and existent health occupations;

"(8) continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

"(9) health manpower credentialing, licensing, and certification;

"(10) the medical malpractice problem, particularly as it relates to quality care, the practice of 'defensive medicine' and added costs to the public;

"(11) programs for educating health manpower and the accreditation of such education programs;

"(12) application of all forms of technology, including computers and other electronic devices, in health care delivery;

"(13) the efficiency, management, and utilization of new and existing health care facilities including studies of admission practices and examination of cost-finding techniques;

"(14) the development of tools and methods to improve planning management, and decisionmaking in the health care system.

"(15) the development of information by which quality, efficiency, and cost of health care may be measured;

"(16) the development of uniform accounting practices, financial reporting, and uniform health records;

"(17) the development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

"(18) the needs of individuals, families and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bear on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development to educational materials and methods communicating to the public the importance of personal decisions and actions on health;

"(19) the economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy.

"(20) proposals for the financing of health care, including the potential cost and benefits, and their impact on the health system;

"(21) concepts and data essential to the formation of a factual basis for national health policies; and

"(23) the effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery.

"(b) The Institute shall in cooperation and coordination with the Commission on Quality Health Care Assurance (1) develop methods for, and support of, training of individuals to plan and conduct research, development, demonstrations, and evaluation of health care delivery and related services; (2) provide technical assistance and development of methods for the transfer of new knowledge, components, and systems to public and private agencies, programs, institutions, and individuals engaged in the improvement of health care delivery; (3) collaborate with governments and public and private health care institutions and programs in foreign countries for the exchange of information and support of research, experiments, demonstrations, and training in order to advance health care delivery in the United States and cooperating nations.

"(c) The Institute in cooperation and coordination with the Commission on Quality Health Care Assurance shall evaluate the quality, effectiveness, and efficiency of Federal health programs in improving the delivery of health care to the Nation's citizens. For the purposes of this subsection the Secretary is authorized to transfer to the Institute such funds as may be necessary.

"ADMINISTRATIVE PROVISIONS

"SEC. 1303. (a) In order to carry out the provisions of this title the Director is authorized to—

"(1) make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit private agencies, institutions, or organizations for projects for the conduct of research and development, experiments, studies, demonstrations, and training of individuals to plan and conduct such projects;

"(2) make contracts with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and execute such contracts;

"(3) appoint and fix compensation of the personnel of the Institute in accordance with chapter 51 of title 5, United States Code except that (A) to the extent that the Director deems such action necessary to recruit men and women of exceptional talent, he may establish the entrance grades for personnel at a level of two grades higher than the grade level provided for such personnel under the General Schedule established by such title and fix their compensation accordingly, and (B) to the extent that the Director deems such action necessary to the discharge of his responsibilities, he may appoint personnel of the Institute without regard to civil service or classification laws, except that personnel appointed under such laws do not exceed at any one time one-third of the number of full-time regular technical or professional employees of the Institute;

"(4) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Institute and delegate authority to any officer or employee under his direction or his supervision.

"(5) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain research and other necessary facilities and equipment and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary;

"(6) to acquire by lease or otherwise from the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years without regard to the Act of March 3, 1877;

"(7) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(8) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

"(9) utilize with their consent the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(10) accept voluntary and uncompensated services notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(11) accept unconditional gifts or donations of services, money, or property, real or personal, mixed, tangible or intangible;

"(12) allocate and expend or transfer to other Federal agencies for expenditure funds made available under this title as he deems necessary;

"(13) establish within the Institute such offices and procedures as may be appropriate to provide for the greatest possible coordination of activities under this title with related research and development activities being carried on by the Commission on Quality Health Care Assurance and other public and private agencies and organizations; and

"(14) take such other actions as may be required for the accomplishment of the objectives of this part.

"(b) Upon requests made by the Director, each Federal agency is authorized to make its services, equipment, personnel, facilities, information, and statistics available, to the greatest practicable extent, consistent with other laws, to the Institute in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (8) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties including traveltime. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"COMPENSATION

"SEC. 1304. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(98) Director, National Institute of Health Care Delivery.'

"(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(132) Deputy Director, National Institute of Health Care Delivery.'

"ADMINISTRATION OF GRANTS IN CERTAIN MULTIGRANT PROJECTS

"SEC. 1305. Where funds are advanced for a single project by more than one Federal agency for the purposes of this title, the Director of the Institute in cooperation and coordination with the Commission on Quality Health Care Assurance may act for all in administering the funds advanced and a single non-Federal share requirement may be established according to the proportion of the funds advanced by each Federal agency. The Director may order any such agency to waive any technical grant or contract requirement which is inconsistent with the similar requirements of the Institute or which the Institute does not impose, except that nothing in this section shall be construed to authorize the Secretary to waive or suspend, with respect to any such project, any requirement with respect to any of such programs if such requirement is imposed by law or by any regulation required by law.

"TRANSFER OF RESEARCH FUNDS OF OTHER GOVERNMENT DEPARTMENTS AND AGENCIES

"SEC. 1306. Funds available to any department or agency of the Government for health care delivery research and development, or for the provision of facilities therefor shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Institute for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Institute for the purposes for which the transfer was made.

"TRANSFER OF NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT

"SEC. 1307. (a) The National Center for Health Services Research and Development is hereby transferred from the Health Services and Mental Health Administration to the Institute.

"(b) Subject to the provisions of this section, the President, for a period of two years after the date of enactment of this Act, may transfer to the Institute any functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Health, Education, and Welfare or of any officer or organizational entity thereof which relate primarily to the functions, powers, and duties of the Director as described by this Act. In connection with any such transfer the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, personnel, and funds.

"NATIONAL ADVISORY COUNCIL ON HEALTH CARE DELIVERY

"SEC. 1308. (a) There is hereby established a National Advisory Council on Health Care Delivery (hereafter referred to as the Council) to be composed of twenty-one members. The Council shall consist of the Secretary of Health, Education, and Welfare, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Administrator of the Health Services and Mental Health Administration, the Director of the National Institutes of Health, and the Director of the National Institute of Health Care Delivery who shall be ex officio members and an additional fifteen members not otherwise in the regular full-time employ of the United States to be appointed by the President without regard to civil service laws. The appointed members shall be (1) persons who are leaders in the field of medical sciences or in the organization, delivery, or financing of health care, (2) leaders in the management sciences, or (3) representatives of the consumers of health care. At least seven of the appointed members shall be representatives of the general public who are consumers not related to the provision of health care.

"(b) The President shall designate a Chairman of the Council. The Council shall meet at the call of the Chairman but not less than four times a year.

"(c) Each appointed member of the Council shall hold a term of four years except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, except that the terms of the office of the members first taking office shall expire as designated by the President at the time of appointment, three at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(d) Appointed members of the Council shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and, while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expense authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Chairman of the Council, with the concurrence of a majority of the Council members, shall appoint an Executive Secretary of the Council. The Executive Secretary may be appointed without regard to civil service laws and may be compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS-18 under section 5332, title 5, United States Code, as may be necessary to provide for the performance of duties as may be prescribed by the Council in connection with his duties under this Act. The Director of the Institute shall make available to the Council such additional staff, information, and other persons as it may require to carry out its activities.

"(f) The Council shall—

"(1) review programs, policies, and priorities of the Institute and centers established under section 1311, and advise the Director on the development and conduct of the programs of the Institute and centers;

"(2) examine and coordinate health care delivery efforts in cooperation and coordination with the Commission on Quality Health Care Assurance within the Department of Health, Education, and Welfare and other Federal departments and agencies so as to avoid duplication; and

"(3) assure that significant research and development findings of the Institute and centers are being disseminated and evaluate the extent such findings are making an impact on the health care delivery system.

"(g) The Council shall submit as an appendix to the report acquired by this Act its report on the progress of the Institute and centers toward the accomplishment of the objectives of this Act, and the status of health delivery research development in the United States including any minority views of the Council members.

"SEC. 1309. The Director shall, within one year after the date of his appointment and prior to February 1 of each year thereafter, prepare and submit to the Secretary for his transmittal to the President and the Congress a written report that shall include:

"(1) an appraisal of the activities and accomplishments of the Institute and the centers;

"(2) bibliographies with annotations of research performed or supported and a summary of the significant research and development findings which show promise (given due consideration to the cost, benefits, and the quality of health care program) of improving health care delivery or increasing the productivity of health care systems; and

"(3) identification and recommendations concerning those factors or barriers which inhibit implementation of the significant research and development findings of the Institute and centers or that prevent innovation in health care.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1310. For the purposes of carrying out the provisions of this title (except for the provisions of section 1311) there are authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1973; $150,000,000 for the fiscal year ending June 30, 1974; and $200,000,000 for the fiscal year ending June 30, 1975. Any unexpended sums appropriated pursuant to this section may be carried over without fiscal year limitations.

"REGIONAL AND SPECIAL EMPHASIS CENTERS

"SEC. 1311. (a) In order to strengthen the Nation's research and development base in health care delivery, to enable the examination and study of health care delivery problems of the various regions of the United States, and to link better research and development findings with actual practice, the Director in cooperation and coordination with the Commission on Quality Health Care Assurance is authorized to enter into cooperative arrangements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, and providing basic operating support for (1) not to exceed eight regional centers to carry out multidisciplinary research and development in health care delivery, and (2) two national special emphasis centers, one of which shall be designated as the Health Care Technology Center, to focus on all forms of technology, including computers and electronic devices, and its application in health care delivery; and one which shall be designated as the Health Care Management Center, to focus on the improvement of management and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field.

"(b) Federal payments under this subsection in support of such cooperative agreements may be used for—

"(1) construction to the extent that the National Advisory Council determines such construction is necessary;

"(2) staffing and other basic operating costs;

"(3) research and development;

"(4) training; and

"(5) demonstration purposes.

Support under this subsection other than support for construction shall not exceed $2,000,000 per year per center, except for the Health Care Technology Center, and may be funded for an initial period of not to exceed three years. The Director, following a review of each center's operation and upon the recommendation of the National Advisory Council, may extend the centers for an additional period of not more than three years each.

"(c) The location of the regional centers authorized by subsection (a) shall be determined by the National Advisory Council with a view, to the extent possible, of broad geographical distribution of such centers.

"(d) The administrative officer of each regional and national special emphasis center shall transmit annually to the Director a report which shall set forth (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs including a summary of significant research and development findings.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975. Any unexpended sums appropriated pursuant to this subsection may be carried over without fiscal year limitations.

"SUPPLEMENTAL INCENTIVE GRANTS TO ENCOURAGE EXPERIMENTATION

"SEC. 1312. (a) In order to encourage individuals, institutions, and health facilities to participate in research and demonstration projects, which without the incentive assistance provided under this section would not otherwise be carried out, and which have been designated by the National Advisory Council as essential, the Director is authorized to provide funds to be used to increase the Federal contribution to such projects under Federal grant-in-aid programs above the fixed maximum portion of the cost of such projects otherwise authorized by an applicable law. Funds shall be so provided for Federal grant-in-aid programs for which funds are available under the Acts authorizing such programs and shall be available without regard to any appropriation authorization ceiling in such Acts.

"(b) The Federal portion of such cost shall not be increased in excess of the percentage established by the Director, and shall in no event exceed 80 per centum thereof.

"(c) The term "Federal grant-in-aid program" as used in this section means those Federal grant-in-aid programs in the health area authorized on or before December 31, 1972.

"(d) Not to exceed 10 per centum of the funds appropriated by this part shall be available to carry out this section."

By Mr. BENTSEN:

S. 725. A bill authorizing the Secretary of the Army to construct three floodwater channels for flood prevention and other purposes in the Lower Rio Grande Basin, Willacy, Hidalgo, and Cameron Counties, Tex. Referred to the Committee on Public Works.

Mr. BENTSEN. Mr. President, I am introducing today a bill authorizing the Corps of Engineers to carry out a program of flood prevention and control for the Lower Rio Grande Basin of Texas.

This bill would provide for the construction of 164 miles of new flood control channels to remove floodwater from Willacy, Hidalgo, and Cameron Counties of Texas. This area is more commonly known as the Lower Rio Grande Basin.

This area of my State, Mr. President, is sorely in need of this project. The three-county area consists of 2,209,300 acres of which 1,732,600 is high quality crop and grass lands. This acreage produces a normal yearly gross value in excess of $100 million and is the primary economic activity of the basin.

The problem behind the urgency for the enactment of this legislation is the fact that there is almost no natural drainage for the area. Flood-producing rains may occur in any season of the year. Hurricanes strike the area occasionally, and are accompanied by heavy rains which cause extensive flood damage. Some of the more recent major floods occurred in 1955, 1957, 1958, 1961—Hurricane Carla—and 1967—Hurricane Beulah.

Based on interviews with farmers, ranchers, and urban property owners, as reported by the U.S. Department of Agriculture, the total average direct floodwater crop and pasture damage in the basin is estimated to be $8,147,000. Road and bridge damages amount to $49,000 annually. In the urban areas, flood damage to buildings and their contents, streets, sewerlines, lawns, and parks are estimated to be $62,000 annually. Indirect damages, such as initial losses to local businesses, added expense of rerouting traffic to and from school, and disruption of normal community activities are extensive. These damages are estimated to be $826,000 annually. These direct damage expenses, Mr. President, total over $9 million a year.

The essential channel system for removing floodwater, which this bill will provide for, is necessary before the local people can take action on their own to correct their water control and management problems. The size of this project, the technical knowledge necessary, and the expense of the channels make Federal assistance imperative.

Therefore, Mr. President, I must strongly urge the Congress to take prompt and favorable action on this measure.

By Mr. BENTSEN (for himself Mr. ABOUREZK, Mr. BEALL, Mr. BIBLE, Mr. BROCK, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. DOMENICI, Mr. HASKELL, Mr. INOUYE, Mr. HUMPHREY, Mr. MCGOVERN, Mr. MOSS, Mr. NUNN, Mr. RANDOLPH, and Mr. YOUNG):

S. 726. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and 1974. Referred to the Committee on Public Works.

Mr. BENTSEN. Mr. President, on behalf of myself and 15 other Senators, I am today introducing legislation to insure that no State receives less Federal money for water pollution control in fiscal 1973 and 1974 than it received in fiscal 1972. An identical measure has been introduced in the House by Congressman JIM WRIGHT of Texas, chairman of the Investigation and Oversight Subcommittee of the Public Works Committee.

Last year, the Senate, by unanimous vote, authorized a national program of $5 billion for fiscal 1973 and $6 billion for fiscal 1974 to combat water pollution. The President vetoed the legislation, and the Congress overwhelmingly overrode the veto, enacting the measure into law.

Now the President has anounced that he will release less than half of the amount authorized in the next 2 fiscal years. Instead of $5 billion for 1973, he proposes to release only $2 billion and instead of $6 billion for 1974, he proposes to release only $3 billion.

Mr. President, I support the President's efforts to put a lid on spending, for I believe the Government has to economize if we are to put our economy back on an even keel. But the Congress has indicated and I believe the American people support a high priority for efforts in water pollution control. Indeed, the unanimous vote in the Senate on this measure and the lopsided majorities to override the President's veto are the clearest possible signs that this Congress, within the overall limits on spending, places this item near the top of the list in importance.

For a number of States, the situation is complicated by the fact that the conference committee agreed on a change of formula for distributing available funds. Rather than a formula based on popula-

tion, the new program will allocate funds according to a needs estimate compiled in 1971, an estimate based on samples of rather dubious accuracy.

The combination of this formula change and the President's impoundment of funds means that some 30 States will actually suffer a decrease in water pollution funds for fiscal 1973, 23 will suffer a fiscal 1974 loss, and 24 States will suffer a combined loss in funds for 1973 and 1974.

The bill I introduce today is drafted to assure that no State will have its allocation reduced below fiscal 1972 levels for the next 2 years. It is a limited but necessary step to keep our water pollution control programs moving throughout the Nation, and I believe it is a measure which should receive the backing of responsible officials in the administration.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a table showing how the various States fare without my bill as well as a copy of the bill itself.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 726

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law or any other regulation no State shall receive a lesser allocation of water pollution control funds in fiscal 1973 or fiscal 1974 than it received in fiscal 1972.**

DISTRIBUTION OF WATER POLLUTION CONTROL FUNDS

State	Funds received in fiscal 1972 based on population	Funds allocated in fiscal 1973 based on needs	Difference, fiscal years 1972 and 1973	Difference between fiscal years 1972 and 1974	2-year gain or loss over fiscal year 1972
Alabama	33, 785, 150	7, 224, 000	−26, 561, 150	−22, 949, 150	−49, 510, 300
Alaska	3, 548, 000	4, 504, 000	+956, 000	+3, 208, 000	+4, 164, 000
Arizona	17, 695, 750	2, 692, 000	−15, 003, 750	−13, 657, 750	−28, 661, 500
Arkansas	19, 418, 050	7, 072, 000	−12, 346, 050	−8, 810, 050	−21, 156, 100
California	189, 541, 250	196, 352, 000	+6, 810, 750	+104, 986, 750	+111, 797, 500
Colorado	21, 738, 150	6, 332, 000	−15, 406, 150	−12, 240, 150	−27, 646, 300
Connecticut	29, 350, 500	33, 620, 000	+4, 269, 500	+21, 079, 500	+25, 349, 000
Delaware	5, 921, 650	13, 130, 000	+7, 208, 350	+13, 773, 350	+20, 981, 700
District of Columbia	7, 800, 150	14, 228, 000	+13, 447, 850	+13, 541, 850	+26, 989, 700
Florida	65, 134, 450	72, 528, 000	+7, 393, 550	+43, 657, 550	+51, 051, 100
Georgia	44, 438, 400	19, 460, 000	−24, 978, 400	−15, 248, 400	−40, 226, 800
Hawaii	8, 074, 300	6, 606, 000	−1, 468, 300	+1, 834, 700	+366, 400
Idaho	7, 781, 900	4, 354, 000	−3, 427, 900	−1, 250, 900	−4, 678, 800
Illinois	105, 887, 000	124, 978, 000	+19, 091, 000	+81, 580, 000	+100, 671, 000
Indiana	49, 976, 950	67, 324, 000	+17, 347, 050	+51, 009, 050	+68, 356, 100
Iowa	27, 588, 850	23, 114, 000	−4, 474, 850	+7, 082, 150	+2, 607, 300
Kansas	22, 146, 850	7, 484, 000	−14, 662, 850	−10, 920, 850	−25, 583, 700
Kentucky	31, 538, 750	13, 198, 000	−18, 340, 750	−11, 741, 750	−30, 082, 500
Louisiana	35, 551, 850	18, 856, 000	−16, 695, 850	−7, 267, 850	−23, 963, 700
Maine	10, 403, 050	19, 350, 000	+8, 946, 950	+18, 621, 950	+27, 568, 900
Maryland	37, 871, 250	85, 164, 000	+47, 292, 750	+89, 874, 750	+137, 167, 500
Massachusetts	54, 569, 050	75, 152, 000	+20, 582, 950	+58, 158, 950	+78, 741, 900
Michigan	84, 756, 550	159, 628, 000	+74, 871, 450	+154, 685, 450	+229, 556, 900
Minnesota	36, 850, 650	40, 638, 000	+3, 837, 350	+24, 156, 350	+27, 993, 700
Mississippi	22, 346, 700	7, 870, 000	−14, 476, 700	−10, 541, 700	−25, 018, 400
Missouri	45, 134, 550	33, 112, 000	−12, 022, 550	+4, 533, 450	−7, 489, 100
Montana	7, 534, 600	3, 324, 000	−4, 210, 600	−2, 548, 600	−6, 759, 200
Nebraska	14, 898, 500	7, 416, 000	−7, 482, 500	−3, 774, 500	−11, 257, 000
Nevada	5, 326, 250	5, 754, 000	+427, 750	+3, 304, 750	+3, 372, 500
New Hampshire	7, 846, 750	16, 618, 000	+8, 771, 250	+17, 080, 250	+25, 851, 500
New Jersey	68, 549, 450	154, 080, 000	+85, 530, 550	+162, 570, 550	+248, 101, 100
New Mexico	10, 670, 500	4, 216, 000	−6, 454, 500	−4, 247, 500	−10, 702, 000
New York	172, 839, 550	221, 156, 000	+48, 316, 450	+158, 894, 450	+207, 210, 900
North Carolina	49, 155, 750	18, 458, 000	−30, 697, 750	−21, 468, 750	−52, 166, 500
North Dakota	6, 876, 100	934, 000	−5, 942, 100	−5, 475, 100	−11, 417, 200
Ohio	101, 621, 800	115, 474, 000	+13, 852, 200	+71, 589, 200	+85, 441, 400
Oklahoma	25, 212, 500	9, 216, 000	−15, 996, 500	−11, 338, 500	−27, 385, 000
Oregon	20, 638, 000	16, 988, 000	−3, 650, 000	+4, 844, 000	+1, 194, 000
Pennsylvania	112, 444, 900	108, 428, 000	−4, 016, 900	+50, 197, 100	+46, 180, 200
Rhode Island	9, 770, 100	9, 778, 000	+7, 900	+4, 896, 900	+4, 904, 800
South Carolina	25, 694, 050	12, 910, 000	−12, 784, 050	−6, 329, 050	−19, 113, 100
South Dakota	7, 308, 800	1, 896, 000	−5, 412, 800	−4, 464, 800	−9, 877, 600
Tennessee	38, 227, 450	23, 210, 000	−15, 017, 450	−3, 412, 450	−18, 429, 900
Texas	106, 900, 250	55, 388, 000	−51, 512, 250	−23, 818, 250	−75, 330, 500
Utah	11, 030, 650	2, 816, 000	−8, 214, 650	−6, 806, 650	−15, 021, 300
Vermont	5, 137, 200	4, 436, 000	−701, 200	+1, 516, 800	+815, 600
Virginia	44, 914, 250	58, 286, 000	+13, 371, 750	+47, 514, 750	+60, 885, 500
Washington	33, 037, 650	17, 812, 000	−15, 225, 650	−6, 319, 650	−21, 545, 300
West Virginia	17, 657, 050	9, 998, 000	−7, 659, 050	−2, 660, 050	−10, 319, 100
Wisconsin	42, 646, 650	34, 830, 000	−7, 816, 650	+9, 598, 350	+1, 781, 700
Wyoming	4, 049, 450	536, 000	−3, 513, 450	−3, 245, 450	−6, 758, 900
Guam	2, 172, 000	1, 744, 000	−428, 000	+444, 000	+16, 000
Puerto Rico	27, 032, 550	17, 690, 000	−9, 342, 550	−497, 550	−9, 840, 100
Virgin Islands	1, 957, 500	1, 786, 000	−171, 500	+721, 500	+550, 000
American Samoa		96, 000			
Trust Territory of the Pacific Islands		756, 000			
Total	2, 000, 000, 000	2, 000, 000, 000			

Mr. BROCK. Mr. President, Congress, through a number of actions in recent years, the President in his recent budget message, and the people in countless formal and informal ways, have indicated their belief that the highest order of priority should be given to programs to combat pollution and preserve the environment.

In this area, there is a newly emergent and still fledgling technology with regard to many aspects of the problem. But there are some techniques that have been clearly established.

One of these is the procedure for modern sewage treatment. Sewer works work. They get rid of dirty water.

Therefore, it seems only reasonable to me that we ought to be pressing ahead with great vigor to build these facilities as quickly as is humanly possible, consistent with sound planning.

The distinguished Senator from Texas (Mr. BENTSEN) has introduced a bill which is designed to assure that water pollution control programs proceed at a high level.

I am pleased to join with the Senator from Texas as a cosponsor of this legislation.

By Mr. STEVENS:

S. 727. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I am introducing for myself and my colleague from Alaska (Mr. GRAVEL) legislation to amend the Internal Revenue Code of 1954 to permit a deduction for expenses incurred by a taxpayer in making repairs and improvements on his personal residence.

Specifically, my bill would permit the deduction of ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Qualified repairs and improvements would include painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and similar activity. The deduction allowed a taxpayer under this legislation would be limited to $1,000 in any taxable year. As a further limitation, a deduction would not be permitted for capital expenditures incurred in connection with the taxpayer's personal residence. Also, the deduction would apply only to taxable years ending after the date of enactment of this act.

Mr. President, my bill is designed to accomplish several important purposes. First, it would help to alleviate the tremendous financial burden imposed on residential homeowners, who are subject to ever increasing property taxes, special assessments, and other levies. This tax relief would be somewhat analogous to that already provided to the owners of rental and business property under existing law. As you know, such owners are permitted to deduct specified amounts for the depreciation of their property. In addition, section 167(k) of the Internal Revenue Code permits a 5-year depreciation of rehabilitation expenditures incurred in connection with rental property occupied by low- and moderate-income homeowners.

The enactment of the bill that I am introducing today would also make homeownership more attractive by helping to alleviate prohibitive repair costs. As a result, more people would have the opportunity to experience the pride of homeownership and the sense of community associated with owning and being responsible for one's own dwelling. Moreover, the quality of life in many areas would be significantly improved since more homeowners would have the economic wherewithal to make improvements and repairs which they have postponed for lack of sufficient funds.

This legislation should also have a beneficial impact on carpenters, plumbers, roofers, painters, electricians, and similar workers, all of whom have been adversely affected by the slump in home construction. The beneficial economic consequences to be derived from increased activity in these trades will extend far beyond the workers involved, to many manufacturing and service-related industries which are heavily dependent upon the consumer dollar. Thus, the "ripple" effect should stimulate new activity in many sectors of the economy.

In my State of Alaska, where residential repair costs are from 25 to 50 percent higher than in the lower 48 States, this bill should have a very salutary effect. All of the factors which I have referred to are present but are magnified by our very high costs, often deplorable housing conditions, rigorous natural environment, and high unemployment. As an example, the unemployment rate in my State is usually more than twice the national average, and is even greater in rural Alaska, where it is not uncommon to find villages with from 30- to 100-percent unemployment during certain seasons of the year. In addition, we have more substandard housing than virtually anywhere else under the American flag. In rural Alaska, almost all of the residential dwellings fall far below acceptable standards. The enactment of the legislation which I am introducing today would help to alleviate these conditions by facilitating home improvements and repairs and by stimulating new economic activity and the creation of additional jobs.

Objection may be raised in some quarters that there will be a significant cost to the Government because of this bill. That is not true. Any cost in tax revenue loss will be more than compensated by the additional income in the construction industry this bill will generate. Of course, such additional income will be taxable. It will directly benefit segments of the American economy among the hardest working and most deserving. These are the small laborer, the small contractor, the carpenter, the plumber, the electrician, and the roofer. They are the very people affected by the current economic conditions. This bill will put needed money back into circulation.

Such a program has already been attempted in Alaska. After the 1960 Fairbanks flood, Alaska faced the problem of how to get our people to commence rebuilding their homes. The State government devised a similar incentive. This provided that the State would make a contribution to those people who would agree to commence rebuilding in the winter.

These expenses are no more personal than many other expenses now deductible under Federal tax law. These include interest payments and real property taxes. Homeowners have traditionally been able to transfer their basis when they immediately purchase a new principal residence. Such a bill will specifically assist low income families to own their own homes. This will put the dream of homeownership closer to many families who could otherwise not afford it. This, itself, is a worthy object. It will also encourage the repair of rental dwellings used by the owners as their principal place of residence, thereby benefiting both owner and tenant.

In a time when millions of Americans live in substandard housing, this bill will permit thousands of homes to be repaired. Although the only repairs authorized under this bill are those that are truly necessary, many poor Americans are unable to afford even the most necessary repairs to their homes. This legislation will upgrade the health, safety, and comfort of all these people.

This bill will equalize the treatment accorded different taxpayers. Landlords renting property may now deduct the cost of repairs to the rental portion of the property as business expenses. This will permit them to do the same for the entire dwelling if they live in it themselves.

Mr. President, for all of the reasons that I have outlined today, I urge favorable consideration for this legislation.

I ask unanimous consent that my bill be printed at this point in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 220 and by inserting after section 218 the following new section:

"Sec. 219. Repair or Improvement of Taxpayer's Residence.

"(a) Allowance of Deduction.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement (including painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and any similar items) of property used by the taxpayer as his principal residence.

"(b) Limitations.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. No deduction may be allowed under this section with respect to any capital expenditure."

(b) The table of sections for such part VII is amended by striking out

"Sec. 219. Cross references."

and inserting in lieu thereof

"Sec. 219. Repair or improvement of taxpayer's residence.

"Sec. 220. Cross references."

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) Repair or improvement of taxpayer's residence.—The deduction allowed by section 219."

Sec. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

By Mr. STEVENS:

S. 728. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States; and

S. 729. A bill to amend the Internal Revenue Code of 1954 to exempt from tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I am introducing legislation to allow a taxpayer a deduction from gross income based upon the cost of living in certain States, and an additional bill to exempt from Federal taxation a portion of the income of non-Federal employees living in a State in which Federal employees receive an allowance based on living costs and other conditions.

The taxpayers of Alaska and other States where living costs are significantly above the national average, have been unreasonably burdened by virtue of their residences. The first bill would allow an individual to deduct a percentage of the total amount of personal exemption equal to the percentage by which the cost of living in his State exceeds the average national cost of living for that taxable year. The deduction would be limited to the percentage of time during which the taxpayer resided within the State on which he bases the deduction. The Secretary of the Treasury would be delegated the authority of determining whether a particular State's cost of living significantly exceeds the national average.

The most current Bureau of Labor statistics reveal that Alaska and Hawaii rank as the areas in which it costs the most to live and maintain a family at any income level. Anchorage, Alaska ranks as the most expensive city in the entire Nation in which to live. Honolulu, Hawaii, ranks second in this regard with all other cities significantly below these top two. The Alaskan price structure, which is largely due to the tremendous costs incurred in transporting goods and material to Alaska, has imposed a hardship on citizens with fixed incomes and deters prospective residents and business concerns from settling within the State.

My alternative bill providing tax equality between Federal and non-Federal employees would rectify a longstanding inequity in States with high living costs. At present, the Federal Government provides a 25-percent cost-of-living adjustment to civil service employees who reside in Alaska. This nontaxable adjustment is added to the base pay of Federal employees but is not available to non-Federal employees. Notwithstanding the 25-percent adjustment, Federal employees in Alaska are not truly compensated for the extremely high prices which they must pay for food, housing and other essential expenses because the cost of living percentage greatly exceeds the 25-percent assistance they receive. Therefore, the tax burden upon workers in the private sector is inequitably repressive and relief is required to equalize their tax responsibility with those federally employed. Both bills which I have introduced in this regard contain limitations upon Federal employees who receive a nontaxable cost of living allowance.

I believe that the combination of these two bills will provide much needed Federal tax relief to the beleaguered taxpayer of my State and certain other States where the cost of living is significantly above the national average. Moreover, these bills should help to accelerate the economic and social progress of these States by stimulating business relocation therein and not discouraging prospective residents from moving thereto. Accordingly, I urge the careful consideration of this legislation.

I ask unanimous consent that these bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 728

A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as 219, and inserting after section 217 the following new section:

"SEC. 218. COST OF LIVING DEDUCTION

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction a percentage of the total amount of the personal exemptions to which he is entitled equal to the percentage (determined by the Secretary or his delegate under subsection (c)) by which the cost of living in the State in which he resides during the taxable year exceeds the average cost of living in the United States for that year.

"(b) LIMITATIONS.—The amount of the deduction allowable under subsection (a) shall be adjusted appropriately for any period of time during a taxable year during which the taxpayer was not residing in the State on which he bases his deduction under such subsection. In the case of a taxpayer who, during any taxable year, resides in more than one State which qualified him for such deduction, the amount of the deduction shall reflect proportionately the calendar years which fall within his taxable year.

(1) Federal Employees. The provisions of subsection (a) shall not apply to amounts received by an employee of the Government of the United States as pay and allowances from the Government.

"(c) DETERMINATIONS BY THE SECRETARY.—On or before December 1 of each year, the Secretary or his delegate shall determine with respect to each State whether the cost of living in such State is greater than the average cost of living in the United States. If the Secretary or his delegate determines that the cost of living in any State is greater than the average cost of living in the United States, he shall determine and make available the percentage (rounding off to the nearest whole percent) by which the cost of living in such State exceeds the average cost of living in the United States. The determination shall be made for each year on the basis of indices and other information available from all departments and agencies of the Government covering the first nine months of such year, and the determination of the cost of living in each State shall be made on the basis of such indices and information applicable to the three largest cities or metropolitan areas in such State.

"(d) FINALITY OF DETERMINATIONS.—Determinations by the Secretary or his delegate under subsection (c) shall be final and shall not be subject to review by any other officer of the United States or by any court.

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Cost of living deduction.

"Sec. 219. Cross references."

SEC. 2. Section 62 of such Code (relating to the definition of adjusted gross income) is amended by inserting after paragraph (9) the following new paaragraph:

"(10) COST OF LIVING DEDUCTION.—The deduction allowed by section 218."

SEC. 3. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1970.

S. 729

A bill to amend the Internal Revenue Code of 1954 to exempt from tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as 125, and inserting after section 123 the following new section:

"SEC. 124. PARTIAL EXCLUSION OF INCOME OF INDIVIDUALS RESIDING IN CERTAIN STATES.

"(a) GENERAL RULE.—In the case of an individual who resides and is employed in a State in which employees of the Government of the United States receive an allowance under section 5941 of title 5, United States Code, gross income does not include a percentage of income received during the taxable year as compensation for personal services (including fees, commissions, and similar items) equal to the percentage of basic pay received by employees of the Government of the United States as an allowance under such section.

"(b) LIMITATIONS.—

"(1) FEDERAL EMPLOYEES.—The provisions of subsection (a) shall not apply to amounts received by an employee of the Government of the United States as pay and allowances from the Government.

"(2) RESIDENTS FOR LESS THAN A TAXABLE YEAR.—If an individual does not reside in such a State for the entire taxable year, the provisions of subsection (a) shall apply only to compensation attributable to the period during which such individual resides in such State.

"(c) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 124. Partial exclusion of income of individuals residing in certain States.

"Sec. 125. Cross references to other Acts."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

By Mr. JACKSON (for himself, Mr. GURNEY, and Mr. CHILES):

S. 734. A bill to authorize the Secretary of the Interior to establish the Man In Space National Historic Site at Cape Kennedy, Fla. Referred to the Committee on Interior and Insular Affairs.

MAN IN SPACE NATIONAL HISTORIC SITE

Mr. JACKSON. Mr. President, I introduce for myself and the two distinguished Senators from the State of Florida (Mr. GURNEY and Mr. CHILES) a bill to authorize the Secretary of the Interior to establish a Man In Space National Historic Site at Cape Kennedy, Fla.

It is the purpose of this measure to preserve for future generations the site from which brave men took this Nation on its first tentative steps into the space beyond the earth. A little less than 12 years ago, on May 5, 1961, Comdr. Alan Shepard was launched from this site into the first American suborbital flight of a man in space. From that first short flight, in only a dozen years, we have reached the moon and are now embarked upon bringing the benefits of our space program down to earth through the Sky Lab and other manned and unmanned projects.

With the passage of time, the lifting of these brave men from the earth to outer space on thundering columns of flame has become almost commonplace. Let us not forget the excitement that swept our Nation and captured the imagination of the world during those early days of the space program. It is only fitting that we set aside this site to commemorate and pay tribute to the brave men of our space program and to perhaps capture for all time the breathless expectancy and thrill which those first flights evoked in our people. The historic events which took place at this site truly ushered in the space age in America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to establish, by publication in the Federal Register, the area consisting of approximately 29.4 acres of land and comprising launch complex 5 and 6 (including a blockhouse and adjoining ready room, office space, and two launch pads), located at Cape Kennedy, Florida, as the Man in Space National Historic Site.

(b) Jurisdiction over the property referred to in subsection (a) of this section is hereby transferred to the Secretary of the Interior to enable the Secretary to carry out the purposes of this Act.

SEC. 2. The Man in Space National Historic Site shall be administered by the Secretary of the Interior, through the National Park Service, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.

SEC. 3. (a) In furtherance of the purposes of this Act, the Secretary of the Interior and the Secretary of the Air Force shall, from time to time, consult with each other with a view to assuring that the administration of the Man in Space National Historic Site and the Air Force Museum located adjacent to the historic site shall be carried out so as to provide for an effective and complementary administration of both the aforementioned historic site and Air Force Museum.

(b) In carrying out the provisions of this Act, the Secretary of the Interior is authorized to enter into cooperative agreements with other Federal departments and agencies to assist in the preservation and interpretation of the Man in Space National Historic Site.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. FONG:

S. 735. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS COMPREHENSIVE SERVICES ACT OF 1973

Mr. FONG. Mr. President, today it is my great pleasure to introduce legislation designed to expand and improve the provisions of the Older Americans Act of 1965, which expired on June 30, 1972. My bill would expand the act to include a number of new programs to help the Nation's older citizens. Two of these new programs, the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act, were cosponsored by me as separate bills (S. 555 and S. 1307) in the 92d Congress. These much needed programs are incorporated as titles IX and X in the new Older Americans Act of 1973, which I am proposing today.

As the ranking Republican member of the Special Committee on Aging, I have a special interest in improving the well-being of our older Americans.

I believe that the national policy on aging must be committed to the concept of unlimited opportunity for all older Americans. The multiplicity of needs facing our growing older population—now numbering over 20 million persons past 65—and the complexity of problems in meeting those needs underscores the importance of early enactment of a bill to improve and expand the Older Americans Act of 1965.

Early enactment of such a bill will provide our older Americans with an opportunity to continue to play a viable role in today's society and to live their remaining lives in dignity.

My bill, Mr. President, is essentially the same bill as contained in the conference version last year of H.R. 15657—which was pocket vetoed—except for two major areas. One change is the deletion in title V of direct Federal grants for the construction of multipurpose senior citizens centers, placing the emphasis on providing Federal mortgage insurance for loans rather than on direct grants. This was done to pare down the cost of this section, while still providing sufficient incentive and means to achieve the intended goal—the construction of multipurpose senior citizen centers. It is my hope that this change will help to achieve fiscal efficiency, while at the same time, achieving the desired purpose.

The second major change from the conference report of H.R. 15657, is the substitution in title III of the administration's formula found in S. 3391, which was introduced in the last Congress.

Title III concerns itself with direct grants to the States for community programs on aging. Many different formulas for the distribution of these grants have been studied, but I still feel the administration's formula, as contained in S. 3391, appears to be the most equitable, especially for the smaller States, such as my own State of Hawaii. Under this formula, each State would be guaranteed an initial 1 percent of the total amount authorized and appropriated, plus a percentage of the remainder of the funds, based upon the ratio of older Americans—over 65—in each State compared to the total number of Americans over 65 in the United States—20 million. Each State would be guaranteed a minimum allotment of $1,000,000 based on the same $100 million authorization that was provided for area planning and social service programs in the conference report of H.R. 15657, which was passed in the closing days of the second session of the 92d Congress and subsequently vetoed by the President.

Title IX, "Community Service Employment for Older Americans," would foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years old or older and who have poor employment prospects. These jobs would be in the fields of education, social services, recreational services, conservation, environmental restoration, and economic development. The programs created by title IX are structured in such a way as to draw upon the experience of numerous pilot and demonstration projects conducted by the Department of Labor under its operation mainstream program. It is estimated that as many as 40,000 to 60,000 jobs could be created under the provisions of this title.

Title X, the "Middle-Aged and Older Workers Training Act," is designed to establish and assist training programs and related supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment. Under this title, the Secretary of Labor is authorized to establish a comprehensive mid-career development service program, to be administered by the Manpower Administration in the Department of Labor, to provide manpower training, counseling, and special supportive services to middle-aged and older workers.

I believe that these two titles, IX and X, should be included in any older Americans bill submitted to Congress, not only because I cosponsored these original bills in the form of S. 555 and S. 1307 in the last Congress, but also because there is great need for these types of programs.

Even in this period of economic prosperity and growth, middle-aged and older workers are finding it increasingly difficult to regain employment when out of work. The incidence of unemployment, especially long-term unemployment, with the resultant deterioration of skill, morale, and employer acceptability, is higher among workers age 45 and over than among the younger workers.

According to the conference report on H.R. 15657, more than a million men between the ages of 55 and 64 have given up the active search for work and thousands of men and women between the ages of 62 to 64 have retired with inadequate benefits.

The loss to the economy of their potential production of goods and services, together with the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars.

Providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the Nation's economy.

Finally my bill, as H.R. 15657 did, includes those very important provisions which upgrade the Administration on Aging in the Department of Health, Education, and Welfare by transferring it from the welfare-oriented Social and Rehabilitation Service to the office of the HEW Secretary.

Early enactment to extend and improve the Older Americans Act of 1965 is mandatory in order to insure our older Americans the opportunity to continue to contribute to and to play a viable role in, today's society.

I recognize that the precise nature of such an extension has been the object of much discussion. However, no matter what emerges as the exact language of the amendments to the Older Americans Act and is reported from the Senate Committee on Labor and Public Welfare, I believe we must produce a result compatible with the original intent of Congress in 1965—to give the needs and aspirations of older Americans very high status and visibility in the Federal Government.

Mr. President, I ask unanimous consent that a table showing the allotments to each State under my bill, the text of the bill entitled "Older Americans Comprehensive Services Act of 1973," and the attached summary of that bill be inserted in full in today's RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLOCATIONS TO STATES UNDER OLDER AMERICANS COMPREHENSIVE SERVICES ACT OF 1972

The following is a list of the 50 States, the District of Columbia, and Territories which shows the allotments that they would receive under my bill. My bill uses the same formula as found in the Administration's bill, S. 3391 of the previous Congress:

	Allotment
Alabama	$1,740,600
Alaska	1,013,800
Arizona	1,368,200
Arkansas	1,538,200
California	4,098,600
Colorado	1,427,800
Connecticut	1,657,800
Delaware	1,101,200
District of Columbia	1,161,000
Florida	3,244,800
Georgia	1,837,200
Hawaii	1,101,200
Idaho	1,156,400
Illinois	3,488,600
Indiana	2,122,400
Iowa	1,795,800
Kansas	1,607,200
Kentucky	1,768,200
Louisiana	1,699,200
Maine	1,262,200
Maryland	1,680,800
Massachusetts	2,449,000
Michigan	2,715,800
Minnesota	1,929,200
Mississippi	1,506,000
Missouri	2,274,200
Montana	1,256,400
Nebraska	1,418,600
Nevada	1,069,000
New Hampshire	1,179,400
New Jersey	2,587,000
New Mexico	1,161,000
New York	5,448,200
North Carolina	1,943,000
North Dakota	3,272,400
Ohio	1,680,800
Oklahoma	1,515,200
Oregon	1,515,200
Pennsylvania	3,893,400
Rhode Island	1,234,600
South Carolina	1,432,400
South Dakota	1,184,000
Tennessee	1,869,400
Texas	3,254,000
Utah	1,174,800
Vermont	1,110,400
Virginia	1,832,600
Washington	1,731,400
West Virginia	1,441,600
Wisconsin	2,076,400
Wyoming	1,069,000
American Samoa	500,000
Guam	500,000
Puerto Rico	1,349,600
Trust Territory	500,000
Virgin Islands	500,000

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such porgrams will be undertaken as a partnership of older citizens, parents, community, and community, State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act of 1972, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b) (1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1956 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) ection 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections;

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect, analyze prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act.

Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $300,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a) (2) (A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973 under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-half of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974 and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all States, except that (A) no State shall be allotted less than 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty-five or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commission determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided,* That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305 (a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunties for older persons to aid or assist on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder."

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in 'accordance with such methods') as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a) (2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency is necessary to assure an adequate supply of such service; and

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a) (1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty-five or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adopting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1973, $105,000,000 for the fiscal year ending June 30, 1974, and $140,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 104. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section $7,500,000 for the fiscal year ending June 30, 1973; $15,000,000 for fiscal year ending June 30, 1974; and $20,000,000 for fiscal year ending June 30, 1975.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels.

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas.

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provide for making such reports, in such form and comtaining such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title (except section 412), $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or service for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—MORTGAGE ASSISTANCE FOR MULTIPURPOSE SENIOR CENTERS

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 501. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the amount of the principal obligation of the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraised and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 502. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000 which amount shall be increased by $2,000,000 on July 1, 1975, and by $3,000,000 on July 1, 1976.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PROFESSIONAL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project. 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"DEFINITIONS

"SEC. 512. For purposes of this title—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS"

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a) (2) (B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by spelling out "any fiscal year" in this section in lieu thereof "each fiscal"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a) (1) of this Act then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a) (1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and in striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a) (1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purpose of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands"

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who lives in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501 (c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962 and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate wtih the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a)(1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but will such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

DECLARATION OF FINDINGS

SEC. 1002. The Congress hereby finds and declares that—

"(1) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

AUTHORIZATIONS

SEC. 1004. For the fiscal year ending June 30, 1973, the Secretary is authorized to carry out the provisions of this title from funds otherwise available for similar programs. There is authorized to be appropriated for the purpose of carrying out the provisions of this title, $100,000,000 for the fiscal year ending June 30, 1974.

PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private non-profit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

PART B—SPECIAL REPORTS AND STUDIES

RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

MANPOWER STUDIES

SEC. 1022. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipients of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c)(1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TITLE-BY-TITLE SUMMARY OF OLDER AMERICANS COMPREHENSIVE SERVICES ACT OF 1973

TITLE I—DECLARATION OF OBJECTIVES

The objectives contained in the original Older Americans Act of 1965 would be expanded by placing the emphasis on the need to make comprehensive social service programs more available to older Americans and to insure their participation in the development of these programs. Additional emphasis would be made to provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to all our older citizens.

TITLE II—ADMINISTRATION ON AGING

This Title would elevate the Administration on Aging and would place it in the Office of the Secretary of Health, Education, and Welfare. The Administration on Aging would be given primary responsibility for carrying out the programs authorized under this Act. AoA would be headed by a Commissioner on Aging appointed by the President and confirmed by the Senate. In the performance of his functions, the Commissioner on Aging would be directly responsible to the Secretary of H.E.W., and not to or through any other officer of that Department. In addition, the Commissioner on Aging would not be allowed to delegate any of his functions to any other officer who is not directly responsible to him, unless he first submits a plan for such delegation to the Congress.

Primary among the functions of Administration on Aging would be to:

1. Develop plans, conduct and arrange for research in the field of aging; and

2. Assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, pre-retirement

training, continued education, low-cost transportation and housing, and health services.

Also under Title II, the Commissioner on Aging would be authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging. Some of its primary duties would be to collect, analyze, prepare, and disseminate information related to the needs and interests of older persons. In addition, it would encourage the establishment of State and local information centers and provide technical assistance to such centers.

Authorization by this section would be $750,000 for the fiscal year ending June 30, 1973; $1,000,000 for the fiscal year ending June 30, 1974; and $1,250,000 for the fiscal year ending June 30, 1975.

Finally, Title II contains a provision to establish a "Federal Council on Aging" which would be composed of 15 members appointed by the President and confirmed by the Senate. Members would be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor and the general public.

Among the designated duties of the Council would be:

1. To advise and assist the President on matters relating to the special needs of older Americans;

2. To review and evaluate on a continuing basis, Federal policies regarding the aging;

3. To serve as a spokesman on behalf of older Americans my making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies affecting the aging; and

4. To inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging.

One of the more specific tasks of the Council would be to undertake a study of the combined impact of all taxes on the elderly —including but not limited to income, property, sales, and social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President would submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

Members of the Council would serve for a term of three years, and would be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

The purpose of this title would be to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity to serve older persons.

Under Title III, the Administration on Aging would work with State aging offices to develop a state-wide plan for delivering social services to senior citizens. Each state, would have to designate a State agency as their sole State agency. This designated State agency, would then divide its state into distinct areas called "planning and service areas". In determining these planning and service areas" the designated State agency would have to consider:

1. The geographical distribution of individuals aged sixty and older in the state;

2. The incidence of the need for social services including the number of older persons with low incomes residing in such areas;

3. The distribution of resources available to provide such services;

4. The boundaries of existing areas within the State which were drawn for the planning or administration of social services programs; and

5. The location of units of general purpose local government within the State.

However, it would be mandatory that any area containing more than 15% of the State's total number of older citizens (sixty and over), or containing more than 50,000 older citizens (sixty and over), would have to be designated as a "planning and service area".

From among these designated "planning and service areas", the State Agency would select whichever "planning and service areas" it wished to give priority to, and for these it would develop an "area plan". Only those "planning and service areas" for which an "area plan" was developed would be entitled to 90/10 matching funds (90% federal/10% state) under Title III. Those "planning and service areas" not provided with an "area plan" by the State Agency would only receive 75/25 matching funds.

The State Agency would then also designate an "area agency" to head the development of an "area plan".

This "area agency" would be a public or nonprofit private agency and would be:

1. an established office on aging, or

2. any office or agency of a unit of general purpose local government, or

3. any office or agency designated by the elected officials, or a combination thereof, or

4. any public or nonprofit private agency which is under the supervision or direction of the designated State Agency.

Under Title III area planning and social service programs, there would be authorized to be appropriated $100 million for the fiscal year ending June 30, 1973; $200 million for the fiscal year ending June 30, 1974; and $300 million for the fiscal year ending June 30, 1975.

The sums appropriated would be allotted as follows:

(a) Each State would be allotted an amount equal to 1 percent of such sum.

(b) From the remainder, each State would be allotted an amount, based upon that ratio of its population age 65 or over, to that total population in all States.

(c) Guam, American Samoa, the Virgin Islands, and the Trust Territories would be allotted an amount equal to one-half of 1 percent.

(d) In fiscal year 1975 the formula would be based on population aged 65 and over in each State, as it relates to that population in all States, except that no State would be allotted less than 1 percent, or one-half percent in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territories.

(e) In addition, no State would be allotted an amount less than it received in fiscal year 1973.

From each state's allotment:

(a) not more than 15% of that total could go toward paying up to 75% of the *administration expenses* for "planning and service areas", regardless of whether or not it was designated a priority area with an "area plan".

(b) not more than 20% of the total state allotment could go toward paying up to 75% of the *cost of social services* to those "planning and service areas" which were not designated priority areas.

(c) the remaining 65% or more of the total state allotment would have to be made available for the *cost of* social services to those "planning and service areas" which were designated as priority areas.

(1) However, not more than 90% of the cost of social services could be paid in this manner.

Finally each "area plan" must:

1. provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area;

2. provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources.

3. lend technical assistance to providers of social services in the planning and service area covered by the area plan.

To provide funds for State administration for planning, coordination, and evaluation, this Title would authorize to be appropriated $20 million for the fiscal year ending June 30, 1973, $20 million for fiscal year ending June 30, 1974, and $20 million for fiscal year ending June 30, 1975. Grants made to states for the cost of administration expenses would be made on a 75/25 basis.

Each state allotment would bear the same ratio to such sum as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all States. However, no State would be allotted less than one-half of 1 per cent of the sum appropriated for the fiscal year for which the determination is made, or $100,000 whichever is greater.

Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands would be allotted no less than one-fourth of 1 per cent of the sum appropriated for the fiscal year for which the determination is made, or $50,000 whichever is greater.

In addition, the Commissioner could make grants to any public or nonprofit private agency or organization, within such State, for paying part or all of the cost of developing or operating community model projects which would expand or improve social services to older persons.

For the purpose of carrying out this section, there would be authorized to be appropriated $70 million for the fiscal year ending June 30, 1973, 3105 million for the fiscal year ending June 30, 1974, and $140 million for the fiscal year ending June 30, 1975.

TITLE IV—TRAINING AND RESEARCH

Title IV would encompass three different types of programs:

A. Training programs,

B. Research and Development Programs.

C. Multidisciplinary Centers of Gerontology.

The purpose of the "Training" program would be to improve the quality of service and to meet the critical shortages of adequately trained personnel in the field of aging.

This would be done by:

(1) developing information of the actual needs for personnel to work in the field of aging;

(2) provide a broad range of quality training opportunities; and

(3) attracting a greater number of qualified persons into the field of aging.

Under part B—*Research and Development Projects*—the Commissioner would make grants to any public or nonprofit private agency in the State for the purpose of:

(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons; and

(2) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons.

Under Part C—*Multidisciplinary Centers of Gerontology*—the Commissioner could make grants to public and private nonprofit agencies in the State for the purpose of establishing or supporting multidisciplinary centers of gerontology. These centers would:

(1) recruit and train personnel at the professional and subprofessional levels;

(2) conduct basic and applied research on work, leisure, and education of older people;

(3) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research; and

(4) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities.

There would be authorized to be appropriated $15 million for fiscal year ending June 30, 1973, $20 million for fiscal year ending June 30, 1974, and $25 million for fiscal year ending June 30, 1975 for section A; and $20 million for fiscal year ending June 30, 1973, $30 million for fiscal year ending June 30, 1974, and $40 million for fiscal year ending June 30, 1975 for sections B and C.

Also under this title, the Commissioner would conduct a comprehensive study and survey of the transportation problems of older Americans. This would be done with the guidance of the Secretary of Transportation and the Secretary of Housing and Urban Development.

There would be authorized to be appropriated for the purposes of this section, $7.5 million for fiscal year ending June 30, 1973, $15 million for fiscal year ending June 30, 1974, and $20 million for fiscal year ending June 30, 1975.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This Title would authorize the Secretary of Health, Education, and Welfare to insure mortgages for new multipurpose senior centers, including the equipment to be used in its operations. To assist nonprofit private agencies in reducing the cost of borrowing from other sources for the construction of such facilities, the Secretary could make annual interest grants to such agencies.

Contracts for annual interest grants under this section would not be entered into in an aggregate amount greater than would be authorized in the appropriations Act. In no event would the total amount of annual interest grant exceed $1 million of the first year, or exceed $3 million on July 1, 1974, or exceed $5 million on July 1, 1975.

The Commissioner could also make grants to meet the costs of compensation of professional and technical personnel for the initial operation of the new multipurpose senior centers and for the delivery of social services established therein.

For the purpose of this part of the Title, there would be authorized to be appropriated $10 million for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This Title would extend and expand the authorization for the Foster Grandparents Program and other Older Americans Community Service Programs. These programs, which were transferred to the ACTION agency in 1971, seek to involve Older Americans in a variety of programs designed to benefit persons, and both children and adults who have exceptional needs.

For the "Foster Grandparents Program and Older Americans Community Service Programs" there would be authorized to be appropriated for grants and contracts, $41 million for fiscal 1973, $52 million for fiscal 1974, and $63 million for fiscal 1975.

TITLE VII—NUTRITION PROGRAM

This Title makes several minor conforming changes in the nutrition legislation, Public Law 92–258, which was passed last year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision would amend the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, and the Adult Education Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

For the purpose of making grants to States to enable them to carry our public library service programs for older persons, there would be authorized to be appropriated $11.7 million for fiscal year ending June 30, 1973, $12.3 million for fiscal year ending June 30, 1974, $12.9 million for fiscal year ending June 30, 1975, and $13.7 million for fiscal year ending June 30, 1976.

In addition, the Commissioner is authorized to make grants to institutions of higher education to study the problems of the elderly, particularly with regard to transportation and housing.

For this purpose there would be authorized to be appropriated $5 million for fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This Title is designed to provide community service jobs for low-income Americans 55 years of age and older in the fields of education, social services, recreational services, conservation, environmental restoration and economic development. The programs created by Title IX are structured in such a way as to draw upon the experiences of numerous pilot and demonstration projects conducted by the Department of Labor under its Operation Mainstream Program. It is estimated that as many as 40 to 60 thousand jobs could be created under the provisions of this Title.

Under this Title there would be authorized to be appropriated $100 million for the fiscal year ending June 30, 1973, and $150 million for the fiscal year ending June 30, 1974.

Each State would be allotted such sum which bears the same ratio to its population, aged fifty-five or over, to the same aged population in all the States. However, no State would be allotted less than 1 per centum of the sum appropriated for the fiscal year for which the determination was made.

Guam, American Samoa, the Virgin Islands, and the Trust Territory would each be allotted an amount equal to one-half of 1 per cent of the sum appropriated for the fiscal year for which the determination was made.

TITLE X—MIDDLE-AGED OLDER WORKERS TRAINING ACT

This Title would be designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons. The Secretary of Labor would carry out the provisions of this Title within the framework of existing programs during the remainder of fiscal year 1973.

Under this Title, there would be established a comprehensive midcareer development service program which would be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

There would be authorized to be appropriated for the purpose of carrying out the provisions of this title, $100 million for the fiscal year ending June 30, 1974.

By Mr. KENNEDY (for himself, Mr. Cannon, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Humphrey, Mr. Hughes, Mr. Javits, Mr. Mondale, Mr. Muskie, Mr. McGovern, Mr. Nelson, Mr. Pell, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, and Mr. Williams):

S. 736. A bill to provide for research for solutions to the problem of alienation among American workers and to provide for pilot projects and provide technical assistance to find ways to deal with that problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am introducing today legislation to respond to the problem of worker alienation and job dissatisfaction in the United States. Seventeen other Senators join me in cosponsoring this legislation.

The Worker Alienation Research and Technical Assistance Act of 1973 provides for research into the problem of worker alienation in all occupations and technical assistance to those unions, workers, companies, State, and local governments seeking to find ways to relieve this problem. The bill provides $10 million for fiscal year 1974 and $10 million for fiscal year 1975.

Throughout history, the United States has prided itself on the talents, the dedication, the imagination, and the initiative of the American worker. The growth and development of our economy has been based not only on our technological genius but on the high level of performance of our working men and women.

But despite our pride in the performance of American labor, adequate wages, and adequate working conditions have been achieved only with great difficulty. Institutions were slow to respond. Now, once again we see a similar lethargy.

As we marvel at the increasing automation of the assembly lines and the benefits of modern office equipment, we have forgotten once again that behind the assembly lines and the electric typewriters are human beings who spend the major portion of their waking lives at those jobs.

The issue of worker discontent in America can no longer be avoided. In our plants and our factories and our offices, there is a growing sense of dissatisfaction that affects untold numbers of American workers. The extent of this dissatisfaction and discontent is not fully known. Nor is the full impact of this discontent on the mental and physical health of workers and on the productive capacity of our Nation.

The recent report on "Work in America" by an HEW task force emphasizes both the existence of the problem and the embryonic-state of our knowledge of what to do about it. Thus, the report summary notes:

> And significant numbers of American workers are dissatisfied with the quality of their working lives. Dull, repetitive, seeming meaningless tasks, offering little challenge or autonomy, are causing discontent among workers at all occupational levels.

And I am pleased that the clearly negative attitude of the past leadership of the Department of Labor on this issue may be shifting as a result of the appointment of Peter J. Brennan. In his confirmation hearings before the Senate Labor and Public Welfare Committee, Mr. Brennan expressed his view that worker alienation was a major problem in America today. He also promised to work with the Senate in securing legislation to meet this problem.

In hearings that the Senate Subcommittee on Employment, Manpower and Poverty held last July, which I was privileged to chair, we heard from workers, union officials, corporate managers and researchers. All testified to similar conditions and all urged action from Government, labor and management to meet the problem.

Gary Bryner, president of the UAW local at Lordstown, talked to the "symptoms of the alienated worker" where the absentee rates is moving ever upwards, where the turnover rate is enormous and where the use of alcohol and drugs is becoming an ever more serious problem. At Lordstown, Bryner told of the conveyor that sends 101.6 Vega automobiles out of the factory door every hour, with workers required to execute their assembly line operation every 36 seconds.

The lack of corporate concern for the worker is described by Bryner in the orientation of new assembly line employees:

> He is brought into the plant and his orientation session ends and starts with his papers on insurance and his assignment to a foreman who immediately puts his warm body on the line.
>
> The job assignments within the plant in the same classification are solely the right of management, no say for the employee—The job content, and there is not much of that—when you have 36 seconds to do a job, and all we are left with is the deadend job—jobs that offer little challenge to the more educated worker, little chance for advancement, and hardly any chance to participate as a worker.

The disregard for the worker as a human being was cited by James Wright, now director of National Policy Affairs, National Center for Urban Ethnic Affairs, and a former steelworker. He testified:

> I can recall when a friend of mine was killed in a car accident, and I took the day off to attend his funeral, and I was disciplined for two days because this was an unexcused absence.

These are some of the problems and frustrations and discontents that are producing a class of angry and rebellious workers in America.

And for a nation concerned about productivity, our failure to heed the signs of restlessness among workers in our plants and factories seem difficult to grasp.

For we have the statistics of the National Commission on Productivity to tell us that something is wrong with the economic machine. In one major industry absenteeism increased by 50 percent, worker turnover by 70 percent, worker grievances by 38 percent and disciplinary layoffs by 44 percent in a period of 5 years.

Yet, to a large degree, the response of government, of unions and of business has been to ignore the problem. We do not even know the extent of the problem. We do not know how many men and women unnecessarily suffer mental or physical illnesses whose cause is linked to their jobs. We do not know the extent of the use of drugs among young workers. We do not know the cost to the economy from the subsequent loss of productivity, or the cost to the society of pockets of despair among its workers. Nor do we know what changes in the design of the job and in the environment of work could produce increasing job satisfaction and productivity at the same time.

While there have been some experiments, as our hearings revealed, there was almost universal agreement that far too little is being done. That also was a conclusion of the HEW study.

Witnesses from the business world, including Robert Ford of American Telephone & Telegraph Co., Lyman Ketchum of General Foods, and Sidney Harman of Jervis Corp. all discussed some of the attempts by their corporations to respond to the problem of worker alienation. But all agreed that there exists a vast area of inadequate information on a nationl level, a vacuum which helps prevent the education of government, business and union leaders to the problem.

Their view was confirmed by Irving Bluestone, vice president of the UAW, who added that working models and practical on-the-job experiments are needed in addition to basic research.

The motivation for attempting such a program begins with the worker. For he is a citizen, a human being. And it should not be the potential for increasing his productivity that spurs our interest; but our concern, as Bluestone stated, to "find new ways to make human beings more human."

And so in the bill that is being introduced today, we hope to break down the resistance of our institutions to the idea of humanizing the workplace. We hope to make the quality of life for the worker on the job just as much a consideration in the eyes of labor and management as the quality of the product.

This bill authorizes jointly the Secretary of Health, Education, and Welfare and the Secretary of Labor to conduct research to determine the extent and severity of job discontent and to assess the costs to the economy of the problems of absenteeism, turnover, sabotage and loss of productivity associated with worker discontent.

In addition, research is directed into the incidence of mental and physical disease among workers, and into the methods now being used in both the United States and Europe in trying to meet the problem of worker alienation. We heard from Ford Foundation witnesses, who recently had traveled to Europe, of the innovations that have been tried there.

Recently, I also have learned of the interest of the French Government in stimulating similar research in an effort to measure worker discontent there. They too have seen the problem and are beginning to try and find ways to cope with it.

The bill also provides that the research results and recommendations will be made available to workers, to unions, to companies, to schools of management and industrial engineering and to the general public.

Technical assistance also will be made available to groups of workers, to unions, to companies, to State and local governments for the following efforts:

First, practical experimentation in meeting the problems of alienation in their own places of work;

Second, the development and conduct of pilot demonstration projects to improve our knowledge of how to relieve job satisfaction. These projects could include job enrichment, autonomous work groups, job restructuring, increased worker participation in decisionmaking, increased job mobility, and compensation on the basis of new skills learned.

The bill also provides for assistance in developing curriculums and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods.

This was felt to be critically important by most of the witnesses because of the impact that industrial engineers and plant designers have on the conditions of work and their present lack of concern for the worker.

The bill also authorizes the Secretary of HEW to insure that Federal agencies seek to maximize job satisfaction and to consider that factor in the design of new Federal facilities.

At the same time, the bill authorizes the Secretary of Labor to seek assurance that job satisfaction is considered by Federal contractors.

For by providing the data and disseminating the results of research and technical assistance, we can stimulate among unions and corporations and the public in general not only an understanding of the scope and severity of this problem but an awakening to the ways in which they can begin to resolve it.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Worker Alienation Research and Technical Assistance Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) alienation of American workers because of the nature of their jobs is a problem of growing seriousness to the national economy and to individual workers;

(2) alienation often results in high rates of absenteeism, high turnover, poor quality work, a decline in craftsmanship, and lessened productivity;

(3) alienation often results in high levels of frustration among workers and causes poor mental health, poor motivation, alcoholism, drug abuse, and social dissatisfaction among workers;

(4) it is in the national interest to encourage the humanization of working conditions and the work itself so as to increase worker job satisfaction, diminish the negative effects of job dissatisfaction, and to the extent possible, maximize potential for democracy, security, equity, and craftsmanship;

(5) it is in the national interest to promote the fullest development of the abilities, creativity, skills, and personal growth of all American workers; and

(6) the problem of worker discontent and alienation has for too long been largely ignored by government, management, and unions.

SEC. 3. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare are jointly authorized to either directly or by way of grant, contribution, or other arrangement—

(1) conduct research, to determine the extent and the severity of job discontent and the problems related to the nature of work in American worksites, included but not limited to—

(A) quality of work, levels of turnover, absenteeism, sabotage, and loss of productivity, and the monetary costs to the economy of such problems; and

(B) the health of workers, including statistics on mental and physical health and emotional stability;

(2) conduct research on methods now being used in the United States and abroad to meet the problems of work alienation, including more flexible hours of work, reduced working days, profit sharing, additional responsibility for workers, job rotation, worker participation in the decisionmaking process with regard to the nature and content of his job, redesign of jobs and production patterns, autonomous work groups, and additional opportunity for education, training, and advancement;

(3) collect and disseminate research results and recommendations for relieving worker discontent and for improving the quality of work, to workers, to labor organizations, to businesses, to schools of management and industrial engineering, and to the general public;

(4) provide technical assistance to workers, labor organizations, businesses, State and local governments for (i) practical experimentation in meeting the problems of alienation in their own places of work, and (ii) the development and conduct of pilot demonstration projects which show promise of making significant contributions to the knowledge in the field of resolving problems related to worker alienation, including such projects as job enrichment, guaranteed employment, reduced workdays and weeks, autonomous work groups, job restructuring, increased worker participation in decisionmaking on the nature and content of jobs, increased job mobility, job rotation, group productivity, bonuses, compensation on the basis of skills learned, continuing education and training for new careers and new opportunities for increased job satisfaction;

(5) provide support for the Triennial Working Conditions Survey of the Department of Labor;

(6) assist in the development and evaluation of curriculum and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods;

(7) conduct pilot projects for a variety of experiments in both blue collar and white collar work redesign in selected Federal agencies to determine the effectiveness of such projects in improving employee job satisfaction.

(b) In carrying out the research and technical asistance program authorized by this section, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall consult with the head of the National Institute of Mental Health, the National Science Foundation, the National Institute for Occupational Safety and Health, and representatives of workers, unions, management, academic, and medical experts.

(c) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall file a report not later than December 31, 1974, and again not later than December 31, 1975 to the Congress, on the administration of this Act together with such recommendations, including recommendations for additional legislation, as they may deem appropriate, and may file such interim reports as they deem advisable.

SEC. 4. (a) The Secretary of Health, Education, and Welfare, in consultation with the Chairman of the Civil Service Commission and the Administrator of the General Services Administration, is authorized and directed to assist Federal agencies in maximizing job satisfaction of their employees.

(b) The Administrator of the General Services Administration is authorized to consider maximizing job satisfaction in the design of new Federal facilities.

SEC. 5. (a) In order to carry out the provisions of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to —

(1) procure temporary and intermittent services to the same extent as authorized by section 3109 of title 5, United States Code;

(2) secure from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, or of any State, or political subdivision thereof, information, estimates, and statistics required in the performance of his functions under this Act;

(3) enter into and perform such contracts, leases, cooperative agreements or other arrangements as may be advisable without regard to section 3709 of the Revsed Statutes (41 U.S.C. 5) and other provisions of law relating to competitive bidding; and

(4) accept and use with their consent, with reimbursement, such services, equipment and facilities of other Federal agencies as are necessary to carry out such functions efficiently and such agencies are authorized to loan, with reimbursement, such services, equipment and facilities to the Secretary of Labor, to the Secretary of Health, Education, and Welfare, or both.

(b) Each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Secretary of Labor, to the Secretary of Health, Education, and Welfare, or to both, upon written request made by that Secretary.

(c) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to take whatever action is necessary to avoid duplication or conflict in the administration of this Act.

By Mr. MUSKIE (for himself, Mr. BIDEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HATHAWAY, Mr. JAVITS, Mr. KENNEDY, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WEICKER):

S. 738. A bill to establish and support State inspection programs for auto emission control systems. Referred to the Committee on Public Works.

By Mr. MUSKIE (for himself, Mr. BIDEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HART, Mr. HATHAWAY, Mr. JAVITS, Mr. KENNEDY, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WEICKER):

S. 739. A bill to allow use of highway funds for any transportation improvements necessary to avoid air pollution dangerous to public health, and to prohibit highway projects which may create air pollution dangerous to public health. Referred to the Committee on Public Works.

Mr. MUSKIE. Mr. President, on January 18, I announced my intention to introduce three bills designed to improve the flexibility with which the highway program and money from the highway trust fund can be used to reduce traffic congestion in urban areas, aid in controlling air pollution, and begin to reduce the heavy demands of private automobiles for scarce petroleum resources.

I am introducing these three proposals, and I hope that they will receive the kind of attention which a New York Times editorial of January 27 suggested. "Before gas masks and gas rationing become the order of the day," said the Times:

> It is time for Congress and the Department of Transportation to draw up the plans and take the action to meet a rapidly developing emergency.

My first proposal is similar to the amendment which Senator COOPER and I proposed last year to allow urban areas the option of using their highway system funds for public transportation. It authorizes $1 billion a year for this purpose. This year, Senator HOWARD BAKER of Tennessee has joined with me in offering this as an amendment to S. 502, the committee bill. Also, Senators BIDEN, BROOKE, BUCKLEY, CASE, CRANSTON, HART, HATFIELD, HATHAWAY, HUMPHREY, JAVITS, PASTORE, PELL, PROXMIRE, RIBICOFF, STEVENSON, and TUNNEY have agreed to cosponsor this amendment.

The second proposal is a separate bill which adds to the Highway Safety Act a requirement that States establish programs to inspect the auto emission control system of each vehicle. This inspection program would be supported from the Highway Trust Fund. Senators BIDEN, BROOKE, CASE, CRANSTON, HART, HATFIELD, HATHAWAY, JAVITS, KENNEDY, MOSS, PASTORE, PELL, RIBICOFF, TUNNEY, and WEICKER have joined as cosponsors of this important legislation.

The third proposal is a bill to allow the Secretary of Transportation to direct up to 10 percent of each year's Highway Trust Fund revenues to emergency programs to provide or improve alternative transportation systems in urban areas which are forced, by air quality regulations, to reduce reliance on private motor vehicles. It also authorizes transfer of funds from highway building programs in those urban areas with dangerously high air pollution levels to other transportation system improvement efforts. Finally, it prohibits approval of any new highway construction projects which may cause air pollution to exceed levels considered safe for public health. Cosponsors include Senators BIDEN, BROOKE, CASE, CRANSTON, HART, HATHAWAY, JAVITS, KENNEDY, MOSS, PASTORE, PELL, RIBICOFF, TUNNEY, and WEICKER.

I ask that the New York Times editorial to which I have referred and texts of the three proposals appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMING UP FOR AIR

One of the fiercest battles in the last Congress ended in a stalemate. The Senate voted to open up the sacrosanct Highway Trust Fund to permit the use of $800-million a year for mass transit. Since the fund currently has annual revenue of $5.8 billion, that was hardly a huge diversion from the normal flow of money for highways. Even so, the House Public Works Committee and the highway lobby refused to yield a cent. As a result, Congress failed to renew the Federal Highway Act.

In the new Congress, lines are already forming for another struggle on this issue. Mass transit advocates are seeking a greater share of money from the fund than the Senate approved last lear. Senator Muskie of Maine, for example, has introduced a bill to allot $1 billion a year for buses, subways and commuter railroads. As they have in the past, critics of the highway program point out that major highways in cities and suburbs often disrupt neighborhoods, invade parks, obliterate historical landmarks, and usually intensify the traffic congestion that they are designed to relieve.

But the Environmental Protection Agency's plan for gasoline rationing in the Los Angeles basin to cut automobile traffic sufficiently to meet Federal clean air standards provides dramatic force to these familiar arguments. Los Angeles suffers the worst smogs, but it is not alone. There are 28 cities in 18 states which, according to E.P.A., will be unable by 1977 to meet Federal air quality standards primarily because of their reliance on private automobiles for their basic transportation. Under those circumstances, an improved transit system—either buses, subways or a radically new technology—becomes not merely a desirable alternative but an imperative necessity.

For that reason, Senator Muskie has introduced a bill to provide emergency help. It would authorize the Secretary of Transportation to use up to 10 per cent of Highway Trust Fund revenues for programs to improve or develop transportation systems in those 28 cities. Since subways are enormously expensive to construct and commuter railroads are expensive to renovate, this additional sum or $580 million would not turn the problem around in the near future, but it would make possible a faster start. Combined with even a modest shift of commuters from private automobiles to buses, it could diminish the danger.

Before gas masks and gas rationing become the order of the day, it is time for Congress and the Department of Transportation to draw up the plans and take the action to meet a rapidly developing emergency.

Amendments No. 4

On page 4, lines 19 and 20, strike out "$650,000,000" at each place it appears and insert in lieu thereof at each place "$1,050,000,000".

On page 32, line 14, strike out all through line 10 on page 35 and insert in lieu thereof the following:

"Sec. 130. (a) Section 142 of title 23, United States Code, is amended to read as follows:

"'§ 142. Public transportation

"'(a) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas, so as to increase the efficiency of the Federal-aid system, sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of construction of and acquisition of facilities and equipment for public mass transportation projects. For purposes of this section the term "public mass transportation" means ground transportation which provides general or special service (excluding schoolbus, charter, or sightseeing service) to the public on a regular and continuing basis, and includes activities designed to coordinate such service with other transportation. Projects which may be financed under this subsection shall include, but not be limited to, exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers, construction of fixed rail facilities, and for the purchase of passenger equipment, including rolling stock for fixed rail.

"'(b) To encourage the development, improvement, and use of public transportation systems for the transportation of passengers in such urban areas and rural areas as may be designated by the State and approved by the Secretary on the basis of local transportation need, so as to increase the traffic capacity of the Federal-aid system, sums apportioned in accordance with paragraphs (1), (2), (3), and (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within their respective systems, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail.

"'(c) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"'(d) For all purposes of this title, a project authorized by subsections (a) and (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"'(e) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"'(f) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"'(g) In the acquisition of equipment pursuant to subsections (a) and (b) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environment Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize, wherever practicable, that such equipment meet the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended.

"'(h) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof) shall apply in carrying out the provisions of this section.

"'(i) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"'(j) The provisions of chapters 1, 3, and 5 of title 23 of the United States Code shall apply in carrying out the provisions of this section except with respect to projects within urban areas as to which the Secretary determines the provisions of the Urban Mass Transportation Act of 1964, as amended, are more appropriately applicable.

"'(k) No sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be transferred and utilized on any other Federal-aid system than that authorized by subsection (d) of section 103 of this title.'

"(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"'142. Urban highway public transportation.'

and inserting in lieu thereof:

"'142. Public Transportation.'."

S. 738

A bill to establish and support state inspection programs for auto emission control systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Chapter 4 of Title 23, United States Code is amended by adding at the end thereof the following new section:

"Sec. 405. Motor Vehicle Inspection Programs.

"(a) After January 1, 1975, the Secretary shall not approve a state highway safety program under section 402 of this Act unless he determines that the state has established a program, certified as adequate by the Administrator of the Environmental Protection Agency, to inspect the auto emission control systems of motor vehicles which have been sold in accordance with certifications granted under the provisions of Section 206 of the Clean Air Act (42 U.S.C. 1857 et seq.), which inspection programs shall include:

"(1) An examination of the emission control system of each motor vehicle licensed to operate in the state, on at least an annual basis, to assure that the emission control system is operating properly, and

"(2) As soon as the Administrator of the Environmental Protection Agency has announced the existence of an in-use motor vehicle emission control inspection system in accordance with the provisions of section 207(b) of the Clean Air Act, a test of the operation of the emission control system of each motor vehicle licensed to operate in the state, on at least an annual basis, to assure that emissions of that vehicle do not exceed limits required by regulations published in accordance with section 202 of the Clean Air Act.

"(b) Funds authorized to be appropriated to carry out this section shall be used to aid the states in establishing and operating emission control system inspection centers and shall be available to pay up to 75 percentum of the cost to the state of establishing and maintaining such centers, provided, however, that Federal share of the cost of establishing and maintaining such centers may be increased to 90 percentum of the cost to the state where such centers are also used for inspection programs relating to safety, as prescribed in standards published in accordance with section 402 of this Act.

"(c) Sums authorized to be appropriated in accordance with subsection (d) shall be apportioned among the states in the ratio in which the population of each state bears to the total population of all the states, as determined by the latest available Federal census; provided, however, that the annual apportionment of each state shall not be less than one-half of one percentum of the total apportionment.

"(d) There are authorized to be appropriated to the Secretary of Transportation for implementation of this section, out of the Highway Trust Fund, $300,000,000 for the fiscal year ending June 30, 1974 and $400,000,000 for the fiscal year ending June 30, 1975. Sums appropriated in accordance with this subsection shall remain available until expended.

"(e) The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Transportation, shall publish regulations for implementation of the inspection programs required by this section."

Sec. 2. The table of contents of chapter 4 of title 23 of the United States Code is amended by adding at the end thereof:

"405. Motor Vehicle Inspection Programs"

S. 739

A bill to allow use of highway funds for any transportation improvements necessary to avoid air pollution dangerous to public health, and to prohibit highway projects which may create air pollution dangerous to public health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Subsection (f) of Section 103 of title 23, United States Code, is amended by adding "(1)" immediately following "(f)" and by adding a new paragraph to read as follows:

"(2) (A) The Secretary, upon the joint request of a State Governor and the local governments concerned, shall withdraw his approval for any route or portion thereof designated or selected in accordance with the provisions of subsections (b), (c), or (e) of this section and within an urbanized area where he determines that the Administrator of the Environmental Protection Agency has certified or otherwise stated that the air quality region which contains such urbanized area will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality standard specified for carbon monoxide, nitrogen dioxide, or photochemical oxidants (hydrocarbons) in accordance with Section 109 of the Clean Air Act (42 U.S.C. 1857 et seq.).

"(B) Amounts apportioned to a State for projects on routes or portions thereof for which approval has been withdrawn in accordance with subparagraph (A) shall be transferred to and added to the amounts apportioned to such State under paragraph (6) of subsection (b) of section 104 of title 23, United States Code for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made."

Sec. 2. Subsection (a) of section 104 of title 23, United States Code, is amended by adding "(1)" immediately following "(a)" and by adding a new paragraph to read as follows:

"(2) (A) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum in such amount not to exceed 10 per centum of all sums so authorized, as the Secretary deems necessary to provide emergency assistance for transportation system improvements in those air quality regions within a state which the Administrator of the Environmental Protection Agency has certified or otherwise stated will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality standard specified for carbon monoxide, nitrogen dioxide, or photochemical oxidants (hydrocarbons) in accordance with section 109 of the Clean Air Act.

"(B) Amounts made available to a state in accordance with the provisions of subparagraph (A) of this paragraph shall be transferred to and added to the amounts apportioned to such State under paragraph (6) of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area within the air quality region designated by the Secretary to receive the emergency assistance.

Sec. 3. Section 105 of title 23, United States Code is amended by adding at the end thereof a new subsection to read as follows:

"(h) The Secretary shall not approve any project in accordance with the provisions of this section where he receives a statement from the Administrator of the Environmental Protection Agency that such project may result in a failure to attain any primary ambient air quality standard specified in accordance with section 109 of the Clean Air Act."

Mr. BAKER. Mr. President, I would like to make a brief statement in support of the amendment proposed by the senior Senator from Maine which would allow urban areas to use urban highway funds to supplement other funds available for capital expenditures on public transportation systems.

This amendment is substantially the same as Cooper-Muskie amendment which was adopted by the Senate during action on the Federal Aid Highway Act of 1972 during the last session of Congress. I am sure that this cause will never be more ably championed than by Senator John Sherman Cooper during the extensive committee, floor and conference consideration of that measure. I ask unanimous consent that a portion of his individual views contained in the Senate Public Works Committee Report of the 1972 act be inserted at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. During the last Congress the proponents of the utilization of the Highway Trust Fund to finance the construction of fixed rail transit systems in urban areas were met with the criticism that the proposal would put in jeopardy the completion of existing highway programs, especially the interstate system which is still several years from completion. This criticism is unfounded. There is not a Member of this body who has any greater dedication to the rapid completion of the interstate system than I do. But the Muskie amendment, and the Cooper-Muskie amendment before it, would not divert to public transportation even one penny of funds allocated to the interstate program, to any other rural road program or intercity program.

The proposal would permit urban governments, which have become disenchanted with continued highway building as a response to urban transportation needs, to commit funds coming to them for their urban highway system established by section 103(d) of the Highway Act to the construction of alternate modes of transportation. In this way our cities would be allowed to respond with maximum flexibility to their peculiar needs without fear of forfeiting their share of the highway trust fund. With the high cost of construction of urban public transportation systems and the financial plight of most urban governments, all modes of transportation must compete equally for available funds or critical policy decisions regarding the urban environment may never be made. The time has come for an objective appraisal of transportation problems in the Nation's fast growing urban areas.

I would make briefly two further points with regard to the amendment proposed by Senator Muskie. I feel it is imperative that State governments retain ultimate control over the coordination of transportation systems throughout their State. The basic mechanism of the Highway Act provides the State final approval authority over all highway projects financed out of the Highway Trust Fund. This authority would apply also, I am advised, to development of public transportation systems under the amendment. It should be made clear that this final approval authority may be exercised by the State to prevent use of urban highway funds for the construction of public transportation systems only where the proposed diversion would directly interfere with development of nonurban highway programs. Responsibility for planning and development of urban systems must devolve to a greater degree to urban governments.

There is one other point that I would make in explaining my support for this proposed amendment. The highway trust fund is founded upon the proposition that those using the highway system by special use taxes pay for the construction and improvement of the system. While I do not believe that the pay-as-you-go concept must tie our hands in applying the fund to the development of badly needed alternate modes of transportation, I do not believe either that we can afford to scrap the concept so basic to the funding method. I strongly feel that we must establish a mechanism whereby transit systems supported by funds from the highway trust fund will contribute to the fund in turn.

I realize that at the outset the contributions of these systems could nowhere approach the levels needed from the fund. But I can foresee the day when mass transportation in our metropolitan areas, if efficiently administered, will enjoy such wide use as to be capable of making a substantial contribution.

This is a complex and difficult proposition. For that reason I intend to propose an amendment to the Highway Act commissioning a study by the Department of Transportation of revenue mechanisms, rates, and the impact of various alternatives. I believe that with such an approach mass transit systems can become a viable partner in this Nation's transportation network.

Excerpt From Individual and Supplemental Views of Mr. Cooper—Public Works Committee Report on the Federal Aid Highway Act of 1972

URBAN MASS TRANSPORTATION

In the 1970 highway act, the Public Works Committees and the Congress added to Title 23 U.S.C. a new Section 142, to encourage the development, improvement, and use of public mass transportation systems within urbanized areas so as to increase the traffic capacity of the Federal-aid systems—limited however to systems operating motor vehicles on highways, "other than on rails". The section specifically authorized the Federal share of construction costs, from the Highway Trust Fund, for exclusive or preferential bus lanes, bus passenger loading areas and facilities, and transportation corridor parking facilities to serve bus and other public mass transportation passengers. In recent years amendments have been presented in the Senate from time to time, supported by an increasing body of opinion, to go further and permit use of the Trust Fund for urban mass transit.

I believe it both appropriate and necessary for the Congress to say that Highway Trust Funds allocated to urbanized areas may now be used to supplement mass transportation funds, and that providing such flexibility is in fact the best hope for reducing traffic congestion and maintaining the usefulness of urban highway systems.

In the Committee, Senator Muskie offered an amendment to permit the use of Interstate highway funds within urbanized areas for alternative transportation modes. I offered as a substitute an amendment to section 142 of Title 23, United States Code, permitting the use of Urban Highway System funds for public transportation system construction and equipment—without the prohibition against rail transit. This proposal would allow urbanized areas to use their portions of the $800 million each year, authorized by the Committee bill for the Urban System, for such transportation modes as they determine necessary to meet the needs of their people. Senator Muskie joined in my motion and the decision of the Committee was very close. The "Cooper-Muskie amendment" was first adopted by a vote of 8 to 7, and later reversed.

I am proud that the Administration supports the amendment I offered in Committee and intend to offer in the Senate, in substantially the form I am asking be printed at the close of these views—and which I know is of interest to a number of other Senators.

I do not hold that the Highway Trust Fund as presently constituted can or should be the sole source of financing for both mass transit and highways. Both the Committee bill, which provides Federal funds for the purchase of buses, and my amendment, are in no way designed to permit the reduction or displacement of Federal financing for urban mass transportation. I think it clear that subway systems represent huge capital expenditures in a relatively small number of high-density metropolitan centers, and that the funds made available by this and future Highway Acts cannot possibly provide the primary Federal financing for them. But I think the time has come to resolve this issue, and to enable cities to better manage their capital expenditures for these closely related transportation modes. The possibilities for improvement include especially the development of personal rapid transit (known at D.O.T. as "people movers") for which the design choice of rail, or rubber tire on concrete guideways, should be primarily an engineering and economic decision rather than a statutory policy determination.

By Mr. WILLIAMS (for himself, Mr. Kennedy, Mr. Javits, Mr. Dominick, Mr. Bentsen, Mr. Hughes, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Cranston, Mr. Stevenson, and Mr. Nelson):

S. 740. A bill to extend the program for health services for domestic agricultural migrant workers. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, when I introduced the original Migrant Health Act which was passed in 1962, it was in recognition of the failure of existing private health services or Government programs to provide adequate health care services to the Nation's migrant workers.

The migrant and seasonal farmworker knows the daily tragedy of substandard living conditions, inadequate nutrition, and an inability to gain entry into any health-care system. He and his family are constantly plagued by communicable and chronic disease.

There was no mystery as to the reasons for these conditions. The average family income during the 1960's for a family of five was less than $2,500 per annum according to Department of Labor estimates. The depressed lifestyle of migratory laborers and their families, the isolation and exploitation they faced, and the lack of social services available to them as they crisscrossed the Nation from Texas to Michigan, Florida to Ohio and New York, from Arizona to California and Washington is evident.

In 1973, health care conditions for the migrant farmworker remain critical. According to the Department of Health, Education, and Welfare, the migrant health program still reaches less than 10 percent of the eligible population, and this is due largely to the inadequacy of funding levels.

A large number of studies have documented the poor health of migrants as a group. Among the findings of these studies are the following:

Migrant births occur outside of hospitals at nine times the national rate—18.1 to 2.4 percent.

Infant mortality for migrants is 25-percent higher than the national average—30.1 to 24.4 per 1,000 live births.

Mortality rates for TB and other infectious diseases among migrants are 2½ times the national rate; for influenza and pneumonia, it is 20-percent greater than the national rate.

Hospitalization for accidents is 50-percent higher than the national rate.

The average American has seven times the numbers of medical visits per year than the average migrant—4.3 against 0.61 visits.

In 1968, $12 per capita was spent for health services for migrants; more than $250 per capita was spent nationally.

But the first 11 years of the Migrant Health Act has clearly demonstrated that there are ways of developing health services for the Nation's migrant population. Night family health clinics have been started in labor camps. Bilingual personnel are employed. In fact, it was within the migrant health program that the recruitment and training of the bilingual community health worker was first started in a project in Kern County, Calif., in 1964. Some of the migrant projects, particularly in the Northern States, have made impressive strides in developing one-stop comprehensive primary care service. In other States, the migrant health program has provided financial incentives to existing health facilities seeking to induce them to accept migrant patients.

By 1971, as a result of a special migrant task force, the migrant health program had developed several prototypes of health care delivery services for various migrant populations. Ironically, despite the popular notion that it would be impossible to establish anything but makeshift operations for migrants in rural areas, it has been demonstrated that in less than 3 years, most of the projects could develop on-site laboratory capabilities, basic diagnostic services, family centered primary care rather than fragmented categorical clinics, bilingual personnel, on-site medical services and referral services to specialty practices.

Mr. President, despite the progress which has been made over the last 11 years in providing health care to migrant workers and their families, we have learned that the administration in its 1974 budget proposes to recommend the termination of the Migrant Health Act together with its built-in program direction and safeguards. In my judgment, this represents a callous disregard for everything which we in the Congress have worked to achieve—providing the migrant worker with a basic right to health.

Today, together with Senators Kennedy, Javits, Dominick, Bentsen, Hughes, Mondale, Pell, Randolph, Cranston, Stevenson, and Nelson I am introducing the Migrant Health Act Amendments of 1973. This represents not only our commitment to extending this important Federal initiative but also a recognition of the need to address ourselves to some additional problems which remain in the implementation of an effective health program for migrants.

In 1965, the Migrant Health Act was amended to include the provision of "necessary hospital care," but HEW determined that hospital care costs would not be covered by the program because of the low level of total funding. Attempts have been made to use medicaid and other Federal, State, or local payment programs to provide hospital care, but they have met with little or no success.

A November 1969 HEW task force report concluded that few States provide any medical assistance under medicaid for migrants, and, similarly, a 1971 OEO report found only 3.2 percent of migrants in Florida were covered by medicaid.

The most recent study conducted by Community Change, Inc., an HEW-funded year-long evaluation of the migrant health program, also found that migrants were not covered by medicaid or medicare and generally were excluded from any hospital care.

The study said:

> The site visits made it clear that comprehensive health services without hospital access were simply not comprehensive. Relying on "other resources" or "local responsibility" resulted in limited hospitalization, critical delays and numerous personal indignities.

Last year in testifying before the Senate Subcommittee on Migratory Labor and the Senate Subcommittee on Health, a representative of the lower Rio Grande Valley stated:

> To be admitted, the patient must pay a $150.00 deposit or sign a promissory note if he cannot show coverage under some kind of insurance plan or policy, regardless of his income or ability to pay. If the migrant worker or indigent is unable to pay his bill, the hospitals seek to collect on the promissory note. After repeated attempts have failed, the notes may be turned over to collection agencies who use whatever means available to collect.

Recently published Hill-Burton regulations have virtually closed the possibility of migrants getting hospitalization under the "free care" provision, and migrant health projects have been instructed not to allocate funds to hospitalization because of the drain this will cause on their resources.

This problem and others are addressed in this bill by first, increasing authorizations for the program generally, second, establishing separate authority for payment of hospitalization costs for migrants, and third, permitting the Secretary to authorize migrant health projects to pay premiums for prepaid health care plans where such projects so request.

Another important provision of this bill relates to an amendment to the migrant health program enacted in 1970—Public Law 91-209—which mandated:

> Persons broadly representative of all elements of the population to be served must be given an opportunity to participate in the development * * * (and) in the implementation of such programs.

This provision was adopted following extensive hearings by the Migratory Labor Subcommittee into the powerlessness of the migrant worker. In May 1972, HEW published a final version of the migrant health regulations which had a somewhat weakened provision for consumer participation. After an inquiry from Members of the Senate, representatives of HEW stated that they would like to strengthen the language regarding consumer participation, but that the existing legislation did not justify it.

It was further stated that according to studies sponsored by HEW, consumer-based projects did in fact demonstrate "the greatest likelihood of operating a comprehensive health project which can meet the performance requirements of scale, accessibility, acceptability, and efficiency."

Testimony before subcommittees of the Labor and Public Welfare Committee has repeatedly revealed racial and cultural indignities which must be borne by the consumers of migrant health services. Consequently, this bill establishes a priority in the awarding of grants to those grantees whose policymaking boards are comprised of a majority of migrant and seasonal workers.

Mr. President, according to HEW, there are approximately 1,000,000 migrants and dependents. Also, there are approximately 3 million seasonal farmworkers who are eligible for service under this act. The Department's budget requests, however, have been geared to reach less than 10 percent of the target population.

The HEW estimate of the total cost of providing both comprehensive care and hospital services to the farmworker population eligible under the act was $600 million. Therefore, it is not surprising that in the past with low levels of budget requests and appropriations, it was impossible for the migrant health program to provide comprehensive care to the program recipients.

Most projects found it difficult, if not impossible, to provide the services that were considered essential to a comprehensive care facility. They also found financial restraints preventing them from providing the transportation facilities which were needed for adequate outreach.

In some of the more temporary or short-term projects where services are purchased on a visit-by-visit basis through the season, clinics have had to close before the migrants have left the area because the clinics ran out of funds. Other projects have cut corners by cutting down hours of clinic services. A visit to most of the clinics will show that funds are not used for spacious quarters or elaborate architecture. In fact, many of the projects have difficulty in meeting the human dignity requirement since they had no money to build adequate partitions or seating facilities for patients.

In addition, each year the program is left with a stack of approved but unfunded projects which are needed to serve other migrants but which cannot be funded because of inadequate appropriations. According to HEW, there are almost 900 counties that have a seasonal migrant impact, and 700 of the counties are not covered by the current program.

Each year, despite reports from the Department of Labor that fewer and fewer migrant and seasonal farmworkers will be utilized due to mechanization, existing projects keep reporting an increased caseload. Berrien County, Mich., for example, which is one of the largest migrant impact areas, has reported at least a 25-percent increase over the previous year for each of the past 3 years.

Sister Cecilia Abhold, administrator of the east coast migrant health project, has found that 77 percent of all migrants interviewed stated that they plan to be a part of the migrant stream next year, while only 17 percent indicated that they were in their last season. The sad fact is that migrant workers continue to seek work despite the fact that there indeed might be fewer jobs each year.

In the words of one migrant health project director describing one patient who came to his clinic:

> Recently he came to the Center for a follow-up examination and he thanked those who had assisted him. Without the specific advocacy of the Center, he might well have died at an early age. His only fault being that he, like thousands of others, does not fit into any of our neat programmatic medical insurance plans, nor does he have the resources to provide for his own care. He works in a most difficult and strenuous occupation, that of picking the food for your tables. The fruits of his labor are like those of many like him; he is poor, alienated and excluded from most meaningful social legislation; for although we are willing to benefit from his misery we are not willing to accept, and readily extricate ourselves from, the responsibility of providing for his most basic needs. This may be politically, and economically expeditious; but it also appears cynical and immoral.

Mr. President, this bill was unanimously reported by the Labor and Public Welfare Committee last year and passed the Senate on August 17, 1972, by a unanimous vote. Unfortunately no action was taken on this bill by the House.

There can be no question that the beneficiaries of this program are deeply concerned about its future. In the last several weeks I have received scores of letters urging me and my colleagues to act promptly to continue the Migrant Health Act. This outpouring from every section of this country is a further indication of the need for prompt action to continue this vital effort. I ask unanimous consent that a representative sample of this correspondence together with the text of the bill be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

January 17, 1973.

Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: It has been brought to my attention that the legislation that provides for the Delmo Migrant Health project is in jeopardy.

There is already a shortage of seasonal farm workers in this area and if this health assistance is eliminated it may decrease the amount of workers even more.

These people have a lower income and probably could be considered for welfare assistance which would cost the state more.

I would appreciate it if you would vote a renewal of this legislation.

Sincerely,

R. J. Swartz, D.D.S.

Accomack County Schools,
Accomac, Va., January 15, 1973.

Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: I write to urge you to approve legislation extending the Migrant Health Act.

I serve as chairman of the Project Policy Board, an advisory group for the migrant health services in this two-county area, and I can testify as to the great benefits the Migrant Health Act has brought to America's "forgotten people."

Your cooperation will be greatly appreciated.

Respectfully yours,

A. K. Fisher,
Assistant Superintendent.

Burlington County Community
Action Program,
Burlington, N.J., January 17, 1973.

Senator Harrison Williams,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: The quantity of migrants in New Jersey has diminished since my initial contacts with you and Willie James in 1964. Unfortunately, the quality of need has strangely maintained itself among migrants. It is our feeling here in Burlington County that any "coming up for breath" or relenting in our efforts to serve this often forgotten segment of the American population will have century long negative consequences. It is our fond hope that the influence of your office, ability, and experience will be meaningfully employed to insure that during the 93rd Congress;

1. Migrants are provided necessary, health, education and welfare benefits for the "good life",

2. A Chairman is appointed, with a feel and feeling for migrants as citizens of this great nation, to lead the Senate Sub-Committee on Migratory Labor.

Your continuing concern and cooperation in this matter is not taken for granted and greatly appreciated.

Sincerely yours,

Enoch B. Rochester,
Executive Director.

Maricopa County Rural Action
Committee,

Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: The Maricopa County Rural Action Committee has been meeting for over 8 years. The express concern of this committee has always been for the "Total" Health and Welfare of the migrant family. Therefore, we have had the opportunity to observe first hand the changes in the health of the migrant community. These changes (all definite improvements) would not have been possible if it had not been for the Migrant Health Act.

We can testify that the results achieved through a very active health committee have been very good and well coordinated. We have seen what a program administered properly has done for these people. The committee would like to go on record as giving full support to the Migrant Health Act. We would certainly hate to see all this effort and accomplishment go down the drain, particularly at the expense of the migrant people!

Very sincerely yours,

MARIE HARMON,
Secretary.

THE MEDICAL COLLEGE OF WISCONSIN,
Milwaukee, Wis., January 5, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I have served as project physician at the Waushara County Migrant Health Center for the last two seasons.

I have been deeply impressed by the health needs in the migrant population in Wisconsin, the lack of available and appropriate srvices for this group, and the changes in health status and understanding that have come about because of the services funded by The Migrant Health Act.

I would regard the cessation of this funding as an utterly deplorable and irresponsible act, particularly since the only visible reason for doing so would be to lighten the debt incurred by our misadventures in Southeast Asia.

I would be most pleased to testify to the need for and success of migrant health funds in Wisconsin. We have collected data and experience which I believe would be of some value, were the need for this service not entirely obvious.

Let me also take this opportunity to support all efforts to end funds for military personnel and equipment in Southeast Asia.

Sincerely,

PETER M. GREY, M.D.,
Resident.

CRANBURY, N.J., *January 25, 1973.*

DEAR SENATOR WILLIAMS: It has come to my attention that the Congress may not extend the Migrant Health Act, thus terminating all funds for medical services to migrants and seasonal farm workers.

I have worked in my community with both professional and volunteer organizations serving migrants for at least 10 years. I feel that I know something of the plight of the migrant and the importance of continued commitment to funds which would meet some of their desperate health problems.

I implore you to do all you can to see that the Migrant Health Act continues.

Sincerely,

KATHRYN SHANKWEILER.

EAST SIDE HEALTH CENTER,
Greeley, Colo.

SENATOR HARRISON A. WILLIAMS: I am a project administrator for a health center established under HEW Migrant Health funds. The purpose of this letter is to urge you to continue and extend the Migrant Health Act.

As a taxpayer, I feel that clinics such as ours, are invaluable to the well being of our nation. Through the years, it has become very apparent to me, that many citizens cannot afford and do not receive adequate health care. In order to have a population that can be employed and self-supporting, they first must possess good health.

I would like to share with you a little about our community. It is a rural area composed of approximately 100,000 people, many of whom make their living from agriculture. Over 20% of the population are considered rural poor, or seasonal workers with an additional 10,000 migrant farm laborers. Yet, this is one of the richest counties per-capita in the state of Colorado.

The political climate in this area is, "we do not want federal funds, or the 'feds' telling us what to do". In spite of this, revenue sharing dollars are readily received and are to be spent on "capital improvements such as highways and new buildings".

Obviously under current attitudes, projects such as ours cannot survive. I am confident that with renewed funding, eventually health centers such as East Side, if they work within the community setting, will demonstrate and document the need for on-going health care for all citizens, and will become part of the total services supported by the community. This is a slow and tedious process, and with this goal in mind, federally funded sources of health care must continue to survive until this goal is accomplished.

If the funding source, Migrant Health Act is not extended, goals such as above must be abandoned and more critical, people—Americans who have had a taste of adequate health care and are learning to utilize it, will once again be left with nothing. This situation can do nothing but produce an environment of unrest rather than the peace and harmony we Americans are striving for in the 1970's.

I urge you please extend the Migrant Health Act!

Enclosed is the reprint of an article which appeared in the local newspaper. It is one of the many attempts to create positive attitudes regarding the East Side Health Center.

Sincerely,

PATRICIA A. FAY, R.N.,
Project Administrator.

DEPARTMENT OF HEALTH,
Kingston, N.Y., January 16, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As a member of a Migrant Health Project. I am advocating the necessity to extend the *Migrant Health Act.*

The general health of migrants and seasonal farmworkers is crucial. Migrant Health Projects which are dependent upon the continuation of the *Migrant Health Act* work toward improving the health of migrant workers. Programs such as ours try to deliver health measues to these people, who otherwise would have no health care whatsoever.

The right to health care should be given to all. Migrants are medically indigent for the most part. Migrant Health Programs are dedicated to improve this situation. Without the *Migrant Health Act,* migrant workers will find themselves in a more serious situation.

Should they be denied health care? If the *Migrant Health Act* is abolished, they will be denied the right to have health and health services.

I am making this plea to you. Please do whatever you are capable of doing in regard to revitalizing the *Migrant Health Act.* Thank you for your time and consideration.

Sincererly yours,

GEORGE ALTIMONDA,
Program Planner.

TEXAS STATE DEPARTMENT OF HEALTH,
Austin, Tex., January 8, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: There is considerable concern that the Migrant Health Act, which provides medical services to migrant and seasonal farmworkers, will be terminated in June of 1973.

I am asking your support for the continuation of the Migrant Health Act for the following reasons:

(1) The recipients of this program have little or no medical care provided for them. Most of them do not qualify for welfare or other means for emergency medical care.

(2) Economic Impact on Agriculture—Farmers have increasing problems of obtaining adequate labor. Migrant Health Care Projects have shown that migrants consistently return to the area where they can get medical attention, thus producing a reliable labor force for the farmer.

(3) Economic Impact on Existing Medical Care Delivery Systems—Hospitals cannot absorb additional indigent cases. Patients (migrants and seasonal farmworkers) are usually seen in the clinic setting. Lack of funding will cause an increased indigent patient load on the physicians and city or county emergency medical funds. In brief, migrants and seasonal farmworkers will not receive medical care.

Thank you for your active participation and support of the Migrant Health Act.

Sincererly yours,

BILL F. MITTAG,
Texas Migrant Health Program.

WAUSHARA COUNTY MIGRANT HEALTH PROJECT,
January 11, 1973.
SENATOR H. A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Waushara County Migrant Health Project presently has two clinic sites, one at Wautoma, Wisconsin and one at Endeavor, Wisconsin. Each year a substantial number of migrant farm workers come to our area to work in the fields and processing plants. Wautoma also has a large influx of tourists. The population of the area more than doubles in the summer. Without the Migrant Health Clinics, the providers in the area would be hard pressed to serve everyone needing medical care.

The Migrant Health Project is severely needed for more than the above stated reason. The average migrant family size is six; the average family annual income is under $2,100.00. The amount of Migrant Health Act funds expended in fiscal year 1972 was expected to average 5.10 per person. As a nation, we average 324.100 for health needs per person. The private consumer is estimated to spend 204.00 for his health costs. So it is little wonder that the infant mortality rate for migrants is 2½ times the national average. Mortality rates for tuberculosis and other infectious diseases are 2½ times higher than the national rate as well. The average life expectancy for the migrant is under 60 years of age; for the average U.S. citizen is over 70 years of age. The migrant infant death rate is over 68 deaths per 1,000 live births. The statistics for today's migrants are comparable to the national average in the year 1930. A recent study found that under age 3, some 59 per cent have never had immunizations.

These statistics provide grim evidence that the Migrant Health Act not only should be extended but that its funds should be increased.

In an affluent America, let us not allow children to suffer crippling diseases because of lack of immunizations. Unlike other less transient members and aspirants of the "American Dream" the migrant does not have the necessity of employer matched health insurance. His ability to receive help is often stifled by not meeting residence requirements, yet he picks the nations crops.

This letter constitutes a fervent appeal a strong request that the Migrant Health Act be extended with increased funds.

Sincerely,

JAMES NIEMEIER,
Project Director.

KANSAS CITY-WYANDOTTE COUNTY,
DEPARTMENT OF HEALTH,
Kansas City, Kans., January 5, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington D.C.

DEAR SENATOR WILLIAMS: I am writing you to request your support of the Migrant Health Act (under the Department of Health, Education and Welfare) which, it is my understanding, is in serious jeopardy.

The Kansas City-Wyandotte County Health Department has had a Migrant Health Grant for nine years. Our close association with the migrants makes me feel that I can speak authoritatively about the magnitude of the health problem these people have.

In my opinion, it would be a serious mistake if the Migrant Health Act was discontinued—a mistake that the United States cannot well afford to make. These migrants live under very minimal health conditions, both at their home base and in the areas to which they travel seeking work, and cannot afford to pay for medical and health-related services from their meager earnings. They tend to have large families and to live in very crowded conditions in an insanitary manner which promotes and fosters communicable diseases and infections.

Although the Kansas City-Wyandotte County Health Department is not applying for a grant after the expiration of our present one because of the change in the Federal Guidelines as established by the *Federal Register*, we know that the migrants coming into this county will still require some agency or some mechanism to take care of their health needs. We, therefore, request your support in seeing that the Migrant Health Act is continued.

Very sincerely,
N. G. WALKER, M.D., M.P.H.,
Director.

HEALTH DEPARTMENT,
Modesto, Calif., January 10, 1973.
Hon. JOHN J. MCFALL,
Chairman, House of Representatives,
Washington, D.C.

DEAR MR. MCFALL: It has come to my attention that the Migrant Health Act will expire in June of 1973. Since we have many seasonal agricultural workers in our county and at present have a very fine rural health program funded by Federal money, the Health Department is very concerned about the serious effect on the health of the farm workers if this program were to be discontinued.

I have personally had a very close association from the beginning with the Stanislaus County's Migrant Health Program (now called the Rural Health Program). Upon starting in 1967, as Assistant Health Officer to Dr. Robert Westphal, I was assigned the task of developing a health program for seasonal agricultural workers. After extensive study of the problem, the Health Department encouraged the Medical Society to seek a grant to provide health care to the farm workers.

The program was funded and was unique in providing a nurse at each of the housing centers. She provided health education, assistance in making appointments and getting to physician's offices, did minor physical screening and, in effect, served almost as a physician assistant. She was helped by a Spanish speaking aide recruited from the people being served. The two became well acquainted with the needs of the people and helped in every way to see that these needs were met in a comprehensive way.

Almost 16,000 visits were made to the 3 nurse's offices. About 3,000 were referred to private physicians—all outpatient services being paid by the program. Over 2,500 referrals were made to other agencies; Welfare, Family Planning, Public Health, Mental Health, Food Stamps and Hospital. Thus, over 10,000 services were performed by the nurse acting in an extended nurse role. The above figures were for the year 1972.

This has been an excellent program for the farm workers and their families. It has provided a broad scope of health services which have been coordinated with the Health Department. This has been done, I believe, at a minimum cost for the services rendered. Since farm workers are unable to pay for the majority of their medical care, it must be subsidized in some manner. The Federal Government seems the most appropriate agency to do this. I would make a strong plea to continue the funding of the Health Care Program for the seasonal agricultural farm workers.

Sincerely yours,
ROBERT W. WATSON, M.D.,
Health Officer.

MIGRANT ACTION PROGRAM,
Mason City, Iowa, January 9, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: The hope, that the Migrant Health Act brought in 1962 to the migrant and his family, *must not die!!* We strongly feel that you, who are "our voices," must see to the legislation extending this help.

We have taken a long step in the right direction—an on-going health program both to the migrant who remains in the stream and the one who settles out; but we have only *begun* to scratch the surface. Having given the migrant a glimpse of a better way of life through education and good health care, we can not stop now.

With automation reaching into Iowa more and more, we know machinery is definitely taking the migrant's place but as long as there are some areas where machinery can not take the place of human hands, there is a need for a migrant health program to give aid to the migrant. In the light of this, we need the continuing support of the Migrant Health Act. Only through this help can we see our objective of reaching and maintaining a more healthful standard of living for the migrant.

We truly are our "Brother's Keeper"—only through your support will this be possible.

Very truly yours,
BETTY CURTIS, R.N.,
Health Coordinator.

STATE OF MINNESOTA,
Minneapolis, January 3, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: We understand that unless the United States Congress approves legislation extending the Migrant Health Act there is danger of the Act being terminated June 30, 1973.

May we urge you to vote in favor of the extension and continuation of the *Migrant Health Act*. We believe that there is a crucial need among the migrant and the seasonal farmworkers to have their health needs cared for through programs that function under the Migrant Health Act, and therefore, it is an absolute necessity to *extend* the *Migrant Health Act.*

Yours truly,
D. S. FLEMING, M.D.,
Director, Division of Disease Prevention and Control.

STATE OF OHIO,
DEPARTMENT OF HEALTH,
Columbus, Ohio, January 5, 1973.
Hon. HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: A copy of the 1972 Annual Report for the Ohio Migrant Health Program is enclosed. While it is a lengthy report, it does document the extent of health care services provided to migrants for the $774,124 in Federal funds allocated to the State. Within the report you will find examples of the medical needs of migrant families. A very short summary is enclosed in the back of the report.

The health services have been made possible only through the Migrant Health Act which is due to end June 30, 1973. The Act has given access to comprehensive health care services to migrants.

Your support of legislation to continue the Act and at a higher level of funding is needed. It is essential to the well-being of migrants and supportive to a great number of health care providers who have become involved in the program over the years.

Sincerely,
T. A. GARDNER, M.D.,
Assistant Director of Health.

KLICKITAT-SKAMANIA COUNTIES COMMUNITY ACTION COMMITTEE,
Stevenson, Wash., January 25, 1973.
Hon. HARRISON A. WILLIAMS,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SIR: We urge you to use your influence to insure that the Committee on Migratory Labor continues to be a strong advocate for rural housing for the poor.

To carry out these objectives requires strong committee leadership and an adequate staff to handle administrative responsibilities.

We sincerely hope that the freezing of the subsidy programs is not an indication that housing for the poor is no longer a priority of this administration.

Thank you for your consideration.

Sincerely,
HENRY STEPHENS,
Executive Director.

MODESTO, CALIF.,
January 22, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

SIR: Recently I received a letter stating that the *Migrant Health Act* is in serious jeopardy unless legislation approves an extension of this act. As a nurse in the Patterson camp I feel that the services rendered to these people through our Rural Health Office are a vital part of their continuing health and education.

Nearly all of the health education received by the rural farm worker and migrant farm worker originates in our office. If this office were closed, the health of these people would be in danger due to their lack of knowledge in health areas, and lack of funds with which to seek other medical help. For example, a large number of people in the Patterson area are diabetic and concerned about their problem but don't have the education and understanding of what is involved or how to treat it.

For the fiscal year 71–72, in this County, the Stanislaus Rural Health Care Program saw 15,856 people, all of which were screened and referred to private medical doctors. Referrals to various community agencies such as Family Planning, Welfare, Public Health Clinics and Mental Health, totaled 2,635. Then, 10,400 were seen and terated by the R.N. in the Health Office.

For these reasons, I urge you to extend the *Migrant Health Act.*

Yours very truly,
MARILYN HOLLOWAY R.N., PHN.

JANUARY 11, 1973.
Senator HARRY F. BYRD, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SIR: I have been informed that the Migrant Health Act under the Department of Health, Education and Welfare will terminate in June, 1973 unless extended by Congress. As health director for Accomack and Northampton Counties I ruge you to support legislation to continue and extend the Migrant Health Act.

For the past 9 years the Virginia State Department of Health has been the recipient of a grant under the above act, most of the funds being spent in Accomack and Northampton Counties for medical care of migrant and seasonal farm workers. The need is as great today as it was when the program began 9 years ago. In fact I can see no way to assure these hard working, low income, poorly educated, transient people of health care without federal funds for the following reasons:

1. a. Their incomes are not usually sufficient to pay for short term illnesses and they are not aware of the benefits of spending money on preventive medicine. b. Their incomes are never sufficient to pay for hospitalization or long term illnesses.

2. The communities in which they work seasonally are usually rural and many are economically depressed. Therefore I cannot foresee the local communities absorbing the bills for migrant medical care.

3. Since migrants seldom reside in one place long enough to be regarded as "residents", they belong only to the nation, not the locality where they happen to reside for a short period. Their health and welfare is the responsibility of the nation of consumers who enjoy the products of their labor.

I do forsee a change in the delivery of health care to migrants in this area. In November, 1972 the Virginia State Department of Health was awarded a $25,000 grant to conduct a feasibility study for a health care delivery system in Accomack and Northampton Counties. Any proposed system will include the 5,000 to 6,000 migratory laborers who work here each summer and funds will be needed to "buy into" the system adopted.

Since the numbers of migrant laborers is declining very slowly, I foresee the need for federal funds for their health care for many years and urge you again to extend the Migrant Health Act.

Yours very truly,

DELLE D. FEARS, M.D.,
Director.

BOARD OF CHURCH AND SOCIETY OF
THE UNITED METHODIST CHURCH.
January 26, 1973.

Hon. HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: The General Conference of The United Methodist Church, meeting in Atlanta, Georgia in April, 1972 adopted the following resolution in regard to farm workers:

Calling for special attention is the situation of farm workers in the U.S.A. Traditionally they have been among the most poorly paid, housed, educated, and served by health, welfare and other social agencies. They have been systematically excluded from all, or nearly all, the benefits of social legislation. . . .

The United Methodist Church will continue to press for better educational opportunity, housing, and welfare services; more adequate minimum wages, and full coverage by all social legislation designed for the protection of (farm) workers.

I call this policy statement to your attention because it clearly speaks to the need for extending the Migrant Health Act which expires in June, 1973. If this Act is not renewed and adequately funded, health services needed by over one million farm workers will be terminated. This would obviously be unjust for these persons presently are among the poorest paid workers in the United States and cannot afford adequate private health care.

The Board of Church and Society of The United Methodist Church is opposed to allowing the expiration of the Migrant Health Act. We urge you to use your influence to strengthen and broaden health care for migrant workers before June, 1973.

Cordially yours,

LUTHER E. TYSON,
Director, Department of Economic Life.

SOUTHWEST MIGRANT ASSOCIATION,
San Antonio, Tex., December 29, 1972.

Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: In reviewing government supported programs dealing with needs of humans whose present socio-economic and health status is way below the normal status, we the board members of the Southwest Migrant Association (Migrant Health Project) wish to bring to your attention the work which our organization through your financing has provided.

The human needs of migrants cannot be over-emphasized. It is common knowledge to all our society that the migrant worker suffers deprivations which are alien to other citizens.

We take a look at people who have self-inflicted on themselves and their families the poverty and squalor in which they now live—for example the drug addict and the alcoholic, this does not mean that help should be withheld from these, but surely one needs to face facts regarding migrants whose plight has been the outcome of circumstances which they have not engendered. May we at this time enumerate the causative factors of their miserable plight

Number one factor is inadequate educational facilities which could have been remedied many years ago but were not.

Number two would be the facts of non-gainful employment, a result of cause number one.

As number three we could mention inadequate housing, inadequate diets and cultural mores which because of ignorance have not been eradicted.

As time goes on and better educational facilities are provided and better health provisions and health education is given, the migrant should reach an adequate level of self-sustenance and therefore become assets to the national economy.

Even though at present the migrants hold a low Bio-Socio-Economic and Educational status, he is the one on whom farmers depend to supply the nutritional demands of our ever-growing and increasing society.

We at this project are rendering services which enable the migrant to keep healthy and maintain a certain amount of dignity which belongs to every human being which has been placed on the face of the earth.

Health needs for migrants and their families are crucial at this time and any other time. On the health of the migrant depends the nutritional health of our people. Therefore, we ask that our services remain until that time when these citizens obtain the education needed to guide them into other endeavors.

RAUL SALDIVAR,
(And 11 others).

SARASOTA COUNTY
HEALTH DEPARTMENT,
Sarasota, Fla., January 4, 1973.

Re Migrant Health Act.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Migrant Health Act has been the basis for medical programs in State and County Health Departments for years. It has brought services directly to the migrants who have not been able to enter the mainstream of private medicine. It has also served as an entry point for many migrants into this mainstream. At this point in time, to discontinue the Migrant Health Act would destroy many effective health programs that rely on migrant project funds for part or all of their support.

The Migrants as a group need special attention from public providers of health services because of their unique social and economic problems. As they travel with the crops and seasons, special provisions for their health care must be given by an understanding and concerned group of health workers. The public health team concept best fits their varied needs. Even if they were provided with the necessary funds to buy health services they would have difficulty getting into doctors offices, clinics, etc.

May I respectfully urge you to support the extension of the Migrant Health Act beyond June 1973 for at least another three years or until an equally effective plan for health services can be implemented to provide for the health needs of seasonal agricultural workers.

Sincerely,

JOHN F. MCGARRY, M.D.,
County Health Director.

JANUARY 2, 1972.

The Utah Migrant Council has been informed that the Migrant Health Act under the Department of Health, Education, and Welfare may be terminated in June 1973.

Our health project depends heavily on this financial assistance. Although we try to work closely with available medical facilities and programs within the state of Utah, we have found that due to discriminatory practices from some health providers and permanent residency requirements, many of our people cannot receive adequate medical care. These problems were beginning to ease with the assistance our health project provided.

Our program assists both the local medical providers and the migrants. The financial aid from this grant not only affords primary health care for our people, but enable the migrant council to enlighten the local communities about the migrant health needs.

I feel that if this Migrant Health Act is not renewed by the United States Congress in June, a grave injustice shall be dealt to all of the migrants throughout the states.

Sincerely,

BALDEMAR VEDIA,
President, Utah Migrant Council Board.

JANUARY 3, 1972.

I'm writing this letter to elicit your support for the extension and continuation of the Migrant Health Act under the Department of Health, Education, and Welfare. Also, I would like to point out the crucial medical needs of the migrants and seasonal farmworkers in Utah.

First of all, the Utah Migrant Council Health Project funded under the Migrant Health Act provides the only form of medical services to migrants and seasonal farmworkers in Utah. Due to the residency requirements in this state, migrants cannot receive medical benefits under the Title XIX Program (Medicaid).

Secondly, migrants and seasonal farmworkers have experienced the general problems of low-income, rural Americans as well as the special ethnic, racial and language difficulties. The culture of the migrant is distinctly different from the general Utah society and presents some problems. For example, migrants retain many of their own folk medicine beliefs leading to mistrust, ignorance and misunderstanding of scientific concepts of health and disease. These ideas hamper the effective use of prescription medicines as well as delay the recognition of some disease symptoms. Additionally, there is among the migrant population an inadequate understanding of health maintenance activities such as pre-natal care, good nutrition, family planning, immunizations and routine surveillance for disease.

Migrants have for a long time suffered many injustices, but to take away the rights of medical services is the biggest injustice this nation could do. Migrant workers suffer from bad living conditions, lack of education and training, poor wages, and discrimination. There is also a reluctancy on the part of medical providers to serve migrants. This nation has many problems of its own, one of which is the migrant farmworker.

The Migrant Health Act has been a limited program but it has provided limited medical care to migrants and has provided the awareness of migrant problems to the local level and has been a mechanism to bring about changes in the health delivery system to better serve the low-income specifically Indian/Chicano health needs. To do away with the program would leave the migrant and seasonal farmworkers without health services which are very much needed. I would like to suggest that the Migrant Health Act's financing be expanded rather than discontinued. This last year's appropriations are unrealistic and inadequate in terms of needs and number of migrants.

A strong voice from you in this matter would greatly be appreciated.

Vaya con Dios,

GABE VEGA,
Director, Utah Migrant Health Project.

PLAINVIEW-HALE COUNTY
HEALTH DEPARTMENT,
Plainview, Tex., January 3, 1973.

Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Although funds have been extremely limited, Migrant Health Projects throughout this nation have contributed significantly to the health and well being of the migrant and seasonal agricultural farmworkers. Until a more efficient system of health care delivery to certain target populations is developed, this present means of delivering health care should be retained.

We urge support in extending the Migrant Health Act until such time that our nation can more effectively meet the needs of the medically indigent.

Your support in this matter is greatly appreciated.

Respectfully yours,

GERALD W. WAGNER, M.D.,
Project Director, Plainview-Hale County Migrant Health Project.

COLUMBUS, IND.,
January 4, 1973.

DEAR SIR: We deal on a day to day basis with the widespread, multi-faceted problems of migrant farmworkers. The lack of medical services and facilities available to migrants is indeed a crucial problem. If the Migrant Health Act is terminated migrants will have no means to receive medical services. This cannot be allowed to happen. Migrants are forced to suffer such incredible injustices already; please, do not allow the termination of medical services to be added to the ever ending list of injustices.

We are confident that if one investigates the dire need for medical services migrants have he will wholeheartedly support the continuation of the Migrant Health Act.

We strongly urge you to support the passage of this act and to persuade your colleagues, also, to support this bill. It is imperative that these services remain an active force for migrants.

Sincerely,

BENITO LOPEZ,
Director.
DONICIO ALEMAN,
Coordinator.
FRANCISCO CORTEZ,
Outreach worker.
LARRY PENA,
Outreach worker.
DEBBIE MELLOAN,
Secretary.

PALM BEACH COUNTY
HEALTH DEPARTMENT,
West Palm Beach, Fla., January 2, 1973.

The Ad Hoc Committee To Save the Migrant Health Act, Washington, D.C.

DEAR SIRS: No group in our Nation is more underprivileged than agricultural migrants. Their many health problems result from poverty, poor housing and sanitation, inadequate education, lack of resources for medical care and migratory living patterns. Language and cultural barriers, lack of transportation and related factors interfere with obtaining health services.

With passage of the Migrant Health Act, limited funds became available to develop services specifically designed to meet health needs of agricultural migrants and seasonal farm workers. Despite the fact that appropriations have permitted services to be initiated in only a portion of the farming areas, and have been grossly inadequate in comparison with the needs, a great deal has been accomplished, with a potential for much more if support can be continued and increased.

Experience has demonstrated that other health programs will not meet the peculiar and specific needs of these most necessary and worthy people. Relatively few have qualified for Medicare and Medicaid. General services which are not adapted to working and living patterns, mobility, language and cultural obstacles will not be effective.

At this critical time, when there is hope that our long standing commitment can be met by building on past experience and by developing new approaches, we should not withdraw support, but instead we should increase it.

We need the Migrant Health Act. Please give your strong support toward its continuation, with increased funding.

Sincerely yours,

C. L. BRUMBACK, M.D.

GEISINGER MEDICAL CENTER,
January 19, 1973.

Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Geisinger Medical Center as the major provider of medical care to migrant workers in the Commonwealth of Pennsylvania fully supports an extension of the Migrant Health Act.

Each year the Geisinger Medical Center in co-operation with the Pennsylvania Department of Health provides medical care to a migrant population in excess of 2,000. This year in addition to providing acute care, a portion of the migrant workers were voluntarily enrolled in the Geisinger Health Plan (an operational Health Maintenance Organization). The latter, a developmental program initiated by the Institute for Medical Education and Research emphasized comprehensive medical evaluation in addition to providing acute care to the enrollees.

Through this experience the Geisinger Medical Center recognizes the need for migrant health care. Health care for this underserved population is at best minimal with very little provisions for follow up or continuing care. The problem and burden of providing health care to this unique population is too great a responsibility for local agencies and therefore requires support at the national level.

Failure to extend support of the Migrant Health Act will retard and eliminate the concept of health care in the minds of the migrant population as well as denying accessibility to basic medical treatment.

Sincerely,

ELLSWORTH R. BROWNELLER, M.D.,
Director of Program Planning.

JANUARY 18, 1973.

Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: The passage of the Migrant Health Act in 1962 and the extensions granted this service to migrant farmworker families was one of the rare expressions of concern by the United States Congress for over one million persons who earn their living by following the harvest of crops in this vast country. Presently, and in years passed, funds appropriated to Migrant Health have provided for much needed health services for many migrant farmworkers families. This includes medical services that may have never been accessible otherwise.

Without these funds for Migrant Health, perhaps the "discovery" of the abominable gaps existant in the distribution of health services for Americans would have been delayed for years. The federal government, through the efforts of programs such as this, has led the efforts to bring justice to the miserable lives of thousands of persons whose destiny rides precariously with the fortunes of the crops.

The federal government has provided massive financial relief to other elements of the agricultural community for scores of years, but ironically, little interest has been shown by Congress for the poor and near poor wage earner or the farmworker who needs help the most.

In the face of "wheat scandals" in the Department of Agriculture and record profits in agribusiness, while thousands of farmworkers scratch out a "living" on a minimum wage, it is hard to believe that Congress would even consider reducing the appropriation to Migrant Health.

I personally urge those friends of the migrant and seasonal farmworker such as yourself, to fight for their interests in Congress and to assure adequate appropriations for the vitally needed medical services.

Sincerely yours,

ROBERT GOMEZ,
MAX D. SMITH.

MIGRANT AND RURAL POOR CLINIC,
Ruskin, Fla., January 22, 1973.

Ad Hoc Committee to Save the Migrant Health Act, Washington, D.C.

DEAR SIRS: We are some of the people who have benefited from health services in the Hillsborough County Migrant & Rural Poor Health Project. These federal funds for this health care came only last year, after several years of attempting to get the funds.

We feel our health services are now good, and want them to continue. Good health makes us more capable of raising and harvesting the fruits and vegetables that you eat daily. Our incomes, and lack of facilities prevent us from getting private doctor care.

Please do all you can to keep the funding of the Migrant Health Services coming. Thank you for helping us in this matter.

We are sending copies of this letter to:

Honorable Paul G. Rogers, Senator Edward M. Kennedy, Senator Adlai E. Stevenson III, Honorable H. O. Staggers, Mr. Billy Sandlin, Honorable John C. Culver, Senator Harold E. Hughes, Senator Jack Miller, Senator Harrison A. Williams, Senator Jacob Javits, Senator Richard S. Schweiker, Honorable James O'Hara, Honorable Sam M. Gibbons, Senator Edw. J. Gurney, and Senator Lawton Chiles.

Respectfully,

HARRY WALLER
(And 16 others).

The hour was scarcely nine when I pulled into the labor camp. All was quiet. The crowds had been in the fields some three hours on hands and knees collecting tomatoes and/or cutting cabbages. All was quiet except for a weeping mother. The tearful distress arose from the good woman's inability to secure aid for her seven-year-old daughter who had "something" in her ear. Since the child had been sent to school, I asked the mother what she thought the "something" was. Without hesitation she answered, "A cockroach". From previous experiences she knew the local physician would not admit her to his office (much less to treatment) unless she deposited $15.00 on his desk. This amount she did not have; hence, to her, the futility of the situation. I reassured the lady by telling her my status as a professional nurse readily would enable me to obtain medical assistance. How naive, how wrong I was! I phoned two doctors in the vicinity, explained the circumstances and asked that they examine the patient. Both flatly refused. Why? The child was a migrant. Clothed in this stigma, she was not considered a part of the human race; therefore not entitled to the care and solicitude normally meted out to the remainder of mankind.

In 1962 the *Migrant Health Act* initially was approved. Since that time, through family health service clinics, it has successfully removed many "cockroaches" from the ears and bodies of numerous seasonal agricultural workers and their families. Now, I understand, Congress is about to allow this *Act*, in many rural areas the *sole* source of medical assistance to the migrant, to expire. According to HEW approximately three million seasonal farmworkers are eligible for health services under this *Act*. Some of these individuals, undoubtedly, are your constituents. Are you willing to collaborate in a decision that will have catastrophic effects on them, physically, mentally and emotionally? Or, as their representative in Legislature—one who not only sees them as suppliers of food for your table but also as sons of a common Father, therefore your brothers and sisters—are you determined to go "to bat" for them and their vital needs? Somehow I feel you will respond to the second question with a vigorous, sincere YES and do your best to save the *Migrant Health Act*.

Sincerely yours,
Sister Joseph Beatrice Eyl,
Director, West Orange County Migrant Health Project, Apopka, Fla.

Eastside Health Center,
Greeley, Colo., January 17, 1973.
Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: As staff physician of a clinic set up with funds from the Migrant Health Division of HEW, I am writing in support of extension of the Migrant Health Act.

Migrant and seasonal farm workers are at this time indispensable to the agricultural economy of this country. Their living standards, health conditions and educational opportunities are far beneath those of the average American citizen and are a great part of the reason why the maternal and infant mortality rates of this country fall so far behind those of our European neighbors. It is our responsibility as a nation to help these citizens obtain the high standards seen throughout most of the United States. The Migrant Health Act is doing this in several ways. First, it is helping to assure people who are unable to pay the extremely high costs of medical care some medical assistance and by doing this, is helping the country as a whole to obtain better maternal and infant mortality rates. Second, it is helping children receive an education. One of the major reasons the migrant children are uneducated is because they are too sick due to malnutrition, chronic ear infections causing deafness, poor eyesight, and abscessed, painful teeth to be able to adequately concentrate in school and keep up with their more healthy, well-nourished, middle class American classmates. Thus, they drop out of school, are uneducated and must continue in the poverty cycle. Good medical care can help alleviate these illnesses. Third, it is helping educate families as to how to use medical care, how to purchase and prepare nutritional foods, so as to help prevent the above devastating diseases, how to use family planning services, so as to help the population crisis, for many of these families have numerous children only because they are unaware of current contraceptive methods or fear them due to lack of proper explanation. In general, the services being provided are helping to make these uneducated, poverty-ridden people better and happier American citizens, and in turn, able to give the same aid to others.

A major complaint throughout the country concerns the huge welfare roles. Were more money put into medical programs, such as the Migrant Health Act, welfare roles could be cut in large numbers. Many farm workers, such as are served in the clinic, are able to maintain themselves on their incomes given medical care for a small fee without welfare assistance. If the Migrant Health Act is cut, the reverse will be the case, for many of the patients currently receiving care in the clinic will need welfare assistance to pay the medical bills that will ensue.

It is dangerous for the security of the country to remove a program such as the Migrant Health Act. People have become accustomed to obtaining accessible and acceptable medical care at a price they can afford. If they are suddenly denied this privilege, they will not understand why. This is the perfect point for revolutionaries to dwell on and initiate riots, etc., as have occurred too frequently in the past few years.

As a physician intimately involved with Migrant Health Act funds, I urge you to please consider the invaluable services provided with these funds, not only to the citizens for whom they are providing care, but to the United States as a whole, and I urge you to please reinstate the Migrant Health Act.

Thank you.
Sincerely,
Leslie A. Leppla, M.D.

PATIENTS SEEN, JUNE THROUGH NOVEMBER 1972

Date	Migrants, new	Migrants, repeat	Local, new	Local repeat	Total
June 1972	275	239	59	218	791
July 1972	144	233	58	293	727
August 1972	156	369	85	333	943
September 1972	84	221	94	419	818
October 1972	28	142	71	391	632
November 1972	14	102	73	380	569
Total	701	1,306	440	2,033	4,480

January 24, 1973.
Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: In view of the crucial medical needs of the migrant and seasonal farmworkers, I urge you to support the extension of the Migrant Health Act beyond the June, 1973 termination point.

As an elected leader in this "land of plenty," you must realize that when the people directly affected by the termination of this act, the migrants and seasonal farmworkers ask the magic question, ". . . what can I do for myself," the answer is a rather distressing one. President Nixon's unfortunate juxtaposition of the late President John F. Kennedy's statement does not excuse you from your duty to all the people, even those who cannot help themselves, as I am certain you are aware.

I am confident that you will act in a moral and responsible manner in this regard, as the record shows you have in the past. I shall continue to pray for you in your execution of the awesome responsibilities of your office.

Sincerely yours,
Sister Anne Devaney, R.S.M.,
Assistant for Program Development.

Hebbronville, Tex.,
January 8, 1973.
Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Sir: It has come to our attention that the Migrant Health Act is about to be discontinued and this letter is to urge you to please propose an extension of said act.

It is direly needed in our county due to the fact that it is composed of about 80 per cent Mexican-American and a great number of them are migrant workers.

If it could only be shown to Congress and the Senate how much good and beneficial our local Migrant Health Clinics has been to our people. I am sure they would think twice before cutting off these benefits. Most of the migrants by the time they return home are very limited in their finances, and if there are no means for their childrens' health care we know that their children will be neglected in this respect.

We urge and plead with you to use all your influence in the extension of this Migrant Health Act which has been so merciful to many of the ethnic minority groups.

Respectfully,
H. T. Martinez,
County Judge.

Hebbronville, Tex.,
January 8, 1973.
Ad Hoc Committee To Save the Migrant Health Act, Washington, D.C.

Sirs: This writing is being directed to the Honorable Committee To Save The Migrant Health Act in behalf of 144 families which included 714 persons in the Jim Hogg County, Texas, community.

Before the advent of the Migrant Health Project to Hebbronville and the Jim Hogg County area, many of our people were in dire need of medical services and lacked in knowledge of health practices and sanitation. Since June 19, 1967, according to reports compiled by staff members of the clinic, much improvement has been shown in health conditions among the recipients.

Because of the favorable results that are evident since the program began, it is felt that a continuation of the services is essential. Further, it is felt that not to continue the services will cause a setback in health conditions, health practices, sanitation and nutritional practices among the poor.

It is hereby recommended to the Honorable Committee by the undersigned that an affirmative recommendation for the continuation of these services be made to the proper governmental bodies.

Respectfully submitted,
H. T. Martinez,
Chairman.
Horacio Ramirez,
Julieta Reynaga,
Ludivina Almaraz,
Adelina Gonzalez,
Marta Ramirez,
Antonio Guerrer,
Joe Barrera,
E. G. Nava.

January 12, 1973.
Senator Harrison A. Williams,
Old Senate Office Building,
Washington, D.C.

Dear Mr. Williams: I would like to enlist your help in obtaining funds for Delmo Migrant Health Project, Lilbourn, Missouri. It has been brought to my attention that there is opposition to this project in the Congress.

My experience with this agency as a caseworker has been excellent. Some family members are in need of medical care and not eligible for public assistance. With the help of Delmo Health, many of the people I work with have received dental work, physical therapy, and a vascetomy which they would not have received otherwise. Many of our people are farm migrants with many health needs and without an agency such as Delmo Health to cooperate with us, these people would not have their needs met as adequately.

I and other caseworkers would appreciate your help and support in voting for the continuation of the Delmo Migrant Health Project.

Sincerely yours,
Mrs. MARY COX,
Caseworker, Stoddard County Welfare Office.

CHARLESTON COUNTY
HEALTH DEPARTMENT,
Charleston, S.C., January 9, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Migrant Health Act requires congressional approval for extension beyond June 30, 1973. This legislature is essential to the well-being of the "nomad segment" of our population.

The migrant is willing to work to maintain his family and in doing so insures the availability of vegetables and food products to the remainder of our population. It is in the interest of our country to maintain this population in the highest possible degree of health.

The Migrant Health Act under the Department of Health, Education and Welfare, by grants to health organizations along the migratory path of the migrants, does provide needed health care. The communities the migrants visit while following the harvest already have a full financial health care load in providing such service to their own year-around residents. It is, therefore, neither practicable nor financially feasible to take on an added responsibility of two or three thousand migrants for a period of several months each year. Such additional service must be funded from outside sources. The Migrant Health Act has most ably been able to provide this added care.

I strongly urge your consideration and support for the continuation of the Migrant Health Act.

Sincerely yours,
CECIL F. JACOBS, M.D., M.P.H.,
Director.

TEXAS RURAL LEGAL AID, INC.,
Alice, Tex., January 5, 1973.
Re Migrant Health Act.
Hon. KIKA DE LA GARZA,
Rayburn Office Building,
Washington, D.C.

DEAR CONGRESSMAN DE LA GARZA: I am writing to you to express my hope that you will support legislation extending the Migrant Health Act, and to report to you the observations of this office concerning the usefulness of the facilities established pursuant to that Act here in Alice. By copy of this letter, I am informing other interested members of the Senate and the Department of Health, Education and Welfare of our interest in this legislation.

As you know, health care has been a critical problem for many poor families of South Texas. The situation has been alleviated somewhat by the institution of the Medicaid Program through the Texas Department of Public Welfare. However, the vast majority of this assistance goes to mothers and their dependent children in situations where the family unit has been broken by divorce, separation or abandonment. This office has represented numerous claimant's under the State Welfare and the Social Security Programs in an attempt to establish disability claims where the family remains together and the father has disabling injuries. These efforts have not always been successful, and the fact remains that health care needs of families who stay together are often not met. This is especially true for Migrant families since they tend to work together as a family unit.

The Migrant Health Clinic operated here in Alice has made some steps towards alleviating the health care problems of such Migrant families. While their services are woefully inadequate, I am sure that the situation will worsen if this clinic is forced to shut down. The people at the clinic tell me that they will have no choice but to shut down if the Migrant Health Act is terminated this June, as the present legislation provides for.

Thanking you in advance for your support of this important legislation, I remain,

Sincerely yours,
ROB KERN.

UNIVERSITY OF UTAH MEDICAL CENTER,
Salt Lake City, Utah, January 10, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing to express my support for the legislation to extend the Migrant Health Act. Under the leadership of the health project of the Utah Migrant Council, migrant health services to migrants and seasonal agricultural farm workers have just begun to be delivered on anything approaching a meaningful level. These people represent one of our most pressing dilemmas since they combine medical need, indigency, cultural patterns which may be alien to contemporary health practices, and a high degree of geographic mobility. To date our efforts to help them have been inadequate, but surely the answer must lie in providing more effective assistance, not in cutting it off. I hope you will support legislation to extend the Migrant Health Act. The migrants certainly need our help.

Thank you.

Sincerely,
ROBERT L. KANE, M.D.,
Assistant Professor.

STANISLAUS MEDICAL SOCIETY,
Modesto, Calif., January 10, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: We recently received a letter stating that the Migrant Health Act is in serious jeopardy with a possible termination of Medical Services to the seasonal agricultural worker and his family.

We feel this would be a disaster for Stanislaus County. Stanislaus County is located in the San Joaquin Valley—in the great state of California. At the peak of the harvest season during the 1971–72 year, 21,630 people were engaged in seasonal agricultural work. This included 14,490 migrants.

In Stanislaus County we have three health service clinics that are open on a year-round basis in the areas of Empire, Patterson, and Westley. These health service clinics are staffed by a full time Registered Nurse and a bilingual Health Aide in each office, with the exception of Westley which has two Health Aides. Additional summer staff is hired on a part time basis for the areas of Ceres, Hughson, and Riverbank. During the 1971–72 season a total of 15,856 clients were seen and either treated or referred. A total of 2,769 were referred to physicians. Another 2,635 were referred to various agencies such as Family Planning, Welfare, Public Health Clinics, Mental Health, out-patient hospital clinics, etc. This means that approximately 10,400 were seen and given minor treatment by the nurse acting in the extended nurse role.

Please give this matter your most serious consideration. We will appreciate anything you can do to help us in health care of the seasonal agricultural worker and his family.

Sincerely,
ANN ADAMS,
Nursing Director, Rural Health Care Program.

MIGRANT FAMILY HEALTH SERVICE,
Fremont, Ohio, January 12, 1973.
Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLAMS: We strongly urge the continuation of the Migrant Health Act.

Because of the high cost of medical care, the shortage of doctors and the low income of these people, no medical care will be available for them if the services are terminated.

The children will suffer.

Sincerely,
ANNA ROSE MCDERMUTT R.N.,
(And 8 others).

NEW YORK, N.Y.,
January 29, 1973.
Hon. HARRISON A. WILLIAMS,
Old Senate Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am very much disturbed at the news that the Migrant Health Act will be terminated on June 20, 1973. I have worked with the Migrant Ministry on the staff of the National Council of Churches for eleven years and have watched the Migrant Health Act in action during this period. My observation has led me to believe that there is no other single program which has been as effective in relieving the pain and suffering of the most deprived segment of our society, the migrant and seasonal farm workers.

I am aware that the funds appropriated have been inadequate inasmuch as they have made it possible to reach only about 10% of the farmworker population, but do you honestly believe that, if the funds are assigned to the states through revenue sharing, the record would be any better? On the contrary, we know that state governments have consistently failed to acknowledge the right of migrant farmworkers to claim residency *anywhere*, either home base or "user" areas. What, then, is to be the fate of farm workers if Federal funds for health services are to be cut off?

It seems to me that of all the poor people who are being denied assistance through the cutting off of social legislation by our present administration, farm workers are the most vulnerable. We are returning to the dark ages of the 1920's!

Your support—and initiation—of farm worker legislation is well known and much appreciated by all of us who work in the Migrant Ministry. I'm sure that a request for your support on this issue is unnecessary but I want you to know that we are depending on you to do all in your power (which is considerable) to keep the Migrant Health Act alive.

Thank you, on behalf of farmworkers everywhere and the Migrant Ministry for all you have done in the past and we look forward to your continued support.

Sincerely yours,
Mrs. JEAN L. POWERS,
Director of Migrant Services.

HOUSING ASSISTANCE COUNCIL, INC.,
Washington, D.C., January 29, 1973.
Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Our organization assists groups across the country attempting to develop housing for the rural poor.

Needless to say, the situation is tragic enough with the total freeze by the Farmers Home Administration on all programs that contain any subsidy and the virtually total freeze by the Department of Housing and Urban Development on its subsidized programs. Even before the freezes, impoundment of a portion of the minuscule appropriation for the farm labor housing program limited its coverage.

Now, on top of everything, it has come to our attention that a move is under foot to eliminate the Subcommittee on Migratory Labor of the Senate Labor and Public Welfare Committee. Such action, we believe, in the present times of distress in the housing programs for rural poor persons would be unfortunate. There is a grave danger currently that all governmental activities on behalf of the poor, notably the rural poor, are to be screened out. It would seem that never before was there as much need as there is now for the Senate Subcommittee on Migratory Labor, particularly when it is comprised of such respected and concerned voices as those of Senators Mondale and Stevenson, and, notably, yours.

We would hope that you would not allow this voice for the poorest of the rural poor to be stilled.

Respectfully yours,
GORDON CAVANAUGH,
Executive Director.

LUBBOCK, TEX.,
January 26, 1973.

Senator HARRISON A. WILLIAMS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: It has been brought to my attention that the Migrant Health Act is in serious jeopardy; that unless the United States Congress approves an extension, medical services to migrants and seasonal farmworkers will be terminated in June of 1973.

Being involved with the migrant population, it is my belief that this is a very serious action, as these are the people that are always left out. Medical services, as you know, are scarce since there are all kinds of residency requirements. For this reason, there are great numbers of medical problems among these people.

I am, therefore, asking you to do everything in your power to avoid such a drastic and unthinkable possibility.

Thanking you in this matter, I am,

Sincerely,
MRS. MAGGIE TREJO,
Site Coordinator.

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 310 of the Public Health Service Act is amended by inserting after "June 30, 1973," the following: "not to exceed $60,000,000 for the fiscal year ending June 30, 1974, $105,000,000 for the fiscal year ending June 30, 1975, $120,000,000 for the fiscal year ending June 30, 1976, and $135,000,000 for the fiscal year ending June 30, 1977."

SEC. 2. Section 310 of the Public Health Service Act is further amended by striking "and" immediately before the clause designation and by adding at the end of such sub-at the end of such clause the following: "and (iii) premiums for a prepaid health care plan eligible for Federal assistance where such clinics or special projects so request. All such clinics, special projects, and prepaid health care plans shall provide outreach and follow-up services;".

SEC. 3. Section 310 of the Public Health Service Act is further amended by inserting "(a)" immediately after the section designation and by adding at the end of such subsection the following new subsection:

"(b) There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, $35,000,000 for the fiscal year ending June 30, 1975, $40,000,000 for the fiscal year ending June 30, 1976, and $45,000,000 for the fiscal year ending June 30, 1977, to enable the Secretary to assist in the provision of necessary hospital care to domestic agricultural migratory workers and their families."

SEC. 4. Section 310 of the Public Health Service Act is further amended by adding at the end of new subsection (b) the following new subsection:

"(c) In making grants under this section the Secretary shall give priority to those applicants whose policy-making body is composed of a majority of persons who are consumers of its services, where competing applicants appear to the Secretary of Health, Education and Welfare to be equally qualified."

MIGRANT HEALTH

Mr. KENNEDY. Mr. President, I am please to join today with the distinguished Senator from New Jersey (Mr. WILLIAMS) in proposing legislation to extend the Migrant Health Act for 4 years and to expand the effort to provide adequate health care to the Nation's migrant workers.

Last year, I was pleased to introduce a similar measure which was approved unanimously by the Senate. Unfortunately, the House did not act on this bill.

Senator WILLIAMS was the original author of this program as chairman of the Senate Migratory Labor Subcommittee and I am pleased to join with him again this year in seeking to see that the Federal Government meets its responsibilities to the Nation's migrant workers.

This measure steps up quite significantly the amount of resources available by providing authorizations of $60 million for fiscal year 1974, $105 million for 1975, $120 million for 1976 and $135 million for 1977. That will actually double the authorization for next year over this year, but it is a needed program, and the testimony we had before our committee was that if we were to try to provide minimum standards for health care for the migrants, it would cost some $600 million; so $60 million is a bare minimum.

This measure also includes a separate authorization to help defer the cost of hospital services to migrant workers. That is an extremely important provision, because we have seen time and time again, during the course of our health hearings, where hospitals today are operating on such a thin line between bankruptcy and survival that they have refused to provide migrants with health care, because they cannot afford it. This measure would provide resources for migrant hospitalization. It would authorize $10 million in fiscal year 1973, $25 million for fiscal year 1974, $35 million for 1975, $40 million for 1976 and $45 million for 1977.

Mr. President, for too long, the health needs of the approximately 1 million migrant agricultural workers in the Nation have remained unmet. Low economic and educational levels, forced mobility, and the lack of State resident status, as well as cultural and language barriers all serve to deny access to any health care service.

Government reports and private studies have convincingly documented the poor health of migrant farmworkers. For example, the infant mortality for migrants is 25 percent higher than the national average. Mortality rates for tuberculosis and other infectious diseases are 2½ times higher than the national rate. Hospitalization for accidents is 50 percent higher than the national rate. The average life expectancy for the migrant is under 60; for the average U.S. citizen, it is over 70.

Witnesses before the joint hearings held by the Senate Subcommittees on Health and Migratory Labor last year all concurred without exception, that there continues to be a need for a distinct, identifiable program to meet the special health needs of the migrant farmworker and his family. Although there are almost 900 counties in 46 States which have substantial numbers of migrant and seasonal farmworkers, at the current time, the Department of Health, Education, and Welfare finances projects in only 130 counties.

Perhaps no single group in our Nation continues to be as exploited and unserved as the agricultural migrant worker who harvests the food we consume daily.

The three major amendments proposed within the bill are a small effort to improve the health care of these citizens. They were included for the following reasons:

First, the bill for the first time specifically authorizes sums for hospitalization. Although the act has authorized the cost of hospitalization since 1965, the program has been unable to stretch the appropriations to cover this vital service. The witnesses have all testified that despite medicare and medicaid, less than 7 percent of the migrant and seasonal farmworkers and their families receive hospital benefits.

Second, we have included a provision to permit projects which so request, to use funds for the payment of premiums for health services, where adequate outreach and follow-up services are provided.

This provision looks ahead to the day when it might be possible to enroll more and more migrant and seasonal farmworkers in an improved health care delivery system which serves the entire rural population.

Third, the act also provides for the Secretary to give priority to funding over those projects whose policymaking body is composed of 51 percent or more from the population being served.

There are two basic elements which justify this bill:

First, the overwhelming demonstration by consumer-based projects that they in fact are more effective in providing a higher quality and more responsive health care service system; and second, the commitment Congress and all Americans have for local community control over those services which are designed to serve the people.

I intend as chairman of the Health Subcommittee to see that this measure is speedily presented to the Senate again for approval. For I believe it is in the interest of the Nation for this program to be continued.

And I have received more than 50 letters from individuals, health officials, and university medical experts urging that this program be extended. I ask unanimous consent that some of these letters appear in the RECORD at this point.

There being no objection, the letters

were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF WISCONSIN,
January 16, 1973.

Senator EDWARD M. KENNEDY,
Old Senate Offic Building,
Washington, D.C.

DEAR SENATOR KENNEDY: This letter is to urge that you support extension of the Migrant Health Act beyond June of 1973. This act provides funds for family health services as well as for special projects to improve health services for agricultural migratory laborers and their families. I cannot emphasize enough the pressing need for health services specifically tailored to the needs of migrant workers and their families.

This important part of our agricultural work force faces unique conditions which predispose them to unique health risks:

Frequent exposure to noxious pesticides;

In some camps, substandard housing and sanitation facilities;

Serious discontinuity in health services and in personal health records;

Special risks in traveling;

Occupational hazards incurred where industrial safety standards are difficult to enforce;

Continuous exposure to changeable weather conditions;

Lack of day-care facilities for children;

Lack of health education in their native language;

This list covers but a few of the unusual risk factors for health of migrants.

Perhaps most serious of these problems is that migratory agricultural laborers have little control over their own health and sanitation circumstances. Health problems are compounded by the fact that it is difficult or impossible for counties and states to provide special health programs for migratory populations at the cost of additional tax burdens to their own rural residents. The absense of an area with legal jurisdiction and the lack of representation for migratory agricultural laborers requires that federal legislation, in particular the Migrant Health Act, provide funds for special health programs. Without the continuation of funds provided by this act it will be extremely difficult to distribute fairly the cost of even minimal health care for these citizens.

In summary, I urge you to support legislation to refund Public Law 87–692, the Migrant Health Act. If you are already a supporter of this act I encourage your efforts. It is vital that medical services for migrant and seasonal farmworkers be continued and expanded.

Sincerely,

JOHN H. RENNER, M.D.,
Director, Family Practice Program.

WOOD COUNTY,
DEPARTMENT OF HEALTH,
Bowling Green, Ohio, January 18, 1973.

Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: The purpose of this letter is to react to the news that the Migrant Health Act is in jeopardy. We of this Department regard this as a vital program, essential not only to the health of migrant farm workers, but also to safeguard the health of Wood County residents.

We recognize that providing a segregated program for this occupational group is not the ideal way to extend medical services to them. Until a more general service is available, however, such a national health insurance program, it would be a serious mistake to discontinue this program.

In Wood County much work and dedication has gone into building an aggressive program that is effectively serving both the curative and preventive health needs of migrant families—services that they would not otherwise receive.

The physicians of Wood County are generous in extending their services to medically indigent persons, but we have a shortage of physicians, to the extent that many of them are unable to accept new patients. Furthermore, the care that non-welfare indigent patients get is usually "crisis" care. Seldom does such a patient and his family receive sustained preventive health maintenance care.

And medical indigency is not the only problem faced by migrant families. There are also language barriers, cultural lags and lack of knowledge of how best to initiate entry into the medical care system of a strange community.

Another difficulty faced by migrant families is the requirement of our Welfare Department that eligibility for public assistance be determined on the basis of current earnings, with no provision for averaging. For migrants, whose incomes are subject to wide swings, this causes a hardship because private medical institutions *do* consider average income when evaluating a family's ability to pay for services.

Finally, there can be no assurance that diseases in a group of people living in our county will be confined to that group. For example, last summer an epidemic of dysentery broke out among our migrants. Since we were working closely with these people we detected the disease quickly and took remedial steps to prevent its spread. Without our special interest in this high-risk group the epidemic might have become more extensive and involved permanent residents of the county.

In view of these considerations we urge that the Migrant Health Act be continued.

Sincerely,

GLENN S. USHER, M.D., M.P.H.
Commissioner.

CLINICA DE SALUBRIDAD
DE CAMPESINOS,
Brawley, Calif., January 19, 1973.

Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The purpose of this letter is to support the Migrant Health Act.

I have worked in the above named rural clinic for migrant farm workers for nearly three years as of this date.

The physicians in Brawley serve a population of about 30,000 people in the northern half of Imperial County. Remaining in private practice in the town of Brawley are four full time GP's, one half time GP (who will soon move to the coast of California) and a half time general surgeon. At the Clinica, we now have four full time salaried physicians, and are confident we could attract more if our funding allowed. I think it is rather obvious that cessation of funding would be a tremendous problem for this community, insofar as medical care availability is concerned (if one assumes that these four physicians will leave this area since none of the four of us are interested in private practice at this time).

From what I read, it seems that most government sources also believe that some government intervention is necessary, if the problem of inequitable distribution of physicians in rural vs. urban areas is to be approached. Compulsory service in rural areas is obviously one way to approach it. My own feeling is that another way, perhaps even more important, is to continue to build and support health centers such as the Clinica de Salubridad in Brawley. We have an excellent team, performing in outstanding fashion, and other small communities should benefit from similar programs.

Please do your best to keep the Migrant Health Act active.

Yours truly,

ROBERT F. THOMPSON, M.D.,
The Ad Hoc Committee to Save the Migrant Health Act.

UNIVERSITY OF UTAH MEDICAL CENTER,
Salt Lake City, Utah, January 10, 1973.

Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing to express my support for the legislation to extend the Migrant Health Act. Under the leadership of the health project of the Utah Migrant Council, migrant health services to migrants and seasonal agricultural farm workers have just begun to be delivered on anything approaching a meaningful level. These people represent one of our most pressing dilemmas since they combine medical need, indigency, cultural patterns which may be alien to contemporary health practices, and a high degree of geographic mobility. To date our efforts to help them have been inadequate, but surely the answer must lie in providing more effective assistance, not in cutting it off. I hope you will support legislation to extend the Migrant Health Act. The migrants certainly need our help.

Thank you.

Sincerely,

ROBERT L. KANE, M.D.,
Assistant Professor.

SAN PATRICIO MIGRANT,
HEALTH CENTER,
Mathis, Tex.

SENATOR EDWARD M. KENNEDY,
431 Old Senate Office Building,
Washington, D.C.

The existance of the Migrant Health Project has proved itself very beneficial to the Migrant population of San Patricio County. As past experience indicates, the migrants health care has been very rewarding. By the availability of the San Patricio Migrant Health Project, the migrants have received medical care that they would not normally receive elsewhere. These migrants are ineligible for either State or county assistance, therefore, if the San Patricio Migrant Health Project was non existance, their health would be seriously jeopardized.

State statistics show that in the county of San Patricio, there are 47.1 percent of the people whose income is less than $6,000; an additional 25.4 percent whose income is $6,000–$9,000, therefore, there is a 72.5 percent of the county that may be classified as indigent. Persons 65 and over constitute 18 percent of the total population of 47,228.

The migrants have provided to them health care, which if terminated, would have none at all. The majority are unemployed and therefore unable to pay for their health care and would not receive any if it were left up to them. Since the project was started to now in 1973, the migrants now have fewer severe illnesses and general illnesses.

Slowly but surely, the younger generation are being brought up different. Slowly but surely, the migrants are comprehending that by having health care, they are sick less than they were before the establishment of the project. "There seems to be fewer illnesses now, stated a migrant, and I feel like when I am sick there is a place to go and not worry about payment."

The migrants do realize the necessity and effectiveness of the project. The following services are available at the project: General medical care; Laboratory; Emergency room; EKG; Ultrasonic; Diathermy; IPPB; X-ray including upper and lower GI Series, Gall Bladder, IVP, IVC and routine X-rays.

Sincerely,

WILLIAM F. KREBETHE, D.O.

County of Jim Hogg,
Hebbronville, Tex., January 8, 1973.
Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Sir: It has come to our attention that the Migrant Health Act is about to be discontinued and this letter is to urge you to please propose an extension of said act.

It is direly needed in our county due to the fact that it is composed of about 80 per cent Mexican-American and a great number of them are migrant workers.

If it could only be shown to Congress and the Senate how much good and beneficial our local Migrant Health Clinics has been to our people. I am sure they would think twice before cutting off these benefits. Most of the migrants by the time they return home are very limited in their finances, and if there are no means for their childrens' health care we know that their children will be neglected in this respect.

We urge and plead with you to use all your influence in the extension of this Migrant Health Act which has been so merciful to many of the ethnic minority groups.

Respectfully,
H. T. Martinez, *County Judge.*

Health Project No. 97,
Hebbronville, Tex., January 8, 1973.

Sirs: This writing is being directed to the Honorable Committee To Save The Migrant Health Act in behalf of 144 families which include 714 persons in the Jim Hogg County, Texas, community.

Before the advent of the Migrant Health Project to Hebbronville and the Jim Hogg County area, many of our people were in dire need of medical services and lacked in knowledge of health practices and sanitation. Since June 19, 1967, according to reports compiled by staff members of the clinic, much improvement has been shown in health conditions among the recipients.

Because of the favorable results that are evident since the program began, it is felt that a continuation of the services is essential. Further, it is felt that not to continue the services will cause a setback in health conditions, health practices, sanitation and nutritional practices among the poor.

It is hereby recommended to the Honorable Committee by the undersigned that an affirmative recommendation for the continuation of these services be made to the proper governmental bodies.

Respectfully submitted,
Marta Ramirez, Antonio Guerrero, Joe Barrera, E. G. Nava, H. T. Martinez, Chairman, Horacio Ramirez, Julieta Reynaga, Ludivina Almaraz, Adelina Gonzalez.

Palm Beach County
Health Department,
January 2, 1973.
Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: No group in our Nation is more underpriviliged than agricultural migrants. Their many health problems result from poverty, poor housing and sanitation, inadequate education, lack of resources for medical care and migratory living patterns. Language and cultural barriers, lack of transportation and related factors interfere with obtaining health services.

With passage of the Migrant Health Act, limited funds became available to develop services specifically designed to meet health needs of agricultural migrants and seasonal farm workers. Despite the fact that appropriations have permitted services to be initiated in only a portion of the farming areas, and have been grossly inadequate in comparison with the needs, a great deal has been accomplished with a potential for much more if support can be continued and increased.

Experience has demonstrated that other health programs will not meet the peculiar and specific needs of these most necessary and worthy people. Relatively few have qualified for Medicare and Medicaid. General services which are not adapted to working and living patterns, mobility, language and cultural obstacles will not be effective.

At this critical time, when there is hope that our long standing commitment can be met by building on past experience and by developing new approaches. We should not withdraw support, but instead we should increase it.

We need the Migrant Health Act. Please give your strong support toward its continuation, with increased funding.

Sincerely yours,
C. L. Brumback, M.D.

Texas State
Department of Health,
Austin, Texas, January 8, 1973.
Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: There is considerable concern that the Migrant Health Act, which provides medical services to migrant and seasonal farmworkers, will be terminated in June of 1973.

I am asking your support for the continuation of the Migrant Health Act for the following reasons:

(1) The recipients of this program have little or no medical care provided for them. Most of them do not qualify for welfare or other means for emergency medical care.

(2) Economic Impact on Agriculture—Farmers have increasing problems of obtaining adequate labor. Migrant Health Care Projects have shown that migrants consistently return to the area where they can get medical attention, thus providing a reliable labor force for the farmer.

(3) Economic Impact on Existing Medical Care Delivery Systems—Hospitals cannot absorb additional indigent cases. Patients (migrants and seasonal farmworkers) are usually seen in the clinic setting. Lack of funding will cause an increased indigent patient load on the physicians and city or county emergency medical funds. In brief, migrants and seasonal farmworkers will not receive medical care.

Thank you for your active participation and support of the Migrant Health Act.

Sincerely yours,
Bill F. Mittag,
Texas Migrant Health Programs.

Geisinger Medical Center,
Danville, Pa., January 19, 1973.
Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: The Geisinger Medical Center as the major provider of medical care to migrant workers in the Commonwealth of Pennsylvania fully supports an extension of the Migrant Health Act.

Each year the Geisinger Medical Center in co-operation with the Pennsylvania Department of Health provides medical care to a migrant population in excess of 2000. This year in addition to providing acute care, a portion of the migrant workers were voluntarily enrolled in the Geisinger Health Plan (an operational Health Maintenance Organization). The latter, a developmental program initiated by the Institute for Medical Education and Research emphasized comprehensive medical evaluation in addition to providing acute care to the enrollees.

Through this experience the Geisinger Medical Center recognizes the need for migrant health care. Health care for this underserved population is at best minimal with very little provisions for follow up or continuing care. The problem and burden of providing health care to this unique population is too great a responsibility for local agencies and therefore requires support at the national level.

Failure to extend support of the Migrant Health Act will retard and eliminate the concept of health care in the minds of the migrant population as well as denying accessibility to basic medical treatment.

Sincerely,
Ellsworth R. Browneller, M.D.,
Director of Program Planning.

Waushara County Migrant
Health Project,
Wautoma, Wis., January 11, 1973.
Senator E. M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: The Waushara County Migrant Health Project presently has two clinic sites, one at Wautoma, Wisconsin and one at Endeavor, Wisconsin. Each year a substantial number of migrant farm workers come to our area to work in the fields and processing plants. Wautoma also has a large influx of tourists. The population of the area more than doubles in the summer. Without the Migrant Health Clinics, the providers in the area would be hard pressed to serve everyone needing medical care.

The Migrant Health Project is severely needed for more than the above stated reason. The average migrant family size is six; the average family annual income is under $2,100.00. The amount of Migrant Health Act funds expended in fiscal year 1972 was expected to average 5.10 per person. As a nation, we average 324.100 for health needs per person. The private consumer is estimated to spend 204.00 for his health costs. So it is little wonder that the infant mortality rate for migrants is 2½ times the national average. Mortality rates for tuberculosis and other infectious diseases are 2½ times higher than the national rate as well. The average life expectancy for the migrant is under 60 years of age; for the average U.S. citizen is over 70 years of age. The migrant infant death rate is over 63 deaths per 1,000 live births. The statistics for today's migrants are comparable to the national average in the year 1930. A recent study found that under age 3, some 59 per cent have never had immunizations.

These statistics provide grim evidence that the Migrant Health Act not only should be extended but that its funds should be increased.

In an affluent America, let us not allow children to suffer crippling diseases because of lack of immunizations. Unlike other less transient members and aspirants of the "American Dream" the migrant does not have the necessity of employer matched health insurance. His ability to receive help is often stifled by not meeting residence requirements, yet he picks the nation's crops.

This letter constitutes a fervent appeal, a strong request that the Migrant Health Act be extended with increased funds.

Sincerely,
James Niemeier,
Project Director
Jose Castro,
Project Board Chairman

January 18, 1973
Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator: The passage of the Migrant Health Act in 1962 and the extensions granted this service to migrant farmworker families was one of the rare expressions of concern by the United States Congress for over one million persons who earn their living by following the harvest of crops in this vast country. Presently, and in years passed, funds appropriated for Migrant Health have provided for much needed health services for many migrant farmworker families. This includes medical services that may have never been accessible otherwise.

Without these funds for Migrant Health, perhaps the "discovery" of the abominable gaps existant in the distribution of health services for Americans would have been delayed for years. The federal government, through the efforts of programs such as this, has led the efforts to bring justice to the miserable lives of thousands of persons whose destiny rides precariously with the fortunes of the crops.

The federal government has provided massive financial relief to other elements of the agricultural community for scores of years, but ironically, little interest has been shown by Congress for the poor and near poor wage earner or the farmworker who needs help the most.

In the face of "wheat scandals" in the Department of Agriculture and record profits in agribusiness, while thousands of farmworkers scratch out a "living" on minimum wage, it is hard to believe that Congress would even consider reducing the appropriation to Migrant Health.

I personally urge those friends of the migrant and seasonal farmworker, such as yourself, to fight for their interests in Congress and to assure adequate appropriations for the vitally needed medical services.

Sincerely yours,

ROBERT GOMEZ,
MAX D. SMITH.

OTTAWA COUNTY MIGRANT FAMILY
HEALTH SERVICE CLINIC,
Oak Harbor, Ohio, January 11, 1973.
Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: It is with great concern that I write in regard to the future of the Migrant Health Act. From various information sources, it seems that the Act is in jeopardy, and that there is a possibility that the services it provides might be terminated.

As the project director of the Ottawa County (Ohio) Migrant Health Clinic, I appeal to your sense of social justice and concern to extend the Migrant Health Act. The services it offers are absolutely necessary to provide for the basic needs of the migrant and seasonal farmworker. Perhaps of any group of people, the migrant, who comes into an area as a stranger, handicapped by language difficulties, without direction and aid, would experience serious problems, especially in regard to his medical needs, if the Migrant Health Act would be discontinued.

As a concerned citizen, I urge you to use your influence to assure continuance of the Migrant Health Act. Our farmers who depend on migrant work for harvesting would encounter more serious setbacks in their farm program. Their farm operation would be in jeopardy. Of course, the migrant himself would suffer the most harm if his crucial medical needs were ignored.

May we rely on you to help insure continued medical care for the migrant and seasonal farmworker, by voting to extend the Migrant Health Act.

Thanking you for your interest,

Rev. JOSEPH P. JAROS,
Project Director.

MIGRANT HEALTH PROJECT,
Kingston, N.Y., January 12, 1973.
Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As a member of a Migrant Health Project, I am advocating the necessity to extend the *Migrant Health Act.*

The general health of migrants and seasonal farmworkers is crucial. Migrant Health Projects which are dependent upon the continuation of the *Migrant Health Act* work toward improving the health of migrant workers. Programs such as ours try to deliver health measures to these people, who otherwise would have no health care whatsoever.

The right to health care should be given to all. Migrants are medically indigent for the most part. Migrant Health Programs are dedicated to improve this situation. Without the *Migrant Health Act*, migrant workers will find themselves in a more serious situation.

Should they be denied health care? If the *Migrant Health Act* is abolished, they will be denied the right to have health and health services.

I am making this plea to you. Please do whatever you are capable of doing in regard to revitalizing the *Migrant Health Act.* Thank you for your time and consideration.

Respectfully yours,

GEORGE ALTIMONDA,
Program Planner.

SAN MARCOS-HAYS COUNTY
MIGRANT PROJECT,
San Marcos, Tex., January 19, 1973.
Sen. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing you to ask that you put forth every effort to see that the Migrant Health Act under the Department of Health, Education and Welfare be extended after its termination date in June 1973.

I suggest this because I believe the health needs of over one million migrant farmworkers have been neglected for too long.

In light of the plight of the migrant worker, I feel that failure to extend this act would be a sad step indeed. The man and his family who follow the crops rarely receive adequate health care; his work usually takes him to isolated areas that do not have adequate facilities or programs, or to areas where he is unaware of the facilities. The migrant's working and living conditions make him highly vulnerable to a wide range of diseases.

If provisions are not made for extending the Migrant Health Act, this will seriously reduce the amount of health services available to those who severely need more help—not less help.

Sincerely,

JAMES S. BURWELL,
Administrator.

ROMNEY ORCHARDS, INC.,
Romney, W. Va., January 10, 1973.
Sen. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

SIR: We understand that medical services to migrant and seasonal farm workers under the *Migrant Health Act* will be terminated in June, 1973.

Since there is no form of hospitalization insurance available to many of these people, this has been the only form of payment for medical services these people could rely upon, and we feel they should have the right of the same feeling of security during illness that other people have.

Therefore we urgently request that you do whatever you can to see that this Act is extended, or to provide some form of medical insurance for these people.

Very sincerely,

E. W. MILLER,
President.

SOUTH TRACY
IMPROVEMENT ASSOCIATION,
Tracy, Calif., January 18, 1973.
Senator EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: Rural poverty would be tragically deepened by the termination of the Migrant Health Act.

We urge you to support legislation to continue this program of medical services for agricultural workers.

Sincerely,

WILLIAM J. KILLIAN,
Director.

FARM WORKERS
FAMILY HEALTH CENTER,
Toppenish, Wash., January 15, 1973.
AD HOC COMMITTEE TO SAVE THE MIGRANT
HEALTH ACT,
Washington, D.C.

DEAR SIRS: It has been brought to my attention and to the attention of the community that the Congress of the United States may not approve legislation extending the Migrant Health Act as amended providing health services to migrant and seasonal farm workers during their migration from their home-of-record.

Since the enactment of the Migrant Health Act in 1964, we have seen many changes in the traditional administration of these funds by local health districts. To clarify this statement, I can only address myself to the care that was given the migrant within this particular state; however, these views have been expressed to me as problem areas in other states as well. The history of having migrant health funds administered by local health districts and/or professional societies has not proven an effective means of reaching the disenfranchised group of people which it was intended. This administrative structure did not provide any continuity of care as people moved from one area to another during the growing season and, most important, did not provide any type of effective, preventive health programs that were directed toward the target population in order to introduce them into the mainstream of medicine. This was probably due to lack of long-range planning, lack of setting priorities by local health districts and, mainly, the attitude of public servants to the farm working community.

This administrative weakness at the local health districts can be best illustrated by the geo-social problems that had not been addressed. An example of this would be a labor camp where a given number of perspective recipients of health services would be unable to receive such services because the county boundary happened to be a dirt road separating two labor camps and our public servants' failure to cross said boundary, recognizing that a mere 120′ of space separated health services to one camp. This attitude has led the consumers to say, and it is within reason for them to do so, that the community and its responsible service agencies did not really care whether they received health services or not. This is only one of many incidents which lead me to say that in addressing the health needs of the migrant, seasonal farm worker and rural poor, Congress must realize that this overall group of needy people is an economic consequence resulting from the manipulation of agribusiness and not a static group permanently employed in agriculture.

With the development of the Neighborhood Health Centers during the past three or four years, we have added a new dimension to the delivery of ambulatory services and preventive services to the seasonal farm worker and migrant in a manner that will preserve his dignity and, at the same time, provide a mechanism for peer review as to the quality of care which is given to him. Congress and the Department of Health, Education and Welfare must be educated to comprehend the total impact of extending the Migrant Health Act for a minimum of four years. Not only would extension of the Act be necessary to insure that all grantees attain their stipulated goals, but Congress and the Department of Health, Education and Welfare must be educated to the fact that prior to the establishment of Neighborhood Health Centers, the goals that were stated in the original Migrant Health Act could not have been met with existing provider control. Therefore, we must assume that we are and Congress is at least four years behind in attaining said goals as provided for in the Migrant Health Act of 1964.

The impact that can be seen in community controlled programs extends itself to the efficient use of professional health manpower as well as being an important step in utilization of para-professionals in delivering primary ambulatory care and the necessary supportive social services. As we all know, this country is in a professional manpower crisis as far as physicians, nurses and necessary technologists in the health fields and related social services. What we have done with the Migrant Health Act is to provide primary ambulatory services and also provide a means to educate, train and utilize para-professionals who are recruited from the target population. This training to an indigent population provides the mechanism by which they can gain exposure to the health disciplines and allow them to receive a marketable skill so that they can compete with the mainstream labor force, not only at the place where they were trained, but at their home-base areas where primary care and preventive services should be started in an effort to provide continuity of care during their migratory cycle.

In order to give you a better understanding of the communities' feeling about the health care they had received, please find enclosed the following documents:

(1) Notes from Migrant Health Planning Conferences in Mount Vernon, Washington, on December 8, 1969, and in Sunnyside, Washington, on December 10, 1969.

(2) Proposed migrant health resolutions adopted by the conferees at the Southwest States Chicano Consumer Conference on Health held in San Antonio, Texas, on January 26–29, 1972.

(3) Paper entitled "Community Based and Controlled Migrant Health Service Delivery Model" which was presented at the San Antonio conference cited above.

Finally, I would like to say that it is not the intention of this organization, the community or the farm worker to cling to the apron strings of the federal government but to be afforded the opportunity to guide their own destiny in attaining the same level of health that the status quo enjoys.

Sincerely,

Raymond Esparza, Jr.,
Executive Director.

Floyd County Migrant
Health Service Project,
Floydada, Tex., January 9, 1973.

Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Sir: I would like to urge that careful consideration be given to the continuance of the Migrant Health Act that provides medical assistance to migrant and seasonal farm workers.

The Migrant Health Program has been an important factor in educating the migrant people in ways to improve their general health status, as well as providing many needed health services which would not have been available to them otherwise.

Until such time as the financial status of the majority of the farm workers is sufficiently high to enable them to secure essential medical services, there is a definite need to continue to provide assistance for them.

Sincerely yours,

J. K. Holmes,
County Judge-Project Director.

Accomack County Schools,
Accomack, Va., January 15, 1973.

Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: I write to urge you to approve legislation extending the Migrant Health Act.

I serve as chairman of the Project Policy Board, an advisory group for the migrant health services in this two-county area, and I can testify as to the great benefits the Migrant Health Act has brought to America's "forgotten people."

Your cooperation will be greatly appreciated.

Respectfully yours,

A. K. Fisher,
Assistant Superintendent.

Gateway Christian Center,
Muncie, Ind., January 23, 1973.

Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Senator Kennedy: For the past several years the Health Clinic of the Gateway Christian Center has been providing a minimal amount of health care for migrants in Delaware County, Indiana. This contact has acquainted us with the fact that there is a dire need of medical services for migrants.

We now read that without legislation extending the Migrant Health Act, medical services to migrants will be terminated in June of 1973. This, we feel, will not only be a tragedy, but also a most inhuman dereliction of responsibility. Thus, the Board of Directors and staff of the Gateway Christian Center and Health Clinic strongly urge that you support efforts to extend the Migrant Health Act.

Let me add that our concern is not due to fear of any loss of funds for we get no Migrant Health Act funds. Our concern is strictly based upon the fact that we are acutely aware of the number of migrants who come into our area contending with the agony and anguish of doing without even the basic medical necessities. We trust that you will share our concern and support the extension of the Migrant Health Act.

For the Board and staff of the Gateway Christian Center and Health Clinic.

Sincerely

Frank Alexander,
Executive Director.

Commonwealth of Pennsylvania,
Harrisburg, Pa., January 5, 1973.

Hon. Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: Prior to 1963 migratory farmworkers and their families who came to Pennsylvania had great difficulty in obtaining even basic medical care. They were hospitalized only in cases of dire emergency. There were no outreach services. Few could obtain needed drugs. Laboratory and diagnostic services were unavailable. Dental care was sporadic. Camp inspection was inadequate.

Since 1963, with the advent of the Migrant Health Act, the State Department of Health was given a modest grant to provide comprehensive health care to migrants. This grant has since been received annually. The results have been outstanding. No federal dollar has been more productively spent than the dollar spent for migrant health services.

For example note the following statistics:

1. Of the 6,703 migrants who came to Pennsylvania in 1971, 3,581 attended clinics; 1,057 were seen by private physicians; 206 were hospitalized; 1,055 immunizations were given; and 2,837 dental services were provided to 881 migrants and their children.

2. But transportation was provided in eight of the 20 counties served; 317 migrant camps were inspected; and 275 children were screened for vision defects.

3. Needed drugs were provided through contracts with hospitals and local pharmacies and, through similar hospital contracts, laboratory and X-Ray diagnostic services were made available.

In recent years, in addition to the dedicated migrant health nurses who are hired by the project each year, migrant health aides have been recruited from the migrant ranks. They have brought great understanding and sensitivity as well as effectiveness to the program.

The Pennsylvania migrant population is concentrated in three rural areas in which medical and hospital care is provided by a steadily aging though dedicated group of physicians. These physicians barely meet the demand for medical care of the resident population.

But for the supplementation of local resources provided under the Migrant Health Act, these marginal medical resources would be swamped by the annual deluge of migrants.

The agribusiness in Pennsylvania—its fruit crops, tomatoes, potatoes, and mushrooms—are essential to the economic prosperity of the Commonwealth. The agribusiness relies on migrant farm labor for its survival.

The productivity of the migrant work force in turn depends upon the health services provided by the migrant health project.

Thus it may be seen that of all the federally supported health programs none can boast of a more visible and definable "pay-off" than the migrant health program.

Therefore, an extension of the Migrant Health Act is imperative for the well-being of migrants, for the economy of the State, and for the health and prosperity of the Nation.

I strongly urge you to do everything possible to bring about such an extension.

Sincerely yours,

J. Finton Speller, M.D.,
Secretary of Health.

Modesto, Calif.,
January 22, 1973.

Senator Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Sir: Recently I received a letter stating that the *Migrant Health Act* is in serious jeopardy unless legislation approves an extension of this act. As a nurse in the Patterson camp I feel that the services rendered to these people through our Rural Health Office are a vital part of their continuing health and education.

Nearly all of the health education received by the rural farm worker and migrant farm worker originates in our office. If this office were closed the health of these people would be in danger due to their lack of knowledge in health areas, and lack of funds with which to seek other medical help. For example, a large number of people in the Patterson area are diabetic and concerned about their problem but don't have the education and understanding of what is involved or how to treat it.

For the fiscal year 71–72, in this County, the Stanislaus Rural Health Care Program saw 15,856 people, all of which were screened and referred to Private Medical Doctors. Referrals to various community agencies such as Family Planning, Welfare, Public Health Clinics and Mental Health, totaled 2,635. Then, 10,400 were seen and treated by the R.N. in the Health Office.

For these reasons, I urge you to extend the *Migrant Health Act*.

Yours very truly,

Marilyn Holloway PHN, R.N.

By Mr. BIBLE:

S. 741. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill which would allow citizens to purchase, hold, sell, or otherwise deal in gold without restriction. Enactment of this bill would immediately and fully restore to our citizens an important right taken from them in 1933 and 1934. Since our Nation discarded the gold standard in 1968 and has sufficient gold to meet its international monetary commitments, no reason exists for continuing to deprive citizens of their right to hold gold. Therefore, my bill would simply repeal sections 3 and 4 of the Gold Reserve Act of 1934.

Enactment of my proposed legislation would immediately enable people in the United States to treat gold as any other commodity. Whatever their values or reasons, they could buy it, trade it, sell it, or keep it. Thus, our citizens would regain rights identical to those now held by citizens in 50 other nations including Canada, Japan, and the major powers of Europe. No longer would the holding of gold be limited, as it is now, to old coins, art objects, and metal for industrial uses.

Some of my colleagues in the Senate may fear that repeal of the outdated Gold Reserve Act would negatively affect the domestic or international monetary position of the United States domestically or internationally. Substantial evidence to the contrary has already been provided for the Record by our distinguished colleagues, Senator Hatfield and Senator Dominick, in connection with legislation on the same subject introduced January 16, 1973. I will not burden the Record by repeating their contributions here.

Public Law 90-269 in 1968 removed the need for gold reserves to support our currency, and the United States has not purchased gold on the international market since 1971. Deposits of gold to back our international monetary commitments have been removed from the Treasury. Our gold reserves, valued in excess of $10 billion, are essentially unencumbered.

Persistent rumors are circulating that the administration will return to our citizens in 1973 the privileges with respect to gold that were taken from them in 1933. I submit that the administration has already procrastinated too long. The international monetary system has taken shape and is largely isolated from events in the private market for gold. The system continues to function in the face of rapid and large changes in the prices of gold on world markets.

My bill scrupulously avoids any reference to the Government's stocks of gold. Whether and how these should be depleted or augmented should be decided by experts in the Department of the Treasury, in the Bureau of Mines, and in the congressional committees dealing with banking, currency, and international monetary matters. Policies on disposition of stocks of gold now held by the United States must be carefully worked out with due consideration for balance of international payments, stability of prices for gold, rates of domestic and international production of gold, needs for gold as money, and support for our international financial commitments.

Regardless of the Federal Government's posture on gold, my bill recognizes that each person in this country deserves the right to determine his or her individual policy toward gold. To this end, my bill would restore to citizens the unfettered right to buy, hold, sell, or otherwise deal in gold.

I ask unanimous consent that the text of my bill be printed in the Record at the close of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

Sec. 2. No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing in gold.

By Mr. BIBLE:

S. 742. A bill to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, criminals and criminal acts have been with society since the biblical beginning of time when Cain murdered his brother Abel. Crime was brought dramatically to this Chamber this week with the senseless, dastardly attack on the distinguished Senator from Mississippi (Mr. Stennis) who all of us are praying regains his full and complete health and returns to these Halls to provide his great capability, equanimity, and equilibrium not only to this body and the Congress but to this country and the world.

These observations are a preface to a bill I introduce at this time for appropriate reference designed to strike at one phase of criminal activity these days, the control of the criminal redistribution system, commonly called fencing, which we believe is supporting the $16 billion cost that American businesses pay yearly for property thievery of every character.

Certainly, the challenge posed by broad-scale criminal attacks against this country's transport system may be the single biggest test for law enforcement and security capability in the business area in the 1970's and probably beyond. That test will be sharpened by an estimated record tonnage to be transported in the next decade in a society where security from crime and prevention of crime are becoming the goals of a carrier industry's effort to deal with the biggest billion-dollar racket nationally today—the theft, pilferage, loss, hijacking, and fencing of truck, rail, air, and ship cargo.

Mr. President, in brief my bill will permit those in lawful possession of goods to sue in a civil proceeding for treble damages, those who steal, purchase, or resell goods stolen from interstate commerce.

For the past 3½ years as chairman of the Senate Small Business Committee, I have listened to testimony during our cargo crime hearings which revealed that the American shipper loses over $1.5 billion a year to the cargo thief. These losses are naturally passed on to the American consumer in the form of crime inflated prices.

Witnesses before our committee have repeated the same theme, that these goods stolen from trucks, railroads, air carriers, and maritime carriers are passed on to unscrupulous buyers for eventual resale in both legal and legitimate markets. As one observed—

> A thief doesn't have that many girl friends to give gifts to.

My bill would place a new enforcement tool in the Federal arsenal to reach these criminal dealers, taking the profit out of marketing these stolen goods.

Mr. President, it was my pleasure to first propose this legislation in 1971. Through the capable efforts of the distinguished senior Senator from Arkansas (Mr. McClellan), chairman of the Judiciary Committee's Criminal Laws and Procedures Subcommittee, we refined this concept with legislation introduced in 1972. I give great credit to the capable staff of the Senate Judiciary Committee's Criminal Laws and Procedures Subcommittee, in helping to develop this antitrust, treble damage, civil remedy approach to get at cargo thievery as proposed by my bill.

This concept was reported out favorably by the Senate Judiciary Committee and subsequently passed by the Senate on September 5, 1972, as a part of the Civil Remedies for Victims of Theft and Racketeering Act of 1972. It was passed by the Senate a second time on September 18, 1972, as a part of general anticrime amendments to H.R. 8389, the omnibus drug abuse control bill. Neither cleared the other body because of the pending adjournment.

My purpose in reintroducing this bill at this time is to provide an impetus so that the Senate may have the opportunity to pass it a third time and thereby provide the other body with sufficient time to appropriately consider it.

The logic behind this legislation is to help destroy the thief's market for stolen goods. If a thief does not have a buyer to purchase and resell his "hot cargo" it becomes valueless to him. It stands to reason that if a fence or purchaser of such hot cargo is vulnerable to lawsuit in a civil proceeding which as my colleagues know is governed by a less stringent evidence rule than criminal, for threefold the fair market value of the stolen goods, his marketing ability will be adversely affected.

Specifically, the bill would:

First. Permit persons in legal possession of goods—such as truck, air, rail, and maritime carriers—to sue for treble damages those persons responsible for stealing, buying, or reselling goods in interstate commerce;

Second. Provide that if goods are sold at less than fair market value, it is prima facie evidence that an involved party is trafficking in stolen goods;

Third. Permit the Attorney General to enter a private civil damage suit on a class action basis for all U.S. citizens; and

Fourth. Permit Federal district courts

to issue injunctions to force persons engaged in sale of stolen goods to divest themselves of business fronts used in illicit marketing activities.

For the benefit of my colleagues, I would like to advise that a number of states are now considering comparable legislation to deal with the intrastate criminal middlemen. An example is California, whose legislature last year unanimously passed an act similar to the provisions of the bill I am introducing. It was signed into law by Governor Reagan on August 16, 1972.

To acquaint the remaining 49 States with the scope of the problem and to assist them deliberate as to the merits of this approach, I wrote to each of the Governors and provided them with an in-depth background of both the Federal concept and the new California law.

I would also like to advise my colleagues that the Senate Small Business Committee has available a staff report, which I understand to be the first such congressional document, exploring in detail the many methods by which the fence system operates in this country.

Mr. President, I would urge other Members of this body to join in cosponsorship of this bill designed to not only assist this country's commercial transport system but all businesses which it supports.

If I remember correctly, in the heyday of the Al Capone reign in Chicago, he was convicted not for murder, theft, the Volstead Act, or other mobster activity, but for income tax evasion. It is now time we go after the modern-day cargo thieves indirectly, too, as this bill proposes and more directly as other pending legislation suggests.

Mr. President, in conclusion I ask unanimous consent that there be inserted into the Record at the close of my remarks a copy of my bill, a section-by-section analysis of the bill, a copy of my letter to the Nation's Governors suggesting an intrastate approach patterned after the interstate provisions of my bill, an article in "Transportation Topics," published by the American Trucking Associations, plus its editorial, "Deprofiting Thievery."

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Civil Remedies for Victims of Racketeering Activity and Theft Act of 1973".

RACKETEER CIVIL REMEDIES

Sec. 1. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction".

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking the word "action" in subsection (b) and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) of such section and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger of irreparable loss or damage, a temporary restraining order and a preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, wihout regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The United States may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be estopped as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matters complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (b) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party".

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States", and inserting in lieu thereof "or proceeding".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereunder and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

THEFT CIVIL REMEDIES

Sec. 2. (a) Section 659 of title 18 of the United States is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled, stolen, or otherwise unlawfully taken carried, concealed, or obtained.

"(d) Whoever violates any provision of subsection (a), (b), or (e) of this section shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions as it shall deem proper.

"(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a temporary restraining order and preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of action.

"(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover three-fold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"(n) The United States may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

"(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

"(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

"(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

"(s) To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained chattels, or other property, recently embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by possession of any money, baggage, goods, fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was, or that such person had, embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section.

"(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

"659. Interstate or foreign shipment by carrier; State prosecutions; civil remedies for victims of theft.".

SEVERABILITY

Sec. 3. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 4. This Act shall become effective upon the date of enactment.

Section-by-Section Analysis

Section 101 sets out the purpose of this bill.

RACKETEER CIVIL REMEDIES

Section 102(a) amends section 1964 of title 18 of the United States Code, which provides civil remedies for the violation of prohibited racketeering activities enumerated in section 1962, title 18, United States Code, as follows:

Subsection (1) amends subsection (a) which provides that the district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1972 by allowing such courts to have jurisdiction "without regard to the amount in controversy."

Subsection (2) amends subsection (b) which authorizes the Attorney General to institute proceedings by adding new language to clarify that proceedings are brought under subsection (a) of section 1964.

Subsection (3) amends subsection (b) by using the term "proceedings" in each instance to refer to the action of the Attorney General.

Subsection (4) strikes and substitutes a new subsection (c) to permit any person to institute proceedings under subsection (a) of section 1964 and to be granted injunctive relief from threatened loss or damage; and to be granted a temporary restraining order and a preliminary injunction upon the execution of proper bond and showing of immediate danger or irreparable loss or damage.

A new subsection (d) provides that whenever the United States is injured in its business or property by reason of a violation of section 1962 of this chapter the Attorney General may bring a civil action in a district court of the United States and shall recover the actual damages sustained, plus the cost of the action.

A new subsection (e) provides that any person injured in his business or property by reason of a violation of section 1962 of this chapter may bring a civil action in a district court of the United States and shall recover threefold the actual damage, the cost of the action, and a reasonable attorney's fee.

A new subsection (f) would permit the United States to intervene in any civil action if the Attorney General certifies that the case is of general public importance. In such action, the United States would be entitled to the same relief as if it had instituted the proceeding.

A new subsection (g) provides that upon a final judgment in favor of the United

States the doctrine of estoppel between criminal and civil proceedings shall apply.

A new subsection (h) provides that any civil action under section 1964 shall be barred unless it is commenced within 5 years after the cause of the action. It further provides for the suspension of such action during the pendency of criminal proceeds by the United States and for 2 years thereafter.

Section 102(b) amends section 1965 (venue and process) of this chapter by—(1) clarifying language substituted in subsection (b) to identify the action as "civil action or proceeding under this chapter" rather than "action under section 1964" in the matter of summons and process serving; (2) striking language in subsection (c), relating to process serving, which would have allowed such actions only in proceedings "instituted by the United States" thus broadening the statute in regard to process serving in private actions or proceedings, or actions or proceedings intervened in by the United States; and (3) adding clarifying language in subsection (d) that nationwide venue and other process serving applies to both civil and criminal actions or proceedings under this chapter.

Section 102(c) amends section 1966 (expedition of actions) to provide that in any civil action or proceeding under this chapter in which the United States is a party, rather than limited to actions instituted by the United States, the Attorney General may file with the clerk of the district court a certificate stating that in his opinion the case is of general public importance for purposes of expediting the action.

Section 102(d) amends section 1967 (evidence) to provide that any civil action or proceeding under this chapter may be open or closed to the public at the discretion of the court, rather than limiting such procedure to actions instituted by the United States.

Section 102(e) amends section 1968 (civil investigative demand) to broaden the language authorizing the Attorney General to issue civil investigate demands to include actions or proceedings in which the United States intervenes as well as those actions instituted by the Attorney General; and substitutes the term "action" for the word "case" to more clearly include injunctive relief and restraining orders under the provisions of the section.

THEFT CIVIL REMEDIES

Section 103(a) amends section 659 of title 18 of the United States Code. The section caption is amended by adding the phrase "civil remedies for victims of theft." The new subsections are as follows:

Subsection (a) of section 659 makes it unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

Subsection (b) of section 659 makes it unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

Subsection (c) of section 659 makes it unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain with intent to convert to his own use any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

Subsections (e) through (p) add new substantive language to sec. * * * (b), and (c) as a fine of not more than $5,000 or imprisonment for not more than 10 years, or both; but should the value of such property not exceed $100, the fine shall be not more than $1,000 or imprisonment for not more than 1 year, or both.

Subsection (e) through (p) add new substantive language to section 659 to provide civil remedies for violations under the section.

Subsection (e) gives the district courts of the U.S. jurisdiction to prevent and restrain violations of this section. Certain remedies are set out, such as ordering any person to divest himself of any interest in any enterprise, and prohibiting any person from engaging in certain enterprises, but the remedies are only limited by making due provisions for the rights of innocent persons.

Subsection (f) provides that the Attorney General may institute proceedings under subsection (e). In such proceedings the court shall proceed expeditiously and may, prior to final determination, enter restraining orders or other actions as it deems proper.

Subsection (g) would permit any person to institute proceedings under subsection (e) seeking relief in conformity with the principles which govern the granting of injunctive relief from threatened loss in other cases. A temporary restraining order or a preliminary injunction may be issued, following the showing of immediate danger of loss and upon the execution of a proper bond against damages for an injunction improvidently granted.

Subsection (h) provides that the Attorney General may bring a civil action under section 659 whenever the United States is injured * * * its business or property and shall recover the actual damages sustained and the cost of the action.

Subsection (i) provides that any person who is injured by reason of any violation of section 659 may bring a civil action in a district court of the United States and shall recover threefold the actual damages sustained, the cost of the action and a reasonable attorney's fee.

Subsection (j) establishes venue wherever the defendant resides, is found, has an agent, or transacts his affairs.

Subsection (k) provides nationwide service of process on parties, if the ends of justice require it.

Subsection (l) provides nationwide subpena power for witnesses in civil or criminal actions or proceedings under section 659. In civil actions, a court order on good cause shown is required for issuance if the witness resides more than 100 miles from the court.

Subsection (m) provides for the service of process in civil or criminal actions under section 659 wherever the person resides, is found, has an agent or transacts his affairs.

Subsection (n) permits the United States to intervene in any civil action or proceeding brought under section 659 certified by the Attorney General as being of general public importance.

Subsection (o) provides specifically for collateral estopped between criminal judgments and civil actions.

Subsection (p) sets a 5-year statute of limitation on civil actions under section 659 and provides for the suspension of the running of the period of limitations during the pendency of civil or criminal actions brought or intervened in by the United States and for 2 years thereafter.

Subsection (q) is taken from the original section 659 and provides that a violation of the section shall be deemed to have been committed not only where it first occurred, but in any district in which the defendant may have taken or been in possession of the money or property.

Subsection (r), also, is taken from the original section 659 and provides that the transporting of money or property in interstate or foreign commerce knowing or having reason to know that such was unlawfully taken shall constitute a separate violation subject to criminal penalties and civil remedies. The violation shall be deemed to have been committed in any district into which such money or property shall have been taken. The previous language has been strengthened by the addition of the phrase "or having reason to know" that such property was unlawfully taken.

Subsection (s) enlarges on language which provided that the waybill or other shipping document shall be prima facie evidence of the interstate or foreign commerce character of any shipment in any criminal or civil action. It further provides that proof that a person was found in unexplained possession of unlawfully taken property shall be prima facie evidence that such person knew that such property had been unlawfully taken, or that such person had unlawfully taken such property. Proof that a person bought or received property at a price substantially under its fair market price shall be prima facie evidence that such buyer or receiver knew that such property had been unlawfully taken.

Subsection (t), from the original section 659, provides that a judgment under the laws of any State shall be a bar to any criminal prosecution under this section for the same act. It further sets forth the intent of the Congress that this section shall not be construed to operate to the exclusion of State statutes covering provisions of this section unless such State law is inconsistent with the provisions and purposes of this section.

Section 103(b) amends the analysis of chapter 31 of title 18 of the United States Code by adding to the reference language covering civil remedies for victims of theft.

Section 104 contains a severability clause.

Section 105 provides that this act shall become effective on the date of enactment.

[From Transport Topics, Dec. 25, 1972]

BIBLE URGES STATES TO CONTROL "FENCES"—ALL GOVERNORS ASKED TO STEM COSTLY RACKET

A $16 BILLION COST CITED AS IMPETUS TO ATTACK THIEVERY

Sen. Alan Bible (D-Nev.) has called on the nation's governors to push for enactment of new state laws to control fencing, the criminal redistribution system supporting the $16 billion cost that American businesses pay yearly for property crime thievery.

The senator cited the $1½-billion cargo thievery losses from truck, rail, air and maritime shipping every year as "an excellent starting point."

In letters to 49 governors and governors-elect, the Nevada senator urged that they recommend a new law to their 1973 legislatures patterned after his treble-damage civil remedy bill. California adopted the Bible approach last August when Gov. Ronald Reagan signed a law making individuals who steal, receive, or sell stolen property liable in civil damages to pay the victim three times the loss value.

"Without a fence to purchase stolen goods, thievery becomes practically a meaningless profitless act," Sen. Bible wrote the governors. "If a thief does not have a buyer or a fence to resell the billions of dollars' worth of commodities stolen annually, that 'hot cargo' is more difficult to disperse profitably. Major thievery will not decline until the profit is taken out of it by putting the purchaser of stolen goods out of business by drying up his market."

As chairman of the Senate Small Business Committee investigating business crime and transportation thievery for three years, Sen. Bible said his federal proposal, passed 81 to 0 by the Senate last September, dealt with the "interstate shipment theft problem only." The measure was not voted on in the House.

The measure was supported by American Trucking Associations, the Association of American Railroads, other national transportation and business interests, and the Nixon Administration.

"To curb fencing activities within the states themselves, we need comparable laws there to close the whole door by stopping intrastate thieves," Sen. Bible said.

"We will push for early congressional enactment in 1973. After all, the $16 billion that property crimes cost business each year is passed along to the consumers by crime-inflated prices."

In his letter to the governors, Sen. Bible had high praiser for Attorney General Richard Kleindienst's proposal calling for establishment of federal-state-local law enforcement liaison committees in every state to combat the criminal fencing system and related business crime problems. He urged the governors to "lend your cooperation toward achieving this most important goal."

The Justice Department proposal, which has gone to U.S. Attorneys in all states, was a recommendation of the Senate Small Business Committee's investigatory report on trucking theft and hijacking last summer.

Sen. Bible told the governors that "establishment of a permanent federal-state law enforcement committee within your state, comprised by key state law enforcement officials and appropriate federal representatives, could do much to achieve a continuing coordinated effort, particularly in those areas of criminal law enforcement where the states and the federal government share concurrent jurisdiction."

"Because state and local law enforcement officers are the real backbone of our country's efforts to control crime in all its forms, and because out there is where the action is," Sen. Bible said, "I heartily support this effort since an active local-state-federal anti-crime coordinating and liaison group in every state can provide an outstanding nucleus for service in many ways to stop the criminal preying on every American, either through physical injury, by direct thievery, or by indirectly paying crime-inflated prices."

[From Transport Topics, Dec. 25, 1972]

Deprofit Thievery

No single answer is going to solve the terrible problem of thefts from transportation companies and other businesses, but the proposal of Sen. Alan Bible (D-Nev.) will certainly go a long way toward achieving a solution.

In recommending new laws and penalties for fencing stolen property, Sen. Bible has targeted a key motive for stealing goods—their convertibility to cash. There can be little question that the receiver of stolen goods is usually as much responsible for the crime as the thief, himself, because much that is stolen is personally useless to the crook.

The individuals operating as fences are often "white collar" types—operators of businesses, job holders and such. Many have conducted their illegitimate enterprises with little or no trouble from law enforcement officials and their profit margins are enormous.

Receivers of "hot" merchandise can usually tell its source by the price and the manner in which it is offered. The potential profit will blind them to all but the severest penalties. The civil liabilities proposed in the Bible measure should make potential recipients of stolen goods reluctant to do so. It will definitely place the receiver in a position to lose much more than he can gain.

Inability to liquidate stolen property will make the role of the thief more difficult. The goods are incriminating and the longer he has to hold them the more vulnerable he becomes.

Sen. Bible has attained great familiarity with the problem while serving for the last three years as chairman of the Small Business Committee. Investigations by this group brought out that the small businessman is the prime victim of industrial thefts.

He obtained Senate approval of a bill dealing with the problem, but the legislation was not acted upon by the House. The bill, moreover, would deal only with thefts from interstate commerce and Sen. Bible is eager to have the states adopt similar measures.

The approach he has taken seems practical and effective. It deserves the support of all elements of the transportation industry.

By Mr. FONG (for himself and Mr. Fannin):

S.J. Res. 48. A joint resolution to establish a National Commission on Social Security. Referred to the Committee on Finance.

Mr. FONG. Mr. President, Senator Fannin and I today are introducing Senate Joint Resolution 48 which sets forth our proposal to create a permanent, independent, bipartisan National Social Security Commission.

We do so out of our conviction that the magnitude of the social security system and its individual impact on every man, woman, and child in America, directly and indirectly, as well as on millions yet unborn, demands no less than constant review of how it serves or could serve our people.

Independent of either administrative or legislative responsibilities, the National Social Security Commission would serve as a bipartisan watchdog on behalf of the people. It would be of great assistance to the Congress and to the administration in their respective and joint efforts to strengthen social security's ability to serve all Americans.

The National Social Security Commission would be charged with continuous review of social security's effectiveness. Included in such review would be:

First. Imaginative consideration of innovations which may strengthen the system's ability to help provide decent economic and health security for its beneficiaries without excessive tax burdens on wage earners and their employers;

Second. Persistent analysis of inequities within the system which may affect substantial numbers of its participants;

Third. Positive assurances of the system's fiscal integrity and its ability always to meet its obligations, and

Fourth. Careful determination of the system's possible effects, positive or negative, on other elements in our society, both private and public, through which Americans strive for economic well-being.

We urge prompt approval of Senate Joint Resolution 48 by the Senate, the House of Representatives, and the President as a demonstration of congressional and administration concern for the day to day impact of the Social Security Act on all Americans and as a joint reassurance of intent that this impact will be of maximum benefit to all.

As we make this appeal, we give full recognition to the long record of excellent administration of social security by the Department of Health, Education, and Welfare. No less important has been the distinguished work of the Senate Committee on Finance and the House Committee on Ways and Means. In no way would the independent National Social Security Commission diminish or derogate their responsibilities. On the contrary, it would be a new and valuable source of help to them.

Under Senate Joint Resolution 48, the National Social Security Commission will have a continuing responsibility to study, investigate, and review the Federal old-age, survivors, and disability insurance program and the health insurance programs which operate under authority of the Social Security Act.

At present the Social Security Act provides for such an overview by the Advisory Council on Social Security, but only on an intermittent basis. Under the resolution being offered by Senator Fannin and myself, the latter would be replaced by the full-time National Social Security Commission.

To rely for such important studies on an advisory council, which holds a limited number of meetings during 1 year out of 4, as is now the case, is unfair to the American people, the Congress and the President. The almost inevitable dependence on the social security program's administrative agency by such a part-time panel, no matter how distinguished its membership, also leaves much to be desired.

Social security is too important, too big to be the object of part-time review.

If the interests of the people are to be safeguarded, a constant overview, independent of its administrators, is needed—not on a part-time, intermittent basis, but offering full-time surveillance. This is the intent and purpose of the National Social Security Commission to be created by the resolution Senator Fannin and I are introducing today.

The importance of the Commission's work, as set forth in the resolution, is underscored by the manner of appointment of its nine members and the provision that the Commission shall be bipartisan.

The Commission Chairman and four members will be appointed, on a bipartisan basis, by the President with the advice and consent of the Senate. Two members each, no more than one from a single political party, will be appointed by the President pro tempore of the Senate and the Speaker of the House.

Members of the Commission shall be individuals of recognized standing and distinction who have demonstrated capacity to discharge the great responsibility which the resolution places upon it.

The Commission membership unquestionably should include men or women recognized as authorities in the fields of actuarial science, economics, and other disciplines.

The National Social Security Commission, in short, should be a blue-ribbon panel capable of responding imaginatively and effectively to both specific and broad ramifications of social security. It should be staffed by persons able to give continuous attention to these ramifications.

In my earlier call for an independent, bipartisan Commission, I have pointed out that social security in many respects is the biggest business in America. Old-age, survivors and disability insurance and health insurance payments to approximately 30 million persons during 1973 will exceed $60 billion. Over 90 percent of the American people are covered. Everyone directly or indirectly participates in its financing.

These statistics alone suggest the importance of independent review by experts serving an ombudsman role on behalf of all the people.

The implications of social security, however, go far beyond the dollars in benefits and the taxes paid to provide such benefits. The system affects all efforts of individual Americans and groups to provide for economic security. It has an effect on private pensions, individual insurance and savings, health care patterns, and on employment and retirement practices in our land.

At no time has there been an authoritative review of all of these elements which affect social security or are affected by it. I believe it is high time that we look at these questions. An independent, bi-partisan National Social Security Commission would be expected to include these questions in its deliberations, investigations and reports to the people, the Congress and the President.

Pertinent to our purposes in introducing Senate Joint Resolution 48 are hearings currently in progress by the Senate Special Committee on Aging under chairmanship of the distinguished senior Senator from Idaho, FRANK CHURCH. The subject of these hearings is "Future Directions in Social Security."

I applaud Senator CHURCH's decision to initiate such hearings and the excellence of the testimony presented in the first three sessions.

Witnesses so far have been Social Security Commissioner Robert M. Ball; Nelson Cruikshank, president, National Council of Senior Citizens; John A. Brittain, Brookings Institution economic studies program; J. Douglas Brown, provost and dean emeritus, Princeton University; and William L. Mitchell, former Social Security Commissioner and consultant to National Retired Teachers Association-American Association of Retired Persons. Each has made a contribution to our knowledge and understanding of differing points of view regarding social security's future.

I anticipate that when this series of important hearings has been completed, we will have a valuable base on which the National Social Security Commission can build.

I hope and trust that every member of the Congress will give close attention to the hearings conducted under chairmanship of Senator CHURCH. But recognition must be given to the fact that with a program so big as social security there are constant tides which affect its operation and the needs of people whom it would serve.

Through the National Social Security Commission we would provide a new and important assurance to all the people that these tides, in their ebb and flow, will be given constant consideration.

Senator FANNIN and I invite our colleagues to join us in sponsoring this resolution. Members desiring to cosponsor the resolution should contact my office.

I ask unanimous consent that the text of the joint resolution be printed at the conclusion of my remarks and those by my colleague, Senator FANNIN, which are to follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I want to join my distinguished colleague in introducing this resolution and urging its approval.

Senator FONG is to be commended for his leadership in recognizing the need for a National Social Security Commission. His active and energetic participation as a leading member of the Senate Special Committee on Aging has given him a unique view of the future of the social security program and the challenges it will face.

This resolution is a product of his experience and his fundamental belief concerning the increasing need for understanding the social security program. For that reason, it is an important proposal worthy of the Senate's approval.

This proposal, Mr. President, comes at a most opportune time. All of us, I am sure, have recently encountered significant criticisms of the social security program. Some have questioned the effectiveness of programs covered under social security, especially the medicare and medicaid programs. Of more serious concern, however, have been the recent attacks on the heart of the social security system, its method of financing. In this case, complaints have been heard concerning the regressive nature of the payroll tax and the recent increases in the amount of the payroll deduction itself. These matters, as well as others, are not to be taken lightly and must be carefully studied and evaluated.

When 91 percent of the elderly either receive or are eligible to receive social security benefits and when most of the working force contributes to the program, it makes good sense to provide a permanent citizen commission, along with the constituted administrative and legislative agencies, to review and direct social security. In my estimation, by including within the process by which we administer and legislate social security a commission of the type Senator FONG and I are advocating, we will have strengthened our capacity to deal with the social security program, and in doing so assure its success.

The commission which Senator FONG and I are sponsoring would contribute much to furthering our understanding of social security and its future directions. And, again, I urge the Senate to join with us in sponsoring this legislation, as I think it is a commendable proposal.

EXHIBIT 1

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the National Commission on Social Security (hereinafter referred to as the "Commission").

(b)(1) The Commission shall consist of—

(A) 5 members to be appointed by the President, by and with the advice and consent of the Senate, one of which members shall, at the time of appointment, be designated as Chairman of the Commission;

(B) 2 members to be appointed by the Speaker of the House of Representatives; and

(C) 2 members to be appointed by the President pro tempore of the Senate.

(2) At no time shall more than three of the members appointed by the President, one of the members appointed by the Speaker of the House of Representatives, or one of the members appointed by the President pro tempore of the Senate, be members of the same political party.

(3) The membership of the Commission shall consist of individuals who are of recognized standing and distinction and who possess demonstrated capacity to discharge the duties imposed on the Commission. No individual who is otherwise an officer or full-time employee of the United States shall serve as a member of the Commission.

(4) The Chairman of the Commission shall designate a member of the Commission to act as Vice Chairman of the Commission.

(5) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(6) Members of the Commission shall be appointed for a term of 4 years.

(7) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as that herein provided for the appointment of the member first appointed to the vacant position.

(c) Members of the Commission shall receive $138.00 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(d) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members of the Commission; except that meetings of the Commission shall be held not less frequently than once in each calendar month which begins after a majority of the authorized membership of the Commission has first been appointed.

SEC. 2. (a) It shall be the duty and function of the Commission to conduct a continuing study, investigation, and review of—

(1) the Federal old-age, survivors, and disability insurance program established by title II of the Social Security Act; and

(2) the health insurance programs established by title XVIII of such Act.

(b) Such study, investigation, and review of such programs shall include (but not be limited to)—

(1) the fiscal status of the trust funds es-

tablished for the financing of such programs and the adequacy of such trust funds to meet the immediate and long-range financing needs of such programs;

(2) the scope of coverage, the adequacy of benefits, and the conditions of qualification for benefits provided by such programs;

(3) the impact of such programs on, and their relation to, public assistance programs, non-governmental pension and insurance programs, other governmental retirement and annuity programs, medical service delivery systems, and national employment practices;

(4) the quality of the administration of such programs;

(5) any inequities (whether attributable to provisions of law relating to the establishment and operation of such programs, to rules and regulations promulgated in connection with the administration of such programs, or to administrative practices and procedures employed in the carrying out of such programs) which affect substantial numbers of individuals who are insured under such programs.

SEC. 3. The Commission shall submit an annual report of its study, investigation, and review, of programs (referred to in section 2), together with its recommendations with respect to such programs, to the President and to the Congress. In addition, the Commission shall, at such times as it deems appropriate, submit to the Secretary of Health, Education, and Welfare, reports on, and recommendations with respect to, such programs.

SEC. 4. (a) The Commission shall appoint an Executive Director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule by title 5, United States Code.

(b) In addition to the Executive Director, the Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 5. In carrying out its duties under this Joint Resolution, the Commission, or any duly authorized committee thereof, is authorized to hold such hearings, sit and act at such times and places, and take such testimony, with respect to matters with respect to which it has a responsibility under this Joint Resolution, as the Commission or such committee may deem advisable. The Chairman of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

SEC. 6. The Commission may secure directly from any department or agency of the United States such data and information as may be necessary to enable it to carry out its duties under this Joint Resolution. Upon request of the Chairman of the Commission, any such department or agency shall furnish such information to the Commission.

SEC. 7. The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the preceding provisions of this Joint Resolution.

SEC. 9. It shall be the duty of the Health Insurance Benefits Advisory Council (established by section 1867 of the Social Security Act), to provide timely notice to the Commission of any meeting thereof, and the Chairman of the Commission (or his delegate) shall be entitled to attend any such meeting.

SEC. 10. Section 706 of the Social Security Act (relating to appointment of Advisory Council on Social Security) is hereby repealed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 40

At his own request, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 40, to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes.

S. 190

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 190, for the relief of the widow and children of Thomas Pillifant.

S. 192

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 192, to convey the interest of the United States and certain property in Fairbanks, Alaska, to Hilcrest, Inc.

S. 204

WILLIAMS COSPONSORS BILL TO AID SMALL FARMER

Mr. WILLIAMS. Mr. President, I am most pleased to join Senator BAYH in sponsoring S. 204, the Family Farm Inheritance Act. Senator BAYH's legislation intends to ease a most difficult burden involved in sustaining a family farm—the inheritance tax.

Too frequently, the inheritance tax on farm property is confiscatory and forces the surviving members of the family to sell the property. In New Jersey, recent figures indicate that one farm is lost each day. Undoubtedly, the difficulties associated with inheritance taxes are involved in the figuring which leads up to this loss.

In terms of production, the loss of one farm means the loss of approximately 110 acres of land in New Jersey that had been used in the production of vegetables, eggs, milk, and other essentials to our daily diet.

S. 204 excludes the first $200,000 in value of the family farm from the taxable estate of a farmer who has managed his own farm during his life and has willed it to relatives who also plan to manage it. Conditions are included so that the farm remains in the family and so that the relatives who inherit it manage and reside on the farm.

Senator BAYH has approached the problem of massive decreases in the number of small farms wisely and realistically. I believe that this approach will indeed ease the tax burden on people who inherit a farm and thereby encourage or enable them to retain the farm and keep it solvent.

As I have mentioned, the loss of small farms is a serious problem in my State. Being the most densely populated State in the Union, New Jersey experiences, on a daily basis, tremendous pressure to convert farmland into developed area. In this regard, the Newark Star-Ledger recently published an editorial, entitled "Disappearing Farms," which discusses the difficulties facing those people who hope to retain their farmland.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISAPPEARING FARMS

New Jersey, warns Agriculture Secretary Phillip Alampi, is losing farms at an alarming rate of one per day. This works out to a loss of approximately 110 acres daily of land that had been used in the production of vegetables, eggs, milk and other essentials of a balanced diet.

We share Mr. Alampi's concern, and we are impressed by the numbers he cites to bolster his case.

"We have," the agriculture secretary states, "the biggest segment of our economy made up of agriculture and the food industry: 1,122 food processors, with 22 per cent of all their raw products coming from Jersey farms."

A commission has been established by Governor Cahill's administration to look into the problem of dwindling farmland and is scheduled to issue recommendations on January 3 on what the state can do to prevent further losses of agricultural reserves.

The commission faces a difficult job. New Jersey is a land-poor state and developers are willing to pay increasingly large sums for acreage. Then, too, farming is a risky venture, entailing long hours of hard work and the possibility that heavy rains or lengthy dry spells can destroy the crops in any given year.

Programs to help the farmer have not been especially successful, despite the expenditure of billions of dollars annually by the federal government. Farms continue to disappear, not only in New Jersey but throughout the nation, while the outlay for subsidies mounts and the cost of farm products rises.

We wonder if the commission can develop a program that will preserve farmlands without imposing excessive costs on the state's taxpayers. If the recommendations can achieve this, there is no reason why they should not be implemented.

S. 214

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 214, relating to the appointment of U.S. marshals.

S. 429

At the request of Mr. ROBERT C. BYRD for Mr. MAGNUSON, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 429, the Child Dental Health Act of 1973.

S. 459

At the request of Mr. TALMADGE, the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 459, to require the Secretary of Agriculture to carry out a rural environmental assistance program.

S. 516

At the request of Mr. ROBERT C. BYRD, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 516, a bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 4-year term for the appointment of the Director of the Federal Bureau of Investigation.

S. 518

At his own request, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of S. 518, to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

S. 576

At the request of Mr. DOMINICK, the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. TALMADGE), and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of S. 576, a bill providing for separate offense and consecutive sentencing in felonies involving the use of a firearm.

S. 576

Mr. DOMENICI. Mr. President, I am pleased to join with the distinguished Senator from Colorado (Mr. DOMINICK) in sponsoring S. 576, a bill to amend the Gun Control Act of 1968 to provide for separate offenses and consecutive sentencing in felonies involving the use of a firearm.

I believe it is time for us to make it harder on those who use guns illegally in order to allow our good, law-abiding citizens the right and privilege to keep and use firearms for legal purposes.

The need for such legislation is no more visibly demonstrated than by the senseless and brutal crime perpetrated on a fellow U.S. Senator here in this city of Washington Tuesday evening. Senator STENNIS was robbed on the street outside his home; he offered no resistance to the robbers, yet they used firearms in the commission of their crime.

If one who has already determined to commit a crime knows that the penalty for that crime will be no more severe if a firearm is used, he has no reason to refrain from use of the gun. That serious defect in our criminal laws needs to be rectified.

Capt. James A. LaRue, president of the New Mexico Sheriffs and Police Association has told me:

> None of us are enthusiastic about controlling guns. What we must do is regulate the use of those guns by prohibiting their illegal use.
>
> I believe all policemen in New Mexico would favor a provision for separate offenses and consecutive sentences in felonies involving the use of firearms. This amendment would attack the problem where it is most serious.

I agree.

SENATE JOINT RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 10, the school prayer amendment.

EXTENSION OF AUTHORIZATION FOR PROGRAMS UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT NO. 5

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

AN AMENDMENT TO ESTABLISH A NATIONAL LEGAL SERVICES CORPORATION

Mr. MONDALE. Mr. President, on behalf of myself, and Senators CRANSTON, KENNEDY, WILLIAMS, and JACKSON, I submit for printing and appropriate reference an amendment to S. 706, which I submitted earlier today.

This amendment, known as the National Legal Services Corporation Act, is designed to assure that legal representation for the poor will be independent and free of politics, and also responsive to the communities it must serve. This legislation has been developed jointly by all those sponsoring the introduction of this proposal today.

In its basic provisions, this amendment is essentially similar to the provisions contained in section 27 of the conference report to accompany H.R. 12350, Report No. 92–1246, of July 26, 1972.

In particular, the composition of the Board of Directors of the Corporation conforms to that which emerged from the conference committee which considered this legislation last year. The President appoints all members of the Board of Directors, by and with the advice and consent of the Senate.

Ten of these appointees are from the general public, and of the remaining nine members:

Five members must be representative of the organized bar and legal education—respecting whom the American Bar Association, the American Trial Lawyers Association, the Association of American Law Schools, the National Bar Association, and the National Legal Aid and Defender Association may submit recommendations to the President.

Two members must be from among individuals eligible for assistance under the act—regarding whom the Clients Advisory Council created by the act may submit recommendations to the President.

Two members must be from among former legal services project attorneys—regarding whom the Project Attorneys Advisory Council created by the act may submit recommendations to the President.

Other provisions of the amendment are also designed to insure that the Corporation meets the twin tests of independence and accountability.

There are strong prohibitions against conflicts of interest on the part of any Board member.

The Executive Director of the Corporation is limited to a 6-year term.

Congress provides yearly appropriations. The legislation would authorize appropriations of $121.5 million for fiscal year 1974 and $171.5 million for fiscal year 1975 for the Corporation. The present appropriations level for legal services programs is $71.5 million, with a similar amount included in the President's fiscal 1974 budget request.

GAO has full audit authority, and annual independent audits are required.

Continuing oversight of program operations can be carried out by the appropriate committees.

In these and many other provisions, the legislation we are submitting provides for a responsible Legal Services Corporation.

Of even greater importance is the need for an independent Corporation, free from the political pressures which in the past have often hampered the operations of individual legal services programs around the Nation.

Mr. President, Jerome B. Falk, Jr., and Stuart R. Pollack, writing in a recent issue of the American Bar Association Journal, have accurately balanced the interests which the amendment we are submitting seeks to preserve.

> There is no dispute as to the propriety—or, indeed, the necessity—of ensuring that attorneys operating with public funds comply with the highest professional standards and with the guidelines of the legal services program. . . . But it is also imperative that those to whom the attorneys account respect the relationship between the legal services attorneys and their clients, grant appropriate latitude for the exercise of independent professional judgment, and most important, assure that there is insulation from undue political pressures from those whose interests are adverse to the interests of the attorneys' clients.

The amendment we are submitting is designed to assure that the poor gain effective and ongoing legal representation, and that the Corporation representing them meets the highest standards of the legal profession.

Mr. President, I ask unanimous consent that the full text of this amendment and two recent articles on the legal services program, be printed at this point in the RECORD.

There being no objection, the amendment and articles were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 5

Add the following sections at the end thereof:

SEC. 3. (a) The Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and the peaceful settlement of disputes within the system of justice;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about the peaceful settlement of disputes within the system of justice; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person.

"(c) The Corporation, and legal services programs assisted by the Corporation, shall be eligible to be treated as an organization described in section 170(c) (2) (B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c) (33) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period following the date of enactment of the National Legal Services Corporation Act of 1973 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designees: the president of the American Bar Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, the president of the National Bar Association, and the president of the National Legal Aid and Defender Association. The incorporating trusteeship shall meet within thirty days after the enactment of the National Legal Services Corporation Act of 1973 to carry out the provisions of this section.

"(c) (1) Not later than sixty days after the enactment of the National Legal Services Corporation Act of 1973, the incorporating trusteeship, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures, which meet the requirements of section 905(a) (2), established by the incorporating trusteeship, from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the National Legal Services Corporation Act of 1973, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures, which meet the requirements of section 905(b) (2), established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the three subsequent fiscal years and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the National Legal Services Corporation Act of 1973, all recommendations as provided in section 904(a) for persons to serve on the initial board of directors shall be submitted to the President.

"(c) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except for the selection of the executive director of the Corporation.

"(f) The responsibilities of the incorporating trusteeship shall terminate upon the first meeting of the board of directors, such meeting to occur following appointment of all members of such board.

"(g) During the ninety-day period immediately following the meeting referred to in subsection (f) of this section, the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation pursuant to section 906 of this Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of nineteen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by a majority vote of the board to serve as chairman. Members of the board shall be appointed as follows: (1) ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State; (2) five members who are representative of the organized bar and legal education; (3) two members from among individuals eligible for assistance under this title; and (4) two members from among former legal services project attorneys. The American Bar Association, the Association of American Law Schools, the American Trial Lawyers Association, the National Bar Association, and the National Legal Aid and Defender Association may submit recommendations to the President with respect to members to be appointed as provided in clause (2), the Clients Advisory Council may submit recommendations to the President, with respect to members to be appointed as provided in clause (3), and the Project Attorneys Advisory Council may submit recommendations to the President with respect to members to be appointed as provided in clause (4).

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act of 1973;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under clause (1) of section 904(a), three at the end of three years, four at the end of two years, and three at the end of one year;

"(B) in the case of directors appointed under clause (2), of section 904(a), two at the end of three years, one at the end of two years, and two at the end of one year;

"(C) in the case of directors appointed under clause (3) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under clause (4) of section 904(a), one at the end of three years and one at the end of two years; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an exexecutive director, who shall be a member of the legal profession, and such other officers, as may be named and appointed by the boord of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) (1) No person who is a paid employee or consultant of the Corporation or of any grantee of the Corporation may serve on the board of directors.

"(2) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) The board, in consultation with the respective advisory councils, shall provide for rules with respect to meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c) (1) to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title.

"(2) Procedures for selecting the Clients Advisory Council must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council may submit to the President recommendations as provided in section 904(a) for persons to serve on the board of directors.

"(b) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c) (2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title.

"(2) Procedures for selecting members of the Project Attorneys Advisory Council must insure that all areas of the country are represented, and in no event may more than one representative on such council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council may submit to the President recommendations as provided in section 904(a) for persons to serve on the board of directors.

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of five members of the board, which shall include the chairman of the board, and at least one director appointed pursuant to clause (2) of section 904(a), and one appointed pursuant to clause (3) or (4) of such section. Not less than three of the members of the executive committee shall be from among those members of the board appointed pursuant to clause (1) of section 904(a) of this title. The chairman of the board shall serve as the chairman of the executive committee. The chairman of the executive committee may designate another member of the executive committee to act in his absence. The executive director of the Corporation shall serve as an ex officio nonvoting member of the executive committee.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective ninety days after the date of the meeting referred to in section 903(f), in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs, and special emphasis programs to provide legal services to migrant or seasonal farmworkers, Indians, and the elderly poor;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) prescribe criteria to be used in determining the level of income (considering family size and other relevant factors) which will result in a person's being unable to obtain private legal counsel because of inadequate financial means, and hence a member of the client community; and

"(11) carry on such other activities consistent with the provisions of this title as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful settlement of disputes within the system of justice; and

"(C) maximum uilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the National Legal Services Corporation Act of 1973, has a majority of persons who are not lawyers on its policy making board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall ensure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e)(1) The Corporation shall establish and publish procedures and guidelines to ensure that no funds or personnel made available by the Corporation shall be used to undertake to influence the passage or defeat of any proposed convention, constitutional amendment, code, statute, executive order, ordinance, regulation, rule, or similar enactment or promulgation considered in any form by any legislative body by representations to such body (or committee or member thereof) or any similar activity except where—

"(A) an attorney representing an eligible member of the client community is requested by such member to make such representation or undertake such activity and such representation or activity is carried out in a manner which does not identify the Corporation or any legal services program assisted by the Corporation with such representation or activity;

"(B) personnel of the Corporation or any legal services program assisted by the Corporation are requested by a legislative body (or committee or member thereof) to make such representation or undertake such activity.

"(2) Procedures and guidelines established by the Corporation under paragraph (1) of this subsection shall ensure that, where applicable, representations or activities permitted under that paragraph are undertaken in a manner which is consistent with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association.

"(3) No funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissible under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services.

Notification shall include a reasonable description of the grant or contract application, and request the State bar association for comments and recommendations on such grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) (1) The Corporation shall insure that all employees of the Corporation or of legal services programs assisted by the Corporation, while engaged in activities carried on by the Corporation or by such programs, refrain (A) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (B) from any voter registration activity other than legal representation in civil judicial or administrative proceedings or in connection with legal advice as to adherence to applicable, local State or Federal registration requirements, and (C) from any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of legal services programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office.

"(2) Employees of the Corporation shall be deemed to be State or local employees for purposes of chapter 15 of title 5 of the United States Code.

"(3) Legal services programs assisted by the Corporation shall be deemed to be State or local agencies for purposes of clauses (1) and (2) of section 1502(a) of such title.

"(4) The Board of Directors shall set appropriate guidelines for the private political activities of full-time employees of legal services programs assisted by the Corporation.

"(e) The Corporation shall insure that all employees of the Corporation or of legal services programs assisted by the Corporation, while engaged in activities carried on by the Corporation or by such programs, assisted by the Corporation, refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities:

"(1) any illegal demonstration, picketing, boycott, or strike; or

"(2) any form of direct action which is in violation of an outstanding injunction of any Federal, State, or local court; or

"(3) any form of direct action which is designed to involve physical violence, destruction of property, or physical injury to persons.

"(f) The board of directors of the Corporation shall issue rules and regulations to provide for the enforcement of this section, which rules shall include as one available remedy, but not be limited to, provisions, in accordance (as to both employment and assistance) with the types of procedures prescribed in the provisions of section 914 of this Act, for emergency suspension of assistance to a legal services program assisted by the Corporation, summary suspensions of an employee of the Corporation or of any legal services program assisted by the Corporation, and the termination of assistance and employment as deemed appropriate for violations of this section.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, to the extent authorized by the Corporation the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit and may be available for inspection to the President of the United States and Members of Congress.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, and, upon request, to the President of the United States and to Members of Congress, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property beloning to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive and to each member of the board at the time submitted to the Congress.

"(c) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives, shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation, consistent wtih the necessity of maintaining the confidentiality required by the best standards of the legal profession.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include finding and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility and Canons of Ethics of the American Bar Association in the conduct of programs assisted by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"Sec. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association, no part of the net earnings of which issues, or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"Sec. 913. (a) Except as provided for in subsection (b) of this section, nothing contained in this title shall be deemed to authorize any department, agency, officer, or an employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"(b) Nothing in this section shall be construed as limiting the authority of the Office of Management and Budget or the Office of Economic Opportunity to initiate and to conclude necessary reviews respecting adherence to the provisions of this title, and to review and submit comments upon the Corporation's annual budget request at the time it is transmitted to the Congress.

"(c) Reviews under subsection (b) of this section shall be conducted in accordance with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing the confidentiality of the attorney-client relationship.

"SPECIAL LIMITATIONS

"Sec. 914. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"Sec. 915. The President is authorized to direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"Sec. 916. (a) Notwithstanding any other provision of law, effective ninety days after the date of the meeting referred to in section 903(f), all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective ninety days after the date of the meeting referred to in section 903(f), all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a) (3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the National Legal Services Corporation Act of 1973 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law.

"(d) (1) The Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

"(2) Effective ninety days after the date of the meeting referred to in section 903(f), section 222(a) (3) of Economic Opportunity Act of 1964 is repealed.

"(3) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1974, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

"(4) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

" 'INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

" 'Sec. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation.' "

Sec. 4. In addition to the amounts authorized, by section 3(c) (3) of the Economic Opportunity Amendments of 1972, to be appropriated for the purpose of carrying out legal services programs under section 222(a) (3) of the Economic Opportunity Act, there are further authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, for carrying out the legal services program under title IX of the Economic Opportunity Act of 1964, as amended by this Act, and there are authorized to be appropriated $171,500,000 for the fiscal year ending June 30, 1975, for carrying out such program.

Sec. 5. This Act may be cited as the "National Legal Services Corporation Act of 1973".

Legal Services Program: Reply to Vice President Agnew

(By William R. Klaus)

The national legal services program was created only seven years ago. As federal programs go, it has been comparatively small, both in personnel and budget. Nevertheless, this innovative, courageous and historic experiment in social justice aroused substantial commentary and criticism. Controversy has swirled around it, particularly when the vigorous representation of indigent clients interfered with the progress of the powerful. In America, when a federally financed program interfers with powerful people and powerful groups, the repercussions soon resounds in the halls of the Capitol. Reaction came swiftly in a series of political moves to restrict or redirect the program; the battle to maintain independence from political pressure has been continuous.

Through the years, the program has had few champions. It is, after all, a program which helps only poor people. But it is intimately connected with the law, with the American system of jurisprudence as it affects our citizens, and thus it is of immediate concern to lawyers. Lawyers therefore are in the forefront of those who perceive its value. At the national level, that interest is reflected in the activities of the elected leadership of the American Bar Association, which has from the beginning embraced this fledgling program, helping daily to direct it, nurture it and mold it into an effective adjunct to a modern system of justice. One would think that the evidence of its value to the poor community for the last seven years has been so overwhelming as to command complete acceptance for its continuation under its original mandate: "The use of the judicial system and the administrative process to effect changes in laws and institutions which unfairly and adversely affect the poor."[1]

But the battle is never-ending. In the September issue of the *American Bar Association Journal* (page 930), Vice President Agnew criticized the program in a manner which, with all due respect, requires rejoinder: first, because the issues raised must be restated not in current political phraseology but in terms of the professional responsibility of the lawyer to his client and the validity and importance of that obligation in our society; second, because his emphasis on minor imperfections in the program is really an attempt to discredit the whole; and third, because the basic concepts upon which the

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[1] Narrative Justification by OEO at Hearings of the Senate Committee on Appropriations, July 20, 1970, page 514.

Bar of the nation has supported the program from its beginning are being seriously challenged in a way that carried to its logical conclusion, would threaten the independence of the entire profession.

The Vice President suggests that the professional independence of the lawyer who is employed to represent the poor should give way to "control at the top", and this control should be exercised to ensure that legal services lawyers are responsible and accountable to the public. The premises underlying this suggestion must be studied with care.

The proposal conflicts with the lawyer's professional independence mandated by the Code of Professional Responsibility, which requires that a lawyer exercise professional judgment without regard to the interests or motives of third persons, be they lay intermediaries or government officials (EC 5-23 and EC 2-28). Add to this the requirement that a lawyer is obligated "to represent his client zealously within the bounds of the law" (EC 7-1). The code knows no distinction between rich and poor clients with respect to the zealousness of representation or to kinds of cases and theories they can press.

And it is this duty of the lawyer, both to his client and to the legal system, which renders so objectionable the Vice President's suggested incursion into the lawyer's independence and professional judgment that it bears quoting: "In our government of laws and not of men, *each* member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and *to present for adjudication any lawful claim, issue, or defense*" (EC 7-1; emphasis added). The suggestion that a censorship be established to determine whether a lawyer representing a low-income client is truly representing the client's interest is incompatible with these provisions. It is even more disturbing to note the lack of confidence in the legal profession and the judiciary that is implicit in this proposal.

Underlying the Vice President's call for greater controls on legal services lawyers are the premises: (a) that as a group they have acted against the best interests of their clients and the nation as a whole, and (b) that bar associations and their representatives on local governing boards and indeed the entire judiciary have failed to prevent this. Neither of these premises is sound, and facts to support them do not appear in the Vice President's article. Indeed, these facts do not exist.

The professional record of legal services lawyers as a group has been exemplary. This record, far from showing that these lawyers have been irresponsible or unresponsive to their clients' needs, shows that they have vigorously and, in the preponderance of cases, successfully represented their indigent clients. There is no support for the innuendo that the program has typically served middle-class dropouts in esoteric legal matters while a "destitute mother of five can't get legal help with an eviction notice". The facts are otherwise. A significant portion of all legal services matters concern housing problems, most of which, in fact, involve eviction. The Vice President would attempt to leave the impression that much of the work of staff attorneys has "nothing to do with poverty and the problems peculiar to the poor". This should be compared with his further contention that the program "expends much of its resources on efforts to change the law on behalf of one social class—the poor".

But the important point is that this suggestion is misleading. In fact, almost 80 per cent of legal services matters deal with four well-recognized poverty law areas; consumer or employment problems, 15.9 per cent; administrative problems (primarily welfare), 11.2 per cent; housing problems, 14.4 per cent; and family problems, 36.6 per cent.[2]

At least 5,000 lawyers have served in the legal services program during its seven years of operation. In any group of lawyers of this size, there will be a few bad apples and a few who engage in conduct or activities which do not meet the highest standards of the profession. But these isolated examples should not be used to condemn a whole segment of the Bar. This obviously is unfair criticism.

An even more disturbing premise underlying the entire article is that courts are not able to judge fairly the merits of cases they hear. Mr. Agnew criticizes the "imaginative use of ever-expanding constitutional concepts" by legal services attorneys in court cases on behalf of the poor. If this truly can be a criticism, it means that the Vice President questions the ability of the courts to decide between well-founded and ill-founded suits. Do we then confer adjudicatory power on another branch of government? Which one?

Another point is similarly perplexing. It is argued that "Instead of resolving the case at the lowest level and earliest opportunity satisfactory to the client, the legal services lawyer is inclined to take it to the highest level possible to win the legal issue and implant the emphatic legal principle he has perceived to be involved." The facts show otherwise. Legal services attorneys resolve the vast majority of matters through advice, referral, negotiation and other dispositions short of litigation 83 per cent in 1971.[3] Thus only 17 per cent of legal aid matters reached the trial court, and only a few of these were appealed. Of course, some cases lost in the trial court are appealed and, if the appeal is successful, reformation of the law might result. But these are relatively few, and it must be remembered that the client lost at the trial level, otherwise there would have been no appeal. Nevertheless, it is implied either that satisfied clients who won have their cases appealed by overenthusiastic lawyers (a very unlikely hypothesis) or that a client always consider any loss in the lower court a satisfactory resolution of his case.

A third implication of the article is that these clients, who happen to be poor individually and as a group, are like sheep—passively led by numerous ideologically misdirected lawyers. This would certainly come as a surprise to the legal services lawyers who have worked with clients in the nation's ghettos, in areas of rural poverty and on Indian reservations, in each of which there is a growing sophistication with the use of the legal process. It would also confound the clients who have felt strongly about the fairness of their claims and have relied on the professional skills of a legal services lawyer only for the development of the legal theory and strategy for dealing with the problem—exactly as more affluent clients do.

THE OBJECTION: A FULL-SERVICE PROGRAM

From its beginning, the objective of the legal services program has been to provide a full range of legal services to the poor. The full-service approach necessarily has resulted in representation of clients with grievances relating to government action or inaction or stemming from laws that operate to oppress the poor. President Nixon, in a statement on August 11, 1969, pointed out the need for this legal representation: "The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having their needs met."

The representation of poor clients in cases challenging laws that systematically disadvantage the poor has been loosely termed "law reform." There really is no such thing in the vocabulary of the experienced staff lawyer. To him, there is only the problem of the particular client, be that client an individual or a group. If the ruling produces a needed change in the law and so protects the individual client's interest yet also spreads its effect to others in the poor community, so much the better. Thus, in *Swarb* v. *Lennox*, 405 U.S. 191 (1972), Pennsylvania's oppressive confession of judgment practice was ultimate struck down, as it affected the poor community, by the Supreme Court of the United States, but an injured individual client initiated the action.

In an age of significant government involvement in the lives of individuals, there has been increasing concern in the profession and in society that individuals affected by government action have a legal remedy to protect against the failure of government to follow its own laws or regulations. And legal services lawyers, like other lawyers whose clients are adversely affected by alleged improper government conduct, have asked courts to adjudicate these controversies.

For example, in *Camden Coalition* v. *Nardi*, Camden Regional Legal Services, Inc., representing a coalition of established community groups in this troubled New Jersey city, sued city agencies and officials alleging that the renewal plan presented by the officials of the city to the Department of Housing and Urban Development did not conform to the requirement of the federal statute that there be a "workable program".[4] The statute was intended by Congress to ensure that satisfactory relocation housing be provided to displaced families and to ensure representation of the poor community in these urban renewal programs. This was neither a case of "social engineering" nor an instance of a group of wild-eyed radical lawyers trying to change the world. The issue was a very simple, clear and important one: Did the local government comply with applicable federal law? Is this case not a perfect example of the experienced, informed lawyer in action? Protests began only when the federal court found sufficient merit in the complaint and decided to examine the issue.

These and similar cases have resulted in great political pressure being brought to bear by government officials seeking to interfere with the independence of legal services lawyers in the representation of their clients against government agencies. The American Bar Association has firmly supported the principle embodied in the Code of Professional Responsibility that legal services attorneys should have the independence to represent clients in matters involving government agencies. And these pressures and the response appropriate to the tradition of an independent legal profession were set forth by President Nixon in his message to Congress in May of 1971 requesting the establishment of the National Legal Services Corporation:

> Much of the litigation initiated by legal services has placed it in direct conflict with local and state governments. The program is concerned with social issues and is thus subject to unusually strong political pressures. . . . [I]f we are to preserve the strength of the program, we must make it immune from political pressures and make it a permanent part of our system of justice. . . .
>
> The legal problems of the poor are of sufficient scope that we should not restrict the

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[2] NATIONAL LEGAL AID DEFENDER ASSOCIATION, 1971 STATISTICS OF LEGAL ASSISTANCE WORK, at iv.

[3] *Ibid.*

[4] Civil No. 1128-70 (D. N.J., filed August 19, 1970).

right of their attorneys to bring any type of civil suit.

The Vice President attacks the program in the broadest of generalities with almost no supporting reference to factual information. His rhetoric is followed by certain conclusions and recommendations. It is surprising, under these circumstances, that his conclusions and recommendations echo those of our Association, which has defended and assisted the program. But this apparent inconsistency results from an entirely different approach.

1. *Strong Central Supervision*. The Bar always has urged that the program be under the direction of a capable lawyer, committed to the precepts of the Code of Professional Responsibility. This supervision is required, not to limit the performance of the lawyers on behalf of their clients but to ensure that programs in diverse parts of the nation maintain a measure of uniformity. A poor Puerto Rican in a New York City ghetto should not receive less vigorous or less effective advocacy than a migrant farmer in Florida or California. This does not mean, however, that the Federal Government should attempt to dictate in detail to local programs. All of us are aware of the threat of federal encroachment upon local and state activities. The programs, once in conformity with federal guidelines, should be left to the suprevision of their own boards of directors, which typically are composed of lawyers appointed by the local bar associations. These boards have almost invariably exercised reasonable and competent supervision over staff lawyers.

2. *Adequate Guidelines and Policies*. The office of the director of the national program published detailed and specific guidelines in early 1966 which were approved by the National Advisory Committee. From time to time that committee has amended the guidelines when necessary. The National Advisory Committee was appointed as a broad-based, policy-making group by the director of OEO at the inception of the program. On the committee are some of the nation's most respected lawyers, both in public and private practice, including the Attorney General of the United States, the general counsels of the OEO and the Department of Health, Education, and Welfare, as well as officers of the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association and the Association of American Law Schools. Ever since Lewis F. Powell, Jr., as President, led the American Bar Association in its early and vigorous support of the program, all of the Presidents of the American Bar Association, have been active on the advisory committee. It is a most dedicated team of the best minds in the legal profession who have borne their responsibilities with distinction. Yet, for the first time since the inception of the program, the advisory committee has not been convened or consulted on the important questions that arise in the administration of this program. Why?

3. *High Standards of Professional Conduct*. We must affirm the position of the organized Bar that the legal services program be held to the highest standards of ethical conduct and professionalism in zealous, unfettered and competent representation of the clients. This means: (1) that the welfare of the client must come before the rule of law to be established, no matter how important that rule may be to others; (2) that politics has no place in the program (although I submit that OEO lawyers should be permitted to be active for the party of their choice; there is no reason to make political eunuchs of legal services lawyers); (3) that only the poor who qualify under the program's already stringent standards of qualification should be represented; (4) that indigent clients should have their legal problems resolved, whether or not those problems are considered to be in a traditional poverty law area. A lawyer who refuses or otherwise fails to conform to these basic ideals should be discharged, and, conversely, any lawyer who is prevented by his superiors from adhering to these standards must consider whether the Code of Professional Responsibility requires resignation.

The primary objective of this program has been and remains the provision of the same quality for the poor of legal representation that more affluent Americans can obtain within the ranks of the legal profession and, further, to assure that the service rendered is as free from unethical restriction as is that given by other client-paid lawyers who operate under the Code of Professional Responsibility. As a profession, we cannot tolerate a double standard of client representation—one for the disadvantaged and another for the more fortunate.

The national legal services program is a proved experiment in the advancement of justice and equality before the law, an experiment unparalleled in all of our history. Seldom before under our system of law has a highly placed government official questioned the right of citizens to examine governmental motives, acts and omissions before the impartial tribunals of the courts. It is unthinkable that this right should now be denied those who happen to be impoverished. The success of the program in containing injustice and providing effective advocacy clients has brought the present criticism.

It behooves every lawyer, regardless of the area of his practice, to contemplate the long-range effect of any severe curtailment or redirection of the legal services program on the practice of law and the quality of life in the United States in the years to come.

What's Wrong With Attacks on the Legal Services Program

(By Jerome B. Falk, Jr., and Stuart R. Pollak)

Vice President Agnew's article in the September *Journal* (page 930) combines an attack on the underlying philosophy of the national legal services program with vague accusations of misconduct, excessive professional zeal and misplaced priorities on the part of legal services attorneys throughout the country. William R. Klaus, Chairman of the American Bar Association's Committee on Legal Aid and Indigent Defendants, replied in the November *Journal* (page 1178) to this latest challenge to the underpinnings of a program that has commanded the strong support of the Association since its inception. We wish to take issue with Mr. Agnew's unsupported and largely unspecified criticisms of the conduct of legal services attorneys and programs.

In 1970 the director of the California Office of Economic Opportunity, Lewis K. Uhler, levelled charges at California Rural Legal Assistance, the celebrated legal services program that provides assistance to California's rural poor. The charges purported to support Governor Ronald Reagan's veto of OEO's 1971 grant to C.R.L.A., and the director of the OEO appointed an investigatory commission. As lawyers in private practice, we participated with William F. McCabe as co-counsel to C.R.L.A. We experienced a sense of *déjà vu* in reading Vice President Agnew's allegations, for they might have been lifted bodily from the now infamous Uhler report, *A Study and Evaluation of California Rural Legal Assistance*.

Mr. Agnew's principal accusations are:

There is considerable evidence that this social orientation has led to a widespread attitude on the part of numerous program attorneys that they can take any action regardless of its relationship to the eradication of poverty. As a consequence, program attorneys are and have been heavily involved in every social issue of the day. In Evanston, Illinois, it's draft counseling; in Texas, California, Colorado, Florida and other places, it's underground newspapers; in Boston, it's women's rights; in California, it's the rights of penitentiary inmates; in numerous other places, it's students' rights, antiwar protests, free-speech movements. The list of causes is endless.

But the important thing to note is that they have little or nothing to do with poverty and the problems peculiar to the poor. And equally important, while most programs now turn away individual poor clients with routine legal problems, many nevertheless find time to engage in practically every *cause célèbre* that comes along.

Is this right? Is this what legal services was meant to do? Did Congress in its enactment or the Bar in its support contemplate a program where a destitute mother of five can't get legal help with an eviction notice but a middle-class drop-out can get legal counseling in setting up his underground newspaper? Proponents of this activity by legal services attorneys suggest that these endeavors in fact do serve the interests of the poor in a larger sense. I submit that the conclusion is open to serious doubt

We seriously dispute the accuracy of this sweeping indictment of the national legal services program. It is not possible, of course, to disprove these allegations as to every program and every project attorney throughout the nation. The California experience, however, provides a useful basis for testing the credibility of these broad charges. First, the Uhler accusations against C.R.L.A., were similar, both in tone and content, to the charges Mr. Agnew now levels at the entire national legal service program. Second, the charges against C.R.L.A. appeared (on their face, at least) to be the most serious and the most thoroughly researched and documented of any in the six-year history of the program. Third, each of those charges—and, indeed, the entire C.R.L.A. program—was reviewed in fair, open and comprehensive proceedings by an independent commission of jurists whose impartiality and eminence gives particular credence to their findings.

"BLATANT INDIFFERENCE TO THE NEEDS OF THE POOR"

The Uhler report was a 283-page document, purportedly based on an extensive investigation, and several thousand pages of supporting documents. Sounding themes now echoed by Mr. Agnew, it accused C.R.L.A. attorneys of "a blatant indifference to the needs of the poor . . . [and] a disposition to use their clients as ammunition in their efforts to wage ideological warfare". C.R.L.A. attorneys, it added, "are prone to sue, seek injunctive action, [and] in the vernacular 'do their own thing' . . .". Governor Reagan, in the same vein, publicly branded C.R.L.A. attorneys as "ideological ambulance chasers". While this rhetoric was unquestionably overblown, the Uhler report purported to document its broad allegations with specific charges of misconduct and distorted priorities.

The Reagan veto of C.R.L.A.'s 1971 funding was subject to the statutory power of the OEO director under 12 U.S.C. § 2834 to override the veto. The American Bar Association urged him to do just that, according to John D. Robb, then chairman of the Association's Committee on Legal Aid and Indigent Defendants, as did numerous other responsible leaders and members of the Bar, public officials and interested citizens. OEO's ultimate response was the appointment of a fact-finding commission, composed of three distinguished state supreme court justices: retired Chief Justice Robert Williamson of Maine (chairman), Justice Robert B. Lee of Colorado and retired Chief Justice George R. Currie of Wisconsin.

The commission held hearings throughout California—in San Francisco, Salinas, El Centro, Gilroy, Madera, Santa Rosa, Santa Maria, Modesto, Marysville and even at the correctional training facility at Soledad. It heard the testimony of 165 witnesses, several more than once. It considered not only the specific accusations of the Uhler report, which numbered more than 120, but additional charges and complaints that were presented during the course of the hearing. The transcript of the proceedings is in excess of 5,000 pages.

Strange as it may seem, Governor Reagan and Mr. Uhler refused to participate directly in the presentation of evidence to the commission. How the commission dealt with this effort to frustrate its work is a story in itself, beyond the scope of this article but to be told in a more detailed chronicle to be published in a forthcoming issue of the *Hastings Law Journal.*

The commission designed procedures intended to permit the fullest exploration of the charges against C.R.L.A. It said of these procedures: "It is the belief of the commission that the procedural rules which guided it through the evidentiary hearings were a valid mechanism by which the truth-finding function of the commission was effectively carried out."

The commission heard the testimony of the first director of OEO, R. Sargent Shriver, and of the first two directors of the legal services program who had served with Mr. Shriver, E. Clinton Bamberger, Jr., and Earl Johnson, Jr., who testified as to the history, purposes and philosophy of the national legal services program. The commission also received the testimony of Mr. Robb, who testified as to the Association's program of evaluating legal services programs such as C.R.L.A. In this regard, the testimony of Jerome J. Shestack, a former chairman of the Section of Individual Rights and Responsibilities, was especially pertinent, as he had participated in the annual evaluation of C.R.L.A. conducted only months before the Reagan veto.

The commission's findings, set forth in a 400-page report issued June 25, 1971, led to the prompt refunding of C.R.L.A. The commission bluntly disposed of the Reagan-Uhler charges:

> It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any justification whatsoever for any finding of improper activities by CRLA. . . .
>
> The Commission expressly finds that in many instances the [Uhler report] has taken evidence out of context and misrepresented the facts to support its charges against CRLA. In so doing, the Uhler Report has unfairly and irresponsibly subjected many able, energetic, idealistic and dedicated CRLA attorneys to totally unjustified attacks upon their professional competence.
>
> From the testimony of the witnesses, the exhibits received in evidence and the Commission's evaluation of the documents submitted in support of the charges in the [Uhler report], the Commission finds that the charges were totally irresponsible and without foundation.

The commission concluded with the finding that "CRLA has been discharging its duty to provide legal assistance to the poor . . . in a highly competent, efficient, and exemplary manner." For that reason, it recommended that C.R.L.A. be "continued and refunded."

BETTER CRITICISM THAN VICE PRESIDENT'S IS NEEDED

Vice President Agnew has asked a pertinent question: What is wrong with the legal services program? A close, objective scrutiny of perhaps the most controversial legal services program in the country suggested that precious little was wrong with it, but that a good deal of improvement in the nature of the criticism directed to the program would have been highly desirable. This is not to say, as Vice President Agnew attributes to some "ideologues," that the program is "too sacrosanct even to discuss." But surely it is not too much to ask of lawyers criticising other lawyers that the allegations be fair, precise and accurate.

Judging by the record of C.R.L.A., there are at least three fundamental respects in which Vice President Agnew's sweeping allegations misconstrue the activities of legal services attorneys.

First, he indicates that "much" of the resources of the legal services program are expended "on efforts to change the law on behalf of one social class—the poor". Mr. Agnew does not accurately picture the types of cases on which most legal services attorneys spend most of their time. While C.R.L.A.'s numerous judicial victories against the state and other governmental agencies permitted critics like Mr. Uhler to characterize its work load as the Vice President has characterized that of the national program, the facts are otherwise. According to the Commission, "the overwhelming bulk of C.R.L.A.'s work is handling the routine problems of the poor, known in the parlance of legal assistance attorneys as 'service' cases". The report said:

> In fiscal year 1968–69, CRLA handled 15,423 separate legal matters, a yearly average of 429 problems per attorney. . . .
>
> The substantial portion of these matters did not involve litigation. Indeed, in 1969–70, only 8% of the 9,705 cases closed by CRLA attorneys involved a court proceeding, and only 13% an administrative hearing. . . .
>
> As would be expected, the routine matters comprise a large percentage of the matters handled, 95–98% of the total number. Although no exact records are available as to the amount of time spent on the service cases, as opposed to impact cases, the director's estimate of 80% is reasonable.

Certainly there is no justification for the Vice President's implication that it is a common occurrence when "a destitute mother of five can't get legal help with an eviction notice but a middle-class drop-out can get legal counseling in setting up his underground newspaper".

Second, Mr. Agnew erroneously implies that the cases handled by legal services attorneys are nonresponsive to the demands of their clients. He fears "we may be on the way to creating . . . a federally funded system manned by ideological vigilantes . . .". In protecting the attorney-client relationship, he asks, "must we be prohibited from inquiring into the bona fides of action by federally funded attorneys—actions that in many cases bear little relevance to the client's interest but much pertinence to the attorney's ambitions?"

Exactly these accusations were inquired into during the C.R.L.A. hearings. What was shown was that rural farmworkers and others the attorneys serve supported the priorities of the program. These priorities and caseload limitations are necessitated by the paramount fact that clients and problems far exceed what the limited number of lawyers can possibly handle.[1] In the case of C.R.L.A., priorities have been established by the organization's board of directors and by local advisory committees representative of the client community. These groups consistently have urged that the lawyers give greater priority to cases in the areas of employment rights, education, civil rights, housing, welfare and consumer problems, and less to traditional service cases, such as domestic relations and bankruptcy. As against a massive showing of clients' support for C.R.L.A.'s innovative suits, there was hardly a word of criticism. It was those against whom the litigation was directed who most strongly questioned the litigation.

Third, Vice President Agnew incorrectly suggests that the legal services program has operated without any form of governmental supervision. "As it operates now," he says, "it is a public project but without public direction or public accountability."

To the contrary, all legal services programs have been required to reapply annually for funding and to submit reports of their past year's performance. OEO conducts a program of annual evaluations by outside evaluators, in which the American Bar Association and the National Legal Aid and Defender Association participate. While C.R.L.A., for example, has received laudatory evaluation reports each year, the evaluators have often made constructive recommendations, on which C.R.L.A. has acted. Particularly with respect to controversial programs, there are additional periodic inquiries and investigations by OEO, the Government Accounting Office, and state and local bar associations.

Finally, it is simply preposterous to assert, as Mr. Agnew does, that "there has been little serious examination of [the legal services program's] philosophical underpinnings", as if the government, the organized Bar, and the legal services lawyers themselves had spent the last seven years in aimless drifting.[2]

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[1] See. *e.g.,* Clark, *Legal Services Programs—The Caseload Problem, or How To Avoid Becoming the New Welfare Department,* 47 U. Det. J. Urban L. 797 (1970); Silver, *The Imminent Failure of Legal Services for the Poor: Why and How To Limit Caseload,* 46 U. Det. J. Urban L. 217 (1969); Note, *Neighborhood Law Offices: The New Wave in Legal Services for the Poor,* 79 Harv. L. Rev. 805,822–828 (1967).

[2] The substantial thought that has been given to the philosophical and practical implications of the legal services program is reflected in extensive literature. Among the more significant articles are Cahn & Cahn, *The War on Poverty: A Civilian Perspective,* 73 Yale L.J. 1317 (1964); Shriver, *The Availability of Legal Services,* 51 A.B.A.J. 1065 (1965); McCalpin, *The Bar Faces Forward,* 51 A.B.A.J. 548 (1965); Carlin & Howard, *Legal Representation and Class Justice,* 12 U.C.L.A. L. Rev. 381 (1965); Sparer, *The Role of the Welfare Client's Lawyer,* 12 U.C.L.A. L. Rev. 361 (1965); Cheatham, *Availability of Legal Services: The Responsibility of the Individual Lawyer and of the Organized Bar,* 51 U.C.L.A. L. Rev. 438 (1965); Rothwell, *Some Thoughts on the Extension of More Effective Legal Service to a Greater Number of the Poor,* 17 Hast L. Rev. 685 (1966); Westwood, *Legal Aid's Economic Opportunity,* 52 A.B.A.J. 127 (1966); *Greenwalt, OEO Legal Services for the Poor: An Anniversary Appraisal,* 12 N.Y.L. Forum 62 (1966); Voorhees, *The OEO Legal Services Program: Should the Bar Support It?,* 63 A.B.A.J. 23 (1967); Note, *Extension of Legal Services Under the Economic Opportunity Act,* 28 Ohio St. L.J. 119 (1967); Note, *Neighborhod Law Offices: The New Wave in Legal Services for the Poor,* 80 Harv. L. Rev. 805 (1967); Note, *Competition in Legal Services Under the War on Poverty,* 19 Stan. L. Rev. 579 (1967); Note, *Beynod the Neighborhood Law Office—OEO's Special Grants in Legal Service,* 56 Georgetown I.J. 742 (1968); Hannon, *Legal Services and the Local Bars: How Strong is the Bond?* 6 Calif. West L. Rev. 46 (1969) (refers specifically to C.R.L.A.); Green & Green. *The Legal Profession and the Process of Social Change: Legal Services in England and the United States,* 21 Hast. L.J. 563 (1969) (containing extensive discussion of C.R.L.A.); Voorhees, *Legal Aid: Past, Present and Future,* 56 A.B.A.J. 765 (1970); Robb, *Poverty Lawyers' Independence—Battle Cry For Justice,* 1 N. Mex. L. Rev. 215 (1971); Sullivan, *Law Reform and the Legal Services Crisis,* 59 Calif. L. Rev.

NATIONAL LEGAL SERVICES CORPORATION IS NEEDED

Vice President Agnew, however, has provided a timely and compelling illustration of the need for the prompt adoption of legislation to transfer the management of the national legal services program to an independent, responsibly operated public corporation.

There is no dispute as to the propriety—or, indeed, the necessity—of ensuring that attorneys operating with public funds comply with the highest professional standards and with the guidelines of the legal services program. There are respects in which the guidelines and the supervision OEO has furnished can be improved.[3] But it is also imperative that those to whom the attorneys account respect the relationship between the legal services attorneys and their clients, grant appropriate latitude for the exercise of independent professional judgment and, most important, assure that there is insulation from undue political pressures from those whose interests are adverse to the interests of the attorneys' clients.

The enactment of legislation establishing a National Legal Services Corporation became ensnarled over the extent to which the President's authority to appoint the corporation's board of directors might be limited by recommendations received from professional and client organizations. More threatening were attempts to limit the scope of services legal services lawyers would be permitted to render, particularly in influencing legislation, and the activities they might conduct on their own time. But the compromise bill recommended by the House-Senate conference committee in July, 1972, contained few absolute proscriptions on the lawyers' work. Rather, the bill would have conferred on the National Legal Services Corporation broad authority to establish guidelines in most areas as to which critics of the program, like Vice President Agnew, have voiced concern. The report was recommitted to the conference committee, and (evidently because of the threat of another veto) the revised bill that emerged one month later omitted the provisions to establish the legal services corporation. The new report stated only:

> The conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

The Vice President concluded his article by calling for "a more carefully defined legal services program". Surely the way to furnish the definition and control the claims to seek is promptly to establish the legal services corporation and to permit it to proceed with the task. The fate of both the 1971 and 1972 legislation, coupled with the appearance of the Vice President's article and his earlier attack on Camden Regional Legal Services, call into question the depth of the Nixon Administration's commitment to a truly independent and meaningful legal services program for the poor.

It is important, therefore, that the Bar continue to insist on the creation of a protected and protective institution that will permit the furnishing of dependable legal services to proceed "free", as the preamble to the proposed 1972 legislation recited, "from extraneous interference and control".

NOTICE OF HEARING ON REORGANIZATION PLAN NO. 1 OF 1973

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization and Government Research will hold a hearing on Reorganization Plan No. 1 of 1973, on Thursday, February 22, 1973, at 10 a.m. in room 3302 of the New Senate Office Building.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. HRUSKA. Mr. President, on behalf of the chairman (Mr. McCLELLAN), I should like to announce that the Subcommittee on Laws and Procedures will resume hearings on codification, revision, and reform of the Federal criminal laws on March, 6, 7, and 8.

In this series of hearings testimony will be received on S. —, a bill to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973" as well as on general policy questions on the reform of Federal criminal laws. Issues to be considered in addition to appellate review of sentences will be abortion, capital punishment, and insanity.

The hearings will be held in room 2228, Dirksen Office Building, and will begin each day at 10 a.m.

Further information on the hearings can be obtained from the staff in room 2204, telephone extension 3281.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, February 8, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

TOUCHDOWN CLUB AWARD TO MISS MELISSA BELOTE, SPRINGFIELD, VA.

Mr. HARRY F. BYRD, JR. Mr. President, last Saturday night, January 27, the Washington Touchdown Club broke a precedent and awarded a young woman its Arch McDonald Achievement Award.

The recipient was Miss Melissa Belote, of Springfield, Va., whose recordbreaking performances as a swimmer in the Olympics last year brought so much pride to Virginians and, indeed, to all Americans.

The Washington Touchdown Club could not have chosen a better occasion to bestow its award upon a young lady, nor could there ever have been a more deserving recipient of the Arch McDonald Award—which is given to "a local athlete who makes good."

Miss Belote did, indeed, make good. At age 15, she broke two world records at the Olympics. In the process, she also broke three records for the United States and three for the Olympic games.

A student at Robert E. Lee High School, Miss Belote received a warm welcome when she returned to Virginia from the Olympics. The tribute paid her by the Washington Touchdown Club is one of many she has received during the months since her outstanding performance.

I am sure I speak for all Virginians in congratulating Miss Belote once again on her achievements, and in expressing my pleasure at the action of the Touchdown Club in making this much-deserved award.

PRESS PROTECTS THE PUBLIC

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter from the editor, written by William D. James, executive editor of the Great Falls, Mont., Tribune, and excerpts from a speech by David Brinkley at the University of Southern California, be printed in the Record.

The letter from the editor and David Brinkley's remarks both carry a message. Let us heed them.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Great Falls Tribune, Jan. 28, 1973]

LETTER FROM THE EDITOR—PRESS PROTECTS PUBLIC

DEAR READERS: In the article below, NBC News Correspondent David Brinkley calls attention to some basic points about the press and its relationship with government that too many, especially those in government, are overlooking.

It's true, as Brinkley stresses, that it is natural and in the best interests of the American people to have the press and government quarreling. When the press becomes a willing cheerleader for government, citizens of the U.S. are in danger. It is the obligation of the press to serve as the vigilant watchdog of government—all levels of it.

Critics of the press, and there are many of them because the press makes mistakes that infuriate people, may find Brinkley's

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1 (1971): Note, *The Legal Services Corporation: Curtailing Political Interference*, 81 Yale L.J. 231 (1971); Pious, *Congress, the Organized Bar and the Legal Services Program*, 1972 WISC. L. REV. 418 (1972); Cappeletti & Gordley, *Legal Aid: Modern Themes and Variations*, 42 STAN. L. REV. 347 (1972); Karabian, *Legal Services for the Poor: Some Political Observations*, 6 U.S.F. L. REV. 253 (1972).

The special circumstances of rural poverty law programs are discussed in Shriver, *Rural Poverty—The Problem and the Challenge*, 15 U. KAN. L. REV. 401 (1967); *Lorenz, The Application of Cost-Utility Analysis to the Practice of Law: A Special Case Study of the California Farmworkers*, 15 U. KAN L. REV. 409 (1967); Mittelbach & Short. *Rural Poverty in the West—Status and Implications*, 15 U. KAN. L. REV. 453 (1967); Barnick, *Legal Services and the Rural Poor*, 15 U. KAN. L. REV. 537 (1967).

[3] See Note. *The Legal Services Corporation: Curtailing Political Interference*, 81 YALE L.J. 231 (1971).

conclusion especially thought-provoking. He says that politicians have seized absolute power and muzzled the press in many countries, but that the press has not seized power and muzzled the politicians in any nation.

Attacks upon the press in the past few years have been disturbing because they have been sponsored by top government officials. The broadside barrages Vice President Agnew levied at television and newspapers a few years ago were followed by confrontations between members of the press and judges. Newsmen have been jailed for declining to reveal sources of new stories.

Even more serious than having reporters go to jail because they wanted to protect their news sources is the fact that some elements of the press are avoiding the types of stories that might cause them trouble with the courts and government.

Although the press will lose tremendously if it bows to the pressure of current attacks, the public will suffer the most.

The public must depend upon the press to report what public officials are doing, what policies affecting the public are being planned and put into effect and how tax dollars are being spent. There would be many more types of official skullduggery and corruption going on if it were not for the watchful eyes of the press. The average citizen simply cannot find the time to attend the City Council meetings, legislative sessions, congressional hearings, etc. That is the responsibility of the press—and although there certainly are mistakes and cases of poor judgment occasionally—in general the press of this nation meets its obligations with professional skill.

If newsmen are forced to disclose names of their sources, the press will lose one of its most valuable tools to get to the bottom of corruption in government. Courageous people willing to tell what they know about crooked policies will not talk to reporters if they know they can't speak in confidence.

Under our form of government, the news media is charged with the task of searching, ferreting, uncovering and exposing news, information and deeds to the public light. The press must serve as the public's information link, a role that exposes the press to reaction and recrimination. As William Shakespeare observed. ". . . the first bringer of unwelcome news hath but a losing office, and his tongue sounds ever often as a sullen bell, remember'd knolling a departed friend."

One of the most serious threats to aggressive news reporting was launched last month. The blow was delivered by Clay T. Whitehead, director of White House Office of Telecommunications Policy. He declared individual television stations would be held accountable, at the risk of losing their licenses, for the content of all network material they broadcast. Considering the administration's campaign against news and commentary, it is difficult to view Whitehead's proposal as anything but another attempt to intimidate a news medium.

While responsible members of the news media acknowledge their faults, drawbacks and excesses, they are alarmed at mounting threats to press freedom. A frightened press will be reluctant to expose weaknesses and corruption in government. An intimidated press will decay until it becomes a cheerleader for government and then the world will see another tragic example of a captive press. And, when a free press disappears, as it has in a majority of nations, other cherished constitutional liberties will be in serious danger.

Regards,

William D. James,
Executive Editor.

Explaining Case Is a Hard Sell

To politicians on an ego trip, which is most of them most of the time, any piece of journalism not filled with overweening and obsequious flattery is biased on its face. What Gertrude Stein said of writers applies with equal accuracy to politicians. She said writers want only three things: praise, praise and praise.

If I went on the air tomorrow night and said Spiro Agnew was the greatest American statesman since Washington, Jefferson, Madison, Adams and Hamilton, the audience might think I was biased. But he wouldn't.

When politicians and the press are quarreling with each other, that is their natural state. That is what they ought to do, and it is in the best interest of the American people.

If over the last generation, the politicians and bureaucrats in Washington have made such a mess of thing with the press keeping some kind of watch over them, what would they have done with nobody watching?

And without the press, there is nobody. Nobody to watch over them. Nobody at all.

When politicians and the press begin making sweet and loving remarks about each other, that will be the time for the American people to be concerned—because it will mean the press has given up its right and natural job of watching the politicians and gone to bed without them.

Explaining that to those of the American public who believe the press is hopelessly biased, excessively liberal or whatever, is a hard sell.

If politicians and bureaucrats have induced in the American people a profound skepticism and even cynicism—as they have—it was predictable that sooner or later this skepticism and cynicism would be turned on all public institutions, including the press.

It's been there a long time, Spiro Agnew simply gave it a push. His powers of persuasion are not great enough to have created a hostility that did not already exist. But they were just great enough to capitalize on one that did exist.

To those members of the public, not politicians, who are critical of the press, we might make a few factual points:

The biggest newspaper in New York is not the liberal Times but the conservative Daily News. The biggest newspaper in Chicago is the conservative Tribune. The biggest newspaper in Los Angeles (the third of our biggest cities) is the Times. I don't know how it would describe itself, but in any case it is not a screaming left-wing journal.

The most widely circulated newspaper in the United States is the Wall Street Journal—conservative. The biggest magazine in the United States is the Reader's Digest—conservative.

I honestly believe that the three big television news program—(ours and those on CBS and ABC)— are generally free of either left wing or right wing bias. Many of our viewers will argue that, and indeed do argue it. But they argue it both ways.

What happens is that people project their own biases on us. If we report a story in a way that supports the views they already hold, then we're honest, fair and objective. If we report it in such a way as to differ with the views they already hold, then we are biased, slanted and unfair. It is a fact of life and we have to live with it. Anyone who can't live with it should not go into journalism.

But to the members of the American public who think their news media are unfair and slanted and so on, I would offer them just one fact to contemplate:

There are numerous countries in the world where the politicians have seized absolute power and muzzled the press. There is no country in the world where the press has seized absolute power and muzzled the politicians.

So, if people are concerned about dangers to their rights and freedoms, they should be aware where the danger comes from. And it does not come from the press.

EQUITABLE TAXATION FOR UNMARRIED INDIVIDUALS

Mr. DOMINICK. Mr. President, I am pleased to join as a cosponsor of "Equal Taxation for Unmarried People" introduced on January 31, 1973, which would provide equitable taxation of unmarried individuals. Prior to 1969, our tax laws were so written that unmarried taxpayers could be required to pay up to 40 percent more in taxes than a married couple filing jointly on identical amounts of income. The Tax Reform Act of 1969 narrowed that discriminatory gap to 20 percent. This bill would end such discrimination.

Under the provisions of this bill, single persons and heads of households would be authorized to use the same tax table that is presently used by married couples filing joint returns. The enactment of the bill would extend equality of treatment to approximately 30 million unmarried taxpayers.

The legislation passed the Senate October 13, 1972, with my support at that time. There is no question that the Federal Government discriminates against the single taxpayer, whether that person be single with no responsibilities or the head of a household with as many and oftentimes more responsibilities than the married taxpayer. This bill presents an opportunity to end these discriminatory distinctions.

CHANCELLOR WILLY BRANDT AT THE HELM

Mr. HUMPHREY. Mr. President, over the past few years, much notice has been given to the increasing spirit of detente in East-West relations. After a 25-year cold war, tension and discord are slowly subsiding. The deep ideological cleavages are being bridged. Cooperation has taken the place of confrontation.

Credit for fostering a spirit of detente Europe must go to Chancellor Willy Brandt of the Federal Republic of Germany. Courageously, he has come to grips with the complex problems of a divided German nation by attempting to normalize relations with the other German State. His policy of "Ostpolitik" should be credited with easing tensions between the Federal Republic and her neighbors to the east. For this, and for his other efforts on behalf of world peace, I wish to express my deepest appreciation.

It is not insignificant for us to take notice of the role that Mr. Brandt and his nation are playing in the name of peace. Whereas the present German chancellor is one of the world's most ardent champions of peace, at one point in history a different German chancellor posed as the greatest threat to peace. However, the fear, the bitterness, and the hatred that the world once felt for the German nation has been replaced with respect and good will for its policies. As Chancellor Brandt has said:

> The questions which have arisen for the German people out of the second World War and from the national treachery committed by the Hitler regime can find their ultimate answers only in a European Peace Order.

It is to this European peace order that Willy Brandt has dedicated himself so diligently and eloquently.

In his government policy declaration given in the West German Bundestag on January 18, 1973, Chancellor Brandt expanded on his hopes for peace. He spoke of the "contagious desire for peace," of the "infectious results of discord," and of the "long and stony road" ahead in the quest for detente. These words reflect the sincerity of his purpose, as well as the accuracy of his perceptions. Chancellor Brandt and his nation have known the horrors of war, both actual war and the cold war. For three decades, Germany has been the central battleground of armed confrontation. Clearly, this has prompted Germany now to take the forefront in the battle for peace.

Germany is playing a leading role in the efforts for a united European community. It has embarked on a policy of "good neighborliness," both to the West and to the East. It is in its 10th year of a treaty of partnership with France, its traditional adversary. It has recently signed a treaty on the nonuse of force with the Soviet Union, and it is in the process of agreeing to the same principle with Czechoslovakia. It is improving its political dialog with Hungary and Bulgaria, and is expanding trade, commercial, and cultural relations with all of Eastern Europe. Most important, West Germany is moving toward a settlement of the tragic problem of German separation.

Divided by a wall of barbed wire and a chasm of bitterness from a large segment of its fellow countrymen, the West Germans are a symbol of a people taking positive steps to overcome seemingly insoluble difficulties. We must commend the concrete achievements of Chancellor Brandt and his nation. Moreover, we must try to emulate their successes and use them as an inspiration of the progress that can be made in fostering peace among nations.

Finally, Mr. President, I would bring to the attention of Senators the work of Chancellor Brandt in the area of trying to improve the quality of life for the citizens of the Federal Republic. In his Bundestag message, Chancellor Brandt outlined the Social Democratic Party's program of domestic reform.

Some of Willy Brandt's countrymen like to call his program the "German New Deal." It courageously charts a compassionate course for those who are in need of help and advocates a greater sharing in the economic benefits of a modern industrial state; it is a New Deal. I wish to commend publicly Chancellor Brandt on the course of his domestic policies. I might add that the Democratic Party should closely examine some of the SDP's domestic programs to determine whether they could be adapted for use in the United States.

Mr. President, I ask unanimous consent that excerpts from Chancellor Brandt's January 18 declaration to the Bundestag be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CHANCELLOR BRANDT—GOVERNMENT POLICY DECLARATION DELIVERED ON JANUARY 18 IN THE GERMAN BUNDESTAG

In the foreign policy section of the Government policy Declaration, Mr. Brandt said (slightly abridged):

The government's programme, which I am setting out here today, is the precise consequence of what Social Democrats and Free Democrats set forth in the policy statement of October 1969. The political objectives of that time continue to be valid, and we can build upon what has been achieved. Despite the shortening of the legislative term we have fulfilled the essentials of the programme we set ourselves.

The new Federal Government backed by a clear mandate from the voters, took up its work with the short statement which I made here on 15 December, 1972. I introduce our programme for this legislative term with the sentence on which I ended in 28 October, 1969: We want to be a people of good neighbours within and without. Here is the source of the trust on which we depend. Here we also perceive the sum total of the obligations committing us to responsibility for the whole of the people.

This concept of good-neighbourliness shows our will for continuity which I underline today. This continuity has acquired its own unmistakable stamp. It is characterized by the substance of our policy of actively securing peace and implementing social reforms. We are also aware that the desire for renewal demands a clear vision of how to make possible what is necessary. Reforms in the dimensions we have opened up for developments in our country require perseverance.

Our citizens are leading better lives. The social security system has been strengthened. Our economy is flourishing, despite the worry about prices. This is the starting position. Nevertheless, there remains much to do to enable the Federal Republic of Germany to hold its own in peaceful competition and to develop further as a democratic and social federal state.

We can note: Peace in Europe has been strengthened due also to our work. Today as yesterday this peace is the clear wish of our people and the basic element of our interest. One may even say: Never did a German state live in comparable harmony with the free spirit of its citizens with its neighbours and partners in the world.

It is believed by some that the post-war era was drawing to an end. This must not blind us to discord, violence and suffering tormenting the nations: Civil-war-like situation on the periphery of Europe demanding daily the sacrifice of human lives, misery in large parts of the third world; in South East Asia a terrible conflict which hopefully is now drawing to a close.

The pressing impatience with which people in Germany, too, await peace for Vietnam can well be understood. As the Federal Chancellor, I have believed that it was not right to join in vociferous protests some of which had a false ring about them. We have chosen other ways and other forms of exerting our influence for peace and humanity.

Even at the risk of still being misunderstood by some, I confine myself at this moment to a statement orientated to the future: We are prepared to give humanitarian assistance in both parts of Vietnam and—together with others—to help in rebuilding this tormented and devastated country, when at last the guns will be silent.

In the Middle East a conflict is still dragging on which does not have us indifferent; not least because forty years ago this month began what called itself the Third Reich. Against this very background the right to existence of the State of Israel is incontestable for us. In the Arab countries understanding for our attitude is growing. Aware of their problems we wish to cultivate the traditional friendship with all Arab peoples.

Our peace policy in Europe has proved to be a factor contributing to world-wide detente. Both tension and relaxation are catching. Not only the want of peace but also the desire for peace can be contagious. We know, however, that detente also produces problems of its own.

We see this every day, also in regulating, on a new basis, our relations with the GDR, the other German state. Moreover one should not forget, millions of our fellow-countrymen have in the past weeks experienced that the Berlin agreement, the treaty on traffic questions and the basic treaty are the results of a policy which in a tangible way serves the people. The families and friends of old days are coming together again, does a great deal for the sense of belonging together felt by the Germans, who even under the living conditions of two opposed social systems, want to remain one people.

The basic treaty is not yet in force. But already today we want to leave no doubt that we will work with patient determination for further improvements in the interest of the people.

Essential conditions have been created for the policy of detente and reforms; now it must, with tenacity and a sense of purpose, be translated into everyday reality.

"Everyday" is not a bad word: it has a flavour of our daily bread about it; it has to do with the quality of life which must be the fruit of our reforms. This, the quality of life, is the aim of our work.

So I consciously subject my government's work to the demand that it be tested in everyday life. Policy is in essence always the product of intellectual and moral decisions. This is true both within and without. In the midst of daily work the spiritual orientation of our program should always be clearly manifest.

In external affairs the Federal Government will consistently continue its policy of good neighbourhood. Is foreign and security policy exclusively serve the peace.

In the first place I mention the goal of European union, a goal established for this decade by the Paris summit conference in the autumn of 1972. It will embrace the entirety of relations among the member states. Intensified and ever closer policia co-operation is to give decisive impulses. The comprehensive programme of work adopted by the summit conference must be carried into effect, particularly in the field of economic and monetary policy.

The work of European unification can only be accomplished of the relations among the peoples concerned are marked by ties of friendship. A living example is the partnership between Germany and France which I termed "entente elementaire" and which, almost precisely ten years ago, was cast into treaty form. I am sure that our good co-operation with Great Britain, Denmark and Ireland will be proving as valuable as that with the original member states of the community.

The citizens in Europe expect already now the social and democratic elements within the community to be strengthened.

We should like to see the powers of European parliament extended.

The European community will only have clearly lived up to its purpose if in the eyes of the world it sets an example of the dynamism of progress in freedom and social justice.

As regards the North American countries

and Europe, it is definitely sure that they continue to have common security interests. They share the responsibility for an international structure of peace in Europe. The differences in this area result from the incontestable fact that our interest are primarily concentrated on our continent whereas the American obligations are world-wide.

Both divergent and common interest will have to be identified with perfect frankness. They will be of long duration. But we should decide in what way we can help each other in solving our problems.

Yet there is no indication that the United States' economic relations with the part of Europe which has organized itself in the European community, have suffered any damage; the contrary is true. Nevertheless, a constructive dialogue which I still consider necessary can help to prevent possible economic tension from developing into unnecessary political strain.

By means of the treaties of Moscow and Warsaw, of the Quadripartite agreement on Berlin, of the related agreements at German level, and of the basic treaty with the GDR, better conditions have been established for conciliation within Europe, between East and West. We shall seek co-operation on a broad scale with the countries of Eastern Europe in the economic, scientific, technological and cultural areas, at the same time the Federal Government will continue to work for the alleviation of humanitarian problems which are still unresolved in connection with the resettlement of people and the reuniting of families, and it will use every available means of improving human contacts.

The pattern of our bilateral treaties on the non-use of force which was agreed first with the Soviet Union requires the conclusion of an arrangement with our neighbour, the Czechoslovak Socialist Republic.

The Federal Government hopes to come to an arrangement in the foreseeable future whereby the Munich agreement will cease to be a strain on the relationship between the two states.

The Federal Government will continue the political dialogue with the Warsaw Pact States and hopes to be able to include Budapest and Sofia. It will not neglect its contacts with the non-aligned countries.

With the preparations for the Conference on Security and Co-operation in Europe, the development of relations with Eastern Europe now enters a multilateral phase. The Federal Government is, above all, interested in such practical results as will be felt by the people in Europe and hence by the people in Germany. It is determined, in spite of the ideological differences, to do its share, patiently and without illusions, for a common will to form little by little on our continent, even if this were only in limited spheres. I am now convinced that substantial progress is possible.

When the Bundestag adopts the relevant law we shall make our application for admission to the United Nations.

The policy of the Federal Republic of Germany will thus gain a new dimension; we shall be ready to assume a greater share of responsibility also for reducing conflicts.

We shall expand our relations with the countries of Asia, and now also with the People's Republic of China.

The traditional friendship with the countries of Latin America needs to be fostered.

The development of our partnership with the countries of Africa should correspond to their geographical proximity and their complementary role as economic partners.

We shall have to increase our public and private development aid, in concert with the actions taken by our European partners.

In this respect, the importance of the multilateral organization will grow. By combining technical and financial assistance we want to ensure an accumulated effect of our development aid.

The Atlantic Alliance remains the basis of our security. It also provides the backing for our policy of detente towards the East.

The political and military presence of the United States is indispensable for keeping a balance of power in Europe. At the same time the Federal Government will endeavour to make the European pillar of the alliance stronger. The Eurogroup providing a realistic basis for such efforts.

The freedom to contribute to detente and conciliation is not something we get for nothing. We do not regard compulsory military service, defense budget and civil defense as mere necessities, we see them as a meaningful service for the free community of our citizens; this service assists us in our work for peace.

The presence and combat effectiveness of the Federal Armed Forces must be maintained. With due consideration to the report submitted by the defence structure commission and after consultation with our alliance partners, we shall have to find a defence structure which will enable the Federal Armed Forces to fulfill their mission also in future.

The Federal Government has advocated a mutual and balanced reduction of forces and arms in Europe and will take part already in the preliminary negotiations on this issue. The connection between these negotiations and the second round of the strategic arms limitation talks between the United States and the Soviet Union calls for examination in each phase with regard to its effects on Europe.

Here again, there must be no illusions. It cannot be overlooked that the development of armaments in the Warsaw Pact countries has increased the Eastern overall potential. This will not lead the Federal Government to draw any premature conclusions. This tendency that does not have its parallel in Western Europe.

The Federal Government wants to diminish the danger of confrontation in Europe by means of controllable measures. In this process the right of all concerned to security must always be protected. It is reasonable and timely to build more confidence in Central Europe.

The parties represented in this House will surely agree with the observation I made in the policy statement of October 1969 that "the questions which have arisen for the German people out of the Second World War and from the national treachery committed by the Hitler regime can find their ultimate answers only in a European peace order." I added: "However, no one can dissuade us from our conviction that the Germans have a right of self-determination just as has any other nation."

At the time I went on to say: "The object of our practical political work in the years immediately ahead is to preserve the unity of the Nation by relaxing the relationship between the two parts of Germany." Today I wish to say the following: "If we are agreed on the objective and the task, the controversy over the best road to take will lose its caustic or cutting pungency."

Beyond the Berlin Agreement which would not have come about without our participation and which can only be assessed rightly if seen against the background of the preceding crises, improvements in the relationship between the two states begin to take shape. Today, the government in East Berlin also wants to "arrive at a regulated modus vivendi and from there proceed to co-operation", as we put it in our policy statement of 1969 and spelled out in concrete terms in the twenty points of Kassel in the spring of 1970. What has become possible in the last three years cannot go unappreciated.

We realize that the road is long and stony, after many years of non-relations and hostility, the people and those in government in the two German states will have to experience and to learn how to deal with each other.

We shall not be spared difficulties and friction. The Federal Government is determined to carry out with political and legal consistency the treaty which lays the basis for the development of the relations with the GDR and to instill it with life in the interest of the people in both states. We want to bring about a state of affairs where the shooting will stop.

The regulation of relations between the two states must help in solving the human problems which are a bitter legacy of the division.

Like all other parties involved, the Federal Government regards the quadripartite agreement on Berlin as an important international success. It consists not least in the stipulation that the ties between Berlin (West) and the Federation can be maintained and developed. It should be in the interest of all concerned not to talk to pieces the success of 1971/1972, but to ensure that its effect for detente in the heart of Europe will be fully utilized in the years ahead. Our Berlin is to find its significant and natural function in detente. To this end the Federal Government will continue to support the Senate as best it can. We have rejected the governmental and social system of the GDR in the past as we will reject it in the future. In turn, it is not to be expected that the government of the GDR will modify in any way its rejection of conditions over here. But both governments have decided by treaty to face up to their responsibility and to renounce the use of force in spite of these differences. Both must put peace above all differences.

For us this means: The preservation of peace comes even before the question of the nation. This is a service which the German people renders the European peoples.

Only the long and toilsome road from a modus vivendi to cooperation between the two states gives the nation its chance. A report in writing on "the development of relations between the Federal Republic of Germany and the German Democratic Republic" will be submitted in connexion with the debate of the basic treaty in Parliament. The state of the nation and the relationship between the two states in Germany will be regularly on the agenda of this house, also in future.

Some of the details of our domestic policy, which I cannot touch upon today, will have to be considered in connexion with the 1973 budget. The annual economic report will be available when it is submitted.

Today I wish to emphasize especially how much we have to regard the process of European unification as a basic condition of our own action in particular in the field of economic policy, we accept his challenge and the great opportunities, but also the risks it involves, and we realize that this common Europe will more than hitherto determine our domestic policy decisions as well.

Progress towards a European community of stability, prosperity and social progress can only be achieved if national decisions are co-ordinated to a greater degree and the community's powers are enhanced step by step. The difficult process of growing into the common market has already considerably restricted the scope for national decisions—a fact which is not always seen and appreciated.

We realize that what has to be created is not merely a Europe of economic relations but at the same time a Europe of working people ensuring their social security and improving their quality of life.

The decision to undertake the community's social development, which was the result of our initiative at the Paris summit conference, is therefore of special importance of European integration. Yet the most important task we have to master together with our European partners, will be to regain greater price stability. This will be a test for the community, which demands of all member states a large measure of understanding and solidarity. In keeping with the European aims we have put forth our own contribution in a 15-point programme submitted last October.

Heading the list is monetary and credit policy. For years it was hardly possible to use this classical instrument of controlling cyclical fluctuations because every time credit was made dearer and scarcer the effect was spoiled by the influx of foreign exchange. The situation has improved since last summer, not least as a result of the measures taken at the time by the federal government.

The world-wide explosive increase in the supply of money in recent years has made obvious to all attentive citizens the need to reform the international monetary system. In the important international negotiations ahead of us the federal government will, as in the past, recommend a system that will be flexible enough to avoid monetary crises where possible and in which the expansion of liquidity can be kept under control.

The second element of our national stability policy is the shape of the overall public budget, which of course, as we know, is only partly under the jurisdiction of the federation.

And thirdly, a particular responsibility falls to all those who in practice decide on costs and prices, that is trade and industry, employers and trade unions. The Federal Government upholds the principle of autonomy in wage negotiations. It expects all concerned to exercise this right with a sense of responsibility.

The Federal Republic's economy is, I am glad to say, currently in a phase of upturn; we have full employment, the social climate is stable and the balance of payments is in equilibrium. The incomes of employees and old-age pensioners, the self-employed—and now also of the farmers—have increased not inconsiderably. None of this can be taken as a matter of course—as we can see if we look beyond our frontiers.

I hope most people will understand me correctly when I add that those who merely make additional demands without being prepared to make additional contributions, too, are not doing justice to the situation, nor to their own interests. . . .

[Excerpts of the domestic section of the Chancellor's policy declaration]

BRANDT COMMENTS ON ECONOMIC AND SOCIAL POLICY

The Federal Republic's economy is, I am glad to say, currently in a phase of upturn; we have full employment, the social government is stable and the balance of payments is in equilibrium. . . .

One of the urgent tasks of the legislative term is to ensure a well-functioning system of competition. This is indispensable for industrial productivity and social progress. . . .

Industry must not only adapt itself to the needs of the day but prepare itself more and more for the challenges of the future, and also to the integration of the developing countries in the world economy. Our structural policy is designed to facilitate this process. The efficiency and adaptability of our market economy system should be used.

The Federal government will continue to implement consistently the agricultural and food policy it has successfully pursued within the Common Market and in the national sphere.

The development of and increased emphasis on social policy in the agricultural sector have facilitated the process of adaptation and avoided social hardship. This process was helped by the reorientation of the agricultural structural policy which set the course for an agricultural structural policy concept in the European community adopted last year by the Council of Ministers. . . .

ENVIRONMENTAL PROTECTION

Noise, air, and water pollution and disturbances of the ecological balance do, in fact, jeopardize benefits of economic growth. Yet we must caution anyone not to jump to the conclusion that the way out of this dilemma might be a general limitation of growth and productivity. The question rather is where we should have economic growth, what it should be like and what ends it should serve—and we must also realize that growth and the economic principle must be at the service of man.

Environmental protection, regional planning, urban development, the development of the transport system, and with it the improvement of living and working conditions, of possibilities for leisure activities and recreation must be seen as being closely interrelated.

We are going to put into practice and further develop our environmental programme.

The quality of life has become a central concept in our political work. It must not deteriorate into an abstract formula. Quality of life means to us: freedom, including freedom from fear and need, security, also through human solidarity . . .

In my policy statement of October 1969 I set education and training, science and research at the top of the list of needed reforms. In this nothing has changed . . .

The Federal Government will use to the full its powers in shaping overall national education planning. It wants to secure in this reform the goal of the uniformity of our education system . . .

Equality of opportunity demands that vocational training be accorded the same status enjoyed by other fields of education.

Federal Government and Laender have in the past years created more places in higher education, and have promoted the development and reform of research and teaching in the universities. This is to be continued . . .

The Federal Government advocates the shortening of studies, the introduction of the study year and the abolition of competitive entry.

The diversity of views in research and teaching is inherent in the freedom of scientific work. Intolerance is harmful to science and teaching, and also to learning. Centres of teaching and research must not be transformed into political battlegrounds . . .

Research and technology will play a vital part in determining the future of our society. Their promotion is a joint task of state and industry. The enormous expenditures in these fields make clear priorities imperative and require the co-ordination of all branches of research.

The Federal Government will endeavour to extend international co-operation in research and technology, also with the countries of Eastern Europe. In the enlarged European community we will press more urgently for the concept of a common research and technology policy.

Large-scale technical project, E. G. in the spheres of space research, aviation, new transport technology, nuclear technology and data processing, will in future increasingly be gauged by the contribution they make towards the improvement of living conditions . . .

CULTURAL POLICY

The Federal Government will not tolerate any undermining of the freedom of opinion.

The fact that major communication media are controlled by individual people must not lead to the result that only one opinion can make itself heard. The law governing competition will also have to contain provisions to control mergers of press and medium enterprises. Freedom of press and mass media includes freedom within the press and within the media.

The aim of modern social policy is to provide more justice and to create the conditions for a larger measure of genuine freedom in our society . . .

During the current legislative term we shall pay even greater attention to those whom fate has put on the fringe of society.

I am particularly grateful for the efficient help of the churches in this field. In this work in particular they set an example. The social institutions of the charitable and private welfare organisations should not be interfered with by the Government; the community needs them.

FOREIGN WORKERS

Nearly two and a half million people from other countries are working amongst us. Together with their families they form a large minority. We . . . know how much their industry has contributed to the prosperity of us all. We should appreciate this. However, it has become necessary for us to consider carefully where the saturation point lies or where social reason and responsibility require us to call a halt. We cannot let this matter be governed by the law of the momentary advantage . . .

We regard the development of co-management as one of our principal tasks. Worker involvement in decision-making processes is part of the substance of the process of democratization in our society.

We shall develop company law on the basis of co-management of labour during this legislative term. We shall start from the principle of equal rights and equal influence of employees and shareholders.

The question of worker co-management will receive more attention than hitherto also in the European Community.

The elections have proved that political extremism proper has no chance among us. Yet we continue to be vigilant, and the enemies of our Constitution will be well advised to count upon our determined resistance both today and tomorrow.

For democracy and domestic security belong together. In 1972, we passed the necessary bills for more effective crimes control and prevention.

New forms of crimes and terror—and skyjacking is not the least of them—call for international co-operation, which we are energetically seeking to bring about . . .

EUGENE L. WYMAN

Mr. RIBICOFF. Mr. President, I have known Gene Wyman, his gracious wife, and his fine family for many years. I considered them old and dear friends, and I had the pleasure of visiting with them many times. My thoughts and deepest sympathies are with them.

It came as a great shock to me to hear of Gene's recent death, as it must have to his many friends everywhere. His tragic loss is keenly felt here in the Senate, in the Democratic Party, in the American Jewish Community and in his home State of California.

Gene has been described as having created "a legend in his lifetime," and rightfully so. In the tragically short span of his 48 years, his record of achievement in helping his fellow man and advancing the causes he believed in was truly remarkable.

Gene's commitment and activities in behalf of worthy causes are deserving of the highest praise. For example, in 1971 Gene was credited with raising a record level of Israel Bond sales in California. And his efforts to help the famed

Hebrew University in Jerusalem resulted in a major facility at the University, being named the Eugene and Rosalind Wyman Political Science Building.

I know that Gene will long be remembered by all those he helped, and by all those who had the good fortune to know him.

JAPAN—A FIRST-RATE ECONOMIC POWER

Mr. BROCK. Mr. President, there is general public awareness of the emergence of Japan as a first-rate economic power in recent years.

Yet, in spite of this awareness, in spite of the immense volume of Japanese products which we use in this country, and in spite of recent well-publicized diplomatic contacts between our two countries, we Americans have a very meager understanding of Japanese culture.

The story is told that recently an American, one of the tiny handful who are fluent in Japanese, stopped a policeman in Tokyo to ask directions. Although he phrased his question in perfect Japanese, the policeman, looking at him, answered:

> I'm sorry. I do not speak English.

The policeman could not imagine an American speaking Japanese, although he saw Americans on the street in Tokyo every day. Can anyone imagine such an event taking place in Paris or Rome?

Of course not. Yet in economic and geopolitical terms, modern Japan is probably more important to us than France or Italy. The exchange of trade, for example is much higher. In fact, we trade more with Japan than with any other nation except Canada.

I believe that we need to take new initiatives to get to know Japan better. One very sensible proposal in this area is a bill sponsored by the Senator from New York (Mr. JAVITS) which would set up a fund to promote scholarly, cultural, and artistic activities between the United States and Japan.

The moneys to finance the program would be drawn from the payment being made to the United States by Japan as a result of the Okinawa Reversion Treaty, and is an appropriate use of this money.

I am pleased to join with the Senator from New York as a cosponsor of this legislation.

MUTUAL AND BALANCED FORCE REDUCTIONS

Mr. MUSKIE. Mr. President, I welcome the beginning of preparatory talks in Vienna on mutual and balanced force reductions in Europe. These talks will be difficult and may take several years to complete. Nevertheless, we must begin to work energetically toward the mutual withdrawal of both NATO and Warsaw Pact troops from Central Europe. I hope that the President will in fact make these talks a "front-burner" issue in 1973, along with other European issues, as he suggested in yesterday's news conference.

I ask unanimous consent that the articles on this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1973]

EAST AND WEST OPEN TALKS FOR PARLEY ON FORCE CUT

(By Drew Middleton)

VIENNA, January 31.—Twelve countries from the North Atlantic Treaty Organization and seven from the Warsaw Pact met here today to begin preparation for a conference later this year on the withdrawal of forces from Central Europe.

Two procedural disputes threatened to delay such a conference as the first informal meeting was held.

The Soviet Union, over strong NATO opposition, wants to widen the conference to include not only Rumania and Bulgaria, which have no forces in Central Europe although they are Soviet allies, but also European neutrals. The Russians are also insisting that the conference deal with the "mutual reduction" of troops and not the "mutual and balanced force reductions" that the West wants—the word "balanced" meaning that the Soviet Union should withdraw more troops, since it has more in the area.

In addition, the West points out, the Soviet Union is closer geographically to its troops in Central Europe than the United States is to its forces in West Germany.

Rumania and Bulgaria did attend today's meeting, but in Western eyes their status at future sessions is undecided. The other East bloc participants were the Soviet Union, East Germany, Poland, Czechoslovakia and Hungary.

The West was represented by the United States, Britain, Canada, West Germany, the Netherlands, Belgium and Luxembourg, which all have forces in Central Europe, and by five so-called flank countries. These are Norway and Denmark, on the northern flank, and Greece, Turkey and Italy, on the southern.

Jonathan Dean, the chief American delegate, said that NATO had been "pressing" for the conference for a long time and that "we are going to do our best to give it a constructive outcome."

Oleg N. Khlestov, head of the Soviet delegation, described the talks in a statement to the press as dealing with "mutual reduction of armed forces and armaments in Europe." He is head of the Judicial and contract department of the Soviet Foreign Ministry.

Later a Soviet diplomat objected strenuously to the initials MBFR on the badges issued by the Austrian Press Bureau to newsmen. Thereafter, "mutual and balanced force reductions," were eliminated from the badges.

NATO wants the talks focused on Central Europe, where there is the largest concentration of forces. The Soviet Union and its allies have a ratio of 1.7 to one in the manpower, 3 to 1 in tanks and 2 to 1 in aircraft in that area.

The Soviet Union has 20 divisions, with about 225,000 men, in East Germany. There are about 185,000 United States army troops in West Germany. There are also five Soviet divisions in Czechoslovakia, two in Poland and four in Hungary, with about 120,000 men.

On the southern flank, the three NATO allies, Greece, Turkey and Italy, have a slight edge in manpower over Rumania and Bulgaria and NATO has a larger number of warships and aircraft.

The NATO flank countries are to be less than full participants but more than observers. Plans call for them to speak and circulate papers at meetings, but not to vote. Soviet sources said that a similar status would be a minimum requirement for Bulgaria and Rumania.

The seven NATO states with forces in central Europe were named by NATO to represent the West in negotiations. NATO took the initiative on force reductions in a communique issued after a ministerial conference at Reykjavik, Iceland, in June, 1968.

France, which has two divisions in West Germany, has opposed the talks since they were first proposed.

The Soviet Union in its note of Jan. 24, suggested not only the inclusion of Rumania and Bulgaria but also countries outside of both alliances such as Sweden and Yugoslavia.

One diplomat said the West's basic reaction to the inclusion of neutrals is: "We can't have the Maltese or the Swedes telling us where we should deploy our forces."

[From the Washington Post, Feb. 1, 1973]

EAST-WEST TALKS ON FORCE REDUCTIONS OPEN IN VIENNA

(By John M. Goshko)

VIENNA, January 31.—Representatives of 19 countries met here today to formally open the long-awaited talks on the possibility of negotiating a reduction of the military forces poised against each other in central Europe.

These negotiations—referred to in diplomatic parlance as mutual and balanced force reductions or MBFR—represent what is potentially the most significant step so far in the movement toward an East-West detente in Europe.

If successful, they would mean a big start on dismantling the NATO and Warsaw Pact military machines that have faced each other across the Iron Curtain since the beginnings of the Cold War.

The talks are especially important to the United States, which has been the prime mover in the long struggle to launch force reduction negotiations. The Nixon administration views force reduction talks as the best solution to the problem of maintaining a safe military balance in Europe while satisfying congressional pressures for bringing home substantial numbers of the American troops stationed on the continent.

For this reason, Washington is very anxious that the talks now beginning here, which are characterized as "exploratory" in nature, will lead to full fledged negotiations sometime this fall. As Jonathan Dean, chief of the U.S. delegation, said today: "We have been pressing for this for a long time. We are going to do our best to give it a constructive outcome."

As today's half-hour ceremonial opening in Vienna's former imperial palace, the Hofburg, made clear, a long list of technical and procedural problems must first be resolved before the participating countries can even reach the point of starting to explore whether actual negotiations are feasible.

Western delegates said afterward that there probably will not even be another formal session before Monday at the earliest. In the interim, they added, the various delegations will be occupied full time in an informal, feeling-out process.

The NATO side, under strong American prodding, has taken the position that full participation in the talks should be limited to those countries on either side that actually have forces stationed in Central Europe in order for the talks to be effective.

Accordingly, NATO has proposed that the West be represented in the talks by the United States, Canada, Britain, West Germany, Belgium, Luxembourg and the Netherlands as full participants. The NATO "flank" countries with an interest in the talks—Italy, Denmark, Norway, Greece and Turkey—would take part in a limited, non-voting way and be represented on a rotating basis.

NATO further proposed that the Warsaw Pact be represented on a fully participating basis by the Soviet Union, East Germany, Hungary, Poland and Czechoslovakia. However, the pact's other two members, Romania and Bulgaria, have also sent delegations here and have been demanding that they be admitted to full participation.

So far, the West, and in particular the United States, has been unwilling to accede to this demand.

Western sources said that at today's meeting, marked by a brief ceremonial address from Austrian Foreign Minister Rudolf Kirchschlaeger, the Communist side made no mention of an earlier Warsaw Pact proposal that the talks be thrown open to all interested European governments, including neutrals. This, the sources said, led the West to conclude that the question of neutral-country participation is now a dead issue.

One fundamental problem that Western diplomats had been expecting also came up today when the head of the Soviet delegation, Oleg N. Khlestov, protested the inclusion of the word "balanced" in press credentials and other documents relating to the talks.

The phrase "mutual and balanced force reductions" was coined by the West out of recognition that the Communist side enjoys substantial superiority of numbers in both men and weapons over the combined NATO forces. In addition, geographic factors would also give a natural advantage to the Warsaw Pact in any force reductions, since American troops would be withdrawn across the Atlantic while Soviet forces would only have to pull back a few hundred miles.

For these reasons, the West has always stressed the word "balanced" to emphasize that any reductions should be conducted according to a formula that would give some offsetting compensation to the West. The most commonly suggested plan has involved the idea that Warsaw Pact reductions should be greater than those made by NATO.

However, the Soviets have never used the word "balanced" and their objections today indicated that it is going to take a lot of arduous bargaining before they might be induced to accept the principle of reductions on anything other than a strict one-for-one basis.

[From the New York Times, Jan. 29, 1973]

Tensions of Talking

Negotiations are a means to an end. Serious problems can arise when nations spend so much of their creative energies on getting talks started that they grow inarticulate about how the talks should end, about the desired outcome. This is a looming danger in the twelve-nation Vietnam peace conference which the United States is moving to get under way Feb. 26. It seems already to be the fate of the long-awaited East-West talks to reduce military forces deployed in Central Europe.

The Soviet Union has formally accepted Jan. 31 as starting date for this third fixture on the diplomatic calendar, alongside the European Security Conference and the second round of Strategic Arms Limitation Talks. That was anticipated; what was unexpected was Moscow's wish to expand the number of countries participating. The North Atlantic Treaty Organization was right to reject this Soviet proposal, even though the dispute may delay the meeting's opening. A rule of thumb in postwar diplomacy has been that the more nations involved in a negotiation, the less meaningful its results. For the Kremlin to try broadening the meeting now is an ominous hint that it has little serious business in mind for the present, except to test the strains inside the Western alliance.

But then how much serious business does Washington have in mind? It is almost with relief that Administration officials warn that the force-reduction talks will go on for a long, long time. One of the rewards for a leisurely pace could be an indefinite postponement of pressures from Congress for an early, unilateral reduction in the 300,000-man American garrison in Europe. The mere fact that talks are under way can be used to deflate advocates of a cutback, laying them open to the now familiar charges of undercutting the President by stealing his "bargaining chips" while he is in the midst of play.

If American critics of the military establishment are wary that the force-reduction talks are really designed to perpetuate present troop levels, European Governments are nervous at the opposite possibility: enthusiasm for détente may create irresistible pressure for cutting United States forces in Europe, if not next year then the next or the next. In the wake of withdrawal from Vietnam, Americans may move overquickly toward withdrawal around the world. A leading British newspaper, The Guardian, scrutinized America's post-Vietnam mood and concluded: "The European commitment has been damaged—more so perhaps than most Europeans have yet realized. And the foundations of the North Atlantic Alliance, in mutual confidence between the United States and other Governments, have been severely shaken."

This is the uneasy atmosphere in which the United States and the West confront the Soviet Union on the most sensitive issue of post-World War II Europe. President Nixon has a few points to clear up inside the Western alliance before he tries anything more with the East. The Vietnam conference is bound to show up even greater diversity of goals. Negotiation among adversaries is always preferable to aloof standoff, but when the process of talking is elevated beyond a means to an end and becomes an end in itself, it can open as many problems as it can resolve.

WALTER C. LOUCHHEIM, JR.

Mr. HUMPHREY. Mr. President, a very dear friend and one of America's truly universal men, Walter Louchheim, died yesterday. I know that many Members of Congress share the sorrow that Mrs. Humphrey and I feel at the departure of this wonderful man.

Walter Louchheim led a life, a superb life, in the tradition of the great men of the renaissance and our own Benjamin Franklins and Thomas Jeffersons of America. He loved life; and he not only experienced all aspects of life, he excelled in many of them. A successful businessman, he was immersed as well in the arts, philosophy, music and drama, civic affairs, and national and international politics and administration.

Mr. President, our affection for Walter Louchheim, as Senators know, was shared with his remarkable and devoted wife, Katie. Members of my political party owe her so very much for her inspiration and her dedicated work on behalf of the Democratic National Committee. Mrs. Humphrey and I have expressed to her our deep sorrow and our compassion at this great personal loss.

Mr. President I ask unanimous consent to have printed in the Record a column by Kenneth Crawford, published in the Washington Post of this morning, and a column by E. W. Kenworthy, published in the New York Times, concerning the life of this fine man.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 1, 1973]

Walter C. Louchheim, Civic Leader

(By Kenneth G. Crawford)

Walter C. Louchheim, 73, investment counselor, civic leader and patron of the arts, died yesterday morning at his home, 2824 O Street NW, after a short illness.

.A resident of Washington since 1934, he served several administrations as an expert on national and international and monetary policy. Since 1971, he had been associated with Ferris and Company, Inc., and director of its investment advisory department.

Mr. Louchheim was an advisor to the U.S. delegation both at the Breton Woods Conference and the inaugural meeting of the Monetary Fund and World Bank. About his contributions as one of the planners of Breton Woods and the system it adopted for restoration of order in international trade and finance after World War II, Maynard Keynes, a British delegate to the conference, wrote him in the summer of 1944:

"You have done a grand piece of work which ought to save a wilderness of time."

One of the original Roosevelt New Dealers, Mr. Louchheim helped to organize and became a member of the staff of the Securities and Exchange Commission, one of the regulatory agencies created after the economic crisis of the Great Depression. He served as its assistant director and adviser on foreign investments.

Mr. Louchheim became a member of the National Capital Planning Commission on appointment of President John F. Kennedy in 1961 and served as its vice chairman through most of the Johnson administration. His concern for the welfare of the capital city was constant.

So was his interest in the cultural life of the city. He was a member of the National Symphony Board and the Washington Society for the Performing Arts. He was also a devotee of contemporary painting.

But his cultural preoccupation was music. He established the Katie and Walter Louchheim Fund of the Library of Congress to record and distribute nationwide the Library's chamber music concerts.

Mr. Louchheim was born in Rydal, Pa., in 1899 but grew up in New York City, where he attended Franklin School. He entered Princeton in 1916, where he joined the United States Naval Reserve. Transferring to Harvard after World War I, he was graduated cum laude with a B.A. degree. Later he pursued doctoral studies in Aristotelian logic and metaphysics at Columbia.

Just out of college, he became an investment banker with his father's firm, Louchheim and Minton, a member of the New York Stock Exchange. His government career terminated in 1953, after which he became a private investment consultant with offices in Washington.

In 1926, he married Kathleen (Katie) Scofield of New York, who survives him. Mrs. Louchheim, long active in Democratic Party affairs, is a former vice chairman of the Democratic National Committee and a former deputy assistant secretary of state.

Also surviving are two daughters, Mary Lieberthal of New York and Judith Haupt of Washington, and a sister, Mrs. Patrick Bellew of Litchfield, Conn. There are also three grandchildren, Cotton and Dierde Coulson, and Frances Ann Lieberthal, all of New York.

Mr. Louchheim was a member of the First and Fifth Churches of Christ Scientist and of the mother church in Boston.

His clubs were Cosmos, Federal City, which he help found, City Tavern Association, Harvard, International and Chatham Beach and Tennis (Massachusetts.)

The family will hold private services. In lieu of flowers, contributions to the Katie and Walter Louchheim Fund of the Library of Congress are suggested.

[From the New York Times, Feb. 1, 1973]

Walter C. Louchheim, Jr., Dead; Banker, Civic Leader in Capital

(By E. W. Kenworthy)

Washington, January 31.—Walter C. Louchheim, Jr., by vocation an investment counselor and by avocation a philosopher and a patron of music and drama, died this morning at his home. He was 75 years old.

Mr. Louchheim came to Washington with his wife, Katie, in 1934—one of the original New Dealers—as a staff member of the Securities and Exchange Commission, which he had helped organize. For almost 40 years he was a part of the cultural, political and civic life of the city, and his well-appointed home in the Georgetown section was a gathering place of Senators and Representatives, leading figures in six Administrations and members of the diplomatic community.

In many ways, Mr. Louchheim seemed an 18th-century man or perhaps a figure from the New York of Henry James. He loved the good things of life—he was a fastidious dresser and fastidious about his food—and he had the means to indulge his tastes.

AN OMNIVOROUS READER

Yet, he was also a man of wide-ranging interests. An omnivorous reader of newspapers, he also devoured history, philosophy (his first academic passion) and poetry. But he drew the line at novels. Although he played no musical instrument, he could whistle all the themes of Beethoven's quartets.

His fondness for Beethoven came from years of attending Friday night concerts of chamber music at the Library of Congress. He and his wife established the Katie and Walter Louchheim Fund to record and distribute the chamber-music concerts nationally.

Mr. Louchheim was born in Rydal, Pa., in 1899, but grew up in New York, where he attended the Franklin School. In 1916, at the age of 16, he entered Princeton, but on America's entry into World War I, he joined the Naval Reserve. After the war, he decided to major in philosophy, and on the advice of a Princeton professor transferred to Harvard, from which he graduated cum laude in 1921.

After Harvard, he reluctantly yielded to his father's urgings to join the Wall Street investment firm of Louchheim & Minton, taking his father's seat on the Stock Exchange.

In 1926, he married Kathleen Scofield of New York, and five years later he left investment banking and entered Columbia University to pursue a doctorate in Aristotelian logic and metaphysics.

He never completed his doctorate. In 1934, the late Ferdinand Pecora, one of the original S.E.C. commissioners, lured him away to join the staff then organizing the agency. Mr. Louchheim remained with it until 1953.

In 1944, Mr. Louchheim became an adviser to the United States delegation at the Bretton Woods Conference, from which emerged the postwar World Bank and the International Monetary Fund.

In 1953, Mr. Louchheim left the Government and became a private consultant here. In 1961, President John F. Kennedy appointed him to the National Planning Commission, on which he continued through most of the Johnson Administration. As a commissioner, he blocked a plan to build a new Government Printing Office on land he believed should be reserved for public housing.

In 1962 Mr. Louchheim wrote President Kennedy, strongly urging the abandonment of convertibility of dollars for gold. But Mr. Kennedy's Treasury advisers persuaded him that this action—which President Nixon was to take in August, 1971, under emergency conditions—was not politically feasible.

While Mr. Louchheim was immersing himself in civic and cultural affairs (he was a member of the National Symphony board and the Washington Society of the Performing Arts), he was also being immersed in Democratic party politics by his wife. She began as a volunteer worker in the nineteen-forties and progressed to vice chairman of the Democratic National Committee in the years 1956–60.

In 1972, however, they parted political company as Mr. Louchheim, growing more conservative, supported President Nixon.

Besides his wife, he leaves two daughters, Mrs. Mary Lieberthal of New York and Mrs. Judith Haupt of Washington, and three grandchildren.

There will be a private service for the family.

FARM PRICES NOT REALLY HIGH

Mr. YOUNG. Mr. President, the great consuming public has come to believe that farm prices are very high and that farmers are receiving exorbitant prices for their commodities.

With a few exceptions, prices to farmers themselves are still below what could be considered to be a fair price by any yardstick. Few realize that less than a year ago wheat in western North Dakota was selling for less than $1 a bushel—the lowest since 1944. Only a year ago the best potatoes produced in the United States in the Red River Valley of North Dakota and Minnesota, were selling, washed, and sacked, for $1 a hundredweight or less.

Mr. President, a very good editorial on the farm price situation appeared in the Bismarck, N. Dak., Tribune of January 27. The editorial is entitled "Farm Prices Not Really 'High.'"

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Farm Prices Not Really "High"

Politicians in metropolitan centers have joined with food-oriented industry in a demand for farm price controls allegedly intended to keep the cost of food to the consumer from rising any higher.

Eastern newspapers have joined the clamor, apparently feeling that only a "freeze" or roll-back of farm prices can protect the consumer from growing grocery costs.

"The whole system of wage and price controls will fall apart if the agricultural sector of the economy is not brought under restraint," the Wall Street Journal editorialized recently. It went on: "For the longer run, the answer lies in a complete overhaul of U.S. Farm policy, which still is designed to push up prices by creating artificial shortages . . . . Instead of limiting supplies, the U.S. should be doing everything it can to increase output to meet the rising world demand for grain and feed."

There has been a relaxation of production restrictions since then and, of course, there have also been relaxations of import restrictions upon farm products.

But those who are critical of the rise in farm prices might do well to consider how far they have lagged behind other prices until very recently.

Wheat is an example. Its rise has all occurred within the past year. Until within the past year, the farmer was getting for his wheat about what he got for it a year earlier, or two years or five or ten years before that.

Other goods and services have risen steadily in cost over the past 10, 15, 20 and more years. If wheat had gained in price proportionately, all along the way, it would have reached its present price level long ago—and there wouldn't have been the abrupt rise recently that has occasioned the present clamor. Now it is being made to appear to be some kind of sin for wheat to achieve a price level commensurate with that of other goods and services.

The same could be said of beef, the cost of which isn't as far above its 1960 level, percentagewise, as for example a shirt, a truck, an outboard motor or a bottle of booze.

The fact still is that the American consumer is getting a bargain in his food. He spends less of his total income for food than does any other national, leaving him more to spend for recreation, housing and good living.

This is due to the continually advancing efficiency of the American farmer, and perhaps he ought to have an opportunity to share the benefits of his own contribution to the welfare of the American consumer. Elsewhere, many peoples worry about being able to produce enough to keep themselves alive. It is due in part to the fact that Russian agriculture and mainland China agriculture haven't been able to meet their countries' food needs, and resultant demands for American food, that prices here are up. We'd be paying a lot more if the tables were turned and we had to import foodstuffs to keep our larders supplied.

The way to keep Americans fat isn't by keeping the farmer poor. If he is to continue producing, he must also get a fair share of the national income.

EXCESSIVE POSTAL RATES

Mr. MONDALE. Mr. President, in the closing days of 1972, everyone in the publishing world was saddened to learn that Life magazine was ceasing publication. Over the course of more than three decades, Life had become an American institution, chronicling our progress and setbacks, our serious and comic moments as a nation.

Tragically, the demise of Life magazine may be only the beginning of a new wave of closings at a wide variety of publications. For the end of Life magazine is only a mirror-image of what may well happen to hundreds upon hundreds of smaller publications, who can afford the proposed increase in second-class postal rates even less than could a giant publishing company such as Time-Life, Inc. When Life announced that a part of its reason for ceasing publication was the prospect of a 170-percent increase in mailing costs over the next 5 years, it was only a small initial taste of many similar announcements which almost certainly will follow.

Last June, when I cosponsored the proposal of the Senator from Wisconsin (Mr. Nelson) to bring these postal rate increases under control, I quoted the great jurist Learned Hand:

> The mutual confidence on which all else depends can be maintained only by an open mind and a brave reliance upon free discussion. I do not say that these will suffice; who knows but we may be on a slope which leads down to aboriginal savagery. But of this I am sure; if we are to escape, we must not yield a foot upon demanding a fair field, and an honest race, to all ideas.

This is even more applicable today

than it was last summer. Every time a magazine or newspaper is forced to abandon publication because of soaring postal costs, the "honest race to ideas" of which Learned Hand spoke becomes a little less honest. Every time a publication—large or small, liberal or conservative—ceases printing because of postal costs, we move a little further along the road toward that day when the free and vigorous exchange of ideas will only be a memory of the distant past.

The need for the legislation which the Senator from Wisconsin (Mr. NELSON) has reintroduced—and which I am again proud to cosponsor—is greater today than at any time in the past. Last July, the St. Paul Dispatch indicated their view of the importance of this legislation when they noted that—

> The most immediate threat to a free press in this country is not subpoenas, government secrecy or Spiro Agnew. It is what has been called "death by postal rate."

And the Catholic Bulletin, in St. Paul, noted that—

> If each class within the Postal Service has to pay for itself it will mean the end of countless small, free-wheeling, independent newspapers, magazines, newsletters and publications of all kinds which have made this nation what it is today.

These statements do not unduly overdramatize the problem we are facing. With Postal Service increases of 127 percent now already partially in effect—and with much more to come—the ability of hundreds of publications to survive is seriously questioned.

More ominously, it is the small magazines of thought, opinion, and ideas—of every political perspective—which will least be able to bear the burden of the proposed postal rate increases.

These proposed increases, by bearing more heavily on editorial content than on advertising content, hit most heavily those magazines and newspapers which emphasize editorial material over advertising pages. In addition, by adding a per piece mailing surcharge, the proposed increases penalize those magazines and newspapers whose bulk is small, but whose content often looms large in the form of American public opinion.

These are the periodicals which serve the crucial function of refreshing our thinking and restoring our creativity. As Learned Hand has stated:

> As soon as we cease to pry about at random we shall come to rely upon accredited bodies of authoritative dogma; and as soon as we come to rely upon accredited bodies of authoritative dogma, not only are the days of our liberty over, but we have lost the password that has hitherto opened to us the gates of success as well.

Without the small publications of every description which are threatened by these postal rate increases we will come to rely even more than we must now on "authoritative dogma." For the more voices of dissent and differing opinions which are shut off, the more we will be forced to rely on the Government briefing and the "authorized" press release for our information.

The bill introduced by the Senator from Wisconsin (Mr. NELSON), S. 630, which I am cosponsoring, would allow smaller circulation magazines and newspapers a considerable measure of relief—while still affording some benefits to magazines of larger circulation and heavier advertising content. By freezing postal rates at the June 1, 1972, levels for the first 250,000 copies of each issue of any magazine or newspaper, the bill would insure the continued vitality of the Nation's free press. Yet this increase would leave second-class rates at levels roughly 33 percent above those of 1970. The bill thereby offers relief without offering an unnecessary windfall.

Second, by phasing in the increase on editorial content over 10 years, instead of the currently proposed 5 years—for all copies over 250,000—the bill would recognize the vital position of the Nation's magazines of opinion in keeping our people well informed.

Finally, and of greatest importance to the smaller publications, this bill would implement long-standing congressional policy against per piece surcharges on individual issues of second-class publications.

Almost 200 years ago, Thomas Jefferson stated that he cared not who made a country's laws, so long as he could write its newspapers. Today, the function of disseminating ideas is entrusted to all our communications media. No segment of the media plays a more vital role than do the small magazines and newspapers of opinion and ideas. If we fail to enact legislation to help save these publications an important part of our freedom will slowly and silently drift away, robbing our entire Nation of its most precious legacy.

REFORM OF COMMITTEE STRUCTURE

Mr. HUMPHREY. Mr. President, I want to congratulate the House of Representatives on its courage and leadership yesterday. By a vote of 282 to 91, the House approved creation of a 10-man bipartisan select committee to study House operations, and in particular to make recommendations as to the realinement of committee jurisdictions.

Mr. President, it may be no longer true that effective congressional reform, like the weather, is something everyone talks about but no one does anything about. In my opinion, the House of Representatives, in the action I have cited, is getting to the heart of the problem of congressional ineffectiveness and the erosion of congressional powers by the executive.

Mr. President, on January 18 of this year, I introduced Senate Concurrent Resolution 5 to direct the Joint Committee on Congressional Operations to conduct or commission a study of Senate committee jurisdictions, functions, and staff resources.

I again wish to call my resolution to the attention of the Senate and urge immediate action on it. While I would not oppose the creation of a select Senate committee, I believe that we need some independent judgment about this sensitive matter which could best be provided by an independently commissioned study. Of course we do not have to agree with the findings of the study, but we should let someone else initiate new thinking on the functional reorganization of committee jurisdictions.

In other words, Mr. President, I am suggesting that we equip ourselves as the poet Robert Burns suggests:

> Oh wad some power the giftie gie us
> To see oursels as others see us!

Mr. President, I appeal to the leadership and to the chairman of the Joint Committee on Congressional Operations (Mr. METCALF) and to the chairman of the Committee on Rules and Administration (Mr. CANNON), to which this concurrent resolution has been referred, to consider my resolution and report it for action to the Senate.

If the House of Representatives can take this giant step toward reasserting congressional power, I believe the Senate can do the same. Mr. President, I ask unanimous consent that the text of Senate Concurrent Resolution 5 again be printed in the RECORD.

Mr. President, I also ask unanimous consent that the New York Times article describing the action taken by the House yesterday be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. CON. RES. 5

Whereas there is a demonstrated need for the Senate of the United States, as one house of the United States Congress, to assert its policymaking and oversight functions; and

Whereas the Committee structure of the United States Senate is so organized as to frustrate the examination, the analysis, and the oversight of governmental policy; and

Whereas, because of the fragmentation of committee jurisdiction and responsibility in the United States Senate, there has been a decrease in clarity of policy purpose and of Congressional control over governmental program operations and expenditures; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Joint Committee on Congressional Operations immediately begin or commission an in-depth analysis of the Committee jurisdictions of the United States Senate, taking into account the need to reduce fragmentation of policy and program oversight, the necessity for aligning Committee jurisdiction on the functional purposes of governmental programs, the potential application of new technologies for Committees of the United States Senate, and the requirement that staff personnel and resources be effectively and efficiently allocated among Committees of Congress of the United States. The Joint Committee on Congressional Operations shall make periodic reports to the United States Senate and present final recommendations to the Senate by September 1, 1974; also be it

Resolved, That Expenses of the Joint Committee on Congressional Operations under this concurrent resolution shall be paid from the contingency fund of the Senate upon vouchers approved by the Chairman of the Joint Committee on Congressional Operations.

HOUSE APPROVES A REFORM STUDY—NAMES BIPARTISAN PANEL TO LOOK INTO OPERATIONS

(By Marjorie Hunter)

WASHINGTON.—The House took the first step today toward what could become the most sweeping Congressional reform in decades.

The creation of a 10-man bipartisan committee to make a $1.5-million study of House operations was approved by a vote of 282 to 91 after the first lively debate of the nearly month-old session of Congress.

The move pointed up widespread concern on Capitol Hill over the dwindling powers of Congress and the increasing domination by the White House. Reformers have argued that only by changing its outdated internal structure can Congress ever be in position to reassert its leadership.

The study could lead to vast changes in existing power structures through realignment of committee jurisdictions. And the alteration of committee jurisdictions could have a broad impact on virtually every business and social institution in the nation.

EXAMPLES CITED

For example, the study committee might see fit to recommend that welfare aid to the needy be shifted from the House Ways and Means Committee, whose members and staff are far more attuned to trade and tax matters.

The study committee might also find that health care issues might better be handled by some committee other than the Committee on Interstate and Foreign Commerce, or that there should be closer coordination of foreign policy issues now scattered among a variety of committees.

Only minutes after the House voted its approval, the House Speaker, Representative Carl Albert of Oklahoma, named Representative Richard Bolling, Democrat of Missouri, to head the new select committee. Mr. Bolling, once a protégé of the late Speaker Sam Rayburn, has been a highly vocal critic of House operations in recent years and is the author of several books on the need for House reform.

Other Democrats named to the committee are Representatives Robert G. Stephens Jr. of Georgia, John C. Culver of Iowa, Lloyd Meeds, Washington and Paul S. Sarbanes of Maryland.

Republicans named to the committee are Representatives David T. Martin of Nebraska, Peter H. B. Frelinghuysen of New Jersey, Charles E. Wiggins of California, William A. Steiger of Wisconsin and C. W. (Bill) Young of Florida.

"IMPOSSIBLE" ASSIGNMENT

While terming the committee assignment "a wholly impossible task," Mr. Bolling told the House that the need for committee reform was so crucial that "it must be done." He pledged that the committee would not "serve any political party or special interest."

The study will be limited to the House structure only, leaving the Senate free to maintain the status quo or create a similar study committee of its own.

In this respect, the study will be different from past Congressional reorganizations, such as one a quarter of a century ago, involving both the Senate and the House.

In creating a study committee of its own, the House again demonstrated more willingness for change than the tradition-minded Senate.

Prodded by reformers, the House now has more open committee procedures—such as public disclosure of votes—than the Senate. The House also has installed an electronic voting system, while Senate tallies are still made verbally.

But even the creation of the new study committee today failed to dampen cries of liberal Democrats for more immediate reforms in the House.

REFORM PROPOSALS

Democratic reformers said that the agenda for tomorrow's party caucus failed to list action on some of their principal reform proposals, such as fully open committee meetings, modification of the rule prohibiting floor amendments, and the establishment of a Democratic steering committee to set party policy in the House.

The reform groups had been led to believe that these proposals would be taken up at tomorrow's caucus. They said they would try to persuade Mr. Albert and the House majority leader, Representative Thomas P. O'Neill Jr. of Massachusetts, to place the reform items on the agenda.

The 282-to-91 vote creating the House study committee failed to reflect the intensity of the debate in which two of the House Republican leaders—Representative Gerald R. Ford of Michigan, the minority leader, and Representative John B. Anderson of Illinois, chairman of the party conference—engaged in a round of intramural sparring.

Supporting Mr. Albert's proposal for setting up the special committee, Mr. Ford chided Mr. Anderson and other Republicans for suggesting that the study be channeled through the existing Joint Committee on Congressional Operations.

GOVERNMENT SPENDING

Mr. BROCK. Mr. President, I believe that a recent article by David Lawrence on the subject of Government spending will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star and News, Jan. 10, 1973]

INFLATION AND GOVERNMENT SPENDING

(By David Lawrence)

There has apparently been too much reliance in Congress on the idea that appropriations for specific projects would take care of the economic problems being encountered as the nation grows steadily in population. Inflation, of course, has been a major factor in preventing an era of stability. Since controls have been applied, the question is whether economic recovery can be maintained without governmental intervention in the wage and price crises that arise.

Certain analysts have the feeling that a "no-growth" attitude is already emerging in some parts of the country. It is a drive to block expansion, especially in the face of possible power shortages and depleted fuel reserves. Suburbs are beginning to rule out high-rise apartments and to delay various kinds of construction. Basically, the debate seems to be whether economic growth alone is the means of solving the nation's problems.

Many groups feel that industrial development should be subject to its environmental impact and that efforts should be directed toward wiping out pollution, for instance, and making cities more pleasant and attractive. Both the President and Congress are well aware of the currents of thought throughout the country as people look to Washington for improvements in American life.

It is natural, therefore, to find that Congress itself is discussing what can be done to achieve better results from the money spent. Up to now, the belief has persisted that the flow of federal funds could accomplish nearly anything. But stability is not likely to come if spending continues indefinitely with more and more deficits and with no clear pattern as to what the government's course must be. The impression has prevailed that the cost of the Vietnam War has hampered normal development, when actually the expenditures on domestic matters have been far larger and exercised a greater influence on the inflationary trend.

Arthur Burns, chairman of the board of governors of the Federal Reserve System, in a recent speech declared that the outcome of our struggle with inflation "is likely to have worldwide repercussions." He pointed out that almost the entire world is suffering from inflation and that the pace of it is in many countries more serious than in the United States. Dr. Burns added:

"The single most important need at the present time is to curb the explosive growth that has marked federal spending in recent years. Some shock therapy may be needed here, such as a freeze or near freeze for a year or two on federal expenditures. The President is struggling to hold budgetary outlays to $250 billion in the current fiscal year (ending June 30, 1973). Even if he succeeds, as I trust he will, federal spending will still have more than doubled during the past eight years, and it will still exceed last year's outlays by 18 billion.

"Contrary to a widespread impression, this burst of federal spending reflects only in small part the Vietnam war. The fundamental cause has been political indulgence of the theory that most social and economic problems can be solved by quick and large expenditures of federal monies . . . the result has been that we have hastily piled one social program on another, so that they now literally number in the hundreds and defy understanding—beyond the obvious fact that they have disappointed our expectations and frustrated our fiscal calculations. In view of this experience, a tax increase—even if that were immediately obtainable—would hardly be a suitable alternative to tightened expenditure controls."

Dr. Burns went on to say that to curtail federal spending in the future will require reforms in the budgetary process. He noted that Congress has recognized the need to focus on the over-all budget and is re-examining its procedures.

Dr. Burns doesn't think wage and price controls can be abandoned now but believes that reforms should make possible the achievement of prosperity. He says this is essential not only to protect our domestic situation but to facilitate economic growth of other nations around the world.

So what official Washington is hearing these days is that there are many problems ahead, not the least of which will be the wiser use of federal expenditures.

THE OIL CRISIS

Mr. MUSKIE. Mr. President, this morning's New York Times contains an article by Mr. Edward Cowan concerning the present fuel crisis. The article has the most disturbing implications.

It points out that the administration's own estimates of the oil supply for the remainder of the winter indicate the very real possibility of a full-blown crisis with widespread shortages far surpassing anything we have yet experienced.

According to the article, current stocks of home heating oil east of the Rockies amount to 125 million barrels and are dwindling at a rate of 1 million barrels per day. At this rate, by April 1 the total supply east of the Rockies could drop to a point at which there would be "virtually no reserve."

The article then quotes one knowledgeable oil expert as saying that, if this occurs, "the outer reaches of our distribution system like Maine, could have no fuel at all."

Mr. President, at 7 o'clock this morning, the temperature outside my district office in Waterville, Maine, was 20° below zero.

The President's own advisers are now saying that the situation could become a disaster. What more does the President need to lift permanently the import quotas which contributed to the current crisis?

I ask unanimous consent that Mr. Cowan's article be printed in the RECORD and earnestly hope that the President will heed the warning it contains.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AIDES SAY COLD WAVE COULD SPUR FUEL-OIL CRISIS

(By Edward Cowan)

WASHINGTON.—In a fresh appraisal, Government energy planners have concluded that the fuel-oil shortage could reach crisis proportions before winter ends if there is a sustained cold wave.

The most optimistic assessment being circulated within the Government is that the states east of the Rockies will just squeak through the rest of the winter if temperatures are normal.

Looking further ahead, the analysts believe that unless President Nixon makes further modifications of the oil import quotas, the fuel-oil supply situation next winter could be even tighter.

Criticism of the quota system, including the charge that it has enabled the big oil companies to take customers away from independent terminal operators, is expected to be heard tomorrow at a hearing of the Senate Interior and Insular-Affairs Committee. Witnesses from the industry and the Administration, plus Gov. Francis W. Sargent of Massachusetts, are expected to testify.

The Senate Democratic Caucus called on President Nixon today to take "all necessary emergency measures, including the release of military stockpile supplies, to meet the essential requirements for oil and other fuels in regions of critical shortage."

INCREASE IN OUTPUT CITED

The American Petroleum Institute reported today that refinery production of heating oil increased last week after declining for two weeks in a row. Stocks of heating oil east of the Rockies, where the shortage has been concentrated, continued to fall at a rate of roughly one million barrels a day. In the week ended Jan. 26 they stood at 125 million barrels, down 26 million barrels from a year earlier.

The Government analysts expect that, with normally cold weather, stocks east of the Rockies, will fall to 60-million to 75 million barrels by March 31.

Below 70 million, it is said, there is virtually no reserve to meet extra demand in the event of subnormal temperatures. The reason is that the stocks are widely spread around the country and at such a low level that individual refineries and distributors find they have no oil to spare.

SYSTEM BREAKING DOWN

If stocks drop to 60 million barrels, one oil expert commented, "your system is already breaking down." He said, "The outer reaches of your distribution system, like Maine, could have no fuel at all."

The analysts calculate that if temperatures average 5 per cent below normal, which happens about one winter in five, stocks could drop to 40 million barrels. "That is a disaster," one official said. Twenty-five per cent of your distribution system will be dry at that point."

Industry data indicated that as unpromising as the Government's analysis was, it may be tilted toward the side of optimism.

Figures of the American Petroleum Institute show that refineries east of the Rockies converted 24 per cent of their crude oil to heating oil last week, slightly less than the 24.4 per cent high reached in the week of Jan. 5, when heating oil output hit a peak. The Government analysis assumes a heating oil, or distillative yield of 25.4 to 26.3 per cent.

GAS SHORTAGE EASES

The Federal Power Commission reported that the natural gas shortage eased somewhat in January as the early winter cold wave moderated and some above-normal temperatures occurred in many parts of the country.

Nevertheless, the situation remained tight and officials expressed concern about the possibility of another cold spell.

Newly compiled figures showed that deliveries of gas by interstate pipelines in December fell 124 billion cubic feet below contract commitments. Allowing for double coupling because some gas goes through more than one interstate line before reaching a local distributor, the average rate of curtailment nationally was about 5 per cent, somewhat higher than had been anticipated last autumn.

For some individual pipelines, and their customers, however, the shortage was far more acute. The United Gas Pipeline Company, which serves Southeastern states, fell 1.1 billion cubic feet a day below its contract commitments, or 23 per cent.

POWER COMMISSION ACTS

The power commission, in the first step of its kind, has ordered United to show cause why it should not discontinue sales of natural gas to all its industrial customers. That action was in line with the commission's list of user priorities, which puts homes and small commercial customers at the top.

Reiterating earlier assurances, a commission official said: "I just don't see any possibility of residences or small commercial customers being without gas. Every company has a contingency plan."

The official added, however, that he had mistakenly forecast earlier that deliveries would be stopped in a cold wave only to so-called interruptible customers, those with stand-by oil or coal burners. In fact, some "firm" customers, those without alternatives, were also cut off temporarily earlier this month.

Officials of The Federal Power Commission said that no oil- or gas-burning electric utility had been shut down, despite "some real tight squeaks." The utilities burn residual oil, a heavier product than heating oil, but it too has been in short supply. In 1970, gas accounted for 29 per cent of utility fuel, oil 15 per cent, coal 54 per cent and uranium 2 per cent.

COAL SUPPLIES UNAFFECTED

A spokesman for the National Coal Association said that mining had not been affected despite the anxieties of some carriers of strip-mine coal that they would run out of diesel fuel for their vehicles. Diesel fuel is essentially the same petroleum product as heating oil and has also been in short supply.

Coal accounted for 18 per cent of energy consumed in the United States in 1971, natural gas and gas liquids, such as propane, for 36.5 per cent, petroleum products for 40.8 per cent, hydro-electric power for 4.1 per cent and nuclear power for 0.6 per cent.

Government energy specialists believe that the President must go beyond his recent suspension until April 30 of import quotas for heating oil to assure a build-up of adequate supplies for next winter and to protect independent terminal operators and distributors from a permanent loss of markets to the major oil companies, which have better access to foreign supplies.

One estimate is that the suspended quota of 50,000 barrels a day for the independents should be raised to at least 100,000 barrels and perhaps 150,000 barrels for the rest of 1973. A widespread complaint is that the 120-day suspension benefits the big international companies, because they have widespread foreign supplies at their command, but does not give the independents enough time to arrange for and take delivery of large volumes before May.

Most of the big companies have told the Government that they were meeting their contractual commitments. However, they have refused to disclose, presumably for competitive reasons, what proportion of their business was under contract and how much was so-called spot-market sales. In any event, the major companies are understood to have sought to place contracts with wholesalers and retailers that customarily bought in the spot market from independent deepwater terminal operators.

PRIORITIES IN THE PRESIDENT'S BUDGET

Mr. STEVENSON. Mr. President, I completely agree with the President's budget request for an expenditure ceiling of $269 billion, particularly after deficits totalling nearly $75 billion during the last 3 years. However, I cannot agree with the President's priorities expressed within that ceiling, nor with the wholesale resort to the impoundment device as the means of accomplishing cuts in domestic programs.

Defense expenditures will rise nearly $5 billion despite the end of the Vietnam war. The Federal Government despite its $12 billion projected deficit will distribute $6 billion from the Treasury to States and localities which in the aggregate will run a surplus of $11 to $12 billion.

Yet, no new low or moderate income housing, model cities, or community development commitments will be entered into. Nearly $1 billion in water pollution control funds will be impounded, and spending to fight crime will barely keep pace with inflation. The community action programs of OEO, health manpower training and community mental health centers, and many education programs, including Follow Through, will be severely reduced or terminated. The public service employment program will be phased out, and manpower training funds will be cut at a time when the unemployment rate is still a far too high 5.2 percent. Welfare rolls will go up.

The adverse impact of the President's budgetary proposals is evident in Illinois. The people of my State have expressed their strong support for efforts to combat water pollution by approving a three-quarter billion-dollar bond issue to clean up our invaluable water resources. The President now flouts the intent of Congress and ignores the initiative of the people by refusing to authorize $6 billion for sewage treatment facility construction under the Water Pollution Control Act of 1972. This means that Illinois will lose in fiscal 1973 and 1974 $375 million of the $688 million in Federal funds to which it is entitled and which it rightfully expected to receive.

The budget reveals other broken promises. I have sought in the last 2 fiscal years to accelerate the development schedule for the Indiana Dunes, our first urban national park and a source of desperately needed open space for the people of the Chicago area. As a result of this effort, over $2.5 million will have been spent in fiscal 1972 and 1973 to save the dunes. The administration now appears to be junking its plans for the preservation and development of the dunes.

The destructive impact of the budget spans from natural resources to human resources. We are told that the budget provides constantly increasing levels of support for such "human resource" activities. In reality, the only beneficiary of constantly increasing levels of support is the military-industrial complex. With a drastic cutback for the Office of Economic Opportunity, the only family health center in economically depressed Cairo, Ill., loses its Federal support—the lifeblood of its existence.

The list could go on and on.

The President has announced his intent to accomplish much of these program reductions or terminations through impoundment, a device of dubious legality. His action is high-handed and clearly contrary to the intent of Congress. I intend to introduce legislation shortly which will require Congress to set its own budget ceiling and will prohibit the President from accomplishing by impoundment what he cannot accomplish by a constitutional veto. Congress must reassert its constitutionally granted power of the purse. We are quite capable of setting our own priorities, and I trust we will do so by cutting the fat in the budget rather than its muscle, as the President has done in many cases.

MANDATORY SEAT BELT LEGISLATION

Mr. BAKER. Mr. President, by the time the 1972 statistics are compiled, we will find that between 56,000 to 58,000 people will have died in traffic accidents, so many in fact, that safety experts are still compiling the totals.

My own State of Tennessee was one of the 15 States that led in the number of highway deaths in 1972. We were also exceedingly high in the number of highway injuries. These are hardly records of which we can be proud.

But what is most outrageous is that highway deaths and injuries could have been reduced dramatically everywhere—if people had simply bothered to use the safety belts already installed in their cars. Safety belts are available to nine of every 10 passenger car occupants. Yet, fewer than one-third of these people regularly use lap belts, and less than 5 percent of them use shoulder belts.

In addition to the tragic injuries and loss of life, there is a tremendous economic factor. Last year it cost the American public more than $46 billion in expenses caused by traffic accidents. This is $46 billion that, instead of being wasted in funeral expenses, wage loss, medical fees, social security benefits, property damage, and other accident-related expenses, could have been used to improve the quality of life for all Americans.

Advertising and publicity campaigns have been waged to convince us that we should buckle up. But the response has been negligible. Last week Colman McCarthy discussed this problem in a well-written article in the Washington Post. I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY NOT MAKE SEAT BELT USE MANDATORY?

(By Colman McCarthy)

In 1968, the National Safety Council spent the equivalent of $51 million promoting the use of seat belts among drivers. Similar campaigns have been waged in other years, urging motorists to "buckle up," "lock it to me," and asking "what's your excuse." In a day when advertising induces people to consume countless drugs to ease such health menaces as nasal drip and tired blood, it was assumed that spreading the word about the health menace of the automobile would be no problem. Yet the public that is so preoccupied with saving its nasal membranes is apparently unconcerned about saving lives on the highway. A study of one typical ad campaign concluded it had "no effect whatsoever."

The news has to be bad, at least for the surviving families of the 10,000 to 20,000 killed because they were not belted. The dead might be alive today, injured perhaps, but not part of the 1972 record that saw 58,000 killed in the bloodiest year yet on American roadways. Every 10 minutes someone is killed in a highway crash. One insurance company figured that America's death and injury rate roughly equals the number of babies born every year; thus, every child can look forward to being killed or injured one day in a crash. The problem of seat belts is not that drivers don't know of their life-saving value, but that drivers don't use them. Less than five per cent use shoulder belts and no more than 30 per cent use lap belts.

As if dismayed that the carnage persists, the Department of Transportation proposed last August that the wearing of belts—lap and shoulder—be made mandatory. It is a bold idea, the government telling America's 90 million drivers that if you won't save your lives, we'll save them for you. The DOT proposal is still open to comment from the public—until February 2, 1973—but to date no state has passed legislation for mandatory belts. Several states have considered such laws, but they went nowhere.

Already cries can be heard that the government is butting into private matters. In the current "Car and Driver" magazine, a monthly for car enthusiasts, a writer shifts into a high gear of outrage. He mocks even the mild, non-mandatory efforts at belt use as "ham-fisted programs to dragoon the public into using them." As for officials pushing mandatory laws, "Car and Driver" says "these public benefactors forget one point; perhaps Americans don't want to use seat belts. Naturally, the options of the body politic are of little concern to (these officials), and they are therefore prepared to ram seat belt ignition interlocks, air bags, air bag seat belts, etc., down our throats whether we like it or not. This involves a dangerous invasion of privacy and the interference with personal freedoms. . . . My usage of a belt is a personal thing; it has only the remotest and basically irrelevant relationship to other drivers and pedestrians around me. It should be my option whether I want to gamble injury in a crash. . . . Right or wrong, good or bad, safe or unsafe, the government has no role in protecting my personal safety in an automobile, and has done nothing other than make me resentful."

It is unknown whether this resentment was shared by the 20,000 killed last year because of no belts. It is known, though, that many drivers outside the United States, where the car mania is less gripping, see arguments about government interference as absurd. Australia has had a compulsory safety belt law for two years, and already the results are unarguable, the death rate is down 23 per cent. Before the law, only 25 per cent of the country's drivers bothered to belt. By recent estimate, 85 per cent of metropolitan drivers are complying and 64 per cent in rural areas. Public acceptance of the law has been calm. The Minister for Transport in Sydney has said: "We appealed for two years to people to wear seat belts, and human nature being what it is—we're either too tired, or forgetful, or too lazy—We don't use the belts that are there. When the regulations came in we gave a period of grace, I think it was a little over a month, with maximum publicity, and there has beeen this massive acceptance, almost unanimous acceptance, of the seat belt law." The editor of the Melbourne Age reported that "I get something like a thousand letters a day from readers, and they come on all sorts of subjects. But (the seat belt law) has provoked nothing but general support."

The "individual's rights" argument, as made by "Car and Driver" and others, was called ridiculous by John W. Garrett of the Cornell Aeronautical Laboratory's transportation research department in Buffalo, N.Y. He cited speed limits, traffic signals and highway dividers as other "infringements" imposed by the government on the free and happy American driver. Moreover, "there is further justification for mandatory safety-belt usage, despite the argument of some who may claim an inherent right not to wear belts. This lies in the point that persons injured or killed needlessly through failure to wear belts impose a burden on society in many ways. At the accident scene, police, fire department and ambulance personnel are needed, making them unavailable for other duties. They also run the risk of additional accidents, endangering them and others as they travel to the scene." There are also the doctors and nurses who must treat the maimed and dying, when they could be elsewhere in the hospital. It is strange that in all the talk about America's health care crisis, little is said about such devices as seat belts as a way of preventive medicine and a way of keeping the hospitals from being clogged.

Such groups as the American Safety Belt Council, insurance and automobile companies are supporting the DOT mandataory proposal. One irony is that when car buffs go to their speed tracks—the Indianapolis 500, Daytona, the NASCAR circuit—where drivers are freed of red lights, speed limits, dividers and other "infringements" to individual liberty, what do the racers wear but the safest seat belts imaginable? The government is only trying to duplicate that. It realizes that American highways have become speedways, so why not belt up in the style of Mark Donohue, Richard Petty and Mario Andretti?

REASON FOR FAILURE TO VOTE ON NOMINATION OF PETER J. BRENNAN

Mr. ERVIN. Mr. President, yesterday the distinguished Senator from Florida (Mr. CHILES) and I failed to vote on the nomination of Peter J. Brennan to be Secretary of Labor because we were conducting a hearing on bills relating to the impoundment of appropriations by the executive department in the hearing room of the Dirksen Office Building and did not hear or see the signals announcing that a vote was being taken on the nomination.

LOOKING BACK ON A TRAGIC WAR

Mr. MONDALE. Mr. President, the Minneapolis Tribune on January 28, published an article by its distinguished correspondent, Ronald Ross, who covered the war in Vietnam for many years.

Perhaps better than anything I have read in recent days, this article portrays the irony, anguish, and tragedy of the Nation's involvement in Southeast Asia during the last decade, an involvement which thankfully is now coming to an end.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR THE VIETNAMESE: A SILENT PRAYER

(By Ronald Ross)

Well, that's it. President Nixon finally has negotiated the withdrawal of American troops from South Vietnam and the release of American prisoners of war.

No champagne and rockets Tuesday night. No victory day Wednesday. Just relief: We're getting out. And sadness for the untold dead and the misery it all has wrought.

For the reporter, the war in the South never was a war like, say, World War II. Mostly it was a disconnected, unrelated series of small and nasty engagements: bursts of rifle and machinegun fire, the sudden explosion of hidden mines and booby traps, the distant holocaust of a B52 raid, the swooping of jets on jungles from which flames of napalm would leap like suddenly blooming flowers, red fire, black smoke.

It made sense only on the acetate overlays where wax crayons, red, green and blue, neatly delineated dispositions that you knew to be untrue and lists of body counts, scored like gross national products, that you knew to be lies.

Well, for Americans, at least, all that's over in South Vietnam. And you're left with some strange, vague feelings, wondering still about what it all meant when you were there: the heightened emotions, the constant questioning, the disgust, the anticipation.

You remember the war talk at dinners with colleagues (some now dead) in French restaurants, the loneliness in the midst of crowded Vietnamese bars, the martinis that came to symbolize the safety of your hotel room, the comradeship of a colonel who served champagne on your birthday, the gut feeling that this was the real world, awful and rich.

And you remember the choking moments of fear under fire, and the fear that followed that you may move your bowels; the long hours of boredom at dusty aiports and the sudden rages at brutality and incompetence alike.

And the Vietnamese? What will happen to those you got to know well, to love and respect? The Vietnamese woman who so often guided you through the jungle of Saigon politics; the doctor who could tell you more about Vietnam in five minutes than the American Embassy could in five years, and young Bao, your first and last good friend, who had a dream that one day his son would take a train from Saigon to Hanoi. What will become of them?

And what of the simple but sophisticated people you squatted beside in their well-swept bamboo huts in the Delta; and the students at Hue University who were caught between the Viet Cong and Saigon; the province chief who shared an evening with you, talking of Confucius and local government as a giant moon drifted over the South China Sea? What of them?

The American involvement will be bitterly debated for years to come. The full cost has yet to be counted. Pride and shame contend for the national conscience. It was a tragic folly, some will say. We had no quarrel with these people. We were right in what we did, others will say. Communism and aggression had to be contained.

For the Vietnamese: a silent prayer. For them, it's just another beginning. The agreement leaves unanswered the question: "Who is going to control Vietnam?" That's what the war was all about. We're going to leave the answer—where the French left it almost two decades ago—to the Vietnamese.

And so ends, we trust, an American war that did for America what the Boer War did for the British: weaken the confidence of its people in their vision of what they ought to be.

It was a war America could not—and did not—win, unless America physically destroyed Vietnam, and that, as Eric Sevareid said Tuesday night, "was beyond the spiritual means of the people of the United States."

But it was a war many Americans were unwilling to lose; so, on and on and on it went, long after the illusions that nurtured it were shattered, until, at the last, its overkill was sustained only by personal and national prestige.

ON THE FUTURE OF PUBLIC TELEVISION

Mr. BROOKE. Mr. President, I am concerned about the uncertain future of perhaps the most promising medium of communications and information in this country today, our public television system. Public television in the United States has grown from the pioneering efforts of isolated, noncommercial broadcasters scattered across the country to a system of more than 200 stations broadcasting high-quality programs produced at the local, the regional, and the national levels. We are all familiar with such national successes as "Sesame Street," the "Masterpiece Theatre" series, William Buckley's provocative "Firing Line" program, and the excellent coverage of the 1972 campaign. These examples of what public television can achieve are mere glimpses of the potential of noncommercial television.

Six years ago, Congress formally recognized the progress and the promise of public television by passing the Public Broadcasting Act of 1967, which was to be the first steps toward a politically independent, adequately financed national system of public television stations. The act established the Corporation for Public Broadcasting and charged it with the responsibility for assisting the Nation's public TV stations. The Corporation was to support the production of programs for national viewing and to help develop a system to interconnect the stations.

Today the dream embodied in that legislation is seriously threatened. It is threatened because the basic principle underlying the Public Broadcasting Act—the principle of independence and autonomy for local stations within a national system—is being undermined. Along with this vital principle, the intent of the Congress is being undermined.

According to the Public Broadcasting Act, the Corporation for Public Broadcasting was intended to serve the public TV system and to help it grow by supporting stations and producers with Federal funds and by assisting in the establishment of an interconnection system among the public TV stations. The Corporation was specifically forbidden in the legislation from operating this interconnection system itself, for clearly, whoever controls the interconnection determines what programs will be made available to stations served by the interconnection. The intent of the Congress was clear: The Corporation for Public Broadcasting, as the dispenser of Federal funds, was not to control the selection of programs for distribution.

In order to carry out the intent of the legislation the Corporation and the stations together created another body, the Public Broadcasting Service, to operate the interconnection. PBS was created as a membership organization, funded by the Corporation for Public Broadcasting but answerable to and controlled by its members—the stations. In this way, the program support function, which was clearly within the Corporation's mandate from Congress, was separated from the distribution function, which was put in the hands of PBS through the member stations.

Regrettably, station control over the interconnection now appears to be in jeopardy. The Corporation for Public Broadcasting, on January 11, 1973, announced plans to assume full and active responsibility for deciding not only what programs it will fund, but also for deciding what programs will be distributed to the station via the interconnection, regardless of the source of funding for these programs. If the Corporation proceeds with its announced intention to assume all programing responsibility for itself, I fear that the local stations will lose not only the voice they have had in controlling the operation of the interconnection but also the vital insulation from those outside pressures that would necessarily be brought to bear upon a Government-funded, centrally controlled broadcasting operation.

The matter of local station control of the public television system is important for the future of public broadcasting in another important regard—that of long-range financing for the system. Last June, the President vetoed a bill which provided for 2-year funding of the Corporation at increased funding levels. In his veto message, the President expressed concern that the Corporation for Public Broadcasting was becoming "the center of power and the focal point of control for the entire public broadcasting system." The President made it clear that he would not approve legislation providing long-range financing if that legislation failed to place adequate emphasis on localism, since the individual local stations are closest to the communities they serve.

I agree wholeheartedly that the individual stations should control the national public television system, and that is why I am both amazed and concerned by the action of the Corporation for Public Broadcasting in assuming even greater centralized control over the system, in apparent violation of the limitations imposed by the Public Broadcasting Act. Control must and should remain in the hands of the stations and in mechanisms they establish and support to strengthen their capability to serve numerous and diverse communities.

The future of public television must not become a partisan issue, for the principles at stake are of too great importance. We are concerned here with nothing less than the free flow of information to the public and the free expression of ideas. While the intentions of the board members of the Corporation for Public Broadcasting may be entirely honorable and praiseworthy in assuming control of the national distribution process for public television, it is clear that the Corporation is overstepping the limitations imposed by the Congress.

At the same time, the Corporation is setting a very dangerous precedent. For when one hand controls the Federal funds and also controls distribution power for public television we will have in appearance and perhaps in fact a domestic Government network. It would be unworthy of this great body to sit back and watch the promise of a free and independent public television system thwarted in the name of "safe" or "inoffensive" programing.

FREE PRESS AND THE PUBLIC'S RIGHT TO KNOW

Mr. MUSKIE. Mr. President, events of recent days have once again dramatized this administration's campaign against the public's right to know. The first amendment's protection of freedom of the press is designed to safeguard our right to a free flow of information, by prohibiting Government action which has a chilling effect on the free press. Whether the press is right or wrong, the Constitution, our courts, and generations of Americans have accepted the principle that reporters should have confidence to write about public issues without fear of reprisal.

I was distressed to learn of the FBI's arrest yesterday of a reporter who said he was merely performing his job—reporting the facts. This action appears to be the latest in a disturbing trend of administration actions designed to chill the freedom, independence, and imagination of our free press. This trend began with the 1968 campaign and has taken many forms—intimidation of network newsmakers, apparent vindictiveness toward our nascent but creative public broadcasting system, threats of politically motivated broadcast licensing decisions, and the unprecedented imprisonment of news reporters who refuse to disclose unreported information or their news sources.

We will not know all the facts behind yesterday's arrest until they are brought out in court and, of course, we cannot yet pass judgment on this case. But preliminary reports indicate that by its action the administration has opened up a new front in its campaign against the first amendment. National security was admittedly not involved and no complicity in the theft of Government documents has been alleged. From what we now know, this arrest opens the possibility that a statute designed to prevent criminal traffic in stolen property will in the future be used to stop reporters from investigating and disclosing any information that the Government wishes to hide.

The media are not always accurate, always objective, or always fair. But they must be free to write and report what in their judgment deserves to be said. And they must be free from fear that an angry administration will take vindictive measures against them.

To me, the mounting administration campaign against our free press is of greatest concern. I was pleased that the Democratic caucus yesterday unanimously endorsed a thorough freedom-of-the-press investigation by the Judiciary Committee. I hope that the planned investigation will, indeed, study each of the issues I have raised and will recommend to us with dispatch concrete measures we can take to protect the free press and the public's right to know.

ROBERT BALL'S RESIGNATION AS SOCIAL SECURITY COMMISSIONER

Mr. CHURCH. Mr. President, the news that President Nixon has accepted the resignation of Social Security Commissioner Robert Ball causes both regret and concern.

Mr. Ball has been an able, farsighted, and unpartisan administrator. During his 10 years as Commissioner, our social insurance system has been broadened widely, and the medicare program was placed in his capable hands.

Every month, 21 million people of age 62 and over receive benefits from the Social Security Administration, as well as 5.1 million children and mothers who draw survivor benefits, and 2.2 million disabled beneficiaries and wives.

So go the statistics. But to Robert Ball, the real story of social security is how it makes life better for the people it serves. His attitudes and his convictions, were clearly expressed recently before me and other members of the Senate Committee on Aging last month at hearings on "Future Directions on Social Security." Once again I was impressed by his historic contribution to the well-being of all Americans.

At that hearing, I expressed regret that President Nixon had decided to accept Mr. Ball's pro forma letter of resignation, especially at a time when the Social Security is preparing for broad new responsibilities voted by Congress in 1972. Other members of the committee expressed similar sentiments and made it clear that Mr. Ball's successor would be judged by the high standards he set. As has so often been said, there is no room for politics in the Social Security Administration.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles which comment on Mr. Ball's departure. I also submit an article in which Mr. Ball describes his firm belief that the fiscal and administrative integrity of the Social Security Administration will remain secure if we stay on our present path.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 8, 1973]

DEFENDER OF THE AGED

In his decade as Social Security Commissioner, Robert M. Ball has demonstrated both administrative competence and social imagination of a high order. He came into the vast Federal insurance program for protection of the aged and disabled not long after its establishment in 1937. His subsequent career entitles him to rank alongside the late Arthur J. Altmeyer, the first head of the Social Security system, as an official who knew how to translate dreams into an efficient, corruption-free program.

The distinction of Mr. Ball's service makes it difficult to understand President Nixon's decision to speed his departure from Government just when massive new administrative problems are about to descend on the system in connection with the Social Security changes voted by Congress last year. We share the hope voiced by Chairman Mills of the House Ways and Means Committee that the dropping of Mr. Ball does not signify an Administration desire to "politicalize" Social Security. Perhaps his greatest contribution was keeping that multi-billion-dollar program totally free from any taint of politics.

[From the New York Times, Jan. 25, 1973]

POLITICS, POLITICS EVERYWHERE

(By Wilbur J. Cohen)

(Wilbur J. Cohen, dean of the school of education at the University of Michigan, was Secretary of H.E.W. in 1968.)

ANN ARBOR, MICH.—The recent forced resignations of key personnel in the department of Health, Education and Welfare is an ominous omen of worse things to come.

The termination of Dr. Robert Q. Marston, the distinguished director of the National Institutes of Health, has already been viewed by scientists as the possible politicalization of the institute, which no previous Republican or Democratic Administration has ever attempted. Dr. Marston had been recognized as a nonpolitical and able administrator of an important, difficult and scientific assignment. No reasons were given for his termination from a position so vital to continued expansion of our medical research capacity.

The resignation of Robert M. Ball, the outstanding commissioner of Social Security, is a further recognition that the Nixon Administration fails to understand the importance of retaining its key administrators in its key programs. The Social Security program has always been run on a nonpartisan basis. There has been up to now no political interference in the program by any Administration since it was established in 1935. Ball's superior competence has been recognized by all previous secretaries of H.E.W. His departure prior to the implementation of the massive and far-reaching legislation recently passed by Congress and approved by the President is premature and unfortunate. Next year, total expenditures under Mr. Ball's supervision will exceed $70 billion.

Certainly, changes in personnel in governmental programs are desirable and inevitable. But there is a difference between wholesale and retail changes. The Nixon Administration appears to be trying to tell employees in the various departments that they must recognize who is the boss—the White House.

Government programs such as medical research and Social Security must depend upon the professional competence and morale of the employees who administer them. This is a delicate, sensitive and precious set of elements. It may take many years to build; it can be destroyed in a moment. There is a lack of understanding in high places of the political importance of nonpolitical administration of services vital to the American people.

Prof. John R. Commons, the distinguished labor economist of the University of Wisconsin, used to tell his students that an inadequate law which was well administered was to be preferred to a good law, badly administered. The Nixon Administration appears to want to prove that it can administer good laws badly on a reduced budget without first-class administrators—a dangerous experiment.

The forced resignations of many able persons in other agencies of government—such as the Commissioner of Labor Statistics, Geoffrey Moore—tend to support this dismal conclusion. The Commissioner of Labor Statistics is a four-year-term appointment. No other Commissioner of Labor Statistics in any previous Administration has been asked to resign before his term expired. In 1969 the Nixon Administration also fired the chief of the Children's Bureau which no Administration had ever done in the 57-year, nonpolitical history of that bureau. No Administration has such a record of interference in statistical and early childhood development programs.

These personnel changes must be viewed in terms of the repeated White House interference and reversal of Secretary Richardson's recommendations, to name but two: the rejection of his compromise with Senator Ribicoff on the welfare-reform bill, and the lack of consultation on the veto of the Hill-Burton hospital construction amendments.

Coupled with the unprecedented Presidential vetoes of H.E.W. appropriation bills, and the attack by John D. Ehrlichman of the White House staff on the employes in the department prior to the election, why should competent men and women of stature and integrity take any of the jobs vacated? The health, education and welfare of all of the American people are too important to be sacrificed for political purposes.

[From the Evening Sun, Jan. 25, 1973]

Ball Says SSA Proves Government Can Work

(By Anne S. Philbin)

Robert M. Ball, retiring commissioner of Social Security who has served three presidents, hopes Americans will remember that social security "is at the very least, a big exception" to widely expressed views that government isn't working.

"There seems to be a lot of feeling today," he said in a farewell interview in his ninth floor office at Woodlawn, "that federal programs, particularly many Great Society programs, are not working well.

"If this is true, and I am sure it is," he added, "I think Americans shouldn't forget social security is a big exception.

"It is by far the largest of federally financed programs in the area of health, education and welfare, and accounts for almost one-fourth of the country's entire budget."

Explaining this, Mr. Ball said that in 1974 the Social Security Administration will be paying out about $70 billion, with one out of every eight Americans in the country receiving a monthly check.

The $70 billion figure includes $54.73 billion in social security cash benefits, about $10 billion for Medicare payments, $408 million in "black lung" benefits to miners and their widows and children, and an estimated $3.5 billion to be paid out under the Supplemental Security Income program effective January 1, 1974, for the needy aged, blind and disabled.

MINIMUM INCOME

SSI guarantees a uniform minimum income of at least $130 a month for an individual and $195 monthly for a couple; it is a 100 per cent federally financed and federally administered program.

Mr. Ball said he believes SSI is a "very good addition to the social security law. The federal payments will be higher than those now paid by more than half the states," he said.

"The amount is getting closer to what people need to live on," he added, "and certain onerous and restrictive features of some state welfare assistance programs such as home lien laws, will be removed."

Mr. Ball said he thinks social security cash benefits, which have increased more than 70 per cent in the last five years, have "reached a new level of adequacy."

"We now have the automatic provision which will keep benefits up to date as the cost of living goes up. Also, benefits rise as a worker's earnings rise. Medicare coverage has been broadened to include disabled persons under age 65.

"Over a hundred other changes in social security and Medicare have improved the protection of present and future workers and their families. Americans are paying more but they are getting more," he commented.

SOUNDLY FINANCED

Mr. Ball said the social security program is "completely and soundly financed, under present law, to the year 2011."

Touching upon administrative policies and leadership which have molded the Social Security Administration into what President Nixon has called a "model for other government agencies," Mr. Ball said he is very proud of a number of things that have happened during his 11-year tenure as commissioner.

"We have made a great deal of progress in training minorities for better jobs with SSA, opened up more career opportunities for women, pioneered in fair housing for our employees, sponsored a volunteer program whereby our employes respond actively to community needs, and supported a substantial education program.

"We have a strong union (American Federation of Government Employes, Local 1923) which does a good job in protecting employes; it is aggressive, but responsible," Mr. Ball said.

"And I think SSA has had a positive impact on the Baltimore area in the 19,000 jobs it presently provides here plus the 3,000 that will be needed to implement the recent legislative changes."

NEW BUILDINGS

Mr. Ball said the agency's expansion program would include new buildings "here at Woodlawn and also in downtown Baltimore."

Although he said it would be difficult to leave SSA at this particular time in history when the agency faces major problems in implementing H.R. 1's legislative changes, Mr. Ball indicated his departure was a "mutual agreement" between the President and himself.

He said he plans to write, answer questions raised by those who attack the social security system, and help in the development of long-range policy on national health insurance. On the latter, he said "the question today is not if we need it, but how we can accomplish it."

Mr. Ball began his federal career in 1939 as a field assistant in a New Jersey district office at an annual salary of $1,620. He worked his way up through the ranks and by 1954 had become deputy director of the former Bureau of Old Age and Survivors Insurance. Through government reorganization, this bureau was to become the Social Security Administration in the early sixties.

Since April, 1962, when President John F. Kennedy appointed him commissioner, Mr. Ball has been serving "at the pleasure of the President for the time being."

SHOCKED SURPRISE

Between then and now, he has submitted four pro-forma resignations to Presidents Johnson and Nixon. When the fourth was accepted by the White House early this month, the announcement was greeted in SSA and official Washington with shocked surprise, principally because Mr. Ball is as respected for his management leadership as his knowledge of social insurance.

He is also well-known and well-liked on Capitol Hill, having testified at every congressional hearing on social security since the early Fifties.

In describing the qualifications needed by his successor, Mr. Ball, in the judgment of his peers, has used the words they would use to best describe him.

"He should be someone with experience in running a large federal agency, he should be nonpolitical and a humanitarian."

During his 30 years of federal service, Robert M. Ball has placed his indelible stamp upon the social security system. Of all the schemes generated to promote the welfare of the nation's people, social security stands almost uniquely in its absence of associated scandal and accomplishment of its mission.

IMPORTANCE OF FREE FLOW OF INFORMATION

Mr. BURDICK. Mr. President, I invite attention to an article entitled "Like Tigers," written by Erwin D. Canham, and published in the Christian Science Monitor of January 15. Mr. Canham has discussed the importance of a free flow of information to American society. I recommend this thoughtful article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Like Tigers

(By Erwin D. Canham)

These are complex days, filled with grave decisions that have to be made by individual people as components of the public opinion on which free society rests.

That is why adequate informing of the public is so essential.

That is why the darkness regarding Vietnam is particularly distressing. Until the darkness is dispelled, the public's decisions are inevitably based on emotions and observations which may not be fully founded on fact.

And that is why the press—printed and electronic—is so very disturbed at growing and grave limitations on its capacity to find out what is going on and informing the public about it.

There is plenty of evidence that the First Amendment in the Constitution's Bill of Rights, which guarantees the freedom of the press, is in danger.

The evidence lies in the inaccessibility of news sources, primarily and overwhelmingly the President; the various pressures being brought on journalistic critics of the President; the efforts to weaken the radio and television networks' news and analysis services; the decisions of the courts to impede news reporters' access to sources by punishing them when they protect the secrecy of certain sources.

NO ABSOLUTE RIGHTS

It is readily agreed that the rights of a free press, like nearly all other rights, are not absolute. Sometimes an individual's right to a fair trial, or the right of privacy, or the duty of citizenship in exposing criminals or protecting the national security, come ahead of freedom of information.

But just because the conflict of rights is ill-defined and variable from case to case, the press must struggle constantly to protect not its own rights but the rights of the people. The press may seem paranoid in the battle for freedom. So it must be.

In the words of Judge Harold R. Medina,

whose services on the federal bench are many and memorable:

"Some people may think that the leaders of the free press would perhaps accomplish more if their claims of constitutional right were less expansive. I do not agree with this. I say it is their duty to fight like tigers right down the line and not give in an inch. This is the way our freedoms have been preserved in the past and it is the way they will be preserved in the future."

AN ADVERSARY ROLE

The people's right to be informed depends on the press's vigilant and responsible performance of its task. The role of the press in relationship not only to government but to all other "establishment" elements is essentially an adversary role. It was not for nothing called the "fourth estate" by Edmund Burke and others. It must report, investigate, uncover, analyze, and praise or criticize just as the best-discerned facts require.

The press is often careless, sometimes wrong, generally subjective in its choice of what to print or air, frequently sensational for sensationalism's sake. It is an imperfect tool. But with all its flaws, it is an absolutely essential element in a free society.

IT WILL SURVIVE

It will survive. It will outlast those who may from time to time seek to tame it.

The public everlastingly criticizes the news media. For several decades there has been a great lessening of diversity, with no single channel of news or opinion necessarily matching the prejudices and biases of plenty of people. The opinions of columnists or commenators will not fit more than a fraction of an inevitably and desirably divided public.

News media are increasingly involved in a crisis of confidence with their public. This is a far greater problem for them than any hostile efforts of government. It can be mastered as their performance is fair, courageous, skillful. The attacks upon them at various levels of government are less vital than the deliberate blocking of news sources. To keep open the channels of information is in these days a high duty of citizenship.

MILITARY UPSET ABOUT INVESTIGATION OF SERVANTS

Mr. PROXMIRE. Mr. President, the General Accounting Office is currently investigating the use of enlisted men as military servants by high ranking U.S. officers.

This investigation is proceeding in two stages. In the first stage, the GAO compiled data from the military services about the number of enlisted men serving in servant-type positions, their pay scales, promotion rates, ethnic composition, place of assignment, and cost to the taxpayer. Preliminary information was provided relating to the military regulations involving the use of military men as servants.

In the second phase, the GAO will collect interview data.

SERVANTS AT TAXPAYER EXPENSE

The initial GAO report contains some alarming facts. For example, 98 percent of the enlisted men serving in servant-type positions in the Navy are Filipinos. Sixty-five percent of this category of men in the Marine Corps are black.

The direct costs to the American taxpayer for basic pay and allowances alone come to $13 million a year. For this sum we provide 970 admirals, generals, and Navy captains with personal aides. These aides are assigned on the basis of rank and priviledge. A one-star general gets one aide; two stars, two aides; three stars, three aides. The Joint Chiefs of Staff can have as many as eight enlisted men serving them each.

MILITARY REACTION TO THE INVESTIGATION

The military has reacted strongly to this exposure. Enlisted men on several bases have been warned by their officers and the officers' wives that they should be careful what they tell the Congress and the General Accounting Office. Implied threats have been made. There have even been requests that officers be allowed to "sit in" on interviews with enlisted aides to "monitor" what is going on.

Why is this informal, unofficial harassment going on? The question is not difficult to answer. The military, over the past generation, has acquired a system of privileges unique to that organization. At a time when military pay was extremely low, there was some justification for these "perquisites" as the military call them. Now, however, pay has increased dramatically. For example, a lieutenant general or vice admiral, of which there are 144, receives $33,685 in basic pay plus $2,775 in tax advantage, $575 in subsistence and $3,450 in quarters for a total of over $40,000. Clearly "perquisites" such as providing personal servants are no longer necessary.

If they want domestic servants, they should pay for them out of their own pockets. Nowhere else in Government are gardeners, valets, drivers, cooks, housekeepers, and bartenders provided at public expense. And yet this is common in the military.

This then is why the Pentagon is so upset about this investigation. It strikes too close to home. You can criticize a weapon system or an inefficient procurement practice, as have many qualified men in and out of the Pentagon, and that creates a stir. But try to take their servants away from them and you are attacking the very basis of privilege.

FORCED ENTERTAINMENT

It has been pointed out that high ranking military officers are sometimes forced to provide entertainment to visiting dignitaries, be they congressional or diplomatic and, therefore, a requirement exists for enlisted men to assist in this activity.

Two points are relevant here. First, visitors should be going about their business instead of bothering the military. Many of these trips simply are not necessary. I, for one, do not go on trips overseas at taxpayer expense.

Second, in the few cases where a certain amount of entertainment is unavoidable, the function should be catered and the expenses justified. Wherever possible, guests should be required to cost share in these situations out of their own trip funds.

CIVIL WAR PRECEDENT

In a recent letter to my office, a former brigadier general pointed out a Civil War public law dealing with military servants. Public Law No. 165, section 3, passed on July 17, 1862, stated that—

> Whenever an officer of the Army shall employ a soldier as his servant, he shall, for each and every month during which said soldier shall be so employed, deduct from his own monthly pay the full amount paid to or expended by the Government per month on account of said soldier; and every officer of the Army who shall fail to make such deduction shall, on conviction thereof before a general courtmartial, be cashiered.

Although that provision is no longer law, its thrust is clear enough today. If officers want servants, let them pay for them out of their own funds. Perhaps this law should be reinstated.

Mr. President, I ask unanimous consent that a letter be printed in the RECORD that points out just how unfair the present military servant situation has become. The writer's name is not attached to protect him from retaliation and harassment. The term "POV" referred to in the letter means a privately owned vehicle or personal car.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing in regards to your issue about generals having GI servants. I previously worked as an aide for three generals, and, sir, the job that a soldier has to perform is not the way it was written in the regulation. There are some of the duties of an aide such as walking the dog, washing the car, cleaning the bathroom, mopping floors, making beds, washing clothes and ironing, shopping, running errands for the wife and cleaning up behind the wife, what is so bad is when the wife takes a bath, afterward she calls you to clean the bathtub. Sir, if the general has children, you are mother and father to them; when it is raining, the aides take them to school in his POV and other places they want to go and sometimes a man has to stay and babysit the children. When the general's wife decides to go shopping, she takes the aide along with her so that he can push the shopping cart.

Sir, the general doesn't have a household aide, he is for the general's wife's convenience. When a general needs an aide, the command will come out with something like the general needs a cook, and, when a person goes up for an interview, they will tell you how nice it is to work for a general as an aide. An aide never gets very much time off like the other soldiers and never spends much time with his own family. When the general has a party, the aides do all the work for it and you work all day and almost all night, you might get a half day off. Sir, I think that the general officers are making too much money to be wasting taxpayers' money by having enlisted aides. Sir, I am making a career out of the Army and hope that my name will not be put in the newspapers and this will not have any bearing on my career.

MEXICAN-UNITED STATES RELATIONS

Mr. CHURCH. Mr. President, a significant speech on Mexico-United States relations was given last week by Mexico's distinguished young Ambassador to Washington, Jose Juan de Olloqui. He urged that the three outstanding problems between the two countries be resolved as soon as possible: First, the salinity of the water of the Colorado River; second, the illegal border crossings of migrant workers; and third, closing the gap in the unfavorable combined trade and tourism balance.

I ask unanimous consent that Ambassador Olloqui's address before the Inter-American Bar Association be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Address Delivered by Jose Juan De Olloqui

In about a month, on February 18, it will be two years that I had the pleasure of speaking to this forum of distinguished colleagues. My late academic pursuits have taken me to the field of economics, but basically, and first of all, I am a lawyer. In economic parlance I may say that my infrastructure is that of a jurist.

On that occasion the title of my talk was "Some Reflections on the Climate for Foreign Investment in Latin America". I incorporated in it, elements of the Mexican experience, as well as some considerations on the positive legislation of my country, and on the philosophy prevailing among the Mexican people on foreign investment. I commented on the meaning of the term "Mexicanization" compared with nationalization. I mentioned our displeasure for the purchase of some sound Mexican industries by foreign investors; our interest in having capital in partnership with domestic capital; the convenience of receiving new technology. In short, I intended to give a panoramic view of this important question.

Those, and some other viewpoints of the immense majority of the Mexican people were correctly interpreted by their President and have been gathered in two bills before the Mexican Congress, one to promote Mexican investment and to regulate foreign investment and, the other, which has already been approved, to establish a registry for the transfer of technology and the use and exploitation of patents and trade marks.

These bills before the Congress and the recognized stability of our Government, are, and will be, the best warranty that the foreign investor will have, to channel his resources toward my country, under the established norms, because they are a clear reflection of the attitude of the Mexican people on this subject.

The bill on investments, furthermore, clears the doubts of prospective investors. They had been insisting in different forums, both inter-Governmental and of the private sector, that those sections applicable to investments by foreigners, which appeared in several laws and regulations be incorporated into a code for easy consultation and understanding.

In this regard I wish to state that the Mexican economy shows in 1972, according to preliminary estimates, a growth in real terms in excess of 7%. We are striving to make this growth more qualitative and not only quantitative on a climate of social justice, which is the basis for the permanence of progress and stability.

As a matter of fact, Governments to attain true democracy should rest on a foundation not only of suffrage—which may be deceiving if the election possibilities of the electorate are limited—but also in the access to power of the great masses, knowing that their voices and their needs will be heard and acted upon by those heading the Government. Therefore the benefits derived from economic growth should be spread, so that they will reach the greatest number of people, preserving the quality of life, our own idiosyncrasy and our liberty.

We have a great advantage in Mexico to have a popular and populist Government. It is not enough for the Heads of State to be popular. Their Governments should be populist. From this situation flows the power that the Governments of Mexico have exercised since the Revolution.

The Mexican way of doing things has transcended our frontiers. Few countries have presented principles so just and clear as those of Mexico. None of those principles is based on the imposition of rules of conduct to other nations, regions or hemispheres. On the contrary they recognize the independence and self-determination of States. In brief, all those principles are based on peaceful solutions, in solidarity and cooperation with other countries and the observance of the statutes of the United Nations.

Not only has Mexico reiterated those principles in all forums, but in all cases we have adjusted our conduct to them. In that way, Mexico raised its voice protesting in the League of Nations when Ethiopia was attacked. In the same manner we defended the Spanish Republic and we have protested every time there has been a violation of the Charter of the United Nations.

At present and in the future, it seems that economic relations will be more important as a general norm and in the intercourse among countries. To this effect, Mexico has proposed the drafting of a "Charter of Economic Duties and Rights of States" to complement the Declarations of Human Rights.

In this way countries will have not only the free disposition of their resources, but also the right to adopt the economic structure that best suits them, without fearing aggressions, knowing that through sound commercial practices they will receive the just retribution for their labor.

With respect to the United States, Mexico has maintained a position of mutual respect and its hand outstretched as a sign of friendship.

Mexico not only has a common border with the United States, but also what we may call a "sister population" of about eight million American citizens of Mexican descent (first or second generation). This places the Mexican-American population in the fifth place among the groups of American citizens of other national origins. This is a population whose problems and destiny are of great interest to us. It is a population of which we feel proud whenever it makes something good. In the same way, we are sure they are proud of the progress of Mexico.

Let us see other points which affect our relations with the United States.

Few people realize that Mexico occupies the 16th place among the more than 120 nations of the world in the value of its Gross National Product. This 16th place includes countries such as Continental China and East Germany with which the United States has no diplomatic relations. The image of Mexico in many not-informed circles, and in others which should be well-informed, is that of a tropical and sleepy country, without taking into account that we are a nation of important production and that in population we occupy the 14th place in the world and in area the 15th. Furthermore, we are by far one of the principal clients of the United States.

Mexico has a per-capita income above 700 dollars per year similar to the majority of countries whose shores face the Mediterranean Sea, with the exception of France, Italy and Spain.

However, it is clear that the interests of the United States, which is a fully developed country, of continental dimensions, could not be the same as those of Mexico, which is in another stage of economic development and with a historically different trajectory which shaped its present political and social structure. For this reason, problems are seen from one country and the other from different angle.

We may and should differ in the way we look at the problems and their solution, but because of that, there is no reason to stop being good friends.

The relations between our countries are excellent and the deterioration that some people claim has occurred in them, is only the result of the changes in position experienced in Mexico because of the dynamism that now, more than ever, is perceptible in our country.

What are the questions that Mexico has pending of resolution with the United States at present?

In first place, it is the problem of the salinity of the water of the Colorado River, which we hope it is on the way to a fair solution for all, in accordance with the interest that we know President Nixon has in it. Mexico has declared that it will be as firm in its position as it is in justice on its side. That is, Mexico would not deviate from its determination to get a just settlement.

We do not wish a greater or lesser quantity and quality of water than that to which we are entitled.

Another important point is that of the migrant workers that cross the border illegally. Without doubt the social-economic laws and furthermore the facts, cannot be ignored: Massive movements of persons, over a quarter of a million a year, make it necessary to reach an agreement between our two countries. There are economic and political factors which make it advisable for both sides.

In respect to trade, I am glad to advise you that we have made some progress in closing the gap in the unfavorable combined trade and tourism balance that we have with the United States.

For instance, in 1970 we had a negative trade balance with this country of 482 million dollars, which was offset somewhat by a favorable tourism balance of 195 million dollars, but that still left us with a negative balance of 287 million dollars.

In 1971 this negative combined trade and tourism balance was reduced to only 93 million dollars, and I understand, that in 1972, according to preliminary figures, the situation may be more favorable for Mexico.

I have great hopes that in the coming years we would be able to register a favorable trade balance, inasmuch as all countries attain their economic development most of all through the income they receive from its exports and tourism.

It is a fact that more than 80% of Mexico's imports consist of capital goods and raw materials for industry and that these imports have contributed to the rapid economic growth of Mexico.

Another encouraging factor in this situation is that both our trade and tourism have registered consistently increasing levels: In 1971 the United States sold us goods worth one billion 600 million dollars and American tourists spent in Mexico 832 million dollars. On the other hand, Mexico sold to this country goods worth one billion 300 million dollars and Mexican tourists spent in the United States 565 million dollars.

In trade Mexico cannot live with a deficit of the size that it has been carrying. A fundamental re-structuring of the basis of our relationship is necessary. To this effect, periodic technical consultations between Mexico and the United States may be one of the immediate solutions.

Mexico understands that relationships among countries, normally should be mutually beneficial. Obviously, it cannot admit that many of the advantages accrue to only one of the parties, in this case the stronger.

Mexico seeks a greater diversification of its trade and closer relations with all peoples of the earth, whichever their ideology.

The position of Mexico before Latin America, as expressed by our President and our Secretary of Foreign Affairs, is fraternal. Our President has visited Chile, Japan and recently the United States. On the other hand he has been visited by the Presidents of Chile, Guatemala, Costa Rica, Honduras, El Salvador, Panama and Nicaragua.

I believe it can be said that the idea of the integration of Latin America, in its best sense, is one of the dearest ideals of the Government of Mexico.

In accordance with projections, Latin America will evidently occupy a higher place in the concert of nations and not in a remote future, but in the next twenty years, even if it is unable to attain economic and political integration. In any event, there will be in Latin America, important and influential countries and the solidarity which now prevails of presenting a common front to a series of problems, especially of the economic type, will continue.

In effect, Latin America has abundant raw materials and it has and will have enough population. Its problems are lack of technology and capital. Technology can be increased indefinitely and capital can be raised. Then the possibilities are inmense. The problem is that of organization.

Geography cannot be changed, but relationships can be changed. It is important, therefore, that our policies will not be circumscribed to immediate ends, but that they will be a chain for the convenience and the importance of future hemisphere relations. There are hemisphere commitments that have to be honored. For this reason, a reiteration or a re-definition of policy is urgent, especially in the economic field. To Mexico, which is highly dependent on its balance of payments, it is most important.

I do not believe, but sometimes I have my doubts, that a crisis or several crises will be a condition, without which the United States will not concentrate its attention on Latin America.

Mexico has plainly defined its policy and its aspirations through the very clear statements of President Echeverria in various forums.

I think that Latin America, in a different way, has done the same thing. It has expressed its desire which essentially is of greater social justice and respect to its sovereignty.

Nationalism and social justice, well understood, are now factors that should be recognized. In the United States it is prosperity and not reform, which has resolved generally the principal problems of the country.

In developing nations, because of their peculiarities, reform is needed to attain prosperity.

Fully conscious of this situation, we believe that this is the moment to seek ways of hemisphere cooperation adequate to the present times.

A new constitutional mandate starts in the United States.

It would seem, therefore, that it is the moment to try to find the formula to deal with the immediate future and the forthcoming decades.

The moment can not be more propitious, considering the particular dynamism now prevailing in international relations.

We hope that this historical moment will not be wasted.

THE SUPREME COURT ABORTION DECISIONS

Mr. BUCKLEY. Mr. President, it was not until I returned from Europe late Tuesday night that I had an opportunity to obtain the full text of the Supreme Court's decisions in the abortion cases. Having now had a chance to review those decisions and to discuss them with others, I am compelled to state that my worst fears have been confirmed. They represent acts of judicial usurpation of an astonishing scope. By these decisions, the Court has not only contravened the express will of the overwhelming majority of our State legislatures; it has not only taken away every vestige of legal protection hitherto enjoyed by the child in the mother's womb; but it has done so through a chain of reasoning which, logically extended, could confer upon the State the right to determine who will or will not be allowed to bear a child.

I have always had a deep and abiding respect for the Supreme Court. But I must say that I have not in my lifetime encountered a more intolerable exercise of judicial excess. Nor have I encountered a judicial decision fraught with greater danger to those humane principles which distinguish civilization from barbarism.

By its decisions last week, the Supreme Court has overturned not only a long line of legal precedent in this country, but more than two thousand years of humane wisdom. It has done so, moreover, in the name of a hitherto undisclosed "right" of privacy; a right which is explicitly or implicitly denied by the laws of not fewer than 46 States; a right which can be exercised only by destroying the life, and therefore the privacy, of another. That abortion-on-request should be tolerated is bad enough; but that it should be elevated to the status of a constitutional right and endowed with the presumptive blessing of the Founding Fathers is, quite frankly, nothing short of scandalous. Will those who read of our great Nation and its love of liberty consider this decision the hallmark of a great civilization, or the badge of decadence?

The opinions of the Court, unfortunately, leave men of conscience no choice but to seek legal redress by all means possible. I have begun to consult with men of science and the law, and with their help it is my intention to introduce, at the earliest practicable date, a constitutional amendment which will undo the damage inflicted by these pernicious decisions.

HARRY S TRUMAN, AN UNCOMMON AMERICAN

Mr. PROXMIRE. Mr. President, one is tempted to treat the man from Independence whom we honor as an ordinary American. We all know his story. From rural beginnings he worked his way up, sometimes failing but never giving up, to a place in life he revered—membership in the U.S. Senate.

Then, a position few have sought was forced upon him. President Roosevelt all but ordered him to join him on the ticket. As we like to think of the ordinary man, Senator Truman accepted out of a spirit of duty. And he became Vice President.

When the responsibility of leading the world through the closings days of World War II was cast upon him that April day in 1945, there were those who were ready to despair over that "ordinary" man.

We all know what happened. The man from the "Show Me" State showed what he was made of. He made decisions many of us would pale before. He made those decisions with careful consideration, but without flinching. He made them courageously.

In addition to courage, he showed his commitment to morality and common decency. He ordered an end to segregation of the Armed Forces.

He was able to display a sense of humor. He could give the press a big "I told you so" after his reelection in 1948.

Those were wild sport shirts he wore. And his daily walks on city sidewalks astonished passersby.

All threse things—his courage, his morality, his common touch—endeared him to the "little guy."

Above all, he was himself at all times. He was what he was. And proud of it. That was his dignity. He raised the common values of decency, of caring for others, of knowing oneself—he raised those to something more esteemed.

Everyone knows that Mr. Truman's middle initial stood for nothing. Maybe that S really should have stood for many things: Sagacity, Sangfroid, Savant, Selflessness, Sincerity. He had keen judgment of men and events. He was cool under pressure, knowing where the buck stopped. He was an expert in the workings of politics. He did care for the little people of this great country. He did his job well. And above all, he believed in what he was doing; he was honest with himself and others; he was devoid of hypocrisy.

President Harry S Truman was an uncommon man. I believe historians will see him that way.

THE NAVY AT LAKE PEND O'REILLE

Mr. CHURCH. Mr. President, during the latter part of last year, I received a letter from one of my constituents concerning naval construction at Lake Pend O'Reille, a strikingly beautiful body of water in north Idaho. The lake is among the largest and deepest inland waters in the Nation, and it was utilized during World War II for deepwater experiments.

As all Americans have become increasingly concerned with environmental issues, we of the Northwest, who are fortunate to have so much of our remaining natural splendor at our doorsteps, have become especially alert to incursions on our scenic wonders. I asked the Department of the Navy to provide me a full report on its activities at Lake Pend O'Reille. While the Navy's initial response was satisfactory, it raised several other questions which I then posed to the Department. I ask unanimous consent that this correspondence appear at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *September 28, 1972.*

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This letter is in response to a question raised by one of your constituents, . . . regarding the naval activity in Hope, Idaho.

(Your constituent) was concerned about the ecological impact and the secrecy associated with a "large steel structure" being built in Hope and the rumor that the Navy is planning to explore Lake Pend O'Reille with a submarine.

The construction (your constituent) referred to is a new Sonar Calibration Barge which is being built to replace a similar barge that was sunk in severe storm in January 1972. The construction will be completed in April. Upon completion, the barge will be towed to Bayview. The barge has wholly self-contained facilities without any discharge into the lake.

The submarine (your constituent) is concerned about is an unmanned non-propelled scale model which is used for acoustic tests.

The model submarine and the Sonar Calibration Barge are very valuable tools in the Navy's research program to improve our submarines by increasing our knowledge and understanding of their acoustic characteristics.

Sincerely,

E. P. WILKINSON,
Deputy Chief of Naval Operations (Submarine Warfare).

WASHINGTON, D.C.,
October 26, 1972.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: In response to your request of 3 October 1972, the following will give you a brief summary of the history and status of the Naval activity on Lake Pend Oreille.

In 1946, the Navy, recognizing that underwater acoustics would be a decisive factor in the design of superior submarines, began a survey for a body of deep water for underwater acoustic research. After due consideration to such sites as Lake Tahoe, Lake Chelan and Crater Lake each with serious drawbacks for the Navy's purposes, Lake Pend Oreille was selected. It was a natural. It had close to 1200 feet of depth; it was easily accessible and yet sparsely inhabited; it was open practically the year-round and, best of all, it had an unusually quiet ambient noise background, ideal for acoustic research. As additional windfall, several buildings, shops, docks and small boats already existed as part of the Farragut Naval Training Station complex at the southern tip of the lake. Proper application was made to the state of Idaho, its Fish and Game Department and to the Forest Service for permission to operate in the area. Permission was granted to the Naval Ship Research and Development Center (NSRDC) (then the David Taylor Model Basin) to operate from a 45 acre tract at the lake edge in Bayview. The activity is known as the Acoustic Research Detachment (ARD). The area was later reduced by the Navy to the present 22.5 acres in the interest of austerity. Shortly after NSRDC began its operations it was joined by the Naval Undersea Center (NUC). NUC established an underwater sonar calibration facility. In January a support barge for high priority research on our latest sonars was a casualty of a very severe storm on the lake. It is its urgently needed replacement that (your constituent) had noted being built at Hope, Idaho. The Navy has ten small boats and five support barges of various sizes for its experimental work. There are several land based vehicles such as pick-up trucks, grader, fork lifts, ambulance/station wagon and a moving crane. About ten buildings, two docks and an overhead craneway pier make up the main base complex. Anchored about a mile up the lake is NUC's sonar calibration facility. About five miles up the lake is a small installation, less than an acre, that serves the hauldown facility for KAMLOOP, the experimental model submarine.

Insofar as personnel and organization are concerned NSRDC employs seven people; one Chief Warrant Officer, the Officer-in-Charge and the only military man on site; five technicians virtually jacks-of-all-trades; and a secretary. They are responsible to the Ship Acoustics Department at NSRDC, Washington, D.C. NUC employs four engineers and two test mechanics. It is interesting to note that most of these people are local citizenry. During the busier summer months we hire up to four local youths to assist us under a Youth Opportunity Program. Throughout the year many field groups come to use the facilities, not only from the two Navy Centers, but from all sectors of the Navy. Contractors under Navy contracts are also scheduled throughout the year.

Many research advances in the Navy can be attributed to the work done at the ARD in Bayview, and, I might add, with annual budgets of about $250,000 for each Center. For example, significant improvements have been effected by the research in advance submarine and surface ship sonars, in reduction of flow noise and radiated noise, in torpedo design, in countermeasures, in sonar dome design, and in submarine target strength, to name a few. In 1966 a one-quarter scale model submarine, dubbed KAMLOOP after the famous fish in Pend Oreille, was brought to the lake for additional research. It is a clean unpropelled buoyantly rising experimental body. It ejects nothing into the water and generates no untoward noise. It has proven to be and continues to be an excellent research investment for the Navy.

It has been the aim of the ARD to establish a research facility of excellence, yet maintain a low profile at all times. We have gone out of our way to establish good relations with the local people by providing assistance in fire fighting and ambulance service. There is a considerable list of rescue missions on the lake that our personnel have been party to. One of the most heartwarming experiences we have enjoyed was the completely unsolicited honor bestowed by over 300 of the local citizens this past August. It was a human touch that the Navy will not soon forget. I am enclosing a copy of the article from the Sandpoint News-Bulletin.

One other point might be mentioned. The facility has always endeavored to keep the lake as clean as it found it. It is quite pollution conscious. In fact, NSRDC is an excellent example of the Navy's Anti-Pollution Program.

It is hoped that the above summary provides the answers to your request.

Sincerely,

E. P. WILKINSON,
Deputy Chief of Naval Operations (Submarine Warfare).

[From the Sandpoint (Idaho) News-Bulletin, Aug. 2[illegible], 1972]

HONOR NAVY UNIT WITH PICNIC AND ENGRAVED PLAQUE

(By Mrs. Howard Hensley)

In everyday conversation, in the news media, and just in our modern existence it seems that derogatory stories, bad news and the "off" side of life is often the first to be mentioned.

So it gives this reporter a delightful feeling to be able to report that appreciation with a big capital A was shown to the Navy personnel on the south end of Lake Pend Oreille August 15.

The grassy picnic site at the Harold Bates home is on a slight slope. As a person walks across the area it would be convenient to have one leg shorter than the other, or make use of a crutch as I am temporarily forced to do, for a "balancer." According to some guests that was the reason they had difficulty in walking during the picnic.

Another idea ventured was that all of the Bayviewites had been down on their knees all morning, praying for the rain to stop, and therefore they had stiff knee joints.

One character stated that the difficulty just might be traced back to the welcome beverages donated by a beer and a pop company.

Whatever the reason, those Bayview people must be the right sort of folks because the rain did stop at noon and it was a happy gathering of over 300 persons that enjoyed the 6 p.m. picnic. By that time the sun had dried all the excess moisture on the grass, tables and benches. And the weatherman waited until 9 p.m. and the last guests were leaving, before he turned on the sky water faucet again. I might add that he left that rain faucet running all night and added wind, thunder and lightning to the deluge.

Master of ceremonies was Charles Kubu, chairman of the civic committee of the Bayview Chamber of Commerce. Cochairman was Mrs. Nina MacDonald Davis, Hudson Bay Resort. Ham and turkey were furnished by members of the Chamber of Commerce and Bayview residents brought potluck dishes.

The event was held to show the appreciation of the local residents for the services rendered over the years by members of the Naval Ship Research and Development Center Acoustic Research Detachment which is located beside the town of Bayview at Squaw Bay on Lake Pend Oreille. Over a long period of time the naval facility has furnished a fire truck, ambulance and a recently-acquired tow truck for the entire community without cost.

The recent fire which destroyed Cape Horn Resort brought quick action on the part of the fire protection group, according to Dick Morgan, Manager of Cape Horn Properties, Inc. owners of the resort property. Victor Eachon Jr. is fire chief of the naval unit and J. D. Dreisbach is assistant fire chief with the civilian volunteers.

Special recognition was given to the above men in addition to Wally Townsend, Virgil Seeley, Alfred Peck Les Teston, James Fischer, Roland Curtis, Dale Intolubbe, Fred Truex, Garth Farmer, Haven Berg, William Greenfield, Max Krakenberg, and Chief Warrant Officer Richard K. Rohrbacher, officer-in-charge of the naval facility.

A special plaque was presented by Kubu to Rohrbacher, which stated: This award is presented to the Naval installation in appreciation of the many services rendered to the residents of Bayview, Idaho during the past years. By the Bayview Chamber of Commerce and community. August 15, 1972.

Music during the evening was presented by several vocalists, including Morrie Button and Walt Abegg, accompanied by guitarist Tex Aiden (Olando Pergridi). Special guest star was Rod Erickson, MGM recording artist from Fireside Lodge at Spirit Lake.

Special cakes made for the picnic included a flag decorated one by Mrs. Eric Redman and a cake with a miniature fire truck ambulance, and tow truck, made by Mrs. Walter Abegg.

The whole affair was just a wonderful way of saying "Thank You" to a very special group of people. As Kubu said it. "The event was a smashing success and plans are being made to make this type of get-together an annual affair at Bayview."

Mr. CHURCH. Mr. President, I know that every Member of Congress shares my deep concern over the severe public relations problems which confront our armed services. One of the ways that we can help is to pay due recognition to activities which reflect great credit on our military. I am very pleased to say that the Navy's activities at Lake Pend O'Reille certainly merit such attention.

I believe that it is of great significance that the Navy's operations at Lake Pend O'Reille, which involve research essential to our national security, have been carried on with a spirit of cooperation and participation in community life, and with respect for the environment. It is also noteworthy that, with all of this admirable conduct, the Government's publicity mills have remained silent; instead, local media have reported the news of the Navy's good work.

Idahoans are proud to claim Lake Pend O'Reille; we are also proud to have the U.S. Navy sharing it with us.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, ratification of the Genocide Convention will not place the U.S. Constitution in jeopardy, or supersede it in any way.

The Constitution is the supreme law of the land. It cannot be inferior to any law or treaty. Article IV of the Constitution states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all treaties made or which shall be made, under the Authority of the United States, shall be the supreme laws of the land.

To strengthen this point, the U.S. Supreme Court has written an opinion about the relationship of the Constitution to treaties.

The High Court said:

> To construe this clause (Article VI, clause 2) as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions would permit amendment of the Constitution in a manner not sanctioned by Article V. Reid v. Covert, 345 U.S. 1.

Clearly then the Supreme Court opinion in this precedent-setting case means that the Genocide Convention does not and would not place the convention in a superior position to the Constitution. Any act passed by Congress and approved by the President must conform to the principles set forth by the Constitution. If such is not the case, then the act must be considered null and void.

It seems quite obvious that when a treaty and an act of Congress are in conflict, the latter must be considered superior. This means that if the Genocide Convention is ratified, the Congress could supersede the convention by passing legislation.

Not only is the Genocide Convention subject to the restrictions placed on it by the Constitution and any understandings, reservations or laws the Congress might pass but it will in no way jeopardize the rights and freedoms of American citizens. All the rights set forth in the Bill of Rights remain unchanged.

The Genocide Convention would in no way alter congressional power to enact the appropriate legislation to implement a treaty. This power was discussed in *Missouri* v. *Holland* 252 U.S., 416 432 (1920). Genocide is a crime against the law of nations. Congress is given the power in article I, section 8, clause 10, to define such crimes.

Since 1950 the Congress has approved nearly two-thirds of the treaties enacted in the entire history of the United States. These treaties deal with many types of international concerns, including human rights. Included among those approved are the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and the Protocol Relating to the Status of Refugees.

The Senate is clearly within its proper jurisdiction in considering the Genocide Convention. I urge its swift ratification.

RETIREMENT OF JOHN KOONTZ

Mr. BIBLE. Mr. President, last month one of Nevada's long-time elected officials, Mr. John Koontz, retired as secretary of state, a position he had held since 1947.

John Koontz spent most of his life serving the people of his State. He was first elected auditor and recorder of Esmeralda County in 1934, a position he held until 1941 when he enlisted in the service during World War II. Following his discharge, he served as assistant state bank examiner for Nevada until his election to the office of secretary of state.

During his 26 years as secretary of state, John Koontz gained an enviable reputation for honesty and excellence. He is, in my mind, one of the most dedicated men ever elected to office.

The high esteem in which John is held by the people of Nevada is reflected in the many laudatory statements about his career which have been carried in the press. One such editorial in the Nevada State Journal sums it up nicely:

> John Koontz, peppery, direct, cooperative and highly competent, is one of the finest public officials who has ever served the people of Nevada.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN KOONTZ TO RETIRE FROM HIS LIFE-TIME JOB

> Possibly the only secretary of state in the 50 states who has a life-time job announced Tuesday that he was resigning from his post, effective Jan. 10.
>
> He is, of course, John Koontz, 66, Nevada's secretary of state for the last 26 years.
>
> The statement Koontz had his job for life is, technically, a figure of speech, since the office of secretary of state is an elective one every four years and any eligible resident of the state can pay his money and take his chances.
>
> The thing is that any observer of the political scene in Nevada will tell you that anyone who wanted to run against John Koontz was doing it just for the exercise—and that included both the members of his party, Democratic, or the Republicans—or those of any other political persuasion.
>
> What it is, one might wonder, that gives a man the rapport with the voters that makes him invulnerable to opposition? Why is it that opponents who have challenged him on occasion through the years learned to their sorrow that running against John Koontz was akin to opposing motherhood?
>
> It certainly wasn't because he was a "conner." If a voter, or anybody, asked John Koontz what he thought about a particular problem he always got a straight answer—and it might not be the answer the questioner wanted, either. But he got it, unequivocally.
>
> Probably one of the major reasons he was so secure in his office, as a matter of fact, was because he never pussy-footed, was never two-faced, but was never cantankerous.
>
> No scandals ever broke out in the secretary of state's office and into big headlines in the press from the time he was first elected in 1946 (without opposition from either party) right up to today.
>
> He always dealt the voters a straight hand, and the voters, as they usually do, knew they were getting honest government and their money's worth in Koontz's department.
>
> Remarked Rep. Walter Baring early this year, on the occasion of Koontz's 25 years in his position: ". . . the record of John Koontz is an enviable one. John Koontz is not a name, but rather an institution."
>
> At the same time Gov. Mike O'Callaghan, then in office a year, told a reporter for the Carson Appeal: I hold John Koontz's many years of public service in high regard. John's work is an excellent example for young people to follow if they truly desire to serve their fellow man."
>
> Said Sen. Howard Cannon: "He has been an inspiration for all those who have worked with him and his warmth and understanding has redounded to the benefit of the state of Nevada."
>
> And from Nevada's senior senator, Alan Bible: "He has been a lifelong friend, having been elected to this high office while I was serving as attorney general for Nevada. It was during those early years I found the voters of Nevada had elected a man who was highly qualified and who would always remain faithful to his office and to the electorate of Nevada."
>
> That "electorate" is apt to be a little skeptical when officeholders praise one of their number on such special occasions, especially politicians from the same party.
>
> But in the case at hand not a single statement made by the four top public officials of Nevada can be challenged.
>
> John Koontz, peppery, direct, cooperative and highly competent, is one of the finest public officials who has ever served the people of Nevada.

MILK PRICES AND PRICE SUPPORTS

Mr. DOLE. Mr. President, yesterday, with the senior Senator from Kansas (Mr. PEARSON) and the senior Senator from North Dakota (Mr. YOUNG), I introduced a bill to require an increase in the price support loan level for milk which by law the Secretary of Agriculture must set between 75 and 90 percent of parity by April 1.

Dairy farmers in Kansas and elsewhere in America are facing a serious situation because prices for the feed grains and soybean meal in their livestock feed have risen at an extremely rapid rate over a brief period of time, while the price our dairymen receive for their milk has not increased by any significant degree. Soybean meal increased from $82.50 per ton last year to $187 per ton today—a 119-percent increase—and feed grains increased 30 percent, but prices increased only 5.9 percent the past year—barely offsetting inflation, and not nearly matching the increased costs.

EFFICIENT OPERATIONS

Dairy farming is one of the most demanding occupations in America. The farmer spends long hours with his animals 7 days a week, 52 weeks a year. There are very few dairy farms today. The average dairy farmer in Kansas milks about 45 cows, and they represent a large investment and financial obligation by him. A dairyman operating an efficient producing unit, maintains detailed production records on each cow in much the same way as an industry maintains records on industrial plants, because of the narrow margins between his costs and income. He has to know when a cow is no longer making him money so he can replace it with one that does. However, present conditions make it impossible to show profits on any cow. He must show a profit to say in business, and if he cannot make a satisfactory return he must sell his herd and produce another commodity that will provide him an adequate income. This choice—staying in or getting out—faces many dairy farmers at this moment. Because unless they are provided the assurance of an increase in the price support loan for milk, they will be forced to give up their herds.

HIGHER MILK PRICES

Present costs and predictions for the future indicate dairy production costs will stabilize at levels making it impossible for dairymen to operate at a profit under the current price structure. The present price of manufactured milk averages $5.30 per hundredweight. The price support level is $4.93 per hundred weight or 72 percent of parity.

This bill would increase the price supports to $5.76 per hundredweight, approximately 85 percent of projected parity for March 31, 1973. It would give our dairymen the assurance they need to keep up present production. Without this assurance many dairymen will be forced to sell their cows and convert to straight livestock production which has a brighter future. Such a development would have grave consequences. It would cause a production decline and ultimately increase the consumer price of milk.

Admittedly, the increase proposed in this legislation might raise consumer milk prices 1 cent per quart or 4 to 5 cents per gallon. But without such an increase now, when it can do some good, within a year the consumer could face price increases of 6 cents per quart, 25 cents a gallon, because of insufficient production for the markets demands.

Mr. President, milk is one of the most valuable foods. It is most important to our growing children and to the balanced nutrition of the Nation. I urge Senators to help provide adequate milk supplies at reasonable prices by supporting this legislation.

THE FOUR CHAPLAINS

Mr. HUGHES. Mr. President, 30 years ago Saturday, February 3, during World War II, a troopship headed for Europe was struck by a torpedo from a German submarine.

Aboard this ship were four chaplains—a rabbi, a Roman Catholic priest, and two Protestant ministers of the Dutch Reformed and Methodist churches.

One of the greatest stories of sacrifice and heroism in American history was written when each of these four chaplains laid down his own life so that others might survive. Greater love hath no man than these four men of God showed in this tragedy at sea.

Dr. L. P. Fitzpatrick, national chaplain of the American Legion, a native of Coin, Iowa, has written a moving account of the four chaplains' heroism in the January 1973, issue of the Advance. In commemoration of these great pastors, I ask unanimous consent that this article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HONOR HEROISM OF FOUR CHAPLAINS

(By Dr. L. P. Fitzpatrick)

In compiling a list of the heroes of a nation, one would seldom think to include the name of a minister, priest, or rabbi, yet World War II produced four whose names demand a place on any such roster.

The oldest of these four heroic chaplains—George Fox—was an ordained minister in the Methodist Church. He was married and a father.

Father John Washington had left his Roman Catholic parish to serve his nation at the outbreak of hostilities.

Clark V. Poling was a minister in the Dutch Reformed Church and the son of a famous clergyman.

Alexander D. Goode was a rabbi who also had answered the call to military service early in World War II.

DIFFERENCES ACCENTED SIMILARITIES

Four men of God. Each represented a different branch of the church. Each came from a different section of the United States. Fate brought these men together after destiny had searched them out.

They were headed for the European theater aboard the USS *Dorchester*, a converted civilian ship, carrying American troops on that fateful night of Feb. 3, 1943, when a torpedo from a German submarine struck the vessel, raining death and destruction.

At that moment, many soldiers and sailors faced death if they could not locate life jackets. With the ship sinking, a man's life depended on having a jacket!

CHAPLAINS AID STRICKEN

On deck to do what they could to help, the four chaplains assisted the injured into life boats and found jackets for those who were without them. When all the jackets were gone, a sailor (or was it a soldier?) told one of the four that he had lost his life jacket. Without hesitation, the chaplain took off his own jacket and put it on the lad. There wasn't a moment's pause as the other three chaplains doffed their jackets and gave them to others in need.

Somewhere it is written: "Greater love has no man than this—that he give up his life for his brother."

Four chaplains—four men—of varying faiths, yet one faith in one God. Survivors reported that the last glimpse they had of these four heroes showed them with arms linked together, heads bowed in prayer to their common Father.

MEMORIALS HONOR FOUR CHAPLAINS

Today, 30 years later, a grateful nation has established many memorials to the heroism of the four. A commemorative postage stamp was issued. The United States government awarded the Distinguished Service Cross posthumously to each. A memorial window was installed in the Post Chapel at the U. S. Military Academy, West Point. An impressive memorial, the "Dove of Peace," was dedicated at Falls Church, Va.

The most active tribute was founded by Dr. Daniel A. Poling, father of one of the four. Choosing a site in the City of Brotherly Love—Philadelphia—Dr. Poling, with the help and donations of many others, established the Chapel of the Four Chaplains. With its theme of "Unity Without Uniformity," the chapel expresses the basic principle that mankind can live together, love together, worship together, not in spite of their differences, but because of them!

Chaplain-in-Charge of this memorial chapel is Dr. Walter H. White, who also served as an armed service chaplain during World War II. The chapel features altars for worship by those of the three faiths served by the four heroic chaplains. Legionnaires are cordially invited to visit the shrine, located at 1505 Race Street, Philadelphia.

SPECIAL EVENTS IN 1973

With 1973 marking the 30th anniversary of the event that led to the founding of the chapel, it will be the scene of many special events, as it is every year. American Legion Posts, Districts, and Departments are urged to set special observances of this 30th anniversary of the sinking of the USS *Dorchester* and commemorate these four men of peace who gave their lives in time of war that others might live.

Let us at this time thank God for Catholics like Washington; Protestants like Poling and Fox; and Jews like Goode. What would our nation be without them?

REHABILITATION ACT OF 1973

Mr. WILLIAMS. Mr. President, it is fitting that the Committee on Labor and Public Welfare opens its legislative business of the 93d Congress with a hearing before the Subcommittee on the Handicapped on S. 7. S. 7 is an identical bill to H.R. 8395, tht Rehabilitation Act of 1972, a bill which had been developed in the last Congress to supersede the Vocational Rehabilitation Act. After tireless efforts on the part of the Senator from California (Mr. CRANSTON), who presided at the hearings and floor-managed the bill, the distinguished chairman of the Subcommittee on the Handicapped (Mr. RANDOLPH), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. TAFT), and the Senator from New York (Mr. JAVITS), and the distinguished members of the House Committee on Education and Labor, H.R. 8395, was reported from conference and passed with no dissenting votes in either House. Yet on October 27, 1972, President Nixon pocket vetoed this bill—an unprecedented act of callousness which had never before occurred in the history of Federal efforts to aid the handicapped.

H.R. 8395 had overwhelming support from constituency groups and from the Congress; it had been wrought in truly bipartisan fashion, and encompassed the sincere intent on the part of both House and Senate Committees and the entire Congress that handicapped individuals be provided with comprehensive and individualized rehabilitation services which enable them to better compete and live in our highly technical society. I believe we can say that H.R. 8395 had been given an examination of a magnitude never before devoted to rehabilitation legislation. The subcommittee and its staff spent long hours in consultation with groups interested and concerned about delivery of rehabilitation services at all levels and had left no stone unturned, and no need unmet.

The changes which resulted from this process promise to alter rehabilitation services in this Nation for many years to come. The more significant of these provisions may be summarized as follows:

BASIC PROGRAM

Title I of the bill places a clear priority on services to the severely handicapped, and provides procedural protections that insure no individual is denied services unless a vocational goal is not possible for him. These procedural protections include the requirement for an individualized written program to be drawn for every eligible individual.

It assures that such program will be reviewed annually and evaluated as to the success the agency has had in meeting the goals and objectives set down in the program. Other changes in basic program services include the provision of telecommunication, sensory and other technological aids and devices which would enable an individual to become employable.

NONVOCATIONAL SERVICES

Title II of the bill creates a new program, the intent of which is to provide services to enable those individuals unable to have a vocational goal at the present time to become more independent and self-reliant. The program would ensure that the determination of a nonvocational goal would not exclude an individual entirely from services which would permit him to become more independent. This would allow for the possibility that the condition may change and, with the provision of independent living services, an individual may thereafter have a vocational goal.

STATUTORY REHABILITATION SERVICES ADMINISTRATION

The bill establishes the Rehabilitation Services Administration as a statutory agency and creates within this agency a Division of Research, Training, and Evaluation and a Center for Technology Assessment and Application. This provision intends to ensure that RSA be the primary agency responsible for the administration and policymaking for rehabilitation services. It also places clear authority for all research and training within RSA. Hearings on this legislation demonstrated a lack of coordinated efforts for research specifically related to rehabilitation. Thus, there is a clear need for policymaking in this area which puts primary emphasis on the rehabilitation needs of handicapped individuals rather than subordinating such decisions to social services decisionmaking.

RESEARCH AND TRAINING

The bill, in coordination with the creation of a Division of Research Training and Evaluation, expands authority for research and training. It places particular emphasis on the need for technological research which would enable handicapped individuals to work more easily with their handicaps.

EVALUATION

The bill responds also to the need for evaluation of program and research efforts to ensure that these initiatives are meeting their intended and specified goals. Hearings demonstrated substantial need to evaluate the use of funding under the basic program and related research and training efforts in order to determine whether funds so invested were accomplishing the purposes for which they were intended.

OTHER PROVISIONS

During hearings on H.R. 8395, it became patently obvious that revision of the existing Federal-State programs for rehabilitation of handicapped individuals would not solve all of the problems for handicapped individuals particularly in terms of employment, ease of accessibility of services, and making full use of Federal programs which are available. Several additional provisions within H.R. 8395, and retained in S. 7, dealt directly with these problems. The bill provided for the creation of a Federal Interagency Committee on Employment of Handicapped Individuals made up of the Secretaries of appropriate Federal Departments, which would call for and oversee the establishment of affirmative action policies in the hiring, placement, and advancement of handicapped individuals in Federal employment.

The bill also established an Architectural Barriers and Compliance Board to undertake compliance with existing Federal laws—including Public Law 90-480, The Architectural Barriers Act of 1968—which seek to eliminate barriers in buildings supported by the Federal Government.

In addition, the bill provides that contractors with the Federal Government must take affirmative action to employ handicapped individuals, and prohibits discrimination against handicapped individuals in any program or activity receiving Federal assistance.

Finally, the bill created an Office for the Handicapped in the Department of Health, Education and Welfare, a proposal which I introduced, to coordinate Federal programs for the handicapped and the preparation of a 5-year planning document for the provision of comprehensive services for handicapped individuals.

There is no question that H.R. 8395 is the most comprehensive rehabilitation legislation ever passed by the Congress. The particular emphasis on delivery of services to the severely handicapped, the expansion of programs in areas to fill needs not now being served, the creation of a program to allow the States to extend their delivery of services to individuals who are without immediate vocational goals, and the strong emphasis on research in rehabilitation technology and engineering are forward-looking initiatives. They are programs which do not simply bridge gaps but provide a coordinated and concerted effort to forestall and ameliorate handicapping conditions. They anticipate the day when all handicapped individuals may live and contribute easily and freely in this Nation.

While the Congress expressed its intent that this day come as soon as possible, the memorandum of disapproval by the President put an immediate stop to all such progress. He was unequivocal in his assertion that it would not come as a priority of his administration.

Calling H.R. 8395 another example of Congressional fiscal irresponsibility, President Nixon stated that it was his belief that this measure would seriously jeopardize the goals of the vocational rehabilitation program and would divert this program from its basic vocational objectives into activities that have no vocational element whatsoever or are essentially medical in character. I must take issue with all of these points.

It is no secret that the administration and the Congress differ substantially on priorities for Government spending. But what the President calls fiscal irresponsibility in the vocational rehabilitation program, would be called prudent expenditure after careful examination and planning in an area where he favors program expansion. The authorizations contained in H.R. 8395 are not large expansions of authority for the Vocational Rehabilitation program. In most areas they are combined authorizations for what were previously separate programs and represent only modest increases in other areas. While it is true that some of these provisions exceeded his budget requests, it is apparent to me that the Constitution gives the Congress the "power of the purse," and that responsibility for determination of level of expenditure must and will continue to rest with the Congress.

As to diversion of the program from its vocational objective into activities that have no vocational element whatsoever, I presume that the President refers to title II, Comprehensive Rehabilitation Services. To begin with, this program is separate from the Vocational Rehabilitation program and has a separate authorization. But most important, unless we are willing to accept that many individuals' conditions are hopelessly static and that no progress can be made toward a vocational goal, the President's statement implies an inflexibility which is both heartless and unacceptable. There is no question that many individuals at the outset do not appear to have vocational goals. Yet, after the provision of independent living services and training, these individuals may be brought to a point where they can be readily accepted in the basic vocational rehabilitation program. I, for one, am not willing to make a final judgment spelling no hope for any human being at any time. Nor am I willing to infer, as the President does, that individuals without an immediate vocational goal are not deserving American citizens. In my view such an attitude violates his own objective of reducing dependency and it condemns too many individuals to helplessness and hopelessness.

The provisions which the President insists are essentially medical in character are the end-stage renal disease programs and the program for services to the spinal cord injured. To treat these two programs as entirely medical violates the intent of the Congress in setting up these programs, and suggests that no other services are needed by individuals with spinal cord injury or end-stage renal disease.

The truth is that these individuals are in need of retraining and rehabilitation in the vocational sense of the word, and often need the wide scope of comprehensive rehabilitation services. Second, these programs were included in H.R. 8395, to fill a need which can be met presently in no other way. I need only to cite the number of letters that I and all of my colleagues receive from kidney patients who because of their disease have become totally dependent and disabled for lack of financial support and difficulties in finding suitable employment. I believe that the programs will more than pay for themselves in the long run, and provide services which are desperately needed.

Referring to the statutory creation of the Rehabilitation Services Administration, the President stated in his memorandum that this bill would also create organizational rigidities which would undermine the ability of the Secretary of Health, Education, and Welfare to manage the program effectively. I see no such effect. In fact, the clear lines of authority will encourage more effective management of this program for the purposes for which it was intended by the Congress, and will insure that the program is not diverted from its primary purpose which is the provision of rehabilitation services, and the concomitant research and development needed to keep the program vibrant.

Finally, the President indicated that the bill would establish numerous committees and independent commissions which are unnecessary, would waste the taxpayers' dollars, and would complicate and confuse the direction of this program. I presume here that the President refers to the Architectural Barriers Compliance Board, the Federal Interagency Committee for Employment and the Office for the Handicapped. We must ask however: Which taxpayers? What dollars? and the direction of what program? Certainly, these committees have no direct relationship to the Rehabilitation program for the purposes of delivery of vocational rehabilitation services to hadicapped individuals and it is therefore difficult to understand how it will confuse the direction of the program. Second, I believe that it is time that we asked what the taxpayers' money is going for. The expenditure of money on programs which do not eliminate architectural barriers, and which do not provide substantial accomplishments in employment for handicapped individuals cannot be well spent. Nor can the expenditure of money in more than 50 programs for the handicapped which duplicate services, and organizational authority and leave large gaps in other areas be considered a wise expenditure of money. For those millions of handicapped individuals who pay taxes and have the right to expect that their tax money will go toward making their environment more accessible and their lives and employment easier, the creation of a Compliance Board and an affirmative action program provides appeals procedures and avenues of restitution which are greatly needed. For those other handicapped individuals who are well trained, or who have hopes of becoming trained so that their present dependence on tax revenues may be lessened, such proposals offer the possibility for action and effective utilization of their talents.

The delay which has resulted from the pocket veto of this bill has had a tragic effect on rehabilitation programs across the country. The simultaneous refusal to release money appropriated in the supplemental appropriations bill has slowed down many State programs, and caused many rehabilitation facilities, workshops and other programs to release clients because they are without funds for continued operations. This disruption will put off for some time the accomplishments which may have brought many individuals into competitive work situations. Many others may have been dropped and lost permanently from the rehabilitation program because of their lack of understanding of the reason for cessation of service. It has also delayed the delivery on a promise to individuals for whom this bill has meant another opportunity to make it and to become less dependent on their families and loved ones.

The subcommittee is meeting here today to reaffirm our support and the support of many others who worked on the Rehabilitation Act of 1972. Since the veto we have heard from many organizations and individuals decrying the veto and offering their strong support in any way necessary to repass this bill. I ask, Mr. Chairman, that these letters be included in the hearing record on this legislation.

As a member of this subcommittee and chairman of the full committee, I wish to thank all of the groups here represented for their assistance, and pledge my commitment to the speedy final passage and implementation of this important legislation.

WHEN "UP" IS A DOWN

Mr. DOLE. Mr. President, many times previous to this I have brought attention to the existing barriers people having a disability constantly face. The barriers I refer to are often as small as a 1-inch step or as large as a flight of stairs, and disabled people are not an exclusive group having to deal with many of these barriers. Measures have been taken to alleviate certain architectural barriers in various places across the country, and yet much remains to be done.

An article entitled "When 'Up' Is A Down," written by Judith Martin, was published in the Washington Post, of October 29, 1972. The article clearly describes barriers a great number of people face daily. I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN "UP" IS A DOWN

(By Judith Martin)

Step right up.

Up the curb, up the marble public steps, up the lobby stairs to the elevator. Down it all again and over to the stores. Up the parking lot rim, up the entrance stairs, up and onto the escalator. Down that again, and home. Up the garage steps, up the house stoop, or up the apartment house lobby steps.

People climb up and down all day every day, and nobody thinks anything of it.

Unless, of course, they are:

Elderly.

Pregnant.

Heart patients.

Vertigo sufferers.

Pushing baby carriages.

Pulling grocery carts.

Learning to walk.

Using walkers, braces, crutches or wheelchairs.

"Nobody really has to worry about curbs or steps if they're not going to be sick or grow old," said Bob Jacoby, who's an attorney in the office of the general counsel at the Department of Health, Education, and Welfare. He has to worry about them—he's in a wheelchair.

One evening, he attended a sensitivity session at the Guest Center for Human Growth in Bethesda. "I saw the steps, and it was like I'd seen a sign that said 'Sorry about your handicap—we don't want you.' I asked the people there about it. 'We never thought of that,' they said. 'It never crossed our minds.'"

It doesn't seem to cross many people's minds, or to stick in the minds of those who build the streets, plan the subway or construct even federal buildings, which are required by law to be accessible to handicapped people.

Groups of handicapped people have lobbied all over the country for the removal of architectural barriers, including disabled people in Washington who held a six-mile march and Capitol rally last May demanding "civil rights for the handicapped."

In Minneapolis, Minn., there has been some success with the installation of 600 curb ramps and the conversion of those in the rest of the city planned—over a 20 year period. Minneapolis engineers estimate the cost at $21 for each new curb and $68 to repair old ones.

In Olympia, Wash., last week, Gov. Daniel Jackson Evans (R) spent the day in a wheelchair "to dramatize the plight of the handicapped." After finding that "a six-inch curb looked about as impossible as a six-foot wall," he made the recommendation that handicapped people be "more militant" in demanding the removal of architectural barriers.

What is needed, argue the handicapped, are curb "cuts" at crosswalks, which are indentations similar to those made for driveways so cars can cross sidewalks easily; ramps of a manageable angle on exterior and interior steps; and elevators, rather than escalators, which are difficult for many people to get on and off.

All of those would help to make life easier for many people of various ages and conditions who find steps difficult. But for the crippled, they would mean a dramatic difference in getting around town.

In lieu of them, however, there is a network of information passed around those who need it.

Which shopping centers are more or less flat. Where the freight elevators are, in such formidable building-block arrangements as L'Enfant Plaza. Which apartment buildings are manageable because of trash entrances without steps.

"They build a flat entrance because they have to wheel the trash in and out. Think about it," said Dick Heddinger, who is with the Bureau of Labor Statistics. He also spends a lot of time trying to get the Metro to put small elevators in stations. He and his wife are both in wheelchairs.

The Heddingers consider themselves "very independent," but because of the curbs they must often take taxis for four-block rides, or stop at corners waiting for the right stranger to ask to lower a wheelchair onto the street. "You psych out the person who is going to be willing, and then you have to get them to listen to how to do it. If you get someone who says, 'Sure, I know,' you grab the wheels and hang on, because they don't know."

Bouncing over the curb may mean landing in a heap on the pavement. It has happened to Patricia Thoben when the ramp is blocked by an illegally parked car in front of the Department of Health, Education and Welfare, where she is with the Division of Developmental Disabilities.

Miss Thoben is often grandly carried about—by her students at George Washington University, where she couldn't otherwise reach her classroom, by her neighbors, when she wants to use the apartment house swimming pool; and all through school, by her classmates, so she could attend regular schools.

"The only way I could go up and see Mr. Lincoln at the Lincoln Memorial was when a boyfriend carried me. It was very romantic."

Of course a lot of that has to do with her being delicate-looking and beautiful. "No girl has ever offered to pick me up—comma, damn it," said Jacoby.

But on closer examination, neither of them is crazy about the idea behind that—the idea that they need people to carry them around schools and homes and cities.

"The number of restaurants I have to be carried up—it immediately places me in a dependent position," said Jacoby. "I play it like it—'Oh, I feel like King Tut'—but that's a coverup for feeling like a poor cripple who has to be carried."

"Disability is a lonely business," said Miss Thoben, for all that people treat her "like a movie star" and rush to help her. "We're different enough already, we don't want to be made more different." She was talking about the isolation which architecture barriers enforce—schools for the handicapped made necessary because public schools have no elevators, suggestions that it would be easier to run "special buses" for the handicapped instead of making it possible for them to use the Metro.

"Separate but equal. It's still discrimination. Discrimination is a reaction to what people see—they see a deformed physique and they react. Maybe worse than to seeing a black skin, bcause they know they're not going to have to be afraid of turning black."

REPLY FROM MR. SCALI

Mr. ROBERT C. BYRD. Mr. President, Mr. John Scali, our Ambassador-designate to the United Nations, has replied to my telegram of January 16, which I inserted in the CONGRESSIONAL RECORD of that date, in which I urged renewed efforts on the part of the U.S. delegation to gain reaccreditation for two Nationalist Chinese newsmen. The official U.N. press credentials of these men were withdrawn when the Republic of China as expelled from the United Nations.

In his reply to my telegram, Mr. Scali says that he, too, is "unhappy" over the situation and has already begun looking into the matter. He promises to go deeply into the problem if and when his nomination is confirmed by the Senate.

I am encouraged by Mr. Scali's reply and by his obvious interest in the problem and concern for the rights of all newsmen to chronicle events at the United Nations. However, I continue to be discouraged by the unwillingness, or inability, of U.N. Secretary General Kurt Waldheim to act in a positive manner to solve this problem.

Mr. President, I ask unanimous consent that the letter from Mr. Scali be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., January 22, 1973.

HON. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: As a former newsman, I was, and continue to be, unhappy over the fact that reporters for the Central News Agency of the Republic of China were deprived of their United Nations press credentials December 7, 1971.

As a result of your wire, I have investigated to determine what could be done to remedy this. I have been advised that Ambassador Bush asked Secretary General Kurt Waldheim on January 11, 1972, to consider the decision. On February 10, Secretary General Waldheim informed Ambassador Bush he did not plan to reverse the decision, citing a legal opinion that the Secretary General cannot recognize an official government news agency of a government not a member of the United Nations. I plan to look into this matter further, if and when I am confirmed as Ambassador to the United Nations.

In the meantime, I am advised that the United Nations Correspondents Association could still accept individual correspondents from Taiwan if they represented private newspapers.

I will inform you of whatever success I have in looking into this matter.

Sincerely,

JOHN SCALI,
Ambassador to the United Nations, Designate.

POLICY QUESTIONS FOR HEARINGS ON S. 268

Mr. JACKSON. Mr. President, on February 6 and 7, the committee on Interior and Insular Affairs will hold hearings on S. 268, the Land Use Policy and Planning Assistance Act of 1973.

Over the past 3 years extensive hearings have been held in the Senate on national land use policy measures. Because an up-to-date and relatively complete hearing record already exists, the focus of the February 6 and 7 hearings should be on policy issues which may have not yet been adequately addressed. To insure this focus, the committee asks witnesses and parties submitting written statements to respond to a list of policy questions along with other areas of interest which they may care to address.

I ask unanimous consent to have printed in the RECORD at this point the list of policy questions on S. 268.

There being no objection, the policy questions ordered to be printed in the RECORD, as follows:

POLICY QUESTIONS FOR HEARINGS ON S. 268, THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973

A. FLEXIBILITY AND SPECIFICITY IN FEDERAL REQUIREMENTS

1. Should Federal land use legislation provide flexibility for the States to formulate their own policies to incorporate in, and their own procedures to be followed in the development and implementation of, their land use programs?

2. Or should greater specificity be provided by incorporating in such legislation more rigid Federal requirements which the States must meet?

B. FEDERAL REQUIREMENTS ON POLICY

3. Should there be specific substantive land use policies to which the State land use programs must adhere?

4. Can such Federal policies be written so that they (i) would encourage the development of State land use policies which reflect the varied geographical, climatological, developmental, environmental, and demographic characteristics of the States and (ii) would not serve as lowest common denominator policies which could frustrate State initiatives to adopt innovative or stronger policies?

5. Can such Federal policies be written so as to encourage land use decisionmaking which provides a balance between competing values and requirements and which favors no particular mission—be it economic, social or environmental?

C. FEDERAL REQUIREMENTS ON PROCEDURE

6. Should the States be encouraged to devise their own procedures to develop and implement the State land use programs subject only to a number of due process requirements and the requirement that implementation be accomplished?

7. Should more specific requirements concerning such procedures be prescribed?

8. Can such requirements be written so as not to, in effect, mandate a single method of development and implementation of State land use programs and which would allow the States to build upon procedures developed under recent State land use legislation?

9. In what particular procedural areas are additional requirements favored?

Public participation?

Role of local government?

Coordination of State and local functional planning?

Intergovernmental communication?

10. If specific policies or procedural requirements are favored, please submit examples of such policies or requirements.

D. FUNDING

11. What is the proper level of funding for the grant-in-aid program?

12. What should be the proper percentage of costs of developing and implementing the State land use programs to be covered by Federal grant-in-aid funds?

E. SANCTIONS

13. Should Federal land use legislation contain a sanction for the failure of a State to meet the legislation's requirements?

14. If a sanction is favored, please outline the provisions of a recommended sanction.

F. DEFINITIONS

15. Are the general categories of critical areas and uses which are to be incorporated in the State land use programs correctly identified?

16. Is further definition of the specific areas or uses to be included in each general category required?

17. If so, please provide the definitions you favor, keeping in mind the need to have the definitions meaningful for all States—large or small, heavily populated or rural.

G. INTERSTATE LAND USE DECISIONMAKING

18. Should either existing or new institutions be created and new procedures be established in the legislation for land use decisionmaking on matters that are interstate in character?

19. If existing institutions are preferred, please identify. If new institutions are to be established, please describe how their regional boundaries would be determined. Please also describe the powers which should be given and the procedures which should be prescribed for interstate land use decisionmaking.

H. TAX POLICY

20. Should Federal land use policy legislation seek to influence the land use planning and management decisions of private parties and State and local government through changes in Federal, State and local tax policy?

21. What adverse influences do present tax laws have on patterns of land use and what changes are necessary in the tax laws to beneficially influence those patterns?

22. What experience has been gained at the State and local level in efforts to guide or influence land use developments through tax policy (e.g., tax relief for maintaining property in agricultural or forest status)?

THE END OF THE WAR IN VIETNAM

Mr. ROBERT C. BYRD. Mr. President, while I share the heartfelt relief and thankfulness that our country feels now that our involvement in Vietnam is militarily over, I believe that we should leaven the euphoria with some good American caution and pragmatism.

President Nixon and Mr. Kissinger deserve our admiration and gratitude for their success in achieving a cease-fire in South Vietnam, and for hammering out the agreement that was signed in Paris. This has been a long and arduous task. But we would be doing ourselves a disservice were we to conclude at this time that American involvement in Indochina is over. While the shooting has stopped and Americans are no longer being killed in combat, the ramifications of the recent struggle are wide. The political aspects of the settlement may well pose problems as difficult, if not more so, than did the problems that were purely military.

I commend to Senators a searching article written by Arthur Schlesinger, Jr., and published in today's Wall Street Journal. I ask unanimous consent that the article be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Are We Really Out of Vietnam?

(By Arthur Schlesinger, Jr.)

Is it really over at last, this longest, most unpopular, most useless, most mysterious war in the history of the republic? Combined hope and weariness incline us to accept the Paris Accord at face value and suppose that we will never have to worry about Vietnam again. But it is rash to take anything on faith in international affairs. Repellent as the idea may be of thinking about Vietnam any more, it may be worth a moment to take a hard look at the Paris documents.

The principle on which agreement was based—the principle that Henry Kissinger had pressed and Hanoi had resisted so long—was that a military cease-fire must precede a resolution of the political issues. In finally accepting this last October, Hanoi, as Washington has repeatedly told us, made a notable concession. Another Hanoi concession was to drop the demand for the immediate dethronement of General Thieu. However, Washington made its concessions too; and, since it has talked a good deal less about these, it may be well to list some of them here:

1. We have agreed to withdraw all our troops and dismantle all our military bases in South Vietnam within 60 days, while 145,000 North Vietnamese troops (our count; 300,000 according to General Thieu) may remain in South Vietnam so long as the Vietcong want them there. (The agreement provides that this question "shall be settled by the two South Vietnamese parties in a spirit of . . . equality.") "What kind of peace," General Thieu asks not unreasonably, "is a peace that gives the North Vietnamese the right to keep their troops here? What kind of a treaty is a treaty that legalizes their presence here de facto?" Mr. Kissinger said the other day that these North Vietnamese regulars would somehow fade away in time through "the normal attrition of personnel." The prospect of waiting around while they die of old age may not be totally consoling to General Thieu.

2. We have agreed to supply no further arms to South Vietnam except on a one-for-one replacement basis, while Russia and China can continue to send arms to North Vietnam without any limit as to type or quantity.

3. We have obliged the Saigon regime to accept as full and equal partners on a National Council of National Reconciliation and Concord both the neutralists, whom the regime had been sending into prison or exile, and the Communists, whom it had outlawed. And we have confided to this National Council, on which each partner has a veto, the authority to organize elections. Thus we have not only legalized the presence of North Vietnamese troops in South Vietnam; we have also legalized the Vietcong as an equal partner in determining the future of South Vietnam.

4. We have promised to pay reparations to North Vietnam in the form of reconstruction assistance and in the magnitude of $2.5 billion.

5. We have thrown overboard the whole theory on which our intervention was based and for which 50,000 Americans died—the theory that North and South Vietnam were separate states, one of which had wantonly invaded the other. Mr. Kissinger now casually refers to the conflict as "the civil war." The agreement pledges us to "respect" the "unity and territorial integrity of Vietnam" and endorses reunification as a laudable objective.

A GREAT SOCIALIST VICTORY

Such concessions may have been indispensable to a settlement. Some of them may even have been desirable in themselves. But there is no point in pretending that they were not made. When one considers how much was conceded, it is easy to see why Le Duc Tho, the North Vietnamese negotiator, should call the agreement "a very great victory for the Socialist countries" and why General Thieu should be filled with such alarm and foreboding.

The point of the concessions was to persuade Hanoi to accept the Kissinger principle of a cease-fire in advance of a political settlement. Not everyone experienced in these matters on the American side thought the Kissinger approach a good idea. For the essence of this approach is to leave the substantive political issues, i.e., the causes of the war, unresolved. Those, like Averell Harriman and Clark Clifford, who thought a political settlement should come first, did so in the belief that the contending parties were so diametrically opposed, their differences so bitter and irreconcilable, that unless these differences were settled in advance, any cease-fire would be certain to break down after a short time.

To this view, the Kissinger reply has been that a cease-fire will set in motion a political evolution that will end by resolving the political differences. We must pray that Mr. Kissinger is right, and we will now see how much merit his argument has. We will see whether General Thieu and the Vietcong, after all the years of hatred, betrayal and killing, are going to get together; whether supervisory personnel can maintain the cease-fire over the crazy-quilt of ill-defined jurisdictions; whether the National Council, required to operate on a basis of unanimity, will be able to agree on a procedure for elections.

Of course in its Article 11 the Paris Accord says incredibly: "Immediately after the cease-fire, the two South Vietnamese parties will: Achieve national reconcilation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other." Only a grammarian can comment adequately on the curious use of "will" in this context. When the agreement adds that Saigon and the Vietcong "will" also "ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press" and so on, up to and including the "right to free enterprise," one can only wonder with what amused tolerance of Western eccentricity the representatives of the Saigon, Hanoi and Vietcong regimes, none of which has shown notable enthusiasm for democratic liberties, watched this attempt to import the concepts of Western individualism into their non-individualistic cultures and with what cynicism they affixed their signatures to the document.

MR. ARNETT'S VIEW

No one has followed the Indochina situation longer or more carefully than Peter Arnett of the Associated Press; and he is almost certainly right when he predicts that a "dirty war" will be followed by a "dirty peace." Neither side has the slightest faith in the desire of the other to compromise the political issues. On December 30 General Thieu told Oriana Fallaci that bloodshed would be "inevitable" with a cease-fire. "It is not that we are overly suspicious," he said after the agreement was announced. "It is because we have had plenty of experience with the Communists in this regard and we don't place too much trust in their signature." The Vietcong, we may be sure, are equally suspicious. As Le Duc Tho said in Paris, "According to Marxist-Leninist theories, so long as imperialism persists in the world there will still be wars." Each side is undoubtedly right about the other.

General Thieu has already said he will not agree to elections until the North Vietnamese troops leave South Vietnam. If elections are not held, this will very likely lead the Vietcong, still denied a political role, to become guerrillas again. If the cease-fire gradually disintegrates, what will the United States do? When President Nixon announced the settlement to the country on January 23, he said that all parties must "see to it" that the peace lasts and that "interested nations" must "help ensure that the agreement is carried out." What do these veiled phrases mean? Does or does not the President have in mind a continuing role for the United States as a guarantor of the agreement?

There is a short-run argument for ambiguity on this point. That argument is that, if the United States were to tell the world we were out of Indochina forever, this would tempt Hanoi to violate the agreement. But advocates of this tactic should never forget Theodore Roosevelt's warning: never draw unless you mean to shoot. What really do we intend to do if things go sour? The New York Times had a story from Saigon saying that General Thieu has received "official" assurances from Washington pledging American re-intervention in case of "blatant" Communist violations of the cease-fire. Have in fact such pledges been made? Does Congress know about them? Will we react in the same way in case the blatant violations are made by the Saigon regime?

MR. NIXON'S OPTIONS

As long as the Seventh Fleet remains in Indochinese waters, the bombers on our carriers can readily strike again. Exhilarated by what he no doubt regards as the success of the December B–52 raids, President Nixon may feel that he can control Hanoi from the air. Or perhaps he thinks that Moscow and Peking can control Hanoi for him, though he would be mistaken if he supposes that their influence over Hanoi is any greater than ours over Saigon. He has, of course, another lever on the situation in reconstruction assistance. If agreements were violated, for example, aid could be cut off to the violator. This could not be done effectively, however, unless aid were distributed by an international organization; for President Nixon, by calling the Thieu regime "the sole legitimate government of South Vietnam," has already recommitted America to one side in the conflict.

This is the ultimate danger in the formula of a cease-fire in advance of a political settlement—that, as the cease-fire breaks down under the pressure of those deeply-felt and still unresolved political issues, the United States, as a party to the settlement, may be drawn back into the quagmire.

No doubt the administration rejected the other road to a negotiated agreement—a political settlement first—on the ground that no such settlement was possible without abandoning General Thieu, which would be, by the President's definition, dishonorable. Yet, if we were unwilling to do that (and how General Thieu acquired such a hammerlock on the American official conscience is another mystery), then perhaps historians may conclude that, rather than tie the United States into an inherently unstable and almost certainly unworkable agreement, we would have done better to follow the course recommended by such disparate figures as General Maxwell Taylor and Senator George McGovern—the course, in General Taylor's words, "of terminating the American commitment without recourse to a formal agreement involving Hanoi and the Vietcong."

Unilateral withdrawal, for example, would not have legalized North Vietnamese troops in South Vietnam. It would not have conferred new juridical status on the Vietcong. Above all, it would not have entangled the United States—as today we stand murkily entangled—in the position of seeming to guarantee the unguaranteeable. In the end, we will probably be forced to abandon General Thieu after all; or else reenter the war in the effort to save him.

THE SEC AS PRICE-FIXER

Mr. WILLIAMS. Mr. President, I have previously expressed in the Record my disappointment with the manner of which the SEC has chosen to deal with the vexing question of whether and upon what terms institutional investors may join our Nation's securities exchanges. The "problem" of institutional membership is in reality primarily a symptom of unreasonable fixed minimum commission charges. The SEC's so-called 80–20 rule reinforces the anticompetitive commission rate structure, rather than providing an incentive for its elimination.

The SEC's 80–20 rule appears designed to deal with the symptoms of institutional membership while possibly aggravating the underlying cause. The SEC's approach has the effect not only of shoring up fixed rates, which the SEC itself is committed to eliminating at least on institutional-sized transactions, but also intensifying the conflicts of interest and competitive unfairness presented by the combination of money management and brokerage functions.

Senators Bennett, Tower, and I have taken an entirely different approach to the "problem" of institutional membership. Our bill (S. 470) is intended to encourage the exchanges to reduce the breakpoint for competition on security commission business and to separate entirely the functions of broker and money manager with respect to institutional accounts.

In an editorial a week ago Tuesday, the New York Times succinctly exposed the deficiencies in the SEC approach by noting that it "would almost certainly exacerbate the two most serious problems facing the stock markets." These two problems are, of course, fixed commissions and the conflicts of interest inherent in the combination of the brokerage and money management functions.

Because this editorial pinpoints so accurately the deficiencies in the SEC's approach, and presents so clearly some of the reasoning underlying the legislation Senators Bennett and Tower and I have introduced, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SEC as Price-Fixer

The Securities and Exchange Commission has sought to dispose of the hot issue of institutional membership on stock exchanges by an artful compromise.

The current rules of the New York Stock Exchange deny membership to broker-dealer affiliates of mutual funds and other large institutional investors, but a number of regional exchanges accept such units. Now the S.E.C. would require all stock exchanges to admit broker-dealer affiliates of big institutions, provided that they do at least 80 per cent of their securities business with the public.

James J. Needham, chairman of the New York Stock Exchange, has hastened to embrace the new S.E.C. rule "as a major step in the public interest toward the creation of a central securities market." Put more bluntly, the rule would protect the monopoly privileges of Stock Exchange members. Mr. Needham would further strengthen the exchange's monopoly by eliminating the "third market"—the over-the-counter market for stocks listed on the exchange.

The effort to establish the 80–20 boundary has involved the S.E.C. in highly arbitrary definitions of just who is "the public" and who is "an affiliated person." Like Humpty Dumpty, the S.E.C. says that both are whoever it says they are. For instance, the S.E.C. rule would apparently require special dispensation from the exchanges to permit such public institutions as the City of New York to join. Robert I. Berdon, treasurer of Connecticut, which is presently a member of the PBW Stock Exchange, has rightly urged the New York Stock Exchange, "if it is in fact concerned with the public, to show its concern by voluntarily eliminating those rules which require brokers to charge fixed commissions which bear no relationship to the true value of the services performed."

Indeed, the new S.E.C. rule would almost certainly exacerbate the two most serious problems facing the stock markets. One is the issue of fixed commissions, which give members of the stock exchanges monopoly pricing powers that discriminate against nonmembers. As Senator Williams of New Jersey has observed, the 80–20 rule "reinforces the present anti-competitive commission rate structure."

The other big problem worsened by the S.E.C. rule is that of the conflict of interest between money-management and brokerage. The new rule gives large institutional money managers a strong incentive to become stockbrokers as well, either by setting up affiliates or by acquiring existing brokerage firms.

The S.E.C. ought to be moving in precisely the opposite direction. It should eliminate monopolistic price-fixing of commission rates and—since outside institutions could then no longer claim with justice that they were being discriminated against or charged noncompetitive fees out of line with the value of services performed—it would be fair to restrict their acting as brokers on funds they manage. At the same time, broker-dealers who remain members of stock exchanges should be required to give up managing their own mutual funds or outside pension funds.

In this way, both the price-fixing issue and conflict-of-interest issue would be resolved.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, recent Census Bureau figures showing reduced fertility levels in this Nation have, unfortunately, led to a widespread misunderstanding of the implications of this trend. Statements emanating from some quarters allege that with our record-breaking low fertility rates, we have somehow at last reached population stabilization.

Mr. President, nothing could be more misleading—or more detrimental to our efforts to increase awareness and understanding of what the "population problem" is all about.

Obviously, population growth is dependent on fertility, the number of children being born to women. But overall growth does not automatically fall simultaneously with the reduction of fertility. The key factor, and the factor often overlooked, is the built-in momentum of population growth. Reduced fertility is certainly a welcome trend, but it will not be interpreted into a stabilized population for another 70 years. To quote the Commission on Population Growth and the American Future:

> The baby bust psychology may give rise to an unwarranted complacency born of the notion that all of the problems associated with population growth are somehow behind us. Our population growth has developed its own momentum which makes it very difficult to stop, no matter how hard the brakes are applied. Even if immigration from abroad ceased and couples had only two children on the average—just enough to replace themselves—our population would continue to grow for about 70 years.

The reason for this demographic fact of life is the large number of young people just moving into their childbearing years. Even if they have small families on the average, the population will continue to expand throughout their lifetimes.

Mr. President, in order to keep this fact in context and to insure full understanding of this important aspect of population growth, I ask unanimous consent to have printed at this point in the Record chapter 2 of the Population Commission's report, "Population and the American Future." I commend it to all Senators for their reading.

There being no objection, the chapter was ordered to be printed in the Record, as follows:

Chapter 2: Population Growth

The tremendous growth in the world's population is a recent development in the history of mankind. In pre-industrial times, birthrates were high; but hunger, ignorance, and disease combined to stack the odds against an infant surviving to the age of parenthood. Societies required high birthrates simply to keep themselves going.

In modern times, the reductions in mortality have given the average person a longer, healthier life and have inaugurated a phase of rapid population growth. The world's population grew from one-half billion around 1650, to about 1½ billion by 1900, to 2½ billion in 1950, and had already surpassed 3½ billion by 1970. The world's total has doubled during the last 50 years.

From the beginning of the Christian era to 1650, mankind increased by an average of 150,000 persons a year. Today, the world total is increasing by about 78 million persons annually. If current rates of growth continue for another 50 years, the world's population will number some 10 billion.

The same civilization that achieved a lengthening of life in Europe and America also evolved an urban way of life in which the institutional supports to high fertility were gradually eroded, and developed a technology that reduced the role of ignorance and error in reproduction. The technology of mortality control was exported to the rest of the world. There was far less exporting of the underlying social and economic changes which gave rise to this technology, and only recently have efforts been made to export reproduction control.

Because of declining birthrates, the advanced nations have been narrowing the gap between birthrates and death rates in the 20th century. These nations have been approaching a stabilized population—one in which births and deaths have come into balance. The historical transition has been from a stabilized population maintained by high birthrates, high and erratic death rates, and short lifetimes, toward a stabilized population characterized by low birthrates, low death rates, and long lifetimes. When birthrates once again equal death rates, these nations will have completed the demographic transition.

Ultimately, this transition must be completed. Population growth at our current rate of about one percent per year would double the population every 70 years. Such growth leads to "standing room only" if continued indefinitely. By one means or another, such an impossible result will be avoided. An average of zero growth over the long term—a stabilized population—must and inevitably will be reestablished.[1] The question is when will it happen, and how. In this, we in the United States may exercise choice.

THE UNITED STATES

No country has completed the demographic transition, and the United States will probably not be the first to do so. A discussion of our prospects for completing it requires some appreciation of the dynamics of our population during the first 70 years of the 20th century.

Even a cursory examination of the data reveals that, since 1900, the United States has undergone something of a demographic revolution. In terms of total numbers, our population has increased from about 76 million in 1900 to almost 205 million in 1970. This represents an additional 129 million people that our society has been called upon to accommodate over the past 70 years. By mid-1972, our country will have about 209 million people.

The growth of population is sustained only as long as the yearly number of new entrants (births and immigrants) exceeds the number required to replace those who die or emigrate. Although the United States has always been a growing population, the rapid growth rates characterizing our early years began to taper off in the 19th century.

In the 20th century, we have seen substantial changes in all three components of population growth—fertility, morality, and migration. First, consider the birthrate. It is important to understand that this measure simply indicates the average level of yearly births in the population. Although it obscures a considerable amount of variation associated with such factors as age and socioeconomic status, it is nevertheless a useful measure of the contribution of births to population growth. The birthrate was about 32 births per 1,000 population in 1900, and declined fairly steadily to about 18 per 1,000 in the depths of the Depression. Just when the experts had become convinced—some even concerned—that our level of fertility would soon dip below the level required for replacement of the populaton, couples began increasing their rates of childbearing. This aberration in the history of American fertility, of which we will have more to say shortly came to be called the "baby boom." By 1947, the birthrate stood at 27 per 1,000, and it remained at around 25 per 1,000 for a decade before resuming its long-term decline. By the early 1960's, the boom had run its course, and our birthrate today is below pre-World War II levels.[2]

A second basic determinant of how fast a nation grows is the degree to which it succeeds in preserving and extending the lives of its people. We have seen dramatic progress toward reducing the threat of early death. The death rate has fallen from about 17 per 1,000 population at the turn of the century, to its present level of about nine per 1,000. The average life expectancy today is about 70 years,[3] or 23 years longer than in 1900. Most of these declines in mortality were achieved prior to 1960, and all segments of our population have gained some, though not equal, benefits in terms of increased longevity.

In the United States, mortality during the early years of life is already so low that any substantial further improvement in life expectancy will have to come primarily among persons over the age of 50. Since this segment of the population is generally beyond childbearing, the extension of their life span would not result in any significant increase in births. Consequently, further additions to the duration of life in this country would simply result in somewhat larger numbers of people at the older ages, where they still can be quite productive members of society.

The third factor associated with growth is, of course, immigration. Only the Indians, who numbered less than one million[4] when the first English colonists settled in Massachusetts and Virginia, can rightfully claim original status. Our population is comprised primarily of immigrants and their descendants. Since 1900 alone, 20 million more people have moved into this country than out of it. Approximately 40 percent of the population growth in the first decade of this century was attributable to immigration. During the 1930's, the number of immigrants was slightly lower than the number of people leaving the country. Immigration once again increased following World War II, and during the 1960's, it accounted for about 16 percent of our national growth.[5]

When all of these demographic credits and debits are tallied, we are left with either net population growth or net decline. The United States has had a long history of diminishing growth rates. Our annual rate of growth dropped from about 3.3 percent in the second decade of the 19th century to 2.1 percent by the first decade of this century, to an average of around 0.7 percent during the 1930's. It then rose to about 1.9 percent during the fifties, before falling to its present level of 1.1 percent. However, the size of our population is now so large that even our low current rate of growth translates into about 2¼ million people added to our society each year—more than enough to fill a city the size of Philadelphia.

We cannot predict how fast our population will grow in the years ahead, but we can be sure that, barring some unforeseen catastrophe, substantial additions to our numbers lie ahead. Our population has a potential for further growth greater than that of almost any other advanced country. The reasons for this are a pattern of early and nearly universal marriage and childbearing, fertility levels above those required to replace the parental generation, and a preponderance of youth in the population. The youngsters born during the baby boom are reaching adulthood today and beginning to do many of the things their parents and grandparents did before them—finishing school, seeking jobs, developing careers, getting married, and having children of their own.

THE "BIRTH DEARTH"

In the summer of 1971, the news media spread a report that, because women were having fewer babies than had been expected, we were in the midst of a "baby bust." That story was based on data for the first six months of 1971, which showed a drop in birthrates at a time when most of the experts had expected them to rise again as the baby-boom generation reached adulthood. These expectations seemed to be realized when the birthrate, after reaching a new low of 17.5 in 1968, moved up to about 18.2 in 1970.[6] But, instead of continuing upward in 1971, the rate dropped back to about 17.3 and so was born the idea of the "birth dearth."

This phenomenon is notable because birthrates are showing declines at a time when everyone was expecting them to increase. It had long been assumed that birthrates would rise during the 1970's as potential parents who were born during the baby-boom years came of age. If general fertility (the rate of childbearing among women aged 15 to 44) remained constant, there would be an unavoidable "echo boom" in the birthrate of the total population, as larger and larger numbers of potential parents reached childbearing age. The increase in the number of people entering the childbearing ages is, however, presently being offset by a decline in the level of general fertility.

Two factors seem to account for this recent decline. One is temporary; the other may or may not be permanent. The first element arises from the fact that we are now in a period of gradually rising age at childbearing. This means that, in any given year, some fraction of the births is, in effect, postponed to a later year. The effect is temporary because the age at childbearing will not rise indefinitely; when it stabilizes, the postponement will stop and the birthrate will rise again.

The other and more important element is that today's young people expect to have far fewer children than people a few years their senior. On the average, women now in their late thirties already have more than three children. According to a 1971 Census Bureau survey, married women 18 to 24 say that they expect to have an average of 2.4 children before they complete their families.[7] Not everyone will marry, so the total for this generation could ultimately be lower. On the other hand, experience with similar surveys in the past indicates that women usually end up having more children than they estimated when they were young. The baby-bust phenomenon is significant and somewhat surprising, but it would be premature to say that we are on the verge of a fertility level that would ultimately stabilize the population.

The baby-bust psychology may give rise to unwarranted complacency born of the notion that all of the problems associated with population growth are somehow behind us. Our population growth has developed its own momentum which makes it very difficult to stop, no matter how hard the brakes are applied. Even if immigration from abroad ceased and couples had only two children on the average—just enough to replace themselves—our population would continue to grow for about 70 years. Our past rapid growth has given us so many young couples that, to bring population growth to an immediate halt, the birthrate would have to drop by almost 50 percent, and today's young generation of parents would have to limit themselves to an average of about one child.[8] That is just not going to happen.

THE BOOM GENERATION

The postwar baby boom is over, but those born during the boom period are still very much with us. Our society has not had an easy time thus far in its attempts to accommodate the baby-boom generation, and their impact is not likely to diminish in the near

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future. Over the past couple of decades, most of the problems have been associated with providing for their schooling. Shortages of classrooms and teachers began to plague our elementary schools in the mid-1950's.

Similar difficulties have become commonplace in our secondary schools and colleges as the bulk of the boom generation advances to higher levels of education. At the same time, primary schools are now having to cope with smaller enrollments. The number of children entering first grade has stopped escalating, and is now declining. Furthermore, in contrast to the serious teacher shortage of the 1950's, we are now faced with more teachers than the system can readily absorb. The National Education Association recently observed that, during the remainder of this decade, there will be at least two qualified graduates seeking a teaching position for every available job.[9] Thus, the baby boom has left us with a legacy of problems attendant on both rapid increases and decreases in the flow of people passing through our educational system.

This new wave of humanity has made itself felt in areas outside the educational arena as well. Many current problems that we do not normally associate with population growth can be understood, in part, as an effect of the growing-up of the baby-boom generation. For instance, it is generally recognized that young drivers have higher accident rates than the rest of the population. Hence, recent increases in traffic accidents are partially attributable to the fact that many of those born in the baby boom became drivers during the 1960's.

An awareness of the same sort of population dynamics can also help us to understand the increasing volume of crime during the past decade. Since the crime rate is higher among persons under 25 than among older people, much of the increase in crime during recent years is traceable to an expansion in the relative number of persons in the youthful age groups. About 28 percent of the reported increase between 1960 and 1970 in the number of arrests for serious crimes can be attributed to an increase in the percentage of the population under 25. Another 22 percent of the increase can be explained by the growing size of the population and other demographic factors. Thus, population change alone accounted for about half of the reported increase in the number of arrests for serious crimes over the past decade.[10]

Now, as the youth culture of the sixties evolves into the young adult society of the seventies, the impact is being felt in the housing and job markets. In the two decades before 1965, about 48 million Americans reached the age of 20. Between 1965 and 1985, over 78 million will cross this important threshold.

As those born during the baby boom move off the campus or leave their parents' homes, we can expect a 33-percent jump in annual household formation by the end of this decade. Between 1950 and 1966, the number of households grew at a relatively steady rate of around 900,000 per year. After that, the rate began to climb, and last year we added well over one million households. Our research shows that the rate will increase to almost 1.5 million households added each year by the end of the seventies, and will remain at that level until about 1985. These figures understate future demand for the construction of new housing, since additional new housing units will be required to replace part of the older housing stock.

Along with increased housing demands will come greater demand for employment opportunities. The highest rates of joblessness are found among the young. Consequently, one factor to be considered, irrespective of the state of the economy itself, is the sheer increase in the numbers of young people seeking work. The Bureau of Labor Statistics tells us that we can expect about 3½ million persons to make their initial entry into the labor force each year during the 1970's. This level of prospective job seekers exceeds the annual average for the 1960's by about 700,000 persons a year. Here again, we can attribute the large numbers to a heavy influx of new job-seekers who were born during the baby boom.[11]

The boom generation will continue to exert a heavy impact on our society as they move up the age ladder. Eventually, they will reach retirement age; at that point, we can expect added pressure on retirement systems as the proportion of beneficiaries in the population increases. Today, we have an estimated 20 million senior citizens. About 50 years from now we will have an estimated 40 million, twice the present number.

In sum, it should be evident that, even if the recent unexpected drop in the birthrate should develop into a sustained trend, there is little cause for complacency. Whether we see it or not—whether we like it or not—we are in for a long period of growth, and we had best prepare for it.

IMPLICATIONS OF GROWTH

It is clear that we are confronted with a continuing legacy of population growth in this country. Much of it is unavoidable, but its full extent will depend upon choices made by American couples in the years immediately ahead.

If families in the United States have only two children on the average and immigration continues at current levels, our population would grow to 271 million by the end of the century. If, however, families should have an average of three children, the population would reach 322 million by the year 2000. One hundred years from now, the 2-child family would result in a population of about 350 million persons, whereas, the 3-child family would produce a total of nearly a billion. Thus, a difference of only one extra child per family would result in an additional 51 million people over the next three decades, and if extended over a century, an additional two-thirds of a billion people.

When we speak of 2- or 3-child families, we are talking about averages which can be made up by many possible combinations of family sizes, ranging from childless couples to those with many children.

The total size of our future population is not our sole concern. Perhaps just as important are the changes which lie ahead in the size of various age categories that play an important role in the demands placed on our society.

If families average three children, we can expect to find about 46 percent more young people of elementary and secondary school age (5 to 17 years), and 36 percent more persons of college age (18 to 21 years) in the year 2000, than would be the case if families average only two children. Thus, a difference of only one child per family will have important consequences for the magnitude of the load on our educational system.

The burden placed on those in the economically active segment of the population, traditionally considered to be those aged 18 to 64, will also be influenced by future family size. The dependency burden is determined chiefly by the proportion of the population in the childhood and adolescent years. Projections indicate that the number of persons in the dependent ages under 18 in the year 2000 would be 52 percent greater if families average three children than if the 2-child average prevails. The size of the population 65 and over in the year 2000 would be unaffected by changes in the average number of children, since everyone who will be over the age of 30 at the end of this century is already born. Consequently, the numbers in the dependent ages, relative to persons of working age, would be about one-third larger under the 3-child than under the 2-child projection.

U.S. POPULATION, 1970 AND 2000

[Numbers in millions]

		2000	
	1970	2-child average	3-child average
All ages	205	271	322
Under 5	17	20	34
5 to 17	53	55	80
18 to 21	15	17	24
Under 18	70	75	114
18 to 64	115	167	179
65 and over	20	29	29
Dependency ratio[1]	78	62	80

[1] Number of persons 65 and over plus persons under 18, per 100 persons aged 18 to 64.

These data are based on the Census Bureau's *Current Population Reports,* Series P–25, No. 470, "Projections of the Population of the United States by Age and Sex: 1970 to 2000." These projections served as the basis for much of the research reported in this volume. We examined how the population would grow between now and the year 2000 under the 2-child family projection (Census Series E) and under the 3-child projection (Census Series B).

Series B assumes that in the future, women will be giving birth at an "ultimate" rate averaging out to 3.1 children per woman over her lifetime. The transition from the 1969 rate of 2.4 to the "ultimate" future rate is not instantaneous in the projections, but most of the change is assumed to occur by 1980. The 3.1 figure is an average for all women, regardless of marital status. In the United States today, almost all women (95 percent) marry at some time in their lives, so the Series B rate of childbearing represents a reasonable approximation to an average family size of 3 children.

Series E assumes an ultimate rate of childbearing that works out to an average of 2.1 children per woman over a lifetime. This is the rate at which the parental generation would exactly replace itself. The extra 0.1 allows for mortality between birth and the average age of mothers at childbearing, and for the fact that boy babies slightly outnumber girl babies.

Different generations born in the 20th century have reproduced at widely varying average levels, some exceeding three children (as did the women born from 1930 to 1935) and some approaching two (as did women who were born from 1905 to 1910). The fact that major groups in our modern history have reproduced at each of these levels lends credibility to projections based on either of these averages.

It is assumed in both projections that future reductions in mortality will be slight. The net flow of immigrants into the United States is assumed, in the projections, to continue at the present level of about 400,000 persons annually.

FOOTNOTES

[1] Ansley J. Coale, "Alternative Paths to a Stationary Population" (prepared for the Commission, 1972).

[2] U.S. National Center for Health Statistics, *Vital Statistics of the United States,* Volume I, *Natality,* 1968.

[3] U.S. National Center for Health Statistics, *Vital Statistics of the United States,* Volume II, Section 5, *Life Tables,* 1968.

[4] James Mooney, "The Aboriginal Population of America North of Mexico," *Smithsonian Miscellaneous Collection,* 1928, Vol. 80, No. 7.

[5] Irene B. Taeuber, "Growth of the Population of the United States in the Twentieth Century" (prepared for the Commission, 1972).

[6] U.S. Bureau of the Census, *Current Population Reports,* Series P–23, No. 36, "Fertility Indicators: 1970," 1971.

[7] U.S. Bureau of the Census, *Current Population Reports*, Series P–20, No. 232, "Birth Expectations Data: June 1971," 1972.

[8] See note 1.

[9] National Education Association, *NEA Research Bulletin*, 1971, Vol. 49, No. 3.

[10] Estimates developed from Census Bureau data on the population by age, 1960 and 1970, and data on the volume of arrests for crime index offenses reported for 1960 and 1970 in U.S. Federal Bureau of Investigation, *Uniform Crime Reports—1970*, by direct standardization methods.

[11] Denis F. Johnston, "Illustrative Projections of the Labor Force of the United States to 2040" (prepared for the Commission, 1972).

Mr. PACKWOOD. Mr. President, with this background in mind, I wish to report that according to current Census Bureau approximations, the total population of the United States as of today, February 1, 1973, is 210,295,638. In spite of the widely publicized reductions in our fertility levels, this represents an increase of 1,581,379 since February 1 of last year. It also represents an increase of 100,274 in just the last month, since January 1, 1973.

Over the year, therefore, we have added enough additional people to fill three cities the size of Denver, Colo., and in just 1 short month, we have added the equivalent of Duluth, Minn.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FLOOD CONTROL ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 606, which the clerk will state.

The bill was read by title, as follows:

A bill (S. 606) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The PRESIDING OFFICER. Debate on this bill will be limited to 2 hours on the bill, 30 minutes on amendments in the first degree, 20 minutes on amendments to amendments, and 10 minutes on motions and appeals.

Who yields time?

Mr. BAKER. Mr. President, I yield myself such time as I may require.

Mr. President, I wish to express my strong support for S. 606, as reported by the Committee on Public Works. The distinguished chairman of the committee, Mr. RANDOLPH, yesterday described the many provisions of the bill now before the Senate. He has explained that this bill is identical to legislation adopted last year by the Congress, but subsequently vetoed.

I shall not attempt to discuss all of the details of the bill, since Chairman RANDOLPH has most ably presented them to the Senate.

Rather, I should like to concentrate my remarks on the general reasons why I believe this legislation should be enacted.

As I have noted, this exact bill has previously won the approval of the Senate. While it was the product of a conference committee with the House, and thus a compromise, it carries forward many new and important projects and concepts for the development of our national water resources.

There are a number of general factors about this bill that argue for support of passage, I believe. The estimated cost of the bill is a bit under $600,000,000. This represents the smallest authorization in an omnibus bill in a generation. Frankly, I believe that if we do not pass this bill now, in its present form, it can only become more swollen in cost.

The President has criticized the Congress—and rightly so—for excessive spending. But I would point out two reasons why I believe this bill represents, in no way, an act of irresponsible spending. It is an authorization bill. As such, it has no real impact on the size of the Federal budget. This bill merely approves a number of important projects that we can then evaluate, within a system of national priorities, for funding in future years.

I certainly do not mean to invite inaction on these projects. But clearly, there will be some that are more essential than others. Many of these projects and provisions are probably more necessary than projects authorized in the past. By authorizing this package now, we can allow the Executive and the Congress to more effectively establish real priorities in our water resources program. Our goal as a Congress should be to enable the people of our great Nation to receive the best possible program at the least possible cost. Authorization of these projects now will allow such a program to go forward.

In that context, I would like to reflect for a moment on the President's statement at the time he vetoed identical legislation last autumn.

Let me phrase it another way. It is my view that the President, together with the Congress, must establish an overall spending limit. Equally important, the Congress has the responsibility to determine national priorities within any such spending limitation.

This legislation represents a careful determination of some of the water resources projects that must be added to a consideration of priorities within such a limitation.

Another issue of some importance within this bill involves section 72, the provision that places a moratorium on any change by the Executive in the principles and standards used in evaluating water resources projects.

The setting of such standards and principles, I believe, is very definitely a responsibility of the Congress. The imposition of a reasonable moratorium—one that will last for 11 months from this date—will give the Senate Committee on Public Works and other committees in the Congress the time they need to properly evaluate the arguments for and against any changes in these standards and principles.

It will be my intention to do all that I can to see that such a thorough and effective study is carried out so that the Senate may consider the basic issue of standards and principles later this year.

And I would add a few more comments. The distinguished chairman of the Committee on Public Works, Mr. RANDOLPH, has expressed his hope that Members will refrain from substantive amendments to this bill. I share Chairman RANDOLPH's view, and I urge the Senate to approve S. 606, without adding projects, deleting projects, or adding to the cost of the bill.

It is our hope that we can win House approval of an identical bill. The addition of amendments by the Senate at this time would undermine that hope and possibly make it very difficult for the Congress as a whole to act on a reasonable bill anytime in the near future.

Before closing, I would now like to discuss briefly provisions in the bill that affect Tennessee. In total, this bill contains individual projects and provisions directly affecting about 35 States. Tennessee is one of those States.

The first Tennessee provision appears in section 1, and involves modifications to the authorized west Tennessee tributaries aspect of the Mississippi River and tributaries project. An existing project calls for the enlargement and realinement of 110 miles on the Obion River system in northwestern Tennessee. The purpose of this work, about 32 percent complete, is to control floods and improve drainage.

But with this work have developed problems that concern me. For one thing, land in the flood plain has been cleared, reducing wildlife cover and lessening hunting and fishing opportunities.

The provision authorized by S. 606 would modify the authorized project for the Obion and Forked Deer Rivers to allow acquisition of 14,400 acres for fish and wildlife management purposes, including development of the Gooch and Tigrett Wildlife Management Areas.

Development would include a combination of low water weirs, to create permanent pools, and other water development structures. This work would, in the view of the Corps of Engineers, provide new fish and wildlife habitat to compensate for losses as a result of the construction of the authorized project. The proposed provision calls for transferring the 14,400 acres in the Department of the Interior and for supervision of fish and wildlife activities by the State of Tennessee. It is estimated that these changes in the authorized project will cost $6,000,000.

Another item of particular interest to me is section 18, which directs the Secretary of the Army to sell, at fair market value, 38 acres of land within the Old Hickory lock and dam project. The buyer would be the Jackson Lodge No. 5, Fraternal Order of Police, of Nashville.

The lodge currently leases this tract for use as a youth camp. Following the sale, the lodge must continue to use this land as a youth camp facility, or the land would revert to Federal ownership. I believe this is the most meritorious concept, and I commend Andrew Jackson Lodge No. 5 for its desire to purchase this land for such a worthy purpose.

The third provision of particular interest to me in section 61 of S. 606. This section establishes the Big South Fork National River and Recreation Area, located along the Big South Fork of the Cumberland River, the New River and the Clear Fork, located in both Kentucky and Tennessee.

The Big South Fork project is the culmination of studies which began more than 30 years ago. Since that time, various studies of the Big South Fork Basin led to the development of the Devil's Jumps Dam project. This project was approved five times in the Senate, but failed to win approval in the House of Representatives. The Dam proposal met with opposition from environmentalists over its impact on the important geologic features of the gorge area. Power companies also challenged the need for the dam as a public power source.

An amendment to the Flood Control Act of 1968, sponsored by the Honorable John Sherman Cooper of Kentucky, directed the Chief of Engineers, the Secretary of Agriculture, and the Secretary of Interior to "review and prepare such alternative plans as they may determine feasible and appropriate for the use of the Big South Fork of the Cumberland River and its tributaries in Kentucky and Tennessee and necessary contiguous areas for recreational, conservation, or preservation uses of such areas and report to the Congress." This Interagency Report was submitted to Congress on February 12, 1970.

The report set forth six alternatives for the Big South Fork: acceleration of existing Federal, State, and local programs dealing with renewable natural resources in the basin; construction of dams at various heights and locations along the river; establishment of a scenic river; establishment of a National Recreation Area; expansion of the existing national forest; and establishment of a national park.

While the report did not make a recommendation, a comparison of the various alternatives shows that a national recreation area would produce more long-term employment and more tourism than any of the other five alternatives. For this reason, and since the alternative of a national recreation area furnishes a flexible framework for the preservation of the gorge, while developing the recreational potential of the area, the Committee on Public Works selected this as the basis for a proposal to the Senate. I believe it was a wise choice.

Since the introduction last year of S. 3349, a bill to establish the Big South Fork National River and Recreation Area, support for this approach has grown. Environmentalists, I believe, recognize the great value of the natural scenic resource in the Big South Fork Gorge and believe that this proposal will adequately preserve the area for the enjoyment of present and future generations. Local residents also, I believe, support this approach, both as a way to preserve the gorge area and to help develop the economic potential of central Appalachia.

A national recreation area will serve both of these needs.

The project area in S. 606 consists of a maximum of 125,000 acres, a substantial reduction from the acreage recommended in the interagency report, though the high quality water recreation areas remain undiminished. Adequate protection is afforded for the gorge area, but areas of low recreational potential are excluded. Also, residents within the boundary of the project area are given the right to retain their property for their lifetime or for a term of 25 years.

Under the plan in S. 606, the only changes in the gorge area will be improvements to the existing access roads, new day-use facilities along these access routes, restoration of historical sites, and creation of primitive campsites for access by water.

While the total cost of the project is estimated at $32,850,000, it should be noted that the alternative of a Devil's Jumps Dam would cost an estimated $200 million.

In closing, Mr. President, I wish to reiterate my support for S. 606, as reported, and urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. President, I wish to join the distinguished ranking member of the Committee on Public Works, Mr. BAKER, in expressing my support for S. 606, the Flood Control Act of 1973. It contains specific projects that will benefit the people of many States, as well as a number of more general provisions with important national application. Both Mr. BAKER and the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH, have laid out in some detail the various provisions of the bill. Rather than repeat those views, I would like to bring to the attention of my colleagues three provisions in section 1 that will have a beneficial impact on the people of Virginia.

The first of these projects involves construction of beach erosion protection at Virginia Beach. Coastal erosion and damage as a result of storms has, for many years, affected adversely both residential and commercial properties in Virginia Beach. The proposed improvements would affect 6 miles of the Atlantic coastline at Virginia Beach. The project would create a 100-foot-wide beach, rising to an elevation 10 feet above mean sea level. In places, it would involve the addition of sheet pile wall, stone riprap, concrete cap, and a raising and strengthening of existing dunes.

The estimated cost of this work is $17,010,000, of which $5,831,000 would be contributed by the local people. But for every $1 of cost, it is estimated that this work would return $2 in benefits to the public.

A second project involves the city of Buena Vista, Va., which is threatened with flood damage caused by the Maury River. The recommended improvements consist of 11,700 feet of combination riprapped floodwall and levee along the left bank of the Maury River, together with straightening and widening the existing channel to a bottom width of 200 feet and diversion of interior runoff. At a cost of $11,539,000, this project would greatly reduce the danger of flooding, providing $1.40 in benefits for each $1 of cost.

The third project of particular interest to me is contained in the section headed "Water Resources in Appalachia." It involves construction of Hipes Reservoir on Craig Creek, 25 miles north of Roanoke, where there are problems of flooding and water quality. There is also an opportunity for water-oriented recreation in this section of the James River Basin. This area is afflicted by both underemployment and unemployment.

The project plan consists of the multipurpose Hipes Reservoir and the associated trout rearing station and downstream fishery. This reservoir, in conjunction with Gathright Reservoir, will prevent about 90 percent of the flood damage in the Upper James River Basin. Water quality improvements would include temperature control needed for trout rearing station and downstream trout fishery. Since this area is readily accessible to the people of cities like Richmond, Va., and Washington, D.C., enhancement of the recreation industry in the basin will boost regional income.

Mr. President, in conclusion, I wish to reiterate my support for this bill. As ranking minority member of the Water Resources Subcommitteee, I believe it deserves the support of my colleagues.

Mr. McCLELLAN. Mr. President, last year, when the omnibus rivers and harbors bill was reported from the Committee on Public Works, the language dealing with the Cache River Basin contained reference to a report of the Chief of Engineers dated May 12, 1972. That report recommended modification of the Cache River project for the acquisition of mitigation lands. When the bill was considered on the floor of the Senate I suggested an amendment which was incorporated in the bill that the President vetoed. That same provision in identical form is now incorporated in S. 606, which is now the pending business of the Senate. My amendment last year did not refer to that report. It was not my intention, and I assume it was not the intention of the distinguished Senator from West Virginia, chairman of the Public Works Committee, for my amendment to reject in any way the report of the Chief of Engineers dated May 12, 1972. It was rather my intention that the report would continue to serve as a working guide for mitigation of wildlife damage occasioned by the project. It is further my assumption that to the extent that the report is consistent with the language of S. 606, the corps may proceed accordingly.

Mr. President, I ask the distinguished senior Senator from West Virginia whether my assumptions are correct insofar as his understanding of the language contained in S. 606, referring to the Cache River project.

Mr. RANDOLPH. The distinguished Senator from Arkansas is entirely correct in his assumption that the language in S. 606 as it relates to the modification of the Cache River basin project is not intended in any sense to conflict with, or negate, the primary purpose of the May 12, 1972, report by the Chief of Engineers dealing with acquisition of mitigation lands.

Even though the distinguished Senator did not allude to the report at the time he offered his amendment to the Cache River section during last year's floor debate of the Flood Control Act, it was at all times my own understanding that he intended the provisions of that amendment to operate in concert with those detailed by the Engineers' proposal.

That was also the understanding of the Public Works Committee when it reported S. 606 without change but I am glad to have the Senator's comments on the subject now and I thank him for them.

In response to my colleague from Arkansas, I could discuss this matter more fully but that will not be necessary, because, as the Senator will recall, last year this matter was a point on which we had discussion. The project at that time was in the same position as it is today.

Mr. McCLELLAN. I thank the distinguished Senator. I only wanted to make the legislative record clear so that our intention with respect to this language and the purpose it is to serve would not in any way be misconstrued after the bill was enacted. I thank the distinguished Senator for his cooperation and for the response he has made to my inquiry.

Mr. RANDOLPH. Let me add only that the Senator from Arkansas has been very diligent about this matter. There is importance in this project to the people within the State that he so ably represents.

Mr. McCLELLAN. Very much. In other words, the opposition to the project relates to the diminishing area of lands that accommodate wildlife in that section of the State. Those lands are rapidly being cleared and placed in cultivation. Without this provision in the bill, which would authorize the acquisition of those lands for mitigation purposes, there would be lost to the people the opportunity for the preservation of wildlife and to provide a habitat for it.

Mr. RANDOLPH. Yes, and I again thank my colleague from Arkansas, and can assure him that we have the same purpose in mind in committee as he has so well expressed here in the Senate itself.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JACKSON. Mr. President, I ask unanimous consent that Jerry Verkler, of the staff of the Committee on Interior and Insular Affairs, be permitted the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. RANDOLPH. Yes; I am glad to yield to my able colleague from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to ask the distinguished Senator from West Virginia, floor manager of the bill, about a particular project which is of great interest in my part of the country and is known as the Charles River Basin watershed proposal. This is a program which has drawn the attention of the Congress since 1965 and concerns itself with problems of flooding of the Charles River and the Charles River Basin. A very lengthy study was done by the Corps of Army Engineers involving a broad spectrum of public participation—various conservation groups, private citizens; and other interested agencies of local communities. They worked together to develop a program to meet the particular problems of flood control that are present in that river basin. This program also was sensitive to environmental considerations, which are fragile, indeed, in an area which is as urbanized as that particular section of Massachusetts.

In the time I have been in the Senate and have been concerned with the preservation of historic and ecological and scenic areas of my State, it is rare, indeed, that we have had a proposal that has brought about the kind of harmony among various groups and interests that has been evidenced in this program.

I want to draw this matter to the attention of the chairman of the committee, who is the floor manager of the bill. I know he is aware of this proposal. He has been sympathetic to it in the past. He has reminded us that we have not received a final recommendation from OMB yet. While the funding cost for this program, $7.3 million, certainly is a sizable figure, it is probably one of the most judicious and expeditious expenditures we could make when we recognize what such an expenditure will achieve in terms of flood control, drainage, environmental, open space, and recreation benefits, and in improving the quality of water.

So I raise this issue as the Senate considers the rivers and harbors bill, realizing full well that in a short period of time the Senate and the committee will also be concerning themselves with the river basin bill, which would also lend itself to this kind of amendment.

I am interested in the guidance that the chairman of the Public Works Committee might give those of us in Massachusetts and New England who realize the importance of this project and who want to be able to work with the chairman of the committee in determining how best to proceed.

Mr. RANDOLPH. Mr. President, the senior Senator from Massachusetts (Mr. KENNEDY) has certainly this afternoon—as he did last fall—impressed not only me but also the members of the Committee on Public Works. We were impressed by his presentation. He has evidence which he has presented here in rather a brief discussion. Then he detailed the reasons for the development and support for this Charles River Watershed basin. As the Senator from Massachusetts has indicated, we do not yet have a clearance from the Office of Management and Budget. However, I would certainly expect that action before long. Even though it is not included in the measure today, I pledge, as I did to him personally on yesterday, that when we have the river basin authorization bill before us the committee will give full consideration to the Charles River Watershed project.

Mr. President, I see no reason why we cannot take action on this project. I feel that it has value. Personally, I think that it is of vital concern, as has been indicated, to the people in the Commonwealth of Massachusetts.

So, I reassure the Senator from Massachusetts that the project will receive consideration at the earliest possible date. The hearings process will be followed and perhaps we can give an extra nudge downtown, so that we will have action.

Mr. KENNEDY. Mr. President, I think the Senator from West Virginia would have to give it more than a nudge in order to get action downtown. However, in any event, I thank the chairman, the Senator from West Virginia, who has been extremely responsive to this project which, as I have mentioned, will affect close to 1 million citizens of Massachusetts and involve an expenditure of a relatively small amount of money. It will provide an opportunity to take advantage of the various municipal lands, and conservation groups will be able to preserve about 8,500 acres in a heavily metropolitan area.

Mr. President, I think the kind of formula that has been worked out with the Corps of Engineers might very well be a model for other parts of the country on how best to meet the problems of water storage and beneficial water utilization and recreation as well as being sensitive to the protection of wildlife.

Mr. RANDOLPH. Mr. President, I emphasize what the Senator has so well pointed out. There are factors that go into this project that, to me, make it not only attractive, but also necessary. Economics are involved. The environmental situation is certainly inherent in such a project. And social questions are involved. I think it will not only mean an expenditure of money, but it will also pay a dividend.

Mr. President, I said rather lightly, prehaps, that we would nudge the Office of Management and Budget. However, if the nudging does not do any good, I for one will be ready to proceed.

Mr. KENNEDY. Mr. President, I thank the chairman of the committee. With that assurance I am most pleased. The Senator has been most sensitive to this particular program and project. I look forward to the opportunity of working with the distinguished Senator from West Virginia when the basin measure comes before the committee and on the floor. Hopefully we will be able to get action on a program that will do much to benefit the people in the Charles River watershed basin.

Mr. RANDOLPH. Mr. President, while the Senator from Massachusetts (Mr. KENNEDY) is still on the floor and we are thinking of this subject, I am delighted to report, as I did yesterday to the Senate, that we have a new ranking minority member of the committee in the person of the Senator from Tennessee (Mr. BAKER), who comes to that position following the retirement of former Senator John Sherman Cooper.

It is not a pleasantry, Mr. President, when I say that the Senator from Tennessee (Mr. BAKER), during the period he has been a member of the Public

Works Committee, has been very sensitive to projects such as that under discussion at this time. Always within the committee it shall be the purpose of the Senator from Tennessee and the chairman of the committee and the other members to think of the broad benefits that flow from a particular project when communities throughout the country may be strengthened because of our action.

Mr. President, I thank the Senator from Massachusetts.

Mr. BAKER. Mr. President, let me thank my distinguished chairman for his excessively kind remarks. I am deeply grateful.

I look forward to our continuing relationship on the committee and the pleasant cooperation that was established between the Senator from West Virginia and our former colleague, Senator Cooper of Kentucky.

Mr. BAKER. Mr. President, I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I thank the Senator from Tennessee for yielding to me.

Mr. President, I rise to speak briefly in support of sections 15 and 16 of this particular act not only because they provide needed relief in my State but also because I think it is somewhat of a hallmark and breakthrough in recognizing a very serious problem in building some of the Federal reservoirs or lakes throughout the country.

These particular sections give aid to provide for access roads at three Federal lakes located in Kansas, two of them in a single county. Those two lakes are Pomona and Melvern. These two lakes are located in a very small county, a county with a population of only 13,000 people and a land area of 750 square miles.

The county has already obligated itself in the sum of about $1 million to provide for the construction of bridges which are necessary to the farm-to-market roads. In addition, they found themselves unable to secure any sort of aid from the State. So, with regard to these reservoirs where some million people in the summer months are going in and not producing any sort of economic benefit which flows from sales of any kind, we find that a great burden is being placed upon communities such as this along with the great benefits of flood control and water supply.

I just want to make an expression of appreciation to the chairman and to the Senator from Tennessee. They accepted this proposal last year in the form of an amendment and, not taking it just to take it to conference, they took it to conference and it was accepted there.

It is a matter of great importance to communities of this kind, which find themselves totally unable to provide for adequate roads. We have, I think, somehow or other built these great Federal lakes with really no sensible way to get people in and get people out. This sum of $500,000 is small in comparison to the national need or State needs, but I think it is a significant thing for the committee to do, and I should like to express my appreciation to the chairman and the ranking minority member of the Committee on Public Works.

To explain briefly the provisions affecting Kansas, section 15 authorizes the Chief of Engineers to determine which of the unsafe, narrow gravel roads leading to the Melvern and Pomona Lakes most require paving and to carry out this work. The total estimated cost of road and bridge improvements needed in the areas of Pomona and Melvern Lakes has been given at over $2.5 million by engineering consultants to the county. Only one-fifth of this amount is sought in the bill before us today.

Section 16 is a more specific authorization for the Chief of Engineers to improve a 5½-mile section of gravel road used both by local farmers and visitors to the Tuttle Creek Lake near Manhattan, Kans. Like Pomona and Melvern, Tuttle Creek lies in the Kansas River Basin within a short drive of several rapidly growing cities—Topeka, Lawrence, Manhattan, Emporia, Salina, Kansas City, and others. At present, this gravel secondary road cannot in the summer months adequately handle both local and tourist traffic. Its improvement would restore to farmers in the area a route at least equal to what they had before Tuttle Creek Lake was constructed.

Thank you, Mr. President.

Mr. RANDOLPH. Mr. President, the able Senator from Kansas (Mr. PEARSON) is correct in stating the history of the project to which he addresses himself this afternoon. I thank him for reviewing with us these activities of great importance to his State.

In any event, there will be no problem in connection with this matter, and I appreciate the Senator's remarks.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my colleague from Maryland.

Mr. BEALL. I thank the Senator.

As the chairman will remember, in considering last year's bill there was some concern expressed about the Potomac River and the water supply of the city of Washington. As we know, because of the uneven water flow in the Potomac River, there occurs from time to time a very serious shortage of water in the District of Columbia and the areas surrounding the District of Columbia, northern Virginia, and the metropolitan Maryland region.

Engineers have predicted that in the near future there is a distinct possibility that we may wake up from the middle of a slumber and be without water. Some of us are concerned because this year there has been no snow in the mountains of West Virginia or western Maryland, because eventually that snow, upon melting, will find its way into the Potomac River and give us our drinking water supply, come spring and summer.

The committee and the Senate last year very kindly included money for the Sixes Bridge Dam and the Verona Dam, and the House of Representatives, of course, refused to accede to this request and did not include these projects, and as a result of a conference they were struck from the bill. I notice they are not included in the bill now, and I wonder if the distinguished chairman of the Committee on Public Works could enlighten me as to the reasons why they were not included, and what the possibility is for early approval of these particular dams.

Mr. RANDOLPH. Mr. President, before replying directly to the question of my diligent colleagues from Maryland, I want to say that I am very sorry, too, that we have not had more snow in western Maryland and in the areas of West Virginia which are adjacent to Garrett County and other sections of the Senator's State.

Frankly, we have considerable investment now in resorts that have been keyed to skiing. Just as one of the entrepreneurs with which the Senator is familiar in Braddock Heights has suffered almost bankruptcy this year because of lack of snow, we know that this is rather general, particularly up in the Deep Creek area of Garrett County and across in West Virginia in the area near Davis and Alpine Lake, near Terra Alta. All of that area, which usually has a heavy snow coverage in December and January, has not had those accumulations this winter.

That does not say that I want the snow to extend to Washington, D.C., but certainly I want it in the parts of Maryland of which the Senator speaks on the specific question of Sixes Bridge, it and the Verona project in Virginia were deleted from the conference report after having been in our Senate measure last year. That took place in conference, because they were based, in part, on low flow agumentation. The Corps of Engineers is actively, at the present time, restudying those two projects as sources of water supply. I think this is a vastly more important facet of such projects.

The report from the Corps of Engineers should come in the spring, and there is no reason, as I see it, I say to my colleague, why this program would not be included in the river basin authorization bill that the committee will consider this summer.

Mr. BEALL. Will the Senator yield further?

Mr. RANDOLPH. Yes.

Mr. BEALL. I was just going to place in the RECORD, if I may, a paragraph from page 42 of the conference report on last year's bill, which reads as follows:

> However, based on information available to the Conferees, it is clear that the projects can be justified for purposes other than low flow augmentation for water quality. For example water supply needs might justify the projects. Accordingly, the Conferees direct the Secretary of the Army, acting through the Chief of Engineers, to reformulate the Sixes Bridge and Verona projects, and resubmit them to Congress as soon as possible but in no event later than June 30, 1973.

It is my understanding that the distinguished chairman is now indicating that it is still the intent of the committee, the conferees, and the Senate that this language still applies, and that the Corps of Engineers is still under a mandate to come back here by no later than that date and give us its recommendation, and that we can, I would assume, on that recommendation, if it is what we think it is going to be, be able to act prior to the end of this year?

Mr. RANDOLPH. Yes. We must act. I am not an alarmist, but I am a realist, and I know that of all the large cities of this country, Washington, D.C., our Capital, has no storage for a reserve supply of necessary water. We are just relying on the natural flow of the Potomac River. I hope the Senator will not feel I am being provincial when I remind him that its headwaters are in West Virginia. We start OK up there, but sometimes, as we come downstream, problems arise.

It is a serious problem, and I want to underscore again that Washington is unique, on the bad side rather than the good side, as to an adequate supply of water to take care of the needs of the District of Columbia and this most rapidly growing area of the country.

Mr. BEALL. I thank the Senator for those words and that assurance. We are all aware of the problem that exists, but his particular awareness is most important, because he will be the manager of the bill as it comes before us. I am glad to have the reassurance that the mandate to the Corps of Engineers still stands, and we can look forward to action on this project.

Mr. RANDOLPH. Is the development of Bloomington continuing?

Mr. BEALL. This year the President's budget contains another $13 million for further construction. This is somewhat less than had been estimated, although it is probably all the Corps of Engineers can reasonably spend this year. It is expected that it will be in operation perhaps by 1978, which will help our water supply but will not be of any immediate help because of the time required for the water to get from Bloomington to Washington. It is about an 18- to 21-day trip for the water to get here. These two dams will not be of immediate importance because they will not be able to respond in time to alleviate the serious shortage in timely fashion so that the water would be available when needed and there is no rain.

Mr. RANDOLPH. I am thinking back. I do not want to belabor the point but who was the Representative from the district before your father? I served with both of them. What was the name of that Representative?

Mr. BEALL. Who preceded him?

Mr. RANDOLPH. Yes.

Mr. BEALL. William Byron.

Mr. RANDOLPH. Before that—I am sorry.

Mr. BEALL. That was David J. Lewis.

Mr. RANDOLPH. That is it.

Mr. BEALL. And then Fred Zihlman before that.

Mr. RANDOLPH. He was talking about this kind of project then, as your father was.

Mr. BEALL. Right.

Mr. RANDOLPH. In both House and Senate. That causes me to ask the question.

Mr. BEALL. Yes, and we are very grateful for the Senator's cooperation.

Mr. RANDOLPH. What benefit has come from the Savage River Dam?

Mr. BEALL. The Savage River Dam has been extremely important for the Potomac River. It is a flood control dam basically, as the Senator well knows. They control the flow out of the Savage River Dam so that the early-year buildup does not create flood conditions of the kind that existed in 1936, for instance. The supply of water is of minimal value. It has helped, however, in cleaning up the river and producing the kind of flow that controls water pollution, and we are very grateful for that. The Bloomington Dam will be of even greater benefit for water pollution control purposes. Also, something may happen here that will help to clean up the Potomac River in this area. These two dams will contribute to cleaner water in this area. Of course, the more immediate problem here involves the construction of sewage treatment plants.

Mr. RANDOLPH. Yes, these factors are all involved. The West Virginia Pulp and Paper mill is on the mountainside of the Potomac River, but on the West Virginia side. Several hundred persons are employed there. What is your total employment figure?

Mr. BEALL. About 2,100 people. It is interesting to note that that company has been progressive because, as the Senator from West Virginia knows, they built one of the first industrial waste treatment plants in the country and contributed it to the community for public use and this has helped in cleaning up the Potomac River.

Mr. RANDOLPH. The water supply is used for many purposes including, of course, the stability of the plant itself.

Mr. BEALL. There is no question about that.

Mr. RANDOLPH. I thank my colleague from the adjoining State.

Mr. BEALL. I thank the Senator from West Virginia for his continuing cooperation.

Mr. RANDOLPH. We think of the Senator's State as a suburb of West Virginia.

Mr. BEALL. In this case, we are glad to be counted as such. We still rely on the Senator for his largesse and especially for his generous cooperation.

Mr. BAKER. Mr. President, I now yield to the distinguished Senator from Washington (Mr. JACKSON) such time as he may require.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I call up four amendments at the desk and ask unanimous consent that they be considered en bloc and that reading of the amendments be dispensed with, except for the first one.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc. The first amendment will be stated, and the three remaining amendments will be printed in full in the RECORD.

The legislative clerk read the first amendment as follows:

On page 40 line 6, following the period after the word "section" change the period to a comma and insert the following: "and substantially completed the construction of all access roads, day-use facilities, campground facilities, lodges and the necessary administrative buildings. After said publication of notice, the Secretary shall transfer the jurisdiction of the Big South Fork National River and Recreation Area to the Secretary of the Interior who shall administer the national river and recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented. In the administration of the national river and recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. The Secretary of the Interior may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand. Following such transfer the authorities available to the Secretary for the acquisition of lands and interests therein in subsection (c) of this section shall likewise be available to the Secretary of the Interior."

The texts of the next three amendments are as follows:

On page 49, strike lines 1 through 4.

(Explanation of proposed amendment:

(The language proposed to be stricken is unnecessary because the Secretary of the Interior, in his administration of this area as a part of the national park system, will develop a recreation plan for the national river and recreation area. It would be unnecessary for the Corps of Engineers to consult with the Bureau of Outdoor Recreation for the area.)

On page 51, line 15, following the comma after the word "Engineers" insert the following: "or the Secretary of the Interior, at such time as jurisdiction over the national river and recreation area has been transferred to him pursuant to subsection (b) of this section,".

On page 52, delete line 12, and insert in lieu thereof the following:

"(j) (I) Until such time as the transfer of jurisdiction authorized by subsection (b) of this section shall take place, for the purpose of financially assisting the".

The PRESIDING OFFICER. Time on these amendments is limited to 30 minutes, with 15 minutes on each side.

EXPLANATION TO AMENDMENT NO. 1

Mr. JACKSON. Mr. President, the purpose of this amendment is to turn the project over to the Secretary of the Interior for administration by the National Park Service under applicable laws. This would allow the corps to purchase the lands, construct the improvements authorized by the act, and turn it over to the Park Service for administration. The Congress has not placed the administration of a national river nor recreation area under the jurisdiction of an agency other than the National Park Service or the U.S. Forest Service whose primary function is the management of lands and associated natural resources for recreation, and in the case of the Forest Service for multiple use, including recreation. We feel it would not be good policy to place the Department of the Army through the Corps of Engineers in the business of administering land solely for recreation and preservation purposes and that this area, when completed, should properly become a unit of the national park system administered by the Secretary of the Interior.

Mr. President, I ask unanimous consent that statements regarding the other three amendments be printed in the RECORD. They are in conformance with the first amendment.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2

Proposed amendment to S. 606 is as follows:

"On page 49, strike lines 1 through 4."

(Explanation of proposed amendment:)

(The language proposed to be striken is unnecessary because the Secretary of the Interior, in his administration of this area as a part of the National Park System, will develop a recreation plan for the national river and recreation area. It would be unnecessary for the Corps of Engineers to consult with the Bureau of Outdoor Recreation for the area.)

JACKSON AMENDMENT NO. 3

This is a conforming amendment. The purpose is to make sure that the proposed study authorized by subsection (h) will be carried out after the lands have been transferred to the Secretary of the Interior. Until the transfer, the Secretary of the Army could begin the formulation of the comprehensive plan.

EXPLANATION TO JACKSON AMENDMENT NO. 4

The purpose of this section is to authorize "in lieu payments" to the local counties affected in the States of Kentucky and Tennessee to make up for taxes which would be received from private property which is acquired for the project. This represents a departure from our normal Congressional policy when authorizing a unit of the National Park System or recreation area. The purpose of the amendment is to allow these in lieu payments to take place until the area is transferred to the jurisdiction of the National Park Service to be administered as a unit of that system. This would provide transitional aid to the local governmental units. However, it has generally been true whenever a national park or recreation area has been established, studies have indicated that the additional revenue generated by the tourism and related development more than offset the initial loss of property taxes. That is why the Interior Committee and the Congress has not accepted the principle of in lieu payments for park and recreation areas where the Federal government will be investing large sums which will have their most favorable impact upon the local economies.

Mr. BAKER. Mr. President, I would like to briefly comment upon the amendments proposed by the Senator from Washington.

First. I want to thank him for his openness and candor in the development of these changes. The authorization of national recreation areas is normally within the jurisdiction of the Interior Committee, of which he is the chairman, and the responsibility is very capably and industriously executed both by him, the members of his committee, and their staff. Were it not for the extenuating circumstances which mark the evolution of the Big South Fork National River and Recreation Area, the consideration of this bill would have been in his committee. The Corps of Engineers has been in the process of studying, developing, and reporting on various proposals for the preservation, development, and management of the area set out in this bill for several decades. They have developed a tremendous knowledge of this little charted area and close association with the people who reside there. I feel that this background should be put to full use in the construction and initial development of the project.

However, I have no objection to the transfer of the administration of the project to the Department of the Interior or to the National Park Service at such time as it is certified by the corps to be substantially complete and is administrable as a unitary recreational project. I would add only one brief word of caution—it is not my intention in this to have the corps constituted the agent of the National Park Service in the construction, land acquisiton, or any other developmental activity.

I would hope that the corps would consider the suggestions of the Park Service and the Bureau of Outdoor Recreation. But I am entirely confident in the ability and expertise of the corps to handle the initial development of the project and intend that they should exercise prime control over that aspect.

The second portion of the Senator's amendment regards in-lieu-of-tax payments which are included in the proposal. I am aware that these payments have never been authorized before. Certainly I agree such payments should be authorized only under extreme circumstances and with great care.

The several counties in which this project will be located are among the very poorest in the county. McCreary County, Ky., is, I believe, among the two or three most depressed counties in the entire Nation. There is almost no industrial development and little commercial development of any kind in this area. Much of the tax base is composed of open, unimproved lands such as those included in the project. While the total tax collected on the property is very small by Federal standards, it is a very large portion of these counties' revenues. And there simply is no place else for them to go to replace these revenues.

The argument is made and not without basis—that this project and others like it enhance the taxable property values and economy of their locales. While that is true in the long run, it certainly is not during that period in which land acquisition and development is going on. Therefore, I am willing to accept the Senator's amendment which provides that these payments will be made until such time as the Corps of Engineers certifies the project to be substantially complete.

Mr. President, I think that the proposal made by the distinguished chairman, the Senator from Washington (Mr. JACKSON), is entirely practical and feasible. It is a highly desirable change. It represents the close scrutiny and the attention of the Interior Committee to this project. I am frankly delighted they have given it their attention and that we have arrived at an accommodation which permits the Corps of Engineers to construct the project and the Department of the Interior and the National Park Service to operate it.

It is a highly constructive amendment and I wish to express my personal appreciation to the Senator from Washington for offering it.

Mr. President, I ask unanimous consent that the staff of the Public Works Committee be allowed to make any further technical changes needed to conform the amendments by the Senator from Washington (Mr. JACKSON) to the balance of the text of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, as chairman of the Interior and Insular Affairs Committee, I want to express my appreciation to the Senator from Tennessee for his cooperation in working out the amendments. I believe that the net result here will be to provide for the people of that great area the kind of management they would like to see. The Senator, by his cooperation, has made it possible to work out a solution that will meet the interests of the people of the area. I want to express my deep appreciation to him and to the chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH), who has likewise cooperated in working out an appropriate, I think, solution to this matter.

Mr. BAKER. I thank the distinguished Senator from Washington. I am very grateful for his remarks. In this connection, I have one or two other matters that I would like to attend to now——

Mr. JACKSON. Can that wait until we vote?

Mr. BAKER. I would like to have a vote on the amendments en bloc that have been ordered by the Senator from Washington first.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BAKER. Mr. President, I yield to the Senator from West Virginia at this time.

Mr. RANDOLPH. Mr. President, I shall only briefly comment on the colloquy. I am familiar with the Big South Fork proposal so ably developed by former Senator John Sherman Cooper and the senior Senator from Tennessee (Mr. BAKER). The Public Works Committee five times authorized the Devils Jump project—in 1962, 1963, 1965, 1966, and 1968. Each year the House conferees adamantly refused to approve the project—which was to be a high dam, having hydroelectric facilities, with a Federal cost estimated at that time of $203 million.

As the chairman of the committee through all these years, I worked closely with Senator Cooper—who served so ably as the ranking Republican member of the committee.

Given the stalemate between the Senate and House of Representatives, in 1968, Senator Cooper introduced an amendment in conference—which was accepted—to direct the Corps of Engineers to update its report on the feasibility of the project and second to direct the Corps of Engineers, the Department of the Interior and the Department of Agriculture to prepare alternative plans for the recreational, conservation or preservation uses of the Big South Fork, its tributaries and contiguous areas.

Growing out of this report of alternatives, in March 1972, Senator Cooper and the senior Senator from Tennessee (Mr. BAKER) introduced a bill authorizing the establishment of the Big South Fork National Recreation Area in the States of Kentucky and Tennessee in lieu of the Devils Jump Dam project. The cost of the recreational proposal would be less than $33 million as opposed to over $200 million for the Devils Jump Dam.

It is my understanding that the senior Senator from Tennessee (Mr. BAKER) and the chairman of the Interior Committee (Mr. JACKSON) have agreed to revise the Big South Fork provision as it appears in section 61 of the pending bill. While I want to discourage any amendments to the bill which would add any new projects or increase the cost of the bill, I understand these amendments would actually reduce the cost of the project. I also understand that the senior Senator from Tennessee (Mr. BAKER) has talked with Senator Cooper—who, I am assured, is in agreement with these amendments. Senator Cooper was over the years a leader in this matter and I was happy to work closely and warmly with him in developing the Big South Fork proposal.

Given the assurances that the amendments would reduce the cost of the bill without adding any new projects and that Senator Cooper is in agreement with the amendments, I will support them.

Mr. BAKER. Mr. President, I thank the distinguished Senator from West Virginia for his generous remarks.

It may be of interest to our colleagues to know that I have talked with former Senator Cooper today on the telephone, to apprise him fully of these changes and the great happiness that I felt that the Committee on Interior and Insular Affairs and the Committee on Public Works were of one mind in going forward in this manner. He expressed his delight and his full support for this provision.

In that connection, Mr. President, I have remarks that were made by Senator Cooper last year on this subject, and I think it might be appropriate to include them in the RECORD at this point. I ask unanimous consent that Senator Cooper's remarks of last year with respect to this project be printed in the RECORD, together with remarks of the distinguished Senator from New Hampshire (Mr. COTTON).

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. COTTON. I only want to say, Mr. President, that through the years, back in the days when I was serving on the Public Works Committee, and now as they come before the Appropriations Subcommittee on Public Works, I have had a good deal of experience with the Corps of Engineers. I can scarcely remember an instance when the Corps of Engineers came in and did not have a compulsive desire to buy something, build something, or dam something—that is spelled d-a-m. I seem unable to remember a single instance of an important project that did not far exceed, before its completion, the first authorization.

We are, of course, legislating at a time when we are running into terrific deficits. This half a billion dollars in itself worries me.

Another point, and it may be minor, but I note on pages 48 and 49 of the bill this paragraph:

"For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this Act and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes but for the establishment of the national river and recreation area."

Now, Mr. President, I have been informed by the Senator from Kentucky that, in his opinion, this would be a negligible amount, but I think we are setting a precedent here.

If my State of New Hampshire had payments in lieu of taxes for the White Mountain National Forest which occupies 25 percent of the area of the State of New Hampshire. I guess it would be the biggest moneymaker for the State of New Hampshire. All over this country, in State after State after State, large areas of States are owned by the Federal Government. In some of the Western States—I do not know, but nine-tenths of their area belong to Uncle Sam. This would establish a new precedent.

While this particular payment in lieu of taxes might be comparatively small, if this is to be the course pursued in the future, I do not know how much the Federal Government would find itself eventually paying to the States, and their subdivisions in lieu of taxes.

I also note in this language—and I thank the Senator from Vermont (Mr. AIKEN) for calling it to my attention—that the amount is to be paid "in an amount equal to that which they would have received from such taxes but for the establishment of the national river and recreation area."

However, it does not say the amount they would now receive.

Mr. AIKEN. Mr. President, the reason I called this to the attention of the Senator from New Hampshire is that when they took land for similar purposes in our area, the reimbursement would be on what was then being paid in taxes. Had that land not been taken by the Federal Government, it might have been 100 times that now, and the taxes coming in would be 100 times as much. So I think there should be some goal there otherwise the sky is the limit on future payments to the communities from whom the land is taken.

Mr. COTTON. Mr. President, I am reluctant in any way to oppose this, because I greatly admire the Senators from Kentucky and Tennessee and their fidelity to their States. I feel rather strongly that this matter of reimbursement for national parks or recreation areas is unfair to the States that already have vast areas taken from them for which they are getting nothing in lieu of taxes.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. May I have 2 more minutes?

Mr. RANDOLPH. Mr. President, I yield 2 additional minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. This sets a precedent. The taxes now paid are very minimum in lieu of taxes, but it does set a precedent for the future. My good friends, whom I admire so much, remind me a little bit of the Scot who not only killed two birds with one stone, but wanted the stone back.

It seems to me that this provision on pages 48 and 49 of the bill is a dangerous provision. I do not know that I can even vote for this bill because of the amount involved with that loophole.

I thank the Senator from West Virginia very much for yielding me this time.

Mr. COOPER. Mr. President, I understand the question the Senator from New Hampshire raises. If the Senator will give me a few minutes I will explain why the language is in there, as I can appreciate that it could raise concern about creating a precedent for the future.

However, the example just referred to in th Senator's own State, is similar to the situation in Kentucky. It will take me 2 or 3 minutes to explain what this project is all about.

For years, the Corps of Engineers proposed that a large hydroelectric dam be built in McCreary County in Kentucky on the Big South Fork. That river is a tributary of the Cumberland River that extends into Scott County, Tenn., across the Kentucky-Tennessee line. It is the same river and the very same area as the site of a proposed dam, which the Senator may recall—the Devil's Jump Dam. That was a $152 million proposal, which due to increased costs became more than $200 million.

I remember that on five occasions that I was able to secure passage in the Senate of the Devil's Jump Dam project—and on five occasions the House refused it, although it had the approval of three administrations, and every agency that had an interest in it, including the Federal Power Commission. But because of the opposition of the private utilities from all over the Nation who zeroed in on it, and the opposition of the large coal companies and, finally, the conservationists, we finally decided, Senator Morton and I, Senator BAKER whose father Congressman Howard H. Baker worked for it for years, and Senator Gore, that we could not proceed with the power dam.

Four years ago, we asked the Department of Agriculture, because the Forest Service concerned with the national forest was in that department, the Corps of Engineers, who had planned the dam, and the Department of the Interior, which includes the Bureau of Outdoor Recreation and the Park Service, to propose an alternative for the recreational conservation and preservation uses of this spectacular and unique area. In 1970, they presented six alternatives for the Big South Fork River—a very beautiful river, 90 miles long, which is a very clean river with great palisades and having rippling rough waters—white waters as they are called. This national recreational area would cost about $30 million to establish—about one-fifth of the originally estimated cost of the hydroelectric high dam, which would have resulted in flooding of the gorge behind the dam.

In McCreary County, the recreation area would require perhaps 30,000 acres of land. In Tennessee, as I recall, it requires about 90,000 acres of land. McCreary County, Ky., is a county which I know very well. The U.S. Government already owns some 150,000 acres of land in McCreary County, in the Daniel Boone National Forest. It is a very poor county indeed.

The county receives no payments in lieu of taxes from the Forest Service, except meager amounts from such timber that is sold from the national forest. So looking ahead to a condition where, if this measure should be approved, it would take nearly 30,000 acres of land into the national recreation area—about half of it from the Forest Service, and the remainder from private land—the county would have little left. The national forest is not a national park. It has few recreational facilities. The county would have very little income left. This land, I would assume—knowing it pretty well—is assessed at $30 or $40 an acre. It is estimated that this provision would cost the Federal Government, I think in McCreary County, perhaps $15,000 or $20,000, in an area where they have practically no incomes at all. For the whole project it would be about $100,000 a year.

McCreary County used to be a part of the county in which I live. It is the county south of mine. Unfortunately, it bears the reputation of being about the poorest county in the United States. To be frank, that is the reason we put it in. It is for a 5-year authorization. If it did not work out in 5 years, the committee and the Appropriations Committee could make such changes as they desire. I wanted to give the Senators the full facts.

Mr. Cotton. Will the Senator yield for another question?

Mr. Cooper. Yes; I will. I may have overstated the figure on the amount of taxes that might be lost. It is my own recollection that it would be much smaller than that. My recollection would be $9,000 per year in McCreary County, if it makes a difference.

Mr. Cotton. I would like to make it very plain and clear to both my friend, the distinguished senior Senator from Kentucky, and my friend, the distinguished junior Senator from Kentucky, that I am not questioning the need in this matter. But I have a recollection in the past half-century of land taken in my section of the country that was purchased for a dollar or $2 or $3 an acre, but its present value would be many, many dollars more an acre.

In my case, as a member of the New Hampshire Legislature, because of the fact that we had some townships and school districts that were almost completely encompassed in the national forest area with a subsequent loss of taxes. I introduced a bill, and the bill passed, by which the State would reimburse these township school districts for the equivalent of one-half of what the taxes would have been at the time of the passage of the bill.

Under this provision, if I read it correctly, if the land taken in this instance should increase its value so that its value would be greatly enhanced, we authorize the payment of an amount equivalent to taxes that not only would be received at its present value, but would increase as its value increases.

Mr. Cooper. Will the Senator yield?

Mr. Cotton. I yield.

Mr. Cooper. I want to make it clear, for interpretation, that is not intended at all.

Mr. Aiken. That is not intended. That was my problem.

Mr. Cooper. I think that is clear.

Mr. Cotton. Is there anything in the report to indicate that interpretation—in the report that is not before us?

Mr. Cooper. I would be glad to amend the provision immediately, here on the floor, in line with the suggestion, if it is not clear.

Mr. Cotton. I do not think it needs to be amended if the intent is in the report.

Mr. Cooper. I do not recall, but I can tell the Senator that was the intention of the Senator from Tennessee (Mr. Baker) and myself, who wrote this legislation, and of our cosponsor, the junior Senator from Kentucky (Mr. Cook). I am sure he would agree with me on this.

Mr. Cook. Will the Senator yield?

Mr. Cotton. I do not have any time, but I would be glad to yield.

Mr. Cook. May I say that the basic intention was that the value be established at the time of taking, and once it belonged to the Federal Government, the total project, the value would be established and it could never be revalued.

Mr. Cotton. I think the legislative history made on the floor by both the Senators from Kentucky and the Senator from Vermont would be sufficient protection on that point, and I thank the Senators.

Mr. Aiken. I was concerned, because the land was taken by the Federal Government from the State of Vermont that was valued at $5 an acre. It was not taxed very much at the time. Some of that land is valued at $5,000 an acre. If there is any stream or any water or any view, the value of the land there is whatever one asks for it. But if a fair value is to be fixed on it, that would be sufficient for tax purposes.

Mr. Cotton. May I say, I am perfectly satisfied on this point by the assurance of the two Senators. I do, however, still have some reservations about setting a precedent for reimbursement of lost taxes on these projects. I am afraid it might rise in the Congress to haunt us sometime in the future and may open the gate for large sums.

Mr. Cooper. Mr. President, I will be glad to suggest this change to make it absolutely clear.

The Presiding Officer. The Senator may offer his amendment.

Mr. Cooper. I propose an amendment: on page 49, line 5, after the word "taxes", add a comma and insert "at the time of the acquisition of such property".

The Presiding Officer. Is the Senator offering this as the amendment?

Mr. Cooper. I am.

The Presiding Officer. Will the Senator please send the amendment to the desk?

Mr. Cooper. I send the amendment to the desk.

The Presiding Officer. The amendment will be stated.

The assistant legislative clerk read as follows:

"On page 49, line 5, after the word 'taxes' add a comma and insert 'at the time of the acquisition of such property'."

The Presiding Officer. Who yields time on the amendment?

Mr. Cotton. Mr. President, I appreciate the amendment and I thank the Senator. It certainly is complete assurance, but I want to make it plain that I was already willing to accept the legislative history made on the floor by these three Senators. This amendment makes it entirely clear.

The Presiding Officer. Who yields time? Do the Senators yield back their time on the amendment?

Mr. Cooper. I yield back the remainder of my time.

Mr. Cotton. I yield back the remainder of my time.

The Presiding Officer. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky. (Putting the question.)

The amendment was agreed to.

Mr. BAKER. Mr. President, I yield back the remainder of my time on this amendment.

Mr. JACKSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. BAKER. Mr. President, in connection with this project, I send to the desk one technical amendment that might be disposed of at this moment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 40, line 17, after the word "donation" put a period and strike the rest of that sentence.

Mr. BAKER. Mr. President, the power of condemnation is included on lines 12, 13, and 14 when acquisition authority is granted by purchase or by the word "otherwise."

It is unnecessary to specifically include the phrase "eminent domain." This phrase is also confusing at this point because it might be interpreted as changing the acquisition of State-owned lands by means other than by donation only.

Mr. President, I am glad to yield back the remainder of my time on this amendment and to present it to the Senate for consideration.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I consider the section authorizing a shoreline erosion control program to be one of the most important and significant features of S. 606, the Flood Control Act of 1973, now before this body.

As we are all aware, many of our coastal areas have already suffered serious—and in some cases almost irrevocable—damage and the situation is certain to get even worse unless we devise ways of stopping it now. It is not enough to say that they are there and we hope we can do someting about them. They will not go away.

That condition prevails in the Great Lakes area as well as along the ocean fronts and for that reason I want to stress that the provisions of S. 606 envision equal attention to both categories in the effort to find appropriate remedies.

I have discussed this aspect of the legislation in detail with my good friend and distinguished colleague, Senator Birch Bayh, because of his particular concern over the nature and scope of the erosion problem in the Indiana Dunes National Lakeshore along Lake Michigan, and have assured him that I would recommend that attention be accorded that situation if the control program is authorized as I trust will be the case.

He had expected to be here today to personally present his views on that phase of the bill but an unexpected change of plans has forced him to be absent.

I, therefore, ask permission to have printed in the Record at this point in my remarks copies of correspondence we have exchanged which outlines his position and the commitment I have made to him on the subject.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee of Appropriations,
Washington, D.C., January 30, 1973.

Hon. Jennings Randolph,
Chairman, Senate Committee on Public Works, New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: I wish to congratulate you and the other members of the Committee on Public Works for so promptly reporting to the Senate S. 606, The Omnibus Rivers and Harbors Act of 1973, a bill identical to one which the President vetoed after Congress adjourned last year.

I am particularly pleased to see that the Committee has again included in the Rivers and Harbors Bill provisions establishing a shoreline erosion control demonstration program, and requiring that one of the demonstration projects be located on the Great Lakes. You will recall that last year, when the Rivers and Harbors Bill was before the Senate, I discussed with you the very serious shoreline erosion problems we have at the famous Indiana Dunes National Lakeshore along Lake Michigan. Most of this beautiful Lakeshore is located between a harbor in Michigan City and the Burns Harbor at Portage, Indiana. Because of the breakwater adjacent to the port facilities at Michigan City, a tremendous shoreline erosion problem has struck the Lakeshore, causing perhaps irreparable damage to the shoreline and the dunes themselves. I asked you last year whether this was the kind of situation which would warrant a demonstration project under the Bill.

You graciously assured me that "under the demonstration projects we would have that situation studied. It has peculiar strength because it is on public property, and I think it is a type program in which a demonstration or pilot project can prove important, not only to that area but to helping solve problems in other areas of the country later."

I agreed with you then, Mr. Chairman, and I agree with you now. I hope that the same assurances you offered last year are applicable again under S. 606. In view of the Lakeshore's unique ecological and recreational values, this kind of program is essential. I believe that the federal government should make every effort to stop the shoreline erosion at the Lakeshore, and I believe that this year's Rivers and Harbors Bill offers a good way to meet that responsibility.

With my very best personal regards.

Sincerely,

BIRCH BAYH,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., February 1, 1973.

Hon. BIRCH BAYH,
U.S. Senate,
Russell Building,
Washington, D.C.

DEAR BIRCH: Thank you so much for your letter endorsing the provisions of S. 606, the Flood Control Act of 1973, and emphasizing your particular interest in the section authorizing a shoreline erosion control demonstration program.

I feel as you do that this is one of the key features of the legislation and that the specific requirement for at least one of the pilot projects to be undertaken in the Great Lakes area is appropriate and necessary to serve the purposes and objectives of that section of the bill.

I well recall our discussion of last year about the scope and severity of the erosion problem at the Indiana Dunes National Lakeshore along Lake Michigan and I am in full accord now, as then, with your view that this location is particularly suited for a pilot study of this type.

You therefore have my assurance that I will recommend inclusion of the National Lakeshore area in the demonstration plan if the program is authorized under the legislation now before the Senate.

With official esteem and warm personal regards, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield me 1 minute?

Mr. RANDOLPH. I yield.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 16, Senate Resolution 53. This resolution has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 53) to authorize additional expenditures by the Committee on Rules and Administration for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that appropriate extracts from the committee report be printed in the RECORD, in explanation of the resolution.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

CALENDAR NO. 16

Senate Resolution 53 would authorize the Committee on Rules and Administration, or any subcommittee thereof, from March 1, 1973, through February 28, 1974, to expend not to exceed $331,000 for inquiries and investigations.

The funds requested by the committee would be allocated to specific inquiries and to the procurement of the services of individual consultants or organizations thereof as follows:

Section 3 of the resolution would provide that not to exceed $125,000 would be available for a study or investigation of privileges and elections.

Section 4 of the resolution would provide that not to exceed $206,000 would be available for a study or investigation of computer services for the Senate, of which amount not to exceed $20,000 could be expended for the procurement of consulants.

During the second session of the 92d Congress, the committee was authorized by Senate Resolution 240, agreed to January 28, 1972, to expend not to exceed $327,000 for inquiries and investigations. Of that amount $150,000 was allocated for a study or investigation of privileges and elections, and $177,000 was authorized for a study or investigation of computer services for the Senate. The committee estimates that the unobligated balances under those authorizations as of February 28, 1973 (funds returnable to the Treasury), will be approximately $45,000 and $40,000, respectively.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 53) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $331,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $125,000 shall be available for a study or investigation of privileges and elections.

SEC. 4. Not to exceed $206,000 shall be available for a study or investigation of computer services for the Senate, of which amount not to exceed $20,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker had appointed Mr. PATMAN, Mr. BOLLING, Mr. REUSS, Mrs. GRIFFITHS, Mr. MOORHEAD of Pennsylvania, Mr. CAREY of New York, Mr. WIDNALL, Mr. CONABLE, Mr. BROWN of Ohio, and Mr BLACKBURN as members of the Joint Economic Committee, on the part of the House.

QUORUM CALL

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. RANDOLPH. I yield.

EXTENSION OF THE COMMISSION ON HIGHWAY BEAUTIFICATION

Mr. ROBERT C. BYRD. Mr. President, with the approval of my distinguished senior colleague, Mr. RANDOLPH, and the matter having been cleared on the other side of the aisle, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 14, Senate Joint Resolution 42.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

Mr. RANDOLPH. Mr. President, I shall not speak at length. I wish to say that the Commission should have the opportunity to complete its work; then, we will have the chance to evaluate what has been done.

It is very appropriate that the Senator from West Virginia (Mr. ROBERT C. BYRD) arranges for us in the framework of other public works legislation to proceed with this matter. I am sure the other body will take prompt action.

I thank the Senator for yielding.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD appropriate extracts from the committee report in explanation of the resolution.

There being no objection, the excerpt were ordered to be printed in the RECORD, as follows:

CALENDAR NO. 14

The Commission on Highway Beautification, established by Section 123 of the Federal-Aid Highway Act of 1970, was directed to study and make recommendations concerning implementation of the Highway Beautification Act of 1965 and to investigate methods of preserving and enhancing natural beauty along the nation's highways.

Although the authorizing legislation provided that the Commission should make a final report not later than one year after it was funded (August 1971), for various reasons the Commission did not become fully operational until December 1971. Following its organization, the Commission held public hearings throughout the country, and amassed considerable data and information about highway beautification.

The Commission recently prepared an interim report recommending certain statutory amendments and requesting an extension of time to enable it to complete a number of other investigations. Because of limited time and budget, the Commission stated it has not been able to devote sufficient attention to a number of important matters, such as funding of beautification programs, control of on-premise signs, and the need for improved landscaping and aesthetic developments. Furthermore, many problems related to the control of outdoor advertising are not yet sufficiently defined because regulatory legislation has been enacted by many States only in the last few months and is just beginning to be enforced in all States. While the Commission has gathered extensive data in many other matters, such as State and local sign control programs, needs more time to complete its studies and to prepare a comprehensive report.

The service which the Commission could render by examining these extensive and complex problems and by monitoring, evaluating and reporting on recent trends and experiences should be of substantial value to Congress. Accordingly, the Committee recommends that the date for the final report of the Commission on Highway Beautification be extended until December 31, 1973, and that an additional $250,000 be authorized for support of its activities.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 42) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727–28) is amended by striking out the first sentence and inserting the following in lieu thereof:

"(i) The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727–28) is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

FLOOD CONTROL ACT OF 1973

The Senate resumed the consideration of the bill (S. 606) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the senior Senator from New York (Mr. JAVITS) has been detained in work within the Foreign Relations Committee. We had hoped to have a colloquy on the floor, but, through assurances of his staff, I want to proceed. Then later, if he came before the rollcall, or at an appropriate time, if he wanted to add to what I had said, he could do it.

The Senator had a colloquy with me last year in reference to these matters. He has some concern about section 33. That is the part of the bill that provides for Federal participation in the cost of a project providing significant hurricane protection on publicly owned property, where there would be 70 percent of the total cost involved, exclusive of the land cost. The provision is the same in this measure as we had embodied in the conference report last year on S. 4018. The bill before us covers the matter in which the Senator from New York (Mr. JAVITS) has an interest. He would have asked, as was done in one or two cases here today, for a clarification. We went a little further in the conference report and we clarified the meaning of the section by including the words:

> The conferees intend that where substantial protection of public property will result in incidental works on private property, the Federal share on such incidental work will be 70 percent, in accordance with provisions of this section.

It is my understanding that this is agreeable to the able Senator from New York (Mr. JAVITS). If there is need for further modification, that could be considered in the next few weeks when we will have the river basin authorization bill before us.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to adopt the explanation just made by the Senator from West Virginia (Mr. RANDOLPH) regarding section 33 of this bill and the application of the 70-percent formula to the total project cost relating to hurricane protection and beach erosion. I am very grateful to the distinguished Senator and chairman for having made this explanation and for pointing out that the 70-percent formula will apply to the total project even though private property may be involved.

Mr. RANDOLPH. I appreciate the remarks of my colleague.

Mr. BELLMON. Mr. President, as one who recognizes the widespread public benefits resulting from flood control and water resource development, I have consistently supported the public works programs of the U.S. Government. My own State has benefited greatly from the construction of numerous multiple purpose reservoirs and the McClellan-Kerr Arkansas River Navigation System.

Without question, many of the projects included in the Flood Control Act of 1973 are equally justified and will produce significant public benefits. But I have serious reservations about the entire package of projects contained in this bill and I urge my colleagues to carefully consider their actions today.

In the first place, Mr. President, the bill contains projects on which no hearings have ever been held in the Senate, projects for which many Members have had no opportunity to give thoughtful consideration. Some of these projects were simply accepted from the House of Representatives rivers and harbors bill last year. Others were added to the bill by the Senate after completion of committee hearings, and together these additional projects will cost tens of millions of dollars. If these projects are important enough to be approved by the Senate, they certainly should be important enough to warrant a few additional days of hearings so that informed decisions can be made.

This bill is identical to the conference committee version of the Rivers and Harbors-Flood Control Act of 1972 which was passed in the closing days of the last session. Subsequently, that measure was vetoed by the President. In his memorandum of disapproval, the President said the measure "contains projects never approved or recommended by the executive branch," as well as "a number of objectionable features such as authorizing ill-defined and potentially costly new programs."

The President went on to say that in his judgment many of the projects in the bill are justified and that he would recommend legislation to authorize their construction in this Congress.

The administration's bill containing these recommended projects has already been sent to Congress and introduced earlier this week. But no consideration has been given to that bill as an alternative to the bill we vote on today.

The major difference between the two bills is cost. The bill before us would cost $632 million, while the administration bill would cost only $382 million—a difference of $250 million.

In my view, Mr. President, at this time, the beginning of a new Congress, the Senate, which includes many new Members, should not be stampeded into voting upon legislation not thoroughly considered. It is almost certain that if we pass this bill it will again be vetoed. Even if Congress overrides the veto, the President will likely impound appropriated money for some of the projects he considers objectionable. By following this course of action, the Congress will further abrogate its responsibility and delay the construction of needed projects.

We must recognize that we have a President in the White House who is dedicated to a reduction in Federal outlays. It is my firm conviction the Congress should be cooperating in that endeavor rather than constantly challenging him to spend more.

As I said earlier, this bill contains many desirable and justifiable projects, but it also contains expensive, nonessential projects which can be delayed for some years without causing undue hardship.

One example is a project authorized by the bill for my own State—a perimeter road around Lake Texoma. This road is a desirable project since there has never been an adequate system of access or scenic roads at the lake since it was built in the mid-1930's. But construction of the perimeter road is not absolutely essential for the well being of this Nation at this particular time. It can well be postponed until a later time when demands on the Federal Treasury are not so great.

Only by delaying such costly, low priority projects can we hope to bring Federal spending down to acceptable levels.

For these reasons, Mr. President, I plan to vote against passage of the Flood Control Act of 1973, and would hope that the Public Works Committee will hold additional hearings and recommend to the Senate a thoroughly considered and hopefully less costly bill at an early date.

S. 606 REQUIRES FURTHER CONSIDERATION

Mr. PROXMIRE. Mr. President, I intend to vote against S. 606, the omnibus rivers and harbors bill. I think the bill contains a number of undesirable features, is far too costly in general, and should not be enacted without further consideration by the Senate Public Works Committee.

This bill was on the Senate floor last October. The conference report encompassed a total cost of $593 million. President Nixon vetoed that legislation on the grounds that the cost was excessive, and that its impact would be inflationary.

The bill before us today is identical to last year's conference report. Its cost is $593 million. At a time when the need for budgetary stringency is so great, it seems hard to justify an authorization at this level when other needs are going unmet. The committee should reconsider whether this bill could be sharply trimmed.

The bill also contains a number of projects that appear to be seriously deficient. On the Days Creek Dam on the South Umpqua River in Oregon, environmentalists have raised major questions about possible turbidity problems in the reservoir. The corps agrees that turbidity could be a serious problem and plans to do studies before undertaking construction. But why can we not postpone authorizing this $113 million project until the corps does its turbidity studies? This would seem to be a far more sensible way to proceed.

For the Clinchfield Reservoir on the Broad River in South and North Carolina, the corps has requested authorization of $60 million. However, 96 percent of the benefits from this project consist of water supply to be made available to Spartanburg County, S.C. An Interior Department study shows that this same area could be supplied from a lake at Fingerville, S.C., at a cost of $12.4 million. If this is the case, the remaining 4 percent of the benefits cost of $47 million. Clearly, something is out of line, and further study is needed.

On top of this, the North Carolina Department of Natural Resources and Economic Resources stated in its comment on the draft environmental impact statement on the Clinchfield project that—

> For the magnitude of the project proposed, this is the least adequate impact statement I have ever seen. It in no way meets the full disclosure requirements of NEPA, and it is a great surprise to see the Corps circulate such inadequate materials under the guise of environmental impact statements.

Mr. President, I believe the bill certainly needs further study, and I plan to vote against it.

Mr. BURDICK. Mr. President, the bill before us today is a much needed measure yet, it contains the smallest monetary provision of any flood control bill since 1948—only $593 million. In comparison with the $832 million bill that was enacted in 1970, I think that the bill before us represents a real effort on the part of the committee to hone down the number and increase the quality of the projects it contains.

Some of the Flood Control Act of 1973 will have far-reaching effects in our Nation's efforts to conserve resources. Section 64, for example, authorizes demonstration projects to test low-cost means of preventing and controlling shoreline erosion. Section 65, the streambank study provision will be of great benefit to States like my own. In North Dakota this section will eventually operate to reduce the siltation of the Missouri River, especially, and will conserve valuable streambanks for agricultural, recreational and scientific uses. In the 92d Congress I introduced legislation which was designed to protect certain critical erosion areas below the Garrison Dam in North Dakota. While S. 606 does not include these areas, I am hopeful that the study provision will lead to prompt action by the Corps of Engineers to develop environmentally sound means of helping these areas.

Another matter of real interest to me is the section dealing with small flood control projects. The bill before us recognizes the need to reduce potential damage from flooding in areas which have been especially prone to these ravages. S. 606 increases from $1 million to $2 million the individual project costs for small flood control works where a Presidential disaster has been declared within the last 5 years. In my own State, the city of Pembina is located in an area which has been declared a presidential disaster area due to floods in 1970, 1969, 1966, and several times earlier yet, under present small flood control authorization they cannot afford to begin work. If S. 606 is enacted, I am hopeful that much needed flood protection measures will soon be constructed to help these people.

Another provision of S. 606 needs mentioning and that is the section which places a moratorium on the Water Resource Council's proposals for evaluating water and related land resource projects until December 31, 1973. Soon after the draft guidelines were published I called upon the Senate Public Works Committee, the Senate Interior Committee, and the Senate Agriculture Committee to watch their further development closely. In view of the fact that the Water Resources Council is the creation of Congress, it is completely appropriate for us to study their recommendations. The provision in S. 606 will give the Public Works Committee time to study them before any final action is taken by the President.

Mr. President, I endorse S. 606 and urge its passage.

Mr. BUCKLEY. Mr. President, I wish to express my opposition to the passage of S. 606, the Flood Control Act of 1973. It is my view that this bill contains a number of important provisions that have never received proper study by the Senate or the Committee on Public Works. I believe these provisions warranted the very few days of additional study which would be required to enable the committee to hold hearings and provide the Senate with a more informed recommendation.

Let me explain my reasoning. As my colleagues on the committee have explained, S. 606 is identical to the conference report version of S. 4018. That legislation, adopted during the closing days of the 92d Congress, was subsequently vetoed by the President.

The conference that produced the vetoed bill met on October 10, 1972, and filed its report 2 days later. The Senate immediately adopted the conference report by voice vote. I should note that the full, printed text of the report was not available in the CONGRESSIONAL RECORD, volume 118, part 27, page 35476, until the day following its adoption by the Senate.

Approximately half the 73 sections of S. 4018—and thus S. 606—were adopted intact from the House version. I think it is reasonable to say that the Senate had no real opportunity to evaluate the full potential impact of these provisions—and thus the legislation. Earlier this week the distinguished senior Senator from Tennessee (Mr. BAKER) introduced the administration proposal for similar legislation. This administration proposal, S. 603, contains many of the projects listed in section 1 of S. 606, but does not include most of the remaining sections of S. 606. The administration makes the point that many of the deleted programs would ultimately cost many billions of dollars. That point also concerns me, and that is why I believe there should have been hearings in the Senate on the full impact of this legislation.

As I stated earlier, approximately half of the provisions in the bill were taken from the House bill in conference, without benefit of Senate hearings. I ask unanimous consent that a list of such sections be printed at the conclusion of my remarks.

In addition, I ask unanimous consent that a brief sectional analysis, prepared by the Corps of Engineers, of those sections of S. 606 that it judges as unfavorable, unnecessary, or unwarranted, be included in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I did not quibble over the inclusion last year of many of the House projects not present in the original Senate version, although their cost runs into many millions of dollars. This sort of necessary compromise is inherent in the conference process. But the Senate is not now racing to meet an adjournment deadline. We need not act with such haste, accepting without hearings many proposals that were adopted as a compromise.

And in view of the President's veto, it would have been wise, I believe, to hold hearings to obtain, with greater clarity, the reasons for the objections by the administration. Such a review, I believe, would place the Senate in a far stronger position if we are asked, at some later date, to vote to override a new Presidential veto of this bill.

It is said by the proponents of this bill that this is the least costly omnibus bill in a generation. While this appears to be true, I am concerned about the precedent and potential long term commitments implied in some of the new policies and open-ended features incorporated into S. 606. Such provisions, with longer-term implications, warrant at least some study, I believe.

To cite some examples adopted from the House bill, section 3 requires the Federal Government to pay future operating and maintenance costs for small boat harbors. While this may very well be a wise policy, I believe the Senate, through the hearing process, should evaluate more deeply its ramifications and ultimate cost before seeking to write such a policy into law.

In another section, the nose-under-the-tent approach seems to be adopted in connection with a very large project on the South Umpqua River in Oregon. While the full cost of the project is estimated at $113 million, the new bill underplays that fact by authorizing just $40 million for the overall project. Certainly that dam will not be stopped after $40 million is spent. Thus, full funding of that project alone would raise the bill's actual cost to the taxpayers by $73 million.

Other provisions would have the effect of authorizing projects such as those listed under the heading, Water Resources in Appalachia, that do not have the requisite final environmental impact statements.

Possibly my principal concern—and this is one which was highlighted in the President's veto message—centers on section 72 of S. 606. This section states:

> SEC. 72. Policies Standards and Procedures in the Formulation, Evaluation, and Review of Plans for the Use and Development of Water and Related Land Resources approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

In effect, this language places a moratorium on any changes in the process by which the costs and benefits of water resource projects are evaluated.

Such a complete moratorium could be wise, although the Senate has not previously had the opportunity to evaluate the need for such a moratorium, except through the adoption of the conference report last year. This important change deserves careful consideration in hearings, I believe.

The moratorium was mentioned briefly in the floor discussion by various conferees. I can find, however, only a mention of a moratorium as it affects interest rates, not the actual, and broader, moratorium affecting any changes in the standards for evaluation. The authority for Executive changes in evaluation procedures was created by the Congress when it established the Water Resources Council with passage of the Water Resources Planning Act of 1965—Public Law 89-80. That law, as I read it, expressly delegated to the Council the responsibility for drawing up principles and standards for water resource projects.

The law states that the Council "shall make recommendations to the President with respect to Federal policies and programs." The text of title 42, section 1962a-2 reads as follows:

> The Council shall establish, after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission. (Pub. L. 89-80, Title I, Sec. 103, July 22, 1965, 79 Stat. 245.)"

Such delegation of responsibility may have been most unwise. Many of us were not in the Congress when it occurred. Nevertheless, I also believe the Senate should not arbitrarily retract such responsibility without having considered the consequences of such an action.

I believe it is the proper function of the Congress to establish such principles and standards for water resource projects, including the level of discount rates. It is my hope, as a member of the Subcommittee on Water Resources of the Committee on Public Works that we will explore later this year this issue in depth, including recommendations by the Council and the National Water Commission.

But at the same time, I do not believe that a total moratorium on any alterations in those principles and standards is necessary at this time, unless hearings demonstrate its value. Hearings, for example, might show that what the Senate really wants is a moratorium solely on the discount rate.

As a part of such a basic evaluation at a later date, I believe it is necessary to reexamine many of the effects of projects already approved to see if their design has been proper and effective. I am concerned about the fact that at least two projects in the bill involve effects that apparently were unexpected as a result of previous work carried out by the Corps of Engineers.

Two such examples are identified in the report on this bill. Both projects are included in S. 606, after being added in conference by the House. Without seeking to prejudge the need for these projects, I would like to quote two descriptions for the benefit of my colleagues.

Section 37 of this bill authorizes bank protection work in the vicinity of Newburgh, Ind. What is of particular interest is this statement on page 44 of the Senate report:

> Serious bank erosion problems exist along the Ohio River downstream of the Newburgh Lock and Dam, which is presently under construction. There have been some questions raised as to the relationship of the project and bank erosion.

The work authorized by section 38 of this bill points out some similar concerns over the effectiveness of the planning work by the U.S. Army Corps of Engineers and its ultimate cost to the taxpayers. Again, on page 44, the Senate report states:

> SECTION 38
>
> This section modifies the project for flood control and improvement of the lower Mississippi River, to authorize the Secretary of the Army, acting through the Chief of En-

gineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi.

Beginning near Memphis, Tennessee, on the Mississippi side of the Mississippi River there is a long line of foothills extending through the town of Charleston, where the steep hill area joins with the Mississippi River Valley Delta. The Corps of Engineers built four big dams: the Arkabutla, the Sardis, the Enid, and the Grenada. Through the use of these dams and reservoirs the streams below them, the Coldwater, Skuna, Tallahatchie and Yalobusha Rivers, are largely kept within their banks during the rainy seasons which come in the Fall and Spring, preventing flooding of the Delta area which lies below the dams.

Considerable hill area lies between the reservoirs and the Delta. Prior to construction of the reservoirs in the Winter and Spring seasons these rivers backed up into the creeks in the foothills area; the water gradually ran off and the creek bottoms in the ten to fifteen mile area adjacent to the Delta remained fertile, did not waste away and the streams kept within their normal banks.

During the rainy season the creeks which enter the rivers below the dams, having no flood water in such rivers, have nothing to retard the flow of local heavy rains. The result is that this water runs off at a rapid rate over the ten-mile steep area from Memphis to the Delta area instead of slowly as was the situation before the dams and reservoirs were built. The creek bottoms, the more fertile and best area of the territory, are being washed away, and the soil ends up in the four rivers and on down the Yazoo River into which all of them eventually flow, and all these streams are being filled up.

This section will permit the necessary study and demonstration measures to find effective means of controlling the erosion problem.

It appears to me that the Senate, in these two sections, may now be asking the public to pay a sum—as yet undetermined—to repair damages directly caused by previous Federal actions. Why were not these dangers foreseen? What impact will these damages have on the economics of the basic projects?

For these varied reasons, I believe it was unwise for the Senate to approve this bill at this time without hearings.

EXHIBIT 1

SECTIONS OF S. 606 ADOPTED FROM THE HOUSE VERSION IN CONFERENCE IN 1972

Section 1 (Water Resources in Appalachia).
Section 2.
Section 3.
Section 4.
Section 5.
Section 8.
Section 9.
Section 10.
Section 11.
Section 12.
Section 13.
Section 15.
Section 16.
Section 18.
Section 22.
Section 23.
Section 25.
Section 26.
Section 27.
Section 30.
Section 31.
Section 32.
Section 34(a).
Section 35.
Section 36.
Section 37.
Section 38.
Section 39.
Section 40.
Section 41.
Section 43.
Section 44.
Section 45.
Section 46.
Section 50.
Section 72.

SECTIONAL ANALYSIS OF THE VETOED BILL

I. UNAPPROVED PROJECTS

Sec. 1. Buena Vista, Virginia.

Sec. 1. Water Resources in Appalachia.

Sec. 1. Pattonsburg Lake, Missouri—power facilities.

Sec. 12. Ellicott Creek, New York.

Sec. 36. Sacramento River, Cal.—bank stabilization, Phase II.

Sec. 38. Yazoo River Basin bank stabilization, Mississippi.

Sec. 60. Pattonsburg Lake, Missouri—design of bridge.

Sec. 68. Pocatello, West Virginia (joint Corps-SCS project).

II. UNFAVORABLE PROGRAM INITIATIVES

Sec. 3. Federal assumption of O&M for small boat harbors.

Sec. 20. Relief on deadline for locals to sign statements of cooperation and agreements to share costs on projects; moves deadline from 1–1–72 to 1–1–74.

Sec. 23. Assistance to states in water planning.

Sec. 33. Set Federal share of cost of hurricane protection projects at 70%.

Sec. 37. Ohio River at Newburgh, Indiana.

Sec. 41. Anaheim Bay, California—review items of local cooperation.

Sec. 59. Cape Fear, N.C. & S.C.—use $2M of local funds to start project.

Sec. 64. Shoreline Erosion Control Demonstration Act.

Sec. 65. Streambank Erosion investigations and construction.

Sec. 66. Atchafalaya River and Bayous Chene, Boeuf, and Black, La.—cost-sharing

Sec. 72. Moratorium on standards set by Executive Branch.

III. UNCLEARED, UNSTUDIED ITEMS

Sec. 9. Surveys: East Two Rivers, Minn.; Alice, Texas; Buffalo River Basin, N.Y. (wastewater management); Miami River, Fla.; Port Las Mareas, P.R.; Corpus Christi Ship Channel, Texas; Saint Marys River, Michigan.

Sec. 11. Road substitutions—local cost and design standards.

Sec. 31. Kehoe Lake, Ky.—study of merits needed on acquisition of a natural area.

Sec. 34. Ohio River bank protection works.

Sec. 35. Scioto, Ohio.

Sec. 40. Santa Cruz Harbor, Cal.—review local cooperation requirements.

Sec. 44. Study total benefits and costs of water projects in Ohio River Basin.

Sec. 45. Missouri River bank stabilization below Gavins Point Dam.

Sec. 54. Wyonoochee Dam, Washington—fish mitigation.

Sec. 55. Libby Dam—Fish mitigation.

Sec. 56. Libby Dam—Wildlife mitigation.

Sec. 57. Libby Dam—Pay drainage districts.

Sec. 58. Libby Dam—Reimburse Boundary County.

Sec. 63. Presque Isle Peninsula, Pennsylvania.

Sec. 69. Guyandot River, West Virginia—snagging and clearing.

IV. SPECIAL RELIEF ITEMS

Sec. 4. North channel, Chicago River—raise allowance for snagging/clearing to $150,000 per year.

Sec. 8. McClellan-Kerr Arkansas River navigation system—alteration of municipal water supply facilities for Conway, Arkansas.

Sec. 13. St. Louis, Missouri—roads.

Sec. 14. Norfolk Reservoir, Arkansas—bridge and highway.

Sec. 15. Melvern and Pomona Lakes, Kansas—roads.

Sec. 16. Tuttle Creek, Kansas—roads.

Sec. 18. Andrew Jackson Policemen's Lodge, Tennessee—give title to land.

Sec. 19. J. P. Ward Foundries—reimburse for loss of railroad access.

Sec. 22. Mankota and North Mankota, Minn.—replace sewer.

Sec. 24. Pequonnock River, Conn.—sewer for nursing home.

Sec. 25. Rahway River, N.J.—utility relocation cost.

Sec. 30. Lake Texoma, Texas—roads.

Sec. 32. Lavon Reservoiir, Texas—roads.

Sec. 39. Auburn Reservoir, Cal.—roads.

Sec. 42. Yankton, S.D.—bank stabilization for Sacred Heart Hospital.

Sec. 43. San Luis Obispo Harbor, Cal.—study cost-sharing.

Sec. 46. Beaver Brook Dam, N.H.—cost-sharing.

Sec. 49. Mountrail County Park Commission, N.D.—give title to land.

Sec. 53. Wyonoochee Dam, Washington—extend repayment period for M&I.

Sec. 71. Big Sandy River, Ky. and W.Va.—O&M of non-Federal dam.

V. NO OBJECTION BUT NOT EXECUTIVE INITIATIVE

Sec. 7. Portion of Hudson River non-navigable.

Sec. 48. Approval to erect permanent structures in non-navigable area of Hudson River.

Sec. 51. Rename dam after James W. Trimble.

Sec. 52. Rename dam after James G. Fulton.

Sec. 62. Rename dam for Richard Russell.

VI. LEGISLATION NOT NECESSARY

Sec. 2. Manistee Harbor, Michigan—remove steamer Glen.

Sec. 5. Continued operation of San Francisco-Delta Model.

Sec. 6. "Hold and save free" clause clarification.

Sec. 26. Sec. of Army to study requirements under hold and save harmless provision.

Sec. 47. Cave Run Lake—halt road construction.

Sec. 70. Authority to build small flood control projects in disaster areas.

VII. ITEMS NOT THE CORPS' RESPONSIBILITY

Sec. 50. Community services covered under Sec. 252, Disaster Relief Act of 1971.

Sec. 61. Big South Fork National Recreation Area.

Sec. 67. Keokuk, Iowa—bridge tolls.

Mr. BROCK. Mr. President, there are, within this bill, several worthwhile projects which I can unreservedly support. I am, however, struck by the cogency of the minority views expressed by the Senator from New York (Mr. BUCKLEY), a member of the Committee on Public Works.

I am particularly concerned that we do not have the benefit of adequate information on the environmental impact of several of these projects. I question, too, whether we have sufficiently considered the land use aspects which are inherent in structural and channelization projects, which form the bulk of the projects covered in this bill. Far too often inadequately considered projects have caused irreparable environmental and ecological damages.

It is important to remember, also, that the administration has prepared legislation which would provide authorization for many of these projects, for example the West Tennessee Tributaries project in my own State which I strongly support.

I am hopeful that we will be able to give adequate study, through the Public Works and Interior Committees, to that proposal, so that we can be confident of the desirability of the various projects which will be included in it.

Regretfully, that depth of analysis has not accompanied the measure which is now before us. The mistake of authorizing a bad project is a very costly one, in economic, environmental, and social terms, and for that reason I am compelled to vote nay on this bill.

Mr. HATFIELD. Mr. President, I wish to compliment the distinguished chairman, Mr. Randolph, and the distinguished ranking Republican, Mr. Baker, for acting with such dispatch on this legislation which is of considerable economic importance to many areas of the country. There are so many demands as a new Congress begins.

We are sorry that the very distinguished Senator from Kentucky, Mr. Cooper, is no longer with us here, but his very able successor, the Senator from Tennessee (Mr. Baker), carries on the careful stewardship of public works, so important to the wise development of our resources.

I wish to turn for a moment to a particular part of this legislation—authorization of the Days Creek project on the South Umpqua River in Oregon. In the last weeks of the 92d Congress, I worked closely with Congressman Dellenback, members of the executive branch, and the Senate Public Works Committee to finalize the Days Creek proposal and facilitate its inclusion in the omnibus bill. That legislation, the same bill that has been brought to the Senate floor this week, and which we are debating today, was vetoed by the President; but at the time of its floor consideration I outlined to my colleagues what Days Creek means to the people of the South Umpqua River Basin. I note today that the committee's report accompanying this legislation contains an excellent description of this Oregon project, and I would ask unanimous consent to have this page from the report appear following my remarks, together with my statement of September 27, 1972, on the floor of the Senate at the occasion of the last passage of the authorization bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

Umpqua River Basin—Days Creek Lake

Location.—The Days Creek site is located on South Umpqua River, approximately 1 mile south of Days Creek, Oregon, in southeast Douglas County.

Authority.—River and Harbor Act of 1938 and U.S. Senate Committee on Commerce Resolution of November 18, 1937.

Existing Project.—Existing Federal flood control development by the Corps of Engineers in the Umpqua River basin includes revetment, levees, and channel clearing at various localities throughout the basin. A navigation project provides about 14 miles of channels, entrance jetties at the mouth of the Umpqua River, and mooring and turning basins. The lack of adequate groundwater supplies has caused many of the communities, industries and irrigators to develop water supply sources on the basin's stream. Eight hydropower generating facilities of the Pacific Power and Light Company are on North Umpqua River.

Problems.—The water resource needs of the Umpqua River basin include flood control; storage and controlled release of water for irrigation, water supply, fishery enhancement, and water quality control; and provisions for increased recreational opportunities. During the study, it became evident that development of water resources on South Umpqua River is an essential initial step toward solution of the Umpqua Basin's overall water resource problems. Flooding is an especially severe problem along South Umpqua River because most of the available level land in the basin lies adjacent to the streams in the South Umpqua drainage. Surface water is the only potential source for additional municipal, industrial and irrigation water supplies, as the general lack of underground water precludes the use of wells for these supplies. Under present conditions, however, natural flows are insufficient, in most water short years, to satisfy the existing water rights. The fishery resource suffers from depleted summer flows, poor water quality, and high water temperature. The recreational use of the existing facilities in the basin receive about double the statewide average with many of the users coming from out of state. Additional recreation facilities are required to satisfy the estimated future demand. The South Umpqua receives the major portion of the Umpqua Basin's waterborne waste load. During periods of low flow the river cannot assimilate the load and becomes aesthetically unappealing and unsafe for water-contact usage due to algal growth, bacterial contamination, floating solids, and high temperature. Such periods of poor water quality cause municipal and industrial water systems to incur higher costs for chemical treatment.

Recommended Project.—A multiple-purpose dam and lake project would be constructed on South Umpqua River, about 1 mile upstream from the town of Days Creek, Oregon. The project would be operated to provide for flood control in South Umpqua and Umpqua Rivers, fishery enhancement, irrigation water supply, recreation, water quality control, and water supply for future municipal and industrial use. A multi-level intake on the outlet works would permit selective withdrawal of water from the reservoir in the interest of managing water quality, both in the lake and downstream.

Estimated cost (price level of March 1971)

Federal	[1]$113,000,000
Non-Federal	------------
Total	113,000,000

[1] Includes $2,047,000 allocated to municipal and industrial water supply, $2,415,000 allocated to irrigation, and $3,655,000 allocated to recreation and fishery enhancement reimbursable by local interests. (Note: Bill authorizes $40,000,000 for partial start.)

PROJECT ECONOMICS

[Interest rate of 5⅝ percent; in thousands of dollars]

	Federal	Non-Federal	Total
Annual charges:			
Interest and amortization	6,523	--------	6,532
Operation, maintenance, and replacement	[1]466	[2]368	834
Total	6,989	368	7,357

[1] Includes $10,400 and $8,800 to be repaid by local interests for irrigation and water supply, respectively.

[2] For recreation and fishery facilities which would be non-Federal cost.

Annual benefits

Flood damage reduction	$7,322,000
Water supply	185,000
Irrigation	202,000
Water quality control	250,000
Recreation	1,333,000
Fishery enhancement	773,000
Area redevelopment	856,000
Total	10,921,000

Benefit-Cost Ratio.—1.5.

Public Works on Rivers and Harbors

The Senate continued with the consideration of the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Flood control projects

Project:	*Federal cost of new work*
Potomac River Basin, Md. & Va.	$65,505,000
Santee River Basin, N.C.-S.C.	58,565,000
Middle Atlantic Coastal Area, Va.	17,010,000
James River Basin, Bueno Vista, Va.	11,539,000
Roaring River, North Carolina	10,758,000
Pocatalico River, W. Va.	7,545,400
Salt River Basin, Campground, Ky.	$50,800,000
Licking River, Falmouth, Ky.	6,300,000
West Tennessee Tributaries, Tenn.	6,600,000
Perry County Drainage Districts No. 1, 2, & 3, Mo.	2,698,000
Cache River Basin, Ark.	5,232,000
Pascagoula River, Miss.	32,410,000
Pearl River, Miss.	38,146,000
Mississippi River at Praire du Chien, Wis.	2,300,000
Des Moines River	76,000
Spring River, Mo.	14,600,000
Grand River Basin, Mo.	28,620,000
Great Lakes, Point Place, Ohio	960,000
Beals Creek, Tex.	2,526,000
Peyton Creek, Tex.	8,490,000
Blanco River, Tex.	42,271,000
South Umpqua River, Oreg.	113,000,000

Mr. Hatfield. Mr. President, before turning to a particular project of special interest to me, I want to call the attention to my colleagues to the wise stewardship exercised over this bill by the distinguished chairman, Mr. Randolph, and the distinguished ranking Republican, Mr. Cooper. These two gentlemen have a tremendous task in overseeing the broad range of proposals before their committee. It is to their credit that they are able to send such proposals to the Senate floor with the needed background and justification.

We will miss the leadership given on this side of the aisle by Mr. Cooper when he retires at the end of this Congress, but I think I speak for the membership on this side of the aisle when I recognize the degree of nonpartisanship that is exercised by the chairman (Mr. Randolph).

Mr. President, I want to call special attention to a project included in the omnibus rivers and harbors bill now before us, bill S. 4018. I refer to the flood control section, and a project covered on pages 23 and 24 of the bill—the South Umpqua project, or the Days Creek project, as it is known to many Oregonians.

The people of the South Umpqua River Basin are plagued with extremes of streamflows. Devastating floods occur with oppressive frequency—there have been five in the past 12 years. Each summer, on the other hand, streamflows become lower than in almost any other major stream in western Oregon. The proposed Days Creek Dam and Reservoir would meet the problems associated with these extremes, to the great benefit of the people of Douglas County.

Floodflows of the South Umpqua River

and its tributaries cause damages throughout almost the entire drainage area. They also contribute to the damages caused by the Umpqua River, into which the South Umpqua flows. The problem along the South Umpqua is especially severe because most of the available level land in the basin lies adjacent to the streams of this drainage area. Most developments and transportation routes have been located in the flood plain. During major floods, water covers entire flatland expenses, inundating towns and interrupting transportation. Often the South Umpqua rises to flood stage before emergency action can be taken, due to the impervious soils of the drainage area which do not readily absorb storm runoff. Floods on the South Umpqua are thus more severe and rise faster than on most other streams of western Oregon. Damages from the 1964 and 1971 floods downstream from the Days Creek site have totaled $20 million; but at the projected 1985 development of the region floods of the 1964 and 1971 varieties would cause more than $43 million total damages—at 1971 prices.

This region of Oregon has hot, dry summers—very little rain falls and extended droughts occur. Less than 5 percent of the annual precipitation occurs from July through September, during the last part of the growing season. The area needs a reliable source of irrigation water, but under present conditions the natural flows in the South Umpqua are insufficient, in most water-short years, to satisfy existing water rights. Holders of these rights have been forced to abstain from exercising them when stream depletion has been threatened in recent summers.

Most of the municipal and industrial water supply in the basin is obtained from surface water sources, and future development must expand these sources since there is a general lack of underground water. In addition to this problem of water supply, the South Umpqua River receives the major portion of the basin's waterborne waste load. During low summer flows, the river has not been able to assimilate that load, causing a serious water quality problem. In several areas the stream becomes unsafe for water-contact usage because of profuse algal growth, bacterial contamination, and floating solids. These same areas are the vicinity of major municipal and industrial water supply systems.

The depleted summer flows, the poor water quality, and high water temperature have wreaked havoc with the fishery resource of the South Umpqua River. At present there remains only a small fraction of the fish population that local residents state to have existed in earlier days. Augmentation of summer flow, as would be provided by a storage reservoir at Days Creek, would alleviate the three conditions I have just outlined. Present-day summer flows of the South Umpqua at Brockway have been observed to drop as low as 36 cubic feet per second—bankfull is 45,000 cubic feet per second—with a water temperature of 87 degrees. Consider what Days Creek will do in this regard: It will decrease the average August temperature of the river below the dam by 15 degrees—from 70 to 55 degrees—by increasing the average flow from 70 to 950 cubic feet per second.

The movement to save the South Umpqua River from collapse of its resource capabilities and to spare the people of this basin from the frequent destructive floods began with a public meeting in Roseburg, Oreg., in 1956. Since that time, the development of this proposal has been a model of cooperation between the Federal Government and the local people. Local desire has never been in doubt, from 1956 when 100 people showed up at the Roseburg meeting to state the need for control of this resource, to last year when 1,200 people demanded an immediate solution to the problems of the South Umpqua River at the final public meetings on the project.

I have been impressed with the depth and breadth of the Corps of Engineers' consideration of the problems and possible solutions related to the water resource of the South Umpqua. Their treatment of the environmental aspects of Days Creek and its alternatives has likewise been admirably complete. The result of 15 years of diligent effort is this excellent proposal for a project that is badly needed.

I thank the committee for including this proposal in the pending bill.

Mr. TUNNEY. Mr. President, I would like to take this opportunity to speak briefly in support of the pending rivers and harbors bill. As you know, the respective committees of both Houses of the Congress labored arduously last session on this legislation only to see it vetoed by the President in a stroke of false economy. The pending measure is the identical version which won the support of both committees and both Houses, and I strongly urge the Senate to support it once again.

The rivers and harbors bill will supply badly needed funds for a variety of flood control and navigation studies and construction. The bill authorizes the operation and maintenance of the San Francisco Bay-Delta Model in Sausalito for the purpose of testing proposals affecting the environmental quality of the region.

It will provide $10 million to begin the second phase of the bank erosion control works and setback levees along the Sacramento River.

The bill authorizes studies of the requirements of local cooperation for the Santa Cruz Harbor project, the Anaheim Bay project at Seal Beach, and the navigation project at Port San Luis in the San Luis Obispo Harbor.

Also included in this legislation is a section which would amend the Disaster Relief Act of 1970 to permit Federal reimbursement of the Los Angeles Department of Water and Power for the excessive costs it incurred in purchasing emergency water and power after the February 8 and 9, 1971, earthquake. Because the normal source of water and power were interrupted by damage to existing facilities, it became necessary for the city to purchase replacement water and power from other sources at higher prices. These costs came to $13.9 million—$12,848,000 for electricity and $1,070,000 for water—and the city of Los Angeles was advised by the Office of Emergency Preparedness that the excessive costs were not reimbursable under the 1970 Disaster Relief Act.

For these reasons, I strongly urge the Senate to take favorable action on the pending legislation.

THE TAMAQUA FLOOD CONTROL PROJECT

Mr. SCHWEIKER. Mr. President, last fall I offered an amendment to the omnibus rivers and harbors bill to authorize funding for a small but badly needed flood control project in the borough of Tamaqua in Pennsylvania. The Public Works Committee had had an opportunity to look into this matter earlier, and I was gratified when the distinguished chairman of the committee agreed to accept my amendment.

The borough of Tamaqua in Pennsylvania has suffered recurring floods and extensive damage as a result of the fact that the Wabash Creek runs through a culvert under the borough.

The solution is simple. The Corps of Engineers has proposed construction of a bypass tunnel to divert the Wabash Creek into the Little Schuylkill River near the southern edge of town.

The final report of the Secretary of the Army on this proposal has been submitted as has the environmental impact statement. Both have received favorable consideration by all Federal and State agencies involved.

Although the bill was subsequently modified in conference, Tamaqua was nevertheless specifically mentioned as a priority project. As a result, we were all disappointed when the bill was vetoed.

I am pleased to see that the current bill, S. 606, contains the same provision, and I hope we can finally succeed in gaining authority for this badly needed project.

PRESQUE ISLE PENINSULA, ERIE, PA.

Mr. President, I am indeed pleased that the Flood Control Act of 1973 contains authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

The purpose of this legislation is to extend the authority for Federal participation in the Presque Isle cooperative beach erosion control project for a period of 5 years. This legislation also authorizes $3,500,000 to support the work necessary on this important project.

Federal participation in the Presque Beach erosion control project was originally authorized by the 1960 River and Harbor Act, Public Law 86–645, for a period of 10 years. That authority existed from 1961 to May 1971, when it expired.

The Senate adopted an amendment identical to the provisions contained in this bill during consideration of the River and Harbor Act last fall. Regrettably, however, the Schweiker amendment was included in the October 27 veto of this legislation.

This new legislation will give us the opportunity to start to work on providing the kind of protection which is so desperately needed to protect Presque Isle State Park and its beaches.

Mr. President, I want to take this opportunity to thank personally the members of the Public Works Committee for including these provisions in the Flood Control Act of 1973. In particular, I want to express my appreciation to the distinguished chairman of the committee, JENNINGS RANDOLPH, and the distinguished ranking minority member, HOWARD BAKER, JR. This means a great deal to the 4 million people who enjoy this area annually. Presque Isle State Park is not only a statewide resource for Pennsylvania, but is also used and enjoyed by many people from around the country who take advantage of the wonderful recreational opportunities available there. Passage of this legislation amounts to a significant step forward in our efforts to save this beautiful area.

Mr. RANDOLPH. Mr. President, the bill on which we are about to vote enables us to proceed with water resources development and conservation projects which will benefit the people of the

United States. The Committee on Public Works approached this legislation early in the 93d Congress, considering it carefully, but mindful of the need for action. This bill was expedited by the committee for Senate consideration with the full cooperation of the minority members under the leadership of Senator Baker. The other members of the majority, Senators Muskie, Montoya, Gravel, Bentsen, Burdick, Clark, and Biden, and the other members of the minority, Senators Buckley, Stafford, Scott of Virginia, McClure, and Domenici, all were diligent in their attention to this legislation.

To consider and report legislation of this importance so early in the session, we had the able support of the staff of the Committee on Public Works. Those staff members assigned to the Subcommittee on Water Resources, Wesley Hayden, and Ann Garrabrant, in a short period of time assembled and made available to the committee the large amount of information necessary to action on a bill of this type. Valuable contributions also were made by other staff members, M. Barry Meyer, chief clerk and chief counsel; Bailey Guard, minority clerk; John W. Yago, Phillip T. Cummings, Harold Brayman, Richard Herod, Steve Swain, Polly Medlin, Birdie Kyle, Ann Brown, Jan Fox, and Barbara Bjornson.

Mr. President, the Senator from Delaware (Mr. Biden) is necessarily absent from the Senate today. He has informed me, however, that had he been present, he would vote for the bill before us.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on third reading.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Tennessee yield back the remainder of his time?

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on final passage of the bill, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Maine (Mr. Hathaway), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Missouri (Mr. Symington), the Senator from Delaware (Mr. Biden), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I also announce that the Senator from Indiana (Mr. Hartke) is absent because of death in family.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Hathaway), the Senator from Illinois (Mr. Stevenson), the Senator from Indiana (Mr. Hartke), and the Senator from Missouri (Mr. Symington) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) and the Senator from Kentucky (Mr. Cook) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

If present and voting, the Senator from Kentucky (Mr. Cook) would vote "yea."

The result was announced—yeas 68, nays 14, as follows:

[No. 6 Leg.]

YEAS—68

Abourezk
Aiken
Allen
Baker
Beall
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fong
Fulbright
Hart
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Talmadge
Thurmond
Weicker
Williams
Young

NAYS—14

Bartlett
Bellmon
Bennett
Brock
Cotton
Fannin
Goldwater
Griffin
Gurney
Hansen
Nelson
Proxmire
Roth
Tower

NOT VOTING—18

Bayh
Biden
Buckley
Cook
Cranston
Eagleton
Gravel
Hartke
Hathaway
Magnuson
Mathias
McGee
Saxbe
Stafford
Stennis
Stevenson
Symington
Tunney

So the bill (S. 606) was passed, as follows:

S. 606

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated December 11, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–374, at an estimated cost of $50,800,000.

WATER RESOURCES IN APPALACHIA

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the project for Royal Glen Reservoir, South Branch, West Virginia, is not authorized, and that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia. Office of Appalachia Studies Corps of Engineers, November, 1969, part III, chapter 14. Not to exceed $50,000,000 is authorized for initiation and partial accomplishment of the plan.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

GULF COASTAL AREA

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for flood protection on the Grand River and tributaries, Missouri and Iowa, authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to immediately proceed with the engineeering and design of the Pattonsburg Lake project as presently authorized and to include provisions necessary so as not to preclude the subsequent addition of a complete power installation provided that prior to initiation of construction the Chief of Engineers would submit to Congress a report on the scale and scope of the project which best meets the needs of the area for further action by Congress as appropriate.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–371, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project.

LOWER MISSISSIPPI RIVER

The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat but shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the landowner thereof to take an environmental easement, except that no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be initiated at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

Sec. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

Sec. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960; and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

Sec. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 for each fiscal year thereafter to maintain such channel".

Sec. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta water.

Sec. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the faults or negligence of the United States or its contractors.

Sec. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat. 731, 736) is hereby amended to read as follows:

"Sec. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portable waters of the United States within the bulkheaded and filled, or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

Sec. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

Sec. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91–611):

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at, and in the vicinity of, Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Sec. 10. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after being requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

SEC. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r-1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary. Such improvements shall be for interim and remedial type protection and shall not be in conflict with any alternative plan for Sandridge Dam.

SEC. 13. The project for flood protection at St. Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

SEC. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligation of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 16. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 17. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 18 (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less, which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA-40058-CIVENG-60-431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Cheif of Engineers, to pay the J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate such foundry for long-term economic injury through increased costs as the result of hte abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 20. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 21. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocated interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

SEC. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

Sec. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

Sec. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

Sec. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

Sec. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

Sec. 28. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

Sec. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

Sec. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

Sec. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple, an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

Sec. 32. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

Sec. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

Sec. 34. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion.

(b) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; (3) report to Congress the results of the studies together with his recommendations in connection therewith; and (4) the Secretary of the Army is authorized to undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers.

(c) Prior to construction of any projects under subsection (a) or (b) local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

Sec. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

Sec. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

Sec. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

Sec. 38. The project for flood control and improvement of the lower Mississippi River adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

Sec. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

Sec. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

Sec. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

Sec. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

Sec. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

Sec. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

Sec. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

Sec. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Control Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way, and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

Sec. 47. The Cave Run Lake project in Kentucky authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

Sec. 48. If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then that portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying shoreward of a line parallel to and one hundred feet easterly from the United States Pierhead line, as it exists on the date of enactment of this Act, and bounded on the north by a line parallel to and one hundred forty feet southerly from the northerly line of West Forty Seventh Street extended westerly, and bounded on the south by the north side of West Forty Third Street extended westerly. This declaration shall apply only to portions of the above described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

Sec. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b) (1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereon.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

Sec. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 91–606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

Sec. 51. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

Sec. 52. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

Sec. 53. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

Sec. 54. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

Sec. 55. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"Sec. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000 may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

Sec. 56. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170) is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563) is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

(c) There is authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this section.

Sec. 57. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

SEC. 58. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

SEC. 59. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 60. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 61. (a) The Secretary of the Army (hereafter in this section referred to as the "Secretary") acting through the Chief of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90–483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archaeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered BSF–1 and dated September 26, 1972, which shall be on file and available for public inspection in the office of the Chief of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States as acquired an acreage within the boundaries of the National River and Recreation Area that is efficiently administrable for the purposes of this section, and substantially completed the construction of all access roads, day-use facilities, campground facilities, lodges, and the necessary administrative buildings. After said publication of notice, the Secretary shall transfer the jurisdiction of the Big South Fork National River and Recreation Area to the Secretary of the Interior who shall administer the National River and Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the National River and Recreation Area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. The Secretary of the Interior may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand. Following such transfer the authorities available to the Secretary for the acquisition of lands and interests therein subsection (c) of this section shall likewise be available to the Secretary of the Interior. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c) (1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary, acting through the Chief of Engineers, may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the national river, the Secretary, acting through the Chief of Engineers, may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary, acting through the Chief of Engineers, for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary, acting through the Chief of Engineers, determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary, acting through the Chief of Engineers, may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary, acting through the Chief of Engineers, shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary, acting through the Chief of Engineers, deems appropriate to assure that the property is used in accordance with the purposes of this section, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary, acting through the Chief of Engineers, upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, acting through the Chief of Engineers, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in such residence for the lifetime of such person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property and provided that any obligation or rental incurred as consideration for such tenancy shall accrue during such term to the Department of the Army to be used in the administration of this section.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary, acting through the Chief of Engineers, shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, except that the Secretary, acting through the Chief of Engineers, may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary, acting through the Chief of Engineers, determines that underlying minerals are removable consistent with the provisions of subsection (e) (3) of this section, the owner of the minerals underlying property acquired for the purpose of this section may retain such interest. The Secretary, acting through the Chief of Engineers, shall reserve the right to inspect and regulate the extraction of such minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e) (1) are not interfered with.

(d) The Secretary, acting through the Chief of Engineers, shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary, acting through the Chief of Engineers, pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e) (1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2) (A) Within the gorge area, no extrac-

tion of, or prospecting for, minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in paragraphs (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be contracted or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee, to Zenith, Tennessee, the road from Co-Operative, Kentucky, to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only, except that nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c)(1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be accomplished by the Secretary, acting through the Chief of Engineers, in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary, acting through the Chief of Engineers, may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones, where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary, acting through the Chief of Engineers, is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of (A) the Big South Fork, Clear Fork, and New River which lie between the gorge or valley rim on either side (where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley), and (B) those portions of the main tributaries and streams in the watersheds of the Big South Fork Clear Fork, and New River that lie within a gorge or valley rim on either side, except that no lands or waters north of Kentucky Highway Numbered 92 shall be included. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary, acting through the Chief of Engineers, shall consult and cooperate with the Tennessee Historical Commission and the Rugby Reservation Association and other involved agencies and associations, both public and private, concerning the development and management of the Big South Fork River and Recreation Area in the area adjacent to Rugby, Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary, acting through the Chief of Engineers, or the Secretary of the Interior, at such time as jurisdiction over the National River and Recreation Area has been transferred to him pursuant to subsection (b) of this section, shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary, acting through the Chief of Engineers, or the Secretary of the Interior, at such times as jurisdiction over the National River and Recreation Area has been transferred to him pursuant to subsection (b) of this section, may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this section.

(7) The Secretary, acting through the Chief of Engineers, shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of enactment of this section. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Chief of Engineers in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would affect the national river and recreation area and the values to be protected by it under this section.

(g) The Secretary, acting through the Chief of Engineers, shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary acting through the Chief of Engineers, is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this section, except that any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may at the discretion of the Chief of Engineers, be relocated outside of such area upon mutual arrangements with the owning agency or else such road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. Nothing in this subsection shall abrogate the right of egress and ingress of those persons who may remain in occupancy under subsection (c) of this section, nor preclude, notwithstanding such subsection, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary, acting through the Chief of Engineers, deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purpose of this section the Secretary, acting through the Chief of Engineers, or the Secretary of the Interior, at such time as jurisdiction over the National River and Recreation Area has been transferred to him pursuant to subsection (b) of this section, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs (1) to enhance the environment and conserve and develop natural resources, and (2) to minimize siltation and acid mine drainage. Such plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of enactment of this section.

(i) The Secretary, acting through the Chief of Engineers, or the Secretary of the Interior, at such time as jurisdiction over the National River and Recreation Area has been transferred to him pursuant to subsection (b) of this section, shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this section.

(j)(1) Until such time as the transfer of jurisdiction authorized by subsection (b) of this section shall take place, for the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this section and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary, acting through the Chief of Engineers, to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this section.

SEC. 62. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a Member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

SEC. 63. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this section.

SEC. 64. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1973."

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.

(c) (1) The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, Gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) (1) No later than one hundred and twenty days after the date of enactment of this section Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).

(2) The Panel shall—

(A) advise the Chief of Engineers generally in carrying out provisions of this section;

(B) recommend criteria for the selection of development and demonstration sites;

(C) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(D) make periodic reviews of the progress of the program pursuant to this section;

(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairmen of the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1974, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this section. Sums appropriated pursuant to this subsection shall remain available until expended.

SEC. 65. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be construed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this section, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 of the Act approved July 24, 1946 (60 Stat. 653), as amended.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 66. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Sec. 67. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and for lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

Sec. 68. The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

Sec. 69. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements and rights-of-way, and hold and save the United States free from damages due to the clean-out operations.

Sec. 70. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct small flood protection projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable and protects an area which has been declared to be a major disaster area pursuant to the Disaster Act of 1970 in the preceding five-year period, except that not more than $2,000,000 shall be allotted for this purpose for any one project. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports. There is authorized not to exceed $25,000,000 in each fiscal year for the next five fiscal years to carry out this section.

Sec. 71. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

Sec. 72. "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

Sec. 73. This Act my be cited as the "Flood Control Act of 1973".

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BARTLETT. Mr. President, today I voted against S. 606 because I do not believe that it is in the best interest of Oklahoma or the United States.

I am not opposed to S. 606 because of the projects it contains. I am sure most of them are quite worthwhile. In fact, the bill contains $3,000,000 for perimeter and access roads at Lake Texhoma, which are certainly needed. If the bill does not pass I will work to fund this project at a later time.

However the bill taken as a whole is highly inflationary. According to the White House, it will cost $632,000,000 to fund.

The bill is an exact duplicate of the bill vetoed by the President last session for being inflationary. The committee reported it out without any further hearings since the President's veto.

The President has presented an alternate bill which is $250,000,000 less expensive and within his budgetary limits.

I said when I ran for the Senate, that Government had gotten out of control and that it was time to restore some commonsense to spending. Unfortunately belt tightening does not mean just tightening someone's belt. We have got to cut all Government spending if fiscal responsibility is to mean anything.

For these reasons I voted in opposition to S. 606.

CONFIRMATION BY THE SENATE OF APPOINTMENTS TO OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 13, S. 518.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 518) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill.

THE OMB: FROM PRESIDENTIAL BUDGET ADVISER TO ASSISTANT PRESIDENT

Mr. METCALF. Mr. President, before 1921, the Federal Government had no way of developing a consolidated statement of the revenue and expenditure needs of its Government to help the Congress determine what programs should be approved and adopted. After much investigation and debate, Congress moved to resolve this by passing the Budgeting and Accounting Act of 1921, which among other things established a national budget system and set up an agency known as the Bureau of the Budget to assist the President in formulating a unified budget to be submitted to the Congress.

I might say, Mr. President, that in the development of this legislation the Senate's position was clear. The appointment of the Director of this new Bureau of the Budget, and his deputy, must be subject to the advice and consent of the Senate.

Unfortunately, the conference committee reported a bill without the requirement of confirmation on the theory that these officials were to be personal budget advisers to the President.

Indeed, it did not contemplate that they would subsequently acquire the huge managerial and operating responsibility they now have.

In fact, the only reference to management in the 1921 act was a provision that the new agency make a study for the President to determine what changes should be made in the existing organizations and functions of Federal departments, in their appropriations, in the assignment of specific activities, and in the regrouping of Government services. Under this early act, it was the President's responsibility to make the recommendations for programs and management to the Congress, not the responsibility of a budgetary bureaucracy.

That was in 1921.

This is 1973.

In the succeeding 52 years, that small agency of accountants has mushroomed into a super department with life or death powers over the proposal and expenditure of Government funds, the management and evaluation of Government programs, and the organization of the Federal work force.

In the name of the President, the Director of the now-titled "Office of Management and Budget" has become the chief administrative officer of the Government. In fact, he is often referred to as the "Assistant President," and it is particularly significant that today this officer has been designated as "Special Assistant to the President for Management," by President Nixon. What does this mean? A primary emphasis on management?

In 1922, the budget was $4 billion. Today it is close to $270 billion. There were a couple of dozen men in that President's Budget Office in 1922; today there are nearly 700.

If Congress, and the people are really concerned about this arrogation, and aggregation, of governmental power in the hands of the President, they should look first to the acquired powers of the President of the United States, which are exercised in his Office of Management and Budget.

First, in the name of the President, this Office with nearly 700 people—nearly half of whom are GS-13's and above—has become—in essence—the Presidency.

The OMB determines line-by-line budget limitations for each agency, including the regulatory commissions which are supposed to be the "arms of Congress," beyond which line, the Federal agencies are forbidden to lobby anyone. Although there is some indirect lobbying on the budget, it is stamped out at every turn by OMB officials. One of the most secret documents in the Government is the President's budget; and one of the greatest sins in the Federal bureaucracy is to lobby against it. But this happens. And it is just about the only way Congress can learn the truth, for we get no realistic information in any other way.

After Congress passes a law, it is the OMB that writes the general guidelines and regulations for the agencies to be followed in the enforcement of the congressional mandate. While the Congress is considering legislation, it is the OMB that coordinates the Executive's legislative recommendations and controls the flow of executive branch information which is sought by Congress in making its judgment.

When agencies disagree with each other, the OMB resolves the conflicts, whether they be over programs or management. When agency heads strike out on their own, or assert policies inconsistent with executive policy, it is the OMB which puts pressure on the divisions and bureaus of the agencies to bring the agency heads back into line.

After Congress enacts an appropriation bill, and the President signs it—the whole bill because he is precluded from an item veto—it is the OMB that determines the President's priorities, and goes to work on a program of impounding funds with ruthless disregard to congressional policy. We have learned this in the last few days through exhaustive hearings in the Government Operations Committee hearing room, where witness after witness has testified to the power of the Director of OMB to change the direction of congressional policy by changing the expenditure of appropriated funds.

They do it—the top men of OMB—because the President cannot possibly understand or resolve the complexities of the many programs they cut or withhold. They do it, because they have been delegated to do it.

Such men—with such power—should be subject to Senate confirmation, and congressional scrutiny.

Since 1921, both Congress and the Chief Executive have conveyed additional powers on the Bureau—OMB—and its Director. The Budgeting and Accounting Procedures Act of 1950 gave the Director sweeping powers over agency accounting and budget systems and classifications, over statistical, performance and cost information systems, and the preparation of cost-based budgets. These fiscal management powers were strengthened by the Congress in 1956.

The Director issues the rules and regulations for coordinating Federal aid programs in metropolitan areas under the model cities legislation. Under the Intergovernmental Cooperation Act of 1968, the President delegated to the Director authority to issue rules with respect to the administration of grant-in-aid funds, special and technical services to State and local governments, and the formulation, evaluation and review of Federal programs having a significant impact on area community development—known as the A-95, Federal aid clearinghouse procedures.

The Director, along with the Chairman of the Civil Service Commission, determines Federal pay comparability adjustments.

He issues regulations with regard to Government employee training programs with regard to the absorption of costs. Under the Federal Reports Act, he holds the ultimate power to determine what questionnaires, surveys, reports, and other investigational inquiries will be promulgated by the agencies, including the regulatory commissions, and what specific information will be sought.

The Director is authorized by Congress to manage and monitor through investigation and regulation the hundreds of public advisory committees to the Federal agencies, including making the determination as to which shall be closed or open to the public.

In addition, the Director and his staff oversee the management and expenditures of national security programs, international programs, defense expenditures, natural resource programs, and many other matters directly affecting the economy and security of the country. Furthermore, the OMB manages for the President transfers of funds between classes of appropriations, as authorized by Congress; reprograming of appropriated funds which involves the shifting of funds within an account after congressional committee clearance; and the transfer of funds from one year to the next, involving the determination and management of carryover balances.

These are subtle and complicated areas of fiscal management, but nonetheless important in areas of national policy.

The distinguished chairman of the Senate Government Operations Committee (Mr. ERVIN) has placed in this RECORD over 56 legislative provisions conveying the power of management and decisionmaking on the Director and the Deputy Director of the OMB. Such powers have been amplified by Executive orders and OMB assumptions of power where legislative and executive voids in managerial responsibility exist.

But the greatest testimonial that the Office of Management and Budget is an operational, decisionmaking, administrative agency, just as surely as are the Departments of Defense, HEW, HUD, and Transportation is in President Nixon's own message to Congress on changing the Bureau of the Budget into the OMB. He said:

> Creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.
>
> The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.
>
> While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have.
>
> He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent.

This move by the President to create a new management agency by the route of a reorganization plan is very significant to the consideration of S. 518, under consideration on the floor today.

Section 904(2) of the Reorganization Act—5 U.S.C. 904(2)—requires that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service.

Reorganization Plan No. 2 of 1970 authorized the transfer of all existing statutory functions of the Bureau of the Budget, or its Director, to the President with the provisions that he could then redelegate them. The plan further provided that the OMB and the Director "shall perform such functions as the President may from time to time delegate or assign thereto;" that the Director, "under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget;" and that the Deputy Director and Assistant Directors and other officers designated by the plan "shall perform such functions as the Director may from time to time direct."

By Executive Order No. 11541, the President delegated to the newly titled Director of the Office of Management and Budget all the functions which were transferred to the President under the plan with the further injunction that:

> Such functions shall be carried out by the Director under the direction of the President and pursuant to such further instructions as the President from time to time may issue.

I believe it can be argued, quite seriously, that the status and functions and duties of the Director and Deputy Director of the Bureau of the Budget did not remain the same—that is, only the titles were changed in accord with section 904(1) of the Reorganization Act—but were extended or modified. It could be argued that the broad authority of further delegation of functions by the President and the Director in the plan incorporated statutory authority beyond that found in the Budgeting and Accounting Act of 1921, as amended, which established the Bureau and the Director and the functions thereof.

In short, in my opinion, the plan and the Executive order had the effect of a new "appointment" of the Director and Deputy Director to the new agency, and thus under section 904(2), they would have to be confirmed by the Senate. This argument becomes more serious when we find the President making the point that the creation of the new OMB "represents far more than a mere change in name" but rather "a basic change in concept and emphasis reflecting the broader management needs of the Office of the President."

Although this may be viewed by some as a legal technicality, or a question of interpretation and intent, it nevertheless provides just another reason why the appointments of Director and Deputy Director of the OMB should be subject to the advice and consent of the Senate.

I think it should be obvious to every Member of Congress at this time that far from being merely a personal adviser to the President, the Director of the OMB is the top administrative officer of the executive branch, and as such should be directly responsive to Congress as well as to the President.

The argument has been made—and no doubt will be made again as we take up this legislation—that the OBM is in the Executive Office of the President, that it advises the President, and that he should be able to chose his own Director without interference from the Senate. This argument carries with it a second point that is sometimes overlooked. It is that if the Director and Deputy Director of OMB are the President's men, they cannot be forced by Congress to respond to questioning. Budget directors do testify, but only at their option.

The argument in favor of special immunity under the cloak at the Presidency wears thin when we look at the extraordinary political and administrative powers which have been delegated to the OMB. The argument pales further when we examine the status of other offices and directors in the Executive Office of the President, most of which do not enjoy such a privileged position.

PRECEDENTS FOR SENATE CONFIRMATION OF DIRECTORS IN THE EXECUTIVE OFFICE OF THE PRESIDENT

Let us look at most of the other advisers to the President.

The Director of the Office of Emergency Preparedness is a key adviser to the President on a variety of civilian defense matters, from mobilization to oil import quotas. Like OMB, it coordinates Federal programs in national emergencies. Its Director, Deputy Director, and two Assistant Directors are all subject to Senate confirmation.

The Office of Science and Technology provides advice and staff assistance to the President in developing and evaluating scientific programs in the interest of national security. It does not have the "power of the purse" that OMB does. But its Director, who is also the President's science adviser, and its Deputy Director comes before the Senate for confirmation and are responsive to Congress.

The Office of Telecommunications Policy was recently created by a reorganization plan to advise the President on national communication policies and to evaluate and coordinate telecommunication activities. Both its Director and Deputy Director are appointed by and with the advice and consent of the Senate.

The Council of Economic Advisers analyzes the national economy and advises the President as to policies for economic growth and stability. The Council on Environmental Quality analyzes environmental conditions and trends; reviews and assesses Federal programs; and recommends policies for improving the quality of our environment. All members of these two important Councils in the Executive Office of the President are subject to confirmation by the Senate. And all testify as to how they arrive at their analyses and recommendations.

Finally, the Office of Economic Opportunity has been in the President's Office for more than 8 years. Again, like the OMB, it assesses the impact of Federal programs and provides administrative resources and support in the poverty area. From the beginning, its Director, Deputy Director, and five Assistant Directors have been appointed by the President, by and with the advice and consent of the Senate.

In addition, the appointments of the Executive Director of the National Aeronautics and Space Council; the Special and Deputy Special Representatives of the Office of Special Representative for Trade Negotiations; the Director and Deputy Director of the Special Action Office for Drug Abuse Prevention; the Chairman and six Commissioners of the Price Commission; and the Chairman and six members of the Pay Board are all subject to Senate confirmation.

The necessity for the President having "his own man" handling national security matters or domestic policy and planning may be argued, but there is no reason in this modern day of big Government, big budgets, and big obligations and expenditures to insulate the Director and Deputy Director of OMB from Senate and congressional scrutiny.

Rather than following the rule, OMB stands out as the glaring exception with respect to the selection of its Directors and its responsiveness to the Congress.

But let us face the real truth here. This is not any academic exercise in political science as to appointment powers with respect to the President's office. There is a very real issue at stake. It is the exaggerated power of the executive branch, at the expense of the legislative branch. That exaggeration—that arrogation, if you will—is based largely on the expertise and resources of the Office of Management and Budget—expertise in budgeting, information, management policy, and planning—which is not available to the Congress.

Perhaps the Congress should have its own Office of Management and Budget or its own Domestic Council. But until such congressional reform emerges, the very least that it is entitled to is the right to pass on the individuals who are, in essence, making legislative decisions in the executive branch.

GOVERNMENT OPERATIONS COMMITTEE AND THE BUREAU OF THE BUDGET AND OTHER BUDGETING AND ACCOUNTING MATTERS

The Office of Management and Budget and the functions and duties of its Director and Deputy Director are generally well known to the Congress, but particularly well known to the Government Operations Committee, which reported this bill.

One of the principal areas of legislative jurisdiction of the Committee on Government Operations, as set forth in rule XXV(j)(1)(A) of the Standing Rules of the Senate, is:

> Budget and accounting measures, other than appropriations.

Since 1921, when the Congress enacted the Budget and Accounting Act, 1921, this committee has processed all legislation relating to budget and accounting. Since the first session of the 80th Congress, when the Legislative Reorganization Act of 1946 became effective, a substantial portion of all legislation processed by this committee has involved various aspects of budgeting and accounting. In addition to processing the Budget and Accounting Act, 1950, this committee has handled numerous amendments to the 1921 and 1950 acts, as well as a variety of collateral legislation, and prepared major studies and reports on the subject.

The issue has been raised, that more study and investigation should be made on this legislation.

We do not need this. It is a simple, open-and-shut issue. Should the Director of the OMB, and his Deputy Director be subject to senatorial advice and consent, or should they not? If you consider the Director to be solely a Presidential adviser, I suppose the answer is "No." If he is more than that, I believe the answer is "Yes." No amount of further study is going to answer the question, in my opinion. Our committee has exhausted the subject in its oversight functions.

The work of the Committee on Government Operations in this area is fully detailed and documented in a document entitled "Financial Management in the Federal Government," issued in the 87th Congress as Senate Document No. 11. This work was subsequently updated and issued in the 92d Congress as Senate Document 92–50. A convenient summary of the committee's activities in this area is found in Senate Document No. 31, issued in the 92d Congress, containing a history of 50 years of the work of the committee—1921–71.

I ask unanimous consent that a list of all reports, staff memorandums, and hearings, together with legislation under consideration by the Government Operations Committee with respect to budgeting and accounting, and hearing of the Budget Bureau, be placed in the RECORD at this point as appendix I. It will show that the committee has been conducting a continuing inquiry and study of Budget Bureau issues, functions, and responsibilities and accordingly it is my view that the committee is sufficiently informed in order to report out the subject legislation.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX I

REPORTS, STAFF MEMORANDUMS, AND HEARINGS OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS RELATING TO BUDGETING AND ACCOUNTING

80TH THROUGH 86TH CONGRESSES

NO., DATE ISSUED, AND SUBJECT

Reports and staff memorandums

80th Congress

80–1–6; April 8, 1947; S. 911, to provide that the Secretary of the Treasury pay the premiums on personal performance and surety bonds required to be given to the United States by all departmental and field officers and employees of the Post Office Department.

80–1–7; April 11, 1947; S.J. Res. 42, to establish a joint congressional committee to audit of all Government agencies.

80–1–18; May 14, 1947; To establish a procedure for payment of certain Government checks, and for other purposes.

80–1–21; June 3, 1947; S.J. Res. 90, to establish a commission to study intergovernmental fiscal relationships.

80–1–28; June 30, 1947; S. 1512, to improve accounting within the Federal Security Administration, to authorize intra-agency transfers and consolidations of appropriations by the Federal Security Administrator, and for other purposes.

80–1–37; August 21, 1947; Changes in Federal accounting and reporting systems.

80–1–40; September 16, 1947; Analysis of expenditure reports, period ending Aug. 31, 1947.

80–1–44; December 3, 1947; Analysis of expenditure reports, period ending Sept. 30, 1947.

80–SP–4; December 3, 1947; Analysis of expenditure reports, period ending Nov. 30, 1947.

S. Rept. 779; December 12, 1947; Federal appropriations and expenditures, fiscal year 1948.

80–2–1; January 5, 1948; Analysis of expenditure reports, period ending December 31, 1947.

80–2–10; March 12, 1948; Rescission of appropriation, salaries and expenses, Office of Price Administration.

80–2–11; March 12, 1948; Rescission of appropriation, salaries and expenses, Civilian Production Administration.

80–2–12; March 12, 1948; Rescission of appropriation, printing and binding, U.S. Patent Office.

80–2–13; March 17, 1948; Return of excess appropriations to surplus fund of the Treasury.

80–2–15; March 24, 1948; Reduction of 1948 appropriations, Department of Labor.

80–2–18; March, 31, 1948; Reduction of appropriations, Veterans' Administration.

80–2–19; March 31, 1948; Reduction of appropriations, Maritime Commission.

S. Rept. 1175; April 28, 1948; Evaluation of effect of Legislative Reorganization Act of 1946.

80–2–28; April 30, 1948; Cash receipts, expenditures, and the public debt.

80–2–32; November 15, 1948; Progress report on improvements in accounting reports.

Committee print; February 25, 1948; Worksheet on the Federal subject, annual expenditure basis.

81st Congress

81–1–27; Apr. 1, 1949; Hoover Commission Report No. 7, on "Budgeting and Accounting," and supporting reports.

81–1–44; May 23, 1949; S. 1366, payment of claims against lapsed appropriations.

81–1–44A; June 8, 1949; S. 1366, payment of claims against lapsed appropriations.

81–1–44–B; June 1, 1949; S. 1366, payment of claims against lapsed appropriation.

81–1–60; July 6, 1949; Bureau of the Budget (general management, budgeting, and accounting).

81–1–93; July 29, 1949; S. 2161, authorizing the President to impound certain appropriated moneys.

81–1–113; Aug. 19, 1949; Bureau of the Budget (agency comments).

81–1–116; Aug. 29, 1949; improper handling of Federal funds by officers and employees, GAO report.

81–1–118; Sept. 23, 1949; S.J. Res. 131 requiring the President to submit an alternative and balanced budget for fiscal year 1951 (statement of Senator McClellan). Also discussion of S.J. Res. 108.

81–2–8; Jan. 18, 1950; Savings effectuated by elimination of expenditure reports (statement of Senator McClellan).

81–2–9; Jan. 19, 1950; Creation of a Joint Committee on the Budget (statement of Senator McClellan).

81–2–20; Feb. 27, 1950; Creation of Accounting System Division, GAO, to improve Federal accounting and reporting systems.

81–2–23; Mar. 3, 1950; Relief of certifying officers.

S. Doc. 150; Mar. 28, 1950; Increasing cost of the Federal Government.

81–2–54; Apr. 22, 1950; Comparison of S. Con. Res. 38 and S. 2898, creation of a Joint Committee on the Budget.

81–2–63; June 8, 1950; Abolition of standards forms 1116, 1117, 1118, and the improvement of accounting and reporting systems.

81–2–72; July 17, 1950; Budget and Accounting Procedure Act of 1950. (S. 3850.)

S. Rept. 2685; Dec. 10, 1950; Audits of Government corporations.

82d Congress

82–1–2; Jan. 25, 1951; Operation of Legislative Reorganization Act of 1946 (pp. 13 and 14, strengthening fiscal controls).

82–1–6; Mar. 6, 1951; Progress of joint accounting project (digest and 2d annual report Jan. 12, 1951).

S. Doc. 11; Mar. 6, 1951; Amendments to the Legislative Reorganization Act, 1947–51. (Subcommittee on Reorganization.)

82–1–25; Apr. 23, 1951; Hearings on S. 913, Joint Committee on the Budget.

S. Doc. 51; July 9, 1951; The Organization of Congress. Some Problems of Committee Jurisdiction.

82–1–47 (and supplement, Aug. 5, 1951); July 17, 1951; Comparison of budget bills S. 913 (McClellan) and S. Con. Res. 5 (Wherry).

82–1–57; Oct. 15, 1951; S. 913 (McClellan) versus S. Con. Res. 5 (Wherry), Joint Committee on the Budget. (Summarizes history of S. 913.)

82–2–11; Feb. 4, 1952; Proposed amendments to S. 913, Joint Committee on Budget.

82–2–22; Apr. 16, 1952; S. Con. Res. 57 (Dirksen), requiring a balanced 1953 budget, and S.J. Res. 119 (Johnson of Colorado) limiting 1953 obligations and 1953 expenditures.

82–2–32; May 5, 1952; S. 2602, proposing a cash budget, separation of operating and capital expenditure; schedules and rollcalls on appropriation bills; and a Presidential item veto.

S. Doc. 91; July 21, 1952; Reorganization of the Federal Government.

83d Congress

83–1–31; July 11, 1953; H.R. 5228, retirement system for the Comptroller General.

S. Doc. 71; Dec. 1, 1953; A compilation of the Legislative Reorganization Act of 1946, with amendments through 1st sess., 83d Cong.

S. Rept. 861; Jan. 20, 1954; Audit reports of Government corporations and agencies.

83–2–33; Nov. 24, 1954; Appointment of Comptroller General of the United States. (A history of the responsibility of the Comptroller General to the Congress under the Budget and Accounting Act of 1921.)

84th Congress

84–1–2; Jan. 22, 1955; Nomination of Joseph Campbell, Comptroller General.

84–1–25; July 6, 1955; S. 1806, relief of accountable officers.

84–1–26; July 6, 1955; S. 1927, to provide permanent authority for relief of certain disbursing officers.

S. Rept. 1572; Feb. 23, 1956; Review of audit reports of the Comptroller General.

84–2–5; Mar. 6, 1956; S. 2369 (Smathers and Kennedy), to provide for improving accounting methods in the executive branch of the Government, and for other purposes.

84–2–6; Mar. 16, 1956; S. 3199 (Payne), to improve governmental budgeting and accounting methods and procedures, and for other purposes.

85th Congress

85–1–6; Feb. 20, 1957; S. 434 (S. 316), stating budget estimates on accrued expenditure basis.

85–1–17; May 1, 1957; S. 1799, to facilitate payment of Government checks, and for other purposes.

85–2–14; May 1, 1958; A proposal for simplifying and improving the Federal payroll.

85–2–27; S3578; to prohibit withholding or impoundment of appropriations.

86th Congress

86–1–45; July 22, 1959; Budget and accounting legislation pending before the Committee on Government Operations: S. 1244, S. 1560, S. 2122, and S. 2373; and S. 2194 before Committee on Finance.

86–1–54; Aug. 18, 1959; Budget and accounting legislation pending before the Committee on Government Operations; S. 1244 (supplemental to 86–1–45).

86–1–66; Dec. 11, 1959; Improvements of Federal budgeting, accounting, and auditing procedures (press release of President and report of Bureau of Budget).

Committee print; Federal Property and Administrative Services Act of 1949, as amended, with analysis and index.

86–2–14; May 4, 1960; Agency comments in S. 2373 (Curtis, et al.), to authorize the President to reduce or eliminate by Executive order any appropriation or appropriations made by any act or joint resolution of the Congress.

Hearings

80th Congress

Feb. 21, 1947; S. 273; to limit the time within which the General Accounting Office shall make final settlement of the monthly or quarterly accounts of disbursing officers under the executive branch of the Government (not printed).

Oct. 14, 15, 1947; Report of Comptroller General on survey of accounting system of Federal Public Housing Authority (H. Doc. 229) (not printed).

Feb. 2, 17, 18, 23, 25, 1948; Evaluation of Legislative Reorganization Act of 1946.

Mar. 31, Apr. 1, 2, 5, 1948; The Federal Property Act of 1948 (draft bill submitted by Federal Works Administrator. Subsequently S. 2754 introduced).

81st Congress

Apr. 14, 1949; S. 990; To reorganize and simplify the procurement, utilization, and disposal of Government property.

Apr. 14, 1949; S. 859; To authorize all Federal agencies to donate surplus property for educational purposes.

Apr. 14, 1949; S. 991; To create an Office of General Services as a central agency to have jurisdiction and control over certain administrative services in the executive branch of the Government, and for other purposes.

May 31, June 1, 2, 1949; S.J. Res. 94; To provide for economy in Government by reducing expenditures for the fiscal year 1950 consistent with the public interest.

May 31, June 1, 2, 1949; S.J. Res. 97; To reduce Government expenditures for the fiscal year 1950, balance the budget, avert an increase in taxes or rise in the national debt, and maintain a sound national fiscal policy as a basis for the security and economic well-being of the United States.

Feb. 24, 1950; S. 193; To provide for the payment by the United States of premiums on bonds of Government officers or employees. Subcommittee on Fidelity Bond Bills.

Feb. 24, 1950; S. 1692; To amend title 6 of the United States Code to provide for the issuance by the United States of official bonds covering Government officers and employees without charge to such officers and employees, and for other purposes. Subcommittee on Fidelity Bond Bills.

Feb. 24, 1950; S. 1997; To provide for the bonding of Federal officials and employees. Subcommittee on Fidelity Bond Bills.

Feb. 24, 1950; S. 2515; To provide a fidelity trust fund in the Post Office Department, and for other purposes. Subcommittee on Fidelity Bond Bills.

Feb. 27, 28, Mar. 2, 3, 6, 7, 1950; S. 2054; To authorize the President to determine the form of the national budget and of departmental estimates, to modernize and simplify Government accounting and auditing methods and procedures, and for other purposes (and amendments of Aug. 1, 1949, by Senator McCarthy).

July 10, 1950; S. 3850; To authorize the President to determine the form of the national budget and of departmental estimates to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes (not printed).

Aug. 9, 1950; H.R. 8706 (S. 193, S. 1692, S. 1997, S. 2515); An act to provide for the purchase of bonds to cover officers and employees of the Government (and related bills S. 193, S. 1692, S. 1997, S. 2515). Pt. 2, Subcommittee on Fidelity Bond Bills.

82d Congress

May 15, 16, 17, 1951; S. 913; to amend the Legislative Reorganization Act of 1916 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States.

June 6–8, 11–15, 18–22, 27, 1951; organization and operation of Congress.

83d Congress

May 7, 1953; S. 833; to create a Joint Committee on the Budget. Subcommittee on Reorganization.

July 16, 1953; H.R. 5228; to amend sec. 303 of the Budget and Accounting Act, 1921 (42 Stat. 23) (not printed).

84th Congress

Mar. 20, 21, 26, 27, 28, 1956; S. 3362, S. 3199, S. 2480, S. 2369; budgeting and accounting. Subcommittee on Reorganization.

June 4, 5, 6, 1956; S. 3897; budgeting and accounting. Pt. 2, Subcommittee on Reorganization.

85th Congress

Apr. 12, 1957; S. 434; to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriation.

Apr. 12, 1957; S. 316; to provide for stating appropriations on an accrued expenditure basis. Subcommittee on Reorganization.

July 11, 1957; S. 2331, S. 2283, S. 2224, S. 2177, S 1540, S. 1754, S. 2533; Federal property and Records Management. Subcommittee on Reorganization.

87th Congress

S. 529, to amend the Legislative Reorganization Act of 1946 to provide for a joint committee on the Budget (Reported to and passed by Senate).

H.R. 10613, to eliminate the requirements for certain detailed estimates in the annual budget (became Public Law 87–774).

S. 432, to authorize the President to reduce or eliminate by Executive Order any appropriation or appropriations (action postponed).

S. 195, to establish policies with respect to productive capital investments of the Government (action postponed).

S. 2286, to provide for periodic Congressional review of federal grants and aid (no action taken).

S. 3363, to provide for more effective utilization of federal grants by encouraging coordinated local review (no action taken).

Sen. Res. 288, disapproving Reorganization Act #1 of 1962, Hearings: Senate Document #11—financial management in the Federal Government.

Senate Document #96: Functions of General Accounting Office.

Senate Report #142: Coordination of federal agencies' programs in bio-medical research.

Committee Print—October 16, 1961, organizing for national security. The Bureau of the Budget and the Budgetary Process.

Committee Print—November of 1962: Problems of Federal, State, Local Relations.

88th Congress

S. 537, to create a joint committee on the budget. Reported to and passed by the Senate.

H.R. 10446, to permit the use of statistical sampling procedures in the examination of vouchers. (Became Public Law 88–521).

H.R. 10705, to amend the Government Cooperation Control Act to provide for audits on calendar year basis. (Became Public Law 88–518).

S. 1577, to authorize the Bureau of the Budget to provide fiscal guidelines for automatic data processing equipment.

Hearings before the Government Operations Committee, creation of a joint committee on the budget.

Hearings before the Subcommittee on Intergovernmental Relations, periodic Congressional review of federal grants and aid.

Committee Print—December of 1963, The Federal System as seen by State and Local Officials.

Committee Print—May 30, 1964, impact of federal urban development programs of local government organization and planning.

89th Congress

S. 2, to provide for a joint committee on the budget (Reported to and passed by the Senate).

S. 285, to establish policies with respect to productive capital investments (No action taken).

H.R. 6438, to authorize any executive department or bureau to make appropriate accounting adjustments or reimbursement between the respective agencies. (Public Law 88–473).

S. 1635, to increase annual approval by the Congress of aggregate accounts of expenditures authorizations contained in General Appropriations Act (No action taken).

Hearings on creative federalism, Subcommittee of Intergovernmental Relations, dealing with the role of the Executive Office in coordinating federal programs.

Hearings on the establishment of the Department of Housing and Urban Development.

Hearings on the Federal role in urban affairs.

The Intergovernmental Cooperation Act of 1965, hearings, dealing with executive office coordination of federal programs.

Committee Print—December 15, 1965, The Federal System as Seen by Federal Aid Officials. The Senate Document No. 80 five-year record of the Advisory Committee of Governmental Relations.

Committee Print—June 29, 1966, Federal Expenditures to States and Regions—A Study of Distribution of Impact.

Committee Print—October 15, 1966, The Continuation of American Federalism—A Historian's View.

90th Congress

S. 538, to amend the Legislative Reorganization Act to provide for joint committee on the budget. (Passed by the Senate.)

S. 314, to establish policies with respect to productive capital investments. (Referred—pending completion of study.)

S. 1611, to require annual approval by the Congress of aggregated accounts of expenditures authorizations contained in General Appropriations Act (no action taken).

Hearings on the Intergovernmental Cooperation Act of 1967, related in part to Budget Bureau coordination of grants and aid.

Hearings of government policy in practice with respect to contract for technical services.

Hearings on the full opportunity and social accounting Act.

Hearings on Planning—Programming—Budgeting.

Committee Print—July 10, 1967, Periodic Congressional Reassessment of Federal Grants and Aid.

Committee Print—July 26, 1967. Planning Programming and Budgeting: 3 Volumes—(1) Official Documents, (2) Selected Committees and (3) Initial Memorandums.

Committee Print—January 5, 1968. Planning, Programming and Budgeting: PPBS and Foreign Affairs.

Committee Print—April 22, 1968. Planning, Programming and Budgeting: Uses and Abuses of Analysis.

Committee Print—May 20, 1968. Planning, Programming, Budgeting: Budget Bureau Guidelines of 1968.

91st Congress

Reorganization Plan #2 of 1967 to establish Office of Management and Budget and the Domestic Policy Council. (approved by the Congress)

S. 789, to provide that the appropriations' request of certain regulatory agencies be transmitted directly to Congress. (No action taken)

S. 2899, to amend the Budget and Accounting Act to require the submission of the budget on an administrative budget rather than a unified budget basis (No action taken).

S. 4616, to provide that no regular appropriation act for fiscal year should become effective until enactment of the last regular appropriations act for that year. (no action taken)

Sen. Res. 146, to amend the Budgeting and Accounting Act to provide requirements with respect to information contained in the President's budget. (A similar amendment was contained in Legislative Reorganization Act of 1970.)

S. 1952, to establish in the Executive Office of the President, an independent agency to be known as the Office of Executive Management (This was covered in part by Reorganization Plan #2 of 1970).

S. 3113, to provide for a separate session of Congress for the consideration of appropriation bills and to establish the calendar year as the fiscal year of the government. (The Committee determined that hearings were required before action taken)

S.J. Res. 60, to establish a commission on balance, economic development (The Committee held hearings on a similar bill. It was reported favorably and passed by the Senate.)

S.J. Res. 145, to establish a joint Congressional Committee to define national goals. (No action taken)

S. 2479, to improve the federal management of federal assistance programs; to facilitate the consolidation of such programs, and to provide for joint funding simplification and improved accounting procedures.

Hearings on S. 11: "The Intergovernmental

Personnel Act of 1969 and Report" (P.L. 91-648).

Hearings on S. 2483: "The Intergovernmental Revenue Act of 1969."

Hearings on S. 3067: "To amend the Federal Reports Act which provides for OMB clearance of information requests."

Committee Print—September 22, 1969: Federal Programs of grants and aid to state and local governments.

Hearings on the capability of GAO to analyze and audit defense expenditures.

92d Congress

Hearings on S. 448 to provide for the separation of regulatory agency budgets from control by the OMB.

Hearings on S. 1770: "The Intergovernmental Revenue Act of 1971."

Hearings on S. 1637 and related legislation: To Provide the OMB with administrative and regulatory powers over the establishment and organization of Federal Advisory Committee.

Hearings on S. 718 and related legislation concerning program information, Intergovernmental Cooperation, and Intergovernmental Personnel.

Mr. METCALF. Mr. President, I ask unanimous consent to place in the RECORD a copy of section 200 of the Office of Management and Budget Manual which, proudly I might say, lists all the statutes, Executive orders, and other instructions and injunctions under which the Office operates as a managing agency of the Government, fiscal, and operational.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX II

SECTION 200—RESPONSIBILITIES OF THE OFFICE OF MANAGEMENT AND BUDGET

200-1. *Establishment.*

The Office of Management and Budget was established in the Executive Office of the President by Reorganization Plan No. 2 of 1970, 35 F.R. 7959, which became effective July 1, 1970. The Plan designated the Bureau of the Budget as the Office of Management and Budget and transferred to the President all functions vested by law in the Bureau of the Budget or the Director of the Bureau of the Budget. By Executive Order No. 11541 of July 1, 1970, the functions thus vested in the President were delegated to the Director of the Office of Management and Budget. That Order also continued in effect all outstanding delegations, rules, regulations, and other forms of Executive or administrative action issued or taken by or relating to the Bureau of the Budget prior to the effective date of the Reorganization Plan.

200-2. *Pertinent statutes.*

The following statutory provisions pertain to the Office and its principal functions:

a. Reorganization Plan No. 2 of 1970, 35 F.R. 7959, which established the Office of Management and Budget in the Executive Office of the President.

b. Budget and Accounting Act, 1921 (31 U.S.C. 1-24), which provides for the preparation of the annual budget and any supplemental or deficiency estimates, and for the conduct of administrative studies to enable the President to achieve greater economy and efficiency in the executive branch.

c. Reorganization Plan I of 1939 (53 Stat. 1423), which made the Bureau of the Budget a part of the Executive Office of the President and transferred to it the functions of the Central Statistical Board and the Central Statistical Committee.

d. *Government Corporation Control Act of 1945* (31 U.S.C. 847-849, 852), which extends the executive budgetary functions to wholly owned Government corporations.

e. *Budget and Accounting Procedures Act of 1950* (64 Stat. 832), which amplifies the Budget and Accounting Act by clarifying responsibilities, especially in the fields of administrative analysis and integration of statistical work, and by providing for a continuous program for the improvement of accounting and financial reporting throughout the Government.

f. *Section 3679 of the Revised Statutes,* as amended (31 U.S.C. 665), which prescribes procedures by which the Director apportions appropriations, provides for agency systems of administrative control of funds to be approved by him, and authorizes him to establish reserves in appropriations and funds.

g. *Act of August 1, 1956* (70 Stat. 782), which amended the Budget and Accounting Act and the Budget and Accounting Procedures Act, mainly to make further improvements in governmental budgeting and accounting methods and procedures.

h. *Act of October 30, 1965* (40 U.S.C. 759), which deals with automatic data processing equipment, and under which guidelines and information are provided for the management of automatic data processing activities in the Federal Government.

i. *Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966* (42 U.S.C. 3334), under which rules and regulations are prescribed for the coordination of Federal aids in metropolitan areas.

j. *Intergovernmental Cooperation Act of 1968* (42 U.S.C. 4201-4244), and the President's memorandum on November 8, 1968, delegating certain authority under that Act (33 F.R. 16487), which require the issuance of rules and regulations with regard to (1) improved administration of grants-in-aid to the States; (2) special or technical services to State and local units of government; and (3) the formulation, evaluation, and review of Federal programs and projects having a significant impact on area community development.

k. *Section 102 of the District of Columbia Revenue Act of 1970* (P.L. 91-650) which requires the Office to examine and review District of Columbia appropriations to determine priorities of expenditures and where reductions can be made.

l. *Section 3(c) of the Federal Pay Comparability Act of 1970* (P.L. 91-656), which designated the Director and the Chairman of the Civil Service Commission as the President's agents for the 1971 and 1972 adjustments under subchapter I of that Act.

m. *Sections 201 and 202 of the Legislative Reorganization Act of 1970* (31 U.S.C. 1151-1153), which assigns to the OMB and others the responsibility for developing and maintaining a standardized information and data processing system for budgetary and fiscal data together with a set of standard classifications for Federal programs, activities, receipts, and expenditures that will serve both the Congress and the executive branch.

n. *5 U.S.C. 305,* which requires the issuance and administration of regulations under which each agency makes systematic reviews of its operations on a continuing basis.

o. *5 U.S.C. 4112,* which requires the issuance of regulations with regard to Government employee training programs concerning the absorption of costs thereof.

p. *44 U.S.C. 1108,* which requires approval of the use of appropriated funds for the printing of periodicals.

q. *44 U.S.C. 3501-3511* (the Federal Reports Act), which requires coordination of Federal reporting and statistical services in order to eliminate duplication, reduce costs, and minimize the burden on the public of furnishing information to Federal agencies.

200-3. *General statement of primary functions.*

The Office of Management and Budget is charged with a basic responsibility for assisting the President in the development and effective management of Federal programs. Within this framework, the primary functions of the Office of Mangament and Budget are as follows:

a. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.

b. To supervise and control the administration of the budget.

c. To keep the President informed of the progress of activities in agencies of the Government with respect to programs proposed and undertaken.

d. To develop improved budgetary, accounting, and other financial management practices for the executive branch.

e. To develop more effective techniques for the evaluation of the impact of governmental programs and the adequacy of governmental services.

f. To devise programs for more effective development and utilization of career executive talent in the Federal service.

g. To formulate and coordinate programs for the improvement of the management and organization of the executive branch of the Government.

h. To plan and promote the improvement, development, and coordination of Federal statistical services and management information systems.

i. To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

j. To aid the President in achievement of more efficient and economical conduct of governmental programs through identification of outmoded programs and reduction of duplicate effort.

k. To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations.

200-4. *Related Executive orders.*

Principal Executive orders relating to the Office are:

a. *Executive Order No. 8248 of September 8, 1939* (4 F.R. 3864), which specified the functions of the Bureau of the Budget in the Executive Office of the President (see Section 200-3).

b. *Executive Order. No. 9094 of March 10, 1942* (7 F.R. 1972), which provides for coordination and planning of Federal mapping and chart-making activities.

c. *Executive Order No. 9384 of October 4, 1943* (8 F.R. 13782), which provides for review of Federal public works and improvement projects.

d. *Executive Order No. 10033 of February 8, 1949* (14 F.R. 561), which requires approval for responses by Federal agencies to statistical inquiries from inter-governmental organizations.

e. *Executive Order No. 10253 of June 11, 1951* (16 F.R. 5605), which provides specific authority for development of programs and issuance of regulations for the improvement of Federal statistical activities.

f. *Executive Order No. 10579 of November 30, 1954* (19 F.R. 7925), which provides for decisions on appeal by an agency from any determination by the Administrator of General Services with respect to the establishment of an interagency motor vehicle pool or system.

g. *Executive Order No. 10900 of January 5, 1961* (26 F.R. 143), as amended by Executive Order No. 11036 of July 11, 1962 (27 F.R. 6653), which delegates a part of the President's authority to fix amounts of foreign currencies to be used for various purposes and to waive certain statutory requirements.

h. *Executive Order No. 11030 of June 19, 1962* (27 F.R. 5847), as amended by Executive Order No. 11354 of July 1, 1967 (32 F.R. 7695), which provides for clearance for the President of Executive orders and proclamations (see Section 200-3k).

i. *Executive Order No. 11060 of November 7, 1962* (27 F.R. 10925), which requires establishment of rates for hospital care and treatment furnished by the United States for use in connection with recovery from tortiously liable third persons.

j. *Executive Order No. 11073 of January 2, 1963* (28 F.R. 203), which requires the Director and the Chairman of the Civil Service Commission to submit annually to the President certain reports relating to Federal pay rates pursuant to 5 U.S.C. 5302.

k. *Executive Order No. 11466 of April 18, 1969* (34 F.R. 6727), which authorizes the designation of projects for joint funding under section 612 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2962) and section 406 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3886) and to designate or provide criteria for the designation of one Federal agency to act for all participating agencies in administering any such jointly funded projects.

l. *Executive Order No. 11541 of July 1, 1970* (35 F.R. 10737), which delegates to the Director of the Office of Management and Budget the functions transferred to the President by Reorganization Plan No. 2 of 1970.

m. *Executive Order No. 11592 of May 6, 1971* (36 F.R. 8555), which delegates to the Director the functions of granting certain approvals under provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970.

n. *Executive Order No. 11609 of July 22, 1971* (36 F.R. 13747), which delegates to the Director of the Office of Management and Budget the exercise of statutory authorities of the President involving (1) regulatory functions with respect to quarters and facilities, (2) transfers of balances of appropriations, (3) interagency land transfers, land acquisitions, contracts for land acquisitions and other land transactions, and (4) allocation of funds for management improvement.

200–5. *Organization.*

The Office consists of the Office of the Director and the following divisions, the organization and functions of which are set forth in subsequent Sections:

a. *Divisions*

(1) Organization and Management Systems.

(2) Program Coordination.

(3) Executive Development and Labor Relations.

(4) Statistical Policy.

(5) Management Information and Computer Systems.

(6) Legislative Reference.

(7) Budget Review.

(8) Evaluation.

(9) Economics, Science, and Technology Programs.

(10) General Government Programs.

(11) Human Resources Programs.

(12) International Programs.

(13) National Security Programs.

(14) Natural Resources Programs.

An organization chart is provided in Exhibit A.

Mr. METCALF. Mr. President, I also ask unanimous consent to place in the RECORD at this point, the budgetary reserves—impoundments which I obtained from the OMB this fall—as Appendix III.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX III

BUDGETARY RESERVES, APRIL 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable offices to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). In other cases the funds may be withheld in accordance with provisions of the Anti-Deficiency Act (31 U.S.C. 665) for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings.

Table A, attached, lists the items and amounts currently reserved for such routine financial administration. They total $9.4 billion, which is a reduction of more than $1 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. As a result, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts currently held in reserve for reasons other than routine financial administration. They total $1.6 billion, a reduction of almost $200 million from the amount so reserved in January of this year.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays estimated for fiscal 1972. The comparable percentage at the end of fiscal years 1969 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1968, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years. The amount currently reserved is expected to decline still further during the remainder of the fiscal year.

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*

(In thousands of dollars)

Agency and account:	*Amount*
Executive Office of the President:	
Council on Environmental Quality and Offices of Environmental Quality	53
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	108
Apportionment awaits development by the agency of approved plans.	
Special Action Office for Drug Abuse Prevention	682
Apportionment represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.	
Funds appropriated to the President:	
Appalachian Regional Development Programs	40, 000
Apportionment awaits development of approved plans and specifications.	
Economic Stabilization Activities	300
A total of $100 thousand is reserved for subsequent use, as needed and anticipated, by the U.S. Courts in support of the Temporary Emergency Court of Appeals. The remainder is reserved for contingencies and will be apportioned as required.	
International Security Assistance:	
Foreign military credit sales	98, 100
Apportionment awaits development by affected agencies of coordinated plans and specifications.	
International development assistance:	
Prototype desalting plant	20, 000
Apportionment awaits development by the agency of approved plans and specifications.	
Inter-American Foundation	41, 624
Amount represents balance of initial funding from AID transfer to cover first 4 years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.	
Department of Agriculture:	
Agricultural Research Service:	
Construction	70
Represents residual amount of appropriation for the planning that is not required for that purpose. Apportionment awaits additional appropriation for construction.	
Scientific Activities Overseas (special foreign currency program)	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	2, 049
This amount is in excess of current estimate of 1972 needs.	

The funds will be apportioned, if needed, for animal and pest control.	
Farmers Home Administration:	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Direct loan account (farm operating loans limitation)	49,453
Amount reflects balances of loan authority now held pending demonstration of the need for funds.	
Consumer and Marketing Service:	
Consumer protective marketing, and regulatory programs	850
Amount shown here is in excess of 1972 needs. If conditions change and funds are needed, apportionments will be made.	
Perishable Commodities Act Fund	1
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Service:	
Forest protection and utilization:	
Cooperative range improvement	624
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Youth Conservation Corps	1,730
These funds will be released later for the fiscal year 1973 portion of the calendar year summer program.	
Forest roads and trails	402,040
Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Expenses, brush disposal	13,303
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest fire prevention	115
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Department of Commerce:	
Bureau of the Census:	
19 Decennial Census	11,028
These funds are to be used for printing costs and will be apportioned when needed for this purpose.	
Regional Action Planning Commissions	300
Funds will be released when Mississippi Valley Regional Commission is formed.	
Promotion of industry and commerce:	
Trade adjustment assistance (financial assistance)	50,000
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
National Oceanic and Atmospheric Administration:	
Research, development, and facilities	294
These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*—Cont.

(In thousands of dollars)—Cont.

Agency and account—Cont.	Amount
Department of Commerce—Cont.	
National Oceanic and Atmospheric Administration—Cont.	
Research, development, and facilities: (special foreign currency program)	411
Apportionment awaits development of research contracts with foreign organizations.	
Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
National Bureau of Standards:	
Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Department of Defense—Military Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	21,020
For use in subsequent years; these projects are fully funded when appropriated.	
Military construction and family housing	302,602
Apportionment awaits development by the aegncy of approved plans and specifications.	
Civil defense programs	1,080
Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.	
Special foreign currency program	4,903
Apportionment awaits development by the agency of approved plans and specifications.	
Department of Defense—Civil Corps of Engineers:	
Construction, general:	
Lafayette Lake, Ind	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Oklahoma	450
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.	
New York Harbor Collection and Removal of Drift	80
Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.	
Panama Canal Government:	
Capital outlays	850
Under a proposal now pending before the Congress, these fiscal year 1972 funds will be combined with the 1973 appropriation for the purchase of major items of capital equipment.	
Wildlife conservation	474
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Department of Health, Education, Welfare:	
National Institutes of Health:	
Buildings and facilities	2,565
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Office of Education:	
School assistance in federally affected areas	4,996
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Higher education	1,462
Apportionment awaits development by the agency of approved plans and specifications.	
Educational activities overseas (special foreign currency program)	16
Apportionment of this amount awaits development of approved plans and specifications by the agency.	
Social Security Adminstration:	
Construction	12,095
Apportionment awaits development of approved plans and specifications by the agency. These plans will depend at least in part on the outcome of legislation pending before the Congress to authorize acquisition of these facilities through purchase contracts that will provide for installment payments.	
Special Institutions:	
Gallaudet College	516
This part of an appropriation for a national continuing education program for the deaf is being held pending the development of a plan for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved.	
Howard University	3,714
Apportionment of this amount awaits development of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	

Office of Child Development	54
Apportionment of this amount awaits development of approved plans and specifications.	
Department of Housing and Urban Development:	
Model cities programs	105,000
The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each such city will have in advance a target figure against which to plan.	
Department of the Interior:	
Bureau of Land Management:	
Public lands developments, roads and trails	16,694
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Indians Affairs:	
Road construction	53,699
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Outdoor Recreation:	
Land and water conservation fund	30,000
Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through fiscal year 1989 by Public Law 91–308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases and the budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.	
Bureau of Mines:	
Drainage of anthracite mines	3,623
Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.	
Bureau of Sport Fisheries and Wildlife:	
Construction	9,075
Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.	
National Park Service:	
Parkway and road construction	73,589
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Reclamation:	
Construction and rehabilitation	1,055
Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.	
Operation and maintenance and replacement of project works, North Platte project	34
This amount fulfills the legal requirements for this account of an annually established contingency reserve.	
Department of Justice:	
Federal Prison System:	
Buildings and facilities	4,299
The apportionment awaits development by the affected agency of approved plans and specifications.	
Department of State:	
Education exchange fund (earmarked proceeds of payment by Finland on World War I debt)	22
Apportionment awaits development by the agency of specific plans for the exchange of students.	
Bureau of Educational and Cultural Affairs:	
International Educational Exchange Activities (special foreign currency programs)	5
Funds represent recent recovery of prior year obligations in excess of current year needs. These funds are expected to be utilized in the future.	
Department of Transportation:	
Coast Guard:	
Acquisition, construction and improvements	7,607
Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.	
Alteration of bridges	1,000
Apportionment awaits development of approved plans and specifications.	
Retired pay	571
Appropriation is in excess of needs due to a lag in voluntary retirements.	
Federal Aviation Administration:	
Facilities and equipment (Airport and Airways trust fund)	53,639
Grants-in-aid for airports (Airport and Airway trust fund)	56,458
Construction, National Capital Airports	900
U.S. International Aeronautical Exposition	218
Civil Supersonic aircraft development termination	4,506
Apportionment of the above FAA accounts awaits development of approved plans and specifications.	
Federal Highway Administration:	
Territorial Highways	5,000
New program established by the 1970 Highway Act, effective December 30, 1970: No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Terrtiories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.	
(1) 1973 contract authority	5,700,000
(2) Remaining balance from prior reductions to meet outlay ceilings and abate inflation	246,798
Urban Mass Transportation Administration:	
Urban mass transportation	299,970
The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0B of this amount having been used by June 30, 1972, another $1.0B (including this $300M) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $900,000,000 in fiscal year 1972."	
Treasury Department:	
Office of the Secretary:	
Construction, Federal Law Enforcement Training Center	22,239
Apportionment awaits development by the agency of approved plans and specifications.	
Expenses of administration of settlement of World War Claims Act of 1928	1
Amount shown here is in excess of current estimate of 1972 administrative costs. If conditions change and funds are needed, apportionment will be made.	
Bureau of the Mint:	
Construction	79
Apportionment awaits the completion of studies for the effective use of funds.	
Atomic Energy Commission:	
Operating expenses:	
Reactor development—	
Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA	43,350
Biomedical Research—	
Funds held in reserve pending development of a plan for effective utilization	370
Plant and capital equipment:	
Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs	175
Funds held in reserve awaiting AECs completion of feasi-	

bility studies or the results of research and development efforts for the national radioactive waste repository and two other projects	3,133
Funds held in reserve for possible cost overruns and other contingencies	5,000
Environmental Protection Agency:	
Operations, research and facilities	35,294
Awaiting completion of EPA study of requirements for Cincinnati laboratory ($28.0M) and other laboratory facilities ($7.294M).	
General Services Administration:	
Operating expenses, Public Buildings Service	5,000
Amount shown here is in excess of the current estimate of 1972 needs. It reflects revised estimates of rent and utility costs. If conditions change and the funds are needed, apportionments will be made.	
Construction, public buildings projects	45,514
San Antonio, Texas, project awaiting Congressional approval of revised prospectus—$7,402 thousand.	
Philadelphia project—additional awards awaiting completion of present construction works—$23,046 thousand.	
$10,803 thousand proposed in the 1973 budget for obligation in accordance with legislation now pending in the Congress to authorize private financing and installment payment/purchase of various projects.	
$4,263 thousand is reserved to meet possible contingencies that might arise in the course of construction.	
Sites and expenses, public buildings projects	14,665
Reserved to meet possible contingencies or for use in subsequent years—$10,380 thousand.	
Projects involving space for Postal Service are being restudied—$4,285 thousand. Apportionment awaits the completion of this action for the effective use of the funds.	
Operating expenses, Property Management and Disposal Service	769
Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.	
Veterans' Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds have not been presented to the extent originally expected.	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	30
Potential savings—	
The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.	
Federal Communications Commission: Salaries and expenses (construction)	460
These funds are intended for replacement of a monitoring station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.	
Federal Home Loan Bank Board:	
Interest adjustment payments	46,888
Amount which can be effectively utilized by the Board in the current year has already been apportioned.	
Foreign Claims Settlement Commission: Salaries and expenses	19
Apportionment awaits development by the agency of approved plans.	

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*—Cont.

(In thousands of dollars)—Cont.

Agency and account—Cont.	*Amount*
Veterans' Administration—Cont.	
Foreign Claims Settlement Comission—Cont.	
Payment of Vietnam and Pueblo prisoner of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingencies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Commission on Highway Beautification	35
Amount being held for completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May, 1972.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
Aviation Advisory Commission	587
Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March, 1973.	
United States Information Agency:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
Apportionment of the above accounts awaits development of approved plans and specifications.	
Water Resources Council:	
Salaries and expenses	25
Funds in reserve pending establishment of new river basin commissions.	
Total	9,394,669

TABLE B.—*Reserves for reasons other than routine financial administration, April 1972*

(In thousands of dollars)

Agency and account:	*Amount*
Department of Agriculture:	
Rural Electrification Administration—	
Loans	[a] 107,000
Farmers Home Administration:	
Sewer and water grants	[b] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[c] 53,042
Grants for new community assistance	[a] 5,000
Basic water and sewer grants	[d] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[e] [299,970]
Atomic Energy Commission	17,655
NERVA-Nuclear Rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	22,400
National Science Foundation:	
Educational and institutional support	[a] 21,000
Graduate traineeships	[f] 9,500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously planned Federal employment levels	[g] 65,300
Total	1,551,637

[a] Apportionment of entire amount is planned on July 1, 1972.

[d] This amount is planned to be used for continuation of the water and sewer grant program after the fiscal year 1972.

[c] Funds remaining from the 1972 appropriation for rehabilitation loans will be apportioned on July 1, 1972.

[d] This amount is planned to be used for continuation of the water and sewer grant program in 1973 and subsequent years.

[e] This item is listed here only because of public and congressional interest. It is not counted in the total of Table B because its planned use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0 billion of this amount having been used by June 30, 1972, another $1.0 billion (including this $300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1 billion, or $550 million per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italics supplied.)

[f] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[g] These funds are the remainder of $280 million in reserve established initially under the President's directive of August 15, 1971. Reserves are being released as required to meet costs of recent pay raises and other essential purposes. The current reserves include $15,616 thousand pending congressional approval for application to pay raise purposes together with other amounts this will also be apportioned during the fourth quarter for pay raise needs.

Mr. METCALF. Mr. President, I have spent the last few days listening to Senators and Congressmen and other witnesses tell a joint subcommittee on the impoundment of appropriated funds what is wrong with the balance of power between the legislature and the executive.

It has been both a disturbing and educational experience. Nobody seems to have all the answers to this problem, not even a few of them. We are struggling for ideas and the right direction of legislative policy in that ad hoc committee, but we are getting to the bedrock of the malaise that is setting in on our federal systems of government. We are beginning to understand that a President cannot run this country—all by himself. And we are starting to do something about this.

This legislation—S. 518—is a first, but careful step. We feel we are right in proposing this bill to the Senate. We feel it should be adopted, now.

In view of the fact that the committee has had extensive consideration of Budget Bureau matters; that the legislative history of the Bureau discloses such a dramatic shift in functions and duties; and that the precedent for subjecting directors in the Executive Office of the President to Senate confirmation is so clear, I urge immediate adoption of Chairman ERVIN's bill to make the appointment of the Director and Deputy Director of the Office of Management and Budget subject to advice and consent of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with New Reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DISTRICT OF COLUMBIA

The assistant legislative clerk read the nomination of Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of Richard W. Roberts, of New York, to be Director of the National Bureau of Standards.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

Mr. MANSFIELD. Mr. President, a number of nominations have been reported by the Committee on Foreign Relations today. They were reported unanimously, and I ask unanimous consent that they be taken up individually at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of John A. Scali, of the District of Columbia, to be the Representative of the United States of America to the United Nations with rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of Kenneth Rush, of New York, to be Deputy Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of William J. Porter, of Massachusetts, to be Under Secretary of State for Political Affairs.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of William J. Casey, of New York, to be Under Secretary of State for Economic Affairs.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of Donald Rumsfeld, of Illinois, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of John N. Irwin II, of New York, to be Ambassador to France.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of John A. Volpe, of Massachusetts, to be Ambassador to Italy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of U. Alexis Johnson, of California, to be Ambassador at Large.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

CONFIRMATION OF APPOINTMENT TO OFFICES OF DIRECTOR AND DEPUTY DIRECTOR IN THE OFFICE OF MANAGEMENT AND BUDGET

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, there will be no further business undertaken in the Senate this afternoon.

I am about to propound a unanimous-consent request and I do so with some trepidation because I cannot find one of the principals involved.

However, I do speak, I believe, with the authority of the distinguished Senator from North Carolina (Mr. ERVIN), the author of the pending business. I have contacted the Republican leader and the ranking Republican member of the committee, in line with requests made of the Democratic leadership some days ago.

So I would like to ask unanimous consent at this time that, beginning at the conclusion of morning business tomorrow, there be a time limitation of not to exceed 3 hours, that there be an allocation of the time to be equally divided between the distinguished Senator from North Carolina and the distinguished Republican leader or the distinguished Senator from Illinois (Mr. PERCY), or whomever they may designate; that there be one-half hour on each amendment, with the time to be equally divided between the sponsor of the amendment and the distinguished Senator from North Carolina, or whomever he may designate; that on amendments to amendments, motions or otherwise, there be an allocation of 20 minutes, the time to be equally divided on the same basis; that there be no nongermane amendments offered to the proposal and that the majority leader be given a little leeway because he is taking a chance and he may have to rectify it a little bit later on, or tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, it is the understanding, I take it, of the request, that time for the amendments, if there be any, would come out of the 3 hours; that is, the overall time limitation?

Mr. MANSFIELD. No. It would be in addition, in case Senators wanted to speak. I do not believe that Senators want to speak so that we can probably reduce the period, but I am taking a little extra time here, to achieve a little more flexibility.

The PRESIDING OFFICER. Do Senators want this in the usual form?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, is there some generic objection to the usual form, which means only germane amendments? I have no desire to object myself.

Mr. MANSFIELD. Only germane amendments. That was the understanding. We have notified the ranking member of the committee and the Republican leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, effective on Friday, February 2, 1973, at the conclusion of routine morning business, during the further consideration of S. 518, a bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, debate on any amendment in the first degree be limited to 30 minutes, debate on any amendments to amendments, debatable motions or appeals shall be limited to 20 minutes, with the time on any such amendment, motion or appeal to be equally divided and controlled by the mover thereof and the Senator from North Carolina (Mr. Ervin) or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from North Carolina (Mr. Ervin) and the Senator from Illinois (Mr. Percy) or his designee: *Provided*, That the said Senators or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

Mr. MANSFIELD. Mr. President, it is anticipated that it might be possible not to have a rollcall vote tomorrow, but it cannot be guaranteed. If there is to be a rollcall vote tomorrow, the vote then will go over until Monday next.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees on tomorrow, under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of any special orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceed to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN AND SENATOR ROBERT C. BYRD ON MONDAY, FEBRUARY 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next—or on the first day that the Senate is in session next week—immediately following the recognition of the two leaders or their designees under the standing order, the distinguished senior Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 4:14 p.m. the Senate adjourned until tomorrow, Friday, February 2, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 1, 1973:

IN THE U.S. ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Orville Kingsbury Fletcher, [redacted].

Brig. Gen. Sterling Ralph Ryser, [redacted].

To be brigadier general

Col. Pellegrino Philip Bavetta, [redacted], Civil Affairs.

Col. Robert Lee Bradley, [redacted], Medical Corps.

Col. James Keith Durham, [redacted], Corps of Engineers.

Col. William Henry Ecker, Jr., [redacted], Civil Affairs.

Col. Freeman Henry Forrest, [redacted], Infantry.

Col. John William Francis, [redacted], Infantry.

Col. Ladd Franklin Hunt, [redacted], Military Police Corps.

Col. James Benjamin Middleton, [redacted], Corps of Engineers.

Col. Henry Mohr, [redacted] Field Artillery.

Col. Harry Stott Parmelee, [redacted], Infantry.

Col. Lawrence Drew Redden, [redacted], Field Artillery.

Col. Darel Roy Sievers, [redacted], Military Police Corps.

Col. Jean Henry Trahin, [redacted] Infantry.

The Army National Guard of the U.S. officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Robert Grant Moorhead, [redacted].

To be brigadier general

Col. Henry Hammond Cobb, Jr., [redacted] Infantry.

Col. Samuel Rufus Gay, Jr. [redacted], Infantry.

Col. Trelawney Eston Marchant, Jr., [redacted] Infantry.

Col. James Andrew Mickle, Jr., [redacted] Quartermaster Corps.

Col. Eugene Francis Parsons, [redacted], Field Artillery.

Col. Kermit Aubrey Patchen, [redacted], Corps of Engineers.

Col. Harold Newton Read, [redacted], Military Police Corps.

Col. Otto Ervin Scherz, [redacted], Field Artillery.

Col. Paul Carlton Short, [redacted] Infantry.

Col. Amos Martin Stonecipher, [redacted], Infantry.

Col. Herman Tenkin, [redacted], Armor.

Col. Holden Claude West, [redacted], Armor.

Brig. Gen. Robert Eugene Wilson, [redacted] Adjutant General's Corps.

Col. Arvin Reuben Ziehlsdorff, [redacted], Armor.

The Army National Guard of the U.S. officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Charles Watts Fernald, [redacted].

Brig. Gen. Harry Jack Mier, Jr., [redacted].

To be brigadier general

Col. Alfred Fredrick Ahner, [redacted], Infantry.

Col. Albert Frank Fisher, [redacted], Field Artillery.

Col. Robert Samuel Ford, [redacted], Armor.

Col. John James Womack, [redacted], Armor.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 1, 1973:

DEPARTMENT OF JUSTICE

Joseph T. Sneed, of North Carolina, to be Deputy Attorney General.

Robert G. Dixon, Jr., of Maryland, to be an Assistant Attorney General.

James D. McKevitt, of Colorado, to be an Assistant Attorney General.

J. Stanley Pottinger, of California, to be an Assistant Attorney General.

Robert H. Bork, of Connecticut, to be Solicitor General of the United States.

DISTRICT OF COLUMBIA

Walter E. Washington, of the District of Columbia, to be Commissioner of the District of Columbia for a term expiring February 1, 1977.

DEPARTMENT OF COMMERCE

Richard W. Roberts, of New York, to be Director of the National Bureau of Standards.

DEPARTMENT OF STATE

John A. Scali, of the District of Columbia, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Kenneth Rush, of New York, to be Deputy Secretary of State.

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Under Secretary of State for Political Affairs.

William J. Casey, of New York, to be Under Secretary of State for Economic Affairs.

Donald Rumsfeld, of Illinois, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John N. Irwin II, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

John A. Volpe, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

U. Alexis Johnson, of California, a Foreign Service Officer of the Class of Career Ambassador, to be Ambassador at Large.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

DEATH OF RALPH J. MENCONI

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, January 31, 1973

Mr. HATFIELD. Mr. President, in November 1972 a man who I have admired for his distinctive creative ability died of a heart attack, and in memory of his friendship and in tribute to his work, I ask unanimous consent that the press release by the Medallic Art Co., of Connecticut, which was issued following Mr. Ralph J. Menconi's death be printed in the Extensions of Remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

RALPH J. MENCONI "SCULPTOR OF PRESIDENTS" DIES AT 57

(By D. Wayne Johnson)

Ralph J. Menconi, who had been called the "sculptor of presidents" for his medallic work bearing the portraits of all the United States presidents and for the official presidential medals including the Nixon Inaugural Medal, died of a heart attack in his home town of Pleasantville, New York, November 18. He was 57 years old.

Mr. Menconi, who was a prolific medallist, was also a noted sculptor and active in the National Sculpture Society. He was first vice-president of that group of professional artists, a position he had held since 1968, and had been active in its educational activities among others.

It was his medals issued in uniform succession, beginning with a series on U.S. presidents, which had brought him his most public acclaim, particularly among the collecting fraternity of America. He had begun—and had completed—the series of 36 presidents and a series of 50 statehood medals. He had come within ten medals of completing a series on all 56 Signers of the Declaration of Independence; and he created, within the last year, 16 of a projected 25 medals on the Great Religions of the World, a theme which particularly held his interest.

In all, Mr. Menconi must have produced in the last 20 years over 600 medallic models resulting in nearly 300 fine art medals—a record unsurpassed by any contemporary artist in America.

While his knowledge varied over wide areas he had taken a specific interest in the coming celebrations of the bicentennial of American Independence, undoubtedly spurred by his researches for his series on the Signers of the Declaration.

He was a panel member of the coins and medals committee of the national American Revolution Bicentennial Commission. He had also produced the first medal for the Commission, one recently struck by the U.S. Mint and released to the public early in October.

The bicentennial medal, with a portrayal of Houdon's bust of Washington on the obverse and the famous Liberty Tree on the reverse, proved extremely popular with the public and 547,322 orders were received for the 1½-inch bronze memento the first month alone.

His Men in Space series, commemorating the flights of Apollo, were also popular. Apollo 11 through 16 each had been memorialized on a fine art medal by Menconi, with portraits of the astronauts and scenes from their walks on the moon, lift off, splash down, and support teams.

In fact, Mr. Menconi had completed a week before his death, the models on the Apollo 17 medal, the launching of which had been announced for December 6 and a planned walk on the lunar surface December 11 through 13.

He often worked ahead of schedule, and for him a deadline in the production of an art medal was something to beat. He was always cooperative according to the employees of Medallic Art Company, which had produced all his medals other than the mint medal. He worked well with clients, other artists and associates.

The tasks he had set for himself over the last decade would have been gruelling for a lesser man. Since 1962 he had produced a minimum of a pair of models a month for his various series (all issued by Presidential Art Medals of Vandalia, Ohio), plus accepting single commissions for medals, plus other sculptural commissions, often of heroic proportions, plus he was active in civic, professional, numismatic and cultural affairs.

His most recent commissions prior to his death were a medal for the United States Capitol Historical Society—to be released later this year—and a fountain for Pace College on Park Row in New York City. Previously this year he had also prepared portrait models of Senator Mark O. Hatfield (he had donated the models to him, the two are close friends), J. Edgar Hoover, as a memorial medal, W. Clement Stone for the Combined Insurance Company of America, V. M. Goldschmidt for the Geochemical Society and Judson B. Branch.

He had maintained memberships in the National Sculpture Society since 1950, The Century Association since 1955, the Municipal Art Society of New York (where he was a director 1954–60) since 1950, the American Numismatic Association since 1962 and the Collectors of Art Medals since its inception, 1970.

For the American Numismatic Society he had served on their standing committee on medals for two years, 1967–68.

Awards had recently been conferred upon him, particularly in the last two years, recognizing his sculptural and medallic accomplishments. He received a Doctor of Fine Arts from Hamilton College, where he once attended, the Michelangelo Award from the Sons of Columbus, and the Sculptor of the Year from the American Numismatic Association, all in 1971.

In 1972 he had received the Freedoms Foundation Award for Historic Medals and the Golden Plate Award from the American Academy of Achievement. Previously he had received the Speyer Award from the National Academy of Design in 1941, a grant from the Louis Comfort Tiffany Foundation in 1947, and a won a competition for the National Jefferson Expansion Memorial, 1947–48.

His funeral service was conducted November 21 at the Emanuel Lutheran Church in Pleasantville beneath a pair of reredos he had designed and donated.

For Ralph Joseph Menconi his works will live on for a long time for his admirers to remember.

BICYCLE TRANSPORTATION ACT OF 1973

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues a bill I introduced today, H.R. 692, with 28 cosponsors, entitled the Bicyle Transportation Act of 1973.

This bill would allow States and communities to use highway trust fund moneys for the development of bicycle lanes or paths. It also provides that such funds can be used for the construction of bicycle shelters and parking facilities, and for bicycle traffic control devices. The concept of this bill is essentially the same as that underlying the development of preferential bus lanes in our highway system. Federally aided bicycle lanes would be constructed so as to be part of an interstate system, an ABC road, or a designated urban system.

Bicycles are an important transportation resource and can make a definite contribution to municipal transportation—they should not simply be regarded as only recreation vehicles. Many commuters, when given the option of safe bicycle travel, will choose to pedal to work rather than ride by car or bus.

One of the nice things about bicycling is that it has benefits in addition to the transportation it provides; these include its contribution to mental and physical health and the lessening of air pollution and crowding. It is remarkable that we have a vehicle that emits no pollution, makes no noise, takes up little room, and even contributes to the physical fitness of the rider. And when provided with their own bicycle lanes, bicycles have a very low accident rate.

There is a danger, however, for cyclists who are forced to use roads heavily congested with automobiles. And thus, if bicycle transportation is to be encouraged, we need to develop bicycle lanes and paths.

Perhaps the most famous bicycle city in this country is Davis, Calif. This city of 24,000 persons and approximately 18,000 bicycles has undergone a concentrated effort to develop bicycle transportation, and it has become an important part of the city's transportation system. Bicycles represent 40 percent of all traffic, and, during rush hour, 90 percent of all riders are adults. In Davis City the development of bicycle paths was welcomed by both cyclists and automobile drivers, and they are almost unanimously regarded as desirable safety features.

The bicycle phenomena of Davis City should be our goal for every city in this country. Passage of H.R. 692 will help us to accomplish this goal. I hope, therefore, that final action will be taken on this bill in the 93d Congress.

NEVER AGAIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GAYDOS. Mr. Speaker, included in the various items having to do with the sharp increase in American living costs is the long expected boost in the retail prices of baked goods.

A recent checkup by my office in my congressional district showed pennies being added daily to products all over the bakery counters from the popular pound loaf of bread to the fancy frosted doughnuts. In other words, the rising price of wheat, brought on by the heavy Russian purchases here, finally is having impact on the food budgets of our people.

This is of particular significance to me because it brings to bear the very situation I warned of on the floor of the House of Representatives last September as the wheat sales to the Soviet Union got under way. I pointed out then that, through the generosity of our Government, the Russian buyers were getting supposedly surplus U.S. wheat at approximately 50 cents a bushel less than it cost the U.S. taxpayers.

Federal subsidies, plus interest and storage charges paid by our taxpayers, made possible this bargain for the Russians. By agreement, they bought our wheat at the world price which prevailed at the time the deal was made and thus became protected from the increases which their purchases inevitably generated. Meanwhile, our bakers found their costs of flour soaring and now, despite earlier efforts of the Cost of Living Council to prevent it, are passing the increase on to the public. Thus, we Americans are paying at the check-out counters for this favoritism shown our former Cold War enemies.

I bring this to attention today for a purpose. The Wall Street Journal, in a recent issue, reported that rumors are rife in the U.S. commodities markets concerning further large Russian purchases of wheat and other U.S. farm products. If these purchases come about, I feel that the Government should make certain the full competitive prices are charged—that never again will the U.S. taxpayers and housewives be placed in the position of subsidizing the food production failures of the Soviet economic and agricultural system. We are seeing the effects of this kind of business in the past in today's markups in the bakeries and supermarkets.

REAFFIRMATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FRENZEL. Mr. Speaker, a recent edition of the New York Times carried an excerpt from an address by Jeno F. Paulucci, a Minnesota businessman. With the expectation that some of my colleagues may be interested in this forward-thinking presentation, I have inserted the Times article as follows:

REAFFIRMATION

BY JENO F. PAULUCCI

DULUTH, MINN.—We say no industry achieves excellence in employment practices if it does not fulfill its responsibility, its obligation, to help the people who make its business possible. Not only the people who work from the company, but the people who buy what it produces.

We say that industry must work—constantly, tirelessly, stubbornly—to make its area a better place to live and to earn a living. Industry must spend. Spend money, spend time, spend talent, spend energy. And we must go beyond our own areas. We must look at industry as a whole. We must see what is happening to industry in America, and if we see evils in what is happening, we must fight against them.

Let's skip the pious talk about "people's capitalism," about the orphans and widows and wounded war veterans who live off a share of America's profits. We know better, don't we, you and I? We know that corporate profits go to stockholders. We know that 82.4 per cent of the publicly held shares in our nation's corporations are owned by about 1.6 per cent of our adult population.

And with this knowledge and sense of obligation to our country and its people and its future, what can we do about it? We in industry, large and small, can get busy rather than just waiting for Government to do that which must be done if we are to survive as a nation of free enterprise.

Industry has the economic strength, the ability, the know-how and the influence to become involved in helping to solve our social problems before government doles to those who refuse to contribute to our society turn us into a total socialistic state. Our only insurance against that end is by industry becoming involved.

We all know what we must do.

We can first recognize and admit that profit is not our only responsibility of business. We can work to revive our stagnant cities by becoming involved. We can press our legislators until they see that the growing evil of welfare abuse is stopped so that all who can work do work.

It isn't easy to try to change a sick society. You meet selfishness and stupidity and hypocrisy. You feel frustration and disgust, and you want to say "the hell with it." But if we speak out, if we become involved, believe me, we will find no greater joy or satisfaction than knowing that we are working to make a contribution to our fellow man. To our city. Our state. And, as a result, to our nation and what we will again call, proudly, the American way of life.

A PLEA FOR HIGHWAY FUNDS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. JONES of Oklahoma. Mr. Speaker, I am sure that every Member of Congress will agree that the failure of the last Congress to give final approval to the highway bill has created a situation that must not be allowed to continue. This failure has created consternation among officials in the State of Oklahoma and has thrown a cloak of uncertainty about the entire highway program. Coherent planning of future construction is impossible.

Recently, the Legislature of the State of Oklahoma passed a concurrent resolution expressing its dismay at this situation and its hope for immediate relief. As a reminder to the Members of the urgency of the situation, I insert this resolution in the CONGRESSIONAL RECORD:

A CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR PASSAGE OF THE FEDERAL-AID HIGHWAY ACT BY THE CONGRESS OF THE UNITED STATES, AND URGING THE OKLAHOMA CONGRESSIONAL DELEGATION TO TAKE ALL STEPS TO INSURE ITS PASSAGE

Whereas, the continuation of the highway program in the State of Oklahoma is heavily dependent upon the availability of Federal-aid Highway Funds; and

Whereas, the funding provisions of the Federal-aid Highway Act of 1970 expire upon June 30, 1973; and

Whereas, the Congress of the United States was unable to enact a Federal-aid Highway Act of 1972 during its 92d Session; and

Whereas, due to the failure of Congress to pass such an act, after June 30, 1973, no Federal-aid Highway Funds shall be available for apportionment from the Highway Trust Fund to the states unless the Congress takes immediate steps to enact a Federal-aid Highway Act.

Now, therefore, be it resolved by the Senate of the 1st session of the 34th Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. The State of Oklahoma is in urgent and critical need of the continuation of Federal funds to assist in its highway program, and that without such funds it will be impossible to continue same, except at a greatly reduced pace.

Section 2. The Oklahoma Delegation to the Congress of the United States of America is respectfully urged and requested to take every available step to insure the passage of a Federal-aid Highway Act at the earliest possible time.

Section 3. A copy of this Resolution shall be given to each member of the Oklahoma Congressional Delegation.

Adopted by the Senate the 10th day of January, 1973.

FOR THIS LITTLE PEACE SAY, "THANKS BE TO GOD"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. ROBISON of New York. Mr. Speaker, as one who welcomed so enthusiastically—and with true feelings of thanksgiving—the end, at last, of the American involvement in former Indochina, I confess I have been a bit puzzled by certain aspects of the public reaction.

Perhaps the puzzling aspects of that reaction are centered here in the Washington community—making us more aware of them. For this is a special community, as those of us who have lived here a time should know, as well as one not necessarily representative of the country-at-large. Last weekend, for instance, my wife, and I, having read in the newspapers we get from "up home" that there were to be local church services to mark the event of the cease-fire with thankfulness, if not rejoicing, felt we, too, should attend such a service here. We wanted to do so because, quite sincerely, our hearts were full with the joy and relief that came, as far as we were concerned, with the end of our Nation's longest and, in so many ways, costliest war.

The logical place to go, it seemed to us in many ways, was to the Washington Cathedral where the service we felt sure would be held would have certain national overtones we could not catch elsewhere. So, at 7 p.m. last Saturday evening, there we were—along with some other disappointed people—but standing outside the cathedral which was dark, and with all doors shut tight although the cathedral bells were pealing. Given Dean Sayre's activities—so well publicized in recent years—against American involvement in Indochina, we found this puzzling. But, in lieu of further comment along such lines on my part, I will let Vermont Royster's thoughtful column in today's Wall Street Journal—as now set forth—say the rest of it for me.

The article follows:

THE MOOD OF PEACE

So it is over. Or let us hope so. The American fighting in that long, tragic war in Vietnam.

The bombing has stopped. Our soldiers are on their way home from the battleground. Our prisoners of war are being released. For a little time, anyway, the guns of war are silenced.

And yet the rejoicing has been muted. More strangely, in some places among some people, even grudging.

We have heard the rejoicing among those who but for the cease-fire would have seen their sons going off to Vietnam, among those who these long years have waited for husbands and fathers to come home from prison camps; theirs the pent-up tears of relief and joy. But less rejoicing, curiously, from many who clamored loudest for the war to end on any terms whatever.

After President Nixon spoke to us that evening telling us that at long last a peace agreement had been reached, I flipped my television dial from network to network. I thought to find somewhere a commentator who would cry "Hallelujah!" If there was such, I somehow missed him.

On one network the newsmen were so stunned they seemed unable to come up with that instant analysis for which they are so famous although they had known the whole day long the substance of what the President would say. On another, the gloom was so thick you could cut it with a knife; long drawn faces suggesting they did not know now what terrible things portended after the peace. So it went; the calling up of the difficulties, the doubts, the problems unresolved, as if the future looked darker than the day before.

Then I listened to the questions fired at Henry Kissinger in that remarkable press conference. When he had finished his hour's detailed accounting of what had been accomplished and what had not, some questioners seemed almost desperately searching for Catch 22. That is, some place where Mr. Kissinger or the President had blundered, some weak spot in the agreement to bolster prophecies that it would all fall apart.

Next, to the newspaper editorialists and commentators. Here I did find more variety among those I was able to read, a more widespread mingling of relief and gratitude.

The Washington Post hailed the peace as a "time for giving thanks." and though a critic of President Nixon gave him generous credit for that day of thanksgiving, in Tulsa, in Birmingham, in Minneapolis, in Los Angeles the peace was welcomed even among newspapers thinking the war itself a tragedy. Some, like the Boston Globe, were moved to thank the President for his "perseverance in getting us out."

But neither thankfulness nor gratitude was the universal welcome to the peace. The New York Times, a critic of the President, was a critic still; it offered an editorial of praise for Henry Kissinger, none for Mr. Nixon, as if the one were independent of the other.

For the St. Louis Post-Dispatch the moment of peace was marred by recalling "Mr. Nixon's shameful act," his "monstrous deed" of bombing North Vietnam, whether or not it contributed to Hanoi's final agreement. That paper found no merit in the chance South Vietnam may now have of preserving its independence; "the honorable course would have been to let the Vietnamese alone; saving that, to have withdrawn years ago."

Meanwhile, the hosannas from the Fulbrights and the McGoverns over the arrival of peace were—well, let us say restrained. They were among those wanting the war ended long ago, unilaterally, at whatever price. That in the end the settlement was a little better than that, achieving some concessions from Hanoi we never thought we'd get, all that seems to have brought no joy to their hearts.

Elsewhere I listened for but heard of no gathering of the once noisy war-protesters having their joyous, swinging celebrations that the peace they sought has come at last. They seem to have slipped quietly away with the mood of those suddenly bereft of a cause.

It's sad to say, but the impression is left—unjustly, I fervently hope—that there are those who would be happier with a shattered peace than a peace that lasts. A peace that lasts would have to be credited to Richard Nixon, to the slow, patient, tough policy of those past four years. A peace that crumbles would put him once again in the dock for pillorying.

A peace that crumbles would also show the perception of those who, rising above such simple emotions as relief, warn us now of that hidden dangers in this provision or that in the agreement, who remind us that all of Indochina is still unstable, that Saigon is weak, that Hanoi is determined, that all is fragile. A failed peace would prove them prescient.

Anyway, a strange mood indeed. I suppose some of it inevitable. World War I ended with the illusion that the world had been made safe for democracy. Even World War II, ending with a bang, could spur riotous celebration, for that time surely with all our enemies confounded, it seemed a peace that could last. This time the ten, long, weary years of war dribble to an end and there are no illusions left.

This time, too, there is the difference that the whole nation was not involved in the suffering of war. Those who died in Vietnam seemed chosen by a capricious fate; at home most of the nation went its way in undisturbed prosperity. The horrors of war were there but abstract, fleeting pictures on a TV tube. For most Americans their lives this week are no different from last week.

Yet for all that, some of the reaction was strange indeed. Not merely subdued, as befits the occasion. Not merely one of caution against euphoria. From some of what I read and heard I might have supposed—had I not known otherwise—that the peace that comes was thought as bad as the war that was.

As for myself, I too know that this is a peace without victory. I know well that it is a fragile peace. But after four wars in my lifetime I know that every peace is fragile and yet a little peace is better than none. So I, for one, rejoice. And for this little peace say, "Thanks be to God."

SALUTE TO SOUTHERN COUNCIL OF OPTOMETRISTS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MONTGOMERY. Mr. Speaker, the golden anniversary of the Southern Educational Congress of Optometry begins February 2, 1973, in Atlanta, Ga. This is a special event which deserves recognition by the House of Representatives and everyone who values the joy of seeing.

A constituent of mine, Dr. L. B. Adkins of Union, Miss., is president of the Southern Council of Optometrists, the sponsoring organization of this annual program which has now completed a half century of service to its members and to the visual welfare of citizens throughout 12 Southern and Southeastern States.

The real significance of this 50th anniversary lies in the fact that the Southern Educational Congress is one of the Nation's earliest and most successful continuing education programs for health professionals. Through this yearly event, optometrists from all over the South have an opportunity to hear top-flight lecturers on every aspect of optometric practice, including pathology, contact lenses, low vision, and children's learning disabilities, to mention only a few. They learn of new techniques and instrumentation designed to help them do an increasingly better job of caring for their patients.

At a time when our Nation is undergoing a serious crisis in health care, it is gratifying to see America's third largest independent health profession moving forward with new plans, new ideas, and new approaches to solving the problems which are elements of their crisis: underutilization of manpower, maldistribution of health professionals, and inefficiencies in the health care delivery system. The Southern Council of Optometrists is doing a praiseworthy job of helping to overcome these concerns through its annual Southern Educational Congress and by dedicated work throughout the year.

I congratulate the Southern Council of Optometrists, its president, officers and members on the occasion of the organization's 50th anniversary. I know they look forward to another half century of professional progress, and I wish them well.

CORRECTIONAL MANPOWER AND EMPLOYMENT ACT OF 1973

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. ESCH. Mr. Speaker, I have today joined with the gentleman from New Jersey (Mr. DANIELS) in introducing the Correctional Manpower and Employment Act of 1973. This bill is essentially the same as H.R. 13690 which we cosponsored last Congress.

As I have pointed out in previous remarks, the annual cost of crime in America is staggering. The retail industry is spending approximately $1.5 billion a year for prevention equipment and services to combat shoplifting. Cargo and baggage losses in interstate transportation costs Americans millions of dollars in losses each year, while drug-related crimes cost the public another $5 billion annually. In addition to these direct costs of crime, there is the loss of wages, medical, and related expenses for the victim of crime, and other hidden costs to the economy.

It is estimated that Federal, State, and local criminal justice systems require approximately $6 billion a year just to provide crime prevention services and to process the staggering volume of criminal cases in the courts and social agencies. I believe that in order to prevent this type of inordinate expenditure, and to prevent the waste of precious human resources, that it is necessary to stop the revolving doors of crime. Our penal institutions should not be regarded as higher institutions of crime where offenders are schooled in criminal skills.

I have joined in introducing the Correctional Manpower and Employment Act of 1973 in order to: first, increase the employment skills of offenders; and second, to upgrade the quality and number of correctional personnel. The correctional manpower bill is designed to develop new methods and approaches for aiding criminal offenders and to break the revolving doors of crime through adequate skill training, supportive services, and employment assistance.

The gentleman from New Jersey (Mr. DANIELS), chairman of the Select Subcommittee on Labor and I anticipate hearings on this bill and urge our colleagues to join us in helping to develop a positive approach toward dealing with this critical problem within our society.

AFRO-AMERICAN HISTORY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. CLAY. Mr. Speaker, the week of February 11–17 has been set aside for study and reflection on Afro-American history.

To commemorate this occurrence, the St. Louis American newspaper is carrying a special feature on a famous black American each week until February 15.

I would like to join in this commemoration by including this highlight of Afro-American history in the CONGRESSIONAL RECORD. I begin with the first in the series—a spotlight of Frederick Douglass. The article follows:

MAN OF DESTINY: DOUGLASS

In February, 1817, a little black boy was born at Tuckahoe, on the Eastern Shore of Maryland. He was the child of a white father whom he never knew, and a black slave mother, so he was born a slave.

The black child, whose last name was Bailey, changed it to Douglass after he had grown up and run way to Massachusetts. We know him as Frederick Douglass, an important writer, editor, lecturer, Marshal of the District of Columbia, Recorder of Deeds, and diplomat. We also point with pride to the fact that he helped to free the slaves, then worked to get civil rights and voting rights for black people. He is often called the greatest black leader of the United States until he died in 1895.

But let us go back to Frederick's childhood. He lived with his grandparents until he was 7 or 8. Then it was time for him to start his life as a slave. He wore only a little dirty dress for clothing, and the little black slaves were forced to eat scraps of food from a pig trough. He slept on the floor in a closet to keep warm.

Of course Frederick was not sent to school. He did have one mistress who taught him the letters of the alphabet, and he studied hard himself. He would ask questions of several white boys who would pronounce a word for him or tell him what it meant.

If you had known this man I think you would have liked him. He was more resourceful than most of the other slaves that he knew because he was the only one who learned to read and write. He was brave enough to fight back when the beatings of slavery became unbearable. And he was fortunate enough to fall in love with a free black girl named Anna Murray, who helped him escape from slavery. He was brilliant and militant, but he had a warm heart.

His free life began in 1838 when he was about 21 years of age. He and Anna married the same year and lived together until her death in 1882. They had five children, Rosetta, Lewis Henry, Frederick, Jr., Charles, and Annie. Little Annie died when she was 10 years old but the others grew up to be useful citizens in Washington, D.C.

In 1841 Frederick Douglass was 24. He joined the abolitionists, the band of men and women who were speaking out against slavery. He became a great public speaker but he still was not free. Remember he had run away from his master, so even though he now lived in New Bedford, Massachusetts, he was still a fugitive.

He spoke with so much intelligence that people who heard him doubted that he had even been a slave; they said he was too well educated. So Frederick wrote his experiences as a slave and they were published in a book. Then he was in more danger than ever of being recaptured. Therefore his friends of the Anti-Slavery Society sent him to Europe to lecture. In England he met many educated people and the people came in large crowds to hear him speak. One group raised money and sent it to the United States to buy his freedom. Then Frederick Douglass was really free at last.

The year 1847 found Douglass and his family living in Rochester, New York. In that year he started publishing an anti-slavery newspaper called "The North Star," later changed to "Frederick Douglass' Paper." Rochester is located on the southern border of Lake Ontario, very near to Canada. So the Douglass home became a part of a secret movement to help runaway slaves escape to freedom in Canada. This process was called Underground Railroad.

THE B-1—DOES THE UNITED STATES NEED IT?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FRASER. Mr. Speaker, volume No. 1 of the Center for Defense Information's "The Defense Monitor" analyzes the need for the B-1 manned bomber. This January 22 newsletter will be a useful tool for Members for the CDI does its usual fine job of presenting accurate information and sound analysis.

While the complete newsletter text follows my remarks, the first four graphic charts are not reproduced. These charts are quite useful and Members who have not received a copy of the newsletter should be able to get one from the CDI at 201 Massachusetts Avenue NE.

[From the Defense Monitor, volume 2, No. 1, Jan. 22, 1973]

DEFENSE MONITOR IN BRIEF

The U.S. Air Force is forecasting the expenditure of $11 billion to buy 244 new B-1 bombers over the next ten years.

The Center for Defense Information analysis of the proposed B-1 bomber indicates:

The Air Force has not proved a need for the B-1, nor has it proved the urgency of 1980 deployment.

Bombers are no longer the primary element of U.S. strategic forces because of missile improvements. Furthermore, the ABM treaty limited missile defense, makng the bomber less important as a "hedge" against ICBM-SLBM failure.

Modernization of 300 B-52 G/H series aircraft makes them as useful as the B-1 through the 1980's.

Late model B-52 bombers can penetrate Soviet air defenses. With improvements underway, the B-52 will nearly equal the proposed B-1's penetration capability.

Under present programs, the nuclear weapon capability of the B-52 will double by the 1980's.

The proposed B-1 would fly faster with

better overall performance than the B-52 aircraft, but this improvement in performance is not significant because both bombers would carry the same stand-off weapons.

B-1 performance advantages over the B-52 G/H are not compelling reasons for production of the new aircraft.

Air Force plans for future use of B-52s are in doubt. The B-1 may be added to the B-52 G/H force, increasing the number of bombers available in the 1980's.

Replacing all B-52 bombers with the B-1 bomber would add only 1140 nuclear weapons in the 1980's.

The proposed supersonic B-1 bomber is designed to accomplish the same strategic mission as the subsonic B-52.

Each B-1 bomber would cost $45,000,000. Each B-52 bomber cost $8,000,000.

The proposed B-1 bomber design shows a swing wing. (Both the FB-111 fighter bomber and the Navy F-14 fighter have the innovative swing wing; the new Air Force F-15 fighter has a fixed wing.)

The number of weapons in the U.S. strategic force is increasing at a rapid rate and can be predicted to continue this trend into the 1980's.

The resultant slight increase in overall U.S. strategic offensive capability which would be provided by the B-1 bomber would cost at least $11 billion.

While the U.S. has 531 heavy bombers, the Soviet Union has only 140.

THE B-1—DOES UNITED STATES NEED IT?

If the programs Pentagon spokesmen have requested are all approved, the United States could have 18,600 nuclear weapons in the strategic force of the 1980's. These could include 6,500 in submarines, 2,500 in land-based missiles, and 9,600 in bombers. (See Charts 1, 2 and 3) (Charts not printed in the RECORD). The United States will decide in the near future how much it wishes to increase its nuclear strategic forces.

PROPOSED NEW BOMBER

The Air Force has received $1.3 billion for R&D on an entirely new bomber, to be called the B-1. The Air Force program calls for B-1's at a cost of $11,000,000,000 for deployment in the 1980's. The Congress has not approved funds for the construction of the proposed B-1 bomber. If built, the B-1 force could carry 5,280 nuclear weapons, 1,140 more weapons than the modernized B-52's.

These additional 1,140 nuclear weapons could increase the total U.S. nuclear weapons to 18,600 in the 1980's. This would be nearly triple the number now possessed by the U.S. The basic question is: "Does the U.S. need 18,600 strategic nuclear weapons in the 1980's?"

FORTY-SEVEN PERCENT OF ALL SOVIETS

Assuming the U.S. is building only a second strike deterrent capability, the destruction of the urban/industrial area of Russia would be the logical target. There are in Russia today 1,000 cities and towns of over 20,000 people. Based on empirical evidence and published test results, it is reasonable to assume that an average of two nuclear weapons are required to destroy each of these Soviet cities and kill 47% of the people in Russia. This will require about 2,000 nuclear weapons. Without the B-1 bomber, the U.S. would have over 13,000 nuclear weapons, or six times the number needed to destroy the urban/industrial area of Russia and nearly half of all the Russian people. With the B-1 bomber, the U.S. would have over 18,000 nuclear weapons, or nine times the number needed.

EIGHTY-EIGHT MILLION CHINESE

By the 1980's, China may also present a threat to the U.S. based on an analysis of population and industrial concentrations, approximately 2,500 nuclear weapons would be required for destruction of about 90% of the urban/industrial capability of China and 88,000,000 people. Therefore, if both Russia and China were to be struck simultaneously, the U.S. would require a maximum of 4,500 nuclear weapons. Without the additional capability provided by the B-1, the U.S. could have three times enough weapons to destroy both China and Russia. With the additional capability of the B-1 bomber, the U.S. would have four times the nuclear weapons needed to destroy both China and Russia.

CURRENT BOMBER FORCE

In the U.S. strategic force, there are about 450 B-52 bombers. Of this number, less than 150 bombers are the older D series used in bombing Vietnam. There are approximately 300 modernized B-52 G/H bombers. In addition, there are more than 70 new FB-111 bombers. The strategic bomber force currently can carry nearly 2,000 nuclear weapons. The Air Force is modifying 300 of the B-52 bombers to carry 1,000 more nuclear weapons. Under another proposed Air Force program to build the new SCAD missile, an additional 1,000 nuclear weapons would be carried by the B-52 bombers for a total of 4,060. FB-111 bombers can carry an additional 200 nuclear weapons.

BOMBER CAPABILITIES

On a typical strategic mission, a B-52 would require 11 hours to travel the 5,000 miles from base to target. Intercontinental missiles need but 30 minutes from launch point to target. Sea-based missiles on station require 15 minutes to hit the same Soviet targets. (See Chart 4.)

The proposed B-1 would require 8 hours on the same strategic mission and, like the B-52, would arrive over target hours after U.S. missile-borne weapons have struck. If all programs asked for by Pentagon spokesmen are approved, 9,000 *missile* weapons could be in the strategic arsenal in the mid-1980's. Rapid expansion of the missile force has converted the bomber from the main weapon of strategic war to a "hedge" against possible failure of the sea-based and land-based missile systems.

As a direct result of the ABM treaty with Russia signed in 1972, all but 200 of the 9,000 U.S. land and sea-based missile weapons that may be in service in the 1980's could attack targets in the USSR and China without interception. Since missiles will arrive on target first, they will have the capability to destroy the Soviet Union. Therefore, the U.S. strategic bomber force is substantially less necessary since the ABM treaty was signed.

BOMBERS ARE VULNERABLE

Strategic bombers will remain vulnerable to SAM attack in the 1980's. While missiles speed along at a maximum speed of 11,000 nautical miles per hour, the maximum speed of the proposed new B-1 bomber will be 1,200 nautical miles per hour. Attempts to penetrate Soviet air space require installation of costly defensive devices in the B-52 and B-1 aircraft which may or may not be effective when needed. The ability of North Vietnam, using the older SAM 2, to shoot down B-52's dramatizes the vulnerability of aircraft in a strategic bomber force. The Soviets have other more modern air defenses, including the SAM 3, which have not appeared yet in North Vietnam.

While missiles cannot easily be destroyed in flight because of available countermeasures and the technical complexity of effective interception, bombers, whether the B-52 or the proposed B-1, are more vulnerable. To penetrate Soviet air space, an aircraft can use evasive tactics and get some protection from equipment that is only theoretically effective. Relatively high losses of B-52's flying against North Vietnam's concentrated air defenses in December 1972 have raised questions about the ability of bombers to survive the even more sophisticated surface-to-air missile and interceptor nets of the Soviet Union. But the aircraft tactics for a nuclear war are far different from the tactics used to carpet bomb North Vietnam with "conventional" ordnance delivered by a formation of aircraft. Single strategic bombers, arriving over the USSR long after U.S. missile forces have completed their destructive tasks and after defenses have been weakened, probably would be relatively safe from interception. The question remains whether the bombers' added nuclear weapons would be needed to insure the destruction of the Soviet Union.

CHART V.—AVERAGE HOURS OF FLIGHT TIME FOR B-52 BOMBERS

Series	1972 (actual)[1]	1980 (predicted)[2]	1990 (predicted)[2]
D	9,000	12,150	
F	9,000	12,150	
G	5,400	8,850	13,050
H	4,600	7,750	12,250

USAF data.

[2] USAF average annual flight times used for predictions.

Note: The B-52/G/H series have thousands of flying hours remaining before they must be retired.

ABOUT $6 BILLION FOR B-52 MODERNIZATION

About 300 of the B-52's in the U.S. Strategic Air Command are the more modern G/H series equipped to penetrate Soviet air defenses.

These newer G/H series are different in several important ways from the older D/F aircraft. The G/H bombers have received major structural, armament, and electronic modifications in an effort to counter the latest Soviet radars, fighters, and air defense missiles. The earlier, less modern D/F aircraft cannot penetrate the more complex Soviet defenses. Over $3 billion has already been spent improving the B-52 bomber force.

An equal amount—$3 billion more—is being requested in an attempt to ensure the G/H aircraft retains the capability to penetrate Soviet air defenses. These modernization programs will in effect produce 300 *new* bombers, able to operate into the late 1980's. (See Chart 5) In short, all B-52's are not alike nor do their capabilities remain static.

STAND-OFF WEAPONS

The most important change in bomber warfare has been the development of airborne weapons to attack targets at great range. By the time of the proposed B-1 deployment, neither the B-1 nor the modified B-52 will need to approach most targets closer than 50 miles. The B-52 and the proposed B-1 would be able to carry 12 to 24 "stand-off" missiles, each with a nuclear weapon. Half of these airborne missiles could have a range of more than 500 miles. (See Chart 6.) By the 1980's, neither the proposed B-1 nor the B-52 would need to carry bombs.

LOW-LEVEL MISSION

Bomber design evolved in response to new developments in air defenses. For 20 years, the outstanding trend in U.S. bomber design was the steady increase in high-altitude capability.

Meanwhile, Soviet air defense never lagged far behind the bomber. While the U.S. Air Force was developing the B-70 Valkyrie to operate at 70,000 feet, major advances in Soviet rocketry shot the project down. The Soviets began deploying surface-to-air missiles (SAM) capable of destroying aircraft flying at 70,000 feet. Since then, bomber design has concentrated on the ground-hugging mission in an attempt to fly below most Soviet air defenses.

The proposed B–1 would incorporate a new electro-optical viewing system (EVS) which uses low-light level television and infrared sensors designed to permit the bomber to proceed to target less than 300 feet above the ground. The EVS is also being installed on the B–52 G/H series at a cost of $209 million. With EVS, both the B–52 G/H series and the proposed B–1 could fly at low-level over land en route to targets.

COMPARATIVE PERFORMANCE CHARACTERISTICS

	B–52G/H	B–1
Speed at high altitude	550 knots (average).	1,200 knots (maximum).
Speed at low altitude	390 knots (average).	550 knots (average).
Maximum payload per aircraft:		
Internal	31,000 lbs	75,000 lbs.
External (wing racks)	20,000 lbs	40000 lbs.
Electro-optical viewing system	Yes	Yes.
Radar cross section		Smaller.
Infrared signature		Less.
Standoff weapons	Yes	Yes.

CHART VI.—STRATEGIC BOMBER ARMAMENT

Weapon	Range (miles)	Speed (m.p.h.)	Nuclear yield	Weight (lbs.)	Decoy
Quail	95	400	Not armed	1, 500	Yes.
Hound Dog	700	1, 200	Low megaton range	10, 000	No.
Sram	70	1, 200	Medium kiloton range	2, 200	No.
Scad	500	650	Low kiloton range	2, 000	Yes.
Bomb			Medium to high megaton range		

Note: This shows the variety and capability of stand off weapons for strategic bombers.

THE B–1

Wing span	
Wings forward	136.7 Ft.
Wings swept	78.2 Ft.
Length	143.3 Ft.
Height	33.6 Ft.
Gross weight	350–400,000 Lb.

Speed

Low level penetration, almost mach 1.
High altitude, above mach 2.

CHART VII—INCREASES IN TYPICAL BOMBER NUCLEAR WEAPONS LOAD

(Assumes equal range mission).

B–52 G&H (4 Weapons & 4 Decoys)

1971—2 Bombs, 4 Quail, 2 Hound dog.

B–52 G&H (12 Weapons)

1974—2 Bombs, 2 Hound dog, 8 SRAM.

B–52 G (12 Weapons)

6 SRAM, 6 SCAD.

B–52 H (24 Weapons)

1981—12 SRAM, 12 SCAD.

B–1 (24 Weapons)

12 SRAM, 12 SCAD.

The average weapon load of the proposed B–1 bomber is no greater than the load of the B–52–H series.

NOTE

The Center's research study on which this edition of the *Defense Monitor* was based is available at the Center.

ARCHBISHOP THOMAS J. McDONOUGH'S REMARKS ON THE VIETNAM CEASE-FIRE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MAZZOLI. Mr. Speaker, I enjoyed the privilege last Sunday of attending a very moving, ecumenical, religious service held at the Adath Israel Temple, Louisville, Ky., in observation of the truce in Vietnam.

I was particularly impressed by the words of the Most Reverend Thomas J. McDonough, Catholic archbishop of Louisville, who eloquently reminded us that, "War is man's greatest and cruelist act of futility."

I commend Archbishop McDonough's message to the attention of my colleagues.

REMARKS BY ARCHBISHOP THOMAS J. McDONOUGH

The bells of peace which sounded throughout our City and County last evening, ushered in an era of hope and great expectation.

Peace, thank God, has been achieved but the price was awesome and staggering.

With the cessation of hostilities and the signing of the peace treaty there still remains so much to be accomplished on a national and international level among all people and nations.

Unfortunately there could emerge the regretful tendency, in the midst of our heightened enthusiasm and unrestrained joy, to forget that we must begin now to seek a way of life that will preempt forever from the fabric of mankind wanton war, ignored and excessive poverty and a lack of concern, love and interest for our fellow men.

War is never the answer because it breaks down families and tears apart nations. War inexorably destroys and kills, separates loved ones, foments discord and breeds discontent. War is man's greatest and cruelest act of futility.

We as Americans, who traditionally take great pride in our inheritance which was bequeathed to us by men and women of great faith and indomitable courage, must never become isolated within ourselves. We must accord to others the privileges of life, liberty and the pursuit of happiness which we cherish. The gifts of this country, which are so many and so varied, must be shared willingly and thankfully with the rest of the world. What war has broken down we must build up as reflected in the people and the nations who participated in the war in Vietnam.

Particularly today and in the immediacy of this gathering, our hearts and hands go out in understanding to the front line soldiers who will soon begin to return to us. Our patience must be paramount because they have suffered so much for you and for me. With unbound gratitude we reflect a constant loyalty for the prisoners of war, begging God to bring them home safely and to eradicate the nightmare of imprisonment and the mental anguish which have harassed them. To the families who have their own missing in action, we beg a redoubling of spiritual efforts in their behalf.

Only when men and nations are motivated by high ideals and spiritual commitments to avoid the pitfalls of war; only when men and nations deplore bombing and implore praying; only when men and nations behold in God the fount of love, the hope of peace and the promise of a future life; *only* when all these things happen and become a reality will we, together with the people of the world, be able to rise as one and cry out for the whole world to hear, *WAR*—no, no! War, please God, never again.

In thanksgiving to God we wish also to acknowledge with sincerest gratitude and in a spirit of prayer all who have worked so hard and so perseveringly in behalf of peace.

May you, they and all of us accept in the presence of our oneness today the blessing of God as found in Sacred Scripture in the Book of Numbers:

"May the Lord bless you and keep you.
The Lord show his face to you and have mercy on you.
The Lord turn his countenance to you and give you peace."

NEW MATH DOES NOT WORK

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, January 31, 1973

Mr. COTTON. Mr. President, last Friday, January 26, 1973, Mr. William Loeb, the publisher of the Manchester Union Leader, spoke out in a front-page editorial about the new-math controversy. Mr. Loeb, and an accompanying article by Mr. W. A. Leavell, cite the inability of Dr. James M. Shackelford, of nearby Arlington, Va., who holds a Ph. D. in chemistry, and his associates in the Environmental Protection Agency, to solve the problems in the fourth-grade mathbook assigned Dr. Shackelford's daughter, Leslie. I know firsthand, from the experiences of my own assistant who was a Commerce Department budget officer and mastered the intricate mathematics of the Federal budget, and has a child in this same class, that there is considerable reason for concern about the direction that the mathematics curriculum has taken.

I commend the editorial and article to the Senate. As the ranking minority member of the Labor-HEW Appropriations Subcommittee, I am asking the Office of Education for a report on the progress of the new math.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

TO HELL WITH NEW MATH!

(By William Loeb, Publisher)

Probably there is not one parent reading the paper today who has not been subjected to the nonsense of the so-called "new math," and who has been told by the educators that he is just old-fashioned and doesn't know any better and that this is the "new thing."

Many parents, at that point, become intimidated and relapse into unhappy silence.

Therefore, be sure to read the column by W. A. Leavell at the top of our back page today, in which he points out that a very distinguished doctor of philosophy, James M. Shackelford, affiliated with the Environmental Protection Agency in Washington, D.C., has come out in open revolt against the new math and what it did not teach his bright daughter, Leslie, in the fourth grade.

It seems that Dr. Shackelford, who lives in Arlington, came home one day purposely to participate in his daughter's birthday party. At one point, he held up a coin and offered to give it to the first youngster who could tell him what 8 times 9 is. He thought that any fourth grader, by all means including his own daughter, would be able to give him the correct answer. He was shocked when none of the youngsters could tell him how much 8 times 9 is.

So that night he got out his daughter's math book and took a look at it—and that's all he needed. From then on he has been crusading against the new math.

The next day, he took the book in to the famous scientists who work with him—and they had the same reaction. Then and there, he decided that it was time that parents revolted against this nonsense, which is just one more ridiculous educational theory that has gone wild. Dr. Shackelford would like parents all across the country to demand from their school boards that the new math be thrown out and that students be taught basic arithmetic, so they can function efficiently in the life they will have to face when they get out of school.

This newspaper says three cheers for Dr. Shackelford, and good luck to him and all the other parents who want to bring about the end of the new math.

"New Math" System Just Doesn't Add Up

(By W. A. Leavell)

"To hell with new mathematics!"

Now I have done it. I have busted my britches forever with the "modern" type educator. I don't care. I would say it again but I don't like to use naughty words.

I am not the first to say bad words over the foolish experiment in education that has failed. In fact, it looks like this expensive mistake will leave us with a generation of people who can't do simple mathematics.

While most parents grumble and shake their heads at "new math," they don't do anything. Some assume the educators know what they are doing and this is a serious mistake. Some don't understand it and don't want to look stupid. Others just don't care.

We now have a new knight on a white horse who is taking up the cause of doing in "new math." He knows the fight will be long and hard but he is going to give it a try.

A product of the academic community himself, he knows the system makes mistakes and he thinks "new math" comes second only to the current failure to teach our students how to read.

The new champion of getting rid of "new math" is James M. Shackelford, Ph.D. I think the American people should listen to Dr. Shackelford. In fact, I think we should give him a national hero award just for having the nerve to stand up and tell the truth about "new math," or "no math," as some call it.

Dr. Shackelford is a chemist with a Ph.D. in his field. He lives in Arlington, Va., and works for the Environmental Protection Agency in Washington, D.C. Dr. Shackelford is not an old fuddy-duddy nor is he a know-nothing that has to take off his shoes and use his toes to count past 10.

It all started with his daughter, Leslie, who is a bright fourth grade student at Barcroft elementary school in Arlington, Va. When Leslie had her last birthday party her father was home and he joined in helping make the party a fun time.

At one point he held up a coin and offered to give it to the first youngster who told him what 8 times 9 was. He felt sure that this would be simple for a fourth grader.

To his shock, none of the students knew what 8 times 9 was. That night he got Leslie's math book and found that like most of its type today, it went into math theory but gave little to old fashion arithmetic. He felt that this might be of some use to computer specialists or geneticists but little help to anyone trying to learn how to make change or do simple math.

Thinking his own education might have been lacking in some way, Dr. Shackelford took the fourth grade "new math" book to his office. He tried it on his learned colleagues, who included highly trained scientists. Not one of them could understand the problems in the book and not one of them could see any value in "new math."

To start his campaign Dr. Shackelford wrote the local school board. He now plans to take the matter up with state educational officials. He told his school board chairman:

"I have copied some of the most ridiculous problems and ask you to try to work them . . . . . then after the exasperation subsides, ask the same questions to those state officials who have approved these books. And so on, problems and ask you to try to work them

In reply the school board chairman said:

"I grumbled about it (new math) like I think most parents did. But I guess it's something that people kind of accepted and educators got sort of carried away."

It seems that the idea of "new math" is that it is necessary to teach math theory to youngsters rather than routine arithmetic. Dr. Shackelford compared with this with the great postwar departure from the old fashioned but eminently successful phonics method of teaching reading. The new reading methods of teaching have resulted in millions of American students being unable to read properly.

Dr. Shackelford feels that the educational experimenters have had a field day and the textbook publishers have made a killing at the taxpayer's expense.

Three cheers for Dr. Shackelford!

It is time someone stood up and said "new math" is not working and that we should junk it in favor of good basic arithmetic.

Change is good when it is an improvement but when it doesn't work we should stick to what works.

"New math" doesn't work!

UKRAINIAN INDEPENDENCE DAY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. WHALEN. Mr. Speaker, January 22 marked the 55th Anniversary of Ukraine's Independence. Just as I am sure that few people are aware of this fact, I am sure that most Americans are unaware that this independence lasted only 3 brief years. Ever since 1920 the Ukrainians have waged a continual struggle to regain their freedom.

We commemorate not merely the importance of January 22, 1918, to the Ukrainian people, but more importantly, the significance of their struggle for independence to other freedom-loving people of the world. Certainly, their efforts serve as a source of inspiration for oppressed people everywhere.

All too often in a nation which has long known independence, citizens take for granted freedoms which other people do not enjoy. Thus, our celebration of the 55th Anniversary of Ukrainian Independence Day hopefully will also serve as a time of reflection for us who live in freedom. In addition, this should be a time in which we reaffirm our desires to continue to secure these blessings for "ourselves and our posterity."

CUTBACK OF FARM PROGRAMS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 31, 1973

Mr. ABOUREZK. Mr. President, the decision of the administration to cut back numerous farm programs is a matter of deep concern to Congress. It is matter of concern not only because of the value of these programs in maintaining a strong, stable, healthy, rural America, but also because these decisions constitute a challenge to the powers of Congress itself.

As a result of a meeting recently held in Huron, S. Dak., Senator McGovern and I were given an opportunity to develop some of our thoughts on this issue at greater length. This took the form of a letter to the editor of the Argus-Leader, the largest newspaper in my State. I should like to share those thoughts with the Senate and ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Answer Argus-Leader Editorial: McGovern, Abourezk Give Spending Cut Specifics—Term U.S. Priorities "Upside Down"

To The Editor Of The Argus-Leader:

We read with great interest and concern the Argus-Leader editorial of Jan. 16, commenting on our meeting in Huron on Saturday, Jan. 13.

The purpose of the meeting was to protest and to lay plans for attempts to reverse the blitz of program cutbacks and terminations recently unleashed on rural America by the Nixon administration. Your editorial agreed that the administration actions will be harmful to the Great Plains, but argued that we in the Congress must "also come up with some specifics" if we are unwilling to let the President use his "executive prerogatives" to hold down spending.

We would be happy to provide specifics. We believe the manned space program should be cut before the rural electric system. We believe arms aid to foreign governments should be trimmed before emergency aid to American disaster victims. We believe tax subsidies for corporate polluters should be terminated before programs to protect the rural environment.

Across the board we believe that programs for working Americans of modest income should be generally maintained or expanded. We believe the money for this effort should come from swollen budgets in the military-space sector and from the swollen treasuries of tax-sheltered corporations.

Our view that tax dollars should be spent on programs that benefit the families who paid taxes is not new and it is not the view of only a tiny minority in the Congress.

It is the President who has carefully promoted the idea that Congress has helped create today's economic problems with its policies of what your editorial called "spend, spend, spend." But the truth is that over the last four years, the Congress has in fact cut $16 billion from Mr. Nixon's spending requests. We cut $4.4 billion in the current fiscal year. The real source of unbalanced budgets and enormous Nixon administration deficits has been not the Congress but the administration itself—its record corporate tax cuts, granted in some cases without even bothering to obtain congressional consent, plus a deliberate high unemployment policy which inevitably reduced federal tax collections and increased Federal costs. People who have no jobs pay no taxes; instead, they draw unemployment compensation, food stamps and welfare.

It is just as incorrect to say that congressional criticism is wholly negative. We have come up with alternatives and we will continue to do so.

Members of Congress, including the South Dakota delegation, have demonstrated time and time again where waste in the arms budget and other programs could be reduced without damaging our national security.

We question, for example, why the administration finds it more important to spend hundreds of thousands of dollars for the Navy to study a children's toy—the frisbee—than to invest in low-cost power for rural consumers.

On a larger scale, the two weeks of pre-Christmas bombing in Indochina cost $500 million—two and one-half times as much as the Rural Environmental Assistance Program, (REAP) which has just been cut off.

And the tragic irony is that while our own resources will receive less protection because REAP is ended, the agreement ultimately signed in Paris will doubtless commit the United States to pay for repairing the damage those bombs inflicted—a REAP Program for North Vietnam, but none for South Dakota.

On the tax side, both of us have developed, sponsored and supported tax reform programs which would add billions to federal revenues while reducing the burden on ordinary taxpayers. We expect to make a vigorous fight on this issue in the 93rd Congress. We also expect that any progress we make in reforming the tax structure will have to be made, unfortunately over the all-out opposition of the Nixon administration, which seems more interested in advantages for the privileged few than in a fair break for all the people or in a balanced national budget.

But all of this really relates to a larger issue which we discussed in Huron on Jan. 13.

The current cuts in farm, rural development and conservation programs reflect upside down national priorities. It is shortsighted and unjust to make farmers—who are among the most helpless and hard-hit victims of the disease of inflation—suffer most from the cure as well. We object strenuously to that.

But we are also gravely concerned about what has become a sustained assault on Congress that goes beyond the current crisis to the very future of our constitutional system.

We have searched the Constitution in vain for any reference to an "executive prerogative" to impound and withhold funds appropriated by the Congress in legislation signed by the President, to violate the clear intent of the Congress in conducting the nation's business, or to repeal unilaterally the law of the land.

Instead, we find that it is to the Congress, and not to some bureaucrat, that the Constitution grants the power to create new programs when they are needed, or to abolish old programs when the need is at an end. It is to the Congress, and not to the Executive, that our founding fathers assigned the responsibility of determining how national revenues will be raised and spent.

Yet the Nixon administration did not come to the Congress when they decided to slash these rural programs. They made no formal finding that these were bad activities. They did not conduct public hearings. They did not consult with the people who have been hurt. And they certainly did not tell anyone before the election last fall that they had these steps in mind, so they could now claim a mandate to carry them out. Instead, they laid their plans in secret and then implemented them by surprise.

The Argus-Leader editorial said you "would like to see the guidelines or priorities the administration followed in making these reductions." But part of the problem is that it is futile to ask for such information—futile for the Argus-Leader and futile for the Congress. Even if the administration would comply with a request of that kind, which they see no obligation to do, they would still claim the power to carry out the cuts without Congressional consent or participation. Under such circumstances, setting for a chance to look at the guidelines of priorities is a little like being grateful to a burglar who tells you why he is robbing your house, while he disputes your right to call the police.

Congress has consistently refused, by denying "item veto" authority to let the President choose which parts of the law he wants to implement and which he wants to discard. When a bill reaches his desk, he must either sign it all or veto it all; he cannot pick and choose. Yet today we see that power assumed even though it has always been denied.

Last year, the Congress specifically refused to give Mr. Nixon the authority to establish national priorities all by himself, within a $250 billion overall ceiling. He asked for that authority, but he refused even to tell us where the cuts would be made. It would have been an abandonment of Congressional responsibilities to grant what the President asked. Now he has just taken it. One wonders why he even bothered to ask.

What the administration has done is a radical departure from the Constitution. If these actions go unchallenged, then the Congress will have yielded one of its most important responsibilities, and the American people will have lost a precious and hard-won source of control over their government and their lives.

This is not the way to respect the Constitution or to protect the American system. Nor, given the record of the past four years—the towering deficits congressional spending cuts of $16 billion—is it the way to bring the federal budget under control.

So we intend to continue the struggle started in Huron through every available channel. In this effort, we hope for the support, not only of those who identify with the needs of rural America, but of all those who believe in the Constitution and in the great traditions of a free America.

George McGovern,
James Abourezk,
U.S. Senators.

Washington.

PAY COMMISSION SHOULD BE ABOLISHED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. NELSEN. Mr. Speaker, I have today introduced legislation to abolish the Commission or Executive, Legislative and Judicial Salaries. I would also like congressional colleagues to be aware that unless Congress acts affirmatively on this bill to put the Commission out of business, there is every likelihood that it will recommend salary increases for Congressmen, Senators, and other top Government officials to become effective in March of 1974.

If we desire to check inflation, then we in good conscience should not go along with this scheme that seems certain to mean pay increases for ourselves.

Congress should face up to the fact that this Commission represents an unethical, backdoor method of raising the pay of National Government officials. If a pay increase is truly justified, then Members of Congress should clearly have no public fear of casting a recorded vote on the issue.

For the public's information, all nine members of the Commission have now been named and are preparing to review the salary scales of Members of Congress, Justices, and judges in the judicial branch and top executives in the executive branch except for President and Vice President.

This Commission is due to make its report to the President on June 30, 1973. The President will then take these recommendations into consideration in submitting the 1975 budget to Congress in early 1974. Unless Congress specifically acts to disapprove the pay adjustments, they will go into effect about March of 1974.

When this same method was employed in early 1969, I well recall, it was impossible for us even to get a recorded vote on the pay hike package in the House of Representatives. Hence, everybody in Congress got their salary raised without having to be accountable to the voters. It is a wrong way to do business.

AIR FORCE SERGEANTS ASSOCIATION OPPOSES GENERAL AMNESTY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. HÉBERT. Mr. Speaker, I take this occasion to bring to the attention of the House a resolution adopted by the delegates at the most recent convention of the Air Force Sergeants Association held in Sacramento, Calif., this past fall.

The resolution concerns the question of granting amnesty to draft dodgers and deserters who have fled the country to avoid serving in the Armed Forces during the Vietnam war. Because it states the case against a general amnesty so well and because it is so timely in its message on the subject, I am going to ask that the resolution be printed in the Record in its entirety, so that all Members of Congress will have an opportunity to read it:

OPPOSES GENERAL AMNESTY

Whereas, approximately 55,000 Americans have died from all causes during the course of the war in Indochina and scores of thousands have been wounded, many seriously; and,

Whereas, over 1,600 Americans are either prisoners of war or are unaccounted for by the enemy are still carried as missing in action; and,

Whereas, the President of the United States has stated that he would not grant any form of "Amnesty" while American Servicemen were fighting in Vietnam nor while prisoners of war were being held in North Vietnam; and, Whereas, nearly 5,400 Americans are, as members of the immediate families of our POW/MIA's, tragically touched by the inhumanness of our Communist foes;

Be it resolved: the AFSA recommends that no form of general or selective amnesty be granted to all or any of the draft dodgers or deserters until the U.S. Combat role in Indochina has drawn completely to a close, and our prisoners have been returned to our shores, with a valid accounting of our missing in action; and,

Be it further resolved, that when the foregoing conditions have been fully met, then and only then, should a deliberate case by case review be undertaken by those who, having turned their backs on their country in her hour of need, now seek the full rights of citizenship when boastfully they chose to evade its accompanying responsibilities.

LET'S NOT KID OURSELVES ABOUT WHO WON THE WAR

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MATHIS of Georgia. Mr. Speaker, while I join with all Americans in welcoming the cease-fire in Vietnam, I do feel that the conditions agreed upon do need to be placed in perspective.

The following editorial, which I feel reflects a realistic analysis, appeared in the Birmingham Post-Herald on January 29, and I am pleased to insert it in the RECORD for the consideration of the House:

LET'S NOT KID OURSELVES ABOUT WHO WON THE WAR

(By Ted Knap)

WASHINGTON.—President Nixon and Dr. Henry A. Kissinger did their best, but let's not kid ourselves about who won and who did not. Le Duc Tho's claim of "victory" for the Communist side has considerable validity.

Unpleasant though it may be, consider these facts:

—The agreement states (Ch. 1, Art. 1) that the United States and all other countries respect the "sovereignty, unity and territorial integrity of Vietnam," as set out in the 1954 Geneva accords. That's one Vietnam, not two.

—The agreement accepts the continued presence of North Vietnamese troops in the south, estimated by the United States at 145,000.

—Kissinger refers to the long conflict as "civil war."

Those concessions seem to conflict with the constantly repeated contention of Nixon and former President Lyndon B. Johnson that Americans intervened to defend South Vietnam against "outside aggression" by North Vietnam.

The agreement requires the withdrawal of and the dismantling of the bases of "the United States and those other foreign countries" allied with the Saigon government. It is perfectly clear that "foreign countries" does not apply to North Vietnam, which is allowed to retain troops and whatever bases it has in the south.

Kissinger says our side has not accepted the presence of North Vietnamese troops as a "legal right." But it is a well-established principle of law that what is not prohibited is permitted.

Loud and clear, the agreements say the United States failed to get what Johnson and Nixon until recently said they would insist upon—a mutual withdrawal of Hanoi's troops along with ours.

Kissinger did manage to get some of what he had called "allusive" reference to the "sovereignty" of South Vietnam pending reunification.

But considering the agreements as a whole, as Kissinger recommends, Saigon's sovereignty is limited by these factors:

—The DMZ is "only" a "provisional military demarcation line . . . and not a political or territorial boundary," the agreements state.

—The agreements—and Kissinger himself—state that the DMZ separates "two zones," not two countries.

—The agreement refers to the opposing South Vietnamese forces "two parties," not the government of South Vietnam on one side and guerrillas on the other. The agreements attribute "equality" to the two parties, and pledges them to "mutual non-elimination."

How much sovereignty is there in a government that pledges not to eliminate guerrillas seeking its overthrow?

Four years ago the Communists proposed a 10-point peace plan whose provisions are remarkably similar to the present cease-fire agreement with one major exception. The 1969 Communist plan called for establishing a coalition government in the south; the 1973 agreement does not. It would instead establish a Council of National Reconciliation comprised of "three equal segments"—Saigon, Viet Cong and neutralists—to organize general elections.

Much concern has been expressed lately about the excessive and growing power of the presidency. Vietnam proved the limits of that power.

I am not contending that four years made no difference in the deal we got, or in the military readiness of the government forces in South Vietnam, or that we could have been sure four years ago that it would take so long to get so little more. The point is that we should look honestly at what we did and did not get out of the war and in the cease-fire agreements.

VIOLENCE IN NEWS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, there are so many incidents of violence in the news these days that most seem to make only the briefest of headlines. Nonetheless, one cannot help but be shocked and saddened, with the frequency of the incidents.

The callous gunning down of Senator STENNIS before his own house here in Washington is the latest—but unfortunately probably not the last—of these incidents. We all pray for his early and complete recovery.

I would like also to express my abhorrence, Mr. Speaker, of the killing a few days ago of two distinguished diplomats from Turkey. You will recall, I am sure, the details of the brutal slayings in Santa Barbara, Calif., of the Turkish Consul General at Los Angeles, Mehmet Baydar, and his Vice Consul, Bahadir Demir. Regrettably, this is another in a series of attacks on foreign diplomats which have occurred, and which regrettably seem impossible to prevent.

I was pleased to see that President Nixon had sent a telegram to President Sunay of Turkey about the shocking event. The following is the text of that telegram:

> DEAR MR. PRESIDENT: I was shocked and saddened to learn of the killing in California of Turkish Consul General Baydar and Vice Consul Demir.
>
> As you know, our government has been deeply concerned with the prevention of acts of violence directed against foreign diplomats and officials and has worked closely with other governments, including yours, in the United Nations and elsewhere to coordinate international action in this regard. You can be sure this deplorable act of violence is being investigated with a sense of great urgency.
>
> Please accept my sincere condolences and deep regret for this tragic incident resulting in the death of two fine Turkish diplomats.
>
> Sincerely,
>
> RICHARD NIXON.

PRICE INTRODUCES LEGISLATION TO COPE WITH ENERGY CRISIS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. PRICE of Texas. Mr. Speaker, the time has already passed for the Congress of the United States to face up to its responsibilities to assure an adequate and reliable supply of natural gas for the consumers of the United States. Natural gas, the cleanest burning, cheapest fuel we have in this country has been discriminated against by repressive legislation. Our other primary fuels—coal and oil—are regulated by the laws of supply and demand, subject only to national security considerations. Gas is regulated by the Congress through delegation to the FPC.

In the last 4 years, the FPC has recognized the repressive nature of the decisions of the 1960's, which resulted in lower and lower prices at the wellhead until exploration and development of new reserves was dangerously discouraged—discouraged not only by the prices set, but, more important, discouraged by the absolute uncertainty that faces a person who sells gas in interstate commerce. In only three areas of the country—Permean and Hugoton-Anadarko (and Appalachian, Ill., does that person know how much of his contract price he can keep, and, even then, the FPC can lower his price for the future. In the other areas of the country—vital areas of production like southern Louisiana, including the Federal domain, Texas gulf coast, other Southwest, and Rocky Mountain, the producer has no assurance as to what price he is selling his gas, because the FPC or the courts can order refunds of past moneys collected and reduce the price for the future. FPC rate cases sometimes take 12 years to process—and the clock is still running on court review. How Congress, with its plenary power over interstate commerce, can permit a system which requires a person to deliver a commodity without knowing what he will be paid for delivering it for years and years which have come and gone and which are yet to come, is a mystery, and is probably the result of the lack of a crisis. We have a crisis now, as many of us have predicted, which commands the attention of the Congress. More than a dozen major interstate natural gas pipelines are curtailing service to consumers this winter.

"Curtailing service" is a nice way of saying that consumers are being cut off from gas supplies because there is not enough gas to meet current requirements, much less to add new customers. As factories and schools are closed down, as crops are rotting for lack of process gas, as homeowners are being turned away from coast to coast, we, the Congress, cannot stand idly by and say that the policies of the Natural Gas Act, adopted in 1938 and first applied judicially to producers in 1954, are adequate. Congress must recognize its own failures and those of its chosen instrument, the FPC, and remove the cloud over the sale of natural gas in interstate commerce. Yesterday, I introduced legislation, H.R. 3299, that would take the FPC out of the business of regulating the sale of natural gas in interstate commerce—directly or, as Federal agencies sometimes do, indirectly. Market forces would control the sale of gas by producers—both independent producers and affiliates of pipelines who, in desperation, are competing for leases so new supplies can be attached for use by consumers. For gas now being sold in interstate commerce the existing contracts could, for the first time, be honored as the parties negotiated them in the first place, but which have been overridden by the FPC. Gas sold in the future would be regulated by the contracts, not by the FPC's judgment as to what a contract should contain. Thus, the disincentives of regulation would be removed, and there would be no regulatory impediment to exploration and development of reserves. The consumer would benefit in expanded gas supplies from assured domestic sources and at a price far cheaper than the exotic alternatives of freezing gas in Algeria or Russia and transporting it by tanker to our shores at a cost of $1.30 an mcf up as compared to the current average price under regulation of about 0.20 per mcf. The FPC has already approved a base load project of Algerian LNG for our east coast, and that is not all. Also at a cost of $1.30 an mcf and up, pipelines are turning to manufacturing synthetic gas from naphtha and natural gas liquids, thereby threatening to increase the shortages of vital feedstocks for manufacturing. How the FPC can hold the wellhead price on an area rate bases to 26 cents in south Louisiana and, at the same time permit gas to be sold at $1.30 an mcf from a plant is explained by the way the Natural Gas Act has been construed, but the result is intolerable to the American consumer. I urge the Congress to join me in enacting this vital legislation which will do no more than allow natural gas to compete on equal terms with oil and coal in the interstate market.

CONGRESS MUST ACT TO HELP PRESERVE TRADITION OF FREE PRESS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. COUGHLIN. Mr. Speaker, I am introducing today the News Media Source Protection Act to assert the Congress authority in its legislative capacity to contribute actively to the continued preservation of a free press as we have come to know it for almost 200 years. Eleven of my colleagues have joined me in sponsoring this legislation.

In introducing this bill, I considered the overall philosophy of a free press and the narrower issue of drafting legislation that is effective and just.

I think we cannot underestimate the importance of maintaining the integrity of the news media—newspapers, periodicals, radio and television, newsletters and other forms of the media which we have come to take for granted as being unfettered and free from Government intrusion.

Because there has been so much rhetoric and so much misunderstanding about the press' constitutional rights, I think everyone could benefit from a reading of the first amendment—ratified in earlier and less complex days—which forbids the Congress from making any law to abridge the freedom of the press. That simple and explicit prohibition cannot meet the requirements of a free press in these times.

There is no Federal law that bestows special privileges upon the people who publish or own the news media or who work for it. These people are earning their living under the private enterprise system and owe their wages to the profit-making employer for whom they work. Balanced against this very business-like view of the news media industry is the realization of the people involved that they work not for profit alone, but are employed in a trade or profession which through the years has become an integral part of our functioning democratic Republic.

I cite these points, because responsibility is a two-edged sword. Implicit in any bill introduced to help protect the freedom of press, I feel, is the tacit understanding that the news media must exercise responsibility in fulfilling its unwritten obligations.

While publicity has highlighted the problems of news source protection in big cities such as New York and Los Angeles, this is an issue that is every bit as important in small towns throughout the country from the vantage point of both news media integrity and responsibility. The publisher and employees of a small town weekly must exercise their unique responsibility as much as the publisher and employees of the New York Times if the concept of press freedom is to retain its credibility as a great but unwritten tradition of this Nation.

A subpena issued to a newsman to try to get him to reveal his news source may be damaging to the freedom of the press. But so is the action of a publisher who maintains a "black list" of people whose names cannot be printed in his newspaper. So is the editor or reporter who fails in seeking out opposing views for a story that can tarnish the reputation of a public official or a private citizen. So is the decision of a TV correspondent to fake a scene for his cameras to heighten the impact or drama of an event.

There is nothing written in the law or in newspaper ethics about these little foibles of the press. And, as a member of the most-criticized institution in this country—the U.S. Congress—I feel I can speak of these failures of the news media as a friend who is concerned with providing the legislative protection necessary to enable it to carry out its duties free of Government harassment.

If the rash of court decisions and subpenas aimed at newsmen are threatening freedom of the press, then, too, are these instances of press failure and thousands of others that take place throughout the country. Just as the Congress is looking to its legislative responsibility in the press field, I think the press should reassess its obligations and responsibilities.

The erosion of press freedoms takes all forms—from within and from without. The news media itself bears a heavy responsibility.

In proposing this legislation, I acknowledge that the time has come for the Congress to play an active, rather than a passive role, in exercising its responsibility for preserving freedom of the press. This best can be accomplished in the case of news sources which has been the area in which courts and prosecutors have felt constrained to encroach.

Forcing newsmen to reveal sources may be the easy way for courts and prosecutors, but its effects are extremely damaging to the gathering of news for publication or broadcast by the news media. I know from personal conversations with reporters in my Congressional District that they are finding an increasing reluctance on the part of sources to reveal information. Regardless of what the courts may tell us, there is no written or implied intent for reporters to become investigators or informers for the Government.

I need not cite countries where the news media, which are allowed to operate, enjoy that incestual relationship. The results, unfortunately, speak for themselves.

Balanced against this need to protect news sources is the other constitutional right of accused persons to their sixth amendment rights including the right to be confronted by the witnesses against them.

I feel the "News Media Source Protection Act" meets these tests, because it is reasonable and fair legislation. It avoids extremes and attempts to institute the application of common sense and good judgment to a sensitive and vital issue.

This bill provides two levels of protection for news sources.

At the first level, there is absolute protection. A newsman cannot be forced to reveal his sources to a Federal Grand Jury, Agency, Commission, Department or both Houses of Congress and their committees. This prohibits the "fishing expeditions" that have been launched throughout the country since the 5 to 4 Supreme Court ruling that holds newsmen possess no first amendment rights to protection of their sources.

At the second level, there is qualified protection. This means where a specified crime is being tried in Federal Court, strict tests must be met to compel a newsman to reveal his source. These qualifications require, first, there be independent evidence that material sought is substantial evidence, direct evidence and essential evidence as to the central issue being tried. Second, that with reasonable effort there was not or is not any other way to obtain the evidence. Third, the trial must be for the crime of murder, forcible rape, aggravated assault, kidnapping, hijacking or, once a national security breach has been proven, there is a central issue as to breach of classified national security documents or a breach of a court order of a national security statute.

A judge would make his determination in chambers so the source would not be revealed during the course of arguments.

This bill specifically designates what constitutes sources. These include written, oral and pictorial communications, and written notes, tapes, outtakes and news film. Persons and information thus are effectively granted protection.

A full and detailed definition of newsmen to be covered by this act is included. Language is detailed on whom is a bona fide newsman with the suggestion that one who is regularly engaged in as a profession or earns his principal income from his news activities fits the definition.

Of particular importance is the provision which provides for immediate appeal rights at the Federal court level for newsmen ordered to reveal testimony after the strict tests of the act have been met and the judge rules against him. This will prevent the deplorable practice of judges throwing newsmen into jail even when they have announced an immediate intension to appeal.

This is a long and detailed bill that is not designed as a throwaway to the boys in the pressroom. Rather, it is a carefully drafted and fair measure that recognizes the American people are entitled to access to a free press operating without fear of government instrusion. It recognizes that the Congress can act within the province of its legislative authority. And, hopefully, it spells out that the news media, Government and the people all have a stake in preserving and perpetuating the concept of a free press.

In my earlier remarks, I alluded to what I feel is the responsibility of the news media in exercising its role in an open and democratic society. I underscore these remarks, but want it understood that I firmly believe that a modicum of irresponsibility by the press is far healthier for the Nation than any measure of irresponsibility by the Government.

For almost 200 years, the tradition that began with John Peter Zenger has served this Nation and its people well. No matter how each of us individually defines freedom of the press, the fact that we attempt to define it shows how ingrained is this principle to us.

James Madison, in a letter dated August 4, 1822, wrote:

> A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors, must arm themselves with the power which knowledge gives.

Knowledge, as well as the freedom to acquire knowledge, has served us well for almost 200 years. I believe enactment of the "News Source Protection Act" would uphold and perpetuate this tradition.

COME HOME, DEMOCRATS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. O'HARA. Mr. Speaker, as many Americans are aware, there is now a major movement underway to return the Democratic Party to traditional party principles. The recently announced formation of the Coalition for a Democratic Majority is part of that movement.

The coalition's efforts will be based upon the premise that a majority of Americans will support a national political party which is progressive, internationalist, and firmly committed to equal opportunity for all Americans if that party nominates candidates who can appeal to voters of every region and economic class and if that party's programs are perceived as promoting economic and social justice in a rational and equitable fashion.

In the interest of giving the broadest possible exposure to the aims and aspirations of the Coalition for a Democratic Party, I am inserting in the RECORD the following statement, entitled "Come Home, Democrats," which sums up how we, in coalition, feel:

COME HOME, DEMOCRATS

The 1972 Presidential election has provided the Democratic Party with a stern lesson—and we believe with an historic opportunity as well.

As Democrats we naturally cannot find it in our hearts to applaud the fact that the American electorate has turned its back on our party's candidate for the Presidency. Nevertheless, we do not view the results of this election as the expression of some sweeping new shift to the Republicans.

We see the 1972 election, rather, as a clear signal to the Democratic Party to return to the great tradition through which it had come to represent the wishes and hopes of a majority of the American people—the tradition of Franklin D. Roosevelt, Harry S Truman, Adlai Stevenson, John F. Kennedy, Lyndon B. Johnson and Hubert H. Humphrey.

In nominating these men for the Presidency, the Democratic Party repeatedly proclaimed its earnest intention to build a better nation and a better world along the lines of certain principles. And in electing Democratic Presidents for twenty-eight of the last forty years, the American people repeatedly endorsed these Democratic concepts of progress, which were keyed to six driving ideas:

An ever expanding opportunity for individuals without regard to race, class, sex, or ethnic origin;

An ever fairer distribution of the fruits of the country's vast wealth and productivity;

A sustained effort, through compensatory action, to give those who have by birth and background been disadvantaged a full opportunity to compete as equals in American life;

A sober but spirited assumption of America's share of responsibility for the establishment of a more secure international community;

A knowledge that without democratic order there can be no justice and without justice there can be no democratic order;

A belief that democracy works and that it works because American voters are wisely and prudently aware of their own self-interest.

THE "NEW POLITICS" HAS FAILED

In the turbulence and confusion of the past years, the national Democratic Party has come to be unduly influenced by forces and ideas both unrepresentative of and hostile to traditional Democratic principles.

The belief that the security of the United States depends upon a stable and progressive world community has been challenged by the idea that the United States must withdraw from its international responsibilities and effect a serious diminution of its own power.

The belief that America is a great nation seeking to correct major inequities has been challenged by the idea that American society is sick and guilty, morally bankrupt and inherently corrupt.

The idea that social progress is best served by a balancing of the conflicting rights, needs, and demands of many different kinds of people has been challenged by the claim of an elite faction that it knows what is best for others.

The principle of individual merit without regard to inherited status has been challenged by the idea of proportionalism in accordance with birth and group origin.

The belief that order is essential to justice has been diluted by an attitude of cavalier disregard for the tens of millions of Americans who are genuinely concerned about public safety and respect for law.

In the service of such new forces and ideas a "New Politics" has developed—a politics new in its contempt for the very people and institutions on which the Democratic Party has built its electoral strength. It is a "New Politics" that has derided the organized labor movement, driving it from its traditional place in the vanguard of the Democratic coalition. It is a "New Politics" that has sneered at the greatness of America. It is a "New Politics" that has dismissed as morally unworthy the long-range values and daily concerns of tens of millions of ordinary people. And finally, and tragically, it is a "New Politics" that has allowed the Republican Party—a party so long and so accurately known as the party of privilege—to represent itself for the first time as the champion of such values and concerns.

The fact is, however, that it has always been the Democratic Party—not the Republican—that is the natural home of people concerned with the expansion of individual opportunity in America. It is the Democratic Party—not the Republican—that has always been deeply concerned with the basic freedoms of expression and association. It has always been the Democratic Party—not the Republican—that has been the most deeply concerned with responsible action abroad in the interests of world peace and security. And it is the Republican Party—as has recently been revealed—that has acquiesced in a cynical and criminal undermining of the essential decency of the American political process.

REAL PROGRESS STILL CAN BE ACHIEVED

Now the voters have spoken. In the weeks and months ahead many interpretations will be offered as to what they have said. There will be talk of a "realignment" of political forces, of a large-scale shift in political sentiment. It will be argued that the American people have been "moving to the right". Or the defeat will be attributed to the ineptitude of the candidate rather than to a rejection of the ideas and forces he was thought to represent.

We do not believe that these alibis are valid. We believe that in repudiating the Democratic/"New Politics" presidential candidacy in this election while re-electing a Democratic Congress, the voters were speaking with precision and sophistication. What they said was that American society should continue on in that very Democratic tradition which, abandoned by the forces temporarily in control of the national Democratic Party in 1972, was usurped in some measure by the Republicans.

Accordingly, we founding sponsors of the Coalition for a Democratic Majority issue this call:

To all who believe this society must end all forms of discrimination against some without recourse to discrimination against others;

To all who believe in a pluralistic political process in which no single group or class enjoys a special moral status;

To all who believe that, regardless of past miscalculations or failures of policy, United States involvement in international affairs continues to be necessary to the establishment of a stable and viable international order;

To all who believe that while our society must be vastly improved, it has not failed—

Join with us in the Coalition for Democratic Majority, a new organization dedicated to returning the Democratic Party to its rightful role as spokesman for the majority of the American people, as the party of progress, freedom, and security for all.

PART OF THE FAULT HAS BEEN OURS

In recent years the American public discourse has been flooded by expressions of the "New Politics" point of view. In part, this happened because people who disagreed spoke up only as single private voices or didn't speak up at all.

It is the intention of the Coalition for a Democratic Majority to speak out forcefully and frequently as a public voice—in the hope of redressing the intellectual balance in America. In this way, among others, we believe we can contribute to restoring the Democratic Party to its rightful place of leadership.

So if you believe, as we do, that the time-honored and progressive principles of the Democratic Party are still essentially sound principles, if you believe that they have been violated, if you believe that thinking men and women acting together in common cause can make a better society, then join with us in The Coalition for a Democratic Majority.

(The Coalition for a Democratic Majority is a dues-paying, membership organization chartered in Washington, D.C. It will be active in policy formulation and political organization aimed at revitalizing the Democratic Party, and in general encouraging and contributing to all those forces working toward the re-formation of a Democratic majority in America.)

Joseph Bishop, Professor, Yale Law School; author, Obiter Dicta.

Honorable Richard Bolling, Congressman (D), 5th Congressional District, Missouri.

Bill Cornnell, President, Concept Films; former Executive Assistant to Vice President Hubert Humphrey.

Midge Decter, Literary Editor, World magazine; former Executive Editor, Harper's Magazine; author, The New Chastity.

Honorable Thomas S. Foley, Congressman (D), 5th Congressional District, Washington.

Nathan Glazer, Professor of Sociology, Harvard University; co-author, Beyond the Melting Pot.

Patricia Roberts Harris, former Ambassador to Luxemburg; Chairman, Credentials Committee, 1972 Democratic National Convention; attorney .

Max Kampelman, attorney. Legislative Counsel, Senator Hubert H. Humphrey; author, The Communist Party Versus the CIO.

Robert Keefe, political consultant; former campaign aide to Senator Hubert H. Humphrey; former administrative assistant to Senator Birch Bayh.

Penn Kemble, Chairman, Frontlash; contributor Commentary magazine; former staff member, League for Industrial Democracy.

Jeane (Mrs. Evron M.) Kirkpatrick, Associate Professor Political Science, Georgetown University; author, Leader & Vanguard in Mass Society.

Seymour Martin Lipset, Professor of Government, Harvard; author, The First New Nation, Political Man.

Honorable James G. O'Hara, Congressman (D), 12th Congressional District, Michigan; former Chairman, Democratic Study Group.

Norman Podhoretz, editor, Commentary magazine; author, Making It.

Austin Ranney, Professor of Political Science, University of Wisconsin. member, McGovern-Fraser Commission on Party Structure and Delegate Selection; author, Paths to Parliament.

Richard Ravitch, business executive, construction.

John P. Roche, columnist; Professor of Politics, Brandeis University; former National Chairman, Americans for Democratic Action; former Special Assistant to President Lyndon B. Johnson.

Peter Rosenblatt, attorney; former Special Consultant to Senator Edmund S. Muskie; former aide to President Lyndon B. Johnson.

Bayard Rustin, Director, A. Philip Randolph Institute; author, Down the Line.

Richard Schifter, attorney; Vice President, Maryland State Board of Education; Chairman, Montgomery County Democratic Policy Association.

Ben Wattenberg, co-author, The Real Majority. former campaign aide to Senator Henry M. Jackson, former aide to President Lyndon B. Johnson.

The Coalition for a Democratic Majority, Box 28181, Central Station, Washington, D.C. 20005.

THE LATE HON. ALFRED J. ELLIOTT

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MATHIAS of California. Mr. Speaker, many Members in this Chamber will remember Congressman Alfred J. Elliott from Tulare, Calif.

I personally was saddened by his death this January 18, for he had been a friend of mine for many years.

Al Elliott was a Member of the House from 1937 to 1949. He was elected as a Democrat to the 75th Congress to fill the vacancy caused by the death of Henry E. Stubbs. He was reelected to the 76th Congress and to the four succeeding Congresses. He chose not to run for renomination in 1948, but instead decided to remain in Tulare.

Al was a resident of Tulare from 1910 where he attended the public schools. He was also engaged in farming and livestock raising, and served as secretary-manager of the Tulare County Fair, beginning in 1929. His other duties included the chairmanship of the Tulare County Board of Supervisors from 1933 to 1937.

Al retired from public life in 1965 and lived at his home close to the fairgrounds.

He made many friends in and around Tulare and he will be remembered not only for his outstanding work as a Congressman, but for his leadership in his community for so many years.

I have had the opportunity of his counsel during the last few years when I would visit him at his home. In December of 1972, I sat with him in his living room and I remember his words to me. He said, "Don't give up trying—do your best."

We will remember Alfred Elliott, for he always did his best.

THE FREE PRESS CONTROVERSY—WHAT IT MEANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WALDIE. Mr. Speaker, on the first day of this session, I introduced legislation providing unqualified protection to newsmen from compulsion to reveal their sources by the courts or other governmental agencies.

Mr. Speaker, I would like to call the attention of my colleagues to two articles which appeared in the January 14 issue of the Los Angeles Times. The articles deal with the value of confidentiality as a tool of the reporter in major news stories and an editorial concerning the power to suffocate.

I hope my colleagues will take the time to read these articles with the end result being the passage of a no-qualification newsmen's privilege bill.

The articles follow:

THE NEED FOR CONFIDENTIAL SOURCES—SOME PRIZE EXAMPLES

"Listen to an informant whom we'll call Joe," reported Malcolm Johnson in the old New York Sun, "because that's not his name and Joe feels that he's marked for death for having crossed the Bowers mob."

With the help of Joe and other unnamed sources, Johnson wrote a Pultizer Prize winning series of articles in 1948 that touched off official investigations and exposed New York's waterfront gangs.

Digging reporters such as Johnson have

always found the use of "Joes" a necessary tool.

The combination of the Joes and the journalists of America has produced some of the nation's greatest exposes, including such modern day disclosures as the Pentagon Papers, the My Lai massacre and the Watergate bugging scandal. In fact, because confidential sources usually help uncover information other people try to conceal from the public, the stories they produce generally are considered public-service journalism.

"Every Pultizer Prize won for coverage of the Vietnam war, beginning with those won by Malcolm Browne of the AP and David Halberstam of the New York Times in 1964, depended on confidential sources," John Hohenberg, secretary of the Pultizer Prize Advisory Board, said in an interview.

"Browne and Halberstam were challenging the truthfulness of the United States government in saying the war was being won in 1963 and that the strategic hamlet program was a success in beating back the Viet Cong," Hohenberg said. "Their reports showed the program was a failure and a farce and they certainly didn't get such information from official government sources. They had to get out and get it firsthand from people in the lower echelons."

Today, with reporters being jailed for refusing to disclose the names of confidential sources, Hohenberg believes "we are heading into a period as bad as the time of the Alien and Sedition Acts of 1798 when newspapermen were thrown into jail for some of the things they published."

Until recent instances, the only case this century of a reporter's jailing that "really stirred up the nation's newspapermen," Hobenberg said, was the jailing of Martin Mooney of the old New York American in 1935. Mooney was fined $250 and sentenced to 30 days for refusing to reveal sources of a gambling story to a New York Grand Jury.

"Nobody really ever bothered us much about our sources before or after the Mooney case until now," Hohenberg said.

Two other less celebrated cases involved Marie Torre of the old New York Herald-Tribune, who served 10 days in jail rather than reveal the source of a controversial column on singer Judy Garland, and Annette Leasley Buchanan, a student at the University of Oregon, who was threatened with a jail sentence in 1968 for refusing to reveal the source for an article on campus marijuana use to a Lane County Grand Jury in Eugene, Oreg.

Since last year when the Supreme Court ruled 5 to 4 (with all four of the Nixon appointees on the majority side) that journalists had no First Amendment rights to withhold confidential sources from grand juries, more than a dozen reporters have been jailed for refusing to reveal sources of information obtained in confidence.

Reporter William Farr of the Los Angeles Times spent 46 days in jail before being released Thursday by order of Supreme Court Justice William O. Douglas pending an appeal now before the U.S. 9th Circuit Court of Appeals.

Although some sources simply dislike the limelight, especially in a controversial matter, a major reason that sources often insist on confidentiality is that they fear retaliation from persons they help expose.

Depending on the case, the retaliation feared could include the loss of a job and friends, unfair prosecution, physical punishment or even murder.

What can happen when a source is identified was indicated by the Ku Klux Klan's treatment of a man it thought was Malcolm Johnson's informant for his expose of the Klan. Johnson, now a New York public relations consultant, said he never revealed the source, but the Klan picked the wrong man "and beat him badly and left him for dead"

Neil Sheehan of the New York Times also refused to divulge the source of his award-winning stories on the Pentagon Papers. But the government, acting on information obtained independently of the New York paper, charged Daniel Ellsberg and Anthony Russo with leaking the documents, and the two are now being tried in a federal court in Los Angeles.

The articles, based on a secret Defense Department study of the Vietnam war, showed that U.S. officials had repeatedly lied or distorted facts in public pronouncements on the war over a period of years.

Seymour M. Hersh, who won a Pulitzer for breaking the My Lai massacre story for Dispatch News Service in 1969, says his confidential sources for the story included three Army officers, a congressman and two congressional aides.

"At that time we still had the weight of 200 years of freedom on our side," says Hersh, now a New York Times reporter. "And we weren't concerned about pressure to reveal sources. Things have certainly shifted."

The Washington Post, Newsweek, Time and the Los Angeles Times all relied extensively on confidential sources in exclusive investigative stories on the Watergate case.

The Times, the only newspaper to have two of its staff members jailed over the question of confidentiality, has used such sources for many of its major stories.

Editor William F. Thomas, in an affidavit filed in federal court in Washington, said confidentiality was a major factor in Times' stories in 1965 and 1968 that won Pulitzer Prizes. The first involved coverage of the Watts riot and its aftermath and the second described city government operations and resulted in indictments and convictions of public officials.

Thomas' affidavit listed several other Times stories that depended on confidential sources for information and involved the potential of civil or criminal litigation. They included:

A massive study of the Queen Mary conversion, involving millions of dollars in tidelands oil monies; stories on the California Legislature which brought changes in legislative operations; a study of the Black Panthers in Southern California; an article detailing important aspects of the Son Tay prison raid in Vietnam; an expose of Ku Klux Klan terrorists in the South; an article on the controversy over oil imports, and a story concerning the relationship between Abe Fortas, then Supreme Court justice, and the Wolfson Foundation.

Thomas' affidavit was filed in connection with a case last month in which defense attorneys subpoenaed the tapes of a 5½-hour recorded interview which was the basis for a first-person story by Alfred C. Baldwin III, the government's key witness in the Watergate case.

In this case the source was known: John F. Lawrence. The Times' Washington bureau chief, was jailed briefly for refusing to relinquish the tapes. The Times resisted the subpoena on grounds that the reporters had promised Baldwin that the interview itself would be confidential and that only material he approved for an article under his byline would be released.

The matter in this case, but not the issue, was resolved, however, when The Times, at the request of Baldwin and his attorneys, relinquished the tapes to U.S. District Judge John J. Sirica. Baldwin said he was voluntarily waiving the confidentiality agreement because there was nothing contradictory between the interview and his first-person story and he wanted to eliminate any question the continued withholding of the tapes might raise about his credibility as a witness.

The atmosphere created by subpoenas of newsmen and government attempts to suppress publication of the Pentagon Papers had a direct effect on the handling of the Baldwin story by Times' reporters.

Two reporters, concerned that the government might attempt to suppress publication of the story, stayed up until 4:20 a.m. on Oct. 4 dictating the story from New Haven, Conn., near Baldwin's home, to a recorder in The Times' editorial offices in Los Angeles.

Several hours later attorneys for Baldwin who had approved the interview and the story telephoned the reporters and asked that the story not be published. They said government attorneys, upon learning from them that the story was about to be published, had threatened to withdraw the immunity from prosecution Baldwin had been promised in return for his testimony at the Watergate trial. Baldwin, the government attorneys warned, might be indicted or held in contempt if the story were published.

Several hours later a government attorney telephoned Baldwin's attorneys again to say that Judge Sirica had signed a court order prohibiting any witnesses from commenting on the case and that Baldwin could be held in contempt if the story were printed.

Times editors, however, decided to publish the story, which ran Oct. 5. The reasoning was that it was in the public interest and that Baldwin had withdrawn his approval only because of government intimidation.

The Times' reporters, concerned that the government would attempt to seize the tapes, mailed them to an editor in Los Angeles for security purposes. Five days later Earl J. Silbert, chief prosecutor in the Watergate case, warned one of the reporters that the tapes would be subpoenaed. "If we don't subpoena them, the defense will," Silbert said. The defense subsequently did, of course.

Although congressmen say their mail on the subject is light, Congress now has before it about two dozen bills that would protect newsmen from subpoenas that would violate confidences. Meanwhile, some investigative reporters have talked of destroying notes or tapes of sensitive interviews, much as FBI agents destroy their notes of interviews after preparing a statement for a witness.

The Power To Suffocate

The first freedom of a free man is freedom of the mind, but that freedom is of little value without access to information and the opinions of others.

This freedom is always under attack from many directions and many influences, subtle and otherwise; private organizations and powerful individuals assiduously promote their views of the world, while trying to limit that same right for others.

Fear of these influences and pressures can cause self-censorship, yet they can be resisted; this demands some courage, but without a modicum of courage people can never gain or preserve their liberty.

But the chief threat to freedom in the modern world, as indeed it always has been, stems from the power of government. Justice William O. Douglas noted this recently. "As the years pass, the power of government," he said, "becomes more and more pervasive. It is the power to suffocate both people and causes."

He warned against this power in his dissent from the Supreme Court's decision last June in the cases of three newsmen who were denied the right to protect their sources of confidential information from the inquiry of a grand jury.

That decision, which whittled down First Amendment protections of the press, revealed, in the dissenting words of Justice Potter Stewart, "a disturbing insensitivity to the critical role of an independent press in our society."

However, Justice Byron R. White, who wrote the majority opinion, granted that Congress could provide statutory protection of newsmen against the compelled disclosure of information and its confidential sources.

Today, it has become evident that Congress must act to protect the confidential relationship between reporters and their sources. That relationship is essential. Without it, the news media will be effectively barred from conveying information to the public that has a vital bearing on the public's welfare.

The privilege must be unqualified. It is not in actuality, as it has so often been described, a "newsmen's privilege." Rather, it is the public's right to be informed by the news media free from government interference, whether that interference comes from a court, a legislature or any other agency of government.

Sen. Alan Cranston (D-Calif.) has introduced a bill (SB 158) to provide this protection, and a companion measure will be introduced Monday in the House of Representatives by Rep. Jerome R. Waldie (D-Calif.).

These bills would protect newsmen from the forced disclosure of the source of any published or unpublished information or the compelled revelation of any unpublished information. They would cover both the federal government and the state government.

While the passage of these bills would make state legislation unnecessary, Assemblymen Walter Karabian (D-Monterey Park) and William T. Bagley (R-San Rafael) have introduced similar bills (AB 1 and AB 4, respectively) to strengthen the existing protections in California.

This legislation, federal and state, deserves support from the public, for it is the public's right to be informed that is at stake.

SERMON BY REV. W. GRAHAM SMITH

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. BRINKLEY. Mr. Speaker, during the 92d Congress, one of our visiting Chaplains who opened the House included in his prayer the words, "grant us peace, but not peace at any price." His hope for peace was in the example of the Prince of Peace.

Similarly, the sermon preached by Rev. W. Graham Smith of Fairlington Presbyterian Church last Sunday is a profound lesson for us all, offering guidelines to true tranquillity.

The sermon follows:

SERMON PREACHED AT FAIRLINGTON PRESBYTERIAN CHURCH, ALEXANDRIA, VA., ON JANUARY 28, 1973, BY THE REVEREND W. GRAHAM SMITH

St. Matthew 11:29–30

"Take My yoke upon you, and learn from Me; for I am gentle and lowly in heart, and you will find rest for your souls. For My yoke is easy, and My burden is light."

GOD DOES GUIDE US (3) THE RESULTS

Overstrain; hypertension; nervous breakdown; mental disorder; neuroses. These are the commonplace words of modern vocabulary. In spite of the advances in medical science, we hear of alarming increases in nervous, mental and cardiac cases. Fear, in one form or another, lays its icy hand on multitudes of people. The world has accelerated so amazingly during the past fifty years that almost everyone shares in the strain; for the human body, in many cases, just can't keep pace with modern living.

As one writer, Dr. David Read, puts it: "You will notice how nearly all the really interesting people you meet are a prey to some kind of nervous habit. Only the stupid, the dull, or the saints who have achieved supreme detachment have remained unaffected. All the rest are betraying signs of jumpiness and overstrain."

So often people cannot get along with each other because they cannot get along with themselves; and they cannot get along with themselves because they have never really submitted themselves to God.

"Why are we so faded?" a young fellow asked his mother. People are "faded" because they haven't the red blood of an inner certainty coursing through them. The colours in which they have dyed life have "run." They were not "fast" colours to begin with. And in the downpour of calamity, and the stress of human living the colours of life have become faded. The plain truth is that if people are to get power and poise, sparkle and buoyancy back into life, they can get these priceless things only as they submit to the will of God, and are dead sure of the guidance of God.

I heard of a canary once that would never sing until after it had its bath. Our souls are like that. Until we get a bath that cleanses away all fears, all uncertainties, all guilt, all sense of not being in the Will of God, the soul will not sing. But a tremendous thing happens to you when you honestly seek God's guidance, and obey the conditions and employ the methods whereby guidance comes, and it is this—there comes an inner peace at the very core of your being, even though all the world is in tumult.

As the old gospel hymn has it—

"Peace, perfect peace, by thronging duties pressed? To do the will of Jesus, this is rest!"

If we obey God's will we get results; if we don't, we get consequences!

What are some of the results of obeying God's Will?

1. *We lose the fear of getting lost.*

Every one knows the terror of the little child who gets lost and can't find his way home.

There is a good illustration for us here in the way the pilot of an aeroplane finds his way to his destination. A radio beam is sent out from his home airport, and once he is in that beam, he has only to follow it to find his way. But if the aircraft veers off course, and the pilot gets out of that directing beam, a buzzer sounds in his earphones as if to say—"You are going wrong! Get back on the beam!" I think it is not stretching the illustration to say that God sends out, as it were, a beam of direction, namely, His Will for us in those circumstances in which we find ourselves. And so long as we remain obedient to His guiding we have no fear of getting lost, or of having our peace of mind destroyed. It is only when we deliberately get out of line with God, get off the beam, that real trouble ensues.

Naturalists tell us what happens, mechanically, in the brain of a bird. In the late spring, a swallow away in Africa, will take off on a journey of thousands of miles, and come back to the eaves of the same little village church in England where she built her nest last year. She will not be deflected from her course; she will not lose her way. She will find a path through storms and driving winds, across seas, and over mountains, because, even though mechanically, she is on the right "beam."

It is an awful thing not to know where you're going in life—to have no compelling purpose—no shining goal of endeavour. Far too many people simply drift through life, and they miss life's choicest treasures because, by failing to obey God's Will, they are failing to fulfil the splendid purpose for which God caused them to be born. Let us remember, then, that by keeping within the Will of God, by keeping "on the beam," we find our way even through apparently overwhelming storms.

We will never get lost!

2. *The dread of carrying the responsibility of what happens is removed.*

What a dreadful moment it was on that Good Friday morning long ago, when the Jerusalem mob, spurred on by the cunning, ruthless, religious leaders, shouted out—"His blood be upon us and upon our children!" What they were saying was this—"We are quite ready to take complete responsibility for our actions!" But it is often this sense of crushing, personal responsibility which gets us down. But I believe God says to each one of us—"As long as you try to do My Will, I will accept responsibility for whatever happens. I will carry that burden for you. I will direct you, and the consequences are My responsibility, not yours!"

I heard recently of a little girl whose mother was obliged to be away from the home for a time, and the child had the task of housekeeping for her father and several smaller brothers and sisters. One can imagine the burden of responsibility which the child carried. But she bore up bravely, and carried out her duties splendidly. But, when her mother returned home, one can realize the relief of the little girl as she exclaimed—"Oh Mother, I'm so glad that you have come home!" Remember, the child would probably still perform most of the duties she had been doing before, but the difference was this—her mother now bore the responsibility! I feel that the illustration does at least point up this truth—that when we submit our will to the Will of God, in a real sense we can say to God—"I'm so glad you have come!" We are now no longer carrying out a set of duties in loneliness, and bearing the responsibility of life alone. We are trying to do the Will of One Who is all the time beside us, and Who says to us—"All you have to do is to follow the plan I make clear to you day by day, and the responsibility for what happens I will carry for you!"

Herein lies one of the great benefits of the morning "Quiet Time" of prayer and meditation; for if, in the morning hour, you commit each part of the day, and each event of the day to God, then, when a difficulty arises during the day, you can derive strength and courage and stability from the very thought—"Well, Lord, this morning I committed the day into your keeping. I am trying to do what You would have me do—and You are responsible for seeing me through this problem; and I trust You to show me the path I am to take!"

If you think that this is a glib or superficial or naive way of coping with daily problems—I simply challenge you with this question—"Do you spend fifteen minutes with God each morning before you step out to meet the duties of the day?" If you do, then you will not think me naive at all; and if you don't, then try my prescription and see how it works!

3. When we do God's Will, our basic conflicts are resolved.

Of course, a certain amount of conflict is essential for the strength and progress of the soul. Each temptation fought and conquered makes us stronger to face the next temptation. The person who has to battle to keep his faith in God when tragedy strikes his life, is the proper person to send to comfort another man who has lost his wife in an automobile accident.

Nevertheless, needless conflict can play havoc with our lives. Indecision is an enemy of the soul. If a man when faced with a moral issue hesitates, wondering what he should do, wondering whether he should play it safe by taking the line of least resistance, then that man is an irresolute character. But, if we make this our guiding principle: "God helping me, I will do His Will as far as I can see it, regardless of the consequences," then that will answer most if not all of our basic conflicts, and so bring us inner peace and spiritual strength.

Some people, of course, try to end their moral conflicts simply by giving in to temptation, by opening the tap and letting their emotions and instincts gurgle. But the plain fact is that doing wrong always sets up a dozen conflicts where formerly there had been only one. And the person who allows evil in any shape or form to master him is really wading ever more deeply into the morass of spiritual death.

Bishop Gerald Kennedy of the Methodist Church says in his folksy way that the Will of God is like after-shave lotion; you know it's going to sting your face, but you know also that it is good for you. So often doing God's will does sting; but we know that no other way can bring peace.

Again and again inner moral conflicts weaken and exhaust us, and so debilitate us that our vital energies are wasted. Dr. J. A. Hadfield, the eminent psychologist, in one of his books, tells how, in the mind of a soldier during World War I, the sense of duty was so much in conflict with the desire to run away, promoted by the self-preservation instinct, that a condition of paralysis of the legs was produced, which solved the immediate problem but, of course, disabled the patient. Hadfield wisely says—"By facing our conflicts and deliberately making our choice, by directing all our endeavours to one great purpose, confidently, and fearlessly, the soul is restored to harmony and strength.

As we close this morning, I would ask you to think about the lovely picture Christ painted in the words of our text—"Take My yoke upon you, and learn from Me; for I am gentle and lowly in heart, and you will find rest for your soul." It is the picture of the strong, trained ox yoked with the weaker, untried animal. The weaker has only to pull his own weight and keep level with the stronger. The stronger carries the heavy end of the yoke. The stronger is responsible for the straight furrow, and for reaching the end of it. If the weaker pulls out into a direction of his own, the yoke chafes his shoulders and the burden becomes heavy.

"Take My yoke upon you," says Jesus. "Don't be proud, and self-assertive, and say 'I'm going my own way.' By doing that, you only make the yoke chaff your shoulders. Walk with Me and it becomes easy. The responsibility is taken from you, and the burden becomes light!"

We all remember from our school days the lovely poem by our own American poet, William Cullen Bryant, written as he watched the figure of a wild bird, flying, as it seemed, into the very heart of the sunset. The last verse long ago laid its spell upon me—

"He Who, from zone to zone,
  Guides through the boundless sky thy certain flight,
In the long way that I must tread alone,
  Will lead my steps aright."

And it was a greater than Bryant who said—

"In all thy ways acknowledge Him, and He will direct thy paths." Amen.

SALUTE TO SCOUTING

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. NELSEN. Mr. Speaker, Hans Becken, editor of the Hanska Herald in my congressional district, recently wrote an editorial pointing out the great value to America of the fine youth organization, the Boy Scouts of America. With the 63d anniversary of the founding of U.S. Scouting coming up on February 8, it is appropriate to include in the Congressional Record Mr. Becken's editorial tribute:

Anniversary of Scouting

Sometimes we shudder at the thought of today's youth becoming tomorrow's leaders. However, it is reassuring to recall that youth organizations such as the Boy Scouts of America are working to develop future leaders of strong moral character and sound convictions, capable of carrying forward in strength and freedom the traditions of the United States.

It is appropriate that we give special recognition to the Boy Scouts of America this February 8, as they celebrate the 63rd Anniversary of the founding of Scouting in America. During the month of February, the over 6 million Boy Scouts will be exhibiting for the public the many Scouting skills which lead to the development of good character traits, attitudes and self-reliance. Their theme this Anniversary is: "Scouting Today Is More Than You Think," and truly it is just that because Scouting is engaged in an assortment of programs and projects which make the organization more relevant than ever before to the needs and concerns of today's youth. One example is Operation Reach, an action plan to help curb drug abuse.

This Anniversary Celebration of the Boy Scouts of America should remind us that with organizations such as the Boy Scouts we can, indeed, entrust tomorrow's well-being of our great nation to a well-qualified and responsible younger generation.

INEQUITIES IN REVENUE-SHARING PROGRAM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MINISH. Mr. Speaker, on December 29, 1972, I wrote the Secretary of the Treasury to bring to his attention certain inequities which have developed in the revenue-sharing program.

In my area of New Jersey, the formula employed to distribute Federal funds to localities has resulted in great disparities in payments among similarly situated communities. The only apparent reason for these inequities is the different designations borne by the localities.

In New Jersey, within each county, there exist "towns," "cities," "villages," "boroughs," "townships," and so forth. Yet all these localities perform virtually the same services and possess virtually the same jurisdiction. Until the revenue-sharing program was launched, the only real difference between a township and a borough, for example, was in the designation itself. Now these localities have found, some fortunately, others unfortunately, that their individual designation has a great impact upon the amount of revenue-sharing money they are to receive.

Thus far, I have received only an acknowledgment from the Treasury Department. In the interest of fairness and in order to preserve the confidence of my constituents in the equity of the revenue-sharing program, I trust the Secretary will give prompt attention to this matter.

I include my letter to Secretary Shultz at this point in the Record:

U.S. House of Representatives,
Washington, D.C., December 29, 1972.

Hon. George Schultz,
Secretary of the Treasury,
Washington, D.C.

Dear Mr. Secretary: I am writing to urge an immediate reevaluation of the effect of revenue sharing on communities in my area of New Jersey.

After examining the schedule of initial payments to localities in my congressional district, it is apparent to me and to numerous elected officials as well as to ordinary taxpaying citizens, that gross inequities have occurred in the revenue sharing program by virtue of the distribution formula employed by the Treasury Department. These inequities must be promptly corrected in order to restore public confidence in your Department and in the entire revenue sharing program.

Municipalities are quite naturally disappointed that actual payments, in most cases, have fallen far below earlier published estimates. For example, Bloomfield was told to expect $606,000, yet Bloomfield is now informed it will be receiving less than $300,000. Similarly, West Orange had been led to believe it would receive $350,000, yet its entitlement has been reduced to approximately $237,000. Irvington's payment has dropped from $660,000 to $444,000 and Orange's from $590,000 to $336,000.

Moreover, in many instances, communities in the same area, with virtually the same population level, identical local problems, similar income levels and similar tax efforts, are receiving greatly divergent revenue sharing payments.

For example, the communities of Verona and Cedar Grove border each other, differ in population by only a few hundred, cover almost identical land areas, and have similar concerns, taxes, and income levels. Yet, Cedar Grove has been granted nearly six times the amount of money as Verona.

To cite just two more examples, Montclair and South Orange are scheduled to receive much less per capita than nearby communities despite the fact that the problems, taxes, and incomes of all these localities do not differ to the extent reflected in their revenue sharing payments.

These inequities, apparently, have resulted in large part from the different designations borne by these localties. Townships are treated differently than towns, villages, cities, and other types of local governments. Yet, in my area, there is no significant difference between these localities in terms of the type or functions of their governments. The only difference is in the designation itself. Is the Treasury Department, therefore, suggesting that, in order to gain more federal revenue sharing funds, communities should change their designations? Surely, this is absurd!

Congress intended revenue sharing to be administered in a fair and impartial manner, yet this is not the case in my area of New Jersey. Thus far, the program has made a mockery of the Congress' genuine desire to assist hard-pressed local governments.

I demand that you act promptly to correct these obvious inequities by immediately invoking section 108d6 of the State and Local Fiscal Assistance Act of 1972, which permits you to alter the effect of the Act in circumstances where its original purposes are not being met.

To do less would leave numerous communities with a feeling of cynicism and bitterness towards a program which had originally held such great promise as an innovative step in Federal relations with the States and their localities.

Sincerely yours,
Joseph G. Minish,
Member of Congress.

RECENT AGRICULTURE DEPARTMENT ACTIONS

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. EVANS of Colorado. Mr. Speaker, I am deeply disturbed over the Nixon administration's recent termination of several vital programs of the Department of Agriculture. All of these actions have been made in the name of fighting inflation. No one can argue with the administration's desire to stem the rise of inflation, particularly in view of the rather mixed record of the President in this area since he imposed wage and price controls over 18 months ago. To the extent that Government spending contributes to inflation, unnecessary spending should be cut. But I find it difficult to believe that among the very first to be cut should be programs that have been of significant assistance to rural Americans.

For every rural program that is cut, urban America suffers, too, for the tremendous outmigration from rural to urban areas continues to contribute mightily to the health, safety, and welfare problems we are faced with in our metropolitan areas. For the administration to single out rural America for "benign neglect" is, without a doubt, a major step backward in sound social policy.

In the past 6 weeks, the administration has terminated—without giving the shred of legal or constitutional justification for its actions—the following programs in the Department of Agriculture:

Rural environmental assistance program—REAP: $225.5 million was appropriated for the current fiscal year by the Congress. This program, and its predecessor, the agricultural conservation program, have contributed greatly to the farmer's ability to minimize erosion, conserve water, conserve woodland and wildlife areas, and lessen rural pollution. This was a cost-sharing program, with every Government dollar requiring investment by a farmer or rancher, with a $2,500 limit on payments to any individual. Without the availability of Government funds, the Government admits that the small farmer and rancher will find it very difficult to pay for conservation protection. In fiscal year 1972, farmers and ranchers in our Third Congressional District received over $1.5 million in REAP funds, and since the administration announced the termination of REAP, I have received many letters from farmers and ranchers who have benefited from REAP cost-sharing funds, and need those funds to continue this vital work.

The agriculture conservation program, now known as REAP, has been responsible for curing many of the problems of the Dust Bowl, and for the creation of fallback water facilities for livestock areas. The many new requirements placed on farmers and ranchers by the Environmental Protection Agency and other antipollution agencies will place a heavy, if not impossible, burden on those farmers and ranchers without the assistance of REAP cost-sharing payments.

Thus, it was highly disingenuous for the Agriculture Department, when announcing the termination of REAP, to state in its "fact sheet" that—

> **Farmers are better able to pay for conservation practices than ever before.**

When, last year, the Department told the House Appropriations Committee's Subcommittee on Agriculture—Environmental and Consumer Protection, on which I sit, that—

> There is usually a loss of immediate income when a conservation system of farming is adopted. Expected returns from some types of needed conservation measures (for example, terrace systems, erosion control structures, and forestry practices) will not equal their cost for a long time . . . There are greater risks in some types of *needed* conservation work than farmers and lenders are generally willing or *able* to assume. Many of these, in the long run, may provide more benefits to the public than to the farmer. (Italics added.)

The loss of REAP will be measured in the inability of whole counties to pay for bulldozing work, for example, because no individual farmer can afford to pay for the work himself.

Farmers Home Administration emergency loans: This program provides for emergency loans where a natural disaster has caused a general need for agricultural credit. Third District citizens received over $200,000 in emergency loans in fiscal year 1972 Recently, in the Third District, fruitgrowers suffered a freeze in their orchards. The freeze was declared a disaster area back in October, giving some growers a chance to apply for disaster loans by December 27. The growers had been told that they had until June 1, 1973, to apply for the loans, but on December 27, the administration, without any warning, announced they were accepting no more loan applications as of that date. Many growers in our area have apparently been left out in the cold because of this sudden action. The administration "fact sheet" treats the termination of the emergency loan program—which included a 1-percent interest rate and a $5,000 "forgiveness"—as an "expansion" of its operating loan program, despite the fact that farmers and growers struck by a natural disaster will be forced to bear a 587-percent interest rate increase over the level established by law last year.

What about farmers and ranchers whose crops or livestock are imperiled by natural disasters from now on? The operating loan program may be available to them, but at a greatly increased interest rate, as I have noted above.

Does the administration propose to aid the victims of natural disasters in foreign countries—like Nicaragua—in a more liberal fashion than its own citizens? Unfortunately, if the answer is yes, many marginal operators may be forced to leave the land when and if they are struck by devastating weather conditions. And additional inequity facing farmers who got their applications into FHA on time—before December 27—is that FHA ran out of operating funds around December 1, and is still awaiting the receipt of more funds from the President's Office of Management and Budget. Unfortunately, an OMB official has told me that this process may take several more weeks. I have asked OMB Director Roy Ash to investigate this matter and expedite release of funds to FHA.

REA 2-percent loans: Since 1935, the Rural Electrification Administration has made it possible for millions of rural Americans who otherwise would not be served to receive electric service. Since 1949, REA has been providing telephone service under the same low-interest loan arrangement. These self-liquidating loans have been set at 2 percent since 1944, which is a fair price for the American people to pay for the electrification of sparsely populated rural areas. Now the administration has proposed, in lieu of REA's 2-percent loans, the provision of guaranteed—7½ percent—and insured—5 percent—loans—at an increased cost of at least 250 percent to those cooperatives solely dependent on REA's 2-percent loans for their continued needs.

Member co-ops in Colorado currently have nearly $40 million in applications pending in Washington, D.C., and anticipate that nearly $220 million in loan applications would have been made in the next 6 to 8 months. Three systems in Colorado—all in the Third District, which I represent—are solely dependent on the 2-percent loans for their credit. In fact, in fiscal year 1972, member co-ops in the Third District received over $13 million in REA loans, and over $2 million in rural telephone loans. I am told that eight or nine co-ops in the State are out of money now, making their member-customers particularly susceptible to power "brownouts" in the months ahead. New subscribers will simply have to wait unserved.

The vital need in the REA situation is for the administration to move rapidly to make some Federal credit available to those co-ops which are currently facing a cash shortage. Five-percent loans are better than no loans at all, although, of course, the increase in interest rates will undoubtedly result in higher utility rates for member-customers. In the long run, however, we must restore the 2-percent loans. Since the demand for power among REA co-ops is 33 percent faster than in the industry as a whole, according to Government figures, the urgency for restoration of continuity in REA financing is evident.

FHA rural housing subsidies: Two-thirds of our substandard housing lies outside our cities, and the need for adequate housing in rural areas is obvious if we are ever going to be able to make a reality of the rhetoric of rural development. The administration has now announced that three programs in the area of rural housing will be discontinued during an 18-month evaluation study: Housing loans to poor families involving an interest subsidy, rental and cooperative housing loans, and farm labor housing grants and loans. The administration has made across-the-board cuts in housing programs, in the name of fighting inflation by cutting Government spending, but officials of the Farmers Home Administration were unable to supply me with figures as to the amount of money to be saved by terminating these programs. In Colorado's Third District, over $4.6 million in rural housing loans were made available in fiscal year 1972. How are we going to maintain any semblance of rural development if we continue to cut into those programs aimed at making rural life more attractive?

FHA water and waste disposal programs: The water and waste disposal program of the FHA provided $100 million to associations and municipal agencies to develop water storage and waste disposal programs on a 50–50 matching basis with the localities. While the administration claims that the Federal Water Pollution Control Act of 1972 and revenue-sharing funds are sufficient to meet these needs, this is clearly not the case, what with the administration's already having impounded nearly half of the authorized funds under the Water Pollution Control Act for the next 2 years.

The question is, What to do about it? The short answer is that no one knows exactly what will or can be done. The administration has acted, in my opinion, unconstitutionally, for it has abrogated the Congress' right to set national policy in terms of what programs will or will not be carried out. But limiting the Executive's right to act illegally has proved an elusive goal over the years. Perhaps the best opportunity for restoring these programs will come not in the courtroom but in the Halls of Congress. As a member of the House Appropriations Committee's Agriculture—Environmental and Consumer Protection Subcommittee, I shall fight to see to it that these programs are restored to the fiscal 1974 budget. I am also exploring whatever legal means are available to prevent the executive branch from terminating whole programs voted upon and approved by the legislative branch.

In the meantime, an effort must be made to speed through approval of those applications that the administration promises to continue funding, such as 5-percent insured REA loans and those emergency FHA loans that were filed in time to beat the administration's sudden December 27 cutoff. I shall do everything within my power to pressure the administration to move quickly in these areas.

In addition, I have introduced legislation to direct the Agriculture Department to continue the REAP program and the 2-percent REA electricity and telephone loans at the levels of funding prescribed by the Congress. I am currently studying legislative means whereby the Department may be directed by Congress to continue funding of the FHA's emergency loan and rural housing programs.

WHY THE OCAW IS STRIKING AND ASKING A BOYCOTT OF SHELL

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. KARTH. Mr. Speaker, the Oil Chemical and Atomic Workers International Union is currently on strike against the Shell Oil Co. and Shell Chemical Co. which have refused to bargain with it on issues of health and safety and an employee pension plan. It is noteworthy that all other major oil companies have already agreed with the union on these matters. It is only Shell that has not.

The OCAW considers the companies' present refusal to negotiate on these key issues to be so serious as to call for a national boycott of Shell products.

So that my colleagues may have the benefit of the union's reasons for its actions I am including the OCAW's letter in the Record at this point:

Why OCAW Is Striking and Asking a Boycott of Shell

Oil Chemical and Atomic
Workers International Union,
Denver, Colo., January 24, 1973.

Shell Oil Company and Shell Chemical Company have refused to agree to terms with the union which have been agreed to by almost the entire U.S. oil industry.

New contracts have been signed with American Oil, Atlantic Richfield, Gulf, Texaco, Mobil, Exxon, Union, Standard of Ohio, Cities Service, Continental and Phillips, as well as many smaller companies with which OCAW has bargaining relationships.

Shell and Standard Oil of California (Chevron) have refused to even negotiate seriously on key issues of principle. OCAW represents relatively few Standard of California employees, but represents more than 5,000 Shell employees in five of the company's U.S. refineries, several Shell Chemical plants, and some other operations.

OCAW believes that it cannot permit Shell, which is one of the two largest oil companies in the world, to impose on its employees treatment inferior to that granted by most of the American oil industry to its workers. To do so would be unfair to Shell's U.S. employees, would endanger the integrity of the union in its dealings with other companies and would endanger the future of coordinated national bargaining with the industry.

The basic issues in dispute are:

HEALTH AND SAFETY

The new contracts with the other companies provide a new clause establishing joint union-management health and safety committees with power to police the work environment conditions in their plants. This replaces the old system under which management was the sole judge of the healthfulness and safety of work assignments.

Health concerns are important to oil workers. They are subjected to exposures to toxic fumes, vapors, gases, liquids and acids. Some of these substances can do slow, insidious damage to the human body. Policing of a healthful work environment is more difficult than the policing of safety hazards which are more visible to the eye and simpler to understand.

Significantly, the OCAW/Oil Industry health and safety clauses, which are virtually verbatim in all the contracts negotiated, provide for some key methods of measuring the health environment in the work place:

1. There is provision for employment by the company of independent industrial health consultants, approved by the union, from time to time to make health surveys of the plants and to relate their findings to recognized standards of safe exposure to toxic or injurious substances. This will provide objective, non-partisan measurements of the true environmental situation.

2. There are to be periodic physical examinations, of workers, scope of which will be determined by the joint labor-management committees. Such examinations can reveal whether employees are or are not suffering health damages due to exposures in the work place.

3. The company agrees to provide to the union annually full statistics on morbidity and mortality of employees. This is information that will be of great value to occupational health researchers as it will reveal whether there is undue incidence of any particular ailment which might be related to work exposures.

EMPLOYEE PENSIONS

Shell has consistently refused to bargain on employee pensions and it confuses the issue in its propaganda to employees by interlocking its substandard pension plan with an employee savings plan known as the "Provident Fund."

This year, the other oil companies have granted various pension improvements and, more importantly, they have agreed to establish top-level labor-management committees to review and study existing pension plans. Such committees will be at the corporate and international union level and will have full access to necessary information.

This top-level review arrangement is of particular importance in the oil industry. OCAW has been obliged to negotiate at the plant level, while obviously company pension plans must be designed at top corporate level. The various companies pension plans have grown up separately over the years, have been amended from time to time, differ from company to company, and are complex to analyze. Only through top-level review of the plans, company by company, can basic and rational improvements be made.

Shell refuses to permit any employee or union participation in pension planning. It refuses at this time to grant either modest immediate improvements or the top-level review to prepare for future improvements.

The other oil companies have demonstrated considerable statesmanship in agreeing this year to the breakthrough agreements for union participation in health and safety and in pension review.

OCAW believes that it cannot permit Shell, controlling interest in which is owned by Royal Dutch Petroleum Company of the Netherlands and Shell Transport and Trading Company of Great Britain, to do less for its American employees.

THE ADVERTISING INDUSTRY'S NEW PROGRAM OF SELF-REGULATION

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. DANIELSON. Mr. Speaker, the public is increasingly calling for an end to false and misleading advertising. Today I met with representatives of the American Advertising Federation who told me about the advertising industry's new program of self-regulation.

The objective of this new program is to receive and act upon consumer complaints, and work with both Government and industry to maintain high standards of truth in advertising. Because of the deep concern my colleagues have shown for the accuracy of advertising, I am inserting the American Advertising Federation's description of this program in the Record.

THE SELF-REGULATORY PROGRAM

The advertising industry joined forces last year to initiate a voluntary program of self-regulation to be headed by the newly formed National Advertising Review Board. The NARB acts on consumer and industry complaints regarding truth and accuracy in national advertising. It is dedicated to providing a vehicle for continual improvement of advertising practices.

THE NARB—ITS LEADERSHIP

Charles W. Yost, former ambassador to the United Nations, was selected chairman of the NARB. Also elected to the board were 30 members representing national advertisers, 10 representing advertising agencies and 10 representing public or non-industry fields.

Emphasis on advertiser representation stems from the fact that he bears the ultimate responsibility for the advertising that is produced. At the same time, it must be recognized that the inclusion of public representatives in an industry program of self-regulation at the policy making level is unique. Few, if any, other industries or professions provide for involvement of the consumer on other than a complainant level.

SPONSORING GROUPS

The associations sponsoring the NARB are the American Advertising Federation, the American Association of Advertising Agencies, the Association of National Advertisers and the Council of Better Business Bureaus.

COMPLAINT PROCEDURES AND ENFORCEMENT

NARB is organized so that complaints are initially handled by an investigating staff, the National Advertising Division (NAD) of the Council of Better Business Bureaus, and any appeals are forwarded to the NARB. Complaints regarding truth and accuracy—the content of an ad and whether it has the capacity to mislead or deceive—may be initiated by individual consumers, representatives of consumer organizations or through the industry's own internal monitoring.

NAD evaluates the merits of the issues raised in the complaints. In most cases, this means checking the representations made in the advertising with the available information on the performance of the product under accepted standards of truth and accuracy.

In addition to handling complaints, the NAD monitors the various advertising media seeking to uncover any possible abuses before they attract broad public concern. It also renders advisory opinions in advance to advertisers and/or agencies as a way of averting future problems.

If a complaint is considered justified, the NAD works with the advertiser and/or agency to seek an appropriate change in the advertising. The emphasis is on a constructive resolution of the problem. It is up to the advertiser to establish the truth of the claims.

If, however, there is an impasse and the questioned advertising is neither altered nor withdrawn, the complaint is appealed to the NARB. To expedite this appeals process, the chairman of the NARB appoints a five-man panel to hear each specific case and reach a decision on behalf of the entire board. Each panel includes three advertisers, one agency and one public member.

The NARB panel reviews the complaint and the NAD staff findings and provides an opportunity for the advertiser or his representative to present his side of the case in a full evidentiary hearing. NARB panels normally are able to arrive at a decision within a few hours. The decision is transmitted to the advertiser at the highest corporate level.

If the advertiser still refuses to cooperate with the NARB panel or does not agree with the decision of the panel that the advertising is in violation of NARB standards, the chairman of the NARB, after exhausting all procedures, informs the appropriate government agency.

NARB publicly discloses all decisions and monthly reports are released on the status of all cases before NAD or on appeal to NARB. Advertisers in disagreement with the decision of NARB or its investigative staff are given the opportunity to submit their own statements to be incorporated in NARB's public announcements.

The party initiating the complaint is informed of the outcome of the NAD investigation and/or resolution of the NARB panel. If the complainant is dissatisfied with the outcome of the NAD investigation, he too may appeal for a hearing by an NARB panel, again evidencing the functioning role the consumer has in NARB procedures.

THE FIRST YEAR OF OPERATION—PROGRESS REPORT

The workability of the NARB self-regulatory program may be evaluated by reviewing some of the statistics issued after one year of performance. The National Advertising Division reported it had received or initiated 444 complaints against national advertising (as of December 1972). Of the total:

131 complaints were dismissed as without merit. These were cases in which, in the opinion of NAD, the advertiser provided adequate substantiation of claims.

84 complaints were found to be justified, and in all cases the advertiser agreed either to withdraw the ad or to modify it.

227 complaints were still under investigation.

Nine cases dismissed by NAD were appealed by the complainants to NARB for panel adjudication with the following results:

four complaints were not sustained.

two complaints were upheld, assured by the advertisers that the challenged ads would not be used in the future.

three more are in the process of being adjudicated.

It is significant to the self-regulatory program that:

In all cases so far the complaint was resolved before notification of a governmental enforcement agency was necessary.

The individual consumer, as a group, accounted for the largest share of the total complaints.

Virtually every NAD request to an advertiser for substantiation of claims was complied with.

NARB panel judgments are added to the extensive body of precedents dealing with advertising acceptability already developed by the Council of Better Business Bureaus and are available to assist NAD with its staff role of initial evaluation and review.

Panel rulings also serve as precedents for future panels convened to review related cases and constitute a body of information and opinion that will serve as guidelines for advertisers.

RESPONDING TO CHANGE

In evaluating the year-old program, Chairman Yost noted that NARB and NAD are providing self-regulatory machinery that did not exist previously. Further, he said that it was to be expected that procedural problems would be encountered during the program's developmental stages.

Ambassador Yost asserted that "neither NARB nor its investigative staff can be considered an apologist for questionable advertising practices nor a 'defender' of the advertising industry. They act judiciously and fairly on all matters that come before them."

To seek continual improvement of the self-regulatory machinery, the procedures of NARB/NAD have been amended to provide for public disclosure of decisions, despite the earlier judgment that confidentiality was desirable except where compliance with NARB panel findings was not voluntarily forthcoming. The over-riding public involvement and interest resulted in the adoption of the full public disclosure policy.

Also, to help decrease the amount of time between issuance of complaint and its resolution, NAD's investigative procedures are being more closely tied to the Council of Better Business Bureau's trade practices division in Washington, which has experts in a number of advertising areas giving NAD greater research capability. New personnel have been added.

ISSUES OF SOCIAL RESPONSIBILITY

Although NARB and its investigative staff, the NAD, are primarily concerned with truth and accuracy in national advertising, the NARB chairman also is empowered to appoint five-member consultive panels to review the broader questions of taste, morality and social responsibility.

NAD has received only a limited number of complaints deemed to be concerned with such matters. Procedures call for the convening of an NARB panel to review these more subjective advertising questions when the volume of such complaints warrants such action.

As opposed to truth and accuracy questions which are dealt with on a case by case basis, issues of taste and social responsibility will involve the use of "white papers" to caution against a given practice of concern.

LOCAL ADAPTATION

The development of local advertising review boards, based on the national model, is being undertaken in several cities through the efforts of the American Advertising Federation and its local ad clubs and the Better Business Bureaus.

It should be emphasized that this program is not designed to be a panacea for whatever ills exist in the marketplace. It is a conscientious and honest effort on behalf of the advertising industry to respond constructively to public complaints about specific advertising and to elevate further advertising performance.

For further information, write or call:

William Ewen, Executive Director, National Advertising Review Board, 850 Third Avenue, New York, New York 10022, (212) 832-1320.

Roger Purdon, Vice President, National Advertising Division, Council of Better Business Bureaus, 845 Third Avenue, New York, New York 10022, (212) 832-3131.

A BILL TO BAN SECRET MEETINGS WITHIN THE CONGRESSIONAL AND EXECUTIVE BRANCHES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WALDIE. Mr. Speaker, as government has grown, it has become distant, out of reach of the people. A vast, impersonal bureaucracy appears to rule, not by the consent of the governed, but by edict—with the help of a computer printout that cannot be bent, folded, mutilated, or changed.

The electorate responds to this situation in two principal ways: first, people are frustrated and alienated by governmental action that they do not understand and seemingly cannot control or second, citizens do not feel that they are qualified to assess the performance of their elected representatives because the individual does not have "all the information" available to him. Either way, the democratic process loses.

How do governmental bodies come to their policy decisions? More importantly, why do they take certain actions? What happens behind those closed doors?

The people have a right to know.

Therefore, I am introducing legislation which would, in effect, ban secret meetings within the congressional and executive branches of our Federal Government.

Limited exceptions to this rule would be provided for matters relating to national security and defense, certain disciplinary proceedings that might adversely affect an individual's reputation and meetings strictly and solely related to a Government agency's internal management.

But the purpose and effect of this legislation is clear—to open up the decision-making process of government to the public. Citizens will have the right to attend meetings in which they have an interest, and news media and other interested groups will have access which will insure a broader dissemination of information on public affairs.

By bringing the full force of public scrutiny into our deliberations, I am sure that we will substantially improve government. Moreover, we will be taking steps to dispel the understandable cynicism, suspicion and loss of confidence that currently underlies the public's attitude toward its government.

No one can seriously maintain that wholesale reform in this area is not needed—and needed immediately.

Passage of the Freedom of Information Act in 1966 was a welcome first step. But in seeking to place records of past events in the public realm, the public was only provided with a retrospective view of what had already befallen them. Even so, it has been disheartening to witness the extent to which the Federal bureaucracy has gone in circumventing and subverting the act's policy of full disclosure by using "exemptions" for purposes which were never intended by Congress.

This attitude that the people should be left in the dark; that what they do not know will not hurt them—or the Government; and that Government knows best, is personally abhorrent to me. Most importantly, it is ultimately destructive to the very essence of self-government.

A recent study of the executive branch indicates its present practice in this area: "The agencies have either misinterpreted or chosen to ignore existing law enacted to provide the public with greater access to information. The agencies have failed to adequately document their procedures, findings, and conclusions. There appears to be, if not a deliberate attempt to restrict disseminating information, no concentrated effort on the part of the agencies to insure public participation in their activities. This is evident from the lack of adequate procedures to inform the public of these meetings, and the closing of many of these meetings."

This is particularly true of regulatory agencies which have such tremendous impact upon our daily lives, and yet oftentimes act as if they are powers unto themselves.

Meanwhile, the public is expected to content itself with the ever growing disease of self-serving "off the record" statements by public officials which are designed to give less than all the truth.

Congress, it is sorry to relate, is not much better in this regard. Despite the passage of the Legislative Reform Act of 1970, most "business" sessions of committees are still closed to the public.

A Congressional Quarterly report of February 1972, reveals that for 1971, 97 percent of those Senate Committee meetings specifically designated as "business sessions"—organizing, marking up, voting, briefing sessions—were closed to the public. The House was not much better with almost 80 percent of its business conducted behind closed doors.

And the question is, Why? Is such secrecy necessary? Does it serve any legitimate purpose?

The answer is, "No." Government has shown time and again that it does not need this "backroom" atmosphere to conduct its business.

As early as 1953, the California Assembly enacted the Brown Act which made provision for open public meetings for all local government agencies. More expansive legislation to assure open government meetings has been since passed in New Mexico, Arkansas, New Jersey, Indiana, and most recently, Florida—all with good results.

I have insisted that the House Subcommittee of which I am chairman, conduct all its business in open session.

Throughout my years in public service I have been disturbed by the great amount of public business that is conducted in secrecy. What do we have to hide?

It is not at all surprising that people are suspicious of our motives and have lost confidence in our system's capacity to be responsive to the people's needs.

It is time—well past time—for this type of legislation. If it can get out from behind the closed doors and survive committee action, I am confident that on the floor—in full view of the public—it will pass.

It is time to bring the unseen hands of power to the light of public scrutiny.

Mr. Speaker, I include the full text of this bill to be printed in the RECORD at this point:

A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes

H.R. 3519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as provided in subsection (b), all meetings (including meetings to conduct hearings) of any Government agency at which any official action is considered or discussed shall be open to the public.

(b) Subsection (a) shall not apply to that portion of any meetings in which the action or proposed action to be taken, considered, or discussed by an agency—

(1) relates to a matter affecting the national security,

(2) relates solely to the internal management of such agency,

(3) might tend to reflect adversely on the character or reputation of any individual who is subject to any proposed or potential sanction by such agency, or

(4) might divulge matters required to be kept confidential under (specified statutory provisions):

Provided, That this subsection does not authorize closed meetings or the withholding of information from the public except as specifically stated in this subsection, and is not authority to withhold information from Congress.

Each agency subject to the requirements of this section shall, within one hundred and eighty days after the effective date of this Act, establish through publication in the Federal Register procedures for providing public notice of meetings required by this section to be open to the public. Such notice shall be given as far in advance of such meetings as is practicable, in order to facilitate attendance of such meetings by persons desirous of doing so.

SEC. 2. (a) Section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 103(a) of the Legislative Reorganization Act of 1970 is amended as follows:

"(1) Each meeting (including meetings to conduct hearings) of each standing, select, special, or conference committee of the Senate shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

(2) Clause 27(f)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows: "Each meeting (including meetings to conduct hearings) of each standing, select, special, or conference committee shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security; relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

SEC. 3. A transcript shall promptly be made of each meeting which is open to the public pursuant to the provisions of this Act and copies of such transcript shall promptly be made available for public inspections and copying.

SEC. 4. The district courts of the United States shall have original jurisdiction of actions to render declaratory judgments or to enforce, by injunction or otherwise, the first section of this Act and section 3 insofar as it relates to that section. Such actions may be brought by any person in the district where such person resides, or has his principal place of business, or where the agency whose action is complained of resides.

SEC. 5. DEFINITIONS.—For the purpose of this Act—

(1) "Government agency" means each authority of the Government of the United States (whether or not it is within or subject to review by another Government agency) having more than one member, but does not include—

(a) the Congress

(b) the courts of the United States

(c) military authorities.

(2) "person" includes an individual, partnership, corporation, association, a public or private organization other than an agency.

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

THE LEGACY OF LYNDON BAINES JOHNSON—A TRIBUTE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE LEGACY OF LYNDON BAINES JOHNSON—A TRIBUTE

(By John M. Murphy)

"He was a man, take him for all in all,
I shall not look upon his like again."
—Hamlet, Act 1 Scene 2

With a heart crippled by the ravages of disease, until his dying moments Lyndon Baines Johnson was battling for the have-nots of society. His last major public appearance was as a mediator at a civil rights dispute in Austin, Texas. When the program was threatened by a violent outbreak, Johnson "obviously sick and tired," took command and according to the President of the University of Texas, his "chest expanded and his eyes flashed, and he calmed the situation down. He said exactly the right thing, extemporaneously. You could see a great man at the top of his power."

The President told the ominous and troubled audience:

"To be black—to one who is black—is to be proud, to be worthy, to be honorable. But to be black in a white society is not to stand on level ground.

"While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow.

"Unless we overcome unequal history, we cannot overcome unequal opportunity. That is not—nor will it ever be—an easy goal to achieve."

Within days of his death in what must have been moments of acute pain, Lyndon Johnson rose with one last burst of his rapidly falling energy and spoke as eloquently as he ever had on the meaning of being a minority American.

President Johnson brought the same fire, the same drive and the same love of the American people to everything he did. Forged in the desperate poverty and spirit-killing depression that engulfed his beloved Texas during the 1930's he projected his burning desire to change things for the better from the banks of his rural Perdenales to the ghettos of America's cities.

Heeding the call of the deprived, the disadvantaged and the disenfranchised, he spread his philosophy of a great society for all to his foreign policy thinking. And believing in the right of weaker people to self-determination and a place in the sun, Lyndon Johnson applied his philosophy to the people of South Viet Nam. But between the journey from the banks of the Perdenales to the banks of the Mekong River, President Johnson's dream—for a time—turned into his own personal nightmare.

So, despite his unprecedented success in putting through Congress and into operation the new frontier program of the slain John F. Kennedy, and despite the sometimes tenuous, but always progressing, successes of his own programs—his own domestic wars against discrimination, against poverty and against the corruptors of our environment—he was to reach a point where he was haunted by the spectre of the Vietnam War that bedeviled him like Banquos' ghost.

His torment was not so much the result of defeats on the field or in the sputtering true negotiations which he initiated. His torment was largely attributable to his anguish over and devotion to the "grunts" in that tragic effort, the G.I.'s who were bearing the brunt of the battle in the face of what seemed at time futile efforts to end the war. From General Westmoreland to the lowliest private, Lyndon Johnson could not conceal from friends and reporters a compassion that betrayed his innermost turmoil over the lives—and deaths—of the American fighting men. While he was concerned for the victims of that war-torn nation, his concern for the American soldier was so great that he gave up the Presidency he had gotten by the most incredible vote of confidence from the people in American history so that their chances for survival might be increased..

It was perhaps symbolic that the news of the success of the peace negotiations that he so fervently sought should come to him hours before he left us.

The wounds of war will heal and the perspective of history will, I am certain, record Lyndon Johnson's role in it with compassion for the people of Vietnam, North *and* South, and his desire to rebuild both nations, that was the real goal of the 36th President of the United States.

And while the Vietnam controversy swirled around his head, President Johnson's domestic programs of change were not without their attendant disruptions. When Americans of the future remember Lyndon Johnson, they will think about his revolutionary ideas—and that revolutionary ideas sometimes bring about revolutions of a sort. I remember the ashes of Watts, Newark, Detroit—and Washington, D.C. But out of these ashes this country and the world have witnessed the rebirth of a new America, an America where the oppressed people President Johnson loved so much are finding new freedom, new dignity, new life and a rebirth of the human spirit. Observing the turbulent mid-sixties, Lyndon Johnson did not view it as America coming apart at the seams. He described it as:

"The old . . . not coming down. Rather the troubling and torment of these days stems from the new trying to rise into place."

When Lyndon Johnson was thrust into the presidency by that fatal burst of gunfire in Dallas, one of his first major moves was to begin what was to be the passage of the most sweeping civil rights legislation in America's history. Of this achievement President Johnson was to say, "It's going to make democracy real. It is going to correct an injustice of decades and centuries."

If he had done nothing else, Lyndon Johnson had begun to make his great society available to everyone. And for this all Americans could be grateful. But he wanted more for the needy of America so he designed and put into operation the Office of Economic Opportunity to eliminate poverty; he developed plans to cope with our urban crisis; and, President Johnson's Administration gave greater support to the educational needs of our people than any government in history.

This record of achievement is the real legacy of Lyndon Johnson. It wasn't easy, but he had the courage to see that the die was cast for freedom and this country—and the world—are bearing the fruits of his labors.

The legacy of Lyndon Johnson will not be the memory of the nightmare of Vietnam, but the renewed dedication to his dream of a great society which I am convinced will inspire Democrats and Republicans alike.

His legacy will herald a renewed commitment to an America where he worked to guarantee no second-class citizenship, no second quality opportunity, no secondhand justice at home, and no second-place status in the world for our ideals and benefits.

While he was untimely ripped from our midst, all Americans can rejoice in the fact that he *was* here; in the fact that, as a close friend eulogized, in the seventh decade of the 20th Century, this country had Lyndon Baines Johnson.

This country will not look upon his like again.

NATIONAL PLUMBING INDUSTRY WEEK

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. CASEY of Texas. Mr. Speaker, the National Association of Plumbing-Heating-Cooling Contractors is the largest and oldest trade association in the construction industry. The association will celebrate April 15 through 22, 1973 as "National Plumbing Industry Week."

National Plumbing Industry Week will focus attention on the vital role that plumbing, heating, cooling, and piping play in the health, comfort, and convenience of our citizens in homes and other buildings. Over 2 million men and women will join the national association in celebrating this event.

Plumbing and piping contractors are the original ecologists. They have engaged in this field for nearly a century. These contractors have taken the lead in the development and application of today's newer and more sophisticated measures to insure environmental control and preservation.

The products and services of this industry also play a vital part in our Nation's economic strength, industrial productivity, national defense, space exploration, transportation, food processing, and mineral development—in fact, everything that depends for its existence on the movement of air, gas, water, and other liquids through pipes, valves, fittings, and fixtures.

The officers, directors, and members of the National Association of Plumbing-Heating-Cooling Contractors represent every city and State of our great Nation. They are engaged in their own businesses in the finest traditions of private enterprise. Without their products and services, civilization as we know it today would not be possible.

The association's officers are Robert K. Wark, president, of Houston, Tex.; Samuel M. Bloom, first vice president, of Miami, Fla.; Merlin Geddes, second vice president, of Arcadia, Calif.; Cecil E. Self, secretary, of Dallas, Tex.; Roland E. Carlson, treasurer, of Rockford, Ill.; and Harry G. McComas, executive director, of Washington, D.C. Director of National Plumbing Industry Week is John B. Kelly.

For my colleagues' information, the new president, Robert K. Wark, is not only a good friend, but also an outstanding citizen and civic leader of Houston.

The association's 15-man board of directors includes Paul LaMott of Haverhill, N.H.; Leon Novak of Brooklyn, N.Y.; William M. Robertshaw of West Orange, N.J.; Harry Hutchinson, Jr., of Philadelphia, Pa.; Elwood Evans of Wilmington, Del.; Wesley Styers of Gastonia, N.C.; Howell Switzer of New Orleans, La.; Keith Clotz of Toledo. Ohio; George

Connelly of Chicago, Ill.; Fred Drews of Houston, Tex.; Robert McCraig of Topeka, Kans.; Jeffrey Haverly of Britton, S. Dak.; William Botting of Seattle, Wash.; George Neiderhauser of Salt Lake City, Utah; and Beryl Notthoff of Los Angeles, Calif.

I have today introduced a resolution calling on the President to declare the week of April 15 through April 22, 1973, as National Plumbing Industry Week. The National Association of Plumbing-Heating-Cooling Contractors and the total plumbing, heating, cooling, and piping industry of 2 million men and women have rendered an outstanding service to our Nation through their efforts in contracting, manufacturing, marketing, distribution, and installation of the industry's products. I am sure my colleagues will agree with me and support my resolution and thus support the industry in its celebration of "National Plumbing Industry Week," April 15 through 22, 1973.

REMARKS OF REPRESENTATIVE JAMES ABDNOR AT THE HURON FARM MEETING, SATURDAY, JANUARY 13, 1973

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. ABDNOR. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REMARKS OF REPRESENTATIVE JAMES ABDNOR AT THE HURON FARM MEETING, SATURDAY, JANUARY 13, 1973

I certainly welcome this opportunity to be here this afternoon and to have the privilege of testifying and also hearing from the citizens of South Dakota as to their views on the ramifications and feeling toward the budget cuts that have recently come about in the agricultural budget in Washington. I think we should recognize, though, that the President is determined to hold Federal spending down to $250 billion in this present fiscal year, which actually means that $6 billion or more will have to be trimmed out of the budget to do so. When you are cutting at the rate of $6 billion for a six-month period, you are referring to a pro-rated cut of $12 billion over a fiscal year.

Now, I want it understood that I don't go along with all the cuts that the President has made, and I question whether or not the President has the right to withhold funds like he is doing. Of course, I want to point out that I also questioned the President's right to withhold funds in the days of President Johnson, who set the precedent for this by withholding highway funds from the various States, and many thought it was wrong for him to do that at that time.

I do feel that this present situation we find ourselves in has been brought about because of the fiscal irresponsibility of past Congresses. The fiscal truth is that you cannot go on forever spending far more money in Federal funds than you are actually taking in in taxes. I think we must recognize this, and, of course, when Congress doesn't, the President has done so by coming in with these present cuts. There is no question in anyone's mind that Federal deficit spending is one of the greatest contributors to inflation, and inflation has probably hurt the farming business more than any other single occupation that I know of. There is just no way to pass rising costs on to the consumer like there is in other businesses. I do want to say that I feel that agriculture has been unduly singled out for cuts.

I feel that in the percentage of overall cuts, agriculture is carrying far too much of the brunt of the cuts. The thing I really object to most of all is the manner in which the cuts were made. I feel that they were made by the Office of Management and Budget. Although Mr. Butz is accepting the responsibility for them, I feel that he really didn't have much say in it. I am convinced that those people with the knife, who are doing the cutting in the Office of Management and Budget, could not tell you the difference between the front end of a tractor and the back. They have no conception of how they are undermining the economy of rural America and the very existence of agriculture, itself.

I am really concerned about the recent ruling that will allow diverted acres to be pastured. I am convinced this is for the sole purpose of increasing cattle production and dropping down the cost. I am concerned about taking off restrictions on planting and doing away with the diverted acres and what that might do to the overall crop situation. It doesn't take very long to amass surpluses. We learned our lessons under Secretary of Agriculture Orville Freeman back in the days when President Johnson encouraged increased plantings of wheat and other agriculture products because they thought food costs were going too high. The result of it was huge surpluses the following year, which caused prices to be driven down. I am afraid that this is exactly the same situation that could happen here.

I am strongly opposed to doing away with the REAP program. At this time of concern for pollution and environmental protection, here we have a program that has been leading the way in this direction for many, many years. We know, some of us, the purpose of the program for soil conservation, pollution control, and the like, and I feel that the government has been getting a tremendous bargain under this program. Although it started out years ago at 100% reimbursement on the farm practices, many farmers today in many areas are being paid by the government as little as 30% up to maybe 50%, and I say to you I don't know of a pollution control program today that has given the government and the taxpayers of this country as much for their money as they are getting under the REAP program. I certainly hope that we can prevail upon the President and the Administration to reinstate this program.

I also question the wisdom of the action taken on the part of the Budget Office in relation to the Rural Electrification Program. To me, REA is just as important to our rural segment of the United States as urban renewal programs and the like are to the city people. Here, the program, which is helping everyone in the rural areas, is a business transaction, and I think that this is the point that the government misses in doing what they are doing. It is not a subsidy. If there is any subsidy at all, it is simply that the subsidy exists in the area of the interest rates. I am concerned that, under this new program of turning the REA Associations out into the public markets for money and sharing with them interest rates at 5%, it is going to cost the government almost as much money as it is costing today to go along with the 2% loans.

Finally, may I say there are in this audience today both Republicans and Democrats alike. We are all here to express our concern over what is happening to the Department of Agriculture budget. I know that rural Congressmen, Democrats and Republicans alike, and believe me, there are not many of us any more—I think I heard there are something less than 40 Congressional Districts in this country with 20% or more rural area—are equally concerned, and we are working together in Washington in an attempt to reinstate some of these programs. I think we should not forget that. It is terribly important that we, whether it be in South Dakota or in Congress, or anywhere else, must speak as one voice, not as Republicans and Democrats, because we are all concerned about this situation, and we must speak out for rural America in a single voice.

I want you folks here to know that my first concern as a Congressman is for my country and especially the people I serve. I will not hesitate to oppose the President or his Administration whenever I disagree with them, and I may say publicly, I would not hesitate one moment to co-sponsor legislation with Frank Denholm or any other Democratic Congressman whenever I think it is in the best interests of South Dakota. I know that by working together, we will make a better rural America.

Thank you very much.

TRIBUTE TO RICH GRANZELLA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WALDIE. Mr. Speaker, I would like to take this opportunity to pay tribute to one of the outstanding citizens of my district. Rich Granzella, an active civic leader in West Contra Costa County for many years, is being honored as the 1972 West Contra Costa County businessman of the year.

In addition to being director of the Richmond Chamber of Commerce, Rich is chairman of the Salesian High School athletic field fund drive which raised $100,000 for the development of an athletic field for the community. He is director of the Richmond Boy's Club and the San Pablo-Salesian Boy's Club. Twice president of the Western Disposal Operator's Association, he has also been president of the Richmond Sanitary Services for the past 13 years.

Rich began working at age 13, and by the time he was 18, he had bought into the Richmond Sanitary.

I offer my heartfelt congratulations to Rich Granzella for this well-deserved honor and wish him many more years of service to the community.

A BILL TO DECLARE THAT THE UNITED STATES HOLDS IN TRUST FOR THE BRIDGEPORT INDIAN COLONY CERTAIN LANDS IN MONO COUNTY, CALIF.

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MATHIAS of California. Mr. Speaker, I am pleased to introduce today a bill that will declare that the United States holds in trust 40 acres of land in Mono County, Calif., for members of the Bridgeport Indian Colony.

I am pleased to be joined in sponsoring this bill by my friend and colleague from California (Mr. JOHNSON). Mr. JOHNSON initiated this bill in the 92d Congress when, at that time, Mono County was in his district. In addition, Senators CRANSTON and TUNNEY have introduced S. 283 in the Senate.

The land to be held in trust is an unoccupied 40-acre tract of federally owned property adjacent to the town of Bridgeport in Mono County, Calif., set aside for the Bridgeport Indian Colony in lieu of a tract of land wrongfully taken from them in 1914.

The land on which the Indians presently reside, and which has been their home even before the coming of the white man, was wrongfully patented to a non-Indian in 1914 under the Desert Land Act. While the land is now owned by several non-Indian heirs to the original patentee, the Indians were allowed to occupy the site.

However, early in 1968 one of the owners demanded that the Indians vacate the site and initiated eviction proceedings against them. Legal intervention kept the eviction proceedings in abeyance for some time. Later, when the owner learned that an attempt to solve the difficulty was pending in the Congress, he agreed to cease the eviction proceedings so long as Congress worked toward a solution for the Indian colony.

In view of the present situation, I find that the best solution for all concerned is my proposal to provide the Indians with a new land base. Since their land base was wrongfully taken from them, it certainly seems only fair to provide them with a new one.

With a secure trust land base, the colony will be in a better position to improve their living conditions. Currently, 12 of the 19 Indian families in the Bridgeport area live in totally substandard housing. Eleven of the families, including all of the families that now reside on the disputed land, have no sanitation facilities and no inside running water. Five of the homes are heated solely by wood-burning stoves, and three have no refrigerator. Only three of the 19 families can claim a member with full-time employment. All the rest are unemployed. A secure trust land base will enable these Indian people to overcome the severe obstacles of unemployment and chronic poverty, and to utilize Federal resources to improve their standard of living.

It is my understanding that the townspeople of nearby Bridgeport are in full support of this legislative proposal. I recently received a resolution adopted by the Mono County Board of Supervisors in full support of the Bridgeport Indian colony's efforts to obtain an unoccupied 40-acre tract of federally owned land adjacent to the town of Bridgeport as a homesite.

I am hopeful that Congress will support this measure to correct the one of so many injustices that have been inflicted upon the Indian people of California.

REPRESENTATIVE EDWARD R. ROYBAL'S STATEMENT ON THE PRESIDENT'S PROPOSED BUDGET

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. ROYBAL. Mr. Speaker, stripped of all of its rhetoric and arithmetic, the President's budget is nothing less than an abdication of Federal responsibility to serve the American people. Two years ago Mr. Nixon called for a "New American Revolution." I can only conclude that this slogan as reflected in the budget is but another name for benign neglect of the poor, elderly, sick, and unemployed.

It is impossible to build a "lasting structure of peace" by enlarging the war budget to over $80 billion while slashing funds for housing, health, education, public employment, and economic development for low-income communities.

While I agree that we must constantly reevaluate the effectiveness of all Federal programs, freezes, moratoriums, and cutbacks for appropriated programs do not represent a positive, sound approach but a regressive one. It is totally misguided to propose to cure program shortcomings with a sledge hammer. Revisions, modifications, and discussions with congressional and community leaders is the proper approach.

The administration's phaseout of the Office of Economic Opportunity is not the way to improve government, as the administration would have us believe. Instead it means the strangulation of the only visible and responsive advocate for low-income Americans.

On housing, we are told that since some housing programs may be ineffective, we should scrap our current housing and community development effort and reconsider it at some future date. Ironically, this approach violates the President's own objective of strengthening the capacity of local governments to respond to the needs of the people. Certainly one of the most pressing local problems today is better housing.

Further, high unemployment cannot be solved by killing our public service employment program which has already created jobs for some 140,000 unemployed.

This budget is intended to create the illusion not the reality of a revitalized budget, of a positive thrust. For example, in his message to Congress Mr. Nixon asserts that the Community Relations Service, created in 1964 to ease racial and police-community tensions, would expand its crisis prevention function, but fails to mention that CRS is about to suffer a 60-percent budget cut which would, in fact, wipe out its crisis prevention role.

The budget message justifies these reductions and reversals in social service programs as the only way to prevent inflation and tax increases. But not once do we hear a commitment to offer a tax reform package which would end special tax breaks to large corporations and the privileged few and thereby increase Federal revenues by billions of dollars.

Instead of a unifying and peace-oriented budget, we are confronted with a divisive and militaristic one. The proposed budget is but a further example of this administration's social and political philosophy of benign neglect and indifference to the needs of the people.

CRIME COMMITTEE TV BAN BACKED BY LOS ANGELES COUNTY GRAND JURY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. HAWKINS. Mr. Speaker, I would like to call your attention to the County of Los Angeles Grand Jury's recent recommendation for Federal action on the banning of drug commercials on television and on barbiturate production quotas.

While studying the problem of drug abuse in my county, the narcotics and dangerous drugs committee of the grand jury became concerned with the larger issue of the American "drug-oriented society" as a causal factor in the use of illegal drugs by young people. Although a county agency without power to make recommendations to the Congress, the grand jury represents over 7 million people in my State and believes it is important to bring this message to all the people.

My distinguished colleague, the Honorable CLAUDE PEPPER of Florida, as chairman of the Select Committee on Crime, has recently completed a series of hearings on the subject of drug abuse in our Nation's schools. As a result of those hearings, held in six cities, and concluding in Los Angeles, the committee staff is preparing legislation designed to ban drug commercials on television during the time when children are presumably watching.

The committee, which has an admirable record in bringing to the attention of the American public the flagrant abuse of amphetamines, is also preparing recommendations to reduce the overproduction and overprescribing of barbiturates, drugs the committee found to be more life-threatening than heroin.

At this point, Mr. Speaker, I insert the following items in the RECORD:

DRUGS AND TELEVISION

The social problems of this country which include racism, war and poverty, are said to be underlying factors in drug abuse. Some feel that television has contributed significantly to the cause of drug usage. This Committee wishes to add its voice to the brave few who have attacked television as "the biggest pusher of them all".

Senator Frank Moss has observed that "the drug culture finds its fullest flowering in the portrait of American Society which can be pieced together out of the hundreds of thousands of commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria, solve problems and dispel doubt".

A T.V. commercial states, "Leave your feeling of tension behind and slip into a quiet world. You feel calm, more relaxed with . . . the new modern calmative". T.V. ran almost $20 million worth of ads for sleeping aids alone in 1969.

Television teaches, with continuous airhammer effectiveness, the dangerous and debilitative lie that the solution to all life's problems and nagging anxieties can be found in a product, preferably one that is applied to the skin or taken into the body. It has educated our children to go for the quick solution and urged us all to seek "better living through chemistry". John Ingersoll, of the Bureau of Narcotics and Dangerous Drugs, has called it the "take something" philosophy. We feel that the targets of this philosophy are our children from age three.

A lone voice on the FCC is Commissioner Nicholas Johnson who has stated that T.V. is intimately involved in selling drugs and urges that we put a stop to the "grey flannel pusher". When Johnson suggested that drug advertising be banned from television and reminded the industry that it might be contributing to the 300,000 drug deaths each year, he was told by other members that the Commission must not act too hastily because the drug industry produces $100 million a year for the broadcasters!

The government did act this year in regard to the manufacture of pharmaceuticals. In the previous year, some 8 billion amphetamine pills had found their way into the black market. This year the production quota of such pills was cut to 82% below last year's level. On November 1, 1972, the Bureau of Narcotics and Dangerous Drugs proposed changing the status of barbiturate drugs into a higher category. This would forbid telephonic prescriptions and refilling without a new prescription. The possibility of lowering production quotas was mentioned but not specifically spelled out.

THE COMMITTEE RECOMMENDS

Federal action on barbiturate production quotas and on the banning of drug commercials.

Letters have been written to prominent members of the government who will hopefully use their influence to bring about meaningful change.

PEPPER GUNS FOR TV PILL ADS

(By Jack Anderson)

WASHINGTON.—A TV advertising ban on pills similar to that on liquor and cigarets is being drafted by the House crime chairman, Rep. Claude Pepper (D-Fla).

The legislation is aimed at the drug firms and TV industry which condition children to "pill popping" through commercials showing over-the-counter drugs solving all of life's problems. Small wonder, reasons Pepper, that young people turn to illegal amphetamines, barbiturates, LSD and worse as they confront the problems of their teens.

The Pepper Plan, if enacted, would cost the TV industry more than $250 million a year. From 8 A. M. to 9 P. M., it would bar all TV ads for painkillers, sleeping pills, sedatives, cold tablets, antacids, laxatives, vitamins, reducing pills and other nostrums. This is the period when children are most often glued to the TV screen.

Pepper's proposed advertising ban has grown out of two years of hearings into drug abuse. His old crusader's heart has been torn by the stories of young people describing their living death from drugs.

To protect coming generations from TV drug-conditioning, Pepper has ordered the committee staff to prepare a detailed report before the end of the year so Pepper can begin his crusade early in 1973.

"The pharmaceutical companies are not only proliferating this country with pills, but they are also contaminating our airways with unnecessary and deleterious advertising," says a confidential draft.

"The proliferation of televised drug advertising is contributing to our national drug crisis. . . . It conditions (children) to the unnecessary use of drugs. Many advertisements give the false impression that taking drugs—'pill-popping'—is good for you, that it will improve your mind, make you happier by reducing tension. . . ."

"These advertisements are especially harmful to a child and impressionable teen-agers whose understanding of the use of drugs is at best cursory . . . Undoing the initial impact of these television commercials will take a lifetime of education," the report warns.

Pepper feels the TV industry and pharmaceutical firms should get out of the business of giving medical advice on the airwaves. Far from genuinely trying to help sufferers, they "induce people to take drugs indiscriminately."

We reported on Oct. 24 that President Nixon, contrary to what the newspapers were saying, preferred to hold off a Vietnam cease-fire until after the election. "Politically speaking," we wrote, "the President believes it is better to keep the settlement terms vague until after the election."

He, therefore, deliberately sought to extend the secret negotiations past Election Day to prevent Hanoi from exploiting the election-eve cease-fire and to avoid charges that he rushed into an unsafe settlement for political purposes.

The President, however, is now optimistic that he can get a cease-fire on terms which will leave South Vietnam reasonably safe from a Communist takeover. His optimism is based on intelligence reports which depict Hanoi as being under intense diplomatic and military pressure.

Both Moscow and Peking are reported to be pressing the North Vietnamese to end the war. This has been accompanied, according to the intelligence reports, by a slight but significant slowdown in military support. At the same time, Hanoi is beginning to feel the pinch from the U. S. blockade of North Vietnamese ports and bombing of the supply lines.

Perhaps even more significant, the intelligence reports claim that North Vietnam's military leaders have been jolted by the failure of their spring offensive to reach its objectives. The South Vietnamese army was not the pushover that Hanoi expected. The leaders also miscalculated the ferocity of the U. S. air and naval assault which has been more punishing than the firepower ex-President Lyndon Johnson turned against them.

In the past, the intelligence reports misled Mr. Johnson to predict privately that the war would be over in 1967. But the military reporting and intelligence techniques have improved. President Nixon has faith that this time the reports are right.

DRUG FIRMS SAID TO CAUSE ABUSES

(By Jack Anderson)

A secret House crime committee report charges that the pharmaceutical industry, while professing concern for the nation's health, has actually "caused more drug abuse in this country than organized crime."

The document's findings are based on two years of committee hearings in major cities throughout the United States. Prepared by the staff on orders of chairman Claude Pepper (D-Fla.), the report angrily details how the drug industry lobbied to keep addicts supplied with pills.

"By over-production and promotion of amphetamines, barbiturates and other drugs, the pharmaceutical companies have had a direct causal effect on the drug abuse epidemic currently infecting the youth of this nation," charges the document.

"The committee finds it unconscionable and inexcusable that about 90 percent of the drugs in the illicit market are manufactured by legitimate pharmaceutical companies."

The drugs reach the illict market when they are prescribed for peddlers in wholesale lots by crooked doctors. In other cases, peddlers use phony pharmacies or middlemen firms to buy the drugs for resale to users. And some drugs are simply hijacked.

"This committee discovered that there were more than 3 billion amphetamines being produced each year. The only desirable medical uses for amphetamines are for the treatment of narcolepsy and hyperkinesis in children. One million doses of amphetamine . . . would have been more than adequate to supply the medical needs for treating those diseases."

Yet, the report goes on, when the committee tried to stem amphetamine abuse, the pharmaceutical companies "strenuously resisted these efforts." They successfully lobbied against Pepper's bill in the House, and in the secret House-Senate conferences.

When Pepper and his colleagues on the committee tried later to get the Justice Department to curtail amphetamine production, "the pharmaceutical companies again resisted . . ."

"When production quotas were finally required for amphetamines, the drug companies asked for quotas substantially in excess of their prior year's production figures," the committee report contends.

Now finally, pep pill production has been cut by 82 percent, still far less than Pepper feels it should be. But "more than two years have been wasted . . . In that period young people have . . . become 'strung out' on 'speed' and (other) amphetamines.

"This unwarranted delay . . . has been caused solely by pharmaceutical company intransigence—a compulsion to make a profit at the expense of the national health."

Currently, three major and numerous minor clandestine labs are manufacturing pills by the millions, helping to supply the addict market created by legitimate drug companies' over-production, the report asserts.

"Without the action of (the) pharmaceutical companies, drug abuse with amphetamines would never have gotten a foothold in this country. If it had not been for their unscrupulous action, our nation's youth would not now be entangled in amphetamine abuse," concludes the staff report.

TV: A MAJOR DRUG PUSHER

American pharmaceutical manufacturers spend more than $1 billion a year—one-fourth of their total sales revenue—to advertise and promote prescription drugs. Nobody knows how much more is spent on the huckstering of over-the-counter medications—the quick fixes that are supposed to provide instant relief for what ails us, be it the common cold or a case of profound depression. The television industry alone expects to earn between $250 million and $300 million this year from commercials peddling pills and panaceas.

"We've got a drug problem in America," says Federal Communications Commissioner Nicholas Johnson. "It's called television." The television networks have become "the principal pusher to a junkie nation," Johnson told a recent conference on drug advertising sponsored by the National Council of Churches.

There is more at stake here than monstrous economic waste—though that is certainly part of the problem. As Senator Gaylord Nelson, Wisconsin Democrat, testified at the same conference, drug manufacturers spend four times as much on advertising as they do on research and development. In consequence, a Federal task force has pointed out, most of the new drugs on the market are minor modifications or combinations of existing medications—or are simply "duplicative, noncontributory products."

The larger part of the problem is the fostering of a pernicious—but quite respectable—drug culture in the United States. Commissioner Johnson sees "a danger that our growing reliance on drugs may pose serious national health problems . . . even the possibility that our hedonistic reliance on drugs may be a debilitating social phenomenon." Some experts perceive a direct link between the ubiquitous promotion of patent cure-alls and the growing problem of narcotics addiction. Dr. Henry Simmons, director of the Bureau of Drugs in the Food and Drug Administration, told the NCC conference: "Common sense tells us that the massive amounts of money spent on promotion of drug use must have some influence on the way in which our society regards the use of drugs of all types." Some two billion prescriptions a year are written by U.S. physicians, he noted—a per capita rate two to four times greater than that of other countries that seem to have the same general level of health among their citizens as among people in the United States.

In Madison, Wisconsin, County Judge Ervin M. Bruner, who has had many years of experience dealing with youth, called on the city's three national network outlets to "stop showing, or tone down" commercials which suggest the use of drugs by adults to solve their mental and physical problems. Speaking as president of the Madison Mental Health Association, Judge Bruner said the Association felt strongly "that the incessant display on television of problem-solving by adults through tranquilizers, sleeping pills, and pep pills was encouraging the kids to experiment with 'their drugs.'

"The constant suggestion in the television commercials advertising products for adults gives the kids a perfect excuse to defend their sampling of illegal drugs when they have problems," Bruner said.

"Since almost all young people are impressionable and greatly inclined to follow patterns practiced by their parents and other adults," Bruner continued, "the MHA is also convinced that a considerable amount of drug abuse problems, particularly experimenting by kids, stems from strong suggestions in many television commercials that adult problems, both physical and emotional, can be erased by the use of some drug."

Senator Nelson has proposed comprehensive drug legislation which would establish stringent new standards for the testing, marketing, and promotion of prescription and over-the-counter drugs. In the House of Representatives, Claude Pepper, chairman of the Select Committee on Crime, has drafted a bill that would bar all television commercials for pain-killers, sleeping pills, sedatives, cold tablets, antacids, laxatives, vitamins, reducing pills, and other nostrums from being broadcast during daytime and evening prime-time hours. If Congress is genuinely interested in coping with the drug problem in America, it will push these measures to speedy passage.

MANY FAVOR BAN ON TV ADS OF OVER-THE-COUNTER DRUGS

(By Clark Hoyt)

WASHINGTON.—Rep. Claude Pepper (D., Fla.) appears to have hit a responsive chord around the country with a proposed ban on TV advertising of over-the-counter drugs.

After conducting a series of hearings in big cities on drug abuse in the schools, Pepper, chairman of the House Select Committee on Crime, put his staff to work drafting legislation that would bar drug commercials on TV from 8 a.m. to 9 p.m., the hours when most children presumably are watching television.

News reports of Pepper's proposed bill, which cannot be formally introduced until the 93d Congress convenes in January, have prompted a heavy flow of approving mail from as far away as Honolulu.

Some letters come from worried parents who express with simple but eloquent examples their fears that TV promises of magic relief from tension, headaches, sleeplessness and a variety of other ills lead youngsters to experiment with drugs.

A Boca Raton, Fla., woman, Mrs. Cathy Lucas, wrote Pepper that her daughter "came home from school and said, very dramatically, 'Mommy, I need an aspirin—I had such a bad day at school today.' "

"Needless to say," Mrs. Lucas said, "I was startled by this announcement from my seven-year-old. She sounded just like one of the many commercials for 'instant' relief that are constantly on the television screen."

"There is little doubt in my mind as to why we are becoming such a drug-oriented society."

Mrs. Carol J. Wilson, a Madison, Wis., registered nurse, recounted a similar episode in a letter to Pepper.

"For the past six months, this type of advertising has been particularly troubling to me," she said. "My daughter, who is three years old, has begun to develop an attitude relating to the 'quick cure' effects of drug use."

"She began at two-and-a-half to ask, 'What is pain relief?' Now, she is beginning to be impressed by an ad for St. Joseph's aspirin which has a small child saying, 'Mommy, I feel bad'—and the mother solves her problem by giving her an aspirin."

Many letters to Pepper have come from nurses, doctors and teachers, who echo Mrs. Wilson's concern that drug commercials foster "a pollyanna attitude" about pills.

BLESSED ARE THE PEACEMAKERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. BRINKLEY. Mr. Speaker, recently a former Member of the House, at the weekly prayer breakfast, said that perhaps the greatest of the Beatitudes is the one proclaiming, "Blessed are the peacemakers, for they shall be called the children of God." He said:

What could possibly be greater than being, in the words of a beautiful song, "a child of the King"?

He distinguished peacemakers from peacetalkers or peacewishers and pointed out that the issue never seems to be one of war or peace but war or injustice, war or subjugation, war or surrender, war or slavery.

In this connection, the words of Rev. W. Graham Smith, the pastor of Fairlington Presbyterian Church, seem to have a special significance which I wanted to share with this body:

ALEXANDRIA, VA.,
January 28, 1973.

REMARKS MADE DURING THE SERVICE OF THANKSGIVING, BY REV. W. GRAHAM SMITH

My friends, this is a great and memorable day for our country. I'm sure it is a satisfying day for President Nixon and his colleagues who have worked with him so diligently throughout his administration.

And yet how sad it is to note that as he made his way to his inauguration, at the corner of Fifteenth St. and Pennsylvania Avenue, objects were hurled at him by an unthinking and defiant rabble; and that along the course of the procession flags of our country were burned.

This makes me angry. I am not like many of you. I was not born an American citizen. I lived for eleven years in this country before I applied for citizenship, and when that citizenship was graciously granted to me, I vowed in my heart that I would always be proud to be an American; that I would always honor my President and my country as I had sought to honor my Queen in days gone by. And to me it is utterly distasteful that these mistaken, misguided people in our midst, these political radicals should perform so disgracefully as they have done in these past years. I believe in the right of public protest—this is one of the many American freedoms we enjoy—but I also believe that the radicals of the so-called "Peace movement", by their vicious opposition to the administration's prosecution of the war, have been the element in our nation more than any others who have hindered the advent of peace because they, by their very actions, have given comfort and encouragement to our enemies. And I hope and pray that as our Presidents Johnson and Nixon have held firm to a courageous and often unpopular course, that the nation will realize more and more what it must mean to be in a position of responsibility such as the Presidency demands in our day.

President Johnson, after his retirement, gave President Nixon his definition of the job of Chief Executive. Rather indelicately but most eloquently he said, "Being President of the United States is like being a jackass in a hailstorm; you've just got to stand there and take it!" Now I think our President has taken far too much already. And I think it is high time that those of us who believe in our country, who love our country, who honor "the powers that be" whom God has placed in authority over us, should stand up and allow ourselves to be counted and should cause our voices to be heard above the dissident cacophony of the radical minority. Let us thank and praise God for the fortitude of our leaders in times of great stress when they must often have been tempted to capitulate to what seemed to be popular opinion. We are profoundly grateful that they stood firm to their high resolve.

It is my earnest prayer that you will constantly uphold the President and his colleagues by your prayers and practical support and encouragement. Let us pray for a continuing and permanent peace in South East Asia, and for the establishment of peace in those other areas of the world where hostilities still prevail, that God in His mercy may grant a just and enduring peace to all mankind.

Let us praise the Name of God as did our noble forbears in this country, and let us live in the days to come as those who are proud to live in a good land like the United States of America.

I am proud to be an American—and I hope you are too.

Almighty God, Ruler of Thy vast universe; Who hast brought all things into being by the word of Thy power, and Who dost govern all things according to Thy gracious providence; we, a grateful nation, thank Thee this day for the cease-fire which has been effected in Vietnam, and we praise Thy holy name that after a decade of deadly conflict, we have now reached, in Thy mercy, the time when man shall not lift up his hand against his brother man, and peace, we believe with honor, is established.

O God, we give Thee thanks for our President and his counsellors and envoys who, through the years, in face of bitter and often unjust criticism and opposition, have held to a determined and courageous course, and have sought, by Thy help, to honor a pledge made to a small and defenseless nation faced with the impending onslaught of a cruel foe. May Thine abundant blessing be upon the President and upon all who, under him, have toiled and sacrificed that we might enjoy, under Thy providence, a just and honorable peace.

We remember today all who have suffered because of this war. We pray for the people of Vietnam, the families that have lost loved ones, the homes that have been demolished, the refugees who abound in such numbers in that pathetic little country. We know, O God, that with Thy Spirit leading us, we will do all within our power to help them now that the war is over, for that is what American people love to do. We pray that we may bring to them spiritual strength and an abundance of material aid in their time of dire need.

We pray for our prisoners of war who will soon be returning home, many of whom bear physical and emotional scars which it may take years to erase. Grant, O God, that they may realize when they come home that a grateful nation knows their efforts were not unavailing. We honor them for what they did, and for their courage amidst imprisonment. Grant that they may be assimilated into the life they once knew, and that in their homes and wherever they go they may receive love and encouragement and good cheer.

Heavenly Father, we pray especially today for the homes of those missing in action who will not come home. Thou knowest, O Lord, how many homes there are in our land where agony will well up afresh as word is received that a loved one does not answer the roll call. What a blow this will be to loving hearts and how much strength and comfort these dear relatives will need in their time of awful trial. Bestow upon them Thy blessing in abundant measure.

We pray for all our military forces as they return home. Help them to know that the great bulk of the nation honors them for what they have done, and may suitable employment be provided for them all.

We remember with pride the thousands who laid down their lives in this conflict. We believe that their sacrifice has not been in vain. Comfort continually the loved ones who mourn their passing, and may they derive great comfort from the knowledge that the brave ones who gave their lives did so for a great cause.

We pray for the family of President Johnson in their bereavement. We think wistfully of this great-hearted servant of Thine who passed away one day before the announcement of a cease-fire was made to a thankful nation. Like Moses, President Johnson stood and looked upon the Promised Land which he himself was not permitted to enter. We thank Thee for his patriotic and courageous labors.

May the peace which has come be a lasting peace, O God. May the forces of evil be restrained and put into confusion. And may there be no blood bath which would again wreak havoc upon an already ravaged people.

Grant that we may be humble before Thee, O God, in the consciousness of our own shortcomings, for we have many. Remove from our hearts the sins that create strife, and enable our nation to be an example to the nations of the world of what a nation "under God" can be and can accomplish. Grant us Thy grace in abundant measure for the living of these days, and let the years to come be the most blessed and the most productive of Good that our beloved land has ever experienced. May we all take our place as men and women of God, to do Thy will as we understand it, to the glory of Thy great and holy name, through Jesus Christ our Lord.

Amen.

AIR TRAVEL SAFETY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WYATT. Mr. Speaker, John Leyden, president of the Professional Air Traffic Controllers Association—PATCO—has just commented upon the three most recent major air crashes. As the president of an organization consisting of 16,000 air traffic controllers of the United States, John Leyden's comments are of particular interest to us in the Government who have a responsibility for the safety of the citizens who travel in the air.

Sometimes it takes shock waves to motivate action and perhaps John Leyden's forceful remarks will provide such impetus.

Mr. Leyden's remarks are herewith published in an effort to alert my colleagues and the general public to an extremely hazardous situation:

Remarks by John Leyden

The 154 people killed in three recent major air crashes may be only the beginning of a bloodpath in the skies, unless the government improves its safety operations, according to John Leyden, President of the Professional Air Traffic Controllers Organization (PATCO). Leyden, who represents 16,000 air traffic controllers of the United States, said, "As things stand, similar or worse air accidents can occur. The principal reason is that the staffs of air control facilities—which carry the lives of every air passenger in their hands—have become dangerously, if not criminally, shorthanded.

"Once before," Leyden continued, "we were forced to alert the public to the unsafe conditions under which many aircraft operated in the air traffic control system. Recently, public attention has been alerted by three air accidents involving scheduled airliners: the crash of a United Airlines 737 at Midway Airport, Chicago killing 43 aboard and two on the ground; the collision at Chicago O'Hare Airport between a North Central Airlines DC–9 and a Delta Airlines 880, leaving 10 passengers dead; and the first crash of a superjet—a Lockheed L–1011 outside of Miami International for a death toll of 99.

"Three years ago President Nixon," Leyden continued, "responded to our pleas for help and per his request, Congress authorized the hiring of over 1,000 air traffic controllers to temporarily relieve the air traffic control system and make it safe.

"Now, however, the staffing of many of the major terminal facilities, which have the responsibility for protecting the lives of airline passengers, has reached a dangerous low. Chicago O'Hare, the nation's and the world's busiest airport, is just one example of the controller shortage. It has less than 50 percent of the essential complement necessary to safely handle the highest volume of traffic in the world. Although the government has been alerted to these facts, they have to date been hidden from the public because of the recent stress on economy and the hiring freeze which has been imposed on all federal employees, which unfortunately includes controllers. It appears as though there is more stress on saving dollars than human lives."

Leyden also said, "the level of air safety was decreased by lack of implementation of a newly passed Bill which encouraged retirement of air traffic controllers. This legislation gave controllers the option to move on to other occupations when they no longer felt capable or competent to handle live aircraft. The increase in air traffic in the last six months only further points out the lack of sufficiently trained air traffic personnel to cope with further increases in the future. There has not been one new air traffic controller hired in the last seven months. The situation is so desperate," Leyden said, "that I have taken the issue to President Nixon himself in the hope that he might intervene now to prevent further air calamities which might result from these shortages. Our problem at present lies at the office of the Manpower and Budget. This group is playing Russian Roulette with the lives of air passengers in the interest of saving dollars. They must be put on notice now that the aviation industry is not willing to allow them to blindly pursue a deadly course which is the obvious result of their shortsighted tactics. The Federal Aviation Administration/Department of Transportation cannot hire new controllers nor can it openly criticize OMB for its shortsightedness. They must follow explicitly Manpower directives which cover all categories of federal employees. It is my fervent hope that a directive from the President will rectify this situation."

THE MYTH OF THE IDEAL MINORITY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. WALDIE. Mr. Speaker, America has accepted what one writer has called, the myth of the ideal minority. That is, Americans are convinced that the Asian minority of this country has none of the problems which beset, for example, the black or Chicano communities. We have accepted the myth, Mr. Speaker, that the industrious, well adjusted Asian population in America has been successfully assimilated into the mainstream of American life, and is thus immune to the racial discrimination, the economic inequities which beset other minority groups in America.

I submit, Mr. Speaker, that the myth of the ideal minority represents a dangerous misconception on the part of the American people and their representatives at all levels of Government. Americans must be willing to recognize the realities of life in this country for thousands of Asian-Americans who are confronted with precisely the sort of situations which impose such hardships upon blacks and Chicanos.

Employment statistics for San Francisco, Calif., reveal the extent of job discrimination as it affects America's Asian minority. Asians comprise 8 percent of the population in this city, Mr. Speaker, yet they hold a tiny fraction of municipal jobs and fill only 4.3 percent of the jobs in San Francisco's city government. In Oakland, Calif., the U.S. Commission on Civil Rights revealed that there was not a single Asian-American occupying a managerial level position in that city's government. In San Francisco, less than 0.5 percent of those holding management jobs in the municipal government were Asians. In light of such statistics, Mr. Speaker, it is no wonder that the U.S. Civil Service Report of 1969 concluded, "Oriental Americans have not obtained full access to managerial positions."

The fact that many Asian Americans are unable to obtain the education and technical training necessary to secure employment is unquestionably a factor in the above statistics and is, itself, a statistic disproving the myth. However, Mr. Speaker, even when members of America's Asian community succeed in securing sophisticated technical or professional training, overt racial discrimination often times prevents these Asia Americans from getting jobs commensurate with their abilities and training. In Los Angeles, where the Filipino population has increased from 20,000 in 1965 to some 50,000 at present, the New York Times points out the following:

> Today a majority of the Filipino immigrants are doctors, lawyers, engineers, teachers, nurses and other professionally trained persons.
>
> Yet the life that most of them accept here is one that most native Americans would shun.
>
> Lawyers work as clerks, teachers as secretaries, dentists as aids, engineers as mechanics, and in some instances as common laborers.

I am convinced, Mr. Speaker, that the creation of a Cabinet Committee on Asian American Affairs would make a significant contribution toward solving the serious problems which are currently keeping Asians from realizing their full potential. The Cabinet Committee on Asian American Affairs which I am proposing would focus national attention on the plight of this sorely neglected minority group, as well as providing a means of conducting studies and establishing programs which will enable Americans to meet the needs of her Asian community in a variety of areas.

I might add at this point, Mr. Speaker, that one of my major areas of concern in calling for the creation of this committee lies in the development of relevant educational programs for Asian Americans of all ages. The critical need for such programs, which would place particular emphasis on language training, is best demonstrated by the fact that there are some 650,000 Asians in America today who were either born in Asia or whose parents were born in Asia. Surely, Mr. Speaker, this fact alone is indicative of the Asian communities' strong need for a Cabinet committee responsible not only for safeguarding their fundamental rights, but further, for implementing the types of programs which this long ignored minority so badly needs.

WHEAT CENTENNIAL RESOLUTION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. SHRIVER. Mr. Speaker, I am joining with my fellow Kansan, Keith Sebelius, in introducing legislation to provide for a 1974 centennial celebration in Kansas to commemorate the introduction of Hard Red Winter wheat into the United States.

In the early 1870's, a contingent of German-Russian Mennonites emigrated from southern Russia to five counties in central Kansas: Harvey, McPherson, Marion, Reno, and Sedgwick, all of which are in the Fourth Congressional District I represent. Seeking to escape religious persecution, the immigrants were encouraged to come to Kansas by the Santa Fe Railroad, which paid for all transportation costs.

With them, they brought work habits and dedication which had enabled them to prosper in the Crimea. Equally important, they brought seed stock of Turkey Hard Red Winter wheat. Their immediate success with this seed on the Kansas prairie led to its rapid adoption by neighboring farmers.

The resulting harvests made our country the "Breadbasket of the World." During years of large surpluses, this accomplishment is taken for granted, or even cursed. Its importance is more evident in times of world shortages such as we have witnessed this year. The introduction of this hardy crop has enabled Kansans to justly claim, that if necessary, they can feed the world.

Congressman Sebelius and I, along with several colleagues, first introduced this resolution in 1971. The response from my constituents in the five counties has been very encouraging. They are well aware of the economic significance of this crop at the local, national, and international levels. A major key to our Kansas economy is still the wheat crop.

Citizens of several towns in my district have started local efforts to hold special observances of this centennial. Congressional passage of this resolution will encourage these and similar celebrations throughout our State and the Great Plains area.

It is also our intention to ask the Postmaster General to issue an appropriate commemorative stamp for this occasion. In designing the stamp, consultation with wheat growers, flour millers, and bakers in our State will be initiated.

The centennial year is drawing near, and I urge prompt and favorable action on this resolution by the House Judiciary Committee.

IMPOUNDMENT OF HIGHWAY TRUST FUNDS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. SHOUP. Mr. Speaker, OMB serves to assert the will of the Executive over congressional appropriations. I do not quarrel with our basic system of checks and balances that has served us so well over the years. I do quarrel, however, with the impoundment by OMB of moneys that have been collected as user taxes.

I am speaking specifically of highway trust moneys, collected from highway users for the purpose of improving our highways. These are not appropriations and should not be considered as such. This is a rare governmental pay-as-you-go program.

Highway users continue to pay taxes as OMB impounds their funds. The taxpayer is being taken and I offer a simple and effective answer. This legislation will cancel Federal taxes on gasoline at such times as all or any part of the highway trust moneys are being impounded by OMB.

Mr. Speaker, I include the bill in its entirety at this point in the Record:

H.R. 3573

A bill to provide that the imposition of taxes the proceeds of which are appropriated to the Highway Trust Fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as provided by subsection (b), if—

(1) any part of the sums authorized to be appropriated for expenditure for Federal-aid highways are not fully apportioned as required by title 23 of the United States Code, or

(2) any part of the sums available in the Highway Trust Fund to defray expenditures required to be made from such fund are impounded or withheld from obligation,

then the taxes referred to in section 209(c) of the Highway Revenue Act of 1956 (23 U.S.C. 120 note, relating to transfer to trust fund of amounts equivalent to certain taxes) shall not be imposed during any period of failure to fully apportion such sums and during any period when such sums are impounded or withheld from obligation.

(b) Subsection (a) shall not apply with respect to such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

VIETNAM CEASE-FIRE: AFTERTHOUGHT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RARICK. Mr. Speaker, millions of Americans continue to ponder our cease-fire and withdrawal policy in South Vietnam which we have adopted without having ended the conflict or fulfilled our mission in Southeast Asia.

The confusion may well result from the public's lack of being informed as to our role in Indochina and which Communist aggressor our leaders were committed to halt.

The significance of the President's trips to Peking and Moscow and our new cooperation with Red China and the Soviets, the cease-fire may be better understood by my remarks from 1971, "United States-Soviet Policy in Southeast Asia." I insert them in the Record at this point, along with other relevant material:

[From the Congressional Record, Mar. 10, 1971]

U.S.-Soviet Policy in Southeast Asia

Mr. **RARICK**. Mr. Speaker, our policy in Southeast Asia has been based on containing Red Chinese expansionism. The doctrine of containment has been advanced time and time again by policy-makers in the Johnson administration, by international affairs analysts, by members of the intellectual community, and by Richard Nixon himself in justifying U.S. military presence in Southeast Asia.

Dean Rusk, who was Secretary of State under Presidents Kennedy and Johnson, in reviewing U.S. foreign policy in 1966 stated:

"We must remain firm in our determination to help those allied nations which seek our help to resist the direct and indirect use of threat of force against their territory by Peiping."

The seriousness of our determination to stand firm and oppose Red China's expansion efforts was brought to light in testimony by Secretary of Defense Robert S. McNamara before the Senate Foreign Relations Committee on March 3, 1966 in which he hinted that war with Red China was possible:

"Given this history of militant aggressive actions by Communist China, it would be irresponsible for me to say that we run no risk of war with China arising from our efforts to defend South Vietnam from aggression."

Again in July of 1966, McNamara said:

"China is building more military power than she needs to protect herself against their neighbors—there is at least the presumption, if not the certainty, that she may use that military power to try to advance beyond her borders, probing and taking advantage of weakness on her periphery . . . and therefore, . . . I think it is important that the weak nations of the periphery of Red China be assisted to grow economically, to grow politically and to receive military assistance when required to throw back potential aggression from Red China."

McNamara held to his view that Red Chinese supported aggression dictated U.S. military presence in South Vietnam. On January 22, 1966, at the height of the war in Vietnam, McNamara in a prepared statement before the Senate Armed Services Committee stated:

"We can assume that Red China will continue to support North Vietnam's aggression against South Vietnam and Laos as well as the present low keyed but continuing insurrections against Thailand and Burma . . . In its dealings with the Peking regime, the United States will be concerned to stress the common interest we share in avoiding war, . . . while we continue to try to deter direct or indirect Chinese aggressions against her neighbors."

Walt Whitman Rostow, a National Security Advisor to both Presidents Kennedy and Johnson, has defended U.S. involvement in Vietnam inasmuch as it prevented Communist China from dominating Asia.

This same position was taken by Johnson's Under Secretary of State for Political Affairs, Eugene Rostow, in an interview with William Whitworth of the New Yorker magazine which appeared in the New Yorker of July 4, 1970 in a lengthy article entitled "A Reporter at Large, Some Questions About the War."

The containment doctrine has also been expounded by Mr. Nixon. In a speech to the Executive Club of New York on January 26, 1965 wherein he called for stepped-up military activities by the United States in Vietnam, Nixon stated:

"It is dangerous and foolhardy to try to gloss over the truth as to what the war in Vietnam really involves:

"First, the war in Vietnam is not about Vietnam but about Southeast Asia.

"Second, the confrontation in Vietnam is, in the final analysis, not between the Vietnamese and the Viet Cong nor between the United States and the Viet Cong, *but between the United States and communist China. If communist China were not instigating and supporting the Viet Cong, there would be no war in Vietnam today*. (Italic for emphasis)

"Third, *a U.S. defeat in Vietnam means a Chinese communist victory which could decide the fate of Asia for generations to come*."

William P. Bundy, presently visiting professor, Center of International Studies, MIT; former Assistant Secretary of State for Far Eastern Affairs, 1964–69 and Assistant Secretary of Defense for International Security Affairs, 1963–64, wrote in Foreign Affairs for January 1971:

"The picture [in Southeast Asia] is wholly different from what it was in the spring and summer of 1965, when the culminating series of major American decisions in Vietnam was taken.

"Then, the great power forces within the area were seen in starkly bipolar terms: the 'East Wind' of China was blowing strongly and thrustingly versus a 'West Wind' which was pretty much American alone. . . . Then, if ever, a Hanoi takeover of South Vietnam seemed likely, in conjunction with other trends, *to make probable not only North Vietnamese domination in the Indochina area but a wave of Chinese expansion into the rest of Southeast Asia.*

"*The United States, with these wider stakes much in mind, decided, with the support of others, to stand in defense of South Vietnam.*"

In an article appearing in the October 1967 issue of Foreign Affairs entitled "Asia After Viet Nam" Nixon, justifying U.S. involvement in Vietnam, said:

"The U.S. presence has provided . . . a shield behind which the anti-communist forces found the courage and the capacity to stage their counter-coup and, at the final moment, to rescue their country from the Chinese orbit.' "

Another member of the Johnson cabinet, John Gardner, warned in an interview published in the Christian Science Monitor of June 8, 1970 that:

"The withdrawal of American commitment from Southeast Asia would change the terms of the debate going forward within mainland China. Powerful forces are at work there to move post-Mao China toward a long delayed concentration of its energies and talents on the modernization of its life. *American withdrawal would, in my view, inevitably lead Peking to exploit its new opportunities to the south*."

One of France's top economists and political scientists, Prof. Raymond Aron, has maintained that the United States involved itself in Vietnam under the containment doctrine. In an interview with U.S. News & World Report in 1969, Aron stated that:

"The U.S. intervened in South Vietnam—rightly or wrongly—in the name of a policy of containment, which was perhaps meaningless but it was the official policy. It was not done in order to establish any sovereignty in South Vietnam."

If containment of Communist China is our present policy vis-a-vis Southeast Asia, the question naturally arises: "How is military victory over North Vietnam—a policy which three administrations have refused to pursue—incompatible with our overall policy of containing Chinese communist expansion?"

A review of other statements by persons who make or influence U.S. foreign policy might be helpful in providing some of the answer.

Henry Kissinger, who formulates foreign policy for Nixon, and is the President's Assistant for National Security Affairs, discussed the Soviet's stake in Vietnam:

"The same is true of the Soviet Union, whose large-scale aid to Hanoi makes it a semi-participant in the war. Moscow must be torn by contradictory inclinations. A complete victory for Hanoi would tend to benefit Peking in the struggle for influence among the communist parties of the world; it would support the Chinese argument that intransigence toward the United States is, if not without risk, at least relatively manageable. But a defeat of Hanoi would demonstrate Soviet inability to protect "fraternal" communist countries against the United States. *It would also weaken a potential barrier to Chinese inflence in Southeast Asia and enable Peking to turn its full fury on Moscow*."

Kissinger apparently believes that the Soviets are caught in a dilemma in Vietnam whereby they stand to lose a great deal if Hanoi should either win or lose the war. They would wish neither.

Nixon said in 1964 that Russia and Red China were:

"Bitter enemies."

And that:

"Moscow does not want to see Peking grow strong and *expand in Southeast Asia*."

He also stated in 1965 that:

"The Soviet Union is not now interested in the *Chinese gaining success in Asia*, or any place else."

This same view of wanting to "contain" Red China as a policy of the Soviet Union has been expressed by others. Nationally syndicated columnist David Lawrence in an editorial wrote about Soviet intentions in Vietnam in this way:

"It is acknowledged that the Soviet Union has spent an average of a billion dollars a year on the Vietnam war. *The objective has been to gain friends in Southeast Asia and also to prevent Red China from acquiring a dominant position on the continent* by setting up its own puppet states."

Bundy has had this to say about the Soviet interests in Southeast Asia:

"As for the Soviet Union's own behavior, there has been a slowly emerging trend to treat Southeast Asia in the same manner as it deals with India and Pakistan and with the same *basic fear of Chinese expansion as a major factor*. In addition to their need for rubber, the Soviets have a natural interest in the free movement of their commercial shipping through the southern seas, and as time goes on this interest is bound to be reflected in sound naval activity."

According to Bundy, the Soviet Union not only fears the political implications of Chinese expansion in Southeast Asia, it is also concerned that it might lose a potential source of raw materials and endanger its commercial trade in that area.

President Nixon has also recognized the Soviets' concern about Red China as related to the problem of Vietnam. When asked at a news conference on March 4, 1969, about whether he had been able to enlist the Soviet Union's help in getting out of Vietnam, a position he had taken during his candidacy for the Presidency, Nixon replied:

"As you know, the Soviet Union is in a very delicate and sensitive position as far as Vietnam is concerned. I do not divulge any confidence from the Soviet Ambassador in indicating that is the case . . . here you have Communist China aiding North Vietnam. You also have the Soviet Union aiding North Vietnam. Each is vying for power in the Communist world and, therefore what the Soviet Union does in the Vietnamese conflict is a very difficult decision for them as related to that objective—the objective of leadership in the Communist world."

Apparently our appreciation for the Soviet Union's difficult situation in Vietnam goes further than one would think at first glance. Eugene Rostow has provided us with an interesting insight into the thinking of

U.S. policymakers on the subject of Vietnam as related to Soviet objectives there:

"When I came into the State Department in 1966, Rusk asked me to try to think of alternatives in Vietnam, and I thought of the way the Korean war was unwound. And I told the Russians, with full backing from my bosses, that this was the best way to solve the Vietnam problem—the way the Korean problem was solved. Namely, by Russian-American collaboration. They said, "That's very interesting, and it hasn't been rejected, but it's very difficult for us." And I said, "Yes, we understand, *we're not trying to push you out of there and turn it over to the Chinese at all. Quite the contrary.*" And they said, "We never reject this approach." But they didn't act on it, either . . . They are very much concerned about leadership of the world Communist movement, or movements, and their rivalry with China in that regard. They really seem to care quite a lot about that."

While Moscow is not anxious to accept the American presence in Asia, it is more afraid that Asia will be dominated by Red China.

"Although a united Vietnam under Communist leadership would seem to be theoretically desirable from the Soviet point of view, an ominous background presence of Red China would almost suggest in practice that a divided Vietnam may not [thwart] the long-range policy planners of the USSR.

"The Soviets share with the United States and local nations in Asia—including North Vietnam—an interest in preventing Red China's domination of the Asian mainland. This provides the main basis for Soviet-North Vietnamese relations in Southeast Asia vis-a-vis Red China. Although the Soviets are equally concerned with United States policy and actions in the area, their immediate concern is centered more on the short-run threat that the United States poses to the survival of a Communist state—North Vietnam—which the Soviets are committed to defend against her overthrow by the United States. The Soviets are concerned less that in the long run the United States will be able to dominate the Asian mainland than that Red China may . . . in this context . . . Soviet interests would be best served by a stalemate in Vietnam. . . ."

Although the Soviet Union dismisses it as propaganda, the Red Chinese talk of United States-Soviet collusion on Vietnam. In an interview with Simon Malley of the Washington Evening Star in 1967, Red Chinese Foreign Minister Chen Yi said that Khrushchev and Eisenhower had made a deal at their 1959 meetings at Camp David, Md., wherein he said:

"They agreed to work together to maintain a political status quo in the world. By the terms of the deal, the Soviet Union was committed to discourage wars of national liberation directed against governments friendly to the United States."

Premier Chou En-lai added further:

"What the Russian revisionists aimed at was to develop further the recognition by the U.S.A. and Russia of areas of vital interest, which they divided between themselves."

One would be willing to agree with the Soviets that this is nothing but mainland China propaganda if it were not for the persistence with which the leaders in the United States adhere to our all-out no-win policy in Vietnam.

Three administrations have agreed that we should commit the lives of American men to the Asian continent to fight a war of attrition to contain communism, yet for some mysterious reason the question of military victory cannot even be considered. McNamara had said that:

"U.S. policy in Vietnam is bottomed upon a disavowal of any intention to destroy the Hanoi regime, to seize its territory."

And in the first official statement on Vietnam from the Nixon administration, Secretary of State William P. Rogers told the Senate Foreign Relations Committee that:

"We are not seeking a military victory nor do we want military escalation in Vietnam."

Why not an end to the war by victory in Southeast Asia? It is certainly not because victory is not possible. Gen. William Westmoreland, Army Chief of Staff and former commander of U.S. Armed Forces in Southeast Asia said in 1969 that the United States could win a military victory in Vietnam:

"Absolutely, if it were the policy of this country to seek one, and if we were given the resources."

The late Senator Richard B. Russell who was privy to much inside information on Vietnam as chairman of the Senate Armed Services and Appropriations Committees and as a close personal friend of President Johnson, said in 1969 that:

"We could've brought the war to a conclusion in three months, up to two years ago."

Criticizing Johnson for his handling of the war, Russell said in January of 1970:

"My complaint with him [Johnson] was not for sending others in, but because we didn't go on and win the day by closing up the ports of North Vietnam. He let the timid souls in the State Department talk him out of that. He could have ended that war in six months any time."

Even Kissinger admits that victory is now possible but he is apparently concerned, for some undetermined reason, that the South Vietnamese might carry the war to the north in an attempt to achieve that objective. Peregrine Worsthorne, a political columnist for the London Sunday Telegraph, who interviewed both Nixon and Kissinger on the subject of Vietnam, had this to say about Kissinger's views on Vietnam:

"Henry Kissinger is engagingly frank on this point. He admits that on first coming into the White House his assumption was that the Nixon policy of combining American withdrawal with rapid Vietnamization was in effect litle more than a face-saving formula. The Vietnamization program was seen as a bluff designed to build up a slightly more favorable negotiating position from which to reach a settlement that would in effect be a North Vietnamese victory, only delayed long enough to save America's face. The last two years, however, have drastically altered his judgment. Vietnamization has succeeded beyond his wildest expectation.

". . . Kissinger believes it to be the task of the realist today to prick the defeatist bubble. He is no longer worried by the possibility of the North Vietnamese pulling off some catastrophic surprise. *Much more dangerous and possible in the long run, in his view, is the possibility of the South Vietnamese doing something untoward. One almost got the impression from Kissinger that he is more worried today that the South Vietnamese will invade the North than vice versa.*"

Since victory over the enemy in Southeast Asia is possible, why will not this administration, as the two that passed before, allow it? A victory now, over communism, would do more to benefit the United States and the rest of the free world, particularly the free Asian world, than any other present course of action. It would bind up the internal wounds of divisiveness here in the United States caused by our present no-win policy; it would give hope to those millions of people now enslaved under Communist regimes elsewhere; and it would show those millions of people in the free world, some of whom face the threat of communism daily that Communist totalitarianism is a thing of the past. What could be more in the American interest than ending the war through victory?

Could it be, as has been suggested by Nixon, Kissinger, Rostow and others, that our overriding consideration in Vietnam is the present Soviet policy there? Or is it that the United States does in fact share with the Soviet Union a common economic interest in that area? But, even so, it is only the Soviet Union who benefits by the continued stalemate. In the short run it keeps Asia out of the hands of the Soviet's Communist enemy, Red China, and in the long run weakens internally by divisiveness among its people caused by a no win policy its only real barrier to world domination, the United States, who is also forced to furnish the arms, money, and support troops with which to fight the war.

If our involvement in Indochina is to help keep this area out of the hands of the Chinese Communists for later exploitation by the Russian Communists, or if U.S. policy is tailored so as not to embarrass the Soviet Union, we should withdraw our forces from Vietnam forthwith.

Kissinger said in a background briefing on U.S. foreign policy at San Clemente, Calif., June 26, 1970, that:

"It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union."

If what Kissinger says is true, either the Soviet Union is not as interested in Southeast Asia as has been noted, or the Soviets have been assured in advance that what we do in Vietnam will not be damaging to them.

[From an interview of South Vietnamese President Thieu by Oriana Fallaci as reported in The New Republic, January 20, 1973]

We read as follows:

Q. I wonder what Dr. Kissinger answered or, at least, what he thought.

A. Mademoiselle . . . his strategic conception of the world is very smart: a Southeast Asia controlled by the Russians, or an Indochina controlled by the Russians, in order to control and contain China. Russians are less dangerous than the Chinese, so it's necessary to ask the Russians to contain the Chinese and to pose Indochina as a threat to the south of China . . . *Très bon, très bon!* Very good! It's like a general who observes the map and marks the map here and there with his pen. But the poor captain who leads his men through rivers and woods, and goes up the hills, comes down the hills, shoots and is shot . . . no, for him it's no good. A little Vietnamese doesn't play with a strategic map of the world. He has no group-interest on this planet. He has nothing to exchange, no Middle East to exchange with Vietnam, no Germany to exchange with Japan; he has nothing but life and death for 17 million inhabitants! And his danger is to fall under the sway of Hanoi, or of Moscow and Peking, because it is the same thing. *Voilà le probleme, Messieurs les Américains!* You look very far, too far. We cannot.

* * * * * *

The distinguished British journalist, Henry Brandon, has written a provocative book on contemporary U.S. foreign policy, "Retreat of American Power." It has not as yet been published but an excerpt from it was printed in last Sunday's New York Times Magazine, entitled "Mr. Nixon's Way With the Russians."

An interesting passage interprets American action in Vietnam:

"Dean Rusk, L.B.J.'s Secretary of State, was dovish toward Moscow, but felt hawkish toward the Government in Peking; he favored a policy of containing China in collusion with the Soviet Union. Nixon rejected this approach because he thought it would be interpreted in Asia as a racist-influenced policy, and from the start prepared for an evenhanded policy, though one based on a belief that the Russians were the more dangerous because they were more likely to take military risks. Nevertheless, his Vietnamese policy decisions risked Russian defiance.

THE U.S. POSTAL SERVICE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. BYRON. Mr. Speaker, various newspaper articles have questioned the success of the U.S. Postal Service since its inception over a year ago. We are all aware of the scope of this organization's undertaking; the current National Association of Manufacturers report offers encouraging evidence that the Postal Service will succeed.

Postmaster General Klassen discusses in detail the service standards which have been established and the programs which will enable the Postal Service to meet them. Of special interest is the new national bulk mail system which will improve service provided packages, magazines, books, catalogs, and advertising material.

Postmaster General Klassen points out that while progress is being made, really substantial, noticeable improvement may take more time. But the Postal Service commitment seems to be genuine, and their efforts should prove successful.

I have included the Postmaster General's article for the information of my colleagues. The article follows:

POSTAL SERVICE MEANS BUSINESS

(By E. T. Klassen)

Since July 1, 1971, when the old Post Office Department became the independent U.S. Postal Service, we have pursued two major goals: to improve the quality and reliability of mail services, and to reduce costs.

If our first annual report has a businesslike look, it is because we mean business. In tackling problems that were decades in the making, we have taken a businesslike approach to the awesome task of delivering more than 87 billion pieces of mail a year.

Our first goal was service improvement. While our service performance is still uneven—our tests indicate the mail service overall continues to improve.

Most of the mail is first-class—49 billion pieces out of the 87 billion delivered last year. Ninety-four percent of the first-class mail deposited by 5 p.m. and destined for local delivery is being delivered the next day. In smaller communities, the percentage is usually even higher.

We believe that another indicator of improved service was a reduction in the time for delivery. Without regard to the time of day when the letter was deposited or to the distance sent, the average time for delivering each of the 49 billion first-class letters decreased from 1.7 to 1.6 days.

In the important parcel post category, the average time for delivery decreased from 4.9 days during the final quarter of 1971 to 4.3 days in the final quarter of this year.

Postal management is directing priority attention to improving the consistency of postal service. Service standards, first introduced for airmail, were extended last year to first-class mail. Additional service standards, covering all other mail categories, were being tested as the fiscal year ended.

What does this mean to American business which, as our largest customer, generates about 80 percent of all mail handled?

We trust it means more business for us and better and more dependable service for the business sector at reasonable prices.

It was American business, perhaps better than any other group, that understood the urgent need for postal reform of the old system.

What does our balance sheet look like after a full year's operation? In fiscal year 1972, postal revenues, fees and income provided 84 percent of our total costs. This is an increase from an average 80 percent for the three-year period 1969–71.

It meant that the Postal Service—in its first full year of reorganization—required $1.3 billion in a direct congressional appropriation, down 34.8 percent from a high of $2.08 billion in 1971.

Our revenues totaled $7.8 billion, up 18.3 percent from 1971 while operating expenses amounted to $9.5 billion, up 6.3 percent.

We handled a record 87.2 billion pieces of mail last year, or 419 per capita, up from 87 billion pieces in 1971.

Like business, we have begun looking to new products. The success of several new postal products was demonstrated by the growing demand for Express Mail, a premium service for documents with a high time value.

There was also a demand for the Mailgram, a message which combines the speed of electronic communications with the Postal Service's unrivaled delivery network.

Perhaps most importantly, we are now treating mail users as customers and through a series of actions are working to be more responsive to their needs. An intensive effort to improve existing postal facilities so as to better serve customers and provide a modern working environment for postal employes is under way.

This year, the Board of Governors authorized implementation of the National Bulk Mail System, providing 21 major centers and 12 satellite facilities to form a nationwide system for handling packages, magazines, catalogs, books and advertising mail.

When completed, the $950 million investment in plant and machinery is expected to provide an excellent financial return, with significant improvements in the consistency of service.

Each of these strategically located centers will process bulk mail for post offices and stations within a radius of from 100 to 200 miles. Construction will follow techniques similar to those employed in private industry, using several standard light industrial building designs and commercially available equipment.

Completion of the first bulk mail center—for New York City—is expected in fiscal year 1974. The operation of the Bulk Mail Center processing plant is based on the utilization of new equipment concepts designed to keep the mail continuously on the move from arrival to departure.

Our second goal was cost reduction. Strong measures have been taken to reduce operating costs. On March 29, 1972, restrictions were placed on the hiring of additional employees. The effect of these restrictions was significant, since 85 percent of the Postal Service's costs are for labor.

In a four-month period, the employment level was reduced through attrition by more than 33,000 persons.

The commitment by postal managers, especially in the field, to hold costs in line enabled us to announce in the summer of 1972 that the Postal Service would avoid the previously budgeted $450 million postage rate increase scheduled for January 1973.

We achieved a significant 2.4 percent productivity gain in the fiscal year ended June 30. This productivity figure contrasts sharply with gains averaging less than one percent annually through most of the 1960s.

In part, this reflected increased mechanization in mail processing. A larger share of the productivity gain, however, must be attributed to our managers in the field. This year, they had the authority to make more effective use of manpower and other resources.

New systems for handling the mail also helped boost the output. The bulk mail centers for processing parcels are an example. Another is Area Mail Processing, perhaps the most important system developed in recent years for increasing productivity.

In the smaller cities and villages, letters with non-local addresses are dispatched, without sorting, directly to a central area mail processing office. These centers have the mail volume and mechanization to distribute the mail efficiently to other offices within the area as well as to more distant destinations.

Typically, a center can serve customers and post offices within a radius of from 60 to 90 miles, depending upon highway conditions and population densities.

During fiscal year 1972, the number of area mail processing programs climbed from 91 to more than 200. Within the coming six months, we expect to nearly complete implementation of this program by adding more than 100 areas.

The "massing" of mail at area centers and larger cities has increased the percentage of mail processed with modern equipment. For example, the percentage of letters handled mechanically by letter sorting machines is estimated to have reached 35 percent of the 55 billion letters delivered annually.

The key to mechanized letter processing is the 12-position letter sorting machine. Its effectiveness was strengthened with the installation of a computerized system for "translating" the ZIP code in the address. This eliminates the need for "scheme" knowledge on the part of the postal clerk and makes it possible for postal managers to quickly change distribution patterns to meet transportation schedules and mail processing needs at the destination cities.

More than ever, the ZIP code is the key to moving the mails promptly.

Despite the productivity gains achieved last year and those projected for fiscal year 1973, postage wage costs are rising significantly. In addition to wage increases amounting to 10 percent for rank and file postal employes in fiscal year 1972, we are committed in fiscal year 1973 to an additional annualized salary increase of 8 percent for these employees. The average postal employee today makes more than $12,000 annually in salary and benefits.

In the fiscal year ended June 30, 1972, we also embarked on programs that will make the Postal Service more competitive in the decades ahead.

In addition to the bulk mail facilities program transportation services have been strengthened. The surface transportation network now has express trucks and special mail trains geared specifically to our mail processing requirements.

We are moving time-value publications, perishables and other preferential surface mail between Atlanta and Los Angeles, for example, in 52 hours instead of the 100 hours required for "piggy-back" rail shipments. At the close of the year there were 72 primary truck and rail routes in the national network.

Airmail service was also improved with the expansion of the air taxi network. Private firms contract, typically, to provide air service between the medium-sized cities where the scheduled airlines are not offering service at suitable hours.

Still under development and testing is a preferential mail processing concept which could eliminate much of the manual processing of letter mail.

Inevitably, these changes will bring broader career opportunities and greater self-satisfaction for employes and local managers who are willing to be judged by actual accomplishments.

Our customers—the American people—will receive better, more consistent service at reasonable prices.

The process of turning around an organization as vast and geographically dispersed as the Postal Service will require time. Given the patience and understanding of our customers, our employes, the news media, and the Congress, I am confident that the Postal Service will become a productive and creative force in the coming decade.

TRIBUTE TO WITT STEPHENS

HON. RAY THORNTON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. THORNTON. Mr. Speaker, we sometimes fail to note the truly important events in the lives of our neighbors and friends. To capture in a few words the spirit and depth of a great man is never easy. Although we note the events in his life which are best publicized, we sometimes overlook the ones which reflect his real worth—the events and accomplishments which reflect the intangible facets of his character.

It is unimportant that W. R. Stephens did not finish high school. But it has often been noted. My uncle's path from a farmhouse door in Grant County has led to a noteworthy career in business which has brought him great recognition.

We know of the responsibilities he assumed for the benefit of his employees, business associates and consumers. But some may have overlooked the responsibility he assumed for the welfare of a fourth group: the people who "need a boost just to get to a place where they can start making it on their own."

When he announced a program pledging his company's commitment to this fourth responsibility, he voiced his belief that all of us benefit when we help people who start out with less than their fair share.

As president and chairman of the board of the Arkansas-Louisiana Gas Co., he played a pioneering role in the development of the gas industry, for which he earned the American Gas Association's highest honor: the Distinguished Service Award.

But people in Arkansas appreciate the commitment he made—long before the "energy crisis" was recognized and labeled—to acquire and dedicate sufficient gas reserves to fulfill his pledge to the "biscuit cookers" in his five-State area.

Now, we are noting his retirement, in keeping with company policy, at the age of 65. But what lies ahead for him is more important to note. For his will be no ordinary retirement.

Already he has pledged to continue working for the economic development of our region and for a higher quality of life, better jobs, better training and better opportunities for the young, the unemployed and those who need help.

For example, Witt Stephens has announced that he intends to build a college in Grant County, Ark., aimed at providing vocational, technical and business training for young people.

This is something important, Mr. Speaker, and it is something I want to help accomplish.

A UNIQUE ROLE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. ESCH. Mr. Speaker, in his column which appeared in the Washington Post on Sunday, Columnist David Broder highlighted the new era into which this Nation is entering after the end of the Vietnam war and the beginning of President Nixon's second term.

In my mind, this is one of the most incisive and perceptive discussions of our situation I have read. I congratulate Mr. Broder of the clarity of his writing and the depth of his insight and I commend it to all my colleagues as a most useful exposition of the new debates and new era which we are facing.

The article follows:

A UNIQUE ROLE, A UNIQUE MAN

(By David S. Broder)

An era ended for Washington, for America and, quite possibly, for the world this past week. And Richard Nixon stands unchallenged in his opportunity to shape what comes next.

He is quite literally alone now—without a living predecessor in office, without a peer among those who share power in America's government or who hold power in other nations.

If you stood in the Capitol last Wednesday when Mr. Nixon laid a wreath at the bier of Lyndon B. Johnson, you sensed the solitude of his position even more poignantly than at the inaugural ceremonies five days earlier.

Seeing his head in profile, as he inclined it in prayer, you had to think to yourself—how much now depends on what is going on behind that forehead.

It is an extraordinary coincidence that has brought within the compass of these few days the inauguration of the President, the death of his predecessor, the end of the Vietnam fighting and—with tomorrow's budget message—the start of a radical redesign of the domestic policies of the past four decades.

Both ceremony and substance are telling us: One period has ended and now another begins.

What is ending is an era of international politics shaped by a constant threat of conflict with totalitarian powers. What is ending is an era of domestic politics formed by fierce struggle over the allocation of government benefits to rival claimant groups.

The chief byproduct of that era was the creation in Washington of a huge governmental structure, whose existence and activities were premised on the belief that the American government could decide, in *specifics*, how the world order and the domestic society should be arranged.

The old order was symbolized by the parade of foreign potentates and domestic leaders through the White House in the first days of Lyndon Johnson's presidency. They had come to pay honor to the slain President, but they also came—the kings and prime ministers, the governors, mayors and party chieftains, the union and business heads—as clients of the government Mr. Johnson had just begun to lead.

The hallmark of the Johnson presidency was the extension of the domestic policies of Franklin Roosevelt and the foreign policies of Harry Truman to their ultimate reach. By the end of Mr. Johnson's tenure, there was very little—from the quality of a school system in Sonoma to the security of a village in the Mekong Delta—that was not regarded as the responsibility of the Washington government.

The new era, in a curious way, was probably symbolized by the absence of any such parade of personages through the White House either at Mr. Nixon's inaugural last week or at the Johnson services here this week. Mr. Nixon discourages such visits, as he discourages patron-client relationships between the government he heads and people with problems, at home or abroad.

He has not been notably successful in explaining his notion of what the new era is about. In Vietnam, his critics have accused him repeatedly of prolonging the war in order to save a *particular* government headed by President Thieu.

Many of these same critics have faulted Mr. Nixon for being too eager to sacrifice *particular* domestic programs—be they farm subsidies, housing subsidies, or aid to the poor.

The President's view is that he is being more consistent than his critics. His goal—the goal of the Nixon Doctrine in foreign policy and of New Federalism at home—is neither to save nor eliminate specific foreign governments or specific domestic programs dependent on Washington, but rather to end the relationship of dependency for both.

What is consistent about the Nixon view of the new era is its belief in the critical importance of the process of local self-determination. That is what Mr. Nixon said he was fighting to preserve in Vietnam and it is what he says he is striving to achieve in his proposals for decentralization of government at home. He deserves to be taken seriously—even by those who disagree.

In this capital, there are many who do disagree. They see both the Nixon Doctrine and the New Federalism as an abdication of responsibility, a retreat from the obligations America undertook for the world and for its own citizens in the past two generations.

That debate is as legitimate as it is important, but as it begins, one must marvel at the fact that fate has put Richard Nixon in a unique position of power at this particular juncture.

He is not the man one would have guessed would win a landslide election victory and he is not the President one would have guessed would shape a transition of historic dimensions. But we have underestimated the role history had in mind for him.

I once wrote that he "got to be President of the United States by being more durable than any of his political rivals—not by being brighter, more attractive, wittier or more eloquent."

As President, it is his doggedness more than anything else that has distinguished him.

But now we have arrived at what, one feels, is surely a genuine turning point in our national history, and the man who can lead us past this juncture is our old friend Richard Nixon. The campaign slogans have turned out to be true. Wonder of wonders, "now more than ever, Nixon's the one."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

TAX CREDITS FOR NON-PUBLIC-SCHOOL STUDENTS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. KEATING. Mr. Speaker, today, I am introducing legislation to provide tax relief for the families of non-public-school students.

This past week in Cincinnati, Ohio, one of the major nonpublic schools, St. Xavier, announced that it was forced into again raising its tuition from $600 to $850. This represents a doubling of the school's fees in the past 3 years. In 1970, it stood at $400.

The school's president, the Reverend Mark Schuler, S.J., cited the same problems that are plaguing all our schools. In a newspaper article he told of the school's enlarged faculty, additional courses, past salary raises and increased maintenance costs.

With these same problems affecting all education, today we find ourselves at a crossroads. Are we going to ignore nonpublic schools and let them disappear, or are we going to give them the support they need and deserve?

The Supreme Court will soon be considering tax credit proposals that have been approved by State legislatures. Courts in New York and Minnesota have upheld tax credit programs while the Ohio plan has been ruled unconstitutional. The issue will now be resolved by the highest court.

Let me for a moment turn to the legal question that is involved with this issue. There are those who desire an early demise to the non-public-school system and feel that any assistance is a major threat to the public school system and unconstitutional. This view greatly limits the role that nonpublic education should play in our society. As a lawyer, former judge, member of the House Judiciary Committee, but most important a parent, I do not share this opinion.

The court decisions in the field have laid two basic tests for aid to be constitutional: One, that the aid is secular in both purpose and effect; and two, a criteria that was made clear in the decisions of last fall, excessive entanglement.

The tax credit would be secular in that it would go directly to the parent, and be for the education of his child. The fact of the matter is that there is no such thing as Jewish algebra, or Lutheran chemistry, or Catholic economics. The basic skills that our children receive in school have nothing to do with sectarian beliefs.

There are those who would argue that the mere presence of religious objects in the school make the education sectarian. Yet if we were to take this argument to its logical conclusion, no Federal money could be given to the construction of a home or hospital that displays religious objects. The tax credit legislation does not establish a religion, but merely makes it possible for any citizen to freely exercise his free choice of belief.

The other criteria spelled out in the Lemon decision last fall is entanglement. The Pennsylvania statute that the court ruled unconstitutional provided for payment directly to the schools required the schools to maintain detailed accounting procedures that separated the cost of secular and religious expenses. The Rhode Island statute that the court ruled against provided for payments directly to the teachers and directed the State commissioner of education to require eligible schools to submit financial data which shows how much was for religious activity. Rhode Island further forbids teachers being paid under the act to teach religious courses.

The tax credit does not have these entanglements. The credit is given directly to the parent, and the only requirement for the school is that they maintain records as always for taxation purposes and that they meet the antidiscrimination laws of the land.

The President's Commission on School Finance, pointing to the fact that one in 10 school age youngsters attend nonpublic schools, recommended the enactment of constitutionally allowable aid to nonpublic schools.

If one looks at the policies of the nations in the free world, the overwhelming study of secular subjects in schools where children can also study religion and moral values.

Today in England, a substantial proportion of the schools remain private and are able to continue because of legislation which enables them to receive public financial support. In France under General De Gaulle the General Assembly passed legislation to give financial assistance to private schools. In Germany today, nearly 55 percent of West German students attend denominational schools. These and other countries in the free world permit tax dollars to go to nonpublic schools.

If no action is taken in the United States, there will be a monopoly in the educational field. Whenever there is a monopoly there is usually a lack of creativity, a lack of innovation, and a lack of excellence. We cannot allow this to happen in an area of education that is so important to the future of our Nation.

Tax credit bills that have been introduced in the Congress will not challenge or destroy the significance of public education. The economic benefit will improve both the public and nonpublic sectors. As we search for new methods of school financing, this type of legislation is necessary and appropriate. It is my hope that this committee will make the enactment of this legislation a high priority.

BUFFALO EXPERIENCING A RENAISSANCE OF ACCOMPLISHMENT IN MASS TRANSIT, OTHER REVITALIZATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. KEMP. Mr. Speaker, the president of the Buffalo Area Chamber of Commerce and my good friend, Mr. Richard F. Torrey, pointed out on January 11, this year, in a speech before the 38th annual interclub luncheon in Buffalo that the people in our community are experiencing a renaissance of attitude and accomplishment.

While citing a long list of impressive achievements in the Buffalo area during the past year and plans for the future, Mr. Torrey most kindly referred to "definite strides" which will be made this year in the planning and design of the rapid rail transit system from downtown Buffalo to the new University of Buffalo campus in Amherst.

A part of that planned system, he said, has already been funded by the Federal and State governments.

In response to this recognition, I wish to praise, before my colleagues, the long and patient, bipartisan, cooperative efforts of local, county, State, and Federal officials which produced the first increment of Federal funding for our transit system.

More specifically, I want to thank Gov. Nelson A. Rockefeller; Buffalo Mayor Frank Sedita; Erie County, N.Y., County Executive Edward Regan; Niagara Frontier Transportation Authority President William Miller; Lou Harriman, chairman of the Area Transportation Committee; Gordon Thompson, NFTA's urban transportation planner; Buffalo Deputy Mayor Stan Makowski, and Buffalo City Planner Dick Danforth who worked with Congressmen Thaddeus Dulski and Henry Smith, the outgoing Urban Mass Transportation Administrator Carlos Villarreal and me to launch the planned transit link.

Mr. Speaker, it is also appropriate to note that yesterday, January 31, Mr. Frank Herringer was confirmed as the new Administrator of UMTA.

I am confident he will continue to promote the principles of a balanced transportation system as his predecessor, Mr. Villarreal did, and to produce the necessary results in this vital aspect of national growth.

At this point, I include Mr. Torrey's remarks, and the very impressive background of the new UMTA Administrator, Mr. Herringer:

Mr. Torrey's Remarks

Twelve months ago, my predecessor, John Nasca, said to you from this platform . . . "of all our assets, we think the most outstanding one is our people." . . . and with those words he unveiled before you an advertising program with the theme "You are Buffalo."

No more appropriate audience could have been assembled to witness the introduction of that program.

For surely, you are Buffalo. You came here today from the Boston Hills, from Clarence and Amherst, from the industry of Lackawanna, from West Seneca, Nottingham Road, Central Park, the Fruit Belt, the West Side or Cheektowaga.

Buffalo—as our friends of the *Courier Express* recently noted—is not a city confined to 100-year old boundaries. Buffalo is a way of life—and you are a big part of it.

And that leads me to the message which I hope to leave with you today, and it deals with Buffalo as a way of life.

The message is *Renaissance*—and that fits the Buffalo way of life today. The dictionary describes renaissance as a renewal of life, vigor, interest. It is rebirth, revival.

Buffalo today is caught up in a renaissance of attitude and accomplishment, of activity and ambition.

Buffalo has heeded the words of John Nasca who last year from this vantage point challenged this community to change—and changes have been made.

Startling they are not. Gradual they are—and they—these changes—are transforming Buffalo into a major league metropolis in every way.

Mind you, this Queen City of the Lakes will never be Utopia, or Shangri-La or Camelot. No city ever is. And we recognize that just as our ambitions and our accomplishments are assuming major league proportions, likewise so are the problems that beset us.

But we as Buffaloians will never stop trying to turn our weaknesses into strengths.

In many ways, the past year has tested your determination. It wasn't easy to radiate optimism and good will if you were laid off in the steel industry, or thrown out of work when plants closed such as the G. E. Semiconductor, Continental Can, Wood and Brooks, Sylvania or Curtis Wright. It mattered not that it wasn't Buffalo to blame but an illness in the national economy, changes in federal spending policies, foreign competition, changing technology or changing markets.

It was a combination of conditions such as these which led another Chamber of Commerce president to comment: "Recession? We didn't experience any recession here last year, but I will admit we had the worst boom in many, many years."

We had a bad boom in Buffalo in early '72. The simple and painful fact to the guy with the lunch pail was that we had to live in Buffalo with an average 8 percent unemployment for the year. Of course averages are dangerous as the statistician found out who drowned while fording a stream with an average depth of three feet. Nevertheless we have to deal with averages even though they don't emphasize that the unemployment rate headed downward at the end of the year. More about that later.

But elsewhere in our local picture, we scored glorious failures in a significant portion of our civic decision-making. Witness the months of continuing rancor over a stadium, the delays in the Exhibition Center and regional airport, costly labor-management and jurisdictional work stoppages, a notable standstill on arterial construction, leaving a large swath of fallow land through the heart of our city. With this on our minds, we taxpayers could hardly be buoyed up by learning toward the end of the year that perhaps our neighbor was earning a healthy stipend by not showing up for his municipal work assignment.

But through all this, to your credit, you—the leaders and the dedicated—took heart in the words of a Roman scholar: "Prosperity tries the fortunate, adversity the great."

And that greatness began to emerge again in '72. Already employment had turned the corner in July. With fits and starts it clawed its way up to a yearly high in the fall, gradually eroding the substantial unemployment rate, with every promise of continuing the climb during 1973. Granted, it would take a miracle to make up ground not gained during the past decade, but the pattern is encouraging.

By the end of this past year, that guy with the lunch pail in the shop, led perhaps by our large auto plants, had pushed his average work week back up to 41.8 hours, slightly less than in 1968, the best in recent years. And it's expected to go higher this year.

And that same guy with the lunch pail helped to propel the United Fund to its best year in history under the leadership of Bill Hassett.

Remember that renewal of life, of vigor and of interest which I noted earlier . . . that rebirth, revival.

Many building blocks began to shape that renaissance, particularly as the year wore on. With Ned Regan and others in local and state government spearheading the effort, tax relief was granted to Bethlehem Steel and promptly resulted in a commitment to a $50 million bar mill on the shores of not-so-dead Lake Erie.

Financial transfusions through $9 million in industrial revenue bonds contributed to the continuance or expansion of at least six manufacturing plants.

Our local economists point to the 10 per cent increase in plant capacity during the past year, and note such bullish signs as the anticipated $30 million in bonds which the Erie County Industrial Development Agency is expected to issue by summer for new and expanded industrial facilities.

In another area, the fine health-care facilities in Buffalo are getting better in leaps and bounds. During the past year we undertook to build an amazing $150 million in new health facilities led by the $85 million complex on the Meyer Hospital grounds and including Roswell Park and Millard Fillmore in the city and Kenmore Mercy and Millard's Amherst hospital in the suburbs.

Great strides along our potentially-impressive waterfront area were provided by the construction of hundreds of new residential units in the Maryner and Shoreline developments and by Holiday Inn's commitment to build an $11 million motel complex. The outlines of the marina development began to take shape.

A proverbial shot-in-the-arm was provided just up the street from here when WGR–TV constructed on Delaware Avenue a beautiful new communications facility.

And in the other direction—down Main Street—the first tenants took up residence in the still unfinished magnificence of Marine Midland's 40-story banking house. From there, they could peer out at the attractively refurbished face of Ellicott Square.

Already, native Buffalonians who have been gone from these environs for no more than eight or ten years find it necessary to ask directions around a continuously reshaping downtown business district.

Like manufacturing, like health care, and like communications and banking and housing, there is another industry which is showing a new dynamics and a new vibrancy in our community—another building block in our renaissance—sports, a multimillion dollar industry in Buffalo.

The only city in Upstate New York to sport a major league entry of any kind, Buffalo is one of the handful on the continent to be represented in three major leagues.

The resurging Bills, the eternally hopeful Braves and the incredible Sabres are carrying the name Buffalo throughout the continent showing promise of ever-growing success, success enhanced by the confident determination of Mayor Sedita and the Common Council in expanding Memorial Auditorium, success punctuated by the comforting jingle of the cash register.

It is interesting to note that the conservative *New York Times* last Sunday recognized the championship caliber of the Sabres and noted they are already the hockey champions of the Empire State, winning the first seven straight of the scheduled 12 games against the Rangers and Islanders. This would seem to indicate the *Times* has an insight far superior to that of the sports director who selected the hockey games for showing on the NBC Television Network. The NHL tells us they've offered a couple of dates to the Sabres for national television exposure. Regrettably, schedule conditions make these dates unfavorable and we would ask NHL and NBC to try harder.

As for our other major league entries, we take heart in the counsel in Matthew 19: "and the last shall be first."

This past year witnessed the final resolution of the horrendous great debate over a football stadium and the beginning of construction in Orchard Park which will be a source of great pride. At the request of the county, your Chamber brought forth prospects to pay for the privilege of affixing their names to the $20 million project. County officials ultimately determined that Bob Rich and his Rich Products Company could blend good business with good taste in an agreement which benefits everyone involved.

That construction progress on the new stadium was one of the focal points of interest when your Chamber initiated a program of hosting out-of-town sportswriters preceding each Buffalo Bill's home game. This hospitality, we believe, was extremely effective in overcoming some of the misconceptions which have appeared about our community in the out-of-town press.

Still another sports event which drew continental attention to our area was the splendidly executed 1972 Canadian Open at Cherry Hill, the first major golf tournament here in almost a quarter of a century.

This has been but a capsule of 1972's accomplishments which have triggered this renaissance. What, might you ask, is needed to continue this pattern of progress?

Remember—we are not launching a renaissance—we are propelling it onward—and there is a role for each segment of our community.

Many of the key items on our shopping list for 1973 depend on teamwork, close cooperation between government and citizens—governments on every level and citizens from all walks of life.

Let's look down the road into 1973. What do we see? What do we expect? What do we need in this renaissance era?

First, we look across the street into City Hall, soon to be restored to the glistening figure of its old self when workmen finish exterior cleaning next summer.

But to our city leaders we look for early action on the vital Exhibition Center, a project with exciting potential benefiting our entire community. Unquestionably, additional downtown development will follow this construction, encouraging renewal of significant portions of upper Main Street. Council President Chester Gorski could foresee this in his annual message to the Council Tuesday.

By vote of its directors, the Chamber of Commerce has thrown the support of its nearly 6000 members behind this landmark project, and I have today dispatched a call for support by individual letter to each organization represented here at this civic luncheon. I ask each of you to join with the Greater Buffalo Development Foundation, the Downtown Development Corporation, Mayor Sedita and others who have spearheaded this great effort for Buffalo. We have faith that the city comptroller will provide the promised site appraisals as scheduled next week and will aid in expediting the necessary action.

We are not unaware that two additional hotel chains besides the Holiday Inn are standing in the wings. Further, we expect shortly an announcement on the federal funding of a major Tourism Plan which, together with an Exhibition Center, will draw new income to our community.

To City Hall, we look also for renewed efforts to create a climate of credibility and confidence. We recommend Mayor Sedita for initiating the investigation of the goldbricking problem. We are counting on him in 1973 to keep the pressure on this problem until every conscientious city employee can hold his head high. No taxpayer (which is virtually every one who lives, shops or works in the city) relishes the thought that he is contributing to the support of a goldbricker.

We like the new ideas in county government, such as the central police services and the centralized data center, and we look for continued improvement in the county budget process such as emerged this past year. One of the county's great responsibilities is the successful completion of the 80,000-seat Rich Stadium this summer, and what a triumph that will be.

The state, too, has its major role in our renaissance. We are pushing for an uptempo construction timetable for the Amherst campus of the State University at Buffalo. A hundred million dollars was spent on UB construction last year, another 100 million is scheduled this year and another 450 million is earmarked. Upon completion, the University will be the second largest employer in Western New York with 15,000 employees and 45,000 students. It will generate economic contributions of at least 200 million annually. Of additional significance is the fact that 60 per cent of UB graduates remain to live in metropolitan Buffalo.

And in Albany, we call on the support of our Western New York Legislators for legislation to encourage expansion of industry by increasing the investment tax credit for new capital investment in plant and equipment from one to five per cent. Likewise important will be support for moves to eliminate employer financed unemployment insurance for strikers, while at the same time granting immediate unemployment relief without present six-week delay to innocent workers laid off as a result of strikes in other locations.

I have by letter to Governor Rockefeller today also called on his good offices to introduce and aggressively support this legislation so important in our effort to retain jobs and create new jobs in New York State.

Transportation is due for ever-increasing emplasis in 1973 . . . the vital rapid transit system, the regional airport and the lagging highway system.

Definite strides will be made this year in the planning and design for the rail system to connect the new UB campus with downtown. A portion, thanks in part to efforts of Congressman Kemp, has already been funded by the federal and state governments. Rapid Transit is another of the keys to downtown's continued revitalization and another project which the Chamber supports.

Extensive refurbishing has increased the lifespan of Greater Buffalo International Airport, but a location must be finalized in 1973 for a new regional airport so that it may be ready a decade hence when the present airport becomes inadequate.

We have been distressed by the halt in the urban arterial construction but we are heartened now by reassurances from the state and city that they will once again press forward together on projects such as the Elm-Oak and the widening of the Kensington Expressway, although construction may be 3–5 years hence.

Now, aesthetically speaking, a year-round Chamber-sponsored program to beautify Buffalo will reach a crescendo this spring. There are many intriguing facets to this program, not the least of which is the replacing of our blighted trees throughout the community, a program high-lighted by our friends at the *News*.

And to many of us, downtown will be even more beautiful and vibrant with the completion in 1973 of the great Marine Midland Center, of the modern *Buffalo Evening News* building, of the distinctive City Court Building and of the marina on the waterfront.

With all this activity, perhaps you wonder if anyone is really noticing Buffalo's renaissance. What better manifestation of interest than has been shown by the major banks of the nation. First the Bank of New York, and now First National City, Chase Manhattan and the Chemical, with maybe another one or two on the sidelines. Perhaps these financial giants know something about us that we haven't really recognized.

Within days, additional national attention will focus on Buffalo, on this very room. Sports figures from throughout the nation will gather here before 1100 of you, your friends and neighbors at the first Buffalo Chamber sponsored Dunlop Pro-Am Awards Dinner. Our own Buffalo-based Dunlop Tire and Rubber Company will present a $10,000 Steuben crystal creation of magnificent beauty to the winner as selected in a national poll of sportswriters and sportscasters now being conducted by Price-Waterhouse. Within 2½ weeks ago to go, almost 800 tickets have been sold and a sellout is virtually assured.

And now my friends, I know and you know that what I have been telling you today is nothing new; it really couldn't be because the year-end editions have covered most of it in detail. I believe it is useful to pause on an occasion such as this to appreciate and understand what is happening to us, to come up with an interpretation—and that interpretation can only be described as a renaissance.

We as Buffalonians have a unique heritage. Because we come from so many varied backgrounds, there is a tendency to think of us as somewhat splintered. Not true. In fact, we benefit from the conglomerate advantage inherent in our colorful ethnic quilt. Our people care about one another and most of us care deeply about our community. We are defensive about it, and perhaps too easily offended by its detractors. We work hard, and we work together without a lot of fanfare, just as you from so many civic and business organizations contribute to the community in projects which often few outside your organization ever hear about.

Whether Polish, Irish, German, Italian or otherwise, black, white or red, our heritages have given us a mixture of toughness, humor and thriftiness which forges a well-rounded community, a community which produced two United States Presidents.

Together we shall strive for an ever greater Buffalo, together we shall propel the renaissance of Buffalo in a new surge to greater heights.

The symbol of the grazing Buffalo in statue-like repose is no longer appropriate; our new Buffalo is charging in the spirit of our Renaissance.

My friend, danke schoen, dzienkuje, grazie, gracias. And to all of you I say "thank you" in the language which is our common bond, just as our faith in the future of Buffalo is also our common bond.

Frank C. Herringer

Mr. Frank C. Herringer was born Nov. 12, 1942, in New York City, attended public schools in Seaford Long Island, N.Y. He received his A.B. degree, magna cum laude in 1964 at Dartmouth College where he majored in mathematics and economics and was elected to Phi Beta Kappa.

In 1965, he received his M.B.A. degree from the Amos Tuck School of Business Administration at Dartmouth, majoring in finance and marketing, graduating with the highest academic average in his class and with "highest distinction."

Mr. Herringer began his career in 1965 as an associate wtih Cresap, McCormick and Paget, Inc., the well-known international management consulting firm of New York.

Some examples of his work for clients include:

Coordination of an 18 month study of one of the largest urban public utility companies in the world, involving the efforts of a 25 man consulting team that analyzed the organization, management information system, procurement functions, and other aspects of the company.

Direction of a study of all aspects of the management of Dartmouth College.

Management of studies of organization, management controls and strategy for a variety of firms, including: a large industrial corporation in upstate New York; a steel company in Australia; a recreational products company in New York; a New York financial services company; and many others.

From November, 1971, until his new appointment as UMTA administrator, he served on the White House staff as a deputy to Fred Malek, the President's top advisor on personnel matters. He has had the responsibility for assisting in the selection of Presidential appointees and has represented the President's interests in lower level personnel-related decisions in one-half the departments and agencies of the Federal Government, involving over 1,500 full-time, non-career positions. The evaluation and clearance of proposed appointees, training, recognition and patronage, and special, in-depth analysis of particular problem situations have all been part of his responsibilities.

Mr. Herringer is a resident of Fairfax, Va., and married to the former Nancy Lynn Blair.

TRIBUTE TO PRESIDENT LYNDON B. JOHNSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. ANDERSON of California. Mr. Speaker, the Nation has lost a great and patriotic citizen, one whose passing has deeply saddened the Nation.

The American people loved, respected, and admired the 36th President of the United States—Lyndon Baines Johnson.

They knew he was their friend, they had confidence in him and they knew he was, without question, a man of the people and for the people.

Lyndon Johnson has returned to the Texas hills, the place where he spent most of his life, and the land he loved the most. However, he will not be forgotten by the Nation and the world, who loved and respected him, not only as a leader, but as a man.

As a Congressman, Senator, Vice President, and President of the United States, Mr. Johnson's accomplishments and achievements are numerous.

He put his principles into action with the greatest amount of energy and enthusiasm. As chairman of the Senate Space Committee, he initiated the great strides made in the national space program.

Lyndon Johnson's accomplishments in the areas of civil rights, medicare, poverty, and housing are unmatchable. They were truly a victory for him and a victory for the Nation as a whole.

I am extremely proud to join my colleagues in paying homage to Lyndon B. Johnson. I feel honored to have known him—a man with the deepest compassion for all mankind and a true American.

He will be remembered in the hearts of all who knew him and of those who had the great privilege of his friendship.

The United States has lost a fine citizen and public servant.

We shall all miss him. Mrs. Anderson joints me in expressing our deepest sympathy to Mrs. Johnson and their two daughters, Lynda, and Luci.

TRIBUTE TO OLIVER P. BOLTON

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MILLER of Ohio. Mr. Speaker, it is with a great deal of sorrow that I join in this tribute to a former distinguished Member of the U.S. House of Representatives from Ohio, the late Oliver Payne Bolton. Ollie, a member of one of this Nation's most renowned families, passed away this past December 13.

Oliver Bolton served three terms in the House, representing the 11th District of Ohio.

His interest in politics and public service can be readily traced to his famous parents—Chester C. and Frances P. Bolton. The late Chester Bolton was serving his fifth term in Congress when he died in 1939. It was after he died, that the Honorable Frances Bolton—a granddaughter of former U.S. Senator Harry B. Payne—was elected to complete his term. Frances Bolton represented Ohio's 22d District for 14 consecutive terms until 1968. When Ollie earned his first term in 1952, it marked the first occasion in the history of the Congress that a mother and son served concurrently in the House.

Oliver Bolton, like his parents, took a great deal of pride in working for America. He was an untiring legislator and his service on the House Post Office and Civil Service Committee and the House Administration Committee was marked by a sense of obligation not only to the people of his district but to all taxpayers who deserve to see their tax dollars spent wisely. In addition, his loyalty to this Nation was displayed by the legislation he sponsored. One such bill, for example, added the words "under God" to our pledge of allegiance.

Before coming to Washington, Ollie served in a number of posts in the Young Republicans, rising from president of his local club to the presidency of the Ohio League of YR's in 1948, and the vice-presidency of the Midwest council and finally as National YR Committeeman from Ohio. Winning the Republican nomination for the newly created 11th District over four candidates in the 1952 primary election, he was elected to the 83d Congress and reelected to the 84th. He did not run for reelection in 1956, however, he did remain active in Ohio Republican affairs. He was the Director of Commerce of the State of Ohio in 1957, chairman of his county Republican organization and a member of the Ohio Republican State Central and Executive Committee in 1958–61. During this period he resumed his newspaper publishing business, owning two small dailies and a weekly.

In 1962, Ollie, resumed his political career and returned to Capitol Hill as the 11th District representative.

An eloquent and talented legislator. Oliver Bolton will be missed by all who knew him and by all he served. At this time of eulogy for Mr. Bolton, I wish to extend my deepest sympathy to his family.

WETLANDS CONSERVATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. REUSS. Mr. Speaker, the Federal Government drains wetlands so farmers can grow more crops, while at the same time it pays farmers to let fertile cropland lie idle. Compounding this waste of budget dollars is the destruction of irreplaceable wildlife habitat which accompanies wetlands drainage. The following article by Oliver Austin Houck, which appears in the February–March 1973 issue of National Wildlife magazine, is a particularly well-written description of this problem:

UNCLE SAM: SPLIT PERSONALITY

(By Oliver Austin Houck)

When I first heard about the Starkweather project in North Dakota it didn't make sense. Uncle Sam preparing an ambush—for himself? I decided to go out and have a look.

On a windy summer morning I went up in a small plane over the big farms of the Starkweather watershed, large rectangles of golden grain dotted with green bordered prairie ponds—potholes they call them. Flying low I could see clusters of ducks on the water and white egrets in the reeds. We flew north and suddenly the potholes were gone. You could tell where they used to be by the drainage ditches, networks of gray canals running south.

"See down there" yelled my pilot over the roar of the engine. "That used to be a regular lake. A few years ago you couldn't fly very low because of the birds. They'd come up off it by the hundreds."

It was a grain field now with a big ditch straight out of the center. I didn't know how my pilot felt about it so I shouted that it must be easier flying now without all those birds. He gave me a funny look. "I miss those birds," he said.

If someone told you that Uncle Sam was going to spend nearly four million dollars to drain one of the last large waterfowl breeding grounds in the United States, you'd say "Well, it must be for a good reason."

It's called "prairie pothole" country, and it's the last we have. There used to be millions of potholes, little half-acre, one-acre, five-acre freshwater ponds, scattered all over the Dakotas, west to Montana, east to Minnesota and Wisconsin and down into Nebraska and Iowa. Great waterfowl migrations bred and formed there pond by pond. Tens . . . hundreds . . . thousands . . . and then millions of ducks, geese, grebe, and rail. Every fall they rose from these prairie wetlands, a family here, a flock there, until they covered the sky with a great rush of wings and were gone.

It doesn't happen much in our country anymore, except in North Dakota. We've dried up their breeding grounds, and the remaining birds must fly up to Canada to nest. The Starkweather region of North Dakota, with over 50,000 acres of prairie pothole wetlands, is the best breeding area we have left in the United States. And now we're going to dry it up.

If someone told you that a "good reason" to drain these wetlands was so farmers could produce more crops, you'd say, "Well, I guess we need the crops."

There are just ninety-one farm units to be benefited by the Starkweather project. They all produce surplus grain crops, mainly wheat. The drainage project will help them grow more. In case you had forgotten about surpluses, these are the crops Congress has directed the U.S. Department of Agriculture to buy and store to support farm prices. So you, and your government, own hundreds of millions of bushels of corn and wheat.

But, hold your hat—these are the same crops we also pay farmers *not* to grow, at a cost of additional millions of dollars. In 1971 we paid farmers more than $2.75 billion to idle 37 million acres of surplus cropland; in 1972, more than 62 million acres were idled. Despite the number of "set aside" acres, the government still has had to buy hundreds of millions of bushels of surplus grain. (Even though the U.S. is selling large quantities of grain to the U.S.S.R. and China, Federal subsidies will still be needed for surpluses.) Projects like Starkweather aggravate this problem. The government pays people not to grow grain, it buys surpluses from what they do grow, and then turns around and finances projects to grow more. Using your money, of course.

If someone told you that another purpose of the Starkweather project was "flood control," you'd say, 'Well, we've certainly got to stop those floods."

When you walk in water you are likely to get your feet wet. And when you plant crops where water gathers every spring, you are just as likely to get your seeds wet. It happens every spring; the snows melt and the April rains collect in the depressions, forming the great prairie wetlands. By fall most of the ponds are dry. But you plant crops in the spring, and you can plant more crops in the spring in Starkweather if you drain all of those potholes and move the water out. It's called "flood control."

What it really does is help make floods. The water used to settle on the land and percolate slowly through the surface. Now it is rushed out in large ditches. Where? Somewhere downstream, and someone at the other end of the ditch gets a lot more water now, every spring. But then that's his problem.

So he is almost compelled to get his own "flood control" project. Bigger ditches, to move the water on down. This leads, of course, to more "flood" water further on down, and naturally more ditches. And, eventually ditches won't do the job. It takes dams . . . more crops and houses in the flood plains . . . more "flood control" projects . . . pork barrel handouts by Congress and make-work for the Corps of Engineers . . . all the way down the muddy Missouri and the mighty Mississippi to New Orleans, now seven feet below river level.

It all starts way up north, with Starkweather and those lovely, rich, doomed prairie potholes waiting to be drained.

"You know," said Bob Scheer, president of the North Dakota Wildlife Federation, our affiliate, "Congress really passed this small watershed law to stop floods where they begin, to hold the water in the land. But instead we seem to be using the law to get the water off faster.

"I have a friend who farms on the edge of Starkweather," he continued. "One day I went over to visit and he'd just put in a new ditch. I said, 'Owen why did you do that?' and he said he had to because everybody else was doing it, and he'd end up with their water. And besides the government was paying for it.

"I said, 'Owen, suppose there was a program to hold the water on the land and nobody built ditches to give it to you, and you didn't build ditches to give it to somebody else?'

"Owen thought about that for a moment and then he shook his head. 'I never heard of a program like that,' he said."

If someone told you that Congress authorized the Starkweather project after carefully considering its impact, you'd say, "Well, I guess they took all these things into account."

Unfortunately, Congress doesn't review "small watershed" projects. Because they are so "small," Congress has delegated their authorization to a committee. In the case of Starkweather, it was a subcommittee. On July 14, 1970, with just three subcommittee members of one house of Congress present, the Department of Agriculture presented Starkweather along with one North Dakota Congressman and Gordon Berg, the chief local sponsor. No notice of the hearings was given, no opposing testimony was invited. The Congressman said it was a good project and Gordon Berg, who one year later was convicted of draining wetlands illegally and placed on Federal probation, said he thought it was a good project too.

That's the way it went with Starkweather, and that's the way it goes with most "small watershed" projects. Except not all the sponsors are on Federal probation.

The "small watershed" aspect is even more interesting. Congress did not mean to abandon its authority over large water programs. It put a 250,000 acre ceiling on the "small watershed" projects which the Soil Conservation Service could undertake virtually on its own.

The hitch in Starkweather is that the natural Starkweather drainage area is about 518,000 acres. But you can't put an acre limit on ambition. So the solution was to cut up the area into two smaller projects which on paper would slip under the Congressional limit.

So there are now two separate proposals: Starkweather, 246,477 acres, and Edmore, 246,118 acres. They are in the same drainage basin, linked by a single channel and draining into the same big exit ditch.

You may have noted that these two projects add up to 492,595 acres, and there are about 518,000 acres overall. Since the additional acres could not be tacked on to either project without pushing it over the limit, there is a 26,000 acre "dead area" right in the middle, undeclared in either project. Administrative genius!

When someone tells you that Starkweather isn't really that big, and anyway it's the kind of project that's been popular for years in most Congressional districts, you finally rebel and say, "It just doesn't make sense—from any angle."

Starkweather is a natural basin. The water stays where it falls, or collects in natural kettles and ponds, shallow, freshwater wildlife incubators, the stuff of prairie life. Now we plan to pull the plug, rush the water out. And call it flood control.

These wetlands will be dried up, and plowed in the fall to get a jump on spring. The winter winds will whip up the exposed soil and dry snow into brownstorms. And we call this soil conservation.

These lands will grow more surplus for government granaries, and we will pay more money to set aside more acres. And we call it a farm program.

And when you want to see those great restless movements of waterfowl rising and wheeling in the morning light, you can go to Canada for the few that remain and you can say, "We used to see them in our country too, once upon a time. . . ."

THE SOCIAL SECURITY LEVY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. FRASER. Mr. Speaker, when President Nixon said:

> It is time to get big government off your back and out of your pocket.

Was he talking about $10 billion social security payroll levy that went into effect on January 1?

According to a recent study by John A. Brittain, the Brookings Institution, the social security tax now accounts for 23 percent of all Federal revenue, more than half the amount collected from the individual income tax and far more than is collected from the corporate income tax. This tax burden now falls most heavily on the lower and middle income people who are struggling to make ends meet. A study by Pechman and Okner entitled "Individual Tax Erosion by Income Classes," demonstrates that the poor pay proportionately more in taxes than wealthy people do when all taxes are considered.

Carl T. Rowan's column that appeared in the Sunday Star and Daily News on January 21, 1973, pursues the same theme. I am submitting this column for the Record because it states the problem forcefully.

The article follows:

Let's Give Tax Credit for Social Security Levy

(By Carl Rowan)

Rep. Wilbur Mills, D-Ark., the king of the congressional road when it comes to tax laws, has pledged that the 93rd Congress is going to review every single one of those exclusions, exemptions and preferences otherwise known as "tax shelters" and "tax loopholes."

Bravo! But don't expect too much. They'll plug the holes in Swiss cheese with moondust before they seal off all those legal openings that allow some Americans to escape the grasping fingers of Uncle Sam's revenooers.

First, they'll threaten to deny deductions for the interest on home mortgage payments, and maybe even for real estate taxes. This will create such an uproar from millions of moderate-income home owners that someone will quickly say, "That's one 'loophole' we'll keep."

That will make it seem fair, then, to keep those fast-depreciation regulations that have made real estate one of the juiciest of the get-rich-by-minimizing-income-taxes operations.

The truth is that when Mills and Co. conclude their survey, this Congress will still embrace the notion that $10,000 made by investing money ought to be taxed at a lower rate than $10,000 made by the sweat of some man's brow.

This society is steeped in the notion that what makes the economy run is people with money risking it in oil exploration, housing developments, ore extraction, cattle breeding and myriad new business enterprises, and not the brawn or even the brains of laborers.

If economic philosophy were not enough to prevent this, accept the reality that most of the powerful men in both houses of Congress have vested financial interests in a lot of those tax shelters.

What chance is there, then, for something closer to justice for the average working Joe in this country? Not much, because our tax laws have long been proof that the smart operators can fool enough of the people enough of the time to have things go their way indefinitely.

If Working Joe had enough savvy and enough zip, he'd be raising hell right now about the fact that his Social Security deductions are 35 percent higher than last year. But he's so enthralled with President Nixon's pledge of "no tax increase" that he can't feel that long arm from Washington reaching deeper into his hip pocket.

They taxed only the first $9,000 of Working Joe's pay, at a rate of 5.2 percent, last year. This year they'll tax $10,800 at 5.8 percent—and next year the tax will apply to the first $12,000 of Joe's earnings.

I have written before that this is a regressive tax where the guy earning 120,000 bucks a year will pay the same $632 this year that the struggling earner of $12,000 will pay.

What is worse—and little realized by the average American—is that in millions of poor and moderate income families the wife works; both pay the full Social Security tax, but the ultimate benefits on retirement will be the same as if only one spouse had worked.

Let me put it another way. Joe Smith earns $15,000 a year. Nice, but not enough with two kids in college. So his wife works, earning $11,000 per year. They will pay a whopping $1,264 in Social Security taxes this year.

Sam Fullbull earns $100,000 a year (plus $30,000 worth of nontaxable fringe benefits) and wouldn't think of allowing his wife to work. His family pays $632 in Social Security taxes.

On retirement, the Fullbulls will get the same Social Security benefits as the Smiths.

Now, since I know the Congress is not going to wipe out all of the loopholes that are as beneficial to the Fullbulls, but are mostly out of reach of the Smiths, I propose this simple change in the law to provide at least a pretense at justice.

Where husband and wife both work, as in the case of the Smiths, with a combined income of less than $42,500 a year (that's a congressman's salary) let's allow a full income tax credit for the Social Security payment of the second spouse.

It wouldn't hurt the Social Security program where the reserve already is $50 billion and moving toward $74 billion by 1977. The shameful truth is that this regressive tax is now being used to finance non-Social Security programs that ought to be financed through the fairer income tax.

PENNSYLVANIA RADIO STATIONS EMERGENCY PUBLIC SERVICE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 1, 1973

Mr. SCHWEIKER. Mr. President, a number of Pennsylvania radio stations provided valuable public services during and after the tragic flooding caused by Hurricane Agnes last June. One of the stations to keep its listeners posted on a 24-hour basis was WHEX in Columbia.

WHEX, under the direction of General Manager Edwin Moshier, kept its listeners up to date with flood bulletins, information from State and local rescue officials, and personal messages from friends and family by the disaster.

It is impossible to say how many lives, and how much personal property were saved by community-minded radio stations in flood areas, but I do know that the dedicated efforts of the personnel of these stations will not soon be forgotten by the communities they serve. WHEX and its fellow stations distinguished themselves in Pennsylvania's hour of need, and I, for one, congratulate them.

INSPECTION OF OVERSEAS NATIONAL CEMETERIES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, for several years the House Committee on Veterans' Affairs has been considering legislation relating to our Nation's national cemetery system. Many recommendations have been received to incorporate the functions of the American Battle Monuments Commission into one central cemetery system under the Veterans' Administration. As chairman of the Veterans' Affairs Committee in the 92d Congress, I visited a number of our overseas cemeteries and I also urged other members of the Veterans' Affairs Committee to make similar inspections.

Mr. Speaker, I was very pleased that the distinguished gentleman from Pennsylvania (Mr. SAYLOR) was able to visit many of our overseas cemeteries maintained by the American Battle Monuments Commission, as well as numerous private monuments which have been erected in honor of countless Americans who fought to preserve freedom throughout the world. I understand that Congress will shortly be considering legislation relating to the national cemetery program, and I am pleased to share with my colleagues the following outstanding report which Congressman SAYLOR made to me when he returned from his trip.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., January 15, 1973.

Hon. OLIN E. TEAGUE,
Chairman, Veterans' Affairs Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The following is a brief summary of my trip to Europe for an inspection of the American Battle Monuments Commission installations in England, Belgium, Netherlands, Luxembourg, France and Italy. My wife accompanied me at my personal expense, and visited with me all of the cemeteries and monuments hereafter mentioned. We were inspecting cemeteries in which American men are buried and memorials dedicated to the American fighting man. Mrs. Saylor's presence gave me the advantage of viewing them not only as an interested Member of Congress but through the perceptive eyes of a woman who frequently pointed out to me many significant matters of importance in the maintenance of our cemeteries.

We flew to London on the 19th of November and were met by Major George H. McManus, Director of Maintenance, Operations and Management, American Battle Monuments Commission. We visited the cemetery at Cambridge, and even though it was a cold, damp, dreary day as only England can be, the bright spot in the trip from London to Cambridge was a visit to the cemetery. We found it to be in excellent condition except for a few minor problems that appeared to be under control. The superintendent did not hesitate to call them to our attention and to tell us what changes were being suggested so that the minor problems could be corrected.

We then flew to Brussels. From there we visited probably the most famous of all our cemeteries; namely, Flanders Field. Very frankly, it was the most disappointing of all the cemeteries. It is not only the smallest, but I can assure you it has the poorest facilities of all the cemeteries. Unfortunately, it appears to have been ignored for some time so that it was absolutely necessary for the present superintendent to have major surgery done on many of the trees planted in the cemetery. I would suggest that the American Battle Monuments Commission consider replacing many of the trees that had to undergo such surgery since they contribute materially to the poor appearance. While I do not propose to tell the American Battle Monuments Commission how to operate their cemeteries, I can assure you that a replanting of the major trees in this area would be a distinct improvement to the cemetery.

We then visited one of the World War I monuments at Audenarde. This monument is a private monument not maintained by the American Battle Monuments Commission and is one that should be maintained by that group. We left Brussels and went to visit the Netherlands and the Henri-Chapelle Cemeteries. These are both a tremendous credit to the American Battle Monuments Commission. Words are impossible to describe these cemeteries because of their size. The Netherlands Cemetery covers 65½ acres while Henri-Chapelle covers 57 acres. More than 16,000 of our honored war dead are buried in the two cemeteries.

After visiting the Netherlands and the private monuments at Henri-Chapelle, we then went to Luxembourg and there visited the Cemetery at Ardennes and Luxembourg as well as the private monument at Bastogne. This latter monument was erected by the people of Bastogne in grateful appreciation of their liberation by the American Forces and in memory of the almost 77,000 officers and GI's killed, wounded or missing in the Battle of the Bulge.

It is rather interesting that on the site where the Bastogne Memorial is built, the French Dragoons first came to blows with the Uhlans in World War I. And again on that same spot the first shots were fired in 1940 during World War II. As we all know, in the winter of 1944 it was a town where the American Army played such a valiant part in the liberation of Europe. While the thought behind the Bastogne Memorial is marvelous, its condition is deplorable. If it is to be the responsibility of the American Battle Monuments Commission, I would urge that a substantial sum of money be appropriated for the proper job of revitalizing this monument. If a timely, first-class renovation is accomplished, it will eliminate the need for even greater sums of money earmarked for repairs in the future.

From Luxembourg we visited the Lorraine Cemetery containing the largest number of graves of our World War II dead, St. Mihiel Cemetery, and the Montsec Monument as well. Enroute from Verdun to Paris, we visited several of the other private monuments; namely, the Pennsylvania Monuments and the Missouri Monuments. From Paris we visited the Suresnes Cemetery, five miles west of the city, where both World War I and World War II servicemen are interred. We also inspected the Lafayette Escadrille Monument and visited for a short time the European Office of the American Battle Monuments Commission at Garches.

From Paris we went to Caen and visited the Brittany Cemetery. From there we also visited the Normandy Cemetery and the Normandy Beachhead as well as the private monuments along the Beach road. It was our good fortune to be there on a day when the Museum at Normandy was open and we were privileged to review the entire panoramic view of the Normandy Beachhead operation.

We returned to Paris and flew to Rome where we were met by Col. Brown and with him visited the Sicily-Rome Cemetery on the Anzio Beachhead. Col. Brown was instrumental in arranging for us to visit both a German Cemetery and an English Cemetery located near the Sicily-Rome Cemetery. This gave us an opportunity to compare the burial grounds for our honored Dead with those of other countries. We returned to Rome, and embarked for the United States.

As you know, from time to time in our discussions, I have been critical of the independence of the American Battle Monuments Commission and I still do not believe any harm would be done by having it report to the President through the Administrator of Veterans' Affairs. However, I cannot praise too highly the operation of the American Battle Monuments Commission in its maintenance of the cemeteries under their jurisdiction which it was my privilege to visit. I found the personnel in the Headquarters offices in Paris and Rome well informed with the ability to communicate bilingually and trilingually. The superintendents have a good rapport with their employees, but even more important, they appear to have an excellent rapport with the local officials in their respective areas.

I have visited Forest Lawn Cemetery in Burbank, California. According to many persons this is the most beautiful cemetery as far as maintenance is concerned to be found anywhere in the world. My only response today to anyone who would make that claim is that the poorest of the cemeteries under the American Battle Monuments Commission far exceeds any other cemetery it has been my privilege to visit.

In closing this brief report, I want to pay a special tribute to Major George H. McManus. Major McManus, a West Point graduate who comes from a military background, is not only a credit to the American Battle Monuments Commission and the military staff under whom he serves, but he is a tremendous credit to the United States of America and its people. I am proud to have an American soldier of this calibre serving abroad in a position of responsibility. I felt for some several days after meeting Major McManus that my views on his ability might be distorted, since his roommate during four years at West Point was a candidate that I was privileged to nominate. However, the longer I saw Major McManus both professionally and socially, and visited him in his home, the more impressed I was with his capabilities. It is men with such motivation and dedication to the ideals of our Nation who enable the Army of the United States to maintain its proficiency for excellence. His integrity, his friendliness, his sincerity, his ability, and his obvious potential, I hope, will not be overlooked as the promotions are made for those dedicated men who want to make the military a career.

Sincerely yours,

JOHN P. SAYLOR,
Member of Congress.

A TRIBUTE TO FARMINGDALE HIGH SCHOOL FOOTBALL TEAM

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RONCALLO of New York. Mr. Speaker, tonight, February 1, 1973, close to 1,000 people will assemble at the Huntington Town House to pay tribute to a nationally rated and No. 1 high school football team in New York State. I speak, sir, of the Farmingdale High School football team and its members who have brought glory not only to themselves but to their coaches, Don Snyder, Bob Mulligan, and Irv Apgar, their faculty, student body and yes, their entire community. They epitomize that which is good with America today, they reflect the achievements not of the unusual, but rather those of the greater number of their contemporaries. They give witness to Theodore Roosevelt's statement:

> A sound body is good; a sound mind is better, but a strong and clean character is better than either.

Mr. Speaker, I rise in tribute to a group of outstanding young men, the Farmingdale High School football team.

OUR DEBT TO RURAL AMERICA

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RAILSBACK. Mr. Speaker, I am dismayed by the Department of Agriculture's recent actions, terminating or cutting back programs which are vital to the well-being of our farm and rural communities. I am fully cognizant of the administration's reasons for these actions. I would be the first to admit the Congress needs to thoroughly reevaluate and reform its system of appropriations if our Government is to ever realize a balanced budget. It is for this reason that, within the next few days, I will introduce legislation which would insure fiscal responsibility by the House of Representatives. However, the administration seems to be challenging the authority of the Congress by curtailing valuable agriculture programs the Congress had already funded.

The district I am proud to represent is largely farm/rural-oriented. Each time I return to Illinois, I can see the good that farm and rural development programs are doing for my constituents. I also can see how much still needs to be done. Over the Christmas holidays I met with members of several Illinois County Soil and Water Conservations Districts. They showed me impressive outlines of what they were planning to do with 1973 REAP funds and what they had done in the past. Their proposals included long-range environmental improvements, such as permanent vegetative covers, water impoundment reservoirs, the planting of new trees and shrubs, and improving stands of forest areas.

The people with whom I spoke were designing important conservation plans. They were getting ready to move ahead on projects which would improve soil and water; which would build up forested areas; which would prevent wind and water erosion; which would help to slow the agriculture-related pollution; and which would serve not only farm people—but all people in Illinois—for generations to come.

They felt confident these improvements would be made. But in late December, the announcement that cost-sharing activities for REAP were being terminated put an abrupt and sad end to most of these plans. Since that time, I have had numerous letters pouring into my office and nearly as many visitors stopping by, asking me: "What happened?" "Why?" "Will the Congress do anything?" This week I welcomed the opportunity to submit these individuals' and my concern to the House Agriculture Committee which has just begun hearings on reinstatement of funds for the REAP program.

I have always been an enthusiastic supporter of the Department of Agriculture. I have considered Mr. Butz a good friend of the small farmer and the rural resident. Now I find it difficult to explain how this administration, which has in the past done so much for the farmer, could be responsible for such unexpected and sudden decisions. The blow was especially hard since it came at a time when many farmers had already completed their plans for 1973.

Similarly, I have talked to and corresponded with many persons who are upset by the administration's action on REA loans. Rural electric and telephone loans actually helped bring the 20th century to millions of America's farmsteads. Before REA, rural families had no radio, no incandescent lights, no modern cooking appliances, no indoor running water, no refrigeration, no modern farming equipment. In fact, in 1935, only about one farm in 10 was electrified. By 1971, rural utilities were serving 6.4 million meters and reaching nearly 20 million farm and rural people in 2,700 counties in 46 States. Since I am also concerned about the continuation of REA loans, I have asked that I be notified when hearings are held on them.

Mr. Speaker, the administration's cutbacks on various agriculture programs are particularly distressing since statistics would indicate that we have been witnessing the demise of farming in this country. The farm industry, which was at one time the mainstay of rural economies, has dwindled to the point where only 800,000 farms produce 90 percent of all our food and fiber.

Although net farm income for 1972 will reach nearly $19 billion, production costs continue to rise at a faster rate than most farm incomes—thus forcing many of the smaller farmers to abandon their farms, their way of life, their heritage. In short, technological progress has backfired on many of our family farms. In 1920, our farm population was nearly 32 million. It represented 30 percent of our total population. By 1970, less than 10 million people remained on farms; less than 5 percent of the total U.S. population. In my own congressional district, 800 farms folded between 1964 and 1969.

In a nation where every man's birthright is the chance to make a good living for himself and his family, many farmers are not breaking even. The men and women who have worked our land to give us an abundance of agricultural products are now being repaid with unemployment and a bleak future. The promise of a good life has eluded them in spite of laudable industriousness and sobriety.

Many of us here worked hard to see the Rural Development Act of 1972 become law. We saw in it viable programs to help fulfill the American promise to millions of rural residents. But we did not see in it programs to substitute for those we had already funded.

Mr. Speaker, I am encouraged by the widespread concern in Congress over the termination of various agriculture programs, and am hopeful farmers will soon have back the programs which never should have been taken from them in the first place.

In conclusion, there is a very real question as to whether the President can deny funds appropriated by the Congress. We owe good, sound programs to rural America; and we owe to ourselves "the power of the purse."

ELLIOT LEE RICHARDSON—SECRETARY OF DEFENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RARICK. Mr. Speaker, historically, the Military Establishment of our country has been kept under civilian control.

However, the appointment of Elliot Lee Richardson, former Secretary of Health, Education, and Welfare and former Under Secretary of State, appears to be a radical departure from the acceptable practice of placing an impartial civilian in control of the military as Secretary of Defense. The Richardson appointment will be another historic first. For the first time the State Department will be in control of both our diplomatic and military departments.

The Richardson appointment should remind Americans of President Nixon's earlier promise to clean out the mess at the State Department. Appointing an individual who has been involved in the mess to the top civilian post over the military, hardly seems a reasonable way to clean out the State Department.

While Mr. Richardson's service as Secretary of Health, Education, and Welfare will not be remembered as one of holding the tide on inflation and on unnecessary spending, I daresay he will become an administration leader in financial cutbacks and program dismantling as Secretary of Defense.

I ask that an interesting report on the new Secretary of Defense from the February 2, 1973 issue of The Herald of Freedom, Box 3, Zarephath, N.J., follow my remarks.

The report follows:

[From the Herald of Freedom, Feb. 2, 1973]

Elliot Lee Richardson

President Richard M. Nixon's selection of Elliot Richardson as his new Secretary of Defense has sent shock waves through military leaders in the Pentagon. After the appointment was announced, the board of directors of the American Conservative Union voted unanimously to oppose his nomination.

Human events pointed out that the Defense community already believes our country's defenses are in a state of rapid decline and that with Richardson as chief of the Defense Department the U.S. military position will deteriorate even more drastically. A Washington official who worked in close contact with Richardson stated that when Richardson chaired the Under Secretaries Committee of the National Security Council for two years, his opinions invariably were geared against the Defense Department's point of view.

Richardson's view toward the threat of the International Communist Conspiracy was made clear in a speech on June 9, 1969 before the Advertising Council in Washington, D.C. when he stated: "The unity of Communist discipline or dogma is increasingly a phenomenon of the past. In fact, the term 'Communist' now covers such a multiplicity of states, parties and tendencies as to have little usefulness." The fact that one billion people are kept under tyrannical police state control and the fact that the Soviet Union is building up its military and technical strength while the U.S. has been disarming do not seem to be of any concern to Mr. Richardson. He was the featured speaker at a luncheon meeting of the Fund for Peace (made up of leftist, pacifist and world government organizations) held April 29, 1970, at which time he extolled the virtues of cooperating with the Soviets.

Elliot Lee Richardson was born in Boston, Mass. on July 20, 1920, the son of Dr. Edward P. Richardson and the former Clara Shattuck. He graduated from Harvard with an A.B. degree in 1941 and obtained his LL.B. from Harvard Law School in 1947, after having served in the U.S. Army from 1942 to 1945. At Harvard he was editor of The Law Review. He married Miss Anne Frances Hazard, a Radcliffe graduate, August 2, 1952; they have three children, Henry, Anne Hazard, and Michael.

Richardson's first position (1947–48) was law clerk to the famous judge, Learned Hand, who was at that time superior judge of the U.S. Circuit Court of Appeals for the Second Judicial Circuit. As of 1949 Judge Learned Hand had completed forty years on the Federal bench, having first been appointed by President Taft in 1901. His thousands of decisions were described by Felix Frankfurter as "an enduring source of truth-seeking and illumination."

Richardson then became a law clerk to the great Frankfurter himself from 1948 to 1949. Frankfurter by then had progressed from being a Harvard law professor, who had been supplying law clerks to Supreme Court and Federal judges for many years, to being a Supreme Court Justice (appointed by Franklin D. Roosevelt January 5, 1939). Frankfurter's pro-Bolshevik-Communist bias is well known and was stated in a letter written to him by Theodore Roosevelt on December 19, 1917, in which he stated: ". . . you have taken, and are taking on behalf of the Administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolsheviki leaders in Russia; an attitude which may be fraught with mischief to this country . . ."

Among Frankfurter's proteges at Harvard were such subversives as J. Robert Oppenheimer, Lawrence Duggan, Harry Dexter White, Alger Hiss (for whom Frankfurter was a character witness), Lee Pressman, Harold Glasser and Owen Lattimore. Frankfurter was on the National Committee of the American Civil Liberties Union with such (subsequently identified) Communists as William Z. Foster, Elizabeth Gurley Flynn, Louis Budenz and Scott Nearing. He was an intimate of Harold Laski, who taught with him at Harvard and then went to the London School of Economics and established what became known in academic circles as the "Frankfurter-Laski Axis." Laski eventually secured a teaching post in Moscow.

From 1949 to 1953 Richarson was with the Boston law firm of Ropes, Gray, Best, Coolidge and Rugg. In 1952 he was also a lecturer on law at Harvard and in 1953 he was proposed by Felix Frankfurter to be president of Harvard, a fact which indicates Frankfurter's high regard for, and faith in, him. From 1953 to 1954 he was a staff assistant to U.S. Senator Leverett Saltonstall, after which he went back to his law firm from 1954 to 1956. Saltonstall was a former governor of Massachusetts who was elected to fill the unexpired term of Henry Cabot Lodge, Jr. who resigned from the U.S. Senate February 1944. Saltonstall was known as a "liberal Republican" because of his stand on civil liberties and international cooperation. He was a sponsor of U.S.-Soviet "Friendship Rallies" and of the National Council of American-Soviet Friendship of which Corliss Lamont (identified Communist) was chairman.

In January of 1957 Richardson was appointed by President Eisenhower to be Assistant Secretary for Legislation in the U.S. Department of Health, Education, and Welfare. His long time friend, William Rogers, was then Attorney General of the United States and in 1959 Richardson was appointed U.S. Attorney in Massachusetts under Rogers. The N.Y. Times tells us that "During those years Mr. Richardson was widely regarded as one of the brighter and more creative spirits in an Administration that was not noted for them. He became identified with the moderate, even liberal, wing of Republican thought." One of the "several notable convictions" won by U.S. Attorney Richardson was that of Bernard Goldfine for tax evasion. Bernard Goldfine was the wealthy textile manufacturer whose gifts to one of Eisenhower's top aides created a scandal. Among the goodies given to Sherman Adams was a fabulously expensive vicuna coat and Sherman came to rue the day he ever laid eyes on it, for it became a symbol of influence peddling. The Goldfine involvement cost Adams his White House job and greatly embarrassed the Eisenhower Administration which had been so sanctimonious about the scandals of the Truman Administration which preceded it.

When the Eisenhower Administration was succeeded by the Kennedy Kingdom, Richardson was selected to be a special assistant to Attorney General Bobby Kennedy. He tried in 1962 for the Republican nomination for Massachusetts Attorney General but lost in the primary to Edward W. Brooke, now the U.S. Senator from Massachusetts. He was a partner in the firm of Ropes and Gray from 1961 to 1964 at which time he was elected Lt. Governor of Massachusetts. In 1966 Richardson ran for Attorney General of Mass. and allowed his second cousin, Francis W. Sargent, to run for the position he then held as Lt. Governor. This was a maneuver which supposedly was to make the ticket stronger. It resulted in Sargent taking over as governor when President Nixon appointed Governor Volpe to the position of Secretary of Transportation, thus dashing Richardson's hopes of trying for the governorship himself.

In his 1966 campaign for Attorney General, Richardson was assailed for making charges against his opponent that he could not substantiate (N.Y. Times 1/5/69). A more interesting item, however, was the long list of Democrats who supported Republican Richardson. In the Record American (Boston) of November 4, 1966 a full page advertisement stated: "The office of Attorney General is too important . . . that is why we and thousands of other Massachusetts Democrats support Elliot Richardson for Attorney General." Among the signers were Henry Commager and Adam Yarmolinsky. The ad also carried a quote from John F. Kennedy, Washington, 1956: "I want to show the very high regard in which Mr. Richardson is held by all who know him, including myself. I have worked with him on many occasions in the past and always found him to be extremely able, dependable and fair-minded." Richardson was also supported by the Americans for Democratic Action (A.D.A.).

Adam Yarmolinksy's endorsement should be enough to warn anyone against endorsee Richardson. Yarmolinsky attended Harvard at the same time as Richardson, graduating two years later. During his sojourn at Harvard, Yarmolinsky was head of the Marxist Club, a founding member and editor of the Marxist magazine, Yardling, which presented the views of the Young Communist League. He admitted attending meetings of the Communist Youth League and an investigation by the Army into his left-wing background quoted him as stating, "They (the Young Communist League) believed and I was inclined to believe that a so-called Communist government was a desirable end." As a freewheeling commissar in the Defense Department during the Kennedy Kingdom, Yarmolinsky was instrumental in trying to destroy the morale of the armed forces of the United States. High-ranking military personnel had their every word and action carefully scrutinized by Adams and his "Whizz-Kids." He became so powerful under McNamara that reportedly no one could be hired, assigned or discharged at the Pentagon without his O.K. Exposure forced Yarmolinsky out of public life but he continued and continues to be active "behind the scenes."

Endorsement by Yarmolinsky did not militate against Richardson and he was elected Attorney General of Massachusetts. One of his more regrettable acts in this capacity was granting permission for a "documentary" film to be made of the inmates at the Bridgewater State Hospital for the criminally insane. These unfortunates were photographed in their degenerate and private activities and the film, entitled "Titticut Follies," was shown commercially. It was from this post that Mr. Richardson moved into his position of Number Two man in American diplomacy as Under Secretary of State on the recommendation of Secretary of State William Rogers.

Richardson is a long-time close personal friend of Rogers who explained his choice as "springing mainly from a desire to have as his deputy someone with whom he is personally close and compatible, a man who would serve as his 'alter ego'."

Richardson was quite acceptable to the "Liberal Establishment" in spite of his "limited experience in foreign affairs." The N.Y. Times of January 1, 1969 in announcing the selection of Richardson for the State Department post stated:

"Although Mr. Richardson has no official experience for the Under Secretaryship, he has traveled widely. In 1961, as president of the World Affairs Council in Boston, he visited Africa for a first-hand look at emerging nations. He has also attended a policy seminar at Salzburg, Austria."

With the Institute of Pacific Relations thoroughly discredited and exposed as subversive by extensive hearings and investigations, its work did not cease but was continued by other groups. The internationalists have never ceased to propagandize, and among the "educational" oragnizations through which they work are the various regional World Affairs Councils. In the House of Representatives report of hearings on Tax-Exempt Foundations appears a document called Recommendations of the President to the Trustees (Carnegie Endowment for International Peace) signed by Alger Hiss and published in the 1947 yearbook of that organization. It states in part:

"The United States was the chief architect of the United States and is its chief support. The opportunity for an endowed American institution having the objectives, traditions, and prestige of the endowment, to support and serve the United Nations is very great. No other agency appears to be so favorably situated as is the endowment for the undertaking of such a program . . . I recommend most earnestly that the endowment construct its program for the period that lies ahead primarily for the support and the assistance of the United Nations . . . the endowment should utilize its existing resources, such as the international relations clubs in the colleges and . . . should strengthen its relationship with existing agencies interested in the field of foreign affairs . . . the Council on Foreign Relations, the Foreign Policy Association, and local community groups interested in foreign affairs, of which the Cleveland Council on World Affairs and the projected World Affairs Council in San Francisco are examples . . . These organizations . . . are not equipped to set up foreign policy research staffs on their own. The endowment should supply these organizations with basic information about the United Nations, and should assist them both in selecting topics of interest to their members and in presenting those topics so as to be most readily understood by their members . . ."

What Hiss was describing and recommending was a huge brainwashing operation to be performed on the American public. Such organizations as the Foreign Policy Association and World Affairs Councils, fronting for the Council on Foreign Relations, pretend to be "non-partisan" and educational but are strictly World Government propagandists. Richardson has been closely associated with this as a member of the board of directors and president of the World Affairs Council of Boston. He is also a member of the Council on Foreign Relations itself.

Mr. Richardson was described by the N.Y. Times as having all the attributes of the proper Bostonian, family background, and "the distinctive New England upper-class way of talking." We are told, however, that his intimates know him "as a great party man with a robust sense of humor, a good dancer and avid skier, even an adventurer." The late Drew Pearson was not quite so kind in his comments, recollecting that Richardson had a good record in government and was "a far-sighted HEW executive" but he had a problem —alcoholism. It sounds strange, coming from Pearson, but he stated:

"It is a firm rule of the State Department that an alcoholic is a security risk. The theory is that he's subject to blackmail, or can be indiscreet under the influence of liquor and leak security information . . ."

Citing a record of fifteen automobile arrests for Richardson, Pearson stated that his first brush with the law was at the age of nineteen when he was arrested on May 6, 1939, at 8:30 P.M. for operating under the influence of liquor on Beacon Street in Boston. Pearson quoted the arresting officer as stating: "Richardson was very abusive at the time of his arrest and threatened to have me fired." After pleading guilty to the offense, Richardson was fined $75 and his license suspended. For an offense in April 1951, Richardson pleaded guilty and was fined $200 and his license suspended. This was for striking a stop sign and going through a hedge at 2:00 A.M. in Brookline, Mass. Of his numerous arrests, three involved driving under the influence of alcohol and most of the others involved speeding.

Richardson was on the other side of the problem when he later headed the Department of Health, Education and Welfare (after his Number 2 job in the State Department) and joined the Secretary of Transportation (John A. Volpe) in announcing the signing of an agreement coordinating alcoholism programs of the National Institute of Mental Health with those of the Highway Traffic Safety Administration. A huge education program was planned to demonstrate that "responsible" drinking is not incompatible with modern living. It was pointed out that the program would have to be carefully handled so that the Federal Government would not be accused of "teaching people how to drink."

In all his various capacities, Richardson has been described as "vocal and active" and he carried these characteristics into his State Department position; "observers" acknowledged him to be the State Department's most influential voice at the White House with an "especially close working relationship" with Henry Kissinger. He also developed a good relationship with the State Department dissidents ("Young Turks") by his initiation of "reforms."

Richardson was sworn in as head of the Department of Health, Education and Welfare on June 24, 1970, replacing Robert H. Finch, Nixon's California crony who could not cut it with the Eastern Establishment. Since Richardson served in H.E.W. during the Eisenhower Administration it had doubled its size and now had a budget of 81 billion dollars, employed over 100,000 persons and financed 40,000 institutions and agencies. One of Richardson's first acts after taking office was to discontinue the policy of cutting off federal funds to school districts that refused to desegregate. He simply turned the cases over to the Justice Department for prosecution, a process he felt to be more "effective." Desegregation, medicare, mental health, welfare were now in the hands of a man who does not play games, at least not while on the job.

Fresh from the State Department where security regulations were seemingly non-existent, Richardson instituted the same policy in the Department of Health, Education and Welfare where some did exist when he came upon the scene. Secretary Richardson signed new regulations on September 20, 1970 formally relaxing security and suitability regulations for scientists who serve it as part-time consultants. There were 6,000 of these, most of them acting as advisers to the National Institutes of Health in Bethesda, Maryland. Hundreds of scientists had previously been barred from becoming advisers because of their political beliefs and affiliations, which, of course, would be Communist and subversive. All that was changed under Richardson, with no investigations of consultants before they were appointed; under the new rules the suitability and loyalty of the scientists was to be "vouched for" by a senior H.E.W. official. The fact that a few conservative congressmen and Department of Justice employees objected to the elimination of security checks was overcome by pointing out that the old rules were instituted during the "security risk scares" of the early 1950's, now considered to be outdated. A senior H.E.W. official gave an indication of the type of consultant who would be helping H.E.W. to formulate its socialistic programs when he said he believed in the future prospective consultants would be rejected for personal behavior (possibly homosexuality or drug abuse) whereas in the past most rejections had been due to questionable loyalty. Like a true Frankfurter protege, Richardson was now making it possible for Communists and subversives to penetrate an area of government from which they had previouly been barred, a very sensitive and important area where plans for the future are made.

Although he came from a family of doctors—his father, both grandfathers and several uncles as well as his two brothers—Richardson decided upon a career in politics. Operating within the framework of the Republican Party, he is of the strange new breed of the Republicans known as the "progressives" who number among them such as Mayor John Lindsay, and former Senator Charles Goodell. His left-wing credentials seem to be impeccable, and his connections with the Establishment and World Government advocates are of long standing. He is truly an international man in an international-minded administration, and now as the number one man in the Defense Department is in a position to play the part for which he was trained in the Felix Frankfurter school of social revolution. If President Nixon's purpose in appointing Richardson as Secretary of Defense is to liquidate it in favor of U.N. peacekeeping forces, then he has picked the right man for the job.

THE LATE OLIVER P. BOLTON

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FISHER. Mr. Speaker, the sad news about the passing of our former colleague, Oliver P. Bolton was a shock to all of us. He was universally respected and admired by all who served with him. In the Congress he always operated on a high level of statesmanship and decorum. He made an excellent record while serving here.

We all recall Olivers' distinguished mother, Mrs. Frances P. Bolton, one of the most able and respected Members who has served in this body for many years. I understand she is presently in Florida taking advantage of the winter climate there, and that she is enjoying very good health.

That mother-son relationship, both serving at the same time in the Congress, provided something of a footnote to history. Both of them were the kind of people America desperately needs in positions of responsibility.

To Mrs. Bolton, the mother, and to other members of that family, I extend my profound sympathy in their bereavement.

MOVE OVER J. L. SEAGULL, HERE IS JONATHAN LIVINGSTON CHRISTIAN

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. **HUDNUT**. Mr. Speaker, one of the great surprises in the publishing business has been the success of a book containing only 40 pages of text and some pictures of seagulls in flight. This book, called "Jonathan Livingston Seagull," appeared on the top 10 best seller list during most of 1972. It is rather remarkable that such a book proved to be so popular with all segments of our population from the very young to older persons.

This story was written by an aircraft pilot named Richard Bach. The Reverend Kenneth S. Jones, pastor of Faith United Methodist Church in Rockville, Md., is a pilot also and, after reading "Jonathan Livingston Seagull," Reverend Jones was so inspired that he based one of his sermons on the story and entitled it "Jonathan Livingston Christian." Reverend Jones, in discussing why Jonathan is so popular, says:

> People admire the idea that you can be better than you are. If you give it all you've got, success is unlimited.

This is certainly a wonderful goal for our young people as well as all others to follow.

Reverend Jones' sermon, "Jonathan Livingston Christian," has been published in the current issue of the Washingtonian magazine, and after reading it, I was so impressed, that I wanted to share it with my colleagues and other readers of the RECORD:

[From Washingtonian magazine]

MOVE OVER, J. L. SEAGULL, HERE IS JONATHAN LIVINGSTON CHRISTIAN

(The publishing phenomenon of the 1970s has been a slender book called Jonathan Livingston Seagull. Written by a pilot named Richard Bach and rejected by most major book publishers, Jonathan was quietly launched into print two years ago by Macmillan. Sales started slowly but grew and grew, and Janathan perched atop the best-seller list most of 1972. Hardback sales are nearing two million, with a paperback printing out this month. The movie, with only seagulls as characters, will be out later this year.

(What kind of seagull inspires that sort of interest? Jonathan yearns to fly better and faster than any other gull. At first he has trouble with his high-speed dives because of his long wings. He gives up. "If I were meant to fly at speed," he says, "I'd have a falcon's short wings." But he tries again and again, and finally achieves perfection.

(Being inspirational and about flying was enough to catch the interests of Kenneth S. Jones, pastor of the Faith United Methodist Church in Rockville. Jones is a pilot—he learned while a missonary in the Congo—and he likes to bring new ideas into his young, growing church. So a sermon titled "Jonathan Livingston Christian" was a natural.

("I got an extraordinary reaction," Jones says. "People hugged me, women kissed me. They told me it was the best sermon I ever preached." Jones' son Jeffrey, a student at Western Maryland College in Westminster, heard about it and invited his father to talk about Jonathan Livingston Christian at Sunday chapel services. The students gave the sermon a rousing ovation—"a first for me in twenty years of preaching," Jones says.

(Why is Jonathan so popular? "People admire the idea that you can be better than you are," Jones says, "that if you give it all you've got, success is unlimited."

(Some think the book is not all that Christian. A bishop has denounced it for the sin of pride, for its emphasis on the self over others. But Jones points out that after Jonathan learned to fly, he wanted to teach others. Jones emphasizes "this Christian interpretation of Jonathan's willingness to share what he knew with others."

(So move over Jonathan Livingston Seagull and make room for Jonathan Livingston Christian:)

How could a book with only 40 pages of text and some pictures of seagulls in flight become a national best seller? There is no sex, not even a single human being mentioned in the story.

Jonathan Livingston Seagull discovered the joy of flying. He found it was more challenging than following fishing boats for castaway fish and spending his life as a beachcomber. By holding his wings close to his body he was able to dive at more than 200 miles an hour. One day he climbed to 5,000 feet and dove right through the midst of his home flock a hundred feet above the water. He thought they'd be proud of his accomplishment, but instead they expelled him from the flock, banished him to a lonely life on the Far Cliffs.

The head gull, called the Elder, pronounced his banishment and gave this philosophy: "Life is the unknown and unknowable, except that we are put into this world to eat and to stay alive as long as we possibly can." In disregard for tradition, Jonathan Seagull talked back to the Elder: "For a thousand years we have scrambled after fishheads, but now we have a reason to live—to learn, to discover, to be free." "The Brotherhood is broken" the adult gulls intoned together and that meant that Jonathan was no longer part of them.

Jonathan suffered not so much by his loneliness as by the fact that the other gulls could not believe the glory that would be theirs if they would open their eyes and see. Jonathan discovered that boredom and fear and anger are the reasons that a gull's life is so short, and with these gone from his thought he lived a long fine life indeed.

Then one evening two shining gulls, who actually flew with more grace and skill than Jonathan, appeared at his wingtips. He added full power and zoomed away from them, but they dove and rolled and banked with perfect precision. "We are from your flock, Jonathan. We have come to take you higher, to take you home." With the promise of flying higher and with greater skill, he gladly flew with them to heaven.

He asked a nobler Elder Gull: "Is this heaven?" "No, Jonathan, there is no such place. Heaven is not a place or a time. Heaven is being perfect."

One day, standing on the shore, Jonathan understood what the Elder Gull had told him. "It's true! I am a perfect, unlimited gull!"

Jonathan learned so much he longed to return to the flock that had made him an outcast. At the Far Cliffs he found first one new outcast, then another, until he had seven students who learned to fly as well Jonathan.

Then one day the eight of them flew right through the old home flock in a double-diamond formation at 135 miles per hour wingtip-to-wingtip. The elders of the flock cried "Outcasts. They're Outcasts." "Sure they're outcasts," cried the young gulls, but where did they learn to fly like that?"

Jonathan and his students relaxed on the beach at night, and gradually the young gulls gathered in the dark around them, listening to Jonathan's wisdom. Oh, they wanted to fly. But they said, "How do you ever expect us to fly as you fly? You are special and gifted and divine, above other birds." "None is more special or divine than any other" Jonathan said. "The only difference, the very only one, is that they have begun to understand what they really are and have begun to practice it."

Fletcher Lynd Seagull was the name of that first outcast gull that Jonathan had met in the Far Cliffs. Fletcher became an instructor for the young gulls who believed. Then one day Jonathan said to Fletcher: "You don't need me any longer. All you need is to keep faith in your unlimited self. He'll be your instructor. I have other flocks, other Fletchers that need an instructor more than you." And with that Jonathan's body wavered in the air, shimmering, and then went utterly transparent.

Now what is this all about? Why have I left some parts of the story still untold? Why should I call a sermon by the name Jonathan Livingston Christian?

Well, first it's important to know that author Richard Bach is a pilot. There is so much to learn in life that simply is not comprehended if you are earthbound. This is what Jonathan's rebellion was all about. Down at the beach or a few yards above the water all there is to life is the struggle for survival. Jonathan's father said to him one day: "If you must study, then study food and how to get it. Don't forget that the reason you fly is to eat." Isn't that terrible that a father should say to his son, in effect, the purpose of life is to earn a living? There is one main purpose to life, and all the rest is incidental. The purpose of life is to discover and fulfill what God had in mind when he made us.

Down on the surface of the earth the hills seem so steep and hard to climb, but from a thousand feet up the 30- and 50-foot elevations are practically flat. And it's that way with life. Obstacles rise up in our paths—sorrows, burdens, setbacks—and they seem insurmountable, but viewed from the vantage point of a thousand feet closer to God, they all flatten to ripples. Compared to the mountains and chasms others confront, we live on a smooth plain. With God's help we are able to rise above the apparent limitations that frustrate a person who is weak in faith.

Now, with a view to helping you learn to fly, I am renaming each of you Jonathan Livingston Christian. Oh, you're still free, I haven't taken anything away from you. You can still choose to live like a two-legged creature, distinguishable from other mammals only by the power of speech and the wit to make tools. You can continue with first-things-first, continue until your deaths in the struggle for survival and shelter and the lordship of real estate. Or you can heed the promises of God. Jesus said: "The person who wants to save his own life will lose it; but the one who loses his life for my sake will save it. Put God's kingdom first in your life, and he will provide whatever it is you will need." You can do anything, but only by prayer and believing.

If you are going to be thought of as a Jonathan Livingston sort of Christian, you'll have to imitate his determination to succeed, Jonathan tried to develop a slow-flying technique and he stalled and fell into the sea like a rock. Still he tried again and again. He tried high-speed dives, so fast that when he stuck out a few feathers to end his dive his wings were nearly torn from his body. But he kept on until he perfected it. His single-mindedness, his devotion to perfecting his skill, made him an outcast and it just might make an outcast of you. But never mind. In your striving for perfection, you are not seeking cheers from the stands, but a "well done" from your Creator.

Jonathan Livingston Christian is also training himself for a future life. Jonathan Seagull's attitude of preparation stood him in good stead. How do your attitudes support you? If you are striving today to be better than yesterday—more faithful, more loving, more useful, more grateful—you'll not have any anxieties about a life hereafter. It can only be an enlargement, an amplification, a great expansion of the joys we've known right here. Jonathan Seagull didn't miss one beat of his wings. He was in mid-flight when two shining gulls escorted him to Elysian Field.

Now if it's true that heaven is merely an intensification of the perfection we have achieved in the present, then our present duties will be similar to the duties of angels. Jonathan Livingston Christian, that's you, will want to share your knowledge of perfection, spread the joy, tell the world, get someone else ready for the great journey. Jonathan Seagull was a compulsive flight instructor. He knew there would be others somewhere who wanted to know how to fly. You know how to fly, Jonathan Christian, and out there on the lonely Far Cliffs of this world there are lonely people who need to know what you know. Have you ever heard evangelism described that way? That's what it is. You may not claim a comfortable pew for your perpetual and private use and enjoyment. Unless you share it, it will lose its power to hold and lift you up in spirit.

I left out an incident in the other Jonathan's story. On the beach, his native beach, one Kirk Maynard Gull came to Jonathan, dragging his left wing. "I want to fly more than anything else in the world," he said.

"Come along then," said Jonathan. "Climb with me away from the ground and we'll begin.

"You don't understand. My wing, I can't move my wing."

"Maynard Gull, you have the freedom to be yourself, your true self, here and now, and nothing can stand in your way. It is the Law of the Great Gull, the Law that is."

"Are you saying I can fly?"

"I say you are free."

As simply and as quickly as that, Kirk Maynard Gull spread his wings, effortlessly, and lifted into the dark night air. The whole flock was wakened by his loud scream from five hundred feet up. "I can fly! Listen! I can fly!"

By sunrise nearly a thousand gulls gathered around Maynard. And Jonathan was there to explain: "You must understand that a seagull is an unlimited idea of freedom, an image of the Great Gull, and your whole body, from wingtip to wingtip, is nothing more than your thought itself."

You, Jonathan Livingston Christian, are made in the image of God, made for perfection, made to find your life in giving it. You can fly. By faith you can fly and you'll know the destination of your final flight.

PROTECTING OUR PROTECTORS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. SHRIVER. Mr. Speaker, I am joining my able colleague from our neighbor State of Missouri, the Honorable Richard Ichord, in introducing H.R. 2693, a bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties.

In my opinion, it is a shame that legislation such as this is necessary in this Nation of justice and order. The overwhelming majority of our citizens abhor the senseless violent acts we have recently witnessed against our police and firemen.

But a tiny minority of madmen has declared war on these brave public servants. We have seen the tragic slaughter in a New Orleans hotel and the increasing number of ambushes against policemen in New York City. Hardly a day passes that similar reports do not appear in the press.

The time has come for us to protect those who spend their lives protecting us.

With this purpose in mind, I have cosponsored this legislation. The bill is similar to the Federal kidnaping statute—the "Lindberg Law." Just as this Nation was shocked into action following the tragic Lindberg kidnaping, we must now act to control atrocities which are growing in number and viciousness against our society based on order.

It is not the intent of this legislation to replace State criminal statutes against this sort of crime. Instead, our bill is designed to augment State efforts in this area. In many cases, the assailants have been able to escape across State lines. Prompt initiation of Federal anticrime machinery, which this bill would provide for, will hopefully cut off these escape routes.

I feel certain that legislation such as this would receive wide support from our constituents. I have received a considerable amount of mail on this issue, and the news media in my district has been unanimous in condemning these outrages.

In conclusion, I include a recent editorial which appeared in the McPherson, Kansas Sentinel in which editor Ken Krehbiel expresses well the prevailing sentiment.

The editorial follows:

Police and Firemen Must Have Better Protection

The New Orleans slaughter of police and firemen on top of many nationwide killings of policemen should convince us they need better protection. The killings, senseless and unexplained, often seem part of a conspiracy to kill every policeman they can.

Many are demanding a return to the death penalty for those convicted of killing a policeman. That may be necessary, but penalties we have now do not seem to be used to their full effect.

To begin with, some lawyer takes the defense of the murderer for publicity reasons. He drags the case on and on until most people forget about it. Sometimes he even slips in a confession which gets the murderer off with a few years.

A police or fireman killer should know beforehand that he will be tried with the highest speed with few delays and once convicted he will always get at least the maximum sentence with no parole for anything.

If that doesn't stop the present murders, then go to the death penalty if we must.

Whatever the means, the murders must stop if we are to have effective police protection of our cities and homes.

NEED FOR FURTHER REDUCTIONS IN SUPPORTING ASSISTANCE APPROPRIATIONS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I call to your attention a matter that should be of grave concern to this Congress. On January 24, President Nixon declared a cease fire for Vietnam effective January 27, 1973. It is difficult to understand why it was necessary for our fighting forces to finish out the week—during which four more American fighting men were killed—but it would seem that the fighting in Vietnam is finally nearing an end. Sadly, the same does not appear to be true for Laos and Cambodia.

A contributing factor to the continuation of the fighting in Laos and Cambodia is undoubtedly the amount of American dollars supplied to feed the existing corruption. As long as powerful groups of individuals in Laos and Cambodia can make a dollar on the war, they will attempt to continue the fighting.

During the last Congress, the Foreign Operations and Government Information Subcommittee, which I chair, prepared reports showing the gross lack of control over the expenditure of millions of dollars under U.S. grant programs to both Laos and Cambodia which are administered by the U.S. Agency for International Development—Need a copy? Phone 225–3741. In replying to our reports, Agency officials have advised me that they have carefully reviewed the reports but that nothing will be done to establish proper U.S. controls over these programs.

Over the past 20 years, one scandal after another has surfaced in our foreign assistance operations. Past programs in both Laos and Cambodia have been especially troublesome. To cover up the continued corruption in these countries, AID officials have devised schemes whereby the United States contributes millions of dollars purportedly to pay the foreign exchange costs of imports needed by the Lao and Cambodian people. However, our officials have been especially careful not to create any real control over this expenditure of the taxpayers money. In fact, the AID mission director in Laos reported that over $50 million of the $95 million made available to Laos for imports over a recent 4-year period could not be accounted for by commodity imports into Laos. Our officials in both Laos and Washington readily confessed that they do not know what the Lao did with the $50 million.

During our hearings on the economy and efficiency of U.S. economic assistance programs in Cambodia, AID officials clearly explained their reasoning for establishing a special exchange fund to finance imports for Cambodia when they testified that the fund would finance "those kinds of things that we either did not wish to, or legally could not finance out of a commodity import program."

Our officials rationalize that concealed corruption cannot hurt the U.S. foreign assistance program. Are we as responsible representatives of the American people going to permit this uncontrolled expenditure of millions of U.S. tax dollars to continue?

Mr. Speaker, during the closing days of the 92d Congress, we passed a continuing resolution for the funding of our foreign assistance programs. In doing so, Congress indicated that final funding for the administration's $894 million supporting assistance appropriation request would not exceed $600 million. Every Member of the 93d Congress should be carefully considering the authorization and appropriation of funding for AID's supporting assistance programs which will be up for a vote before the Congress very shortly. With proper U.S. control over the expenditure of these funds, it would be necessary for the Congress to appropriate less than half the amounts it has been providing for supporting assistance purposes. Clearly, we must speak to our AID officials in the only language they understand—the language of the appropriated dollar.

OLIVER BOLTON

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. HARVEY. Mr. Speaker, I join my colleagues in eulogizing the passing away on December 13 of a distinguished member of a distinguished family, Ollie Bolton.

I had the privilege and pleasure of getting to know Ollie when we were both members of the House Banking and Currency Committee. He was always ready with a helping hand and friendly word of advice.

The story of the Bolton family is truly a remarkable one. Ollie was raised in an atmosphere of public service to his Nation, and it was only natural that he would want to do the same. Certainly no man was better prepared by background to serve in Congress.

As my colleagues know, both Ollie's father and mother were Members of Congress, his mother, the distinguished Frances Bolton, having served in Congress until 1969. Also, he was the great grandson of another Representative from Ohio, Henry B. Payne.

Ollie's record shows that he lived up to this great legacy. He was a compassionate and dedicated man, and he left his mark on history as did his forebearers.

Ollie Bolton was a great friend of mine and I have a deep sense of personal loss. To his wife, Adelaide, his two sons and daughter, and to his mother, the Honorable Frances Bolton, Mrs. Harvey and I extend our deepest sympathies.

EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mrs. GRIFFITHS. Mr. Speaker, Bob Yeargin, staff writer for the Las Vegas Sun, has written a detailed series of articles on the equal rights amendment, which is now before the Nevada Legislature for ratification. At this time, I would like to insert in the RECORD the beginning two articles of this six-part series. The study appeared in the Las Vegas Sun in December 1972. The articles follow:

DISCRIMINATION: SEXUAL AS WELL AS RACIAL

(By Bob Yeargin)

(EDITOR'S NOTE: The equal rights amendment, also known as the ERA, has the distinction of being one measure which evokes all manner of response, from the politely stifled yawn to an almost shrill reaction, depending on who discusses it. With this article the SUN embarks on a six-part study of the amendment, its background, its effect, and its chances for ratification by Nevada's legislature next year. Today's installment treats the sexual discrimination in American society which has lead to the ERA.)

Women's Lib, credited by many with splitting American females into opposing camps, has accomplished something else, too.

The controversial movement, bursting into the national consciousness in recent years, has made America aware that discrimination is sexual as well as racial, and even women who vehemently deny being "Women's Libbers" can recount personal experiences of sexual discrimination.

The disputes surrounding Women's Lib, have predictably spilled over into other discussions on women's rights, most notably those dealing with the women's equal rights amendment (ERA).

Lost in the shuffle, though, is the fact that the ERA was created to deal with the discrimination women have faced in various segments of society.

"I have been far oftener discriminated against because I am a woman than because I am black," Rep. Shirley Chisholm D-N.Y., told the House Subcommittee on Constitutional Amendments in May, 1970.

Portions of the testimony leading to the equal rights amendment and later reprinted in the Congressional Record detail amply the extent of this discrimination.

For example, until 1966 three states excluded women from jury duty altogether and even today women wishing to serve on Florida juries must register for the responsibility.

"Equal justice under the law" rings rather hollow, when in one state a woman may be jailed for three years for habitual drunkenness, although the maximum sentence for the same offense for a man is only 30 days.

Comparable injustices exist in those two states where a deceived husband may use a defense of "passion killing," while a wife in the same situation may not.

Women also face substantial discrimination in educational circles, so much so that an independent agency told the Department of Health, Education, and Welfare this year, "Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community."

The percentage of college-age females actually enrolled in college underlines the situation. Twenty-nine per cent of the women between the ages of 18 and 21 and nine per cent of those between 23 and 24 were college students in 1970, compared to more than 40 per cent and 20 per cent of the males in those respective age groups.

The reasons for this discrepancy are more easily traceable when one runs across admissions brochures such as the one published by a state university in 1969 which stated that "admission of women on the freshman level will be restricted to those who are especially well qualified."

In the 1968–69 school year, more than 50 per cent of the bachelor's degrees awarded in the United States went to women, but just 37 per cent of the master's degrees, 13 per cent of the doctorates and 4 per cent of the professional degrees.

To proceed with the disadvantages facing women in business and labor may appear to belabor the point, but their existence cannot be denied.

For example, Nevada is among those states which restrict married women—but not married men—in establishing businesses.

And the 1970 hearings of the Subcommittee on Constitutional Amendments revealed that 26 states then had laws excluding adult women from certain occupations. Among them was Ohio, which does not permit women to work as crossing watchmen, section hands, bellhops, gas or electric meter readers, pinsetters or drivers of delivery vehicles of more than one ton, to name just a few.

What was formerly protective labor legislation has to a great degree become restrictive, as in the case of those laws limiting the hours women may work. Such statutes have often made it impossible for qualified women to advance, since supervisors must put in overtime.

Common knowledge through it may be that most women will learn less than men doing the same job, it nevertheless comes as a shock to learn that the female median income is just 59.5 per cent of the male or that four years of college gives a woman just a slight advantage over a man with an eight-grade education.

While women make up 40 per cent of the white collar work force, they can be found in just one of 10 managerial positions and just one of seven professional positions. The pattern is identical among female federal civil service employes.

The courts have afforded women little solace in their struggle for equal rights, upholding discriminatory statutes in most cases. The Supreme Court took the lead, upholding in 1872 an Illinois Supreme Court decision forbidding women to practice law and maintaining in 1874 that the Fourteenth Amendment did not extend to women citizens the right to vote.

More recent decisions have seen the nation's highest court affirm in 1948 a Michigan law prohibiting females—apart from wives and daughters of male licensees—from obtaining licenses as bartenders and upheld in 1967 a Florida statute relieving women of jury duty unless they registered to be placed on the list, the reasoning behind these decisions being that the laws were "reasonable."

The court decided in 1971 in "Reed vs. Reed" that a state law favoring men over women as administrators of estates was unconstitutional, but it neglected to overrule its previous decisions, leaving the burden on women to establish the unreasonable nature of discriminatory laws.

In the wake of this decision, The Association of the Bar of the City of New York commented, "The 1971 Reed case indicated no change in judicial attitude."

Under these circumstances, with the Supreme Court refusing to consider sex discrimination "suspect" of itself, as it does racial discrimination, there is little hope the court will overrule all discriminatory statutes on its own.

ERA'S EFFECT . . . REALLY A NAGGING QUESTION

(By Bob Yeargin)

(EDITOR'S NOTE: The drafting of women and the abolition of separate restrooms for men and women have been raised as possible results of the equal rights amendment (ERA). Congressional testimony behind the amendment concedes one possibility and rejects the other, the second article in the SUN's series on the ERA reveals today.)

Behind the debate over the Women's equal rights amendment (ERA) lingers the nagging question of the amendment's effect.

Among the more extreme fears voiced in this regard is that families will be torn apart as the mothers are drafted.

Yet the amendment reads simply, "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

Not a word about abolishing separate restrooms for men and women.

Advocates of the ERA point out that the amendment merely requires federal, state and local governments to deal with male and female citizens as individuals.

The amendment, far from setting quotas or establishing priorities, simply forbids discrimination because of a person's sex in governmental matters. Private or social relationships do not fall within the amendment's jurisdiction.

" 'Equality' does not mean 'sameness,' " observes the House of Representatives' report on the ERA. "As a result, the original resolution would not prohibit reasonable classification based on characteristics that are unique to one sex."

So while laws concerned with payment of hospital expenses of child bearing could concern only women, statutes dealing with traits common to both sexes would apply to all individuals.

The constitutional right to privacy, affirmed by the Supreme Court in 1965, permits separation of the sexes in areas such as toilets and sleeping quarters in public institutions, adds the House report.

Unnoticed in the uproar over drafting women is the fact that the amendment will allow women volunteering for the armed forces to meet the same qualifications as men rather than the more stringent requirements presently in force for them.

Servicewomen will also be able to avail themselves fully of the benefits military service has offered to men for years, including the educational benefits of the G.I. Bill and medical treatment both in the service and afterward through veterans hospitals.

Much opposition to the amendment is rooted in a fear of the draft, which, ERA supporters concede, would apply equally to men and women with the amendment's ratification.

They point out, though, that the draft is being phased out and that a draft would not be any more all inclusive for women than it presently is for men.

Consequently, physically or mentally unqualified women would not be drafted, nor would conscientious objectors. In addition, women with dependents or certain public duties would be exempt.

Beyond these obvious examples, notes the Congressional Record, Congress would be able to provide "legitimate sex-neutral exemptions from compulsory service."

Since women already serve in the armed forces, though, there is little question of whether men and women can work together in the various branches of service.

Also instructive in this regard is the experience of Israel, where women are required to serve but do not fill combat posts, working instead in communications, nursing, electronics and clerical positions.

Ratification of the equal rights amendment will confirm the benefits women have gained from protective labor legislation while removing these laws' restrictive aspects, Congressional testimony reveals.

In this respect, America's females have nothing to lose, since, as the Equal Employment Opportunity Commission has noted, many of the labor laws "do not take into account the capabilities, preferences and abilities of individual females and tend to discriminate rather than protect."

Those laws containing real benefits will be extended to apply to men as well, the amendment's sponsors expect, while more restrictive statutes will be taken off the books.

Included in the first category would be those laws concerning rest periods, minmum wages, or health and safety safeguards.

The principle of expanding or nullifying statutes affected by the equal rights amendment will be exercised with regard to laws in other fields as well.

Offending statutes have been extended in many other situations, among them the Supreme Court's action in expanding state laws which restricted admission to institutions of higher education because of race to include black students.

Laws prescribing different penalties for men and women committing the same crime would be struck down, but statutes "designed to protect women in a way that they are uniformly distinct from men," such as those punishing rape, would be unaffected by the amendment.

The ERA would affect state laws on domestic relations in that it would prohibit states from placing greater demands on one spouse because of sex.

"The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare," explains a report of the Association of the Bar of the City of New York.

The report goes on to indicate that while the courts would be hesitant to step into an ongoing marriage, both sexes would receive more equitable treatment when a marriage is dissolved.

OLIVER PAYNE BOLTON

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. KEATING. Mr. Speaker, I join my colleagues in paying tribute to Oliver Bolton.

Oliver Bolton came from an Ohio family where public service was a tradition. Both his mother and father served in the House and he served simultaneously with his mother the Honorable Frances Bolton. They were the only mother-son Representatives to ever serve in the House at the same time.

He served in the 83d and 84th Congress and then served as director of commerce for the State of Ohio in 1957. Representative Bolton was then again elected to serve in the 88th Congress.

As a young man he served with distinction in the armed forces including service in the Pacific theater during World War II on the staff of C–2 section of 5th Amphibious Corps. After the war he was active in Young Republican activities and was a reporter for the Daily Reporter, in Dover, Ohio.

Oliver Bolton was the great grandson of Representative Henry B. Payne from Ohio and the son of Chester and Frances Bolton.

This record of public service to the Nation he loved is one that can serve as a model to all Americans. His family's tradition of public service gave the House of Representatives four outstanding leaders. The State of Ohio and indeed all America mourns the passing of Oliver Payne Bolton.

AN APPEAL TO THE CONSCIENCE OF THE WEST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. ASHBROOK. Mr. Speaker, today the Senate Subcommittee on Internal Security, chaired by Senator EDWARD GURNEY, of Florida, made public, via an open hearing, valuable, current information on the existence of concentration camps in the Soviet Union. Equipped with pictures, documents, and maps, Avraham Shifrin, a Russian Jew now residing in Israel, recounted his experiences during 10 years—1953 to 1963—as an inmate of various camps throughout the Soviet Union. Contrary to the belief of some, such camps are very much in existence today, according to Mr. Shifrin's testimony, housing millions of political prisoners. The number of camps run into the thousands and the conditions are just as bestial as they were in the days of Stalin.

Speaking on behalf of all the prisoners, regardless of their nationality or religion, Mr. Shifrin, in addition to his own experiences before his departure from the U.S.S.R. in 1970, provided information from many different sources inside the Soviet Union—and even from inside the camps—concerning conditions in the Soviet concentration camps today.

In his appeal to the conscience of the free world, Mr. Shifrin stated, in the accurate summary of his testimony distributed by the subcommittee:

> But the people of the Soviet Union resist, they struggle, they are not broken. They refuse to permit the communists to destroy God's image in their souls, to corrupt them and turn them into beasts, or into robots. . . .
>
> That is the reason why I am here today. I want to remind you of our responsibility to those who are oppressed. They need our help. How can we help them? We can help them in two ways: first, by exposing the facts; and second, by voicing our indignation.
>
> In helping them we shall also be helping ourselves.

The summary of the extemporaneous testimony of Avraham Shifrin before the Senate Subcommittee on Internal Security today follows:

SUMMARY OF TESTIMONY BY AVRAHAM SHIFRIN BEFORE THE SENATE SUBCOMMITTEE ON INTERNAL SECURITY, FEBRUARY 1, 1973

(The following statement will not be given by Mr. Shifrin, who will testify extemporaneously. However, it does represent an accurate summary of his testimony, with a few of the highlights spelled out in detail.)

Permit me to begin my testimony by saying how honored I am to be given the privilege of speaking here about my experiences during the 10 years of my imprisonment in Soviet concentration camps and prisons, and about the information I have received from many different sources inside the Soviet Union—and even from inside the camps—concerning conditions in the Soviet concentration camp empire today.

I am a proud Zionist, and, of course, I am very deeply concerned with the plight of the Jews in the Soviet Union, but as a human being I feel it my duty to speak here on behalf of all the prisoners, regardless of their nationality or religion. All nationalities are represented in the Soviet concentration camps. In fact, the camps are the only place in the USSR where there is no discrimination.

I also want to ask my friends in Soviet captivity to forgive me for not mentioning them all by name here in the Senate of the United States. Hundreds of prisoners whom I know personally are today on the other side of the barbed wire fence. They occupy the same concrete bunks on which I used to spend sleepless nights in the camp barracks. They eat rotten cabbage, and with bare hands they build industrial plants, electric power station dams and fell timber in the wild forests and in the Arctic.

I was amazed to discover when I left the Soviet Union in 1970 that most people in the free world—even well-informed people—appear to believe that the massive concentration camp system which existed in Stalin's day has for all practical purposes been abolished in the U.S.S.R. At the height of the Stalin terror, according to Khrushchev's statement of 1956, there were 15 million prisoners in the camps of the U.S.S.R. It is true that after Khrushchev's denunciation of Stalin in 1956 he did order the release of many millions of political prisoners—and this unquestionably does have a good deal to do with the confusion that exists in the free world. I myself saw how the camps over a period of a few years were emptied of almost half of their population. But I also saw in the period immediately following the suppression of the Hungarian revolution how the camps rapidly filled up again to capacity with soldiers, officers, workers, intellectuals, but mostly with professors, students, and young people.

Today the concentration camps house far fewer people than they did during the peak years of Stalin's terror. But the sad fact is—and I shall document this in the course of my testimony—that there are millions of political prisoners in the concentration camps and prisons of the Soviet Union today; that the camps, far from having disappeared, number into the thousands; and that the conditions are just as bestial as they were in the days of Stalin.

I want to make it clear that I am not speaking about 1963, when I was released. I am speaking about today.

That conditions in Soviet concentration camps have changed little since the times of Stalin is evidenced by numerous letters received by Alexander Solzhenitsyn after the publication of his novel *One Day In The Life Of Ivan Denissovich*. Excerpts from these letters were released by Solzhenitsyn and published in the collection of his works (v. 5, *Possev*, West Germany, 1969). In general, these letters said that conditions were very much the same, or that they were even worse than those described by Solzhenitsyn.

A group of prisoners of the Ust-Nera camp, for example, wrote: "Our conditions now are much worse (worse than those described in your novel). We are not being beaten, but soldiers say that we should all be done away with. Where does such hatred come from in boys 18-20 years old? They are obviously being incited . . . In December 1962 [when the novel was published] out of a total of 300 prisoners in our zone, 190 of us were suffering from scurvy."

Here you see a map of the USSR. The red flags stand for concentration camps. The blue flags indicate entire complexes of camps. There may be a hundred camps or more in a single complex, each camp housing 2,000 to 5,000 prisoners. There are millions of prisoners in Soviet punitive institutions today. In Moscow alone, tourists, could find 27 huge prisons, had they made an effort to see them instead of the "Swan Lake" in the Bolshoi Theater Ballet.

I am unable to show you all the camps on this map. There simply is no room to stick in the flags. Around each big Soviet city you will find three to five concentration camps. In Odessa, a city which the tourists love so much, there is a huge concentration camp with towers and barbed-wire fencing, right in the center of the town, on Chernomorskaya Doroga.

Here, for example, is Orsha, a minor provincial city, not even marked on the map. Yet, it is surrounded by six concentration camps. Here are their addresses:

P.O. Box UZh 15/6—"B".
P.O. Box UZh 15/2—"V".
P.O. Box UZh 15/12.
P.O. Box UZh 15/12—1.
P.O. Box UZh 15/12—"E".
P.O. Box UZh 15/12—"Zh".

This is a situation that should be of profound concern to the entire free world. It should be of concern, first, on moral and humanitarian grounds. But beyond this, the existence of this massive concentration system poses a serious danger to the security of the Free World. To the extent that the men in the Kremlin are able to repress all dissident opinion and all restraining voices, they are freer to engage in subversion and blackmail and expansion abroad.

I feel it to be my moral duty to tell you about the new wave of arrests in the Soviet Union, about starvation in concentration camps and prisons, about the mortal danger to which sick prisoners—like Silva Zalmanson, Eduard Kuznetsov, and Anatoli Altman—are exposed there. Remember the conditions under which Yuri Galanskov died only a few weeks ago. His friends had appealed to the free world time and again. They warned how gravelly ill Galanskov was, but nobody seemed to have listened to them.

My memories of the camps consist of a succession of nightmares.

Today in Soviet concentration camps you can see hundreds of thousands of women, including mothers with babies. They are being held in special subdivisions. Once in Potma in 1961, I saw some 200 or 250 women with babies in their hands, children screaming, women crying, guards cursing, dogs barking. Revolted and outraged we began to shout at the guards: "Fascists!" "Murderers!" There were about three thousands of us. The guards panicked and began to shoot in the air. And suddenly in the midst of this pandemonium we heard the metallic voice of the radio announcer, amplified by the loudspeakers: "Citizens, rejoice, the Soviet Union has scored another great victory: a rocket with Cosmonaut Yuri Gagarin on board has been launched into space!"

Thousands and thousands of men and women languish in concentration camps because of their faith in God. The Communists want to destroy all confessional groups, all religions. I wish to remind you of such martyrs as Boris Talantov, Anatoly Krasnov-Levitin, Schelkov, and thousands of other nameless victims—Christians, Jews and Moslems. The believers cannot pray, they are denied the opportunity to observe religious holidays. The guards deride them, molest them, and throw them into punitive cells whenever they catch them praying. In the Tayshet Camp No. 10 in Siberia, I have witnessed the following scene. One Sunday the guards decided to break up a prayer meeting of Russian Orthodox nuns, so they ordered them to go to the shower-room to wash. The nuns asked that they be permitted to take their baths on Monday, because they did not wish to violate their Sabbath, but the guards refused. They tore the clothes off the women, and dragged them, naked, by their legs through the snow to the shower.

In the concentration camp of Kenigirin/Kazakhstan about 500 women were run over by tanks, when they formed a line in order to protect the male prisoners whom the guards were trying to punish for staging a riot. This incident took place after the prisoners had stopped their work in the mines and gone on a hunger strike to protest against the unbearable conditions in the camp. And the conditions were such that some prisoners in desperation opened their veins, inflicted wounds on themselves, swallowed spoons and nails, drank their own blood and ate their own flesh. Yes, understand me correctly, their own flesh, driven to a state of delirium by hunger.

In the Potma Camp No. 10 I saw a prisoner, Nikolai Shcherbakov, cut off his own ears and throw them into the face of the camp officer. When I asked him later why he did it, he answered: "When I am free some day, I'll tell them of the horrors of our life here, and they may not believe me. So I'll show them my earless head and the inscription tatooed on my forehead: 'Slave of Communism.' That should convince them!"

The brutality and Sadism of the concentration camp guards—to which I will refer later in my testimony—partly results from the KGB instructions. But in part it is due to the initiative of officers and soldiers who have been completely dehumanized by their work. When you see a guard crushing the skull of a dead prisoner or plunging a red-hot iron into a corpse to ascertain that the man is really dead, then he is following instructions. But when—as I have seen in the wild forest near Lake Baykal—the KGB soldiers tie a naked prisoner to a tree and leave him there to be devoured by swarms of poisonous gnats, they act on their own initiative, because the government encourages them to be brutal and their occupation has dehumanized them.

When the prisoners are made to eat rotten cabbage, and sleep on concrete bunks in cells covered by a thick layer of frost—these are Moscow instructions. But when the guards throw the corpses of dead prisoners out on the snow to be devoured by wild beasts in the forest then it is the guards' initiative.

All these awful things you can see now, today, in the thousands of concentration camps and prisons of the Soviet Union. But the people in the Soviet Union resist, they struggle, they are not broken. They refuse to permit the communists to destroy God's image in their souls, to corrupt them and turn them into beasts, or into robots.

Numerous underground groups and movements are springing up all over the Soviet Union. Many hundreds of freedom fighters have been arrested, and sent to jails and concentration camps for up to 15 years. We must remember the names of these heroes:

The civil rights movement in the Soviet Union goes back to before the Hungarian revolution of 1956. Among the early heroes of this resistance, I note particularly the names of Eduard Kouznetsov, Ilbya Bokshtein, Igor Avdeev, Viktor Khaustov, and Yuri Osipov. They began their resistance with the public readings of poetry in Mayakowsky Square. First they read the poems of Mayakowsky. Then they began to read some of their own poetry that contained criticisms of the Soviet regime. Then Bokshtein one day climbed up on the statute of Mayakowsky and delivered a passionate oration against Soviet tyranny. A battle ensued with the secret police, and scores of those who took part in the demonstration were arrested and imprisoned.

Since that time there have been many similar public protests in the Soviet Union—some of them inspired by the suppression of the Hungarian Revolution, some of them inspired by the desire for more freedom and hatred of the regime of oppression, some of them inspired at least in part by the recurring food shortages. In every cast the answer of the regime has been more arrests and more repression. Over the past 16 or 17 years in the Soviet Union there have been riots and even major clashes in a whole series of Soviet cities, including Ryazan, Timyr Tau, Krasnodar, Vladivostok and Novocherkask. Only half a year ago there was a major riot in which many people were killed in the city of Dnieproddherzinsk, on the river Dnieper.

Intellectuals like Galanskov and Ginzburg tried during this period to publish an underground magazine. The *Samizdat* movement became nationwide—thousands of people participating in the laborious copying of documents of opposition. The *Chronicle of Current Events,* chief of the *Samizdat* publications, began to come out on a regular basis—and despite frantic efforts on the part of the regime it continues to come out until this day. A Jewish underground chronicle, *Exodus,* also began to appear on a regular basis. Entire books, like Marchenko's "My Testimony," were circulated in *Samizdat* form.

There were many casualties in this unrelenting battle for freedom—men and women whose names are justly honored throughout the world. Among the best known of these martyrs for freedom were Sinyavsky and Daniel, Pavi Litvinov, General Grigorenko, Anatoli Marchenko, Victor Krasnov and Victor Feinberg. All of these men are still in prison.

I would like to pay special tribute here to two young men who have paid an incredibly high price for their defiance of the Soviet regime—Pyotr Yakir, the son of a Jewish General who was executed by Stalin, and Yuri Shoukhevich, the son of a Ukrainian insurgent General who was also executed by Stalin. Both of these, remarkably enough, were first sent to the concentration camps at the age of 14 as sons of the "enemies of the people;" both were released after serving 20 years; both resumed the battle for freedom immediately on their release. And both are now back in prison.

I must also say a few words about Vladimir Bukovsky. He was one of the initiators of the Russian democratic opposition. Out of 30 years of his life, 9 were spent in psychiatric prisons and concentration camps. In January 1972 he was sentenced to a total of 12 years for having sent to the West a collection of documents concerning the confinement of healthy dissenters to special psychiatric institutions. These documents together with other materials were released by this Subcommittee on December 4, 1972.

Igor Ogurtsov, Mikhail Sado, Yevgeni Vagin, and Boris Averochkin, leaders of the *All-Russian Social-Christian Union for the Liberation of the People,* and some sixty of their followers were arrested in Leningrad, Tomsk, Irkutsk, Petrozavodsk, and other cities, because their patriotic appeal for the revival of Russia's spiritual and religious values did not fit into the pattern of the Communist-sponsored in the Red Army because in his heart he felt himself a citizen of Israel. He got a three year sentence. A three year sentence was also imposed on Vladimir MARKMAN just for a few telephone conversations with friends in Israel. But all this does not intimidate the Soviet Jews. I wish to mention here the names of such heroes as Eduard Kuznetsov, Silva Zalmanson, Anatoli Altman, and their friends who tried to fly secretly to Israel because the government of tyrants stubbornly refused to permit them to emigrate legally. Today they languish in the Potma concentration camp No. 10—the most horrible of all in the Soviet Union—locked up for 15 years.

And now let me voice a note of warning. The cancer of Communism has now spread over half of Europe, China, Cuba and parts of Africa. The Communists try to destroy your society with the help of all those radical groups. They deceive your youth with propaganda, they try to demoralize you so that they can seize power in your country. And don't think that I am spreading panic. Remember that there was a time when there was no Communism in Eastern Europe or in Cuba, and the red flags were not exposed so boldly in France and Italy. In the Soviet Union Communists try to eradicate all dissidents, all democratic elements. They lock people up only because they dare to think. All this spells danger to you: The more they consolidate their power internally, the greater is the threat to the free countries.

That is the reason why I am here today. I want to remind you of our responsibility to those who are oppressed. They need our help. How can we help them? We can help them in two ways: first, by exposing the facts; and second, by voicing our indignation.

In helping them we shall also be helping ourselves.

POOR QUALITY OF POSTAL SERVICE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ROGERS. Mr. Speaker, I have recently requested that the Post Office and Civil Service Committee and the General Accounting Office conduct an in-depth investigation of the U.S. Postal Service. Correspondence reaching my office has indicated that not only is the American public losing confidence in the mails, but, in fact, the deteriorating service is already having damaging effects on business. I have received letters from all over the country describing overdrawn and canceled accounts due to the delay of payments in the mails. The point has already been reached when anyone doing business with a deadline is hesitant to use the mails, and with good reason.

A recent article in the Boca Raton News spoke of this problem, and I insert it in the Record at this point:

Rogers Puts on Gloves

Eleventh District Congressman Paul Rogers has done what thousands of U.S. citizens wish they could do . . . he has "put on the gloves" and invited the U.S. Postal Service to join him in the ring.

Rogers, this week, has requested an investigation of the U.S. Postal Service, claiming the deteriorating condition of service is adversely affecting business and commerce.

He is asking the House Post Office and Civil Service Committee and the General Accounting Office to ramrod the investigation.

Rogers' local constituents, who are disturbed by the poor service offered by their Post Offices should not now stand idly by. They should take the time to write Rogers at his Washington, D.C., office (Congressman Paul Rogers, U.S. House of Representatives, Washington, D.C. 20515) and provide him with documented examples of poor service they have encountered in recent months.

Such material should be beneficial in substantiating Rogers' claim that an investigation is needed and it also should be solid evidence once the investigation is approved and started.

Rogers, in demanding the investigation, mentioned several examples of poor service, including one constituent's letter which took nearly three months to travel less than a half mile.

"A constituent wrote to me at my West Palm Beach office. The letter was written and postmarked on Sept. 18," Rogers said. "It was mailed from Palm Beach. These two cities are separated by a lake which is at most a half mile wide.

"Yet this man's letter was not received until Dec. 15 . . . three days short of three months. This may be an extreme case, but there are many cases which run into weeks."

Rogers said he has heard from many postal employes who all are disenchanted by the new postal service setup. "They claim the cutbacks have increased the problems," he said.

A thorough investigation will help determine if the cutbacks should be blamed or if it's simply poor management.

Rogers, in calling for the probe, hit on one key item. "There is one thing which seems to have been forgotten by the new postal officials and that's service. We had hoped that the new postal service could pay its own way if it were operated as a corporation. But first and foremost, the postal system should and must be a service to the American people."

HON. OLIVER P. BOLTON

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, it is with considerable sadness that I rise to make a few comments on the passing of my longtime friend, Oliver Bolton. Those of us who knew him during his years of service here in this body can attest to his value, both to his district and our country, as a legislator. He was intelligent, conscientious, and quick witted. He was keenly interested in his job and also in the world around him. By fully using his many talents, he ably and vigorously carried on the enviable tradition of service exemplified by both his father and mother. His retirement from the Washington scene left us the poorer.

It is not only, however, of Ol's legislative accomplishments that I wish to speak, Mr. Speaker, though these were substantial. I should like to comment on the manifold contributions which he made here on Capitol Hill, and also in his private life, because of the rare nature of his personality. Among Democrats and Republicans alike, he was an admired and popular individual. His was a happy, zestful nature. It was impossible not to be affected by his enthusiasm and love of life. He was interested in people as well as problems. During his years of public service he was unquestionably a lively source for good.

Ol's passing, we recognize, should not have come as a complete surprise because he was not in robust health. Nonetheless, his passing comes as a real shock. Because of his unceasing vitality and his positive attitude toward his personal problems, he created in us all the feeling that he would prevail over any weakness. Now that he has gone, and gone so suddenly, we realize even more vividly how indomitable was his spirit.

To his mother, whom many of us also know and love, to his beloved wife, and to his children, we extend our condolences.

JOHN A. VOLPE—AN OUTSTANDING SECRETARY OF TRANSPORTATION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. VAN DEERLIN. Mr. Speaker, I rise on this occasion to pay tribute to a standout figure of this administration—the Honorable John A. Volpe, our outgoing Secretary of Transportation.

As a member of the Committee on Interstate and Foreign Commerce, I had the pleasure of working closely with Secretary Volpe on a number of projects. I have come to respect him both for his ability to get things done and for his vision of a genuinely balanced transportation system to help bind and unite our Nation and all its disparate parts.

In an administration regarded by some of its sterner critics as gray and faceless, Secretary Volpe has been conspicuously his own man—sure of his convictions and with the strength and determination to act on them. On occasion, as at last spring's opening against heavy odds of the Transpo exposition, he has even given vent to a public display of emotion. The usual prim bureaucrat would keep his feelings to himself, of course, but for Mr. Volpe, such openness contributes to the empathy he has enjoined in his relationships with most Members of Congress, and official Washington generally.

Always a doer, he has compiled an impressive line of credits for his 4 years in Washington. Amtrak, the effort to revive passenger train service in the United States, owes its inspiration to Mr. Volpe. It was he who first proposed Amtrak, and then waited for the rest of the administration—in a few notable cases a bit reluctantly—to fall into line behind the plan.

Last fall, as most of us will recall, Mr. Volpe labored valiantly for an amendment to permit some diversion of highway trust funds for transit if that were desired by the local governments immediately concerned.

That effort failed, but through no fault of Secretary Volpe, who personally mustered dozens of votes for his fine cause. A high and mighty type of Cabinet official might have been content to languish in his office, leaving the hard work of rounding up support to his subordinates. But Secretary Volpe was too close to the action himself, too personally involved, to delegate that sort of responsibility.

Even the lowly bicycle has benefited from Secretary Volpe. He has taken the national lead in promoting the pollution-free bike as an alternative to the automobile, setting an example by pedaling himself and encouraging his top executives to do the same.

We frankly could use a good number of officials at all levels and in all branches of government who are as dedicated as Secretary Volpe to getting on with the job, no matter how challenging or forbidding.

John Volpe's life has been a continuous success story, of which his Washington service is but the latest chapter.

By way of further tribute to this outstanding public servant and fine man, as he embarks on his latest assignment as our Ambassador to Italy, I include at this point his official biography:

THE HONORABLE JOHN ANTHONY VOLPE, SECRETARY OF TRANSPORTATION

John Anthony Volpe was appointed the Nation's second Secretary of Transportation by President Richard Nixon and was sworn in on January 20, 1969. He was serving his third term as Governor of Massachusetts when the President asked him to be a member of his Cabinet.

He was the Massachusetts Commissioner of Public Works for almost four years, just prior to his appointment by President Eisenhower as the Nation's first Federal Highway Administrator to launch the interstate highway system.

The Secretary brought to the Department his ability as an organizer and his reputation for getting things done, which have resulted in a more unified and coordinated Department of Transportation. Since Secretary Volpe took office, new channels of communication and cooperation between the operating administrations have been created in response to his call for an overall balanced transportation system, which is essential to the basic fabric of the American economy.

Aware of his responsibility to the citizens he serves, Secretary Volpe has guided the Department toward a new emphasis on environment. One of his first actions was to create the post of Assistant Secretary for Environment and Urban Systems to coordinate transportation progress with its environmental effects. Among the significant decisions made by the Secretary to prevent urban and environmental damage include those to cease construction of the Miami-Dade Jetport in Florida to protect the Everglades National Park and to route an interstate highway around New Orleans' famed French Quarter and around the scenic Franconia Notch in New Hampshire's White Mountains.

Secretary Volpe is an outspoken advocate of highway safety and won Congressional approval to establish the National Highway Traffic Safety Administration as an operating agency to replace the National Highway Safety Bureau. He is also instituting a new alcohol counter-measures program; establishing new standards for motor vehicles to prevent accidents; and initiating the development of an experimental safety vehicle. In all areas, the Secretary has emphasized safety as one of the Department's primary concerns.

The Secretary also has many legislative victories to his credit: the Airport and Airways Development/Revenue Act of 1970; the Urban Mass Transportation Assistance Act of 1970; the Rail Passenger Service Act of 1970; the Federal-Aid Highway Act of 1970; the Federal Railroad Safety Act of 1970; and the St. Lawrence Seaway Legislation.

Born on December 8, 1908 in Wakefield, Massachusetts, as one of six children of Italian immigrant parents, John Volpe's personal history reflects the Horatio Alger success story of the self-made man.

At the age of 12, Volpe went to work for his father as a hod carrier and then as a plasterer's apprentice. After graduating from high school, he worked for his father full-time and attended Boston's Wentworth Institute evenings. Two years later, he gave up his work as a plasterer, returned to the Wentworth Institute full-time, and graduated in 1930. He majored in architectural construction. In 1933, he cashed a $300 insurance policy, borrowed an additional $200, and started his own construction business in Massachusetts.

During World War II, Volpe closed his construction firm and volunteered for duty with the Navy's Civil Engineer Corps (Seabees). He left the Navy with the rank of Lieutenant Commander and returned to building schools, hospitals and office buildings. The Volpe firm soon established a national reputation for construction excellence.

Volpe first entered politics as Deputy Chairman of the Massachusetts Republican State Committee in 1950. In 1953, he received his first major public appointment: Massachusetts Commissioner of Public Works. From there he served in 1956–57 as the first Federal Highway Administrator, and was elected Governor of Massachusetts in 1960 for a two-year term. Losing by a narrow margin in 1962, Volpe came back and was returned to office in 1964. In 1966, he was reelected Governor for the first four-year term in the State's history by the largest margin ever accorded a Massachusetts gubernatorial candidate—over a half million votes.

Throughout his career, Secretary Volpe has been the recipient of many honors. He has received 21 honorary degrees from colleges and universities across the nation. He is a past chairman of the National Governors' Conference and past president of the Council of State Governments. Volpe is a past president of the Associated General Contractors of America and the Society of American Military Engineers and the Greater Boston Chamber of Commerce.

The Secretary is the recipient of the highest honor of the Order of Merit of the Italian Republic—the Knight of the Great Cross. He has been Knighted by the Vatican both as a Knight of Malta and as a Knight Commander in the Order of the Holy Sepulcher.

Secretary Volpe is married to the former Jennie Benedetto. They have a son, a daughter, and four grandchildren.

THE HARTFORD FLORIDIAN SOCIETY—50 YEARS OF SERVICE

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. COTTER. Mr. Speaker, 50 years ago, a group of 60 people of Italian descent formed an organization. This organization, which was the first of its kind in Hartford County, was designed to aid Italian immigrants in establishing a life in America by assisting them in times of financial need.

This organization assists members of the Floridian Society who become widowers and orphans. The Society also helps other citizens who are unable to cope with medical expenses, and also aids other philanthropic and charitable activities.

The Floridian Society is not restricted to the Hartford area, but has a membership which stretches nationwide. Recent figures show that the original membership has been augmented by over 500 new members.

On February 10, 1973, this organization, which has begun under the auspices of Angelo Alasso, will celebrate its 50th anniversary. Other distinguished founders are: Salvatore Bassano, the late Eniazo Gallo, Sarino Metera, and Mr. Paul Giann, who is still an active member of the Floridian Society.

The anniversary will be marked by a dinner at Valle's Steak House in Hartford. Mr. Paul Privatera and Mr. Arthur

Spada will be the cotoastmasters of this affair.

I know that my colleagues will join with me in recognizing this worthwhile organization.

LAUNCHING OF S.S. "DELTA MAR," LARGEST LASH SHIP EVER BUILT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mrs. SULLIVAN. Mr. Speaker, it was my great privilege and pleasure on Saturday, January 27, to be present at Avondale Shipyard in New Orleans for the launching of the largest lighter-aboard-ship—LASH—vessel constructed anywhere in the world, and to christen this remarkable ship the S.S. *Delta Mar*.

The first ship to be contracted for under the Merchant Marine Act of 1970, the *Delta Mar* is 893 feet 4 inches long, the equivalent of three football fields, and will hold 74 fully loaded 61 by 31-foot lighters, or barges, of 300 tons capacity each, along with 288 standard containers. Without the barges on board, it can carry 1,740 containers. It is one of three sister ships under construction at Avondale for the Delta Steamship Lines for use on South American trade routes.

As chairman of the House Committee on Merchant Marine and Fisheries, I am deeply gratified by the confidence these ships reflect in the future of the American-flag merchant marine, now struggling to recover some of the vast ground lost by American ships over the years since World War II to foreign-flag competition.

The *Delta Mar* and other LASH vessels can contribute greatly to this objective by lowering operating costs, reducing the time for loading and unloading to hours instead of days, providing more versatility in cargo mix, and affording more protection against damage and loss.

NATIONAL SIGNIFICANCE OF THE NEW SHIPS

The significance to our merchant marine of the launching of the *Delta Mar* was underscored by Assistant Secretary of Commerce for Maritime Affairs Robert J. Blackwell's insistence upon going to New Orleans to make the principal address in person, rather than have his prepared remarks read for him by a surrogate speaker, despite a broken foot requiring the use of crutches. I include the text of the Assistant Secretary's address at the conclusion of my remarks. While he and I might disagree over some of the political implications of his talk, there is no disagreement between us on the importance of the *Delta Mar* and its sister innovative ships.

INDUSTRIAL STATESMANSHIP IN DEVELOPING LASH SHIPS

I congratulate Capt. J. W. Clark, president of Delta Steamship Lines, Inc., and Mr. F. Evans Farwell, chairman of the board, and their associates for Delta's industrial statesmanship in developing this huge class of LASH ships; and also Mr. H. Zac Carter, board chairman of Avondale, and Mr. Edwin Hartzman, president, and the thousands of employees of the shipyard for their work in constructing the impressive *Delta Mar*. The sidewise launching of the vast ship into the Mississippi River provided one of the most thrilling spectacles of American industry.

A modest gentleman present at the launching, Mr. Jerome L. Goldman, president of Friede & Goldman, Inc., New Orleans naval architectural firm, was identified as the designer of the *Delta Mar* as the largest LASH vessel ever built. According to the New Orleans Times-Picayune of January 28, however, the whole idea for LASH ships, equipped to lift and stow fully loaded river and harbor barges aboard ocean vessels was the brainchild of Mr. Goldman "who spent 17 years developing the system from drawing board to maiden voyage of the first LASH vessel."

REMARKS IN CHRISTENING THE "DELTA MAR"

Following a blessing of the ship and a prayer for those who will man the *Delta Mar* by the Reverend Joseph Thomas Donnelly, S.J., chaplain of the Port of New Orleans Catholic Maritime Club, and remarks by Mr. Hartzman, Captain Clark, Assistant Secretary Blackwell, and Mr. Carter, and a greeting from Mrs. Hale Boggs whom all of us in Congress hold dear, it was my privilege to make a few remarks before christening the *Delta Mar*, as follows:

REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, ST. LOUIS, MISSOURI, AT LAUNCHING OF "DELTA MAR," AVONDALE, LA., SATURDAY, JANUARY 27, 1973

Although my role here today is largely a ceremonial one—a privileged role accorded only to women at one of the most thrilling events which can occur in American industry, the launching of a ship—it is impossible for me as a Member of Congress deeply involved in maritime legislative issues to separate the ceremonial from the national implications of this event.

When the magic moment arrives for me to christen the S.S. *Delta Mar* and transform a hull into a ship with the crash of a champagne bottle, my thoughts will be those of any woman sponsoring a ship—I will be thinking of, and praying for, the officers and crew who will operate the *Delta Mar* in the years ahead, whose lives will be entrusted to the workmanship of the shipyard workers here at Avondale and to their own skill in seamanship; I will be thinking of the stormy days ahead in turbulent seas and the beautiful tranquility of a sea voyage under fair skies and bright sun; I will be thinking of the solitude of long ocean voyages and the excitement of entering bustling ports.

But in these moments before the signal is given to launch, let me mention some of the less romantic but profoundly important aspects of this launching which occur to me on this occasion. Speaking as the Chairman of the House Committee on Merchant Marine and Fisheries, where the legislation originated which made possible the construction and operation of this unusual and versatile new instrument of American commerce, I am deeply impressed by the industrial imagination and statesmanship which are bringing the *Delta Mar* and its two sister ships into the important South American trade routes, and by what they mean for the future of the American Flag Merchant Marine.

These huge lighter-aboard-ship vessels mean that American shipping will be able to compete more effectively for cargoes in the bitterly competitive world of maritime commerce. They open up new vistas of coordinated transportation on both land and sea, offering inland shippers quicker access to world markets, lower costs in loading and unloading, safer carriage, and greater versatility. I am sure I speak for all of the Members of the Committee—and, in fact, for all Members of Congress—when I say that this great ship, the *Delta Mar*, largest LASH ship ever built anywhere, gives us great pride and renewed faith in the future of American Flag shipping.

And if we can revive and strengthen our Merchant Marine, we know it will mean a strengthening of the entire economy of the United States—more jobs at good American wage rates, more profits for American industry to provide the solid base on which our entire economy can expand and prosper, a better balance-of-payments situation and a new sense of confidence in the reliability of American Flag ships in meeting schedules on time and thus winning back some of the business we have lost to foreign flag ships manned by citizens of other countries for the benefit of the economies of other countries. As a St. Louisan, I see great potential for my own city's commerce in this event.

It is a special thrill for me to have the great privilege of sponsoring the *Delta Mar*. I congratulate Captain Clark and the Delta Steamship Company for their vision in making this launching possible, and I thank them deeply for affording me this opportunity to speak the words which will soon start the *Delta Mar* down the ways and toward her promising destiny.

Following my remarks, and accompanied by the Honorable Edna F. Kelly, former Member of Congress who served as the sponsor's matron of honor, I then had the pleasure of naming the ship and sending it rushing into the water with the splash of champagne on its prow. A ship launching is always a thrilling event. This one had particular significance to me.

ADDRESS BY ASSISTANT SECRETARY BLACKWELL

Mr. Speaker, I now include the remarks of Assistant Secretary of Commerce for Maritime Affairs Robert J. Blackwell at the launching of the *Delta Mar*, as follows:

REMARKS BY ROBERT J. BLACKWELL, ASSISTANT SECRETARY OF COMMERCE FOR MARITIME AFFAIRS, AT THE LAUNCHING OF DELTA STEAMSHIP LINE'S S.S. "DELTA MAR," NEW ORLEANS, LA., JANUARY 27, 1973

It is a great privilege to be with you today to witness the launching of this splendid ship poised on the launching ways before us.

At the very outset of my remarks, I would like to commend Captain Clark on his selection of Congresswoman Leonor K. Sullivan as the sponsor of the S.S. *Delta Mar*, the first of three LASH vessels being built here at Avondale for the Delta Steamship Line. Mrs. Sullivan, who represents the Third District of Missouri centered in St. Louis, has been a prominent member of the House Merchant Marine and Fisheries Committee since her election to the Congress 20 years ago. Earlier this week she was appointed Chairman of this important committee and, in this role, will greatly influence the future course and destiny of the American Merchant Marine.

Having given so much of her time and energy over the years in grapling with the problems of our maritime industry and dealing with the multitude of legislative proposals to foster the industry's growth, I know of no one more qualified or deserving to christen the newest addition to the American Merchant Marine.

While the participation of Mrs. Sullivan in this christening ceremony makes the launching particularly noteworthy, there are a number of other factors that add to the significance of this occasion.

The SS *Delta Mar* the first ship contracted for under President Nixon's maritime program which is embodied in the Merchant Marine Act of 1970. As such, it is the forerunner of a large number of merchant ships of highly advanced and productive designs that will be built under this program.

For its proud owner, Delta Steamship Line, the *Delta Mar* and her two sister ships under construction nearby, attest to the confidence that Delta has in its maritime future and add continuity to its tradition of consistently upgrading its fleet with new and more efficient ships to improve services to shippers.

To the management and workers of Avondale Shipyards, this occasion marks an important juncture in the outstanding series construction program the yard initiated back in 1969 when it laid the keel for the first of 11 LASH vessels ordered by Prudential Grace and Pacific Far East Line. The *Delta Mar* is the lead ship of a second flight of nine LASH ships contracted by Delta, Central Gulf Lines and Waterman Steamship Corporation. The 20 LASH ships ordered to date from Avondale represent the largest series production run of standardized merchant ships awarded to an American yard since World War II. This is an outstanding accomplishment, one in which the Avondale team can be justifiably proud.

The LASH program is monumental. More than half a billion dollars have been invested in LASH ships and barges, of which 235 million dollars were funded by the U.S. Government.

Thus, our government has a vital interest in working with all principals involved, with, or who could affect the success of, LASH operations—shippers, longshore labor, both here and abroad, and the governments of our trading partners. It is our objective to ensure that these ships are not encumbered by any discriminatory restraints that could jeopardize the success of their operations. For these vessels represent a technological breakthrough which will bring increased trade and economic benefits to the nations they serve.

Mrs. Sullivan, our sponsor today, in a speech made in Washington, D.C. to a maritime audience earlier this week, stressed that the industry must show that the federal support it receives is justified in terms of the benefits that accrue to the nation. In her words, the industry must demonstrate that what is good for the American merchant is good for the country . . . and ensure that the American taxpayer, the largest single investor in our merchant marine, gets a fair return from his investment.

I fully agree with her view. That is a fair test for any federal assistance program. In fact, President Nixon, back in 1969 when he restructured and renovated this nation's federal maritime policies to revitalize the American merchant marine, incorporated this same philosophy in his maritime program. His program contains a number of provisions to ensure that the shipyards and ship operators, who are the beneficiaries of federal assistance, return far greater dividends to the taxpayers than they did under previous maritime policies.

The Merchant Marine Act of 1970 was enacted into law less than 27 months ago. I think that the accomplishments and progress to date in implementing the President's program demonstrate that American shipbuilders and ship operators have responded affirmatively and effectively to the challenges and opportunities of the President's maritime program.

Let me cite a few indicators of the progress made to date in fulfilling the program's objectives:

More than $1.7 billion in federally assisted shipbuilding contracts have been awarded to domestic shipyards since enactment of the 1970 Act. These contracts comprise the construction of 37 new ships and the conversion of 16 existing conventional freighters into highly efficient containerships. This surge of orders has provided the American shipbuilding industry with its largest peacetime backlog of commercial orders in history.

Another objective of the Nixon maritime program was to encourage the American shipyards to upgrade their facilities with technologically advanced equipment to improve their productivity and thereby reduce their need for federal assistance. During the past years domestic shipyards have been expending about $100 million per year for plant modernization and capital improvements.

These efforts have helped the yards to increase their efficiency and meet the reduced subsidy guidelines prescribed by the 1970 Act. Prior to the Act the government was empowered to subsidize up to 55 percent of the cost of building a merchant ship. However, this subsidy ceiling was reduced to 45 percent when the new law was enacted in the fall of 1970. In each successive fiscal year the subsidy guidelines were reduced an additional 2 percentage points, and currently stand at 41 percent. Further reductions are called for until a 35 percent subsidy level is reached in fiscal year 1976.

All of the contracts covering the 37 new ships and 16 conversions awarded under the 1970 Act to date have met the reduced subsidy guidelines. And, I would emphasize that the taxpayer, not the shipowners, has been the beneficiary of the attendant cost savings.

Concurrent with the productivity gains that are being achieved by the shipyards, efforts have been made to improve the productivity of our fleet and reduce the level of ship operating subsidies. In this connection, the 1970 Act instituted a wage-index system whereby the escalation of the wages of seafarers to be subsidizable must not exceed an average of the wage gains of a broad cross-section of workers in American industries.

Additionally, all of the new ships being built under the maritime program will have greatly reduced crew sizes, which will further reduce the level of ship operating subsidies. Thus, for example, while the older conventional ships carry crews of 40 to 50 men, the ships ordered under the 1970 Act will have crews of only 26 to 32 men. The *Delta Mar* will have a 32-man crew as compared to 38-men crews aboard the earlier LASH ships delivered by Avondale.

Another important development that bodes well for the maritime industry is the entry of American shipbuilders and ship operators into the liquefied natural gas (LNG) market. Last year two domestic shipyards each received construction contracts for three of these specialized ships which carry their cargoes at a temperature of minus 260 degrees Fahrenheit. Because our yards have considerable experience in building complex ships, and their access to the unmatched expertise of American cryogenic systems manufacturers, the subsidy rates required for these six ships are less than 25 percent—as contrasted to the 41 percent subsidy that currently prevails for other types of vessels.

We believe that with sufficient contracts U.S. yards will be able to go into series production of LNG vessels and substantially reduce their unit costs to the point that no construction subsidies would be required. Such a development would put American yards in a position to build ships for export.

Even though the new ships generated by the 1970 Act, such as the *Delta Mar*, are only starting to come off the ways, the retirement of obsolete and inefficient ships from our fleet during the past few years is having a profound effect on the composition of our fleet and on our operating subsidy program. Three years ago 37.5 percent of the ships in our subsidized fleet were over 20 years of age. Today only 21 percent exceed the 20 year mark. During those same three years the subsidy cost per ton of liner cargo carried dropped by 19 percent.

It also should be noted that the LNG ships and very large crude carriers being built under the program, because of their efficiency and high productivity, will be operated without subsidies.

The *Delta Mar* and the other vessels being built under the program will greatly enhance the competitive position of the American flag fleet on the world's trade routes.

Delta's new LASH vessels are particularly well-suited for the company's trade routes serving the East Coast of South America and the Caribbean. Each of these 893-foot ships—the largest LASH ships ever built—will carry 74 barges measuring 61 feet long by 31 feet wide and 13 feet deep. In addition they will accomodate 288 containers of the standard 20-foot size.

In operation, the LASH ship serves as a mother ship quickly discharging and loading her barges without need of shoreside cargo-handling facilities. This self-sufficiency and the ability to discharge and load away from congested terminals is particularly advantageous, since many South American terminals lack the cargo handling equipment and the channel depths to permit efficient transfer of cargoes.

In summary we have made good progress in the litte more than two years that the 1970 Act has been on the books. But we still have a long way to go before the success of the program is assured.

We will continue to work toward rebuilding our merchant marine in a manner that is beneficial to the nation and compatible with the taxpayer's interests.

The launching of this ship today measurably advances us towards that obective.

I believe that the time has now come to permit our sponsor, Mrs. Sullivan, to proceed with her important task.

THREAT TO FREEDOM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, an ominous event took place yesterday in the Nation's Capital. A news reporter, while in the course of covering a story, was arrested by the FBI and hauled off in handcuffs to the lockup at the U.S. courthouse for 5 hours. I cannot at the moment think of anything more chilling on freedom of the press in this country. When is this harassment of the press going to stop?

These and other actions of the Federal Government—such as the attempt at prior restraint aimed at several newspapers a year or so ago and which was struck down by the Supreme Court—seem to be more at home in a totalitarian country rather than the United States of America.

This constant chipping away at the first amendment has got to halt. What reporter is going to look at any Government document which might embarrass the Government if he faces the threat of arrest, fines, and possible imprisonment?

I, for one Member of Congress, intend to speak out on this muzzling of the press at every opportunity. Indeed, Congress itself should act now in every way possible to strengthen the constitutional guarantee which distinguishes a free country from a dictatorship.

COTTER ON CONSUMER LEGISLATION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. COTTER. Mr. Speaker, perhaps caveat emptor—"let the buyer beware"—had relevance in the economy of feudal times or, perhaps, in a barter economy where the participant knew each product and how to evaluate it. In the current U.S. economy, it is literally impossible to understand the maze of claims and counterclaims made by various manufacturers and salespersons.

In an economy where the consumer is virtually pitted against million dollar corporations, it is not unreasonable to expect that Federal, State, and local governments would become involved to assist the consumer. Government intervention does not mean that the Government will tell manufacturers what to produce, but it should require the manufacturer to fairly and truthfully present his product.

I am guided by this principle in dealing with the consumer affairs and in my proposals for legislation.

For those who would prefer the caveat emptor position, I ask how they would be able to judge the nutritional content of "Crunchy Munchies" the biological and psychological effect of untested drugs, or the safety of automobile components.

The plight of the consumer is understandable when we realize that businesses spend over $20 billion a year in advertisements to get their message across. Many of these advertisements contain more than a modicum of deceit and very few give adequate information.

The results of some Federal and State efforts to substantiate advertising claims brought red faces to some producers. For example, one "lead-free" gasoline was found to contain lead, the magic "active" ingredients in a complex remedy turned out to be aspirin and, perhaps, the most publicized were the conclusions made by a 1971 University of Georgia study which stated that—

> The cereal boxes, if taken with milk and raisins, are as nutritious as all but the most sophisticated cereals.

It is for this reason that the FDA, the FTC, and other Federal agencies were established. The need for new and stricter laws and the push to create a Federal, separate consumer agency indicates the widespread conviction of many knowledgeable observers that so-called consumer agencies have been co-opted or captured by groups that were designed to control or regulate.

Again, it is not my desire to tell the manufacturer or seller what they must produce or sell, but I do believe that they have the obligation to tell the consumer what he is getting. The burden of weighing this honest information lies with the consumer.

If accurate information appears to be a thin reed when ranged against the combined forces of incomprehensible technology, Madison Avenue salesmanship, and incomprehensible and self-serving statements, it is a necessary step forward.

Therefore, I am introducing a series of 12 bills, with a number of my colleagues, that are specifically designed to provide such information to the shopper, to hopefully drive down food prices, to provide the consumer with accurate information on durable goods, and create effective warranty regulations and, finally, to strengthen State and local consumer protection agencies:

A Series of 12 Bills

A. FOOD LABELING AND INFORMATION

1. Truth in Food Labeling—This bill requires food makers to indicate, on their labels, *all* ingredients by percentage, including all additives and preservatives, and by their common or usual names. At the present time, it is virtually impossible to detect from a label what is in a food product. This would be required of all food makers.

2. Nutritional Labeling Act—This bill would make it mandatory that any packaged consumer food product be labeled by the producer with the following information: a) nutritional statements including fat content, vitamin and protein value, fats and fatty acids, calories and other nutritional data; b) the net weight and drained weight of canned or frozen products packed in a liquid medium; c) the major ingredients by percentage weight of any combination food item.

Food labels presently contain little information on the nutritional value of a product even though this is important to the consumer's health. Furthermore, food labels presently fail to show the exact proportion of one ingredient to another, and some brands of combination food items contain more of the major ingredients than others. This bill is much stricter than the voluntary labeling program recently announced by FDA.

3. Open Dating Perishable Food Act—This bill requires that all packaged perishable and semi-perishable foods be prominently labeled to clearly show the date beyond which it should not be sold and the optimum storage conditions at home. It also provides that overage products can be sold but only if they are safe, separated from other items and clearly identified as being beyond the expiration date.

There is growing evidence that a sizable number of perishable food items on the market are overage and may be unhealthy. Open dating information would give the consumer an advantage of information in purchasing products, and later in storing these products at his home.

4. Consumer Food Grading Act—This bill provides for a uniform system of retail quality grade designations for consumer food products based upon quality, condition and nutritional value.

There is presently no uniform system for determining and labeling the grades of food products. For instance, one product may be graded A.B.C. and D., while another AAAA, AA and A: therefore, the two "A" grades are opposites, not equals, thus leaving the consumer with inadequate information.

5. Honest Label Act—This bill requires labels on foods, drugs and cosmetics to show the place of business and name of the manufacturer, packager and distributor.

Its value is two-fold: Most importantly, it would aid government, industry and consumers in event of a recall by permitting quick and easy identification. This is now difficult because hundreds of private labels and private brand products on the market do not bear this information. (Bon Vivant Vichyssoise was packed under more than 30 different private labels without Bon Vivant's name ever appearing on one of them—a fact which hindered that extensive recall.) Secondly, it would aid consumers in selecting products because they would know who really made the product under the private label. Private label products often tend to be priced lower than their nationally advertised counterparts, although there is frequently no difference between them.

6. Unit Pricing Act—This bill requires disclosure by retailers of the unit price of packaged consumer commodities. Individual retail businesses with sales below $250,000 a year are exempted.

The myriad of package size makes it extremely difficult for consumers to compare the prices of two or more package sizes of the identical product to determine the real cost and the best buy. Recent studies indicate that unit pricing provides valuable, objective price data which can save consumers around 8% on their food bills. Some stores now have unit price information but uniformity and comprehensiveness are lacking.

BILLS DESIGNED TO LOWER MEAT PRICES

1. Meat Price Freeze—This bill requires the stabilization of retail prices of meat for 45 days at November, 1972 levels and requires the President to submit to Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and a fair return on invested capital to farmers, food producers and food retailers.

The lack of price controls on meat at a time when other products are controlled has sent costs soaring and there is no letup in sight. Inflation cannot be controlled so long as the prices on such a major item in the American budget, food, and especially meat, are permitted to go unchecked.

2. Meat Quota Repeal—Repeals the Meat Import Quota Act of 1964 to increase the supply of lower cost meats.

Repeal of quotas is an essential first step toward lowering the high price of meat products such as hamburgers, hot dogs and cold cuts. President Nixon supended quotas last summer for the balance of 1972, but a permanent repeal would help foreign suppliers plan better to meet American market needs.

C. APPLIANCE DISCLOSURE

1. This bill requires manufacturers of durable consumer products, including appliances and electronic items, to disclose on a label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product or its major components. It also requires such products as film and batteries be labeled as to the date beyond which they should not be sold because they begin to lose performance life.

Knowing the performance life expectancy of a product, consumers will be better equipped to decide on the best buy for their money. It will also help them avoid buying durable products that are perishable.

2. Appliance Dating Act—This bill requires that any appliance, TV or other durable product whose design is changed or performance capabilities altered, on a periodic basis shall have its date of manufacture permanently affixed to the product.

Dating will prevent the sale of older models as "new", something now done with relative ease because the consumer does not have an effective method of checking the model data for himself prior to purchase.

3. Consumer Warranty Protection Bill—This bill requires minimum disclosure standards for written consumer protection warranties against defect or malfunction. It would also define minimum Federal content standards for such warranties, and amend

the Federal Trade Commission Act to improve its consumer protection activities.

D. STATE AND LOCAL CONSUMER PROTECTION ACT

This bill provides federal grants and technical assistance in the establishment and strengthening of state and local consumer protection offices.

Consumer protection must be a joint effort at all levels of government. Some excellent work is being done by state and local consumer offices, but funds and technical assistance are desperately needed.

Each of the foregoing bills is designed to give the consumer new information or roll back food prices. There is still the distinct need for an ongoing and effective consumer voice in the Federal Government. In the 92d Congress, I introduced a comprehensive consumer protection bill that included establishing a Consumer Protection Agency. When a weaker version of this bill came before the House of Representatives last year, I fought to strengthen it.

I am now joining with other Members to introduce a new bill to establish an Independent Consumer Protection Agency that is specifically designed to represent the consumer before other Federal agencies.

The crucial difference between this legislation and weaker versions is that under this bill, the Consumer Protection Agency has different obligations and a right to appear before Federal agencies to assure that the consumer voice will be heard. This is the same right that business groups now have before Federal agencies.

This bill is long and complex, but it is estimated that it is designed to place the consumer voice in crucial agency decisions. Under the current procedure, consumers, in effect, have no voice in Federal agency decisions. At this point, I am enclosing a brief description of this bill:

Section-by-Section Analysis of the Consumer Protection Agency Act of 1973

Sec. 2. Statement of Findings. The Congress finds that the interests of the American consumer are inadequately represented and protected within the federal government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

TITLE I—OFFICE OF CONSUMER AFFAIRS

Sec. 101. Office Established: to be headed by a Director and Deputy Director appointed by the President by and with the advice and consent of the Senate.

Sec. 102. Powers and Duties of Director of Office spelled out.

Sec. 103. Functions of the Office:

To coordinate the consumer programs of federal agencies;

To assure the effectiveness of federal consumer programs;

To submit recommendations to the Congress and the President on improving federal consumer programs;

To initiate and coordinate consumer education programs;

To cooperate with and assist state and local governments and private enterprise in fostering consumer programs;

To publish and distribute a Consumer Register listing federal actions of interest to consumers.

Sec. 104. Transfer of Functions.

TITLE II—CONSUMER PROTECTION AGENCY

Sec. 201. Establishes independent Consumer Protection Agency, to be headed by an Administrator and Deputy Administrator, appointed by the President for a term of four years coterminus with that of the President, by and with the advice and consent of the Senate. (The four-year term is a new provision designed to increase the independence of the Administrator from the White House).

Sec. 202. Powers and Duties of the Administrator:

(b) Employ experts and consultants.

Appoint advisory committees.

Promulgate rules.

Enter into and perform contracts and leases.

(c) Upon written request by the Administrator, each federal agency is authorized and directed—

To make its facilities and personnel available to the greatest practicable extent;

To furnish to the CPA information and data and to allow access to all documents, papers, and records in its possession which the Administrator deems necessary for the performance of his functions. Except that, a federal agency may deny the Administrator access to and copies of—

(1) Information classified in the interest of national defense and national security and data controlled by the Atomic Energy Act;

(2) Policy recommendations by agency personnel intended for internal use only;

(3) Information concerning routine executive and administrative functions not otherwise a matter of public record;

(4) Personnel and medical files;

(5) Information which such agency is expressly prohibited by law from disclosing to another federal agency.

(d) Trade secrets and commercial or financial information are available to the Administrator only upon a written statement by him when he has determined that immediate access to such information is necessary in order to protect public health or safety or to protect against imminent substantial economic injury due to fraud or unconscionable conduct; and only after notice that the request for access has been immediately communicated to the person who provided such information to the Agency. However, any such information described above cannot be disclosed to the public by the Administrator if it was received by a federal agency as confidential.

(The specific mention of types of information not available to the Administrator from other federal agencies has been added in the new CPA bill. Also added is a provision that information involving trade secrets and commercial or financial information from industry shall be available to the Administrator of the CPA only upon a written statement when he has determined that immediate access to such information is likely to be necessary in order to protect public health or safety or protect against imminent substantial economic injury due to fraud or unconscionable conduct, after notice has been communicated to the person who provided such information. Also, such information even if available to the Administrator cannot be disclosed to the public if the agency originally receiving the material agreed to treat it as confidential.)

(e) The Administrator shall report once each year to the Congress and the President on the effectiveness of federal consumer programs and the adequacy of enforcement of consumer laws.

Sec. 203. Functions of the Agency:

To represent the interests of consumers before federal agencies and courts.

To support research, studies and testing leading to a better understanding of and improved consumer products and services.

To submit recommendations to the Congress and the President.

To publish and distribute consumer information.

To conduct surveys and investigations concerning the needs, interests and problems of consumers.

To keep the Congress fully informed of all its activities.

Sec. 204. Representation of consumer interests before Federal agencies:

(a) Whenever the Administrator determines that the result of any federal agency proceeding which is subject to the provisions of the Administrative Procedure Act or which is conducted on the record after opportunity for an agency hearing, may substantially affect the interests of consumers, he may as of right intervene as a party by entering his appearance or otherwise participate for the purpose of representing the interests of consumers in such proceeding. The Administrator shall comply with agency statutes and rules of procedure governing the timing of intervention or participation and, upon intervening or participating, shall comply with agency statutes and rules of procedure concerning the conduct thereof.

(b) Whenever the Administrator determines that the result of any federal agency activity to which subsection (a) does not apply may substantially affect the interests of consumers, he may as of right participate. In exercising such right, he may in an orderly manner and without causing undue delay (1) present orally or in writing to responsible agency officials relevant information, briefs, and arguments; and (2) have an opportunity equal to that of any person outside the agency to participate in such activity. Such participation need not be simultaneous but should occur within a reasonable time.

(d) The Administrator may request or petition a federal agency to initiate a proceeding or activity or to take such other action as may be within the authority of such agency if a substantial consumer interest is involved.

(e) In any federal agency proceeding or activity in which he is intervening or participating, the Administrator is authorized to request the host federal agency to issue and the federal agency shall issue such orders for the summoning of witnesses, copying of documents, papers, and records, and submission of information in writing, unless the agency determines that the request is not relevant to the matter at issue, is unnecessarily burdensome, or would unduely interfere with the conduct of the agency proceeding or activity.

(g) The Administrator is authorized to intervene or participate in any state or local agency or court proceeding, except a criminal proceeding, where the Administrator determines that a substantial consumer interest is affected and a request for intervention or participation has been received in writing by the Governor, a state Consumer Protection Agency, or a state or local court conducting the proceeding.

Sec. 205. Judicial Review:

(a) The Administrator shall have standing to obtain judicial review of any federal agency action reviewable under law in any civil proceeding in a court of the United States involving review or enforcement of a federal agency action substantially affecting the interests of consumers, if the Administrator intervened or participated in the federal agency proceeding or activity out of which such action arose; or, where he did not so intervene or participate, unless the court determines that such intervention in the judicial proceeding would be detrimental to the interests of justice.

(b) Before instituting judicial review of any federal action where he did not intervene or participate in the agency proceeding or activity out of which such action arose, the Administrator shall file a timely petition before such agency for a rehearing or reconsideration.

Sec. 206. Notice: each federal agency considering any action which may substantially affect the interests of consumers shall, upon request by the Administrator, notify him of any proceeding or activity and furnish a brief status report. Every federal agency in taking any action of the nature which can reasonably be construed as substantially affecting the interests of consumers shall take such action in a manner calculated to give due consideration to the valid interests of consumers. In taking any such action, the agency concerned shall indicate concisely in a public announcement of such action the effect that its action or decision is likely to have on the consumer interest.

SEC. 207. Consumer Complaints. The Agency and the Office shall receive, evaluate, develop, act on and transmit complaints to the appropriate federal agencies or non-federal sources concerning actions or practices which may be detrimental to the consumer interest, including information disclosing a probable violation of any law, rule or order of any U.S. agency, and commercial or trade practice affecting the consumer interest. The Agency and Office shall ascertain the nature and extent of action taken with regard to the complaints and shall promptly notify persons complained against. The Agency shall maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints arranged in meaningful and useful categories, together with annotations of actions taken on those complaints. Provided, that a complaint may be made available for public inspection only with the permission of the complainant and only after the party complained against or agency to which such complaint has been referred has had a reasonable time, but not more than 60 days, to comment on such complaint.

SEC. 208. Consumer Information and Services. The Agency is authorized to conduct and support studies and investigations concerning the interests of consumers and shall develop on its own initiative, gather from other federal agencies and non-federal sources, and disseminate to the public information, statistics and other data concerning (1) the functions and duties of the Agency; (2) consumer products and services after such have been determined to be accurate and provided such are not within the trade secret and financial limitations of Section 552 of Title 5 of the United States Code; and (3) problems encountered by consumers generally including commercial and trade practices and practices of federal, state and local governments which adversely affect consumers.

(b) In exercising the authority under subsection (a) of this section, the Administrator is authorized to the extent required by health or safety of consumers or to discover consumer frauds, to obtain information from industry, by requiring such person engaged in a trade, business, or industry which substantially affects interstate commerce, by general or specific order setting forth with particularity the consumer interest involved and the purposes for which the information is sought, to file with him a report or answers in writing to specific questions. Nothing in this paragraph shall be construed to authorize the inspection or copying of documents, papers, books or records, or to compel the attendance of any person. Nor shall anything in this subsection require the disclosure of information which would violate any relationship privileged according to law. Any district court of the United States within the jurisdiction of which such person is found or has his principal place of business, shall issue an order requiring compliance with the valid order of the Administrator so long as the request for information is not unnecessarily or excessively burdensome and is relevant to the purposes for which the information is sought. The Administrator shall not exercise the authority of this subsection if the information sought is for use in connection with his intervention in any pending agency proceeding, is available as a matter of public record, or can be obtained from another federal agency.

(c) In the dissemination of any test results which disclose product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable.

SEC. 209. (a) The Agency shall, in the exercise of its functions (1) encourage and support testing of consumer products and research for improving consumer services in the exercise of its functions under sections 204 and 208 of this Title; (2) make recommendations to other federal agencies with respect to research and studies which would be useful to consumers; and (3) report to Congress on establishing a national consumer information foundation.

(b) All federal agencies which possess testing facilities relating to the performance of consumer products are authorized and directed to perform promptly such tests as the Administrator may request, in the exercise of his functions under Section 204 of this Title.

(c) Neither a federal agency nor the Administrator shall declare one product to be better, or a better buy, than any other product. The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

SEC. 210. So as to assure fairness to all affected parties regarding the release of product test data containing product names, prior to such release, the agency shall act pursuant to regulations after notice and opportunity for comment by interested persons.

SEC. 211. Information disclosure. The Administrator shall not disclose any information which it has obtained from a federal agency through its records which such agency has specified is exempted from disclosure under Section 552 of Title 5, United States Code or by any other provision of law and which such agency has specified should not be disclosed.

(c) The Administrator shall not disclose any trade secret or other confidential business information described by Section 1905 of Title 18, United States Code (concerning trade secrets and financial information), except that such information may be disclosed (1) to the public only if necessary to protect health or safety and (2) in a manner designed to preserve confidentiality to duly authorized committees of the Congress, to courts and federal agencies in representing the interests of consumers.

TITLE III—CONSUMER ADVISORY COUNCIL

SEC. 301. Establishes a 15 member Consumer Advisory Council appointed by the President. Members of the Council shall be paid only while on the business of the Council. The Council shall (1) advise the Agency and Office on matters relating to the consumer interests (2) review and evaluate the effectiveness of federal consumer programs.

CONCERN ABOUT OUR MARITIME INDUSTRY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. HOWARD. Mr. Speaker, all of us who are concerned about our maritime industry have had an opportunity to study many position papers and speeches on this subject. Yesterday I came across a speech delivered by Rear Adm. George H. Miller, retired, before the Unified Sea Power Seminar of the National Maritime Council. Because of its importance I thought many of my colleagues would also be interested in reading through this message:

REMARKS BY REAR ADM. GEORGE H. MILLER, U.S. NAVY, RETIRED

(Before the unified sea power seminar, National Maritime Council, San Diego, Calif., January 18, 1973)

It is a pleasure to participate in this Seminar on Unified Sea Power sponsored by the National Maritime Council. It is particularly gratifying and significant that this seminar should be held in San Diego, the focal point of West Coast naval activities.

Formation of the National Maritime Council is in my view one of the most important developments in our country in many years. It represents a significant step toward restoring a sense of cooperation and unity of purpose in the maritime industries. We must face the fact that the present disarray of our maritime resources constitutes an Achilles heel in our national security structure. Unfortunately, this great Nation of our's, which owes so much to use of the seas, seems to have forgotten its importance to our economic health and our very survival.

Two and one-half years ago, shortly before the National Maritime Council was formed, the then Assistant Secretary of Commerce for Maritime Affairs, Andrew Gibson, and the Chief of Naval Operations, Admiral Zumwalt, began a series of meetings designed to strengthen Navy-Merchant Marine cooperation as envisaged in the Merchant Marine Act of 1936. These meetings are being continued with the enthusiastic participation of Secretary Robert Blackwell, Mr. Gibsons' successor.

Admiral Zumwalt said that because of growing obsolescense in the Fleet and inadequate shipbuilding budgets, the Navy is compelled to concentrate on building combat ships. He asked that the U.S. Merchant Marine provide more of the Navy's logistic support. Both Secretary Gibson and Secretary Blackwell have responded with enthusiastic support.

Present Navy-Merchant Marine recognition of the need for closer cooperation is a key to restoring the maritime effectiveness we must have if our country is to survive. But agreeing to cooperate and making cooperation a reality are two different things. This is a difficult goal we set for ourselves in today's environment—difficult, but not impossible.

Our Constitution states that the Congress shall provide and maintain a Navy. At the time our Constitution was written we were a sea-oriented, trading nation. Our great naval captains of the 18th Century—John Paul Jones, Hull, Biddle and others—were not only merchant shipmasters but capable naval tacticians, traders, and diplomats as well. In those days the Navy, Merchant Marine and foreign commerce were virtually a single entity. Thus the term Navy as used in the Constitution meant maintaining an integrated capability to conduct sea commerce, sea protection, and foreign affairs on a continuing basis in furtherance of foreign policy.

The U.S. Constitution uses more restrictive language with respect to land forces. It empowers the Congress to raise and support armies, with no appropriation for this purpose to be for longer than two yars.

The Constitutional approach to national security was inherited from our English ancestors. Their bitter experience at the hands of Cromwell's army dictatorship in the 17th Century led them to fear the enormous tax burden and internal political threat associated with large cadres of disciplined manpower stationed in the Homeland. They therefore chose to maintain navies for national defense. They reasoned that as long as the admirals ruled the waves, they could not rule Britannia.

It was this lower-profile concept of national security which helped the British Empire outlast the landpowers of Europe and become the most successful and durable political entity of modern times. Decline came rather quickly after Britain sent the best of her own manpower into the ground fighting of World Wars I and II.

The Merchant Marine Act of 1936 is the basic legislation covering the U.S. Merchant Marine and Shipbuilding industry. The Act provides for a U.S.-Flag Merchant Marine capable of carrying all our domestic waterborne commerce and a substantial portion of our foreign commerce. It provides that the U.S. Merchant Marine be capable of serving as the country's naval and military auxiliary force and assumes that sufficient numbers of Naval Reserve Officers will be on board to do the job. It provides for efficient facilities for shipbuilding and repair. To carry out its provisions, the Act also created a Maritime Commission responsible directly to the President.

Of great significance at the time the Merchant Marine Act of 1936 was passed, is the fact that the Secretary of the Navy was a member of the Cabinet. He was responsible directly to the President. The Secretary of the Navy thus was the Cabinet-level focal point for coordinating the Navy, Merchant Marine, Coast Guard, fishing and shipbuilding industries in support of national interests. The Secretary of the Navy also worked directly with the Secretaries of State and Commerce, and the U.S. Maritime Commissioner in low-profile support of foreign policy and trade.

In the Congress, both the House and the Senate had Naval Affairs Committees to carry out Congressional responsibility for providing and maintaining a Navy.

Thus, until 1947, the national security organization was structured to provide and maintain a Navy in the broad sense envisaged by the framers of the Constitution. It provided for integrated maritime planning based on the continuing, open-ended nature of world political, maritime and trade competition, in which land wars were limited-duration episodes.

The National Security Act of 1947 and subsequent legislation removed the Navy Department from the Cabinet and placed it in the new Defense Department, whose Secretary has direction, authority and control of the "combat forces." Under the present national security legislation, the United States now provides and maintains an Army and Air Force, as well as a Navy. With the Navy now assigned as part of the Department of Defense, its role is confined to that of a combat force.

Rising Defense costs associated with maintaining land-based as well as naval forces has dictated that Defense Budget planning be based on limited-duration scenarios in which all combat forces participate. When land forces participate, land warfare becomes the primary area of emphasis.

Based on experience since 1947, it may be appropriate to question whether current combat force planning can adequately provide and maintain a Navy in the broader Constitutional sense.

The facts are that the United States Navy and Merchant Marine were supreme on the seas following World War II. Since that time the Navy, Merchant Marine, and shipbuilding industry have continued to diminish in size and modernity.

In 1950, three years after enactment of the National Security Act, Government Reorganization Plan No. 21 abolished the U.S. Maritime Commission created in 1936 and divided its functions between the Federal Maritime Board—later made a Commission—and the Department of Commerce. What was formerly the U.S. Maritime Commission is now the Maritime Administration in the Department of Commerce.

Many of the provisions of the Merchant Marine Act of 1936 have fallen into disuse. With the maritime services distributed among subordinate echelons of government, the capability of providing and maintaining a Navy in the broad sense of the Constitution no longer exists.

Meanwhile, times have changed. There are no longer allies capable of controlling the seas and absorbing the shock of aggression while we prepare. We are now importers of raw materials and exporters of manufactured products. We depend on foreign sources for all or part of 69 vital raw materials of the 72 needed to sustain our level of civilization. Over 99 percent of these vital raw materials must travel by ship over the world's oceans, in sufficient quantities to keep our industries alive and our country secure.

Our nation is therefore compelled as never before in our history to turn again to the seas to cope with current economic as well as national security needs.

However, today only six percent of our foreign trade is carried in American ships. Over 75 percent of our oil imports, for example, is carried in foreign-flag tankers. The largest segment of the U.S.-owned bulk carrier fleet is under foreign registry. Many of these ships are beyond our control in an emergency.

American maritime technology and innovations are exploited abroad, but neglected here at home. The containership concept, LASH and SEA-BARGE ships, the world's best gas turbines, steam turbines and boilers, automation, modular construction, merchant ship nuclear propulsion—all these American innovations are being put to good use by our competitors.

As the United States has dismantled its maritime coordination structure since World War II, the Soviets upgraded their's. With their tremendous manpower losses of World Wars I and II fresh in their minds, Soviet leadership made a reappraisal of basic national security policy in an effort to find a better way. As a result of their reappraisal the Soviet Union turned to the sea. A massive build-up of their commercial and naval fleets has been underway since the mid-1950's.

Today the Soviet Ministers of Merchant Marine, Shipbuilding, Foreign Trade, and Fishing Industry have direct access to the Council of Ministers. The Chief of the Soviet Navy, Admiral of the Fleet, S. G. Gorshkov, is also Deputy Minister of Defense and has been in office 17 years.

Today in the United States there is no maritime arm with direct access to the President or the Congress. Prior to 1947, both the Navy and Merchant Marine had direct access.

In the Soviet Union the Soviet maritime arms are being coordinated at the Kremlin level in one of the most successful low-profile conquests of all time. Meanwhile, Soviet land forces remain close to home.

Soviet ship construction—military and commercial—is directed by a single Ministry of Ship Production that obtains the maximum possible efforts from shipyards, supporting industries, and marine-oriented laboratories.

The Soviet deep-sea fishing fleet is the world's largest and most modern.

The Soviet ocean research and intelligence fleets are the world's largest and most modern.

The Soviet merchant marine is one of the world's largest, most modern, and fastest growing.

It is the Soviet Merchant Fleet which is in the vanguard of their drive for world influence. It is the Soviet Merchant Fleet which provides the initial penetrations, builds up trade and carries the weapons to arm and sustain the wars of liberation in distant lands. Every indication suggests that Soviet maritime arms are being coordinated by a single authority at the Kremlin level and that the emphasis is on the long-term political-maritime-trade competition rather than limited-duration, formal land wars.

With the fragmentation of U.S. maritime arms among a number of Departments, no U.S. government agency has responsibility for the continuous, told maritime coordination and planning which appears to be the key to Soviet success. A way must be found to remedy this deficiency, if we are to regain leadership in overall maritime power. How and by what means do we accomplish this?

Fortunately, there is some movement in the Department of Defense, led by Secretary Laird, that relates directly to what I am talking about. I am referring to his Total Force Concept, which is much more than just better use of our nation's combat forces in a military strategy. Total Force means use of all resources, military and nonmilitary, in pursuit of not just military, but national security objectives.

In his final report to Congress on January 8, 1973, Secretary Laird emphasized two aspects. First is the role of trade as an integral part of national security planning. Second is the fact that the United States no longer enjoys a dominant position in the world. He goes on to say we must make better use of our resources, that doing so will undoubtedly lead to controversy, and that this controversy must be faced.

We have a President who is well aware of the need to upgrade our low-profile capabilities. In 1968, for example, Mr. Nixon called for a U.S. merchant fleet carrying at least 30 percent of our foreign commerce. This is generally consistent with the experience of the more successful powers of today, which seem to be carrying between 40 and 50 percent of their own trade. Building the ships to carry a substantial portion of our own cargo would create the modern maritime industrial base needed to help sustain and finance a low-profile international effort.

The Nixon Low-Profile Doctrine phases down emphasis on U.S.-controlled land contingents in foreign territory. It upgrades emphasis on trade, maritime, political, and other forms of peaceful competition. It charts a course which historical experience shows to be most successful. To implement this concept requires re-establishment of government machinery to coordinate low-profile assets in furtherance of U.S. foreign policy.

One way this might be done—and it is merely one possibility—is for the Department of Commerce to assume responsibility for total low-profile planning and coordination of the type at which the Soviet Union has become so successful. The Department of Commerce already administers most of the maritime assets essential to such an effort—foreign trade, merchant marine, fishing fleet, scientific fleet, and shipbuilding. The Department of Commerce was assigned cognizance of Maritime Affairs by the Merchant Marine Act of 1970, which created the post of Assistant Secretary of Commerce for Maritime Affairs. The Secretary of Commerce could therefore appropriately be designated Secretary of Commerce and Maritime Affairs.

Other administrative arrangements—relatively minor—could also be made to assure appropriate participation of the other maritime services. The Coast Guard, now located in the Department of Transportation, could have a contributing role. The planning and cooperative arrangement between the U.S. Merchant Marine and Navy, envisaged by the Merchant Marine Act of 1936, should be placed on a more formal basis.

The Secretary of Commerce and Maritime Affairs would have overall responsibility for that portion of maritime planning and coordination not within the purview of combat forces. The Secretary of Commerce and Maritime Affairs would also provide the essential maritime input to the National Security Council's deliberations.

Finally, to give appropriate emphasis to the Constitutional responsibility to "Provide and Maintain a Navy" in the broad sense intended, a Congressional Committee in both the House and the Senate could be designated Maritime Affairs Committees.

Bringing maritime and foreign trade coordination together under one roof would enable low-profile budget and strategy options to carry comparable weight in national security matters with those of the combat forces. In this way it would provide a balancing influence, in the traditional Constitutional sense, to the military-industrial complex.

Our Chief Executive has a grasp of the total maritime concept which ranks with the understanding of President Franklin D. Roosevelt. We have officials in the Department of Commerce who are moving vigorously to carry out the President's Merchant Marine modernization program. We have a Chief of Naval Operations whose leadership in Navy-Merchant Marine cooperation has been an inspiration to all of us concerned with maritime matters.

With world events pressing in upon us—the energy shortage, balance of payment problems, Soviet and Japan maritime expansion, our own growing maritime obsolescence, and our overseas commitments to allies—there is no time to lose in marshalling our low-profile resources and putting them to better use in the national interest. The Nixon low-profile doctrine should have the whole-hearted, nonpartisan support of all the people and the entire government of the United States.

Our problems are clear and of considerable magnitude. You of the National Maritime Council are showing the way in the important task of revitalizing our maritime resources. It is your example we must follow in bringing about low-profile coordination in the Government.

SOVIET GRAIN SALES TO RESULT IN HIGHER FOOD PRICES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RARICK. Mr. Speaker, this week the Soviet cargo vessel *Ussurijsk* was loaded with almost 12,000 tons of Louisiana soybeans to deliver to its home port of Vladivostock.

The skipper and his crew were enthusiastically received as a part of the new Nixon trade policy with the Soviet Union.

Many Americans have not yet noticed the increase in food prices as a result of the shortages caused by the Russian sales and the pressures which can only result in further food price hikes.

Feed grains, including soybeans, are necessary feed for dairy cattle, beef, hogs, and chicken. As supply and demand increase the farmer's feed prices, he must have higher market prices for his products. A farm is not a nonprofit operation. He must realize some return on his investment.

An indication of what the American consumer can expect can be best seen in the soaring prices of soybean meal—which 18 months ago sold for $65 to $85 a ton was quoted in the Wall Street Journal on January 31, 1973, at $205 a ton. Soybean meal is a vital part of the diet of dairy cattle.

Everyone is happy to see the farmer get more for his product, but when the dairyman pays two to three times as much for his feed as previously, he is bound to expect a sizable increase in his milk prices. The American people are going to have to decide which of the necessary evils they prefer—much higher milk prices or no milk at all.

I would suggest that the American consumer, before becoming irate at higher food prices, should remember the role played by the Russian grain sales—which were heralded not too long ago as an historic breakthrough in foreign export sales.

The reports do not indicate the price paid by the Russians for the soybeans, but it can be safely assumed that their American agent made the purchase at a lower price than is presently available to the American farmers.

I insert a related newsclipping:

[From the State-Times (La), Jan. 27, 1973]

SECOND STOP IN UNITED STATES—BR REPORTER TOURS SOVIET SHIP

(By Bob Dardenne)

It was an impressive sight—an unloaded cargo ship, sitting high on the Mississippi. We approached in a small launch, pulling up next to a long, wobbly ladder down the ship's port side. The vessel towered up above us.

In a few days, its belly loaded with almost 12,000 tons of soybeans, the huge ship will sit a little lower in the river. But yesterday, it sat high, two flags whipping about in the brisk winds.

Flying forward was a familiar sight—the red, white and blue of the American flag. And aft, well, that was something else. With the Louisiana State Capitol in the background, a red flag with hammer, sickle and star waved in the breeze.

The nation, of course, is the Soviet Union, The ship is the Ussurijsk.

Standing at the head of the ladder, a Russian seaman waited to receive his American visitors. For him, the captain and most of the crew, it is the first visit to the United States. The general cargo ship itself docked at Portland, Ore., in 1970 for its only other trip to America. Only two members of that crew remain aboard today.

The trip to Baton Rouge is the first for Captain Gennady Kuzmenko since he took command of the Ussurijsk.

"To our friendship."

VODKA TOAST

It was the captain. We toasted, and he lifted the glass of Russian vodka to his lips.

"To our friendship." We drank.

We had carefully hopped from the launch in the choppy Mississippi River waters to the ladder. It swayed as we walked up. At the top, the bearded crewman met us, and led the way through the ship's interior to the captain's quarters.

SPOTLESS CONDITION

Inside and out, the Ussurijsk is spotless. Its walls gleam, its chrome shines and its wood is polished. Up one deck and then another. For a minute, we waited in a comfortable room, carpeted, with chairs, a couch and a television set. In one corner, laid out in a three-fourth completed game, was a chess set—one of many on board.

The room, we found out later, is the officer's lounge area and adjoins the officers dining room. The lounge is where the officers, as the captain said, go to "rest."

But it was up one more small stairway before we got to the captain's cabin.

COMFORTABLE LOUNGE

It, like the officer's lounge, was extremely comfortable. There is a wide couch, a table, several chairs and a desk, stacked with papers and books. Captain Kuzmenko is tall, balding, lean and looks as though he belongs here.

Quiet, reserved, he rarely talked at first except to answer questions. He spoke good English, having learned it in Vladvostok, the ship's homeport, and his hometown.

We sat around the table, and we talked. Not about anything specific, just talked.

His ship has been away from Vladvostok about 65 days, he said and expects to arrive back, with its cargo of soybeans from Louisiana in early March.

Three months is a long time at sea. And it looks as though the crew will have been aboard ship the whole time. So far, the captain said, only two men, he and his ship's officer, are allowed off here.

CAPTAIN DISAPPOINTED

And the captain, plainly, is disappointed. "It's no good for us. Usually a ship that goes to a U.S. port the first time, they have permission. Now we have none."

He could get off, but prefers not to, knowing his crew cannot. "It's no good for us."

It is possible, before the vessel leaves early next week, the crew will be allowed off the ship in Baton Rouge. The ship's agent here is applying through U.S. Immigration for permission for the men to come into the city.

Meanwhile, the only sight of aBton Rouge, besides the various cars and trucks along the levee, is about a mile off the ship's starboard, where the top portion of the Louisiana State Capitol building protrudes from behind the levee.

On board ship, crew and officers entertain themselves like most other seamen. By this time, the captain was showing us about. Chess games peered out from around corners in some of the quarters; reading material, including newspapers, was abundant, and on the aft deck, a curious little square table stood out.

FAMILIAR GAME

It looked familiar. The captain smiled at my puzzlement. It was a seagoing billiards game. The familiar numbered balls, however, weren't there. Instead there were round, flat pieces of wood. A larger piece of wood, smooth and slippery, serves as the cue and it is used to knock smaller pieces into four holes—one in each corner of the table.

"Like this?" I asked, using the cue stick to attempt to chip one of the smaller pieces in a hole.

"Of course," the captain said. He smiled.

"Would you like to see the quarters?" We did. So, back into the interior of the vessel we went, through the passenger section, the officers quarters, a section for the stewardesses and to an interesting little reading room, filled with books, newspapers and magazines.

The quarters, predictably, were immaculate, spotless. There is room, Kuzmenko said, for 12 passengers, but the Ussurijsk carries none this trip.

On board the Russian vessel are six women, who work along with the regular crew. Their quarters, near the passenger section, were the same—neat, clean, orderly.

In the reading room, three newspapers, Russian naturally, were on the table. The walls were covered with posters and maps and the shelves had magazines and books. On one was a sign, in English, referring to the Ussurijsk's Australian voyages—"Ussurijsk ships crew is a collective member of the USSR-Australia society."

Kuzmenko said the same was true with

the Japanese. "And now, after this, with the Americans."

TOUR ENDS

Our little walk around the ship, after again passing through the officers' lounge where three young men watched a Baton Rouge television station, ended back in the captain's office.

He passed out glasses, then poured a portion of a dark, brownish-black liquid in the the glasses with Russian vodka. "Bvoka."

Only the brown stuff was not vodka. It said what it was: "Melnais Balzams." He filled the glasses with Russian vodka, "Bvoka."

The glasses sat there. The captain sat back and smiled. I asked if the ship's crew drinks much vodka on a voyage. "No, only the captain drinks vodka." And that, he said, only when guests are present.

Some ships apparently have alcohol. But, and although the translation slipped a little here, I got the impression the Ussurijsk crew is not allowed to keep it.

FRIENDSHIP TOAST

Kuzmenko leaned forward, picked up his glass. I did the same. We waited. He smiled, held out his glass.

"To our friendship."

We drank. Like him, one gulp, and it was gone. It was interesting, and very good.

Curious, I asked about the brown liquid. He did not know the translation, but looked it up in two books on his desk. He found it. One look and I was sorry I asked. The word translated to "embalm."

By the time I turned around, the captain filled the glasses again.

"To our friendship."

LACKAWANNA, N.Y., YOUTH, 12, WINS NATIONAL TITLE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. DULSKI. Mr. Speaker, a 12-year-old Lackawanna, N.Y., boy, Peter Jancevski, has won a "Punt, Pass, and Kick" contest in national competition involving a million youngsters.

Last year, Peter was runnerup in finals for 11-year-olds and this year he showed his ability by winning the national championship in his class.

The contest starts at the local level and progresses up the line to the national final held in connection with the "Pro Bowl" matching the American Football League All-Stars and the National Football League All-Stars.

Peter went to Dallas, Tex., last month as the representative of the American Football Conference and competed against the representative of the National Football Conference.

Peter wore the uniform of the Buffalo Bills and, incidentally, it was a Buffalo Bills' running back, O. J. Simpson, who led the AFL All-Stars to a stunning 33–28 victory.

The son of Mr. and Mrs. Kiri Jancevski, of Lackawanna, Peter was born in Yugoslavia and came to the United States 9 years ago.

All of Lackawanna and Buffalo are indeed proud of Peter's victory. He showed last year that he is championship caliber and this year he proved it by winning the national title.

SENATE—*Friday, February 2, 1973*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose grace is sufficient for all our needs, as we turn from the busy pace of life about us and quiet our hearts in Thy presence, we beseech Thee to guide us through the labor of this day by the light of Thy spirit. May we fear only to be disloyal to the highest and best we know, or to ignore the truth Thou hast made known, or to betray those who love and trust us.

Help us this day to meet its joys with gratitude, its difficulties with fortitude, its duties with fidelity. Bring us to the evening unashamed and with a peaceful heart.

We pray in the Redeemer's name. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Marks, one of his secretaries.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT (S. DOC. NO. 93–3)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to lie on the table and to be printed:

To the Congress of the United States:

The traditional form of the President's annual report giving "to the Congress Information of the State of the Union" is a single message or address. As the affairs and concerns of our Union have multipled over the years, however, so too have the subjects that require discussion in State of the Union messages.

This year in particular, with so many changes in Government programs under consideration—and with our very philosophy about the relationship between the individual and the State at an historic crossroads—a single, all-embracing State of the Union Message would not appear to be adequate.

I have therefore decided to present my 1973 State of the Union report in the form of a series of messages during these early weeks of the 93rd Congress. The purpose of this first message in the series is to give a concise overview of where we stand as a people today, and to outline some of the general goals that I believe we should pursue over the next year and beyond. In coming weeks, I will send to the Congress further State of the Union reports on specific areas of policy including economic affairs, natural resources, human resources, community development, and foreign and defense policy.

The new course these messages will outline represents a fresh approach to Government: an approach that addresses the realities of the 1970's, not those of the 1930's or of the 1960's. The role of the Federal Government as we approach our third century of independence should not be to dominate any facet of American life, but rather to aid and encourage people, communities, and institutions to deal with as many of the difficulties and challenges facing them as possible, and to help see to it that every American has a full and equal opportunity to realize his or her potential.

If we were to continue to expand the Federal Government at the rate of the past several decades, it soon would consume us entirely. The time has come when we must make clear choices—choices between old programs that set worthy goals but failed to reach them and new programs that provide a better way to realize those goals; and choices, too, between competing programs—*all* of which may be desirable in themselves but only *some* of which we can afford with the finite resources at our command.

Because our resources are not infinite, we also face a critical choice in 1973 between holding the line in Government spending and adopting expensive programs which will surely force up taxes and refuel inflation.

Finally, it is vital at this time that we restore a greater sense of responsibility at the State and local level, and among individual Americans.

WHERE WE STAND

The basic state of our Union today is sound, and full of promise.

We enter 1973 economically strong, military secure and, most important of all, at peace after a long and trying war.

America continues to provide a better and more abundant life for more of its people than any other nation in the world.

We have passed through one of the most difficult periods in our history without surrendering to despair and without dishonoring our ideals as a people.

Looking back, there is a lesson in all this for all of us. The lesson is one that we sometimes had to learn the hard way over the past few years. But we did learn it. That lesson is that even potentially destructive forces can be converted into positive forces when we know how to channel them, and when we use common sense and common decency to create a climate of mutual respect and goodwill.

By working together and harnessing the forces of nature, Americans have unlocked some of the great mysteries of the universe.

Men have walked the surface of the moon and soared to new heights of discovery.

This same spirit of discovery is helping us to conquer disease and suffering that have plagued our own planet since the dawn of time.

By working together with the leaders of other nations, we have been able to build a new hope for lasting peace—for a structure of world order in which common interest outweighs old animosities, and in which a new generation of the human family can grow up at peace in a changing world.

At home, we have learned that by working together we can create prosperity without fanning inflation; we can restore order without weakening freedom.

THE CHALLENGE WE FACE

These first years of the 1970s have been good years for America.

Our job—all of us together—is to make 1973 and the years to come even better ones. I believe that we can. I believe that we can make the years leading to our Bicentennial the best four years in American history.

But we must never forget that nothing worthwhile can be achieved without the will to succeed and the strength to sacrifice.

Hard decisions must be made, and we must stick by them.

In the field of foreign policy, we must remember that a strong America—an America whose word is believed and whose strength is respected—is essential to continued peace and understanding in the world. The peace with honor we have achieved in Vietnam has strengthened this basic American credibility. We must act in such a way in coming years that this credibility will remain intact, and with it, the world stability of which it is so indispensable a part.

At home, we must reject the mistaken notion—a notion that has dominated too much of the public dialogue for too long—that ever bigger Government is the answer to every problem.

We have learned only too well that heavy taxation and excessive Government spending are not a cure-all. In too many cases, instead of solving the problems they were aimed at, they have merely placed an ever heavier burden on the shoulders of the American taxpayer, in the form of higher taxes and a higher cost of living. At the same time they have deceived our people because many of the intended beneficiaries received far less than was promised, thus undermining public faith in the effectiveness of Government as a whole.

The time has come for us to draw the line. The time has come for the responsible leaders of both political parties to take a stand *against* overgrown Government and *for* the American taxpayer. We are not spending the Federal Government's money, we are spending the taxpayer's money, and it must be spent in a way which guarantees his money's worth and yields the fullest possible benefit to the people being helped.

The answer to many of the domestic problems we face is not higher taxes and more spending. It is less waste, more results and greater freedom for the individual American to earn a rightful place in his own community—and for States and localities to address their own needs in their own ways, in the light of their own priorities.

By giving the people and their locally elected leaders a greater voice through changes such as revenue sharing, and by saying "no" to excessive Federal spending and higher taxes, we can help achieve this goal.

COMING MESSAGES

The policies which I will outline to the Congress in the weeks ahead represent a reaffirmation, not an abdication, of Federal responsibility. They represent a pragmatic rededication to social compassion and national excellence, in place of the combination of good intentions and fuzzy follow-through which too often in the past was thought sufficient.

In the field of economic affairs, our objectives will be to hold down taxes, to continue controlling inflation, to promote economic growth, to increase productivity, to encourage foreign trade, to keep farm income high, to bolster small business, and to promote better labor-management relations.

In the area of natural resources, my recommendations will include programs to preserve and enhance the environment, to advance science and technology, and to assure balanced use of our irreplaceable natural resources.

In developing human resources, I will have recommendations to advance the Nation's health and education, to improve conditions of people in need, to carry forward our increasingly successful attacks on crime, drug abuse and injustice, and to deal with such important areas of special concern as consumer affairs. We will continue and improve our Nation's efforts to assist those who have served in the Armed Services in Viet-Nam through better job and training opportunities.

We must do a better job in community development—in creating more livable communities, in which all of our children can grow up with fuller access to opportunity and greater immunity to the social evils and blights which now plague so many of our towns and cities. I shall have proposals to help us achieve this.

I shall also deal with our defense and foreign policies, and with our new approaches to the role and structure of Government itself.

Considered as a whole, this series of messages will be a blueprint for modernizing the concept and the functions of American Government to meet the needs of our people.

Converting it into reality will require a spirit of cooperation and shared commitment on the part of all branches of the Government, for the goals we seek are not those of any single party or faction, they are goals for the betterment of all Americans. As President, I recognize that I cannot do this job alone. The Congress must help, and I pledge to do my part to achieve a constructive working relationship with the Congress. My sincere hope is that the executive and legislative branches can work together in this great undertaking in a positive spirit of mutual respect and cooperation.

Working together—the Congress, the President and the people—I am confident that we can translate these proposals into an action program that can reform and revitalize American Government and, even more important, build a better life for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1973.*

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 1, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS TO THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 17, S. 261.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 261, to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "July 1, 1976," and by inserting before the period at the end of such section "required by section 210, and in the case of any real property acquisition or displacement occurring prior to July 1, 1974, such Federal agencies shall pay 100 per centum of the cost of such payments and assistance required by section 305".

(b) Section 211(a) of such Act is amended to read as follows: "(a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, and cost to a person of providing payments and assistance pursuant to section 223(a), shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency or person, and such State agency or person shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or projects costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the

Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency or to a person of providing payments and assistance for a displaced person under sections 206, 210, 215, and 223(a) to July 1, 1976, and under section 305, on account of any acquisition occurring prior to July 1, 1974, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency or person the full amount of the first $25,000 of such cost."

(c) Title II of such Act is amended by adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"Sec. 222. (a) During the period from July 1, 1972, through June 30, 1973, the head of a Federal agency is authorized to pay to a State which is not in compliance with this Act such sums in excess of the first $25,000 of cost as may be necessary to make all payments and provide all assistance required by this Act.

"(b) On and after July 1, 1973, or such earlier date that a State is able, under its laws, to comply with sections 210 and 305, the head of a Federal agency shall (1) not approve any grant to, or contract or agreement with, any State agency, of the kind referred to in such sections, unless such State agency satisfies the head of the Federal agency that the State is taking appropriate measures to repay to the United States an amount equal to the payments made by the Federal agency in carrying out subsection (a) of this section that the State would have paid if it had been in full compliance with such sections after July 1, 1972, or (2) after giving the State agency a reasonable period of time to seek funds to repay the United States the amounts of such payments, deduct sums totaling the amounts of such payments from Federal assistance available under any grants, contract, or agreement (except relocation payments) from the Federal agency, to that State agency, over a period and in a manner that shall not substantially and adversely affect the programs or projects so assisted.".

(d) Section 101(3) is amended by inserting immediately after "means" the following: "a State,".

(e) Section 101(6) is amended by inserting immediately after "personal property from real property" the following: "which he or his personal property lawfully occupies," and by adding at the end thereof the following: "In any administrative or judicial determination as to lawful occupancy, occupancy shall be deemed to be prima facie evidence of lawful occupancy, and the burden of proving unlawful occupancy shall be on the party alleging unlawful occupancy.".

(f) Title II of such Act, as amended by subsection (c) of this section, is amended by adding at the end thereof the following new sections:

"ASSISTANCE TO SPECIFIED PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY CERTAIN PERSONS

"Sec. 223. (a) Notwithstanding any other provision of law, whenever a program or project to be undertaken (A) by a person, other than an individual, furnished Federal financial assistance for such program or project under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), under title VI of the Public Health Service Act (42 U.S.C. 291), under section 301 of the Public Health Service Act (42 U.S.C. 241), under title IV of the Housing Act of 1950 (12 U.S.C. 1749), or under the Higher Education Facilities Act of 1963 (20 U.S.C. 701), or (B) by a State agency furnished Federal financial assistance for such program or project under the United States Housing Act of 1937 (42 U.S.C. 1401) for the rehabilitation or modernization of public housing, and the Federal financial assistance is furnished by a Federal agency pursuant to a grant, contract, or agreement and such program or project will result in the forced displacement of any person, the head of the Federal agency furnishing such financial assistance shall insure that the following payments and services be provided—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) prior to the approval of the grant, contract, or agreement by the head of the Federal agency, that decent, safe, and sanitary replacement dwellings will be available to such displaced persons within a reasonable period of time prior to displacement in accordance with section 205(c)(3).

"(b) Notwithstanding any provision of law, whenever a program or project to be undertaken by a person furnished Federal financial assistance for such program or project under section 235(j) or section 236 of the National Housing Act, as amended (12 U.S.C. 1715z(j), 1715z–1), or under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s), by a Federal agency pursuant to a grant, contract, or agreement will result in the forced displacement of any person, the head of the Federal agency furnishing such financial assistance shall insure the provision of and provide full payment for—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(e) The head of any Federal agency providing Federal financial assistance pursuant to the programs or projects identified in subsections (a) and (b) of this section shall insure that relocation payments and other benefits provided under this section reach only displaced persons.

"REMOVAL OF VACANT IMPROVEMENTS

"Sec. 224. No department, agency, or instrumentality of the Federal Government administering any program providing Federal financial assistance shall, for the purpose of assuring compliance with this Act, impose any limitation on the removal of vacant improvements located on real property acquired in connection with such a federally assisted project."

Sec. 2. Section 202(a)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended by inserting immediately before the semicolon a comma and the following: "except that in any case where it is impracticable to determine such relocation expenses the payment shall be for the actual direct losses".

Sec. 3. Title III of the Uniform Reloctaion Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by adding at the end thereof the following:

"DONATIONS

"Sec. 307. Nothing in this title shall be construed to prevent a person, after he has been tendered the full amount of estimated just compensation as established by the approved appraisal of the fair market value of the subject property, from making a gift or donation of such property or any part thereof or of any of the compensation paid therefor, to a Federal agency, a State, or a State agency, as such person shall determine.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–10), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose

The purpose of S. 261 is to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide Federal funding of the first $25,000 for relocation payments for persons displaced by federally assisted programs and projects and expand the coverage of the Act to specified other programs.

Until July 1, 1972, the Federal Government reimbursed State agencies for the first $25,000 of any relocation payment required by the Act. Since July 2, 1972, the State and local governments have shared all relocation costs with the Federal Government on a formula basis, in the same manner and to the same extent as other programs or project costs are shared. S. 261 deletes the reference to July 1, 1972, and provides full Federal funding of the first $25,000 for any single relocation payment until July 1, 1976.

A second major purpose of S. 261 is to expand the coverage of the Act to persons displaced by eight specified Federal programs. As now written, the Act provides benefits only to persons displaced by any program or project undertaken by a Federal agency or a State or State agency acting at the request of a Federal agency. S. 261 provides benefits to federaly assisted projects and programs undertaken by persons, as defined by the Act, in addition to Federal and State agencies.

S. 261 also authorizes the head of a Federal agency to pay a State not in compliance with the Act, such funds as are necessary to make all payments and provide all benefits that are required by the Act. For constitutional and other reasons, a number of States have not passed the necessary enabling legislation. S. 261 allows the States not in compliance to act as conduits for payment of Federal funds in excess of $25,000 until June 30, 1973.

Other provisions of S. 261 amend the Act as it relates to the removal of vacant improvements on land acquired for federally assisted projects, the donation of property to a Federal or State agency, the status of illegal occupants of real property acquired by a Federal or State agency and the payment for direct losses of tangible property as a result of moving or discontinuing a business or farm operation.

BACKGROUND OF PRESENT LAW

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 was passed on January 2, 1971, after more than 6 years of consideration by the Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

The initial recommendations were developed in a study by the Select Subcommittee on Real Property Acquisition of the House Public Works Committee in 1964 and in a special report, "Relocation: Unequal Treatment of People and Businesses Displaced by Governments," prepared by the Advisory Commission on Intergovernmental Relations in 1965. On the basis of these recommendations, the Uniform Relocation Act (S. 1681) was introduced in 1965. The Subcommittee on Intergovernmental Relations held hearings in 1965, and the bill passed the Senate in 1966. However, the bill did not pass the House.

The same legislation was introduced at the beginning of the 90th Congress in 1967 as part of the Intergovernmental Cooperation Act (S. 698). The proposal again passed the Senate, but the House, while passing S. 698, deleted the titles relating to relocation assistance and land acquisition.

These deleted provisions were again introduced at the beginning of the 91st Congress as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1).

The Senate held additional hearings, and for the third time the bill passed the Senate. The bill passed the House with amendments near the end of the session. The Senate concurred in the House changes without a conference and the Act was signed into law on January 2, 1971 (Public Law 91-646).

The Uniform Relocation Act established for the first time a single uniform Federal policy for relocating persons forced to move from their homes or businesses located in the path of Federal or federally assisted programs. These programs displace an estimated million or more families every 10 years. Before the adoption of the Act, many of these programs had inconsistent or inadequate policies regarding displacement and relocation. In a typical hardship neighborhood families living on one side of a street would receive fairly negotiated prices for their land and generous relocation payments and assistance, while families on the other side would be offered prices for their homes below appraised values and be paid no relocation assistance at all. The Uniform Relocation Act was designed to bring order and consistency to such chaotic situations.

The Act also increased the relocation benefits available to persons displaced by Federal and federally assisted programs. The relocation payments authorized by the Act are designed to compensate a displaced person for all economic losses caused by his displacement and to return him to an economic position comparable to his economic position before his displacement. The relocation benefits provided in the Act include payments for moving expenses, reimbursements for losses of personal property, and additional compensation, over and above any condemnation award the displaced person may have received for his home, to enable him to buy "comparable" replacement housing which is "decent, safe, and sanitary."

The Act has three titles. Title I consists of definitions. Title II, the relocation title, requires that relocation assistance be paid and advisory services be made available to displaced persons, and that no Federal or federally assisted project be undertaken unless assurances are obtained that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to their displacement. Title III establishes a uniform policy governing the acquisition of land to guide Federal and State agencies in negotiations with owners for land acquisition.

FEDERAL FINANCING OF THE FIRST $25,000 OF RELOCATION COSTS

Until July 1, 1972, the Federal Government paid the first $25,000 of the cost to a State agency of providing relocation payments and assistance to a displaced person. However, after July 1, 1972, section 211(a) of the Act, which covers federally assisted programs, provides that State and local governments begin sharing relocation costs with the Federal Government on a formula basis, in the same manner and to the same extent as other program or project costs are shared. Section 207, which covers the case where a State acquires and furnishes property as a required contribution incident to a Federal program or project, provides that after July 1, 1972, State and local governments must begin to pay all relocation costs in the same manner and to the same extent as they have paid for the acquisition of the property. S. 261 deletes the reference to July 1, 1972, in both sections and inserts July 1, 1976.

As introduced in the Senate in 1965, the Uniform Relocation Act provided reimbursement of all individual relocation payments up to $25,000, and Federal sharing according to the projects' cost sharing formula above that amount. This provision reflected the way relocation costs were financed in the urban renewal and public housing programs at that time. The provision was intended to be a permanent feature of the Act.

Title VIII of the Intergovernmental Cooperation Act of 1967 (S. 698) contained a similar section providing for full Federal funding of relocation costs up to $25,000 for an indefinite period of time. But this provision was modified and passed by the Senate in 1968 to provide full Federal funding only until the end of a transition period, and cost sharing according to the formula governing each program at the end of the transition period.

The third relocation measure (S. 1, in the 91st Congress), which eventually became law, incorporated this modified position and provided for full Federal reimbursement up to $25,000 only until July 1, 1972.

S. 1819, the 1972 Amendments to the Uniform Relocation Act, as introduced by Senators Baker and Brock, provided for the deletion of the reference to July 1, 1972, and would have made permanent full Federal funding of the first $25,000 per displacee. However, different versions of S. 1819 passed the House and the Senate, and the S. 1819 agreed to by a House-Senate Conference Committee provided for an extension of full Federal funding until July 1, 1976. Neither House acted on the legislation before Congress adjourned.

By deleting the reference to July 1, 1972, and inserting July 1, 1976, S. 261 makes full Federal funding up to $25,000 a feature of the Act for four additional years. Testimony at the hearings held on S. 1819 revealed a range of consideration supporting this approach to financing relocation payments.

First, cost sharing has imposed severe financial hardships on State and local governments that they are not prepared to bear. The present language, which provided for full Federal funding for a short transition period and cost sharing thereafter, was inserted in the bill in 1968 as a compromise between the supporters of the original version and those who argued that a short transition period would give States and local governments time to budget for the increased relocation costs. However, much of the evidence presented at the time of hearings conducted on S. 1819 indicates that the financial difficulties facing State and local governments have increased in severity in the last several years. Imposing this new cost on States and localities amounts to revenue sharing in reverse, asking State and local governments to pick up an expense that has been paid almost entirely by the Federal Government. Testimony at the hearing on S. 1819 revealed a widespread concern that cost-sharing relocation expenses would force local governments to curtail the scope of present and anticipated renewal programs.

Second, the financing of relocation costs on a cost-sharing basis has in effect scrapped full Federal funding for relocation payments up to $25,000 which has been applied to urban renewal, public housing, and mass transportation since the early 1960s, and to other HUD programs, like model cities, since the middle of the decade. The July 1 elimination of the ongoing intergovernmental fiscal relationship represents a step away from the funding arrangements that have been in operation in major programs for nearly a decade.

Third, adoption of the cost-sharing formula governing each program has tended to undermine the salutary uniform treatment that was a paramount goal of the 1970 legislation. Relocation costs now vary from program to program according to their matching formula. The Federal Government pays 90% of the relocation costs for individuals displaced by an interstate highway, for example, but only 66% of the costs of relocating those forced to move because of a typical urban renewal program. This approach generates differing relocation attitudes and practices among the agencies involved at all levels of government.

Fourth, the 1970 legislation represents a declaration of a new national policy that is being superimposed by the Federal Government in a blanket fashion on all existing federally assisted programs. Federal funding of the Uniform Relocation Act assures that fullest implementation of this national relocation policy.

The main argument against the extension of full Federal funding of relocation payments up to $25,000 is that relocation payments are a part of the project costs and should be cost shared on the same basis that project costs are shared. At the hearing held on S. 1819, Frank C. Carlucci, then Associate Director of the Office of Management and Budget, testified that cost sharing would encourage State and local government agencies to choose Federal projects and select locations in a way that would minimize relocation costs. On the other hand, Robert Hubbard, representing the National Association of Housing and Redevelopment Officials, testified that the cost considerations are not a significant factor in the selection and location of most urban renewal projects. Even in those cases where cost considerations may be a factor in selecting a project, relocation costs usually make up a very small proportion of total project costs, so that even large changes in relocation costs would translate into relatively small changes in total costs and would have a relatively small impact on decisions based on overall cost considerations.

INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

Section 221(a) of the Uniform Relocation Act provides that "this Act shall take effect on the date of its enactment." However, in order to permit States whose laws or constitutions do not permit State agencies to provide all the benefits required by the Act, Section 221(b) further provides that, until July 1, 1972, the Act is applicable only to the extent that "such State is able under its law to comply". After July 1, 1972, the Act became fully applicable to all States. The effect of the language was to provide States a transition period to obtain comprehenseive enabling legislation permitting them to comply with the Act.

S. 261 adds new Section 222 which allows the head of a Federal agency through July 1, 1973, to pay to a State, not in compliance with the Act, funds as are necessary to make all payments and provide all benefits that are required by the Act. S. 261 further provides that the Federal agency head shall take all reasonable steps to recover the portion of these payments which would have been the non-Federal share if the State had been in lawful compliance with the Act, and authorizes the Federal agency head to deduct any delinquent non-Federal share from future program payments from the Federal agency to the State.

As the Act is now written, the head of a Federal agency may not approve any grant, contract, or agreement with a State agency, "on or after the effective date," unless he receives assurances from the State agency that all benefits required by the Act will be provided. Where a State agency, because of a lack of legal authority, has been unable to make such assurances after July 1, 1972, this provision acts to prevent the head of a Federal agency from approving any grant, contract, or agreement with that agency. The provision can have the effect of cutting off funds for federally assisted programs which displace persons after July 1, 1972.

According to reports prepared by the General Accounting Office, several States have not yet enacted legislation necessary to comply with the Act. Five are in partial compliance for HUD programs. Three States have not complied with any HUD programs. Five States have not complied with legislative requirements relating to the Army Corps of Engineers.

As was illustrated during the hearings on S. 1819, there are several reasons why these States have not been able to comply with all the provisions of the Uniform Relocation Act.

Some States may have failed to enact comprehensive enabling legislation because they had not been fully informed at their regular session of the need to do so by Federal authorities. Evidence prepared and submitted for the record by the National Governor's Conference and the American Association of State Highway Officials during the S. 1819 hearings, revealed that nearly all of the States, in cooperation with HUD and the Department of Transportation, have enacted enabling legislation with respect to the major HUD and highway programs, but have not enacted legislation covering other federally assisted programs. Although States officials in all States received information on the Act from the National Governor's Conference in March 1971, they received no official notice regarding the enactment of comprehensive legislation from the Federal Government until February 1972.

Other States, like Wyoming and Nevada, have legislatures which meet biennially. Although these legislatures were in session at the time of the Act's passage, they may not have been given an adequate opportunity to adopt comprehensive legislation before their adjournment early in 1971.

The Committee believes it unfair to penalize persons displaced by Federal projects in those States that have not been given adequate opportunity to enact implementing legislation. At the same time, however, the Committee does not believe that these considerations justify a general postponement of the effective date. Such a general one-year postponement would, as a practical matter, permit States to proceed with federally assisted projects until July 1, 1973, without providing relocation benefits to displaced persons as required by the Act. A postponement of the effective date would encourage States which have not enacted enabling legislation not to do so until the last possible moment, or to make their own legislation effective on July 1, 1973, in order to avoid the necessity of making relocation payments for an extra year. Material submitted for the hearing record on S. 1918 indicated, for example, that New Jersey had already enacted legislation permitting it to comply with the Act, but made July 1, 1972, the effective date. Finally, a blanket extension would also be unfair to those states which have already acted to bring their laws into compliance with the requirements of the Act.

ASSISTANCE TO SPECIFIED PROGRAMS AND PROJECTIONS UNDERTAKEN DIRECTLY BY CERTAIN PERSONS

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 now provides benefits to persons displaced by the acquisition of real property by a Federal agency or a State or State agency acquiring the real property as a required contribution incidental to a Federal program or project. S. 261 amends the Act to extend benefits to persons displaced by eight specified Federal programs which may be undertaken by persons other than a Federal agency or a State or State agency.

It was the intent of the Congress to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of all Federal and federally assisted programs and projects. However, the manner in which the Uniform Relocation Act is written excludes persons displaced by Federal projects undertaken by any entity other than an agency of the Federal Government, a State or a State agency. S. 261 partially corrects the deficiency by expanding the coverage of the Act to include eight specified Federal programs.

The programs specified by S. 261 include:

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) provides low-interest loans for the construction of housing for the elderly or the handicapped. It is administered by Housing and Urban Development.

Title VI of the Public Health Service Act (42 U.S.C. 291), the Hill-Burton Program, provides grants and loans for the construction and modernization of hospitals and other medical facilities. It is administered by the Department of Health, Education, and Welfare.

Section 301 of the Public Health Services Act (42 U.S.C. 241) is the basic authority of the Surgeon General to carry out research and investigations related to mental and physical diseases. It is administered by the Department of Health, Education, and Welfare.

Title IV of the Housing Act of 1950 (12 U.S.C. 1749) authorizes loans and grants for the construction of housing and other educational facilities for students and faculties. It is administered by Housing and Urban Development.

The Higher Educational Facilities Act of 1963 (20 U.S.C. 701) authorizes grants and loans for the construction of academic facilities. It is administered by Health, Education and Welfare.

The United States Housing Act of 1937 (42 U.S.C. 1401) authorizes contracts for financial assistance to States or State agencies for the construction of low-income housing. It is administered by Housing and Urban Development.

Section 235(j) of the National Housing Act (12 U.S.C. 1715z(j)) authorizes mortgage assistance payments in cases of acquisition of four or more single family units (including rehabilitation, where necessary) for resale to low-income families. Section 236 of the National Housing Act (12 U.S.C. 1715z-1) authorizes interest reduction payments on behalf of owners of rental housing project. Administered by Housing and Urban Development.

Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is the basic rent supplement program for the elderly, handicapped, those displaced by government action, those occupying substandard housing, or victims of a national disaster. Administered by Housing and Urban Development.

ANALYSIS OF THE BILL

Subsection (a) of the first section of S. 261 amends section 207 by striking out "July 1, 1972," and inserting in its place "July 1, 1976," and by inserting at the end of the section "required by section 210, and in the case of any real property acquisition or displacement occurring prior to July 1, 1974, such Federal agencies shall pay 100 per centum of the cost of such payments and assistance required by section 305."

Section 207 of the Act now provides that whenever real property is acquired by a State agency and furnished as a required contribution incidental to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all the relocation payments and provided all assistance required of a State agency by sections 210 and 305 of the Act. Section 207 provided that, until July 1, 1972, the Federal Government would contribute the first $25,000 of the cost of providing relocation payments and assistance and other acquisition payments required by such sections. Section 305 requires that the Federal agency head shall not approve any project or program with a State until he is satisfied that the State agency will follow the land acquisition policies in sections 301 and 302, and that the property owners will be paid expenses as specified in sections 303 and 304.

The deletion of "July 1, 1972" and the insertion in its place of "July 1, 1976" would provide full Federal funding of the first $25,000 until July 1, 1976. The addition of "required by section 210, and in the case of any real property acquisition or displacement occuring prior to July 1, 1974, such Federal agencies shall pay 100 per centum of the cost of such payments and assistance required by section 305" would authorize full Federal funding of the first $25,000 until July 1, 1976, to those provisions specified by section 210 and would provide for payment by the Federal Government of 100 percent of the assistance provided in section 305 until July 1, 1974.

Subsection (b) of the first section of S. 261 amends section 211(a) to read as follows:

(a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, and cost to a person of providing payments and assistance pursuant to section 223(a), shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency or person, and such State agency or person shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency or to a person of providing payments and assistance for a displaced person under sections 206, 210, 215, and 223(a), on account of any acquisition or displacement occurring prior to July 1, 1976, and under section 305, on account of any acquisition occurring prior to July 1, 1974, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency or person the full amount of the first $25,000 of such cost.

Section 211(a), as it exists in the law, provides full Federal payment under sections 206, 210, 215, and 305, of up to $25,000 for individual relocation payments and assistance until July 1, 1972, and for cost-sharing of these payments and assistance thereafter. As amended by the bill, would provide full Federal funding of the first $25,000 for payments and assistance provided for in sections 206, 210, 215, and new section 223(a) until July 1, 1976. In addition the amended section 211(a) would provide full Federal funding until July 1, 1974, of the first $25,000 for individual relocation payments provided for in section 305.

Subsection (c) of the first section of S. 261 amends Title II of the Uniform Relocation Act by adding a new section 222.

Section 222(a) would amend the Act by authorizing the head of a Federal agency, between July 1, 1972 and July 1, 1973, to loan a State which is not in compliance with the Act, such sums in excess of the first $25,000 as are necessary to provide all assistance required by the Act.

Section 222(b)(1) would authorize the Federal agency head after July 1, 1973, to approve any grant with any State agency which has borrowed funds under the provisions of new section 222(a), unless the State agency satisfies the Federal agency head that the State is taking appropriate measures to repay the Federal government the amounts loaned under section 222(a).

Section 222(b)(2) would provide that after July 1, 1973, the Federal agency head may deduct sums totaling the amounts loaned under 222(a) from Federal assistance available under any grant, contract or agreement (except relocation payments) from the Federal agency. This may be done only in a manner not substantially and adversely affecting the program or project and only after a reasonable repayment time has expired.

Subsection (d) of the first section of S. 261 amends section 101(3) of the Uniform Act by inserting after "means" the following: "a State,". This changes the definition of "State agency" to include a State.

Subsection (e) of the first section of the bill amends section 101(6) by inserting after "personal property from real property" the following: "which he or his personal property lawfully occupies," and by adding at the end thereof "In any administrative or judicial determination as to lawful occupancy, occupany shall be deemed to be prima facie evidence of lawful occupancy, and the burden of proving unlawful occupancy shall be on the party alleging unlawful occupancy."

Section 101(6) as it exists defines the term "displaced person". S. 261 amends that definition by limiting the term to persons lawfully occupying the real property from which they are displaced, but places the burden of proving unlawful occupancy on the party alleging the unlawful occupancy.

Subsection (f) of the first section of S. 261 amends Title II, as amended by subsection (c), by adding sections 223 and 224.

Section 223(a)(A) would provide that when a project or program is undertaken by a person, other than an individual, under section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q), Title IV of the Public Health Service Act (42 U.S.C. 291), section 301 of the Public Health Service Act (42 U.S.C. 241), Title VI of the Housing Act of 1950 (12 U.S.C. 1749) or the Higher Education Facilities Act of 1963 (20 U.S.C. 701), and the Federal financial assistance is furnished by a Federal agency, the head of the Federal agency shall insure that payments and assistance required by sections 202, 203, 204, and 205 are made to persons displaced by the project or program.

The programs specified by new section 223(a)(A), briefly stated, are as follows:

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) provides low-interest loans for the construction of housing for the elderly or the handicapped. It is administered by Housing and Urban Development.

Title VI of the Public Health Service Act (42 U.S.C. 291), the Hill-Burton Program, provides grants and loans for the construction and modernization of hospitals and other medical facilities. It is administered by the Department of Health, Education, and Welfare.

Section 301 of the Public Health Service Act (42 U.S.C. 241) is the basic authority of the Surgeon General to carry out research and investigations related to mental and physical diseases. It is administered by the Department of Health, Education, and Welfare.

Title IV of the Housing Act of 1959 (12 U.S.C. 1749) authorizes loans and grants for the construction of housing and other educational facilities for students and faculties. It is administered by Housing and Urban Development.

The Higher Educational Facilities Act of 1963 (20 U.S.C. 701) authorizes grants and loans for the construction of academic facilities administered by Health, Education, and Welfare.

Section 223(a)(B) provides that when a project is undertaken by a State agency furnished Federal financial assistance under the United States Housing Act of 1937 (42 U.S.C. 1401) for the rehabilitation or modernization of public housing, and the Federal financial assistance is furnished by a Federal agency, the head of the Federal agency shall insure that payments and assistance required by section 202, 203, 204 and 205 are made to persons displaced by the project. The United States Housing Act of 1937 (42 U.S.C. 1401) authorizes contracts for financial assistance to States or State agencies for the construction of low-income housing. It is administered by Housing and Urban Development.

New section 223(b) would provide that when a project or program is undertaken by a person furnished Federal financial assistance under section 235(j) or section 236 of the National Housing Act, as amended (12 U.S.C. 1715z(j), 1715z-1) or under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s) by a Federal agency, the head of that agency shall insure payments and assistance required by sections 202, 203, 204 and 205 are made to persons displaced by the project or program.

The programs specified by new section 223 (b), briefly stated, are as follows:

Section 235(j) of the National Housing Act (12 U.S.C. 1715z) authorizes mortgage assistance payments in cases of acquisition of four or more single family units (including rehabilitation, where necessary) for resale to low-income families. Section 236 of the National Housing Act (12 U.S.C. 1715z-1) authorizes interest reduction payments on behalf of owners of rental housing projects administered by Housing and Urban Development.

Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is the basic rent supplement program for the elderly, handicapped, those displaced by government action, those occupying substandard housing, or victims of a national disaster administered by Housing and Urban Development.

Section 223(c), as added by S. 261, would stipulate that it is the responsibility of the Federal agency head providing benefits under section 223(a) and 223(b) to insure that relocation payments and benefits provided reach only displaced persons.

Section 224 would provide that no agent of the Federal Government, for the purpose of assuring compliance with the Act, may prohibit the removal of vacant improvements located on real property acquired in connection with a Federal project.

Section 2 of S. 261 amends section 202(a) (2) by inserting before the semicolon a comma and "except that in any case where it is impracticable to determine such relocation expenses the payment shall be for the actual direct losses."

Section 202(a)(2) now provides that the Federal agency head shall make payments to displaced persons for actual direct losses of property as a result of moving or discontinuing a farm or business. This payment is limited, however, to an amount equal to the amount which would have been required to relocate the property. Section 2 of S. 261 would remove that limit in cases where it is not practicable to determine reasonable relocation costs. In such cases the displaced person would be paid for actual losses.

Section 3 of S. 261 amends Title III of the Uniform Act by adding new section 507 at the end. This section 307 amends the Act to provide that nothing in the land acquisition title of the Act shall be construed to prevent a person, after he has received an estimate, from donating his real property to a Federal agency, State, or a State agency.

ESTIMATED COST OF LEGISLATION

The committee has received no official estimates of the cost of the bill to the Federal Government. However, according to the National Association of Housing and Redevelopment Officials, which conduct a survey of local governments participating in various HUD programs, the total cost of relocation deriving from these programs is estimated to be about $375 million in fiscal year 1973. The local share, which under S. 1819 the Federal Government would assume, is estimated to be about one-fourth of this amount, or approximately $95 million.

According to a statement prepared by the American Association of State Highway Officials, the relocation costs deriving from all federally assisted highway programs that would be assumed by the Federal Government under the bill would be much smaller than the relocation costs deriving from HUD programs.

Since HUD and highway programs account for the bulk of all dislocation caused by Federal or federally assisted programs, the committee estimates that the total cost of the bill will be $150 million in fiscal year 1973, and approximately $750 million over the period from fiscal year 1973 to 1978.

WINNING PUBLIC OFFICE BY WALKING

Mr. MANSFIELD. Mr. President, it seems that the latest trend, in running for the Senate at least, is for candidates to walk across their States or up and down their States. By and large, the "LAWTON CHILES formula" seems to have worked with a great deal of success.

A candidate in the State of Illinois traversed that State, east and west, north and south, and he got to be elected Governor.

A candidate in the State of Iowa traversed that State, east and west, north and south, and he was elected to the Senate.

I think that this trend has worked very well in favor of the Democrats to date, and I would hope that it would continue in the future.

It does take stamina and it does take people who are young in heart as well as in spirit.

One of them is Senator DICK CLARK of Iowa, about whom an article was published in the Evening Star and Daily News of February 1, 1973, entitled "Senator DICK CLARK: Saga of Foot Race, with Frogs and Mules." I ask unanimous consent to have this article, written by Martha Angle, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star and Daily News, Feb. 1, 1973]

SENATOR DICK CLARK: SAGA OF FOOT RACE, WITH FROGS AND MULES

(By Martha Angle)

Dick Clark is the Herb Mul-key of Capitol Hill, a kind of sandlot politician who walked out of nowhere into a seat in the U.S. Senate.

Like Mul-Key, the young free agent who'd never played college football but won himself a spot on the Redskins' championship team last year, the 43-year-old Iowa Democrat made the jump to the big time without ever climbing the usual rungs of the political ladder.

This time a year ago, Richard C. Clark, a former university professor, was administrative assistant to Rep. John C. Culver, D-Iowa, in the congressman's 2nd District office back home.

His energies were devoted to setting up a Culver bid for the Senate seat then held by two-term Republican Jack Miller. The organizational groundwork was laid, and a statewide canvass was under way to identify, register and get out the votes of potential Culver supporters.

Clark was preparing to leave Culver's payroll after seven years in order to try for the House seat himself once the congressman declared for the Senate.

URGED TO RUN

But the declaration never came. On Feb. 9, Culver announced that for "family and professional considerations," he had decided to forgo the Senate race and seek a fifth term in the House instead.

His sudden pullout left Iowa Democrats with no candidate. Every other party leader of stature had already committed himself to other races, assuming that Culver had a lock on the Senate nomination. Miller, who had carried all 99 counties in Iowa in 1966, appeared invincible.

The day that Culver announced his decision, Clark started getting phone calls from friends urging him to run for the Senate himself.

"I thought it was crazy for about a day and a half," he recalled.

NOTHING TO LOSE

But the more he considered the notion, the less outrageous it seemed. "After all, I had nothing to lose on God's green earth and everything to gain."

So Clark declared his candidacy for the Senate a week after Culver bowed out. "I thought I had about a 3-to-1 chance," he said.

He had a monumental recognition problem. "Less than one-half of one percent of the voters knew who I was," Clark said. "I had to do something to get my name known."

TOO SLOW

He started in fairly traditional fashion, driving from town to town to meet local Democrats and visit every newspaper office, radio and television station in Iowa, a journey that kept him on the road from late February until late June.

"It was working, but it was too slow," Clark said. A Des Moines Register poll in May showed him running far behind Miller, 57 to 20.

A young candidate for the state legislature suggested that he conduct a walking campaign all across the state a technique previously used successfully by Sen. Lawton Chiles, D-Fla., and Illinois Gov. Dan Walker.

So he bought a couple of khaki safari suits and a pair of comfortable mailman's boots and set out on June 29 from Miller's home town of Sioux City, in western Iowa.

From that day until Oct. 5, he walked and walked and walked—along open roads, past family farms, down the Main Streets of countless small towns, around the business districts of larger cities, through the suburbs and back to the open roads, logging 1,313 miles while the summer sun tanned his face and arms a deep brown and the rains washed road dust off his khakis. Cobblers along the route nailed new heels to his hardworn boots.

He didn't really talk much politics along the walk, or at least he never discussed Miller's record. Instead he listened to people.

When the walk ended, Clark was no longer a stranger to the voters of Iowa. He was still trailing Miller, but the gap was closing. He spent the final month of his campaign zeroing in on the Republican incumbent, attacking his record and clashing with him in debates.

On election day, Clark went home at 8:30 p.m., to await the returns with his wife and two teen-age children.

"The polls had closed in the East and McGovern was taking a beating. I told my wife and kids we were going to lose, that there was no way we could overcome the kind of Nixon landslide that was shaping up.

"Then 20 minutes later, NBC declared me a winner. I couldn't believe it—they hardly had any votes on the board and I just couldn't believe it," Clark said.

The shock of victory was hard to cope with. "I'd never allowed myself throughout the entire campaign to think beyond election day. I'd never thought about actually being a senator. I'd also never faced what I'd do if I lost; I knew I could get a job somewhere."

And the voters of Iowa certainly seemed happy with their surrogate candidate, giving Clark 54.6 percent of the vote on Nov. 7.

THE PEACE IN VIETNAM

Mr. MANSFIELD. Mr. President, the latest issue of the U.S. News & World Report publishes an interesting article entitled "Vietnam Peace—How United States Hopes To Make It 'A Peace That Heals.' "

Also, in connection with this article, are published the "Highlights of a Historic Agreement." The salient points are the pact to end the fighting in Vietnam, as released in an official White House document called Basic Element of Vietnam Agreement.

Mr. President, I ask unanimous consent that both the article and the "Highlights of a Historic Agreement" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 5, 1973]

HOW UNITED STATES HOPES TO MAKE IT "A PEACE THAT HEALS"

In the wake of a compromise end to America's longest war: both a carrot and a stick to convince Hanoi that keeping the truce is in its interest.

Now that the guns at last are silent in Indo-China, the goal the U.S. seeks is what the White House calls "a peace that heals."

A promise of massive American aid to North Vietnam if it behaves is part of the U.S. formula for bridging the gap between Washington and Hanoi. Moscow and Peking are being asked to lend a conciliatory hand. Other ways will be sought to replace bitter enmity with reconciliation.

The cease-fire agreement, effective January 27, was largely on terms to which President Nixon has held steadfast for four years.

The pact guarantees the objective from which the U.S. has never deviated—"the South Vietnamese people's right to self-determination."

Mr. Nixon told congressional leaders that "by pursuing the course, we've got our POW's coming back—a peace, however fragile, which we have hopes will endure."

SATISFACTORY COMPROMISE

A White House aide called the truce terms "most satisfactory, considering that we didn't win the war—it ended in compromise."

All American prisoners of war are to be flown out of Hanoi in U.S. planes. The airlift is expected to start in February and is to be completed by March 29 as the U.S. withdraws its remaining 23,700 troops from Vietnam.

Nearly 600 American servicemen are listed as captured and more than 1,000 as missing in action. The Reds are obligated to help check on the missing.

Some skeptics in Congress and elsewhere have expressed fear that the truce may be short-lived. They point out that 145,000 North Vietnamese troops remain in South Vietnam and that viability of the agreement hinges on Hanoi's good faith—and on the Saigon Government's continued survival.

Mr. Nixon is counting on the restraining influence of the U.S., the Soviet Union and Communist China as a powerful factor in bringing durable peace to Indo-China after a quarter century of conflict.

Moscow and Peking are to participate in the international conference which is to be convened within 30 days to nail down the cease-fire agreement.

Both of the great Communist powers—suppliers of North Vietnam's war machine—have hailed the truce.

The cease-fire agreement did not specifically extend to Laos and Cambodia. But Henry A. Kissinger, the U.S. negotiator, said there is a "firm expectation" that fighting will be ended quickly in both those countries.

GIVE AND TAKE

The Vietnam accord was marked by compromises and concessions on both sides.

Yet, in Mr. Kissinger's words, "at last we have achieved an agreement in which the United States did not prescribe the political future to its allies, an agreement which should preserve the dignity and the self-respect of all the parties." He added:

"And together with healing the wounds in Indo-China, we can begin to heal the wounds in America."

Release of prisoners, troop withdrawals, elections in South Vietnam and other elements of the agreement are to be supervised by an international commission with a force of 1,160 men, drawn from Canada, Hungary, Indonesia and Poland. A joint military commission with forces from the U.S., South Vietnam, the Viet Cong and North Vietnam will do preliminary work on policing the cease-fire.

The end of American participation in the war changes, but by no means terminates, the U.S. role in Southeast Asia.

U.S. officials say that there now is a "carrot-and-stick" aspect to that role.

REBUILDING RAVAGED NATION

On one hand, the U.S. is ready to take a major part in reconstruction of war-ravaged Indo-China. A "carrot" for North Vietnam is the 2.5 billion dollars in American funds earmarked for Hanoi as part of the 7.5-billion-dollar American program of rehabilitation aid, which is to be augmented by contributions from other nations.

On the other hand, a "stick" is seen in the 600 U.S. warplanes stationed in Thailand and the armada of American warships off the coast of Vietnam. Nothing in the truce agreement requires reduction of these forces. Sharp reduction will come, U.S. officials say, only when the peace seems secure.

In his radio-television address to the nation on January 23, announcing the cease-fire agreement, Mr. Nixon said:

"All parties must now see to it that this is a peace that lasts, and also a peace that heals. . . . This will mean that the terms of the agreement must be scrupulously adhered to. We shall do everything the agreement requires of us and we shall expect the other parties to do everything it requires of them."

LATENT DANGERS

American military men warn that Vietnam will remain a powder keg as the cease-fire undergoes its test during the critical 60-day period in which prisoners of war are released and remaining U.S. combat forces are withdrawn. Acts of aggression could trigger countermeasures that might rip the truce apart.

A major deterrent to large-scale Communist violations, according to U.S. strategists, is Hanoi's uncertainty over how President Nixon would react to blatant disregard of cease-fire terms. Said one official source:

"The President shocked Hanoi with the incursion into Cambodia in 1970, with the mining of North Vietnam's harbors last May, and again with the heavy bombing of the North at Christmastime. In the future, the unpredictability of the President's intentions will be preserved and used as a brake on Hanoi's aggressive inclinations."

Mr. Kissinger said that the presence of 145,000 North Vietnamese troops in South Vietnam reflects battlefield realities under terms of a cease-fire in place. He emphasized that reinforcement or replacement of these troops is prohibited and predicted that attrition would reduce Hanoi's forces in the South.

South Vietnam has more than a million men under arms and a 50-squadron air force of more than 1,000 planes.

Among safeguards for South Vietnam:

Military movement of any kind across the demilitarized zone between North and South Vietnam is prohibited.

Foreign forces are barred from Laos and Cambodia—thus closing off infiltration corridors for the Communists.

There will be early opportunities to test the cease-fire climate in the North. Besides the U.S. teams sent to Hanoi to receive the POW's, American detachments will work with the North Vietnamese in deactivating mines.

PEACE BENEFITS

If the cease-fire holds, both economic and diplomatic gains are expected for the U.S.

For one thing, officials estimate savings to American taxpayers as high as 4 billion dollars this year.

On the diplomatic front, the Nixon Administration will be free to intensify its approach to other pressing questions of foreign policy.

Among these is the Arab-Israeli conflict. Some officials anticipate that Mr. Nixon will launch a new and perhaps dramatic effort to bring peace to the Middle East.

Also cited is an opportunity for more progress in relations with Russia and Communist China. A stable cease-fire in Indo-China will clear the way for Soviet leader Leonid Brezhnev to make the Washington visit planned for this spring and postponed because war raged on in Vietnam. China, some diplomats believe, will be interested in expanding more meaningfully the contacts begun with Mr. Nixon's trip to Peking last year.

Indications are, too, that the U.S. will give more attention to its relations with European allies and Japan—matters of increasing importance, especially in the context of world trade and monetary policy at a time when worry persists about the huge deficit in the U.S. balance of payments.

But, in Washington and other capitals, warnings are heard that the key to peace in Indo-China has not yet been well and truly turned in the lock.

Much depends on Hanoi's attitude. It is pointed out, for example, that Le Duc Tho, North Vietnam's truce negotiator, said this at a Paris news conference on January 24:

"I am a Communist and, according to Marxist-Leninist theories, so long as imperialism persists in the world there will still be wars."

Le Duc Tho also made it plain that there is no change in North Vietnam's determination to achieve eventual rule over both North and South. He said:

"No reactionary force will be able to slow down the march forward of the Vietnamese people."

The bitter divisions were dramatized even in the manner in which cease-fire documents were drawn for the signing in Paris on January 27 by Secretary of State William P. Rogers and the foreign ministers of South Vietnam, North Vietnam and the Viet Cong.

In the signing procedure, Hanoi was not called upon to recognize the South Vietnamese Government, and Saigon did not need to concede recognition of either North Vietnam or the National Liberation Front, the Viet Cong.

Said a Washington specialist on Indo-China: "Political warfare will be brutal."

Seeds of wrath. In his briefing Mr. Kissinger said: "Of course the hatred will not rapidly disappear, and of course people who fought for 25 years will not easily give up their objectives."

Even so, many U.S. officials are hopeful that heed will be paid to the words President Nixon addressed the leaders of North Vietnam: "As we have ended the war through negotiations, let us build a peace of reconciliation."

Highlights of a Historic Agreement

Following are the salient points of the pact to end the fighting in Vietnam, as released in an official White House document called "Basic Elements of Vietnam Agreement":

MILITARY PROVISIONS

Cease-fire

Internationally supervised cease-fire throughout South and North Vietnam, effective at 7 p.m. EST, Saturday, Jan. 27, 1973.

American forces

Release within 60 days of all American servicemen and civilians captured and held throughout Indo-China, and fullest possible accounting for missing in action.

Return of all United States forces and military personnel from South Vietnam within 60 days.

Security of South Vietnam

Ban on infiltration of troops and war supplies into South Vietnam.

The right to unlimited military replacement aid for the Republic of Vietnam [South Vietnam].

Respect for the demilitarized zone.

Reunification only by peaceful means, through negotiation between North and South Vietnam without coercion or annexation.

Reduction and demobilization of Communist and Government forces in the South.

Ban on use of Laotian or Cambodian base areas to encroach on sovereignty and security of South Vietnam.

Withdrawal of all foreign troops from Laos and Cambodia.

POLITICAL PROVISIONS

Joint United States-Democratic Republic of Vietnam [North Vietnam] statement that the South Vietnamese people have the right to self-determination.

The Government of the Republic of Vietnam continues in existence, recognized by the United States, its constitutional structure and leadership intact and unchanged.

The right to unlimited economic aid for the Republic of Vietnam.

Formation of a nongovernmental National Council of National Reconciliation and Concord, operating by unanimity, to organize elections as agreed by the parties and to promote conciliation and implementation of the Agreement.

INDO-CHINA

Reaffirmation of the 1954 and 1962 Geneva Agreements on Cambodia and Laos.

Respect for the independence, sovereignty, unity, territorial integrity and neutrality of Cambodia and Laos.

Ban on infiltration of troops and war supplies into Cambodia and Laos.

Ban on use of Laotian and Cambodian base areas to encroach on sovereignty and security of one another and of other countries.

Withdrawal of all foreign troops from Laos and Cambodia.

In accordance with traditional United States policy, U.S. participation in postwar reconstruction efforts throughout Indo-China.

With the ending of the war, a new basis for U.S. relations with North Vietnam.

CONTROL AND SUPERVISION

An International Commission of Control and Supervision, with 1,160 international supervisory personnel, to control and supervise the elections and various military provisions of the Agreement.

An international conference within 30 days to guarantee the Agreement and the ending of the war.

Joint Military Commissions of the parties to implement appropriate provisions of the Agreement.

MEMORANDUM ON THE OPERATION OF THE DEMOCRATIC POLICY COMMITTEE AND THE DEMOCRATIC CONFERENCE—JANUARY 1972

Mr. MANSFIELD. Mr. President, it is exactly 1 month that the 93d Congress has been in session. During this period, the Democratic majority has been deeply involved in attempting to set a majority approach in the Senate.

I will read for the Record a report of the work of the majority policy committee and the Democratic conference for the month of January. It consists of a background statement on how the policy committee operates and three appendixes: the first is the "Rules of Procedure," where the policy committee, in conjunction with the conference, establishes Democratic positions on issues; the second is a collection of opening statements for the several policy committee and conference meetings during the month of January; the third is a list and the text of the eight major resolutions which have been set forth as Democratic policy in the Senate during this period.

MEMORANDUM ON THE OPERATION OF THE SENATE DEMOCRATIC POLICY COMMITTEE

The Senate Democratic Policy Committee was established in 1947. In the previous year, the LaFollette-Monroney Committee on the Organization of Congress had recommended that "both the House and the Senate establish formal committees for the determination and expression of majority and minority policy" and that "the Majority Policy Committees of the Senate and House serve as a formal council to meet regularly with the Executive to facilitate the formulation and carrying out of national policy, and to improve relationships between the Executive and Legislative Branches of the Government."

These recommendations, of course, were not implemented in full. The House never established a Committee. In the Senate, the Democratic Policy Committee for many years functioned primarily for scheduling legislation for floor action (notably while Presidents Kennedy and Johnson were in the White House) without reference to party policy.

In 1969, after the election of a Republican President, the Democratic Policy Committee adopted a leadership proposal that the Committee should try to fulfill its role of "determination and expression of Majority policy" by identifying and setting forth party positions on major issues on which substantial agreement might exist among Democrats. As a means of so doing, specific procedures were established by the Policy Committee and these procedures were then approved, unanimously, by the Legislative Committee Chairmen and, unanimously, by the Democratic Caucus. (See Appendix I for the procedures of the Senate Majority Policy Committee.) At the beginning of each successive Congress, the procedures have been reaffirmed. Under the procedures, there is provision for frequent and regular meetings of the Policy Committee and closer liaison between the Committee and the Legislative Committee Chairmen. All Democratic

Senators are invited to submit proposals, as possible party positions in the Senate, for discussion by the Policy Committee. As a practical matter, many of the resolutions are delineated by the Leadership.

The proposals take the form of draft resolutions or motions. If two-thirds agreement is reached by the Members present on any such proposal, the resolutions are adopted as party positions. Resolutions adopted by the Policy Committee may also be reinforced by submission to the full Democratic Caucus for concurrence.

It should be noted that the membership of the Policy Committee is selected by the Leadership, subject to the concurrence of the Caucus, on the basis of maintaining a scrupulous balance as to the geographic and philosophic representation of the Democratic Party in the Senate. The actions of the Policy Committee, therefore, can be expected, almost invariably, to reflect the substantial sentiments of the Caucus.

The Policy Committee is also scrupulous in avoiding infringement on the jurisdiction of the Legislative Committees. Policy resolutions do not spell out issues in the language of legislation. Rather, they are designed to delineate the issue and to express the general sentiments of the Democrats in the Senate on that issue, for the guidance of Legislative Committees or whomever else may be concerned. They act to initiate or speed up action in the Legislative Committees and also to serve notice on the Executive Branch as to the Majority sentiments in the Senate.

There is no attempt to bind any Senator to a party viewpoint. Once the issue is on the floor, regardless of the policy resolution, every Senator is free to speak his views and vote his convictions. Hopefully, however, if a Member is of two minds on any particular issue, he will give the benefit of the doubt to the party position and, hence, strengthen the unity of the party image in relationship to that issue.

This year, the Policy Committee has already passed eight resolutions and has endorsed several other proposals, all of which have been approved overwhelmingly in the Caucus. A list of these resolutions and copies of the resolutions are attached as Appendix III. In addition, Appendix II contains statements by the Leadership which reflect some of the subtleties and difficulties involved in the process of arriving at party positions.

APPENDIX I

DEMOCRATIC POLICY COMMITTEE PROCEDURES

(1) The Majority Leadership, that is, the Leader, the Assistant Leader, and the Secretary of the Conference, will try to meet with the legislative Committee Chairman every six weeks for a review of the legislative situation in the Senate and for a discussion of any other matters of interest to the Chairmen.

(2) The Policy Committee itself will meet regularly for lunch every two weeks on Tuesday at 12:30 p.m.

(3) The Committee staff will prepare a special agenda for these meetings which will be separate from that involving the scheduling of routine legislation.

(4) The agenda will include a staff analysis of any significant emerging issues which will be identified primarily from these sources:

a. By reference to the staff from any Member of the Policy Committee;

b. By staff study of legislative proposals, statements or other actions of the Administration; and

c. By reference to this Committee from any of the legislative committees.

(5) The Committee will consider the issues which are thus brought to its attention for the purpose of determining whether they are of a significance and are likely to evoke sufficient party agreement as to warrant the taking of a Policy position.

In this consideration, the Committee will use for its information, staff briefings and memoranda and any other sources deemed useful. A legislative committee chairman will be invited, as necessary, to explain or elaborate on legislation which he believes warrants concerted support from the party.

APPENDIX II

REMARKS OF SENATOR MIKE MANSFIELD, DEMOCRAT, OF MONTANA, AT THE DEMOCRATIC CONFERENCE, JANUARY 3, 1973

We meet, today, with a new majority. We meet with new responsibilities and a new mandate.

The same electorate that endorsed the President increased the Democratic majority in the Senate by two votes. If the re-elected Members (Senators Sparkman, McClellan, Mondale, Eastland, Metcalf, McIntyre and Randolph), and the Senate-elects (Senators Abourezk (S.D.), Biden (Del.), Clark (Iowa), Haskell (Colo.), Hathaway (Ma.), Huddleston (Ky.), Johnston (La.), and Nunn (Ga.)) will stand, the Conference would appreciate the opportunity and the privilege of congratulating them en bloc.

In my judgment, the vote for each of these Senators in November was cast for them as individuals. Each speaks with unique ideological and regional accents. Each has a sensitivity to a particular constituency. Nothing I may say, today, is intended to detract from that basic fact of victory in this or any other free election. Collectively, however, these Senators are representative of the Democratic Party. They reflect the strength of a unified political identity in the midst of ideological diversity, of a party that excludes no sector of the nation, nor any group of Americans.

What I have to say now, I say with all due respect and affection for our distinguished colleague from South Dakota. (And if I may digress for a moment, I would note that not a single Member of the Democratic Majority in the Senate of the 92nd Congress—south, north, east or west—defected to the Republican Presidential candidate in November.) Notwithstanding the outcome of the November election, it should be emphasized that, as a Senator from South Dakota, George McGovern shares the mandate which the electorate has given to the Senate Majority. I have every confidence that we can expect of him a vigorous contribution in its pursuit.

The recent election tells us something of what the people of the nation expect of the Senate. If there is one mandate to us above all others, it is to exercise our separate and distinct constitutional role in the operation of the Federal government. The people have not chosen to be governed by one branch of government alone. They have not asked for government by a single party. Rather, they have called for a reinforcement of the Constitution's checks and balances. This Democratic Conference must strive to provide that reinforcement. The people have asked of us an independent contribution to the nation's policies. To make that contribution is more than our prerogative, it is our obligation.

An independent Senate does not equate with an obstructionist Senate. Insofar as the Leadership is concerned, the Senate will not be at loggerheads with the President, personally, with his party or his administration. The Senate will give most respectful attention to the President's words, his program and his appointments. Every President deserves that courtesy. During the period in which you have entrusted me with the leadership, every President has had that courtesy.

In a similar vein, the rights of the Republican Minority in the Senate will be fully sustained by the Majority Leadership and I anticipate the cooperation of the minority leadership in the operation of the Senate. I would say to the Minority, however, no less than to the Majority, that the Senate must be prepared to proceed in its own way. When conscience so dictates, we must seek to initiate and advance public programs from the Senate and, as indicated, to revise proposals of the Executive Branch.

It is my expectation that the House of Representatives will join in this approach. To that end, the Senate Leadership will seek to establish close and continuing liaison with that of the House. Looking to the needs of the entire nation, moreover, the Leadership will put out new lines of communication to the Governors Conference, notably to its Democratic Members, as well as to the National Democratic Party. We have much to learn from these sources about conditions in the nation. Their contribution can help to improve the design of federal activity to meet more effectively the needs of all states.

There is no greater national need than the termination, forthwith, of our involvement in the war in Viet Nam. This Conference has been in the vanguard in seeking a legislative contribution to rapid withdrawal from that ill-starred, misbegotten conflict. The Majority Conference has resolved overwhelmingly to that effect. Members have voted on the Senate floor, preponderantly, to that effect.

Nevertheless, the war is still with us. Notwithstanding intermittent lulls and negotiations, the prisoners of war remain prisoners and their numbers grow with each renewal of the bombing. The fact is that not a single prisoner has been released to date by our policies; the handful who have come home have done so in consequence of gestures from Hanoi.

The recoverable missing in action have yet to be recovered and their numbers grow. Americans still die in twos and threes and plane-loads. Asians die by the hundreds and thousands. The fires of an enduring hostility are fed by unending conflict. We are in the process of leaving a heritage of hate in Southeast Asia to our children and our children's children. And for what?

With the election behind us, I most respectfully request every Member of the Conference to examine his position and his conscience once again on the question of Viet Nam. I do not know whether there is a legislative route to the end of this bloody travesty, I do know that the time is long since past when we can take shelter in a claim of legislative impotence. We cannot dismiss our own responsibility by deference to the President's. It is true that the President can still the guns of the nation in Viet Nam and bring about the complete withdrawal of our forces by a strike of the pen. It is equally true that the Congress cannot do so. Nevertheless, Congress does have a responsibility. We are supplying the funds. We are supplying the men. So until the war ends, the effort must be made and made again and again. The Executive Branch has failed to make peace by negotiation. It has failed to make peace by elaborating the war first into Cambodia, then into Laos and, this year, with blockade and renewed bombing, into North Viet Nam. The effort to salvage a shred of face from a senseless war has succeeded only in spreading further devastation and clouding this Nation's reputation.

It remains for the Congress to seek to bring about complete disinvolvement. We have no choice but to pursue this course. I urge every Member of this caucus to act in concert with Republican Senators, by resolution or any other legislative means to close out the military involvement in Viet Nam. If there is one area where Senate responsibility profoundly supersedes party responsibility, it is in ending the involvement in Viet Nam.

In view of the tendency of this war to flare unexpectedly, the leadership now questions the desirability of the Congress ever again to be in sine die adjournment as we have been since October 18, 1972. In that constitutional state the Congress is unable to be reassembled on an urgent basis except by call of the President. It is the leadership's intention, therefore, to discuss this gap in congressional continuity with the House leaders. It may well be desirable to provide, at all times, for recall of the Congress by the Congress itself. There is ample precedent for providing standby authority of this kind to the combined leaderships.

If Indochina continues to preoccupy us abroad, the Senate is confronted, similarly, with an overriding domestic issue. The issue is control of the expenditures of the Federal Government. We must try to move to meet it, squarely, at the outset of the 93d Congress.

In the closing days of the last session, the President asked of Congress unilateral authority to readjust downward expenditures approved by the Congress within an overall limit of $250 billion. The President's objectives were meritorious but his concern at the imbalance in expenditures and revenues might better have been directed to the federal budget which is now a tool—not of the Congress, but of the Executive Branch. It is there that the origins of the great federal deficits of the past few years are to be found. The fact is that Congress has not increased but reduced the Administration's budget requests, overall, by $20.2 billion in the last four years.

As the Conference knows, the House did yield to the President's request for temporary authority to readjust downward, arbitrarily, Congressional appropriations. The Senate did not do so. The Senate did not do so for good and proper reasons. The power of the purse rests with Congress under the Constitution and the usurpation or transfer of this fundamental power to the Executive Branch will take the nation a good part of the last mile down the road to government by Executive fiat. That is not what the last election tells us to do. That is not what the Constitution requires us to do.

I say that not in criticism of the President. The fault lies not in the Executive Branch but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility the powers of the federal government will have to be recast so that it can be done elsewhere.

We must face the fact that as an institution, Congress is not readily equipped to carry out this complex responsibility. By tradition and practice, for example, each Senate committee proceeds largely in its own way in the matter of authorizing expenditures. There is no standing Senate mechanism for reviewing expenditures to determine where they may fit into an overall program of government. A similar situation exists in our dealings with the House. So, if we mean to face this problem squarely, it is essential for us to recognize that the problem is two-fold. It involves: (1) coordination of expenditures within the Senate and; (2) coordination with the House.

In the closing hours of the 92d Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. While this committee cannot be expected to conclude its work by February 15, as the statute directs, it would be my expectation that by that date an interim report will have been submitted to the Congress. Thereafter, it is the Leadership's intention to seek the extension of the Joint Committee in the hope that a definitive answer can be found to the problem.

In the meantime, what of the coming session? Unless the Congress acts now to strengthen coordinated control of expenditures, it is predictable that the Executive Branch will press again for temporary authority to do so. It is predictable, too, that sooner or later a Congressional inertia will underwrite the transfer of this authority on a permanent basis.

That is the reality and it ought to be faced squarely here in this caucus and on the floor of the Senate. Unless and until specific means are recommended by the Joint Committee, I would hope that the Conference will give the Leadership some guidance on how an overall expenditures ceiling may be set as a goal for the first session of the 93d Congress. Shall we attempt to do it here in the Caucus? Shall we take a figure by suggestion from the President? Thereafter, how will we divide an overall figure among the various major priorities and programs? How much for defense? For welfare? For labor and so forth?

Who will exercise a degree of control over expenditures proposed in legislation? Can it be done by a committee of committee chairmen? The Appropriations Committee? Should the Majority Policy Committee monitor expenditure legislation before it reaches the Senate floor to determine compatibility with an overall limitation? In any case, where will the necessary budgeting technicians and skilled fiscal officers be obtained? From the General Accounting Office? The Congressional Research Service? By an expanded Senate staff?

I would note in this connection the provisions of the Reorganization Act of 1970 which called for a unified computerized system for the federal government. The system was to permit clarifying various programs and expenditures of the government so that we might know, among other things how much was being spent for each particular purpose. This knowledge is essential for effective control of expenditures on the basis of a program of priorities.

The computer project is being undertaken jointly by the Treasury and the Office of Management and Budget, in cooperation with the General Accounting Office. It is my understanding that the project has concentrated, to date, on the needs of the Executive Branch while those of the Congress are being overlooked. If that is so, this project had better to be put back on the right track. If it is necessary, the Congress should alter the enabling legislation to make certain that we get the information that is needed to control expenditures. It would be my hope that the appropriate committees would move without delay to look into this situation.

If the President seeks the cooperation of the Senate in negotiating an immediate end to the involvement in the Vietnamese war, in the control of expenditures or, in any other matter of national interest, he will have that cooperation. Cooperation depends, however, on a realistic give and take at both ends of Pennsylvania Avenue. In the name of cooperation, we cannot merely acquiesce in unilateral actions of the Executive where the Constitutional powers of Congress are involved as they are in Viet Nam and in the control of expenditures. I would also note in this connection the proclivity of the Executive Branch to impound funds from time to time for activities approved by the Congress. This dubious Constitutional practice denies and frustrates the explicit intention of the Legislative Branch.

There are some areas in which, clearly, we can work cooperatively with the President. Defense expenditures, for example, can continue to be reduced to a more realistic level. I am glad to note that the Armed Services Committee and the Appropriations Committee both have been moving to bring about a general reduction of requests of the Executive Branch for these purposes. As a matter of fact, the reduction in defense appropriations amounted to $5.3 billion for FY '73 and I would hope that we will do even better this year.

We should also consider closely the Administration's announced plans to close some domestic military bases during the coming year. The Executive Branch should not overlook the approximately 2,000 installations and bases which we have set up in all parts of the world at a continuing cost of billions of dollars annually. Here, too, there is an area for cooperation with the President. I would suggest most respectfully that the Senate and the President consider jointly both in terms of obsolescence and economy the closing of a good many of these overseas establishments.

In the civilian sector, the President has indicated that the Federal bureaucracy is too large. There would certainly be grounds for close cooperation with the Senate in this sphere. The misuse and underuse of civil servants is a scandalous waste of public funds which is felt especially at a time of rising federal salary scales. To overload the agencies and departments with personnel is also demeaning and deadening to the dedicated men and women in the federal service.

If the President will work with the Congress on this matter, I am persuaded that the Civil Service can be reduced substantially from its present 2.8 million employees. The reduction can be without personal hardships, by a carefully developed program which would permit greater flexibility in transfers among agencies and incentive retirements. Such a program coupled with the natural attrition of death and resignation and with accompanying limits on new hirings could do much to improve the tone of government service and curb the payroll costs which now stand at $32 billion a year.

The President has expressed an interest in proceeding with his earlier proposed plans for reorganizing the Federal government. Clearly, there is a need for reorganization of sprawling, over-extended, over-lapping Executive departments, agencies and commissions. It must be faced as a realistic matter, however, that any basic reorganization in government, is a difficult undertaking at best. In my judgment, a wholesale approach is not likely to achieve anything more concrete now than when it was first advanced two years ago. It would be only a charade. It is my hope, therefore, that the President would concentrate on areas of maximum need. It seems to me that Members of the Senate who have shown a deep interest in this problem can be very helpful in working with the Administration to define those areas.

Turning to our potential contribution to a legislative program for this session, I would emphasize that the Senate has a distinct mandate to assert its own concepts of priorities. The Constitution does not require us to await proposals from the Executive Branch. In this connection, two categories of "carry-over" legislation from the 92d Congress warrant immediate attention. The first consists of those measures passed by Congress in the last session but vetoed by the President. In many cases, the same measures can be reported promptly by the appropriate committees largely on the basis of comprehensive hearings held in the past. Within this group, of even more urgent concern are the following bills which were vetoed after Congress adjourned without opportunity to override:

1. Mineral, and Related Environmental Research Centers.
2. Airport Development.
2. Airport Development Acceleration Act.
3. Public Works and Flood Control.
4. Environmental Data System.
5. Vocational Rehabilitation.
6. Veterans' Health Care Reform.
7. National Veterans' Cemetery System.
8. Deputy U.S. Marshals.
9. National Institute of Aging.
10. Older Americans Act Revision.
11. Public Works-Economic Development Act.
12. Appropriations for the Departments of Labor and Health, Education, and Welfare for Fiscal Year 1973.

A second category of priority bills including those which were reported out and considered in either the House or the Senate during the 92d Congress but not enacted. They include pioneering measures of great relevance to the quality of the nation's life and the welfare of its citizens. These measures should be reported by the Committees early in the current sessions so that the Congress may consider them carefully. The list includes:

1. Comprehensive Housing.
2. Consumer Protection Agency.
3. No-fault Insurance.
4. Minimum Wage.
5. Pension Reform.
6. Comprehensive Health Insurance.
7. Health Maintenance.
7. Health Maintenance Organizations.
8. Strict Strip Mining Controls.
9. Omnibus Crime Victims Bill.

I would note, in particular, legislation involving health insurance. Senators have introduced various measures dealing with this subject. The Administration has advanced other proposals. The Congressional approach tends to offer more comprehensive health coverage to the people of the nation. The Administration is more concerned with costs. It would be my hope that a compromise can be brought about between what Senators have suggested and what the Administration has recommended. In that fashion, we might at least begin to move in the direction of meeting the medical and hospital needs of all of our citizens.

In a closely related area, we will have to come to grips with the question of welfare reform. Over the past ten years, the costs of welfare have increased from $5 billion to approximately $15 billion. The trend continues upward. The states and localities are overwhelmed by a growing demand for assistance. They plead for greater federal assistance in shouldering this load.

It is inconceivable to me that this Nation will ever turn its back on those among us whose lives have been crippled by physical or mental handicaps, by unemployment, by poverty and disease. For years, we have assisted such people, by the millions, abroad as well as at home.

Nevertheless, we must find a better way of dealing with this problem. We must find a more effective system not only of training but of placement to put the able-bodied to work. It is more than a matter of getting people off welfare rolls. It is a matter of the right to personal dignity for every American who is prepared to assert it. It is a right which is interwoven with supporting oneself and family and with making a constructive contribution to the Nation.

To date, the administration has failed to meet this situation. So, too, has the Congress. Hopefully, together, in the 93d Congress we can make a new beginning.

Once, again, in the last election the flaws in the electoral system were paraded before the Nation. In my judgment, both Congressional and Presidential campaigns are too repetitive, too dull and too hard on candidates and electorate. Most serious, the factor of finance begins to overshadow all other considerations in determining who runs for public office and who does not, in determining who gets adequate exposure and who does not. It is not healthy for free government when vast wealth becomes the principal arbiter of questions of this kind. It is not healthy for the Nation, for politics to become a sporting game of the rich.

This Congress must look and look deeply at where the Nation's politics are headed. In my judgment, ways must be found to hold campaign expenditures within reasonable limits. Moreover, to insure open access to politics. I can think of no better application of public funds than, as necessary, to use them for the financing of elections so that public office will remain open to all, on an unfettered and impartial basis, for the better service of the Nation. With this principle forming the objective, it would be desirable to consider limiting campaigns to three weeks or four weeks, later scheduling of conventions and possibly, replacing the present haphazard, expensive, time-consuming state primaries with national primaries. Once again, too, consideration might be given to abolishing the electoral college and to adjustments in the Constitutional provision involving the Presidential term of office, and, perhaps, that of the Members of the House.

The Federal Election Campaign Contributions Act, which we enacted in the 92d Congress and which was put into effect this past year, may also need refinement and modification to reduce undue paper-shuffling and other burdens without compromising the principle of full disclosure. There are also some specific matters relating to the past elections which warrant investigatory attention. One is the so-called Watergate Affair which appears to have been nothing less than a callous attempt to subvert the political processes of the Nation, in blatant disregard of the law. Another is the circulation by mail of false allegations against our colleagues, Senator Muskie, Senator Jackson and Senator Humphrey, during the Florida primary campaign, with the clear intent, to say the least, of sowing political confusion.

Still another is the disconcerting news that dossiers on Congressional candidates have been kept by the FBI for the last 22 years. This practice has reportedly been stopped. It would be well for the appropriate committees to see to it that appointed employees in the agencies of this government are not placed again in the position of surreptitious meddling in the free operation of the electoral process. The FBI has, properly, sought to avoid that role in other situations. We must do whatever is necessary to see to it that neither the FBI, the military intelligence agencies or any other appointive office of the government is turned by its temporary occupants into a secret intruder into the free operation of the system of representative government in the United States.

On November 17, 1972, I addressed letters to Chairman Eastland of the Judiciary Committee and Chairman Ervin of the Government Operations Committee. I requested that these two Chairmen get together and make a recommendation to the Leadership on how to proceed to investigate these and related matters, to the end that the Senate's effort may be concentrated. I renew that request today.

While I am on this subject, I would like to suggest, too, that attention be given to the appearance in the Courts and Executive Agencies of what may be a tendency to cloud by disconcerting interpretations the safeguards of the First Amendment as they apply to practitioners in the press and other media of communications. If this tendency does exist, the Congress has a responsibility to try to check it. The press, radio and TV are prime sources of light in the otherwise hidden recesses of our government and society. They are as essential to the fulfillment of our legislative responsibilities as they are to the general enlightenment of the public. At the very least therefore, it seems, too, that a Senate inquiry is called for into the implications of recent court decisions and such official pronouncements as that of the Director of the Office of Telecommunications Policy regarding the "Fairness Doctrine." We share with the President and the Courts a Constitutional responsibility to protect the freedom of the press to operate as a free press.

I would like next to present a few thoughts about the internal procedures of the Senate. In recent weeks, much has been said about the evils of the seniority system. I can understand the intent of those who make these assertions. Yet, I would observe that, in general, the Senate has been well served in the years of my personal recollection, by the Chairmen of its various committees.

For the benefit of the new Members, however, I would point out that the system which is followed in the Senate by the Democratic Conference in nominating Members to Senate committees is not one of automatic deference to seniority. In the first place, nominees for each are designated by the Conference's Steering Committee and by secret ballot. During the 92d Congress, for the first time, the Leadership submitted in block to the Democratic Conference for concurrence the names of any new members of the several committees. The Steering Committee's selections were endorsed unanimously by the Conference.

Beginning in the 92d Congress, moreover, the Conference adopted a ratification procedure calling for separate Conference concurrence in the case of each of the Steering Committee's designees for Committee Chairman. That process will be followed this year and a Democratic Conference will be called for that purpose when the Steering Committee completes its work. Finally, I should note that what I have just discussed is the procedure only for designation of Democratic Members to Senate committees. The actual election of committees and chairmen occurs on the floor of the Senate where, once again, they are subject to challenge. The safeguards seem to me to be substantial. Nevertheless, the Chair will entertain any request for further discussion of this matter.

On another question, I have received from Senator Moss, a letter which states, in part:

"It is my hope that the Democratic Conference will adopt a resolution directing the Policy Committee to set forth the legislative objectives of the Democratic Party. It follows of course, that all Democrats would be expected to support to the maximum degree possible these objectives."

Let me note, in this connection, that in early 1969, the Leadership did raise with the Policy Committee the question of who was to speak for the Democratic Party in the Federal government in view of the election of a Republican President. The Committee agreed unanimously that a need existed for such a spokesman. Thereupon, it adopted unanimously certain new rules of procedure which were proposed by the Leadership to deal with this need. In general, these rules provided for regular meetings of the Policy Committee to consider issues which might be identified as suitable for the assumption of a party position. Those issues were to be considered which came to the Policy Committee—quoting from the Committee's rules—"by reference . . . from any Member of the Policy Committee, by staff study of legislative proposals, statements or other actions of the Administration and by reference to the (Policy) Committee from any legislative Committee."

The Committee further agreed to consider "the issues which are thus brought to its attention for the purpose of determining whether they are of a significance *and* are likely to evoke sufficient agreement as to warrant adoption by the Majority Party of a Policy position."

Finally, the Committee agreed to seek "to secure the widest degree of party acceptance of a position on any significant issue (and) . . . to be guided by a minimum of a two-thirds vote in determining the issues on which a party position should be taken."

In short, basic machinery in line with Senator Moss' suggestion has been available and in operation in the Policy Committee for four years. The rules of procedure which govern in this connection were approved in full and unanimously by the Democratic Conference on May 20, 1969, as well as by the Legislative Committee Chairmen. They have been used to identify and to disseminate more than a dozen party positions in the Senate and, in general, these positions have had substantial Democratic support.

It is conceivable that the Conference would wish to make changes in the functions of the Majority Policy Committee with a view to strengthening its role along the lines of Senator Moss' letter. It would be helpful, however, if the Public Committee itself might consider this matter before it is discussed in the Conference. If there are to be modifications in the present procedures or the Committee, as approved unanimously by the Conference in the past, we ought to be as specific as possible in presenting them. The Policy Committee will be meeting soon and the Leadership will undertake to raise the matter at that time. The results of the discussion will be brought back to the Conference thereafter if changes are to be proposed.

I will now close these remarks with a final reference to the last election. I suppose each of us interprets the national sentiment which is reflected in the outcome in terms of his own predilections. Certainly, I have done so. Therefore, "the state of the Senate," as seen from the viewpoint of the Democratic Majority might not necessarily dovetail with the mandate which the administration delineates from President Nixon's reelection or that which is seen by the Republican Minority in the Congress.

Nevertheless, it does seem that the election tells all of us—President, Democratic Majority and Republican Minority—what the people of the Nation do not want.

(1) They do not want one party or one branch government during the next 2 years.

(2) They do not want to turn back the clock on the national effort to improve the human climate and the physical environment in which the people of this Nation must live.

(3) They do not want a rate of change which whether too slow or too rapid produces major internal chaos and disruption.

(4) Most of all, they do not want the President to persist nor the Congress to acquiesce in the indefinite continuance of the senseless bloodshed in Viet Nam and, with it, accept the indefinite postponement of the return of the POW's and the recoverable MIA's.

These negatives point the way to the positive path which the Senate Majority Leadership intends to pursue during the next two years. We will not abandon the effort to end the U.S. involvement in Viet Nam and to bring back the POW's and the recoverable MIA's, period. We will work to preserve and to enhance the faithfulness of this nation to its Constitutional principles and its highest ideals and, in so doing, we will not shut the door on essential hearings.

The Leadership needs your cooperation; your understanding and your support. Ideas are welcomed, equally, from every Member of this Conference, the oldest no less than the youngest, the most junior no less than the most senior. Together, we are here, in the last analysis, with only one mandate—to serve the people of the several states and the nation. With your help, the Leadership will strive to carry out that mandate in full.

APPENDIX I

REMARKS OF SENATOR MIKE MANSFIELD TO THE POLICY COMMITTEE

At this first meeting, I would like to express my hopes for an effective new Congress and for a significant contribution from the Majority Policy Committee to that end. Since 1946, the Policy Committee has met and adopted its own procedures and functioned in accordance with its own rules. Until 1969, it functioned primarily as a traffic director for the floor consideration of legislation. With the advent of a Republican President for the first time in eight years, the Committee at that time sensed the need for a source of unified Democratic Party expression in the Senate. We agreed that the Policy Committee was a feasible place to define Democratic positions, on issues since there was no Democratic President as a readily identifiable spokesman for the Party and source of Democratic leadership. To this end, certain new procedures were adopted by the Committee.

In general, these procedures provided for regular and more frequent meetings, for continuing liaison with the Committee Chairman, and for preparation of special agendas for the Committee's consideration, based on referral and analysis of policy issues and, for the determination of Democratic policy positions by not less than a two-thirds vote of the Committee. This approach and the procedures were subsequently approved by unanimous votes of the Caucus and of the Chairmen of Legislative Committees.

Before I ask for comment on the continued applicability of this approach I would like to mention a letter I received from Senator Moss, dated November 17, 1972. Senator Moss feels that the Committee can be used more effectively than it has been in the past as a party-planning and policy-making body. In this letter Senator Moss makes the following specific proposals:

1. The Policy Committee with a substantially augmented staff, should develop legislative programs and priorities in keeping with our basic Democratic Party principles.

2. The Majority Leader, in consultation with the Policy Committee and such other Senators as he chooses, should prepare and deliver for the Senate our own "State of the Union" message to the people.

3. Each Senator should make such input to the Policy Committee, directly or through its staff, as he believes will achieve development toward a forward-looking Democratic program to solve the problems and provide opportunities for a united, peaceful, and vigorous citizenry of our country.

It appears to me that Senator Moss' proposals, in general, coincide with what the Committee has been trying to accomplish, although I would be most reluctant to presume to deliver a "State of the Union" message. His proposals are also in general accord with the spirit of the Democratic Conference as expressed last week.

I especially concur with Senator Moss that the Democratic Policy Committee can be a source of policy initiative both in the Senate and in the nation to try to counterbalance, to some extent, the growing power of the Executive Branch which has been veering in the direction of one branch government for many years. I would appreciate any specific guidance on how this counterbalancing can be achieved.

As I noted in my remarks to the Caucus of January 3, a crucial aspect of the Senate's assertion of its Constitutional prerogatives revolves around the question of coordinating and controlling Federal expenditures right here in Congress, without interference from the Executive Branch. It is my intention to lay before this Committee some thoughts with regard to temporary Congressional controls of expenditures in the near future, a problem which I hope will be resolved on a permanent basis by the Joint House-Senate Committee that has been established for this purpose. It is quite possible that these thoughts may have direct bearing on the first of Senator Moss' proposals, namely augmentation of the Policy Committee staff, and so I would like to defer that question pending discussion of the Central issue of budget control at a later meeting.

In the meantime, and for active consideration today, we must first determine whether we want to continue or to modify the procedures under which this Committee has been operating during the past two Congresses. If the Committee wishes I will restate them verbatim later.

Next, we should, if possible, try to express by resolution a Democratic position on legislative priorities for the early weeks of the session as endorsed in general terms by the Conference last week.

In due course, I will also set before you as Item 3 of the agenda a draft resolution relating to the refusal of appointees of the President to appear before appropriate Committees of the Senate in fulfillment of the requirements of the Constitution and statutory law.

And finally, if time permits, the final item of the agenda is still another draft resolution dealing with the question of public access to proceedings of the Senate and its Committees, the so-called "Open Hearings" question.

APPENDIX II, JAN. 11, 1973

SENATOR MANSFIELD'S STATEMENT TO DEMOCRATIC CAUCUS

At its first meeting of the year, the Majority Policy Committee heard from Senator Stevenson who suggested very strongly the need for the Senate to look to the whole range of its inner practices and procedures if it is really to be expected to assert the kind of independent co-equal role in the government of which we have heard a great deal lately. There was much in what he had to say. The Policy Committee agreed, if the Conference concurs, that a five-man ad hoc committee of the Conference would be appointed to make a preliminary study of the various proposals and suggestions for the improvement of Senate procedures with a view, later, hopefully within 4–6 weeks, to making recommendations to the Conference. Any recommendations that required legislative action would, of course, be referred to the Rules Committee or other appropriate legislative committees. Unless there are objections, I will designate the following Members to institute an ad hoc Committee of the Caucus on Senate Procedures and Practices: Senators Stevenson, Chairman; Stennis, Metcalf, Inouye, and Hathaway.

In addition, Senator Moss raised the matter before the Policy Committee of expanding the capacity of the Committee in providing initiatives for the Senate Democrats. Senator Moss recommended structuring a liaison with the Governors and the National Committee, and this recommendation has already been implemented. At this time, I would like to insert in the Record of the Conference letters addressed to Governor Bumpers, Chairman of the Democratic Governors, Carl Albert, and Bob Strauss, seeking their cooperation and advice along these lines.

Hon. DALE BUMPERS,
Governor of Arkansas
Little Rock, Arkansas

DEAR DALE: I am writing to convey to you a copy of my statement at the first Conference of the Democratic Caucus in the Senate. The meeting took place on January 3, just before the opening of the Senate and was attended by almost all Democratic Senators.

You will note that the stress of the statement is on the need for a Democratic-controlled Congress to take an independent course during the next two years, in reinforcement of the Constitution's system of checks and balances. In pursuit thereof I suggest on Page 3 of the statement the possibility of a contribution from the Democratic Governors and the Democratic National Committee. It seems to me that the Congressional Leadership can secure from both those sources an input of ideas and policy formulations relative to the nation's needs which will strengthen the legislative program of the 93d Congress and contribute, incidentally, to maintaining a closer unity in the Democratic Party. The statement, as made, was adopted by unanimous voice vote of the Caucus, and it was further suggested that the text be given circulation among Democrats throughout the nation.

It is on that basis that I am communicating with you at this time, and I look forward to your reactions. As circumstances permit, I am hopeful that we can meet for an informal discussion of how to bring about a closer liaison between the Democratic leadership in the Congress and the Democratic Governors. If you plan to be in Washington at any time in the near future, I hope that we will have an opportunity to get together.

With warm regards and best wishes, I am

MIKE MANSFIELD.

The HONORABLE CARL ALBERT,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR CARL: I have read with great interest the news reports regarding the Democratic Caucus early this week in the House and, in particular, the references to the determination on the part of House members to reassert the prerogatives of the Congress. The tone in the Democratic Caucus of the Senate which met for the first time in this Congress on January 3, was very similar. The Caucus endorsed by voice vote a statement made by me at that time, a copy of which is enclosed, as a policy guide for the coming Congress.

I call your attention, in particular, to the section on page 3 which suggests close liaison between the Democratic leaderships of the two Houses. You might also wish to note the paragraph on page 5 which refers to the problem of convening Congress in emergencies on its own authority in the absence of a call by the President.

If you agree that these and related matters suggest the desirability of an early meeting of the two Leaderships, I should be delighted to come to see you at your convenience for a preliminary discussion of how we might proceed or, alternatively, if you prefer, I would be pleased if you could join me for lunch one day in the next week or so. I await your wishes.

With warm personal regards and high esteem, I am

Sincerely yours,
MIKE MANSFIELD.

Mr. ROBERT STRAUSS,
Chairman, Democratic National Committee, Washington, D.C.

DEAR BOB: I am writing to convey a copy of my statement of January 3 to the Democratic Caucus of the Senate. I hope you will find it of interest.

You will note that I emphasized the point that the electorate has given a clear mandate to the Democratic Party in Congress to proceed in its own way as a co-equal branch of the government during the next two years. I also stressed the need for the fullest possible coordination between the leaderships of the two Houses of Congress. You may wish to take special note, moreover, of the references to the relationship which is suggested between the Democratic National Committee and the Democratic Governors. It appears on page 3 of the attached speech. It seems to me that the Congressional leadership can secure from both of these sources an input of ideas and formulations which will strengthen the legislative program and contribute, at the same time, to the unity of the party.

The statement, as made, was adopted by voice vote as the policy of the Democratic Majority for this Congress, and it was suggested that the text be given the widest possible circulation among Democrats throughout the nation.

I look forward to hearing from you, as soon as circumstances here permit, I am hopeful that we can meet and discuss the matter in detail.

With best personal wishes, I am

Sincerely yours,
MIKE MANSFIELD.

Hopefully, the first meeting could take place later this month when the Governors are in town for their meeting. Additional recommendations of Senator Moss with respect to ad hoc advisory committees of the Policy Committee and other possible areas of further initiative will be discussed further at the next meeting of the Policy Committee.

The final item of business before the meeting is opened to any general discussion involves certain resolutions which were adopted Tuesday at the first meeting of the Democratic Policy Committee. Before they are read, let me say that in endorsing the policy statement which was made at the first meeting last week, the Conference resolved, in general terms, to support the proposition seeking the reinforcement of the system of checks and balances and the independent role of the Congress as a primary objective for the Democratic Majority of the Senate in the 93rd Congress. The resolutions which will be read to you by the Secretary are designed to begin to translate that resolve into action. Of themselves, they are without force, just as any other action of this Conference is without force. But adhered to by Members of this Conference in the Senate itself, understood by Members of the Senate Minority for what they are, not an act of partisanship, but of a renewal of the Senates' Constitutional role, they can contribute to the restraint of the tendency to one-branch government in the United States.

I now lay before the Conference three resolutions which were adopted unanimously by the Democratic Policy Committee on Tuesday. You have copies of these resolutions before you. The Secretary will read each slowly, and I will ask for a vote of approval or disapproval at the conclusion of each resolution. (See items 1–3 of Appendix III.)

In addition, the Policy Committee unanimously adopted the following proposals:

(1) Urging Senator Ervin to conduct a thorough investigation of the so-called Watergate Affair and other related matters of political sabotage, and

(2) Endorsing the procedure to report out a new Labor-HEW Appropriations Act for 1972 rather than a continuing resolution for Labor-HEW for the remainder of this fiscal year.

APPENDIX II

SENATOR MANSFIELD'S STATEMENT FOR DEMOCRATIC POLICY COMMITTEE MEETING, JANUARY 16, 1973

We have a full agenda but, first, I ask you to give a moment's thought to the role of this Committee, at this time in the Senates' and the nation's history.

By direction of the Majority Conference, we are trying to identify and formulate main elements of a Democratic Party policy in the Senate. In view of the unusual results of the election, the expression of our collective policy determinations can be of particular significance in this Congress, all the more so because the Constitutional prerogatives of the Senate are under assault and challenge.

It behooves us, therefore, to approach the policy making process with a sense of common responsibility, regardless of our individual inclinations. It ought not be necessary to remind ourselves that the task of formulating acceptable positions for Democrats in the Senate is not a simple one. The Senate Majority is a composite of 57 strong-minded and strong-willed individuals each of whom possesses a unique viewpoint. That is as it should be and, in the end, how it must be in the Senate. From the point of view of formulating party policy, however, it does not make it any easier to establish a common approach, sometimes even on matters of small significance. The experience of the Democratic Conference last week in considering a resolution on the basic question of utilizing the Senate's power to confirm Presidential appointees underscores the point.

I believe we must, therefore, intensify our efforts to develop a great deal of self restraint and forebearance among Democrats in the Senate on approaches to issues, to the end that we may work more in concert. We must do so in the interests not just of party unity, but in the larger interest of the institution of the Senate and the preservation of its Constitutional function in the government. I would hope, therefore, that we will be able to restrain impulses to do battle with one another over legalisms, bearing in mind, always, that we are not writing law but party positions. As Democrats we must work for agreement among ourselves and wherever possible state as strongly as possible, our unified view on the central points at issue. Above all, I hope we will be able to take a given issue a step at a time and avoid, thereby, making ourselves look foolish by presuming to be doing with powerful words what we cannot do, in fact, either as a Policy Committee or as a Democratic Majority.

The process of promoting party unity on the issues begins right here. This Committee constitutes a cross-section of the Senate majority. Our membership is a microcosm of the collective mandate which the electorate has given the Democratic Party in the Senate. The Committee is, by design, a meeting point of different philosophical approaches and varied regional attitudes. Our responsibility here is not to intensify our differences but to reduce them on behalf of the Democrats in the Senate. Our responsibility is to refine the specific issues in a manner which unites us beyond the generalities to which the Party agreed virtually unanimously by endorsing my opening statement at the first Conference.

The resolutions which the Committee reports to the Conference and announces to the nation should be designed to remove major points of friction and disagreement among ourselves and our Democratic colleagues. In doing so, this Committee can act for the Party in the Senate in much the same way as various standing committees of the Senate are expected to operate with respect to legislation.

Each Member of the Policy Committee has the obligation and the right to present and advocate his viewpoint in the Committee as well as that of other Senators outside the Committee with whom he may counsel. Thereafter, however, I would hope that each of us will be prepared to join in hammering out a common position, which can then be reported back to the Democratic Conference as a considered, unified view of at least two-thirds of the membership of the Policy Committee. Unless a Member so states to the contrary in advance, moreover, I would hope that each Member of the Committee would see his way clear either to support and defend the position of the Committee or to abstain from the debate in the caucus of the Majority. To do otherwise is to make it even more difficult than it naturally is, in any event, to enhance Party unity on the issues. There is an obvious necessity for a procedure of this kind if we are to achieve any common action at all as Democrats and I would hope that we can all subscribe to it without reservation. All of this, may I say again, does not interfere in any way with what we see fit to do as individual Senators on the floor. That is an entirely different matter. All I am talking about is what we must do if we are to give greater substance to the words "Senate Democrats."

This brings me to the subjects on our agenda today. First we need to review and re-ratify the Committee's rules of procedures for determining policy positions which were first adopted four years ago. Copies of these are in front of you and I will have the staff read them at the appropriate time. We then need to give further consideration to the proposals of Senator Moss in the light of these rules. We need them to return to the issue of accountability to Congress of Cabinet officers and other appointees in the Executive Branch.

To review the latter question briefly, you will recall that this Committee adopted unanimously a resolution which linked the readiness of Presidential appointees to appear before committees to their suitability for confirmation by the Senate. The resolution was adopted unanimously by the Committee and then by the Democratic Conference after a somewhat protracted debate. I have every reason to hope that the adoption of this resolution by overwhelming vote will not be without impact in appropriate quarters.

The debate in the Conference on this matter was protracted largely because of the addition of the issue of Executive Privilege to the discussion. That was a separate but related matter which we had not touched on in Committee discussion. We will take up this question of Executive Privilege, today, on the basis of the resolution proposed by Senator Stennis and Senator Nelson. In doing so, I would urge the Committee to keep in mind an essential point which, in my judgment, was largely obscured in last week's proceedings in the Conference. That is the great difference between an officer of the Executive Branch coming before a Senate Committee and pleading that he cannot answer a specific question because of the confidentiality of his relationship with the President, as opposed to an officer of the Executive Branch, subject to confirmation by the Senate, *refusing* even to come before a Committee, regardless of what he may or may not say thereafter. The question of Executive Privilege as raised in an appearance of a witness before a Committee in response to a specific question seems to me to be in an uncertain Constitutional area and each situation may well have to be judged on its own merits on the basis of some general Senate criteria if they can be established. A refusal even to come before a Committee, however, seems to me to be not only contemptuous of the Senate by an officer who owes his office in part at least to confirmation by the Senate and a negation of the Constitution's concept of co-equal branches. The resolution of this Committee which was finally approved by the Conference was directed solely to insisting that Executive Branch officers have a Constitutional obligation "to appear and testify" to the Senate through its committees growing out of the Senate's confirming power under the Constitution. The resolution did not involve the right of a witness to refuse to answer after he had appeared before the Committee on the grounds of Executive Privilege.

The question of Executive Privilege will be taken up today, pursuant to the assurances which I gave the Conference last week. I have requested Senator Ervin to participate in the consideration of this issue because of his extensive study of the Constitutional aspects of Executive Privilege. Once Again, I hope the Committee and the Conference will not confuse this question of Executive Privilege with *still another related issue* on which studies are now being made at my request—that is, the question of the growth in numbers of significant Presidential appointees which are not even subject to confirmation by the Senate.

The draft resolution which will be laid before the Committee follows closely the proposal set forth by Senators Stennis and Nelson in the Conference last week. I have had it prepared in this faction in order that the Committee may consider fully what the Senator from Mississippi proposed but which, I had to oppose at the time because I felt that it should be treated as a separate issue.

APPENDIX II

STATEMENT OF MIKE MANSFIELD BEFORE THE DEMOCRATIC CONFERENCE, JANUARY 18, 1973

(By Senator MIKE MANSFIELD)

It is the intention of the Chair to take up a resolution offered by Senator TUNNEY on the Budget and a draft resolution dealing with Executive Privilege which was reported on Tuesday by the Policy Committee. The latter is substantially the same as an amendment proposed by Senators STENNIS and NELSON at the last meeting of the Conference except that it is recast as an independent resolution and takes into consideration the views of Senator ERVIN and members of the Policy Committee. Beyond these two items of business, any other matters Senators wish to raise will be in order.

Before proceeding to the agenda, I ask you to bear with me for a brief comment on the role of the Majority Policy Committee and the Majority Conference at this moment in the Senate's and the Nation's history. Both the Committee and the Conference are concerned with designing unified approaches to policy issues for the Senate Democrats. The achievement of a higher degree of party unity on the issues can be of particular significance at a time of divided political control of the government, all the more so when the Constitutional prerogatives of the Senate are under challenge.

It ought not be necessary, however, to remind ourselves, that the task of formulating mutually acceptable positions is not a simple one. The Senate Majority is a composite of 57 individuals each with his own viewpoint. That is as it should be and, in the end, how it must be in the Senate.

But we are not in the Senate when we seek to develop positions in the Policy Committee and in the caucus. We are intra-party and in that setting the premium is on unity. Our effort should be directed not to insisting that our separate viewpoints prevail but on reconciling our separate viewpoints. To do so is going to take a great deal of forebearance in restraining personal inclinations to do battle over legalisms or phraseology. It should help if we bear in mind that we are not writing law but attempting to arrive at party positions to which at least two-thirds of the membership will find it possible to subscribe. Insofar as I am concerned, to win close vote victories in caucus is without value to any of us or to our role as the Majority in the Senate. The objective is not to beat each each other but to enhance our unity to the end that we may win where it counts—on the Senate floor and, as necessary, in the defense of the Senate against the encroachments of the Executive Branch.

The Policy Committee is an arm of the Conference and operates under procedures approved unanimously by the Conference. By design, the Committee is a meeting place of the different ideological approaches and varied regional attitudes which prevail among Senate Democrats. The resolutions which the Committee brings before the Conference represent strenuous efforts to reduce the inevitable conflicts which derive from these sources and to state, as strongly as possible, a unified view on any given issue. Each of these resolutions has received at least a two-thirds vote in the Comimttee and anything less than that here in conference tends to be meaningless in terms of a "party position."

I would hope, therefore, that members of the Conference will think carefully about undoing in any substantial way, by the amending process, what the Committee has so laborously tried to put together as a common Democratic statement. Bear in mind that few of our procedures here are written; they are purposely free of that rigidity. They are designed not for defense or attack against one another but for accommodation with each other, as democrats, we must go as far as we possibly can, in the same direction and on the same road.

Senators who are dissatisfied with a Committee draft are always free to introduce a resolution of their own which can be considered immediately or can be referred to the Policy Committee. As far as possible, however, I would urge the Conference to permit policy committee resolution to stand or fall on thier own merit. I am fully aware that the Committee's positions do not always go as far as some would like and too far for others. It is the only way I know, however, that we can put any teeth at all into the generalities of party policy on which almost all of us agreed so readily in our first meeting.

So I put the accent on restraint and forebearance and I ask you to give any possible benefit of the doubt to the Policy Committee. All of this, may I say, does not interfere in any way with what each of us sees fit to do as an individual Senator on the floor. That is an entirely different matter. All I am talking about is what we must do, as a group, if we are to give greater substance and significance to the words, "Senate Democrats," or "Senate Majority." May I say that I think we are off to a good start on the question of confirming appointees and I hope that we can keep moving ahead.

APPENDIX II

STATEMENT OF SENATOR MANSFIELD BEFORE DEMOCRATIC POLICY COMMITTEE, JANUARY 2, 1973

GENTLEMEN: At lunch last Friday, Senator Byrd and I joined Speaker Albert and Majority Leader O'Neill in meeting with the Democratic Governors and Bob Strauss.

In reporting to you on that meeting I would say that Chairman Strauss launched the proposal that an Advisory Council (and he emphasized the word "advisory") be established, to be composed of elected officials of the Party at all levels of government. Likewise, it would presumably include representatives from the full spectrum of the Party, philosophically, geographically, minority-wise and otherwise.

Of further significance, the Governors attending the luncheon stressed the need for attention to the energy crisis at the Congressional level. Nearly to a man, they spoke of the adverse consequences already being suffered because of fuel shortages, citing as examples the closing of schools and other public institutions in their States. While the appropriate Committees are addressing this issue, the Policy Committee might also study the matter and I have asked the staff to look into the problem.

Beyond this, I would say it was a helpful meeting, a constructive meeting and we look forward to pursuing further exchanges of this nature hereafter.

It is the wish of the Committee to continue and extend this type of communication with this group on a regular basis.

APPENDIX II

STATEMENT OF SENATOR MIKE MANSFIELD BEFORE THE DEMOCRATIC CONFERENCE, JANUARY 31, 1973

We have been meeting, as Senate democrats very regularly both in the Policy Committee and in these Conferences since the beginning of the year. We have been trying to give substance to our unity in Democrats and to give form and direction to a Democratic program for the Senate.

In addition, the Senate Leadership has met several times with the House Leadership. Together with the Speaker and his associates, we are seeking ways to promote effective unity between the democrats in the two Houses of Congress. In turn, the joint Congressional leadership is establishing regular contact with the Democratic governors of the nation and with the Chairman of the Democratic National Committee. All of these initiatives represent follow-throughs on the keynote statement which was delivered to this Conference on January 3 and adopted unanimously as the guide for the Senate Leadership in the 93rd Congress.

We have been making our way carefully in an effort to rediscover the territory of democratic unity. It is not easy to discern the route. The problems of coordination and adjustment and reconciliation of viewpoints are very great.

I want to report to you, today, however, that in my judgment, we are on the right road. We are headed towards an effective and constructive role for the democratic-controlled Senate in the 93rd Congress and, I believe, we will also make a major contribution to the role of the Democratic Party in the political life of the nation.

It is not yet a month since we set out on this path but we have already established the basis for better coordination between the House and Senate Democratic Majorities. We are also in good rapport with the democratic governors' caucus under the Chairmanship of Dale Bumpers and we have every expectation of developing an active relationship which can lead to a contribution to the work of the government and the Senate from that source.

Here in the Senate, we have already established by resolution or other action a number of identifiable and widely supported democratic positions with regard to the following:

1. The establishment of the initial legislation priorities of the 93d Congress.

2. The termination of the participation of the United States in the war, a position which has been sustained by the recently negotiated settlement in Paris;

3. The acceptance of the Constitutional responsibility of Cabinet and other executive officials to appear and testify before Congressional Committees as a condition of Senate confirmation of their appointments;

4. The limiting of the use of the doctrine of Executive Privilege by officials of the Executive Branch for avoiding their Constitutional accountability to the Congress;

5. The reinforcement of the principle of "Open Hearings" as regards the procedures of all Senate Committees;

6. The curtailment of tendencies of the Executive Branch to interfere in media programming, planning and news reporting:

7. The Senate's responsibility to inquire into the Watergate affair and other insidious tamperings with the integrity of the electoral process.

I want to note, too, that, under the new doctrine of "juniority," the Policy Committee has had the participation at each of the last two meetings, of new Senators, in reverse order of seniority, beginning with Senators Biden and Haskell. This practice will be continued until all members have had an opportunity to participate in a meeting of the Policy Committee and to give the Committee the benefit of their insights and observations.

Finally, two ad hoc committees of the Conference are now functioning, the first on the improvement of Senate procedures and practices which is under Senator Stevenson's chairmanship and the other on Executive Privilege, chaired by Senator Ervin.

Before proceedings to the regular items of business for today's meeting, I want to express my deep gratitude to the members of the Policy Committee and to those Senators who have made exceptional contributions to the articulation of unified democratic positions on certain potentially divisive issues. In particular, I want to thank Senator Stennis and Senator Nelson for their help on the question of Executive Privilege and Senator Ervin for his work on that issue and others. He will be carrying in his Committee a great deal of the load of investigatory work for this session.

In closing, let me repeat that we are off on the right track. Whether or not we stay on it depends on every Democratic Senator, on our readiness to restrain our individual inclinations sufficiently to permit common meaningful action. In this respect, the leadership has had the help, the forbearance and the understanding of the entire Conference in this first month of the new session. That alone explains the progress which has been recorded. If we can continue in this fashion throughout the 93rd, I believe we shall make, as democrats, a substantial contribution to the vitality of the Senate's role in the government and to the strengthening of the national political process.

APPENDIX III

RESOLUTIONS PASSED BY SENATE DEMOCRATIC POLICY COMMITTEE, 1973

1. Resolution on Priorities in Consideration of Legislation by Legislative Committees

(Passed Policy Committee on January 9, 1973)

(Passed Caucus on January 11, 1973)

2. Resolution on Refusal of Cabinet and Other Officials to Testify before Committees

(Passed Policy Committee on January 9, 1973)

(Passed Caucus on January 11, 1973)

3. Resolution on the Principle of Open Hearings by Committees

(Passed Policy Committee on January 9, 1973)

(Passed Caucus on January 11, 1973)

4. Resolution on Executive Privilege

(Passed Policy Committee on January 16, 1973)

(Passed Caucus on January 18, 1973)

5. Resolution on Media Progamming, Planning and News Reporting

(Passed Policy Committee on January 23, 1973)

(Not taken up in Caucus)

6. Resolution on a Spending Ceiling

(Passed Policy Committee on January 30, 1973)

(Passed Caucus on January 31, 1973)

7. Resolution on Freedom of the Press and Revealing Sources

(Passed Policy Committee on January 30, 1973)

(Passed Caucus on January 31, 1973)

8. Resolution on the Energy Crisis

(Passed Policy Committee on January 30, 1973)

(Passed Caucus on January 31, 1973)

RESOLUTION ON PRIORITIES IN COMMITTEE CONSIDERATION OF LEGISLATION

RESOLUTION NO. 1

PRIORITIES IN CONSIDERING LEGISLATION

Whereas, several measures enacted by the 92nd Congress, 2nd Session, were vetoed by the President after adjournment, thus precluding an opportunity to override;

Whereas, other measures passed by one House were not considered by the other;

Whereas, the Senate has responsibility to assert its concept of priority in the conduct of the continuing legislative business of the government:

Therefore, the Democratic Majority in the Senate resolves:

(1) That Senate Committees should consider initial legislative business, wherever feasible in the following order of priority:

(a) legislation vetoed in last session, notably legislation vetoed after adjournment;

(b) legislation held in Conference or passed by the Senate but not disposed of by the House;

(c) legislation passed by the House but not disposed of by the Senate;

(2) That the Leadership, in scheduling measures for consideration by the Senate, should be guided by the same concept of priorities as is proposed by this resolution to the Committees.

Resolved, further, that the Majority Leader is requested to communicate the text of this resolution together with lists of specific bills intended to be considered on this basis to the Chairmen of the Committees and to the Leadership of the Minority.

RESOLUTION ON REFUSAL OF CABINET AND OTHER OFFICIALS TO TESTIFY BEFORE COMMITTEES

RESOLUTION NO. 2

REFUSAL OF CABINET AND OTHER OFFICIALS TO TESTIFY BEFORE SENATE COMMITTEES

Whereas, the Constitution of the United States, Article II, Section 2, vests the President with the power of appointment "by and with the Advice and Consent" of the Senate;

Whereas, on behalf of the Senate, Committees of the Senate are authorized to summon witnesses to appear and testify on the business of the Senate;

Whereas, appointed officials, subsequent to Senate confirmation, have refused on occasion to appear and testify before duly constituted Committees of the Senate:

Resolved by the Democratic Majority of the Senate:

(1) That a prerequisite to confirmation is the commitment of Presidential appointees to appear and testify before duly constituted Committees of the Senate in response to Committee requests.

(2) That all Senate Committees bear a responsibility to determine, prior to confirmation, the commitment of Presidential appointees to comply with committee requests to appear and testify before Committees of the Senate.

(3) That Committee reports to the Senate on all cabinet designees and such other appointees as deemed appropriate should contain an evaluation of their commitment to respond to committee requests to appear and testify before duly constituted Senate Committees.

Resolved, further, that the Majority Leader is requested to report the adoption of this resolution to the Majority Conference and to communicate its contents to the Leadership of the Minority, to the Chairman of the standing Committees and to the President of the United States and otherwise to seek cooperation in its executive.

RESOLUTION ON THE PRINCIPLES OF OPEN HEARINGS BY COMMITTEES

RESOLUTION NO. 3

RESOLUTION ON OPEN HEARINGS

Whereas, the people of the nation have a right to be informed on the conduct of their government;

Whereas, the proceedings of the Senate and of Senate Committees are the business of the people of the nation; and

Whereas, the Legislative Reorganization Act of 1970 amended the Committee procedures to provide additional public disclosure of Committee hearings and Committee actions.

Resolved by the Democratic Majority in the Senate:

(1) That the Senate Committees and the Senate should conduct their proceedings in open session in the absence of overriding reasons to the contrary;

(2) That whenever the doors of the Senate or of a Senate Committee are closed, a public explanation of the reasons therefor should be forthcoming, respectively, from the Joint Leadership or the Chairman of the Committee:

Resolved, further, that the Majority Leader is requested to communicate the text of this resolution to the Leadership of the Minority and to the Chairmen of all Committees.

RESOLUTION ON EXECUTIVE PRIVILEGE

RESOLUTION NO. 4

RESOLUTION OF SENATE DEMOCRATIC POLICY COMMITTEE—RE EXECUTIVE PRIVILEGE

Whereas, The Senate must be fully informed of the facts and premises upon which proposed actions of the government are based if the Senate is to exercise its constitutional responsibility in enacting the law and appropriating the funds of this government, and

Whereas, The refusals in the past of Cabinet officers and other officials of the Executive Branch of the Government to testify and inform the Senate when requested by its Committees have constituted a grevious erosion of the checks and balances prescribed in the Constitution, and

Whereas, The Executive Branch has asserted that the refusal to testify before Senate Committees is based upon the notion of privileged communications between the President and the officials requested to testify, and

Whereas, The Senate Democratic Policy Committee is charged by the Majority Conference of the Senate to recommend proposals for correcting these deficiencies, Be It Therefore

Resolved, That all such proposed witnesses appear; that all questions propounded by Senate Committees be answered unless the President expressly pleads in writing that he requested the witness to refuse to answer specific questions dealing with a specific matter because the President desires to invoke executive privilege, in which event it shall then be a question of fact for the Committee to decide as to whether or not the plea of executive privilege is well taken. If not well taken, the witness shall be ordered to answer the question or questions: and Be It Further

Resolved, That when any Committee upholds or denies the invocation of executive privilege, it shall within ten days file with the Senate a resolution together with a report and record of its proceedings bearing on such claim of executive privilege, and the Senate shall take such action as it deems proper on disposition of said resolution.

RESOLUTION ON MEDIA PROGRAMING, PLANNING, AND NEWS REPORTING

RESOLUTION NO. 5

Whereas, intrusion by the Executive Branch into media programming, planning and news reporting is inimical to the First Amendment and, hence, to the best interests of a free society; and

Whereas, recent policy statements, pronouncements and actions of officials of the Executive Branch may lead to unwarranted harassment, intimidation, prior restraint and censorship with regard to media programming, planning and news reporting;

Whereas, all branches of government have a responsibility to safeguard the First Amendment of the Constitution:

The Majority Policy Committee of the Senate requests:

1. That the appropriate Subcommittee of the Committee on Commerce undertake an investigation of policy statements, pronouncements and actions of officials of the Executive Branch which are in any way indicative of government encroachment on the independence of media programming, planning and news reporting;

2. That such investigation include matters related to harassment, intimidation, prior restraint and censorship which may arise from such policy statements, pronouncements or actions; and

3. That at the earliest practicable date during the 93rd Congress the Committee on Commerce report to the Senate the findings and conclusions of its Subcommittee with regard to government intrusion into media programming, planning and news reporting, together with recommendations, if any, for Senate initiative to combat any such intrusion.

The Majority Leader is directed to submit this resolution to the Majority Conference for Concurrence and, thereafter, to transmit a copy to the Chairman of the appropriate Subcommittee of the Committee on Commerce and to the Chairman of the Federal Communications Commission, urging on behalf of the Senate Majority his full cooperation with any inquiry which may be undertaken by the Committee.

RESOLUTION ON A SPENDING CEILING

RESOLUTION NO. 6

Whereas, The Constitution grants two great fiscal powers to Congress: the power to raise revenue and the power to spend; and

Whereas, The President has seized by means of impoundment, unilateral budget cuts, and fiscal manipulations outside the knowledge or control of Congress the power over the determination of priorities and expenditure levels; and

Whereas, Congress must recapture its rightful constitutional place in the fiscal process; and

Whereas, The Congress in the past four years has cut $20 billion from the President's appropriation requests in an effort significantly to limit federal expenditures; and

Whereas, In spite of these cuts by the Democratic Congress more than $100 billion has been added to the national debt by this present Administration over the past four years; and

Whereas, The Congress is deeply concerned about the impact of runaway inflation upon the American people and the plight of 5 million unemployed; and

Whereas, the Democratic Caucus has unanimously adopted the remarks of Senator Mansfield, the distinguished Majority Leader, that "unless and until specific means are recommended by the Joint Committee. . . . (he) would hope that the (Caucus) will give the Leadership some guidance on how an over-all expenditures ceiling may be set as a goal for the first session of the 93rd Congress."

Therefore, Be it resolved that it is the sense of the Caucus that the Senate members of the Joint Committee to Review the Operation of the Budget be urged to conduct studies and investigations for the purpose of recommending to the Congress by February 15, 1973, (1) procedures for establishing a ceiling on budget outlays and new obligational authority, (2) procedures for relating individual appropriations and other spending actions to the expenditures ceiling, (3) revisions in the Federal budget and appropriations process to assure the proper relationship between expenditures and revenues.

RESOLUTION ON FREEDOM OF THE PRESS AND AND REVEALING SOURCES

RESOLUTION NO. 7

POLICY COMMITTEE RESOLUTION ON FREEDOM OF NEWS GATHERING

Whereas, the First Amendment of the Constitution of the United States safeguards the freedom of the press;

Whereas, reporters have been imprisoned for carrying out what they deem to be their professional obligations under the First Amendment;

Whereas, judicial interpretations of the rights and obligations of the press appear to cast the shadow of encroachment on practices basic to a free press;

Whereas, the Senate Democratic Conference on January 3, 1973, endorsed the principle that the Congress shares "with the President and the Courts a Constitutional responsibility to protect *the freedom of the press to operate as a free press,"*

The Majority Policy Committee of the Senate resolves:

1. That the Senate Committee on the Judiciary undertake during the 93d Congress, an inquiry into the adequacy of the legal privileges and immunities related to newsgathering;

2. That such investigation include but not necessarily be limited to pertinent recent judicial interpretations which relate to the rights and responsibilities of a free press;

3. That the Committee on the Judiciary report its findings and conclusions, together with whatever recommendations it deems appropriate to safeguard the freedom of the press to operate as a free press.

The Majority Leader is directed to place this resolution before the Senate Democratic Conference and, if concurred in, to communicate a copy to the Chairman of the Committee on the Judiciary. He is directed, further, to discuss the resolution with the Minority Leader of the Senate with a view to obtaining bipartisan endorsement of the proposed inquiry.

RESOLUTION ON THE ENERGY CRISIS

RESOLUTION NO. 8

RESOLUTION ON THE OIL SHORTAGE

Whereas, The supply of energy for heating purposes has reached a critical stage in many parts of this country; and

Whereas, Governors have expressed grave concern that the fuel oil shortage for industry, agriculture and home heating has reached a critical stage in some States; and

Whereas, An Intergovernmental Task Force appointed by President Nixon recommended in 1970 the phasing out of the import quotas for oil;

The Majority Policy Committee of the Senate recommends:

1. That the President set in motion all necessary emergency procedures, including the release of military stockpile supplies, to meet the essential requirements for oil and other fuels in regions of critical shortage;

2. That the President of the United States and appropriate Committees of the Senate under S. Res. 45, review the matter of the crude oil shortage and home heating oil shortage and the quota system to assure to the American consumer an adequate supply at reasonable prices and also protection to the domestic industry and national security;

3. That the appropriate Senate Committees examine further into the critical situation to determine if additional legislation is required to provide assurances of a continuing supply of crude oil and other essential petroleum products from any and all sources.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for not to exceed 15 minutes.

(The remarks Senator ROBERT C. BYRD made at this point on the introduction of S. 743, dealing with penalties involving the commission of a felony with a firearm, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

PAKISTANI PRISONERS OF WAR IN INDIA

Mr. THURMOND. Mr. President, in the aftermath of the 1971 armed conflict between India and Pakistan over Bangladesh, approximately 92,000 Pakistani prisoners of war were held in India.

According to reports from the press and the International Red Cross, those prisoners—including approximately 17,000 women and children—remain in Indian detention camps. All rules of international relations provide that prisoners of war be exchanged at the end of armed conflict, whether or not the belligerents had declared a state of war.

The continued imprisonment of these 92,00 people as apparent hostages should raise questions around the world. Why are these Pakistanis still being held in India more than 13 months after the cessation of armed conflict? While political questions involving India, Pakistan, and Bangladesh remain to be settled, the imprisonment of people as a means of gaining bargaining advantages is contrary to the tenets of international law.

Mr. President, it is also noteworthy that India continues to hold these 92,000 prisoners at a time when food and other provisions are short in that country. By holding the Pakistani prisoners, India is either denying food to some of her own people or it stands to reason that these prisoners are not receiving an adequate diet. It has also been reported that a number of them have been killed in prison camp incidents. The further holding of these people pending political settlements is surely aggravating the tensions that persist in the subcontinent of Asia.

As our prisoners of war are returned from Vietnam following the January 27 cease-fire agreement, I believe the Pakistani prisoners of war held in India will be the only such people in the world still held by another nation. Questions of the recognition of sovereignity for Bangladesh and other disputes between India and Pakistan should not be a justification for either nation holding human beings in prison. In fact, both India and Pakistan are signatories to the Geneva Convention of 1949, which requires the release of prisoners of war as soon as active hostilities cease.

The conflict which produced the Pakistani prisoners ended in December 1971. Therefore, the continued holding of these people is a matter that should be questioned by the United Nations and other nations of the world.

Mr. President, two recent articles in the Washington Post and an editorial in the Chicago Tribune gave important details of this situation. I ask unanimous consent that these articles, entitled "Pakistani POW's: 'The New Forgotten People'," "Tension Rising in Indian POW Camps," and "India Should Free POW's," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 18, 1973]

PAKISTANI POW'S: "THE NEW FORGOTTEN PEOPLE"

(By Tad Szulc)

North Vietnam's determination to hold American prisoners of war, now close to 600, as hostages against a truce or peace settlement has all along been a grim but accepted reality of the Vietnamese conflict and the parallel Paris negotiations. Yet, the assumption always was that these Americans would be released the moment the hostilities involving United States forces in Vietnam have ceased.

Elsewhere in Asia, however, the precept of international law that prisoners must be freed with the cessation of hostilities does not seem to apply: Pakistani military and civilian personnel are still interned by India in POW camps. They remain there today although the latest subcontinent war ended in mid-December 1971, more than 13 months ago.

For all practical purposes, the estimated 92,000 Pakistanis, including approximately 16,000 civilians, captured in the fighting over the emergence of the new state of Bangladesh (formerly East Pakistan), are hostages to the complex and angry politics of the subcontinent and the ever-deep distrust between India and Pakistan.

This indefinite condition of hostage for the largest number of people in foreign captivity since World War II is tacitly recognized by Indian officials for reasons they privately admit to be overwhelmingly political. Pakistan, of course, has repeatedly charged that its defeated soldiers are India's hostages. But, incredibly, only the International Committee of the Red Cross, which periodically inspects the 53 POW camps under the provisions of the two Geneva Conventions on war prisoners has openly and insistently demanded the release of the Pakistanis.

Most of the world appears to be conveniently looking the other way, including the United States which, to say the least, was supportive of Pakistan in the 1971 war. The 92,000 Pakistanis are, then, Asia's new forgotten people: the officers and soldiers, the civilian officials and professionals, the women, the children and the babies born in the camps. This general indifference is, presumably, a reflection of the underlying political stalemate in the subcontinent engaging India and Pakistan on one level and the related interests of each of the superpowers on the other.

At this stage, when New Delhi and Washington actively seek to improve their frayed relations and the Nixon administration hopes to expand the detente with Moscow, nobody in this town is prepared to rock the precarious status quo in South Asia by raising the fate of the Pakistan POWs as a major international issue.

In fact, the United States nowadays seems to feel cooler toward Pakistan as it edges toward better ties with India. Pakistani President Zulfikar Ali Bhutto, for one thing, has publicly condemned the United States Christmas bombings in North Vietnam while India kept mum. Even China, an ally of Pakistan, is singularly quiet on the subject of the POWs. Moscow is India's treaty partner and, therefore, uncritical of her. Only Romania, the Communist maverick, has expressed support for Pakistan over the prisoners.

But beyond all these power considerations there remains an array of moral, legal and political questions concerning the 92,000 captive Pakistanis.

The moral question has two aspects. One is the matter of mass atrocities committed by the West Pakistani forces in Bangladesh before and during the independence war. This is perhaps what the outside world remembers the best: The atrocities set off a wave of indignation here and elsewhere. Thus it may be understandable that Bangladesh wishes to punish through trials those responsible for the murders. But it has indicated that at most 1,500 of the Pakistanis now held in India, less than two per cent of the total, may be wanted for such trials.

This raises the obverse moral question: Is it justifiable to hold 92,000 persons indefinitely in prisoner camps (quite aside from the current controversy between India and the Red Cross over proper treatment of the prisoners, the shooting of escapees, the overcrowding of camps and so on) because a tiny minority may be guilty of war crimes? One wonders—at least for the sake of consistency—about the absence of major international outrage concerning the 92,000 captives.

The legal situation seems to be crystal clear, but this is no solace to the POWs. Article 118 of the 1949 Geneva Convention, to which both India and Pakistan are signatories (Bangladesh acceded to it last August), provides that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." When the Pakistanti forces capitulated on Dec. 15, 1971, the Indian Chief of Staff, Lt. Gen. Jagjit Singh Aurora, formally assured the Pakistani commander that "I shall abide by the provisions of the Geneva Conventions."

On Dec. 21, the United Nations Security Council noted that "a cessation of hostilities prevails." In the Simla Agreement, signed on July 3, 1972, India's Prime Minister, Mrs. Indira Gandhi, and President Bhutto pledged themselves to the "establishment of durable peace in the subcontinent" and instructed their representatives to discuss outstanding problems, "including the questions of repatriation of prisoners of war and civilian internees," before the next summit meeting.

All of the requirements for the release were thus met, but India (which 20 years ago handled the repatriation of the Korean War POWs) now invokes a host of political and security reasons for refusing to free the Pakistanis.

The first reason cited by India is that she cannot release the prisoners without consent of Bangladesh on whose territory most of them surrendered to the joint Indian-Bangladesh command. But the catch in the intricate subcontinental political game is that the Bangladesh Prime Minister, Sheikh Mujibur Rahman, refuses his consent until Pakistan recognizes his new state and until he has made up his mind about the war trials.

The vicious circle in which the POWs are caught extends to Islamabad where Bhutto, fighting hard to convince his rightwing opposition that ultimately Bangladesh must be recognized, insists for his own political reasons that this must be preceded by a personal meeting between him and Mujibur. Bhutto, who released Mujibur from prison late in 1971 and probably saved his life, argues that such problems as Pakistan's responsibility for prewar external debts for projects in Bangladesh should be settled prior to recognition. But Mujibur refuses to meet Bhutto before recognition.

Late last year, Pakistani diplomats at the United Nations privately asked the Indians whether New Delhi would guarantee in writing that the Bangladesh recognition would bring the POWs' release. Diplomatic reports say that the Indian reply was at best noncommittal. Bhutto's letter to Mrs. Gandhi last Dec. 21, proposing a new summit, has not yet been answered and Indian diplomats here are vague as to when such a meeting might be possible.

Finally, Indian officials have begun talking about Pakistan allegedly preparing a "new round" and rearming with "massive" weapons shipments from China. Significantly, they now speak of the POWs in terms of "four-and-a-half divisions of trained troops." A senior Indian official remarked recently: "How can we let such an army go free when Pakistan is again preparing for war?"

Thirteen months after the cessation of active hostilities, the Geneva Conventions and all the precedents notwithstanding, the deadlock seems unbreakable and the 92,000 Pakistani prisoners may be fated to remain India's hostages for an unpredictable period of time. Internatioanl morality, it would appear, has seen better days.

[From the Washington Post, Dec. 23, 1972]

TENSION RISING IN INDIAN POW CAMPS

(By Milton Benjamin)

As 90,000 Pakistani soldiers and civilians begin their second year in crowded Indian prisoner-of-war camps, secret reports by observers of the International Committee of the Red Cross indicate that tension is rising.

During October, the latest month for which full reports could be obtained, at least 15

Pakistanis were shot dead and more than 20 wounded by Indian guards in POW camp incidents. Red Cross observers said at least two of the killings seemed to be cases of "cold-blooded murder."

New incidents have occurred in the weeks since, according to informed sources, resulting in the deaths of additional POWs.

The Red Cross reports also indicate that escape attempts have been increasing—bringing, in response, mass punishments, frequent searches and a continued toughening of security measures by Indian prison-camp officials.

The Red Cross said that "on several occasions" it has pointed out to the Indian government "the problem, where the Geneva conventions are concerned, regarding the continued lengthy detention" of the POWs.

The war between India and Pakistan in which the 90,000 were taken prisoner ended last Dec. 16, but there appears little prospect of their early release. India has made diplomatic recognition by Pakistan of Bangladesh, the new nation born of the war, a precondition to release of the POWs. And Bangladesh continues to insist on its right to try some of the POWs as war criminals.

LONG INTERROGATION

POWs told Red Cross observes that they were still being interrogated in September by Indian intelligence officers about the behavior of Pakistani officers in what was then East Pakistan.

The reports on the POW situation cover a number of visits to the camps—at approximately six-week intervals—by delegates of the all-Swiss International Committee of the Red Cross.

ICRC spokesman Francoise Bory, contacted by telephone in Geneva, said the findings are submitted only to the governments concerned and would not be released by the Red Cross to the press. The Washington Post obtained access to the reports through another channel.

The Red Cross reports on inspection visits made from March through October indicate a major effort by the Indian government to provide adequate food, clothing and medical care for the 75,000 soldiers and 15,000 civilians taken prisoner in the fall of East Pakistan.

During visits to the camps in the spring, when many of the POWs apparently expected that they would soon be repatriated to Pakistan, Red Cross observers reported receiving few complaints even during interviews without Indian officers present.

PRISONERS RESTIVE

But as the hope of early release dimmed, reports indicate that the prisoners became more restive; escape attempts and attacks on guards brought mass reprisals and extraordinary punishments in return.

Following an escape attempt by seven junior officers from POW camp 99 at Allahabad on May 17, all of the officers in the camp were denied water all one day and forced to lie for two hours in the midday sun the following day.

During interrogation following an escape attempt, the POWs reported, they were beaten and eight were bitten by army dogs. The Red Cross report said the camp commander did not deny the collective punishment, but termed the dog bites "an accident due to the fact that the prisoners' behavior provoked the dogs' reaction."

In another incident at Allahabad, a POW who hit an Indian guard was sentenced to 28 days in jail and then spread-eagled in the sun for several days. The camp commander, the Red Cross said, termed this "a light punishment for what the POW had done."

In July, Shafgat Hussain, a POW recaptured after trying to escape, told a Red Cross doctor that during interrogation at Amber Sir headquarters, the nails of both his index fingers had been pulled out. He also said that he had been burned with cigarettes on both feet and hung by his feet for an hour and a half, and that a rope had been bound around his body and wetted, "causing a terrible contraction."

SCARES FOUND

The Red Cross doctor said that on checking Hussain, "the nail on his left index finger was totally missing, while the nail of his right index finger was partly pulled out. On both his ankles were found scars of the same size as the end of a cigarette."

Several other escape attempts during the summer were followed by mass punishments, the report said.

After two attempted escapes from the camps at Ramgarh, where 9,906 POWs are held, the Red Cross said a series of collective punishments were applied even to "officers in enclosures not directly involved."

Prison-camp authorities said the POWs were deprived of beds, fans, soap, radio and newspapers for one month. The POWs told the Red Cross that they had also been deprived of food for two days and put on half rations for 45 days. They said not only beds, but sheets, pajamas and ground cloths had been taken away.

In September, following several apparently successful escapes, the Red Cross reported that "new security measures were introduced in all the camps in India."

CONFINED TO BARRACKS

The new measures included confining all POWs to their barracks from sunset to sunrise, no longer allowing them to visit the latrine at night. Later, the reports indicate, annexes were built onto the barracks to serve as night urinals. But reporting on the situation in September at the camps at Allahabad, the Red Cross said:

"Buckets had been placed inside the barracks. The prisoners had to use these to relieve themselves in front of all the other prisoners. In view of the fact that the barracks were overcrowded, men had to sleep right next to the buckets. The fact that there were some cases of dysentery made matters worse. The electric fans in the barracks were switched off. All windows and doors had to be kept closed."

In interviews with Pakistani noncommissioned officers at Allahabad following introduction of these measures, the Red Cross delegates were told "that tension was rising among the prisoners and that the day might soon come when Pakistani officers would no longer be able to control them or to impose proper military discipline."

Then in the camps at Dhanna, where the Red Cross reported a general atmosphere of tension following introduction of the stricter security measures, eight POWs were killed and 20 wounded in an incident on Oct. 3.

TWO VERSIONS

Indian authorities claim that during an inspection by the area commandant a sentry was attacked by a POW who seized his bayonet and wounded two Indian officers and two Indian soldiers.

The POW's claimed that their comrade was only moving to one side a sentry's rifle that was pointed at him.

On Oct. 13, in Camp 35 at Allahabad, another incident took place. The Red Cross later reported: "Of the six prisoners killed during this incident, two at least if not three seemed to be cases rather of cold-blooded murder than of self-defense." On Oct 28, one POW was killed and another wounded in an incident at Agra.

In addition to the tension generated by the mounting number of incidents and the punishments that follow, the supply situation in the camps appears to be deteriorating.

Whereas many of the Pakistani soldiers had two full uniforms when taken prisoner, many of the uniforms now are completely worn out.

In reporting on a visit to the camps at Meerut in September, the Red Cross observers said: "The Indian authorities seemed to be having difficulty in replacing the worn-out uniforms. The POWs were anxious about the approaching winter."

The Red Cross delegates also called attention to the "very special system" which prevails at Meerut, where more than half the 7,881 POWs are civilians—including 64 babies born in the camp, 363 other infants and 1,006 children between the ages of 2 and 12.

"Inside the blocks, each barrack is closely fenced in by barbed wire," the Red Cross delegates said, "leaving very little space for playgrounds or even for walking. Never has the term 'cage' been used more accurately than in describing the Meerut maze of barbed wire."

[From the Chicago Tribune, Jan. 17, 1973]

INDIA SHOULD FREE POW'S

India, the great hair splitter, should release forthwith the 93,000 Pakistani soldiers still held as prisoners of war a year after the two nations stopped fighting each other. The Geneva Convention of 1949 states that prisoners shall be released and repatriated after the cessation of active hostilities.

India itself proclaimed a cease-fire after the fighting a year ago. A resolution voted by the United Nations Security Council stated that not only a cease-fire but "a cessation of hostilities" prevailed.

In the face of both this record and the Geneva Convention, how can India justify holding Pakistani soldiers at all—let alone under the deplorable conditions existing?

The reason, an Indian spokesman told The Tribune's Joseph Zullo at the U.N., is that a cease-fire is "not the same as a cessation of hostilities." With respect to the new nation of Bangladesh, Pakistan is "in an attitude of hostilities in suspension."

To find a semantic difference between a "cease-fire" and "cessation of hostilities" requires hair splitting of a high order of skill. To go a step farther and find a difference between a "cessation of hostilities" and a "suspension of hostilities" calls for a virtuosity in word twisting that borders on the dazzling.

It is obvious that India is holding the 93,000—along with 16,000 civilians—as diplomatic hostages. A spokesman for the New Delhi delegation told Mr. Zullo that the Pakistani forces surrendered to the "joint command" of Indian and Bangladesh forces and that their release depends on the acquiescence of Bangladesh. In other words, Pakistan must recognize this breakaway state which has proclaimed independence with India's backing—or it can't have the POWs.

The Geneva Convention says nothing about the recognition of anyone by anyone; it says that prisoners shall be released after the shooting stops. Its intention is clear. Send the soldiers home as quickly as possible.

India is not in compliance with this convention. The stalling would be wrong no matter who engaged in it. It seems especially deplorable when a rule of international conduct is flouted by this self-appointed moral adviser to the world, which has pointed accusing fingers at so many other nations for many fancied wrongs. Here is a real wrong, and the perpetrator has turned strangely blind to the outrage of it.

ORDER FOR RECOGNITION OF SENATOR BEALL ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders previously entered for the recognition of Senators on Monday of next week—or on the first day in which the Senate is in session, should it not be in session on Monday—the distinguished Senator from Maryland (Mr. Beall) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Senator Javits made at this point on the introduction of S. 746, to repeal certain penalties relating to possession and use of marihuana in private, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

THE MORATORIUM ON HOUSING STARTS FOR LOW- AND MODERATE-INCOME HOUSING

Mr. JAVITS. Mr. President, the moratorium on Federal housing programs has created great problems in New York State and throughout the country. I continue to believe it is ill advised completely to discontinue entire programs approved by the Congress without any substitutes.

This housing policy has been particularly hard on the great urban areas around the country and particularly New York City which depends so heavily on the section 236 program and the public housing program to help the low- and moderate-income family.

I ask unanimous consent that an article in yesterday's New York Times discussing a 10-year low in housing starts in New York City be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 1, 1973]

TEN-YEAR LOW IN HOUSING STARTS IS FORECAST FOR CITY THIS YEAR

(By Will Lissner)

City-assisted housing starts set a record in 1972, but they are likely to hit a ten-year low in 1973, the new city Housing and Development Administrator, Andrew P. Kerr, said yesterday.

Mr. Kerr said the bleak outlook resulted from President Nixon's moratorium on applications for new low- and moderate-income projects, which provide housing for families with income below $14,000 a year.

Last Saturday it was disclosed that 52 city projects had been halted or changed by the President's freeze on subsidies for housing for the working poor and for moderate-income families.

Mr. Kerr said the effects of the President's action went much further. He called the Nixon Administration "insensitive to the housing needs of moderate and low-income families" and said that in the face of the housing shortage for such families Mr. Nixon's action was "outrageous."

There will be enough funds to finance about 4,000 starts this year. In 1964, the lowest year for starts during the last 10, there were 4,745 starts under city-assisted programs.

There was a record total of starts last year of 35,122 apartment units, an increase of 56 per cent over 1971.

Mr. Kerr said the partial tax-exemption program was responsible for the largest part of the record total, 20,031 units, even though it was this program's first year.

Construction starts in public housing in the city dropped from 7,913 dwelling units in 1971, to 1,029 in 1972. The city's Mitchell-Lama projects continued to increase, rising from 4,474 units to 6,428. The balance of the 35,122 includes 1,815 FHA-insured units, 4,339 units also aided by the state and 1,980 reconstructions.

Of the 35,122 units, moderate income starts totaled 10,647, compared with 14,465 in 1971.

"We think the partial tax exemption program is a good one, and we'll push it this coming year to try to mitigate the effects of the freeze and the moratorium," Mr. Kerr said.

"But the Federal officials must face the fact that this does nothing for the low- and moderate-income families. When someone moves into a middle-income project, the apartment is decontrolled and the landlord charges all that the traffic will bear. That puts the apartment as well as the apartment of the ultimate occupier, out of the reach of moderate- and low-income families."

JOBS, TRADE AND THE MULTINATIONAL CORPORATIONS

Mr. JAVITS. Mr. President, the American multinational corporations will come under searching inquiry by various committees of the 93d Congress. The Senate Foreign Relations Committee has established a multinational corporation subcommittee which is looking into the foreign policy aspects of the overseas operations of the multinational corporation. In turn, the International Trade and Investment Subcommittee of the Senate Finance Committee will soon open public hearings on the multinational corporation and the Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee is scheduled to hold oversight hearings on the OPIC.

These activities will go forward in a year when tax reform legislation and trade legislation will be before the Congress.

I would like to call the attention of my colleagues to the most recent of a wide number of studies which has now been conducted on the effects of the multinational corporation on American trade, American jobs, and the American economy. It would be my hope and expectation that as these review and legislative activities go forward that they will provide a complete picture of the role of the multinational corporation in our society and focus sufficient attention on the creative and innovative influence these corporations may have on American economic life as well as on the excesses.

Today, I would like to draw the attention of my colleagues to a study which has just been published in the highly respected Department of Commerce magazine Survey of Current Business entitled "U.S. Foreign Trade Associated With U.S. Multinational Companies."

I found the following conclusions particularly interesting:

1. In 1970 the exports and the imports associated with the 298 MNCs in the sample were a sizable proportion of total U.S. merchandise exports and imports—51 percent and 34 percent, respectively.

2. The trade surplus associated with the sample MNCs increased significantly from 1966 to 1970, while the total U.S. trade declined.

Regarding the first conclusion the study points out that in 1970 MNC-associated exports were $21.2 billion or 51 percent of total U.S. exports and MNC-associated imports were $13.6 billion or 34 percent of total U.S. imports.

I think that these figures effectively relate to the widely held myth that the activities of the U.S. multinational corporation weaken the trade position of the United States. I could add that in terms of the current account, these figures make it clear that the activities of the MNC not only strengthen the trade account but also provide a major and growing plus item on the investment account.

Conclusion 2 makes clear that the trade surplus associated with the MNC activities has been growing. Again we know that a jobs issue is at stake in our trade balance and that a trade surplus leads to net job creation in the United States. Again, this conclusion raises certain serious questions about the second widely held myth regarding the multinational corporation—that is, that on balance that the activities of the MNC lead to a net job loss in the United States.

If one uses the rough yardstick that every billion in trade causes a job swing of some 50,000, the surplus on the trade account of MNC activities clearly will have created many more jobs in the United States than jobs that have been lost.

This point is reinforced by the findings of the study that "by industry, trade associated with MNC's in manufacturing accounted for an overwhelming share of all MNC trade in both 1966 and 1970. Clearly, manufacturing is where the industrial jobs are and where the unions are significantly represented."

In this connection I would also like to draw the attention of my colleagues to the finding of this study that the trade account surplus would have been even greater except for the "substantial increase in petroleum imports from the foreign affiliates of U.S. oil companies." Again, as we all know, the United States is increasingly dependent on these oil imports which are not displacing any domestic production or displacing domestic U.S. jobs.

I ask unanimous consent that this article which appeared in the December 1972 issue of the Survey of Current Business be placed in the Record at this point.

And since it is closely related to the points made in this article I ask unanimous consent that Donald Kendall's interview which appeared in the U.S. News & World Report entitled "In Trade: We Have To Be Much Tougher, as a Nation" be placed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN TRADE ASSOCIATED WITH U.S. MULTINATIONAL COMPANIES

(By Betty L. Barker)

This article analyzes data for 1966 and 1970 on the U.S. merchandise trade associated with 298 U.S. multinational companies (MNCs) that responded to a special survey taken by the Bureau of Economic Analysis. U.S. trade associated with the multinational companies is defined to consist of export and import transactions between the U.S. parent companies and their majority-owned foreign affiliates, between other U.S. residents and these same foreign affiliates, and between the U.S. parent companies and unaffiliated foreign residents.[1]

The primary purpose of the article is to present the facts about MNC trade in an organized way. The magnitude of, and the changes in, MNC trade over the 1966–70 period are discussed and some of the more obvious factors which may have influenced that trade are pointed out. The article is not addressed to the fundamental question of whether foreign direct investment was beneficial or detrimental to U.S. trade during this period.

In particular, the data on total U.S. trade and on U.S. trade associated with the multinational companies in 1966 and 1970, were collected, *given the existence of U.S. foreign direct investment abroad* and all the other developments that affected trade. These data, by themselves, do not permit us to determine whether, *in the absence of U.S. direct investment abroad*, total U.S. exports and/or imports would have been greater or less than they actually were. Identification of the actual magnitudes involved in MNC trade is only the first step in that determination.

The special survey was conducted in order to obtain current information on the domestic and international operation of U.S. multinational companies. It covers 298 U.S. direct investors and their 5,237 majority-owned foreign affiliates. The basic data obtained from the special survey, supplemented by information from BEA's 1966 benchmark survey of direct investments abroad,[2] are given in a publication recently released by the Bureau of Economic Analysis, entitled *Special Survey of U.S. Multinational Companies, 1970*.[3] The data on MNC trade used in the text and tables of the present article are drawn from this primary source.

Some major findings based on the MNC trade data from the special survey are:

1. In 1970, the exports and the imports associated with the 298 MNCs in the sample were a sizable proportion of total U.S. merchandise exports and imports—51 percent and 34 percent, respectively.

2. The trade surplus associated with the sample MNCs increased significantly from 1966 to 1970, while the surplus on total U.S. trade declined.

3. Most of the strength in the MNC-associated surplus was in trade between U.S. parent companies and unaffiliated foreign residents. U.S. reporters' exports to unaffiliated foreigners rose 48 percent while their imports from unaffiliated foreigners rose 46 percent from 1966 to 1970. The increase in the surplus on U.S. trade with majority-owned foreign affiliates was relatively small, as exports to the affiliates increased at a slower pace than imports from them. The rapid rise in imports from majority-owned foreign affiliates at least partly reflected the impact of the U.S.-Canadian automotive trade agreement and the exceptional growth in U.S. demand for petroleum.

4. By industry, trade associated with MNCs in manufacturing accounted for an overwhelming share of all MNC trade in both 1966 and 1970. Exports associated with manufacturing MNCs rose more slowly from 1960 to 1970, but by a larger dollar amount, than imports associated with them. The surplus on trade of the manufacturing MNCs in 1970 was about equal to the total trade surplus of all MNCs in the sample.

5. By area, MNC-associated exports grew faster than total U.S. exports to the developed areas, but slower than total U.S. exports to other areas.

Previous articles in the SURVEY OF CURRENT BUSINESS have presented data on all MNC-associated exports (May 1969 issue) but on only a portion of MNC-associated imports, i.e., only sales by foreign affiliates to the United States (October 1970 issue). The present article gives data on all identifiable MNC-associated imports, as well as exports, for a sample of large multinational companies. It also integrates the data on both MNC-associated exports and imports into a single discussion. The methodology used and the statistical problems encountered in compiling the data on MNC trade are summarized in the Technical Note at the end of this article.

COMPARISON OF MNC TRADE WITH TOTAL U.S. TRADE

Companies in the sample

Trade associated with the 298 multinational companies in the sample accounted for a sizable proportion of total U.S. trade in 1966 and 1970. In 1970, MNC-associated exports were $21.2 billion, or 51 percent of total U.S. exports, and MNC-associated imports were $13.6 billion, or 34 percent of total U.S. imports (table 1). In 1966, the corresponding percentage for MNC-associated exports was somewhat lower—47 percent of the U.S. total—but the percentage for MNC-associated imports was 33 percent, about the same as in 1970.

TABLE 1.—TOTAL U.S. TRADE AND TRADE ASSOCIATED WITH U.S. MULTINATIONAL COMPANIES

[Dollars in millions]

Line		1966			1970			Change, 1966–70				
		Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports (percent)	Imports (percent)
1	Total U.S. trade	$29,287	$25,463	$3,824	$41,963	$39,799	$2,164	$12,676	$14,336	−$1,660	43.3	56.3
2	U.S. trade associated with multinationals in sample [2]	13,726	8,435	5,291	21,228	13,609	7,619	7,502	5,174	2,328	54.7	61.3
3	Other U.S. trade (residual)	15,561	17,028	−1,467	20,735	26,190	−5,455	5,174	9,162	−3,988	33.2	53.8
4	U.S. trade associated with multinationals not in sample [3]	5,460	[4] 3,273	[4] 2,187	NA	NA	NA	NA	NA	NA	NA	NA
5	U.S. trade not associated with any multinational	10,101	[4] 13,755	[4] −3,654	NA	NA	NA	NA	NA	NA	NA	NA
	Addendum:											
6	U.S. trade associated with all multinationals (line 2+line 4) [3]	19,186	[4] 11,708	7,478	NA	NA	NA	NA	NA	NA	NA	NA

[1] Adjusted to balance-of-payments basis; excludes exports under U.S. military agency sales contracts and imports by U.S. military agencies. See "Survey of Current Business," June 1972, p. 30.

[2] Data are from Bureau of Economic Analysis, "Special Survey of U.S. Multinational Companies, 1970," table 5.

[3] Data for all 3,300 U.S. reporters are from Bureau of Economic Analysis, "U.S. Direct Investments Abroad, 1966, pt. II, group 1, 2, and 3."

[4] Imports of U.S. reporters not in sample from unaffiliated foreign residents were estimated.

NA, not available.

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

The data on total U.S. trade in this article have been adjusted to a balance of payments basis, excluding military transactions. This basis is the one most conceptually comparable, although not identical, to that used in collecting the MNC trade data. Problems of comparability may still exist because of differences in the timing, valuation, and definition of the transactions covered in the two sets of data (see Technical Note).

Total U.S. trade and U.S. trade associated with the sample MNCs were undoubtedly affected by cyclical developments here and abroad. However, cyclical factors probably affected total and MNC trade in the same direction at least, so that the influence of these factors on comparisons of total trade with MNC trade is probably not great.

The increase in the share of MNC-associated exports in total U.S. exports from 1966 to 1970 reflected the fact that MNC-associated exports rose significantly faster than total U.S. exports. U.S. exports associated with the MNCs in the sample increased by $7.5 billion or 55 percent, compared with a 43 percent rise in total U.S. exports. At the same time, MNC-associated imports rose $5.2 billion or 61 percent, somewhat faster than the 56 percent increase in total U.S. imports. In dollar terms, the MNCs in the sample accounted for nearly 60 percent of the increase in total U.S. exports and for about 35 percent of the increase in total U.S. imports over this period.

Since the dollar increase in MNC-associated exports was greater than that in MNC-associated imports, the surplus on trade of the MNCs in the sample rose $2.3 billion, from $5.3 billion in 1966 to $7.6 billion in 1970. The surplus on all U.S. trade, on the other hand, deteriorated by $1.7 billion over the same period. Thus, the surplus on "residual U.S. trade," that is, trade not associated with the sample MNCs, deteriorated by nearly $4.0 billion.

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[1] Minority-owned foreign affiliates are treated in the text of this article as though they were unaffiliated foreign residents. U.S. trade associated with the multinational companies, as defined here, is often referred to in this article simply as "MNC trade" or "MNC-associated trade."

[2] See Bureau of Economic Analysis, *U.S. Direct Investments Abroad, 1966, Part II, Group 1, 2, and 3*, available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, at $3 for each of the three volumes. Accesssion numbers are COM 72–10097, 72–10096, 72–10441, respectively.

[3] *Special Survey of U.S. Multinational Companies, 1970* can be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Price $3. Quote accession number COM–72–11392 when ordering.

The better-than-average trade performance of the MNCs during the 1966–70 period may reflect the competitive strength of the MNCs in U.S. and foreign markets, irrespective of any effects their foreign direct investments per se may have had on U.S. trade. Many of the 298 U.S. firms that reported in the survey are among the largest and most technologically advanced U.S. firms. As a result, their domestic production is probably highly competitive with the production of other U.S. and foreign firms. They may very well have a competitive advantage in international trade for this reason, irrespective of the impact on trade of their foreign direct investments.

It should also be noted that the data on MNC-associated exports and imports from the special survey are affected by the prevailing processing and distribution channels through which exported or imported goods pass, and any shifts in these channels would have influenced the reported changes in MNC-associated trade from 1966 to 1970. For example, trade of U.S. reporters in the MNC data cover those goods which were exported or imported directly by the reporters, regardless of whether the goods were originally produced or ultimately used by them. Goods exported or imported by other U.S. residents but which, at some point, entered into the production or distribution processes of the reporter are not included in exports or imports of the U.S. reporters.

In particular, exports of U.S. reporters, as defined in the MNC data, include goods produced by other U.S. residents which were subsequently purchased and exported by the reporters, with or without further processing. They exclude goods produced by the reporters which were subsequently purchased and exported by other U.S. residents. (A good part of the latter type of exports consists of goods charged to the Department of Defense, which is considered a U.S. resident; for greater comparability with the data on MNC-associated exports, such goods have also been excluded from the data on total U.S. exports.) Likewise, imports of the U.S. reporters in the MNC data include goods imported by the reporters which were later sold to other U.S. residents with or without further processing, but exclude (possibly large amounts of) goods imported by other U.S. residents which were later purchased by the reporters.

Trade associated with the reporters' majority-owned foreign affiliates is defined similarly to consist of those goods which were exported to the United States or imported from the United States directly by the affiliates; goods exported or imported by other foreigners but which entered into the production or distribution processes of the affiliates are not included in trade associated with the affiliates.

The direct investment universe

The sample data on MNC trade cited above cover only the 298 respondents to the BEA special survey. For 1966, however, data on the trade associated with the universe of all MNCs were collected in the BEA benchmark survey of U.S. direct investments abroad, to which response was mandatory. Trade associated with the full benchmark universe of MNCs accounted for 66 percent of total U.S. exports and 46 percent of total U.S. imports in 1966, with an estimated surplus in that year of $7.5 billion (table 1, line 6). In contrast, a deficit of $3.7 billion was recorded in 1966 on other U.S. trade, i.e., trade not identifiably associated with any MNC.

The 298 U.S. reporters in the special survey and their 5,237 majority-owned foreign affiliates represent a very small proportion of the 3,300 U.S. foreign direct investors and the 23,000 foreign affiliates in the benchmark universe. However, the sample MNCs accounted for a substantial part of the U.S. exports and imports—somewhat over 70 percent of each—associated with all MNCs in the benchmark universe in 1966.

The trade associated with the sample MNCs in 1966, moreover, seems fairly representative of the MNC universe in terms of composition by industry of the U.S. reporter and by geographical area. However, it is quite possible that the sample is less representative of the universe in terms of growth patterns from 1966 to 1970; the sample is composed primarily of large companies and it is possible that trends over time in the trade of these large companies differ considerably from those of the smaller companies in the universe. Generalizations about the growth in trade of the MNC universe, based on the growth in trade of the MNC sample, may thus be misleading.

The remainder of this article focuses on the U.S. trade associated with the 298 MNCs in the sample.

MNC TRADE, BY TRANSACTORS, BY INDUSTRY OF U.S. REPORTER, AND BY AREA

Trade by transactors

Of all U.S. exports associated with the sample MNCs in 1970, 54 percent were exports by U.S. reporters to unaffiliated foreigners, 41 percent were exports by U.S. reporters to their own majority-owned foreign affiliates (MOFAs), and only a small percentage were exports by other U.S. residents to those same MOFAs. Imports by U.S. reporters from unaffiliated foreigners, and from their own MOFAs, each accounted for roughly 45 percent of all imports associated with the sample MNCs in 1970; the remaining 10-percent were imports of other U.S. residents from majority-owned foreign affiliates. The relatively small size of imports by other U.S. residents from the MOFAs may result from the affiliates' tendency to sell their goods to their U.S. parents for subsequent distribution in the United States rather than acting themselves as distributors of these goods.

The surplus on trade between the 298 U.S. reporters and unaffiliated foreign residents increased $1.8 billion from 1966 to 1970, accounting for roughly three-fourths of the $2.3 billion total increase in the trade surplus of the sample (table 2). U.S. reporters' exports to unaffiliated foreigners rose 48 percent, while their imports from unaffiliated foreigners rose 46 percent. In contrast, exports to the MOFAs by both U.S. reporters and other U.S. residents increased more slowly than imports from the MOFAs. Thus, the surplus on trade between the U.S. reporters and their own MOFAs rose only $0.8 billion and the balance on trade of other U.S. residents with these same MOFAs deteriorated by $0.3 billion to a small deficit in 1970.

Impact of the United States-Canadian automotive agreement

One major factor that was partly responsible for the relatively weak showing on U.S. reporters' trade with majority-owned foreign affiliates was the 1965 United States-Canadian automotive agreement. This had a large adverse impact on the U.S. trade balance with majority-owned Canadian affiliates of U.S. auto companies.

The agreement has resulted in the increased specialization of automobile production in both the United States and Canada which, in turn, has led to an accelerated flow of automotive trade across the border in both directions. Exports by U.S. reporters in the transportation equipment industry to their majority-owned affiliates in Canada rose $1.0 billion, or 94 percent, from 1966 to 1970. However, imports by U.S. reporters from their Canadian MOFAs in the transportation equipment industry increased even faster—by $1.5 billion or 183 percent—so that the balance on this trade moved adversely by over $0.5 billion.

The balance on total U.S. automotive trade with Canada also was affected by the agreement. This balance deteriorated by $1.1 billion from 1966 to 1970, compared to the $0.5 billion deterioration on trade between U.S. reporters and their Canadian MOFAs in the transportation equipment industry. However, these two figures are not strictly comparable for a number of reasons: (1) The total trade data are broken down by commodity, whereas the MNC data are broken down by industry of the transactors involved—regardless of the actual types of goods being traded; (2) the MNC data are for the transportation equipment industry as a whole; this could include more than just the automotive industry, although transportation equipment MNCs with MOFAs in Canada appear to be predominantly automotive; (3) the data on total U.S. automotive trade themselves may be incomplete relative to the MNC data; recent evidence indicates that U.S. automotive exports in the total U.S. trade figures have been underreported, thus exaggerating the unfavorable shift in the overall trade balance; and (4) there may be other statistical or reporting differences between the MNC and total U.S. trade figures (see Technical Note). The remaining unexplained deterioration in the total U.S. automotive trade balance with Canada may reflect transactions other than between U.S. reporters and their Canadian MOFAs, including transactions between the U.S. reporters and unaffiliated foreigners.

Impact of U.S. demand for oil

Another major factor bearing on the weaker showing of the U.S. reporters' trade with majority-owned foreign affiliates relative to their trade with unaffiliated foreigners in 1966–70 was the exceptional growth in U.S. demand for oil. This prompted substantial increases in petroleum imports from the foreign affiliates of U.S. oil companies.

TABLE 2.—U.S. TRADE ASSOCIATED WITH U.S. MULTINATIONAL COMPANIES IN SAMPLE,[1] BY TRANSACTORS AND BY DOMESTIC INDUSTRY OF U.S. REPORTER

[Dollars in millions]

Line		1966			1970			Change, 1966–70				
		Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports (percent)	Imports (percent)
1	Total U.S. trade associated with multinationals in sample	$13,726	$8,435	$5,291	$21,228	$13,609	$7,619	$7,502	$5,174	$2,328	54.7	61.3
	By transactors:											
2	U.S. reporters with own majority-owned foreign affiliates (MOFAs).	5,038	3,433	1,605	8,623	6,244	2,379	3,585	2,811	774	71.2	81.9
3	Other U.S. residents with MOFAs[2]	1,002	822	180	1,200	1,279	−79	198	457	−259	19.8	55.6
4	U.S. reporters with other foreigners[3]	7,687	4,180	3,507	11,405	6,087	5,318	3,718	1,907	1,811	48.4	45.6

Footnotes at end of table.

TABLE 2.—U.S. TRADE ASSOCIATED WITH U.S. MULTINATIONAL COMPANIES IN SAMPLE,[1] BY TRANSACTORS AND BY DOMESTIC INDUSTRY OF U.S. REPORTER—Continued

[Dollars in millions]

Line		1966			1970			Change, 1966–70				
		Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports (percent)	Imports (percent)
	By industry of U.S. reporter:											
5	Associated with U.S. manufacturing multinationals	$10,736	$5,707	$5,029	$17,050	$9,393	$7,657	$6,314	$3,686	$2,628	58.8	64.6
6	U.S. reporters with own MOFAs	4,208	2,161	2,047	7,079	4,153	2,926	2,871	1,992	879	68.2	92.2
7	Other U.S. residents with MOFAs[2]	760	425	335	903	635	268	143	210	−67	18.8	49.4
8	U.S. reporters with other foreigners[3]	5,768	3,121	2,647	9,068	4,605	4,463	3,300	1,484	1,816	57.2	47.5
9	Associated with U.S. petroleum multinationals	957	2,007	−1,050	1,339	3,274	−1,935	382	1,267	−885	39.9	63.1
10	U.S. reporters with own MOFAs	378	1,074	−696	553	1,976	−1,423	175	902	−727	46.3	84.0
11	Other U.S. residents with MOFAs[2]	157	296	−139	191	393	−202	34	97	−63	21.7	32.8
12	U.S. reporters with other foreigners[3]	423	637	−214	595	905	−310	172	268	−96	40.7	42.1
13	Associated with U.S. multinationals in other industries	2,033	721	1,312	2,839	942	1,897	806	221	585	39.6	30.7
14	U.S. reporters with own MOFAs	451	198	253	991	115	876	540	−83	623	119.7	−41.9
15	Other U.S. residents with MOFAs[2]	85	101	−16	107	252	−145	22	151	−129	25.9	149.5
16	U.S. reporters with other foreigners[3]	1,498	422	1,076	1,741	576	1,165	243	154	89	16.2	36.5

[1] Data are from Bureau of Economic Analysis, "Special Survey of U.S. Multinational Companies, 1970" table 5.

[2] Also may include trade of a U.S. reporter with the majority-owned foreign affiliates of other U.S. reporters. Excludes U.S. goods charged or billed to a majority-owned foreign affiliate but shipped to other foreigners.

[3] Exports to other foreigners include exports charged (billed) by U.S. reporters and other U.S. residents to the covered majority-owned foreign affiliates, but shipped to other foreigners.

Note: Details may not add to totals because of rounding.

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

Imports by petroleum reporters from their MOFAs rose 84 percent from 1966 to 1970, as the amount of petroleum imports allowed into the United States under quota was increased in response to the rise in domestic demand and as imports of certain petroleum products not subject to quotas were expanded. The balance on trade between U.S. petroleum reporters and their MOFAs deteriorated by $0.7 billion, while the balance on other trade associated with petroleum MNCs deteriorated by $0.2 billion.

In view of the rapid growth in domestic demand for petroleum, the large increases in petroleum imports in this period would probably have occurred even in the absence of U.S. direct investments in petroleum-producing affiliates abroad. Thus, if such direct investments had been smaller, U.S. petroleum imports from MOFAs would also have been smaller, but U.S. petroleum imports by the reporters from unaffiliated foreigners might well have been larger than they actually were. Given the increase in domestic demand for petroleum and the liberalization of oil import quotas, all MNC-trade and total U.S. trade might not have been much different with or without the foreign direct investments.

Trade by industry of U.S. reporter

When MNC trade is classified by the domestic industry of the U.S. reporter, all trade associated with the reporter or its MOFAs is assigned to the major industry of that reporter's fully consolidated domestic operations. This industry may differ from that of the products actually being traded, from that of the reporter's foreign affiliates and—in trade between the U.S. reporter and unaffiliated foreigners or between other U.S. residents and the reporter's MOFAs—from that of the unaffiliated foreign or U.S. residents involved.

In terms of the domestic industry of the U.S. reporter, MNCs in manufacturing dominate MNC trade. In 1970, manufacturing MNCs accounted for 80 percent of all MNC-associated exports reported by the sample companies and for 69 percent of all MNC-associated imports. Exports associated with the manufacturing MNCs rose more slowly but by a larger dollar amount, than imports associated with them from 1966 to 1970. The surplus on trade of the manufacturing MNCs was $7.7 billion in 1970, an improvement of $2.6 billion from 1966 (table 2). Most of this improvement was in trade between U.S. manufacturing reporters and unaffiliated foreign residents; the improvement in trade with majority-owned foreign affiliates was relatively small, partly because of the negative impact of the United States-Canadian automotive pact.

MNCs in the petroleum industry accounted for only 6 percent of MNC-associated exports in 1970, but for 24 percent of MNC-associated imports. The trade deficit associated with the petroleum MNCs worsened from $1.0 billion in 1966 to $1.9 billion in 1970, as exports associated with the petroleum MNCs rose only $0.4 billion or 40 percent while imports associated with them rose $1.3 billion or 63 percent. The rise in imports was largely from majority-owned foreign affiliates.

The deficit on trade associated with the petroleum MNCs was about equal in 1970 to the net surplus on trade associated with MNCs in "other industries," which include mining, smelting, trade, and other services. Exports associated with the "other industries" group rose 40 percent from 1966 to 1970, compared with the 31 percent rise in the imports associated with them. In 1970, MNCs in these other industries together accounted for 13 percent of MNC-associated exports and 7 percent of MNC-associated imports.

TABLE 3.—COMPARISON OF GROWTH IN TOTAL U.S. EXPORTS WITH GROWTH IN U.S. EXPORTS ASSOCIATED WITH MULTINATIONAL COMPANIES (MNCs) IN SAMPLE, BY AREA OF ULTIMATE DESTINATION

[Dollars in millions]

Line	Area of ultimate destination	1966		1970		Change, 1966–70			
		Total U.S. exports[1]	MNC-associated exports[2]	Total U.S. exports[1]	MNC-associated exports[2]	Total U.S. exports	MNC-associated exports	Total U.S. exports (percent)	MNC-associated exports (percent)
1	All areas	$29,287	$13,726	$41,963	$21,228	$12,676	$7,502	43.3	54.7
2	Developed areas	19,960	8,839	29,804	15,251	9,844	6,412	49.3	72.5
3	Canada	6,736	3,234	9,040	4,942	2,304	1,708	34.2	52.8
4	Europe	9,745	4,213	14,535	7,461	4,790	3,248	49.2	77.1
5	United Kingdom	1,758	791	2,519	1,355	761	564	43.3	71.3
6	European Economic Community	5,374	2,400	8,361	3,731	2,987	1,331	55.6	55.5
7	Other Europe[3]	2,613	1,023	3,655	2,375	1,042	1,352	39.9	132.2
8	Japan	2,345	792	4,648	1,908	2,303	1,116	98.2	140.9
9	Australia, New Zealand, and South Africa	1,134	600	1,581	941	447	341	39.4	56.8
10	Other areas	9,327	4,888	12,159	5,977	2,832	1,089	30.4	22.3
11	Latin America	4,718	2,156	6,501	3,181	1,783	1,025	37.8	47.5
12	Other Africa, Middle East, and other Far East	4,609	(4)	5,658	2,090	1,049	(4)	22.8	(4)
13	International and unallocated		(4)		706		(4)		(4)

[1] Adjusted to balance of payments basis; excludes exports under U.S. military agency sales contracts and imports of U.S. military agencies. Total for all areas in 1966 and all 1970 data are as published in the "Survey of Current Business," June 1972, table 9, p. 46–51. Area detail for 1966 has been revised by the Bureau of Economic Analysis since it was last published in the "Survey of Current Business," June 1970, table 9, p. 54–59.

[2] Area detail for MNC-associated exports is from Bureau of Economic Analysis, "Special Survey of U.S. Multinational Companies, 1970," tables 2 and 4.

[3] Includes Eastern Europe.

[4] Suppressed to avoid disclosure of data for individual reporters.

Note: Details may not add to totals because of rounding.

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

Exports by area

A geographic breakdown of all U.S. imports associated with the MNCs in the sample cannot be made because data on the U.S. reporters' imports from unaffiliated foreigners, which were collected for the first time in the special survey, were reported only in aggregate, not for individual areas. However, area detail is available for all U.S. exports associated with the sample MNCs (table 3).

Of the total $21.2 billion of MNC-associated U.S. exports in 1970, $15.3 billion or 72 percent went to the developed areas and $6.0 billion or 28 percent went to other areas. The corresponding percentages in 1966 were 64 percent and 36 percent, respectively. The rise in the share of developed areas and the decline in the share of other areas from 1966 to 1970 reflected the fact that, during this period, MNC-associated exports to the developed areas increased 72 percent, while those to other areas increased only 22 percent.

The distribution of total U.S. exports between developed and other areas was about the same as that of the MNC sample in 1970. However, the 1966–70 growth pattern, by area, of MNC-associated exports differed considerably from that of total U.S. exports. In general, MNC-associated exports grew significantly faster than total U.S. exports to the developed areas, but somewhat slower than total U.S. exports to other areas.

U.S. TRADE WITH MAJORITY-OWNED FOREIGN AFFILIATES

Trade by area and by industry of U.S. reporter

Although area detail for all MNC-associated imports is not available from the special survey, breakdowns are available by area and by industry of the U.S. reporter for both exports to, and imports from, majority-owned foreign affiliates (table 4). Trade with majority-owned foreign affiliates consists of transactions between U.S. reporters and their own MOFAs and transactions between other U.S. residents and these same MOFAs.

U.S. exports to MOFAs in the sample totaled $9.8 billion in 1970, of which 82 percent was to developed areas. U.S. imports from MOFAs totaled $7.5 billion, of which 67 percent was from developed areas. From 1966 to 1970, imports from MOFAs in developed areas increased faster, although by a smaller dollar amount, than exports to them; for trade with MOFAs in other areas, the reverse was true.

TABLE 4.—U.S. TRADE WITH MAJORITY-OWNED FOREIGN AFFILIATES (MOFAs) IN SAMPLE,[1] BY AREA AND DOMESTIC INDUSTRY OF U.S. REPORTER

[Dollars in millions]

Line	Area, and domestic industry of U.S. reporter	1966			1970			Change, 1966–70				
		Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports	Imports	Trade balance	Exports (percent)	Imports (percent)
1	All areas	$6,040	$4,256	$1,785	$9,823	$7,523	$2,300	$3,783	$3,267	$515	62.6	76.8
	By domestic industry of U.S. reporter:											
2	Associated with MOFAs of U.S. manufacturing multinationals (MNCs)	4,968	2,586	2,382	7,982	4,787	3,194	3,014	2,201	812	60.7	85.1
3	Associated with MOFAs of U.S. MNCs in petroleum and other industries	1,071	1,669	−598	1,842	2,735	−894	771	1,066	−296	72.0	63.9
	By area:											
4	Developed areas	4,858	2,444	2,414	8,057	5,045	3,012	3,199	2,601	598	65.9	106.4
5	Associated with MOFAs of U.S. manufacturing MNCs	4,165	2,024	2,141	6,775	4,200	2,575	2,610	2,176	434	62.7	107.5
6	Associated with MOFAs of U.S. MNCs in petroleum and other industries	694	421	273	1,282	847	435	588	426	162	84.7	101.2
7	Of which, Canada	2,543	1,867	676	3,891	4,185	−294	1,348	2,318	−970	53.0	124.1
8	Associated with MOFAs of U.S. manufacturing MNCs	2,427	1,645	782	3,748	3,506	242	1,321	1,861	−540	54.4	113.1
9	Associated with MOFAs of U.S. MNCs in petroleum and other industries	117	223	−106	143	679	−536	26	456	−430	22.2	204.5
10	Of which, Europe [2]	1,793	504	1,289	3,359	767	2,592	1,566	263	1,303	87.3	52.2
11	Associated with MOFAs of U.S. manufacturing MNCs	1,375	341	1,034	2,398	601	1,797	1,023	260	763	74.4	76.2
12	Associated with MOFAs of U.S. MNCs in petroleum and other industries	418	163	255	962	166	796	544	3	541	130.1	1.8
13	Other areas	1,182	1,814	−632	1,766	2,479	−713	584	665	−81	49.4	36.7
14	Associated with MOFAs of U.S. manufacturing MNCs	804	564	240	1,208	590	618	404	26	378	50.2	4.6
15	Associated with MOFAs of U.S. MNCs in petroleum and other industries	379	1,250	−871	560	1,889	−1,329	181	639	−458	47.8	51.1
16	Of which, Latin America	853	1,280	−427	1,165	1,380	−215	312	100	212	36.6	7.8
17	Associated with MOFAs of U.S. manufacturing MNCs	683	440	243	918	402	516	235	−38	273	34.4	−8.6
18	Associated with MOFAs of U.S. MNCs in petroleum and other industries	170	839	−669	248	978	−730	78	139	−61	45.9	16.6

[1] Exports are from Bureau of Economic Analysis, "Special Survey of U.S. Multinational Companies, 1970," table 2, and unpublished data; imports are from unpublished data only.

[2] Includes Eastern Europe.

Note: Details may not add to totals because of rounding.

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

U.S. trade with majority-owned foreign affiliates in all areas showed a surplus of $2.3 billion in 1970, up $0.5 billion from 1966. The surplus on trade with MOFAs in developed areas improved by $0.6 billion from 1966 to 1970, as a large increase in the surplus with Europe was partly offset by a deterioration in the balance with Canada. Over half of that deterioration was associated with manufacturing MNCs, partially reflecting the impact of the United States-Canadian automotive agreement. The deficit on trade with MOFAs in other areas worsened slightly from 1966 to 1970, as a decrease in the trade deficit with Latin America was more than offset by an increase in the deficit with other nondeveloped areas. The later increase was wholly in trade associated with MNCs in the "petroleum and other industries" group.

Exports by intended use

Total exports to the majority-owned foreign affiliates in the sample were $9.8 billion in 1970, of which $5.1 billion, or slightly more than half, were for resale without further manufacture or for lease or rental abroad. Less than 5 percent was capital equipment exported for use by the foreign affiliates. The remainder consisted of exports of materials and parts for further processing or assembly by the foreign affiliates, and all other exports, such as repair parts and operating supplies for use by the affiliates (table 5).

The $5.1 billion of exports to MOFAs for resale, lease, or rental abroad were probably for the most part distributed by the affiliates to unaffiliated foreign customers. In addition, the U.S. reporters exported $11.4 billion of goods directly to unaffiliated foreign residents in 1970 (table 2, line 4). Thus, the total amount of MNC-associated exports that reached unaffiliated foreign customers with little or no further processing by the affiliates was about $16.5 billion. Majority-owned foreign affiliates were the distribution channel for 31 percent of this total; in 1966, the corresponding figure was 27 percent.

The $5.1 billion of exports to MOFAs reported as being for resale, lease, or rental abroad are valued at the selling prices charged by the U.S. parent companies to their affiliates, not the prices charged by the affiliates to foreign customers. Thus, profit and commission on sales are excluded. In contrast, the $11.4 billion of exports by U.S. reporters to unaffiliated foreigners probably include profit and commission. As a consequence, the importance of the MOFAs as distributors of U.S. exports may be understated.

Exports of capital equipment for use by foreign affiliates were only $430 million in 1970, a decline of nearly $100 million from 1966. However, both the 1966 and 1970 data may be incomplete. The data on U.S. trade with foreign affiliates were generally reported by the U.S. parent companies which may have been unaware of some goods purchased by their affiliates from other U.S. suppliers. The understatement in the case of U.S. capital equipment exports for use by the affiliates may be especially serious since the proportion of such exports which is shipped by U.S. suppliers other than the reporters is relatively large.

Other exports to MOFAs, mainly for further processing or assembly abroad, totaled $4.3 billion in 1970, compared with $2.6 billion in 1966. The proportion of such exports which went to affiliates in the transportation equipment industry in Canada rose from 34 percent in 1966 to 39 percent in 1970, in part reflecting the impetus given by the United States-Canadian automotive pact.

In both 1966 and 1970, over 85 percent of the exports to MOFAs for resale, lease, or rental abroad, and about 80 percent of the exports for further processing or assembly abroad, were shipped to developed areas. Exports of capital equipment for use by the MOFAs were about evenly divided between developed areas and other areas in both years.

TABLE 5.—U.S. EXPORTS TO MAJORITY-OWNED FOREIGN AFFILIATES IN SAMPLE, BY AREA AND BY INTENDED USE[1]

[Dollars in millions]

		1966			1970			Change, 1966–70					
Line	Intended use	All areas	Developed areas	Other areas	All areas	Developed areas	Other areas	All areas	Developed areas	Other areas	All areas (percent)	Developed areas (percent)	Other areas (percent)
1	Total exports to majority-owned foreign affiliates[2]	$6,040	$4,858	$1,182	$9,823	$8,057	$1,766	$3,783	$3,199	$584	62.6	65.9	49.4
2	Shipped by U.S. reporters[3]	5,038	4,098	940	8,623	7,118	1,505	3,585	3,020	565	71.2	73.7	60.1
3	Shipped by other U.S. suppliers	1,002	760	242	1,200	939	261	198	179	19	19.8	23.6	7.9
4	For resale without further manufacture or for lease or rental abroad.	2,841	2,446	395	5,057	4,421	636	2,216	1,975	241	78.0	80.7	61.0
5	Shipped by U.S. reporters[3]	2,677	2,317	359	4,908	4,287	620	2,231	1,970	261	83.3	85.0	72.7
6	Shipped by other U.S. suppliers	163	127	36	149	134	14	−14	7	−22	−8.6	5.5	−61.1
7	Capital equipment for use by foreign affiliates	523	282	241	430	207	223	−93	−75	−18	−17.8	−26.6	−7.5
8	Shipped by U.S. reporters[3]	230	106	124	230	91	139	0	−15	15	0	−14.2	12.1
9	Shipped by other U.S. suppliers	292	176	116	199	116	84	−93	−60	−32	−31.8	−34.1	−27.6
10	For further processing or assembly, and other	2,620	2,075	545	4,318	3,455	862	1,698	1,380	317	64.8	66.5	58.2
11	Shipped by U.S. reporters[3]	2,074	1,619	456	3,466	2,766	609	1,392	1,147	243	67.1	70.8	53.3
12	Shipped by other U.S. suppliers	546	456	90	852	689	163	306	233	73	56.0	51.1	81.1

[1] Data for total exports to majority-owned foreign affiliates, and for all areas by intended use, are from Bureau of Economic Analysis, "Special Survey of U.S. Multinational Companies, 1970," tables 2 and 6; area detail by intended use is from unpublished data.

[2] The details by intended use do not add to total exports to majority-owned foreign affiliates because of statistical discrepancies. The detail data are as reported on the books of the foreign affiliates while the totals are as reported on the books of the U.S. parent. For all areas combined, the sum of the details by intended use is $56,000,000 less in 1966, and $19,000,000 less in 1970 than the total shown in line 1. Details may also not add to totals because of rounding.

[3] Includes goods charged on the books of U.S. reporters and shipped to their own majority-owned foreign affiliates, whether such goods were actually produced by the U.S. reporters or by other U.S. suppliers.

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

TECHNICAL NOTE

General sources

All 1970 data on U.S. imports and exports associated with the 298 multi-national companies in the sample were obtained from Forms BE–11A and 11B "Confidential Special Survey of Multi-national Companies, 1970," of the Bureau of Economic Analysis. The survey, which was voluntary, was conducted in late 1971.

Data on the U.S. reporters' imports from unaffiliated foreign residents in 1966 were also obtained from the special survey. However, data on other MNC-associated imports and all data on MNC-associated exports in 1966 were obtained from the 1966 mandatory benchmark survey of U.S. direct investments abroad. The data drawn from the 1966 benchmark survey are for the same group of enterprises that were included in the 1970 special survey, but are as reported by them in the benchmark survey.[4] No attempt was made to expand the sample survey data to universe totals.

All data on total U.S. exports and imports for 1966 and 1970 are as published in the June 1972 issue of the SURVEY (pages 30, 46–51), except for the area breakdown of total U.S. exports. This breakdown has been revised by BEA since it was last published in the June 1970 issue of the SURVEY. Total U.S. exports and imports are on a balance of payments basis, excluding military; total U.S. exports exclude exports under military agency sales contracts and under military grant-aid programs, and total U.S. imports exclude imports of U.S. military agencies.

Definition of MNC-associated trade

MNC-associated trade is defined to consist of three components (table 2):

1. *Trade between U.S. reporters and their own majority-owned foreign affiliates:* Exports from U.S. reporters to their own MOFAs include goods charged (billed) on the books of U.S. reporters which were shipped to the reporters' own MOFAs, whether the goods were actually produced by the U.S. reporters or by other U.S. residents. Imports by U.S. reporters from their own MOFAs are derived from data on sales by the affiliates to U.S. reporters and include both goods and services; the service component, however, is believed to be quite small. It was assumed that all goods (or services) sold to U.S. reporters by the affiliates were in fact shipped to (or performed for) these reporters although a small amount of such goods (or services) may have been charged to the reporters but actually shipped (or performed) elsewhere.

2. *Trade between other U.S. residents and the U.S. reporters' majority-owned foreign affiliates:* This component of MNC-associated trade consists primarily of transactions between U.S. residents that were not in the sample and the MOFAs of the U.S. reporters. However, it also includes any transactions that may have occurred between one U.S. reporter and the majority-owned foreign affiliates of another U.S. reporter, since these transactions could not be separately identified in the survey data. Exports of other U.S. residents to the U.S. reporters' MOFAs do not include exports which were charged to the reporters' MOFAs on the books of other U.S. suppliers but which were in fact shipped to other foreign residents; such exports are included in the third component of MNC trade, below. Imports by other U.S. residents from the MOFAs are derived from affiliate sales data and include what is believed to be a small amount of services. It was assumed that all goods (or services) sold to other U.S. residents by the affiliates were actually shipped to (or performed for) these residents.

3. *Trade between U.S. reporters and other foreign residents:* This component of MNC-associated trade consists of the U.S. reporters' export and import transactions with foreigners other than their own majority-owned foreign affiliates, including transactions with unaffiliated foreigners and with minority-owned foreign affiliates of U.S. reporters. (In the text of this article, foreigners other than MOFAs were, for convenience, referred to as "unaffiliated foreigners," i.e., minority-owned foreign affiliates were treated as though they were unaffiliated foreign residents.) This component may also include a small amount of trade of U.S. reporters with majority-owned foreign affiliates of other U.S. reporters, duplicating some of the data included in component 2, above. Exports by U.S. reporters to other foreign residents include a very small amount of exports ($6 milion in 1966 and $19 million in 1970) charged to MOFAs on the books of other U.S. suppliers but which were in fact shipped to other foreign residents.

Statistical and reporting problems

A number of statistical and reporting problems were encountered in compiling the data for this article. These problems may cause some distortion in comparisons between total U.S. trade and U.S. trade associated with the MNCs, although it appears unlikely that they would invalidate such comparisons.

The data on MNC-associated trade were reported by U.S. parent companies on the basis of entries made on their company records or on the records of their foreign affiliates. Total U.S. trade statistics, on the other hand, are derived from individual shippers' export declarations and from individual import documents, which are tabulated by the Census Bureau, on each foreign trade transaction. Because of such differences in data collection methods, differences between the two sets of data in the valuation, timing, and definition of the U.S. export and import transactions included are inevitable.

In the MNC data, for example, two different methods of valuation for imports were used. The value of U.S. imports from MOFAs reflects actual transactions prices as recorded on the books of the U.S. reporters and their foreign affiliates; the value of MNC-associated imports from unaffiliated foreigners reflects the value reported on the import entry form filed with the Bureau of Customs (usually an armslength market price, f.o.b. country of origin). All data on total U.S. imports, with one exception, represent the statutory valuations required by U.S. Customs law. The one exception is in the case of U.S. automotive trade with Canada: imports of automotive products from Canada, adjusted to a balance of payments basis, represent actual transactions values. In general, actual transactions values probably tend to be less than the Customs values. As a result, MNC-associated imports may be understated relative to total U.S. imports in this article.

The timing of transactions included in the MNC data depends upon when a given transaction is entered on the books of the U.S. reporter or its foreign affiliate. In the total U.S. trade data, the timing depends upon when the individual export document or import declaration on that transaction is collected. In addition, the total U.S. trade data are compiled on a calendar year basis, whereas the MNC data are reported by companies for either the calendar year or the closest fiscal year.

On the export side, the MNC data exclude goods which are charged to U.S. residents but shipped to foreign residents, such as military exports charged to the Department of Defense. Total U.S. exports as shown in this article have been adjusted to exclude transfers of goods under U.S. military grant programs and under U.S. military agency sales contracts but may include other exports charged to U.S. persons.

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[4] See Bureau of Economic Analysis, *Special Survey of U.S. Multinational Companies, 1970,* for a more detailed explanation of how this enterprise match was done.

As noted earlier, the MNC data may reflect some doublecounting in cases where one U.S. reporter deals with a majority-owned foreign affiliate of another reporter included in the sample. For example, an export transaction may be reported by one U.S. reporter as an export by it to a foreigner other than its own MOFA and by a second U.S. reporter as an export to its MOFA by another U.S. supplier (i.e., by the first reporter in this example). The amount of such duplication is unknown but is probably not large.

Data on U.S. imports from majority-owned foreign affiliates, as already indicated, were obtained from affiliate sales data and include sales of both goods and services to U.S. residents. While the size of the service component in the affiliate sales data is not known, it is believed to be small.

Data on imports by U.S. reporters from foreigners other than majority-owned affiliates should include imports of goods only. However, data on such imports—for both 1966 and 1970—were requested for the first time in the 1970 special survey and may reflect some "first-time" reporting defects.

Furthermore, the 1966 benchmark survey, from which most of the 1966 data on MNC-associated trade were drawn, was mandatory whereas the 1970 special survey was voluntary. This may have caused reporting biases, but their magnitude is not known.

Data on 1966 imports by U.S. reporters from foreigners other than MOFAs were not available from the 1966 benchmark survey. They were available from the 1970 special survey for the 298 U.S. reporters in the sample only; for U.S. reporters who were *not* in the sample but who were in the 1966 universe, they had to be estimated. They were estimated by assuming that the proportion these imports were of all MNC-associated imports in 1966 was the same for those MNCs *not* in the sample as for all MNCs in the benchmark universe. The resulting figure was $1,620 million out of total imports associated with MNCs *not* in the sample of $3,273 million (table 1). Alternative calculations give a range for estimated 1966 imports from unaffiliated foreigners associated with MNCs *not* in the sample of between $1 billion and $2 billion.

[From U.S. News & World Report,
June 22, 1973]

In Trades "We Have To Be Much Tougher, as a Nation"

(Interview with Donald M. Kendall, chairman and chief executive officer, PepsiCo., Inc.)

Q. Mr. Kendall, what would you like to see discussed in our next round of trade negotiations with Japan and other nations?

A. I would like to see some of the barriers against us lowered. Let's look at the problem we're faced with on trade, and you can see some of the things we have got to solve.

In 1972, by the latest estimates I have heard, we're going to end up with a trade deficit of more than 6 billion dollars. We bought that much more than we sold in foreign markets. That includes a deficit of about 4 billion with Japan, 2 billion with Canada, and about 1 billion with Germany. For the first time, we're going to have a deficit with the European Economic Community [Common Market].

Now, let's look where we're going to be by 1980—and I only take 1980 because I want to cite our energy needs in the future as a problem which fits into this whole package:

On the merchandise account—our trade in goods other than oil and gas—we probably can balance out; that is, our exports will offset our imports in 1980. Hopefully, we can even improve that.

If you look at tourism, there is going to be a deficit in 1980. Shipping and insurance is another deficit area in our trade balance.

On Government expenditures, you have to count on aid to allies and our own military costs, including those involved in the North Atlantic Treaty Organization. So you have a deficit there.

Q. Did the U.S. have any surpluses anywhere?

A. The only place where you have any true surplus is the flowback from our foreign direct investments—what we're getting back in royalties and earnings from investments abroad. That now amounts to about 9 billion a year. But this is offset by what we are plowing into additional investments abroad. The real surplus nets out to around 4 billion dollars a year.

Now, the energy experts have pretty much agreed that by 1980 we're going to be importing about 15 billion dollars' worth of energy each year in the form of oil and gas.

So we have quite a gap to fill in our balance of payments. And the biggest opportunity we have to fill it is through the surplus we earn on foreign direct investments.

Even if you expand that surplus—maybe you can get it up from 4 to about 12 billion a year—you're still not going to be able to cover the cost of energy imports. We're just going to have to do more on the trade side to cover the gap. This means we must have a better climate in which to sell our merchandise abroad.

Q. What about those barriers—

A. There are barriers in Europe that we can argue about with the Europeans.

There's the value-added tax that they impose on imports. We say it disadvantages us because we don't have that kind of tax. They say it doesn't—that it applies to domestic production as well as imports. Well, what do we do about that problem? Do we join them and put on a value-added tax of our own? Something has to be done.

There are barriers to our agricultural products. The one sector in our economy where we have a higher rate of productivity than any other country in the world is in agriculture. Yet there are barriers all around the world against our farm products. We have some barriers ouselves on agricultural imports. In fact, there are a lot of countries who have dirty hands in agriculture. We have to have some of those barriers taken down.

The farm products are a political problem. In Europe, everybody talks about the farmer's need for protection. In this country, there has been much more movement of people off the farms and into cities, so they are no longer such a big political factor.

But that's not true in Europe, nor in Japan.

Q. What kinds of barriers do the Japanese have?

A. Out of our 6-billion-dollar deficit in 1972, about 4 billion was with Japan. It has reached the point where the problem can't be solved just by Japan changing the barriers they have against us. And there are many barriers.

They have restrictions on the sale of U.S. computers and peripheral equipment, for example, and on agricultural products, and on distribution—they won't permit us to have, for instance, more than a handful of Sears, Roebuck-type stores in Japan. The oil companies can't go into the Japanese market with their service stations, and so on, the way we allow the Japanese to work over here.

Even if you changed all that, you would not crack the problem today. There is going to have to be currency realignment in Japan.

Q. When you talk about a net inflow of 4 billion dollars a year from investments abroad, does that include the investments that foreigners make in this country?

A. It takes into account the fact that remittances abroad from earnings of foreign investments in the U.S. exceeded new investments by 800 million dollars in 1971.

Another thing to remember about our direct foreign investments is that few of the dollars involved are an outflow from the United States, because the bulk of such investment now comes from the reinvestment of foreign earnings, and borrowings in the countries where the investments are located.

Our direct foreign investments are making a big contribution to the U.S. trade balance, without taking a lot out of the country. That's one of the reasons it seems so ridiculous to try to put restrictive legislation on those investments.

Q. What is your reply to the charge that multinational companies export American jobs?

A. It's a case of mistaken identity. We can give you a survey going back to 1960 that shows the multinational companies ECAT [Emergency Committee for American Trade] represents have increased their employment inside the U.S. at a substantially higher rate than the rest of the economy. So we can prove we are not exporters of jobs.

Last November, the Department of Commerce issued a thorough survey of its own, showing multinational companies increased domestic employment during the period 1966 to 1970 at a rate of 2.7 per cent annually, while the over-all rate for industry was only 1.8 per cent.

Some people would have you believe that a "whiz kid" sits in a tower with a group of computers and looks all around the world to find out where is the cheapest place to have a plant and the cheapest source of labor. And he works out a computer model on this. Then a guy pushes a button and he packs up a plant and moves it from Keokuk, Ia., over to some place in Africa, and then the costs rise there, so he picks the plant up and moves it to some place in South America or out to Asia.

Now, you just don't pick up plants and move around the world because of labor costs. There are some exceptions. But let's look at the total picture.

Q. To what extent does foreign production in your plants displace exports from the United States?

A. As I recall, our survey showed only 2 per cent of the production of those facilities came back into the United States. That's not counting Canada, where the Canadian auto agreement creates a separate situation.

Q. But aren't some of the things produced abroad things we could have exported from this country?

A. In most cases, you located a plant over there because you wouldn't be selling anything in that market if you didn't have the plant there.

Q. How do you actually explain that to a worker who lost his job in an electrical-equipment plant that used to make radios, but was put out of business by Japanese or German imports?

A. The question really is: Did he or did he not get another job? If he is still without a job, you have got a heck of a problem explaining to him what happened to his lost job. That is why you need an adjustment-assistance program to help in such cases.

You know, technology is the key to so much of this, and it is constantly changing, creating new jobs that replace the old ones. But before I get into that, let me make this point:

We sold our technology in the Space Administration to everyone for the same price that an American company would have paid for it. We have to be much tougher, as a nation, in such deals, and have a foreign policy based on our own economic needs.

We have to do a lot of other things, of course. We need to work hard on productivity—and I'm not just talking about labor unions, because I don't think the unions are the sole cause of our problem. They're not that big a sector of our employment force. Sure, they're a factor, and so are high wages, but that's just one of several problems.

We have to bring Government spending under control. That's why I hated to see the President lose his spending ceiling. [A Nixon ceiling proposal in 1972 was not approved by Congress.] Government spending is an inflationary factor, and we must keep inflation under control to stay competitive abroad.

Finally, we have to be tough in our trade negotiations. The day of the Marshall Plan approach is over. We could afford the Marshall Plan. We were in a position like the Japanese are now, with big surpluses. But we can't afford that kind of program today.

We need negotiators who know what they're talking about, and who are tough. I don't mean unfair.

If we do all those things, I believe the United States can still compete in this world. I don't think we need protection from our neighbors and trading partners—just fair conditions.

Q. Back to that radio—

A. There will still be U.S. industries where you are going to have shifts, but they sometimes work for you and not against you. The head of one large American company tells me that out of the space program they came up with technical improvements that are enabling them to become competitive on radios once again, and he told me they are making radios for cars.

Q. In this country?

A. Yes. Here's another example: Look at this watch on my wrist. It tells time by a computer printout. It was one of the original experimental models, and very expensive to make.

The first one, as I understand it, cost something like $2,000 to make. The manufacturers lost money on the first batch of 500 they sold. They're now selling them for $250, and they expect to get it down to $35 some day.

This watch is one of the most accurate watches you can get—plus or minus 60 seconds over a year's time. And it's going to bring the watch industry back to the United States.

So you have these shifts. Where they occur, we should have programs that take the worker who was making radios and retrain him and, most importantly, make sure he doesn't lose his seniority so he doesn't have to start all over again at a beginner's pay in a new job. We should also pay to move him wherever he has to go for that training or job.

Q. Isn't some of that already provided, at least in theory, except for the seniority angle?

A. The seniority angle is one of the most important parts of it.

Q. Would that mean the Government, in effect, would have to pay part of his salary for an indefinite period, even after he got a new job?

A. That's right. This is much better than putting up import barriers in a vain effort to save some jobs, because when you put up import barriers everybody suffers.

Q. What is happening to the flow of direct foreign investment by U.S. companies now? Is it speeding up or slowing down?

A. I don't think there has been any real change. There were problems for a while. Some restrictions went into effect but most people have found ways to live with them, particularly with local borrowings of capital.

Q. Does anyone know the total amount of American investments overseas?

A. The book value—the original cost of factories and other facilities minus depreciation—at the end of 1971, as reported by the Department of Commerce, was 86 billion dollars, of which investments in manufacturing facilities was 35.5 billion dollars.

Q. How much is now being invested each year?

A. In 1971, overseas expenditures for what is called plant and equipment were 14.8 billion dollars, and in 1972 they were 15.4 billion dollars. Of these amounts, 6.8 billion dollars in 1971 and 6.9 billion dollars in 1972 were investments in manufacturing. The remainder was invested in such things as mining.

ADVANTAGES OF INVESTING ABROAD

Q. Should the U.S. Government actively encourage, or discourage, this continued flow of investment abroad?

A. I think they should encourage it.

Q. Why?

A. Because of the results.

Most American companies do not go overseas and invest there because they want to get into a lower wage market.

There are examples of that, of course, which somebody could recite. You can look at some plants along the Mexican borders and there is no question that somebody has gone there to get a lower labor rate. You can go to Taiwan and Hong Kong and find the same thing in electronics.

But let's look at the bulk of cases, not the exceptions. The majority of companies have gone overseas because they wouldn't be able to get into those markets if they didn't go overseas and invest in a plant.

My company has Pepsi Cola plants all around the world. From our standpoint, I would love to have one big, efficient, automated plant in the United States making Pepsi Cola concentrate and shipping it all over the world. Unfortunately, we can't do that. You have to put up concentrate plants in some countries, or you're not going to be in their markets.

I think the case is well proved on the value that we're getting from those investments. And if the United States didn't have the foreign investments of their multinational companies, we would really be in bad shape.

Q. To what extent is this advantageous situation on return from those investments due to features of the tax law which permit the earnings of a foreign subsidiary not to be counted in a multinational company's earnings unless those earnings are remitted to the parent company?

A. It would be a disaster if you didn't have that, because you shouldn't pay taxes on earnings until you bring them back to the U.S.

Q. How does that work?

A. Bear in mind that the U.S. Tax Code provides that all income earned anywhere by a U.S. corporation is subject to U.S. taxation. The Internal Revenue Code even provides that profits earned abroad shall be taxed at either the U.S. rate or the foreign rate—whichever one is higher.

Say you have a plant in x country overseas and you earn a dollar and the local tax rate imposed by x country is 48 percent. You pay that tax to x country and, since it is as high as the U.S. rate, it is fully credited against the 48 percent owed at home in the U.S. Now, if the tax rate is 38 percent in x country, then you would have to pay 10 percent more to the U.S. This is so that differences in national tax rates will not provide artificial incentives to investment and also so that you don't end up with double taxation on the same income. You're not required to pay your U.S. taxes until you bring your earnings back to the U.S., that is, until they are available to the corporation being taxed.

Q. Isn't that different from the way a subsidiary of a U.S. corporation operating in this country is treated?

A. Of course.

Q. Why should there be a difference?

A. Because one subsidiary is operating inside this country and one is a foreign company operating according to the laws of the host country. You cannot compare a plant in New Jersey with one in Germany or Mexico. We're operating under different laws over there. If American-owned companies had to pay taxes on those plants on the same basis as on the plant in New Jersey while our foreign competitors did not have to do so, we couldn't operate overseas. You wouldn't get a return on your foreign investment. There wouldn't be much investment.

"BRINGING THE MONEY HOME"

Q. What generally happens to the earnings that are made in overseas plants? If they are not remitted to the United States, what's done with them?

A. Obviously, much of those earnings are remitted. A current Department of Commerce survey says that more than 80 percent of overseas earnings are remitted in the year they are earned. After all, we had a 4-billion-dollar surplus inflow in 1972. The situation varies, depending on the area. In some of the countries where PepsiCo operates, we still haven't taken earnings out because we are reinvesting in that market to try to get a certain share of it. Once we reach the point where we are not in a reinvestment cycle, we start bringing the money home.

You do the same thing if you are investing here in the United States. Say you had a Pepsi Cola plant in Indianapolis that you owned yourself. You would pour all the money back into that plant and that market for a time to try to get a certain market share, so that it would have a value if you planned to pass it on to your children or sell it to someone eventually. You would reinvest the earnings.

Q. But isn't the difference that if it is a plant you had in Indianapolis, you would only be able to reinvest what was left after you had paid federal tax on the net earnings of that plant? Whereas in the case of a plant in Germany—

A. The overseas plant must first pay local taxes which, on the average, are as high as in the United States. They are higher in Germany than in the United States. If you changed these tax rules on companies operating abroad, a lot of U.S. companies would have a big decrease in their earnings right now, which I don't think would be good.

You asked earlier whether our direct foreign investments were going up or down. If earnings fell, investments would go down at a very rapid rate.

Q. What changes are being suggested in the tax rules for companies with operations abroad?

A. The suggestion is, first, that earnings in foreign operations should be taxed even before they are distributed to the parent company, and second, that taxes paid to foreign governments would no longer be allowed as a credit against American taxes. Since taxes are high in most foreign countries, this would mean overseas earnings would often be taxed at a much higher rate than domestic earnings.

Q. Is that change embodied in the Burke-Hartke legislation [bills introduced by Representative James A. Burke (Dem.), of Massachusetts, and Senator Vance Hartke (Dem.), of Indiana]?

A. Yes.

Q. Is that the worst feature of Burke-Hartke, in your view?

A. The tax aspect is the worst feature.

Q. Doesn't Burke-Hartke also include restrictions on imports that take jobs away from the U.S.?

A. Yes. And I don't think you could pass the Burke-Hartke bill without other countries taking reprisals against us. We don't live in the kind of world where people are going to let us restrict them without restricting back.

At the moment, we have to operate under the GATT [General Agreement on Tariffs and Trade] regulations. These may have to be changed so that countries can react against one that has a persistent trade surplus and refuses to adjust its currency value, without having to take similar measures against all other countries around the world.

Our main problem today is Japan. Sure, we have a problem with Canada and Germany, but our big problem is Japan. There should be some mechanism under which—if Japan doesn't revalue its currency, or do something else to correct its imbalance of trade with the U.S.—then we should be able to take action against Japan.

Under the Burke-Hartke proposal, we would just take action against everybody, and I don't think that's right.

"A VERY DISTURBING TREND"

Q. Do you find increasing evidence that foreign countries are restricting operations of U.S. multinational companies and those of other nations as well?

A. There is growing nationalism all over the world, without exception. To me it's a very disturbing trend. Trade not only benefits man, by giving him more and better things to enjoy—clothes and cars and a whole way of life—but trade also is the principal way to get people together and bring barriers down around the world.

I think trade is going to be one of the main means of solving the problems between the United States and the Soviet Union. If I have ever seen a country where personal relationships are important, it's the Soviet Union.

People react there as they would if you went out to some place in Ohio or Iowa and met somebody and became his friend. That is has an impact in that community. It's the same way in the Soviet Union.

The more American businessmen go over there and tell them about our country the better, because if there was ever a place where there is a lack of understanding about the United States, it's the Soviet Union. And I think this is also true on our side.

When American businessmen go to the Soviet Union they're going to develop personal relationships and it's going to make, I believe, a tremendous impact. Because the biggest thing that's lacking is confidence and trust between both sides.

Q. Do you think multinational companies can have an important role in this East-West trade development?

A. They not only can, they already have. One of our greatest opportunities is in the Eastern European countries, and particularly the Soviet Union.

In terms of trade, that is one place where we're likely to have good surpluses for the next five or six years. If the oil and gas arrangements are worked out for the U.S. to import vast quantities of Siberian gas, that balance will change. But we have to get that energy somewhere, and certainly during this period of "crunch" that we're in, our trade with Eastern Europe can be very important. The Soviets believe in our technology, in our managerial ability, and there's no question in my opinion that they want to do business with us.

Q. How about the Red Chinese? Have you been over there?

A. No.

I think you have to put things in perspective. Our first United States exhibition in a trade fair in the Soviet Union was in 1959. It was 1972 before we finally had a trade agreement. Trade was very small until 1972. Then look what happened. It really took off.

Q. Coming back to the multinational companies in your committee: What part of their sales and earnings comes from overseas operations?

A. I couldn't give you an average. For my own company it's about 30 percent.

Q. Does it follow that legislation which was inimical to overseas operations would have a severe effect upon the earnings and status of many leading American companies?

A. It certainly would.

Q. What are the chances of such legislation going through Congress in 1973?

A. It's too early to tell.

Q. Who are the main backers of Burke-Hartke?

A. Labor unions.

Q. This is a big shift for most unions, isn't it? Generally, unions backed reciprocal-trade agreements—

A. They were in the forefront—one of the leaders—for freer trade. Some unions are still on that side. Some unions have been sold by their staff people on the mistaken idea that you raised earlier—that multinational companies are exporting jobs. They've gotten themselves into very rigid positions, and we have to do everything we can to show that their claims are inaccurate.

"WE FACE A VERY LARGE PROBLEM"

Q. If you look down the road, say, 10 or 15 years, how can the United States hope to do anything but run a big trade deficit, over all, if we are importing more and more raw materials and energy?

A. I have asked the same question, and there is no doubt that we face a very large problem.

Let's go back and once again look at the various accounts in our balance-of-payments picture:

In merchandise, let's assume we can improve our situation and sell more than we buy—getting it up to, say, a 4-billion surplus by 1980.

On shipping and insurance, we're unlikely to make any real gain. We'll still be in deficit there.

The tourism deficit we might change from 3 billion a year now to 2 billion. I don't think Americans are going to stop traveling and I'll be surprised if we get a big influx of people from the rest of the world into our country. We can improve our balance a little in tourist spending, but not much.

And let's assume on direct foreign investments we can move our surplus up from 4 billion a year now to the area of 10 or 12 billion by 1980.

With these improvements, maybe we can solve our balance-of-payments situation up to 1980, but after that, if you're going to have the energy-import requirements the experts see now, I just don't know. But I've seen projections where the experts said the world was going to starve in 1983, too. That was back in 1950, when people didn't realize what technology was going to accomplish in food production. I am afraid to rely very much on these long, straight-line projections.

Yet there is no question that we are confronted with a most difficult balance-of-payments outlook.

KILLING THE GOOSE

Q. Would it help the balance of payments to bring more of these multinational-company earning back faster by increased taxes?

A. Somebody once said something about "killing the goose that laid the golden egg." That's the best answer to that question.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Federal Trade Commission

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Committee on Commerce.

Report of Railroad Passenger Corporation

A letter from the Vice President of Public Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of October 1972 (with an accompanying report); to the Committee on Commerce.

Report of Public Defender Service for the District of Columbia

A letter from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting, pursuant to law, a report of that organization, for the fiscal year 1971 (with an accompanying report); to the Committee on the District of Columbia.

Report of Washington Gas Light Co.

A letter from the comptroller, Washington Gas Light Co., Washington, D.C., transmitting, pursuant to law, a report of that company, as of December 31, 1972 (with an accompanying report); to the Committee on the District of Columbia.

Report of Public Service Commission of the District of Columbia

A letter from the Executive Secretary, Public Service Commission of the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the calendar year 1971 (with an accompanying report); to the Committee on the District of Columbia.

Report of Advisory Commission on Intergovernmental Relations

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated January 30, 1973 (with an accompanying report); to the Committee on Government Operations.

Report on Certain Services Provided to State or Local Governments by the National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, that that Administration has provided no specialized or technical services to State or local governments during calendar year 1972; to the Committee on Government Operations.

Report of Foreign Excess Property Disposed of by the Department of Commerce

A letter from the Acting Assistant Secretary for Administration, Department of Commerce, reporting, pursuant to law, on foreign excess property disposed of by that Department, during the calendar year 1972; to the Committee on Government Operations.

Report on Disposal of Foreign Excess Property by the Atomic Energy Commission

A letter from the General Manager, U.S. Atomic Energy Commisson, reporting, pursuant to law, on the disposal of foreign excess property by that Commission, for the fiscal year 1972; to the Committee on Government Operations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Logistic Aspects of Vietnamization—1969–72," Department of Defense, dated January 31, 1973 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Amend the Presidential Transition Act of 1963

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Act of August 25, 1958, as amended, and the Presidential Transition Act of 1963 (with an accompanying paper); to the Committee on Government Operations.

Report on Quality of Water of the Colorado River Basin

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on quality of water of the Colorado River Basin, dated January, 1973 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report of Community Relations Service

A letter from the Director, Community Relations Service, Department of Justice, transmitting pursuant to law, a report of that Service, for the fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

Proposed Appropriation Authorization Legislation, National Science Foundation

A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for that Foundation, for the fiscal year 1974 (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Positions in Grades GS-16, GS-17, and GS-18, General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on positions in grades GS-16, GS-17, and GS-18, in that Office, for the calendar year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Position in Grades GS-16, GS-17, and GS-18, Department of Defense

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on civilian positions in grades GS-16, GS-17, and GS-18, for the calender year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report of Upper Great Lakes Regional Commission

A letter from the Federal Cochairman, and the State Cochairman, Upper Great Lakes Regional Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the period July 1, 1971, to June 30, 1972 (with an accompanying report); to the Committee on Public Works.

Report of Coastal Plains Regional Commission

A letter from the Federal Cochairman, Coastal Plains Regional Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the period July 1, 1971, to June 30, 1972 (with an accompanying report); to the Committee on Public Works.

Report of The Ozarks Regional Commission

A letter from the State Cochairman, and the Federal Cochairman of the Ozarks Regional Commission, Little Rock, Arkansas, transmitting, pursuant to law, a report of that Commission, for the year 1972 (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following report of a committee was submitted:

By Mr. CANNON, from the Committee on Commerce, with amendments:

S. 39. A bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes (Rept. No. 93-13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROBERT C. BYRD:

S. 743. A bill to increase the penalty with respect to certain offenses involving the commission of a felony while armed with a firearm. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Gravel, Mr. Tower, Mr. Bible, Mr. McGovern, Mr. Dominick, Mr. Burdick, Mr. Young, Mr. Abourezk, Mr. Robert C. Byrd, Mr. Muskie, Mr. Mondale, Mr. Inouye, and Mr. Hollings):

S. 744. A bill to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 745. A bill to designate certain lands in the Bryce Canyon National Park and the Cedar Breaks National Monument, Utah, as wilderness, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself and Mr. Hughes):

S. 746. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 747. A bill to amend the Handgun Control Act of 1965. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 748. A bill for the relief of Dr. Tanios (Tony) J. Ma'luf. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 749. A bill to provide for increases in certain civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

By Mr. ROBERT C. BYRD (for Mr. Bentsen):

S. 750. A bill to provide for a privilege against disclosure of information or the sources of information obtained by persons in the news media. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 751. A bill for the relief of Victor Manuel Heredia-Sanchez. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Church, Mr. Williams, Mr. Bible, Mr. Muskie, Mr. Moss, Mr. Kennedy, Mr. Hartke, Mr. Mondale, Mr. Eagleton, Mr. Chiles, Mr. Tunney, Mr. Fong, Mr. Gurney, Mr. Saxbe, Mr. Percy, Mr. Hansen, Mr. Brooke, Mr. Stafford, Mr. Beall, Mr. Domenici, Mr. Pell, and Mr. Clark):

S.J. Res. 49. A joint resolution to provide for the designation of the second full calendar week in March, 1973, as "National Employ the Older Worker Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD:

S. 743. A bill to increase the penalty with respect to certain offenses involving the commission of a felony while armed with a firearm. Referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I am introducing today a bill to strengthen the Federal penalties for the use of a firearm in the commission of a felony which may be prosecuted in a court of the United States. The bill will also strengthen the penalties for the transportation in interstate commerce of a firearm with the intent to commit therewith a felony.

Section 924(b) of title 18, United States Code, presently makes it a Federal offense for an individual to ship, transport, or receive a firearm or ammunition in interstate or foreign commerce with intent to commit therewith an offense and is punishable by imprisonment for a term exceeding 1 year.

My bill would strengthen that provision by providing a mandatory 5-year and no more than 20-year sentence which shall not be suspended for such a crime. The strengthening of this section may help deter a criminal who goes into a State knowing that he is going to commit a crime, in that he knows he will be faced with a mandatory 5-year sentence with no hope of probation or parole, even if he is caught by the authorities before the commission of the intended crime within the State. The very nature of the crime of carrying a weapon in interstate commerce with the intent to use it to commit a crime indicates that this is exactly the type of crime for which stronger and mandatory penalties would have a deterrent effect before such crime was committed.

My bill also amends section 924(c) of title 18, United States Code, by strengthening the penalties for the use of a firearm in the commission of a felony for which an individual may be prosecuted in a court of the United States. The section now provides for punishment by a sentence of not less than 1 year nor more than 10 years for a first offense, and in the case of a second or subsequent offense has a sentence of not less than 2, nor more than 25 years, with no probation or parole.

This penalty is an "add-on" penalty to be applied beyond the penalty imposed by the court for the crime committed. My bill would provide a sentence of not less than 20 years nor more than 40 years for a felony involving the use of a firearm except that, if, in connection with or as a result of the commission of such a felony with a firearm, death results, such individual perpetrating the crime will be subject to a mandatory death penalty.

I feel that the Supreme Court decision regarding the death penalty does not preclude the use of a mandatory death penalty under such Federal statutes as my bill would amend. The penalty would be certain and would be applied evenly across the board to all criminals who have caused death by the use of a firearm while committing a felony which is prosecutable in a court of the United States. I believe such a provision is constitutional under the eighth amendment.

My bill exempts, for the purposes of this act, manslaughter, as defined in title 18, United States Code, section 1112, as an applicable felony.

My bill would include any court of the District of Columbia as a court of the United States for purposes of section 924(c). Since the District of Columbia has a separate statute for added punishment for a commission of a crime while armed with a dangerous weapon, I would amend the District of Columbia code, section 22-3202, to make the Federal punishment for the use of a firearm applicable to the District of Columbia statutes. My bill will leave intact that part of the District of Columbia statute which has an "addon" penalty for the commission of a crime when armed with any other type of dangerous or deadly weapon than a firearm. Further, since the District of Columbia Code, section 22–3201, defines "crimes of violence" which would have the added penalty imposed on them under section 22–3202, and in that definition the term manslaughter is used, my bill would exempt the Federal provisions relating to the "add-on" punishment in the case of manslaughter. This would leave firearms in the case of manslaughter, as defined by title 18, United States Code, section 1112, still punishable by the "add-on" penalty imposed by District of Columbia Code, section 22–3202.

I feel that the severity of these penalties for crimes committed with a firearm under Federal jurisdiction will significantly deter the criminal element in our society. The knowledge—that if they commit a felony involving the use of a firearm, it will bring with it a mandatory penalty of not less than 20 years and a mandatory death penalty if death should result from such an armed felonious attack—will give cause for greater reflection before the perpetration of such a crime.

The jurisdiction of the amendment to section 924(c) of title 18 would, of course, cover only those felonies punishable in the Federal courts, including all felonies in the District of Columbia. However, it would be hoped that the several States, seeing the strong feeling of the Congress of the United States in the manner of dealing with criminals who would use firearms in the perpetration of felonies, would similarly enact such strengthening legislation so that the criminal element could be reached across the Nation as a whole.

Section 924(b) of title 18 will give some aid to the States in that it strengthens the penalties for the transportation of firearms into a State for the purpose of committing a crime.

This legislation, if enacted, would significantly strengthen the Federal provisions relating to the illegal use of firearms in the commission of felonies within Federal jurisdiction and their use in interstate commerce by criminals.

Mr. President, I send my bill to the desk. I ask for its appropriate referral, and I ask unanimous consent that the text of the bill be printed in full at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) (1) Whoever—

"(A) uses a firearm to commit any felony (other than manslaughter under the provisions of section 1112 of this title) for which he may be prosecuted in a court of the United States, or

"(B) carries a firearm unlawfully during the commission of any felony (other than manslaughter under the provisions of section 1112 of this title) for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than twenty years or more than forty years; except that, if, in connection with, or as a result of, the commission of such felony death results to any person (other than an individual participating in the commission of such felony), such individual convicted of such felony shall be sentenced to death. With respect to such additional sentence of imprisonment, the Court, notwithstanding any other provision of law, shall not suspend such sentence or impose a probationary sentence, and the provisions of section 4202 and chapter 309 of this title and the provisions of the Act of July 15, 1932 (D.C. Code, sec. 24–203–24–207), shall not apply. Such additional sentence so imposed shall not run concurrently with any term of imprisonment imposed for the commission of such felony.

"(2) As used in this subsection, the term 'court of the United States' shall include any court of the District of Columbia."

Sec. 2. Section 2 of the Act of July 8, 1932, as amended (D.C. Code, sec. 22–3202), is amended by striking out "pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles)—" and inserting in lieu thereof "dangerous or deadly weapon, including a dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles, but not including (except in the case of manslaughter), for purposes of this section, any firearm as defined in section 921(a)(3) of title 18, United States Code—".

Sec. 3. Section 924(b) of title 18, United States Code, is amended by deleting "or imprisoned not more than ten years, or both." and inserting in lieu thereof the following: "and imprisoned not less than five years or more than twenty years. The court, notwithstanding any other provision of law, shall not suspend any such sentence imposed pursuant to this subsection or impose a probationary sentence, and the provisions of section 4202 and chapter 309 of this title and the provisions of the Act of July 15, 1932 (D.C. Code, sec. 24–203–24–207), shall not apply."

By Mr. RANDOLPH (for himself, Mr. Gravel, Mr. Tower, Mr. Bible, Mr. McGovern, Mr. Dominick, Mr. Burdick, Mr. Young, Mr. Abourezk, Mr. Robert C. Byrd, Mr. Muskie, Mr. Mondale, Mr. Inouye, and Mr. Hollings):

S. 744. A bill to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE RURAL HEALTH ACT OF 1973

Mr. RANDOLPH. Mr. President, on October 17, 1972, 1 day before the close of the 92d Congress, I introduced S. 4129, the Rural Health Act of 1972. I am introducing the same measure today as the Rural Health Act of 1973, and I hope that hearings can be held on this legislation without delay.

There is a pressing need for improved health care delivery throughout the country. Nowhere is this need more acute than in rural America. The health of our rural citizens is not statistically as good as the health of those in metropolitan urban and suburban areas.

One major factor in the inadequacy of rural health is the shortage of health care personnel and services in rural areas. Rural people in the more sparsely populated areas have access to health care which is half the amount of care received by the Nation as a whole.

Health care in many rural areas is nonexistent. At least 132 counties in the United States have no resident physician. I proposed two amendments to the Comprehensive Health Manpower Training Act of 1971 in an attempt to deal with this problem. Both were included in the legislation signed by the President. One of these requires the Secretary of Health, Education, and Welfare to use his best efforts to provide a Public Health Service physician in each county which does not have a resident physician. The other amendment establishes within the Department of Health, Education, and Welfare a national health manpower shortage area clearinghouse for the purpose of providing a central depository of information on health professionals seeking employment, and on communities in need of health professionals.

Poverty also is a factor in the disparity of health care in rural and urban areas. One person in eight in the cities is poor, while one in 15 persons living in the suburbs is poor. But in rural districts, the ratio is one to four—fully 25 percent of rural people live in poverty. Even if health care is available, these people do not have the financial ability to pay for it.

Isolation, of course, is another major factor in poor rural health. Many rural poor live miles from any kind of health care service, with no means of transportation to get them to such service.

A publication of the American Medical Association entitled, "Health Care Delivery in Rural Areas" makes the point succinctly. It says:

> Faced by low income, the rural poor struggle to feed, clothe and house their families. Preventive medical and dental care have no priority. General ill health is accepted as a burden to be borne.

Mr. President, the bill I introduce today would accomplish three major goals: First, the coordination of Federal programs for health care delivery to rural areas of the United States; second, a full assessment of the health of rural Americans and the care they receive; and finally, assurance, to the extent feasible, that rural areas receive their fair share of Federal funds for health care delivery.

In two ways these goals would be accomplished by the establishment of an Office of Rural Health Care within the Department of Health, Education, and Welfare, to be headed by a Deputy Assistant Secretary under the Assistant Secretary for Health and Scientific Affairs; and by the establishment of a National Council on Rural Health.

The Office of Rural Health Care would be the focal point in the Federal system for: first, administering all Federal programs in the Department which relate to health care in rural areas; second, coordination with other Federal agencies whose activities relate to rural health care; third, coordination of rural health care personnel training; and fourth, evaluation of departmental programs relating to rural health care. The Office would also provide technical assistance to rural communities, organizations, and individuals interested in improvement of rural health care.

My bill would also establish a National Council on Rural Health, the purpose of which is to study the health of persons living in rural areas, the adequacy of rural health care delivery, and the effect of Federal programs on the improvement of the health of persons living in rural areas. The Council would be required to submit its study, along with its recommendations for additional legislation and administrative action, to the Secretary and the Congress within 2 years after its appointment.

Mr. President, it is my belief that this is a good and worthwhile measure which will result in improvement of health care for rural Americans who too frequently live their lives without care or with care that is woefully inadequate. The measure is similar to that introduced late last year by Representative ROY, a physician who is a member of the House Committee on Interstate and Foreign Commerce.

I welcome the support and cosponsorship of this legislation by my Senate colleagues, and ask unanimous consent that the full text of the Rural Health Act of 1973 be inserted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Health Act of 1973".

OFFICE OF RURAL HEALTH CARE

SEC. 2. (a) There is established within the Department of Health, Education, and Welfare an Office of Rural Health Care to be directed by a Deputy Assistant Secretary for Rural Health Care who shall be appointed by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary").

(b) The Secretary is authorized to provide the Office of Rural Health Care with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

(c) The Secretary shall, through the Deputy Assistant Secretary for Rural Health Care—

(1) administer all Federal laws for which the Secretary has administrative responsibility and which provide for, or authorize the making of grants or contracts related to, health care programs in rural areas;

(2) provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government (including but not limited to, the Department of Agriculture, Department of Transportation, and the Office of Economic Opportunity) relating to health care programs in rural areas;

(3) coordinate training for necessary manpower for health care programs in rural areas;

(4) be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to health care in rural areas and to make periodic recommendations to the Secretary; and

(5) insure, to the maximum extent feasible, that a fair share of the funds appropriated pursuant to titles III, VI, VII, VIII, IX, and X of the Public Health Service Act are expended for projects in, or which primarily benefit, rural areas.

For the purposes of paragraph (5), the term "fair share" means that percent of the total amount of funds expended in a State that is equal to the percentage of the total population of such State who reside in rural areas.

(d) For the purpose of providing technical assistance to rural communities and to persons interested in the improvement of health care in rural areas, the Secretary shall designate within each regional office of the Department of Health, Education, and Welfare one or more individuals to be representatives of the Office of Rural Health Care. Such technical assistance may include—

(1) assistance in making preliminary surveys of (A) the health of individuals residing in rural areas and (B) the delivery of health care to such individuals and assistance in developing a statement of the needs of such area for improvement in the health care delivery provided such individuals; and

(2) providing information (A) on the characteristics and comparative advantages of each health care delivery system which could be utilized in a rural area, and (B) on public and private sources of information and technical and financial assistance for improving health care delivery systems in rural areas.

In providing such assistance the Deputy Assistant Secretary for Rural Health Care shall utilize the information and resources of the National Health Manpower Shortage Area Clearinghouse established pursuant to the Comprehensive Health Manpower Training Act of 1971.

NATIONAL COUNCIL ON RURAL HEALTH

SEC. 3. (a) The Secretary of Health, Education, and Welfare shall appoint a National Council on Rural Health (hereinafter in this section referred to as the "Council") which shall be composed of 10 individuals who are recognized authorities in the fields of rural development, rural health care delivery, and health professions education.

(b)(1) The Secretary shall designate one member of the Council to be Chairman. The Chairman may employ such staff personnel as the Council determines are required to assist in carrying out its duties under this section.

(2) The provisions of title 5, United States Code, relating to appointments in the competitive service and to classification and rates of compensation shall not apply to members of the Council or to staff personnel employed under the first paragraph of this subsection. Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c)(1) The Council shall conduct a study and shall within twenty-four months after its appointment submit to the Secretary and to the Congress a complete report on—

(A) the health of individuals residing in rural areas of the United States,

(B) the adequacy of health care delivery to such individuals, including an analysis of the delivery systems utilized in providing such health care, and

(C) the extent to which Federal participation in health care programs and health care delivery provides effective assistance in improving the health of such individuals.

(2) The Council shall recommend to the Secretary and to the Congress such legislative and administrative action as it determines appropriate, including the manner in which problems identified under the first paragraph of this subsection may be resolved and the role the Federal Government should play in resolving such problems.

TECHNICAL AMENDMENT

SEC. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(132) Deputy Assistant Secretary for Rural Health Care, Department of Health, Education, and Welfare.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a) For the purpose of operating and maintaining the Office of Rural Health Care established pursuant to section 2 of this Act, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1974; $4,000,000 for the fiscal year ending June 30, 1975; and $6,000,000 for the fiscal year ending June 30, 1976.

(b) For the purpose of operating and maintaining the National Council on Rural Health established pursuant to section 3 of this Act, there is authorized to be appropriated $50,000 for the fiscal year ending June 30, 1974; $100,000 for the fiscal year ending June 30, 1975, and $150,000 for the fiscal year ending June 30, 1976.

By Mr. MOSS:

S. 745. A bill to designate certain lands in the Bryce Canyon National Park and the Cedar Breaks National Monument, Utah, as wilderness, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

WILDERNESS AREA IN BRYCE CANYON NATIONAL PARK AND CEDAR BREAKS NATIONAL MONUMENT

Mr. MOSS. Mr. President, I am today introducing a bill to designate certain lands in Bryce Canyon National Park and Cedar Breaks National Monument, both in Utah, as wilderness.

The Bryce Canyon Wilderness Area comprises about 16,303 acres, out of a total 36,010 acres in the national park, and contains many examples of the eroded, colorful, and rugged natural geologic formations found in the area. Other important resources include plants and animals of three distinct life zones including excellent specimens of the Bristlecone Pine.

The Cedar Breaks Wilderness Area comprises about 4,370 acres out of 6,154 acres in the national monument. Nearly all the area within Cedar Breaks Wilderness is a large natural ampitheater with numerous ridges, cliffs, spires, canyons, and eroded formations. This compact land mass has retained its primeval character and contains outstanding geological features of scientific and scenic value.

In both instances the boundaries follow the recommendations made by the National Park Service, as required by the Wilderness Act. The recommendations were finalized only after extensive study, and after consideration of the comments made in hearings held in Utah on preliminary wilderness proposals. The hearing on the Bryce Canyon wilderness proposal was held at Panguitch, Utah, on December 11, 1967, and the hearing on Cedar Breaks was held in Cedar City, Utah, on the same date.

Careful study was made of both the oral and written statements received at the hearings, and after further consideration of the management needs, a number of revisions were made. It is my understanding that the proposals as sent to the Congress by the National Park Service are not controversial, but, of course, hearings will be held on them by the Senate and House Interior Committees to allow further testimony if anyone wishes to be heard.

By Mr. JAVITS (for himself and Mr. Hughes):

S. 746. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana. Referred to the Committee on the Judiciary.

FEDERAL LAW ON PRIVATE USE OF MARIHUANA

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference a bill on behalf of myself and the Senator from Iowa (Mr. Hughes) respecting the decriminalization for the personal, private use of marihuana.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. JAVITS. Mr. President, 40 years ago, marihuana was dubbed the "killer weed." Folk wisdom and old wives tales vigorously promoted the idea across America that marihuana did indeed cause "murder, insanity, and death." It was said that marihuana was not only harmful to one's personal health, but that its use would lead inevitably to criminal conduct and hard drug use.

Last year the President's Commission on Marihuana and Drug Abuse—of which I and the distinguished Senator from Iowa (Mr. Hughes) are members—reported that the clear weight of the evidence was to the contrary. In its lengthy and thoroughly documented report to the Nation, it demolished almost everyone of the popular myths about marihuana and found as follows:

> Not a single death has been recorded resulting from the use of marihuana; the drug does not cause "addiction" and does not "lead to" hard drug use; it does not cause violent behavior or criminality; long term use does not in and of itself cause significant psychological or physiological damage to the user; and use of the drug inhibits rather than causes violent behavior.

As the Commission has made abundantly clear, however, national public policy in the area of drug abuse ought not to encourage the use of any drug, no matter how mild, for purposes which are recreational rather than medical. As both I and Senator Hughes have repeatedly stated, we advocate neither the use of marihuana, nor its legalization.

Of particular urgency and concern both to the Commission and to Senator Hughes and myself is the need to end criminal penalties for the simple possession and use of marihuana in private. The Commission so recommended, as has the National Institute of Mental Health.

Mr. President, last year Senator Hughes and I introduced legislation in the Senate to accomplish this objective at the Federal level. On behalf of myself and the Senator from Iowa (Mr. Hughes), who is the distinguished chairman of the Subcommittee on Alcoholism and Narcotics, I reintroduce our bill which would repeal certain penalties relating to the possession and use of marihuana in private.

The bill would not change the Federal law regarding criminal penalties which apply to the sale of the drug for profit.

This proposal makes sense for the following four reasons:

First. It recognizes that criminal penalties for its use and possession in private are so disproportionate to the degree of mental and physical risk involved that there can no longer be any justification for their imposition in view of the Commission's findings. To equate the risk of using marihuana—which the Commission found to be a relatively benign drug—with the risk inherent in the use of hard narcotics is in my view totally indefensible. Yet in many jurisdictions throughout the country, this equation is written into the criminal law.

Second. It recognizes that casual marihuana usage is so common—the Commission found that 24 million Americans have tried marihuana at least once, and that 8.3 million are current users—that fair and impartial enforcement and prosecution are impossible. In some States, a first offender can be jailed for 10 or 20 years. In others, he may be placed on probation. In most, he will not enter the criminal justice system at all.

Third. It recognizes that use of the drug has reached such proportions that the present law is clearly ineffective as a deterrent.

Fourth. It recognizes that the "rhetoric and emotion" generated by the use of the criminal sanction in cases of personal marihuana consumption is severely impairing the fight against more dangerous drug abuse.

Mr. President, since the Commission made its report and our bill was introduced last year, there has been a growing expression of support for marihuana decriminalization from many quarters. Only last week the New York State Bar Association indorsed this policy. Many newspapers and periodicals throughout the United States supported our position.

National Review, the Nation's leading journal of conservative opinion, devoted a major portion of its December issue to this subject with a cover story: "The Time Has Come: Abolish the Pot Laws," including an article, "American Conservatives Should Revise Their Position on Marihuana," by Richard C. Cowan, and a commentary by Jeffrey Hart, James Burnham and William F. Buckley. Strong arguments are made in support of the proposition that criminal penalties for marihuana possession and use should be stricken from the books.

Mr. Cowan, arguing on the side of decriminalization writes:

> How do conservatives justify the hard data: over 250,000 young people arrested every year (seventy thousand in California alone), tens of thousands put in jail or prison for long periods, lives disrupted and even ruined, families divided, records besmirched, a life of ostracism?
>
> This is being done in our name?
>
> I, for one, bitterly resent this; but, more, I fear its consequences. If the effect on individuals is tragic, the effect on society is disastrous—disastrous for our institutions, the rule of law, political stability, even public health. This is not being done by the enemy without, but by those to whom we have delegated the power and the authority to defend us. They have been a party to superstitions that are false in content as they are in tone, but we cannot just blame them.
>
> If now that we know that we have been deceived, now that the evidence is there for all to see, our jails full, our youth increasingly alienated and confused, if in the face of all this we do not take the lead, how are we conservatives going to speak to America, and how is our America going to speak to the world—of freedom and charity?

Mr. Buckley, while supporting the retention of penalties for sale, writes:

> Mr. Cowan insists quite simply that there are no arguments, of any force or gravity, by which to justify the treatment routinely given to people who use marihuana here and there in the United States. I flatly agree with him.

Mr. President, I ask unanimous consent that the articles by Mr. Cowan and Mr. Buckley, together with an article entitled, "A Conservative Approach to the Pot Question," supporting decriminalization by Mr. James J. Kilpatrick, the well-known national columnist of the Washington Evening Star-News be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. JAVITS. Mr. President, I am pleased to advise my colleagues that the Consumers Union, the nonprofit publisher of the nationally respected Consumer Reports, has recommended that possession and use of marihuana be decriminalized. While I strongly disagree with its further recommendation that marihuana be marketed commercially, its 5-year study, entitled "Licit and Illicit Drugs," is a most enlightening and valuable treatment of the marihuana problem.

The Los Angeles County grand jury has voted to support the conclusions and recommendations of the National Commission including the decriminalization of personal possession and use of marihuana.

Mr. President, I ask unanimons consent that the text of the conclusions of the grand jury study, entitled "Position Paper on Marihuana Recommendation" and released on June 28, 1972, be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. JAVITS. Mr. President, John K. Finlator, formerly Deputy Director of the Federal Bureau of Narcotics and Dangerous Drugs, a respected and well-known law enforcement officer who has spent his life in the field of narcotics enforcement has supported the recommendations of the Commission and the enactment of our bill.

The 10th staff report of the National Commission on the Causes and Prevention of Violence, a Presidential study group, came to this conclusion:

> Until and unless evidence is forthcoming of harmful or addictive effects of marijuana—and to date the evidence is all to the contrary—no rational basis exists upon which to resist arguments in favor of modifying the Draconian statutes penalizing possession of marijuana.

The National Council on Crime and Delinquency, a 65-year-old national service agency incorporated to promote the rehabilitation of juvenile and adult offenders, stated:

> The present policy of the federal and state governments toward marijuana should be amended. Existing research on its effects and acknowledged consequences of prohibition should be utilized to provide a more enlightened, rational and humane approach to the problem. Insistence on proscription, the criminally severe penalties, and the harassment of marijuana users by law enforcement are out of proportion to the issue's importance. Marijuana laws cruelly and needlessly burden hundreds of thousands of young people wtih a criminal record, a lifelong handicap. They compound and aggravate the crime problem.

The National Commission on the Reform of Federal Criminal Laws, recently concluded that current laws relating to marihuana render laws relating to more dangerous drugs less effective:

> . . . (The recommendation to eliminate any criminal penalty for simple possession of marijuana) is based on the view that available evidence does not demonstrate significant deleterious effects of marijuana in quantities ordinarily consumed; that any risks appear to be significantly lower than those attributable to alcoholic beverages; that the social cost of criminalizing a substantial segment of otherwise law-abiding citizenry is not justified by the, as yet, undemonstrated harm of marihuana use; and that the jail penalties for the use of marijuana jeopardize the credibility and therefore the deterrent value of our drug laws with respect to other, demonstrably harmful drugs.

Mr. President, one cannot review the progress which has been made on this issue in the last year without noting the fine work which has been done throughout the country on this issue by a nonprofit organization located in Washington called NORML, the National Organization for the Reform of the Marihuana Laws. Its executive director, Mr. Keith Stroup, has won many supporters to the cause of decriminalization while working for more rational ways to discourage marihuana use.

Mr. President, our bill would change existing Federal law in that it would no longer be unlawful for a person to possess within a private dwelling marihuana for his own use, or for the use of others, so long as it is not possessed with the intent to sell it for profit.

It would also no longer be unlawful to possess in public an amount not to exceed 3 ounces of marihuana, if such possession is incident to a private use and is not with the intent to sell it for profit. Also, marihuana which is lawfully possessed by any person would no longer be considered to be contraband and would not be subject to seizure or forfeiture.

Lastly, in the prosecution of any person charged with a violation of Federal law, the fact that such person was under the influence of marihuana would not be a defense to that charge.

Every provision in the bill specifically relates only to personal use of marihuana in private. The bill does not provide decriminalization for activities of any kind involving commercial and nonpersonal possession and sale.

Although we go further than the majority of the Commission in terms of our decriminalization approach, we believe that the bill reflects the general policy recommendation of the Commission to concentrate the weight of the criminal sanction upon significant supply and distribution activities, rather than upon casual consumption.

While the enforcement of laws against possession and use of marihuana is principally a matter for State and local governments, we hope that the State legislatures throughout the country will follow the policy approach which we are today proposing for the Federal law.

Mr. President, it has become obvious that to look upon the people who use marihuana as all alike would be as unfounded as thinking of all those who use alcohol as being the same.

Marihuana is used for a wide variety of reasons. Some people have tried it out of curiosity and quit. Some continue to use it sporadically on the urging of friends or because of a wish to belong. Some use it occasionally for relaxation, some for stimulation, and some for simple socializing.

Concern about any form of drug abuse cannot be used to justify the perpetuation of false information or the imposition of the criminal sanction. Such deception is self-defeating.

If such deception is practiced when factual information is presented concerning the entire array of more dangerous drugs in our society which are used so widely by adults—alcohol, barbiturates, amphetamines, and tobacco—these warnings will fall on deaf ears.

And the abuses of these other drugs must be our main concern.

The legitimate complaint of American youth must be answered that those in our society who drink alcohol—some 80 million—discriminate against those 24 million Americans who may engage in the casual use of marihuana in private.

The legitimate complaint must be answered that respect for the law has been undermined and that thousands of young lives have been damaged—and in some cases wrecked—because of the present state of Federal and local criminal laws on this subject.

It is time to recognize that our attitudes on this drug have been uninformed and ill-advised, and that the punitive approaches have aggravated rather than solved the marihuana problem.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controlled Substances Act is amended by inserting immediately after section 404 thereof, the following new section:

"Sec. 404A. (a) Notwithstanding the provisions of section 308, 401(a) (1), 404, or any other provision of this title or any other Federal law, it shall not be unlawful for any person—

"(1) (A) to possess, within a private dwelling or other residence, marihuana for his own use or for the use of others, within any such residence or dwelling, if such marihuana is not possessed with the intent to distribute, transfer, or sell such marihuana in violation of this title or any other Federal law; or

"(B) to possess, in a public area, marihuana in a reasonable amount, if the possession of such marihuana is incident to a private use within the purview of subparagraph (A) of this paragraph, and is not with the intent to distribute, transfer, or sell such marihuana in violation of this title or any other Federal law; or

"(2) to distribute, transfer, or sell, in public or private, any marihuana, lawfully possessed, to any person for a private use within the purview of subparagraph (A) of the first paragraph of this subsection, if such distribution, transfer, or sale is not made for profit.

"(b) Notwithstanding the provisions of section 511 or any other provision of this title or any other Federal law, marihuana in the lawful possession of any person shall not be considered contraband and shall not be subject to seizure or forfeiture by the United States.

"(c) In the possession of any person charged with an offense in violation of any Federal law, the fact that such person was suffering from marihuana intoxication at the time of the commission of that offense shall not be a defense to that charge or any element thereof.

"(d) For purposes of subparagraph (B) of paragraph (1) of subsection (a) of this section, the possession of marihuana in an amount not to exceed three ounces shall be deemed to be a reasonable amount, if such possession is incident to a private use within the purview of subparagraph (A) of paragraph (1) of subsection (a) of this section, and is not with the intent to distribute, transfer or sell such marihuana in violation of this title or any other Federal law.".

(Exhibit 1)

American Conservatives Should Revise Their Position on Marijuana

(By Richard C. Cowan)

I am going to start with a few assertions of facts that, for all I know that they will be challenged, I consider to have been established by responsible scientific inquiry:

1. Marijuana is non-addictive—I use the word technically.

2. The use of marijuana does not in itself lead to the use of heroin.

3. No one has ever died from an overdose of marijuana.

4. Marijuana *used in moderation* causes no identified physical or mental problems for individuals who are otherwise healthy.

5. Marijuana does not induce criminal behavior or sexual aberration. In fact, it tends in most users to inhibit violence.

6. Marijuana *in moderate use* has little effect on the driving ability of experienced users of it—the contrast with socially equivalent alcohol consumption is to the disadvantage of alcohol.

7. Long-term abuse (gross overuse) should be assumed to be harmful but in fact there is as yet no conclusive evidence to that effect.

8. The moderate use of marijuana does not lead to changes in social behavior or to a loss of motivation. It may correspond with an observable change in people's lives but it is not the cause of that change.

9. Twenty-five million people use or have used marijuana. Marijuana is readily available today to anyone of minimum ingenuity who looks for it.

These assertions are of course contrary to what most agencies of the government have been telling us for the past forty years. (NATIONAL REVIEW has frequently ventilated the official line on marijuana.) Whether you doubt my assertions or not, please read *Marihuana Reconsidered* by Dr. Lester Grinspoon and *Marijuana, The New Prohibition* by John Kaplan. Both authors begin their research, by their own admission, disposed in favor of the current legal proscriptions. Both came to the conclusion that our present laws are doing no good and a great deal of harm.

If you read those books and disagree, fine. But if you do not read them and you continue to support (or even if you fail to oppose) sending thousands of young people to prison, you are acquiescing in their punishment out of ignorance. A harsh statement, but true, I think.

It is my thesis that:

1. *Conservatives should support enlightened drug education.* Existing marijuana laws are destroying the credibility of drug education.

The key to education is credibility. Contrast the statements above with the postulates of the conventional government position. In deference to conventional notions about public enlightenment, I wish I could say that "recent discoveries" are responsible for such facts as are more commonly acknowledged nowadays concerning marijuana, In fact, many of them were available to anyone who cared to look into the matter even when the present laws were promulgated in the 1930s.

Accordingly, I ask you: If you are a young person who has found by experience—yours and your friends—that virtually everything you have been told about marijuana is totally untrue—wouldn't you question what they tell you about LSD, heroin, speed?

Drug abuse in our schools is a serious problem. Barbiturates and amphetamines and a variety of badly made, dangerously contaminated psychedelics are taking a fearful toll, even as parents and teachers rave along about marijuana. The point is not that the kids should be encouraged to use pot—certainly not; but that they should be told the truth about it.

The reasons why human beings should refrain from consuming drugs (including alcohol) during adolescence are undeniable. But the fact of it is that adolescents are going to drink the contraband beer, and smoke the contraband grass, and social reform should concern itself with the discrepancy between the law and the social usefulness of that law. The present laws, I maintain, not only have not worked, they are counterproductive.

2. *Conservatives should encourage a uniform respect for the law.* At present, 25 million people have, by common estimate, smoked marijuana at least once. Among college students—especially at the prestigious liberal-arts universities—a majority have smoked marijuana, according to the relevant polls, at least once. A significant minority of these take marijuana with some regularity, especially on weekends.

What is it that American conservatives favor? Search-and-destroy young Americans—one-eighth of the entire population—who experiment with the forbidden drug? Inasmuch as no one in sight appears to be in favor of busting the University of Illinois—or Yale—or Ole Miss—and sending all the malefactors to jail, just what do we conservatives propose?

We are, by the current standards, raising a generation of presumptive criminals—because we have so defined them. The situation is aggravated by the necessary use of undercover agents who regularly practice entrapment. How else does one enforce laws against victimless crimes, concerning which no one files a complaint?

But the story gets worse when the harshness of the penalties is considered. In general, the sale and possession of small quantities of marijuana have been punished more severely than crimes against person and property.

In my native Texas, for example, the average sentence for possession is nine years. At least one man is serving life for possession of a matchbox-full.

Long sentences are *still* being handed out in many states.

Arrests for possession of marijuana rose tenfold from 1965 to 1970; to more than 188 thousand. The FBI recorded a continued increase in drug crimes last year, and unless there is a (most unlikely) decline it is likely that as many as 250,000 young people will be arrested on possession charges this year.

The laws are themselves scientifically indefensible insofar as they proscribe marijuana as a "narcotic stimulant to the central nervous system." Marijuana is in fact not a narcotic, and narcotics are not in fact stimulants. They are depressants. For many years, under the Uniform Narcotic Drug Act, marijuana was legally classified as a narcotic; *not* because it had ever been supposed that such a classification was scientific, but because, as one legislator put it in 1932, "there is a universal antipathy to the use of narcotics"; and it was "antipathy," rather than understanding, that the law was intended to create. The distinction between marijuana and narcotics was restored by the Controlled Substances Act of 1970, but several states still persist in lumping them together, as do many citizens.

Would you respect a law that defined yogurt as a "vegetarian meat product"?

Laws should make sense, they should be uniformly enforced, they should carry a punishment in proportion to the damage done by the offender, and they should have the effect desired (in this case the discouragement of the use of marijuana). Our marijuana laws meet none of the above specifications, and while there are those who obey them, only fools respect them.

3. *Conservatives should recognize bureaucratic incompetence in whatever guise.*

Most government programs start when a politician discovers a "national disgrace." A new department is set up, billions are appropriated—and sure enough, the problem gets worse.

Marijuana was little known in the Thirties, until it was "discovered" by Harry Jacob Anslinger, the longtime head of the Narcotics Bureau. At that time there were perhaps as few as fifty thousand users, mostly blacks and Latin Americans, plus a few bohemians and hippies.

After 35 years of propaganda and repression, the drug has been introduced to 25 million people. As bureaucratic fiascos go, not bad.

It is incredible that conservatives should continue to support the bureaucratic mess that comprises the marijuana laws.

It is even more incredible that at a time when the crime rate soars, the hard-pressed police, courts and prisons, should be burdened with 25 million putative marijuana criminals.

Finally, it is puzzling—and frightening—to suppose that American conservatives sanction a tissue of laws the effect of which is to cast lackadaisical marijuana users—if they are so unlucky as to be a) caught, by b) the wrong people—into prisons which they share with men of tempered felonious disposition. The law defines them as criminals; the enforcement of the law makes them such.

4. *Conservative leadership is essential to an effective reform of the laws.*

If the present trend continues, the use of marijuana will soon approach market saturation and the use of it will level off. However, as more and more of the population become users—and users grow older—it will be increasingly rare for a jury to convict or a judge to sentence a defendant for possession or even sale of marijuana. While this may be an improvement from a humanitarian point of view, it leaves thousands of Americans rotting in jail for what millions on the outside are routinely doing.

For society as a whole it means widespread use of the drug without any objectively sanctioned controls on strength (how strong before it becomes hash?), quality (adulteration with opiates is routine), or distribution to minors. Continued outlawing will mean the growth of a large criminal industry analogous to the fabled bootleggers, and all the social ills that result from such a situation.

It will mean that it will not be possible to discourage by taxation the use of hashish (which is to marijuana roughly what 100 proof rum is to wine). And—worst of all—it will leave marijuana distribution in the same hands as methadone, LSD, barbiturates, amphetamines, and even heroin.

Finally, when legalization does come—say ten or fifteen years from now at the latest (assuming conservative opposition), or in five years (with conservative acquiescence)—patterns of use and distribution will have been set, and control will be increasingly difficult to enforce.

If on the other hand conservatives support the fight for legalization, we can have effective and humane laws that will succeed where the present system has so dismally failed—in keeping the drug from children; in making the vital distinctions. A prudent relaxation of the law will make possible some realistic restraints. Those substances which are now promiscuously forbidden will cease to be promiscuously consumed; as society distinguishes between pot and heroin, its children will be encouraged to learn the difference too. Moreover, gentler laws would soften the impact of their own violation: Under present laws, as has been pointed out, hard and soft drugs tend to circulate through the same channels; but under new laws, designed to regulate rather than to prohibit, even the younger teen-ager whose pot-smoking is still illicit will tend to get it from an older brother or friend who has legal access (much as he now gets beer), instead of from the specialist in illegal drugs.

5. *Conservatives should take the lead in urging the decriminalization of individual use of marijuana.*

The marijuana laws have encouraged a disrespect for the laws; they have destroyed the credibility of government; and they have estranged the young.

The importance of marijuana to its youthful users is less the pleasure it gives the individual than the tribal value of it. The drug's use in the counterculture is analogous to the use of alcohol in the Establishment, as a social lubricant. Any attempt at interference with so fundamental a part of the new social life is doomed to failure in a free society.

6. *The notion that marijuana can, in and of itself, undermine the moral fabric of society is contrary to basic conservative philosophy.*

The notion that the use of marijuana is, or leads to, moral degeneracy is not sustained by any scientific investigation of the drug.

However, a moral society, like a moral individual (or a healthy individual for that matter) will use a drug: for recreation (alcohol); to alleviate pain (aspirin); to help him face and fulfill his obligations through crises (tranquilizers); but so long as the individual loves his family, his country and himself, he is going to use drugs to further his objectives, not to undermine them.

The superstition that cannabis is responsible for the muddlement of the student generation goes contrary to established conservative premises.

The hysterical myths about marijuana that have led conservatives to condone massive programs of social engineering, interference in the affairs of individuals, monstrous bureaucratic waste, the alienation of youth whom we struggle to attract to our institutions—are a great and current social menace.

7. *How do conservatives justify the hard data:* over 250,000 young people arrested every year (seventy thousand in California alone), tens of thousands put in jail or prison for long periods, lives disrupted and even ruined, families divided, records besmirched, a life of obstracism?

This is being done in our name?

I, for one, bitterly resent this; but, more, I fear its consequences. If the effect on individuals is tragic, the effect on society is disastrous—disastrous for our institutions, the rule of law, political stability, even public health. This is not being done by the enemy without, but by those to whom *we* have delegated the power and the authority to defend us. They have been a party to superstitions that are as false in content as they are in tone, but we cannot just blame them.

If now that we know that we have been deceived, now that the evidence is there for all to see, our jails full, our youth increasingly alienated and confused, if in the face of all this we do not *take the lead*, how are we conservatives going to speak to America, and how is our America going to speak to the world—of freedom and charity?

[From the National Review, Dec. 8, 1972]

THE SPIRIT OF THE LAW

(By William F. Buckley, Jr.)

It is easy to denigrate any cause by the technique of putting it alongside other, nobler, causes. Thus a decade or so back Mr. John Roche elegantly dismissed the fear of guilt by association as ranking, by his hierarchy of fears, between Fear No. 25 and Fear No. 27, the former being Mr. Roche's fear of college presidents, the latter his fear of being bitten to death by piranhas. The trouble with the technique is that it does not allow for latitudinarian preoccupation: with individuated preoccupation. Somewhere, somebody is being eaten by piranhas, or is in danger of being eaten by piranhas. I know Professor Hart both as a friend and as a craftsman, and he is altogether capable of spending a week trying to understand a single Canto of Ezra Pound, or perfecting a paragraph in one of his own books. I would never think to say to him that there are greater concerns in the world than the penetration of poetic marginalia, or graver causes than belletristic purity.

I do not see why we cannot proceed on the assumption that although the fear of marijuana, the need for marijuana, and the ignorance of marijuana, are neither a) the central concern of a balanced society; nor b) the most urgently needed social indulgence; nor c) the area of legislative concern about which there is the greatest ignorance—still I say: Cowan is entitled to his preoccupation, and I for one find his arguments not merely plausible, but overwhelming.

It is true, as Mr. Burnham points out, that the situation is in flux. But it is in flux because there is pressure brought to bear. It was in 1969 that Senator Barry Goldwater came out for the legalization, or more precisely, the decriminalization of pot. Senator Goldwater! Three years after he did so, a young man was raided in an upstate college in New York State, and was found to be in possession of marijuana. He resides now at Attica. Attica! Even if none of us were to bestir ourselves by a written paragraph or a spoken word in behalf of a reform in the draconian laws that govern the use of marijuana, probably common sense would assert itself, in due course, and the laws would be modified. But that kind of resignation is hardly consistent with the imperatives of a journal of opinion. Our responsibility is to move ahead of public opinion: indeed to influence public opinion. Mr. Cowan insists quite simply that there *are* no arguments, of any force or gravity, by which to justify the treatment routinely given to people who use marijuana here and there in the United States. I flatly agree with him.

While agreeing with Messrs. Burnham and Hart on the point that science is not only hubristic but childish when it says that the case for the innocence of pot is largely established. It is like the scientific law that declares a man to be under the influence of alcohol and therefore unfit to drive a car when his alcoholic content is .002—or whatever. This even though everybody knows—even Einstein must have known—the man who if he has .0000002 alcohol is a menace, vehicular and social; whereas there are those whose alcoholic content is usually .2, or whatever, and manage world wars and great speeches—if not quite adequate peace terms—altogether competently. Pot is a psychic poison to some people, and the hell with those who think otherwise: they are wrong.

Do we therefore legalize pot? Not, I should say, in the sense Mr. Burnham caricatures. But the President's Commission did not advocate a distinction that is purely idle when it recommended that pushers should be illegal, but consumers not so. Thus it was, mostly, under prohibition. Thus it is, by and large, with prostitution; and even with gambling. The gentle animadversions of the law are not useless. They do become, however, a great menace rather than a benefaction when they are taken too literally, and I understand this to be what Mr. Cowan is fighting to free us from, and I am on his side.

EXHIBIT 2

A CONSERVATIVE APPROACH TO THE POT QUESTION

(By James J. Kilpatrick)

In their current issue, the editors of National Review grapple with the matter of marijuana, but with deference to my conservative colleagues, I think they let the main conservative questions slip away.

The principal article, urging that marijuana be legalized, comes from Richard C. Cowan. Editors James Burnham and Jeffrey Hart take a generally opposing view. William F. Buckley, Jr., editor-in-chief, flatly supports Cowan. "I for one find his arguments not merely plausible, but overwhelming."

On the face of it, this is an astonishing position to be taken by the nation's leading journal of conservative opinion. Yet if we are prepared to accept the validity of certain assumptions advanced by the proponents of pot, the position is not astonishing at all.

The question is deeply troubling, but it is not unusual. The same issues are involved in such matters as homosexuality and pornography. And if the problem is turned upside down, one finds the same principles, applied in reverse, in such diverse matters as the automobile air bag and the fluoridation of public water supplies. The problem is to define the proper role of government in a free society.

The conservative philosophy holds, if I understand it correctly, that within certain limitations, a free people should be just that: Free. What are these limitations? They are the limitations fixed by the impact of my conduct on your rights. As a general proposition, conservatives hold that no human conduct should be prohibited by law unless that conduct causes positive harm to the innocent bystander or to society as a whole.

We see this proposition at work in a thousand ways. In theory, a man is free to build a glue factory; but he is not free to build it where it causes offense to his neighbors. The citizen is free to play his stereo; but he is not free to play it at full volume at 2 o'clock in the morning. A motorist is free to travel where he pleases, but he has to stop at the stop signs. An activist is free to harangue a crowd, but he cannot provoke a riot. And so on. In every instance, the test is simply the harm that is done.

When homosexuality was held in nearly universal abhorrence, a valid case could be made against the employment of homosexuals in sensitive government positions: They were subject to blackmail. The argument is of doubtful validity now. The justification for laws against pornography lies in the belief (a belief not susceptible to easy proof) that pornography corrupts society as a whole.

The other side of the proposition, as I say, lies in conservatives' hostility to laws that do not undertake to prohibit evil, but seek to compel good: The requirement for air bags, the fluoridation of public water supplies. But put those aside.

Getting back to the matter of marijuana: If criminal laws against the smoking of pot are to be justified, they have to be justified in terms of the harm that marijuana causes, not to the individual, but to society. There is some evidence, I understand, that marijuana tends to slow certain physical reactions, so that a driver under the influence of marijuana becomes a danger on the highway. Cowan flatly denies this. In any event, this is an argument against smoking-and-driving, not against smoking.

A second line of argument holds that the marijuana habit leads to heroin addiction; heroin is universally regarded as a serious social evil, imposing heavy burdens upon society as a whole. If this causative theory is true, this argument would suffice. Cowan and other serious students of the subject deny it absolutely.

These are the questions conservatives ought to be asking. Most persons of my generation are doubtless against marijuana. We equate it vaguely with sin and immorality. But I keep coming back to Mencken's law, that in the absence of provable social harm, when A undertakes by law to impose his moral values on B, A is a scoundrel. If conservatives are to be consistent in their philosophy, they probably should join Cowan and Buckley in urging that criminal sanctions against mere possessions and use of marijuana be repealed.

EXHIBIT 3

[County of Los Angeles, 1972 Grand Jury, Los Angeles, Calif.]

POSITION PAPER ON MARIJUANA RECOMMENDATION

The Los Angeles County Grand Jury has voted to concur with the position of the National Commission on Marijuana and Dangerous Drugs in its recommendation that private possession of marijuana for personal use no longer be a criminal offense.

The conclusions of the Grand Jury, arrived at after some weeks of study and hearings on the subject, were as follows:

(1) That marijuana for personal use should not be considered a crime.

(2) That the use of marijuana in public should not be allowed.

(3) That the Grand Jury agrees with efforts to discourage the use of marijuana and does not recommend legalization.

(4) That the recommendation in no way suggests changes in present laws with regard to cultivation or sale.

(5) That a plea of marijuana intoxication should not be used as a defense in any criminal proceedings.

(6) That state legislatures which have improperly classified marijuana as a narcotic immediately redefine it according to the standards of the recently adopted (Federal) Uniform Controlled Substances Law.

The Jury considered several factors to be extremely significant in arriving at the final decision and would like to elucidate these for your benefit in better understanding our final position.

HEALTH FACTORS

There is overwhelming medical evidence to the effect that casual users suffer no harm or physical dependency and that aggressive behavior does not result from the use of marijuana. Less than 2% of the estimated 24,000,000 Americans who have ever used marijuana use it more than once a day. Therefore, its use does not constitute a major threat to public health.

In its final decision, the American Medical Association House of Delegates disregarded the recommendations of its own Council on Mental Health and its Committee on Alcoholism and Drug Abuse which had adopted the same position the Grand Jury has just taken. Even though their final recommendation was slightly more restrictive than ours, there was no debate over those parts of the report which stated that the use of small amounts of marijuana has no known harmful effects.

Similar positions to ours have been taken by the American Public Health Association, in the report on "Marijuana and Health" issued by the National Institute of Mental Health, and by Dr. John H. Finlator, ex-deputy director of the Bureau of Narcotics and Dangerous Drugs.

COSTS

The millions of dollars spent annually to arrest, prosecute, try, incarcerate and "rehabilitate" marijuana users could, and should, be better spent on more serious offenses, particularly crimes of violence.

DISCRIMINATORY ENFORCEMENT

Research has shown that the present laws are not uniformly enforced, resulting in heavier fines and longer sentences in certain areas of the state, the country and in certain communities. In California 41.3% of those convicted are incarcerated, versus only 6% nationally. There is considerable variation in the handling of cases depending on the leniency (or lack thereof) of the judge. This entire problem breeds disrespect for the law in general which we feel is harmful to the public good, particularly when this is compounded by the general feeling that the personal conduct is harmless. Such resentment is furthered by the law's lenient attitude toward known harmful drugs such as alcohol and tobacco.

Along these same lines, we are extremely concerned about the apparent discrepancy between the statements made by law enforcement and the actual statistics in regard to arrests. The law enforcement agencies have stated that they are interested in apprehending the seller and not the user. Yet nationally, of 200,000 arrests, 93% were for possession, 88% arrested were under 25 years old and had no prior record and 66% possessed less than one ounce. In the State of California in 1970, of 11,117 arrests, 83% were for possession. It appears that the cure may be worse than the disease in terms of human suffering imposed on otherwise law-abiding citizens. We feel we should learn the bitter lesson which prohibition taught us before further damage is done. Since it is not possible to achieve the elimination of marijuana, it would appear that the drug's relative potential for harm to individuals and society does not justify a social policy designed to seek out and punish those who use it.

CONCLUSION

Notwithstanding all the above statements, we feel that by refusing to actually legalize marijuana, it will still be possible to discourage its use. Further we have concluded that if law enforcement personnel can concentrate on major suppliers, the quantity of marijuana actually available on the market can be sharply curtailed.

We recognize that our opinion is not a popular one among all groups and feel that many legislators will wish to withhold their support of our recommendation until after the election this year, but we urge you to carefully consider our position and give your thoughtful attention to the conclusions of the Grand Jury.

Mr. HUGHES. Mr. President, I am pleased once again to join the distinguished senior Senator from New York (Mr. JAVITS) in reintroducing a bill designed to carry out the basic recommendations of the National Commission on Marihuana and Drug Abuse.

Over the past few years exhaustive studies of marihuana have been conducted under the auspices of the National Institute of Mental Health and of the National Commission on Marihuana and Drug Abuse. These studies have covered the medical, social, and legal aspects of the subject. Thus far we have no persuasive evidence that marihuana is seriously harmful to either the physical or the mental health of the individual or to society, when taken in the moderate amounts customary among all but about 2 percent of those who use it. For that small minority who do develop a psychological dependency, it appears that marihuana is a symptom rather than a cause of their difficulty.

The National Commission carefully weighed these medical and social facts and concluded that our criminal laws should be adjusted to take them into account. It then recommended changes in the law to remove the criminal penalties for the possession of marihuana for personal use and for the distribution of small amounts in private for little or no remuneration. Our bill reflects this position with some additional adjustments intended to eliminate inconsistencies that could lead on the one hand to a flouting of the law, or on the other to harassment by law enforcement personnel.

Members of the Senate will recall that the Commission's report was somewhat controversial and widely misunderstood. We were accused of recommending the legalization of marihuana even though we did not suggest eliminating criminal penalties for cultivation, possession with intent to sell for a profit, or sale or distribution for a profit. We were also criticized for what appeared to some to be a contradiction in that we proposed to hold the possessor of small amounts innocent while penalizing the seller.

This apparent contradiction was the result of our efforts to serve several distinct and vital public interests while recognizing the social and historical contexts in which public policy toward marihuana has developed.

First, we sought to move the law more closely into accord with the current body of knowledge about marihuana. We believed that severe criminal penalties could not be justified for the mere possession for private use of a substance not known to present substantial danger to the individual or to society.

Second, we hoped to eliminate the very damaging impact we know these criminal penalties are having on millions of young Americans. They believe with justification that the discrepancy between the facts and the law is unfair and hypocritical. Moreover, thousands of them are being arrested and convicted, with resulting criminal records which will haunt them throughout their lives.

Third, by retaining penalties for those who sell marihuana for a profit, we were preserving the governmental policy of discouraging the use of marihuana. We believe that Government should not encourage the use of any drug or psychotropic substance for recreational rather than medical purposes. On this point some of our critics assert that legalization with appropriate controls is not necessarily encouragement by Government. They cite alcohol and nicotine as examples.

We did not ignore this argument. However, we concluded that historical and social factors justified treating marihuana differently. Since it is now illegal, we felt that a change to legalization would inevitably be construed as a policy of Government encouragement. Alcoholic beverages and nicotine, on the other hand, were legal and their usage became imbedded in our society long before their serious dangers to health were generally recognized. The fact that they are legal does not, therefore, necessarily indicate a governmental policy of encouraging their use. Nor does the legality of these substances, which are known to be dangerous, justify the legalizing of yet another drug for recreational purposes.

Weighing all of these interests, we decided on balance that the national interest would best be served by a policy of "decriminalization" rather than "legalization." This course, will, we hope, alleviate the injustices resulting from the criminal penalties against the individual user of marihuana. At the same time it will continue to discourage the use of marihuana by retaining penalties against those who sell for a profit. This position seems to me to be reasonable, and I believe it is expressed fairly in our bill.

By Mr. HART:

S. 747. A bill to amend the Handgun Control Act of 1965. Referred to the Committee on the Judiciary.

Mr. HART. Mr. President, as I did in 1971 today I arise to introduce my bill to limit handgun ownership in America.

Once again tragedy has reminded us of the desperate need for gun control. There is little chance of curbing violent crime until handguns are no longer easily available to all comers.

In years past I have supported the measures to control handguns offered by my colleagues who have worked so courageously in this area: Senator BAYH, Senator KENNEDY, and Senator STEVENSON. I will continue to support their proposals.

However, my bill is different, for I have concluded that privately owned handguns simply have no place in today's society. This bill bans possession of handguns by anyone, except police, the military, and security guards. Limited exceptions are made for federally licensed target pistol clubs which securely store their weapons, and for inoperable collectors items. For 1 year following enactment, persons delivering handguns to depository agencies would be paid the value of their weapon, and handguns may be voluntarily surrendered at any time thereafter without penalty.

The bill does not affect shotguns and rifles in any way. I must admit that my bill, first introduced in 1971, has had slow going in Congress. It was called up on the

Senate floor as an amendment to a more modest gun control measure last summer and received only seven votes. Nevertheless, I continue to believe that private handgun abolition, or something close to it, is necessary and inevitable.

Our attention is caught by the shooting of policemen and others by street criminals. Only by drying up the vast reservoir of guns can we attempt to keep them out of the hands of these lawless persons.

But we must also understand the most important point: Even if some criminals could still obtain handguns, the rest of us would be safer if we did not possess them.

The fact is that the bulk of homicides committed each year—not to mention serious injury—do not involve criminals attacking strangers, but rather involve acquaintances. Handguns are rarely used successfully by law-abiding citizens for protection. They are far more likely to be used in a quarrel between friends or relatives with tragic results.

After all, if we establish that the readily available handgun is the most serious threat to the safety of ordinary Americans, then is it not the duty of American Government to make the weapon less available?

Even if this bill were enacted, it would not immediately dry up the Nation's supply of handguns. That would depend on citizen willingness to accept the fact that handguns are a totally unacceptable element in our society, and that could take a long time.

Passage of this bill surely would be accompanied by widespread discussion and media coverage which would acquaint the public with the dangers of handgun ownership. And in the year following enactment, the voluntary surrender of many weapons, as well as leadership by public officials, would continue this educational effort.

Last fall when I offered this bill as an amendment to the Saturday night special bill, I explained at some length the facts which I feel support this approach. I also put in the RECORD at that time several endorsements of the approach.

The remarks also included a copy of the text of the bill and a memorandum of law on the constitutionality of the bill under the second amendment. It may be useful to those who wish to take another look at the problem to have this material again available. Accordingly, I ask unanimous consent that my speech of last year be printed in the RECORD, along with the other items at the conclusion of my remarks today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handgun Control Act of 1972".

SECTION 1. The Congress hereby finds and declares—

(a) that annual sales of handguns in the United States have risen sharply in the last decade, bringing the total number of handguns in private hands to approximately twenty-four million by the end of 1968; and

(b) that handguns play a major role, and a role disproportionate to their number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery, and that the percentage of violent crimes in which handguns are used is increasing; and

(c) that most homicides are committed in altercations between relatives, neighbors, or other acquaintances, rather than in a confrontation between strangers; and

(d) that handguns in the home are of less value than is commonly thought in defending against intruders, and are more likely to increase the danger of a firearm fatality to the inhabitants than to enhance their personal safety; and

(e) that with few exceptions, handguns are not used for sporting or recreational purposes and that such purposes do not require keeping handguns in private homes; and

(f) that more than one-half of all handguns are acquired secondhand and that licensing and restrictions on sale of new handguns will not significantly reduce handgun crime and handgun violence; and

(g) that violent crimes perpetrated with handguns constitute a burden upon and interfere with interstate and foreign commerce and threaten the internal security and domestic tranquility of the Nation; and

(h) that fear of firearms crimes discourages citizens from traveling between the States to conduct business or to visit the Nation's Capital; and

(i) that crimes committed with guns have disrupted our national political processes, and threaten the republican form of government within the States as guaranteed by article IV of the Constitution; and

(j) that a national firearms policy which restricts the availability of handguns for non-law-enforcement and non-military purposes will significantly reduce violent crime, reduce deaths from handguns, and reduce other handgun violence in the United States.

SEC. 2. Title 18, United States Code, is amended by inserting immediately after chapter 50 thereof the following new chapter:

"Chapter 50A—HANDGUNS

"Sec.
"1091. Unlawful acts.
"1092. Licensing.
"1093. Penalties.
"1094. Exceptions.
"1095. Voluntary delivery to law enforcement agency; reimbursement.
"1096. Rules and regulations.
"1097. Effect on State law.
"1098. Separability clause.
"1099. Appropriations.
"1100. Definitions.

"§ 1091. Unlawful acts

"(a) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any handgun and handgun ammunition.

"(b) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful after one hundred and eighty days from the effective date of this chapter, for any person to own or possess any handgun or handgun ammunition.

"(c) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (a) and subsection (b) of this section such importation, manufacture, sale, purchase, transfer, receipt, possession, ownership, or transportation of handguns and handgun ammunition by importers, manufacturers, or dealers, licensed under chapter 44 of this title, and by pistol clubs licensed under this chapter, as may in his judgment be required for the operation of such pistol clubs or for purposes in section 1094 of this chapter.

"(d) It shall be unlawful for any licensed importer, manufacturer, or dealer to sell or otherwise transfer any handgun or handgun ammunition to any person, except another licensed importer, manufacturer, or dealer, without presentation by the purchaser or recipient of written verification that the receipt or purchase is being made by or on behalf of a person or government agency eligible to obtain and possess handguns under section 1094 of this chapter or a pistol club licensed under this chapter.

"(e) Every manufacturer, importer, and dealer who sells or otherwise transfers handguns or handgun ammunition shall maintain records of sale or transfer of handguns and handgun ammunition in such form as the Secretary may by regulations provide and shall permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"§ 1092. Licensing

"(a) A pistol club desiring to be licensed under this chapter shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $25 per year.

"(b) Any importer, manufacturer, or dealer desiring to be licensed under this chapter shall apply as provided in chapter 44 of this title.

"(c) Any application submitted under subsection (a) shall be approved if—

"(1) no member of the pistol club is a person whose membership and participation in the club is in violation of any applicable State laws;

"(2) no member of the pistol club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) or (h) of this title;

"(3) no member of the pistol club has willfully violated any of the provisions of this chapter or of chapter 44 of this title or any regulations issued thereunder;

"(4) the pistol club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application;

"(5) the club has been founded and operated for bona fide target or sport shooting and other legitimate recreational purposes; and

"(6) the pistol club has premises from which it operates and—

"(A) maintains possession and control of the handguns used by its members, and

"(B)(i) has procedures and facilities for keeping such handguns in a secure place, under the control of the club's chief officer, at all times when they are not being used for target shooting or other sporting or recreational purposes, or

"(ii) has effected arrangements for the storage of the members' handguns in a facility of the local police department or other nearby law enforcement agency.

"(d)(1) The Secretary must approve or deny an application for a license with the sixty-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon payment of the prescribed fee.

"(2) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or of chapter 44 of this title or any rule or regulations prescribed by the Secretary under such chapters. The Secretary's action under this paragraph may be reviewed only as provided in subsection (e) of this section.

"(e)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

"(f) Each licensed pistol club shall maintain such records of receipt, sale, or other disposition, of handguns at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such pistol clubs shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter at reasonable times the premises (including places of storage) of any pistol club for the purpose of inspecting or examining (1) any records of documents required to be kept by such pistol club under the provisions of this chapter or chapter 44 of this title and regulations issued under such chapters, and (2) any handguns or ammunition kept or stored by such pistol club at such premises.

"(g) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(h) The loss or theft of any firearms shall be reported by the person from whose possession it was lost or stolen, within thirty days after such loss or theft is discovered, to the Secretary. Such report shall include such information as the Secretary by regulation shall prescribe, including, without limitation, the date and place of theft or loss.

"§ 1093. Penalties

"(a) Whoever violates any provision of section 1091 of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of an importer, manufacturer, dealer, or pistol club, licensed under this chapter, or in applying for a pistol club license under the provisions of this chapter, shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(c) Any handgun or handgun ammunition involved or used in, or intended to be used in, any violation of the provisions of this chapter or chapter 44 of this title or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"(d) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary shall be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 1094. Exceptions

"(a) The provisions of this chapter shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, or transportation of any handgun or handgun ammunition which the Secretary determines is being imported or manufactured for, sold, or transferred to, purchased, received, owned, possessed, or transported by, or issued for the use of—

"(1) a professional security guard service which is licensed by the State in which the handgun is to be used, and which is authorized to provide armed security guards for hire; or

"(2) the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

"(b) Every security guard service purchasing, receiving, owning, possessing, or transporting handguns under subsection (a) shall maintain records of receipt, sale, ownership, and possession of handguns in such form as the Secretary may provide and permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"(c) The provisions of this chapter shall not apply with respect to the importation, sale, purchase, transfer, receipt, or transportation of a handgun manufactured before 1890, or any other handgun which the Secretary determines is unserviceable, not restorable to firing condition, and intended for use as a curio, museum piece, or collectors' item.

"§ 1095. Voluntary delivery to law enforcement agency; reimbursement

"(a) A person may at any time deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by such person. The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction, or other disposition of all handguns delivered under this section.

"(b) Upon proof of lawful acquisition and ownership by a person delivering a handgun to a law enforcement agency under this section, within one hundred and eighty days of the effective date of this chapter, the owner of the handgun shall be entitled to receive from the United States a payment equal to the fair market value of the handgun or $25, whichever is more. The Secretary shall provide for the payment, directly or indirectly, through Federal, State, and local law enforcement agencies, of the amounts to which owners of handguns delivered under this section are entitled.

"(c) The amounts authorized in subsection (b) of this section shall be paid out of the fees collected under section 1092(a) of this chapter to the extent that such fees are sufficient for this purpose. The remainder of amounts authorized in subsection (b) of this section shall be paid out of general revenues.

"§ 1096. Rules and regulations

"(a) The Secretary may prescribe such rules and regulations as he deems necessary to carry out the provisions of this chapter.

"§ 1097. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

"§ 1098. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"§ 1099. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title.

"§ 1100. Appropriations

"There are authorized to be appropriated such sums as are necessary to carry out the purposes of this chapter.

"§ 1101. Definitions

"As used in this chapter—

"(1) The term 'person' and the term 'whoever' include any individual, corporation, company, association, firm partnership, club, society, or joint-stock company.

"(2) The term 'importer' means any person engaged in the business of importing or bringing handguns into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of chapter 44 of this title.

"(3) The term 'manufacturer' means any person engaged in the manufacture or assembly of handguns for the purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of chapter 44 of this title.

"(4) The term 'dealer' means (A) any person engaged in the business of selling handguns at wholesale or retail, (B) any person engaged in the business of repairing handguns or of making or fitting special barrels, or trigger mechanisms to handguns, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of chapter 44 of this title.

"(5) The term 'fair market value' means the prevailing price on the open market for such weapons immediately prior to enactment or at the time of voluntary transfer under section 1095 of this chapter, whichever is higher, the method of establishing such prices to be prescribed by the Secretary in accordance with his authority under section 1096.

"(6) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(7) The term 'handgun' means any weapon—

"(A) designed or redesigned, or made or remade, and intended to be fired while held in one hand;

"(B) having a barrel less than ten inches in length; and

"(C) designed or redesigned, or made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

"(8) The term 'handgun ammunition' means ammunition or cartridge cases, or bullets designed for use primarily in handguns.

"(9) The term 'pistol club' means a club organized for target shooting with handguns or to use handguns for sporting or other recreational purposes.

"(10) The term 'licensed pistol club' means a pistol club which is licensed under this chapter."

SEC. 3. The enforcement and administration of the amendment made by this Act shall be vested in the Secretary of the Treasury.

SEC. 4. Nothing in this Act or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. The provisions of this Act shall take effect one hundred and eighty days following the date of enactment.

[From the CONGRESSIONAL RECORD]
Aug. 7, 1972]

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

AMENDMENT NO. 1335

Mr. HART. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, the Saturday night special bill, S. 2507, reported by the Judiciary Committee closes a serious loophole in existing law. Its passage is an important step in the struggle for adequate handgun controls. The easily concealed pistols it bans are a particularly dangerous threat to public safety, and the able Senator from Indiana and his subcommittee staff deserve our thanks for their long labors on this bill. I voted for it in committee and will support it now.

But all handguns have one primary purpose, Mr. President, to kill or seriously wound other human beings. Broader controls on every type of handgun are needed if we would diminish the tragic frequency of violence in America. For me, the evidence is compelling and leads to one conclusion: privately owned handguns—of any kind—simply have no place in today's society.

Therefore, last fall I introduced a bill to prohibit possession of handguns by anyone except the military, the police, and approved security guards. Limited exemptions would be made for federally licensed target pistol clubs, if they securely stored their weapons, and for inoperable collectors' items.

My proposal, S. 2815, has been reprinted as an amendment, in the nature of a substitute, to the pending bill.

I ask unanimous consent that my amendment be printed in the RECORD at this point.

There being no objection, the amendment, as modified, is as follows:

AMENDMENT NO. 13335

(In the nature of a substitute)

Strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Handgun Control Act of 1972".

SECTION 1. The Congress hereby finds and declares—

(a) that annual sales of handguns in the United States have risen sharply in the last decade, bringing the total number of handguns in private hands to approximately twenty-four million by the end of 1968; and

(b) more handguns play a major role, and a role disproportionate to their number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery, and that the percentage of violent crimes in which handguns are used is increasing; and

(c) that most homicides are committed in altercations between relatives, neighbors, or other acquaintances, rather than in a confrontation between strangers; and

(d) that handguns in the home are of less value than is commonly thought in defending against intruders, and are more likely to increase the danger of a firearm fatality to the inhabitants than to enhance their personal safety; and

(e) that with few exceptions, handguns are not used for sporting or recreational purposes and that such purposes do not require keeping handguns in private homes; and

(f) that more than one-half of all handguns are acquired secondhand and that licensing and restrictions on sale of new handguns will not significantly reduce handgun crime and handgun violence; and

(g) that violent crimes perpetrated with handguns constitute a burden upon and interfere with interstate and foreign commerce and threaten the internal security and domestic tranquillity of the Nation; and

(h) that fear of firearms crimes discourages citizens from traveling between the States to conduct business or to visit the Nation's Capital; and

(i) that crimes committed with guns have disrupted our national political processes, and threaten the republican form of government within the States as guaranteed by article IV of the Constitution; and

(j) that a national firearms policy which restricts the availability of handguns for non-law enforcement and non-military purposes will significantly reduce violent crime, reduce deaths from handguns, and reduce other handgun violence in the United States.

SEC. 2. Title 18, United States Code, is amended by inserting immediately after chapter 50 thereof the following new chapter:

"CHAPTER 50A—HANDGUNS

"Sec.
"1091. Unlawful acts.
"1092. Licensing.
"1093. Penalties.
"1094. Exceptions.
"1095. Voluntary delivery to law enforcement agency; reimbursement.
"1096. Rules and regulations.
"1097. Effect on State law.
"1098. Separability clause.
"1099. Appropriations.
"1100. Definitions.

"§ 1091. Unlawful acts

"(a) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any handgun and handgun ammunition.

"(b) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful after one hundred and eighty days from the effective date of this chapter, for any person to own or possess any handgun or handgun ammunition.

"(c) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (a) and subsection (b) of this section such importation, manufacture, sale, purchase, transfer, receipt, possession, ownership, or transportation of handguns and handgun ammunition by importers, manufacturers, or dealers, licensed under chapter 44 of this title, and by pistol clubs licensed under this chapter, as may in his judgment be required for the operation of such pistol clubs or for purposes in section 1094 of this chapter.

"(d) It shall be unlawful for any licensed importer, manufacturer, or dealer to sell or otherwise transfer any handgun or handgun ammunition to any person, except another licensed importer, manufacturer, or dealer, without presentation by the purchaser or recipient of written verification that the receipt or purchase is being made by or on behalf of a person or government agency eligible to obtain and possess handguns under section 1094 of this chapter or a pistol club licensed under this chapter.

"(e) Every manufacturer, importer, and dealer who sells or otherwise transfers handguns or handgun ammunition shall maintain records of sale or transfer of handguns and handgun ammunition in such form as the Secretary may by regulations provide and shall permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"§ 1092. Licensing.

"(a) A pistol club desiring to be licensed under this chapter shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $25 per year.

"(b) Any importer, manufacturer, or dealer desiring to be licensed under this chapter shall apply as provided in chapter 44 of this title.

"(c) Any application submitted under subsection (a) shall be approved if—

"(1) no member of the pistol club is a person whose membership and participation in the club is in violation of any applicable State laws;

"(2) no member of the pistol club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) or (h) of this title;

"(3) no member of the pistol club has willfully violated any of the provisions of this chapter or of chapter 44 of this title or any regulations issued thereunder:

"(4) the pistol club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application.

"(5) the club has been founded and operated for bona fide target or sport shooting and other legitimate recreational purposes; and

"(6) the pistol club has premises from which it operates and—

"(A) maintains possession and control of the handguns used by its members, and

"(B) (i) has procedures and facilities for keeping such handguns in a secure place, under the control of the club's chief officer, at all times when they are not being used for target shooting or other sporting or recreational purposes, or

"(ii) has effected arrangements for the storage of the members' handguns in a facility of the local police department or other nearby law enforcement agency.

"(d) (1) The Secretary must approve or deny an application for a license with the sixty-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon payment of the prescribed fee.

"(2) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or of chapter 44 of this title or any rule or regulations prescribed by the Secretary under such chapters. The Secretary's action under this paragraph may be reviewed only as provided in subsection (e) of this section.

"(e) (1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holders of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

"(f) Each licensed pistol club shall maintain such records of receipt, sale, or other disposition, of handguns at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such pistol clubs shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter at reasonable times the premises (including places of storage) of any pistol club for the purpose of inspecting or examining (1) any records of documents required to be kept by such pistol club under the provisions of this chapter or chapter 44 of this title and regulations issued under such chapters, and (2) any handguns or ammunition kept or stored by such pistol club at such premises.

"(g) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(h) The loss or theft of any firearms shall be reported by the person from whose possession it was lost or stolen, within thirty days after such loss or theft is discovered, to the Secretary. Such report shall include such information as the Secretary by regulation shall prescribe, including, without limitation, the date and place of theft or loss.

"§ 1093. Penalties

"(a) Whoever violates any provision of section 1091 of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of an importer, manufacturer, dealer, or pistol club, licensed under this chapter, or in applying for a pistol club license under the provisions of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall, become eligible for parole as the Board of Parole shall determine.

"(c) Any handgun or handgun ammunition involved or used in, or intended to be used in, any violation of the provisions of this chapter or chapter 44 of this title or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"(d) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary shall be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 1094. Exceptions

"(a) The provisions of this chapter shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, or transportation of any handgun or handgun ammunition which the Secretary determines is being imported or manufactured for, sold, or transferred to, purchased, received, owned, possessed, or transported by, or issued for the use of—

"(1) a professional security guard service which is licensed by the State in which the handgun is to be used and which is authorized to provide armed security guards for hire; or

"(2) the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

"(b) Every security guard service purchasing, receiving, owning, possessing, or transporting handguns under subsection (a) shall maintain records of receipt, sale, ownership, and possession of handguns in such form as the Secretary may provide and permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"(c) The provisions of this chapter shall not apply with respect to the importation, sale, purchase, transfer, receipt, or transportation of a handgun manufactured before 1890, or any other handgun which the Secretary determines is unserviceable, not restorable to firing condition, and intended for use as a curio, museum piece, or collectors' item.

"§ 1095. Voluntary delivery to law enforcement agency; reimbursement

"(a) A person may at any time deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by such person. The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction, or other disposition of all handguns delivered under this section.

"(b) Upon proof of lawful acquisition and ownership by a person delivering a handgun to a law enforcement agency under this section, within one hundred and eighty days of the effective date of this chapter, the owner of the handgun shall be entitled to receive from the United States a payment equal to the fair market value of the handgun or $25, whichever is more. The Secretary shall provide for the payment, directly or indirectly, through Federal, State, and local law enforcement agencies, of the amounts to which owners of handguns delivered under this section are entitled.

"(c) The amounts authorized in subsection (b) of this section shall be paid out of the fees collected under section 1092(a) of this chapter to the extent that such fees are sufficient for this purpose. The remainder of amounts authorized in subsection (b) of this section shall be paid out of general revenues.

"§ 1096. Rules and regulations

"(a) The Secretary may prescribe such rules and regulations as he deems necessary to carry out the provisions of this chapter.

"§ 1097. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

"§ 1098. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarily situated or to other circumstances shall not be affected thereby.

§ 1099. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title.

"§ 1100. Appropriations

"There are authorized to be appropriated such sums as are necessary to carry out the purposes of this chapter.

"§ 1101. Definitions

"As used in this chapter—

"(1) The term 'person' and the term 'whoever' include any individual, corporation, company, association, firm partnership, club, society, or joint-stock company.

"(2) The term 'importer' means any person engaged in the business of importing or bringing handguns into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of chapter 44 of this title.

"(3) The term 'manufacturer' means any person engaged in the manufacture or assembly of handguns for the purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of chapter 44 of this title.

"(4) The term 'dealer' means (A) any person engaged in the business of selling handguns at wholesale or retail, (B) any person engaged in the business of repairing handguns or of making or fitting special barrels, or trigger mechanisms to handguns, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of chapter 44 of this title.

"(5) The term 'fair market value' means the prevailing price on the open market for such weapons immediately prior to enactment or at the time of voluntary transfer under section 1095 of this chapter, whichever is higher, the method of establishing such prices to be prescribed by the Secretary in accordance with his authority under section 1096.

"(6) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(7) The term 'handgun' means any weapon—

"(A) designed or redesigned, or made or remade, and intended to be fired while held in one hand;

"(B) having a barrel less than ten inches in length; and

"(C) designed or redesigned, or made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

"(8) The term 'handgun ammunition' means ammunition or cartridge cases, or bullets designed for use primarily in handguns.

"(9) The term 'pistol club' means a club organized for target shooting with handguns or to use handguns for sporting or other recreation purposes.

"(10) The term 'licensed pistol club' means a pistol club which is licensed under this chapter."

SEC. 3. The enforcement and administration of the amendment made by this Act shall be vested in the Secretary of the Treasury.

SEC. 4 Nothing in this Act or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. The provisions of this Act shall take effect one hundred and eighty days following the date of enactment.

Mr. HART. Mr. President, it is unnecessary for me to speak at length on behalf of this amendment. Its purpose is well known to my colleagues and it has been the subject of considerable discussion since last year, both pro and con. In the Judiciary Committee deliberations on S. 2507, which were complex and protracted, I indicated that in order to expedite action on gun control legislation this year, I would offer my proposal on the floor. It was circulated again to each of my colleagues in the Senate several weeks ago with a summary of my position. At this point, I would also request insertion in the RECORD of my statement upon the bill's introduction last November, which explains the background of this measure in more detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LIMITATION OF HANDGUNS OWNERSHIP

Mr. HART. Mr. President, today, I am introducing a bill that would limit handgun ownership to law enforcement officers and security guards.

Other handguns, with a few exceptions, would be bought at fair value by the Government and destroyed. Fair value can be generally interpreted to mean the price that a handgun would bring in the open market on the day before the bill is enacted. The measure would not affect rifles and shotguns.

The bill reflects my conclusion—and the conclusion of the National Commission on the Causes and Prevention of Violence—the Eisenhower commission—of which I was a member, that the Nation has little chance of curbing violent crime until handguns are no longer readily available to all comers.

First of all, I should candidly acknowledge that this handgun program will require a very extensive education program to achieve enactment and successful implementation.

Many Americans will be reluctant to turn in their pistols until they have all the facts. And the facts present overwhelming evidence that the safety of a household is diminished—not increased—by the presence of a pistol in the house.

Handgun control is difficult to institute here simply because we are one of the few nations in the world with a great many handguns in circulation among people accustomed to having them.

One-hundred years ago, handgun control would have been relatively easy. Few people owned them, even—despite what the cowboy movies tell us—in the wild West.

Fifty-years ago, it would have been relatively easy to ban cigarets. Few, if any, people smoked them. But by 1970, too many in the Nation were hooked. And, in the same sense, we are hooked on handguns.

There are now about 25 million of them in the country and sales have quadrupled in the past decade.

They account for three-quarters of all firearms homicides and woundings although they comprise only one-quarter of all the guns in the Nation. Whenever a living creature is killed by a handgun, it is almost always a human being.

DO THEY OFFER SOUND PROTECTION?

Most citizens owning handguns imagine these weapons to be sound home protection devices. But no serious study of handgun employment—and there have been many—has concurred in this notion.

Only in a very, very tiny percentage of cases are they ever successfully used against burglars or home robbers—simply because burglars seldom enter an occupied house and bandits can easily get the drop on any householder who does not walk around the house with a gun in his hand.

If you open the door to a bandit's knock, then he will have you covered when he enters. If he sneaks in through an open door or window, the householder still has no chance to go for his weapon.

Conceivably, a householder might have time to arm himself if bandits take minutes to force their way in. But even in that unlikely circumstance, would not the householder be as well off with a shotgun in his hands as a pistol?

Studies in Detroit and Los Angeles show that only 2 percent of home robberies and 1 percent of home burglaries result in the intruder being shot by the householder—These studies are detailed in "Firearms and Violence in American Life," volume 7 of the staff reports to the National Commission on the Causes and Prevention of Violence, available for $1.25 at the U.S. Government Printing Office, Washington, D.C. 20402.

For this minimal protection against intruders, Americans are paying a high price in the killing and wounding—both accidental and deliberate—of family members, friends, and acquaintances.

Most American homicides do occur in the home and the handgun is the usual instrument because it is handy and is most often kept loaded.

Another study described in the Violence Commission staff report demonstrated that 71 percent of all killings in Chicago involved relatives, friends, and neighbors. Almost always, the attacks were generated by spontaneous rage and the attacker was not necessarily determined to kill.

It seems abundantly clear to me that although a handgun ban might result in more bloody noses and black eyes, there would also certainly be fewer funerals.

WHERE DO THE CRIMINALS GET THEIR GUNS?

My mail, perhaps not surprisingly, runs heavily against the proposed measure. Since I announced my intentions to submit a handgun control bill October 8, I have received 607 letters in opposition and only 99 in favor.

Many of them, I should state in fairness, are more pitying than outraged. A common theme among opponents, if I may paraphrase, goes like this:

"How can you be so feebleminded as not to realize that only honest citizens will turn in their guns, leaving themselves at the mercy of criminals who do not?"

Well, let us take a look at the common street criminal. He has been studied as much as handguns have been. And the obvious fact is that the street criminal is almost invariably young and impulsive. He is most likely to be in his teens or early twenties and robbery is not a career he has planned far in advance.

The second fact is that practically every handgun ever used in a criminal act was at one time owned by an honest citizen.

Inescapably, we learn that those millions of "honest" handguns provide the reservoir that keeps the criminal arsenals full. The reason handguns are so easily available to criminals is simply because handguns are everywhere.

Handguns in honest hands get into the streets through burglaries, thefts, pawns, loans, and sometimes, sales.

Contrary to popular belief, it is not the usual practice for a criminal to contemplate a crime and then go looking for a gun.

Far more often, offenders commit crimes only after they find themselves with the capacity to intimidate a victim. In other words, there is solid evidence that firearms generate violent crime.

The great pool of "honest" handguns is constantly leaking into the hands of those who have criminal tendencies, but lack the weapons to intimidate.

The last catch basin for these guns is the police, who are constantly confiscating and destroying criminal weapons but never fast enough to catch up with the new supply. Meanwhile, the new supply is inspiring new violence.

WHY JUST HANDGUNS?

Handguns represent the major threat to our society's safety.

The handgun is the favorite criminal weapon for the most obvious of reasons. It is light, cheap, readily concealable and can be easily whipped out of a coat pocket.

Long guns, on the other hand, met none of these tests. True, they can represent a threat to safety but they have a great many wholesome purposes. And they are certainly not designed primarily for the killing and wounding of humans.

Since most long gun killings and woundings are accidental, probably the most effective way of making them more harmless would be State-sponsored safety training programs for young hunters similar to safety training programs we have for young drivers.

Because of their handy design, handguns account for three-quarters of all firearms homicides and woundings even though they comprise only one-quarter of all the guns in the Nation.

HOW LONG WOULD IT TAKE TO DRY UP HANDGUNS?

Even if the bill were to pass tomorrow, it would doubtless take many years to achieve the desired results.

Let us face it—success would depend heavily on citizen appreciation of the fact that handguns are an unacceptable element in our society.

The bill provides a moratorium period of 180 days for citizens to sell handguns to the Government. After that, any unauthorized person with a handgun in his possession would be subject to a jail term of 5 years and/or a maximum fine of $5,000.

But how quickly handguns can be collected will certainly depend heavily on whether citizens study all the facts and willingly reach the same conclusions that I have.

Having reviewed the studies of experts for a number of years I have concluded that this is the best course, although I know that many will be in disagreement.

WHAT ABOUT THE "RIGHT TO BEAR ARMS"?

My correspondence in opposition to gun control laws often cite the second amendment to the Constitution, which reads in full:

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The right of the people to keep and bear arms has always been closely tied to the right of each State to maintain and arm a militia, now called the National Guard.

When the second amendment was drafted, the militia was made up of all our able-bodied men. When called for service, they were expected to provide their own weapons, something no longer required.

The Founding Fathers remembered that the British had stopped the colonial militias from arming themselves and wanted to make sure the Federal Government would not do the same thing.

The Supreme Court has held that firearms regulation is not unconstitutional unless it impairs the effectiveness of the militia.

In 1939, the Court found that the amendment was enacted with the:

"Obvious purpose to assure the continuation and render possible the effectiveness of the militia. It must be interpreted and applied with that end in mind."

Now that is a strict interpretation of the Constitution. A "loose" interpretation of the second amendment, on the other hand, would prevent Congress from regulating even weapons such as machine guns, bazookas, and grenades.

And if the "right to bear arms" were construed as an absolute individual right, then Congress would be unable to protect society by disarming insane persons and convicted mobsters.

So we might argue about how much "infringement" there should be, but I do not believe it is valid to claim that any infringement is unconstitutional.

WOULD AN EFFECTIVE HANDGUN BAN STOP KILLINGS?

My correspondents commonly make the point that guns are harmless in themselves, that they are only harmless pieces of machinery until picked up by a hostile hand.

Very often, I see the phrase: "Guns do not kill people, people kill people."

This is occasionally followed by the statement, "If a man wants to kill someone, he will find a way to do it whether he has a gun or not. So why bother to take away guns?"

It is true that people kill people but I would have to add that handguns make the job a great deal easier—and possibly more tempting. And does not Government have some responsibility to make it as difficult as possible for people to kill each other?

Indeed, the fact remains that a handgun makes it easy to approach a victim without immediately alarming him and they allow deadly attacks to be made by persons who are unable physically or psychologically to overpower their victims through violent physical contact.

It is certainly not surprising that handguns are presently the favorite weapons for attacks on police.

The policeman himself is capable of defending against many forms of attack. He is trained and equipped to ward off attacks with blunt instruments, knives or fists. And if surprised at close range, his firearm is usually enough to overcome an attacker.

Therefore, clearly it is the handgun's capacity to deal instant death from a distance that threatens police lives. And a handgun provides the attacker with the additional element of surprise.

HANDGUNS; USEFUL POLITICAL WEAPONS?

Since I announced my intention to introduce a strong handgun bill, I have had occasion to speak to many who oppose the notion.

In these conversations, I have been surprised at one recurring theme: That widespread ownership of handguns is somehow necessary to forestall a national takeover by Communists or some other sinister political force.

Here are a few typical remarks, extracted from conversations and letters:

"The first thing Hitler did when he came into power was pick up all the guns . . .

"How about all those extremist groups? They're not going to turn in their handguns . . .

"But isn't a disarmed nation ready prey for those who believe in political violence?"

Well, I do not know if Hitler picked up private weapons or not but even if he did, I am sure it did not make one whit of difference in Germany's political course. That regime, as I recall had strong popular support in the thirties and no minority, however well supplied with handguns, would have had much of a chance to overthrow it.

Furthermore, there is no evidence in modern history that an abundant handgun supply has contributed to the stability or instability of government.

Handguns, true, are a favorite weapon of terrorists but they are very little use against terrorists. If handgun possession is outlawed, then it seems to me that the authorities have one more legal weapon against political extremists.

Frankly, at this moment in history I see no internal conspiracies against America of great threat. But even if there were, free availability and possession of handguns would be more to the benefit of violent rebels than of peaceful loyalists.

WHO WOULD GET EXEMPTIONS?

Handguns would be allowed to police and licensed security guards. Target shooting clubs would be allowed to own handguns if they were stored in a secure place or at a police station.

Antique guns—those manufactured before 1890—would be exempted along with some more modern weapons judged to be collectors' items.

CONCLUSION

It is for these many reasons that I have decided to press for a ban on handguns. I would guess that it will not be a totally popular undertaking.

Historian Richard Harris once cogently noted that success in politics depends not so much on making friends as on avoiding enemies.

There is, I think, a great reservoir of potential support for stricter gun legislation, but there is also an awaiting cauldron of angry and emotional opposition. The temper of the mail makes that clear.

But nothing in these letters, telegrams and phone calls convinces me, based on the evidence, that the handgun is a wholesome element in our society. It is of hardly any use in home defense.

And all the studies, all the facts, indicate clearly that it is a device that is of primary use to the criminal class. And why should we go on helping them out?

Mr. HART. There are two premises upon which this amendment is based:

First. We must eventually dry up the vast reservoir of handguns easily accessible to criminals through thefts, burglary, and cheap, secondhand commercial traffic.

Second. Even to the extent that criminals would still have weapons, the hard facts indicate, contrary to common belief, that the rest of us are safer if we do not have handguns. The bulk of homicides committed each year—not to mention serious woundings or fatal accidents—do not involve criminals attacking strangers, but rather involve altercations between acquaintances.

We have all seen a headline about the homeowner or storekeeper who shoots a robber. But, in fact, handguns are rarely used successfully by law-abiding citizens. They are far more likely to be used in a quarrel among friends or relatives—with tragic results.

On July 25, the Washington Post editorially summed up this overriding concern in this way:

'Any deterrent effect [of crime] that private weapons have is more than offset, in our view, by the danger that careless accidental or passionate use of private weapons poses to the lives and health of innocent citizens."

And that summary omits the toll taken when risky resort to a handgun to thwart a robbery results in the tragic death of the innocent victim which might not otherwise have occurred.

I am aware of the intensity of the opposition to further handgun control. I know that some pistol owners may now believe that those who take my view are part of a secret conspiracy against their freedom. Nonetheless, we in Congress, the President, and State and local officials can and must emphasize to the American people that this measure would enhance their own safety and that of their loved ones—and that we would have no other motive to pass it.

There are encouraging signs that the need for leadership will be met. The support for full handgun control is growing at a surprising pace. Public officials and private voices have recognized that such legislation is overdue.

Last month, the United States Conference of Mayors resolved to:

"Take a position of leadership and urge national legislation against the manufacture, importation, sale and private possession of handguns except for use by law enforcement personnel, military and sportsmen clubs."

A majority of the National Commission on Reform of Federal Criminal Laws recommended that handguns be limited by act of Congress to the military, law enforcement and related personnel.

The Chicago City Council has unanimously endorsed the bill now before us in the form of this amendment by name, and called for its enactment. Last month, in strong testimony to the House Committee on the Judiciary, Mayor Richard Daley of Chicago said:

"The evidence is overwhelming that guns are dangerous to possess even by law-abiding people."

A widely respected law enforcement officer, Sheriff Peter P. Pitchess of Los Angeles, who served for 8 years as an FBI firearms instructor and is an honorary life member of the NRA, has come to the conclusion reflected in this amendment. He testified before the House Judiciary Committee that, despite initial skepticism, and only after much soul-searching and studying all the available data, he has "reached an inescapable conclusion: All handguns must be banned except for law enforcement and military." That is what the amendment would do. In his testimony, Sheriff Pitchess also questioned the argument that criminals would be deterred by their uncertainty about whether a particular home had a handgun in it or not. From his own experience, he argued that the possibility of finding a firearm in a house makes it a much more attractive target for burglars because a handgun is easily resold.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks resolutions of the United States Conference of Mayors and the Chicago City Council; an excerpt from the recommendations of the Commission to Reform the Federal Criminal Laws; and the prepared testimony of Sheriff Pitchess. I also include in that request editorials from the Cleveland Plain Dealer and WBZ-TV in Boston, supporting my bill and from the Washington Post endorsing the general approach of banning private handguns; also supporting letters from the United Methodist Church and the American Civil Liberties Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Next to the claim that the bill will leave guns in the hands of criminals and disarm honest citizens, perhaps the most frequent attacks made on my proposal are based on the second amendment. It is said that my amendment would infringe the constitutional right "to keep and bear Arms" in violation of this amendment.

I doubt very much whether this debate will change many persons' view of what that amendment means. And since the Supreme Court has not yet ruled on a bill as broad as this amendment, it cannot be claimed that no uncertainty exists. But I have had a memorandum prepared by able staff summarizing the available legal and historical materials which we have reviewed, and I am convinced that the amendment I offer would be found by the courts to be constitutional.

Let me summarize it briefly:

First. Even the common law right to possess firearms was never deemed an absolute privilege. It was subject to laws regulating that right;

Second. Based on the historical antecedents of the second amendment and the debate by its framers, the courts have held that the right "of the people to keep and bear arms" is a collective right of the citizenry to preserve a militia, not an individual right of self defense vis-a-vis one's neighbor.

Third. Whether viewed as a collective or an individual right, the amendment has been interpreted by the courts to stand for the following proposition—and this, I believe, is the determining principle for testing this amendment—firearms legislation does not contravene the amendment unless it obstructs or interferes with the preservation of an effective militia, which today is our National Guard.

My proposal meets this test. As the legal memorandum notes, National Guardsmen draw prescribed weapons from State arsenals, including their sidearms. Even if we assume that target practice with civilian handguns facilitates Guard training, such practice by duly organized clubs would be permitted under the amendment. One must strain to suggest that a pistol stored in a dresser drawer is essential to the preservation of a well regulated militia—that its prohibition would significantly impair or obstruct the Guard.

Because of their well known scrupulous concern for the constitutional rights of every American, regardless of the issue involved, I am pleased that the American Civil Liberties Union letter endorsing my bill indicates a similar reading of its constitutionality under the second amendment. I ask unanimous consent that the staff legal memorandum prepared in my office which I have just summarized also be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HART. How would this bill work? Briefly, it would make possession of handguns and handgun ammunition illegal, except for exempt categories, 6 months after the effective date of the legislation. Since the law would become effective 6 months from its enactment, there will be a full year within which people could realize the purpose of this measure, its requirements, its restrictions, and and its true effect upon their safety. Persons delivering a handgun to a law enforcement agency within the period, would be entitled to receive the fair market value at the time of enactment or of the transfer—or a minimum of $25. Thereafter handguns could still be surrendered voluntarily without penalty, but also without compensation.

Traffic in handguns—as opposed to mere possession—would cease immediately upon the effective date of the legislation. Thereafter, any import, manufacture, transfers, or sales of handguns not permitted by the Secretary of the Treasury for one of the exempt purposes would be illegal.

As the congressional findings stated in selection 1 indicate, my amendment is based on the aggregate effect which privately owned handguns have on commerce, on interstate travel, and on the internal security and domestic tranquility of the Nation. It is the intent of this legislation to reach any handgun not possessed under any of the permitted exemptions, whether or not the prosecution can demonstrate that the particular weapon has been in interstate commerce.

The bill is designed to exercise the full powers of Congress under the Commerce Clause and other provisions of the Constitution which authorize it to deal systematically and comprehensively with this national problem. This is the same position as that taken in the committee bill with respect to sales of Saturday Night Specials, according to the committee report at page 22.

The proposal raises important issues which I realize are unlikely to be resolved to everyone's satisfaction. But contrary to suggestions which may be made in opposition to its adoption, I believe that the hearings in the Judiciary Committee in this and earlier Congresses, along with the substantial study by national commissions which witnesses have called to the committee's attention, provide an adequate basis for the full Senate to act upon the proposal.

In the hearings on the pending Saturday night special bill, several witnesses who supported it explained why they thought Congress should go further and move against the entire handgun problem. They explained why local laws could never be fully effective because of the leakage from less stringent jurisdictions. They cited repeatedly the evidence compiled by the Violence Commission that provide possession of handguns diminishes, rather than increases, one's safety and that the tremendous number of handguns presently in circulation must be reduced drastically if criminal and other violence in America is to be controlled.

In this hearing, and in earlier ones, members of the committee and various witnesses have explored the arguments advanced against banning private possession of handguns and the so-called confiscation issue.

It is true, Mr. President, that the members of the Violence Commission were unable to agree upon the proposal I offer today. The Commission's official recommendation stopped short of that. But the compilation of data, the research and the analysis done by the very able Commission staff experts, has been available to Congress and to others studying this problem for several years. It was the basis for the majority recommendation of the Commission on Reform of Federal Criminal Laws. The statistics and analyses available since then have not rebutted any of the major conclusions of the staff report to the Violence Commission which report has led me to offer this proposal.

Mr. President, I suppose it will be very easy for opponents of this bill, and headline writers, to make "confiscation" an emotional codeword that diverts us from urgent threat to our citizens' safety. Let us remember that the important "confiscation" that goes on right now is the 15,000 lives "confiscated" by homicides each year in America—half of them by handguns.

That is the confiscation which should concern all of us and which concerns me in offering this amendment. The time has come to take the steps we know are necessary to make a real dent in those figures. In the editorial to which I referred earlier, the Washington Post put the issue before us:

"What it all boils down to is a recognition that the United States is no longer a frontier society and that pistols as playtoys are not tolerable in crowded urban communities. Getting handguns out of circulation will not be accomplished quickly or easily. But it is high time to begin."

Mr. President, that is what this amendment would set us on the road to doing. It would set us on the road to reducing and beginning the removal of the vast reservoir of handguns, the source of most of the criminal armament of this country, and the source of much anguish through accident and mistaken killings and woundings.

People have asked me when I think it likely that Congress will say that handguns are "no-no's" for everybody but the businessman, the security guard, and—if the Secretary licenses it—for sporting clubs to maintain premises on which the guns can be safeguarded. The answer is that I do not know how long it will be. But it will be much sooner if men and women in this country can be persuaded to look at the statistics and recognize that the law-abiding citizen is safer if he does not have a pistol in the bureau drawer. His children are safer; his neighbors are safer.

The statistics are overwhelming. Once those figures penetrate the understanding of the people of this country, we will have arrived at the time when we will legislate to prohibit the handgun in private hands. Of course, that day will come sooner in almost direct relationship to the willingness of those of us who have these figures and interpret them as I do to stand up and say so.

Of course, the criminal will have a weapon. It will be a long time before these 30 million pistols are turned in and destroyed. So long as that reservoir is there, that is where the criminal will get his weapon. But the fact that the criminal will always be armed is a "so what" argument. So what? I am infinitely safer if I do not have one—if, as one would put it, it is taken away from me. I am safer and my neighbor is safer and the community is safer. That is the point to which we should address ourselves.

I hope very much that the amendment will be agreed to.

EXHIBIT 1

RESOLUTION ON GUN CONTROL ADOPTED BY THE U.S. CONFERENCE OF MAYORS, JUNE 21, 1972

Whereas, over 8,000 Americans were felled by handguns in 1970 and nationally 80% of all homicide victims knew their killers as a relative or friend; and

Whereas, 95% of policemen killed in the line of duty between 1961 and 1970 were felled by handguns; and

Whereas, gun dealers today sell to the mentally ill, criminals, dope addicts, convicted felons, juveniles, as well as good citizens who killed each other; and

Whereas, those who possess handguns cannot be divided into criminals and qualified gun owners; and

Whereas, handguns or not generally used for sporting or recreational purposes, and such purposes do not require keeping handguns in private homes; and

Whereas, the United States Supreme Court ruled in 1939 that firearms regulation is not unconstitutional unless it impairs the effectiveness of the State militia.

Now therefore, be it resolved that the United States Conference of Mayors takes a position of leadership and urges national legislation against the manufacture, importation, sale and private possession of handguns, except for use by law enforcement personnel, military and sportsmen clubs.

Be it further resolved that the United States Conference of Mayors urges its members to extend every effort to educate the American public to the dangerous and appalling realties resulting from the private possession of handguns, and that we urge the Congress to adopt a national handgun registration law.

Be it further resolved that (1) effective legislation be introduced and approved by the

States not having adequate legislation to that effect; (ii) the proposed legislation shall provide for the registration of all firearms; (iii) State legislation shall require all citizens interested in carrying a weapon to obtain a license after showing of just cause and good conduct; (iv) federal legislation shall provide, in addition to existing restrictions, that any person not having a state license to carry a firearm shall commit an offense for transporting such in interstate commerce.

RESOLUTION MEMORIALIZING CONGRESS TO OUTLAW HANDGUNS BY ENACTING S. 2815

Whereas: Chicago's patience is exhausted by the endless sickening and lethal shots from hand guns in its streets and buildings. The only use of hand guns is to kill and maim people. So long as hand guns can be privately owned, no one is safe. Outlawry of hand guns by a single city cannot solve the problem; hand guns should be outlawed nationally as other nations have outlawed them.

The destruction in Chicago from hand guns is beyond belief. In the last few days, for example, a Chicago police commander was shot and hurt by a hand gun when he commanded a robber to surrender in the loop; two boys, 17 and 18, were shot and killed by a hand gun in an alley on the west side; and a father of three young children was killed by a hand gun which discharged accidentally as he fell down the stairs of his home on the south side.

Chicago knows the problem. Chicago knows that hand guns must be outlawed. Chicago knows that the hand gun lobby must be overcome in the interest of protecting life and safety.

AMENDED IN COMMITTEE ON FEDERAL AND STATE LEGISLATION

Be it resolved by the city council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs.)

Be it further resolved by the city council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

FINAL REPORT OF THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

(Proposed New Federal Criminal Code)

FIREARMS AND EXPLOSIVES

Introductory note

Two of the sections in this group, §§ 1812 and 1813, are intended to cover the felonious aspects of conduct prohibited under federal regulation of firearms and explosives. The regulatory legislation is not set forth in the Code. In this connection a majority of Commissioners recommended that Congress:

(1) Ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

(2) Require registration of all firearms.

A substantial body of opinion in the Commission: Opposes any Federal involvement in firearms control beyond that embodied in existing legislation.

A CASE FOR CONTROL OF HANDGUNS

(A statement by Peter J. Pitchess, sheriff, Los Angeles County, to the House Committee on the Judiciary, Congress of the United States, on June 28, 1972)

Let me begin by telling you my position regarding the handgun. It is made for killing people, and I challenge anyone to disprove that statement.

For many years, my colleagues and I have steadfastly resisted any attempt to regulate or outlaw the possession of firearms. But, times are changing.

Stricter gun laws obviously will not eliminate violence, any more than existing punitive laws have wiped out criminality. In my opinion, the legislation you are considering relative to gun registration and control is simply inadequate. The enormous expense and lack of enforceability make it somewhat impractical. But restricting the sale or possession of handguns will have a dramatically dissuasive influence.

The problems besetting us on all sides are great. Our society is experiencing catastrophic upheaval. Our attitudes must change to conform to the demands of contemporary culture. I have done much soul-searching on the issue of gun control. After having carefully studied all available data, it became increasingly apparent that there is only one course left for men of good will—no longer can we afford the luxury of endorsing what has lately become a dangerous and untimely position—the fallacy that the safety of our populace is dependent upon an inalienable and largely indiscriminate right to bear arms.

We have reached an inescapable conclusion: All handguns must be banned except for law enforcement and the military. I ask you and the American people to review some of the factors that have precipitated my decision.

First, in the United States in 1971, 10,000 murders were committed with firearms, and guns accounted for 21,000 deaths. Tragically—incredibly—someone in America is killed or injured by gunfire every two minutes. Second, as a law enforcement officer, I have become increasingly alarmed over the astounding number of policemen who are killed or wounded in the performance of their duty. From 1961 to 1970, 604 fellow peace officers were killed by firearms; 466 of these were by handguns! During that same period, only 29 officers were killed by other weapons.

We live in an age when statistics such as these have lost much of their impact. Understandably, a concerned public becomes shocked, then apathetic and, finally, anesthetized. During the past few years, the collective conscience of our people has been numbed by the assassinations of John F. Kennedy, Martin Luther King, and Robert F. Kennedy. The attempted assassination of Governor Wallace has again refocused our attention on the issue of violence. As shocking and deplorable as these incidents are, they are but a few of the traumatic dramatizations occurring hourly within our cities.

Gun control laws can retard the increase in criminal activity. In New York City, for example, where strict control of handguns exists, the murder rate of 10.5 per 100,000 inhabitants is well below that of most other cities with weak gun control, such as Dallas (18.4), Houston (16.9), and Atlanta (20.4). And this has been accomplished in spite of the fact that guns enter New York from other areas with lax gun control laws.

What our country must recommend is legislation controlling handguns on a nation-wide basis and accompanying enabling legislation to make the enforcement of those controls possible. Existing search and seizure laws need to be modified to allow greater latitude to the police in the search for weapons. There are more than 20,000 state and local firearms laws, many of which are conflicting, obsolete and unenforceable. The necessary coordination, leadership and solution must come at the federal level. Law enforcement needs the right to seize illegally possessed handguns, use them in evidence in criminal cases, then destroy them, eventually eliminating handguns except for police and the military.

Hopefully, few of you have had the experience of finding yourself at the end of a gun, but for all too many of our citizens, this is not the case. Last year alone, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint.

In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults. If we are ever to reverse, or even lessen, this almost casual use of violent force, we must be willing to re-examine our position, and commit ourselves to seeking a solution. Objective reasoning permits no other beginning than the elimination of the handgun.

Many good Amercans will argue that we should take the guns from the criminal, but not prohibit their possession by the law-abiding citizen. Perhaps there may be some validity to this argument if the destruction caused were *exclusively* due to criminal activity; but it only takes a cursory glance at the facts to recognize the fallacy inherent to this position. In Washington, D.C., 81% of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife—86% of the murders stemmed directly from an argument, a fight, an altercation or a lover's quarrel. The bloodshed, then, is not due to just the premeditated killer who methodically calculates a murder, but is the result in all too many instances of frustration and passion which are grasping for an available means of release.

It is needless to remind ourselves of the tragic spectrum of accidental killings caused by the availability of a firearm.

It may be argued that a person intent on murder will find a way to do so, if not with a handgun, then with some other weapon. This has not been the case, and it becomes most evident upon serious reflection. Consider the countless psychiatric patients who have stated at one time or another they were glad they did not have a gun available to use on themselves or others. It is not difficult to envision an angry spouse in a moment of irrationality, rather than hurling an invective, resorting to the use of a gun.

This is not conjecture . . . it is not fantasy . . . it happens with almost predictable regularity.

Organizations of sportsmen and hobbyists maintain that handgun controls would interfere with the activities in which they engage. Certainly handguns can be used for these pursuits, but let me paraphrase what I stated earlier . . . it is difficult to deny that their primary purpose and the job they were designed for is killing people. We are not suggesting the outlawing of all firearms, but rather the elimination through legislation of the deadliest of all—the handgun.

I am aware there are gun collectors throughout the country who possess handguns that are both rare and valuable, and I would not presume that these collections should in any way be diminished. What I do advocate is that these handguns be rendered inoperable as instruments of death and destruction. I might add that I too am a gun collector.

While the United States Constitution guarantees citizens the right to possess arms, few thinking persons would argue that this right should be extended to include machine guns, flame throwers, or similar weapons. Such an argument would surely not be in keeping with the spirit of the Second Amendment. Neither should this right be construed to extend to handguns, for the same reason.

The primary justification for the Second Amendment's inclusion in the Constitution centered around self-defense, national defense, and food acquisition. In today's complex, urbanized American society, these reasons are, at the least, extraneous when applied to handguns:

We have the Armed Forces to protect our shores and borders, and the police to perform a like function with regard to domestic threats to our security.

For those who find it necessary to keep firearms in the home for further protection of their persons and property, or for use in hunting or similar pursuits, rifles and shotguns will not only suffice but are preferable to the handgun for almost every conceivable purpose:

For every robber stopped by a homeowner with a handgun, four homeowners or members of their family are killed in handgun accidents. The fact is, the only viable advantage pistols offer over long-guns are their portability and ease of concealment. The former renders them useful to peace officers, while the latter makes them ideal for criminals as "means" to their "end."

Moreover, from a constitutional point of view, the federal courts have consistently interpreted the Second Amendment as referring to a collective right rather than an individual privilege.

All of the arguments directed against legislation for control of handguns pale into insignificance when juxaposed with the mortality and grief which result, in the absence of such control.

On an average day in the United States, there are as many as 57 deaths resulting from the use of firearms and yet the tragedy and grief continue to mount.

The support for gun control laws is strong, and growing stronger daily. Public officials and concerned citizens in many fields are recognizing that the time for legislation is now.

When I first proposed the banning of handguns in May at a press conference held during the annual conference of the California Peace Officers' Association, I was aware of the consequences, and that it would generate a significant amount of opposition. What I was not prepared for was the overwhelming support from the citizens who learned of my position through the news media.

In 1972, the United States Mayors Conference recommended that handgun ownership be banned for all but law enforcement officials, military and sportsmen clubs. I oppose including the latter.

The National Commission on the Causes and Prevention of Violence has recommended that there be a licensing system for all handguns, with possession restricted to those who can indicate they have a special need for such guns. In supporting this recommendation, the Commission reported that there are 90 million firearms in the United States. Half of the nation's 60 million households reportedly possess at least one gun, and the number of guns owned by private citizens is still rising rapidly. They further reported that more personal injury and death resulting from crime occurs in the United States than in any comparable nation in the world . . and the primary tool of this injury and death is the firearm.

Statistics have shown that those States with some sort of gun control laws have proportionately fewer deaths as a result of firearms, than do those States without such controls. And the relationship between America's "pacesetting" among all other nations in the number of murders perpetrated—and the fact that we are one of the few countries on earth without gun control laws—can no longer be ignored.

Nearly all the civilized nations of the world require firearms licensing or registration, or both; and many of them prohibit the private possession of any handguns whatsoever. Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. The United States has 135 handguns per 1,000 people, while Canada has only 30 per 1,000. Israel, referred to by many as an "armed camp," has only 10 handguns per 1,000 people. Finland, the Netherlands, Greece, Great Britain and Switzerland have fewer than five handguns per 1,000 residents. It is not at all difficult to see the correlation between these figures and homicide. For example, the rate of homicide in the United States is far greater than that of any other industrial nation in the world. It is almost three times as high as Japan and eight times as high as Great Britain.

In the United States there are 5.7 gun murders per 100,000 persons each year, but in Japan where it is illegal to own, manufacture or carry a handgun the ratio is only 1.9 per 100,000 persons. In Great Britain where handgun laws are almost as restrictive as Japan, the gun murder ratio is only 1.25 per 100,000 persons, resulting in 29 handgun homicides in 1970 among a populace of 50 million persons, while Los Angeles County with a population just over 7 million, had 308 handgun homicides. And while we are on the subject of Great Britain, we might take a look at her record of assassinations . . . Prime Minister Perceval was mortally wounded at the hand of a disgruntled pistol-wielding taxpayer in the Waiting Room of the House of Commons. The year of this murder was 1812—160 years ago—and that was England's first and last political assassination.

Statistically, historically, philosophically—guns, especially handguns, have been and will always continue to be a most proficient means of killing people, whether wantonly or accidentally. As long as the populace continues to own handguns, the danger and opportunity to use them for violent ends will remain. Remember, the primary purpose of the handgun is killing people.

[From the Cleveland Plain Dealer, June 27, 1971]

Tough Handgun Law Needed

It is good to note in the House Judiciary Committee a strong tide of feeling favorable to proposals for federal law to control handguns.

It would be better, however, if the feeling were for law to outlaw those weapons which account for more than half the homicides in the United States.

Judiciary Committee hearings today, tomorrow and Thursday should focus more attention on the nation's handgun problem. Hopefully, some good will come of that—but it remains that the bills the House committee will be discussing provide only a start toward dealing with the problem.

One bill would prohibit the manufacture and sale of handguns, except for law enforcement, military or pistol club use. It would not apply to unserviceable weapons or to curios or collectors' items. Private ownership of existing weapons would not be prohibited, but citizens would be compensated for weapons they voluntarily surrender to the government.

Another bill would at first require nationwide registration of all firearms and permits for purchase of any gun. A year later it would make manufacture and sale of handguns unlawful, except for law enforcement, sports club or collectors' use. Sale or delivery of "Saturday night specials," those cheap handguns not suited to sporting use, would be banned within 60 days.

The two proposals are good so far as they go. But they do not go far enough.

They do not provide for firm control over an estimated 24 million handguns already scattered about the country. Those are the weapons that cause accidental or intentional deaths in homes, that are a source of arms for thieves and others who commit crimes. They are, in short, the weapons most in need of control.

A bill introduced in the Senate by Philip A. Hart, D-Mich., hits that target. It would deny handguns to all but law enforcement officials, security guards, gun collectors and members of shooting clubs. It would require sale to the federal government of all other privately owned handguns within six months.

The proposals now before the House Judiciary Committee are not unwelcome. They call fresh attention to the handgun menace. But whatever they promise or accomplish should be recognized only as a start toward real control of handguns.

[From the Congressional Record, June 22, 1972]

Gun Control

Mr. O'Neill. Mr. Speaker, gun control remains a topic of heated controversy as interest in more meaningful and stringent gun control is expressed by many Americans. Dialog concerning the issue of gun control has been, for the most part, highly emotional and filled with rhetoric. However, WBZ-TV-4 in Boston has maintained a constant dialog of varying opinion on the issue of Federal gun control legislation. While WBZ is in favor of stricter measures, it is not for this reason alone that I call attention to a series of editorials aired by WBZ. More importantly, these editorials represent a balanced and responsible approach to the problem. For this reason I am submitting for the record several of this series of editorials aired by Station WBZ in Boston. I would also like to call attention to the work of Congressman Abner Mikva and his efforts to secure passage of a more effective handgun control statute which is mentioned in the No. 12 editorial.

Disarmament Begins at Home—No. 2

A senseless shooting incident in Dorchester earlier this month got us started on a new drive to disarm America—at least of its handguns. A lot of our thinking on the subject has been shaped by a staff report done for the Eisenhower Commission on the Causes and Prevention of Violence in the late 1960s, for the Eisenhower Commission on the Causes and Prevention of Violence in the late 1960s. And today's editorial is lifted directly from the recommendations section of that firearms report.

As of 1968 there were some 24 million handguns in the United States. That's an average of 40 handguns for every 100 homes. And the rate is increasing all the time. Civil disorders, racial tensions, and the fear of crime have been turning America into an armed camp. But ironically the handgun in the house generally creates more danger than safety.

Though handguns make up only about a fourth of all the firearms in civilian hands, they're the principle weapon of gun misuse. The handgun accounts for three fourths of all criminal gun violence. And the rates of gun violence vary directly with the rates of handgun ownership. When the number of handguns increases, gun violence increases. Where there are fewer guns, there is less gun violence.

Our paragraph from the report sums up our feeling on the subject exactly:

"We have concluded that the only sure way to reduce gun violence is to reduce sharply the number of handguns in civilian hands in this country. We recognize this will be a massive and expensive task. But this is a price we should be prepared to pay."

Disarmament Begins at Home, No. 5

Two years ago the staff of a Presidential Commission took a long hard look at the problem of firearms and violence in American life. It concluded that the only sure way to reduce the growing wave of gun violence is to reduce sharply the number of handguns in circulation.

That conclusion has special significance in the Boston area now in the wake of last week's senseless murder of a campaign aide of Mayor Kevin White. And the overall commission report has been made the base of legislation filed earlier this month by Sen. Philip Hart of Michigan.

Sen. Hart's bill would ban just about all private ownership of handguns. The only exceptions would be for police, the military, antique gun collectors and target shooting clubs. Even the target shooters would have to keep their pistols and revolvers stored at their clubs or police stations. Under the proposal there would be a six-month period for gun owners to sell their weapons to the government for a fair price. After that period any unauthorized person with a handgun in his possession would be subject to either a jail term, a stiff fine or both. Let's emphasize the fact this ban wouldn't apply to rifles or shotguns. The target is the handgun, the principal weapon of gun misuse. As Sen. Hart noted, possessing a handgun in the house doesn't increase your security, it diminishes it. And he pointed to what he called the incredible overkill in the bedrooms and living rooms of our country.

It takes real guts for a Senator to take this kind of stand with the strength of the gun lobby around the country. So we take our hat off to Sen. Hart. And we urge the usually silent majority which favors gun control legislation to sound off for action to other members of Congress.

DISARMAMENT BEGINS AT HOME—NO. 8

We continue under heavy bombardment for advocating federal legislation to sharply reduce the number of handguns in circulation in America. A lot of the opposition fire centers on the argument that disarming the ordinary citizen will leave guns only in the hands of criminals. And obviously there is some logic to that concern. But it overlooks some important facts. And one of them is the nature of most murders.

The greatest number of killings occur within the family and among friends in moments of rage. Because the gun is there, it's used. And it's far more accurate and deadly than other weapons.

A staff report for the National Commission on Violence had the figures on this for a recent year in Chicago—where you'd expect the hoodlum and holdup-type murder would be about as high as anywhere in the country. But even there 82 per cent of the murders stemmed from altercations over matters such as love, money and other domestic problems. Only 12 per cent stemmed from robberies. Another three per cent were from teen gang disputes.

Across the country the Commission found that from 1963 to 1968, the number of murders involving firearms rose almost 50 per cent. The number of killings with other weapons rose only 10 per cent.

We've never pretended the gun itself is the only factor in the murder rate. The basic problem of violence runs deep into our national heritage. But the killing has soared in recent years as more and more normally law abiding Americans have armed themselves. Too many disputes that a few years back would have ended up with a bloody nose now wind up at the cemetery. The handgun is a major factor in that, and it's time we at least tried to bring it under control.

DISARMAMENT BEGINS AT HOME—NO. 9

Owning a gun for self defense and home protection is deeply rooted in American tradition. And in recent years more and more people have been buying handguns for that purpose. So, in some quarters, our campaign for a general ban on this type of weapon has gone over like a lead balloon.

But this self-defense issue is another area where it's worth noting the evidence from that staff report for the National Violence Commission two years ago. The report cites ample evidence that the gun generally isn't an effective means of protecting the home against either the burglar or the robber. The robber usually strikes too suddenly for the home gun to be effective unless it's out where it will be a general menace, especially to children. The Commission report noted that in 1967 more lives were lost in home firearms accidents in the city of Detroit than had been lost to criminals in home robberies and burglaries in the previous four and a half years.

Quinn Tamm, the executive director of the International Police Chiefs Association, put it another way in recent testimony before a Senate committee in Washington. He noted that most people don't know how to handle a weapon. So for defense purposes he felt the average person would be better off if he equipped himself with a brick rather than a sidearm.

But unfortunately the home defense boom has not been in bricks but in guns. Over 10 million handguns have been sold in the past decade. There are now over 25 million of them in circulation in America. They account for three-fourths of all gun violence—much of it by the very people who originally bought the gun for protection. Again we say disarmament of handguns should be a top priority item right here at home.

[From the Washington Post, Jan. 9, 1971]

HANDGUNS AND HOUSEHOLDERS

Like so many other committees and commissions which have looked at the crime problem in America objectively and realistically, the National Committee on Reform of Federal Criminal Laws has recommended, in its report to Congress published Thursday, that all firearms be registered and that private ownership of handguns be outlawed. This is not a sentimental or idealistic recommendation and it entails no limitation of essential liberty. It is designed simply to protect liberty, and indeed life, by restricting possession of the weapon most frequently used for crime and for killing.

One can say with confidence right now, at the very beginning of 1971, that before the next New Year's Eve rolls around at least 9,000 persons will be murdered by gunfire in the United States; at least 12,000 will use a bullet to put an end to their own lives; and at least 100,000 robberies will be committed with the aid of a gun. These are the stark facts that prompted the commission's recommendation that handguns be made contraband and restricted to police officers and the military.

It is true, of course, as the gun lobbyists are so quick to assert, that the mere passage of a law forbidding private possession of pistols would not in itself induce every criminal to surrender his crime tools. The law, like every other law, would be more faithfuly observed by the law-abiding than by the lawless. Such a law would, however, begin the process of curbing the spread of pistols would not in itself induce every discovery; second, by making mere possession punishable; third by diminishing the easy availability of pistols in bureau drawers and bedside tables where children, drunks, angry spouses and other irresponsibles can get at them; fourth, by forbidding the sale of such weapons by gun merchants.

Would this diminish killing in the United States? We think it undoubtedly would. It would make it more difficult—and increasingly so as time went on—for criminals to obtain handguns; and it would make pistols less accessible for the kind of killing so carelessly called "accidental." One ought always to remember that most gun fatalities in the United States occur within families or in a relationship where the killer and his victim are known to each other, and where, presumably, the killer is sorry after he has done his killing.

Would the recommended outlawing of handguns entail a major deprivation or injustice to law-abiding Americans? We think not. It would, admittedly, entail an inconvenience for persons who like to shoot pistols at targets. Their sport is an entirely legitimate one and could be carried out by keeping their pistols safely locked up at an NRA gun club or some licensed shooting range. Responsible citizens ought to be willing to undergo that much inconvenience for the sake of the general welfare.

But what about the people who think themselves as armed protectors of their homes. These would be, perhaps, the principal beneficiaries of the proposed law. They might well be saved by it from gunning down a member of the family or a neighbor mistaken for a prowler in the dark; and their own lives might be saved from the fatal consequence of a gun duel with some vicious gunman.

What it all boils down to is a recognition that the United States is no longer a frontier society and that pistols as playtoys are not tolerable in crowded urban comunities. Getting handguns out of circulation will certainly not be accomplished quickly or easily. But it is high time to begin.

BOARD OF CHRISTIAN SOCIAL
CONCERNS OF THE UNITED
METHODIST CHURCH,
Washington, D.C., July 26, 1972.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In view of the official position of The United Methodist Church, we can give hearty endorsement to the provisions of your handgun control bill, S. 2813.

Your bill bans the private possession of handguns making reasonable exceptions. The position of our church, as set forth by United Methodism's General Conference in April of 1972, declares "we endorse the elimination of private ownership and use of handguns, except in extremely limited instances."

Therefore, we support the Hart handgun bill and encourage the Senate, in its good judgment, to enact this legislation when it comes up for a vote on the Senate floor in the near future.

Yours sincerely,

J. ELLIOTT CORBETT,
Director, Dept. of
Church/Government Relations.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., July 26, 1972.

Hon. PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As you may know, the American Civil Liberties Union firmly agrees with the Supreme Court's long-standing intepretation of the Second Amendment that an individual's right to bear arms applies only to the preservation of "a well-regulated militia."

Except for lawful police and military purposes, the possession of weapons by individuals is not constitutionally protected.

For this reason, and for the obvious reason that handguns are a menace to the lives, safety and rights of American citizens, we were very pleased to note the introduction of your bill, S. 2815, which would prohibit the private ownership of handguns and handgun ammunititon, limiting handgun possession to law enforcement officers and licensed security guards.

We believe your bill is a solid first step in the long overdue need for effective national gun controls, and we strongly support you and your colleagues in your efforts to enact this legislation.

Sincerely,

CHARLES MORGAN, Jr.,
Director.

EXHIBIT 2

MEMORANDUM

Subject: *Constitutionality of S. 2815, the Hart Handgun Bill.*

Date: November 9, 1971.

SUMMARY

An analysis of the historical origins of the Second Amendment, its judicial intepretation, and its purpose viewed in the context of America today strongly suggests that S. 2815 would be held contsitutional under the Second Amendment. Subsidiary constitutional questions also seem to be met by the provisions in the bill.

This conclusion is based on the following points:

1. The common law right of individuals to possess firearms was never deemed an absolute privilege, but rather one subject to laws regulating that right.

2. Both the direct historical antecedents of the Amendment and the debate by its framers indicate concern for the right of "the people to bear arms" as a collective right sought to be preserved for the citizenry vis-a-vis the central Government, not an individual right of self-defense against one's neighbor.

3. Whether the right to bear arms is viewed as a collective or individual one, judicial construction of the Amendment can be said to stand for the following proposition: gun control laws do not contravene the Amendment unless they curtail private possession of arms necessary to the conduct maintenance of an adequate militia or otherwise obstruct its maintenance. S. 2815 meets this test.

4. The rights secured by the Second Amendment is presumably no more absolute than other provisions of the Bill of Rights, such as the First Amendment, have been held to be. Even if the Court found that the operation of S. 2815 in some conceivable way might impair the maintenance of an effective militia, it's effect would be marginal and subject to a balancing test which would vindicate the statute.

5. Apart from the Second amendment, S. 2815 would withstand challenges on the grounds of: (A) self-incrimination, in regard to registration; (B) taking of property without due process, in regard to the repurchase of handguns; and (C) lack of jurisdictional base for Congressional action, in regard to prosecution for possession of a particular firearm.

DISCUSSION

1. Common law right

It is sometimes suggested that the Second Amendment does not create a right to bear arms, but protects that pre-existing right from Congressional transgression. Such a pre-existing right is, presumably, derived from common law. Therefore, it is noteworthy that weapon bearing was never treated as anything like an absolute right by the common law. It was regulated by statute as to time and place as far back as the Statute of Northampton in 1328 and on many occasions since. The Statute of Northampton, 2 Edw. III, c. 3 (1328) declared that no man should "go nor ride armed by night or by day in fairs, markets, nor in the presence of the justices or other ministers" etc. See Emery, 28 Harv.L.Rev. at 473; see also Knight's Case, 3 Mod.Rep. 117, 87 Eng. Rep. 75 (K. B. 1686). This condition upon regulation was continued, for example, in the English Bill of Rights, *infra.* Feller and Gotting note that "for all practical purposes the average citizen cannot lawfully obtain firearms in Great Britain at the present time."[1] Thus, absent the effect of the Second Amendment, little more can be said than that the common law right to carry arms, whatever its vestigal remnant in modern society, is subject to the police power and comparable Federal regulatory authority.

2. Historical antecedents of the second amendment

The Amendment usually is tracked back to the English Bill of Rights (1688) which guaranteed:

> "That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law." 1 W.&M. Sess. 2, C.2.

As pointed out by Feller and Gotting, the historical context indicates that this right was granted to protect collectively the Protestants, who had been at the mercy of the armed Catholics under James II—in short, it concerned group security rather than individual self-protection against one's neighbors. And even that right was in terms, subject to legal restrictions.

In the American colonies, the focus of concern was the fear of standing armies and the importance of retaining a militia. In 1789, five state constitutions provided for the maintenance of a militia but made no reference to a right to bear arms. Three did refer to such a right to bear arms "for the defence of the State." Two states, Vermont and Pennsylvania, referred to the right of the people to bear arms for "the defence of themselves and the State." But the history of this concern suggests that the word "themselves," too, referred to a collective right of the people to defend themselves against tyranny by their own State Government as well as to defend the State against outside enemies. In any event, if those words were intended to suggest a right of individual self-defence vis-a-vis other individuals, there is no evidence that this concern was a basis for adding the Second Amendment to the original Constitution.[2]

In the Constitutional Convention, the debates make clear the concerns of the anti-Federalists which led to the drafting of the Second Amendment: the fear that in the absence of Congressional action, the States would be left without militias to protect themselves against encroachment by the central Government (Feller and Gotting). The development of the final language in the Amendment underlines the concern with a collective right.

James Madison introduced the Bill of Rights at the First Session of Congress. In his proposal, the language of what ultimately became the Second Amendment was that:

> "The right of the people to keep and bear arms shall not be infringed; a well armed and regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person."

As reported by a special committee that language became:

> "A well regulated militia, *composed of the body of the people,* being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms."[3]

Senate debates in 1789 were not reported so it is impossible to tell what considerations led to the evolution of the language of the proposal into that of the Second Amendment:

> "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The changes made by the Senate, however, do not seem to alter the general intent to prevent the Federal Government from disarming the States' militia. The contrary view of this history taken by Sprecher, for example, is unpersuasive.[4]

3. Judicial construction

Federal Court[5] decisions under the Second Amendment in this Century have emphasized the collective nature of the right to bear arms guaranteed by the Amendment, e.g. *United States* v. *Adams,* 11 F. Supp. 216, 219 (S.D. Fla. 1935) (Amendment refers to the collective body and not individual rights."); *United States* v. *Tot,* 131 F. 2d 261 (3rd Cir. 1942), reversed on other grounds 319 U.S. 463 (the Amendment "was not adopted with individual rights in mind. . . ."); *Stevens* v. *United States,* 440 F. 2d 144 (6th Cir. 1971, *Edwards, Phillips and Celebreeze,* JJ.) (the Second Amendment applies only to the right of the State to maintain a militia, and not to the individual right to bear arms. . . .").

In the final analysis, whether right secured by the amendment is to be viewed as a collective or an individual one may be more a matter of theoretical interest than of determinative significance. However, the right is conceptualized, the Supreme Court and lower Federal Court decisions make clear that it is to be measured in the context of preserving an adequate militia, not in terms of a citizen's other felt needs of self-defense.

The leading case, *United States* v. *Miller,* 307 U.S. 174 (1939). In its narrow aspect, *Miller* held that prohibition of unregistered sawed off shotguns did not violate the Amendment because the evidence did not establish that the weapon had "a reasonable relationship to the preservation of efficiency of a well regulated militia. . . ." Id. at 178.

More broadly, the Court in *Miller* went on to state:

> "With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in mind." (*Ibid*)

Subsequent decisions by Courts of Appeal have read the specific holding in *Miller* as limited to the minimum needed to reverse on the facts before the Court. They have rejected the notion that the Supreme Court in *Miller* intended to give blanket protection under the Amendment to any weapon shown to be used, or usable by the modern milita[6] *Cases* v. *United States,* 131 F 2d 916 (1st Cir. 1942), cert. denied sub. nom. *Velazquez* v. *United States,* 319 U.S. 70 (1943); *United States* v. *Tot, supra.* These cases involved prosecutions of felons for receiving weapons in commerce, which they were not permitted to do under the Federal Firearms Act. However, the opinion in *Cases,* and by implication in *Tot,* was also limited to a question or proof, namely, the absence of any showing that the defendant intended to use the weapon in connection with this potential service in the militia. (Justice Memo.)[7]

Subsequent decisions have read from these three cases a broader rule for testing statutes against the amendment: a statute does not violate the Second Amendment, absent a showing that in some way it impairs or obstructs the preservation of an efficient well regulated militia. *United States* v. *Synnes,* 438 F 2d 764 (7 Cir. 1971); *United States* v. *Gross,* 313 F. Supp. 1330 (D. Ind. 1970); *Burton* v. *Sills,* 53 N.J. 86, 243 A. 2d 521 (1968).[8]

The militia of the States referred to in Article I of the Constitution is now organized as the National Guard. *Maryland* v. *United States,* 381 U.S. 41 (1965), Guardsmen draw prescribed weapons from the State or Federal Government both for active duty and training requirements. Sidearms are prescribed, as well as the more basic rifles and automatic weapons. Moreover, even assuming that target practice with handguns facilitates training of Guardsmen or potential guardsmen, such practice by organized clubs is permitted under S. 2815.

One must strain to suggest that at the present time a pistol stored in a dresser drawer substantially facilitates the preservation of a well-regulated militia—let alone

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Footnotes at end of article.

that its prohibition substantially impairs or obstructs it.

4. Any marginal "impairment" of second amendment rights is outweighed by legitimate exercise of Congress' constitutional powers

Even if a law resulted in some slight interference with the conduct of a well regulated militia, it would not necessarily be unconstitutional. Despite the First Amendment prohibition against any law abridging the freedom of speech or the right of the people peaceably to assemble, the Guard has upheld the validity of laws punishing speech, intended to obstruct recruitment for the armed services[9] as well as laws prohibiting picketing and parading in specified locations in or near a courthouse.[10]

There would seem to be no reason to suppose that in assessing Second Amendment challenges to the validity of a federal law which dealt with both weapons and persons necessary to the conduct of a well regulated militia the Court would not use something like the "clear and present danger" test or a "balancing of interests" test, just as it has in assessing alleged infringements of the rights protected by the First and other Amendments.

At least one Federal-Court of Appeals has indicated that the offsetting interest need not be as urgent as that required to impinge upon the right to vote and the right to racially equal treatment under laws. *United States* v. *Synnes, supra,* at 771, n. 9. Mr. Justice Black did take an absolute view of the rights secured by the Amendment, see footnote on page 8, *supra,* but his similar view of other rights has not been accepted by the Court.

Thus, even if the elimination of private handgun ownership, excluding target shooting clubs, could be said in some conceivable way to diminish the potential effectiveness of the milita (National Guard), it seems doubtful that the Supreme Court would find that impairment an impermissible infringement of Second Amendment rights.

FOOTNOTES

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[1] Feller and Gotting, "The Second Amendment: A Second Look," (hereinafter "Feller and Gotting"), 61 NW.U.L. Rev. 46, 49 (1966).

[2] Legal Memorandum of the Department of Justice Appendix, 1967, submitted in the Hearings before Subcommittee No. 5 of the House Committee on the Judiciary, 90th Cong., 1st sess., Anti-Crime Program, pp. 242–49 (1967) (hereinafter "Justice Memo").

[3] Annals of Con. 434 and 749 (1789) (emphasis added).

[4] *The Lost Amendments* (51 ABAJ Nos. 6 and 7 (1965) (hereinafter "Sprecher"), concludes that the parallel history of concern for the militia and for the right to bear arms makes it understandable the two should be linked. But he argues that this does not necessarily mean the right to bear arms is based on one's function as a militia member. This reading ignores the plain grammatical construction of the Amendment's language. To be sure, having a weapon on the Revolutionary frontier was an important source of food, protection from Indians, and so forth. And since the militia required men to bring weapons with them at the call to arms, little concern may have been given to the need for maintaining a weapon in the frontier home, or the right to do so. But the only question of Constitutional dimension is whether the Framers intended the Amendment to protect any right other than the preservation of a militia.

[5] State Court decisions—some alluding to the Second Amendment, others solely construing similar provisions in State Constitutions—run the gamut from observations that an individual right is secured to opinions that the constitutional right is a collective one. There appears to be a growing recognition in later cases, however, that it is the rights of "the people" as group vis-a-vis the State or National authorities which is secured. (Feller and Gotting; McKenna, *The Right to Bear Arms,* 12 Marq. L. Rev. 138, 145 (1928).

[6] Taken to its logical conclusion this reading of *Miller* would permit private ownership of anything but useless curios, since not only shotguns, but rockets, grenades and machine guns are useful weapons of organized armed forces and are employed by the Guard for training as a federal reserve force. Few have suggested this reading of the Amendment.

[7] In a Memorandum Decision, Synnes was vacated and remanded to the Court of Appeals for "further consideration in light of Bass." *United States* v. *Bass.* This vacating was based on the Commerce Clause reach intended in the statute, not the Second Amendment issue. The Court of Appeals conclusions on that point were not disturbed by the Supreme Court. The Court of Appeals in *Synnes* had said: "Although Section 1202(a) is the broadest federal gun legislation to date, we see no conflict between it and the Second Amendment since there is no showing that prohibiting possession of firearms by felons obstructs the maintenance of a "well-regulated militia."

[8] Even Mr. Justice Black, who rejected a "balancing test" approach to the rights guaranteed by the Amendment, has written, "Although the Supreme Court has held this amendment to include *only arms necessary to a well-regulated militia,* as so construed, its prohibition is absolute (emphasis added). Black, *The Bill of Rights,* 35 N.Y.U.L. Rev. 865, 873 (1960).

[9] *Schenck* v. *United States,* 249 U.S. 47 (1919).

[10] *Cox* v. *Louisiana,* 37 U.S. 559 (1965).

By Mr. GURNEY:

S. 749. A bill to provide for increases in certain civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

CIVIL SERVICE RECOMPUTATION

Mr. GURNEY. Mr. President, today I am introducing legislation which should correct a problem faced by a large number of Federal retirees—the problem of inflation in relation to fixed income.

Mr. President, my mail is full of comments like the one from a Fort Lauderdale constituent who wrote:

> I was truly disappointed in the lack of Congressional action on legislative benefits for Federal Government retirees . . . I feel that anybody who has spent thirty years in the service of his country deserves the dignity of retirement years out of the poverty or welfare category.

I could not agree more.

Last year, as we all know, social security benefits were increased by 20 percent. All of us can agree that, for those on social security, this was a welcome supplement to the family income. This year, I would like to do something along these lines for Federal retirees. Accordingly, the first provision of my bill would raise pensions 11 percent to 20 percent, with the 20-percent increase going to those with annuities of $3,600 per year or less. For those with higher incomes, the increase will be proportionately smaller, scaling down to 11 percent for those earning $6,500 or more.

Under the social security system, benefits are weighted in favor of the low-income worker. This means that dollar for dollar, a low-income contributor to the social security system gets more for his money than his higher income counterpart. Under the civil service system, there is none of this weighting, meaning that those who retired at far lower salaries than they would receive today, continue to receive lower benefits throughout their retired lives. My bill would, then, give the highest percentage increase to these people, most of whom went into retirement before the recent Federal pay hikes.

The second provision of my bill would prevent a recurrence of this situation by providing for automatic recomputation of civil service retirement pay in order to bring it more into line with the retirement pay currently being earned by civil servants. For each percentage increase received by current civil service employees, current civil service retirees would receive a comparable increase in retirement pay. This is the same proposal I have favored for years for military retirees, and I think that many of the arguments made by retired servicemen are just as applicable to civil service retirees.

Mr. President, our Federal retirees seem to be a forgotten lot. We hear most frequently about social security because about 90 percent of our retirees receive social security. We hear a great deal about military retirement pay because we have changed over to a volunteer military and need a good retirement program to provide incentive for reenlistment. But, while these two federally operated retirement programs have moved ahead, our civilian Government retirees have not kept pace. Although we have upgraded the method of figuring civil service pensions by moving from the high 5 years to the high 3 years computation, we still have not brought these retirees up to a par with private and military retirees.

Mr. President, I know that in the State of Florida a rather peculiar phenomena occurs every time there is an increase in benefits in this—or that—retirement program. All over the State, in the vicinity of our retirement communities, as soon as word of the raise filters down from Washington, prices go up—eggs, medicines, rent—everything—a penny here and a penny there. All too often, the prices go up even before retirees get their hands on the first check. It is bad enough for those getting the raise, but it is terribly difficult for those not getting a raise. We have a lot of Federal retirees in Florida, and they have noticed a sharp decrease in buying power since that last social security raise.

This is hardly an equitable situation, so I ask my colleagues to take a careful look at this bill, and to give it their full support. It is important that we remember our Federal retirees—and not let them become the forgotten segment of our retired population.

By Mr. ROBERT C. BYRD (for Mr. BENTSEN):

S. 750. A bill to provide for a privilege against disclosure of information or the sources of information obtained by persons in the news media. Referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Texas (Mr. BENTSEN), I introduce a bill, and I ask unanimous consent that a statement prepared by him together with the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENTSEN

Mr. President, I am introducing today legislation to permit newsmen to protect their sources of information from government investigation.

The bill I am introducing will guarantee the right of newsmen to freely gather and publish the news without fear of government intimidation or prosecution. The men who framed our Constitution understood clearly the function of a free press in safeguarding democratic institutions by informing the public about their government's activities without fear of reprisal.

I am sorry to say that not all politicians, and not all government officials, see that as clearly.

We are witnessing today a wave of incidents that threatens the freedom of the press to collect information and disseminate it to the public.

Not long ago, a reporter in Los Angeles, William T. Farr, was jailed for refusing to reveal confidential sources of information. In New Jersey, Peter Bridge suffered the same fate. And there have been others.

These men have accepted jail sentences rather than disclose the identity of informers to whom they had pledged secrecy.

They know that disclosure would have the effect of drying up the sources of information that a reporter depends on in order to be able to tell the people what they need to know.

Their courage serves as a standard for their profession.

And their incarceration serves as a warning to the people that one of our vital freedoms is at stake.

These reporters were jailed by state judges, relying on state—not federal laws. But this is an issue that transcends state lines, and I am convinced that the Congress should act in this session to protect the imperiled right of newsmen to pursue investigative reporting. My bill, therefore, will cover both federal and state proceedings where newsmen might be questioned.

The legislation I am proposing is designed to permit newsmen to protect their sources of confidential information—just as a lawyer protects his clients, or a doctor protects his patients—excepting in cases that involve our national security and national defense.

This is a complex and controversial issue—but I believe Congress should act promptly to study the problem, in all its complexities, and develop fair guidelines that will serve the public interest.

Most of us, on occasion, take exception to some of the reporting that is done.

We expect reporting to be fair—and it is not always fair.

We expect it to be objective—and it is not always objective.

We expect it to be accurate—and it is sometimes far from accurate.

But even when it lacks all three elements, we must insist that the press be free. We cannot overestimate the importance of a free press to a free society. The two are inseparable.

Recognizing the integrity of the vast majority of the Fourth Estate, and the good judgment of the public to evaluate what they read, I feel that we have nothing to fear.

Mr. President, the late President Johnson, who certainly had his troubles with the press, spoke eloquently near the end of his term in office about the relationship between the President and the press when he said:

"The relationship began when the country was founded, and now for nearly two centuries the press has held the President and his family and his administration in the fixed and the constant light of publicity. And through nearly two centuries the Presidents have felt, in one degree or another, uncomfortable in that steady glare. That relationship between the President and the press has always had the nature though, I think, of a lovers' quarrel. And I am not sure it is ever going to be much different. That doesn't bother me as long as both sides concern themselves with the basic fundamentals, and as long as Presidents and each member of the press base their acts upon the respect for the other's purposes. I think most of the time that has been true."

Those words, I feel, can serve as a model for us all in respecting the rights of government and the press and by insuring that the public's right to know is protected.

The text of the bill is as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public's Right to Know Act of 1973".

SEC. 2. Congress declares that—

(1) professional newsmen must not be inhibited restrained, or otherwise impeded by governmental process and ought to be encouraged to gather, write, edit and disseminate vigorously news and other information in order that the public can fully be informed;

(2) compelling such persons to disclose a source of information or disclose unpublished information is, except under very limited circumstances, contrary to the public interest and inhibits the free flow of information to the public;

(3) there is an urgent need at both the Federal and State levels of government to provide effective measures to halt and prevent this inhibition; and

(4) it is therefore the purpose of this Act to insure the free flow of news to the public.

Sec. 3. Part V of title 18, United States Code, is amended—

(1) by striking out the section analysis at the beginning thereof and inserting in lieu thereof the following:

"Chap.	Sec.
"501. General provisions	6001
"503. Witness immunity	6002
"505. Communications media privilege	6111

"Chapter 501.—GENERAL PROVISIONS

"Sec.

"6001. Definitions."; and

(2) by inserting immediately below section 6001, the following:

"Chapter 503.—WITNESS IMMUNITY

"Sec.

"6002. Immunity generally.

"6003. Court and grand jury proceedings.

"6004. Certain administrative proceedings.

"6005. Congressional proceedings.".

SEC. 4. Section 6001 of title 18, United States Code, is amended by striking out the word "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new paragraph:

"(5) 'Professional newsman' means any individual who is employed by or otherwise associated with the gathering, recording, photographing, processing, announcing, writing, editing, or analyzing of news material or information for publication or transmission through one of the following news media—

"(A) a newspaper, containing news and articles of opinion, that is printed and distributed ordinarily not less frequently than once a week, and has done so for at least 6 months, has a paid circulation, and has been entered at a United States post office as second-class matter;

"(B) a periodical containing news, advertising, or other matter regarded as a current interest which has been published and distributed at regular intervals for at least 6 months or has a paid general circulation and has been entered at a United States post office as second-class matter;

"(C) a news agency collecting and supplying news for subscribing newspapers, periodicals, or news broadcasting facilities or any combination of such news media;

"(D) a wire service sending out syndicated news copy by wire to subscribing newspapers;

"(E) a press association gathering and distributing news to its members as an association of newspapers, periodicals, or news broadcasting facilities, or any combination of such associations;

"(F) a radio or television station licensed under the Communications Act of 1934;

"(G) a community antenna television service; or

"(H) a motion picture news service regularly making news reels for paid general public showing."

SEC. 5. Part V of title 18, United States Code, is further amended by adding at the end thereof the following new chapter:

"Chapter 505.—COMMUNICATIONS MEDIA PRIVILEGE

"Sec.

"6111. Privilege from disclosure.

"6112. Qualifications.

"6113. Exemption.

"§ 6111. Privilege from disclosure

"Upon claiming the privilege provided in this section no professional newsman shall be required to disclose in a proceeding before or ancillary to a court, grand jury, or agency of the United States, or of any State or any political subdivision thereof, or by either House of Congress, any committee or subcommittee of either House, or any joint committee of the two Houses, or any legislature of any State or any committee thereof, or any legislative body of a political subdivision of a State or committee thereof, either—

"(1) the source of any information obtained in the gathering, receiving, or processing of information collected in the course of his employment or association; or

"(a) any unpublished information including but not limited to all notes, outtakes, photographs, and tapes obtained or prepared in gathering, receiving, or processing of information collected in the course of his employment or association.

"§ 6112. Qualifications

"Any person seeking information or the source thereof protected under this Act may apply to the United States District Court or the highest trial court of a State for an order requiring the disclosure of that information or source. Such application shall be made to the court in the district wherein the proceeding in which the information is sought is pending. The application shall be granted only after a hearing and upon a determination by the court that—

"(1) the person seeking the information has shown by a preponderance of the evidence that—

"(A) such person has demonstrated that the information sought cannot be obtained by any alternative means; and

"(B) such person has demonstrated a compelling and overriding public interest in the information; or

"(2) such person has shown by a preponderance of the evidence that the information sought involves a matter of national security.

"§ 6113. Exemption

"The provisions of this chapter shall not apply to the sources of any allegedly defamatory information, in any case in which the defendant in a civil action for defamation, asserts a defense based on the source of such information."

SEC. 6. Nothing in this Act shall be construed to effect any State law or local ordinance providing for greater protection of professional newsmen.

By Mr. RANDOLPH (for himself, Mr. Church, Mr. Williams, Mr. Bible, Mr. Muskie, Mr. Moss, Mr. Kennedy, Mr. Hartke, Mr. Mondale, Mr. Eagleton, Mr. Chiles, Mr. Tunney, Mr. Fong, Mr. Gurney, Mr. Saxbe, Mr. Percy, Mr. Hansen, Mr. Brooke, Mr. Stafford, Mr. Beall, Mr. Domenici, Mr. Pell, and Mr. Clark):

S.J. Res. 49. A joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week." Referred to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a joint resolution to provide for the designation of the second full week in March as "National Employ the Older Worker Week."

Over the years the American Legion has taken an active role in promoting job opportunities for older workers.

To help implement this meritorious objective the American Legion has, since 1959, designated the first full week in May as "Employ the Older Worker Week."

At this time national attention is directed to the advantages of hiring middle-aged and older persons. Moreover, awards are presented to employers demonstrating active leadership in employing aged and aging Americans.

The American Legion deserves, in my judgment, special commendation for being in the forefront in advancing this most worthy cause. No nation can ever hope to achieve its full potential if some of its most productive performers are forced prematurely—and too often unnecessarily—to the sidelines. Much more can be gained, I strongly believe, through the development of sound national policies to maximize job opportunities for all workers, the old as well as the young.

The resolution that I introduce today is designed to build upon the solid achievements and continuing leadership of the American Legion in encouraging public and private employers to hire older workers.

This measure, I am pleased to say, received the enthusiastic endorsement of the American Legion's 1972 National Convention. At that conference, the members of the Legion approved Resolution No. 197 which recommended that the annual observance of "Employ the Older Worker Week" be changed from the first full week in May to the second full week in March. A major reason for this action is to guard against any possible interference with programs to promote employment of youth, which are also conducted extensively during the month of May.

Today, many false stereotypes still exist about the effectiveness of older Americans as workers.

However, educational efforts can help to inform the public about the true capabilities of persons in their forties, fifties, and above. These individuals have a wealth of talent and skills, which should not be overlooked.

Several studies have clearly demonstrated that older workers, as a group, have numerous outstanding employment attributes:

Their attendance is likely to be better than that of younger persons;

They are less likely to change jobs;

Their productivity compares very favorably with younger Americans; and

They are less likely to be absent from work for trivial reasons.

Moreover, they have many important characteristics, such as experience, stability, and dependability, to be top-flight jobholders.

With the added focus provided by this resolution, our Nation can now help to create a more favorable climate for the employment of middle-aged and older workers.

Mr. President, it is gratifying to note that all Members of the Senate Special Committee on Aging join me in sponsoring this measure: the Senator from Idaho (Mr. Church); the Senator from New Jersey (Mr. Williams); the Senator from Nevada (Mr. Bible); the Senator from Maine (Mr. Muskie); the Senator from Utah (Mr. Moss); the Senator from Massachusetts (Mr. Kennedy); the Senator from Indiana (Mr. Hartke); the Senator from Minnesota (Mr. Mondale); the Senator from Missouri (Mr. Eagleton); the Senator from Florida (Mr. Chiles); the Senator from California (Mr. Tunney); the Senator from Hawaii (Mr. Fong); the Senator from Florida (Mr. Gurney); the Senator from Ohio (Mr. Saxbe); the Senator from Illinois (Mr. Percy); the Senator from Wyoming (Mr. Hansen); the Senator from Massachusetts (Mr. Brooke); the Senator from Vermont (Mr. Stafford); the Senator from Maryland (Mr. Beall); the Senator from New Mexico (Mr. Domenici); and the Senator from Rhode Island (Mr. Pell).

Mr. President, I urge the passage of this joint resolution and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the second full calendar week in March of 1973 as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to decrease employment discrimination in employment because of age.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 31

At the request of Mr. Hollings, the Senator from Alabama (Mr. Allen), the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Utah (Mr. Bennett), the Senators from Nevada (Mr. Bible and Mr. Cannon), the Senators from Florida (Mr. Chiles and Mr. Gurney), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senators from Wyoming (Mr. Hansen and Mr. McGee), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from Rhode Island (Mr. Pell), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Alaska (Mr. Stevens), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 31, authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

S. 34

At the request of Mr. Hollings, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 34, a bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes.

S. 70

At the request of Mr. Mansfield (for Mr. Magnuson), the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 70, a bill to promote commerce and establish a Council on Energy Policy, and for other purposes.

S. 268

At the request of Mr. Jackson, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 268, a bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior.

S. 355

At the request of Mr. Mansfield (for Mr. Magnuson), the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 355, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

S. 357

At the request of Mr. Mansfield (for Mr. Magnuson), the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 357, a bill to promote commerce and amend the Federal Power Act to establish a Federal power research and development program to increase efficiencies of electric energy production and utilization, reduce environmental impacts, develop new sources of clean energy, and for other purposes.

S. 514

At the request of Mr. Moss, the Senator from Wisconsin (Mr. Nelson), the

Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. HART), the Senator from Arizona (Mr. FANNIN), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 514, a bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

SENATE RESOLUTION 59—SUBMISSION OF A RESOLUTION RELATING TO FREIGHT CAR SHORTAGE

(Referred to the Committee on Agriculture and Forestry.)

Mr. HUDDLESTON. Mr. President, on Monday and Tuesday of this week the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Senate Agriculture and Forestry Committee held hearings on the boxcar shortage which is seriously affecting the transportation of grains in our Nation.

While boxcar shortages at harvest time are not uncommon, an unusual number of special situations have this year resulted in what must be considered a transportation crisis.

This crisis evolved from a late but abundant harvest, the sale of some 400 million bushels of grain to the Soviet Union, the delay in movement of grains which occurred when the Soviet Union and the United States were unable to reach a shipping agreement, the policy of the Agriculture Department in announcing the disposal of wheat and corn owned by the Commodity Credit Corporation, the decision of the Department of Agriculture not to reseal loans on commodities from certain crops and crop years, freezing weather in parts of the Nation which halted barge traffic earlier than usual, the dependence of farmers in some areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes, the loss of workdays at seaports during the Christmas and New Year periods, the general shortage of railroad freight cars and the ineffective utilization of existing freight cars. These various situations combined to create what can only be termed a crisis.

In ordinary years, we might be able to look forward to alleviation of the situation as time passed. According to testimony before the subcommittee, however, the lack of adequate transportation for agricultural products is likely to continue—and perhaps intensify. Only about 25 percent of the Soviet and other grain export sales has been moved to ports, and we can expect grain shipments resulting from those sales to continue until some time in August. In the upcoming weeks some 44 million tons of fertilizer will have to be delivered. There is the possibility of a fuel shortage which would further complicate the situation. Sometime in May the harvest of winter wheat will begin. And, the failure to extend reseal loans could force additional grains on to the market through July.

The clear implication of these factors is that we must act and we must act now. Time will not solve the difficulties—as it has a number of times in the past. In fact, in this year, time could even work against us. Consequently, I am today introducing a sense of the Senate resolution which specifies action which I believe should be taken at this time to deal with the transportation shortage. It is a resolution which seeks to deal fairly with all parties involved.

First, the resolution specifies that there should be a moratorium on the disposal of commodities owned by the Commodity Credit Corporation. The Commodity Credit Corporation announced plans to offer for sale more than 110 million bushels of corn and wheat which it previously purchased. About half of this is expected to be sold. While the action in and of itself might be a prudent one, it was taken without consultation with the Interstate Commerce Commission or the American Association of Railroads and it came at a time when it could only contribute to a worsening situation in the agricultural transportation industry. Furthermore, it was taken at a time when grain is lying on the ground in some areas and a number of farmers in America are facing financial disaster because they are unable to move their crops to market.

In addition, the movement of CCC grains competes directly, and perhaps a bit unfairly, with movements of grain owned by farmers and warehousemen. For every freight car which is loaded with private stocks, one car must be loaded with CCC stocks. Thus, on a national basis, some 60 million bushels of CCC grains are competing with, perhaps, billions of bushels of privately owned grains on a car-for-car basis.

While recognizing the necessity of easing the current transportation situation and the importance of assisting America's grain farmers, it is only reasonable that we also recognize the desire—and the desirability—of the Government to dispose of grains it holds, especially if it can do so at a profit. The resolution would make provision for this—when—but only when—such disposal would not precipitate nor recreate a transportation crisis. The determination that such disposal would not result in transportation difficulties would be determined jointly by the Department of Agriculture, the Interstate Commerce Commission, and the American Association of Railroads, and certified to the Agriculture and Forestry Committee 72 hours before the lifting of the moratorium.

I would call special attention to this initial section of the resolution, first, because of the importance of implementing it immediately. CCC corn went on the market yesterday and wheat is scheduled for sale February 9. I would call attention to it, second, because it offers immediate relief, and, third, because it does allow for Government disposal in the future.

Second, the resolution specifies that reseal loans should be extended on 1970, 1971, and 1972 farm-stored grains. Under the CCC program, a farmer may put his grains under loan. He then takes the loan money for the grain and spends it on general operating expenses. He can, at any time, pay off the loan and sell the grain. When the loan matures he may either pay off the loans, with interest, and sell the grain, permit the CCC to take grains in lieu of the loan repayment, or seek extension of the loan. The Agriculture Department in December announced that it would not extend reseal on the following crops and crop years: Wheat—1968, 1969, 1970, 1971-crop—except 1971 crop durum—farm-stored; 1970, 1971 crop warehouse-stored; corn—1969, 1970 crop farm-stored; 1971 crop warehouse-stored; barley—1968, 1969, 1970, 1971 crop farm-stored; oats—1968, 1969, 1970 crop farm-stored; grain sorghum—1969, 1970, 1971 crop farm-stored; 1971 crop warehouse-stored; rye—1971 crop farm-stored. Most loans on these crops mature by May 31. During hearings before the subcommittee, the Department indicated that farmers who were unable to obtain transportation and move their grains would have 60 days beyond the maturity date before they would face penalties. This would advance the possible movement of grains up to June or July. While it is possible that the transportation situation may have eased by that time, it is not absolutely certain that it will have, and whatever the transportation situation, the reseal decision can have no effect but to force about 700 million bushels of grain on to the market. While farmers can sell grain and take it out of reseal at any time—even under the proposals made in this resolution, it seems only logical, in view of the transportation situation, that farmers and warehousemen at least have the option to reseal their grains—and thereby to keep grains off the market.

The resolution does propose the termination of reseal on 1968 and 1969 grains, pursuant to normal procedures and "good management practice" usually followed by the Department. Furthermore, it contemplates terminating reseal on warehouse-stored grains so that these can be moved to make room for additional farmer and warehouse-owned commodities. The resolution would, however, likely encourage reseal of some grains and thereby withhold some commodities from the market.

Third, the resolution proposes the appointment of a special committee to recommend solutions to two problems which are inseparable from the existing situation but which involve the jurisdiction and coordination of several departments and agencies. The first of these problems is to guarantee that domestic farmers and stockmen receive the needed feed grains. Much of the current transportation crisis is due to exports. But, I cannot see permitting our domestic farmers to suffer because of exports to foreign nations. The existing feed grain situation is not as much one of supply as one of transportation difficulties.

We should focus efforts on meeting the transportation demands and providing adequate feed grains to farmers in feed-deficit States and in States where Hurricane Agnes destroyed crops which would normally be used for feed grains. We must service these farmers. The committee to be appointed might consider a variety of special actions including securing the cooperation of the railroads in making a certain number of cars available specifically for the transportation of feed grains to these areas. In fact, the Department of Agriculture announced yesterday an action along these lines. A unit train of 71 cars will carry much-needed oats from Minnesota to New York State. The proposed committee would be expected to make similar recommendations and to seek their implementation.

Second, a bottleneck in the transportation tie-up is at the ports. There are reports of both railroad cars and ships waiting for unloading and loading. We must speed up this process so that railroad cars can be returned to other areas of the country and additional grain moved. I know that the Interstate Commerce Commission has already taken several actions designed to improve the situation. It has, for example, increased demurrage charges and it places embargoes on ports where the backlog of unloaded cars is substantial and where the sending of additional cars into the areas would only result in those cars being tied up at the ports for numerous days. With further regard to this aspect of the problem, however, the committee might consider several possibilities including additional work shifts at the port areas.

The recommendations contained in this resolution are simply that—recommendations. The resolution is being introduced, however, because the situation is critical. The current shortage of boxcars must be alleviated or we will wreak havoc on many segments of our farm economy. The resolution is also being introduced because immediate action is required. Relief next week or next month will not do. That is why I have recommended the immediate revision of actions announced by the Agriculture Department. Under other circumstances, those actions might be entirely appropriate and desirable. But they are not so now. And a change in them today would help relieve the transportation shortage. They are the easiest actions to take and they will have an immediate impact upon the situation.

This is not to say that there are not other actions which can and should be taken. As a matter of fact, I believe it it incumbent upon the parties most involved—the Department of Agriculture, the Interstate Commerce Commission, and the American Association of Railroads—to continue to search for means of dealing with the current situation. As a result, I will recommend to the subcommittee and the full committee that the committee continue to monitor the situation, requesting biweekly reports on the status of grain movements, any new methods employed to facilitate the movement of grain, and an evaluation of the effectveness of those methods.

In the long run, too, there is a need for the construction of additional freight cars, a matter which comes under the jurisdiction of the Commerce Committee rather than the Agriculture Committee. According to testimony by the American Association of Railroads, however, it would be from 4 to 5 years before the impact of legislation designed to increase the boxcar supply would have an effect on the transportation supply.

As I mentioned earlier, the current situation is a desperate one. We need to move at once—and we must move where we can. I have outlined various actions I believe will help alleviate the current situation. I am aware that there is controversy over several of the proposals. In this situation, we must balance the needs of many people and many interests—the grain producers, the warehousemen, the shippers, the farmers in feed deficit areas, the processors of grains and the consumers. The actions proposed in this resolution will not satisfy those who seek the ultimate benefit for any one of the above groups. It seeks instead to work with the needs and demands of each and to find a feasible solution which will be helpful and fair to all. I believe the recommendations which I have discussed can make an inroad into the current transportation shortage and they are offered with that hope in mind.

In closing, I would like to add that one of the witnesses noted that the hearings on Monday were the seventh or eighth hearings on the boxcar shortage he had attended, and that he would like to see some action. I, too, would like to see some action. I hope we will move rapidly in that direction.

So I urge the careful consideration by Members of the Senate of this resolution.

The resolution is as follows:

Whereas a railroad transportation crisis currently exists in the United States; and

Whereas such crisis has occurred as the result of a number of factors, including—

(1) a late and abundant harvest of agricultural commodities;

(2) favorable market conditions;

(3) the sale or large quantities of grain to the Soviet Union and the delay in concluding an agreement with the Soviet Union for the shipment of such grain;

(4) the policy of the Department of Agriculture regarding the disposal of commodities held in storage by the Commodity Credit Corporation;

(5) the decision of the Department of Agriculture not to extend the reseal loans on commodities of certain crop years;

(6) bad weather conditions in certain areas of the Nation;

(7) the dependence of farmers in certain areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes;

(8) the loss of workdays at seaports during the Christmas and New Year periods; and

(9) a shortage of railroad freight cars and the ineffective utilization of existing freight cars; and

Whereas immediate and appropriate action is required to alleviate such transportation crisis: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that—

(1) the Secretary of Agriculture should impose a moratorium on the disposal of grain owned by the Commodity Credit Corporation and that such moratorium should be continued until the Secretary of Agriculture, the Interstate Commerce Commission, and the American Association of Railroads jointly determine and notify the Committee on Agriculture and Forestry of the Senate that a termination of the moratorium would not worsen the transportation situation or precipitate a new transportation crisis;

(2) the option to reseal loans on farm-stored wheat and feed grains should be made available to farmers by the Commodity Credit Corporation with respect to the 1970, 1971, and 1972 crops; and

(3) the President should, and is hereby urged and requested to, immediately appoint a special committee composed of one representative from the Department of Agriculture, one from the Department of Labor, one from the Interstate Commerce Commission, one from the Office of Emergency Preparedness, and one from the American Association of Railroads to conduct a study of the railroad freight car shortage problem and to submit to the President and to the Congress, within thirty days after its appointment, the results of its study together with its recommendations for the most effective and practical means of (A) delivering adequate quantities of feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be unloaded.

SEC. 2. It is further declared to be the sense of the Senate that the Secretary of Agriculture should notify the Committee on Agriculture and Forestry of the Senate at least seventy-two hours prior to the termination of any moratorium imposed pursuant to the recommendation set forth in the first section of this resolution.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 3

At the request of Mr. CASE, the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Amendment No. 3, intended to be proposed to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

Mr. CASE. Mr. President, I have introduced an amendment to the Economic Stabilization Act to restore the Federal rent control program that was in operation until the end of the administration's phase II economic program.

In general, under my amendment, the Federal rent control program will be restored and two changes in the program will be made.

The first change will make the Federal rent control program operative only where it is most needed. Rental increases are often related to the rate of unit vacancy. When there is a high vacancy rate the marketplace is competitive and rent increases usually are within reason. But in places where the vacancy rate is low, rent can rise dramatically, as has happened in the metropolitan northeast. In my own State of New Jersey, as an example, rent increases as high as 69 percent have been reported even under the Federal rent control program. And, since the end of phase II, I have received many complaints reporting similar increases.

Such increases are hardest on the least mobile people. Especially affected are senior citizens who cannot pay the increased charge and who also cannot easily move to another place. And where there are no vacancies, there are few if any alternatives for those who need shelter.

Under my amendment the Federal rent

control program will operate in any State where the vacancy rate is lower than 6.5 percent. The President, or his delegate will specify which States are affected by the control program. My amendment also makes the Federal program on rents retroactive to the end of phase II and provides that landlords refund or credit any overcharges that may have been made since the elimination of the phase II program. This will act as a brake on those individuals who may desire to increase rents beyond the scope of the restraints imposed by the rent control program.

Moreover, all rental housing in a low vacancy State will fall under the purview of the Federal program except where local rent control statutes provide for rent increases smaller than those permitted by the Federal Government.

Unlike other aspects of the phase II economic program, the rent control program was exceedingly generous to the landlord. For example, on a 1 year lease it allowed the landlord to increase his base rent 2.5 percent. It permitted the landlord also to pass along any increased amount he paid for taxes or municipal services, as well as the cost of capital improvements.

My amendment retains this formula. However, it is important to point out that this formula took effect only after an earlier set of Federal regulations sanctioned very high rent increases. Ironically, setting "base rents" at high levels, allowed landlords to justify higher increases than they might otherwise have dared. Only in recent months can it be said that both landlord and tenant have been treated fairly under the Federal program.

Under the improved Federal program, the landlord was still able to make a profit and keep his property in good order. What was not allowed were exorbitant rent increases carried out to raise capital for other ventures.

Rent payers in low vacancy areas are understandably apprehensive about their future. Without the Federal protection previously afforded them, they are at the mercy of the landlord. Hundreds who complained of unfair or illegal rent increases under the phase II program, those who reported violations, are now being harassed. Many face eviction proceedings or unconscionable rent increases.

Many others who may have normally been protected by long term leases have found a clause in their lease that allows their landlord again to raise rents after the Federal controls expire. I am told there are many thousands with leases of this kind in New Jersey

The Federal rent control program was designed to stabilize rents and to protect tenants. Neither goal will be met by the total elimination of the rent control program. Indeed, the exact opposite will take place.

I am sure that hundreds of thousands of rent payers share my deep disappointment over the abrupt end of the Federal rent control program. Like all citizens, those who are rent payers are entitled to fair treatment by the Government. They are not getting it.

It is my hope that the Members of the Senate, understanding the consequences of the closedown of this Federal program, will act promptly to restore the Federal rent control program.

ADDITIONAL STATEMENTS

SUGGESTION FOR REDUCED FEDERAL SPENDING

Mr. METCALF. Mr. President, my friend David Rivenes, of Miles City, Mont., president of the Amateur Athletic Union, called me yesterday with a suggestion for President Nixon as he seeks to reduce Federal spending.

The suggestion is that Mr. Nixon replace the President's Council of Physical Fitness program with one now being supervised without cost either to the participants or the Federal Government by the AAU.

Mr. Rivenes told me that for 16 years Americans of all ages have had the opportunity to improve themselves physically by taking part in the AAU program in which millions are now involved.

Under the AAU physical fitness program, medically approved proficiency tests are given free of charge by teachers, coaches, and other volunteers through schools, clubs, and civic organizations. Certificates of achievement are also provided free of charge by the AAU, 3400 West 86th Street, Indianapolis, Ind. 46268.

I commend Mr. Rivenes' suggestion to the Senate with the hope that President Nixon will consider the offer of free help by this century-old national sports organization to help with the national physical fitness program.

EFFECTS OF SUPREME COURT'S CAPITAL PUNISHMENT DECISION ON SOUTH CAROLINA'S JUSTICE SYSTEM

Mr. THURMOND. Mr. President, the U.S. Supreme Court's unfortunate decision in Furman against Georgia, deciding that capital punishment was "cruel and unusual punishment" in violation of the eighth and 14th amendments, has created a loophole in South Carolina's justice system. Although admittedly the status of capital punishment is not clear, it remains that each State must take legislative action to protect its citizens.

In South Carolina, our legislature has commissioned its legislative committee with the task of plugging the loophole. That committee, recognizing the necessity for quick action, proposed a bill that would require a convict under life sentence to serve at least 20 years before he becomes eligible for parole.

Mr. President, an editorial in the Charleston Evening Post on January 26, 1973, more fully describes my State's predicament. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Capital Punishment

With capital punishment at least temporarily in limbo, a legislative committee created to study its restoration suggests a timely step to plug the loophole left in South Carolina's justice system.

The committee proposes a bill requiring a convict under life sentence to serve at least 20 years before he becomes eligible for parole. That would close a gap which allows persons convicted of the most savage murders to be turned loose upon society after only 10 years behind bars. Another section of the bill sets 10 years as the minimum for parole where criminals are under sentences of more than 30 years.

Sen. LaNue Floyd, D-Williamsburg, the study committee's chairman, introduced the measure after his panel had voted to include such a recommendation in its report to the 1973 General Assembly. While it is admittedly a stopgap pending resolution of the questions surrounding restoration of capital punishment, the bill should be quickly enacted.

While that is being done, the committee must also press on with recommendations that capital punishment be reinstituted and made mandatory upon conviction of truly heinous crimes. North Carolina's Supreme Court already has declared the death statute in its state constitutional so long as juries are stripped of discretion to decide who shall and shall not be executed.

Such interpretations of laws so far laid down by the U.S. Supreme Court may or may not stand up under further tests for constitutionality. There is enough reason to believe that they will, however—including the opinions of the national professional association of states attorneys general—to warrant every effort to do what can be done to restore protections the courts have struck down. A virtue of capital punishment is that it offers a way to dispose of a menace to society by putting him beyond hope of rescue through legal technicalities or misplaced sympathy. In the case of cold-blooded murderers, or those unstable types who have killed more than once in the heat of anger, there should be no public misgiving about ordering a trip to the electric chair or the gas chamber.

SENATOR TUNNEY SPEAKS TO AMERICAN ADVERTISING FEDERATION

Mr. MOSS. Mr. President, on Tuesday, the distinguished Senator from California (Mr. Tunney), one of the two junior Members of the Consumer Subcommittee, addressed the 15th Annual Public Affairs Conference of the American Advertising Federation. Needless to say, I was particularly interested in the Senator's remarks and his thinking on the legislative issues which face the advertising community this year.

In reading Senator Tunney's remarks, I was heartened by his incisive analysis of the nature of advertising, and the problems which arise from incomplete and deceptive advertising. Senator Tunney's endorsement of four legislative proposals which I have introduced is also most reassuring.

I ask unanimous consent that Senator Tunney's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Senator John V. Tunney to the American Advertising Federation's 15th Annual Public Affairs Conference, January 30, 1973

With all the accumulated wisdom of two weeks as a junior member of the Consumer seasoned advertising men and women with a certain humility.

I'm reminded of the intimidating tale of the good man whose sole significant experience throughout an otherwise uneventful life was living through the infamous Johnstown flood.

He was a good man. When he died he went directly to Heaven and was greeted personally at the gate by St. Peter, who said to him, "Welcome, not only does your good life entitle you to admittance here, but in addition, I am prepared to grant you, as a bonus, one reasonable request."

"Well," said the man, "you may think this slightly peculiar, but I would like to tell everybody here about the Johnstown flood."

"That does seem a little strange," admitted St. Peter, "But I think it can be arranged. And the next day, lo and behold, the whole host of heaven was asembled in bleachers of cloud banks, served by quadrophonic speakers. Just as our good man was prepared to ascend the podium to tell the tale, St. Peter motioned him aside, "There's just one thing, before you go out there I think you ought to know, 'Noah is in your audience.'"

Ever since I learned of my assignment to the consumer subcommittee I have been boning up on Advertising Age. Now, after a two-week cram course with Stan Cohen and E. B. Weiss, I am ready to give you the benefit of my instant wisdom.

In fact, I'd like to share with those of you who may have missed it, a small but profoundly significant work of social criticism which appeared in the pages of last week's Advertising Age. It is a letter to the editor and I read it to you in its entirety:

"To the editor: I am 12 years old and I wach a lot of TV. There are these dumb two commercials one is where this guy says 'I think I've got a fevor,' but the thing is that the guy has thic gloves on. That guy must have a furnace for a head.

"The other commercial is that this guys wife won't let him have more than a little coffee because they say it is keeping him up at night, the thing is that its in the morning. How can that keep him up at night?"

My dad is in advertising and he told me to write this letter. I want you to know that I believe in selfregulation, especially when it's as pungent as this is.

I am told that since the consumer subcommittee is bound to be mucking about in your business, you'd like to know how I feel about advertising. The truth is—I love it.

When it tells me what I want to know.

When it tells me what I *don't* especially want to know, but does it with wit and style and imagination.

And I love advertising when it kids itself and not me. On the other hand, advertising drives me up the wall.

When it hammers incredible trivia at my kids and me.

When it trys to pry open my psyche with the intimation that a pill or a brew or vinyl upholstery will cure my angst.

And advertising drives me up the wall when it chisels on the truth.

I also hear that you'd like to know how I feel about more stringent regulation of advertising.

I'm dead set against it—

When it imposes mindless economic burdens on media already under ruthless assault from Whitehead in the White House.

When it reflects some bureaucrat's notion of reducing competition to the bloodless, cold, sober recitation of raw facts.

And I'm against it when it fails to increase the consumer's sum total of usable information.

But, I'm *for* it if it can transform the FTC from a sour joke whose feeble cease and desist orders can be mocked until the offending ad campaign has been safely enshrined in "best read ads of the last decade."

And, I'm for regulation when it looks to the real world of communications' psychology to devise remedies to rid the marketplace of the residual effects of deception and manipulation;

And when regulation looks realistically at the impact of market structure upon the advertiser's ability to employ massive ad budgets as instruments of monopolization;

And when regulation seeks a reasonable balance in the quality of product information which the consumer has before him;

And I'm for *more* regulation when it drives to the heart of manipulative techniques aimed at the soft, exposed psyches of children.

The Commerce Committee has some hard decisions to make this year affecting advertising.

First, the nomination scheduled for next Monday of Louis Engman as member and Chairman of the Federal Trade Commission.

With the possible exception of the secret life of Peter Flannigan, this post is the most significant in the administration for both consumers and business.

The nomination will be subject to intense scrutiny. There are natural and recurring concerns at yet one more appointment out of the White House staff. No matter how able the nominee, a White House nesting place tokens poorly for that statutory spirit of independence which the Trade Commission *must* have to be an honest and effective policeman.

At the same time, Mr. Engman's prior performance raises the expectation that he will continue the initiatives of his able predecessors, Chairmen Weinberger and Kirkpatrick, that he will continue to press for effective remedies, that he will maintain the independence of the Commission, and that he will be equally responsive to public concern about advertising abuses.

Fortunately, for the Commerce Committee, if not for Mr. Engman, he cannot take refuge—as so many recent administration nominees have—in ignorance. Since he came to Washington, he has been involved in questions of consumer policy and the committee will expect hard answers to straight answers.

Next, the committee is expected to turn to the unfinished business of last year. Chairman Magnuson expects to report out the Warranty-FTC Improvement Act which passed the Senate by an overwhelming vote last session, only to die stillborn for lack of time in the House committee at the close of the last session.

The most controversial issue involved in that legislation, the power of the Commission to issue binding trade regulation rules, may well be resolved by the courts before the committee has the opportunity to act. Ironically, most observers expect the courts to recognize that the commission has rulemaking powers broader even than those defined in the legislation.

With respect to advertising directly, the committee will have before it three pieces of legislation:

(1) The new version of last year's McGovern-Moss bill, to require that substantiation of advertising claims be supplied to interested parties upon request.

(2) The proposal to create a national institute of marketing and society to study the impact of advertising techniques upon the behavior and attitude particularly of young people, and

(3) The small cigar broadcast advertising ban.

As I understand it, the sponsors of the truth-in-advertising bill see the bill working to complement the FTC's ad substantiation programs. A typical case might work as follows:

Any consumer or consumer's group curious or concerned about an advertiser's claim would write the advertiser, asking for a summary of the claim substantiation data. If the summary appeared flimsy or evasive or otherwise raised questions as to the validity of the claims, the consumer or group would then be alerted to write to the commission, saying, "take a look at this ad and the substantiation summary; it looks phony to us; the commission ought to take a closer look at it."

It may well be that the legislation needs to be tightened in its drafting, but the basic principle that advertisers should be prepared to substantiate their claims, strikes me as being incontestable.

There have been serious proposals from concerned citizen's groups such as ACT (Action for Children's Television) and from congressional advocates such as Congressman Pepper for the elimination of whole categories of advertising, such as proprietary drugs, and of *all* advertising on programs predominantly directed toward children's audiences.

Before I lend my support to such draconian measures, however, I am certainly going to take a hard look at available scientific evidence supporting the thesis that these forms of advertising constitute a serious threat to the physical or mental health of their audiences.

Nevertheless, no legislator or concerned parent for that matter, can fail to be concerned with the apparent linkage between certain dominant advertising themes and campaigns and major medical and social problems.

Through hearings, Sentaor Moss developed disturbing evidence of the potential relationship between food marketing and advertising techniques and malnutrition stemming from nutritional illiteracy, particularly among teenagers.

There is concern, too, at the relationship between certain themes utilized in proprietary drug advertising and the growth of drug dependency, again among teenagers.

There is even legitimate concern, I believe, about the relationship between the constant pattern of advertising messages which promise far more than they can deliver and pervasive alienation and distrust among the young.

For these reasons I intend strongly to support efforts to establish within the National Science Foundation a new institute of marketing and society, *not* to regulate, but to probe deeply through the funding of new research and the collation of existing research so that we can guage the psychosocial impact of marketing and advertising techniques.

Finally, the committee will confront head-on the television advertising of small cigars. Frankly, I consider the fabrication and TV promotion of small cigars carefully fabricated to be inhalable, an affront to Congress and the public, a textbook of corporate irresponsibility. Congress exempted cigars from the ban on television advertising based upon sound medical testimony that the incidence of death and disease among cigar smokers was substantially lower than that of cigarette smokers and that this difference was directly related to the inhalability of cigarette smoke.

This callous disregard of the public by a national advertiser brings shame and ill will upon the whole advertising community. I certainly will support efforts to amend the cigarette advertising law, if necessary, to terminate this practice.

Thank you again for inviting me to speak. I certainly want you to know that I consider the work of the consumer subcommittee a most serious responsibility. I want you also to know that I believe that Congress must

not tamper with free market mechanisms lightly, and that I consider advertising—good advertising—to be the essential lubricant of a strong and healthy economy.

THE BREAD TAX BILL

Mr. GURNEY. Mr. President, yesterday, I joined with the distinguished Senator from Connecticut (Mr. WEICKER) in cosponsoring legislation that, if enacted, will be of great benefit to every consumer who purchases a loaf of bread.

Our bill can serve to solve two problems, one of which is now at the crisis stage. First, we have the problem of the consumer. Today's consumer is forced to pay almost 2 cents more for each loaf of bread he purchases as a result of the "bread tax." However, that 2 cents is merely the beginning of what could very well be a dramatic escalation in the price of baked goods.

In 1972, over 60 major bakeries had to close their plants, because of escalating flour costs. The primary factor in these closings was a 75-cent-per-bushel certificate tax on wheat. If this tax is allowed to continue, the price of flour will continue to go up, the number of bakeries will continue to decline and, in the final analysis, the consumer will have to pay even more for bread and other baked items.

From the standpoint of the farmer, this tax is not necessary to provide the money for farm payment funds. Over 90 percent of those funds now come from general revenue and, if this legislation is passed, that figure should rise to 100 percent. Thus, this bill, while helping the consumer, will not hurt the American farmer. I therefore urge Senators to give it their full support.

LYNDON B. JOHNSON

Mr. METCALF. Mr. President, on January 24, during the period set aside for eulogies of the late President Johnson, I was unable to obtain recognition before the Senate adjourned to attend the ceremonies in the Rotunda of the Capitol.

I listened to the praise heaped upon President Johnson by his former colleagues, and since then I have read tributes to him by people from all over America. These have all been printed in the CONGRESSIONAL RECORD. I have decided to discard the brief remarks I would have made at that time and substitute the following personal statement.

Everyone who has tried to talk or write about Lyndon Johnson is immediately impressed with the breadth and complexity of his life, his personality, and his achievements. Many editorials have commented on this. It is apparent in many of the eulogies that here was a man impossible to label or categorize. A true representative of the great State he represented, his interests, his concerns, his temperament were spacious.

First of all he was a superb legislator. As a craftsman he had thoroughly mastered the art. He knew when to press forward—frequently—when to compromise—seldom—and when to courteously and considerately acquiesce to overwhelming odds—almost never. He was a formidable foe on the floor of the Senate, in committee, in negotiations. He knew the job of a Representative, of a Senator, of a majority leader of the Senate, and he did these jobs magnificently.

From this Senator's viewpoint, the issues he advocated and for which he used his skill and his power were correct. His instincts were for people, for their right to be free, to vote, to participate, to be educated. And these things were partially achieved under his leadership. They were, of course, implemented when he became President as they have not been implemented since.

So here was a man of tremendous competence. I came to Congress as a Member of the House of Representatives. I served an apprenticeship under another Texan, Sam Rayburn. These two great legislators are to me the epitome of legislative excellence.

When I was a small boy, one of my heroes was William Travis, the commander at the Alamo. Cool, calculating, and courageous, Travis estimated the odds and without bravado decided upon his course and kept upon it despite a realization of almost certain death. Lyndon Johnson was a true descendant of Travis. Johnson's great courage was one of the chief characteristics that is most often applauded. Johnson as a combination of Travis and Rayburn, was a man to be reckoned with.

Johnson was a westerner. He was sometimes brutal, sometimes more forthright than diplomacy would demand. But he was big, he was tolerant, and he was understanding. The critics who point out some personality traits that they deplore fail to understand the men and women who are born to the vastness of the West, who cope with blizzards and heat waves, who know mountains and prairies. Lyndon Johnson was a true representative of Americans—of all Americans.

As President, his legislative achievements were unsurpassed. Many have dwelt upon his accomplishments in civil rights, in education, and in housing, but there is not an aspect of American life that has not some Johnson imprint.

In the closing years of his administration, President Johnson was locked in by the war in Vietnam, an unfortunate captive of that unhappy time. Nevertheless, history will proclaim his essential goodness, his humanity, and greatness of soul.

Of course, Mrs. Johnson, a gracious lady and an affectionate mother, was an example to the women of America. Without Lady Bird our country would be uglier, and Washington would not be the city of blooming shrubs and flowered squares it is today. From the first daffodils and tulips to the last withered chrysanthemums she is responsible for making our Capital City one of the loveliest cities in the world.

Washington is a city with the shortest memory in the world. Most public figures are forgotten as soon as they lose power. Keats desired that his tombstone carry the inscription "Here lies one whose name was writ in water." In Washington, most men and women leave without that much of a ripple. Not Lyndon Johnson. He will be long remembered here for his courage, his competence, and his integrity. His achievements will affect the lives of Americans for many years to come and his life will be an inspiration to all men.

I am proud that I knew Lyndon Johnson.

OBJECTIONS TO CUT IN EDUCATION FUNDS FOR FEDERALLY IMPACTED AREAS

Mr. MOSS. Mr. President, 34 school districts in Utah stand to lose millions of dollars under the administration's proposals for the fiscal year 1974 budget which was unveiled Monday. These programs, known as the impact aid programs, have for many years provided needed funds for the operation, maintenance, and construction of schools where Federal activities bring students into the local school system without adequately sharing in the costs of that school system.

In fiscal year 1972, the last year for which we have solid figures available, the impact aid programs brought $612 million to schools in America. The State of Utah received $7 million. The President has now asked for a mere $60.5 million for the entire country in fiscal year 1974 under the regular appropriations bill. He has added to this the amount of $232 million, which is to be provided through his hoped-for special revenue-sharing proposal for education, which will be presented to the Congress at a later date.

The present administration proposal is by far the harshest handling of the impact aid program since its inception. Last year, the administration proposal called for a rapid phaseout. This year, we have a "meat ax" cutoff of most of the program.

The fiscal year 1974 budget recommends money for children of parents only if they work on Federal property and live on Federal property. The bulk of the money going to schools in Utah and throughout the country is for children from families with parents who either work on or live on Federal property. This will now be eliminated under the new proposal.

Utah received 83 percent of its money under the impact aid program in fiscal year 1972 from categories that are now slated for elimination in the present budget. Though the figures are not available on a State-by-State basis, it is safe to assume that Utah would probably lose at least 83 percent of its impact aid money if the present budget is allowed to proceed.

There is certainly a better approach available to those who are unhappy with some aspects of the impact aid program. The public laws authorizing funds for these programs expire this year. Congress has already slated a review of these programs, and the chairmen of the committees in Congress responsible for this legislation have indicated that they will revise and tighten the laws. I support the effort to reexamine these programs—every program that has been in existence for a long period of time should be tightened and reviewed periodically.

Perhaps where the impact is small and the school district can absorb the cost, Federal payments are not needed. Perhaps a sliding scale could be developed. The answers to these suggestions should be developed in a careful review of the legislation, not an abrupt termination.

Congress has consistently overridden the President's attempt to kill these programs. In fiscal year 1973 the President requested $430.9 million for these programs. On August 10, the conference committee of the House and Senate Appropriation Committee approved legislation that would have provided $681.4 million for these programs, showing the unpopularity of the President's original request. That bill passed both Houses of Congress, but was vetoed by the President. A second bill was also vetoed by the President. A second bill was also vetoed by the President.

As a result of this turmoil, there is presently no appropriation available for the Department of Labor and HEW, and no agreed upon figures for fiscal year 1973 for the impact aid programs. This should be resolved in the near future by the passage of another appropriation bill—one that we hope the President will sign. Those who are likely to be most seriously harmed by such constant struggling are the children who benefit from these education programs.

Though figures are not available on a county-by-county basis, information from past years would indicate that while 34 of our school districts would suffer, 10 school districts in Utah would lose every penny of their impact aid money under the President's new budget. These are Ogden City, Logan City, Piute, Carbon, Cache, Tintic, Jordan, Iron, Granite, and Murray school districts. This proposal is a harsh device for dealing with the inequities that may exist in the program. We must approach the question in a more rational way.

As a Congress, we must work for a more equitable review of the impact aid programs and for restoration of adequate funds in the fiscal year 1973 and fiscal year 1974 budgets.

SOUTH CAROLINA PARACHUTIST BREAKS WORLD'S RECORD

Mr. THURMOND. Mr. President, on Saturday, January 13, a young South Carolinian accomplished an extraordinary feat.

Woody Binnicker, a businessman from Denmark, S.C., broke the world's record for the number of parachute jumps in a 24-hour period. Woody completed his 201st jump after 17½ hours, an average of 11 jumps per hour. His goal was 240, but the decision to stop after having broken the world's record was made because he was tired and a sprained ankle was giving him some trouble.

The previous world's record of 200 jumps was held by a Canadian.

Mr. Binnicker was assisted on the ground by teams of parachute riggers, pilots, and planes from sports parachuting clubs in South Carolina and other States.

All the jumps were made from an altitude of 2,000 feet, the distance set by the national sports parachuting organization which sanctions such events.

Mr. President, we in South Carolina are very proud of this veteran Army parachutist, and he is to be commended for his courage and bravery in this outstanding undertaking.

Several newspaper articles were published about Mr. Binnicker's remarkable accomplishment. They include: "Parachutists Will Try To Set New Record," the Greenvile News, January 13, 1973; "Jumper Jumping at Record," Florence Morning News, January 13; "Binnicker Captures Jumping Record," the State, January 14; "South Carolina Parachutist Sets World Record," the Times and Democrat, January 14; "Never Again, Vows Jumper," the State, January 15; and "Parachutist Sets World Jump Record," the Union Daily Times, January 15.

Mr. President, I ask unanimous consent that the articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Greenville News, Jan. 13, 1973]

PARACHUTIST WILL TRY TO SET NEW RECORD

BARNWELL.—Veteran parachutist Woody Binnicker said Friday the weather looked good for his latest attempt to set a record for the largest number of parachute jumps in a 24-hour period scheduled to begin at midnight Friday.

"There's no rain and the cold weather is OK," said Binnicker, 34, a Denmark businessman.

Binnicker, a veteran Air Force parachutist and one of the nation's leading jumpers, said he hopes to jump 240 times by midnight Saturday. The current record is 200 consecutive jumps in a 24-hour period.

Binnicker, who had more than 3,000 jumps to his credit, failed in an attempt to break the record last year. He completed 101 jumps in an eight and a half hour period before rain forced him to stop.

Binnicker plans to jump from an altitude of about 2,000 feet. He will use at least two planes taking off from the Barnwell airport.

Binnicker will be assisted by some 15 riggers from Ft. Bragg who will help him with the packing of the parachutes.

[From the Florence Morning News, Jan. 13, 1973]

JUMPER JUMPING AT RECORD

BARNWELL, S.C.—Veteran parachutist Woody Binnicker is trying again to set a new world's record by making more than 200 jumps in a 24-hour period.

Binnicker planned to begin his jumps at midnight Friday at the Barnwell County Airport. Utilizing 12 parachute riggers and several planes, he hoped to average about 10 jumps an hour for a total of 240 by midnight Saturday.

The record of 200 jumps in 24 hours is held by a Canadian. Binnicker was well on the way to topping that last spring but weather conditions forced him to give up the attempt after 101 jumps. However, that earlier effort gave him a record for consecutive night jumps.

A former Army parachutist and now a Denmark merchant, Binnicker is rated the first most experienced parachutist in the nation with more than 3,000 jumps.

He noted that no rain was in the forecast Saturday and said he thinks he has an excellent chance of setting a new record.

[From the Columbia (S.C.) State, Jan. 14, 1973]

BINNICKER CAPTURES JUMPING RECORD

BARNWELL.—Tired and sore but jubilant, veteran parachutist Woody Binnicker captured a world's record of 201 consecutive parachute jumps Saturday.

Binnicker, a 34-year-old businessman from Denmark, completed his 201st jump at 5:32 Saturday afternoon, breaking the old record of 200 jumps held by a Canadian.

He began his feat at midnight Friday and was to have continued through midnight Saturday but he was too exhausted to continue.

Binnicker had set a goal of 240 jumps during the 24-hour period, and was running well ahead of schedule and it appeared he would even surpass that mark when he decided to quit.

A spokesman at the Barnwell airport, where Binnicker was jumping, said the former Air Force parachutist was "awfully tired, sore and stiff."

Binnicker was aided in his efforts by clear, cold weather Saturday. Last year he attempted to break the jump record but was forced to quit after 101 jumps in eight and a half hours by rain.

Binnicker was jumping from an altitude of 2,000 feet, the altitude set by the national sports parachuting organization which sanctions such events.

Two planes were being used during the jumping contest. Binnicker was on the ground only between 11–15 seconds between jumps. When he hit the ground, a four-man team assisted him in unbuckling the parachute and putting another one on.

He then got into one of the planes which had taxied to his landing spot.

Sport parachutists from across the state were in attendance at the airport, and parachute experts from Fort Bragg, N.C., were helping pack Binnicker's parachutes.

[From the Orangeburg (S.C.) Times and Democrat, Jan. 14, 1973]

SOUTH CAROLINA PARACHUTIST SETS WORLD RECORD

BARNWELL, S.C.—Veteran parachutist Woody Binnicker broke the world's record Saturday for jumps in a 24-hour period, making his 201st at 5:35 p.m., some 17½ hours after he began.

Binnicker, a Denmark, S.C., merchant who is in his late 20s, averaged better than 11 jumps an hour. He took a 30-minute lunch and rest break shortly after noon.

Binnicker was expected to continue until midnight Saturday, and his pace of 11 jumps per hour would give him about 265 for the day.

This was the former Army paratrooper's second attempt to break the record held by a Canadian parachutist of 200 jumps in a 24-hour period. Binnicker first went after the record last spring but gave up after 101 jumps when bad weather moved in. He still holds the record for consecutive night jumps as a result of that earlier attempt.

Binnicker began bailing out at the stroke of midnight at the Barnwell County Airport, utilizing teams of parachute riggers, pilots and planes from sports parachute clubs in South Carolina and other states.

The jumps are all made from 2,000 feet, the altitude set by the national sports parachuting organization which sanctions the events.

[From the Columbia (S.C.) State, Jan. 15, 1973]

NEVER AGAIN, VOWS JUMPER

DENMARK.—Woody Binnicker was a very tired young man Sunday. And with good reason.

Binnicker, a 35-year-old retail grocer from Denmark, ("I'll be 36 in a few days") Saturday attained a distinction that few persons can claim. He became the proud holder of an official world's record.

The softspoken young family man from this small South Carolina town Saturday became the first American to hold the record for the most consecutive parachute jumps in a 24-hour period—201—and fulfilled his fondest ambition.

The first question that comes to mind is "why."

"Well," Binnicker told The State Sunday, "it was one of the records that no one in the United States had ever held, and I knew I could break it. We had been talking about it for a good while and I decided to try it.

"It is just something that will haunt you," he added. "It just gives you a sense of satisfaction to know that you can do it."

Would he try it again if his record is broken?

"No sir," he replied emphatically. "I would just congratulate them."

Sunday he was resting at his home, his ankles, one of which he sprained slightly early in the record attempt, were swollen, and he had slight problems with windburn and chaffing caused by equipment, but otherwise he said he felt great.

Aside from the ankle trouble, he encountered only one other problem during his 201 jumps.

"On one of the jumps I had what is called pilot chute hesitation," he reported, explaining that as a jumper comes out of the plane sometimes the pilot chute, a small canopy which draws the main chute out of the back pack, is caught in a vacuum and fails to catch the wind.

"When that happens, sometimes you can just dip a shoulder and correct it," he said. "But it didn't work right away, so I decided to go ahead and use my reserve (chute)."

That was the only equipment problem he had during the ordeal, thanks, he was quick to add, to an excellent ground crew.

"Those boys were just great. It was quite a hardship on them. Many of them had blisters on their fingers from working so hard to make it work.

He reported that much of the success of the day was a result of those who worked with him.

"The crews on the ground—we had two of them working—had a kind of contest going to see who could get me back in the plane the fastest. One of them got me back in 17 seconds. That was a record for the day."

Binnicker said he was never worried during the day. "Not really. I had complete confidence in those fellows. And my pilot, Bobby Frierson, did an outstanding job. He flew the entire time. He was waiting on the ground as soon as I got down each time.

"He told me earlier that if he showed any signs of slowing up or slowing me up, he would quit, but that didn't happen."

A former paratrooper with the 82nd Airborne Division at Ft. Bragg, N.C., Binnicker began sport jumping 11 years ago, and Sunday had compiled an impressive 3,496 jump total, making him the fifth most experienced jumper in the country, according to official reports.

Though he had intended Saturday to continue jumping past the record 201 jumps, he said that during the hour's rest following that record breaker "I realized just how tired I was and decided to give it up at that."

He said he felt he physically could have gone for a few more, but it was "mentally the monotony of 201 jumps" that finally got to him.

He didn't find himself slowing up during the ordeal, because "the only physical motion was pulling my ripcord," and that was one motion he had an incentive to make even up to the end, he explained humorously.

The only food he could take (during the attempt on the record that had to be called off because of rain after 101 jumps) to eat a steak sandwich, but with the plane taking all those turns and the emotional strain of the event I found that it just didn't agree with me."

What are his plans for the future?

Well, Woody Binnicker, grocer, family man and world record holder plans to take it easy until next weekend when you guessed it—he can go sport parachuting again, just for the fun of it this time.

[From the Union (S.C.) Daily Times, Jan. 15, 1973]

Parachutist Sets World Jump Record

Barnwell, S.C.—Denmark Merchant Woody Binnicker rested up today after setting a world record for the most parachute jumps within a 24 hour span.

He had hoped for 240 or more, but stopped after 17½ hours with his 201st jump from an altitude of 2,000 feet.

Binnicker said he was dog tired after the 201st leap. He said he was bothered by a sprained ankle that had to be re-taped during his marathon that he began at midnight Friday at the Barnwell airport.

He averaged about 11 jumps an hour, despite taking a 30-minute lunch break about noon Saturday.

The old record of 200 jumps within 24 hours was set by a Canadian.

Binnicker, a former army jumper with more than 3,000 leaps to his credit, and rated as the nation's fifth most experienced jumper, used two small planes and a crew of parachute riggers to accomplish his record.

The parachutist, who will be 36 this week, was foiled in a record try last spring, after more than 100 jumps, when bad weather set in.

In setting the record, Binnicker was on the ground about 15 seconds between each jump.

A team of four men unbuckled his rig and strapped on another and he stepped back into the plane. Planes were changed after each 10 jumps to keep their fuel load, and weight, down for faster takeoffs.

The teams rigging the parachutes, drawn from sports parachute clubs, as were the chutes, were changed every four hours.

UNDERSTANDING GENOCIDE

Mr. PROXMIRE. Mr. President, one of the most serious objections raised against article II of the Genocide Convention is that it is too vague. Although this complaint did not seem to bother the Senate Foreign Relations Committee, it recommended two understandings in order to allay the objections of some of the convention critics.

Article II states that genocide occurs when there is the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group." This article goes on to say that the following acts are considered genocide:

First, killing members of the group;

Second, causing serious bodily or mental harm to members of the group;

Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth, imposing measures intended to prevent births within the group; and

Fifth, forcibly transferring children of the group to another group.

Critics of the convention have claimed that the phrases "in whole or in part" and "mental harm" need clarification. The committee therefore took on the task of meeting the objections by adding the understandings.

The first understanding states that the United States interprets article II to mean that the intent to commit genocide must be proven and that the act must affect a substantial part of the concerned group. The purpose of this understanding is to make it clear that acts such as lynching, school busing, the dispensing of birth-control materials, and police actions against militant groups do not in themselves, in the committee's opinion, constitute genocide. These acts would only be considered genocide if it could be proven that there was the intent to destroy the group.

During his appearance before the committee in 1950, then Deputy Under Secretary of State Dean Rusk testified:

> The legislative history of Article II shows that the United Nations negotiators felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide but rather that genocide meant the partial destruction of such a group with the intent to destroy the entire group concerned.

The second understanding states that the United States construes "mental harm" to mean permanent harm to a person's mental faculties. This statement is an attempt to make it clear that mental harassment and other forms of mental cruelty, no matter how reprehensible, do not constitute genocide.

Contrary to the opinions of its critics, the Genocide Convention is neither vague nor ambiguous about which acts are considered to be genocide. The convention, fortified by the understandings, says that there must be an intent to destroy a group, and it lists five specific acts which constitute genocide.

Genocide is a crime against humanity. It is time that the United States join with the 75 other nations who have ratified the convention to say that genocide will not be tolerated. I urge the prompt ratification of this important convention

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If not, morning business is closed.

CONFIRMATION BY THE SENATE OF APPOINTMENTS TO OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The **ACTING PRESIDENT** pro tempore. Under the unanimous-consent agreement the Chair now lays before the Senate the unfinished business, S. 518, which will be stated.

The bill was read by title as follows:

> A bill (S. 518) to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The Senate proceeded to consider the bill.

REVISION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of the 3 hours in the agreement reached yesterday, the time be reduced to 2 hours, because the factor which caused us to ask for 3 hours has been removed. Otherwise, the unanimous-consent request will remain the same.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Montana (Mr. METCALF), who is now presiding over the Senate, I ask unanimous consent that at such time as S. 518 is laid before the Senate today and the Senate resumes its consideration thereof, Mr. Winslow Turner, of the Government Operations Committee, be permitted the privilege of the floor during the consideration of that measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that Robert B. Smith, Jr., Eli E. Nobleman, and W. P. Goodwin, members of the professional staff of the Committee on Government Operations, be permitted to remain on the Senate floor during consideration of S. 518.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Debate on this bill will be limited to 2 hours on the bill, 30 minutes on amendments in the first degree, 20 minutes on amendments to amendments, debatable motions or appeals, with the time to be equally divided and controlled between the mover thereof and the Senator from North Carolina (Mr. ERVIN).

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be not charged to either side, and without the Senator from North Carolina losing his right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Carolina is recognized. Does he yield himself time?

Mr. ERVIN. Mr. President, I yield myself such time out of the time allotted to me as I may require.

Mr. President, the pending bill, which I have introduced, with the cosponsorship of 32 Senators, would require that, on the day following the effective day of this act, appointments made by the President to fill the offices of Director and Deputy Director of the Office of Management and Budget be subject to the advice and consent of the Senate; and no individual shall hold either such position 30 days after that date unless he has been so appointed.

This bill, which was ordered reported unanimously by the Committee on Government Operations on Friday, January 26, has as its sole objective—to afford the Senate an opportunity to inquire into the qualifications, background, and fitness of these officials in the same manner as is required for virtualy all other policymaking officials in the executive branch of the Government.

Although the language and purpose of this bill are simple and uncomplicated, underlying this measure is an important constitutional principle—checks and balances.

The question of the power of the President to make appointments was a troublesome one to the Founding Fathers, who devoted many hours to its consideration during the Constitutional Convention. Following the consideration of several alternatives, the Convention adopted the laguage now found in article II, section 2, clause 2 of the Constitution:

> * * * he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . all other officers of the United States whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, . . . or in the Heads of Departments.

Referring to the reasons for the adoption of this provision, Mr. Justice Story, in his celebrated Commentaries on the Constitution, after reviewing the alternatives and the compromise adopted, stated (Vol. 3, pp. 376 ff.):

> The president is to nominate, and thereby has the sole power to select for office; but his nomination cannot confer office, unless approved by a majority of the Senate. His responsibility and theirs is thus plete and distinct. He can never be compelled to yield to their appointment of a man unfit for office; and, on the other hand, they may withhold their advice and consent from any candidate, who in their judgment does not possess due qualifications for office. Thus, no serious abuse of the power can take place without the cooperation of two coordinate branches of the government, acting in distinct spheres; and, if there should be any improper concession on either side, it is obvious, that from the structure and changes, incident to each department, the evil cannot long endure, and will be remedied, as it should be, by the elective franchise. The consciousness of this check will make the president more circumspect, and deliberate in his nominations for office. He will feel, that in case of a disagreement of opinion with the Senate, his principle vindication must depend upon the unexceptionable character of his nomination. And in case of a rejection, the most that can be said, is that he had not his first choice. He will still have a wide range of selection; and his responsibility to present another candidate entirely qualified for the office, will be complete and unquestionable.

Pursuant to article II, section 2, clause 2 of the Constitution, Senate confirmation has, since the earliest days of the Nation, been required for appointments to every major policymaking position in the executive branch, and in the regulatory agencies. Even in the Executive Office of the President, where the principal officers of agencies placed therein serve as staff advisers to the President, as well as heads of operating agencies, in many instances, Senate confirmation has been required.

Thus, the advice and consent of the Senate is required for the appointment of the Director, Deputy Director, and two Assistant Directors of the Office of Emergency Preparedness; the Director and Deputy Director of the Office of Science and Technology; the Director and Deputy Director of the Office of Telecommunications Policy; all of the members of the Council of Economic Advisers and the Civil Service Commission; the Executive Director of the National Aeronautics and Space Council; the Director, Deputy Director, and five Assistant Directors of the Office of Economic Opportunity; the Director and Deputy Director of the Special Action Office for Drug Abuse Prevention; and the Chairman and six members of the Price Commission and the Pay Board.

The question that now occurs is why the Congress, when it established the Bureau of the Budget in 1921, did not require Senate confirmation of the appointments of the Director and his principal assistant.

An examination of the legislative history of the Budget and Accounting Act, 1921, reveals that although the question was raised, in view of the nature of the duties of the Director, and his relationship to the President, Senate confirmation was not required. It must be recalled that the duties involved related primarily to the formulation of the President's budget, and study and advice to the President relative to the organization, activities, and services performed by Federal agencies. Concluding that the Director and his deputy were expected to perform services which were administrative and personal to the President, the Congress, exercising its authority under the Constitution relative to the appointment of "inferior officers," vested the appointment of these officers in the President alone.

Now let us examine, in greater detail, the original duties and functions of this agency.

Originally established in the Department of the Treasury to serve as an institutional aid to the President, the Bureau of the Budget, was to assist the President in coordinating activities and managing the execution of programs and policies. In adition to being the budget agency of the Federal Government, when directed by the President, it was to "make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes—with a view to securing greater economy and efficiency in the conduct of the public service—should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services." The results of such studies were to be embodied in reports to the President with authority in him to transmit such reports, or any parts thereof, with his recommendations, to the Congress.

By Reorganization Plan No. 1 of 1939, the Bureau of the Budget was transferred from the Treasury Department to the Executive Office of the President, together with all of its functions. The plan provided further that all of the Bureau's functions were to be administered by the Director under the direction and supervision of the President.

By Executive Order No. 8248, dated September 8, 1939, the President listed the functions and duties of the Bureau of the Budget, as follows: First, to assist the President in preparing the budget and formulating the fiscal program of the Federal Government; second, to supervise and control the administration of the budget; third, to conduct research in the development of improved plans of administrative management and to advise the executive department and agencies with respect to improved administrative organization and practice; fourth, to aid the President in bringing about more efficient and economical conduct of the Government service; fifth, to assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action to be taken; sixth, to assist in the consideration, clearance and preparation of proposed executive orders and proclamations; seventh, to plan and promote the development, coordination, and improvement of the Federal and other statistical services; and eighth, to keep the President informed of the progress of activities of Government agencies with respect to work proposed, actually initiated, and completed.

By Reorganization Plan No. 2 of 1970, the Bureau of the Budget was redesignated as the Office of Management and Budget, and all functions vested by law in the Bureau of the Budget, or its Director, were transferred to the President.

Executive Order 11541, dated July 1, 1970, transferred to the Director of the Office of Management and Budget—hereinafter referred to as OMB—all of the functions vested by the plan in the President, and continued in effect all outstanding delegations, rules, regulations, and other forms of executive or administrative action issued or taken by or relating to the Bureau of the Budget, prior to the effective date of the reorganization plan.

Since 1939, vast changes have occurred in the structure, responsibilities, and authority of the Office of Management and Budget—the name was changed from Bureau of the Budget by Reorganization Plan No. 2 of 1970—with a current staff of nearly 700 persons, this agency, originally established by the Congress as a management tool and institutional aid for the President, has developed into a super department with enormous authority over all of the activities of the Federal Government. Its Director has become, in effect, a Deputy President who exercises vast, vital Presidential powers.

OMB determines line by line budget limitations for each agency, including the regulatory commissions. Following authorization by the Congress of programs and activities, and the funding of such activities, the Office of Management and Budget develops impoundment actions, limiting the expenditures of funds for programs approved by law to those falling within the President's priorities, rather than those established by the Congress. By statute, the Director of OMB has authority to apportion appropriations, approve agency systems for the control of appropriated funds and establish reserves.

The Budget and Accounting Act, 1950, as amended, gave the Director important powers over agency accounting and budget systems and classifications, statistical performance and cost-information systems.

Under numerous other statutes, or by Presidential delegations, the Director of OMB has been given a vast number of additional functions. These include, but are not limited to, formulating and issuing rules and regulations relating to: First, coordination of Federal aid programs in metropolitan areas under the model cities legislation; second, the administration of grant-in-aid funds; third, special and technical services to State and local governments; fourth, formulation, evaluation, and review of Federal programs having a significant impact on area community development; fifth, policy guidelines relative to Government competition with private enterprise and the use of technical service contracts; sixth, user charges to be paid by individuals receiving special services from Government agencies; and seventh, Government employee training programs with regard to absorption of costs.

The Director of OMB also exercises control over the nature and types of questionnaires, surveys, reports, and forms which may be issued and utilized by Government agencies. In addition, together with the Chairman of the Civil Service Commission, he determines Federal pay comparability adjustments. Finally, the Director and his staff exercise oversight and control over the management of, and expenditures for, national security programs, international programs, defense expenditures, natural resources programs, and many others having a direct impact upon the economy and security of the Nation.

Mr. President, at this point in my remarks, I ask unanimous consent to print in the RECORD a compilation of 67 statutory provisions, contained in 13 titles of the United States Code, which state various statutory functions and responsibilities of the Office of Management and Budget and its Director. I desire to make it perfectly clear that I do not know whether this list is all-inclusive. It is the best that I have been able to do in the time available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VARIOUS STATUTORY FUNCTIONS OF THE OFFICE OF MANAGEMENT AND BUDGET AND ITS DIRECTOR

TITLE 5, UNITED STATES CODE

305(b): Prescribing and administering regulations on the systematic and continuing review by Federal agencies of the operations of their activities, functions, or organization units.

4111(b): Prescribing regulations on the reductions to be made from payments by the government to employees for travel, subsistence, or other expenses incident to training in a non-government facility or to attendance at a meeting.

4112(a): Providing by regulation, to the extent considered practicable, for the absorption of costs of training programs and plans under chapter 41 of title 5, U.S.C. by the respective agencies from applicable appropriations or funds available for each fiscal year.

5301–5304 (as affected by E.O. 11073, as amended): In collaboration with the Chairman of the Civil Service Commission, conducting an annual review of comparability of Federal salary rates with those of private enterprise and reporting to the President thereon.

5514(b): Approving regulations prescribed by heads of agencies on installment deductions from pay for indebtedness because of erroneous payments.

5702(a): A designee of the President (who may be the Director of the Bureau of the Budget or another U.S. officer) may establish maximum rates of per diem allowances for travel outside the continental U.S.

5707: Prescribing regulations necessary for the administration of 5 U.S.C. 5701–5708, regarding travel and subsistence expenses and mileage allowances.

5903: Prescribing regulations necessary for the uniform administration of subchapter I of chapter 59 of title 5 of the U.S. Code, on uniform allowances.

5943(a): Making recommendations to the President on meeting losses sustained by employees and members of the uniformed services while serving in a foreign country due to the appreciation of foreign currency in its relation to the American dollar.

5943(d): Reporting annually to Congress all expenditures made under 5 U.S.C. 5943 (cf. 5943(a), above).

8147(a): Receiving annually from the Secretary of Labor estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

TITLE 7, UNITED STATES CODE

1736(a): The Director of the Bureau of the Budget is made a member of an advisory committee which is directed to survey the general policies relating to the administration of the Agricultural Trade Development and Assistance Act of 1954, as amended, etc.

TITLE 10, UNITED STATES CODE

126(b): Approving intradepartmental transfers of employees of the Department of Defense by the Secretary of Defense (which transfers relate to transfers of functions, etc., by the Secretary).

1074(b): Approving rates of reimbursement to the Veterans Administration by the Department of Defense or the Department of Health, Education, and Welfare for medical and dental care provided by VA under agreement for members or former members of uniformed services.

1085: Establishing rates of reimbursement to appropriations for maintaining and operating facilities which provide inpatient medical or dental care to members or former members of uniformed services.

2210(b): Approving obligations incurred against anticipated reimbursements to stock funds in amounts determined by the Secretary of Defense.

TITLE 12, UNITED STATES CODE

687(g)(2)(D): Accounting with respect to Federal expenditures to business by executive agencies, which accounting is for inclusion in annual reports of the Small Business Administration.

TITLE 18, UNITED STATES CODE

4124: Director is a member of a board which is directed to arbitrate disputes as the price, quality, character, or suitability of prison industries products.

TITLE 22, UNITED STATES CODE

2679: Approving regulations prescribed by the Secretary of State on maximum rates of per diem in lieu of subsistence for foreign participants in exchange-of-persons programs, etc.

2684: Approving determinations of the Secretary of State that administrative services can be performed more advantageously and more economically as central services.

TITLE 24, UNITED STATES CODE

168a: Approving per diem rate to be paid by agencies to Saint Elizabeths Hospital for care of patients.

TITLE 28, UNITED STATES CODE

605: Receiving, and making recommendations with respect to, estimates of the expenditures and appropriations necessary for the maintenance and operation of the courts and the Administrative Office of the U.S. courts, etc.

TITLE 31, UNITED STATES CODE

1-24: Being titles I and II of the Budget and Accounting Act, 1921, as amended.

18a: The President, through the Director of the Bureau of the Budget, is authorized, and directed to evaluate and develop improved plans for the organization, coordination, and management of the executive branch.

18b: The President, through the Director of the Bureau of the Budget, is authorized and directed to develop programs and to issue regulations and orders for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information by executive agencies.

18c: Consultation with heads of agencies on actions necessary to achieve, insofar as possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs by organizational units.

25: Providing the Congress a horizontal budget showing (a) the totality of the programs for meteorology, (b) the specific aspects of the program and funding assigned to each agency, and (c) the estimated goals and financial requirements.

53(e): Requesting information relating to expenditures from the Comptroller General.

65: With the Comptroller General and the Secretary of the Treasury, conducting a continuous program for the improvement of accounting and financial reporting in the government.

66b(a): Requiring the inclusion, in Treasury Department reports presenting the results of the financial operations of the government, of financial data needed for the preparation of the Budget or for other purposes of the Bureau of the Budget.

301(a): Membership of the Director on the Joint Commission on the Coinage.

623: As nearly as may be practicable, eliminating unnecessary words from all estimates and making uniform the language commonly used in expressing purposes or conditions of appropriations.

624: Annexing to the annual estimates of appropriations a statement of the appropriations for the service of the year, which may have been made by former Acts.

665: The anti-deficiency Act (apportionments, etc.). CF. sec. 16 of E.O. 6166.

703: Receiving reports of Comptroller General on operations under 31 U.S.C. 701-708 (concerning appropriation accounts).

841-871: Government Corporation Control Act. Pertains to budgeting, etc., with respect to government corporations.

1151-1153: Assigns to the Director of OMB (and others) the responsibility for developing and maintaining a standardized information and data processing system for budgetary and fiscal data together with a set of standard classifications for Federal programs, activities, receipts, and expenditures, that will serve both the Congress and the executive branch.

TITLE 33, UNITED STATES CODE

947: Approving allocation by the Secretary of Labor, between certain appropriations and a certain Fund, of the expenses of administration of the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers Compensation Act.

TITLE 38, UNITED STATES CODE

616: Approving per diem rate charged the Veterans' Administration for care and treatment of veterans in hospitals of certain other agencies.

774: Membership of Director of the Bureau of the Budget on the Advisory Council on Servicemen's Group Life Insurance.

TITLE 39, UNITED STATES CODE

2201: Approving inter-appropriation transfers of funds by the Post Office Department (not to exceed 5% of the appropriation).

TITLE 40, UNITED STATES CODE

461(1)(1): Establishing standard metropolitan statistical areas (in conjunction with grants for comprehensive planning of non-Federal public works).

475(b): Authorizing any Federal agency to use, for the disposition of property under the Federal Property and Administrative Services Act of 1949, any funds appropriated, allocated, or available for purposes similar to those provided for in 40 U.S.C. 481 (procurement, warehousing, etc.), 483 (property utilization), 484 (disposal of surplus property), and 486 (policies, regulations, and delegations).

483(a): Approving the extent of reimbursement for transfers of excess property as prescribed by the Administrator of General Services.

485(b): Determining quarterly the amount which may be obligated from a Treasury fund containing proceeds from dispositions of real and related personal property.

486(f): Approving provisions made by Administrator of General Services for the transfer from GSA to another agency of personnel, records, property, and funds when any function under the Federal Property and Administrative Services Act is assigned to such other agency.

487(a)(2): Receiving reports on excessive inventory levels in Federal agencies from the Administrator of General Services.

490(d): Transferring to the Administrator of General Services functions of another agency with respect to the operation, maintenance, and custody of any office building, with exceptions.

490(i)(2): Approving regulations prescribed by the Administrator of General Services on installation, repair, and replacement of certain sidewalks, installations, properties, or grounds.

754: Receiving reports from the Administrator of General Services on intra-agency transfers of funds made in connection with intra-agency rearrangement of functions, etc.

755(b): Determination as to transfers to the General Services Administration, from other agencies, of records, property, personnel, appropriations, allocations, and other funds.

759(g): Exercising fiscal policy control in relation to automatic data processing equipment; and deciding certain disagreements between the Administrator of General Services and other agencies.

TITLE 42, UNITED STATES CODE

2615(a): Approving inter-agency transfers of funds appropriated under the authorization of the Manpower Development and Training Act of 1962.

3334(c): If designated therefor by the President, prescribing rules and regulations deemed appropriate for the effective administration of the section (being sec. 204 of the Demonstration Cities and Metropolitan Development Act of 1966).

4222: Determining, through rules and regulations, specialized or technical services which Federal departments and agencies have special competence to provide a State or political subdivision upon request (in connection with the administration of State or local governmental activities; provision is section 302 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.)).

4233: If designated therefor by the President, prescribing such rules and regulations as are deemed appropriate for the effective administration of Title IV of the Intergovernmental Cooperation Act of 1968 (relating to development assistance programs, etc.).

TITLE 44, UNITED STATES CODE

1108: Approving use of sums from the appropriations available for printing and binding for the printing of journals, magazines, periodicals, and similar publications.

3501-3511: Coordination of Federal Reporting Services (formerly the Federal Reports Act of 1942).

TITLE 50, UNITED STATES CODE

403f(a) Approving transfers of funds to or from the Central Intelligence Agency.

Mr. ERVIN. Mr. President, in addition I ask unanimous consent to have printed at this point in my remarks an extract from the Office of Management and Budget Manual, dated April 25, 1972, which sets forth the primary functions of OMB and citations and summaries of 14 of the principal Executive orders delegating authority to the Director or the Office. Again, I point out that these ere not all-inclusive and there are probably many more.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET MANUAL

200-3. GENERAL STATEMENT OF PRIMARY FUNCTIONS

The Office of Management and Budget is charged with a basic responsibility for assisting the President in the development and effective management of Federal programs. Within this framework, the primary functions of the Office of Management and Budget are as follows:

a. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.

b. To supervise and control the administration of the budget.

c. To keep the President informed of the progress of activities in agencies of the Government with respect to programs proposed and undertaken.

d. To develop improved budgetary, accounting, and other financial management practices for the executive branch.

e. To develop more effective techniques for the evaluation of the impact of governmental programs and the adequacy of governmental services.

f. To devise programs for more effective development and utilization of career executive talent in the Federal service.

g. To formulate and coordinate programs for the improvement of the management and organization of the executive branch of the Government.

h. To plan and promote the improvement, development, and coordination of Federal statistical services and management information systems.

i. To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

j. To aid the President in achievement of more efficient and economical conduct of governmental programs through identification of outmoded programs and reduction of duplicate effort.

k. To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations.

200-4. RELATED EXECUTIVE ORDERS

Principal Executive orders relating to the Office are:

a. Executive Order No. 8248 of September 8, 1939 (4 F.R. 3864), which specified the functions of the Bureau of the Budget in the Executive Office of the President (see section 200-3).

b. Executive Order No. 9094 of March 10, 1942 (7 F.R. 1972), which provides for coordination and planning of Federal mapping and chart-making activities.

c. Executive Order No. 9384 of October 4, 1943 (8 F.R. 13782), which provides for review of Federal public works and improvement projects.

d. Executive Order No. 10033 of February 8, 1949 (14 F.R. 561), which requires approval for responses by Federal agencies to statistical inquiries from intergovernmental organizations.

e. Executive Order No. 10253 of June 11, 1951 (16 F.R. 5605), which provides specific authority for development of programs and issuance of regulations for the improvement of Federal statistical activities.

f. *Executive Order No. 10579 of November 30, 1954* (19 F.R. 7925), which provides for decisions on appeal by an agency from any determination by the Administrator of General Services with respect to the establishment of an interagency motor vehicle pool or system.

g. *Executive Order No. 10900 of January 5, 1961* (26 F.R. 143), as amended by Executive Order No. 11036 of July 11, 1962 (27 F.R. 6653), which delegates a part of the President's authority to fix amounts of foreign currencies to be used for various purposes and to waive certain statutory requirements.

h. *Executive Order No. 11030 of June 19, 1962* (27 F.R. 5847), as amended by Executive Order No. 11354 of July 1, 1967 (32 F.R. 7695), which provides for clearance for the President of Executive orders and proclamations (see Section 200-3k).

i. *Executive Order No. 11060 of November 7, 1962* (27 F.R. 10925), which requires establishments of rates for hospital care and treatment furnished by the United States for use in connection with recovery from tortiously liable third person.

j. *Executive Order No. 11073 of January 2, 1963* (28 F.R. 203), which requires the Director and the Chairman of the Civil Service Commission to submit annually to the President certain reports relating to Federal pay rates pursuant to 5 U.S.C. 5302.

k. *Executive Order No. 11466 of April 18, 1969* (34 F.R. 6727), which authorizes the designation of projects for joint funding under section 612 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2962) and section 406 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3886) and to designate or provide criteria for the designation of one Federal agency to act for all participating agencies in administering any such jointly funded projects.

l. Executive Order No. 11541 of July 1, 1970 (35 F.R. 10737), which delegates to the Director of the Office of Management and Budget the functions transferred to the President by Reorganization Plan No. 2 of 1970.

m. Executive Order No. 11592 of May 6, 1971 (36 F.R. 8555), which delegates to the Director the functions of granting certain approvals under provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970.

n. Executive Order No. 11609 of July 22, 1971 (36 F.R. 13747), which delegates to the Director of the Office of Management and Budget the exercise of statutory authorities of the President involving (1) regulatory functions with respect to quarters and facilities, (2) transfers of balances of appropriations, (3) interagency land transfers, land acquisitions, contracts for land acquisitions and other land transactions, and (4) allocation of funds for management improvement.

200-5. ORGANIZATION

The Office consists of the Office of the Director and the following divisions, the organization and functions of which are set forth in subsequent Sections:

a. Divisions:

(1) Organization and Management Systems
(2) Program Coordination
(3) Executive Development and Labor Relations
(4) Statistical Policy
(5) Management Information and Computer Systems
(6) Legislative Reference
(7) Budget Review
(8) Evaluation
(9) Economics, science, and Technology Programs
(10) General Government Programs
(11) Human Resources Programs
(12) International Programs
(13) National Security Programs
(14) Natural Resources Programs

(NOTE.—Approved: April 25, 1972)

Mr. ERVIN. Mr. President, even a cursory examination of the statutory powers, functions and responsibilities of the Director of the Office of Management and Budget, as well as the numerous Presidential delegations, demonstrate beyond any shadow of a doubt, that if this office was once considered "inferior," and its incumbent was once considered an "inferior officer," that status no longer applies.

Over the years, by statute, Executive order and other Presidential delegations, the OMB has developed into a major governmental agency with enormous policymaking and operational functions, responsibilities, and authority. It has become a super Cabinet agency, and its Director, wielding vast Presidential powers, exercises a very high degree of control over all executive branch departments and agencies, including the regulatory agencies, as well as over all of the policies and programs enacted by the Congress.

Mr. President, I might add at this point, as those of us who are chairmen of committees and subcommittees well know, that when we request a department, agency, or office of the United States for information concerning the opinion of that department or agency or officer in respect to proposed legislation, that department or agency or officer does not even reply to information on that point without the permission of the Office of Management and Budget.

I hasten to add that by so doing, the Office of Management and Budget, in effect, controls the request of the legislative branch of the Government for information about the Government.

Mr. President, I desire to make it clear that I do not take issue with the President's requirement for an institutional aid to assist him in exercising management and control over the Federal budget and the executive branch. I believe, however, that such requirement must be balanced with the constitutional role of the Congress in the formulation, finalization, and execution of national policy.

I have therefore concluded, and the Committee on Government Operations, which I am privileged to serve as chairman, concurs unanimously, that the reasons which were the basis for the immunity from Senate confirmation of the Director and Deputy Director of the Office of Management and Budget no longer exist, and that persons chosen by the President to fill these important centers of national power should be subject to the same scrutiny by the Senate as is required for all other nominees to policymaking positions in the Government.

It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Director or Deputy Director of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States.

I urge the Senate to pass the bill.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I am glad to yield to the distinguished Senator from Wyoming.

Mr. McGEE. Mr. President, I want to join in supporting the sentiments expressed by my colleague, the distinguished Senator from North Carolina. I think it is a constructive way to approach the question that faces us now, and that is, because of the changing times and the force of events which have required a new look at a lot of procedures, it is well that we seek to resolve the issue constructively rather than resolve it in passion or confrontation.

There is one other aspect of the matter that has disturbed me. I am chairman of the Agriculture Department appropriations, and I think it is important that we become very wise about limiting budgets. I think the President is certainly serving the country well when he expresses this concern. But, as chairing a group which deals with appropriations for agriculture, I find it likewise posing a very serious question for us.

Last year, right about this time, the President and the OMB sent to us a request for agriculture moneys, for agencies under the Department of Agriculture. Nowhere in that request did it say that the REA loan program ought to be abolished, that that action was long overdue, or that it was a country club lark, as the White House said this week. Nowhere did it say we ought to abolish REAP. In fact, in the OMB's budget request, through the President, asked for new funds for both of those ongoing programs.

I select those as examples, not alone because they have been very successful programs, at least in rural America, but because here was a specific request by the administration. We held, in good faith, long hearings on them, and tried to arrive at an equitable answer. We arrived at our figure, which was slightly higher than the President's, because the demands were several times what the OMB had requested in these areas. We tried to be as fairminded and as economical as we could be. The President looked at those figures and signed them into law, under the processes of our Constitution. Then, last Christmas time, on his own, he did not simply cut back those programs to the funds he had requested, but he wiped them out by a unilateral action.

As I see it, that does violence to our legislative-executive processes under the Constitution. He asked for the moneys on those programs. He did not request that they be abolished. But then, on his own, he wiped them out. I read about it in the Washington newspapers the day it was going to happen.

That is why I am reluctant to hold new hearings on agricultural requests, because of the reasonable suspicion that we would just be spinning our wheels—that it is an attempt to keep us busy. Not one of us can be certain that they will not wipe out something else that we spend a lot of time evaluating.

So I would like to add to the approach the Senator is taking that somehow we have to draw a line and help Congress define what the legislative approach is all about. That is why I have already announced that I do not want to have anything to do with receiving a new request for that department of the government unless we can go back under the Constitution to where we were, on the basis of the President's request, a year ago.

So I would ask what the parliamentary procedure is here. Is this setting out the dimensions of the problem? Are we going to vote on it today or Monday? I was gone yesterday. I was circling airports until 3 o'clock this morning.

Mr. ERVIN. I hope this bill will be passed today. I think it is very essential.

I would say to the distinguished Senator from Wyoming that an ad hoc subcommittee of the Committee on Government Operations and the Separation of Powers Subcommittee of the Committee on the Judiciary are at this moment conducting hearings on the bill relating to impoundment actions and the termination of programs by the President, and we hope to come up with answers to this problem.

In my judgment, the constitution provides the President only one way by which he can disapprove of any act of Congress, or disapprove of other legislative actions, and that is by the veto, which gives the Congress the power, by a two-thirds vote of both Houses, to override the veto.

In my judgment, there is nothing in the Constitution which permits the President to refuse to perform his constitutional duty to take care that the laws be faithfully executed, and in my judgment he has no power to express disapproval or to limit the action of laws passed by Congress except to the extent permitted by the Anti-Deficiency Act; and the Anti-Deficiency Act, in my judgment, clearly does not vest in the President, or any of his subordinates, the power to eliminate programs adopted pursuant to congressional acts which the President has signed.

Mr. McGEE. I appreciate that evaluation. I want to ask one other question of the Senator. Would he agree that the two cases that I have cited here, that disturb me under my responsibilities in looking at agriculture appropriations requests, are a shade different from the impoundment issue per se? I think that is an important issue, too, but here they are not even impounding the excess money we appropriated, but wiping out two programs for which funds had been requested.

Mr. ERVIN. Yes, the Senator is correct; that is an exercise of a power greater than any possible impoundment power, because it results in the ending of a program established by an act of Congress, which has been approved by the President himself. I believe there is only one way under the Constitution to nullify an act of Congress, and that is that the only way, by a veto, which is subject to being overridden.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGEE. I have just one other point——

Mr. ERVIN. Because the power to end the effectiveness of any act of Congress, including an appropriation act, is a legislative power, and nobody on earth can put an end to statute of Congress except Congress by repeal of that statute.

Mr. McGEE. I have not had a chance to consult. I do not know what the intentions are, but I would certainly hope we are going to be recorded on this vote. I have served notice here that whenever the leadership wants to bring this to a head, I would request that we have a rollcall vote on it. Again, I was not here yesterday, so I do not know what the agreement was, but I will be prepared whenever the appropriate time arrives to ask for the yeas and nays. I shall not do it at this moment, because I understand others want to speak.

Mr. ERVIN. It is my understanding that the leadership desires to have the Senate act on this bill at the earliest possible moment, and perhaps the best way to do that is by voice vote rather than by rollcall vote.

Several Senators addressed the Chair.

Mr. McGEE. I would have to insist on the yeas and nays, because I would like to stand up and be counted.

Mr. MANSFIELD. Mr. President, I do not think there is any doubt as to where the Senator stands, on the basis of what he says, but there was an agreement entered into yesterday by which it was understood that we would be able to get a time limitation today. It was cleared with the parties concerned. Every Member was not on the floor, that is true, and if the Senator wants a vote that is perfectly all right, but I would point out this, that the agreement was, or the suggestion was made—the agreement was made that if there was to be a rollcall vote, it would go over until Monday. If there was not to be a rollcall vote, it was thought that the bill would pass with little or no opposition today on a voice vote basis.

The important thing is, if Senators want to make their stand known, that they get up and say what it is. The important thing is to get a bill of this nature through, and as quickly as possible.

Mr. McGEE. Might I ask the leadership, if it is permissible, if we lay over until Monday on a rollcall vote, what the impact or consequence would be, timewise, for the proposal that we are considering here?

Mr. MANSFIELD. I would not care to judge that, because I do not think it is worth judging. All I am thinking of are the Members who were given the assurance, such as it was, yesterday. As far as the majority leader is concerned, he does not care whether we vote today, Monday, Tuesday, or Wednesday, but I want action on this bill as expeditiously as possible.

Mr. McGEE. I am ready for a yea-and-nay vote today. As I understand, we cannot have that.

Mr. MANSFIELD. No, we cannot have it today, because a commitment has been made.

Mr. McGEE. I would like to be reasonable, too. I simply inject this, at this moment: I was not here to get the benefit of that understanding.

Mr. MANSFIELD. There might be other Senators who will be up in the air on Monday or Tuesday morning, too. So you have got to take into consideration all the little factors.

Mr. McGEE. We should have a yea and nay vote for others who may be caught, as I was for 12 hours.

Mr. MANSFIELD. They still may be caught, yes.

Mr. McGEE. I would ask for the yeas and nays whenever an appropriate number comes.

Mr. PROXMIRE. I want to say to the Senator from North Carolina that I came over here for the same purpose as did the Senator from Wyoming. I want the yeas and nays, too, very much.

This is a tremendously important vote. It should be a rollcall vote. All of us should have the opportunity to make our position known, whether we choose to speak on it or not. I would want to support the Senator from Wyoming very strongly in his position. I hope that he will persist in insisting and doing everything he can, as a Senator, and so will I, to try to secure a rollcall vote. I think we should have it.

I understand the position of the leadership, of course, which the Senator from Montana has indicated. We all got the notices that there will be no rollcall vote today, but I would hope that we could have a rollcall vote on Monday. It makes no difference to me whether it is on Monday or Friday——

Mr. McGEE. Or on Tuesday. I do not want anyone to get caught up in the air as I was. My purpose is not to try to hurt someone who is out of town or is in an airplane, but to move toward a recording of the position of people on this particular question. I think it is a significant one, perhaps one of the most constructive significant ones we have tried to come to grips with. I would certainly prefer a rollcall vote.

Mr. ERVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CLARK). The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I yield myself such time as I may consume.

First, I wish to indicate that I agree with the general objective and general purpose of this legislation. Personally, I believe that a nominee for the Office of Director of the OMB should be subject to confirmation by the Senate.

I have come to that conclusion after taking into account the fact that the Office of the Bureau of the Budget was originally established by law, that the functions of the Director of the Bureau of Budget were subsequently transferred, pursuant to the Reorganization Act under a reorganization plan which had the effect of law, and that the Director of the OMB does exercise powers and functions that extend beyond just being an adviser or an aide to the President as a result of regulation and practice. As well as statutory law, the Director of the OMB has very broad powers and authority.

As I understand, it has been the custom and practice of the OMB Director or Budget Director to appear before the committees of Congress and testify.

I think it should be noted, at the outset that regardless of what the Congress does with request to this particular bill the legislation will not enlarge or diminish the scope of executive privilege when a witness from the executive branch is testifying. Whether or not the Director of the OMB is confirmed by the Senate, the same power of executive privilege, whatever it is and whatever its limitations are, would remain the same.

Having stated that, I wish also to make it clear that I would have no particular objection to requiring application of the confirmation principle to the incumbent Mr. Ash. But I must say—and I shall direct some questions to the manager of the bill (Mr. ERVIN) who is such an outstanding constitutional lawyer—that I have serious concern about the way this bill as now drafted seeks to achieve its objective.

To develop the reasons for my concern, let me begin by reviewing that provision in the Constitution which is basic to the issue now before the Senate. I refer to these words from article I:

> The President "... shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law:

The crucial words there are:

> And all other officers of the United States, whose appointments are not herein [in the Constitution] provided for, and which shall be established by law:

As I see it, the Director of OMB is an office established by law, and he is an officer of the United States.

So, it seems to me that the Senate might well have taken the position, in the absence of an express provision in a statute to the contrary, that a nominee for the office of Director of OMB was already subject to confirmation by the Senate. It is conceivable that the nominee might have been notified to appear for confirmation hearings before the appropriate Senate committee. If he had refused to appear, a question could have been raised as to his entitlement to be paid his salary in the absence of Senate confirmation. But the question raised in that manner would be very different than the question raised by this bill.

Mr. ERVIN. Yes. The Senator from North Carolina considered not only that but also the question of what effect a hiatus in this office for a period of time might entail. So the Senator from North Carolina had the bill amended so as expressly to provide that the present occupants of the office of the Director or Deputy Director of the Office of Management and Budget should hold office for 30 days after the bill becomes effective before they are required to become confirmed. In other words, to give the Senate 30 days in which to confirm the present occupants in that office if, indeed, the President wishes to nominate them. They can exercise the functions of the office or draw their salaries until the Senate acts on their nominations.

Mr. GRIFFIN. Let me say to the distinguished Senator from North Carolina that I am concerned, frankly, about the constitutionality of this bill as reported. The very reporting of this bill, it seems to me, is a concession on the part of the committee and the Senate that, at present, appointment of the OMB Director requires no confirmation on the part of the Senate. Is that not, in effect, the case?

Mr. ERVIN. So far as the statutes are concerned, that is true. But I seriously doubt whether this bill raises the constitutional question referred to because the Constitution says:

> He shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

I think it is a constitutional contradiction and monstrosity to say that the Director and the Deputy Director of the OMB are inferior offices, either one of them. They exercise more power in this country than any other officers of Government except the President himself.

Mr. GRIFFIN. I think the Senator is agreeing with my logic to some extent. I think the Senator is right. The OMB Director is a high officer. That being the case, we might have taken the position that under the Constitution, advice and consent by the Senate was required. However, as a matter of practice and by reporting this bill, the Senate has, in effect, conceded that such advice and consent is not necessary.

But let me get to the troubling point: I happened to be at the White House this morning. I was invited to go there to witness the swearing in of new officers—Cabinet officers, and so forth—and among those who were sworn in was the new OMB Director.

As I understand the situation now, Mr. Ash was appointed, he has taken the oath of office, and he has begun discharging his official duties. Furthermore, the Senate has conceded, in effect, that confirmation was not necessary.

That being the case, it seems to me that, insofar as the legislation before us purports to apply to the now incumbent OMB Director, it raises a constitutional question as to whether an officer of the United States can be removed from office in this manner.

Mr. ERVIN. I would say, in response to that, that neither Mr. Ash nor any other official has property rights in his office. The courts have long since exploded the theory that the office is the property of the occupier. This office belongs to the American people.

Mr. GRIFFIN. I have no quarrel with that. Let me state again that I am in favor of the objectives of the legislation. But I wonder whether the legislation goes about it in the right way.

Of course, the Constitution provides that an officer can be impeached. The President has the power to remove an officer within the executive branch, as I understand. I suppose it is clear that Congress could pass a law and abolish an office which it created.

But once an officer has been appointed and duly installed, as is the case with the incumbent OMB director, I doubt that Congress can remove him from office in the manner proposed by this bill.

Mr. ERVIN. I say to the Senator that when the original bill establishing the Budget Bureau, which is now the Office of Management and Budget, was considered by Congress, the Senate took the position that the nomination of the Director of the Bureau of the Budget should be confirmed by the Senate, and that was incorporated in the bill as it passed the Senate. The bill went to the House; and the House took the position that a man who had no power at that time to do anything except to add up a few figures for the President's benefit, and advise him on certain specified matters, was an inferior officer within the purview of the Constitution, and they rejected the provision of the bill making the office subject to Senate confirmation.

The conference committee accepted the House position that any officer who had no more power than the original director of the budget had in 1921 was, indeed, an inferior officer. As a result of that action by the conference, the bill, in final form, failed to require confirmation.

But many events have occurred since that time. As I pointed out in my argument, you cannot even get a responsible letter from a department or an agency or an officer of the Executive Branch of the Federal Government, or even receive a communication, without the permission of this office.

Mr. GRIFFIN. I am not arguing with the Senator from North Carolina about the merits of the bill or whether or not the nomination of a person for this office should be subject to confirmation. I raise a different fundamental question.

Let me ask the Senator from North Carolina this question: Congress having taken the position it has in the past—that confirmation of this appointment is not required—and the Senate committee having reported this bill which concedes, in effect, that confirmation was not a requirement; the appointment having been made; and the present incumbent having taken the oath of office, what would be the effect of this bill upon the present incumbent?

Mr. ERVIN. I say to the Senator that I think that an officer of the Government who makes studies and recommendations to the President by which acts of Congress, to all practical extent, are terminated, and by which there is a decision to refuse to expend appropriations made by Congress, and signed into law by the President, ought to be subjected to scrutiny by the Senate on his merits. The Director of OMB already has more governmental power than any other of the 20 million human beings residing in the United States, except the President of the United States.

Mr. GRIFFIN. I agree with the Senator from North Carolina again concerning the purposes of this bill. I would have no question about the legislation at all if it applied only to future appointments. But it seems to me that there is a serious question about its applicability on a retroactive basis to an official who is already in office.

I seriously doubt that we can remove an officer of the United States in this manner—and that appears to be what the bill would do. Is that what will be the effect of this?

Mr. ERVIN. No. This bill would only give the Senate the power to consider the qualifications and fitness of the present occupants of the offices of Director and Deputy Director, after they have served not to exceed 30 days following the passage of the bill.

Mr. PROXMIRE. Mr. President, will the Senators yield?

As was indicated, the Senator from Wyoming and the Senator from Wisconsin are both anxious to get a rollcall vote ordered—not today. We understand there will not be one today. Would the Senators permit that we have a short quorum call in order to get more Senators in the Chamber?

Mr. GRIFFIN. If we can have unanimous consent that the time will not be charged to either side. The time is limited.

Mr. PROXMIRE. Will the Senator yield for that purpose, with the understanding that the short quorum call will not be charged to either side, so that we can get Senators into the Chamber to ask for the yeas and nays, the vote to occur on Monday? Will the Senator from Michigan permit that? We have almost enough Senators in the Chamber to permit that now.

Mr. GRIFFIN. If we are going to have a rollcall vote on Monday—I direct this inquiry to the majority leader—I wonder whether we might want at least half an hour available prior to the vote for discussion.

Mr. MANSFIELD. That would be fine; but I would prefer, so that all Senators can be informed specifically, that the vote occur at a time certain on Monday, and I would suggest the hour of 2 p.m.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUDDLESTON). On whose time?

Mr. PROXMIRE. I ask unanimous consent that the time for the quorum call not be charged to either side. It will be a very brief quorum call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I express the hope that all the time would be used this afternoon on any amendments to be offered, and on the bill, too. I think it is mandatory that that be done.

It is my intention, after consultation with the distinguished acting Republican leader and the distinguished senior Senator from North Carolina, the manager of the bill, to ask that beginning at 1 o'clock on Monday next there be a time period of 1 hour to be equally divided between the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished minority leader, or whomever he may select, and that the vote on the pending matter occur not later than the hour of 2 o'clock on Monday next. I suggest also in connection with that the rule XII be waived, and that the time come out of each side.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not anticipate objecting, there was an understanding with the membership that there would be no rollcall votes today. I do not know whether there will be amendments offered today in connection with the debate, but there may well be, and if there are to be rollcall votes on amendments, will they also be carried over until Monday?

Mr. MANSFIELD. Absolutely. If we need extra time we will get it.

It is my understanding that the main interest of certain Members of the Senate is the vote on final passage, and it may be that we could pass on or reject amendments to be offered—I know of only one so far—on the basis of a voice vote.

Mr. GRIFFIN. With the suggestion that the time on this side be assigned to the ranking minority member of the Committee on Government Operations, I have no objection.

Mr. MANSFIELD. Perhaps the Republican leader would like to have the opportunity to select.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

Mr. MANSFIELD. I ask that the yeas and nays occur on Monday on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The text of the unanimous consent agreement is as follows:

Ordered, That, effective on Monday, February 5, 1973, at 1:00 p.m. during further consideration of S. 518, a bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, debate on the bill be limited to 1 hour, to be equally divided and controlled by the Senator from North Carolina (Mr. ERVIN) and the Senator from Pennsylvania (Mr. SCOTT) or his designee, with a vote on final passage to occur no later than 2:00 p.m.

SUPPORT FOR CONFIRMATION OF OMB DIRECTOR BY THE SENATE

Mr. PROXMIRE. Mr. President, on January 4, I introduced a bill to provide that the appointment to the Office of Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

I worded my bill in such a way that even if it does not become law until after Mr. Roy Ash takes on the job, Mr. Ash would have to be confirmed by the Senate before he could continue. I am pleased that the substance of my bill is before us today on the floor of the Senate.

It is an oversight that the Director of Office of Management and Budget does not have to be confirmed by the Senate. He is not a mere personal adviser to the President. Over the years, that office has grown tremendously. The Director runs one of the major agencies of the Government. He has life and death power over the appropriations of virtually every Department. In erecting the budget, subject only to the President, he determines our priorities. He has the power not only to spend but to speedup, withhold, slowdown, and impound funds. With the possible exception of the Secretary of Defense, he is the single most powerful man in the Government except the President. The Director of Office of Management and Budget should be confirmed by the Senate.

But it is even more important that the Senate review the qualifications of Mr. Roy Ash. While he has had considerable business success, great controversy also swirls around his head.

As head of Litton Industries he was in charge of two of the most wasteful and inefficient Navy contracts—the LHA and DD–963 contracts—any private company has held with the Government.

His company has made claims of over $160 million against the Navy, for which the Navy has allowed only a pittance. But Mr. Ash nonetheless threatened to "go to the President" on behalf of those claims. Now, as the head of OMB, he is in a position inside the Government to effect those claims. Congress must inquire about that.

Furthermore, the man who protected the public interest and blew the whistle on Mr. Ash and his claims, Mr. Gordon Rule, has now been demoted and assigned an insignificant job. Meanwhile, Mr. Ash has been given power over the entire spending program of the Federal Government.

More ironic, not only has Mr. Ash been designated as Director of the Office of Management and Budget, but the President has also assigned him the duty to oversee a program to bring efficiency to Government.

For all these reasons I highly favor this bill.

Mr. GURNEY. Mr. President, I wish to join the distinguished senior Senator from North Carolina (Mr. ERVIN) in support of his bill that would require that the appointments of the Director and the Deputy Director of the Office of Management and Budget be subject to confirmation by the Senate.

At present, the Office of Management and Budget employs nearly 700 people and has a yearly budget in excess of $19 million. More importantly, however, its power far exceeds its size, as the recent controversy over impoundment of funds has indicated.

The Bureau of the Budget was created in 1921 for the singular purpose of estimating Federal expenditures and revenues. Since then—and particularly since 1970 when it became the Office of Management and Budget—the role of this agency has grown far beyond that envisioned by Congress when it exempted the Director and Deputy Director from the necessity of Senate confirmation. As presently constituted, OMB has responsibility for a wide range of things—from preparing the budget to carrying out Government reorganization. Among other things, it holds the power of the purse strings, and all that that entails, over not only the departments but also the supposedly independent regulatory agencies.

By virtue of its sheer size and scope, OMB has taken on all the characteristics of a department of Cabinet rank. Because it gets involved in so many things—evaluates so many programs—it is practically impossible for the President to exercise direct control over it. Yet, direct responsibility to the President is the rationale given for not having the Director and Deputy Director of Office of Management and Budget confirmed by the Senate. Furthermore, how can Office of Management and Budget be directly responsible to the President—and responsive to his wishes—if some of its top decisionmakers are under civil service?

So far as I am concerned, OMB represents not only a challenge to congressional authority, but is also a potential threat to the executive branch of Government. In this context, I cannot help but think of the controversy surrounding the rural environmental assistance program—REAP. In his budget message, the President stated that the fight against pollution would be one of the three areas in which more rather than less money would be spent. OMB, however, has impounded funds for REAP, even though the program would promote badly needed pollution abatement projects. In my State, that means we will have smudge pots in the citrus belt rather than pollution-free heaters. One is left wondering whether the situation has arisen—or could arise—where one hand of the executive does not know what the other is doing.

The situation with the regulatory agencies is equally curious. If OMB can cut their funds, or change their method of operation at will, the potential is there for a type of control that more properly should rest with Congress.

I, for one, wholeheartedly favor a reduction of Federal spending, but I think Congress should play a role in deciding how these cuts are to be made. One way to do that—and a good way I think—would be to require that the ideas and qualifications of the two top men actually doing the cutting be reviewed by the Senate. The Senate already confirms the top men in the Office of Emergency Preparedness, the Office of Science and Technology, the Office of Telecommunications Policy, the Council of Economic Advisers and the Office of Economic Opportunity—all executive agencies like OMB—so there is no reason for the Director and Deputy Director of OMB to escape the same scrutiny. In fact, when we consider that even second lieutenants in the military require Senate confirmation, not confirming these two gentlemen seems like a glaring oversight.

This is particularly true right now. In the past, Directors of the Budget Bureau have been willing to testify before Congress—and have frequently done so, even though their authority was less than that enjoyed by the present Directors of OMB. But now, with the President having indicated that he wants to make Mr. Ash a Presidential adviser—as well as head of OMB—the possibility arises that a prospective head of OMB could avoid testifying by invoking executive privilege. That possibility, I think, should be removed—and this bill will remove it.

Constitutionally, there is no reason why we should not pass this bill; in fact, some good arguments can be made for the point of view that these two positions should be subject to Senate confirmation already.

Article II, section 2 of the Constitution provides that Congress can, if it so chooses, exempt inferior officers from the process of Senate confirmation.

Such an exemption was made in 1921, but under far different circumstances. Since then, we have passed two other acts—the Reorganization Act of 1966 and the McCormack Act of 1950—parts of which suggest that when there is a reorganization of the type carried out in 1970, the top officers of the newly created agency should be subject to Senate confirmation. I refer specifically to 5 U.S.C. 904(2) and 3 U.S.C 301.

We let this issue pass in 1970, and that was a mistake. What we need to do now is rectify that mistake by passing this bill reversing the 1921 precedent. I urge Senators to consider and support just such a course of action.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

S. 518

On page 2, line 3, after the period, add the following: "The Director and Deputy Director shall each be appointed for a term of four years, with each such term commencing at noon on January 20 of each first year in which the term of President begins, except that—

"(1) the terms of the individuals first appointed in accordance with this Act, after the date of enactment of this Act, to hold such positions shall commence from the date of such appointment through immediately prior to noon January 20, 1977; and

"(2) any individual appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term."

Mr. ROBERT C. BYRD. Mr. President, my amendment would require reconfirmation of the Director and Deputy Director of the Office of Management and Budget with the beginning of a new presidential term. It would also require that if the Director or Deputy Director should be replaced in mid-term that the successor be confirmed by the Senate only for the unexpired portion of that term and that he be reconfirmed with the beginning of the next presidential term if he is reappointed.

I feel that the very reasons that have been cited as the necessity for this bill—the tremendous power now exercised by the Office of Management and Budget—require that the Senate be able to reexamine the stewardship of the Director and Deputy Director after 4 years.

My amendment would also require that the appointments should coincide with the term of the President who appoints them, and, if a vacancy should occur during that term, that the new appointee be confirmed only for the unexpired portion of that term, and if reappointed by the President at the beginning of a new presidential term that the director or Deputy Director be reconfirmed by the Senate if reappointed.

I have already introduced legislation, S. 516, requiring Senate confirmation of the Director of the Federal Bureau of Investigation every 4 years, and I will shortly introduce legislation requiring such reconfirmation of Cabinet officers. I feel the time has come when the Senate should cease giving these appointees a blank check, after they have been confirmed, to have the freedom to cite executive privilege, to just plain fail to appear before congressional committees when called, and to control the activities of their departments or agencies without regard for the intent of Congress as to their direction for a possible 8 years or longer, secure in the knowledge that they will not have to be accountable again to the Congress for their acts.

Mr. President, I feel my amendment strengthens this bill, and I hope the distinguished Senator from North Carolina will support and accept my amendment.

May I say in closing that I congratulate the Senator from North Carolina on his preeminently excellent statement earlier today. I think he has amply justified the purposes and reasons for this bill and why it should be enacted.

In that same sense, may I also congratulate the junior Senator from Montana (Mr. METCALF) for the very excellent statement he made yesterday following callup of the bill before the Senate. I read his statement in the RECORD at about 8 o'clock this morning. It is an excellent statement. It gives the history and background of this whole matter going back to 1921. It refers to how the office has grown and how it began with just a personnel complement of about two dozen persons whereas it now has 700, as its functions have proliferated. His statement surely justifies early enactment of this legislation.

I commend both of these distinguished Senators.

Mr. ERVIN. I favor the amendment offered by the distinguished Senator from West Virgina. Also I would like to join in his commendation of the work of the distinguished junior Senator from Montana (Mr. Metcalf). I would say it was largely as a result of the studies which the Senator from Montana made in this field and the activity manifested in the Committee on Government Operations that is responsible for the unanimous approval of the bill in its original form by the Committee on Government Operations.

I am personally willing, so far as it is in my power, to accept the amendment of the distinguished Senator from West Virginia. Of course, the decision is up to the Senate, but I think it is an excellent amendment and I shall vote for it.

Mr. BROCK addressed the Chair.

The PRESIDING OFFICER. Does one of the Senators yield to the Senator from Tennessee?

Mr. GRIFFIN. Mr. President, the Senator from Tennessee has charge of the time as the representative of the Senator from Illinois (Mr. Percy).

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I wish to say I have no objection to the amendment, but it does raise one question and that is whether or not the Senate provision might be extended.

Mr. ROBERT C. BYRD. It does raise that question. I think this provision should also be made applicable to the Cabinet officers. As I have indicated, I have a bill in my desk which would do that.

Mr. BROCK. I think that at this early juncture I might support the Senator in that bill as well.

Mr. ROBERT C. BYRD. I would be glad to have the support of the Senator as a cosponsor.

Mr. BROCK. I would be delighted to do it.

Mr. President, if there is no further debate on the amendment I wish to ask a parliamentary question.

The PRESIDING OFFICER. The parliamentary question will be stated.

Mr. BROCK. Do we proceed to vote on that measure?

Mr. ROBERT C. BYRD. I am prepared to yield back my time.

Mr. BROCK. I yield to the Senator from Michigan.

Mr. GRIFFIN. I would like to direct a question to the Senator from West Virginia, the author of the amendment, and I want to indicate that I have no particular objection here to what he seeks to do. I do wish to express concern that we would be taking very important action by adopting this amendment, and we would be doing so without the benefit of hearings with regard to this particular amendment. Furthermore, as I understand, there were no hearings on this bill before it was reported out of committee. If I am wrong in that, I hope I will be corrected.

The second paragraph of the amendment reads:

> The terms of the individuals first appointed in accordance with this Act, after the date of enactment of this Act, to hold such positions shall commence from the date of such appointment through immediately prior to noon January 20, 1977.

Now, as a very practical matter, there would be no problem after 1977. But I think there is a question as to the immediate application of this amendment, particularly with respect to the incumbent Director of the OMB if the remainder of the bill should become law. I wonder when his appointment would begin, in light of the other provisions of the bill?

Mr. ROBERT C. BYRD. His appointment, insofar as my amendment is concerned, would be commensurate with the provisions already set forth in the bill. My amendment, if this bill is enacted, would merely say that Mr. X, who is to be confirmed under the provisions of the bill, would serve until just prior to the hour of 12 noon on January 20, 1977. If in the meantime Mr. X should die, or retire, or the President should decide to remove him from that position in midterm, then the successor appointee would have to come up for confirmation, of course; but the individual who might be appointed in the middle of Mr. Nixon's term, say, would not automatically be confirmed for the next 4 years. He would be confirmed only until the beginning of the next Presidential term.

I am not sure I have answered the question. I am not sure I fully understood the Senator's question. But I will be glad to try further, if the Senator wants me to.

Let me say this: If the President feels he is entitled to ask for the resignation of his Cabinet officers and other assistants when he is reelected—and he is entitled to do that—I think the Senate is entitled to give its advice and consent to the reappointment of such officials.

I think that passage of the bill which is before the Senate today is a good step in the right direction, but I am not willing to confirm an individual for a period of 8 years. In some instances, it might be for a period even of 10 years. I want him to come back each time the President is reelected and be reconfirmed again.

Mr. GRIFFIN. I understand that, and, as I have indicated, I have no particular quarrel with that.

Mr. ROBERT C. BYRD. That is the point my amendment addresses itself to. I suppose the Senator's question really goes to the bill, because my amendment does not affect the provisions of the bill in the regard to which the able Senator has alluded, I do not think.

Mr. ERVIN. I think I can answer the Senator's question. The original bill provides that no person now holding the office of Director or Deputy Director shall occupy that office unless he is so appointed by and with the advice and consent of the Senate after the expiration of 30 days. In other words, he would have to be renominated by the President and the Senate would have to confirm him, and it is given 30 days to do that. He can hold office until Senate confirmation, and he can draw his salary as long as he holds the office.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. ERVIN. The Senator from Michigan has the floor.

Mr. GRIFFIN. I yield.

Mr. ALLEN. Does the Senator understand that this amendment would freeze the appointment in for a 4-year term?

Mr. ERVIN. No; he would still be subject to removal by the President.

Mr. ALLEN. Under what authority?

Mr. ERVIN. The Supreme Court has held that the President can remove any officer he appoints.

Mr. ALLEN. Even if he is appointed to a 4-year term?

Mr. ERVIN. Yes. That is Chief Justice Marshall's premise. President Eisenhower removed a marshal in Pennsylvania before the expiration of his 4-year term. The Supreme Court sustained that removal.

Mr. ALLEN. Should not that be spelled out?

Mr. ERVIN. No, because it has already been spelled out in the Constitution as the court has interpreted it.

Mr. ALLEN. If this is to be a legislative act, should not that be provided in that act?

Mr. ERVIN. The fact that he is appointed for a 4-year term does not mean he cannot be removed. It has been held that under the Constitution these officers have been appointed by the President and he may remove them. He can remove any executive officer at any time.

Mr. ALLEN. Could it not be worded that he could not be appointed for more than 4 years without reconfirmation?

Mr. ERVIN. Well, that is the effect of it.

Mr. ALLEN. That is the effect of it, but that is not the amendment.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, what does the amendment not do?

Mr. ALLEN. The point I am making is that this provides for a 4-year term for the Director and Deputy Director, and there is no express provision for the removal of the Director or Deputy Director during that 4-year period. Reliance would have to be on decisions of the Federal courts allowing removal prior to the 4 years. In other words, the Director——

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I yield time.

Mr. ALLEN. The Director having a 4-year term and not, by the express provisions of the amendment, being subject to removal by the President, it would seem to the junior Senator from Alabama that that ought to be spelled out in the bill and not be required to resort to looking it up in the court decisions.

Mr. ERVIN. The Senator from Alabama will remember that when Andrew Johnson became President of the United States, one of his Cabinet members was out of sympathy with him and would not cooperate with him——

Mr. ALLEN. Secretary Stanton.

Mr. ERVIN. So Congress passed a law providing that the President could not remove that Cabinet member. One of the charges on which his impeachment was founded was that he had violated the law by removing him. At that time, the Supreme Court was denied jurisdiction to pass on the matter; but many, many years later, the Supreme Court expressed the opinion, as I recall in the Meyers case, that the President had the right to remove any executive officer appointed by him.

Mr. ALLEN. Yes.

Mr. ERVIN. There may be some qualification when Congress annexes a provision to the act creating that office that he may be removed for misconduct or malfeasance, but where there is no such requirement, the President has power to remove him even though the term is fixed by an act of Congress for a definite period of time.

Mr. ALLEN. The Senator will recall that the Cabinet officer to whom he referred was Edwin Stanton, and he should have been removed by the President, but he was serving subject to the pleasure of the President, and not for a 4-year term, as provided in the amendment.

Mr. ERVIN. In the case of the marshal in Pennsylvania, who had been appointed for a 4-year term, it was contended that President Eisenhower could not remove him, but the courts refused to sustain that position, because he was a man who was helping the President to execute the laws and the President had a right to remove him.

Mr. ALLEN. What is the use of providing for a 4-year term if it does not mean anything? Will the Senator answer that?

Mr. ERVIN. All I can say is that Congress had provided a definite term, and it was held that an act fixing a definite term cannot be applied to a man who is appointed to assist the President in his duties, under the Constitution, and the President's power to remove him cannot be denied. I think that is wise, because it would be bad for the President to have a man who would not carry out his policies occupy an office that requires him to carry them out.

Mr. GRIFFIN. Mr. President, with the indulgence of the Senator from North Carolina, I wish to focus once more on the point I raised earlier. I think it is an important point that raises a fundamental constitutional question.

The constitutional scholar Corwin has written this:

> Early in January, 1931 the Senate requested President Hoover to return its resolutions notifying him that it advised and consented to certain nominations to the Federal Power Commission. In support of its action the Senate invoked a long standing rule permitting a motion to reconsider a resolution confirming a nomination within "the next two days of actual executive session of the Senate" and the recall of the notification to the President of the confirmation. The nominees involved having meantime taken the oath of office and entered upon the discharge of their duties, the President responded with a refusal, saying: "I cannot admit the power in the Senate to encroach upon the executive fuinctions by removal of a duly appointed executive officer under the guise of reconsideration of his nomination." The Senate thereupon voted to reconsider the nominations in question, again approving two of the nominees, but rejecting the third, against whom it instructed the District Attorney of the District of Columbia to institute quo warranto proceedings in the Supreme Court of the District. In United States v. Smith (286 U.S. 6–1932) the Supreme Court overruled the proceedings on the ground that the Senate had never before attempted to apply its rule in the case of an appointee who had already been installed in office on the faith of the Senate's initial consent and notification to the President. In 1939 the late President Roosevelt rejected a similar demand by the Senate, action which was not challenged.

Mr. President, I want to acknowledge that the situation Corwin writes about is somewhat different. In that situation, the Senate had confirmed an appointment once and was seeking to reconfirm it.

But it points up a basic question. That is raised by this bill, once we concede that confirmation was not required in the first instance.

Once an official has taken the oath of office and validly entered upon the discharge of his duties, it seems to me that legislation which thereafter requires him to be reappointed and confirmed in 30 days, amounts to nothing more than legislating his removal from office. My concern does not relate so much to the particular individual who happens to be the target at this time; my concern is for the principle involved and the unfortunate precedent that would be established.

Mr. ERVIN. Mr. President, I would agree that there is a very wide distinction from the Smith case. I agree with the theory. I agree with what Mr. Corwin said. That is provided for in the Constitution. In that case a man is subject to Senate confirmation.

It says that:

> He—"the President"—shall nominate, and by and with the advice and consent of the Senate, shall appoint.

The Senate has not advised and consented to that nomination. The Senate will have the provision that it can refuse to advise and consent.

What the Senate did in that case was to attempt to review the advice and consent which, under the Constitution, it was required to give. Having given it once, that was the end of the Senate's power. That decision of the court is entirely correct. But here we are dealing with a statute that would require confirmation.

Congress undoubtedly has the power, because it can pass a law requiring confirmation for any office. The fact that it has not always exercised this power in the past is no reason why it cannot do so in the future.

Mr. GRIFFIN. I agree with the Senator from North Carolina that there is no question as to the power of Congress to require Senate confirmation with respect to future appointments to the office of OMB Director.

But a serious question remains—and I think it is a constitutional question. I refer to the impact and effect which this bill purports to have on an OMB director who has been appointed, who has already taken the oath of office, and who has entered upon the discharge of his duties.

Mr. ERVIN. Mr. President, as I understand the law—and I think this is right—the office of the Director and the office of the Deputy Director of OMB have no special terms. If the Senator from Michigan is right, Mr. Ash, and the Deputy Director, can stay in office until the last trembling note of Gabriel's horn fades into ultimate silence. The Senate would have no right to pass upon that office during that time.

Mr. GRIFFIN. Mr. President, I think there is no question about the constitutionality of the amendment proposed by the distinguished Senator from West Virginia requiring reappointment and confirmation at 4-year intervals coinciding with a President's term of office.

But I ask the Senator from North Carolina, what would be the effect if Congress were to provide by legislation for reconfirmation by the Senate every 30 days.

Mr. ERVIN. I think that Congress would have that power. If Congress can say that certain officers can have a term of office of 4 years, I think Congress can say that he can have a term of office for 30 days.

The effect of this bill is that the Director or his Deputy, now acting, can continue in office for 30 days pending confirmation of the nomination, and cannot continue more than 30 days unless the Senate acts prior to that time.

Mr. GRIFFIN. It is not very likely that we would get the support of any President for such legislation?

Mr. ERVIN. Mr. President, George Washington said in his farewell address that all occupants of public office have a lust for power and are prone to abuse it.

I would say that I can understand a President, being a human being like myself, might like to retain the power he has and deny the Senate of the opportunity to look at the qualifications of his appointees. That would be quite a human thing to do. But maybe we could override a veto on that question. I certainly hope so.

I would hate to see Mr. Ash or the Deputy Director, now serving, have a legal right to remain in that office forever without the Senate of the United States having any authority to look into the qualifications of these men to continue in office.

If this bill is not valid under the Constitution, Mr. Ash has an undoubted right to remain in that office and draw his salary until the last trembling note of Gabriel's horn fades into ultimate silence.

Mr. BROCK. Mr. President, if the Senator will yield, the term expires with the expiration of the President's term.

There is an item of tenure to that Office. The new President in 1977 will have appointive power over who is Director of the Budget; is that not true?

Mr. ERVIN. The new President could remove him, just like President Nixon could remove Mr. Ash any minute.

Mr. GRIFFIN. And there is a constitutional limit on the President's tenure to two terms.

Mr. ERVIN. Yes. I do not think Mr. Ash ought to be allowed to stay in. I do not think any man exercising these vast powers ought to be allowed to hold an office this important without Senate confirmation. Certainly he is not an inferior officer. The only officer who is exempt from confirmation of the Senate, if Congress so provides, is one who occupies an inferior office, and a man who has the power, in effect, to nullify acts of Congress certainly is not an inferior officer.

Mr. GRIFFIN. It is possible that the Senator from Michigan may offer an amendment which might surprise the Senator from North Carolina. I believe it would be more appropriate to abolish the office of OMB for a short period of time and then reestablish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director, if that is the purpose here. On the other hand, I understand that the incumbent has already appeared before at least one Senate committee and I think he should come back again.

Mr. ERVIN. If the Senator has those desires, the best way to get those desires consummated is to vote for the bill.

Mr. GRIFFIN. Perhaps, if it were a valid and constitutional bill. But I do think there are very serious questions about it. What the bill seeks to do, in effect, is to remove an officer after he has already been installed and has entered upon the discharge of his duties. The Constitution provides a procedure for impeachment proceedings if there is any basis for impeachment. Of course, the President has removal powers. But I do not believe it is appropriate for the Congress to remove an officer in this way.

Mr. ERVIN. The reason an officer has to be confirmed is that the Senate would have no power to remove an officer, under the Constitution, once he has been confirmed. As to an officer who has not been confirmed, the Senate can do it at any time, by a change in the law. The fact that a man is in offices does not incapacitate the legislature. I have no doubt about the constitutionality of the bill.

Mr. ALLEN. Mr. President, will the Senator yield just a moment, so that I might ask a question about the language of the amendment?

Mr. ERVIN. I yield.

Mr. ALLEN. Does the Senator have a copy of the amendment?

Mr. ERVIN. I do not. It was drawn by the Senator from West Virginia.

Mr. ALLEN. Where it says:

> The Director and Deputy Director shall each be appointed for a term of 4 years, with each such term commencing at noon on January 20—

Here is the point where the Senator from Alabama raises a question—

> of each fourth year in which the term of President begins.

Under that language, his term would not begin until January 20 of the fourth year of the term, leaving a hiatus in that office for the first 3 years of the President's term. I think there ought to be clarification of that.

Mr. ERVIN. The Senator will recognize, I think, that by this section the Director and Deputy Director are each appointed for a term of 4 years:

> With each such term commencing at noon on January 20 of each fourth year in which the term of President begins.

Mr. ALLEN. That is right. Every fourth year of his term.

Mr. ERVIN. Yes. In other words, if these people are confirmed, they would stay in unless removed by the President or impeached and removed from such office, until January 20, 1977.

Mr. ALLEN. This language says the term does not begin until January 20 of the fourth year of the term, so you would not have any term until after the third year.

Mr. ERVIN. Well, the Senator from North Carolina has no trouble interpreting that. I would agree with the Senator from Alabama that there is some ambiguity, but the objective is twofold: One is to create a 4-year term, and the other is to make it end on January 20 when a new President takes office, and I think the courts, in construing that, would say the January 20 date would apply and would control the extent of the term of the first appointees.

Mr. ALLEN. Well, you could have two fellows claiming the same office there.

Mr. ERVIN. The Court could decide it, and I think the Court would say the controlling provision was the one that made it expire on January 20 as to the first occupant.

Mr. ALLEN. That is the first occupant. It says he goes until January 20, but the next term does not start until the fourth year of the President's term.

Mr. ERVIN. Well, the distinguished Senator from Alabama knows, great lawyer that he is, that when there are apparently conflicting provisions in a statute, the Court reconciles those provisions, if they are possible of reconciliation, so as to give effect to the controlling intent; and the controlling intent in these words, it seems to me, is that those who take the office first under this bill will hold office until January 20 4 years from now.

Mr. BROCK. Surely, if the Senator will yield——

Mr. ALLEN. I would just like to make this one further comment at that point, before I yield to the distinguished Senator from Tennessee:

The distinguished Senator from North Carolina has argued many times, and the Senator from Alabama has followed his leadership on that question, that it is best to leave to the legislative branch the draftsmanship of legislation, and not to require the courts to legislate. Would it not be the better course of wisdom to perfect this amendment before we act on it? That is the thought that occurs to the Senator from Alabama.

I yield to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I would say that the Senator from Alabama has made my point more adequately than I could make it myself. I think it is incumbent upon the Senate to write clear and specific legislation which addresses the thrust of our purpose. If I might suggest it, I think we could lay this amendment aside for a few minutes and let the Senator from Alabama bring this matter to the attention of the author of the amendment. I am sure he has no intention of achieving the effect apparent in the language of the amendment, but I think the Senator from Alabama has brought up a valid point, and I might suggest that we proceed to a general discussion of the bill itself for a few minutes, until the matter can be resolved.

Mr. ERVIN. I would suggest to the Senator from West Virginia that he simply amend subsection (1) of his amendment by striking out the words "from the date of such appointment" and substituting for them these words:

> To begin on the date of appointment and end—

Then it would read:

> The terms of the individuals first appointed in accordance with this Act, after the date of enactment of this Act, to hold such positions shall commence on the date of their appointment and end immediately prior to noon January 20, 1977.

That would make this thing as clear as the noonday sun in a cloudless sky. And if I can suggest an amendment to that effect, or if I can find the Senator—the Senator from West Virginia has temporarily stepped out of the Chamber, I believe he would accept that.

Mr. MANSFIELD. He will be back in a minute.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum, and ask that the time for the quorum call not be charged to either side.

Mr. MANSFIELD. Here he is.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ERVIN. I might state to the Senator from West Virginia that the Senator from Alabama——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. That the Senator from Alabama and the Senator from Tennessee have raised a question about when the term of office of the first appointees under this bill, as amended by your amendment. They pointed out some ambiguity about that, and I would suggest to the Senator from West Virginia that he amend subsection (1) of his amendment to strike out "from the date of such appointment through . . ." and then substitute these words:

> Shall commence on the date of their appointment and end immediately prior to noon of January 20, 1977.

That will clarify it, in my judgment.

Mr. ROBERT C. BYRD. Mr. President, it was not my intent in drawing this amendment to deter or interfere with the President in any way in his power to remove the Director of the OMB—or the Assistant Director. I do not believe my amendment would interfere with his right to so remove them.

However, I would suggest that there be a brief quorum call at this time, not to be charged against either side, and perhaps we can resolve this language so that it will clearly not interfere with the President's right to remove.

The PRESIDING OFFICER (Mr. HELMS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Tom Hart of the Judiciary Committee staff be given the privilege of the floor during the further consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I now suggest the absence of a quorum and ask that the time not be charged against either side.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a modification of my amendment and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

> (3) Nothing contained in this act shall impair the power of the President to remove the occupants of such offices.

Mr. ROBERT C. BYRD. Mr. President, I ask that my amendment be read ab initio in its entirety.

The PRESIDING OFFICER. The amendment, as modified, will be read in its entirety.

The amendment, as modified, was read as follows:

> On page 2, line 3, after the period, add the following: "The Director and Deputy Director shall each be appointed for a term of 4 years, except that—
>
> "(1) the terms of the individuals first appointed in accordance with this Act, after the date of enactment of this Act, to hold such positions shall commence on the date of their appointment and end immediately prior to noon January 20, 1977;
>
> "(2) any individual appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term; and
>
> "(3) nothing contained in this Act shall impair the power of the President to remove the occupants of such offices."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ROBERT C. BYRD. Mr. President, the purpose of the modification, I think, is now clear. As I indicated earlier, it is not my intent to do anything in this act that would preclude or impinge upon the right of the President to remove such officer or officers. I think the modification which now has resulted from the question originally asked by the distinguished Senator from Alabama (Mr. ALLEN)—for which I thank him—makes this clear: and I think it is a considerable improvement over the original draft.

Mr. ERVIN. I thank the Senator from Alabama for calling attention to the phraseology which has been corrected. It is now so clear that there will be no room for misinterpretation.

Mr. ROBERT C. BYRD. I also thank the distinguished manager of the bill, Mr. ERVIN, for his very able assistance in redrafting the amendment to carry out the intent which I have expressed.

Mr. GRIFFIN. Mr. President, is the amendment still the question before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from West Virginia, as amended, is still the pending question.

Mr. GRIFFIN. Mr. President, I am not going to spend more time arguing against the pending amendment. I believe it would be wiser and better to consider general legislation that would apply not only to the Director of the Office of Management and Budget but to other Cabinet officers as well. Before voting, there should be hearings on legislation proposing such a fundamental change, and that there should be opportunity for constitutional scholars and others to come in and testify.

It would be unfortunate and rather strange, I believe, if we were to end up with a situation—which could well happen—in which the Director of Office of Management and Budget, whose nomination heretofore has not even required confirmation, would be the only one who would have to be reconfirmed when a President begins a second term. I do not think this is the way to go about legislating on such an important item. However, I see no point in having a rollcall vote; I have no doubt that the amendment would be adopted. Accordingly, I shall let the matter rest at that point.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I am prepared to yield back the remainder of my time on the amendment, if the distinguished Senator from Tennessee is so prepared.

Mr. BROCK. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. ERVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Louisiana (Mr. JOHNSTON) be added as a cosponsor of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, will the Senator yield me time for a similar request?

Mr. ERVIN. I yield.

Mr. METCALF. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill and the amendment.

The PRESIDING OFFICER. Without objection, is so ordered.

Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

I ask unanimous consent that my name be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I support S. 518, which would require confirmation by the Senate of the nomination of the Director of the Office of Management and Budget and his Deputy. These two positions are far too important not to require congressional confirmation of their appointments.

OMB has become certainly one of the most powerful offices in the executive branch of the Government. The Director of the Office of Management and Budget wields as much power as the secretaries of Cabinet-level departments. Yet, he is appointed by and accountable to the President alone.

OMB is no longer a bookkeeping agency, as it was when its predecessor, the Bureau of the Budget, was created in 1921. Through successive administrations, it has become a principal policy-making agency of the Federal Government. OMB determines what programs will be funded, what programs will be cut, and what programs will be abolished. The OMB Director now implements authorities Congress has given him in 15 laws and 2 reorganization plans.

No agency in the Government is permitted to give its recommendations on legislation to Congress without first clearing them with the Office of Management and Budget. This procedure undoubtedly makes OMB one of the most powerful agencies in Washington. It is absolutely essential that Congress participate in the selection of the OMB Director and Deputy Director.

The best description of the expanded management role of the Office of Management and Budget can be found in the President's Message and Reorganization Plan No. 2 of 1970, which Congress approved. The very name change—from Bureau of the Budget to Office of Management and Budget—indicated its shifting role and priorities. President Nixon said:

> Creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.
>
> The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff de-

veloped by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources.

Mr. President, it is useful to compare the Office of Management and Budget with other component offices of the Executive Office of the President, for purposes of determining whether OMB officers should be confirmed.

I have a table showing the 16 component units of the Executive Office of the President, and I ask unanimous consent to have it printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROCK. The top officers of 10 of these offices are subject to confirmation. Among them are the three members of the Council of Economic Advisers, the Director and Deputy Director of the CIA, the Special Representative for Trade Negotiations and his two deputies, the Director, and 6 subordinate officials of the Office of Economic Opportunity, the three members of the Council on Environmental Quality, the Director, and Deputy Director of the Office of Telecommunications Policy, and the Director and Deputy Director of the Special Action Office for Drug Abuse Prevention.

Surely, the requirement for confirmation of these officials has not impeded their effectiveness. I do not believe that assertion of the Senate's right to confirm the Director and Deputy Director of the Office of Management and Budget would not inhibit their effectiveness either. A tradition has been established that the OMB Director and his top officials testify before Congress. This was true in the Johnson administration and the practice was carried on by Secretary Shultz when as Budget Director he appeared before congressional committees frequently. Mr. Ash has indicated his willingness to testify. It would seem, then, that requiring confirmation of these OMB posts would impose no additional burden or impediment to the work of these officials.

Finally, Mr. President, I hope that the bill we are debating today is not seen as an attempt to curtail the effectiveness of the Office of the President or the executive branch, or as a part of any effort to exacerbate the current tensions between our two branches. I think the current concern about the respective powers of the legislative and executive departments, of which this issue of confirmations is only a part, is very healthy. I hope that we can move ahead on a number of fronts, including the reorganization of our congressional appropriations process, to redefine and secure the powers properly belonging to the Legislature. This bill is a part of that effort, and I urge its passage by the Senate.

EXHIBIT 1

Component Offices of the Executive Office of the President (EOP) (including the Cost of Living Council, initially a part of the EOP, now considered an "independent agency").

Office	*Authority*	*Top Official*
Not Subject to Confirmation		
1. OMB	Reorganization Plan	Director and Deputy Director
2. National Security Council	National Security Act	Executive Secretary
3. Domestic Council	Reorganization Plan	Executive Director, Deputy Director
4. Council on International Economic Policy	Public Law 92–412, 8/29/72	Executive Director
5. Office of Consumer Affairs [1]	Executive Order	Director and 2 Deputy Directors
6. Cost of Living Council	Economic Stabilization Act and Executive Order	Director
Subject to Confirmation		
7. Council of Economic Advisers	Employment Act of 1946	Chairman, 2 members
8. Central Intelligence Agency	National Security Act	Director, Deputy Director
9. National Aeronautics & Space Council [2]	National Aeronautics and Space Act	Executive Director
10. Office of Emergency Preparedness [2]	Reorganization Plan	Director, Deputy Director, 2 Assist. Dirs.
11. Office of Science and Technology [2]	Reorganization Plan	Director, Deputy Director
12. Office of Spec. Rep. for Trade Negos.	Trade Expansion Act	Special Representative, 2 Deputies
13. Office of Economic Opportunity	Economic Opportunity Act	Director, Deputy Director, 5 Asst. Dirs.
14. Council on Environmental Quality	Environmental Policy Act	Chairman, 2 members
15. Office of Telecommunications Policy	Reorganization Plan	Director, Deputy Director
16. Special Action Office for Drug Abuse Prevention	Public Law 92–255	Director, Deputy Director

[1] Functions to be transferred to Dept. HEW.

[2] Functions to be transferred to other Departments and agencies pursuant to Reorganization Plan No. 1 of 1973.

Mr. ERVIN. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the pending measure: the Senator from Michigan (Mr. Hart), the Senator from New Jersey (Mr. Case), and the Senator from Delaware (Mr. Biden).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, if I may be recognized, under time available on this side, I wish to ask the distinguished Senator from North Carolina, the manager of the bill, this question:

Assuming, as I think we all assume and as this bill concedes, that until now the nomination of the Director of OMB did not have to be confirmed—although I think the Senate could have taken the other view—and assuming that he has been duly appointed and is an officer of the United States, having taken the oath of office and having entered upon the discharge of his duties, what would be the status of the incumbent Director of OMB if this bill were to pass and become law?

Mr. ERVIN. The status of the present Director and Deputy Director would be that they would hold that office until their successors were nominated and either rejected or confirmed, and to provide a 30-day period for the Senate to act on that. In other words, I have no doubt of the power of Congress to pass this law because nobody has a property right in the public office, so the office can be terminated. But this occurred to me: It would be bad to have a hiatus in the occupancy of this office, with no one there to exercise the powers, and that is why the bill provides that no individual shall hold such office 30 days after enactment—in other words, up to 30 days.

Mr. GRIFFIN. And it would be the position of the Senator from North Carolina that the bill could just as easily have provided for a period of 10 days or 5 days?

Mr. ERVIN. Yes. That was put in there solely to keep the office from being vacant. If it were vacant, there might be some decision and there would be no Director or Deputy Director to make it.

Mr. GRIFFIN. So the unmistakable effect of this bill is to remove the incumbent Director after 30 days?

Mr. ERVIN. It would terminate the

occupancy, the right to hold these offices on the part of the present Director or Deputy Director unless they are confirmed in 30 days.

Mr. GRIFFIN. They must be renominated by the President and confirmed by the Senate.

Mr. ERVIN. That is right.

Mr. GRIFFIN. Within 30 days.

Mr. ERVIN. That is right.

Mr. GRIFFIN. Perhaps the Senator from Michigan is unduly concerned about the constitutional problem. But I do not think so. The record now is very clear that what this bill seeks to do is to remove an incumbent official of the United States from office.

I must say that this appears to be a unique and novel way of removing an official. But I also believe it infringes upon the powers of the President who otherwise has the power—except for impeachment—to remove officers in the executive branch.

Mr. ERVIN. I think if the House had not taken the position that the original Director of the Budget, who only added up a few figures and information for the President, which was all the power he had, was an inferior office—the fact that Congress has not made this subject to confirmation before is just dereliction of duty on the part of Congress. I think Congress can change the term of any officer whose term is set by a statute, enacted by Congress. Congress has the right to amend its laws at any time. This does shorten the term of the present incumbents. It shortens it to 30 days unless they are confirmed at that time by the Senate—appointed by the President and confirmed by the Senate.

Mr. GRIFFIN. The Senator from North Carolina is the outstanding constitutional scholar in this body. I wonder if the Supreme Court—in seeking to decide whether this is a valid exercise of legislative power or it is an effort by Congress to usurp or infringe on the removal power of the President—might look on the 30-day period as being a rather unreasonable term of office. I wonder if the Court might not recognize that, instead of fixing the term of office, it is actually an exercise of the power of removal.

Mr. ERVIN. I have to make a confession that on previous occasions I have given the Supreme Court some very sound advice on the law to assist them in reaching a sound conclusion, and sometimes five of them did not agree with me.

But if the Supreme Court does not say Congress usurped power, it is going to say Congress has the right to amend the statutes it passes, and where it has not prescribed any term of office it can terminate the term of office. I do not have the slightest doubt. The present occupants of this office do not have a property right in this office. They do not have any property right which puts them beyond the legislative power of the United States

I do not think the Smith case has any application because that case was dealing with constitutional powers of the Senate to advise and consent to appointments, and the Constitution states that the President can nominate and, with the advice and consent of the Senate, appoint a person to office, and that is what they have done. The Constitution did not authorize Congress to reconsider and advise and consent. In other words it held, in effect, they had to speak when acting or forever hold their peace. I think that was a correct decision.

Mr. GRIFFIN. I shall not detain the Senate further. I am aware that there are probably some political risks attached to the argument I present today. Furthermore, I have no doubt as to how the Senate will vote on Monday. I do believe, however, even though my argument may be misunderstood or misinterpreted, that the question I have raised is an important one for the Senate to consider.

As I have pointed out before, the Constitution provides that the President shall nominate and appoint, and by and with the advice and consent of the Senate appoint—

> * * * all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the departments.

I am not aware of any statute under which the Congress has vested appointment of this particular official in the President alone. On the other hand, by inaction and by recognizing this legislation, we have conceded that appointment to this office does not require confirmation.

Having taken that position, and having failed to assert any confirmation right with respect to the incumbent, who was sworn in this morning, it seems now we ought to be content to require confirmation in the case of future appointments only, and not seek to make the law retroactive in its application.

Mr. ERVIN. I think, in the last analysis, the Senator's position is that if Congress does not exercise its legislative power in a certain period of time, it loses that legislative power. I do not think so. The Constitution provides that Congress may provide for the appointment of inferior officers in the President alone or in the heads of departments. This was an inferior office when it was first established. All the man would do would be to add up a few figures for the President to see what amount he had in the budget. It was merely a matter of arithmetic. Now OMB is the supervisory office for all the executive branch of the Government, and, if I do say, it attempts to supervise the legislative branch also, and I do not think the office of Director is an inferior office any more. I think the Congress has legislative power at any time to make the office subject to the confirmation of the Senate.

Mr. GRIFFIN. I agree with that. However there is this question: In effect, would we be removing an officer who has already been installed and who is proceeding in the discharge of his duties?

Mr. ERVIN. Under the law he had no definite term of office, so he was not installed for any particular time. This is making certain that he can remain in office for approximately 30 days, when he did not have 15 minutes before.

Mr. GRIFFIN. Perhaps he would have had the time it would take to pass a law and have it become effective.

I thank the Senator.

Mr. ERVIN. I would like to say to the Senator from Michigan that he has on many occasions, undergone political risk by taking a courageous position—and I say that even though on some occasions he did not agree with my sound views on a certain position—I do not see that the Senator has suffered any political consequences as a result of taking a stand he saw fit to take.

Mr. GRIFFIN. I thank the Senator.

Mr. ERVIN. Mr. President, I yield back my time.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Alabama.

Mr. ALLEN. I merely wanted to ask a question of the distinguished Senator from North Carolina.

As I read the last three lines on page 2 of the bill, as to an individual now holding one of these positions, it would be possible, then, for him to be turned out of office without the Senate ever acting on his appointment, because it requires that he get Senate action within 30 days in order to stay in office.

The appointment might go to a committee, and the committee chairman might sit on the appointment for 30 days, or it might come to the floor and, with a little extended debate on it, it would be very easy for his person or these persons to be turned out of office without the Senate ever taking a stand on their worthiness for those positions. Is that correct?

Mr. ERVIN. If the Senate wanted to relinquish the discharge of its public duty, that could happen. I proposed the legislation on the theory that the Senate ought to have the power to pass on the fitness and qualifications of the occupants of these offices, and I think the Senate will act within 30 days.

Mr. ALLEN. Could there be any method the Senator could think of that would require the Senate to act?

Mr. ERVIN. The Senate could sit here and not do anything. They could all go fishing. But I do not think they will do it. I do not have any fear of that. I have great confidence that the Senate will discharge its public duties.

Mr. ALLEN. The Senator feels it would be acting on these two appointments?

Mr. ERVIN. Oh, I have no doubt about it. The Senate will have 30 days to do it, and I think it will do it.

Mr. ALLEN. Would the Senator be willing to take an amendment suspending this bill of attainder or its execution pending action by the Senate?

Mr. ERVIN. I think the bill is all right as amended. I would not be willing to accept that amendment. I am not going to proceed on the idea that the Senate is going to refuse to perform its public duties in a patriotic fashion.

Mr. ALLEN. Its patriotic duty might be to sit on the appointment.

Mr. ERVIN. I do not think it is. I do not think it is the Senate's duty to sit on them.

Mr. ALLEN. Could the Senator give a reasonable assurance that these appointments would be acted on within the 30-day period?

Mr. ERVIN. I cannot assure the Senator anything, but if the majority of the Senate feels that a position which is as important as this should be subject to Senate confirmation, I believe the committee and the Senate would act within 30 days.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I would say that is the unanimous intent of the Senate brought out in the consideration of the bill. I would agree with the distinguished Senator from North Carolina.

Mr. ALLEN. I thank the distinguished Senator from North Carolina and the distinguished majority leader.

Mr. ERVIN. I thank the Senator for his contribution in clarifying the language of the bill.

Mr. METCALF. Mr. President——

Mr. GRIFFIN. Mr. President, I yield to the Senator from Montana.

Mr. METCALF. Mr. President, I have a statement from the distinguished and able junior Senator from Minnesota (Mr. HUMPHREY) on this bill. He would like to have delivered it today in person. If we are going over until Monday, he will be back and will be able to deliver this statement in his own eloquent and inimitable style. Before Senators yield back their time, I would like to be sure that before we vote on the bill on Monday the Senator from Minnesota (Mr. HUMPHREY) may have 10 minutes to speak on the pending legislation.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may give the Senator from Montana the assurance that the majority leader has propounded a unanimous-consent request which has been agreed to whereby the Senator from North Carolina will control 30 minutes of the time prior to the vote Monday and whereby the Senator from Michigan or his designee will control 30 minutes, and I will assure the Senator from Montana, whom I have paid has contributed much in this field. The Senator from North Carolina will yield time to the Senator from Minnesota, because the Senator from Minnesota, like the Senator from Montana and myself, has been interested in this field.

Mr. METCALF. I think it would be well for him to deliver his statement in his typical, aggressive style.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield back the time remaining on this side.

The PRESIDING OFFICER. All time on the bill has been yielded back.

What is the will of the Senate?

Mr. ALLEN. Mr. President, third reading of the bill would cut off any other amendment.

Mr. MANSFIELD. The Senator is correct. The Senate was on notice that this bill would be up today. We know of no other amendments. The hope was that it would be debated today and disposed of Monday. A unanimous-consent request was made that a final vote be had at 2 o'clock on Monday.

Mr. ALLEN. Mr. President, would it not be wise to give an opportunity for Senators to amend the bill on Monday?

Mr. MANSFIELD. It does not make any difference to the majority leader. We have an agreement all the way around. And it is still within the hour. But the intent behind the agreement was to give time for debate and to dispose of amendments today. The Senate was on notice, and it was on notice that it would even be possible to pass the bill today. The prospects looked fairly good until this afternoon.

If the Senator would not mind, I would like to retain the unanimous-consent request as it is. However, if he does mind, I will withdraw it.

Mr. ALLEN. It is all right to leave the agreement in effect.

Mr. MANSFIELD. Mr. President, I thank the Senator from Alabama.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

STATEMENT ON AGREEMENT TO VOTE

Mr. MANSFIELD. Mr. President, to reiterate, the unanimous-consent agreement is to begin at the hour of 1 o'clock on Monday. The time is to be equally divided between the manager of the bill, the distinguished Senator from North Carolina (Mr. ERVIN), and the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), or whomever he may designate. The vote on final passage is to occur not later than the hour of 2 o'clock on Monday next.

The PRESIDING OFFICER. The Senator is correct.

ORDER WITH RESPECT TO DEBATE ON UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, in the event the completion of all orders previously entered on Monday next goes beyond the hour of 1 o'clock p.m., the orders for recognition of Senators be permitted to be concluded before the 1 hour under the agreement with respect to the unfinished business, S. 518, begins running.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this means, of course, that there may be no period for the transaction of routine morning business on Monday next until late in the day.

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 19, S. 38, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment on page 5, at the beginning of line 12, strike out "(g)" and insert "(f)"; so as to make the bill read:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711), is amended to read as follows:

"(2) 'Airport development' means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport, and (B) the removal, lowering, relocation, marking, and lighting of airport hazards, and (C) the acquisition, removal, improvement, or repair of navigation facilities used by aircraft landing at, or taking off from, a public airport, and (D) the acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and (E) security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (F) any acquisition of land or of any interest therein or of any easement through or other interest in airspace, which is necessary to permit any of the above or to remove, mitigate, prevent, or limit the establishment of, airport hazards affecting a public airport."

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1714(a)); is further amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $375,000,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $45,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of the Act (49 U.S.C. 1714(b)), is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,680,000,000";

(2) by striking out the words "extend beyond" in the second sentence thereof and by inserting in lieu thereof, the words "be incurred after"; and

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,260,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,680,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) General Provisions.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part shall be—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."

(2) by adding a new subsection as follows:

"(e) Safety Certification and Security Equipment.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971."

(3) by adding a new subsection as follows:

"(*f*) Public Use Facilities in Terminal Buildings.—To the extent that the project cost of an approved project for airport development represents the cost of constructing, altering, repairing, or acquiring buildings or facilities directly related to the handling of passengers or their baggage at the airport, the United States share shall be 50 per centum of the allowable costs thereof."

Sec. 6. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)), relating to airport project costs, is amended to read as follows:

"(b) Costs Not Allowed.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility except such of those buildings, parts of buildings, facilities, or activities as are directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport."

Sec. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"Sec. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however*, That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owing or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans,

the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

Sec. 8. Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by striking out the words "two years" in the first sentence thereof and by inserting in lieu thereof "three years".

Mr. MANSFIELD. Mr. President, there will be no discussion or debate on this bill this afternoon that I know of.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of various Senators under the order previously entered, there be a period for the transaction of routine morning business not to extend beyond 1 p.m. with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO DISPOSE OF UNFINISHED BUSINESS BEFORE RESUMING CONSIDERATION OF PENDING BUSINESS MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of S. 518 on Monday, the Senate resume the consideration of S. 38.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business with statements limited therein to 5 minutes, the period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON MONDAY, FEBRUARY 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin) be recognized for not to exceed 15 minutes on Monday next, immediately following the remarks of the distinguished Senator from Maryland (Mr. Beall).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, in the order stated.

Mr. McClellan.
Mr. Robert C. Byrd.
Mr. Beall.
Mr. Griffin.

At the conclusion of the foregoing orders, if time permits, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond the hour of 1 o'clock p.m.

At the hour of 1 o'clock p.m., the Senate will resume its consideration of the unfinished business, S. 518, with a time limitation thereon of not to exceed 1 hour.

The bill, having reached third reading, no amendments will be in order. A yea-and-nay vote will occur on that bill at no later than 2 o'clock p.m.

Upon disposition of S. 518, the Senate will resume consideration of S. 38, a bill to amend the Airport and Airways Development Act of 1970, as amended. There is no time agreement thereon. Yea-and-nay votes can be expected.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Monday next.

The motion was agreed to; and at 3:01 p.m., the Senate adjourned until Monday, February 5, 1973, at 12 o'clock noon.

EXTENSIONS OF REMARKS

BEGINNING A NEW CONGRESSIONAL YEAR

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, February 2, 1973

Mr. SCOTT of Virginia. Mr. President, in order to maintain close contact with the people of Virginia to keep them apprised of current issues before the Congress, it was my practice in the House to send out regular newsletters.

This week, the first of our Senate newsletters is in the process of being sent to constituents throughout the State. It contains a commentary on the issue of Government spending and on other subjects of mutual concern, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

BEGINNING A NEW CONGRESSIONAL YEAR

My Senatorial service commenced on January 3 upon taking the oath of office in the Senate chambers. This was repeated as shown above in the Vice President's office with my wife, Inez, holding the Bible.

Following the swearing in ceremonies, several hundred constituents and friends attended an informal reception and buffet in the Senate Caucus Room. They came from all parts of Virginia and it was very pleasant to share this day with them.

Much of the time after being sworn in was spent in getting settled in the Senate Office Building, supplementing the staff that worked with me in the House of Representatives, obtaining committee assignments and general orientation.

Committee assignments are Armed Services, Public Works and Small Business which seem very good for one ranked 91st in seniority among a Senate membership of 100. Of course, the past six years of Congressional service puts me ahead of nine of the new Senators and gives me a base on which to build.

There were very few committee meetings during the month of January and very little legislation considered in the Senate. The President has been inaugurated, the Vietnam War ended and we have received the annual budget. All of these will affect Congressional activities.

PEACE

The length of the Vietnam war according to official statistics, was eleven years and twenty-six days, although for POWs or MIAs and their loved ones, such statistics do not tell the complete story. There were 359,859 American casualties including 306,622 wounded in combat, 45,937 killed in combat, and 10,300 dead (not as a result of hostile action). The cost has been estimated at between $130 to $140 billion with an anticipated increase to around $400 billion as a result of Veterans benefits, interest payment on war loans etc. It has been a terrible and terrifying experience for Americans many of whom were in such strong disagreement with the government's policies in Vietnam under Presidents Eisenhower, Kennedy, Johnson and Nixon as to threaten their allegiance to the United States, its leaders and its commitments at home or abroad. I certainly hope that our generation will now enjoy peace throughout the world. Following the signing of the cease-fire agreement, the President was kind enough to send me the following letter:

THE WHITE HOUSE,
Washington, D.C., January 24, 1973.

Hon. WILLIAM L. SCOTT,
U.S. Senate,
Washington, D.C.

DEAR BILL: Now that we have finally achieved peace with honor in Vietnam, I particularly want you to know how much I have appreciated the support you have given during these difficult years to the policies that made that achievement possible. Without those in the Congress who stood steadfastly as you did, we could not have won the settlement that I announced last night.

I know how great the pressures have been. I know the sort of attacks to which you have been subjected, as a result of following your conscience. But I also am confident that history will prove you to have been right, and that in the years to come you can look back with pride on a stern test nobly met.

With best personal regards,

Sincerely,

RICHARD NIXON.

GOVERNMENT SPENDING

You have no doubt heard that the President is impounding Government funds, which is to say, that the Congress has appropriated money for a number of purposes and the President has refused to spend all of the money. He has expressed a determination to hold Government spending for the fiscal year ending June 30, 1973 to $250 billion. Now the President has submitted a budget to the Congress for the 1974 fiscal year. This new budget contemplates expenditures by the Government of $268.7 billion and receipts of $256 billion, which leaves a deficit of $12.7 billion.

In his budget message the President indicates that this 1974 budget fulfills his promise to hold down Federal spending so there will be no need for a tax increase. He rationalizes that based on a concept of full employment, the 1974 budget is balanced. I say "rationalizes" because the concept of a full employment budget in my opinion is another name for deficit financing which we have had practically every year since the depression of the thirties. No businessman would operate his establishment on the basis of full production, in fact, his plant was not operating at full capacity and I do not believe it is fiscally sound to operate the Government on the basis of full employment when we have roughly 5% unemployment in the labor market.

Let us think about it in another way. The Government's total expenditures for 1974 includes an item of $26.1 billion as interest on the national debt. This is the money we must pay because of deficit financing in the past. This fixed interest charge will continue to increase each year that the Government operates on an unbalanced budget. If we had not had deficit spending in the past, we could still spend everything in the President's budget and have a surplus of $13 billion. It just seems reasonable to me that we return to the concept of a balanced budget.

The Federal budget, as you know, is vast and complicated. It is difficult for even the fiscal experts to understand. The President is apparently making a sincere effort to restrain Government spending. It is heartening to note that we are able to reduce the percentage spent on defense but I have reservations about the tremendous increase in recent years on the amount of Government funds spent for human resources. There seems to be a conflict between the pronouncement of a shifting of responsibility to the individual to look after his own needs and a shifting from the Federal government to state and local levels with the funds for human resources provided in this budget.

Perhaps we can reduce the budget to a more understandable basis when we mention that average taxes for the Federal government alone will be more than $1,000 per year for each man, woman and child in the country. If your income is above average, of course, you will pay more than this amount for each member of your family.

While a number of charts have appeared in the newspaper, the one printed below may be useful in seeing a broad picture of where the money comes from and where it goes.

During a private meeting a few days ago, one of our Senators said that we would never again have a balanced budget. While I have no way of knowing whether the budget will be balanced in the future, I intend to be as selective as possible in supporting spending projects so that the Government can once again operate in the black. This may mean that some good programs will have to be deferred or eliminated but I believe the strong desire of the taxpayer to reduce the cost of Government compels us to take a second look at all spending programs.

THE BUDGET DOLLAR—FISCAL YEAR 1974 ESTIMATE

	Billions	Percent of total
Where it comes from:		
Individual income taxes	$111.6	42
Corporation income taxes	37.0	14
Social insurance taxes and contributions	78.2	29
Excise taxes	16.8	6
Other receipts	12.4	4
Borrowing and other means of financing	12.7	5
Total	268.7	100
Where it goes:		
National defense	81.1	30
Human resources	125.5	47
Physical resources	25.7	10
Net interest	18.7	7
Other	17.6	6
Total	268.7	100

STATE OFFICE

In order to serve you better, we have opened a state office in room 8000 of the Federal Building, 400 North Eighth Street, Richmond, Virginia. Our office secretary is Mrs. Dorothy Robinson and the telephone number is 649-0049. The office will be kept open during the usual business hours, five days a week. I will be there all day on Friday, February 9 and should you desire to talk with me about any matter, please call Mrs. Robinson for an appointment. If this is not convenient, we will, of course, attempt to fit you into the schedule if you drop by the office anytime during the day.

LEGISLATION

During the six years in the House of Representatives, I attempted to be as helpful to constituents as possible in their contacts with the Federal government. We want to continue to give the maximum assistance in individual cases but in order to properly attend to legislative duties, I will have to rely more heavily on the staff. My principal assistant is Donald J. Musch, a former lawyer and FBI agent who lives in the Middleburg area. He is assisted in casework by three ladies who have been with me most of the time I have been in Congress. They are Mrs. Flo Hart, Mrs. Dorothy Hope and Mrs. Grace Scott. They are available to assist you anytime you visit the office. It is preferable, however, to write us regarding a specific problem, give as much information as is necessary to understand the matter and we will see that your correspondence gets prompt attention.

Our Legislative staff consists of Jack Davis, a lawyer and former Naval Captain; Stan Cook, formerly an assistant College Professor and Don Senese who was an Associate Professor at Radford College. These men have helped me prepare for introduction a variety of measures most of which were previously introduced in the House of Representatives but not enacted into law. Among these are measures to:

Prohibit mailing of obscene matter to minors;

Transfer jurisdiction of Lorton Penal Institutions from the District of Columbia government to the U.S. Bureau of Prisons;

Establish a veterans cemetery on or adjacent to the Manassas National Battlefield Park;

Establish a Bureau of Mines Research Center at V.P.I.;

Prohibit issuance of food stamps to strikers;

Return Memorial Day and Veterans Day to May 30 and November 11;

Have children attend neighborhood schools;

Establish a national right-to-work law;

Provide a Constitutional Amendment prohibiting assignment of children to public schools on the basis of race, creed, or color;

Exclude from gross income first $250 of interest from deposits in thrift institutions;

Transfer jurisdiction over issues and controversies involving the public schools from federal to state courts;

Reduce the size of juries in federal courts from 12 to 6 persons;

Provide certain veterans up to 9 months educational assistance for retraining or refresher courses;

Permit optional retirement of federal civilian employees after 30 years of service;

Preserve Ferry Farm, boyhood home of George Washington near Fredericksburg;

Amend Constitution to permit non-denominational prayers in public buildings;

Provide 10-year terms for federal judges.

We now want to encourage the various committees to hold hearings on as many of these bills as possible and to determine what other supplementary legislative proposals should be considered.

Perhaps in your own field of work you have knowledge of a particular problem which should receive the attention of the Federal government and would like to give me a factual statement of the proposal, and the reason for Federal action. We would, of course, give consideration to any suggestion. Let me quickly add, however, that only 5% to 6% of the bills introduced are enacted into law so that there will be no misunderstanding if a given proposal is not accepted.

Newsletter lists: This is the first of our Senate newsletters although periodically reports were sent to Eighth District constituents during the six years I served in the House of Representatives. In the event your address needs to be corrected or should you give this newsletter to a friend who would like to be added to our regular mailing list, the following form may be helpful. We, of course, want to send the newsletter to any Virginian who would like to receive it.

RECOMMENDATIONS FOR REORGANIZING THE AGRICULTURAL DEPARTMENT

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Friday, February 2, 1973

Mr. CLARK. Mr. President, as you know the reorganization of the Agriculture Department has been discussed with great frequency. I would like to insert the following article on the recommendation of Mr. Lauren Soth, editor of the editorial pages of the Des Moines Register and Tribune. Mr. Soth brought this article to my attention and I believe its suggestions deserve wider consideration. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reorganizing the U.S. Department of Agriculture: A Proposal for Change

(A Statement by the National Planning Association Agriculture Committee)

The American people have been voicing deep concern about the institutions of their government at all levels. Cynicism has grown about the capacity of government agencies to act in the interests of the people. Studies have revealed corruption, favoritism and incompetence in carrying out regulatory and administrative functions.

Not least among the institutions which have been the subject of public doubt and suspicion is the U.S. Department of Agriculture. Sharp criticism of the department has come from numerous quarters with regard to regulatory activities concerning the public forests, agricultural chemicals and meat processing, the handling of grain sales to the Soviet Union, etc. In fact, the very need for a Department of Agriculture to serve farmers has been questioned. On January 22, 1971, President Nixon, in his State of the Union message, presented a broad plan for reorganizing the Federal bureaucracy which would have abolished the U.S. Department of Agriculture.

Agricultural economists and other observers of the rural scene have argued for at least two decades that the U.S. Department of Agriculture has done a poor job of administering to the needs of small, low-production farmers. Spokesmen for the black community and other minority groups have long claimed that the interests and needs of these groups have been neglected by the USDA. And spokesmen for consumer-oriented groups have frequently argued that the USDA has failed to adequately represent and protect the interests of consumers in the food field. Thus, there is widespread dissatisfaction with the U.S. Department of Agriculture as it is presently structured and operated.

On the other hand, it should be recognized that the USDA has been highly successful in conducting and supporting agricultural production research, in developing new production technologies, in extending those technologies to commercial farmers, and in providing services required by modern farm units, but external to individual units (e.g., market news and plant and animal disease control). As a result, the commercial sector of agriculture is highly productive, dramatically dynamic, and of a tremendous benefit to consumers. Further, the USDA has been effective in stabilizing prices and incomes for the commercial sector, and in representing the interests of commercial farmers in many and varied problem areas. Thus, the USDA has a highly successful record working with and for commercial agriculture.

But, the question is being raised more and more frequently concerning what should we do about the U.S. Department of Agriculture. In 1971, the Nixon Administration was prepared to reorganize it out of existence. Now the Nixon Administration seems to favor maintaining the USDA with the specific and narrow mission to work with commercial farmers, and to transfer all functions concerned with rural development, rural welfare and consumers to other, essentially urban-oriented, agencies. This approach has considerable appeal for many. But it has two major weaknesses. First, rural development and welfare activities tend to be ignored and overlooked in urban-oriented agencies; the larger, but not necessarily more acute, urban problems simply dwarf the rural problems, resulting in the neglect of the latter. Second, a Federal department concerned with the interests and problems of a small sector of the economy—commercial agriculture—and the relatively few individuals involved would soon become a second-rate, neglected agency in the huge Federal administrative structure.

It is occasionally suggested that a new Department of Rural Affairs be established, leaving the USDA with the role of administering to the needs of commercial farmers. But, such a proposal simply leaves us with two weak, and probably ineffective, departments.

The Agriculture Committee of the National Planning Association thus recommends that an essentially new department, replacing the USDA, be created to deal with the issues and problems of rural welfare, rural development and commercial agriculture. While it is true that most of the staff for this new department would come from the old USDA, the missions of the new department would differ radically from those of the old USDA, as would its structure.

The new department would have three primary missions:

1. the improvement of social conditions and services in rural areas (e.g., housing, education, health);
2. the development of nonfarm economic and social activities in rural areas (our concept of development here is broad and inclusive, ranging from the establishment of a factory in a market town to new rural-urban, living-working communities, to the establishment of recreation and wildlife facilities); and
3. the continued support and development of commercial farming.

Each mission noted above is important in its own right, and is proposed to deal with a recognized and well documented need. Further, and as will be argued later in this article, these missions complement one another to an important degree. Thus, it is recommended that they be combined into a single department to be named the U.S. Department of Agriculture and Rural Affairs.

To stress the fact that each of the three goals is to receive a high priority in the USDARA, each would be headed by an Under Secretary. The work of the USDARA would thus fall into three principal groupings, but would be tied together and integrated through the administrative device of all three Under Secretaries reporting to the same Secretary.

The operating structure of the USDARA would necessarily vary considerably among the three missions. Since the principal educational and health programs of the Federal government fall under the Department of Health, Education and Welfare, transportation activities under the Department of Transportation, and housing programs under the Department of Housing and Urban Development, it would be unnecessarily costly and administratively unwise to duplicate these programs in the USDARA.

This being the case, the Under Secretary, and his staff, responsible for improving social conditions and services in rural areas would perform a staff coordinating function. This Under Secretary and his staff would have the responsibility for working with the Congress, the appropriate administrative agencies of Federal, state and local governments, and rural interest groups to make certain that national and local programs in this area included rural components which adequately meet the needs of rural people.

Without a high-level administrative official, in this case an Under Secretary to "watch-dog" national programs of health, education, transport and housing, as well as other services, it seems likely that these national programs would increasingly ignore—hence neglect—the smaller rural sector in favor of the now overwhelming urban sector. Thus, we recommend the establishment of the Office of Rural Welfare in the USDARA to be headed by an Under Secretary, and staffed by an appropriate number of Deputy Under Secretaries, to watch over, strengthen and improve national welfare programs as they relate to rural America.

The structure of the USDARA with respect to missions 2 and 3 would be more conventional. As we envision the USDARA, all old agencies, and any new agencies concerned with rural development, would report to the Under Secretary for Rural Development. In a paper such as this, we will not attempt to draw an organizational chart indicating the agency and staff structure of the rural development mission. But, we would expect that such established agencies as the Soil Conservation Service and the Forest Service would report to the Under Secretary for Rural Development, and the current catch-all agency, the Farmers Home Administration, might well be reorganized and renamed. And we would anticipate that certain new agencies would be required to achieve a satisfactory development of rural areas: possibly a new agency to administer certain aspects of the Rural Development Act of 1972, and a new agency or two to deal with missing pieces of the development picture.

In this latter connection, it should be recognized that the Rural Development Act of 1972 assumes that we know how to achieve a satisfactory state of development in rural areas and therefore all that is required is additional financing. But this is not the case. We really don't know how to achieve satisfactory rates of economic development in rural areas. In the past, rural economic development has primarily involved agriculture, forestry or mining. When those industries did not provide the desired rate of economic development, where and to what did they turn? In every little town, there are monuments in the form of empty buildings to manufacturing and distribution enterprises that have failed. Economic development in rural America that does not involve agriculture, forestry and mining is a poorly understood phenomenon.

Local rural areas desperately need technical assistance to guide and direct their nonfarm development efforts. But the technical assistance base required to support development in rural areas is still to be created from research still to be done, a technical extension service still to be established, and local planning organizations still to be made productive. The rural development mission of the USDARA must fill this void through new activities and new agencies.

Mission number 3 should be realized at the outset with existing activities and agencies. We envision the following agencies reporting to the Under Secretary for Commercial Agriculture: the Agricultural Research Service, the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, the Agricultural Marketing Service (except for food programs), and several smaller agencies.

But it seems likely that price and income stabilization programs will change over time—will be forced to change—as the number of commercial farmers continues to decline, as payments per farm continue to increase, and as foreign trade in agricultural products becomes relatively more important. Thus, we do not foresee the mission of commercial agriculture continuing unchanged decade after decade; on the contrary, we foresee some important changes in the form and substance of stabilization programs occurring as the structure of commercial agriculture changes and the markets for farm products change.

In this conception of a Department of Agriculture and Rural Affairs, we reject certain propositions.

First, we reject the proposition that a viable department representing commercial agriculture alone can be maintained.

The constituency of commercial farmers is already small in size and is becoming smaller each year. When half the families of the nation were engaged in farming, it was easy to visualize and establish a department to look after their interests alone. But, with the present distribution of the working force, there is no more justification for a Department of Commercial Agriculture than there is for a Department of Pharmacy or a Department of Plumbing. In due time, this would be recognized, and a Department of Commercial Agriculture would be folded into some other department, probably the proposed Department of Economic Affairs.

Second, we reject the proposition that viable units concerned with (a) social services for rural areas and (b) nonfarm economic development for rural areas can only occur in some agency divorced from commercial agriculture.

We have learned from experience that programs designed to improve social services in rural areas and increase nonfarm employment in rural areas get short shrift in new urban-based agencies. The agencies established to combat poverty were "captured" in large measure by urban interests; as a result, the poverty programs have focused on urban problems and neglected rural problems. Further, we know that weak and nonexistent programming in nonfarm rural communities results from weak and nonexistent representation of these communities in the Congress; missions 1 and 2 described above for dealing with problems in rural areas outside the commercial farm sector will become strong and vigorous only as the representation from those areas becomes stronger and more vigorous. Placing the agencies concerned with improving social services and nonfarm economic development for rural areas in urban-based agencies will not in itself strengthen their work and effectiveness.

The complementary nature of the three missions should contribute to their respective effectiveness when all three are placed in the same department. (Throughout this discussion, we recognize that national programs concerned with such areas as health and education will not be torn asunder and placed in part in the new USDARA; but, the coordinating responsibility for health and education in rural areas will be placed in the USDARA.)

Increased prosperity of the commercial farm sector, for example, in no way conflicts with the goals of improved social services in rural areas and increased economic activity in the nonfarm rural sector. On the contrary, increased prosperity of the commercial farm sector should contribute (1) to new agribusiness enterprises and increased employment in those enterprises, and (2) to the increased financial support of social services for all rural residents.

Similarly, increased economic activity in the nonfarm rural sector should lead (1) to increased employment opportunities for surplus farm workers and (2) to a further easing of the financial burden of providing a desired level of social services. Finally, improved social services in rural areas will benefit farmer and townsman alike.

It is true that the kinds of program activities provided rural areas will differ markedly by mission. Hence, there is need for separate and differently structured missions, with the work of each reporting to its own Under Secretary. The commercial farm sector needs production and marketing research and price and income protection; the small towns need technical assistance and credit; the rural community as a whole needs improved educational and health services and environmental protection. But, although the activities undertaken and the services provided by the separate missions vary to an important degree, they reach the same people in many cases, people with similar backgrounds and interests in many more cases, and they interact at many, many levels. Thus, we argue that these missions should be placed side by side in one Federal department.

We have not mentioned food programs to this point, but we will now. We recognize that food products are produced, in most cases, from farm products, hence there is continuity in the product stream. Nonetheless, consumer interests conflict in most instances with producer interests. Consumers are interested in low food prices, an abundant food supply, and pure, healthful products. Producers seek high prices, are best served by a short supply, and are largely indifferent to health aspects of food. Because of this basic conflict of interest, we recommend that all food programs—inspection, regulation and distribution—now in the USDA be transferred to a consumer-oriented department. In a consumer-oriented department, food programs will be supported more vigorously and administered more effectively than in a producer-oriented department.

The question now arises as to where the Forest Service should be located—whether in the proposed USDARA or some other department. If a strong Department of Natural Resources is established in the Federal administrative structure, logic would argue for a transfer of the Forest Service to such a department. Such a department would have the responsibility for managing the use of all natural resources. But, if a strong Department of Natural Resources fails to emerge, a reasonable argument can be made for locating the Forest Service in the proposed USDARA. The forest sector is an important provider of nonfarm employment in rural areas. Thus, timber production and wood working industries might well become an important part of programs and activities designed to increase the development of the nonfarm rural sector. In this organizational conception, the Forest Service would become a part of the mission for developing nonfarm economic activities in the proposed USDARA.

The work of statistical reporting and economic analysis which presently comes under the purview of the Director of Agricultural Economics should remain unchanged as regards organizational structure, with the Director of Agricultural Economics, like the General Counsel and Administrative Assistant Secretary, reporting to the Secretary. But, the substantive work of the Statistical Reporting Service and the Economic Research Service should be broadened to adequately service the three primary missions of the USDARA. The Director of Agricultural Economics and his staff should expect to service the statistical and economic research needs of each of the three missions.

Finally, a word needs to be said regarding the Congressional committees to which the proposed department would (1) interact regarding legislation and (2) seek appropriations. Assuming that there is reasonable consensus favoring the departmental organization proposed above, and the President recommends its establishment, the Congress, in a rational world, would reorganize its Authorizing and Appropriation Committees along those lines. But this is not a rational world, and asking the Congress to reorganize its committee structure is like asking the elements to modify Minnesota winters—neither is what you would call responsive. Thus, we suggest that Congressional committees will come into being which recognize the three principal missions proposed above for the new Department of Agricultural and Rural Affairs, and which are organized into the appropriate subcommittees to deal with those missions, only as:

(1) the blacks and other minority groups in rural areas overcome the obstacles to their voting and are able to make their votes count;

(2) state and local politicians in states with large rural populations make the needs of rural people felt in Washington, as well as at the local levels;

(3) farm groups place as high a priority on the quality of life and social services as they do on goods, prices and incomes.

In other words, in making the recommendations that we have in this paper, we recognize full well that the Congressional committees are not going to change in organization and composition until the message comes through to them that the power structure in rural areas wants a change. But, they will begin to change when that message begins to come through.

NEW DIRECTIONS—THE 1974 FEDERAL BUDGET

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. RINALDO. Mr. Speaker, I include herewith, as a part of my remarks in the RECORD, the text of my current newsletter in which I make a number of observations about the fiscal 1974 Federal budget:

REPORT FROM WASHINGTON

NEW DIRECTIONS

They were hauled from office to office on long, low flatbed trucks, five volumes to each Congressman ranging in size from a 71-page summary to a 1,120-page book the size of the New York City telephone directory, bound in dark blue and lettered, appropriately, in gold—"The Budget of the United States Government, Fiscal Year 1974."

It is, beyond a shadow of a doubt, the most important single publication that will enter Room 1513, Longworth, or any other congressional office, this year.

By this time, you're no doubt familiar with the broad outlines of the President's budget: spending up from an estimated $250 billion this year to $268 billion for the year beginning July 1; dozens of substantial reductions in specific programs; virtually no new programs proposed; an increase of more than $4 billion in military spending; but, overall, a hold-the-line, noninflationary, no-new-taxes budget.

The Federal budget, however, is much more than a dollars-and-cents accounting of past, present and future government revenues and expenditures.

PLAN FOR THE FUTURE

It's nothing less than the Government's (the Executive Branch, at this early stage) plan for the future.

Both in its direct effects and in its underlying assumptions, the Budget represents the Administration's judgment of the direction which social and economic policy should follow. It allocates human and material resources. It defines, in effect, what the public sector will be and what the private sector will be. And it influences all kinds of ostensibly private decisions: business investment, hospital location, the availability of housing, education, medical care, and jobs, as well as the prices we pay for most products and services.

It is a very significant document.

And this year, especially, the Federal Budget is also a very controversial document. Time magazine terms it the President's "Call to Counter-Revolution." The President, also using military terminology, announces the beginning of "the battle of the budget." And eager recruits hasten to assemble on each side of the battle, some hailing the President's mastery of Federal spending, others condemning his insensitivity to human needs.

At this point, either judgment would seem to be premature. The Budget is so vast and the issues it raises are so complex that the job of deciding what is acceptable or unacceptable in the Budget will tax to the utmost the capabilities of every Congressman.

FEW DULL MOMENTS

There won't be many dull moments in this first session of the 93rd Congress, nor much time on our hands. Among other things, the President proposes to: abolish the billion-dollar Emergency Employment program of public service jobs for hardcore unemployed; dismantle and scale down the anti-poverty program; transfer and downgrade the White House Office of Consumer Affairs; close down the Office of Science and Technology and the National Aeronautics and Space Council; terminate Federal aid for hospital construction; stop new commitments for housing subsidies for low- and middle-income families; abolish the farm conservation program; and sharply reduce funds for such programs as the special milk program for school children. Model Cities, community development, education, manpower training, farm price supports and veterans' benefits.

All told, the Budget schedules major spending cuts for 113 individual programs, principally of the social services variety. While it proposes to consolidate about 70 of these programs in four broad-purpose, few-strings-attached special revenue sharing programs—in the areas of education, urban community development, manpower training, and law enforcement—available funds, in most cases, will be substantially reduced and critics fear the time lag in establishing special revenue sharing (assuming Congress agrees) will seriously disrupt the continuity of important programs at the local level.

NOTABLE OMISSIONS

Moreover, the Budget is almost as notable for what it omits. Absent from its thousands of pages, for instance, is any mention of welfare reform, which I strongly advocated during my campaign for Congressman and which was once one of the President's most heralded objectives. Similarly, no funds are budgeted for tax relief for homeowners burdened with high property taxes, nor for a national health insurance program, though the President indicates he's still in favor of it.

Obviously, there is much to argue about in the Administration Budget. Many special interests are threatened. Some real needs are down-graded. Conversely, such Presidential objectives as restraining inflation, keeping the lid on taxes, eliminating bureaucratic red tape, and bringing governmental decisions closer to home will be—and should be—widely welcomed.

All this presents Congress with some tough questions and even tougher decisions. I, for one, will want some answers to these:

How much fat can be squeezed from the defense budget without endangering national security? (A question which new Defense Secretary Richardson has just agreed, happily, to explore beginning right now.)

ANSWERS NEEDED

How can we differentiate more effectively between programs and functions which are primarily local in character and those designed to meet truly national needs which require Federal funds, standards and administration?

To what extent are State and local governments as a result of Federal revenue sharing equipped to accept responsibility—and higher costs in some cases—for programs previously administered by the Federal Government?

Since programs are seldom either 100% effective or totally ineffective, can't we find a way to assure that communities having real needs, a genuine commitment to service, and skilled administrators doing a superior job will be adequately funded? In other words, can't we avoid penalizing good projects along with the bad?

In the emerging confrontation between a powerful and determined Executive and a Legislative fearful of losing its authority, between a Republican President and a Democratic Congress, the final question may be the most critical: can we reach agreement on these momentous issues calmly, rationally, intelligently, willing to compromise where necessary, and recognizing that most of us—however much we may disagree—truly wish to serve the public interest?

These are your decisions, too! Whether you are rich or poor, worker or businessman, Democrat or Republican, it's your future at stake.

I shall welcome your views.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

MR. NORMAN A. CARLSON SPEAKS ON REHABILITATION OF NONVIOLENT CRIMINALS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. GRAY. Mr. Speaker, the entire population of our Nation is concerned about crime in general and correctional alternatives in particular. Many people feel that to place an offender in prison for a nonviolent crime only tends to make a criminal out of him. This is particularly true of white collar offenses. Others feel that stiffer penalties should be handed down by the court as a deterrent to crime. I personally feel that nonviolent offenders should be handled in community centers or halfway houses.

Mr. Speaker, I am pleased to call to your attention and that of our colleagues to an outstanding speech made on this subject. On Tuesday, January 16, 1973, we, in southern Illinois, were honored to have the outstanding and able Director of the Federal Bureau of Prisons, Norman A. Carlson, address the annual chamber of commerce banquet at Marion, Ill. Mr. Carlson and Warden George Pickett of the Marion Institution were recipients of the Industry of the Year Award presented by the Marion, Ill., chamber.

I had the great honor of making the presentation. We are all proud of the manner in which the Bureau of Prisons is operating the Marion Institution. It is the most modern prison in the world with much emphasis being placed on rehabilitation of the inmate. The Marion community, Southern Illinois University, John A. Logan Junior College, and the entire area are cooperating with prison officials in an effort to bring in a feeling of community pride. This helps the administration and the inmate feel that he is wanted as a valued citizen when he is released.

Mr. Speaker, under previous order granted me, I herewith commend Director Carlson's remarks for printing in the RECORD and hope that every colleague and reader of the CONGRESSIONAL RECORD will take time to go over the remarks of the brilliant Director of the Federal Bureau of Prisons, Mr. Norm Carlson.

First, let me say what a pleasure it has been to be on hand for the recognition which you have bestowed on the men and women who work at the U.S. penitentiary here in Marion.

Flying out here today gave me a good chance to sit back and think about just how significant this honor is to the Department of Justice.

For years, many staff members of the Federal prison system have made a continuing effort to bring together our institutions and the communities that surround them.

Our reason for doing so has been the firm belief that community involvement in the correctional process is critically important. The philosophy which prevailed in the past—that of isolating and trying to forget about offenders—has been one of the major causes of previous correctional failures. We do not accept the notion that an offender can be cut off from society—as you might cut off a diseased limb—and be expected to make a successful readjustment some years later when it suddenly becomes time to recognize him as a citizen again.

I might add that this philosophy of cutting people off has also been directed to some extent at many of our line correctional staff—the men charged with round-the-clock responsibility for supervising offenders. Over the years, the reward they have received for their thankless, often dangerous work, has usually been second-class citizen status in their communities. Obviously, the situation here in Marion is different. The recognition which you conferred tonight is a tribute to every employee at the institution, and I know that you are as proud to call them neighbors as we are to have them in the Department of Justice.

I wish that we had the same situation everywhere. I wish I could tell you that all the barriers to community involvement had fallen. But that is not the case. Unfortunately, there are not enough communities like Marion and in far too many instances, correctional institutions are politely tolerated instead of being welcomed.

I think the slow progress to date can be attributed to two main factors. One of these is the unfortunate reluctance of many people to make a place in their community for the offender after he is released. It goes back to the diseased-limb philosophy and the attitude that those in corrections have the sole responsibility for changing men and women in our prisons. It results from the unwillingness of many to admit that offenders represent the failure of all the institutions in our society—the home, the church, the school, the community.

The other reason for slow progress may be that all of us in corrections have to work harder on community relations—letting our fellow citizens know what's going on in our institutions, why it's happening, and what they can do to help.

In any case, it won't ever work unless it's a two-way street as it has been in Marion. Our efforts will be in vain unless people like yourselves, throughout this country, make a similar commitment to full involvement in the process of criminal justice. If interest in the crime problem stops at prison gates, then we're only paying lip service to finding a solution to that problem.

The role corrections plays in seeking a solution to the crime problem is implicit in the title. The goal is to correct the offender so that he will be a productive member of society after release.

I can't fully describe the challenge which confronts us. But I can tell you, at the risk of disappointing some of our more impatient critics, there are no panaceas to get the job done.

The magnitude of the challenge and the failures of the past, however, are no justification for throwing up our hands.

It means that we must increase our efforts to offer educational, training, counseling, and other opportunities which can prepare the offender to play a productive role in the society of which he is a part.

We are not so unrealistic as to believe that all offenders will take advantage of these opportunities. What makes it worthwhile, though, is that even at an institution like Marion—which houses our most difficult offenders—we frequently have success.

I can't tell you how pleased I was in October about the front page New York Times story on a Marion inmate who earned his undergraduate degree magna cum laude from Southern Illinois University. Not only did he graduate with honors, but through sheer determination he completed four years' work in 21 months, setting a record unequalled by SIU studies who have a lot more opportunities.

His accomplishment was, most of all, a credit to his motivation. But it also says something about community involvement in that such a program could even be made available. It throws at us the hard challenge of finding and reaching other such men.

Taking a moment to look into the future, I don't know of any substantial change in the vital role now played by the institution here.

Marion is one of our newer institutions and, as such, has benefited by having industrial programs that are relevant to needs of the job market outside. We employ inmates in a sheet metal factory and a printing shop within the institution and wish that we had similar industries in some of our older facilities.

Marion has a modern vocational training program and the education department has a wide offering that ranges from literacy training to college studies. We are extremely pleased by all the assistance we have had from both SIU and from John A. Logan College.

Looking ahead for the entire Federal prison system, a number of new institutions are either under construction or on the drawing boards.

These new institutions will help to alleviate some of the pressures we have been feeling as a result of getting increasing numbers of offenders.

They will be small and modern and we have deliberately attempted to eliminate the oppressive atmosphere that is prevalent in so many of the Nation's aging, outmoded prisons.

In the past, and today especially, there has been a great deal of criticism about the correctional system in general. Much of this criticism, of course, has been justified so the question becomes whether or not we are making positive steps forward.

The answer to the question is that we are making such steps. The Bureau of Prisons recognizes that 98% of the offenders we get will some day be back on the streets again. We recognize that our role in the protection of society is to hold these offenders safely and to do whatever we can to keep them from returning to a life of crime.

Citizens across the country have begun to take note of the deplorable conditions in many of our institutions and are now beginning to understand the problem. Part of the credit for this understanding must go to the U.S. Chamber of Commerce which has published a pamphlet called, "Marshaling Citizens' Power to Modernize Corrections." The pamphlet (and a slide presentation is also available) gives insight into correctional issues and tells how to mobilize citizen and legislative support for correctional programs. Approximately one million copies already have been distributed.

The most encouraging progress in corrections has been the recognition and support we have received from the Congress. In fiscal year 1969, for example, the budget for the Federal prison system was only $69 million. Last fiscal year, it was $175 million. As businessmen, I think you can appreciate that all the good intentions in the world are of no use unless you have the financial backing to put them into action.

Because of the new awareness and support for corrections, however, there has also been a disturbing attempt in some quarters to find a panacea that will cure all of our correctional ills. In recent months, there has been quite a clamor that we should give up all correctional institutions in favor of treating offenders within the community.

The Bureau of Prisons supports community treatment and pioneered in the use of halfway houses. We operate 15 of our own and have contracts with more than 70 others. But we realize that many offenders still need institutions and that the institutions we put them in are going to have to offer a lot more than some of the steel and concrete fortresses that have been in vogue for the past century.

Community treatment has a lot to commend it. It has a degree of humaneness which institutions can never achieve and it is cheap by comparison. But it is not a panacea.

The rational approach is to develop each method of treatment so we can offer correctional alternatives that will meet both the needs of our offenders and the requirements of our society.

Whether corrections can realize the full potential of either method will depend on men and women like yourselves throughout this country. Unless there is a national commitment, community treatment will never get off the ground and institutions will continue to be places where isolation and dehumanization prevail.

Should that occur, we can forget about diminishing the problem of crime!

CONGRESSIONAL LEADERSHIP AND THE FEDERAL BUDGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. PICKLE. Mr. Speaker, if there is any total agreement in this body, it may well be that our branch of Government has lost power to the executive.

We have chosen to react rather than act ourselves in the first place as a coequal branch of Government—one which is responsible for making the laws and overseeing the manner in which they are executed and administered.

While we may be able to ameliorate our immediate problems, there is no realistic probability of escape from them until we face up to the responsibilities of the Constitution.

The biggest arena of this debate is, no doubt, the handling of the Federal budget by the Congress. We must and should initiate strong programs to reduce waste of tax dollars throughout our entire government. There are many areas in which we can save Federal dollars without impairing economic or social growth.

The Christian Science Monitor discussed this in a recent editorial which I would like to insert in the RECORD at this point, and I am hopeful that my colleagues can find time to read it.

The last paragraph of the article succinctly sums up our responsibilities, saying:

> Congress can either contribute greatly toward a constructive and fiscally sane budget, or it can muff the job. Before it can make a positive contribution, however, it must straighten out its own absurd and self-defeating budgetary and revenue procedures. The present non-system parcels out the budget in so many directions that the overall budget picture is lost sight of and, with it, any real control. If Congress wishes to regain its constitutional powers, it would do well to make a start at precisely this point.

The editorial follows:

THE BUDGET: MR. NIXON'S BID

The first thing to be noted about President Nixon's proposed budget for fiscal year 1974 is just that: It is a *proposed* budget. It is in essence Mr. Nixon's opening bid in the next round of the political-economic-fiscal-social-defense game at which politicians in both the executive and legislative arms of government, at all levels, endlessly play.

In fact, his latest bid comes even before the last round is played out. And it is instructive, in examining the trend of this bid, to review what happened in the last round. In brief, a year ago Mr. Nixon proposed to spend $246.3 billion in fiscal 1973, which ends this coming June 30. Congress meanwhile voted to spend $261 billion, and the President in turn countered with a request to cut that back to a ceiling of $250 billion, with him making the itemized cuts. Congress said no. The President then dug in his heels and refused to spend more than $250 billion of the money which Congress had appropriated.

Viewed from this background, President Nixon's new proposed budget of $268.7 billion for fiscal 1974, while presented as a conservative and noninflationary federal spending program, is actually 7 or 8 percent higher than last year's proposal. That is pretty much in line with the way the federal budget has been increasing in recent years. And it is considerably higher than the minus-3 or -4 percent annual increment in the gross national product—hardly regressive from a conservative economic standpoint.

Mr. Nixon characterizes his budget in terms of an effort "to chart a new course for America." In his Sunday night address to the American people, he referred to the budget as a major campaign effort against a spendthrift Congress in "the battle of the budget." As a scene-setting effort this is all within the ordinary context of American political theater. But it has to be recognized as such.

In our view, the new Nixon budget is more nearly an effort to strike a middle path between the extremes of spending too much too fast in social betterment on the one hand, and pulling in the economic reins too hard on the other. From a purely fiscal standpoint, the new budget recognizes that the economy is still not fully recovered from recession, but is growing healthily. It provides for a $19 billion increase in federal spending, which the continuing economic growth should allow, without stoking the inflationary fires, which remain a serious threat. And so it sets a realistic overall budgetary limit. Past experience, however, teaches that Congress will regard that figure as a floor rather than a ceiling. And here is where Congress should discipline itself.

Within that context, however, there is surely plenty of room for debate and maneuver. If the Democratic leadership of Congress decides that more spending is needed on social programs than Mr. Nixon recommends, there is one way of achieving that end without inflationary danger: raise taxes. This, of course, is precisely what Mr. Nixon has vowed not to do, and he has gone so far as to say that he will veto any spending Congress calls for beyond his $269 billion ceiling. In any case, this is not a road the Congress is likely to go down without the President's prodding. Taxes are no more popular with congressmen than with presidents.

The more likely arena for the "battle of the budget" is in the area of priorities. Mr. Nixon has called for scrapping of 70 federal aid programs, including some in aid to education, law enforcement, job training, and urban development. While he has allocated $6.9 billion yearly to four special revenue-sharing programs with cities and states, which would allow them to carry on some of the federal programs being eliminated, that proposal is a sharp reverse-march from Mr. Nixon's proposals of a year ago. Then he called for six plans totaling $12.3 billion.

In many ways the particulars of Mr. Nixon's budget appear to be an attack on what remains of former President Lyndon Johnson's Great Society programs: gone are Model Cities slum restoration; local-action antipoverty programs; local mental-health programs, among others. At the same time, however, gone also are some of Mr. Nixon's own former pet ideas: no mention of welfare reform; no provision for his touted family assistance program; no real commitment to national health insurance. Congress will surely, and rightly, subject these and other decisions to a vigorous debate over priorities.

We ourselves would seriously question the $1 billion cutback on manpower training programs, the slashes in subsidies for Amtrak passenger rail service, the slashes in research on highspeed rail travel, and dilution of water pollution control. And, as discussed below, there is the whole question of how much of the federal budget should go to defense spending.

In this debate, Congress can either contribute greatly toward a constructive and fiscally sane budget, or it can muff the job. Before it can make a positive contribution, however, it must straighten out its own absurd and self-defeating budgetary and revenue procedures. The present nonsystem parcels out the budget in so many directions that the overall budget picture is lost sight of and, with it, any real control. If Congress wishes to regain its constitutional powers, it would do well to make a start at precisely this point.

DOMESTIC DOG AND CAT PROTECTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1973

Mr. ANDERSON of California. Mr. Speaker, according to the Department of Agriculture, a group of businessmen in Venezuela is planning to commercially raise cats, slaughter them, and then export the skins and other products to the United States for sale.

In addition to the skins, which reportedly will bring 50 cents each in the United States, these people plan to sell the gut for sutures and strings for musical instruments, and to market the feet for good-luck charms.

The cats' carcasses will then be fed to mice, which, in turn will be fed to the cats.

Mr. Speaker, this is not an isolated case. A South African businessman announced a plan to raise dogs for importation of dog skins into the United States. However, the public outcry led the South African Government to amend its Animal Protection Act to specifically prohibit the slaughtering of domestic dogs for financial gain.

However, existing U.S. laws and regulations would not stop this operation.

This utter disregard for domestic cats

and dogs must be challenged by the Congress, and the factory-farming of cats and dogs for pelts—merely to satisfy human vanity—must be halted.

By timely action, Congress could prevent the burgeoning of inhumane foreign industries built around the raising of domestic dogs and cats for slaughter.

For this reason, I introduced H.R. 3347, the Domestic Dog and Cat Protection Act, which would prohibit the importation of domestic dog and cat products into the United States. In addition, this proposal would prevent the interstate shipment of factory-produced domestic cat and dog skins, pelts, and other products for which the animals were slaughtered.

My bill would levy a $10,000 fine for the first violation, and $20,000 for the conviction of a second offense.

Mr. Speaker, I personally, believe that those who would slaughter cats and dogs for profit have grossly misjudged the American people, if they expect us to buy cat and dog skin products. However, I also believe that such an act, as I have proposed, would discourage the begining of such a business before it has had an opportunity to slaughter any dogs and cats. Such an act would lay to rest any visions of marketing dog and cat products in the United States.

At this point, Mr. Speaker, I would like to insert in the RECORD a communication from the Foreign Agricultural Service, Department of Agriculture, and a newspaper clipping from Coro, Venezuela on this topic:

CAT SLAUGHTERHOUSE PLANNED BY CITY OF CORO BUSINESSMEN

(By Michael Salazar Leidenz)

CORO.—This city, lying in the sandy irridescence that surrounds it and her colonial past—much of whose architecture remains intact—will be the center of a new, unusual industry.

A group of concerned citizens, confronting the scarce industrial possibilities that have existed in the region for the past four centuries, decided to found an enterprise that would exploit on a large scale the breeding of cats.

This idea is expected to change drastically the economic situation of the inhabitants who up until now have been receiving income off the money that trickles down from the National Budget and from the tourist industry that has only recently begun.

The company formed by Drs. Mario Jacobo Penso, Raul Lopez Lilo, Ruben Henriquez Garcia, Arnaldo Curiel and Jose Angel Jimenez, and banker Yamil Rujana Eblen, plans to start the industry with 10 thousand cats. The skins of these animals will be sold in the United States and Europe for $50 after having been processed.

DERIVATIVES

On the other hand, in this line of business there will also be a demand for derivatives that come from the breeding of cats. The insides of the cats, commonly known as "cat gut," are used in the fabrication of surgical thread and for guitar strings. The entrepreneurs also feel that the paws of the cats can be used to make "good luck" key rings and that certain bones may be used for amulets.

It is also believed that the hair from some of these animals will serve in the making of fine artists' brushes.

Banker Yamil Rujana Eblen is the vice-President of the Regional Development Bank and is also a well-known businessman.

He explained that the cat breeding project has received offers of economic lacking from various sectors, including businessman Jose Henriquez Morales, who has already offered $125 thousand for the cat business.

NOVEL IDEA

In reality, he explained, the creation of a novel industry is being tried because the cats will be fed mice and the mice will be fed with the meat of the same cats.

He went on to explain that once the cats' parts which are to be fabricated have been processed, the carcasses that remain will be used to feed a breed of 20 thousand sand mice whose raising will be begun at the same time. With these rodents the problem of feeding the cats will be resolved. The importation of 20 to 30 thousand sand mice, which have been brought in by the biological departments of the national universities and the Venezuelan Institute of Scientific Investigations in the past will be avoided, he added.

REPRODUCTION CYCLES

Drs. Mario Jacobo Penso, Ruben Henriquez Garcia, Arnaldo Curiel and Raul Lopez Lilo explained that the native cats reproduce every 90 days and have a litter ranging in size from 3 to 9 kittens.

At the same time the mice reproduce every 21 days a litter of from 6 to 9 offspring.

"As the growth of both present certain special geometric characteristics, if we initiate the breeding of 10 thousand cats, the 20 thousand mice will allow us to feed all of the animals and we would guarantee in this manner, at a minmum cost, the operation of the industry," they explained.

CANNING PLANNED

"On the other hand," they explained "if we are left with an excess of mice, we could in the immediate future install a canning plant for mouse meat, which will be used as food for house cats in the whole country."

They added that the left-overs of the cats and the mice will be made into fertilizer of prime quality to supply, in immediate condition, the onion, tomato and pepper plantations that are found on the perimeters of the city.

Also, they explained, the heads of mice, dissected, will serve to make tie clips.

Dr. Felix Vargas Graterol, ex-General Secretary of Government, and a person linked with the political and economic sectors of the country, was named the legal counsel of the company which will breed the cats. Referring to the possibilities of this industry, he noted that he will give employment to at least 100 people and to many veterinary and para-veterinary personnel.

The same characteristics of the company, he said, that in beginning were taken with less seriousness than they should have been, will foster other industries, among them tourism, because there will be many tourists who come to observe our original industrial process."

LOW COSTS

Dr. Jose Angel Jimenez, one of the businessmen, explained that the costs of production of this industry will be minimal. Equally the costs of marketing will be reduced. He indicated that a skilled worker makes Bs 15 a day or $3 more or less. The climate is ideal in allowing production all year long and the city of Coro has temperature averages of 28 centigrades.

The industries that are located in Coro," he said, "will be capable of producing 12 months a year because of the climate, the abundance of water, and the transport roads which connect Coro with the rest of the country."

Dr. Ramon Antonio Medina, the governor of Falcon State, referring to the cat industry, said that his government is ready to give moral and economic support to all of those industries that show the feasibility.

"We believe," he said, "that since we are giving a great push to tourism, constructing projects and bettering the general condition of the state, we also have the obligation to support all of the industries that may operate in Falcon.

FOREIGN AGRICULTURAL SERVICE,
December 29, 1971.

From: Caracas
To: Department of Agriculture, Washington
Ref: Code 13 V Voluntary
Subject: Venezuela: Commercial Cat Production in Venezuela

In a move that may leave some cat lovers with a queasy feeling, a group in the northwestern state of Falcon has announced to begin commercial production of cats. Such production is being spurred by reports that prepared cat skins bring about 50 cents each in the U.S. There are also plans to sell the gut for sutures and strings for musical instruments, and the feet for good-luck charms (rabbits' feet have no special properties in Venezuela—here the good luck comes from a cat's paw).

As an extra twist to this already unusual venture, the group plans to raise mice as feed for the cats. And, because only the skins, paws, and guts of the cats have commercial value here, the meat will be fed to the mice.

Since the plans are to start with only ten thousand cats as compared to twenty thousand mice, and because mice multiply much more rapidly than cats, the enterprise is looking for markets for its mice in research facilities. Waste from this operation will be used as fertilizer in fruit orchards in nearby areas.

Initial investment in this enterprise will probably be about $200,000 ($44,000), and since the animals are feeding on each other, upkeep should be minimal. Eventually the operation should provide employment to about one hundred people in the Coro area.

Comment Because this whole proposal has an air of unreality about it we checked its authenticity with the Ministry of Agriculture (MAC). There we were told that not only was this a legitimate enterprise, but that the Director of Livestock Programs in MAC was starting an operation to raise burros for *their* skins.

DONALD M. NELSON, Jr.,
Assistant Agricultural Attaché.

TRIBUTE TO THE LATE OLIVER P. BOLTON

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GUBSER. Mr. Speaker, it was my privilege to come to Congress in the 83d Congress as a freshman with Oliver P. Bolton. I enjoyed his friendship and admired the manner in which he worked.

Oliver always had a smile for everyone and I shall never forget the boundless energy and enthusiasm with which he approached every task.

I deeply regret the passing of a good friend and extend my complete sympathy to his family.

HOUSE OF REPRESENTATIVES—*Monday, February 5, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The steps of a good man are ordered by the Lord; and he delighteth in his way.—Psalms 37: 23.

Almighty God, in fear of whom is the beginning of wisdom and in love for whom is the beginning of life, we come to Thee knowing that in losing ourselves in Thee we find ourselves and we discover that we find our brother also. One in Thee makes us one with our fellow men across all barriers of race, color, and creed. Living with Thee may we become channels through which Thy healing power may flow into our world.

May our loyalties be deep, our sympathies wide, our faith high, and our hope for better days bright. Make us great enough in mind and good enough in spirit to keep ourselves devoted to the best that the best may come to renewed life in us.

In the spirit of Him who being good went about doing good we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 261. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes;

S. 606. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

S.J. Res. 42. Joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

The message also announced that the Vice President, pursuant to Public Law 92–500, appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. BENTSEN, Mr. BAKER, and Mr. BUCKLEY as members on the part of the Senate, of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972.

The message also announced that the Vice President, pursuant to Public Resolution 32 of the 73d Congress, appointed Mr. HUDDLESTON to the U.S. Territorial Expansion Memorial Commission in lieu of Mr. Anderson, retired.

The message also announced that the Vice President, pursuant to Public Law 89–491, appointed Mr. NUNN to the American Revolution Bicentennial Commission in lieu of Mr. HARRY F. BYRD, JR., resigned.

The message also announced that the Vice President, pursuant to Public Law 90–259, appointed Mr. STEVENS to the National Commission on Fire Prevention and Control in lieu of Mr. Boggs, retired.

The message also announced that the Vice President, pursuant to Public Law 84–944, appointed Mr. JOHNSTON and Mr. HATHAWAY to the Senate Office Building Commission in lieu of Mr. Jordan of North Carolina and Mr. Gambrell, retired.

AMERICANS MISSING IN LAOS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is of the utmost importance that we obtain a more factual accounting of the 311 Americans missing in Laos. The latest list from Paris shows only three of the 311 as prisoners.

Based on past experience, it is fairly accurate to say that of the 311 shot down over Laos, at least 45 percent or well over 130 of these Americans were alive when they hit the ground.

Mr. Speaker, the question is whether or not these men are still being held captive in Laos, North Vietnam, or even China or were they executed or died from starvation after being captured. The families of the missing are entitled to know the fate of their loved ones. I urge officials at the Department of Defense and State Department to press the North Vietnamese, and press them hard, for concrete information on these missing Americans. We are living up to our part of the peace agreement. It is well past time for them to live up to their part.

COSTLINESS OF "COLLEAGUE" CORRESPONDENCE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I am compelled to come forth and comment with concern upon the fact that this Congress has already become captured by the compulsion to continually crank out correspondence commonly commencing with "Dear Colleague."

I am a man of caution and, I hope, a man of commonsense, but I cannot contain my contempt for the current, colossal volume of these communications. We have created a carrousel beyond compare, and this is a circumstance swiftly becoming beyond the capacity of many to contemplate—to say nothing of simply trying to calculate the carloads of colleague letters being carried to our offices each day. If this must continue, perhaps my colleagues will consider converting their comments to a recycled condition and, thus, constitute a case for commendation by conservationists.

I do commend my distinguished colleagues for their characteristic desire to carefully convey their wishes to have cosponsors in the creation, cancellation, or continuation of certain legislative programs, but let us commence to exercise control in connection with "Dear Colleague" correspondence.

I conclude that if we truly want to curtail costs, we should come home and closely examine the costliness of Congress.

Mr. GROSS. Mr. Speaker, will my dear colleague yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Would it help if they were addressed as "Dear Ms."—whatever that means—or "Dear M." or another of those fancy abbreviations in vogue these days?

Mr. CARTER. I think it might well help. Sometimes I find myself using "Ms." if I am in doubt as to the gender.

TRIBUTE TO VIETNAM WAR DEAD

(Mr. ABDNOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABDNOR. Mr. Speaker, today I am introducing a joint resolution which pays tribute to the great sacrifice made by American fighting men and women in Vietnam who laid down their lives to preserve the ideals of freedom throughout the world.

My bill would provide that the American flag be flown at half staff for one month from February 27th to March 27th. This is a small, but just way to express the sadness of a nation tired from a draining war and weary from the wounds of her lost sons and daughters.

I hope that my colleagues in the House will join with me in supporting this measure as one way we may honor our Vietnam war dead.

IMPOUNDMENT OF FUNDS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, we have heard a tremendous amount of discussion about impoundment of funds, budgetary cutbacks in funding and actual curtailment of funds for categorical programs. Interestingly enough, we heard from the Democratic Governors a couple of weeks ago, and today, Mr. Speaker, you were visited by Mayor Alioto, the mayor of the city of San Francisco.

The Democratic Governor, Mayor Alioto, and the 11 mayors who are members of the legislative action committee of the U.S. Conference of Mayors are alarmed about impoundment of funds and the public employment program. They are crying "outrage" because President Nixon has broken the promise he made to them in 1969 that general revenue sharing would be in addition to, not a substitute for specific programs for the poor and the minorities who make up so much of central-city populations.

This was a promise that Alioto told

you, Mr. Speaker, the administration had welshed on. Apparently, this promise was repeated by high administration officials as late as the day before Mr. Nixon's second inauguration. Though the mayors had no precise figures on the total damage that the proposed budget would do to the cities, they could begin with the 36 percent cut in funds for HUD, from $4.2 billion in actual spending this year to $2.7 billion requested for fiscal year 1974.

Mr. Speaker, it was less than 2 years ago that the President of the United States unleashed the Governors and mayors in an extensive lobbying effort to coerce Congress into passing a program in which they were interested. That program, of course, was revenue sharing.

Now, Mr. Speaker, I wonder what happened to the commitment that the President made to the Governors and the mayors not to cut back on urban programs by substituting general revenue-sharing funds for existing specific Federal grants.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 2, 1973.

The Honorable CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:47 a.m. on Friday, February 2, 1973, and said to contain an overview Message from the President concerning the State of the Union.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives
By W. RAYMOND COLLEY.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union:

To the Congress of the United States:

The traditional form of the President's annual report giving "to the Congress Information of the State of the Union" is a single message or address. As the affairs and concerns of our Union have multiplied over the years, however, so too have the subjects that require discussion in State of the Union Messages.

This year in particular, with so many changes in Government programs under consideration—and with our very philosophy about the relationship between the individual and the State at an historic crossroads—a single, all-embracing State of the Union Message would not appear to be adequate.

I have therefore decided to present my 1973 State of the Union report in the form of a series of messages during these early weeks of the 93rd Congress. The purpose of this first message in the series is to give a concise overview of where we stand as a people today, and to outline some of the general goals that I belive we should pursue over the next year and beyond. In coming weeks, I will send to the Congress further State of the Union reports on specific areas of policy including economic affairs, natural resources, human resources, community development and foreign and defense policy.

The new course these messages will outline represents a fresh approach to Government: an approach that addresses the realities of the 1970s, not those of the 1930s or of the 1960s. The role of the Federal Government as we approach our third century of independence should not be to dominate any facet of American life, but rather to aid and encourage people, communities and institutions to deal with as many of the difficulties and challenges facing them as possible, and to help see to it that every American has a full and equal opportunity to realize his or her potential.

If we were to continue to expand the Federal Government at the rate of the past several decades, it soon would consume us entirely. The time has come when we must make clear choices—choices between old programs that set worthy goals but failed to reach them and new programs that provide a better way to realize those goals; and choices, to, between competing programs—*all* of which may be desirable in themselves but only *some* of which we can afford with the finite resources at our command.

Because our resources are not infinite, we also face a critical choice in 1973 between holding the line in Government spending and adopting expensive programs which will surely force up taxes and refuel inflation.

Finally, it is vital at this time that we restore a greater sense of responsibility at the State and local level, and among individual Americans.

WHERE WE STAND

The basic state of our Union today is sound, and full of promise.

We enter 1973 economically strong, militarily secure and, most important of all, at peace after a long and trying war.

America continues to provide a better and more abundant life for more of its people than any other nation in the world.

We have passed through one of the most difficult periods in our history without surrendering to despair and without dishonoring our ideals as a people.

Looking back, there is a lesson in all this for all of us. The lesson is one that we sometimes had to learn the hard way over the past few years. But we did learn it. That lesson is that even potentially destructive forces can be converted into positive forces when we know how to channel them, and when we use common sense and common decency to create a climate of mutual respect and goodwill.

By working together and harnessing the forces of nature, Americans have unlocked some of the great mysteries of the universe.

Men have walked the surface of the moon and soared to new heights of discovery.

This same spirit of discovery is helping us to conquer disease and suffering that have plagued our own planet since the dawn of time.

By working together with the leaders of other nations, we have been able to build a new hope for lasting peace—for a structure of world order in which common interest outweighs old animosities, and in which a new generation of the human family can grow up at peace in a changing world.

At home, we have learned that by working together we can create prosperity without fanning inflation; we can restore order without weakening freedom.

THE CHALLENGES WE FACE

These first years of the 1970's have been good years for America.

Our job—all of us together—is to make 1973 and the years to come even better ones. I believe that we can. I believe that we can make the years leading to our Bicentennial the best four years in American history.

But we must never forget that nothing worthwhile can be achieved without the will to succeed and the strength to sacrifice.

Hard decisions must be made, and we must stick by them.

In the field of foreign policy, we must remember that a strong America—an America whose word is believed and whose strength is respected—is essential to continued peace and understanding in the world. The peace with honor we have achieved in Vietnam has strengthened this basic American credibility. We must act in such a way in coming years that this credibility will remain intact, and with it, the world stability of which it is so indispensable a part.

At home, we must reject the mistaken notion—a notion that has dominated too much of the public dialogue for too long—that ever bigger Government is the answer to every problem.

We have learned only too well that heavy taxation and excessive Government spending are not a cure-all. In too many cases, instead of solving the problems they were aimed at, they have merely placed an ever heavier burden on the shoulders of the American taxpayer, in the form of higher taxes and a higher cost of living. At the same time they have deceived our people because many of the intended beneficiaries received far less than was promised, thus undermining public faith in the effectiveness of Government as a whole.

The time has come for us to draw the line. The time has come for the responsible leaders of both political parties to take a stand *against* overgrown Government and *for* the American taxpayer. We are not spending the Federal Government's money, we are spending the taxpayer's money, and it must be spent in a way which guarantees his money's worth and yields the fullest possible benefit to the people being helped.

The answer to many of the domestic problems we face is not higher taxes and more spending. It is less waste, more results and greater freedom for the individual American to earn a rightful place in his own community—and for States and localities to address their own needs in their own ways, in the light of their own priorities.

By giving the people and their locally elected leaders a greater voice through changes such as revenue sharing, and by saying "no" to excessive Federal spending and higher taxes, we can help achieve this goal.

COMING MESSAGES

The policies which I will outline to the Congress in the weeks ahead represent a reaffirmation, not an abdication, of Federal responsibility. They represent a pragmatic rededication to social compassion and national excellence, in place of the combination of good intentions and fuzzy follow-through which too often in the past was thought sufficient.

In the field of economic affairs, our objectives will be to hold down taxes, to continue controlling inflation, to promote economic growth, to increase productivity, to encourage foreign trade, to keep farm income high, to bolster small business, and to promote better labor-management relations.

In the area of natural resources, my recommendations will include programs to preserve and enhance the environment, to advance science and technology, and to assure balanced use of our irreplaceable natural resources.

In developing human resources, I will have recommendations to advance the Nation's health and education, to improve conditions of people in need, to carry forward our increasingly successful attacks on crime, drug abuse and injustice, and to deal with such important areas of special concern as consumer affairs. We will continue and improve our Nation's efforts to assist those who have served in the Armed Service in Viet-Nam through better job and training opportunities.

We must do a better job in community development—in creating more livable communities, in which all of our children can grow up with fuller access to opportunity and greater immunity to the social evils and blights which now plague so many of our towns and cities. I shall have proposals to help us achieve this.

I shall also deal with our defense and foreign policies, and with our new approaches to the role and structure of Government itself.

Considered as a whole, this series of messages will be a blueprint for modernizing the concept and the functions of American Government to meet the needs of our people.

Converting it into reality will require a spirit of cooperation and shared commitment on the part of all branches of the Government, for the goals we seek are not those of any single party or faction, they are goals for the betterment of all Americans. As President, I recognize that I cannot do this job alone. The Congress must help, and I pledge to do my part to achieve a constructive working relationship with the Congress. My sincere hope is that the executive and legislative branches can work together in this great undertaking in a positive spirit of mutual respect and cooperation.

Working together—the Congress, the President and the people—I am confident that we can translate these proposals into an action program that can reform and revitalize American Government and, even more important, build a better life for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1973.*

COMMUNICATION FROM THE SPEAKER—SUBPENA SERVED ON THE SPEAKER

The SPEAKER laid before the House the following subpena:

[U.S. District Court for the District of Columbia, Civil Action File No. 27–73]

SUMMONS

The Regent Cecil J. Williams Plaintiff v. Carl Albert, M.C. Speaker, et al. Defendants.

To the above named Defendant: Carl Albert, M.C., Speaker.

You are hereby summoned and required to serve upon the Regent Cecil J. Williams, P.P., whose address is 1417 N Street, N.W., Washington, D.C. 20005, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY,
Clerk of Court.
RUBIN CUELLAR,
Deputy Clerk.

Date: January 5, 1973.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 5, 1973.
Hon. RICHARD G. KLEINDIENST,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On January 23, I received a summons and Complaint in Civil Action No. 27–73 in the United States District Court for the District of Columbia, against me in my official capacity as Speaker of the House of Representatives.

In accordance with the provisions of 2 U.S.C. 188, I have sent a copy of the summons and Complaint in this action to the U.S. Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

CARL ALBERT, *The Speaker.*

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 5, 1973.
Hon. HAROLD H. TITUS, JR.,
U.S. Attorney for the District of Columbia, U.S. Court House, Washington, D.C.

DEAR MR. TITUS: I am sending you a copy of a summons and Complaint in Civil Action No. 27–73 in the United States District Court for the District of Columbia, against me in my official capacity as Speaker of the House of Representatives, received on January 23, 1973.

In accordance with the provisions of 2 U.S.C. 118, I respectfully request that you take appropriate action as deemed necessary, under the supervision and direction of the Attorney General, in defense of this suit against the Speaker. I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

Sincerely,

CARL ALBERT, *The Speaker.*

MESSAGES OF SYMPATHY AND CONDOLENCES FROM THE AMBASSADOR OF TURKEY AND THE SPEAKER OF THE NATIONAL ASSEMBLY OF TURKEY

The SPEAKER laid before the House the following communications from the Ambassador of Turkey:

JANUARY 29, 1973.

Hon. CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to enclose herewith the message of His Excellency Sabit Osman Avci, the President of the National Assembly of Turkey, to Your Excellency, on the occasion of the death of His Excellency Lyndon B. Johnson, former President of the United States.

In sharing the sentiments expressed in the message, please accept, Mr. Speaker, in behalf of my wife and myself, our heartfelt condolences.

MELIH ESENBEL,
Ambassador of Turkey.

Hon. CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.:

I am deeply grieved by the news of the death of H.E. Lyndon B. Johnson, former President of the United States of America.

On this very sad occasion I wish to convey to your excellency my sincere feelings of sympathy and condolences.

SABIT OSMAN AVCI,
Speaker of the National Assembly of Turkey.

DESIGNATION AS MEMBERS OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 29, 1973.
Hon. CARL ALBERT,
Speaker of the U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the following Members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Hon. Wilbur D. Mills; Hon. Al Ullman; Hon. James A. Burke; Hon. Herman T. Schneebeli; Hon. Harold R. Collier;

Sincerely yours,

WILBUR D. MILLS,
Chairman.

RESIGNATION FROM COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following resignation from the Committee on Merchant Marine and Fisheries:

Hon. CARL ALBERT,
Speaker of the House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I wish to submit my resignation, effective this date, as a member of the House Committee on Merchant Marine and Fisheries.

Thank you very much.

Sincerely,

WILLIAM G. BRAY,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF THE SPECIAL COMMISSION ON MODERNIZATION OF HOUSE GALLERY FACILITIES

The SPEAKER. Pursuant to the provisions of section 499(a), title 4, Public Law 91-510, the Chair appoints as members of the Special Commission on Modernization of House Gallery Facilities the following Members of the House: Mr. WAGGONNER, of Louisiana, chairman; Mr. DENHOLM, of South Dakota; Mr. DANIELSON, of California; Mr. MARTIN of Nebraska; and Mr. DICKINSON, of Alabama.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FLYNT, of Georgia; Mr. SIKES, of Florida; Mr. DAVIS of Wisconsin; and Mr. ARMSTRONG, of Colorado.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. TIERNAN, of Rhode Island; and Mr. STEELE, of Connecticut.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 United States Code 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. WOLFF, of New York; and Mr. WYDLER, of New York.

APPOINTMENT AS MEMBERS TO THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 6968(a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. FLOOD, of Pennsylvania; Mr. STRATTON, of New York; Mr. RHODES, of Arizona; and Mr. HORTON, of New York.

APPOINTMENT AS MEMBERS OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Chair appoints as members of the American Revolution Bicentennial Commission the following Members on the part of the House: Mrs. HANSEN of Washington; Mr. BURKE of Massachusetts; Mr. WHITEHURST, of Virginia; and Mr. WILLIAMS, of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON BANKRUPTCY LAWS OF THE UNITED STATES

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-354, as amended, the Chair appoints as members of the Commission on the Bankruptcy Laws of the United States the following Members on the part of the House; Mr. EDWARDS of California; Mr. WIGGINS, of California.

APPOINTMENT AS MEMBERS OF THE FATHER MARQUETTE TERCENTENARY COMMISSION

The SPEAKER. Pursuant to the provisions of section 1(a), Public Law 89-187, the Chair appoints as members of the Father Marquette Tercentenary Commission the following Members on the part of the House: Mr. GRAY, of Illinois; Mr. ZABLOCKI, of Wisconsin; Mr. RUPPE, of Michigan; Mr. FROEHLICH, of Wisconsin.

APPOINTMENT AS MEMBERS OF NATIONAL FOREST RESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 513, the Chair appoints as members of the National Forest Reservation Commission the following Members on the part of the House: Mr. ICHORD, of Missouri; Mr. SAYLOR, of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House: Mr. THOMPSON of New Jersey; Mr. MURPHY of New York; Mr. GUDE, of Maryland, and Mr. FISH, of New York.

APPOINTMENT AS MEMBER OF THE NATIONAL HISTORICAL PUBLICATIONS COMMISSION

The SPEAKER. Pursuant to the provisions of 44 U.S.C. 2501, the Chair appoints as a member of the National Historical Publications Commission the gentleman from Indiana, Mr. BRADEMAS.

APPOINTMENT AS MEMBERS OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 86-380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House: Mr. FOUNTAIN, of North Carolina; Mr. ULLMAN, of Oregon; and Mr. BROWN of Ohio.

APPOINTMENT AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715a, as amended, the Chair appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House: Mr. DINGELL, of Michigan; Mr. CONTE, of Massachusetts.

APPOINTMENT AS MEMBERS OF THE NATIONAL PARKS CENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-332, the Chair appoints as members of the National Parks Centennial Commission the following members on the part of the House: Mr. FOLEY, of Washington; Mr. MELCHER, of Montana; Mr. SAYLOR, of Pennsylvania; Mr. SKUBITZ, of Kansas.

APPOINTMENT AS MEMBERS OF THE U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Resolution 32, 73d Congress, the Chair appoints as members of the U.S. Territorial Expansion Memorial Commission the following Members on the part of the House: Mrs. SULLIVAN, of Missouri; Mr. ROY, of Kansas; Mr. CAMP, of Oklahoma.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON HOUSE BEAUTY SHOP

The SPEAKER. Pursuant to the provisions of Public Law 91-145, the Chair appoints as members of the Select Committee on the House Beauty Shop the following Members of the House: Mrs. GRIFFITHS, of Michigan, chairman; Mrs. GREEN of Oregon; Mrs. HECKLER of Massachusetts.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

The SPEAKER. Pursuant to the provisions of section 401(b), title 4, Public Law 91-510, the Chair appoints as members of the Joint Committee on Congressional Operations the following Members on the part of the House: Mr. BROOKS, of Texas; Mr. GIAIMO, of Connecticut; Mr. O'HARA, of Michigan; Mr. CLEVELAND, of New Hampshire; and Mr. DELLENBACK, of Oregon.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

The SPEAKER. Pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Chair appoints as members of the Joint Committee on Navajo-Hopi Indian Administration the following Members on the part of the House: Mr. HALEY, of Florida; Mr. UDALL, of Arizona; and Mr. STEIGER of Arizona.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO REVIEW OPERATION OF BUDGET CEILINGS AND RECOMMEND PROCEDURES FOR IMPROVING CONGRESSIONAL CONTROL OVER BUDGETARY OUTLAY AND RECEIPT TOTALS

The SPEAKER. Pursuant to the provisions of section 301(a), Public Law 92-59, the Chair appoints as members of the Joint Committee to Review Operation of Budget Ceiling and to Recommend Procedures for Improving Congressional Control Over Budgetary Outlay and Receipt Totals the following Members of the Committee on Ways and Means: Mr. ULLMAN, of Oregon; Mr. BURKE of Massachusetts; Mrs. GRIFFITHS, of Michigan; Mr. ROSTENKOWSKI, of Illinois; Mr. SCHNEEBELI, of Pennsylvania; Mr. COLLIER, of Illinois; and Mr. BROYHILL of Virginia.

And the following Members of the Committee on Appropriations: Mr. MAHON, of Texas; Mr. WHITTEN, of Mississippi; Mr. ROONEY of New York; Mr. SIKES, of Florida; Mr. CEDERBERG, of Michigan; Mr. RHODES, of Arizona; and Mr. DAVIS of Wisconsin.

And the gentleman from Wisconsin (Mr. REUSS) and the gentleman from North Carolina (Mr. BROYHILL).

APPOINTMENT AS MEMBERS OF NATIONAL FISHERIES CENTER AND AQUARIUM ADVISORY BOARD

The SPEAKER. Pursuant to the provisions of section 5(a), Public Law 87-758, the Chair appoints as members of the National Fisheries Center and Aquarium Advisory Board the following Members on the part of the House: Mr. CARNEY of Ohio, and Mr. FREY, of Florida.

APPOINTMENT AS MEMBERS OF NATIONAL STUDY COMMISSION UNDER FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

The SPEAKER. Pursuant to the provisions of section 2, Public Law 92-500, the Chair appoints as members of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972 the following Members on the part of the House: Mr. BLATNIK, of Minnesota; Mr. JONES of Alabama; Mr. WRIGHT, of Texas; Mr. HARSHA, of Ohio; and Mr. GROVER, of New York.

APPOINTMENT AS MEMBERS OF COMMISSION ON ORGANIZATION OF GOVERNMENT FOR CONDUCT OF FOREIGN POLICY

The SPEAKER. Pursuant to the provisions of section 602(b), title 6, Public Law 92-352, the Chair appoints as members of the Commission on the Organization of the Government for the Conduct of Foreign Policy the following Members on the part of the House: Mr. ZABLOCKI, of Wisconsin, and Mr. MAILLIARD, of California.

And the following members from private life: Dr. Stanley Wagner, of Oklahoma, and Dr. Arend D. Lubbers, of Michigan.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON FINANCING OF POSTSECONDARY EDUCATION

The SPEAKER. Pursuant to the provisions of section 140(g), title I, Public Law 92-318, the Chair appoints as members of the National Commission on the Financing of Postsecondary Education the following Members on the part of the House: Mr. BRADEMAS, of Indiana, and Mr. DELLENBACK, of Oregon.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER. Pursuant to the provisions of section 202(b), Public Law 90-259, the Chair appoints as members of the National Commission on Fire Prevention and Control the following Members on the part of the House: Mr. DAVIS of Georgia, and Mr. PETTIS, of California.

HIGHWAY BEAUTIFICATION COMMISSION

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 123) to amend section 123 of the Federal-Aid Highway Act of 1970 establishing the Commission on Highway Beautification, as amended.

The Clerk read as follows:

H.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727-28) is amended by striking out the first sentence and inserting the following in lieu thereof:

"(i) The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727-28) is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WRIGHT. Mr. Speaker, the purpose of this legislation is simply to extend for 1 year the life of the Highway Beautification Commission.

The Commission was created by Congress in the Federal-Aid Highway Act of 1970, and it was originally contemplated that it should have completed its labors and become able to go out of existence by February 10. Unless something is done to extend the life of the Commission, it will expire on the 10th of this month.

The reason it seems necessary to extend the life of the Highway Beautification Commission is that it was late in receiving funds with which to begin operations. It was created in 1970. It was funded only in August of 1971. Thereafter, because of a variety of reasons, it was unable to begin its deliberations until last year, 1972.

The Highway Beautification Commission, on which four Members of the House and four Members of the other body serve along with three Presidential appointees, has conducted throughout the past year a series of some seven public hearings scattered throughout the United States in an attempt to make it feasible and convenient for the public to come and give to us its views as to the directions in which Congress should proceed with any contemplated amendments to the Highway Beautification Act.

Serving on this Commission on the part of the House in the past year have been the gentleman from Oklahoma (Mr. EDMONDSON, the gentleman from California (Mr. DON H. CLAUSEN), the gentleman from Iowa (Mr. SCHWENGEL), and myself.

We believe the Commission has thus far done good work. We have tried to hold it within a reasonable budget and not to expend any money unnecessarily. The Commission has had conducted for it two nationwide polls among the motoring public, the people for whom, presumably, we build and beautify highways, to ascertain from them what they would like to have done.

I believe, the Commission having issued an interim report, copies of which are available on both desks for any Members who desire to read it, that it is timely and proper that we extend this Commission for 1 additional year.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I am glad to yield to my friend from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I refer to House Report 9117, page 31, which was reported out by the Committee on Government Operations of which I am a member.

It says on page 10:

> Immediately prior to January 1, 1970, 198 presidential commissions, committees, task forces and other boards, panels and similar groups were appointed at an average annual cost in excess of $50 million.

Does the gentleman from Texas know whether or not the expenses of his committee are included in this estimate?

Mr. WRIGHT. I would have to respond to the gentleman from Arkansas by saying that these expenses probably would not be included in that total, because the Beautification Commission was created subsequent to the time on which those figures were applicable.

With respect to this present resolution, there is involved only a matter of $250,000.

It seems to me, while I fully agree with the conclusions of the Committee on Government Operations, on which the gentleman from Arkansas and I both serve, that this was a Commission created by the Congress and given a specific task to perform by the Congress. It has been unable yet to complete that task because the Congress was late in funding it.

For those reasons it seems to me that this is an exceptional circumstance and one we should allow.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield further?

Mr. WRIGHT. Of course I yield further.

Mr. ALEXANDER. Is a Commission on Highway Beautification not a congressional function?

Mr. WRIGHT. It is a Commission created by an act of Congress. The Congress obviously felt it desired the input, the advice, the consultation of such a study as was contemplated in the creation of such a Commission to assist us in the Congress in performing our legislative function of writing highway legislation.

The SPEAKER. The time yielded by the gentleman from Texas has expired.

Mr. WRIGHT. Mr. Speaker, I yield myself 2 additional minutes.

Of course, any substantive change in the highway beautification law would have to be made by the Congress of the United States. The Commission cannot alter the law. It can only recommend.

The Congress apparently decided in 1970 that it wanted the advice of such a Commission, and the Commission has given partial advice in a total of eight recommendations included in the interim report, copies of which are available here today.

The eight of those recommendations was that it have 1 additional year in which to investigate certain other facets and phases of highway beautification that its members were not able to get into last year

Mr. ALEXANDER. I have one further question. Is it not a function that could be performed by the Congress?

Mr. WRIGHT. The function of writing the law must be performed by the Congress, I say to my friend. The Congress in its wisdom created the Highway Beautification Commission and asked for its consultation and advice. In so doing Congress was performing its function, it seems to me, in creating a body the purpose of which was to make an in-depth study and inquiry into public attitudes and desires and then report back to the Congress.

Any change in legislation, of course, will have to be made by the Congress.

I am merely recommending, at the request of the Highway Beautification Commission and the Committee on Public Works, that this work be extended for 1 additional year.

Mr. ALEXANDER. If the gentleman will yield further, with respect to this one Commission, at a time when the public is out crying for Government to cut its expenses and at a time when the Congress is complaining about the loss of its functions to the White House, I am constrained to advise the gentleman I cannot support his proposal.

Mr. WRIGHT. I thank the gentleman for his candor. I would hope he would support it.

The SPEAKER. The time yielded by the gentleman from Texas has again expired.

Mr. WRIGHT. Mr. Speaker, I yield myself 1 additional minute.

I would hope, the Public Works Committee having voted unanimously to recommend this to the House, that it would be relatively noncontroversial and that most Members would see fit to support it. It only involves, as I said, some $250,000.

As for its being a Commission on which the President has something to say, I believe that is proper. Eight of the Commissioners are Members of the Congress, and there are three Presidential appointees. I do believe any one can say it is dominated by the executive branch.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe the gentleman from Texas has explained what has been presented to the House from the committee, in the request for extension of the Highway Beautification Commission, very adequately. There is no real reason for me to go into detail.

Certainly the principal issue is one of extending the Highway Beautification Commission, as was included in the Highway Act of 1972, which, as most Members of the House remember, was not finalized for congressional action. So, as a consequence, the Commission would die in February of this year, without the completion of its recommendations to the Congress and to the President.

In 1965, the Congress passed the Highway Beautification Act. It embodied three separate programs to control outdoor advertising, junkyards, and to promote landscaping and scenic enhancement. The approval of these programs reflected the increased awareness of the need to preserve, protect, and enhance the highway environment.

Unfortunately, the 1966 act contained many imperfections. This was especially true with regard to provisions dealing with the control of outdoor advertising and junkyards.

Our knowledge of how to successfully implement the provisions relating to them was inadequate. We had no real idea of how to go about the business of removing signs, how many there were, how much removal would cost or even what the end result of our efforts might be. In other words, there were still many unanswered questioning concerning the scope, purpose, and cost of the highway beautification program.

To try to find satisfactory answers to them, Congress in the 1970 Highway Act, created the Highway Beautification Commission. Its mission was to study existing statutes and regulations, review policies and practices of Federal and State agencies charged with administration of the beautification program and compile the information necessary to understand and ascertain the essentials of a viable highway beautification program. Once a thorough study was made, it was contemplated that recommendations to modify and effectuate existing laws, regulations and policies so as to better serve the public interest would be submitted by the Commission for congressional consideration.

The 1970 provision contemplated that the Commission would complete its work by February 10, 1973. Because of organizational and other delays, however, the Commission did not really begin full operations until December 1971. Consequently, it has not had time to fully explore all of the areas assigned it in the depth contemplated by the enabling legislation.

To complete its work, additional time is needed. It is for this reason that House Joint Resolution 123 was introduced and approved by the Committee on Public Works.

It would extend the life of the Commission on Beautification to December 31, 1973 and would provide an additional $250,000 to fund its work.

This Commission's work is important. Its life should be extended in order that it can complete its work.

I strongly urge approval of House Joint Resolution 123.

I believe the gentleman from Iowa (Mr. GROSS) has some comments he would like to make, so I yield the gentleman such time as he may consume.

Mr. GROSS. Mr. Speaker, I thank the gentleman from California for yielding me this time and I should like to ask the gentleman from Texas a question or two concerning the bill.

Mr. WRIGHT. Surely, Mr. Speaker.

Mr. GROSS. How much money has been expended thus far on this Commission?

Mr. WRIGHT. Approximately $200,000 has been expended thus far. This was the amount that was authorized, and that authorization would expire, as I said earlier, on the 10th of this month, the Commission not having completed its labors, unless we take action today to extend it.

Mr. GROSS. The gentleman, I believe, advised the House that the further requirement would be for $250,000; is that correct?

Mr. WRIGHT. That is correct.

The amount is requested, and the resolution from the Committee on Public Works is for an additional $250,000 for the present calendar year.

Mr. GROSS. Then may I ask the gentleman, why is the provision for $450,000 contained in the resolution?

Mr. WRIGHT. I would say to the gentleman, if the gentleman would yield——

Mr. GROSS. Yes; I yield to the gentleman.

Mr. WRIGHT. I would say to the gentleman that the $450,000 figure is a cumulative figure. In other words, in amending the parent act which was passed in 1970, we strike "$200,000" and insert in lieu thereof "an authorization of $450,000, $200,000 of which has already been expended." So that what we are talking about today is an additional sum of $250,000 for the present calendar year.

Mr. GROSS. Already $250,000 has been expended. In other words——

Mr. WRIGHT. No, no. If the gentleman would yield, I will explain it. I may not have been clear.

Mr. GROSS. I yield further to the gentleman.

Mr. WRIGHT. The sum of $200,000 has been expended. We are asking for $250,000 for 1 more year.

Mr. GROSS. Now, then, in the original legislation in 1970, did you not ask for $800,000?

Mr. WRIGHT. If the gentleman would yield, I do not recall that we asked for $800,000; I think we asked for $200,000 for 1 year.

Mr. GROSS. I thought it was $800,000 and the Committee on Appropriations cut it to $200,000.

Mr. WRIGHT. The gentleman may be entirely correct.

No, the gentleman is not correct. I am reading from Public Law 91-605:

> There are hereby authorized to be appropriated such sums, but not more than $200,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

So the Committee on Public Works and the Congress did not initially ask for $800,000, but, rather for $200,000.

Mr. GROSS. What kind of a staff do you have on this committee?

Mr. WRIGHT. Will the gentleman yield further?

Mr. GROSS. Yes, I yield.

Mr. WRIGHT. If I may reply to the gentleman, we had a staff of some seven people, consisting of three very fine professional people and four secretarial people. We recruited from the Department of Commerce an extremely able lawyer, who is the Director of the Commission. We were able to gain the services on a half-pay basis of a very able man from the Department of the Interior, they paying half of his salary and the Commission paying the other half.

We have a third professional person, whom we have included at the suggestion of Senator WEICKER, from New England, who is also doing a very excellent job.

I might at this point explain this to the gentleman from Iowa as one of the reasons why we have asked for a little bit more than we did last year. As the gentleman knows, salaries have increased 5.1 percent.

We were successful also last year in gaining from the Federal Highway Administration the loan of a fine secretarial person. This lady has returned now to her regular place of employment. The Commission was not paying her; we were getting her services gratis from the Federal Highway Administration. We are now going to have to replace her and get someone in her place.

Mr. GROSS. How many more are on the staff for which the Commission is going to be given $250,000 for less than a year? I believe the life of the Commission expires on December 31 of this year.

Mr. WRIGHT. If the gentleman will yield further, our proposal is that salaries would be approximately $113,000 out of that amount. Last year they were $98,000. The difference is explained as I said earlier. We would expect to budget $73,000 for operational expenses. That includes Commission meetings, hearings, and investigations, office related and printing expenses, and $64,000 for research and consultants. Last year we had $98,000 for salaries and approximately $71,000 for operational expenses and some $31,000 for research and consulting.

Mr. GROSS. Beyond the regular staff of seven or eight people, you have one on loan, and it is proposed to hire "think factory" personnel or consultants to help with this deal. Is that correct?

Let me ask you this: Has the Commission felt the need of any kind of foreign travel with respect to the beautification of American highways?

Mr. WRIGHT. If the gentleman will yield further, none whatever, and we do not anticipate spending one penny on foreign travel.

As I mentioned earlier, the Commission has been very busy. We had seven hearings, one in Atlanta for the southern area, one in Los Angeles for the western, one in St. Louis for the midwestern, one in Syracuse, N.Y., and another in Meriden, Conn., for the Northeastern States, one in Washington and one in Iowa in the gentleman's home State. So the Commission members have not been derelict in their duty in trying to get out and listen to the people from the States.

In each of these meetings the official State representatives came and gave us some very useful information, I think, as to their attitude toward the Federal acts.

Mr. GROSS. That is all very nice, but it is going to hustle us to pay for what remains of the interstate highway construction. If we ever get the Interstate System put together and try to maintain any kind of financial stability in this country, it is going to be difficult. It will cost us everything that we can rake up and dig up to pay for that, much less so-called beautification.

I have seen some examples of alleged beautification of the highways up to this point, and it is my observation that it has not been very productive, I will say to the gentleman.

I must join with the gentleman from Arkansas in opposing the continuation of this Commission for this purpose.

I do not want to take all of the gentleman's time. I thank you for yielding to me, and simply add by way of conclusion that I am waiting for the day when one—just one commission approved by Congress—will live up to its promises by reporting on time and without doubling the spending it originally stated would be necessary.

Mr. BURLISON of Missouri. Mr. Speaker, "Highway Beautification" is indeed high sounding rhetoric. Who in the world could be against it? I am certainly not against it. I am voting against authorization of this additional $250 thousand, however, to express my protest to what I see happening in my district and across the country. Interstate 55 traverses my district for a distance of about 200 miles. Across these acres of Ozark Foothills on the North and Mississippi Delta on the South are to be seen the most fascinating natural beauty existent anywhere. I find where there is a plethora of beautiful trees and other natural growth, vast sums of money being spent for bushes and trees which actually have the effect of being artificial in the environment in which they are placed.

The other facet of my chagrin in the great lengths that we go to in my district, and in this country, of permitting this gorgeous natural beauty to which I have above referred, bring intermittently and fragmentarily blotched with ugly road signs.

So I say, let us stop the wasteful spending of money, and the ecologically damaging permissiveness of highway road signs and use this $250 thousand additional authorization to build much needed highways.

Mr. DON. H. CLAUSEN. I have no further requests for time.

Mr. WRIGHT. I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT) that the House suspend the rules and pass the joint resolution (H.J. Res. 123), as amended.

The question was taken.

Mr. ALEXANDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 283, nays 40, not voting 108, as follows:

[Roll No. 11]

YEAS—283

Abdnor
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Bafalis
Baker
Bennett
Biester
Boland
Bolling
Brademas
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Burton
Butler
Byron
Camp
Carter
Casey, Tex.
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins
Corman
Daniel, Robert W., Jr.
Daniel, W. C. (Dan)
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hudnut
Hutchinson
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keating
Ketchum
Landrum
Latta
Lehman

Lent
Litton
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Obey
O'Brien
O'Hara
Owens
Parris

Passman
Patman
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.

Snyder
Stanton,
  J. William
Stanton,
  James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stubblefield
Studds
Sullivan
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wilson,
  Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—40

Alexander
Armstrong
Beard
Blackburn
Burlison, Mo.
Cederberg
Clancy
Crane
Devine
Dickinson
Flynt
Froehlich
Goodling
Gross

Holt
Huber
Hungate
Hunt
Ichord
Kemp
Landgrebe
Mathis, Ga.
Miller
Price, Tex.
Quillen
Randall
Rarick
Regula

Ruth
Satterfield
Scherle
Sebelius
Shriver
Spence
Symms
Taylor, Mo.
Towell, Nev.
Treen
Wampler
Ware

NOT VOTING—108

Addabbo
Andrews, N.C.
Ashbrook
Aspin
Badillo
Barrett
Bell
Bergland
Bevill
Biaggi
Bingham
Blatnik
Bowen
Brasco
Brinkley
Broomfield
Brown, Mich.
Burke, Calif.
Burke, Fla.
Carey, N.Y.
Carney, Ohio
Chamberlain
Chisholm
Conable
Conlan
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Danielson
Davis, Wis.
Derwinski
Dorn
Edwards, Ala.

Eilberg
Esch
Evins, Tenn.
Frelinghuysen
Frey
Gettys
Goldwater
Grasso
Gubser
Hanna
Harsha
Harvey
Hastings
Heinz
Hicks
Hinshaw
Holtzman
Jarman
Karth
King
Kluczynski
Koch
Kuykendall
Kyros
Leggett
Long, La.
McClory
McKay
Mann
Maraziti
Martin, Nebr.
Mayne
Michel
Milford
Mills, Md.
Mink

Myers
Nedzi
Nelsen
Nix
O'Neill
Patten
Podell
Robison, N.Y.
Rooney, N.Y.
Rousselot
Roy
Roybal
Ruppe
Sandman
Saylor
Shipley
Staggers
Steed
Steiger, Ariz.
Stokes
Stratton
Stuckey
Symington
Thompson, N.J.
Thornton
Udall
Ullman
Vander Jagt
Waldie
Walsh
Whalen
Wiggins
Wydler
Yatron
Young, Fla.
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Goldwater.
Mr. Blatnik with Mr. Derwinski.
Mr. Staggers with Mr. Conte.
Mr. Evins of Tennessee with Mr. Ashbrook.
Mr. Addabbo with Mrs. Burke of California.
Mr. Brasco with Mr. Conable.
Mr. Patten with Mr. Harvey.
Mr. Nedzi with Mr. Bell.
Mr. Hanna with Mr. Hinshaw.
Mr. Kluczynski with Mr. Broomfield.
Mr. Mann with Mr. Conlan.
Mr. Waldie with Mrs. Chisholm.
Mr. Udall with Mr. Mayne.
Mr. Yatron with Mr. Coughlin.
Mr. Badillo with Mr. Heinz.
Mr. Biaggi with Mr. Young of Georgia.
Mr. Conyers with Mr. Roybal.
Mr. Bergland with Mr. Nix.
Mr. Carey of New York with Mr. Hastings.
Mr. Stokes with Mr. Stratton.
Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Ullman with Mr. Brown of Michigan.
Mr. Leggett with Mr. Gubser.
Mr. Kyros with Mr. Chamberlain.
Mr. Bingham with Mr. McClory.
Mr. Barrett with Mr. Cronin.
Mr. Carney of Ohio with Mr. Harsha.
Mr. Cotter with Mr. Davis of Wisconsin.
Mrs. Grasso with Mr. Burke of Florida.
Mr. Gettys with Mr. Edwards of Alabama.
Mr. Eilberg with Mr. Maraziti.
Mr. Podell with Mr. King.
Mr. Roy with Mr. Esch.
Mr. Steed with Mr. Frey.
Mr. Stuckey with Mr. Kuykendall.
Mr. Symington with Mr. Martin of Nebraska.
Mrs. Mink with Mr. Michel.
Mr. Aspin with Mr. Robison of New York.
Mr. McKay with Mr. Sandman.
Mr. Bevill with Mr. Mills of Maryland.
Mr. Danielson with Mr. Rousselot.
Mr. Culver with Mr. Nelsen.
Mr. Jarman with Mr. Saylor.
Mr. Shipley with Mr. Myers.
Mr. Brinkley with Mr. Ruppe.
Mr. Long of Louisiana with Mr. Steiger of Arizona.
Mr. Karth with Mr. Vander Jagt.
Mr. Thornton with Mr. Walsh.
Mr. Hicks with Mr. Whalen.
Mr. Andrews of North Carolina with Mr. Wiggins.
Mr. Koch with Mr. Wydler.
Mr. Dorn with Mr. Young of Florida.
Mr. Bowen with Miss Holtzman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970."

A motion to reconsider was laid on the table.

EXTENDING LIFE OF COMMISSION ON HIGHWAY BEAUTIFICATION

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

The Clerk read the title of the joint Senate resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727–28) is amended by striking out the first sentence and inserting the following in lieu thereof:

"(i) The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727–28) is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commsision until expended."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 123) was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM THURSDAY, FEBRUARY 8, 1973, TO MONDAY, FEBRUARY 19, 1973

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 105) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 105

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 8, 1973, it stand adjourned until 12 o'clock meridian, Monday, February 19, 1973.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO APPOINT, AS AUTHORIZED BY LAW, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until February 19, 1973, the Speaker be authorized to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, February 19, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 3577, INTEREST EQUALIZATION TAX

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight to file a report on the bill, H.R. 3577, to extend the interest equalization tax, together with any supplemental or other views.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPROPRIATIONS FOR THE NATIONAL SCIENCE FOUNDATION

(Mr. DAVIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, scientific research and development are fundamental to the economy and security of our Nation. The American position in international trade depends on our technologically intensive industries. Solutions of many if not most of the grave problems facing our country—such as the energy crisis—depend in the long run on the results of R. & D.

Underlying any success that the United States may have in exploiting technology is an adequate pool of highly trained, and in some cases, retrained, scientific and engineering manpower. In other words, scientific research and science education must have highest priority if we are to meet the challenges which face us at home and abroad.

The Congress of the United States has a responsibility in setting budget priorities, including those in science. As elected representatives of the people we know better than any other single group what our constituents want and need, and must insist that these wishes be heeded.

For these reasons I am introducing today a bill to authorize appropriations for the National Science Foundation for fiscal year 1974. This bill differs from the bill introduced at the request of the administration in two very important ways: in the amount of money it contains, and in the degree of congressional control over how that money is spent.

This legislation will make available to NSF in fiscal year 1974 the same obligational authority as the House of Representatives approved last year, a total of $702.5 million including $7 million in excess of foreign currency. $60.9 million of this total consists of impounded funds scheduled for release in fiscal year 1974. Therefore, the bill I am introducing authorizes a total of $641.6 million, $59 million above the administration request.

I would like to emphasize that neither I nor the Science Subcommittee have made any judgments on the merits of the fiscal year 1974 NSF budget. All my bill does is set a bench mark for use in a detailed consideration of the budget by the Subcommittee during its upcoming hearings. This bench mark is the budget total which we approved last year, with no allowance for inflation or increased NSF responsibilities such as those being transferred to it under Reorganization Plan No. 1 of 1973.

The NSF, in spite of the importance of its science education and research programs to the future of this country, has had significant impoundments of funds authorized and appropriated to it in the past. For example, with an estimated obligation in fiscal year 1973 of about $615 million, the administration has impounded $66.4 million. Three budget categories had minimum spending levels specified in both the authorization and appropriation acts: Institutional improvement for science, graduate student support, and science education improvement. Almost half of the funds appropriated and specifically limited to these categories by the Congress have been impounded. This flagrant violation of congressional intent cannot continue. Strong measures such as the bill which I am introducing are needed to reassert congressional authority over spending by executive agencies.

Mr. Speaker, this bill is designed to prevent selective impoundment of funds appropriated to the NSF for the next fiscal year. It will not prevent an overall, general impoundment of NSF funds, but it will assure that congressional priorities within the NSF budget, whether impounded or not is honored. It combines the carrot with the stick: if the administration wants to obligate funds for programs it wants, it must obligate funds for programs the Congress wants also.

To my knowledge this is the first time legislation designed to thwart selective impoundment has been introduced as an integral part of an annual authorization bill. I think this approach has advantages over more general legislation designed to prevent executive impoundment of appropriated funds, although I have given and shall continue to give my strong personal support to broad legislation in this area. The NSF is one of those agencies which must have its programs specifically authorized each year, and my Subcommittee on Science, Research, and Development has the responsibility of approving its annual authorizing legislation. Because authorization acts are prerequisite to any obligation of funds by agencies such as NSF, they are the logical vehicle for effective anti-impoundment provisions. The same is not true of appropriations bills because legislation attached to such a bill makes it subject to a point of order.

The bill which I am introducing today breaks out the NSF budget into line item categories, rather than a lump sum total for the agency. Section 2 of the bill requires NSF to spend the appropriated funds on pro rata basis for the various budget categories approved by Congress. The percentage of authorized funds actually spent for any category cannot differ from the percentage of authorized funds actually spent for any other category by more than 5 percent. The only exceptions are for impoundments or transfers between categories which are submitted to Congress by the President. Such actions must be submitted to Congress and either House can veto the impoundment or the transfer within 60 legislative days. This permits certain flexibility in the Foundation budget but at the same time assures congressional approval for any changes. These procedures are based on those in the Legislative Reorganization Act and their constitutionality is well established.

Mr. Speaker, I insert in the RECORD at this point tables which show details of the NSF budget and the bill which I am introducing:

NSF FISCAL YEAR 1973 BUDGET CATEGORIES

	Actual fiscal year 1971	Estimate fiscal year 1972	NSF estimate fiscal year 1973	House figure fiscal year 1973
1. Scientific research project support	$180, 369, 112	$246, 600, 000	$274, 600, 000	$270, 600, 000
2. National and special research programs	49, 856, 551	85, 600, 000	109, 100, 000	106, 900, 000
3. National research centers	37, 174, 560	40, 400, 000	42, 300, 000	42, 300, 000
4. Computing activities in education and research	15, 042, 905,	21, 000, 000	20, 500, 000	19, 500, 000
5. Science information activities	10, 694, 898	9, 800, 000	9, 500, 000	9, 500, 000
6. International cooperative scientific activities	2, 179, 996	4, 000, 000	4, 700, 000	4, 700, 000
7. Research applied to national needs	33, 955, 291	55, 930, 742	80, 000, 000	80, 000, 000
8. Intergovernmental science program	800, 000	1, 000, 000	1, 000, 000	1, 200, 000
9. Institutional improvement for science	34, 392, 183	21, 000, 000	7, 000, 000	18, 000, 000
10. Graduate student support	30, 494, 681	20, 000, 000	9, 200, 000	20, 000, 000
11. Science education improvement	68, 316, 550	66, 100, 000	58, 800, 000	71, 800, 000
12. Planning and policy studies	$3, 219, 556	$2, 700, 000	$2, 500, 000	$2, 500, 000
13. Program development and management	21, 768, 818	24, 136, 655	26, 800, 000	26, 800, 000
Total	494, 408, 290	598, 267, 397	646, 000, 000	673, 800, 000
Impounded fiscal year 1972 funds expected to be released:				
1. Scientific research			700, 000	700, 000
9. Institutional improvement for science			5, 000, 000	5, 000, 000
10. Graduate student support			4, 800, 000	4, 800, 000
11. Science education improvement			11, 200, 000	11, 200, 000
Total			667, 700, 000	695, 500, 000
Foreign currency program	1, 996, 322	3, 000, 000	7, 000, 000	7, 000, 000

NATIONAL SCIENCE FOUNDATION, FISCAL YEAR 1974

[Millions of dollars

Budget category	I Administration bill	II	III Davis bill	IV Fiscal year 1973 impounded funds to be released	V Total NSF obligational authority
(1) Scientific research project support	274.8	(1)	286.2	0.2	286.4
(2) National and special research programs	91.0	(1)	94.8	8.6	103.4
(3) National research centers	46.2	(1)	48.1	1.8	49.9
(4) Computing activities	8.3	(1)	8.6	1.7	10.3
(5) Science information activities	6.2	(1)	6.4	2.1	8.5
(6) International cooperative scientific activities	6.2	(1)	6.4		6.4
(7) Research applied to national needs	79.2	(1)	82.5		82.5
(8) Intergovernmental science program	1.0	(1)	1.0		1.0
(9) Institutional improvement for science	0	9.0	9.5	9.0	18.5
(10) Science graduate student support	6.7	17.5	18.2	2.5	20.7
(11) Science education improvement	29.2	41.0	42.8	30.8	73.6
(12) Planning and policy studies	2.0		2.1	.2	2.3
(13) Program development and management	28.8		30.0	2.0	32.0
	579.6		636.6	58.9	695.5
Foreign Currency program	3.0		5.0	2.0	7.0
	582.6		641.6	60.9	702.5

(1) Amounts added to fiscal year 1973 impounded funds (col. IV) in order to equal the fiscal year 1973 authorization level for institutional improvement for science, science graduate student support, science education improvement.

THE ILLUSION OF POWER

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, the Wall Street Journal of Friday, February 2, contained an editorial called The Illusion of Power on which the select committee we created last week, and the rest of us also, might well ponder. Among other things this editorial says the following:

THE ILLUSION OF POWER

If it weren't such a waste of time and motion, we would almost be entertained by the mumbo jumbo that has preoccupied the denizens of Capitol Hill these several weeks. Like lodge brothers who exchange the secret sign or embrace with the secret grip, members of Congress are engaged in a revival of the congressional mystique, banding together for courage and resolve as they prepare to assault that other lodge at 1600 Pennsylvania Ave.

We know they are taking seriously this business of a "constitutional crisis" between the Legislative and Executive Branches. But from a distance it does appear a bit comical. Because somehow, while they weren't looking, Mr. Nixon and his immediate predecessors snatched away congressional prerogatives and carried them back in a sack to the White House. Senators and Representatives of both parties now line up daily to cosponsor legislation, sign petitions to various federal courts, and generally declaim against monarchial revanchism.

There is, of course, a power struggle of sorts shaping up. But the irony is that Congress will fail to revitalize itself as an institution unless it manages to "lose" the battle with the President. For what is at issue has little to do with the level of federal spending, but is mostly concerned with the level of federal activity. Mr. Nixon shows not much adversion to spending; his budgets grow by leaps and bounds. But at least he aims to have state and local governments play a much greater role in deciding how they want to spend that money.

Congress, though, is choking on the illusion that it now has the power to decide how all that money is spent; that it can actually run the country from Capitol Hill. It is increasingly aware that the programs it wrote and the money it spent with noble intent during the past decade or so have had miserable results. Yet it clings to the notion that the problems are mechanical, and can be ironed out in Washington.

Thus, we see the cry to oust the tired, old committee chairmen who don't have the zip and vigor that it takes these days to write dazzling, imaginative legislation. They also insist they have to change the rules so that it's easier to write new legislation.

And if imperfections still exist in the legislative process, the defenders of Congress maintain, it is because Congress is overworked. By gosh, the Executive Branch has dozens of computers and Congress has only one, which keeps track of the payroll. And the Executive has a couple million employes, Congress only 30,000. If it could buy some computers and hire more staff, it could perfect itself.

This is nonsense, of course, but it is being swallowed whole on the Hill, especially by members of the freshman class of the 93rd Congress, who don't know any better. More computers and more staff will simply produce more legislation that Senators and Representatives will adopt without reading. And since legislation invariably creates at least as many problems as it purports to solve, succeeding Congresses will be forced to write more and more detail into ever-bulkier bills. There will be a cry for more computers, more staff, and committee chairmen who have the vision and stamina of adolescents to keep up with the challenge.

There is only one way to reduce the congressional workload and enable Congress to once again serve as a deliberative body. President Nixon has hit on it in his plan to simply close out those programs that have no salvage value and to collapse others into special revenue-sharing grants to states and cities.

This plan might not only elevate the prestige and influence of Congress on those issues it would then have time to address. It might also bring rationality to the expenditure of public funds; the city council of Moline or of Seattle surely doesn't have to be told by Congress that libraries have higher priorities than fire engines, or vice versa.

But instead of embracing this plan as its salvation, Congress gives out with tiresome flummery about congressional prerogatives and constitutional crises. It has used its power to dissipate its power, and there is little left but illusion. At this point, Congress has nothing to lose by endorsing Mr. Nixon's reforms.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of the week, if any?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, may I take this time to announce that we are scheduling for floor action on Wednesday H.R. 2107, which would require the Secretary of Agriculture to spend the $210 million for the rural environmental assistance program, subject to a rule being granted by the Rules Committee.

That is the only piece of legislation I know of at this time that will be on the floor this week.

As the gentleman knows, we have already passed a resolution providing that when the House adjourns on Thursday next it adjourn to meet at noon on Monday, February 19. The only business for that day—of course, we will give out a program later in the week—which is Monday, February 19, will be the reading of George Washington's Farewell Address, which has been a custom around here for years.

On the following day we hope to bring up for consideration the Interest Equalization bill. It is expected that the Rules Committee will meet either tomorrow or Wednesday or Thursday, to grant a rule so that the Interest Equalization bill would be on the floor on Tuesday of the week we come back. That would be Tuesday, February 20, we anticipate at this time.

May I also say that this bill will be the first major piece of legislation on the floor of this Congress from the Ways and Means Committee to be considered under an open rule since March 30, 1929, when the Smoot-Hawley bill passed this Congress with an open rule. Since that time the Ways and Means Committee has reported each tax measure with a closed rule.

It is my understanding this matter would be up under an open rule on Tuesday, February 20, and I would advise all Members to be here.

Mr. GERALD R. FORD. Is it intended that the House will meet tomorrow, Wednesday, and Thursday, with the only business being the legislation the gentleman has mentioned?

Mr. O'NEILL. That is correct. There is no legislation scheduled for tomorrow at this time. I know of no resolution or anything of that nature.

We will read the bill on Wednesday.

While we will meet on Thursday, at this time we know of no legislation on that day.

POSTAL SERVICE PERFORMANCE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, in a recent report published in the Congressional Record, E. T. Klassen, Postmaster General, wrote:

> Our (The Postal Corporation) first goal was service improvement. While our service performance is still uneven, our tests indicate the mail service overall continues to improve.

Klassen also said:

> Ninety-four percent of the first-class mail deposited by 5 p.m. and destined for local delivery is being delivered the next day. In small communities, the percentage is usually even higher.

Mr. Speaker, this statement will be difficult for many people to believe.

I am sure that a friend of mine, who lives in Kokomo, Ind., would not believe it. He just received a letter from his son in Detroit, and it took 7 days to be delivered.

A woman in Scarsdale, N.Y., sent a letter to herself to test the Department's overnight service. She received the letter in 3 days.

A man in Utica, N.Y., wrote me and explained that a card was mailed to him from Long Branch, N.J., on December 18. He received the card on December 28. The same man told of a letter mailed from Utica to New York City on December 22—this was received on January 2.

A housewife in Marion, Ind., writes:

> I used to receive letters from West Virginia in three days. It now takes five.

Mr. Speaker, the Postmaster General's statement on improved mail service does not seem to impress the people of this Nation.

Mr. Speaker, just listen to excerpts from a letter I received from a mail carrier:

> I am a letter carrier . . . please let the public know how the investigation goes, and report what you find. Don't let it go by the boards. I used to be proud of being a mailman, but now you mention your line of work, and people say to you how they received a letter that took a couple of extra days in getting someplace.

A man in Hartford City, Indiana, writes that it took eight days to receive a letter from New York City and seven days from Washington, D.C.

Mr. Speaker, it has been a little longer than a week since I first made the charge that the mail service is slow and has to be improved.

In that short period of time I have received hundreds of telephone calls and letters from throughout the United States, and I am sure that this is just the beginning.

These cannot be isolated cases.

An Iowa Congressman sent me a copy of a letter he received from one of his constituents: It says, in part:

> This morning, January 23, I received a letter from a friend residing in the western outskirts of Chicago, postmarked the afternoon of January 16. This letter was nearly seven days en route over a 230 mile distance. The Pony Express of 120 years ago would have done better.
>
> If we can spend scores of billions of dollars on our space program, can't we expend a few billion to upgrade and expedite first-class mail service by reinstating the Pony Express?

Mr. Speaker, a Kentucky postmaster wrote me and said:

> Postal Service is not doing a good job. There are supervisors, inspectors, S.F.C. Postmasters and some other high-salaried people that have just an education and no real experience. This is giving older and experienced people trouble. We are using up valuable time making reports that are of no value.

A Catholic priest in Mt. Calvary, Wis., reported that it takes 5 to 7 days for mail to move 200 miles. He claimed that the mail service has never been worse.

Mr. Speaker, it is my hope that Congress will take an active role in helping to solve this problem. Something must be done. We should make an all-out effort to improve the postal service and not take the word of others that everything is OK, when the facts simply do not back this up.

INDIANAPOLIS STAR AND INDIANAPOLIS NEWS TRIBUTES TO PRESIDENT JOHNSON

(Mr. BRAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRAY. Mr. Speaker, it is a privilege to include in the Record at this point the following tributes to the late President Lyndon B. Johnson which appeared in the Indianapolis Star and News.

The first was written by Mr. Eugene C. Pulliam, publisher of the Star and News, and a long-time personal friend of the Johnson family. Following are the special tributes written by Ben Cole, of the Star, and Lou Hiner, of the News, as well as the editorials appearing in both newspapers:

"A Truly Lovable Man," Eugene C. Pulliam Says

"Lyndon B. Johnson was one of my dear personal friends for more than 30 years. Ours was a unique friendship. The public didn't know it, but he was a truly lovable man. We disagreed on many things political, but it never affected our friendship. I don't know how many times when I have introduced him to a small group of friends or to a large audience he prefaced his remarks by saying 'Gene Pulliam is my dear friend. A long time ago when I was still a senator we learned we could disagree without being disagreeable.' And that statement from President Johnson was an inspiring and deeply rewarding gift of our friendship.

"It was just about the same with dear Lady Bird and my wife, Nina, when they met for the first time. It was like old friends greeting each other after a long separation.

"We had had many letters from both Mr. and Mrs. Johnson, the last one just last week. They always expressed the feeling that they looked forward to seeing us soon again.

"I am not trying to write a eulogy to a great President. The cup of tributes and praise will run over from every state in the Union. But I do want to express our deep-down affection for a man we both knew and loved as a true and wonderful friend. And to let dear Lady Bird know our sympathy and understanding come from the bottom of loving and saddened hearts."

Eugene C. Pulliam, *Publisher*.

L. B. J. Conquered Washington With Texas-Style Vitality

(By Ben Cole)

Washington.—The vitality that Lyndon Baines Johnson gave to everything he did was the hallmark of his style, and it will be a long time before the nation's capital sees his equal.

His presence began to be felt almost as soon as he moved from the House of Representatives to the United States Senate in 1949 after his 87-vote hair's breadth landslide of 1948.

The Senate was his milieu. He took to its mysteries as a duck takes to water, and he set about instantly to make himself known and his ability and ambition understood.

David E. Botter, later to become a McGill School of Journalism professor before his death, had come up from Dallas the year Mr. Johnson moved to the Senate as a correspondent for the Dallas Morning News. His senior colleague, Walter C. Hornaday, preferred the commoner clay of the House and Botter covered the Senate—which pretty much meant Lyndon Johnson.

In the late summer, probably at Mr. Johnson's suggestion, Botter arranged an evening with the tall Texas freshman for a handful of his newspaper colleagues. The Indianapolis Star's correspondent, as new to Washington as Botter, fortunately was included in that company.

All the issues of the day were discussed, and Senator Johnson did the discussing. His performance was a revelation to the newsmen—he ranged easily over foreign trade, oil and gas problems, the Southerners' problems with civil rights.

What he said that night is forgotten, but not the style. Among the reporters on hand was William S. White, now a syndicated columnist but then of the New York Times. White became the best interpreter of Mr. Johnson among the Washington press, and the two men were fast friends.

It wasn't long before the senator from Texas was given the chair of leadership. One of his first moves was to hire out of the press gallery a big, bushy-haired Hoosier, pipe-smoking George Reedy, the son of an old Chicago front-page type newsman of the same name. As deliberate and careful as Mr. Johnson was mercurial, Reedy was a happy choice for the senator from Texas.

During his majority leader days, Mr. Johnson wore loose-fitting, brightly colored silk suits, and he loved to jangle coins or keys in his pockets while his haberdashery rippled in the light.

Majority leader Johnson never lost his publicity sense, and he knew a good story when he had one to give the press. One day this reporter was sitting in an inordinately dull Appropriations Committee hearing, hoping to get a few notes on the fate of an immigration office at Tucson, Ariz. Some of the committee staff joined the lone reporter at the press table just to keep him company.

Mr. Johnson strode into the hearing, glanced at the press table and noted that several persons were seated there. He almost immediately attacked the then-commissioner of immigration for having gone to Juarez, Mexico, to hire a maid.

The story appeared in one newspaper, but next day it became a sensation.

Mr. Johnson's influence on young people was pronounced. When he was Vice-President, he spoke each summer to the students doing intern work in the Federal service. A University of Virginia student who later took up a government career returned home from one of Mr. Johnson's speeches with eyes alight.

"Mr. Johnson told us that the one thing that distinguishes the American system from any other system in the world is that a young man who is willing to work hard may hope to succeed," he said. It became the young man's article of faith in America.

During the summer and autumn of 1964, when he was completing the term of President Kennedy and before he was elected in his own right, Mr. Johnson enjoyed his happiest moments in office. The Vietnam war had not yet become a fester, his election prospects were good and the country was solidly with him.

Going to the White House every Saturday was an adventure, because most of the time the President would call the press into his oval office and conduct a give-and-take news conference. Then he would adjourn to the White House lawn and walk for miles around the circular driveway, thoroughly enjoying the gaggle of reporters jostling each other to get closer to him.

The routine became established: If you had something special to ask the President, you lagged behind the main body of his infantry and allowed him to catch up with you. Then you could ask your question, and usually get an answer before the herd engulfed you and you were pushed away.

The campaign that year was a romp for the big Texan. He loved to turn the press out at dawn, take off for a day or so of frantic campaigning that could cover all of New England or sweep the South or cover the Middle West. His face was alight when he leaped into the crowds to shake hands. Once, in Brooklyn, he became so ebullient that he simply hauled an ecstatic women into his open car and hauled her along in his caravan for a mile or two.

President and Mrs. Johnson, unlike some first families, always included members of the working press in the social lists for state dinners. There is no thrill like attending a state dinner for the first time, and President Johnson was aware of the fact. He didn't forget the men and women in the press gallery who shared the story of his fabulous career.

One of his favorites in the press corps was Mrs. Elizabeth May Craig, the grandmotherly little woman who appeared often on the TV show, "Meet the Press." At Portland, Me., during a campaign trip, President Johnson turned the city hall rally into a May Craig appreciation event. Mrs. Craig, by the way, had sent Mr. Johnson a note every day that he was hospitalized with his 1955 heart attack, and he never forgot her thoughtfulness.

When he entertained the press at his ranch in Texas the day after the 1963 election, there was an auction of some of the campaign paraphernalia. Among the items sold was the bull horn that the President had used in haranguing the crowds along the campaign trail. A joyous May Craig bid it in.

A week later she received a phone call from the President of the United States, imploring her to return his treasure. He hadn't intended to let his bull horn get away, he said, and May would be doing him a big favor to return it. She did.

As the bitterness over Vietnam closed in on him, and his own worry for the men he was committing to battle deepened, the President became withdrawn from the press and there were no more walks around the White House driveway.

Once he held a news conference in the White House rose garden, and while the preliminaries were in progress he appeared prematurely and asked for George Reedy, his trusted press secretary. George was engaged in answering queries from a group of reporters, and the President groused, "Reedy thinks he works for you-all instead of for me."

In a light-hearted way, this reporter suggested, "Well, Mr. President, there are more of us than there are of you." But the President wasn't in the mood for light banter with an Indiana newspaperman, and the little jest fell flat.

The final years of his administration were saddened by the hostility that was heaped upon President Johnson, often by men who owed their political lives to his skill and generosity. Bill White, now a syndicated columnist, was one of the voices raised in defense of the President and Bill was chagrined when, during the 1972 campaign, Mr. Johnson allowed Senator George McGovern (D-S.D.) to visit the ranch along the Pedernales, giving a modicum of indorsement to the Democratic nominee's campaign.

Any newsman who lived in Washington for that golden span of years between 1949 and the end of the Johnson administration has a storehouse of memories that come alive this day. Lyndon Baines Johnson, for all the criticism some elements of the press found it convenient to heap upon him, was a newspaperman's President. He made the front page exciting every single day.

Down-to-Earth: L. B. J. Noted for His Wit and Humor

(By Lou Hiner, Jr.)

Among many things, the late President Lyndon B. Johnson will be remembered for his wit and humor.

He liked a good belly laugh imself and he often provided the same to those in his company. Many of his stories were ribald but mostly his was a down-to-earth humor.

When the American Society of Newspaper Editors met in Washington in April 1964, Johnson invited the editors and their wives to drop in for a visit at the White House but he received them instead in the Rose Garden.

He explained: "The reason I wanted you in the Rose Garden is simply because if we had gone inside the White House, Lady Bird would have insisted that I turn on all the light. We are going in shortly to the White House, so you can pick up your candles in a box over there."

(LBJ at the time was on a turn-off-the-lights kick.)

In May 1964 he let Washington correspondents bring their families to the White House grounds for an outdoors news conference. After the 30-minute session before the wives and children, Johnson announced:

"Friends and reporters—I hope you are the same—and children of reporters. I am so glad so many of you youngsters are here today . . . I want to ask all the children to come up here and pose with me for a group picture. Let's don't have any mamas or papas. They are always crowding into pictures, anyway."

After being introduced with lavish remarks at a meeting in Nashville, Johnson responded:

"I honestly believe that is the second best introduction I ever had in my life. The best one was when the governor was supposed to introduce me one time at Memphis but his legislature was in session and he didn't make it and I had to introduce myself."

Sen. Barry M. Goldwater, R-Ariz., was one of LBJ's favorite friends. Even so, he said of Goldwater during the 1964 presidential campaign: "He wants to repeal the present and veto the future." He invited the Goldwaters to a White House dinner before the GOP convention, and after dancing with Mrs. Goldwater he quipped: "I have to be nice to Peggy. I might want to get invited back here next year."

Johnson often liked to tell the story of Rep. Magnus Johnson, D-Minn.: "One day, Magnus Johnson rose in the House and declared, 'What we have to do is take the bull by the tail and look the situation in the face.'"

He called the late President Truman in Independence when Truman was celebrating his 80th birthday anniversary in 1964. He began the conversation: "I wanted to call collect but Lady Bird wouldn't let me."

Truman and the late House Speaker Sam Rayburn, D-Texas, were men he greatly admired and respected. He often recalled the advice Rayburn gave Truman after Truman became President: "Harry, they'll try to put you behind a wall down here. There will be people that will surround you and cut you off from any ideas but theirs. They'll try to make you think that the President is the smartest man in the world. And, Harry, you know he ain't, and I know he ain't."

Lyndon B. Johnson

The death of Lyndon Johnson has taken the last of the nation's former living presidents, barely a month after the passing of Harry Truman.

Johnson will be deeply missed by political friends and foes alike. In a way he was the most American of our presidents, a figure larger than life, embodying within himself all the fantastic energy of a sprawling and powerful nation. A son of the South Texas prairie, Johnson worked his way from humble beginnings through the many stages of political endeavor to assume the highest office in the land. And like the state which nurtured him, he was cast on a gigantic scale.

The former President's career spanned the epoch of modern politics—from his early congressional service in the days of Franklin Roosevelt to his own White House tenure in the '60s. When he was majority leader in the U.S. Senate, stories abounded of his fabulous energy, ability to reconcile conflicting views, and aptitude for practical results. He was a worker for the causes in which he believed, and seldom has a legislative leader accomplished so much under a president of another party as did Johnson under Dwight D. Eisenhower.

Perhaps the most memorable single moment in Johnson's career was his ascension to the presidency in the aftermath of the Kennedy assassination. At that time of national pain and confusion, the man from Texas provided the nation with a steady hand and effected a quiet but surefooted transition. He was able to unite the country in an hour when healing leadership was needed, and that leadership was confirmed by an enormous margin in the election of 1964.

Most assessments of Johnson's career will praise his domestic record while asserting that he foundered on the subject of Vietnam. While the record on both these topics can be read in various ways, we tend to think the verdict of history will be the reverse of current assessments. The domestic initiatives of the Johnson presidency, indeed, have already begun to be revaluated; it was in his repeated statements that the nation must stand firm against the tide of Communist aggression that Johnson came closest to striking to the core of historical reality in the 20th century.

Lyndon Johnson was a big man who embodied within himself the many impulses that are America, and whose life was itself a continuing chronicle of modern American statecraft. Our politics will be infinitely the poorer for his passing.

LYNDON B. JOHNSON

Lyndon Baines Johnson became the 36th president of the United States against a background of national grief and shock, and left office in a time of strife and questioning of the things he stood for and the things he did.

But history may prove to be a fairer judge and a more honest one than some contemporaries in whose eyes disillusionment with the recent past seems overwhelming.

Born on a farm near Stonewall, Texas, he was also born to politics, his father and grandfather having served in the Texas state legislature. As a young man he taught school and as a teacher, learned much about how everyday Americans lived.

In 1937 he won a contest for a vacancy in the United States House of Representatives in which he was to serve five full terms, and after serving as a Navy lieutenant commander in World War II was elected to the Senate, becoming Democratic leader in 1953. His brilliance as a parliamentary tactician and strategist carried him to the top level of leadership and put him in line for the vice-presidency in 1960.

It was not only his Great Society programs, launched after he became President, that aroused whirlwinds of controversy that would rage beyond his days in the White House, but the escalating U.S. involvement in Vietnam, which in spite of a heavy cost in the lives and wealth, came more and more to seem like a futile, unendable conflict.

His welfare, civil rights, and anti-poverty legislation produced mixed results and sharp differences of opinion, as to their merit, among the people. The high cost and expanding bureaucracy, in the view of many, were not justified by the debatable effects. Yet on the whole the care of the aged and poor and improvement in the rights of minorities made undeniable strides.

The war aroused the hottest, bitterest debate of all. Yet hindsight has conferred upon LBJ's sharpest critics a vision which most lacked in the early stages of the war. And despite the war's out-of-focus grand strategy, it has not yet been demonstrated conclusively to the majority of Americans that the defense of the perimeters of the free world is possible without recourse to arms, or that freedom and U.S. national interests are not worth defending.

Lyndon Baines Johnson has been characterized by his bitterest enemies as an inept and evil president, but we think the record shows he was a good-hearted man, often struggling against terrible odds, who did his best—which was not inconsiderable—in behalf of what he and most of his fellow countrymen considered the best interests of the nation as he understood them.

And history may well judge that he was among those presidents who helped to defend freedom in its hour of greatest peril and made possible for many millions of whom it had been hitherto denied a greater measure of realization of what is often called "the American dream."

FEDERAL ASSISTANCE TO SCHOOLS OF NURSING

(Mr. PREYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER. Mr. Speaker, I would like to take a very brief period of time to call to the attention of Members of Congress and those who read the CONGRESSIONAL RECORD the segment of the President's budget which deals with Federal assistance to the 1,362 schools of nursing in this country.

The Congress appropriated $144 million for fiscal 1972 to help train registered nurses under the authority of the Nurse Training Act of 1971 enacted in November of that year. The purpose of this act was to reaffirm and expand the Federal commitment to education of top quality registered nurses to help meet this Nation's increased demand for more health manpower.

In the budget we now have before us I see that the President has revised his fiscal 1973 request for nursing downward from the original $123 million to $94 million, and is asking for only $53 million for fiscal 1974.

These funds provide construction grants and loan guarantees, institutional support, and student aid to the nursing schools and students. These same schools have met the Government's challenge to train more nurses faster by increasing the number of 2-year associate degree schools and by increasing total graduations per year from 43,639 in 1970, to 50,900 in 1972.

Mr. Speaker, I share the President's well-publicized determination to hold down Federal spending to a predetermined ceiling, but for the life of me I cannot understand why he continuously picks out such programs as the training of nurses to make his cuts.

There are two people involved in the direct delivery of health care in our hospitals, clinics, nursing homes, and medical offices. They are the doctor and the nurse. One cannot function to the best of his potential without the other. We need more of both and we need them now.

Let us return fiscal integrity to the budgetary process. But in the light of what we learned about the problems of health manpower shortages after passage of medicare, let us not effect a false economy by severely reducing aid to nurse training on the eve of consideration of major new health care legislation.

I suggest that if we are really concerned about saving the taxpayer some money, one sure way we can do this is to make sure we have an adequate supply of well-trained health manpower ready by the time a program such as national health insurance goes into effect.

This country's nursing schools have demonstrated their ability to meet the challenge of expanding their enrollments and training new types of nurses. In return they deserve better than to have Federal support cut out from under them. I support, and I hope others will join me, a continued major Federal commitment to students and schools of nursing and hope that the Committee on Appropriations will see fit to recommend the same.

OUR TIMBER RESOURCES

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, as a member of the Housing Subcommittee of the House Banking and Currency Committee, I am continuously reminded of the spiraling cost of housing. Lumber plays an active role in the building of a house. As my fellow members may realize timber prices have fluctuated unbelievably during the last 3 years, a main reason being the sporadic supply of timber resources. There seems to be a great demand for the wood product during certain times of the year which is evidently more than our Nation's forests can produce.

One of the areas of our country which could develop necessary timber resources, yet has been neglected, is the Southeastern United States. At one time, this area had large forests, but through mismanagement and intensive agricultural cultivation, the forests have been depleted. However, through the proper management of forests belonging to small landowners, there is a chance that we could alleviate this situation. Consequently, today I am introducing a bill which gives special emphasis to providing assistance to nonindustrial forest landowners to increase the flow of public benefits for the proper management and use of those forest lands in private hands.

Small landowners hold 49 percent of the Nation's possible productive land base which is more than three times the acreage available in the national forest system. These lands in aggregate already produce huge amounts of pulpwood, sawlogs and other timber products needed by America's growing economy. However, due to neglect and mismanagement these small properties are producing less than half of their potential in terms of wood products.

The question arises in how can we utilize this unproductive woodland. I suggest that we increase the incentive to plant trees, practice reforestation in established stands, seeding to prevent soil erosion, creating wildlife habitats, and providing public access for recreational use. Yet, nevertheless, all of these activities require public funds. Because the immediate return from cultivation of forest lands is not quickly realized and because of the work and taxes involved, many people, even those owning sizable tracts of land, have been reticent to invest in this area. My legislation would provide for the financial incentives necessary to trigger these vital investments.

As I have previously stated, the increasing demand for timber, pulp, and other products used to meet housing and other needs is clearly evident. For example, housing starts in 1972 set an all-time high. Unless well-planned investments on these private lands are made now, the pressures of meeting this demand will continue with the relative increase in prices to be met by future consumers. In addition, increased costs will encourage the use of substitute materials which must come from the Nation's store of nonrenewable resources rather than the renewable forest resources. To try to avoid the predicted increase in prices, we need to insure an abundant supply of timber in the species and sizes needed by the construction company.

Three hundred million acres of land is the key to solving our future timber construction supply problems. This is the acreage affected by my legislation. The act would encourage nonindustrial farm owners to apply modern forest practices that would result in a wide range of public benefits. The primary incentive will be the sharing of the cost of installing these practices with the Federal or public share of the cost not exceeding 80 percent of the total expenditure. However, this will not be another Federal giveaway program where private landowners benefit at the expense of the general public. My bill provides that whenever these forest products are transferred through sale, the Federal Government will have a first lien on the properties, and the money that has been invested by the Government will be paid back to the Secretary of Agriculture with the appropriate interest. In addition, there are many side benefits that stem from this program. Investments in thousands of acres of idle forests will make them productive and many new jobs will be created to insure the necessary planting, cultivation, and harvesting of the product. I feel that this is the only fair and equitable way in which the Government can encourage investment in this sector. I urge the Committee on Agriculture to consider holding hearings on this legislation as soon as possible.

FREE FLOW OF INFORMATION TO PUBLIC FUNDAMENTAL TO EXISTENCE OF SELF-GOVERNMENT

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, the free flow of information to the public is fundamental to the existence of self-government. Democracy will perish at that point at which the press ceases to function free of intimidation, harassment, and censorship.

In the United States, the free flow of information is not a right or privilege to be doled out in controlled quantities at the whim of a Government agent. The people of this Nation have given no agency the power to infringe on freedom of the press or the free exercise thereof.

Restrictions on the news media arise in many disguises, some very obvious and some so subtle as to escape unchallenged for many years. Nevertheless, the cost is the same: A deterioration in our democratic form of government.

The ability of the press to fulfill its obligation to provide the public with a full and accurate account of events and ideas is severely impeded if courts and other governmental agencies are allowed to compel persons engaged in gathering and publicly disseminating news to reveal their sources of information. The collection and publication of the news must be unhampered by the threat of incarceration or public reprisal. Personnel working in the news media must be free to publish the results of their work, or, equally, to refuse to publish or to divulge the source of their information.

Personally, I find ample protection from governmental intimidation in the first amendment to the Constitution. However, recent actions taken by some courts and Government agencies, State and Federal, have created sufficient doubt, which in and of itself, imposes an unacceptable limitation on freedom of the press. For this reason, I am today introducing legislation that will once again publicly state to the people of this Nation and to all Government officials that we in the Congress hold freedom of the press to be a sacred and vital part of free government, and that we do not intend for it to be tampered with or chiseled away.

My bill is very simple. The language reads:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be required to disclose any information, or the source thereof, directly received or obtained by him in the process of gathering or the presentation of news or other information intended solely for public dissemination or distribution unless overwhelming evidence shows that refusal to disclose the information or its source would adversely affect the public safety to a substantial degree.

In essence, the issue is the survival of that great experiment in the self-government of free people. Failure to protect freedom of the press and the uninhibited exercise thereof will exact a costly toll from America's constitutional form of government.

REORGANIZATION PLAN NO. 1 OF 1973

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, on Friday, January 26, 1973, President Nixon transmitted to the Congress Reorganization Plan No. 1 of 1973, proposing to abolish certain components of the Executive Office of the President and to transfer to line departments and agencies those functions which are to be continued.

According to the plan, the National Aeronautics and Space Council will be abolished outright. The Office of Science and Technology will be abolished and its functions transferred to the Director of the National Science Foundation. The Office of Emergency Preparedness will be abolished and its functions transferred to the President, who has stated his intention to delegate these functions further as follows: Relief in civil emergencies and disasters to the Department of Housing and Urban Development, continuity of civil government operations to the General Services Administration, and investigation of imports affecting national security to the Treasury Department. The Deputy Secretary of the Treasury will replace the OEP Director as chairman of the Oil Policy Committee, whose functions are to be continued subject to general supervision of the Assistant to the President for Economic Affairs, Dr. George P. Shultz. At the conclusion of my remarks I will include a fact sheet prepared by the White House giving more information on Reorganization Plan No. 1 of 1973.

Reorganization Plan No. 1 of 1973 has been referred, as is customary with reorganization plans, to the Committee on Government Operations. Under the Reorganization Act of 1949, as amended, the plan lies before the Congress for 60 days, which is extended by any House or Senate adjournment of more than 3 days. Unless a majority of either House rejects the plan by adopting a disapproving resolution within that time, the plan takes effect; that is, it has the force and effect of law and is entered into the statute books.

A disapproving resolution can be introduced by any Member of either House. Such resolutions are referred to the Committee on Government Operations, which under the terms of the statute and the corresponding rules of the House, has a period of 20 days after the introduction of the resolution to consider and report its recommendations. Before making a report, the committee holds hearings on the reorganization plan and decides whether to recommend for or against it. A negative vote of the House on the disapproving resolution would be a vote in favor of the plan; a favorable vote on the resolution would kill the plan.

Our Committee on Government Operations intends to hold hearings on Reorganization Plan No. 1 of 1973 as soon as possible. I would point out that in view of the President's submission of the plan so early in the session, we may have a timing problem. The committee cannot be organized until certain prior procedures adopted by the Democratic Caucus of the House have been applied and the approval of the full committee has been secured in a formal session.

I note that the leadership has scheduled a 10-day recess from February 9 to February 19, for the convenience of Members who want to make Lincoln's Birthday addresses.

The problem arises in the event a disapproving resolution is introduced and the committee is unable to report within the prescribed 20-day period because of the unavoidable time lags mentioned above. After the 20-day period, any Member favoring the disapproval resolution can move to discharge the committee and bring that motion to the floor. If the motion prevails, then the reorganization plan would be debated without the benefit of the committee's findings and recommendations.

In view of the timing problem, I would ask the Members' forbearance against forcing floor debate on the issue before the Committee on Government Operations has had an opportunity to hold its hearings and submit a report, which will be done as promptly as possible. I might add that even if a disapproving resolution is not introduced, the committee still would hold hearings on the reorganization plan, so that a record is made and the essential facts assembled, informing the Congress what is involved in the reorganization.

To place Reorganization Plan No. 1 of 1973 in context, I should explain that the President is sponsoring a reorganization effort comprising three parts:

First. Substantial reduction in the size of the Executive Office of the President. In recent years, by legislative enactments and executive orders, the Executive Office of the President has grown to large and unwieldy size. It contains about 18 offices, agencies, and councils, with approximately 4,250 employees and budgetary outlays of $96 million—not counting OEO grants to the States. In a White House statement of January 5, 1973, the President announced his intention to halve the size of the Executive Office by transferring various components to line departments and agencies. Reorganization Plan No. 1 of 1973 is the first installment in this transfer program.

Second. Departmental reorganization. Two years ago, in his State of the Union message, President Nixon announced his proposal to reorganize the executive branch by creating four new departments in place of seven—later six—existing ones. These proposals were amplified in a special message to the Congress on reorganization dated March 25, 1971. Draft bills were submitted with this message and introduced in both Houses of Congress. Overview hearings were held by the House and Senate Committees on Government Operations. Our committee also held hearings on the bill to establish a Department of Community Development and reported the bill favorably with amendments in May 1972. The Committee on Rules did not clear it for floor action.

Third. Department/agency coordination. As set forth in a White House message of January 5, 1973, the President designated five persons as assistants to the President and three Cabinet members as counselors to the President. The three counselors will have responsibilities for coordinating Government policies in designated areas across department and agency lines; and they will report to the President's Assistant for Domestic Affairs, John D. Ehrlichman. The counselors also will be heads of their respective departments: Agriculture; Health, Education, and Welfare; and Housing and Urban Development. The areas for policy coordination assigned to the three counselors approximate those which would be included in the proposed Departments of Natural Resources, Human Resources, and Community Development. Consequently, if such new departments were created by statute, the coordinating responsibilities of the counselors would no longer be operative.

I include the White House fact sheet on Reorganization Plan No. 1 of 1973 be included with these remarks.

The fact sheet follows:

FACT SHEET—REORGANIZATION PLAN NO. 1 OF 1973

THE WHITE HOUSE,
January 26, 1973.

The President is today transmitting to the Congress Reorganization Plan No. 1 of 1973 which will achieve the following objectives:

1. The Office of Emergency Preparedness (OEP) will be abolished and its functions transferred to other line agencies;

2. The Office of Science and Technology (OST) will be abolished and its functions transferred to the Director of the National Science Foundation (NSF);

3. The National Aeronautics and Space Council will be abolished.

On January 5, 1973, the President announced a comprehensive program for the Executive Branch which includes a sharp reduction in the overall size of the Executive Office of the President, and a reorientation of that office back to its basic purpose of assisting the President in top level policy and management matters. This reduction will be achieved through budget or other administrative means or by the issuance of Executive Orders. Where necessary changes require consideration by the Congress, appropriate actions will be forwarded. This Reorganization Plan represents a major step in that direction.

Implementation of Reorganization Plan No. 1 of 1973 will achieve the following objectives:

It eliminates three organizations in the Executive Office of the President;

It reduces the numbers of employees in the Executive Office by 389 positions (from an estimated 4,250 to 3,861), and achieves an estimated $2,000,000 in budget savings;

It transfers necessary continuing functions to line departments and agencies where they can be better performed;

It streamlines the Executive Office and contributes to making it more effective and responsive to Presidential needs.

The following specific actions will be taken:

1. Office of Science and Technology

This office will be abolished and its functions transferred to the Director of the National Science Foundation.

OST has performed with distinction since its creation in 1962, during the post-Sputnik period when major evaluation and coordination of science and technology programs was vital. Increasingly, the research and development capabilities in line departments and agencies have been upgraded and our R & D programs have stabilized. With a growing range of capability in the NSF, the President will now look to its Director as a principal advisor in science and technology matters.

2. The National Aeronautics and Space Council

NASC, under the leadership of the Vice President, has helped bridge a period of time when our Space programs were being defined and brought into being. We now, however, have effective resolutions of our space and aeronautics objectives and have achieved necessary coordination among the agencies concerned. We are, therefore, able to abolish the Council at this time with no transfer of its functions.

3. The Office of Emergency Preparedness

The Office of Emergency Preparedness will be abolished in a two-step process:

First, the present authority of OEP consists mainly of authorities delegated to it by the President, plus certain statutory functions assigned to the Director.

The Reorganization Plan will transfer those statutory functions not already vested in the President to him.

Second, after the Reorganization Plan becomes effective, the President will then delegate all of the functions now performed by OEP in the following manner:

a. All OEP responsibilities having to do with *preparedness for, and relief of civil emergencies and disasters* would be transferred to the Department of Housing and Urban Development. This would provide greater field capability for coordination of assistance provided by Federal agencies with that furnished by states and local communities and would further the objective of creating a broad new Department of Community Development.

b. OEP's responsibilities for measures to insure *continuity of civil government operations* in the event of major military attack would be reassigned to the General Services Administration (GSA), as would responsibility for management of national security stockpile objectives and policy. Coordination of these responsibilities would be provided by the National Security Council and the Council on Economic Policy respectively.

c. *Investigations of imports* which might impair national security (Sec. 232 of the Trade Expansion Act of 1962) will be reassigned to the Treasury Department. These investigations result in reports making recommendations to the President for his action.

d. *The Oil Policy Committee* will continue to function as it does now, except that the Deputy Secretary of the Treasury will be designated to replace the Director, OEP, as committee chairman. The Oil Policy Committee will function under the general supervision of the Assistant to the President (Dr. Shultz) concerned with economic affairs.

Those disaster relief authorities which have been reserved to the President in the past, such as the authority to declare major disasters, would continue to be exercised by him under these arrangements. Certain emergency situations calling for rapid government response will be coordinated by the Executive Office of the President under the supervision of the Assistant to the President in charge of executive management.

The background and current resources of the affected agencies are varied and diverse. The Office of Emergency Preparedness is the successor to several preceding organizations dating from 1947, and it has an estimated FY 73 budget in excess of $6.3 million and permanent employment of 323 persons. The Office of Science and Technology was established in 1962, also the successor to related previous organizations, and its estimated FY 73 budget is over $2 million and permanent employment is 50 persons. The National Aeronautics and Space Council was created in 1958, and has an estimated FY 73 budget of $500 thousand, with a permanent employment of 16 persons.

Reorganization Plans of this kind are provided for under special reorganization authority. The Plan will be considered for 60 days in both Houses of Congress, and will become legally effective after 60 days, unless either House formally disapproves. Actual change of agency responsibility will take place July 1, 1973, to allow time for an effective transition to be planned and executed after the period of Congressional review.

PERSONAL EXPLANATION ON ROLLCALL VOTE

Mr. O'NEILL. Mr. Speaker, I would like to ask unanimous consent that I may correct the RECORD. During the last rollcall I used my card right in this machine here, and I thought I looked up at the voting register. I understand now from the assistant tally clerk that I am not recorded.

Mr. Speaker, I voted "yea."

Mr. Speaker, I also understand that the gentleman from New York (Mr. RANGEL) also voted, and he has been notified that his vote did not register.

Therefore, Mr. Speaker, I ask unanimous consent that the RECORD may be corrected to show that I voted "yea."

The SPEAKER pro tempore (Mr. HUN-

GATE). The gentleman's statement will appear in the RECORD.

Mr. GROSS. Mr. Speaker, reserving the right to object, this is not a correction of the rollcall?

The SPEAKER pro tempore. The Chair will advise the gentleman from Iowa that this is not a correction, this is a statement, and the gentleman's statement will appear in the RECORD.

Mr. O'NEILL. Mr. Speaker, did the Chair state that my statement will appear in the RECORD? I had asked unanimous consent for the RECORD to show that I had voted "yea." I voted during the last rollcall, and the gentleman from New York also voted during the last rollcall, and we ask unanimous consent to correct the RECORD to show that we voted. And the gentleman from New York (Mr. RANGEL) has told me that he voted on one other occasion, and that the machine did not record his vote at that time.

The SPEAKER pro tempore. Would the gentleman from Massachusetts withhold his unanimous-consent request, and the Chair would ask that the gentleman discuss the matter with the Speaker.

Mr. O'NEILL. I will.

PERSONAL EXPLANATION ON ROLLCALL VOTE

Mr. RANGEL. Mr. Speaker, I too would like to make the same sort of a request, specifically as it relates to rollcall No. 10 in the question of the establishment of a select committee to study the operation and implementation of rules 10 and 11 of the Rules of the House of Representatives, taken on January 31, 1973, I was incorrectly recorded as not having voted.

I actually cast my vote "yea" on the question.

I ask unanimous consent that the RECORD and the Journal be corrected to indicate my vote "yea" in this matter.

Further, Mr. Speaker, concerning the last rollcall vote, I also would like to discuss that matter with the Chair for the purpose of having my vote recorded.

The SPEAKER pro tempore. The Chair will state to the gentleman from New York that the gentleman's statement will appear in the RECORD, and the Chair would appreciate it if the gentleman will also discuss this matter with the Speaker, since this is a matter of first impression.

Mr. RANGEL. I thank the Speaker.

THE LATE HONORABLE GEORGE COLLINS OF ILLINOIS

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Illinois. Mr. Speaker, this past December tragedy befell the House of Representatives when our esteemed colleague the Honorable George Collins of Illinois was killed in an airplane crash.

As fate would have it, George Collins was returning to his Sixth Illinois District to sponsor an annual children's Christmas party, an event he participated in every year. The day he died George Collins was doing what he did best; he was serving the people he represented. I am certain that if George Collins had any premonition that he was going to die that day he would have wanted it to happen as it did, working for his people.

Though in Congress for a brief time, having been elected initially in November 1970 to fill the vacancy caused by the death of his predecessor the Honorable Daniel J. Ronan, George Collins made his mark in the House of Representatives. He was well respected and regarded as an able legislator who was looked upon as a Member who did his homework, worked hard for his district and lived by a set of principles all men seek to emulate.

A veteran, an active member of his community and an artful political practitioner, George Collins is a man who is missed; not only by his family, his friends, his constituents, his colleagues but the Nation as a whole. George Collins, in his quiet, dignified way working continuously to improve his district and the Nation as a whole, made a lasting impression on the House. He was affectionately referred to by his colleagues as the man with the big, perpetual smile.

His perspective was both individual and national in scope. No problem was too small; no problem too large. George Collins had committed himself to a public career to serve the people. No stranger to politics at any level of government George Collins used his talents and knowledge to the benefit of the people.

George Collins never lost sight of the fact that the people of the Sixth District sent him to Washington to represent them. He died going back home to them. Nor did he lose sight of the fact that by working to strengthen the Nation as a whole the people of the Sixth District would benefit.

It was my distinct pleasure to work closely with George Collins on legislation that was designed to revitalize the American economy. Serving on the Committee on Government Operations and the House Public Works Committee, George Collins took keen interest in putting the full resources of the Federal Government to work for the development and improvement of the American people. He worked tirelessly to help all Americans share in the full benefit of this country and to realize their full potential.

In closing Mr. Speaker, I would hope that the people of the Sixth District will be spared further hardship. In the span of 3 years they have suffered two grievous losses, the deaths of Dan Ronan and George Collins. And, if I may be permitted a partisan aside for a moment I sincerely hope that Mrs. Cardiss Collins, the widow of George Collins, will be successful in her efforts to succeed her husband in order to carry on the work he started.

Mrs. Price joins me in offering our deepest sympathy to Cardiss Collins and her son Kevin.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman, the distinguished dean of the Illinois delegation, for yielding. I want to commend MEL PRICE, who is known as the dean of our delegation, the chairman of the Joint Committee on Atomic Energy and the chairman of the Ethics Committee in the House of Representatives, for taking this time this afternoon to eulogize and pay tribute to George Collins who served in this body as a distinguished Congressman from the Sixth District of Illinois, and who in November of 1972 was elected to the Congress from the Seventh Congressional District.

Mr. Speaker, I represented the Seventh Congressional District in the Congress for 8 years, and because of a previous court decision, a new Seventh Congressional District was formed, and Mr. Collins is in this newly defined Seventh Congressional District and was elected by more than 75 percent of the vote of that district.

Mr. Speaker, George Collins was cut down in the prime of his career. He had a long and varied career of service in our city, the city of Chicago, before coming to the House of Representatives. With his wise experience in human affairs, he combined a deep and sympathetic understanding of human beings and of humanity itself.

George Collins had the ability to look perceptively beyond the facts and paperwork, and he had the ability to understand the hopes and fears of human beings. George Collins, with his experience and depth of human understanding, will be missed in the House, because it is men of this caliber who are needed in a democracy. We shall miss the ideals of George Collins, his faith in humanity, and his ability to understand the elements which give life and spirit to our system of Government. I shall miss George, who was my neighbor in the city of Chicago.

I want to extend on behalf of Mrs. Annunzio and myself our deepest sympathy to Mrs. Collins and her son Kevin in this time of great tragedy in their lives.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Illinois (Mr. METCALFE).

Mr. METCALFE. Mr. Speaker, I would like to thank very much the dean of our delegation, the distinguished leader of the delegation from Illinois, MEL PRICE, for yielding to me in order to afford me an opportunity to join in this eulogy.

Mr. Speaker, today, we as a body, are eulogizing a late Member of this body. It is indeed a sad day. For George W. Collins was first and foremost a black American; a man dedicated to helping his people in whatever way he could. His people were the poor, the unfortunate and the lonely. They were black, brown, yellow and white; they were people.

In all the years that I had known George Collins his greatest asset was that he gave unstintingly to the people of the community and the district Action always speak louder than words and George was above shouting to all corners his own praise. George worked hard to see that all of the "forgotten" people in the district, the underprivileged children and the senior citizens, were remembered; he did this by giving each of them an annual party.

Not only was George concerned with the people of his district, but he made himself available to the people. He was available to people who came into his office if he was there. Constituent or nonconstituent, probusing or antibusing, he would try to meet with all of them.

I am referring to a man who loved life and people as few of us are ever able to appreciate. George was born and raised in the heart of Chicago. With only the barest essentials of life, his family never wanting for love and understanding, George started at the bottom of the Democratic organization in Chicago. Through hard work George was finally elected an alderman on the city council and a committeeman for the 24th ward, the ward that Harry Truman called the greatest Democratic ward in the country. Through George's leadership the 24th ward kept the title that the late President bestowed upon it, and it maintained its tradition of helping the needy. It was because of this dedication and leadership that George went on to be elected and reelected to this esteemed body. He carried this dedication to the Congress and worked very hard for the people of his district and the people of this country.

I am going to miss George, not only as a colleague, but also as a friend. As we all know, it is very difficult to have any time to get together with one's friends during a hectic week here at the Capitol. George and I would manage to find the time on our weekly flights to and from Chicago. It was on these flights that we would discuss the situations in Washington and Chicago and try to map out strategy for our common areas of concern. Those discussions were invaluable for the both of us.

The loss of George Collins is very deeply felt not only by those in Chicago, but by the poor and minorities around the country. His memory will always be with us; his wife, Cardiss, and his son, Kevin, can be very proud of the prestige that he brought to the family name of Collins.

George was very proud of the associations and friendships that he made on the Hill and in Washington. His hard work in the Congressional Black Caucus, the Democratic Caucus, and the Congress brought him respect and friendships that he always enjoyed. He will be well remembered for his efforts to improve the quality of life for all our citizens.

Mr. PRICE of Illinois. Mr. Speaker, I now yield to our distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I had the distinct honor of going to the funeral services of our late and beloved colleague, George Collins. It was one of the most beautiful services that I had ever attended. The church was crowded to full capacity, showing the love, the affection, and the respect that those who lived in George Collins' neighborhood had for him.

I had only known George, of course, since he became a Member of the Congress. To all of us in this Chamber who knew him, George Collins exuded an effervescent personality, a keen mind, and a great sense of humor. And it was easy to see that he loved his fellow men.

Mr. Speaker, I ask unanimous consent at this time to have the remarks that I made at the memorial services for George Collins placed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to follows:

REMARKS AT MEMORIAL SERVICE FOR GEORGE COLLINS

The flag above the Capitol hangs at half mast today in tribute to our late friend and colleague, George Collins. The death of a Congressman is always marked by sadness as we recall past associations and achievements. But the death of George Collins is doubly tragic, for we mourn not only a distinguished past but an even more promising future lost.

George Collins was a politician in the finest sense of the word—a man whose purposes and accomplishments were utterly and completely in the public interest. In his brief years in the House, George developed a reputation for fair-mindedness and knowledgeability that few exceeded. He was known to be loquacious—but just because he did not discuss and deliberate upon an issue at great length did not indicate that he was uninformed or disinterested. On the contrary, he was so well-informed and so interested in issues—especially those affecting Illinois, the youth of America and the minorities—that he often gave accurate off-the-cuff answers to extremely complicated questions, constantly impressing his colleagues with the scope of his knowledge.

Sudden death always stuns and saddens. This is especially true when death deprives us of someone who has been so beloved by his family and so respected and admired by all who knew him.

There are many things we shall long remember about George Collins. His family will keep him in their hearts as a loving son, a devoted husband and father. The people of Chicago will cherish his memory as one of its most illustrious and faithful citizens, who brought to his native city honor and pride and distinction. The Congress will always remember him as a fighter for the rights of all people.

We all read how George Collins had taken the ill-fated flight rather than rest for a later one, so that he could personally participate in purchasing toys for the thousands of children at the annual Christmas party in his area.

That was typical of George Collins. Whether it was arranging the annual dinner for the elderly or working on a program for the poor, George Collins was a champion of the little people.

What was there about George that made him the wonderful person that he was? What motivated him? What was it that influenced him and inspired him to be such a devoted family man, such a concerned citizen, such a dedicated public servant?

Because he loved his community, he plunged into its affairs and gave of himself, and of his talents, his excellent education, his genuine selflessness. Because he loved the people of Chicago and because he loved this nation which he served in time of war, he spent himself in the service of Chicago and of America, very often at the sacrifice of personal and family pleasures and joys. Yes, the answer is love. Love was the reason.

The word "LOVE" is a word that is used very loosely today. It is scrawled on walls and painted on banners. But love is more easily written than lived. Love is more often betrayed than followed. True love never destroys. It creates. True love never tears down. It builds. Real love does not separate or polarize. It unites.

Young people sing that what the world needs now is love. And they are right. But the kind of love the world needs is the love exemplified in the life of George Collins. Love for the good, and in the service of others, no matter what the cost to self. This kind of love is the kind that ultimately prevails. This is the love that wins the final victory—even victory over death. It conquers death, because, the good it does lives on. It overcomes death because it is united with the love of the risen Lord who overcame death by his resurrection.

To his beloved family, his devoted wife, Cardiss, and their fine son, Kevin, we express our sincere sympathy. We pray that the Lord of all consolation will comfort them in their grief and sustain them in their sorrow.

Alleluia!
The strife is o'er, the battle done.
  The victory of life is won.
The song of life eternal has begun.
Alleluia! Alleluia!

Mr. PRICE of Illinois. Mr. Speaker, at this time I yield to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, time has erased in some measure the numbing shock with which we received the news of the untimely death of my good friend, Congressman George Collins.

George was a great Congressman. He was diligent, he was able, and he was hard working. His warm and friendly personality endeared him to everybody in the House. His death left a real void in the representation of our State in the Congress.

George was ever conscious of the needs and wishes of his people, but most of all the plight of the cities and the plight of the city of Chicago in particular were very close to him. He fought for better housing, lower cost housing, and for subsidized housing. He fought for better health and medical centers, for research grants for sickle cell amenia. He fought for better education, particularly for more funds for title I of ESEA. He fought for every measure that would better the lot of the average person. The little person received the support of George Collins, and he never faltered. He was faithful to his trust, and faithful to the end.

Mr. Speaker, Mrs. Yates joins me in expressing our most profound sympathies to Mrs. Collins and to George's family, with the hope that time may in some measure dim the grief they now feel.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MURPHY).

Mr. MURPHY of Illinois. I thank the gentleman.

Mr. Speaker, I rise today to join with my colleagues in paying tribute to our late good friend, George Collins. As the previous speaker has mentioned, George was a warm and dear friend whose only concern was for his people, both black and white and rich and poor. He represented a unique district in Chicago where we have the downtrodden poor and then the rich along Lake Michigan.

George served both segments of his community diligently. His warm smile and congenial manner will always be missed. His presence, though short in Congress, will always be remembered for his concern for his fellow man.

As an attorney in Chicago, I remember there would not be a week or two go by without George calling and asking if I could get a lawyer to represent some poor person from his district who was in trouble. He was constantly working for the poor.

Mrs. Murphy joins with me in conveying our profound sympathy to Mrs. Collins and their son Kevin.

Mr. PRICE of Illinois. I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. I thank the gentleman for yielding.

George Collins was a member of the Committee on Government Operations during his period of service here in Congress. I can attest as chairman of that committee that he was diligent in attendance; he was always cooperative and willing to move the best legislation forward. His death represents a great loss to the community, and I wish to extend my sympathy and best regards to his family. I hope that they will understand how much the Members of the Congress appreciated George Collins.

Mr. PRICE of Illinois. I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

I would like to commend the gentleman and all of the Chicago delegation for holding this special order in memory of my friend, the late Congressman George Collins from Chicago.

I would only say to the gentleman that Mr. Collins was a man that I came to know and love not only as my colleague but as my friend. I will miss him far beyond my ability to articulate here on the floor of Congress.

George Collins as a member of the Government Operations Committee served that committee and this House honorably. No man among us was more committed to serving those who sent him here than George Collins. Congressman Collins was in many ways a very simple person. At the same time he possessed the ability to direct even the most complex issue and construct its resolution in a manner that more often was not appealing to all concerned.

Congressman Collins, coming from one of this country's largest urban areas, brought to this Chamber the concerns of hundreds of thousands of Americans concerned about the quality of their lives. As a member of the Congressional Black Caucus and as an individual Member of the House he consistently voted for and worked for legislation that was designed to offer some relief to the millions of poor, uneducated, underskilled, and malnourished Americans.

I know that my colleagues join me in paying tribute to the legacy of fine work that this man leaves. It is my hope that the 93d Congress and Congresses to come will echo the sentiments and concerns expressed by George Collins as a Member of this distinguished body.

Mr. PRICE of Illinois. I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I take this opportunity to add my voice to the many others that have offered muchly deserved praise for our colleagues from Chicago, the late George W. Collins, Democratic Representative from Illinois' new Seventh Congressional District.

One of the best indications of the kind of man Congressman Collins was can be seen by the fact that the tragic flight to Chicago was carrying him to a Christmas party for the children of his district's 24th ward. He had insisted on buying the presents for the children himself.

My political experience was enhanced by knowing a man of such outstanding ability and commitment as Congressman Collins. He carried the concerns of his constituency to the Halls of Congress, beginning with the 91st, with same vigor he had shown in Chicago politics. As a foe of war, he sought to establish a Cabinet-level Department of Peace.

A member of the Congressional Black Caucus, Congressman Collins was a leader in the areas of social legislation. He worked diligently for the passage of legislation beneficial to America's 30 million black citizens.

It was my privilege to join Congressman Collins as a member of the House Committee on Public Works, Roads Subcommittee. His last draft of legislation, true to the high caliber of his efforts, would have made it unconstitutional for employers to inquire into the nature of military discharge. This has been a problem for the millions of American veterans who have been unable to find work because of less than honorable discharges. Racial bias in the military also received his close and careful attention.

Under his leadership, Chicago's Lawndale Youth Commission adopted a year-round program dedicated to "service to youth." This program included charm and craft classes, an annual family picnic, a scholarship program, dinners for senior citizens, and a Christmas party.

Congressman Collins' death en route to buy gifts for that party represents a loss of the highest order; particularly for his family, to whom my condolences go out, but also for the Black Caucus and the Nation.

Mr. FINDLEY. Mr. Speaker, the tragic death of George Collins is an incalculable loss to his family, his community, the Congress, and the Nation. Although he served only one term in Congress, his service was singularly exceptional. Congressman Collins was assigned to the Government Operations Committee, an assignment which I too had in the previous Congress. Well liked by his colleagues, Congressman Collins made his presence known and through his diligent work had a substantial impact upon the legislative output of the 92d Congress.

The circumstances of Congressman Collins' death have special meaning to me. Only hours before, on a flight from Chicago to Washington I had been on the very plane which crashed with George aboard upon its return to Chicago. Such an unusual circumstance can only draw attention to the frailty of all human beings and the thread of fate by which we all are suspended.

Congressman Collins' untimely death has left unfinished the great work he was about. His successor will have an inspiring example and lofty goal at which to aim.

Mr. ERLENBORN. Mr. Speaker, George Collins served only one term and a small part of another in the House of Representatives. He is not, therefore, as well known here as some of my other Illinois colleagues whose service in Congress has extended over longer periods.

Before he came here, however, he had already made his mark in Chicago, the city of his birth; and he was one of the truly distinguished citizens of Illinois. He had earned the right to represent the Sixth Congressional District.

It is with sorrow that we contemplate the death of so good a man. We extend our sympathy to Mrs. Collins and their son, upon whom the tragedy of his death bears most heavily.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to thank my colleague from Illinois for taking this special order today in order to pay tribute to our late good friend Congressman George Collins.

His untimely death last December has not only deprived the Congress of one of its most industrious Members, but also has cost the city of Chicago one of its most effective leaders. I have lost a good and old friend.

In addition to serving with him during his brief tenure in the House, I had worked with him side by side for many years on the Cook County Democratic Committee.

Both in Washington and in Chicago, George Collins was a man dedicated to public life. He was a man who was committed to his district, but more important to his people. It was this human commitment that always drove him to find the roots of the problem rather than be content with some superficial changes that might satisfy others. This dedication was no more evident than at meetings of the Cook County Democratic Committee. At these important meetings, it was George Collins who always spoke for the need to choose candidates not for their vote-getting ability or their popularity, but rather for their capacity for work and for their commitment to the trust that the electorate has placed in them.

It was this dedication, this commitment to the people that he was chosen to represent, that kept George Collins in Washington long after the 92d Congress had adjourned for the final time. It was this dedication that kept him working at his desk until this tragic day in December when he met his death.

George Collins' election to the U.S. House of Representatives in 1970 was the culmination of years of personal struggle and of endless work. It is a little-known fact that the district that first sent him to Congress that year, had not only never elected a black Representative, but in fact, was more than 60 percent white. This is a special example of the man's ability to overcome adversity in his effort to serve the public. And after his election at the age of 45, George Collins indeed served his public well. He fought for programs that would benefit all of his Westside constituents regardless of their race, creed, or political belief.

Whenever I think of George, and I shall think of him often, I shall remember a man who was softspoken, but was not soft; a man who was dedicated, yet was not intolerant; a man who lived by trusted doctrines, yet was not doctrinaire.

On behalf of my wife LaVerne and myself, I would like to offer my sincere condolences to his widow, Cardiss, and to their son, Kevin.

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from Illinois for taking this special order to allow us to pay our respects to the memory of George Collins. Although he had been in this Congress for only 2 years, Congressman Collins made an inestimable contribution to this Nation. As Chairman of the Congressional Black Caucus, I was privileged to work very closely with him. His passing was a deep personal loss to me and I want to extend my sympathy to his family.

George was a quiet man. He did not seek headlines, but he worked diligently and effectively for the objectives we shared as members of the Congressional Black Caucus. He had a very special concern for senior citizens and for young people. Legislation to meet the needs of these two groups of people was his specialty, but he was active in all aspects of the work of the caucus. We will miss his talents, but hope to honor his memory with the achievement of the goals for which he strived.

To memorialize Congressman Collins, the Congressional Black Caucus adopted a resolution. The purpose of this resolution was to pledge to continue the work to which Representative Collins had such a deep commitment. The text of that resolution follows:

RESOLUTION

Whereas, Congressman George W. Collins, who departed this life on Friday, December 8, 1972, was a Member of the Congressional Black Caucus; and

Whereas, he served in the capacity of Chairman of the Agriculture and Rural Affairs Subcommittee of the Congressional Black Caucus; and

Whereas, Congressman George W. Collins endeared himself to all Members of this organization by his dedication and commitment to the achievement of the goals and aspirations of the Congressional Black Caucus; and

Whereas, this nation is the beneficiary of his labor in seeking to eradicate inequality and impoverishment in our society; and

Whereas, in his capacity as a public servant he dedicated himself in his role as a legislator to improving life for Black, poor and disadvantaged people in this nation;

Now therefore be it resolved, that the Members of the Congressional Black Caucus are proud of their association with this distinguished and esteemed Member of Congress.

Be it further resolved, that the Members of the Congressional Black Caucus do hereby pledge to continue the work which we have collectively undertaken with our deceased brother, Congressman George W. Collins.

Be it further resolved, that this organization shall in an appropriate manner establish a means by which this Caucus can memorialize the memory of this beloved Member.

Be it further resolved, that this resolution be presented to the wife and family of Congressman Collins and that a copy thereof be spread upon the journal of the Congressional Black Caucus and of the House of Representatives.

December 9, 1972.

Mrs. BURKE of California. Mr. Speaker, I regret that I did not have an opportunity to serve with George Collins of Illinois in the House of Representatives. He was a distinguished man who fought hard for what he believed in, and I was looking forward to working with him.

George Collins was a man who showed compassion and concern for the problems and needs of all Americans, young and old, rich and poor, black and white. Of special concern to him, I know, was the desire to insure the fair and equal treatment of all men in the military services and to encourage the promotion of men where ability had been proven. His interests encompassed a number of other issues including housing, public health, employment, medical care for the aged, and care for the mentally handicapped.

As a Member of Congress, George Collins made important contributions to some of the major public policy questions affecting the quality of life in our country. His service to his constituents and to our Nation will be much missed.

Mr. HAWKINS. Mr. Speaker, I commend the distinguished gentleman from Illinois, the Honorable MELVIN PRICE, for having obtained this time in order to memorialize the life and achievements of our former associate, George W. Collins.

In the few months we were privileged to associate with him, George Collins gave us a refreshingly new outlook and brilliant insight into public service in its noblest sense.

George Collins possessed a quiet dignity with a militant force of personal dignity—a love of people and a hatred for evil that oppressed and exploited.

We shall miss him greatly in everything we do and all we plan.

Mr. CONYERS. Mr. Speaker, it is a tragic loss for the Congress that the Honorable George Collins will not be here to fulfill the great potential which he demonstrated during his brief tenure in the House of Representatives.

Congressman Collins came to the Congress after a long and distinguished career in local government, serving first as deputy sheriff and bailiff for Cook County, and then in 1964 as alderman and ward committeeman of the 24th Ward—a ward once claimed by Franklin Delano Roosevelt to be the "strongest Democratic ward in the Nation."

From his experience with government at the local level, George Collins brought with him to Congress a love and understanding of the people whom he served. A quiet, considerate yet thoughtful individual, he placed the interests and needs of his constituents foremost among his responsibilities and served them with a dedication which far exceeded congressional duty. For example, he kept his district office open every day of the year, Sundays and evenings included, always leaving at least one person in charge to let the people know that George Collins was available and willing to help them. Neither was it unusual for him to dip into his own pocket to help a needy constituent.

George was concerned not only with the personal well-being of his constituents, but also with how the Government treated them, a sentiment reflected in his legislative activities. As a black legislator and invaluable member of the Congressional Black Caucus, he provided leadership in working for legislation beneficial to black people and the more than 10 million other minorities in the United States. Housing, health, employment, welfare, and drug abuse were his particular concerns. He was also a stanch opponent of war and a passionate advocate of peace.

George Collins was a member of the House Government Operations Committee, the Public Works Committee and five subcommittees. I had the opportunity to serve with George on the Government Operations Committee and worked closely with him. From this proximity, I witnessed first hand his strong commitment to the problems of black Americans. Housing and urban development concerned him perhaps more than other problems because of the particular needs of his district. His greatest desire was to see enacted a fair and equitable housing and urban development bill. He also strongly desired passage of a Federal highway act, in particular one which would deal with displacement of the urban poor by encroaching expressways.

The untimely death of George Collins is more than the personal loss which we all share. It is the loss of a fine American, an outstanding black legislator, and a distinguished public servant whose death can only diminish the causes for which he fought.

Mr. RODINO. Mr. Speaker, George Collins was only 47. He leaves behind a young widow and a son barely 13. He came to this Chamber just 3 short years ago and was reelected to continue serving his constituents in this 93d Congress by an 85-percent margin. His death came needless to say as a shocking tragedy to us all. Yet, I cannot help but recall the statement of Morris Joseph in S. Greenberg's "A Treasury of Comfort":

> Something precious is taken from us, and we think of it as something we have lost, instead of something we have had.

And, as I look back upon the months and years Mr. Collins took his seat in this House, serving well and devotedly his constituents, I realize the extreme appropriateness of Mr. Joseph's words.

I recall the Honorable George Collins as a warm man, always with his special smile. He was quiet, humble, never too busy to take time to speak with and to listen to all who had questions and suggestions for him. He would deliberate for a long while before reaching a decision. Yet, once he had reached his conclusion, he would act strongly and perceptively. I particularly recall his concern for the safety of his constituents, for his desire to have all our citizens enjoy the life of our cities, walk freely down our streets with nothing to fear. I deeply share with him these feelings and, in the days ahead, I will continue to work toward the achievement of these goals.

The men and women of Illinois' Sixth District were indeed fortunate to have been represented by a man of Mr. Collins' dedication and ability. We, in this body, were equally fortunate to have had him as our colleague and as our friend.

Mr. CRANE. Mr. Speaker, I know my constituents, as well as those of my Illinois colleagues, were saddened greatly by the tragic and untimely death of our friend, the Honorable George Collins of Illinois.

George Collins served what must be one of the most difficult districts in our State to represent. It included not only wealthy Lake Michigan shoreline area, but also the troubled West Side of the city of Chicago. That Mr. Collins was respected and well liked in his entire district was evidenced by his overwhelming victory last November.

Mr. Collins believed in serving his constituents which is why he was aboard the fatal plane that crashed last December 8. He was en route to a children's Christmas party in his district.

I know all of his many friends will miss him but never forget him, and I wish to join my colleagues in paying tribute to George and extending my sympathies to his family and friends.

Mr. JOHNSON of California. Mr. Speaker, today I join my colleagues, and especially those from the great State of Illinois, in paying tribute to our late colleague, the Honorable George Collins.

George was only with us for a few years. However, he had impressed all of us who were privileged to serve with him on committees and in the Halls of the Congress. I served with him on the Committee on Public Works and found him to be a conscientious, competent, and cooperative legislator. He came to subcommittee and full committee meetings fully prepared because he had done his homework. He was a quiet man and a gentleman in every respect.

He also served with distinction on the Committee on Government Operations, and here again he had the respect of all who were privileged to know and work with him.

The State of Illinois, the constituents he served so well, and the Nation have lost a fine Representative. We in the Congress have lost a friend and colleague.

Mrs. Johnson joins me in extending deepest sympathy to his wife, Cardiss, and his son, Kevin.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise today to pay tribute to one of the abler young Members of this House, the Honorable George W. Collins, whose service to his district and the Nation was brought to an untimely end shortly before the 93d Congress convened.

Mr. Speaker, for a man serving only a single term in this House, George Collins made a great impression upon all who came in contact with him. As a member of the Committees on Government Operations and Public Works he was a solid hard working member who was dedicated to getting the job done and not in headline hunting. Clearly, he was a man who would have made a national reputation for himself in this body.

Mr. Speaker, I join with Mrs. Daniels and all Mr. Collins' friends in the House in extending our deepest sympathy to his widow, the former Cardiss Robertson and to their son, Kevin. In the years that lie ahead when the first shock of grief has past they will remember the many accomplishments of their husband and father. George Collins memory will always remain among those who loved him for what he was, a very fine American, a devoted legislator, and a good citizen. May Almighty God let perpetual light shine upon him always.

Mr. FUQUA. Mr. Speaker, George W. Collins was a bright star that shone for far too little a time.

I knew Congressman Collins of Illinois rather well because he sat next to me on the Government Operations Committee. I was impressed with his fairness and his grasp of the problems that confronted us in our deliberations.

More important, I respected him for his obvious concern about others and his determination that we were going to solve some of these problems. Had he been permitted to live, I believe he would have made great contributions to his Nation.

As it is, a respected colleague is gone. Yet, I think his example will not be forgotten by those of us who had the opportunity to know him.

He served less than one term, coming here to fill a vacancy created by the death of another of our colleagues, Daniel J. Ronan. It is obvious that he represented his people well, for they renamed him to a second term.

To his wife and son, I extend my deepest sympathy.

The tragic crash of that airplane at Chicago caused anguish and grief to many families. It caused a particular pang to those of us who knew and respected George Collins.

It is a great tragedy for those of us who know what great contributions George Collins would have continued to make for his State and Nation had he been permitted to continue his stewardship. Yet, I think all of us can look back with pride on the fact that he made so many contributions in the short span he was permitted to be with us.

Mrs. MINK. Mr. Speaker, I am privileged to join my colleagues in paying tribute to the Honorable George Collins of Illinois. His tragic death in an airplane crash this past December fills me with grief and sorrow.

During his service in the 91st and 92d Congresses, I became personally acquainted with this great American who exemplified the ideals of our Nation. He quickly acquired a wide circle of friends and admirers who recognized his outstanding ability as a legislator. More than that, we enjoyed his presence as a friend.

George Collins worked his way through life and rose to a position as a U.S. Congressman because he was willing to exert extra effort to achieve lofty goals. He showed that one could succeed by individual initiative and determination. His success is an inspiration to all who believe in dedication to one's fellow man.

Through his membership on the House Committees on Public Works and Government Operations, through his votes, and through his leadership in many other areas of legislative endeavor, George Collins was an effective advocate for his district, State, and Nation. His loyalty, integrity, and devotion to the cause of the average person, are recognized by everyone who knew him.

George Collins' departure is a grievous loss to the Congress, but we have all benefited greatly from his presence. His accomplishments will remain as a testimonial to our highest ideals of service and brotherhood.

Mr. WINN. Mr. Speaker, it is a sad duty but also a privilege to join in honoring the memory of Congressman George Collins of Illinois. George Collins' fine career in Congress was cut short by the ill-fated airline crash which took his life.

When he met his death, he was returning to Chicago to attend the 24th ward children's Christmas party, of which he was the founder.

His service to the West Side of Chicago will long be remembered, as committeeman for the 24th ward, alderman for the same ward, and finally as a Member of Congress. He led many battles in the fields of housing and drug abuse prevention, but will be best remembered for his services to the youth of his community.

It is with sadness and pride that I pay him this final tribute.

Mr. HOWARD. Mr. Speaker, the loss of our colleague from Illinois is one we shall all feel deeply. Having served with George Collins on the House Committee on Public Works, I had the opportunity, although briefly, to know him and to appreciate his keen mind and great insight.

George's stay in the House was short. He came in 1970, after a special election, and was reelected to the 92d and 93d Congresses. His contributions during those years, however, were substantial, and this body has indeed suffered a great loss in not having his assistance during the 93d Congress, as well as the personal loss of his warm friendship for all.

He was a man who truly believed in the future of America—a future which embodied real equal opportunity for all men. He worked hard for that belief, and earned the respect of his colleagues in the process.

Mrs. Howard joins me in extending our deepest sympathy to his family in their sudden and most tragic loss.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I know all those who knew George Collins were shocked and numbed by his death in a plane crash during the Christmas holiday.

I had the honor of serving with George on the Government Operations Committee and know the high regard in which he was held by both the members of the committee and his fellow delegation members of Illinois.

Although being a freshman legislator does not always offer an individual an opportunity to make an indelible mark on this institution, George Collins did make a lasting impression on those with whom he worked.

He was a fine man, and a good Congressman.

I wish to extend my condolences to his family.

I am most hopeful, if newspaper accounts are accurate, that Mrs. Cardiss W. Collins, George's widow, will join us in the House as a colleague, succeeding her late husband.

Ms. ABZUG. Mr. Speaker, George Collins and I came to the House together only 2 short years ago. During the 92d Congress, we served on the same two committees, Public Works and Government Operations, and our offices in the Longworth Building were only a few doors apart. Thus, I not only had the privilege of working with George in committee, but also walked with him to and from committee meetings or the House floor on many occasions.

As a Representative, he was a careful and diligent worker on behalf of his district and his country. As a human being, he was a warm family man with a smile and a greeting no matter how busy he was. It is typical of the man that when he died in a tragic air crash, he was en route to a meeting with constituents, doing his job and serving his country. We shall miss him.

Mr. COLLINS. Mr. Speaker, I join with my colleagues from Illinois in paying my respects to the memory of the Honorable George Collins. Since we are both Collins, I have kept up with him closely as our names were called together on every rollcall.

But even more, our offices were only a few doors apart in the Longworth Office Building. Nearly every day we walked over together for votes when the bells would ring. What I remember the most about George was his pleasant, delightful personality. He always had a smile on his face and he lifted me up just to be walking with him.

He loved Chicago and he loved the whole country. He was a positive thinker and was determined to build a greater future for this country. As we would walk back and forth I always enhanced my perspective with his enthusiasm and interest in his work.

George Collins was a hard-working Congressman. When I left the office late, I always noticed that George was always working in his office. All the lights were out in the other offices, but George was still working. No matter how late it was in the evening, he always had a pleasant word of greeting or some comment for action.

I have seen his young son visit the office many times. To this fine son and to his charming widow, I extend my sincerest sympathy upon the loss of one of our most distinguished Members. The House will always remember George Collins, the Congressman from Chicago who represented Illinois so capably.

Mr. DRINAN. Mr. Speaker, the crash of a United Air Lines jet near Midway Airport in Chicago on December 8, 1972, took the life of Congressman George W. Collins.

The citizens of Chicago's Seventh Congressional District were well represented by this able and dedicated public servant. When he perished, George Collins was 47 years old, and about to begin his second term in Congress after a triumphant reelection in which he received 83 percent of the vote. He was one of the two black Congressmen from Chicago, and the first ever elected from Chicago's West Side.

George Collins' career in public service was a distinguished one. After leaving his studies in business law at Northwestern University, he served with the Army Corps of Engineers in the South Pacific during World War II. Returning to Illinois, he served with the Cook County Sheriff's Department, the Municipal Court System, and the Board of Health. He was the president of the Lawndale Youth Commission, a member of the board of directors of the Greater Lawndale Conservation Commission, and was a member of the Professional and Businessman's Association.

George Collins was elected to the House of Representatives in what was Chicago's Sixth Congressional District. Although as a black man in the minority in this District, in his 1970 campaign he won handily with 56 percent of the vote. During his all too short tenure in the House he served on the Public Works Committee and the Committee on Government Operations.

I came to Congress with George Collins, and I can speak from personal knowledge of his dedication to Congress and to his constituents. He served his people well, working diligently here in Congress and returning to his District almost every weekend. George Collins will be sorely missed, both by his colleagues and by his constituents.

Mr. DORN. Mr. Speaker, George Collins was a friend of mine. We served together on the House Public Works Committee in the 92d Congress and we quickly developed a friendship of mutual respect. He was a conscientious and hardworking Congressman, devoted to the welfare of all Americans. He was a most effective advocate in committee and among all his colleagues for the best interests of the great city of Chicago. Congressman George Collins was tragically taken from us just at the prime of his career in public service, and we miss him greatly here.

Mrs. Dorn joins me in extending to his family and constituents our heartfelt sympathy and deepest respect.

Mr. ANDERSON of California. Mr. Speaker, the Honorable George W. Collins, the U.S. Representative from the Sixth Congressional District of Illinois, will be remembered by all of us as a warmhearted, intelligent, and generous man.

The late Congressman Collins was elected to fill a vacancy in the 91st Congress and was reelected to the 92d Congress.

While in Congress, I had the fortunate opportunity to work closely with him on the Public Works Committee. We worked especially hard on the effort to permit the use of highway trust fund revenues for mass transit purposes. At that time, I gained firsthand knowledge of his great concern for the aged, the young, and the minorities who are often denied the benefits of our society simply because they have no method of transportation. George was sensitive to the fact that, for these people, education, employment, and health care were out of reach except to those who were fortunate enough to possess an automobile and were able to drive. George was sensitive to the fact that highways often split neighborhoods and uprooted families. He was sensitive to the fact that highways merely brought congestion and pollution to his people, but did not relieve the problems.

George W. Collins' activities in Congress and in his district are numerous. He received various awards, including the Man of the Year Award from the Greater Lawndale Conservation Commission, and the Youth Service Award by the Chicago police department.

He was "a man of the people"; George Collins knew the people and their needs. He believed in people, and the people believed in him.

I should like to take this opportunity to extend the deepest sympathy of myself and Mrs. Anderson to Mrs. Collins and their son, Kevin.

Mr. WYDLER. Mr. Speaker, I had the honor of serving with George Collins on the Government Operations Committee and on subcommittee. I saw him in action and quickly realized his concern for the people he served. Although I was of a different party, I believed him to have been a good man and a fine legislator. We will miss him here in Congress.

Mr. REUSS. Mr. Speaker, today I join my colleagues in paying tribute to our late, good friend, George Collins. I was privileged to serve with Congressman Collins on the Government Operations Committee and to witness his diligence and his concern for humanity.

It is typical of the man that when he died he was on his way to a children's Christmas party. He had insisted on buying the presents himself.

Congress had lost an industrious Member, Chicago an effective leader, and we have all lost a friend. He shall be missed.

Mr. McCLORY. Mr Speaker, one of the great aircraft tragedies of our century occurred on December 8, 1972, when a plane crashed near Midway Airport, causing the death of a number of passengers, including our colleague, Congressman George Collins of the Sixth District of Illinois.

In his fitting and eloquent tribute to George Collins, the distinguished majority leader, the Honorable Thomas "Tip" O'Neill, of Massachusetts, identified George Collins intimately with the word "love." It can be truly said that Congressman Collins was a beloved man who was held in deep affection by his constituents and by his colleagues in the House of Representatives.

Mr. Speaker, I was privileged to attend the final services in memory of George Collins at his church in Chicago. The generous and heart-rending expressions heard on that occasion attest to the love which characterized Congressman Collins in his personal relationships, as well as in his public service.

Mr. Speaker, I am proud to have known George Collins during his lifetime, and to have benefited from the warmth and tenderness which surrounded this man of love and understanding.

I join with my other colleagues in mourning his loss, and in extending deepest sympathy to his loving wife, Cardiss, and to his devoted son, Kevin.

Mr. JONES of Alabama. Mr. Speaker, I want to pay tribute to the memory of our late colleague, the Honorable George W. Collins of Illinois, who served so capably with me on the House Public Works Committee.

Representative Collins was most diligent in the discharge of his committee responsibilities. He was an eager scholar in examining the great need for public facilities and the internal development of our Nation. He was keenly aware of the requirements for urban improvements and sought to assure a proper place for total needs by the establishment of adequate priorities for development and enhancement of the environment for all people.

I recall with particular warmness a visit he made last year to inspect the George C. Marshall Space Flight Center and other Government activities within the north Alabama district I represent. It was a pleasure to be with him. Congressman Collins was very well received by all those with whom he came in contact. His alertness and pleasant manner gained him many new friends and admirers.

The fatal accident which cut short his congressional service was a tragedy realized far beyond the bounds of his Chicago districts.

We have all lost a generous and thoughtful colleague and friend.

Mr. BLATNIK. Mr. Speaker, the tragic, untimely death of George W. Collins came not only as a shock, but also with a deep sense of loss and sadness to all of us who worked with this distinguished gentleman from Illinois. The worst domestic airline crash of last year occurred on December 8, 1972, claiming the life of this devoted Member of Congress who was en route to Chicago to organize a children's Christmas party.

It was a great privilege and honor for me to have associated with George Collins on our Public Works Committee, where he served ably on four subcommittees in addition to his duties on the Government Operations Committee. This talented legislator will be remembered with gratitude and admiration for his vital contribution during the floor debate on passage of the historic Clean Water Act of 1972.

George Collins was a kind and gentle person, an effective dedicated public servant. I cherished his friendship, and respected his empathy for those Americans of less fortunate circumstances. The House of Representatives and the Nation have lost an effective champion of civil liberties and human dignity.

We already miss the day-to-day association with our former colleague and I personally deeply regret that our House Public Works Committee will no longer have the benefit of George Collins' devoted service, integrity, and spirit.

Mr. EVINS of Tennessee. Mr. Speaker, certainly I want to associate myself with the remarks of the gentleman from Illinois (Mr. PRICE) and join with him and others in paying a brief, but sincere tribute to the memory of our late colleague, Congressman George W. Collins of Illinois.

I was shocked and saddened to learn of the tragic passing of George Collins—although his career in Congress has been cut short, we had all come to know and appreciate this fine man who was elected first to the 91st Congress. He was personable, industrious, and a gentleman.

George Collins served his district, State, and Nation faithfully and well—his background in government and civic affairs was excellent preparation for his duties and responsibilities as Congressman.

He had great ability and great potential—and he will be missed by his colleagues on both sides of the aisle.

I also want to take this means of extending to Mrs. Collins, and their son, Kevin, this expression of my deepest and most sincere sympathy in their loss and bereavement. Mrs. Evins joins me in these sentiments.

Mr. NIX. Mr. Speaker, during the beginning of the Christmas season we lost a close friend in Congressman George Collins.

He was on a flight to Chicago to organize a Christmas party for the children of his district.

His philosophy of government and politics was a simple one. He often said:

> Serve the people 365 days a year and the votes take care of themselves.

His career was one that followed a classic route in American Government that took him through the municipal court system, law enforcement, the board of health, and the city council. When such a man comes to the Congress he has much to offer in that the millions of words that pass through his office in letters and memorandum have some meanings in that he can visualize the problems of people because he has learned so much about people and Government before he came.

George Collins served all the people of his district from the black wards of Chicago to the white wards of Cicero, Ill. In the past, the racial problems of his district had received great attention from the national press. Their Congressman was bringing the people of his district together, 365 days a year, proving once again that good politics is statesmanship 365 days a year.

We all are aware of the flashy courage that journalism devotes itself to because it is confined to one attention-getting event. But, the kind of courage that is exhibited by men going about their work day in and day out is evidenced by good character that a man's colleagues become aware of slowly but surely. It was said of Gen. Ulysses Grant that people did not notice Grant, they became aware of him in time.

At the time of his death, George Collins was a Congressman's Congressman. He had the respect of the Members of the most important legislative bodies in the world, the U.S. House of Representatives. He earned it in 3 short years.

I will miss a friend and we will all miss a colleague.

Mr. ROSENTHAL. Mr. Speaker, as the 93d Congress begins, I want to express my respect and admiration for one of the truly great Americans who served in the U.S. House of Representatives.

George Collins rose through the Chicago Democratic organization to become a Congressman 2 years ago. He had a remarkable record of public service for a man who served with us for such a short period. He was a champion of the little man and an advocate of income tax reform. We served together on the Government Operations Committee and I found him to be an intelligent, dilligent, and hard-working man.

He was truly dedicated to public service, and lived up to the full measure of his responsibilities. He leaves rich memories for all of us in public office.

My deepest sympathies go out to his devoted wife and family.

Mr. FAUNTROY. Mr. Speaker, I am most appreciative of the gentleman from Illinois who has secured this special order to honor our late colleague and friend, George W. Collins. His loss is one which all of us feel deeply and we will sorely miss his effervescent personality, his sharp mind and his gracious manner.

I am going to miss George Collins very much. He was one of those rare men who, though young in service and age, was so able to place into a perspective the difficulties that face us in these times. He understood the issues in terms of the hopes and fears of human experience which he combined with his own deep compassion and sympathetic understanding. He led the people of his district in seeking the high ideals which our Nation offered and he represented their everyday hopes and aspirations. It was in doing this that he lost his life on that ill-fated flight from Washington to Chicago. Instead of resting and going later, he took the early plane to be able to participate fully in the children's Christmas party. This was typical of his unbounding energy and selflessness. He loved his community, its people, and his Nation and he worked hard to serve them.

His motivation can be said to be founded in the city of his birth—Chicago—where he had a distinguished career before coming to Congress. He served as a sheriff, bailiff, and then alderman and committeeman. From these experiences he learned to know the city, its hopes, and its needs. He developed a special compassion for the elderly and the very young. These people especially shall miss him.

A sudden death is always tragic. Often, however, we can use the time and the tragedy to look more deeply into ourselves. I hope that we will do this because we ought not allow the motivation and the love which George had to pass on with him. I know that we will not allow his life and death to have been in vain.

My wife Dorothy extends with me our deepest sympathy to Cardiss and their son Kevin.

Mr. COLLIER. Mr. Speaker, it is indeed tragic when a man with the exceptional ability, varied experience, and great potential of George W. Collins is suddenly taken from us. He could have contributed so much more to this great body and the Nation had he been spared for further service.

After serving his country with distinction during World War II and achieving a measure of success in business, George Collins was elected to the Congress of the United States. Although he served here for only 2 years, he quickly learned the fundamentals of the legislative process and soon had a well-deserved reputation for getting things done.

Without fanfare or flamboyancy, he worked hard on behalf of his constituents. He was, however, no mere parochial Member. His breadth of vision, his love of humanity, and his hatred of injustice knew no boundaries. We will sorely miss George Collins in the days ahead.

May he rest in peace and may his family find some comfort in knowing that he served his community, State and Nation well. Let the record that he has written inspire others to emulate his efforts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to thank my colleague, Mr. PRICE, for taking this special order to enable us to pay tribute to a man who made his mark on Congress although here only 2 short years. I speak, of course, of the late George Collins, Congressman from Illinois, who perished in a tragic airplane crash last December.

George Collins was a quiet man. He did not seek headlines but few were as deserving of them as he. He worked hard in the Congressional Black Caucus and the Democratic Caucus as well as in Congress. He was a representative in the truest sense of the word, for he worked for the people of his district. His people were black, brown, yellow, and white; they were the poor, the unfortunate and the lonely; they were the powerless and the forgotten; but most importantly to George Collins, they were the people.

This Congress has lost one of its most dedicated, dignified, and respected Members. His memory should serve as a reminder to us all of what we are elected to do, represent the people.

My heartfelt sympathy goes out to his widow Carliss and their son Kevin upon their great personal loss.

Mr. KLUCZYNSKI. Mr. Speaker, the tragic death of my colleague on the Illinois delegation, George Collins, just as he was about to begin his second full term in Congress, has been a great shock to us all. Elected in 1970 to fill the vacant seat caused by the death of veteran Congressman Daniel Ronan, and reelected to the 92d and 93d Congresses, George Collins was at the height of his successful career in politics and government. His loss will be sorely felt by his constituents, by the Illinois delegation, by all of his colleagues, and many friends and admirers.

Those of us who worked most closely with George will miss him particularly. As a freshman legislator, he was outstanding in his devotion and dedication to serving the needs of his district and the State of Illinois. He was never too busy to help a colleague or a constituent who needed his assistance, though he spent long hours researching the problems and details of his legislative assignments. He was loyal to his party, but was liked, admired, and respected by Members on both sides of the aisle.

The Nation, the Congress, and the State of Illinois have suffered a very great loss indeed, in the death of George Collins. He was a man whose life was a demonstration of the highest ideals of public service. That life was tragically cut short, but George will not be forgotten. His memory will inspire others who may follow in his footsteps.

To his bereaved family, I join my colleagues in extending my deep sympathy and sincere condolences.

Mr. MATHIS of Georgia. Mr. Speaker, the news of a multifatality accident such as a plane crash always comes as a shock and causes concern about those who lose their lives and the families and loved ones who survive.

When we heard of the airplane crash last December at Chicago, the news was even a greater shock when we learned that among the passengers who died was our distinguished colleague, George Collins.

During the session last year I had the opportunity to meet George Collins and subsequently to watch him here at work in the House of Representatives and to learn of the zeal and dedication he had in serving his constituents of Illinois and in fact for serving his State and Nation.

He came to Washington after a distinguished career in local and State governments having held positions with the Cook County Sheriff's Department, the municipal court system, and the board of health.

He had not gained a great deal of seniority in the House but he was gaining each day in stature and respect as a hard worker.

I consider it a privilege to join my colleagues in the House in paying tribute today to the Honorable George Collins.

Mr. CONTE. Mr. Speaker, I join with the other Members of this body in mourning the passing of an able legislator and our distinguished colleague, George Collins. It is shocking and saddening that such a fine man was struck down in the prime of his life.

The enthusiasm and dedication of this soft spoken gentleman brought him the greatest respect of all who knew him. As evidenced in his overwhelming reelection victory last November, George Collins was held in the highest esteem by the people of his district. He worked hard for those constituents as well as for all Americans.

Very concerned and involved with the problems of both the young and the very old, he worked to help many unable to help themselves. It is a tribute to this man, though a sad and ironic one, that George Collins died trying to make some children happy.

An observant and sensitive man, he sought to correct injustices when he encountered them. A veteran himself, he did his best to make fairness and equality of treatment the right of every serviceman.

Throughout his public service career, George Collins fought to provide an even break for those who for so long were denied one. For black Americans and other minorities, he labored to insure their right to equal opportunity.

With the great need for men of his caliber, our loss is truly an enormous one. We shall miss him greatly.

Mr. EILBERG. Mr. Speaker, the sudden and tragic demise of the Honorable George W. Collins of the Illinois Sixth District, late last year, has come as a blow to the House of Representatives, leaving many Members with a distinct sense of personal loss. Indeed, his departure is a great source of grief so far as I am personally concerned.

George Collins had shown, in his single term in Congress, a knowledge of politics and government that rendered him a blessing to his district and to the country. His service in floor debate and committee discussion revealed his vast and sweeping knowledge of the many problems confronting us today, and the methods best suited for their imminent solution.

Closely associated over the past quarter of a century with the operations of county and city governments, George Collins brought to Washington the deepest concern for grass-roots problems, and was intent upon applying his abilities in this regard to practical effect.

A native of Chicago and a graduate of Northwestern University, where he became proficient in business law, he served the country with distinction in World War II as a member of the Army Engineers, before entering the business of government in which he was to become one of the most knowledgeable men of my acquaintance.

During the course of his precongressional career, he held positions with the sheriff's office of Cook County, Ill., the municipal court system of Chicago, and the Chicago Board of Health. He was president of the Lawndale Youth Commission, and a member of the board of directors of the Greater Lawndale Conservation Commission, as well as belonging to several religious and professional and businessmen's associations of considerable importance.

In all these undertakings George Collins performed with skill and with deep concern for the interests of Chicago and the State of Illinois. Following the death of the Honorable Daniel J. Roman, he was elected to represent the Sixth District in November 1970 and reelected last November, shortly preceding the airplane accident that claimed his life.

As a member of the Committee on Government Operations and the Committee on Public Works, George Collins revealed at once his grasp of national issues and mastery of detail. He was clearly one of the outstanding new Members of the 92d Congress in the eyes of all who witnessed his performance at close range.

We shall sorely miss him, both professionally and personally, and I would like at this time to extend my deepest sympathy to his wife and son in their bereavement.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the life, character, and public service of the late Honorable George Collins.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BAKERS: THE MIDDLE LINK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 5 minutes.

Mr. WINN. Mr. Speaker, one of the most pressing and complex issues before the Government and, in fact, before every citizen of this Nation as a consumer is the relentlessly increasing cost of food. This is no news to Kansans who are both major producers and consumers of food. The administration has recognized the problem and is attempting to cope with it through continuation of controls on food processing.

The Third Congressional District in Kansas includes the metropolitan area of Kansas City and extends into the smaller towns and farmlands which make up so much of the State. Kansas is literally the breadbasket of the Nation. In Kansas we see the whole chain of wheatgrower, miller, baker, grocer, and consumer. Some States have few, if any, wheatgrowers and millers; but every State has bakers, grocers, and consumers. Bakers are the vital middle link in the chain, and it is imperative that we have a healthy, competitive baking industry. That would be true of any day, but is essential now when consumers have special incentives and needs to give greater emphasis to bread as being one of the most economical sources of balanced proteins, calories, minerals, and vitamins.

What then is the problem? If you will recall, last summer Soviet buyers contracted for massive amounts of American wheat—420 million bushels—an amount in excess of that made into flour for the entire baking industry in the United States for an entire year. Coincident with the announcement of these purchases, the price of wheat and of flour began to rise rapidly. Wheat and flour prices have been relatively stable for years. After the Russian purchases were announced, prices zoomed. Today flour on the Kansas City market is up approximately $2.25 per hundredweight over a year ago. Identical or comparable increases have occurred on the other markets across the country. This is an increase of over 40 percent. Both the size and the speed of the price increase are unprecedented.

The wages of production workers in Kansas City bakeries have gone up some 12 percent in 1972. Other ingredient and operational costs are up. Important as these other costs are, let us momentarily disregard them and think only in terms of flour. The latest reading from the Bureau of Labor Statistics available to us—October 1972—shows the retail price of a 1-pound loaf of white bread in Kansas City to be remarkably similar to the level that existed 5 years ago—25.2 cents in January 1968 versus 25.7 cents in October 1972. These figures not only show the intensity of competition in the wholesale baking industry but also the keen competition on grocers' shelves.

Nearly every baker is now using higher priced flour. This extra cost more than offsets the average profit for the entire industry. This means only a few of the strongest bakers will survive. For the rest it will mean plants will be closed, jobs will be lost, bankruptcies will be filed and competition in the baking industry drastically reduced. The January 9, 1973, issue of Milling & Baking News reports some 40 commercial bakeries were closed during 1972.

I sincerely hope the cost of living council will consider these factors before taking action on the American Bakers Association's appeal. The baking industry is vital to this country's welfare, and the effects of the cost of living council's decision must be considered in terms of the Nation as a whole.

Any decision by the cost of living council that would force additional independent bakers out of business is not in the National interest. Control of the industry by a few of the Nation's giant bakers would, in my opinion, result in higher prices and less competition in the industry on a long-term basis.

VETERANS BENEFITS FOR POW'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, our Nation is pledged to help rebuild North Vietnam. Article 21 of the peace agreement signed by Secretary of State Rodgers on January 27 states:

> The United States anticipates that this Agreement will usher in an area of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Certainly, we should make a commitment to help rebuild the lives of our returning POW's equal to our commitment to help rebuild North Vietnam. In my view, much more should be done to help those Americans who have borne one of the greatest burdens of this long war.

The bill which, 37 of my colleagues and I are introducing today, provides special veterans benefits to all POW's. This "adjustment assistance" would take the form of monthly payments similar to those now received by veterans for injuries suffered during the Vietnam war. For example, a veteran who lost his leg during the war receives $47 per month for the rest of his life.

Under our bill, an American soldier held prisoner would also receive monthly benefits for the rest of his life. The amount would depend upon the length of his captivity. If he were held prisoner for 1 year, he would receive $30 per month upon being released from active duty. If he were held captive for 2 years, he would receive $60 per month; 3 years would entitle him to $90 per month, and so on up to a maximum of $150 per month if he were held captive for 5 or more years.

This adjustment assistance will be greatly needed by some POW's and well merited by all. Some will have to adjust to new families, the deaths of loved ones, wives who have remarried, difficulty in gaining and holding a job, and mental stresses of which you and I cannot conceive.

Although most Americans would like to forget Vietnam as quickly as possible, by introducing this bill we state our determination that our POW's will not be forgotten.

COSPONSORS OF VIETNAM POW BILL

L. A. Bafalis (R-Fla).
LaMar Baker (R-Tenn).
Tom Bevill (D-Minn).
Clair Burgener (R-Calif).
Harold Collier (R-Ill).
Philip Crane (R-Ill).
Mendel Davis (D-SC).
Samuel Devine (R-Ohio).
Harold Donohue (D-Mass).
Don Edwards (D-Calif).
Joshua Eilberg (D-Pa).
Edwin Eshleman (R-Pa).
Paul Findley* (R-Ill).
Edwin Forsythe (R-NJ).
Barry M. Goldwater, Jr. (R-Calif).
Julia Butler Hansen (D-Wash).
Ken Hechler (D-W. Va).
William H. Hudnut (R-Ind).
Albert W. Johnson (R-Pa).
Jack Kemp (R-NY).
Norman Lent (R-NY).
Edward R. Madigan (R-Ill).
James G. Martin (R-NC).
Matthew Rinaldo (R-NJ).
Robert A. Roe (D-NJ).
Angelo Roncallo (R-NY).
Benjamin Rosenthal (D-NY).
Harold Runnels (D-NM).
James Symington (D-Mo).
Charles Wilson (D-Tex).
Lawrence Williams (R-Pa).
Gus Yatron (D-Pa).
C. W. Bill Young (R-Fla).
John Zwach (R-Minn).

H.R. ——

To provide adjustment assistance to prisoners-of-war of the Vietnam era because of the inhumane circumstances of their incarceration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 314 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(t) If the veteran was detained, through no misconduct of his own as a prisoner-of-war during the Vietnam era by the Government of North Vietnam or governments or forces allied with such Government, such detained status shall be deemed to be a disability within the meaning of section 310, and the rate of compensation therefor shall be $30 per month for each year or portion thereof that the veteran was detained as a prisoner-of-war, up to a maximum of $150 per month. Such compensation shall be independent of any other compensation provided in this section, and is authorized because throughout the Vietnam conflict the Government of North Vietnam and governments and forces allied with such Government persistently and grossly violated the provisions of the Geneva Convention Relative to Treatment of Prisoners-of-War, which North Vietnam ratified in 1957."

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*Chief sponsor.

ADEQUATE MINORITY STAFFING FOR COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, this morning a news conference was held on the subject of minority committee staffing reform. The conference was hosted by our distinguished House Republican leader, Gerald R. Ford, and included the following participants: House Republican whip, Les Arends; Congressman James Cleveland; Common Cause Chairman John Gardner; attorney Ralph Nader; and myself. The thrust of the news conference was to press for immediate consideration and restoration of the one-third minority staffing provision of the 1970 Legislative Reorganization Act which was later deleted from the House rules on a straight party vote at the beginning of the 92d Congress. Congressman Cleveland and I have introduced House Resolution 167 to provide committee minorities up to one-third of the investigatory staff funds, and I have today written to Chairman Madden of the Rules Committee requesting a hearing on this resolution at the earliest practicable date.

At this point in the Record, Mr. Speaker, I include the statements of each of the participants in this morning's new conference, and a copy of the letter I have sent to Chairman Madden.

Statement by House Republican Leader Gerald R. Ford

We have called this joint press conference to light a fire under our Democratic friends in the House on the subject of minority staffing and to announce support for increased minority staffing by Common Cause Chairman John Gardner and Ralph Nader.

Mr. Gardner comes to us with combat experience in a similar battle on the Senate side. Mr. Nader comes fresh into this fray but is no less dedicated to seeing that justice is done. We also have here today Congressman Les Arends, the House minority whip, Congressman John Anderson, the House GOP Conference chairman, and Congressman Jim Cleveland, former member of the Joint Committee for Reorganization of the Congress. Mr. Anderson and Mr. Cleveland are cosponsors of a minority staffing resolution, H. Res. 167, currently being considered.

Identical resolutions have been introduced by Congressmen Barber Conable of New York and William J. Keating of Ohio, H. Res. 23; Harold R. Collier of Illinois, H. Res. 46; and Jack Edwards of Alabama, H. Res. 101.

All of these resolutions would amend the Rules of the House of Representatives by striking out clause 32(c) of rule XI and inserting in lieu thereof the followinrg new paragraph: "The minority party on any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each such primary or additional expenditure resolution."

Clause 32(c) of rule XI now reads that the minority "shall receive fair consideration" in the matter of minority staffing.

As anyone can readily recognize, the phrase, "fair consideration," is subject to as many interpretations as there are committee chairmen and committee majorities. This is no guarantee of equity and fairness.

I would like to turn now to my good friend Les Arends to give you the background of the move to increase minority staffing and to refresh your memories on how a one-third minority staffing provision became part of the Reorganization Act of 1970 but was knocked out of the House Rules in January 1971 by the Democrats voting under a binding rule adopted in caucus.

Supplemental Comments By House Republican Leader Gerald R. Ford

ARGUMENTS FOR ONE-THIRD MINORITY STAFFING

Overturning the one-third provision was a breach of faith. An agreement had been made with the Democrats, but was not kept.

Overturning the one-third provision was an exercise of raw political power, an example of a unit-rule, secret, binding party vote which prevents Democratic members from changing their minds because of Floor arguments or because of conscience.

The protection of the rights of the minority is a basic tenet of governmental philosophy in the United States.

Although the minority is to receive "fair consideration" in staffing, this is in fact differently interpreted in each committee and often the spirit of the law is not observed.

If the minority is to serve as a loyal opposition, it needs staffing in order to be effective.

The minority cannot grapple effectively with the complex issues and problems generated by a post-industrial society without adequate staffing.

If the minority is to develop meaningful alternatives and responses to these problems, it needs staff assistance.

Professionalism is not inconsistent with partisanship—it is important for the minority to have minority staff with points of view different from those of the majority staff. Republicans and Democrats have different viewpoints, and minority members need to be able to work with staff members who share their outlook.

Having a sizable minority staff does not mean that the minority and majority cannot work effectively together. The Education and Labor Committee is an example of cooperation.

Some chairmen won't make staff available to other members—either majority or minority. The amendment is an opportunity for *all* members of committees to get adequate staffing. The allotment of staff has been abused on some committees.

The GOP has controlled Congress in only 4 of the last 40 years—the staffs that have grown over that period are not bipartisan.

The adversary system calls for the best possible presentation by both sides to achieve the goal of justice and good legislation.

Minority views have frequently influenced the outcome of legislation. Adequate staffing is necessary to insure that those views are developed and offer worthwhile alternatives.

Congress needs adequate staffing in order not to lose its initiative in policymaking and bill drafting to the executive.

Many staff members are not quartered in the committee rooms, but are in the Chairman's or other majority members' offices where they are not accessible to minority members.

The executive branch has grown and developed into a vast bureaucracy of professionalism. Its strength has been proportional to the caliber of people it has attracted. The minority in Congress needs staff to balance and respond to this.

From 1969 to 1972, approximately one-third of the Record votes have been divided along partisan lines. Since so many important issues are decided on the basis of partisanship, it is only fair that the minority be assisted by an adequate staff so it can deal realistically with the world in which it exists.

Remarks of Hon. Leslie C. Arends

One of the meaningful achievements of the 91st Congress was enactment of the Legislative Reorganization Act of 1970, which tackled in a comprehensive fashion the entire subject of Congressional reform.

You may recall that one of the most significant reforms written into that Act was a provision for at least one-third of investigative committee staffing for the Minority. That provision was hammered into the legislation by a fair-minded, bipartisan coalition. This was the so-called Thompson-Schwengel Amendment, adopted on a teller vote of 105 to 63.

Six months later, however, House Democrats met in caucus, and as a result of a power play by Committee Chairmen set about overturning this one-third Minority staffing provision which the House in its wisdom had previously approved. Instead, the Caucus adopted a rule which bound all House Democrats to vote for repeal of the authority for one-third Minority staffing.

When the 92nd Congress convened, the House by a straight Party vote of 226 to 155 deleted the Minority staffing provision and returned to the so-called "fairness rule."

In my judgment, that action was most unfortunate and a further blow to needed Congressional reform. It was a backward step—and a total breach of trust!

Adequate Minority staffing is vital to the proper functioning of the adversary system in Congress, and Minority staffs should be increased so that members of the Minority Party of the House may better fulfill their obligation to the people they are elected to represent.

The question is not one of interest just to the Congress—it should be of interest to the entire nation. Because of the nature of our national problems, legislation today is becoming more and more complex. There are many divergent points of view and many alternatives to be considered. We cannot act responsibly without proper advance research—and this means adequate staffing to do the job.

I feel—as do many of our colleagues—that this should not be a partisan question but a question of what is best for the Congress and ultimately the American people.

It is for this reason that a number of House Democrats—notably Frank Thompson, of New Jersey; Donald Fraser, of Minnesota; and John Dent, of Pennsylvania—spoke in favor of one-third Minority staffing when the matter was debated on July 15, 1970, in the 91st Conress. The case for adequate Minority staffing is being supported by Democrats, by Republicans, and by political scientists and experts in government at all levels.

To function effectively, the Minority in Congress must have better staffing. To deprive the Minority of staff is like depriving an accused person the right of counsel in a court of law.

Statement of House Republican Conference Chairman John B. Anderson

I want to join with my minority leader and whip in welcoming our distinguished guests, John Gardner and Ralph Nader to this press conference on minority committee staffing reform. Given the credentials of our two guests, I am tempted to launch into a speech about how we are gathered here today in common cause to correct a major defect before Congress is recalled. But I shall refrain from any such oratory.

In all seriousness, I do want to commend our two guests for the work they have both done in focusing public attention on the problems and potential of the Congress as a coequal branch. I think it is a very healthy development that due to their efforts, and that of others, there is a new public awareness of the Congress and the need to strengthen and modernize it as a branch of government. I believe it was the British statesman Edmund Burke who once said, "Reform in order to preserve," and that's what the current reform move in the Congress is really all about—preserving our constitutional role.

I am therefore delighted and most grateful that our two guests, who are playing such an active outside role in the congressional reform movement are with us today to press for a very essential reform—the provisions of adequate minority staffing on committees. This is an issue which has been kicking around for as long as I have been here. I had the pleasure as far back as 1963 of serving on the Schwengel Republican Conference Committee on Increased Minority Staffing, and my friend Jim Cleveland also served on that committee. The problem received considerable attention from the Joint Committee on the Organization of Congress in the 89th Congress, and this eventually culminated in a successful bipartisan effort to provide up to one-third of the investigatory staff funds for the minority—an amendment to the 1970 Legislative Reorganization Act.

The reason we are here today is because the Democrats broke faith with us at the beginning of the last Congress and by unit rule bound their entire membership to vote to delete the one-third provision from the rules of the House. What we are asking for today is a restoration of the bipartisan spirit which was originally responsible for the passage of this provision. As a member of the Rules Committee I am today calling upon my chairman to convene a hearing at the earliest practicable date on House Resolution 167 which Congressman Cleveland and I have introduced. There can be no excuse for further studies or delays on this basic reform issue. This is not nor should not be a matter of partisanship, but rather is a matter of restoring the vital role of Congress which cannot be done without a viable minority.

House of Representatives,
Washington, D.C., February 5, 1973.
Hon. Ray J. Madden,
Chairman, House Committee on Rules,
Capital Building, Washington, D.C.

Dear Mr. Chairman: I am writing to request that a Rules Committee hearing be convened at the earliest practicable date for consideration of House Resolution 167 as introduced by Congressman James Cleveland and myself on January 29, 1973.

H. Res. 167 would amend clause 32(c) of Rule XI of the House Rules to read:

"The minority of any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each primary or additional expenditure resolution."

This is very similar to Rule XI, clause 32(c) as provided in the Legislative Reorganization Act of 1970 (PL 91–510)—a clause which was deleted in the adoption of the rules of the House in the 92nd Congress. That clause reads as follows:

"The minority party on any such standing committee is entitled, if they so request, to not less than one-third of the funds provided for the appointment of committee staff personnel pursuant to each primary or additional expense resolution."

As a former member of the Joint Committee on the Organization of the Congress in the 89th Congress, you are aware that the problem of inadequate minority staffing has received considerable attention and study over the years, and this resulted in the bipartisan Thompson-Schwengel amendment to the 1970 Reorganization Act, adopted by a 105–63 teller vote on July 16, 1970. For these reasons, I am requesting that we proceed immediately on consideration of our 32(c) rather than deferring this matter any longer for further study in either the Rules Committee or the new select committee on rules X and XI.

Our request for immediate consideration of H. Res. 167 in the Rules Committee has the endorsement of the House Republican Leader, Gerald R. Ford, and the House Republican Whip, Les Arends, and also received the endorsement this morning of Common Cause Chairman John Gardner and attorney Ralph Nader.

Mr. Chairman, I know that you are as interested as I am in efforts to strengthen the role of the Congress vis-a-vis the Executive. Minority committee staffing is crucial in any such effort, for the minority party in Congress is an integral part of the institution, and the legislative branch will be as strong as its weakest link. If we are truly interested in genuine Congressional reform, we must attempt to strengthen all components, including minority committee staffing. As our colleague on the Rules Committee, Congressman Bolling wrote in his book, *House Out of Order:*

"Without the staff to frame alternative proposals, the minority cannot make its position clear on bills sponsored by the majority. Surely the discussion of alternatives is an important part of the democratic process, because it informs the public, compels a more careful and penerating consideration of bills, and in my experience nearly always results in sounder legislation."

I am in full concurrence with Congressman Bolling on the vital role played by the minority party in Congress in the democratic process and am in agreement with him that the key to that role is adequate minority staffing. For these reasons, I am requesting immediate consideration in our committee of a revision of clause 32(c) along the lines originally provided in the 1970 Reorganization Act. I look forward to hearing from you on this matter at your earliest convenience.

With all best wishes, I am

Very truly yours,
John B. Anderson,
Member of Congress.

Statement of James C. Cleveland

First a word of welcome on behalf of minority staffing to our distinguished guests, John Gardner and Ralph Nader. Jerry, Les and John—you've been here before.

Ten years ago the "Boss Buckley" incident kindled my interest in staffing generally and minority staffing in particular. Briefly stated, the Buckley incident involved my exposing the fact that a large part of all staff of the Public Works Committee spent their time in the Bronx. There was practically no minority staff.

My interest developed further as Chairman of the Republican Task Force on Congressional Reform and Committee Staffing, first organized by Congressman Schwengel. In our book, "We Propose: A Modern Congress", which was a compilation of major reform proposals, my chapter was on minority staffing. That chapter made a point which is obviously relevant today. What is really at stake when you talk of minority staffing (indeed all Congressional staffing) is whether the Congress can work effectively and independently enough to provide the balance to the Executive and Judicial branches intended by the framers of the Constitution. An effective and independent Congress is essential to the survival of representative government, which depends on a system of "Separation of Powers". The United States has accomplished this within and by virtue of a two party system.

I hope that increased interest in strengthening Congress is not just another passing fancy, or a partisan one, prompted at this moment in history by reaction to President Nixon and some of his policies. The effectiveness of Congress is more important than that. To make government work—we should make Congress work. That is why we are here. Minority staffing, specifically, allowing us only 13% of the staff, is part of the problem. Thank you for your interest.

Committee Staffing in 1972 Paid for From Investigative Funds—Approximate Figures

1. Agriculture Committee: Majority, $47,500; Minority, $24,500.

2. Armed Services Committee: $83,000; No majority and minority breakdown.

3. Banking and Currency Committee: Majority, $575,000; Minority, $75,000.

4. District of Columbia Committee: Majority, $42,000; Minority, $11,500.

5. Education and Labor Committee: Majority, $745,000; minority, $170,000.

6. Foreign Affairs Committee: Majority, $370,000; Minority, $45,000.

7. Government Operations Committee: Majority, $750,000; Minority, $45,000.

8. House Administration Committee: Majority, $230,000; Minority, none.

9. Interior and Insular Affairs Committee: Majority, $235,000; Minority, $12,000.

10. Internal Security Committee: Majority, $440,000; Minority, $70,000.

11. *Interstate and Foreign Commerce Committee:* Majority, $575,000; Minority, $105,000.

12. *Judiciary Committee:* Majority, $280,000; Minority, $65,000.

13. *Merchant Marine and Fisheries Committee:* Majority, $205,000; Minority, none.

14. *Post Office and Civil Service Committee:* Majority, $370,000; Minority, $65,000.

15. *Public Works Committee:* Majority, $675,000; Minority, $130,000.

16. *Science and Astronautics Committee:* Majority, $300,000; Minority, none.

17. *Veterans' Affairs Committee:* Majority, $65,000; Minority, $6,500.

18. *Ways and Means Committee:* Majority, none; Minority, $16,500.

19. *Crime Committee:* Majority, $415,000; Minority, $40,000.

20. *Small Business Committee:* Majority, $380,000; Minority, $75,000.

EMPLOYMENT ON HOUSE STANDING COMMITTEES (PLUS SELECT SMALL BUSINESS AND CRIME) AS OF DEC. 31, 1972

	Employees	Majority	Minority	Minority percentage of total
Employees:				
Statutory	373	313	60	16
Investigative	466	407	59	12
Total	839	720	119	13

	Cost	Majority	Minority	Minority percentage of total
Funds—1972:				
Statutory	$6,470,000	$5,400,000	$1,070,000	16
Investigative	7,820,000	6,865,000	955,000	9½
Total	14,290,000	12,265,000	2,025,000	14

COMMON CAUSE SUPPORTS HOUSE GOP EFFORT TO STRENGTHEN MINORITY STAFFING

(Statement by John W. Gardner, Chairman, Common Cause, at joint press conference 10:00 a.m. February 5, 1973, 2118 Rayburn Building, with Representatives Gerald Ford and Les Arends)

Common Cause strongly supports House Republicans in their effort to reinstate a provision of the 1970 Legislative Reform Act that allowed minority members of committees to select their own professional staff members.

Reform of congressional procedures has been a major activity for Common Cause since 1970, our first year.

We have specifically endorsed adequate staffing for committee members of the minority party in testimony before the platform committees of the two parties before the Republican task force on House rules and before Senator Mathias' and Senator Stevenson's Ad Hoc Committee on Congressional Reorganization. It is an essential part of any congressional reform program.

The ability of Congress to hear and consider both sides of controversial issues is restricted when the minority party has insufficient staff resources. Professional committee staff selected by and responsible only to the majority members of a committee cannot adequately assist minority members in critically analyzing proposals by majority members or in preparing alternatives. No matter which party holds the White House, committee members should not have to rely solely on the Executive Departments for legislative analysis.

The House during its consideration of Congressional reforms in 1970 adopted a proposal that allowed minority committee members one-third of the committee funds to hire professional staff members. This proposal was offered by a Democrat, Representative Frank Thompson, Jr., of New Jersey, and was supported at the time (July 16, 1970) by a bipartisan group of Representatives.

This important reform died. It was killed at the beginning of the 92nd Congress in January 1971 when House Democrats, meeting in caucus, ordered all Democrats to repeal the 1970 reform. The caucus action, which bound Democrats to vote for deletion of the minority staffing provision, was sponsored by Representative Chet Holifield (D-Calif.), who is a committee chairman.

With the beginning of the 93rd Congress, opportunity reoccurs to correct the unfair and harmful action of 1971.

Representatives John B. Anderson (R-Ill.) and James C. Cleveland (R-N.H.), has introduced a resolution to amend House rules to allow the minority members of a standing committee to use up to one-third of the funds available for committee staff to hire their own staff members. common Cause supports this resolution and urges Democrats to enact it as part of the House rules. We believe the way in which to accomplish this change is not by decreasing the staff available to the majority, but by providing additional staff in order that the minority may meet the one-third requirement.

The early days of the 93rd Congress have been marked in both Senate and House by important steps to reform a number of antiquated procedures, especially seniority, that have contributed to the declining influence of Representatives and Senators in national affairs.

Enlightened members of both political parties have come to realize that their ability to deal with the complex problems of the 1970's depends on the procedures and rules under which Congress operates. The reforms dealing with seniority, the initiation of studies of Congressional budget powers and committee structure and the reassertion of the powers of party caucuses all promise a new base from which Congress can deal with the Executive Branch on an equal basis.

These essential reforms should be advanced another step by reinstating the 1970 rule that allowed minority party control over their professional committee staffs. Under the Legislative Reorganization Acts, professional staff are to be appointed "without regard to political affiliation." In practice, however, political ties play an important role in the appointment of committee staff.

Committee staff members invariably respond more actively and loyally to the majority committee members—and especially the committee chairman—who are responsible for his employment. Moreover, the majority employ staff members who are generally in sympathy with their view of legislative issues. Thus, minority members are unable to bring in their own staff capacity to challenge the majority's beliefs and proposals. This condition significantly reduces the minority's ability to influence legislation and to introduce fresh concepts. The real losers in this maneuvering for power are our citizens who expect the best possible performance from their elected Representatives.

STATEMENT OF RALPH NADER ON MINORITY STAFFING

Committee staff is essential to carry out Congressional responsibilities in preparing just legislation and overseeing the Executive branch of goverment. As long as the Congress is going to be organized along two-party lines, committee staff should be adequate for both the majority and minority parties. There is inadequate staff for the Democrats and even less adequate staff for the Republicans. Today, the focus is on the latter problem. It is part of the overall withering away of Congress before the Executive branch juggernaut whose leader is rapidly building a "do it yourself" Congress right inside the White House complex. If the "Hill" continues to permit an erosion of its power, it will be called "Withering Heights."

At the beginning of the 92nd Congress, following by only three months the enactment of the first meaningful congressional reform in 24 years—the Legislative Reorganization Act of 1970—Rep. Chet Holifield employed a binding resolution from the Democratic Caucus to virtually command every Democrat to support an amendment deleting the requirement for at least one-third minority staffing on standing committees. As he warned his Democratic colleagues just moments before the vote: "You are down to the place where the gut cutting occurs. You are going to be practical and take what you can get, or you are going to open up a Pandora's box—and you do not know what you are going to get."

Chairman Holifield is apparently knowledgable about the activity. His Government Operations Committee allocates only 4 percent of its investigatory staff to the minority. With the exception of Appropriations, Armed Services, House Administration and the Science Committees, which have no investigatory staff allocation to the minority, Government Operations has one of the largest staffs and the lowest allocation to the minority (three of eleven statutory employees and two of forty-six investigatory employees).

Some members, especially committee chairmen, claim objections to minority staff provisions on the basis that the committee staffs should be "bipartisan and professional." In effect, these chairmen have coopted the ranking Republican on their committees not to raise a fuss about staffing in return for small immaterial services and "deference" for the ranking minority. When confronted with the option of cooperation (even at the price of grossly inadequate expertise and servicing) most ranking minority members have chosen to avoid confrontation. They have seldom sought to demand staff under the existing inadequate rule requiring "fair consideration" to the minority in the appointment of committee staff personnel. Granted the phrase "fair consideration" is ultra flexible for the Democrats, but what could justify the proneness of the ranking minority in trying to get it to contain specific meaning, pending an amendment for greater clarity?

It is inconceivable that the ranking minority members, for example on the Ways and Means Committee which allocated 3 of 29 staff members to the minority in the 92nd Congress, or Appropriations which allocated 15 of 129, or Armed Services which allocated none at all, would not be able—if they wanted—to negotiate with the committee chairman for at least working staff capability.

The employment statistics for Standing Committees, as of December, 1972, are:

	Total number of—			
	Employees	Majority	Minority	Percent of minority
Total	849	743	106	12
Statutory[1]	315	260	55	17
Investigatory	534	483	51	10

[1] Statutory employees and funds would not be affected by any rules change.

The responsibility for this poor state of minority staffing rests on both parties. In the adversary process it is not surprising that the Democrats want the Republicans to get a small or no allocation of investigatory staff. What is shocking is the willingness of the Republicans to accept such subordination. It is not beyond conception that the minority leadership gathering today is directed at putting some heat under the ranking minority of the various standing committees as well as under the Democrats. After all, the ranking minority does have considerable practical bargaining power to obtain more adequate staff, if it wants to. In addition, it could simply not sign off on the appropriations request until the requisite staff was forthcoming. So often, the informal quid pro quo from the majority to the minority ranking is preferred on various committees—a disservice to other minority members, to the Congress and citizenry as a whole. In the growing public awareness of the weakness of the Congress in upholding its responsibilities under the separation of powers and checks and balances doctrines, can the people of this country continue to tolerate such abdications? It is not believed that they will.

VIRGIN ISLANDERS HAVE EARNED AND ARE ENTITLED TO THE PRESIDENTIAL VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mr. DE LUGO) is recognized for 10 minutes.

Mr. DE LUGO. Mr. Speaker, in the 55 years that the Virgin Islands has proudly been a part of the United States, Congress has progressively extended the scope of political rights and responsibilities commensurate with the social and economic development and maturity of our people.

Congress has been cognizant of the capability of our people and mindful of our right to self-determination. It has wisely seen fit to grant us, step-by-step, the prerogatives of local self-government. Most significantly, Congress enabled us to elect our own legislature in 1954 and our own Governor in 1970.

We have borne these responsibilities well. The serious regard in which political concerns are held by our people has manifested itself by the intense involvement of all sectors of our society in territorial decisionmaking. The percentage of our electorate participating in both primary and general elections usually exceeds 80 percent, notably higher than in all but a few communities in the 50 States.

My address to this House today, as the first delegate from the Virgin Islands, is testament to the confidence of the Congress in our ability to participate additionally with our fellow American citizens in national self-determination.

We in the Virgin Islands have recognized that the rights, obligations and privileges of citizenship demand commitment and sacrifice. We have unquestioningly risen to the defense of our country whenever and wherever it has been necessary to preserve America's freedom and to secure liberty and the right of self-determination elsewhere. Most recently, in the horror of Vietnam, the Virgin Islands suffered casualties at a ratio that is among the most heavy.

Despite our loyalty, honorable service, and dedication to the principles and practice of democracy, our people, American citizens, are still denied the most cherished right that other American citizens possess—that of selecting the President and Vice President. That we are entitled to and deserving of this most precious right is inherent in our citizenship. This premise has been affirmed by the Democratic and Republican Parties, both of which accord our citizens the right to participate equally with citizens of the States in their conventions and committees.

Not only are native Virgin Islanders unable to exercise the right to vote for president, but Virgin Islanders, natives to the 50 States and the District of Columbia, automatically become disenfranchised upon taking residence in our portion of the United States. Ironically any Virgin Islander, native or former State resident, becomes eligible to vote for president merely by completing the 30 day residency requirement in any of those jurisdictions of America where citizens are permitted the presidential franchise.

Mr. Speaker, to rectify this inequity, Delegate WON PAT of Guam and I are today introducing a resolution to amend the Constitution. The amendment would extend to the American citizens of the territories of Guam and the Virgin Islands a privilege we have earned, a right we are entitled to.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. DE LUGO. I am happy to yield to my good friend, the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, I would like to commend the gentleman from the Virgin Islands and the gentleman from Guam in their first, initial remarks on the floor of this House; and, secondly, on the subject matter.

I think it is totally fitting and proper that their initial remarks should be directed to this gross inequity for which they seek redress on behalf of the citizens of these two very fine areas of the United States; these territories where citizens of the United States are today being denied the right to vote for the President of this country.

It is, as the gentleman from Guam and the gentleman from the Virgin Islands have pointed out, more an accident of location than it is of citizenship, because our system has no method of giving the electoral college vote to these citizens and these territories which have been deprived of the right to cast their vote for President of the United States. I think it is a long time overdue that what they are seeking be granted to the citizens of these territories.

I commend both of these gentlemen on their initial appearances on the floor of this House in addressing themselves to this grievance which they both have spoken to me about a long time ago, and which should have been granted to their citizens a long time ago.

Mr. DE LUGO. I thank the gentleman from Washington for his kind remarks.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DE LUGO. I yield to the distinguished majority leader.

Mr. O'NEILL. Did I correctly understand that this will take a consitutional amendment?

Mr. DE LUGO. Yet, it does, Mr. Majority Leader. It takes a constitutional amendment.

Mr. O'NEILL. I am amazed at that.

May I congratulate the gentleman for his knowledgeable and erudite remarks.

Really, I have not given too much thought to this, since I recall that at a Democratic national convention some time ago a resolution of this type, I believe, passed the convention.

Listening to the remarks of the gentleman from the Territory of Guam, Mr. WON PAT, I believe the arguments are perfectly right. Just because of an accident of birth a person who is a U.S. citizen, if he lives in the area of the 50 States, would be eligible to vote. It does not seem there is a very sound argument one could make, denying a man who is a U.S. citizen who lives in a territory of our Government that right.

I want to concur with the remarks of the gentleman and to congratulate him for bringing this before the Congress. I am sure there will be lengthy studies on it. It is a step in the right direction.

Mr. DE LUGO. I thank the distinguished majority leader for his kind remarks.

I say to the majority leader that we will be asking for Members of the House to join us in cosponsoring this legislation.

I point out to the majority leader and also to my colleague from the State of Washington that if their constituents move to the American Virgin Islands or to the American territory of Guam they are disfranchised. This would rectify that situation.

GENERAL LEAVE

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

A POLITICAL GIANT SPEAKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, former Speaker John W. McCormack has entered his fourth year as a private citizen after relinquishing the reins of House leadership at the close of the 91st Congress.

Many of us, Mr. Speaker, were privileged to serve the people of the United States in the House as a colleague and under the leadership of this great man. We have missed his daily presence among us.

Retirement for our former Speaker has been in name only, for he still maintains a vigorous schedule from his office in Boston. From time to time he returns to Washington and shares his friendship and wise counsel—the benefit of his decades of experience in service to the people of the United States.

Speaker McCormack is a recognized giant among us—a man who consistently has set a standard which all of us would be privileged to attain.

Through the years he has spoken and acted with vigor and dignity, and always has offered a special perspective in approaching all problems which have come before him and the American people.

While we in the Congress have been privileged personally to come to know and hold this man dear, the opportunities for others to share his wisdom via the media have been many through the years. Most recently, Modern Maturity magazine's Richard W. O'Donnell enjoyed an interview with Speaker McCormack. The December-January 1972-73 edition of this fine magazine carries the account of that meeting.

I know that those of our senior citizens who had the opportunity to read the interview most certainly gained additional insights into the past decisions which greatly affected us all. I am sure that they also realized that John W. McCormack is a man who lives in the present, with his eyes focused on continuing the work to provide a better America.

Mr. Speaker, I request that Mr. O'Donnell's interview, titled, "A Political Giant Speaks," be included in the Record at this point for the benefit of the Members who may not have read this fine article about a man—a friend—who does indeed speak with the voice of maturity.

A Political Giant Speaks

(By Richard W. O'Donnell)

The United States needs a strong hand at the helm if it is to remain the world's greatest power, according to former Speaker of the House John W. McCormack.

"I know there has been a great deal of talk in recent years about the President usurping powers that belonged to Congress," declares the retired 81-year-old politicial giant. "I don't think this is so."

Mr. McCormack, who retired in 1970 after 42 years in Congress, was interviewed for Modern Maturity in his 14th floor office in the John W. McCormack Post Office Building in his home town of Boston.

"This question about the President and Congress is not a new one," the silver-haired Democrat said. "It has always been with us. George Washington was faced with it. All our great Presidents have been confronted with it.

"Look at what happened under Hoover when there was a lack of leadership. The nation had the greatest depression in its history. There was widespread hunger, and 10 to 12 million people were out of work.

"Then look at what happened under Roosevelt when there was courageous leadership. There was Social Security, unemployment compensation, the minimum wage, and low-cost housing.

"There were some people who accused Roosevelt of being a dictator. Yet what he did was provide courageous and forward-looking leadership at a time when it was necessary, and he did it in accordance with the powers granted to him by the Constitution.

"Why, some people even called me 'the Bolshevik' because I was fighting for old age payments, the minimum wage, and low-cost housing.

"I expect the President to be one who has the ability to make a decision in the best interest of the country, and to have the courage to carry it out."

Of all the legislation he has supported over the years, the Massachusetts politician is proudest of the fight he led to save the Selective Service Act back in 1941.

"We won a one-vote victory," he recalls. "That was three months before Pearl Harbor. I've often wondered what the position of the country would have been if we hadn't had Selective Service when the war broke out."

The veteran legislator is also extremely proud of the role he played in getting the Social Security Act on the books.

"I led the fight in the Ways and Means Committee back in the thirties," he recalls. "I remember people called it socialism. I used to stand up in Congress and say, 'You call it socialism. I call it dynamic democracy in the industrial age!'

"I remember fighting to get the bill through committee, and fighting for the rapid advancement of this important legislation to what we called 'the top of the hill.' Many bills made it to the top of the hill, but not over. And it was several years before we could get them back to the top again. The important thing was to get the bill over the hill, so it could become law.

"In the beginning, there wasn't much money. But it was a start, and we were able to improve upon the bill. We had it on the books. That was the important first step. We were able to make improvements as the years went by."

Mr. McCormack is delighted at the recent 20 per cent increase in Social Security payments.

"It wasn't inflationary," he declares. "They were just catching up with the cost of living. The increase might well have been given over the past few years."

Despite his alleged retirement, Mr. McCormack has a daily schedule that would leave most younger men exhausted.

"I spend my days at my office," he says. "I get phone calls from all parts of the country. And there is usually a tremendous amount of mail. I take home a dozen letters or so at night to my apartment in Jamaica Plain and reply to them myself."

In addition, the former Speaker is called upon to make countless appearances in the Boston area, where he is an authentic folk hero. During his half-century in Massachusetts and national politics, thousands of Bostonians have called upon John McCormack for help, and never once has he been known to fail them.

During the summer, Mr. McCormack was honorary chairman of the Democratic convention in Miami Beach, Fla.

"Actually, there were three chairmen," he elaborated. "Harry Truman and Lyndon Johnson were also honorary chairmen, but they couldn't make it. So I flew down to Miami. I felt that at least one of the honorary chairmen should be on hand."

In December 1971, John McCormack's beloved wife, Harriet, passed away. The McCormacks were married for 51 years, and their romance was a Washington legend. It has been written that there were only two women in McCormack's life: One was his beautiful bride; the other his adored mother Mary Ellen O'Brien McCormack.

"I remember when I was 13," says Mr. McCormack. "I was interested in politics even then. I used to love to attend the street corner rallies in South Boston, where I grew up, and listen to the politicians. Back then, the big issue was women's suffrage. Everybody was against it. There wasn't one politician who would speak out in favor of it.

"It was at those street corner rallies that I made up my mind about giving women the right to vote. It was the first decision of a political nature I ever made. I would go home and look at my dear mother. I knew she was a citizen. It was only a question of marking a ballot. And I would say to myself, "Who dares tell me my mother cannot vote as well as any man, and better than most?' "

When the future Speaker was 13, his father, a bricklayer, died, and he became the man of the house. In addition to his mother, there were two younger brothers.

"I had a newspaper route," he recalls, "and that brought in some money. Still, I had to quit school. I never was able to attend high school or college. I've always regretted that. I have great respect for the educated man. Education is one of the greatest investments any country can make. Still, if I had to make a choice between a man who was brilliant, but lacked common sense, and one who had a limited education and common sense, I'd take the latter man. In choosing my staff members, I always favored the man with common sense. It is a a most important factor." Mr. McCormack continues: "After I left school, I got a job with Western Union for a while, and then I went to work in a broker's office on State Street. I was making $3.50 a week.

"Then William T. Way, a Boston lawyer, offered me a job for $4 a week. I asked the broker if he could match the extra 50 cents. He couldn't, so I went to work as an office boy in a law office. That extra 50 cents was the turning point in my life. The broker went out of business a year later. By that time, I had become interested in being a lawyer.

"Mr. Way, a wonderful man, encouraged me to read law, and he made all the books he had in his law library available to me. It seemed like a hopeless task, and the odds were against me. Still, when I became discouraged, I would look at my dear wonderful mother and all my sadness would go away. I wanted to become a lawyer. I wanted her to be proud of me. I'm sorry to say she died five months before I passed the Massachusetts Bar examination at the age of 21."

For a while, John McCormack served as a practicing attorney. But politics had captured his heart, and in 1917, he was elected a delegate to the Massachusetts Constitutional Convention. When World War I broke out, he resigned and enlisted in the Army. Later, he served in the Massachusetts House of Representatives from 1920 to 1922, and in the State Senate for three years.

In 1928, the voters of the 12th Congressional District sent the young politician to Congress. He remained there until his retirement in 1970. And his memories are many.

"I remember back in 1945 when we were having coffee in a small room we called "The Board of Education,' " he says. "Sam Rayburn was at the table with me. There were a couple of others, too. Harry Truman was also at the table, and somebody came up and handed him a note. His face went white, I remember that. He stood up and said he had to go someplace, and then left the room. Later we learned that Franklin Delano Roosevelt had died, and that Harry Truman had become President of the United States."

Then there was the matter of granting statehood to Alaska and Hawaii.

"For some reason," he recalls, "Mr. Sam (Rayburn) felt that all states should be a part of the mainland of the United States. Lyndon had cleared the way in the Senate for statehood for Alaska and Hawaii. But Rayburn was slow in bringing the matter up on the floor of the House. He was Speaker at the time, and his approval was needed before a bill could be introduced.

"Well, Lyndon and I kept talking to Sam. We kept at him. We didn't stop. And finally, after three or four weeks, Sam said, "I will not stand in the way.' This meant he wasn't changing his position. He was still opposed to having states that were not a part of the mainland of the United States. It also meant that he wasn't going to prevent the statehood bills from being introduced in the House. Later, statehood was granted to both Alaska and Hawaii."

With a smile, Mr. McCormack adds: "I think what won Sam over was that Lyndon and I kept telling him we should grant statehood while there was a Democratic Congress. We told him we didn't want the Republicans to get the credit later on."

There is one memory that still haunts the former Speaker.

"It was during the early forties," he says. "At the time, I was majority leader. I was summoned to the White House by President Roosevelt along with Sam Rayburn and other key Congressional leaders. We knew it was going to be an important meeting because we were told that General George Marshall, Secretary of War Henry Stimpson and other key Administration officials were going to attend.

"At the meeting, President Roosevelt told us that he needed an appropriation of $2 billion from Congress during the next two years. He said he needed it for a super weapon, but he did not reveal specific details. He did not say whether the weapon was a rocket, or a bomb, or what it was supposed to be. He kept that to himself.

"Roosevelt said that the appropriation would have to be kept a secret, because he did not want the Hitler government to know about it. He said the Hitler government was trying to build the same super weapon and that if they did, the Germans would win the war overnight no matter what we did on the battlefield. He said no matter how many victories were won, we'd lost the war if the Hitler government got the super weapon first.

"Naturally, we got Congress to appropriate the money. It was supposed to be funds for airplanes, ships and other war materials. But, with the White House's permission, we had to let members of the Subcommittee on Appropriations in on the secret.

"I remember that every night before I went to sleep I would say a prayer. I would pray to God that we got the super weapon first.

"Later, the atomic bomb was dropped and the war ended. President Roosevelt once told me that we would lose a million men if we invaded Japan. The atomic bomb saved their lives.

"The weapons we have nowadays are much more powerful. They must never be used."

For 14 months after the assassination of John F. Kennedy, Mr. McCormack was the heir apparent to the Presidency in the event of the death of Lyndon B. Johnson.

"Every night, I said a prayer for Lyndon B. Johnson," he recalls. "I prayed that he would remain in good health; that he would remain fit to perform the duties of President.

"I never wanted to be President, you know," he says. "My life was in the U.S. House of Representatives. I was a legislator. It was a life I loved."

The former Speaker is a tall, distinguished gentleman. His manner is courtly; his voice, firm and clear; his mind, quick. And he has a gracious smile that probably won him more votes than he realizes.

John W. McCormack, private citizen, may no longer be winning people's votes, but he is surely winning their hearts.

CREATION OF AN IMPARTIAL GRIEVANCE SYSTEM FOR FOREIGN AFFAIRS AGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, during the 92d Congress, congressional attention was devoted to the creation of an independent and impartial grievance system for all employees of the Foreign Affairs Agencies—the Department of State, the U.S. Information Agency, and the Agency for International Development. Several bills containing draft legislation creating such a system were introduced in both Houses. In the Senate, a compromise bill offered by Senators BAYH and COOPER (S. 3722) passed the Senate twice, and in the House, the Foreign Affairs Subcommittee on State Department Organization and Foreign Operations held a series of important hearings on the subject, preparatory to marking up legislation. Unfortunately, time ran out and Congress adjourned before action was taken. But while final congressional legislation was not passed into law, this difficult and complicated, yet significant, issue was given in 1972 some of the urgent attention it needs.

It is the hope of all of us committed to the adoption of a due process grievance system, such as that contained in the Bayh-Cooper bill, that comprehensive, fair, and impartial grievance procedures will be instituted in the near future. The morale and future effectiveness of our important Foreign Affairs Agencies are at stake.

Certainly a primary vehicle for the establishment of due process principles is through direct negotiations between, in the case of the Department of State, management and the newly elected exclusive representative of the employees, the American Foreign Service Association—AFSA—which will result in agreement on legislation establishing a Foreign Service grievance system. Both the Secretary of State and AFSA have agreed on such legislation "in principle." We fervently hope such negotiations can commence in the next weeks and can promptly produce effective and mutually acceptable procedures to be contained in legislation. But, if negotiations do not prove fruitful and successful, the Congress should enact comprehensive legislation such as that embodied in the Bayh-Cooper bill.

REPRESENTATIVE BRADEMAS DISCUSSES AMERICA'S ROLE IN WORLD TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the American Institute for Imported Steel holds a meeting every winter in New York City to discuss important issues of world trade. The gentleman from Indiana (Mr. BRADEMAS) was invited to be their speaker this year. I would like to insert in the RECORD the text of his very informative statement:

REMARKS OF CONGRESSMAN JOHN BRADEMAS OF INDIANA, ANNUAL MEETING OF AMERICAN INSTITUTE FOR IMPORTED STEEL, NEW YORK, N.Y., DECEMBER 11, 1972

I speak to you today from the viewpoint of one who has for the past fourteen years served in Congress as Representative of a farm-factory district in northern Indiana.

My district is the one where Studebaker automobiles were once produced and where AM General now makes trucks for the Army.

It is the original home of the Bendix brake and was for many years the world center for the manufacture of musical instruments. Today we make mobile homes and Alka Seltzer and are known as the land of Father Hesburgh and Ara Parseghian.

I represent Poles and Hungarians, blacks and Mennonites, Masons and Knights of Columbus. My constituents also belong to the UAW, the Farm Bureau, the building trades and to chambers of commerce.

My district—the Third of Indiana—voted 65% for President Richard Nixon, Republican, and 55% for Congressman John Brademas, Democrat.

So I think it fair to say that the people of the counties of Elkhart, LaPorte and St. Joseph in Indiana are not wholly unrepresentative of the nation at large, and I suggest, therefore, that the views I express to you today are not atypical or unique.

And I believe that most of my colleagues in the House and the Senate next year would agree that the issue of U.S. policy on foreign trade will command high priority in the 93rd Congress.

I speak as a Congressman who favors expanding world trade and who is aware of the benefits in terms of jobs and profits to the people of the United States that are the consequences of increasing the flow of capital and goods across international borders.

But I speak also as a Congressman who believes that the time has come for the American business and industrial community with a stake in widening foreign trade to face soberly some problems that have too long been avoided in discussing this question.

FACTORS IN SHAPING FOREIGN TRADE LEGISLATION

What, then, are some of the factors that Congress will be taking into account as we look at foreign trade policy next year and particularly at legislation that affects foreign trade?

Here are some—I do not pretend to review all—the emerging factors that I see.

(1) First, it is clear that the United States no longer dominates international trade as we did following World War II.

Japan and the nations of the European Economic Community have become vigorous and effective competitors, challenging U.S.-produced goods both in our domestic markets and in third countries.

And we are all aware that one of the reasons for this enhanced competition is that the governments and industries of these nations have worked closely together to modernize technology and stimulate exports, with, to repeat, extraordinary success.

(2) A second factor which must be in the minds of all who make decisions about trade policy is that last year, for the first time in this century, the United States incurred a net trade deficit of over $2 billion. The deficit for the current year is estimated to be over $5 billion, and there is little prospect that the deficit will disappear in the near future.

In this connection, it should be observed that, although our exports have risen steadily in the last decade, they have been far outstripped by increased imports, which have risen a staggering 165% over the same period.

ACTIONS OF FOREIGN GOVERNMENTS

(3) A third element in the trade outlook is that foreign governments have impeded U.S. trade performance by means of a network of subsidies and preferences conferred on their own domestic producers.

I can tell you from experience that one sermon many Congressmen and Senators visiting Japan preach to their Japanese hosts when they complain to us about burgeoning protectionism in the United States is, "Physician, heal thyself. Get rid of, or at least greatly reduce, your own fortress of import barriers against American-made goods coming into Japanese markets".

Moreover, I should add what you already know, that the Japanese have been directly subsidizing many of their exports to the United States.

Now some persons may contend that the United States has countervailing duty laws to protect domestic industry against competition from foreign companies unfairly subsidized by their governments as well as laws against dumping foreign goods on the U.S. market at prices below their fair market value.

But you and I know that these laws have either not been effective or have not been effectively enforced.

(4) Yet a further cause of our adverse balance of trade is the malalignment of currencies of our leading trading partners, particularly Japan and West Germany. Although it is impossible to assess precisely the effect on U.S. foreign trade of the undervaluation of the mark and the yen, this factor clearly played a role in the reversal of our trade position in the late 1960's.

THE RISE OF THE MULTINATIONAL CORPORATION

(5) Now let me recite still another in this list of elements that we should be considering as we ponder where we're going on trade policy in the months and years ahead.

Although many Americans have only the foggiest notion of what a multinational corporation is, I can tell you that the rapid rise of this institution in the world trade arena is both felt and feared by increasing numbers of American working men and women.

The substantial expansion of direct overseas investment by U.S. firms, and especially the proliferation of U.S.-based multinational corporations, are developments that are more and more viewed by American workers as directly threatening their jobs.

And as one who observed the reactions of thousands of his fellow townsmen to the overnight shutdown of the Studebaker plant in South Bend back in 1963, I can tell you that job security remains even today an overriding preoccupation with many more thousands of the people I represent in northern Indiana.

I have no hesitation in telling you that job security is a chief concern of millions of working people all over the United States.

It is, therefore, no accident that protectionist sentiment has risen in this country along with chronic unemployment.

And I must tell you that men and women who have lost their jobs as a result of competing imports from abroad—or, just as important—who *think* they have lost their jobs as a result of foreign competition—will not accept as adequate recompense a textbook in freshman economics telling them that free trade brings benefits to people of every land.

As Jacob Clayman, of the AFL–CIO Industrial Union Department, put it, "Our people are not interested in the ideology of foreign trade. They are interested in jobs and the conditions that are affecting them."

(6) I, therefore, cite another element that you and I must have in mind next year as we try to think through the dimensions of a sensible foreign trade policy for the United States.

We can no longer assume that the trade adjustment assistance program Congress incorporated in the Trade Expansion Act of 1962 is effective in helping workers and firms adversely affected by foreign competition.

For reasons both procedural and substantive, neither the import restraint nor the adjustment assistance provisions have brought the relief Congress contemplated a decade ago. They just haven't worked.

TRADE POLICY AND THE NIXON ADMINISTRATION

(7) Now I want to discuss one final element in this litany of forces that will bear on Congressional attitudes next year toward U.S. foreign trade policy.

I speak of the position of the Administration of President Nixon during his second term.

For I trust it will not be thought partisan if I observe that the Administration has really not attempted during the past four years to shape a coherent policy for the United States in international trade.

This is not to say that the President ought not to be applauded for some of his major trade initiatives, most notably his moves to increase commerce between the United States and China and the Soviet Union. Only last week I attended a conference at Dartmouth College where top Soviet trade and other government officials met with leading American businessmen, such as David Rockefeller and Donald M. Kendall, as well as American academics and even three Congressmen, to talk about improving United States-Soviet relations. In addition to easing political tensions and cooperating on environmental matters, expanding trade with us was a major objective of the Soviet delegation.

As we know, Treasury Secretary George Schultz and other high Administration officials have indicated that the President intends to give great attention next year to developing an international trade policy for the United States that makes sense for the decade ahead.

Yet listen to these words from an editorial of November 24, 1972, in the Washington Post:

> President Nixon is now preparing himself for the possibility that economics and trade will be the largest part of his foreign policy next year. . . . The principle of free trade is simple. The practice is more difficult. One of the reasons it has become very difficult indeed lately is the enormous confusion within the Government over our basic purposes. It is not clear to our trading partners, or to foreign businessmen, or even to the various branches of the United States Government, precisely what the Administration is driving toward. . . . Put broadly, the real question is how much foreign competition the United States is now willing to run. But the answer depends very greatly on the rules, and whether most Americans are willing to accept them as fair. Those rules now have to be worked out, and the process is just about to begin. It will take place in a counterpoint between Congress and two separate international negotiations, one on money and the other on trade. The Congressional debate will begin as soon as the Administration introduces its trade legislation early next year. Managing this process will be an extraordinary test of Mr. Nixon's political skill.

So I hope I shall not be thought captious if I suggest that it is not yet clear to some of us whether the President plans to go the way of Peter Peterson, who has come to be identified with a broader world trade role for the United States and who is leaving the Administration, or of Frederick B. Dent, Mr. Peterson's successor as Secretary of Commerce, a textile man who is widely regarded as a protectionist.

Most of you, better than I, can enumerate other zigs and zags in the trade policies of this Administration during the four years just past.

There is, for example, President Nixon's heavy reliance on temporary voluntary restraint agreements, which seem somehow to have a way of hanging on, as you steel importers well understand.

And of course you will recall the President's pleas to Congress for legislation fixing quotas on the imports of textiles while at the same time piously admonishing Senators and Representatives not to yield to the temptation to write quotas against imports that affected the people whom we represent!

So, as Congress returns to Washington next month, we have not yet heard a strong and confident voice from the White House telling us how the President sees the shape of trade in the next several years.

FOREIGN TRADE AND CONGRESS

But, I can tell you that, in respect of attitudes toward foreign trade, there seems to be less uncertainty in Congress.

For, despite the diversity of our membership, I think one can find a leitmotif running through most of the proposals that are likely to surface in Congress in the coming months in the field of foreign trade.

The most publicized measure is, of course, the Burke-Hartke Bill, which would make a number of far-reaching changes in U.S. foreign trade policy. The bill has won the strong support of the AFL-CIO and the alarmed opposition of much of American business and industrial leadership. The Burke-Hartke Bill is clearly one major reaction to the apprehensions about job security which I earlier discussed.

Congressman John Culver (D-Iowa), Chairman of the Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee, has introduced legislation to develop more timely and practical adjustment programs to help workers, companies and communities hard hit by foreign imports.

Congressman Henry Reuss (D-Wisc.) has urged taxing the profits of U.S.-owned foreign based operations on a current basis as a means of eliminating what he contends is an incentive to produce goods abroad at the expense of jobs for American workers. His Wisconsin colleague, Senator Gaylord Nelson, has introduced a similar proposal.

Congressman Jonathan Bingham (D-N.Y.) a former U.S. Ambassador at the United Nations, has prepared legislation which not only includes strengthening the anti-dumping and countervailing duty laws but also increases trade adjustment aid and modifies Federal tax benefits for U.S. investment abroad.

CONCERN ABOUT JOB SECURITY OF AMERICAN WORKER

I have little doubt that other Senators and Congressmen will develop their own variations on these proposals. But I have little doubt, too, that a common theme will run through most of them—greater attention to the job security of the American worker.

And this concern about job security is one which, without my getting into the advantages and disadvantages of any of these several legislative proposals—as I do not, to repeat, pose as an authority on this complex subject—I must tell you I regard as wholly legitimate.

And to all these bills will, of course, be added to the comprehensive trade legislation President Nixon has promised to submit to Congress next year.

Well, then, if this Congressman's analysis is at all on target, what are the implications of it for developing a coherent U.S. foreign trade policy next year?

I conclude that there are two major lessons to be learned from the joining of the several factors I have discussed with you.

These are lessons that all of us must understand—and act on—if we want to see an expansion of trade among nations and peoples, with all the attendant advantages such expansion brings.

The first lesson is this: We must come to grips with the real and legitimate apprehensions of many American working men and women about the security of their jobs. A foreign trade policy that fails in this respect is no policy at all.

FULL EMPLOYMENT AND FOREIGN TRADE

This means that we must give a higher priority than the Administration has done, or appears to intend, to achieving full employment here at home.

For adequate job opportunities in the United States will directly reduce the pressures of protectionism.

Tax policies, public service employment, manpower training, insurance of private pensions, steps to stimulate U.S. exports—these are the kinds of measures that can help bring job security and correspondingly diminish fears of loss of work to foreign competion.

Let me observe in this connection that the drop in unemployment to 5.2% last month was very welcome, but that it is still very high in relation to the 4% traditionally used to define full employment in this country.

And if my argument is correct that rising protectionism goes hand in hand with high unemployment, then the October 26 statement of Herbert Stein, Chairman of the Council of Economic Advisors, that we should abandon the 4% goal is bad news indeed for all of you free traders of the American Institute for Imported Steel.

For, if what I am saying is true, you have a great stake in supporting efforts to bring down unemployment in the United States, especially among those groups which fail to find jobs even when the economy is growing.

In addition to supporting full employment, we can recognize the job security issue in another important way. In pursuing governmental policies to stimulate world trade, we must give much more serious and imaginative attention to devising trade adjustment assistance programs that are credible and effective in the real world, programs, that is to say, that make a genuine difference to the affected firms and workers.

I said that I had found two major lessons for shaping trade policy arising out of the constellation of elements I have been discussing.

The first was the requirement of greater sensitivity to the concern of American working men and women about their jobs.

NEEDED: CONSISTENT TRADE POLICY FROM ADMINISTRATION

The second lesson is this: That the President of the United States must display some clear and consistent leadership in developing a coherent foreign trade policy for our country.

The present ad hoc pattern has, in terms of soaring trade deficits, rising fears about job security, and a decline in our competitive economic position, brought us not the best but the worst of several worlds.

In this connection, both the Administration and Congress should engage in much more rigorous analyses of the anticipated impact on our domestic economy of the effects of Federal actions, both legislative and executive, in the area of foreign trade. We need, for example, a more careful assessment of what happens here at home when we write Federal tax laws to spur U.S. investment abroad. We may ultimately decide to write such measures but, before we do so, we should have a much clearer picture of the advantages and disadvantages involved than I sense we now have. To cite another instance of what I mean, I hope that the study now in progress by the Senate Foreign Relations Committee of the multinational corporation and its effects on U.S. foreign policy will shed light as well on the impact of multinationals on job creation and the domestic economy.

Here in New York last week, my colleague and friend, the distinguished senior Senator from New York, Senator Javits, said that "1973 will be a watershed year for our country and for the free world and international economic relations will be decisive".

Senator Javits went on to say that, "The President has gone about as far as he can go in many areas without new legislative authority if a new spirit of international cooperation and economic prosperity is to be molded". And the Senator concluded, "This calls then for a new cooperative and collaborative spirit between the Congress and the Executive branch . . .".

As only one Member of the House of Representatives of the majority party there, I hope very much that, as we shape legislation that affects our international economic relations, there can be that "new cooperative and collaborative spirit" between President Nixon and Congress of which the Senator spoke.

And I like to think that approaching the newly elected Congress in such a spirit—he with his mandate and we with ours—will be high on Mr. Nixon's list of New Year's resolutions.

As I conclude, then, I hope I have not painted for you too inaccurate a picture of where, forty days before President Nixon's second inauguration and twenty-three days before the 93rd Congress convenes, we stand as we look at the prospects for shaping foreign trade policy for our country.

I have tried tonight not so much to galvanize or, indeed, even to sermonize, but rather, from my own perspective as a Member of Congress, to analyze some of the problems that I perceive all of us must ponder in this complex but crucial area of national and international life.

For I think we can all agree that it is imperative that we look as carefully and honestly as we know how at all the dimensions of our international trade policies.

On what we do in this field depends in no small measure the prosperity of the American people and the building of a peaceful world.

EXPORT CONTROLS ON CATTLEHIDES

The SPEAKER pro tempore. Under a previous order the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, Congressmen KYROS, CONTE, BURKE of Massachusetts, and I, together with 35 of our House colleagues, are today introducing legislation to permit the President to reinstitute export controls on cattlehides.

Excessive foreign demand for cattlehides, created by embargoes by Brazil and Argentina on hide exports, is threatening to destroy the leather industry. The price of hides has risen up to 400 percent in the last 2 years. Tanneries, unable to meet the high cost of raw materials, have been forced to close down, and thousands of American workers have lost their jobs.

The high cost of hides makes itself felt every time an American consumer buys a pair of shoes. And the price of shoes will continue to rise until the cattlehide situation can be stabilized.

Last July, the Commerce Department ruled that cattlehide export controls were required to protect the domestic economy from excessive drain of hides and to reduce the serious inflationary impact of abnormal foreign demand. A modest program of export controls was initiated, one which limited 1972 exports to 1971 levels—the highest export level in history.

Unfortunately, as the program began to take effect and stabilize the price of hides, Congress passed an amendment which severely restricted the President's authority to impose controls. The law was signed and the controls program ended.

Since that time, the price of hides has continued to rise, and the closing of tanneries has continued. I have written the President a number of times asking him to reimpose controls, but each time the response has been negative.

A letter I received from Richard Cook, deputy assistant to the President, makes the White House's position clear. I include his letter at this point:

THE WHITE HOUSE,
Washington, D.C., September 20, 1972.

DEAR MR. HARRINGTON: I would like to acknowledge and thank you for your September 14 letter to the President in which you joined with several of your colleagues in urging the President to authorize the Secretary of Agriculture to permit the reinstitution of the cattlehide export control program.

As you know, on July 15 Secretary Peterson announced that after careful study of data collected by the Department of Commerce concerning the cattlehide situation, he had determined that export controls were required to protect the domestic economy from excessive drain of such hides and to reduce the serious inflationary impact of abnormal foreign demand.

However, in extending the Export Administration Act, the Congress adopted the Curtis-Gonzalez Amendment which terminated the Commerce Department's export controls on cattlehides. Further, it requires that any further controls on exports of an agricultural commodity must have the prior approval of the Secretary of Agriculture, such approval not to be given during any period when the supply of such commodity is in excess of domestic requirements. (P.L. 92–412).

Although the legislative history will require the most careful analysis by the Departments of Commerce and Agriculture, it appears that P.L. 92–412 expresses a clear Congressional mandate that controls on cattlehides not be reimposed.

Nevertheless, we share your concern with the cattlehide situation and the Commerce Department will continue to monitor matters closely.

Sincerely,

RICHARD K. COOK,
Deputy Assistant to the President.

Mr. Speaker, the legislation we are introducing today is simple in nature. It changes the language of the Export Administration Act to allow controls on hides—controls that had always been allowed prior to August. Listed below are the cosponsors of the bill:

LIST OF COSPONSORS

James A. Burke, Silvio O. Conte, Peter N. Kyros, Bella S. Abzug, Edward P. Boland, Frank J. Brasco, Shirley Chisholm, James C. Cleveland, William S. Cohen, Paul W. Cronin, Harold D. Donohue, Robert F. Drinan, Joshua Eilberg, Daniel J. Flood, Gilbert Gude, Ella T. Grasso, Lee H. Hamilton, James, M. Hanley, James F. Hastings, Henry Helstoski, Albert W. Johnson, Joseph A. Karth, Edward I. Koch, Stewart B. McKinney, John J. Moakley, William S. Moorhead, John E. Moss, Thomas P. O'Neill, Otis G. Pike, Melvin Price, Henry S. Reuss, Thomas M. Rees, Howard W. Robison, Peter Rodino, Herman T. Schneebeli, William A. Steiger, Gene Taylor, Lawrence G. Williams, Samuel H. Young.

H.R. —

To amend the Export Administration Act of 1969 with respect to the exclusion of agricultural commodities from export controls

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(e) of the Export Administration Act (50 U.S.C. App. 2403(e)) is amended to read as follows:

"(e) The Authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, but excluding skins and hides, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act."

Mr. Speaker, each day, the price of hides climbs and more workers lose their jobs. It is my hope that the Congress will act quickly to permit the reauthorization of export controls. This is the only means by which we can restore stability to the American leather industry.

PRESIDENTIAL VOTE FOR PEOPLES OF GUAM AND THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. Won Pat) is recognized for 10 minutes.

Mr. WON PAT. Mr. Speaker, today I have the privilege and honor of joining with my territorial colleague from the Virgin Islands, Mr. De Lugo, in cosponsoring a most historic measure—one which grants the privilege and the right to vote in presidential elections to our fellow American citizens on Guam and the Virgin Islands.

What we are asking of the Congress today is not a radical change in the American system of government. We seek, instead, the correction of an inequity in our laws—an inequity which forbids certain Americans to vote in presidential elections simply because of where they reside, and an inequity which diminishes the noble concept of our precious American citizenship.

Under present law, all qualified Americans who reside within the boundaries of any State may participate in presidential elections. However, should that same citizen move to one of the U.S. territories, he or she may not vote for the President if they register to vote as local residents. Conversely, a native-born territorial American who similarly is forbidden a voice in presidential elections may vote providing he moves to a State and registers there.

The result is a system of arbitrary discrimination against our fellow citizens solely based on their place of residence. I do not believe that this is what the Founding Fathers had in mind when they drafted the Constitution. Nor do I believe that it is in our national interest to exclude a group of our fellow Americans from participating in presidential elections on the basis of such spurious grounds.

The measure which my colleague Mr. De Lugo and I place before you today would rectify this inequity in our voting laws by amending the present system of electing our Presidents to include any U.S. citizen residing on Guam or the Virgin Islands. Each territory would be allocated one electoral college delegate. Such action, we believe, is highly important for two reasons. First, we would once and for all resolve any doubt about what part all American citizens may have in the selection of their national leaders. Second, in an age when each citizen, no matter whether he lives in California, Maine, or the territories, is vitally affected by Presidential decisions, each American of voting age can make his choice of who will lead his country for the next 4 years.

This measure follows the precedent established by Congress in June 1960 when it proposed an amendment which successfully granted the presidential vote to the residents of the District of Columbia.

We believe that formula to be a sound one, and in view of its precedent in legislative history it is the path which Representative De Lugo and I now propose to the Congress.

However, we are also cognizant of the growing support in Congress for legislation to abolish the electoral college and replace it with a simple popular vote method of electing the President. Should such legislation extending the popular vote to all Americans, including those in the territories, be given favorable consideration by the House, we would be pleased to add our endorsement at the proper time.

This great country of ours was founded on the democratic principles of liberty and equality for all citizens. And I believe today, as did the Greek philosopher Aristotle over 2,000 years ago, that:

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in government to the utmost.

As you may know, Guam, where America's day begins, first came under the American flag in 1898, as a result of the Treaty of Paris which ended the Spanish-American War. From that time on, Guam quickly became one of the cornerstones of American defense policy in the Pacific. In 1941, Guam became the only American territory to suffer the humiliation of capture and a 3-year occupation by enemy troops, after which time, I might point out, not one Guamanian was ever found to have collaborated with occupying enemy forces.

In 1950, Congress acknowledged Guam's loyalty to the flag and our growing desire for increased self-government by passing the Guam Organic Act. This act granted the people of Guam American citizenship and established civilian government for our island.

And ever since, Congress has responded to our appeals for additional responsibilities by first authorizing Guam, in 1969, to elect our own Governor, and, only last year, by authorizing Guam and the Virgin Islands to each elect their first delegate to this august body, the House of Representatives.

Guam's growing relations with the Federal Government has not been a one-way street. Since Guam became a part of the United States, our territory has benefited enormously. Our democratic system of government and our standard of living have been the envy of all of our neighbors in the Pacific basin.

America has, in return, gained the unquestioned devotion and loyalty of the Guamanian people—a devotion so great that in the Vietnam war, which, thankfully, has just ended, Guam lost more boys on the field of battle than did any other State or territory on a per capita basis. The 71 Guamanians who gave their lives in defense of American policy in Asia did so in the knowledge that their sacrifices would deter the aggressor in South Vietnam and assure their fellow Americans that Guam was ready and willing to do its share in our common defense.

In view of our steadfast service to this country, is it not time for Congress to remove this barrier which separates one citizen from another, to cancel out any artificial bonds which prevent all Americans, no matter where they may be, from assuming their full role in America's destiny?

Congress, in its wisdom, has in recent years struck down a number of laws restricting the voting rights of Americans. We now have equal voting rights for the poor, the uneducated, and for persons of all races and creeds. Why, then, should we continue to discriminate against the citizens who live elsewhere? For the common good of our beloved country, the civic duties of all citizens should be equal, as should be the sacrifices we expect of each citizen in defense of our democratic form of government.

I assure you, Mr. Speaker, that the proud Americans of Guam and those of the Virgin Islands want nothing more than the opportunity to join with all Americans on November 7, 1976, and to cast their votes for our next President and Vice President. I urge each of my colleagues to give this matter their earnest consideration.

Mr. BURTON. Will the gentleman yield?

Mr. WON PAT. I yield to the distinguished gentleman from California, the chairman of our subcommittee.

Mr. BURTON. Mr. Speaker and colleagues, I would like to extend my warmest congratulations to our distinguished colleague, the gentleman from Guam (Mr. Won Pat). I would like to associate myself with his remarks as well as the remarks of our distinguished colleague from the Virgin Islands (Mr. De Lugo).

It is a wonderful and marvelous occasion when these two very important portions of the United States, Guam, and the American Virgin Islands, have elected and sent to Washington two such outstanding spokesmen to represent them in the House of Representatives.

The thrust of the initial maiden speeches, if you will, of the gentleman from Guam as well as the gentleman from the Virgin Islands beseeching and perhaps demanding, if you will, that all of our fellow Americans, the people that they represent, should no longer be denied the right to vote for the person of their choice who holds the highest office in this democratic land of ours is a very timely subject. So I think it is altogether fitting and proper that here on the first occasion of these two new representatives representing for the first time with full voice the offshore areas of the Virgin Islands and Guam that they should have as their spokesmen speaking to us in the House and in the other body as well as the country, two such representatives saying that the time has long since passed when anyone living on American soil should be denied the right to vote for their choice as President of the United States.

I commend the gentleman from Guam (Mr. Won Pat) as well as my dear friend and our distinguished colleague, the gentleman from the Virgin Islands (Mr. DE LUGO) for their statements today.

Mr. WON PAT. I thank the gentleman from California for his gracious comments.

LOCKING THE DOOR TO INDOCHINA

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, the United States is now party to a peace agreement covering Vietnam; and so great is the relief that there is a danger that Congress, assuming the war is finally ended, will continue to abdicate its responsibility on this issue.

Unfortunately we know that the war is not over and will not be over so long as our military might rings Vietnam and is poised to strike at any moment.

The 7th Fleet cruises off Asian shores.

Thailand has become a major military base for American men and equipment moved over from Vietnam.

Cambodian bombing has temporarily ceased but it is reported that the Lon Nol government will call for renewed American air support if major fighting resumes.

In Laos, Pentagon spokesman Jerry Friedheim, says:

> We are continuing air operations.

That means bombing. A military adviser says that the end of the fighting in Vietnam will make more American air strikes available to Laos.

If things go badly, the temptation for President Nixon and the Pentagon to reenter the Asian conflict will be great—and the means are close at hand. It is chilling to hear American negotiator William H. Sullivan state that this country is under "no inhibitions" if the truce collapses.

It is the responsibility of this Congress to see that the United States holds fast to its commitment to withdraw from Southeast Asia. It was reassuring that the Democratic caucus moved in this direction earlier, but after negotiations resumed, Congress paused to await the outcome. It is now clear that even with a signed agreement the Congress must act to end our involvement altogether.

Senators CASE and CHURCH and Representative BINGHAM, have introduced legislation requiring congressional approval of any recommitment of American forces in Vietnam, Laos, or Cambodia. These bills have much to commend them but, in my opinion, they do not go quite far enough. The bill I am about to introduce differs from others in two ways: First, it would cut off American military aid as well as American military forces, and second, it includes Thailand within the prohibition on American military presence and military aid.

To provide for a final termination of United States military involvement in Indochina and the termination of all United States military assistance to the nations of Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

BOMBING AND MINING PROHIBITED

SECTION 1. No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct or continue naval bombardment or mining of, or to bomb, rocket or otherwise attack by air any target within Indochina

WITHDRAWAL OF UNITED STATES PERSONNEL, EQUIPMENT AND SUPPLIES

SEC. 2. In addition to the withdrawal required by the agreement and protocols signed at Paris on January 27, 1973. all United States military and paramilitary personnel (including civilians employed by the Department of Defense or the Central Intelligence Agency), equipment and supplies shall be totally, completely and finally withdrawn from Indochina not later than 60 days following January 27, 1973 or 30 days following the date of enactment of this Act, whichever is later.

CUTOFF OF FUNDS FOR UNITED STATES MILITARY ACTIVITIES

SEC. 3. Beginning 60 days following January 27, 1973 or 30 days following the date of enactment of this Act, whichever is later, no funds theretofore or thereafter appropriated may be expended to support the deployment of United States military or paramilitary personnel (including civilians employed by the Department of Defense or the Central Intelligence Agency, or paid in whole or in part with the funds of such Department or Agency), or the conduct by the United States of military or paramilitary operations in Indochina.

CUTOFF OF FUNDS FOR OTHER MILITARY ACTIVITIES

SEC. 4. No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to support the deployment in Indochina of any military or paramilitary personnel other than those specified in section 3 of this Act, to support the conduct in Indochina of any military or paramilitary operations other than those specified in section 3 of this Act, or to provide, directly or indirectly, any military or paramilitary assistance to any nation, party, group, or person in Indochina.

DEFINITION OF "INDOCHINA"

SEC. 5. As used in this Act, the term "Indochina" includes Laos, Cambodia, Thailand, the Republic of Vietnam and the Democratic Republic of Vietnam, the airspace over each of those nations, the territorial waters of each of those nations, and the high seas adjacent to such territorial waters.

INTENT OF CONGRESS

SEC. 6. It is intended by the Congress that the requirements of this Act be interpreted strictly, and that no exceptions, direct or indirect, to such requirements shall be permitted.

This bill would terminate U.S. military activities not only in Vietnam, but throughout Indochina. It would remove our forces from Thailand and from the high seas surrounding the Indochinese peninsula, so as to remove from Mr. Nixon the temptation to change his mind on a moment's pique and plunge us back into war.

Section 1 of the bill would immediately cut off funds for U.S. bombing or mining in, over and around all of Indochina.

Section 2 of the bill would require that, in addition to the personnel and equipment withdrawals from Vietnam required by the Paris accords, all U.S. military and paramilitary personnel and equipment be withdrawn from all of Indochina within 30 days of enactment or 60 days after January 27, 1973, whichever is later. By "paramilitary," we mean individuals who, though not uniformed, are engaged in activities which are more of a military than an economic nature. This specifically includes civilians employed by the Department of Defense and the Central Intelligence Agency. It would also include personnel of the Agency for International Development and any other personnel involved in such activities as the "pacification" program, the strategic hamlets program, the public safety program, the civil operations and rural development—CORDS—program, and various police and prison programs.

Section 3 cuts off all funding for U.S. military or paramilitary personnel and operations throughout Indochina.

Section 4 cuts off all military assistance, direct or indirect, to all five nations of Indochina and groups within those nations.

Section 5 defines "Indochina."

Section 6 of the bill recites a congressional intent that the requirements of the act be interpreted strictly.

Now is the time when we must "lock the door" behind President Nixon, before he changes his mind. Now is the time to get us out—all the way out—of Indochina, and this bill would do just that.

MIDDLE- AND LOW-INCOME FOLKS ABANDONED

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I have been receiving, along with other Members of Congress, many letters and telephone calls protesting the President's budget, curtailing and, in some cases, terminating many of the domestic programs passed in recent sessions of Congress for the middle- and low-income group. The unemployed, elders, educational and apprentice programs, which have been so helpful to our citizens who suffer under recession conditions are penalized or completely ignored in the President's budget.

The most shocking setback to these groups have been reduction of grants which the executive department supported through announcements previous to the election last November. Some of these announced grants for Federal participating funds have been curtailed or canceled without any explanation to the regional offices in charge of these domestic programs.

The President, in his budget message, has curtailed or eliminated priorities for community development projects, low-cost housing, apprenticeship training, programs affecting the elder citizens, and ethnic groups, health and medical grants. The Office of Equal Opportunities program is practically abandoned. It is estimated that about 50 domestic programs have been eliminated or curtailed in his budget message for 1973–74. The President gives us an excuse that the Government must economize to prevent a raise in taxes.

The President is silent about the many corporations and conglomerates who are annually increasing their profit brackets, some of whom pay no Federal taxes and others whose tax returns are but a minimum compared to their fabulous profits. As of 1972, corporate taxes are only one-third of the Federal income taxes collected and less than one-half of the total payroll taxes. The President does not utter one word about equalizing the tax laws of our Nation.

Not one word about closing fabulous tax loopholes; and not a word about major tax reform. If the large tax loopholes were closed, there would be sufficient money to balance the budget and to fund the domestic programs.

The President does not hesitate to cut back on education, health, hospital construction, housing, antipollution and many other indispensable projects which the public is demanding. In the last 4 years the President has vetoed three major educational bills; opposed 20-percent increase in social security; vetoed environment legislation; and helped defeat a major highway bill to solve our mass transit problems.

For 3 years the executive department has been playing "footsie" with inflation by inaugurating a 90-day price freeze, phase II and now phase III.

Mr. Speaker, I wish to incorporate in my remarks an editorial from the New York Times of Sunday, February 4, which extends some true facts on the President's price control failures.

Phase III or Phaseout?

In announcing his Phase 3 wage-price program, President Nixon has made a switch almost as shocking as when he announced his wage-price freeze on a Sunday night in August a year and a half ago. But this time he has zigged back toward his original philosophy.

The aim of Mr. Nixon's original Phase 1 freeze and Phase 2 controls was to put a halt to escalating wages and prices so that infusions of money, resulting from tax cuts, would go into creating more goods and more jobs, not just higher prices.

That combined dose of controls and tax cuts has worked reasonably well. While unemployment remains at 5.2 percent, the economy is surging forward, and unemployment should shrink further in the year ahead. But the economy is still a long way from price stability, and inflationary expectations are reviving. Last month's jump in wholesale prices—and skyrocketing of foods prices—jarred the Administration's economic policymakers as it did the nation. But far from forcing the Administration to impose direct controls at farm level, it appears to have accelerated its decision to loosen up the whole control program before consumer prices feel the full impact of the pass-through of rising wholesale prices. Indeed, it now appears certain that there will be a burst of price boosts from businessmen who feel liberated from the strictures of Phase 2 controls.

The Administration is taking a serious risk in loosening controls with inflationary pressures still so strong and the economy still so far from full employment. The economic logic, as enunciated by Treasury Secretary Shultz, is based on the claim that controls work badly and break down when there is less slack in the economy; he argues that controls then increasingly hurt efficiency and curb business investment. But business has already announced plans to increase its expenditures on plant and equipment by 13 percent in 1973. And the hopes of achieving both full employment and price stability have been jeopardized by a premature weakening of controls.

Secretary Shultz has claimed that the Administration is keeping a "stick in the closet" with which to discipline those who lose self-control. We have the gravest doubts that this approach will work. It is more probable that it will lead to a speed-up of inflation and productivity-damaging strikes in a year when wage contracts for five million workers run out.

It is up to the Administration to demonstrate that it takes its new wage-price program seriously and is prepared to crack down on either corporations or labor unions that violate Government-supported standards. Unless those standards are defended with vigilance and skill, Phase 3 could quickly degenerate into Phase 0—or force a return to all-out controls.

SPEAKER ALBERT ON THE RELATIONSHIP BETWEEN THE PRESIDENT AND CONGRESS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on January 31, 1973, the distinguished Speaker of the House of Representatives, the Honorable Carl Albert, was the principal speaker at an observance of the 50th anniversary of Time, Inc., in Washington, D.C. at the National Portrait Gallery.

In his eloquent address, Speaker Albert commented on the issue of the separation of powers between the executive and legislative branches of Government and on recent reforms designed to strengthen and revitalize Congress.

Mr. Speaker, because I think this speech would be of interest to all Members of the House, I include the text of Speaker Albert's remarks in the Record at this point:

The Modern Relationship Between the Legislative and Executive Branches of the Federal Government

In the first paragraph of its first issue, *Time* Magazine observed: "The man who was elected President by the largest plurality in history has been reproved by a Congress controlled by his own party."

This observation of 50 years ago points up the fact that the differences presently separating Congress and the President go to the heart of our sustained experiment in self-government.

The historic separation of powers between the Executive and the Legislative branches of government is being tested on many fronts and on four principal issues.

Out of the tragic lessons of Vietnam, we have been brought to realize that despite the apparent imperatives of the Cold War, this country can never again accept without question the paternalistic dogma that "the White House knows best", as applied to war and peace.

Also at issue is the question of executive privilege and the power of the President to reorganize the Executive departments when Congress has refused to act in this field.

Important as these matters are, the central and overwhelming issue at this time arises out of the impoundment of Congressionally appropriated funds.

The great question confronting us today is, as it has always been in our government based upon co-equal branches: Where does Congressional power end and where does Presidential power begin?

IMPOUNDMENT OF FUNDS

No series of acts strike more directly at Congress fundamental power over the purse than the usurpation of power by the President's impoundment of appropriated funds in the final months of the 92nd Congress.

It may be argued—have not other Presidents impounded funds appropriated by Congress and refused to spend them? Of course, the answer is "yes."

Impoundment of small sums, of reasonable sums, goes back at least to Jefferson, but the President for all practical purposes appears set on repealing or emasculating laws—that is the heart of the problem.

The Federal Water Pollution Control Act Amendments of 1972 was passed and repassed over a Presidential veto. The President impounded these funds, ultimately releasing less than one-half of the money provided to cope with a critical problem over the next two years. All power to legislate is specifically granted to Congress by the Constitution. The Congress has denied Presidents the item veto, the equivalent of legislative authority, for more than a hundred years. It is obvious that what Congress has refused him, the President has undertaken to seize. What Congress has decreed, the President has circumvented. The time has come for the Congress to call a halt to these wholesale executive invasions of legislative powers and responsibilities.

The President has interpreted his re-election as a mandate to strike down the domestic programs passed by Congress over the past 30 years. How such a mandate, if it is a mandate, can be carried out in the Democratic 93rd Congress, fresh from the people, is a puzzle to me. Congress has received its own mandate—a mandate which our large and able majority will meet by safeguarding and using our Constitutional and exclusive power to legislate on behalf of the people.

INITIATIVES TO STRENGTHEN CONGRESS

How well are we equipped for the task of halting executive incursions?

The quality of Members of Congress today, on both sides of the aisle, in both Houses, is in my opinion higher than ever before in my experience.

We are neither mired in tradition nor doomed by hardening of the organizational and procedural arteries.

All of us are acutely aware that, to maintain its strength and vitality, Congress must continually retool and reorganize. All too often, however, our achievements in this direction are overshadowed by more dramatic events, such as the progress of the President's legislative program or the fall from grace of an individual Member of Congress.

Modification of the seniority tradition, for example, actually has been underway in recent years in both Houses.

In the House of Representatives we have limited the number of subcommittees senior Members may chair and distributed these positions of influence among newer Members. We are electing, in party caucuses, committee chairmen and ranking minority Members.

Similarly, in a continuing process of adaptation, we have revitalized the caucus and strengthened the party leadership. We have opened up committee and voting procedures to provide for greater accountability. We have established a Committee on Standards of Official Conduct and we have reformed our election reporting laws.

We have expanded our information resources, augmented our professional staff, strengthened existing Congressional research agencies, authorized and funded a Joint Committee on Congressional Operations, and created a new Office of Technology Assessment. The Joint Committee on Congressional Operations, in consultation with my office, has commissioned work on a major study of Congressional communication techniques and potential.

The pace of change, the tempo of our attempts to find more effective, more open and more democratic ways to meet our responsibilities has increased steadily over the past two years.

NEW REFORMS IN 93D CONGRESS

This momentum will be sustained during the 93d Congress.

A new Joint Committee on Budgetary Control is considering methods for strengthening Congressional control over the amount and direction of Federal expenditures. Meanwhile, Senator Mansfield and I are planning regular joint leadership meetings throughout the session to maintain a check on the pace of the Congress and to consider changes in the legislative program that may seem desirable.

In another area of particular concern, I have asked a select committee to study the entire committee structure, to insure that our committees do not work at cross purposes, that there is a minimum of duplicated effort, that some committees are not idle while others are overloaded—and that all have the space and professional staff needed to handle expeditiously their growing legislative workload. This is the first study of the structure of House Committees to be carried out since 1946.

Organizational, housekeeping, and other problems created by the tragic loss of the Majority Leader in the closing days of the last session brought graphically home to me the Congressional hiatus which always exists between election day and the House convening date of January 3. There is no reason why Congress should not do for itself what it has done for the Presidency, by providing for a transition from one Congress to another. We should authorize and fund a program that would enable the party caucuses to meet in the weeks after the election, nominate candidates for leadership and committee positions, and thus have most of this organizational work finished when a new Congress assembles on January 3. We should be prepared to begin our substantive work in January, and not in March. It is my hope that an improvement in this area will be added to the many reforms now being formulated.

INTERVENTION BY COURTS MAY BE NECESSARY

As important as continued improvement in our workways may be, this alone will not check—and reverse—the accelerating usurpation of power by the Executive branch.

What the President is doing is creating a crisis that goes to the very heart of our Constitutional system. This is the action which must be challenged by the other two co-equal branches. The courts should speak to the issue. The American people should insist that the balance of powers stipulated in the Constitution should be respected.

This is an issue to which committees in both bodies of Congress are addressing themselves. We in the Congress are calling upon our appropriate committees and Members and are seeking the help of eminent Constitutional scholars and practitioners throughout the country in developing alternative courses of action as we continue the urgent task of maintaining and strengthening representative democracy. The gravity and complexity of the problem deserves the attention of our best trained minds if we are to stem the tide of Executive overreach.

Our aim is positive in that we seek to retain the Constitutional prerogatives of our branch of government. Our aim is not to diminish the Presidency nor to attack the President. Our aim is to command the respect of the Executive for the functions of the Congress as representatives of the people. Our aim is to protect the people's branch of the government.

May I conclude by repeating that the question now is: Where does Congressional power end and where does Presidential power begin?

Ultimately the people will decide.

For the present and the future, I call to mind the succinct and still meaningful answer given us by Woodrow Wilson when he said democracy flourishes only as it is nurtured from its roots. "A people shall be saved," he said, "by the power that sleeps in its own deep bosom or by none. The flower does not bear the root, but the root the flower."

ACKNOWLEDGING STATUS OF OMB

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the Washington Post published an editorial in today's editions endorsing the need for legislation requiring Senate confirmation of the two top officials of the Office of Management and Budget.

As the House sponsor of similar legislation, which now has 62 cosponsors, I commend this editorial to the attention of my colleagues.

The importance of this approach is clearly indicated by the speed with which the Senate approved the bill today by a vote of 63 to 17.

I have written Chairman CHET HOLIFIELD of the Government Operations Committee urging prompt hearings and action in the House. OMB has become a major policymaking office and, as such, the Director should be subject to Senate confirmation just like other members of the Cabinet.

Mr. Speaker, the Post editorial follows:

[From the Washington Post, Feb. 5, 1973]

ACKNOWLEDGING THE STATUS OF OMB

"It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Director or Deputy Director of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States."

The observation was made by Senator Sam Ervin of North Carolina apropos of some legislation the Senate is scheduled to vote on today. The legislation, introduced by Mr. Ervin and a host of co-sponsors and somewhat amended late last week, would have the effect of making the two top jobs in the Office of Management and Budget subject to Senate confirmation. Its reach is also calculated to include Mr. Nixon's two recent appointees to those jobs, Ray Ash, who has been named Director of OMB, and Frederick Malek, who has been named his deputy. Both men, under the provisions of the bill, would need Senate confirmation to hold office.

Especially where Mr. Ash is concerned, it seems to us important to distinguish between two related but separate issues that have been raised in connection with Senator Ervin's bill. The fitness of Roy Ash for the job is one, and the relationship to Congress of the man who holds that job—whoever he might be—is the other. And although it seems apparent that questions concerning potential conflicts of interest on Mr. Ash's part have fueled the congressional drive to make this job subject to Senate confirmation, the legislation itself does not dispose of Mr. Ash's fate one way or the other. It merely addresses the question of whether the two top officers of OMB, including those who have just been appointed for a presumably long term of office, should be required to gain the same kind of Senate approval as Cabinet officers and other government officials. We think the answer to that is yes.

The positions that are at issue, like the OMB itself, have been altered dramatically in nature over the years. Half a century ago at its inception, the Budget Bureau amounted to little more than a small advisory group within the executive branch. Today, thanks to innumerable statutes and executive orders and rearrangements that have intervened, we are talking about something quite different. We are talking about an administrative and managerial agency of some 700 persons, an agency which makes and carries out policy affecting all the other departments of government. It is, as proponents of Senator Ervin's legislation have observed, more than slightly ironic that the top officers of this all-important decision-making-and-enforcing agency should retain "advisory" group immunity from Senate confirmation proceedings, while the relevant officials of other executive branch offices much more advisory in nature require confirmation. For instance, the Council of Economic Advisers, the Council on Environmental Quality and the Office of Telecommunications Policy all are subject to confirmation of key officials.

There appears to be widespread support in both bodies of Congress and among legislators of both parties for the principle the Ervin bill asserts, even though some have questioned the actual formulation of the bill itself. So the odds seem to be that it will be passed by the Senate and also by the House. Evidently too, Mr. Nixon's spokesmen have put it out that the President intends to veto the legislation if it passes on the grounds that it would inhibit the President's choice of advisers and also establish retroactive conditions on the ability of men he has put in office to serve. In our view the desirability of making Senate confirmation a condition of these most unadvisory of positions seems abundantly clear. And at a time when Congress and the administration seem destined for a pitched battle over the actions of the OMB, it would seem to us to be in the administration's interest that the top OMB directors be people of whom the Senate had formally approved. The dispute over Mr. Ash's qualifications and connections is bound to continue in some congressional setting until it is resolved. We can think of no more appropriate and ultimately reassuring setting for its resolution than Senate confirmation proceedings.

OBSCENE RADIO BROADCASTING—I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, my city of Cleveland, like so many others around the country, has been plagued recently by radio broadcasting of talk shows that feature particularly offensive language. This poses a problem not only because of the number of complaints that these programs generate but also because of the civil liberties issues involved. The following letter to the U.S. attorney in Cleveland represents a serious attempt to cope with this problem, and I am certain that Members of the House will find it of interest. Therefore, I ask permission to insert it in the RECORD. On succeeding days, I will submit for the RECORD other letters I have written—to the Federal Communications Commission, the Office of Legislative Counsel, and the Justice Department—dealing with other aspects of this highly sensitive topic. The first letter follows:

JANUARY 30, 1973.

Mr. FREDERICK M. COLEMAN,
U.S. Attorney, Northern District of Ohio,
U.S. Court House, Cleveland, Ohio

DEAR MR. COLEMAN: On January 17 1973, my office in Cleveland was deluged by telephone calls from citizens who demanded that the Federal Government "do something" about talk shows then being broadcast by Radio Station WERE. The camplaints were that much of the language being used was obscene.

As an attorney and as a Federal official, I am of course aware of the law (Title 18, United States Code, Section 1464) which says: "Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years or both."

Because it is my duty to see to it that the concerns of my constituents not be ignored, I maintain daily telephone contact with my Cleveland office on the days that Congressional business keeps me in Washington. Consequently, on the day in question, which found me preoccupied with other matters relating to the organization of the new Congress and proposals for much-needed reforms in our procedures, I was interrupted more than once by aides telephoning from Cleveland to relay the complaints about WERE.

I took time out that afternoon in Washington to telephone the Cleveland office of the Federal Bureau of Investigation with a request that, if possible, tapes be obtained of the WERE broadcasts and that these tapes be reviewed by you so a determination could be made as to whether Section 1464 had been violated. Earlier, I had telephoned friends in Cleveland whose opinions I respect in matters such as this (these are persons who are devoted to the principle of free speech), and I sought their advice. They encouraged me to take this action.

I understand that the FBI did obtain some tapes and that you are now in the process of reviewing them. I appreciate the cooperation I am receiving from your office. As a matter of fact—and I regard this as unfortunate—this is not the first time I have had to make this request of you because of broadcasts by WERE. Under similar circumstances, you listened to tapes furnished to you by that station of broadcasts made on November 1, 1972, and you reported to me on December 6, 1972, that your investigation "revealed the use of some questionable language by the broadcaster, but . . . nothing which constituted obscene language." You concluded your rather brief letter to me with this sentence: "Should you require additional information, please feel free to get in touch with me."

In this letter, I am accepting your invitation, I *do* need "additional information." What I need is an explanation of the criteria you use for making the judgment that certain language is, or is not, obscene. I suggest that an appropriate time to do this would be in your report to me about the January 17 broadcasts.

Should you decide to prosecute, I would of course defer to such action on your part, and I would expect my questions to be answered as the case unfolds. However, in the event that you again decide *not* to prosecute, I would appreciate a letter from you listing each example of the "questionable language" (to use your own phrase) that you found in your examination of the tapes, together with an explanation, in each instance, of why these utterances failed, in your opinion, to meet the legal test of obscenity.

I strongly believed it is important that this information be given to the public. There is a great deal of concern among my constituents over the effects that these broadcasts might be having on community mores, and especially over the impact they might be having on children and adolescents. While it is true, as some have said, that anyone who feels offended by what he hears over WERE need not listen to that station, I believe this is too glib an answer for me or anyone else to give to the people concerned. Switching off the station does not stop the broadcast. Therefore, if what is being said on the air is indeed adverse to the public interest, we then have a problem affecting the entire community, not merely the sensibilities of certain individuals.

The reason I am asking you to state publicly the rationale for your decisions in this area is that I hold so strongly that it is important for the people of our community to feel assured that their oft-stated grievances are given serious consideration, and that their public officials are responsive to them. Frankly, in the face of a statute so clearly worded as Section 1464, I myself find it difficult to convince my constituents that it is not being violated time and again by some of the broadcasts emanating from WERE.

I fully realize that words like "obscene," "indecent" and "profane," while clear in meaning to the average person, do create semantical problems for lawyers and judges—especially in view of the free speech guarantee of the First Amendment to the United States Constitution. But I am certain that I know the people of the 20th Congressional District, and I have no doubt that they, like people everywhere of average intelligence, would be able to understand why these words might or might not be legally applicable to some of the WERE talk shows, providing that the public officials responsible for the enforcement of Section 1464 were to offer them a thoughtful explanation. Whether they accept the explanation is another matter. But at least they ought to have it.

We are dealing, after all, with a statute which, as you know, has been held by Federal courts *not* to be in conflict with the First Amendment. As the United States Supreme Court observed in the Red Lion Broadcasting Co. case (decided in 1969): "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

I submit to you that this is a pronouncement worth keeping in mind, even though it might be argued that Red Lion is not necessarily controlling with respect to the issues that might be posed by a prosecution under Section 1464.

In addition, we have had Federal court decisions *specifically* upholding the constitutionality of Section 1464. I would refer you, for example, to Tallman v. United States and United States v. Smith, two cases in Illinois which were decided only last year. Should your research indicate to you that these cases are not helpful in consideration of possible action against Station WERE in Cleveland, perhaps you could explain this, too, in your forthcoming letter to me.

Because we are obviously dealing here with an issue which goes to the very heart of our Constitution, it is important that we in public office face up to the challenge. I do not include you in the statement I am about to make, since I know you personally and respect you professionally, but I have no doubt you would agree that there has been too much hand-wringing by Government lawyers who fear they might be entering a thicket of irreconciable conflicts were they to face this issue squarely. Yet we live with Constitutional tensions day by day in our country. On the one hand—to cite one recurring example—we have the guarantee of a free press, and on the other hand, the guarantee of a fair trial. When the two collide, we do not obliterate one in favor of the other; rather, since we value both of these guarantees highly, we seek to establish a public policy that permits the two of them to co-exist—safely if not comfortably.

We are apparently faced with such a situation with respect to the WERE broadcasts. Free speech and Section 1464 are not mutually exclusive. The courts have so held. Therefore, WERE must be told and the people must be told—in terms clear enough for both of them to understand—where the rights of one party must prevail and where the rights of the second will supersede. I believe that your letter to me might at least begin the process of accomplishing this. The First Amendment is so strongly rooted in our traditions and in our jurisprudence that I have no fear it will endure whatever action you might take, whether it be in the form of court proceedings or simply an attempt to explain your rationale to the public.

At the same time, although this particular letter is directed to you, I want to assure you that I am not overlooking the responsibilities that *other* public agencies hold in this area. The WERE talk shows that prompt the complaints to me appear to reflect a new trend in radio programming around the country—one which, I am told, finds radio trying to win back advertising revenues from television.

I will be writing shortly to the Federal Communications Commission in Washington, which has a legal arsenal that includes not only your Section 1464 but other weapons as well, none of which the Commission appears to be using. I will be writing, too, to the Department of Justice with respect to its over-all policy on enforcement of Section 1464. And I will be making some proposals for legislative action in Congress, in an attempt to strengthen Section 1464 and perhaps purge it, as far as this can be done, of any implication of willful censorship. You will receive copies of these communications, and I would be happy to have your comments, pro or con.

In the meantime, I appreciate your interest in this matter, and I am pleased that we will be working together on this problem.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

NEW YORK CITY TRANSIT SURVEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, in the next couple of months the Congress will be debating two issues of importance to mass transportation in this country. One is whether the highway trust fund should be opened to mass transit; the other is whether the Federal Government should provide operating assistance for transit systems.

These issues are of great importance to my congressional district and to the city of New York. During the next 2 weeks I will be polling transit riders on the conditions they experience in riding the city's subways and buses every day. These people can provide some of the best insights on the conditions of present day transit systems as well as on the potential expanded use of mass transit if service were improved.

In our consideration of future transportation budgets, we must examine the various forms of transportation in terms of the impact of each on national mobility, the environment, and the energy crisis that has recently come to public attention. I hope that my questionnaire can assist in this examination.

For the interest of my colleagues, my questionnaire, along with its introductory statement, follows:

DEAR TRANSIT RIDER: Two proposals of great importance to New York City transit riders will soon be debated in the Congress. They are:

1) to provide localities with federal assistance for the maintenance and operation of mass transit systems.

2) to open the Highway Trust Fund to mass transit expenditures.

If these proposals are approved by the Congress, New York City will receive millions more in mass transit aid from the federal government than it does today. As sensible and necessary as these proposals may seem to us, however, obtaining their enactment will not be easy. The powerful highway lobby vigorously opposes the use of Highway Trust Fund money for mass transit and the Nixon Administration opposes federal operating subsidies for local transit systems.

This decade demands a national commitment to improve public transportation. This is obvious to those of us who ride the subways and buses. But, too many high ranking policy makers in both the city and federal government are chauffeured around in limousines, and they don't know how bad conditions have become.

Presently Highway Trust Fund moneys can be used only for highway construction. The Highway Trust Fund now collects some $8 billion annually in revenue. This is too much to spend exclusively on highways when the critical needs are in mass transit.

Furthermore, federal transit funds can be used today only for capital expenditures (the purchase of new equipment and the construction of new facilities) while existing systems deteriorate because the farebox alone can no longer finance everyday operating costs. It is in the national interest that we have efficient, safe, and clean public transportation that encourages ridership, instead of discouraging it.

As a subway rider and as a Member of Congress, I will be pressing the "straphanger's" case on both issues—and I already have introduced legislation to open the Highway Trust Fund to mass transit programs and to provide $400 million annually in transit operating subsidies.

But, to be successful I need your help. I need written statements from the transit riders of New York City on the conditions of the present system, the hardships borne by transit riders, and the potential for additional transit use if service were updated.

Therefore, may I ask that you become involved in this effort to improve the City's transit by answering the following questions and returning this self-mailer to me. Your answers and comments will provide valuable testimony from the riding public—those who know best—what needs to be done.

You can help. Please become involved in the fight to obtain better mass transit for New York City by answering the following questions:

Check or indicate number where appropriate

1. In traveling to and from work, do you ride a subway ——, a bus ——? (check one or both if applicable).
Do you travel during—
rush hour: AM —— PM ——
non-rush hour: AM —— PM ——
2. In going to work, how long a ride (in time) do you have on:
subway ——
bus ——
3. Do you live in a two fare zone? ——
4. How much time do you spend *waiting* for a bus and/or subway in going to work? ——
5. How many times a *week* do you experience breakdowns in service in subways —— buses ——?
6. How many times a *week* do you have to let your subway or bus go by because it is too crowded to board? ——

(*I need the following information to show the hardships borne by persons in two fare zones and the cost in lost man hours of transit delays*):

7. Please indicate your annual income level:
$5000 or below ——
$5000 to $8000 ——
$8000 to $12,000 ——
$12,000 to $16,000 ——
$16,000 to $25,000 ——
$25,000 or more ——
8. Please indicate by number or name the bus or subway line(s) you ride: ——
9. What bothers you most about New York's subways and buses? (number in order of priority: 1, 2, 3, etc.)

Subways		*Buses*
——	service breakdowns	——
——	crowded conditions	——
——	service irregularities	——
——	slow trains or buses	——
——	noise	——
——	potential muggings	——
——	dirt & graffiti	——
——	other ——	——

10. What recommendations do you have for service improvements

——————

If the service improvements you recommend were made, how many additional trips would you make a week in:
rush hour:——
non-rush hour:——

11. I am also interested in knowing whether there are bus routes which you feel are not up to date because of new community or housing developments. Please indicate the number of the existing line, and how you feel the line should be rerouted.

EARTH DAY RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, over the last few years a host of scientific studies have demonstrated the interrelated character of the environment of our planet and how pollution is no respecter of national boundaries. The flights of our astronauts and their spectacular observations and photographs of the earth taken from space have pointed up the unity of our planet and the aptness of the description of the planet as "spaceship earth."

To deal with the problem of growing pollution of our air, water, and land, a combination of government action and public education is needed. No doubt when there are pollution catastrophes such as the oil slick on the Santa Barbara coastline or a poisonous smog over an industrial city with a rapid increase in death rate, it is highly educational, a lethal form of education.

A valuable step in the direction of educating the public about the importance of preserving our environment throughout the entire planet without an accompanying catastrophe would be widespread recognition of 1 day a year as Earth Day. This could be a day to adopt new policies and start new projects related to the environment, a day to beautify the landscape, a day when the fragility and importance of our environment could be recognized in a thousand ways.

No more appropriate day could be found for this purpose than the first day of spring, March 21, the vernal equinox. Already a large number of jurisdictions have adopted proclamations to this effect, among them the city of San Francisco, the county of Los Angeles, which includes part of my district, and the United Nations. I believe this resolution is appropriate because of the leadership role of the U.S. Government in the world in scientific research into environmental problems at the same time that, because of its industrial development, the United States is the country the most troubled by pollution. It is doubly appropriate in view of the impending arrival of spring.

Mr. Speaker, I send my resolution to the desk. I ask for its appropriate referral.

INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL—A HISTORY OF SPIRITUAL ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, the roots of America's greatness are buried deep in the soil of freedom's liberty and religious faith. The truths of spiritual incentives have molded our lives, morals, and destiny. As a nation we are indebted to the religious institutions that have propagated their basic fundamental truths of God's love for us and our need of loving each other.

During the last 50 years the International Church of the Foursquare Gospel has been one of these outstanding religious organizations, contributing to our national, spiritual, and social progress. On January 1, 1923, this group came into being as a result of the broad acceptance of the fundamental evangelistic ministry of Aimee Semple McPherson. Using beautiful Angelus Temple as her headquarters and site of L.I.F.E. Bible College, she inspired over 6,000 graduates to go forth and find their place in religious service around the world.

The ministry of Aimes Semple McPherson emphasized God's great love and mercy for mankind, uplifted the dignity of man, urged Christian service to meet not only spiritual needs, but physical needs as well. She set an example for all to follow.

During the depression days of the late 1920's and early 1930's the Angelus Temple commissary fed and clothed over 1,500,000 persons regardless of their color or creed. No needy person was ever refused. It became a common cry from city officials and citizens alike, "If you need help, go to Angelus Temple." This humanitarian work still continues. In fact, it now is felt around the world. Recently Foursquare churches rushed aid to Nicaragua to assist during that nation's earthquake disaster.

The International Church of the Foursquare Gospel has been a very patriotic group. During World War II Aimee Semple McPherson personally conducted bond drives, selling hundreds of thousands of dollars in war bonds. Many of her dramatic, illustrated sermons dealt with the vital need for true Americanism and loyalty to this Nation.

Although Aimee Semple McPherson passed from the scene in September 1944, the International Church of the Foursquare Gospel has continued to grow throughout the world under the inspired leadership of her son, Dr. Rolf K. McPherson. Today it ministers in 29 countries, with over 3,000 churches abroad, and with 41 Bible colleges. In its numerous orphanages poor and rejected children are cared for, clothed, and educated.

This religious organization has an outstanding history. They were the first church to be licensed to operate a radio station in the United States—Station KFSG in Los Angeles. They have a continuous record of radio station ownership from March 1924 to their present operation of KFSG–FM.

Their missionary activities around the world are marked with many firsts. Among the Choco Indians of the Darien Province of Panama, the Foursquare Gospel missionary established the first village among these primitive people, and formed for them their first alphabet and written language. He then proceeded to translate the Gospel according to St. Mark into their new written language. In New Guinea, the Foursquare Gospel missionaries were the first to minister among the headhunter tribes of the Dunatina Valley, working with over 200,000 stone age people in this region. Commissioned by the Bolivian Government, they solely minister among the Sirono Indians of the Green Hill Jungle of Bolivia. Statistics show the Foursquare Gospel movement to be the fastest growing Protestant religious group in the Philippines.

As the International Church of the Foursquare Gospel celebrates its 50th anniversary, during their Golden Jubilee Convention to be held on February 21 to 28, 1973, I would like to call my colleagues' attention to, and commend, this great religious organization, whose achievements have enriched our American culture and our spiritual and social life. We are proud of their endeavors, both at home and abroad, and we look forward to their future contributions to our Nation in its pursuit of liberty, peace, and good will among all men.

LEGISLATION TO REMOVE AN INEQUITY IN THE FEDERAL DISASTER ASSISTANCE LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, today I am introducing a bill for myself and for my colleagues from South Dakota (Mr. Denholm and Mr. Abdnor), whose aim it is to remove a current inadvertent inequity in Federal disaster assistance law.

My bill is in the form of an amendment to the Disaster Act of 1970, section 254, which relates to the eligibility of disaster victims to receive Federal relocation assistance payments where Federal projects displace these people permanently from their homes.

Section 254 was included in the Disaster Act of 1970 so as not to punish those homeowners and renters who, as a result of a major disaster, were displaced from their homes longer than 180 days and 90 days respectively. Current law states that a homeowner must have resided in the home 180 days in order to qualify for relocation assistance; and that a renter must have resided in his home or apartment 90 days to qualify for such assistance. In the case of a major disaster, as many of my colleagues already know; and, unfortunately as many of you will know in the future, people are displaced from their places of residence. Such displacement excludes these already suffering citizens from the protections of the law which allows equitable replacement payments where Federal projects move people from their homes. By failing to meet the required 180- and 90-day residence requirement, these people would be denied the equal protection of the laws through no fault of their own and completely unintentionally on the part of the Congress.

The Congress recognized the need to include a section of the Disaster Act of 1970 which would waive the residency requirement for urban renewal projects in disaster areas; however, with the advent of the Uniform Relocation Assistance Act, this body must now act to waive such unequal requirements for all Federal projects and not just urban renewal. For any Federal program—be it Army Corps of Engineers levee work, Housing and Urban Development open space projects, Bureau of Outdoor Recreation park construction, indeed the entire gamut of Federal public works—should have a provision whereby disaster victims displaced from their long-term places of residence would not have to meet residency requirements not meant to apply to them in the first place.

Mr. Speaker, unless this change in law is quickly acted upon by the Congress a situation will exist that neither the Congress, nor the Executive, nor the agencies, nor the citizens of this country desire to happen. Namely, Federal projects will be initiated in areas where citizens have been forced to flee from their homes due to raging floodwaters or other natural disasters and these people will be ineligible for the relocation assistance which the U.S. Congress intended them to have.

Such a situation, though undesirable at any time, has been especially pointed up by the numerous projects which will begin soon in the area affected by Hurricane Agnes. As has been the case with so many changes in disaster assistance legislation, Agnes—the greatest natural disaster in the history of this Republic has been the catalyst. However, it should be pointed out at this time for all present to note well, that an identical situation can exist in any congressional district by this afternoon, or tomorrow evening, or a week from now, whenever disaster strikes.

It would do this body well to act with haste to end this inequity and insure that the equal protection of the laws is provided to those who qualify for relocation assistance.

Section 254, Public Law 91–606 and text of the bill follows:

Relocation Assistance

Sec. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

H.R. ——

A bill To amend the Disaster Relief Act of 1970 with respect to eligibility for relocation assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 254 of the Disaster Relief Act of 1970 is amended to read as follows:

"RELOCATION ASSISTANCE

"Sec. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, a natural disaster as determined by the Secretary of Agriculture, or a disaster as determined by the Administrator of the Small Business Administration, to meet the occupancy requirements set by such Act."

LYNDON B. JOHNSON, 1908–1973: "EDUCATION PRESIDENT"

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the late President Lyndon B. Johnson wanted to be known as the "Education President."

I am confident that he will, for no President in American history worked so hard to provide opportunities for a good education to so many.

As a member of the House Committee on Education and Labor during President Johnson's service as President, I know from my own experience the dedication and energy he brought to achieving the goal of improving the quality of education in our country and widening access to education.

Mr. Speaker, I include at this point in the Record from the January 29, 1973 issue of the Chronicle of Higher Education, an article entitled: "Lyndon B. Johnson, 1908–1973: 'Education President' ":

Lyndon B. Johnson, 1908–1973: "Education President"

(By Philip W. Semas)

During his term as President of the United States, Lyndon Baines Johnson signed 60 laws providing federal aid to education.

He often said he wanted to be known as the "Education President." Many observers believe he earned that title, since most of the legislation authorizing the first large-scale federal effort to aid education was passed by Congress under his prodding.

"We're very much in his debt," said Roger W. Heyns, president of the American Council on Education, after Mr. Johnson died last week at the age of 64. "His commitment to education has benefitted millions of our young people."

Before Mr. Johnson became President, attempts to provide extensive federal aid to education had run up against the stone wall of the church-state controversy. The Johnson Administration went around that wall by proposing large-scale aid for specific programs, rather than general aid to colleges and schools.

In higher education, President Johnson's greatest accomplishment was the Higher Education Act of 1965, which established such programs as guaranteed student loans, educational opportunity grants for needy students, and aid to developing colleges—programs that still form the foundation for much federal aid to higher education today.

He also signed the Higher Education Facilities Act of 1963, which authorized federal aid for construction of classroom and library buildings. He got Congress to pass the Sea-Grant Act, which provided money for marine research; the International Education Act, which has never been funded; and the Education Professions Development Act, which provided funds for the education of educators.

"TEACHER IN THE WHITE HOUSE"

Mr. Johnson, who once taught public speaking in a Texas high school, liked to be called "the teacher in the White House."

He had an almost religious faith in the value of education. Although his mother had to persuade him to go to college, he believed his attendance at Southwest Texas State Teachers College saved him from a life of drifting.

But in the end Mr. Johnson's accomplishments in education—like his accomplishments in civil rights and other domestic areas—ran afoul of the Vietnam war.

By the end of his term, he had stopped proposing huge increases in appropriations for aid to education, as the cost of the war took an ever-larger share of the federal budget. He also rejected proposals from within his administration to initiate new programs in education, some of which have since been enacted.

And the President who hoped to be hailed on college campuses for his contributions to higher education was instead the object of bitter denunciations from many students and professors for his prosecution of the war.

After he retired from the Presidency in 1969, Mr. Johnson supervised the building of a Presidential library an dschool of public affairs, both of which bear his name, at the University of Texas.

The first set of his Presidential papers to be made public at the library were the documents on education, almost exactly a year ago. At that time he said, "I take great pride that I was referred to, when people tried to be generous, as the education President."

MAJOR JOHNSON-ERA EDUCATION MEASURES

Dec. 16, 1963—The Higher Education Facilities Act, which provided for grants and loans for classroom and library construction.

Aug. 20, 1964—The Economic Opportunity Act, which authorized work-study aid for needy students and created Project Upward Bound.

Nov. 8, 1965—The Higher Education Act of 1965, which authorized federal funds for guaranteed student loans, for colleges to buy instructional equipment, for educational opportunity grants to needy students, for library materials and librarian training, for the Teacher Corps, for aid to developing colleges, and for colleges to become involved in community service.

Oct. 15, 1966—The National Sea-Grant Program and College Act, which provided for aid to marine research at designated colleges.

Oct. 29, 1966—The International Education Act, which authorized federal funds for centers for international studies and for improving undergraduate studies of international affairs.

June 29, 1967—The Education Professions Development Act, which authorized funds for the training of educational personnel from grade school teachers to college administrators.

Oct. 16, 1968—The Higher Education Amendments of 1968, which refined student-aid programs and created new programs of aid for college use of educational technology, for cooperative education, for law schools, and for graduate education, as well as extending earlier legislation.

L. B. J. AND THE ARTS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, former President Lyndon B. Johnson left us a legacy of many bold and innovative new programs.

One of the late President's interests that enriched all our lives was his commitment to support the creative and performing arts in America.

This commitment found voice in his support of the National Foundation for the Arts and Humanities, the John F. Kennedy Center for the Performing Arts, the Corporation for Public Broadcasting, and the National Museum Act of 1966, to mention only a few of President Johnson's most noteworthy achievements.

Mr. Speaker, Richard L. Coe, the distinguished critic of the Washington Post, recently published an account of the arts under the stewardship of Lyndon Johnson.

I include Mr. Coe's story, for the benefit of my colleagues, at this point.

L. B. J. AND ART

(By Richard L. Coe)

LBJ did more for the arts than all his 35 presidential predecessors combined. The irony was that the most vocal members of the arts community derided him and mocked his "style."

In the four eventful years from 1964 to '68, President Johnson guided into reality at least a dozen projects which the arts community had dreamed of vaguely for years. Even now many in that community are unaware such programs exist. They were:

The National Council on the Arts, authorized to develop a plan for the federal role in all the arts.

The National Foundation on the Arts and Humanities, the first agency in our history specifically designed to support the growth of all the arts throughout the nation.

The John F. Kennedy Center for the Performing Arts.

The National Museum Act of 1966, providing for programs of museum training, research, surveys and publications.

The Corporation for Public Broadcasting to encourage the development of noncommercial radio and TV.

Acquisition of the Joseph H. Hirschhorn collection, its building now nearing completion on the Mall.

Realization, through Arts Endowment funds and private sources, of the American Film Institute.

Grants through the Office of Education, making possible funding for artists to visit elementary and secondary schools under the Education Act of 1965.

Programs in 16 major cities to provide summer arts programs for young people.

Creation of the National Collection of Fine Arts and the National Portrait Gallery in the old Patent Building at 8th and F sts.

Reclaiming the old Court of Claims at the corner of Penn. ave. and 17th St., now the Renwick Gallery.

Grants-in-aid programs both to regional theaters, music and dance groups and, as well, individual awards to painters, sculptors and writers.

These accomplishments had a trusted strategic planner and field commander, Roger L. Stevens, who for much of the Johnson years had three titles: White House consultant on the arts, chairman of the National Council on the Arts and Chairman of the Board of the Kennedy Center, a title Stevens still holds by vote of the board.

In the late '50s even tentative mention of such projects was deemed visionary. In the early '60s both Sens. Kennedy and Nixon, then running for the presidency, spoke virtually unanimously about more government relationship to the arts but three years after taking the oath of office President Kennedy answered a criticism of mine that no advances had been made with the promise: "Cheer up. We'll get them done." Ten months later he was dead.

President Johnson waded into the challenge with a vengeance. Within a week after he assumed office he went along with Sen. Fulbright and Rep. Thompson in altering their bill for a "National Cultural Center" into a "living memorial" for his predecessor. At the same time he urged Honolulu to name its new East-West Theater for President Kennedy. On a chillingly cold, rainy December morning of 1964, President Johnson broke ground for the Center. He looked on the project with a visionary vigor, but on his several post-White House visits to the area, never got around to visiting the building.

But he saw to it that the cream of American artists visited the White House both as guests and as performers on the elegant little stage Rebekah Harkness, his wife's friend, contributed from the design of famed Jo Mielziner. This portable stage repeated the East Room's hand-crafted panels, fluted pilasters and neo-classic capitals so that the stage seemed a part of the room itself, not a make-shift that had been shoved into place.

Hardly an American artist of distinction refused an invitation to perform for the dinner guests assembled honoring world leaders. Here, for Morocco's Hassan II, the late Jose Limon danced his great work, "The Moor's Pavanne," his "Othello" variation. Marian Anderson, Dorothy Maynor, and Duke Ellington were recognized as peerless black artists. Carol Channing's "Hello, Dolly!" was given its fourth birthday performance on Mrs. Harkness' stage and at its end President Johnson wheeled on a huge birthday cake for the star who'd spent the '64 campaign singing "Hello, Lyndon."

The most famous day—and it was all-out Texas style—was the Johnsons' Festival for the Arts, June 15, 1965. It began in the morning, lasted till after midnight and was a day spread all over the house and grounds, embracing sculpture, painting, photography, literature, films, drama, dance and music, an amazingly vast panaroma of American arts. Everyone trekked over with Mrs. Johnson for lunch at the National Gallery and dinner was served under the trees of the White House south lawn, LBJ table-hopping.

If it was an expansive day it was also an abrasive one. In advance Robert Lowell had refused to attend on the grounds that "we are in danger of imperceptibly becoming an explosive and suddenly chauvenistic nation." Invited to read, John Hersey stated he would contribute sections from his "Hiroshima." He did so and was welcomed. Mark Van Doren introduced him and Ambassador George Kennan faced the topic of government and the arts:

"Art is not a political weapon but much of what the artist does is profoundly political in helping to dissolve barriers of hatred and ignorance. In this way you work toward peace, not the peace which is simply the absence of war, but the peace which liberates man to reach for the finest fulfillment of his spirit."

LBJ said: "Amen to that" and then smiled, a bit sadly I thought, at his guests, some of them visibly signing the protest against the Vietnam war which guest Dwight MacDonald was circulating for all to sign and leave behind for their host.

The man who did much to organize the day, Princeton Prof. Eric Goldman would later write a book about that experience and it would prove to be almost as abrasive a work as the controversy itself.

I doubt that LBJ read Goldman's book, though very likely Mrs. Johnson at least read its magazine excerpts. She read everything about the arts, saw all the plays from her earliest days as a Washington congressman's wife and unquestionably influenced LBJ's actions for the arts. One big occasion, a "Salute to Congress" in the fall of '65, lost most of its audience because the House was then debating, far into the night, Mrs. Johnson's national beautification bill. The President kidded Lady Bird that their spoiled party was her own fault.

What one remembers from all the gregarious gatherings is the top quality of the guests, all leaders in the arts. There was Catherine Drinker Bowen talked of how she researched her biographies, Hume Cronyn and Jessica Tandy collecting words about the Great Society, Eugene Ormandy chatting with Satchmo Armstrong, tiny Beatrice Lillie looking up at her Marine escort. There was Gregory Peck laughing about reports he was going to run for Congress. There was Charlton Heston, invited to the unveiling of Franklin D. Roosevelt's portrait and playing a scene from "Sunrise at Campobello" and Alice Roosevelt Longworth telling him: "I'm here today not because I was a close friend of Franklin but because I was a close critic."

Mrs. Johnson's interest over-ruled such obstacles as health. She'd arranged for presentation of the Margo Jones Award in the upstairs Oval Room but when the time came she was in bed with the flu. But she talked to each of the honorees on the phone to make them feel welcome and as they were leaving they had a glimpse of LBJ leaving his oval office. There was the night a company of "You're A Good Man, Charlie Brown" came in from Shady Grove to serenade Lynda Robb and her new baby, Lucinda, with an East Room performance and LBJ looked in on the small, youngish group to say goodnight to his grandchild.

Roaming restlessly among his guests, sometimes hundreds of them, sometimes only a few, was the tall Texan, often not talking as you'd expect that man to do, but listening, it sometimes seemed, with his eyes; taking in all the details about this particular segment of his Great Society, the artists, finding them very different from himself but not, for that reason, to be despised. It was as though they were a luxury he'd missed along his way to the top and he wanted to grasp all he could about this colorful, assertive breed. He used his energetic know-how on their behalf and if he was puzzled at their ingratitude he was too proudly sensitive to mention it.

CENTENNIAL CELEBRATION—SHORTER COLLEGE

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, this year, a very fine institution of higher learning is proudly celebrating its centennial year of service. Besides offering splendid educational opportunities, this college has a particular appeal to me as my mother, two sisters and five aunts are all alumnae.

Chartered at Rome, Ga., in 1873 as a Baptist ladies school, Shorter College is now a multidisciplinary college which enrolls approximately 800 men and women from all walks of life.

As Shorter College emerges from its first century and embarks upon its second hundred years of academic adventure, it is only fitting and proper that we in the Nation's Congress give this fine institution the recognition it so well deserves.

Therefore, at this time, I would like to read into the RECORD the extremely well-written history of Shorter College by Robert W. Gardner, professor of religion at Shorter, which I commend to my colleagues as follows:

A BRIEF HISTORY OF SHORTER COLLEGE

(By Robert G. Gardner)

Combining the generosity and wealth of Alfred Shorter with the insight and vision of Luther Rice Gwaltney, Shorter College stands as a memorial to these two co-founders. Originally called the Cherokee Baptist Female College, it was chartered on September 20, 1873, by a group of Northwest Georgia Baptists who formed a private stock company. For the first four decades of its life, the institution included primary, preparatory, and collegiate departments. Housed in a former residence on a hill near the Rome Baptist Church, of which Gwaltney was pastor, the school opened with five or six faculty members and 80 students. Almost immediately it experienced financial difficulties. In 1877 a local Baptist landowner, farmer, and businessman, Alfred Shorter, who was already president of the board of trustees, was induced to take a commanding role in the affairs of the institution. Because he contributed funds to erect a large and modern Academic and Chapel Building and a dormitory, the name of the school was changed to honor him and his wife, becoming Shorter Female College (and simply Shorter College in 1923). At his death in 1882, the college was provided with an endowment of $40,000, bringing the Colonel's gifts to a total of about $200,000.

Under Presidents Alexander S. Townes (1873–1875), Rollin D. Mallary (1876–1882), Luther R. Gwaltney (1882–1890), and Archibald J. Battle (1890–1898), the school gained stability and reputation. The department of music had been strong from the beginning, but President and Mrs. Thomas J. Simmons (1898–1910) raised it virtually to the rank of a conservatory.

Although two other buildings had been constructed and several nearby residences purchased or rented, the downtown campus was seen to be too small. Led by four Baptist laymen—J. L. Bass, J. P. Cooper, W. W. Brookes, and L. A. Dean—the trustees made the decision to move the college to its present site. Azor W. Van Hoose became president in 1910, supervising the erection in nine months of five large brick structures costing about $300,000. A capacity enrollment of 300 was quickly reached, and unprecedented prosperity was enjoyed. The primary department was closed in 1910 and the preparatory, in 1916. The dynamic Van Hoose led the college for a decade, raising the value of its plant to $608,500 and its endowment to $100,000. Principally for the building program and current expenses, Mr. and Mrs. J. P. Cooper contributed about $166,000, mostly during this period. The endowment was increased by gifts from a Rome campaign and the Georgia Baptist Convention. Van Hoose's premature death in 1921 left a void difficult to fill.

During the brief administration of Daniel J. Blocker (1922–1925), the college was accredited by the Southern Association of Colleges and Schools and a swimming pool was built, bringing to completion projects that Van Hoose had long worked to achieve. Under President William D. Furry (1925–1933), the various curricula were made more rigorous, and other meaningful forms of academic accreditation were gained.

As the depression deepened, Paul M. Cousins became president in 1933, serving for fifteen difficult years. While many similar schools were perishing, Shorter College managed to survive. The music department was accredited by the National Association of Schools of Music in 1934. A gymnasium, a president's home, and three faculty apartment buildings were added to the campus in 1947–1948.

Under Charles W. Burts (1948–1953) and George A. Christenberry (1953–1958), young men were admitted as regular students and awarded degrees. Starting in the mid-fifties, dormitory accommodations were provided for them. Liberal arts and music courses were supplemented by growing offerings in education and business administration. Summer school and evening classes, held briefly in the early 1880s, became a regular part of the college calendar. Formed locally in 1883 and nationally in 1924, the General Alumni Association assumed its inclusive name in 1958 and a new name, the Shorter College Alumni Association, in 1972.

During the four decades following the Van Hoose administration, the value of the plant had remained stable at $608,500, with depreciations cancelling out the additions, and the endowment had grown to $706,226, in spite of three sizable encroachments to remove operating indebtedness. This increase had been made possible by local canvasses, the General Education Board, the Ford Foundation, Mr. and Mrs. Oakley M. Bishop, and the Georgia Baptist Convention.

In 1958 Randall H. Minor assumed the presidency of Shorter College. Three new structures have been completed: the Library-Administration Building in 1961, valued at $360,000; the Freshman Dormitory in 1962, valued at $421,000; and the Walter Pope Binns Student Center in 1968, valued at $650,000. The Mildred Arnall Peniston Library honors a Shorter alumna. High Acres, valued at $112,500, was acquired in 1962 as a residence for the president. Housing most of the male students, Greystone Dormitory was purchased in 1964 and is appraised at $325,000. All five of the buildings constructed in 1911 have been renovated, and new furniture and equipment have been installed. Approximately $3 million has been expended on capital improvements, of which about one-fourth remains to be paid back on convention-approved loans. The value of the plant has increased eight-fold to more than $5 million. The endowment has almost tripled, to about $2 million. Significant gifts have been received from Mrs. Allie Hayes Richardson, the Callaway Foundation, Martin C. and Judson Roberts, and John H. Jackson. The current annual income has quadrupled, to about $1.3 million.

With 269 full-time students in the fall of 1958, the college has since averaged about 595. Including part-time and summer school students, the yearly total has averaged 820. Negro students have been enrolled, and international students continue to be present. Graduates numbered 43 in 1959, but the total has steadily increased and the thirteen-year average is 96. The faculty has grown from about 35 to 50, salaries have more than doubled, and modest provisions have been made for graduate study and sabbatical leaves. To the long-standing Bachelor of Arts and Bachelor of Music degrees have been added several more: the Bachelor of Science degree in Medical Technology, the Bachelor of Science degree in Elementary Education, the Bachelor of Business Administration degree, a Bachelor of Science degree with several additional majors available, and the Bachelor of Music Education and Bachelor of Church Music degrees.

From its inception, the college has been under the direction of a board of trustees, the members of which have been required by charter to be Baptist. After being a self-perpetuating body for three decades, from 1902 to 1914 the board was partially controlled by the Georgia Baptist Convention which elected all new members. For the next twenty-four years the board again became self-perpetuating. In 1938 the Georgia Baptist Convention began to approve new trustees already nominated by the board, after which the board formally elected them. In 1959 the charter was changed and all trustees are named directly by the convention. Even during the years when the college cooperated with but was not controlled by the convention, it frequently received financial aid from that source. Since 1919 the convention has given more than $3 million for current expenses, building repairs and construction, and endowment held on Shorter's behalf by the Georgia Baptist Foundation.

"A Century of Service" is to be celebrated in 1972–1973. At that time Shorter will honor its past, with its thirty-three hundred graduates, while also looking toward its "Second Hundred Years." Its stance is eloquently expressed by an inscription in the Walter Pope Binns Student Center: "Shorter College is grateful for all friends who have been a part of her glorious history—and for those whose vision and interest point to a greater future."

AN EXCELLENT JOB OF DIPLOMACY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the Christian Science Monitor, in its January 27, 1973, edition, commended Dr. Henry Kissinger for his skill, tenacity, and patience in achieving a Vietnam peace agreement.

The editorial cites the difficult assignment Dr. Kissinger faced. He had to disentangle the United States without abandoning our allies. At the same time, he had to negotiate with a party determined to win both a military and political victory. Dr. Kissinger's numerous abilities as a diplomat are described.

At this time, I would like to introduce the editorial into the RECORD:

AN EXCELLENT JOB OF DIPLOMACY

High congratulations are in order for Dr. Henry Kissinger.

Four years ago he was given by his President one of the most difficult of assignments possible.

He was told to disentangle the United States from the Vietnam war without abandoning the faction in Vietnam which had been sustained by that American commitment.

It would have been easy enough for the U.S. just to go. But that would not have satisfied the President's requirement for "peace with honor." To go without concern for what would happen afterwards to the government of President Thieu in Saigon, or to the people there who have supported that government, was not deemed by the President to be acceptable in the U.S.

Yet the government and people of North Vietnam have been fighting for 28 years to gain control of South Vietnam. They have never renounced the goal. They kept their eyes and their efforts fixed upon it with a degree of tenacity and dedication which has few parallels if any in all history.

Dr. Kissinger was expected, indeed required, to reconcile the will to victory in the North with the will to disentanglement in Washington without abandoning the cause of noncommunism in the process. Many deemed it an impossible assignment. The assumption that it could not be done was implicit in the entirely different approach of candidate George McGovern during the recent presidential campaign in the U.S. He proposed simply to get out without any regard for what would happen after the withdrawal to people in South Vietnam.

This impossible assignment was accepted, and executed.

True, no one can say at this moment what will be the ultimate fate of noncommunism in South Vietnam or the people who are commited to that cause. We do not know now whether they will grow stronger and be able to sustain their cause indefinitely, or be worn down by the techniques which will be brought to bear on them by the tenacious will of those to the north of them.

But we do know that Dr. Kissinger has worked out a compromise within which the non-Communists have about as good a chance of defending their cause as did the people of South Korea when the war there was ended. The cause is not hopeless. There is to be no immediate bloodbath.

This is the most that could possibly be hoped for. It is a lot more than most outsiders expected.

To appreciate fully the accomplishment it is important to notice the outline of how it was done. Dr. Kissinger approached his task with enormous patience. He understood that with declining American military power in the area he would have to find his answer through Moscow and Peking. He could not hope to succeed in his assignment so long as both Moscow and Peking were determined to support Hanoi to the full, as they were during the Lyndon Johnson years.

So Dr. Kisinger set about giving Peking and Moscow reasons for tempering their support of Hanoi. He went first to Peking. He persuaded the Chinese that the U.S. intended to reduce its military role in Asia, not seek to overthrow the regime. He made it clear that the U.S. was not acting in collusion with Russia to China's danger.

Next Dr. Kissinger approached the Russians to discover what they might want from the U.S. They too were prepared to do business, once they saw President Nixon go to China.

In the end Mr. Nixon was able to mount a military offensive against Hanoi's supply lines without anything more than pro forma protest from Peking and Moscow.

This was seeking a solution through diplomacy. What war could not do diplomacy did—when patience and wisdom had first reshaped the framework of the problem.

There are many lessons from this which all of us will be pondering in the time ahead and to which we will return in this space. For the moment we just want to thank Dr. Kissinger for his skill, his tenacity, and his patience and at the same time offer him a little human commiseration. There is no other assignment waiting for him of comparable difficulty. Anything else, after this, will seem like anticlimax. We just hope that he won't be bored in the days ahead.

LEAVE OF ABSENCE

By uanimous consent, leave of absence was granted as follows to:

Mr. CAREY of New York (at the request of Mr. O'NEILL) for Monday, February 5, on account of illness in family.

Mr. ADDABBO (at the request of Mr. O'NEILL) for Monday, February 5, through Thursday, February 8, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAFALIS) and to revise and extend their remarks and include extraneous matter:)

Mr. WINN, for 5 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mr. TALCOTT, for 10 minutes, today.

(The following Members (at the request of Mr. GUNTER) and to revise and extend their remarks and include extraneous matter:)

Mr. DE LUGO, for 10 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HAMILTON, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. WON PAT, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. JAMES V. STANTON, for 10 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. FLOOD, for 10 minutes, today.

Mr. BOLAND, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS and to include extraneous matter.

(The following Members (at the request of Mr. BAFALIS) and to include extraneous matter:)

Mr. RONCALLO of New York.

Mr. BROWN of Ohio in two instances.

Mr. HANRAHAN.

Mr. MCCLOSKEY.

Mr. STEELE.

Mr. BRAY in three instances.

Mr. HANSEN of Idaho.

Mr. MCKINNEY.

Mr. ZWACH.

Mr. HOSMER in three instances.

Mr. ASHBROOK in three instances.

Mr. ERLENBORN.

Mr. BUCHANAN.

Mr. DU PONT.

Mr. FINDLEY.

Mr. LOTT.

Mr. ANDERSON of Illinois.

Mr. SCHERLE in 10 instances.

Mr. KEATING.

Mr. WYMAN in two instances.

Mr. YOUNG of South Carolina.

Mr. LANDGREBE in two instances.

Mr. BROYHILL of Virginia.

(The following Members (at the request of Mr. GUNTER) and to include extraneous matter:)

Mr. CLARK.

Mr. MOAKLEY.
Mr. RARICK in four instances.
Mr. GONZALEZ in three instances.
Mrs. GRIFFITHS in two instances.
Mr. WALDIE in five instances.
Mr. REES in two instances.
Mr. DULSKI in six instances.
Mr. MINISH.
Mr. DE LA GARZA in 10 instances.
Mr. HARRINGTON in 10 instances.
Mr. BINGHAM in two instances.
Mr. BOLLING in three instances.
Mr. OBEY in six instances.
Mr. KOCH in five instances.
Mr. DINGELL.
Mr. STOKES in two instances.
Mr. MILLS of Arkansas.
Mr. CONYERS in 10 instances.
Mr. MCSPADDEN.
Mr. JAMES V. STANTON.
Mr. BURKE of Massachusetts.
Mr. THOMPSON of New Jersey.
Mr. FRASER in five instances.
Mr. PICKLE in 10 instances.
Mr. DOMINICK V. DANIELS.
Mr. FULTON.
Mr. VANIK in two instances.
Mr. FLOOD in two instances.
Mr. FAUNTROY in 10 instances.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous material:)

Mr. BLATNIK in three instances.
Mr. ANDERSON of California in three instances.
Mr. RODINO.
Mr. HUNGATE.
Mr. RUNNELS.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 261. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for four additional years, and for other purposes; to the Committee on Public Works.

S. 606. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 6, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

342. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, involving the National Institutes of Health; to the Committee on Appropriations.

343. A letter from the Acting Secretary of State for Congressional Relations, transmitting a report on assistance-related expenditures for Laos during the second quarter of fiscal year 1973, pursuant to section 602 of Public Law 92–436; to the Committee on Armed Services.

344. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

345. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting a supplemental report on present and former employees of the Department of Defense who are now or have previously been employed by certain defense contractors, pursuant to section 410(d) of Public Law 91–121 (50 U.S.C. 1436(d)); to the Committee on Armed Services.

346. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report for the quarter ended December 31, 1972, on Federal financial contributions to States for civil defense equipment and facilities, pursuant to 50 U.S.C. App. 2281(i); to the Committee on Armed Services.

347. A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the President's Commission on Productivity; to the Committee on Banking and Currency.

348. A letter from the Acting Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to amend section 404 of the National Housing Act; to the Committee on Banking and Currency.

349. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

350. A letter from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting the Board's Second Annual Report, covering fiscal year 1972; to the Committee on the District of Columbia.

351. A letter from the Executive Secretary, Public Service Commission of the District of Columbia transmitting the Commission's 59th Annual Report, covering calendar year 1971, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

352. A letter from the Acting Commissioner of Education, Department of Health, Education, and Welfare, transmitting notice of proposed rules respecting the family contribution schedule for Basic Educational Opportunity Grants, pursuant to section 411(a)(3)(A) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

353. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on assistance-related funds obligated for Cambodia during the second quarter of fiscal year 1973, pursuant to section 655(f) of Public Law 92–226; to the Committee on Foreign Affairs.

354. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, which have been entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

355. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the scope of specialized or technical services provided to State or local governments by NASA during calendar year 1972, pursuant to section 304 of Public Law 90–577; to the Committee on Government Operations.

356. A letter from the Chairman, Federal Trade Commission, transmitting a report concerning the effectiveness of cigarette labeling and current practices and methods of cigarette advertising and promotion, together with various recommendations for legislation, pursuant to section 8(b) of the Public Health Cigarette Smoking Act; to the Committee on Interstate and Foreign Commerce.

357. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 38th Annual Report, covering fiscal year 1972; to the Committee on Interstate and Foreign Commerce.

358. A letter from the President, National Railroad Passenger Corporation, transmitting the Annual Report of the Corporation for calendar year 1972; to the Committee on Interstate and Foreign Commerce.

359. A letter from the Chief Justice of the United States, transmitting the rules of evidence of the U.S. courts and magistrates, amendments and further amendments to the Federal Rules of Civil Procedure, and amendments to the Federal Rules of Criminal Procedure which have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072 and 2075 and 18 U.S.C. 3402, 3771, and 3772, together with the report of the Judicial Conference of the United States, pursuant to 28 U.S.C. 331 (H. Doc. No. 93–46); to the Committee on the Judiciary and ordered to be printed.

360. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

361. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

362. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182 (d) of the Immigration and Nationality Act, Judiciary.

363. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d) (6)]; to the Committee on the Judiciary.

364. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254 (c)(1)]; to the Committee on the Judiciary.

365. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254 (c)(1)]; to the Committee on the Judiciary.

366. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13 (b) of the act of September 11, 1957, pursu-

ant to section 13(c) of the act; to the Committee on the Judiciary.

367. A letter from the Assistant Attorney General for Administration, transmitting a report on positions in the Department of Justice in grades GS–16, 17, and 18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

368. A letter from the Director, Federal Bureau of Investigation, Department of Justice, transmitting a report on positions in the FBI during 1972 in grades GS–16, 17, and 18, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

369. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report on civilian positions in the Department of Defense in grades GS–16, 17, and 18 during calendar year 1972, and a report for the same period on scientific and professional positions involved in research and development activities; to the Committee on Post Office and Civil Service.

370. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on a Civil Service Commission position in grade GS–18, which has been established "in addition to the number of positions authorized by 5 U.S.C. 5108(a)", and a position established by Public Law 92–392, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

371. A letter from the Chairman, U.S. Civil Service Commission, transmitting reports for calendar year 1972 containing summaries of actions taken (1) under the numerical limitations of 5 U.S.C. 5108(a) (quota positions), (2) outside the numerical limitations of 5 U.S.C. 5108(a) (nonquota positions), and (3) regarding Administrative Law Judge positions, pursuant to 5 U.S.C. 5114 and 1305; to the Committee on Post Office and Civil Service.

372. A letter from the Under Secretary of the Army, transmitting a draft of proposed legislation authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

373. A letter from the Federal Cochairman, New England Regional Commission, transmitting the Commission's Annual Report for fiscal year 1972, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

374. A letter from the Federal and State Cochairmen, Ozarks Regional Commission, transmitting the Commission's Annual Report for 1972, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

Received From the Comptroller General

375. A letter from the Comptroller General of the United States, transmitting a report on a study of Federal programs for manpower services for the disadvantaged in the District of Columbia; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Feb. 1, 1973, the following report was filed on Feb. 2, 1973]

Mr. BLATNIK: Committee on Public Works. House Joint Resolution 123. Joint resolution to amend section 123 of the Federal-Aid Highway Act of 1970 establishing the Commission on Highway Beautification; with amendment (Rept. No. 93–4). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Feb. 5, 1973]

Mr. POAGE: Committee on Agriculture. H.R. 2107. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program (Rept. No. 93–6). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 3577. A bill to provide an extension of the interest equalization tax, and for other purposes (Rept. No. 93–7). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to section 712(b) of the Defense Production Act of 1950 the following report is filed]

Mr. PATMAN: Joint Committee on Defense Production. Twenty-second Annual Report of the Activities of the Joint Committee on Defense Production (Rept. No. 93–5). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas (for himself and Mr. Schneebeli):

H.R. 3577. A bill to provide an extension of the interest equalization tax, and for other purposes; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 3578. A bill to provide for a final termination of U.S. military involvement in Indochina and the termination of all U.S. military assistance to the nations of Indochina and for other purposes; to the Committee on Foreign Affairs.

By Mr. ANDERSON of California:

H.R. 3579. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 3580. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

H.R. 3581. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself, Mr. Alexander, Mr. Anderson of Illinois, Mr. Ashbrook, Mr. Badillo, Mr. Bafalis, Mr. Beard, Mr. Bingham, Mr. Bolling, Mr. Broomfield, Mr. Brown of California, Mr. Burlison of Missouri, Mr. Casey of Texas, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Cleveland, Mr. Collier, Mr. Collins, Mr. Conable, Mr. Corman, Mr. Coughlin, Mr. Cronin, Mr. Davis of Georgia, Mr. Dellenback, and Mr. Derwinski):

H.R. 3582. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Donohue, Mr. Dorn, Mr. Eshleman, Mr. Fascell, Mr. Fisher, Mr. Frenzel, Mr. Goldwater, Mr. Gonzalez, Mrs. Grasso, Mr. Gude, Mr. Haley, Mr. Hammerschmidt, Mrs. Hansen of Washintgon, Mr. Hansen of Idaho, Mr. Harrington, Mr. Harvey, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Henderson, Mr. Hicks, Mrs. Holt, Mr. Hungate, Mr. Ichord, and Mr. Johnson of Pennsylvania):

H.R. 3583. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Johnson of California, Mr. Jones of Oklahoma, Mr. Kastenmeier, Mr. Keating, Mr. Koch, Mr. Lehman, Mr. Litton, Mr. McClory, Mr. McCloskey, Mr. McKinney, Mr. McSpadden, Mr. Mailliard, Mr. Mann, Mr. Matsunaga, Mr. Mayne, Mr. Mazzoli, Mr. Melcher, Mrs. Mink, Mr. Mollohan, Mr. Moorhead of California, Mr. Moorhead of Pennsylvania, Mr. Mosher, Mr. Moss, and Mr. Murphy of New York):

H.R. 3584. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Nedzi, Mr. O'Hara, Mr. Owens, Mr. Parris, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Preyer, Mr. Rarick, Mr. Rees, Mr. Riegle, Mr. Robison of New York, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Runnels, Mr. Sarbanes, Mr. Scherle, Mr. Seiberling, Mr. Shoup, Mr. Sikes, Mr. Slack, Mr. Smith of New York, Mr. Spence, and Mr. Steele):

H.R. 3585. A bill to amend the act of June 27, 1960 (74 Stat.' 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Steiger of Arizona, Mr. Stephens, Mr. Symington, Mr. Talcott, Mr. Thone, Mr. Thornton, Mr. Tiernan, Mr. Treen, Mr. Udall, Mr. Vander Jagt, Mr. Whitehurst, Mr. Wolff, Mr. Wyatt, Mr. Yatron, Mr. Young of Florida, Mr. Young of South Carolina, Mr. Zwach, and Mr. Andrews of North Dakota):

H.R. 3586. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 3587. A bill to appropriate $135 million for carrying out bilingual education programs; to the Committee on Appropriations.

By Mr. BADILLO (for himself and Mr. Casey of Texas):

H.R. 3588. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Cleveland, Mr. Davis of Georgia, Mr. Eilberg, Mr. Harrington, Mr. Koch, Mr. Mayne, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Price of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Symington, Mr. Wolff, Mr. Won Pat, and Mr. Yatron):

H.R. 3589. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Burton, Mr. Cleveland, Mr. Eilberg, Mr. Harrington, Mr. Hawkins, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Price of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Symington, Mr. Won Pat, and Mr. Yatron):

H.R. 3590. A bill to pay grants to students enrolled in psychology, sociology, or social work in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BIESTER:

H.R. 3591. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 3592. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resources protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. BLATNIK:

H.R. 3593. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. BLATNIK (for himself and Mr. Denholm):

H.R. 3594. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. BROOKS:

H.R. 3595. A bill to protect the free flow of information to the public, and for other purposes; to the Committee on the Judiciary.

H.R. 3596. A bill to extend the time within which assurances of local cooperation must be provided on a portion of the Texas City and vicinity, Texas, flood control project, and for other purposes; to the Committee on Public Works.

By Mr. BROOMFIELD:

H.R. 3597. A bill to terminate all price-support programs for tobacco beginning with the 1974 crop of tobacco; to the Committee on Agriculture.

H.R. 3598. A bill to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave; to the Committee on Armed Services.

H.R. 3599. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 3600. A bill to amend the act entitled "An Act to require certain safety devices on household refrigerators shipped in interstate commerce", approved August 2, 1956; to the Committee on Interstate and Foreign Commerce.

H.R. 3601. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death (except where the continuation of such entitlement and the consequent delay in the payment of survivor benefits would reduce the total amount payable to the family); to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself and Mr. Moakley):

H.R. 3602. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 3603. A bill to amend section 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide that certain persons displaced prior to January 2, 1971, by the Kaw Lake project of the Army Corps of Engineers may receive assistance under sections 202, 203, and 204 of such act; to the Committee on Public Works.

H.R. 3604. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Jarman, Mr. Jones of Oklahoma, Mr. McSpadden, and Mr. Steed):

H.R. 3605. A bill to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma; to the Committee on Interior and Insular Affairs.

H.R. 3606. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Ponca Indians of Oklahoma and Nebraska in Indian Claims Commission dockets numbered 322 and 324, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DON H. CLAUSEN:

H.R. 3607. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 3608. A bill to sanction the establishment of profit-sharing plans for employees of tax-exempt organizations; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Beard, and Mr. Guyer):

H.R. 3609. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia:

H.R. 3610. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DINGELL (for himself, Mr. Saylor, and Mr. Casey of Texas):

H.R. 3611. A bill to prohibit the sale of Saturday night special handguns in the United States; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 3612. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENHOLM (for himself, Mr. Alexander, Mr. Jones of Tennessee, Mr. Hammerschmidt, Mr. Matsunaga, and Mr. Vigorito):

H.R. 3613. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. DENHOLM (for himself, Mr. Aspin, Mr. Burleson of Texas, Mr. Davis of Georgia, Mr. Dellums, Mr. Dorn, Mr. Eckhardt, Mr. Gray, Miss Holtzman, Mr. Howard, Mr. Kastenmeier, Mr. Kazen, Mr. Litton, Mr. McCollister, Mr. Madden, Mr. Mezvinsky, Mr. O'Neill, Mr. Roush, Mr. Seiberling, Mr. Staggers, Mr. James V. Stanton, Mr. Tiernan, Mr. Wright, Mr. Young of Georgia, and Mr. Young of Texas):

H.R. 3614. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DENHOLM (for himself, Mr. Andrews of North Dakota, Mr. Alexander, Mr. Blatnik, Mr. Breckinridge, Mr. Brown of California, Mr. Corman, Mr. Dent, Mr. Froehlich, Mr. Hicks, Mr. Montgomery, Mr. Meeds, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Obey, Mr. Patman, Mr. Randall, Mr. Rees, Mr. Riegle, Mr. Rose, Mr. Symington, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Yatron):

H.R. 3615. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DENHOLM (for himself and Mr. Bergland):

H.R. 3616. A bill to require the Secretary of Agriculture to carry out a water bank program; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING:

H.R. 3617. A bill to provide price support for milk at not less than 85 percent of the parity therefor; to the Committee on Agriculture.

H.R. 3618. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

H.R. 3619. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOWNING (for himself, Mr. Whitehurst, Mr. Robert W. Daniel, Jr., Mr. Robinson of Virginia, Mr. Satterfield, Mr. Broyhill of Virginia, Mr. Wampler, Mr. Butler, Mr. Parris, and Mr. W. C. (Dan) Daniel):

H.R. 3620. A bill to establish the Great Dismal Swamp National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN:

H.R. 3621. A bill to amend title X of the Public Health Service Act to extend for 3 years the program of assistance for population research and voluntary family planning programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Bafalis, Mr. Baker, Mr. Bevill, Mr. Burgener, Mr. Collier, Mr. Crane, Mr. Davis of South Carolina, Mr. Devine, Mr. Donohue, Mr. Edwards of California, Mr. Eilberg, Mr. Eshleman, Mr. Forsythe, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Hudnut, and Mr. Johnson of Pennsylvania):

H.R. 3622. A bill to provide adjustment assistance to prisoners-of-war of the Vietnam era because of the inhumane circumstances of their incarceration; to the Committee on Veterans' Affairs.

By Mr. FINDLEY (for himself, Mrs. Hansen of Washington, Mr. Kemp, Mr. Lent, Mr. Madigan, Mr. Martin of North Carolina, Mr. Rinaldo, Mr. Roe, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Runnels, Mr. Symington, Mr. Charles H. Wilson of California, Mr. Williams, Mr.

Yatron, Mr. Young of Florida, and Mr. Zwach):

H.R. 3623. A bill to provide adjustment assistance to prisoners-of-war of the Vietnam era because of the inhumane circumstances of their incarceration; to the Committee on Veterans' Affairs.

By Mr. FISHER:

H.R. 3624. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. FLOOD (for himself, Mr. Abdnor, and Mr. Denholm):

H.R. 3625. A bill to amend the Disaster Relief Act of 1970 with respect to eligibility for relocation assistance; to the Committee on Public Works.

By Mr. FRENZEL:

H.R. 3626. A bill to amend the Internal Revenue Code of 1954 to allow the taxpayer a deduction from gross income for medical, legal, and certain other expenses paid in connection with the adoption of a child; to the Committee on Ways and Means.

By Mr. FRENZEL (for himself, Mr. Fraser, Mr. Aspin, Mr. Bergland, Mr. Blatnik, Mr. Burlison of Missouri, Mr. Cederberg, Mr. Conyers, Mr. Denholm, Mr. Diggs, Mr. William D. Ford, Mr. Harvey, Mr. Kastenmeier, Mr. Mayne, Mr. Nedzi, Mr. Nelsen, Mr. Quie, Mr. Riegle, Mr. Vander Jagt, Mr. Zablocki, and Mr. Zwach):

H.R. 3627. A bill relative to the oil import program; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 3628. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 3629. A bill to amend section 832(e) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 3630. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 3631. A bill to provide benefits to certain survivors of members of the uniformed services and law enforcement officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 3632. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements in owner-occupied residential property and to eliminate the property depreciation allowances for certain nonowner occupied rental property; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 3633. A bill to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 3634. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3635. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALEY:

H.R. 3636. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 3637. A bill to provide for a study of the feasibility and desirability of establishing a proposed Ohio River National Parkway in the State of Indiana, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3638. A bill to amend the Immigration and Nationality Act to apply numerical limitations on total lawful admissions to all immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself Mr. Burke of Massachusetts, Mr. Conte, Mr. Kyros, Mr. Johnson of Pennsylvania, Mr. Karth, Mr. Koch, Mr. McKinney, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. O'Neill, Mr. Pike, Mr. Price of Illinois, Mr. Reuss, Mr. Rees, Mr. Robison of New York, Mr. Rodino, Mr. Schneebeli, Mr. Steiger of Wisconsin, Mr. Taylor of Missouri, Mr. Williams, and Mr. Young of Illinois):

H.R. 3639. A bill to amend the Export Administration Act of 1969 with respect to the exclusion of agricultural commodities from export controls; to the Committee on Banking and Currency.

By Mr. HARRINGTON (for himself, Mr. Burke of Massachusetts, Mr. Conte, Mr. Kyros, Mrs. Abzug, Mr. Boland, Mr. Brasco, Mrs. Chisholm, Mr. Cleveland, Mr. Cohen, Mr. Cronin, Mr. Donohue, Mr. Drinan, Mr. Eilberg, Mr. Flood, Mr. Gude, Mrs. Grasso, Mr. Hamilton, Mr. Hanley, Mr. Hastings, and Mr. Helstoski):

H.R. 3640. A bill to amend the Export Administration Act of 1969 with respect to the exclusion of agricultural commodities from export conrtols; to the Committee on Banking and Currency.

By Mr. HAWKINS:

H.R. 3641. A bill to extend the authorization of appropriations for the Economic Opportunity Act of 1964 for 2 additional years; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 3642. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 3643. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

H.R. 3644. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H.R. 3645. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS (for himself, Mr. Adams, Mr. Blackburn, Mr. Derwinski, Mr. Dorn, Mr. Duncan, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Kazen, Mr. Meeds, Mr. Metcalfe, Mr. Nichols, Mr. Pickle, Mr. Sisk, and Mr. Udall):

H.R. 3646. A bill to amend the Telecasting of Sports Contests Act of September 30, 1961 (75 Stat. 732), as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. HILLIS:

H.R. 3647. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; to the Committee on the Judiciary.

H.R. 3648. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder and to reduce from 72 to 70 the age at which these deductions will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

H.R. 3649. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and means.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Anderson of Illinois, Mrs. Burke of California, Mrs. Chisholm, Mr. Conte, Mr. Esch, Mr. Flood, Mr. Frelinghuysen, Mr. Frenzel, Mr. Nix, Mr. Regula, Mr. Robison of New York, Mr. Tiernan, Mr. Veysey, Mr. Whitehurst, and Mr. Yatron):

H.R. 3650. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. HOLIFIELD:

H.R. 3651. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HOSMER:

H.R. 3652. A bill to require the Secretary of the Army to review certain requirements for the project for Anaheim Bay, Calif.; to the Committee on Public Works.

By Mr. JONES of Alabama:

H.R. 3653. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 3654. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of North Carolina (for himself, Mr. Fountain, Mr. Henderson, Mr. Taylor of North Carolina, Mr. Preyer, Mr. Ruth, Mr. Mizell, Mr. Rose, Mr. Martin of North Carolina, and Mr. Andrews of North Carolina):

H.R. 3655. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee (for himself, Mr. Abdnor, Mr. Alexander, Mr. Aspin, Mr. Baker, Mr. Bergland, Mr. Bevill, Mr. Burleson of Texas, Mr. Davis of Georgia, Mr. Denholm, Mr. Dickinson, Mr. Evins of Tennessee, Mr. Fisher, Mr. Fulton, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hungate, Mr. Ichord, Mr. King, Mr. Litton, Mr. Meeds, Mr. Milford, Mr. Miller, Mr. Mills of Arkansas):

H.R. 3656. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. JONES of Tennessee (for himself, Mr. Mollohan, Mr. Nichols, Mr. Obey, Mr. Patman, Mr. Pickle, Mr. Poage, Mr. Rarick, Mr. Roberts, Mr. Roncalio of Wyoming, Mr. Roy, Mr. Sisk, Mr. Steed, Mr. Stephens, Mr. Taylor of North Carolina, Mr. Thornton, Mr. Waggonner, Mr. Wampler, Mr. Won Pat, and Mr. Preyer):

H.R. 3657. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Miss JORDAN:

H.R. 3658. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. KAZEN:

H.R. 3659. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. LEHMAN:

H.R. 3660. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN (for himself and Mr. Evans of Colorado):

H.R. 3661. A bill to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 3662. A bill to authorize pilot field research programs for the control of agricultural and forest pests by integrated biological-cultural methods; to the Committee on Agriculture.

H.R. 3663. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

H.R. 3664. A bill to amend section 161 of the Vocational Education Act of 1963 to utilize a portion of the funds for homemaking and consumer education programs to assist the elderly; to the Committee on Education and Labor.

H.R. 3665. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses and to require the establishment of certain standards for schoolbuses; to the Committee on Interstate and Foreign Commerce.

H.R. 3666. A bill to require that all schoolbuses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

H.R. 3667. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 3668. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

H.R. 3669. A bill to promote research and development of drugs and chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 3670. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

H.R. 3671. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 3672. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. Harsha, and Mr. Lott):

H.R. 3673. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. MOSS (for himself and Mr. Moorhead of Pennsylvania):

H.R. 3674. A bill to amend the Freedom of Information Act to provide that news persons shall not be required to disclose the sources of their information, and for other purposes; to the Committee on Government Operations.

By Mr. OBEY:

H.R. 3675. A bill to amend the Agricultural Adjustment Act of 1949 as amended to establish a support price for milk for the marketing year beginning April 1, 1973, and to provide for adjustments in the support price of milk during its marketing year; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. Moakley, Mrs. Heckler of Massachusetts, Mr. Mosher, Mr. Thornton, Mr. Blatnik, and Mr. Rinaldo):

H.R. 3676. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PEYSER (for himself and Mr. Rinaldo):

H.R. 3677. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 3678. A bill to amend the Agricultural Adjustment Act of 1938 with respect to the computation of payments for the production of cotton in any drought year, and for other purposes; to the Committee on Agriculture.

H.R. 3679. A bill to provide greater assurance of Federal fiscal responsibility; to the Committee on Government Operations.

H.R. 3680. A bill to change the fiscal year of the U.S. Government; to the Committee on Government Operations.

H.R. 3681. A bill to facilitate equipment interchange between and among the several modes of transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 3682. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide that proposed changes in postal rates and classes shall be submitted to Congress and shall be ineffective if either House disapproves such changes by three-fifths vote, to repeal the authorization for temporary postal rates and classes, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3683. A bill to amend the Internal Revenue Code of 1954 to provide that the valuation of a decedent's interest in a ranch, farm, or closely held business may at the election of the executor be determined, for estate tax purposes, solely by reference to its value for such use; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Blackburn, Mr. Frenzel, Mr. Madigan, Mr. O'Brien, Mr. Quie, and Mr. Young of Illinois):

H.R. 3684. A bill to authorize the President to establish a system to ration fuel oil among civilian users in order to provide for an equitable distribution of fuel oil in areas of shortage; to the Committee on Banking and Currency.

By Mr. RAILSBACK (for himself, Mr. Madigan, Mr. O'Brien, and Mr. Young of Illinois):

H.R. 3685. A bill: Deregulation of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL:

H.R. 3686. A bill to establish treatment and rehabilitation programs for drug dependent members of the Armed Forces; to the Committee on Armed Services.

H.R. 3687. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

H.R. 3688. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 3689. A bill to provde for the constitutional conduct of the Federal Government as it relates to the Economic Opportunity Act of 1964, as amended; to the Committee on the Judiciary.

H.R. 3690. A bill to establish minimum prisoner treatment standards for prisons in the United States, and to create an agency to hear complaints arising from alleged infractions of such standards; to the Committee on the Judiciary.

By Mr. REID:

H.R. 3691. A bill to stabilize rents in States having low rental vacancy rates; to the Committee on Banking and Currency.

By Mr. REID (for himself, Ms. Abzug, Mr. Badillo, Mrs. Chisholm, Mr. Conyers, Mr. Danielson, Mr. De Lugo, Mr. Flood, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Moakley, Mr. Moorhead of Pennsylvania, and Mr. Moss):

H.R. 3692. A bill to implement the constitutional prerogatives and responsibilities of the legislative branch; to the Committee on Government Operations.

By Mr. REID (for himself, Mr. Nix, Mr. Obey, Mr. O'Hara, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr.

REES, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. SEIBERLING, Mr. TIERNAN, Mr. WON PAT, and Mr. YATRON):

H.R. 3693. A bill to implement the constitutional prerogatives and responsibilities of the legislative branch; to the Committee on Government Operations.

By Mr. RODINO:

H.R. 3694. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

H.R. 3695. A bill to establish the American Revolution Bicentennial administration and for other purposes; to the Commission on the Judiciary.

By Mr. ROE:

H.R. 3696. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3697. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

By Mr. RONCALLO of New York:

H.R. 3698. A bill to amend the Emergency Employment Act of 1971 to extend for 1 year (through the fiscal year 1974), at current levels, the authorization of funds for carrying out such act (including the special employment assistance program); to the Committee on Education and Labor.

By Mr. ROSENTHAL:

H.R. 3699. A bill to prohibit sonic booms by civil aircraft within the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FISH, and Mr. FLOOD):

H.R. 3700. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. FOUNTAIN, Mrs. GRASSO, Mr. HAWKINS, Miss HOLTZMAN, Mr. KEMP, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. SYMINGTON, Mr. WON PAT, Mr. YATRON, and Mr. MCCORMACK):

H.R. 3701. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FLOOD, and Mr. FOUNTAIN):

H.R. 3702. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mrs. GRASSO, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. KEMP, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. SYMINGTON, Mr. WON PAT, and Mr. YATRON):

H.R. 3703. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FISH, and Mr. FLOOD):

H.R. 3704. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. FOUNTAIN, Mrs. GRASSO, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. KEMP, Mr. LEHMAN, Mr. MAZZOLI, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. SYMINGTON, Mr. WON PAT, and Mr. YATRON):

H.R. 3705. A bill to amend the Fair Packaging and Labeling Act to require cetrain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FLOOD, Mrs. GRASSO, Mr. HELSTOSKI, Mr. KEMP, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MAZZOLI, Mrs. SCHROEDER, Mr. WON PAT, and Mr. YATRON):

H.R. 3706. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FLOOD, Mrs. GRASSO, Mr. HAWKINS, Mr. HELSTOSKI, Mr. KEMP, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. SYMINGTON, Mr. WON PAT, and Mr. YATRON):

H.R. 3707. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mrs. GRASSO, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. WON PAT, and Mr. YATRON):

H.R. 3708. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FISH, Mr. FLOOD, Mrs. GRASSO, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. LEHMAN, Mrs. SCHROEDER, Mr. WON PAT, and Mr. YATRON):

H.R. 3709. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the November 1972 retail levels and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers reasonable meat prices and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO. Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FISH, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. LEHMAN, Mrs. SCHROEDER, and Mr. YATRON):

H.R. 3710. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FLOOD, Mrs. GRASSO, Mr. HAWKINS, Mr. HELSTOSKI, Miss HOLTZMAN, Mr. LEHMAN, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. SYMINGTON, Mr. WON PAT, and Mr. YATRON):

H.R. 3711. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. FLOOD, Mr. FOUNTAIN, Mrs. GRASSO, Miss HOLTZMAN, Mr. HELSTOSKI, Mr. LEHMAN, Mr. MAZZOLI, Mr. MOAKLEY, Mrs. SCHROEDER, and Mr. YATRON):

H.R. 3712. A bill to require that certain durable products be prominently labeled as to date of manufacture and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BERGLAND, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FASCELL, Mr. HELSTOSKI, Mrs. SCHROEDER, Mr. WON PAT, and Mr. YATRON):

H.R. 3713. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BURTON, Mrs. CHISHOLM, Mr. CORMAN, Mr. COTTER, Mr. DE LUGO, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. FLOOD, Mrs. GRASSO, Mr. HELSTOSKI, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. WON PAT, and Mr. YATRON):

H.R. 3714. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

By Mr. ROYBAL:

H.R. 3715. A bill to amend the Immigration and Nationality Act to increase immigration from Western Hemisphere nations; to the Committee on the Judiciary.

H.R. 3716. A bill to provide that certain aliens illegally in the United States may have their status adjusted to that of permanent residents; to the Committee on the Judiciary.

H.R. 3717. A bill to amend the Social Security Act to provide for certain documentation before the issuance of social security account numbers to aliens and citizens; to the Committee on Ways and Means.

By Mr. SATTERFIELD:

H.R. 3718. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. SHRIVER, Mr. SKUBITZ, and Mr. WINN):

H.R. 3719. A bill to provide price support for milk at not less than 85 percentum of the parity price therefor; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. CHAPPELL, Mr. WAGGONNER, and Mr. DORN):

H.R. 3720. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES:

H.R. 3721. A bill to amend section 921 of title 18 of the United States Code to add a definition of "convicted"; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 3722. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of Congress; to the Committee on Foreign Affairs.

By Mr. SISK (for himself, Mr. ANDERSON of Illinois, Mr. BYRON, Mr. CLARK, Mr. DELLENBACK, Mr. ESCH, Mr. FISH, Mr. GOODLING, Mr. HALEY, Mr. HANLEY, Mr. HARSHA, Mr. HASTINGS, Mr. KING, Mr. MOLLOHAN, Mr. PEPPER, Mr. QUIE, Mr. RUPPE, Mr. SANDMAN, Mr. STRATTON, Mr. TEAGUE of California, Mr. THOMPSON of New Jersey, Mr. VIGORITO, Mr. WIDNALL, and Mr. YATRON):

H.R. 3723. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products produced or sold under contract, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 3724. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. JAMES V. STANTON:

H.R. 3725. A bill to protect the public's right to know; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD (for himself, Mr. DENHOLM, and Mr. BRECKINRIDGE):

H.R. 3726. A bill to provide price support for milk at not less than 85 per centum of the parity price therefor; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 3727. A bill to provide that compensation received by an individual from the Veterans' Administration for service-connected disability shall not be taken into account as income so as to prevent his occupance of Government-sponsored housing (or so as to increase the rent which he would otherwise be required to pay); to the Committee on Banking and Currency.

H.R. 3728. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 3729. A bill to amend title 18 of the United States Code to prohibit certain activities in time of war or armed conflict; to the Committee on the Judiciary.

H.R. 3730. A bill to impose certain safeguards on investigations carried out by Federal agencies; to the Committee on the Judiciary.

H.R. 3731. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

H.R. 3732. A bill to amend title 38, United States code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

H.R. 3733. A bill to authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal and foreign agencies, and to demolish such war memorials in certain instances; to the Committee on Veterans' Affairs.

H.R. 3734. A bill to transfer control of Pershing Hall to the Administrator of Veterans' Affairs in order that such building may be preserved as a memorial to General of the Armies of the United States John J. Pershing while being utilized in the best interest of the United States; to the Committee on Veterans' Affairs.

H.R. 3735. A bill to transfer control of Pershing Hall to the Secretary of State; to the Committee on Veterans' Affairs.

H.R. 3736. A bill to amend section 3101 of title 38, United States Code, to provide that the proceeds of any policy of U.S. Government Life Insurance, National Service Life Insurance, Servicemen's Group Life Insurance, or Veterans' Group Life Insurance shall not be included in the computation of the gross value of the insured's estate for Federal estate tax or State inheritance tax purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 3737. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 3738. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuance of special health care coverage for retarded or handicapped dependents of certain members of the Armed Forces after the retirement of such members; to the Committee on Armed Services.

By Mr. THOMSON of Wisconsin:

H.R. 3739. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 3740. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. WALDIE (for himself and Mrs. BURKE of California):

H.R. 3741. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. WARE:

H.R. 3742. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Banking and Currency.

By Mr. WILLIAMS:

H.R. 3743. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. WILLIAMS (for himself and Mr. WHITEHURST):

H.R. 3744. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 3745. A bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows; to the Committee on Veterans' Affairs.

By Mr. WYMAN:

H.R. 3746. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 3747. A bill to protect collectors of antique glassware and china against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

H.R. 3748. A bill to amend the Securities Act of 1933 to provide certain persons with procedures for applying to the Securities and Exchange Commission; to the Committee on Interstate and Foreign Commerce.

H.R. 3749. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 3750. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. ABDNOR:

H.J. Res. 285. Joint resolution to honor American war dead in Vietnam by flying the flag at half staff from February 27 to March 27, 1973; to the Committee on the Judiciary.

By Mr. BEARD:

H.J. Res. 286. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 287. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. CAMP:

H.J. Res. 288. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 289. Joint resolution to authorize the President to proclaim the last Friday of April of each year as National Arbor Day; to the Committee on the Judiciary.

By Mr. DELANEY:

H.J. Res. 290. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from the moment of conception; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 292. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. FULTON, Mr. SANDMAN, and Mr. STEELMAN):

H.J. Res. 293. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. DE LUGO (for himself and Mr. WON PAT):

H.J. Res. 291. Joint resolution proposing an amendment to the Constitution to provide for the participation of Guam and the Virgin Islands in the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 294. Joint resolution to establish a temporary commission to study the relationship between drug addiction and crime and make recommendations for the control of such addiction; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.J. Res. 295. Joint resolution establishing expenditure priorities between care for American war dead, American prisoners of war, American veterans and the reconstruction of North Vietnam; to the Committee on Foreign Affairs.

By Mr. WALDIE (for himself and Mr. GUDE):

H.J. Res. 296. Joint resolution to authorize the President to proclaim the last week of June of each year as National Autistic Children's Week; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California:

H.J. Res. 297. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. ZABLOCKI:

H.J. Res. 298. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from the moment of conception; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Con. Res. 106. Concurrent resolution requesting the President to proclaim March 21, the vernal equinox, of each year as Earth Day; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. ALEXANDER, Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COUGHLIN, Mr. DANIELSON, Mr. DERWINSKI, Mr. FLOWERS, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FRENZEL, and Mr. HANNA):

H. Con. Res. 107. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

By Mr. FREY (for himself, Mr. HARRINGTON, Mr. HASTINGS, Mr. HUBER, Mr. ICHORD, Mr. KEATING, Mr. MAILLIARD, Mr. MALLARY, Mr. ROBINSON of Virginia, Mr. VEYSEY, Mr. WARE, Mr. WHITEHURST, Mr. WYATT, and Mr. WYLIE):

H. Con. Res. 108. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

By Mr. PATMAN:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. HARRINGTON:

H. Res. 184. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mr. HÉBERT (for himself and Mr. BRAY):

H. Res. 185. Resolution authorizing the Committee on Armed Services to conduct full and complete studies and investigations and make inquiries on any and all matters within its jurisdiction as set forth in clause 3, rule XI of the Rules of the House of Representatives; to the Committee on Rules.

H. Res. 186. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to H. Res. 185; to the Committee on House Administration.

By Mrs. SULLIVAN:

H. Res. 187. Resolution authorizing the Committee on Merchant Marine and Fisheries to conduct certain studies and investigations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

21. By the SPEAKER: A memorial of the Legislature of the State of Oklahoma, relative to funding of the Library Services and Construction Act; to the Committee on Appropriations.

22. Also, a memorial of the Legislature of the State of Idaho, relative to the formula for the distribution of Federal funds to educational programs; to the Committee on Education and Labor.

23. Also, Legislature of the State of Oklahoma, relative to the late President Lyndon Baines Johnson; to the Committee on House Administration.

24. Also a memorial of the Legislature of the Territory of Guam, relative to the Honorable Antonio B. Won Pat; to the Committee on Interior and Insular Affairs.

25. Also, a memorial of the Legislature of the State of Idaho, relative to the highway trust fund; to the Committee on Public Works.

26. Also, a memorial of the Legislature of the State of South Carolina, relative to continuing the provisions of the Public Works and Economic Development Act of 1965 so as to maintain programs of the Economic Development Administration and the Coastal Plains Regional Commission; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARMSTRONG:

H.R. 3751. A bill for the relief of James E. Fry, Junior, and Margaret E. Fry; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 3752. A bill for the relief of Carlo Bassanini; to the Committee on the Judiciary.

H.R. 3753. A bill for the relief of Ippolita Maffei; to the Committee on the Judiciary.

H.R. 3754. A bill for the relief of Mrs. Bruna Turni and Miss Graziella Turni; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 3755. A bill for the relief of Richard B. Bradley; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 3756. A bill for the relief of Jerry P. Tomcal; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (by request):

H.R. 3757. A bill for the relief of Gennaro Orlando; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 3758. A bill for the relief of Isabel Eugenia Serrane Macias Ferrier; to the Committee on the Judiciary.

H.R. 3759. A bill for the relief of Mrs. Ana Maria de Lima Sousa Raposo and her two children, Paulo and Carlos; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 3760. A bill for the relief of Anna I. Duisberg, sole heir of Dr. Walter H. Duisberg; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 3761. A bill for the relief of Joyce Ann Farrior; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 3762. A bill for the relief of Ruben Miguel Mastrapa; to the Committee on the Judiciary.

By Mr. MINSHALL of Ohio:

H.R. 3763. A bill for the relief of Francesco Ardito; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 3764. A bill for the relief of Azucena Castillo-Artavia; to the Committee on the Judiciary.

H.R. 3765. A bill for the relief of Gloria Hernandez; to the Committee on the Judiciary.

H.R. 3766. A bill for the relief of Calogero Mallia; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 3767. A bill for the relief of Mr. and Mrs. Tyrone Magsino; to the Committee on the Judiciary.

H.R. 3768. A bill for the relief of Mr. and Mrs. J. Marcello Veron Ramos; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 3769. A bill for the relief of H. Dixon Smith; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 3770. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. THOMSON of Wisconsin:

H.R. 3771. A bill for the relief Mr and Mrs. Sidney Dutchin and family; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 3772. A bill for the relief of Edward R. Davies; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 3773. A bill to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

36. By the SPEAKER: Petition of Ray Lake, and others, Troy, Mo., relative to amending the Judiciary and Judicial Procedure Act of 1948, to provide protection for law enforcement officers sued for damages in Federal court resulting from the performance of their duties; to the Committee on the Judiciary.

37. Also, petition of Frank M. Meyer, Blandford, Mass., relative to the creation of Federal justices of the peace; to the Committee on the Judiciary.

SENATE—*Monday, February 5, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. WALTER HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, ruler of men and nations, as this body lays down its program for the coming months, enable all of us to undertake our tasks with the highest wisdom and the most sincere dedication we possess, duly measuring what is urgent and timely against what is enduring and timeless. Show us clearly what our duty is and help us to be faithful in doing it. Let all we do be well done, fit for Thine eyes to see. Light up the small duties and routine chores in the belief that glory may dwell in the commonest task and that all work is a divine vocation since Thou didst enter our life in a carpenter. May we ever "do justly, love mercy, and walk humbly with our God."

We pray through Him who is Lord of all our days. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 5, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOMMENDATIONS SOUGHT ON REVISING REGULATIONS UNDER THE FEDERAL ELECTION CAMPAIGN ACT

Mr. MANSFIELD. Mr. President, at the request of the Secretary of the Senate, in his capacity as supervisor for Senate elections under the Federal Election Campaign Act, I wish to announce that suggestions and recommendations are being solicited by the Office of the Secretary with respect to a revision of regulations issued under the Federal Election Campaign Act insofar as it applies to elections for the U.S. Senate.

This announcement is being made in conjunction with the conclusion of the first annual reporting cycle under title III of the Federal Election Campaign Act. Year end reports covering political receipts and expenditures relating to Senate elections up to December 31, 1972, were due in the Office of the Secretary by the last day of January.

The act contemplates a new annual reporting cycle in calendar year 1973, in which reports will be due with respect to receipts and expenditures made during 1973 either in anticipation of a future Senate election or to defray debts resulting from a past Senate election.

In planning to meet these continuing responsibilities, the Office of the Secretary is anxious to benefit from the experience of political committees and candidates who have been subject to the requirements of the act since it became effective on April 7, 1972. Many suggestions and recommendations have been received already during the first 10 months of operation under the new bill. Comment has been directly solicited by the Secretary from the secretaries of state in the 33 States in which Senate elections were held last year.

The purpose of this announcement is to invite formal comment from all those who wish to recommend changes or revisions in the administration of the act with respect to Senate elections, and who may not have already made their views known. Comments should be submitted in letter form and addressed to:

Hon. Francis R. Valeo, Secretary of the Senate, room S-221, U.S. Capitol, Washington, D.C. 20510.

All comments will be given thorough review and considered for possible incorporation in a revised version of the "Manual of Law, Regulations and Accounting Instructions" issued by the Secretary in compliance with the act. All revisions will be made in close collaboration with the other two supervisory officers, the Clerk of the House and the Comptroller General, so that uniform regulations will apply to all parties complying with the act.

In the event that pertinent comments or suggestions appear to make desirable basic changes in the statute, the secretary will make appropriate reference for legislative consideration.

I urge all interested parties to take advantage of this opportunity to assist in the constructive implementation of the Federal Election Campaign Act.

I might add that the Office of the Secretary is publishing shortly a technical report on the implementation of the Federal Election Campaign Act during the first annual reporting cycle. The report, which has been prepared by Marilyn E. Courtot of the Subcommittee on Computer Services of the Committee on Rules and Administration, describes in detail the many complex preparations which had to be made in a short period of time, including daily microfilming of records with computerized indexing, in order to meet the requirements of the act.

JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION ABOLISHMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 18, S. 267.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 267, to abolish the Joint Committee on Navajo-Hopi Indian Administration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes", approved April 19, 1950 (64 Stat. 47; 25 U.S.C. 640), is repealed.

Mr. MANSFIELD. Mr. President, may I say that the abolishment of this particular committee is the result of Democratic initiative.

Mr. SCOTT of Pennsylvania. Mr. President, if I may, I should like to commend the Democrats on their initiative in finally abolishing one of many committees.

TRIBUTE TO FORMER PRESIDENT JOHNSON—OKLAHOMA HOUSE CONCURRENT RESOLUTION 1008

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Enrolled House Concurrent Resolution No. 1008 passed by the house of representatives of the first session of the 34th Oklahoma Legislature, the senate concurring, having to do with the passing of our distinguished former President, Lyndon B. Johnson, and our distinguished late colleague, Senator Lyndon B. Johnson, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE OKLAHOMA STATE RESOLUTION

(A concurrent resolution noting the life and many accomplishments of the Honorable Lyndon Baines Johnson, 36th President of the United States of America; citing his achievements as a Congressman, Senator, Vice President, and President; noting his compassion and deep concern for his fellow man; expressing the sympathy and condolences of the people of Oklahoma to the family of former President Johnson; and directing distribution)

Whereas, on January 22, 1973, the Omnipotent Lord of the Universe did summon his faithful and loyal servant Lyndon Baines Johnson, former Congressman, Senator, Vice President and 36th President of these United States; and

Whereas, it is appropriate that the State of Oklahoma join the remainder of the Nation and the World in recognition of the contributions to mankind made by Lyndon Baines Johnson throughout his years of public service; and

Whereas, Mr. Johnson was born on a farm near Stonewall, Texas, on August 27, 1908, graduated from high school in Johnson City, Texas, received his Bachelor of Science Degree from Southwest Texas State Teachers College at San Marcos, Texas, and attended Georgetown University Law School in Washington, D.C.; and

Whereas, Mr. Johnson taught public speaking in Houston High School from 1930 to 1932, served as secretary to Representative R. M. Kleberg from 1932 to 1935, and was appointed Texas State Administrator of the National Youth Administration by President Franklin D. Roosevelt in 1935; and

Whereas, Lyndon B. Johnson, following the example of his father and grandfather who served in the Texas Legislature, sought and won election to Congress in 1937, and was then reelected to five full terms; and

Whereas, Mr. Johnson was elected to the United States Senate in 1948, and was reelected in 1954, becoming his party's whip in 1951 and Majority Leader in 1953; and

Whereas, he was a member of the U.S. Naval Reserve and served in the United States Navy as a Lieutenant Commander in 1941–42, winning the Silver Star for bravery in action; and

Whereas, Mr. Johnson was Texas' favorite son for the Democratic presidential nomination in 1956, and was selected as the vice-presidential nominee in 1960; and

Whereas, Lyndon B. Johnson proved to be a tireless campaigner during the election and a hard-working Vice President when elected, representing President John F. Kennedy abroad and serving as Chairman of the President's Committee on Equal Employment Opportunity and as a member of numerous advisory boards governing the areas of national security, space and technology, and the Peace Corps; and

Whereas, Lyndon B. Johnson succeeded John F. Kennedy in the Presidency on November 22, 1963, and quickly moved to complete the programs he had helped mold as Vice President, including those in the areas of civil rights, antipoverty, tax reduction, national defense, and education; and

Whereas, winning election to a full term in 1964, Mr. Johnson, his firm and resolute character further shaped by the crucible of the Presidency, determined to complete the platform of the "New Frontier," and to expand upon its goals many times over through the worthy "Great Society" program, insuring a greater measure of social and economic justice for all Americans; and

Whereas, President Johnson guaranteed to all citizens more self-respect and a higher degree of participation in the tasks and benefits of society through the enactment of measures on voting rights, medicare, veterans benefits, social security, minimum wages and rent supplements; and

Whereas, he showed keen foresight and great innovative capacity in new programs for elementary and secondary education, higher education, transportation planning, housing and urban development, model cities, air and water pollution, and development of parks and recreation land—all areas which have the most vital impact upon the quality and style of American life; and

Whereas, the fruits of the foregoing programs could readily be seen in an increased gross national product, a drop in unemployment rates coupled with the creation of over seven million new jobs, and an increase of $180 billion in disposable personal income for the people of this country; and

Whereas, President Johnson increased communication and understanding between all the peoples of the world, and gave them an enlarged share of freedom and security through such devices as the Peace Corps, Food for Freedom, the Alliance for Progress, the Nuclear Test Ban Treaty, and a far-reaching space program; and

Whereas, as President, Mr. Johnson led the Nation through a period of extreme danger from external enemies, and bore well the difficult burden of leadership of the free world in its fight to resist Communist domination; and

Whereas, President Johnson's concern for the well-being of the American people was indicated not only in his writings, including *This America, A Time for Action*, and *The Vantage Point; Perspectives of the Presidency*, but also in his daily actions as a citizen, a party leader and a public official; and

Whereas, no mere listing of the many achievements and proud accomplishments of Lyndon B. Johnson can describe adequately his compassion, his goodwill and his proven capability for leadership and growth within the framework of our American democracy; and

Whereas, many Oklahomans were fortunate enough to have known him well, and to have served with him during his long public career, so that it is with the special regard of neighbors and friends that we express our sincere admiration for the achievements of Lyndon Baines Johnson.

Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature, the senate concurring therein:

Section. 1. That the State of Oklahoma join the Nation and the World in recognition of the achievements and accomplishments of Lyndon Baines Johnson during his loyal tenure as a public official.

SEC. 2. That the State of Oklahoma and its citizens express their heartfelt sympathy and condolences to the family of former President Lyndon Baines Johnson.

SEC. 3. That this Concurrent Resolution be spread in full upon the pages of the House and Senate Journals of the 1st Session of the 34th Oklahoma Legislature.

SEC. 4. That duly authenticated copies of this Resolution, following consideration and enrollment, be prepared for and sent to:

Mrs. Lyndon B. Johnson, her daughters Lynda and Luci and their families;

The Lyndon B. Johnson Library at the University of Texas in Austin;

The Library of Congress;

President Richard M. Nixon;

Vice President SPIRO T. AGNEW;

Honorable MIKE MANSFIELD, Majority Leader, United States Senate;

Honorable CARL ALBERT, Speaker, United States House of Representatives.

Adopted by the House of Representatives the 24th day of January, 1973.

TRIBUTE TO SENATOR SAM ERVIN OF NORTH CAROLINA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in yesterday's New York Times, written by James M. Naughton, entitled "Ervin Assuming Leadership in Effort To Reassert the Authority of Congress."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1973]

ERVIN ASSUMING LEADERSHIP IN EFFORT TO REASSERT THE AUTHORITY OF CONGRESS

(By James M. Naughton)

WASHINGTON, February 3.—Sam J. Ervin, Jr. has a jowly, lined face resembling the Appalachian foothills. He frequently slaps his thigh and chortles as he tells courthouse anecdotes, and at the age of 76, he would seem to be about as rebellious in nature as a retired country preacher.

But Mr. Ervin is the senior Senator from North Carolina, his bible is the United States Constitution—in its original form—and if the Congress does more this year than just talk about reasserting its authority, it will be largely because of Mr. Ervin.

"He is the man to watch this year," Senator Mike Mansfield, the majority leader, said the other day. "He'll have his hands full."

The Senate Judiciary Subcommittee on Separation of Powers, headed by Mr. Ervin, conducted hearings this week and will again next week on his proposal to require the President to spend money the way Congress appropriates it.

Another Judiciary subcommittee headed by Mr. Ervin will take up later this month an examination of Government efforts to force newsmen to reveal their sources of information. Mr. Ervin will also be chairman of a full-scale Senate investigation of charges that the Committee for the Re-election of the President conducted political espionage and sabotage last year.

WHITE HOUSE CONCERNED

In his spare moments, Senator Ervin will push for limits on the Nixon Administration's use of "executive privilege" to withhold testimony from Congressional committees, on the power of the White House to enter into "executive agreements" with other governments and on the President's use of the "pocket veto" to kill measures enacted by Congress.

"We're going to have trouble," one White House official said.

The reason for the official's concern is twofold: After years of acquiescence in the absorption of power at the White House, Congress is suddenly awash with rhetoric about a resulting "constitutional crisis"; and, after 18 years in the Senate, Mr. Ervin has acquired a reputation as its foremost consultant on the Constitution.

"I have been fighting for years to try to enforce the doctrine of separation of powers," the Senator said as he sat recently in his bookstrewn office.

Until now, Mr. Ervin said, Congress has seemed reluctant to do much more than "engage in a certain amount of intellectual bellyaching" about such matters as a President's refusal to spend money as Congress directs.

Thus, as he waggled his handlebar eyebrows and brushed ineffectually at stalks of chalk-toned hair that danced back across his forehead, he appeared to take an impish delight in the fact that what he views as excessive secrecy or arrogance in the Nixon

White House has gained new allies for his cause.

Mr. Ervin has 50 co-sponsors for a bill to require the President to release impounded appropriations unless Congress consents, within 60 days, to a request to withhold the money. Seventeen senior Democratic Senators joined him in filing a legal brief in support of a Missouri court test of the Administration's refusal to spend highway trust funds. The Senate Democratic Caucus voted unanimously to ask Mr. Ervin to lead the Watergate investigation.

At first glance, Mr. Ervin's Senate career seems full of contradictions and unlikely to make him the central figure in a campaign to raise Congress to a par with the executive and judiciary.

He filibustered against civil rights bills, but often initiated civil liberties legislation. He tried to defeat Federal housing programs, but challenged the President's refusal to spend the housing money. He backed the war in Vietnam, but fought Army surveillance of antiwar protesters. He came from the Bible Belt town of Morganton, N.C., but defended the Supreme Court ruling against prayer in public schools.

If there is a consistency in Mr. Ervin's record, it is that he views every bill he votes on in terms of his interpretation of the Constitution.

"I think," he said, "that apart from the faithful observance of the Constitution by the President, the Congress and the courts, our country has no protection against tyranny."

He recalls having gone through Harvard Law School backwards—third year first, then the second year and finally the first year classes—and would just as soon have the Supreme Court track back to the Constitution in its original form.

"Sometimes I think the Supreme Court's reversed everything I ever knew on the subject and left me in a state of total ignorance," Mr. Ervin said—with the same laugh he uses to embellish his cracker-barrel stories.

Amid quotations from Thomas Jefferson or James Madison, he is just as likely to cite Lum Garrison, the town philosopher of Morganton half a century ago: "The first time I ran for the Legislature, Lum told me. 'Pass no more laws and repeal half of those we got.' "

Mr. Ervin's homespun gentility may be his biggest asset. He does not raise his voice in committee hearings. He does not hammer on his desk as some colleagues do to underline their seriousness. Instead, Senator Ervin smiles.

When he smiled last Thursday and said that he was "considering" issuing subpoenas for two Cabinet members who were reluctant to testify before one of his subcommittees, a White House official sped to Mr. Ervin's office and promised that the Cabinet officers would appear.

The Senator smiled as he listened to Roy L. Ash, the new director of the White House Office of Management and Budget, testifying that the President had the right to withhold appropriated funds. Mr. Ervin made his point by instructing an aide to give Mr. Ash a blue, paperbound copy of the United States Constitution.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time or I yield it to the Senator, from North Carolina (Mr. Ervin), if he so desires.

(The remarks Senator Ervin made at this point when he submitted Senate Resolution 60, dealing with the Presidential election of 1972, are printed in the Routine Business section of the Record under Submission of Resolution 60.)

CONGRESS SHOULD REVIEW PROPOSED RULES OF EVIDENCE FOR FEDERAL COURTS

Mr. ERVIN. Mr. President, in connection with the Senate's consideration of S. 583, a bill to provide Congress with sufficient time to consider carefully the newly proposed rules of evidence for the Federal courts, I ask unanimous consent that an excellent, preliminary review of these proposed rules in the form of a letter dated February 3, 1973, by Prof. Francis Paschal, of Duke University School of Law, be printed at this point in the Congressional Record.

Professor Paschall correctly suggests that the nature of and likely impact of the proposed rules are such that Congress, as well as the Supreme Court, has a clear responsibility to review them. I fully share his opinion that "a thorough legislative airing is needed" before these rules become operative.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Duke University, Durham, N.C.,
February, 3, 1973.

Hon. Sam J. Ervin, Jr.,
U.S. Senate, Washington, D.C.

Dear Senator Ervin: I have been much pleased to read in the papers that you are not completely satisfied that the proposed new Federal Rules of Evidence should be allowed to become effective. I certainly am not so satisfied and without coming to a final conclusion about any particular rule, I am certain in my own mind that they should not be allowed to become effective without a thorough legislative consideration of the entire draft.

I say this because at least some of the Rules deal with problems which peculiarly call for an assessment which Congress is far better prepared to make than the Supreme Court, or any group of advisers the Court may summon to its aid. A conspicuous example is Rule 609(d) which allows juvenile adjudications to be offered in evidence in some circumstances, however much a particular state believes confidentiality is essential to the efficacy of its treatment of juveniles. So far as I know, this is not a problem to which the Court has ever addressed itself. Certainly, the states affected have had no chance to defend their views and can only have this chance if Congress gives it to them. Congress can look at this problem whole as the Court cannot. It is a matter plainly calling for the use of legislative resources.

Another example involving the considerations just stated is the Rules' treatment of privilege. Rule 504 favors a psychotherapist-patient privilege. It is beyond my understanding why this privilege is favored while others are restricted. Be that as it may, plainly we have a situation here calling for a legislative judgment informed by sources at the disposal of Congress but hardly available to the Court.

For somewhat different reasons, thorough legislative consideration is demanded as to a number of Rules that are new and would, I believe, create a new balance between plaintiffs and defendants. Some of these I am quite willing to approve of in the abstract but they cannot be so considered. One must bear in mind the *Erie* doctrine and the urge to forum-shopping certain to be engendered by these Rules. This must be the inevitable result of proposed Rule 702 dealing with expert testimony. On direct examination, the expert will be allowed to give his opinion without any evidentiary basis and without a showing of any personal knowledge. The burden will be shifted to the cross-examination. This may not be a bad idea but it marks a radical alteration in the burden traditionally borne by the opposing parties. Section 401 in respect to relevancy is also sure to increase the urge to shop for a federal forum and the same can be said for Rule 803d(6). This last Rule, it seems to me, should be rejected on its merits, or its lack of them. If I read it correctly, a plaintiff could on occasion get to the jury in a malpractice case simply by producing the hospital record. The declarant would never have been examined by anyone. Whatever virtues this Rule may have, it seems to me again to invoke a legislative judgment essentially, not merely as to the abstract wisdom of the Rule but as to whether it is desirable for the federal courts to function under a Rule so radically different from that prevailing in most states. The same notion is also particularly pertinent to Rule 301 dealing with presumptions.

These Rules suffer from another rather peculiar fault. They needlessly encourage grace constitutional questions. Rule 804d(1), for example, says that testimony given at a former hearing is admissible if the declarant was subject to cross-examination by a person "with motive and interest similar to those of the party" against whom it is offered. Obviously, it does not satisfy the Constitutional right to confront one's accusers to say that someone else had the opportunity.

There is much else one could say of these Rules as I am sure you realize. They bristle with difficulties and many seem to me down right wrong, however considered. In this category I put Rules 607 and 801d(1) when taken in combination. Rule 607 gives free rein to anyone to impeach any witness, including his own. Thus, if A, in a statement to police officers, incriminated B and B is charged, the prosecutor, even though he has later been told by A that A would on the stand repudiate his earlier statement, can, when he calls A as a witness, present A's earlier statement under Rule 801d(1). This last Rule says that a statement is not hearsay if "the declarant testifies at the trial or hearing . . . and the statement is inconsistent with his testimony." This seems to me to make it altogether too easy for a prosecutor to make his case but if I read the Rules correctly, this is exactly what is allowed. In any event, such possibilities cry out for Congressional consideration and I am hopeful that there will be a full scale, Rule by Rule, evaluation.

To sum up, if these Rules were merely Rules of Evidence, I would be less inclined to say that the Court's judgment is not to be accepted. But they are much more. They raise vital questions involving the rights of the states without the states having been heard. They achieve new balances between plaintiffs and prosecutors on the one hand and defendants on the other. They exacerbate the problem of forum shopping and are sure to provoke fresh demands on the resources of the Federal Courts. They needlessly encourage grave Constitutional questions. The responsibility in all these matters can best be exercised by Congress. In any event, a thorough legislative airing is needed.

I send you every good wish and all applause for the work you are doing.

Truly yours,

Francis Paschal.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Arkansas (Mr. McCLELLAN) is now recognized for not to exceed 15 minutes.

VACATING OF ORDER FOR SENATOR McCLELLAN TO SPEAK TODAY, AND ORDER FOR RECOGNITION OF SENATOR McCLELLAN AT THE SAME TIME TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished Senator from Arkansas (Mr. McCLELLAN), that the order for him to speak today be vacated and that it be reinstituted for him tomorrow, in the same position on the program.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield at this point to the distinguished senior Senator from Iowa (Mr. HUGHES) for the purpose of his presenting a visiting guest who is now in the Chamber.

VISIT TO THE SENATE BY VISCOUNT INGLEBY OF THE BRITISH HOUSE OF LORDS

Mr. HUGHES. Mr. President, it is my great privilege to have the honor to present to this distinguished body a visiting guest, the Right Honorable Viscount Ingleby, who is a Member of the British House of Lords.

He is a man who has accepted the responsibility of dealing with matters of conservation, forestry, and the moral problems of our day, which we all face and debate in the Senate.

Viscount Ingleby has attended many of our conferences here. He also attended the President's Prayer Breakfast last week and surrounding conferences. He did want to have the opportunity to visit the Senate Chamber. We are very happy to have him with us now.

[Applause, Senators rising.]

Mr. HUGHES. I thank the distinguished Senator from West Virginia for yielding me this time.

PROGRAM FOR THE REMAINDER OF THIS WEEK

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator from West Virginia yield briefly?

Mr. ROBERT C. BYRD. I am happy to yield to the distinguished Republican leader.

Mr. SCOTT of Pennsylvania. May I inquire of the distinguished majority leader of the schedule for the remainder of this week?

Mr. ROBERT C. BYRD. I yield for that purpose.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, in response to the query of the distinguished minority leader, S. 518 is the unfinished business, which will be voted on at 2 o'clock this afternoon.

The second bill on the calendar, S. 267, to abolish the Joint Committee on Navajo-Hopi Indian Administration, has just been passed by the Senate.

The pending business is S. 38, a bill to amend the Airport and Airway Development Act of 1970.

It is anticipated that following the conclusion of that bill, the Senate will proceed to the consideration of calendar 20, S. 39, a bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy and for other purposes.

It is anticipated that the nomination of the Hon. Caspar Weinberger will be disposed of before the Senate concludes its business at the end of business on Thursday next.

In addition, we have the veterans' cemetery bill, which we understand will be reported by the Veterans Committee shortly.

Hopefully, we will be able to dispose of the Older Americans Act extension and the vocational rehabilitation bill.

A number of money resolutions, affecting every committee, will be reported this week, I understand, and will be considered on the floor before the recess begins at the conclusion of business on Thursday next.

Also, we will have the Engman nomination for Chairman of the Federal Trade Commission, and, as I have indicated, the Weinberger nomination for Secretary of Health, Education, and Welfare.

So there will be yea and nay votes. There is a busy schedule before we recess for the Lincoln day period, and I urge all Members to be at hand, so that these matters can be disposed of and the calendar kept as clean as possible.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

(The remarks that Senator ROBERT C. BYRD made at this point on the introduction of S. 755, on reconfirmation of Cabinet officers, are printed in the Routine Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is now recognized for not to exceed 15 minutes.

(The remarks Senator BEALL made at this point when he introduced S. 758, the Congressional Budget Control and Oversight Improvement Act, and the ensuing debate on a related subject, are printed in the routine business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senate will now have a period for the transaction of routine morning business not to extend beyond 1 p.m.

ORDER FOR RECOGNITION OF SENATORS ROBERT C. BYRD AND HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the senior Senator from Arkansas (Mr. McCLELLAN), the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes, and that he be followed by the able senior Senator from Iowa (Mr. HUGHES) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio is recognized.

(The remarks Senator TAFT made at this point in the RECORD on the introduction of S. 756 and S. 757, dealing with the financial plight confronting the railroads, are printed in the routine business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON BUDGETARY RESERVES

(S. Doc. No. 93-4)

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on budgetary reserves, as of January 29, 1973; to the Committee on Appropriations, and ordered to be printed.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM, EQUIPMENT, AND FACILITIES, DEFENSE CIVIL PREPAREDNESS AGENCY

A letter from the Director, Defense Civil Preparedness Agency, transmitting, pursuant to law, a report on the Federal contributions program, equipment, and facilities, for the quarter ended December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ASSISTANCE-RELATED EXPENDITURES FOR LAOS

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on assistance-related expenditures for Laos, during the second quarter of fiscal year 1973 (with an accompanying report); to the Committee on Armed Services.

Proposed Uniformed Services Retired and Retainer Pay Equalization Act

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services (with accompanying papers); to the Committee on Armed Services.

Supplemental Listing Relating to Certain Present or Former Officers and Employees of the Department of Defense

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a supplemental listing of certain present or former officers and employees of the Department of Defense presently or formerly employed by certain defense contractors, fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

Report of Securities and Exchange Commission

A letter from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Authorize Appropriations for the President's National Commission on Productivity

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the President's National Commission on Productivity (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Amend Section 404 of the National Housing Act

A letter from the Acting Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to amend section 404 of the National Housing Act (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

Report of National Transportation Safety Board

A letter from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report of that Board in the case of Pan Alaska Airways, Ltc., Cessna 310C, N1812H, missing between Anchorage and Juneau, Alaska, dated October 16, 1972 (with an accompanying report); to the Committee on Commerce.

Report of National Railroad Passenger Corporation

A letter from the President, National Railroad Passenger Corp. (Amtrak), transmitting, pursuant to law, a report of that corporation, for the calendar year 1972 (with an accompanying report); to the Committee on Commerce.

Proposed District of Columbia Freeway Airspace Utilization Act

A letter from the Commissioner, District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Proposed District of Columbia Insurance Act

A letter from the Commissioner, District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to improve the laws relating to the regulating of insurance in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Statistical Appendix to Annual Report of the Secretary of the Treasury on the State of the Finances

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a statistical appendix to the annual report of the Secretary of the Treasury on the state of the finances, for the fiscal year ended June 30, 1972 (with an accompanying document); to the Committee on Finance.

Permanent Residence Status for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting permanent resident status to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Reports on Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to defector aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order suspending deportation in the case of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Establish the American Revolution Bicentennial Administration

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish the American Revolution Bicentennial Administration, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

Notice of Proposed Rules Relating to Family Contribution Schedule for Basic Educational Opportunity Grants, Department of Health, Education, and Welfare

A letter from the Acting Commissioner of Education, transmitting, pursuant to law, a notice of proposed rules relating to family contribution schedule for basic educational opportunity grants, for publication in the Federal Register (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Positions in Grades GS-16, GS-17, and GS-18

A letter from the Director, Federal Bureau of Investigation, Department of Justice, reporting, pursuant to law, on positions in grades GS-16, GS-17, and GS-18 for the year 1972, (with accompanying papers); to the Committee on Post Office and Civil Service.

Report on Positions in Grades GS-16, GS-17, and GS-18, Attorney General's Office

A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on positions in grades GS-16, GS-17, and GS-18 (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDING OFFICER (Mr. HUDDLESTON):

A joint resolution of the Legislature of the State of Idaho; to the Committee on Labor and Public Welfare:

"In the House of Representatives, House Joint Memorial No. 2, by Education Committee

"A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled and the Honorable Congressional delegation of the State of Idaho

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, the Legislature of the State of Idaho has become aware of questions related to the sufficiency of criteria relative to programs for federal assistance to higher and other educational programs within this state and other western states; and

"Whereas, the Legislature has found that formulae for distribution of federal moneys under such programs are based primarily upon the population factor without consideration to additional factors which directly relate to the cost of administration of such programs; and

"Whereas, the study of these distribution formulae has led the Legislature of the State of Idaho to the conclusion that they are inadequate.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the House of Representatives and Senate concurring, that we most respectfully urge the Congress of the United States to reexamine the formulae now governing the distribution of federal assistance funds with consideration for such factors as the sparsity of population, the amounts of federal lands, the transportation costs incurred as a result of geographical distance, additional communication costs, and other costs which increase the administrative costs involved in such federal programs. An adjustment in the distribution formulae should be achieved which results in a more equal opportunity for expenditure on the substantive programs through the better recognition of factors contributing to the administrative costs.

"Be it further resolved that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the Senators and Representatives representing this state in the Congress of the United States.

A concurrent resolution of the Legislature of the State of Indiana; to the Committee on Foreign Relations:

House Concurrent Resolution No. 30

Whereas, the families and friends of those individuals who have been listed as missing in action and as prisoner of war have suffered enormous grief, anxiety and torment; and

Whereas, the current publishing of name lists of prisoners of war has added to the uncertainty of the status of those listed as missing in action; and

Whereas, there are still individuals who have not been listed either as prisoner of war or missing in action which omissions have created great stress upon the families and friends of those individuals: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana the Senate concurring:

SECTION 1. The General Assembly of the State of Indiana does hereby request that every feasible action be undertaken to obtain speedy information about those individuals listed as missing in action and those individuals who have not been listed as missing in action or prisoner of war.

SEC. 2. A copy of this resolution shall be furnished to President Richard Nixon, Vice President Spiro Agnew, Secretary of Defense Melvin Laird, Senator Vance Hartke, Senator Birch Bayh, Representatives Ray J. Madden, Earl F. Landgrebe, John Brademas, J. Edward Roush, Elwood H. Hillis, William G. Bray, John T. Meyer, Roger H. Zion, Lee H. Hamilton, David W. Dennis and William H. Hudnut.

A concurrent resolution of the Legislature of the State of Oklahoma; ordered to lie on the table:

ENROLLED HOUSE CONCURRENT RESOLUTION No. 1008

A concurrent resolution noting the life and many accomplishments of the Honorable Lyndon Baines Johnson, 36th President of the United States of America; citing his achievements as a Congressman, Senator, Vice President, and President; noting his compassion and deep concern for his fellowman; expressing the sympathy and condolences of the people of Oklahoma to the family of former President Johnson; and directing distribution

Whereas, on January 22, 1973, the Omnipotent Lord of the Universe did summon his faithful and loyal servant Lyndon Baines Johnson, former Congressman, Senator, Vice President and 36th President of these United States; and

Whereas, it is appropriate that the State of Oklahoma join the remainder of the Nation and the World in recognition of the contributions to mankind made by Lyndon Baines Johnson throughout his years of public service; and

Whereas, Mr. Johnson was born on a farm near Stonewall, Texas, on August 27, 1908, graduated from high school in Johnson City, Texas, received his Bachelor of Science Degree from Southwest Texas State Teachers College at San Marcos, Texas, and attended Georgetown University Law School in Washington, D.C.; and

Whereas, Mr. Johnson taught public speaking in Houston High School from 1930 to 1932, served as secretary to Representative R. M. Kleberg from 1932 to 1935, and was appointed Texas State Administrator of the National Youth Administration by President Franklin D. Roosevelt in 1935; and

Whereas, Lyndon B. Johnson, following the example of his father and grandfather who served in the Texas Legislature, sought and won election to Congress in 1937, and was then reelected to five full terms; and

Whereas, Mr. Johnson was elected to the United States Senate in 1948, and was reelected in 1954, becoming his party's whip in 1951 and Majority Leader in 1953; and

Whereas, he was a member of the U.S. Naval Reserve and served in the United States Navy as a Lieutenant Commander in 1941–42, winning the Silver Star for bravery in action; and

Whereas, Mr. Johnson was Texas' favorite son for the Democratic presidential nomination in 1956, and was selected as the vice-presidential nominee in 1960; and

Whereas, Lyndon B. Johnson proved to be a tireless campaigner during the election and a hard-working Vice President when elected, representing President John F. Kennedy abroad and serving as Chairman of the President's Committee on Equal Employment Opportunity and as a member of numerous advisory boards governing the areas of national security, space and technology, and the Peace Corps; and

Whereas, Lyndon B. Johnson succeeded John F. Kennedy in the Presidency on November 22, 1963, and quickly moved to complete the programs he had helped mold as Vice President, including those in the areas of civil rights, antipoverty, tax reduction, national defense, and education; and

Whereas, winning election to a full term in 1964, Mr. Johnson, his firm and resolute character further shaped by the crucible of the Presidency, determined to complete the platform of the "New Frontier," and to expand upon its goals many times over through the worthy "Great Society" program, insuring a greater measure of social and economic justice for all Americans; and

Whereas, President Johnson guaranteed to all citizens more self-respect and a higher degree of participation in the tasks and benefits of society through the enactment of measures on voting rights, medicare, veterans benefits, social security, minimum wages and rent supplements; and

Whereas, he showed keen foresight and great innovative capacity in new programs for elementary and secondary education, higher education, transportation planning, housing and urban development, model cities, air and water pollution, and development of parks and recreation land—all areas which have the most vital impact upon the quality and style of American life; and

Whereas, the fruits of the foregoing programs could readily be seen in an increased gross national product, drop in unemployment rates coupled with the creation of over seven million new jobs, and an increase of $180 billion in disposable personal income for the people of this country; and

Whereas, President Johnson increased communication and understanding between all the people of the world, and gave them an enlarged share of freedom and security through such devices as the Peace Corps, Food for Freedom, the Alliance for Progress, the Nuclear Test Ban Treaty, and a far-reaching space program; and

Whereas, as President, Mr. Johnson led the Nation through a period of extreme danger from external enemies, and bore well the difficult burden of leadership of the free world in its fight to resist Communist domination; and

Whereas, President Johnson's concern for the well-being of the American people was indicated not only in his writings, including *This America, A Time for Action*, and *The Vantage Point; Perspectives of the Presidency*, but also in his daily actions as a citizen, a party leader and a public official; and

Whereas, no mere listing of the many achievements and proud accomplishments of Lyndon B. Johnson can describe adequately his compassion, his goodwill and his proven capability for leadership and growth within the framework of our American democracy; and

Whereas, many Oklahomans were fortunate enough to have known him well, and to have served with him during his long public career, so that it is with the special regard of neighbors and friends that we express our sincere admiration for the achievements of Lyndon Baines Johnson.

Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature, the Senate concurring therein:

SECTION 1. That the State of Oklahoma join the Nation and the World in recognition of the achievements and accomplishments of Lyndon Baines Johnson during his loyal tenure as a public official.

SEC. 2. That the State of Oklahoma and its citizens express their heartfelt sympathy and condolences to the family of former President Lyndon Baines Johnson.

SEC. 3. That this Concurrent Resolution be spread in full upon the pages of the House and Senate Journals of the 1st Session of the 34th Oklahoma Legislature.

SEC. 4. That duly authenticated copies of this Resolution, following consideration and enrollment, be prepared for and sent to:

Mrs. Lyndon B. Johnson, her daughters Lynda and Luci and their families;

The Lyndon B. Johnson Library at the University of Texas in Austin;

The Library of Congress;

President Richard M. Nixon;

Vice President Spiro T. Agnew;

Honorable Mike Mansfield, Majority Leader, United States Senate;

Honorable Carl Albert, Speaker, United States House of Representatives.

Adopted by the House of Representatives the 24th day of January, 1973.

Adopted by the Senate the 29th day of January, 1973.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

S. 583. A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress (Rept. No. 93–14).

By Mr. MOSS, from the Committee on Aeronautical and Space Sciences, with amendments:

S.J. Res. 37. Joint resolution to designate the Manned Spacecraft Center in Houston, Texas, as the "Lyndon B. Johnson Space Center," in honor of the late President (Rept. No. 93–15).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

> By Mr. SCOTT of Pennsylvania (for himself, Mr. BIBLE, Mr. BROCK, Mr. CASE, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. MCINTYRE, Mr. PASTORE, Mr. PELL, Mr. SCHWEIKER, Mr. STEVENS, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, Mr. YOUNG, Mr. HANSEN, and Mr. BAKER):

S. 752. A bill to incorporate Pop Warner Little Scholars, Incorporated. Referred to the Committee on the Judiciary.

> By Mr. SCOTT of Pennsylvania (for himself, Mr. SCHWEIKER and Mr. ABOUREZK):

S. 753. A bill to amend the Disaster Relief Act of 1970 with respect to eligibility for relocation assistance. Referred to the Committee on Public Works.

> By Mr. ERVIN (for himself, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BENT-

sen, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mathias, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Roth, Mr. Stevens, Mr. Stevenson, Mr. Talmadge, Mr. Thurmond, Mr. Tunney, and Mr. Williams):

S. 754. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 755. A bill to provide 4-year terms for the heads of the executive departments. Referred to the Committee on Government Operations.

By Mr. TAFT:

S. 756. A bill to amend part I of the Interstate Commerce Act in order to revise the procedures for the abandonment of railroad lines, and for the establishment or revision of rates, fares, and charges for the transportation of property, by common carriers by railroad. Referred to the Committee on Commerce.

S. 757. A bill to amend the Railway Labor Act to promote railway efficiency, to provide increased compensation for railway employees, to decrease the possibility of the disruption of railway transportation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 758. A bill to improve and strengthen the role of Congress with respect to budget control and oversight matters. Referred to the Committee on Government Operations.

By Mr. GOLDWATER:

S. 759. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

By Mr. BROCK:

S. 760. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 761. A bill to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. Pastore, Mr. Ribicoff, Mr. Thurmond, Mr. Magnuson, Mr. Gurney, Mr. Tower, Mr. McGee, Mr. Moss, Mr. Beall, Mr. Chiles, Mr. Nunn, Mr. Abourezk, Mr. Cranston, Mr. Helms, Mr. Allen, and Mr. Hollings):

S. 762. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MOSS:

S. 763. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home. Referred to the Committee on Finance.

S. 764. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics. Referred to the Committee on Labor and Public Welfare.

S. 765. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

S. 766. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants. Referred to the Committee on Labor and Public Welfare.

By Mr. FANNIN (for himself and Mr. Goldwater):

S. 767. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. Weicker, Mr. Pell, Mr. Kennedy, Mr. Javits, Mr. Scott of Pennsylvania, Mr. Ribicoff, Mr. Pastore, Mr. Beall, Mr. Biden, Mr. Williams, and Mr. Brooke):

S. 768. A bill to provide improved high-speed rail passenger service between Boston, New York, and Washington, by 1976. Referred to the Committee on Commerce.

By Mr. TUNNEY:

S.J. Res. 50. A joint resolution authorizing the President to proclaim the last week in June of each year as "National Autistic Children's Week." Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. Bible, and Mr. Mathias):

S.J. Res. 51. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week." Referred to the Committee on the Judiciary.

By Mr. BEALL:

S.J. Res. 52. A joint resolution to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania (for himself, Mr. Bible, Mr. Brock, Mr. Case, Mr. Cranston, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. McIntyre, Mr. Pastore, Mr. Pell, Mr. Schweiker, Mr. Stevens, Mr. Thurmond, Mr. Tunney, Mr. Williams, Mr. Young, Mr. Hansen, and Mr. Baker):

S. 752. A bill to incorporate Pop Warner Little Scholars, Incorporated. Referred to the Committee on the Judiciary.

Mr. SCOTT of Pennsylvania. Mr. President, it gives me pleasure to introduce legislation similar to that which I sponsored in the 92d Congress to provide a Federal charter for Pop Warner junior league football.

I support this program because of its great value not only to the youth of Pennsylvania, but to young people in over 30 of these United States.

The nonprofit charter granted by the Commonwealth of Pennsylvania in 1959 is no longer sufficient to cover the greatly expanded Pop Warner football program.

The principles promoted by Glenn S. "Pop" Warner—physical fitness, cooperative teamplay, self-discipline, and scholastic achievement—are being carried on in the Pop Warner junior league football program, making it a truly worthwhile endeavor.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Herbert Barnes, 1352 Easton Road, Warrington, Pennsylvania; Joseph J. Tomlin, 1004 Western Saving Fund Building, Philadelphia, Pennsylvania; E. J. Carroll, 611 Shipton Lane, Bryn Mawr, Pennsylvania; G. Martin Brill Watts, 571 Sycamore Mills Road, Media, Pennsylvania; James T. Bryan, Junior, 67 Wall Street, New York, New York; Milton Clark, 5401 Walnut Street, Philadelphia, Pennsylvania; George M. Ewing, Junior, 611 Maplewood Road, Wayne, Pennsylvania; Donald C. Osgood, 1000 Miramar Place, Fullerton, California; Anthony F. Visco, Junior, 1418 Packard Building, Philadelphia, Pennsylvania; Maurie H. Orodenker, 6004 North 13th Street, Philadelphia, Pennsylvania; Charles A. Barsuglia, 7246 Marsden Street, Philadelphia, Pennsylvania; Stanley M. Bednarek, 2607 East Allegheny Avenue, Philadelphia, Pennsylvania; Mitchell N. Daroff, Rittenhouse Plaza Apartments, Philadelphia, Pennsylvania; John D. Scott, City Hall, Philadelphia, Pennsylvania; David G. Tomlin, 3664 Richmond Street, Philadelphia, Pennsylvania; and their successors, are hereby created and declared to be a body corporate by the name of Pop Warner Little Scholars, Incorporated (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession. Such corporation shall have the powers and be subject to the limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

Sec. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, and the doing of such other acts as may be necessary to complete the organization of the corporation.

OBJECTS AND PURPOSES OF CORPORATION

Sec. 3. The objects and purposes of the corporation shall be—

(1) to inspire youth, regardless of race, creed, or color, to practice the ideals of sportsmanship, scholarship, and physical fitness; and

(2) to bring youth closer together through the means of common interest in sportsmanship, scholarship, fellowship, and athletic competition.

CORPORATE POWERS

SEC. 4. (a) The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulations of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, lease, and convey real or personal property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject to all applicable provisions of Federal or State law; and

(10) to do any other acts necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Philadelphia, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the persons named in the first section of this Act.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and programs of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire any and all of the assets of the Pennsylvania corporation known as "Pop Warner Little Scholars", upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation, and upon complying with all laws of the State of Pennsylvania.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name "Pop Warner Little Scholars", and to have and to use such emblems, seals, and badges as may be required in carrying out its program. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

SEC. 18. The corporation shall continue to comply with the laws, rules, and regulations governing nonprofit organizations issued by the Commonwealth of Pennsylvania including, but not limited to, the filing of annual financial and other reports with the appropriate State office as may be requested. The corporation shall continue to be subject to the laws of Pennsylvania applicable to nonprofit organizations as well as the Federal laws applicable to corporations chartered by Congress.

RESERVATIONS OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 19. The right to alter, amend, or repeal this Act is expressly reserved.

By Mr. SCOTT of Pennsylvania (for himself, Mr. SCHWEIKER, and Mr. ABOUREZK):

S. 753. A bill to amend the Disaster Relief Act of 1970 with respect to eligibility for relocation assistance. Referred to the Committee on Public Works.

Mr. SCOTT of Pennsylvania. Mr. President, I am today introducing a bill to deal with a serious inequity which has developed with reference to acquiring land for federally assisted projects in flood plain areas affected by tropical storm Agnes and other floods of last year. Sections 203 and 204 of the 1970 Uniform Relocation Assistance Act authorize replacement housing payments up to $15,000 to owner occupants, and up to $4,000 for tenant occupants. The problem is with the limitations in these sections of the act which requires actual occupancy for a period prior to initiation of negotiations for acquisition of 180 days in the case of owners and 90 days for tenants. Actual occupancy is precluded in many cases by virtue of flood damage.

Section 254 of the Disaster Relief Act of 1970 appears to exempt HUD urban renewal projects from the occupancy requirements in cases of natural disasters. However, other projects such as HUD Open Space, Bureau of Outdoor Recreation grants for parks, Forest Service multiple use projects, Department of Transportation relocation of roads or bridges, Economic Development Administration public facilities and Corps of Engineer projects are not exempt from the occupancy requirement in disaster areas.

Apparently, such disaster situations were not considered when the Uniform Relocation Assistance Act was drafted. The purpose of the occupancy limitation appears to have been to prevent windfalls to individuals who might move in when a project is announced. It certainly was not the intention of Congress to intentionally discriminate against flood disaster victims displaced by projects other than urban renewal.

Mr. President, as I said before, this bill corrects an inequity in the law. The administration has recognized this and fully supports the bill's enactment. I hope that we might be able to have our Public Works Committee grant this bill expedited treatment in order to speed the assistance to flood damaged areas of the country.

By Mr. ERVIN (for himself, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Fong, Mr. Gurney, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mathias, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Roth, Mr. Stevens, Mr. Stevenson, Mr. Talmadge, Mr. Thurmond, Mr. Tunney, and Mr. Williams):

S. 754 A bill to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes. Referred to the Committee on the Judiciary.

SPEEDY TRIAL ACT OF 1973

Mr. ERVIN. Mr. President, on behalf of the senior Senator from Michigan, (Mr. Hart), and Senators Bayh, Beall, Bennett, Bentsen, Bible, Brooke, Burdick, Cannon, Case, Chiles, Church, Cranston, Eagleton, Fong, Gurney, Hatfield, Hollings, Hughes, Humphrey, Inouye, Jackson, Javits, Kennedy, Magnuson, Mathias, McClellan, McGee, McGovern, McIntyre, Mondale, Moss, Muskie, Nelson, Packwood, Pastore, Pell, Percy, Randolph, Roth, Stevens, Stevenson, Talmadge, Thurmond, Tunney, Williams, and myself, I introduce for appropriate reference a bill to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes.

During the past decade, the Congress and many State legislatures have concentrated their energies upon reform of State and Federal criminal justice systems. Despite all of this attention our criminal courts are still in an essentially dilapidated state. Legislators, the general public, and the criminal element know that swift punishment for criminal activity is unlikely, if not impossible, in most parts of this country. In the Federal system the average criminal case is not brought to trial until almost a year after arrest. The bill I introduce today proposes a decisive, although perhaps to some a drastic, strategy to end this quagmire in the Federal courts.

The "pursuit of happiness" is impossible when citizens cannot depend upon the law and the legal system to preserve their civil liberties and personal safety. The brutal truth is that the Nation's criminal justice systems, both State and Federal, do not protect the rights of men, whether victim or accused.

I need not recite the catalog of failures in the administration of criminal courts. All of us receive scores of complaints every week from anguished citizens who have been victimized by criminals only to see them go unpunished months upon end or not at all. We each hear the pitiful stories of defendants, held in jail for months—even years—before they are tried, much less even convicted of a crime.

The anguish and frustration is not limited to defendants and victims. Consider this startling confession by a criminal court judge in a major urban center:

> I remain terribly frustrated and increasingly annoyed with this court. We are being pressured constantly to "produce," which means forcing pleas to lesser charges just to dispose of cases. I feel like a fool and a clerk in a bargain basement, and part of the terrible system, helping in the denigration of our brilliant judicial heritage. I don't know how much longer I can take this. . . .

Those remarks were reprinted in a book entitled "Justice is the Crime Pretrial Delay in Felony Cases," by Prof. Lewis Katz of Case Western Reserve Law School. Professor Katz uses even stronger language to describe the denigration of our criminal courts,

> Felony trial courts are reduced to auctions where successive bids are made until one is finally accepted. The auction process invariably compromises and often totally disregards both the defendant whose freedom is at stake and the community whose security is in jeopardy.

Professor Katz is only one of many experts who have spent years of their professional lives studying the crisis in our criminal justice system. Each expert has a different explanation for the deterioration of the system and each has his own plan for its repair. However, a surprising number of these experts, including Professor Katz, has reached a general agreement on these issues. They view the crisis in the courts in terms of workload. In Professor Katzwords:

> In the course of two centuries, as a result of conditions that the system could neither control nor influence, it has been overwhelmed by the problems of urbanization, overpopulation, and the depersonalization of society.

The courts, undermanned, starved for funds, and utilizing 18th Century management techniques, simply cannot cope with burgeoning caseloads. The consequence is delay and plea bargaining. The solution is to create initiative within the system to utilize modern management techniques and to provide additional resources to the courts where careful planning so indicates.

The Federal and State legislatures can create this initiative by enacting time limit requirements for each stage in the criminal process. The time limits should be enforced by judges empowered to sanction prosecutors for delay by dismissing the indictment if trial does not occur within the limits and empowered to sanction defense counsel who engage in deliberate dilatory tactics. The time limits plus sanctions system should be related to the appropriations process in the legislature so that each court could count on sufficient resources to achieve the goals set out in the time limits by the legislature.

The Subcommittee on Constitutional Rights has been studying the crisis in the criminal courts for well over 2 years and we have come to the same conclusion as Professor Katz and his colleagues. During the past two Congresses the subcommittee has been considering a bill, S. 895, in the last Congress, which would enact the scheme set out above.

The purpose of the bill is to make effective the sixth amendment right to a speedy trial in Federal criminal cases by requiring that each Federal district court establish a plan for trying criminal cases within 60 days of arrest or receipt of summons. The bill takes effect in four phases. For the first year after enactment, detained defendants must be tried within 90 days or released; during the second year all defendants must be tried within 180 days or have their cases dismissed; during the third year all defendants must be tried within 120 days or have their cases dismissed; and, finally after the end of the third year all trials must be within 60 days. Each district must file a plan with the judicial conference for the implementation of the second, third, and fourth phases stating what additional resources, personnel, and facilities will be required. This in turn will enable Congress to consider the precise needs of each district and the Federal judiciary as a whole.

Along with its provision for speedy trials, S. 895 also authorizes the creation of demonstration "Pretrial Services Agencies" in 10 Federal districts, excluding the District of Columbia which is already served by the District of Columbia Bail Agency and which is performing essentially the same functions. These agencies will make bail recommendations, supervise persons on bail and assist them with employment, medical and other services designed to reduce crime on bail. This provision will greatly enhance the operations of the Bail Reform Act of 1966.

On October 6 of last year the subcommittee approved this bill with six basic modifications, a list of which has been inserted at the conclusion of my remarks. The bill which I, along with 46 cosponsors, introduce today is identical to the bill approved by the subcommittee.

The approach adopted by the subcommittee last Congress is based upon its study of speedy trial schemes under active consideration or presently being used on both the State and Federal level. In the subcommittee's judgment the overburdened criminal justice system can only be relieved by encouraging the system to use existing resources more efficiently before committing the additional resources clearly shown to be required. The most attractive feature in the schemes examined by the subcommittee is that they placed upon the criminal justice system an affirmative duty to provide a speedy trial for the benefit of society and the defendant. Enactment of this bill would represent the creation by statute of such an affirmative duty for the Federal criminal justice system. Congress would be interpreting the sixth amendment as requiring the Federal system to assure speedy trial, defined as trial within 60 days of arrest for the average noncomplex criminal case. If such a system proved workable in the Federal system in noncomplex cases, it might provide a model for State and municipal criminal justice systems in common law felony cases.

In enacting this legislation, Congress on behalf of the American people would be directing all the participants in the criminal justice system to achieve 60-days trials within 3 years. This direction is given teeth by the requirement of mandatory dismissals with prejudice for failure to meet this goal. But the bill also is a commitment by Congress to provide the necessary resources to the court system to enable them to achieve speedy trial, once the courts, through their plans, have made the most efficient allocation of existing resources and presented Congress with a precise statement of what most is needed and how it will be used.

The reason why the subcommittee decided to recommend statutory time limits plus sanctions is that the mere existence of the technology necessary to unclog the court calendars and even the existence of court personnel trained in that technology will not by themselves result in speedy trial. Only when the system is committed to the goal of speedy trial will these techniques and personnel be put to work. The system is not actually committed to the goal of speedy trial unless judges, prosecutors, and defense counsel are held accountable for the failure to achieve speedy trial.

And the most effective means to hold judges, prosecutors, and defense counsel accountable for speedy trial is through the use of sanctions. The dismissal sanction has the effect of compelling judges and prosecutors to choose between speedy trial or no prosecution whatsoever. The sanctions for defense counsel are designed to remind them that there is no "constitutional right" to delay trials for the purpose of frustrating justice.

Sanctions alone are not necessarily sufficient to commit the system to speedy trial. There will not be dramatic movement toward speedy trial unless both the courts and the prosecutor's office are covered by the time limits. This is not the case in most of the time limits schemes examined by the subcommittee. Cases in point are the rule adopted by the U.S. Court of Appeals for the Second Circuit, and the statute recently adopted in New York. In both, time limits plus a dismissal sanction have been adopted, but the sanction applies only where the prosecutor is not ready for trial within the time limits.

The "ready rule" means that even if the prosecution is prepared to go to trial but the court is so congested that it cannot provide a judge to hear the pretrial motions or the trial itself, the sanction cannot be applied. The effect of this provision is to allow court congestion to nullify the speedy trial rules. Other speedy trial plans allow for suspension of the time limits and sanctions for "good cause." "Good cause" has also been interpreted to excuse court congestion. This bill avoids these pitfalls. The dismissal sanction applies even if there is court congestion, for that is the very problem the bill is designed to address.

Of course, it would be grossly unjust to legislate a scheme of time limits plus sanction without exceptions for congestion if no mechanism were created to provide resources for the courts to deal with their overloaded dockets. Where there is no link between a speedy trial statute and the appropriation process, the courts and the prosecutors are faced with the option of fierce public reaction resulting from dismissals for failure to meet the time limits or simply ignoring the statute.

However, this bill provides the vital link with the appropriations process through an elaborate planning and reporting process by the district courts. Each district court devises a speedy trial plan. The plans required by the bill would also summarize any additional resources necessary in the court, the U.S. Attorney's Office, and the Public Defender Office. These reports are summarized and approved by the judicial conference which submits a nationwide master plan to the Congress.

At that point the courts, the prosecutors, and the public defenders will have done all in their power to achieve speedy trial. They will have agreed to a 4-year plan during which 60-day trials in the average simple Federal prosecution would be phased in. The plan would require a careful study of the causes of delay in that court, the adoption of those innovations which will meet the peculiar needs of the court, and a budget requesting the necessary additional resources. At that point, the onus will be on Congress where ultimately it must reside.

The Congress then has two alternatives, if it truly is committed to enforcing the sixth amendment and insuring justice, it will appropriate those additional resources which are proved to be necessary to achieve the goal set by law in this bill. If the criminal justice system has fulfilled its responsibilities to the statute, to the sixth amendment, and to justice, any failure of Congress to do its part will be evident. Congress would then have to bear the burden of imposing obligations on others, while failing to meet its own.

The advantage of this approach is evident. In the past, each of the parties—the courts, the prosecution, the defense, and the Congress—has been able to avoid the problem of court delay by pointing out the failures, real or imagined, of the others. Judges have not adequately improved procedures in their courts. Rather, they have repeatedly asked for more judicial appointments as the easy solution. Congress, reluctantly, has granted some of these requests, always seeking vainly some solution other than the unending request for more judges. Courts, failing to get all they wish from Congress, point there as a reason for trial delay. This litany of blame is duplicated by charge and countercharge between prosecutors and defense counsel.

The simple answer is that trial delay is not to be laid at one door, but at all. This bill, by imposing responsibilities on all parties, and sanctions on them as well, seeks to break through this fruitless circle of fingerpointing and wasted resources.

Despite the consensus among many experts with regard to the goal of this bill there is hardly unanimity in the criminal justice system on the way to achieve speedy trial. Indeed the approach advocated in this bill is controversial. For example, some reformers, including the Department of Justice, are concerned with the dismissal sanction. Although they concede that delay and plea bargaining have seriously undermined the effectiveness of the criminal justice system, they are unwilling to allow charges to be dismissed in the course of trying to solve these problems.

I am sympathetic with this point of view; however, I believe that the crisis in the courts has so undermined the deterrent value of the criminal sanction that the few releases which might occur as a result of speedy trial dismissals would be a small price to pay for restoring the credibility of the criminal sanction. Of course this assumes that the threat of the dismissal sanction itself will be effective in encouraging reluctant defendants and forcing prosecutors and judges to comply with the time limits. Professor Katz has described very succinctly the purpose of the dismissal sanction.

> Dismissals for failure to comply with the statute will require explanations to the public from judges and prosecutors; if a significant number of dismissals occur, demands for explanation will not be long coming.

In 3 years studying this problem, the dismissal sanction is the only effective mechanism I have discovered by which the legislature can hold the courts accountable for speedy trial without violating the principle of separation of powers. For example, I believe it would be quite improper for Congress to use the appropriations process against a judiciary reluctant to implement speedy trial.

Furthermore, there is disagreement among experts, including some cosponsors, about the flexibility of the time limits contained in this bill. Some would create more exceptions to the time limits and liberalize the continuance provision. Others think the exceptions and continuance provisions are too broad and nullify the strength of the bill. Still others think the phase-in of the time limits are too generous and believe that the courts can meet the 60-day requirement much sooner than 3 years and that the bill should be speeded up accordingly.

Despite these disagreements on detail, all of the cosponsors are in agreement on the general thrust of the bill. And we are unanimous in the conviction that if the legislative branch does not take bold and decisive action in the near future, the criminal justice systems in this country will completely collapse. On the other hand, decisive action does not have to mean precipitous action nor does it require repression. It will require us to take risks, and freedom always does. The proposal set out in this bill would require the system to take risks. While I do not pretend that the speedy trial scheme is infallible, I am absolutely positive that if we do not reach a consensus on a speedy trial scheme and an agenda for criminal justice reform, State and Federal Government is in grave trouble.

Mr. President, I ask unanimous consent that the bill and a memorandum explaining the difference between this bill and the bill I introduced last session be printed at this point in the RECORD.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Speedy Trial Act of 1973".

TITLE I—SPEEDY TRIALS

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207 a new chapter 208, as follows:

"Chapter 208.—SPEEDY TRIALS

"Sec.
"3161. Time limits and exclusions.
"3162. Sanctions.
"3163. Effective dates.
"3164. Interim limits.
"3165. District plans.
"3166. Definitions.
"3167. Sixth amendment rights.

"§ 3161. Time limits and exclusions

"(a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set a day certain for trial.

"(b) The trial of a defendant charged with an offense shall be commenced as follows:

"(1)(A) Within sixty days from the date the defendant is arrested or served with a summons, except that if the prosecution is initiated by filing an information or indictment prior to arrest or summons (and made public) then within sixty days from the date of such filing;

"(B) Notwithstanding the provisions of subclause (A) of this clause, for the first twelve-calendar-month period following the effective date of this chapter as set forth in section 3163 of this chapter, the time limits imposed by such subclause (A) shall be one hundred and eighty days, and for the second such twelve-month period, such time limits shall be one hundred and twenty days.

"(2) If the indictment or information is dismissed upon motion of the defendant for reasons other than those provided in section 3162(a) and thereafter the defendant is charged with the same offense or an offense based on the same conduct or arising from the same criminal episode, within sixty days from the date the defendant is arrested or served with a summons with respect to such charge, except that if the prosecution is initiated by filing an information or indictment prior to arrest or summons (and made public), then within sixty days from the date of such filing; or

"(3) If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, within sixty days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, within sixty days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical.

"(c) The following periods of delay shall be excluded in computing the time within which the trial of any such offense must commence:

"(1)(A) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

"(i) delay resulting from any examination and hearing on competency;

"(ii) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

"(iii) delay resulting from trials with respect to other charges against the defendant;

"(iv) delay resulting from interlocutory appeals; and

"(v) delay resulting from hearings on pretrial motions.

"(B) With respect to any delay referred to in clause (1)(A) of this subsection, only such court days as are actually consumed in connection with any pretrial motion or other hearing, examination, presentation of an interlocutory appeal, or a trial with respect to another charge shall be excluded, and in no event shall any period of delay which occurs while any of the aforementioned matters under clause (1)(A) are under advisement or are awaiting decision be so excluded.

"(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

"(3)(A) Any period of delay resulting from the absence of unavailability of the defendant.

"(B) For purposes of subclause (A) of this clause, a defendant shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension of prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subclause, a defendant shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists being returned for trial.

"(4) Any period of delay resulting from the fact that the defendant is incompetent to stand trial.

"(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

"(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(7) A reasonable period of delay when the defendant is joined for trial with a codefendent as to whom the time for trial has not run and no motion for severance has been granted.

"(8) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice and the best interest of the public as well as the defendant would be served thereby. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice and the best interest of the public and the defendant were served by the granting of such continuance.

"(d) If trial did not commence within the time limitation specified in section 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information the defendant shall be deemed arraigned on the information or indictment with respect to all charges therein contained within the meaning of section 3161, on the day the order permitting withdrawal of the plea of guilty becomes final."

"§ 3162. Sanctions

"(a) If a defendant is not brought to trial as required by section 3161, the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting such motion except that the Government shall have the burden of proof of establishing any exclusion of time under subparagraph 3161 (c)(3). Such dismissal shall forever bar prosecution for the offense charged, any offense based on the same conduct or arising from the same criminal episode, and any other offense required to be joined with the offense. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.

"(b) In any case in which counsel for the defendant or the attorney for the government (1) knowingly allows a date certain for trial to be set without disclosing the fact that a necessary witness would be unavailable for trial on such date; (2) files a motion solely for the purpose of delay which he knows is totally frivolous and without merit; (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance; or (4) otherwise willfully fails to proceed to trial on the date set for trial without justification consistent with section 3161 of this chapter, the court may punish any counsel or attorney, as the case may be, as follows:

"(A) in the case of an appointed defense counsel, by reducing the amount of compensation that otherwise would have been paid to such counsel pursuant to section 3006A of this title in an amount not to exceed 25 per centum thereof;

"(B) in the case of a counsel retained in connection with the defense of a defendant, by imposing on such counsel a fine of not to exceed 25 per centum of the compensation to which he is entitled in connection with his defense of such defendant;

"(C) by imposing on any attorney for the Government a fine of not to exceed $250;

"(D) by denying any such counsel or attorney for the Government the right to practice before the court considering such case for a period of not to exceed ninety days; or

"(E) by filing a report with an appropriate disciplinary committee.

The authority to punish provided for by this subsection shall be in addition to any other authority or power available to such court.

"(c) The court shall follow Rule 42 of the Federal Rules of Criminal Procedure in punishing any counsel or attorney for the Government pursuant to this section.

"§ 3163. Effective Dates

"The time limitation in section 3161—

"(1) shall apply to all offenses charged in informations or indictments filed on or after the date of expiration of the twelve-calendar-month period following the date of the enactment of the Speedy Trial Act of 1973; and

"(2) shall commence to run on such date of expiration as to all offenses charged in informations or indictments filed prior to that date.

"§ 3164. Interim limits

"(a) During an interim period commencing ninety days following the date of the enactment of the Speedy Trial Act of 1973 and ending on the date immediately preceding the date on which the time limits provided for under section 3161(b)(1)(A) of this chapter become effective, each district (and the Superior Court for the District of Columbia) shall place into operation an interim plan to assure priority in the trial or other disposition of cases involving—

"(1) detained persons who are being held in detention solely because they are awaiting trial, and

"(2) released persons who are awaiting trial and have been designated by the attorney for the Government as being of high risk.

"(b) During the period such plan is in effect, the trial of any person who falls within subparagraph (a)(1) or (a)(2) of this section shall commence no later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The trial of any person so detained or designated as being of high risk on or before the first day of the interim period shall commence no later than ninety days following the first day of the interim period.

"(c) Failure to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated release as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial. A designated release, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

"§ 3165. District plans

"(a)(1) Prior to the expiration of the twelve calendar month period following the date of the enactment of the Speedy Trial Act of 1973, each United States district court, with the approval of the judicial council of the circuit, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter (within the jurisdiction of such court) during the period that the one hundred and twenty day trial limitation required by section 3161(b)(1)(B) of this chapter is in effect. Prior to the expiration of the twenty-four calendar month period following such date of enactment, each such court, with the approval of such council, shall prepare and submit to the Administrative Office of the United States Court a plan for the trial or other disposition of offenses under this chapter (within the jurisdiction of such court) on and after the expiration of the thirty-six calendar month period following the date of the enactment of the Speedy Trial Act of 1973.

"(2) Each such plan shall be formulated after consultation with, and after considering the recommendations of, the Federal Judicial Center, the United States attorney, and attorneys experienced in the defense of criminal cases in the district, including the Federal Public Defender, if any. Such plan shall include all such recommendations and shall further include a description of the procedural techniques, innovations, systems, and other methods by which the district court has expedited or intends to expedite the trial or other disposition of criminal cases. The plan shall make special provision for the speedy trial of cases at places of holding court where there is no judge continuously resident. The district court may modify such plan at any time with the approval of the judicial council of the circuit and shall modify the plan when directed by such council. The district court shall notify the Administrative Office of the United States Court of any modification of such plan.

"(b)(1) Prior to the expiration of the twelve calendar month period following the date of the enactment of the Speedy Trial Act of 1973, the chief judge for the Superior Court of the District of Columbia, with the approval of the Joint Committee on Judicial Administration in the District of Columbia, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter within the jurisdiction of the Superior Court during the period that the one hundred and twenty day trial limitation required by section 3161(b)(1)(B) of this chapter is in effect. Prior to the expiration of the twenty-four calendar month period following such date of enactment, the chief judge of such court, with the approval of such Joint Committee, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offense under this chapter, within the jurisdiction of such court, on and after the expiration of the thirty-six calendar month period following the date of the enactment of the Speedy Trail Act of 1973.

"(2) Such plan shall be formulated after consultation with, and after considering the recommendations of, the Joint Committee, the Corporation Counsel, United States attorney, the Public Defender Service and attorney's experienced in the defense of criminal cases in the District of Columbia. Such plan shall include all such recommendations and shall further include a description of the procedural techniques, innovations, systems, and other methods by which the district court has expedited or intends to expedite the trial or other disposition of criminal cases. The chief judge may modify such plan at any time with the approval of the Joint Committee and shall modify the plan when directed by such Committee. The chief judge shall notify the Administrative Office of the United States Courts of any modification of such plan.

"(c) Within fifteen calendar months after the date of the enactment of the Speedy Trial Act of 1973, the Administrative Office of the United States Courts, with the approval of the Judicial Conference, shall submit a report to the Congress detailing the plans submitted to it pursuant to the first sentence of section 3165(a)(1) and 3165(b)(1) of this chapter, including any legislative proposals and appropriations necessary to achieve compliance with the time limitations provided in section 3161. Within twenty-seven calendar months following such date of enactment, the Administrative Office of the United States Courts, with such approval, shall submit such a report to the Congress covering plans submitted to such Office pursuant to the second sentence of secttion 3165(a)(1) and 3165(b)(1) of this chapter.

"(d) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated such sums as Congress may find necessary.

"§ 3166. Definitions

"As used in this chapter—

"(1) the terms 'judge' or 'judicial officer' United States magistrate, Federal district judge, or judge of the Superior Court for the District of Columbia, and

"(2) the term 'offense' means any criminal offense other than a petty offense (as defined in section 1(3) of this title) or an offense triable by court-martial, military commission, provost court, or other military tribunal which is in violation of any Act of Congress and is triable by any court established by Act of Congress.

"§ 3167. Sixth amendment rights

"No provision of this title shall be interpreted as a bar to any claim of denial of speedy trial as required by amendment VI of the Constitution".

TITLE II—PRETRIAL SERVICES AGENCIES

SEC. 201 Chapter 207 of title 18, United States Code, is amended by striking section 3152 and adding the following new sections:

"§ 3153. Establishment of Pretrial Services Agencies

"The Director of the Administrative Office of the United States Court shall establish, on a demonstration basis, in each of ten judicial districts (other than the District of Columbia) a pretrial services agency authorized to maintain effective supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availaibility of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of Pretrial Services Agencies

"(a) The powers of each pretrial services agency shall be vested in a Board of Trustees which shall consist of seven members. The Board of Trustees shall establish general policy for the agency.

"(b) Members of the Board of Trustees shall be appointed by the chief judge of the United States district court for the district in which such agency is established as follows:

"(1) one member, who shall be a United States district court judge;

"(2) one member, who shall be the United States attorney;

"(3) two members, who shall be members of the local bar active in the defense of criminal cases, and one of whom shall be a Federal public defender, if any;

"(4) one member, who shall be the chief probation officer; and

"(5) two members, who shall be representatives of community organizations.

"(c) The term of office of a member of the Board of Trustees appointed pursuant to clauses (3) (other than a public defender) and (5) of subsection (b) shall be three years. A vacancy in the Board shall be filled in the same manner as the original appointment. Any member appointed pursuant to clause (3) (other than a public defender) or (5) of subsection (b) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(d) After reviewing the recommendations of the judges of the district court to be served by the agency, the Board of Trustees shall appoint a chief pretrial service officer who shall be a member of the bar of that court. Such officer shall receive compensation at a rate to be established by the chief judge of the court, but not in excess of the rate prescribed for GS-16 by section 5332 of title 5, United States Code. The chief pretrial service officer, subject to the general policy established by the Board of Trustees, shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation of such other personnel as may be necessary to staff such agency, and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code. The compensation of such personnel so appointed shall be comparable to levels of compensation established in chapter 53 of title 5, United States Code.

"§ 3154. Functions and Powers of Pretrial Services Agencies

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person;

"(2) review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147;

"(3) supervise persons released into its custody under this chapter;

"(4) with the approval of the Administrative Office of the United States Courts, operate or contract for the operation of appropriate facilities for, the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services;

"(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions;

"(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies;

"(7) assist persons released under this chapter in securing any necessary employment, medical, legal, or social services;

"(8) prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by rule 46(g) of the Federal Rules of Criminal Procedure; and

"(9) perform such other functions as the court, may from time to time, assign.

"§ 3155. Report to Congress

"(a) The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts. Such report shall also compare the accomplishments of the pretrial services agencies with monetary bail or any other program generally used in State and Federal courts to guarantee presence at trial.

"(b) On or before the expiration of the seventy-two-month period following the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall file a comprehensive report with the Congress concerning the administration and operation of the Speedy Trial Act of 1973, including his views and recommendations with respect thereto.

"§ 3156. Definitions

"As used in sections 3146 through 3155 of this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court for the District of Columbia, and

"(2) the term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable by any court established by Act of Congress."

Sec. 302. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last item and inserting in lieu thereof the following:

"3152. Establishment of Pretrial Services Agencies.
"3153. Organization of Pretrial Services Agencies.
"3154. Functions and Powers of Pretrial Services Agencies.
"3155. Report to Congress.
"3156. Definitions."

Sec. 303. For the purposes of carrying out the provisions of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1974, the sum of $10,000,000, and for each fiscal year thereafter, such sum as Congress may appropriate.

Sec. 304. Section 604 of title 28, United States Code, is amended by striking paragraphs (9) through (12) of subsection (a) and substituting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3152 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the pretrial service agencies, and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies, and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

Memorandum

THE DIFFERENCE BETWEEN S. 895 AND "THE SPEEDY TRIAL ACT OF 1973"

This bill reflects six major changes in S. 895. First, although the basic provision requiring that defendants be tried within 60 days or have their charges dismissed was retained, the 60 day requirement would not become operative until 3 years after enactment. In the meantime, beginning one year after enactment, trials would have to be held within 180 days and, beginning 2 years after enactment, trials would have to be held within 120 days. There was considerable sentiment among witnesses before the Constitutional Rights Subcommittee that it was unrealistic to expect Federal courts to be able to conduct 60 day trials within 3 months of enactment in some criminal cases as provided in S. 895. The approach adopted in this bill was based upon a suggestion by Senator Percy and others that the time limits be phased-in over a number of years.

Second, the bill contains a new section 3164 which would provide that beginning three months after enactment and continuing until the 60 day provision is effective 3 years after enactment, detained defendants be tried within 90 days or be released from pretrial detention until trial. There was consensus among the witnesses who testified on S. 895 that although immediate implementation of 60 day trials was impractical, it would be feasible to provide speedy trials for detained defendants. This change is based in part upon a similar provision adopted by the U.S. Court of Appeals for the Second Circuit.

Third, the Justice Department suggested that section 3162 of S. 895, be amended to authorize sanctions against defense counsel responsible for unwarranted delay. The Department argued that section 3162 effectively sanctioned the government for delay by providing for mandatory dismissal if trials were not commenced within the proscribed time limits and that in all fairness defense attorneys who cause unnecessary delay should be subject to some type of penalty. The provision is based upon language proposed by Senator Thurmond and in many respects is simply a codification of existing law.

Fourth, many witnesses contended that section 3163's categorization of crimes and effective dates based on the Administration's preventive detention bill was artificial and should be eliminated. This bill applies to all offenses except petty offenses. Of course, this section is also subject to the new phase-in of the time limits contained in section 3162.

Fifth, another consequence of eliminating the categories of crimes and effective dates contained in S. 895 is to allow the districts considerably more time to prepare their speedy trial plans. While S. 895 allowed only 3 months to prepare for speedy trials for certain classes of crimes, the proposed bill would provide at least one year to prepare for 180 day trials and three years to prepare for 60 day trials.

Sixth, Section 3163 of S. 895 had provided a blanket exemption from the time limits for certain complex cases such as antitrust cases and organized crime conspiracy cases. The Subcommittee dropped that provision as a result of criticism by several witnesses who suggested that the provision would be abused. However, complicated cases would still be subject to much more lenient time limits because unusual complexity would be the grounds for a continuance under subsection 3161(c)(8). Therefore, under the new provision complicated cases would be exempted from the time limits on a case-by-case basis rather than under a blanket exemption.

IN SUPPORT OF THE "SPEEDY TRIAL ACT OF 1973"

Mr. ROTH. Mr. President, as a citizen, as an attorney, and as a Member of the U.S. Senate, I am pleased to join my distinguished colleague, the senior Senator from North Carolina (Mr. Ervin) in cosponsoring "The Speedy Trial Act of 1973."

This bill will serve two purposes. First, it will provide a means for incarcerating dangerous felons who, otherwise, could threaten the lives of other citizens. Second, it will provide those who have been accused of criminal conduct, but are innocent of the crime charged, with a swift means of proving their innocence.

As my colleagues are well aware, the sixth amendment to our Nation's Constitution provides, in pertinent part, that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy . . . trial.

As was recognized by the U.S. Supreme Court in the case of Klopfer against North Carolina, the right to a speedy trial "is as fundamental as any of the rights secured by the Sixth Amendment." That historic decision examined the history of the constitutional provision which Senator Ervin's bill brings into effect.

As outlined by former Chief Justice Earl Warren, justices in 13th century England visited the countryside three times a year. These justices, Sir Edward Coke wrote in part II of his Institutes:

> Have not suffered the prisoner to be long detained, but at their next coming have given the prisoner full and speedy justice.

Coke's Institutes were read in the American Colonies by virtually every student of law. Thus, it is not surprising that when George Mason drafted the first of the colonial Bill of Rights, he set forth a provision couched in Coke's phraseology.

> In all criminal prosecutions, a man hath a right . . . to a speedy trial.

The Virginia Declaration of Rights of 1776 provided:

Today, each of the 50 States guarantees the right to a speedy trial to its citizens. In addition, an overwhelming majority of the States have enacted statutes setting forth the time within which a defendant must be tried following the date he was indicted, arrested, or committed. The legislation introduced today will, for the first time, set forth such time limits within which a criminal defendant must be tried in a Federal court proceeding.

As the author of this bill has stated:

> The Speedy Trial Act is designed to eliminate the long and unnecessary delays between arrests and trials which have been exacting an unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

This purpose will be achieved by establishing a firm time limit—60 days—within which, with limited exceptions, a defendant must be tried. In order to conform to the bill's provisions, this 60-day requirement would not become operative until 3 years after enactment. In the meantime, beginning 1 year after enactment, trials would have to be held within 180 days and, beginning 2 years after enactment, trials would have to be held within 120 days. If trial is not commenced within the prescribed time periods, the defendant could have the charge against him dismissed. This, I believe, is a proper way in which to reform our criminal justice system to meet constitutional demands.

Already, the American judiciary has responded to the problems faced by an accused who is denied a prompt trial. Over 2 years ago, the Judicial Council of the Second Circuit Court of Appeals promulgated a series of new speedy trial rules for the Federal courts in the Second Circuit. At the State level, the New York Court of Appeals and the court system of King County, Wash., have established timetables within their own jurisdictions to guarantee the swift disposition of criminal cases in conformance with the constitutional mandate. I believe it is now time for the Congress to act. Senator ERVIN has, through hearings held by his Subcommittee on Constitutional Rights, revealed the need for legislation such as that proposed today. During the last session of Congress, I was pleased to cosponsor S. 895, "The Speedy Trial Act of 1972." Following a careful evaluation of that proposal by leading jurists, a number of modifications to that proposal have been incorporated in the present bill. Among these was a sanction against defense attorneys who cause unreasonable delay.

I support the changes made in the former bill and commend my distinguished colleague (Mr. ERVIN) for his pursuit of excellence in shaping this proposal.

Mr. President, Congress has jurisdiction over the Federal court system. It is the responsibility of this body to assert itself and enact responsible legislation to guarantee both the accused defendant and the public the constitutional right to a speedy trial. To this effect, I urge each of my colleagues to support the measure being offered today: "The Speedy Trial Act of 1973."

SPEEDY TRIAL ACT

Mr. PACKWOOD. Mr. President, I am pleased once again to cosponsor the speedy trial bill introduced by the distinguished senior Senator from North Carolina, Senator ERVIN. This bill has been revised and refined during extensive and valuable hearings and reflects comments from prominent lawyers and judges throughout the country. I believe that this bill is an admirable effort to correct a problem that has plagued this Nation for far too long and that it would make effective and meaningful the sixth amendment to the Constitution, which guarantees all of our citizens the right to a speedy trial.

We are all aware of the many problems facing our correctional systems. In some courtrooms there are staggering case backlogs that often delay trials for months or even years. Many of our prisons are a disgrace, and overcrowding is a major contributor to this state of affairs. Yet statistics indicate that something over half of those in our city and county jails have not even been convicted of a crime—they are there awaiting trial. All of us have heard stories of prisoners held for 2 or more years awaiting trial—a waiting period perhaps longer than the maximum sentence they would have received had they been tried and found guilty. I hate to think of the disruption of lives and the heartaches caused by such gross unfairness, and I fear that such cases most often happen to those who are least able to protect themselves—the poor and the ill-educated.

This bill also includes provisions for establishing a number of experimental pretrial service agencies in Federal district courts to help control and supervise pretrial releases. This badly needed step should help to alleviate the alarming tendency toward recidivism among some persons released pending trial.

Mr. President, I think that it is time for us to quit talking about the problems of our prisons and about reforming our correctional practices. This bill is a major positive piece of legislation, and I hope that the Senate will act upon it with all due speed.

SPEEDY TRIAL

Mr. PERCY. Mr. President, I am very pleased to be a cosponsor of the speedy trial bill, introduced by our distinguished colleague from North Carolina, Mr. ERVIN. As we all know, Senator ERVIN has been a strong advocate of legislation to make the sixth amendment's promise of a speedy trial something more than a hollow ideal. Through his efforts, we are now on our way to guaranteeing a truly speedy trial to everyone accused of a Federal crime. Not only will this protect the rights of the accused, but it will also protect the rights of all members of society since the certain knowledge of a speedy trial will act as a deterrent to crime in many cases.

Though there are many points in this legislation that deserve praise, I would like to briefly comment on two aspects of the bill which I regard as quite significant.

The first is the sliding scale for the definition of "speedy trial." When the Constitutional Rights Subcommittee was holding hearings on S. 895, the predecessor of this legislation, in July of 1971, I was privileged to be invited to testify on the bill. After having contacted many of the most able trial lawyers in Illinois, I came to the conclusion that a guaranteed trial within a 60-day period would be unattainable immediately, but that it was a goal that could and should eventually be attained. During those hearings, I suggested the idea of the sliding time period as a practical method of phasing in the concept of a speedy trial over a period of 3 years. I am glad to see that this concept of a sliding scale has now been adopted in the bill. I think that it makes it a better bill, and one which offers the hope of it being put into effect by all Federal courts. I trust that 3 years after this bill becomes law, the concept of a speedy trial within 60 days after arrest will be a fact of life within our Federal criminal justice system, and that it will serve as an example and as a challenge to our State courts.

The second feature of this bill, too often overlooked, is title II which established pretrial services agencies. Under this title, these pretrial services agencies will be established in 10 districts throughout the country. These agencies will attempt to coordinate the various services available to a defendant while at the same time acting as a valuable resource agency in recommending to a court the type of pretrial release that should be considered for every defendant. These agencies will also serve both the defendant and the community by insuring an ordered decisionmaking process, based on factual and relevant information. Title II will fill a void in the Federal criminal justice process that has for too long been haphazard.

I compliment Senator ERVIN and his staff for the many hours, and indeed, the many years, which they have spent working to perfect this bill. This legislation should be a model for all bills introduced in the Senate. It has been open to comment and suggestion by all Members of the Senate, and through that process, it has become a better bill and one which deserves to be speedily passed by the Congress.

By Mr. ROBERT C. BYRD:

S. 755. A bill to provide 4-year terms for the heads of the executive departments. Referred to the Committee on Government Operations.

RECONFIRMATION OF CABINET OFFICERS

Mr. ROBERT C. BYRD. Mr. President, I am today introducing legislation which would require reconfirmation by the Senate of the heads of the executive departments every 4 years. My bill also provides that the terms of these officials shall coincide with the term of the President who appoints them, and, if a vacancy should occur during that 4-year term, the new appointee shall be confirmed by the Senate only for the unexpired portion of his predecessor's term.

As defined by section 101, title 5, United States Code, as amended by Public Law 91–375—August 12, 1970, the executive departments are: The Department of State; the Department of the Treasury; the Department of Defense; the Department of Justice; the Department of the Interior; the Department of Agriculture; the Department of Commerce; the Department of Labor; the Department of Health, Education, and Welfare; the Department of Housing and Urban Development; and the Department of Transportation.

Mr. President, the Constitution does not specify the subordinate Government officials by whose agency or counsel the details of the public business are transacted. It recognizes the existence of such official agents and advisers in article II, section II, wherein the President is given the power to:

> . . . nominate, and, by and with the advice and consent of the Senate, shall appoint . . . all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;

The Constitution left the number and the organization of these departments to the Congress. On July 27, 1789, in the first session of Congress, the "department of foreign affairs" was established with "a principal officer therein" to be called the secretary—I Stat. 28 c.4. This act was the commencement of the executive departments under the Constitution. On September 15, 1789, the name of the department was changed to the "department of state". On August 7, 1789, the Congress created the "department of war" with its chief officer to be called the secretary—I Stat. 49, c.7. During the same session the Congress created a "department of treasury" and then enacted "An act to establish the judicial courts of the United States," wherein provision was made for the appointment of an Attorney General. Such was the original basis of the executive organization of the Government. The Secretary of State, the Secretary of War, the Secretary of the Treasury, and the Attorney General were the immediate superior ministerial officers of the President, as well as his constitutional counselors during the whole period of the administration of George Washington as President of the United States.

The Cabinet—of which no mention is made in the Constitution—apparently met for the first time in 1791, when President Washington suggested that in his absence from the Capital, the Vice President and the four department heads should consult together. By 1793, regular meetings had become the rule, and the term "Cabinet" had come into fairly common usage.

The heads of the executive departments in the early development of our Government were, in reality, personal advisers to the President as well as the administrative heads of their departments. Despite this relationship, the Senate held the constitutional confirmation power over them under article II, section II, and, of course, the departments were creations of the Congress and thereby subject to legislative control.

The executive departments of today's Government comprise the major portion of the U.S. Government—both in employment and expenditures. In 1972, there were 1,572,370 full-time permanent civilian employees in the 11 executive departments. These executive departments had an actual budget outlay in 1972, of $206.948 billion out of a total budget outlay of $231.876 billion, or roughly 89 percent of the entire budget outlay of the United States.

The heads of the executive departments serve at the pleasure of the President since they are his appointees. My bill does not affect the power of the President to remove these officers. However, I think the time has come for these officials to be subject to reconfirmation hearings before the Senate if they are reappointed by the President in his second term. Since they are the President's appointments, I believe their terms should coincide with the President's term, and when vacancies occur the new nominee should be confirmed only for the unexpired portion of his predecessor's term, so that the terms of the department heads and the President shall continue to coincide—just as I provided in my amendment to the bill with respect to the Director and the Assistant Director of OMB on last Friday.

These officials control the actual day-to-day functioning of the Federal Government, and, by the control of their departments, they implement the goals of the U.S. Government as expressed in the legislative enactments of the Congress. The President and the Members of Congress are creatures of the people of the United States in the sense that the people are the source of our constitutional authorities and duties. The departments are creatures of the Congress, and it is the Congress that legislatively sets the priorities that the departments should carry out. The departments derive their authority and duties from the Congress, and just as the President of the United States must go to the people of the United States every 4 years for a judgment on his stewardship, and just as we in the Congress must go before the people to be judged on our performance, the heads of the Executive departments should come back before the Senate, if they are reappointed, to have the performance of their duties judged.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 755

A bill to provide four-year terms for the heads of the executive departments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the head of any executive department shall serve for a term of four years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) the head of any such department appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Upon the expiration of his term, the head of any executive department shall continue to serve until his successor has been appointed, been confirmed, and has qualified.

(b) Nothing in this Act shall be construed to affect the power of the President to remove the head of any executive department.

(c) For the purpose of this Act, the term "executive department" means any of the executive departments set forth in section 101 of title 5 of the United States Code.

By Mr. TAFT:

S. 756. A bill to amend part I of the Interstate Commerce Act in order to revise the procedures for the abandonment of railroad lines, and for the establishment or revision of rates, fares, and charges for the transportation of property, by common carriers by railroad. Referred to the Committee on Commerce.

S. 757. A bill to amend the Railway Labor Act to promote railway efficiency, to provide increased compensation for railway employees, to decrease the possibility of the disruption of railway transportation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. TAFT. Mr. President, on March 3, 1971 I introduced S. 1092 and S. 1093. At that time I noted the serious financial situation confronting America's railroads. This financial crisis continues. The Penn Central, the Erie Lackawanna, the Reading, the Jersey Central, the Boston-Maine, and the Lehigh Valley are in bankruptcy. These are only a prelude to other bankruptcies which are sure to follow if we do not come to grips with the fundamental problems which our railroads face today.

This crisis is highlighted by the announcement last week by the trustees of the Penn Central Transportation Co. that they would require at least $600 million in subsidies or partial nationalization may be necessary. This crisis means that we will have to focus immediately on the problems of the railroad industry and launch major reforms.

Net railway operating income for class I railroads declined from $1,542,300,000 in 1955 to $695.5 million in 1971. Even more alarming is the fact that net working capital for these railroads fell from $933,800,000 in 1955 to a deficit of $122,200,000 as of September 1972.

If the fixed charges are included as a cost item, the railway industries' rate of return on net work in 1971 was only

2.47 percent. This compares to 10.05 percent for public utilities, 10.8 percent for manufacturing, and 19.5 percent for common carrier trucking. In 1971 cash flow fell short of capital expenditures by $393.4 million.

Not surprisingly there has been a lack of sufficient credit, and a deterioration of railway service.

The Boise Cascade Corp. has reported shipments taking as long as 70 days from International Falls, Minn., to Sidney, Ohio, and 100 days from Idaho to New Jersey. One potash shipper reported to the ICC that a shipment from New Mexico to North Carolina took 155 days. With much more of this we will be asked to bring back the Conestoga wagon.

There has been considerable congressional attention given to the short-term problems of the railway industry. These have included emergency strike legislation, passenger service, and proposals to extend loans or Federal credit to the railway industry.

I believe, however, that it is imperative for us to address ourselves to the fundamental long-range problems of the railroad industry.

It is my conclusion that problems of equipment shortages, inadequate capital, inadequate borrowing power, and inadequate earnings are the results rather than the causes of the railway problem. Unfortunately, the railway industry does not appear ever to have established priorities for its return to an efficient, competitive, and self-sustaining posture.

Unquestionably many of the railway industry's problems are of its own making. For years we have been anesthetized into believing that if the railroads could be relieved of their passenger losses, they would become financially sound. It just was not true.

In my judgment the fundamental problems of the railway industry are its required operation of unproductive branch lines, its irrational rate structure and inefficient work practices.

In solving these problems I believe that we should operate on the following premises: that railroads are inefficient in their operation, that operating railway employees should have their pay increased to reflect increases in railway productivity, and that the American people do not want to nationalize the railroads.

In looking at the fundamental problems of this important industry I have concluded that the railroads which are in the greatest financial difficulty are in most cases those which are saddled with the operation of hundreds or thousands of miles of unproductive branch lines. The financial problems of the granger roads, for example, are not unrelated to their vast unproductive or parallel trackage.

The required operation of unproductive branch lines places a drain on equipment and working capital, involves costly maintenance, and results in higher charges to shippers and consumers.

Should we require America's railroads to operate branch lines which hold forth no possibility of ever generating a profit?

On February 10, 1971, the trustees of the property of the Penn Central Transportation Co. filed a preliminary report with the U.S. District Court for the Eastern District of Pennsylvania. That report stated in part as follows:

> It is estimated that Penn Central's plant should be reduced by about 40% in terms of route miles. Nearly 20% of present route miles can already be identified as redundant. More lines will become surplus in response to changes in railroad operating methods, pricing, and the requirements of shippers and receivers. The economics of transportation dictate that most of the traffic now moving on light density rail lines should be handled by truck and/or piggyback trailers and containers.

In the June 1970 issue of Trains magazine, Dr. Lewis K. Sillcox was quoted on this problem of unproductive facilities:

> The nation's manufacturing facilities run at about 87 percent of capacity, while railways possess 50 percent of underused capacity. Today, 10 percent of the 225,000 mainline railway mileage in service carries 50 percent of the freight ton-miles. At the other extreme, 30 percent carries only 2 percent of the total freight traffic.

On March 30, 1970, the SOO Line petitioned the ICC to abandon a 41.65-mile line, between Veblen and Grenville, S. Dak. In 1968 the branch originated or terminated only 195 cars. Revenues totaled $63,665 but maintenance alone cost $139,657. Continued operation would have required the SOO to spend more than $200,000 per year for rail, tie, and ballast replacement and bridge repair. It took the ICC over 9½ months to authorize the abandonment. Regrettably, many have taken much longer.

The economic impact of unproductive branch lines upon the railroads is dramatically set forth in a letter to my office from Mr. J. R. Brennan, vice president of the Chicago & North Western Railway Co. I include the portion of that letter dealing with branch line abandonments at this point in my testimony:

> As your letter suggests, it would indeed be fair to say that unprofitable branch line operations contribute significantly to North Western's problems of inadequate capital and credit. The large number of such lines on the North Western also cause operating problems such as chronic shortages of equipment necessary to serve widespread branch lines for a short peak period of the year but little-needed during the remaining part of the year.
>
> The North Western has an inordinately high percentage of branch and light density lines, as do most midwestern railroads. North Western operates more than 11,000 miles of railroad, and more than 70 percent of this is classified as branch line or light density mileage.
>
> North Western's branch lines are by their nature low-density, high-cost operations. They were constructed seventy to eighty years ago during an era when rail transportation was by far the most practicable means of land transportation of freight in existence. Although they were built using the latest technology available at the time, they are woefully inadequate for modern operation with heavy diesel locomotives and freight cars. Lightweight rail, untreated softwood ties, little or no ballast, and little or no grading were used in construction. Although many of the original ties of necessity have been replaced first with zinc chloride-treated softwood and later with creosoted softwood and some hardwood ties, generally speaking the original material is still in place on most of these lines. As a result, they have very low weight restrictions and maximum permissible speeds of 10 to 20 miles per hour.
>
> When North Western's branch lines were constructed, there was a need for rail service in the rural areas they served. Grain elevators sprouted, and the railroads were used. All this was changed, however, by the development of the internal combustion engine and the construction of a network of all-weather concrete highways throughout the middle west. The motor truck as well as the river barge have become more popular for shorthaul feeder movements of agricultural commodities (principally grain) to develop regional markets. As a result rail carriers such as the North Western have experienced a significant loss of business to developing modes better suited for short haul transportation.
>
> Despite ever-lessening traffic density, North Western still operates a very large amount of branch line mileage. The burden this mileage imposes on the remainder of our system is indicated by the fact that *80% of North Western's annual gross ton miles are generated from only 20% of its system mileage* while the remaining 20% of the tonnage is generated from 80% of the mileage. Recent studies conducted by our management indicate that over *4,300 miles or nearly 40% of the entire North Western system could be abandoned with a maximum loss of only 3.7% of our total freight revenues each year*. In other words, stations on these 4,300 miles of track originate and terminate shipments accounting for *less than 4%* of our annual gross freight revenues.
>
> From our studies we have determined that *it costs the North Western about $4,000 per mile per year to maintain and operate a branch line*. This cost does not include expenses for handling branch line traffic on other lines to final destination or from initial origin, or any expenses for upgrading branch line trackage to something approaching modern standards. Thus, for a branch line 10 miles in length, North Western must generate annual revenues equal to $40,000 plus applicable expenses of maintaining and operating main lines and yards just to break even, with no profit included.
>
> Our studies also show that the identified 4,300 miles of low-density branch lines produce gross revenues of less than $4,000 per mile per year. From detailed studies of about 1,500 of these miles, we have determined that *North Western is losing between $1,000 and $2,000 per mile of track per year from operating these lines. In other words, our company is losing between $4 million and $8 million per year from operating 4,300 miles of branch line trackage*. North Western operates additional lines which generate revenues of $4,000 to $6,000 per mile per year; we have not yet begun to evaluate these lines in terms of economic liability.
>
> In addition to the operating losses experienced, most of North Western's branch lines are approaching the end of their useful lives and will require substantial upgrading in the near future to permit use of modern cars and engines at reasonable speeds and weight limitations. Our studies have revealed that such *upgrading costs between $35,000 and $45,000 per mile of track;* thus, the 10-mile branch line referred to earlier would require an expenditure of $350,000 to $450,000 for upgrading to modern railroad standards. *If the entire 4,300 miles of deficit branch lines are to be upgraded, as they will ultimately have to be if we are not permited to abandon them, the total cost would fall in the range of $140 million to $180 million.*
>
> I previously alluded to car supply problems on branch lines. North Western operates branch lines from Wisconsin and Northern Michigan to Wyoming; this means available cars must be spread over far too much light-density railroad. It would be uneconomical to acquire additional cars which would be used primarily during the three-month harvest season; greater utilization is required in order to carry the debt service on new equipment. I might add that in evaluating our branch

> lines we do vary inputs to see what would happen to our expenses if we ran more frequent service on these lines. However, we invariably find that it would be more expensive to operate frequent train service and thus keep equipment moving than it presently costs to operate once or twice a week.
>
> As the foregoing discussion indicates, North Western would save untold millions of dollars if it were permitted to abandon its uneconomical branch lines and thereby eliminate operating losses and future maintenance costs. *Abandonment of these lines would also have a markedly beneficial impact on the remaining system.* The low earnings and capital position of our railroad means that every dollar spent on a branch line, whether it be for operations or maintenance of way, represents a dollar taken from another part of the system with the consequent result that the entire system suffers. In an attempt to minimize this effect, prudent management dictates that costs on these lines be kept at a minimum. *Money which is required to continue operation of low traffic density branch lines can be put to far better use in purchasing equipment and improving other facilities that will maximize our ability to serve the shipping public.*
>
> We are also convinced that the elimination of low-density branch lines would also have a *substantial effect on car supply by eliminating excessive car days spent on these lines as a result of necessarily low speeds and infrequent service.*
>
> The North Western is in the process of attempting to abandon its most uneconomic branch lines; under present law permission must be sought from the Interstate Commerce Commission to abandon such lines piecemeal and this is an extremely time consuming process. We have found that *in cases where the Commission decides to hold a hearing, an average of eighteen months elapse between the date of filing an abandonment application and the date of an administratively final Commission order.* In view of the poor condition of North Western's branch lines and the burden they impose on our Company's financial viability, present procedures for implementing abandonments are wholly inadequate. (Emphasis added)

During the past several years the ICC has somewhat liberalized its abandonment procedures. For the fiscal year ending June 30, 1971, the ICC granted abandonment certificates for 1,286.6 miles. For the year ending June 30, 1972, this total was 3,457.7 miles. I believe that legislation is still necessary, however, if America's railroads are to be able to direct their resources in those areas where the public requires significant levels of service.

Illustrative of the fact that legislation is still needed is the interim report of January 1, 1973 wherein the trustees of the Penn Central reported to the U.S. District Court for the Eastern District of Pennsylvania that:

> The Trustees have had on file at the ICC applications to eliminate over 3000 miles of uneconomic lines. Fewer than 800 miles have been approved for abandonment. At the current rate of approvals, reduction of the present Penn Central system to the 15,000-mile maximum upon which the Trustees' reorganization planning has proceeded cannot be attained by 1976.

Their February 1 interim report specifies a possible saving of over $1 billion of loss over 4 years by line abandonment.

We should also provide a mechanism whereby service can be continued for small shippers who are situated on lines now scheduled for abandonmnet, where those shippers are a significant part of the national or regional economies. In other words, we should have a way to continue certain types of uneconomical service without placing a financial drain on the railroads. Certain foreign countries provide governmental assistance for continuing rail service to isolated communities which would otherwise be abandoned. In the United States we have no such procedure.

With respect to unprofitable branch lines, today, we either place a tremendous financial drain on the railroads or else permit abandonment of the line with the resulting hardship to shippers and communities. We have no mechanism for providing public assistance to continue uneconomical rail service.

It is in this context that I am today reintroducing the Modern Railway Transportation Act. This act would give railway management the unilateral right to abandon unproductive branch lines. Under that act, to abandon a line, the railroad would have to give 90 days' notice to the public and to the Secretary of Transportation. Upon receipt of such notice, the Secretary of Transportation could stay the abandonment of that facility with or without a hearing if he determined that the continued operation of that line would be essential to the national economy, the regional economy, or the national defense.

In the event that he would stay an abandonment, the Department of Transportation would be obligated to reimburse the carrier for all out-of-pocket losses incurred in the operation of such line during the period of the stay. The act protects the workers by providing that no employee's employment could be terminated as a result of the abandonment except by attrition.

It is my intention that this provision would supersede the requirement of section 1(18) of the Interstate Commerce Act that:

> No carrier by railroad subject to this part shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity permit of such abandonment.

It is also my intent that this legislation should in no way affect the service or operation of Amtrak, under the Rail Passenger Service Act of 1970.

The protracted nature of regulatory proceedings in the past justifies the elimination of a hearing as a requirement for the Secretary's action. Hearings have become field days for lawyers and should not be required for the elimination of unproductive branch lines. If it is determined that the continuing operation of these lines is essential to the public, the public should pay for their continued operation.

We cannot expect railroads to have their shippers subsidize inefficient operations and at the same time expect them to provide good service to the public and high wages to their employees.

The second major problem with the railway industry is its rate structure. The ICC was created in large part to prevent arbitrary and discriminatory rates. The record shows that the ICC has sometimes done exactly the opposite. Rates vary not only as to the commodity shipped, but as to the direction in which the freight moves.

A study made for the Toledo-Lucas County Port Authority several years ago illustrated the irrational results of this rate policy. It cost less to ship farm tractors from Springfield, Ill., all the way to New York City for export than it cost to ship them to Toledo, Ohio for export. Road graders made in Indianapolis, Ind., could be shipped to New York for less than they could be shipped to Toledo, Ohio. Excavating machines made in Peoria, Ill., could be shipped to Norfolk, Va., for one-third less than they could be shipped to Toledo, Ohio.

An importer of sugar in Columbus, Ohio, could have it shipped from Norfolk, Va., for less money than from next door in Toledo. A buyer of chrome ore in Calvert, Ky., could have it shipped from New Orleans, La., for about one-third as much as from Toledo, Ohio. Iron ore could be shipped to Ashland, Ky., from Baltimore, Md., for only about half as much as from Toledo.

The Great Lakes task force brought to my attention the following example of rate discrimination as authorized by the ICC: To ship synthetic rubber from Louisville, Ky., to New York for export, 834 miles, the rate in 1970 was 95 cents per hundred weight. But the rate for the same commodity to Toledo, a distance of only 298 miles, was $1.18.

Why it should cost more to ship rubber 298 miles than 834 miles is a secret locked within the bureaucratic tangles of the ICC.

On March 5, 1971, I received a letter from Mr. Herbert O. Whitten, a transportation consultant for the Department of Transportation, and other organizations and agencies. In that letter he described our railroad rates and tariffs as "conflicting, obfiscated, confusing, complex, outdated, and even deceiving." The absurdity of the present rate structure is dramatically illustrated in his letter:

> I have estimated that there are in excess of 43 trillion railroad rates on file at the ICC. Stated another way, I estimate that there are over 1.44 septillion railroad rate and revenue division possibilities, this is 1,440,000,000,000,000,000,000,000 or 1.44 x. 10^{24} rate and division possibilities. I have personally measured the tariffs on file in the ICC Tariff Room and counted 4300 feet of tariffs—without an index to the rates covered! This is equal to a single stack 7½ to 8 times as tall as the Washington Monument or 3½ times as tall as the Empire State Building with its TV antenna!
>
> Interestingly enough, some 1300 electric utilities, serving the same National economy, manage to produce about twice as much revenues in the same National economy with a rate structure which is entirely contained in a book about 2½ inches thick, published by the Federal Power Commission.

The American railroad rate structure is the work product of bureaucracy at its worst.

Rate hearings are long, protracted and expensive. The results are irrational and the consumer is the one who suffers.

In the "Big John" case, consumer savings on meat, bread, butter, and milk, were estimated at $30 to $40 million annually under rates proposed by the Southern Railway. It took over 2 years, however, for the Southern to obtain permission to lower its rates and two more before final approval was received.

At a speech before the New York State Bar Association on January 28, 1971, the Honorable Richard McLaren, Assistant Attorney General, Antitrust Division, Department of Justice, made these observations about ICC rate regulations:

> Regulation has led to high value-of-service freight rates with little relationship to the lowest cost available in transporting a given commodity. Under ICC ratemaking proceedings, rates generally are allowed to rise to the level of the highest cost carrier in the market. For the most part, only inefficiency is rewarded in this protective atmosphere and in the long run the nation's resources are seriously misallocated.
>
> Shippers, consumers, and carriers all pay the cost of high rates and inefficiency. ICC rate maintenance is estimated to account for 400 million to 1 billion dollars of the nation's annual freight bill. Artificially high rates discourage interstate commerce and—as the recent experiences of the railroads vividly demonstrate—do not lead to increased profits for the carriers. Instead, operating revenues are devoured by higher costs in overcapacity and inefficiency. Some observers of the regulatory scene point out that the railroads would now be in a much better shape if they had been able to price competitively.

He concluded by stating that:

> Of one thing I am sure, competition as a regulator has a far better track record than the administrative agencies.

The Modern Railway Transportation Act would divest the ICC of all railroad ratemaking authority. The act would allow each carrier to establish its own rates in the competitive market structure subject to the following limitations:

First, there could be no rate discrimination as to the identity of the shipper, the direction in which the shipment moves, or the value of the cargo.

Second, there could be no rebates made to any shippers, and,

Third, there could be no agreements between carriers with respect to rates or charges.

The act would permit rates to be based upon the weight and cubic volume of the shipment, the need for special equipment or special switching, the distance traveled and whether the cargo was general merchandise or a bulk commodity. Rates could also be lowered for unit train shipments and multiple car shipments.

These rate provisions could be enforced in the U.S. district courts upon complaint of the Secretary of Transportation or any party in interest.

This act is designed to eliminate the discriminatory, cumbersome, complex, arbitrary, and irrational rate structures existing in the railroad industry today. Shippers and consumers would be protected by the antidiscrimination provisions of this act. In short, this bill is intended to protect the public rather than the practitioners before the ICC who seem to be the principal beneficiaries of the existing law.

Let me emphasize that deregulation will help America's consumers. Prof. Thomas Gale Moore, of Michigan State University, undertook a study for the Brookings Institution in which he concluded that America's consumers pay up to $7 billion per year in excess freight rates largely because of overregulation. The measure which I am introducing today can be translated into cheaper cars and cheaper potatoes for the American public.

The railroads are not, however, getting rich by virtue of this rate structure. On the contrary, these rates are necessary to pay for the unproductive branch lines and unproductive work practices which have been tolerated for too long by rail management and our regulatory authorities.

The third fundamental problem in the railway industry is the existence of unproductive work rules.

On February 11, 1971, the trustees of the Penn Central said that 10,000 of the Penn Central's 94,000 employees were retained solely because of arbitrary and archaic work rules. They indicated that these jobs would cost the company $120 million in 1971 and projected a cost increases to $165 million in 1972.

At the present time railroads have to change crews every 100 miles unless interdivisional runs are negotiated for additional compensation. This rule owes its origin to the days of the steam locomotive and is ill suited to the contemporary equipment of America's railroads.

For years, work rules restricted the use of radio communication among railroad employees. Radios were used for communication by airlines, taxicabs, and television repair shops but railroads were not able to have their employees use radio communication without additional pay. It is difficult to see how our Nation's transportation policies were advanced through the use of flags, hand signals, and written messages instead of radios. This subject came to a head during the negotiations which produced the last series of national wage and rules agreements. In return for the elimination of radio allowances, carriers were permitted to use radios effective January 1, 1973, and they were required to increase the basic daily rates of yardmen and roadmen by $1. This new agreement will cost one major midwestern road $500,000 in 1973.

If a crew of one railroad takes freight cars to another railroad for interchange, in many cases it cannot pick up the cars returning to its own line. Instead, another crew from the other railroad must be employed to interchange the remaining cars. These interchange restrictions cost one midwestern road approximately $900,000 in 1972.

Road constructive allowance payments are made to road and yard crews for specific tasks performed during their regular tours of duty in addition to their regular pay. While some cost reductions in the area of road-yard service have been made as a result of the last National Wage and Rules Agreement, road constructive allowance payments for one midwestern road in 1972 totaled over $3,350,000 as compared with $2,400,000 for 1970.

Restrictive work practices do not promote efficient railroad transportation, and are not in the long-range interests of either the employees or the general public.

A bill which I am introducing today to amend the Railway Labor Act would allow work rules to remain a matter for collective bargaining. If, however, an individual carrier wished to amend or abolish a work rule affecting operating employees, without resort to collective bargaining, it could do so upon the following conditions:

First, any cost savings realized as a result of such change would have to be shared equally by the operating employees of that railroad; and second, any reduction in the number of operating employees contemplated by such change would have to be accomplished by attrition.

The bill would not affect work rules which relate principally to employee health or safety. Under this bill railroads would have the flexibility to adopt efficient work practices and at the same time no existing railway employee would lose his job as a result of work rule changes. This legislation would permit railroads to become more efficient and give better service to the American public. At the same time an equal division of cost savings with operating employees would assure increased compensation for the operating employees of America's railroads. This legislation passes the ball to the management of the Nation's railroads. They will be confronted with the hard choice as to whether to remove a given work rule from collective bargaining on the condition that they make payments to the operating employees equal to one-half of the cost savings.

These added payments to operating employees would be made within 4 months after the close of each fiscal year. In the event of a dispute between any railroad and the unions as to the amount of the cost savings, there is provision for the mutual appointment and compensation of independent accountants to make a final and binding determination.

This legislation, for the first time, would give railroad employees a direct financial stake in the efficiency of the carriers. It would prevent management from blaming poor service upon outdated work rules, and protect the jobs of all existing operating employees.

The American economy is dependent upon a sound and efficient rail transportation system. The bills which I am introducing today will give the railway industry the means for its own internal rejuvenation without the necessity for nationalization or major subsidy.

I ask unanimous consent that the texts of these bills which I am introducing today be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Modern Railway Transportation Act".

SEC. 2. Part I of the Interstate Commerce Act is amended by striking out section 13a and inserting in lieu thereof two new sections as follows:

"ABANDONMENT OF LINES

SEC. 13a. (a) Except as provided in subsection (b) and subject to the requirement of subsection (c) of this section, and notwithstanding any other provision of this Act, after ninety days following public notice and notice to the Secretary of Transportation, any carrier by railroad subject to this part may abandon any line of railroad (including any part thereof), notwithstanding the constitution or laws of any State or the order of any State agency or court.

"(b) (1) If the Secretary of Transportation finds, after receiving any notice pursuant to subsection (a), with or without public hearing at the discretion of the Secretary, that the continuance of the line proposed to be abandoned, is essential to the national or any regional economy or to the national defense, he shall prior to ninety days following such notice (A) order the continuance of such line without change, and (B) contract with such carrier to make payments to such carrier in the amount necessary to reimburse the carrier for losses suffered as a result of such continuance ordered by the Secretary. Any such contract may be made for such period or periods, and may be renewed, as the Secretary determines. At any time the Secretary determines that such continuance is no longer essential under the provisions of this subsection he shall terminate such payments, and authorize such abandonment, effective on a date which is at least ninety days after public notice is given of such abandonment."

"(c) No employee's employment with a carrier shall be terminated as a result of an abandonment, authorized in subsection (a), but a carrier may, after any such abandonment, reduce by attrition its total number of employees by an amount equal to the number of employees made unnecessary by such abandonment, discontinuance, or change.

"(d) (1) The Secretary of Transportation shall administer the provisions of this section and shall promulgate such regulations as may be necessary for such administration.

"(2) The district courts of the United States shall have jurisdiction upon complaint of the Secretary of Transportation, or any party in interest, alleging a violation of any provision of this section, to issue such writs of injunction or mandamus as may be necessary to restrain violations of, or compel obedience to, the provisions of this section.

"(e) There are authorized to be appropriated such amounts as may be necessary to make payments contracted for by the Secretary of Transportation pursuant to subsection (b).

"RATES, FARES, AND CHARGES FOR THE TRANSPORTATION OF PROPERTY

"SEC. 13b. (a) Any provision of this Act which is inconsistent with the provisions of this section shall not apply after the effective date of this section to carriers by railroad subject to this part or to rates, fares, charges by, or activities of, any such carrier which are established or carried out pursuant to this section. After such effective date, rates, fares, and charges established pursuant to this section shall be just and reasonable charges for the purposes of this Act.

"(b) Any carrier by railroad subject to this part may establish or revise rates, fares, or charges, and classifications applicable thereto, for the transportation of property, subject to the following requirements:

"(1) No such proposed rate, fare, charge, or classification, or revision thereof, shall be made effective until after thirty days following public notice thereof and notice to the Secretary of Transportation, and all effective rates, fares, charges, and classifications by each carrier shall be maintained in print and open for public inspection.

"(2) No discrimination shall be practiced in such rates, fares, charges, and classifications with respect to the identity of the shipper, the direction of the shipment, the value of the property shipped or for any other reason other than may be expressly authorized by the provisions of this section or other provisions of this Act.

"(3) No rebates shall be made to shippers.

"(4) No agreements shall be made between carriers with respect to rates, fares, charges, or classification.

"(5) Rates, fares, or charges may be varied, or classifications may be made, on the basis of—

"(A) bulk shipments and general merchandise shipments;

"(B) weight;

"(C) cubic volume;

"(D) the need for special equipment to transport the property;

"(E) special switching services necessary to transport the property, or to operate or terminate the shipment;

"(F) distance;

"(G) providing a lower weight to mileage rate for longer than for shorter shipments, for tanks or container on flatcar shipments, for unit train shipments, and for multiple car shipments; and

"(H) an amount actuarily calculated to cover claims for damage and loss of high value shipments.

"(c) Any carrier by railroad, or any officer or other agent thereof, who knowingly violates the provisions of paragraph (2) or (3) of subsection (b) of this section shall upon conviction thereof be punished by a fine of not more than $10,000 for each violation.

"(d) (1) The Secretary of Transportation shall administer the provisions of this section and shall promulgate such regulations as may be necessary for such administration.

"(2) The district courts of the United States shall have jurisdiction upon complaint of the Secretary of Transportation, or any party in interest, alleging a violation of any provision of this section, to issue such writs of injunction or mandamus as may be necessary to restrain violations of, or compel obedience to, the provisions of this section."

SEC. 3. The amendment made by this Act shall be effective after ninety days following the date of enactment of this Act.

SEC. 4. Nothing in this Act is intended to amend the provisions of the Rail Passenger Service Act of 1970.

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 10 of the Railway Labor Act (45 U.S.C. 160) is amended by inserting "(a)" immediately after "Sec. 10," and by adding at the end thereof the following new subsection:

"(b) (1) Notwithstanding any other provisions of this Act, whenever any carrier proposes a change in rules affecting operating employees as contained in agreements made in accordance with section 6 of this Act, unless such rules relate principally to the health or safety of employees, the carrier may make such change effective as proposed, if (A) any cost savings realized as a result of such change affecting rules will be shared 50 per centum each by the carrier proposing such a change and the operating employees of such carrier and (B) any reduction in the number of operating employees of such carrier contemplated by the proposed change affecting rules will be accomplished by attrition.

"(2) It shall be unlawful for any carrier to lock out any of its employees or any class or craft of its employees or in any manner to terminate its transportation service in consequence of any dispute subject to the provisions of this subsection.

"(3) It shall be unlawful for the employees of any carrier to strike or engage in any other work slowdown in consequence of any dispute subject to the provisions of this subsection.

"(4) Nothing in this subsection shall be construed to prevent carriers and representatives of the employees from entering into an agreement affecting work rules.

"(5) For the purposes of clause (A) of paragraph (1) of this subsection, the term 'operating employees' shall be defined to include all engineers, firemen, hostelers, outside hosteler helpers, conductors, trainmen, and yard service employees.

"(6) For the purposes of clause (A) of paragraph (1) of this subsection, payments to operating employees shall be on a per capita basis and shall be made not later than four months following the end of the fiscal year. In the event that any employee was not employed by a carrier for the entire fiscal year preceding the payment date, the payment to such employee hereunder shall be prorated to cover the period of employment.

"(7) In the event that any representative of affected employees contests the amount of cost savings as determined by the carrier under clause (A) of paragraph (1) of this subsection, said representative and the carrier shall mutually designate and compensate a certified public accountant, whether an individual, partnership, or corporation, which account shall make a determination of the cost savings, which determination shall thereupon be final and binding."

(b) The heading of section 10 of such Act is amended to read as follows:

"UNRESOLVED DISPUTES"

SEC. 2 (a) Section 201 of the Railway Labor Act is amended by inserting "section 10(b)" after "section 3".

(b) Section 202 of such Act is amended by inserting "section 10(b)" after "section 3".

SEC. 3. Nothing in this Act shall be construed to prevent the right of any employee to resign from his position of employment.

SEC. 4. This Act shall take effect upon its enactment and shall apply to any proposed change in agreements affecting rules regardless of when any such proposal was initiated.

Mr. TAFT. Mr. President, I ask unanimous consent that the interim report of February 1, 1973, submitted by the trustees of the Penn Central Transportation Co. to the U.S. District Court for the Eastern District of Pennsylvania, be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TRUSTEES INTERIM REPORT OF FEBRUARY 1, 1973

(In the United States District Court for the Eastern District of Pennsylvania)

In their Report of January 1, 1973, the Trustees reached the conclusion "that without government financial assistance for improvement of the railroad, a reorganization of Penn Central cannot be achieved in 1976, as they had considered possible."

The Trustees also said that "the extent of assistance needed, as well as the forms of assistance which the Trustees will recommend, will be the subject of further advice to the Court, and the Government, within a matter of weeks."

The further advice so anticipated is set forth in this Report.

The Trustees wish to emphasize at this point that if shippers, communities, organized labor, and federal, state and local governments affected had previously been prepared, or were now prepared, to permit Penn Central to shrink the system to the size which is most economically justified (the 11,000 mile core railroad described in the Trustees' Interim Report of October 1, 1972), to pay only the employees needed therefor and to furnish only fully compensated passenger service, Penn Central would have a good prospect of viability without any other government financial assistance. In such event, the Trustees believe there would be a basis for enough investor confidence that the necessary funds described herein for improvement of the railroad's service could be raised from operations and from private sources without unacceptable erosion or dilution of the claims of Penn Central pre-bankruptcy claimants.

One way of measuring the public burden that Penn Central carries is to compare the results of operation of the present 20,000 mile railroad (with gradual abandonments down to 15,000 miles) with the results of operation of an immediate 11,000 mile railroad as outlined in the Trustees' Interim Report of October 1, 1972 and summarized in Appendix A hereto. The projected differences, as shown in the table below, are extraordinary.

PROJECTED NET RAILWAY OPERATING INCOME

[In millions]

	Immediate 11,000-mile railroad	Present railroad	Difference
1973	$59.0	$157.2	$216.2
1974	137.6	104.8	242.4
1975	225.1	56.5	281.6
1976	299.2	1.1	300.3
Total through 1976			1,040.5

The Trustees would emphasize that they operate a 20,000 mile rather than the optimum 11,000 mile railroad solely because public authorities are reluctant to permit a reduction in surplus plant, and because labor would expect large labor protection payments, amounting to $774.1 million through 1976 alone, if Penn Central were free promptly to move to a railroad of 11,000 miles.

Strong arguments can and will be made that immediate action to relieve Penn Central of the foregoing excessive service and labor obligations is the best course to follow. The government financial assistance described herein, to any extent and in any form, must be regarded as an alternative—the price of the present inability of Penn Central and other non-viable railroads to withdraw from public service that produces only losses, to dispense with surplus employees, and to confine themselves to those operations where, in serving the public, profits can be developed as the result of superior service.

I.—ESSENTIAL EXPENDITURES

In prior reports the Trustees have pointed to the improvements in Penn Central's freight service that have come since bankruptcy. Car supply has been more nearly adequate because of better utilization of equipment and the acquisition of new cars. Many more trains have been added. There has been a closer adherence to schedules in the operation of fast freight trains. Control of freight loss and damage, while far from satisfactory, has been better. Instead of being deluged with complaints, the new management has received much favorable comment from customers.

In 1972, yearly carloadings turned up over those of the preceding year for the first time since 1964.

But despite this notable progress, the quality of Penn Central service falls short of the standards required in today's competitive transportation market. The availability of faster and more reliable highway carriage puts in serious question the present-day ability of Penn Central to establish the upward trend in its business volume so necessary to future earning power. Only by catching up on maintenance and capital improvements neglected in the past fifteen years can Penn Central be put in a position to provide the high quality of service demanded by an ever-increasing portion of the Nation's shippers. The estimated cost of doing this work over a period of years is:

$435 million for additional maintenance of way charges spread over the period 1973–1976, with the understanding that $200 million more may be necessary after 1976 (see Appendix B);

$45 million for additional maintenance of equipment to insure, by 1976, a bad-order freight-car ratio of not more than 5%;

$120 million for additional capital expenditures directly related to service improvements and traffic development (see Appendix B).

$600 million to $800 million—Total.

These sums are the Trustees' best present estimate of what is necessary to permit attainment of a steady increase in traffic volume, as projected in the Trustees' earlier reports. Viability assumes, as before, prompt relief in the other areas which the Trustees have indicated as critical to successful reorganization: elimination of surplus plant and of unnecessary employees (on an attrition basis) and full compensation for all passenger operations.

The Trustees' conclusions as to the extent of the job to be done are essentially a confirmation of the requirements for maintenance stabilization and normalized maintenance projected in the Trustees' Interim Report of October 1, 1972, with some additions resulting from subsequent investigations. The urgency of making such additional expenditures, in the light of changing traffic patterns and Penn Central's inability to make such expenditures without government assistance, is explained below.

In relating these expenditures to Penn Central''s viability, it is important to understand the changes that are taking place in transportation, particularly in the Northeast region. For a time after bankruptcy, it proved possible to make substantial improvements in the reliability of freight rail service even in the face of a deteriorating condition of the plant simply by better organization and better management. Not until Penn Central, under present management, recently commenced a dynamic program for increased piggyback traffic and other high-quality freight traffic did it become evident that the railroad in its present state is simply unable to handle the strain of such service. The foregoing, together with additional recent evidence of acceleration in deterioration of the plant, has led the Trustees to the conclusion that continued acceptable public service requires much more additional maintenance and additional investment in the rail plant.

In years gone by, the principal commodities handled in Penn Central's freight service were bituminous coal and traffic related to the steel industry—ore, coke, fluxing stone, and iron and steel. But these commodities have been declining faster than other traffic. Already many million tons of high-sulphur steam coal have been lost. Comparing tons handled in 1968 (the merger year) and 1972, the figures show:

	Coal, coke, ore, fluxing stone, iron and steel (tons handled)	All others (tons handled)
1968	166,009,906	131,348,680
1972 (estimate)	144,350,000	126,050,000
Rate of decline (percent)	13	4

Even more striking is the downward revision in the traffic forecasts for these commodities as made by Temple, Barker, and Sloane. As included in the Trustees' Plan for Reorganization dated April 1, 1972, that firm estimated 621.9 million tons of bituminous coal and steel related commodities for the period 1973–1976. Six months later, for inclusion in the Trustees' Interim Report of October 1, 1972, that estimate was lowered to 579.3 million tons—a reduction of 42.6 million tons, equivalent to some $172 million in revenue.

Certain of the influences bearing on the movement of coal and steel-related commodities, such as the problems of high-sulphur coal and the developing patterns of the steel industry in the East, are completely beyond the control of Penn Central. The Trustees cannot count on these commodities to contribute importantly to volume increases projected earlier in their reorganization planning. On the contrary, such increases, for the most part, must come from other traffic, including high-grade manufactured and miscellaneous commodities which will tend to move over the best-service routes, whether highway or rail. As explained in a recent staff report for the use of the Senate Commerce Committee:

"Looking to the future, there is a good reason to believe that the fate of the railroads will in large measure be determined by the extent to which the industry can gain a greater share of the manufactured goods market. If the railroads are to improve their financial posture and keep up with the rapidly changing character of the economy, more aggressive initiatives aimed at those kinds of markets are called for. Should the industry continue to depend so heavily on the lower valued bulk commodities, it runs the risk of confining itself to traffic that not only yields comparatively little in terms of revenue, but, as noted earlier, possesses less potential for traffic growth. In contrast, manufactured goods offer the railroads the twin prospects of greater returns and growing markets.

"Can the industry move more of this kind of traffic? The answer ultimately reduces to the matter of rail-motor carrier competition since almost all truck traffic is concentrated in the high yield sectors. . . .(T)he railroads now move less than 30 per cent by weight of manufactured goods traffic, while the trucks enjoy about two-thirds of this market. What is particularly striking, however, is that contrary to popular impression, about a third of all truck shipments move 500 miles or more, a distance on which for most shipments (with weight and cube considered) comparative costs should make rail movement superior. The example of how the railroads regained from trucks a significant share of the automobile market stands as evidence that high-rated traffic can be held by or attracted to the railroads. The fact, however, is that for most manufactured goods the rail share of longer-haul shipments is decidedly below the apparent potential."[1]

"As has been true for many years and as is likely to be the case for many years to come, the railroads are heavily oriented to the transportation of bulk commodities. On this traffic yields are relatively low (though not necessarily unprofitable, at least in the sense of coverage of marginal costs) and the rate of growth is likely to continue to be generally slow. If the railroads are to expand and increase their share of intercity transportation they must exploit the potential that lies in the movement of manufactured goods, notably including shipments by TOFC—trailer on flat car—and container. The economies of the situation make this feasible for many types of movements, taking into account the character of the product, costs, weight, and shipment distance. If, though, the potential is to be converted into reality it will require better service (meaning improved utilization of equipment, notably freight cars), faster turnarounds, reduced terminal and handling times, and a highly flexible marketing approach that more closely relates rates and service to competitive modes of transportation. Among other things this demands a complementary public policy, one that is conductive to innovation." [2]

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[1] *The American Railroads: Posture, Problems, and Prospects,* Staff Analysis for the U.S. Senate Committee, Prepared at the Direction of Hon. Warren G. Magnuson, Chairman, for the Use of Committee on Commerce, United States Senate, August 28, 1972, at page 67.

Obviously, to compete in this changing transportation market with its heavy demand for service of high quality, a railroad with slow tracks and inadequate freight cars can hardly be successful. On certain important parts of its system, Penn Central is such a railroad. At one time this was a railroad with high-speed tracks with many more serviceable freight cars. But over the years freight operating schedules have been lengthened in many areas, and "slow orders" because of track condition have brought further increases in running times. In Appendix B are set forth the new rail, ties, ballast, and surfacing required to put the track structure in more satisfactory operating condition.

Moreover, on the equipment side Penn Central's needs are substantial. Cash shortage has forced curtailment of freight car repair so that the ratio of bad-order equipment to the whole fleet will reach 11 percent by the end of 1973, whereas the ratio should be no more than 5 percent. Penn Central management estimates that to reverse the deterioration of the existing Penn Central equipment fleet and to bring the bad-order ratio back to 5 percent would involve increases in repair expenditures, over those presently budgeted because of cash limitation, of approximately $45 million during the period 1973–1976. Improving the condition of Penn Central's equipment fleet is just as necessary as the greater track maintenance described above in giving Penn Central the capability of providing high-quality transportation service.

New equipment is also required to serve the same purpose. In the face of Penn Central's decreasing ability to depend on use of rolling stock received in interchange and owned by other railroads and the unacceptability of such continued dependence in the face of a nationwide freight-car shortage, the Trustees estimate that, to carry the increasing traffic projected by Temple, Barker & Sloane for 1976, the railroad will need about 18,000 new freight cars and 609 locomotives, costing about $569.3 million. While provision has been made for these acquisitions in Penn Central planning, Penn Central's cash shortage and lack of credit under present conditions make the financing of such equipment most difficult and exceedingly expensive.

The terms of the Trustees' sale of the Pennsylvania Company, if approved by the Court, will provide a line of credit for rolling stock acquisitions of up to $150 million on relatively favorable terms. Accordingly, the line of credit gained as part of the consideration from the sale of Pennsylvania Company will solve part, but not all, of the problem of financing new equipment. In view of the present and anticipated shortage of cash and credit, additional government guaranteed equipment financing is necessary. The Trustees reaffirm their support for the enactment by the present Congress of legislation comparable to H.R. 16281 as considered last year.

Finally, there is a pressing need for capital projects which are also designed to realize the benefits of the stepped-up maintenance program and to permit Penn Central to serve the additional traffic it needs to attract if it is to survive. The program which Penn Central believes to be essential to its future viability is included in Appendix B. Normally, such expenditures are made from earnings. In the case of Penn Central, present operations do not generate sufficient cash to fund these expenditures. Therefore, unless cash is available from outside sources, the entire capital program (except for critical safety projects) will be frustrated; and Penn Central will be able to do no more than in the years since bankruptcy when, despite plans to spend as much as $75 million in one year, it has had to limit capital outlays to $18–20 million per year, principally for safety projects. The capital projects are necessary if Penn Central is to be capable of offering improved service and attracting increased traffic aggregate $229.2 million by 1976. Of this amount, $109.2 million is provided for in current management planning; for the remaining $120 million, a new source of funds must be found. These are the projects which, if carried out, will improve Penn Central's ability to provide better service for increasing traffic volumes.

The Trustees regard the foregoing program of stepped-up maintenance, both road and equipment, and increased capital expenditures as vital to Penn Central's reorganization. The increased volume upon which earnings depend will not be attracted unless Penn Central can further upgrade its service. This upgrading depends, in turn, upon an improved railroad plant and more serviceable equipment. In fact, if the Trustees were successful in the complete realization of all other conditions which they have postulated for successful reorganization of a 15,000-mile system—fully compensatory passenger service, and smaller crew consist—but failed to achieve an increasing business volume, there would be no earnings and Penn Central could not be reorganized in the private sector. Appendix C sets forth the figures to support this conclusion. The projected cumulative difference in net railway operating income is nearly $700 million.

The public benefits, both economic and environmental, of maintaining rail service are not to be underestimated. Continued rail service as an effective and economic alternative to other modes of transportation should hold down transportation costs for the benefit of shippers and the public. Effective rail freight transportation will hold down future highway congestion and pollution to the benefit of all.

In sum, Penn Central to be reorganized must have other sources of funds resulting either from complete relief from excessive service and labor obligations or at least in part from infusion of governmental funds. Otherwise, the standard of service Penn Central must have to compete effectively will not be attained and the increasing traffic levels upon which reorganization depends will not be produced. Moreover, for lack of cash and credit, Penn Central's rail plant and equipment are deteriorating in condition and thus in value at the same time that unpaid real estate taxes and other high-priority obligations are relentlessly piling up.

Because of claims already accrued, neither the non-rail assets of the estate nor further borrowings can be looked to for the cash needs of the railroad. Indeed, with the railroad lacking funds to make it viable, with plant and equipment deteriorating, with tax claims and other post-bankruptcy claims eroding the estate available for pre-bankruptcy claimants, and with unacceptably slow progress in the direction of previously reported conditions for viability, it would be a violation of the constitutional rights of Penn Central claimants to continue Penn Central rail service much longer under the status quo.

Pending adequate governmental action or the alternative cessation of operations, the Trustees will do all within their power to minimize the need for government assistance. Accordingly they must and will insist upon prompt progress toward a satisfactory solution to the crew consist issue and will shortly propose to the Court suspension of freight service on uneconomic lines and suspension of passenger service where support by public authorities is non-existent or inadequate.

II.—FORMS OF GOVERNMENT ASSISTANCE

The foregoing program could be carried out in a number of different forms which have quite different consequences as to continuing government involvement and responsibility, as described in the Trustees' Interim Report of October 1, 1972. Major alternatives which appear to the Trustees to be worthy of the most serious discussion are set forth below.

(a) *Subsidies until the railroad can become viable*

The form of governmental assistance which would hopefully result in the minimum government involvement and responsibility would be a $600 to $800 million program of subsidies over a period of years for the purposes described in Part I. The justification for a subsidy is that the amount required is, after all, substantially less than the burdens imposed on Penn Central by excess service and labor obligations (see page 1).

Of course, for its protection, the government should have a voice in controlling the uses to which the subsidy payments are put. If the large part of the program that involves increased roadway maintenance were to be provided by the government, it would appropriately be provided subject to requirements that the railroad continue at least the present level of roadway maintenance with internally financed funds. So as not to support wastefully duplicative facilities in the Northeastern railroad system, but without undertaking the burden of deciding once and for all what would be the ultimate shape of the Northeastern railroad system, the government might require a finding by the disbursing authority that the additional roadway maintenance funds and capital improvement funds will not be spent on facilities duplicative of clearly preferable facilities provided by other railroads. There might also be, as to the capital improvement projects, more definitive required approvals by the disbursing authority.

Such a public subsidy contribution, subject to requirements that the funds be spent for purposes providing direct benefits to the public, presents a minimum, and hopefully a temporary, government involvement and responsibility. Alternative forms of carrying out the program may provide the government and the public with greater control, but may present the correlative disadvantages of involving the government with greater responsibility, longer-term commitment and greater government expenditure.

(b) *Joint venture involving conveyance of rail plant to public authority, government commitment to maintain and to improve*

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[2] *Id.* at page 69.

plant, and proportionate sharing of user charges paid by private operating company

If, in providing the subsidy described in the foregoing section, more protection for the government is deemed necessary, a joint venture might be considered. Penn Central would convey the essential roadway to a public or quasi-public authority, and the government would make a commitment to maintain and to improve the plant. The railroad, which would remain as a private operating company, would pay user charges to the authority owning the plant in accordance with a formula related to its volume of activity and its ability to pay. Similarly, Amtrak and local commutation authorities would also compensate the authority on a user basis. The user charges would be divided among the owners of the authority (the government and the Penn Central claimants who contributed the existing plant) in proportion to the value of their respective contributions. The joint venture could contain provisions for termination and for repayment of the government contribution if railroad earnings so permitted.

(c) *Government purchase or lease of right of way at fair market value with subsequent Government maintenance and investment, and with operation by private company paying user charges*

Another alternative is government acquisition of the right of way, the trains to be operated by a private contract operator. Again, the private operating company would pay user charges. Acquisition could be through either an outright purchase or a long-term lease to insure continuity of the roadway as protection for the government's involvement. This solution is particularly appropriate in the passenger-oriented Northeastern corridor where long-range government plans may require massive capital investment.

This alternative would relieve the railroad of any obligation to maintain and to improve the right of way. In addition, local property taxes, which are a present burden on the rail system, could be eliminated or greatly reduced.

Such a solution would provide not only continued service to the public, but also compensation to claimants against the Penn Central estate. This would make it very expensive, for government expenditures would not end with compensation of the private interests involved, but would extend to the maintenance of the right of way and its improvement as set forth in Appendix B, subject to recovery in whole or in part through user charges.

This alternative also could contain provisions whereby the government would divest itself of involvement by selling its leasehold or ownership interest to the private sector if the system developed sufficient earnings.

III.—CONCLUSIONS

It is clear that the status quo will not permit an income-based reorganization. Indeed, because of the accumulation of losses and unpaid priority charges, a continuation of present operations would do violence to the constitutional prohibition against the using of private property for a public purpose without adequate compensation.

The money required to continue service simply cannot be found from private sources, at least in the next few years, unless Penn Central should be immediately relieved of all excessive service and labor obligations.

The alternatives, therefore, may be simply stated. A substantial public investment in Penn Central's plant will insure continuation of essential operations with adequate and efficient service to the public. A failure to make this investment or to take other adequate actions can only result in a closing of Penn Central's railroad.

The Trustees believe that the plant and equipment investment program described in this Report will result in a viable railroad which can remain in the private sector. It will certainly produce a service which the public interest requires.

Decision as to how the investment is made rests, of course, with the legislative and executive branches of the government. The Trustees do not consider themselves competent to advise as to the political preferences or the political practicality of the various alternatives suggested. They do feel that private management with the profit incentive of private ownership would be best; private management under an incentive contract with ownership of the right of way and track and structures by a mixed public and private authority or a public authority is next best.

Because government ownership *and* operation is a very poor, and unnecessary choice, it is not discussed in this report. World-wide as well as domestic experience in addition to logic dictates this strong conclusion.

The Trustees see their responsibility in this area to be to state these facts along with the amount of government funds necessary to make Penn Central a strong public-service organization. The political process must churn out by which method the infusion is to take place. The choice is up to those who control the national purse strings.

For them it is obviously a very hard choice. Frustration with situations such as the Penn Central presents—present and past—may well lead the government to close its eyes to the vital fact that purchase and operation by the government will cost much more over time than an investment of less money in making possible a viable private "public service" enterprise.

Respectfully submitted,
George P. Baker, Richard C. Bond
and Jervis Langdon, Jr.,
Trustees of the property of Penn Central Transportation Co., debtor.

APPENDIX A

COMPARISON PROJECTED INCOME 1973-76, PRESENT "20,000" MILE SYSTEM VERSUS 11,000 MILE SYSTEM (FREIGHT ONLY)

[Per base plan study as revised; "Instant"-VPS II October 1, 1972 report]

[In millions of dollars]

	1973	1974	1975	1976	Total 1973–76 cumulative
A. Present system:					
Operating revenues:					
Freight	1,726.2	1,874.1	2,002.6	2,141.1	7,744.0
All other	244.6	252.3	260.4	268.9	1,026.2
(1) Total	1,970.8	2,126.4	2,263.0	2,410.0	8,770.2
(2) Operating costs [1]	2,128.0	2,231.2	2,319.5	2,411.1	9,089.8
(3) Net railway operating income	(157.2)	(104.8)	(56.5)	(1.1)	(319.6)

	1973	1974	1975	1976	Total 1973–76 cumulative
B. 11,000 mile system:					
(1) Railway operating revenue	1,618.5	1,740.2	1,862.5	1,971.1	7,192.3
(2) Operating costs [2]	1,559.5	1,602.6	1,637.4	1,671.9	6,471.4
(3) Net railway operating income	59.0	137.6	225.1	299.2	720.9
C. Comparison projected: Net railway operating income (11,000 mile system—present (line B (3)—line A 3)	+216.2	+242.4	+281.6	+300.3	+1,040.5

[1] Adjusted to include maintenance stabilization program and normalized maintenance increment.

[2] Excludes labor protection costs; adjusted to include maintenance stabilization, normalized maintenance increment; accrued railway taxes and net rents.

Note: Figures in parenthesis represent loss.

APPENDIX B

MAINTENANCE OF WAY

[In millions of dollars]

Category	1973	1974	1975	1976	Total 1973–76
Ties [1]	38.8	57.9	60.8	63.8	221.3
Welded rail (new) [1]	32.7	41.9	44.0	46.2	164.8
Welded rail (relay) [1]	8.8	11.6	12.2	12.8	45.4
Track surfacing [1]	10.3	10.8	11.3	11.9	44.3
All other maintenance of way	185.3	209.3	215.0	220.3	829.9
Maintenance machinery and equipment	22.0	16.1	3.0	3.2	44.3
Total	297.9	347.6	346.3	358.2	1,350.0
Included in base plan	205.1	225.4	236.3	248.2	915.0
Additional required	92.8	122.2	110.0	110.0	435.0

Category	1973	1974	1975	1976	Total 1973–76
Capital projects for service improvement and traffic development:					
Service improvemet [2]	29.7	48.3	55.0	52.8	185.8
Traffic development [3]	8.1	14.8	10.2	10.3	43.4
Total	37.8	63.1	65.2	63.1	229.2
Included in base plan	15.0	31.6	30.7	31.9	109.2
Additional required	22.8	31.5	34.5	31.2	120.0

[1] Total base plan and additional requirement includes, for 1973, 2,800,000 ties; 819 track miles of new and relay welded rail and 6,190 miles of track surfaced. The averages for years 1974, 1975, and 1976 are 3,900,000 ties; 1,030 track miles of new and relay welded rail, and 6,190 miles of track surfaced.

[2] Items essential for improving the quality, reliability of service and maintaining safety of operation, such as, terminal improvement, centralized traffic control, hot box detectors, etc.

[3] Items necessary for holding existing and attracting new traffic required for Penn Central's reorganization, such as, new or modified Trailvan Terminals, Flexiflo Terminals, etc.

APPENDIX C

15,000 MILE SYSTEM (FREIGHT ONLY), PROJECTED INCOME ACCOUNT COMPARISON WITH TBS (SEPTEMBER 15, 1972) FORECAST TRAFFIC LEVELS VERSUS "CONSTANT" 1971 TRAFFIC LEVELS, 1973-76

[In millions of dollars]

Account No.	1973		1974		1975		1976	
	TBS	Constant	TBS	Constant	TBS	Constant	TBS	Constant
(501) Railway operating revenue	1,808.5	1,654.3	1,946.0	1,730.4	2,084.7	1,803.1	2,208.9	1,861.6
(531) Railway opeating expenses [1]	1,501.5	1,479.6	1,532.6	1,495.7	1,558.0	1,505.8	1,583.0	1,515.6
Net revenue from railway operations	307.0	174.7	413.4	234.7	526.7	297.3	625.9	346.0
(532) Railway tax accruals [1]	115.2	116.9	116.8	118.5	117.9	119.6	123.5	125.2
Railway operating income	191.8	57.8	296.6	116.2	408.8	177.7	502.4	220.8
Net rents	243.4	224.2	262.8	235.4	278.0	241.5	290.0	244.0
Net railway operating income	(51.6)	(166.4)	33.8	(119.2)	130.8	(63.8)	212.4	(23.2)
Net difference (TBS—constant):								
Yearly	+114.8		+153.0		+149.6		+235.6	
Cumulative	+114.8		+267.8		+462.4		+698.0	

[1] Including labor protection and maintenance stabilization costs.

Note: Figures in parenthesis represent deficit.

By Mr. BEALL:

S. 758. A bill to improve and strengthen the role of Congress with respect to budget control and oversight matters. Referred to the Committee on Government Operations.

CONGRESSIONAL BUDGET CONTROL AND OVERSIGHT IMPROVEMENT ACT

Mr. BEALL. Mr. President, I introduce today the Congressional Budget Control and Oversight Improvement Act. This bill is designed to strengthen and improve the role of Congress with respect to budget control and our legislative oversight responsibilities.

Specifically, the bill proposes the Congress do the following:

First. Move the Federal fiscal year to coincide with the calendar year.

Second. Establish an appropriations ceiling and a workable mechanism to force Congress to live within that ceiling and to make those necessary hard choices in determining priorities.

Third. Strengthen the congressional oversight functions to make certain that all Federal programs are reviewed and evaluated at least every 5 years.

Fourth. Require that each bill introduced and each bill reported to the floor include an estimate of the average costs for each taxpaying family.

Five. Create a Federal program evaluation digest.

Mr. President, last year during consideration of the public debt limitation extension bill, the Congress engaged in an important, and for me, an encouraging, debate. The debate was triggered by the President's request for a $250 billion expenditure ceiling and for blanket authority to reduce programs in order to keep Federal spending beneath the ceiling level.

The Congress, in my judgment, wisely refused to grant the President such authority for this would have meant that the executive branch, and not the elected representatives, would determine Federal spending and program priorities. Notwithstanding my deep respect and admiration for the President and the fact that he is from my political party, I did not and could not support such a request.

The power of the purse is probably the most important power of Congress. This power includes not only the raising of revenue but also the determining of how such funds will be spent. I cannot, as one who believes in the Congress as a coequal branch of the Government, give the President a blank check to do the Congress business.

As a result of that debate, the Congress created a House-Senate committee to study the budget process. This Joint Committee on Budget Control is now examining ways to improve our budgetary process and is scheduled to make a preliminary report to the Congress on February 15. Last year's debate, and the work of the joint committee, may prove from the standpoint of the country and the Congress to be of historic significance. Of course, the true test will not be whether we recognize and debate the problem, but whether we find the ways and means and have the will to take the required action to control the budget and determine the Nation's priorities. It is with this in mind that we have prepared these proposals and I will now proceed to discuss them in greater detail.

CALENDAR YEAR

First, the legislation would change the Federal fiscal year, which ends June 30, to coincide with the calendar year. The champion of this idea is Senator MAGNUSON. Under his leadership the establishment of a calendar year budget cycle for the Federal Government has been gaining considerable support in the Congress. I believe that in the previous Congress over a majority of the Senators cosponsored or expressed support for his proposal.

My first suggestion then is the improvement of the congressional budget process for the adoption of the Magnuson idea of moving to a calendar year.

Mr. President, the Congress has not completed action on all appropriations bills before the fiscal year for which the funds are being appropriated since World War II. In fact, less than 10 percent of the appropriated measures in the last decade were enacted before the start of the fiscal year. None were passed prior to the start of the fiscal years in either 1969 or 1970. We did better in the last Congress passing five out of 16 bills before the fiscal year in 1971 and three out of 12 bills before the start of the fiscal year 1972.

This, Mr. President, is intolerable. Delay in appropriating Federal funds is not conducive to planning or effective use of Federal funds. It is particularly disastrous for local education agencies and State and local governments. As a former member of the Maryland Legislature, I can say that knowing by December the Federal programs and their funding would be beneficial to the States in planning and budgeting for their fiscal years.

While there are many causes of the delay, such as proliferation of Federal programs and responsibilities, I am convinced that a move to the calendar year is an important first step in the improvement of our budget process.

BUDGET CEILING

Second, under my proposal, Congress would set its own budget ceiling and create a mechanism to make Congress discipline itself fiscally and make those hard decisions necessary in determining the country's priorities. This concept would work in the following manner. The Ways and Means and the Appropriations Committees of the House of Representatives, together with the Finance and the Appropriations Committees of the Senate, would meet jointly at the beginning of the new session to examine the President's budget and then make recommendations to both the House and the Senate on a budget ceiling. The full House and the Senate would then concur or modify the ceiling recommended by the joint committee. Once a joint resolution was enacted, however, the amount specified would be the spending ceiling for the year, unless Congress later lowered or raised the ceiling by a subsequent law.

My bill also provides a mechanism for forcing the Congress to abide by the ceiling which it set.

It does this by instructing the Appropriations Committee to determine the differences, as an average percent increase or decrease, by the congressional ceiling and then utilize such percentage as the guideline in considering all appropriation measures. Perhaps an example would clarify the workings of this procedure. Let us assume that the budget set by the Congress represented a 10-percent increase. The Appropriations Committee would then instruct its subcommittee that a 10-percent increase was the general guideline to be followed. If, for example, the Interior Subcommittee of the Appropriations Committee approved a 20-percent increase in the Interior Appropriations bill, and this sum were approved by the full committee, and upheld on the floor, the Appropriations Committee would then reduce the percentage guideline for other appropriations measures which may mean that the new guideline would be 9.8 percent. This proposal will result in all members having an interest in all appropriations measures, for an increase or decrease in one appropriations bill will lower or raise the percentage for other appropriations measures.

In short, Congress will be forced to face up to an unpleasant fact. Priority setting does not just mean passing, authorizing or appropriating bills with additional money, but also requires the balancing of the new proposals with other competing claims on limited Federal resources.

IMPROVE OVERSIGHT

Third, the bill would greatly strengthen the legislative oversight role of the Congress. The Legislative Reorganization Act of 1970 contemplated additional legislative review. While this idea was and is excellent, I do not believe that the act provided an adequate mechanism for achieving its goal. Therefore, this proposal is aimed at assuring an adequate, and not a cursory review, is made by the legislative committees of the Congress. It would do this by requiring each standing committee of the House and the Senate to establish a Subcommittee on Legislative Review. When a committee already has a subcommittee, with the responsibility with respect to a subject matter, that subcommittee, assisted by the Legislative Review Subcommittee, may evaluate the program or legislation.

However, if the subcommittee having jurisdiction failed to evaluate and make a report of its review and study at least once every 3 years, the Subcommittee on Legislative Review would then be mandated to conduct a review.

To make it absolutely certain that a review would be forthcoming in any event once every 5 years, the General Accounting Office would be required to make a study and report to the appropriate committee and the Congress if the review had not been done by either the appropriate subcommittee or the new Legislative Review Subcommittee, by the end of the fourth year.

This procedure will guarantee that the vital oversight function of the Congress will be accomplished.

FEDERAL PROGRAM EVALUATION DIGEST

Fourth, my bill would require the preparation of a Federal program evaluation digest. Presently, there is published each year the Catalog of Federal Domestic Assistance. This catalog runs some 817 pages and lists about 1,200 programs. It has proved useful to our citizens and our communities in determining what Federal programs or benefits are available and how to apply for them.

I see the need in the Congress, and elsewhere, for a similar publication that, in effect, would be a handy reference guide for all Federal programs. The Federal Program Evaluation Digest, would to the extent feasible, be cross-referenced to the Catalog of Federal Domestic Assistance and contain the following information:

First, the name of the program, the statute authorizing the program, specify the Federal officials administering the program, and give a brief description of the program;

Second, the original purposes, goals, and objectives of the program, and any changes thereto;

Third, an evaluation by the head of the program on whether and how the purposes, goals, and objectives are being achieved;

Fourth, references to any study, conducted partially or completely with Federal funds, evaluating the program, and to the maximum extent practicable, references to any study conducted completed with non-Federal funds, evaluating the program;

Fifth, the total administrative costs of the program paid out of Federal funds, the total costs of the program paid out of Federal funds, and the total of such administrative costs so paid as a percentage of such total costs so paid;

Sixth, the average cost to the program for each recipient; and

Seventh, cross-references to the program and matters related to the program which are included in the latest available catalog of Federal domestic assistance—including any supplements thereto.

There is a major distinction, however, in that this digest, unlike the catalog of Federal domestic assistance, would include all Federal programs and not just domestic programs except to the extent that national defense does not permit a program's listing.

How many of my colleagues, while on the Senate floor have been confronted with an amendment increasing an appropriation for a program for which there was no ready source of information that the digest would contain?

I believe that such a digest would be a useful and valuable tool for improving our understanding of programs and our ability to determine priorities.

COST PER FAMILY

Finally, the legislation contains a provision requiring all bills and joint resolutions introduced, and the report of any bills or joint resolutions by a committee to either Houses, to include the average cost per taxpaying family. While admittedly this requirement is gimmick-like, I believe it is needed and will serve an important purpose. Congress in recent years has passed various laws designed to better inform the consumer, acts like the truth-in-lending, truth-in-packaging, and others. This provision may be viewed as "truth-in-legislating."

This provision will require, that in addition to our taking the credit and heralding the benefits of programs. We also apprise the electorate of the program costs.

Perhaps there are better methods of computing the costs, but I believe that the thrust of the proposal is healthy for us in the Congress and good for the American taxpayer. As drafted, when a Member introduces a bill or an amendment, it would have to include an estimate of the cost of the legislation for each taxpaying family. This will be calculated by dividing the cost of the bill by the number of Federal tax returns filed with the Federal Government for the preceding calendar year. As an example, for taxable year 1971, 60 million taxable returns were filed with the Treasury. Since there are on the average 3.6 persons per family, the number of taxable returns approximates the number of families in the country. This will enable the average citizen to understand what a proposal means and costs to him personally. The late Senator Ellender in a floor speech tried to help the public comprehend the astronomical size of the debt, which then stood at nearly $400 billion. In this interesting and colorful floor speech, Senator Ellender said:

> If every member of the United States Senate counted two, one-dollar bills every second of every minute of every hour of every day of every week, it would take approximately 64 years to count $400 billion. If the senators worked the standard work year (8 hours per day for 260 days a year) taking no coffee breaks, or holidays or vacations, it would take them 267 years to accomplish the same count. At its current capacity, it would take the Bureau of Printing and Engraving about 171 years to print 400 billion one-dollar bills. Four hundred billion dollars in one-dollar bills would fill about 3,456 railway boxcars, making a train almost 36 miles long. The 400 billion one-dollar bills stacked on top of each other would reach about 27,095 miles, or 4.5 trips from New York to Los Angeles. Placed end to end, that many bills would make a path, 160 bills or 35 feet wide, to the moon.

This provision has a similar purpose. While citizens may have difficulty in comprehending billions, they will readily understand the cost per taxpaying family. This proposal should make Members of Congress more cost conscious and think harder and more realistically regarding the authorization and appropriation levels of the proposals he advances. Authorization levels in particular, that Congress has been approving, are often unrealistic. As former Secretary of Health, Education, and Welfare Elliot Richardson observed in a recent report:

> Historically, one set of committees in the House and Senate creates programs and another set actually provides the money for them. The political incentives for a member of an authorizing committee is to pass bills with big price tags—and much publicity—to show he "cares about solving problems." Such an incentive does not apply to members of appropriating committees. Time after time the figures on the price tag are higher than anything the executive branch can in good conscience request, and higher than anything that appropriations committees are willing to provide.
>
> There results, then, an "Authorization-Appropriation gap"—A gap which has grown by $3 billion in the last year alone and is now over $13 billion. For the public, the authorization-appropriation process has become, in a sense, a shell game. Hopes are raised by attention to the authorizing hoopla, only to be dashed by the less flamboyant hand of the appropriations process.

Mr. President, over-promising in authorization bills leads to big disappointment and disillusionment on the part of our citizens. In addition, this part of my proposal would direct the Library of Congress to tabulate a total cost per taxpaying family of the authorization AMD appropriations passed for each week and a running year-to-date total. These totals would be printed weekly in the CON-

GRESSIONAL RECORD as soon as the tabulation is completed.

As the Wall Street Journal of January 28, 1972 stated:

> Any procedural reform that encouraged the Congress to be aware of the overall effect of their individual actions would have substantial benefits for us all." . . . "It would be a healthy discipline for Congress to ask each sponsor of a spending bill to also say how the money is to be raised since a government that is running a $40 billion deficit obviously doesn't have spare cash lying around.

Mr. President, the Nation rejoices over the President's success in negotiating an end to the long and difficult war in Vietnam. We all hope and pray that the peace will be permanent so that the "Generation of peace" about which the President has so often spoken will come to us.

The economic news has also been very encouraging as we have had considerable success in getting the economy straightened out and back on the right track—1972 was a year of strong economic advances, increased employment, and a lower rate of inflation.

We are encouraged by the prospects of permanent peace and prosperity without inflation for our citizens.

A few years ago it was fashionable to speak of the "peace dividend" that would be available after the war was concluded. Brookings Institution in the book entitled, "Setting National Priorities—the 1973 Budget" pointed out that the surplus, for a variety of reasons, has disappeared. The Brookings study says:

> On balance, the tax changes enacted during the past ten years have reduced Federal revenues substantially; full employment revenues in fiscal 1973 will be $27 billion lower than they would have been under the tax laws in effect ten years ago. Moreover, the recent reductions in tax rates and the expanded scope of the Federal Government's activities have produced a situation in which the annual built-in growth in Federal expenditures now tends to absorb a very large part of the increase in Federal revenues generated by an expanding full employment economy. Indeed, for the next several years the growth in Federal expenditures under existing programs and those proposed in the 1973 budget may exceed the growth in full employment revenues under current tax laws. By 1977, revenues increases may have equaled the growth in expenditures, but they are not likely to produce a surplus for use in launching major new governmental programs to meet emerging national priorities. This situation is in sharp contrast to earlier periods in the Nation's economic history, during which peace-time economic growth tended to produce larger gains in Federal revenues than were absorbed by ongoing Federal expenditure programs. As a consequence—in the near future at least—major new Federal programs will have to be financed either from higher taxes or from sharp reductions in current activities.

The last line of this quote bears repeating:

> As a consequence in the near future at least major new Federal programs will have to be financed either from higher taxes or from sharp reductions in current activities."

A similar theme was sounded in an article entitled "The Bad News About the Federal Budget" in November 1972 Fortune magazine. The analysis by this respected publication, if their projections come true, would be bad news indeed. Herbert Stein, the Chairman of the President's Council on Economic Advisers, has indicated that coping with the budget will be the top priority task facing the President in his new term. Mr. Stein was quoted in Fortune as saying that:

> The President sees the budget problem, in all its aspects, converging on him. And it amounts to a crisis of serious proportions.

Fortune then goes on to say:

> But the situation is even worse than the Administration has acknowledged. The problem is not just that the fiscal 1973 will show a deficit of around $30 billion. It is rather that—unless spending programs are cut back or revenues are increased—succeeding years will continue to show big deficits. "Fortune" predicts that by fiscal 1977, the total Federal budget will be in the neighborhood of $369 billion compared to the Office of Management and Budget's projections of $327 billion. Thus, under the Office of Management and Budget's assumptions, the 1977 budget will be $77 billion more than the 1973 budget. "Fortune" projections, on the other hand, see the budget at $119 billion more than the 1973 budget.
>
> "Fortune" sees a deficit of $24 billion in 1977, rather than the $19 billion surplus projected by the administration and warns this is a troubling prospect. Big deficits over the next several years would unsettle money markets, foster inflation, and worsen the Nation's international economic difficulties.

While there are many estimates for the deficit for fiscal 1973 and 1974, I believe that there is enormous hazards of budget deficits in the $25 to $35 billion range and that we should be moving toward a balanced budget.

The new budget for fiscal 1974 has now been revealed. It calls for spending of $268.7 billion and there is a projected deficit of $12 billion and, important for the American public, no new taxes.

The current fiscal year, which ends June 30, is expected to produce a deficit of $25 billion. I was also encouraged that both Majority Leader MANSFIELD and House Speaker ALBERT have indicated that the Congress would seek to hold the overall spending for both fiscal 1973 and fiscal 1974, as requested by the President.

The majority leader was quoted as saying that it is mandatory that Congress discipline itself in the budget area, for the "American people are being taxed to death."

Mr. President, it is mandatory that we in the Congress do a better job in the budget oversight process and the legislative oversight area.

For the last decade the Congress and the executive branch seemed to be competing to find bigger and better ways to spend the taxpayers' dollar. We did this on a bipartisan basis. We did it to accomplish worthy objectives. We enacted program after program in response to the problems of the day, and since the decade was not lacking in problems, programs proliferated. In enacting new programs, often little thought was given to existing programs and how they would mesh or conflict with the new program. It is hard to recall Congress standing up and saying "this program has outlived its usefulness," or "this program is not working; we are going to repeal it."

As I previously indicated, the developments referred to in the Brookings study, the proliferation of Federal programs, and the resulting built-in growth which so concerned Fortune magazine, means that Federal revenues are not running ahead of Federal expenditures. What this means is that the administration and the Congress now must face up to the economic facts of life.

Having served in the State legislature, I must say that the restraints and the discipline were much greater at that level, for State governments have no choice as there are usually constitutional requirements that State budgets be in balance.

Now I want to make it clear that we as compassionate people need to respond to our many domestic problems and that there will be a need for new programs to deal with these problems as the Nation continues its climb to even greater social, economic, and political opportunities for all Americans.

But we have reached a point when we must take stock of our efforts. We must look at all programs to see if they are the best response to a particular problem and we must make certain that the level of Government best able to deliver a particular program or service does so.

Solutions to all our problems cannot be prepackaged in Washington. There is no way that Federal officials can know the local conditions and problems of the many communities across this great land, communities which are as diverse as our people.

It is through this power of the purse that Congress has its greatest impact on the priorities of Government and can effect changes in programs and policies.

We have reached a point when we can no longer evaluate a program or an appropriations measure in isolation. Just as the average family cannot do everything that is needed or good, we in the Congress have to make similar tough choices in view of the impact of our individual actions on the total picture.

The Congress is rightly concerned about the erosion of its powers. Members are rightly concerned over the issue raised by the President's request for authority to reduce spending as he saw fit, down to the $250 billion level and by the issue raised in the impoundment of Federal funds. These are legitimate issues of great constitutional depth and importance.

Unquestionably, one of the greatest powers possessed by the Congress is the appropriation of money for the operation of the executive branch.

There is, with considerable justification, congressional concern in these areas.

On the other hand, the President's right to impound funds has been unchallenged for many years. It is an action that has been taken many times by a number of chief executives of both parties. Unquestionably, over the last decade it has resulted in reducing budget deficits that Congress has failed to reduce by use of the appropriations process. In a sense we in the Congress have said we will authorize any amount. We will appropriate more realistically but on an individual appropriation bill basis without any controls or guidelines and with little thought over what we did on the appropriations bill we passed yesterday, or the one that will come before us tomorrow. We in effect will forget about the total amount appropriated; let the President worry about this detail, and take the heat of reducing funds for specific programs; and this has been pretty much the story.

The appropriation power of the Congress is and should be a jealously guarded constitutional right. But like most constitutional rights this power exists with a certain amount of responsibility and must be discharged in a responsible manner or the power will be lessened.

This to some degree is what has happened. As a result the President, and the executive branch have assumed even greater power and stepped into the void.

As Senator MANSFIELD elloquently put it before a caucus of Democratic Senators on January 3:

> The fault lies not in the executive branch but in ourselves in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility, the powers of the Federal Government will have to be recast so that it can be done elsewhere. We must face the fact that an institution, Congress, is not readily equipped to carry out this complex responsibility. By tradition and practice, for example, each Senate Committee proceeds largely in its own way in the matter of authorizing expenditures. There is no standing Senate mechanism for reviewing expenditures to determine where they may fit into an overall program of government.

So Mr. President, if Congress wishes to reassert itself with respect to the power of the purse, we must resolve to take the necessary steps and create the mechanism that will enable us to control Federal spending and determine Federal priorities.

Again, I am encouraged with the attention this subject is receiving in the Congress, as evidenced by the debate last year on the debt extension, the appointment of a Joint Committee on Budget Control, and the concern expressed by majority leaders and others.

In addition, the subject has been receiving considerable national attention in the communications media. I am hopeful that this interest will result in the Congress facing up to this problem.

Mr. President, I do not regard these proposals as a panacea or millennium to the problems and the need for reform in the Congress. I am convinced, however, that the proposals I am advancing today will help bring the budgetary process under control, improve our oversight responsibilities, and help revitalize the Congress.

If we take the actions called for in my proposal, the present vacuum, which the executive branch has been filling because of Congress' inability or unwillingness to reform itself, will be removed and we will be in a better position to deal with other serious challenges by the executive branch, such as the impoundment of funds, because we will have demonstrated not only by our words, but more importantly by our actions that we can and will control the budget and determine national priorities.

How we in the Congress respond to correct our generally acknowledged weaknesses with respect to the overall reform of the Federal Government's budget will in no small way determine the answer to the country and the Congress concern over the erosion of congressional power, the congressional role in determining national priorities, and the Nation's ability to avoid inflation and to preserve prosperity in 1973, 1974, and the years ahead.

I am pleased to join in the congressional search for the ways and means to improve the congressional budgetary process and oversight functions. Of all the issues on congressional reform, this is probably the most important and, I hope for the country and the Congress sake, that we will face up to this issue and take action in this Congress.

I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Budget Control and Oversight Improvement Act".

TITLE I—CHANGE OF FISCAL YEAR

CALENDAR YEAR AS NEW FISCAL YEAR

SEC. 101. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) The fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(1) shall, through June 30, 1974, commence on July 1 of each year and end on June 30 of the following year;

"(2) shall for the period commencing July 1, 1974, and ending on December 31, 1974, be for such period; and

"(3) shall, beginning on January 1, 1975, commence on January 1 of each year and end on December 31 of that same year.

"(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a)."

SPECIAL APPROPRIATION

SEC. 102. For the fiscal year commencing July 1, 1974, and ending December 31, 1974, there are appropriated, out of any money in the Treasury not otherwise appropriated, for any projects or activities conducted in the fiscal year ending June 30, 1974, for which authority to conduct such project or activity did not expire prior to June 30, 1974, an amount equal to 50 per cent of the amount appropriated for that project or activity for such fiscal year ending on June 30, 1974. Appropriations made under this section shall be available to the extent and in the manner appropriations were made available for that project or activity during the fiscal year ending on June 30, 1974.

TRANSMITTAL OF BUDGET AND EXPENDITURE MESSAGES

SEC. 103. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out of that matter of subsection (a) preceding clause (1) the phrase "during the first fifteen days of each regular session" and inserting in lieu thereof", at the time specified in subsection (e) (1)";

(2) by striking out in subsection (a) (5) "on or before October 15 of each year," and inserting in lieu thereof ", at the time specified in subsection (e) (2),";

(3) by striking out in subsection (b) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e) (3)";

(4) by striking out in subsection (c) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e) (4)"; and

(5) by adding at the end thereof the following new subsection:

"(d) In addition to the information required by subsection (a), the budget shall contain a statement, in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(e) (1) In accordance with subsection (a), the President shall transmit each budget to the Congress as follows:

"(A) for the fiscal year ending on June 30, 1974, during the first fifteen days of that regular session of the Congress which assembles under section 2 of article XX of the articles of amendment to the Constitution prior to the commencement of the fiscal year; and

"(B) for each fiscal year beginning on or after January 1, 1975, on or before April 15 of the year preceding the commencement of that fiscal year.

"(2) In accordance with subsection (a) (5), estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted to the President, for each fiscal year commencing on and after January 1, 1975, not later than January 15 of the year preceding that fiscal year.

"(3) In accordance with subsection (b), the President shall transmit each supplementary summary of the budget to the Congress, for each fiscal year beginning on or after January 1, 1975, on or before October 1 of the year preceding that fiscal year.

"(4) In accordance with subsection (c), the President shall transmit summaries of estimated expenditures on June 1, 1974, and November 1 of each year thereafter.

"(f) No budget, supplementary summary of the budget, or estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted for the fiscal year commencing July 1, 1974, and ending on December 31, 1974. For purposes of subsection (a) (7), the phrase 'last completed fiscal year' shall mean, for the budget to be transmitted to the Congress on or before April 15, 1974, for the fiscal year commencing on January 1, 1975, each of those fiscal years ending on June 30, 1974, and December 31, 1974. The fiscal year ending on December 31, 1974, shall not be considered a fiscal year for purposes of subsection (c).

"(g) If the Congress is not in session on the day on which the President submits a budget, a supplementary summary of the budget, or a summary of estimated expenditures, such budget or summary shall be transmitted to the Clerk of the House of Representatives and shall be printed as a document of the House of Representatives."

ACCOUNTING PROCEDURES

SEC. 104. (a) Subsection (a) (1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes," approved July 25, 1956, as amended (31 U.S.C. 701), is amended to read as follows:

"(1) The obligated balance shall be transferred, at the time specified in subsection (b) (1) of this section, to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and".

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Any obligated balance referred to in subsection (a)(1) of this section shall be transferred as follows:

"(A) for any fiscal year or years ending on or before June 30, 1974, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

"(B) for any fiscal year commencing on or after July 1, 1974, on December 31 of the second fiscal year following the fiscal year or years for which the appropriation is available for obligation.

"(2) The withdrawals required by subsection (a)(2) of this section shall be made—

"(A) for any fiscal year ending on or before June 30, 1974, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

"(B) for any fiscal year commencing on or after July 1, 1974, not later than March 1 following the fiscal year in which the period of availability for obligation expires."

ECONOMIC REPORTS

SEC. 105. (a) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022), is amended by striking out "The President shall transmit to the Congress not later than January 20 of each year" and inserting in lieu thereof the following: "Not later than January 20 of each year before 1975, and not later than April 15 of each year after 1974, the President shall transmit to the Congress".

(b) Section 5(b)(3) of such Act (15 U.S.C. 1024) is amended by striking out "(beginning with the year 1947)" and inserting in lieu thereof "before 1975 and not later than June 1 of each year after 1974,".

CONVERSION OF AUTHORIZATIONS OF APPROPRIATIONS

SEC. 106. Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1973, be considered as meaning January 1 of the year following that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1974, be considered as meaning December 31 of that same year. Any law providing for an authorization of appropriations for the fiscal year 1975 or any fiscal year thereafter shall be construed as referring to that fiscal year commencing on January 1 and ending on December 31 of the calendar year having the same calendar year number as the fiscal year number.

REPEALS

SEC. 107. The following provisions of law are repealed:

(1) the ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) the proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

TECHNICAL AMENDMENT

SEC. 108. (a) Section 105 of title 1, United States Code, is amended by striking out "June 30" and inserting in lieu thereof "December 31".

(b) The provisions of this section shall be applicable with respect to Acts making appropriations for the support of the Government for any fiscal year commencing on or after January 1, 1975.

TITLE II—APPROPRIATIONS CEILING DEFINITIONS

SEC. 201. For purposes of this title—

(1) "Budget" means the Budget of the United States Government transmitted to the Congress by the President pursuant to the Budget and Accounting Act, 1921; and

(2) "obligational authority" includes loan authority.

RECOMMENDATION OF APPROPRIATION CEILING

SEC. 202. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittees thereof, shall meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget transmitted by the President, make a recommendation to their respective Houses specifying the total amount of new obligational authority to be made available in appropriations measures for such year. Not later than May 30 of each year (commencing in 1974), the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives shall report to the House, and the Committee on Finance and the Committee on Appropriations of the Senate, shall report to the Senate, by joint resolution, the recommendation of those four committees specifying the total amount of new obligational authority to be made available for the fiscal year for which the Budget was transmitted.

(b)(1) It shall not be in order in either House of Congress to consider any measure providing new obligational authority with respect to any fiscal year until there has been enacted into law with respect to such final year a joint resolution of the kind referred to in subsection (a) of this section.

(2) The provisions of paragraph (1) shall not preclude the holding of hearings or other consideration of the Budget submitted by the President by any committee of the Senate or the House of Representatives, or any subcommittee thereof, or by any joint committee of the two Houses, or any subcommittee thereof.

(c) After such a joint resolution has been enacted into law with respect to such fiscal year, the amount so specified shall be effective for purposes of this title unless there subsequently has been enacted into law a joint resolution with respect to such fiscal year specifying a different amount. If such a joint resolution has been enacted, the amount specified in such subsequent joint resolution shall be effective for purposes of this title for such fiscal year.

CONSIDERATION OF APPROPRIATIONS MEASURES

SEC. 203.(a) The Committee on Appropriations of each House shall determine the difference, as an average percentage increase or decrease, between the total amount of new obligational authority requested in the budget for that year and the total amount of new obligational authority authorized in the joint resolution referred to in section 202 with respect to that year, or any such subsequent joint resolution, as the case may be. The percentage increase or decrease shall serve as a general guideline for the Appropriations Committees of the two Houses, including the subcommittees of such committees, in preparing and reporting measures making available new obligational authority for such fiscal year.

(b) Except as otherwise provided in subsection (c) of this section, it shall not be in order for the Committee on Appropriations of either House to report a measure making new obligational authority available for a fiscal year which exceeds in the aggregate an amount equal to the sum of new obligational authority requested by the President with respect to matters included in such measure for such year after increasing or decreasing such amount by the percentage determined under subsection (a) of this section.

(c)(1) After a measure is passed in either House of Congress making new obligational authority available with respect to a fiscal year, the percentage determined under subsection (a) shall be revised by the Committee on Appropriations for that House of Congress. The revised percentage for each subsequent appropriations measure for that year shall take into account (A) the new obligational authority enacted into law for that year and any appropriations measures passed by that House for that fiscal year which have not been enacted into law, (B) the amount remaining after substracting the sum determined under clause (A) from the new obligational authority authorized in the joint resolution with respect to that fiscal year, and (C) the amount of new obligational authority requested by the President with respect to those matters not yet enacted into law and not included in appropriations measures passed by that House with respect to such fiscal year.

(2) It shall not be in order for the Committee on Appropriations of either House to report a measure making new obligational authority available with respect to a fiscal year which exceeds in the aggregate an amount equal to the amount of new obligational authority requested by the President with respect to the matters in such measure, after increasing or decreasing such amount by the revised percentage determined under paragraph (1) of this subsection with respect to such measure.

TITLE III—CONGRESSIONAL OVERSIGHT AND INFORMATION

SEC. 301. (a) Section 136 of the Legislative Reorganization Act of 1946 is amended to read as follows:

"LEGISLATIVE REVIEW

"SEC. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress; and

"(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation as may be necessary or appropriate;

each standing committee of the Senate and the House of Representatives shall establish a Subcommittee on Legislative Review. In the case of a committee having one or more subcommittees to which the committee has given responsibility for considering and making recommendations with respect to subject matters within the subject jurisdiction of the committee, the Subcommittee on Legislative Review shall assist that subcommittee in reviewing and studying the application, administration, and execution of those laws, or parts of laws, which are within such responsibility. Any such subcommittee shall make a report on the results of its review and study at least once every three years. In the event the subcommittee has not made a report within a three-year period, the Subcommittee on Legislative Review of the committee shall make such review and study, and submit a report thereon to the committee, not later than one year after the subcommittee having such responsibility was to have made such report. In the case of any subject matter not within the responsibility of any particular subcommittee of the committee, the Subcommittee on Legislative Review of that committee shall make such review and study with respect to such subject matter and submit a report therein to the committee not less than once every third year.

"(b) In any case in which the Subcommittee on Legislative Review has not submitted a report to be prepared by it under subsection (a) of this section, within the period of time provided in that subsection, the Comptroller General shall, within one year after the last day on which the Subcommittee report was to have been submitted, make such study and report the Subcommittee was to have made, and submit a report thereon to the committee.

"(c) The provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committees on Appropriation, House Administration, Rules, and Standards of Official Conduct of the House of Representatives."

(b) Item 136 of the table of contents of the Legislative Reorganization Act of 1946 is amended to read as follows:

"SEC. 136. Legislative review."

ESTIMATES OF COSTS TO EACH TAX-PAYING FAMILY OF LEGISLATIVE PROPOSALS

SEC. 302. (a) (1) Any bill or joint resolution of a public character introduced in the Senate or the House of Representatives, and the report on any such bill or joint resolution reported by any committee of either House shall contain an estimate of the average cost for each tax-paying family, if that bill or joint resolution were to be enacted into law. Such estimate shall be determined by dividing the total amount of funds of the United States Government expected to be obligated in carrying out such bill or joint resolution by the estimated number of Federal tax returns filed with the United States Government for the year immediately preceding the year in which the bill or joint resolution is introduced or reported, as the case may be.

(2) It shall not be in order to receive or consider any bill or joint resolution referred to in paragraph (1) of this subsection unless the provisions of such paragraph have been satisfied.

(3) For purposes of this subsection, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate, and the members of such Joint Committee who are Members of the House of Representatives shall be deemed a committee of the House.

(b) At the end of any week during which either House of the Congress has been in session for at least one day, the Congressional Research Service in the Library of Congress shall tabulate the total amount of authorizations of appropriations and appropriations passed by bill or joint resolution by each House during that week, the average cost for each tax-paying family for each bill or joint resolution passed by either House during such week, and the total amounts of authorizations of appropriations and of appropriations passed by each House from the first day of that session of Congress through the week for which the tabulation is made. Each such tabulation shall be printed in that issue of the Congressional Record which is first published after the tabulation for that week is completed.

FEDERAL PROGRAM EVALUATION DIGEST

SEC. 303. The Director of the Office of Management and Budget shall be responsible for preparing and making available each year a digest of all Federal programs, except any program that the President determines should not be included on the grounds of National security. With respect to each program, the digest shall—

(1) state the name of the program, the statute authorizing the program, specify the Federal officials administering the program, and give a brief description of the program;

(2) state the original purposes, goals, and objectives of the program, and any changes thereto;

(3) include an evaluation by the head of the program on whether and how the purposes, goals, and objectives are being achieved;

(4) include references to any study, conducted partially or completely with Federal funds, evaluating the program, and, to the maximum extent practicable, references to any study conducted completely with non-Federal funds, evaluating the program;

(5) state the total administrative costs of the program paid out of Federal funds, the total costs of the program paid out of Federal funds, and the total of such administrative costs so paid as a percentage of such total costs so paid;

(7) to the maximum extent practicable, include cross-references to the program and matters related to the program which are included in the latest available catalog of Federal Domestic Assistance (including any supplements thereto).

TITLE IV—GENERAL

EXERCISE OF RULE-MAKING POWERS

SEC. 401. The provisions of sections 202, 203, 301, and 302 of this Act are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House, except that such House may change the provisions of such sections with respect to that House only by a vote of two-thirds of the Members of that House present and voting.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Maryland for his thoughtful and constructive statement on a very important subject. I wish to register my agreement and to associate myself with most of what he said. In addition, Mr. President, I hope I may be able to add some perspective to consideration of the impoundment of funds by the President.

Mr. President, as a preliminary inquiry, may I ask whether or not the report sent up today, addressed to the President of the Senate, setting forth a statement by the administration on impoundment of funds or reserves—as they are referred to—will, in normal course, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. If it is received from the Vice President's office it will be printed in the RECORD by title, but not in total.

Mr. GRIFFIN. Would it be in order to request that the report be printed in the RECORD?

The ACTING PRESIDENT pro tempore. Yes, it would.

IMPOUNDMENT OF FUNDS

Mr. GRIFFIN. Mr. President, today the administration has sent to both Houses of Congress a detailed report concerning impoundment of funds.

I ask unanimous consent that the report be printed in the RECORD at this point.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not object, is this statement to which my amendment some days ago referred and in which the date of February 5 was inserted at the request of the distinguished assistant Republican leader while the amendment was being considered in the Senate to, I believe, House Joint Resolution 1 and later changed to February 10?

Mr. GRIFFIN. I believe that is correct.

Mr. ROBERT C. BYRD. And that was the full intent and purpose of the amendment.

Mr. GRIFFIN. Mr. President, its my understanding that the report was prepared in response to that request. I believe the Senator from West Virginia is to be commended for his amendment.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator. I have no objection. I thank the Senator for having the information printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., February 5, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to Title IV of Public Law 92–599, the "Federal Impoundment and Information Act." In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the Federal Register.

The pressure of work on the formulation of the 1974 Budget—which was sent to the Congress on January 29—taxed our staff resources to capacity (and perhaps beyond) for the last three months. As soon as the 1974 Budget was being completed, we began to compile this report so that it could be transmitted to the Congress at the earliest possible date. We believe that the report is complete and we have furnished it as quickly as possible under the prevailing circumstances.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF JANUARY 29, 1973

INTRODUCTION

The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Anti-deficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Anti-deficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than one year; in such cases, they general are not fully apportioned in the current year, and the unapportioned part is withheld to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly-required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriations Act—Public Law 92–399). Most reserves, however, are established upon the initiative of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of all current reserves is 3.5% of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 Budget). The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal year 1967, it stood at 6.7%. At the end of 1972, it was 4.6%. But a range in the neighborhood of 6% has been normal over most of the last decade.

REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of Title IV of Public Law 92–599, the "Federal Impoundment and Information Act," enacted October 27, 1972, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of January 29, 1973.

The reserves listed are consistent with the 1974 Budget, transmitted to the Congress on January 29, 1973. Therefore, the estimated fiscal, economic, and budgetary effects of these reserves have been reflected in the estimates and other information in that budget. (This statement is made in response to item Number 7 of the Federal Impoundment and Information Act.)

The Anti-deficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

Several rescissions of 1973 appropriations have been proposed to the Congress in the 1974 Budget. These amounts have been apportioned to the agencies pending Congressional action (that is, they have *not* been placed in reserve). The items and amounts proposed for rescission are as follows:

Department of Health, Education, and Welfare:	
Food and Drug Administration: Food, drug, and product safety	$17,252,000
Health Services and Mental Health Administration: Indian health services	4,708,000
Office of Education:	
Indian education	18,000,000
Higher education	44,300,000
Library resources	2,857,000
Educational renewal	11,890,000
Department of Labor:	
Manpower Administration: Manpower Training Services	283,881,000

The remainder of this report lists, by agency, all accounts for which some funds are reserved. For each account, it:

Presents the amount apportioned for the current fiscal year;

Presents the amount in reserve;

States whether the amount reserved will be legally available for obligation in the next fiscal year;

Indicates the date of the reserve action and the effective date of the reserve; and

Presents (by code) authority and reason for the reserve, without necessarily exhausting all possible authorities and reasons.

Codes used in the remainder of this report for the authorities and reasons for the reserve actions are described below:

Code and authority and reasons for present action

1—"To provide for contingencies" (31 USC 665(c)(2)).

2—"To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

3—To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)).

4—"To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

5—Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6—The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3).

6a—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b—Existing tax laws and the statutory limitation on the national debt (as provided under Public Law 92–599) will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

6c—Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (P.L. 92–210, which amended Section 203 of P.L. 91–379).

6d—Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e—Other. See footnote for each item so coded.

7—The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).

8—The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constituion, Article II, Section 2).

9—Other. See footnote for each item so coded.

Budgetary reserves, as of January 29, 1973

[Dollars in thousands]

(Amount apportioned, amount in reserve, available beyond fiscal year 1973?, date of reserve action, effective date of reserve, and authority and reason for reserve)

Executive Office of the President, Council on Environmental Quality: Salaries and expenses—$2,230, $320, No, 1/12/73, 1/12/73, 5.

Council on International Economic Policy: Salaries and expenses—300, 700, No, 11/28/72, 11/28/72, 5.

National Security Council: Salaries and expenses—2,637, 125, No, 8/4/72, 8/4/72, 5.

Special Action Office on Drug Abuse Prevention: Salaries and expenses—6,315, 2,027, Yes, 8/21/72, 8/21/72, 4, 5.

Funds Appropriated to the President, Appalachian Regional Commission: Appalachian regional development programs—340,263, 65,000, Yes, 9/22/72, 9/22/72, 5, 6c.

Agency for International Development: Prototype desalting plant: ——[1], 20,000, Yes, 4/7/72, 7/1/72, 5.

The Inter-American Foundation: Inter-American Foundation—8,000, 41,624, Yes, 1/10/72, 7/1/72, 4, 6e.[2]

Department of Agriculture, Office of the Secretary: Office of the Secretary—11,312, 583, No, 1/26/73, 1/26/73, 6b.

Office of the Inspector General: Office of the Inspector General—18,774, 450, No, 1/26/73, 1/26/73, 6b.

Office of the General Counsel: Office of the General Counsel—6,913, 13, No, 1/26/73, 1/26/73, 6b.

Office of Management Services: Office of Management Services—5,534, 6, No, 1/26/73, 1/26/73, 6b.

Agricultural Research Service: Agricultural Research Service— 200,402, 8,464, No, 1/26/73, 1/26/73, 6b.

Construction—3,598, 1,720, Yes, 1/26/73, 1/26/73, 4, 6b.

Animal and Plant Health Inspection Service: Animal and plant health inspection service—323, 410, 2,055, No, 1/29/73, 1/29/73, 1, 5, 6b, 6e 3.[3]

Cooperative State Research Service: Cooperative State research service—88,388, 3,530, No, 1/26/73, 1/26/73, 5, 6b, 6e.[3]

Extension Service: Extension service—190,427, 5,053, No. 1/26/73, 1/26/73, 5, 6b, 6e.[3]

National Agriculture Library: National Agricultural Library—4,408, 6, No, 1/26/73, 1/26/73, 6b.

Statistical Reporting Service: Statistical reporting service—25,042, 267, No, 1/26/73, 1/26/73, 6b.

Economic Research Service: Economic research service—18,689, 337, No, 1/26/73, 1/26/73, 6b.

Commodity Exchange Authority: Commodity exchange authority—2,894, 12, No, 1/26/73, 1/26/73, 6b.

Packers and Stockyards Administration: Packers and stockyards administration—4,014, 43, No, 1/26/73, 1/26/73, 6b.

Farmers Cooperative Service: Farmers cooperative service—2,060, 115, No, 1/26/73, 1/26/73, 6b.

Foreign Agricultural Service: Foreign Agricultural service—28,932, 117, No, 1/26/73, 1/26/73, 6b.

Salaries and expenses, Special foreign current program—1,000, 2,240, Yes, 1/26/73, 1/26/73, 4.

Agricultural Stabilization and Conservation Service: Rural environmental assistance—15,000, 210,500, Yes, 1/26/73, 1/26/73, 6b.

Water bank act program—8,489, 11,391, Yes, 1/26/73, 1/26/73, 6b.

Emergency conservation measures—20,000, 3,670, Yes, 12/30/72, 12/30/72, 1.

Rural development service—394, 6, No, 1/26/73, 1/26/73, 6b.

Footnotes at end of article.

Dairy and beekeepers indemnity program—7,294, 2,500, Yes, 1/26/73, 1/26/73, 4.

Commodity Credit Corporation: Limitation on administrative expenses—37,034, 2,866, No, 1/26/73, 1/26/73, 1, 6e.[3]

Rural Electrification Administration: Loans—283,972, 456,103, Yes, 1/26/73, 1/26/73, 2, 6b, 6c.

Salaries and expenses—16,611, 153, No, 1/26/73, 1/26/73, 6b.

Farmers Home Administration: Rural water and waste disposal grants—30,000, 120,000, Yes, 1/26/73, 1/26/73, 6b, 6c.

Rural housing for domestic farm labor grants—850, 2,947, Yes, 1/26/73, 1/26/73, 5, 6b.

Mutual and self-help housing grants—3,729, 832, Yes, 9/22/73, 9/22/73, 4.

Salaries and expenses—117,914, 1,371, No, 1/26/73, 1/26/73, 6b.

Rural housing insurance fund—2,021,000, 133,000, Yes, 1/26/73, 1/26/73, 4, 6b.

Soil Conservation Service: Conservation operations—170,093, 3,607, Yes, 1/26/73, 1/26/73, 6b.

River basin surveys and investigation—14,344, 156, Yes, 1/26/73, 1/26/73, 6b.

Watershed planning—9,256, 569, Yes, 1/26/73, 1/26/73, 6b.

Watershed and flood prevention operations—140,287, 17, 412, Yes, 1/26/73, 1/26/73, 6b.

Great Plains conservation service—18,265, 74, Yes, 1/26/73, 1/26/73, 6b.

Resource conservation and development—25,371, 7,929, Yes, 1/26/73, 1/26/73, 6b.

Agricultural Marketing Service: Marketing service—37,151, 236, No, 9/22/72, 9/22/72, 6b, and 1,360, 700, Yes, 6/27/72, 7/1/72, 4.

Payments to States and possessions—1,600, 900, No, 9/22/72, 9/22/72, 6b.

Perishable agricultural commodities act fund—1,353, 10, Yes, 6/27/72, 7/1/72, 4.

Food Nutrition Service: Food stamp program—2,336,896, 158,854, No, 12/20/72, 12/20/72, 1,6e.[3]

Forest Service: Forest protection and utilization—390,919, 22,105, No, 1/26/73, 1/26/73, 6b, and 9,208, 615, Yes, 9/8/72, 9/8/72, 4.

Construction and land acquisition 43,401, 12,602, Yes, 1/26/73, 1/26/73, 6b.

Youth conservation corps—3,500, 2,097, Yes, 1/26/73, 1/26/73, 4.

Forest roads and trails and roads and trails for states—157,848, 280,380, Yes, 1/26/73, 1/26/73, 6b.

Assistance to States for tree planting—1,119, 15, Yes, 1/26/73, 1/26/73, 6b.

Brush disposal—18,328, 18,558, Yes, 11/14/72, 11/14/72, 4.

Forest fire prevention—261, 134, Yes, 11/14/72, 11/14/72, 4.

Department of Commerce, Social and Economic Statistics Administration: Salaries and expenses—33,787, 1,500, No, 11/24/72, 11/24/72. 2, 6b.

1974 Census of Agriculture— ——[4], 1,360, Yes, 11/24/72, 11/24/72, 2, 4.

Economic Development Administration: Planning, technical assistance, and research—29,000, 2,488, No, 1/18/73, 1/18/73, 2, 6b.

Development facilities—211,109, 8,891, No, 1/18/73, 1/18/73, 2, 6b.

Regional Action Planning Commissions: Regional development programs—44,553, 1,116, Yes, 11/24/72, 1/24/72, 5.

Domestic and International Business: Trade adjustment assistance—21,000, 18,681, Yes, 1/4/73, 1/4/73, 1.

Spokane ecological exposition—2,689, 811, Yes, 11/24/72, 11/24/72, 4, 5.

International activities, Inter-American Cultural and Trade Center—100, 5,359, Yes, 9/29/72, 9/29/72, 4, 5.

Office of Minority Business: Minority business development—9,935, 1,188, No, 11/24/72, 11/24/72, 2, 6b, and 36,065, 16,786 Yes, 1/26/72, 1/26/72, 2, 4, 6b.

National Oceanic and Atmospheric Administration: Salaries and expenses—228,780, 12,323, No, 1/26/73, 1/26/73, 2, 6b.

Research, development, and facilities—121,481, 31,762, Yes, 1/26/73, 1/26/73, 2, 4, 6b.

Satellite operations—38,282, 1,000, Yes, 1/26/73, 1/26/73, 5.

Administration of the Pribilof Islands—3,032, 200, No, 1/26/73, 1/26/73, 2, 6b.

Patent Office: Salaries and expenses—66,353, 1,247, No, 1/26/73, 1/26/73, 2, 6b.

Office of Telecommunications: Research, analysis, and technical services—5,316, 1,435, Yes, 12/28/72, 12/28/72, 2, 4, 6b.

National Bureau of Standards: Plant facilities—2,450, 1,850, Yes, 11/24/72, 11/24/72, 2, 4, 6b.

Research and technical services—50,400, 7,895, No, 12/28/72, 12/28/72, 2, 6b, and 2,000 8,812, Yes, 11/24/72, 11/24/72, 5, 6b.

Construction of facilities—138, 740, Yes, 1/26/73, 1/26/73, 4, 6b.

Maritime Administration: Ship construction—421,810, 50,000, Yes, 1/18/73, 1/18/73, 4, 6b.

Research and development—24,901, 5,000, Yes, 1/18/73, 1/18/73, 4, 6b.

Salaries and expenses—25,010, 700, No, 11/24/72, 11/24/72, 2.

Maritime training—8,324, 150, No, 11/24/72, 11/24/72, 2.

State marine schools—2,428, 127, Yes, 11/24/72, 11/24/72, 4.

Department of Defense-Military, Personnel: Reserve personnel, Marine Corps—71,950, 5,106, No, 11/17/72, 11/17/72, 5.

Procurement: Aircraft procurement, Army—53,049, 2,825, Yes, 11/20/72, 11/20/72, 4.

Other procurement, Army—146,583, 21,726, Yes, 11/20/72, 11/20/72, 4.

Shipbuilding and conversion, Navy—1,031,900, 145,672, Yes, 11/24/72, 11/24/72 4; 938,300, 427,212, Yes, 11/24/72, 11/24/72, 4, and 2,263,500, 777,100, Yes, 11/24/72, 11/24/72, 4.

Military Construction: Military construction, Army—1,199,739, 127,706, Yes, 11/24/72, 11/24/72 and 5.

Military construction, Navy—719,073, 127,584, Yes, 1/8/73, 1/8/73, 5.

Military construction, Air Force—364,331, 123,924, Yes, 1/8/73, 1/8/73, 5.

Military construction, Defense agencies—24,580, 58,565, Yes, 1/10/73, 1/10/73, 5.

Military construction, Army National Guard—20,939, 25,327, Yes, 1/8/73, 1/8/73, 5.

Military construction, Air National Guard—11,805, 7,268, Yes, 1/15/73, 1/15/73, 5.

Military construction, Army Reserve—40,163, 15,465, Yes, 1/8/73 1/8/73, 5.

Military construction, Naval Reserve—10,731, 25,750, Yes, 11/24/73, 11/24/73, 5.

Military construction, Air Force Reserve—8,919, 988, Yes, 12/19/73, 12/19/72, 5.

Civil Defense: Research, shelter survey and marking—23,397, 1,080, Yes, 7/27/72, 7/27/72, 5.

Special Foreign Currency Program: Special foreign currency program—8,705, 2,426, No, 12/18/72, 12/18/72, 5; 7,025, 2,477, Yes, 12/18/72, 12/18/72, 5; and 3,000, 400, Yes, 12/4/72, 12/4/72, 5.

Department of Defense—Civil, Corps of Engineers: General investigations—58,992, 5,150, Yes, 1/26/73, 1/26/73, 2,6b; Construction—1,262,801, 94,033, Yes, 1/26/73, 1/26/73, 1,6b; Operation and maintenance—433,799, 16,000, Yes, 1/26/73, 1/26/73, 6b; Flood control, Mississippi River and tributaries—110,798, 1,750, Yes, 1/26/73, 1/26/73, 6b.

Panama Canal: Canal Zone Government, Capital outlay—7,089, 700, Yes, 9/8/72, 9/8/72, 5.

Wildlife Conservation: Wildlife conservation, Army—515, 330, Yes, 12/13/73, 12/13/72, 1; Wildlife conservation, Navy—58, 30, Yes, 11/21/72, 11/21/72, 1; Wildlife conservation, Air Force—101, 31, Yes, 6/28/72, 7/1/72, 1.

Department of Health, Education and Welfare, Health Services and Mental Health Facilities: Indian health facilities—43,960, 4,623, Yes, 1/26/73, 1/26/73, 5.

National Institutes of Health: Buildings and facilities—14,843, 2,000, Yes, 8/15/72, 8/15/72, 5.

Office of Education: Higher education—234,359, 1,889, Yes, 11/30/72, 11/30/72, 5, and 355,200, 10,000, No, 1/26/73, 1/26/73, 5.

Educational activities overseas (Special foreign currency program), 3,282, 16, Yes, 4/6/72, 7/1/73, 5.

Social and Rehabilitation Service: Social and rehabilitation services, 31,767 200, No, 12/11/72, 12/11/72, 6b.

Social Security Administration: Limitation on construction (Trust fund)—33,860, 12,095, Yes, 4/27/72, 7/1/72, 4, 5.

Special Institution: Howard University—54,046, 3,714, Yes, 1/24/72, 7/1/72, 5.

Department of Housing and Urban Development, Housing Production and Mortgage Credit: Non-profit sponsor assistance—1,100, 6,686, Yes, 1/26/73, 1/26/73, 5, 6b, 6c,

Community Development: Open space land programs—50,000, 50,050, Yes, 1/26/73, 1/26/73, 6b, 6c.

Grants for basic water and sewer facilities—100,000, 400,175, Yes, 1/26/73, 1/26/73, 6b, 6c.

Rehabilitation loan fund—71,539, 50,000, Yes, 1/26/73, 1/26/73, 6b, 6c.

Public facility loans—42,896, 20,000, Yes, 1/26/73, 1/26/73, 6b, 6c.

Office of Interstate Land Sales Registration: Interstate land sales— ——[5], 2,341, yes, 1/26/73, 1/26/73, 4.

Department of the Interior: Bureau of Land Management: Public lands development roads and trails, 4,363, 12,961, Yes, 9/8/72, 9/8/72, 6d.

Bureau of Indian Affairs: Construction, 45,377, 31,467, Yes, 1/26/73, 1/26/73, 6b.

Bureau of Outdoor Recreation: Land and water conservation, 312,223, 269,590, Yes, 1/26/73, 1/26/73, 6b.

Territorial Affairs: Trust Territories of the Pacific Islands, 63,903, 10,000, Yes, 1/26/73, 1/26/73, 6b.

Geological Survey: Surveys, investigations, and research, 190,205, 3,000, No, 1/12/73, 1/12/73, 6b.

Payments from proceeds, sale of water, Mineral Leasing Act of 1920, ——[6], 24, Yes, 9/8/72, 9/8/72, 4, 5.

Bureau of Mines: Drainage of Anthracite mines, 200, 3,700, Yes, 6/27/72, 7/1/72, 4, 5.

Bureau of Sport Fisheries and Wildlife: Migratory bird conservation, receipt limitation, 12,249, 2,981, Yes, 1/26/73, 1/26/73, 6b.

Federal aid in wildlife restoration—43,400, 7,053, Yes, 5/16/72, 7/1/72, 4, 5.

National wildlife refuse fund—4,603, 4,123, Yes, 11/16/72, 11/16/72, 4, 5.

Federal aid in fish restoration and management—16,200, 3,234, Yes, 5/16/72, 7/1/72, 4, 5.

National Park Service: Parkway and road construction—39,500, 50,949, Yes, 6/27/72, 7/1/72, 6b, 6d.

Construction—67,652, 39,499, Yes, 1/26/73, 1/26/73, 6b.

Bureau of Reclamation: General investigations, 22,790, 1,850, Yes, 1/26/73, 1/26/73, 6b.

Loan program—19,894, 930, Yes, 1/26/73, 1/26/73, 6b.

Construction and rehabilitation—261,404, 18,025, Yes, 1/26/73, 1/26/73, 5, 6b.

Operations, maintenance and replacement of project works, North Platte project[7]—97, Yes, 9/22/72, 9/22/72, 6e[8].

Lower Colorado River Basin development fund—26,515, 3,000, Yes, 1/26/73, 1/26/73, 6b.

Upper Colorado River Basin fund—60,090, 10,450, Yes, 1/26/73, 1/26/73, 5, 6b.

Office of Water Resources Research: Salaries and expenses—14,304, 2,040, No, 1/26/73, 1/26/73, 6b.

Office of the Secretary: Saline water research—22,400, 6,675, Yes, 1/26/73, 1/26/73, 6b.

Department of Justice: Bureau of Prisons:

Footnotes at end of article.

Buildings and facilities—65,514, 36,441, Yes, 1/26/73, 1/26/73, 5, 6b.

Department of State: Administration of Foreign Affairs: Acquisition, operation, and maintenance of buildings abroad—42,122, 2,125, Yes, 11/24/72, 11/24/72, 4.

Acquisition, operation, and maintenance of buildings abroad, Special foreign currency program—5,713, 2,950, Yes, 1/3/73, 1/3/73, 5.

International Organizations and Conferences: International conferences and contingencies—3,224, 325, Yes, 11/15/72, 11/15/72, 4.

Educational Exchange: Center for Cultural and Technical Interchange between East and West—6,000, 200, No, 11/22/72, 11/22/72, 5.

Educational exchange fund, payment by Finland WWI debt—377, 25, Yes, 11/15/72, 11/15/72, 4.

Department of Transportation: Office of the Secretary: Transportation planning, research, and development—31,163, 8,300, Yes, 1/18/73, 1/18/73, 4, 6b.

Coast Guard: Operating expenses—550,400, 10,500, No, 1/18/73, 1/18/73, 2, 6b.

Acquisition, construction and improvements—149,685, 11,736, Yes, 1/18/73, 1/18/73, 4, 6b.

Reserve training—30,465, 1,270, No, 1/18/73, 1/18/73, 2, 6b.

Research, development test and evaluation—15,468, 3,000, Yes, 1/18/73, 1/18/73, 4, 6b.

Alteration of bridges—3,550, 10,550, Yes, 1/18/73, 1/18/73, 4 6b.

Federal Aviation Administration: Operations—1,180,393, 6,000, No, 1/18/73, 1/18/73, 2, 6b, and 4,000, Yes, 4, 6b.

Facilities and equipment (Airport and Airway Trust)—319,962, 207,631, Yes, 1/18/73, 1/18/73, 4, 6b.

Research, engineering, and development (Airport and Airway Trust)—57,493, 10,000, Yes, 1/18/73, 1/18/73, 4, 6b.

Civil supersonic aircraft development—800, 2,153, Yes, 1/18/73, 1/18/73, 4, 6b.

Civil supersonic aircraft development termination—4,161, 3,575, Yes, 1/23/73, 1/23/73, 4, 6b.

Federal Highway Administration: Darien Gap highway—20,000, 545, Yes, 1/18/73, 1/18/73, 4, 5.

Federal-aid highway—4,467,000, 2,477,372, Yes, 1/8/73, 1/8/73, 6c.

Right-of-Way Revolving Fund—50,000, 122,782, Yes, 1/18/73, 1/18/73, 4.

National Highway Traffic Administration: Traffic and highway safety—76,885, 2,927, No, 1/19/73, 1/19/73, 1.

Construction of compliance facilities: ——,[9] 9,018, Yes, 1/19/73, 1/19/73, 4, 5.

Trust fund share of highway safety programs—80,925, 1,073, No, 1/19/73, 1/19/73, 1, 5.

Federal Railroad Administration: High speed ground transportation research and development—42,979, 15,000, Yes, 1/19/73, 1/19/73, 4, 6b.

Grants to National Railroad Passenger Corporation—103,100, 10,000, Yes, 1/19/73, 1/19/73, 4, 6b.

Urban Mass Transportation Administration: Urban mass transportation fund—980,000, 20,000, Yes, 1/17/73, 1/17/73, 4, 6b.

Department of the Treasury: Office of the Secretary: Construction, Federal Law Enforcement Training Center—1,840, 21,517, Yes, 6/28/72, 7/1/72, 5, 6b.

Expenses of administration of settlement of War Claims Act of 1928—22, 2, Yes, 4/30/72, 7/1/72, 2.

Bureau of the Mint: Construction of mint facilities—1,784, 2,517, Yes, 8/21/72, 8/21/72, 5.

Atomic Energy Commission: Operating expenses—2,861,569, 307,750, Yes, 1/19/73, 1/19/73, 2, 5, 6b.

Plant and capital equipment—542,871, 8,530, Yes, 1/19/73, 1/19/73, 2, 5.

Environmental Protection Agency: Operations, research, and facilities—108,434, 1,780, Yes, 1/4/73, 1/4/73, 5.

General Services Administration: Real Property Activities: Sites and expenses, Public buildings projects—38,387, 22,206, Yes, 1/26/73, 1/26/73, 4.

Construction Public buildings projects—133,213, 234,309, Yes, 1/26/73, 1/26/73, 2, 4.

Property Management and Disposal Activities: Operating expenses—4,418, 4,000, Yes, 11/30/72, 11/30/72, 4.

General activities—1,000, 800, No, 11/30/72, 11/30/72, 1.

National Aeronautics and Space Administration: Research and development—2,864,358, 32,515, Yes, 9/13/72, 9/13/72, 2, 4, 5, 6b.

Veterans Administration: Medical and prosthetic research—75,824, 4,818, Yes, 1/26/73, 1/26/73, 5.

Medical administration and miscellaneous operating expenses—27,952, 837, No, 1/26/73, 1/26/73, 1.

Construction, major projects—65,993, 60,000, Yes, 12/20/78, 12/20/72, 5.

Construction, minor projects—50,000, 5,000, Yes, 12/20/72, 12/20/72, 5.

Other Independent Agencies: District of Columbia: Capital outlay, metropolitan area sanitary area work funds—6,252. 300, Yes, 8/7/72, 8/7/72, 4.

Loans for capital outlay, sanitary sewage—28,000, 4,285, Yes, 8/7/72, 8/7/72, 4.

Loans for capital outlay; water fund—8,433, 2,360, Yes, 8/7/72, 8/7/72, 4.

Loans for capital outlay, general fund—137,000, 6,758, Yes, 1/26/73, 1/26/73, 4.

Federal Communications Commission: Salaries and expenses—35,443, 460, No. 9/5/72, 9/5/72, 5.

Federal Metal and Non/metallic Safety Board of Review: Salaries and expenses—75, 85, No, 9/8/72, 9/8/72, 1.

Federal Trade Commission: Salaries and expenses—29,874, 400, No, 9/21/72, 9/21/72, 5.

Foreign Claims Settlement Commission: Salaries and expenses—693, 50, No. 11/14/72, 11/14/72, 1.

Payments to Vietnam and U.S.S. Pueblo prisoner of war claims—23, 150, Yes, 9/2/71, 7/1/72, 1.

American Revolution Bicentennial Commission: Commemorative activities fund—3,960, 5,690, Yes, 11/28/72, 11/28/72, 5.

International Radio Broadcasting: International radio broadcasting activities—38,520, 275, No. 11/6/72, 11/6/72, 2, 6e [10].

National Science Foundation: Salaries and expenses—611,273, 60,400, Yes, 1/18/73, 1/18/73, 2,5,6b.

Scientific activities, Special foreign currency program—5,000, 2,000, Yes, 1/18,/73, 1/18/73, 2.

Railroad Retirement Board: Limitation on railroad unemployment administration fund, 8,568, 4,820, Yes, 7/1/72, 7/1/72, 6e.[11]

Renegotiation Board: Salaries and expenses, 4,842, 45, No, 9/5/72, 9/5/72, 5.

Small Business Administration: Salaries and expenses—107,232, 3,217, No, 11/24/72, 11/24/72, 1, 2, 6b.

Business loan and investment fund, 593,678, 48,017, Yes, 1/26/73, 1/26/73, 2,4,6b.

Temporary Study Commission: Commission on Executive, Legislative, and Judicial Salaries, Salaries and expenses, 25, 75, No, 1/11/73, 1/11/73, 5.

Commission on the Organization of the Government for the Conduct of Foreign Policy, Salaries and expenses: ——[12], 200, No, 11/30/72, 11/30/72, 5.

Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund, 94,564, 22,318, Yes, 1/26/73, 1/26/73, 6a,6b,6c.

United States Information Agency: Salaries and expenses, Special foreign currency program, 12,186, 2,533, Yes, 11/22/72, 11/22/72, 4.

Special international exhibits, 5,827, 667, Yes, 11/22/72, 11/22/72, 4.

Special international exhibits, Special foreign currency program—391, 6, Yes, 11/22/72, 11/11/72, 4.

Water Resources Council: Water resources planning—6,486, 863, Yes, 1/26/73, 2, 5, 6b.

FOOTNOTES

[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] P.L. 92–571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

[3] P.L. 92–399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

[4] The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

[5] Fees deposited to the Interstate land sales account are used only to the extent funds are not sufficient in the appropriation for Salaries and expenses, Housing Production and Mortgage Credit Programs.

[6] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[7] No improvements are currently necessary. (See footnote 8).

[8] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[9] Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

[10] P.L. 92–544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, P.L. 92–394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

[11] 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the Unemployment Trust Fund of 0.25% of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the Unemployment Trust Fund.

[12] The Commission is not yet in operation.

Summary of budgetary reserves, as of January 29, 1973

[Dollars in millions]

Agency:	*Amount*
Executive Office of the President	3
Funds appropriated to the President	127
Department of Agriculture	1,497
Department of Commerce	181
Department of Defense—Military	1,899
Department of Defense—Civil	118
Department of Health, Education, and Welfare	35
Department of Housing and Urban Development	529
Department of the Interior	482
Department of Justice	36
Department of State	6
Department of Transportation	2,937
Department of Treasury	24
Atomic Energy Commission	316
Environmental Protection Agency	2
General Services Administration	261
National Aeronautics and Space Administration	33

Summary of budgetary reserves, as of January 29, 1973—Continued

Agency:	*Amount*
Veterans Administration	71
Other Independent Agencies:	
National Science Foundation	62
Small Business Administration	51
All other	52
Total	8,723

Mr. GRIFFIN. Mr. President, as the distinguished Senator from Maryland (Mr. BEALL) has appropriately pointed out, much of the blame, if not all of the blame for the fact that some appropriated funds have been impounded must be laid at the doorstep of Congress itself. For it is the Congress which has not equipped itself, has not staffed itself, and has not adequately performed its functions related to the budget and fiscal affairs.

Indeed I would say that the Nation owes President Nixon a real debt of gratitude for performing the functions which Congress failed to perform.

Mr. President, I know there are those—and I am one of them—who disagree with the President concerning the impoundment of funds for particular items or programs. However, who can really argue with his overall objective of holding spending in this fiscal year to the level of $250 billion.

Mr. President, I wish to expand on that statement by pointing out that the report filed today contains some very interesting information. Many people might assume from reading the newspapers that this particular President is exercising a power which no other President before him has ever exercised. And certainly the impression is left that President Nixon is exercising the impoundment to a greater degree than other Presidents.

But as the report indicates on the last page thereof, the President in this fiscal year has impounded funds, set aside reserves, totalling $8.7 billion.

As the report reflects:

> The total of all current reserves is 3.5% of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 Budget). The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal year 1967, it stood at 6.7%. At the end of 1972, it was 4.6%. But a range in the neighborhood of 6% has been normal over most of the last decade.

Mr. President, when 6 percent represents a normal percentage of impounded funds for any year during the past decade, that provides a very interesting comparison with the current impoundment of 3.5 percent by this President.

Furthermore, I think it needs to be restated that Presidents since Thomas Jefferson have refused to spend all the money that Congress has appropriated. As I understand, President Jefferson withheld and refused to spend some $50,000 that was appropriated for a gunboat to operate on the Mississippi River. President Jefferson concluded that our relations with the Indians had improved to such an extent that it was not necessary to spend the money.

It is interesting, and ought to be noted in the RECORD, that during the administration of President Lyndon Johnson, his Attorney General, Mr. Ramsey Clark, sought to justify the impoundment of funds by President Johnson with this explanation:

> The courts have recognized that appropriation acts are of a fiscal and permissive nature and do not in themselves impose upon the executive branch an affirmative duty to expend funds. . . .
>
> Congress, of course, is fully aware of the rule that an appropriation act in itself does not constitute a mandate to spend. . . .
>
> An appropriation act thus places an upper and not a lower limit on exenditures.

Mr. President, in 1969 the distinguished chairman of the Appropriations Committee of the House of Representatives, Mr. MAHON, said this:

> The weight of experience and practice bears out the general proposition that an appropriation does not constitute a mandate to spend every dollar appropriated. That is a generally accepted concept. It squares with the rule of common sense. I subscribe fully to it. The Congress does not administer the government. . . . I believe it is fundamentally desirable that the Executive have limited powers of impoundment in the interests of good management and constructive economy in public expenditures.

Mr. President, in 1943 former Senator Harry Truman made this observation in this body:

> When the Congress appropriates funds it gives the Executive Branch an authority to incur obligations. Certainly none of us hold that we give a mandate to expend the funds appropriated. We expect the funds to be used only where needed, and not in excess of the amount appropriated to carry out some phase of the law.

Mr. President, why did President Nixon seek, through impoundment of funds, to hold the spending level for the current fiscal year to $250 billion? I suggest and submit that he did it for several reasons. First, I believe most knowledgeable economists would not argue vigorously against the proposition that spending by the Federal Government substantially in excess of $250 billion during this fiscal year would have generated serious inflationary pressures.

Mr. President, except for any who choose to believe that taxes and prices should be even higher, the President performed an important service by exercising sound economic judgment. But, beyond that, let me make the further point that he was also carrying out the intent of Congress. The debt ceiling in effect, is the work and the act of Congress.

As I understand it, the debt ceiling now in effect is predicated on an assumption that Federal spending in this fiscal year will be held to $250 billion.

Furthermore, while a spending limitation bill did not become law in the last session, it should be recalled that each House of Congress did pass legislation. And while different in other respects, both bills recognized the principle that spending for this fiscal year should not exceed $250 billion.

Accordingly I think it is reasonable to suggest that by holding spending to a level of $250 billion, the President was actually carrying out—not thwarting—the will of Congress.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. If I may make this one further point: There was one easy way that Congress could have retained control of the allocations and priorities. That would have been for Congress to have appropriated no more than $250 billion for the current fiscal year. But since Congress appropriated more than that amount, it seems to me that we are not in a good position now to quibble and quarrel with the President, because he exercised a function that must be exercised if the Government is not to go bankrupt.

Now I yield to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Although this is not involved directly in the question of impoundment of funds, I wonder if the Senator from Michigan would comment on this observation: It seems to me that the real power of the purse which Congress has is the power to appropriate, the power not to make tax funds available.

Mr. GRIFFIN. I agree.

Mr. HARRY F. BYRD, JR. But that once Congress takes the step of making tax funds available, namely, by appropriating funds——

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. HARRY F. BYRD, JR. Mr. President, I seek recognition.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. But once Congress makes tax funds available, once it appropriates moneys, then the administration of the distribution of those funds falls into the hands of the Chief Executive. Is that about the way the Senator from Michigan understands it?

Mr. GRIFFIN. That is the way I see it, yes.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. GRIFFIN. In addition to the point made by the Senator from Virginia, I would point out that no President, obviously, can spend more money than Congress sees fit to appropriate. Congress does have a clear and real power to limit spending by refusing to appropriate. But when we appropriate a total amount of money that is not consistent with other limitations and policies which the Congress itself has imposed, such as a debt ceiling—then we should not be disappointed—indeed we should be pleased when the President makes the hard priority decisions that Congress has failed to make.

So I believe I am justified today, particularly in the light of the report filed today, which ought to be carefully read by those who have been so critical of the President. He has performed a valuable service to the country and we ought to be applauding him rather than making him the target of such criticism and vilification.

It is up to Congress now. If Congress really wants to share in the responsibility which the President was forced to assume for this fiscal year, we ought to get about the business of equipping and staffing the

Congress so we can perform that function.

Mr. HARRY F. BYRD, JR. The Senator from Michigan feels, I assume, as does the Senator from Virginia, that Congress should put a ceiling on expenditures?

Mr. GRIFFIN. I think it would be a very wise and appropriate thing to do.

By Mr. GOLDWATER:

S. 759. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

A TAX CREDIT FOR PUBLIC SCHOOL EDUCATION

Mr. GOLDWATER. Mr. President, courts in at least five States have ruled the property tax system of financing public school education to be unconstitutional. And yet property taxes are at an all time high, increasing at an average annual rate of 9 percent. In fact, many older persons on fixed incomes find that it takes four or five social security checks just to pay the taxes on their homes. They will be forced to sell their houses unless they receive some relief. Today I am introducing a bill which will do just that.

Mr. President, the legislation is simple. It would create a tax credit of $150 for each homeowner who pays a tax on his residential property, whether it is paid to his local government, to a school district, or to a State. In other words, every taxpayer who pays a school tax on his residence, by whatever name, shall be permitted to subtract from his Federal income tax bill the full amount of his school tax up to $150. In the alternative an elderly person age 62 or older, living on a low income, can file for a rebate of all property taxes above 5 percent of his total income up to a maximum of $150.

Mr. President, let me emphasize that this is in addition to the existing Federal deduction which is now granted on account of State and local school taxes. The deduction helps and it should be continued. But by permitting each homeowner to also obtain a $150 credit or rebate of his real estate tax the bill will aim a tax savings directly at low- and average-income persons. They can enjoy the full benefit of a tax credit, or rebate, but not of a tax deduction, which provides its greatest savings only to persons with the highest incomes.

Mr. President, I am certain every homeowner is aware his local or State property tax is still the major source of financing for public education. It provides over 50 percent of the funds spent annually on public school support, while only 10 percent comes from the highly touted Federal aid to education.

The property tax is so burdensome that a recent staff study of the Advisory Committee on Intergovernmental Relations concluded it constitutes "a national scandal" for many elderly homeowners. On an individual basis, almost one-third of the Nation's homeowners pay out more than 6 percent of their income in property taxes, which is bad enough. But the Nation's 6 million elderly homeowners pay even more, an average of 8.1 percent of their income in property taxes. Over one million of these aged persons pay 15.8 percent and in some regions of the country almost 30 percent of their income in property taxes.

Mr. President, this tax is paid for by the typical American who is already hard pressed to meet the combined burden of Federal, State, and local income and sales taxes, on top of taxes on the electricity, gas, telephones, and other basic necessities of life which he must pay. These taxes hit especially hard at retired persons who in their older age are living on fixed small incomes, but they are also severely felt by the vast majority of salaried taxpayers who are unable to take advantage of special business tax breaks and who are without a wide range of expense deductions.

Property is no longer an index of a man's wealth. The take from the property tax now hits individuals of the lowest income brackets. In the most recent year for which statistics are available, the 1968 tax year, 23.7 million taxpayers took a deduction on their Federal income tax returns on account of real estate property tax payments. Almost 3 million, or 12 percent of these taxpayers had adjusted gross incomes of less than $5,000. The greatest number of taxpayers using the real property deduction was in the range of $5,000 to $10,000 income. There were 8.5 million of these taxpayers. Another 7.4 million taxpayers earned between $10,000 to $15,000 of adjusted gross income. In all, 48 percent of the taxpayers who showed real estate tax deductions had an annual income below $10,000 and 79 percent of these taxpayers reported incomes of less than $15,000.

On these facts, it can be seen that the enactment of a property tax credit such as I am introducing would not be a boon to the wealthy, but would be of real help to the average citizen.

In addition, Mr. President, my bill will recognize mobile home residents as first-class citizens. It is high time that we in Government realized that over 8 million Americans are now living year around in mobile homes and that half of all the single-family homes being built in the United States today are mobile homes. In 1972 alone, 600,000 new mobile homes were manufactured.

In my own State of Arizona, there were over 20,000 mobile homes shipped to dealers in 1972, a 27-percent boost over a year earlier. This translates into 40,000 newly established families in Arizona in 1971 and 1972, many of whom are younger persons, such as college students and returning veterans, as well as retired citizens.

Accordingly, I have provided in the bill I am introducing today that taxpayers who own and use mobile homes as their residence shall be entitled to the same tax credit as the one given to the owners of conventional homes. By whatever name these taxes are called, personal property, license fees, or you name it, my bill will treat them as a tax qualified for credit up to $150, if they help to finance public education.

Mr. President, before I conclude, I wish to make one observation about the recent decisions by State and Federal courts in California, Minnesota, Texas, New Jersey, and Arizona holding the school financing systems unconstitutional. These cases do not mean that the property tax will end. The local property tax itself could remain a powerful source of school revenues under any new school financing plan so long as the method chosen to distribute its revenues eliminates the discrimination among different school districts in the State. Also, it appears likely that a statewide real property tax will be substituted for the locally raised tax in some places.

In other words, it is far too early to predict the demise of either local or State real property taxes. If the grand day should enter upon us when some State financial wizards discover a way of meeting the operating expenses of public school systems without relying on property taxation at all, then the tax credit I am urging today can be eliminated. But until that bright day dawns on the horizon, I think homeowners who are still paying their tax bills each year will find it a little easier to make their way with a tax credit to help them along.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 761. A bill to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HATFIELD. Mr. President, I rise today to introduce legislation to authorize and direct the Secretary of Agriculture to purchase the Klamath Indian forest lands.

This legislation is identical in purpose to legislation which I introduced in the last session of Congress. The measure passed the Congress as an amendment to H.R. 56, the National Environmental Data System and State Environmental Centers Act of 1972, but this legislation was vetoed by the President.

The President pointed out in his veto message, however, that his objections were centered upon the titles which would establish the national environmental data system. He noted in his message that he would support acquisition of the Klamath Indian forest lands.

I welcome this support. The Klamath Indian lands consist of approximately 135,000 acres of beautiful forest lands, surrounded by the Winema National Forest, in Klamath County, Oreg. If the land is not purchased by the Government and managed under the multiple use-sustained yield concept, it will most likely be purchased by private firms, which would be forced by economic necessity to liquidate a large portion of the timber on the lands. In my view, and in the view of most Oregonians, this would be a tragic error. The Nation can best be served by managing the lands in a manner which guarantees that the Klamath Indian forest will provide a continuous source of timber for housing, recreation, wildlife protection, watershed protection, soil conservation, and the many other benefits which forests provide. This forest will also provide a stable source of jobs for Klamath County.

Mr. President, the Oregon congressional delegation is unanimous in its support for the purchase of these unique Klamath Indian forest lands. Senator Packwood is joining me today in introducing this legislation and an identical bill is being introduced in the House by the Oregon Members.

I am hopeful that the Congress will move expeditiously to enact this legislation to insure the proper management of this area.

Mr. President, I ask unanimous consent that the President's veto message on H.R. 56, which explains his support of this land purchase, be printed in the Record, along with an excerpt from the Senate Interior Committee report on the legislation approved last year, and the legislation Senator Packwood and I are introducing today.

There being no objection, the material was ordered to be printed in the Record, as follows:

The White House—Memorandum of Disapproval

I am withholding my approval from H.R. 56.

My objections to this bill are centered upon two of its titles which would establish a National Environmental Data System and create environmental centers in each State. While both of these titles sound desirable in theory, they would in reality lead to the duplication of information or would produce results unrelated to real needs and wasteful of talent, resources, and the taxpayers' money.

A third portion of H.R. 56 would direct the Federal Government to purchase the Klamath Indian Forest lands in Oregon. After studying this proposal carefully, I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve the acquisition of these unique lands.

In the form now before me, Title I of this legislation calls for the establishment of an independent, centralized environmental data system for the acquisition, storage and dissemination of information relating to the environment. Data for the system would come from governmental, international and private sources. A Director, who would be under the guidance of the Council on Environmental Quality, would determine what data would actually be placed in the system and who would have access to the data.

I believe there are serious drawbacks to such a data system which would outweigh potential benefits. The collection of data and statistics on the supposition that some day they may be useful is in itself a highly dubious exercise. Data, taken out of the context of the questions they were specifically designed to answer can even contribute to confusion or be misleading.

With this in mind, I believe the centralized collection of environmental data should be related to specific policies and programs. H.R. 56 fails to provide such a relationship and the question of whether this basic deficiency can be overcome, and a useful centralized system designed, is now under study by the Administration. In the meantime, the Environmental Protection Agency and other agencies have consistently worked to strengthen the acquisition and exchange of such data and this effort will continue.

Title II of this legislation authorizes the establishment of environmental centers in every State to conduct research in pollution, natural resources management, and other local, State or regional problems. The centers would also train environmental professionals and carry out a comprehensive education program.

Research is a vital part of our effort to come to grips with the environmental problems we face. This Administration is currently spending literally hundreds of millions of dollars through directed research efforts sponsored by the Environmental Protection Agency, the Department of the Interior, the National Oceanic and Atmospheric Administration, the Department of Agriculture, and the Department of Health, Education and Welfare—to name but a few. We will continue these programs and institute others where they are needed.

Academic talent and resources have a vital role to play in the success of our environmental research programs. As members of the academic community know, grants for research are awarded on the basis of not only the merits of the project, but also the capabilities of the institution to carry out its responsibilities. By creating research centers on a rigid State-by-State basis, and requiring that each be funded, the Congress is asking us to throw away our priorities and to fund programs regardless of their merits and in spite of the limited capabilities of some institutions. Equally important, this approach also ignores the competence and available capacity of already existing institutions and laboratories to carry out this vital research.

Further, I share the view of the Administrator of the Environmental Protection Agency that environmental problems are essentialy national in scope, and that most problems, even though they may appear to be local in nature, really affect many other States and localities as well. To the extent there may be local problems, our present project-by-project approach in research can be used to marshal the best scientific talents, wherever they are located, to deal with such problems. Thus, there is clearly no justification for establishing up to 51 new environmental centers specifically charged with investigation of State and local environmental problems.

Titles III and IV of the bill direct the Secretary of Agriculture to purchase a tract of 113,000 acres in the Klamath Indian Forest in Oregon. I believe that acquisition of this forest area would mark a significant and worthwhile addition to our National Forest System while, at the same time, assuring full environmental protection to this scenic part of Oregon.

Richard Nixon.

The White House, *October 21, 1972.*

Report

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3594) providing for Federal purchase of the remaining Klamath Indian Forest, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 3594, introduced by Senator Hatfield with Senator Packwood as cosponsor, would authorize the Secretary of Agriculture to purchase the Klamath Indian Forest lands for $51,954,709, prior to June 30, 1972. Under the provisions of the Klamath Termination Act, as amended, the U.S. National Bank of Oregon, trustee for the tribe, made an offer to the Secretary of Agriculture on July 2, 1971, to purchase the remaining lands for $51,369,731. The Secretary of Agriculture has until July 1, 1972, to either accept or reject the offer. If the offer is not accepted, an offer will be made to private interests.

Fears have been expressed that private firms will buy up this extremely scenic forest and through high-intensity logging and home-site development, instead of multiple-use and sustained-yield management, destroy its great resource value. Some of the forest lies along picturesque rivers and has been described by observers as unusually beautiful. Purchase by the Federal Government would guarantee not only that these lands continue to produce forest products and provide jobs on a sustained-yield basis for future generations, but also that recreational and other multiple-use values will be adequately protected. Managed as part of the Winema National Forest, the land would be able to meet its full productive potential for satisfying the Nation's long-term timber needs, as well as providing many other public uses of this great resource.

DESCRIPTION

The Klamath Indian Forest is located in Klamath County, Oreg., and is surrounded by Winema National Forest lands. The tract approximates 135,000 acres, of which 133,300 acres consist of timbered land, 1,100 acres of grassland, and 600 acres of other types of land. There are approximately 900 million board feet of merchantable sawtimber on the tract, primarily of ponderosa pine. The tract can produce about 4,000 animal unit months of forage for range cattle and sheep. It contains 9½ miles of frontage on the Williamson River and provides a summer range for three major herds of mule deer.

RECOMMENDATION

The Senate Committee on Interior and Insular Affairs unanimously reports favorably on S. 3594 and recommends early enactment.

DEPARTMENTAL REPORTS

The Department of Interior and the Department of Agriculture reports are set forth in full, as follows:

"U.S. Department of the
Interior,
"Office of the Secretary,
"Washington, D.C., June 15, 1972.

"Hon. Henry M. Jackson,
"Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

"Dear Mr. Chairman: This is in response to your request for the views of this Department on S. 3594, a bill providing for Federal purchase of the remaining Klamath Indian Forest.

"We defer to the views of the Department of Agriculture as to whether this bill should be enacted.

"S. 3594 directs the Secretary of Agriculture to enter into a contract, prior to June 30, 1972, to purchase Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Termination Act of August 13, 1954, as amended (25 U.S.C. 564 W–1). The purchase price, which is set at $51,294,709, could be paid in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

"The Klamath Termination Act of 1954 ended Federal supervision over the trust and restricted property of the Klamath Tribe of Indians and of its members, and terminated Federal services furnished such Indians because of their status as Indians. It provided for sale of some of the timber resources and disposition of the forest land retained by the tribe, including a requirement of first offer to the Secretary of Agriculture if the land was offered for sale to other than tribal members.

"We understand that the Klamath Indian Forest lands have been offered for sale by the trustee for the Indians, with the Secretary of Agriculture having the first right of refusal. We have no direct interest in the matter, however, as neither the land nor its owners are under the jurisdiction of this

Department. Accordingly, we defer to the views of the Department of Agriculture on this bill.

"The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

"Sincerely yours,

"HARRISON LOESCH,
"Assistant Secretary of the Interior."

"DEPARTMENT OF AGRICULTURE,
"OFFICE OF THE SECRETARY,
"Washington, D.C., June 16, 1972.

"Hon. HENRY M. JACKSON,
"Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

"DEAR MR. CHAIRMAN: As you requested, here is our report on S. 3594, a bill providing for Federal purchase of the remaining Klamath Indian Forest.

"S. 3594 would direct the Secretary of Agriculture to enter into a contract, prior to June 30, 1972, to purchase for $51,954,709 the Klamath Indian Forest lands retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564 W–1).

"The Klamath Termination Act provided for termination of the Klamath Indian Reservation. The act further provides, in part, for disposal procedures, partition, disposal, and trust arrangement for the remaining Indians. The original disposal action resulted in the sale to the Secretary of Agriculture of tribal lands which became the Winema National Forest. This original sale included 525,680 acres which were purchased for $68,716,691 in 1959.

"An offer to sell the remaining lands for $51,369,731 was made to the Secretary of Agriculture on July 2, 1971, by the U.S. National Bank of Oregon, trustee for the tribe, under the provisions of the Klamath Termination Act, as amended. The act provides that after offering the lands to members of the tribe, the trust must next offer the lands to the Secretary of Agriculture who is given 12 months to either accept or reject the offer. If not accepted, the offer is then made to private interests. The Secretary's 12-month option ends July 1, 1972.

"The Klamath Indian Forest is located in Klamath County, Oreg., and is surrounded by Winema National Forest lands. The tract is composed of 133,300 acres of timbered land, 1,100 acres of grassland, and 600 acres of other types of land. There are approximately 900 million board feet of merchantable sawtimber on the tract, made up primarily of ponderosa pine. It can produce about 4,000 animal unit months of forage for range cattle and sheep. The tract contains 9½ miles of frontage on the Williamson River and is summer range for three major herds of mule deer.

"Based on extensive evaluation of the Klamath Indian Forest proposal and in view of the present fiscal situation, we do not favor acceptance of the current offer and recommend that S. 3594 not be enacted.

"We believe that there are alternative means available for dealing with the environmental concerns for the land other than by Federal purchase. The State of Oregon and its citizenry are active, interested, and concerned with the conservation and have an active authority to provide land use controls for environmental protection of the land.

"The Federal Government already owns 32.2 million acres in the State of Oregon (52.2 percent of the State), including 15.5 million acres of land administered by the Bureau of Land Management of the Department of the Interior. There appears to be no compelling national interest in adding another 135,000 acres to Federal ownership in Oregon.

"We also believe that the purchase price proposed by the bill exceeds the price that could be justified under a system of multiple-use sustained-yield management of the property as is required by law for national forest management. The price offered by the trustees is based on immediate liquidation of all the harvestable timber. Whereas, on a sustained-yield basis, the timber could be harvested over a long period of time and future incomes accordingly would have to be discounted to arrive at the property's worth for sustained-yield management.

"The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

"T. K. COWDEN, *Assistant Secretary."*

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1954, as amended by the Act of August 23, 1958 (68 Stat. 718, 72 Stat. 816), is further amended by adding a new section 29 as follows:

SEC. 29. The Secretary of Agriculture is hereby authorized and directed to enter negotiations and to acquire by purchase or condemnation any Klamath Indian Forest lands which the Trustees for the Klamath Indian Tribe offer for sale pursuant to subsection 28(e) at a price that does not exceed $51,954,709, and the lands so acquired shall become a part of the Winema National Forest. The contract of purchase may provide for payment of the purchase price in installments, with interest or unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury, and a purchase contract.

By Mr. HARTKE (for himself, Mr. PASTORE, Mr. RIBICOFF, Mr. THURMOND, Mr. MAGNUSON, Mr. GURNEY, Mr. TOWER, Mr. MCGEE, Mr. MOSS, Mr. BEALL, Mr. CHILES, Mr. NUNN, Mr. ABOUREZK, Mr. CRANSTON, Mr. HELMS, Mr. ALLEN, and Mr. HOLLINGS):

S. 762. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes. Referred to the Committee on Armed Services.

Mr. HARTKE. Mr. President, I offer a bill designed to alleviate an injustice that has been done by the Congress to the retired members of our uniformed services.

The bill which I have offered will provide a one-time recomputation of military retirement benefits to the January 1, 1972, rates. The 1972 rates will be effective immediately for persons who have retired for physical disability under the laws in effect before 1949, or a physical disability of at least 30 percent under later laws, and for nearly all those who have retired for years of service and are 60 or more years of age. Other retirees who are not yet 60 would have their retired pay recomputed at the time they reach that age.

I am in the unusual position of acting to redeem a campaign promise made by President Nixon in 1968. As part of his election drive, the President felt that the precipitous suspension of the recomputation system was, and I quote the President:

> "A breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits."

The President pledged to remedy this inequity as soon as possible—that was almost 4 years ago.

Senator HUMPHREY and Governor Wallace were equally strong in their endorsement of a restoration of recomputation rights to retired officers.

Cost estimates of the Hartke bill are $343 million for the first year. Projections through the year 2000 yield an estimated lifetime cost of some $19 billion.

Mr. President, our retired military personnel have relied on a recomputation system that stood for almost 100 years. From 1861, when the President approved "an act for the better organization of the military establishment," officers of the uniformed services were entitled to retire for length of service and to have their pay determined initially as a percentage of the rates in existence at the time, to be recomputed upon the new rates each time raises were granted in the future to the members of the active forces.

Similar provisions were made for enlisted members of the forces a few years later.

This system was in continuous operation until passage of the Joint Services Pay Act of 1922, which denied to those retired prior to the effective date of the Act, the right to recompute their retired pay on the basis of the new schedules.

In 1926, the 69th Congress corrected this injustice by restoring the right to recomputation for those on the retired rolls. The Senate committee report stated that:

> The 1922 legislation deprives all officers retired prior to that date of said benefits, thereby violating the basic law under which these officers gained their retirement rights. There is no justice in two pay schedules for equal merit and equal service. (Senate Report 364, 69th Congress.)

I submit, Mr. President, that the 1926 statement is equally valid today. And yet, Mr. President, today we have 11 different rates of retired pay for retirees of equal grade and service, with the oldest retirees, whose need is apt to be greatest, in each case receiving the smallest pay and the youngest receiving the largest. The disparity in many cases approaches 50 percent.

This situation exists because of the sudden suspension of the recomputation system in 1958 and its repeal in 1963, at which time a system of raises based upon increases in the cost of living was substituted with no "savings clause" to protect the previously earned benefit. This new provision has utterly failed to make up for the loss of the earned right to which the retirees had previously been entitled.

The reduction in the earned benefit was made in spite of the fact that the recomputation system had been reconfirmed by Congress in each pay act passed since it was restored in 1926, and in spite of the fact that the 1958 pay act was built upon the recommendations of the Cordiner Military Pay Study Committee. The Cordiner Committee concluded that:

> The incentive value of the existing military retirement system depends to a major degree upon its integral relationship with active duty compensation and the confidence which has been built up in the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

As a consequence of the actions taken in 1958 and 1963, merit and length of service are no longer primary factors in determining the compensation a retiree will receive during the inactive phase of his career. On the contrary, it has now become a matter of when the individual was born and how successful he was in manipulating a favorable retirement date. For instance, a lieutenant colonel retiring today receives more retired pay than a major general who retired only 10 years ago.

In 1968, President Nixon pledged to submit legislation "to remedy this injustice at the earliest possible time."

In keeping with that pledge, in 1971 he appointed an Interagency Committee to study the problem and on April 15 of last year, he submitted a compromise proposal to Congress based upon the committee's recommendation. The Nixon proposal was for a "one time" recomputation based on the 1971 pay scales for certain classes of physically disabled retirees and for those with less than 25 years of service who are over age 60 and those with 25 or more years of service at age 55. The administration bill had a first year price tag of $332 million and a lifetime cost of $17 billion. The fiscal 1974 budget includes a first year recomputation cost of $360 million—some $17 million more than the current Hartke proposal.

I think we have waited too long to remedy this injustice to those who have honorably and faithfully served their country during the two World Wars, Korea, and Vietnam.

A full restoration of the recomputation system, however, implies a cost in excess of $1 billion in fiscal year 1973. The lifetime cost of full restoration would be more than $137 billion. I propose a simpler and I believe a fairer solution than the one forwarded by the Department of Defense for the administration. At the same time, it is designed to keep the expenditure at a reasonable level.

Perhaps at a later time, the appropriate committee can take up a proposal for a continuing system of recomputation for those who entered the service in the expectation that the Government would carry out its obligation. I would support such a move. However, at the moment, I believe it important that we take the first step in making good on the ethical obligation which we owe to those who served their country so well.

Mr. President, I ask unanimous consent that the text of the Hartke recomputation bill be printed following the close of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That notwithstanding any other provision of law, a member or former member of a uniformed service (1) who is 60 years of age or older on the date of enactment of this Act or becomes 60 years of age after such date, and is entitled to retired or retainer pay computed under the rates of basic pay in effect before January 1, 1972, or (2) who is entitled to retired pay for physical disability under title IV of the Career Compensation Act of 1949 (63 Stat. 816–825), as amended, or chapter 61 of title 10, United States Code, whose disability was finally determined to be of permanent nature and at least 30 percent under the standard schedule of rating disabilities in use by the Veterans' Administration at the time of that determination, and whose pay is computed under the rates of basic pay in effect before January 1, 1972, is entitled to have that pay recomputed upon the rates of basic pay in effect on January 1, 1972.

Sec. 2. A member or former member of a uniformed service whose retired or retainer pay is recomputed under the first section of this Act is entitled to have that pay increased by any applicable adjustments in that pay under section 1401a of title 10, United States Code, which occur after January 1, 1972.

Sec. 3. A member or former member of a uniformed service who is 60 years of age or older on the date of enactment of this Act and is entitled to have his retired pay recomputed under the first section of this Act shall be entitled to retired pay based upon such recomputation effective on the first day of the first calendar month following the month in which this Act is enacted; and a member or former member of a uniformed service who attains age 60 after the date of enactment of this Act and is eligible to have his retired pay recomputed under the first section of this Act shall be entitled to retired pay based upon such recomputation effective on the first day of the first calendar month following the month in which he attains age 60.

Sec. 4. The enactment of the first two sections of this Act does not reduce the monthly retired or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act.

Sec. 5. As used in this Act, the term "uniformed services" has the same meaning ascribed to such term by section 101(3) of title 37, United States Code.

By Mr. MOSS:

S. 763. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home. Referred to the Committee on Finance.

NURSING HOME OWNERSHIP

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to require any skilled nursing facility or intermediate care facility, receiving funds under title 19 of the Social Security Act, to disclose to the State the identity of each person who has any ownership at all in the facility.

The present law requires that anyone with a 10-percent or greater interest in a skilled home or an intermediate care facility must disclose such interest. This provision has been avoided by a host of techniques such as by allocating a 9-percent interest in the name of family and friends, or by disguising ownership through the use of mortgages and deeds of trust.

This loophole in the law must be closed if the law is to be meaningful. The Governor's Commission on Nursing Home Problems in the State of Maryland concluded that under the existing law, it is impossible to find out who actually owns the State's nursing homes. The commission endorsed this bill, which was S. 2927 in the 92d Congress, as a solution.

The bill simply asserts the public's right to know who is the owner or the beneficial owner of long-term care facilities. This right grows out of the fact that the taxpayer contributes more than $2 out of every $3 of nursing home revenues.

The bill that I am introducing today received a favorable report from the Department of Health, Education, and Welfare and was adopted by the Senate as an amendment to H.R. 1, last year's social security bill. However, the amendment was lost in conference. I am hopeful that this bill will be adopted in this session.

Mr. President, I ask unanimous consent that the report on S. 2927 of the 92d Congress from the office of then Secretary of HEW, Elliott Richardson, be printed in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Department of Health, Education,
and Welfare,
Washington, D.C., July 13, 1972.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your request of December 21, 1971, for a report on S. 2927, a bill to amend Title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home.

Present legislation provides that the State agency be apprised of full and complete information concerning the identity of any person having an ownership interest of 10 percent or more in any such nursing home. The proposed bill would (a) expand the present requirement to include persons having any ownership interest and (b) clarify the meaning of ownership by specifying persons who are owners of mortgages, deeds of trust, or other obligations.

The Department favors the principle of disclosure of information regarding nursing home ownership to the State agency, and would favor clarification of the meaning of ownership to include owners of mortgages, deeds of trust, notes, etc. We have no objection to the expansion of the present requirement to include persons having an ownership interest of less than 10 percent.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Elliot L. Richardson,
Secretary.

By Mr. MOSS:

S. 764. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics. Referred to the Committee on Labor and Public Welfare.

ESTABLISHMENT OF DEPARTMENTS OF GERIATRICS IN SCHOOL OF MEDICINE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to provide grants to schools of medicine to establish departments of geriatrics.

This bill, which was introduced as S. 2931 in the 92d Congress, received wide support from all quarters of the health care industry. It is an effort to attack what I have described as one of the five major problems in the field of long-term care—and that is the simple fact that physicians avoid the nursing home and do not view it as part of the medical continuum.

A 1960 report issued by the Subcommittee on Problems of the Aged and Aging of the Senate Committee on Labor and Public Welfare concluded that:

> Management of patients in nursing homes by physicians is either lacking or inadequate.

Unfortunately, things have not changed very much since then.

Testimony received in past sessions by the Senate Subcommittee on Long-Term Care, indicate that doctors have little interest in nursing homes for a variety of reasons.

First, it is more difficult to deal with aged patients, many of whom cannot communicate with the physician.

Second, the staff of nursing homes is not trained in the same sophisticated degree as hospital staffs, which handicaps the physicians.

Third, most nursing homes are located some distance away from hospitals or other health facilities, and it requires extra time for the physicians to travel to them.

Fourth, doctors tend to be "acute-oriented"—what I call the "Marcus Welby syndrome"—and prefer to treat younger patients in whom they can see marked improvement. "In a nursing home all you can do is postpone death" we were told.

Fifth, many doctors feel that it is depressing to visit nursing homes; that it is unpleasant to work with patients who are unstimulated, unresourceful and many of whom have been rejected by their own families.

Sixth, there is no organized medical staff in most nursing homes. There might be as many as 40 physicians serving a nursing home of 140 patients—each doctor a law unto himself with little knowledge about the patients of his fellow physicians and with no one in a position of ultimate responsibility for the care of patients on whom he can rely.

Seventh, payments are low for physician visits under medicare and medicaid.

The root of the problem is, of course, that geriatrics has not developed as a specialty in this country. There is unimpeachable evidence that the medical problems of the elderly require separate and specialized education. This education is not readily available in the United States. My personal survey of schools of medicine in this country turned up the fact that only three schools have anything approaching a department of geriatrics. My bill would provide the funds and the incentive to correct this situation.

There is much we can learn from other countries, notably Sweden and England in this matter. As we continue to lengthen the lifespan we will be confronted with more and more people living into their eighties and nineties. The practice of medicine must grow to keep pace with their needs. Present research indicates that we are very close to a major breakthrough in inhibiting the aging process with chemotherapy.

However, there is a real paucity of knowledge as to the appropriate diagnostic and therapeutic techniques for people advanced in years. For this reason I will support Senator EAGLETON's bill shortly to be introduced, creating a National Institute of Geriatrics at the National Institutes of Health. I introduced a bill to this effect in the last Congress and I shall not reintroduce it because I anticipate the passage in this Congress of the Eagleton bill. It passed last session only to meet with an 11th hour Presidential pocket veto.

My bill to help establish department of geriatrics in schools of medicine takes one small step toward the goal of helping the medical profession recognize the needs of the infirm elderly, and training to meet them.

I am pleased to note that the American Medical Association has sponsored a series of seminars, financed by an HEW grant, to acquaint their membership with the needs of long-term care patients. However, a much broader program is required, and I hope this bill will be approved swiftly.

By Mr. MOSS:

S. 765. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

TRAINING OF PARAMEDICAL PERSONNEL

Mr. MOSS. Mr. President, I offer, for appropriate reference, a bill to authorize grants to train certain veterans with appropriate experience as paramedical personnel—Medics—to serve as medical assistants in long-term care facilities.

This bill is offered as a way of ameliorating one of the major problems in the field of long-term care—the absence of the physician from the nursing home setting. I am discussing many of the reasons for the physician's absence in a statement I am making today in introducing my bill to provide grants to schools of medicine to establish departments of geriatrics.

However, I neglected to mention one important factor because I felt it would be more appropriate to the discussion of legislation to train paramedical personnel. That is the well-known fact that physicians are in very short supply, and therefore many of them are greatly overworked. This results in a particularly serious physician shortage in rural areas. The Congress has tried to remedy this shortage by using Federal grants, or by forgiving Federal loans, when medical students in training agree to practice later on for a given period in areas of greatest need.

The competition for the physician's time works a particular hardship on nursing homes. They do not fare well. To a certain extent, certain Federal policies under medicare tend to increase the problem.

Under medicare original regulations a physician was required to see patients every 30 days. This was not always honored, I regret to say. New rules now require a physician who sees a patient more than once a month to provide a list of reasons why additional visits were necessary. So what was originally a requirement to insure that patients are visited regularly, has been turned into a limitation.

One solution to infrequent physician visits to nursing homes is to give medical corpsmen discharged from the armed services a concentrated course in the special needs of geriatric patients and then let them serve as medical assistants in nursing homes. My bill authorizes just that. It would authorize \$2½ million in fiscal 1974, and \$5 million in the next 3 fiscal years. It is not a new concept and HEW has experimented with it to some degree. I find it totally sensible. I hope this bill will be enacted.

By Mr MOSS:

S. 766. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants. Referred to the Committee on Labor and Public Welfare.

TRAINING OF PHYSICIANS' ASSISTANTS

Mr. MOSS. Mr. President, I offer, for appropriate reference, a bill making grants to colleges and universities to assist them in establishing programs for the training of physician's assistants. This bill represents an effort to increase the supply of physician's assistants so they can help ease the shortage of physicians generally and specifically the shortage in nursing homes.

I define "physician's assistants" as they are defined by the American Medical Association Committee on the subject:

> A skilled person qualified by academic and practical training to provide patient services under the direction of a licensed physician who is responsible for the performance of that assistant.

This bill is another segment of my efforts to upgrade the quality of medical care in long-term care facilities. Other bills I am introducing would help establish geriatrics as a specialty in this country, and train medical corpsmen in geriatrics so that they might assume some responsibility in nursing homes.

I also intend to introduce, in the future, a bill to provide for the training of a corps of nurse practitioners composed mainly of registered nurses who have completed two additional semesters of specialized work in geriatrics. These nurse practitioners could then be placed in charge of the medical care in long-term care facilities, subject to the overall control and responsibility of the physician under contract with the facility.

I believe that both physician's assistants and nurse practitioners, if trained in geriatrics, can do much to ameliorate the medical problems of long-term care facilities.

My present bill authorizes $10 million a year to qualify colleges and universities for the training of physician's assistants. I hope we can take final action on it this session.

It was included in H.R. 1, the social security amendments enacted in the 92d Congress, but only on a demonstration basis. The provision in H.R. 1 authorizes the Secretary to conduct experiments with the use of physician's assistants and nurse practitioners and to make recommendations as to their future use. I look forward to the results of these demonstration projects, because I feel strongly that the effective use of nurse practitioners and physician's assistants can mean marked improvement in the quality of medical care, particularly to the 1 million residents of our nursing homes.

By Mr. FANNIN (for himself and Mr. Goldwater):

S. 767. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, I am introducing a bill to facilitate the incorporation of the reclamation townsite of Page, Ariz. The purpose of the legislation would be to separate the unincorporated area in Coconino County, Ariz., known as Page, from the Colorado River storage project.

By enactment of this bill the people of the community could enjoy self-government under the laws of Arizona. The real and personal property interests of the United States within the described municipal boundary would be transferred to municipality when the property is no longer needed by the United States.

The town of Page developed in conjunction with the construction of Glenn Canyon Dam and the associated recreational areas around Lake Powell. With the completion of these facilities the town has experienced a transition from an encampment for those who built these projects to a community of permanent residents who wish to become self-governing. This legislation meets their objective and over a 10-year period relieves the Bureau of Reclamation and Secretary of Department of Interior of the burden and responsibility of managing a community.

The character of the town of Page is changing and developing at a rapid rate to meet the needs of the area, ranging from tourism to the business of providing a vast array of services for miles around. The bill is structured to enable the municipality to assume the fiscal and community responsibilities which are rightfully those of local government.

By Mr. HARTKE (for himself, Mr. Weicker, Mr. Pell, Mr. Kennedy, Mr. Javits, Mr. Scott of Pennsylvania, Mr. Ribicoff, Mr. Pastore, Mr. Beall, Mr. Biden, Mr. Williams, and Mr. Brooke):

S. 768. A bill to provide improved high-speed rail passenger service between Boston, New York, and Washington, by 1976. Referred to the Committee on Commerce.

SPIRIT OF '76 HIGH SPEED RAIL ACT

Mr. HARTKE. Mr. President, Senators Weicker, Pell, Kennedy, Brooke, Javits, Scott of Pennsylvania, Ribicoff, Pastore, Beall, Biden, and Williams, and I today introduce the Spirit of '76 Rail Passenger Act. The bill would provide for high-speed rail passenger service between Boston, New York, and Washington, D.C., by authorizing necessary improvement to the existing rail route and by directing Amtrak to use advanced-designed equipment for such service.

It is no secret that we have created a giant problem in densely populated regions of our country by a single-minded fixation on the automobile as the primary mode of passenger transportation. Where the automobile was once a convenient and pleasant means of transportation, today it all too often brings aggravation, congestion, environmental deterioration, and a heavy toll of fatal accidents.

The automobile once was an alternative means of getting from one place to another. In our failure to develop and modernize rail passenger services we have lost the balance among transportation modes and the weight has shifted to the automobile. As a consequence we have deprived ourselves of the benefits of both the automobile and the railroad.

The Spirit of '76 Rail Passenger Act is introduced with the goal of moving us one step closer to achieving the necessary balance between the automobile and other modes of transportation. Metroliner service has clear evidence that passengers can be attracted to trains. It also shows that speed is the dominant criterion in bringing people to the railroads for the relatively short haul or charter service. It is my hope that the high-speed service made possible in the Northeast Corridor by the roadbed improvements and advanced-designed equipment contemplated in the bill will lead the way for modern, high-speed trains in other corridors throughout the Nation, including Chicago-Indianapolis-Cincinnati.

The service contemplated in our bill should be available by 1976. Such service would be a fitting tribute to our Nation's bicentennial. It would combine useful service to the people of the Northeast while demonstrating new avenues for solution of passenger service. It would reflect the pathfinding spirit and inventive genius of our forefathers while bringing freedom for the confining congestion of an unbalanced antiquated transportation system.

Mr. President, section 3 of the bill directs Amtrak to establish high-speed rail passenger service between Boston, New York, and Washington, D.C., using advanced-designed equipment.

Sections 4 and 5 increase Amtrak's loan guarantee authority and its direct appropriations authority to allow it to purchase equipment, make terminal improvements, and undertake the construction contemplated by the bill.

Section 5 authorizes the Secretary of Transportation to construct railroad improvements recommended in the Department of Transportation report entitled "Recommendations for Northeast Corridor Transportation."

Sections 6, 7, and 8 provide labor protection to assure, first, that work done pursuant to this act shall be done by railroad personnel who have customarily performed such work; second, that fair and equitable arrangements for the protection of the interest of railroad employees shall be undertaken; and third, that the Corps of Engineers shall take such action as may be necessary to insure that all laborers and mechanics employed by contracts for the performance of construction work shall be paid prevailing wages.

Sections 9 and 10 pertain to condemnation powers and section 11 requires the Secretary of Transportation to report to the President and the Congress no less than once a year with respect to activities carried out under the act.

Mr. President, $400 million is appropriated in this bill for attainment by the Secretary of Department of Transportation to the Corps of Engineers for the purpose of constructing or improving rights-of-way, trackage, bridges, grade crossings, safety, and other related facilities, such as those recommended by the Secretary of Transportation in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation." I believe that the operations envisioned by this bill will be profitable. If substantial profits do accrue, Amtrak can use the extra money to pay for further improvements in the corridor and for improvements elsewhere. Congress has appropriated over $5 billion for waterway projects without any expectation of repayment from profits or user charges. The cost-benefit ratio of this project will equal or exceed that of any waterway project. As a step toward a more balanced transportation system, I believe that we must evaluate and finance railroad projects on the same basis as waterway projects.

The Spirit of '76 Rail Passenger Service Act would permit the implementation of DOT's Northeast Corridor report. I have chosen this approach because it allows us to make use of existing facilities. Further, the report furnishes specific and detailed documentation for objectives of the bill. Thus, utilizing existing work, we may expect quick progress from the measure.

Service and facility improvements contemplated by this bill will permit, in a relatively short time, nonstop schedules of 2 hours between New York and Washington, and 2¾ hours between New York and Boston, based on the use of Metroliner-type equipment with relatively conventional suspension systems. Faster schedules might be attained through the utilization of equipment with advanced banking suspension systems which allow for substantially faster speeds on curves. The United Aircraft turbo train is but one example. Another, the British "Advanced Passenger Train" is now in the testing state, as is the Canadian LRC. The French have their own version of the turbo train in revenue service.

This bill requires that Amtrak be the operating agency for the service. Many of us in the Senate, including the Senator from Connecticut (Mr. Weicker) and I, have been rather critical of Amtrak's performance. Hopefully, there will be considerable improvement by the time the track and roadway improvements are complete and the trains are ready to roll. If not, we will have to consider the alternative of organizing a regional agency to run the service.

The bill is consistent with and complementary to the Interstate Railroad Act, which I introduced together with Senators Taft, Weicker, Pell, and Williams. That bill is intended to rehabilitate main line railroads throughout the country to allow 80-mile-an-hour operation for both freight and passenger trains although it does not contain funding for the provision of facilities in specific corridors for high speed passenger operations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Spirit of '76 High Speed Rail Act."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. The Congress finds that public convenience and necessity require modern, efficient, intercity railroad passenger service, as part of a balanced transportation system, to provide fast and comfortable transportation between crowded urban areas in the Northeast Corridor of the United States; that rail passenger service can help alleviate congested highways and airways; that rail passenger service offers one of the safest forms of transportation; that to become a viable and competitive system, rail passenger service should operate between Boston and New York, and between New York and Washington, in two hours; that an appropriate date for the initiation of such service would be 1976, when millions of additional travelers are expected to use transportation facilities between historical centers in the Northeast Corridor; and that to enhance this investment in improved service, it should be designed to coordinate with a plan, which could be considered by Congress at a future date, to provide super speed rail passenger service between the same cities in one hour, using the high speed rail facilities as a feeder service, for implementation in the decade following 1976.

HIGH SPEED RAIL PASSENGER SERVICE

Sec. 3. The National Railroad Passenger Corporation, established pursuant to the Rail Passenger Act of 1970, as amended, is directed to establish high speed rail passenger service, as recommended by the Secretary of Transportation in his report of September, 1971, entitled "Recommendations for Northeast Corridor Transportation" between Boston, New York and Washington, D.C., serving such intermediary stops as it may determine, and using facilities constructed or improved pursuant to this Act. Such service shall utilize advanced design rolling stock in order to test the economic practicality, operating performance, and public acceptance of such rolling stock.

Sec. 4. Section 602(d)(2) of the Rail Passenger Act of 1970, as amended, is hereby amended to read as follows:

"(2) may not exceed $425,000,000 after June 30, 1973, with $225,000,000 of loan proceeds to be applied towards financing of equipment and terminal improvements, such as those recommended by the Secretary of Transportation in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation'."

Sec. 5. Section 601 of the Rail Passenger Act of 1970, as amended, is hereby amended by inserting, after subsection (b), the following:

"(c) There is authorized to be appropriated $400,000,000, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corps of Engineers, United States Army, for the purpose of constructing or improving rights of way, trackage, bridges, grade crossings, safety and other related facilities, such as those recommended by the Secretary of Transportation in his report of September 1971, entitled 'Recommendations for Northeast Corridor Transportation'. Any sums appropriated shall be available until expended."

Sec. 6. Construction or improvements made pursuant to this Act shall be done by railroad personnel under the supervision of and in consultation with the Corps of Engineers. Such railroad personnel shall be those who have customarily performed such work. Construction or improvements made pursuant to this Act shall, in addition, utilize railroad facilities to the maximum extent. Contracts for the performance of work not customarily performed by railroad personnel or facilities shall be entered into by means of competitive bidding.

Sec. 7. Prior to entering into any undertaking for the performance of work described in Sections 4 and 6 of this Act, the National Railroad Passenger Corporation shall certify to the Secretary of Transportation that there has been executed an agreement or agreements between railroads involved in such work and the representatives of their employees providing fair and equitable arrangements for the protection of the interests of such employees which may be affected by such work; provided, however, that in the absence of any such executed agreement or agreements the Secretary of Labor shall certify to the Secretary of Transportation who shall prescribe, prior to any undertaking of such work, the protective arrangements to apply in connection with the performance of such work. Any such protective arrangements certified by the Secretary of Labor and prescribed by the Secretary of Transportation shall provide no less protection for the interests of such employees than those protective arrangements certified by the Secretary of Labor under the provisions of the Rail Passenger Service Act of 1970, as amended.

Sec. 8. The Corps of Engineers shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of such construction work shall be paid wages at rates not less than those prevailing on similar constructions in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Corps shall not enter into any contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 333 of title 40 shall be applicable to all construction work performed by a railroad employee. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

Sec. 9. The Secretary of Transportation may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquisition of other than existing railroad owned assets, by condemnation of any land, easement, right-of-way, or material needed to enable the Corps of Engineers to perform work pursuant to this Act; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the states wherein the proceedings may be instituted: *Provided, however,* That when the owner of such land, easement, right-of-way, or material shall fix a price for the same, which in the opinion of the Secretary of Transportation shall be reasonable, he may purchase the same at such price without further delay: *And provided further,* That the Secretary of Transportation is authorized to accept donations of lands, easements, rights-of-way, or materials required for such work. In any condemnation proceeding instituted under this Act, where only a part of any parcel, lot or tract of land shall be taken, the court shall take into consideration by way of reducing the amount of compensation any special and direct benefits to the remainder arising from the work.

Sec. 10. Upon the filing of the petition in any condemnation proceedings hereinbefore authorized, the United States shall have the right to take immediate possession of lands, easements, rights of way, or material, to the extent of the interest to be acquired, provided, that certain and adequate provision shall have been made for the payment of just compensation to the party or parties entitled thereto, by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase the amounts or securities, and the court shall make such order as shall be just in the premises and as shall adequately protect the respondent. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid.

Sec. 11. The Secretary of Transportation shall report to the President and the Congress no less often than annually with respect to activities carried out under this Act. The Secretary shall, if requested by any appropriate committee of the Senate or House of Representatives, furnish such committee with information concerning activities carried out under this Act.

By Mr. TUNNEY:

S.J. Res. 50. A joint resolution authorizing the President to proclaim the last week in June of each year as "National Autistic Children's Week." Referred to the Committee on the Judiciary.

NATIONAL AUTISTIC CHILDREN'S WEEK

Mr. TUNNEY. Mr. President, I am today reintroducing a joint resolution to proclaim the last week of June of each year as National Autistic Children's Week.

The plight of autistic children in this country is truly a sad one. Inadequate programs, inadequately funded, cause thousands of parents throughout the country the anguish of trying without success to provide the education and treatment which can enable these children to lead normal lives.

During the past year, I have become

deeply concerned about the meager efforts by both Federal and State governments to help these children.

In fact, they have been completely excluded from the one major Federal program which could offer them substantial assistance—the Developmental Disabilities Act.

During this session of Congress, we will have the opportunity to revise the law and to right what I consider to be a tragic exclusion. I plan to join in leading that effort, because I believe we must end that needless discrimination.

I would emphasize that this effort is in no way designed to dilute the resources available for programs for the mentally retarded children with other developmental disabilities. We must increase the funding levels to assure that all of these children receive adequate programs.

In addition Senator HOLLINGS has recently reintroduced S. 34, the Autistic Children Research Act, a bill to provide accelerated research and development in the care and treatment of autistic children. I support him in this effort.

Both of these bills will make important progress toward helping the autistic child. But more is needed. Last summer, I visited the Reiss Davis Child Study Center in Los Angeles.

This center provides an excellent example of what can be done to provide education and treatment for autistic children. The community support which this center has been able to muster has been most impressive. In fact, it has enabled the center to survive as one of the few which provides services for autistic children.

But the need far exceeds the limited resources of centers such as this. And for that reason I am offering this resolution to aid in increasing public awareness of the needs of these children and to build the public support needed to gain passage of an adequate revision of the Developmental Disabilities Act this year.

Through the observance of National Autistic Children's Week it is my hope that we can gain that awareness and support. One very tangible benefit might be an increase in early identification of children with autism. It might also serve to publicize existing programs and services for autistic children whose parents are as yet unaware of those services.

Observance of this week would offer new hope to thousands of parents of autistic children throughout the country and I hope this resolution can be adopted early this year.

Last year, in an attempt to change the regulations implementing the Development Disabilities Act to include autistic children, I wrote to HEW Secretary Richardson asking him to join me in this effort. I ask unanimous consent that that correspondence be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

MR. SECRETARY: It is my understanding that you will shortly issue regulations implementing the Developmental Disabilities Services and Facilities Construction Act of 1970. As you know, this legislation assists States in constructing facilities for and providing services to persons affected by so called "developmental disabilities" which originate in childhood and constitute a substantial and continuing handicap to the individual.

Section 102(a)(5) of that Act defines the term "developmental disability" for purposes of the legislation as follows:

"A disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. The disability must have originated before the age of eighteen and have continued or be expected to continue indefinitely and must constitute a substantial handicap to the individual in question."

It is my understanding, however, that during the two years since the enactment of this law, no "other neurological condition" has been included in the coverage of this law despite the clear intent of the language that such inclusions be made.

I am writing to you at this time to urge that you institute procedures to carry out the mandate contained in the law for inclusion of children afflicted with other Developmental disabilities. The use of such procedures would enable your Department to make specific recommendations for increased resources and expansion of coverage under the Act when it is considered for renewal next year.

A specific example of the need for such expansion is childhood autism. Childhood autism is a profoundly handicapping disturbance which appears very early in life and remains a handicap throughout life. Characteristically, children come to medical attention during the second year of life with developmental retardation. Frequently, they are suspected to be deaf because of their poor social contact, lack of general developmental skills and inability to learn social skills. The prognosis for these children is very bad. For children with a low IQ and who have no speech by age 5, their future is almost certainly chronic institutionalization. For these reasons I believe childhood autism should be included under the Act so that these children may gain the benefits of the facilities and services provided by it.

At present, autistic children are being excluded from the benefits of this program despite their tremendous need for those benefits. The principal reason for their exclusion is the meager funding of the present program. The resources presently available under the Act are inadequate even for those groups, such as the mentally retarded, which are specifically included in the law. Inclusion of autistic children should, therefore, not be made at the cost of reduced effort or resources for those presently covered.

But, they can be included in a revised and expanded program which the Congress can enact next year. By including in the new regulations a process for identification of other disabilities, such as childhood autism, which merit coverage under this program and then by making appropriate recommendations to the Congress based thereon, your Department could make a major contribution toward bringing new hope to thousands of parents and children across the country.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

By Mr. JACKSON (for himself, Mr. BIBLE, and Mr. MATHIAS):

S.J. Res. 51. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as National Historic Preservation Week. Referred to the Committee on the Judiciary.

Mr. JACKSON. Mr. President, I am introducing for appropriate reference a joint resolution to designate the week of May 6 as National Historic Preservation Week.

We are rapidly approaching the 200th anniversary of the founding of this Republic, and I can think of no more fitting time to recognize our heritage than the week of May 6 through May 12 which will coincide with the national awards presentation of the National Trust for Historic Preservation.

Mr. President, I feel that it is necessary that the American people give heightened attention to the preservation of the towns and villages, the buildings and places across the land which have shaped our lives and which are the tangible evidence of our past as a people.

In acknowledgment of the significance of historic preservation to our country today and in the bicentennial era immediately before us, I consider this measure particularly appropriate in light of the dramatic growth in public interest in historic preservation in recent years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 19

At the request of Mr. HOLLINGS, the Senator from Alaska (Mr. GRAVEL) and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 19, a bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion.

S. 21

At the request of Mr. BEALL, the Senator from Alabama (Mr. ALLEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nevada (Mr. BIBLE), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Virginia (Mr. SCOTT), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 21, the Continuity of Education Act, a bill to prevent the forced transportation of elementary and secondary students during the course of the school year.

S. 40

Mr. DOMENICI. Mr. President, several legislative initiatives have been introduced in this Congress to set up an effective mechanism for Congress to fulfill its constitutional responsibility with regard to Federal spending.

I am gratified to see such initiatives.

I am convinced that we must reform the budgetary practices of Congress—and we must do it now, before this session moves on to other business.

We have a constitutional responsibility. It requires us to appropriate wisely, and that means we must set up an order of priorities among national needs. If we are actually to budget, we cannot do so with any logic until we have agreed upon an upper limit for appropriations.

To suggest that we continue in our present practices, which would be chaotic if they were followed by a private business or family, while giving lipservice to the rhetoric about doing a better job of budgeting is to mislead our citizens.

Unless this body adopts a budget ceiling, and does it before it proceeds with its regular business, its expenditures and appropriations have no relevance to sound fiscal spending.

We must fulfill this duty, we must begin to control the expenditures of the Government, in practice, not merely in talk, or we cannot control inflation and curb the national debt.

Mr. President, the time for action is now—and the responsibility is ours.

If we are to live up to the responsibility which brought us here, we should discuss the bills which would reform our practices—and we should discuss them forthwith.

The time for hollow rhetoric is past. It is imperative that we meet our constitutional responsibilities to control expenditures and determine national priorities, and that we meet them with promptness, with self-discipline, and with vigor.

For this reason I am pleased to join the distinguished Senator from Tennessee (Mr. BROCK) and the distinguished Senator from Georgia (Mr. NUNN) on their legislative proposal (S. 40) designed to require the Senate to face this issue squarely.

S. 49

At the request of Mr. HARTKE, the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 49, a bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes.

S. 59

At the request of Mr. HARTKE, the Senator for North Dakota (Mr. BURDICK) was added as a cosponsor of S. 59, a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 174

At the request of Mr. MONTOYA, the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 174, a bill to provide for outpatient drugs under medicare.

S. 255

At the request of Mr. EAGLETON, the Senator from Maryland (Mr. BEALL), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

S. 275

At the request of Mr. HARTKE, the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Florida (Mr. GURNEY), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 275, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 324

At the request of Mr. SCHWEIKER, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 324, the Nutritional Medical Education Act of 1973, which would amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry.

S. 394

At the request of Mr. HUMPHREY, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Rhode Island (Mr. PELL), and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 394, to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

S. 472

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 472, a bill to establish within the Bureau of the Census a Voter Registration Administration to carry out a program of financial assistance to encourage and assist the States and local governments in registering voters.

S. 491

At the request of Mr. BEALL, the Senator from Colorado (Mr. DOMINICK) and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 491, the Older Americans Comprehensive Services Amendments of 1973.

S. 502

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 502, the Federal-Aid Highway Act of 1973.

S. 607

At the request of Mr. KENNEDY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 607, amendments to the Lead-Based Paint Poisoning Prevention Act.

S. 619

At the request of Mr. ALLEN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 619, the Uniform Criteria Act of 1973.

S. 622

At his own request, Mr. CURTIS was added as a cosponsor of S. 622, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 738

At the request of Mr. MUSKIE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 738, a bill to establish and support State programs for auto emission control systems.

SENATE JOINT RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment to the Constitution.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Alabama (Mr. ALLEN), the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 11, a joint resolution paying tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 37

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER) was added as cosponsor to Senate Joint Resolution 37, designating the Manned Spacecraft Center in Houston, Tex., as the Lyndon B. Johnson Space Center.

SENATE CONCURRENT RESOLUTION 9—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR THE PRINTING OF REMARKS OF TRIBUTE TO THE LATE PRESIDENT JOHNSON

(Referred to the Committee on Rules and Administration.)

Mr. BENTSEN submitted the following concurrent resolution:

S. CON. RES. 9

Resolved by the Senate (the House of Representatives concurring), That there be printed, with illustrations, as a Senate Document and bound, under the direction of the Joint Committee on Printing, all of the speeches and remarks which constitute tributes to the life, character, and public service of the late President of the United States, Lyndon Baines Johnson, and which were delivered on January 24 and 25, 1973, in the rotunda of the Capitol of the United States where the remains of the late President lay in state, at his funeral service held at the National City Christian Church, Washington, District of Columbia, and at his burial service in Texas, together with such additional explanatory matter as the Joint Committee may deem pertinent, and all speeches and remarks of tribute to the late President delivered in the Halls of Congress.

SEC. 2. There shall be printed and bound, as directed by the Joint Committee on Printing, thirty-two thousand two hundred and fifty additional copies of such document, of which twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives and ten thousand three hundred copies shall be for the use of the Senate.

SENATE RESOLUTION 47—CHANGE OF REFERENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished senior Senator from Indiana (Mr. HARTKE), that the Senate Committee on Veterans' Affairs be discharged from the further consideration of Senate Resolution 47, authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations, and that it be referred directly to the Senate Committee on Rules and Administration for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 60—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE OF THE SENATE TO INVESTIGATE THE 1972 PRESIDENTIAL ELECTION

(Placed on the calendar.)

Mr. ERVIN (for himself and Mr. MANSFIELD) submitted the following resolution:

S. RES. 60

Resolution to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

Resolved, Section 1. (a) That there is hereby established a select committee of the Senate, which may be called for convenience of expression the Select Committee on Presidential Campaign Activities, to conduct an inevstigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the Presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of five members of the Senate, three of whom shall be appointed by the President of the Senate from the majority members of the Senate upon the recommendation of the Majority Leader of the Senate, and two of whom shall be appointed by the President of the Senate from the minority members of the Senate upon the recommendation of the Minority Leader of the Senate. For the purposes of paragraph six of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacanices in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee, and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is atuhorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1 (a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, D.C.;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, D.C.;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, D.C., and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivisions (1), (2), (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivisions (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivisions (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivisions (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivisions (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, cancelled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons act-

ing individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate, (2) to sit and act at any time or place during sessions, recesses and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons whom the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the U.S. Government, or any private person, firm, or corporation or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, cancelled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the U.S. Government or any person, firm or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, cancelled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the services of any consultants or organizations it deems necessary or appropriate to aid it in the investigation and study it is authorized and directed by this resolution to make; (9) to use on a reimbursable basis with the prior consent of any department or agency of the executive or legislative branches of the U.S. Government the facilities or services of personnel of such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or sevices of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any of its investigatory or legal assistants designated by it or its chairman to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the U. S. Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; (12) to procure either through assignment by the Rules Committee or by renting such offices and other space as may be necessary to enable it and its staff to make and conduct the investigation and study authorized and directed by this resolution; and (13) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpoenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by Section 6002 of Title 18 of the U.S. Code or any other act of Congress regulating the granting of immunity to witnesses.

SECTION 4. The select committee shall have authority to propose legislation and to report its legislative proposals to the Senate in the form of bills, but no bills introduced by others shall be referred to it.

SECTION 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and such legislative proposals as it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

Section 6. The expenses of the select committee under this resolution shall not exceed $500,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. ERVIN. Mr. President, I submit for appropriate reference a resolution establishing a Select Committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it, and ask for immediate consideration of the resolution.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield briefly there?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the resolution, rather than being considered immediately, be placed on the calendar and that consideration of the resolution occur at the hour of 4 o'clock p.m., tomorrow afternoon.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. SCOTT of Pennsylvania. Mr. President, reserving the right to object, and I shall not object, this is a result of an agreement that this matter may be considered at that time rather than today in order that all Senators may have an opportunity to read the resolution, copies of which are on their desks and to which I solicit their attention.

Mr. MANSFIELD. Mr. President, may I say to the distinguished minority leader that he has been most cooperative because, as we are all aware, this matter could have gone to the calendar and I want to express my appreciation for the accommodation and the understanding shown by the minority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. ERVIN. Mr. President, I should like to say "Amen" to the gesture of the distinguished minority leader that all Senators may familiarize themselves with the contents of this proposed resolution. To that end, I have had copies placed on the desk of each Senator.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be placed on the Calendar.

Mr. MANSFIELD. Mr. President, for the information of the Senate, letters have been sent to the following departments, agencies, and individuals, relative to any papers which might be of value in the so-called Watergate Affair:

The Honorable Richard G. Kleindienst, Attorney General of the United States, who has most graciously replied, saying that he would make all his information available.

The Honorable Patrick L. Gray III, of the Federal Bureau of Investigation, who said that the Attorney General spoke for him.

The Honorable Earl J. Silbert, Principal Assistant U.S. Attorney, U.S. District Court House, who just acknowledged receipt of the letter.

The Honorable Elmer B. Staats, Comptroller General of the United States, who also replied.

To the Republican National Committee, Committee To Reelect the President, Stanley Ebner, general counsel.

The Honorable Richard Helms, Central Intelligence Agency.

The Honorable John W. Dean III, Counsel to the President.

The Honorable Maurice Stans, chairman of the Finance Committee to Reelect the President.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 59

At the request of Mr. HUDDLESTON, the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Resolution 59, relating to the freight car shortage.

ANNOUNCEMENT OF HEARING ON S. 7

Mr. RANDOLPH. Mr. President, on behalf of the Senator from California (Mr. CRANSTON), I announce, for the information of Senators, that the Subcommittee on the Handicapped, of which I am chairman, of the Labor and Public Welfare Committee, will resume hearings tomorrow, Tuesday, at 9:30 a.m. in room 4232 Dirksen Building on S. 7, the Rehabilitation Act of 1972. Our sole witness will be Mr. Stephen Kurzman, Assistant Secretary for Legislation, Department of Health, Education, and Welfare. The prior hearings were held on January 10, 1973.

Immediately following the hearing, at approximately 11 a.m., there will be a subcommittee executive session to consider S. 7.

ANNOUNCEMENT OF HEARINGS ON FEDERAL AID HIGHWAY ACT

Mr. BENTSEN. Mr. President, on January 23, I announced that the Senate Subcommittee on Roads, which I have the privilege to chair, would hold hearings on the Federal Aid Highway Act on February 7, 8, 15, and 16.

Since that time, we have been scheduling a list of witnesses representing a broad range of viewpoints to discuss this bill and future directions in the highway program. I do not believe that any group can claim that its viewpoint is being slighted.

We have scheduled witnesses representing citizens' groups, professional and trade associations, conservation and environmental groups, and all levels of government.

The issues which the subcommittee will consider this year are critical to the future scope and direction of Federal activities in transportation. The controversy surrounding last year's highway legislation, plus the fact that Congress was unable to enact a bill in 1972, make it essential that we conduct a thorough discussion of all questions relating to the highway program.

I am fully cognizant that States, including my own, are rapidly depleting their Federal-aid highway funds. But I do not feel that we should act without reviewing the total highway program. The program must continue, but it must be continued as a Federal activity responsive to contemporary needs.

Mr. President, at this point I ask unanimous consent to insert a copy of the witness list in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMMITTEE ON PUBLIC WORKS, SUBCOMMITTEE ON ROADS, U.S. SENATE

HEARINGS ON PROPOSED HIGHWAY LEGISLATION

Witness List

Wednesday, February 7

1. Honorable Claude S. Brinegar, Secretary, Department of Transportation.

Accompanied by:

Honorable Ralph R. Bartelsmeyer, Acting Administrator, Federal Highway Administration.

Honorable Frank C. Herringer, Administrator-designate, Urban Mass Transportation Administration.

Mr. John W. Barnum, General Counsel, Department of Transportation.

2. Honorable Robert Docking, Governor, State of Kansas.

3. Mr. Daniel J. Hansen, Executive Vice President, American Road Builders' Association.

Accompanied by:

Mr. Ray W. Burgess, Director of Public Works, ARBA, Baton Rouge, Louisiana.

Mr. Eugene M. Johnson, President, Asphalt Institute, College Park, Maryland.

Mr. J. L. Cone, President, ARBA Contractors Division, Tampa, Florida.

2:00 p.m.

1. Mr. L. P. Gilvin, Past President, Associated General Contractors, Amarillo, Texas.

Accompanied by:

Mr. Dan. P. Shepherd, Chairman, Highway Division, Atlanta, Georgia.

Mr. Ben M. Hogan, Chairman, American Association of State Highway Officials, Little Rock, Arkansas.

2. Mr. Brock Evans, Director, National Sierra Club, Washington Office.

Accompanied by:

Dr. Robert Burco, International Transportation Consultant for Sierra Club.

3. Mr. Robert Kenna, Counsel, National Wildlife Federation.

4. Mr. Francis Francois, President, National Association of Regional Councils.

Thursday, February 8, 10:00 a.m.

1. Senator Edward M. Kennedy, Massachusetts.

2. Senator Lowell P. Weicker, Jr., Connecticut.

3. Representative Glenn Anderson, California.

4. Senator Richard S. Schweiker, Pennsylvania.

5. Representative John P. Saylor, Pennsylvania.

Accompanied by:

Mr. Robert Dilkes, Director, Route 219 Association.

6. Mr. Joseph B. Creal, Executive Vice President, American Automobile Association.

Accompanied by:

Mr. John de Lorenzi, Managing Director, Public & Government Relations, AAA.

Mr. Charles N. Brady, Director, Highway Department, AAA.

7. Mr. Theodore Kheel, Advisory Board, Highway Action Coalition.

Accompanied by:

Mr. John Kramer, Executive Director.

2:00 p.m.

1. Mr. Clark McClinton, Past Chairman, National Limestone Institute.

Accompanied by:

Mr. Robert M. Koch, President.

2. Mr. William A. Brensahan, President, American Trucking Association.

Accompanied by:

Mr. Edward Kiley, Vice President.

3. Mr. Anthony Athens, Jr., Chairman, Sierra Club, South Texas Group.

Accompanied by:

Mr. Boone Powell, Architect.

4. Mr. John Lagomarcino, Director, Division of Special Programs, National Recreation and Park Association.

Accompanied by:

Mr. Barry Tindall, Senior Associate.

5. Mr. Sam McDaniel, representing the Texas Highway Department.

Accompanied by:

Mr. Frank Bennack, Publisher, San Antonio Light.

Thursday, February 15

10:00 a.m.

1. National Governors' Conference.

2. Mr. William J. Ronan, President, Institute for Rapid Transit and Chairman, Metropolitan Transit Authority of New York City.

3. Mr. Ralph Tabor, Director of Federal Affairs, National Association of Counties.

Accompanied by:

Mr. Dan Mikesell, Supervisor, San Bernadino County, California.

4. Mr. D. Grant Mickle, President, Highway Users Federation.

5. Mr. Robert Gallamore, Director of Policy Development, Common Cause.

2:00 p.m.

1. Honorable William D. Ruckelshaus, Administrator, Environmental Protection Agency.

2. Mr. Harry Hughes, Director, Maryland Department of Transportation.

Accompanied by:

Mr. Norman Clapp, Wisconsin.

3. Mr. Louis de Moll, Vice President, American Institute of Architects.

4. Mr. Charles Webb, President, National Association of Motor Bus Owners.

5. Mr. Franklin Kreml, President, Motor Vehicle Manufacturers Association of U.S., Inc.

Friday, February 16

9:30 a.m.

1. Mr. Manuel Carballo, Deputy Administrator for Transportation, New York City, National League of Cities and U.S. Conference of Mayors.

Accompanied by:

Larry Snowhite, Special Assistant, National League of Cities.

2. Mr. Tom Airis, President, American Association of State Highway Officials.

Accompanied by:

Mr. Henrik E. Stafseth, Executive Director of AASHO.

Mr. David Stevens, Chairman, Special Committee on Federal Aid Programs, AASHO.

3. Mr. Donald Spaid, Assistant Director of Planning and Zoning, Indianapolis, Indiana.

Accompanied by:

Mr. Albert Massoni, Director of National Affairs, American Institute of Planners.

2:00 p.m.

1. Honorable Ralph Poston, State Senator, State of Florida; Honorable Brown Ayres, State Senator, State of Tennessee, National Legislative Conference.

Accompanied by:

Mr. Michael Dye, Special Assistant, National Legislative Conference.

2. Urban Environment Conference, Inc.

3. Mr. Walter Jaenicke, Director, National Forest Products Association.

Accompanied by:

Mr. W. D. Hagenstein, Executive Vice President, Industrial Forestry Association, Portland, Oregon.

4. Mr. Irwin Hensch, President, American Public Works Association.

ADDITIONAL STATEMENTS

DEROGATORY REMARKS ABOUT THE PRESIDENT

Mr. GOLDWATER. Mr. President, during the months of the recent presidential campaign I kept as complete a file as I could of the things written or said about President Nixon in a derogatory, misleading, and often false way. I did this because from the experience I had in 1964 I wanted to be able to show the public just what a man is subjected to by elements of the press and media that do not happen to agree with his philosophy.

I mailed out some ten thousand of these at my own expense to a list of people across our country, and the response has been overwhelming and surprising. The list I submitted to these people is only a portion of my files, but thinking that Members of Congress and others who might read the CONGRESSIONAL RECORD would care to see this list, I ask unanimous consent that the paper be printed at this point in my remarks.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

VIETNAM WHITE PAPER—INTRODUCTION

For four agonizing years, Richard Nixon has stood virtually alone in the Nation's capital while little, petty men flayed him over American involvement in Indochina. For four years he has been the victim of the most vicious personal attacks. Day and night, America's predominantly liberal national media hammered at Mr. Nixon, slicing from all sides, attacking, hitting and cutting. The intellectual establishment—those whose writing entered America *into* the Vietnam war—pompously postured from their ivy hideways, using their inordinate power to influence public opinion to malign the President. And over all those years, there were the incessant attacks from the United States Congress—the low-motivated partisan thrusts from many who envied the President's office and many more who cynically molted their hawk's feathers for those of the dove.

No President has been under more constant and unremitting harassment by men who should drop to their knees each night to thank the Almighty that they do not have to make the same decisions that Richard Nixon did. Standing with the President in all those years were a handful of reporters and number of newspapers—nearly all outside of Washington. There were also the courageous men of Congress who would stand firm beside the President. But most importantly there were the millions upon millions of quite ordinary Americans—the great Silent Majority of citizens—who saw our country through a period where the shock troops of leftist public opinion daily propagandized against the President of the United States. They were people of character and steel.

What follows is a partial record of how wrong and how harsh were the critics when things were most difficult. The overwhelming evidence supports the observation that pessimism and gloom were the watchwords of the wordsmiths and electronic media commentators. Marking the reportage of Vietnam is the unavoidable impression that the worst of everything was to be found and prominently reported. And especially in the most powerful quarters of the mass media, there was rarely an indication of simple trust in what the leader of the free world was doing, or a hopeful tone that the partisans and cynics just might be wrong and the President right.

Through four years of distorted television reports—such as those of CBS during the Cambodian incursion and that of ABC during the Laotian action—the American people were, over the great preponderance of time, given negative and disheartening reports of Vietnam progress. NBC's Phil Brady often echoed what seemed to be an anti-American script. John Hart of CBS traveled to Hanoi and brought back hundreds of feet of Communist-sanctioned film to show the American public. All networks have used countless reels of enemy film—and though fairly labeling it—the steady process of the display of obvious enemy propaganda cannot but have an eventual toll.

And the media has tended to believe the worst about the American presence—remember the "destroyed" dikes? Each time it was something new—the dikes, the civilians, the hospital, the neutral ships and always the truth took longer to catch up with the distortions.

Now, through the worst gauntlet of opprobrium and malicious defamation in American history, the President has brought us to a successful end in Indochina. The guns are silent, and our men will be coming home to stay. History will record in the generations to come what only a few have seen first hand: that in this most darkening crisis, Richard Nixon thought more of his country than himself, bringing his skills, his heart, and the extra dimension of a rare and courageous human being.

SO WRONG FOR SO LONG

The New York Times

"The American bombs falling on . . . North Vietnam . . . have dimmed prospects not only for peace in Indochina but for the wider detente for which all mankind has prayed." Editorial, December 30, 1972.

Tom Wicker—"The answer can only be that he has no plans to end the war, much less win the peace, that Vietnamization by itself is not and cannot be such a plan, . . ." May 3, 1970.

"It is not going to be easy to explain away a North Vietnamese military success this time." April 4, 1972.

". . . the President—by imperial fiat—has placed the nation in hazard of the gravest confrontation with the Soviet since the Cuban missile crisis of 1962. . . . this is failure on a grand scale." May 12, 1972.

". . . why *should* bombing a people make them want to deal in good faith?" December 26, 1972.

James Reston—"This (the bombing) is war by tantrum, and it is worse than the Cambodian and Laotian invasions . . . December 27, 1972.

"Accordingly (after Cambodia), he is now in a dangerous situation, both at home and abroad." May 8, 1970.

"There is something, not only illogical, but almost dishonorable in his (the President's) present strategy." February 28, 1971.

Anthony Lewis—"(Nixon and Kissinger) . . . have no options except more of the destruction that everyone knows is morally outrageous and politically useless." April 10, 1972.

"The North Vietnamese say they are clearing American mines from the Haiphong harbor as planes drop them . . ." May 18, 1972.

". . . the elected leader of the greatest democracy acts like a maddened tyrant . . ." December 30, 1972.

"Even with sympathy for the men who fly American planes, and for their families, one has to recognize the greater courage of the North Vietnamese people . . ." January 6, 1973.

". . . they (the enemy) are a people of extraordinary determination and bravery." January 8, 1973.

The Washington Post

"He has conducted a bombing policy . . . so ruthless and so difficult to fathom politically as to cause millions of Americans to cringe in shame and to wonder at their President's very sanity." Editorial, January 7, 1973.

Joseph Kraft—". . . the more the President's policy becomes known, the more the support for it wanes." March 3, 1971.

". . . To anybody who tells them (the enemy) to negotiate, they can say that the United States betrays secret dealings for internal political advantages. In these conditions, the negotiating prospect is now virtually nil." January 27, 1972.

"But President Nixon's action does put in hazard the summit meeting with the Russians. . . . And it washes out the rapport Mr. Nixon established with the Chinese leaders in what he called 'the week that changed the world.' " May 11, 1972.

"It is not wrong to say that if the war is not ended in the next few months, it will probably not be ended in the next few years." June 4, 1972.

". . . we have been shamed as a nation, . . ." November 26, 1972.

". . . Mr. Nixon called on the bombers—an action, in my judgment, of senseless terror which stains the good name of America." December 24, 1972.

Tom Braden and Frank Mankiewicz—"Vietnamization was always doubtful. . . . Now the failure is plain through all of Indochina." June 2, 1970.

St. Louis Post Dispatch

"Over and over again Mr. Nixon has tried to bomb Hanoi into submission. It has not worked before and it will not work today." Editorial, December 19, 1972.

CBS News

Dan Rather—"The scheduled summit in Moscow next month is clearly in danger. None of these are pleasant thoughts." May 5, 1972.

Eric Sevareid—"It is no longer a question of repelling the Hanoi general offensive, but of holding it. On present evidence, there is no prospect of driving them out of the provinces they have taken . . ." May 4, 1972.

"I would suspect that the summit will not come off." May 8, 1972.

"The realistic argument is whether this new gamble for peace in Vietnam will not, in itself, set off unpeaceful moves in Europe or the Mideast out of Russia's need to save face if nothing more." May 9, 1972.

"The bad news in the next few days could be the fall of Kontum rated as probable here and the fall of Hue rated as possible. . . ." May 17, 1972.

Charles Collingwood—". . . Certainly the Moscow summit meeting, from which so much had been expected, is now in jeopardy. . . ." May 9, 1972.

Marvin Kalb—"One casualty of the President's mining and blockade may well be his upcoming summit to Moscow." May 9, 1972.

NBC News

David Brinkley—"The best settlement would be to get out, . . . the American people long ago decided the war was a mistake, . . . the American people are mature enough to accept a bad settlement. . . . it is hard to see any good reason for delaying the American withdrawal from Vietnam." December 19, 1972.

John Chancellor—"The summit is in jeopardy today." May 8, 1972.

NBC News

Harry Reasoner—"The news . . . about the Vietnam negotiations breaking down was very scary and depressing . . . Dr. Kissinger's boss has broken Dr. Kissinger's word. It's very hard to swallow . . . backing off from a cease fire is a weight and comes very close to a breaking of faith, with Hanoi maybe, with Americans more certainly." December 19, 1972.

Howard K. Smith—". . . as a, I hope, judicious commentator, I doubt the wisdom of what has been done." May 10, 1972.

Newsweek

"The Specter of Defeat." Cover title, May 15, 1972."

". . . the Nixon Administration suddenly found itself faced with the specter of defeat in Vietnam."

". . . the President must have been aware that he was running grave risks."

". . . Mr. Nixon now seemed to be contemplating a massive military counterstroke—a move that could scuttle the summit and severely damage his image as a President whose strongest suit was foreign policy."

". . . many U.S. military men expected (Kontum) to fall soon, opening the way for the North Vietnamese to cut South Vietnam in half."

". . . a blockade of Haiphong . . . would almost certainly bring an immediate cancellation of the Nixon visit (to Russia)."

"The North Vietnamese offensive has already dealt a serious blow to the so-called Nixon doctrine."

". . . the weight of evidence over the years suggests that much of America's bombing has been in vain." May 15, 1972.

Time

"The Big Red Blitz."—Cover title, May 15, 1972.

". . . it is universally recognized that the Communists are able to keep fighting at a brisk pace for many months."

"Blockading the ports of Haiphong and other entry ports . . . would risk direct conflict with Soviet and Chinese vessels." May 15, 1972.

Others

Mary McGrory—". . . (President Nixon) will negotiate with anyone but the North Vietnamese and will go anywhere but Paris in search of peace." *Washington Evening Star*, October 24, 1971.

Carl Rowan—"So Nixon decided—and make no mistake about it—that he would risk war with Russia and/or China rather than accept defeat and 'insolence and insult' from . . . North Vietnam." *Washington Evening Star*, May 12, 1972.

Milton Viorst—"So what's left? I hate to use a dirty word, but what's left may be the nukes. . . ." *Washington Evening Star*, May 6, 1972.

Congressional criticism

Reaction to Mining Decision—As compiled in *Congressional Quarterly*, May 13, 1972

Mike Mansfield—(D Mont.)—"What we are witnessing is not a shortening of the war . . . but rather a lengthening of it. . . ."

Vance Hartke—(D Ind.)—The President "has thrown down the gauntlet of nuclear war to a billion people in the Soviet Union and China. . . . Armageddon may be only hours away."

George McGovern—(D S.D.)—"The President must not have a free hand in Indochina any longer. The nation cannot stand it."

Edward M. Kennedy—(D Mass.—"(It is) a senseless act of military desperation by a President incapable of finding the road to peace."

Edmund S. Muskie—(D Maine)—"By taking these actions, the President is jeopardizing the major security interests of the United States. . . ."

Hubert H. Humphrey—(D Minn.)—"It is fraught with danger and will not contribute to the settlement of the war."

John G. Dow—(D N.Y.)—"The President is taking the risk of exterminating our civilization for a shabby purpose."

Bella S. Abzug—(D N.Y.)—"There are those, and I join with them, who intend to introduce a motion to impeach the President. . . ."

General congressional criticism

Senator Edward Kennedy—". . . events suggest a return to the same old war."

". . . we cannot read about the heavy bombing . . . without a deep and despairing sense that peace is not at hand."

". . . Congress must and will act on the peoples' mandate for peace." December 27, 1972, *New York Times*.

Senator George McGovern—"If we continue under the Nixon policy, we're not going to see our POW's again." June 14, 1972, *Buffalo Evening News*.

"(President Nixon's decision to mine the harbors of North Vietnam is) a desperate attempt to save political faces. . . . It won't work." May 12, 1972, *Detroit News*.

"We are watching the Nixon Administration strike out in a helpless panic as they see their Vietnamization program crumble before their eyes." April 13, 1972, *Speech*, Boston State College.

Senator Adlai Stevenson III—"Mr. Nixon's policy is to defend a corrupt military regime. It's a policy for staying in . . . (and) a prescription for more of the same . . . It has already proved Vietnamization wrong." April 14, 1972, press release.

Senator John Tunney—"This is the tragedy of the President's policy of escalation—it will make it much more difficult to achieve a modus vivendi with the Soviet Union and it will keep Americans in Vietnam indefinitely fighting and dying." CONGRESSIONAL RECORD, volume 118, part 14, page 17569.

IN PRAISE OF SANDRA BEVERLY SANCHEZ, 1973 NATIONAL POSTER CHILD FOR THE EPILEPSY FOUNDATION OF AMERICA

Mr. MONTOYA. Mr. President, recently I had the pleasure of meeting a bright-eyed, freckle-faced girl of 10, who came to our Nation's Capital to participate in a simple, yet significant, ceremony. Representing 4 million Americans today in the United States and bringing with her their hopes for tomorrow, Sandra Beverly Sanchez of Albuquerque, N. Mex., came to Washington as the 1973 National Poster Child for the Epilepsy Foundation of America.

The ceremony I have spoken of was the presentation of the Candle of Understanding to Sandy by last year's poster child. To some, this candle would merely seem to be a waxen object. To the 4 million Americans who struggle with epilepsy, it is symbolic of a dawning light now being shed on a problem as old as humanity itself.

As early as 400 B.C., Hippocratic collection of writings argued the causes of epilepsy, then referred to as "the Sacred Disease." The problem was evident. The solution was elusive. Many thought it required a cure not human, but divine. Others believed a deity had sent it. A few in the medical field believed the cure to be physical, not spiritual. However, no cure, whether medicinal or spiritual, was found.

The Romans called epilepsy the "morbus comitalis." They attributed the name to the fact that an epileptic attack use to spoil the day of the comitia, the assembly of the people.

Three great epileptics—Julius Caesar, Mohammed, Lord Byron—were founders respectively of an empire, a religion, and a school of poetry.

More recent are the well-known figures who have been prominent since our Nation's birth. George Washington's stepdaughter suffered her first epileptic attack at age 12. Physicians prescribed "iron rings" and "fit drops." She died at age 16.

At the time Mrs. William McKinley entered the White House as First Lady, she had experienced frequent seizures for 25 years.

Mark Twain placed his epileptic daughter in a sanitorium with the hope of improving her health and ending her seizures. Far from being "cured," she later had a seizure while bathing in a cold tub and died.

The list of notable figures affected by this problem is endless. We now marvel at the ineffective cures used in the past, since medication has often brought total relief for persons in the last few decades. We laugh at the "iron rings," the "fit drops," the charges of witchcraft.

But history laughs at us today in mockery, for the superstitions and ignorance about epilepsy in the past are still being perpetuated today. Consider the following facts:

In 1965, three States still had statutes prohibiting marriage of an epileptic.

This same year revealed that 14 States had sterilization laws applicable to epileptics. This number has now been reduced to nine.

Five States cited epilepsy as a basis for annulment of adoption.

Although it may not necessarily be the only reason for commitment, 17 States mention epilepsy in their statutes on admission to State institutions.

Six States have licensing standards applying specifically to epileptics. In one State, the decision to deny a driver's license is not subject to appeal.

Although the majority of persons with convulsive disorders are now completely controlled by medication, such as Sandy, many State laws are based on medical and genetic concepts long outdated. As a result, this bias frequently prevents education, finding jobs, driving, and obtaining insurance protection. Society has continued to view epilepsy out of perspective, causing children who have a seizure in class to be viewed as a "freak," thus affecting their relationship with peers.

It was through the need for human understanding, adequate medical facilities and care, and a basic reaction of indignity to the social injustices suffered by epileptics that the epilepsy movement began. The movement itself celebrates its 75th anniversary this year; the Epilepsy Foundation of America, which merged with previous epileptic foundations, is in its fifth year of operation.

It is through this organization that a poster child such as Sandy has received such an exciting opportunity. The daughter of Mrs. Nettie Sanchez of Albuquerque, Sandy has had this disorder since 1970. However, her seizures are fortunately completely controlled by medications. She is the only one of Mrs. Sanchez' four children who has epilepsy.

Sandy will now travel throughout the United States, visiting many of the 142 nationwide epilepsy organizations. She will also meet many stars, Governors, and citizens. It is through her that understanding of the problem of epilepsy can begin. For her unselfish efforts reflect love. And love is the beginning of knowledge just as the fire from her candle is the dawning of light and understanding.

And I sincerely hope that through this understanding, the "bill of rights" as viewed by those afflicted with epilepsy; namely, freedom from all social, legal, medical, employable, and legislative inequities—will become a permanent and widely practiced reality.

JUSTICE FOR FARAH WORKERS—BISHOP METZGER'S LETTER

Mr. KENNEDY. Mr. President, one of the most eloquent statements on the current strike of several thousand workers of the Farah Manufacturing Co., whose largest plant is in El Paso, Tex., is contained in a letter sent by Bishop Sidney Metzger, of El Paso, to all Catholic bishops.

Bishop Metzger has never before taken a position in an industrial dispute, but after months of study he felt compelled to write this letter last fall, summarizing the facts about the situation and his views on the Farah strike. It is a thorough, balanced, and objective analysis, dealing with numerous different aspects of the strike and the immensely important principles of social justice and compassion that are at stake.

In light of the growing national concern over the issue, I believe that the letter will be of interest to all of us in Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EL PASO, TEX.,
October 31, 1972.

YOUR EXCELLENCY: Recently one of our Bishops sent me a letter through his diocesan office asking for information concerning the strike at the Farah Manufacturing plant in El Paso. Because of a nationwide boycott of Farah products by the Amalgamated Clothing Workers of America the strike has assumed nationwide importance and its effects are felt in a number of cities throughout the nation. The Bishop's Office wrote that he needed some guidance from people on the scene as to the problems. The following questions were asked in the letter:

(1) Do you feel the Company is acting in an unjust manner in this strike? Can you point out specific and verified instances of this?

(2) Has anyone toured the plants of Farah? What were the conditions?

(3) Is the Farah pay scale equitable with other plants in the area? Is the pay adequate to live on?

(4) How is this issue defined by the people concerned in regard to the dignity of each party—the strikers and the Company?

(5) Is the case strong enough that you recommend the Bishop to make a formal request to a retail outlet not to reorder?

My answer to these questions is contained in the following pages. If you are asked about the merits of the strike I hope this information may be useful.

Yours in Christ,

S. M. METZGER,
Bishop of El Paso.

[The above letter, in response to an inquiry from the Bishop of Rochester to the Bishop of El Paso, and the explanatory letter from the Bishop of El Paso which follows, was sent to all Roman Catholic Bishops in the United States.]

EL PASO, TEX.

DEAR FATHER: In reply to your letter I must give you pertinent information concerning the Farah situation in El Paso, which is difficult and complicated.

Farah has always been and is now bitterly and adamantly opposed to labor unions. The article in the New York Times, Sept. 11, 1972, in reference to the president of Farah states: "And he swore that Farah would never be unionized." This statement is correct and summarizes Farah's attitude which has been known in El Paso for years. With this extreme attitude of opposition Farah finds it well nigh impossible to be objective and to recognize that the worker has the right to collective bargaining and join a union. The Company is convinced that it is doing wonders for the worker and that a union would be detrimental to the worker and to the Company. I feel that the Company is acting unjustly in denying to the worker the basic right to collective bargaining. We know that these matters are decided by means of Federally sponsored representational elections and the Farah Company uses all possible means to block such elections in their plants. Let the workers decide if they want a union or not. If all is so beautiful and ideal as the Company publicly proclaims why should they fear an election?

Farah Company presents a public image which appears attractive and is accepted by many in the El Paso Community who are sincere but have no knowledge of the requirements of social justice. Farah boasts that he has thousands of "happy workers" in his plant. However there have been complaints from workers for a number of years and the present strike is probably a culmination of these complaints.

I know that for the past five years complaints were made by Farah workers to their parish priest. This you will understand when you realize that nearly all Farah workers are humble Mexican Americans who must earn their bread by hard work and who often have a way of coming to their parish priest with personal problems. And because most of the workers at Farah are women the most frequent complaints come from them. During the years they have complained of unfair treatment that they couldn't go to their personal doctor because the Company wouldn't want them to leave the plant. Nurses would disclose personal intimate physical problems and were careless about keeping professional confidences.

There were complaints about the drastic demands for production. This was explained by a worker who has been with the Company 14 years. When she started she was required to do her particularly assigned work in order to produce 12 bundles of slacks per day (12 slacks per bundle) and was paid the minimum wage at that time of $1.25 per hour. Later her daily quota was raised to 25 bundles (i.e. 300 slacks) per day and received $2.15 per hour, which seems to be the top pay for her kind of work. She explains that the great majority of workers make $69.00 per week, which is take-home pay after deducting social security, etc. At the present moment her assignment is to sew belts on the finished slacks. The daily quota is 25 bundles of belts (120 belts in each bundle). The quota then amounts to 3000 belts per day; in an 8 hour work day this means the girls have to sew on 6 belts per minute, and even this would amount only 2880 belts per day. The girls say that it is physically possible to sew on only 5 belts per minute, even with the modern machines they operate. As long as they cannot sew on 6 belts per minute they cannot get a raise and their wages are frozen at that point. The girls say that it is physically impossible for them to sew on more than 2760 belts per day. The Company tolerates this but they do not get a raise unless they can produce the daily quota of 3000. In order to reach this quota they would have to work an extra hour, which would necessitate to skip their lunch hour. While the quota of 2760 belts is tolerated the Company will dismiss a worker who in their opinion falls too far below 2760. It has been said that the production demands can be set by the Company as high as they want them and they can fire the worker who cannot stand the strain physically. Workers have said that they are treated as production machines and not as human beings. They also said that wages increase only when and if the Company wants. Women have also complained that the maternity benefits were far from adequate and that when they returned to work they would lose their position on the pay scale and start as beginners.

It seems to me that there are some flagrant defects in the Farah plants as they are presently operated. Perhaps the most flagrant is that there is no job security; The Company can fire anyone anytime and the worker has no appeal. A second very serious defect is that there are no negotiated production standards so that the workers can have a say how much they can produce and are not treated like machines. There should also be negotiated wage increases according to a definite schedule. There should be better maternity insurance and negotiated leaves for illness etc. and workers should be able to return to their same jobs and same rate of pay.

Farah Company has an impressive list of benefits which look good on paper. At closer scrutiny, however, these like the Maternity insurance are tokens. I have before me a photocopy of "Your Retirement Benefits" addressed to a worker. It states "This is a total monthly retirement income of $234.50," which looks fine. But $214.50 comes from an estimated amount of Social Security and the monthly retirement check from Farah amounts to $20.00. Nothing is explained about what the actual retirement age is or how many years of work with Farah are required for retirement benefits.

I hope I am not in error when I say that job security for the workers, negotiated production standards, negotiated wage increases according to a definite schedule, adequate maternity insurance and leaves for illness are all in accord with the principles of social justice. All these are lacking in the present Farah Company and these serious defects can be remedied by collective bargaining.

The Farah Company boasts that they have over 8000 happy workers who will not strike, will have no part of a labor union and are satisfied with their employment as it is. It is true that many workers are satisfied and do not wish to be disturbed because they are convinced that everything is wonderful. This is a strange situation and there are a number of reasons why it exists. In their simplicity many do not know that their situation could be improved and the Company is not the one to inform them but is actually taking advantage of their simplicity and keeps reminding them that they never had it so good. However it should also be noted that without job security and with the high production demands workers live in fear of being dismissed and left without a job if their output falls short of their production quota. Also the Company exercises constant supervision to be sure the workers do not complain to others but say the right thing when outsiders visit the plant. This brings me to your question whether anyone has toured the plants of Farah and what were the conditions.

When the strike started and the Farah Company became aware that the local parish priest and the bishop gave their approval to the strikers, a delegation of 22 supposedly tried and true representatives from the Company called at the parish rectory. They told the pastor to invite me to the Farah plant the next day for lunch. I would be welcomed by the workers and entertained by mariachis (which is a Mexican band). This invitation of course I did not and should not accept for obvious reasons. The representatives tried to dissuade the parish priest from supporting the strike but he stood his ground and gave the reasons for his action. Later one of the representatives, a lady who is trusted by the Company, returned alone and confided to the priest that her conscience bothered her because she realized that not all is as it should be with the workers and the Company. Recently a member of the local office of the Texas Employment Commission told about their inspection tour of the Farah plant. They were not satisfied because they felt the workers are not treated fairly but like machines. They were not allowed to talk to the workers at random but certain individuals were selected by the Company and apparently been told what to say. A Company official was always present. So there you have the reason why I did not tour the Farah plant. It is well known that there is nothing wrong with the physical plant itself because it is known to be modern, clean and comfortable. But an inspection tour is useless as far as the issues of social justice are concerned. It is known that a number of men who held higher positions in Farah Company left because "they couldn't take it" and I personally know a young well paid executive who left the Company for other employment because in conscience he could no longer remain with it.

You ask the question: "Is the Farah pay scale equitable with other plants in the area? Is the pay adequate to live on?"

Farah pays about the same as other non-union apparel plants and the excuse is frequently given that if a company pays the prevailing wage scale in the area it is paying a living wage. The fallacy in this is that the non-union labor market in the area is very depressed and a living wage simply does not prevail. The need for social justice in this area is not restricted only to Farah. Clothing is El Paso's number one industry and according to a recent economic report by the local Chamber of Commerce 15,000 workers are hired and sales volume is highest totalling $220 million annually. The average annual income of all clothing employees is only $4300. Subtracting the highly paid supervisory and managerial positions which are well paid it is figured that the great bulk of clothing workers i.e. "the little people" earn closer to $3500 yearly. If you recall, above I gave information from workers that the great majority of Farah workers receive $60.00 per week (take home pay) which for 52 weeks amounts to $3588.00. It is interesting to note that in the Chamber of Commerce economic report the only industrial classification drawing lower pay than clothing workers are listed under a catch-all listing as "others," although clothing is El Paso's number one industry. In comparison, Chamber of Commerce statistics show that petroleum workers earn an average of $7500 yearly, metal workers earn $7200 yearly, food processing employees average $6100. The Amalgamated Clothing Workers of America who are seeking a contract with Farah have contracts with three apparel manufacturers in El Paso. These three are Levi Strauss, Hortex Incorporated and Tex-Togs. Levi Strauss is national but Hortex Incorporated and Tex-Togs are small local companies, much smaller than Farah. Work for which workers at Farah receive $69.00 per week take home pay, union workers receive $102.00 per week take home pay, which sounds more like a living wage. If these smaller plants can live with a union contract and prosper why is it so impossible for gigantic Farah to do the same?

When you ask is the annual pay of $3588.00 at Farah adequate to live on the answer is decidedly "no" in these days of high prices. A single person can get by on this amount but a married person with a family simply cannot adequately support the family with this amount. It about puts bread on the table. Some of our Mexican people have large families and they have serious problems. In terms of social justice $3588.00 is not an adequate living wage in our day for a family in El Paso.

I wonder if I get the full import of your fourth question: "How is this issue defined by the people concerned in regard to the dignity of each party—the strikers and the Company? The demands of social justice are to uphold the dignity of man, the dignity of labor and the right of the worker to a living wage. Farah may be in good faith but in their present operations it seems they do not understand these demands and are ignoring them. The Mexican Americans have a legitimate pride and are very conscious of their "dignidad." And they consider many of Farah's practices an insult to their "dignidad."

In the tension of the strike itself there have been recriminations on both sides as there usually are in strikes. Farah Management invoked an old Texas law against "mass picketing" which required that pickets should remain at least 50 feet apart. Misdemeanor charges were filed against more than 700 strikers. In the meanwhile Federal Courts struck down this law as unconstitutional and the misdemeanor charges became meaningless. There was a story that Farah had used trained police dogs to menace the pickets and that the Farah Management later was forced to "call off the dogs" following an out-of-Court agreement. There has been no violence nor destruction of property here in El Paso and I hope there will never be. Whatever other incidents there may be these do not touch on the issues of social justice which are at stake here.

Resentment by workers against Farah has been building up for at least five years. Most of the information I am giving in this letter came over the years from the people and when the representatives of the Amalgamated Clothing Workers of America came this year they were not telling me anything new but only confirmed all or most of the complaints which I had heard before from the people and the parish priest. Farah apparently wasn't aware or didn't want to be aware that resentment was growing. But the fact that today over 3000 workers are on strike is evidence that both grievances and resentment are real. And by listening to the people over the years one gradually became aware that things at Farah were not actually as they were made to appear.

In reply to your question number 5: "Is the case strong enough that you would recommend the Bishop to make a formal request to a retail outlet not to reorder?" I answer: Yes, from my knowledge of the case here, I think it is strong enough to recommend to His Excellency that he make a formal request to a retail outlet not to reorder. The strike has assumed national importance and is supported by persons of national prominence. Our own "little people" in El Paso would be crushed if it were not for this national support. His Excellency will of course weigh what I have written and decide what he deems best.

With every good wish and blessing, I am,

Sincerely Yours in Christ,

S. M. METZGER,

Bishop of El Paso.

NEWSPAPER COMMENT ON PEACE IN VIETNAM

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that several editorials and columns from newspapers across the United States on President Nixon's accomplishments in bringing peace to Vietnam be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

[From the Cleveland (Ohio) Plain Dealer, Jan. 24, 1973]

MR. NIXON'S FINEST HOUR

President Nixon in quiet exultation announced that "an agreement to end the war," "peace with honor," has been concluded.

All Americans join fervently in applauding the President's historic announcement which he worked so long to achieve against so many pressures at home and abroad.

The main conditions Mr. Nixon laid down are the same as they were in the Oct. 26, nine-point peace plan.

There will be a cease-fire starting at 7 p.m. Saturday.

All American prisoners of war will be freed in 60 days.

All American forces will be withdrawn in 60 days.

The people of South Vietnam will be able to peacefully decide their own future.

Not only will South Vietnam remain a partner in peace, but the United States will give economic assistance to North Vietnam.

Although all details have not yet been revealed, it is certain that Cambodia and Laos are included in the agreement.

There the details stopped, except that Mr. Nixon says Nguyen Van Thieu's government has been recognized as the sole legitimate government of the country, presumably with a boundary at the demilitarized zone on the 17th parallel.

If that has been won from the wily Hanoi Communists that knocks out one of President Thieu's major protests against the October peace plan.

But now comes the big question. Will all sides, especially Thieu's government and that of the North Vietnamese, do what must be done now, to turn an armistice into a genuine peace?

"The terms must be scrupulously adhered to," said the President.

The major powers—the Soviet Union, China and the United States—must by now have agreed behind the scenes that they will not supply any more wars such as have plagued Southeast Asia.

That is the key to this peace agreement. Mr. Nixon's relations with these powers, his visits to them and U.S. trade with those countries were an essential part of any peace agreement.

The cease-fire finally is a tribute to Mr. Nixon. His global poker game has paid off in the face of pressures of all kinds at home and abroad. For our 37th President, this has been his finest hour.

[From the Richmond News Leader, Jan. 24, 1973]

PEACE WITH HONOR

So sullen have we grown about the Vietnam War, so often have our hopes for its honorable conclusion been skunked, that when President Nixon made his announcement last night the leaps for joy throughout the nation were probably few. There has been too much impassioned verbal gassing and esoteric baloney spewed out about this war; the repetition of lies about it has understandably withered our capacity to detect the truth. Yet Americans persist in their particular affection for tragedies with happy endings. And the truth is that we finally have reached an apparently happy ending in Vietnam.

At this writing, the details of the agreement are not yet public: We do not know, for example, what arrangements have been made for the futures of Laos and Cambodia; we have no knowledge about policing provisions; we do not know whether the agreement legalizes the presence of North Vietnamese troops in South Vietnam. But we do know that the agreement gives the people of South Vietnam a chance to determine their own future, and a reasonable chance to continue living in freedom. For such certainties, we have the assurance of Richard Nixon—a diligent watchman of free peoples' liberties.

Mr. Nixon evidently has accomplished what his people elected him, and re-elected him, to do. He evidently is going to get us out of Vietnam, and bring our prisoners home, within 64 days—or within 68 days of his second inauguration. That is considerably more quickly than George McGovern would have accomplished it (McGovern said the deed would be done within 90 days of his inauguration), but Mr. Nixon seems on the brink of doing it with honor. The President's achievement cannot be overplayed. He did it when his domestic enemies were sedulous and singularly successful in their efforts to prevent the mobilization of national detestation for the Communist enemy. He did it as President of a people accustomed to victory and speedy results—a people quickly exhausted, a people with little patience for the Oriental and Communist penchants for attrition and protracted conflict. He did it when many of the persons who should have supported him most enthusiastically had curled up in the corner like a sulky dog. He made up his mind and dug in his defenses and persisted. Now he has prevailed.

Prevailed in what? In preventing the conquest of a free people by barbarians. In defending the free Vietnamese, in arming them and training them, in giving them an opportunity henceforward to defend themselves. We can measure the success of the American effort by the fact that today 90 per cent of the South Vietnamese are not slaves to commissars from Hanoi. If America had not gone to South Vietnam and stuck it out, today every South Vietnamese would be in a concentration camp, or laboring for Communist bosses, or dead. If America had elected George McGovern two months ago, such a fate would await every South Vietnamese 86 days from now; like their counterparts in the Soviet Union, for example, they would face the oblivion of 10,000 Siberian nights.

This is a happy day—the first day in perhaps a decade that the prospect of peace with honor in Vietnam has seemed real. Now let us get our boys home. Let us have a satisfactory accounting of the missing. And let us remember that although the Vietnam War soon will end for us Americans, for the South Vietnamese it will not. Practically every prediction about the lack of staying power of the South Vietnamese has proved wrong. Yet they need our continued support. Having fought off relentless attack for 30 years, they will be understandably skeptical about the future of their country until they have been convinced that the agreement to be signed Saturday is not their ticket to the ash heap.

"We sit by and watch the Barbarian," wrote Hilaire Belloc. "We tolerate him. In the long stretches of peace we are not afraid. We are tickled by his irreverence, his comic inversion of our old certitudes and our fixed creeds refreshes us; we laugh. But as we laugh we are watched by large and awful faces from beyond; and on these faces there is no smile." Let us remember that during the peace to come, those unsmiling faces will continue to watch us. Let us rededicate ourselves to the principles of liberty that the American people—led by Richard Nixon—have served so well in South Vietnam.

[From the King Features Syndicate, Jan. 28, 1973]

OPTIONS LIMITED: NIXON PLAYED GOOD HAND WITH WHAT CARDS HE HELD

(By Jeffrey Hart)

It now appears that by his tactics during the last two months Richard Nixon has not only brought the American aspect of the war to a close, but, actually, sort of won it—that is, negotiated the agreements largely on his terms rather than Hanoi's. There has been a good deal of talk lately, not least from conservative columnists who ought to know better, about the "remoteness" of the President, his failure to see the press more or to contact leading congressmen, his failure to explain himself to the public and so forth.

But President Nixon's isolation at Camp David and his inaccessibility to the press are obviously part of his total calculation. Mr. Nixon's silence has served to create doubt. His negotiating adversaries have had no clue as to his ultimate intentions.

Mr. Nixon's next card has been a blank to them and they were free to inscribe upon it their worst fears. More bombing? Heavier bombing? The atom? Mr. Nixon deployed uncertainty as a powerful tactical weapon.

Mr. Nixon's performance is especially impressive, given the comparative weakness of his hand. He has been trying to end the war in a way that would not sell out the millions of South Vietnamese who clearly do not want to come under Communist rule, yet he has been limited in his options by the war-weariness of the Congress and much of the public.

He has, however, been an extremely tough negotiator. He said long before the election that he was setting no deadline—a la Mendes-France in 1954—for a settlement. He has been willing to wait and wait, taking all domestic and foreign heat, waiting until the terms were right.

But the crucial thing to notice about the much-decried bombing is its timing, which tells us much about Mr. Nixon.

Last October, Henry Kissinger and Le Duc Tho hammered out the broad outlines of a settlement. But as interpreted by Hanoi in the negotiations ending Dec. 18, some of the crucial provisions meant the following:

The international cease-fire inspection team was to be merely a token unit of 250 men, lacking both mobility and communications. This was a derisory interpretation of the "broad agreement."

There was no recognition of the de facto and indeed de jure division of Vietnam along the 17th Parallel.

Mr. Nixon's bombing began on Dec. 18, just hours after Le Duc Tho arrived back in Hanoi to report on the failure to reach an agreement with Dr. Kissinger. It began preemptorily, without any preliminary softening up of the heavy air defenses. And it went on, Hanoi bearing the full brunt, until the appropriate signals were received.

The bombing must have impressed Le Duc Tho and his colleagues, for, on Jan. 8, he led the parade to the current and successful negotiations which ratified Mr. Nixon's interpretation of those first broad agreements.

We are to have a genuine inspection force; the existence of the DMZ is recognized. And, for good measure, the bombing—plus the existence of U.S. planes in Thailand and elsewhere in the area—must be taken into account by Hanoi in any of its future calculations.

The world being what it is, there is great reassurance in having a President capable of dealing with the realities skillfully and with dispatch.

[From the Baltimore Sun, Jan. 30, 1973]

HIS CRITICS CANNOT ABIDE THE PRESIDENT'S TRUCE

(By Nick Thimmesch)

WASHINGTON.—Peace is barely with us and already the recriminations begin. The kind of postmortem we have on the Vietnamese ordeal will help determine our credentials as a world power in the years ahead. And there are years ahead, and a national life for the United States after Vietnam. But, when the inevitable debate is over, it is likely that most Americans will sensibly conclude that the methods and decisions of President Nixon and Henry A. Kissinger, Mr. Nixon's national security adviser, were the best way to a cease-fire and peace.

Those who dislike the President could not wait to snipe. Averell Harriman, who negotiated the failed Laotian settlement a decade ago, expressed relief at the news, but proclaimed that Vietnam could have been settled in 1969. Some liberal critics and writers, writhing for self-justification, darkly suggest that President Nixon was the heavy and Dr. Kissinger the hero in the Vietnamese story.

But this is the same soft-minded gang that helped usher us into the Vietnamese tragedy. These are the kind of people that George Orwell once described as eager to play with fire without really knowing what fire is.

Mr. Nixon made tough decisions on Vietnam and knew what they meant: the Cambodian invasion; the Laotian "incursion"; the mining of Haiphong and renewed bombing of North Vietnam May 8, and, most recently, the awesome 12-day bombing of the innards of the North. These actions were hardly conducive to popular demand for the President to be awarded some peace prize.

But Mr. Nixon also put the United States on two tracks toward extrication from Vietnam, and, hopefully, toward peace, soon after he took office. "Vietnamization," the building of South Vietnam's military capability and withdrawal of U.S. forces, was one. The exhaustive, tenacious negotiating effort by Dr. Kissinger was the other. The latter included a generous peace offer one year ago which even provided for President Thieu to resign before a new election.

More than anything else, it was President Nixon's determination for the United States to leave Vietnam without "copping out" that caused the infinitely patient, and often devious, Hanoi Politburo to settle. The Easter invasion of the South was repulsed, with enormous Communist casualties. Hanoi's intransigence at the peace talks resulted in Mr. Nixon's May 8 announcement of resumed bombing of military targets in the North and mining Haiphong harbor.

Doomsdayers predicted the President's trip to Moscow would be canceled, and that China might enter the war. Neither eventuality occurred and Hanoi returned to the bargaining table. More firmness and by mid-October a settlement was imminent. Hanoi tried to press Mr. Nixon into quick acceptance by prematurely announcing the news, but Mr. Nixon did not fall for that either.

"Peace is at hand" became a cynical remark. The nation went glum when it learned negotiations were stalled. Mr. Nixon's decision to inflict aerial punishment on North Vietnam's capability to function, to make war, elicited some of the most anguished condemnation he has received as President. He was likened to Hitler. His sanity was questioned, even by a senator of his own party.

Whether the bombing was a military necessity or sheer punishment for Hanoi's bad manners will be debated for a long time. Devastating as the B–52 raids were, as the London *Economist* noted, they were not as lethal as the far smaller German air raids on London, which killed as many people in one night as the B–52's did in 12 days. The Germans were targeting civilians and we were not—that is the difference.

How little was said or printed about the population targets of the North Vietnamese last spring. They fired shells and rockets into South Vietnamese vilages and refugee centers to terrorize and inflicted 48,000 civilian casualties in the process. The Communists also executed several thousand civilians during the invasion, just as they did in the 1968 Tet offensive.

Too many critics, in their sorrow and pessimism, were blind to North Vietnam's lethal role in the war. Instead of deliberate Communist killing, they only saw American "evil." They saw more years of American involvement, no hope for return of the POW's, a reversal of the detente between the United States and Moscow and Peking, and World War III at any moment. They were wrong on all counts.

Just as they indulged in romantic fancy a decade ago that the United States, as the noble democratic warrior, must fight every threatened nation's battle, so they now indulged themselves in another romantic notion that all was lost.

In truth, some of the harshest critics cannot stand the thought that maybe the Nixon-Kissinger strategy worked, that it took patience, determination, skill and appropriately timed force to end this accursed war. Rather than suffer further mental pain, some critics try to relieve their agonized consciences by attacking one of their long-time favorite ogres—Mr. Nixon.

[From the Atlanta Journal, Jan. 26, 1973]

They Bear Responsibility

(By John Crown)

The morning after President Nixon announced that Henry Kissinger had reached an acceptable agreement with the North Vietnamese negotiators, I received a telephone call which contained a query.

The caller wanted to know if it would be possible to pin down how many American battle casualties could be attributed to American protesters prolonging the war in Vietnam.

My immediate reply was that such an answer would be, at best, only conjecture because there would be no way to determine when the war would have ended had not Hanoi been aided and encouraged by the vocal protests and the marchers over here.

Unless, my caller replied helpfully, the North Vietnamese would make public when they would have been willing to sign an agreement had they not been encouraged by the dissent they saw going on in the United States.

It is an interesting point. But we both agreed that the chances of Hanoi ever admitting anything of that sort would be less than zero.

It is well within the realm of reason to take the view that those who cried "peace" the loudest in the United States were contributing to the protraction of death and devastation in Vietnam.

Every demonstration over here gave encouragement to the North Vietnamese to hang in there.

Every time George McGovern opened his mouth to utter one of his usual inanities, the advocates of war in Hanoi had fresh arguments to back them that the United States was only a paper tiger which would blow away in time.

Everyone who marched in protest, everyone who spoke in protest, everyone who wrote in protest—all of them bear some of the responsibility for the suffering and agony that went on in Vietnam.

The vast majority of them were undoubtedly well-intentioned and sincere. They recoiled at the atrocities, but the trouble was they could only connect those atrocities with us. They, for some obscure reason, could never see the atrocities carried out by the predators from North Vietnam, the self-same predators who began the tortured drama and who had it within their power to call it all off.

After all, with the cease-fire agreement some attention has been given to the fact that there are no provisions to require the withdrawal of North Vietnamese military forces from South Vietnam. I have yet to see any reports relating to South Vietnamese forces being present in North Vietnam. The reason is obvious. The North is the invader.

Those who protested the war, and therefore bear some of the guilt for the tragedy that ensued there, will probably reply that the men in Washington who made the decisions which took us there are the ones who are guilty.

Those who made the decisions bear responsibility as do all decisionmakers.

But if this war taught us anything at all, it should be that once this nation is committed to any military conflict the quickest way for us to emerge from it is by the Nation to stand together in unified strength.

Once we were committed to Vietnam, our strength and unity could have gotten us out of there in short order.

Instead, the well-intentioned and gullible joined the evil ones among us and raised shrill voices of protest with their caterwauling.

Their strident noises served to confuse those of us at home, our friends abroad and the enemy we were fighting. The enemy, quite logically, saw the protesters as allies who could only divide us and thereby help him. He was encouraged to continue the war he had begun.

No, there is no immediate means of determining just how many Americans and Vietnamese died because of the encouragement given North Vietnam by the protesters in the United States.

But there is no question that they have blood on their hands.

[From the St. Louis Globe-Democrat, Jan. 24, 1973]

President's Big Role in Bringing Peace

(By Roscoe Drummond)

WASHINGTON.—The impossible dream has come about—a negotiated settlement which gives South Vietnam a decent chance to survive. What looks like an "honorable peace" is no longer a dream; it is reality.

What brought it about? How did the President achieve it against such teriffic odds?

There are four forces which contributed most:

1. Richard Nixon.
2. American public opinion.
3. The United States peace movement.
4. The South Vietnamese.

The President totally rejected a policy of cut-and-run, of peace at any price on the ground that such a course would mean that in the future no ally could rely on American commitment and no adversary could be deterred by it.

Mr. Nixon dared to risk for a time massive unpopularity when he used strong military measures to persuade Hanoi that it couldn't win on the battlefield and, therefore, must negotiate seriously.

He removed U.S. ground involvement, thereby radically reducing casualties. He continued U.S. involvement in the air. The first was politically indispensible and the second was militarily successful.

The President thought he could get Moscow's help to end the war—and he did. The China and Soviet summits had purposes beyond Vietnam. They persuaded both Peking and Moscow that better relations with the United States were far more important than supporting North Vietnam.

We will never know what might have happened if we had abandoned South Vietnam at Hanoi's dictates. We will shortly see the consequences of staying on the Nixon course.

In the end American opinion gave steadfast support to the Nixon policy of holding on for a decent peace. Last year's election showed Hanoi that it couldn't win the war in the United States. North Vietnam had only two choices—to continue a stalemate war or to negotiate seriously.

Last month it tried one final ploy—by breaking off negotiations—to see if Mr. Nixon couldn't be pressured into accepting an unenforceable cease-fire to bring the war to an end before inauguration. Mr. Nixon held firm by resuming the bombing. The American public held firm. Hanoi didn't.

I think we will come to see that on balance the peace movement helped. Obviously it increased opposition to the President's course and for a time tempted Hanoi to believe that America would become so divided that President Nixon would have to accept any kind of peace. It influenced him to withdraw ground forces more steadily than he might otherwise have done. This withdrawal itself demonstrated to Hanoi that Mr. Nixon wanted to get the United States out of Vietnam whenever a fair settlement could be had.

The South Vietnamese did very well. They successfully resisted the onslaught of the Tet offensive in 1968. When Americans were being told that South Vietnam was going to fall apart, it stuck together. For a year now the South Vietnamese army has borne the brunt of the entire ground war.

Whether South Vietnam can secure this peace and build on it, events still to unfold will tell.

[From the Wall Street Journal, Jan. 26, 1973]

The Birmingham, Ala., Post-Herald

Perhaps, under Nixon's policy of patient negotiation and painful bombing, Hanoi has decided, as Henry Kissinger claims, to switch from a military to a political struggle. Or perhaps Hanoi is waiting for the Americans to go home to try again militarily. Only time will tell.

Despite doubts and fears about the future, this is a time for thankfulness that Nixon has finally ended America's longest and most divisive foreign war. One can quarrel with his pace, but not with the fact that he has got 550,000 men out of Vietnam and the POWs back without causing the defeat of the Saigon regime.

This is a considerable achievement, which even his opponents should admit. It required risk-taking, doggedness, and high diplomatic skill. Later, if the Vietnamese parties resume cutting each other's throats, as they might, we trust Nixon will display equal skill in not getting us back into the Vietnam quagmire.

The Dallas Morning News

All Americans are happy about the Vietnam peace—except, of course, the antiwar protesters. They are feeling very down. They have no function unless there is a war to oppose. They are the war lovers. . . . Being for peace in the streets would make no headlines. Even Nixon is for that.

So what can they do? They can hope for a shattered peace—as their spokesman made plain as soon as Nixon announced the cease-fire. Indonesia, they said hopefully, is very unstable, South Vietnam is rotten; there's always a chance of renewed American involvement. Lasting peace looks very uncertain.

So they will agitate the peace as much as possible. It's better than being idle in a time that looks very dull for war lovers.

The Tulsa Tribune

That was a pretty big moment for America last night.

A policy of noble stubbornness won a point that could be vastly important in the history of the 20th Century.

And the apostles of scuttle and bug-out were left pantless.

Whether the at-long-last cease-fire in Vietnam produces a lasting peace, or whether the aggression continues in subtler ways, we cannot know. We have had some experience with solemn pacts with Communist nations.

But the agreement was initialed without betraying the principle that the South Vietnamese have a right to determine the kind of government they will have. And because of that, principle was not betrayed, neither were the thousands of young Americans who died, who are missing, or who have been captured in that struggle.

What kind of an agreement would we have had under a President McGovern?

What happened to all the outcrys by the doves that the December bombings had destroyed the negotiations?

It was our enemies who came to understand best that the spine of a man in the White House was made of steel. It was that steel that brought the agreement while the jackals yelled and the hyenas howled.

[From the Boston Sunday Herald Advertiser, Jan. 28, 1973]

Editor's Report: Week of Tragedy, Triumph

(By William Randolph Hearst, Jr.)

The only big news stories of the week, the death of former President Lyndon Johnson followed 28 hours later by President Nixon's announcement of a cease-fire in Vietnam, are actually of one cloth.

In a very real sense, Lyndon Johnson's life probably was shortened by the ordeal he was forced to endure as a result of his commitment of American combat troops and bombers to defend our allies in South Vietnam from Communist aggression. He also launched the Paris talks which finally produced an agreement with Hanoi that resulted in stopping the war and which can lead to a permanent peace.

The two are woven together. But the tragedy is that LBJ did not live long enough to see his dreams for peace fulfilled in Vietnam.

During the warm and dignified services for President Johnson at the Capitol and then at the National City Christian Church, I noted that former secretary of state Dean Rusk, former postmaster general Marvin Watson and the Rev. George Davis all went out of their way to pay their respects to President Nixon and to commend his dedication to the principles of Lyndon Johnson.

That is as it should be. I know first hand that LBJ supported President Nixon's program in Vietnam and thought he had followed the right course to force the Communists into peace terms that would preserve an independent South Vietnam.

For four years it has been my opinion that Lyndon Johnson made a grave mistake when he halted the bombing of North Vietnam at the end of 1968. From conversations with Nixon, I know that he shared this opinion.

So, when I was visiting LBJ at the ranch in October, I put the question to him, "Do you think you made a mistake in stopping the bombing?"

He had no hesitation in answering. "No," he replied. "I did it in the name of peace and I would have done anything to achieve peace in Vietnam. If I had it to do over and the outlook was the same and I thought I could win a peaceful settlement, I would do it."

But after leaving the presidency, Lyndon watched sadly as his hopes for peace disintegrated in a cauldron of Communist intransigence. It was then that his successor, Dick Nixon, launched new air attacks against the North in an effort to force a settlement.

How did Johnson feel about that?

I asked him this question, sitting next to him at his ranch. He answered forcefully and immediately, "Nixon is doing the right thing."

In fact every President since Harry Truman—and that includes Eisenhower, Kennedy, Johnson and Nixon—has believed that we had the responsibility to protect our allies in South Vietnam.

It is, therefore, to the everlasting credit of Dick Nixon and Henry Kissinger that they persevered against formidable odds, including constant vituperation from the American left, until they obtained a settlement that can let us quit South Vietnam with honor and with the expectancy that representative government will retain control in Saigon.

They pulled off one of the greatest pieces of diplomacy in my lifetime. I will have to admit that I was critical of the President a few weeks ago for not informing Congress and the people of his reasons for launching the massive air attacks against Hanoi and Haiphong.

But now I understand that he had to remain silent if there was any hope of getting a settlement in Paris. His eye was on the forest while the rest of us had ours on the trees.

None of us knows how successful the Paris agreement will be. Nixon himself called it "fragile," according to Senate Republican leader Hugh Scott.

But it certainly is a major step in the right direction. If the Communists live up to their part of the bargain, we will have peace in Vietnam. They should, since they must be even more war weary than we are, having been involved in almost constant fighting over the past 30 years.

Not possessing a crystal ball to predict the future, my main concern now is to set the record straight for the young people of our country who have parroted the line that we were involved in an immoral war, a war of American imperialism.

Nothing could be further from the truth. The United States has fought four wars overseas in this century—World War I, World War II, Korea and Vietnam—and in every one of them we fought to preserve the freedom of our friends.

In those four conflicts, which have taken a heavy toll of American lives and resources, we have not sought nor have we annexed one inch of foreign soil. To the contrary, after defeating an enemy we have then helped that enemy to get back on its feet and become a productive member of the world community. We did this with Germany and Japan and President Nixon has offered to follow the same pattern with North Vietnam.

I am sick of seeing and hearing our role in Southeast Asia distorted. We sent troops into South Vietnam after the Communists launched a major assault against that tiny country—and we had a commitment to do so.

It has been the national policy of our country to oppose aggression by whatever name—Nazism, Fascism or Communism—since World War II.

Those who would distort our, position should understand that the United States—and the United States alone—has the power and the inclination to prevent small, independent nations from being overrun by a ruthless foe. If it were not for the United States, freedom would be a far more rare commodity on this globe than it now is.

One last word. When I refer to those who distort our role and our history, I am speaking of a small minority of the American people. I know that the great majority has supported our presidents in their endeavors to protect freedom in Southeast Asia and I think the overwhelming defeat of George McGovern last November proved that.

This is a time when all of us should be proud to be Americans, to have a President like Richard Nixon and to have had a President like Lyndon Johnson.

A THOUGHT-PROVOKING LETTER

Mr. ALLEN. Mr. President, the distinguished senior Senator from Alabama (Mr. Sparkman) and I have received jointly a thought-provoking letter from a fellow Alabamian, Charles Hardenburg, of Birmingham, which offers some sound advice to Members of Congress.

Mr. Hardenburg states:

> It is a truism that thousands upon thousands of people working for the federal government and down into the state governments, set their standards upon those standards imposed upon yourselves by yourselves—the members of the once most respected branch of our government. Please keep it that way.
>
> My prayer for the new year is that each member of the Legislative branch of the government, as he looks into the mirror each morning, will say—Am I an honest man, and am I honest to my constituency? Am I honest to America, for without America my constituency is nothing. As one, we are one; divided we are doomed; but above else let him ask, Am I an honest man?

Mr. Hardenburg has requested that his thoughts as above set forth be printed in the Record. Believing that all Members of Congress can profit by the opinions of their constituents, I commend these thoughts for serious consideration and reflection.

A REGRESSIVE TAX SYSTEM

Mr. MUSKIE. Mr. President, more and more of our responsible commentators are concluding that the administration's budget proposals are inequitable and insensitive. In yesterday's Washington Post Hobart Rowan pointed out that the budget leaves intact a regressive and unfair tax system and subsidies for business, while slicing $10 billion from programs aimed at the poor and underprivileged. Mr. Rowan summarizes the administration's attitude as follows:

> For the most part, people ought to be fending for themselves, and if they can't—tough.

I hope and expect that Congress will reject a budget based on this negative attitude.

I commend Mr. Rowan's article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 4, 1973]

1973 Issue: Nixon's Cuts in Social Programs

(By Hobart Rowan)

President Nixon has confounded his critics, and commentators including myself, by doing what they said during the election campaign he couldn't do: slash the budget sufficiently to avoid an increase in taxes in fiscal 1974.

He did it by being ruthless in reducing the social obligations of the government to a growing population. The axe he wielded was a bigger one than envisioned by the Brookings Institution, the American Enterprise Institute, former Republican Congressman Johnny Byrnes and former Treasury aide Murray L. Wiedenbaum, to name a few.

On Dec. 17, in this space I wrote:

"It now appears realistic to believe that the President will hold spending for the current fiscal year (1973) to $250 billion . . . If so, it is possible an administration dedicated to austerity could hold the fiscal 1974 budget to be presented in January to $270 billion, with a unified budget deficit trimmed to $13 or $15 billion—and a balance in the full employment budget."

To accomplish this feat of austerity, as Ralph Nader, the black caucus on the Hill, and other public interest groups pointed out, Mr. Nixon whacked the money out of social programs for individuals, and left the major corporate "tax expenditure" subsidies virtually untouched.

The budget leaves intact a regressive Social Security tax system, while the investment tax credit and accelerated depreciation privileges add to the corporate take. And the administration's pledges to bring in tax reform proposals are not honored with as much as a token.

A letter this week from 23 public interest advocates and groups to President Nixon says:

". . . we would urge that before you stop programs for the many, you at least should scrutinize programs for the few. Before there are fewer libraries and hospitals and low-income apartments and sewage control systems, there should be fewer subsidized ships, less expensive drug and arms procurement, and more taxes paid by coddled corporations."

In other words, if today's economic imperatives call for reducing the federal budget deficit to counter inflation, Mr. Nixon had an opportunity to whack away at billions used to subsidize the maritime, aviation, defense and other industries, in addition to cutting whatever social programs had failed, or had already fulfilled their purposes. And at the same time, more sense could have been made out of the tax structure.

A close analysis of Mr. Nixon's 1974 budget for which he claims savings of $16.9 billion in "program reductions and terminations" indicates that about $5 billion are in gimmicks or part of a numbers game, and the rest is real.

Some of the "cuts" are most inventive. Remember the son who told his father, "Dad, I saved a dime by walking home instead of taking the bus"? The father responded: "If only you had walked instead of taking a cab, you would have saved three bucks."

An example of that is a claimed $400 million saving in the 1974 defense budget set down as follows: "limit new spending for All-Volunteer Force and other legislation." But that's a "cut" from a total commitment that had never been made.

A bigger phoney item is a claim for savings on social service grants. The assumption in the budget is that this figure would have grown to $4.7 billion in fiscal 1975, although Congress had already put a ceiling on such expenditures at $2.5 billion. Independent budget experts figure that the 1974 saving in this category is over-staked by $2.1 billion. Agriculture "cuts" assume unrealistically high support costs in the neighborhood of $600 million. Another double 1974 item is a $1.0 billion claim for oil recipients.

But putting all that aside, the real cuts are substantial, and are made at a time when many public needs are unmet.

This is where the cuts in the 1974 budget were made: Welfare, $1.5 billion; Medicare and housing, $1.5 billion; Manpower programs, $1.0 billion; Health, Education and Poverty programs, $1.0 billion; Pensions and retirement, $1.0 billion; Environment (by not full-funding the Muskie bill), $1.0 billion; Agriculture, $1.5 billion; Water and natural resources, $0.5 billion; Defense and foreign, $2.0 billion; Space, $0.3 billion; and All other, $1.0 billion.

That all adds up to $12.3 billion. If the $2.3 billion saved on defense, foreign, and space commitments is subtracted, there's an even $10 billion that's been sliced out of money basically ticketed in fiscal 1974 for the poor and the underprivileged.

Perhaps that represents the will of the majority of people. Certainly, that's the way the President is interpreting this election "mandate." To a certain extent, the "I'm all right, Jack" philosophy is pervasive, as Potomac Associates good new book, State of the Nation" shows.

Mr. Nixon has proposed the issue in unmistakable terms, in his interview with Jack Horner of the Washington Star-News, in his Inaugural Address, and now, in concrete terms, in the budget.

But some people in this society do need help, despite the bland and unsupported assumption made by this administration that anything the federal government can do, the states can do better.

Experience casts doubt on this assumption. Fifty different states and the District of Columbia have 51 different standards. One doubts that what motivates Mr. Nixon is a real belief that revenue-sharing with the local communities will do more for the less affluent in our society.

What comes through is the belief that for the most part, people ought to be fending for themselves, and if they can't—tough. We see the true Nixon: austere, conservative, strait-laced and uncompromising, despite the string of surprises he has achieved abroad. His domestic record will go down in the history books, too.

RETIREMENT OF CHARLES APPLETON MEYER, ASSISTANT SECRETARY OF STATE

Mr. PERCY. Mr. President, Charles Appleton Meyer, Assistant Secretary of State for Inter-American Affairs, is returning to private life after 4 years of distinguished public service. It is no surprise that he continues to win plaudits for his constructive role in relations between the United States and other countries of our hemisphere. Fluent in Spanish, understanding of the legitimate aspirations of Latin Americans, a good human being, Charles Meyer did his job exceedingly well.

In the Christian Science Monitor of January 17, 1973, James Nelson Goodsell, the Monitor's Latin America correspondent, writes his own assessment of Meyer's service. I ask unanimous consent that excerpts from this article be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

CHARLES APPLETON MEYER

(By James Nelson Goodsell)

Latin Americans are casting somewhat wary glances at Washington these days over the imminent vacancy in the State Department's top Latin-American post.

At a time when United States-Latin-American relations are none too warm, one of the few bright spots in the relationships, as far as Latin Americans are concerned, has been the role of Charles Appleton Meyer, who currently occupies the post as assistant secretary of State for Inter-American Affairs.

Mr. Meyer is held in warm esteem throughout the hemisphere, in rather sharp contrast with most of the post's previous occupants.

A onetime Sears, Roebuck executive, Mr. Meyer's resignation was not unexpected. When he took the job in 1969, he did so with the understanding that he would stay only four years and then return to business.

Actually Mr. Meyer has held the post longer than anyone else since it was created after World War II. For a long time, the assistant secretary's job looked something like a revolving door, with one occupant after another serving a few months and then resigning.

The fact that Mr. Meyer remained in the post as long as he did impressed Latin Americans. But it was his way of dealing with them that impressed them the most.

Throughout the past four years, Mr. Meyer was able to get across the message that he, at least, cared about Latin America—and this proved of tremendous value in many hemisphere conferences where he was able to tone down Latin-American criticism of United States policy.

Now the Latin Americans are wondering just who will take over the post and what the new occupant will do for relations between the United States and the rest of the hemisphere.

Over the long pull, improved trade relations and increased economic aid are, in the view of Latin Americans, the key to better relations between the United States and the rest of the hemisphere. Still, they are very concerned about who occupies the assistant secretary post.

PRESIDENT LYNDON B. JOHNSON—ORDER OF GRAVESIDE SERVICE AND MEDITATION BY THE REVEREND DR. BILLY GRAHAM

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Congressional Record and the bound volume of congressional tributes to President Johnson reprint the order of graveside service and meditation by the Reverend Dr. Billy Graham, at the funeral of President Lyndon B. Johnson, January 25, 1973.

There being no objection, the service was ordered to be printed in the Record, as follows:

FUNERAL OF PRESIDENT LYNDON B. JOHNSON—ORDER OF GRAVESIDE SERVICE (OFFICIATED BY THE REVEREND DR. BILLY GRAHAM, L. B. J. RANCH, STONEWALL, TEX., THURSDAY, JANUARY 25, 1973)

LET US WORSHIP GOD

"I am the resurrection, and the life; he that believeth in Me, though he were dead, yet shall he live:

"And whosoever liveth and believeth in Me shall never die."—(John 11:25–26).

"Let not your heart be troubled; ye believe in God, believe also in Me.

"In My Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you.

"And if I go and prepare a place for you, I will come again, and receive you unto Myself; that where I am, there ye may be also."—(John 14:1–3).

THE MEDITATION

Few events touch the heart of every American as profoundly as the death of a President—for the President is our leader and every American feels that he knows him in a special way because he hears his voice so often, glimpses at his picture in the paper, sees him on television, and so we all mourn his loss and feel that our world will be a lonelier place without him. But to you who were close to him, this grief is an added pain because you wept when he wept and you laughed when he laughed. When he was misunderstood you felt his pain and wondered why others had no heart to feel or no eyes to see, but such is the burden, the anguish and the glory of the Presidency.

Here amidst these familiar hills and under these expansive skies his earthly life has come full circle. It was here that Lyndon Baines Johnson was born and reared and his life molded. But the Scripture teaches that there is a time to be born and a time to live and a time to die. Lyndon Johnson's time to die came last Monday. The absence of his vibrant and dominant personality seem so strange as we gather on this site. There was a mass of manhood in Lyndon Johnson. "He was a mountain of a man with a whirlwind for a heart." He loved his hill country. He often said, "I love this country where people know when you are sick, love you while you are alive, and miss you when you die."

Not long ago President Johnson brought me here to this very spot and said, "One day you are going to be asked to preach my funeral. You'll come right here under this tree and I'll be buried right there." In his homespun way he continued, "You'll read the Bible and preach the Gospel and I want you to." And he said, "I hope you'll tell people about some of the things I tried to do."

History will not ignore him for he was history in motion. He will stand tall in the history books that future generations will study. The great events of his life have already been widely recounted by the news media this week. I think most of us have been staggered at the enormous things he accomplished during his lifetime. His thirty-eight years of public service kept him at the center of the events that have shaped our destiny. During his years of public service, Lyndon Johnson was on center stage in our generation. To him the Great Society was not a mild dream but a realistic hope. The thing nearest to his heart was to harness the wealth and knowledge of a mighty Nation to assist the plight of the poor. It was his destiny to be involved in a tragic war. It is a mysterious act of Providence that his death came during the same week that a peace agreement was reached. As President Nixon said Tuesday night: "No one would have welcomed this peace more than he."

However, there was another more personal, more intimate and more human side to Lyndon Johnson—that his family, neighbors and friends that are gathered here today would know. For example, some of you have seen him load his car or station wagon with children of various racial and ethnic backgrounds and take them on rides or to see the deer running across the ranch. There were hundreds of little things that he did for little people that no one would ever know about. He had a compassion for the underdog.

No one could ever understand Lyndon Johnson unless they understood the land and the people from which he came. His roots were deep in this hill country. They were also deep in the religious heritage of this country. President Johnson often pointed with pride to a faded yellow letter on the wall of his office written to his great grandfather, like many of his forebears, was a preacher and had led Sam Houston to a personal faith in Jesus Christ. Symbolically it says that Lyndon Baines Johnson had respect for "the faith" that has guided his family, his state and his nation through generations. Lyndon Johnson's mother, Rebekah Baines Johnson, who lies here, often read the Bible to her young son.

Within weeks of the time he became President of the United States he said, "No man can live where I live now, nor work at the desk where I work now, without needing and seeking the strength and support of earnest and frequent prayer."

He could have had more excuses than most for not attending church on Sunday. But one of the things for which he will be remembered is that he probably went to church more than any other President.

Some months ago my wife and I were visiting the Johnsons here at the ranch. Lyndon Johnson brought me out to this spot and reminded me again that I was to participate in this service. We spoke of the brevity of life and the fact that every man will someday die and stand before his Creator.

There is a democracy about death. John Donne said: "It comes equally to us all and makes us all equal when it comes." The Bible says: "It is appointed unto men once to die, but after this the judgment" (Hebrews 9: 27).

For the believer who has been to the Cross, death is no frightful leap in the dark, but is the entrance into a glorious new life. The Apostle Paul said: "For to me to live is Christ, and to die is gain" (Phil. 1: 21). For the believer the brutal fact of death has been conquered by the historical resurrection of Jesus Christ. For the person who has turned from sin and has received Christ as Lord and Savior, death is not the end. For the believer there is "hope" beyond the grave. There is a future life! As the poet has written:

God writes in characters too grand
For our short sight to understand;
We catch but broken strokes, and try
To fathom all the mystery
Of withered hopes, of death, of life,
The endless war, the useless strife,—
But there, with larger, clearer sight,
We shall see this—God's way was right.

We do not say goodbye to Lyndon today. The French have a better way of saying it. They say, "Au revoir!"—till we meet again. To you Mrs. Johnson, Lynda, Luci, and other members of the family, it is my prayer that God's grace will be sufficient for you in the days to come. May God grant to each of you a deep satisfaction in the life of one who served his country with such complete dedication. May the God and Father of our Lord Jesus Christ, the Father of all mercies and the God of all comforts, sustain you now and in the days to come.

What he once said about another President we can now say about him: "A great leader is dead. A great nation must move on. Yesterday is not ours to recover but tomorrow is ours to win or lose."

PRAYER FOR THE FAMILY

Our Heavenly Father, who art the dwelling place of Thy people in all generations, have mercy upon us as we are here today under the shadow of great affliction; for in Thee alone is our confidence and our hope.

God of all comfort, in the silence of this hour we ask Thee to sustain this family and these loved ones and to deliver them from loneliness, despair and doubt. Fill their desolate hearts with Thy peace and may this be a moment of rededication to Thee.

Our Father, those of us who have been left behind have the solemn responsibilities of life. Help us to live according to Thy will and for Thy glory—so that when Thou dost call us that we will be prepared to meet Thee.

We offer our prayer in the Name of Him who is the resurrection and the life, even Jesus Christ our Lord. Amen.

BENEDICTION

"Unto Him that loved us, and washed us from our sins in His own blood,

"And hath made us kings and priests unto God and His Father; to Him be glory and dominion for ever and ever. Amen."—(Revelation 1: 5–6).

The God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well pleasing in His sight, through Jesus Christ, to whom be glory for ever and ever. Amen.

METALLURGICAL RESEARCH

Mr. MOSS. Mr. President, I am pleased to offer to the Senate an extremely interesting article on the success of the University of Utah in metallurgical research. I ask unanimous consent that the article be printed in the RECORD.

Senate bill 263, which the Senator from Wyoming (Mr. HANSEN) and I introduced, along with other Senators, would assist universities and colleges in their efforts in metallurgical and related environmental research.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

METALLURGY SYMPOSIUM ATTRACTS NATION'S TOP RESEARCHERS

The University of Utah continues to expand its reputation as one of the leading metallurgical research centers in America. More than 200 plant engineers, scientists and graduate students offered the latest endorsement this month on campus at a three-day tutorial symposium on hydrometallurgy. Virtually every mining company in the U.S. and Canada was represented.

Dr. Ferron A. Olson, chairman of the Department of Mining, Metallurgical and Fuels Engineering, attributes part of the symposium's success to the two Utah faculty members who presented the lectures. "Professor Milton Wadsworth is the top academic man in the country in the field of hydrometallurgy," he says, and E. Edward Malouf, manager of special projects at the Kennecott Research Center and adjunct professor of metallurgy, "is an outstanding authority on the process of bacterial leaching."

The three-day meeting was a review of the status of hydrometallurgy—a method of producing metals in solutions. It was timely since mining companies are now concerned with environmental abuse and ways of increasing America's metals production potential.

"Other countries have had better ores and cheaper production," says Dr. Olson. "The U.S. supply is plentiful, but it is not high-grade. A ton of ore yields only a few pounds of copper. That's expensive by conventional techniques, so we're looking at other processes for getting the metals out, and one of the most attractive is hydrometallurgy."

Methods of using solutions to make metals were also discussed, and the visitors agreed that the possibility of mining with solutions is on the horizon—actually pumping solutions into the ground and extracting the metals in liquid form.

Participants blamed the decrease in extractive metallurgy research during the past several decades on lack of interest by industry and government.

"Many of the new techniques that have been developed in the past 20 years have come from other countries," says Dr. Olson. "If we can reverse that trend, the U.S. could produce metals more efficiently, solve many of its pollution problems and become competitive in the world market. It's a challenging and exciting future for metallurgical engineers."

ALF M. LANDON SPEAKS IN HESSTON, KANS.

Mr. DOLE. Mr. President, Alf M. Landon is Kansas' senior statesman and one of its most distinguished citizens. From time to time, he accepts speaking engagements in Kansas where he shares some of his insight, wisdom and understanding with those who are in attendance.

One such occasion was a combined meeting of the Hesston, Kans., Chamber of Commerce, and Hesston College on October 19, 1972. Governor Landon's subject was "President Nixon's Design for Peace", and in light of recent successes by the President in pursuing peace, these remarks are particularly interesting.

I ask unanimous consent that Governor Landon's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

PRESIDENT NIXON'S DESIGN FOR PEACE

(By Alf M. Landon)

The American voters never have faced a more momentous decision than in the coming election in just 18 days.

That may sound trite. I submit, however, that never before has the fate of civilization rested in the hands of a trio of tough traders—cool and bold first-class fighting men—Nixon, Brezhnev and Chou En Lai—who are engaged in reversing the basically militant long-term military, political and foreign policies of their respective mighty governments. How that ultimately works out will determine the destiny of all mankind, even babes born this minute.

Never before in all history have three men had such power in their hands because of the spread of nuclear weapons and the development of ways to enhance air power. Never before has the threat of world war been dealt with as realistically and as vigorously and—so far—successfully as President Nixon's proposals designed for peace, stability and prosperity.

Let us look briefly where this monumental change could be upset and then at its amazing set-up in three and a half years.

The first question obviously is, will this trio or their successors be able to continue their realistic and constructive leadership long enough to establish the new philosophy and new international policies involved in working out the details of implementing their goals?

China today cannot match either the United States of America or Russia in either nuclear or air power weapons. They will, however, catch up in a few years.

That is a key issue that confronts Russia. The military and the politburo are evidently divided whether to strike before China can build up greater nuclear power and bigger and more effective air power.

Russia has the air power quickly to knock out China's infant nuclear power. However, the fallout from even a short nuclear war would cause infinite damage for Russia's and the rest of the world's people. Furthermore, at the best, there would probably be one or more Chinese nuclear bombs hit Russia. And Russian armies would be engaged in a long drawn out guerrilla war in China, and would have to sustain the enormous expense of administering occupied areas. Moreover, Russia—by attacking China—would give fresh fuel to attacks from Communists elsewhere questioning Russia's ideological faithfulness.

On top of this is the short food crop in Russia. It is still true, despite all the new weapons, that an army marches on its belly.

Going on three months, there has been a steady build-up of troops by Russia and China on each side of their long border.

There also has been a steady flow of vituperative attacks on China by Chairman Brezhnev and other top Russian government spokesmen. China, of late, has almost become the devil's devil of Russian propaganda, in place of the U.S.A.

In China, Russia has swapped places with the U.S.A. in Chinese rhetoric. All this is of substantial benefit for the foreign policies sponsored by President Nixon. That clears a lot of underbrush away in the long, tedious conversations now going on between the governments preparing for agreement on the details of how to organize simply the preparatory committees.

Chairman Brezhnev is facing tough internal economic and political problems and, recently, two very hard and serious jolts. The food shortage from crop failures has hit Russia right in the belly. Egypt—built up by Russia—but still a third-rate power—kicking out the Russian military—some 15 thousand—and, even more important, denying three harbors for the use of Russia's built-up big Mediterranean fleet.

So far, Brezhnev has ridden them out successfully and continues in the saddle, carrying out his normalization of relations not only with the United States of America, but with Japan and Europe, with India in a special orbit.

Of particular concern to the American people is the nature of Russia's goals in Europe.

The leaders of the drive to pull U.S. troops out of Europe—men like Senator McGovern and Senate Majority Leader Mike Mansfield—advance the argument that it is time for the Western European democracies to assume more of the burden of their own defense. But statistics and the experts alike argue that it is all but impossible for Europe alone to provide an effective military deterrent to the Soviet Union and its allies.

Moscow and the Communist nations of Eastern Europe have 91 divisions in Europe and the Kremlin maintains another 80 divisions in the westernmost districts of the Soviet Union. Against that mass of military power, NATO has only 24 divisions—four and a half of them American.

Such an imbalance of power was clearly in the mind of West German Chancellor Willy Brandt when he unprecedentedly flew to Harvard in June to donate $45 million to finance studies aimed at keeping the U.S.-European relations firm. Without a strong U.S. military presence, Brandt warned, Europe may once again become "a volcanic terrain of crisis, anxiety and confusion. An actual U.S. disengagement would cancel out the basis of our peace."

It is generally overlooked that France has become more and more dependent on Russia economically and its friends, the Arab states. This is especially true for that most vital commodity, crude petroleum.

France has already disengaged from its commitment with NATO. That, coupled with the U.S.A. possibly withdrawing its troops from West Germany, will allow Russia to become dominant in Europe.

West Germany's official defense policy statement for 1972 put the facts bluntly: "The West European nations are not capable of taking the place—politically, militarily and psychologically—of the American commitment in Europe." This, as a leading British military commentator sees it, "will in the end lead to Russia encroaching on vital Western interests—at which point we are all too likely, from habit and from inadequate military capability, to surrender."

The only power that can prevent that ultimate surrender is the U.S. and the only way it can do so is to maintain a strong and determined military and political presence in Europe.

Because European countries have failed to keep all of their commitments to NATO and have been content to leave their national existence in the hands of Uncle Sam, they have eroded—for the time being, at least—their will to fight for their own existence. They have almost failed to maintain their own identity.

Just as Japan and China lost no time in getting together so that they will occupy a more influential position in Asia, so is Russia, under Chairman Brezhnev's policies, in that position with Europe. That will strengthen Russia in the Middle East.

Russia has more than enough armed forces to perpetuate its military position in Europe.

It is interesting to note that President Nixon had barely left Moscow when Russia's No. 1 ideological watchdog, Mikhail Suslov, delivered a jingoistic harangue reminiscent of the Stalinist years. The West, he said, is trying to "implant in our society poisonous seeds of political indifference, anarchist wilfullness, petty bourgeois money grubbing, chauvinism and nationalism." That's why our position . . . "must be active, offensive, concrete and uncompromising."

There are two pragmatic reasons for Russia's tough act. Without the presence of some kind of external bogeyman, it would be difficult to keep controls tight—and controls are the bedrock of Soviet society—and of Chinese society, for that matter. Furthermore, the Soviets must preserve the facade of unrelenting peoples revolution or lose ground to China.

George W. Ball, former Under Secretary of State and a Russian expert, said recently: "For more than two decades, the maintenance of a precarious balance with the Soviet Union has been the central unifying principle in American foreign policy. But many now regard that as an outmoded concept. To them, the Soviet leaders no longer have expansionist intentions; the ideological drive for revolution has, they insist, dried up, while the Soviet state has recognized the futility of its imperialist ambitions.

"It is a comforting belief, strongly reinforced by the deceptive theatricals of the recent summit meeting. Who can believe that a smiling Leonid Brezhnev and all those nice children on the Moscow streets hold any malign purpose in their hearts?

"Yet against all this, there is powerful evidence that the Kremlin has not changed its objectives, merely its tactics. Though we may be in an era of negotiations as President Nixon calls it, it can still remain an era of confrontation."

Up to now, the administration has not tried to answer that question in a categorical manner, since the Soviet Union's commitment to benign co-existence is not yet a safe working hypothesis. Thus, though we have now made a modest initial breakthrough toward a turning down of arms through the preliminary SALT agreement, the president still asks for a larger defense budget; and though there is much facile talk of detente between East and West, he quite properly insists on maintaining our troop deployment in Europe.

It seems to me that all this tends to indicate that Senator McGovern does not have the facts he should have when he talks about cutting American troop strength in Europe and that he is once again willing to shoot from the hip rather than from reality.

On top of that, the Democrat presidential candidate would cut our military appropriations 32 billion dollars over three years.

The authoritative Jane's "All the World's Aircraft" reported three weeks ago that "The Soviet Union is flying a swing bomber the United States cannot match and a fighter plane the Americans cannot catch."

I have heretofore supported cutting down our troop strength in West Germany. Now I think that is a terrible mistake.

When urging normal relations with China and Russia for twenty years, I have repeatedly said I was not willing to sleep in the same room with the late Premier Nikita Khrushchev, for instance, and leave my wallet in my pants over the back of a chair. Undoubtedly Chairman Brezhnev and Premier Chou En Lai feel the same way about us.

That is reason for our President's opposition to cutting our European troop strength—in his cautious and prudent feeling his way toward the sweeping vista in sight of a world of normal relations between the big powers for the first time in three quarters of a century. Who dreamed when Mr. Nixon initiated his Design for Peace in February, 1969, only 6 days after his inauguration, that exciting prospect was in sight?

In other words, he is carrying out his momentous policies as Theodore Roosevelt long ago advocated—"Speak softly but carry a big stick." Let us now look at that amazing prospect.

President Nixon's record is plain to see, whether you agree with it or not. More than any other president, he has kept America's citizens informed of international developments and of his foreign policy goals.

Senator McGovern's foreign policy, thus far, centers only on the abandonment of Viet Nam and the withdrawal of American troops from West Germany. That does not add up to a positive and constructive overall foreign policy. It does not begin to compare with the sweep and scope of President Nixon's global policies realistically designed and indeed for all people. In fact, it is counterproductive.

There are many revolutionary possibilities in the foreign affairs policies initiated by our President.

The Prime Minister of Japan—with a large official party—spent several days in Peking renewing, after thirty-five years—diplomatic relations with China. Taiwan and Japan broke their existing diplomatic relations.

Prime Minister Tanaka is about to visit Moscow to renew Russo-Japanese diplomatic relations after over twenty-five years.

Thirty governments have renewed or established diplomatic relations with China since President Nixon's visit last February.

The two Koreas are talking. The two Germanys have just ratified a traffic agreement pact—a milestone in mutual accommodation. The first start, after long delays, of the SALT talks has been signed by both Russia and the U.S.A.

The change in the international atmosphere involves and affects all lines of trade, science and health. A group of Chinese doctors—welcomed by President Nixon personally at the White House—is exchanging very beneficial information with their counterparts in America. We are exchanging exciting information on the mysteries of space and oceans and planning a joint exploration in these areas with a Russian scientist delegation.

Of great importance is the joint agreement by and between the AP and the Chinese official news agency for the exchange of news and information. A veteran AP reporter in Asia said last Sunday in a dispatch from Shanghai, the cities "are the same but the people are different. They are freerer—more relaxed . . . None of this means that China has overnight become a free country. It is more open than it was 18 months ago."

There is a general atmosphere of amity in the present era unfolding and stretching ahead for the youth of this generation.

The problems facing the world we are living in are not confined to war or peace. They are of peaceful existence itself. There is the rapidly mounting energy crisis and the ecological crisis that must be solved before they reach a climax, if we are to face our responsibilities to the next generation. "One generation passeth away and another generation cometh, but the earth abideth forever" is no longer a reasonable prospect.

If President Nixon's policies fail in realization, we are plunged back into the cold war once again with the corollary arms race that will divert more of our national resources from legitimate domestic democratic processes and concerns.

Thanks to President Nixon's foreign policy, the world will never quite be the same again. He came into office with the purpose of changing the rigid policy of containment of Communism by force. He has done that by introducing the policy of containment by negotiation and cooperation, based on the firm understanding that neither expediency nor bull-headedness will permit the world's powers to solve or accommodate their individual and mutual problems.

It is a new era into which we have entered. It is an era that gives us and all the world's peoples a fresh chance, by talking out their problems and making concessions instead of continually hurling invectives and rattling sabres. What a rewarding life that is, compared to one under war or the threat of war.

Premier Chou—in conference with a group of visiting American newspaper editors last week—said, "China's contacts with the outside world have been dramatically accelerated since President Nixon's visit."

He added a fascinating detail, which I believe we should all think about, in his comment on how "a little ping-pong ball changed the world."

ROBERT M. BALL: AN EXTRAORDINARY SOCIAL SECURITY COMMISSIONER

Mr. MUSKIE. Mr. President, I wish to pay special tribute today to Robert M. Ball, a truly remarkable public servant.

Bob Ball began his career with the social security system in 1939, shortly after the enactment of this landmark program. He has served the Social Security Administration in many capacities, and always with distinction. In 1962, he became Commissioner, a post he held through three administrations.

Bob Ball served Democratic and Republican Presidents alike, but he was always vigilant in keeping politics out of the social security system. With his leadership, the integrity of the social security program was maintained at the highest level—free from corruption, scandal, or mismanagement.

During his 11-year tenure as Commissioner, some of the most monumental improvements were enacted into law, including:

Medicare;

Five social security increases aggregating almost 84 percent to raise benefits to a more realistic level;

Automatic cost-of-living adjustments to help make social security inflation-proof;

A new special minimum monthly benefit for persons with long periods of covered employment and low lifetime earnings;

Liberalization of the retirement test and provision for future automatic adjustments in the exempt earnings limitation; and

Extension of medicare coverage to nearly 1.7 million disabled persons under age 65.

These are just a few of the contributions which he and the Social Security Administration helped to advance to improve the lives of present and future retirees.

Now the Social Security Administration has been given important new responsibilities: The administration of the supplemental security income program which will, for the first time in our history, build a floor under the income of older Americans. Beginning in 1974, this program will replace the existing adult categorical assistance mechanism—aid for the aged, blind, and disabled.

A major reason for assigning the Social Security Administration this vital function, I believe, is because of the high degree of public confidence in the system. The system works, and it works well. Quite clearly, Bob Ball deserves a great deal of credit for the efficiency of the Social Security Administration.

He has made an indelible imprint upon the system during his 30-plus years of service.

For these reasons, I urge President Nixon to exercise the utmost attention and concern to insure that his successor possesses the same outstanding attributes as Bob Ball. In describing the essential qualifications to be the Commissioner of the Social Security Administration, Bob Ball gave this candid assessment:

> He should be someone with experience in running a large Federal agency, he should be nonpolitical and a humanitarian.

His sound and sensible advice should, in my judgment, be heeded by the President when he chooses a successor.

Several recent articles and editorials have described the extraordinary qualities of Bob Ball.

Mr. President, I commend these news accounts to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Evening Sun, Jan. 25, 1973]

BALL SAYS SSA PROVES GOVERNMENT CAN WORK

(By Anne S. Philbin)

Robert M. Ball, retiring commissioner of Social Security who has served three presidents, hopes Americans will remember that social security "is at the very least, a big exception" to widely expressed views that government isn't working.

"There seems to be a lot of feeling today," he said in a farewell interview in his ninth floor office at Woodlawn, "that federal programs, particularly many Great Society programs, are not working well.

"If this is true, and I am not sure it is," he added, "I think Americans shouldn't forget social security is a big exception.

"It is by far the largest of federally financed programs in the area of health, education and welfare, and accounts for almost one-fourth of the country's entire budget."

Explaining this, Mr. Ball said that in 1974 the Social Security Administration will be paying out about $70 billion, with one out of every eight Americans in the country receiving a monthly check.

The $70 billion figure includes $54.73 billion in social security cash benefits, about $10 billion for Medicare payments, $408 million in "black lung" benefits to miners and their widows and children, and an estimated $3.5 billion to be paid out under the Supplemental Security Income program effective January 1, 1974, for the needy aged, blind and disabled.

MINIMUM INCOME

SSI guarantees a uniform minimum income of at least $130 a month for an individual and $195 monthly for a couple; it is a 100 per cent federally financed and federally administered program.

Mr. Ball said he believes SSI is a "very good addition to the social security law. The federal payments will be higher than those now paid by more than half the states," he said.

"The amount is getting closer to what people need to live on," he added, "and certain onerous and restrictive features of some state welfare assistance programs such as home lien laws, will be removed."

Mr. Ball said he thinks social security cash benefits, which have increased more than 70 per cent in the last five years, have "reached a new level of adequacy."

"We now have the automatic provision which will keep benefits up to date as the cost of living goes up. Also, benefits rise as a worker's earnings rise. Medicare coverage has been broadened to include disabled persons under age 65.

"Over a hundred other changes in social security and Medicare have improved the protection of present and future workers and their families. Americans are paying more but they are getting more," he commented.

SOUNDLY FINANCED

Mr. Ball said the social security program is "completely and soundly financed, under present law, to the year 2011."

Touching upon administrative policies and leadership which have molded the Social Security Administration into what President Nixon has called a "model for other government agencies," Mr. Ball said he is very proud of a number of things that have happened during his 11-year tenure as commissioner.

"We have made a great deal of progress in training minorities for better jobs with SSA, opened up more career opportunities for women, pioneered in fair housing for our employees, sponsored a volunteer program whereby our employes respond actively to community needs, and supported a substantial educational program.

"We have a strong union (American Federation of Government Employes, Local 1923) which does a good job in protecting employes; it is aggressive, but responsible," Mr. Ball said.

"And I think SSA has had a positive impact on the Baltimore area in the 19,000 jobs it presently provides here plus the 3,000 that will be needed to implement the recent legislative changes."

NEW BUILDINGS

Mr. Ball said the agency's expansion program would include new buildings "here at Woodlawn and also in downtown Baltimore."

Although he said it would be difficult to leave SSA at this particular time in history when the agency faces major problems in implementing H.R. 1's legislative changes, Mr. Ball indicated his departure was a "mutual agreement" between the President and himself.

He said he plans to write, answer questions raised by those who attack the social security system, and help in the development of long-range policy on national health insurance. On the latter, he said "the question today is not if we need it, but how we can accomplish it."

Mr. Ball began his federal career in 1939 as a field assistant in a New Jersey district office at an annual salary of $1,620. He worked his way up through the ranks and by 1954 had become deputy director of the former Bureau of Old Age and Survivors Insurance. Through govenment reorganization, this bureau was to become the Social Security Administration in the early sixties.

Since April, 1962 when President John F. Kennedy appointed him commissoner, Mr. Ball has been serving "at the pleasure of the President for the time being."

SHOCKED SURPRISE

Between then and now, he has submitted four pro-forma resignations to Presidents Johnson and Nixon. When the fourth was accepted by the White House early this month, the announcement was greeted in SSA and official Washington with shocked surprise, principally because Mr. Ball is as respected for his management leadership as his knowledge of social insurance.

He is also well-known and well-liked on Capital Hill, having testified at every congressional hearing on social security since the Fifties.

In describing the qualifications needed by his successor, Mr. Ball, in the judgment of his peers, has used the words they would use to best describe him.

"He should be someone with experience in running a large federal agency, he should be nonpolitical and a humanitarian."

During his 30 years of federal service, Robert M. Ball has placed his indelible stamp upon the social security system. Of all the schemes generated to promote the welfare of the nation's people, social security stands almost uniquely in its absence of associated scandal and accomplishment of its mission.

[From the New York Times, Jan. 25, 1973]

Politics, Politics Everywhere

(By Wilbur J. Cohen)

Ann Arbor, Mich.—The recent forced resignations of key personnel in the department of Health, Education and Welfare is an ominous omen of worse things to come.

The termination of Dr. Robert Q. Marston, the distinguished director of the National Institutes of Health, has already been viewed by scientists as the possible politicalization of the institute, which no previous Republican or Democratic Administration has ever attempted. Dr. Marston has been recognized as a nonpolitical and able administrator of an important, difficult and scientific assignment. No reasons were given for his termination from a position so vital to continued expansion of our medical research capacity.

The resignation of Robert M. Ball, the outstanding commissioner of Social Security, is a further recognition that the Nixon Administration fails to understand the importance of retaining its key administrators in its key programs. The Social Security program has always been run on a nonpartisan basis. There has been up to now no political interference in the program by any Administration since it was established in 1935. Ball's superior competence has been recognized by all previous secretaries of H.E.W. His departure prior to the implementation of the massive and far-reaching legislation recently passed by Congress and approved by the President is premature and unfortunate. Next year, total expenditures under Mr. Ball's supervision will exceed $70 billion.

Certainly, changes in personnel in governmental programs are desirable and inevitable. But there is a difference between wholesale and retail changes. The Nixon Administration appears to be trying to tell employes in the various departments that they must recognize who is the boss—the White House.

Government programs such as medical research and Social Security must depend upon the professional competence and morale of the employes who administer them. This is a delicate, sensitive and precious set of elements. It may take many years to build; it can be destroyed in a moment. There is a lack of understanding in high places of the political importance of nonpolitical administration of services vital to the American people.

Prof. John R. Commons, the distinguished labor economist of the University of Wisconson, used to tell his students that an inadequate law which was well administered was to be preferred to a good law, badly administered. The Nixon Administration appears to want to prove that it can administer good laws badly on a reduced budget without first-class administrators—a dangerous experiment.

The forced resignations of many able persons in other agencies of government—such as the Commissioner of Labor Statistics, Geoffrey Moore—tend to support this dismal conclusion. The Commissioner of Labor Statistics is a four-year-term appointment. No other Commissioner of Labor Statistics in any previous Administration has been asked to resign before his term expired. In 1969 the Nixon Administration also fired the chief of the Children's Bureau which no Administration had ever done in the 57-year, nonpolitical history of that bureau. No Administration has such a record of interference in statistical and early childhood development programs.

These personnel changes must be viewed in terms of the repeated White House interference and reversal of Secretary Richardson's recommendations, to name but two: the rejection of his compromise with Senator Ribicoff on the welfare-reform bill, and the lack of consultation on the veto of the Hill-Burton hospital construction amendments.

Coupled with the unprecedented Presidential vetoes of H.E.W. appropriation bills, and the attack by John D. Ehrlichman of the White House staff on the employes in the department prior to the election, why should competent men and women of stature and integrity take any of the jobs vacated? The health, education and welfare of all of the American people are too important to be sacrificed for political purposes.

[From the Evening Star and Daily News, Jan. 15, 1973]

Ouster at Social Security

The word "bureaucrat," like the word "politician," has gathered a distinctly deprecatory ring to it. The public has grown more distrustful of big government, and so it has become fashionable, even in this town that lives by big government, to dismiss the man who works for government as something of a second-rater.

It is all too bad. For though second-raters, and third-raters, abound in government, as they do in private employment, the disparagement of the bureaucracy ignores the hard-working and the able in government ranks, and it ignores those relatively few people who can fairly be called superb public servants.

Robert M. Ball is in that last category of bureaucrat. He will be, at least, until his successor is named and takes over as commissioner of Social Security. Whatever bothersome questions that have arisen about the legislative principles and the financing of Social Security, there is almost universal agreement that here is one government program that works: The computers whirr; the checks go out; public confidence in the system remains high. Bob Ball can take some of the credit for this.

Ball has been with Social Security since 1939 (or almost since its inception. He has been commissioner for the last 10 years, a period in which the system experienced a mighty expansion in size, scope and complexity. As an administrator, keeping on top of the legislation, knowing what had to be done, and doing it in an apolitical way, Ball rode the expansion tide in admirable fashion.

All of which brings up the question: Why did President Nixon accept Ball's pro forma resignation? Ball, it is known, wanted to stay on. And he had reason to stay on, for in light of 1972 legislation further expanding the system to include all the nation's adult welfare programs. Social Security faces a challenge at least as complex as in the move eight years ago to establish Medicare within the system.

What the White House has in mind may become clearer when Ball's successor is announced. In the meantime, we believe the burden of proof is on the administration to show that it can come up with someone of Ball's stature, and someone who will not politicize this key position. Congressman Wilbur Mills, whose knowledge of the system is unequaled on Capitol Hill, says he'll be "watching carefully" the choice of a successor. That's good to hear. We hope a lot of other people, in Washington and elsewhere, will do the same.

Ball Leaves Top SSA Post

Veteran Social Security Commissioner Robert Ball resigned under what he termed "a mutually acceptable decision" with the White House.

The 58-year-old career federal official was named commissioner of the vast Social Security Administration by President Kennedy. He was in the forefront of the fight for Medicare and other expansions of Social Security, and was regarded as one of the government's most knowledgeable officials.

No successor was announced.

Although he ran Social Security with an expert hand and generally managed to steer clear of political involvement, Ball was a firm believer in the ability of Social Security to handle larger responsibilities, such as Medicare.

His convictions clashed with those of former chief Social Security actuary Robert Myers, who resigned several years ago after accusing Ball of pushing unlimited expansion of Social Security.

In his letter to President Nixon, Ball said his "personal preference after nearly 11 years as commissioner of Social Security, has been to ask you to accept my resignation, effective at the beginning of the new term. I have refrained from doing so only because of my concern for the program and the Social Security organization during the coming period of great challenge. . . ."

Ball's resignation follows the departures—some voluntary, some not—of the entire top echelon at HEW's health department. Only Food and Drug Commissioner Charles Edwards, MD, remains. He is reported under consideration for promotion.

[From the Scranton Times, Jan. 13, 1973]

Nixon Mistaken in Firing Ball

(By Bruce Biossat)

WASHINGTON.—President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

The argument has undeniable plausibility. The woods are full of executives and administrators whose energies flag and whose imagination runs thin. Rigidity and complacency often set in all too quickly. Against this very real prospect, change—even systematic change—looks like a sound rule.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Here again, the contention has undoubted force. The corporate and government landscape is well dotted with figures whose long service in top posts is a consequence not of power but of demonstrated abilities maintained through markedly changing times.

Proponents of this point argue, incontestably, that to dispense with or shift such leadership from its proved realm is to waste human resource, to deprive a society of commanding individuals who serve its institutions as a keystone holds an arch together.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Port Arthur (Tex.) News, Jan. 15, 1973]

Was Ball Dismissal Mistake?

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[From the Asheville Times, Jan. 6, 1973]

An Unfortunate Nixon Firing

President Nixon's shakeup of the federal bureaucracy perhaps moved a step too far when he accepted the requested resignation of Robert Ball as head of the Social Security Administration. The word out of Washington hints that Ball, who worked his way up from the civil service ranks and was named Social Security Administrator by President John F. Kennedy, had too many close contacts in Congress for the liking of the White House.

If so, it is a pity, Robert Ball served with considerable distinction as head of the vast Social Security Administration. He was one of the architects of Social Security's disability and Medicare provisions, and received the Rockefeller Public Service Award for the supervision of the vast social insurance program which now provides benefits to one of every nine Americans.

Ball can bow out with a very clear conscience. Knowledgeable observers in Washington rate the Social Security Administration as perhaps the best of all the federal agencies. There has never been a breath of scandal connected with it, and the experts hold that administratively it functions with a minimum of waste and lost motion. People who have had occasion to do business with regional Social Security offices can testify to the fine courtesty and efficiency of the staff members.

The nation owes a debt of thanks to Robert Ball. It's too bad that he had to fall victim to the Nixon pruning hook.

[From the News American, Jan. 8, 1973]

Change at Woodlawn

The resignation of Robert M. Ball as commissioner of the Social Security Administration is regrettable.

Mr. Ball was planning to retire, but it was his hope that he could stay through the crucial period over the next few years when far-reaching provisions of House Resolution 1 are being implemented.

President Nixon, bent on replacing top federal administrators with men of his own choice, decided otherwise. The job is a presidential appointment.

Mr. Ball was supported by powerful congressmen, and a fight could have been made over his ouster, but he chose to avoid one on the sensible grounds that no one wins or loses in such circumstances.

Baltimore, the national headquarters of Social Security, has a keen interest in the person picked to run the agency. Whoever is selected will have a difficult task filling Mr. Ball's shoes. Not only was Robert M. Ball a career agency employee, he also was intimately acquainted with the changes made in H.R. 1.

This measure, enacted by the 92nd Congress, contained provisions so broad in scope that the Woodlawn headquarters will be working overtime in the months ahead to implement them. Social Security, for example, will be assuming the states' responsibility for old-age assistance, aid to the disabled and aid to the needy blind in 1974. Its responsibilities in the administration of Medicare have grown. The agency, in short, has been handed a gigantic task by Congress, and the post of commissioner is no place for a novice.

Mr. Ball's consolation is the knowledge that he presided over Social Security during a time of great change, including the creation of Medicare, and successfully led the agency through the period with a minimum of turmoil. It is unfortunate that he will be unable to remain through the final days of change.

THE FITZGERALD AFFAIR—WHY IS THE ADMINISTRATION AFRAID OF THE TRUTH?

Mr. PROXMIRE. Mr. President, I am pleased to note that the statement made January 31, 1973, by President Nixon about the Fitzgerald case was in error.

President Nixon has candidly admitted he was mistaken when he said that he had personally approved the firing of A. Ernest Fitzgerald from his Air Force job.

Mr. Fitzgerald is a dedicated public servant whose only crime was that he tried to save the taxpayers' money by eliminating waste and mismanagement in defense spending and that he told the truth to Congress.

It is inconceivable to me that any President could condone the actions of the Air Force in the Fitzgerald case.

I am personally convinced that Mr. Fitzgerald will be vindicated and that the injustices committed against him by the Air Force will be corrected.

It is clear now that the President never approved the firing of Mr. Fitzgerald.

The full responsibility for firing Mr. Fitzgerald, violating his rights, and breaking the law protecting congressional witnesses falls directly on the Air Force.

We can only hope that the President's retraction will get the same amount of publicity as his original erroneous statement.

THE PRESIDENT'S PRESS CONFERENCE

I must say that there is a certain disconcerting note in this recent episode, aside from the merits of Mr. Fitzgerald's case. The question in the President's press conference about Mr. Fitzgerald was raised in the context of a preceding question about Executive privilege. The President's response to the Executive privilege question was—

> I will simply say the general attitude I have is to be as liberal as possible in terms of making people available to testify before the Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us, but that really don't deserve executive privilege.

The reporter, Clark Mollenhoff, of the Des Moines Register, then asked about the Fitzgerald case, which is now pending before the Civil Service Commission where a public hearing is in progress. Earlier in the week, Secretary of the Air Force, Robert C. Seamans, refused to respond to a question by Mr. Fitzgerald's attorney concerning communications between the Air Force and the White House at the time of Mr. Fitzgerald's dismissal. Secretary Seamans invoked Executive privilege in the Civil Service Commission hearing. According to the newspaper accounts, Secretary Seamans said:

> I never received any instructions but I will not say I did not receive any advice.

The Secretary went on to say:

> I don't believe I can be compelled to go into detail at this time, and, my view is that there should be executive privilege.

A hearing on a personnel matter before the Civil Service Commission is a strange place to find executive privilege being invoked. After all, we are not talking about state secrets or classified information. The Fitzgerald affair involves the question of whether an individual's rights were violated by the method used to separate him from Government service. The Air Force claims Mr. Fitzgerald's job was abolished in a reduction in force intended to bring about greater economy. Mr. Fitzgerald asserts that the reduction in force was merely a scheme to ease him out of his job, and in fact it was a punitive and adverse action against him.

The question Mr. Fitzgerald is now seeking to explore is whether the order to fire him came from the White House or whether there was any White House involvement in that decision.

Mr. Mollenhoff's question on the Fitzgerald case at the Wednesday press conference was:

> The specific situation with regard to Fitzgerald, I would like to explore that. That dealt with a conversation Seamans had with someone in the White House relative to the firing of Fitzgerald, and justification or explanations. I wonder if you feel that that is covered and did you have this explained to you in detail before you made the decision?

The President responded:

> Let me explain. I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it, and Mr. Seamans must have been talking to someone who had discussed the matter with me. No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it, and I stick by it.

Now, the President's answer to the question about Mr. Fitzgerald was direct, explicit, and positive. There was no evasion, no equivocating. The President said in his answer that he "approved" the decision to fire Mr. Fitzgerald. He specifically excluded the possibility that this was a case of "some person down the line deciding he should go." He said in frank terms that he, the President, had the decision submitted to him. And he added, so that there would be no doubt, "I made it, and I stick by it."

THE PRESIDENT "MISSPOKE"

The very next day, the White House issued a clarification of the President's response. Early yesterday, according to press accounts, White House press secretary Ronald L. Ziegler, told the press:

> There is a misunderstanding in terms of the name used there.

Later, at a White House briefing, Mr. Ziegler said that the President had "misspoke" himself in his response to the Fitzgerald question.

The White House, according to the clarifying statement:

> Can find no record of the matter ever being brought to the President's attention for a decision.

The Fitzgerald case was "a matter dealt with solely by the Air Force."

As I said earlier, I am pleased to note that the President now says he never approved of the firing of Mr. Fitzgerald. But at least one new question has been raised by the White House statement. If the matter was never brought to the President's attention for decision, on what basis has Secretary Seamans invoked executive privilege? I am at this point at a loss to understand how the Secretary can invoke executive privilege in response to a question about any conversations he may have had with the White House in connection with the firing of Mr. Fitzgerald if there is "no record of the matter ever being brought to the President's attention for a decision."

SECRETARY SEAMANS ADMITS HE NEVER READ FITZGERALD'S TESTIMONY

In addition to the muddle over executive privilege, I find Secretary Seamans' other testimony in the Fitzgerald case rather baffling. According to the press reports, the Secretary admitted on Tuesday, January 30, that he had never as of that date read the testimony that Mr. Fitzgerald gave to Congress in 1968 and 1969. The Secretary has made a number of charges against Fitzgerald in connection with that testimony. How can an agency head make charges against one of his subordinates about statements made which the agency head himself has never read?

I ask unanimous consent, to have printed in the RECORD at the close of my remarks two articles by George C. Wilson of the Washington Post on the Fitzgerald hearings before the Civil Service Commission, the portion of the transcript of the President's press conference dealing with the Fitzgerald affair, and articles by Mike Causey of the Washington Post, Adam Clymer of the Baltimore Sun, and John Herbers of the New York Times, reporting on the clarifying statement issued by the White House on the President's response to the Fitzgerald question.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1973]

AIR FORCE REFUSES TO NAME CRITICS OF FITZGERALD

(By George C. Wilson)

The Air Force refused yesterday to reveal its sources for derogatory statements about A. Ernest Fitzgerald, the former Pentagon executive who told Congress about cost overruns on the C-5A.

Fitzgerald was fired on Nov. 4, 1969 after his testimony about the Lockheed-built transport plane. He has been fighting ever since to get his job back.

Yesterday's Civil Service Commission hearing, ordered by the federal courts after extensive litigation, marked the first time such an appeal has been heard in public.

Fitzgerald's lawyers—provided by the American Civil Liberties Union—show that an Air Force investigation of Fitzgerald was part of a top-level attempt to get him fired.

As Fitzgerald put it during a recess in the hearing, "there was an effort to discredit me personally to cast doubt on my testimony on the C-5A."

But Air Force Brig. Gen. Joseph J. Cappucci said repeatedly under questioning that what his office conducted was not an informal investigation of Fitzgerald but was merely an "inquiry." The file kept on Fitzgerald, Cappucci testified, included "vague" allegations made by four persons designated as T-1, T-2, T-3, and T-4 which did not warrant formal investigation.

"Who are T-1, T-2, T-3 and T-4," asked John Bodner Jr., one of Fitzgerald's lawyers.

"I cannot disclose the source," answered Cappucci, former director of the Air Force Office of Special Investigation and now head of a consolidated Pentagon office doing the same kind of work for other services as well. He added:

"I don't want to. I was obliged to listen to anyone who had something to say about the Air Force. I won't disclose anything that reveals their identity."

"The press doesn't have protection against revealing its sources," Bodner said.

"We're talking about the Air Force," Cappucci answered.

Bodner read from the Air Force file on Fitzgerald, including accusations that he was a "pinch-penny" who drove an old Rambler automobile, worked late at the Pentagon and was guilty of conflict of interest in his job as deputy for management systems for the Secretary of the Air Force.

In assessing the accusation against Fitzgerald, Cappucci said, his office talked to the former Air Force executive who had hired Fitzgerald—former Assistant Secretary Leonard Marks. Marks, Cappucci said yesterday, rejected the conflict-of-interest accusations against Fitzgerald out of hand—declaring that "it was old stuff" without foundation.

Marks' favorable statements fortified Cappucci's judgment that charges against Fitzgerald were unworthy of further investigation, Cappucci said. He said he, therefore, closed the file on Fitzgerald in mid-July of 1969. Fitzgerald was fired on Nov. 4, 1969.

Cappucci conceded under questioning that favorable statements about Fitzgerald, such as those by Marks, never found their way into his Air Force file. Cappucci said it was an "inadvertent" omission; "nothing sinister about it."

The Civil Service Commission hearing examiner, Herman D. Staiman, ruled that the Air Force should not be forced to reveal the identities of those who made the accusations against Fitzgerald. Staiman, as head of the commission's appeals office, will decide on the basis of the hearings whether Fitzgerald was justly fired or should be reinstated to his old Air Force position.

The hearing will resume next Monday. Air Force Secretary Robert C. Seamans Jr. is scheduled to testify later next week.

Cappucci answered no when his Air Force counsel, Col. C. Claude Teagarden, asked him if "anyone in the Executive Branch directed or otherwise caused you to open this special inquiry" of Fitzgerald.

[From the Washington Post, Jan. 31, 1973]

Air Force Secretary Silent on C–5A Firing

(By George C. Wilson)

Air Force Secretary Robert C. Seamans Jr. invoked executive privilege yesterday and refused to spell out the White House role in the firing of A. Ernest Fitzgerald, the former Pentagon executive who told Congress about cost overruns on the C–5A aircraft.

"I never received any instructions but I will not say I did not receive any advice," Seamans responded when Fitzgerald's attorney, John Bodner Jr., asked him about White House involvement.

The confrontation came at a public Civil Service Commission hearing called to determine whether the Air Force was justified in firing Fitzgerald on Nov. 4, 1969, from his job as assistant secretary for financial management.

"I don't believe I can be compelled to go into detail at this time," said Seamans about his discussions of Fitzgerald with White House officials. "My view is that there should be executive privilege."

Bodner argued that such privilege should be limited to questions about military and state secrets—not personnel matters like the firing of an Air Force executive. But Civil Service Commission hearing examiner Herman Staiman said he did not have authority to compel Seamans to answer.

Later in the hearing, Bodner tried a different approach to the information, asking Seamans "whether you will tell us why you communicated or consulted with the White House."

"I prefer to take executive privilege on that," Seamans said.

"Do you refuse to answer?" Bodner asked.

"Yes, I do," Seamans replied.

Other questions were directed at whether Fitzgerald's testimony Nov. 13, 1968, before Sen. William Proximire's Subcommittee on Economy in Government had triggered his firing.

Seamans said a whole "series of events," not just that 1968 testimony on C–5A cost overruns, had brought Fitzgerald into conflict with his colleagues in the Air Force. He said Fitzgerald's C–5A testimony, while giving "the public the knowledge there was significant overrun on the C–5A," failed to explain adequately how the cost overruns occurred and thus "the position of the Air Force was not properly represented."

"Where did you get the idea he (Fitzgerald) has not properly represented" the Air Force in his Congressional testimony? Bodner asked.

"From Mr. Whitaker," (Philip N. Whitaker, assistant Air Force secretary for installations and logistics), Seamans replied. "I never read his testimony."

Seamans said he probably should have read Fitzgerald's testimony before testifying at the Civil Service Commission hearing.

Seamans also accused Fitzgerald of using the term "golden handshake" when referring to the clause in the C–5A contract which enabled Lockheed to renegotiate the cost for the second batch of airplanes. Fitzgerald told reporters later he never used that term.

The questioning of Seamans is scheduled to resume today at the Civil Service Commission headquarters.

Questions and Answers

Question: Mr. President.

The President: Mr. Mollenhoff.

Question: Did you approve of the use of executive privilege by Air Force Secretary Seamans in refusing to disclose the White House role in the firing of air cost analyst Fitzgerald?

It came up yesterday in the Civil Service hearings. He used executive privilege. You had stated earlier that you would approve all of these uses of executive privilege, as I understood it, and I wondered whether your view still prevails in this area or whether others are now entitled to use executive privilege on their own in this type of case?

The President: Mr. Mollenhoff, your first assumption is correct. In my dealings with the Congress—I say mine, let me put it in a broader sense—in the dealings of the Executive with the Congress, I do not want to abuse the executive privilege proposition where the matter does not involve a direct conference with or discussion within the Administration, particularly where the President is involved. And where it is an extraneous matter as far as the White House is concerned, as was the case when we waived executive privilege for Mr. Flanigan last year, as you will recall, we are not going to assert it.

In this case, as I understand it—and I did not approve this directly, but it was approved at my direction by those who have the responsibility in the White House—in this case it was a proper area in which the executive privilege should have been used.

On the other hand, I can assure you that all of these cases will be handled on a case by case basis and we are not going to be in a position where an individual, when he gets under heat from a Congressional committee, can say, "Look, I am going to assert executive privilege."

He will call down here, and Mr. Dean, the White House counsel, will then advise him as to whether or not we approve it.

Question: I want to follow one question on this.

The President: Sure.

Question: This seems to be an expansion of what executive privilege was in the past and you were quite critical of executive privilege in 1948 when you were in the Congress—

The President: I certainly was.

Question: You seem to have expanded it from conversation with the President himself to conversation with anyone in the Executive Branch of the Government and I wonder can you cite any law or decision of the courts that supports that view?

The President: Well, Mr. Mollenhoff, I don't want to leave the impression I am expanding it beyond that. I perhaps have not been as precise as I should have been. And I think yours is a very legitimate question because you have been one who has not had a double standard on this. You have always felt that executive privilege, whether I was complaining about its use when I was an investigator, or whether I am now defending its use when others are doing the investigating—I understand that position.

Let me suggest that I would like to have a precise statement prepared which I will personally approve so that you will know exactly what it is. I discussed this with the Leaders and we have talked, for example—the Republicans, like Senator Javits and Senator Percy, are very interested in it; not just the Democrats, and I understand that. But I would rather, at this point, not like to have just an off-the-top of my head press conference statement delineate what executive privilege will be.

I will simply say the general attitude I have is to be as liberal as possible in terms of making people available to testify before the Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us, but that really don't deserve executive privilege.

Question: The specific situation with regard to Fitzgerald, I would like to explore that. That dealt with a conversation Seamans had with someone in the White House relative to the firing of Fitzgerald and justification of explanations. I wonder if you feel that that is covered and did you have this explained to you in detail before you made the decision?

The President: Let me explain. I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it and Mr. Seamans must have been talking to someone who had discussed the matter with me.

No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it.

[From the Washington Post, Feb. 2, 1973]

Ziegler Says Nixon "Misspoke" in Reply on Fitzgerald Case

(By Mike Causey)

The White House yesterday said President Nixon "misspoke" at a Wednesday press conference when he said he had personally approved the firing of A. Ernest Fitzgerald, a top Pentagon contract expert.

At his Wednesday meeting with reporters, Mr. Nixon was asked about the case of Fitzgerald, whose job was eliminated in 1969 after he told Congress of multi-billion-dollar cost overruns in an Air Force contract with Lockheed for C–5A aircraft. On Tuesday, Secretary of the Air Force Robert C. Seamans Jr. had invoked executive privilege rather than tell a Civil Service hearing about the White House role in the case.

"I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign," Mr. Nixon replied.

"I approved it and Mr. Seamans must have been talking with someone who had discussed the matter with me.

"No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it."

A Civil Service Commission examiner is now hearing Fitzgerald's appeal for restoration of the job on grounds that it was a firing, and a punitive firing. The Air Force has steadfastly contended that Fitzgerald lost his job because of an economy cutback, and that he was not fired for his testimony before Congress or for any other reason.

Presidential press secretary Ronald Ziegler yesterday attempted to clear up the situation, saying that the President realized he "misspoke" after reading the Wednesday press conference transcript.

Ziegler said Mr. Nixon told him he was "mistaken in his reference to Mr. Fitzgerald." Ziegler said he did not know which Civil Service firing, if any, Mr. Nixon had in mind on Wednesday.

Fitzgerald, who was once nominated by the Air Force for its top civilian award, was transferred to other duties after his testimony to the Joint Economic Committee. Shortly thereafter he was given 60 days' notice that his job in the office of the assistant secretary for financial management had been abolished.

Seamans later told Congress that it had been impossible to find "a suitable new position in which he (Fitzgerald) could make a suitable contribution" among the Air Force's 290,000 jobs.

The $33,000-a-year Pentagon cost expert took his firing to the courts, and wrote a book about alleged waste and mismanagement in defense contracts. He also worked part-time as a consultant to the Joint Economic Committee, probing Pentagon handling of contracts.

Fitzgerald's case went before a Civil Service Commission appeals examiner to decide whether he had been properly separated under a normal reduction-in-force or fired in violation of Civil Service rules. The hearing was closed to all but the participants and witnesses, standard government procedure.

SCS refused Fitzgerald's request to open up the hearings to the public, so Fitzgerald took the case to the U.S. Court of Appeals here. The court ruled that Fitzgerald, and other civil servants, are entitled to an open hearing if they wish. CSC ordered public hearings, which began last Friday.

Fitzgerald's attorneys hope to win restoration of his job on grounds that he was fired as punishment, and that his job was not abolished for economy reasons. The Air Force is attempting to convince the appeals examiner that the layoff was proper.

Several federal attorneys said they were shocked when they read the transcript of the President's news conference. They said his saying he made the decision to fire Fitzgerald would certainly cloud the CSC hearings, and could result in a ruling of procedural violations.

At any rate, they felt, it weakened the case of the Air Force, since the Commander in Chief said the employee was fired and not laid off for economy reasons.

Sen. William Proxmire (D-Wis.), a champion of Fitzgerald, said yesterday he was "delighted" to have the President's clarification. Proxmire said he had no doubt that Fitzgerald had been fired by the Air Force, and that his "only crime was that he tried to save the taxpayers money by eliminating waste and mismanagement in defense spending and that he told the truth to Congress."

[From the Baltimore Sun, Feb. 2, 1973]

NIXON RESCINDS FIRING COMMENT

(By Adam Clymer)

WASHINGTON.—President Nixon yesterday took back his claim of personally deciding to fire A. Ernest Fitzgerald, the Air Force cost accountant who exposed cost overruns on the C–5A aircraft.

In his Wednesday press conference Mr. Nixon said of the decision: "I made it and I stick by it."

But that statement dismayed Air Force officials who have argued since Mr. Fitzgerald's November 4, 1969, ouster that he was not really fired at all, merely the victim of an economy-minded reduction in force.

The President's statement, they felt, jeopardized their ability to defend their action before the Civil Service Commission, where Mr. Fitzgerald is seeking to regain his job on grounds that he was fired and the firing did not follow proper procedures.

The Air Force was in contact with the White House early yesterday, according to Pentagon sources, although the White House press secretary, Ronald L. Ziegler, said "they did not complain" and did not confirm that they had even called.

Anyhow, Mr. Nixon stopped sticking by his claim of deciding on the Fitzgerald ouster, sending Mr. Ziegler out to say in the morning that "there's a misunderstanding in terms of the name used there" and in the afternoon to say that Mr. Nixon "misspoke himself" and had had nothing to do with the Fitzgerald case.

Mr. Ziegler said Mr. Nixon discovered that he had made the mistake while rechecking the transcript of the press conference last night.

Mr. Ziegler said, "The President did not, as indicated yesterday at the press conference, have put before him the decision regarding Mr. Fitzgerald. We . . . can find no record of the matter ever being brought to the President's attention for a decision." It was, he said, "a matter dealt with solely by the Air Force." He was not "aware" of whether it had come before any White House staff member.

As Mr. Ziegler noted, the President's categorical answer followed a lengthy discussion about the propriety of the claim of executive privilege before the Civil Service Commission by the Air Force secretary, Robert S. Seamans, Jr. Mr. Fitzgerald's name was mentioned in the first question, and Mr. Nixon answered a follow-up this way:

"I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it and Mr. Seamans must have been talking to someone who had discussed the matter with me. No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it."

The President's contention that he had not been involved left all his Wednesday answers about Mr. Seaman's claim of executive privilege somewhat muddled. Mr. Ziegler discussed that, too, saying it was a special kind of executive privilege:

"It differs from the normal invocation of executive privilege such as that which would occur before a congressional committee. And it deals with the fact that you have privileged information regarding an exchange of information or seeking of advice from a member of the executive branch or from a member of the White House staff, and that is the basis on which he informally invoked executive privilege."

Mr. Ziegler contended "this is normal procedure in an instance that deals with privileged information, an exchange between members of the executive branch, and is an in-house matter."

Mr. Seamans, questioned on Tuesday, had declined to say anything more about his contacts with the White House than, "I never received any instructions, but will not say I did not receive any advice."

[From the New York Times, Feb. 2, 1973]

NIXON RETRACTS HIS STATEMENT HE ORDERED FITZGERALD OUSTER

(By John Herbers)

WASHINGTON, February 1.—President Nixon retracted today a statement he made at his news conference yesterday that he had ordered the dismissal of A. Ernest Fitzgerald, the Air Force analyst who had disclosed soaring costs and alleged waste in production of the C–5A transport plane.

Mr. Fitzgerald's dismissal, in November, 1969, is currently the subject of a Civil Service Commission hearing. Mr. Fitzgerald contends that he was dismissed for disclosing before a Congressional committee some $2-billion in cost overruns. The Air Force contends that his job was one of a number dropped in an economy move, and thus he was not dismissed at all.

It left unchanged, Mr. Nixon's statement of yesterday could have wrecked the Air Force's case before the Civil Service Commission.

President Nixon was asked about the matter yesterday at his news conference in connection with the use of executive privilege, specifically in the refusal of Air Force Secretary Robert C. Seamans, Jr., to disclose at the Civil Service hearing any part that the White House had played in the dismissal.

Executive privilege not to testify has been used to protect conversations between Administration officials and the President, but Mr. Seamans seemed to be expanding its use to conversation with anyone in the Executive branch.

NIXON STATEMENT QUOTED

"Let me explain," Mr. Nixon said at his news conference. "I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it, and Mr. Seamans must have been talking to someone who had discussed the matter with me. No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it, and I stick by it."

This, in effect, repudiated the Air Force's contention in the dismissal hearings that Mr. Fitzgerald had not been dismissed.

Civil Service regulations say that employes covered by the Civil Service Law cannot be dismissed without just cause.

Today, Ronald L. Ziegler, White House press secretary, was asked why Mr. Nixon had dismissed Mr. Fitzgerald. He said that there was some question about the statement made at the news and that he would have to confer with the President.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. GRAVEL. Mr. President, when, on December 29, President Nixon announced the termination of the REA 2-percent loan program, he struck a severe blow to rural America and the American form of government.

The REA loans have been instrumental in the development of the rural areas of this country and today play a crucial role in many areas—especially Alaska. By terminating this program, the President is saying that we do not care about the people who do not live in heavily populated areas and who do not have a heavy political clout. He is saying that he does not care about the past and present policies of this Government.

There are many who disagree with the President's attitude. Among them is the National Rural Electric Cooperative Association. Recently, they issued a resolution that presents a realistic and logical approach to the REA issue. I ask for unanimous consent that it be printed, in its entirety, in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, it is our view that the President has wholly exceeded his authority in terminating the statutory REA electric loan program, and

Whereas, the Rural Development Act of 1972 is completely unsuited in its language and purpose to achieving the objectives of the Rural Electrification Act of 1936, and was never intended by Congress to be used in lieu of the Rural Electrification Act.

Whereas, although there may be electric cooperatives, who can accept loan capital at rates in excess of 2%, there are still many such systems which cannot afford higher interest rates,

Now, therefore, be it resolved: That we wholeheartedly support legislation of the type offered by Senators Humphrey and Aiken to restore effectuation of the statutory REA program.

Be it further resolved: That as soon as loan procedures under the Rural Electrification Act are reinstated, we will negotiate in good faith with all parties concerned toward amendment of the Rural Electrification Act to provide whatever changes may be required to improve its budgetary impact and/or interest rate structure with the understanding that low interest rate capital will continue to be available to those borrowers who need it.

IN MEMORY OF LYNDON BAINES JOHNSON

Mr. HATFIELD. I was in Oregon on the day Members of this body offered eulogies to the late President Lyndon Johnson. I would like to offer a few comments of mine in tribute to this unique American, whose imprint will be upon our society for decades ahead.

Mr. President, it was with a deep sense of shock that I learned of the death of former President Lyndon Baines Johnson. My family's deepest sympathy goes out to the entire Johnson family at this time of deepest personal tragedy.

Lyndon Johnson was among the greatest legislators of all time, demonstrating this genius both as a Senator and as President. His knowledge and understanding of Congress as a body and the personalities of its leaders gave him a unique ability to influence legislation hearing his imprint.

As a former leader of this body, President Lyndon Johnson respected the Congress in its role in shaping policy. Johnson's outstanding record in civil and human rights must not be overshadowed by the grim war associated with his administration.

Mr. President, another attribute I respected about President Johnson was his accessibility to Members of Congress. In my dealings with him, as a junior Republican Senator, I found him always ready to talk on the telephone or at the White House when problems arose, either in my home State of Oregon or on a national level.

THE GENOCIDE CONVENTION—ARTICLE III AND FREE SPEECH

Mr. PROXMIRE. Mr. President, the major objection raised against Article III of the Genocide Convention is that it would curtail the right of freedom of speech guaranteed to all Americans by the first amendment to the Constitution.

Article III lists five acts which would be punishable under the Genocide Convention. They are:

First. Genocide;

Second. Conspiracy to commit genocide;

Third. Direct and public incitement to commit genocide;

Fourth. Attempt to commit genocide; and,

Fifth. Complicity in genocide.

Critics of the convention have charged that to punish someone for "direct and public incitement to commit genocide" would infringe on his right to free speech. Such criticism fails to distinguish freedom from license.

There is a clear difference between those statements which are protected under the first amendment and those, such as a direct incitement to action, which are not. For example, it has long been considered both morally and legally wrong for an individual to scream fire in a crowded theater when there is no fire. Although some have argued that such action is protected under the first amendment guarantee of freedom of speech, the courts have ruled otherwise.

Recently, the U.S. Supreme Court ruled on the difference between protected and prohibited speech. In its opinion, the High Court stated:

> The constitutional guarantees of free speech and free press do not permit a State to forbid advocacy of the use of force or of law violations except where such advocacy is directed to incite or produce such action. Brandenburg v. Ohio, 395 U.S. 444 (1969).

Clearly there is no conflict between the Supreme Court's interpretation of the first amendment and article III of the Genocide Convention.

This position was supported by then Assistant Attorney General William H. Rehnquist, who is now a member of the Supreme Court. At hearings before the Committee on Foreign Relations during the 92d Congress, Mr. Rehnquist testified that there would not, and in fact could not, be any conflict between constitutionally protected free speech and the Genocide Convention.

The American Civil Liberties Union—ACLU—which has defended the rights of individuals for more than 50 years regardless of the beliefs or political persuasion of its clients, also said it saw no conflict. Indeed, the ACLU said it would be the first to complain if it thought the Convention infringed on any American's civil liberties.

Article III in no way violates the first amendment guarantee of freedom of speech. At the same time the article is specific in setting forth five acts which are punishable under the Genocide Convention. Not only is genocide itself included but so also are complicity, conspiracy, incitement, and even the attempt to commit genocide. Thus, responsibility for genocide goes beyond those who are directly involved in the act and helps increase the effectiveness of the Convention.

It has been 24 years since the Genocide Convention was first transmitted to the Senate by President Truman. At that time he called on the United States to ratify the Convention and demonstrate that—

> The United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

The time has come to carry out his request.

REVENUE SHARING TRADE-OFFS

Mr. HATFIELD. Mr. President, Senators were aware of my vote against the massive revenue-sharing proposal considered, and approved, by Congress last session. At the time, I discussed the various reasons for my opposition. I believed it would lessen local initiative by making it more dependent on the checks from Washington. Other factors were discussed at the time.

One of Oregon's most respected newspaper editors, Mr. Eric Allen, Jr., editor of the Medford Mail Tribune, explained in a recent editorial another aspect of the revenue-sharing legislation. He refers to the frequent mention of the availability of revenue-sharing programs to replace Federal programs cut in recent months by the executive branch of the Government.

I ask unanimous consent that this fine editorial from the January 23, 1973, Mail Tribune be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE SHARING'S TRADE-OFFS

It has often been said in this space that Oregon is fortunate that it does not have any more military installations and military contractors than it does. This is based on the proposition that what the federal government bestows, the federal government can also take away—and this proposition has been proven time and time again.

When an economy becomes dependent upon federal largesse, it is vulnerable to acute dislocations when that largesse is removed. Just ask anyone in Seattle—or in other aerospace towns—or in Umatilla County, where the Army Depot is being cut back severely.

It is now beginning to appear that "revenue sharing"—which was highly touted as the beginning of a "new federalism," and a "new American revolution"—is not the federal bonanza some thought.

It is, in fact, beginning to appear that it is not a gift from on high as much as it is a shifting of priorities and responsibility.

As revenue sharing checks have gone forth in recent weeks to states, counties and cities, they have been accompanied by quiet (and not so quiet) announcements of cuts and impoundments of funds in other federally-supported programs.

The state's fiscal officer the other day stated it is still not known whether Oregon will achieve a net gain, or suffer a net loss, as a result of these shifts.

States and local governments are being forced to try to find ways to keep alive important programs that had federal funding to support them, up to the time that revenue sharing became available.

But revenue sharing also has its booby traps. It can be ended. It can also result in drastic alterations to local tax requirements, if the revenue sharing money goes into long-range projects that would require local funding if the Federal money were to stop.

As a result, most local jurisdictions are choosing to spend their revenue sharing funds on what Gov. McCall derisively calls "lamp posts"—that is, on one-shot capital expenditures, rather than on continuing programs.

This is understandable. We also think it is the right approach (the governor to the contrary notwithstanding), particularly if these one-shot expenditures serve the needs of the people, provide them with necessary amenities, and make possible economies in government that can only be achieved by capital expenditures.

Revenue sharing, in short, has helped to solve some local problems, but it has created others, and whether the trade-off is a net gain or a net loss remains to be seen.—E.A.

PRESIDENT LYNDON B. JOHNSON—EULOGY BY JOHN CONNALLY

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD—and for purposes of reprinting in the bound volume of tributes to President Johnson—the moving eulogy to President Lyndon B. Johnson, delivered by the former Governor of Texas and former Secretary of the Treasury John Connally, as a part of the graveside service, January 25, 1973.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR PRESIDENT LYNDON JOHNSON BY JOHN CONNALLY, JANUARY 25, 1973

We lay to rest here a man whose whole life embodied the spirit and hope of America.

How can a few words eulogize a man such as he?

Not in a purely personal way, although President and Mrs. Johnson had a profound effect on my life, on Nellie's, and the lives of our children just as they had on the lives of many of you within the sound of my voice.

Not in a dispassionate way because none who knew him could speak dispassionately of him.

And not in words of great elegance and adornment simply because he would not have wanted that.

Lyndon Johnson spoke plainly all of his life. He spoke to the hearts of people. The wellspring of his thoughts and words and deeds was always the fundamental character of the plain people he loved, whose dreams and aspirations he tried so hard to bring to reality.

Eloquent praise and heartfelt words of sympathy have poured forth since last Monday afternoon when we learned this great heart had stilled. The world has a fallen leader and owes him much honor.

But I feel today it is those plain people he loved—the silent people—who mourn him the most.

He gave them all he had for 40 years.

He gave them his incredible energy; his matchless legislative mind, and his restless devotion to the ideal that his country's grasp should always exceed its reach . . . that nothing was impossible when there was a determined will.

He was one of them. He never forgot it, and they will never forget him.

Lyndon was one of three presidents to-be-born in this century. But this Hill Country in 1908 was not much different from the frontier his father and mother had known.

The comforts and ammenities were few; the educational opportunities were determined by the quality of a single teacher or a hand-full of teachers; and a man's fortune was dictated by the amount of rain or the heat of the sun or the coldness of the north wind.

Yet a child's dreams could be as wide as the sky and his future as green as the winter oats because this, after all, was America.

Lyndon Johnson made his dreams come true because he saw the real opportunity of this land and this political system into which he was born. He never doubted he could do it because he always knew he could work harder than anyone else . . . sustain his dedication longer than anyone else . . . and renew his spirit more completely than anyone else—no matter how serious the setback or even the defeat.

Thus he rose from those limited beginnings to the zenith of power, and as he so often said with a mixture of awe and pride, "I guess I've come a long way for a boy from Johnson City, Texas."

But with all of his strengths, Lyndon Johnson cannot be viewed as a man above men—A mythical hero conquering all before him.

In a sense, his life was one of opposites—of conflicting forces within him trying to emerge supreme.

The product of simple rural surroundings, he was thrust by his own ambition into an urbane and complicated world.

Born into a southwestern, Protestant, Ango-Saxon, heritage, he found his native values challenged constantly in the political and social climate which enveloped him.

Reared and educated without benefit of a more worldly existence, he thirsted for the knowledge that would propel him to the heights in the life he chose for himself.

Some criticized him for being unlettered and unsophisticated when, in truth, he was incredibly wise and incredibly sophisticated in ways his critics never understood; perhaps because he dealt not with things as they should have been, but as they were.

He was uninhibited by hyprocrisy or even false pride. He was not afraid to let his feelings show.

It is said that in some ways he was an insecure man. Of course he was. He knew he was not endowed with the kingly virtues of always being right; he tried merely to do his best to discover what was right.

He recognized his own shortcomings far more than many of his detractors recognized theirs. He never hestitated to ask for help, and he understood better than most the meaning of loyalty and mutual affection among friends and associates.

The same insecurities existed in Lyndon Johnson that exist in all of us. His strengths and his weaknesses were universally human qualities shared by people everywhere who have also dreamed of the mountaintop each in his own way.

President Johnson cared for America. He demonstrated his care not so much in words, although many of those words will endure for as long as freedom endures, but in the goals he set and the deeds he performed.

President Johnson cared for people, no matter where they lived in this world or their color or their heritage. He showed this in public ways too numerous to list. What is more important, he showed it in private ways when the world was not looking.

Not long ago, he visited the ranch of a friend in Mexico and discovered a small rural schoolhouse for children in the depths of poverty. When he returned to Austin, he and Mrs. Johnson gathered dozens of small windup toys, medicine, clothing and other items for those children. And when he went back to Mexico, he took those things with him, and he had his own Christmas celebration with those children.

So we have the vision of a former President of the United States, perhaps down on his knees, surrounded by youngsters from another land whose language he did not speak, demonstrating for them how to wind up a 25-cent toy.

Somehow, I think that's how Lyndon Johnson would like best for us to remember him.

The tens of thousands who have filed past his bier, and the tens of millions who mourn him from afar—those are the people who understand who he was, and what he was, and how he thought—because he was one of them.

I think they would know of his frustration of leadership, his impatience, the occasional temper, sometimes the sharp tongue, but always the overriding courage and determination of this complex man.

Surely they would know of his anguish over sending men to war when all he wanted was peace and prosperity and freedom. It seems ironic on this day that his predecessors began the war in Southeast Asia, and his successor ended it. It was his fate to be the bridge over the intervening chasm of conflict that swept this country and the world. But he accepted the role without flinching, and no one would be happier today, no one would be more appreciative of the beginnings of peace and the President who achieved it than the President who worked so long and so unselfishly for the tranquillity that eluded him.

It is fashionable among some to refer to Lyndon Johnson as a tragic President.

But I believe history will describe his Presidency as tragic only in the sense that it began through tragedy, for his service was not one of tragedy, but one of triumph.

It was a triumph for the poor, a triumph for the oppressed, a triumph for social justice, and a triumph for mankind's never ending quest for freedom.

Along this stream and under these trees he loved, he will now rest.

He first saw light here. He last felt life here. May he now find peace here.

THE QUALITY OF AMERICAN EDUCATION

Mr. GRAVEL. Mr. President, I commend to the attention of the Senate an article entitled "The Community College in Ferment," written by Prof. Jeffrey M. Elliot, of the University of Alaska.

Professor Elliot has dedicated his career to help to improve and enhance the quality of American education. He has demonstrated to the profession that Alaskan educators are deeply concerned with the direction of higher education. This article shows his perseverance. I am pleased to offer the article to the Senate as a challenge and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMMUNITY COLLEGE IN FERMENT

(By Jeffrey M. Elliot)

It is abundantly clear that this generation of young people is struggling desperately to fashion a more just and humane world. Unless such an effort is made, say its spokesmen, mankind will have to live with all of the madness which presently haunts the globe. It is terribly impatient with those in positions of responsibility who are insensitive to the great social ills which blight the mind and spirit of man—hunger, poverty, racism, illiteracy, disease, pollution, overpopulation and war. Furthermore, it is tired of all the empty promises, the illusory goals, and the ingenuous rhetoric of those who have the power to right these injustices.

As I see it, these young people believe that life should be lived in style, in beauty, and that the only way to live is by embodying the ideals of love, nobility, courage, service and truth. It is easy, however, as Ashley Montagu reminds us, to fall into the trap of the affluent society's values.[1] These are most spurious and beguiling. What the young are asking is that we make a determined effort to live these noble precepts on a daily basis, and that we work together to bridge the "gap of tragedy" between what is and what ought to be.

It is very easy to understand why so many people of our best people, when faced with a world torn by hatred and bigotry, blinded by intolerance and suspicion, and corrupted by dishonesty and privilege, turn their backs on society and the horrors it represents. Who can really blame them for finding it difficult to relate, with some kind of integrity, to the dehumanizing social structures of which they are inevitably a part. But the fact is, as the students have discovered, alienation and withdrawal are the end of man, for he can only function as a whole person in a world like ours by continuous involvement.

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[1] Ashley Montagu, personal letter, 21 June 1969.

America is in a frightful mess. We need to only pick up a newspaper or watch the late news to be inundated with the daily nightmare of violence, fear, and mistrust that gives us yet another example of man's irreverence of life. The very air is rife with corruption, and it is a most difficult thing to endure this relentless erosion of the human spirit.

Most young people, however, are painfully aware that there are no enchanted isles to take refuge on; that maybe man will destroy himself within the next few years, but as long as there is life there is hope that he will avoid this possibility. Unlike many of their elders who have reconciled themselves to the world as it is, these young visionaries, inspired by high ideals and unfulfilled dreams, are working indefatigably for the kind of social reforms they are interested in. If mankind can be saved, it will be saved by people feeling and thinking and acting exactly as they are.

Even the most casual observer of the American educational system would have to admit that the ranks of the disgruntled are growing, both at the more prestigious colleges and universities where student protest has a long and rich heritge and on the more placid campuses as well. Many of the harshest criticisms leveled at our country, its cherished institutions and time-honored traditions, which only a few years ago were espoused by a tiny minority, are today shared by the overwhelming majority of college students.

These young reformers, embittered by the degradation of the human condition, suggest that their education is irrelevant to life; that instead of it offering them new hope and opportunity, it has shamefully mirrored all of the pretense, deceit, and hypocrisy which pervades the larger society. Furthermore, despite lofty denials from the educational establishment, these students bitterly resent the pomposity of college administrators, the indifference of many faculty members, the excess of unnecessary rules and regulations, and all the rest of the nonsense which precludes any contact with that which is really vital and alive.

From my perspective, our schools are in deep trouble. They have not only lost favor with the communities which must support them, but with the young people as well. In this regard, the community college has a special obligation to provide a stimulating and rewarding learning experience for all who might desire it, whatever their diverse backgrounds or objectives. This implies that as professional educators, we must do more to develop a social and intellectual atmosphere which encourages serious scholarship and provokes critical and far-sighted thinking, in addition to fostering honest, collaborative human relationships. The time when the community college could parade as an extension of the high school is gone, and the challenge of the present is whether we have the vision to turn inward and reconstruct our institutions so that they better reflect the needs and desires of those they serve.

As for believing in a better tomorrow, Bishop James Pike said it best when he argued that the only way there will be a better tomorrow is if we make it so.[2] It is important therefore, that those of us who are entrusted with the responsibility of educating the young, throw the weight of our own lives on the side of improving conditions in our schools; that each of us, regardless of our differences, strive to eliminate the most distasteful features of the present standardized, impersonal, and authoritarian system which is now so prevalent and replace it with one which is more individual, human and free. This, alas, is a general statement and may appear overly simplistic. Yet, it is an intellectual simplification which is sorely needed, something very hard to find in the academic world.

In the end, Conrad Richter is right. Jerry Farber is right. Neil Postman is right. And Charles Weingartner is right. They are right because they see clearly, that in a Madison Avenue manner, we have packaged our responses to certain challenges in a negative way, labeling ourselves as helpless and defining the situation as impossible to solve. It is a kind of reverse-idealism, full of guilt, blame, self-punishment, and apathy. I am optimistic, not because I know what will happen or when, but because that is the only way that I can live; it is the only way that insures that I will keep struggling; it is the only way that gives any of us half a chance. Historian Howard Zinn sees it more clearly than most: "My study of history has persuaded me more and more that the past is an enormous burden; it weighs us down, ruins our will to act. Of course, it is true, as a past fact, but it carries over and insists on its truth as a present and future fact, and we give power to it."[3]

What this means to those of us in higher education should be clear. We must never forget how history, how academic learning, how books, and how abstract thought can imprison us. If we are to break free, to rebuild our schools in a loving and creative manner, then we must come to believe in our own freedom. We cannot use the past as an excuse for inaction. We cannot cite precedent as a reason for passivity. We cannot blame others for the ills of the system. Instead, we must live as free men. As men of passion. As men of vision. We must seize the initiative for our own future.

FEDERAL ACQUISITION OF KLAMATH INDIAN FOREST LANDS

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleague from Oregon (Mr. HATFIELD) in sponsoring legislation providing for Federal acquisition of the Klamath Indian Forest Lands of Oregon. The purchase almost became a reality last year through the expert strategy and cooperation of both House and Senate Members of the Oregon congressional delegation, and again this year we are joining in legislation to insure that these some 135,000 acres of prime and scenic timberland within the boundaries of the Winema National Forest in Oregon will be protected and will remain as forest land. Only management of this timberland on a long-term, sustained-yield basis by the Forest Service will assure responsible use for all the resources involved.

It seems almost certain that if this rich natural resource is not purchased by the Forest Service, it will be vulnerable to commercial exploitation. Exploitation would be a poor exchange for the opportunity to do something for the Indians, as well as to protect our forest lands. The Oregon congressional delegation is unanimous in urging the Government to buy the land, and the President has agreed that such a move would be sound public policy.

He has stated his willingness to approve the acquisition of these unique lands, lands constituting prime forests and productive fish and wildlife habitat. Management of the Klamath Indian Lands by the Forest Service would be facilitated by the fact that they are already under intensive management. Because of this, there would be less surveying, rehabilitation, and reforestation, and fewer road and access problems than on many of the lands managed by the State now. Pressures on forests to produce more timber, more water, more forage for wildlife and livestock, more recreational opportunities and attractive greenspace for people are increasingly evident at every turn.

The U.S. Forest Service is exceptionally well-qualified to manage the Klamath Forest for such multiple benefits in the public interest. I hope that this will be the case as soon as can be arranged. It is imperative that the Klamath Indian Lands be purchased for purposes which will best serve the ecological well-being of this vast tract, as well as to insure long-range benefits to the residents of the area. Certainly, the long-term benefits, both economic and cultural, which Forest Service management would provide to the Indians and other citizens under sustained-yield and multiple-use principles, justify very serious and early consideration of this legislation.

NATIONAL VOTER REGISTRATION ACT

Mr. McGEE. Mr. President, on Friday last I was scheduled to appear at a conference of the National Association of Secretaries of State in New Orleans to explore with them the means of encouraging wider participation in our democratic electoral processes. The weather, unfortunately, prevented my flight from getting to New Orleans, and the staff had to carry on without my presence.

As the sponsor of S. 352, the proposed National Voter Registration Act, I had intended to deliver some remarks regarding voter registration laws to the conference. Today, I ask unanimous consent that those remarks be printed in the RECORD. Later on, Mr. President, I will advise the Senate further on the actions taken by the various State officials at this meeting.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS TO CONFERENCE OF NATIONAL ASSOCIATION OF SECRETARIES OF STATE

Before I begin my brief remarks about voter registration, let me thank you for having me here. I specifically wish to thank your host, Wade Martin and Mrs. Gloria Schaffer, a member of the Election Administrators Conference Committee; and, of course, William Boyd of the National Municipal League who helped prepare me for this visit.

Last year when my voter registration bill was before the United States Senate, I was discouraged when the bill was defeated by four votes. My discouragement arose not so much by the narrow defeat, because that happens to any Senator more often than not, and frequently by much wider margins. My discouragement arose because I had the feeling that very few Americans, particularly politicians, and those who should have been deeply concerned about voter registration problems were not.

I want you to know that being with you today has done much to lift my spirits. The fact that you are devoting your entire time during this meeting to election problems is most gratifying. I am particularly encouraged that your agenda shows you have isolated one of those problems which has concerned me for some time . . . the problem of voter registration.

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[2] Bishop James Pike, personal letter, 20 March 1968.

[3] Howard Zinn, personal letter, 26 April 1969.

The encouragement I feel today is motivated not only by the possibilities I see for opening up our system of franchise, but by the fact that those who know most about election problems and voter registration have gathered together in one place to pool their experiences and considerable talents. It is in this spirit that I am here today with the expectation of learning, as well as sharing our mutual desire to make this system we call representation work better.

In no sense do I wish to fall into the trap of knowing all the answers or believing that the Federal Government, in our varied and plural system, is the only agency of problem solving. Instead, I am here to share my views with you. But more importantly, I am here to listen. I am here to understand the problems you, particularly, face.

To facilitate our exchange, let me briefly offer my views. From a national standpoint, what then is the problem of voter registration? What can the national government, in tandem with local registration agents, do to come to grips with the problem?

It seems to me the problem can be largely described by the following facts:

1. In 1968, 47 million voting age Americans did not vote. The President received only 43 million votes.

2. In 1972, 62 million voting age Americans did not vote. Nixon received 47 million votes out of 77,460,000 total votes cast. This means 55% of voting age Americans voted in 1972. It also means that *President Nixon was elected by one-third of the voting age population!*

3. Roughly *only* 60% of voting age Americans voted in the past four Presidential Elections, while 75% of Canada's voting age citizens cast their ballots; 80% of England's voting age citizens cast their ballots and 85% of Germany's voting age citizens cast their ballots.

It is my conviction that a large part of this dismal record has been caused by our prior voter registration system. For example:

1. Nine out of ten *registered* Americans vote.

2. Only six out of ten voting age Americans vote.

3. 80% of voting age Americans voted in 1876, before registration laws were adopted.

4. 48% of voting age Americans voted in 1924, after registration laws were adopted. In short, one-third of America in 1924 *stopped* voting.

5. The Gallup Poll concluded in December, 1969 that:

"It was not a lack of interest, but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

Not only has prior registration served to discourage full participation in the electoral processes, but as you all well know, most of our present registration system is expensive to the states and localities. Moreover, you also know it is cumbersome and frustrating for those of you who are in charge. I believe we can do something about those problems as well.

In view of this admittedly sketchy outline, I am sure we can all agree that the problem is a grave one; indeed, a threatening one. As a former professor of history and as a United States Senator, it seems to me much of America's great strength and most promising capability has been our capacity to actively open up our system of participation. Of course, we have always tempered the changes we have made as a nation by balancing our hopes and expectations against our experience. For this reason, the changes we have made over the past decades have been largely workable.

It is time now to couple our awareness of the need for change and our experience. That is why you are here today and that is why I am here today and that is why I have recently introduced a voter registration bill in the United States Senate. That bill will be heard next week before my Committee on Post Office and Civil Service.

Let me quickly outline the provisions in S. 352. If the bill is passed, there would be established in the Bureau of the Census a National Voter Registration Administration. The National Voter Registration Administration would be run by a bipartisan group of three administrators, each appointed for four-year terms. Between 45 and 30 days before the close of registration, the Postal Service will deliver a postcard registration form to every household in the country. If the householder wishes to register through the card, he can fill out the appropriate blanks and return it to his local registration official.

S. 352 has a number of provisions to prevent fraud. The state laws concerning fraud will still be appropriate. The National Voter Registration Administration will give reasonable and expeditious assistance to local officials upon request. The National Voter Registration Administration may, upon determination, request the United States Attorney General to bring legal action. The penalties for fraud can amount to as much as $10,000 or imprisonment for not more than five years or both.

Perhaps the most important part of the voter registration bill is the assistance it offers to the states. The fact that national voter registration forms will be mailed to every household is not only a convenience for the unregistered voter, but should serve to shrink the time, energy and money presently being spent by many states to secure new registrants. In addition, the bill provides assistance to state officials in terms of technical and manpower assistance for the registration-by-mail program and election problems generally.

The National Voter Registration Administration will pay the states a fair and reasonable cost for processing registration postcards. Roughly, that payment will be based on the cost of each card processed. Furthermore, the bill proposes to pay any state which adopts the national registration form and system for its own state elections, as contrasted with federal elections, a grant or stipend up to and including 80% of the state's cost of processing the total number of national registration cards in that state.

There are, I am sure, a good many questions in your minds about my proposal. Clearly, I cannot answer all of them today, even if I had the answers. That is why we are going to have hearings on February 7 and 8. I hope some of you will be able to testify at those hearings.

In the meantime, let me try to anticipate some of your questions by concluding my remarks with a few brief comments.

In our hearings last year, the matter of voter fraud was raised. Frankly, in my own mind, I do not see fraud as a serious problem. In the first place, fraud in our election system is infrequent. In the second place, when it does occur, it is most often at the election-day point—not at the prior registration point. In the third place, for a number of years, Texas has practiced printing registration forms in newspapers which can then be returned to the registrar. This system of registration has brought on no increase in fraud in the State of Texas. In the fourth place, North Dakota has no prior registration system. A study by the University of North Dakota in 1970 concluded: "Fraud-free elections are possible without voter registration." And in the last place, S. 352 provides for federal anti-fraud assistance to state and local officials. Our current system does not provide at all for such assistance.

Perhaps you foresee another problem based on the fear that the national voter registration bill will cause additional burdens for local registration agencies. I don't think so. For one thing, the postcard system should be much less cumbersome than the sworn affidavits, roving registrars and in some cases, duplicate lists for federal and local elections that are currently used. It seems to me that the technical and personnel help from the Voter Registration Administration would help to relieve some of the pressures you currently experience. And certainly, the financial assistance from the National Voter Registration Administration should also be helpful.

Once more, let me thank you for having me here, and I wish also to express my deep hope that together we can attack the problem of achieving wider participation in the democratic process. Certainly, this is the place to begin that effort. All of us have a stake in a free and open system and that stake can be enhanced immeasurably by your experience and large talents.

Before I must leave to catch my plane, I would like to visit the small group discussions you are about to have concerning your problems, particularly the one about voter registration. At any rate, Rod Crowlie a member of my staff, will be available to you until you conclude. He, like me, is here to assist you in any way he can. In the meantime, Rod will distribute an outline of my bill which I hope will be useful to you.

ALAN RUVELSON: FINE EXAMPLE OF A COMMUNITY LEADER

Mr. PROXMIRE. Mr. President, Alan K. Ruvelson is an accomplished and valued citizen of St. Paul, Minn., whose many community services deserve recognition. Mr. Ruvelson has held positions of responsibility in business and civic organizations, and has just been named president of the Minnesota Association of Commerce and Industry.

I especially honor Alan Ruvelson for the years of talented work he has given to small business in Wisconsin and elsewhere. In view of his many contributions, I ask unanimous consent that an account of his activities, which appeared in the January 21, 1973, edition of the St. Paul Sunday Pioneer Press, be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

RUVELSON WEARS MANY HATS

(By Joe Delmont)

When Alan K. Ruvelson was recently named president of the Minnesota Association of Commerce and Industry (MACI) it was only the latest in a lengthy string of similar community and business-related service appointments.

Among his numerous posts, Ruvelson, 57, has served three years as vice president of business development at MACI; is a past secretary and past president of the board of governors of the National Association of Small Business Investment Companies; is a former member of the regional advisory board of SBA; is a former member of the St. Paul School Commission, and is former legislative chairman of the St. Paul PTA Council.

Ruvelson currently serves on the panel of arbiters for the American Arbitration Association and is a member of the advisory commission of the Minnesota Department of Economic Development, among others.

Ruvelson cites his father as one of the individuals who influenced him most, especially regarding his involvement in community affairs.

The elder Ruvelson owned a diamond importing business and Alan spent 23 years with the company before founding First Midwest Corp., Minneapolis, in 1959.

"My father felt it would be wonderful for me to get involved," Ruvelson recalled recently. "I did something he never had the opportunity to do. I think that anything I did, either in politics, or the school, or civil affairs, I did because of him."

As president of MACI, a group which represents some 1,500 companies employing about 300,000 persons across the state, Ruvelson said one of his most important functions will be as a communicator.

"We have to serve as a sort of state-wide chamber (of commerce) so that we can coordinate the message that comes through to the general public. And we'll serve as an educator for our members, as well."

Ruvelson said that state businessmen are now facing three major problem areas: the local tax climate; the "workability" of expanded unemployment compensation, and ecological concerns.

The upcoming months of the legislative session will be critical for the state's businessmen, Ruvelson said.

"We better do the job in presenting our case during the next three or four months," he said, "or we may have a long time to complain about it."

The MACI is in difficult position, Ruvelson said, because it has a dual role to play; it has to present the positive aspects of Minnesota in recruiting new industry at the same time that its members discuss the negative aspects with government and community leaders.

"It's not just like an industry role or a chamber," he points out. "We must be very positive when we talk to outside industries. We can't just cry wolf about how bad it is. But at the same time, we must talk among ourselves about how we can improve the tax basis and the communities . . . the schools or whatever."

A St. Paul native, Ruvelson graduated with honors from St. Thomas Military Academy in 1932. He later attended St. Thomas College and the University of Minnesota, graduating with distinction from the latter in 1936 where he earned a degree in business administration.

Ruvelson and his wife, Louise, reside at 1297 Pinehurst Ave.

DEATH OF JUDGE WILLIAM McRAE

Mr. CHILES. Mr. President, the people of Florida and the judicial system of our Nation have lost a most distinguished and outstanding jurist. U.S. District Judge William A. McRae was buried last week in Jacksonville, having died of an apparent heart attack. He was 63 years of age.

Judge McRae was for approximately 14 years a law partner of Spessard L. Holland, who served my State of Florida and the Nation so long and so ably in the U.S. Senate, and who himself died just last year. I am deeply privileged to be following in the seat held by Senator Holland.

Judge McRae has established a notable record since leaving the law firm of Holland, Bevis, McRae, and Smith in 1961 to become the late President John F. Kennedy's first appointment to the Federal bench. The judge was named chief judge of the middle district of Florida in 1971.

He made a number of decisions on the bench which had far-reaching local and State effect.

Judge McRae was a Rhodes scholar and held memberships in many legal and civic organizations. He served a term as president of the Florida Bar Association and was a past president of the Bartow Rotary Club. He was a colonel in the Army in World War II and served as an aide to President Franklin D. Roosevelt at summit meetings at Teheran and elsewhere.

His survivors include two daughters, a son, and two brothers.

Mr. President, his knowledge, his wisdom, his ability, his courage will be missed. He will be missed.

ADDRESS BY SENATOR NELSON ON DRUG ADVERTISING

Mr. McINTYRE. Mr. President, for the past 5 years the Subcommittee on Monopoly of the Small Business Committee has been conducting extensive hearings on prescription and nonprescription drugs, the pricing structure, the advertising techniques, and the use and misuse of these drugs. As a member of the subcommittee, presided over by the Senator from Wisconsin (Mr. Nelson), I have been privileged to participate in these extensive and informative hearings.

Recently, before a conference sponsored by the National Council of Churches, Senator Nelson presented a thoughtful paper covering several important aspects of the promotion, sale, advertising, use, and abuse of prescription and nonprescription drugs. I ask unanimous consent that it be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

According to the latest figures, the prescription drug industry in 1971 spent more than $1 billion on advertising and promotion. It is estimated that of this sum "more than 85 percent must be classified as an economic waste."[1] Since the sales of drug manufacturers amount to about $4 billion,[2] the advertising amounts to about 25 percent of sales.

This should be compared with the drug industry's expenditures on research and development which amount to roughly 6.2 percent of sales.[3] In other words, as percentage of sales the pharmaceutical industry spends about four times as much on advertising and promotion as on research and development.

This great disparity becomes even greater when we consider the quality of the research conducted by the drug industry. According to HEW's Task Force on Prescription Drugs:

"Since important new chemical entities represent only a fraction—perhaps 10 to 20 percent—of all new products introduced each year, and the remainder consists merely of minor modifications or combination products, then much of the industry's research and development activities would appear to provide only minor contributions to medical progress.

"The task force finds that to the extent the industry directs a share of its research program to duplicative, noncontributory products, there is a waste of skilled research manpower and research facilities, a waste of clinical facilities needed to test the products, a further confusing proliferation of drug products which are promoted to physicians and a further burden on the patient or taxpayer who, in the long run, must pay the costs."[4]

In other words, the great efforts of the pharmaceutical industry in persuading doctors to use drugs can be fully appreciated especially when compared with the relatively small effort to provide important contributions to medical progress. Moreover, the number of people who decide which and how many drugs should be used and who must be reached by drug manufacturers is relatively small. The purchase of prescription drugs by 200 million people in the United States can be controlled by efforts directed at only 200,000 physicians. This means that at least $5,000 is being spent per year on each doctor to persuade him to prescribe drugs.

Does the large amount of advertising provide unbiased information to make wise prescribing decisions?

Or does excessive drug promotion, often represented as physician "education" or independent journalism, lead to irrational prescribing and over-medication?

In other words, is drug advertising the best way, i.e. the most objective and economical way—of conveying drug information to physicians?

If not, are there appropriate remedial policies that can improve both the quality of information and the economic efficiency with which it is provided?

In my judgment, drug advertising by its very nature cannot provide unbiased information to physicians. As the London Observer stated in its comments on the Sainsbury Committee's report on the pharmaceutical industry:[5]

"Far more alarming is the basic conflict between the aims of the industry and those of good medical practice. The industry must seek to maximize consumption of its products; doctors (good doctors, at any rate) seek to minimize it."

This observation is confirmed continuously by the efforts of the industry to enlarge the use of its products. The result is the vast overuse of drugs in this country. The use of antibiotics offers a good example. A recent study[6] in a 500 bed, nongovernmental community hospital indicated that the use of antibiotics was rational in 12.9 percent of the cases; irrational in 65.6 percent and questionable in 21.5 percent. Half of all irrational therapies were so judged because no antibiotic was necessary or warranted.

Drs. Paul Salley, Louis Lasagna and others found:

". . . that a large amount of drug prescribing and drug costs are for common, benign, and self-limiting illnesses (for example, the uncomplicated common cold). United States national marketing research data also indicates that most physicians (about 95 percent will issue one or more prescriptions to a patient whom they diagnose as having the common cold, and almost 60 percent of the prescriptions will be for antibiotics."[7]

The sharply increased use of psychoactive drugs, however, presents the most satisfactory—from the industry's point of view—return on sales effort. It is easier to expand the areas of application of these drugs through intensive promotion than for any other class of drugs. The reason for this, according to testimony before our Subcommittee, is that a large percentage of patients who come to see a physician have vague, undefined psychogenic complaints that do not have specific physiologic origins.

In explaining why our society is a drug culture, Dr. Charles Edwards, the Commissioner of the Food and Drug Administration gives the following reasons:

"1. The increasing complexities and stresses of modern society.

"2. The postwar discovery of chemicals

Footnotes at end of article.

that allegedly help the average person cope with these stresses and frustrations.

"3. The tremendous wave of advertising over the media, especially TV, creating an environment in which the consumer feels that reaching for a pill, tablet, or capsule is a panacea for all of his ills."

"The postwar therapeutic revolution made available to millions of Americans the drugs to which they now turn to help them solve these problems.

"But the third point, Mr. Chairman, I think is essential to the understanding of what we are now being confronted with. The advertising industry took advantage of the first two factors, the increasing complexity of our society and the discovery of the mood drugs to promote and advertise these drugs in such a way as to actually create a climate of need.

"I am speaking here of both over-the-counter and prescription mood drugs. I think it is fair to say that despite the contention by many of the advocates of advertising that it is educational, drug advertising is designed to sell; to motivate the physician to prescribe and the consumer to buy.

"This is particularly true among the mood drugs. A casual examination of the medical journals indicates that prescription mood drugs are being promoted at such rates and with such themes as to create an unrealistic demand for these drugs.

"In other words, the manufacturers of prescription psychotherapeutic drugs are stretching the uses and the intent of the medications beyond their proven medical benefits. The general tenor of these advertisements is cleverly designed to create an unnecessary demand for the drug." [8]

Several years ago, Aventyl was offered for a new mental disorder, Behavioral Drift—"the fluctuating symptoms of the patient's emotional problem." No one was able to identify exactly what this illness was, not being of recognized psychiatric diagnosis. The reason, presumably, is that it was discovered on Madison Avenue. As FDA's chief counsel stated as far back as 1966, "... it uses a catch phrase to cover a host of 'target symptoms' so that the drug is indicated and prescribed for the ordinary frustrations of daily living to reach a much larger patient population than the scientific data will support." The FDA stopped the advertisement but the damage had already been done. The ad did sell huge amounts of Aventyl.

Five years later, we find that the industry is expending huge resources to enlarge the concept of mental disease by redefining everyday human problems as psychiatric problems, thus making them appropriate subjects for drug treatment.

Sandoz Pharmaceuticals is pushing a very powerful tranquilizer "for the anxiety that comes from not fitting in."

"The newcomer in town who can't make friends. The organization man who can't adjust to altered status within his company. The woman who can't get along with her new daughter-in-law. The executive who can't accept retirement."

No element of our society is neglected: the young child, the college girl, graduate students, housewives, salesmen, old people are all included.

If your child is anxious about going to school for the first time, if she is afraid of going to the dentist or fears the dark, or separation from her parents, tranquilize her with Vistaril.

Librium is being promoted to the college girl for the following situations:

1. "Today's changing morality and the possible consequences that her new freedom may provoke acute feelings of insecurity.

2. "Her newly stimulated intellectual curiosity may make her more sensitive to and apprehensive about unstable national and world conditions.

3. "Exposure to new friends and other influences may force her to re-evaluate herself and her goals.

4. "She may be excessively concerned over competition—both male and female—for top grades; unrealistic parental expectations may further increase emotional tension.

5. "The new college student may be afflicted by a sense of lost identity in a strange environment."

1971 was the year in which the Ciba Company discovered a new illness, "Environmental Depression," and the recommended situations for use of Ritalin, an amphetamine-like substance, if accepted by the medical profession, could well embrace every man, woman and child in the nation.

Ritalin is recommended when:

1. "Air conditioners are turned down, or off. Lights dim. Transportation slows down, or stops—usually in a long, hot summer. This is when comfort, convenience, and productivity suffer. So does the emotional outlook of some individuals. Already frustrated by the constant din around them, helpless in the face of situations they can't control, and faced with the daily exposure to bad news and crises, they fall prey to a phenomenon of the times—."

2. "If you suffer from the 'constant assault of noise on the eardrums, frustrated from situations out of control, ecologic pollution, and social unrest.' "

3. "With all forms of communication emphasizing social unrest, riots, crime, and breakdowns in traditional thinking, many are convinced that established mores are rapidly disappearing. While most people accept this (and other everyday crises) as part of the contemporary society, others find it another straw that strains the emotional back . . ."

In addition, the Ciba Company has been promoting the use of Ritalin for managing children with "minimal brain dysfunction." Three physicians from Duke University, in a letter to the *New England Journal of Medicine* (July 29, 1971, p. 293) complained that: "The Ciba advertisement seems to blur intentionally the distinctions between hyperkinesis and minimal brain dysfunctions" They stated that: "... we are disturbed that Ciba has embarked on an extremely expensive and very skillfully designed advertising campaign for the promotion of Ritalin for children with an entity that is virtually without defined limits."

According to the industry, there is no end to life situations where a pill should be taken.

If you are a traveling salesman, and you are away from your wife and children, and under the "strain of tracking down customers and living out of a suitcase—(and) the family problems left unsolved at home"—of course you should take Librax.

If you are a woman with an M.A. degree (Fine Arts—PTA—President Elect)—and if your life is centered around home and children, with too little time to pursue a vocation for which you've spent many years in training—for this situation. Hoffman-La Roche recommends Valium.

Not wishing to discriminate against the male, the same company recommends Valium in a two page ad "for men who may have an M.A. (Class of '66)—Ph.D. (thesis in progress) letters that represent a young lifetime of work—a formal education nearing completion. But still there are long arduous examinations to pass, a doctoral thesis to finish—a period in which stress is often converted into the gastrointestinal symptoms of psychic tension."

For the woman who is 35, who has "collected, among other things, a college degree she's never used, two small children underfoot most of the day, a school-age child who has problems adjusting to their frequent relocations and a husband with round-the-clock military obligations"—Sandoz Pharmaceuticals suggests taking Mellaril, a powerful phenothiazine tranquilizer.

The drug industry would have us believe that we are all suffering from mental illness and should be taking psychotropic drugs. But just in case there are a few of us who do not fit into the life situations presented by the other firms, Merck and Company has made sure that nobody is left out. In its advertisement in *Medical World News* of July 16, 1971, Merck poses a number of questions, suggesting the purposes for which Triavil should be used:

"Lately, have you often felt:
1. Sad or unhappy
2. Pessimistic about the future
3. Disinterested in others
4. Disappointed with yourself
5. Easily tired
"Have you recently had:
6. Difficulty making decisions.
7. Difficulty working
8. Frequent crying episodes
9. Sleeping problems
10. Loss of interest in sex
11. Loss of appetite"

Since everyone experiences one or more of these conditions at some time or other, it would appear that the whole country should be taking Triavil.

The industry is telling us that it is unnecessary to try to stop noise, pollution, traffic jams and energy scarcities. Do not concern yourself with ameliorating the ills of our society, or your interpersonal relationships. Just take a pill which will help you adjust to the existing situation.

The available data indicate that the industry's generous definition of mental illness has been accepted by many in the medical profession and the public. Psychoactive drugs accounted for 28.3 percent of total manufacturers' domestic sales of drugs in 1969.[9]

Many of the above mentioned advertisements no longer run. The FDA required the Sandoz firm to run corrective ads which stated that Serentil is a phenothiazine derivative which was approved only for serious psychiatric disorders and should not be used for ordinary life problems. The Ciba "Environmental Depression" ads are no longer being run because the FDA informally suggested to the industry that such blatant ads be discontinued, and no corrective ad was required.

We must remember, however, that—and this is an important point—approximately $700 million,[10] the major effort in drug advertising and promotion, is being spent on thousands of detail men, itinerant salesmen, who are at this very moment pushing drugs through oral representations which are not monitored by the Food and Drug Administration. There is no reason to doubt that the messages the drug firms are not conveying through visual advertising are being conveyed through the oral route.

We seem to be always in a situation where the companies make claims they know very well are not justified from a medical standpoint. They make their point through heavy promotional campaigns. They convince doctors to prescribe these drugs for purposes for which they shouldn't be prescribed. Then the corrective ad saying it was all a mistake runs later someplace, but the prescribing goes on for the purposes for which it originally was promoted.

Even more important, however, is the effect of drug advertising in fostering a drug culture by promoting the use of drugs advertised to suppress normal emotional reactions to the ordinary frustrations of daily living.

Dr. Mitchell Rosenthal, director of Phoenix Programs in New York City, stated:

"We are all advised in the advertisements sponsored by the drug companies not to suffer pain or discomfort, however mild, for

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Footnotes at end of article.

more than a few seconds—indeed the virtue of one drug over the other is compared in number of seconds to take effect. Yet we scold our young people when they do not wish to 'face reality' and turn to drugs.

"However, neither the public nor the patient is adequately informed by either the drug industry or the medical profession of the physical, psychological, and social costs exacted by such a model of drug use and of the major consequences for the individual, the community, and society." [11]

Dr. Donald Louria, a well-known expert in the field of drug abuse, emphasized:

"Let no one delude himself into thinking there is no nexus between excessive self-medication and use of illegal drugs. Good epidemiological studies show that parents who use inordinate amounts of medicaments breed children who have a far greater likelihood of using illicit drugs." [11]

Dr. Louria presented the results of three studies showing the relationship of drug taking by parents and illicit use by their children.

According to a study done by Dr. Reginald Smart of Toronto:

"If the mother is a daily tranquilizer user, then the child is three and a half times as likely to use marijuana, 10 times as likely to use opiates, five times as likely to use stimulants or LSD, seven times as likely to use tranquilizers as an appropriate control group whose mothers were not daily tranquilizer users. If the mothers use tranquilizers daily, then 35.9 percent in this series of children used marijuana contrasted to 9.7 percent in the controls." [12]

Dr. Blum's study in California found that:

". . . if you look at intensive users of amphetamines, that is regular amphetamine users among the young, 31 percent of their parents used stimulants.

"For less extensive users, the figure was 19 percent, whereas the nonusers who had parents who used amphetamines was 5 percent of the time. That is, among the extensive users, there was a sixfold difference in the likelihood that their parents would also be amphetamine users.

"In regard to tranquilizers among intensive users, among the young, the parents used transquilizers in 68 percent of the cases. Less than intensive use, in 55 percent, and among the nonusers 38 percent of the parents have used tranquilizers. So once again if a young person uses tranquilizers, the chances are far greater that that pattern was established previously within the household." [12]

Although Dr. Louria's own study of 12,000 high school and junior high school students in northern New Jersey had not yet been completed, when he testified in 1971, the then available data showed:

". . . if you look at the young people who are using intravenous methedrine, and then at their fathers, there is a five and one-half times as much tranquilizer use with their fathers than in the control group that does not use intravenous methedrine, and the figures for mothers is threefold. If you look at marijuana, LSD or heroin, and then look at tranquilizer or stimulant use in the parents, it is two and one-half to five times greater than it is among control groups.[12]

"Now, to me I think all three epidemiologic studies are almost super-imposable and they have been done in widely different areas of this continent, in different populations, and all of the studies say the same thing, that if you want your children to use illicit drugs, then be a user of tranquilizers or stimulants, or sedatives yourself, or an excessive user of alcohol or tobacco.[12]

An article in the September 25, 1972, issue of the Journal of the American Medical Association states that:

". . . A relaxed attitude toward abusable drugs has established the medical profession as a prime community source for these materials.

"Beyond this, and of greater significance, is the physician's unwitting role in creating drug dependence among his own patients.—A review of clinic charts showed that many patients were regularly receiving tranquilizer prescriptions for no apparent reason." [13]

The authors of the JAMA article established a program of tranquilizer control in a clinic in which the patients are informed of the negative aspects of the drugs they have been using. Only brief usage, if at all, during times of stress was recommended, and the hazards to daily living from diminished alertness due to drug effect were emphasized. Most patients willing agreed to stop using tranquilizers after being interviewed by the staff. Many didn't even know why they were taking the drug. The researchers found that ". . . sincere interest shown by a staff member toward a patient is good therapy." The result was a drop of 52 percent in the total number of tranquilizing pills dispensed, and a lesser decline of 33 percent in the number of prescriptions for tranquilizers written.[14]

The present situation presents a major serious medical problem. Certainly no one should base his drug prescribing on information derived from advertising and promotion. Nevertheless, studies do indicate that advertising in medical journals has an impact of some significance. It is important therefore that the advertising be scientifically accurate and complete.

At the very least, it appears to me, the FDA should give prior approval to drug ads—both prescription and over-the-counter drugs, and I have included such a provision in my comprehensive drug bill.

Many people are alarmed at the growth of a drug culture in our midst. Our people, both young and old, are becoming increasingly reliant on drugs to get them through the day and through life. The chemical solution to the task of daily living has become for many an established way of life.

This brings to mind Aldous Huxley's fantasy concept of the world of the future, the now classic "Brave New World," in which he described an uncomfortable, emotionless culture of escapism where people depended upon tablets of tranquility to eliminate the pressures of living. It was comforting to know, however, that the book was only science fiction.

What was merely fiction 40 years ago may be on its way to becoming a reality and a cause for serious concern to all of us.

FOOTNOTES

[1] "Economic Problems in Drug Distribution"—presented by T. Donald Rucker, Chief, Drug Studies Branch, DHIS/ORS, U.S. Social Security Administration at the Annual Meeting of the Pharmaceutical Wholesalers Association, Las Vegas, Nevada, March 8, 1972.

[2] This figure represents manufacturers sales. Retail sales are estimated to be about $7 billion.

[3] Research and Development in Industry 1970, NSF 72-309, p. 76.

[4] Task Force on Prescription Drugs: Final Report, February 7, 1969, Department of HEW, p. 8.

[5] *London Observer*, October 1, 1967.

[6] Roberts and Visconti: "The Rational & Irrational Use of Systemic Antimicrobial Drugs'"—American Journal of Hospital Pharmacy, October, 1972, pp. 827–834.

[7] Stolley, McEvella, Lasagna et al.: "Drug Prescribing and Use in an American Community" in Annals of Internal Medicine, April, 1972.

[8] Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, United States Senate: Advertising of Proprietary Medicines, Part 2, pp. 426–429.

[9] Charlotte Muller: *The Overmedicated Society:* Forces in the Marketplace for Medical Care. SCIENCE Vol. 176, May 5, 1972, p. 488.

[10] T. Donald Rucker: Op Cit.

[11] Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, United States Senate: Advertising of Proprietary Medicines, Part 2, pp. 558–559.

[12] *Ibid.*

[13] *Tranquilizer Control* by Arthur Kaufman, M.D., et al., JAMA, September 25, 1972, Volume 221, No. 13, pp. 1504–1506.

[14] *Ibid.*

AIRCRAFT NOISE CONTROLS: MORE DELAYS

Mr. TUNNEY. Mr. President, in the report of the Aviation Advisory Commission, submitted to the President and Congress on January 3, 1973, an entire chapter is devoted to "Noise: The Great Constraint."

The chapter begins:

> By all counts, noise is the most explosive problem facing aviation today. Even a partial reckoning of the results of public opposition takes on the semblance of a disaster.

The report goes on to recommend a three-pronged attack on the noise problem: First, altered flight procedures; second, acoustical treatment of the JT3D and JT8D jet engines; and third, development by 1980 of an entire fleet of quiet jet engines.

All of these recommendations could be accomplished within present statutory authority of the FAA. Further, the Environmental Protection Agency can recommend all of these procedures within the broad mandate of the Noise Control Act of 1972—legislation which I introduced with the Senator from Maine (Mr. MUSKIE) and which passed the Senate by an overwhelming vote last session and was approved by the President on October 27, 1972.

But will the FAA or EPA act? Recent actions by the FAA would indicate that such action is not likely to be forthcoming. As I indicate in my letter of today to FAA Administrator Shaffer, an advance notice of proposed rulemaking issued last week on the subject of "Civil Airplane Fleet Noise Requirements" raises serious doubts that the FAA is meeting the mandate of section 611 of the Federal Aviation Act of 1958.

Will EPA act? I was pleased to see that EPA has protested the FAA's recent action on grounds that it violates a prior agreement with EPA and that it fails to afford sufficient relief. EPA suggests—and I would concur—that since the proposed action cannot become effective until after EPA completes its aircraft/airport study as required by section 7 of the Noise Control Act of 1972, no action should be taken on it pending the results of that study.

Of course, EPA's suggestions have merit only if the EPA aircraft/airport study, which will yield recommendations upon which the FAA must take action, will be adequate to afford sufficient relief. Last week, EPA staff came up to the Hill, twice, to brief the Senate Commerce and Public Works Committees. I attended the Commerce Committee briefing and learned there that, at present, EPA has four professionals working on standard-setting under the Noise Control Act. Although funding levels will allow for four more professionals to be hired, there is little hope that, within 9 months, an adequate job can be done of the aircraft/airport study—let alone the criteria document and regulations for interstate carriers—unless more people are involved.

EPA will supplement its meager staff by means of task forces. I have requested that the Aviation Subcommittee hold oversight hearings on the aircraft/airport issue in order that we can see, first hand and before it is too late, whether enough is being done and whether additional legislation is needed.

I am hopeful that oversight hearings will be held on other aspects of the legislation as well.

In short, we can afford no more delays. Already, as the Aviation Advisory Commission report points out, capacity has had to be cut back at airports and existing airports are not able to expand. A decision by the California Supreme Court—Nestle against Santa Monica—allowing property owners to sue the city for nuisances such as aircraft noise, may eventually close down the Los Angeles International Airport. And, most basic, potential hearing damage and the obvious interference with sleep and speech from aircraft overflights can no longer be tolerated.

I ask unanimous consent to have printed in the Record my recent letter to Administrator Shaffer, EPA's letter to the FAA on this subject, and my prior correspondence with Administrator Shaffer on this issue, which he has requested I place in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

February 5, 1973.

Hon. John H. Shaffer,
Administrator, Federal Aviation Administration, Washington, D.C.

Dear Jack: I regret that our correspondence on the performance of the FAA in regulating aircraft noise will have to close, as you leave the FAA and return to private life, on a note of doubt and disappointment.

A principal reason for these sentiments is the FAA's publication, last Tuesday, January 30, 1973, of an Advance Notice of Proposed Rule Making ("ANPRM") on Civil Airplane Fleet Noise Requirements. 38 Fed. Reg. 2769–2772.

As you know, under Section 611 of the Federal Aviation Act of 1958 (49 U.S.C. Sec. 1931) as amended by Section 7 of the Noise Control Act of 1972, the FAA is charged with the duty:

"After consultation with the Secretary of Transportation and with EPA, [to] prescribe and amend standards for the measurement of aircraft noise and sonic boom and [to] prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom. . . ."

The law explicitly states that this power shall be exercised *"in order to afford present and future relief and protection to the public health and welfare from aircraft noise and sonic boom. . . ."* (Emphasis added.)

Accordingly, it is somewhat disconcerting, to say the least, to read this ANPRM and discover that the FAA proposes to make the applicability of fleet noise limitations and the application of 14 CFR Part 36 noise standards to aircraft of types not covered by Part 36 for purposes of type certification[1] dependent on a circumstance which plainly has nothing to do with "relief and protection to the public health and welfare." in that it would exempt from the proposed rule all airplanes engaged in foreign or overseas air commerce, including flights to and from American territories or possessions.

The practical consequence of such an exemption, as I see it, would be that the "health and welfare" of those persons unfortunate enough to live near our major international airports is arbitrarily to be placed on an altogether different footing from that of persons who live near airports which handle principally domestic traffic. I know of nothing in the Federal Aviation Act, or in the Noise Control Act, which sanctions such discrimination. Indeed, it is often those who live near our major international airports who are *most* in need of relief from airport noise, not least.

Moreover, the proposed exemption for airplanes engaged in foreign or overseas air commerce is open to the disturbing interpretation that an airplane which is at *some* times used in foreign or overseas air commerce would at *all* times be exempt from fleet noise requirements and from the need to meet Part 36 standards under this proposed rule. If this reading is correct, then very large parts of the fleets of carriers having foreign or overseas routes would be exempt from the proposed rule, due to the carriers' practice of rotating their aircraft from route to route. May I ask what the FAA's estimate is of the present and future percentage of aircraft using such major international airports as those in Los Angeles, San Francisco, New York, and Boston which would be exempted from the proposed rule as being engaged in foreign or overseas air commerce, what the percentages would be of the fleets of each of the major carriers which would be exempted, and what the assumptions are which govern these estimates? The information now available to me indicates that these percentages would be substantial.

The FAA's stated rationale for this proposed exemption is that:

"The United States believes that it is preferable that environmental problems affecting international civil aviation . . . be considered initially and hopefully resolved by the International Civil Aviation Organization."

This statement raises an interesting question as to who constitutes "the United States" at this stage of the rule-making procedure. (Specifically what agencies or persons in addition to the FAA have endorsed this advance notice? I am aware of objections sent by EPA to the Director of your office of Environmental Quality on February 2, 1973. Have there been any other objections? How has the drafting of the advance notice been affected by President Nixon's reported personal assurances to British Prime Minister Heath and French Prime Minister Pompidou on January 19, 1973, that he would use his influence to oppose the setting of airport noise standards stringent enough to affect the Anglo-French Concorde SST, as now designed?[2]

How will the FAA handle comments which run counter to this expressed Presidential position? Will this position prejudice in any way the contents of the Environmental Impact Statement on the proposed rule?

There is also a very serious question in my mind as to the wisdom and the legality of the FAA's abdicating to ICAO its statutory duty to safeguard the "health and welfare" of those at and around our airports. On January 18, 1973, Secor D. Browne, Chairman of the Civil Aeronautics Board, told a meeting in Houston of the Airport Operators Council International that the problem of questions dealt with by ICAO becoming politicized is:

"Not only serious, it's almost out of control. . . . I think now, as I thought in the summer of 1971, that the United States should take a good hard look at ICAO and our share of its budget. Are we really protecting our interests? Are we getting our money's worth? I hope that the Government will take a hard look at ICAO, that we can call some of these trends to the highest level of attention within our Government. Otherwise ICAO will simply break down. . . ."

Mr. Browne's analysis of this problem is hardly one to inspire confidence in ICAO as a protector of the health and welfare of those exposed to the noise of airplanes using American airports, particularly in light of the Concorde problem referred to above. (As I pointed out in my letter of November 27, 1972, the Senate voted overwhelmingly just last October, notwithstanding this problem, to apply Part 36 limitations specifically and immediately to all supersonic transports, including the Concorde, as a condition of their using American airports.)

Another highly bothersome aspect of this ANPRM is its proposal to delete sideline measurements from the Part 36 standards which would be applied under the proposed rule. (As you know, the problem of sideline noise exposure is particularly acute at Los Angeles International Airport, among others.) Although the ANPRM states in conclusory fashion that "the FAA believes that the calculation of the takeoff fleet noise level would not be altered significantly by including sideline noise levels," the FAA has yet to make available to the public full data on the tradeoffs which may occur for particular types of aircraft between landing and takeoff noise as measured beneath the airplane, on the one hand, sideline noise, on the other. I hope that the FAA will shortly make such data available, to facilitate public appraisal of this ANPRM.

Other information which the FAA ought promptly to make public includes, with respect to each of the major types of aircraft now in use, or anticipated to be in use, including Concorde:

(a) Noise contours (not just Part 36 measurements) which result from takeoff, approach and landing, and the operating procedures used in obtaining those contours;

(b) Maximum gross weight takeoff contours, and corresponding operating procedures;

(c) Noise measurements or estimates for takeoff, approach and sideline at Part 36 measuring points, and the corresponding operating procedures;

(d) Noise as related to distance from the aircraft for

(i) maximum takeoff thrust;

(ii) initial climb thrust;

(iii) thrust after power cutback following initial climb;

(iv) thrust used on approach;

(e) Aircraft flight profiles used in conjunction with Part 36 test procedures.

I would hope that these be made public in concurrence with the environmental impact statement which the ANPRM promises on the proposed rule at the "appropriate time." I would also hope that this "appropriate time" will come as early as possible in the rulemaking procedure, in view of the technical nature of the matters involved, and the vital need that they be fully understood by other agencies, Congress and the public.

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[1] Part 36 requires, as a condition of type certification, that types of *subsonic* commercial aircraft introduced since 1969 produce no more than 108 EPNdB as measured on approach, take-off, and sideline, with appropriate interpolations below that figure for various weight categories. It does not now cover types of commercial aircraft introduced on the market prior to 1969, or helicopters, or general aviation aircraft weighing 75,000 lbs. or less. Further, there is no present FAA requirement that aircraft certified to meet Part 36 levels be operated to achieve them. (See the discussion of these points in my letter of November 27, 1972.)

[2] See, e.g., *Washington Post*, Feb. 4, 1973, p. A6. The Concorde in its present form is reported to make substantially more noise than would be permitted if Part 36 applied, specifically about 115 EPNdB as measured on approach, about 114 EPNdB as measured on takeoff, and about 111 EPNdB as measured at the sideline.

One final point in conclusion of this correspondence; while, as you say in your letter of December 26, 1972, it may be academic by now whether the FAA has had authority over aircraft noise for fourteen years, or only four, it is clear that even prior to the enactment of P.L. 90–411 in 1968, the then Secretary of Transportation declared that in his opinion such authority did exist, and that the then Administrator of the FAA concurred. I refer you to hearings on H.R. 3400, H.R. 1416, Subcommittee on Transportation and Aeronautics, House Committee on Interstate and Foreign Commerce, 90th Cong., 1st and 2nd Sess., pp. 19, 99 (1968).

Sincerely yours,

John V. Tunney,
U.S. Senator.

U.S. Environmental Protection Agency,
Washington, D.C., February 2, 1973.

Mr. Richard P. Skully,
Director, Office of Environmental Quality, Federal Aviation Administration, Washington, D.C.

Dear Mr. Skully: This letter is to confirm agreements reached among personnel of the Environmental Protection Agency, Department of Transportation and Federal Aviation Administration during a meeting on January 23, 1973 on the Working Draft of the *Notice of Proposed Rule Making,* "Aircraft Fleet Noise Levels Requirements," furnished by FAA letter of November 10, 1972. In addition, we wish to comment on the finally published *Advance Notice of Proposed Rule Making,* "Civil Airplane Fleet Noise Levels (FNL) Requirements," Notice No. 73-3.

During the referenced meeting it was agreed that the EPA would interpose no objection to release of the Notice and that prior to its release, the FAA would clarify wording to clearly indicate that permissible FAR 36 noise levels applied only to aircraft covered by the proposed regulation. The preamble to the proposed regulation would also refer to FAA and EPA studies underway to determine the feasibility of promulgating regulations to reduce noise levels presently permitted by FAR 36. Finally, the FAA agreed that they would take under advisement EPA's suggestion that some means should be established in the proposed regulation to encourage operators and owners of aircraft covered by the regulation to reduce noise levels below levels permitted by FAR 36.

The Advance Notice does not reflect the agreements reached during our January 23, 1973 meeting. In addition, it raises several questions regarding your comments against changes to the Notice suggested by the EPA. Issuing an Advance Notice will now result in the delay in issuing a final retrofit regulation which you argued would result if instead of the FNL a straightforward retrofit rule was issued covering existing aircraft not presently covered by FAR 36. In addition, although we are pleased to see an advance in the final completion date of achieving FAR 36 certification of affected airplanes from December 31, 1977 to July 1, 1978, your argument against advancing this date to December 31, 1977 as suggested by EPA was that the later date would permit consideration of refanning to achieve levels *lower* than those permitted by FAR 36 for JT8D engine powered aircraft. If this is no longer the objective of the Advance Notice we would then again propose that all aircraft presently powered by the JT8D engine achieve FAR 36 certification by July 1, 1976 and that JT3D engine powered aircraft achieve FAR 36 certification by December 31, 1977. If signficant numbers of aircraft other than those powered by either the JT3D or JT8D engines are projected to be in operation subsequent to 1976, they could be covered either separately or in combination with either of the previous dates, depending upon the least adverse economic impact.

We take strong exception to exempting U.S. carrier airplanes engaged in either foreign air commerce or overseas air commerce from either the proposed FNL regulation or any other retrofit rule. The results of such an exemption could be to eliminate a significant number of B707 and DC8 aircraft for retrofitting; these are presently the noisiest aircraft in regular service and the principal contributors to high noise exposure areas around airports they serve. We do not accept the premise that aircraft noise problems will "hopefully be resolved by the International Civil Aviation Organization (ICAO)". The record of the debates and procrastination by ICAO regarding even adoption of FAR 36, which was promulgated by the United States in December 1969, is not very encouraging.

In summary, the Environmental Protection Agency has serious reservations as to the efficacy of the FNL, as presently envisioned by the ANPRM, in affording the degree of relief from noisy aircraft the public expects and available technology can permit. Further, since it is now questionable that a regulation resulting from the ANPRM could be promulgated before the EPA report on aircraft noise, required by the Noise Control Act of 1972, is delivered to the Congress in July 1973, the Environmental Protection Agency requests that no further action be taken on the FNL beyond that of obtaining interested parties views as requested by the ANPRM. The Administrator of the Environmental Protection Agency, in his letter to the Secretary of the Department of Transportation of January 26, 1973, has furnished a copy of our implementation plan, including milestone schedules, and the names of specific personnel within the Department of Transportation whom we are requesting to spend a substantial portion of their time participating in the effort to prepare the report to Congress, together with proposed aircraft noise regulations. We expect that this study will produce in addition to a number of other proposed regulations the final proposed regulations regarding retrofit of aircraft presently in service.

We are looking forward to working closely with you on this important project.

Sincerely yours,

Alvin F. Meyer, Jr.,
Deputy Assistant Administrator for Noise Control Programs.

Federal Aviation Administration,
Washington, D.C., October 20, 1972.

Hon. John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear John: The recent story on noise legislation in the *Washington Post* and your letter of 9 October 1972 could only give those persons reading either (the article or letter) a wrong impression. I hope this letter will correct the record on several of your points.

The Congress did not mandate aircraft noise regulations until 1968, four—not fourteen—short years ago. Since that time major advances have been made in a number of areas. The jet aircraft now entering the commercial fleet are quieter, cleaner and safer than previous models. All four of the new aircraft certificated by FAA since Public Law 90–411 are well below the permissible noise levels and provide clear evidence of the ability of American technology to solve problems when given a chance; for the record, these aircraft are the Boeing 747 with Pratt and Whitney JT9 engines, the McDonnell Douglas DC–10 with General Electric CF6 engines, the Lockheed L–1011 with the Rolls Royce RB–211 power plant and the Cessna Citation with the JT–15 from Pratt and Whitney Canada.

In addition, the new flight procedures for noise abatement are applicable system-wide, not just for Washington National Airport as you stated. Substantial progress is being made in this innovative program.

It also is important to note that the people who work in aviation live in the same environment and share the same desire to protect it as those who work in all other fields of endeavor. It is improper to infer that the forces of "good" and "evil" are locked in struggle to save or destroy the environment with the FAA leading the charge for the "other side." We are totally committed to sound environmental protection coupled with balanced, reasonable growth and development of aviation. *We can have both.* Since large numbers of your constituency are employed in aviation and share these common goals, I submit that their efforts should have special importance to you.

Quite frankly I haven't any real problem with the new noise legislation; we (the FAA) will continue to work with EPA and all others, towards our common goal of a better environment. The one genuine concern I do have is with the gross misrepresentation of what's happened in aircraft noise reduction since Congress first (in 1968) gave FAA the authority to regulate aircraft sound levels and respectfully request that you correct the record when you return after the recess.

Let me conclude by repeating for emphasis the gist of paragraph 2 foregoing. Noise is designing the world's engines and aircraft—four different aircraft companies and four different engine companies are involved in the projects listed; the facts are clear and unarguable. I trust you will acknowledge that impressive strides have already been made and more are just around the corner.

Respectfully,

J. H. Shaffer,
Administrator.

U.S. Senate,
Washington, D.C., November 27, 1972.

Hon. John H. Shaffer,
Administrator, Federal Aviation Administration, Washington, D.C.

Dear Jack: A long trip to California and additional business away from Washington has delayed this response to your letter of October 20.

I regret that you feel that the FAA's record on reducing aircraft noise has been grossly misrepresented. Perhaps if I set out some of the statistics as I understand them, I can better communicate my sense—and what has been conveyed to me as the public's sense—of frustration with regard to the lack of sufficient progress to date. Let me state, too, that the Noise Control Act of 1972 will afford all of us a new and important tool in our joint effort to move faster to reduce aircraft and airport noise.

Looking at the past record, the Federal government's response to aircraft/airport operation noise problems has been "too little—too late". The criticism is as valid whether one looks at the mandate in the 14 year old FAA Act (within which noise regulations could have been established) or the specific mandate in the 1968 amendments whereby the FAA was directed to set noise levels.

Noise regulations have been promulgated to date by the FAA only for new commercial subsonic transport aircraft entering service since December 1969. At present, this covers less than 60 aircraft in a fleet of nearly 2000 aircraft. Even by 1982 the ATA projects that the proportion of these new, quieter aircraft in the total fleet will only be 34 percent. This improvement can hardly be considered responsive to the public's criticisms.

There have been no noise regulations promulgated regarding other types of aircraft, e.g., helicopters and general aviation aircraft, although according to EPA estimates there were approximately 3300 helicopters and more than 128,500 general aviation aircraft in service during 1970.

Despite assurances by the President during the great debate on the US-SST in 1970, and your own Advance Notice of Proposed Rule Making issued August 6, 1970, we are still without a supersonic transport noise regulation. The intent of the Congress regarding this type of aircraft was made clear during the 1970 debate, and the Senate also voted overwhelmingly in favor of an amendment to the Noise Control Act of 1972 which would have banned the landing of supersonic aircraft at U.S. airports unless FAR 36 levels were met. Although this amendment was deleted in the Senate-House compromise it is anticipated that EPA's aircraft/airport study will yield a recommendation on this subject.

Retrofit/modification of the existing noisy commercial fleet has been continuously studied since about 1967 (when the NASA nacelle lining work was begun), and still no decision has been forthcoming from the FAA on a regulation requiring such aircraft to be quieted. The number of these aircraft now in commercial service is approximately 1600 and most of them will still be in use during the next ten or more years.

As you know, the Noise Control Act of 1972 incorporates changes in Section 611 of the FAA Act and empowers the EPA to propose aircraft noise and sonic boom regulations requisite to protect the public health and welfare. Because each agency is given responsibilities according to proven capabilities, it is believed that the legislation will accelerate relief to the millions of citizens suffering from the noise of aircraft and airport operations.

I look forward to close cooperation between our offices as this legislation is implemented. Should you so desire, I would be happy to insert our exchange of letters and other relevant data in the RECORD when the next session of Congress begins.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., December 26, 1972.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Your response of 27 November 1972 to my letter of 20 October 1972 again leaves the impression that your information with respect to the status of the efforts and accomplishments in the area of aircraft noise reduction is either limited or inaccurate.

No real purpose is served by further discussion of whether or not the Federal Aviation Administration (FAA) could have established noise regulations four or fourteen years ago; however, it is a fact that a "finding" to the effect that the Federal Aviation Act of 1958 did not provide that authority and as a result the FAA actively sought legislative action to control and abate aircraft noise and sonic boom.

Public Law 90–411 provides this authority and in response FAA considered it most important to direct its initial efforts to stopping the escalation of aircraft noise; hence, Federal Aviation Regulation Part 36 was developed to "put a lid" on aircraft noise. As I noted in my previous letter, this has been accomplished very effectively with the new generation of aircraft entering the fleet at appreciably reduced noise levels. What is not generally realized is that FAR 36 also had a significant impact on the previously certificated aircraft models.

Historically, the growth versions of these aircraft have constituted the bulk of the aircraft sales and with growth the noise levels have increased. FAR 36 addressed this problem by requiring demonstrations that the growth was, in fact, accomplished without an increase in noise.

The FAA has taken action on more than 100 such certifications to date. Since these provisions were applied to successive pre–1 December 1971 models of the B–747 aircraft as well as other commercial aircraft it is apparent that considerably more than 60 aircraft in the current commercial fleet have been impacted by FAR 36.

Your statement regarding regulations dealing with helicopters and general aviation aircraft again does not reflect the true status of these regulatory activities. Project reports on both of these classes of aircraft are completed for rule drafting by our Office of General Counsel. In fact the general aviation regulatory activity is quite advanced on an international as well as domestic front as a result of an extensive series of aircraft tests conducted by the FAA which were culminated this summer. Our regulatory recommendations in this area should be published during the first half of 1973.

Our regulatory action proposing standards for supersonic transport aircraft is even further advanced and was receiving top level agency review at the time of debate on the Noise Control Act of 1972. This review has been completed and publication is pending the finalization of interagency coordination now in progress.

The question of acoustic retrofit or modification of existing aircraft also appears to be poorly understood and should be placed in proper context. This issue is not being "continuously studied" just for the sake of study but has been rationally developed to form a proper technical base for logical rule making. The excellent investigation of the National Aeronautics and Space Administration completed in 1970 did provide proof of the nacelle acoustic lining concept but did not provide certificable airline configurations nor did it address the acoustically more difficult question of quieting JT8D powered aircraft. Concurrent with the completion of the NASA study, the FAA contracted for and completed the Rohr retrofit economic study which indicated the order of magnitude of the airline economic impact.

Including these two studies in the technical base for rule making the FAA was then able, in October 1970, to issue an Advance Notice of Proposed Rule Making dealing with acoustic retrofit of the existing fleet. Simultaneously we sought Congressional funding support for and issued Request For Proposals seeking to resolve the certificability and JT8D powered retrofit issues. These final retrofit feasibility studies went into contract in mid-1971 and are now sufficiently advanced that we believe our rule making base to be adequate for issuance of regulatory proposals. These proposals are also in the final stages of intra-governmental coordination and rule issuance is imminent.

As I stated in my previous letter, we will work with all interested parties toward the common goal of a better environment. Accordingly, I would very much appreciate your insertion of our exchange of letters into the Record early in the 93rd Congress.

Sincerely,

J. H. SHAFFER,
Administrator.

THE MAYORS VIEW THE BUDGET—WITH ALARM

Mr. HUMPHREY. Mr. President, on February 4, 1973, the National League of Cities and U.S. Conference on Mayors released an analysis of the fiscal year 1974 Nixon budget from the perspective of how that budget will impact urban areas.

The mayors pose the critical question for the Nixon administration: The new Federal budget requires the cities to mark time—mark time for new social spending, for new housing, for pollution control equipment, and so on. Can the cities afford to mark time?

The mayors' analysis quickly points to the glaring inconsistencies in the Nixon budget. It shows, for example, that while the President talks about shifting political power to local government, the actual effect may be to force the cities to bear a disproportionate share of the economic burden of overcoming inflation and Federal deficits. And, the mayors' analysis clearly indicates that one likely effect of the President's budget will be to force a tax increase at the State and local level.

Said the mayors:

> The deep cuts in the Budget will affect vital city programs. These cuts will be felt first and sharpest by minority groups and the poor.

The mayors continue:

> With the magnitude of cuts, recessions, and termination of the federal categorical programs proposed in the FY 74 budget, the cities will find themselves far behind their positions last year, before General Revenue Sharing was enacted.

The fact is, Mr. President, that the Nixon budget is—as I have said—one of deception, deficits, neglect, and domestic disengagement. The document I am inserting in the RECORD today amply proves that description.

Mr. President, I ask unanimous consent that an article from the Washington Post entitled "Mayors' Group Attacks Fund Cuts as Harmful," and the complete text, including tables, of the publication entitled "The Federal Budget and The Cities," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAYORS' GROUPS ATTACK FUND CUTS AS HARMFUL

(By Susanna McBee)

The nation's mayors have fired a stinging volley of criticism at President Nixon's new budget proposal, charging that its cuts in domestic spending will harm cities.

In a strongly worded 79-page analysis of the budget, the National League of Cities and the U.S. Conference of Mayors insist that the "deep cuts . . . will be felt first and sharpest by minority groups and the poor, and therefore, will hurt cities as a whole."

The critique, released today, coincides with a meeting this afternoon of 15 mayors in New York City to map strategy for fighting the cuts. The mayors are members of the conference's Legislative Action Committee. The league and conference represent nearly 15,000 municipalities.

Their analysis is a sharp contrast to the rather mild initial league-conference response to the budget. That statement generally supported the President's intention to shift responsibilities for various spending programs to cities and states.

It simply warned that, "we don't want the transition to fail because of inadequate planning or funding."

The new analysis, however, not only attacks specific cuts such as those in the Public Employment Program, model cities, and urban renewal, but it also questions the President's entire economic philosophy.

"To fight inflation the President had a clear choice either of holding down public spending by restraining the federal budget, or of dampening private spending by raising taxes and encouraging the Federal Reserve System to tighten the money supply," the report observes.

"He chose to hold down the public sector at the expense of certain public needs. Now money spent by individuals may feed inflation. Further, his choice creates unemployment at all levels of the public sector, especially in those cities with a large PEP and human resources staff.

"Thus, while talking of shifting political power to local government, the President actually may have displaced onto the cities a disproportionate share of the economic burden of overcoming inflation and federal deficits."

The report added that, "while talking of not raising federal taxes," the President may be forcing cities to raise local taxes.

It also accused the administration of breaking a promise Mr. Nixon made to a group of mayors, county officials, and governors in an August, 1969, meeting at the White House.

The promise was that revenue sharing, which was finally passed by Congress last year, would not be a substitute for the money localities were already getting from the federal government for specific programs.

Yet the budget explains the elimination of federal funds for such programs as open space, community action agencies, and library aid by saying that localities can pick up the tabs, if they want, with their revenue-sharing funds, the league-conference report notes.

Because of the magnitude of the cuts, it contends, "the cities will find themselves far behind their position last year, before general revenue sharing was enacted."

The report says the cuts in the model cities, urban renewal, and Public Employment Program (under which more than 230,000 unemployed persons have been given jobs in the last two years) "represent $2.5 billion in lost momentum for local governments."

It adds that "by slowing federal spending, the President is asking state and local governments to mark time until he can change the system." But the report raises the question: "Can the cities mark time?"

The report also laments the President's cuts in health, federally assisted housing, and school aid to areas "impacted" with federal installations. Recalling that Mr. Nixon termed his 1973 health proposal a "maintenance" budget, the league-conference analysis labels the 1974 proposal, which is 11 per cent higher, a "withdrawal" budget because of its cuts in construction and manpower training.

The league and conference again endorse the President's idea of consolidating some 70 federal grant programs into what he calls special revenue sharing in broad areas of urban community development, education, manpower training, and law enforcement.

However, the report says, "Mayors . . . will have to wait and see whether this actually translates into more authority for the states but less authority for the cities. Early signs are not favorable" to cities, it concludes.

It points out that where funds from the Law Enforcement Assistance Administration were first distributed, they went mainly to state highway patrols "with little left over for local police departments."

In underlining its concern that switching to the new grant system may bog down in managerial and funding problems, the report warns that if the momentum cities have been building to deal with human needs is lost, the "viability of cities may be lost as well."

"That would be too great a price to pay," it insists.

THE FEDERAL BUDGET AND THE CITIES

OVERVIEW

President Nixon has presented to Congress an austere Budget for next fiscal year that he says is designed to slow inflation, avoid tax increases, and revamp the Federal grant system.

The dollar and programmatic impact of the $268.7 billion in outlays that the President seeks for FY 74 will be uneven from city to city across the land and from agency to agency in the Federal establishment.

In dollar terms, there will be gains in law enforcement and mass transit, but losses in housing, community development, and manpower. The President will not spend water pollution control money in the amount Congress has authorized.

In program terms, the Public Employment Program (PEP), urban renewal, Model Cities, the Hill-Burton hospital construction program, the Community Action program, certain major education efforts, and some other familiar categorical grant programs are to be discontinued.

In the fields of urban community development, education, law enforcement, the manpower training, the President proposes again—as he did in the previous two years—to consolidate some 70 categorical grant programs into what he calls special revenue sharing. He dropped from the FY 74 Budget earlier proposals to create special revenue sharing for transportation and rural community development.

His Budget documents that he clearly intends to limit the public sector's share of the nation's output, to reduce the role of the Federal government, and to shift more of the burden for public policy decisions to local and state governments.

An innovation in the FY 74 Budget is a projection of spending needs for the next successive year. The object is to show that budgetary discipline in the coming year will reduce the deficit in FY 74 and even yield a slight surplus in FY 75—assuming full employment.

The Budget this year, in effect, confirms the impoundment of critical FY 73 money and stretches out other funds into FY 74. The President states that the impoundments and stretch-outs are part of his plan to revise the Federal system.

The cuts in PEP, Model Cities and urban renewal commitments represent some $2-1/2 billion in lost momentum for local governments that would have boosted their local economies during the next fiscal year.

By slowing Federal spending, the President is asking state and local governments to mark time until he can change the system. Whether this is realistic in the context of the dynamic situation of the year 1973 poses the question: Can the cities mark time?

The goals for the FY 74 Budget are set forth in the accompanying Presidential Message:

"High-employment prosperity . . . without inflation and without war . . . (A) change in direction demanded by the great majority of the American people. . . . (A) leaner Federal bureaucracy, increased reliance on state and local governments . . . greater freedom for the American people to make for themselves fundamental choices about what is best for them."

The message throws the gauntlet before Congress with these words:

"The surest way to avoid inflation or higher taxes or both is for Congress to join me in a concerted effort to control Federal spending. I therefore propose that before Congress approves any spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the $268.7 billion recommended in this Budget."

To fight inflation, the President had a clear choice either of holding down public spending by restraining the Federal Budget, or of dampening private spending by raising taxes and encouraging the Federal Reserve System to tighten the money supply. He chose to hold down the public sector at the expense of certain public needs. Now money spent by individuals may feed inflation. Further, his choice creates unemployment at all levels of the public sector, especially in those cities with a large PEP and human resources staff.

Thus, while talking of shifting political power to local government, the President actually may have displaced onto the cities a disproportionate share of the economic burden of overcoming inflation and Federal deficits. And while talking of not raising Federal taxes, the President also may be increasing the burden on the tax sources the cities depend on to maintain existing services and facilities, some of them supported heretofore by Federal funds.

The Administration is unified in its drive to cut Federal spending and restructure the Federal system. A number of different explanations of program terminations emerged from the Budget documents and a long weekend of departmental briefings of press and public interest group representatives before the Budget was formally transmitted to Congress. We report some of the explanations because they reveal Administration thinking, not because we agree with it:

A number of social programs are being phased out because "current programs don't benefit poor people"—as in the Federally-assisted housing programs.

Urban renewal is being phased out because "social and economic problems . . . cannot be solved through physical development projects."

"While serving as a vehicle for demonstrating the value of local decision making, the Model Cities program does not have a significant enough impact on social and economic problems nationally to justify continued funding as a separate program."

Construction grants for community mental health centers will be ended because they are demonstration programs that have proved their worth to the point that state and local governments now can assume this effort.

During the major press briefing on the Budget, Caspar W. Weinberger, outgoing Director of the Office of Management and Budget and Secretary-designate of the Department of Health, Education, and Welfare, had this to say on special revenue sharing:

"There is a feeling in Washington that categorical programs is the way to go. That feeling is not shared in the country. . . . The decision (on special revenue sharing) is based on programmatic rather than budgetary considerations."

And the *Washington Post* editorialized: "There is more at stake in this year's Budget than money."

Detroit Mayor Roman S. Gribbs, President of the National League of Cities, and Houston Mayor Louie Welch, President of the U.S. Conference of Mayors, commenting on the same point, said:

"The President has submitted more than a budget. . . . He has proposed a restructuring of the Federal system, a reorganization of the Federal government, and a shifting of responsibilities to state and local governments. You cannot analyze this Budget only in terms of program dollars. . . .

"There will be a massive transition from one system to another.

"We Mayors have to manage our cities. We have programs and commitments to the people we serve. We recognize and support many of the President's objectives, but we don't want the transition to fail because of inadequate planning or funding. . . .

"[And] we don't want the people of our cities to suffer because they are asked to bear a disproportionate share of attempts to fight inflation."

The Budget includes a number of references to decentralizing decision making to state and local governments. Mayors and other city officials will have to wait and see whether this actually translates into more authority for the states but less authority for the cities. Early signs are not favorable. There is a budget proposal, for example, to funnel funds for Sec. 701 of the Housing Act to the states, rather than directly to cities, metropolitan councils of governments, and other regional planning agencies, as has been the case so far.

The concept of Special Revenue Sharing is embedded in the Budget. But the formulas for fund distribution are not presented, nor are the funding channels. Early experience with LEAA funds, which went mainly to state highway patrols, with little left over for local police departments, should be remembered in discussions about grant consolidation in the criminal justice and all other areas.

In the pages that follow, we trace the program and dollar impacts of the FY 74 Federal Budget. It can be characterized, from the city viewpoint, as a Budget of much change, many deep cuts, and little growth. The drive to control inflation is needed, and we support it. The cities, too, are being dealt a cruel blow by inflation.

The deep cuts in the Budget will affect vital city programs. These cuts will be felt first and sharpest by minority groups and the poor, and, therefore, will hurt cities as a whole. Mayors and other city officials will have to bear the brunt of public reaction to the phase-out and stretch-out of those programs. It will be small comfort to them that programs in other sectors also are being cut.

The long-run support of city governments, and of their taxpayers, for the needed intergovernmental reforms will depend on how well the transition to the new grant system is managed and funded. Momentum has been building in the complex urban programs that are intended to deal with real human needs. If that momentum is lost, then money would be saved, it is true. But the viability of cities may be lost, as well. That would be too great a price to pay.

GENERAL REVENUE SHARING

State and local governments worked relentlessly last year with the Administration and the Congress to fashion a general revenue sharing law that would relieve the constant push for higher property taxes created by growing demands for governmental services deliverable at the local level. Cities especially felt the bind because they depend on property taxes, a slow-to-grow source of revenue. They have been forced to provide a greater level of services because of the very nature of urbanization.

In August, 1969 at the White House, Mayors, county officials, Governors and the President reached agreement to support general revenue sharing. They explicitly agreed that general revenue sharing was not to be a substitute for ongoing Federal categorical programs.

Consistent with this understanding, the President in his Budget Message cites revenue sharing as something that "will help state and local governments avoid higher taxes." Unfortunately, in other parts of the Budget and in the material prepared by Federal departments to accompany their budget briefings, the President's promise to the Mayors and Governors has been breached. Revenue sharing is cited as a substitute for categorical programs.

Explaining the termination of grants for local community action programs, the Budget states:

"If constituencies of individual communities desire to continue providing financial support to local community action agencies, general and special revenue sharing funds could be used."

The rationale given for phasing out open space land programs reads:

"Provision of local open space is a low priority use for Federal resources, since benefits accrue to local residents and should be supported from local financial resources. Local communities may continue to provide public open space through the use of Federal shared revenues."

The HEW briefing materials cover the cutoff of grants for public libraries as follows:

"With the increasing availability of general revenue sharing funds, it is expected that states and localities will be able to continue the most promising projects and programs formerly supported by Federal categorical assistance programs."

While it cannot be assumed that the proposed budget cuts would not have occurred if general revenue sharing had not been enacted, it is distressing to read that Federal officials rationalize cuts in categorical programs because of the availability of general revenue sharing. We hope the President and his staff will bring the promise of August, 1969 to the attention of all Federal policy makers.

With the magnitude of cuts, rescissions and terminations of Federal categorical programs proposed in the FY 74 Budget, the cities will find themselves far behind their position last year, before general revenue sharing was enacted.

Special revenue sharing and grant consolidation

As part of his program to "revitalize" our federal system the President again proposes the creation of special revenue sharing programs in the 1974 Budget. Seventy categorical grant programs are to be grouped under four subjects: education, law enforcement, urban community development and manpower training.

Special revenue sharing budget authority, first full year

Description:	*In billions*
Urban community development	$2.3
Education	2.5
Manpower training	1.3
Law enforcement	.8
Total	6.9

Some $6.9 billion is proposed for special revenue sharing the details of which are discussed below with the analyses of the proposed budgets for the programs they incorporate.

The terminology "special revenue sharing" is often confused with "general revenue sharing", and the distinction between the former and block grants is also difficult to explain. The three can be distinguished by their relative freedom from requirements.

General revenue sharing provides funds to be used at local discretion without strings, distributed according to a formula and without need for an application.

Special revenue sharing may have a formula, it may require an application, and the funds must be spent within a broad subject area, such as law enforcement, but no prior Federal approval is required to use it for any of a large number of activities under that heading.

Block grants will require an application, may require prior Federal approval, will be subject to more Federal control over program details than special revenue sharing but far less than the old-fashioned categorical programs for which a Federal official must approve everything from the cost of the land to the style of the housing and its plumbing.

CITY SURPLUSES (SO-CALLED)

One notion that gained currency in Washington while the Budget was being compiled was that state and local governments are both accumulating surpluses. There was talk that general revenue sharing would cause great surpluses in state *and* local governments while "impoverishing" the Federal government. This is very misleading talk.

There are four fallacies in such reports.

First, they are from data which lumps together states *and* local governments, including counties and independent districts. The data do not depict the cities' positions alone. If the states have large surpluses—and many do—their city deficits are subtracted out and lost in the aggregation. But state surpluses will not pick up city garbage.

Second, the data in the reports combine social insurance funds with operating funds. Surpluses have grown steadily in employee retirement and cash sickness compensation funds. But social insurance funds are not available for use except for their special purposes. The cities cannot hire personnel with money from pension plans.

Third, these reports ignore the fact that the data they cite come from the Department of Commerce Bureau of Economic Analysis where the definition of surplus is based on the national income accounting (NIA) concept and not on income and expenditures as shown in city budgets. NIA includes money spent on goods and services. But city and state land purchases, for example, are not considered purchases contributing to the gross national product which is part of NIA. While they are shown as expenditures in a city's budget, land purchases are excluded from the national income accounts. The city cannot spend the money twice.

Fourth, according to Department of Commerce sources, national income accounting does not provide a good measure of the financial health of states or local governments. It was not intended to. It just measures the contribution of various types of activities to the total national output of goods and services. The city health center can't take someone's temperature with a gasoline gauge.

The October 1972 *Survey of Current Business*, published by the Department of Commerce, Bureau of Economic Analysis (BEA), is often quoted as the source of information about state and local surpluses. Unfortunately, some who cite it ignore qualifications that were properly included in that report. One caveat that ought to be emphasized states:

"It should be recognized that even though the aggregate budget position has improved, many individual states and localities continue to face severe fiscal problems."

What is the picture in the long run? The Bureau report includes this caution on projections:

"Although the fiscal outlook for state and local governments is brightening, there are reasons to believe that the extremely large surpluses suggested for the long run by some recent studies may not be realized. Expenditure growth is likely to pick up and the growth of receipts other than from revenue sharing may be slowed."

This last point becomes clearer in view of the way that states and local governments go about making up their budgets. Most are required by law to balance their books each year. So, in many cities, a year-end fiscal surplus is a legal requirement, rather than a revenue windfall.

BUDGET HIGHLIGHTS

Drug abuse

Funding levels will be about the same in FY 74 as in FY 73. Prevention activity responsibility will be assumed more and more by the National Institute of Mental Health (NIMH). Spending on law enforcement will go up.

Education

Education funding levels will be cut $277 million. Title I of Elementary and Secondary Education Act (ESEA)—targeted on disadvantaged children—aid to Federally-impacted school districts, vocational education, and some other programs are to be "folded into" what the Administration calls Education Special Revenue Sharing (grant consolidation). Library Services aid is to be ended. Head Start will be somewhat increased. Follow Through will be phased out.

Environment

Congress has authorized budget authority of $11 billion for FY 73 and FY 74 for construction of municipal waste water treatment and water pollution control facilities. The President says he will permit obligation of only $5 billion for that purpose. Federally supported solid waste management projects will be virtually ended. Federal grants for open space will be more than halved.

Health

Facilities construction programs for hospitals (Hill-Burton) and community mental health centers will not be renewed. Comprehensive health planning spending will be increased somewhat. The Center for Disease Control targets venereal disease for major effort—but its budget will be cut 15%. Comprehensive health project funding will remain level. Programs to deal with rats and lead-based paint poisoning face eventual phase-out.

Housing and community development

The budget for the Department of Housing and Urban Development (HUD) is down 36% in new appropriations requested and 26% in new program commitments from FY 73. Urban renewal, Model Cities, open space, neighborhood facilities, rehabilitation loans, basic water and sewer grants, and public facility loans all are proposed for consolidation into what the President calls Urban Community Development Revenue Sharing. The Budget asserts, but does not substantiate, that there will be enough money in the pipeline to support urban renewal and Model Cities until the block grant program is to begin in July, 1974. Sec. 701 Comprehensive Planning funds, a mainstay of regional councils, will be funneled through Governors, instead of going directly to cities and metropolitan areas. The Budget shows no funds available for new housing commitments in the next 17 months.

Law enforcement

The funding level next year is up 4% from this year. The President proposes to consolidate law enforcement assistance (LEAA) grants into Special Revenue Sharing.

Manpower

The Administration will not ask extension of the Emergency Employment Act, which would wipe out the Public Employment Program (PEP). The President wants to create Manpower Special Revenue Sharing, but he plans to do so administratively rather than seek new Congressional authority. The Budget asks for no summer youth program funds, saying that cities will have to fund such efforts from Special Revenue Sharing.

Office of Economic Opportunity (OEO)

The agency is to be dismantled, community action agency operations support to be halted, and funds for OEO-managed research, health, community economic development, migrant workers, and legal services to be transferred to other Federal agencies. Whether a local Community Action Agency will continue to operate in FY 74 will be up to local governments.

Transportation

Urban mass transportation will be funded at $1 billion, about the same as in FY 73; obligations for capital facilities will increase slightly. Highway programs for urban areas will be funded at $800 million in FY 74, compared to $645 million this year. Grants-in-aid for airports will stay at the same level as this year.

Veterans

No appropriation is requested for the Veterans Cost of Instruction provision of the Higher Education Act, thus ending a key means of making the GI Bill work in cities.

Welfare

Increases in Social Security, adult public assistance, and medical assistance cash payments will be somewhat offset by cuts in managed social services programs, including those for the elderly.

DRUG ABUSE*

Since figures for 1973 obligations for drug abuse prevention activities were not given, a complete comparison between 1973 and 1974 cannot be made. However, a spokesman at the Special Action Office for Drug Abuse Prevention has indicated that while some funds will be transferred among agencies, funding levels for both years will be approximately the same. In 1973 the total effort amounted to $783.6 million and in 1974 it will total $784.7 million. An exception will be project grants of the National Institute of Mental Health (NIMH) which will increase to $159.4 million.

The Community Mental Health Centers Act will be allowed to expire on June 30, 1973. It has been emphasized, however, that staffing grant commitments to existing centers will be honored between now and 1980.

NIMH will increasingly handle most of the drug abuse prevention activities. One of the major activities in 1974 will be an assessment of ongoing treatment and prevention programs. Those considered necessary and effective will be transferred to NIMH. Such Law Enforcement Assistance Administration treatment projects are specifically designated for transfer. OEO programs will also be transferred to NIMH.

The states will have greater influence. The contract mechanism for purchasing additional treatment capacity from competent sources wil be expanded. These contracts will be executed through the states, when possible, to be distributed according to need.

LAW ENFORCEMENT

Total obligations in drug abuse law enforcement were $228 million in 1973 and estimated to be $257 million in 1974.

Two agencies in Department of Justice, Law Enforcement Assistance Administration (LEAA) and Office of Drug Abuse Law Enforcement (ODALE) affect cities the most directly. LEAA's obligations were $36.3 million in 1973 and are estimated to be $44.1 million in 1974. ODALE's were $2.2 million in 1973 and are estimated to be $6.7 million in 1974. LEAA's Treatment Alternatives to the Street Crime program is operational in three cities. Up to 19 cities may be participating in 1974.

DRUG ABUSE PREVENTION

Obligations specifically earmarked for drug abuse prevention programs will be $419 million in 1974. Of this amount, National Institute of Mental Health will have more than half, $242 million, as it has had in previous years.

Other agencies which have particular relevance to local programs are Special Action Office for Drug Abuse Prevention with $67.2 million and LEAA with $1.3 million.

Almost $100 million will be requested for the Department of Defense and the Veterans' Administration.

Obligations for other drug abuse prevention programs such as bloc grant and financing programs will be $109 million in 1974.

In all program areas NIMH will have the greatest amount of funds. The breakdown by program is as follows:

Treatment and rehabilitation

$1974 obligations will be $274 million.

Research

1974 obligations will be $64 million.

Training

1974 obligations will be $23 million.

Planning and coordination

1974 funding is estimated at $29 million. In 7973, $15 million was provided to the States for comprehensive planning and prevention activities and this amount will be matched in 1974.

Education and information

1974 obligations will be $21.5 million.

Evaluation

1974 obligations will be $8 million.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Economic Development Administration (EDA) will be terminated by June 30, 1973, and much of its work taken over by the Department of Agriculture, if the President's plan is put into effect. Involved in the shift to the Department of Agriculture from the Department of Commerce, which now houses EDA, is $200 million for community, commercial, and industrial development, and $110 million for commercial facilities in FY 74.

The Administration originally proposed to consolidate these and similar programs under the umbrella of rural development special revenue sharing, but this plan has been shelved. Instead, the Budget proposes to shift EDA activities to the Department of Agriculture "as part of its activities under the Rural Development Act."

The Budget goes on to say that the Small Business Administration's loan programs will increase 30% or $600 million to stimulate private investment in economic development. And the Bureau of Indian Affairs is to provide $25 million for Indian projects similar to EDA kindred programs for Indians.

The Administration says it will make $98.2 million available in FY 73 to phase out EDA. FY 73 funds will permit financing of projects that already are in an advanced stage of planning.

TABLE EDA-I.—ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

[Dollars in millions]

	Fiscal year 1972	Fiscal year 1973	Fisca year 1974	Change
Program level	$284.2	$314.2	0	−$214.2
Outlay	165.8	267.0	$230.7	−36.3

The Federal involvement in Regional Action Planning Commissions also is to be completed by June 30, 1973, though the Appalachian Regional Commission will continue to operate under separate legislation.

The Budget calls for no reduction of previously made grants, contracts, or awards involving these multistate commissions. If the participating states wish to keep the commissions alive, they may do so under their own auspices.

Moreover, the Department's Budget briefing materials say that, in addition to revenue sharing funds, an extra $10 million is being requested for HUD's planning and management assistance programs so that states may use that sum to support their participation in the commissions.

TABLE EDA-II.—REGIONAL ACTION PLANNING COMMISSIONS

[Dollars in millions]

	Fiscal year 1972	Fiscal year 1973	Fiscal year 1974	Change
Program level	$37.7	$44.5	0	−$44.5
Outlay	27.2	36.6	$20.0	−16.6

EDUCATION

The stated assumption behind the Administration's budget request for the Office of

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*Funds for alcoholism treatment are discussed under the section dealing with health.

Education (OE) is that elementary and secondary education is a responsibility of states and localities and that the proper Federal role is that of research and innovation. Cutbacks in elementary and secondary education programs, decentralization and decategorization through education special revenue sharing, and increased funding for higher education are the major thrusts of the OE Budget.

In its attempt to hold spending down, the Administration is sending to Congress a revised FY 73 budget for education. This estimate requests reductions totaling $128 million. It not only reduces the budget request for programs which have not yet received an appropriation, it also requests Congress to withdraw some funds that have already been appropriated. (This negative appropriation is called a "recission.") Included in the reductions are $12 million for the Title I aid to disadvantaged children program and $3 million for the Library Services program of the Elementary and Secondary Education Act (ESET), $36 million in Educational Development, and $44 million in Higher Education. The revised FY 73 request, however, also asks for an additional $1,120 million for the Basic Opportunity Grants programs, which received $558 million in a supplemental appropriation last fall.

The FY 74 budget request for OE programs totals $5,098 million, which is $277 million less than the revised FY 73 budget estimate and $183 million less than the FY 72 budget.

Education special revenue sharing, which would consolidate the major elementary and secondary education programs, is again proposed as a priority, but at a funding level lower than last year. There are several reasons for this reduced request. First, two programs—Library Services and Strengthening State Departments of Education—are not included this year. Second, the impacted aid program is being substantially reduced by the elimination of the "B" program which provides money for children whose parents work but do not live on Federal property. Finally, no hold-harmless funds are proposed.

Most of the other programs to be replaced by education special revenue sharing including ESEA Title I are to be kept at the revised FY 73 level.

While Library Services and Strengthening State Departments of Education are not included in special revenue sharing, they are to be terminated in their form as categorical programs. The reason given for eliminating the former program is the Administration's desire to focus on the broad educational objectives of special revenue sharing. It is argued that special revenue sharing funds could be used for school libraries. The reason given for terminating the other program is that the states should be able now to maintain their own agencies.

Other programs which are to be terminated, phased out, or substantially reduced include: Public Libraries, Follow Through, and special programs under the category of Educational Development, including some training programs under the Education Professions Development Act, Dropout Prevention, Drug Abuse Education, Environmental Education Projects, and Health and Nutrition Projects. The Public Libraries program is being eliminated because it is believed that substantial progress has been made by the states in providing library funds and because they are expected to continue to do so, especially in view of the availability of general revenue sharing. Follow Through is to be phased out over the next few years because it is believed that sufficient attention has been focused on this problem and that states and localities will continue to work in this area. Local support is also expected for Drug Abuse Education.

While a number of elementary and secondary education programs have been reduced, Adult Education special projects, Education for the Handicapped special projects, Teacher Corps, Right-to-Read remain at approximately the FY 73 level. Head Start increases slightly. The Bilingual Education program is continued at the revised FY 1973 level, which is a reduction of about $6 million from last year's FY 73 estimate. However, Bilingual Education under the Emergency School Aid program is budgeted at $10 million. The total FY 74 funding request for Emergency School Aid is $271 million. This is the same amount appropriated by Congress for FY 73, but it is substantially less than the $1 billion requested by the Administration last year for FY 73 and authorized by law for FY 74.

The cutbacks in elementary and secondary education programs are only partially offset by increases in other programs. The largest increases occur in higher education and the National Institute of Education. The Administration is emphasizing aid to individuals, partly at the expense of institutional aid and categorical training programs, by requesting full funding for the Basic Opportunity Grants. It also is emphasizing educational research by requesting more money for the National Institute of Education, established last fall.

A final initiative proposed by the Administration is a tax credit for pupils attending non-public schools. Although it does not appear among the OE programs, it would provide an additional $300 million in FY 74 for elementary and secondary education.

COMMENT

The impact of the FY 74 budget request on cities is somewhat difficult to assess at this time because the details of the education special revenue sharing proposal are not known. Folding vocational education into special revenue sharing will probably mean the elimination of the earmark for disadvantaged students, which has helped channel more vocational education funds into cities since its enactment. The amount proposed for educationally deprived children would remain at the FY 72 level. The fact that it does not increase during a time of rising costs means an effective reduction in support for this essentially urban education program. The funds for the disadvantaged under special revenue sharing will probably pass through directly to localities as provided in last year's special revenue sharing proposal. However, without information on how children are to be counted and how the distribution formula will work, it is impossible to assess the impact of the proposal.

In terms of overall support for elementary and secondary education, it is clear that the reductions in impacted aid and special programs directed at urban education problems and the elimination of the library program, will mean less money for the cities at a time when they are finding it increasingly difficult to maintain an adequate, not to speak of a quality, level of education services.

TABLE ED-1.—EDUCATION

[Budget authority in millions of dollars]

	Fiscal year—				
	1972 actual	1973 revised estimate	1973 conference report	1974 authorization	1974 budget request
PROGRAM					
A. Education special revenue sharing		[1](3,237)			2,771
1. Educationally deprived (ESEA I)	1,597				
		1,585			
		[1](1,598)	1,810	(2)	(1,585)
2. School library research (ESEA II)	90	90	100	(2)	0
3. Supplementary services (ESEA III)	146	146	171	(2)	146
		38			
4. Strengthening State departments (ESEA V)	33	[1]43	53	(2)	0
5. Impacted aid (A & B programs)	613	431	681	(2)	[3](227)
6. Education for handicapped (State programs)	38	38	65	(2)	(38)
7. Vocational education programs	475	475	534	749	(475)
8. Adult basic education programs	51	51	75	(2)	(51)
9. School lunch program (DOA)	244	225			(244)
10. Hold harmless		0			
		(224)			
EDUCATION					
B. Other elementary and secondary education programs:					
1. Emergency school aid	[4]93	[5]271		1,000	271
		[1](1,000)			
2. Bilingual education (ESEA, III)	35	35			
		[1](41)	60	(2)	35
3. Follow through (EOA)	63	[5]58		70	41
4. Education development:					
(a) Teacher Corps	38	38	38	38	38
(b) Drug abuse	13	12	14	(2)	3
(c) Dropout prevention	10	9	10	(2)	4
		[1](10)			
(d) Other	179	134	117		
		[1](170)	[5](81)	(6)	90
5. Handicapped-special programs	78	94	97	(2)	94

	Fiscal year—				
	1972 actual	1973 revised estimate	1973 conference report	1974 authorization	1974 budget request
C. Public libraries	59	33	85	212	0
D. Higher education	1,448	[7] 1,697			1,748
E. Office of Education	5,281 [1] (5,832)	5,374 [1] (5,886)			5,098
F. National Institute of Education		[5] 110		[8] 555	162
G. Headstart	369	[4] 393		500	407

[1] Indicates last year's budget estimates.

[2] Authorization expires June 1973.

[3] This request is for the "A" program; no funds are requested for the "B" program. An additional $60,000,000 not shown is requested for children whose parents both live and work on Federal property and whose education is furnished by a Federal agency. It would not be part of education special revenue sharing.

[4] Includes civil rights education.

[5] Funds provided in a supplemental appropriation.

[6] Combined authority.

[7] $578,000,000 provided in a supplemental appropriation, balance still pending.

[8] For 3 years.

ENVIRONMENT

The 1974 Budget for Federal environmental programs represents a substantial increase in anticipated responsibilities for state and local governments for environmental quality and a corresponding decrease in Federal involvement.

This will occur despite an increase in the Environment Protection Agency's total budget authority from almost $417 million in FY 73 to $515 million in FY 74 (excluding contract authority for constructing water pollution control facilities). Outlays for all EPA pollution control and abatement programs will increase by $980 million in FY 74 to a total of $2.1 billion, because of previous commitments now coming due. But actual new obligations will decrease from $5.33 billion in FY 73 to $4.88 billion in FY 74.

Most significantly, the President has ordered EPA to allocate (budget authority) only $5 billion out of an available $11 billion for FY 73 and FY 74 Federal grants for construction of municipal water pollution control facilities. Federal air and noise pollution control and abatement activities will also be cut back.

The Federal solid waste program will be virtually terminated, placing almost complete responsibility for solid waste management, recycling, and resource recovery on local government and private industry.

Federal grants to state and local governments for recreational areas, parks, open space, etc. will be more than halved.

There will, however, be a significant increase in funds budgeted for energy research and development programs, gain of almost $240 million from FY 72 to an estimated $772 million in FY 74. A central fund for energy research and development will be established in the Department of the Interior for nonnuclear energy research.

WATER POLLUTION

The Federal Water Pollution Control Act Amendments of 1972 made significant changes in the national effort to clean up water pollution. The standards for water quality and effluent limitations to obtain clean water were toughened; rigid deadlines were imposed; more activities were declared eligible for Federal assistance.

To show the high priority of clean water, Congress raised the Federal share of construction grants to a mandatory 75%.

The Congress authorized $5 billion in contract authority funding for FY 73 construction grants, $6 billion in FY 74, and $7 billion in FY 75.

The EPA will allocate only $2 billion for FY 73 and only $3 billion for FY 74, less than half the funds available.

EPA will obligate approximately $8 billion between FY 72–74 out of $8.9 billion in available budget authority.

To reimburse cities and states that built control facilities without Federal aid, Congress authorized a total of $2.75 billion.

Only $1.9 billion will be obligated for reimbursements, and the Administration has said it will not obligate any additional funds.

To plan for regional management of water pollution control, Congress authorized up to $50 million for planning funds in FY 73, $100 million in FY 74, and $150 million in FY 75.

Only $25 million will be obligated for area-wide waste treatment management activities in the FY 74 Budget. (See Table EN I)

SOLID WASTE

Continuing in the directions set in the FY 73 Budget, Federal efforts in solid waste management, recycling, and resource recovery, will be again substantially cut back. The EPA will request only approximately $5 million in FY 74 for solid waste, a budget reduction of over $24 million from FY 73. EPA will propose that the only Federal role on solid waste and resource recovery should be in the collection, handling and disposal of hazardous and toxic materials. All other functions would be passed on to state and local governments.

Grants for planning, demonstrations, and construction will be terminated. Of the $15 million appropriation for the § 208 demonstration and construction grant program, only $9 million was obligated in FY 73, together with an $11.5 million carryover. Therefore, approximately $6 million will not be obligated for solid waste, and will be transferred to other EPA functions.

Research-development (R & D) budget authority will be reduced to $2.2 million down from $17 million in FY 73.

TABLE EN-I.—WASTE TREATMENT WORKS

[In millions]

	Fiscal year 1972		Fiscal year 1973		Fiscal year 1974	
	Budget authority	Obligations	Budget authority	Obligations	Budget authority	Obligations
Construction grants	2,000	787.6	6,900	3,824		3,400
Contract authority (allocated)			[1] 5,000	500	([1])	3,400

[1] The President allocated $2 billion for fiscal year 1973, and $3 billion in fiscal year 1974. The budget reflects the total allocation of $5 billion over the 2-year period fiscal year 1973–74, in fiscal year 1973.

The consequence of the failure to allocate the full funds available—even though actual outlays increase—will be the inability of cities to meet the Federal deadlines and mandates imposed by the Act. It will also mean that fewer cities could receive Federal aid, and that the activities Congress declared eligible for Federal aid will go unfunded.

The alternative will be for cities to continue financing water pollution control programs without Federal assistance. This has been the practice in the past, as cities financed over 70 per cent of the cost of building their waste treatment facilities. Of course, this will require cutbacks in other priority areas at the local level, a difficult choice for any city to make. Either way, the full responsibility—and the burden—will again fall on the nation's cities.

NOISE

Budget authority for EPA's noise programs will increase in FY 74 by $1,621,000, from $2,414,000 to $4,037,000. However, total authorizations under the Noise Control Act of 1972 for FY 74 amount to $8 million. In addition, the total federal noise pollution control and abatement effort will decrease, with the amount obligated in FY 74 ($90 million) less than in FY 73 ($103 million).

The National Aeronautics and Space Administration funds for research and development will continue development of an "environmentally" acceptable supersonic transport for the late 1970's.

LAND USE

The Administration will again propose National Land Use legislation. Twenty million dollars is requested in the FY 74 Budget, the same amount proposed in FY 73. This amount will be substantially less than the Senate accepted in passing a land use bill last year.

The President signed into law the Coastal Zone Management Act of 1972. The National Oceanic and Atmospheric Agency of the Department of Commerce administers their program. This program will not be funded in FY 74, other than the position of associate administrator for the Office of Coastal Zone Management.

PARKS AND RECREATION

Total funds for the Bureau of Outdoor Recreation would be cut by $244.5 million in the FY 74 Budget.

Budget authority for financial aid to state and local governments for city recreation (all federally assisted or direct Federal projects or activities—including historic preservation—which are located within incorporated places of 25,000 or more population) will decrease from $103 million in FY 73 ($30 million less than estimated in the FY 73 Budget) to $11 million in FY 74. However, direct federal activities for city recreation will again increase, from $51 million in FY 73 to $60 million in FY 74.

ENERGY

One of six priority areas for civilian research and development will be provision of "adequate reasonably priced, clean energy." Obligations will increase from $537 million in FY 72, and $624 million in FY 73, to $772 million in FY 74.

Emphasis will be given to solution of short-term problems, particularly finding environmentally-sound utilization of higher sulphur coal. In nuclear power, the liquid metal fast breeder reactor rates top priority.

TABLE EN-II.—EPA MAJOR URBAN ENVIRONMENTAL QUALITY PROGRAMS BY MEDIA

[In thousands]

Media	Fiscal year 1973 budget authority	Fiscal year 1974 budget authority	Change
Air	$152,490	$146,360	−$6,130
Water quality	139,243	[1] 192,356	53,113
Solid waste	30,013	5,760	−24,253
Noise	2,416	4,037	1,621

[1] Includes $25,000,000 of contract authority to be obligated for sec. 208, areawide waste treatment management activities; $50,000,000 was authorized for fiscal year 1973, $100 000,000 for fiscal year 1974. (Source: EPA.)

HEALTH

The 1974 health budget as in other social program areas, proposes both a phase-out of a number of program activities and a reduction in the level of spending of those remaining. While the 1973 budget was characterized as a "maintenance" budget in health, the 1974 budget can only be characterized as a "withdrawal" budget.

Many budget decisions were apparently made on the basis of the significant number of legislative authorizations which expire this year. Among the expiring acts which are proposed *not* to be extended are the "Hill-Burton" Health Facilities construction program, the Community Mental Health Centers Act, Regional Medical Programs, and categorical training programs in allied health, public health and in mental health. Migrant health and the family planning programs of the National Center for Family Planning will be funded under the "Partnership for Health" Act. The remaining health activities of OEO are proposed to be transferred to HEW.

Comprehensive Health Planning, an expiring authority proposed for renewal, will show a slight increase. Legislation fostering the development of Health Maintenance Organizations (HMO's) will be reintroduced.

The Public Health Service Hospitals in nine seacoast cities are again proposed to be transferred to local control, and St. Elizabeth's Hospital, the mental hospital in the District of Columbia is to be transferred to the District Government.

The Center for Disease Control targets venereal disease as the major 1974 effort, but will operate at a 15 percent budget reduction. The environmental programs to eliminate and control lead-based paint poisoning and rat infestation will continue on a maintenance level in 1974, with eventual phase-out proposed.

Biomedical research at the National Institutes of Health will show increases in cancer and heart research, with reductions in other NIH programs.

In summary, the President's Health budget is characterized by the virtual elimination of construction programs and of manpower training (for all but medicine and nursing, which are substantially cut back); and by the presumption that State and local governments will assume a larger part of the funding of delivery programs. The only significant exceptions to this are drug abuse activities and cancer/heart research.

A comparative table of programs of interest follows:

[In millions of dollars]

	1973	1974	Change
Mental health	640	1,320	+680

The $680 million increase includes costs beyond 1974 to support previously approved grants which will ultimately be terminated. It includes: general mental health, $384 million; drug abuse, $205 million; alcoholism, $47 million.

[In millions of dollars]

	1973	1974	Change
Health service planning and development:			
Comprehensive health planning	35	38	+3
Regional medical programs	60	0	−60
Health facilities construction	8	2	−6
Health services delivery:			
Comprehensive health projects	110	211	+101
Migrant health	24	0	−24
Family planning	107	122	+15
Maternal and child health	244	244	0

The "increases" result from the transfer of OEO projects and do not represent new money. No new starts or increases are included. The MCH projects will be converted to State formula grants.

COMMENT

Apparent increases in the HEW health budget are explained by:

(1) Estimating the full-term cost of presently approved projects in programs to be phased out, and

(2) Assumption of OEO health activities.

The most disturbing cuts are the virtual elimination of the health facilities construction program and the elimination of the community mental health centers program. The justification for ending Hill-Burton is the meeting of all needs for hospital beds; there is no recognition of the critical needs for remodeling and reconstructing many urban hospitals, particularly those which serve the poor. The elimination of project grants in alcoholism will seriously impair the efforts of cities in states which have enacted, or are about to enact, the Uniform Alcoholism Act.

Additional cuts are proposed through "rescissions", or reductions of the 1973 budget request or appropriation. Because the HEW appropriation for 1973 was twice vetoed, there is no appropriation from which to "impound" health funds; but a request is being made to reduce health funds $500 million below the President's 1973 budget request. Much of this reduction relates to facilities construction and regional medical programs.

HUD

The Administration's FY 74 Budget for the Department of Housing and Urban Development proposes substantial reductions in new commitments in the nation's housing and community development efforts during the next year.

The President is requesting only $2.7 billion in new appropriations for the Department's programs, down 36% from the current fiscal year's actual level of $4.2 billion. Using another measure, after dipping into unused balances from FY 73, HUD would have only $3.7 billion in funds for new program commitments, down from this year's level of $5 billion.

During FY 73, impounded funds will constitute approximately 16% ($991 million) of the Department's total available budget authority. In FY 74, impoundments will rise to at least 21% ($1 billion plus, depending on Congressional Appropriation Acts) of total HUD funds available for new commitments.

The Budget reflects action already taken by the Administration to freeze all new commitments under the four major HUD-assisted housing programs on January 5, 1973. In addition, the Budget once again restates the President's support for consolidating the Department's seven major community development programs into a single block grant, referred to as Urban Community Development Special Revenue Sharing by the Administration.

In FY 74, all funds available under HUD's Section 701 Comprehensive Planning Program would be channeled to the states, rather than have portions flow directly to cities and to metropolitan councils of governments as is the case now. And, as part of the President's decision to dismantle the Office of Economic Opportunity, OEO's Housing Research activities (totaling $13 million) would be added to HUD's Research and Technology responsibilities on July 1, 1973.

To understand the details of this FY 74 Budget for HUD, it is necessary to break the analysis down into three groups of programs—those being proposed for consolidation into the community development block grant; other community development, planning, and research activities; and housing.

For the third successive year, the proposed budget sets forth the Administration's support for legislation which would consolidate HUD's major community development categorical grant programs into a single Community Development Block Grant (called Urban Community Development Special Revenue Sharing by the President). Last year, the Administration supported the inclusion of five existing programs within the consolidation—urban renewal, Model Cities, open space land, neighborhood facilities, and rehabilitation loans. This year's budget presentation adds two additional programs to that package—basic water and sewer facilities and public facility loans. The Budget also restates the Administration's support for an initial funding level for the new block grant—proposed to begin on July 1, 1974—of $2.3 billion, the same level as was recommended last year. Contrary to earlier reports, the OEO Community Action program has not been proposed for consolidation under the block grant.

Given this programmatic framework, the HUD community development budgets for FY 73 and 74 are designed to provide a transitional bridge for ongoing local programs from January, 1973 to July, 1974, when the block grant is projected to begin. Thus, with most major Model Cities and urban renewal Neighborhood Development Program (NDP) activities up for annual refunding during the third and fourth quarters of the current fiscal year 1973, HUD proposes to fund them in such a way that the local programs will be able to continue operating through June 30, 1974. The Budget document argues that sufficient Model Cities funds already exist and that only $137.5 million additional urban renewal dollars will be necessary to accomplish this objective. The Budget does not contain adequate detail to substantiate this projection.

Other community development programs, which lack the continuing nature of Model Cities or NDP, have already been frozen (open space, basic water and sewer facilities, and public facility loans) or will be frozen on June 30, 1973 (neighborhood facilities and rehabilitation loans). It is significant that the Budget announces the release of $20 million in previously impounded rehabilitation loan funds for use during the balance of FY 73 in connection with urban renewal projects scheduled for close-out in the near future.

As a result of this proposed funding strategy, the Administration's FY 73 impoundment balance for these seven programs alone will be $542 million; a higher figure is expected for FY 74 after the Congressional Appropriation Committees have acted.

TABLE HUD-I.—COMMUNITY DEVELOPMENT PROGRAMS

[Dollars in millions]

Community development programs [1]	Fiscal year 1973 Appropriation (actual)	Fiscal year 1973 Estimated obligations	Fiscal year 1973 Carry-over appropriations	Fiscal year 1974 Appropriation (request)	Fiscal year 1974 Estimated obligations	Fiscal year 1974 Carry-over appropriations
Urban renewal	1,450	1,450	0	137.5	137.5	0
Model cities	[2] 605	605	0	0	0	0
Water and sewer	[3] 500	[4] 100	400	0	0	400
Open space	100	[4] 50	50	0	0	50
Neighborhood facilities	40	40	0	0	0	0
Rehabilitation loans	[5] 126	70	[6] 72	0	0	[7] 92
Subtotals	2,821	2,315	522	137.5	137.5	542
Public facility loans	NA	[4] 20	20	NA	0	

[1] All 6 existing categorical community development programs (plus public facility loans) are proposed to be consolidated into single community development block grant (i.e. special revenue sharing) program to begin July 1, 1974 fiscal year 1975). Total annual program levels for the 7 existing programs equals $2,007,000,000. The block grant is projected to begin at $2,300,000,000.

[2] $105,000,000 in unutilized fiscal year 1972 funds plus $500,000,000 in new fiscal year 1973 appropriations.

[3] $500,000,000 available in carry-over appropriations from fiscal year 1972.

[4] Program administratively frozen, no new commitments after Jan. 5, 1973.

[5] $500,000,000 in carry-over appropriations from fiscal year 1972 plus $70,000,000 in new fiscal year 1973 appropriations plus $6,000,000 in repayments to revolving fund during fiscal year 1972.

[6] Includes $16,000,000 in repayments to revolving fund during fiscal year 1973.

[7] Includes $20,000,000 in repayments to revolving fund during fiscal year 1974.

OTHER COMMUNITY DEVELOPMENT, PLANNING AND RESEARCH (TABLE HUD-II)

Section 701 Comprehensive Planning—Beginning with FY 74, the Administration proposes to funnel all Section 701 funds to states, "allowing Governors to make sub-allocations to local governments and other eligible recipients in accordance with state priorities." The national program level would be raised 10% to $110 million, with the additional funds also available to states, particularly for interstate planning activities. Under the present program, 37% of the Section 701 funds go to states (including 15.5% which has passed through to cities under 50,000 population and to counties), 35% go to areawide agencies and 25% go directly to cities over 50,000. It is not now clear whether this abrupt change in program design can be made without statutory change, although the present 701 law does not *require* that HUD must directly fund cities.

New communities.—The Budget proposes to eliminate future grant funds for assistance to the development of new communities, although the guarantee portion of the program would continue with 10 new communities slated for approval during FY 74.

Research and technology.—The Budget recommends that HUD's Research and Technology funding be raised from $53 million in FY 73 to $71.5 million in FY 74. The bulk of this increase is accounted for by the scheduled transfer, on July 1, 1973, of OEO's housing research activities, funded at $13 million. $11.5 million of HUD's R & T budget would be spent on further testing of housing allowances.

TABLE HUD-II.—OTHER COMMUNITY DEVELOPMENT, PLANNING AND RESEARCH PROGRAMS

[In millions of dollars]

Other community development, planning and research programs	Fiscal year 1973 Appropriation (actual)	Fiscal year 1973 Estimated obligations	Fiscal year 1974 Appropriation requested	Fiscal year 1974 Estimated obligations
Sec. 701 comprehensive planning	100.0	100.0	110.0	110.0
New communities	7.5	7.5	0	0
Community development training and urban fellowships	3.5	3.5	0	0
Research and technology	53.0	53.0	[1] 71.5	71.5

[1] Bulk of increase in program level due to proposed transfer of $13 million OEO Housing Research program to HUD on July 1, 1973.

HOUSING (TABLE HUD-III)

The Administration's FY 74 Budget reaffirms the announced January 5, 1973 freeze on all HUD-assisted housing programs and details, for the first time, the size of the impoundments resulting from the freeze. The Budget shows no funds to be available during the next 17 months for new commitments, although the Administration has indicated that some low level of new commitment would be permitted "to meet statutory or other specific program commitments." $70 million would be used to complete public housing loan and grant contracts for new units for which commitments were made during FY 73 or earlier. $280 million would be spent on operating subsidies for existing public housing units. The impoundment arising out of the freeze of the three FHA subsidy programs alone—rent supplements, Section 235 homeownership and Section 236 rental assistance housing—will equal $431 million, an amount that will likely increase in FY 74 as a result of Congressional appropriations.

As might be imagined, the freeze has markedly affected the annual rate of new commitments for HUD-assisted housing. It is projected that commitments made prior to the January 5, 1973 freeze will generate an annualized level of "new starts" of 250,000 units. However, as the following table (HUD-IV) shows, the level of new commitments, as compared with previous years, has declined dramatically, which will result in reductions in the "new start" levels beginning in FY 75.

TABLE HUD-III.—HOUSING

[In millions of dollars]

Housing	Fiscal year 1973 Contract authority available	Fiscal year 1973 Estimated obligations [1]	Fiscal year 1973 Carryover authorizations	Fiscal year 1974 Contract authority requested	Fiscal year 1974 Estimated obligations	Fiscal year 1974 Carryover authorizations
Sec. 235	[2] 253	33	221	0	0	221
Sec. 236	[3] 263	92	171	0	0	171
Rent supplements	[4] 75	37	39	0	0	39
Public housing: [5] Production	103	103	0	70	[6] 70	0
Public housing: [5] Management (operating subsidies and modernization)	370	370	0	280	280	
Subtotal	1,064	635	431	350	350	431

[1] Freeze placed on all new production commitments as of Jan. 5, 1973.

[2] $83,000,000 in unutilized contract authority from fiscal year 1972 plus $170,000,000 in new contract authority for fiscal year 1973.

[3] $88,000,000 in unutilized contract authority from fiscal year 1972 plus $175,000,000 in new contract authority for fiscal year 1973.

[4] $27,000,000 in unutilized contract authority from fiscal year 1972 plus $48,000,000 in new contract authority for fiscal year 1973.

[5] Total contract authority available in fiscal year 1973 equaled $473,000,000, broken down as follows: $78,000,000 in unutilized general contract authority from fiscal year 1972 plus $150,000,000 in newly enacted general contract authority in fiscal year 1973 plus $245,000,000 in annually available contract authority for operating subsidies.

[6] This $70,000,000 in general contract authority was committed during fiscal year 1973 or earlier years and will have loan and grant contracts signed during fiscal year 1974.

TABLE HUD-IV.—ANNUAL NEW COMMITMENT LEVELS

[In thousands of units]

	Fiscal year— 1970	1971	1972	1973
Sec. 235: Homeownership	143	142	152	40
Sec. 236: Rental	132	159	158	100
Rent supplements	40	30	42	29
Public housing	102	89	101	46
Total	417	420	453	215

IMPOUNDMENTS (TABLE HUD-V)

For the third successive year, HUD's budget will be subject to substantial fund holdbacks or impoundments. Since FY 71, when the widespread practice of impounding urban funds began, at least 16% of HUD's available budget authority has been frozen each year. In FY 74, that figure is slated to be at least 21%. The percentage holdback will likely be higher for FY 74 after the Congressional appropriations are passed. If the Administration's current impoundment practice continues, those funds authorized and appropriated by Congress which exceed budget requests would automatically be frozen.

COMMENTS

The President's FY 74 Budget for the Department of Housing and Community Development continues the frustrating trend of the past three fiscal years of holding back the growth in the size of the nation's commitment to solving its housing and community development problems. As the cities enter the new fiscal year on July 1, they will be faced with a nearly complete shutdown of HUD's assisted housing programs and the phasing out of the various community development programs, such as urban renewal and Model Cities.

TABLE HUD-V.—IMPOUNDMENTS

[Dollar amounts in millons]

Impoundments (unused balances)	Fiscal year— 1971	1972	1973	1974[1]
Urban renewal	$215			
Water and sewer	200	$500	$400	$400
Rehabilitation loan		50	72	92
Open space			50	50
Public facility loan			20	20
Public housing	164	78		
235	[2] 35	83	221	221
236	[2] 30	88	171	171
Rent supplements	[2] 26	27	39	39
Total	670	826	973	993
Total as percent of available budget authority	19	17	16	21

[1] Ultimate fiscal year 1974 impoundment figures subject to action by congressional Appropriations Committees.

[2] Cumulative figure through June 30, 1971.

In the case of community development, however, cities may find hope in the outstanding proposal to create a successor program, Community Development Block Grants (called Special Revenue Sharing by the Administration). The Administration's continued strong support for the proposal is extremely gratifying. It is unfortunate that it was found necessary in the President's Budget to suggest that the reason for moving toward the Community Development Block Grant approach is that the existing programs slated for consolidation—such as urban renewal, Model Cities, open space land, water and sewer, neighborhood facilities, and rehabilitation loans—have failed and must be terminated. Quite the contrary, cities view these present programs as being the life-blood of their efforts to redevelop and revitalize their communities. The block grant, therefore, is seen as an important extension and expansion of these programs in a new form providing greater flexibility and local control. It is on this basis that cities will once again mount a serious campaign designed to persuade the Congress to approve the legislation quickly.

On the question of the transition from where cities are now to FY 75 and the hoped-for beginning of the block grant, the Budget documents lack details. It asserts that sufficient funds are already available, along with an additional $137.5 million for urban renewal, to fund adequately all NDP and Model Cities programs through June 30, 1974. Without more extensive figures, it is difficult to assess this claim, although doubtful that this transition can be accomplished in the projected manner without significant cut-backs in anticipated local program levels.

The President plans to submit legislation similar to his 1971 proposal to create a new planning and management program in place of 701. However, it is unfortunate that at this critical stage in the process of building a capacity in local general purpose governments to administer block grant legislation, the Administration has chosen to redirect the Section 701 Comprehensive Planning Program to total control by states. During the next 18 months, HUD was planning to administer the 701 funding mechanism (particularly as it has lately been used to fund directly cities over 50,000 population) as the appropriate source for supporting local comprehensive planning activities geared to preparing the city for the block grant. If the Administration now directs 100% of the 701 funding to states, most of which have no particular interest or stake in the success of the block grant, few cities can reasonably expect HUD planning assistance related to block grant preparations during FY 74.

In sharp contrast to community development programs, the Budget presents a bleak picture for future Federally-assisted housing activity. The Budget not only confirms the comprehensive nature of the current 18 month freeze on all FHA subsidized and HUD public housing, it also gives no indication that the freeze will be lifted during FY 74 to accommodate the need for Federally-assisted housing funds so that cities may carry forward urban renewal and Model Cities activity HUD already has approved.

The Budget's assertion that no new funds will be available for new housing commitments conflicts with present statutory requirements that local community development plans and projects have housing elements. Therefore, such plans and projects necessarily assume the existence of a relatively steady flow of Federally-assisted housing. As a result, the present freeze will not only severely restrict local community development options, in many cases it will make it impossible for HUD to insist on the closing out of existing urban renewal projects, an expressed goal elsewhere in the Budget.

Intergovernmental Personnel Act

The Intergovernmental Personnel Act of 1970 (IPA) provided grants to improve State and local personnel administration. The program was funded with $12.5 million in FY 72 and $15 million in FY 73. The request for FY 74 is $10 million, a decrease of one-third. The actual operating level under IPA rose from about $3 million in FY 72 to $14 million in FY 73. It is proposed to remain at $14 million for FY 74.

Law Enforcement Assistance Administration

SUMMARY

The requested budget authority for the Law Enforcement Assistance Administration for FY 74 is $891 million. This is basically the same funding level as LEAA had in FY 73.

The LEAA authorization, under the Omnibus Crime Control and Safe Streets Act, expires at the end of FY 73. The Administration is proposing legislation which would convert the current block grant program to a special revenue sharing program for law enforcement.

THE PROPOSED BUDGET

The requested budget authority for LEAA for FY 74 is $891,124,000. This is an increase of only 4% over the FY 73 appropriations of $855,366,000. It represents a continuing decrease in the rate of growth of this program (See Table I). Two-thirds of this increase are for Federal functions, thus making the amount of funds available to state and local governments this year virtually the same as last year.

TABLE LEAA-I.—RATE OF GROWTH OF LEAA APPROPRIATIONS

[Dollar amounts in millions]

Fiscal year	Appropriation	Dollar increase	Percentage increase
1969	$63		
1970	268	205	325
1971	532	264	100
1972	699	167	31
1973	855	156	22
1974	891	36	4

Since the Safe Streets Act expires this June, there is no authorization for FY 74. It should be noted however, that the appropriation for FY 73 and the requested budget authority for FY 74 are each only about one-half the authorization for FY 73 (i.e., $1.750 billion).

The planned distribution of the FY 74 budget authority under the Administration's proposed law enforcement revenue sharing, as compared with the distribution of FY 73 appropriations, is outlined in Table II.

As Table II indicates, special revenue sharing payments of $680 million are proposed to replace the current bloc grants to states and localities for planning, law enforcement, and corrections improvements, as well as two activities—Manpower Development and Technical Assistance—now administered at the Federal level. The LEAA discretionary budget, now $145.2 million (See Table II, Categories 2(b) and 3(b)), would be reduced to $120 million.

COMMENT

The failure to substantially increase the funding level of the LEAA program will seriously impair the ability of localities to continue their efforts to reduce crime and to improve their law enforcement and corrections systems. This is true for two reasons.

First, the budget will limit the funding of new and more effective anti-crime programs at the local level. Since much of the new budget authority will be committed to refunding successful projects undertaken in the previous two years, a less than adequate amount of funding will be available to initiate new projects. The proposed reduction in the LEAA discretionary budget (from $145.5 million in FY 73 to $120 million in FY 74) provides an example here. A large portion of this budget will probably be committed to funding recently initiated anti-crime programs. (The major program here is the Impact Program in eight large cities). At the very time when programs such as Impact are likely to be showing their success and their applicability to other cities, funding for the extension of these programs to other localities will not be available.

Second, the proposed limitation on LEAA funding is particularly unfortunate in its timing. The rate of growth of reported crime in 1972 was 1%, the smallest rate of growth in 12 years. And in the last three years there have been massive increases in local criminal justice expenditures. The upcoming year, then, could well be a critical one in the Federal-state-local effort to combat crime. For the reduction of crime and the improvement of the criminal justice system to become permanent realities, a substantial increase in the level of Federal assistance is necessary.

TABLE LEAA-II.—LEAA BUDGET, FY 73 AND 74

[In millions of dollars]

Categories	Fiscal year— 1973	1974
1. Planning grants to States and localities	50.0	
2. Block action grants to States and localities to improve law enforcement:		
(a) Allocations to States by population	480.3	
(b) Allocations to States or localities by LEAA discretion	88.7	
3. Special grants to States and localities to aid correctional institutions and programs:		
(a) Allocations to States by population	56.5	
(b) Allocations to States or localities by LEAA discretion	56.5	
4. Manpower development (includes LEEP—Law enforcement education program)	45.0	
5. Technical assistance	70.0	
Total	787.0	
6. Financial assistance for law enforcement purposes:		
(a) Special revenue sharing payments to States by population		680.0
(b) Allocations to States or localities by LEAA discretion		120.0
Total		800.0
7. Technology analysis, development and dissemination	31.6	48.5
8. Data systems and statistical assistance	31.2	25.5
9. Management and operations	15.6	17.1
Total	855.4	891.1

Manpower

There will be *no* request for extension of the Emergency Employment Act. The $2.25 billion appropriated for the two-year legislative effort will be spent with $580 million of that total to be used for phase out of the program after June 30, 1973. Reasons given for termination include:

1. Unemployment is falling; will continue to fall to an Administration estimate of 4.5 percent by the end of calendar 1973. Need is not as great; emergency nature of problem has subsided.

2. Jobs in the private sector have increased; the economy in general is on upswing.

3. Financial ability of local governments to meet demand for public services has improved—specifically with the introduction of *general* revenue sharing.

There will be *no* request for special manpower revenue sharing legislation. Department of Labor (DOL) will act administratively to achieve the goals of special revenue sharing and as such will request extensions of existing MDTA–EOA legislation, both now scheduled to terminate in June of 1973. The implications of this action are significant to cities as efforts at manpower decentralization are addressed.

There will be *no* request for any summer program money, be it the Neighborhood Youth Corps (NYC), the Recreation Support Program (RSP) or Summer Youth Transportation Program (SYTP). This too must come out of the monies being folded into manpower special revenue sharing. An additional option will be provided that local jurisdictions can use the Emergency Employment Act (EEA) monies for "phase out" of PEP *or* for summer programs. This is not additional money; it is only another permissible way to expend local EEA funds.

The proposed budget authority for manpower revenue-sharing for FY 74 is $1.340 billion. This compares to an FY 72 appropriation of $1.682 billion, or a reduction of 20 percent.

Comparison with FY 73 requires explanation since the Administration is proposing changes in the FY 1973 appropriation levels. The legislative basis for funds included in manpower revenue sharing are the Manpower Development Training Act (MDTA) and the Economic Opportunity Act (EOA). The FY 73 approved appropriation for the EOA is $829.8 million. The FY 73 appropriation accepted by both the Administration and Congress for the MDTA was $719.6 million. (This appropriation was in the vetoed DOL-HEW appropriation bill). Thus the anticipated appropriation for FY 73 was $1.549 billion. The Administration is asking Congress to rescind $283 million of the EOA appropriation. It is also revising its new request for funding under MDTA for this Fiscal Year by reducing the dollar amount by 91 million dollars. The net impact is a reduction in Fiscal Year 1973 figures of $375.3 million or 24 percent less than what was anticipated. The "estimated appropriation" which it is now using for FY 73 is thus $1.174 billion.

Consequently, the budget claims that Fiscal Year 1974 funds for manpower training services are almost $166 million larger than Fiscal Year 1973. In fact, there will have been a 13.5 percent cut in Fiscal Year 1974 from the Fiscal Year 1973 funding which had been anticipated.

The $1.340 billion budget authority for manpower revenue-sharing also includes $40 million transferred from OEO to DOL for Migrant programs, thus revealing an additional $40 million reduction in comparable funding. This means that the "real" reduction from FY 1973 appropriations is over 16 percent.

With the elimination of Emergency Employment Act (EEA) there will be a reduction of 53 percent in funds available for job creation and manpower.

In the budget briefing it was tacitly admitted that in order to rescind the $283 million of the EOA appropriation, the Administration will continue the freeze on new enrollments of manpower training programs thus achieving the reduction even if Congress does not act. In the case of the pending Manpower Development Training Act (MDTA) appropriation—from which $91 million is subtracted, the desired effect will also be accomplished even if Congress does not act by continuing enrollment freezes.

EEA PHASE OUT

In relation to Emergency Employment Act (EEA), the Administration has indicated that it anticipates a phase-out of the program by the end of calendar year 1973 or shortly thereafter. Thus, it will use all of the $2.25 billion authorized, but will extend the period beyond the two years of program operation. Therefore, there is no change in the total numbers of man days of work provided, but merely stretching those man days out over a long period of time.

ADMINISTRATIVE IMPLEMENTATION OF MANPOWER REVENUE SHARING

The manpower revenue sharing budget for FY 1974 ($1,340 billion) will be "controlled" by DOL at two line items:

State and Local Programs
National Programs

Programs to be included among state and local programs will include the following categorical programs: Manpower Development Training Act (MDTA) Institution; CEP; JOPS–NAB; PSC; NYC in-school and summer, and out-of-school; and Operation Mainstream.

National programs will include Job Corps, JOBS, Research and Development efforts and Migrants.

In addition, the responsibility for the activities of many national contracts will be shifted to the local level during the Fiscal Year. Apparently, these monies too must be absorbed from the state and local program allocation over time. Specifically, programs of OIC, Urban League, and SER have been mentioned. The political implications at the local level for this action alone would disrupt an orderly establishment of a local manpower capacity.

PEP and WIN and the Employment Service are, of course, excluded from manpower revenue sharing entirely.

The projected budget for state and local programs for FY 1974 is $950 million. This compares to an anticipated FY 1973 appropriation of approximately $1,050 million or a reduction of 10 percent.

OTHER MANPOWER PROGRAMS

The WIN Program, which is operated through the states, will show an increase in Fiscal Year 1974 to $534.4 million. The Fiscal 1973 original appropriation was $454.5 million from which the Administration is requesting a $161.6 million rescission similar to that discussed above regarding EOA funding. Since WIN is operated through the States, it will mean a situation where local governments have limited control over the expenditure of such funds. Of the FY 1974 proposed budget, $49.1 million is slated for public service employment, $56.2 million for on-the-job training and $151.3 million for institutional and other training services.

Health manpower funds for Fiscal Year 1974 will be reduced by approximately $151.4 million to a level of $382.2 million. This reduction is accomplished by a $93.0 million rescission of Fiscal Year 1973 funds and a subsequent reduction of $58.4 million in Fiscal Year 1974.

Funds for Occupational, Vocational and Adult Education are not included as line items in the Fiscal Year 1974 budget. They have been subsumed in the proposed education revenue sharing. This involves approximately $540 million.

Office of Economic Opportunity

OEO is being dismantled and Federal support for local Community Action operations discontinued.

There is no request for funds for the Office of Economic Opportunity for FY 74. Rather, some segments of the OEO Program are being transferred to other agencies. Community Action operations, which have used the largest portion of the OEO Budget, become a "local option," for which no categorical Federal funds will be available.

Review of the individual OEO program areas shows:

1. Research, development, and evaluation:

Projects and staffs will be transferred to agencies with primary responsibility in the areas of current OEO research efforts.

The FY 74 HEW Budget request includes $23.9 million to continue educational voucher demonstration; $12.6 million to continue experiments in alternative approaches to child care, and $22.7 million to continue policy studies on the causes of poverty.

The 1974 Department of Labor request includes $5.3 million to continue OEO research in the fields of manpower and training.

The 1974 request for the Department of Housing and Urban Development includes $13.4 million to continue efforts to test ways to provide adequate housing for disadvantaged persons. The total request for former OEO research activities is $78 million, up $11.3 million over 1973.

2. Community action operations:

Community Action Programs in the past have consumed the largest portion of the OEO Budget. The 1973 Community Action obligation level was $285 million. There is no Budget request for Community Action Operations in FY 1974. In the words of the Administration:

"Community Action has had an adequate opportunity to demonstrate its value to local communities. Little justification for continuing separate categorical funding can be identified. Evidence is lacking that Community Action Agencies are moving substantial numbers of people out of poverty on a self-sustaining basis. If the constituencies of individual communities desire to continue providing financial support to local Community Action Agencies general and special revenue sharing funds could be used."

HEW will assume responsibility for demonstration programs in Indian self-determination. $32.1 million is requested in the HEW Budget for this program, an increase of $9.7 million over 1973.

3. Health and nutrition:

$147 million for OEO health programs is requested in the HEW appropriation, compared to the 1973 obligation of $165.2 million, a reduction of $18.2 million. When this account is transferred to HEW, there is a further cut of nearly $47 million. The Administration is asking for a "rescission" of $45 million in FY 73 appropriations. The net loss is some $110 million.

4. Community economic development:

The Office of Minority Business Enterprise Budget request includes $39.3 million to fund grantees currently funded through the OEO economic development program. The 1973 obligations for this purpose were $30.7 million. However, it should be noted that the OMBE budget for FY 74 shows only a $10.6 million increase over FY 73. Consequently, in programs designed to support minority business enterprise, there is a net reduction of some $28.7 million in FY 74.

5. Migrant and seasonal farm workers:

$40 million is included in the Department of Labor budget request for programs for migrant workers, including food programs now funded through the emergency food and medical services program. The 1973 obligation level is $36.3 million.

6. Legal services:

The 1974 request of $71.5 million is for appropriation to HEW. The Administration's intention is to seek passage of legislation for a Legal Services Corporation. The 1973 obligation level is $73.8 million.

7. General support:

The Administration asks $33 million for the General Services Administration to phase out outstanding grants and contracts of discontinued activities.

TABLE OEO-I.—OEO OBLIGATIONS, BY PROGRAM

[In millions of dollars]

Program by activities	1972 actual	1973 estimate	1974 request	Responsible agency, 1974
Research, development, and evaluation	45.0	66.7	78.0	Various agencies.
Community action operations	351.0	285.3		Local option.
Health and nutrition	157.2	165.2	147.0	HEW.
Community economic development	26.8	30.7	39.0	OMBE.
Migrants and seasonal farmworkers	36.5	36.3	40.0	DOL.
Legal services program	67.7	73.8	71.5	Independent corporation.
General support (liquidation)	18.2	18.5	33.0	GSA.
Total obligations, net	702.4	676.5	408.8	
Transfers to other accounts	38.3	.2		
Total	740.7	676.7		

COMMENT

The loss of Community Action categorical monies will affect different cities in various fashions.

The larger cities in the nation have generally been the repositories of the most concentrated social ills. As such, they have led the way in developing consciousness of the urban crisis, and in developing mechanisms for resolving it. They have been constrained, however, by diminishing resources.

Many operational programs will be closed. The out-reach functions which non-profit CAAs have undertaken for cities and the use of community participation components to help decide municipal strategies in conjunction with representatives from the disadvantaged communities will, in all likelihood, disappear.

In smaller and rural communities, capacities for dealing with social and human problems will be especially affected. Many CAA's have served as the social planning mechanisms for local government often on an interjurisdictional basis. Some Community Action Agencies constitute the only body capable and experienced in negotiating in the intergovernmental human resources system, as a social and human resources grantsman. Alternative arrangements for continuing these efforts do not currently exist.

RURAL DEVELOPMENT

The Department of Agriculture Budget, which provides loans and grants for rural development activities, includes severe cutbacks in the Farmers Home Administration housing program (See Tables R–II and R–III), and eliminates the funding for sewerage systems in rural areas. On the plus side, the Budget seeks to implement some features of the Rural Development Act of 1972, including loans for community facilities and industrial loans to small communities.

The rural waste disposal grant program was terminated on January 1, 1973, and on June 30, 1973 the loan program in support of waste disposal systems will be terminated. The Agriculture Department program to provide loans to communities to institute water systems will be continued. Early indications are that the water system loans will be about the same level as the previous water and waste disposal system loan program. This would mean that a larger number of loans for water systems may be available through the Agriculture Department.

With regard to waste disposal systems, however, it appears that smaller communities are getting short-changed. The Administration's Budget presentation indicates smaller communities can expect to obtain grants for sewerage systems from the Water Pollution Control Act funds administered by the Environmental Protection Agency. But EPA is putting emphasis on sewage treatment facilities to control pollution and new sewerage systems are being given the lowest priority. Further, EPA is focusing its primary attention on cities over 10,000 population. Loans for waste disposal systems may be available through the Environmental Financing Authority, also established by the Water Pollution Control Act Amendments of 1972. The status of this new authority could not be learned from the Treasury Department, which is to administer the program.

The Budget proposes $100 million in loan authority to public bodies and non-profit associations in cities up to 10,000 for essential community facilities such as fire halls, and fire fighting equipment, community centers, ambulance services, industrial parks and the like. An additional $200 million in loan authority is requested for rural industrialization assistance loans to public, private or cooperative organizations to improve, develop, or finance business, industry and employment to improve economic and environmental conditions. Cities up to 50,000 are eligible, although preference is to be given for cities under 25,000. In addition, $10 million in grant authority is sought for industrial development uses. These requests are new this year and are part of the Rural Development Act of 1972.

No funds were sought for annual grants to public bodies or planning agencies to prepare comprehensive plans for rural development authorized under the Rural Development Act.

TABLE R–I.—RURAL WATER AND WASTE DISPOSAL GRANTS

[Obligations in millions of dollars]

	Fiscal year—		
	1972	1973	[1] 1974
Planning	2.1	0.6	
Development	40.0	29.4	

[1] Program terminated Jan. 1, 1973.

TABLE R–II.—RURAL HOUSING FOR DOMESTIC FARM LABOR

[Obligations in millions of dollars]

	Fiscal year—		
	1972	1973	[1] 1974
Rural housing grants	6.7	0.7	

[1] No new obligations after Jan. 8, 1973.

TABLE R–III.—RURAL HOUSING LOANS

[Obligations in millions of dollars]

	Fiscal year—		
	1972	1973	[1] 1974
Rural housing site loans	1.0	5.0	5
Farm labor housing loans	2.7	7.5	
Rural rental housing loans	40.1	30.0	
Low-income building loans	1,061.2	650.0	
Moderate-income building loans	500.0	1,084.0	618

[1] No new loan obligation will be incurred under the low-income housing, rural rental housing, and farm labor housing loan programs after Jan. 8, 1973, pending an evaluation of the programs.

TABLE R–IV.—RURAL DEVELOPMENT INSURANCE FUND

[Loan obligations in millions of dollars]

	Fiscal year—		
	1972	1973	1974
Water and waste disposal	300	300	345
Industrial development			200
Community facilities			100

TABLE R–V.—RURAL DEVELOPMENT GRANTS AND TECHNICAL ASSISTANCE

[In millions of dollars]

	Fiscal year—		
	1972	1973	1974
Grants for community facilities			$10
Environmental quality cost-sharing and technical assistance			10

TRANSPORTATION

The President's Budget Message assigns a high priority to urban mass transportation. The Urban Mass Transportation Administration will continue to be funded in FY 74 at basically the same level as that of FY 73, about $1 billion.

Total obligations for highways for FY 74 are estimated at $4.6 billion. Had the highway bill passed the 92nd Congress, highways would have been funded at $6 billion annually. This would have meant an additional impoundment of $1.4 billion in highway funds.

The previous impoundment of highway obligations will lead to an increase in the cash surplus of the Highway Trust Fund of $1.4 billion for FY 74.

The Budget indicates that the Administration will not pursue transportation special revenue sharing, which would have merged the airport, highway, and mass transit programs. Instead, the Administration will seek increased flexibility in the use of Highway Trust Fund money for both highway and mass transit purposes.

URBAN MASS TRANSPORTATION

Capital facilities obligations will be increased slightly from an FY 73 budget level of $864 million to an FY 74 level of $872 million. This is a small increase in view of the more than $4 billion in unfunded applications, of which about $2 billion are available for immediate approval and funding during FY 74. Technical studies will increase from $34 million annually to $38 million annually. This is a significant increase since FY 72.

Research, Development, and Demonstrations (R, D & D) also shows a slight increase of about $7 million from FY 73; however, R, D & D is considerably lower than that projected in the FY 73 Budget, which indicated an FY 73 level of $115 million for R, D & D.

During this Congress, legislation will be transmitted by the Administration proposing to increase total contract authority by $3 billion.

Capital grants in 1974 are expected to assist in the purchase of 5,000 new buses, 215 commuter rail cars and 275 rail rapid cars. This level of equipment replacement and expansion should be measured against the roughly 50,000 buses and 9,000 subway and elevated cars in use today—many of them outdated—and new equipment requirements. Construction and other equipment will amount to about $525 million of the total capital grants.

TABLE T-I.—URBAN MASS TRANSPORTATION, FISCAL YEAR 1972–74

[In millions of dollars]

	Administrative reservations (obligations)		
	Fiscal year year 1972	Fiscal year year 1973	Fiscal year year 1974
Capital facilities	$510	$864	$872
Technical studies	25	34	38
R., D. & D	61	73	80
University research and training	3	3	3
Other	5	7	8
Total[1]	604	980	1,000

[1] Due to rounding, totals may differ slightly.

Source: "Appendix to the Budget for Fiscal Year 1974", p. 727

HIGHWAY PROGRAMS

Urban extensions, the Urban System, and the TOPICS program will be combined into an Urban Transportation Program. The projected increase in urban highway program costs is from a level of $645 million in FY 73 to a level of $800 million in FY 74. This represents a 24 percent increase of $155 million in funding available for urban transportation, as well as increased flexibility in the use of urban highway funds. However, the total available for urban systems remains small, when compared with the continued high commitment ($2.6 billion) to the Interstate System.

It is anticipated that urban areas may use the Urban Transportation Program funds for highways or mass transit. Nevertheless, current estimates indicate a need for a minimum Federal funding level of $1 billion annually for urban streets and highways, and about $1.5 billion per year for mass transit purposes.

Legislation will be proposed by the Administration to provide authority for carrying out the Federal-aid highways program in 1974 and 1975. The Administration, however, will propose that $1 billion be provided for mass transit and that $800 million be provided for urban highways.

TABLE T-II.—FEDERAL-AID HIGHWAYS TRUST FUND, FISCAL YEAR 1972–74

	Fiscal year—		
	1972 (actual)	1973 (estimate)	1974 (estimate)
Interstate system	3,360	2,800	2,600
Urban programs:			
Urban extensions	250	240	
Urban system	1	140	
Topics	44	265	
Urban transportation program			800
Total urban programs	295	645	800

Source: "Appendix to the Budget for Fiscal Year 1974," p. 712.

AIRPORTS

Estimated obligations for FY 73 airport grants for planning and construction match the annual total of $295 million provided by the Airport and Airway Development Act of 1970. Contract authority of $560 million is recommended in 1974 for airport construction grant commitments in 1974 and 1975, which would provide funding for construction grants at a level of $280 million per year for two years, or the same level as that of FY 72 and FY 73. Outlays for airport grants are estimated at $209 million in 1974, about the same as in 1973, and more than double the 1972 level.

The Administration plans to introduce "revised legislative and administrative user/charges to insure that the costs of the aviation system are fairly allocated to the beneficiaries of the system." These charges will be primarily for airport security purposes to pay for anti-hijacking procedures recently announced.

TABLE T-III.—GRANTS-IN-AID FOR AIRPORTS, FISCAL YEAR 1972–74

[In millions of dollars]

	Fiscal year—		
	1972	1973	1974
Grants for planning	9	15	15
Grants for construction	280	280	280
Total	289	295	295

Source: "Appendix to the Budget for Fiscal Year 1974," p. 701.

COMMENT

Both the urban mass transit programs and the airport planning and construction grants will be funded at about the same level as FY 73, with a slight increase of $20 million in mass transit obligations. The level of urban highway programs, however, will be substantially increased from $645 million in FY 73 to $800 million in FY 74. In addition, the Administration intends to propose that these funds be made available for either highway or mass transit purposes. While the Federal funds available for highways, urban mass transit and airports fall far short of estimated needs, cities at least should be able to continue transportation programs at the current level. Further, the proposed increased flexibility in the use of Highway Trust Fund money would allow cities to best determine the allocation of Federal transportation funds.

VETERAN'S OPPORTUNITIES

The GI Bill will put $2.5 billion for education and training into circulation primarily in the nation's cities. This reflects a 25% increase signed into law by the President on October 24, 1972. However, the total number of trainees is expected to decline in FY 74 to 1,866,000 from the 1,920,000 of FY 73. This is a result of the dropping military discharges.

Expenditures for the GI Bill, the main Veterans Administration program, are expected to go from $2.542 billion in FY 73 to $2.470 billion in FY 74.

The Veterans Cost of Instruction provision of the Higher Education Act is a key means of making the GI Bill work better in our cities. No appropriation is requested for that provision for FY 74.

Rather than simply impounding the funds for the Veterans Cost of Instruction provision, the Administration has requested a "recission" of the $25 million appropriation. This money, which Congress directed be spent in time to assist veterans in the second half of the 1972–1973 school year, would support important new initiatives by the education community on behalf of veterans.

COMMENT

Returned servicemen, particularly in the 20–24-year-old low-income groups, both white and minority, have high rates of unemployment and limited opportunities. The cut-backs in the Emergency Employment Act (EEA) program will affect them, since this was the principal government program designed to create jobs for veterans. Veterans received a 40% preference under the program.

WELFARE

For purposes of Budget analysis, "welfare" is taken to include: (1) income programs—public assistance and social security; (2) aid and services for special population groupings—children, youth, aged; (3) social services in general; (4) new initiatives—Allied Services legislation.

Legislation enacted by the 92nd Congress in 1972 will significantly increase cash benefits to those covered by social security. The Social Security Amendments of 1972 (H.R. 1), among other things, federalized the adult public assistance categories—aged, blind, permanently and totally disabled—and established a national minimum standard payment, effective January 1, 1974. These amendments will afford greater income security to millions of needy people. It should be noted, however, that in a number of states, supplementation of Federal benefits will still be necessary to maintain prevailing levels of financial aid.

Aid to Families with Dependent Children (AFDC) will continue as a Federally-aided, state-administered program. "Management reforms and proposed legislation to assure that welfare recipients receive only the benefits to which they are entitled," suggests that this group (approximately one-half of all those receiving public assistance) may be forced to absorb some reduction in real income in FY 74.

Social Services will be sharply cut back in many parts of the country as a consequence of a congressionally imposed 2.5 billion dollar authorization ceiling and an administration target some 20 percent below that figure.

KEY BUDGET ITEMS

In reading the following comparative figures, it should be noted that the President vetoed the FY 73 HEW appropriation bill. HEW programs currently operate under a continuing resolution in effect for the period from July 1, 1972 to February 28, 1973.

GRANTS TO STATES FOR PUBLIC ASSISTANCE (EXCLUDING SOCIAL SERVICES)

[In millions of dollars]

	1972 comparable appropriation	1973 revised estimate	1974 budget request
1. Maintenance assistance	6,143	6,488	[1] 5,371
2. Medical assistance	4,279	4,728	5,261
3. State and local training	35	42	45
4. Child welfare services	46	46	46

[1] This figure does not reflect Federal funding for the adult categories for the 2nd half of fiscal year 1974. Approximately $2,200,000,000 budgeted for this purpose is listed as a line item, "Supplemental Security Income", under the Social Security Administration's portion of the budget.

CHILD DEVELOPMENT

Budget requests for the Office of Child Development (OCD) in HEW all represent minor increases over previous fiscal year levels. The Project Headstart, (transferred from OEO to HEW), funding request ($407.4 million) although 3.6 percent above estimated FY 73 expenditures, is $92.6 million below the authorized level of $500 million. Although the budget request reflects a doubling of funding for research and demonstration grants for OCD, the increase represents transfers from OEO R & D projects.

OFFICE OF CHILD DEVELOPMENT

	1972	1973	1974
Headstart	$368.7	*$393.4	$407.4
Research and development	11.5	12.5	24.6
Program administration	9.6	9.7	11.8
Total	390.7	415.6	443.8

*See footnote on p. 3336.

Child care and other supportive services under the WIN Amendments for purposes of enabling AFDC recipients to register for job training or employment, are to be administered by HEW. FY 73 was the first year of major program activity under these amendments. Again, the Administration has submitted revised FY 73 budget authority for this program.

WIN—Child care and supportive services

1972	$37
1973	*$86.7
1974	$202.4

*Revised FY 73 estimates. The original FY 73 Budget request for Headstart was $386 million; for Child Care and supportive services $233.6 million.

ELDERLY

Indicating that the Administration plans initiatives in decentralization of programs that serve the elderly, the FY 74 Budget requests $95.6 million for initiatives to "help marshal existing and expanded resources more effectively at the local level," as under the expired Older Americans Act. In addition, the Budget requests $100 million to fund the elderly nutrition programs. This amount was authorized in legislation signed in March 1972.

PROGRAMS FOR THE ELDERLY

	1972	1973	1974
Special programs	$44.7	$100.9	$95.6
Nutrition program		100.0	100.0
Total	44.7	200.9	195.6

JUVENILE DELINQUENCY

In 1972, and again in 1973, recommended Budget authority for implementation of the juvenile delinquency act passed in August of 1972 was $10 million. The same amount is again requested for 1974.

ALLIED SERVICES

An "Allied Services Act", which would enable state and local governments to coordinate and consolidate the planning and provision of human services, will be re-introduced in the 93rd Congress. To begin implementation of this legislation in FY 74, the Administration has requested an appropriation of $20 million.

	Social services		
	1972 actual	1973 estimate	1974 estimate
Tota' cost	2,161	3,540	2,667
Federal share	1,589	2,655	2,000

COMMENT

Social security increases and federalization of the adult public assistance categories will have an indirect, and probably negligible, effect on cities. In both instances, funding and administration are strictly Federal. Although some additional dollars will flow into cities, this will be offset, at least in part, by higher social security taxes on both employees and employers. As noted above, in a number of states federalization of the adult categories will *not* per se result in higher benefits for recipients.

In the case of AFDC families, which in many cities constitute a substantial percentage of all residents at or below the poverty level, welfare aid may not even keep pace with increased living costs. In the context of cutbacks in related social service and anti-poverty programs, the problems of AFDC families are likely to become exacerbated and, accordingly, the demand of this group on the resources of local general purpose government, should be expected to increase.

Unlike the purely Federal, or Federal-State programs, social services, in varying degrees, have increasingly become a function of local government. Child care projects, services for the elderly, consumer education, and a host of other activities have been provided to low income target groups in hundreds of cities across the country through the social services provisions of the Social Security Act. In many instances, Model Cities supplemental funds, parlayed with HEW matching dollars, were used to develop local projects in response to locally determined needs and priorities. HEW's projected 2 billion dollar expenditure for social services in FY 74 is 655 million dollars below estimated 1973 outlays and 500 million dollars below the ceiling that Congress set last October. The impact of these cuts will fall on cities unevenly. Cities that have not taken advantage of open-ended funding and cities in states that will not be adversely affected by the ceiling formula, will be no worse off. Others, e.g. Atlanta, New York, Chicago, Portland (Maine) and many more, will be hurt in varying degree.

Over the past few years, the Administration sought to have Congress put a lid on social services spending. When Congress failed to do so in 1970 and 1971, "intensified fiscal management efforts" and "active management controls" were seen as a partial solution to uncontrolled costs. At this writing, stringent new regulations *which were drafted before Congress enacted its $2.5 billion ceiling*, are about to be introduced. These regulations will certainly enable HEW to stay well within its $2 billion budget figure. They will, however, sharply curtail cities' flexibility to provide services to certain designated low income groups, to develop innovative social services projects, and to utilize purchase of service arrangements, which heretofore have afforded both the latitude and resources required to meet locally determined needs and priorities.

Insofar as the thrust toward administrative control of social services spending commenced prior to imposition of the legislative ceiling, such control now seems unwarranted. Moreover, stringent regulations and more narrowly drawn Federal guidelines appear to run counter to overall Administration policy which aims toward decentralization, toward strengthening local government capacity, and toward affording localities greater flexibility to utilize and adapt Federal programs in accordance with local needs.

GLOSSARY

Authorization—Basic substantive legislation which sets up a Federal program or agency. Such legislation sometimes sets limits on the amount that can subsequently be appropriated, but does not usually provide budget authority.

Budget authority (BA)—Authority provided by the Congress—mainly in the form of appropriations—which allows Federal agencies to incur obligations to spend or lend money. While most authority is voted each year, some becomes available automatically under permanent laws—for example, interest on the public debt. Budget authority is composed of:

—New obligational authority (NOA), which is authority to incur obligations for programs in the expenditure account; plus

—Loan authority (LA), which is authority to incur obligations for loans made under programs classified in the loan account.

Budget surplus or deficit—The difference between budget receipts and outlays, representing the expenditures account surplus or deficit plus net lending.

Contract authority—Some budget authority is in the form of "contract authority" which permits obligations, but requires an appropriation or receipts "to liquidate" or pay these obligations.

Federal funds—Funds collected and used by the Federal Government, as owner. The major federally owned fund is the general fund, which is derived from general taxes and borrowing and is used for the general purposes of the Government. Federal funds also include certain earmarked receipts, such as those generated by and used for the operations of Government-owned enterprises.

Fiscal year—Year running from July 1 to June 30 and designated by the calendar year in which it *ends*.

Obligations—Commitments made by Federal agencies to pay out money for products, services, loans, or other purposes—as distinct from the actual payments. Obligations incurred may not be larger than the budget authority.

Outlays—Checks issued, interest accrued on the public debt, or other payments made, net of refunds and reimbursements.

Recission—A request to Congress to cancel budget authority previously granted and remaining available, but still unused.

Trust funds—Funds collected and used by the Federal Government, as trustee, for specified purposes, such as social security and highway construction. Receipts held in trust are not available for the general purposes of the Government. Surplus trust fund receipts are invested in Government securities and earn interest.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONFIRMATION BY THE SENATE OF APPOINTMENTS TO OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON). Under the previous order, and the hour of 1 p.m. having arrived, the Senate will resume the consideration of S. 518, which the clerk will state.

The legislative clerk read as follows:

> S. 518, to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER (Mr. BIDEN). Time for debate will be limited to 1 hour on the bill, with the time to be equally divided and controlled by the Senator from North Carolina (Mr. ERVIN) and the Senator from Pennsylvania (Mr. SCOTT) or whomever he designates. The vote on the bill will occur not later than 2 p.m. today.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I understand that the distinguished Senator from Minnesota wishes to speak in behalf of this bill; I am glad to yield to the Senator from Minnesota from the time of those favoring the bill.

Mr. HUMPHREY. Mr. President, I thank the distinguished Senator from

North Carolina not only for yielding to me but also for the leadership he is giving the Senate and, indeed, Congress on the very important matter of the relationship of the executive branch of the Government to Congress in the matter of the impoundment—or should I say the proper use—of public funds.

Today, Mr. President, I would like to give my wholehearted support to the bill that my distinguished colleagues, Senator ERVIN and Senator METCALF, have brought to the floor, requiring Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

On Friday, Senator ERVIN and others detailed the great powers of the Director of the Office of Management and Budget. Among other evidence, they cited the 67 statutes of the United States Code which, added one atop another, surely all add up to a position in the executive branch second only to the President in terms of power.

The distinguished Senator from Wisconsin (Mr. PROXMIRE) also raised questions regarding the fitness of this particular nominee—Mr. Roy Ash—for office, given evidence of mismanagement of Navy contracts in his previous position as head of Litton Industries.

If these were the only reasons for the proposed legislation, there would be more than ample reason to pass it. But there is yet another more timely set of circumstances which compels us to pass this bill. This has to do with the way in which this particular President views the budget process and with the way he is trying to reorganize the executive branch of the Government. Clearly, in both of these areas, President Nixon is attempting to reduce the power of Congress. Clearly, in both these areas, an increase in the power of the OMB would be the major means of reducing the power of Congress.

The Congress and the people of the United States have just had the President's 1974 budget unveiled to them. This budget is the result of almost a year's secret—and I underscore the word "secret"—planning by the OMB. There is no more secret document in this Government than the President's budget and the President's budget message. I have stated this repeatedly. The secrecy with which this budget process is guarded puts everything else, in terms of classified documents and secrecy within the Government, into insignificant proportions.

I want to say once again, Mr. President, that the budget process of the executive branch of the Government makes a mockery of democracy. The budget process makes no room for citizen participation. The budget process makes no room for congressional participation, until such time as the budget comes before us as a total package, conceived in secrecy and delivered in the middle of the night, in the cloak of darkness.

The budget represents more than one-fourth of the Nation's GNP. It is the government's prime instrument of economic policy and social policy. There is no more clear-cut example of the unilateral assertion of Presidential power in the domestic sphere than this budget.

It follows that the Director and Deputy Director of OMB, especially in the second Nixon administration, are among the handful of the most powerful officials in the executive offices. Yet, they are presently unaccountable to Congress—and, indeed, to the public—and under present law their nomination need not be confirmed.

Unless we require such confirmation, the following practices will continue, and Congress will be able to do absolutely nothing about them.

The Presidential budget process will continue to be a secret, closed one. Neither Congressmen, nor mayors, nor Governors, nor business, nor labor, nor farmers, nor anyone else will be able to find out what the OMB is planning—despite the budget's huge impact on State and local budgets.

Nor will the public or their elected representatives be able to inform OMB's anonymous bureaucrats as to their version of what the Nation's priorities should be.

Nor will Congress be told the complete reasoning behind all proposed cutbacks and changes—for it will continue to be excluded from the dozens of hearings that go on between OMB and the agencies, where the important budget issues are discussed.

Nor will Congress have access to OMB's and agencies' evaluations of programs—not just those which support the executive's point of view, but all evaluations.

Nor will Congress obtain other vital data needed to formulate needed levels of revenues, expenditures, and deficits.

Mr. President, some of the most important tools this Congress needs to reassert its proper role are those locked in the OMB workshop. We need to fashion our own tools, to be sure. We need to improve the structural organization of Congress. But we need, also, to unlock OMB and be privy to the vast resources of the executive in formulating this budget. Senate confirmation of the OMB Director would be the first step in doing this.

I have been talking about the problems of secrecy and unilateral assertion of executive power by the OMB in the past. What we face in the future will make this pale by comparison. I have visited with mayors, county supervisors and commissioners, State legislators, and Governors for years and years about this problem.

Mr. President, the budget of the U.S. Government is so important that every State legislature today is in trouble because of the present budget that is before us. This budget is so important to the long-term economic health of this country that it is too important to be left to civil servants, too important to be left to a Director of the Budget who has no accountability to Congress.

Mr. President, this administration is proposing that a new quartet of supercrats be established as overlords over all domestic budget and policy matters. Each is in charge of a nice, neat area of government: one in charge of human resources, one in charge of natural resources, one for community development, and one for economic affairs.

How reassuringly neat it is. No longer, for example, will the President have to worry about the separate and unique problems of disabled people; of elderly pensioners; of unemployed workers; of rural people and farmers; of struggling students; of welfare recipients; of the mentally ill and retarded; of poor children.

Mr. President, you will not have to look at all these problems any more: you need only look at an abstraction called "human resources," tidily taken care of by a supercrat whom we cannot put our hands on, who can ignore us if he so desires.

How is Congress supposed to determine what assumptions are being made about the needs of these different groups by those in the executive who are supposed to be accountable to these groups? Is is not likely that Assistant Secretaries, not to mention Secretaries—appointed, and not elected—will become complete puppets of the OMB, in testifying before Congress and in making policies—given this new structure of supercrat. Surely Senate confirmation of the OMB Director and Deputy Director is needed, so that we can ascertain what the administration's policies will be in this regard.

How do we know what the Secretary of Labor, for example, or his Assistant Secretary in charge of manpower programs, will feel about the need for assistance to the unemployed of this Nation in the next several years? Will these officials, who are most knowledgeable about this problem, have to yield to Supersecretary Weinberger and merely mouth his policies up here on the Hill?

In the first place, what did he ever get elected to? I had never heard about him until he came to Washington under an appointment. I am sure he is an able man. But I wish he would share some of his wisdom with us instead of keeping it closed and secret.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. ERVIN. I yield 2 additional minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. To continue with the scenario—will the Congress be informed as to tradeoffs that will be made by super-Secretary Weinberger and super-Secretary Butz, between their respective areas of human resources and natural resources—at the directive of the budget czar, Mr. Ash? Will the Congress be told the assumptions behind these tradeoffs? The answer is no—unless the Senate acts now to require confirmation of Mr. Ash and his deputy, Mr. Malek, and require that they address these central issues regarding the balance between executive and legislative power.

Clearly, this administration, more than any other in history, equates budgetmaking with policymaking. It seems clear that the new super Cabinet is designed in good part to allow OMB to exert even more control over the Cabinet than it has in the past.

Mr. President, I end this message this morning by saying I have just come back from 3 days in my part of the country. The people are angry. They are now fully aware of the fact that as far as this administration is concerned, people are nonentities; they are nothing but ZIP code numbers. The people I talked to want to know when this Government is going to keep its word.

I talked to many people. I talked to as many as 600 farm people at one meeting. They said to me, "Mr. Senator, are you in the Government or aren't you? Is this Government going to keep its word with us on contracts made with us or is the Government going to renege on every commitment and violate every contract?"

I have to look at those dear people and tell them that as of now I do not know what we can do. But one thing we can do is to make sure that the man who is going to be the head of the Office of Management and Budget comes to Congress so we can at least question him, so we can at least look into his fitness to hold office, and look into his mind and find out his intentions. I am so pleased the Senate is at least going to demand confirmation of this appointment.

Mr. PERCY. Mr. President, I yield 10 minutes to the distinguished assistant minority leader.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I wish to restate essentially the position and argument I presented last Friday, and to reinforce that position with some additional authority.

I personally believe that a nomination for the office of OMB Director or Deputy, should be subject to confirmation by the Senate. I think the general purpose and objective of this particular bill is good, and I subscribe to it.

As I indicated on Friday, I would have had no particular objection if Congress had moved in a timely and appropriate way to make the appointment of the incumbent Director of OMB subject to Senate confirmation.

However, as a lawyer who has studied Constitutional law, I find it difficult to overlook the fact that a provision in this bill is inappropriate and I am convinced, unconstitutional. Without attempting to judge the qualifications of the particular individual who happens now to be the incumbent Director of OMB, I must point to what I believe is a fatal defect in the bill before us. I refer to the language on page 2 of the bill which states:

> No individual shall hold either such position 30 days after that date unless he has been so appointed.

Mr. President, as I indicated Friday, I think there was a possible argument available to the Senate prior to the reporting of this measure, that under the Constitution of the United States appointment to the office of Director of OMB was already subject to Senate confirmation. The Constitution states that the President shall nominate and with the advice and consent of the Senate shall appoint—

> All other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

I think a good argument was available that the Office of Management and Budget is an office established by law, that the Director is an officer of the United States, and that under the Constitution his nomination is subject to confirmation by the Senate. It is conceivable that the appropriate Senate committee might have served notice on the nominee to appear for a confirmation hearing, and if he had refused to appear, it might have been appropriate to question the validity of any payment of his salary.

But the Senate has not seen fit to take that course. Instead, the Senate, as a matter of practice and by reporting this bill has conceded that such an appointment does not require confirmation.

Having made that concession, and the appointee having taken the oath of office, the Senate is now confronted with a fait accompli—the appointment of a Director of OMB who has taken the oath of office and who has embarked on the discharge of his duties. Now the effect of this particular bill would be to remove him from office.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am glad to yield, if the Senator from North Carolina will yield to the Senator, but I have such a limited amount of time I would like to make my statement, if I might.

Mr. METCALF. Will the Senator from North Carolina yield to me for a couple of minutes for an inquiry at this time?

Mr. ERVIN. Mr. President, I am delighted to yield to the Senator from Montana for 2 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, as I understand the contention of the Senator from Michigan, Congress can at any time call up the Director of OMB for confirmation. I believe as I read the record that the Senator from Michigan admits the doctrine of laches or estoppel does not run from one Congress to another. So is it the position of the Senator from Michigan that there is no need for this bill, that all we have to do is call up the Director of OMB now that he has been appointed, and the Assistant Director, and say, "Look, you are subject to confirmation."

Mr. GRIFFIN. The Senator from Michigan merely makes the point that the Senate might have taken a different position than the one taken by this bill. We might have contended that this office is one that is already subject to confirmation under the Constitution.

However, the Senate by taking up this bill makes it clear that we are not taking that course. What this bill does, in effect, is to concede that confirmation by the Senate was not necessary. Then the bill goes on to provide that in 30 days the incumbent OMB Director will be out of office unless he is reappointed and reconfirmed.

Let me turn now to some authorities which underscore my concern.

President Cleveland on one occasion observed:

> I believe the power to remove or suspend such officials is vested in the President alone by the Constitution which in express terms provide that "the Executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

President Wilson, in a message withholding his approval of an act which he thought infringed upon the Executive power of removal, said——

The PRESIDING OFFICER. The 2 minutes the Senator from Michigan yielded to the Senator from Montana have expired.

Mr. GRIFFIN. President Wilson said:

> It has, I think, always been the accepted construction of the Constitution that the power to appoint officers of this kind carries with it, as an incident, the power to remove. I am convinced that the Congress is without constitutional power to limit the appointing power and its incident, the power of removal, derived from the Constitution.

President Coolidge on one occasion observed:

> No official recognition can be given to the passage of the Senate resolution relative to their opinion concerning members of the Cabinet or other officers under Executive control.
>
> The dismissal of an officer of the government, such as is involved in this case, other than by impeachment, is exclusively an executive function. I regard this as a vital principle of our government.

Mr. President, American jurisprudence, in that part of its treatise dealing with constitutional law, includes this statement:

> Another fundamental rule is that the legislature may not usurp the constitutional powers of the executive department by interference with the functions conferred on that department by the organic law. In a well considered opinion, the Supreme Court has held that Congress cannot take away from the executive department the power to dismiss a purely executive officer appointed by that department even though the appointment was made by and with the advice and consent of the Senate; nor can it make it a condition of such dismissal that the advice and consent of the Senate be necessary to effect it.

Mr. President, the leading case on this subject is *Myers* v. *United States*, 272 U.S. 52, and although the case does not deal with the precise set of facts we have before us, the Supreme Court, speaking through Chief Justice Taft, did articulate essentially those same principles.

I do not say what else the Congress might have done before the incumbent OMB Director took the oath of office and embarked on the discharge of his duties. But if this bill had been enacted into law before then, I have no doubt that it would have been effective in subjecting the incumbent to the requirement of Senate confirmation. However, the bill was not enacted. The bill itself acknowledges that heretofore the power of appointment with respect to this office was vested in the President alone. The President exercised his appointive power in a timely way. The appointee has taken the oath of office, and he has embarked on its official duties. Now, he is an officer of the United States.

That being the situation, the unmistakable effect of the particular language in this bill which is directed at the incumbent is to remove him from office.

I suggest and point out that this is a fatal constitutional defect in the bill. The Congress by this provision would be seeking to remove an official—which is not constitutionally the power of Congress except by impeachment. If there are any grounds for impeachment, the Constitution establishes procedures for impeaching an official who is already in office. But Congress cannot remove an official through this device.

I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator from Michigan for yielding.

Mr. President, I have expressed from time to time, on the floor of the Senate and in other ways, my concern that the Government has become, in effect, a four department Government instead of three, and that the OMB has now a fixed place in Government that may be beyond the power of the executive departments and in some cases that of the legislative or judicial. I am not sure that is a good situation. In fact, I am fairly sure it is not. But we have a situation here that gives me pause, for legal reasons.

I would support this bill were it not for the provision that deals with the present occupant of the office; were it not for my concern that we are in effect attempting to remove an official from office legally appointed to a statutory position. I believe this proposal has the inevitable effect of an ex post facto law and is thus unconstitutional.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Could I have 1 more minute?

Mr. PERCY. I yield 1 minute to the Senator.

Mr. BAKER. I hesitate to inject the proposition of constitutionality in the midst of this debate, so I shall not press that further. If this proposal had been made before the appointment was made and before the official had assumed his burden of responsibility, were it under different circumstances, I would support it, but for those reasons, I shall not support it today. I might add that I consider the separate and open issue of personal qualifications of Mr. Ash irrelevant to this question, which is an abstract legal one, in my mind.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, will the Senator from North Carolina yield me 1 minute?

Mr. ERVIN. Mr. President, I yield 2 minutes to the Senator from Montana.

Mr. METCALF. I thank the Senator from North Carolina for his generosity.

Mr. President, I want to make it clear that, as far as the junior Senator from Montana is concerned, this Congress is not bound by the failure of preceding Congresses or preceding Senates to require confirmation, as suggested by the Senator from Michigan. If confirmation could have been required, laches, estoppel, and all those other procedures do not run from one Congress to another. So perhaps now that the Director of OMB has been appointed, we should insist that the President send his name up here for a confirmation hearing. But, out of consideration and out of courtesy to the executive department, because of the years that this has not taken place and because of the history of this legislation, this proposal was introduced.

It is not directed at the present head of the Office of OMB. My bill required confirmation, and emanating from hearings that were held before the Government Operations Committee in the last session of Congress, was introduced before anybody was nominated. Mr. Ash may come here and will probably be confirmed. I regret very much that the minority suggests that if we require a confirmation hearing, the gentleman nominated by the President might not be able to stand up to a confirmation hearing and that his qualifications, character, and so forth, might not be able to stand up under a confirmation hearing. I do not think that is true. I would wager that if there were a confirmation hearing and we went into his record, qualifications, and ability, he would again be confirmed. The President can send up anybody's name. This is not a removal-from-office proposal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. This is only a decision that we will require ordinary confirmation under ordinary regulations for this important office.

Mr. PERCY. Mr. President, I yield myself 10 minutes.

I think the assistant minority leader has made some very interesting comments. First, I would like to commend him on his understanding and interpretation of the Constitution. I read very carefully the same clause pertaining to the responsibilities of the U.S. Senate for confirming officers of the U.S. Government. It is very clear indeed that only the Congress can delegate authority to the executive branch of the Government for appointing inferior officers.

Mr. President, with respect to men in the Executive Office of the President possessing the awesome power described by the senior Senator from Tennessee, I would defy anyone to say that the Director and the Assistant Director of OMB are inferior officers. They possess power that some agency heads and Cabinet officials deeply wish they had. Cabinet officials operate under the edict of the Office of Management and Budget; they are told by OMB what their budget levels will be, and much more.

So, for us to say that because they are in the Office of the President and there is a confidentiality of relationship with the President on some matters—certainly between the President and that Office—we should not confirm them, I think would be a great abdication of our responsibility.

I have maintained that this Office and five other offices that I enumerated and listed publicly at the opening of our session should be subject to confirmation.

The question has been raised as to the 30 days. I would like to explain that I would have actually preferred that all incumbents not be required to be confirmed. That would take this issue out of the realm of personalities and establish the principle that all new appointments should be subject to confirmation.

I believe that that would have probably been preferable. That is what I have provided for in S. 590, my bill, with the principal cosponsorship of the distinguished senior Senator from North Carolina and seven of the members of the Government Operations Committee. S. 518 is not my bill, but in principal I agree that this Office should be subject to confirmation.

I think that is the overriding responsibility we have. And I was reassured when I talked to the incumbent and he said that he welcomed the opportunity to come up and explain his position, his background, and whatever else might be desired. For that reason, I decided that I could certainly in good conscience cosponsor this measure. The 30-day grace period was provided so that we would not have a vacancy in this key OMB position and so that the present incumbent could occupy that position for 30 days during confirmation proceedings. Inasmuch as the Government Operations Committee will have responsibility for confirmation hearings for these particular offices—and I have been assured by our distinguished chairman that that is so—as the ranking minority member, I can say that there will be an opportunity to schedule full hearings soon. I see no reason why we could not report this nomination to the Senate with dispatch, so that the 30 days' time will be adequate providing that no dilatory tactics or undue delays are occasioned, and I would not anticipate that would be so.

Mr. President, an essential reason for my support of S. 518, is that the OMB has developed over the years into one of the most important agencies of the Government. When created in 1921, it could be argued that the Director held a job "personal to the President," performing a function—preparation of the budget—which was essentially a presidential one.

This case certainly cannot be argued convincingly today. The OMB Director now implements authorities Congress has given him in 15 laws and two reorganization plans. These delegations of congressional power to the executive branch should now be accompanied by a requirement that the officials charged with implementing those authorities be scrutinized and confirmed by the elected representatives of the people.

The OMB supervises and controls the preparation, presentation and administration of the budget, evaluates departmental programs, develops budget, management and accounting practices, approves the legislative requests of the departments and agencies, acts as fiscal manager with the ability to withhold or impound funds, supervises the statistical activities of all the departments and agencies, and performs a host of other important functions.

This is not a criticism of the role of the Office of Management and Budget. I believe that big Government demands strong leadership and that a very strong coordinating agent is absolutely necessary. I am simply of the view that the managers of this very mighty enterprise be subject to the judgment of the Senate in order to assure their qualifications for the jobs they hold, and to secure their accountability to the legislative branch.

I am pleased that the administration has freely permitted the Director and top officials of the OMB to testify to congressional committees. Secretary Shultz, when OMB Director, set an admirable precedent. And there is no question that Mr. Ash is willing to testify, as he did last Friday before the joint Ad Hoc Subcommittee on Impoundment of the Judiciary and Government Operations Committees.

In requiring confirmation of these top OMB officials, and the other three key officials in the Executive Office of the President, as Senator ERVIN and seven other members of the Government Operations Committee and I have proposed in S. 590, I think we should be particularly sensitive to the demands we make on their valuable time. Our committees and subcommittees should not call these, and other high officials, without having compelling purposes. These are not private citizens or lobbyists whose central purpose may be the presentation of points of view to the Congress. These are men charged with overwhelming responsibilities for the conduct of the Nation's business, and we must avoid imposing on them unnecessary additional burdens.

Mr. President, I have seen top Government officials of both the Johnson administration and the Nixon administration called before congressional committees and made many times to wait while some lobbyist—and I use that term in its best sense—who is presenting a private point of view and protecting private interests, takes the time of the committee. These are men who, when they are through, will go back and sit down in the hearing room for the remainder of the day while top officials of the Government are asked to wait for hours. I have seen key administration witnesses called up before congressional committees for a given hour but then forced to sit in a hearing room for hours before testifying, or even asked to come back the next day.

That is a squandering, a waste of talent and does little to strengthen congressional executive branch relations. We should be exceedingly considerate when calling before our committees these exceptionally busy men. We want to preserve their time.

Mr. President, I believe that the requirement for confirmation of these two OMB officials is absolutely necessary, indeed it is overdue. I also believe we should soon enact a requirement that the three remaining major posts in the executive office of the President be subject to confirmation. The Senate has already done so in the case of the Director of the Cost of Living Council, and in this case with administration support.

Mr. President, I was pleased when we had a leadership meeting with the President and I mentioned what I considered to be an untenable condition which existed when we did not confirm a man who had wages and prices and business relations under his command. The President very quickly concurred that that job—Director of the Cost of Living Council—ought to be subject to confirmation, as well as three others. These are the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy. Requiring confirmation of all five of these important posts will hopefully help resolve one of the main aspects of the current controversy about the separation of powers by establishing definitively their accountability to Congress.

Finally, Mr. President, I wish to comment on the very interesting and innovative amendment offered by the Senator from West Virginia (ROBERT C. BYRD), which requires reconfirmation of the incumbent Director and Deputy Director of the Office of Management and Budget at the outset of each new presidential term. I understand the reason for the amendment and I essentially support the concept of accountability expressed by the amendment, but I hope we all recognize that we are breaking entirely new ground.

I am concerned, however, that we are perhaps improperly singling out these OMB officials for reconfirmation. I wonder whether it would not have been wiser to think through carefully the need for this new procedure, then clearly define the posts to which it should apply. The Senate confirmed over 13,000 civilian appointments in the 92d Congress. It would be placing a very onerous new burden on ourselves to have to reconfirm even a rather small percentage of them.

I understand that the Senator from West Virginia is planning to introduce a measure that will apply the reconfirmation requirement to Cabinet officers, and that he has introduced a bill to require reconfirmation of the Director of the Federal Bureau of Investigation. I suggest—I hope with the agreement of our distinguished chairman, the senior Senator from North Carolina—that our Government Operations Committee hold hearings on this subject in order to resolve the questions it raises, and recommend appropriate legislation to the Senate. One of these questions is whether we should extend a reconfirmation requirement to other officers of the Executive Office of the President, such as the Director of the Central Intelligence Agency, or the members of the Council of Economic Advisers. In this context I will want to consider whether to amend S. 590, a bill Senator ERVIN and I introduced to require confirmation of the next appointees to the posts of Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy, to require reconfirmation of these officials.

Perhaps hearings on this subject would be helpful. The findings were that we should have a cutoff point, because we certainly would not want to subject all civilian appointees to reconfirmation proceedings; but there may be a certain number of them that should require this type of procedure.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I yield 4 minutes to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, the Bureau of the Budget was established in 1921. The reason the Director of the Bureau was not made subject to confirmation by the Senate was that the Bureau at that time was made a part of the Treasury Department. The Secretary of the Treasury, of course, was subject to confirmation.

Then in 1939 the Bureau was moved to the White House. But the fundamental change came on July 1, 1970. On that date the name was changed from the Bureau of the Budget to the Office of Management and Budget.

Its functions were expanded, and its power was immensely increased, until now if any official of the Government should be subject to confirmation, certainly the Director and Deputy Director of the Office of Management and Budget should be subject to confirmation by the Senate.

I do not want to overstate the case. But I am inclined to the view that under the situation existing today, the Director of the Office of Management and Budget probably has more power than any Cabinet official. As I say, I do not want to overstate the case; there may be one or two Cabinet officers with greater power, but as a general proposition, he has far more power than most of the Cabinet officials, and as a result I think his appointment certainly should be subject to confirmation by the Senate.

It has become standard operating procedure in the Government now, when committees of Congress communicate with departments of Government, that in their replies, as a last paragraph, they insert words along this line—and I have here a letter written by the Deputy Attorney General to the Committee on the Judiciary, dealing with a subject that has nothing to do with the spending of money, legislation that does not cost the Government one dime but he concludes with this paragraph:

> The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

On the desk of every Senator today is the committee report on the airport bill, the Airport Development Acceleration Act of 1973. The last paragraph in that report contains this statement by the Acting Secretary of the Department of Transportation:

> The Office of Management and Budget has advised that enactment of this legislation would not be in accord with the program of the President.

The point I am suggesting, Mr. President, is that this new office, created on July 1, 1970, less than 3 years ago, has become perhaps the most powerful office in the Government today. It determines the administration's position on much if not most legislation. If that is the case, and I believe it to be the case, most certainly it seems to me that nominations for Director and Deputy Director of that office should be subject to confirmation by the Senate.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, based on my experience in the executive branch and my years in this body, I would like to support without reservation the powerful argument that has been made by the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank the Senator from Missouri.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. ERVIN. Mr. President, I yield myself such remaining time as I have, or so much thereof as I may use.

My good friend the Senator from Michigan has brought out an argument to the effect that the Constitution requires that appointment of the Director and Deputy Director of Office of Management and Budget be confirmed by the Senate, and that for that reason the appropriate Senate committee could call those two gentlemen before it for confirmation without enacting the pending bill.

Under this bill, they could also be called before the appropriate Senate committee for confirmation. We do not think that committee should be compelled to choose between the Constitution and the statute. We think they ought to take no chances. In other words, I think the appropriate committee ought to be permitted to do like the man who received a telegram from an undertaker saying, "Your mother-in-law died today; shall we cremate or bury?"

He wired back saying, "Take no chances, cremate and bury."

I believe we ought to fix this so that either under the Constitution or under the statute, the jurisdiction of the appropriate committee to conduct a confirmation hearing will be beyond any question. We want to take no chances; we want to cremate and bury that question.

I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Acknowledging the Status of OMB," which appeared in this morning's issue of the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 1973]

ACKNOWLEDGING THE STATUS OF OMB

"It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Director or Deputy Director of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States."

The observation was made by Senator Sam Ervin of North Carolina apropos of some legislation the Senate is scheduled to vote on today. The legislation, introduced by Mr. Ervin and a host of co-sponsors and somewhat amended late last week, would have the effect of making the two top jobs in the Office of Management and Budget subject to Senate confirmation. Its reach is also calculated to include Mr. Nixon's two recent appointees to those jobs, Roy Ash, who has been named Director of OMB, and Frederick Malek, who has been named his deputy. Both men, under the provisions of the bill, would need Senate confirmation to hold office.

Especially where Mr. Ash is concerned, it seems to us important to distinguish between two related but separate issues that have been raised in connection with Senator Ervin's bill. The fitness of Roy Ash for the job is one, and the relationship to Congress of the man who holds that job—whoever he might be—is the other. And although it seems apparent that questions concerning potential conflicts of interest on Mr. Ash's part have fueled the congressional drive to make this job subject to Senate confirmation, the legislation itself does not dispose of Mr. Ash's fate one way or the other. It merely addresses the question of whether the two top officers of OMB, including those who have just been appointed for a presumably long term of office, should be required to gain the same kind of Senate approval as Cabinet officers and other government officials. We think the answer to that is yes.

The positions that are at issue, like the OMB itself, have been altered dramatically in nature over the years. Half a century ago at its inception, the Budget Bureau amounted to little more than a small advisory group within the executive branch. Today, thanks to innumerable statutes and executive orders and rearrangements that have intervened, we are talking about something quite different. We are talking about an administrative and managerial agency of some 700 persons, an agency which makes and carries out policy affecting all the other departments of government. It is, as proponents of Senator Ervin's legislation have observed, more than slightly ironic that the top officers of this all-important decision-making-and-enforcing agency should retain "advisory" group immunity from Senate confirmation proceedings, while the relevant officials of other executive branch offices much more advisory in nature require confirmation. For instance, the Council of Economic Advisers, the Council on Environmental Quality and the Office of Telecommunications Policy all are subject to confirmation of key officials.

There appears to be widespread support in both bodies of Congress and among legislators of both parties for the principle the Ervin bill asserts, even though some have questioned the actual formulation of the bill itself. So the odds seem to be that it will be passed by the Senate and also by the House. Evidently too, Mr. Nixon's spokesmen have put it out that the President intends to veto the legislation if it passes on the grounds that it would inhibit the President's choice of advisers and also establish retroactive conditions on the ability of men he has put in office to serve. In our view the desirability of making Senate confirmation a condition of these most unadvisory of positions seems abundantly clear. And at a time when Congress and the administration seem destined for a pitched battle over the actions of the OMB, it would seem to us to be in the administration's interest that the top OMB directors be people of whom the Senate had formally approved. The dispute over Mr. Ash's qualifications and connections is bound to continue in some congressional setting until it is resolved. We can think of no more appropriate and ultimately reassuring setting for its resolution than Senate confirmation proceedings.

Mr. ERVIN. I ask unanimous consent that the name of the distinguished Senator from Illinois (Mr. STEVENSON) be added as a cosponsor of this bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Does anyone else want whatever time I have left?

Mr. PERCY. Yes. The distinguished Senator from Michigan has asked for 1 minute.

Mr. ERVIN. Before I yield to him, I would like to say that we are not removing anyone from office by this bill. The occupants of these offices have no specific terms of office now, none whatever. We will be assisting them by giving them a definite term of office for approximately 30 days, and giving them almost a 4-year additional term of office after their nominations are confirmed by the Senate.

Mr. PERCY. And I might say it is no surprise to the administration that this discussion is taking place. They have been on notice for a full month that this bill was pending and would be taken up, and that the chances are it will carry overwhelmingly.

Mr. ERVIN. I yield whatever time I have left to the Senator from Michigan.

Mr. GRIFFIN. I thank the Senator. Since we are quoting the Constitution, let me quote these words:

> But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone,

The question, in this situation, is whether we have vested that appointive power in the President alone. The Senate has taken the position that we did. The Senate has conceded, in effect, through its practice over the years—and by reporting a bill like this, that the appointing power with respect to this office was vested in the President alone.

The President has exercised his power, the appointee has taken the oath of office, he has embarked upon the discharge of his duties, and the effect now of this bill would be to remove him from office in 30 days. That is a power Congress does not have.

Mr. ERVIN. Let me ask the Senator a question: If these are not inferior officers, then any law now in existence which forgoes their confirmation is unconstitutional, is it not?

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. The Senator from Illinois has 1 minute remaining.

Mr. PERCY. Mr. President, I think the distinguished Senator has put his finger on the crux of the problem. If this were an inferior office, we would not be so deeply concerned. But obviously by precedent, and by power given through statutes and reorganization plans, this office has now attained a position so powerful that a very weak argument indeed can be made that it should not be subject to confirmation. In fact, the distinguished Senator from Michigan has been most fair in interpreting the Constitution in accordance with the principles underlying the bill. The only way the office could be exempted by us would be to call it an inferior office and not one person has testified to that fact.

Mr. MUSKIE. Mr. President, I rise in support of S. 518, a bill to provide for Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. I commend the distinguished Senator from North Carolina for his leadership in bringing this measure to the floor.

Over the past decade, the power of the

Office of Management and Budget as a policymaking agency has greatly increased. In the past 4 years, the OMB has emerged as a force, second only to the President, in determining domestic priorities within the executive branch of our Government.

It makes a mockery of the senatorial power of confirmation when the Senate has the responsibility to confirm relatively minor officials like Assistant Directors of the Office of Emergency Planning and the Office of Economic Opportunity, but cannot confirm a powerful policymaker like the Director of the Office of Management and Budget.

When the Bureau of the Budget was created in 1921, it was little more than a small advisory group within the executive branch. But in the past half century innumerable statutes and Executive orders have changed its status. Who among us can believe that this 700-person agency is nothing more than a part of the President's intimate personal staff.

Today the power of the Office of Management and Budget pervades the entire executive branch of the Government. It tells Cabinet officials, confirmed by the Senate, just what money for what programs they can request from the Congress. And, when it does not like the decisions the Congress makes in appropriating funds, it simply ignores them and illegally impounds appropriated funds.

It is disconcerting that the Office of Management and Budget which wields so much power within the executive branch of Government all too often offers little more than lipservice to cooperation. Last week, for example, OMB Director Roy Ash testified before a special Ad Hoc Subcommittee on Impoundment and promised his cooperation with the Congress during the appropriations process.

However, when I asked Mr. Ash if his pledge for cooperation included his support for legislation I have introduced to require each Federal agency to submit its own budgetary proposals to Congress at the same time those budgetary proposals are submitted to the Office of Management and Budget, he said it did not.

My bill, S. 676, would not interfere with the operations of the Office of Management and Budget. It would simply allow the Congress to have the same information available to it during the appropriations process which the Office of Management and Budget has before it. It would give us the same opportunity to set priorities on the basis of the same information that the OMB now has. I can only interpret Mr. Ash's failure to endorse the thrust of my legislation as another indication that he and other top policymakers in the administration are willing to mouth words of cooperation with the Congress, but are not willing to follow up their words with real cooperation.

The legislation we are considering today, S. 518, of which I am a cosponsor, is an important step toward making the Director of the powerful Office of Management and Budget more responsive to the Congress. I urge its enactment.

Mr. President, I ask unanimous consent that the following editorial from this morning's Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Acknowledging the Status of OMB

"It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Director or Deputy Director of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States."

The observation was made by Senator Sam Ervin of North Carolina apropos of some legislation the Senate is scheduled to vote on today. The legislation, introduced by Mr. Ervin and a host of cosponsors and somewhat amended late last week, would have the effect of making the two top jobs in the Office of Management and Budget subject to Senate confirmation. Its reach is also calculated to include Mr. Nixon's top recent appointees to those jobs, Roy Ash, who has been named Director of OMB, and Frederick Malek, who has been named his deputy. Both men, under the provisions of the bill, would need Senate confirmation to hold office.

Especially where Mr. Ash is concerned, it seems to us important to distinguish between two related but separate issues that have been raised in connection with Senator Ervin's bill. The fitness of Roy Ash for the job is one, and the relationship to Congress of the man who, holds that job—whoever he might be—is the other. And although it seems apparent that questions concerning potential conflicts of interest on Mr. Ash's part have fueled the congressional drive to make this job subject to Senate confirmation, the legislation itself does not dispose of Mr. Ash's fate one way or the other. It merely addresses the question of whether the two top officers of OMB, including those who have just been appointed for a presumably long term of office, should be required to gain the same kind of Senate approval as Cabinet officers and other government officials. We think the answer to that is yes.

The positions that are at issue, like the OMB itself, have been altered dramatically in nature over the years. Half a century ago at its inception, the Budget Bureau amounted to little more than a small advisory group within the executive branch. Today, thanks to innumerable statutes and executive orders and rearrangements that have intervened, we are talking about something quite different. We are talking about an administrative and managerial agency of some 700 persons, an agency which makes and carries out policy affecting all the other departments of government. It is, as proponents of Senator Ervin's legislation have observed, more than slightly ironic that the top officers of this all important decision-making-and-enforcing agency should retain "advisory" group immunity from Senate confirmation proceedings, while the relevant officials of other executive branch offices much more advisory in nature require confirmation. For instance, the Council of Economic Advisers, the Council on Environmental Quality and the Office of Telecommunications Policy all are subject to confirmation of key officials.

There appears to be widespread support in both bodies of Congress and among legislators of both parties for the principle the Ervin bill asserts, even though some have questioned the actual formulation of the bill itself. So the odds seem to be that it will be passed by the Senate and also by the House. Evidently too, Mr. Nixon's spokesmen have put it out that the President intends to veto the legislation if it passes on the grounds that it would inhibit the President's choice of advisers and also establish retroactive conditions on the ability of men he has put in office to serve. In our view the desirability of making Senate confirmation a condition of these most unadvisory of positions seems abundantly clear. And at a time when Congress and the administration seem destined for a pitched battle over the actions of the OMB, it would seem to us to be in the administration's interest that the top OMB directors be people of whom the Senate had formally approved. The dispute over Mr. Ash's qualifications and connections is bound to continue in some congressional setting until it is resolved. We can think of no more appropriate and ultimately reassuring setting for its resolution than Senate confirmation proceedings.

Mr. McGOVERN. Mr. President, all of us have become painfully familiar with the history of the Office of Management and Budget and how various Presidents, particularly the incumbent, have used that office to encroach upon the constitutional prerogatives and responsibilities of Congress. I hope we will begin to reverse that trend by enacting the measure now before us, requiring Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

My own State, South Dakota, has recently felt the cut of the Budget Director's knife in programs which had worked well for our farmers, our flood victims, our children, and other citizens too numerous to enumerate here.

I am going home again in a few days' time and will be called to account by my fellow citizens as their elected representative for the massive cuts in farm programs such as REA, REAP and farmers home loans, in education and housing programs to list but a few.

What am I to say—that an anonymous executive above confirmation by this body and beyond the reach of congressional inquiry has decided that the country does not need programs which have helped our State struggle ahead since the ravages of the Dust Bowl days 40 years ago?

South Dakotans are proud of this country's history and its Constitution, Mr. President. What shall I say when they remind me that the Constitution makes it the responsibility of Congress, not of OMB, to determine what programs the President shall administer, and the funding for each?

The answer to those questions lies in the 50 years of history since the enactment of the Budget and Accounting Act of 1921, during a more tranquil era, when the press, the public and the President had greater respect for Congress.

The legislative history of that act makes clear that the function of the Bureau of the Budget, as OMB was then called, was to develop a consolidated statement of the revenue and expenditure needs of the Government so that we, the Congress, could more intelligently establish priorities in determining which programs to adopt and the level at which they should be funded.

In the intervening half century, the Federal budget has grown from $4 billion to nearly $270 billion; the staff of OMB has grown from some 2 dozen to approximately 700, and the Director of OMB is now assigned by the President the role the Founding Fathers originally bequeathed to the Congress.

We have aided and abetted the President in usurping our powers by enacting the Budgeting and Accounting Act of 1950, amended in 1956, the Anti-Deficiency Act of 1950, and the Intergovernmental Cooperation Act of 1968.

The first gave the Budget Director control over agency accounting and budget systems, including the preparation of cost-based budgets.

The second offered Presidents a rationale—misplaced in my view—for impounding funds on grounds of effecting savings or "other developments" arising subsequent to the date on which Congress appropriated funds.

Under the third, the President has delegated to the Budget Director certain rulemaking authority with respect to grant-in-aid funds and the power to review certain Federal programs.

Those acts of Congress laid the predicate for Mr. Nixon to issue his now famous Executive Order No. 11541, which in my judgment effectively gave OMB the powers historically reserved to us.

Let us examine the powers of the Director of OMB.

He is the individual to whom Cabinet officers must now go, budget in hand, to obtain approval for programs and funds. They used to come to us for those purposes—now they are reluctant even to testify before our committees.

He is the individual who selectively repeals acts of Congress through the impoundment process. The laws we pass thus merely become options for the President to accept or reject, even when we override his veto.

Mr. Ehrlichman is reported to have stated over the weekend that the President will continue to do this whenever he feels we are behaving "irresponsibly."

The OMB Director is the individual who prepares the budget, that bulky document which defies analysis.

He will feed us dribbles of information over a period of months which we need now if we are to fulfill our budgetary responsibility—such as what weapons systems are recommended and what revenue sharing actually means.

This lack of present specificity will enable anonymous "administration sources" to castigate congressional critics who dare raise their voices in the months ahead by referring to now-secret studies and as yet unpublished figures.

And how are we to respond, Mr. President? With our small staffs and nonexistent computers? Let us all hope that the majority's policy committee adopts tomorrow the majority leader's suggestion that we provide ourselves with the resources to compete successfully with OMB's accountants.

Mr. President, the appointment of Mr. Ash to be the OMB Director itself raises a further compelling reason for the passage of S. 518.

Serious questions have been recently raised in the press as to Mr. Ash's competency to hold that office and indeed, even as to his integrity.

The charges of incompetence stem from Mr. Ash's allegedly bumbling performance as president of Litton Industries which last year grossed over $2.5 billion, but showed net earnings of under $1 million. Admiral Hyman Rickover is reported to have recommended that Ash's company be investigated to determine whether there has been a violation of law through "misrepresentation, if not fraud" in attempts to recover for cost overruns in Navy contracts.

Such charges are not new to Mr. Ash, who is reported by the Washington Post to have been involved in a scheme to defraud the Air Force of millions of dollars when he was with Hughes Aircraft during the 1950's and possibly to have signed false affidavits in connection with a law suit.

I find it personally incredible that the President should on the one hand criticize the Congress as being irresponsible and on the other, appoint a man to fulfill our constitutional functions who has proven to be at best an inept administrator and whose integrity is at least open to serious question.

I ask unanimous consent that two articles concerning Mr. Ash, entitled "A Fox in the Chicken Coop?" in New Republic, volume 168, No. 3, issue 3028, January 20, 1973, and "50's Suit Linked Ash to False Affidavits" in Washington Post, Tuesday, January 2, 1973, page 1, be printed at this point in the Record.

There being no objection, the articles were order to be printed in the Record, as follows:

[From the New Republic, Jan. 20, 1973]

A Fox in the Chicken Coop?

We noted last week that Litton Industries, the company Roy L. Ash helped found and build, is a slumping corporate giant whose financial survival and recovery depend in good part not only on billions of dollars in claims and contracts in the hands of the US Navy, but on dozens of other federal government contracts and programs that can be either controlled or influenced by the President's Office of Management and Budget. The appointment of Ash to be Mr. Nixon's OMB director is therefore uniquely indicative of the administration's insensitivity to conflicts of interest. Unlike most top federal officials, Ash will not be confirmed by the Senate and thereafter summonable for congressional questioning. He will preside over budget decisions in secret, and as a presidential adviser be responsible only to Mr. Nixon. Mr. Ash has already let it be known that he will take part in navy budget matters.

Mr. Ash resigned the presidency of Litton on December 9. On the same day, he appeared at the company's annual meeting and talked of how, "we [at Litton] are back near plan," and how "in the aggregate, and over a reasonable time, we believe the results from striving toward our corporate objective will fully meet stockholders' extra patience."

Litton Industries grossed $2.5 billion in 1972 but showed net earnings of under one million dollars for the year and an actual loss when preferred dividends were paid. That performance contrasts with earnings of $49 million in 1971 and $67 million in 1970. In its best year, 1967, Litton netted $83 million. The spectacular five-year drop in Litton earnings (over the same period its stock price fell from $120 to $12 a share) came primarily from declines in its business and industrial systems groups. The collapse in earnings would have come even faster if Litton had not been making steady profits in its overall defense work and its navy shipbuilding contracts. Though not as profitable as in earlier years, the defense and marine systems group was reported producing a $20 million profit in 1972. However, Litton depended for that defense group profit upon still to be released navy funds, a situation highlighted in a note from the company's own accounting firm, Touche Ross & Co., and printed in its 1972 annual report. Litton's financial position, the accountants stated, was fairly presented "subject to successful resolution of unsettled matters related to the LHA Program [amphibious assault ships] and recovery of recorded contract claims" which total $164 million.

Key to the future of Litton is its new shipbuilding facility in Pascagoula, Mississippi which today has a backlog of three billion dollars in navy contracts. It was in the mid-'60s that the company decided to construct the first modern shipyard in the United States since World War II. It was to be patterned after the highly successful computerized Japanese and Swedish yards which turn out commercial ships by a modular or sectional construction method rather than the old-fashioned steel-plate-by-steel-plate technique.

Litton had in 1961 purchased the Ingalls Shipbuilding Company which had a yard on the east bank of the Pascagoula River. When searching for state and local assistance in locating its proposed "shipyard of the future," Litton used the threat that it would close down the Ingalls plant if the new yard went outside Mississippi. The state of Mississippi thereupon agreed to float a $130 million bond issue to finance construction of a 611-acre yard to be located across the river from the existing Ingalls facility. Litton was to pay all bond issue costs and interest and beginning in November 1972, principal repayments.

The first contracts awarded the new Litton Pascagoula yard were eight containerships for the Farrell and American President Lines. Almost half the costs were to be covered by a Maritime Administration subsidy. The ships were relatively simple in design and thought to be perfect for the break-in period of the yard.

In May 1968, with Litton Board Chairman Charles B. (Tex) Thornton's friend Lyndon Johnson in the White House, Litton won a competition to produce nine marine corps amphibious assault ships for the navy. The resultant contract was complex in its terms and took almost nine months to negotiate. By that time Mr. Ash's friend, President Nixon, was in the White House. (Ash has described himself as a "five-figure" contributor to Nixon in both 1968 and 1972, though last year only $500 turned up on the national records. Thornton gave roughly the same amounts to Johnson in 1964. Two other big Nixon donors, Henry Salvatori and Vernon Stouffer, are Litton board members, along with Jayne B. Spain, the Nixon-appointed vice chairman of the Civil Service Commission.)

The original ceiling cost for the nine amphibious assault ships (LHAs) was to be $1.2 billion. Payments were initially to be made on a startup cost-plus basis, then switched in September 1972 to progress payments for work completed. There was a section permitting renegotiation of the costs based on rising prices.

In June 1970, with some production problems on the containerships becoming visible, the navy awarded an unprecedented $2.1 billion contract to the new Litton yard, to be funded over five years, for 30 new destroyers. Delivery was to begin in 1974 with the final ship completed in 1978. At the same time, the older Ingalls yard across the river was handling hundreds of millions of dollars' worth of nuclear sub renovations along with construction of four navy ammunition ships.

By 1971, with LHA production delayed almost a year and the container ships lagging even more, the navy decided to cut its needs from nine to five LHAs. By then, however, it was becoming evident the five might cost as much as the original nine.

Despite all the backlogged navy work, or perhaps because of it, troubles piled up for Litton. There were labor problems, a hurricane, and just plain bad management with Litton executives in California trying to supervise the yard startup in Mississippi. Then the claims and counterclaims began.

With the commercial ships over a year behind schedule, it was clear that the two companies, Farrell and APL, would invoke the damage payment clauses in their Litton contracts. (As of December 1972, only one Farrell ship had been delivered by Litton, with the last of the remaining three delayed up to two years. The four APL ships were transferred from the new yard to the old and were to be built by the old method rather than the new modular system.) In anticipation of these damage suits, Litton itself filed against the two companies, claiming $8.4 million added costs had arisen from some 44 changes that had to be made at Farrell's and APL's requests. The two companies came back with sharp criticism of Litton and the manner in which the new yard was being run. They charged the Litton managers were not shipbuilders but "strictly aerospace oriented"; that there was "a low level of competency"; that "the amount of rework is phenomenal"; that "there was a paper blizzard" of incorrect drawings in the computerized operation; and that 14 months passed before Litton hired "an outstanding naval architect" for the yard. The chief of the Martime Administration's Office for Ship Construction studied the Litton allegations and found them "wholly untenable," as to liability of the two companies for changes. Counsel for Farrell Lines implied Litton had filed false claims. "Frankly," Elmer C. Moddy wrote in one brief; "we don't think most of these [Litton] claims have any validity at all and they are set up primarily, as we see it, almost as an offset to the claim we are going to have for liquidated damages under the contract." Finally, in the end, Litton was given 35 extra days on its contract due to the impact of Hurricane Camille, but no money. In turn, under the same settlement, Litton had to pay the two ship companies $5.5 million for late delivery.

Dealing with the navy has proved a different matter. Litton has again filed initial claims for added costs because of changes, even though the navy has penalty clauses for late delivery. In the LHA contract, Litton has sought an additional $270 million related to the cancelled four ships. (The navy already has agreed to pay $109 million as a penalty for cancellation as specified in the contract.) Litton last March also asked that the entire contract be reset, with new target costs at nearly $237 million per ship, up from the original $133 million. Litton also sought a delay in switching over to progress payments—as against cost-plus—for fear there was no measurable progress to be seen for the $395 million the navy had sunk into the LHA program by November 1972.

Renegotiation of the LHA contract was important to Litton, a fact emphasized by Ash who was a participant. At one June meeting he told navy negotiators that the progress payment switch, which could require Litton repayments to the government, would cause a cash crisis for the company. He threatened to go to the White House to settle the question. In the end, the navy gave Litton a six-month extension for the switch-over—until February 28 of this year—using damage done by Hurricane Camille as the excuse.

Last summer Litton also filed three extraordinary claims against the navy related to the nuclear submarine and ammunition ship contracts that were being performed at the old Ingalls yard. Altogether they totaled $164 million and are now in preliminary review stages before the Armed Services Board of Contract Appeals. As noted earlier, Litton's accountants said their analysis of the company's financial position rested on the prospect that "recovery of recorded contract claims" takes place. Some $41 million of those claims, the accountants noted, had as of July 31, 1972 "been recorded as receivables and inventory"—in other words as assets of the company.

Rather than accepting the claims, however, the navy appears to be vigorously fighting them. Admiral Hyman Rickover, who heads the navy's sub program, was so outraged by the claims that he recommended an investigation to see if Litton had broken the law for "misrepresentation, if not fraud" in trying to recover money from the navy for cost overruns. In his memo, Rickover said delays "were in fact caused by [Litton's] own poor planning, by its manpower shortages . . . and by mismanagement of the contract," words that seem to echo earlier charges by Farrell Line executives.

According to Senator William Proxmire, the commander of the Navy Ship Systems Command has established a three-man team to investigate Litton's claims. (It is ironic that a civil lawsuit going back almost 20 years is set for retrial this year. Thornton and Ash, then working for Hughes Aircraft, are accused of allegedly having false claims filed in an air force contract to extract larger payments from the government.)

In at least one of the Litton claims, the navy has already filed a counterclaim against the company for $3.7 million in penalty payments. One defense official says such government counterclaims will eventually total at least $12 million in the three cases.

What effect all this will have on the major destroyer contract remains to be seen. Critics of that contract say warships—which must constantly be changed to take the most up-to-date internal equipment—cannot be built on a modular basis. Nevertheless, Litton is pushing ahead. Fabrication of the first section of the first destroyer was started last June, one month early. Navy officials have already forecast some slippage in the destroyer contract but still are uncertain about the long-term prospects. Through 1972, $1.4 billion had been appropriated for 16 ships. Under Litton's schedule, the remaining 14 should be federally funded this year and next, with Ash presiding over the Office of Management and Budget.

But Litton's interests in federal dollars to be controlled by Ash go far beyond the navy funds in the defense budget. There is, for example, the company's impact on Pascagoula and its environs and the many federal grant and aid programs that it stimulated. A primarily federally funded manpower program paid $2.3 million in 1972 to Litton for training 510 prospective new Litton shipyard employees. Lacking any substantial public transportation, yet facing an influx of almost 10,000 new workers, Pascagoula has a grant from the federal urban mass transportation program. A $150,000 federal grant is paying half the cost of expanding the highway entrance to the old Ingalls facility. Special overpasses have been built with federal highway funds; more are being planned and financed.

Last month a $1.7 million grant was awarded for a new sewage treatment plant, under the same program that President Nixon cut in half. A shortage of some 2500 multi-family dwelling units is being alleviated, thanks to subsidized housing given builders through HUD. The local schools are getting impact aid of $200,000, thanks to the presence of navy children. The availability of industrial and drinking water has become a problem and the local county officials are seeking over four million dollars from the federal government for an additional reservoir. The hospital is some 150 beds short and is looking for federal aid. Thus, federal support for Litton shipbuilding has already grown well beyond navy contracts and must continue if it is to provide the means for the local populace to solve problems created by Litton's presence.

What can OMB's Roy Ash do in this situation that will not have the appearance of conflict of interest?

THE WAY WE PAY

Twelve days of Christmas bombing and last spring's North Vietnam offensive have increased the cost of the war anywhere from one billion to two billion dollars—probably not enough to require another supplemental appropriation by Congress. The President can always reduce other military operations, deplete stockpiles (the military is said to be running low on bombs), draw against unexpended balances in last year's budget and extract money from unpopular training and procurement categories. And when that is done, Mr. Nixon can still fall back on his authority to reprogram $750 million in the defense budget, an authority he has so far not found necessary to use.

The Johnson administration once sought a special supplemental to meet Vietnam war costs, but the Congress was so mean about it that the White House backed off. For the most part Johnson simply misled Congress (and perhaps himself) about the cost of the war. Rather than raise taxes or dismantle the Great Society, he was willing to pump huge deficits into an already overheating economy. With the economy, after three years of sluggish performance, once more expanding, Mr. Nixon is determined to pay for the war as he goes while holding down taxes—or, to be more precise, while holding onto big business tax breaks like the accelerated depreciation allowance. That is why, on so dubious a prerogative as impoundment of previously appropriated funds, the President has risked so much prestige. Only in this way can he shift priorities within the $250 billion limit and still spend more for defense.

Through his power to carry over unexpended but appropriated funds from one year to the next, a careful President can spend more than the budget would seem to allow. At the end of fiscal year 1972, for example, the total unexpended balances for the federal government came to $266.7 billion, setting up the kind of pipeline through which the Department of Defense could get double the money Congress actually appropriated for that year. Senator Proxmire computes that between fiscal years 1968 and 1972 the Pentagon actually spent $21.6 billion more than Congress appropriated! "One thing I've learned," one Senate aide says, "when they really want to, they can get the money, maybe just by shifting it out of some unpopular program—but not B-1 or ULMS money, of course, they wouldn't dare take it from anything that sexy."

Upwards of nine-tenths of the work of Congress, political scientists say, is concerned with spending issues. "But the system just isn't that tight," notes Representative Joseph Addabbo (D, NY), a senior member of the House Appropriations Committee. Even money used for training flights in this country can end up in open allotment funds for support and maintenance of US forces in Vietnam—or just slush around under broad headings like support and maintenance of the air force.

When Congress approves a defense budget of $77 billion, it is really providing a broad grant of executive discretion rather than a list of line-item expenditures. That, at least, is how the White House regards it, and it is not going to be easy to hold this Executive to spending solely for the purposes the appropriators originally had in mind. John Ehrlichman, the presidential assistant for domestic affairs, has told reporters that we can't look just at the law the Congress passed, we have to "learn to read all the laws." By reading all the laws, Ehrlichman comes to the conclusion that the President "has very broad powers in determining how these expenditures should be made." So great is the discretion that the Congress implicitly delegates, the reporters may have wondered why the administration bothered at all in the last Congress to seek emergency powers to limit spending.

All that the 92nd could do to override a veto and fund a water pollution program did not affect the sway of the Office of Management and Budget, which subsequently impounded six billion dollars earmarked for water treatment plants. Impoundment is not a veto; it is a "super-veto," the authority for which comes from the Anti-Deficiency Act of the 1920s giving the President some limited power to "effect savings." By impoundment, the OMB has gutted water purification, Indian health care, low interest federal loans and conservation payments to farmers, and soon, Senator Humphrey predicts, will put a lid on the school milk program.

Yet, this impounding has barely dented the projected deficit, leaving six billion dollars still to shave and only six months of the fiscal year left to do it. So last week on its own the administration stopped considering all applications for low- and middle-income housing subsidies, making it impossible in many cities to build anything but luxury housing. The "temporary hold" affects ownership and subsidy programs for low-income families, new public housing projects, open space and water-and-sewer grants—not just for six months but for the next 18. To Representative William A. Barrett (D, Pa.), the chairman of the housing subcommittee of Banking and Currency, the HUD freeze is "blackmail" aimed at forcing Congress to lump model cities and urban renewal programs into a special revenue sharing package. For the poor it is another bill come due for Vietnam, "fiscal responsibility" and the tax depreciation allowance.

Last fall, when Congress defeated a White House bid for special powers to slash the budget, the legislators said they did not want spending decisions made, as Senator Charles Mathias (R, Md.) put it, "by some nameless, faceless bureaucrat not answerable to the people of America." But after all the brave words about the power of the purse, the Constitution, and even the Magna Carta, the President was allowed to fall back on the enormous prerogatives he already claimed. At least the spending ceiling Mr. Nixon demanded had a definite limit on the amount he could cut from any one program. With impoundment he can shut down an agency. Even without impoundment the "faceless bureaucrats" at OMB can dawdle for months as they draft and redraft the rules and regulations for the administration of almost any congressionally authorized spending.

Recently 14 Senate chairmen intervened in a case before the United States Court of Appeals for the Eighth Circuit, disputing the President's power to hold back federal highway funds that Congress told him to spend. Because the highway trust contains a specific prohibition against impoundment, a victory here may decide nothing about the President's discretionary right to freeze housing subsidies and impound water pollution grants. That is why Senator Sam Ervin (D, N.C.), chairman of the Senate subcommittee on the separation of powers, promises to introduce a bill making illegal the whole practice of impoundment without explicit permission of Congress. At stake is the ability of the President to keep the war going without wrecking the economy. Should he lose his "super veto," not even price controls and high interest rates will save the administration from more inflation.

'50's SUIT LINKED ASH TO FALSE AFFIDAVITS

(By Morton Mintz)

LOS ANGELES.—In the early 1950s, the Air Force was unknowingly paying millions of dollars extra to Hughes Aircraft for weapons control systems.

The parent Hughes Tool Co., owned by multi-millionaire Howard Hughes, was in ignorance, too. Hughes Tool, like the Air Force, was getting phony financial reports from the Hughes Aircraft Division.

The irregular practices set off an epic executive suite struggle in which one of the principals was Roy Lawrence Ash, the man picked by President Nixon a few weeks ago to be director of the Office of Management and Budget.

Ash's principal antagonists were several high-ranking certified public accountants who finally quit rather than go on working for him and his boss, Charles B. (Tex) Thornton.

Later, Ash and Thornton left, going on to found Litton Industries, the giant conglomerate now in disputes with the Navy over hundreds of millions of dollars in shipbuilding claims. Howard Hughes went on to become the most pubilized recluse in history.

The struggle took place more than 20 years ago. But it is destined to be re-enacted here this spring, when there will be a retrial of a libel suit brought against Thornton and Litton Industries by Noah Dietrich, who for 32 years was Howard Hughes' chief executive officer.

The suit is but one of a half-dozen, dating back to 1959, that detail the key role played by Roy Ash in the revolt of the Hughes Aircraft CPAs. This maze of litigation had its bizarre aspects, and these drew sporadic publicity. But the involvement of Ash appears to have attracted negligible public attention.

The following account was reconstructed from records in Superior Court and the Court of Appeal, including trial transcripts, depositions, exhibits, lawyers' briefs and judges' rulings:

The story begins at the end of World War II. Roy Ash got out of the Army Air Corps. He was 27. He had no college degree but he had served in a unit that was revamping military procurement along business lines. He entered Harvard's Graduate School of Business Administration and was graduated in 1947, first in his class. He then joined the statistical department of the Bank of America in San Francisco.

In Dearborn, Mich., meanwhile, Thornton had been jockeying for the chance to run Ford Motor Co. and had aroused hostility from certain other executives. He had found that his timetable for climbing the executive ladder didn't coincide with Henry Ford II's and was preparing, at age 35, for a parting that everyone concerned wanted to be amicable, outwardly.

The parting came in 1948, when Howard Hughes hired him on the recommendation of Ira C. Eaker, a retired Air Force general who was the Hughes Tool vice president in charge of Aircraft Division operations.

Executive titles are not always a reliable guide to the levers of power. They weren't at Hughes Aircraft. On the organization chart, Eaker was at the top. A fellow retired Air Force general, Harold George, had the title of general manager. Thornton's title was assistant general manager. Ash's was assistant comptroller (although he is listed as "chief financial officer" in an entry he supplied for "Who's Who in America" and in the recent White House press release on his appointment to head the federal budget bureau).

The reality was much different. No one has been blunter about this than Noah Dietrich who, reigning from the peak of the Hughes Tool Co. pyramid, was the man closest to the Howard Hughes sphinx.

Eaker and George were mere "customers' relations" men, according to Dietrich. Himself a CPA, he said that neither of the generals was knowledgeable about accounting, nor, for that matter, about corporate management. Eaker, in his own testimony, described his job as "liaison" with Hughes Tool.

As for George, he was "not running the plant," Dietrich said. In a memo to Dietrich in September, 1953, an expert in corporate management, Prof. Harold Koontz, spoke of the general as a sort of "pleasant spiritual leader who has furnished a symbol of unity . . ."

A setup of this sort "invariably sets the stage where some aggressive individual runs with the ball," Koontz said. "We know, of course, that Thornton has been this individual. . . ." Thornton once acknowledged that the real power was his. "Most administrative and business management decisions were made in my office," he said in a letter to Howard Hughes.

Ash, on the organization chart, was subordinate to division comptroller William B. McGee. Actually, Ash was Thornton's man, reporting to him directly not through McGee several times each week. Thornton belatedly made it official in October, 1951, when he designated Ash "acting comptroller."

Long before this, Thornton had put Ash in charge of all accounting at Hughes Aircraft although Ash is not an accountant. "I was in charge of accountants," Ash has said. Among them were the CPAs who eventually revolted.

One of them was James O. White, chief accountant in the comptroller's organization throughout 1951. An authority on aerospace accounting, who has taught the subject at four universities, he was responsible for the general ledger and supervised 300 men through six department managers.

During the summer of 1951, White began to notice irregularities in record keeping. He reported them to McGee, his nominal boss. Initially, McGee thought that the irregularities "could be errors, . . . but gradually he became convinced, as we became convinced, that they were deliberate," White has recalled.

White kept on complaining to McGee until it "became obvious that this was doing no good." Finally, McGee told him that "Roy Ash was now in charge" and that he should "accept his orders."

For a time, White did just that, to the point of becoming an admitted accomplice in accounting practices he regarded as improper.

"Ash is one of the world's great talkers," White has said. " . . . he would go into the oratory . . . that we weren't ever really cheating the government . . . and there were even times when I went away believing it—momentarily."

The spell didn't last, giving way finally to violent arguments not only between Ash and White, but also between Ash and White's superior, C. E. (Bill) Ryker, manager of accounting.

Some of these arguments concerned Ash's orders to over-credit inventory accounts, that is, to record larger withdrawals of materials than actually had occurred. White testified that the purpose was to enhance the appearance of authenticity of false affidavits supporting applications to the Air Force for payments for work completed.

White said Ash told him that over-crediting "will enable us to get more money from the Air Force." Eventually, Hughes Aircraft repaid $43 million to the Air Force.

By over-crediting inventory accounts, the division also caused a fictitious inflation in the cost of selling the weapons system. The result was a reserve of profits hidden in the inventory accounts which enabled the division to claim to the Air Force that it was operating within the 10 per cent profit limit agreed to in the contract.

The process caused some accounting nightmares. Certain inventory accounts were showing "credit balances" that more went out than was there—a signal to accountants that something is wrong. This went on for months on end, meaning, said White, "that either somebody is deliberately putting wrong entries" in, "or is completely ignoring what might be actual error."

ORDERED "IMPOSSIBLE"

White said he told Ash it would be impossible to make additional entries in such accounts. "Make the entry anyway," he said Ash told him. "That was it."

Under questioning by attorneys for Thornton, White said Ash made it clear he was carrying out Thornton's orders. If White or other CPAs would say, "Well, gee, he is not the boss," Ash would counter with, "Oh, yes, he is," or, "He is really running this show," White said.

In the monthly reports to Hughes Tool, White testified, Ash turned around 180 degrees and told White to post entries that would cover up the over-crediting and thereby make the Aircraft Division's profit performance look brighter. Without a piece of paper to support it, White said, Ash might order an entry debiting inventory and crediting cost of sales.

"They were entries that were just false entries," White said. Ash's cost accountants handed them to White's people, who posted them. "I have heard Roy Ash say, 'Make an entry debiting so-and-so and crediting so-and-so,'" White said. "Half-an-hour or two hours later or so the entry was in my hands, and they were just figures needed to balance a predetermined profit."

White said Ash turned away protests by saying about such entries, "You've got to make them: Thornton promised the Tool Co. he'd make so much money this month and we're to make it. So here's the entry . . . you put it in the book."

White obeyed. On many occasions, he and Bill Ryker "argued rather violently that it wasn't right," but Ash prevailed. He said "that we shouldn't be questioning these things, that . . . they weren't our responsibility . . . that I ought to take my orders like a good company man does and like he did." White also recalled Ash saying, "You should be loyal to the division" and to him and Thornton. Loyal to the division over the parent company? White couldn't swallow that.

DENIED IN COURT

In a courtroom appearance Ash denied White's charges. He testified that he had never been ordered by Thornton to have improper entries made and had never issued such orders.

Ash was asked if he had ever made a statement that he himself had objected to the practice at Hughes Aircraft of "hiding profits in inventory." His answer was, "Never made the statement."

Lawyer Harold Rhoden then tried to show that Ash had impeached himself because the answer was inconsistent with deposition testimony in which they had had this exchange, slightly abbreviated here:

"Q. Did Mr. White ever say that he objected to hiding profits in inventory or use that expression?

"A. He may have objected to me just as I objected on the same points . . .

"Q. . . . you also objected to it?

"A. I did . . .

In a second deposition, Ash affirmed those answers.

But confronted with them in court, he said, I think I was confused . . . tricked . . ."

Gorden MacDonald, an accountant who actually made the disputed entries, denied in court that he had ever heard White or Ryker arguing with Ash against overcrediting the inventory accounts. MacDonald was reminded that in a deposition earlier, he had not only heard such arguments, but had quoted Ash as saying "You run the general books. Cost people will worry about the cost accounting. Keep out of this function."

His memory refreshed, MacDonald said it was his deposition testimony that was correct. In this way, he became a reluctant witness against Ash.

Sometime in 1951, Ash ordered an end to physical control of the inventory, in which storekeepers in locked, caged areas issued parts in exchange for requisitions. He replaced this system with another in which the parts were made accessible to the workmen, who then were supposed to fill out requisitions and drop them in a specified box. But after a time a check showed that far more parts had been taken than had been requisitioned.

The check demonstrated the lack of an adequate inventory control system which, White said, "always results in excessive usage of parts," and, as a result, higher costs to the ultimate customer—in this case, the Air Force.

White said Ash met the situation by bringing in a large number of his cost-accountants nights and on a weekend "to cover up the shortages."

Working overtime under Gorden MacDonald's supervision, White told Thornton's lawyers, the accountants made a list of the parts for which requisitions had not been submitted, then prepared thousands of new ones.

CLOCKS SET BACK

These "midnight requisitions" were stamped by time clocks set back to various dates and were signed by Ash's men, White said.

"The people deliberately dirtied them, threw them on the floor, wrinkled them, handled them with dirty hands in order to make them look as though they had been prepared and processed by shop personnel," White said. "They were complete forgeries."

White said he protested to Ash that there had been a "proper way" to handle the problem: "prepare inventory shortage reports and write the inventory shortage off." "What did Ash say?" White was asked. "He said he wanted to do it this way."

As for the affidavits to the Air Force, White had seen some that overstated the percentage of work completed. Ash, White said, "admitted" that inflated percentages were being reported "so we can get the money . . . Tex wants to get the money, and we're to do it in any way we can to get it." Ash testified he had signed some of the affidavits.

Sometime in mid-1951, White, Ryker and three other CPAs became convinced that further complaints to Ash were futile because he, as White put it, was "merely a henchman . . . for Thornton"; that Ash and Thornton both had to go, and that if they didn't the CPAs would quit rather than jeopardize their professional and personal reputations any longer by allowing themselves to be used to defraud the government.

The CPAs secretly contacted Frederick J. (Jack) Strickland, who only recently had gone to work for Roy N. Sherwood, comptroller of Hughes Tool's West Coast operations. During the first half of 1951, Strickland had been in charge of a team for Haskins & Sells, an independent firm of CPAs, that audited the Aircraft Division's records.

RECORDS SMUGGLED OUT

At the time of the audit certain crucial records were missing—now, however, Strickland got these and other records from the division CPAs, who smuggled them out.

Strickland relayed his preliminary findings to Sherwood and Executive Vice President Noah Dietrich, who was getting additional indications of irregularities from Malcolm Devore of Haskins & Sells and from A.V. Leslie, Hughes Tool's vice president for finance.

Dietrich sent Strickland to the aircraft plant to gather more evidence. He also called in Thornton to tell him that the CPAs, orally and in writing, had reported they were being required to credit inventory accounts that already had credit balance and to engage in other improper accounting activities.

Thornton told him, Dietrich testified, that the Air Force contract limited profits to about 10 per cent and that the books, as a result, were indeed adjusted as necessary to indicate that rate of profit. "He admitted it" Dietrich testified.

As for himself, he said, he was "concerned and alarmed" to learn that inventory accounts were being over-credited—a practice Thornton had kept secret from him. As a CPA, Dietrich said, he recognized the ultimate impact to be fraudulent: ". . . you are improperly borrowing money from the Air Force on which you are not paying interest."

By September, the CPAs had assurance that Ash and Thornton would be fired. The assurances were taken seriously. Dietrich, after all, was the one man with access to the elusive Howard Hughes even if he lacked authority on his own to fire the executives.

In the interim, the CPAs were asked to stay on. They did so, expecting Ash and Thornton to be fired quickly so that they could, in White's words, "come back and straighten out the mess." But a hitch developed: Hughes refused for almost two years to give Dietrich the firing authority he wanted.

In October, Dietrich said, he confronted Thornton with a copy of a request of a progress payment backed by a false affidavit on costs. Thornton contended that all defense contractors were doing the same thing and he saw nothing wrong with it, Dietrich testified. Dietrich ordered a halt to the practice.

On Nov. 1, Ash, having learned of the CPAs' contacts with Strickland, barred him from the plant.

On Dec. 4, Haskins & Sells gave Dietrich a summary memo listing "observations . . . based on statements made to us by Aircraft personnel" and on the condition of division records. The memo was harsh on Thornton, expressing the belief that he "is unprincipled and ruthless and is universally disliked; cannot be trusted." Ash, the memo said, "appears to be rather deeply involved, directly or indirectly, in the deception."

The memo also registered the belief that division management regards its interests as "separate and apart" from Hughes Tool; discloses as little information as possible to "outsiders," including Gen. Eaker; employs "obfuscation" as the device that "best serves their policy of nondisclosure," assumes that "any desired objective justifies any necessary means."

CLEAN AUDIT REFUSED

Finally, Haskins & Sells warned that the records were in a state that it might have to qualify its certification of them (ultimately, the firm did refuse to give the division a "clean" audit; the Mellon National Bank then refused to renew a $35 million loan.)

On Dec. 20, Bill Ryker, in a memo to Comptroller McGee, said that a three-month effort to find the basic defects in the cost-accounting system had isolated 23 of them, including an apparent attempt to "pad" certain costs. He looked forward to remedying the situation "if we receive the promised cooperation and authority."

He never got it. On the first Sunday in January, 1952, Ryker and White drafted an "ultimatum" letter to Dietrich. The next day, Jan. 7, they told a Haskins & Sells official that they intended to resign en masse.

The "ultimatum," delivered on Jan. 11, had five signers—Ryker; White; J. N. Barker, supervisor of fixed price cost accumulation; H. J. Johnston, supervisor of the general ledger section, and cost analyst H. C. Waken.

The letter briefly recited the irregularities and recalled the September promise of swift corrective action.

If the delays continued, the five warned, they would resign rather than "jeopardize our reputations as certified public accountants."

Dietrich called the CPAs in. He testified they told him the Air Force had been overcharged millions of dollars by "improper practices." One of them told him, "You can't rule out the possibly of fraud. . . ."

Dietrich asked the CPAs to stay for at least a month or two, admitting he still lacked the authority from Howard Hughes to grant their one implacable demand: to fire Ash and Thornton. Dietrich couldn't do it.

"PLACE TO HIDE IT"

Dietrich summoned Thornton for more talks. Finally, he said, Thornton told him:

"Noah, I want to tell you in confidence that we are actually making more than 30 per cent on this contract, and in order to keep it, we are going to have to hide it some place, and the best place to hide it is in the inventory account."

As for the affidavits that made excessive claims on the Air Force, Thornton "didn't see anything wrong" in the practice, saying it was "generally indulged in by military contractors," Dietrich testified.

He confronted Thornton with the CPA's evidence of fake financial statements made by the Aircraft Division to Hughes Tool. "He didn't deny it," Dietrich said.

Thornton was also told of the CPA threat to resign, and took the position that the plant had autonomy and that I should keep my hands out of it," Dietrick continued.

Gen. Eaker asked Ash to bring the five CPAs to his office.

Later in January, Eaker, who along with Gen. George was credited with "good personal integrity" in the Haskins & Sells memo, talked to the men, one at a time. It was to no avail. The five sent Eaker resignation letters on Jan. 23, 1952.

"I am unable to accept your request that I be a 'good company man,' since this term was used to indicate that I was to be loyal to the division and its policies rather than being loyal to the Tool Company," James White told Eaker.

"Two more CPAs followed including: H. Bradshaw, supervisor of the Aeronautical Cost Group. "Inasmuch as the use of the word "fraud" is apparently ill advised," he said in a memo to Barker and Ryker, "I will say only that the clean and workable accounting system it was our end purpose to effect is not considered desirable by top management."

Thornton and Ash stayed on. Dietrich, trying to bounce them, tried to get permission from Hughes. No response.

June brought a counter-thrust: Thornton, Gen. George and scientists Simon Ramo and Dean E. Woolridge sent a letter to Hughes through Gen. Eaker. Dietrich, they charged, was trying to "seize personal power without regard to the consequences to this company" and had engaged in a "plot" that could have "seriously injured our national security."

Dietrich and Thornton, meanwhile, were having another dispute about refunds to the Air Force.

REFUND MADE

Dietrich decided early in 1952 that he wanted a "token" refund of $5 million made, pending a determination by Haskins & Sells of the true amount owed. Thornton, he said, resisted.

Early in 1953, an Air Force contracts official, Barry Shillito, now an Assistant Secretary of Defense, threatened legal action if a refund were not made. In the summer about $5 million was actually paid over. Thornton claimed the refund was voluntary. Dietrich said it wasn't.

The audit was completed by Haskins & Sells, that fall, on Oct. 31, 1952. The report said Hughes Aircraft had overcharged the Air Force by $43.4 million; Hughes paid the balance during the late 1953 and early 1954.

In mid-1953, by Dietrich's testimony, he had finally gotten Howard Hughes' permission to tell Thornton and Ash to resign or be fired. They resigned—they said voluntarily. Thornton testified that Dietrich even asked him to withdraw his resignation, stay with the company, and "be a candidate to succeed him." Dietrich, who was 65 at the time of the resignation, denied he had said anything of the sort.

Ash and Thornton, as has been noted, went on to found Litton Industries. The litigation that put the Hughes Aicraft case on the public record was born at Litton.

A man named Emmett T. Steele participated with Ash and Thornton in the founding. In 1958 Steele filed a suit accusing Litton Industries and Thornton of fraud in depriving him of certain stock allegedly promised him in an oral contract.

A jury awarded Steele $7.6 million. The case was appealed and remanded for a new trial. The upshot was a settlement of $2.5 million.

In 1962 in preparing for the trial that led to the $7.6 million award, Steele's lawyer, Harold Rhoden, took a deposition from Dietrich. Answering questions as a prospective witness, Dietrich recounted the CPA's revolt episode and told of other matters involving Thornton.

In December of that year, Thornton charged in a press release that Dietrich had been "maliciously defamatory" in his deposition. Thornton filed a $40 million slander suit.

CALLED FALSE

At the same time, Litton sent a letter to 12,000 employees, accusing Dietrich of "irresponsible and malicious attacks" and denouncing as "completely false" a charge attributed to Dietrich that the Air Force had been overcharged several million dollars as a result of improper accounting methods at Hughes Aircraft.

The Thornton slander suit was rejected by the Superior Court of Los Angeles and then by the Court of Appeal in September of 1966. Dietrich, meanwhile, had filed a libel suit against Litton and Thornton, in which he asked 40 cents in actual damage and $1 million in punitive damages. This action was tried in early 1968 in Superior Court.

AWARDED $6 MILLION

After a two-month trial, a jury awarded Dietrich punitive damages of $5 million against Thornton and of $1 million against Litton.

Judge Bayard Rhone, who had said he would set aside any verdict that was not what "I think is an obvious correct decision," set it aside.

He said he would grant a motion for a new trial, and did when one was made later.

Rhoden, appealed with a 531-page brief accusing the judge of "unabashed bias and patent prejudice" against Dietrich.

The Court of Appeal, in a decision in November, 1970, said that Rhone, who is now dead, erred in overturning the jury verdict. But the court ordered a new trial, saying it could reverse a motion for a trial "only when, as a matter of law, there is no substantial evidence to support a contrary judgment."

The new trial may begin in April.

Mr. McGOVERN. Mr. President, last year, I sought the highest office in this land based on my convictions as to the directions in which this country ought to move.

While that effort did not succeed, I returned to this body with the high hope that I could represent my State in the constitutionally prescribed functions of the Congress. I now find that the actions of OMB and the President in recent months have greatly reduced the powers of the Congress.

There are many things we must do, Mr. President, to gain back our lost powers so that we may effectively do the job our constitutents have sent us here to do.

Let us at least take this first small but significant step in lifting the bonds which have been put upon us.

Should we fail to do so, then we shall have forfeited the oncoming struggle against arbitrary Executive power.

The PRESIDING OFFICER (Mr. BIDEN). All time has now expired. The question is, Shall the bill (S. 518) pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Mississippi (Mr. EASTLAND) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Hawaii (Mr. FONG) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY) and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 63, nays 17, as follows:

[No. 7 Leg.]

YEAS—63

Abourezk
Allen
Beall
Hart
Hartke
Hatfield
Nelsen
Nunn
Pastore

Bentsen
Bible
Biden
Brock
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Dominick
Eagleton
Ervin
Fulbright
Goldwater
Gravel
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—17

Aiken
Baker
Bartlett
Bennett
Cotton
Curtis
Dole
Domenici
Fannin
Griffin
Hansen
Hruska
Packwood
Scott, Pa.
Scott, Va.
Thurmond
Tower

NOT VOTING—20

Bayh
Bellmon
Brooke
Buckley
Church
Cranston
Eastland
Fong
Gurney
Haskell
Helms
Javits
Johnston
Magnuson
Mathias
Mondale
Ribicoff
Saxbe
Stafford
Stennis

So the bill (S. 518) was passed, as follows:

S. 518

An act to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on the day after the date of enactment of this Act, the Director of the Office of Management and Budget and the Deputy Director of that Office (originally established by section 207 of the Budget and Accounting Act, 1921, and redesignated by section 102 of Reorganization Plan Numbered 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate, and no individual shall hold either such position thirty days after that date unless he has been so appointed. The Director and Deputy Director shall each be appointed for a term of four years, except that—

(1) the terms of the individuals first appointed in accordance with this Act, after the date of enactment of this Act, to hold such positions shall commence on the date of their appointment and end immediately prior to noon January 20, 1977;

(2) any individual appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term; and

(3) nothing contained in this Act shall impair the power of the President to remove the occupants of such offices.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

The PRESIDING OFFICER (Mr. BAKER). Under the previous order, the Senate will now resume the consideration of S. 38, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. CANNON. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request on the pending business. I think this has been cleared all around.

Mr. President, I ask unanimous consent that there be a time limitation of 1½ hours on the pending bill, with an additional one-half hour for any amendments thereto, with 1 hour on the amendment to be offered by the distinguished Senator from Kentucky (Mr. COOK), and with 10 minutes on motions and appeals which are debatable, and under the usual rule.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, I would like the opportunity to have 15 or 20 minutes to query the manager of the bill. It may not take that long, but I would like enough time to get a better understanding of the bill than I have now.

Mr. MANSFIELD. The Senator will have that time.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. MANSFIELD. The time in opposition is to be under the control of the distinguished Senator from New Hampshire (Mr. COTTON) or whomever he may designate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. President, I yield myself 10 minutes.

I may say that I do not intend to use my one-half of the hour and a half, and I will be delighted to yield such time as is necessary to the Senator from Virginia for his inquiries, provided I have not answered his questions in my opening statement. I will yield whatever time he desires.

Mr. President, I take great pleasure in presenting to the Senate for consideration, S. 38. This bill is the result of many days of hearings and consideration by the Aviation Subcommittee and indicates our best efforts to develop a more responsive and helpful Federal program to hasten the development to the Nation's aviation facilities.

As most of my colleagues know, S. 38 is almost identical to S. 3755 of the 92d Congress, the bill passed by the Senate on August 10, 1972, by a vote of 83 to 2. Following passage by the Senate last year, the House passed a very different version. In fact, the House bill had only one significant provision. It prohibited, for an 18-month period, State and local head or use taxes on passengers in air transportation. It did not address itself to the serious, sometimes even critical financial needs of the Nation's local governmental units which own, maintain, and operate the nearly 3,000 publicly owned airports in the United States—the needs that some communities were trying to meet by levying local head taxes or use fees on passengers in air transportation.

The House did not concern itself with the airport development program but chose simply to deal with the "head tax problem," by postponing a final decision on the issue for 18 months, during which time a moratorium would be imposed

We in the Senate can take pride in the fact that our solution to the head tax problem was much broader. Our bill of last year did prohibit head taxes, user taxes, gross receipts taxes, and other forms of State and local taxation on airline passengers or on the carriage of airline passengers. But the bill did much more than that. It created a much more ambitious program to provide additional Federal funds, trust funds, to assist local governments in meeting their needs to develop additional and expanded air transportation facilities.

And this new program, created by the Senate and opposed by the administration, would not have cost U.S. taxpayers an additional dime. The program was to be entirely funded from revenues in the airport and airway trust fund, revenues which result from Federal user taxes on passengers, airlines, and private aircraft owners and operators who take advantage of the U.S. air transportation system.

Under the current user tax structure which was adopted by Congress in 1970, there are more than adequate revenues coming into the trust fund to pay for the additional Federal financial assistance that we provided for in our program. User taxes would not have to be increased to pay for the additional Federal assistance.

After weeks of very difficult negotiations with the House in conference on this bill last year, we finally succeeded in preserving, in the compromise bill, most of the favorable features of S. 3755.

On October 27, after we adjourned, President Nixon vetoed this very important legislation and issued a vague statement indicating that the issues involved in the bill needed more study.

Because the legislation has enjoyed wide support from the aviation community, the public, and from local governments across the Nation, Senator MAGNUSON and I reintroduced the measure on the opening day of the 93d Congress in order to quickly give the Congress another opportunity to express itself on the issue.

We were of the view that, since we had conducted thorough hearings on the bill last year, additional hearings were not necessary. Accordingly, the bill was considered and discussed in executive sessions of both the subcommittee and the full Commerce Committee last week.

We are hopeful that our colleagues in the House will give the bill the same early attention and speedy consideration that we have given it here in the Senate because the Nation's aviation development needs are, indeed, pressing and local governments are experiencing very serious difficulty in meeting them unler terms of the present airport and airway development program. I am hopeful that, if Congress again expresses its approval of the program contained in S. 38, the President may reconsider last year's decision to veto the measure.

I repeat that passage of the bill will not result in any additional taxes to either the general public or to the aviation system users. And no expenditures of general U.S. revenues will be required to support the increased Federal assistance provided for in S. 38.

Therefore, there seems to be no reasonable reason for the Executive to oppose this measure. However, if the President's decision on this legislation remains the same; if he chooses to again veto it after passage by both Houses, I am equally confident that there are sufficient votes in support of the bill in both Houses to override the President's action.

Now, at this point, Mr. President, I would like to explain the major features of this bill.

First, and most important, the bill increases the general formula for Federal financial participation in airport development grants from the current ratio of 50–50 to 75–25 at all publicly owned airports in the United States except the 22 largest, the so-called large hubs. This change would bring the airport development program more in line with other Federal assistance programs in transportation such as the Federal interstate highway program which is funded on a 90 to 10 basis and the aid to urban mass transit program which is funded on a ⅔ to ⅓ ratio.

Second, for airport development needs relating to airport certification for safety and for security, needs required by Federal law and regulation, the Federal Government's share of those project costs would be 82 percent. This provision will make it much easier for local government to finance new airport requirements that have been mandated by the Federal Government, requirements that in many instances have proven to be very costly.

Third, S. 38 will, for the first time, allow the Federal assistance program to fund projects involving development of airport terminal facilities which are directly related to the movement of persons and their baggage. Under terms of the current program, Federal grants may not be used for any development projects except those involving runways, taxiways, ramps, aircraft aprons, and so forth. At many of the Nation's largest airports and at many smaller facilities, too, the greatest current need is to expand and modernize the terminal buildings to facilitate the movement of passengers and their baggage between the aircraft on which they fly and the ground transportation which carries them to their final destination.

Since airline passengers pay for most of the cost of the aviation facilities development program through user taxes on the ticket, it does not make sense to continue the meaningless distinction between airfield development and terminal area development. Both are needed to improve the efficiency and the ease of air travel and both types of development should be eligible for grant assistance under the airport development program.

The committee believes, however, that the airfield portion of airport development should continue to have the higher priority because of the direct relationship to safety involved. Therefore, we have determined that grants for terminal area development projects should be limited to 50 percent Federal participation to encourage the Nation's airport operators to concentrate on airfield development.

The **PRESIDING OFFICER** (Mr. DOMENICI). The Senator's 10 minutes have expired.

Mr. CANNON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CANNON. Mr. President, S. 38 increases the minimum annual authorization for airport development grants from the current level of $280 million per year to $420 million per year, an increase of $140 million per year for fiscal years 1974 and 1975. This increase is provided to insure that adequate Federal funds will be available so that total capital investment in airport facilities will not diminish as a result of the increase in the general level of Federal participation. With increased levels of Federal assistance, it is most important to increase the amount of Federal money available to maintain airport development under the program at the current level of at least $560 million per year. There are presently and there will continue to be adequate excess revenues in the Airport and Airway Trust Fund to finance the additional Federal participation in airport grants and no general tax revenues will be required to subsidize the airport development aid program.

Finally, Mr. President, S. 38 prohibits a new, inequitable, and potentially chaotic burden of taxation on the nearly 200 million persons who use air transportation each year. The bill prohibits the levying of State or local head taxes, fees, gross receipts taxes or other such charges either on passengers or on the carriage of such passengers in interstate commerce.

In 1970, Congress established a national, uniform system of user taxation on all users of the air transportation system and levied a tax of 8 percent on all airline tickets. That user tax was intended to finance aviation facilities development through a national program and Congress intended at the time that the Federal tax be the only tax on airline passengers.

Last year, however, the U.S. Supreme Court upheld the validity of several State and local passenger head taxes, overturning a precedent established more than a hundred years ago.

Since that time many communities have enacted passenger head taxes of one kind or another which vary in rate, scope and applicability. The committee views these taxes as an unnecessary and discriminatory burden on passengers in air transportation and as a form of double taxation which we did not intend when, in 1970, we enacted a national system of aviation user taxation.

Presently, at least 31 different government jurisdictions have levied head taxes and many other communities are in the process of doing so or are seriously considering it. We believe this proliferation of local taxes can and will undermine a sound national transportation system by causing confusion, delay, inequities, and discrimination in air transportation and must be prohibited before it gets any further out of hand. There is no need for two systems of user taxation; particularly in light of the increased Federal assistance to airports provided for in this bill.

Mr. President, we view S. 38 as an aviation development package, the components of which cannot be separated. We believe that, if the prohibition on local head taxes was not a part of the total new program, there would be need to reevaluate the increased Federal funding for airport development projects called for in S. 38. If local taxes on passengers and air carriers are allowed to proliferate nationally, and are to become a major factor in the financing of local airport facilities, then there is obviously less need for a Federal airport development program.

By prohibiting State taxation on passengers or on air transportation, the committee has accepted greater responsibility for U.S. assistance. With the increased Federal assistance, we can see no valid reason for the continuance of local passenger taxation.

Mr. President, the Commerce Committee is pleased with S. 38 and views it as a great step forward in modernizing and expanding the air transportation system in the United States. It will be responsive not only to the Nation's airport authorities, but to the passenger who uses public and private air transportation to meet his personal and business needs. S. 38 is a good bill and I hope my colleagues will support it enthusiastically.

At this time, I request the Senate adopt one technical amendment to S. 38 which was made by the committee to correct an inadvertent error in the draft.

The PRESIDING OFFICER. The clerk will read the committee amendment.

The assistant legislative clerk read the committee amendment, as follows:

Page 5, at the beginning of line 12, strike out "(g)" and insert "(f)".

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. PEARSON. Mr. President, the Airport and Airway Development Act of 1970 (Public Law 91–258) was enacted in response to a critical national need for improvement in the airport segments of the national aviation system. The airport and airway system was in need of rapid modernization and expansion to meet the requirements of higher performance aircraft and airline passengers, as well as general aviation.

Airport development aid program—ADAP—funding has been instrumental in assisting local communities to meet the capital requirements of expanded and modernized airport facilities. The Federal Aviation Administration has obligated the full $280 million allotted for fiscal year 1972 under ADAP. During the first 18-months of the ADAP program, Federal aid was approved and obligated for new runways at 57 airports; runway extensions at 70 airports; runway reconstruction and strengthening at 164 airports; land acquisition at 179 airports; and initial phase development at 36 new airports. New taxiways have been installed at 179 airports; taxiway extensions at 64 airports; new parking aprons at 97 airports; and apron extensions at 84 airports.

AIRPORT DEVELOPMENT IN KANSAS UNDER THE ACT

Mr. President, the progress made in my State of Kansas under the ADAP program is illustrative of the accomplishments recorded throughout the Nation. During fiscal year 1972, the FAA approved five planning grants for the development of master plans. The cities of Lawrence, Newton, Wichita, and Pratt received planning grants, and the Mid-America Regional Council received a grant to structure a metropolitan system plan for the Kansas City area.

In fiscal year 1972, the FAA placed a total of eight Kansas projects under ADAP grant agreement. The following communities received ADAP funding to accomplish a variety of improvements to runways, taxiways, and aprons, and to purchase land for airport expansion: Colby, Eureka, Garden City, Liberal, McPherson, Oberlin, Olathe, and Topeka. The smaller communities require Federal airport aid to develop facilities which will serve to attract new industry and job opportunities. The larger Kansas communities need Federal airport assistance to maintain convenient and safe service for the growing volume of airline passengers.

The requirements in Kansas are reflected everywhere in the Nation: There is no State or sizable community that does not view its airport facilities as fundamental elements in its plans for prosperity and growth in the years ahead.

About 180 million farepaying passengers will be transported by the Nation's scheduled airlines during calendar year 1973. The number of air travelers continues to expand at about 8 percent per year. The States and localities, in close cooperation with the Federal Government, simply must meet the challenge of air travel—safe and convenient air travel—in the coming years.

THE NEED FOR AMENDMENTS TO THE 1970 ACT

Mr. President, the Aviation Subcommittee of the Commerce Committee has been diligent in its oversight of the ADAP program since its inception. The legislation before the Senate today—the Airport Development Acceleration Act of 1973—is the product of more than 2 years of labor by the subcommittee. These proposed amendments to the 1970 act were drafted and refined during the 92d Congress to meet specific, documented aviation system needs.

The subcommittee has held extensive hearings. Public and private witnesses have testified in behalf of the measures which this legislation contains. As ranking member of my party on the subcommittee throughout the 92d Congress, I had a unique opportunity to review not only the strengths of the ADAP program, but also its weaknesses and inadequacies.

I strongly recommend passage of the pending bill. The following points may be made in support of this position.

TRUST FUND SURPLUS

The Aviation Trust Fund under existing levels of expenditure will begin to generate a surplus in the current fiscal year. There will be a cumulative surplus in the trust fund, under present levels of expenditure, of $1.263 billion at the end of fiscal year 1977. This surplus will be money that properly should be obligated for airways improvements and urgently needed airport development projects throughout the United States. There is no justification to permit user taxes to accumulate in the trust fund while aviation system users are suffering inconvenience and operating without modern equipment at scores of airports.

Therefore, Mr. President, the Commerce Committee has recommended adoption of S. 38. The committee bill provides for timely utilization of trust fund assets to meet the requirements of our expanding aviation community and traveling public.

This permits, for the first time, Federal participation on a 50-50 basis in funding for the construction and upgrading of terminal buildings and facilities. It increases the Federal share for airport construction—including land acquisition—from 50 to 75 percent.

The increased Federal participation in funding of airport development projects does not apply to the Nation's 22 largest airports. The committee has found that these facilities generate greater revenue, proportionately, than the smaller airports serving medium sized and rural communities. The large hubs, of course, will continue to be eligible for 50 percent Federal funding of approved airport development projects.

The airport certification program mandated by the 1970 act is being implemented. All airports served by scheduled certificated air carriers will be required to comply with safety and security requirements of the certification program. The committee bill increased from 50 to 82 percent the Federal share for acquisition of safety equipment, such as firefighting equipment, and security measures such as perimeter fencing. Because some airport operators have already purchased safety and security equipment, the increased funding for safety equipment will be retroactive.

Perhaps most important of all, the committee bill increases the minimum Federal expenditures for airport development. Beginning in fiscal year 1974, the FAA will be required to obligate not less than $420 million for airport development, compared to the present $280 million minimum annual obligation for this purpose. This increased Federal aid will include $375 million annually for air carrier and reliever airports, and less than $45 million for general aviation airports. There are two purposes for increasing the minimum Federal obligation under the act: The money will be available in the trust fund and the increased Federal funding overall will insure that the total number of projects approved by the FAA for Federal participation is not diminished by the increased assistance provided in other sections of the bill.

STATE AND LOCAL TAXATION OF AIR FARES

Finally, Mr. President, the committee bill prohibits State and local taxation of air fares. The Congress intended in 1970 to preempt the States and localities from levying such taxes, as taxation on air fares is one of the predominant sources of revenue for the trust fund. Recent Supreme Court decisions necessitate the clarification of this congressional policy determination.

If more than 500 localities—or even a significant proportion of this number—were unilaterally to levy taxes on airline passenger fares, there would result an unconscionable and unacceptable burden on interstate commerce. The national system of air service upon which 180 million airline passengers depend annually would become a hodgepodge of Balkanized assessments and levies against nonresident travelers whose business or leisure takes them across State lines. The committee bill prohibits State and local taxation of air fares, but this Federal preemption is carefully balanced by substantial increases in trust fund assistance for airport development and modernization.

POCKET VETO OF COMPARABLE LEGISLATION

President Nixon pocket vetoed a bill comparable to that under consideration today after adjournment of the 92d Congress sine die. The following is the complete text of the President's memorandum of disapproval of last year's legislation:

> This bill (S. 3755) would increase Federal expenditures and raise percentage participation in categorical grant programs with specific and limited purposes. I believe this would be inconsistent with sound fiscal policy. Airport development funds have been almost quadrupled since 1970 under this Administration.

It must be noted, respectfully, that airport development funds have been quadrupled primarily because Congress had the vision to enact the 1970 act—mandating the expenditure of not less than $280 million for the ADAP program. It must further be noted that Congress found it necessary to enact Public Law 92–174, prohibiting the use of trust fund revenues for operational and administrative expenses of the FAA. All user taxes must be used for capital improvements in aviation facilities and for research and development activities related to improving the U.S. air traffic control system.

Mr. President, with passage of Public Law 92-174, it becomes necessary to determine whether user tax revenues should accumulate in the trust fund while the Nation's airport system reels under the pressures of expansion and modernization, or whether those revenues should be put to timely use in funding the needed modernization. The conclusion, of course, is self-evident.

I have reviewed carefully the projected revenues of the airport-airways trust fund for the next 5 years. I am convinced that the increased Federal participation in funding of airport development, as contemplated in the committee bill, will be covered by the revenues of the trust fund. Therefore, this proposal not only relieves airport operators of a significant portion of their development costs, but it is also sound from a fiscal standpoint.

Mr. President, I strongly recommend that the Airport Development Acceleration Act of 1973 receive the favorable consideration of the Senate.

Mr. COTTON. Mr. President, I yield myself 1 minute.

I ask unanimous consent that I may delegate the time to those Senators who desire to speak in opposition to the bill to the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. COOK. Mr. President, I shall shortly submit an amendment to S. 38 which I submitted to the Senate last year.

As Senators will recall, under the provisions of S. 38 as presently written, 25 airports in the 18 States and the District of Columbia will receive only a 50-percent federally funded share of allowable airport project costs while all others will receive a 75-percent share.

This arbitrary distinction of 75-percent Federal share for airports enplaning less than 1 percent of the total annual number of passengers and 50-percent Federal share for those enplaning not less than 1 percent is not only illogical but also discriminatory.

I might say that this has not created a great deal of controversy in the United States, but there are many airports bordering right on the 1-percent figure and under the terms of the bill, if they go over the 1 percent, they will automatically be advised that if they have submitted a project for approval they will now fall within the 50 percent rather than the 25- to 75-percent formula. For example, let us say a community is bordering on that 1-percent figure, such as one of my own two major airports in Kentucky, Greater Cincinnati or Louisville. Then, if the community makes its investment in a project on this basis it will fall within the 75- to 25-percent formula. Then, when the community has made its investment on this previous basis, it finds itself relegated to the necessity of a complete financial reorganization on the basis of 50-50.

The very nature of air travel frequently involves a passenger departing from one of the small airports with less than 1 percent of passengers traveling to a larger one enplaning more than 1 percent and, as such, both facilities are part of an integrated whole deserving equal Federal funding. In addition, and more importantly perhaps, the source of these Federal funds from which these airport costs are to be paid is derived from a uniform base and should therefore logically be distributed in a uniform manner.

Mr. President, all this revenue is derived from passengers in all the airports. It is derived from all the airports including the 25 airports that will be disallowed the opportunity to do this according to the bill in its present form. I will read them so they will be in the RECORD. I am sorry more of our colleagues are not present, because this does not affect my State.

In the State of California, Los Angeles, San Diego, and San Francisco will fall within the 50-50 category.

In Colorado, Denver.

In the District of Columbia, Washington National.

In Florida, Miami.

Atlanta, Ga.

Honolulu, Hawaii.

O'Hare, Chicago.

New Orleans, La.

Detroit, Mich.

Minneapolis-St. Paul, Minn.

Kansas City and St. Louis.

Las Vegas, Nev.

Newark, N.J.

John F. Kennedy and LaGuardia in New York.

Cleveland, Ohio.

Philadelphia and Pittsburgh, Pa.

Dallas and Houston, Tex.

Seattle-Tacoma International Airport in Washington.

If any Member of the Senate will tell me that he does not have to go through one of those major airports to get to where he is going to get home, let him say it now, because these are the hubs. These are the airports that generate the traffic, and these are the airports that generate the funds we set up in the original act. Now we find ourselves in a position where we are saying, "You are so big and you need so much that we are going to leave you on a 50-50 basis, but everyone else in the United States is on a 75-25 basis.

Except for those exceptions in the United States where we had to continue a head tax or a seat tax, such as in Sarasota which had a bonded indebtedness in that community, all the rest of the airports in the United States, save one or two, will be prohibited from having such a tax, including the major airports that are being denied the opportunity to share on a 75-25 basis.

So they are not only saying that they cannot share in this type of formula, but they are going to be excluded from getting any other type of revenue so that they might overcome the great deficiencies that are written into this bill.

I might say that we have had no trouble, during the course of the debates on the bill and during the hearings, in seeing to it that we were denying an airport the right to have its own tax at its own base and, therefore, eliminating that possibility now and in the future, but we have even gone so far as to say, "Now, these airports can be eliminated from that procedure if they so desire, but at the same time we have put them on a 50-50 basis rather than a 75-25 basis." I think it is very interesting that these include airports through which 80 percent of the air passengers have to go to get home, unless they drive or unless they are within an hour and a half's duration from here. Yet those airports are going to be put on a different basis than is now available.

I might say that in progressively developing an improved national air transportation system, it is apparent that the large hubs are equally as important as the smaller airports and, therefore, should benefit equally from this distribution of Federal funds.

May I say that if there is one thing we need more than anything else, is to see to it that airports like Atlanta and Chicago have the funds they need. Where are these major accidents occurring? They are occurring where there are so many flights in and out on a minute's basis that anybody who has anything to do with air traffic control is being worn out. These are the airports that need the help, because that is where the passengers need the help.

I have had a daughter going back and forth to Northwestern University for 4 years, and it frightens me to death every time that young lady has to leave here and fly into O'Hare Airport at Chicago, because of the number of accidents and the number of hold-overs that have to occur over that city. And yet that airport, because it is a big airport, will be punished under the terms of this act.

Mr. President, I send to the desk an amendment to the bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 4, line 9, insert the following immediately after "be":
>
> "75 per centum.",
>
> and strike all thereafter through, and including, line 17.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, this is a very simple matter. By this amendment the arbitrary distinction is eliminated, thereby rendering an equal 75-percent share for all the airports, regardless of size.

I do not think there could be any confusion about this. When we established the Highway Trust Fund to build a highway program throughout the United States, we established it on a 90-10 percent basis. We did not say that it could be 95-5 in the President's State, and it would have to be 90-10 percent in my State. We did not say that it was going to be 70-30 percent in New York, but 90-10 percent in Kentucky. We said that it would be uniform throughout the the United States.

This is one of the few times that I know of that a trust has been established whereby we have taken the number of facilities which are contributing by far the biggest sum of these trust funds and said that they are to be discriminated against and will therefore receive less funds than other airports throughout the United States.

Mr. President, I ask unanimous consent that the full report on the Airport Act as presented in the Senate last year, with all the figures and statistics contained therein, be obtained and placed on the desk of each Senator. I notice that we have only received a small committee report, and I would like to have the entire report from last year made available to all Members of the Senate, so that they would have all the information.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. COOK. Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER.** Who yields time?

Mr. CANNON. Mr. President, I yield myself 3 minutes to respond to the Senator from Kentucky.

The **PRESIDING OFFICER.** The Senator from Nevada is recognized for 3 minutes.

Mr. CANNON. Mr. President, I want to first correct one of the statements of the Senator from Kentucky which was erroneous. The Senator listed Washington National Airport as being one of the airports involved. Washington National Airport is not eligible by law and could not share in the fund 50–50 percent or 75–25 percent, either way it went with respect to the problem of matching funds.

Let me say one reason for excluding them was to try to make enough money available to the smaller airports, so that we could have a substantial amount of airport development across the United States. If we are going to give the large hubs an added 25 percent, we will then limit the distribution of the funds for a number of improvement projects around the country, thus adding to safety problems that the Senator from Kentucky commented on.

Mr. President, I would also point out that at the present time there are 22 large hubs, and I have one airport in my State which is one of those 22.

I am sure that the Senator from Kentucky will recall the testimony last year of Mr. Sands, a very important witness before our committee, who furnished statistics as to what would happen if the medium and small hubs were given additional assistance by going to the 75–25-percent formula.

I would pose this question to the Senator from Kentucky. I wonder if the distinguished Senator from Kentucky has received any complaints from the large hubs about the formula distribution in the bill? I am chairman of the subcommittee, and I have yet to receive one complaint. And I have talked to the airport managers of most of the 22 large hubs. I have yet to receive one complaint. And the committee has not had a solitary complaint filed with it about this distribution.

I would also add this further comment. Many, if not most, of the large hubs operate at a profit. They return a profit to their governing institution. That is true throughout most of the United States. It is true, at least, with respect to many of them. They do return a profit to their parent agency.

Mr. President, I would like to read one paragraph from the committee report: It reads:

> While, on the one hand, the Committee has heard evidence indicating small communities have had difficulty in raising matching money to qualify for ADAP grants, we have heard no evidence indicating that the nation's 22 largest airports, the so-called large hubs, have experienced financial difficulty resulting in failure to participate in the ADAP program. On the contrary, the large hubs appear for the most part to be self-sustaining. In many cases these airports are actually profitable. Fees paid by the airlines for landing and for space rental and fees obtained from concessionaries for parking, restaurants, shops, etc., are adequate to cover both the operational expenses of the airport and to underwrite the capital investment borrowing required. The Committee asked various witnesses for examples of airports in the large hub category which had encountered difficulty in meeting the 50%–50% matching requirement. No examples have been provided. Therefore, the Committee concludes that present 50%–50% ADAP formula is adequate in assisting with airport development needs at the nation's 22 largest airports.

Mr. COOK. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, first of all, I apologize to the Senator from Nevada and state for the record that Washington National Airport was not included in the list of airports affected because they do not have to worry about this matter, since the airport is federally owned. They do not have to worry about that problem. And, I must say, they are in a category that every other airport in the country envies beyond belief. This is also true with respect to Dulles Airport which is also owned and operated by the Federal Government. They do not have that problem.

Mr. President, I am sorry that we do not have the full report on the desk of each Senator from last year. There is example after example cited in that report. There were two projects in Hawaii where they could not go ahead with the project because they would be under the 50–50 percent formula. And there were other examples where airports could not do it.

I can only say that I do believe that can be challenged. Let me point out that this will wind up being rather disturbing. There are airports on the list which, is there is a 1-percent change, will be put on the 50–50 percent formula.

Let me point out that with respect to Orlando, Fla.—which is next to Disneyland—if there is an improvement in their conditions which is quite possible they will find themselves on a 50–50 percent formula, rather than 75–25 percent.

Let me point out that Indianapolis is a city that is in this group. I might suggest that Indianapolis did not qualify last year when the bill was submitted. Louisville did not qualify last year. Cincinnati did not qualify last year until that proposal was advanced on the floor to include these airports in the formula.

There was a tremendous hue and cry at that time from all over the United States. By the way, last year, when the bill was being considered, if this change had not been made, I would not now be reading to the Senate a list of 22 or 24 airports, but would be reading a list of closer to 50 airports that would have been eliminated.

Mr. President, I recall very vividly talking with the Senator from Florida. He told me that not only would Miami be eliminated, but also Jacksonville, Tampa, and one other airport in his State—I think Fort Lauderdale—would be eliminated.

I might suggest that the present situation is much better than a year ago.

I would also say that there is no reason to establish a trust and then preempt the tax field as a result of that trust and say that one formula applies to the majority of the airports in the United States and another formula applies to some 24 airports in the United States.

Mr. President, how much time do I have remaining?

Mr. PEARSON. Mr. President, I wonder if the manager of the bill would yield me 2 minutes.

The **PRESIDING OFFICER.** The Senator from Kentucky has 2 left of his 5, and a total of 24.

Mr. COOK. Well, we have 1 hour on this amendment. I would give the Senator all the time he wants.

Mr. CANNON. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. PEARSON. Mr. President, I rise to speak in opposition to the amendment of the distinguished Senator from Kentucky.

One really needs to go back to the initial purposes of the hearings which gave birth to this particular bill. Those hearings addressed themselves to a situation whereby community after community and city after city, were either imposing or beginning to impose a so-called head tax upon passengers who would embark or depart from aircraft.

This was really most inconsistent with the original intents and purposes of the trust fund concept as passed some years ago. The havoc that would have resulted in the airports of this country as the different kinds of head taxes were imposed for different purposes and in different amounts, as well as all the congestion and traffic that would have been imposed, led the committee to judge that there should be a prohibition against head taxes such as this.

But that was not enough. It did not really tell the whole story, because some recognition had to be given to the financial plight of many cities, including problems of law enforcement, crime and violence protection, education, and sanitation. All those areas had a greater demand upon the resources, limited as they were, of the cities.

So, Mr. President, I do not think it was enough for the committee just to say, "No, you cannot impose these head taxes." I think we should have gone further, and said, "Real moneys are needed." It was against that background that the committee went on to provide for a greater percentage in the building of airports.

Let me say to the distinguished Senator who finds himself in opposition to the formula, that the great hubs did have, in the bargaining process, real advantages, as pointed out by the manager of the bill: 50-50 on terminals and baggage facilities, which was in the bill many years ago but was stricken out, and which the great hubs have tried desperately to obtain. In addition, 82 percent for safety and security was provided, helping to relieve a great burden upon airports.

So I think under this trust fund concept, if we follow the underlying purpose of all trusts, to provide for discretion and to put money where money needs to be provided, I think this bill is eminently fair, even to the hub airports, and is a bill we ought to go forward with if we are to fulfill our mission and promise to do something in the next decade about this country's aviation, something which will bear the great burden of the transportation of passengers, and which for various reasons is now undergoing particularly difficult times.

So, Mr. President, I respectfully say that I understand the good intentions of the Senator from Kentucky, and I find some of his arguments persuasive, but I do hope the Senate will reject his amendment, and I thank the manager of the bill for yielding time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **COOK**. Mr. President, I yield myself 5 minutes for the purpose—and I think it is important—for a reading of the record which should include the list of airports that were intended to be left out of this bill last year. I think it is important to understand what the original intent of the majority of the committee was to do to the airports of the United States, leaving the following airports on a 50-50 basis rather than a 75-25.

This list is very interesting, because this is a list as to which the chairman said a year ago that there were no complaints from anyone in the United States that they were being left on a 50-50 basis leaving the other airports on a 75-25 basis. I read from the committee report the list of airports that were intended to be left out of this act last year, and the airports that a majority of the Aviation Subcommittee and the full Commerce Committee intended to leave off of the 75-25 participation: Birmingham, Ala.; Phoenix and Tucson, Ariz.; Los Angeles, Sacramento, San Diego, and San Francisco, in California; Denver, Colo.; Bradley, Conn.

By the way, the committee did not know that the U.S. Government was paying for the cost of Dulles and Washington National, because they are both listed on this list. Under District of Columbia are listed Dulles International and Washington National. So, at least last year, they did not know they were taken care of by the Federal Government.

In Florida, the following airports would have been left out: Jacksonville, Fort Lauderdale, Miami, Orlando, and Tampa; Georgia, Atlanta; Hawaii, Honolulu, and then there are two others I cannot pronounce. I will give them to the reporter for the RECORD. (Kahului and Lihue.)

O'Hare in Illinois; Indianapolis, Ind.; Des Moines, Iowa; Louisville, Ky.; New Orleans in Louisiana, Friendship in Maryland, Logan in Massachusetts.

Detroit, Minneapolis-St. Paul; In Missouri, Kansas City and St. Louis.

In Nebraska, Omaha.

In Nevada, Las Vegas and Reno; Newark, N.J.; Albuquerque, N. Mex.

In New York: Albany, Buffalo, John F. Kennedy, LaGuardia, Rochester, and Syracuse.

In North Carolina, Charlotte and Raleigh-Durham.

The Cincinnati airport is listed in Ohio whereas it is actually located in the Commonwealth of Kentucky whereas it should have been listed in Kentucky. Also in Ohio: Cleveland, Columbus, and Dayton.

In Oklahoma, Oklahoma City and Tulsa.

In Oregon, Portland.

In Pennsylvania, Philadelphia and Pittsburgh.

In Rhode Island, Providence; Memphis and Nashville, Tenn.

In Texas, Dallas, El Paso, Houston, and San Antonio; Salt Lake City, Utah; Norfolk, Va.

In Washington, Seattle-Tacoma and Spokane; and in Wisconsin, Milwaukee.

Last year, if we had not gotten the 1 percent, every one of those airports I just named would have been eliminated from participation in the 75-25 percent ratio of funds. Many of those have been removed, because we at least won that much of the argument last year which, in effect, knocks a hole in the argument that we only wanted to leave the hubs out, because last year they wanted to leave 65 airports out, Mr. President.

So I can only say that the equity of the thing is there, and the specious argument—I apologize for the word—that one only includes the larger hubs to be eliminated is totally destroyed, because last year they wanted to leave every airport out of that consideration that I have just listed for the Senate.

Mr. President, this is no more than equity. My State does not even have an airport on this list. But I contend that as legislators, when we create a trust and we say that this trust will be the only basis by which major advances in airport technology and airport equipment will be acquired, and then top it off by making a division within that trust, then I say by similar logic we should make a division in the highway trust next time. Maybe we should make a division in other trusts that we create in general, so that we make one class of citizens out of one particular group of communities, and another class of citizens out of another group.

I might say that we also, in preempting the field, have said to those larger airports that "There will be no source at the local level for you to raise taxes; when we leave you at 50-50, you cannot have a head tax," because we felt that it was necessary to do it that way. Maybe if we, as a committee, had spent a little more time, we would have left the dollar on, and done it as a matter of Federal law, so that we would have enough money in the entire program to include every airport.

Philadelphia is having its problems with the seat tax problems, and the answer is very simple: They are having them because it is not payable at the counter. It is payable because the local agency has to set up those fees. And when you pay once, you have to pay again. It is a very irritating thing, and I do not blame the passengers. It is irritating, and it should be.

But what have we done to solve that problem? Philadelphia is going to stay on 50-50 and Philadelphia will be preempted from having its seat tax. So have we solved the problem with this bill in its present form? I can only say that this amendment is not a cry of anguish but a cry for equity. We are legislators, to say that we are establishing a trust for the benefit of air facilities throughout the United States, and yet we have said that the following will be eliminated.

The **PRESIDING OFFICER** (Mr. DOMENICI). The time of the Senator from Kentucky has expired.

Mr. **COOK**. I yield myself 2 more minutes.

The **PRESIDING OFFICER**. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. **COOK**. Mr. President, Phoenix is now on a 50-50 basis. Because it is below 1 percentum, it will go to 75-25. It is, I think, on .98 percentum, and all it has to do is raise it two-tenths of a point and it is back to 50-50.

Let us take Tampa, Fla. It is sitting on 95. Yet it is not in this list. Yet in the record it is sitting on .95. Therefore they are not sitting down there complaining right now because their thinking is based on the idea we are included in the 75-25. At least, they have been told that. So we do not have to worry about it. But all they have to do is go up one-half of 1 percent and they are back to 50-50. See whether that would bother them or not.

Here is one at 96, which is Friendship, at Baltimore. Baltimore is sitting back saying, "We do not have to worry because we are 75-25 under the bill." Yet all they have to do is go up four-tenths of 1 percent and they are back to 50-50. You know, Mr. President, the Chamber of Commerce in Baltimore is trying to sell every group in the city of Baltimore on the idea that they will increase their air transportation. They will have a better chance when they increase it above 1 percent or they will go back to the 50-50 Federal contribution rather than 75-25.

Here is Portland, Oreg., with 81 percent. It might get a little profit this year if it gets close to the 100 points.

Memphis, Tenn., is sitting on .94. All it has to do is go up one six-tenths of 1 percent and it will be back to 50–50. They are thinking everything is fine because they are going to be included in the 75–25 rather than the 50–50, yet it will take a very little change in the percentage of passengers and they will be over the 1 percent.

I can only say, there may not presently be a hue and cry among the airports in the United States, but they should know what could really happen to them in the future.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. COOK. I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Listening to the Senator from Kentucky is rather amusing. I would describe his references as "but-if" legislation—"But-if" we had passed the legislation that we considered at one time last year, "but-if" we had done something else, "but-if" we had done something else again, we would have had a different result.

The fact is, Mr. President, we passed this bill last year. We passed it in the Senate and it was passed in the House. It was sent to the White House and it was vetoed.

The formula is the same as that in the bill last year when it passed the Senate and passed by an overwhelming vote. It is the same formula we considered in committee, when it came before us this year.

The Senator referred to the fact that we are depriving the large hubs of an opportunity to impose head taxes to raise the needed revenues. Only one of the large hubs has imposed a head tax, so far. That is Philadelphia. The Philadelphia airport operates at a profit. Last year it turned back over $2 million to the city. Do we want to increase the formula so that Philadelphia can turn around and support other phases of government with airport revenues?

Mr. PEARSON. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. PEARSON. I understand, but I also understand that funds for the Philadelphia Airport are going back into the general revenues of the cities to provide for expenses that may be needed in new fields of municipal endeavor.

Mr. CANNON. That is entirely unrelated to airport operation.

Mr. COOK. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I will when I finish my statement. I want to finish my statement on the "but-if" legislation.

Mr. President, it has been stated that Baltimore and other airports would go back to the 50–50 formula. They have never been above the 50–50 formula. None has ever been at 75–25 at all. At the time these airports made all of these very fine improvements, they were enjoying the 50–50 formula. That is exactly where they would stay. What we are trying to do is to make it possible for the medium hubs, the small hubs and nonhubs that could not even come up with 50 percent to make airport improvements by providing the 75–25 formula so that they can improve air transportation all over the country.

Now I am glad to yield to my colleague from Kentucky.

Mr. COOK. The question I want to ask the Senator on the "but-if" basis is, How many airports does the Senator and the committee know, below the 24 airports we have listed, that will be listed, that are not operating at a profit? How many small airports does the Senator have any knowledge of that are or are not making money, or do or do not turn back money to the local governments? The point is, we have not picked out a formula, Mr. President, that has said that because of the financial means of the airport, "We have picked an arbitrary percentage and if you go up one point or more, then you will be 50–50, but if you are one point or less, you are on 75–25." But that is no basis to say that we know that every one of the 500 some odd airports are or are not making a profit.

Could the Senator take a look at my own Louisville Airport and tell me——

Mr. CANNON. If the Senator does not know, then I do not know.

Mr. COOK. How about Cincinnati? The Senator from Nevada is the manager of this bill, but if we have this formula, apparently none of the other airports will survive.

Mr. CANNON. Mr. O. L. Sands—who appeared as a witness before our committee last year, is the manager of the New Orleans Airport—pointed up the problem very well, as he was appearing and testifying for the Airport Operators Council. Mr. Sands said that the problem at the medium and small airports was that they cannot come up with their matching money and if we were to raise the formula, they would be able to go ahead with various types of projects.

I cannot tell you, Mr. President, the exact number of the 531 airline airports that we are talking about which are profitable, but I would say that we would be very fortunate if we found 30 or 40 making a profit, other than the large hubs, because they simply do not have the capability for this. This is the reason many airports started to go to the head-tax formula. The Senator says we want to prohibit them.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 5 minutes and then I shall conclude.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, I have listened to the discussion that we are going to take care of all airports that cannot take care of themselves. I would like to know that they are making a profit and turning the money back. Maybe Philadelphia is fortunate, may I say to the Senator from Kansas (Mr. PEARSON). Maybe it is fortunate. But I have a notion that many airports are not turning back funds because they do not have the opportunity to turn back funds and are promptly bonded. Yet we have this evidence on this record that all the airports included in the 75–25 formula are, in fact, all losing money, that they cannot conceivably file for applications because they cannot qualify.

So, therefore, that is the arugment of saying, "Where are the ones that make money and the ones that do not." When we cannot prove what they have said, that is a rather strange and weak argument. I can only say that we are looking at the situation where we are building a formula into the law, a formula that, when we go above it, we will go back to the 50–50. If we stay below, that will be the 75–25. If we go above it, we might even say, "We will not take in that airport service," or "we will not take in the additional line of Deltas" or "we will not take in the Continentals" because "that will put us over the 1 percent." We all say that this is what we are going to do, but we will not be able to afford it. We will bond them up to the hilt now and we will revert back to 50–50. The fact that Friendship Airport is on a 50–50 basis and that will not go back because it has never been in that range is no basis for a logical argument.

The bill as it was originally passed by this body and is the law today has a uniform standard for every airport in the United States, and that standard is 50–50. We are deviating now. We are deviating from that 50–50 formula, and we are now going to 75–25 for those above 1 percent and 50–50 for those who are fortunate enough not to have enough growth and not to have enough airplanes going in and out of their airports so that they can go to 75–25.

Mr. President, air terminals are the biggest problem to the individual airplane traveler. These airports which are excluded by this bill have the most traffic and the most problems, and they come up with some of the most disastrous accidents of any airports in the United States.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PEARSON. Now I think the Senator is really touching on a point in this debate that has not been emphasized enough. Now the large hubs are going to get the kind of help they precisely need. They need help in safety and security, and they get 82 percent of the funds expended for that purpose. They desperately need help for terminal facilities, and they are going to get 50–50 for the first time in many years. The original act had some terminal facilities, but these are for services related to passengers.

I think the real reason why calls have not been received from the great hubs is that these provisions of the act are doing precisely what they need to do now.

I do not think I am going to persuade the Senator to abandon his amendment, but I think what we have done meets the needs of the great hubs; and I imagine there will not be a large hub in this country that will not apply for some sort of Federal aid for terminal facilities—if this bill is passed—within the next year. This is the balancing factor.

Mr. COOK. I say to the Senator from Kansas that I am more concerned about the danger the passenger puts up with when an airplane is coming across the runway and another plane is taking off. For these purposes there is no 82-percent money in this bill for that.

We are talking about the facilities that deal with the safety and protection of the passenger on the airplane when it is going up and when it is coming down. As to the terminal facilities with respect to luggage, so that we can expedite the movement of the passenger through the terminal, we have already been through that. The Senator's remarks about that are absolutely correct, and I cannot argue with them. But I would like him to try to convince all those people on the airplane that was going out of Chicago the other day when it hit the tail of another plane. I am sure that a passenger would be delighted to get his luggage in and out of that terminal in an expeditious manner, but I know he is more interested in safety.

Mr. CANNON. Is the Senator suggesting that there was some safety feature that was not installed because the airport was only getting 50–50 matching funds?

Mr. COOK. I do not know that, and I do not think the Senator from Nevada knows whether or not that is true; because we would have to go back and see every application that O'Hare has filed for every application that has been approved and for every application they could not make because they did not have the matching funds. So I cannot say whether I am correct or incorrect. I can only say that the passenger is interested in his safety in getting off the ground, into the air, and getting back.

I do not disagree with the Senator from Kansas, but I can say that this is not what this Airport Act was originally designed to do, and it is not what this original trust was created for.

Mr. President, I will ask for a rollcall vote on my amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. COOK. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, and on final passage.

The yeas and nays were ordered on passage.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Has all time in favor of the amendment expired?

The PRESIDING OFFICER. It has.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. MONDALE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Hawaii (Mr. FONG), and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY), and the Senator from New York (Mr. JAVITS) would vote "yea."

The result was announced—yeas 25, nays 54, as follows:

[No. 8 Leg.]

YEAS—25

Baker
Bennett
Brock
Case
Chiles
Cook
Eagleton
Fannin
Goldwater
Griffin
Hart
Huddleston
Long
Nunn
Percy
Schweiker
Scott, Pa.
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—54

Abourezk
Aiken
Allen
Bartlett
Beall
Bentsen
Bible
Biden
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Clark
Cotton
Curtis
Dole
Domenici
Dominick
Ervin
Gravel
Hansen
Hartke
Hatfield
Hathaway
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Kennedy
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Scott, Va.
Sparkman
Taft
Thurmond
Young

NOT VOTING—21

Bayh
Bellmon
Brooke
Buckley
Church
Cranston
Eastland
Fong
Fulbright
Gurney
Haskell
Helms
Javits
Johnston
Magnuson
Mathias
Mondale
Ribicoff
Saxbe
Stafford
Stennis

So Mr. COOK's amendment was rejected.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of Senator BROOKE and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads:

SEC. 4 Section 16(c) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by adding subsection (5):

No airport development project for Logan International Airport at Boston, Massachusetts may be approved by the Secretary unless (1) the project is consistent with a master plan under development in accordance with standards established by the Secretary for airport master plans and (2) is approved by the Secretary.

Mr. KENNEDY. Mr. President, I submit this amendment on behalf of myself and my distinguished junior colleague (Mr. BROOKE), and also with the understanding, concurrence, and support of the two Representatives who will be affected by the amendment: Mr. MOAKLEY and Mr. O'NEILL.

The amendment itself, Mr. President, as the floor manager of the bill understands, affects only Logan International Airport, in Boston, Mass. This amendment is offered and hopefully will be considered by the manager of the bill in connection with the development of a master plan for Logan Airport before expenditure of funds under this legislation.

Over recent years, there has been a continuing struggle between the Massachusetts Port Authority in Boston and the local surrounding communities, in Winthrop, Revere, and East Boston, regarding airport expansion plans. It has been the hope of those of us in the Senate, Mr. BROOKE and myself, and I speak also for the mayor of the city of Boston as well as the Governor of Massachusetts, that a master plan be developed for land use, including recreational sites and buffer zones as well as other considerations important to Logan's neighbors, before any massive expenditure of Federal funds for airport development projects which might adversely affect the communities around Logan.

This has been a problem that we in Congress have been working on—with little results, I might add—for over 5 years. Last year we met with the Secretary of Transportation, and he indicated to us orally, and on radio and television, that he was prepared to insist that a master plan be developed before there be additional Federal expenditures. What we are looking for today is assurance from the chairman of the committee that the commitment of the Secretary of Transportation continues to be the policy of the Department of Transportation.

If it is his understanding that such a commitment exists, then I think we can continue to make progress in Boston in working together on this master plan. I think we need to have in mind the best interests of the people who live in the general area of the airport, and put their interests first.

So I would hope that with this strong indication of the elected officials, Representatives and Senators alike, and the further support of the mayor of the city as well as the Governor of the Commonwealth, that the Members of this body would be aware of our particular situation in Boston. By this amendment, we are not interested in affecting any other airport in the country. What we would require is that there first, before development projects are funded, be a master plan developed for the Logan Airport in Massachusetts, and I would hope that the chairman of the committee would be receptive to the amendment.

Mr. CANNON. Mr. President, I yield myself 1 minute.

I understand that Secretary Volpe made an oral commitment on behalf of the Department to withhold airport grant funds for the Logan International Airport until a long range master plan has been approved. I understand he made that policy commitment in a personal meeting in Senator Kennedy's office. After checking with the Department's General Counsel this afternoon, I am advised that the policy enunciated by Secretary Volpe still stands even though it has never been laid down in written form.

Therefore, I see no need to pursue this amendment, as the matter has already been dealt with and decided administratively.

Mr. KENNEDY. With the assurance of the chairman of the committee that this is his understanding of the policy, of the Department of Transportation then, I am willing to withdraw the amendment. I do it on the basis of this assurance.

I think this matter is extremely important. I think it is essential that such a master plan be developed before Federal funding of development projects moves ahead. Secretary Volpe has given us that commitment. With the further assurance that it is the understanding of the chairman of the committee that this is still the policy of the Department of Transportation, I am willing to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. HARTKE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HARTKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE's amendment is as follows:

On page 6, line 25, following the word "levied" strike the words "and collected".

Mr. HARTKE. Mr. President, the bill before us today is a poignant example of the trouble which now besets American aviation. Years ago Congress provided for the financing of a nationwide system of roads but it is only recently that the Airport and Airway Development Fund was created.

That fund has yet to reach its full potential and when it does there is some doubt that it will be adequate to meet the aviation needs of this Nation. Airports throughout the country are in a financial bind. They need funds for capital construction to meet the ever-expanding number of flights and the ever-increasing size of airplanes.

Local airports need funds badly. They need money to expand and improve runways, build towers, buy safety equipment, improve security, and operate their facilities. To the extent that the bill before us today increases the Federal share of airport assistance for small- and medium-size airports from 50 percent to 75 percent it is a welcome piece of legislation.

Nevertheless, S. 38 uses the carrot-and-stick approach. It says that you can have a greater percentage of Federal funds but you cannot raise any local funds from a head tax. What alternatives does an airport have?

Smaller airports such as several in the State of Indiana must secure their funds from property taxes. Each of us knows the burden which property owners throughout the Nation must bear in real estate taxes. Taxpayers' revolts in community after community will attest to the fact that people are becoming fed up with taxes which are driving them from their homes.

Mr. President, those portions of S. 38 which deal with State taxation of air commerce are before us today because of a lawsuit which involved the Evansville-Vanderburgh Airport. That airport handles more than 329,000 passengers each year. It serves not only Vanderburgh County but 40 other counties in the surrounding area. To ask the residents of Vanderburgh County to bear through the property tax the burden of operating a rapidly expanding airport which serves 40 other counties is to place an unfair and unjust burden on the property owners in Vanderburgh County.

Mr. President, S. 38 is the successor to S. 3755 which passed the Senate overwhelmingly during the last session. The size of that vote is a recognition of the fact that head taxes are a hindrance to air commerce. But the provisions of S. 38 do not provide an adequate substitute. For many airports it will be meaningless to raise the Federal share from 50 to 75 percent because they do not have the funds available to raise the 25-percent local share. For this reason I intend to offer later in this session, legislation which will revamp the financing of airports and the financing of the Nation's aviation system as a whole.

One of the changes which is made in S. 38 which was not contained in S. 3755 last year, is that those airport operating authorities which levied and collected head taxes prior to May 21, 1970, are exempt from the prohibitions until July 1, 1973. While I support the intent of this amendment I am offering an amendment today which would modify the wording of that provision to extend the exemption to those airport authorities which levied such a tax prior to May 21, 1970, but may not have collected such a tax prior to that date. Included in the airports which would be affected by this modification is Dress Memorial Airport in Evansville, Ind. The head tax was originally levied in 1968 in Evansville but was not collected because the airlines operating from that airport secured an injunction enjoining the collection of the head tax. That case was appealed to the Supreme Court of the United States and the Court ruled that such a tax could be collected. The city of Evansville currently has a claim against the airlines for the amount of revenue lost because of the failure to collect the head tax. The claim is approximately $450,000. If Evansville cannot collect this tax the continued operation of the airport is in jeopardy. Indiana is one of four States that does not receive any State assistance in the operation of its airport and the loss of revenue because of its inability to collect the head tax has and continues to cause financial hardship for the city of Evansville and Vandenburgh County. It is for this reason that the modification I offer to the pending bill is so necessary.

Mr. CANNON. Mr. President, I yield myself 30 seconds.

I understand this amendment would apply only to Evansville, Ind., and would not permit that head tax to stand beyond July 1. It is doubtful whether the pending bill will become law before July 1. This amendment would put Evansville on a par with New Hampshire; therefore, I am willing to accept the amendment.

Mr. COOK. Mr. President, will the Senator yield for the purpose of inquiry?

Mr. CANNON. I yield.

Mr. COOK. As I understand the amendment, it would provide that on page 6, at the bottom of the page, where the language now reads "which levied and collected a tax," the Senator would leave it on the basis of having levied this tax and not collected it?

Mr. HARTKE. That is technically correct.

Mr. COOK. Because, as I understand the significance of it, Evansville's suit was combined with that of the State of New Hampshire, but the city of Evansville did not have its injunction lifted so that it could proceed to collect the tax until a later date; is that right?

Mr. HARTKE. That is right. The tax

could not be collected until the Supreme Court acted. The Supreme Court dissolved the injunction and they have collected the tax from that day forward. They have instituted suit for back collection from the airlines.

Mr. COOK. Is it the intention of Evansville to proceed with its suit against the airlines for collection from the time of the imposition of the tax until the Supreme Court ruled out the injunction?

Mr. HARTKE. A motion is pending at the present time.

Mr. COOK. Would it make any difference in this bill, for all intents and purposes, even if we did change the wording so that the lawsuit could lie against the respective airlines? I do not see how we could do that in this bill. I am not sure we could affect that lawsuit, anyway.

Mr. HARTKE. I do not think it would have any effect upon the lawsuit. All it does is provide a simple remedy for the situation. The manager has indicated that it would be moot by the time the bill is passed.

Mr. COOK. I thank the Senator.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. CANNON. I yield back my time.

Mr. HARTKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE).

The amendment was agreed to.

Mr. HARTKE. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HARTKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE's amendment is as follows:

At the end of the bill insert a new section as follows:

SEC. 9. (a) It is the sense of the Congress that no part of any sums authorized to be appropriated or appropriated for expenditure pursuant to the provisions of this act shall be subject to impoundment from obligation, for purposes as provided in this act, by any officer or employee in the executive branch of government.

(b) For purposes of this act impoundment includes (1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated or otherwise obligated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and (2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

Mr. HARTKE. Mr. President, my amendment would provide a stop-gap measure to prevent the President from impounding any funds under this act. By stop-gap I mean a measure that would apply to those bills that pass the Senate before the able Senator from North Carolina, SAM ERVIN, and the other distinguished members of the Committee on Government Operations are able to report the Ervin bill with its more extensive and much needed prohibitions and procedures for notifying the Congress if and when the President does impound funds in this bill. The language of this amendment is a synthesis of similar language in the Highway Trust Fund Act, which has been the subject of a suit brought by most of the committee chairmen in the Senate to release those funds in that act impounded by the President, and language in the Ervin bill. This amendment would guarantee that the moneys authorized in this bill will be spent as mandated by the Congress and also provide standing if a suit need be brought to compel the President to spend these moneys. That, in essence, is the full content of the amendment. Mr. President, I urge adoption of the amendment.

Mr. CANNON. Mr. President, I yield myself 1 minute. I think this is a good amendment. We in the Senate have expressed ourselves, certainly a majority of us, as being against the impoundment of funds. I know of no instance where the President has impounded aviation trust funds, but in view of the action that he has already taken in other areas, I would want to make it clear that we believe that no impounding should take place, and therefore I am willing to accept the amendment.

Mr. DOMINICK. Mr. President, will the chairman yield for a question, and some time?

Mr. CANNON. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I would like to get 2 or 3 minutes, if I can.

This seems to me to be a major amendment to the bill. It is the first time I know of in a bill of this kind where we have tried to say what the President can and cannot do if funds are impounded later, which they have not been.

In order to try to get through, which I am, an Airport and Airways Development Act, it does not seem very politic to me to spit right in the eye of the President by putting in this provision. If we are looking for a veto, that is another thing. We may get it, anyhow. But this will add to the chances of it. The point I am making here is, what are the terms of the amendment? The amendment was not read. I thought it was a simple one, like Evansville, but it is not printed and I do not know whether it affects any other act, or that we are talking about this act. How could we say in an authorization bill that the money has to be spent when the money has not even been appropriated?

Mr. CANNON. I would say that this is not a mandatory requirement prohibiting the impoundment of funds. This a sense of Congress provision, that no part of any sums authorized to be appropriated or appropriated for expenditure pursuant to the provisions of this act shall be subject to impoundment by any officer or employee in the executive branch of the Government.

It is a sense of Congress amendment, not an absolute prohibition.

Mr. DOMINICK. I have great respect for the distinguished Senator from Nevada, but where does this say "sense of Congress"?

Mr. CANNON. Just as I read it, "Section 9(a). It is the sense of the Congress that no part of any sums authorized * * *."

Mr. DOMINICK. Fine.

As I say, I do not have the amendment in front of me so I do not know what it says. That cures that problem, but not the basic one, which is, why should we go for this on this bill? The President has already vetoed one with $350 million in it, and this is $420 million. We are already reviewing the problem so that we can get it into operation. If we can tell the President what he can or what he cannot do, we will have more problems.

We remember when we tried to get the Secretary of Defense McNamara to spend money which authorized the appropriations for the bombers, and for 3 years we could not get him to do it. I did not hear any protestations, any great furor, any huffing and puffing from my colleagues on that point. All I heard was that he had the right he had. Maybe he did. I raised this questtion over and over again in committee and on the floor of the Senate, whether he had the right to do it. Everybody thought that he did. OK, that is all right. If he had the right to do it then, I do not know why he does not have the right to do it now.

Mr. HARTKE. Inasmuch as the Senator from Colorado is so concerned, I will be glad to explain the amendment again. What it does provide for is a notification by Congress that if any part of the trust funds are not expended—that Congress should be alerted to that proposition—this language is in accord with that of the Ervin bill and in accord with language in the Highway Trust Fund already passed by the Senate. All we are trying to provide for is an orderly procedure for Congress to know what is not going to be done, and also what is going to be done, with the appropriated and authorized funds of Congress.

Mr. DOMINICK. I now have the Senator's amendment in my hand but it does not say anything about it. All it says is, "no part of any funds authorized to be appropriated" and so forth, shall be impounded from obligation. It does not say anything about notice to Congress or advance notice. All it does is make a flat prohibition. So far as a sense of Congress is concerned, I really think that an amendment of this scope in the bill will guarantee a veto. Maybe the Senator wants to do that, but I do not.

Mr. COTTON. Mr. President, will the Senator from Kentucky yield me 3 minutes?

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Kentucky has no time for that.

Mr. CANNON. Mr. President, I yield to the Senator such 3 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, if I am not mistaken, there has been no question yet about the President's impoundment of any funds appropriated from the Airport and Airway Trust Fund.

As a matter of fact, the word "impoundment" used with respect to what the President has done in relation to certain appropriations, is a somewhat misleading term. It creates the impression that he has the money and is hoarding it. Actually, the impoundment of funds has come to mean the borrowing of money and if we do that, we will exceed the debt ceiling set by the Congress. We have every expectation that we will come to grips with this issue sooner or later, as everybody knows on both sides of this question of so-called "impoundment" of appropriations by the President.

But, to write this into a bill amending an appropriation authorization which deals with a trust fund in which there has not been enough money in the past and we have had to appropriate funds from general revenues when the spending authority was lower than now proposed in S. 38, seems to me to be the height of improvidence.

I say this because if anyone in this Senate is really interested in moving forward with airports and airway development, then he should not raise an artificial barrier such as the pending amendment, which can only serve to invite a veto, unless it is purely for the purpose of inviting such a veto and seeking to override the President.

Therefore, it seems to me that this is an unwise provision from the standpoint of those who do not wish to let the President withhold spending. In this particular case, it is simply not the right bill to come to grips with that question. It also certainly adds to the risk of getting this bill through both Houses of Congress and approved by the President.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes remain to the Senator from Indiana.

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOK. I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I do not want unduly to prolong this debate but would like to say that as a lawyer, or as a man who was once a lawyer, in any event, before I came to this body, I am hard put to say what the four corners of this instrument mean.

It is true that the first line of the amendment states, "Section 9(a). It is the sense of the Congress * * *" but this is not a resolution, it is an amendment. As it proceeds down into the body of the amendment, it contains specific declaratory language that provides for a prohibition against the impoundment of funds. I am not at all sure that the term "It is the sense of the Congress" nullifies the specific declaratory language which appears further on in the amendment.

I wonder, as a matter of legislative history, whether the Senator from Indiana (Mr. Hartke) would give me his idea about what the combination of those two terms means in this respect.

Mr. HARTKE. I am sorry, I did not hear the Senator.

Mr. BAKER. Let me restate it for the Senator. The question I put was, I wondered about the combined effect of the first words, "It is the sense of the Congress" with the matter before us which is not a resolution. It is not a sense-of-Congress resolution but, rather, an amendment. When taken together, the declaratory language further down into the bill specifically prohibits the impoundment of funds. Since I am unsure about the interpretation of the amendment, I ask the Senator expressly as to his understanding of that combination of facts.

Mr. HARTKE. The purpose of the amendment is basically to hold in abeyance any withholding of funds until the procedures have been worked out by Senator Ervin's committee on the withholding of funds. What we have here is not a mandatory provision. It is simply a sense-of-Congress resolution and, being such, is an indication of what we would like to have done. In the meantime, the committee which Senator Ervin is chairing is considering either having a notification procedure or some other type of procedure on the withholding of funds.

I repeat that this is similar language to the highway trust fund language already passed by the Senate.

What I am saying, in substance, is that this is a sense of the Senate resolution which says that this is what we believe should be done—to hold in abeyance any type of action until the Government Operations Committee can act. At the same time, it would not prohibit in its entirety the utilization of these funds. It would be an indication that the Senate, itself, would look with difference of opinion on any withholding by the President, if he decided to withhold.

Mr. BAKER. I thank the Senator.

I am sorry to say that I do not arrive at the same meaning from the words of the amendment. I shall vote against it. But I think it is very helpful that the Senator from Indiana, who is the sponsor of the amendment, has clearly stated, as I understand it, that this amendment does not have the force and effect of law by prohibiting the impoundment of funds and, rather, is in the nature of a sense-of-the-Senate resolution.

Mr. HARTKE. In fact, it is a sense of the Senate resolution.

Mr. BAKER. Is it the understanding of the Senator that 9(a) and 9(b) both are sense-of-the-Senate resolution equivalence—both sections?

Mr. HARTKE. Both sections still would be sense-of-the-Senate resolutions.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

Mr. COTTON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Colorado (Mr. Haskell), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnston) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), and the Senator from Indiana (Mr. Bayh) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from Hawaii (Mr. Fong), and the Senator from Florida (Mr. Gurney) are necessarily absent.

The Senator from North Carolina (Mr. Helms), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), and the Senator from New York (Mr. Javits) would each vote "yea."

The result was announced—yeas 50, nays 30, as follows:

[No. 9 Leg.]

YEAS—50

Abourezk
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pell
Randolph
Schweiker
Sparkman
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—30

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Goldwater
Griffin
Hansen
Hruska
McClure
Pearson
Percy
Proxmire
Roth
Scott, Pa.
Scott, Va.
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—20

Bayh
Bellmon
Brooke
Buckley
Church
Cranston
Eastland
Fong
Gurney
Haskell
Helms
Javits
Johnston
Magnuson
Mathias
Mondale
Ribicoff
Saxbe
Stafford
Stennis

So Mr. Hartke's amendment was agreed to.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. McClure). The Senator from Nevada is recognized.

Mr. CANNON. Mr. President, as far as I know, there are no other amendments. If there are no other amendments, I am prepared to yield back the remainder of my time.

Mr. COOK. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. DOMINICK. Mr. President, will the Senator yield for just a couple of questions?

The PRESIDING OFFICER. All time has been yielded back. There is no time remaining.

Mr. DOMINICK. There is no time remaining?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Colorado may be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I do not wish to detain the Senate. I probably will not take the 5 minutes.

I think the Hartke amendment further endangered the possibility of passing this bill, which I think is too bad, as I said earlier.

What I would like to know is: What is the total price tag of the bill as it stands now? Is it the same as passed by the Senate last year?

Mr. CANNON. The price tag is the same as last year.

Mr. DOMINICK. That was $420 million, as I remember.

Mr. CANNON. $420 million total per year for airport grants for 2 years. We increased the minimum authorization to make up the difference between the 50 percent and the 75 percent, so that total investment in airports would not be diminished.

Mr. DOMINICK. The bill the President vetoed as it came from conference had a price tag of only $350 million, did it not?

Mr. CANNON. That is correct.

Mr. DOMINICK. So we are putting in a bill, and the last bill was vetoed because of the price tag, largely, indicating as the President did, that it was a good bill and it was needed to go further, but it was a little expensive under the status of the budget. But we go ahead this way with this amount of money.

Mr. CANNON. The indication, as best I can remember, was that he vetoed it because of the effect on the budget. This bill would have no budgetary impact because all the revenues come out of trust funds. It is my judgment that a proper analysis of the bill would indicate there is no effect on the budget whatever. This spending is covered completely by the trust fund. We will have a $100 million surplus on July 1 of this year in the trust fund.

The total revenues required for this program are to come from trust fund sources.

Mr. DOMINICK. Does this bill also cover terminals?

Mr. CANNON. The bill has the same provisions as last year as to terminals. It makes that portion of the terminal related to the handling of passengers and their baggage eligible for Federal assistance up to 50 percent.

Mr. DOMINICK. This is the first time we have gone into that phase of airport development; is it not?

Mr. CANNON. No, this is not the first time. As a matter of fact, a number of years ago under the Federal Airport Act of 1946 terminal construction was eligible for funding. Then the eligibility was eliminated by amendment but last year the same formula we have today was passed with respect to terminal aid.

Mr. DOMINICK. So this bill is the same as was passed by the Senate last year with the exception of the Hartke amendments?

Mr. CANNON. It is substantially the same. There was a land-bank provision last year which would permit 100 percent initial Federal financing, on a payback basis, for the purpose of acquiring land for future airport development. That provision is not in the bill this year.

Mr. DOMINICK. I thank the Senator.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CANNON. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. RANDOLPH. Has there been an effort made during the debate on the airports and airways bill to take the money that the Congress wisely placed in the trust fund and siphon if off into rail transit?

Mr. CANNON. May I say to my distinguished colleague from West Virginia that there is no provision in the bill to siphon funds off to rail transit, nor is there any provision in the bill for the money to be used for airport access highways or roads.

Mr. RANDOLPH. I hope the same procedure will be followed when we bring the Federal-aid highway bill before the Senate in the near future.

I make these remarks because the Committee on Public Works is developing a new highway bill at a time when there are numerous attacks on the concept by which the resources of the highway trust funds are used exclusively for the improvement of highway transportation. All of the trust funds established by the Congress were designed to accomplish specific ends. To be successful—as the highway trust funds has been successful—there can be no dilution of funds that have been voted by the Congress to a specific and necessary purpose.

Mr. President, I recognize that our country's urban mass transit programs should be adequately financed and that for many years they were relatively neglected. I believe we have moved in recent years to correct many of the deficiencies of the past, and I have supported them with conviction. I do not believe, however, that the cause of better mass transit or the cause of better highway transportation is advanced by permitting the use of highway trust funds to finance the construction of very costly rail transit systems.

The airport and airways trust fund was established to carry out urgently needed improvements to our national system of air facilities. The highway trust fund was created to meet equally urgent needs of another mode of transportation. In each instance, the success of the two programs has justified the course taken by the Congress in providing the mechanisms of financing. In both cases, the needs remain substantial and will require the future income of the trust funds. These programs were based on sound assessments of need. They should not be deviated from meeting these needs. The needs of mass transit are great, but the long-overdue expansion of this transportation mode should be carried out under separate financing.

The legislation before the Senate is concerned with the airport and airways trust fund. I have discussed the highway trust fund during this debate because I believe there are a number of similarities in their operation and in the potential threats to their viability. To those who have been deeply involved in the airport and airways program, I must issue this warning: if one trust fund—be it the highway trust fund or the airport and airways trust fund—is broken and its resources scattered among several programs, then I fear that open season will have been declared on all trust funds. In such a situation, none of the programs the trust funds were intended to further could be properly and adequately carried forward.

Mr. HARRY F. BYRD, JR. Mr. President, I think it is very important to the communities of our Nation that the airports be developed. More and more, air travel is becoming a necessity. It is particularly important to the economic development of smaller and medium-sized communities that there be adequate airport facilities.

The legislation under consideration, the Airport Development Acceleration Act of 1973, provides that the cost of increased Federal participation will be borne by the users of the system, not by the general taxpayer.

I think it is important, Mr. President, that S. 38, the bill under consideration, provides that the increased Federal participation be borne by the users of the system and not by the taxpayer. The airlines, airline passengers and shippers, and aircraft owners and operators all contribute to the development of this system by paying user taxes established in 1970.

This bill also provides that a greater share of the revenues from those taxes would filter down to local governments—airport sponsors—to meet local and national needs. So this bill has a great deal of merit to it, and a great deal of value to the communities of our States, in developing adequate aviation facilities.

There is one aspect of this legislation that I do not like. I want to mention it because, in voting for S. 38, I do so with the assertion that my vote will not be construed as approving a provision of this bill as a precedent.

The bill authorizes expenditure of $280 million for 3 different years, and $420 million for 2 additional years. The normal way of doing that, is to authorize no more than a certain amount. But the way this legislation is written, it provides for not less than the specified amounts.

That is a departure from the general procedure in authorizing appropriations. If my view could prevail, I would take that out of the bill. But my view cannot prevail in that regard.

I emphasize that this is an authorization bill. It does not appropriate funds. Therefore, while I dislike the setting of minimum levels in an authorization measure, I can support the bill as a whole because of its desirable features.

No general tax revenues will be required to pay for the spending authority established in this legislation. Airports are very important to the welfare, advancement, and development of our Nation; and with that in mind, I shall cast an affirmative vote.

Mr. CANNON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Colorado (Mr. Haskell), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnston) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Colorado (Mr. Haskell), and the Senator from Washington (Mr. Magnuson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from Hawaii (Mr. Fong), and the Senator from Florida (Mr. Gurney) are necessarily absent.

The Senator from North Carolina (Mr. Helms), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Florida (Mr. Gurney) and the Senator from New York (Mr. Javits) would each vote "yea."

The result was announced—yeas 65, nays 15, as follows:

[No. 10 Leg.]

YEAS—65

Abourezk
Aiken
Allen
Baker
Beall
Bible
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Cotton
Dole
Domenici
Dominick
Eagleton
Ervin
Fulbright
Goldwater
Gravel
Griffin
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Schweiker
Scott, Pa.
Sparkman
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—15

Bartlett
Bennett
Bentsen
Brock
Curtis
Fannin
Hansen
Hruska
McClure
Nelson
Proxmire
Roth
Scott, Va.
Taft
Thurmond

NOT VOTING—20

Bayh
Bellmon
Brooke
Buckley
Church
Cranston
Eastland
Fong
Gurney
Haskell
Helms
Javits
Johnston
Magnuson
Mathias
Mondale
Ribicoff
Saxbe
Stafford
Stennis

So the bill (S. 38) was passed, as follows:

S. 38

An Act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act, to amend the Federal Aviation Act of 1958, as as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport Development Acceleration Act of 1973".

Sec. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711), is amended to read as follows:

"(2) 'Airport development' means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport, and (B) the removal, lowering, relocation, marking, and lighting of airport hazards, and (C) the acquisition, removal, improvement, or repair of navigation facilities used by aircraft landing at, or taking off from, a public airport, and (D) the acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and (E) security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (F) any acquisition of land or of any interest therein or of any easement through or other interest in airspace, which is necessary to permit any of the above or to remove, mitigate, prevent, or limit the establishment of, airport hazards affecting a public airport."

Sec. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1714(a)), is further amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $375,000,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $45,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of the Act (49 U.S.C. 1714(b)), is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,680,000,000";

(2) by striking out the words "extend beyond" in the second sentence thereof and by inserting in lieu thereof, the words "be incurred after"; and

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,260,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,680,000,000 prior to June 30, 1975".

Sec. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

Sec. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) General Provisions.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part shall be—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."

(2) by adding a new subsection as follows:

"(e) Safety Certification and Security Equipment.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971."

(3) by adding a new subsection as follows:

"(f) Public Use Facilities in Terminal Buildings.—To the extent that the project cost of an approved project for airport development represents the cost of constructing, altering, repairing, or acquiring buildings or facilities directly related to the handling of passengers or their baggage at the airport, the United States share shall be 50 per centum of the allowable costs thereof."

Sec. 6. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)), relating to airport project costs, is amended to read as follows:

"(b) Costs Not Allowed.—The following

are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility except such of those buildings, parts of buildings, facilities, or activities as are directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport."

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however,* That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans, the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

SEC. 8. Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by striking out the words "two years" in the first sentence thereof and by inserting in lieu thereof "three years".

SEC. 9. (a) It is the sense of the Congress that no part of any sums authorized to be appropriated or appropriated for expenditure pursuant to the provisions of this Act shall be subject to impoundment from obligation, for purposes as provided in this Act, by any officer or employee in the executive branch of Government.

(b) For purposes of this Act impoundment includes—(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated or otherwise obligated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and (2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I simply wish to thank the distinguished Senator from Nevada (Mr. CANNON) for the manner in which he steered this most important measure to success. It is an item that ranked high in the priorities of legislation for this Congress and I am pleased that we have now seen it come out of the committee, go through the Senate and proceed on its way to the House and the White House. Senator CANNON is to be congratulated on his excellent handling of this measure.

Joining Senator CANNON was the distinguished Senator from Kentucky (Mr. COOK) whose splendid cooperation and leadership played a large part in the success of this bill. Senator COTTON also deserves our great thanks as does the chairman of the committee, Senator MAGNUSON, for their roles in guiding this bill to early acceptance by the Senate.

LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what is the order of the business for the rest of the day up to the time of the recess.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, as the Senate knows, we have 2 or 3 hours of eulogies for the late President Truman tomorrow.

Incidentally, I am glad that the Senator has raised this question. It is my understanding that the request that was made today concerning the Ervin resolution has been recorded as a vote to occur on the resolution. If that is the case, to set the record straight and to make it absolutely plain what we were discussing during the day, I would like to change that so that it would read "consideration of the resolution to begin at approximately 4 o'clock."

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. MANSFIELD. Mr. President, we also hope to take up what other items will be reported by the various committees—the Veterans Affairs Committee and the like. We hope it will be possible to start on the Weinberger nomination tomorrow.

There will be no further business this evening. And that is about it.

Mr. SCOTT of Pennsylvania. Mr. President, might I inquire as to what is contemplated regarding the so-called skyjacking bill?

Mr. MANSFIELD. Mr. President, since I talked with the distinguished Republican leader this morning a "hold" has been placed on that bill. And that hold will be honored for a brief but a reasonable length of time.

Mr. SCOTT of Pennsylvania. Mr. President, I hope we can dispose of that measure before the recess, if at all possible. It does seem to me that this is a matter on which human life depends, the arming of the authorities with adequate means to handle a very difficult subject.

So, I hope that the hold will not be held capriciously or for too long a time.

Mr. MANSFIELD. Mr. President, I agree completely with the distinguished minority leader.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of Mr. HUGHES under the order previously entered the distinguished senior Senator from Wisconsin, (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the special orders for the recognition of Senators on tomorrow, that there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT FROM HIS PASTORATE OF CHAPLAIN ELSON

Mr. HARRY F. BYRD, JR. Mr. President, last Thursday evening nearly 600 religious, political, civic, and military leaders of the Nation's Capital paid tribute to Dr. Edward L. R. Elson and his wife at a dinner in the Statler-Hilton Hotel.

All of us in the Senate know Dr. Elson well. We know that he is an outstanding religious leader. We know that he is an outstanding individual. We know that the prayers with which he opens the Senate each day are moving ones, and that they mean much to the Members of this body.

The testimonial to Dr. Elson this past Thursday marked his retirement as minister of the National Presbyterian Church in our city. I have been tremendously impressed with Dr. Elson since he has been Chaplain of the Senate. He is beloved by Members of this body.

So, on his retirement from his pastorate of the National Presbyterian Church, I salute him, and I wish to record also that I am very pleased that he is not retiring as Chaplain of the Senate of the United States.

THE STATE OF THE UNION

Mr. HARRY F. BYRD, JR. Mr. President, the President of the United States last Friday submitted to Congress his annual report giving to Congress information on the state of the Union. The President's report was a brief one—some 3½ pages. It was different in style from the usual state of the Union address.

I like the content of the President's report to the Congress. He said that the purpose of this first message in a series which he plans to present is to give a concise overview of where we stand as a people today.

During the course of this statement to Congress, the President laid great stress on the need to put a ceiling on Government spending.

I share the President's grave concern in this regard.

Congress, I feel, has not given adequate consideration to the consequences of the heavy deficits which the Federal Government has been running for so many years, particularly in the past few years. For this, the present administration must share its part of the responsibility. But while the present administration seems now to have reached the conclusion that the Federal Government is in grave financial condition which requires a ceiling on expenditures and a reduction in Federal spending, I am not sure that Congress has reached that same conclusion.

The President pointed out in the last paragraph of his State of the Union message that if we are to accomplish what we need to accomplish in getting Federal spending under control, then the Congress and the executive branch must work together. We will not be able to get it under control unless the two branches of Government are willing to work together in this endeavor.

So far as I am concerned, I want to cooperate with President Nixon in seeking a ceiling on Government spending.

I am frank to say that the budget submitted by the President a week ago today, at $269 billion, is too high. It is $19 billion more than it was for the current fiscal year. But there is evidence, I think that on the part of the top men in the present administration there is concern—perhaps alarm—that Federal spending has gotten out of hand. It is a good sign that there is concern and alarm on the part of the top people in the executive branch of the Government.

I am convinced that Federal spending has gotten out of hand, and I am willing to take strong steps, along with the President and with my colleagues, to try to put a ceiling on spending and get the Government's financial house in better order than it is now.

Accordingly, I commend the President's state of the Union message focusing attention on what I consider to be a very grave problem.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, the following members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Mr. Mills of Arkansas, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Schneebeli, and Mr. Collier.

The message also informed the Senate that, pursuant to the provisions of 16 United States Code 513, the Speaker had appointed Mr. Ichord, and Mr. Saylor as members of the National Forest Reservation Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 202(b), Public Law 90-259, the Speaker had appointed Mr. Davis of Georgia and Mr. Pettis as members of the National Commission on Fire Prevention and Control, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker had appointed Mr. Thompson of New Jersey, Mr. Murphy of New York, Mr. Gude, and Mr. Fish as members of the Franklin Delano Roosevelt Memorial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 3(a), Public Law 86-380, the Speaker had appointed Mr. Fountain, Mr. Ullman, and Mr. Brown of Ohio as members of the Advisory Commission on Intergovernmental Relations, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 44 United States Code 2501, the Speaker had appointed Mr. Brademas as a member of the National Historical Publications Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1(a), Public Law 89-187, the Speaker had appointed Mr. Gray, Mr. Zablocki, Mr. Ruppe, and Mr. Froehlich as members of the Father Marquette Tercentenary Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 140(g), title 1, Public Law 92-318, the Speaker had appointed Mr. Brademas and Mr. Dellenback as members of the National Commission on the Financing of Postsecondary Education, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 16 United States Code 715a, as amended, the Speaker had appointed Mr. Dingell and Mr. Conte as members of the Migratory Bird Conservation Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91-332, the Speaker had appointed Mr. Foley, Mr. Melcher, Mr. Saylor, and Mr. Skubitz as members of the National Parks Centennial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Resolution 32, 73d Congress, the Speaker had appointed Mrs. Sullivan, Mr. Roy, and Mr. Camp as members of the U.S. Territorial Expansion Memorial Commission on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 9355(a), the Speaker had appointed Mr. Flynt, Mr. Sikes, Mr. Davis of Wisconsin, and Mr. Armstrong as members of the Board of Visitors to the U.S. Air Force Academy on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 14 United States Code 194(a), the Speaker had appointed Mr. Tiernan and Mr. Steele as members of the Board of Visitors to the U.S. Coast Guard Academy on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 46 United States Code 1126c, the Speaker had appointed Mr. Wolff and Mr. Wydler as members of the Board of Visitors to the U.S. Merchant Marine Academy on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 10 United States Code 6968(a), the Speaker had appointed Mr. Flood, Mr. Stratton, Mr. Rhodes, and Mr. Horton as members of the Board of Visitors to the U.S. Naval Academy on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Speaker had appointed Mrs. Hansen, Mr. Burke of Massachusetts, Mr. Whitehurst, and Mr. Williams as members of the American Revolution Bicentennial Commission on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 602(b), title 6, Public Law 92-352, the Speaker had appointed Mr. Zablocki and Mr. Mailliard, on the part of the House, and from private life, Dr. Stanley Wagner, of Oklahoma, and Dr. Arend D. Lubbers, of Michigan, as members of the Commission on the Organization of the Government for the Conduct of Foreign Policy.

The message also informed the Senate that, pursuant to the provisions of section 401(b), title 4, Public Law 91-510, the Speaker had appointed Mr. Brooks, Mr. Giaimo, Mr. O'Hara, Mr. Cleveland, and Mr. Dellenback as members of the Joint Committee on Congressional Operations on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Speaker had appointed Mr. Haley, Mr. Udall, and Mr. Steiger of Arizona as members of the Joint Committee on Navajo-Hopi Indian Administration.

The message also informed the Senate that, pursuant to the provisions of section 201(a), Public Law 92-599, the Speaker had appointed Mr. Ullman, Mr. Burke of Massachusetts, Mrs. Griffiths, Mr. Rostenkowski, Mr. Schneebeli, Mr. Collier, and Mr. Broyhill of Virginia, of the Committee on Ways and Means, and Mr. Mahon, Mr. Whitten, Mr. Rooney of New York, Mr. Sikes, Mr. Cederberg, Mr. Rhodes, and Mr. Davis of Wisconsin, of the Committee on Appropriations, and Mr. Reuss and Mr. Broyhill of North Carolina on the part of the House, as members of the Joint Committee to Review Operation of Budget Ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals.

The message further informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87-758, the Speaker had appointed Mr. Carney of Ohio and Mr. Frey as members of the National Fisheries Center and Aquarium Advisory Board on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2, Public Law 92-500, the Speaker had appointed Mr. Blatnik, Mr. Jones of Alabama, Mr. Wright, Mr. Harsha, and Mr. Grover as Members on the part of the House of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972.

The message further informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91-354, as amended, the Speaker had appointed Mr. Edwards of California and Mr. Wiggins as members of the Commission on on the Bankruptcy Laws of the United States on the part of the House.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

ORDER ON PRINTING OF DAILY PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, for the remainder of this session of the 93d Congress, that the statement of the program daily appear just prior to the motion to adjourn or to recess, whatever the case may be.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian.

After the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. McClellan, Mr. Robert C. Byrd, Mr. Hughes, and Mr. Proxmire.

At the conclusion of the 15-minute orders, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, after which there will be a period for eulogies to the late former President Harry S. Truman. There is a time limitation on such period of not to exceed 2 hours, and it will be under the control of the distinguished senior Senator from Missouri (Mr. Symington).

At 4 o'clock tomorrow afternoon, the Senate will proceed to the consideration of the so-called Watergate resolution, on which a vote may occur.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to, and at 5:05 p.m., the Senate adjourned until tomorrow, Tuesday, February 6, 1973, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

NINETIETH BIRTHDAY ANNIVERSARY OF FORMER REPRESENTATIVE HOWARD W. SMITH, OF VIRGINIA

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. SCOTT of Virginia. Mr. President, my predecessor in the House of Representatives, Judge Howard W. Smith, celebrated his 90th birthday last Friday. As a token of our esteem for him the senior Senator from Virginia, Harry F. Byrd, Jr., and I had him as our guest for luncheon in the Senate dining room. Judge Smith represented the Eighth Congressional District of Virginia for 36 years, which ended January 3, 1967. Everyone knew where he stood during his term of office whether they agreed with his position or not.

The Alexandria Gazette had an editorial on Friday which discussed how the people of Virginia feel about the venerable gentleman. I would like to share the editorial with many of whom, are also good friends of the former Congressman. Therefore, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Venerable "Reactionary"

Without a doubt, Judge Howard W. Smith Sr. is one of Alexandria's most distinguished residents. During his years in the U.S. House of Representatives, one might say he was also one of Alexandria's most talked about and controversial residents. Lean, gray-haired, charming and reflective, Judge Smith celebrates his 90th birthday today.

Born in a farmhouse, which was bought by his grandfather in 1833, in Fauquier County, the Judge quips that he was weened and raised on conservatism. Having graduated in law from the University of Virginia, he began his productive career in Alexandria at 21 years of age. At that time, according to Smith, "the Constitution was the Bible of the Nation." Admittedly a "strict constructionist," he fought his way up the political ladder through the 8th District, winning a seat in Congress in 1930 under the Hoover administration. It was a seat he was destined to hold for the next 36 years under six presidents.

During his rousing political career, he waged a tireless campaign to uphold what he considered to be the Founding Fathers' ideals as set forth in the Constitution. Even to this day, Judge Smith displays high admiration and respect for George Washington in particular. Much concerned over what he considers to be flagrant misconceptions and misinterpretations of the Constitution, the Judge traces the disturbing trend to Roosevelt's New Deal. Basically, Smith says, "I disagreed with the extravagance of expenditures" initiated by the New Deal. He also accuses Roosevelt of "packing" the Supreme Court, a practice not uncommon today. Because of his furious attacks upon the New Dealists, Smith claims Roosevelt once called him "the worst reactionary in Congress." Smiling, the Judge says, "I am rather proud of that."

As his reputation as a staunch conservative grew, so did his powers. Judge Smith held the mighty position of Chairman of the House Rules Committee for 12 years. During that time, liberals harshly rebuked him for discouraging "progressive" bills as they were proposed. Smith was especially hostile to bills which might increase federal spending. Today, he feels that his most gloomy predictions have become reality as he points to the nation's unprecedented trade deficits and debts. If this country hopes to survive, warns Smith, it must steer toward "sound fiscal policies."

Commenting on the current battle between Congress and the President, the Judge insists that Congress has no one else to blame but itself for its weakness. "What powers they've (Congress) lost, they've given away," he contends. Furthermore, he laments the fact that now "organized minorities control Congress." Even at 90, his insight is young. Regarding Congress' claim that the President has grown callous to their demands, Smith feels that "Nixon should be more diplomatic."

Undeniably, Judge Howard Smith will go down as a great American figure who dedicated his time and talents to keep his country strong and proud. Although many will hotly disagree with his opinions, none will ever question his sincerity, his dedication and his unwavering patriotism. Wholeheartedly, the Gazette joins the community in wishing Judge Smith a very happy birthday.

TRIBUTE TO ROBERT RAMSPECK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, as a member of the House Post Office and Civil Service Committee, and as chairman of its Subcommittee on Retirement, Insurance, and Health Benefits, I had the opportunity to know Mr. Robert Ramspeck.

He was a great friend to all Federal employees. His obvious competence was exceeded only by the personal affection which everyone felt for Bob.

Mr. Speaker, I ask that the following memoriam be included in the RECORD as a tribute to the life of a man who made a difference:

ROBERT RAMSPECK—DEDICATION, PROFESSIONALISM, EFFECTIVENESS

(*By Vincent Jay, Executive Vice President, Federal Professional Association*)

The passing of former Congressman Robert Ramspeck ends for the FPA, a close and beneficial relationship that dates back to the early days of the Founding Committee meetings at Brookings Institution. It also ends a warm, personal relationship for the writer.

All who knew Bob could not help but be impressed by his dedication to the principle of a true, career merit system and all that that stands for in the Federal service. His long and productive years of service: in the Congress, as Chairman of the U.S. Civil Service Commission, and on many Presidential committees, commissions, and councils was notably marked by the demands he made on himself and his search for dedication in others. He inspired and brought out the very best in people. Every task with which he was ever involved benefited from his participation. His ideal was an efficient, effective Federal service that would keep waste of all sorts to a bare minimum, and thus bring about reduced Federal expenditures.

He dreamed of a general manager of the Executive Branch, reporting directly to the President who would exercise control over the vast Federal establishment and hold managers at all levels accountable. He dreamed, also, of professionals, from the entire range of professional disciplines in the Federal service, uniting within the FPA for the achievement of greater efficiency in Government, for enhancing the value of the professional service to the Nation, and for improving the professional environment in the Federal service in order that it might be a far more productive and satisfying experience for all Federal employees.

He recognized the role of Federal employee labor unions and demonstrated in many ways his support for many of their activities, but he was outspoken in his view of the urgent need of professionals to be represented by their own organization, and not by a labor union. Time and time again in speeches, the last one at FPA's reception for Members of the Congress in June, he urged FPA members to take some of their time daily to promote FPA membership among their professional colleagues. He believed sincerely in the person-to-person approach for increasing FPA membership and pleaded with us to spread the word and personally sign up new members.

Bob opened many doors for the FPA on Capitol Hill and among the departments and agencies. He assured that FPA would get respected attention, and inspired us to greater effort in developing our presentations of the issues and our recommendations for their resolution. The significant successes that FPA has had over the past ten years can be attributed in large measure to the counsel and presence of Bob Ramspect at the witness table, in person or in spirit.

He will always be by my side in the development and presentation of positions or issues. I am a far better and more effective person because of my long exposure to his honesty, integrity, and dedication. FPA officers, past and present, share in the loss that we all feel, just as we all benefitted from having known and worked with him.

ACHIEVEMENTS

During the ten years plus that Bob was substantially involved in the affairs of the FPA, he served officially with distinction as Legislative Consultant. In so many other ways though, he was our general advisor. Specific FPA accomplishments that were substantially advanced by Bob's wise counsel, telephone calls, and personal letter writing included Congressional acceptance of the principle of pay comparability, enacted in the Federal Salary Act of 1967; the review and improvement of Civil Service Commission appeal procedures; the liberalization of Federal retirement laws, the expansion of higher education and training opportunities, in the form of advancement of the Federal Executive Institute concept; far more equitable per diem during periods of official travel; advancement of the man-in-the-job concept; and protection from invasion of privacy. Much still remains to be done in all of these areas, but a sound foundation has been established thanks to Bob's wise counsel and personal efforts.

It is my strong conviction that the FPA will grow and prosper as a living tribute to this great statesman who deeply loved the United States, who suffered acutely from the problems besetting this great Country, and who gave of himself unstintingly to improve it. He believed deeply that working together within the framework of the FPA, professionals could substantially contribute to the stability, prosperity, and strength of this Nation. As one of the largest, most knowledgeable, articulate and potentially influential groups in our country, Federal career professionals can make Bob's dream become a reality. I believe that increasing numbers of us will continue to work for this ideal and will make it come to pass for the welfare of the United States, for Bob, for our loved ones, and for those who follow us in the years ahead.

WAR MEMORIAL, SCRANTON, PA.

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. SCHWEIKER. Mr. President, the coming of peace to Vietnam is cause for men everywhere to rejoice. And nowhere will it be celebrated more meaningfully than in the homes of the families and friends of our prisoners of war.

But for many Americans, peace marks the conclusion of a tragic conflict that took the life of a loved one. Many Americans gave their lives in Vietnam, and we must never forget their sacrifice.

Mr. President, in Scranton, Pa., there is a community effort underway to memorialize Americans who died in Vietnam, as well as those who died in World Wars I and II and the Korean war. I wholeheartedly endorse the effort to erect a war memorial in Scranton's Courthouse Square, and I congratulate those involved in the effort for the patriotism.

Mr. President, Joseph X. Flannery, of the Scranton Times, and his newspaper have been leaders in the effort to create a war memorial in Scranton. I ask unanimous consent that a Times article describing the project be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

LEGION BACKING MONUMENT IDEA FOR WAR DEAD

District 11 of the American Legion went on record Wednesday night to give its powerful backing to the effort to create a Courthouse Square monument in honor of area residents who died in World Wars I and II and the Korean and Vietnam Wars.

With the sponsorship of Dr. Almo Sebastianelli, Jessup dentist, the district agreed to help create the monument originally suggested in a Sunday Times column by Times writer Joseph X Flannery.

As the idea was picked up by the Legion unit, it said it desires to share in its creation, not to assume total sponsorship. Thus, other veterans' organizations and individuals also were being urged to lend support to the idea of the monument which might be installed in time for Memorial Day services in May.

The concept of the monument is to pay tribute to the memory of about 50 local persons who have died in the Vietnam War, about 150 killed in the Korean War, 1,500 in World War II and about 300 in World War I.

County Commissioners Charles Luger, Robert Pettinato and Edward J. Zipay have given approval to the concept, clearing the way for locating the monument on Courthouse Square. The square has several monuments but none which relate to the dead of American wars of the 20th century.

While Legion District 11 did not spell out a fixed sum to donate to the project, it was reported it will make a substantial donation after costs of the project are pinpointed and the cooperation of other veterans' organizations and individuals is determined. Persons interested in cooperating may obtain further details from Mr. Flannery.

District II delegates at Hricak-McAndrew Post 869 in the Riverside section of Archbald, named a committee to join with others interested in carrying the project to completion.

The unit includes Dr. Sebastianelli, a past district commander; Charles Strause, Moscow, present district commandant; William Kayes, Dunmore, past state commander, and Prosper Spalletta, Scranton, another past district commander.

The monument project received its first donation several weeks ago from Mrs. Kitty Collins, 115 Electric St., who gave $25.

Meanwhile, Atty. James Kelly, Scranton, volunteered his service as temporary treasurer. Donations may be made to him at his residence, 1500 S. Webster Ave., or his office in the Scranton National Bank Building. They also may be made to Dr. Sebastianelli or Mr. Flannery.

CONGRESS AND BUDGETARY CONTROL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1974

Mr. ANDERSON of Illinois. Mr. Speaker, in his budget message to Congress a week ago today, the President made the following statement:

> The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending.

The President went on to say:

> I therefore propose that before the Congress approves any spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the $268.7 billion recommended in this budget.

On the following day, Tuesday, January 30, 1973, House and Senate Democratic leaders met for breakfast in the Capitol to discuss matters of mutual concern. On Wednesday, January 31, 1973, the Washington Post carried an account of that breakfast meeting which included the following:

> Mansfield said there was a general consensus at yesterday's meeting that Congress should stay within the President's proposed spending total of $268.7 billion for Fiscal 1974 but should shift priorities to save programs of aid to people enacted by Democrats.

Mr. Speaker, I want to applaud the joint Democratic leadership on its announced resolve to hold spending at the level recommended by the President. I sincerely hope that the leadership is not merely paying lipservice to the concept of a spending ceiling, for if that is the case, we can kiss off any hope for exercising fiscal restraint and responsibility in this Congress. Instead of a spending ceiling with lipservice, we need a spending ceiling with teeth, and that means a self-imposed spending ceiling with strict enforcement machinery. But the question is, Do we have the guts to do this?

On October 10 of last year, this body voted 221 to 163 for a debt ceiling bill which included a $250 billion spending ceiling for fiscal 1973. But due to Senate resistance, the debt limit bill finally cleared on October 18 contained no spending ceiling.

Mr. Speaker, at the time that debt limit-spending ceiling bill was before us last October, I addressed myself to the criticism that we were ceding to the President broad authority to make spending cuts and thereby diminishing our rightful role in this area. I pointed out that the authority was limited and would expire in 8 months, or on June 30, 1973, and that, moreover, we were providing a vehicle by which the Congress could restore its rightful role; namely, the Joint Committee on Budgetary Control provided for in title III of that bill.

As I said on the floor of this body when we were debating that bill last October 10.

> Without title III, very frankly, I would not be as solidly in support of this legislation as I am this afternoon, but I think if we adopt it, this is essntially legislating congressional reform. It is going to show the country that we recognize the deficiency in the present system of dealing on a piecemeal basis with the budget.

Although we lost the spending ceiling in the final conference with the other body, title III did survive and the Joint Committee on Budgetary Control has been established. It is comprised of 32 members, seven each from the House Ways and Means and Appropriations Committees and the Senate Finance and Appropriations Committees, and two at-large Members from each body. The Joint Committee is specifically charged by the law to:

> Make a full study and review of the procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of the anticipated revenues for that year. . . .

Furthermore, the joint committee is required by law to:

> . . . report the results of such study and review to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than February 15, 1973.

I was therefore disturbed to read the following in a memorandum dated January 24, 1973, from the Joint Committee's House Cochairmen, Congressman WHITTEN and Congressman ULLMAN:

> The public debt law requires the study committee to present its preliminary report to the Congress by February 15.

Mr. Speaker, I must object to this interpretation that the joint committee need only file a preliminary report by February 15. I find no reference whatsoever in either the law or the legislative history to a preliminary report, and in fact, the law and the legislative history are rather explicit that the joint committee shall make its final recommendations to the Congress no later than February 15. The report issued by the Ways and Means Committee on the debt limit-spending ceiling bill (Rept. No. 92-1456) says the following on page 10:

> Because your committee is hopeful that it will be possible for the new joint committee to prepare its recommendations sufficiently early to give Congress an opportunity to act on this matter in the next session of Congress, recommendations are requested from the new joint committee by February 15, 1973.

And at the bottom of that same page:

> Although the joint committee is instructed to submit its report not later than February 15, 1973, the committee will not be discharged from its responsibility until the completion of the first session of the 93d Congress. The continuation of joint committee responsibility for this period gives assurance that the joint committee will be available as an entity to testify and present its recommendations to the committees of Congress in their consideration of its recommendations during the first session of the 93d Congress.

So, I think it is rather obvious, Mr. Speaker, that it was the clear intent of the Congress that the joint committee report its final recommendations by February 15 of this year so that we could proceed to implement those recommendations and thereby get our own handle on the fiscal 1974 budget. That was the assumption we were operating under when we debated this matter last fall. We do not want a replay of the 1972 fall season when we were forced to delegate broad authority to the President for holding down spending because we had not earlier equipped ourselves to assume this responsibility. By adopting title III we were saying that we were finally ready to face up to our responsibilities of allocating resources within a clearly defined limit, and we were going to begin with the fiscal 1974 budget. Indeed, the gentleman who authored title III and is now a cochairman of the joint committee (Mr. ULLMAN) said the following during the debate on that bill:

> The recurring fiscal crisis which we have faced in recent years, in my view, has reached the stage where we must not postpone dealing with the problem any longer.

And yet, now we are being told by the same gentleman that we must "ponepone dealing with the problem" and the chances are that we would not get any final recommendations out of this joint committee until late in the fall, far too late to be applied effectively to the fiscal 1974 authorization-appropriations process. I would not doubt but what the next stage in this stalling scenario will be to refer the recommendations of the joint committee next fall to our new Select Committee on Committee Structure, so that they in turn can study this problem for another year. I am not being cynical or frivolous in suggesting this possibility. The day the gentleman from Missouri (Mr. BOLLING) and the gentleman from Nebraska (Mr. MARTIN) introduced their resolution to form this select committee, they held a joint press conference. The Washington Post account of that press conference contained the following paragraph:

> Bolling said the study would certainly deal with the question of how to cope with the budget and federal spending, which seems to have gone outside congressional control.

So, it is not inconceivable, Mr. Speaker, that we could be studying this budgetary control problem until the cows come home, thus perpetuating what the gentleman from Oregon (Mr. ULLMAN) has referred to as "the recurring fiscal crisis," and not moving one step closer to resolving what many are now calling a "constitutional crisis."

I am somewhat encouraged by an announcement made by the distinguished majority leader of the other body—RECORD, January 31, 1973, pages 2624-25, that their majority caucus has approved a resolution offered by Senator TUNNEY which states that:

> It is the sense of the Caucus that the Senate members of the Joint Committee to Review the Operation of the Budget be urged to conduct studies and investigations for the purpose of recommending to the Congress by February 15, 1973, (1) procedures for establishing a ceiling on budget outlays and new obligational authority, (2) procedures for relating individual appropriations and other spending actions to the expenditures ceiling, (3) revisions in the Federal budget and appropriations process to assure the proper relationship between expenditures and revenues.

Mr. Speaker, I would sincerely hope that the joint committee will make these recommendations by the February 15 legal deadline so that we may proceed immediately with implementing an enforeable spending ceiling for fiscal 1974. I am well aware of the fact that although the joint committee was authorized to immediately begin its work with the enactment of H.R. 16810 on October 27, 1972, it was late in organizing due to post-election vacations and the Christmas-New Year holiday season, and it did not convene its first official business meeting until January 15, 1973, only 1 short month before it is required by law to report is final recommendations. If it becomes apparent that it is impossible to meet this legal deadline, it is my understanding that the joint committee will have to bring to this body a concurrent resolution extending that deadline—a resolution which would also have to be approved by the other body. I would certainly be open to a brief but reasonable extension if a strong case is made that it is absolutely necessary. But I would insist in the Rules Committee that such a resolution be brought to the floor under an open rule so that the entire membership will be permitted to work its will on a specific deadline.

Mr. Speaker, despite all the lipservice that is being paid to the concept of a budget ceiling and the need for a congressional budgetary control mechanism, there are a number of indications that the majority leadership is more interested in provoking confrontations with the executive branch on spending issues than in first setting our own fiscal house in order. The Washington Post of last Friday carried the headline, "Hill Strikes at Budget on Three Fronts"—Senate passage of a $593 million water project authorization, House Agriculture Committee action on a bill to force the Secretary of Agriculture to spend $225 million on rural environmental assistance, and the beginning of Senate debate on a bill to require the confirmation of the OMB Director and Deputy Director. And it should be mentioned that in addition there is strong pressure in both Houses to take early action on legislation to prohibit Presidential impoundment of funds, and talk of pressing for early action on a number of expensive program authorizations.

Mr. Speaker, I do not intend at this point to speak to the relative merits of any of the programs involved; I voted for some of these in the last Congress. And I certainly do not come here today to argue for unlimited Presidential impoundment authority in perpetuity; we would not have this impoundment problem if we had bitten the bullet last fall on the spending ceiling issue, and we can easily resolve this problem now if we provide a mechanism for allocating resources within a defined limit.

But instead, what we are witnessing is the deliberately designed attempt to provoke a confrontation for political advantage rather than a responsible effort to equip ourselves to act responsibly. This is clearly a case of putting the proverbial cart before the horse. There is a lot of talk in this Congress about the need to reorder priorities, but I would suggest that if we are serious about this we must make the matter of setting an enforceable spending ceiling our very first priority. The mark of responsible leadership is not to launch attacks against the administration on various fronts without first having a coordinated game plan which consists of constructive alternatives. The mark of responsible leadership should be to first put our own house in order by laying a firm fiscal foundation and nailing down a leak-proof budgetary ceiling. According to the Post story I have just referred to:

> Senate Majority Leader Mike Mansfield (D-Mont.) said the issue between Democrats and the President isn't the need to hold overall spending within reasonable limits, a point on which he agrees with the President, but what priorities to observe in cutting up the agreed-upon total. Mansfield said he hopes Congress will stay within Nixon's recommended $268.7 billion spending total for fiscal 1974, but "we'll just reorder priorities—make cuts in defense, foreign aid" and other programs in order to fund needed social programs which Mr. Nixon wants to cut.

Mr. Speaker, in response I would suggest that the issue is very much a matter of holding spending within reasonable limits so long as the leadership can only "hope" the Congress will stay within those limits. The issue is very much a matter of holding spending within reasonable limits so long as the Democratic leadership can only speak in vague terms about how the answer is simply a task of reordering priorities—of making cuts in foreign aid and defense. None of this talk about a responsible reordering of priorities is going to be taken seriously until we demonstrate our willingness to exercise self-restraint and self-discipline through a self-imposed and enforceable budget ceiling with specific subceilings for each of the appropriations categories.

Mr. Speaker, the issue will continue to be very much a matter of holding spending within reasonable limits so long as this concept only receives lipservice and so long as efforts to correct our "recurring fiscal crisis" are characterized by stalling tactics due to our inability or unwillingness to face up to our constitutional responsibilities, take the tough decisions and make the difficult choices.

No amount of buck-passing, name-calling, or grandstanding is going to obscure the fact that the roots of this crisis are imbedded deeply beneath this building and that the responsibility is basically ours to set things rights. I, therefore, call upon the Democratic leadership in the Congress to join with the Republican leadership in setting an enforceable spending ceiling as a matter of first priority before we proceed any further in the authorization-appropriations process for fiscal year 1974. If we do not act now on this, we will only continue to stumble along in the irresponsible, piecemeal fashion which has characterized our past efforts—further compounding the problem and piling crises on top of confrontations. While there may be limited political mileage to be gained in this shortsighted approach, in the long haul we will only bring further discredit to the legislative branch, and the country will utimately be the loser. We cannot and must not allow this to happen. Let us, therefore, now resolve together, both parties and both Houses, to immediately meet this first priority so that we may proceed in an orderly, sensible and responsible manner. If we ignore this priority and shirk this responsibility, the epitaph of Congress may well be taken from Wordsworth:

> The world is too much with us; late and soon,
> Getting and spending, we lay waste our
> powers. . . .

ADDRESS BY LT. GEN. HARRIS W. HOLLIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. THURMOND. Mr. President, last Saturday, I had the honor and pleasure to hear Lt. Gen. Harris W. Hollis, Chief of Reserve Components, Department of the Army, address the Mark Clark Volunteers Association in Charleston, S.C.

Since the remarks by General Hollis are of broad interest in the area of our defense forces, I felt it would be appropriate to call this fine address to the attention of the Senate.

Mr. President, I ask unanimous consent to have this address printed in the Extensions of Remarks of the RECORD at the conclusion of my comments.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLUCKING UP COURAGE

Francis Marion, no stranger to these parts, once said to Captain Snipes of his brigade, ". . . as to the difficulty of the undertaking, that's the very thing that should make us jump at it . . . for if we do not pluck up courage and do it, it will never be done."

At that instance Marion was talking, not about war primarily, but about the forging of peace, in anticipation of an early end to that war in which he fought and about which he said, "It must be but a momentary quarrel" so "let us do nothing now that may throw a cloud over the coming sunshine."

Marion made his own contributions to that Eighteenth Century peace and our national independence by a balancing of military power with a spirit of beneficience.

Three weeks ago I came across an aging copy, out of Pennsylvania, of General Horry's biography of the Swamp Fox published in 1834, dogeared, moldly and breaking apart rescued from behind an ancient mantelpiece. True, the print was moldly, but the words from those pages which I have just read are pertinent wisdom, alive for us today.

Alive particularly for us as we approach new chances for a generation of peace, in a difficult world.

It's good to be with you tonight, citizen soldiers and friends.

General Mark Clark, in the tradition of Francis Marion, has, himself, worked mightily on behalf of the nation's well being in this century, and the members of this Association have chosen a stalwart and faithful leader as a symbol for your goals. His deeds stand alone, requiring no embellishment from me.

I feel warm, too, in the company of members of the South Carolina delegation to the Congress. This delegation, from its distinguished senior Senator to its junior Representative, has given strong leadership and support over the years to the stewardship of national defense and the fiber of the United States Army—active, National Guard, Army Reserve. The wise counsel of each has been substantial.

My message tonight is military preparedness. At this new dawn of peace, I talk of military arms.

Are arms consistent with peace?

Some have answered this with a resounding, "No!" Some have said, "Create an Army and it will find itself something to do; eliminate the Army and you eliminate conflicts." This is simplistic thinking at its worst.

Of course we should seek arms control among the nations of the world where that is attainable. But a vacuum of arms in America will not contribute to this. Often and elsewhere in history it has produced the opposite effect, inviting aggression from stronger arms.

The military strength we need is that to deter aggression, to provide a balance of power favorable to that end. That is what I am talking about.

The notion has been more than once advanced that, in advocating a sound military posture, the soldier is a warmonger. But that is not so. The soldier risks an awful lot in war, whether victory is achieved or not; and the institution of which he is a part, the military, is more unsettled by the turbulence of war than any other institution. Witness the Army of recent years. The soldier wants to prepare for war in order that, by being clearly able to fight a war, he will deter an aggressor from starting one. The soldier wants peace that is honorable and just—a peace that can be kept.

The soldier is painfully aware that peace has been a some time stranger in the tapestry of history, evasive and illusive; an infrequent visitor in an uncertain estate. In an increasingly shrinking world, man still crowds in, pollutes, despoils, builds aggressive designs and threatens.

The peace we have today is a somber one. Sporadic shots still ring out. As a new beginning, this peace is fragile. Each of us owes it to the human race to support this beginning and to improve the conditions on which it is to be strengthened. This will cost a price; a price that begins in each of us—self-denial on behalf of larger interests. We cannot rest content to live in a world of fantasy and cringe at the thought of becoming involved with the real world.

The construction of a negotiated, long-term lasting peace, within a faulted, competitive, sometimes grasping world begins with a sober awareness of what it takes to make peace, and a readiness to use the elements of our power to give substance to our sentiments. The essentials of this kind of peace involve much more than mere "peace" marching. They involve, as well, an objective understanding of the naked reality and the lurking violence abroad. For a world power they involve the maintenance of a strong defense.

It is not militarism to understand this; it is not warmongering to appreciate it. It is rather basic to our discharge of citizenship. And the thoughtful, educated citizen should be in the forefront of such understanding. He will turn away from it to his own peril and to the peril of all.

In this connection, about five months ago Barbara Tuchman, author of the prize-winning "Guns of August" and a recent memoir on Joe Stilwell and the China experience, made a thoughtful plea to the American people that is worth indorsing tonight. She warned that we must not, in an unthinking and apathetic way, permit a break to occur between the citizen and the soldier. "In our form of democracy," she said, "the political system which is the matrix of our liberties rests upon the citizen's participation, not excluding—indeed especially including—participation in the armed forces."

This is a democratising influence, she observes, underlying the fundamental American principle of the right to bear arms "for the specific purpose of maintaining 'a well-regulated militia' to protect 'the security of a free state' . . . we need to readmit some common sense into conventional liberal thinking—or feeling—about the military."

I agree with Mrs. Tuchman. There is an indivisibility of interests between the soldier and the people that must not be fractured. Belittling ROTC in a spirit of elitest self-righteous absolutism, ridiculing the Reservists, being apathetic about the citizen soldier are some of the best ways I know to drive the military inward and to fracture that bond which holds us together in our free society. The catchwords and slogans of the past periods, paraded by these elements, that have distorted and exaggerated and exacerbated, now need to be put aside. They are counter productive in the climate of this day.

We are not disenfranchised, Edmund Burke suggested, "by being disencumbered of our passions."

The militia men and their supporters within the Mark Clark Volunteers and elsewhere in South Carolina understand the significance of Mrs. Tuchman's remarks. In the period ahead we ought to strengthen our sense of what is right in these affairs.

As we seek the dividends of peace, we cannot, as we have done before, symbolically "march the Army down the end of Pennsylvania Avenue and disband it." We cannot "sit with folded arms from the fatigues of war." It is rather an era for us to work, to improve, in the interest of common sense, the institution of the citizen soldier; far from abandoning the concept we need more and more to update it, to refresh it, and to perfect it. If America is to fulfill its role as a world leader in the years ahead, the citizen soldier must play his part.

With the expiration of the draft we have a contingent responsibility to man our military with volunteers. All Americans have an interest in this. But there are some current attitudes that get in the way.

I think we would all agree that military service is perceived by many people as a burden rather than a responsibility. The Puritan ethic, which characterized the nation for so many years, seems no longer in the Seventies to obtain with the force it once held; and a romantic kind of idealism that and simplism, a potent combination, seems to prevail widely, suggesting that the military requirement can be drastically reduced.

Added to this is another tendency. After each past war, in our revulsion to this form of human behavior, we have tended to confuse a security policy of military preparedness with a war policy and, in the consequence, have dangerously cut our militrary muscle. If we make this mistake again, General George Marshall has counseled, "we will be carrying the treasure and freedom of this great nation in a paper bag."

We will have to maintain as an adjunct to a peaceful world a strong military posture: active, National Guard, Reserve. As to these latter forces, which fall within my responsibilities, let me say this.

If we are serious about the role now assigned to our Reserve Component forces, in this respect all of us in this nation had better put honest money on the table. "Let a person have nothing to do for his country," said John Stuart Mill, "and he will not care for it."

It goes without saying, we need new approaches to attract high quality people, and to insure that we have a well-trained professional force of citizen soldiers to augment the active forces.

The leadership and effectiveness of the force throughout the land need continuous invigoration. We are already making good progress, but we have to keep at it. Our new initiatives announced by the Secretary of the Army and the Chief of Staff two weeks ago are a part of this. We hope to be better organized to get our Reserve Components fully ready. The active Army has a primary role. Improvement is a never-ending thing.

The character and purpose of the force must be made more clearly relevant to youth. They must understand why we need the Reserves. There are heartening signs already.

We need, too, a more effective interface with the civilian community, especially with the state, county, and city fathers. We've been slow here in some aspects, in some localities; thankfully not in this locale. Public support, including academia, is an imperative if the Reserve system is to flourish. Domestic Action programs are a step in the right direction and assistance during natural disasters does much to improve this outlook.

Imaginative incentives are also needed. We have proposed bonuses, but direct monetary rewards are not the only answer. Today's youth want education, job satisfaction, a sense of involvement. Maybe a GI Bill of Rights for Reservists will help satisfy the needs and interests of today's potential Reservist—in education, in other walks, with spin-off benefits to society at large.

In the second Punic War, twenty-two centuries ago, one of Hannibal's aides said to the Carthagenian before his eclipse by the Romans, "General, you know how to win a victory, but you do not know what to do with it."

We know from history in Hannibal's case that Scipio Africanus took away the fruits of Hannibal's victory and returned to Rome with the prize.

The basic conditions for an honorable settlement to the Vietnam conflict, our President has told us, have been met in the agreement signed in Paris a week ago. These aims were achieved, by hard won valor and diplomatic skill and by courageous leadership in the Presidency, despite those who marched and dissented and demonstrated; and perhaps a kind of peace that can be constructively called a victory will be the ultimate result. As a people we had better not make Hannibal's mistake. Rather, let us think soberly about how we are going to support our national leadership to keep such a "victorious" peace alive. Let us learn what wisdom we can in these times to see that this particular peace does not soon die, as have so many before.

It is good to find satisfaction in the events of the recent days. It is good to find some respite from shooting war. It is therapeutic to rejoice and to give thanks for the opportunities these events offer. As a people we are entitled to indulge in these impulses. Yet, we should be wary of the tendency to euphoria here. We ought not to be "wooly headed" in our outlooks. There is still a real, hard, competitive grasping world outside.

Honorable peace costs a price. This price is high. It begins with self-denial. Some people don't want to pay the price of denial. But this is not the time to retire in exhausted solitude from the rigors of war. We have gained a precious chance to strengthen the prospects for tranquility. May we make the most of it.

May we help shape the world *as it is* into more of a world *we would like it to be.*

This will require, I stress, a sober view of that world. There are profound differences among the nations arrayed on the globe. These differences will not be overcome in a day. Mischief can arise again from Pandora's box. The greedy, the self-righteous, the impassioned, the angry, the arrogant, the "true believers" in utopia, who would jam us in their mold, are all a part of that potential for mischief.

"Our permanent enemy," observed William James, at the beginning of this century, "is the rooted bellicosity of human nature." We need to recognize this, he said, and to develop a more realistic outlook of who we are and how we are to fulfill the imperatives for a more peaceful world. To this I say, let us strive for peace but keep our powder dry. This will require enlarged understanding, new inspiration, an enhanced sense of responsibility beyond ourselves, and more sweat and strain.

And yes, as Francis Marion understood so well two hundred years ago—it is necessary anew in these matters for us to pluck up our own courage, in a spirit of order, unity and action; and in that spirit to get on with what we have to do.

INVESTMENT IN COMMUNISM PREFERRED BY SOME AMERICAN FINANCIERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, if an American banker has enough money to seek investments in Communist countries, then logically he should be able to provide better service at lower costs to Americans.

The Communists historically are bad risks. Our great financiers should expect a more certain return on investments in America.

Merrill Lynch may be bullish on America, but it appears that Chase Manhattan is bullish on communism.

I include a related newsclipping:

Warsaw Gets U.S. Bank Offer

Warsaw.—David Rockefeller, chairman of the Chase Manhattan Bank, said here yesterday that he had proposed a substantial credit to the Polish government by his bank.

Rockefeller, who met Communist Party Leader Edward Gierek and Prime Minister Piotr Jaroszewicz, said the Polish leaders seemed favorably disposed to his proposal.

But he declined to indicate the amount of the credit until the two leaders were ready to comment.

SOIL CONSERVATIONS IS IMPORTANT ISSUE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ZWACH. Mr. Speaker, the House Committee on Agriculture, on which I serve, recently passed out a bill calling for the reinstatement of the rural environmental assistance program.

Many people looked upon this program as one of primary benefit to our farmers, but that is not the case, as the following editorial by Madonna Kellar in the Heron Lake News points out.

Mr. Speaker, I insert Mrs. Kellar's editorial in the Congressional Record and I urge my colleagues, who soon will be called on to vote on this proposed legislation, to read it.

As Mrs. Kellar so aptly points out, our country cannot afford to have more depletion of our soil, more pollution of our water and more destruction of our wildlife. REAP cost-sharing programs, protected these irreplacable values.

Soil Conservation Is Important Issue

When the subject of soil and water conservation is broached urban individuals seem to be unconcerned, considering that the subject is only the concern of the dirt farmers. How wrong they are. It is the concern of every man, woman and child of the nation.

Consider for a moment, the possibility of more soil depletion, more pollution of our streams and more destruction of wild life. In time—perhaps not in our life span—but in that of our children—there will be no natural resources. Enough of our resources have been lost as it is. We have used, desecrated and wasted many of our God-given rights expecting them to be unlimited. All good things come to an end—this we know. And that time is approaching.

Not too many years ago, children swam in the rivers, creeks sand pits and any swimming hole they could find. Now that could be near suicide. The waters are not fit to swim in. Too much corruption has been introduced into their banks. Too much rubbish has been dumped by inconsiderate and ignorant folks who cared not a whit about the other guy.

It is impossible to reclaim what has been already lost, but it is possible to retain what resources remain. That is our mission. Conservation practices have been well supported in the past by governmental agencies. Farmers have been oriented to the need for protecting resources. Now it is up to us to carry through the knowledge we have.

How sad to see what has happened following heavy rains. Beautiful and productive black soil washes away into the streams because no one has bothered to impede the erosion. The loss of revenue because of this is very high.

Loss of trees has been extensive and this accounts for much of the noise pollution we endure, plus the fact that the decor trees have lent to our landscapes has been depleted.

Conservation is something to think about with great concern. We are losing a great deal every year by not following the guidelines of the experts and everyone will pay the cost. If the farms lose their productive soil, every business will suffer in accordance with them.

A NATIONAL ENERGY STRATEGY

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. du PONT. Mr. Speaker, at no time in our history has the need for a national energy strategy been so great. News of impending rationing and brownouts comes as no surprise to those who have recognized the dangers of pursuing an ad hoc, uncoordinated national energy policy. One of the legacies of our ineffective and often irrational energy policy, is the burgeoning demand for imported crude oil from the Middle East. To accommodate the demand, several private organizations and Government agencies have been developing plans for the construction of an offshore oil terminal capable of receiving supertankers. The Delaware Bay area has been chosen as a prime location for such facilities, because of the unique physical characteristics of the bay and the proximity of the bay to refineries and large markets.

The Corps of Engineers which is conducting a study of potential sites in the North Atlantic for a deepwater terminal, recently held public hearings in Delaware to discuss their findings and to gather testimony from local citizens. The issues raised in these hearings rise far above purely local and even regional concern. The development of a deepwater terminal would have far reaching national and international ramifications, affecting diplomatic relations, land use policy, the environment, and the balance of payments, to name a few. I am, therefore, inserting the remarks which I gave at these public meetings at this point in the Record, in hopes that my colleagues will find the information useful in their consideration of the energy crisis:

Remarks of Congressman Pete du Pont, Army Corps of Engineers Hearing, Rehoboth Beach, January 5, 1973

INTRODUCTION

I want to thank Colonel Strider for agreeing to hold this meeting in Delaware and to thank his staff for their cooperation in making the preparations for the meeting on such short notice. I know that all Delawareans wanted to have a forum for the superport hearings in Delaware, and I am particularly grateful to have this opportunity to submit my views for the record.

In recent months we have all read about numerous studies and proposals for an offshore oil terminal on the Atlantic Coast, encompassing a wide range of facility designs and possible locations. While these studies represent preliminary conceptual work, requiring further detailed study, I have drawn some tentative conclusions which I want to submit today.

I. The superport location

The present proposals for an offshore facility include three tentative sites in or near the entrance to Delaware Bay. Despite the alleged economic benefits of these sites in the Bay, the hazards associated with the operation of an oil transfer terminal, near Delaware's coastline, lead me to conclude a site near or in Delaware Bay is unacceptable.

The one hazard foremost in everyone's mind is a massive oil spill such as the one which occurred off the coast of England when the Torrey Canyon broke up on a ledge. The description of such spill potential is best summarized in an article written by General Francis P. Koisch, director of civil works of the Army Corps of Engineers, written for the February 1971 *Journal of Waterways, Harbors and Coastal Engineering Division, Proceeding of the American Society of Civil Engineers.*

National Journal, volume 3. No. 49:

"Recall the national furor which followed the oil well drilling leak off the California coast, near Santa Barbara . . . Esthetically and in all likelihood, ecologically, it was a disaster situation.

"Yet the Santa Barbara incident would appear trivial compared to the scope and the impact of a possible spill or fire involving a contemporary supertanker . . .

"Imagine the damage which could result if a 312,000 DWT carrier such as those which are now operating were to spill its cargo of 2,250,000 barrels of oil.

"The cargo load would have the potential of saturating every foot of a 200 mile reach of shoreline with over two barrels of crude oil."

The operating characteristics of these vessels suggest that within restricted waters, such as the Delaware Bay, there will be a high risk of collisions and groundings. A 250,000 DWT tanker, for example, when moving at a speed of 15.6 knots, requires 16 minutes and more than two miles to reach an emergency stop.

Unfortunately, the location of a superport within or near the mouth of Delaware Bay would only magnify the problems associated with supertanker operation and oil spills.

A major problem for supertankers will be maneuverability within the Bay. The amount of sea room available to such a large tanker would be very restricted and offer very limited leeway for meeting unexpected circumstances. Because maneuverability is such a critical factor in the safe operation of supertankers, I have requested that the Commandant of the Coast Guard undertake a study to determine the parameters within which a supertanker can safely operate.

If a spill were to occur in or near the mouth of the Bay, experts concede that the chances of containing the spill are sharply decreased by wave and tide action. It would only take a short time for the soil slick to reach shore, and the oil would have little opportunity to weather and diminish in toxicity and density. If a superport is to be built at all, it seems far wiser to construct it well offshore. If a spill takes place out at sea, at least there is more time to conduct a containment operation, and the weathering of the slick would substantially reduce density of materials which might eventually come ashore.

A location close to the coastline seems totally impractical with the limitations of today's technology. The danger to our coastal resources and the coastal industries would be immediate, leaving no margin for error. This risk is simply too high for Delaware and one which the state cannot afford to take.

II. Superports become magnets

Aside from the impact of the superport on Delaware Bay and on the coast, a superport would undoubtably stimulate accelerated industrial development on or near the coast. An Arthur D. Little study of deep water oil ports around the world show a standard pattern of intense industrialization in the vicinity of the port. A typical example is the Port of Gladstone in Queensland, Australia. Ten years ago this was a small, undeveloped agricultural town. After a decade of oil port development, this is an industrial town of 13,000 people with all the problems of a major industrial center. Housing has become increasingly short as increased industrial development claims more acreage. The need to stockpile by-products and to store oil has led to a massive reclamation of wetlands and dredging of the harbor, destroying the existing ecosystem in the harbor. Town residents found their real estate assessments increased by as much as 1200% from 1960–1968 to keep pace with increased demand for municipal services.

I fear that a superport located anywhere near Delaware's coast would cause similar pressure for industrialization. Fortunately, the Delaware General Assembly, under the leadership of Governor Peterson, mandated the end to industrial development of the coastal zone. Delaware's citizens have long recognized the value of the coastal resources and have wisely exercised their right to protect them.

A superport would undoubtably attract tank farms, trucking and rail depots and entire petrochemical complexes. Since the laws of Delaware have so expressly banned this type of development within the 3 mile limit, I think the proposals for development of a terminal near Delaware's coasts should reflect the wishes of the State. Plans for a superport within the 12 mile limit should have been effectively eliminated when the Legislature and the Governor enacted the Coastal Zone law.

III. Conflicting data

The major studies which have been released to date, have done little to dispel the doubts which Delawareans have about the proposals for an offshore oil transfer terminal. In fact, many new questions are raised by the new reports.

The environmental issues associated with the superport are of prime importance, yet we read in the Nathan Report, the preliminary report requested by the Corps from Nathan Assoc., that "lack of knowledge concerning environmental and ecological parameters" prevented an assessment of environmental impact. This is an area which must be studied first, as an integral part of the planning process, not just a peripheral factor studied to appease local citizens.

The Nathan Report raises the question of the limits of the existing refining capacity in the Delaware Valley. Since the refineries in the area are already operating at close to 100% capacity, how can all the imports from the superport be refined without expanding the existing complexes? A superport would naturally create enormous pressure for increased industrialization, and as I stated a moment ago, if the state and local governments have already spoken on the issue of increased growth, Delaware seems to be an unsuitable location for a superport.

Even more unsettling are the discrepancies in data which exist between the Nathan and Soros (U.S. Dept. of Commerce study) reports. Without passing judgment on the accuracy of either, I found significant disagreement in the figures on the economics of scale of the supertankers as well as the figures describing the economic feasibility of dry bulk transfer terminal operations.

It is improper to start building the conceptual framework for such a project with conflicting and inadequate information. It is important that Congress begin to take notice of this project before all these inadequacies and conflicts are buried in the volumes of a final report. With such great national and regional interests at stake, I think it is important that the Congress direct the decisions making of the planners.

I have, therefore, written to Mrs. Leonor K. Sullivan, the new chairman of the House Committee on Merchant Marine and Fisheries, of which I am presently a member, requesting early hearings on the entire question of superports on the East Coast.

IV. International implications

While the existing studies have devoted their time to supporting the construction of an offshore oil transfer terminal, and deciding where it should be, I am most disturbed by the lack of concern shown for the overall long range implications of a superport to the nation as a whole. While the regional impact of a superport is of great importance, the initial focus should be on the effects of this port on our national energy policy and on our international political and economic relations. Without such a focus, the study of the superport is presumptive and without a sound basis. As in so many cases, zealous planners have put the cart before the horse.

The evidence I have seen indicates that the construction of a superport would lead to an irrevocable commitment to oil as our sole source of energy and to almost total reliance on the Middle East nations for our imported crude oil.

Today our energy supply is derived from a variety of supply locations, foreign and domestic. In 1970 imports from the Middle East and Africa averaged some 300,000 barrels a day, a small portion of the national demand of nearly 15 million barrels daily. These figures, however, are expected to change dramatically; projections show that we will be importing two-thirds of our petroleum supply by 1985.

The Middle East is the single area which has the wealth of reserves to meet this demand. Of the 430 billion barrels of proven reserves in the Eastern Hemisphere, 350 billion barrels are located in the Arab nations. This compares to only 80 billion barrels of proven reserves in the entire Western Hemisphere. A superport would undoubtedly accelerate the switch to Middle Eastern oil since the supertankers offer such economies over the long haul. As the United States turns more to the Middle East for crude oil, the premium for stability in the Arab world becomes increasingly high. Internally, the Arab nations, particularly, face possible political instability. Unfortunately, as our dependency grows, our control over the flow of oil diminishes. Emerging nationalism among the Arab states has already strained relations between the international oil companies and the oil exporting countries. Negotiations are underway which center on the issue of control of oil exporting operations. Indigenous governments are determined to expand their control over their own resources. While some countries have been satisfied to increase participation in the operations, more nations are devloping their own national companies. Although these are only a small factor today, their efficient performance and their present capability to market oil can only be a harbinger of their future importance.

Future uncertainty is compounded by changes in the supply situation. From 1951 to 1966, there was surplus oil production in the area. By 1975, however, there will be little, if any, surplus capacity, thereby driving prices higher and diminishing the bargaining position of the importing nations. In addition, the storage capacity of the Europeans, the Japanese, and the Americans is limited, making us all vulnerable to a prolonged cut off in supply. The Arab nations will soon hold all the trump cards.

Closely related to the economic factors are a series of internal and international political factors which contribute to the uncertainty of future relations with the Arab nations.

The decision to build a superport also amounts to a watershed in our ad hoc national energy policy. Although we have become heavily dependent upon oil, it is not too early to develop a more flexible energy program, to minimize the danger of cuts in supply.

Research must be carried out to develop some alternatives to the complete dependency on Middle Eastern crude. This should include exploration of the reserves which exist in the Outer Continental Shelf beyond the 200 meter isobar, development of the hydrocarbon reserves which exist in shale and coal. We should also accelerate research on atomic, solar, and geothermal energy. A single commitment to one source of energy, without the ability to fall back on alternatives is a dangerous policy. The superport cannot be considered in a vacuum without regard to our total energy needs. If considered at all, the superport must be considered as only one part of a national strategy.

This nation, however, has no national strategy. It is for this reason that I introduced legislation to create a White House level Council on Energy Policy. Without a national, coordinated strategy for our energy needs in the future, I believe proposals for superports are shortsighted and offer a dangerous piecemeal solution to our energy needs which could eventually jeopardize our national security and position in the world.

REMARKS OF CONGRESSMAN PETE DU PONT, ARMY CORPS OF ENGINEERS HEARING ON THE ATLANTIC COAST DEEP WATER PORT STUDY, REHOBOTH BEACH, JANUARY 18, 1973

I want to thank Colonel Strider and his staff for arranging this third meeting in Delaware to discuss the most recent installment of their Atlantic Coast Deep Water Port Study. Although the development of such a port necessarily encompasses a wide spectrum of considerations, I will confine my statement to the environmental issues raised in the report released on January 8.

When I first read the reports on this study, my initial impression was that site locations recommended both inside and outside Delaware Bay were made in apparent disregard to both local opposition and environmental issues. In the body of the report, however, I found many unequivocal statements about the unavoidable environmental hazards to both marine life and to life on land which attend deep water port development. I therefore, find great irony in Colonel Strider's tentative conclusion that ". . . it is in the national interest to develop such facilities provided that the environmental values can be adequately protected." On the contrary, the conclusion which I draw from the findings of the report suggests that our technology will never be able to adequately protect the environment if such a facility is located anywhere near Delaware Bay.

I also question the criteria which Colonel Strider is using to describe the national interest. While it is in the national interest to develop a continuous and plentiful source of fuel for our energy needs, I do not believe that it is in the national interest to completely transform lower Delaware or Southern New Jersey from its present unspoiled state into a center for petrochemical complexes and oil refineries. Yet this seems to be the choice so strongly suggested by the report. If national interest means the destruction of an environmentally invaluable estuarine area, the industrialization of an important agricultural area and the destruction of an important recreation area serving three major east coast metropolitan areas, and an end to intelligent land use planning, then I think our national priorities are seriously misplaced.

Although the Corps is drawing off the same findings that I am, I have reached an opposite conclusion. Because of this fundamental disagreement, I would like to review the bases for my conclusions.

LANDSIDE IMPACT

I think the section on landside impact only reinforces the so-called magnet theory which I discussed in my testimony which was delivered on January 5. Very simply stated ". . . the location of a deep water terminal will tend to induce industrial concentration, particularly of refineries and petrochemical complexes. In turn, this concentration of basic petroleum-related industries would induce concentration of associated commercial and economic activities." (page 14, "Summary of Environmental Considerations".)

Implicit in this development would be a whole range of demands placed on the environment and natural resources by the industries and by the people themselves. Using the Corps' set of assumptions for the year 2000, the industrial development would create effluent which would have a basic oxygen demand equivalent to the raw sewage of 845,000 people. Water withdrawls would approach 1 billion gallons per day, and air pollution would be increased four fold. The additional human population which would be attracted to the industries would total 138,000 by 2000 according to present estimates. The sum total of this development would place drastic demands on local resources and public services.

The development caused by the tourist industry alone in lower Delaware has already posed serious problems for local officials. For example, Sussex County has encountered serious obstacles in development of waste treatment facilities in order to meet the existing water quality standards. Industrialization and a rapidly growing population would only exacerbate this situation.

The demands of land alone are staggering. The Corps projects that "if the North Atlantic were to supply all of its projected growth for petroleum products for the year 2000, nearly ten times as much acreage would be required for refineries, petrochemical plants, and storage facilities . . . "(Page 16, "Summary of Environmental Considerations").

Assuming the projections hold true for lower Delaware, this would imply that ten more refineries, like the Getty refinery in Delaware City, would be built in lower Delaware. To commit some 45,000 acres for industrial purposes in lower Delaware would be tantamount to abandonment of rational land use policy. Delaware has already committed vast amounts of acreage and resources to the oil and petrochemical industry in Northern Delaware, and to further commit the unspoiled Southern region which is recognized for its environmental, recreational and agricultural value would be shortsighted, not to mention a violation of the policy stated in the Coastal Zone Act.

Development on the magnitude indicated in the Corps report would certainly result in a major transformation of the lower Delaware region fom a pedominately rural area into an industrial center for the oil and petrochemical industry. The Coastal Zone Act recognized the wholesale transformation which can occur with oil refineries, and the state strongly expressed their intention and their right to maintain lower Delaware in its present state.

CARGO SPILLS

Underlying all the comments in the Cargo Spills section is a particularly ominous thought. "There is a lack of adequate knowledge of ways to design and operate a system without spillage, of techniques capable of handling major spills, and of total impact of oil spills on the ecosystem. "(Page 7, "Summary of Environmental Considerations).

While the estuaries and coastal wetlands are acknowledged to be the most biologically productive areas of the marine ecosystem and to be the most sensitive to oil spills, the Corps has concluded that damage to these areas would be unavoidable. Even in the absence of a major spill, the expected chronic spills will have critical impact at the inshore sites. The water quality in the vicinity of the recommended inshore sites has already been significantly degraded by existing sources of pollutants. Chronic spills can only increase water quality deterioration and have possibly disasterous long term impact on fish, shellfish and recreation. Both the Cape Henlopen and the Delaware Bay site pose a serious threat to the coastline, even if the chronic spillage were kept at minimum levels. A major spill at either site would, in the words of the Corps report, be "disasterous".

A tentative conclusion drawn by the Corps is that the further off-shore you place the facility, the less risk of environmental damage by either chronic spills or a major spill. This conclusion may be supported by the information which the Corps itself has collected; however, man's persistent use of the open ocean as a dumping ground for his waste material has already affected marine life, to such a degree that Congress passed a law putting strict limits on what can be dumped at sea. About two million metric tons of oil are introduced into the oceans each year already, and any facility which will have chronic spills or even major spills may well have delayed an unpredictable impact on the coastal and marine environment.

CONCLUSION

All the sites recommended by the Corps have attendant environmental hazards which seem to vary in degree rather than in kind. As I stated in my earlier testimony, the risks associated with the sites near Delaware's coastline are simply too great to be acceptable to Delaware. While the superport is important to the whole nation, Delaware has the right and duty to protect its precious coastal resources, its recreation areas and its use of the Bay. Above all, I think Delaware's citizens have stated their intention to keep Delaware as it is. This is not a reflection of provisionalism but a recognition that the unique features of lower Delaware must be protected under rational land use policy. To industrialize lower Delaware would effectively bring an end to options for land use.

GEORGE FOREMAN, A TWICE WORLD'S CHAMPION

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. CLARK. Mr. Speaker, we have all heard that the playing of our national anthem at the upcoming Olympic Invitational Track Meet at Madison Square Garden may not be permitted—lest it provoke an incident.

This type of negative thinking is deplorable and it serves only to focus attention on the pitable few while the attributes of the many go unnoticed. We have seen so many times in the recent past, these acts of defiance and protest which are calculated to attract optimum attention and our Nation's press often chose to give these people a platform for a grossly disproportionate portrayal of this type of thinking.

We should contrast this veiled threat of potential "incident" to the thrilling—even inspirational behavior of our newest world champion. George Foreman, who has won the admiration and respect of Americans everywhere, not only for his ring accomplishments, but for his public statements outside of the ring.

While some few other athletes chose to insult their country, Foreman stood on the Olympic platform and waved the Stars and Stripes for all to see; and now he is a world champion.

On February 16 at Madison Square Garden, we will be witnessing a preview of international athletic competition, not city against city or college against college. It is an olympic competition wherein those talented athletes will compete with a goal of going on to represent us as a nation—and they do so under our colors and our anthem and our support and hopes, just as do the great athletes from other countries all over the globe.

There are scores of other black athletes who are striving to emulate George Foreman and they have a long and illustrious heritage of the champions from their race who have brought honor to the United States, from Jesse Owens in the thirties to some as yet unknown champion in the seventies.

DONALD R. LARRABEE, WASHINGTON CORRESPONDENT FOR MASSACHUSETTS AND NEW ENGLAND NEWSPAPERS, INAUGURATED AS 65TH PRESIDENT OF THE NATIONAL PRESS CLUB

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLAND. Mr. Speaker, I take this opportunity to congratulate a longtime friend and journalist, Donald R. Larrabee, who was installed last night as the new president of the National Press Club.

It has been my pleasure to know and work closely with Don Larrabee for more than two decades in Washington. When I was elected to the 83d Congress and took my seat in January 1952, Don reported Capitol Hill news for several Massachusetts newspapers, including three in my Second Congressional District, for the Griffin-Larrabee News Bureau.

Quiet and unassuming, Don Larrabee is known in the Washington press corps as a competent and thorough journalist who pursues his profession with candor, perceptiveness, diligence, a profound sense of purpose and dedication, tempered at all times with his willingness to hear all sides of an issue and with a deep respect and patient understanding for fellow human beings.

He is one of the most likeable persons I have come to know in Washington, and he is one of the fairest and hardest working journalists in the Nation's Capital. Don Larrabee is certainly a credit to his profession. It is because of his great qualities that he was chosen by his colleagues to become the 65th president of the National Press Club, a professional and social organization of 5,000 members, including 1,000 newsmen now covering the the Washington beat.

Mr. Speaker, I want to wish Don Larrabee every success during his tenure as president of the National Press Club. A fellow New Englander who started his journalistic career four decades ago on the Portland, Maine, Press Herald, Don Larrabee attended Syracuse University, and served in the Army Air Corps in World War II. He joined the Washington press corps in 1946 with the news bureau he now owns, Griffin-Larrabee Bureau, which serves 32 newspapers from the Nation's Capital.

FOOD FOR THOUGHT—AND OTHERWISE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. PICKLE. Mr. Speaker, I noticed a newsstory in the Christian Science Monitor recently discussing the use of unapproved chemicals for the raising of commercial catfish.

From time to time, the news media reports on substances being fed or administered to cattle, swine or poultry that have been found harmful to human consumption. Happily, this is not the case with the catfish chemicals.

More importantly, I think we need to readjust our thinking about drugs, chemicals, and our food production. Well that it is that we are on the guard to protect the health of our citizens by keeping harmful substances from their diets, it does not necessarily solve the overall problems.

Precisely, we are a growing country and a growing world. Much of the world is starving and undernourished.

I hope through all the attention that is drawn to the harmful chemicals in our foodstuffs we will not fail to see the forest because of the trees. Chemicals and substances that promote productivity and which are harmless do play an important role in the growth of our food supply.

Emphasis should be given to their beneficial aspects as well as the potential harmful role they play. At this point, I include the catfish story:

AN FDA BAN WOULD HURT: CATFISH FARMERS DEPEND ON UNAPPROVED CHEMICALS

(By John Dillin)

ATLANTA.—A number of catfish farmers in the United States are using unregistered, unapproved chemicals to treat fish that are being raised commercially for human consumption.

The chemicals are used to kill parasites and fungus which, if not checked, could severely deplete a farmer's crop of fish, according to research scientists. The chemicals, however, have not received clearance from the U.S. Food and Drug Administration for use in fisheries.

Farmers in the catfish industry have turned to the unregistered chemicals primarily when there was nothing else available that would save their crops or assure high yields.

NO PROOF OF HARM

The unregistered chemicals include malachite green and formaldehyde, or formalin. Government research specialists emphasize that there presently is no reason to believe that the chemicals are harmful to man as now used.

At the same time these scientists indicate that more laboratory work is needed to confirm the safety of some chemicals, including malachite green. They note that if the FDA found any trace of malachite green or any other uncleared chemical in catfish in the marketplace, the fish could be confiscated. This is because no tolerance level for chemical residues has been established.

The FDA, however, has no program in operation for testing residues in pond-grown fish, although the agency is responsible for enforcement in this area, according to FDA spokesmen.

Dr. Robert E. Lennon, chief of the fish control lab. Bureau of Sport Fisheries and Wildlife, in La Crosse, Wis., says that the fisheries industry has been a "scavenging" group. Most of the chemicals in use for fisheries have been borrowed from other industries. Farmers have simply adopted chemicals that would work, often without much examination, he says.

Until recently, fisheries did not have to meet the stringent standards for chemicals and drugs that were required for the dairy, poultry, and swine industries. Now, any compound used to treat a fish disease is supposed to undergo thorough testing which can cost millions of dollars and take years to complete.

"We were kind of caught flatfooted," says Dr. Lennon, "and it's going to take a tremendous effort to clear some of these compounds."

PRIVATE ASSISTANCE URGED

Dr. George Post, an associate professor in the Department of Microbiology at Colorado State Universiay, has urged private efforts to supplement government clearance research.

"I don't think we're ever going to get enough money out of Washington to clear these drugs for fish," Dr. Post said in a telephone interview. "I think it's probably going to have to come from the industry.

"There are two pretty big groups in the country: the catfish growers and the trout growers. And it seems to me that these two groups could get their heads together and put a little money in the pot to get things started."

Dr. Fred Meyer, a federal research scientist who has worked closely with the catfish industry, says that unregistered chemicals are presently very important to the farmers.

"I think that if the government were to rule out only one chemical, like malachite green, we could live," Dr. Meyer says. "If they said we can use no chemicals that are not cleared, then we are going to be in trouble."

TINY BUT GROWING

Catfish, of course, comprise a minuscule industry when compared with poultry, cattle, or other major segments of agriculture. Production has been climbing straight up, though—to a record 45 million pounds of live fish in 1972.

The small size of the catfish industry means that markets for chemicals and drugs used with catfish are insufficient, in many cases, to support multimillion-dollar research by manufacturers to get their chemicals cleared in Washington. The cost can reach more than $10 million for a new compound, according to Dr. Joseph Hunn, assistant director of the federal government's La Crosse lab.

Another research scientist who asked not to be named says of present catfish industry practices:

"I think that there is very little danger associated with the current usage program. I won't say that there is none. But there is minimal danger."

"LEAST POSSIBLE HAZARD"

The researcher continued: "My feeling is that the people who have worked with the development of these chemicals have been ethical and moral in discussing the use of these compounds; and the current usage in the industry represents the least possible hazard."

There is also concern, he notes, that since the use of uncleared chemicals is not lawful, farmers' fish could be condemned. The risk is just to great, especially for large producers with hundreds of acres of fish.

Partially for this reason, he says, use of unregistered chemicals has dropped sharply on Arkansas farms in the last two years.

DOMINANT CHEMICAL

At Auburn University in Alabama, a center for catfish research, Dr. W. A. Rogers says however, "I thing most of the fish-farming operations will have malachite green on hand. People are using it all over the country. . . . I think most catfish producers use it."

Dr. Rogers, like several other researchers, does not believe there is a great hazard from the most widely used unregistered chemicals if they are used at recommended rates.

"I think if anything were going to happen, it would already have happened," he says. "They've been using this stuff, so far as I know, ever since anybody's been in the catfish business. It hasn't caused any ill effects that I know of."

ROBERTO CLEMENTE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to direct my colleagues' attention to the passing of a man whom we can all admire and take inspiration. I speak of Roberto Clemente, rightfielder of the Pittsburgh Pirates baseball club, who died in a plane crash New Years' day while on a mercy mission to Nicaragua. Mr. Clemente was an amazing athlete. His list of awards is almost endless; National League All-Star team 12 times, Golden Glove Award as the best fielder at his position 11 times, most valuable player in 1966, a .317 lifetime batting average, member of two World Series champions, and most valuable player of the 1971 World Series are just a few. But in the end, perhaps these awards are secondary to the fact that Mr. Clemente was a great humanitarian. Knowing how humble a man he was, I am sure he would rather be remembered as a man who cared about his people and did something about it.

Mr. Clemente played baseball with a passion known to few yet his off-the-field activities were marked with compassion for all. He as a proud man, but one who never lost sight of his humble origins. Mr. Clemente's dedication to his people was revealed in his working to bring a nonprofit sports city for Puerto Rican youth into reality. There are endless tales of how he could never turn down any civic request.

It is with this in mind that we should remember Roberto Clemente. He not only spoke about social action, he acted himself. It is truly poetic justice that he should perish aiding those less fortunate than himself, the earthquake-ravaged people of Nicaragua. This Nation and the entire world need more men of Roberto Clemente's character and dedication. His presence will be sadly missed by all those who appreciate men of dignity and responsibility.

Our condolences go out to Mrs. Clemente and her family on this sad occasion.

AID TO NORTH VIETNAM AND OUR SPENDING PRIORITIES BY HAROLD RUNNELS

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RUNNELS. Mr. Speaker, article 21, chapter VIII of all versions of the recently signed cease-fire agreements states:

> The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

I note in the press that preparations are already underway to have a certain Presidential assistant visit North Vietnam for reasons which include the discussion of U.S. aid to that government. Last year our President said, in his State-of-the-World message, that we might spend about $7.5 billion toward the reconstruction of Indochina. The figure of $2.5 billion was later mentioned as the quantity of our tax dollars which would be given to North Vietnam. Recently, there have been editorial references to expenditures by the United Nations. Experience tells me that the American taxpayer will end up footing the bill however this is done.

In short, the American workingman is faced with another proposed budget deficit, increased spending for defense, increased spending for our space activites, and possibly the expenditure of billions of dollars of aid to North Vietnam.

Our President's budget request for fiscal year 1974 for the Veterans' Administration lists $4.8 million in unobligated funds for prosthetics research. If you look at that budget request closely you will find $64 million in unobligated funds for medical care for our veterans.

It is time for Congress to stop talking about priorities and impounded funds and congressional powers and start acting. I urge my colleagues to read the National Priorities Act which I have introduced and which is listed below. I urge all my colleagues to ask themselves if this would not be an ideal place to start, if this is not the one initial priority upon which most of us can agree. From this tiny acorn of a priority a mighty oak of planned responsible Federal spending could rise.

H.J. RES. 295

Joint resolution establishing expenditure priorities between care for American war dead, American prisoners-of-war, American veterans and the reconstruction of North Vietnam.

Whereas Article 21 of Chapter 8 of the Cease Fire Agreement between the United States and the Democratic Republic of Vietnam states, in part, that "the United States will contribute to . . . postwar reconstruction of the Democratic Republic of Vietnam . . ."; and

Whereas 45,937 of America's best fathers, brothers and sons have died fighting aggression by the Democratic Republic of Vietnam; and

Whereas 303,622 of America's best fathers, brothers and sons have shed their blood and in many cases sacrificed their eyes, their arms and their legs fighting aggression by the Democratic Republic of Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, except to determine the location and take care of the graves of the American war dead so as to facilitate the exhumation and repatriation of the remains, no money shall be drawn from the Treasury of the United States for expenditures in the Democratic Republic of Vietnam until all funds appropriated (a) for the creation and care of the graves of the American war dead, (b) for compensation to be granted to American prisoners-of-war, (c) for the care and retraining of veterans, and (d) for other purposes as may be determined by Congress shall have been either expended or made available for expenditure.

SEC. 2. This Act shall be cited as the "National Priorities Act".

1973 ISSUE: NIXON'S CUTS IN SOCIAL PROGRAMS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, Hobart Rowen has written an interesting analysis of the Nixon budget cuts and their economic impact. The article appeared in the Washington Post of February 4 and follows:

1973 ISSUE: NIXON'S CUTS IN SOCIAL PROGRAMS

(By Hobart Rowen)

President Nixon has confounded his critics, and commentators including myself, by doing what they said during the election campaign he couldn't do: slash the budget sufficiently to avoid an increase in taxes in fiscal 1974.

He did it by being ruthless in reducing the social obligations of the government to a growing population. The axe he wielded was a bigger one than envisioned by the Brookings Institution, the American Enterprise Institute, former Republican Congressman Johnny Byrnes and former Treasury aide Murray L. Wiedenbaum, to name a few.

On Dec. 17, in this space I wrote:

"It now appears realistic to believe that the President will hold spending for the current fiscal year (1973) to $250 billion . . . If so, it is possible an administration dedicated to austerity could hold the fiscal 1974 budget to be presented in January to $270 billion, with a unified budget deficit trimmed to $13 or $15 billion—and a balance in the full employment budget."

To accomplish this feat of austerity, as Ralph Nader, the black caucus on the Hill, and other public interest groups pointed out, Mr. Nixon whacked the money out of social programs for individuals, and left the major corporate "tax expenditure" subsidies virtually untouched.

The budget leaves intact a regressive Social Security tax system, while the investment tax credit and accelerated depreciation privileges add to the corporate take. And the administration's pledges to bring in tax reform proposals are not honored with as much as a token.

A letter this week from 23 public interest advocates and groups to President Nixon says:

". . . we would urge that before you stop programs for the many, you at least should scrutinize programs for the few. Before there are fewer libraries and hospitals and low-income apartments and sewage control systems, there should be fewer subsidized ships, less expensive drug and arms procurement, and more taxes paid by coddled corporations."

In other words, if today's economic imperatives call for reducing the federal budget deficit to counter inflation, Mr. Nixon had an opportunity to whack away at billions used to subsidize the maritime, aviation, defense and other industries, in addition to cutting whatever social programs had failed, or had already fulfilled their purposes. And at the same time, more sense could have been made out of the tax structure.

A close analysis of Mr. Nixon's 1974 budget for which he claims savings of $16.9 billion in "program reductions and terminations" indicates that about $5 billion are in gimmicks or part of a numbers game, and the rest is real.

Some of the "cuts" are most inventive. Remember the son who told his father, "Dad, I saved a dime by walking home instead of taking the bus"? The father responded: "If only you had walked instead of taking a cab, you would have saved three bucks."

An example of that is a claimed $400 million saving in the 1974 defense budget set down as follows: "limit new spending for All-Volunteer Force and other legislation." But that's a "cut" from a total commitment that had never been made.

A bigger phoney item is a claim for savings on social service grants. The assumption in the budget is that this figure would have grown to $4.7 billion in fiscal 1975, although Congress had already put a ceiling on such expenditures at $2.5 billion. Independent budget experts figure that the 1974 saving in this category is over-stated by $2.1 billion. Agriculture "cuts" assume unrealistically high support costs in the neighborhood of $600 million. Another double 1974 item is a $1.0 billion claim for oil recipients.

But putting all that aside, the real cuts are substantial, and are made at a time when many public needs are unmet.

This is where the cuts in the 1974 budget were made:

	[In billions]
Welfare	$1.5
Medicare and housing	1.5
Manpower programs	1.0
Health, Education and Poverty programs	1.0
Pensions and retirement	1.0
Environment (by not full-funding the Muskie bill)	1.0
Agriculture	1.5
Water and natural resources	0.5
Defense and foreign	2.0
Space	0.3
All other	1.0

That all adds up to $12.3 billion. If the $2.3 billion saved on defense, foreign, and space commitments is subtracted, there's an even $10 billion that's been sliced out of money basically ticketed in fiscal 1974 for the poor and the underprivileged.

Perhaps that represents the will of the majority of people. Certainly, that's the way the President is interpreting his election "mandate." To a certain extent, the "I'm all right, Jack" philosophy is pervasive, as Potomac Associates good new book, "State of the Nation" shows.

Mr. Nixon has proposed the issue in unmistakable terms, in his interview with Jack Horner of the Washington Star-News, in his Inaugural Address, and now, in concrete terms, in the budget.

But some people in this society do need help, despite the bland and unsupported assumption made by this administration that anything the federal government can do, the states can do better.

Experience casts doubt on this assumption. Fifty different states and the District of Columbia have 51 different standards. One doubts that what motivates Mr. Nixon is a real belief that revenue-sharing with the local communities will do more for the less affluent in our society.

What comes through is the belief that for the most part, people ought to be fending for themselves, and if they can't—tough. We see the true Nixon: austere, conservative, strait-laced, and uncompromising, despite the string of surprises he has achieved abroad. His domestic record will go down in the history books, too.

CHANGE IN FISCAL YEAR NEEDED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to change the fiscal year for the Federal Government to a calendar year.

In reviewing the President's budget message, I noted the following statement,

> Delay in congressional consideration of the budget is a major problem. Each time I have submitted a budget, the Congress has failed to enact major portions of it before the next budget was prepared. Instead, it has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation, and frustrates the potential of the budget as an effective management and fiscal tool.

He goes on to recommend:

> Prompt enactment of all necessary appropriation bills before the beginning of the fiscal year.

With fiscal year 1974 beginning in just 5 months, it would be extremely difficult to enact all appropriations before July 1, 1973, and give the budget the close consideration needed.

If the fiscal year was a calendar year instead, then Congress would have 12 months to write its appropriations bills.

In past years, I have introduced legislation to change the fiscal year from a July 1 starting date to a October 1 starting date. I did this because I feared that having December 31 end the fiscal year would be an admission that Congress had to be in session year round.

But the budget is complex, and it takes time to pass the appropriations. I have, thus, decided a 12-month lead-in time for Congress to consider the next year's budget might be necessary.

I would hope, however, Mr. Speaker, that Congress could still get its business done in 9 months regardless of when the fiscal year begins. In short, I support the in and out theory for Congress.

The more we stay, it seems the more trouble we cause.

In any regard, Mr. Speaker, I think my bill represents a needed change. It would help Congress meet its budgetary responsibilities. I join with all my other colleagues who have introduced similar legislation in supporting this change, and urge all Members to give the proposal their serious consideration and support.

INTRODUCTION OF A BILL TO SET MILK SUPPORT LEVEL

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. OBEY. Mr. Speaker, I am introducing in the House today a bill which requires the Secretary of Agriculture to set the milk price support level for the coming marketing year at at least 85 percent of parity and to henceforth require quarterly adjustments in the support price.

As many of my colleagues know, the price support level must be established for each marketing year at between 75 and 90 percent of parity. Last year the support price was left at the $4.93-per-hundredweight level established in April 1971 for the 1971–72 marketing year.

When that $4.93 level was set, it amounted to 85 percent of parity. A year later, in April 1972, $4.93 was only 78.8 percent of parity. Today it is below the legal floor of 75 percent.

I feel strongly that the support level should be increased, Mr. Speaker, because the costs of production for our farmers has increased dramatically.

The cost of feed for Wisconsin farmers has gone up in some cases over 50 percent, and indications are that the cost of feed such as soybean meal will go even higher.

Where does this leave our farmers? Well, simply put, it leaves them in a pretty severe financial bind. And, in some cases, where the costs of production have simply increased so much that a farmer has had to sell his herd, I would guess you would have to say he has been left out in the cold.

While many of my urban colleagues may think this is all "farm stuff" to be ignored, I think we have all got to realize that the consumer should be concerned about this cost-price squeeze too.

Right now the housewife can find milk on her grocery shelves. Fluid consumption has actually increased for the first time in years, and cheese consumption has continued to skyrocket.

But because hundreds of thousands of pounds of fluid milk is being shipped to areas which are short of it, there is relatively little left for manufacturing purposes. Some cheese plants in Wisconsin are refusing to fill new orders. They do not have milk to make cheese. Plants that use nonfat dry milk, for ice cream and other products, cannot buy that either. The Government, in fact, has allowed 25 million pounds of nonfat dry milk to be imported into the country on an emergency basis.

What all this means is that we will be in trouble if milk production continues to decline as it did in December 1972 as compared with December 1971. And, if that happens, there is going to be an increase in prices for consumers.

That does not need to happen. We can assure ourselves an adequate supply of milk if we assure farmers an adequate price for it. And we can do that by raising the support level to at least 85 percent of parity, or about $5.76 per hundredweight.

I have asked Secretary of Agriculture Butz to do just that, and I ask that a copy of my letter to him appear at the end of my remarks.

Not only do I want an increase in the support level for this marketing year but I think that it's time we protected ourselves against potential shortages with a quarterly adjustment in the support price of milk.

Throughout any marketing year, the dairymen's purchasing power is eroded because the support price of milk remains constant while production costs constantly increase.

This year—one of a drought in the South and wet weather and low quality forage in the Midwest—was especially bad. But look at last year.

The support price of $4.93 was 85 percent of parity in April 1971. By March 1972 that support price was only 78.8 percent of parity.

Unfortunately declines similar to those experienced during the past 2 years have been experienced through each of the previous 6 marketing years, as shown by the table below:

Marketing year (Apr. 1 to Mar. 31)	Support price (per hundred weight)	Support as percent of parity, marketing year		Decrease, percent
		Beginning	End	
1965–66	$3.24	75	72.5	2.5
1966–67	3.50	78	[1] 78.0	
	4.00	[1] 89	86.6	2.4
1967–68	4.00	87	83.5	3.5
1968–69	4.28	89	83.1	5.9
1969–70	4.28	83	80.0	3.0
1970–71	4.66	85	80.5	4.5
1971–72	4.93	85	79.4	5.6
1972–73	4.93	78.8	72.1	6.7

[1] As of June 30, 1966.

[2] Estimate for Mar. 31, 1973.

Mr. Speaker, this is unfair. Congress has established a support price in an effort to assure an adequate supply of milk to consumers, and to give farmers a fair return for their labor and investment. Right now the consumers have their milk, but the farmers are being shortchanged.

The price dairy farmers receive for their milk must rise at least enough to offset increases in production costs if dairymen are ever going to maintain—let alone improve—their income position.

If the provision of this bill providing for quarterly adjustments had been in effect last year, the $4.93-per-hundredweight support price would have been increased three times to maintain the support level at the 78.8 percent it was at the beginning of the marketing year—to $5 per hundredweight on July 1, to $5.09 per hundredweight on October 1, and to $5.19 on January 1.

Mr. Speaker, former Under Secretary of Agriculture Campbell recently pointed out that financial returns for dairying are presently so low that most dairymen do not recover their capital investment during their occupational lifetimes. I cannot think of anything that better illustrates just why we need improved incomes for these farmers.

I believe the proposal that I am introducing today makes a justified improvement in our dairy price support program. I hope the Congress gives its positive consideration.

A copy of this bill appears below:

H.R. 3675

A bill to amend the Agricultural Adjustment Act of 1949 as amended to establish a support price for milk for the marketing year beginning April 1, 1973, and to provide for adjustments in the support price of milk during its marketing year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by adding the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning April 1, 1973, and ending on March 31, 1974, the price of milk shall be supported at not less than 85 per centum of the parity price therefor."

SEC. 2. Section 401 (d) of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new sentence:

"Notwithstanding the first sentence of this subsection, the Secretary shall adjust the support price of milk at three month intervals during its marketing year in order to accurately reflect any increase in the parity price of milk as of the date of each such adjustment when compared to its parity price at the beginning of such marketing year."

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 1, 1973.

Hon. EARL BUTZ,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I am writing to ask you to raise the dairy price support level to at least 85% of parity for the marketing year beginning April 1, 1973, and I encourage you to announce that decision well before the marketing year begins.

In my judgment, an increase to 85% of parity, or about $5.76 per hundredweight, is needed if the policy of the Congress, as stated in the Agriculture Act of 1949 as amended, is to be complied with. That policy states that:

"It is the policy of Congress to assure a stabilized annual production of adequate supplies of milk and dairy products; . . . and to stabilize the economy of dairy farmers at a level which will provide a fair return for their labor and investment when compared with the cost of things that farmers buy."

You are aware, I'm sure, of the tremendous increase in feed costs which dairy farmers faced this year—costs far in excess of any gains in the prices they received for their milk.

In Wisconsin, for example, the price farmers received for their milk increased from $5.52 to $6.00 per hundredweight from December, 1971 to December, 1972, an increase of about 9%. But during that time the price of hay has increased from $21.50 to $33 a ton, or about 53%; the price of soybean meal increased from $112.40 to $163.62 a ton or 45%; and the price of corn increased from $1.10 to $1.30 a bushel, or about 18%.

That increase in costs has caused some dairymen in my district to leave dairy farming. Others in Wisconsin and elsewhere are leaving for other reasons, just as they have been for years. My concern, Mr. Secretary, is that if we do not keep a sufficient number of farmers on their farms, which we can do by giving them a fair price for their product, there could be a serious milk shortage with resultant increases in the cost of dairy products.

In my judgment, the milk supply situation is not something which should be taken lightly.

Many areas now are relying on Wisconsin milk to fill their fluid needs. For the week ending January 18, 1973, for example, 212 loads of milk of about 47,000 pounds each were shipped out of Wisconsin, in addition to normal loads which go to Illinois, Ohio, Indiana, Missouri and other places. This is compared with 31 out of state spot shipments this time a year ago. And because milk is being shipped out of state in such large quantities, cheese plants in Wisconsin are having a difficult time purchasing milk for manufacturing purposes.

Government purchases of cheese and nonfat dry milk have been almost nil in recent months. And we in Wisconsin are well aware of the fact that 25 million pounds of nonfat dry milk were imported into the country above the normal quota because the demand was great and the supply low.

Mr. Secretary, we have a number of factors at work now which taken together could spell trouble for the consumer in future months. The number of dairy farmers continues to decline and the number of cows being milked is decreasing. The cost of feeding them has increased dramatically and the quality of the forage harvested this fall, especially in the midwest, is not good. What this means is that production levels could continue to fall, as they did in December, 1972 as compared with December, 1971. If production does fall below present levels there could easily be increased prices for consumers in future months.

I think we all agree that consumers should be assured an adequate supply of milk at a reasonable price. There should be no question but that milk will be available on the grocery shelves.

But farmers cannot and should not be expected to remain in business unless they can be assured a fair price for their milk, and I don't think many will feel so assured unless you announce now that the price support level for the coming marketing year will be at least 85% of parity.

Mr. Secretary, he is indeed foolish who likens cows to water spigots—easily turned on and off when the need for liquid refreshment arises. To be sure it is very easy to decrease the milk supply quickly. If farmers cannot at least meet their costs of production, they can simply get out of what can only be described as a very demanding business. And who can blame them.

But increasing the milk supply is another ball game entirely. It cannot be done easily or quickly, a fact which must be taken into account when looking at our future dairy needs for an increasingly large and affluent society.

So, I want to reiterate, Mr. Secretary, that I believe you should increase the support price to at least 85% of parity and announce your decision to do so soon. Such a decision would be fair to the farmer who will be assured an adequate price for his product, and it would be fair to the consumer who will be assured an adequate supply of nutritious milk, cheese and other dairy products.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

SOUTH VIETNAM IS LUCKY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HUNGATE. Mr. Speaker, the following article presents some interesting analyses:

[From the Des Moines Register, Jan. 9, 1973]

SOUTH VIETNAM IS LUCKY

(By Donald Kaul)

I've never considered myself a superpatriot. Oh, I may get a little misty-eyed when I hear Anita Bryant sing "The Star-Spangled Banner" before a football game, but who doesn't?

Still, I must admit to getting a little choked up whenever I think of what we've done for South Vietnam.

Here we are, the richest, most powerful nation on earth—nay, in the history of the earth—yet we have taken the time and trouble to see to it that little South Vietnam has not become a fruit of aggression. And a lot of time and trouble it's been, too.

It makes you proud to be an American, doesn't it?

I just wish we'd had the advantages of South Vietnam when we were an emerging nation.

Imagine what it might have been like if France, for example, had taken us under her wing during our revolutionary war and done for us what we've done for the South Vietnamese. This is what it might have been like:

George Washington, commander of the American revolutionary forces, is at the Delaware River, trying to learn how to stand up in a rowboat, when a messenger rushes up and says:

"Sir, they've just bombed Philadelphia to the ground."

"Damn the British!"

"The British didn't do it, sir, the French did. General Lafayette said it was the only way to get the British back to the bargaining table and shorten the war."

"Isn't that what he said last year when he burned out Baltimore?"

"No sir. Baltimore was destroyed in order to save it, if you'll remember."

"Oh yes, I keep getting those towns mixed up. What city did he reduce to rubble in order to see the light at the end of the tunnel?"

"New York, sir. But we evacuated the civilian population first."

"Yes, to Philadelphia as I recall. Well, I guess you can't make an omelette without breaking a few cities. Anyway, we still have Boston."

"Not any more, General. It seems that the British have pacified it."

"Pacified? That's a curious term. What does it mean?"

"Pretty much the same as seeing the light at the end of the tunnel."

"Boston gone? That's an outrage! The French won't take this lying down."

"They haven't. General Lafayette has ordered all of northern Pennsylvania burned in retaliation."

"Good for him! It's nice to have allies you can count on."

"You don't have to worry about Lafayette, sir. He said he would never allow France to be a pitiful, hopeless giant in the eyes of the free world."

"He certainly has a turn of phrase. I owe a lot to that man. You know, that crowd around the court back in France would like him to get rid of me."

"You, sir? But why? You're going to be the father of our country."

"Oh, it has to do with some nonsense about me owning slaves and them not wanting France to go around propping up corrupt democracies. They want Ben Franklin to be the father of this country."

"They're just saying that because Franklin speaks French."

"Possibly, but I'd be a goner if it weren't for Lafayette. That's why I look the other way when he shells a hospital by mistake or wipes out a village of civilians. His heart's in the right place. Still and all, if we ever do win this miserable war and I get to be the father of this country, do you know the first thing I'm going to do?"

"No sir."

"Avoid entangling alliances."

NEW JERSEY STATE BUILDING AND CONSTRUCTION TRADES COUNCIL RAPS NIXON'S PHASE III

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, on January 24, 1973, the New Jersey State Building and Construction Trades Council's executive board adopted a very hard-hitting resolution dealing with phase III.

Mr. Speaker, workers in the construction unions are very concerned, and rightly so, that phase III discriminates against employees of these trades.

Mr. Speaker, I ask unanimous consent that this resolution appear following my remarks. I urge all Members of this House to read carefully what the building and trades council members are saying.

The resolution follows:

RESOLUTION

Whereas President Nixon has urged the Wage Stabilization Act to defeat the efforts of Organized Labor in their fight for fair wages in the past, and

Whereas in Phase III he openly discriminates against the Union Construction worker, we, the New Jersey State Building and Construction Trades Council resolve,

That we will actively solicit support in an effort to insure that the Wage Stabilization Act not be extended beyond its expiration date of April 30, 1973.

The present Phase III of Economic Stabilization containing mandatory controls only over the Construction Industry, means that where all costs and standards are increasing, Construction workers will be frozen, so that of all the workers in the country, only the Construction workers will suffer a decreasing standard of living.

We find President Nixon's use of this Act to so openly discriminate against certain groups is intolerable, and he should not be allowed to continue in this manner under the Act.

Adopted January 24, 1973 by the Executive Board of the New Jersey State Building and Construction Trades Council.

THE WEEK THAT WAS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. GROSS. Mr. Speaker, on Sunday, January 28, 1973, our former colleague from Michigan, the Honorable August E. Johansen, accepted the invitation of Dr. Lester O. Schriver, pastor of the Mt. Dora, Fla., Community Congregational Church, to deliver an address at the regular church service.

It is a pleasure to have the opportunity to insert Mr. Johansen's excellent and timely address in the RECORD at this point:

THE WEEK THAT WAS—AND WHAT IT CAN MEAN

"Or what king, going to make war against another king, sitteth not down first, and considereth whether he be able with ten thousand to meet him that cometh against him with twenty thousand?

"Or else, while the other is yet a great way off, he sendeth an ambassage, and desireth conditions of peace." Luke 14: 31, 32.

Thank you, Dr. Shriver, for your deep understanding and generous confidence in inviting me to speak on this historic and solemn occasion.

Within a single week much has transpired to stir us deeply, to challenge us to most earnest thought, and to prompt our sincerest prayers.

President Nixon has been inaugurated for his second and final term.

Former President Johnson has died and received a state funeral, leaving us, for only the fifth time in our history, with no living former Chief Executive to remind us that in our Republic strong men do willingly relinquish great power.

In Paris, on yesterday, there was signed an agreement to end the Viet Nam war.

And last evening the guns, for the most part, fell silent.

Now, even as we gather here, there begins implementation of the agreement . . . the neutral supervision of the cease fire . . . military disengagement . . . liberation of war prisoners . . . and as a swift token of American good faith, the announcement of immediate termination of the draft.

One personal word:

As you said to me so generously and so perceptively, Dr. Schriver, a decade of service in the Congress of the United States (even though it ended an unbelievable eight years ago) still gives me a sense of personal involvement in the events which converged so dramatically this past week.

It is a sense of involvement in terms of many personal associations, memories, emotions, and deeply held convictions.

And it is from these convictions that I speak today, in the hope my words will somehow address themselves usefully to your sense of involvement in the present course of human events.

I speak to you on the topic and theme—"The Week That Was—And What It Can Mean."

In our setting of uncertainties today there are some sure verities. There are some words that must be said and deeply, earnestly meant.

There must, of course, be thanksgiving to Almighty God for what is, to this moment, the favorable consequence of the-week-that-was; thanksgiving also for the promise of further good which may ensue.

There must be "honor to whom honor is due"—including honor to our servant and God's, (fallible as are all men, but totally dedicated) Richard Nixon, and to his immediate predecessors, and to all who have labored with them.

There must be a prayer for all in authority in our land and in the other lands so long troubled by this war, that their hearts may be impelled to peace and mercy, and their minds directed to justice and human brotherhood.

There must be "honor to whom honor is due" for those of our Armed Forces—living and dead—who fought not alone a war, but frustration and unprecedented temptations, and who must more than once have wondered whether their own home front was waging war against them as well.

There must be special mention of a present paradox—more poignant than usual because of the cruel uncertainties as to the fate of American prisoners of war and missing in action.

We forget, sometimes, that while there is, as written of old, "a time to weep, and a time to laugh; a time to mourn, and a time to dance," in current circumstances the identical same time and season brings for some laughter and dancing, and for others tears and deepest agony.

This time of glorious home-coming for many will be for others the very moment of discovery that for them and their loved one there is to be no home-coming at all.

Let those who rejoice have a special compassion for those who grieve; and grant, O Lord, to those who mourn, the grace to forswear bitterness.

And now, with regard to the-week-that-was, and what it can mean, I address myself briefly to three points.

I. THE WEEK THAT WAS CAN MEAN THE OPPORTUNITY FOR A FRESH START

A fresh start, certainly, for America. Perhaps (and we would hope) for Viet Nam and the rest of the world.

In this sense we can, I think, properly describe the events of the-week-that-was as—to use a term favorite with Winston Churchill—a climacteric.

Even in ancient days it was recognized that leadership entailed an obligation to, and a presumption of, prudence and realism. In the words of my text:

"What king, going to make war against another king, sitteth not down first, and consulteth whether he be able . . ."

It is the peculiar and blessed feature of our situation today, in consequence of the-week-that-was, that our American leadership—and our people—have a rare opportunity for a second time to sit down and consult . . . a chance to start anew.

I offer this estimate and judgment on the basis of one preeminent fact, though there may be subsidiary ones, that we are in truth disentangled and disengaged from the war in Viet Nam.

Now I can be harshly realistic with the best of them, but I believe the disengagement is the closest thing to a certainty in the welter of events we call the-week-that-was.

True, the peace we hail today is a fragile and precarious one, especially for strife-torn Viet Nam.

Our hopes for world peace can turn to ashes in our mouth if good faith commitments by Communist leaders (or others) are betrayed or if expediency dictates some sharp change in the Communist attitudes and policies of the moment.

I know all of that. But I believe America has achieved already enough in the tortuous negotiations to offer the opportunity for a new start.

The chance for such a fresh start is not a guarantee that that there will be one . . . or that it will be the right one.

And certainly it will not be easy, in any case.

A nation does not recover, automatically or instantly, from the traumatic experience of being involved in a war which a substantial share of those in leadership positions and many of our citizens regard and describe as not worth the cost . . . or totally immoral (a judgment I totally reject) . . . or none of our concern . . . or poorly conceived or executed as to strategy or tactics.

History alone can render the judgments on these tragic and divisive issues. To endlessly rehash and agitate these questions at this juncture could jeopardize or forfeit our opportunity to start anew, and on a sounder footing.

Yet in facing our new chance, let us recognize and benefit from known errors insofar as it will help us make our new start not a false start.

Let us acknowledge and benefit from errors not as an exercise in self-flagellation . . . not for the sake of recriminations or fruitless reproaches . . . but so that our counsels and our commitments in the days ahead may be wiser and the more righteous.

There is nothing—and on this I feel very strongly indeed—there is nothing more destructive to national morale, or to repentance productive of reform, or to the prospects of a new and better start, than obsessive preoccupation with a supposed collective "national guilt."

In passing I offer one other incidental observation: Perhaps in the days ahead we will have a clearer insight into the question of whether, as has been so constantly reiterated, the divisiveness in our country has been totally the by-product of the war and its frustrations . . . or whether, in some instances at least, the war has been an excuse or a device for deliberately contrived divisiveness exploited by enemies of our country, foreign and domestic.

In any event there is promise of something better, a promise of a better start, it seems to me, in the touching incident that followed the state funeral for Lyndon Johnson. A long-haired, denim-garbed young man came up to Mrs. Johnson in the Capitol Rotunda as Lady Bird visited with old Washington friends and said to her—"I apologize."

The opportunity for a fresh start must be accepted and exploited in just such a spirit of honesty and humility if its potentials are to be realized.

It is wisdom and realism, of course, to discipline our hopes for peace, for a better era in world affairs, and a greater chance of justice and good will.

But as we discipline our hopes with prudent realism and caution, let us not ourselves tarnish those hopes with the corrosive acids of cynicism or the sneering reiteration of past jeremiads and accusing lamentations.

We are disentangled and disengaged. And so we have, let us never forget, the opportunity for a new and better start.

II. THE WEEK THAT WAS CAN MEAN THE OPPORTUNITY TO RECOVER THE COURAGE TO BE STRONG

The problem of the king in our text arose from his comparative weakness. It was expressed in the question:

"Whether he be able with ten thousand to meet him that cometh against him with twenty thousand."

In large measure our problem, on the other hand, is not lack of power, actual or potential; rather it is that we are sometimes intimidated by the enormity of power in our hands in this awesome nuclear age.

And it is sometimes also because we lack the understanding, the skill, the will or the courage to muster and use our strength in less spectacular and horrendous form and manner, in behalf of freedom and justice.

And sometimes we hesitate to use the lesser forms of force lest it trigger the catastrophic forms—though Mr. Nixon, it seems to me, has demonstrated that this is an unlikely sequence.

In any case I am concerned by those who seem to deny or brush aside any moral obligation to use power in defense of the weak, the threatened, and against the destroyers and enslavers. I still believe it is quite one thing, morally, for the policeman to carry and if need be use his gun, quite another for a bandit or a hijacker to do so.

I am much concerned that we not yield to future pressures, which may intensify in the days ahead, in support of the ultimate pacifism in America which would indiscriminately and unilaterally strip us of power or the capacity for power, military and otherwise, in the world of still basically undiminished hostility.

It was not President Nixon, but President Kennedy, who said, speaking of "those nations who would make themselves our adversary:"

"We dare not tempt them with weakness."

Let me put it another way and very simply: When freedom, and justice, and righteousness lack the courage to be strong, it is inevitable that the opposing forces will soon take the command.

Now in recovering the courage to be strong, we need to understand that strength in world affairs has dimensions far broader than military force alone.

I believe that diplomacy can be a source of strength if we have the courage to use it in the process of what President Eisenhower called "waging peace."

For the king in our text, the resort to diplomacy was prompted by recognized weakness—

"While the other is yet a great way off, he sendeth an ambassage, and desireth conditions of peace."

I believe the diplomacy we have lately been practicing is the diplomacy of strength and can extend and expand the dimension of power for peace with justice.

And in this particular I have in mind the direct communications with Moscow and Peking, the projected global balance of power, and the application of what Mr. Nixon calls the policy of linkage. Another generation called it the principle of quid pro quo, and some see it as simply "yankee trading."

In any event, in this and in other areas of potential power, let us have the courage once again to be strong.

III. THE WEEK THAT WAS CAN MEAN THE REDISCOVERY OF THE VITAL VIRTUE OF SELF-HELP

In President Nixon's Inaugural Address he seemed to offer double promise of such a rediscovery.

He said:

"Let us encourage individuals at home and nations abroad to do more for themselves and decide more for themselves."

And he amplified that statement, in each particular.

In the international field—

"We shall do our share in defending peace and freedom in the world. But we shall expect others to do their share.

"The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility."

And, I would interject, the process we now know as Vietnamization offers a promising clue as to how we may help other nations to help themselves in the matter of national defense without the type of total involvement we incurred in Viet Nam. If, as I believe the record demonstrates, it helps us get out of the mess even as it helps the smaller country to help itself, perhaps it can hereafter help keep us out of the mess while still coming to the aid of beleaguered victims of aggression.

And here at home President Nixon made a parallel plea for the principle of self-help:

"In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself?"

This is a doctrine of self-reliance and voluntarism not only of the individual as one against the world, but of individuals functioning in voluntary collective effort. This latter, by the way, is the best antidote for the ominous collectivism of government.

I have said something before, on other occasions, which I repeat now.

I have always been impressed by the proximity (only three verses apart, in St. Paul's Epistle to the Galatians) of the seemingly contradictory but actually complementary injunctions.

"Every man shall bear his own burden." and—

"Bear ye one another's burden."

Vital and essential as they are—these two admonitions are not quite enough.

If we are not to delude ourselves into trying to play God in our world . . . and if we are not to succumb to the despair that human failures so often produce, we must move one further step beyond these two guiding principles.

And no more so than in our quest for peace on earth and brotherhood among mankind.

And so I add, for just such contingency, the third closely related admonition of Holy Writ—the summons to faith:

"Cast thy burdens upon the Lord."

And upon this trilogy of complete wisdom for the children of men, let us rely as the promise and the realities of the week-that-was unfold before us.

NATIONAL FREEDOM DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BIAGGI. Mr. Speaker, this past Thursday we celebrated National Freedom Day. At this time I would like to call the attention of my colleagues to a project which typifies the true spirit of freedom. Fordham University's Young

Americans for Freedom Chapter, following the completion of an intensive petition campaign, has successfully instituted the first POW scholarship for the child of an American prisoner of war. The scholarship program, which will go into effect in the winter semester of 1973, was passed unanimously by the school's board of trustees on December 19, 1972.

In addition to the YAF, several other Fordham University campus groups lent their support to the successful petition drive; they include the Circle K Club, the Pershing Rifles Club and the Young American Club.

Charles Ferrigno, president of the YAF and the coordinator of the drive, was primarily responsible for this scholarship award. He kept the petition drive free of any partisan politics and conducted the entire effort out of a sense of humanitarian concern for the families of the captured men. Fordham University and particularly Mr. Ferrigno are to be commended for this outstanding achievement. The time is long overdue for Americans to respond in a tangible, meaningful way to the call of the American prisoner of war and the needs of his family.

Let us hope that the commemoration of National Freedom Day in the future will be marked by such successful and meaningful programs as that recently instituted at Fordham University.

THE AMNESTY ISSUE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. VAN DEERLIN. Mr. Speaker, James R. Miller, a second-year student at the University of San Diego, has written a sophisticated analysis of the amnesty issue that belies his youth and relative inexperience.

Regardless of how we feel about this emotionally charged problem, we are fast reaching a point where it must be resolved, one way or another. The war is over, insofar as the United States is concerned, and something must be done to repatriate the upward of 70,000 young Americans who have fled the country to escape the draft.

Mr. Miller believes that Congress should take a leading role in determining whatever conditions must be met by those seeking amnesty. He takes as his text the amnesty bills offered by our colleagues, Congressman KOCH and Senator TAFT. In my view, both these proposals have much to recommend them; each would require draft evaders to fulfill a comparable national service obligation in order to obtain remission.

The Miller paper was prepared for the December issue of the San Diego Law Review, a quarterly published by the University of San Diego School of Law. But it is timelier than ever today, and I commend it wholeheartedly to the attention of our colleagues:

AMNESTY FOR DRAFT EVADERS?

(By James Robert Miller)

THE PROPOSED LEGISLATION OF SENATOR ROBERT TAFT, JR. AND CONGRESSMAN EDWARD KOCH

I. Introduction

Just as the pentagon has formulated contingency plans for the return of the POW's Congress must give thought to preparing the structure by which amnesty will be granted. I can only hope that such a plan will not seek punishment or retribution, but has as its guide compassion. Valerie M. Kushner, wife of a prisoner of war.

A dilemma confronting the United States as the war in Vietnam de-escalates is what is to be done with those young American men who, for reasons of conscience, bad advice, or whatever, chose illegal alternatives to military service in that war. To resolve this dilemma, legislation has been introduced into both houses of Congress which would grant amnesty to those men who evaded the Selective Service law during the course of the Vietnam war.

The motivation upon which the legislation is founded entails a compassionate desire to reunite these young men with their families, communities, and country. The legislators who support the amnesty proposals challenge the nation to be "strong enough to be compassionate and understanding. . . ." They argue that the means for displaying this compassion is amnesty. The amnesty need not, however, be proposed out of "remorse or of sympathy. It would simply be offering a practical solution to what is or should be a national concern . . .," the healing of our national wounds. It is a means of restoring "harmony to our society and unity to our nation" by returning potentially valuable citizens to work toward its progress and development while offering to the nation's youth a demonstration of humanity by the government.

The questions which must be answered affirmatively following this most divisive war are whether the nation will offer the draft evader the "opportunity to be reunified with our American society" and whether the nation "wants to offer reconciliation to a generation of young Americans."

II. The extent of the problem

On March 6, 1972, Senator Taft demonstrated the extent of the draft resistance movement in this country by presenting figures to Congress showing five hundred draft "resisters" in federal prisons, an additional 3900 under federal indictment, and perhaps 70,000 young Americans living abroad to avoid the draft. Others have placed the number of "resisters" living abroad as high as 100,000 but have failed to distinguish between draft evaders and deserters from the armed forces. More conservative estimates discount those figures as being far too excessive, even if deserters are included.

There is simply no accurate guide to the number of draft evaders. This is partially due to two factors: the nature of the problem of determining exactly how many men have failed to perform a positive duty of registration with the Selective Service and a lack of precision in the use of the term "draft evader" which is here defined as one who has refused to register with the Selective Service System or has refused induction into the armed forces. But the figures used by many when discussing "draft resisters" also include deserters from the armed forces as well as men who have duly registered with Selective Service System, but then fearing the draft, have fled the country or gone into hiding while in fact they have never been called for induction and have not committed the offense of refusing induction.

While it is apparent that the class of draft evaders numbers in the thousands, many more of our citizens are affected than any estimate of the number of evaders alone can reveal. Any realistic measurement of the division and alienation created by the problem must include the number of wives, relatives, and friends who have been separated from the men or who have followed them into exile. Indeed, the dilemma is a "major phenomenon, and a deeply tragic one."

In a real sense the actual numbers become immaterial when it is fully realized that a great many Americans chose prison or exile rather than involvement in a long and divisive war. Many more who wish to see their return and an end to the alienation have been left behind. The evader has thus become a symbol to many of the divisions in this country; his return is seen as a chance for reconciliation. In direct contradiction to this need and desire for reunification is the fact that the present impact of the law constitutes an effective bar to the return of the evader.

III. Congressional action on amnesty?

If amnesty is to be granted to the draft evaders of the Vietnam war, the question remains from what authority should the amnesty come? There can be no doubt that the President has the power to grant amnesty. The precedents for presidential action are numerous. Presidential action is indeed possible as President Nixon has indicated that he favors some form of amnesty; however, accepting the rationale for amnesty as being a desire to reunify the country, congressional action is more desirable. The debate concerning the war in Vietnam has often involved charges of over use and misuse of presidential power coupled with a failure to consult with Congress. This opinion among many has added to the divisions in the country and has resulted in much bitter criticism directed at the personality in the White House.

The reunification of the nation would be better served by congressional action which would be a more broadly based demonstration of a bi-partisan effort to heal the society's wounds. The power of Congress to so act is, however, less apparent than the presidential authority because there are fewer precedents; but precedents supporting amnesty legislation by Congress do exist, and the courts have affirmed the existence of such power.

In *Brown v. Walker* the Supreme Court held that "although the Constitution vests in the President power to grant reprieves and pardons . . . (that) power has never been held to take from Congress the power to pass acts of general amnesty." It is admitted that the Constitutional power of the President cannot be "limited" by legislative action, but neither is that power exclusive on the subject of amnesty. It is a power which is concurrent with Congress.

The Congress has exercised this power on occasion and has thereby established sufficient precedents. In 1865 Congress passed a conditional amnesty wherein it permitted deserters from the military during the Civil War to return to service within sixty days without punishment, or thereafter face the usual penalties for desertion. In 1872 the legislature again acted with amnesty for many former rebels of the Civil War by lifting the political restrictions imposed on them by the Fourteenth Article of Amendments of the Constitution. That amnesty, by excluding certain persons, narrowed the class affected, but it nevertheless granted a general amnesty to many former rebels.

In 1884 Congress granted further amnesty to more former confederates by allowing their service on juries and in civil offices. It again acted in 1896 to repeal the sanctions against former rebels which had denied them appointments to military commissions. The last of the Civil War related congressional amnesties was enacted in 1898 by the *Universal Amnesty Act of June 6*, which removed *all* sanctions against *all* former rebels, returning them to complete status as citizens.

It is significant to emphasize that Congress took an eminent role in the granting of amnesties in the post Civil War era when national divisions were most severe. Those amnesties were intended to heal the social wounds and reunify the country. Although the congressional precedents are not so numerous as those involving the presidential power to grant amnesty, clearly Congress does have the power to act when the circumstances warrant. The need at this time for an amnesty to be granted in a unifying, bi-partisan manner, requires congressional action.

IV. The proposed legislation

The Conditional Amnesty of Senator Taft

On December 14, 1971, Senator Robert Taft, Jr. (R. Ohio) introduced S. 3011, entitled *The Amnesty Act of 1972*, as a bill to offer conditional amnesty to those "[W]ho have failed or refused to register for the draft or who have failed or refused induction. . . ." The senator prefaced the introduction of the legislation with remarks reminding his colleagues that:

"America is a strong country. America is a good country. And I believe that America is the type of country which will give these young men an opportunity to be reunited to the land of their birth by making valuable and positive contributions to our national life."

The Amnesty Act of 1972 would apply to those who have evaded the draft after August 4, 1964, and would specifically exclude deserters whom Senator Taft believes must be dealt with in other ways because they have broken a formal oath to the United States and because to pardon them would greatly disrupt the armed forces.

S. 3011 proposes amnesty for those who meet certain conditions. The conditions would require that the evader present himself within one year of enactment to the administrative control of the Attorney General, or other presidentially designated official, for *three* years of alternate service to the United States either in the military or in a civilian pursuit such as Volunteers in Service to America (VISTA), a Public Health Service or Veterans' Administration hospital, or "other Federal service." The choice between military or civilian service would be made by the evader who presumably would be allowed some discretion as to his specific field of endeavor and location of service subject to administrative direction based on national needs and the applicant's particular skills. He would serve at the lowest pay scale.

S. 3011 would also release from prison any person serving a sentence for evasion subject to his meeting the conditions of amnesty, with the provision that his time of alternate service would be reduced by the amount of time already served in prison, with a maximum reduction of two years.

This proposal would not, however, grant amnesty in the same manner in which Congress acted in the post Civil War era. The actual act of pardon would remain a function of the President, with S. 3011 serving technically only to express the "sense of the Congress." It would be the sense of the Congress that the President grant amnesty to those members of the class evaders who within one year of enactment agree to serve their nation in some form of alternate service *and* then complete that service. The proposal is thus an exercise of congressional authority coupled with a recognition of presidential power and seeks to involve both branches of government in any grant of amnesty.

Although no specific provision is included in the bill which would require that the amnesty be granted only after the cessation of the war in Vietnam, it is inherent in the proposal that the amnesty would not be granted until the completion of the alternate service and the meeting of all conditions. Thus, for the vast majority of evaders, the amnesty would not be granted for a minimum of three years after enactment, and for those relatively few who have served in prison for two or more years, amnesty would follow no earlier than one year after enactment. Given these time elements, and the announced policy of the Nixon administration to disengage from the war, it would appear unlikely that amnesty would be granted before the end of significant American involvement in Vietnam.

The Conditional Amnesty of Congressman Koch

On January 18, 1972, Congressman Edward Koch (D.-N.Y.) displayed bi-partisan support for conditional amnesty for draft evaders by introducing H.R. 12417. The Congressman summarized his position by stating that:

"It is time that our country put aside its differences and lay to rest the acrimony that has consumed us. Instituting this conditional amnesty that demands some compromise from everyone would be a step in this direction."

H.R. 12417 is essentially identical to S. 3011 in that it calls for alternate service for draft evaders as a condition for receiving amnesty from the President. A significant difference is that Congressman Koch proposes only two years of alternate service believing this to be appropriate because two years is the length of service presently required of conscientious objectors.

An evader who has served time in prison could have his alternate service time reduced by up to one year, leaving him a minimum of one year of service as is required under S. 3011.

V. Conclusions

It is apparent that the interests of national harmony and social reunification could well be served by the granting of amnesty to those young Americans who chose illegal alternatives to service in the war in Vietnam. Legislation which would establish the framework in which amnesty could be granted has been introduced into Congress. It would provide the means for Congress to accept responsibility for amnesty in a bi-partisan display of support.

The amnesty should pardon the class of individuals defined as draft evaders and military deserters. While the class deserters may be distinguished from the draft evaders in that the former have broken an oath to their country, the practical distinction may well be based more upon economic and educational differences which should not prevent one group from being given the opportunity to be reunited with their country. The determining factor for those who must decide whether to include deserters in any amnesty should be the realization and the goals of the amnesty would be best served by the inclusion of the deserters.

While it is evident that an amnesty can serve the interests of the country, it is imperative that the form of amnesty heal the wounds in the national fabric without creating new ones. There are sufficient precedents to support either conditional or unconditional amnesty with the final decision concerning the type to be granted dependent upon the particular circumstances. Today, amnesty conditioned upon service to the nation is the most practical means of returning the offenders to the American society while upholding the integrity of the law and avoiding the alienation of other important groups. The requirement of two years of alternate service as would be a prerequisite under the Koch proposal is founded upon a reasonable comparison, the length of service required of conscientious objectors, and avoids the stigma of service as punishment.

It is also evident that in order to avoid injustice to those presently serving in Vietnam or being held as prisoners of war, the conditional amnesty should become final only upon the cessation of hostilities. The presently proposed legislation would hopefully have this effect by postponing the final grant of amnesty until the completion of the alternate service, but to insure clarity the final legislation should state that in no case would the amnesty be effective before Americans stop dying and serving prison terms in Vietnam.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

AUTISTIC CHILDREN'S WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, I am pleased today to reintroduce a resolution authorizing the President to proclaim the last week of June of each year as National Autistic Children's Week.

The tragic and heartbreaking story of autistic children is one that merits further attention and the active concern of the people of this Nation.

Mr. Speaker, too many persons have no idea whatsoever of the problems confronting these children and their families.

Autistic children would appear to be free from any problems of behavior at first glance. However, their behavior patterns, for some unknown reason, separate them from other children and require special attention and often medical treatment.

Mr. Speaker, I would like to quote from a publication of the National Society for Autistic Children which describes the plight of these young people:

> The live in a world apart from others, seemingly inaccessible. Parents and others writing about them use such terms as "the invisible wall," "the glass ball," "the fortress," "the trance children." They seem unresponsive to the usual give and take of parent child relationship.

Mr. Speaker, the adoption of this resolution will do a great deal to assist those who are helping autistic children acquaint the Nation with a growing medical problem. I urge the Congress to give this matter full and quick consideration.

H.J. RES. 296

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation each year designating the week which begins on June 24 as "National Autistic Children's Week," and calling the attention of the people of the United States to the plight of the autistic child, and the services which are available to help such children and their families.

EDUCATIONAL OPPORTUNITY FOR ALL: AN AGENDA FOR NATIONAL ACTION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. THOMPSON of New Jersey. Mr. Speaker, in December a significant statement on the future of community and junior colleges in this Nation was issued by the assembly of the American Association of Community and Junior Colleges. The statement is titled, "Educational Opportunity for All: An Agenda for National Action."

There are 1,200 such colleges in the United States providing postsecondary education for more than 3 million persons. These institutions were the subject of many discussions in the House and Senate last year as we considered the Higher Education Amendments of 1972. I am sure these institutions will play a large part in our future deliberations on the Federal Government's role in helping all Americans.

The statement by the assembly is the result of discussions involving trustees, administrators, faculty members, students, State officials, and representatives of the general public. The assembly involved participants from both public and independent colleges across the Nation. On December 11 the complete text of the assembly's statement appeared in the Chronicle of Higher Education. I ask unanimous consent to insert that report into the RECORD.

The report follows:

TEXT OF "AGENDA FOR NATIONAL ACTION"

ADOPTED BY JUNIOR-COLLEGE ASSEMBLY

WARRENTON, VA.—Following is the text of a report adopted this month by the Assembly of the American Association of Community and Junior Colleges at the conclusion of a three-day meeting at Airlie House here.

This assembly meets at the end of an important year in postsecondary education, a year of recognitions—of the swirl of competing domestic priorities; of basic questions about the value of education, particularly higher education; of changes and adjustments in student populations and student educational choices.

This was also the year in which major new legislation for postsecondary education was passed by the Congress and approved by the President. The programs and concepts therein enacted into law will, when implemented, have important effects on future students, programs, and institutional arrangements in the field of postsecondary education.

Community and junior colleges, as well as other postsecondary institutions, have been and will be affected by these changes.

Thus it is an appropriate time for an assembly of community- and junior-college educators and other interested persons to meet to discuss these changes and their implications for the future.

DEVELOPING AN AGENDA

Our charge in these deliberations has been to develop an agenda for national action for community and junior colleges.

What role should these institutions play in postsecondary education?

Who are their future students likely to be and how should these students be served?

What community needs can and should these institutions serve?

What kinds of support, financial, administrative, and moral, are needed to enable community and junior colleges to meet these commitments?

What kinds of national, state, and local policies are needed to insure that the necessary support will be provided?

OPPORTUNITY FOR ALL

We begin with an affirmation of what we have conceived to be our mission over the past several decades—a mission that has put us in the forefront of the effort to bring the concept of "educational opportunity for all" ever closer to reality.

Community and junior colleges have tried to provide appropriate postsecondary educational opportunities to all who seek this experience. Thus we are committed to the concept of comprehensiveness—to a broad spectrum of programs that will meet the individual needs of the broad spectrum of students in our communities.

We are committed to serve our communities in as many ways as are appropriate, from training their citizens for employment to providing programs geared to the needs of retired people.

We are committed to seeking out potential students, discovering their needs, and devising educational programs to help them, perhaps to overcome educational or motivational deficiencies, perhaps to upgrade their competence in a particular skill.

We believe that the larger society is also committed to these goals; that there is a growing recognition that in a complex society a year or two of postsecondary training is necessary for almost all Americans; that opportunity for education at this level is approaching definition as a fundamental right for all who seek it; that the cost to society of fulfilling this right is far less than the costs which results from an untrained, unemployable population.

"All people in the community are potential students—all age groups, all ethnic groups, the rich, the poor."

WHO WILL THE FUTURE STUDENTS BE?

The future students in community and junior colleges will not be remarkably different from those who presently attend. They will represent that broad spectrum of people of all ages whose educational needs can be accurately identified by the college serving a particular area, and whose education and training needs can be identified by the college.

Thus they will vary from college to college and region to region, but it is likely that if programs that meet their needs and interest them are available, students will draw from some of the following groups in increasing numbers:

High school students who come to the college to earn "credits in escrow";

Holders of B.A. degrees who are attending community colleges in order to learn a marketable skill;

Mature citizens and older citizens who desire education for leisure pursuits or to lead meaningful lives after they have retired;

Women of all kinds, including mature women seeking entry into the labor market and young women seeking identity;

Veterans and servicemen preparing for return to civilian life;

Recent high school graduates beginning their college experience.

A BUYER'S MARKET

In summary, all people in the community are potential students—veterans, prisoners, all age groups, all ethnic and racial groups, the rich, the poor.

Whether these potential students actually come to the college depends on what the college does to attract them. Today's academic marketplace is a buyer's market: other institutions will be competing with the community and junior colleges for students.

The key will be flexibility and imaginativeness in developing programs for them. This will require, among others, part-time programs, improvement and humanization of the liberal arts curricula and special programs for special groups, such as consumer education, internship and work-experience programs, and specialized training in cooperation with business and industry.

WHAT SHOULD BE THE INSTITUTION'S RESPONSE?

We recommend that individual community and junior colleges stimulate and help to create independent research and development groups from the community and from the colleges to identify more clearly than is now the case:

The probable student clientele in the immediate future.

Their social/educational/training needs to which the colleges can realistically respond.

The degree to which these needs are already being served by the educational institutions in the community.

The educational services in which the community is deficient and which need to be available to the citizens in the community.

We need to make a particular effort to support viable and relevant research and development for the articulation of bilingual and bicultural, and disadvantaged and minority student needs. Colleges, state educational agencies, and state legislatures should join in this effort.

When this assessment of the community's educational needs is made, community and junior colleges will be able to make informed judgments about their programs, which ones should be dropped or continued, and what additional needs should be served. They will then be better able to make efficient use of the resources available to them.

Further this assessment will enable the college to take a total look at the community's people, society, economy, and existing educational services. While community and junior colleges are properly committed to the principle of comprehensiveness, there may be instances in which they do not have the resources to serve the total needs of the community and other instances in which needed services are provided by other educational institutions and need not be duplicated by the community and junior colleges.

We recommend that the community and junior colleges take the leadership in serving as a catalyst in the assessment of community educational needs. The American Association of Community and Junior Colleges and its member colleges should support the concept of cooperative use of resources to provide education to the students who need it.

GOALS FOR JUNIOR COLLEGES

In developing their programs, community and junior colleges should:

Aim for the goal of equipping all their students for personal fulfillment, immediate gainful employment, or for transferability to a four-year college with the intent of reaching a defined career goal.

Provide for working students the right to access to instruction at times and places convenient to them, and consider increased utilization of the external degree, life experiences, and similar concepts.

Include personal development and self-realization programs as an essential responsibility to their students, using appropriate people in the community as a resource. Faculty-staff-community-student relationships should be improved through these programs.

Give equal status to vocational, transfer, and general education, and student personnel and community services.

Consider the development of occupational education programs linked to business, industry, labor, and government a high priority. Increased opportunity through work experience and/or cooperative education should be a major thrust.

Utilize new concepts of education, serving as a learning center, personalizing, if not individualizing, the instructional process. Learning modules in varying forms (as to time and content) and other new techniques and technologies, will help to accommodate the broad range of needs among students to be served.

Above all things, and at all times, be flexible and responsive to change, in a continuing effort to provide more effective educational services. This requirement goes beyond mere reaction to changes in societal demands: we must also serve as initiators of change and new ideas in our communities. We must provide leadership to assist communities in determining their educational priorities as well as to respond to them.

CURRICULUM REFORM

Students in the future will increasingly attend colleges on the basis of the services and programs that are offered rather than as a matter of having no other choice.

Colleges must define and integrate their programs in terms of specific student and societal needs. For example: Bilingual and bicultural programs should be established which reflect the career goals and life styles of large numbers of potential students for whom English is a second language. Such programs are mandatory if the community college is to be truly accessible to all citizens.

Career education as a concept can be the vehicle through which community and junior colleges undertake a fundamental reformation of their curricula to make them more responsive to emerging needs and less dependent on their tradition of the lower division of the four-year institution.

FACULTY AND STAFF

Community and junior colleges cannot achieve the many goals they have set for themselves without competent faculty, counselors, and administrators who understand the mission of these colleges and the nature and variety of students who attend them. Unfortunately, up to this time very few of the universities and graduate institutions that train personnel for community- and junior-college work have developed programs that prepare their students for the actual situations they will encounter.

We recommend that the graduate institutions provide, and that AACJC urge them to provide, more effective and relevant preservice preparation. Community and junior colleges are prepared to assist in this endeavor.

We also recognize that many existing college personnel need additional training to serve our current students effectively, and that colleges must develop in-service training programs for all their staff: faculty, counselors, administrators, and trustees.

We recommend that high priority be given at the national, state, and local levels for the procurement of funds to enable us to upgrade the skills of our staffs. The leadership role of the college president in realizing this priority cannot be overlooked.

EFFECTIVENESS OF COLLEGE OPERATIONS

We note with regret certain conditions in today's society that work to impede the effectiveness of colleges at all levels in the achievement of their goals. This is the atmosphere of divisiveness in relationships between faculty and administration, counselors and faculty, students and administration, and so forth.

Wherever possible, we will work to develop systems that will overcome these problems. Where they cannot be overcome, we must work to find as many commonalities as possible in our mutual commitment to education, to minimize the effects of these adversary relationships.

A helpful approach may be found in a serious attempt to involve all of these groups in college decisionmaking.

One proof of effectiveness is the measurement of results. Many colleges have been remiss in developing the data that are needed to make these measurements and the techniques through which these data can be put to use.

ANNUAL REVIEW OF PRACTICES

Management information systems to test program and cost effectiveness are very much needed. A critical annual review of college practices would be very much in order.

We recommend that colleges commit themselves and be given support in the effort to develop management systems for deriving and using responsible data about, for example:

What happens to former students.

How individual programs at the college respond to identified student needs.

Resource allocation.

As nearly as possible, these data should be standardized. Where possible, models for such data collection and use should be widely disseminated to the colleges. The American Association of Community and Junior Colleges, state legislatures, federal agencies, and other organizations, such as the National Center for Higher Education Management Systems, should recognize and cooperate in meeting this need.

WHAT SUPPORT WILL BE NEEDED?

In view of the common interests and in recognition as well of the contribution of the private junior colleges, it is our hope and expectation that future legislation and fiscal support will continue as it has in the past to recognize these colleges. *Both* privately and publicly supported institutions are and should be necessary.

In order to clarify areas of decision-making authority and responsibility, state agencies and multicampus colleges, in cooperation with local colleges and the communities they serve, should develop a taxonomy of decisions, specifying to the extent possible those areas of authority that will be reserved to the local college to give it adequate freedom to respond to the needs of its own constituency.

State and federal decision-makers must be made aware that if community colleges are to serve the state and national priorities currently identified and those that will emerge, particularly with respect to career education, additional funds must be made available to support increased operating costs as well as to provide the facilities and equipment necessary.

We recommend that state support formulas be revised to give colleges greater freedom to develop more effective ways of teaching their students and to compensate for higher costs of some programs that are essential to the effective accomplishment of community-junior college goals.

In order to do this, proposals for review of support formulas should consider, in addition to the usual formulas based on full-time equivalent students, such factors as incremental costs of laboratory and shop-based occupational programs, non-credit community-service programs, and cooperative educational program operations.

"We urge that financial-aid grants, rather than loans, be the prime means of aid to students, especially in the middle and lower economic categories."

As a locally based educational resource system, a community-junior college should be supported to provide comprehensive services to its clientele in ways that do not fit into the credit structure of college operational accounting. Support formulas should encourage, rather than inhibit, the purposes of these institutions.

We recommended that state and federal student-aid programs remove economic barriers to access and to choice of postsecondary education.

We commend the Congress for its actions in instituting the concept of entitlement to postsecondary education through the Basic Opportunity Grants, and urge that these grants and the supplemental educational opportunity grants and college work-study grants be fully funded to give meaning to the concept of entitlement.

We further urge that financial-aid grants, rather than loans, be the prime means of aid to students, especially in the middle and lower economic categories. We advocate that education be universally available to all who wish it through the associate degree level.

We commend the Congress for its support of comprehensive community and junior colleges and postsecondary occupational education as evidenced by Title X of the Higher Education Act of 1965 as amended by the Education Amendments of 1972. We urge that this vitally important program receive adequate funding at the earliest possible opportunity.

AN AGENDA FOR NATIONAL ACTION

Colleges must become more aware and work within the framework of the process by which governmental decisions are made, at the local, state, and federal levels. The time has passed when education was a magic word, and when educators had only to name their goals. Now they must justify these goals as important among a welter of competing needs.

We recommend that the individual community or junior college purposefully involve its community in its operations, purposes, program development and evaluation, and future planning. In this way the community will be encouraged to give the college maximum support in its endeavors.

We recommend that the colleges within a state (public and private) make strenuous efforts to work together for consensus on matters to be presented to the legislature; that to the extent possible, there should be full and open discussion among all elements and educators must define with precision the state and national goals related to the common concerns of their constituencies.

Strategies for achieving these goals must be developed along with the requirements for resources to carry them out. The goals and strategies must then be communicated with clarity and force through an integrated network of state and national associations to insure that political leaders understand and can respond to the educational needs so defined.

In planning for the future, community and junior colleges should encourage open discussion with legislators and appropriate state agencies. Once again, this is purposeful involvement in the process of determining support for the needs both of individual colleges and the groups of colleges in the state. At the same time, this will encourage the states to make maximum utilization of the existing educational resources within the state, and such inter-institutional cooperation will reduce the need for the states to mandate and regulate coordination.

We reaffirm our belief that the pluralistic system of American higher education and its diversity of institutions must be maintained to serve the needs of our nation and its great diversity of students. We urge decisionmakers at all levels of government to participate in maintaining this diversity. Similarly, we urge the AACJC to reaffirm its commitment to preserving that diversity within its own membership and in its services to its members.

In conclusion, while we strongly endorse and support assembly and association efforts to secure additional resources for our combined programs, we simultaneously recommend greater responsibility, even accountability, from community and junior colleges *now* in taking seriously the educational missions to which we are committed. With these joint efforts proceeding simultaneously, we may in the coming decade achieve more fully those goals toward which we have worked for so long.

EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mrs. GRIFFITHS. Mr. Speaker, the following are the 3d and 4th articles of a series written by Bob Yeargin, of the Las Vegas Sun, on the equal rights amendment. At a time when the question of ratification of the equal rights amendment is before many State legislatures, I am inserting into the RECORD the complete series for everyone to read. The first two articles appeared in the RECORD on February 1, 1973:

ERA HAS BEEN AROUND

(By Bob Yeargin)

Far from being new, the ERA has been in the works more than a century.

That the first women's rights convention met in 1848 should be ample proof of that.

The women at that gathering, who had been active in the anti-slavery movement, decided somewhere along the line they weren't faring all that well themselves.

Early feminists Lucretia Mott and Elizabeth Cary Stanton launched the fight for women's suffrage, but Susan B. Anthony's energy gave added momentum to the movement after 1850.

After the Civil War the suffragettes proposed that women be included in the 14th and 15th Amendments to the Constitution, which guaranteed the civil rights and voting rights of the newly-freed slaves.

Ironically, their efforts failed because of fears that the inclusion of women in the amendments would doom them. This setback instigated a 50-year struggle by women's suffrage organizations to gain the vote by organizing women in the various states to put pressure on the representatives in Congress.

Other efforts included appearances before Congressional committees to promote a 16th Amendment providing for women's suffrage.

Their work bore fruit in 15 states which gave women the right to vote in various elections before 1918.

Organization of the Nevada Equal Rights Society in 1911 was the first step toward giving Nevada's women the vote in 1916. The state legislature approved women suffrage measures in both 1911 and 1913, with the voters endorsing the idea at the polls in 1914.

Behind this campaign for the vote was Anne Martin, the Equal Franchise Society's president. To get the amendment past Nevada's 18,000 voters she set up a press office in Reno which provided news releases for the state's newspapers almost daily and even organized a Men's Suffrage League supporting women's suffrage.

Miss Martin's activities didn't end with the passage of women's suffrage in Nevada, though, as in 1918 she became the first woman in the United States to run for the U.S. Senate.

Back on the national scene, women's contributions to the war effort during World War I overcame most opposition to women's suffrage, but Congress was still sufficiently reluctant about the proposed amendment to delay submitting it to the states until June, 1919.

Ratification of the amendment by the state legislatures was accomplished for the most part in special sessions.

Gov. Emmett Boyle called the Nevada legislature into a special session early in 1920 and ratification was quick to follow, coming on Feb. 7, 1920.

Six months later ratification of the amendment by the necessary 36 states was accomplished and women's suffrage became a fact on Aug. 26, 1920.

Only three years passed, though, before a women's equal rights amendment was offered to Congress in 1923. It failed, but the proposal became something of a fixture in following Congresses.

Equal rights resolutions were passed by the Senate in the late 1940's and early 1950's with an amendment that they would "not be construed to impair any rights, benefits or exemptions now or hereafter conferred by law upon members of the female sex." The House, however, did not act on either of these resolutions.

When the same amendment was attached to a proposal during the 86th Congress (1959–60), its proponents moved successfully to send the bill back to committee, saying the amendment did not provide for equal rights and responsibilities for men and women alike.

Judiciary committees in both the House and Senate considered equal rights resolutions in 1970, and the House passed an equal rights amendment. The proposal died in the Senate, however, when it was tabled after amendments were added which exempted women from compulsory military service and proposed another constitutional amendment on prayer in public buildings.

Back in business in the 92nd Congress, the ERA came out of the House Judiciary Committee with a section noting the amendment "would not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or any state which reasonably promotes the health and safety of the people."

The House, however, rejected the amendment and on Oct. 12, 1971, approved the resolution as originally proposed 354–23. Nevada's Cong. Walter Baring was among the measure's opponents.

The amendment as approved by the House read, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Following sections provided the Congress with the power to pass appropriate enforcing legislation and set the date for the amendment to take effect after ratification.

On the Senate side, the Senate Subcommittee on Constitutional Amendments rewrote the amendment's first section to read, "Neither the United States nor any state shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them."

The Senate Judiciary Committee felt differently, though, and on Feb. 29, 1972, sent the original resolution to the Senate floor unamended. Defeated in committee were a series of attempts to guarantee military exemptions for women and permit universities to enroll only men or women.

When the ERA came up for a vote in the Senate on March 22, 1972, Sen. Alan Bible and Sen. Howard Cannon joined their colleagues in passing it, 84–8.

Since its passage by Congress, ratification of the amendment by the states has been proceeding steadily, and November saw its approval by California and Pennsylvania, bringing the total to 22 states of the necessary 38.

Only one of the states considering the ERA to date, Louisiana, has rejected it outright.

Lucy Wilson Benson, president of the League of Women Voters in the United States, noting that state legislatures are ratifying the Equal Rights amendment at about the same pace they took action on the women's suffrage amendment, predicted in August the amendment will become law next May.

The five months following the Senate approval of the amendment saw ratification of the amendment by 20 states. During the same period in 1919, 19 of the necessary 36 legislatures approved the women's suffrage amendment.

"If the pattern continues to hold," said Mrs. Benson, "we should be celebrating the enactment of the 27th Amendment in May of next year."

SPLIT PERSONALITY—WOMEN IN GAMING

(By Bob Yeargin)

Nevada has a split personality when it comes to women in the gaming industry.

While female "21" dealers predominate in Northern Nevada, visitors to Las Vegas are likely to encounter more change girls than women dealers.

Action by the Nevada Labor Commission in 1970 introduced the first woman dealer in more than 10 years into a Las Vegas casino, but ratification of the equal rights amendment will probably strengthen the women's case in entering the industry.

Females had little place in Nevada gaming from its legalization in 1931 until World War II, when a federal freeze order on the hiring of men brought about their introduction at Harolds Club in Reno. Opposition from other casino owners gradually dissolved and women dealers became a common sight in Reno within several years.

Although Mayme "Mom" Stocker obtained the first gaming license in Clark County on June 30, 1931, that had nothing to do with the employment of women dealers.

Workers were plentiful in Las Vegas after the war, when the opening of the Flamingo

Hotel on the Strip gave some indication of the phenomenal development to follow.

The gambler's traditional prejudice against women dealers, never breached as new and bigger hotel-casino complexes were erected in the booming resort city, was formalized in 1958 in a Las Vegas city ordinance forbidding the employment of female dealers.

Only the introduction of a sex discrimination case against Las Vegas' Desert Inn Hotel in 1970 by the Nevada State Labor Commission and a subsequent cease and desist order ordering the hiring of a woman applicant, Arden Johnson, forced a change in Las Vegas casino hiring practices.

Only so much can be accomplished in two years, though, and females account for less than 200 of Las Vegas' several thousand dealers, while 294 of 365 dealers at Harolds Club and 213 of 362 dealers at Harrah's Club in Reno are women.

An understanding of the role of women in Nevada gaming, though, lies not with dates and statistics but the personalities who have shaped the industry.

As might be expected, the introduction of women dealers received a mixed reception in Reno. "The old gamblers didn't like it, but the tourists enjoyed playing against women. The women dealt more gracefully than men employes, too," recalls Les Kofoed, a former Harolds Club publicity director who now serves as executive secretary of the Gaming Industry Association of Northern Nevada.

"The other clubs didn't like it very much either, but within a year or two, they all started hiring women, too," he adds.

What appears in retrospect to be almost a delayed reaction was the unanimous approval by Las Vegas board of city commissioners in 1958 of an ordinance prohibiting women dealers in Las Vegas.

Calling attention to the possibility of women dealers, the measure declared that their employment "creates bad publicity for the area and tends to induce certain people to gamble who would not otherwise . . ."

The resolution, signed by Mayor Pro Tem Reed Whipple, thus forbade the hiring of female dealers "for the protection of public morals."

Looking back on the commissioners' action, Whipple has no regrets about it. "There was a feeling that women, since they were well-built and attractive, would attract more gamblers, but that they would attract other elements as well," he recalls.

"We heard Reno's experience with women wasn't working out too well and there were quite a number of problems," the former commissioner adds.

Whipple's vote wouldn't change if the measure came up today. "I would vote like I did before," he says. "I haven't changed my mind."

Buck Blaine of the Golden Nugget sees the city action as an attempt to protect Las Vegas' image. "The first thing you saw of Las Vegas was a chorus girl without too much on and that image probably cost the city some big conventions from the Midwest. The city was just trying to keep a better image," he explains.

Blaine notes that for a long time women dealers in Northern Nevada did not receive equal pay and the fear that this approach in Southern Nevada "would cheapen the industry" kept women dealers out of Las Vegas.

"Gradually they're taking their place in the gambling fraternty," he says, "not because of economics, but because they can do the work."

Sam Boyd, who's been active in Southern Nevada gaming circles for more than 30 years, had his doubts about that law from the beginning, though. "I thought it was unconstitutional when it was passed," he recalls. "But I kept women working for me in Henderson."

Boyd's new hotel in Las Vegas, the Union Plaza, testifies to his feelings on the subject. More than 100 of the casino's 175 dealers are female and what was probably the state's first female floormen work there as well.

Employing men or women dealers over the years has been "a matter of catering to the public," contends Carl Cohen, a Sands Hotel executive.

Hiring patterns in Nevada have also been the product of the varying characteristics of the gaming centers, Cohen says:

"Washoe County catered to the middle and lower class, and to the slot machine trade," he explains, "while Clark County took care of the luxury traffic."

Acknowledging the role of Harolds Club in changing the face of gaming in Northern Nevada, he adds, "The clubs there didn't require the sophisticated, capable dealer that Las Vegas did."

"They were able to hire novices and give them on-the-job training. Their situation didn't require the absolute accuracy that we require."

Cohen admits, though, that times have changed. "Clark County was the last to fall in line," he comments, "but I dare say we have now.

"All the women seem to be working out well," he notes, "and there's no reason to feel they aren't proper for their roles. All the Hughes hotel properties (of which the Sands is one) have their proper share, except for Harolds Club, which has more than its share of women dealers."

Las Vegas was reluctant to end, though, and it took an order by the State Labor Commission in 1970 to accomplish the hiring of the Strip's first woman dealer.

The plaintiff Arden Johnson, had applied for a dealing position at the Desert Inn in February, 1969, but was unable to obtain one despite eight years of experience in both Northern Nevada and Southern Nevada.

Testifying before the commission for the hotel was its personnel director, Joseph Buckley, who said the Desert Inn sought employes with local experience, who were familiar with the standard of dealing and the type of customers at the hotel.

In addition, he testified that applications were not necessarily considered in order and that hotel employes often recommended potential dealers.

Learning that 21 dealers had been hired at the Desert Inn since Miss Johnson applied, the commission concluded that she had "as good a qualification as many and substantially better than some."

Given the failure of the hotel to hire female dealers, the commission noted, Miss Johnson could not possibly have met some of the Desert Inn's criteria for its dealers.

State Labor Commissioner Stanley Jones consequently issued a cease and desist order ordering the hiring of Miss Johnson.

Jones is pleased with the developments which have followed the order. "There has been substantial improvement in the employment of both sexes in all classifications of gaming in Northern Nevada, and substantial progress has also been made in Southern Nevada in the past 24 months. Females are now not an odd sight dealing '21' in Southern Nevada."

BLACK CAUCUS—STATE OF THE UNION

HON. JOHN MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to commend the members of the Congressional Black Caucus for their outstanding presentation regarding the long-enduring plight suffered by our disadvantaged citizens.

Via their special order the members of the CBC delivered to this—the 93d Congress—a most enlightening account of, first, the Nixon administration's blatant failure to address itself to the needs of America's minority population and, second, the Nixon administration's apparent success in usurping from the Congress its traditional sources of power.

As a Representative of a district which has a substantial number of nonwhite constituents, I feel dutybound to aline myself with those who champion the cause of "justice and equality" for all.

Consequently, I am urging all the Members of the 93d Congress to join forces with those of us who seek to insure for all Americans the right to share equally in our country's prosperity. And, I ask the Members of the 93d Congress to join forces with us who seek to restore to the Congress the power usurped by the President.

In conclusion, Mr. Speaker, I can only further say that, as the CBC so articulately illustrated, the time is now for us, the Members of the 93d Congress, to awaken from our coma and return to our posts as representatives of the people and watchers of the Union.

DR. CLEO MILLER

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. FULTON. Mr. Speaker, on Monday, January 7, 1973, my community lost through death an outstanding citizen and an exemplary human being with the passing of Dr. Cleo Maurice Miller.

Dr. Miller was an outstanding medical practitioner, the founder of Miller Clinic in Nashville, Tenn., and chief executive officer of that institution until his death at age 69 after an extended illness.

But Cleo Miller was more than just a doctor, he was a friend of man. He was active in church, civil, and charitable work. Dr. Miller was an elder in the Westminster Presbyterian Church of Nashville and past president of the McLeod Men's Bible Class where he taught. He was a member of the Downtown Lions Club and a strong life-long supporter of the Boy Scouts.

Dr. Miller gave selflessly in service to young people. He was a member of the Isaac Litton High School Men's Club and the East High School Men's Club.

For many years Dr. Miller served as team physician for the old Nashville Vols baseball club, the Nashville Business College basketball team and the Litton High School football team.

He was also active in the American Cancer Society and served as chapter chairman of the American Red Cross for several years.

Dr. Miller was a friend to me as he was to literally thousands of persons and he will be missed.

He was, as noted editorially by the Nashville Banner, "a broadly dimensioned citizen" and our community and the lives he touched have been better for the time he spent with us.

Mr. Speaker, both the Nashville Banner and the Nashville Tennessean paid editorial tribute to Dr. Miller at his death and I place these editorials in the Record at this point, commending them to the consideration of our colleagues:

[From the Nashville Banner, Jan. 9, 1973]

Dr. Cleo Miller

Dr. Cleo M. Miller, for many years one of Nashville's best-known and most-appreciated medical men, was a broadly dimensioned citizen. He was close to a host of athletic activities for many years and was active in numerous church, fraternal and civic affairs.

Dr. Miller perhaps was known personally by more people in East Nashville than in other parts of the city, for that is where he practiced medicine and surgery and opened the clinic that has grown into a sizable hospital. But his work, in his profession and his many other concerns, established him citywide as an outstanding contributor to the public good.

[The Tennessean, Jan. 10, 1973]

Dr. Cleo Miller Will Be Missed

Dr. Cleo Maurice Miller, medical figure in Nashville for nearly half a century, civic worker and sports enthusiast, is dead at age 69.

A graduate of Vanderbilt medical school, Dr. Miller founded Miller clinic in East Nashville in 1937. He remained as chief executive officer of that institution until 1971.

Dr. Miller, an athlete in college, maintained his interest in athletics throughout life, and served as team physician for a number of high school and professional teams.

He was a member of numerous civic clubs, charitable and fraternal organizations, and professional associations. He was elected "Man of the Year" by the East Nashville Exchange Club in 1965.

Dr. Miller led an extremely active life, pursuing interests which involved him in a wide range of community endeavors. As a result, he became widely known in the community and will be widely missed.

THE TRUTH ABOUT SOVIET CROP FAILURES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, the American people are being told that the crop failures in Russia were due to weather conditions beyond human control.

The action taken by the Communist Party in firing two of its top agricultural "experts" should indicate that the breakdown in the Soviet system is as much to blame as acts of God.

We are also informed by Pravda that Soviet farmers need 4,800 new tractorized sowers, 53,000 cultivators, and 18,000 fertilizer spreaders, among other mechanical equipment for this year's spring planting.

Apparently the "peaceful" Russians have been so busy turning out weapons of war used to kill Americans and South Vietnamese that they have not had time to arm their farmers with the tools for producing food.

When the Russian system could not feed their people, Soviet ships picked up wheat and feed grains from the United States at reduced prices and interest rates. The American people can expect the Soviets to look to U.S. markets to supply the needed farm implements.

While the Russians are crying about lacking the implements to feed their people, they are now meeting in Vienna with NATO and the Warsaw Pact people to talk "balanced" armament.

I include related newsclippings at this point:

[From the Evening Star and News, Feb. 4, 1973]

Russia Demotes 2 After Crops Fail

Moscow.—A long expected shake-up of high Soviet officials in the wake of the disastrous 1972 agricultural year was disclosed yesterday.

TASS, the Soviet press agency, reported that Vladimir V. Matskevich, the agriculture minister, had been "relieved" by the Supreme Soviet from his post and given another unspecified appointment.

It also reported that Dmitri S. Polyansky had been reduced from first deputy premier, a post that gave him a seat in the ruling Politburo and put him in contention as a possible successor to Premier Alexei N. Kosygin, to agriculture minister. This is a much lesser position that does not normally carry Politburo membership.

DEMOTION IS RARE

Such high-level demotions have been extremely unusual in recent years and underscore both the regime's acute embarrassment over the agricultural failures and the serious problems that these failures have created for the economy as a whole, including the lowering of general economic targets for 1973.

Because the grain harvest of 168 million metric tons fell more than 20 million metric tons short of targets, Moscow had to buy almost $2 billion worth of foreign grain. Moreover, a very light snow cover in most of European Russia, the Crimea and the Ukraine has once again exposed this winter's grain crop to frost damage, western farm experts have reported.

The first hint that the leadership had decided to take public action against high officials for agricultural mismanagement was the disclosure in Pravda two days ago that Sergei V. Shevchenko, chairman of the Russian Republic's conglomerate for selling farm equipment and supplies, had been fired for "violating state discipline."

TRIAL IS POSSIBLE

The brief report gave no details, but its wording led some to expect that Shevchenko might face trial. There was no such indication in the announcement of Matskevich's dismissal.

Polyansky, who is 55 years old, has been one of two first deputy premiers since October, 1965, and a member of the Politburo since April, 1966. In recent years, he has been the highest-ranking party and government official dealing primarily with agriculture, the most troubled major sector of the Soviet economy.

Matskevich, 63, served as agriculture minister under Nikita S. Khrushchev for five years, then lost the job and became chairman of the virginlands program in Kazakhstan, and was brought back as agriculture minister in 1965.

[From the Washington Post, Feb. 1, 1973]

Lack of Machines Peril Soviet Crop

Moscow, Jan. 31.—Pravda said today that lackadaisical production of farm implements may jeopardize the crucial spring sowing and announced dismissal of a top supply official for "violating state discipline."

The Communist Party newspaper observed in a front-page article that "the struggle for a good harvest is waged not only in the fields" but in the factories and supply organizations as well.

It added that farmers will need 48,000 new tractorized sowers, 53,000 cultivators, 18,000 fertilizer spreaders and "many thousands" of other pieces of equipment for this year's spring planting.

The spring field work is all the more important this year because of a disastrous fall harvest, which forced the Soviet Union to buy nearly $2 billion worth of grain, most of it from the United States.

Production of tractors and fertilizer spreaders is going fairly well at plants in Minsk, Kharkov, Chelyabinsk, Altai and Riga, Pravda said, but "the plan is jeopardized" by poor output of a factory in Novosibirsk scheduled to produce 22,000 sowers this year.

In a brief separate note on the back page, Pravda said a top supply official, Sergei V. Shevchenko, had been relieved of his post for "violating state discipline."

[From the Washington Post, Feb. 1, 1973]

East-West Talks on Force Reductions Open in Vienna

(By John M. Goshko)

Vienna, Jan. 31.—Representatives of 19 countries met here today to formally open the long-awaited talks on the possibility of negotiating a reduction of the military forces poised against each other in central Europe.

These negotiations—referred to in diplomatic parlance as mutual and balanced force reductions or MBFR—represent what is potentially the most significant step so far in the movement toward an East-West detente in Europe.

If successful, they would mean a big start on dismantling the NATO and Warsaw Pact military machines that have faced each other across the Iron Curtain since the beginnings of the Cold War.

The talks are especially important to the United States, which has been the prime mover in the long struggle to launch force reduction negotiations. The Nixon administration views force reduction talks, as the best solution to the problem of maintaining a safe military balance in Europe, while satifying congressional pressures for bringing home substantial numbers of the American troops stationed on the continent.

For this reason, Washington is very anxious that the talks now beginning here, which are characterized as "exploratory" in nature, will lead to full fledged negotiations sometime this fall. As Jonathan Dean, chief of the U.S. delegation, said today: "We have been pressing for this for a long time. We are going to do our best to give it a constructive outcome."

As today's half-hour ceremonial opening in Vienna's former imperial palace, the Hofberg, made clear, a long list of technical and procedural problems must first be resolved before the participating countries can even reach the point of starting to explore whether actual negotiations are feasible.

Western delegates said afterward that there probably will not even be another formal session before Monday at the earliest. In the interim, they added, the various delegations will be occupied full time in an informal, feeling-out process.

The NATO side, under strong American prodding, has taken the position that full participation in the talks should be limited to those countries on either side that actually have forces stationed in Central Europe in order for the talks to be effective.

Accordingly, NATO has proposed that the West be represented in the talks by the United States, Canada, Britain, West Germany, Belgium, Luxembourg and the Netherlands as full participants. The NATO "flank" countries with an interest in the talks—Italy, Denmark, Norway, Greece and Turkey—would take part in a limited, non-voting way and be represented on a rotating basis.

NATO further proposed that the Warsaw Pact be represented on a fully participating basis by the Soviet Union, East Germany, Hungary, Poland and Czechoslovakia. However, the pact's other two members, Romania and Bulgaria, have also sent delegations here and have been demanding that they be admitted to full participation.

So far, the West, and in particular the United States, has been unwilling to accede to this demand.

Western sources said that at today's meeting, marked by a brief ceremonial address from Austrian Foreign Minister Rudolf Kirchschlaeger, the Communist side made no mention of an earlier Warsaw Pact proposal that the talks be thrown open to all interested European governments, including neutrals. This, the sources said, led the West to conclude that the question of neutral-country participation is now a dead issue.

One fundamental problem that Western diplomats had been expecting also came up today when the head of the Soviet delegation, Oleg N. Khlestov, protested the inclusion of the word "balanced" press credentials and other documents relating to the talks.

The phrase "mutual and balanced force reductions" was coined by the West out of recognition that the Communist side enjoys substantial superiority of numbers in both men and weapons over the combined NATO forces. In addition, geographic factors would also give a natural advantage to the Warsaw Pact in any force reductions, since American troops would be withdrawn across the Atlantic while Soviet forces would only have to pull back a few hundred miles.

For these reasons, the West has always stressed the word "balanced" to emphasize that any reduction should be conducted according to a formula that would give some offsetting compensation to the West. The most commonly suggested plan has involved the idea that Warsaw Pact reductions should be greater than those made by NATO.

However, the Soviets have never used the word "balanced" and their objections today indicated that it is going to take a lot of arduous bargaining before they might be induced to accept the principle of reductions on any thing other than a strict one-for-one basis.

LETTER TO PRESIDENT ABOUT BAN OF PREDATOR POISONS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. OBEY. Mr. Speaker, last year President Nixon placed a ban on the use of predator poisons on public lands. I supported that ban and I do so today.

There is much pressure on the President to change his mind. Fortunately, pressure is also being applied from the other direction. I enclose for my colleagues a letter which I wrote to the President on this matter and urge my colleagues who agree to write similar letters:

JANUARY 24, 1973.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would like to add my name to those who have already contacted you regarding your Executive Order of last year prohibiting the use of predator poisons on public lands.

Testimony before the Interior Appropriations Subcommittee, on which I serve, has indicated that alternatives to the use of poisons are available. One of the recommendations of the Advisory Committee on Predator Control to the Department of Interior and Council on Environmental Quality was to end the use of toxic chemicals for predator control purposes.

Mr. President, I full supported the policies set forth in your Executive Order last year, and I am pleased to reiterate that support at this time.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

THE RUPERT CROSS STORY

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McSPADDEN. Mr. Speaker, Rupert Cross was born at Hoyt, Okla., on December 22, 1909. Rupe's father was a teacher and as a result, Rupe attended grammar school in Hoyt, Kinto, Carterville, and graduated from high school at Keota. He attended Connors State College at Warner, from which he received his A.A. degree. He received his B.S. and M.A. from Northeastern at Tahlequah.

While in high school "Rupe" was active in baseball, football, and basketball. This interest in sports helped him become an outstanding coach.

He started his teaching career in 1933 in Haskel County in the elementary schools, where he coached all sports at that level while carrying a full teaching load. In 1944 he moved to Jenks where he coached football for 3 years.

He arrived in Chelsea in 1947. For the first 9 years "Rupe" was Mr. All-Sports Coach since he coached all Chelsea teams in football, baseball, and basketball. The next 11 years he concentrated on baseball, while giving aid to the coaches of the other sports.

While head football coach at Chelsea, his teams participated against teams coached by such men as F. A. Dry, head coach at Tulsa University; Ed Olvie, now in the State department of education; "Bo" Spoon, superintendent at Quapah; Herman Ragsdale, high school principal at Broken Arrow, John Brown now retired in California who coached Nowata; "Tuffy" Cline of Claremore, now retired; Delbert Wolfe, now junior high principal in Miami; John Lingo now in the Miami schools; Norval Trask retired in Texas; Marvin Stokes, superintendent in Byng, Okla.; to mention a few.

In baseball Rupert coached several boys to State recognition. Placed on All State teams were Ralph Terry, Jim Jeffries, Howard Judd, and Bill Harrison, in football; Bo Stinnett and Bud "Dale" Dishman, All State in basketball.

There were many young men whom "Rupe" coached that followed in his footsteps. Among them are L. D. Baines, head coach at Miami High School; Jerry Haynes, head football coach at Pryor; and Jim Jeffries whose present location is unknown.

Rupert left his mark on many through his counseling. Some have now specialized in this field. Among those is Larry Thomas who handles guidance and Federal programs in the Stillwater school system. Ralph Terry, of major league baseball fame as a pitcher was one of "Rupes" baseball standouts.

Rupert was recognized statewide as an outstanding coach who contributed beyond the call of duty to the young people. He has been elected to the Oklahoma Coaches Hall of Fame.

Our beloved "Rupe" found time during his career to excel in other educational fields. He became an excellent shop teacher. He was and is a leader in driver education in Oklahoma. He has been given recognition in this field by the State of Oklahoma Department of Education, which has asked him to become a coordinator of secondary driver education in that department.

Rupert will be remembered by parents for his firmness and fairness with his students. Students remember him because he was tough. They remember that booming voice that made big men stand up and take notice. All will remember him for his dedication, his sincerity, and the helping hand he gave to all, making men of boys.

WILBUR COHEN ON HEALTH CARE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, the former Secretary of Health, Education, and Welfare, Wilbur Cohen, speaks from long experience in the field of health care and the need for a national health insurance program. His recent comments appeared in an interview by Henry Brandon, associate editor and Washington correspondent of the Sunday Times of London, published in the Washington Post of February 4. The interview follows:

WILBUR COHEN ON HEALTH CARE

(An Interview by Henry Brandon)

Q. In March of 1970 you stated that if national health insurance was not enacted before 1972 it would become a key political issue in the 1972 election. Yet the issue was hardly mentioned in the campaign.

A. I think what happened is that in those two years there evolved general agreement on the broad principle of national health insurance, and thus it didn't become an ideological or political issue. I think this indicates the possibility of some enactment of such legislation within the next few years On the other hand, it is unfortunate that some of the key ideological and administrative issues have now been left to further developments without any substantial public political discussion.

Q. Isn't there a real ideological difference betweeen President Nixon's and Sen. Kennedy's programs?

A. Very much so. There are at least three extremely important differences. One, President Nixon is attempting to develop a program which does not have its main features flowing into the tax system. By mandating the coverage for health insurance on the employers and employees he is trying to keep the costs from showing up as a federal tax, whereas Sen. Kennedy and Mrs. Griffiths use the existing Social Security mechanism to finance the program. This is major difference number one.

Major difference number two is that President Nixon's plan uses the existing system of the Blue Cross and Blue Shield and commercial insurance plans as insurors of the risk. Under Sen. Kennedy's plan, existing agencies can be used, but they would not be insurors of the risk, they would be agents of the government in carrying out the program.

The third is President Nixon's plan is not primarily based on making any major changes in the delivery system, except with respect to encouraging health maintenance organizations. Sen. Kennedy's plan attempts to build in certain other incentives for changes in the delivery system on the assumption that health maintenance organizations would be encouraged.

Now these issues ought to be really publicly debated.

Q. How would you weigh the advantages and disadvantages of the two plans?

A. There are pros and cons of both plans. This is not an issue where all virtue is on one side and all vice on the other, and that's what will make it very difficult for the Congress to decide.

I see some advantage in building upon the experience of the Blue Cross and Blue Shield plans, but also some advantages in keeping the present kind of institution in being for we need certain major changes. Therefore, I think on balance one might have to utilize these agencies in one way or another but transform them from a narrow parochial interest in hospitals or physicians to a more public interest corporation type. If that could be done we would be utilizing the best of the experience of those people from a managerial point of view, but also make sure that we are able to introduce some innovations and changes into the delivery system.

Does this imply that you really think that the President's plan is the more practical?

A. No. I see the United States most likely developing initially something between the President's plan and the Kennedy-Griffin plan. I would use the basic idea of the Kennedy-Griffin plan of covering everybody through the Social Security contributions to get universality of protection and thus make a very major change in the President's plan, which uses these plans as insurors of the actuarial risk. But then I don't think we should go so far as to throw the baby out with the bath. I would try and correct the existing plans like Blue Cross and Blue Shield and, as in the Medicare program, have them become the fiscal, administrative and managerial agents to see that the national program was carried out. My feeling is that we must find various incentives to insert more managerial innovation into the medical care system.

Q. Has Congress ever attempted to investigate Blue Cross and Blue Shield in its operation?

A. Not on a comprehensive basis. They have, of course, investigated them in connection with the way the federal employees health program has been operated, and as a result certain changes have been made in the premiums for federal employees. There have been a number of state investigations and studies But they have not been examined comprehensively and across-the-board along with commercial insurance and independent plans.

The most radical feature, though, of President Nixon's proposal is not really being given adequate attention, and that is that his plan assumes that the federal government will set certain standards and guidelines and regulate certain aspects of the private insurance plans. This is actually a very radical proposal, because it involves the federal regulation of private insurance carriers.

For the last 30 to 40 years, insurance companies have warned against such federal investigation. To them this would be equivalent to the eradication of motherhood or something like that.

Yet as a result of the Nixon proposal we have a situation where a conservative Republican administration with the support of a good deal of the conservative people are accepting the idea of federal regulation of the health insurance business, which would mean Blue Cross and Blue Shield and commercial insurance would come more predominantly under the surveillance of the federal government than is presently the case state by state.

If federal regulation of the health insurance business is a good idea, I don't see why federal regulation of the automobile insurance business or the life insurance business isn't equally valid. As you know, the next big issue that will be coming up on the congressional docket is what to do about private pension plans. And if the same principle is applied to the problem of federal regulation of insurance companies and banks providing private pension plans, we are indeed entering into a whole new era of federal regulation. It is hard for me to see how a Republican administration can adopt this policy so wholeheartedly and enthusiastically without recognizing its long-range implications.

Q. Would this involve another federal regulatory agency?

A. Basically, it would give the Secretary of Health, Education and Welfare such authority, and that is, I suppose, what concerns me most, the fact that the Secretary of HEW would thus become, in addition to all his other manifold duties, the federal regulatory supervisor of the health insurance business in the United States.

Q. Do you think it would be a good idea for Congress to investigate the insurance companies, especially Blue Cross and Blue Shield?

A. Yes. I think before Congress makes a final determination in what way to use or not to use Blue Cross, Blue Shield and the commercial insurance industry in the health insurance business, it should satisfy itself to what extent, it might wish to utilize them and to establish statutory rules and guidelines for evaluating and paying them for their services.

If they are utilized, I think the role that they serve must become a public interest role more concerned with the interests of the consumer than the provider of medical care. Thus, in the end, Blue Cross and Blue Shield may well be chartered by Congress as a public nonprofit organization, which would in effect be responsible to Congress for its performance rather than to their present constituencies. This is one possibility.

Q. What about the costs of the two plans?

A. Quite frankly, I think the actual cost of either plan is not really so much in controversy, although it has been made so. The costs of the Kennedy-Griffiths plan are exaggerated by its opponents because it is merely transforming one's individual payments from Blue Cross and Blue Shield on to Social Security contributions, which is not necessarily an increase in cost. It is simply a different way of paying for it.

Either plan must be financed properly, but under either plan we'll have to have periodic upward adjustments. I see no foreseeable end in sight for the continual increase in medical care costs. I wish I were able to say yes to some kind of a plan somebody has developed that would miraculously limit or control medical care costs. But I don't think that is going to be feasible in the immediate future.

There are several reasons for this. First, demand for more medical care is outrunning the supply of personnel and facilities. As people's incomes go up, the more affluent our society is, the more consequential and more important medical care becomes to people and the more they are willing to pay for it. Obviously, this pressure of demand upon limited supply under any law of economics is going to mean that prices will go up.

Finally, medical services are a scarce resource. They are scarce in the sense of using competent physicians and talented research people; also the very heavy cost of research has to be repaid. The methods of controlling these costs are not very simple because we've got 350,000 physicians and many other professional people. So I think costs are going to continue to creep up on us and it's simply a question of how far and how fast. Therefore under any plan, Mr. Nixon's or the Kennedy-Griffiths plan, or whether it becomes the Mills-Kennedy plan, there have to be methods for periodic re-examination of the cost and the benefits and for satisfactory controls to deal with the cost rise.

Q. You call the Kennedy-Griffiths plan the Kennedy-Mills plan. Do you think that Kennedy and Mills will be able to reach some sort of agreement?

A. The extent to which they do reach agreement will have a significant bearing on the situation. Now, there is one other man that has to be brought into the consideration, and that is Sen. Russell Long, the chairman of the Senate Finance Committee. Sen. Kennedy and Congressman Mills are extremely important in this, but so is Sen. Long and the members of the Senate Finance Committee. He has advocated a catastrophic medical care plan in the past, which is quite at variance with President Nixon's plan or with what Mr. Mills and Mr. Kennedy have proposed. So I believe that in the end there will be, if adopted, a new amalgam that is as yet unforeseeable.

Q. Are you familiar with Rep. Ullman's plan? He introduced legislation which provides for health care corporations locally organized and run and including doctors, hospitals and other health professionals and organizations. The corporations would not only arrange for delivery of health care, but would use federal funds to purchase insurance for the elderly and the needy.

A. Let me say that one could take the Ullman plan, which has been based on the recommendations of the American Hospital Association's very outstanding committee, and one could incorporate those structural suggestions within a Mills-Kennedy-Long-Nixon proposal just as one can incorporate President Nixon's and Sen. Kennedy's recommendations for health maintenance organizations in any of these. That is, separate from the issue of financing and the use of Blue Cross and Blue Shield. I conceive a variation of the Ullman bill being incorporated in a Mills-Kennedy-Long proposition. When you realize that Mr. Ullman ranks next to Mr. Mills on the House Ways and Means Committee, I would expect that some of Mr. Ullman's features would find their way into the ultimate resolution of the issue.

Q. Yet a recent survey shows that only 33 per cent of the American public think that organizations like health care corporations are a good idea, with 58 per cent feeling that it would be better to stick to one doctor.

A. This, of course, goes to the same issue of the recommendation which both President Nixon and Sen. Kennedy have made about health maintenance organizations. It is true that the overwhelming majority of both physicians and patients in the United States accept the most inefficient method of providing service, which is the individual solo practitioner, and they also accept the most costly method of paying them, which is the fee for service.

But one must take the patient's attitudes into account, and therefore I think to move in the direction of making basic changes may take a long time. This is one of the reasons why, although I support the proposal for health maintenance organizations, I think the prognosis of how rapidly we can implement them to introduce a change in the delivery system is overstated. I think it would take about another generation to make that change nearly universal, and the reason I say that is because you've got to get a lot more younger men and women coming out of the medical schools who will accept these two changes: group responsibility for the practice of medicine and substitution of some other method of payment for the fee for service.

Q. The AMA has its own plan, the Medicredit plan, which would give tax credits for private health insurance policies approved by the government. Yet, according to recent figures, 87 per cent of the American people are now covered by some form of medical insurance, suggesting that the primary problem is not lack of insurance coverage but adequacy of coverage. In this light, would the AMA plan do much toward alleviating the health crisis?

A. I differ a little bit in the way you have posed that question. It is true that somewhere between 15 to 20 per cent of the American public does not have any health insurance, and this represents the most difficult core of the problem, namely, extending this great idea of insurance to people whose incomes are very low or erratic and not within the normal kind of employer-employee relationships. But it seems to me that we cannot go on with a system where Medicaid is trying to meet the problems of that gap. Unless the insurance itself is not only more comprehensive in its coverage as far as the scope of medical care is concerned, but also picks up that 15 to 20 per cent, we cannot have universality of protection.

Medical care has become in the public mind a right rather than a privilege. Therefore, universality of coverage plus a broadening of the scope are two important features, but the third is changing the delivery system.

The AMA Medicredit plan is the most pure form of expression of doing nothing whatsoever to change the present system. It says everything in our present delivery system is fine: Just see that more people are covered and get a broader coverage. Those two objectives are desirable, but alone they are not sufficient to meet the problem of modifying the status quo in a reasonable and constructive way, and if there is anything that I see as the most marked change since 1964 it is that people now accept the idea there have to be basic changes in the delivery system.

So I think the Medicredit plan is completely out of step, and I venture to say that neither Mr. Mills, Mr. Kennedy, Mr. Nixon or Mr. Long would accept the idea that you can just take the present system and extend it without making some changes in the delivery system.

Q. How powerful is the AMA today?

A. I don't think that the AMA is as powerful as it was. It reached its power peak in 1950, as I see it, when it broke the back of President Truman's Wagner-Murray-Dingell health insurance plan. It certainly isn't as powerful as it was in 1960 when Medicare was first defeated.

However, I would like to make this statement, which may seem astonishing to the AMA. I would not like to see the AMA completely eliminated from some position of power and influence, because the essence of making a new national health plan work is to gain the acceptance of the individual practitioner. I think they have a right to be heard and participate, and I would say that in any plan that is adopted they should have a significant participatory role. But I don't think they should have a political veto.

I would create a health insurance board of three to five persons so that these rather monumental powers wouldn't have to be exercised alone by the Secretary of Health, Education and Welfare, and I would certainly have at least one physician on such a board so that the views of physicians in this whole development of policy would have a bearing and a role. I would certainly have a health insurance benefits advisory board within which they would have a very significant role along with other professionals and consumers.

Q. Do you think the AMA bears some responsibility for the shortage of doctors today?

A. I think it bears some responsibility for the shortage of doctors if you look at it over the last 50 years, but certainly since 1963, when the Health Professionals Act was enacted, they do not bear the major share any longer. I think that the major responsibility now is not only the production of more doctors but the production of more doctors' assistants and all sorts of paramedical professional help, including the training and development of minority doctors and women doctors. I don't think we're going to make a successful attack on many of our problems until we have more black physicians and more women physicians. You are not going to be able to produce more medical care in the Mississippi Delta by turning more doctors out of medical schools in the North. You are going to have black doctors and black nurses and black health personnel who will go in those areas and then establish incentives for them to serve in those areas. Those are not easy problems. I think those are the kinds of problems that have to be worked on if the delivery of service to people in those communities is actually going to be carried out in the next 10 years.

Q. Given the extremely high income of private practicing physicians, what could be done to induce them to become a salaried employee of a health maintenance organization? Wouldn't the lower income tend to attract less competent physicians?

A. That issue could be resolved in different ways. Let's take the Mississippi Delta again. Many physicians and other professional people won't want to go there, for all sorts of reasons. However, one way to attract them would be through a minimum income guarantee of, let's say $25,000 or $30,000 a year, if they settled in acute shortage areas and if they at least handled X number of patients. They might furthermore be offered additional compensation, depending on their experience and level of service. This might reduce the income of some of the people who might otherwise get very high incomes, but it would tend to assure competent people reasonable incomes to practice in areas where their need is greatest.

My own thought along that line involves the introduction of a new system by which the states and the federal government would evaluate various communities and various areas of the community on what I call an index of shortage or surplus of medical personnel. Here I have drawn a little from British experience. I would have the state agencies of health, in cooperation with the physicians and the hospitals and HEW, set up a classification, let's say ranging from 1 to 10, on whether a particular neighborhood or community had a shortage. Then I would do everything I could in the legislation to provide incentives, financial and otherwise, for people to go into the shortage areas and not into the surplus areas.

Q. In dollar terms, health is the second largest industry in the United States. It comprises 6.9 per cent of GNP, or $324 per capita. Yet the United States is 13th in infant mortality and 18th in life expectancy for men. Is the money being misspent? Is it due to unequal distribution of health care? What are the reasons?

A. There is much more to the problems of infant and maternal mortality and life expectancy that what normally enters into the medical care or health system. Certainly housing plays an extremely important role. Certainly matters of food and nutrition, which have a bearing on health, come about from the life styles and educational patterns of individuals. I don't think it's fair to assume that solely by the health and medical care system can all these problems be resolved.

I do not think that we are putting enough money into health education and preventive health care, and I am therefore glad to see the expansion that Congress has recommended, expansion in funds for family planning, the proper spacing of children, etc. A number of other things relating to work and leisure might have an impact over the long run in terms of life expectancy. Yet there are a lot of mysteries that we don't know. We do not understand why it is that the life expectancy of women is continuing to increase, but not for men. The normal explanation is that the men bear all the brunt of this stress of our busy life, but there is a lot of evidence that women have a lot of stress, too.

Q. I don't know whether you'd like to answer this, but I was wondering now that you've been away from your old department for some years, HEW, how do you feel about its current administration?

A. President Nixon has vetoed more HEW legislation than any other President. The White House staff has interfered with the department's responsibilities. The department's budget has been cut. The President scuttled the welfare reform compromise which Secretary Richardson and Sen. Ribicoff had worked out. These are some of the unfortunate developments.

On the other hand, the department still remains one of those that has able people dedicated to the objectives of the program they administer. The recent legislation improving Social Security and Medicare is significant and gives the department important new responsibilities. We're going to continue to make big changes in health, welfare, income maintenance and education during the next 5 to 10 years, and we must build upon the professional integrity and competence of the staff in HEW. Any administration, no matter what its political view, that doesn't understand that is going to create problems for the nation and itself because it cannot carry out the important programs which HEW administers.

HEW, even after four years of the Nixon administration, is still a great department. Whether it remains so will depend upon whether the new secretary supports innovative policies or concentrates on a budget-cutting program, which would most likely impair the morale of the entire organization.

JEWISH CENTERS ASSOCIATION CELEBRATES 30TH ANNIVERSARY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. REES. Mr. Speaker, February 1 marks the 30th anniversary of the Jewish Centers Association. Founded in 1943 to coordinate on a communitywide basis the various group services, which had existed for several decades, the JCA in the Los Angeles area has grown from a membership of 3,000 to an extensive organization with a membership upward of 20,000.

Conceived and maintained by the Jewish community to fulfill its recreational, health, cultural, educational, and social needs, the Jewish community centers are typically American institutions whose program is based upon a philosophy of democratic participation. The unique quality of the JCA is that it represents the combined work of many volunteers and professional people, upon whom the development of the centers depend.

In 1973, the Jewish Centers Association consists of: The central administrative and program unit, including the Community Services Division; Community Centers of Bay Cities, Hollywood Los Feliz, North Valley, Valley Cities, West Park, and Westside; Camp JCA with facilities at Barton Flats and Malibu; and extension services in numerous synagogues throughout the county.

Through its lay and professional leadership, the Jewish Centers Association has made contributions to the general and Jewish community in the areas of board and community leadership, intercultural programing, senior adult activities, experimental programs with hospitals for senior adults, family centered activities, extension programs in synagogues, consultative services to suburban communities, higher nursery school standards, home and mountain camping.

The founding president of JCA was the late Judge Irvin A. Stalmaster. Succeeding presidents were Jack Y. Berman, Leslie G. Cramer, Louis Warschaw, Max W. Bay, Jules Bisno, Lawrance E. Irell, Robert J. Felixson, William W. Bruck, Bernard Levin, Ralph B. Herzog, Jack L. Brostoff, and Samuel H. Sherman.

I take this opportunity to commend Irwin Daniels, current president of JCA, the executive director, Charles Mesnick, and the entire association for its 30 years of outstanding service to the Los Angeles community.

JUDGE AND MRS. THEODORE M. WILLIAMS FAMILY: CLEVELAND'S FAMILY OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. STOKES. Mr. Speaker, on January 27, 1973, the Cleveland Urban League conducted its 55th annual meeting. It has been a time-honored tradition in the league to use this occasion to pay tribute to one outstanding Cleveland family. This year, I was deeply pleased to learn that the family of Judge Theodore M. Williams had been elected to receive this honor.

I would like to take this opportunity to share with my colleagues the achievements of this eminent first family of Cleveland.

Judge Theodore Williams was born in the city of Cleveland 67 years ago. He graduated from East Tech High School and the University of Michigan and he received his J.D. degree from the Cleveland Marshall Law School in 1932. He was admitted to the bar in that same year. For the past 13 years, Mr. Williams has served, estimably, as a judge and, in recent years, he has given of his time as a part-time lecturer at Cuyahoga Community College. Before taking a seat on the bench, Judge Williams served as assistant police prosecutor, assistant county prosecutor, and Cleveland councilman. He is a member of the American Bar Association, the Ohio State Bar Association, the American Judicative Society, the Cleveland Bar Association, the National Bar Association, the John Harlan Law Club, and the Ohio Municipal Judges Association. He also belongs to Alpha Phi Alpha Fraternity, the Knights of Columbus fourth degree, and the NAACP. He serves on the Board of Trustees of the following organizations: The Cleveland Zoological Society, the Cleveland Deaf Society, and the Interracial High School Scholarship Foundation.

Judge Williams' wife of 43 years, Mrs. Irene Williams, has also earned this award in her own right. She is a selfless and tireless woman who has given of her time and energy to countless good causes. Among the organizations which she has volunteered to serve are: The Catholic Counseling Committee, the Women's Committee Interracial High School Scholarship Foundation, the United Torch Campaigns, Tots, and Teens, Karamu Women's Committee, Glenville Multi-Service Corp., the Interracial Adoption Committee, the Cleveland Deaf Society, the Neighboring Fairhill Hospital, and the Heart Fund Campaign.

The Williams family is graced with five children and nine grandchildren. The children have followed in their parents' tradition of community service. Judge and Mrs. Williams' daughter, Ann Goens, teaches deaf adults; her husband, Guy Goens, also teaches—in the Cleveland school system. Another daughter, Jane Harris, is a reading consultant for the Cleveland Board of Education; her husband, Gerald Harris, is a draftsman for Polytech, Inc. The Williams' third daughter, Florence Ousley, is a housewife and her husband, Flonoury Ousley is the manager of a new Top Value Supermarket in the Martin Luther King Shopping Plaza. Judge and Mrs. Williams' son, Theodore M. Williams, Jr., has been working with the Cuyahoga County engineers for over two decades; he is married to Jean Williams. The judge's son, Charles Williams, has also been with the Cuyahoga County engineers for 17 years, he teaches basic education for the adult deaf, and he is married to Pearl Williams.

Clearly, Mr. Speaker, the Williams' family deserves the highest praise and the deepest thanks for their years of dedication to the needs of the people of Cleveland. They are truly a "First Family" in the city of Cleveland.

PUBLIC TRANSPORTATION AND THE CHANGE MAKERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, during the last Congress there was quite a bit of controversy over the continuation of the Metro subway system. Unfortunately, its proponents prevailed.

Some indication of the future of this subway system can be seen in a recent news article indicating that an "Underground Bus Station Waits 2 Years for First Passenger." The station was included as a part of the Ninth Street Expressway tunnel at an estimated additional extra cost of $100,000. To date, it has not been used.

It is questionable, in the light of this information, whether the subway system will not face a similar fate—especially at night. Those of us here in Congress who are concerned with safety in the inner city, will soon be faced with the additional threat coming from subway travel at night and how to cope with it.

I include a related news article which follows:

[From the Washington Post, Feb. 4, 1973]

UNDERGROUND BUS STATION WAITS 2 YEARS FOR FIRST PASSENGER

(By Jack Eisen)

For more than two years, a subway station for buses has existed in the congested Southwest Mall office area of Washington but it has yet to serve its first passenger.

On sidewalks a few feet overhead, commuters whose buses might use the station wait unsheltered during every afternoon rush hour.

The station was built as part of the 9th Street Expressway tunnel. It is located under Independence Ave SW, near the Forrestal Building and the Federal Aviation Administration headquarters.

The tunnel was opened to southbound one-way traffic just before Christmas, 1970. It starts at Constitution Avenue and connects with the Southwest Freeway, which in turn lets traffic go to Anacostia and Prince George's County or to Virginia.

D.C. Highway Director Thomas F. Airis said the station and a stairway to the surface were included in the tunnel at an estimated extra cost of $100,000.

"We put it there knowing there was no real, definite committed plan for its use," Airis said. "We knew it eventually would be needed, so we put it in, pretty confident it would be used in the next few years."

Airis was so confident, in fact, that the right-hand lane passing the station platform was marked from the beginning as reserved during rush hours for buses only. Automobile traffic has since virtually erased the pavement markings.

When the tunnel was opened, Airis said, he talked to bus officials about using it.

"They were not enthusiastic," Airis said. "They said people had gotten used to using 7th Street, and that their companies were not anxious to change."

One problem is that city and suburban buses going down 7th Street can make several curbside stops, while those using the 9th Street tunnel could stop only at the single station.

Moreover, D. C. buses coming from areas north of downtown destined for the Southwest would have no place to turn around and head back to the other end of the line. Virginia buses could not, under existing ramp arrangements at the 14th Street bridge, get onto the Shirley Highway exclusively busway.

Metro's partly completed takeover of the four area bus companies could result in some bus lines using the tunnel, one official said.

"We'll take a look at it; you can be sure of that," William I. Herman, Metro planning director, told a reporter.

One possibility, he noted, might be its use by buses running from downtown to the fringe parking lot and other destinations in the South Capitol Street area.

JAPAN FUND SUCCESS IS IN ITS PHILOSOPHY

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MILLS of Arkansas. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

JAPAN FUND SUCCESS IS IN ITS PHILOSOPHY

(By Eliot Janeway)

NEW YORK CITY.—Japan's nonstop miracle economy has long since outdistanced the original postwar German miracle. Investing in it has proven a bonanza for the Western portfolio managers who have been doing their homework on the spot. The New York-based Japan Fund is listed on the New York Stock Exchange. These last 10 years, sophisticated investors from all over the world have been taking advantage of the distinctive proprietary ride this unusual investment vehicle has been engineered to offer.

Princeton-educated Steven Shaefer, the fund's executive vice president, and his Japanese-born wife, Yukiko, live in New York. Schaefer's account of the fund's success story speaks for itself.

Janeway: Of the fund's 8½ million shares outstanding, how many are held by Americans?

Schaefer: About 80 per cent or 7 million shares.

Janeway: What about the interest equalization tax?

Schaefer: We can trade on the Tokyo stock market without paying the tax so long as we don't raise any more money in the U.S. As a closed end fund of course, we don't try. Americans who buy Japan Fund shares from other Americans are exempted from paying the equalization tax. All they need to qualify for the exemption is a validation certificate.

Janeway: Is the Japan Fund yield- or capital gains-oriented?

Schaefer: The latter. We pick our investments to stay with them and turn over only about 25 per cent of out portfolio every year. Our by-laws required us to be out 80 per cent invested in Japan, but we have stayed at 100 per cent in Japan.

Janeway: How does the Japanese market performance compare with ours?

Schaefer: In the last five years, the Tokyo Dow Jones of 225 stocks rose 278 per cent; while the New York Standard & Poor's Index rose 37.3 per cent. In 1972 alone, the Tokyo market was up over 80 per cent.

Janeway: Is the Japanese market primarily institutional or is there a significant degree of individual participation?

Schaefer: About 60 per cent of the shares are owned by investment institutions and corporations. The Japanese individual represents around 35 per cent of stock ownership, and accounts for a smaller per cent of the trading. Foreigners hold less than 5 per cent of the total shares. This year some professional investors have been one day market traders because Japan has no capital gains tax as yet.

Janeway: Is the Japanese market more sensitive to conditions in the economy or to changing money conditions?

Schaefer: Over the past year, money conditions have had a greater impact. The Japanese market has benefits from easy money conditions. Japanese companies have taken advantage of this in two ways—first, by issuing new securities to the tune of one trillion yen, or about $3 billion; and, then, by buying up huge quantities of each other's outstanding float on the open market.

Janeway: One reason, then, for the sensational bulge in the Japanese market can be counted as a net contraction of a larger stock supply outstanding.

Schaefer: Absolutely. The Japanese corporate structure is short on equity and long on debt. The Japanese corporate economy operates on a 75 per cent debt ratio; and the banks lend all their reserves because the government unofficially guarantees them. The money supply has been growing at an annual rate of 20 per cent; and corporations have taken advantage of this situation to consolidate their control position.

Janeway: How do you see the Japanese economy?

Schaefer: The interaction between government and business is unique and is one of the major reasons that I remain so bullish about Japan despite the extent of her breakaway boom. Now that her new Tanaka government has shifted emphasis from external to internal growth, I don't see how the bubble can burst.

Janeway: Then you think Tanaka is going to be good for Japan?

Schaefer: I think Tanaka is the best thing that's happened to Japan in the postwar era. Japan has been overdue to emerge from America's shadow. Tanaka has accomplished this for Japan. He is the right man in the right place at the right time.

Janeway: What does Tanaka stand for?

Schaefer: He is called the "computerized bulldozer" in Japan, Tanaka wants to preside over a Japan that is not only an independent entity, but is the first industrialized nation whose environment is acceptable. At the same time, he has instituted an ambitious development program aimed at reorganization of the Japanese archipelago thru increased rail and highway facilities. His plan is to move people out of the megalopolises of Tokyo and Osaka and build up other areas.

Janeway: This would be good for Japan's construction industry.

Schaefer: Good for her construction industry and any other area related to the Tanaka plan. Housing construction will be up 20 per cent this year, and there has been comparable surge in land values—again with corporate buying triggering the advance. Undeveloped forest land in Hokkaido is going at $36,000 an acre.

Janeway: What about the yen. Will Japan revalue?

Schaefer: The Japanese government is making every effort to avoid another revaluation. But all the business leaders I talked with anticipate one. If the yen is revalued, it should happen by the end of January; the longer it is delayed the less likely it seems.

Janeway: I understand that the Japanese government is going to permit private Japanese investment in foreign-domiciled funds, beginning this month.

Schaefer: That's right, and the Japan Fund will be the first sold there.

WANTED: CRIMINAL DEFENSE COUNSEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LENT. Mr. Speaker, my attention was recently drawn to an article which appeared in the January 24, 1973, New York Law Journal, entitled "Wanted: Criminal Defense Counsel." The author, Robert A. Morse, U.S. attorney for the eastern district of New York, states the view that more members of the bar should become involved in the representation of criminal defendants, and makes other recommendations relative to the criminal justice system. So that my colleagues may have the benefit of Mr. Morse's views, I include them in the RECORD at this point:

WANTED: CRIMINAL DEFENSE COUNSEL

(By Robert A. Morse)

In this article, I shall attempt to persuade my brothers at the Bar that more of them should become involved in representation of criminal defendants. Also, I would hope to persuade those who are already engaged in this area of practice in the state courts to extend their practice to include work in the federal courts.

Although this may appear at first blush an anomalous topic for a federal prosecutor to write upon, seeking in essence to encourage more of his fellow lawyers to join the "opposition," in fact it is not. To begin with, defense counsel and prosecutors are not, or at least should not be, "in opposition," at least not on any personal level. We are lawyers all, perhaps with preferences as to which side of criminal practice we wish to be on. Yet, we are professionals engaged in the practice of our profession, not opponents in the ultimate sense.

NOT AS "CONVICTOR"

In addition, as a prosecutor my duty is not simply that of convicting defendants; rather, my duty is to see that the public's interest in the sound administration of justice is properly served. This interest quite obviously as such requires that the innocent go free as that the guilty be punished. Also, it requires that the greatest number of competent legal minds be brought to bear on the problems of criminal law, so that our constantly evolving law may properly develop. Finally, society's interest in the sound administration of the criminal justice system requires that as much as possible be done to insure that criminal cases be tried and determined with all reasonable dispatch, a goal which can be met by persuading a larger number of able lawyers to enter this area of practice.

As other commentators have pointed out, furnishing adequate legal counsel to criminal defendants is the Bar's collective responsibility; and, to the extent that each of us may possess the talents called for in this area of law, it is also our individual responsibility. In addition, as I would attempt to convince the reader, the practice of criminal law is not an area which the otherwise competent civil practitioner should hesitate to enter.

This is especially so if he has some civil trial experience.

In short, we need both more criminal law specialists and a greater willingness on the part of competent civil practitioners to take on representation of criminal defendants in appropriate cases.

I should note that we have made great strides in recent years with respect to furnishing adequate counsel to those not able to afford retained counsel. Such organizations as the Legal Aid Society of New York are attracting and retaining increasing numbers of outstanding attorneys on their staffs, both at the trial and appellate levels. In addition, the quality of other assigned counsel appointed by the courts to represent indigent defendants is constantly improving.

However, the situation is still far from ideal, and, with respect to representation of criminal defendants able to afford retained counsel, the situation is critical. There are, of course, many excellent attorneys among our criminal defense Bar, but the number of truly competent attorneys whose ability, and energy inspires confidence in their clients leaves much to be desired.

As the United States Court of Appeals for the Second Circuit has had occasion to note only very recently, there is a tremendous concentration of criminal defense work in the hands of a very small number of practitioners able to meet the preferences of defendants able to afford retained counsel. As a result, due to such attorneys' heavy and conflicting trial schedules, a serious problem of delay in disposing of cases involving such defendants has occurred. Obviously, one means of resolving this problem is to require such defendants to retain other counsel. However, I am sure all would agree that the better solution would obtain if there were a much larger number of equally competent attorneys practicing in this area, so that the individual preferences of such defendants could be met and court delay still avoided.

ROLE OF SPECIALIST

Thus, one part of solving this problem of furnishing adequate counsel to represent criminal defendants is for more attorneys to enter this area of the law. In addition, I am convinced that the ordinary practice of so many civil practitioners of routinely declining to take on any representation of criminal defendants, even in the most simple cases, is unwarranted. Surely, there is need for the specialist in this area of the law. However, as in the case of medicine, one part of the general practitioners' responsibility is knowing when to call in the specialist, and another part of this responsibility is being able to function where the services of the specialist (of whom we have far too few) are not required.

Moreover, I am likewise convinced that in many cases, especially those involving minor crimes, especially minor white collar crimes, the interest of the client would far better be served through representation by an attorney whom the defendant already knows, and who has perhaps already represented him in other matters. All that would be required should be that this attorney is a competent lawyer who, as is the case in most areas of practice, is willing to do this work of familiarizing himself with new areas of substantive law and new procedures. In such cases the defendant has, I believe, a much greater likelihood of receiving the sort of individualized attention that is the right of every criminal defendant than if his case is immediately turned over to a very likely already over-committed and over-worked criminal defense specialist.

In addition, in many cases where it can be seen at the outset that a trial specialist will have to be retained, should the case go to trial, there is absolutely no reason why the competent civil practitioner should not continue with the case at least to the point of actual preparation for trial.

In my office, and I am sure this is the case in an ever-increasing number of other prosecution offices, my assistants are always willing to confer with defense counsel concerning possible dispositions not requiring trial. These dispositions have even included, dismissal of the charges against a defendant, where we have become convinced that this was in the interest of justice. In many other cases such meetings have led to defense counsel's obtaining pre-trial discovery of the Government's case far in excess of what the defense would ordinarily be able to obtain as a matter of right under the Federal Rules of Criminal Procedure.

Armed with such information, which frequently the defendant either is unaware the Government possesses or is unwilling to disclose even to his lawyer, defense counsel has often been able to go back to his client and persuade him to accept a reasonable and realistic plea disposition of his case. (Incidentally, we dispose of over 80 per cent of our criminal cases by way of guilty pleas).

I would also suggest that many more lawyers are in fact competent, given adequate preparation in this area, to properly try criminal cases. And, as a corollary I would also suggest that many of our state court criminal defense practitioners who are hesitant to take on criminal cases in the federal courts could do an excellent job in the federal courts.

NEED TO FAMILIARIZE

At the same time, however, I should add the caution that no lawyer should take on criminal trial practice until he has thoroughly familiarized himself with the procedural rules and statutes covering criminal trials in the court in which he proposes to practice. In the federal courts these would include the applicable sections of the Judicial Code, the Federal Rules of Criminal Procedure, the Rules of Procedure for the Trial of Minor Offenses before the United States Magistrates, the local rules of the District Court and applicable rules of the Court of Appeals for the Circuit or rules promulgated by the Judicial Council for the Circuit.

In addition, prospective trial counsel would do well to refresh himself on the law of Evidence and, if he proposes to practice in the federal courts, to study the recently approved Federal Rules of Evidence, which are shortly to go into effect subject to their being modified by Congress. Toward this end, one should not overlook the many excellent programs offered to further post-admission legal education. Nor should counsel overlook the various treaties on these topics.

In summary, I would simply reiterate my major theme: Both the orderly administration of justice and the interests of criminal defendants require that additional competent, energetic attorneys become involved in this area of the law. Simply because it is new or different to them, lawyers should not be hesitant to take on this type of practice. In my judgment the overwhelming number of lawyers possess courage, skill and insight sufficient to continually renew themselves by accepting challenges presented in new fields of law. I offer you this challenge of renewal, and hope one day to see you in the federal court.

BILL McCULLOCH BACK HOME

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BROWN of Ohio. Mr. Speaker, after more than a quarter of a century in the Congress, our former colleague, Bill McCulloch, retired from public service this term. Bill McCulloch, noted for his active support of civil rights legislation, his leading role in helping to frame a constitutional amendment for presidential succession, and his participation on such Presidential commissions dealing with civil disorders and with the causes and prevention of violence, has now returned to his law practice in Piqua, Ohio. He is a man respected on both sides of the aisle, and in and out of Congress, for his objectivity and his fairness.

Recently the Springfield News and Sun printed an article concerning Bill which I think will be of interest to all of my colleagues:

BILL McCULLOCH BACK HOME

PIQUA.—After five terms in the Ohio General Assembly, during which he was minority leader in the Ohio House of Representatives from 1936 to 1939, and more than a quarter century in the Congress of the United States from the Fourth Ohio District, William M. (Bill) McCulloch is back home in Piqua as a private citizen.

Although he is now retired from active public life, Piqua's "Mr. Republican" said he will always retain his long interest in federal, district, state and county GOP politics, lending his influence wherever and whenever desired.

The veteran Piqua congressman returned to his desk in the legal firm of McCulloch, Felger, Fite and Gutmann in the Piqua National Bank Building, and his home at 424 N. Downing st., after a weekend of moving from his long-occupied congressional offices and home in Washington, D.C.

While in the Ohio Assembly the veteran congressman was speaker of the House of Representatives for three successive terms. He resigned as speaker to enter the Army, serving 20 month overseas during World War II.

He was elected to Congress in a special election in 1947 and was reelected for successive two-year terms continuously since that time, winning over opponents in both primary and general elections with such majorities he soon became known as the "champion" vote-getter in his district, a distinction he never lost.

At the start of his 19th year in Congress, and at the age of 65, he was the ranking Republican on the House Judiciary Committee, and played an important role in constitutional legislation which he undertook as far back as 1957.

Often at considerable political sacrifice to himself, the Piqua congressman took a position that constitutional guarantees could not be denied to some Americans without serious danger to the nation.

He also played a leading role in the new immigration laws and helped frame an amendment to the Constitution dealing with presidential succession. As a member of the Intergovernmental Commission on European Migration, he was sent many times to Geneva, Switzerland, for commission meetings.

His other committee appointments while in the Congress included the Commission on Government Security, the President's Commission on Civil Disorders, and President's Commission on The Causes and Prevention of Violence.

He was graduated from Wooster High School, attended the College of Wooster and then received an LL.B degree from the College of Law, Ohio State University. He is also a recipient of an honorary LL.D. degree from the College of Wooster and an honorary LL.D. degree from Ohio Northern University.

Retired Congressman McCulloch has received the American Political Science Association's Congressional Distinguished Service Award, the Distinguished Alumni Award of the College of Wooster; the 1969 Distinguished Service Award of the Ohio Farm Bureau Federation; the Ohio State University Achievement Award, and the Governor's Award.

He was named "Republican of the Year" by the Harvard University Young Republican Club and received the annual "Watchdog of the Treasury Award" from the National Associated Businessmen, Inc.

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING DENOUNCES THE NIXON ADMINISTRATION'S FREEZE ON SUBSIDIZED HOUSING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DRINAN. Mr. Speaker, the administration's new budget—encompasses the virtual elimination of most of the housing programs which have been of invaluable assistance to the poor and to minorities.

For many years fair housing has been viewed as a cornerstone of the Federal Government's efforts to improve the conditions and opportunities of its disadvantaged and minority citizens. Now this "historic commitment" is being threatened. Whatever the faults of the current housing program, the action of the administration is precipitous, unwarranted, and unresponsive to the real needs of Americans. The housing program needs constructive reform—not total abolition.

The National Committee Against Discrimination in Housing—NCADH—recently released a statement on the proposed housing cutbacks. NCADH is a 22-year-old civil rights organization engaged in research, public information, technical counsel, and legal services in behalf of open housing and open communities. I commend the NCADH statement to all Members of Congress:

THE ADMINISTRATION'S HOUSING MORATORIUM AND BUDGET MESSAGE

(A Statement by the National Committee Against Discrimination in Housing)

The Administration's moratorium on construction of subsidized housing has dealt a cruel blow to the hopes of all Americans who are victimized by racial discrimination and/or disadvantaged by low income in their choice. President Nixon's budget message poses a further threat to disadvantaged Americans by proposing a planned dismantling of the Federal government's role in alleviating need and providing leverage for upward mobility. After 40 years of bipartisan effort at the Federal level to redress the inequities imposed upon millions of Americans by age-old patterns of economic exploitation, social neglect and racial discrimination—tolerated and, in some cases, facilitated by state and local governments, the President now asks Congress to join him in repudiating the Nation's commitment to help the ill-clad, ill-nourished and ill-housed and to reverse history by returning to the discredited concept of "rugged individualism."

First to feel the axe—wielded skillfully and wantonly—are programs for the poor and disadvantaged, thus depriving Blacks and other minorities of the supports needed to close the gaps between them and the white majority in income, jobs, housing, education, health and community environment. Either already terminated by Presidential order or scheduled for elimination in the proposed budget are, in addition to subsidized housing for low- and moderate-income families and the elderly, some 100 other social and economic programs; including emergency employment assistance, Community Action Programs (the heart of the war on poverty), rural housing subsidies, urban renewal, Model Cities, urban open space, neighborhood facilities, water and sewer grants, housing rehabilitation loans, public facility loans, mental health centers, compensatory education for the disadvantaged, manpower training, vocational education, legal aid to the poor, the Community Relations Service, hospital construction, etc.

The cost of Medicare to the elderly would be increased by the President's Budget, thus preventing many from utilizing hospital facilities and, thereby, confirming the budget's contention that the nation should stop building hospitals to avoid a surplus of unused beds.

In contrast to this victimization of the disadvantaged, the budget message is silent on the notorious "loop holes" through which the wealthy avoid payment of Federal income and corporate taxes amounting to billions. While housing subsidies are eliminated, subsidies to the maritime industry and other private corporations remain untouched.

The Administration has alleged "widespread" abuses in the Sections 235 and 236 housing subsidy programs out of all proportion to the benefits that these programs have achieved. In an incredible overkill, it has moved to halt the entire subsidized housing program. Instead of continuing appropriate actions to *eliminate* fraud by some Federal officials, some bankers, some developers, and some real estate people, the Administration is placing the burden of blame on those most desperately in need of shelter. This stands in stark contrast to the Administration's reaction to abuses by major defense contractors, one of who was rewarded with a multimillion dollar Federal loan.

The President has jettisoned a program about which he boasted only eighteen months ago. In a major statement on the Federal role in fair housing on June 11, 1971, he cited as evidence of growing housing opportunities for minorities the fact that federally-assisted low and moderate income housing starts had reached their highest level in twenty years. That statement acknowledged the enormous needs still unfilled, and justified housing subsidies by recognizing that the Federal Government "was not blameless in contributing to housing shortages and to the impairment of equal housing opportunity for minority Americans."

Under pressure from civil rights forces, the Federal Government had begun to exert its power and its leadership in enforcement of the 1968 Fair Housing Act. Even those efforts, admittedly inadequate, are now threatened by the halt of subsidized housing programs. The leverage of Federal funding as an encouragement for affirmative implementation of civil rights laws will now be dissipated as the Administration sets its course on "no strings" disbursement of funds through revenue-sharing to state and local governments.

The freeze gives every appearance of Executive coercion of the Congress. By cutting off desperately needed housing, education and employment programs for the disadvantaged, the Administration sets the stage for forced acceptance of "special revenue-sharing", designed to shift responsibility for social programs dramatically and precipitously from the Federal level to the state and local levels with no assurance that these political jurisdictions are willing or even capable of accepting the new responsibilities along with the new money, especially in the face of their historic postures.

Programs enacted by the Congress of the United States over a period of many years and designed to meet the critical housing needs of the nation, as chronicled in the reports of the prestigious Douglas and Kaiser commissions, have been peremptorily halted by the President of the United States. Once again—for the poor, the disadvantaged, the minorities of this nation—"a dream is deferred," and the Nation's 1949 promise of "a decent home in a suitable living environment" for every American family remains unfulfilled.

The National Committee Against Discrimination in Housing issues this call for immediate action by the Nation's leadership and its people.

We call on the President to:

1. Rescind the freeze of all federally-subsidized housing and community development programs.

2. Release all impounded funds appropriated by Congress for housing and other social and economic programs.

3. Recall this Budget message of doom and cooperate fully with Congressional leadership in developing legislative improvements and budgetary allocations that can move America upward by meeting the obvious housing and other social and economic needs of the Nation.

4. Exercise Executive leadership to insure that all Federal programs are utilized affirmatively to achieve genuine equality of opportunity for all Americans, as mandated by Federal laws and Executive Orders.

We call on the Congress of the United States to:

1. Exercise its full constitutional authority, as the elected representatives of the people and the nation's highest legislative body, by taking appropriate action to assure that these vital programs are not eroded.

2. Carefully examine Presidential nominees to Executive departments and agencies charged with implementation of social and economic programs and withhold approval of any nominee who is not fully committed to the unequivocal enforcement of the nation's equal opportunity requirements in all social and economic programs.

3. Reject the President's Budget Message of doom and make allocations and appropriations that keep faith with the legislated promise to abolish poverty, above all, among those who are poor because they are Black, Spanish-speaking or of other minority groups.

We call on the People to:

Vigorously and vocally support social and economic programs to provide genuine equality of opportunity in shelter, education, jobs and all other aspects of life for the benefit of all Americans, and to make their voices heard at the White House, in the halls of Congress, and in their own communities.

WALTER CRONKITE ON L. B. J.

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BLATNIK. Mr. Speaker, Congress and the Nation have said goodby to Lyndon Baines Johnson, our former colleague in the House and Senate, and 36th President of the United States. We have joined his family in mourning his passing; we have reflected, publicly and privately among ourselves, on his tremendous impact on this Nation and the world.

The media have had their say, too, but none have spoken of L. B. J. more eloquently than Walter Cronkite, on CBS Radio, the evening following his death. It was broadcast January 23, 1973.

Mr. Cronkite had been taping a series of television interviews with L. B. J., and less than 2 weeks before his death spoke with the former President on his civil rights legacy, surely the crowning achievement of this restless, compassionate giant.

I would like to insert Mr. Cronkite's radio commentary in the RECORD, so that the Nation may have the benefit of his most recent insights, and personal perceptions, of the man who dominated the legislative landscape for so long, both as Representative, Senator, and President of the United States.

The commentary follows:

> Lyndon Johnson was a man of incredible contradictions. A man who became President with a prime commitment to domestic reform, yet ultimately saw his domestic program tainted by controversy abroad. A man who won the biggest Presidential landslide in U.S. history, yet could not try again just four years later because his stock had sunk so low. A Southerner who championed the greatest civil rights advances in the nation's history. A man who hobnobbed with Texas conservatives, and yet fathered the war on poverty and pushed Medicare through Congress. And certainly not least, a man who gloried publicly in acquiring and manipulating political power while repressing grave private doubts if the power was properly his to hold.
>
> He certainly didn't become any less complex a man when you got to know him personally. I had been going down to the LBJ Ranch at irregular intervals ever since Mr. Johnson left the White House to interview him before TV cameras on various aspects of his controversial Presidential years. The most recent installment, devoted mainly to the civil rights issue, took place less than two weeks ago. Clearly, it was more congenial for Mr. Johnson to talk about civil rights than about Vietnam, which we'd discussed earlier. Perhaps this was one reason why he seemed to have mellowed somewhat. He even occasionally acknowledged making a mistake or two while in office. Before, he'd seemed much more petulant and defensive; and mistakes or misunderstandings were by his adversaries or critics—not by him.
>
> Yet, with this unbelievably restless, energetic man, mellowness was at best a relative condition. He obviously was not in the best of health. At least twice during our formal interview, he suffered chest pains; one of these times, he had to interrupt the filming to recover and take a pill. Yet his conversation made no concession to infirmity. His style was as animated and vigorous as ever. He talked of future plans—private, not public, ones—dealing in part with cattle and land sales. As he had done now and then in the past—despite his poor heart—he once more appeared to be neglecting his health. He smoked a great deal. Apparently, he was so nervous and cantankerous when not smoking that he was told to go ahead and smoke again, as a lesser evil. He also seemed to be ignoring his diet. At one meal, when dessert was rice pudding with whipped cream, he not only demolished one portion but then, as the conversation continued, leaned over and started eating his neighbor's portion as well.
>
> Undisciplined zestfulness—conduct that others often considered crude—were of course one part of Lyndon Johnson's public record. There were other traits the public could not see, parts of Mr. Johnson that unfortunately froze up and disappeared during formal occasions, such as speeches or news conferences. One such trait was the personal warmth that emanated from this big, blustering Texan when you met him face to face. Another was the depth of his commitment to the have-nots in life. He made mistakes with his head. Whatever one thought of his Vietnam policy, there was no condoning his misleading the public about it as he did in '64 and '65; but at the same time, he was a man with a big heart. He learned about underprivileged minorities from teaching Mexican children in public school; about unemployment from his back-country neighbors; about poverty from his own youthful experiences. The lessons stuck. Publicly, he may have impressed some as an ambitious, self-serving wheeler-dealer. Actually, he was a man with genuine, lasting compassion for others.
>
> So, it was nice to learn from him, during this last encounter, that a few days before, he'd received another phone call from President Nixon, who reportedly said that this time a cease-fire agreement really was in the works. If Mr. Johnson had to die without knowing the war that hurt him so badly was over, he at least passed on reasonably certain it was about to end. One may hope he also left us reassured of his own place in history, to be recalled, despite his imperfections, as a zealous public servant with a compelling dream of a better America—who made enormous strides to make that dream come true.

PUBLIC HOUSING FOR THE FUTURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, when the Public Housing Act of 1949 was passed into law, this country established a goal that every American be provided with a decent home in a suitable environment. Admittedly, many of the housing programs instituted relative to this goal have had serious shortcomings. In many cases, public housing has served to concentrate low-income, minority families in crime-ridden, ghetto areas. Rising security and maintenance costs have far outstripped, in many instances, rental incomes, with the result that some housing projects have become so dilapidated so as to become virtually unlivable.

Indeed, Mr. Speaker, in view of the problems encountered by officials in effectively administering public housing programs, it would appear obvious that we must take a hard look at national policy in this area, and develop alternatives to those aspects of America's housing programs that have not been productive. I recommend, however, that the present administration analyze its policies toward public housing in light of the following statements by Robert Maffin, Executive Director of Housing and Redevelopment officials. As Mr. Maffin said:

> You can ponder, and everyone should, but, while you're pondering, don't let what you have go down the drain.

And I suggest, Mr. Speaker, that this is exactly what the present administration has permitted to occur: America's public housing programs have been allowed to deteriorate to a most disturbing level. The administration has responded to the difficulties encountered by HUD in providing decent housing for Americans, not with creative action, but rather with a series of measures which threaten many housing authorities with financial insolvency. I think, Mr. Speaker, that in analyzing the following features of the administration's current public housing policy, the counterproductive effects of this policy will become obvious.

Until the late 1960's most housing authorities were able to charge rents sufficient to cover their operating and maintenance expenses. However, inflationary pressures drove rents to levels that numerous low-income tenants could not afford. Many felt that ever-increasing housing rents which authorities were forced to charge made public housing inaccessible to many poor families, thus defeating to a large degree the entire purpose of America's housing program.

In 1969, Senator BROOKE proposed a series of amendments intended to insure that low-income Americans would be able to afford Government housing. The Brooke amendments stipulated that poor tenants could not be charged more than 25 percent of their total income for rents—with the provision that Federal subsidies were to provide sufficient funding to cover maintenance and operating expenses for those authorities which suffered substantial rent income decreases due to the new Brooke amendment ceilings.

Unfortunately, Mr. Speaker, the administration has not been fit to supply local housing authorities with sufficient subsidies to cover their expenses. In the 1971–72 fiscal year, authorities across the country were granted $44 million less than needed to deliver a basic level of service to individual housing projects. And this year, with HUD itself proclaiming that $325.4 million will be needed "to cover deficits and provide adequate services," the administration has requested only $170 million. In light of policies such as this, Mr. Speaker, it is no wonder that 35 housing authorities located in major cities across the country face bankruptcy by next September—their bankruptcy representing the loss of hundreds of thousands of housing units currently occupied by Americans who can least afford the discontinuation of a vigorous, hopeful public housing program.

In an effort to compensate for the additional financial burdens imposed by the Brooke amendments, the administration developed a policy last December stating that no new housing units may be constructed where aggregate rents from a given project do not equal 85 percent of total operating expenses. Thus, Mr. Speaker, rather than provide our housing authorities with congessionally authorized subsidies sufficient to guarantee the economic well-being of America's existing housing projects, the administration has chosen to deal with the problem by ratifying a policy which will clearly force a reduction of necessary maintenance and operating services as well as discouraging, if not actually precluding, the construction of needed housing in areas where persons on waiting lists have such low incomes that their rents could not equal 85 percent of operating expenses.

This, Mr. Speaker, is unquestionably the most objectionable consequence of administration housing policies. Those who desperately need housing are not getting it. For example, a new high-rise project for elderly persons in Foggy Bottom was recently canceled when a survey revealed that of 1,600 persons on the waiting list for this project only four had incomes in excess of $3,000. Because these elderly people, whose need for decent housing was critical indeed, did not have a "rent payment capacity" sufficient to cover 85 percent of the project's operating expenses, the entire Foggy Bottom facility was canceled.

Regretably, Mr. Speaker, this is not an isolated occurrence. All across America, housing projects confronted with rising costs and insufficient Federal subsidies, have been forced to turn away low-income families in favor of moderate income families whose higher "rent potentials" can be utilized to pay for project operating expenses. I should think, Mr. Speaker, that such a situation is contrary to the fundamental philosophy behind America's housing program; a philosophy designed to insure all Americans, including low-income Americans, of a decent place to live.

The fulfillment of America's housing goal established 23 years ago will not come easily. Providing for the housing needs of this Nation will require the immediate, the closest attention of America's best, most creative planners. Undoubtedly, many of our previous approaches to the whole problem will have to be altered and new methods developed capable of more effectively balancing the various, often times conflicting, interests involved in the public housing issue. However, Mr. Speaker, I cannot believe that depriving housing authorities of Federal subsidies needed to deliver a minimum level of service, or excluding low-income persons who are surely in greatest need of decent housing, is going to make any contribution to the improvement of the housing dilemma facing our Nation today.

POSTAL SERVICE IN NEED OF INVESTIGATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROGERS. Mr. Speaker, I have recently called for a thorough investigation of the U.S. Postal Service by the General Accounting Office and the Post Office and Civil Service Committee.

Each day I receive correspondence describing yet more personal inconveniences and hardships caused by the inability of our Postal Service to provide timely, consistent delivery of the Nation's mail.

In a recent article in the Fort Lauderdale News, Mr. Tom Vinguerra also concluded that the Postal Service is in need of investigation. I insert that article in the Record at this point:

Rep. Paul G. Rogers last week was so fed up with lagging mail delivery service, he almost wished for the return of the barefoot mailman.

All the streamlining of the new government corporation called the U.S. Postal Service does not compare so favorably with the barefoot character who used to traipse up and down the coast of Florida delivering mail.

So Roger wants an investigation.

He has asked a couple of friends, Reps. Thaddeus Dulski, Postal Service Committee chairman, and Morris Udall, who chairs the subcommittee dealing directly with delivery service, to find out what is ailing the post office.

Rogers is not the first lawmaker to vent anger over the mail delays. Constituents have been griping to congressmen all over the nation.

Yet, the Postal Service investigating committees say actual percentage of customer complaints is down, no longer a priority problem.

And, last week, as Rogers announced he wants the Postal Service investigated, a 40-page annual report of Postmaster General E. T. Klassen lionizing his operation was released to the press.

Klassen said 94 per cent of local mail, if deposited by 5 p.m., is delivered the next day. And, he said, out of town mail averages 1.7 to 1.6 days for delivery.

Now, that is quite a track record.

In ticking off his examples of poor mail service, Rogers said a letter from West Palm Beach to Palm Beach, just across Lake Worth, was three months in reaching its destination.

These examples, mentioned to the congressional Postal Service staffs, were brushed off as possible "selected problems." In other words, deeper probing would uncover justification for the delays.

Most people put up with a lot of inconvenience before they are moved to action.

And only a few Americans dare tackle a behemoth like the Postal Service. It is like griping about the Vietnam War to the Pentagon.

Still, postal delivery is a service for which tax paying Americans can justly expect a better shake than they're getting.

The Postal Services staffers on the Hill say they are bothered most by complaints from postal employes and their unions.

The unions, which are nagging Congress for the right to strike, spend the rest of their time complaining about overworked postal employes.

The Postal Service is not hiring the numbers of people the unions feel are necessary to adequately staff the celebrated reform that came with the transition of the Postal Service from a stereotype governmental agency into the quasi-governmental unit it is today.

There is much hidden pressure being clamped on the public. It is sporadic, not geographically designed but constant.

Congressmen get letters complaining about poor mail service. The lawmakers complain in news releases and, like Rep. Rogers, ask for an investigation.

The public is going to take quite a whipping before Congress is man enough to admit it has made a mistake in creating a quasi-government agency to deliver the mail.

A few months ago, Rep. James Haley, D-Sarasota, his ire aroused by complaints from his district, warned that the Postal Service faces loss of its corporate status.

He, like Rogers, said the new postal system is worse, not better than the previous setup.

Then comes the annual report of Klassen's.

"We achieved a significant 2.4 per cent productivity gain in the fiscal year ending June 30," Klassen boasted. And, of course, he bragged about "improved service in the reduction in the average time for delivery."

Who is kidding?

Klassen noted in his annual report that he held back asking for $450 million in postage rate increases previously scheduled for January 1973.

This is an iceberg. And if Rep. Rogers gets below the surface before it is too late, the public will be indebted.

UNIVERSITIES AND THE THREAT OF GOVERNMENT INTERVENTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. CRANE. Mr. Speaker, earlier this month my distinguished colleague from Pennsylvania (Mr. Saylor) placed in the Congressional Record the text of a statement by Dr. George Roche III, president of Hillsdale College, concerning the effect upon higher education which is currently being produced by Federal aid to and involvement in the operation of the Nation's colleges and universities.

Few subjects are of more importance to those of us who are concerned about the future of higher education in the United States, and few subjects are of as much concern to educators who seek to maintain academic freedom and the integrity of their institutions in the face of increasing Government pressure.

In its effort to end racial, ethnic, and sexual discrimination, governmental agencies have, ironically, become the agents of a new and accepted racism in American society. Where men and women who thought of themselves as being liberal were previously committed to an open society in which individuals would be judged on their merits and not on such arbitrary and irrelevant criteria as color or ethnic background, today they seem to be advocating precisely the opposite.

An example of this policy at work relates to the hiring of faculty members at the Nation's colleges and universities. Universities have been told, in effect, that their faculties must include a specific percentage of women, blacks, and members of other minorities. If they do not, all Federal aid and assistance will be shut off to them.

What the Department of Health, Education, and Welfare is doing, in effect, is to violate the very law it is seeking to implement. In guidelines issued by the Office of Federal Contract Compliance, implementing Executive Order 11246, as amended by Executive Order 13375, it is specified that any contractor with the Government of 50 or more employees and a contract of $50,000 may not practice discrimination in hiring. Failure to comply makes the contractor ineligible for Federal funds.

The order says nothing about racial, sexual, or ethnic quotas. The guidelines drawn up by the Office of Compliance to determine whether or not a prima facie case of unjust discrimination obtains are, in fact, quite reasonable. They specify that a case of underutilization exists with respect to employment of minorities and women wherever there are appreciably fewer minority members or women in any particular category of work than would reasonably be expected by their availability. It makes clear that "availability" is to be defined not by the numerical presence or percentage in the general population but by the possession of requisite skills in the immediate labor area.

The regional offices of the Federal Compliance Board, however, have interpreted these guidelines in a far different way. Prof. Sidney Hook points out that the manner in which they have been interpreted is:

> . . . to disregard completely the all-important criterion of qualification or requisite skills in the institutions of higher learning. They have assumed that what might be a legitimate inference in considering the presence or absence of discrimination in hiring individuals for an assembly line or for positions that require no particular or special skills holds for all levels of university instruction. They have proceeded apparently on the assumption that if a disproportion exists between the ratio of minority members employed to the total numbers employed and the ratio of minority members to the total population, the university is not complying with the presidential directive. It then gives the university thirty days to remedy the situation or face the loss of all its federal contracts.

Academic freedom and the independence and integrity of American universities is being sharply interfered with by governmental intervention in the hiring process and the imposition of arbitrary racial, sexual, and ethnic quotas. In an important statement issued in a report to the American Association of Independent Colleges & Universities, the distinguished president of Hillsdale College, Dr. George C. Roche III, declared:

> The attempt to achieve a statistically adequate representation of women and ethnic groups on college faculties has tended to produce a rush to discover sufficient numbers of well-qualified professors with minority credentials. In actual practice, the numbers demanded of such minority types rather exceeded the qualified people available. Thus a strange new word has entered the Affirmative Action dialogue. Today we talk about the appointment of persons who are not qualified, but who are "qualifiable." In point of fact, the guidelines state: "Neither minority nor female employes should be required to possess higher qualifications than those of the lowest qualified incumbent."

Dr. Roche declared:

> This policy not only does an injustice to the institution and the students coming in contact with faculty members unqualified to hold their position but also excludes from consideration large numbers of an entire generation of young scholars, quite well-qualified to hold a position, yet often rendered ineligible by their non-membership in an HEW-approved minority group.

Dr. Roche stated:

> Bureaucrats of the middle echelon "have been responsible for the implementation of administrative law, far beyond the original confines of any action taken by an elected official, in either legislative or executive branch of Government.

The subject of federally imposed guidelines for ethnic quotas in the hiring of faculty members was discussed in a recent article by Prof. Justus M. Van Der Kroef, chairman of the Department of Political Science at the University of Bridgeport, and, in 1971–72, national president of University Professors for Academic Order.

Dr. Van Der Kroef states that in many instances university administrators have failed to oppose Federal guidelines for fear of losing Federal funds. He notes that:

> It does seem curious that U.S. universities and their faculties, that is precisely those institutions and individuals that have made it fashionable to oppose vehemently such government policies as presumably outraged them morally or otherwise (vide the campus anti-war movement) have been so content to pass the buck to Washington.

In his statement, Dr. Van Der Kroef cites an article which appeared in the New York Daily News of December 30, 1972, which reported the results of a survey of the salaries being earned by male graduates of the class of 1970 at the City University of New York. The survey, made by Prof. Herbert Katzenstein, show that blacks averaged $9,670 during their first year, while whites averaged only $8,050. According to Katzenstein, blacks in the 1970 class not only benefited from higher initial salaries, but also from better career upgrading opportunities than whites.

Dr. Van Der Kroef details many instances in which the reverse racism being imposed by government bureaucrats has lowered the quality of American education and has penalized well-qualified applicants for faculty positions.

If Government determines faculty hiring, in what sense does American education remain independent? If one kind of racism is acceptable Government policy, does not all racism achieve a certain measure of Government support and approval?

I wish to share with my colleagues the article, "Another Threat to Our Universities" by Prof. Justus M. Van Der Kroef, as it appeared in the January 20, 1973, issue of Human Events, and insert it into the Record at this time:

Another Threat to Our Universities

(By Justus M. Van Der Kroef)

American higher education, still trying to recover from the mindless assaults of student militants and their faculty Svengalis in the past four years, today faces what is perhaps an even more serious threat.

Campus after campus is succumbing to the federal government's so-called "Affirmative Action" policy, which, as the Department of Health, Education and Welfare in its Oct. 4, 1972 "guidelines" to colleges and universities puts it, requires college administrations "to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, *even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer*" (emphasis added).

This Kafka-esque ruling (what HEW, in effect, is saying to the college administrator-employer is that even if he isn't guilty of past discrimination in hiring he will be considered as if he is) is based on the consideration, according to the same "guidelines," that "benign neutrality in employment practices will tend to perpetuate the status quo ante indefinitely."

HEW's Office for Civil Rights director, J. Stanley Pottinger, said when the October 4 "guidelines" were issued, that these did not herald anything new but merely clarified and systematized directives already on the books and applicable especially to the nation's colleges.

Just so, because for nearly two years, at least, university administrations, mindful of the federal funds and loans that have been, in many cases, indispensable to their institutions' past development, have been busily interpreting and applying earlier "Affirmative Action" directives.

The interpretations are simple: hire more blacks, Spanish-surnamed persons and women, even if you wind up practicing discrimination in reverse. And while HEW's guidelines mandate the hiring of *qualified* "members of groups formerly excluded," the pressure to (1) stay on the right side of HEW, (2) appease minority group clamor in the community, and (3) satisfy black and Chicano militants and Women's Libbers on the campuses themselves, more often than not becomes decisive.

"The supply of the truly qualified in university teaching has always been limited. Now quality is further attenuated by politically enforced racism and 'sexism,' designed presumably to right the employment wrongs of the past."

The consequences have been inevitable. Already, on Aug. 8, 1972, the American Jewish Committee, the Anti-Defamation League of B'nai B'rith, the Jewish Labor Committee and a number of other Jewish organizations submitted a memorandum to HEW, detailing instances of preferential treatment and discriminatory employment policies in a number of colleges and universities resulting from efforts to comply with the federal government's "Affirmative Action" directives. The following instances are taken from this memorandum:

Item: In a report to HEW at the close of 1971 the administration of Northwestern University declared that it would permit replacement appointments to the faculty only to the extent that university units hire at a rate of 25 per cent women and racial minorities.

"In other words," the report said, "no replacement will be authorized until a woman or racial minority faculty member is found." Northwestern said further that it would "reserve a pool of positions" for women and minority group members in its Arts and Science College faculty. The pool would include 20 per cent of new positions and 10 per cent of the vacancies in existing positions: clearly, as the Aug. 8, 1972, memorandum of B'nai B'rith and others point out, this is a quota system. One department chairman at Northwestern admitted that his institution, like "a lot of other universities" today, was "under some pressure" from the federal government "to hire women, Chicanos, etc."

Item: At the State University of New York at Albany the vice president for management and planning reportedly announced "a policy of one-to-one hiring of minorities affecting all of the administrative staff. This means that for every white (non-minority) hired, a minority member must be hired."

"IMPRESSIVE" PROSPECT REJECTED

Hiring officers at the university were also instructed that "the university will defer the filling of some positions until qualified minority members and women are added to the staff of the university." A related university "Affirmative Action" directive urged that no less than one of every three new vacant administrative positions concerned with student affairs be filled with members of minority groups.

Item: Last January an applicant for a faculty position at Connecticut College in New London was rejected, even though he was advised that his qualifications were "impressive." However, the department concerned wished to hire a woman "so we are concentrating on interviews of that kind."

As the Aug. 8, 1972, memorandum of B'nai B'rith and others points out, in this particular case women were not being considered *along with* other qualified applicants "in accord with legitimate affirmative action"; rather "on the basis of preferential treatment, the position was being restricted to men."

Item: One department chairman at Chico State College in California declared that since his was an "Affirmative Action institution" he would waive not only doctoral requirements for "Affirmative Action" candidates who were willing to pursue part-time graduate work, but would also give them "greater latitude in teaching" areas.

Pima College, Phoenix, Ariz., reportedly offered an even more blatantly discriminatory inducement in order to attract minority group faculty. Pima introduced what it called a "fudge factor," that is as much as $700 in salary more for minority teachers. As the earlier mentioned Aug. 8, 1972, memorandum notes, Pima's "fudging" is clearly contrary to the principle of equal pay for equal work, a concept which HEW itself, as well as other federal agencies, are trying to enforce in order to end discrimination against minority workers!

The data accumulated by the American Jewish Committee, B'nai B'rith and others have been enough to shake Pottinger's "guidelines." On Nov. 22, 1972, Pottinger's assistant, Samuel Solomon, announced that HEW's Office for Civil Rights would investigate complaints made by the Anti-Defamation League of B'nai B'rith that white males were being barred from employment and job advancement because of the "Affirmative Action" policies of colleges and universities.

Meanwhile, some college administrators themselves had already become alarmed. On May 6, 1972, the San Francisco Chronicle quoted Dr. Mansell Keene, vice-chancellor for faculty and staff affairs of the California state universities and colleges, as having asked the presidents of the California state institutions of higher education "to be a little more tactful when turning down white male job applicants because of their race and sex" at their schools.

Keene quoted a letter from the personnel officer at one of the California campuses to a rejected applicant. The personnel officer had written that while the department to which the applicant had applied for a vacancy "saw you as our top candidate" it would not be able to make a job offer. The reason, as the personnel officer put it, was that "Although the department initially viewed your ancestry as satisfying the requirements of Affirmative Action [the applicant was from the Middle East] consultation with our institutional advisers indicated to us that your ancestry does not qualify you as an oppressed minority." As Keene reportedly acknowledged, this rejected applicant, upon receipt of such a letter, might well feel like a member of an "oppressed minority."

"The incident cited by Keene would be ludicrous if it were not so alarmingly indicative of the confusion in faculty hiring policies resulting from the Nixon Administration's 'Affirmative Action' program."

Citing the above San Francisco *Chronicle* report, Dr. Aaron Wildavsky, dean of the Graduate School of Public Policy at the Berkeley campus of the University of California, has noted that if one were to add up all the currently fashionable "oppressed minorities" in America today, ranging from consumers, women, youth, blacks and Chicanos, to commuters, welfare recipients and various "deviants," one winds up with a nation composed of "374 per cent of minorities."

A SATIRICAL SUGGESTION

Perhaps satire is the best way to highlight the problem, as in the employment request made by one Eastern seaboard university department chairman of the author's acquaintance who, mindful of current "Affirmative Action" criteria and being in a position to hire only one person in his small department, claimed to be looking for a woman Egyptologist, black, with a Spanish surname, and born on a Southwestern Indian reservation.

However, meanwhile one is confronted with HEW's "guidelines" which, despite B'nai B'rith's protest, are, for obvious political reasons, likely to change as slowly as an ultimate judicial decision in an inevitable test case in the courts is reached. University administrations which refuse to authorize faculty replacements "until a woman or racial minority member is found" obviously are as ready to impair their academic program as those which are prepared to waive doctoral requirements and provide "greater latitude" in teaching for the "Affirmative Action" faculty they desire, or which reject their admittedly "top candidate" for a faculty position on the grounds that his "ancestry does not qualify" him.

One suspects that some university administrations, having caved in earlier to demands of their minority students that only a faculty member of that particular minority can teach certain courses in the academic curriculum, would no longer contest any racial assumptions that may govern university teaching in the future.

The presumed rationale of the "Affirmative Action" program is that women and certain minority group members have suffered from discrimination in employment and/or promotion in the academic community. This may well be the case, although the present writer is not aware of the existence of any comprehensive study, valid statistically and otherwise, that has addressed itself to the problem over any significant span of time.

Not just the absence of valid evidence alleging discriminatory treatment is disturbing. Even more so is "Affirmative Action's" apparent policy lodestar that somehow two wrongs will make a right—that alleged discrimination against one minority can be undone by discrimination against others.

The actual employment effects of such reverse discrimination in which "Affirmative Action" plays a significant role, are already becoming evident. The New York *Daily News* on Dec. 30, 1972, reported the results of a survey of the salaries being earned by male graduates in the class of 1970 at the City College of New York. The survey, made by Prof. Herbert Katzenstein, show that blacks averaged $9,670 during their first year, while whites only averaged $8,050.

According to Katzenstein, blacks in the 1970 class not only benefited from higher initial salaries, but also from better career upgrading opportunities than whites.

From 1962 to 1970 annual mean income of black graduates in the first employment year rose by 71 per cent (from $5,660 to $9,670) as compared to 32 per cent (from $6,110 to $8,050) in the same period for whites. According to the *Daily News* report, Katzenstein attributed the increase for blacks to the relative shortage of black male graduates in terms of available openings (at a time when employment of blacks "became a virtual imperative" for a firm's "public image") and to such government policies as "Affirmative Action."

"In the previously cited Aug. 8, 1972, memorandum to HEW submitted by various Jewish organizations concerned over the 'Affirmative Action' policy there is a reference to one university vice president who, in response to an inquiry by an alumnus over the university's 'Affirmative Action' hiring procedures, responded with: 'I think that your quarrel is not with [this] university but with the federal government.' "

The answer is not unrepresentative of other administrative reactions in the face of complaints over "Affirmative Action." But it does seem curious that U.S. universities and their faculties, that is precisely those institutions and individuals that have made it fashionable to oppose vehemently such government policies as presumably outraged them morally or otherwise (*vide* the campus anti-war movement), have been so content to pass the buck to Washington when confronted with the data mentioned in this article.

Could it be that the much-discussed masochistic guilt feeling of the liberal intelligentsia, especially in the American academy, are somehow assuaged by the new racism in reverse on the campus?

RETIREMENT REMARKS OF CONGRESSMAN WM. M. COLMER

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LOTT. Mr. Speaker, on January 3, 1973, one of the truly great statesmen in the history of Mississippi retired after 40 years of service in the Congress. Last year he was honored at an appreciation dinner by the State of Mississippi, by his colleagues in the Congress, Mrs. Julie Nixon Eisenhower as the representative of President Richard Nixon, and his constituents who love him so dearly. On that occasion, he delivered remarks that are so typical of the political courage and love for his fellowman that he exemplified during his service in this great body. He took that occasion to once again hoist the warning flags of the dangers this young Republic faces. I, therefore, take this opportunity to share with my colleagues the remarks of this man I admire and respect so much, Congressman Wm. M. Colmer:

REMARKS BY CONGRESSMAN WILLIAM M. COLMER, COLMER RETIREMENT DINNER, BROADWATER BEACH HOTEL, BILOXI, MISS., OCTOBER 27, 1972

Mr. Lewis, Mrs. Eisenhower, Governor Waller, my former colleague and later Governor of Mississippi, John Bell Williams, other distinguished guests at the head table, and all of you who have honored me with your presence here tonight: Greetings.

First permit me to thank all of you on the program committee for arranging this program for this unworthy person.

It has been said that in this political world, gratitude is for expected favors rather than for past performance, but certainly you have demonstrated by your presence here tonight that this is an erroneous and cynical definition.

Julie, I particularly apprepriate your presence here tonight representing my good friend and your great father, the President of the United States. You have demonstrated in your young life that, in addition to being the daughter of the President of the United States and the wife of the grandson of another great President, Dwight D. Eisenhower, that with your charm and dignity, you are a queen in your own right.

Mr. Master of Ceremonies, after witnessing this program here tonight, I am constrained to wisecrack that had I known beforehand the sentiment of my constituency, I might have been tempted to run again and even make a career of the job.

Never in the history of our beloved but often-maligned state had one been so honored with so little justification. But if I have achieved anything worthwhile, if I have been able to add to the prosperity and well-being of our people, if I have contributed even in a small way to maintaining and perpetuating this young Republic for the benefit of present and future generations, it is all because the good, God-fearing, patriotic and loyal people of South Mississippi have given me the cherished opportunity to serve them in the Congress of the United States for the past four decades. For this expression of confidence, I shall be most grateful for the balance of my days.

Obviously, many others during the period of my service have contributed more to maintaining our cherished form of government than I, but I can assure you with the deepest sense of conscience that no one has been more dedicated in his humble way than I.

As I have observed from the vantage point of the United States Capitol the assaults that have been made and are still being made, both from within and from without our beloved country, I am alarmed—I hope, without justification—that we may yet lose our government dedicated to the liberties of the individual and the free enterprise system which has made America the most powerful of all nations and the envy of the civilized world. As I have often expounded on the floor of the peoples' House of Representatives, I fear the ever-increasing trend toward the centralization of government in Washington at the expense of States' rights and local self-government, with the resulting loss of the liberties of the people.

I fear excessive deficit spending with its resultant inflation with which we are currently faced and the mounting erosion of the dollar as a greater danger to our form of government than any foreign government, Communist or otherwise. For it must ever be borne in mind that the people must support the government rather than espouse the current philosophy that the government should support the people. Surely, if our form of government was worth the sacrifices made by the Founding Fathers and preserved by the blood shed upon foreign soils, it is worth the comparatively small sacrifice so necessary by the millions of Americans who have become its beneficiaries. In times of peace as well as in times of war, we must exercise the necessary discipline lest we lose it all.

Now, finally, as I bow out of the political arena after I have enjoyed the high privilege of having served you in the Congress of the United States for these many years as the beneficiary of your gracious suffrage, may I again thank you with all my heart for your cooperation, your kindness to this humble person. For the future, I can only offer you my gratitude and my prayers not only for you but for this young republic, the most perfect embodiment of human government ever conceived by the minds of mortal men.

May I close with one of my favorite quotations and my prayer for you:

May the road rise to meet you;
May the wind be always at your back;
May the sun shine warm upon your face;
May the rains fall soft upon your fields;
And until we meet again, may God hold you
in the palm of his hand.

BLATNIK INTRODUCES LEGISLATION TO REINSTATE TWO VITAL RURAL PROGRAMS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BLATNIK. Mr. Speaker, REA—the keystone of rural progress was dealt a severe and unjust blow when the administration eliminated the direct loan program—the lifeline of REA.

With a single stroke both REA direct loans and the rural environmental assistance program were wiped out. The elimination of these programs is not only a crippling setback for rural America but has a much deeper and more serious implication for the future quality of our rural environment.

The action is in direct confrontation with the established policy of Congress to bring jobs and services to rural areas—to prevent the ever increasing concentration of population with its attendant social and economic problems in metropolitan areas and instead to encourage people to remain where the quality of life is good.

Both the REA direct loan program and REAP have origins dating back over three decades. Throughout these many years, each program has compiled its own outstanding record of service to rural communities across the Nation and, after searching analysis and careful evaluation of their individual merits, the REA direct loan program and REAP have been approved and funded annually by the Congress.

The sudden termination of these two programs represents an alarming new dimension of the President's repeated withholding of funds in outright defiance of Congress which appropriated these moneys to fulfill pressing needs.

In the case of the REA program, the Department of Agriculture announced that it had canceled the 2 percent direct loans in favor of insured and guaranteed loans available from private lenders at a minimum 5 percent interest rate. The administration fabricated the legal authority for this adverse action against REA by pointing to the credit authority provisions of the Rural Development Act of 1972. This authority was clearly intended as "supplemental" credit, and not a "replacement" to the credit mandated by the Congress under the Rural Electrification Act.

To counteract this attempt to reverse 30 years of progress, I am introducing two bills on Monday—one to preserve the REA 2 percent direct loans and the second to reinstate REAP.

The first bill will direct the REA Administrator to expend the full amount of appropriated funds to carry out the REA program. When the rural electric cooperatives pledged to provide dependable electric service to all within their assigned territories; in return, the Federal Government pledged long-term, low-interest direct loans to make that service possible. The co-ops have kept their part of the bargain and the Federal Government must continue to fulfill its obligation to rural America.

The second bill will make available the full amount of the funds appropriated by the Congress for the proven and constructive REAP program. At a time when we, as a Nation, are more environmentally aware and ecologically concerned than ever before in our history, I am adamantly opposed to the White House's decision to obliterate this program which has proven so effective in conservation and pollution abatement practices on our Nation's farmlands.

These arbitrary and unilateral actions by the President in flagrant disregard of the needs and concerns of rural citizens, and in arrogant violation of legislative mandate, must be repudiated. Congress must act promptly to clarify beyond any possible misinterpretation that the President does not have the power singlehandedly to prevent these authorized and appropriated funds from reaching the people they are intended to help.

ROBERTO CLEMENTE—MAN WITH A MISSION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RODINO. Mr. Speaker, the shock of his tragic death has softened a bit now. We picture clearly his face—a face of strength, determination, pride in his heritage and in his people, and a face a great tenderness. We recall his honors, his achievements, his gifted athletic ability and skill. We look upon his intense struggle for just recognition of the rights and honor of his Puerto Rican countrymen and we regard his missions to alleviate and assist those stricken with poverty and misfortune as the work and the efforts of a great humanitarian. For Roberto Clemente never stopped giving of himself—to his family, to the Latin people, to his career, to the afflicted of this world.

It often frustrates me to realize that we, here in the House of Representatives, no matter how much we accomplish and achieve, cannot possibly reach out our hands to every man, woman, and child who suffer each day to merely eat, sleep, and gather enough strength and breath to remain alive—people dwelling in the most remote areas, people who experience only disease, destitution, and starvation. Yes, we try, we work hard and we help, but so much remains to be done. Roberto Clemente was a man who managed to touch and to lift up many of those who so desperately need to be reached. His life, for these powerful actions, was indeed a life of fullness and of great worth. On Friday, January 5, 1973, the Star-Ledger of Newark, N.J., succeeded in capturing the essence of this great man and his dreams with the following words:

ROBERTO CLEMENTE

Roberto Clemente had two consuming drives in his life—a fierce desire to excel in his chosen profession of baseball and to help children from poverty-stricken families.

With his superb natural skills as an athlete, he established himself as one of the finest all-around players in the major leagues. The record books are replete with his notable achievements—most valuable player in the National League, four-time winner of league batting championships, appearances in 12 all-star games, a defensive outfielder of exceptional ability.

These feats tended to overshadow Clemente's elemental humanness, a warm, understanding affinity for the less privileged, a lasting heritage of his lifelong association with the poverty of his homeland—Puerto Rico. As he moved into the final stages of a long and illustrious career, he began to spend more and more time in the off-season raising funds and starting programs for the poor children in Puerto Rico.

But his dream of establishing a "Sports City" for underprivileged children was unfulfilled, cruelly aborted by a plane crash that took his life. Typically, Roberto Cemente died while on an errand of mercy, flying to Nicaragua with food, clothing and other supplies purchased with funds he helped raise for the victims of the earthquake that shattered Managua.

It was a poignant symbolism that should be a lasting social legacy of Roberto Clemente, a humanist who happened to be one of the most talented baseball players that ever lived.

He'll be deeply missed—by the millions who drew pleasure from his consummate skill on the field, but even more by the children who were enriched by his presence and his abiding concern for their future.

We, must, therefore, continue Roberto Clemente's struggle and his dream for the right to justice, freedom from want, and freedom to live and to partake of the fruit of life's blessings for each individual.

CONGRESS AND OTHER OUTMODED PROGRAMS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McCLOSKEY. Mr. Speaker, as you mentioned in your forthright remarks at the Time magazine dinner last week, the top priority for the 93d Congress is an analysis and reassertion of the constitutional powers of Congress as a coequal branch of Government.

A perceptive writer, Mr. Arthur Hoppe, commented on this issue in the San Francisco Chronicle's Ground Hog Day issue last Friday.

His comments on Presidential impoundment policies, while perhaps more tongue-in-cheek than your own, are worthy of perusal.

The article follows:

CONGRESS AND OTHER OUTMODED PROGRAMS

(By Arthur Hoppe)

The long and bitter fight between Mr. Nixon and Congress ended at last when Mr. Nixon merely impounded the funds Congress had appropriated to run Congress.

"Pat and I," Mr. Nixon soberly told his television audience, "have always had a warm spot in our hearts for Congress. Some of our best friends over the years have been congressmen.

"But there can be no room for sentimentality when it comes to making the lonely and agonizing decisions of where to cut spendthrift programs in the budget I have proposed to myself.

"As I have said, 'You can't solve problems by throwing money at them.' And when I considered the problems we were throwing money at, one led all the rest.

"Congress, my fellow Americans, has simply outlived its usefulness."

The political experts were forced to agree. Congress had long since abdicated its powers to make war or peace. Its legislative programs almost always required money, which the President merely impounded if he disagreed.

Any investigation into the executive branch was pointless as witnesses invariably cited "executive privilege" and remained silent. And while the Senate still had the power to ratify treaties, no Presidents negotiated any, preferring "executive agreements" with foreign powers instead.

Thus Congress, having lost its war-making, appropriating, legislative, investigative and ratifying powers, had little to show any more for its labors.

When the President impounded congressional funds for salaries, staffs, telephones, postage and particularly air travel, Congress had no choice but to go out of business.

The public reaction to this development was best summed up by a Gallup Poll which asked the question, "Will you miss not having your congressman in Washington to represent you?"

The response was, "Yes" 6.2 per cent; "No" 4.3 percent; and "Who?" 89.5 per cent.

Congress, of course, was not about to take the President's fiat lying down. A delegation of congressional leaders tottered over to The White House to demand, at the very least, air fare home .

"Don't ask what your government can do for you," said the President sternly, "go find a job."

But this was easier said than done. After years in Congress, few members qualified for honest work. As one business executive said, "Who wants to hire a middle-aged has-been without any practical experience or any record of accomplishments?"

A group of misguided Constitutionalists made an abortive attempt to take the case to the Supreme Court. Unfortunately, the President, angered by the court's decision on abortions, had impounded the drycleaning funds for the Justice's robes. And they had naturally voted unanimously to hold no further sessions.

Actually, the elimination of the legislative and the judiciary seemed to make little difference. The President governed, as he mostly had during his administration, by issuing Executive Orders.

One of his first was to declare the Capitol an historic landmark "in tribute to our precious heritage of democracy."

And thus Congress, even with the congressmen gone, continued to carry out its major function of recent years—that of serving as one of Washington's three leading tourist attractions.

THE LATE HONORABLE OLIVER BOLTON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GERALD R. FORD. Mr. Speaker, Ollie Bolton came from a great family but he made it on his own as a first-class Member of the Congress. His fine parents, both Members of the House of Representatives, gave him a reputation to live up to and he did.

Ollie Bolton was a real jewel. He had an outstanding personality, and he combined this with a keen sense of good judgment and an excellent background in Government. In his relatively short service in the House of Representatives, he made an outstanding record, because of his character, dedication, and knowledge.

On a very personal basis, I cherished Ollie Bolton as a very good friend. We had a great deal in common, and our friendship was solid and enjoyable even though in recent years we saw each other infrequently.

All of us who knew Ollie well will miss him. His friends were legion. His accomplishments were great. His dedication to his family and his country were the highest.

I extend to his wonderful mother and his family my deepest condolences. They all have lost one of the best, and so have we.

NATIONAL PRESS CLUB HONORS BIRMINGHAM, ALA.

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BUCHANAN. Mr. Speaker, it is not often that the National Press Club takes the opportunity to honor a city. As a matter of fact, the National Press Club saluted its first city recently in a program recognizing the city of Birmingham, Ala., which it is my privilege to represent in the Congress.

Major attractions of the program included the talents of Birmingham performers Roszetta Johnson, Freade Wallace, Drew Tombrello and the Distortions, the excellent food from our All-America city, thanks to the efforts of Mrs. Cathrine Lackmond, and some of the highlights of Birmingham's accomplishments in recent years.

The Metropolitan Development Board and particularly Mr. Fletcher Harvey, who worked closely with the National Press Club in presenting this program are to be commended for providing what I believe was a most enjoyable evening, not only for those of us from Brimingham, but for the many members of the National Press Club who attended.

The fact that the club chose to salute Birmingham is a tribute to our city. But Birmingham's selection as the first city to be so honored is, in my judgment, as recognition of the success of the efforts by all of the people of our city to create an environment in which all our citizens have the opportunity to become the best that it is in them to be.

My colleagues here in the House have often heard me speak of the city of Birmingham because I am proud of what we have done and what we are doing for all our citizens. The people of the city of Birmingham are setting an example by creating better lives for themselves and their children.

Mr. Speaker, I could spend all day discussing the outstanding achievements of the All-America city of Birmingham, Ala.—its outstanding medical center, its progress in race relations, its industry, its educational institutions, and its highly successful Festival of Arts, to name but a few.

But I think the most important aspects of the city of Birmingham is its people. They represent the hope for tomorrow and the willingness and drive to work out the problems which confront us today.

For this reason, Mr. Speaker, the National Press Club could not have made a better choice in selecting the All-America city of Birmingham, Ala., as the first city to be so honored.

LEE HAMILTON'S WASHINGTON REPORT CONCERNING THE VIETNAM CEASE-FIRE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HAMILTON. Mr. Speaker, I include my February 5, 1973, Washington Report concerning the Vietnam Cease-Fire:

CONGRESSMAN LEE H. HAMILTON'S WASHINGTON REPORT, FEBRUARY 5, 1973

The Vietnam War, which lasted longer and decided less than any other war in modern history, has ended with a cease-fire agreement which raises as many questions as it answers. It is, nevertheless, an agreement for which Americans should give thanks because it enables us to disengage from the war.

The agreement codifies the military stalemate of the long conflict. The United States agrees to depart without a guarantee of the survival of an independent anti-communist South Vietnam. North Vietnam agrees to stop fighting without a guarantee of a communist government in the South. Both sides agree to leave the South's future to a political contest among the Vietnamese. It is, in effect, an agreement to begin negotiating an agreement.

The principal elements of the cease-fire are these:

1. A cease-fire throughout Vietnam.

2. Complete withdrawal of all U.S. troops and military advisers, and the dismantling of U.S. bases in South Vietnam within 60 days.

3. The return of all captured American servicemen and civilians throughout Indochina, and the release of Viet Cong and North Vietnamese prisoners within 60 days.

4. Truce supervision will be handled by (a.) an international commission with a 1,160-man force to oversee the release of prisoners, troop withdrawals, elections and other aspects of the agreement, (b.) a joint military commission (U.S., South Vietnam, Viet Cong and North Vietnamese) to investigate and report violations, and (c.) the convening of an international conference (including China and the Soviet Union) to guarantee the peace. In case of violations, the violations can be identified, but there are no enforcement provisions.

5. The South Vietnamese people's right to self-determination will be preserved, and the government of President Thieu will remain in office until an election is held at some future time. The election will be set up and supervised by a tripartite council (Communists, South Vietnamese and neutralists), which must operate on the principle of unanimity.

6. All sides will respect the demilitarized zone, which separates North and South Vietnam.

The agreement bears a remarkable resemblance to the Geneva Accords of 1954 in its partition of Vietnam, the provision for a future election with no guarantee it will be held, the neutralization of Laos and Cambodia, and supervision by a small, powerless international commission. In 1954, the U.S. refused to support it. Nineteen years later, after all the pain of Vietnam, we embrace it.

The essential factor in the success of the agreements will be the intent of the Vietnamese signers. An attitude of restraint by the major powers will be important, too, since they have supplied the weapons of war. Supervising the points of contact between the two sides appears to be an overwhelming task, given the small number of supervisory personnel, vast territory and the eagerness of each side to test the territorial rights of the other. Most experts agree that the agreement will either not work at all, or that it will hold only for a brief period of months.

The political future of South Vietnam, then, rests on a very fragile base. The test of its endurance will come in the months and years ahead as the political struggle develops. Only then will we be able to determine whether or not it is a peace with honor, as the President said, or merely a peace of exhaustion, compromise and necessity.

My view is that the cease-fire will be followed by a very difficult period. We cannot expect the North Vietnamese to give up their lifelong objective of unifying Vietnam. They will try to create maximum disruptions of the political processes, and they may continue to engage in low-level military activity.

The chances of the communists winning an election in the South at this time appear remote. What is more likely is a period of intense political maneuvering and subversion. Our hope, and the judgment of the Administration, is that the South Vietnamese have the ability to meet the challenge.

There may be a cease-fire, and even a prolonged truce, but I do not see a chance for a reliable peace. The divisions are too deep and bitter, and the chances are slim for a lasting reconciliation between North and South Vietnam.

UNSOUND BRIDGE

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RONCALLO of New York. Mr. Speaker, the people of the New York Third Congressional District are deeply concerned over the environmental impact of an unsound proposed bridge in an unsound place. The feeling is best expressed, Mr. Speaker, by a New York Times editorial of Thursday, February 1, 1973, which I insert in the CONGRESSIONAL RECORD at this point:

UN-SOUND BRIDGE

Thanks to a ruling earlier this month by a Federal District Court judge, opponents of the proposed bridge across Long Island Sound will have a little more time to marshal their forces for the battle that still lies ahead. Prodded by Governor Rockefeller, who is inexplicably sold on this mammoth threat to the water, air, wetlands, housing and tranquillity of Oyster Bay and Rye, the Metropolitan Transportation Authority and the State Department of Transportation have been acting as though the project were an immediate necessity. But Judge Lloyd F. MacMahon, suspending premature hearings on approach roads, rightly finds "no urgency in this matter whatsoever."

It is hard, in fact, to find the slightest excuse for trying to speed up a project whose authorization the Legislature has twice, by substantial margins, voted to rescind. Bills have already been introduced to make a third such attempt in the feeble hope that the Governor will not for the third time insist that the Legislature abide by its original mistake.

That it was a mistake becomes steadily more apparent. The bridge will require an ever-growing network of supporting roads, constantly to be widened at the expense of the retreating green, at great cost and greater inconvenience, to the end that the transportation system of the region may be more unbalanced than ever. Sailboats longer than sixteen feet will be forced into congested shipping channels to find passages with sufficient vertical clearance. The Island's dwindling wetlands will be further depleted. Tranquillity will give way to an endless rumble of traffic, fairly tolerable air to noxious fumes, and fine old houses to the eyesores that mindless "growth" produces.

And all for what? Relief of traffic closer to the city—the chief rationalization for the bridge—would last, according to traffic experts, a possible seven or eight years. After that, presumably another bridge further east, and still another—until in the not distant future the entire Sound will have become a sewer bounded by a sprawl. The judge is surely right. For that there is no urgency whatsoever.

PEACE IN VIETNAM

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HANRAHAN. Mr. Speaker, I would like to have the following editorial from the Homewood-Flossmoor Star in the Third Congressional District of Illinois, inserted in the RECORD.

I believe that the views expressed in the editorial are those of many Americans. I support their statement and offer it for my colleagues' approval:

EDITORIAL

At long last, after one of the most protracted and costly military campaigns in American history, U.S. involvement in Viet Nam is apparently at an end.

As negotiators in Paris complete the work of implementing a cease-fire agreement, they carry with them the hopes of all mankind for a lasting peace in Southeast Asia.

Now that the shooting has stopped, both sides are claiming victory. But, of course, no one really wins in a war. In terms of a victory for principles, however, credit for achieving this can be fairly assessed.

First there are the American people themselves. By their refusal to cut and run in Viet Nam they again demonstrated the traditional American commitment to uphold freedom and democracy, not only for themselves, but also for other people around the world who cherish the same ideals.

And credit is due President Nixon for providing leadership during the long struggle and for having the courage to insist on an honorable peace for ourselves and for our ally while radically reducing our presence in Viet Nam and eliminating participation by our ground forces.

And finally, we have the real heroes of the Viet Nam conflict, the U.S. service personnel who met the enemy on the field of battle and acquitted themselves honorably. The price they paid was fearfully high. More than 46,000 Americans lost their lives in Viet Nam and nearly 200,000 others were wounded.

By their sacrifices in a strange land in behalf of an alien people, these brave men and women have helped strengthen the position of the free world. At the same time, the determination that the United States will not, and indeed cannot, police the world, is as welcome as it is realistic.

RESTORING MEMORIAL DAY AND VETERANS DAY TO TRADITIONAL DATES

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. STEELE. Mr. Speaker, I would like to bring to the attention of my colleagues the importance of restoring Memorial Day and Veterans Day to their traditional days of observance.

The 1968 "Monday Holiday Law," that switched Veterans Day from November 11 to the fourth Monday in October and changed Memorial Day from May 30 to the last Monday in May in order to provide more long weekends for the workers, has done a disservice to our war dead and to our veterans.

I agree with the numerous letters and petitions I have received from veterans and veterans' organizations calling for the return of these observances to their proper historical places. While I sympathize with the public's desire for long weekends, I feel that the respect due those who have given their lives for our country and those who have valiantly fought in our country's wars should not be forgotten in the general desire for longer holidays.

Therefore, I ask my colleagues to join me in supporting legislation to preserve the honor our fighting men have earned by returning Memorial Day and Veterans Day to their traditional dates.

I would also like to call to your attention an excellent editorial from the Hartford Courant of Connecticut, published on January 29, 1973. It is a profound testimony to the importance of these observances and I include it here for your consideration:

IMPORT OF NOVEMBER 11

It is good news that the General Assembly is expected to pass a bill restoring November 11 as Veterans Day. Its significance lies in the date; indeed, the time of signing of the Armistice ending World War I was 11 o'clock, too, a time to remember, not to manipulate merely to give people a long week end.

While it would be expected that veterans' organizations dislike the arbitrary setting of the observance on the fourth Monday in October as of 1971, now it appears that many persons outside those groups concur. Yet, that is not surprising either, considering how many families—perhaps all of them—have been touched by war in the last few generations. Thus, noting the close of fighting is important, in itself a reminder that peace is possible giving hope for the future that nations one day may avoid that means to settling differences.

But essentially Veterans Day is to honor those who were called to serve and answered that voice, some never to return home again, others never to be the same again. It can be termed little less than callous to dilute the importance of ceremonials recalling their sacrifice by conducting them on any date other than the one denoting so much to so many. Surely, what American men and women gave through service to their country deserves more than an over-the-shoulder glance at some time which happens to be convenient.

ENERGY CRISIS IS EXPLOITED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. VANIK. Mr. Speaker, on Sunday, February 4, Mr. Laurence Stern of the Washington Post submitted a very fine article on the oil industry exploitation of the energy crisis.

This work is a very useful contribution to one of the most pressing problems of America.

Has the energy crisis been engineered by the oil industry and by undue influence on Government decision? We know who suffers by energy cutback—who profits by the development of a condition of shortage? How has governmental policy been manipulated? How much concern has been expressed for the consumer? What real relationship is there between higher prices on established reserves and increased supplies? Why should not energy price increases be concentrated on new enterprise requirements or discoveries of resources beyond presently established reserves?

The article which follows casts serious doubts on the extent of the energy crisis and how it has developed:

[From the Washington Post, Feb. 4, 1973]

ENERGY CRISIS IS EXPLOITED

(By Laurence Stern)

The American petroleum industry poured $3 million into the electric pipeline of network television and mass circulation magazines last year to help awaken America to the existence of "the energy crisis."

"A nation that runs on oil cannot afford to run short," was the refrain of the campaign sponsored by the American Petroleum Institute, chief lobbying and public relations organ for the oil industry. That message, delivered to the background sound of a thumping human heart beat, reached 95 per cent of all American homes with television sets, according to an API survey.

The industry's mission in reacting to the growing public perception of an energy crisis was outlined in a speech by API's president, former Texas Congressman Frank Ikard, at the organization's annual meeting just after the election last November.

"If we are to be effective," Ikard exhorted his colleagues, "it is vital that we sharpen our communications with the public so that the issues are clear and not hazy. Demagoguery thrives in the absence of clearly articulated positions . . . Each of us must become—in fact if not in name—a 'communicator' of the truth about our business. It is dynamic. It is responsible . . ."

The fact that something was drastically wrong in the nation's fuel arteries was even more strikingly communicated to the public by front page stories and television footage of empty schools and factories in the Midwest, the prospect of fuel rationing in the Northeast and the specter of a gasoline shortage next Spring.

The shivering schoolmarm in Michigan or Maine knows something is wrong. But she may not be able to diagnose the illness.

CONCERNED, CONFUSED

"We can be sure that people are concerned about energy," Ikard told his industry constituents, "but confused by the conflicting statements and claims they read or hear."

Members of the Senate Interior Committee are now demanding to know in current hearings why the government was caught with its fuel oil reserves down this winter. Retiring Director of the Office of Emergency Preparedness, Gen. George Lincoln, ruefully testified that he was misled by the major oil companies. They had assured him in September, Lincoln said, that there would be enough oil on hand to squeeze through the winter.

Actually, heating oil inventories have been sagging since last March but the refineries were turning out gasoline instead since the administration's Phase 2 price ceilings on gasoline were more profitable than heating oil prices.

And so the causes of the "energy crisis," its true magnitude and the solutions are all enmeshed in the conflicting interests of the contending parties.

Big oil and little oil, environmentalists, consumer groups, Texas senators and New England mayors see the crisis from different perspectives.

Billions of dollars are at stake in how the conflicting positions are resolved. The big decisions will be made in the weeks and months ahead. They will emerge from President Nixon's energy message, now imminent, and they will be thrashed out in the current session of Congress.

ASTRONOMICAL STAKES

One statistic may suggest the astronomical financial stakes that underlie the impending debates over national energy policy:

A 30-cent increase in the interstate price of natural gas would hand over to the major producers $6.6 billion in annual gas billings. This would pay nearly the full cost of all exploration for both oil and gas that the industry estimated (in a National Petroleum Council study) is needed to expand production through 1985.

Another way of looking at it is that a 30-cent boost in gas prices would increase the value of potential domestic reserves—conservatively estimated at 1,000 trillion cubic feet—by $300 billion.

The 30-cent increase is not a hypothetical figure. It is just about what the major producers in the Southern Louisiana region are now seeking from the Federal Power Commission under a new pricing procedure with strong prospects of approval.

It is also generally predicted that deregulation of natural gas prices—one of the oil industry's chief economic goals this year—would result in a doubling to tripling of the present regulated price ceiling of 26 cents per 1,000 cubic feet. Unregulated gas that is sold by producers in their home states has moved beyond 60 cents per 1,000 cubic feet. It is not unreasonable to assume that interstate gas would reach the same levels with removal of controls.

BASE OF SUPPORT

There is an influential base of support for deregulation among some of the Nixon administration's top oil policymakers and administrators. It has been endorsed, for example, by Federal Power Commissioner Rush Moody Jr. and by Pinkney Walker, whose term on the agency has just expired. Kenneth Lay, Interior Secretary Rogers Morton's chief energy adviser and ex-Commissioner Walker's deputy at the FPC, endorsed deregulation in Senate testimony. Retiring OEP Director Lincoln, one of the administration's key energy bureaucrats, also spoke out for removal of controls. Secretary Morton has himself come just short of publicly endorsing that course.

On the other hand, Federal Power Commission Chairman John N. Nassikas pronounces himself firmly against deregulation. However, he is strongly in favor of a newly-instituted system of "optional price control," under which producers and distributors agree upon a field price for natural gas and submit it to the FPC for ratification. Critics of the system call it a form of legalized decontrol by consensus.

The industry is portraying the crisis as a by product of unfriendly policies by government regulators, pressure by environmental groups and anti-industry propaganda by spokesman for consumer organizations.

It has already launched the drive for deregulation on Capitol Hill with legislation, introduced by Sen. John Tower, (R-Tex.) and other oil state senators, to abolish the FPC's interstate gas pricing powers.

Tower contends, along with the major oil companies that FPC price regulations has established "unrealistically low" gas prices which fail to provide enough profit incentive for new drilling. In effect, the industry is saying that federal control of prices contributed to the energy crisis.

One fact that the oil lobby is not seeking to advertise is the industrywide 15 per cent rate of return on invested capital, a handsome yield by the standard of any business.

AFFIRMED IN 1954

When the Supreme Court in 1954 affirmed the FPC's power to regulate prices, the majority said that control of gas production and prices was so concentrated in the major oil companies that consumers could not get the benefits of competition.

S. David Freeman, director of the Ford Foundation's Energy Policy Project and a former White House energy adviser, questioned the industry's assertion that decontrol would create new corporate revenues for gas exploration.

"The 'energy crisis' could well serve as a smokescreen for a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year," Freeman recently told the Consumer Federation of America. "Energy is going to cost much more in the future . . . Yet I hear few voices in government raised to assert the consumer's concern in this critical area."

There is now every prospect of a fierce congressional battle over deregulation. The chairmen of the Senate Commerce Committee and Housing Commerce Subcommittee on Power, Sen. Warren G. Magnuson (D-Wash.) and Rep. Torbert H. Macdonald (D-Mass.), which handle these matters, are on record through the years as opponents of decontrol.

BRIBE OFFERED

Sixteen years ago two maladroit oil lobbyists poisoned the congressional atmosphere for deregulation by offering the late Sen. Francis Case (R-N.D.) a $2,500 campaign bribe in exchange for his support of decontrol legislation. Case blew the whistle on the bribe attempt and President Eisenhower vetoed the measure because of the "arrogant" impropriety that surrounded passage of the bill. Deregulaion has been stymied on Capitol Hill ever since.

The arrival of the energy crisis could, however, change the picture. There is a widespread expectation that the President's energy message will recommend some form of natural gas price decontrol, perhaps covering new gas only. The rationale might well be that a boost in gas prices would induce industrial gas users to convert to oil which is now more expensive.

Of course, the same result could be achieved by raising industrial rates for gas to the level paid by residential consumers. In most states industrial users pay lower rates, thanks to pliable local utility commissions.

Natural gas deregulation is only one element in a hallowed agenda of demands the oil industry had been pressing long before the advent of the energy crisis.

They include such familiar nostrums as preservation of import quotas on cheaper foreign oil, retaining depletion allowances for oil, providing new tax incentives for drilling, leasing the outer continental shelf for oil exploration.

In the politically thorny and controversial matter of oil import quotas there is now, in the second year of the energy crisis, a strong prospect of significant change. Import quotas were adopted by presidential decree in 1959 on national security grounds: unrestricted imports, the reasoning went, would hook us on undependable foreign oil supplies and weaken the domestic industry. The actual effects of the quotas have been to maintain higher domestic prices by denying U.S. oil consumers the benefits of cheaper world prices.

A Nixon administration cabinet task force concluded three years ago that the oil import system had cost American oil consumers $6 billion to $7 billion a year in higher prices and that there was no national security justification for the quotas.

URGED STIFF TARIFF

The 1969 task force, headed by now-Treasury Secretary George P. Shultz, called for phasing out the quotas and letting the oil in under a stiff tariff system. The windfall revenues produced by the tariffs would go to the treasury instead of the oil companies.

There is now growing talk in oil industry circles that the international companies, which have in many respects called the shots on national energy policy, are prepared to abandon the quota system.

There is growing apprehension that increasingly nationalistic Middle Eastern host governments may clamp further restrictions on their oil reserves and that the time may have come for the oil companies to pump it out of the ground as quickly as possible for shipment to the American and European markets. Another factor is the diminishing gap between the quota-propped domestic prices and rising world prices. This would lessen the incentive to keep foreign oil out.

Officially, the big oil companies still oppose relaxation of imports. But they are in the awkward position of crying fuel crisis while at the same time resisting an available flow of foreign oil that would go a long way toward alleviating the crisis. Last month's suspension of quotas on fuel oil to supply empty boilers around the nation may have also signaled the beginning of the end for the quota system.

The argument now taking place within the inner councils of the administration is whether the quotas should be replaced by tariffs, as the Shultz group recommended earlier, or by an auction system which is reportedly favored by Standard Oil of New Jersey and other giants. An auction system would favor the big international companies who would be in the top bidding position at the expense of independent distributors, who provide the small element of competition in the system.

In any event had foreign oil been in the pipeline earlier last winter, there would have been no immediate energy crisis or fuel trauma.

"Thus far," said Freeman, "the energy crisis is a self-inflicted wound . . . Three years ago the President's own Cabinet task force recommended that he scrap the present oil import quota system. This winter's so-called 'energy crisis' was manufactured right here in Washington. It could have been averted with a stroke of the President's pen."

To be sure, the nation's petroleum reserves are finite. But some of the literature of the crisis has planted the notion that we will run out of oil and gas in about a decade. That would be true if all drilling and development stop and the nation lives only on its proven reserves—that is the underground supply that is already on the shelf and ready to be tapped.

Last year the FPC issued a staff study showing that the present rate of gas development is not keeping up with projected demand. But it foresees growing production through 1990 and a higher percentage of alternative fuels, such as liquefied natural gas and coal gas.

The accuracy and impartiality of data has always been a haunting concern to federal regulators in dealing with oil matters. The administration's basic data bank and analytical guide to the energy crisis, a bulky tome entitled the U.S. Energy Outlook, was prepared by the National Petroleum Council. The NPC is the oil industry's blue chip advisory board to the government. Former Interior Secretary Walter Hickel chartered the three-year study early in 1970.

Through the years questions have been raised about the Petroleum Council's special relationship with government and whether it interfered with impartial deliberation on energy policy matters. The answer has been that only oil men have the expertise to deal with oil matters.

The underlying reality as far as the nation's petroleum reserves are concerned is not that the wells will run dry in ten or 11 years. It is that the supply from new and even uncharted fields in this and other hemispheres is not expected to keep up with the rocketing demand through the rest of the century.

But the true longevity of the supply and the actual dimensions of our energy crisis will depend heavily on the broad policy directions upon which President Nixon and Congress embark in this post-election year.

THIRTY YEARS AGO

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. SCHERLE. Mr. Speaker, the American Legion has chosen this week to emphasize the religious strain in the Nation's patriotic military traditions. People may forget how closely the love of God and the love of country have been connected in our history. The Legion does us a great service in recalling the important role played by faith, even in circumstances far removed from church or synagogue and apparently unrelated to religion.

The annual observance of Religious Emphasis Week began appropriately, with the celebration of "Four Chaplains Day" on Saturday, February 3. To commemorate the event which has inspired so many people of different faiths for an entire generation, Dr. Lawrence Fitzpatrick, national chaplain to the Legion, has written a short but moving reminder of the heroism of those four men of God. Entitled "Thirty Years Ago," the article is well worth reprinting here.

THIRTY YEARS AGO

Men have long been inspired by tales of courage and heroism of others. In the annals of time, no story stands out like the epic of the Four Chaplains.

Thirty years ago, at the height of the villainy of Hitler and Tojo, four Men of God were called to serve in the military. Their backgrounds were as varied as their personalities. Two were of Protestant, one of Roman Catholic and one of Jewish faith.

You know how their four stories became one. You know how thirty years ago, on February third in '43, these four who served the same God through four different denominations gave that last full measure of devotion.

Thirty years ago. One grain of sand in the hourglass of God. Thirty years. One page in the annals of time. Thirty years. Time enough to forget! Yet has America forgotten? Indeed not!

Thirty years later we have not forgotten. We have not let the memory of these men of peace dim.

You know the story—how Clark V. Poling of the Dutch Reformed Church, George L. Fox of the Methodist Church, John P. Washington of the Roman Catholic Church and Alexander Goode of the Jewish faith, four men to serve the same God thru four channels, four first lieutenants in the Army Chaplains Corps, how they died. You remember the story—how there was this troop transport called the USS Dorchester, loaded to the gunnels with American soldiers and sailors, bound for Greenland en route to the European theater. And you remember how thirty years ago a German submarine sent a death-dealing torpedo into the hold of that same ship.

You remember the story—how the ship began to sink, how survivors rushed for the lifeboats, struggling to get into their life jackets. Thirty years ago, yet we remember that one soldier (or was it a sailor?) had lost his life jacket. Thirty years ago, yet we remember how one of the chaplains, and who knows which one?—how he gave his jacket to that serviceman.

Soon the other three Men of God had also given away their jackets . . . not because they wanted to die, but because they saw their calling as a complete commitment.

Thirty years ago the curtain fell on this drama as the lifeboats pulled away from the sinking ship, carrying four men who literally owed their lives to those four chaplains who now stood with arms linked together and heads bowed in prayer to the same God. Thirty years ago. You know. You remember.

You remember. Now do not let America forget. Thrty years!

PRAYER

Our heavenly Father, God of us all. We do truly give thanks for freedom. For our heritage as Americans we can never fully express our appreciation.

On this thirtieth anniversary of the saga of heroism of the Four Chaplains, may we spread abroad throughout the land the news that they are not dead. They live today in the hearts of all Americans!

Help us to realize that we honor them best on this thirtieth year atfer their heroic act, not with words alone, important as they may be, but by serving the country they helped to keep free.

We pray for peace as we continue to serve both God and Country. Amen.

MRS. THOMAS DODD

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McKINNEY. Mr. Speaker, the recent passing of Mrs. Grace Murphy Dodd has brought a deep sense of sadness not only to many of us here in Washington, but to a great number of people across our Nation.

With her husband, Connecticut's late senior Senator, she shared a life mixed with joy and sadness but her attitude was always one of selfless devotion to her God, her family, her Nation, and her beloved Connecticut.

To the many who knew her, all of whom she counted as friends, Grace exuded a special warmth blending into her personality the compassion of her Irish heritage and the strong spirit which came with her New England upbringing.

In public, Mrs. Grace Dodd stood tall and Conn., Post commented:

> In public, Mrs. Grace Dodd stool tall and straight beside her warrior, conveying most pleasantly her feelings of affection for him and her pride in him.

I think it appropriate to note that in the theological sense, the word "grace" is described as "love and protection bestowed freely." Certainly, there are many words which could characterize Grace Dodd, but in my mind, one stands out and like her name, it is gracious. Mr. Speaker, she will be missed by us all.

MAPLEWOOD TRIBUTE TO PRESIDENTS TRUMAN AND JOHNSON

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MINISH. Mr. Speaker, we have all heard many outstanding and well-deserved tributes to the memory of our recently departed Presidents, Harry S Truman and Lyndon B. Johnson.

The governing body of the township of Maplewood, N.J., which I am privileged to represent in the Congress, conducted memorial services for both President Truman and President Johnson. During these services, eulogies were delivered by Maplewood Mayor Robert Grasmere for President Truman and by Maplewood Commissioner Robert C. Klein for President Johnson.

I should like to share with my colleagues two of the most moving statements I have encountered on the lives and times of these great American leaders:

TRIBUTE TO PRESIDENT TRUMAN ON THE OCCASION OF HIS DEATH

(By Mayor Grasmere)

The Presidency of the United States carries with it the most awesome responsibility of any position which the world's work has yet devised.

That Harry Truman bore this responsibility well and decisively, on occasion even jauntily, the pens of historians have, in the years since his retirement, begun to recognize. They are more accurately sketching the dimensions of a greatness which, at the time of his presidency was often hidden somewhat by the modest exterior and very human qualities of the man.

This somewhat reluctant titan of deed and decisions was drawn to the world's stage by the sudden death of President Roosevelt, but went on to secure the office in his own right in a campaign which is still a classic. He disregarded the critics, the press, the overwhelming odds and took his case to the people.

The people perhaps saw in him what one writer described as "Everyman". Most people could perceive his essential likeness to them and they took heart, for, in place of the sophistication which appeared to have totally pre-empted the presidency, there was once again the plainness and simplicity of an unmistakable man of the people—a man with very human faults and rather precious flaws.

A family man who would fly to his beloved daughter's defense with energy and salty language when he felt the press was overly critical and harsh toward her concert singing career.

A man who enraged great chefs on two continents by liberally salting and peppering prior to tasting culinary creations which had long and nerve wracking hours in preparation.

A man who appreciated Bourbon and Missouri Branch water and played the piano inexpertly.

A man who replied to a famous writer who had described his father as a failure saying, "My father was not a failure, he was the father of the President of the United States".

A man of immense loyalties and deep friendships who, nevertheless, didn't fear to incur the wrath of millions by removing from command perhaps the most capable military genius of this century when it appeared that presidential orders were being grudgingly carried out in Korea.

To this very human being were given some of the most soul-wracking decisions ever necessitated: Atomic warfare to prevent the predicted slaughter of a half-million G.I.'s had we, instead, engaged the non-surrendering Japanese on their home islands. The decision to save the eastern Mediterranean countries from the post-war pattern of communist subjugation through the Marshall Plan aid. The formation of NATO in Europe, and countless other decisions. He said and meant: "The buck" (often passed) "stops here".

During a President's term of office, the criticism which surrounds him is an inescapable and healthy fact of our national political life. Equally inescapable is the respect, often gruding, which we all have for the office and the man who bears its burden, inconceivable heavy to most of us. It is no accident that there are never more than one or two ex-presidents alive.

There is now only one, and we in Maplewood join Americans everywhere regardless of political affiliation in tribute to the man and the prodigious labors he performed for his nation and mankind.

That a man of such modest background could become a distinguished President is a particularly American story. When the story was unfolding, it gave many a pleased chuckle to Mr. Average Citizen, not the least of whom was Harry S. Truman of Independence, Missouri, 33rd President of these United States.

To paraphrase one of his pungent sayings which has become part of America—"He could—and did—stand the heat, and has now left us for other kitchens."

TRIBUTE TO PRESIDENT JOHNSON ON THE OCCASION OF HIS DEATH

(By Hon. Robert C. Klein)

Lyndon Johnson gave a lifetime of faithful and effective service to his State, his Nation and the World. As an individual, his energy and drive were sources of constant amazement to those around him, thriving on work with eighteen-hour days being the norm rather than the unusual. He developed an expertise as a political master that has seldom been equaled: Yet he remained a man who loved and needed people.

At one point he analyzed himself this way: "I am a Free man, an American, a United States Senator, and a Democrat, in that order. I am also a Liberal, a Conservative, a

Consumer, a Parent, a Voter and not as young as I used to be nor as old as I expect to be—and I am all those things in no fixed order."

He proposed, fostered, persuaded, and eventually signed into Law, legislation in the areas of Health Care, Aid to Education, Immigration Reform, Poverty and Pollution Control.

He was the only President from a Southern State since Zachary Taylor yet he embraced the problems of the Negro and the poor. Johnson's Presidency touched the lives of millions in need of better Health Care, better Education, and expanded Civil Rights in such a way that the promise of America was more of a reality for more of our people than ever in our History.

President Johnson put it this way: The Negro says "No". Others say "Never". The voice of responsible Americans . . . Says, "Together". There is no other way. Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation and not a fact. "Unfortunately many Americans live on the outskirts of hope—some because of their poverty, some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity".

He was sworn in as the Thirty-Sixth President of the United States under the most adverse conditions confronting any American President at a time when even the stability of the Republic was questioned. His domestic reforms won him the admiration of the people and he was reelected with the widest margin of vote of any prior President.

Ironically the Vietnam War, in which he played so large a roll, frustrated many of his goals and overshadowed many of his accomplishments in the latter years of his Presidency. Yet he had a yearning desire to bring the War to a conclusion and achieve Peace. Unfortunately his passing occurred just hours before peace was announced. He always did what he conceived to serve the greatest good, for the greatest number. It remains for History to judge his performance but I believe the judgment will be overwhelmingly favorable and that his great domestic legislation and strong leadership will form an unforgettable monument in the Annals of History.

THE 500TH ANNIVERSARY OF MIKOLAJ KOPERNIK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DERWINSKI. Mr. Speaker, I am pleased to direct the attention of the Members to developments relating to the observance of the 500th anniversary of Mikolaj Kopernik. I insert in the RECORD the following items: Proclamation of the Honorable Richard J. Daley, mayor of the city of Chicago, and House of Representatives of the State of Illinois Resolution No. 849.

(Office of the Mayor, City of Chicago)

PROCLAMATION

Whereas, on February 19, 1973, the scientific world will commemorate the Quincentennial of the Birth of Mikolaj Kopernik, best known by his Latinized name of Nicolaus Copernicus; and

Whereas, the people of Chicago will present programs, exhibits, and lectures about this man whose work opened a new era in the history of astronomy; and

Whereas, as the author of "De Revolutionibus Orbium Coelestium—On the Revolution of the Celestial Bodies" he contributed to man's knowledge of space; and

Whereas, Copernicus is a symbol of scientific truth and as a result of a brilliant education became a master in mathematics, astronomy, medicine and theology; and

Whereas, Copernicus expanded the heliocentric theory with the modest opportunities he had for making observations with crude instruments, and with his retention of principles of uniform motions along circular orbits which compelled him to make rather complicated mathematical theories; and

Whereas, with the advent of the telescope and through the works of Galileo, Kepler, and Newton the observations of Copernicus were brought into coherent theory that was in full accord and enabled the positions of the planets to be determined exactly; and

Whereas, this event will be commemorated by many of the Polish fraternal, civic, educational, social and veteran organizations at a commemoration program at Lane Technical Auditorium on Sunday, January 21, 1973:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago do hereby proclaim February 19 as "Mikolaj Kopernik Day" and urge all Chicagoans to take part in the civic observance honoring this great scholar.

Dated this twentieth day of December, A.D., 1972.

RICHARD J. DALEY, *Mayor.*

(State of Illinois, 77th General Assembly, House of Representatives)

HOUSE RESOLUTION No. 849

Whereas, The Illinois Division of the Polish American Congress representing Americans of Polish heritage will commemorate, throughout the year of 1973, the Quincentennial of the birth, February 19, 1473, in Torun, Poland, of that great Polish astronomer, scholar and teacher, Mikolaj Kopernik, better known as Nicolaus Copernicus—the Latinized form of his Polish name; and

Whereas, A committee of prominent Polonians will stage a program of quincentenary observances to acquaint the citizens of Illinois with the remarkable career of Mikolaj Kopernik, the man whose work opened up a new era in the history of Astronomy and our concepts of the Universe; and

Whereas, He rejected the Geocentric or Ptolemaic (earth centered) theory of the universe which had stood for 1400 years and developed the Heliocentric (sun centered) theory, better known as the "Copernicus System"; and

Whereas, The debt that the intellectual and scientific worlds owe to Mikolaj Kopernik is incalculable as his new explanation of the motion of heavenly bodies being due to the diurnal rotation of the earth on its axis and its annual revolution about the sun, as opposed to the Ptolemaic theory of a stationary earth, so changed man's view of the world and himself in it, that new horizons opened the physics, philosophy and rationalistic for man, not only in Astronomy but also in thought which were thereby freed from old misconceptions, superstitions and dogmas on the Ptolemaic theory; and

Whereas, Although all people of Polish heritage have a special reason to honor the memory of their great compatriot, Mikolaj Kopernik, this year-long commemoration of his anniversary has a universal dimension going far beyond any national boundaries as his contributions belong to all men; and

Whereas, Today, when man has succeeded in making flights into space far from his own planet, and man-built machines fly to the Moon, Mars and Venus, the work if Nicolaus Copernicus blazes all the more brightly, impressing upon all nations and societies the immense strides made in science and technology over the past five centuries, as he gave man the true understanding of the movement of heavenly bodies, without which interplanetary travel and its supporting technology would have been impossblie; and

Whereas, Here in Illinois, A. A. Mazewski, National President of PAC has established a National Committee to commemorate the Quincentennial of Mikolaj Kopernik's birth; and

Whereas, The Polish American Congress (PAC), Illinois Division, headed by Mitchell Kobelinski, initiated the Copernicus Foundation to spearhead the establishment of a Center which will be known as the Copernicus Civic and Cultural Center in Illinois; and

Whereas, The Illinois Division of PAC has established a Mikolaj Kopernik Quincentennial Observance Committee, under the General Chairmanship of Doctor Edward C. Rozanski, that will, in conjunction with all the Fraternal, Civic, Patriotic and Veteran Organizations present an outstanding program of observances in Illinois in honor of Nicolaus Copernicus, beginning with opening ceremonies on January 21, 1973, at the Lane Technical Auditorium, under the chairmanship of Mrs. J. Rzewski, at which time the commemoration program for the whole year of 1973 will be announced; therefore, be it

Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the Polish American Congress and the Copernicus Foundation for initiating this Quincentennial program honoring the great Polish astronomer, scholar and teacher, Mikolaj Kopernik, better known as Nicolaus Copernicus, and the committee of prominent Polonians who will direct its events and performances as well as the Polish fraternals of: The Polish National Alliance; The Polish Roman Catholic Union; The Polish Women's Alliance; The Polish Alma Mater; and, all civic, educational, social and veterans organizations that have given their full support to this anniversary commemoration honoring Nicolaus Copernicus, a truly great man of his or any age; and, be it further

Resolved, That a suitable copy of this preamble and resolution be sent to Mitchell Kobelinski, Illinois Division, Polish American Congress.

Adopted by the House of Representatives, December 14, 1972.

W. ROBERT BLAIR,
Speaker of the House.
FREDRIC B. SELCKE,
Clerk of the House.

PLAY IT AS IT POPS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LANDGREBE. Mr. Speaker, Hoosiers have gained renown in many fields of endeavor, nonetheless of which has been that of agriculture. One of the newest personalities on the scene is the Gourmet Popping Corn King Orville Redenbacher.

Of course, the name Orville Redenbacher is not a name one would readily expect to find when popping those white bursts on the stove or in the fireplace. However, my colleagues in the House will be pleased to know that the name is no mere gimmick, but rather the name of a constitutent from Valparaiso. Ind., who is a most respectable American. This gentleman is truly fulfilling the American dream of success in our great free enterprise tradition.

Most recently, this gentleman was honored by coverage of his successes in the Chicago Tribune magazine. In an article in the January 21, 1973 issue, author John R. Thomson pays tribute to this great American and to the fine old American tradition of popping corn.

For the benefit of my colleagues, I place the highlights from Mr. Thomson's article in the RECORD:

PLAY IT AS IT POPS

(By John R. Thompson)

Orville Redenbacher is, as the labels on his popcorn jars plainly state, alive and well and living in Valparaiso, Ind. Popping corn, and more particularly gourmet popping corn, is not the biggest thing in his life. Even so, it is becoming an increasingly bigger thing, one that leads him to think of going into semiretirement as board chairman of Chester, Inc., and concentrating on making gourmet corn play a larger role in the company's business.

As things stand now, Chester, Inc., has a 30 per cent share of the world market for popping corn seed. It exports to Israel, South Africa, Yugoslavia, and other countries. When growers abroad have trouble, they want advice from Orville. When he provides it, he likes to combine business with pleasure.

Popping corn has played a role in Orville's life almost from the day he was born 65 years ago on his father's farm in Clay County, Ind. His father raised popcorn for the family's use. Orville ate popcorn after he got home from the one-room school he attended. He often took a bag with him when he rode a bicycle—in bad weather, a horse—on a seven-mile trip into the county seat, Brazil, where he attended high school because it offered courses in vocational agriculture.

He went to Purdue, got a degree in agricultural science, taught vocational agriculture for a year in Fontanet, Ind., and in 1929 became assistant Vigo County farm agent at Terre Haute. After another year had passed, the county agent was transferred and Orville got the job, achieving his ambition at an early age in life.

He did not hide his light under a bushel basket. He was the first county farm agent in the country to broadcast to farmers direct from his office. When this caught on, he took to broadcasts originating on the farms and caught the ear and eye of Tony Hulman, owner of the Indianapolis Speedway and a fair share of Hulman & Co., a Terre Haute-based wholesale food company, as well as the Princeton, Ind., Mining Co.

The mining company owned the King's Station coal mine, a deep shaft operation, and quite a few tracts of land—12,000 acres in all—under which it mined coal. Hulman thought Orville Redenbacher was the man to pull it all together into one operation called Princeton Farms, and Orville took it over in 1940. His first year there he went into hybrid seed corn production, and the next year into popping seed corn.

While he was growing and marketing popcorn for Princeton Farms, Orville got a first-rate education and experience in a far larger operation. The farms fed approximately 2,000 cattle a year, raised hogs, sheep, and registered Angus cattle. The coal mine, oil wells, a refinery, a power plant, and railroads occupied company land. It was a good job but Orville realized that he was, after all, only an employee. He wanted a piece of the action, and the only way he could get it was to go into business for himself. In 1951 he teamed up with Charles Bowman, manager of the Agricultural Alumni Seed Improvement Association at Purdue, and they bought the George F. Chester & Son seed corn plant at Boone Grove, near Valparaiso.

The seed corn plant developed into Chester, Inc., which has its headquarters on a 20-acre site along U.S. Hwy. 30 three miles east of Valparaiso. It manufactures and sells more than 90,000 tons of liquid fertilizer a year, and last year this alone accounted for more than half of the company's sales of $7 million-plus. It builds grain elevators, sells corn dryers, storage bins, and snowmobiles and the outerwear essential to snowmobiling.

But gourmet popping corn has turned out to be the tail that is wagging the dog. For Chester, Inc., it is already out in front of the popping seed business. From the profit standpoint, it has nearly equalled the company's fertilizer department.

It has, since mid October, turned Orville Redenbacher's life around. He's been flying all over the country, appearing on radio and television shows and being interviewed by writers, on the go sometimes from 6 a.m. until after midnight, everywhere popping his gourmet corn. He's even popped it in one radio station so they could record it for their sound effects department.

It's all in the interest of promoting the sale of gourmet corn, now that merchandising of it has been placed in the hands of a nationally known food distributing company. Orville will be on the run for several weeks yet; then he'll sit back in his office chair at Valparaiso and look at the sales chart. Chances are he'll dip his hand into a dish of popcorn while he's doing so.

Wherever he's been, wherever he expects to be on popcorn business, Orville will have corn and a popper on hand. When he and his wife, Nina, return to their hotel room late at night after an exhausting day of personal appearances, nine times out of ten they'll plug in the popper and whip up a serving or two of popcorn.

Because if you're Orville Redenbacher, popping corn is not only fun. It is quite profitable.

A DISTINGUISHED QUEENS' JURIST, JUDGE JOHN F. SCILEPPI, RETIRES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, the New York Law Journal of January 24, 1973, contains an interesting and informative article on the state of the New York judiciary by Hon. John F. Scileppi, retired judge of the New York Court of Appeals. This article gives a retrospective view of Judge Scileppi's 33 years on the bench—23 years at the trial court level and 10 in the court of appeals.

Judge Scileppi, who is a resident of Queens, writes that there is a

> Strong trend within the state (and possibly elsewhere) toward an abuse of the courts in that there seems to be a plethora of totally unwarranted litigation. The presence of these unwarranted cases delays justice to a significant degree in those bona fide cases which have been placed on the calendar.

The judge has some particularly incisive comments on the misuse of the judicial system by insurance companies and corporations. I recommend highly his article and I am placing it in the RECORD at this point:

AS JUDGE SCILEPPI SEES COURT OF APPEALS

(By John F. Scileppi)

After thirty-three years of judicial service, of which twenty-three were spent at the trial-court level and ten in the Court of Appeals, I have had the opportunity to view the functioning of our judicial system from several vantage points.

When sitting on the lower courts, the law is given to the judge by the appellate tribunals of the state and nation and he is generally only concerned with the application of these principles to various factual situations. Frequently in conflicting factual situations it falls upon the trial judge to make a credibility judgment which in essence will determine the factual question and hence the case. This, of course, is best done by him because he has the witnesses before him.

Sitting on the Court of Appeals presents the judge with a totally new and different perspective from the trial level. The basic jurisdiction of the highest court, under our state constitution, is to be a court of law, and its function is to enunciate essential principles for state-wide application by the trial Bench and by the appellate division, and to guide attorneys in advising their clients.

CAUTIOUS ATTITUDE

In general, the function of the Court of Appeals is that of a law giver as well as a law interpreter in the sense that it determines decisional law. In this regard, of course, the court must be very cautious to not intrude into the legislative sphere, particularly when it construes statutes. The line frequently can become blurred and it is up to the judges of the court to exercise the personal responsibility and self-restraint which is necessary in a system of government which is based upon separation of powers among the three branches of government, each operating within its own sphere as part of an integrated functioning whole.

The Court of Appeals, in fulfilling the role of law giver, is least concerned with the particular facts of a case, when the findings are affirmed. In such situations, with rare exception, the court will accept the facts as found and either apply the law to them or set forth the law which should have been applied.

Essentially, the judicial system in this state works well by employing the aforementioned principles. However, it is my view that too many of our citizens, including corporations, are using the courts as a tool either to vindicate personal squabbles or as a wedge and lever in the commercial area.

UNWARRANTED LITIGATION

In other words, I have detected a strong trend within the state (and possibly elsewhere) toward an abuse of the courts in that there seems to be a plethora of totally unwarranted litigation. This is a most unfortunate situation because it does violence to a theoretically sound system and is antagonistic to the original intent and concept of the government of the state. The presence of these unwarranted cases delays justice to a significant degree in those bona fide cases which have been placed on the calendar.

A kindred problem similarly delaying justice is that, in personal injury actions, insurance companies tend to avoid settlement of legitimate claims until the eve of trial or even later. This, of course, also creates a serious problem with respect to the calendar, and it too significantly delays justice with respect to the bona fide cases. Moreover, the plaintiffs in such cases frequently must wait many years before damages, which are rightfully owed, are paid to them.

Because of the above situation, I would suggest to the judiciary, to the Legislature, and to the Bar that serious thought and study be given to conferring upon the trial judge the authority, in cases which he determines have been unnecessarily instituted or unnecessarily delayed, to impose reasonable counsel fees upon the losing party. This, of course, must include insurance companies who are the real parties in interest in many matters.

INFORMED DISCRETION

On the surface and at first impression this may appear to be harsh. However, I believe that, upon analysis, with the proper guidelines established by the appellate courts, the trial judges, who closest to the case, will be able to exercise an informed discretion in connection with the possible imposition of counsel fees against the losing party.

Moreover, in personal injury cases, I believe that thought should be given toward providing that interest should commence to run as of the date of the accrual of the cause of action rather than as of the date of judgment. Such a rule, I believe, would also have an impact upon expediting settlements and hence clearing the calendars.

During my tenure on the Bench I have also been taking serious note of the fact that plaintiffs with legitimate claims and/or defendants with bona fide defenses, frequently must pay legal fees which they cannot afford and, at times, do not prosecute or defend their cases because of the legal fees. Such a situation is deplorable, not because of the size of the attorneys' fees, but because the unfortunate litigants, for economic reasons, refrain from exercising their rights, both as plaintiffs and as defendants.

FEE INSURANCE

Accordingly, I would also recommend that immediate attention be given to studying and analyzing a workable and reasonably priced system of insurance for legal fees. I believe that this is an area which must be explored in depth.

In the civil area the discretion to impose counsel fees will deter many spurious and nuisance-type cases, the imposition of interest from the time of the wrong will encourage prompt settlements; the institution of a system of legal insurance will permit all citizens to vindicate their rights.

I do not believe that the system of insurance would encourage needless and frivolous claims and/or defenses, because, if such claims are brought, the imposition of counsel fees *personally* against the litigant will be a sufficient deterrent. I emphasize that counsel fees may be awarded not only against a plaintiff but also against a defendant who is obviously in error and still drags the plaintiff through the courts forcing the expenditure of legal fees, and the delay in justice. I also believe that the insurance to which I have made reference should be available in the criminal area to help defray the insured's expenses, if he becomes involved in a criminal matter.

DELAYED QUESTIONS

With respect to the criminal law, I believe that, except in extraordinary circumstances, too many post-conviction applications by defendants are being entertained by the courts after the case has finally come to rest either by affirmance on appeal or by an informed determination not to appeal. Frequently defendants attempt to raise questions, many years after the purported violation, which could have been raised on appeal, or which lack any substantial merit at all.

The raising of such points in this day and age where the right to counsel has been provided to defendants at every stage of the criminal proceeding and even before the actual proceeding should not be permitted any longer by the courts. In other words, since the defendant is entitled to counsel from the time he is being questioned by the police through all pre-trial hearings, through the trial and through appeals, there is the obligation upon counsel and upon the defendant to raise all points at the appropriate time and not encumber the courts with post-conviction applications, except in the most extreme situations.

This, in my view, will expedite justice for those accused who are awaiting trial and promote a more efficient operation of the criminal law.

LIMITATIONS ACT

Another restriction on post-conviction remedies can be achieved by the Legislature enacting a statute of limitations for all post-conviction remedies, except those in which substantial constitutional rights have allegedly been violated and which, of course, have not been before the court on appeal. In the event that an appeal was not taken, and the question could have been raised on appeal, the right to institute a post-conviction remedy at the state level, after the statute of limitations has expired, should be barred.

In both the civil and the criminal area, justice can best be achieved by the elimination of spurious claims and applications. To do so will permit the bona fide litigants to have their day in court much more expeditiously, and justice will be speedier for plaintiff, defendant, the state, and the accused.

FARRIS C. LIND—HANDICAPPED AMERICAN OF THE YEAR

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HANSEN of Idaho. Mr. Speaker, I would like to pay tribute to a man who has just been named "Handicapped American of the Year" by the President's Committee on Employment of the Handicapped.

Farris C. Lind of Boise, Idaho, a completely paralyzed businessman who has become Idaho's largest independent gasoline retailer, has been informed that he will receive the President's Trophy—the Nation's highest tribute to the courage and determination of its handicapped citizens. It was my privilege to nominate Mr. Lind for this special recognition.

In 1963, polio savagely struck down Mr. Lind just 2 weeks after taking the prescribed oral vaccine. All his bodily functions are impaired. He has had to spend a fortune in acquiring specialized hospital beds, lifts, breathing apparatus, generators, suction pumps, electronic equipment, and special telephone equipment to enable him to survive and communicate.

In spite of being paralyzed from the neck down, Farris has overcome his immobility and constant discomfort to become a productive and successful businessman. He is self-employed and manages to offer employment to over a hundred people who need an opportunity. In a special generator-equipped motor home with hospital facilities, he travels throughout four States looking after his 81 business concerns. He strives to increase his business, which has gone up 368 percent in the last 10 years; he deals with suppliers; he handles publicity; he creates ads—in fact, his humorous highways signs are well-known nationwide.

Civic minded, Mr. Lind is active in the Idaho State Department of Commerce and Industry, serves on PRA's, and is involved in State and civic affairs.

Because of his drive, courage, unfailing humor, and efforts to champion the causes of others Farris now more than ever lives up to his old nickname, "Fearless Farris." I know that as Handicapped American of the Year he will set a shining example and offer encouragement to others who might be inclined to yield to the constant discouragement that a handicapped person always faces. Farris visits by letter and telephone with many people throughout the country who are handicapped. Many visitors leave his bedside feeling that their problems are not so bad. Farris radiates the faith that a human will can overcome any physical misfortune.

Idaho is proud of Farris Lind, our handicapped citizen of this and other years.

GUNS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BINGHAM. Mr. Speaker, the position of the Nixon administration on gun control legislation promises to be an important factor in determining whether or not this country will continue to put up with the reign of terror imposed on us by the easy availability of guns, or whether we will act to end that terror. As the sponsor of legislation in the House to require registration of all guns and licensing of gunowners, and to outlaw private possession of handguns, I was most interested in an article by Richard Strout in the Friday, February 2, 1973, issue of the Christian Science Monitor. That article, entitled "Just Where Does Nixon Stand on Gun Controls," does an excellent job of summarizing the administration's position on gun control.

A disturbing report on the increasingly frequent appearance of guns in schools appeared in the same issue, and I insert both items at this point in the RECORD:

AFTER STENNIS ROBBERY-SHOOTING—JUST WHERE DOES NIXON STAND ON GUN CONTROLS?

(By Richard L. Strout)

WASHINGTON.—President Nixon has Washington uncertain of his position toward gun control in connection with his vehement press-conference denunciation of the burglary-shooting of Sen. John C. Stennis (D) of Mississippi.

Washington ponders these facts:

The 1972 Republican platform favored state, rather than federal, gun control.

Former Attorney General John N. Mitchell reversed the position of three previous attorneys general who advocated federal control.

Attorney General Richard G. Kleindienst reversed the position of three previous at-control.

Mr. Nixon in his press conference twice cited Sen. Roman L. Hruska (R) of Nebraska as an exponent of the proper type of gun-control laws, although Mr. Hruska has generally fought advocates in Congress.

LONG-TIME OPPONENT

Senator Hruska has long opposed strong gun control in Congress. The Senate rejected, Aug. 9, 1972, his amendment watering down a gun-control bill. The bill was passed but did not reach a vote in the House.

"For all that he has done on this issue over many years it seems clear that Senator Hruska is a spokesman of the gun lobby," David J. Steinberg, executive of the National

Council for a Responsible Firearms Policy, Inc., told a reporter.

The Congressional Quarterly Almanac for 1968, surveying the drive for gun control after the Kennedy assassination, stated, "Hruska substitute: In its final action of the gun-control section, the Senate defeated a substitute amendment offered by Hruska which embodied the proposals of the NRA (National Rifle Association)."

The National Rifle Association is generally considered the voice of the so-called gun lobby.

STENNIS OPPOSITION

Senator Stennis voted against federal gun-control legislation. Gov. George C. Wallace of Alabama, shot by a would-be assassin, also opposed federal gun registration.

In his press conference, Mr. Nixon noted that Senator Stennis had been shot by a small .22 caliber so-called "Saturday Night Special, whereas if the gun had been a 45, Mr. Nixon said, "he would be dead."

"We have, and I have, as you know, advocated legislation to deal with what we call the Saturday Night Specials," Mr. Nixon told the press conference.

So far as known the administration has not supported federal control of the larger .45 caliber guns which Mr. Nixon says are more lethal.

Proposed registration, or licensing, of firearms is equated in many rural areas with confiscation, and is poison politically. On June 3, 1971, a reporter at the White House asked then Attorney General John Mitchell "how the administration feels about federal gun-control legislation?"

MITCHELL DUCKED QUESTION

"I am surprised you asked," Mr. Mitchell said. "If you will look at the testimony that has been provided by the Treasury Department which is the lead agency in the federal government, you will find out where the administration stands. It is their responsibility."

"Well, sir, I am asking you," said the reporter.

"The federal presence in that field is in the Treasury Department and they have, time and time again, testified before the Congress as to what the position of the administration is."

"What is your position?"

"With respect to gun control?"

"Yes, sir."

"My position is the same as it has been when I testified on the subject and that is that the legislation which was most recently passed in 1968 . . . should be given time to work itself out . . . and if we find that it does not in particular areas, well then, I think the Congress can again address itself to the subject matter."

SPARRING CONTINUES

"You have not answered my question, sir," the reporter said.

"I have told you exactly what my position is," said Mr. Mitchell.

"I don't know what your position is, still."

"It is that legislation which was enacted by Congress is its most recent expression of its will, and we should give that legislation time to be implemented and tested and determine whether or not it is serving the proper purposes of this country."

"Isn't three years time enough?" said the reporter. "Don't you know and can't you tell us what you think in the light of these recent killings?"

"You are confusing two different matters."

"I am only talking about gun control."

". . . until we have a further period of time of working under that legislation, we will not know whether we need new legislation or legislation of a different type."

"You don't see a need for different legislation?" the reporter asked.

"Not at this particular time," concluded Mr. Mitchell.

KLEINDIENST REPLY

On Jan. 18, at a breakfast with newsmen a reporter asked Attorney General Kleindienst whether he favored federal gun control. He replied that he would leave it to the states and opposed stronger federal legislation, except in policing interstate traffic.

At his press conference, Mr. Nixon said:

"In terms of the United States Congress, what we need is a precise definition which will keep the guns out of the hands of the criminals and not one that will impinge on the rights of others. . . ."

He said that "the legislation that we originally suggested or that we discussed with Senator Hruska, I thought precisely dealt with the problem, but it did not get through the Senate."

Presumably, this referred to a Hruska amendment to the Senate's 1972 bill. In its first form it allowed sale and distribution of all handguns until Treasury ban. He withdrew this amendment for another, similar to the first, but requiring manufacturers or importers to take the initiative in getting advance Treasury approval.

The amendment was defeated, 27–70. Mr. Nixon now indicates he supports it.

Problem: Guns In High Schools

Gunfire in U.S. high schools is becoming more frequent.

Students are carrying and using more guns in school, and some school guards have armed themselves as a result.

Most incidents occur at inner-city high schools. The weapons are usually cheap, small-caliber handguns, the so-called "Saturday night specials." Officials relate the increase to the revival of juvenile gangs in some cities and the persistence of racial tension.

An Associated Press survey around the country indicates the scope of the problem:

There have been 60 gun episodes in Los Angeles schools since September. Shots from a passing car killed a 16-year-old pupil near Locke High School. The car sped into the school parking lot, and three pupils were later arrested.

Fifteen handguns were confiscated last year in Atlanta schools. A 12-year-old boy, angered when school mates chided him for disobeying a traffic signal, got a pistol from home and opened fire on the school playground. He hit no one.

Four high-school pupils, three of them girls, were expelled in January in San Francisco for carrying guns.

School officials in Topeka, Kan., took a gun from a girl who had said she needed it for protection.

There were 15 school gun cases in Detroit and in Seattle during the last year. Since September, 15 incidents were reported in New York and 16 in Kansas City.

"We have a problem and it is increasing," says Everett Copeland, security manager for Kansas City schools. "Kids carry guns for different reasons. Some say they have been threatened. Some involve extortion attempts. Some kids just say it's a status symbol."

JENNIE GROSSINGER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROBISON of New York. Mr. Speaker, one of the benefits of last year's redistricting efforts in New York State was the change in my own district—now the 27th—to include much of the Catskill area of New York, and more particularly, the famed resort, Grossingers. Unfortunately, however, the beloved Jennie Grossinger, who was responsible for transforming a small family hotel into the luxury resort that it now is, died last fall. For those of my colleagues who may have missed the very fine New York Times article following her death, I am pleased to include it in the RECORD and commend it to your attention. The article follows:

JENNIE GROSSINGER DIES AT RESORT HOME

(By Richard F. Shepard)

Jennie Grossinger, the gentle Jewish mother who transformed a modest Catskills family hotel into a luxurious resort, died early yesterday morning in a ranch cottage on the vast property the world calls Grossinger's but she called home. Her age was 80.

Mrs. Grossinger had been in ill health for several years. Her death, attributed to a cerebral vascular stroke, caused sadness among the countless scores of guests and employes, known and unknown, who had passed through Grossinger's over the years.

For more than half a century, Mrs. Grossinger and her family worked to bring the little farm her father bought in 1914 to the rank of flagship of the fleet of landlocked luxury liners anchored in the Catskills 100 miles northwest of New York City, and she ruled, with regal dignity, a 1,300-acre domain larger than Princess Grace's Monaco. Many Grossingers have worked at Grossinger's, but it was Jennie who epitomized the tone of the place, an atmosphere that combined urgent family solicitude for guests with an elegance that gave to many an opulent feeling they never enjoyed at home. She was the sole owner of the Sullivan County resort.

For the guests, as many as 150,000 a year, Mrs. Grossinger was the voice of the recreational plantation. On Saturdays, after the lavish entertainment had bedazzled the viewers in the 1,700-seat auditorium, she would often take the stage and, in her quiet voice, thank the visitors for taking the trouble to come.

Whether she was greeting guests who had endured the long trip up with the "hackie" who had picked them up between Brooklyn and the Bronx, or such dignitaries as Governor Rockefeller or Senator Robert F. Kennedy, who came by chauffeured car, Mrs. Grossinger was the symbol that they were visiting a family, not merely an impersonal hostelry. Mr. Rockefeller said yesterday she would "be missed by the many thousands of persons in New York and throughout the nation who knew and loved her."

The gentle, slender, blond, blue eyed, philanthropic and genuinely sociable Jennie often kissed people spontaneously, not in the ritual theater-district style but with real affection. She was a poised woman who dressed with quiet elegance, not at all the flashy type of sleek Borscht Belt that is so often caricatured in depictions of life in the Catskills.

She achieved instant rapport with people, although she was not a brilliant, quotable wit. She was, in the words of an old associate, a real mother figure. She abhorred boxing, yet felt protective toward the prize-fighters who trained at Grossinger's. She had no great messages for guests such as Dr. Ralph J. Bunche, Cardinal Spellman, Senator Jacob K. Javits, Jonas Salk or Alfred Gwynne Vanderbilt. Yet she met them with no pretension and usually hit it off amiably and successfully.

SPOKE FLUENT ENGLISH

Although she spoke fluent English, occasionally tangled, Eisenhower fashion, she sprinkled Yiddishisms in her speech and professed a simplicity that encompassed all the homely virtues.

"I don't know from those hochmas," she might say, referring to spohisticated expositions that abounded in casuistry.

Quentin Reynolds, who was working on a biography of Mrs. Grossinger when he died, wrote of one incident that characterized lack of shyness in the proximity of the mighty.

One morning she received a call from her son Paul, now president of the corporation. Paul, then general manager of the hotel, said, "Rocky just phoned. He's speaking at Pines Hotel this afternoon and is landing at the airport in about an hour. He asked if he could stop in and see you. Remember how he liked those egg rolls last time he was here?"

"Egg rolls?" Mrs. Grossinger answered, in surprise. "Rocky has been to my house a dozen times, and he never asked for egg rolls. And what do you mean, he's landing at the airport in an hour? Where has he been? I saw him in the dining room last night. He was talking to Ingemar."

"I don't mean Rocky Marciano," her son explained. "I mean Governor Rockefeller."

For all that Mrs. Grossinger was the heart and soul of Grossinger's, she was not considered to be a great business operator. She had the sagacity to choose perceptive associates and she was naturally effective in human relations. If she was the "outside man," her husband, Harry, who died in 1964, was the "inside man" who made the place run.

An old employee recalled that she treated the workers as members of the family. In the early days, when the family was pinched for ready cash, some of the help would not take their salaries from her but insisted on getting by on their tips. "Use it, Jennie," they would say.

3 SWIMMING POOLS

Today, with three swimming pools, a ski slope, 600 rooms, a dining room that seats 1,700, an airport, a post office and a gross estimated at $7-million a year, not including two nearby independent motels that house the rush season overflow, Grossinger's is a long way from the $81 net profit it took in that first season in 1914.

But the diversity had, and still has, a Jewish flavor—no smoking in the public rooms Friday night and Saturday during the Sabbath, and a strictly kosher cuisine that is nonetheless Lucullan and universal even without mixing milk dishes with meat dishes.

The future lady of the house was born on June 16, 1892, in Galicia, then a part of Austria. Her father, Asher Selig Grossinger, who had once owned property had become an estate overseer. Because of the poverty, Asher emigrated to New York, got a job as a presser and, three years later, sent tickets to bring the rest of the family: his wife, Malke, and their two daughters, Jennie, 8, and Lottie, 5. A brother, Harry, was born in America.

Jennie entered Hebrew school and later Public School 174 in their new home on the Lower East Side. When she was 13, she went to work, sewing buttonholes during a 10½-hour day that added up to $1.50 for the first week's wage. On May 25, 1912, she was married to a cousin with the same surname, Harry Grossinger, who worked in a garment factory.

"We started as a Jewish hotel and still are, in a resort area," Mrs. Grossinger wrote several years ago. "But today, about 25 per cent of our guests are non-Jewish. The first time Gentiles came, of course, they were celebrities and big names. Now they come routinely." A more recent estimate puts the non-Jewish trade at one-third of the total.

Mrs. Grossinger was proud of the diversification in clientele that made the resort a meeting place of all races, classes and castes, including kings (Baudouin of Belgium), baseball stars (Jackie Robinson) Arabs (with visiting United Nations groups) and Rothschilds, several varieties.

"Quietly and without fanfare, Grossinger's has become a social laboratory," Mrs. Grossinger once observed upon receiving an Interfaith Movement award.

A grabbag sampling of celebrities who made the Grossinger's scene comes up with Bobby Fischer, Robert Merrill, Red Buttons, Mrs. Franklin D. Roosevelt, Vice President Alben W. Barkley, Chaim Weizmann, Dore Schary and two Nobel Prize winners, Dr. Selman A. Waksman and Dr. Arthur Kornberg.

Eddie Fisher was an unknown singer at the hotel when he caught the ear of Eddie Cantor, a guest, and started on the road to glory from the hotel.

What was to become one of the larger facilities in the world dedicated to man's rest and recreation was then a rundown seven-room house with an old barn and chicken coop on 100 acres of rock-strewn land that would intimidate any farmer. It soon became clear that agriculture was not going to sustain the family, and Jennie suggested that they take in boarders.

In that first season, 1914, Grossinger's had nine boarders a week at $9 apiece. Everyone in the family worked, even Jennie's husband, Harry, who recruited guests in New York.

By the spring of 1915, the Grossinger destiny was clear. Six rooms were added to the spruced-up house, suitable for 20 guests. Everyone worked an 18-hour day. That summer, Grossinger's took on its first hired hand, a chambermaid.

In 1919 Jennie negotiated the purchase of a neighboring hotel, a lake and 63 wooded acres. Ten years later, Grossinger's was entertaining 500 guests and Milton Blackstone was hired as press agent. He came up with the idea that couples who first met at the resort should get a free honeymoon there. Grossinger's has never wanted for publicity.

HOME AWAY FROM HOME

It was another idea of Jennie's, in 1934, that made Gorssinger's a home-away-from-home for famous names of the era, and succeeding eras. She had read about a Jewish boxer, said to observe the rules of his religion, who was going to try for the welterweight title against Jimmy MacLarnin. The fighter was Barney Ross and, accepting an invitation, he set up training at Grossinger's.

The project was a success for both Ross, who won, and for Grossinger's. Training for pugilists became a resort staple.

Mrs. Grossinger was more than routinely involved in philanthropy and community responsibilities. She helped charities for all causes and denominations and was solicitous of Grossinger alumni who served in the armed forces. During World War II $1-million worth of bonds were sold at the hotel, leading to an Army plane's being named "Grossinger."

A clinic and a convalescent home in Israel bear her name, and her activities led to several honorary recognitions by academic institutions.

Mrs. Grossinger lived in a ranch house on the property, called the Joy Cottage. As a friend put it, "Jennie was always on the phone and the door was never closed."

Besides her son, Mrs. Grossinger leaves a daughter, Mrs. A. David Etess; six grandchildren and a great grandchild.

A funeral service will take place at 1 P.M. Tuesday at Ahavath Israel, the Orthodox synagogue in nearby Liberty of which she had been a member for many years. She will be buried beside her husband on a hill in Ahavath Israel Cemetery, overlooking the hotel that was her life's work.

SATURDAY NIGHT SPECIALS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DINGELL. Mr. Speaker, I am introducing a bill to prohibit the sale of Saturday night special handguns in the United States. This bill is short, uncomplicated, and imposes a direct, flat prohibition on the sale of so-called "Saturday night special" handguns by Federal licensees, to take effect 30 days after enactment, without the need for further bureaucratic action, promulgation of regulations, approvals, and so forth. The 30-day postponement is provided to allow time for licensees to familiarize themselves with the prohibition.

The principal advantages of this bill are that—unlike the so-called Bayh bill which passed the Senate in the last Congress—it precisely defines what is meant by a "Saturday night special," and its coverage is confined to that class of handguns. It will be recalled that the chief objections to last year's bill were that no objective definition was provided, and that it would have banned the sale of many expensive, high-quality handguns, chiefly short-barreled revolvers, and large-frame single action models suitable for sporting and defensive purposes. In his press conference on January 31, President Nixon reaffirmed the need for a precise definition of "Saturday night special" to avoid impinging on the rights of law-abiding citizens who purchase and own handguns for legitimate use.

The term "Saturday night special" is generally understood to mean cheap, crudely made, small-caliber handguns, priced attractively to casual, criminal and youthful buyers; but which are unreliable and sometimes unsafe, rendering them undesirable for legitimate purposes. It should be emphasized that the Gun Control Act of 1968 already prohibits the sale of handguns to persons under 21, or to persons who have been convicted of a felony. To the extent, however, that cheap handguns flow in illegal channels, their availability would be constricted by this bill.

The low price—hence, the ready salability—of "Saturday night specials" is directly attributable to one characteristic most of them share: a frame or receiver made of die-cast zinc alloy. This casting process is very cheap—especially advantageous because the frame or receiver is usually the most expensive component—often as little as one-twentieth the cost of conventional forgings or investment castings of steel or high-tensile alloys; the process is suitable, however, only for low-melting-temperature zinc alloys—so-called "pot metal." No high quality handguns are constructed by this process, because the durability of zinc alloy is marginal at best, and generally unsatisfactory for any but the smallest calibers. The alloy is relatively fragile and melts at 727 degrees Fahrenheit.

In short, if manufacturers are prohibited from selling handguns with die-cast zinc alloy receivers or frames, the increased cost of manufacture will drive Saturday night specials off the market. The unavailability of such low-cost handguns will mean that many persons will be unable or unwilling to make the substantial investment necessary for a high quality arm.

Mr. Speaker, cosponsors of this legislation are Congressmen JOHN P. SAYLOR, Republican of Pennsylvania, and BOB CASEY, Democrat of Texas.

The following technical data outlines a simple acid test which can be administered by any licensee to determine whether the metal used in a handgun is zinc alloy. The inclusion of an 800-degree melting point minimum is insurance against the remote possibility of die-casting with a substitute nonzinc metal.

TAUSSIG ASSOCIATES, INC.,
Chicago, Ill.

Metallurgical Testing of Receivers from a Falcon .38 Caliber, #89352, a Hawes .25, #83178, and an RG10 .22, #1203811.

PROBLEM:

Receivers from three (3) pistols identified as; a Falcon .38 Caliber Revolver, #89352, a Hawes .25 Caliber Automatic #83178, and an RG10 .22 Caliber Revolver #1203811, were submitted to our laboratory for metallurgical testing. This testing was to consist of a chemical analysis to identify the alloy from which these receivers had been manufactured.

TEST RESULTS:

Spectrographic analysis of the three (3) submitted receivers indicated that all three (3) components were manufactured from the same alloy, a Zamak Zinc Base Die Casting Alloy. This alloy has an approximate melting point of 727° F.

COMMENTS:

We were requested to offer our comments as to how this type of alloy could easily be defermented from aluminum alloys or steel alloys. There are three rapid tests, these are:

1. A melting point test. Zinc Base Alloys of this type will melt at a lower temperature than aluminum or steel alloys, if the item to be tested is placed in a furnace at 800° F. The Zinc Base Alloy will melt while the aluminum or steel alloy will not.

2. A spot chemical test. If a drop of 50% Solution of Nitric Acid and Water is placed upon the item to be tested, a Zinc Base Alloy will produce a vigorous bubbling reaction. A steel alloy will produce a mild reaction and the spot will turn brown. An aluminum alloy will exhibit no reaction.

3. The item to be tested can be submitted to any qualified testing laboratory for a rapid spectrographic identification of the type that we performed on the submitted samples. This method of testing can positively identify the alloy type.

Respectfully submitted.

LYLE R. JACOBS,
Mgr. Met. Services.

H.R. 3611

A bill to prohibit the sale of "Saturday night special" handguns in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be held and fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in section 5845(a) of the Internal Revenue Code of 1954."

SEC. 2. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following:

"(n) It shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell or deliver any handgun if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800° Fahrenheit."

SEC. 3. The amendments made by this Act shall take effects 30 days after the date of its enactment.

CONSUMER LEGISLATION PACKAGE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, today I am reintroducing my package of 12 consumer bills aimed at closing the wide gap between the ability of Government to protect consumers and the ability of some segments of the business community to abuse them.

With the 30 names being added today, there are now 72 Members of Congress sponsoring these bills. A complete breakdown of individual bills and their sponsors, plus a brief explanation of each proposal, appears below. A list of sponsors introduced earlier can be found on pages 581–582 of the CONGRESSIONAL RECORD of January 9, 1973.

The American consumer is lost in a commercial jungle without weapons and without a guide. He faces the slickest combination of technology and Madison Avenue ingenuity. He is matched against whirling computers and motivational experts.

Adding to the importance and the immediate necessity for this legislative package is the present administration's obvious probusiness, anticonsumer biases.

These bills direct themselves to these needs of the American consumer. They are not, the FDA's recent food labeling proposals, a J. Walter Thompson exercise in producing image without substance. Each bill seeks to solve a specific problem, not avoid it.

The Truth in Food Labeling Act, with 66 cosponsors, requires food makers to show on their labels all ingredients by percentage, including all additives and preservatives, and by their common or usual names.

The bill was previously introduced as H.R. 1650 and 1651. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HAMILTON FISH, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, AUGUSTUS HAWKINS, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, MIKE McCORMACK, SPARK MATSUNAGA, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Nutritional Labeling Act, with 62 cosponsors, requires that any packaged consumer food product be labeled by the producer with the following information: First, nutritional statements including fat content, vitamin and protein value, fats and fatty acids, calories, and other nutritional data; second, the net weight and drained weight of canned or frozen products packed in a liquid medium; and third, the major ingredients by percentage weight of any combination food item.

The bill was previously introduced as H.R. 1652 and 1653. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Open Dating Perishable Food Act, with 63 cosponsors, requires that all packaged perishable and semiperishable foods be prominently labeled to show clearly the date beyond which it should not be sold and the optimum storage conditions at home. It also provides that overage products can be sold but only if they are safe, separated from other items and clearly identified as being beyond the expiration date.

The bill was previously introduced as H.R. 1654 and 1655. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HAMILTON FISH, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Consumer Food Grading Act, with 58 cosponsors, requires a uniform system of retail quality grade designations for consumer food products based upon quality, condition, and nutritional value.

The bill was previously introduced as H.R. 1656 and 1657. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, ELLA GRASSO, HENRY HELSTOSKI, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, ROMANO MAZZOLI, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

The Honest Label Act, with 60 cosponsors, requires labels on foods, drugs, and cosmetics to contain the name and place of business of the true manufacturer, packer, and distributor.

The bill was previously introduced as H.R. 1658 and 1659. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, ELLA GRASSO, AUGUSTUS HAWKINS, HENRY HELSTOSKI, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Unit Pricing Act, with 54 cosponsors, requires disclosure by retailers of the unit price of packaged consumer commodities. Individual retail businesses with sales below $250,000 a year are exempted.

The bill was previously introduced as

H.R. 1660 and 1661. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James C. Corman, William Cotter, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Dante Fascell, Ella Grasso, Henry Helstoski, Elizabeth Holtzman, William Lehman, Spark Matsunaga, Romano Mazzoli, John Moakley, Patricia Schroeder, Antonio Won Pat, and Gus Yatron.

The Meat Price Freeze Act, with 46 cosponsors, stabilizes the retail prices of meat for 45 days at November 1972 levels and requires the President to submit to Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and fair return on invested capital to farmers, food producers and food retailers.

The bill previously introduced as H.R. 1662 and 1663. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James Corman, William Cotter, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Hamilton Fish, Daniel Flood, Ella Grasso, Henry Helstoski, Elizabeth Holtzman, William Lehman, Patricia Schroeder, Antonio Won Pat, and Gus Yatron.

The Meat Quota Repeal Act, with 50 cosponsors, repeals the Meat Import Quota Act of 1964 to increase the supply of lower cost meats.

The bill was previously introduced as H.R. 1664 and 1665. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James Corman, William Cotter, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Dante Fascell, Hamilton Fish, Henry Helstoski, Elizabeth Holtzman, William Lehman, Patricia Schroeder, and Gus Yatron.

The Performance Life Disclosure Act, with 57 consponsors, requires manufacturers of durable consumer products, including appliances and electronic items, to disclose on a label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product or its major components. It also requires such products as film and batteries be labeled as to the date beyond which they should not be sold because they begin to lose performance life.

The bill was previously introduced as H.R. 1666 and 1667. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James Cleveland, James Corman, William Cotter, Ron De Lugo, Charles J. Diggs, Harold Donohue, Robert Drinan, Dante Fascell, Daniel Flood, Ella Grasso, Augustus Hawkins, Henry Helstoski, Elizabeth Holtzman, William Lehman, John Moakley, Patricia Schroeder, James Symington, Antonio Won Pat, and Gus Yatron.

The Appliance Dating Act, with 56 cosponsors, requires that any appliance, TV, or other durable product whose design is changed or performance capabilities altered on a periodic basis shall have its date of manufacture permanently affixed to the product.

The bill was previously introduced as H.R. 1668 and 1669. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James Corman, William Cotter, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Dante Fascell, Daniel Flood, L. H. Fountain, Ella Grasso, Henry Helstoski, Elizabeth Holtzman, William Lehman, Romano Mazzoli, John Moakley, Patricia Schroeder, and Gus Yatron.

The Sales Promotion Games Act, with 40 cosponsors, prohibits manufacturers, producers, or distributors from requiring or encouraging any retail seller to participate in promotional games; also prohibits a retailer from engaging on his own in a promotional game in connection in the sale of any item.

The bill was previously introduced as H.R. 1670 and 1671. New sponsors being added today are: Bella Abzug, Herman Badillo, Bob Bergland, Phillip Burton, Shirley Chisholm, James Corman, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Dante Fascell, Henry Helstoski, Patricia Schroeder, Antonio Won Pat, and Gus Yatron.

The Intergovernmental Consumer Assistance Act, with 50 cosponsors, provides Federal grants and technical assistance in the establishment and strengthening of State and local consumer protection offices.

The bill was previously introduced as H.R. 1672 and 1673. New sponsors being added today are: Bella Abzug, Herman Badillo, Phillip Burton, Shirley Chisholm, James Corman, William Cotter, Ron De Lugo, Charles Diggs, Harold Donohue, Robert Drinan, Daniel Flood, Ella Grasso, Henry Helstoski, William Lehman, Spark Matsunaga, John Moakley, Patricia Schroeder, Antonio Won Pat, and Gus Yatron.

PRESIDENT NIXON'S ABUSE OF "EXECUTIVE PRIVILEGE"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the increasing preoccupation of the Nixon administration with secrecy in its activities, the penchant to hide its wide-ranging deals from the Congress and the American public, and its abuses of so-called executive privilege have put this administration fast on the road to becoming the most closed Government in our history.

The Foreign Operations and Government Information Subcommittee of the House Government Operations Committee, which I Chair, has held extensive hearings and conducted numerous investigations over the years of the concept of "executive privilege" and its use in recent administrations—both Republican and Democratic. Excessive Government secrecy, violations of first amendment rights, and the undermining of the Freedom of Information Act (5 U.S.C. 552) were the subject of 41 days of hearings by our subcommittee in the last Congress. House Report 92–1419, titled "Administration of the Freedom of Information Act," was approved last September by the committee and pinpointed massive abuses of the intent of Congress in enacting this important law. It also made a number of administrative and legislative recommendations for strengthening the peoples "right to know." I will soon reintroduce legislation to carry out these recommendations and welcome the support of all Members who share our concern over the trend toward the all-powerful Executive in our Nation.

Typical of the position being taken by the administration are the comments yesterday by President Nixon during his press conference. Responding to several questions by Reporter Clark Mollenhoff, an expert on "Executive Privilege," who has testified before our subcommittee on several occasions, the President gave a grossly distorted view of Executive prerogatives in the information field and even distorted his own public position on "Executive privilege" procedures. These procedures were spelled out 4 years ago in an exchange of letters with our distinguished colleague, the gentleman from California (Mr. Moss), then chairman of our subcommittee. President Nixon pledged in his April 7, 1969, letter to Chairman Moss that, like his predecessors President Kennedy and President Johnson:

> Executive privilege will not be asserted without specific Presidential approval.

Both Presidents Kennedy and Johnson had given similar written assurances to our subcommittee.

Mr. Speaker, President Nixon's comments in response to Mr. Mollenhoff's questions yesterday indicate that either he is confused about what he has pledged or that a drastic change in policy has taken place. I have, therefore, written to the President to clarify this situation. So that all Members may know of the full background of this important question which dramatically affects the constitutional duties and responsibilities of the Congress in its dealings with the executive branch, I will attach a copy of this letter, the text of the 1969 correspondence with Mr. Moss, and the portion of the transcript of the President's press conference yesterday in which this matter is discussed.

The material follows:

Congress of the United States,
Washington, D.C., February 1, 1973.

Hon. Richard M. Nixon,
President of the United States,
The White House, Washington, D.C.

Dear Mr. President: As Chairman of the House subcommittee with legislative and oversight jurisdiction over government information, I read with interest the text of your news conference remarks on the claim of "executive privilege". In this connection you stated that you would like to have "a precise statement prepared" rather than rely upon "an off-the-top of my head press conference statement."

As you may recall, you assured Congress through a letter to this subcommittee on April 7, 1969, that the claim of "executive privilege will not be asserted without specific Presidential approval." For your convenience a copy of the exchange of correspondence is enclosed herewith.

One statement made in the press conference could be construed to be contrary to the precise statement made in your letter of April 7, 1969. I am referring specifically to that portion of the press conference where you made the following statement:

"On the other hand, I can assure you that all of these cases will be handled on a case-by-case basis and we are not going to be in a position where an individual, when he gets under heat from a congressional committee, can say, 'Look, I am going to assert executive privilege.'

"He will call down here, and Mr. Dean, the White House counsel, will then advise him as to whether or not we approve it."

On the surface this statement might be interpreted as an intention to delegate to Mr. Dean the authority to assert the claim of "executive privilege." This would be contrary to the "specific Presidential approval" referred to in the letter of April 7, 1969.

On the other hand, the statement could mean that Mr. Dean's only function is to communicate the specific Presidential decision which would be consistent with paragraph 3 of the memorandum accompanying the letter of April 7, 1969.

Because you mentioned in the news conference the interest of Senators Javits and Percy, I am sending them copies of this material for their information.

Sincerely,

WILLIAM S. MOORHEAD,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 28, 1969.

Hon. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by President John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Roosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

"This Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, D.C., April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to ensuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes.

Sincerely,

RICHARD NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a Procedure to Govern Compliance with Congressional Demands for Information)

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

[From the Washington Post, Feb. 1, 1973]

EXTRACT OF PRESIDENT NIXON'S PRESS CONFERENCE, JANUARY 31, 1973

Q. Mr. President.

A. Mr. Mollenhoff.

EXECUTIVE PRIVILEGE

Q. Did you approve of the use of executive privilege by Air Force Secretary Seamans in refusing to disclose the White House role in the firing of air cost analyst Fitzgerald? It came up yesterday in the Civil Service hearings. He used executive privilege. You had stated earlier that you would approve all of these uses of executive privilege, as I understood it, and I wondered whether your view still prevails in this area or whether others are now entitled to use executive privilege on their own in this type of case?

A. Mr. Mollenhoff, your first assumption is correct. In my dealings with the Congress—I say mine, let me put it in a broader sense—in the dealings of the Executive with the Congress, I do not want to abuse the executive privilege proposition where the matter does not involve a direct conference with or discussion within the administration, particularly where the President is involved. And where it is an extraneous matter as far as the White House is concerned, as was the case when we waived executive privilege for Mr. Flanigan last year, as you will recall, we are not going to assert it.

In this case, as I understand it—and I did not approve this directly, but it was approved at my direction by those who have the responsibility in the White House—in this case it was a proper area in which the executive privilege should have been used.

On the other hand, I can assure you that all of these cases will be handled on a case-by-case basis and we are not going to be in a position where an individual when he gets under heat from a congressional committee, can say, "Look, I am going to assert executive privilege."

He will call down here, and Mr. Dean, the White House counsel, will then advise him as to whether or not we approve it.

Q. I want to follow one question on this.

A. Sure.

Q. This seems to be an expansion of what executive privilege was in the past and you were quite critical of executive privilege in 1948 when you were in the Congress—

A. I certainly was.

PRECISE STATEMENT

Q. You seem to have expanded it from conversation with the President himself to conversation with anyone in the Executive Branch of the government and I wonder can you cite any law or decision of the courts that supports that view?

A. Well, Mr. Mollenhoff, I don't want to leave the impression I am expanding it beyond that. I perhaps have not been as precise as I should have been. And I think yours is a very legitimate question because you have been one who has not had a double standard on this. You have always felt that executive privilege, whether I was complaining about its use when I was an investigator, or whether I am now defending its use when others are doing the investigating—I understand that position.

Let me suggest that I would like to have a precise statement prepared which I will personally approve so that you will know exactly what it is. I discussed this with the leaders and we have talked, for example—the Republicans, like Senator Javits and Senator Percy, are very interested in it; not just the Democrats, and I understand that. But I would rather, at this point, not like to have just an off-the-top of my head press conference statement delineate what executive privilege will be.

I will simply say the general attitude I have is to be as liberal as possible in terms of making people available to testify before the Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us, but that really don't deserve executive privilege.

FITZGERALD FIRING

Q. The specific situation with regard to Fitzgerald, I would like to explore that. That dealt with a conversation Seamans had with someone in the White House relative to the firing of Fitzgerald and justification or explanations. I wonder if you feel that that is covered and did you have this explained to you in detail before you made the decision?

A. Let me explain. I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it and Mr. Seamans must have been talking to someone who had discussed the matter with me.

No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it.

BACH-MAI, TRUTH, AND BOMBING OF CIVILIAN TARGETS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DELLUMS. Mr. Speaker, on December 19 and 22, the week before Christmas, the largest hospital in North Vietnam was completely destroyed. At least 25 doctors, pharmacists, and health workers died and an unknown number of patients were killed or wounded.

The hospital, named Bach-Mai—which means white blossom in Vietnamese—was not a military hospital, but a facility devoted to clinical medicine, teaching, and research. The patients in Bach-Mai were not military personnel, but civilian. The hospital was clearly defined and was a well-known landmark, readily visible from both ground and air.

Yet on December 22, despite these facts and contrary to U.S. announced policy against bombing civilian targets, the 1,100-bed hospital of Bach-Mai was destroyed by over 30 500-pound U.S. B-52 bombs.

The immediate response from our Government came from Pentagon spokesman Jerry Friedheim, who said:

> We have not struck any large 1,000 bed civilian hospital. We have no information that indicated that at all. (Boston Globe 12/28/72).

Friedheim then claimed on January 18 in a letter to the Boston Globe that he had "seen reconnaissance photography" of Bach-Mai which permitted him to state "with certainty" that the hospital was not totally destroyed. Later, the story was changed to acknowledge the fact that the hospital was bombed, but the damage was now attributed to Vietcong, not American rockets and bombs.

This absurd claim directly contradicts countless eyewitness accounts.

On December 25, Brig. Gen. Telford Taylor, retired, chief U.S. prosecutor at the Nuremberg war crimes tribunal sent the following dispatch which appeared in the New York Times:

> Early this morning, the large Bach-Mai Hospital was destroyed. The hospital grounds were torn with huge fresh craters and the buildings that escaped hits were shattered by the blasts. Viewed a few hours later, the hospital remains a terrible scene, with rescue workers carrying patients piggy-back, cranes and bulldozers and people using only their hands desperately clearing debris to reach victims said to be still buried in the rubble. And the frantic hospital director running from one building to another.

Moreover, the Pentagon explanation denies what millions of Americans saw on television when Japanese films of the wreckage were broadcast on evening news several days after the bombing. The Japanese TV footage shows not one of the 30 buildings of the hospital still standing intact. Numbers of foreign journalists also confirm the report that Bach-Mai was completely destroyed.

Mr. Freidheim's announcement that he has seen reconnaissance photographs of Bach-Mai is somewhat surprising in regard to past statements. Previous inquiries regarding alleged bombing of civilian facilities have received a totally different response. Defense Department official Dennis Doolin, in recent testimony before Senator EDWARD KENNEDY's Subcommittee on Refugees said that unlike trucks and bridges, the Defense Department could not provide information on the exact number of schools, churches, and hospitals destroyed, since it is not U.S. policy to target such buildings and no photographic record of damage to them is kept.

So, Mr. Friedheim has apparently uncovered some rare Pentagon photos of a North Vietnamese hospital hit by U.S. bombs; coincidentally, those photos are of Bach-Mai. I believe it is his obligation to provide these photographs to Congress and the American people.

As a member of the House Armed Services Committee I call for the immediate release of these photos. And furthermore, I request that Congress be given access to the Pentagon's reconnaissance files to assist in resolving past controversies around alleged bombing of civilian targets.

In this regard Mr. Speaker, I call my colleagues' attention to a letter I have sent to Secretary Richardson, requesting the aforementioned action:

CONGRESS OF THE UNITED STATES,
January 13, 1973.

Hon. ELLIOT L. RICHARDSON,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On December 22, 1973 the Bach Mai Vietnamese hospital in Hanoi was reportedly destroyed by American warplanes. This report was substantiated by several eyewitness accounts including Brigadier General (ret.) Telford Taylor.

On December 28, Mr. Jerry Friedheim of your office was quoted widely in the media as denying these reports. Later, on January 18, Mr. Friedheim claimed he had seen reconnaisance photographs that definitely prove Bach Mai was not destroyed. It was my understanding that the United States maintains a policy against the bombing of civilian facilities and subsequently compiles no reconnaisance files on damage to civilian property. Obviously I was mistaken. As a member of the House Armed Services Committee I demand that any such files be made public. The sensitive nature of the Bach Mai incident warrants a full investigation of the matter and a complete explanation to the American people.

Last July 24, I sent a letter to Air Force Secretary Robert C. Seamons, Jr. requesting an explanation of our air operations over North Vietnam. His reply of August 14, was insulting. I specifically asked four questions, which I ask once again.

1. Are U.S. bombs hitting non-military targets in North Vietnam, Laos, and Cambodia?
2. What safeguards exist to insure the safety of non-military targets?
3. How are B-52's and other aircraft involved in saturation bombing able to distinguish between military and non-military targets?
4. How can the obvious destruction of schools, churches and hospitals be explained by official policies and practices?

The reply, which came from Acting Secretary John L. McLucas, was shallow and demeaning to a United States Congressman. Mr. Lucas stated that it is not U.S. policy to bomb non-military targets, but "unfortunately, in bombing operations of this scale, it is inevitable that some accidental damage to non-military targets occasionally occurs. We regret these accidents and make every effort to avoid them." No attempt was made to seriously answer the questions I raised. My questions warrant more than a polite put-off and a shared concern over civilian damage.

I trust your office will be more cooperative.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

Unfortunately, the bombing of Bach-Mai is not an isolated incident.

Many other hospitals in North Vietnam have been the targets of U.S. air raids. On April 27, 1972, the 300-bed Thanh Hoa provincial hospital was struck by 35 demolition and antipersonnel bombs, killing six doctors and three patients. On May 10 and June 27, 1972, the Vietnam-U.S.S.R. Friendship Hospital in Hanoi was extensively bombed. In all, 56 hospitals and clinics in North Vietnam were destroyed in part or completely from April 1972 to October 1972 alone.

Most tragic are those hospitals which were rebuilt after the bombing halt in 1968. The world-famous Quynh Lap Leprosarium, with over 2,000 beds, was bombed 39 times in 1 month during the Johnson years. It was rebuilt in decentralized fashion to provide protection from any future bombings. But during the aid raids of April and May of 1972 all 50 buildings were once again destroyed. The Vietnamese-Czechoslovakian hospital in Haiphong was also leveled under Johnson. Its reconstruction was completed in February 1972. Some 60 days later, it was bombed in the first of several attacks.

And now, in 1973, the possibility of more hospitals being destroyed by American warplanes remains. The President's wobbly cease-fire has halted the death by air in Vietnam. But the bombs continue to fall on neighboring countries. We have no guarantee that the travesties of Vietnam will not merely become the travesties of Laos and Cambodia.

In response to the complete destruction of the Bach-Mai Hospital, the Bach-Mai Hospital Relief Fund has been formed. Purpose of the fund is to demonstrate to the world our outrage at acts of our Government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. As a cosponsor of the Bach-Mai Hospital Relief Fund I heartily endorse their effort and place in the RECORD the following information about it:

MAY THE WHITE BLOSSOM OF BACH MAI FLOWER ONCE AGAIN

THE BACH MAI HOSPITAL EMERGENCY RELIEF FUND

The week before Christmas, the Bach Mai Hospital in Hanoi was completely destroyed by over 30 five-hundred pound U.S. B-52 bombs. At least 25 doctors, pharmacists, and health workers were killed and an unknown number of patients were killed or wounded. This 950 bed civilian hospital was the largest in North Vietnam. It had extensive clinical laboratories and all the auxiliary services required to run a major teaching hospital.

In response to the complete destruction of this hospital, the Bach Mai Hospital Emergency Relief Fund was formed, At a press conference in Washington, D.C., on January 2nd, 1973, it was announced that in the first week of the fund's operation, over one-quarter of a million dollars had been donated to the Fund by the American people.

The purpose of the Bach Mai Hospital Emergency Relief Fund is to show to the world our outrage at the acts of our government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. There can be no question of rebuilding the physical plant of the hospital as long as there is a danger that the bombs will continue to fall. Not until U.S. bombers are removed from their bases within striking range of Hanoi will it be safe to begin rebuilding. In 1970 and 1971 the people of North Vietnam undertook the rebuilding of the Vietnam-Czechoslovakian Hospital in Haiphong that had been bombed under the Johnson administration. Reconstruction was completed in February, 1972, and two months later, on April 16, 1972, the hospital was once again bombed by U.S. planes sent this time by the Nixon administration (it was bombed again during Christmas). The immediate goal of the Bach Mai Hospital Emergency Relief Fund is to send medical supplies to help the North Vietnamese substitute decentralized and underground health-care facilities for the services provided in the past by Bach Mai.

Bach Mai Hospital was more than the largest center for health care in all of North Vietnam. Within its walls, some of the major research and teaching of future doctors and health workers took place. In addition, Bach Mai served as a center for emergency treatment of civilians in the Hanoi area. It is perhaps not a coincidence that the U.S. bombers hit Bach Mai on the fifth day of the most intensive bombing in the history of the world, after the hospital had absorbed its full capacity of patients.

Unfortunately, Bach Mai Hospital is not an isolated incident of U.S. bombing of civilian structures. From April, 1972 to October, 1972 (before the massive Christmas bombings), all 26 provincial hospitals and every district hospital in North Vietnam had been hit at least once by U.S. bombs. In addition, during the week before Christmas and the few days thereafter, the following North Vietnamese hospitals were damaged or destroyed (according to the Boston Globe of December 28, 1972): Nga Tu So dispensary in Hanoi, Kien An Hospital and the contagious disease block of the Vietnam-Czechoslovakian Hospital in Haiphong, the An Duong dispensary in Hanoi, the Hoai Duc Hospital in Ha Tay province, the tubercular diseases hospital in Bach Thai province.

The initial $250,000 raised in the past week is seen as the beginning of a major national campaign. The goal of this campaign is to raise $3 million, the cost of Bach Mai Hospital, as soon as possible to respond to the immediate needs of the population of Hanoi. The campaign will attempt to involve as broad a spectrum of the American people as possible, with individuals, organizations, and church bodies who have the confidence of large numbers of Americans and the capacity to involve them in a successful campaign. A partial listing of sponsors of the Bach Mai Hospital Emergency Relief Fund includes: Ramsey Clark, Arthur Miller, Julian Bond, Dr. Charles E. Janeway, Salvador Luria, Rt. Rev. Robert DeWitt, Leon Eisenberg, M.D., Erik Erikson, Bishop Thomas Gumbleton, Rev. Dr. David Hunter, Rep. Robert Drinan, Bishop John Wesley Lord, Rt. Rev. Paul Moore, Jr., Albert Szent-Gyorgyi, George Wald, Dr. Charles Mayo III, and Dr. Herbert Abrams.

Events of this campaign will range from benefit concerts to direct mail solicitations to individual donations, however, the backbone of this massive fund-raising effort will be street corner and door-to-door solicitation by thousands of Americans across the U.S. These efforts will thus constitute a message: that we, as American citizens, believing life is precious and all human beings are created equal, want the bombing to stop once and for all, with no further tactics of deception or acts of violence by the United States government.

The campaign for Bach Mai Hospital is being co-sponsored by the Medical Aid for Indochina committee (M.A.I.) Medical Aid for Indochina has been operating for more than a year and in that period of time has sent over $100,000 worth of medical supplies and equipment to the people of Indochina through the Red Cross Societies of North Vietnam, and those areas of South Vietnam, Laos, and Cambodia being attacked by the United States. Medical Aid for Indochina has established reliable information and transportation channels to provide the American people with a method of responding to the medical needs of the people of Indochina and a way of joining the rest of humanity in protest against the senseless brutality of the U.S. government.

MEDICAL AID FOR INDOCHINA.

CAMBRIDGE, MASS.

CLARK ANNOUNCES PLAN TO REBUILD BACH MAI

Former Attorney General Ramsey Clark announced today a campaign to rebuild Bach Mai Hospital in Hanoi. Speaking to a Washington press conference, Clark said the Bach Mai Emergency Relief Fund has already received $250,000 toward its $3 million goal.

Clark said Bach Mai, the largest civilian hospital in North Vietman, was leveled by B-52 attacks December 19th and 22nd. The 950-bed facility had extensive clinical laboratories and the auxiliary services required for a major teaching facility, he said. Twenty-five doctors and nurses, and an unknown number of patients, were killed in the raids, the former Attorney General stated.

The destruction of the hospital was confirmed in a written statement by Brig. Gen. (Ret.) Telford Taylor. Taylor, the Chief U.S. Prosecutor at the Nuremberg War Crimes Trials after World War II, said Bach Mai had been "blown to bits, completely destroyed, and hit more than once on successive days."

The Fund will provide supplies for the North Vietnamese' underground medical facilities until the war is finally over and there is no chance of the hospital being attacked again.

Also speaking were, Arthur Miller, playwright; Bishop John Wesley Lord of the Methodist Church; Rev. Michael Allen of Yale Divinity School; Georgia State Rep. Julian Bond; Mrs. Virginia Warner. mother of Capt. John H. Warner, who has been a POW since October, 1967; Mrs. Pat Simon, whose son was killed in the war; Dr. Charles Janeway of Harvard Medical School; and Dr. Charles Magraw, a Boston psychiatrist who is co-chairperson of Medical Aid for Indo China.

The Emergency Relief Fund is being co-sponsored by this group and by Medical Aid for Indo China, a national group based in Cambridge, Mass.

Many persons accuse antiwar groups of too readily comparing Richard Nixon's war policies to those of Adolf Hitler. They would do well to examine an article in the Nation of January 22, 1973, by William Shirer, author of "The Rise and Fall of the Third Reich." In the article, Shirer recalls hearing Goebbels on German radio calmly denying on the first day of World War II that Nazi submarines had just sunk the British ship *Athenia.* Shirer then reminds us of the administration's response to the report that a POW camp in Hanoi was hit by American bombs during the recent Christmas raids. Administration spokesmen said they would hold the North Vietnamese Government responsible for any injury to American POW's during the raids. Shirer says the situation reminded him "of Hitler's declaration on the mornings he attacked Norway, and later Holland and Belgium, that if they resisted they would be held responsible for the bloodshed."

In the case of the Bach-Mai Hospital, and so many other destroyed civilian facilities in Vietnam, the administration seems to have accepted the old Nazi principle that the bigger the lie, the easier it will be for the public to swallow it. How else can one compare the brazen and wanton distortions of the truth by Mr. Freidheim and the Department of Defense?

Mr. Speaker, I join millions of Americans in calling for a complete and total cessation of all hostilities in Indochina, on the ground and in the air. I urge Congress to once more gain control of the war powers that are constitutionally ours. I ask Congress to find the truth in regards to our bombing policies. I am, Mr. Speaker, only too impatient to end our immoral and illegal adventurism in Indochina.

WHERE OUR HEALTH CARE DOLLARS GO, GO, GO

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mrs. GRIFFITHS. Mr. Speaker, technical progress in the field of medicine has progressed to the point where machines can perform many chemical and tissue analyses in a fraction of the time required by earlier testing methods. Medical technicians have been trained to use these machines and to perform the vast array of other pathological testing procedures, which has freed pathologists from this tedious work. Pathologists now are able, due to these advances in medical science, to do that which they do best. And, according to the February 4 article by Delores Katz, Detroit Free Press medical writer, what they do best is negotiate "percentage contracts" with hospitals. Under these contracts, pathologists are able to receive fee-for-service payments for tests they do not perform and whose results they may never even see. With such contracts, pathologists have moved into second place on the income scale of hospital specialists. First place currently is held by radiologists who maintain similar percentage contracts with hospitals.

This will not be the case once my proposed Health Security Act is enacted into law. Under the Health Security Act, H.R. 22, hospital care costs would be anchored to an annual hospital budget established in advance. Pathologists, radiologists, and other hospital professionals will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in medicare which allows independent billing by these providers, permitting them to charge patients according to the number of tests performed in their laboratories during the course of the day. This new method will hold down total hospital costs significantly.

The financial incentives provided in H.R. 22 will move the health care delivery system toward organized and comprehensive arrangements for patient care, and reward health-care providers for keeping people well rather than merely providing treatment when they are ill. It is all too obvious that as long as these providers are able to command percentage contracts with hospitals and as long as the many other costs of health care continue to rise, last place in our health-care system will continue to be held firmly by the patient.

The article by Delores Katz follows:

MEDICINE'S NEW ROYALISTS

(By Delores Katz)

It is not uncommon for department directors in radiology and pathology to be paid $100,000 a year.

Until three years ago, Dr. Sidney Kobernick was earning a salary of $60,000 a year as chief of pathology for Sinai Hospital in Detroit.

It wasn't particularly good pay as such salaries go. The director of a large hospital laboratory in Detroit usually can command, according to area pathologists, between $60,000 and $80,000 a year.

Some make more. Outside, where pathologists are scarce, earnings can reach between * * * and $100,000 a year.

But in 1969, Kobernick reached an agreement with the hospital that increased his earnings to between $80,000 and $100,000 a year.

Instead of a salary, Kobernick and his eight associates now receive a percentage of the laboratory's earnings which they divide among themselves. Basically, it is the same agreement held by more than half of the nation's hospital-based pathologists.

It means that for every one of the thousands of blood tests, Pap smears and other chemical and tissue analyses done at the laboratory, Kobernick receives a portion of the fee paid by the patient, even though most of the tests are performed not by him but by technicians and machines.

"But we are deeply involved in reporting these test results and discussing them with the patient's doctors," Kobernick maintains. "Gerstenberg doesn't produce General Motors cars, either, you know."

(It should be noted, however, that neither does Richard Gerstenberg, chairman of the board of GM, demand a percentage of the sale price of each car as his compensation).

The arrangement is one reason why pathologist are the second highest paid medical specialists in the country, right behind radiologists who work under a similar set-up.

It also contributes to the higher hospital costs that must be paid by the patient and the scarcity of funds hospitals have for other improvements.

"It's just obscene how much money they make," complained a University of Michigan medical economist. "If the pathologist struggled along on $45,000 a year, the difference between that and $100,000 could be applied to improving services in the outpatient department.

"But instead it's used to give the pathologists two Cadillacs instead of one."

Pathologists maintain that a percentage arrangement does not necessarily mean more money for the doctor, since a pathologist on salary can always ask for higher pay. However, a check of hospitals in the Detroit area shows that pathologists on salary—at hospitals like Metropolitan, Ford, and Children's—make at least $10,000 to $20,000 less than those who have percentage contracts.

The result of these arrangements is, inevitably, higher costs to the patient.

"It's pretty obvious that the percentage arrangement has the effect of inflating costs which must ultimately be paid by the patient," said Dr. Milton Roemer, a well-known medical economist and professor of public health at the University of California in Los Angeles.

Costs go up in one of two ways.

Traditionally, hospitals have used the profits from their laboratories to subsidize other areas of patient care, like emergency services, which are not profitable.

So as more laboratory money is paid to the pathologist, the less there is for the hospital. In order to make up that money, hospitals must raise the prices of other services or forego improvements.

Costs also rise because pathologists earnings are paid by Blue Cross, Blue Shield, and other insurors. The more money the pathologists make, the higher the premiums must go to meet those costs.

The fact that pathologists can compel hospitals to agree to these percentage arrangements is a measure of their power and one reason why they are not handsomely remunerated.

Like pathologists, radiologists work in hospitals and also frequently demand a percentage of the radiology department's earnings.

Although exact figures are not available, conversations with hospital administrators and local radiologists indicate that earnings of $100,000 a year and more are not uncommon for department directors.

Admittedly, pathologists and radiologists are highly specialized physicians, with as many years of training as general surgeons, and ought to be paid at a rate comparable to what other physicians make.

But radiologists and pathologists earn more than surgeons. They earn more than pediatricians, gynecologists, psychiatrists, and every other major medical specialty.

According to 1968 statistics gathered by the American Medical Association—the last year for which such figures are available—radiologists had the highest net earnings of all specialists. Their average net income in 1968 was $46,423. Pathologists were second with $46,360. And surgeons ranked third, with $40,654. Pediatricians were the lowest paid, earning an average of $30,718.

Detroit's hospital administrators are almost universally opposed to the concept of percentage contract arrangements. Yet they are so nervous about the consequences of speaking out openly against them, that none of them would talk about them unless they could be assured of anonymity.

"More administrators have lost their jobs when they upset the medical staff; I would hate to be jeopardized," said the assistant director of a hospital in the Detroit Medical Center.

"If I were to tackle this job myself, I would probably lose my entire career," said the administrator of a prestigious, 500-bed hospital in Detroit. "That's how powerful these guys are."

One man who tried to tackle the job in the effort, has a simple explanation for the administrators' reluctance to attempt a change.

"They haven't got the guts to do it," growls Dr. Kenneth J. Williams, former administrator of Detroit's St. John Hospital, now medical director of the Catholic Hospital Association in St. Louis.

"Those types of situations that I describe as scandalous—where pathologists, radiologists, and other (hospital-based) physicians have such exorbitant contracts, up into six figures—exist only because the hospital trustees and management allow them to exist. You just can't blame the doctor for having his hand into that long green."

Williams quit as administrator of St. John Hospital in 1968 after he failed in an attempt to put a ceiling on the amount the hospital's radiologists could earn.

"They were having exorbitant incomes at that point," he said. "We were instructed by the board to negotiate an income ceiling on their contracts. They refused, and quit, and then we went looking for other radiologists."

But Williams couldn't find any who would work for him. A group of Washington, D.C. attorneys advised him to bring suit against the Wayne County Medical Society and other physicians who were blocking his attempts to hire other radiologists.

Before that could be done, however, the board instructed him to rehire the radiologists on terms that did not include a fixed income ceiling.

"The radiologists and other physicians forced the board to their knees, forced them to change their minds," Williams charged.

Williams quit in protest, as did the assistant administrator Dale Morgan, and Sister Ricarda, executive director of the hospital.

"At this point we could see that we couldn't compromise our principles for which the hospital was supposed to be in business," Williams said. "The interests of the patients and the community are supposed to take precedence over all other concerns.

"All we were trying to do, and that any hospital board or management ought to be doing, is to make certain that sound principles of management are applied in the area of medical staff activities as they are anywhere else in the damn hospital.

"All we were trying to say was, how can you go on spiraling into six figures, and how does that get under the public microscope? And it doesn't."

Dale Morgan, now administrator of a small community hospital in San Francisco, confirmed that he, Williams, and Sister Ricarda had resigned rather than go along with the board's instructions.

"The board's policies and philosophies didn't agree with my standards," he said. "I'm working for the patient and I have a public charge. When the board's policies and my standards don't mesh, I have two choices—put up with it or go somewhere else."

Others had a different impression of what happened. James T. Farley, present administrator of St. John, maintains that Williams wanted to put the radiologists on straight salary, not just put a ceiling on their percentage contract.

"The salary he offered was extremely low compared to the going contract at that time in Detroit," said Farley. Farley refused to name the amount, but said it was below $50,000.

And a radiologist who left the hospital rather than accept a limit to his income had yet a different impression.

"Dr. Williams was quite a paranoid gentleman. He caused a great deal of trouble, and ultimately was forced to resign," he said. "He wanted to change many, many things very suddenly."

"Williams was a lunkhead," another radiologist declared sourly.

"Maybe I am, if that means putting the interests of the patient and the community over those of one special group," Williams rejoined.

The reason pathologists and radiologists can compel hospitals to provide them with such favorable financial arrangements is a simple one: They have a monopoly on the services they offer hospitals.

In order to qualify for various kinds of construction and operating funds, hospitals must be accredited by the Joint Commission on Accreditation of Hospitals. And the JCAH requires all hospitals to have pathologists as directors of their laboratories and radiologists as directors of their radiology departments.

Furthermore, there is a shortage of pathologists and radiologists in the United States. This has been caused partly by the lack of glamor that these professions hold for young doctors.

Despite their economic attractiveness, radiology and pathology are among the least prestigious of the medical specialties. The picture of the dedicated doctor at the bedside of his patient does not apply to the radiologist.

In fact, almost 60 percent of a group of 2,000 people surveyed by the American College of Radiology had never heard of a radiologist, and only one in four correctly identified him as a doctor.

But the shortage is also a result of a deliberate policy of "professional birth control" practiced by organized medicine prior to 1960.

Beginning in the 1930s, the American Medical Association conducted a campaign to limit and even reduce the number of students in the nation's medical schools on the grounds that there was an "oversupply" of doctors.

Through statements in their official journal and testimony before Congressional committees, the AMA effectively blocked federal legislation designed to increase the number of doctors in the United States.

The powerful American College of Radiology and College of American Pathologists has enhanced the effects of this shortage through various practices, including pressure on its members not to accept salaried positions in hospitals.

Finally, hospitals need pathologists and radiologists more than these physicians need hospitals. Hospitals can't operate without these doctors. But pathologists and radiologists can and often do set up lucrative independent laboratories that serve private physicians and small hospitals.

So pathologists and radiologists have the benefits of a seller's market, and they make the most of it in their dealings with hospitals.

The physicians defend the percentage contract by saying that it gives them greater control of their departments and greater incentive to perform well. "There's a natural tendency to just do a day's work and go home unless you feel you can increase your efforts by income," says Dr. Andrew Climie, assistant chief of Harper Hospital's department of pathology.

"Let's say the Coulter counter (a machine that performs blood counts) breaks down at 5 p.m. Doctor X, who is on salary, says, 'Oh well, they can do the tests by hand, and I'll get it fixed tomorrow.' But Dr. Y, whose income depends on the number of tests performed, would stay around and make sure it got fixed that night."

"I think that's just not true," says Roemer, "that a doctor's only incentive is money. In fact, the most highly competent doctors are doing extra work without incentives. This really, if you probe it, represents a slander against the integrity of doctors."

In fact, there is no evidence to show that pathologists and radiologists who have percentage contracts run their laboratories any better or more efficiently than those who are on salary.

Dr. A. James French, chairman of the department of pathology for the University of Michigan, does not feel that a straight salary has impaired his ability to direct a good laboratory.

However, he says he would take a percentage contract if it were offered.

Why?

"Because you get more money."

Any other reason?

"That's a good enough reason," he said.

Roemer and other medical economists also question the wisdom of making a doctor's income dependent on the number of tests or X-rays his department performs.

"It gives the radiologist or pathologist an incentive for maximizing services beyond what is necessary to the patients," says Roemer.

For example, it is hard to see a pathologist whose income depends on a large volume of tests telling doctors that they are ordering too many tests.

And it is easy to see how a radiologist could rationalize the need for six X-rays of a person's chest instead of four if those additional two X-rays mean more money for him.

Without question, pathologists are indispensable to patient care. They are the ones who decide whether a tumor is cancerous or not, who discuss test results with physicians and help determine proper treatment, who perform autopsies to determine cause of death, who help maintain the hospital's quality of care at a high level.

Radiologists share the responsibility for maintaining quality care, and provide a huge array of diagnostic and treatment facilities.

These responsibilities should be recognized and property compensated, health professionals agree. But they do not see the logic of percentage arrangements, any more than they could see the logic of paying nurses a percentage of daily room charges for their services to patients. Nor do they understand why pathologists have to earn so much more than most other health professionals.

"It disturbs me when you get up into the $90,000 and $100,000 bracket," says Dr. John Knowles, former director of Massachusetts General Hospital, now president of the Rockefeller Foundation, and a well-known critic of the nation's health system.

"At a time when the cost of medical care is rising so fast, and the radiologist is averaging a 40-hour week, you just can't justify that value placed on his services. It's just too much, when a pediatrician is working twice as hard and making $35,000 a year."

Knowles has another reason for disliking the percentage arrangement. He has seen what happens to hospitals where radiologists pathologists, anesthesiologists, emergency room physicians, and other specialists demand such contracts.

In effect, it makes each group an independent fiefdom, over which the hospital administration can exert little control.

Knowles has been called in as a consultant to many hospitals that have found themselves in this situation.

"You don't have an institution if you have everyone digging in on his own terms," he says. "You have a very dispirited group with everybody backbiting and working for himself instead of the patient.

"Pretty soon, what the hell is the sense of having them all under one roof? It's every man for himself, and the administration of such a conglomerate is damn near impossible. It can't respond as a social instrument to social pressures."

A MEASURE OF THE SHORTAGE

The shortage of radiologists and pathologists can best be measured by the number presently in training as residents, the number of residencies that go begging, and the number that have to be filled by graduates of foreign medical schools. Here are the latest available figures:

Total number of residencies offered in all medical specialties in 1971, 49,693.

Percent filled, 85% (42,293).

Percent filled with foreign medical graduates, 32% (13,520).

Total number of pathology residencies offered in 1971, 3,653.

Percent filled, 69% (2,534).

Percent filled with foreign medical graduates, 55% (1,401).

Total number of radiology residencies offered in 1971, 2,606.

Percent filled, 90% (2,333).

Percent filled with foreign medical graduates, 21% (494).

U.S.-U.S.S.R. TRADE NEGOTIATIONS AND "U.S.A. AND THE SOVIET MYTH"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DERWINSKI. Mr. Speaker, with the opening of trade negotiations with the Soviet Union it becomes all the more necessary for American businessmen and others to prime themselves on the politico-economic nature of the U.S.S.R., its background, and its composition. The work on "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University's economics facility, is a solid primer for this purpose. Its chapter on "The Russian Trade Trap" is especially important in this regard. Some of the reviews of the book give an insight into its content, such as those in Modern Age, Central Europe Journal, the Lane column, the Manchester Union Leader, the Book Exchange, and the Sunday News which follow:

[From Modern Age, Spring, 1972]

TECHNOLOGY AND DEFENSE

(Reviewed by Robert A. Schadler)

Here Professor Dobriansky rigorously reexamines several fundamental themes deeply rooted in the conventional notions concerning American-Soviet relations. The broadest and least explicit of the questions he raises is one that was seriously debated twenty years ago, but is now smugly assumed to have been resolved. This question, posed most simply in the title of a book by Mr. James Burnham is "Containment or Liberation?" Can the United States survive by working, in conjunction with other countries, to keep Russian expansion in check until the Soviet Union ceases to have aggressive ambitions or changes occur within the USSR so that these ambitions can no longer be implemented? Professor Dobriansky criticizes the current policy of containment and argues that the liberation of non-Russian nations within the Soviet Union would be the only change substantial enough to end Russia's historically persistent colonial expansion.

Professor Dobriansky analyzes the concept of the nation-state and finds that the USSR cannot rationally be considered one. An understanding of this point is tragically lacking in Americans, yet it is vital that the citizens and the officials of this country comprehend it thoroughly. A state is a political entity, with legal sovereignty and a single legitimate government. A nation, in contrast, is a cultural and historical entity which is analytically distinct from the idea of a state. A nation is composed of a single people united by common traditions, customs, history, language, institutions, values and purposes. The relatively recent rise of nationalism brought about the union of these two different concepts into a nation-state ideal—a yearning by each nation to be self-governing and responsible only unto itself. This movement, best exemplified in Woodrow Wilson's doctrine at Versailles, remains a powerful force throughout the world.

The author, after careful study, has found that the USSR is not only not a nation-state but is rather the antithesis, that is to say an empire which suppresses the desire for autonomy held by the captive nations within and without its boundaries. The *Russians* are indeed a nation, but statistically they constitute only about half the population of the Soviet Union. The other half is composed of non-Russian nations, led by the Ukraine, which are historically distinct both from Russia and from each other. Their long-standing and intense desire for autonomy is the Soviet Union's greatest weakness and the free world's greatest potential strength. The Ukraine is thus not a Russian Texas but another Czechoslovakia longing for its freedom. This fact must first be understood generally and then integrated into American foreign policy.

Professor Dobriansky pursues his point a step farther by reopening another oft-debated controversy, though this time with less profit. Is the communist ideology or traditional Russian imperialism the decisive motivating factor in the Kremlin? The author adopts the latter interpretation, and it must be admitted that he uses it to construct a powerful explanatory framework with many insights. The techniques used by the Kremlin, such as the "building of paper bridges of understanding" through diplomacy, propaganda and treaties, are traditional. Most of the areas marked for expansion follow the colonial patterns of tsarist times. Many of the appeals and policies are repetitions of Russian history prior to Lenin. Similarly, Dr. Dobriansky is quite correct when he points to the glaring contradictions between Marx's theories and Russian activities. Unfortunately, though, this does not clarify all that needs explanation.

People in all countries, of all classes, backgrounds and degrees of intelligence and ability read Marx and sincerely consider themselves Marxists. The effective bulk of these people identify themselves with and actively aid the foreign policy goals of the USSR. Despite all its fallacies and contradictions, the Communist Party line, originating from the Kremlin, has a globally credible link to Karl Marx. If the secondary communist leaders can accept this connection as legitimate, must we assume that they have been completely duped?

Are we to suppose that years of party indoctrination in Marxist-Leninist teachings have had no effect on the current leadership in the Kremlin? Does not the history of all totalitarian movements show that they captivate the utopian, idealistic impulses before they pursue the perverse policies which destroy their claims to humanitarian principles and purposes?

It should be expected that any group of communist leaders, sincere or otherwise, will make many concessions to the culture and history of the country they rule. If the country has a messianic tradition, as Russia has, all the better. If the Ukraine and Turkestan are available for the taking, why should the communist leaders hesitate simply because a former tsar also wanted to annex them? Global expansion has to begin somewhere, so why not start with what is most convenient—historically, strategically and logistically? And since when, it might be asked, has Cuba been within the ambit of traditional Russian imperial interests? If man is to be remade according to Marx's ideal, why can't a totalitarian regime be rationalized until the bourgeoisie have been liquidated in every country?

A full understanding of Soviet policy does indeed require a thorough grounding in Russian history with all its techniques, tactics and strategies for brutally expanding and maintaining its traditional empire; this is vitally necessary and all too often ignored. Equally important, however, is a fundamental comprehension of original Marxist theory, also of its very warped Russian variety and its probable impact on the thinking and actions of both the Russian leadership and self-proclaimed communists everywhere.

Despite this criticism, and it is a serious one, I must conclude that this is a very important and valuable book. A knowledge, too, of the concrete, contemporary aspirations of the non-Russian peoples within the Soviet Union is indispensable to any serious study of international affairs. Dr. Dobriansky has collected the facts and marshalled sound arguments, insightful illustrations and persuasive rhetoric. The discussion of the captive nations, of "confetti diplomacy" and of East-West trade high-light the practical implications of this knowledge and are presented in the author's uniquely attractive style.

[From Central Europe Journal, September–October 1971]

RUSSIAN EXPANSIONISM

(Reviewed by Michael F. Connors)

Even today, years after the passing of the great African and Asian empires of the Westerns powers the very word "colonialism" can move those among us who are of a liberal-to-left political persuasion to a mood of angry indignation. Curiously, however, all their finely honed moral concern is conspicuous by its absence when the subject of present *Russian* colonial subjugation of Ukrainians, Byelorussians, Georgians, and others arices. Indeed, it is rarely understood (or admitted, at any rate) here that the U.S.S.R. is not a nation at all but is rather a Russian colonial empire and nothing more. It is the great merit of Professor Dobriansky's brilliantly devastating analysis that it underscores the essentially imperiocolonialist character of the U.S.S.R.

While the more politically perceptive American will appreciate the true nature of the relationship of satellite countries of Central Europe to Moscow, he is perhaps less likely to comprehend that within the primary empire which is the U.S.S.R. itself there is an even more oppressive Russian imperial structure. He is even less likely to comprehend that it is aggressive Russian expansionism, behind a facade of Communist ideology, that really threatens the free world including the United States today. Professor Dobriansky clearly exposes the true nature of this Russian expansionist menace with its roots deep in the dark soil of Tsarist times. He does not, as no doubt some misguided critics will charge, minimize or deny the role of Communist ideology here. To the contrary, he points up how it is very effectively exploited for expansionist purposes by the Machiavellian power clique in the Kremlin.

One other line of criticism (again mistaken) may perhaps be anticipated: that the author is possessed of a Russophobe bias originating in his Ukrainian antecedents and present organizational connections. An honest and careful reading of U.S.A. and the Soviet Myth sustains no such charge. Though he clearly shows that the majority of the so-called "Russian people in the U.S.S.R. are in reality non-Russians (Byelorussians, Georgians, Turkestani, Ukrainians, etc.) and very logically demonstrates that any effective free world policy must therefore contemplate ultimate liberation not merely for satellite peoples like Czechs, Germans, Hungarians, and Poles, but also the political and territorial dismemberment of the primary Russian empire itself, he throughout distinguishes the pernicious structure of the expansionist Russian state from the Russian people. Indeed, one might well wish that everyone who had written about say Germany in the 1930's and 1940's had been so scrupulous about distinctions.

CAPTIVE NATIONS GIVE LIE TO DETENTE

WASHINGTON.—This third week of July has been designated by Congress as "Captive Nations Week" to remind us of the nations still held in the bondage of communist imperialism. Because so many Americans hold a heritage from these Captive Nations, we as a nation should have a pressing interest in restoring their freedom.

When Congress first passed the Captive Nations Week Resolution in 1959 and President Eisenhower signed it into law, Premier Khrushchev was greatly disturbed. He knew that the subjugated peoples were the Achilles heel of Soviet power and he feared an American policy directed toward their liberation. As nothing was done to align U.S. policy with the congressional resolution, Soviet fears subsided. The American government would do nothing to support its brave talk.

Dr. Lev E. Dobriansky of Georgetown University has been a leader of Captive Nations Week activities for twelve years. He has written extensively about the nature of Soviet power and about conditions in eastern Europe. In a new book entitled, "U.S.A. and the Soviet Myth", (Devin-Adair, $6.50), Dr. Dobriansky reviews Captive Nations Week history and shows how American misconceptions about the nature of Soviet power have served the interests of Russian imperialism.

Perhaps the first misconception is that there are 200 million Russians in the Soviet Union. Dr. Dobriansky points out that 125 million of the Soviet population are non-Russians, captives of Russian imperialism just as the Soviet peoples are captives of the communist party. Minority rule is the rule in the Russian imperium.

Then too, the name "Soviet Union" has to Americans connotations of voluntary union, as the American colonies united to form a more perfect union. As Dr. Dobriansky reminds us, the Soviet Union is a creation of Russian imperialism, using communist internationalism to aid its conquests. The other communist states are not equals in an international communist soicety; they are the wards of Moscow.

The Soviet Union is the world's greatest imperialism. In the free world, small nations have won their freedom and independence; but no such freedom can exist in the communist world. The Soviet Union and Red China lay heavy hands upon their vassal states, controlling their economic growth and political development to assure full subordination to the twin imperialisms. Dr. Dobriansky lists 24 nations from Armenia to Cuba which have been conquered by the Russian imperialism.

Instead of recognizing the weakness of these imperialisms, the yearning of the oppressed peoples for freedom and the great boon to world peace which their liberation would bring, the United States has sought peace by courting the imperialists and forsaking the Captive Nations. It has strengthened the dictators with trade and recognition even as it turned its back on the aspirations of the oppressed peoples. For 38 years, it has sought detente with the Soviet Union, always failing but always coming back to try again, incapable of facing the reality that the imperial appetite is not satisfied by throwing the children to the wolves.

The United States, as leader of the free world, has an obligation to focus international attention on the Russian and Red Chinese imperialisms, to condemn the medieval cruelty which is so offensive to modern ideas of human liberty and to assist the subject peoples to regain their freedom. It should use the United Nations as a forum for the peaceful dismantling of the Soviet imperialism.

It is a strange paralysis of reason and will which keeps the United States in a zombie-like stupor of seeking the goodwill of tyrants. Congressman Wm. G. Bray of Illinois, in the introduction to the Dobriansky book, likens the U.S. to Sweet Alice of ancient fame:

"Oh, don't you remember Sweet Alice, Ben Bolt,
Sweet Alice whose hair was so brown?
Who wept with delight when you gave her a smile,
And who trembled with fear at your frown?"

[From the Manchester (N.H.) Union Leader]

The U.S.A. and the Soviet Myth

(Reviewed by George S. Schuyler)

The USA and the Soviet Myth by Lev E. Dobriansky (Devin-Adair, $6.50 is a scathing treatise by a distinguished authority on Sovietism and the Russians, pointing out the many myths circulating which, if believed, spell our destruction. After all, we act and plan on what we believe, and the Soviet propaganda machine has been busily brainwashing us for a half century, with the help of the American fellow travelers in high places.

There is a widespread belief that there are more than 200 million Russians, impliedly united and thus unbeatable. Actually there are only about 125 million Russians, if that many, and most of them hating their Communist oppressors and ready to run on them at some propitious time. This is notable in the case of the Ukrainians who yearn for the freedom and independence they once enjoyed. The East Germans, the Finns, the people of the Baltic states, the Poles, who not long ago were independent, and the 30,000,000 people of Moslem extraction in the Central Asian "republics" who constitute imperialist enclaves where the white Russians ride herd on them in worse manner than did the Africans and Asians once under the European heel. Inherently there is wide discrimination in favor of the small fraction of Communist Party members who hold all important positions, and against the ordinary non-Communist citizen. Socially the two are as apart as colonial exploiters are aloof from their serfs.

[From the Book Exchange, November, 1971]

U.S.A. and the Soviet Myth

U.S.A. AND THE SOVIET MYTH. By Lev E. Dobriansky. Introduction by William G. Bray, M.C. (The Devin-Adair Company, One Park Avenue, Old Greenwich, Conn., 06870, U.S.A. 8 by 5¼ ins. 288 pp. Cl. Col'd illus'd d.w. $6.50)

This book offers a thoughtful analysis of the dangers inherent in the current American thinking about the Soviet Union. One important point the author stresses is that there are not 200 million Russians in the world, let alone in Russia—for of the total population claimed, 125 million non-Russian people live in the USSR. Dr. Dobriansky suggests that the Soviet Union is, in fact, a much weaker nation than Americans believe it to be, and that the American government should call the Russians' bluff after a thorough reappraisal of Russia's potential as an enemy. The book touches on many controversial matters concerned with American policies towards Russia, and its author's clear thinking and plain speaking will be valued by the American citizen wishing to understand the real facts.

[From the Sunday News, March 14, 1971]

After the War—What?

Secretary of Defense Melvin R. Laird rendered his annual report to Congress a few days ago, and we'd call it a realistic and statesmanlike document.

It blueprinted the course the Nixon administration hopes the nation will take in the next five years as regards national defense.

Our participation in the Vietnam war should end long before the five-year period is up. Where do we go from there?

Some well-meaning folks want us to pull in our horns from all around the civilized world (meaning the free world), cut the Defense Department and the armed forces to Tom Thumb size or thereabout, and spend the money thus saved on homefront goodies and giveaways.

Things aren't going to be that simple when this cruel war is over. Soviet Russia, barring unforeseen upsets, is going to be still determined on world conquest.

Secretary Laird therefore outlines a program for keeping our powder dry indefinitely and ample powder on hand.

We are happy to note that he wants a mix of offensive and defensive weapons—the most up-to-date of both.

Put our trust and tens of billions of our dollars into devices meant solely for defense against surprise attacks, and we're all too likely to acquire what, since World War II, has been called the Maginot Line state of mind.

France thought its hugely expensive Maginot Line would keep out the Germans—who proceeded to snake around its Belgian end in 1940 in overwhelming numbers. By the same token, some scientific enemy breakthrough could make a shambles of a U.S. magic-defense setup.

We must have the will to defend ourselves and the capacity—plus a full complement of offensive weaponry, on the principle that the best defense often is a good offense.

This is not a cheery prospect, true. But that is the way the world shapes up as of now, and we've got to adjust and stay adjusted to these facts of 20th century life. If we don't, it will be Farewell Freedom sooner or later.

ENVIRONMENTAL CONCERN BRINGS NEW BUSINESSES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MATSUNAGA. Mr. Speaker, as national priorities shift from defense-oriented projects to domestic concerns, scientific and technological resources must be increasingly applied to urgent civilian needs, such as the restoration of a clean and healthy environment. Business firms throughout the Nation are already redirecting their energies as they realize their environmental and social responsibilities.

My own State of Hawaii is leading this shift to social and environmental concern. A new breed of firms is developing in the Island State to help businessmen fulfill Federal and State environmental quality requirements. The new businesses not only fill a pressing social need, but also provide another source of employment for scientists and engineers.

Hawaii's experience gives another indication that professional scientists and engineers may be able successfully to apply skills and techniques developed in defense-related industries to civilian problems.

With the thought that my colleagues will find this new trend in Hawaii of interest, I am submitting for the CONGRESSIONAL RECORD an article about the growth of these new businesses in Hawaii by Jerry Tune of the Honolulu Star-Bulletin:

Environmental Concern Brings New Businesses

(By Jerry Tune)

The trend of environmental concern throughout Hawaii is bringing with it the attention of the business community.

And one of the newest forms of business in the State is the firm specializing in environmental services.

Easily the youngest firm—it began operations Jan. 2—is Environmental Communications, Inc. headed by Fred Rodriguez, former chief of public affairs for the State Office of Environmental Quality Control.

Rodriguez left government services at the end of 1972 because he saw a need for closer attention to such new requirements as the environmental impact statement.

"We found at the State level that many firms didn't fully understand what was required in the impact statement," said Rodriguez. "This lack of understanding cost them lost time and other problems that could have been avoided."

Rodriguez sees the basic problem mainly as one of coordination and finding out about environmental trouble spots as soon as possible.

He has assembled a team of environmental scientists, most from the University of Hawaii, to provide the brain-trust for the organization.

They include Michael J. Chun, sanitary engineer; Karl Bathen, oceanography and water quality assessment; Gordon L. Dugan, sanitary engineer; Howard W. Klemmer, microbiology; and Robert Nekomoto, analytical chemistry, and environmental health medicine.

Nekomoto recently retired as chief of the air sanitation branch at the State Health Department.

Environmental impact statements may be a big part of the business since both the federal and State governments require them under varying conditions. But Environmental Communications, Inc., also will offer management consultant services and environmental public affairs programing to clients.

The telephone book (white pages) lists five businesses with some form of the word environment in the title.

Environment Capital Managers, Inc. is a consultant firm that has been operating since 1968 but formerly was known as Bay Yee and Associates.

It has worked closely with the City on several occasions and recently completed portions of the environmental impact statement for the City's proposed $700 million rapid transit system.

Wayne Weatherford, vice president, said the firm operates as consultants in economic research and prepares feasibility studies on new areas of product demand.

There three remaining "environmental" firms in the telephone book have somewhat different functions.

The Environmental Development Council, headed by Margo Wood, represents many of the builders in Hawaii. The council was formed to explain the relationship of the environment to the construction industry.

Environmental Control Systems of Hawaii, Inc. is concerned with disposal of waste oil in a special incineration process. Roy Fukuda heads the firm which operates in Ewa.

Agricultural products is the business for Enviroculture International, Inc. The firm, headed by Herbert Chock, will be raising vegetables such as tomatoes and cucumbers in a special environmental setting.

Enviroculture International is following in the footsteps of other businesses in the same field which have done rather well in the past year.

The advantage is that the grower can better control the amounts of water on the plants, and the effect of insects. Chock plans to market the crops to normal produce outlets.

The final business from the telephone book really is nothing new at all.

Environment Control of Hawaii, under manager Alfred Houng-Lee offers a complete building maintenance or janitorial service.

It is obvious the word "environment" is here to stay, even in the business world.

PUBLIC TELEVISION: IN THE BALANCE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. REES. Mr. Speaker, a terribly important speech on the uncertain fate of public television in this country was given last week by Robert MacNeil to the Consumer Federation of America, meeting here in Washington.

Mr. MacNeil, senior correspondent for the National Public Affairs Center for Television—NPACT—is one of television journalism's most thoughtful participants. One of the best books ever written about television news—"The People Machine"—was written by Robert MacNeil. He knows the nature of his profession, its strengths and weaknesses. He has worked in commercial and public television, both here and abroad. He believes deeply in public television, as only one can who has worked for the British Broadcasting Corporation—BBC. He knows the potential glory of public television's promise. Because of this he is greatly troubled by what is happening to public television in America under the Nixon administration.

The promise of public television in this land is in the balance so long as the Nixon administration is allowed to violate the spirit as well as the intent of the law governing public television. Congress created public television and was wise in safeguarding it from Government control. But now Clay Whitehead and others in the Nixon administration—controls or not—seem bent upon its destruction. Oh, they do not say so in so many words, they are too wise for that, but that is the bottom line of what they are doing. This is but one more arena where the will of Congress is being challenged by the Nixon administration and with little apparent regard for that fact.

Well, there is much to say about all of this, and perhaps at a later time I shall, but for now, Mr. Speaker, I will let Mr. MacNeil say it:

THE THREAT TO PUBLIC TELEVISION

(By Robert MacNeil)

SPEECH TO CONSUMER FEDERATION OF AMERICA

You represent one of the healthiest developments in American life in recent years: organized skepticism before the blandishments of American industry about its products. I represent a much older institution which may not be so healthy these days: organized skepticism before the blandishmens of American government about its performance. But our areas of concern overlap extensively and I would like to ask you for a few minutes to stop thinking about material consumer commodities—whether deodorants cause rashes or whether foods have the nutrition they claim—and to think about the more abstract commodity I deal in—information. Because without being too portentous about it, I think it is true that in this democracy the quality of information you consume through the news media is at least as important as the quality of an automobile you buy.

If you think about information as a consumer commodity, you will quickly appreciate that the truth often lies at the heart of a maze of deception and boastful verbiage as misleading as the packaging and advertising of the goods we buy. It is the function of journalists to find a way through the maze as it is your function to strip away the Madison Avenue wrappings and find out what a product really is. Your job, it seems, is getting easier: you have an aroused public behind you and government as well as industry is getting the message. Our job is getting harder because we have a public sometimes aroused against us and one branch of Government, the Executive, which is egging them on.

I would like to arouse *you* a little about what many see as a widespread threat to freedom of information in this country and then, about specific threats by the Nixon Administration in my own field, Public Broadcasting—your broadcasting.

You may have seen over the past few months any number of editorials or articles about an alleged campaign by this Administration to intimidate, or censor the press. Instead of quoting journalists themselves, I would like to quote a distinguished and respected United States Senator, Sam Ervin, Jr., of North Carolina. The only liberal axe he has to grind is the liberalism of the framers of the Constitution. Senator Ervin is Chairman of the Senate Sub-committee on Constitutional Rights.

In a speech a week ago, Senator Ervin remarked that government has often responded intemperately, sometimes justifiably, to press criticism.

'But," he added, "the actions of the present administration appear to go beyond simple reactions to incidents of irresponsible or biased reporting, to efforts at *Wholesale intimidation of the press and broadcast media.*"

He cited a recent speech by Clay Whitehead, Director of the White House Office of Telecommunications Policy, who threatened to hold local television stations accountable at license renewal time if they failed to correct what Whitehead called "imbalance or consistent bias" from network news programs.

Ervin also mentioned the early speeches by Vice President Agnew harshly criticizing the press; the FBI investigation of CBS newsman Daniel Schorr; the exclusion of the Washington Post from White House social events; and the effort of the government for the first time in the nation's history to enjoin publication of a news story in the Pentagon Papers case. The Senator went on to talk of Administration endorsement of the Caldwell ruling by the Supreme Court last June. The Court held that the First Amendment's guarantee of a free press does not entitle newsmen to refuse to reveal confidential sources of information. A number of newsmen have gone to jail in recent months as a result of that ruling and Senator Ervin, among others, is considering legislation to shield newsmen from this requirement.

Senator Ervin concluded: "A free press is vital to the Democratic process . . . For to make thoughtful and efficacious decisions—whether it be at the local school board meeting or in the voting booth—the people need information. If the sources of that information are limited to official spokesmen within government bodies, the people have no means of evaluating the worth of their promises and their assurances."

Now whether there exists a deliberate, premeditated campaign by the Nixon Administration, I can't say; its spokesmen have repeatedly denied it. Yet the pattern of their statements and actions over the past four years strongly suggests that. Or in the words of the *London Economist*, a paper which supports many Nixon policies, "it is not untypical of Mr. Nixon's approach to domestic policy that he should hope . . . to change to some extent the behaviour of the broadcasting industry by simply leaning on it and making it nervous."

The truth probably lies somewhere in between. Historically, Richard Nixon has had a bad press. Whether you think the press has been unfair depends on the fervor of your admiration for him. But it is obvious that he carried a lot of resentful baggage into the White House and that the resentment burned at least as fiercely in the breasts of his most intimate advisers as it did in his own. He could cope with it, by his own frequent testimony; he was conditioned by it. He did not expect to be liked. It was yet another fact of the hostile environment he feels he lives in politically, and to an extent thrives on psychologically. Our Presidents have felt it but what is different about this administration is that it brought in a preponderance of men with special skills to deal with it. Many of them came, not from journalism, but from public relations and that is an industry with its own special attitude to information. Facts are what you say they are; the truth is what you shape it to seem to be. The PR mentality abhors information that it cannot shape. And they set about shaping the Nixon information package with great skill, producing the most tightly-controlled flow of information within the memory of Washington journalists. At the same time, Administration spokesmen from the Vice President down attempted to discredit the media by constant charges of bias. They were helped by public distaste for much of the content of the news in recent years—wars, riots, crime, the disaffection of youth and changing moral values. What the public did not like to hear, it threw back with charges of bias.

So much has been talked about media bias that the Administration now clearly believes it no longer has to prove its claims: it simply treats them as established fact. So Dr. Whitehead states as fact, unsupported by any evidence, that the commercial television networks are guilty of pumping out "ideological plugola" or "elitist gossip." It is nonsense. It is sad to hear these echoes of the Vice President's strained vocabulary on the lips of a man of Dr. Whitehead's intellect, but it is nonsense. Bias in their minds apparently is any attitude which does not indicate permanent genuflection before the wisdom and purity of Richard Milhous Nixon. And it would be nonsense if it were George Washington or Abraham Lincoln or Spiro T. Agnew in the White House.

Now while I feel a strong brotherhood with the writing press and the commercial networks (I have been part of both myself) I believe they have the resources to fight back. Except in the cases of some magazines threatened with extinction by higher postal rates, the TV networks, the wire services and the great newspapers of the country, will survive the Nixon Administration. But one institution in which journalism may not survive this administration is public television—and that is my main subject today.

I am speaking for myself and not for my colleagues in public broadcasting. It may be obvious but I should declare my interest. What I am going to talk about concerns my own livelihood (although I can earn that elsewhere) and my belief (now badly shaken) that this country not only needed television journalism independent of the commercial networks, but wanted it and could actually get it in a manner sufficiently insulated from the interference of the government of the day. Many other people believed that too. Today they are sadly disillusioned people as they watch their dream being perverted before their eyes and their ideal of independence made a travesty by Mr. Nixon's appointees.

I left one part of Senator Ervin's speech until now. He said: "We also see significant inroads being made into public broadcasting." After detailing a number of public affairs programs which may be cancelled, the Senator added:

"It was the intent of Congress in enacting the Public Broadcasting Act of 1967 which created an intermediary Corporation to receive funds for public television, to insulate control of programming from those who appropriated the dollars for it. It now appears that the intermediate agency is asserting the sort of political control which the Congress wisely denied itself."

Democratic Congressman Sidney Yates of Illinois said on the floor of the House on January 15 that recent actions by the Board of the Corporation for Public Television "is the latest step taken by the Nixon administration in trying to fashion news and broadcasting programs which are more favorable to its purposes."

Is the situation as bad as Congressman Yates puts it? It is.

Let us go back briefly to find out how public television—your television—got to a point where it is no longer an exaggeration to say we are on the way to creating a structure which could use your tax money to run a domestic Voice of America, a system uttering nothing but the Administration line. I do not apologize for using that now quite common comparison. I believe I was the first to raise such a possibility in a book I wrote five years ago.

One reason why the public and the press have been slow to understand this story is that the structure of public television is complicated and much publicity has centered on disputes between various parts of it. But it is not as complicated as all that.

There were educational or noncommercial stations all over the country long before 1967. Its financial base was precarious. Although government grants made possible the construction of education stations, the heavy operating costs had to be met from charity—grants from foundations like Ford, subsidies from universities and commercial broadcasters, donations from private citizens and direct support from lower levels of government. Only on rare occasions did they have the luxury of connecting into a live network, called NET.

In the sixties, pressure gradually built up (due partly to rising discontent with the output of commercial television) for better funding for public television. A study by the Carnegie Commission prompted President Johnson to promote a Public Broadcasting bill and later that year an act was passed.

A Corporation was formed to receive and administer funds Congress appropriated and to have ultimate responsibility for the broadcasting those funds financed.

But Congress had a number of concerns in passing that bill.

(1) that the system must be insulated from government control or interference;

(2) that the Corporation should not itself operate the system but contract to others to do so and act as a shield for them from outside interference;

(3) that the autonomy and independence of the local stations in the system should be preserved;

(4) that public television should provide extensive news and public affairs programming but should be fair and balanced in doing so.

In one way or another, the Nixon Administration has, or is seeking to, subvert each one of these intentions of Congress.

Until last year, the Corporation Board of 15 members had a majority of Lyndon Johnson appointees. They created, as the act required, the Public Broadcasting System (PBS) which organized a live interconnection system, in other words a network. There are now 233 local public television stations. PBS has now been operating for two full years. In the last year audiences increased by 100%. It is now estimated that 30–40 million Americans watch some public television each week. In some instances, prime time hit programs, like "Elizabeth R" from the BBC outdrew the major networks in New York, the top television market. In other words, by last spring public television was beginning to smell viable.

Thirty percent of its schedule was prime evening time programs of news and public affairs, as compared with 2% on the commercial networks last year. Although there were continuous internal disputes about who had the power to do what, the system was settling down into a workable arrangement and producing programs that the audience increasingly liked. The principle of local station control over what was shown was preserved by PBS which sometimes distributed programs for local decision and airing which the network itself did not always totally approve of. Local stations had their say in what programs they wanted through the board of PBS which is dominated by managers of local stations.

Inevitably programs were produced which some people did not like, for reasons of taste, or political content. But the truth is that for all its troubles the system was roughly self-correcting and could look to a healthy future.

Then the roof fell in. The catastrophe came in two parts.

The first concerned the most sensitive part of any broadcasting and an ultra sensitive part in broadcasting that is publicly funded—the area of public affairs programs and the treatment of controversial and political issues.

The Nixon Administration began in 1971 to express its unhappiness with such programs. By January a year ago, Dr. Whitehead of the White House staff was saying there was a "real question as to whether public television, particularly I guess the national federally funded part of public television, should be carrying public affairs and news commentary."

He argued that commercial networks do "quite a good job in that area"—an argument that echoes strangely alongside his recent charges of "elitist gossip" and "ideological plugola" on the commercial networks. He further argued that there was an irreconciliable conflict between government and journalistically free public affairs programs that demands that the two be kept separate.

We in the business of producing such programs did not think there was such an irreconcilable conflict and the Congress had not thought so, provided we were insulated from government pressures. Until this summer the CPB Board and its then President John Macy held to these principles and provided the insulation. Congress again debated the issue last spring and summer and, although there were extensive criticisms of certain programs, the sentiment of most Congressmen was to abide by the principle of insulation and keep their hands off.

Not so the White House. Congress passed a substantially increased grant to public television which would have lasted for two years—the first step towards long-term funding.

Mr. Nixon vetoed the bill unexpectedly. At roughly the same time, his new appointee, former Congressman Tom Curtis of Missouri became the new board Chairman. Macy resigned as President of the Corporation and was replaced by the White House choice, Henry Loomis, at that time Deputy Director of the United States Information Agency, the overseas propaganda arm of the American government, and former director of the Voice of America.

After announcing auspiciously that he had never watched any public television, Mr. Loomis immediately began to indicate which programs he thought should not be continued, in view of the reduced funding following the President's veto. If you heard someone say he disapproved of programs he had never seen, you might reasonably conclude that someone else had told him to dislike them. I conclude that.

As the fall wore on and the new board began to operate (and Mr. Loomis to watch some television programs) his objections became more explicit. At meetings in December, Mr. Loomis and Mr. Curtis (who also admits to not seeing the programs in question) decided with the new board to refund certain existing programs for the new fiscal year beginning in July. Missing from their list of approved programs, were seven public affairs series. You may know some of them: Black Journal, William F. Buckley's Firing Line, Bill Moyer's Journal, Behind the Lines, World Press, Washington Week in Review and America '73. I am a reporter on the last two, which are produced by NPACT, the National Public Affairs Center for Television, here in Washington. It has been difficult to get an explicit statement from Mr. Loomis on why these programs were not refunded. Ostensibly, decisions have merely been "deferred" and a final decision will be taken in early February.

All of these programs had been recommended for refunding by the Board of PBS, the organization where managers of local stations have the greatest say. For the most part, they were popular with the local stations (no program is ever 100% popular, even I Love Lucy), and popular with the audiences.

In various statements, Mr. Loomis had voiced these objections to the programs in question: that they duplicate programs on commercial television, which is manifestly not true; that they feature personalities (like Buckley and Moyers), which is a legitimate objection only if your intention is to castrate public affairs utterly and leave it no known way of attracting audience; that they are too topical, won't stand up in some cases for six months or a year, which is an absurd argument if you believe in journalism; and finally that the programs are not scholarly and educational enough; which is not only an undeserved insult to many of the participants, but is rational only if you wish to condemn public television to some musty intellectual ghetto where the millions, quite sensibly, will turn you off.

It is far more likely that the real reason is the one which emerged at a press conference conducted jointly by Messrs. Loomis and Curtis on January 11th. In it, Mr. Curtis admitted four times that they were under White House pressure over the "deferred" programs. "The Nixon administration," he said, "or some of its spokesmen are very worried about this area."

"Yes," Mr. Curtis said, "we have to be concerned about the constituency in the White House and we go through their budgetary process."

He made a valiant attempt several times to point out that the board was also listening to opinions from Congress and others, an exercise that the New York Times called "naive".

Mr. Curtis also said: ". . . we've got to come up with some proper machinery to insulate this great Public Broadcasting System from being a propaganda arm of this administration or, I might say, of any administration," ignoring the fact that such machinery not only exists but he was, as Chairman of the Corporation, sitting on it.

Mr. Loomis made no such qualifications.

So, why is the White House unhappy about these programs? Well, there is a general impression abroad, which grows with every newspaper article about it, that some of these programs are oriented towards a leftwing point of view and that they are consistently critical of the President.

Speaking for the two programs on the list with which I am associated, that is simply not true. It is true that on Washington Week in Review some of the reporters are occasionally less than flattering to the President, as they would be no matter who the President was. They are experienced journalists who have seen Presidents come and go and they know what they are talking about. And not one of them maintains a consistent bias towards or against the President. Stations would have stopped carrying the program years ago if they were true.

But this cheap canard is repeated and repeated as fact by reporters who would not dream of passing on such unsupported hearsay if it involved anything else. And the taint spreads to all the programs in question.

For example, last Sunday, Edwin A. Roberts, Jr., a widely respected writer for the National Observer, wrote this: "Should tax money be used to broadcast political views that are mainly leftist? That those views *are* mainly leftist is hardly debatable." It is hardly debatable because it is not true. Mr. Roberts goes on: "With the exception of William F. Buckley Jr., there are few personalities on public television who have a conservative or even a centrist orientation."

Since when has it been a tenet of American journalism that a reporter, no matter how distinguished he is, must be reflecting his own personal political views in his copy? Only since the Agnew era, I am sure. Of course many of the people in journalism and the communications industry are basically liberal in their orientation, but it is their private personal orientation, not their public professional performance. If more conservatives want jobs in the country's great newspapers and television networks, no one is keeping them out. But they would be required to keep their personal views to themselves as liberals are. In fact, in my personal experience, a good many reporters in Washington are apolitical; they have seen too much and heard too much to be emotional liberals or conservatives.

I am not pretending that there have not been on public television, local and network, programs which I would consider biased and slanted. I regard them as unprofessional and journalistically irresponsible. Such programs appeared on the network before PBS had established its own internal evaluation system and when it did there were some well published clashes and cries of censorship from program producers. I believe that what appears on the PBS network now is as responsible and balanced journalistically as Congress, which established the system, could wish. If anyone is interested there are exhaustive analyses by PBS to support that conclusion.

But the point is that the White House *believes* the charges of bias and that has apparently sent Mr. Curtis and Mr. Loomis scurrying to do its bidding.

The question I would like to put to you—as some of the owners and, I hope, viewers of public television—is this: is it appropriate that what one particular administration does not like should be banned from the airways? I don't mean it as a rhetorical question. Does anyone here present believe that a President, not just Mr. Nixon, but any President should have the right to veto what programs go out on the air partly funded by your tax dollars? Would you like to raise your hand?

Well, if you are representative of the general public of this nation, it is clear you and they would not approve what is happening.

We have some considerable evidence of that. Late in December we mentioned to the audience of Washington Week in Review that there was a chance that the program would not continue after June, and asked if they would care to write us their views. By today we had received more than 13,000 letters and I have never in years with NBC and the BBC in England seen such loyalty to a television news program. Of those 13,000 letters, precisely twenty were against the program.

These are the kinds of things people said:

Mrs. Lathrop Merrick, Durham, New Hampshire: "This is the best television program, public or commercial, being broadcast and the only one we plan not to miss."

Mrs. Helen Wattson of Minneapolis: "I depend on WWIR for the *real* news—the stories behind the news answer "why", what does it mean?"

Frances Monch of Carmel, California: "It is a very important means of getting the information needed to see what is really going on."

Mrs. Gertrude Thomson, a teacher in Detroit: "Almost all political programs are boring stiff but in contrast this program has life and vitality and gives one an insight that news reporting usually loses in the telling."

There are 13,000 letters like these.

It may seem in bad taste for me to quote them. I do so because I want to point out the reaction of Mr. Loomis. At his press conference on January 11th, he said: "The number and emotional content of letters is not necessarily a good measure of audience size or interest."

I think that translates as: "To hell with what the public wants."

Mr. Loomis reinforced the impression by dismissing with equal indifference the views of station managers: "What the station manager says is a different question than what the audience says," Mr. Loomis remarked.

Now this is interesting. How do you run a system which is supposed to give local stations in 233 communities around the country the say in what they show if you don't think the station manager is a valid judge of what his local audience wants? The answer is you don't.

One of President Nixon's objections when he vetoed the enlarged public television appropriation last summer was that the system was too centralized in Washington and there should be more localism.

It is ironic that the first act of reorganization of the system undertaken by the Nixon appointees is greatly to increase the centralization and the decision-making here in Washington. And that is the second part of the Nixon revolution in public television. It is far more important than the fate of the individual programs that I've mentioned.

The press conference on January 11th was called to announce a decision by the new Corporation board that it was taking over most of the functions now handled by PBS. Particularly, the Corporation will devise its own machinery for making decisions on which programs are distributed on the network. PBS will be left to operate the mechanical side of the interconnection. Which means that CPB will make the decisions on what we will see and what we don't and PBS will put the plugs in the right holes and turn the switches.

This has produced an outcry in the press, an incipient revolt among the local stations and it raises grave moral and legal questions.

The moral question has been dealt with in discussing the programs. The CPB was intended by Congress to be an overseeing and insulating agency. Who insulates the system from government pressure now, if CPB is actually running the system?

The legal position seems less open to dispute. PBS retained the most experienced broadcasting lawyer in Washington as outside counsel, Harry Plotkin, to advise them. His finding was that the Corporation was specifically and explicitly forbidden by Congress in the Act to run the system. In other words, the CPB takeover is, according to this opinion, illegal. The issue will have to be fought out before Congress and perhaps the courts but it is being fought out right now at another level.

The local stations are furious, and many are saying they will not go along with Loomis. Most of them get the bulk of their funds from other sources and not from the Congressional appropriations. Each gets a small amount of the federal kitty and to give it up would cause hardship because most of them are operating on the margin. But many of them (the count is not final) are apparently willing to give up what they get from Washington to remain independent.

Mr. Loomis and Mr. Curtis say they intend to set up a system to give the local stations input in the decision-making. But the local stations *have* that input right now through PBS. The Corporation, by junking the present system arbitrarily, is taking that input away. So much for the principle of localism.

There are many other facets to this and I won't bore you with them. But I would like to make a few more points.

Mr. Curtis says stoutly: "it's one thing to put on pressure and another to have someone bow to it" but he also said rather plaintively to the reporters who were pressing him: "If you report this—that at least the board *claims* that it is independent."

If the board is independent of the White House, it has not demonstrated that and such a demonstration should, to my mind, be one of its most immediate ambitions. They must not only be independent they must be *seen* to be independent and all they have been seen to be so far is subservient.

I also have some concern for Mr. Nixon's position in this. Of course he has every right to make his views known. But he should not have the right, even if he has the power, to dictate what his fellow Americans will see on their screens.

This whole furor may have been quite unfair to him personally. He advertises himself as a strict constitutionalist. He understands the law. But he has had many far more momentous concerns on his mind this past year than what goes on public television. In the meantime, his subordinates have been running roughshod over the public interest. He has been getting a very unfavorable press on this issue. It is unlikely that he wants to be remembered among other things as the man who set out, in the words of the National Observer last Sunday, "to strangle the public broadcasting network."

If he wishes to change that impression, I would with the greatest respect and full recognition of his many more urgent priorities, suggest that he take half an hour to see what his people have been doing.

To Mr. Curtis, who says he is not glued to the television set and has not seen many of the programs whose fate he is about to decide, I would like to quote John O'Connor of the New York Times: "With all due respect, Curtis might *consider* gluing himself to a TV set for a while. If his decisions are not based on first-hand knowledge, an innocent bystander might assume that they are based on orders from higher powers."

Finally, to you, as television consumers, I would like to say this: if you are watchers of public television in your respective cities, if you think public television is a necessary thing in your lives (and the range goes all the way down to your children watching Sesame Street) then you might like to discuss the situation with the groups you represent at home. Obviously I'd like it if you agreed with me, but that is not important. What *is* important is that such drastic changes would not be made in your television system without you knowing and thinking about it. If you feel moved to approach him, your local station manager, who is fighting for his independence, would welcome your opinion. Give him a call or write him.

This is not a partisan political issue. It does not matter if you are a Republican or a Democrat, whether you voted for Mr. Nixon or did not. The issue is above that. Many of the people who have written to us supporting Washington Week in Review are Republicans. The issue is: should there be a free discussion of public issues on a system you pay for or should there not?

I'm going to wait and see. If the changes I have outlined take effect, this will not be the sort of broadcasting organization I would care to work in. I would go back to the BBC in Britain where they have learned what freedom and independence are all about.

THE FREE PRESS CONTROVERSY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, since I introduced my bill to provide unqualified protection to newsmen, a number of articles dealing with this important issue have appeared in the press.

I would like to call the attention of my colleagues to two excellent articles from the January 14 issue of the Los Angeles Times which deal with the roots of the controversy and the precedent of the Pentagon papers.

The articles follow:

FREE PRESS AND FAIR TRIAL: ROOTS OF THE CONTROVERSY

(By Gene Blake)

Two events of the last quarter century, one sordidly sensational and the other of unquestioned historical significance, have led to the imposition of "gag orders" in publicized criminal cases.

The first, the 1954 murder trial of Dr. Sam Sheppard in Cleveland, was not to have an impact for a dozen years. But the second, the 1963 assassination of President John F. Kennedy, spurred almost immediate action.

A signal of what was about to be spawned came in August of 1964 in a speech by Dean Erwin N. Griswold of Harvard Law School, now the U.S. solicitor general.

Griswold called for ground rules prohibiting lawyers and law enforcement officers from making certain public statements and releasing evidence in pending criminal cases.

"Having made this clear to lawyers and law enforcement officers," he said, "let us then enforce these requirements through disciplinary action and by the contempt powers of the courts.

"If the lawyers and courts will thus put their house in order, there will be far less basis for complaint about the news media."

The very next month, the report of the commission investigating the assassination of President Kennedy, headed by Chief Justice Earl Warren, came out with a full chapter criticizing the behavior of Dallas police and the news media.

"The experience in Dallas during Nov. 22–24," the commission said, "is a dramatic affirmation of the need for steps to bring about a proper balance between the right of the public to be kept informed and the right of the individual to a fair and impartial trial."

The Warren Commission recommended that "the representatives of the bar, law enforcement associations and the news media work together to establish ethical standards concerning the collection and presentation of information to the public so that there will be no interference with pending criminal investigations, court proceedings or the right of individuals to a fair trial."

Three months later the American Bar Assn. appointed an Advisory Committee on Fair Trial and Free Press, headed by Justice Paul C. Reardon of the Supreme Court Judicial Court of Massachusettts.

In the midst of preparing what was to become known as the Reardon report, the committee got a big boost in 1966 from no less an authority than the U.S. Supreme Court.

Until then, the court had reversed several convictions on the ground that prejudicial publicity had denied the defendant a fair trial. But it had not gone so far as to suggest guidelines for courts to prevent such activity in the future.

The Supreme Court chose the Sheppard case to do just that, after the Cleveland osteopath had served nearly 12 years of a life sentence for the murder of his wife, Marilyn.

Granting a writ of habeas corpus, the court said that the trial judge should have attempted "to control the release of leads, information and gossip to the press by police officers, witnesses and the counsel for both sides."

"The courts must take such steps by rule and regulation that will protect their processes from prejudicial outside interferences," Justice Tom Clark, now retired, wrote for the majority.

"Neither prosecutors, counsel for defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function," he said.

"Collaboration between counsel and the press as to information affecting the fairness of a criminal trial is not only subject to regulation, but is highly censurable and worthy of disciplinary measures."

It is far more appropriate, the court said, that the public learn of a case "as it unfolds in the courtroom—not pieced together from extrajudicial statements."

"Due process requires that the accused receive a trial by an impartial jury free from outside influences," Clark wrote.

"Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against them.

Thus armed with almost a blueprint, the ABA overrode strenuous opposition from the news media and adopted the Reardon report in early 1968.

It recommended that rules limiting what lawyers may say about a pending criminal case for public dissemination be embodied in the ABA Code of Professional Responsibility.

It also recommended the local departmental and court rules limiting what law enforcement officers, judges and judicial employes may say.

The ABA recommendations are not binding unless adopted by state bar associations, state legislatures or federal and state courts.

Many states have done so, and in late 1968 the Judicial Conference of the United States adopted guidelines for the federal courts similar to the ABA standards.

California has not chosen to do so, either by action of the State Bar or the Legislature, or by statewide court rule. However, because of the Sheppard decision, such action is not necessary.

On a case-by-case basis, judges have exercised their discretion to impose "gag orders," usually in notorious cases such as that of the Charles Manson family or of Sirhan Sirhan, the assassin of Sen. Robert F. Kennedy.

Such orders have not been directed at the news media, until a recent one in a murder case by Superior Judge Julius A. Leetham, and that order is being appealed. However, they have indirectly affected newsmen, particularly Los Angeles Times reporter William T. Farr, jailed for contempt for refusing to name lawyers who violated an order.

Moreover, in the Sheppard case, the Supreme Court hinted darkly that the news media might not be exempt, even under the free press guarantee of the First Amendment.

"We . . . do not consider," Justice Clark wrote, "what sanctions might be available against a recalcitrant press . . ."

PENTAGON PAPERS SET A PRECEDENT

The Vietnam war has brought similar pressures on newsmen to accept the Administration's view of the conflict.

These culminated in the Pentagon Papers case of 1971, in which for the first time in history the government got the courts to impose prior restraint—to stop four newspapers from publishing articles on the Pentagon Papers. The court later lifted the restraining order.

Moves against television newsmen have been at least as strong.

CBS President Frank Stanton was threatened with contempt of Congress because he refused to release unbroadcast materials and notes used in making the devastating documentary, "The Selling of the Pentagon," stimulating a struggle over whether these "outtakes" of unbroadcast film can be demanded by investigators.

Apprehension among TV newsmen was heightened by the recent government proposal that renewal of local station licenses hinge upon the local manager's handling of network news, which he does not initiate.

These moves have been accompanied by vigorous attacks from Vice President Agnew on the fairness of the press.

And President Nixon, in a letter to the American Society of Newspaper Editors, termed a "privilege" the protection of "shield" laws for newsmen serving the public's right to know.

"The merits of enacting such laws must be carefully weighed against the dangers inherent in the administration and exercise of such privilege," the President wrote.

Taking note of these moves and threats against the press, the International Press Institute of Geneva in its Jan. 1 report warned that the Nixon Administration is bent on "chipping away at press freedom through the courts and by the threat of court action."

THE NEED FOR TECHNOLOGY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BROWN of Ohio. Mr. Speaker, Martin M. Ostrow, president of the Air Force Association, recently gave a speech which should be of considerable interest to my colleagues as the new Congress begins its work. The speech was delivered in Dayton, Ohio, at the Wright Memorial Chapter of the association, and concerned the philosophy of the "anti-technologists" and its effect on our society as a whole and our defense posture in particular.

In considering such issues as new weapons systems and our efforts against pollution, technology cannot be abandoned. Mr. Ostrow, ably points this out.

The speech follows:

SPEECH OF MARTIN M. OSTROW

I am delighted to be here this evening, in the hometown of the Wright Brothers—the cradle of the United States Air Force. When I say this, I am very much aware of the fact that this base—Wright-Patterson—is the spiritual home of the B–1, the F–15, A–X, SRAM, SCAD, the fabulous RPV's, and an array of other systems fundamental to the future of the Air Force. With so many Air Force laboratories located here at this base, Wright-Patterson is also one of the strongest bastions of our country's entire technological effort.

And technology is the subject I would like to talk about tonight.

The importance of technology to the Air Force has been obvious ever since the invention of the airplane right here in Dayton. The interdependence between technology and airpower has never been broken—sometimes with technology leading concepts and doctrine and, at other times, with the reservoir of technological options permitting doctrine to set the pace.

There is one general truism applicable to the togetherness between the Air Force and technoloy . . . namely, that the depth and nature of the technological reservoir available at any one time is largely determined by the quantity and quality of the scientific research and development efforts launched over the preceding fifteen years. And, ladies and gentlemen, as you above all people know, this is where our trouble starts.

The national level of effort in the field cf defense-oriented science and technology is falling more and more behind that of the Soviet Union.

Even more ominous, the scientific and technological base, the seminal foundation of not only our national security but our economic health, is being eroded and enfeebled.

What is the underlying problem? In a word—public support.

Primarily as the result of public failure to understand and gauge the role of science and technology, we find ourselves in the throes of an anti-technology backlash.

Someone said recently that what we need in the field of science and technology is another Columbus. Here was a man who sold a program and did not know where he was going. When he got there, he did not know where he was. When he returned, he could not tell anyone where he had been. And best of all, he borrowed the money to get there in the first place.

Ladies and gentlemen, we're beyond simplistic answers to the problem of how to move technology forward in both military and civilian sectors. It is no longer possible to operate in a public vacuum and expect broad support for this effort.

Especially so, with large portions of our leadership not having the foggiest notion of why science and technology are crucial and beneficial.

The Air Force Association has long recognized this problem, and, through its affiliate, the Aerospace Education Foundation, has for years pursued a program called "scientific literacy". Let me tell you about scientific literacy. First, why it is important.

The center of the power system in our mechanistic dehumanized world is "the latest IBM computer zealously programmed by Dr. Strangelove and his associates."

This is the view of Lewis Mumford, the noted cultural historian and uranologist who at the age of 75 acts as the ideological quarterback of the revolt against science and technology.

Science and technology represent, to Mumford, a "mega-machine" which dooms Western civilization. He would replace science, as we know it today, with a vague new human science modeled on living organisms. But the new science can't take over, he argues, until the current "mega-technical wasteland" is destroyed. And the first step, in his view, is to put a halt to "progress"—until we know where technology is taking us.

Mumford's computer-centered power system, programmed by Dr. Strangelove, leads directly to the United States Air Force—which stimulated the development of computers and which today is the world's greatest single user of them. Mumford also aims straight for the aerospace industry and this adds up, of course, to the military-industrial complex as the villain of this scenario.

Mumford's indictment of science and technology—indeed, of progress itself—is supported by an international group of scientists which believes that unrestrained increases in population, industrialization, pollution and resource consumption have put mankind on the road to catastrophe. They find their "bible" in "The Limits of Growth," a book prepared by a team of young scientists at M.I.T. It sounds the alarm of an environmental crisis, caused to great degree by the abuse of natural resources and by misguided technology.

The environmentalists, unlike Lewis Mumford, have not been willing to launch an all-out attack on technology. Yet, the massive movement to control energy and resources is now the top motivator of the anti-technology movement.

Environmental control has become a universal issue which exerts enormous political pressures. As Peter Drucker comments in Harpers' Magazine, "The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Drucker, a professor of social sciences at Claremont Graduate School, adds, however, that "the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe."

That gets to the crux of the problem—the widespread illusion fabricated from half truths, that we must clean up the environment by reducing or even abolishing our dependence on technology. Drucker punctures that illusion, when he says that "environmental control requires technology at a level at least as high as the technology whose misuse it is designed to correct."

And Drucker adds for good measure: "The sewage treatment plants that are urgently needed all over the world will be designed, built and kept running—not by purity of heart, ballads, or Earth Days, but by short-haired engineers working in very large organizations."

When the American supersonic transport program was voted down by the United States Senate in 1970, the action climaxed the first massive mobilization of environmentalists and the first demonstration of public support for leashing technology. It strengthened the hand of those who would use the environmental cause to slow down scientific and technological progress.

The Air Force was both provident and perceptive when it undertook a program to reduce the noise and emission pollution of military engines and, at the same time, looked for ways to accomplish this with only minimum degradation in combat performance. All future military aircraft may well have to pay some price in the interest of good community relations and in order to blunt ecological criticism. Having to allow for environmental considerations in the design of weapon systems may be incongruous but it is an omen of things to come.

But more than any other single factor it is the war in Southeast Asia that has soured a large number of Americans on technology. In a very perceptive article, Fortune Magazine recently commented that the Vietnam War "represents to more and more people the biggest mis-use of technology in recent history."

The Magazine points out that the anti-military issue and the environmental issue have, together, "whipped up a wholly new conservationist attack on science." "At its emotional extreme," Fortune says, "it reduces itself to the proposition that America needs less growth, less knowledge, less skill, less progress."

The anti-technology movement and the anti-war movement are tightly interwoven, one feeding the other. While scientists and engineers are the obvious villains in this drama, and industry takes its share of the blows, the United States Air Force becomes the epitome of pollution in the broad sense of the term.

The "bible" for this view is the comprehensive report of the Air War Study Group of Cornell University, now published as a book titled "The Air War in Indochina." It is a sharp condemnation of the technological approach to counterinsurgency, as implemented by the Air Force. It argues that since the goal of the struggle is political rather than military, Air Force action is further depersonalizing an essentially human struggle. While it does not question the competence or courage of Air Force participants, the report pillories the Air Force as the prime instrument of a debased foreign policy.

In the so-called "electronic battlefield" of Vietnam, the anti-technology people have a plush target. Indicative of their reaction is a documentary film now making the rounds of the schools through the auspices of the American Friends Service Committee, a Quaker group in Philadelphia. The film is titled the "Automated Air War" and has to do with smart bombs, electronic sensors and computerized targeting—all of which adds up to what is called a de-humanized "war by remote control." The aerospace industry shares the villain's role with the Air Force in this clever presentation. Printed material included in the package points out that many makers of "de-humanized" weapon systems also offer very humanized products for household use—and it loudly suggests a boycott of these consumer goods.

All of this sage advice from their elders is made to order for the new youth culture—or counter culture, if you will.

These young people, along with other members of the anti-establishment structure, substitute a glorified irrationality for the scientific method, but only when it doesn't conflict with their self-interests. Their culture, for example, rests pretty firmly—and noisily—on the technology that powers electric guitars. The culture gets its beloved mobility from such technological offshoots as automobiles and motorcycles.

And the culture gets its new visions from the products of chemical technology.

Hypocritical or not, the negative attitude of many young people toward, science and technology has had its effect on those in this age group who normally would aspire to scientific careers. The defection of young people from science, as measured by enrollments of science majors in under-graduate colleges, adds up to a real problem. Right now we have a surplus of scientists, but 15 years from now we may not have nearly enough.

The Air Force, the aerospace industry, and the nation cannot afford to let that happen.

Some anti-technologists try to parlay the anti-military bias into a more basic anti-American issue. They struggle to make capitalism the fall guy in the ecological crisis. They don't report that the bathing beaches for fifty miles around Stockholm are so polluted they're unusable—not as a by-product of Sweden's capitalistic technology but because of the raw, untreated sewage from Communist Leningrad that floats across the narrow Baltic.

They don't report that Moscow, with relatively few automobiles to blame it on, has an air pollution problem equal to Los Angeles.

America's magnificent space program has been denounced by the anti-technologists on the premise that the money spent to put man on the moon could have been better spent to improve man's condition on earth—a neat little argument. But these same critics don't bother to report that the federal government allocates about 50 cents out of every dollar for social programs and little more than a penny out of every dollar for space research.

The undocumented accusation can always outrun the documented rebuttal. So we're playing catch-up ball. We need a frontal attack on the anti-technology movement. Or maybe an end run. As Eugene Rabinowitch states in the Bulletin of the Atomic Scientists:

"The only effective defense against knowledge is more knowledge. It is popular today to emphasize the need of counteracting the fear and despair created by exploding technology by restoring the emphasis on the humanities, on ethical value systems. They alone, it is said, could give people stability and strengthen their will to assert themselves against soulless technology. But man cannot return from the maturity of knowledge to the innocence of ignorance. Mankind needs a new sense of values, a new philosophy, perhaps even a new religion, but these must incorporate and not exclude scientific knowledge."

In our democratic system, the overriding issue would seem to be this: How does the average citizen acquire enough scientific knowledge to separate truths from half-truths—enough to exercise his responsibilities of citizenship? This is a massive problem.

The Educational Policies Commission says it well:

"A man is free in the degree to which he has a rational grasp of himself and his surroundings. The main restrictions to freedom are prejudice and ignorance. It is in this sense that a person without some degree of intellectual sophistication, though he may be free to think, speak and act as he pleases, is not free."

Ten years ago—before the environmental crisis had surfaced, before the Vietnam War, before Lewis Mumford invented the "megamachine"—AFA's Aerospace Education Foundation pioneered a movement for "scientific literacy." This can be defined as the minimum standard of knowledge and values required for an individual to enjoy the rights and fulfill the obligations of citizenship in the midst of technological revolution.

In testimony before a Senate Committee back in 1965, the Foundation stated:

"In the years ahead, as technological breakthroughs come within reach—offering great potential at great cost—the nation must have a pattern for exploitation that is politically acceptable. Such a pattern can succeed, in the long run, only through the will of the people and the cornerstone of this pattern is knowledge—education.

And scientific literary, I might add, is the cornerstone of the far-reaching education program of the Air Force Association. Yet, with all that we have done and are doing in this area, we have merely scratched the surface.

Today the need that we first defined a decade ago, is greater and more urgent than ever. One of the most crucial tasks of the Air Force Association this year is to work for scientific literacy wherever and whenever possible. The reason is at once simple and compelling: We cannot—under any circumstances—surrender in this senseless war on science and technology. At stake is nothing less than our commitment to knowledge—and the basis of national defense—in the years to come.

Thank you.

A BETTER DAY FOR L. B. J.

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, a thoughtful evaluation of the Johnson Presidency was published by the Economist on January 27. It follows:

A BETTER DAY FOR L. B. J.

(If Lyndon Johnson could have lived 24 hours longer he would have known that he was on the way to getting his true value in history)

It was Lyndon Johnson's last piece of bad luck that he died before the revival of his reputation was complete, and a single day before the event that could do more than anything else to complete it. Harry Truman had 20 years after he left the White House until his death in December for the historians to start to get a clear view of his presidency. Even Dwight Eisenhower had eight years. But Lyndon Johnson, who died on Tuesday, would still have been in the White House until last weekend but for the war whose end President Nixon announced on Wednesday night. Four years, years in which the war was still dividing America, were not long enough for his contemporaries to reach a dispassionate reckoning of this remarkable man. Lyndon Johnson would have liked to know that the war was over at last, on terms he would have been glad to settle for. He would have liked even better to have lived to hear people eating even more of the savage things they said about him four or five years ago.

As it is, what has been written about him this week has been far more generous than would have been conceivable in 1968. Forgotten is the entirely personal dislike of his style and his manners that coloured so much of the opposition to his policies. Johnson was a child of his background, the old south and the old west: he was ruthless in the pursuit of what he thought to be right, he could be as brutal with other men's feelings as he was sensitive about his own, he never had much time for people who tried to stand on the middle ground between right and wrong. And there was something even more damaging for his effectiveness while he was in the presidency. He was a man from an America that was ceasing to exist, trying to cajole and exhort and jolly along, in his own way, the new America that was growing up in the university-educated suburbs. He was a non-intellectual, non-middle-class survival of the frontier spirit in an increasingly middle-class half-intellectualised United States. There was not much communication between them. The things he said in public were rarely memorable; the memorable things he said pungently in private were too often unprintable. He was, for the politics of his time, and in the jargon he loathed, a disadvantaged man. But the personal disadvantages he carried with him have fallen into proportion even in these four years. It is no longer held against him that he was the sort of person he was.

Forgotten, too, is the accusation that he was responsible for the whole three-layered time of troubles that came upon America in the 1960s—the convergence of three separate crises that fed upon one another, but would each have happened even if the others had not.

It was Johnson who ordered the American army to take over the fighting in Vietnam in 1965. But he was not responsible for the fact that the early 1960s found America's blacks sufficiently aroused in their expectations of equality, and sufficiently self-confident at last, to turn to violence to make sure they got what they wanted. He was not responsible for the fact that in the later 1960s the long erosion of the Christian basis of morality, and the long dying of certainty in the two great political ideas of the nineteenth century, liberalism and marxism, brought about an explosion of desire for new certainties among the middle-class young all over the western world. The blacks and the young made Vietnam one of their issues, to be sure, and they carried some of the non-young, non-black with them, especially liberal America; but these were three separate movements of history, and it was just Johnson's bad luck to be there when they came together. It is not easy, or pleasant, to remember how fashionable it once was to blame him for everything: even, among some people, to hint that the assassination of John Kennedy was not what the facts said it was. There was a good deal of hysteria in American politics throughout the 1960s, which came to the surface on that day in Dallas, and the Johnson presidency took the brunt of it.

THE FEAT, AND THE DOUBT

The United States has grown calmer since then, and the removal of what is irrelevant in the charges against Johnson has let the magnitude of his social reforms stand out unobscured. His legislative programmes of 1964 and 1965—the anti-poverty programme and civil rights act in the first year, and the measures the next year to get fuller voting rights for blacks, and to bring federal money to the help of poor schools and the aged sick—remain a monument to the ideas that dominated a third of a century of American politics. They were the last great act, and the justification, of the Democratic coalition that Roosevelt created in 1932. The curious thing is that the growing recognition of what Johnson achieved in getting those laws through Congress is now matched by a growing doubt about their effectiveness. It no longer seems as evident as it did to the Rooseveltians that these problems should, and will, yield to the application of federal willpower and federal money; the causes of inequality and discrimination may lie deeper than governments can reach. The politics of communal compassion, for the moment at any rate, have given ground to the politics of individual responsibility. But that change in the intellectual climate is not peculiar to America, and it takes nothing away from Johnson's achievement.

There remains the argument of the "fatal flaw," the decision about Vietnam that "destroyed" him, as this week's headlines have put it. Of course, Johnson knew that he had made serious mistakes over Vietnam. He underestimated the communists' resistance, and therefore the length of the war and the damage it would do to American morale; he authorized his army to use unnecessarily and, as it turned out, ineffectually brutal tactics in trying to find and beat its enemy. But he also saw the terrible weakness in the argument of the neo-isolationists—that the United States had no business to be even trying to fight such a war, because it ought to be concentrating on removing the flaws in its own society. The problems of poverty and oppression were far greater outside America, he would have replied; and the richest country in the world, the ultimate guarantor of the liberal idea, could not escape the responsibilities such a world imposed on it.

THE GREAT IF

Whether or not the United States has succeeded in doing what it wanted to do when Johnson dispatched that army in 1965, and whether it was worth doing at the cost it has turned out to involve, are still questions without clear answers. The previous article suggests that the terms Mr. Nixon has now achieved, on the basis of Lyndon Johnson's refusal to accept Hanoi's original terms, could make history's eventual answer very different from the glib assumption implied in so many of this week's headlines.

At least Johnson knew that the decision he took in 1965 came straight out of the body of liberal ideas that shaped his political life, in what he did both within America and toward the world. He knew before he died that if he had not acted in 1965 the verdict of events would already have gone the other way. There would be a communist-controlled government in South Vietnam, imposed without any test of its subjects' wishes; there would be the same sort of government in Laos, and a client state in Cambodia; China would probably not now have swung over to the relative moderation of Chou En-lai; and the rulers of countries south, east and west of Hanoi and Peking would be accommodating themselves to the demonstration of success flowing outward from those capitals. That is what the domino theory means. It is because of Lyndon Johnson that that has not happened by now. Harry Truman brought America out of the innocence of its power into the time of its maturity, when decisions were harder. And then Lyndon Johnson had to take the most difficult of all the decisions that confronted America in its maturity. His irreverent ghost will be content to see what history says about it.

BAN THE BOOM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, today I am introducing legislation to prohibit flights by civil aircraft at supersonic speeds within the navigable airspace of the United States.

We know what a sonic boom is. We know what a sonic boom does to our health and our homes. We know that Americans living in airplane flight paths or close to airports do not want the SST. Environmentalists abhor it. The 92d Congress decisively voted it down. Now it appears even the aviation industry has recognized it for what it is, an overpriced, underproducing flying white elephant.

Last week Pan Am, TWA, and Lufthansa decided not to exercise their options to purchase the multibillion-dollar flying fiasco. Citing significantly shorter range, less payload capacity, higher operating costs per seat-mile, and noisier engines that the jumbo jets, these three airlines led the way for other American and foreign airlines to reject the SST. Only the English and French national airlines have firm commitments to purchase the Concorde; they have little choice in the matter.

The Nixon administration in its latest budget, seeks to revive the SST by asking for $44 million in various departments for supersonic transport research. This includes $28 million to NASA for propulsion and airframe technology, $6 million for DOT to study climatic impact, and $10 million to FAA for "civil supersonic aircraft development." This does not include another $4.5 million for FAA to terminate old SST contracts.

The 92d Congress voted decisively to cut off all funding for an American SST on the grounds that it would be too expensive and would be a threat to the environment. New funding of the SST, whether it be openly requested or disguised in the budget, would be no more than throwing good money after bad. We have decided before and, if necessary, will do so again, to discontinue funding for SST programs.

Now we must go one step further and forbid the use of any civil supersonic aircraft over any part of the United States. That is why I am introducing today my bill to prohibit sonic booms by civil aircraft in the navigable airspace of the United States.

An FAA proposal to limit the flight of supersonic transports—notice of proposed rulemaking No. 70-16—was issued on April 10, 1970. That was almost 3 years ago. We are still waiting. We cannot rely on the FAA to protect the public from the furious assaults of aircraft noise pollution. Unfortunately, that agency's role in noise pollution has not been one of regulator but one of collaborator.

The proposed FAA rule is riddled with loopholes. The FAA says it would not permit supersonic flights by civil aircraft over the United States if the sonic boom reaches the ground. But, exceptions are made for "research and development flights." Since the FAA would be the patron agency for civil supersonic transport development one can hardly doubt that exceptions will be made and it is easily conceivable that the FAA will view the early years of SST flight as "research and development," thus approving wide-spread use of sonic boom-producing flights.

The FAA proposal represents a significant erosion of the Government's original promise to prohibit civilian supersonic flights over the United States.

The FAA believes that sonic boom prohibition should be done by the FFA and not the Congress. Why? Regulations are more flexible and more subject to change than are acts of Congress.

The United States may be out of the business of active production of the SST at this time, but the airplane builders, the current administration and especially the FAA hope we will be back in before too long.

Meanwhile, Concorde was designed and built to fly the lucrative New York-London/Paris run. Both sponsor governments have invested billions of dollars in the project and have relied heavily on it as a source of national pride. They were hopeful of economic success although that prospect has long since vanished. However, you can be sure that both governments will be willing to put great pressures on the U.S. Government, both directly and through their friends in the aviation industry, to relax barriers threatening the Concorde. If the FAA ever promulgates its proposed regulation I firmly believe the economic and political influence of France and England plus the U.S. aviation industry will quickly punch that already weak regulation wide open.

Will the FAA, in the interest of promoting aviation, grant the airlines permission, under its proposed regulation, to use the planes on routes over large areas of the United States? Will the Government and industry launch a public relations campaign to tell the American people that the boom is a nice thing to have around—"a 20th Century sound" or, as Boeing calls it, "a symbol of prosperity and progress" for the Nation?

Will the ban on the boom be lifted to meet a stirred-up demand by a relatively privileged, affluent, small number of travelers who want the flights because of the speed and convenience advantages?

The Congress must act decisively to prohibit supersonic flights over this country.

Without such action, there could be some day a sufficient erosion of the proposed FAA regulation which would permit the supersonic planes to work attractive domestic routes such as New York to Los Angeles.

Conservationists say an SST on such a flight would trail a thunderous boom along a path 50 miles wide and disturb the peace of 20 million Americans. One noise expert contends it could cause heart attacks and hearing impairments for many of those 20 million.

The Congress and the people have spoken. The development of an American SST is not to be tolerated. It would be an ecologic and economic travesty. We should not retreat from this position. We must forbid the use of these planes in and above the United States.

Because the sonic boom is unacceptable, the Congress should not give the FAA such broad authority to regulate and possibly permit this threat to the public health and welfare. The Congress should—must—leave no doubt about the abhorrence for the sonic boom.

There must be an absolute ban on sonic booms by civilian aircraft over the United States.

THANK GOD FOR THE UNITED STATES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LANDGREBE. Mr. Speaker, I commend to the attention of my colleagues a recent editorial by Mr. David Lawrence in the February 5, 1973, issue of the U.S. News & World Report. Mr. Lawrence cities the reasons for the U.S. involvement in Southeast Asia and I think that he presents them in very concise and accurate terms. For the information of my colleagues and with permission of the magazine, I insert the editorial into the RECORD.

[From the U.S. World & News Report, Feb. 5, 1973]

THANK GOD FOR THE UNITED STATES!

(By David Lawrence)

Ten years of war in Indo-China could be followed by a lasting peace in Southeast Asia, which could also help to promote the peace of Europe and other continents. But can we be sure?

South Vietnam has struggled since 1954 to establish its independence. North Vietnam started a war to prevent it. The Communists of China and the Soviet Union provided military supplies and weapons to the North Vietnamese.

To whom could the people of South Vietnam turn for aid? The United States, as a party to the Southeast Asia Treaty, recognized its obligation when a request for assistance was made by the Saigon Government. Acting under the pledge of the treaty, America began to give military advice and send troops to contest aggression.

Where else could South Vietnam have looked for the support it so desperately needed? The United States responded because of the principle at stake. Acquisition of other nations' territory by force of arms could lead, if unchecked, to similar acts of aggression in other parts of Asia as well as in Europe and elsewhere.

The United States Government was conscious of its responsibilities and unhesitatingly endeavored to demonstrate respect for the commitments made in the Southeast Asia Treaty, which had been duly ratified by the Senate in 1955.

Now that the peace agreement has been made to end the Vietnam war, there is an opportunity for reconstruction and rehabilitation of the war-torn lands of Indo-China. Already some countries which were not participants in the war have begun to offer funds for the rebuilding. Financial aid will be given so that a better life will come to those who have suffered from the tragedy of war. Tens of thousands of civilians have been killed and millions more have been wounded or left homeless in the savage fighting which has swept the whole area.

The generosity of peoples throughout the world will be extended to both North and South Vietnam. The chance to make the word "peace" meaningful, however, will rest with the governments which signed the documents, pledging themselves to carry out a cease-fire, to return the prisoners of war and to resolve differences without military coercion.

If the United States had declined to fulfill the provisions of the Southeast Asia Treaty, what would have been the consequences? Is there any doubt that the countries of Indo-China would no longer be free but would be part of the system ruled by the Communists? Is there any doubt, also, that Australia and New Zealand would have been confronted by aggression or internal revolutions?

Communist imperialism or dictatorial rule is not confined to Europe or the Asian continent. Just 90 miles away from the United States, we have seen Cuba become an ally of the Communists. The Soviet Union in 1962 even set up missile bases in Cuba. This is an example of how limitless are the efforts to expand Communist domination. Indeed, since those days, some countries in Latin America have been victims of subversion by Communist agents who have managed to stimulate local groups to seek a virtual alliance with the Soviet Union.

People who want the United States not to be involved in any conflict overseas and to confine itself merely to resisting military attacks on its own territory are not aware that there are conspiracies by the Communists to produce disorders inside many countries, including ours. These activities cannot be brushed aside as inconsequential.

The United States today is known as a champion of freedom and as a nation which has given substantial military support for the defense of South Vietnam. This is an example of fidelity to the principle of self-determination of peoples. There are hardships in becoming a party to any war, but the critics ignore the true significance of what the United States has done by its decision to protect South Vietnam.

There are those who see the entry of the United States into the war to save South Vietnam as a "big mistake." They do not realize what America did in standing up to its commitments under an existing treaty. For history will record that the unselfishness of this country was exhibited and continued not only to the day the war terminated but in the financial assistance given subsequently to the peoples on both sides in Vietnam so reconstruction could be begun.

The United States has performed its duty under the Southeast Asia Treaty and also has shown itself to be the friend of countries threatened with a loss of their sovereignty. The world knows there is at least one major power willing to help a small nation when armed aggression menaces its independence.

Millions of people around the globe who do understand what the Vietnam war means to the cause of freedom will say:

"Thank God for the United States!"

SENATE—*Tuesday, February 6, 1973*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who hast given Thy servants diversities of gifts by the same spirit, and hast taught us by the Apostle that without charity nothing abides, bless all who love and serve their fellow men with a pure heart fervently, remembering the poor, healing the sick, comforting the sorrowful, teaching the ignorant, lifting up the afflicted and in all ways following Him who came not to be ministered unto but to minister. Reward them with peace and joy.

We pray in His name who went about doing good. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (H. Con. Res. 105) providing for the adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal Aid Highway Act of 1970.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 5, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. MCCLELLAN) is recognized for not to exceed 15 minutes.

THE IMPOUNDING OF FUNDS BY THE PRESIDENT

Mr. McCLELLAN. Mr. President, the administration has proposed for fiscal year 1974 the largest expenditure budget in our history—$268.7 billion. This amount is more than double the $118.6 billion Federal budget of fiscal 1964. This is an increase in the cost of our Federal Government by more than 127 percent during the past 10 years.

The total budget submitted by the President for fiscal 1974, including obligational authority, amounts to $288 billion. Of this amount, approximately $172 billion or about 60 percent of the total will require current congressional action in order for it to become available for expenditure in 1974 and in subsequent fiscal years.

Most of the remaining 40 percent—$116 billion—of budget authority requested by the President requires no current action by the Congress since it is comprised of permanent appropriations and trust fund authorizations.

Should Congress in its 13 or more appropriation bills appropriate the full amount of the $172 billion, our Government for fiscal year 1974 will incur still another deficit of at least $12.7 billion.

Over the past 10 years alone, we have run up Federal deficits totaling $115.8 billion. During this same period—since 1964—the national debt, including the projected deficit for 1974, will have risen from $317 billion to an astronomical $505 billion. The interest carrying charges on this swollen indebtedness will now be more than $26 billion annually—an amount equivalent to 10 percent of the total Federal expenditure.

This heavy indebtedness and the recurring large annual deficits are clearly inflationary. They contravene sound fiscal policy and greatly impair economic stability. Their continuance unabated and unrestrained will inevitably produce intolerable inflation and great economic distress.

The Government's projected revenues of $256 billion for the next fiscal year are inadequate to meet such enormous obligations as are proposed in the President's budget.

This overspending practice in which we have so recklessly and irresponsibly engaged during these past few years must be stopped. A quick rectification of this glaring deficiency in the operation of our Government is most pressing and urgent. Prudence dictates that we immediately begin exercising restraint in our fiscal affairs and stop authorizing and appropriating for Federal programs and services that we cannot afford or for which we are unwilling to pay.

In the meantime, in an effort to deal effectively with this problem, the President has impounded and is withholding the expenditure of money that Congress has appropriated for the funding of numerous authorized governmental services and programs. His action in this regard is quite controversial and is resented by many Members of Congress who contend that the President is without constitutional authority to impound money that Congress has appropriated and that such withholding of appropriated funds by the President is a flagrant usurpation of power.

This presents a serious conflict and a likely confrontation between the Chief Executive and Congress. It is a controversy which I believe ultimately will have to be resolved by the court.

The President's action in impounding and withholding the spending of these funds has completely eliminated some Federal programs and has greatly reduced the operation and benefits of others. There are divergent views with respect to the merit and importance of the various programs involved and the priority status that should be assigned to them. Some of these programs that the President has eliminated or materially reduced by his impounding actions are very beneficial to my State, and the people I represent would prefer to have them continued. If, however, they must be discontinued, they believe they should be phased out over a period of years rather than to be ended precipitately and abruptly by Executive order. So, I think the President should review these programs again and modify his impounding orders to permit an orderly phased out termination instead of the abrupt stoppage which he has imposed.

If we are to stop excessive deficit spending, we all know that those programs that are found to be of little or no merit are the ones that should be discontinued. I think we will all agree that others, although desirable but which are not vital or indispensable, may have to be curtailed or eliminated temporarily until we can again put our fiscal house in order.

Such retrenchment will surely impose inconvenience, a degree of sacrifice and, in some instances, a measure of hardship on those who have heretofore been the beneficiaries of those programs. The elimination and curtailment processes that the exigency of our fiscal situation requires may well be distressing and even painful, but the alternative seems even much less attractive, and it is surely more perilous.

The President's budget request for appropriations is both forcible and persuasive and is to be highly respected. But, his request is neither compulsory nor compelling. It is advisory only. It should, with most respectful deference to the President, be carefully weighed and evaluated. However, in the final analysis, it remains the constitutional responsibility of Congress to determine whether any requested appropriation shall be made and to fix the amount thereof.

The power to make appropriation is reposed in Congress—and only in Congress. It can either grant or withhold spending authority. And, the departments and agencies of the executive branch do not have the authority—not even the President himself has the authority—to make expenditures out of unappropriated funds or in excess of the amount that Congress has appropriated.

So, the initial, final, and constitutional power and responsibility for controlling the purse strings of Government are unequivocally and irrefutably reposed in Congress. It can neither escape nor evade that responsibility. First, it enacts the laws that authorize the spending; and second, by the appropriation process, it makes funds available for expenditure pursuant to those statutory authorizations.

Except for emergencies and unforeseen developments that may produce a compelling necessity for temporary deficit spending, the practice and habit of deliberately authorizing expenditures and making appropriations greatly in excess of anticipated revenues, in my judgment, constitute irresponsible action that cannot be justified. Therefore, Congress can hardly be absolved from blame for the threatening fiscal crisis that now confronts us as a result of the excessive spending in which we have engaged and of the exorbitant indebtedness which we have incurred.

To prevent the threatened grave fiscal crisis from materializing and to avoid the damaging and inescapable consequences thereof, the Congress must begin immediately to exercise restraint both in the enactment of new laws that incur heavy spending obligations and also in making total annual appropriations that greatly exceed anticipated revenues. Congress has the power and the duty to do this. The only question is, does it have the courage and the will to do it.

I know we will not be able to balance the budget in a single year—in fiscal 1974—but a balanced budget is a demanding and should be an indispensable goal. We can neither neglect nor defer its achievement indefinitely. The pursuit of that objective should begin now. And, if we pursue it faithfully, our efforts can be rewarded with success within 3 to 5 years.

Mr. President, as chairman of the Senate Appropriations Committee and of the Department of Defense Subcommittee thereof, I am fully cognizant of the responsibilities and obligations that are incumbent upon me. I consider it my duty to make a diligent and judicious effort to hold all appropriations, and particularly those for the Department of Defense, to the lowest level that is consistent with economic capabilities, fiscal requirements for the proper functioning of our Government, and the maintaining of a posture of military strength that is required for national security.

The President has requested appropriations totaling $83.5 billion for the Department of Defense for fiscal 1974, exclusive of the military assistance program. This is 29 percent of his total budget of $288 billion. And it represents 48 percent of the $172 billion that will be considered by the Congress for appropriation.

This $83.5 billion also represents an increase of approximately $5.7 billion over the budget authority granted for the current fiscal year. Of this $5.7 billion increase, approximately $3.633 billion is for the following:

First. Increases in the pay of civilian and military personnel pursuant to recently enacted statutory provisions, $2.2 billion.

Second. Increases in the cost of pay for retired military personnel pursuant to recent statutory authorization, $433 million.

Third. Increases in the cost of goods and services, $1 billion.

Over these recently enacted statutory increases, the Department of Defense and the Congress can exercise little or no control.

Other items and amounts that go to make up the $5.7 billion over which the Congress can, if it so determines, make reductions are:

First. Legislation for a reform of the military retirement system, $390 million.

Second. Legislation for additional all-volunteer force programs, $150 million.

Third. Increases in various procurement programs, $1 billion.

Fourth. Increases in various research and development programs, $595 million.

Fifth. Increases in various construction programs, $432 million.

Sixth. Increases in various housing programs, $183 million; and the total amounts to $2.75 billion.

These particular items, along with

many in other departments and agencies of Government, must be carefully examined to determine if eliminations or reductions are feasible or advisable.

In considering the 1973 defense budget last year, we were able to recommend and to secure reductions of more than $5 billion below the President's request. I do not promise that we can do as well with the defense budget for 1974, but we will proceed with its consideration in the hope and expectation that cuts can be made in keeping with our purpose to do everything that is practical to hold the line on spending and move in the direction of a balanced budget.

Mr. President, we are hearing a great deal today about a ceiling on Federal expenditures. Many suggestions are being made regarding a congressional ceiling and how such a ceiling can be established. The budget submitted by the President—the total thereof—constitutes the President's proposed ceiling for the next fiscal year. His ceiling as of now is $268.7 billion. He can, of course, increase that ceiling by submitting supplemental budget requests.

The total amount of funds ultimately appropriated by the Congress for fiscal 1974 will establish the final congressional ceiling.

In the meantime, the President has revised his ceiling for fiscal 1973 by ordering the withholding of expenditures from appropriated funds for various services and programs. In some instances, the President has withheld funds for which he requested appropriations. Thus, this action on his part constitutes a modification—a reduction—in the original budget ceiling that he established for fiscal 1973. As heretofore noted, this withholding on the part of the President is controversial and presents a constitutional question which ultimately the Court will have to resolve.

I know of no prescribed procedure—no way—that the Congress can establish a firm and binding ceiling on expenditures while appropriation measures are being considered and before they are enacted. However, it can, I believe, develop procedures to establish a tentative ceiling—an overall limit or goal—that it will undertake to achieve in processing the appropriation bills.

In an effort to arrive at such a tentative ceiling, I shall request each Appropriations Subcommittee to take into account, first, the total amount of the President's budget request over which it has jurisdiction; second, the total amount of fiscal 1973 appropriations for the same services and programs; third, the anticipated revenues for fiscal 1974; and fourth, any other pertinent facts and information that it deems appropriate. By this process, each subcommittee can undertake to arrive at and report to the full Appropriations Committee the lowest practical and feasible amount that it believes should be appropriated for fiscal 1974 for those programs and services that are under its jurisdiction. The total of such amounts reported by all subcommittees will give at least some indication of what the Senate Appropriations Committee considers to be an appropriate ceiling on Federal expenditures for fiscal 1974.

It is true that this ceiling would not be binding, but it would serve as a strong recommendation and, I believe, give valuable guidance to the Senate in the discharge of its appropriation responsibilities. Such a recommended ceiling, or any other desirable limitation can only be achieved and made effective by the exercise of discipline and restraint on the part of Members of Congress. The Congress does have the power and the duty to control the purse strings of our Government. The question is: Does it have the collective will, courage, and fortitude to do it?

Mr. President, I want to cooperate with and support President Nixon in his efforts to reduce excessive annual expenditures and deficits. Obviously, the alternatives are higher taxes, greater inflationary pressures, higher cost of living, and a perilous—intolerable—level of national indebtedness. These unhappy alternatives now challenge the Congress. This challenge will test the qualities of the Congress—its will and ability to measure up to its responsibilities. In this critical period in our history, I truly believe that the Congress, the American people, and our Government are now being "weighed in the balance." I hope we will not be "found wanting."

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that I may be permitted to reserve the remainder of my time. I may not use it at all.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Iowa is recognized for not to exceed 15 minutes.

TERMINATION AND CUTBACK OF CERTAIN PROGRAMS

Mr. HUGHES. Mr. President, yesterday I testified before the Senate Committee on Agriculture and Forestry regarding the Nixon administration's peremptory terminations and cutbacks of important agricultural, evironmental and rural development programs. This testimony was on behalf of the Midwest Democratic Conference of Senators of which I am chairman. The intent of the statement was to reflect the broad views of the 15 Senators from nine States who comprise this Farm Belt Democratic caucus.

We midwestern Senators are as deeply concerned about the need to control inflation and restrain Government spending as any responsible citizen or public official could be. However, the wholesale dismantling of proven programs that have paid their way by strengthening the economy and preserving the natural resources of the great food and fiber producing regions of our country cannot be justified as prudent economic policy.

We have an even deeper concern with the way the administration has gone about its ax-wielding—without hearings, review, or consultation with the Congress. This gets at the heart of the constitutional question of the separation of powers. What we have seen in recent months is the precipitate elimination by executive fiat of programs that have been approved by Congress after long consideration, funded by Congress, and signed into law by the President. We consider these programs to be the duly enacted law of the land and since we believe in government by law, we are united in our determination that Congress shall reassert its constitutional authority and stop further illegal usurpation of its prerogatives by the Executive.

Today, I would like to share with my colleagues some personal thoughts concerning the status and future of agricultural policy in the United States, with particular reference to my interpretation of the views and concerns of the farm constituents of my native Iowa.

My first concern, of course, is with the impact the USDA actions are having or will have on rural America—unless we in the Congress take decisive action. According to my arithmetic, the program and/or budget slashes so far announced approach $2 billion. This does not include the cost effects to farmers of the 57 percent hike in interest on Government grain loans. Nor does it reflect the greater financing costs of doing something with the 20 million extra acres which the USDA has turned loose this year under the wheat, feed grain, and cotton programs. Working those extra acres will not come free and their extra output will be a weight on prices. I say farmers are being hustled into a year of larger costs and uncertain outcome. Some of these program changes seem to be based on the chancy prospect that last year's world weather pattern may be repeated.

The administration has shrewdly picked an area affecting only 5 percent of the voters in which to launch a far-reaching power play to test the muscle of the executive against the legislative branch of Government. The timing of the USDA cutbacks was such that constituent and congressional reaction would be less effective and, as a result, the reaction to the cutbacks is not as vociferous as it might have been.

If the administration is permitted to have its will on the moves it has made in recent months to dismantle farm and rural development programs, I am convinced that a series of important programs, in addition to those announced in the budget message, will be in line for the executive ax.

According to some sources, the USDA has not been much ruffled by direct complaints from the country. If so, the administration will be mistaken if it takes any such silence for consent. I know what many of my constituents are telling me. More and more of them are concluding that it now is useless to write or talk to USDA. Those who had doubts about Secretary Butz to start with, then were charmed by his fighting steer and drunken sailor spending talk, are among the angriest of all for having been hoodwinked.

The freakish market behavior of recent months, following unusual export demand and supply availability restrictions due to disastrous harvesting weather were developments that furnished the administration the excuse it needed to swing the ax. And it has certainly done so, on the grounds that farmers now have become quite prosperous enough to stand it. Of course, the flaw in this assumption is, as you well know, that farm prices can go down just as far and just as fast as they go up.

The price graph on hogs in USDA's weekly livestock market news bulletin furnishes some instructive history along that line. In early July of 1970, barrows and gilts at the seven main markets were averaging about $26 per hundredweight. By late October, the price line of the graph had dropped to $18, within $1 of the bottom line of the graph. In the following week, it went $2 lower and clear off the graph. The next week, it was still lower, around $10 below a year earlier, and threatening to go off the page altogether.

It was getting downright embarrassing for the USDA graphmakers. So, lo and behold, the next week the 1970 price trend line was safely back inside the graph frame again. This had been done by making $14 the graph floor and using scale intervals at $3 each instead of $2 as previously. This, of course, made the hog price drop appear less steep, hence less alarming, but it did not do anything for the hog man.

The interesting sequel to this little story is the appearance of the current USDA weekly price graph. Owing considerably to the bitter experience of 1970, hog numbers since have cycled downward with the result that the price line this past year began bumping the $29 top of the graph in August. There was a sag during the fall but in December the price line shot upward and out of the graph frame by as much as $3 per hundredweight. So far—as of last week—this had not moved the graphmakers again to revise the frame range but I suppose it is only natural to leave things alone as long as the news is cheerful. But let us not forget that November 10, 1970, market news price line for what it tells us.

What my farmer constituents want, for one thing, is a determination by USDA to live up to the meaning of the word "stabilization" which appears in the name of its largest and most important agency, the Agricultural Stabilization and Conservation Service. Stabilization means administering programs so that supplies will tend to stay reasonably close to one side or the other of our gradual rise in demand. It does not mean stagnation as some critics would have us believe. Nor the wide swings that irritate and confuse consumers as well as hurt farmers.

Today, regrettably, USDA policies seem to result in instability. We seem to have thrown away the flywheel. The crop acreage adjustment programs have been so loosened right today, looking at the posted prices and then being told, "No deal," because there simply is no room for taking in more grain. Incidentally, country elevator men all over the Midwest have been terribly strained financially because the tieup of freight cars has prevented their usual steady resale of bought grain for cash to do more country buying.

As a matter of fact, the week-by-week income loss in some parts of the country alone have indicated to me that those elevators would take until 1975 to ship out the current grain that is stored and bought if the cars keep coming at the same rate. It is a ridiculous situation, Mr. President.

I do not believe, though, that we should blame the weather for everything. Frankly, I think there has been too much of a tendency at USDA to let the big grain traders run things. As I said here last week, there has been too little effort to coordinate all factors of Government and private business involved in the transportation and marketing of our farm products. The Department is supposed to be stocked with grain marketing people but it looks as if they just did not comprehend what they were getting farmers into with those huge export commitments which the Nation's present facilities are hardly up to handling. USDA has been putting out reams of publicity on the dollar value of those commitments but very little in terms of trainload numbers and turn-around time. That information is hard to get.

As to what we in the Congress ought now to do, I have indicated indirectly that the aforementioned program cuts should at least be substantially modified, by totally nondiscretionary legislation if necessary. Farmers have had enough of this "executive repeal" of congressional legislation. When farmers are convinced that other economic groups are being made to stand their share in the fight on inflation, I have no doubt that they will go along. As yet, they do not see this happening, least of all among the corporations living on Government contracts.

Another "must" for the Congress this session is a followup to the 1970 Farm Act. For the guidance of wheat producers, it should be ready by midyear. At this time, it is my impression that an extension of the 1970 act, with some strengthening of the support and acreage adjustment features, would be acceptable to Iowa farmers. As actually administered, though, the 1970 act has been needlessly expensive in terms of program costs and of farm price fluctuations. I expect to have something further to say about that later on.

It is to be recognized that other Government programs have also begun to feel the administration's ax but the cuts in agriculture still stand out as the most flagrant intrusion on the coequal power of our legislative branch. The gauntlet, Mr. President, flung in defiance, lies at our feet. It is time to take it up.

Mr. PROXMIRE. Mr. President, I agree with some of the speeches made this morning. I think that others will also see there is a consistency involved in it.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) will now be recognized for not to exceed 15 minutes.

A PROPOSED COUNTERBUDGET—WHY WE SHOULD CUT THE PRESIDENT'S BUDGET AND REORDER BUDGET PRIORITIES

Mr. PROXMIRE. Mr. President, in my view the $268.7 billion budget proposed by President Nixon for the next fiscal year is too high and should be cut.

It is $22.4 billion, or 9 percent, more than the $246.3 billion the President originally requested for last year.

It is $19 billion, or 7.6 percent, more than the $250 billion spending for fiscal 1973.

This must be one of the biggest increases in spending the country has ever had. We have rarely had a $19 billion increase or more except in times of war situation when we have mobilized our resources and increased our spending very sharply. But this is at the end of war. And the present President is asking for a $19 billion increase in national spending.

In addition it violates the President's own admonition and warning as to annual outlays which is to be found at the top of page 21 of the document entitled "The United States Budget in Brief," the more popular form of the budget which is distributed so widely and reprinted so widely by the press and media.

The President comments there that the outlays in the period fiscal years 1973–75 will average 7.5 percent. The President said,

> This is the maximum rate at which outlays should be permitted to grow during the next few years if steady economic growth is to be continued.

I certainly agree with that. But this year is a year in which every economist tells us that inflationary pressures will not only continue but probably increase.

If the maximum outlays over the next few years are to be 7.5 percent, then we should not have a 7.5 percent increase in the years in which inflationary pressures are greatest.

If we have a 7.5 percent increase in boom years, and that is to be the maximum, what stimulus will there be for years of recession or downturns in the economy?

Instead of the maximum rate of increase this year, we should have a somewhat slower rate of increase in Government outlays because of the recovery of the economy and a somewhat faster rate of increase, as an economic stimulus, in times of downturn and recession.

For all of these general reasons relating to fiscal policy and the Government's role in fiscal policy, the President's budget for fiscal year 1974 is too high and should be cut.

I am today proposing a counterbudget, including a net cut of $4 billion, to the $269 billion budget proposed by the President. It would also reorder priorities by cutting wasteful and inefficient spending and restore money for programs now starved for funds.

PRAISE FOR PRESIDENT'S ACTIONS

While I believe that the President's budget should be cut, and while I disagree with many of the priorities he has chosen to stress in his budget, I do not want to let the opportunity pass without saying where I agree with some of the President's actions with respect to the 1974 fiscal year budget.

I think the President was right to cut out funds for the Subversive Activities Control Board—SACB. They have not done a day's work for years. I have been calling for that action for at least 5 years. Even though it is late, it is welcome.

The President was right to cut back on the impacted school fund. That money goes to some of the wealthiest communities in the Nation. Every President for the past five administrations have been calling for that kind of reduction.

In view of the very tight budget we have this year, the President was right to stretch out various funds for selected research and development, to reduce slightly the maritime subsidies—he should do more to cut navigation and flood control projects, to phase out the Cuban refugee program, to reduce reclamation payments, and numerous other items found on pages 50 to 57 of the budget.

My complaints with the President differ considerably from those of many of my colleagues. While I agree with them that a number of the President's cuts are in the wrong place—this is especially true of the freeze on low-income housing, disaster loans for farmers, the increase in the REA interest rate, and the essential killing of manpower training while unemployment remains above 5 percent—my basic complaint is that he did not cut hard enough in those wasteful and inefficient programs where the big cuts should be made.

WHERE BIG CUTS SHOULD BE MADE

Instead of a $19 billion increase over last year's $250 billion outlays, we should limit this year's increase to 6 percent or $15 billion. Here is how I would do it:

MILITARY CUTS

First of all we should cut the military budget by at least $5 billion. There is no reason why the military budget should go up at the time the Vietnam war is being wound down.

That is a modest reduction, because what it does is permit military spending to remain at the present level. The war is over now, and they should be able to absorb some decreases. Last year we cut the President's budget figure by $5 billion; this year we should be able to make at least that much of a cut.

The incremental cost of the Vietnam war last year was originally estimated at $5 billion. In addition, the stepped up bombing cost us another $2 billion. This was a total of $7 billion that the military should not be spending in fiscal year 1974.

Furthermore, we have an excessive number of bases overseas. We have some 400 major bases and 3,000 minor bases scattered in some 30 countries around the world. Some of these are needed but not all of them. Many are merely a holdover from World War II. Savings could be made here.

In addition, big savings could be made in procurement. As former Deputy Secretary of Defense Packard said:

> We have a real mess on our hands.

At last count, the overruns on the 45 major U.S. weapons systems totaled over $28 billion. As one pundit put it:

> While weapons programs performance is poor and deliveries are late, costs are overrunning right on schedule.

In addition to more efficient procurement policies and practices, funds for specific weapons systems should be cut or deleted altogether.

The new carrier—CVN–70—is not needed at all. We have 16 now. The Russians have none. There is no need to spend $1 billion for this carrier plus another $2 billion for its planes and supporting ships. If you want to save money, Mr. President, start here. There is about $300 million in the new budget for carrier outlays this year. They should be stopped.

The new Trident submarine is another example of a program which should be both modified and slowed down. We need that submarine. It is a good contract, and we need such a deterrent.

But our submarines are invulnerable and will remain so probably through this decade. By proceeding with the Trident 1 missile and retrofitting it on the existing Poseidon submarines, we can get most of the advantages of the Trident system—namely a much greater range for submarines—without the tremendous cost.

The Trident ships are said to cost about $1 billion each. Furthermore, if we proceed now and the Russian antisubmarine technology is advanced, our brand new $1 billion ships may become vulnerable. We should not build these subs until they are needed. There is almost a half a billion in the new budget for Trident. All but the Trident 1 missile funds should be cut.

There are other items too which should be cut back or deleted. These include funds for AWACS, duplicate close support aircraft development, duplicate antisubmarine warfare development, the B–1 bomber, and the F–14 aircraft, to name only a few.

Finally, in the military area, we must make savings in manpower. We have reduced our forces from a peak of 3.5 million to a level of 2.4 million this year. That is a reduction of 1.1 million or almost a third.

At the same time, of course, pay raises, and the stopping of the draft and the institution of the voluntary Army have increased personnel costs very much.

The military tell us that virtually all the funds from the Vietnam war and the manpower cuts are eaten up by inflation and higher pay costs.

Frankly, that is an exaggeration. But it has some truth. But nevertheless, there are some additional things that could be done about the personnel problem which would save great sums.

First of all, we have what is known as the grade creep. There are actually more three- and four-star generals and admirals today than there were at the end of World War II, when we had six times as many enlisted personnel.

One of the arguments for more officers in the Air Force is that we have to have at least one officer for each plane. But we now have 12 times more officers in the Air Force than planes.

We have more colonels than second lieutenants.

Yet the military have done nothing about the grade creep until I held up the Air Force bill last year, and amended it to require the Department of Defense to come in with recommendations—for all the services—this year to meet this problem. We are awaiting their proposals.

Another problem is the ratio of supply and support troops to combat troops. In our military it is about 10 or 12 to 1. That is a disgrace. Now that Vietnam is finished our supply lines should shorten and that ratio would be cut. That would give us more actual fighting power and combat readiness with a reduction in manpower.

Finally, on the issue of manpower, the cuts in civilian personnel have not kept pace with the cuts in military personnel. While we have cut our troop strength by about a third, we have cut our bureaucrats by only 15 percent. The ratio of bureaucrats to fighting personnel has gone up. It should come down.

I should also mention the disgraceful situation of the large number of military personnel who are in effect nothing more than servants for high-ranking officers and their families.

In these ways, we could bring down our manpower costs.

Cuts in the Vietnam budget, procurement practices, overseas bases, and in both civilian and military manpower practices can more than offset the increases for pay and from inflation. We should be able to make a net savings of $5 billion on these items.

FOREIGN AID CUTS

Foreign aid is yet another place where the budget can be cut and cut hard.

From the information in the budget, one would gather that spending on foreign aid is about $3.2 billion next year. It would appear that $682 million is for multilateral assistance, $871 million for bilateral economic assistance, $1.2 billion for military and supporting assistance in the foreign aid budget, and another half billion for the remainder, most of which would be the Peace Corps, food for peace, and other humanitarian assistance.

But that is the mere tip of the iceberg. While we do not know this year's figures, we do know that last year almost $10 billion of American resources were transferred abroad in the form of foreign aid. Of this total about $6 billion was military aid and $4 billion was economic aid. And I use the term "transfer of resources" because not all of the funds are in the form of grants or direct appropriations.

Of the total, $6.5 billion is appropriated for directly while the remainder goes out through the back door by way of loans, subsidies, transfers of stocks, and Public Law 480 funds.

The funds are found in the defense budget, the aid budget, the agriculture budget, and outside the budget entirely.

In my view, at least one-third, or $3 billion, of the total could be cut from the budget this year.

I ask unanimous consent that a table giving the transfer of resources under a variety of foreign aid programs for fiscal year 1973 be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN AID—TRANSFER OF RESOURCES

Item	Fiscal year 1973 amount	Appropriation
Military:		
Military assistance (MAP).	$803,442,000	Foreign assistance.
Military assistance service funded.	2,055,000,000	Defense.
Transfer of defense stocks (excluding excess).	105,800,000	None.
Excess defense articles	245,000,000	Do.
Ship transfers	39,600,000	Do.
Real property transfers	485,680,000	Do.
Security supporting assistance.	874,500,000	Foreign assistance.
FMS credit sales	629,000,000	Do.
Ex-Im Bank military loans.	360,000,000	Do.
Public Law 480 (sec. 104C) defense.	124,000,000	Agriculture.
Purchases of local currency (subsidy).	91,900,000	Defense.
Subtotal	5,928,176,000	
Economic:		
Development and humanitarian assistance.	1,598,976,000	Foreign assistance.
International narcotics control.	72,800,000	Foreign assistance and State justice.
Peace Corps	72,200,000	Foreign assistance.
Public Law 480 (economic).	1,099,789,000	Agriculture.
International financial institutions.	920,000,000	Foreign assistance.
Subtotal	3,763,765,000	
Grand total	9,691,941,000	

SPACE BUDGET

Mr. PROXMIRE. Outlays for space research and technology for fiscal year 1974 are $3.1 billion. In my view these outlays, which are $74 million more than last year's outlays, should be cut. I think the space budget, in view of the need to tighten the belt elsewhere and the cuts, freezes, and impoundments the President has made for low-income housing and disaster loans for farmers, could be and should be reduced by $500 million.

The prime candidate for cutting is the space shuttle, which this year will cost us $400 million in outlays. I think Skylab, where spending of $315 million is scheduled, could be stretched out and postponed. Additional savings could be made in a much more vigorous effort to substitute unmanned for manned space efforts. Scientists tell us that unmanned flights can be as productive as manned flights at roughly half the cost.

PUBLIC WORKS

Public works projects are another area where at least a half billion dollars in savings could be and should be made this year.

Traditionally they have been very inefficient. Their costs routinely are double the original estimates. Their benefits, routinely, are half the original estimates.

Further, they are too often built in the wrong places to provide the employment that their sponsors use to justify the spending. Unemployment is in the central cities and the industrial areas. But public works are built in the rural and less populated areas. This is especially true of dams and reclamation projects.

In addition, in a year in which inflation is the major problem, we should be cutting back rather than continuing them.

HIGHWAYS

The budget provides spending of $4.7 billion this year for highways, the bulk of which is for the Interstate System.

Mass transit, however, gets only 10 percent of that amount, or $494 million.

We are being overrun with concrete and asphalt. Highways are jammed through our urban areas; they dislocate thousands of people; and they are the main culprit in the disastrous conditions our cities now face from air pollution.

Surely we could cut this program this year by $1 billion. We would cut it if it were not for the trust fund, which makes it almost immune to reconsideration by Congress. In fact, the country would be much better off if these funds were not spent—better off physically, better off economically, better off in terms of the environment, and better off in the fight against inflation.

TOTAL CUTS

The $5 billion cut I propose for defense, the $3 billion in foreign aid, the half billion each for space and public works, and the $1 billion for highways, total $10 billion.

Of this amount, $6 billion should be used to restore some of the cuts the President has made elsewhere, to help meet our urgent national needs, and to reorder our priorities.

We should shift a portion of the funds from defense, space, foreign aid, highways, and public works back into low-income housing, farm disaster programs, manpower training, and mass transit.

This would still leave us with a cut of $4 billion, a budget of $265 billion, and an increase over last year's spending of 6 percent instead of the 7.5 percent which the President contends in his budget is the maximum amount we should increase the budget in the near future years.

This effort would indeed help to reorder priorities, make the budget a much more useful instrument in the fight on inflation, and also save a great deal of money for the American people and taxpayers.

CONCLUSION

Mr. President, I believe these are the general outlines of the path the Congress should follow this year.

To do so we must also act in numerous ways ourselves.

We must establish a ceiling not only on appropriations—which affect years in the future—but also on outlays which affects spending here and now.

We must examine every request from the bottom up. We must ask if the task cannot be done better by some other means. We should ask if it needs to be done at all.

We must seek witnesses from outside the agencies requesting the funds so that we may bring some independent critical judgment to bear on executive branch spending.

We need to bolster our own staffs and knowledge in order to make intelligent judgments.

We must be tough in refusing requests for supplemental funds and refuse the reprograming requests of agencies.

We must establish our own committees to examine critically the so-called uncontrollable items in the budget, because they are not as uncontrollable as the administration likes to make out.

We should also examine the huge backlog of appropriated funds, which last year amounted to $288 billion, and which the administration routinely spends from to make up for cuts which Congress imposes on their budgets.

All of these items are necessary if Congress is once again to get control over spending. We have lost that power both through usurpation by the Executive and through atrophy and neglect of Congress.

We should cut the President's budget. We should cut it by at least a net amount of $4 billion.

We should reorder his priorities in order to meet our needs here at home.

And we should make certain that this budget is an instrument of intelligent fiscal policy in a year when inflationary pressures and the problems of unemployment remain the central economic issues before us.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I have 8 minutes remaining. I would be glad to yield it, or a portion of it, to the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) or to the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), if they care for it.

Mr. PROXMIRE. Mr. President, I want to tell the distinguished Senator from West Virginia that I deeply appreciate that courtesy. I was concerned over being able to complete my speech in time. The Senator from West Virginia is one of the most courteous men I have ever met, in this body or elsewhere. This offer is typical of him. I know that he had a speech he wanted to deliver. Instead, he yielded a part of his time to the Senator from Arkansas, and now offers the remainder to me, so that we can proceed right on schedule.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

EULOGIES TO THE LATE FORMER PRESIDENT HARRY S TRUMAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time to be under the control of the distinguished Senator from Missouri (Mr. SYMINGTON) today for eulogies to the late former President Harry S Truman, begin at 2 p.m., and that, in the meantime, upon request, eulogies by various Senators be received, to appear in the RECORD as though delivered during the time under the control of Mr. SYMINGTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS COOK, GRIFFIN, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Kentucky (Mr. Cook) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Michigan (Mr. Griffin) for not to exceed 15 minutes; and that he be followed by the junior Senator from West Virginia (Mr. Robert C. Byrd) for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. Hathaway). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

APPOINTMENT BY THE VICE PRESIDENT OF SENATOR MATHIAS TO READ WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 19, 1973

The PRESIDING OFFICER (Mr. Hathaway). The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified January 29, 1973, appoints the distinguished Senator from Maryland (Mr. Mathias) to read Washington's Farewell Address on February 19, 1973.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hathaway). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

Reports on Assistance-Related Funds Obligated for Cambodia

A letter from the Acting Assistance Secretary for Congressional Relations, Department of State, transmitting, pursuant to law a report on assistance-related funds obligated for Cambodia, during the second quarter of fiscal year 1973 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. Res. 61. A resolution authorizing the Committee on Post Office and Civil Service to conduct open public hearings into the conduct of the Postal Service.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MOSS, from the Committee on Commerce:

Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner.

The nominee has agreed to make himself available for testimony at any time the committee requests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE (for himself and Mr. Nunn):

S. 769. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 770. A bill to establish an independent agency to be known as the Intergovernmental Office of Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain regulated services; to provide grants and other Federal assistance to State and local governments for the establishment and operation of such consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of regulated companies of interest to the Federal Government and other consumers; and for other purposes. Referred to the Committee on Government Operations.

By Mr. FULBRIGHT (by request):

S. 771. A bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes. Referred by unanimous consent, jointly to the Committee on Foreign Relations and the Committee on the Judiciary.

By Mr. DOMINICK:

S. 772. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

S. 773. A bill to modify the project for flood control below Chatfield Dam on the South Platte River, Colo., authorized by the Flood Control Act of 1950. Referred to the Committee on Public Works.

By Mr. PACKWOOD (for himself and Mr. Hatfield):

S. 774. A bill for the relief of Arline Loader and Maurice Loader. Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. Beall, Mr. Cannon, Mr. Cranston, and Mr. Moss):

S. 775. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 776. A bill to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE:

S. 777. A bill to designate certain lands in the Brigantine National Wildlife Refuge, Atlantic, Burlington, Ocean Counties, N.J., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK:

S. 778. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 779. A bill to provide that certain expenses incurred in the construction of a municipal building in Talladega, Ala., shall be eligible as local grants-in-aid for purposes of Title I of the Housing Act of 1949. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. Allen, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Burdick, Mr. Chiles, Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Dominick, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hart, Mr. Hartke, Mr. Hathaway, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Scott of Pennsylvania, Mr. Stevens, Mr. Stevenson, Mr. Thurmond, Mr. Williams, and Mr. Young):

S. 780. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 781. A bill to amend the Federal Crop Insurance Act, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. Gurney):

S. 782. A bill to amend the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. Jackson):

S. 783. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 784. A bill to apply certain provisions of the Fishermen's Protective Act of 1967 to situations in which vessels of the United States or their gear are damaged by actions of foreign countries; and

S. 785. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environmental and natural disasters. Referred to the Committee on Commerce.

S. 786. A bill to provide Small Business Administration disaster assistance for individuals who are self-employed in the fishing industry. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 787. A bill to provide certain essential assistance to the United States fishing industry;

S. 788. A bill to amend the provisions of law establishing a fund to promote the free flow of domestically produced fishing products in order to increase the amounts in such fund; and

S. 789. A bill to authorize the Secretary of Commerce to increase the availability of insurance coverage for United States fishing vessels, and for other purposes. Referred to the Committee on Commerce.

By Mr. DOLE:

S.J. Res. 53. A joint resolution to establish a joint congressional committee to investigate the causes and origins of United States involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (for himself and Mr. NUNN):

S. 769. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I introduce legislation today relating to the enforcement of the laws of our land. It is very simple. It proposes to crack down on lawless elements who use firearms in the commission of a criminal act.

For too long now, our society and law-abiding citizens have been victimized by lawlessness that makes it unsafe for peaceful people to walk the streets or be secure even in their own homes.

I say it is high time that society turned the tables and got toucher with criminals.

The legislation I introduce provides severe and mandatory penalties for the use of a firearm in the commission of a criminal act.

There have been too many armed robberies, and muggings, and rapes, and senseless killings. There has been too much bloodshed at the hands of vicious criminals. I submit that the time has come to take people who have no regard for human life or property, and put them away for a long, long time—where they can no longer pose a threat to the law and order of our society.

My legislation would provide that the use or possession of a firearm in the commission of a felony is itself a separate and distinct criminal act—the sentence for which would have to be served consecutively with the sentence imposed for the underlying felony.

Existing Federal law is somewhat unclear at this point. As one would expect, the courts, by distinguishing between first and second offenders, have construed present law in favor of the criminal and against the best interests of society.

Through this legislation, I want to make it absolutely clear that regardless of whether it is the first, second, or third time that the individual uses or carries a firearm in the commission of a felony, the courts must impose upon him a separate sentence, and he must serve that sentence independent of and consecutive to any term of imprisonment for the underlying felony.

For example, under my bill if an individual stages a hold-up for which he may be tried in the Federal courts, and if he employs a firearm in the commission of that crime, the fact that he had that weapon on his person would itself be a separate Federal crime. If that individual were convicted on both the robbery and firearm counts, my bill would require that he, first, serve a sentence for the hold-up, and a separate, additional sentence for using a weapon in so doing.

An important feature of my bill is that the sentences may not be served concurrently—but consecutively, on a back-to-back basis.

Also, stiff penalties would be required under my legislation. If it were the first time that an individual were found guilty of employing a weapon in the commission of a crime, he would be subject to 5 to 15 years imprisonment.

Second offenders would be dealt with more harshly. They would be subject to prison sentences from 10 to 30 years—and probation or parole would not be permitted.

I do not believe that the law should go to great lengths to distinguish between first and second offenders, or that first offenders ought to be automatically excused. Both first and second offenders should be required to serve mandatory sentences because the victims of these criminals are just as injured, just as robbed, or just as dead after being victimized by a first offender as they are following an assault by a hardened criminal.

A warm and personal friend of mine, the Senator from Mississippi, was shot down last Tuesday on the streets of Washington for no reason.

It is a sad commentary on America when one of the most respected and influential Members of the U.S. Senate cannot walk into his home without being robbed and shot by wanton criminals.

Senator STENNIS had already surrendered all his valuables to two thugs. Then, they shot him twice in cold blood.

Perhaps some people retact to this by wringing their hands and wondering how society has failed these young men. Perhaps some people speculate in doleful tones as to why they perpetrated this senseless act of armed violence.

Mr. President, I am concerned why they did it. I wonder about the mentality of such criminals. But to me, the primary reality is the shameful and naked fact that they did shoot down an unarmed citizen in cold blood on the public streets of the Nation's Capital City. I am sickened by that fact.

Whether it be a Senator of the United States or whether it be an average citizen, the barbarous shooting of Senator STENNIS once again dramatizes the violence that is taking place in our cities, and in our suburbs as well, every day and night of the year—and in many areas not just once but several times during the day and night people are accosted and robbed and raped and brutalized at gunpoint.

Certainly, every rational and compassionate citizen knows that no campaign against crime is complete without a searching examination for its causes, and ways to correct them.

We must continue that pursuit.

But, at the same time, we must recognize that one of the most fundamental responsibilities of the Government is to provide for the safety and security of all our citizens. Thus far, the Government has been derelict in that duty.

We live in a time when America's citizens are afraid to walk their own streets at night or go about their daily business. People do not even feel safe in the sanctity of their own homes.

I know of no easy solution to the crime problem. I know of no way to eradicate crime. But I submit that we can act to reduce the problem. We can act to deter crime by making sure that punishment is swift, certain, and severe.

I know of no way to totally disarm criminals, although I, of course, wish that were possible. But I do believe Congress can act to make criminals think a long, long time before they use a firearm in the commission of their crimes and, if they do, we can strengthen the law in such a way as to put them out of circulation.

By Mr. METCALF:

S. 770. A bill to establish an independent agency to be known as the Intergovernmental Office of Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain regulated services; to provide grants and other Federal assistance to State and local governments for the establishment and operation of such consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of regulated companies of interest to the Federal Government and other consumers; and for other purposes. Referred to the Committee on Government Operations.

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill which would provide for a consumers' counsel to represent consumers of regulated services before Federal, State, and local agencies and courts, and would also require companies under Federal regulation to furnish specific information to the counsel as to their operations and services. Companies required to furnish such information are those which are subject to regulation by first, the Federal Power Commission; second, the Federal Communications Commission; third, the Interstate Commerce Commission; fourth, the Civil Aeronautics Board; fifth, the Federal Maritime Commission, and sixth, the Securities and Exchange Commission under the Public Utility Holding Act.

Under title I of the bill, the consumers' counsel would be the head of an independent agency known as the Office of Consumers' Counsel for Regulated Services. In addition to representing consumers before courts and agencies, the office would develop essential consumer information and reports for public dissemination, provide technical and professional services and make grants to State and local governments which establish similar offices of consumer counsel, make grants to State regulatory agencies to improve their professional capabilities, and to develop model laws for the regulation of consumer services.

Title II of the bill requires information to be furnished to the Counsel under such rules and regulations as he shall establish at least annually or at such other times as may be determined by him. Such information would relate to the capitalization and control of each company including a description of the company's parents and subsidiaries and affiliates; a description of the company's common and preferred stock and the amount of dividends and interest paid, and the name of each person who directly or indirectly has the power to vote 1 percent or more of the common stock, or 1 percent or more of the preferred stock if such stock has voting rights.

Companies are required to furnish information as to management, such as the compensation, pension, and retirement plans of officers and directors of the companies; names of other companies in which such officers and directors serve as officials; terms of restricted stock option plans available to officers, directors, and employees; loans and extension of credit to company officials and details of transactions with affiliated banks, finance companies and shareholders.

As to operations of the company, title II requires information concerning licenses, franchises, and certificates of convenience; information as to direct and indirect expenditures relating to legal and consulting services, trade associations, advertising, and public relations, contributions, gratuities, and costs for political promotion and lobbying. In addition the bill calls for a description of the policies of the company with respect to deposits of customers and the rate of interest charged customers and the rate base valuation and components of the company's rate base as determined by the Federal or State commission having jurisdiction over the company.

If any person or company covered by the legislation fails to provide such information as required in title II, it shall be subject to civil penalty of not more than $1,000 for each violation. Any person who knowingly or willfully violates this title or any rule or regulation issued by the Counsel thereunder, or any person who provides false information to the Counsel, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,500 for the first offense and not more than $5,000 for each subsequent offense.

Title II also conveys upon the Counsel discovery powers with respect to the defined areas of information. Counsel is authorized to appear before any Federal, State, or local agency, Federal or State court to obtain an order for production of such information. He shall be entitled to enter such appearance as matter of right before any Federal agency or Federal court.

The information under title II is to be published in reports, prepared by the Counsel and made readily available to the public.

Automatic data processing equipment shall be used to the greatest extent possible by the Counsel in coordinating data with other Federal agencies.

The bill authorizes appropriations for purpose of carrying out this act in the amount equal to one-tenth of 1 percent of the aggregate annual gross operating revenues of all regulated companies.

Mr. President, this bill is a refinement and an extension of provisions contained in legislation introduced in the 91st and 92d Congresses—S. 607 in both Congresses—to establish a Consumers' Counsel and require information with respect to electric, gas, and telephone utility services. That bill has been the subject of 23 days of hearings by the Senate Subcommittee on Intergovernmental Relations. The language of the bill was greatly improved through 5 days of extensive markup sessions of the subcommittee. A similar bill, S. 608, was introduced in the 92d Congress and related to transportation utility services.

The legislation which I introduce today brings together all these utility services under one roof, which shall be the subject of the consumers' counsel's advocacy and investigational jurisdiction.

Mr. President, the President tells us that we are now in phase III of his economic program, whatever that may actually mean. What we do know is that the leaky lid was taken off most utility rate increases by virtue of the Price Commission's regulations in phase II, and it has now apparently been completely removed. Thus the need for facts and funds for consumers is even more urgent.

How do regulated industries fit into the economic picture? And how should the consumer be assured that his advocacy is protected when the ever-growing citadels of regulation, executive commission, and governmental advisory committees are wheeled into line to tell him the prices he will pay for services which are so vital to his personal health and economy, as well as that of the Nation?

What about the prices of supplies, equipment, advertising, and economic expansion that are being passed on to the consumer by the utilities? Are they receiving the necessary scrutiny by the regulators? Or are they just being taken for granted because they are assumed to come from a competitive level of the economy?

How efficient—how careful—are the utilities in keeping down costs? And how concerned are the regulators in examining those areas where monopolization is, or has, set in to disrupt corporate efficiency and, in effect, disrupt any effort toward fairness in the whole pricing structure?

For the consumer, a whole new line of inquiry emerges from the source and cost of developing energy supply, transportation and communications. We must train our sights and reach longer distances if we are to understand the full consumer impact in the regulated industry field.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Consumers' Information and Counsel Act of 1973.

DEFINITIONS

Sec. 2. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or political subdivision department, or agency, or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The term "regulated company" means any company which is subject to regulation by (i) the Federal Power Commission; (ii) the Federal Communications Commission; (iii) the Interstate Commerce Commission; (iv) the Civil Aeronautics Board; (v) the Federal Maritime Commission; and (vi) the Securities and Exchange Commission under the Public Utility Holding Act (title 15, United States Code, Sec. 79 et seq.)

(d) The term "Company" means a corporation, a partnership, an association, a joint-stock company, a business trust or an organized group of persons, whether incorporated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such; having an annual gross operating revenue in excess of $10 million; but not including any cooperatively, federally, municipally, or other publicly owned person, company or organization.

(e) The term "control" means possession of the power to direct or cause the direction of or substantially influence the management and policies of a company, whether through ownership of voting or nonvoting securities, ownership of debt issues, by contract, or otherwise, unless such power is the result of an official position with the company. Control is presumed to exist if any person or company directly or indirectly owns controls, holds with the power to vote, or holds proxies representing 10 per cent or more of the voting securities of any company. The Counsel may, after furnishing all persons in interest notice of opportunity to be heard, determine that control in fact exists notwithstanding the absence of a presumption to that effect.

(f) The terms "affiliate" of a company or "affiliate company" mean a person that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, such company.

(g) The terms "parent of a company" or "parent company" mean a person who directly or indirectly through one or more intermediaries, holds control over a regulated company.

(h) The term "long-term debt" means any indebtedness of a company having a maturity of one year or more from the date of issuance. The term "short-term debt" means any indebtedness of a company other than long-term debt.

(i) The term "regulated services" means any service provided for the public by a regulated company.

(j) The term "interests of consumers of regulated services" means any matter relating to rates, charges, methods of service, adequacy of service, and safety measures which directly affect the consumer of regulated services.

TITLE I—CONSUMERS' COUNSEL FOR REGULATED SERVICES

ESTABLISHMENT OF OFFICE

Sec. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the Office of Consumers' Counsel for Regulated Services (referred to hereinafter as the "Office"). The Office shall be headed by a Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule. In appointing the Counsel, the President shall solicit the views and recommendations of consumer organizations and groups representing consumer interests, including State and local bodies.

(b) The Counsel shall, subject to the provisions of title 5 of the United States Code, appoint and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office.

(c) No person appointed as Counsel or employed by the Counsel shall at any time during his tenure, have any financial interest, direct or indirect, in any regulated company or affiliate; nor shall any such person be employed or retained by or accept employment with a regulated company or an affiliate of a regulated company for a period of three years following termination of his employment in the Office.

POWERS OF THE OFFICE

SEC. 102. (a) In the performance of the functions of the Office, the Counsel is authorized—

(1) to promulgate such rules and regulations as may be required to carry out the functions of the Office, including the establishment of uniform rules of accounting for any class or classes of companies about which information is required to be obtained pursuant to this Act, but the exercise of such powers and the performance of the functions of the Office and the Counsel under title II of this Act shall not be subject to the provisions of sections 3501–3511 of title 44 of the United States Code.

(2) to delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates;

(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(4) to use the services, equipment, personnel, and facilities of other Federal agencies, with their consent, with or without reimbursement therefor as determined mutually by the Counsel and such other agencies.

(b) Upon request made by the Counsel, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Office in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national security, to furnish to the Office such information, suggestions, estimates, and statistics as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 103. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear or intervene in, any investigation, complaint, action, appeal, or other proceeding except a criminal proceeding, before any Federal, State, or local agency, or Federal or State court, in accordance with the rules of practice and procedure of such agency or court, where, in the opinion of the Counsel, there is a matter or controversy affecting substantially the interests of consumers of regulated services within the United States: *Provided,* That such action by Counsel before any State or local agency or State court shall be authorized only when—

(1) it is requested by the Governor of a State or any official designated by him for such purpose; or

(2) it is requested by an agency or official duly authorized by a State to represent the interests of such consumers before any State or local agency or court; or

(3) it is requested by a State or local agency or court conducting the proceeding; or

(4) it is requested by a duly certified petition signed by the consumers of services of a regulated company within any State as follows: if the total of such consumers equals one thousand or less, petition must be signed by 20 per centum of such consumers; if the total of such consumers equals an amount over one thousand but less than ten thousand, petition must be signed by 10 per centum of such consumers; or if total of such consumers equals ten thousand or more, petition must be signed by 5 per centum of such consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, the Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, but not including the Supreme Court of the United States, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

(d) This Act shall not operate to exclude any other individual, consumer organization, or group representing the public interest from intervening or otherwise participating in such proceedings, nor shall it affect the decision of any Federal agency to assign its own staff personnel to intercede or assist in developing any part of the record of proceedings in which the Counsel or other groups shall appear; nor shall the participation by Counsel affect the right of any person to appear in such proceedings in forma pauperis.

(e) The Counsel is authorized to attend and represent the interests of consumers of regulated services at any meeting of any advisory committee or other private or public organization with any Federal agency.

PUBLIC INFORMATION AND REPORTS

SEC. 104. (a) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of consumers of regulated services.

(b) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of such consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(c) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the interests of such consumers.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 105. (a) (1) The Counsel is authorized to make grants to any State or local government, or combination of such governments, that serve a population of one hundred thousand or more persons, for up to 75 per centum of the cost of performing any of the following functions:

(A) representing the interests of consumers of regulated services before Federal, State, or local agencies and Federal or State courts including but not limited to the initiation, appearance, or intervention, with respect to any investigation, complaint, action, appeal, or other proceeding and the preparation and presentation of evidence, briefs, and arguments in connection therewith.

(B) compiling and making available to the public information which is necessary or desirable for the protection of the interests of consumers of regulated services; or

(C) making available, to the extent possible, technical assistance, statistics, information, and personnel for consultation and assistance to Federal, State, and local governments and agencies, and to nongovernmental organizations having a special interest in matters affecting the interest of consumers of regulated services.

(2) No grant under this subsection shall be made to any State or local agency authorized by law to regulate one or more regulated companies.

(b) (1) The Counsel is authorized to make grants to any State or local agency authorized by law to regulate one or more regulated companies for the following purposes—

(A) increasing the number and quality of professional staff personnel assigned to matters affecting the interests of consumers of regulated services;

(B) developing personnel, systems, and facilities, including automatic data processing equipment, for obtaining essential information, making studies and other evaluation of data, and assisting in the making of decisions with respect to matters affecting the interests of consumers of regulated services; or

(C) providing for training and education programs, including internship, work-study, fellowship, and similar programs for professional staff positions relating to matters affecting the interests of consumers of regulated services.

(c) A grant authorized by this section may be made on application to the Counsel at such time or times and containing such information as the Counsel may prescribe.

(d) The non-Federal contribution may be in cash or in kind, including but not limited to plant, equipment, and services, or as otherwise determined by the Counsel. If, in any fiscal year, a recipient under this section provides non-Federal contributions exceeding its requirements, such excess may be used to meet its non-Federal requirements for the next fiscal year.

(e) The Counsel shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of grants among States and local governments, taking into consideration such facts as size of population, extent of regulated services, the urgency of programs or projects, and the need for funds to carry out the purposes of this Act.

TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

SEC. 106. The Counsel may furnish technical advice and assistance, including information, on request to any State or local regulatory agency for the purpose of establishing and carrying out any program of consumer interest within the general purposes of this Act. The Counsel may accept payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation made for the purposes of this section.

REPORTING REQUIREMENTS

SEC. 107. A State, or local government office receiving a grant under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Counsel may require, and shall keep and make available such records as may be required by the Counsel for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 108. The Counsel and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

TERMINATION OF GRANTS

Sec. 109. (a) Whenever the Counsel, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Counsel shall notify such recipient of his findings and no further payments may be made to such recipient by the Counsel until he is satisfied with such noncompliance has been, or will promptly be, corrected. However, the Counsel may authorize the continuance of payments to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

(b) (1) If the recipient of a grant under section 105 is dissatisfied with the Counsel's final action under section (a) of this section, such recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which suh recipient is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Counsel. The Counsel thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Counsel, if supported by substantial evidence shall be conclusive; but the court for good cause shown, may remand the case to the Counsel to take further evidence, and the Counsel may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Counsel or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

MODEL LAWS

Sec. 110. The Counsel shall make full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws covering regulated services to consumers; and

(2) preparing model laws and recommendations for regulation of such services.

The results of such investigation and study shall be reported to the President, the Congress, and the Governor of each State as soon as practicable.

TITLE II—PUBLIC INFORMATION AND REPORTS

INFORMATION WITH RESPECT TO REGULATED COMPANIES

Sec. 201. Each regulated company and each parent of a regulated company shall furnish to the Counsel, under such rules and regulations as the Counsel shall establish, at least annually or at such other times as may be determined by the Counsel, the following information:

(a) As to the capitalization and control—

(1) the name, address, and description of the business of each parent, subsidiary, or affiliate company, including a full description of the relationship between such companies;

(2) a description of all classes of common stock, preferred stock, long-term debt, bonds, and debentures, including information as to voting rights, redemption and conversion features, dividends, premiums, and interest payable, maturity dates, provision for security, and any other terms and conditions that are material or that may confer control or management powers upon the holder of the security or the debt;

(3) percentages of capitalization obtained from common stock, preferred stock, long-term debt, and earned surplus, respectively;

(4) the amount of dividends and interest paid on each class of stock and debt, and

(i) average rate of interest on long-term debt;

(ii) average rate of interest of short-term debt;

(iii) rate of return on average common stock equity;

(5) the name and address of:

(i) each person who directly or indirectly or acting through one or more persons has the power to vote one per cent or more of the common stock; or one per cent or more of the preferred stock, if such stock has voting rights, together with the number and percentage of such voting securities;

(ii) each person who directly or indirectly or acting through one or more persons has the power to vote one per cent or more of the preferred stock in the company, together with the number and percentage of such voting securities;

(iii) each holder of one per cent or more of any issue of outstanding long-term debt of the company, together with the dollar amount of such holdings, and its percentage of the issue; and

(iv) each holder of five per cent or more of the outstanding short-term debt of the company, together with the dollar amount of such holdings, and its percentage of the total short-term debt.

(b) As to management—

(1) the name and address of each officer and director and his compensation from the company and its affiliates, including pension and retirement plans and the amounts paid, accrued or reserved for such plans, stock options, deferred compensation plans, indemnification, and insurance, together with a complete description of the duties of such director or officer and the approximate amount of time, stated in hours per week, spent in the performance of such duties;

(2) the names and addresses of all other companies in which such officers and directors also serve as officers or directors, and a description of any position which such officer or director holds, or has held within the preceding ten years, in any Federal agency;

(3) the names of directors, if any, who were not nominated by the management of the company;

(4) terms of restricted stock option plans available to officers, directors, and employees and, except for plans available to all employees on equal terms, including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(5) amounts, terms and conditions, including simple annual interest rates, of all loans and extension of credit to directors, officers, affiliates, customers, and others, and the total amounts of interest collected on each class of such loans or credit during the year, together with the terms or conditions of arrangements between financial institutions and the company with respect to compensating balances;

(6) details of any transactions with affiliates, banks, finance companies, holders of any class of stock or long-term debt, and customers concerning the purchase, sale, or lease of any real or personal property, indicating as to each the identity of the other party, terms of the purchase, sale, or lease contract, including any provision for security, the assessed value of the property and the method by which such transaction was negotiated, including a description of any opportunity given to other parties to enter competitive bids and details of any such bids received.

(c) As to operations—

(1) summaries of all licenses, franchises, and certificates of convenience and necessity issued to or applied for by the company, if any, and the amount expended for and in procuring each such certificate;

(2) a summary of the terms of any rate, bureau, pooling or mutual aid agreements or arrangements, including a complete breakdown of joint rates attendant thereto;

(3) assets and liabilities of the company, including a brief description of each asset subject to a mortgage, lien, or other claim, indicating the terms thereof:

(i) in dollars;

(ii) as percentage of depreciated average original cost;

(iii) as a percentage of operating revenues;

(5) sources and application of all funds, including all revenues, income, borrowings, and sale of equity;

(6) information as to all direct or indirect expenditures, whether in payment of money, provision of goods or services, use of officers or employees on company time or otherwise, including specific details of the exact amounts, purposes, and tax treatment of each item, included in any account for:

(i) dues, expenses, or assessments of trade associations or rate bureaus of any kind;

(ii) any legal, professional, or consultant services;

(iii) advertising, public relations, and promotion of any kind;

(iv) contributions, gifts, donations, honorariums, and gratuities, including travel, entertainment, or other personal expenses of individuals paid for, in whole or in part, by the company;

(v) protesting the granting of any certificate, franchise, or authority of any other party, or intervening in any proceeding in which such certificate, franchise, or rights are at issue;

(vi) promoting or opposing (1) the candidacy, nomination, election or appointment of any person for any Federal, State, or local legislative or administrative office; (2) any other issue for which an official vote of the people has been authorized, or (3) any lobbying with respect to Federal, State or local legislative or administrative bodies;

(7) a list of all goods, services, rights, or privileges extended free, below cost, or below normal charges, to any actual or potential customer or class of customers including credit extension, concessions, and rebates of any kind, and the extent to which such goods, services, rights, or privileges are paid for by charges to such customers or class of customers;

(8) a description of the policy with respect to deposits of customers and service connection charges, if required;

(9) the rate of interest charged customers by the regulated company, stated as simple annual interest;

(10) the rate base valuation and components of the regulated company's rate base, as determined by the commission or commissions having jurisdiction, expressed in dollar amounts, and including amount permitted in rate base in each of the following categories: equipment no longer used in service, good will, accumulated tax deferrals, allowance for working capital, construction work in progress, customers' advances, bank deposits, materials and supplies, plant acquisition adjustment, and plant held for future use;

(d) Such other information as the Counsel may deem necessary to obtain, compile, publish, and disseminate to inform consumers of regulated companies.

PENALTIES AND ENFORCEMENT POWERS

SEC. 202. (a) It shall be a violation of this title to fail to provide any information required by section 201 of this title. Any person who violates this section or who violates any rule, regulation or order issued by the Counsel under this title, shall be subject to a civil penalty not greater than $1,000 for each violation. Any person who knowingly and willfully violates this title or any rule, regulation, or order issued by the Counsel under this title, or who provides false information to the Counsel, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $2,500 for the first offense and not greater than $5,000 for each subsequent offense. If any such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) The Federal Power Commission, the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, the Federal Maritime Commission and the Securities and Exchange Commission are hereby authorized and directed to coordinate and assist in carrying out the provisions of this Act and to conduct investigations and promulgate such regulations as are necessary to implement this Act each in accordance with its own rules of procedures.

(c) Notwithstanding any other provision of law, the Counsel is authorized to appear before any Federal, State or local agency, or Federal or State court, in accordance with the rules of practice and procedure of such agency or court, and seek an order for the production of information required to be furnished under Section 201 of this Act. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter such appearance as a matter of right before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency or court for the purpose of representing the Office of in such proceeding.

REPORTS

SEC. 203. (a) The information to be obtained by the Counsel pursuant to section 201 of this title shall, at least annually and at such other times as the Counsel may deem appropriate, be published in reports prepared for and made readily available to the public. Such reports shall be issued as soon as possible after the end of the annual accounting period. Supplementary reports may be issued at any time to reflect any changes that materially affect the ownership, financial condition or operation of regulated companies or affiliates. To the degree practicable, the reports provided for in this section shall be presented in readily comprehensible style and format and shall contain pertinent national averages and comparative historical data.

TITLE III—MISCELLANEOUS PROVISIONS

AUTOMATIC DATA PROCESSING

SEC. 301. (a) Federal agencies are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that the Counsel, the Congress, and the public shall receive information in a timely and understandable manner. Federal agencies are hereby directed to include, in their annual reports, accounts of their progress toward full use of automatic data processing.

(b) The Comptroller General of the United States shall review the activities of the Federal agencies in compliance with this section, and shall report to the Congress the results of such compliance, and where full use of automatic data processing is not being made in the preparation of such information he shall recommend those actions which should be taken to achieve such full use of automatic data processing techniques and equipment.

SAVING PROVISION

SEC. 302. Nothing contained in the Act shall be construed to alter, modify, or impair any other provision of law, or to prevent or impair the administration or enforcement of any other provision of law, except as specifically amended or to the extent that it is inconsistent with this Act.

APPROPRIATIONS

SEC. 205. There are authorized to be appropriated annually for the purposes of this Act an amount equal to one-tenth of 1 per cent of the aggregate annual gross operating revenues of all regulated companies.

By Mr. FULBRIGHT (by request):

S. 771. A bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Foreign Relations and the Committee on the Judiciary.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes.

The bill has been requested by the Attorney General and the Secretary of State and referred to both the Committees on the Judiciary and Foreign Relations. I am introducing this bill in order that there may be specific legislation to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Attorney General and the Secretary of State to the Vice President dated January 16, 1973, and the section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended—

(1) by inserting after Chapter 95 the following new Chapter:

"CHAPTER 97.—JURISDICTIONAL IMMUNITIES OF FOREIGN STATES

"Sec.
"1602. Findings and declaration of purpose.
"1603. Definitions.
"1604. Immunity of foreign states from jurisdiction.
"1605. General exceptions to the jurisdictional immunity of foreign states.
"1606. Immunity in cases relating to the public debt of a foreign state.
"1607. Counterclaims.
"1608. Service of process in United States district courts.
"1609. Immunity from execution and attachment of assets of foreign states.
"1610. Exceptions to the immunity from execution of assets of foreign states.
"1611. Certain types of assets immune from execution.

"§ 1602. Findings and declaration of purpose.

"The Congress finds that the determination by United States courts of the claims of foreign states to immunity from the jurisdiction of such courts would serve the interests of justice and would protect the rights of both foreign states and litigants in United States courts. Under international law, states are not immune from the jurisdiction of foreign courts in so far as their commercial activities are concerned, and their commercial property may be levied upon for the satisfaction of judgments rendered against them in connection with their commercial activities. Claims of foreign states to immunity should henceforth be decided by United States courts in conformity with these principles as set forth in his chapter and other principles of international law.

"§ 1603. Definitions.

"(a) For the purposes of this chapter, other than sections 1608 and 1610, a "foreign state" includes a political subdivision of that foreign state, or an agency or instrumentality of such a state or subdivision.

"(b) For the purposes of this chapter, a "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

"§ 1604. Immunity of foreign states from jurisdiction.

"Subject to existing and future international agreements to which the United States is a party, a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in this chapter.

"§ 1605. General exceptions to the jurisdictional immunity of foreign states.

"A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case

"(1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose;

"(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States;

"(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

"(4) in which rights in property in the United States; acquired by succession or gift, or rights in immovable property situated in the United States are in issue; or

"(5) in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, caused by the negligent or wrongful act or omission in the United States of that foreign state or of any official or employee thereof except that a foreign state shall be immune in any case under this paragraph in which a remedy is available under Article

VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces.

"§ 1606. Immunity in cases relating to the public debt of a foreign state.

"(a) A foreign state shall be immune from the jurisdiction of the courts of the United States and of the States in any case relating to its public debt, except if

"(1) the foreign state has waived its immunity explicitly, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose; or

"(2) the case, whether or not falling within the scope of section 1605, relates to the public debt of a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision.

"(b) Nothing in this chapter shall be construed as impairing any remedy afforded under sections 77(a) through 80(b)–21 of Title 15, United States Code, as amended, or any other statute which may hereafter be administered by the United States Securities and Exchange Commission.

"§ 1607. Counterclaims.

"In any action brought by a foreign state in a court of the United States or of any State, the foreign state shall not be accorded immunity with respect to

"(1) any counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state; or

"(2) any other counterclaim that does not claim relief exceeding in amount or differing in kind from that sought by the foreign state.

"§ 1608. Service of process in United States district courts.

"Service in the district courts shall be made upon a foreign state or a political subdivision of a foreign state and may be made upon an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of the United States as defined in Section 1332(c) and (d) of this title by delivering a copy of the summons and complaint by registered or certified mail, to be addressed and dispatched by the clerk of the court, to the ambassador or chief of mission of the foreign state accredited to the Government of the United States, to the ambassador or chief of mission of another state then acting as protecting power for such foreign state, or in the case of service upon an agency or instrumentality of a foreign state or political subdivision to such other officer or agent as is authorized under the law of the foreign state or of the United States to receive service of process in the particular case, and, in each case, by also sending two copies of the summons and of the complaint by registered or certified mail to the Secretary of State at Washington, District of Columbia, who in turn shall transmit one of these copies by a diplomatic note to the department of the government of the foreign state charged with the conduct of the foreign relations of that state.

"§ 1609. Immunity from execution and attachment of assets of foreign states.

"The assets in the United States of a foreign state shall be immune from attachment and from execution, except as provided in section 1610 of this chapter.

"§ 1610. Exceptions to the immunity from execution of assets of foreign states.

"(a) The assets in the United States of a foreign state or political subdivision of a foreign state, to the extent that they are used for a particular commercial activity in the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that foreign state or political subdivision if

"(1) such attachment or execution relates to a claim which is based on that commercial activity or on rights in property taken in violation of international law and present in the United States in connection with that activity, or

"(2) the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"(b) The assets in the United States of an agency or instrumentality of a foreign state or of an agency or instrumentality of a political subdivision of a foreign state, which is engaged in a commercial activity in the United States, or does an act in the United States in connection with such a commercial activity elsewhere, or does an act outside the territory of the United States in connection with a commercial activity elsewhere and the act has a direct effect within the territory of the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that agency or instrumentality if

"(1) such attachment or execution relates to a claim which is based on a commercial activity in the United States or such an act, or on rights in property taken in violation of international law and present in the United States in connection with such a commercial activity in the United States, or on rights in property taken in violation of international law and owned or operated by an agency or instrumentality which is engaged in a commercial activity in the United States; or

"(2) the agency or instrumentality or the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"§ 1611. Certain types of assets immune from execution.

"Notwithstanding the provisions of section 1610 of this chapter, assets of a foreign state shall be immune from attachment and from execution, if

"(1) the assets are those of a foreign central bank or monetary authority held for its own account; or

"(2) the assets are, or are intended to be, used in connection with a military activity and

(a) are of a military character, or

(b) are under the control of a military authority or defense agency."; and

(2) by inserting in the analysis of Part IV, "Jurisdiction and Venue," of that title after the following new item:

"95. Customs Court.",

"97. Jurisdictional Immunities of Foreign States.".

Sec. 2. Chapter 85 of title 28, United States Code, is amended—

(1) by inserting immediately before section 1331 the following new section:

"§ 1330. Actions against foreign states.

"(a) The district courts shall have original jurisdiction of all civil actions, regardless of the amount in controversy, against foreign states or political subdivisions of foreign states, or agencies or instrumentalities of such a state or subdivision, other than agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of this title.

"(b) This section does not affect the jurisdiction of the district courts of the United States with respect to civil actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in section 1332 (c) and (d) of this title."; and

(2) by inserting in the chapter analysis of that Chapter before—

"1331. Federal question; amount in controversy; costs."

the following new item.

"1330. Actions against foreign states.".

Sec. 3. Section 1391 of title 28, United States Code, is amended by adding a new subsection (f), to read as follows:

"(f) A civil action against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in sections 1332 (c) and (d) of this title may, except as otherwise provided by law, be brought in a judicial district where: (1) a substantial part of the events or omissions giving rise to the claim occurred, or (2) a substantial part of the property that is the subject of the action is situated, or (3) the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality, or (4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision. Nothing in this subsecton shall affect the venue of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in sections 1332 (c) and (d) of this title."

Sec. 4. Section 1441 of title 28, United States Code, is amended by adding a new subsection (d), to read as follows:

"(d) Any civil action brought in a State court against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in sections 1332 (c) and (d) of this title, may be removed by the foreign state, subdivision, agency or instrumentality to the district court of the United States for the district and division embracing the place where such action is pending. Nothing in this subsection shall affect the removal of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in sections 1332 (c) and (d) of this title."

Sec. 5. Section 1332 of title 28, United States Code, is amended by striking subsections (a)(2) and (3) and substituting in their place the following:

"(2) citizens of a State and citizens or subjects of a foreign state; and

"(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties."

THE SECRETARY OF STATE,
Washington, D.C., January 16, 1973.
Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. AGNEW: There is attached for your consideration and appropriate reference a draft bill, "To define the circumstances in which foreign states are immune from the jurisdiction of United States courts and in which execution may not be levied on their assets, and for other purposes," which is being submitted jointly by the Department of State and the Department of Justice.

At present the determination whether a foreign state which is sued in a court of the United States is entitled to sovereign immunity is made by the court in which the action is brought. However, the courts normally defer to the suggestion of the Department of State that immunity should be accorded and make their own determination of entitlement to immunity only when the Department of State makes no submission to the court.

The law which is applied both by the courts and by the Department of State is thus the result of the joint articulation of the law by the judiciary and the Department. The views expressed by the courts influence the Department of State, and the views expressed by the Department of State influence the courts. In the process of ascertaining and applying the law, both the Department and the courts rely on precedents and trends of decision in foreign as well as United States courts.

The policy of the Department of State, which has been given effect by the courts as well, was set forth in a letter of May 19, 1952 from the Acting Legal Adviser of the Department of State to the Acting Attorney General. The Department of State asserted that its policy would be thereafter "to follow the restrictive theory of sovereign immunity in the consideration of requests of foreign governments for a grant of sovereign immunity." The letter stated:

"According to the newer or restrictive theory of sovereign immunity, the immunity of the sovereign is recognized with regard to sovereign or public acts (*jure imperii*) of a state, but not with respect to private acts (*jure gestionis*). There is agreement by proponents of both theories [i.e. of absolute and of restrictive immunity], supported by practice, that sovereign immunity should not be claimed or granted in actions with respect to real property (diplomatic and perhaps consular property excepted) or with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary."

The effect of the draft bill would be to accomplish four things:

1. The task of determining whether a foreign state is entitled to immunity would be transferred wholly to the courts, and the Department of State would no longer express itself on requests for immunity directed to it by the courts or by foreign states.

2. The restrictive theory of sovereign immunity would be further particularized in statutory form.

3. Foreign states would no longer be accorded absolute immunity from execution on judgments rendered against them, as is now the case, and their immunity from execution would conform more closely to the restrictive theory of immunity from jurisdiction.

4. The means whereby process may be served on foreign states would be specified.

The central principle of the draft bill is to make the question of a foreign state's entitlement to immunity an issue justiciable by the courts, without participation by the Department of State. As the situation now stands, the courts normally defer to the views of the Department of State, which puts the Department in the difficult position of effectively determining whether the plaintiff will have his day in court. If the Department suggests immunity, the court will normally honor the suggestion, and the case will be dismissed for want of jurisdiction. If the Department does not suggest immunity, the court may either take the silence of the Department as an indication that immunity is not appropriate or will determine the question itself, with due regard for the policy of the Department and the views expressed in the past by the courts. While the Department has attemped to provide internal procedures which will give both the plaintiff and the defendant foreign state a hearing, it is not satisfactory that a department, acting through administrative procedures, should in the generality of cases determine whether the plaintiff will or will not be permitted to pursue his cause of action. Questions of such moment appear particularly appropriate for resolution by the courts, rather than by an executive department.

The transfer of this function to the courts will also free the Department from pressures by foreign states to suggest immunity and from any adverse consequences resulting from the unwillingness of the Department to suggest immunity. The Department would be in a position to assert that the question of immunity is entirely one for the courts.

Plaintiffs, the Department of State, and foreign states would thus benefit from the removal of the issue of immunity from the realm of discretion and making it a justiciable question.

The draft bill would give appropriate guidance, grounded in the restrictive theory of immunity, on the standards to be employed. These are consistent with those applied in other developed legal systems. In brief, foreign states would not be immune from the jurisdiction of United States courts when the foreign state has waived its immunity, when the action is based on a commercial activity or concerns property present in the United States in connection with a commercial activity, when the action relates to immovables or to right in property acquired by succession or gift, or when an action is brought against a foreign state for personal injury or death or damage to or loss of property occasioned by the tortious act in the United States of a foreign state. Special provisions would be made for counterclaims and for actions relating to the public debt of a foreign state.

Under the present law, a plaintiff who is able to bring his action against a foreign state because it relates to a commercial act (*jure gestionis*) of that state may be denied the fruits of his judgment against the foreign state. The immunity of a foreign state from execution has remained absolute. The draft bill would permit execution on the assets of a foreign state if the foreign state had waived its immunity from execution or if the assets were held for commercial purposes in the United States. The plaintiff could thus recover against commercial accounts, but not against those maintained for governmental purposes. The successful plaintiff would also be precluded from levying on funds deposited in the United States in connection with central banking activities and on military property.

Finally, the draft bill would, in addition to specifying the respective jurisdictions of State and Federal courts in actions against foreign states and venue requirements, clear up the question of how foreign states are to be served. Service would be made either on the ambassador or other person entitled to receive service, and a copy of the complaint, furnished to the Department of State, would in turn be transmitted to the department of the foreign state responsible for the conduct of foreign relations. The initiation of actions through attachment would thus no longer be appropriate.

The ideal arrangement concerning the sovereign immunity of foreign states would be the regulation of the question through a general international agreement. The draft bill is looked upon as an arrangement to be applied until such time as a satisfactory convention is drawn up and the United States becomes a party to it.

The Department of State contemplates that if the draft bill should be enacted, it would propose that the United States file a declaration accepting the compulsory jurisdiction of the International Court of Justice, on condition of reciprocity, with respect to disputes concerning the immunity of foreign states. The resolution of disputed questions of sovereign immunity by the World Court would have the beneficial effect of assuring that the law and practice of this and other countries conform with international law and of imparting further precision to the law in areas where some measure of uncertainty now exists.

The Office of Management and Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.
WILLIAM P. ROGERS,
Secretary of State.

SECTION BY SECTION ANALYSIS

Sec. 1. Adds a new Chapter 97 to title 28, United States Code. The new Chapter incorporates and codifies international law with respect to the immunities of foreign states. Together with a new 28 U.S.C. § 1330 (Sec. 2) establishing original jurisdiction in the federal district courts in civil actions against foreign states, and amendments to 28 U.S.C. § 1391 (Sec. 3) and 28 U.S.C. § 1441 (Sec. 4) concerning venue and removal jurisdiction, the new Chapter establishes a coordinated regime for civil actions against foreign states and their political subdivisions and agencies and instrumentalities. It was felt perferable to bring together the provisions dealing with the immunities of foreign states in a clearly identified Chapter except where, in dealing with jurisdiction, venue and removal it would be clearer if the new provisions for actions against foreign states appeared with related provisions of title 28.

The Act has been drafted as an amendment to the present title 28. It has been influenced, however, by the American Law Institute Draft of the Federal Court Jurisdiction Act of 1971 introduced in the 92d Congress as S. 1876, and is consistent with that bill. It would be relatively easy to integrate this Act into any new structure patterned after that bill.

Sec. 1602. Findings and declaration of purpose. This section incorporates the central premises of the new Act, which are that decisions concerning claims of foreign states to immunity are best made by the judiciary on the basis of a statutory regime which incorporates the restrictive theory of sovereign immunity. It has never been clear to what extent the principle of international law governing the sovereign immunity of foreign states in national courts is left to be spelled out by national legislation and by the decisions of national courts. The general immunity seems to be a creation of international law; its further refinement seems to have been left very largely to national courts. There is, however, general acceptance of the restrictive principle of immunity. It is this principle that has been applied by the Department of State and by the courts since the "Tate Letter" of May 19, 1952, 26 *Department of State Bulletin* 984 (1952) and which is incorporated and codified in this Chapter.

The existing case law, both United States and foreign, could be drawn upon in aid of the interpretation and application of the provisions of this Act. As the law develops in other jurisdictions, that law may similarly be relied upon to elucidate the provisions of this Act.

Sec. 1603. *Definitions*. This section defines two terms that are used throughout the new Chapter 97, except as the term "foreign state" is used in Sections 1608 and 1610.

Section 1603 (a) defines "foreign state" in terms of all levels of government within that state. The term thus extends from the central government down to the level of municipalities. The traditional view has been that immunity attaches only to the central government of a state and that other subordinate entities, such as states of a federaion, provinces, cantons, countries, and municipalities, are not sovereign and are not entitled to immunity. The practice has not been consistent, however, and some courts have found it difficult to contend that purely governmental acts of governmental subdivisions should be subject to scrutiny by foreign courts. In other areas of international law, the central government is responsible for the acts of political subdivisions and they are considered as its own acts. There is no reason to treat these acts differently for purposes of immunity. If those acts are not in fact commercial, then immunity should be granted to exactly the same extent as it would be extended to the central government in the event those acts were directly attributable to it.

An "agency or instrumentality" of a state or of its political subdivision could assume a variety of forms—a state trading corporation, a transport organization such as a shipping line or airline, or a banking activity. The traditional rule was that such agencies and instrumentalities of a foreign government were entitled to the same immunities as the government itself, especially if they engaged in clearly governmental activities.

When the principle of the absolute immunity of foreign governments was still dominant, the idea of the separability of certain governmental agencies or instrumentalities was used to exempt certain governmental activities from the rule of absolute immunity. If it could be proven that a particular activity was conducted by a separate entity, this enabled some courts to claim that this was not a governmental activity and that the entity in question was not entitled to immunity. When the trend shifted toward restricted immunity, some courts retained the old distinction as well, thus applying a double standard, namely that there is no immunity if an activity is commercial *or* if it is conducted by a separate entity. In a third category of instances, immunity was abolished only when the transaction was commercial and the entity was a separate one. Thus, a series of treaties of friendship, commerce, and navigation concluded by the United States with the Federal Republic of Germany, Greece, Iran, Ireland, Israel, Italy, Japan, Korea, the Netherlands, and Nicaragua abolished immunity only for government owned or controlled "enterprises" of one state which are engaged in "commercial, manufacturing, processing, shipping or other business activities" in the territory of the other state (6 Whiteman, *Digest of International Law* 582 (1968)).

It would seem proper to extend the immunity rules applicable to central governments on an equal basis, and subject to the same exceptions, to political subdivisions of a foreign state and to all agencies and instrumentalities not only of the foreign state but also of its political subdivisions. It is not likely that this extension of the basic rule would result in a large number of immunity cases, as most foreign activities of such entities are likely to be commercial and will not be entitled to immunity.

Section 1603(b) defines a "commercial activity." If a foreign state, as defined in the Act (as including, for example, an agency or instrumentality of the state) carries on what is in effect a commercial enterprise—an airline or a trading corporation, for example—this constitutes a "regular course of commercial conduct" and therefore a "commercial activity." If an activity is customarily carried on for profit, its commercial character readily could be assumed. On the other hand, a single contract if of the same character as a contract which might be made by private persons, can constitute a "particular commercial transaction or act." The fact that the goods or services to be procured through the contract are to be used for a public purpose is irrelevant. Such a contract should be considered to be a commercial contract, even if its object is to assist in a public function.

The courts will have a good deal of latitude in determining what is a "commercial activity." It seems unwise to attempt a precise definition in this Act, even if that were practicable. It would include, however, such diverse activities as a contract to manufacture army boots for a foreign government or the sale by a foreign government of a service or product.

Sec. 1604. Immunity of foreign states from jurisdiction. The new Chapter 97 starts from an assumption of immunity and then creates exceptions to the general principle. So long as the law develops in the form of stating when a foreign state is *not* immune in national courts, the codified law will have to be cast in this way. The articulation of the governing principle in terms of immunity will also protect foreign states in doubtful cases.

The immunity is extended to proceedings in both State and Federal courts. It lies within the powers of the Congress to stipulate that an immunity created under customary international law must be respected in State courts.

This Chapter is not intended to alter existing international agreements to which the United States is a party. The "existing . . . agreements to which the United States is a party" include treaties of friendship, commerce, and navigation and bilateral air transport agreements which contain provisions relating to the immunity of foreign states. If the agreement implicitly or explicitly establishes a higher or lower standard of immunity than that stipulated in this Act, or establishes a different basis for determining the liability of a foreign government, the treaty, whether prior to the enactment of the Act or subsequent to it, will prevail. The enactment of this Act might suggest renegotiation of certain of these provisions in order to bring them into conformity with the stipulations of this Act.

Nothing in this Act will in any way alter the rights or duties of the United States under the status of forces agreements for NATO or other countries having military forces in the United States or alter the provisions of commercial contracts calling for exclusive nonjudicial remedies through arbitration or other technique of dispute settlement.

Sec. 1605. General exceptions to the jurisdictional immunities of foreign states. This section sets forth the circumstances in which a foreign state, as defined in Section 1603(a) is not entitled to immunity in United States courts.

Section 1605(1) deals with the case in which the foreign state has waived its immunity. It is generally recognized that whatever rule is followed with respect to the granting of immunity to a foreign state, that state may waive its immunity in whole or in part, explicitly or implicitly. A state may renounce its immunity by treaty, as has been done by the United States with respect to commercial and other activities in a series of treaties of friendship, commerce, and navigation, or a state may waive its immunity in a contract with a private party. In the latter instance, some courts have allowed later unilateral recission of such a waiver, but the more widely accepted view seems to be that a state which has enticed a private person into a contract by promising not to invoke its immunity cannot, when a dispute arises, hide behind its immunity and claim the right to revoke the waiver. Courts have also found an implicit waiver in cases where a foreign state agreed to arbitration in another country or where it was agreed that the law of a particular country should govern the contract.

The language "notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose" is designed to deal, out of an abundance of caution, with the eventuality that a state may attempt to withdraw its waiver of immunity when a dispute arises. A waiver of immunity, once made by treaty or contract, cannot be withdrawn except within the terms of the treaty or contract.

Section 1605(2) deals with the most important instance in which immunity is denied to foreign states, that in which the foreign state engages in commercial activity. "Commercial activity" is defined in Section 1603(b). The "commercial activity carried on in the United States by the foreign state" may thus be a regular course of business or an individual contract of an ordinary commercial character. Thus a foreign state would not be immune from the jurisdiction of United States courts with respect to an alleged breach of a contract to make repairs on an embassy building.

An "act performed in the United States in connection with a commercial activity of the foreign state elsewhere" looks to any conduct of the foreign state in connection with a regular course of business conducted elsewhere or a particular commercial contract concluded elsewhere. Examples of the causes of action involved would be an action for restitution based on unjust enrichment, a violation of securities regulations, or the wrongful discharge in the United States of an employee of a commercial activity carried on in some third country.

The third category of cases, "an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States," would embrace conduct falling within the scope of Section 18 of the Restatement of the Law Second, Restatement of the Foreign Relations Law of the United States (1965), dealing with extraterritorial conduct having effects within the United States. Examples of the causes of action involved would be an action for pollution of the air by a factory operated commercially by a foreign state, an action arising out of restrictive trade practices by an agency or instrumentality of a foreign state, or an action for infringement of copyright by a commercial activity of the foreign state.

In each of these instances the conduct, transaction, or act of the foreign state must have a sufficient connection with the United States to justify the jurisdiction of United States courts over the matter. In this respect the jurisdictional standard is the same for the activities of a foreign state as for the activities of a foreign private enterprise.

Section 1605(3) provides that the foreign state will not be immune from jurisdiction in any case "in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property, is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property, is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States." Thus, if property has been nationalized or expropriated without payment of compensation as required by international law it will not be immune when it or any property for which it is exchanged are brought into the United States for sale or otherwise in connection with a commercial activity. Similarly, an agency or instrumentality which owns or operates such property and which is engaged in a commercial activity in the United States will not be immune with respect to actions in which rights in such property are in issue. Since this draft bill deals solely with issues of immunity, it in no way affects existing law concerning the extent to which, if at all, the "act of state" doctrine may be applicable in similar circumstances.

Section 1605(4) deals with litigation relating to immovables and to the property of decedents.

It is well established that, as set forth in the "Tate Letter" of 1952, sovereign immunity should not be granted "in actions with respect to real property (diplomatic and perhaps consular property excepted)." It does not matter whether a particular piece of property is used for commercial or public purposes. It is maintainable that the exception mentioned in the "Tate Letter" with respect to diplomatic and consular property is limited to questions of attachment and execution and does not apply to an adjudication of rights in that property. Thus the Vienna Convention on Diplomatic Relations, concluded in 1961, provides in Article 22 that the "premises of the mission, their furnishings and other property thereon and the means of transport of the mission are immune from search, requisition, attachment or execution." Actions short of attachment or execution seem to be permitted under the Convention, and a foreign state cannot deny to the local state the right to adjudicate on questions of ownership, rent, servitudes, and other similar matters, as long as the foreign state's possession of the premises is not disturbed.

There is general agreement that a foreign state may not claim immunity when the suit against it relates to rights in property, real or personal, obtained by gift or inherited by the state and situated or administered in the country where the suit is brought, As stated in the "Tate Letter," immunity should not be granted "with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary." The reason seems to be that in claiming rights in a decedent's estate or obtained by gift, the foreign state claims the same right which is enjoyed by private persons.

Section 1605(5) is directed primarily to the problems of traffic accidents but is cast in general terms as applying to all actions for damage (as distinguished from injunctive relief, for example) for personal injury or death or damage to or loss of property. The negligent or wrongful act must take place in the United States and must not be for which a remedy is already available under Article VIII of the NATO Status of Forces Agreement.

While the Vienna Convention on Consular Relations of 1963 expressly abolishes the immunity of consular officers with respect to civil actions brought by a third party for "damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft," there is no such provision in the Vienna Convention on Diplomatic Relations of 1961. Consequently no case relating to a traffic accident can be brought against a member of a diplomatic mission or against the mission itself.

The effect of Section 1605(5) would be to permit the victim of a traffic accident who has been injured through the wrongful or negligent act of an official or employee of a foreign state to have an action against the foreign state to the extent otherwise provided by law.

This section applies only to torts that are not connected with the commercial activities of a foreign state. Under section 1605(2), no act of a foreign state, tortious or not, which is connected with the commercial activities of a foreign state would give rise to immunity if the act takes place in the United States or has a direct effect within the United States.

Section 1606. Immunity in cases relating to the public debt of a foreign state. Public debts do not fall within the scope of Section 1605. The immunity of foreign states in this respect should be maintained by the United States, in its role as one of the principal capital markets of the world. Many national governments are unwilling to issue their securities in a foreign country which subjects them to actions based on such securities. Where the managing underwriters regard immunity as detrimental to the success of the issue, the foreign government may consent to suit by an express waiver.

While there is no clear definition of "public debt," this concept seems to embrace not only direct bank loans but also governmental bonds and securities sold to the general public through bond markets and stock exchanges.

Section 1606(a)(2) recognizes a distinction which has been made between the public debt of the central government and the public debt of "a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision." It is generally accepted that the immunity of the central government is not shared by subordinate political entities or agencies or instrumentalities. Immunity is denied in these cases, whether or not the activity engaged in is of a commercial character or otherwise falls within the scope of Section 1605.

Section 1606(b) preserves any remedies under the federal securities laws applicable to foreign states.

SEC. 1607. Counterclaims. This section deals with compulsory and permissive counterclaims within the meaning of Rule 13(a) and (b) of the Federal Rules of Civil Procedure.

It is in no way intended to create immunity with respect to counterclaims which, if originally brought as actions against a foreign state, would not entitle the foreign state to immunity. It deals instead only with claims which would be barred by immunity unless brought as counterclaims under the rule of § 1607.

The state of the law in the United States is that a foreign state which brings an action in a United States court may not assert the defense of sovereign immunity as to a counterclaim not arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state to the extent that the counterclaim does not exceed the amount claimed by the plaintiff foreign state (National City Bank of New York v. Republic of China, 348 U.S. 356 (1955)). There is no square precedent on a counterclaim that *does* arise out of the transaction or occurrence that is the subject matter of the claim of the foreign state. Section 1607(1) is, however, based on the rule laid down in Restatement of the Law Second, Foreign Relations Law of the United States § 70(2) (1965). A foreign state that brings an action grounded in a particular transaction or occurrence should not, on principle, be allowed to assert its immunity in such a way as to permit it to claim the benefit of the courts of the United States while denying that benefit to the defendant with respect to claims arising out of the same transaction or occurrence. In the words of National City Bank of New York v. Republic of China, supra, "It (the foreign government) wants our law, like any other litigant, but it wants our law free from the claims of justice" (at 361–2).

"[A]ny counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state" is the same terminology as that used in Rule 13(a) of the Federal Rules of Civil Procedure.

Sec. 1608. Service of process in United States District Courts. This section is designed to give a foreign state prompt and adequate notice that an action has been brought against it and to provide a method of service of process on foreign states, political subdivisions of foreign states, and their agencies or instrumentalities which are not citizens of the United States.

Service under Section 1608 requires two methods of supplying notification. The first is that a copy of the summons and of the complaint be mailed by the clerk of the court to the ambassador (or if there be none at the time to the charge d'affaires or other chief of mission of that state). In the event of the suspension of diplomatic relations with a foreign state or their interruption in time of war, service may be made in the same way on the ambassador or chief of mission of the state which is then acting as the protecting power for the defendant foreign state. If service is made upon an agency or instrumentality it may sometimes be more appropriate to serve the officer or agent who is authorized to receive service under the law of the foreign state concerned. Accordingly, this method is provided as an alternative way of satisfying the first notification requirement in actions brought against agencies or instrumentalities. Similarly, if a law of the United States or of a State specifies what persons may receive service, service may likewise be made upon such a person in actions brought against agencies or instrumentalities.

The second and concurrent method of providing notification to the foreign state is the sending to the Secretary of State of copies of the summons and complaint. The Secretary of State will then transmit one of these to the ministry of foreign affairs of the defendant state by diplomatic note. In cases where there are no diplomatic relations with the foreign state, a protecting power or other intermediary might be employed to convey the note to the defendant state. This second method of notification will assure that the foreign state is notified even if through some error—such as the receipt of the mailed copy of a summons and complaint by a minor official who fails to bring it to the attention of the ambassador—the foreign state itself does not receive actual notice through the mail.

While both international law and United States law prohibit service of process by a marshal on a foreign ambassador without his consent, it was generally accepted during the drafting of the Vienna Convention on Diplomatic Relations that this prohibition does not apply to service effected by mail.

There has in the past been great uncertainty about the proper mode of service of process on foreign states. The Federal Rules of Civil Procedure contain no stipulation on this subject.

In some cases service has been allowed when the suit was brought in fact against a separate government enterprise. In other cases attempts were made to equate government agencies to separate enterprises and to apply to them the methods of service applicable to foreign corporations. In at least one case the court admitted that there was a gap in the rules and proceeded to fill it under Rule 83, which allows the District Courts in "all cases not provided for by rule" to "regulate their practice in any manner not inconsistent with these rules." Alternatively a district court can authorize a special method of service, as long as the method chosen is consonant with due process. Consequently service by ordinary mail to an office maintained in the United States might be permissible. It has also been suggested that the rules applicable to service abroad might by analogy be applied to foreign governments.

More recently, a number of plaintiffs have obtained jurisdiction over foreign states by attaching property of those states. The Department of State stated in 1959 (see Stephen v. Zivnostenska Banka National Corp., 22 N.Y.S. 2d 128, 134 (App. Div. 1961)) that "where under international law a foreign government is not immune from suit, attachment of its property for the purpose of obtaining jurisdiction is not prohibited." The Department noted that in many cases "jurisdiction could probably not be obtained otherwise." It added, however, that property so attached cannot be retained to satisfy a judgment because "the property of a foreign sovereign is immune from execution even in a case where the foreign sovereign is not immune from suit."

This statement led in several cases to the attachment of various properties of foreign states such as vessels or bank accounts, and to the acquisition by the courts of *quasi in rem* jurisdiction. In other cases a distinction has been made between those assets which are deemed to be subject to attachment because they are used for a commercial activity, even if that particular activity is unrelated to the activity which led to the attachment, and other assets which have been held to be public assets free from attachment. Consequently, difficult questions have been posed with respect to the line between property subject to attachment and that which is not.

It has also been contended that this method of acquiring jurisdiction suffers from a fatal logical flaw, as the very basis of *quasi in rem* jurisdiction is to enable the plaintiff to apply the attached property to the satisfaction of his claim if he prevails on the merits. But the inherent condition of the permission of the Department of State to attach was that such attachment should not lead to execution. This condition destroyed the original premise of this method of acquiring jurisdiction and made it seem nothing more than a technical procedural device with no basis in substance.

In some cases, plaintiffs have attached large sums in many banks, causing confusion and inflicting hardship on the foreign government concerned. Its procedures for payment of its debts may thus have been disrupted, difficulties may have been placed in the way of the functioning of its offices, and in some cases its monetary reserves may have been put in danger. The proceedings relating to the claim of immunity are often prolonged, and during the whole period the financial position of the foreign government is put in jeopardy. Unless the proceeding could be restricted to a temporary attachment which would be dissolved once jurisdiction had been acquired—another negation of the original function of this method—foreign governments might be compelled to remove their funds to other countries where they would not be subject to attachment.

As this new procedure of attachment is not yet firmly embedded in practice, it should be brought to a halt. The procedure prescribed in this section is designed to replace the stopgaps and artificial devices that have been employed in the past.

The provision for service of process provided in section 1608 is mandatory for actions against foreign states or their political subdivisions and permissive for actions against agencies or instrumentalities of foreign states or political subdivisions which agencies or instrumentalities are not citizens of the United States as defined in section 1332 (c) and (d) of title 28. Actions against foreign states and political subdivisions may be particularly sensitive and this sensitivity suggests a uniform procedure for service of process. With respect to actions against agencies and instrumentalities not citizens of the United States these provisions create an alternate method of service of process.

Agencies or instrumentalities of a foreign state or political subdivision which are incorporated in the United States or elsewhere may be served pursuant to Rule 4 of the Federal Rules of Civil Procedure. Rule 4 provides in pertinent part:

> Service shall be made as follow: . . .
>
> (3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

It is not wholly clear under Rule 4 whether an unincorporated agency or instrumentality of a foreign state or political subdivision would always be an "unincorporated association which is subject to suit under a common name." It would seem desirable to interpret Rule 4 broadly to include such agencies or instrumentalities, particularly if they have their principal place of business in the United States and would thus be citizens of the United States under section 1332 (c) or (d) of title 28. Such agencies or instrumentalities would not be covered by the provisions of section 1608 and as such should be brought under the existing Rule 4.

Sec. 1609. Immunity from execution and attachment of assets of foreign states. As in the case of Section 1604 with respect to jurisdiction, the matter of immunity is dealt with by an initial prohibition on execution and attachment in this section. The exceptions are then carved out in Section 1610.

Sec. 1610. Exception to the immunity from execution of assets of foreign states. The traditional view in the United States has been that the assets of foreign states are immune from execution (Dexter and Carpenter, Inc. v. Kunglig Jarnvagsstyvelsen, 43 F. 2d 705 (2d Cir. 1930)). Even after the "Tate Letter" of 1952, this continued to be the position of the Department of State and of the courts. The Department expressed the view "that under international law property of a foreign sovereign is immune from execution to satisfy even a judgment obtained in an action against a foreign sovereign where there is no immunity from suit" (Weilamann v. Chase Manhattan Bank, 21 Misc. 2d 1086, 192 N.Y.S. 2d 469–73 (Sup. Ct. 1959)). Thus, even after the Department of State and the courts espoused the restrictive theory of the immunity of foreign states from the jurisdiction of United States courts, a plaintiff who prevailed in his action against a foreign state could not levy execution on the assets of that state. This state of affairs led to assertions that the "Tate Letter," reflecting the changed position of the United States, was only an empty gesture.

Section 1610 is designed to meet this objection by partially lowering the barrier of immunity to execution of the assets of foreign states in order to make the law in this respect consistent with that on immunity from jurisdiction. The governing principle, broadly stated, is that property held for commercial purposes should be available for the satisfaction of judgments rendered in connection with commercial activities. There is thus no question of execution on embassies, warships, or other foreign government property used for non-commercial purposes.

A distinction is made between, on the one hand, a foreign state or political subdivision thereof, and on the other, "an agency or instrumentality of a foreign state or of . . . a . . . political subdivision of a foreign state."

Under Section 1610(a) assets used by a foreign state or political subdivision for a particular commercial activity would be available to satisfy judgments arising out of that activity. It would be inappropriate, and probably in violation of international law, to allow the successful litigant to levy on any assets of a foreign state because these may be used for strictly governmental and sovereign purposes as well as commercial ones. Thus, absent a waiver of immunity if a judgment had been rendered against a foreign state or a political subdivision of that state on a commercial contract signed by an agency or instrumentality of the foreign state or its political subdivision (e.g., a state trading corporation), only the assets of the agency or instrumentality would be considered to have been "used for a particular commercial activity" and thus subject to execution. The reason for limiting execution to assets employed in connection with the particular commercial activity out of which the claim arose is that states, especially those with most of the economy in the public sector, may engage in a great variety of commercial activities. It would not be consistent with Section 1610(b) or with the principles obtaining in the American legal system for assets used in connection with a foreign state's program of importation of machine tools to be available to satisfy a judgment arising out of the commercial telecommunications business of that foreign state. All commercially used assets of a foreign state should no more be available for satisfaction of a judgment than all commercial assets of American firms operating in a foreign state should be available for satisfaction of a judgment against one American company. Indeed, allowing execution on assets of a foreign state attributable to an activity other than that out of which the claim arose could expose American enterprises abroad to like treatment.

There is no such problem in connection with assets of agencies or instrumentalities under Section 1610(b), as it can be expected that each such agency or instrumentality will have its own assets and will act as a separate entity, analogous to an American corporation. The standard of commercial activity in the United States which is used in Section 1610(b) is the same as that in Section 1605(2). If the action is one arising out of the "commercial activity" in the United States of an agency or instrumentality, as defined in Section 1603(b)—whether as a course of conduct or an individual transaction or act—then any assets of that agency or instrumentality may be used to satisfy judgments arising out of that activity. The normal situation would be one in which a state trading corporation carries on business in the United States and the claim arises out of that activity. If a commercial agency or instrumentality outside the United States has assets in the United States, these may be used to satisfy judgments arising out of acts occurring or having their impact in the United States, provided the judgments are rendered on actions arising out of the commercial activity of the agency or instrumentality.

Under both sections 1610(a) and 1610(b) property taken in violation of international law and present in the United States in connection with a commercial activity would also be subject to execution.

Sections 1610(a)(2) and 1610(b)(2) concern waivers of immunity from execution. Waivers are governed by the same principles that apply to waivers of immunity from jurisdiction under Section 1605(1). A waiver may result from the provisions of a treaty, a contract, or an official statement, or it may be inferred from certain steps taken by a foreign government in the proceedings leading to execution. Such waiver might be more easily presumed when the assets are used for both public and private purposes but only an explicit waiver would allow execution on property that is clearly public, such as an embassy building. In case of doubt, the question whether a waiver has actually been made is a question to be decided by the court which has jurisdiction over the assets subject to execution.

A waiver on behalf of an agency or instrumentality may be made either by that agency or instrumentality or by the foreign state itself under its powers with respect to the conduct of foreign relations.

There is no clear line of practice in foreign courts on the question of immunity of foreign states from execution, but opinion is not unanimously or predominantly in favor of absolute immunity. A number of treaties of friendship, commerce, and navigation concluded by the United States permit execution of judgments against foreign publicly owned commercial enterprises (e.g. Treaty with Japan, April 2, 1953, art. 18(2), 4 U.S.T. 2063, T.I.A.S. No. 2863). There has been widespread departure from the principle of absolute immunity in connection with the activities of state-owned vessels engaged in commercial activity. The widely ratified Brussels Convention for the Unification of Certain Rules relating to the Immunity of State-Owned Vessels, April 10, 1926, 176 L.N.T.S. 199, allows execution of judgments against public vessels engaged in commercial service in the same way as against privately owned vessels. Although the United States is not a party to this treaty, it follows a policy of not claiming immunity for its publicly owned or operated merchant vessels (6 Whiteman, Digest of International Law 570 (1968)). Articles 20 and 21 of the Geneva Convention on the Territorial Sea and the Contiguous Zone, April 29, 1958 (15 U.S.T. 1606, T.I.A.S. No. 5639), to which the United States is a party, recognize the liability to execution under appropriate circumstances of state-owned vessels used on commercial service.

SEC. 1611. Certain types of assets immune from execution. The purpose of Section 1611 (1) is to prevent in all circumstances attachment of or levy of execution upon two categories of property of foreign states, even if these relate to the commercial activities of a foreign state and would otherwise come within the scope of Section 1610.

Section 1611(1) deals with funds of foreign states which are deposited in the United States, not in connection with purchases by the foreign state or other commercial activities but in connection with central banking activity. The purpose of the provision is to encourage the holding of dollars in the United States by foreign states, particularly in times when the United States has an adverse balance of payments. If execution could be levied on such assets, deposits of foreign funds in the United States might be discouraged, thus adversely affecting our balance of payments.

Section 1611(2) provides immunity from execution for assets which are, or are intended to be, used in connection with a military activity and which fulfill either of two conditions; either they are of a military character or they are under the control of a military authority or defense agency. Under the first condition property is of a military character if it consists of munitions in the broad sense—weapons, ammunition, military transport, warships, tanks, communications equipment, etc. Both the character and the function of the property must be military. The purpose of this condition is to avoid embarrassment to the United States in connection with purchases of military equipment and supplies in the United States by foreign governments. The second condition is intended to protect other military property, such as food, clothing, fuel and office equipment which, although not of a military character, is essential to military operations. "Control" is intended to include authority over disposition and use in addition to physical control and a "defense agency" is intended to mean a civilian defense organization such as the Defense Supply Agency in the United States Government. Each condition is subject to the overall condition that property will be protected only if its present or future use is military (e.g., surplus military equipment withdrawn from military use would not be protected) and both conditions will avoid the possibility that a foreign state might permit execution on military property of the United States abroad under a reciprocal application of the Act.

SEC. 2. Original jurisdiction of the district courts. This section would amend title 28 to add a new § 1330 giving the Federal district courts original jurisdiction over civil actions against foreign states or their political subdivisions, agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d), regardless of the amount in controversy. Original jurisdiction is accorded to the federal courts because certain actions against foreign states, no longer possessed of absolute immunity, may be politically sensitive and may impinge in an important way on the conduct of foreign relations. Moreover, original jurisdiction in the federal courts should be conducive to uniformity of decision, and the federal courts may be expected to have a greater familiarity with international law and with the trend of decision in foreign states than would be true of courts of the States. The plaintiff, however, will have an election whether to proceed in a federal court or in a court of a State.

The present position is that district courts have original jurisdiction in civil actions between citizens of different States "and in which foreign states . . . are additional parties," provided the matter in controversy exceeds the sum or value of $10,000 (28 U.S.C. § 1332). The Federal courts now also have jurisdiction on the basis of a Federal question ("the matter . . . arises under the Constitution, laws, or treaties of the United States") provided the matter in controversy exceeds the sum or value of $10,000. The amount in controversy or other restrictions of these provisions will no longer be applicable in civil actions against foreign states.

An exception is made in the case of "agencies or instrumentalities of foreign states or of constituent units or political subdivisions of foreign states which are citizens of a State." This citizenship of a State would arise out of incorporation in that State or the possession of a "principal place of business" in that State under 28 U.S.C. § 1332(c). The sort of agency or instrumentality which might be expected to be locally incorporated in the United States would be a trading, banking, or transport corporation of a foreign state. If an agency or instrumentality has in effect been "naturalized" by local incorporation, it should be treated like any other citizen of the United States. It is a matter of accepting the burdens of local incorporation together with the benefits. If a foreign "agency or instrumentality" is incorporated in the United States, it is treated in exactly the same way as any other American corporation, incorporated or having its principal place of business in a State.

Section 1330(b) makes it clear that the section does not alter the existing law concerning such agencies or instrumentalities. Section 1330, of course, would also not alter the specialized jurisdictional regimes such as those established by § 1333 dealing with admiralty, maritime and prize cases or by § 1338 dealing with patent and copyright cases. Actions in such areas, even if against a foreign state, would continue to be governed by these special regimes.

It is contemplated that in actions brought in the federal district courts under this new § 1330 or removed to the federal courts under the new § 1391(f), whether state or federal law is to be applied will depend on the nature of the issue before the court. Under the *Erie* doctrine state substantive law, including choice of law rules, will be applied if the issue before the court is non-federal. On the other hand, federal law will be applied if the issue is a federal matter. Under the new Chapter 97 issues concerning sovereign immunity, of course, will be determined by federal law. Similarly, issues involving the foreign relations law of the United States, such as the act of state doctrine, should be determined by reference to federal law. Other issues which may arise in actions brought under the new §§ 1330 and 1391(f) may be determined by state law if the issue is one of state law. See IA *J. Moore, Moore's Federal Practice* 3052–57 (2d ed. 1972); Henkin, *The Foreign Affairs Power of the Federal Courts: Sabbatino*, 64 *Col. L. Rev.* 805, 820n.51 (1964).

Sec. 3. Venue. This section would amend 28 U.S.C. § 1391, which deals with venue generally. As amended, venue would lie in any one of three districts in civil actions brought against foreign states, political subdivisions or their agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d).

First, the action may be brought in the judicial district where "a substantial part of the events or omissions giving rise to the claim occurred." This provision is analogous to 28 U.S.C. § 1391(e), which allows an action against the United States to be brought, *inter alia,* in any judicial district in which "the cause of action arose." The test adopted, however, is the newer test recommended by the ALI and incorporated in S. 1876, 92d Cong., which does not imply that there is only one such district applicable in each case.

Second, the action may be brought in the judicial district in which "a substantial part of the property that is the subject of the action is situated." No hardship would be caused to the foreign state if it is subject to suit where it has chosen to place the property that may be in dispute. As much of the property of foreign states is in New York, this provision would permit the submission of a large number of cases to the United States District Court for the Southern District of New York, where many immunity cases have arisen in the past and where a particular expertise in such cases is consequently to be found.

Third, if the action is brought against an agency or instrumentality which is not a citizen of the United States as defined in section 1332(c) and (d) of this title, it may be brought in the judicial district where the agency or instrumentality is licensed to do business or is doing business. If, of course, an agency or instrumentality is incorporated in or has its principal place of business in the United States then it is a citizen of the United States and venue will be governed by other provisions of title 28. And if the action is brought against a foreign state or political subdivision it may be brought in the United States District Court for the District of Columbia. The District of Columbia provides a fallback venue for actions against foreign states and political subdivisions since it is difficult to say where they "reside" under the corporate standards of "incorporated or licensed to do business or is doing business" used in section 1391(c). Moreover, it is in the City of Washington that foreign states have diplomatic representatives and where it would be easiest for them to defend themselves.

Consistent with Section 2 on jurisdiction an exception is made as to foreign agencies or instrumentalities which are citizens of a State. Actions against such agencies or instrumentalities would, under the terms of the exception, be treated in the same way as actions against wholly domestic corporations.

Nothing in this provision is intended to in any way alter the statutory or common law doctrine of *forum non conveniens.* Thus, actions brought in a particular district under § 1391 could be moved to another district for the convenience of the parties and witnesses and in the interest of justice in accordance with § 1404 of Title 28. Similarly, if the convenience of the parties and witnesses or the interest of justice would be better served by dismissing the action subject to a court in a foreign State taking jurisdiction the doctrine of *forum non conveniens* would be available for that purpose. See *Vanity Fair Mills* v. *T. Eaton Co.*, 234 F.2d 633 (Ct. App. 2d. Cir. 1956), *Prack* v. *Weissinger*, 276 F. 466 (Ct. App. 4th Cir. 1960), *Fitzgerald* v. *Westland Marine Corp.*, 369 F.2d 499 (Ct. App. 2d. Cir. 1966) and I *J. Moorse, Moore's Federal Practice* 1788 (2d ed. 1972).

SEC. 4. This section amends section 28

U.S.C. § 1441 to provide for removal to a federal district court of civil actions brought against a foreign state in the courts of a State. In view of the potential sensitivity of actions against foreign states and the importance of developing a uniform body of law in this area, it is of great importance to give foreign states clear authority to remove to a federal forum actions brought against them in the State courts. This section provides such authority in any case which could have been brought originally in a federal district court under the new section 1330 (Sec. 2). It also makes clear that the election for removal may be exercised at the discretion of the foreign state even if there are multiple defendants and one chooses not to remove or is a citizen of the State in which such action is brought. This section, like the new provisions for jurisdiction (Sec. 2) and venue (Sec. 3) would not affect existing removal jurisdiction with respect to agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of title 28.

SEC. 5. This section amends 28 U.S.C. § 1332 (a) (2) and (3) by striking the phrase "foreign states" from both subsections. Suits against foreign states are comprehensively treated by the new § 1330 and the other provisions of this bill. According there is no reason to retain the jurisdictional basis of § 1332 in actions against foreign states and to do so may entail confusion as to whether the jurisdictional amount requirement of § 1332 would be applicable. As such, § 1332 has been amended to conform to the structure of the draft bill for actions against foreign states. This change would not affect the applicability of § 1332 to agencies or instrumentalities of a foreign state or subdivision which agencies or instrumentalities are citizens of a state of the United States as defined in section 1332 (c) and (d) of title 28.

Mr. ROBERT C. BYRD subsequently said: Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that the bill, S. 771, which earlier has been introduced, defining the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes, be referred jointly to the Committee on the Judiciary and to the Committee on Foreign Relations, as was the communication which was received by Congress transmitting the proposed draft of the legislation.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

By Mr. DOMINICK:

S. 772. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, since I was first elected to Congress in 1961—87th Congress—I have introduced or supported higher education tuition tax credit legislation. I introduce today a bill substantially similar to the one I authored in the 91st Congress with 35 cosponsors. This measure is designed to focus some measure of relief, via a tax credit, on lower- and middle-income families who are trying to absorb the cost of postsecondary education for their children.

As to the very real need for this legislation, I would offer some recently published statistics by the National Center for Educational Statistics. While the school-age population seems to be stabilizing, the percent of our Nation's 18-year-olds who are receiving high school diplomas has risen from 69 percent in 1961 to 77 percent in 1971, and is estimated to reach 83 percent by 1981.

Degree credit enrollments in colleges and universities have increased 121 percent between 1960 and 1970, with a further 52-percent increase predicted for the decade 1970–80. Nondegree credit enrollments have increased as a percentage almost twice as fast since 1960 at 221 percent, with an additional increase of 86 percent predicted between 1970 and 1980.

Concomitant with this increased demand on our postsecondary education system, cost of attendance has grown. Mr. President, I ask unanimous consent that a table of national costs—table I—be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—CHARGES ARE FOR THE ACADEMIC YEAR AND IN CONSTANT 1970-71 DOLLARS

Year and control (1)	Total tuition, board, and room: All (2)	Uni-versity (3)	Other 4-year (4)	2-year (5)
1967–68:[1]				
Public	$1,240	$1,400	$1,164	$922
Nonpublic	2,573	2,970	2,456	2,058
1968–69:[2]				
Public	1,244	1,387	1,184	984
Nonpublic	2,585	2,977	2,491	2,089
1969–70:[3]				
Public	1,258	1,411	1,204	1,006
Nonpublic	2,648	3,053	2,559	2,171
1970–71:[3]				
Public	1,273	1,345	1,224	1,028
Nonpublic	2,712	3,129	2,625	2,251
PROJECTED[4]				
1971–72:				
Public	1,290	1,460	1,248	1,050
Nonpublic	2,779	3,207	2,697	2,334
1972–73:				
Public	1,309	1,484	1,273	1,071
Nonpublic	2,846	3,285	2,768	2,414
1973–74:				
Public	1,326	1,509	1,297	1,094
Nonpublic	2,913	3,363	2,840	2,496
1974–75:				
Public	1,344	1,534	1,321	1,116
Nonpublic	2,981	3,441	2,911	2,576
1975–76:				
Public	1,361	1,558	1,346	1,138
Nonpublic	3,047	3,519	2,983	2,658
1976–77:				
Public	1,379	1,583	1,370	1,161
Nonpublic	3,114	3,597	3,054	2,740
1977–78:				
Public	1,396	1,607	1,394	1,183
Nonpublic	3,181	3,674	3,126	2,821
1978–79:				
Public	1,414	1,632	1,419	1,206
Nonpublic	3,248	3,752	3,198	2,902
1979–80:				
Public	1,431	1,657	1,443	1,228
Nonpublic	3,316	3,830	3,269	2,983
1980–81:				
Public	1,450	1,681	1,468	1,249
Nonpublic	3,382	3,908	3,341	3,065

[1] Interpolated.

[2] Represents charges weighted by numbers of full-time degree-credit students, 1961–62 through 1964–65; weighted by full-time resident students for 1966–67; and by full-time undergraduate degree-credit students for 1968-69. These charges, shown in table 44 in current dollars, were converted to 1970–71 constant dollars by application of the Consumer Price Index. See constant dollar index, appendix B, table 6.

[3] Estimated.

[4] The projection of basic student charges is based on the assumption that these charges will continue to increase through 1980–81 as they did during the base years of 1961–62 through 1964–65, 1966–67, and 1968-69 in constant dollars. Decreases in charges for board during the base period are not projected and are frozen at the 1970–71 level. The base-year data for board charges, in current unadjusted dollars, did show increases for all types of institutions, both publicly and privately controlled, but not enough to offset the application of the Consumer Price Index for the computation of constant 1970–71 dollars.

Note: Data are for 50 States and the District of Columbia for all years.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education publications: (1) "Higher Education Dasic Student Charges," 1961–62 through 1964–65, 1966–67, and 1968-69; and (2) "Opening (Fall) Enrollment in Higher Education," 1961 through 1964, 1966, and 1968.

Mr. DOMINICK. Mr. President, Colorado has not been an exception to these trends and I ask unanimous consent that a table of costs for a few representative colleges and universities in my State be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—TUITION AND FEES, ACADEMIC YEARS 1969-70 AND 1972–73

	Resident tuition and fees	Nonresident tuition and fees
Colorado University (Boulder)	$439–$552	$1,393–$1,871
Colorado State University	426–570	1,308–1,759
Fort Lewis College	361–418	816–1,283
Community College of Denver	198–252	768–1,188
Lamar	282–336	852– 975
Trinidad State Junior College	293–343	863–1,315

Mr. DOMINICK. Mr. President, it is evident that an investment in higher education represents a heavy, if not impossible, strain on lower and middle incomes; and I am proposing that for families with adjusted gross incomes of up to approximately $26,000, a tax credit be allowed for the money they spend on such costs of postsecondary education as tuition, fees, books, supplies, and equipment. This maximum credit available would be $325 based on the following formula: 100 percent of the first $200 of allowable costs, 25 percent of the next $300, and 5 percent of the next $1,000. Only allowable costs up to $1,500 would qualify for the credit; and because this bill provides that the available credit shall be reduced by an amount equal to 3 percent of the amount by which the adjusted gross income exceeds $15,000, the credit would not be available where the AGI exceeds $25,833.

Mr. President, this type of legislation has passed the Senate on three prior occasions, and I am hopeful that we will again help America's parents to help their children to face the challenges of the future.

By Mr. DOMINICK:

S. 773. A bill to modify the project for flood control below Chatfield Dam on the South Platte River, Colo., authorized by the Flood Control Act of 1950. Referred to the Committee on Public Works.

Mr. DOMINICK. Mr. President, on February 23, 1972, during the 92d Congress, I introduced on behalf of myself and Senator GORDON ALLOTT, S. 3226, which would permit use of a portion of the authorized funds for a flood control project below Chatfield Dam for the acquisition of lands for a flood plains park.

This bill was included in S. 4018, an omnibus flood control bill, reported favorably to the Senate by the Committee on Public Works. S. 4018 passed the Senate and the House, but was vetoed by President Nixon on October 27, 1972. In his veto message, the President stated that a number of projects in S. 4018 are justified.

The provisions of this legislation were again introduced in the Senate this year as S. 606, reported out by the Public Works Committee, and last Thursday passed by the Senate. And again included therein were the provisions of my bill, S. 3226. I voted in favor of S. 606, which passed by a vote of 67 to 14, in order to emphasize the importance of this particular flood control project in my State of Colorado.

Mr. President, because of the obvious concern that the President has with the provisions of S. 606 and the probability that he will again veto this omnibus bill, and in order to place even more emphasis on the Chatfield Dam flood control project, which I feel is completely justified and one of the very worthwhile projects mentioned in the President's veto message, I am today reintroducing my bill and urging action by the committee on this particular project.

The existing authorization is for 6.4 miles of channelization necessary to prevent downstream flooding during periods of high discharge after Chatfield Dam is completed late this year. Since the project was authorized, the city of Littleton, through which the South Platte River flows, has proposed a natural flood plain park as an alternative to channelization for a portion of the 6.4-mile segment. Under the "Littleton Plan," the first 2 miles would be left in its natural state. Approximately 475 acres along the river comprising the flood plain would be acquired and used as a park. In times of high water, the park would be closed, and since there would be no development, little damage would occur.

Mr. President, the park would preserve much needed open space for residents of Littleton and the metropolitan Denver area. Littleton's commitment to the park project is evidenced by its approval in 1971 of a $400,000 bond issue for local matching funds. The major impediment to the park is that the authorization for the channelization project may not be broad enough to permit use of Corps of Engineers' funds for acquisition of the flood plain lands. This bill would remove that impediment.

The Littleton plan is an imaginative concept in flood control, and will demonstrate that concrete is not necessarily the only answer. Many of my constituents are expressing concern about the environmental effects of channelization projects, and I think it would be a shame for a creative alternative like this to be stifled merely because the authorizing legislation was drafted at a time when the need for such an alternative was not foreseen.

Mr. President, I ask that the text of the bill be printed at the end of my remarks. Once the bill is appropriately referred, I hope that the Public Works Committee will be able to take prompt action concerning the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, in his discretion, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

SEC. 2. Such participation shall (a) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (b) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (c) not otherwise reduce the local cooperation required under the project.

SEC. 3. Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall agree to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

By Mr. EAGLETON (for himself, Mr. BEALL, Mr. CANNON, Mr. CRANSTON, and Mr. MOSS):

S. 775. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am today introducing the Research in Aging Act of 1973, a bill to provide for the establishment of a National Institute on Aging within the National Institutes of Health and to direct the development of a plan for an aging research program. The bill is nearly identical to H.R. 14424, which passed the Congress in the waning days of the 92d Congress but was subjected to a pocket veto by the President following adjournment in October.

The bill I am introducing today is unchanged from last year's bill except that the provisions of H.R. 14424 which added a new part G to the Community Mental Health Centers Act relating to the mental health of the aged have been deleted. Two considerations dictate this change. First, the Community Mental Health Centers legislation is itself up for renewal this year and the need for the addition of a new part to deal with mental health of the aged can better be considered in the context of the entire Community Mental Health Centers Act. Second, the inclusion of the mental health provisions were cited by the President as one of his reasons for vetoing H.R. 14424. While I am convinced that the President's veto was ill-advised, as I shall discuss in a moment, I do not believe that this concession to his views will detract from the primary purpose of this bill—to expand biological and behavioral research into the aging process.

Basic research into the process of aging has now reached a point where major breakthroughs are possible. There remain, however, critical questions yet to be answered.

That aging is a major biological process is undisputed. Moreover, aging underlies our increased susceptibility with advancing years to cancer, heart attacks, and degenerative diseases.

These facts have particular significance when viewed in relationship to the extraordinary growth of our Nation's elderly population and the corresponding increase in health costs associated with care and treatment for the elderly. Today there are more than 20 million Americans aged 65 or older—nearly seven times as many as at the beginning of this century—and the older population is increasing at a much faster rate than the under-65 population. Between 1960 and 1970, the over-65 population showed a rise of 21.1 percent while the under-65 population grew 12.5 percent. Within the next 30 years we can expect nearly 45 million persons to reach their 65th birthday. In this population group, health problems tend to be the rule, not the exception. Eighty percent of those aged 65 or older have a chronic health problem and 40 percent are impaired in their activities because of a health condition. They are twice as likely to be hospitalized as younger persons and, once hospitalized, their average stay is twice as long. As much as two-thirds of our total expenditures for health care can be attributed to treating older persons, according to some estimates.

Despite these facts, the level of federally supported research into phenomena associated with aging has been extremely low. As a nation, we recognize the importance of research—but unfortunately not in the field of aging. The amount expressly devoted to aging research in the National Institutes of Health represents only about one-tenth of 1 percent of Federal expenditures in health programs for the elderly. In sharp contrast, many businesses or governmental units may earmark as much as 5 to 10 percent of their available funds for research.

Not only is gerontological research funded at low levels, it is fragmented among the departments and agencies of the Federal Government. This diffusion of responsibility has resulted in duplication of efforts, lack of coordination, and gaps in our overall approach. Most importantly, the result has been a severe lack of systematic research in aging.

The focal point for aging research in the National Institutes of Health—NIH—is the National Institute of Child Health and Human Development—NICHD. This Institute was authorized by legislation enacted in 1962 and, as its programs have evolved, major emphasis has been given to research in child health, human reproduction, and fertility control. Aging research constitutes only about 10 percent of its budget and such increases in funding for aging research as have occurred in recent years have been achieved largely through the insistence of the Appropriations Committees of the Senate and the House of Representatives. In 1968, NICHD established the Gerontology Research Center for intramural research in aging. This center, located in Baltimore, was designed to be the largest center for aging research in the world, yet it has consistently operated at 50 percent, or less, of its intended capacity. The failure to staff this center on an adequate basis and to conduct the vigorous intramural program of gerontological research for which it was designed is reflective of the relatively low priority accorded this kind of research within the present organizational structure at the National Institutes of Health.

The creation of a National Institute of Aging, as provided in this bill, is an effort to reverse this trend. Expansion of the aging research and training program within NICHD cannot reasonably be expected to take place at the expense of the other programs which have dominated the activities of the Institute since its inception. Nor can it be anticipated that such expansion will occur as a result of overall NICHD budget increases, for the funding history shows the aging program remaining relatively static in comparison to the large increases received by other NICHD programs.

These are the considerations that led the delegates to the 1971 White House Conference on Aging to recommend the establishment of a separate institute to conduct research and training in aging.

Significantly, a similar recommendation made by the 1961 White House Conference on Aging was sought to be answered by including aging research and training within the responsibilities assigned to NICHD when it was created in 1962. The reiteration of this recommendation by the most recent White House conference points up the inadequacies of the aging program as conducted by NICHD.

In his memorandum of disapproval on H.R. 14424, the President cited as a reason for his veto—in addition to the mental health centers provisions previously mentioned—the concern that a new Institute on Aging would duplicate the activities of the Technical Advisory Committee for Aging Research appointed last year by the Secretary of Health, Education, and Welfare. This committee was established—perhaps coincidentally—at a time when it seemed clear that the Research in Aging Act was moving through Congress toward final passage. It was intended to develop a comprehensive and coordinated program of aging research including, in addition to biomedical research, such matters as economics, behavior, and transportation problems. I cannot say with any certainty whether or not the establishment of the Technical Advisory Committee was merely an effort to head off this legislation, to which the administration previously announced its opposition. In any case, I do believe that such a committee can serve a very valuable purpose by developing a program for aging research that covers the many different agencies involved in these activities.

For this reason, H.R. 14424 made clear that there would be a role in developing an aging research plan for anybody such as the Technical Advisory Committee which the Secretary might care to designate. But the establishment of a committee and even the development of a comprehensive research plan in no way obviates the need for expanded research in aging of the kind that would be conducted by a National Institute on Aging. Such a committee can play a major role in developing a research plan as directed by this legislation. The research itself, however, can only be conducted under the auspices of an appropriate body and, for this, I am convinced that the new Institute on Aging is vitally needed.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 776. A bill to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CRANSTON. Mr. President, this year the city of San Francisco is commemorating the 100th anniversary of the invention of its most colorful landmark—the cable car.

Invented by Andrew S. Hallidie, a San Francisco resident, the arrival of the cable car heralded a new era in surface transportation in the United States. The success of the first cable car in negotiating the steep hills along Clay Street on August 2, 1873, led to the establishment of many cable lines throughout San Francisco, providing its citizens with inexpensive transportation and opening areas of the city previously considered remote to residential and recreational use.

Cities throughout the United States noted the success of Andrew Hallidie's achievement. Within a decade, Chicago established a similar cable system—then Philadelphia, New York, Kansas City, St. Paul, and others. In all, 27 cities across the Nation, including most major metropolitan areas, installed cable systems.

San Francisco's cable cars, the first to operate, have outlived all the other systems. They are now the only remaining lines in operation. In fact, San Francisco's cable cars are the last street railway system in the world, and were declared a national historic landmark by the National Park Service in 1964.

In recognition of this anniversary, San Francisco Mayor Joseph L. Alioto has proclaimed 1973 as "Cable Car Centennial Year." San Franciscans will be participating in public observances commemorating the event throughout the year.

I am pleased to join today with my colleague, Senator TUNNEY, in helping to mark the significance of this centennial celebration. We are introducing legislation to authorize the U.S. mint to develop and strike an official cable car commemorative medal. Mayor Alioto has established a Citizens Committee for the Cable Car Centennial, which will cooperate with mint authorities to select the size and design for the medals.

Mr. President, I ask unanimous consent that the text of our bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the invention of the cable car, the Secretary of the Treasury shall strike and deliver to the San Francisco Cable Car Centennial Committee, not more than one hundred and fifty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury after consultation with the Committee. The medals, which may be disposed of by the Committee at a premium, shall be delivered at such times as may be required by the Committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the Committee.

Mr. TUNNEY. Mr. President, for nearly a century, the colorful cable car has been one of the mainstays of the city of San Francisco's public transportation system.

To commemorate the 100th anniversary of the invention of the cable car, Senator CRANSTON and I are introducing legislation today authorizing the Secretary of the Treasury to strike medals of appropriate design and with suitable inscription for use by the San Francisco Cable Car Centennial Committee.

Cable cars carry thousands of passengers every year over the city's famed hills. In addition to their transportation value, they have become a virtual symbol of the city itself, attracting visitors from all parts of the Nation and the world.

Finally I would point out that not the least of their virtues is the fact that unlike nearly every other mode of public conveyance, they produce absolutely no air pollution.

By Mr. CASE:

S. 777. A bill to designate certain lands in the Brigantine National Wildlife Refuge, Atlantic, Burlington, Ocean Counties, N.J., as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CASE. Mr. President, on behalf of the administration, I am today introducing a bill to designate 4,250 acres within the Brigantine National Wildlife Refuge in the State of New Jersey as part of the national wildlife preservation system.

Because New Jersey is the most densely populated State in the Nation, it may be difficult for those who have traveled through our State to realize that there is any area within the State that can meet the requirements of the Wilderness Act for preserving areas that have been undisturbed by the activities of man.

But portions of the Brigantine National Wildlife Refuge have been preserved in the same pristine solitude that existed when the Indians owned the area. And the most striking quality of this area is the unspoiled barrier beach and estuarial beauty that is found so close to urban centers of population.

The proposed Brigantine Wilderness Area is located along the Atlantic coast, 10 miles north of Atlantic City, 90 miles south of Newark, and 53 miles southeast of Philadelphia.

In its draft environmental statement in connection with the proposed Brigantine Wilderness Area, the Bureau of Sport Fisheries and Wildlife said it "would be evading its responsibilities under the Wilderness Act should this proposal not be made," particularly since there is no other potential wilderness site within the immediate area which could be considered for such designation and thereby serve a heavily urbanized population.

Indeed my only reservation about the bill I am introducing today is whether it proposes inclusion of all of the area within the wildlife refuge that should be given the additional protection of designation as a wilderness area.

By far the majority of the individuals and environmental organizations who testified at public hearings on the proposed wilderness area favored the recommendation of the Wilderness Society to increase the size of the area from 4,250 to 16,800 acres.

I have been in touch with the Bureau of Sport Fisheries and Wildlife about the rationale behind their recommendation to limit the wilderness area to 4,250 acres and have discussed this rationale with representatives of the environmental organizations supporting the larger area.

In all of these conversations there was unanimous agreement that it was essential to provide protection to a minimum of 4,250 acres and that the legislative process should be begun on this basis while there is further analysis of the possibility of expanding the proposal.

I ask that my bill be referred to the appropriate committee and that hearings be scheduled on it as quickly as possible. When hearings are scheduled, I will be prepared to offer amendments expanding the size of the proposed wilderness area if further analysis of the proposal at that time indicates this is appropriate. But I want to emphasize that there is unanimous agreement that it is most urgent to provide wilderness status to the 4,250 acres covered by the bill I am introducing at this time.

I ask that at this point there be printed in the Record copies of a letter from Secretary of the Interior Morton to the President recommending establishment of the Brigantine Wilderness, a synopsis of the Brigantine Wilderness proposal, and a Draft Environmental Statement on the proposal prepared by the Bureau of Sport Fisheries and Wildlife.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., September 14, 1972.

The President,
The White House,
Washington, D.C.

Dear Mr. President: It is with pleasure that I recommend the establishment of Brigantine Wilderness within the Brigantine National Wildlife Refuge, New Jersey, as a part of the National Wilderness Preservation System.

Section 3(c) of the Wilderness Act (approved September 3, 1964; 78 Stat. 890, 892; 16 U.S.C. 1132(c)), directs the Secretary of the Interior to review roadless areas of 5,000 acres or more in the national parks, monuments, and other units of the National Park System, wildlife refuges, and game ranges, and report to the President his recommendation as to the suitability of each such area for preservation as wilderness. The Act further directs the President to advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation of each such area as wilderness. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

This Department has recently completed its review of such a roadless area in Brigantine National Wildlife Refuge. Based upon this review, we recommend 4,250 acres within the national wildlife refuge be designated as wilderness.

The Brigantine National Wildlife Refuge is located along the Atlantic Coast of New Jersey, ten miles north of Atlantic City, New Jersey. The proposed Brigantine Wilderness includes Little Beach Island, Egg Island, Salt Island, Pullen Island, Elder Island and a cluster of twelve unnamed islands east of the Intracoastal Waterway extending from Brigantine Channel to Great Bay. The most striking quality of Little Beach Island and its associated marsh islands is the unspoiled barrier beach and estuarial solitude and beauty found so close to urban centers of population. Vegetation varies from salt marsh grasses on the marsh islands to several species of low growing trees on the higher Little Beach Island.

The water and island complex is a traditional nesting, migration, and wintering area for all types of water-dependent birds. Osprey nest in the undisturbed habitat of Elder and Little Beach Islands. Egg Island was named for its concentration of nesting terns and gulls. The area is a majoring wintering ground for Atlantic brant and is one of the important wintering and migration areas for black ducks. Several species of mammals, including otter, fox and deer are found on the area. There are no known commercially valuable mineral deposits or gravel on the proposed wilderness and no developed roads. The area is of great interest to scientists and nature lovers and provides excellent opportunities for fishing and other wildlife-oriented public uses.

In accordance with the requirements of the Wilderness Act, notice of a public hearing of the wilderness proposal was issued by the Department. All interested local, State, and Federal agencies and officials were notified of the hearing which was held in Absecon, New Jersey. Analyses of the hearing records and written comments received, together with the letters received from other Federal agencies, are contained in the enclosed synopsis. A majority of all comments regarding the wilderness proposal were favorable. Complete records have been compiled and are available for inspection by the public.

On the basis of our review, I believe that the roadless area identified herein in Brigantine National Wildlife Refuge is suitable for designation as wilderness. Enclosed is a draft bill which, if enacted, would incorporate this area into the National Wilderness Preservation System.

A draft environmental impact statement, as required by section 102(2) (C) of the National Environmental Policy Act of 1969, is enclosed.

Respectfully yours,
Rogers C. B. Morton,
Secretary of the Interior.

Synopsis of Brigantine Wilderness Proposal

A. BACKGROUND

The Brigantine National Wildlife Refuge was established on October 5, 1939 by the Migratory Bird Conservation Commission under authority of the Migratory Bird Hunting Act to preserve a traditional wintering and migration area for the Atlantic brant and the black duck. The refuge, located 10 miles north of Atlantic City, New Jersey, within Atlantic, Burlington, and Ocean Counties, provides habitat for many forms of wildlife including waterfowl, shorebirds, wading birds, 11 species of hawks including the decimated osprey, owls, songbirds, and several species of upland and large mammals including otter, fox, and deer. Fin and shellfish, reptiles and amphibians are found in the saltwater bays, marshes, and freshwater impoundments.

Current Refuge Objectives are:

1. Preserve and manage the wetlands environment for waterfowl, shorebirds, and other wildlife as production, migration, and wintering habitat.
2. Perpetuate existing habitat that is found to benefit rare or endangered species.
3. Provide environmental-education and wildlife-oriented recreation programs and facilities to the public.
4. Encourage scientific study and research by qualified organizations and individuals.

B. DESCRIPTION

No significant management or public use changes are anticipated if the proposed 4,250-acre area is designated wilderness. The proposed wilderness boundary includes Little Beach Island, Egg Island, Salt Island, Pullen Island, Elder Island, and a cluster of 12 unnamed islands east of the intracoastal waterway extending north from Brigantine Channel to Great Bay. Two tracts of land on Little Beach Island containing 22 small buildings on 11 acres will be included in wilderness when tenure agreements with cabin owners have been satisfied. Bureau ownership is to mean high tide, and all lands within, and to be owned by the Bureau, except Shad Island and two unnamed islands, are proposed as wilderness.

Little Beach Island is gently rolling with low dunes. The vegetative cover is typical barrier-beach species grading from the barren foredunes at the high-tide line to dune grass, then grading to false heather, wild rose, poison ivy, bayberry, speckled alder, wild cherry, and aspen in the back dunes. A few low areas contain freshwater pockets with fresh-type species of grasses, sedges, and flowering plants.

The marsh islands are all dominant salt-marsh grasses (*Spartina patens* and *Spartina alternifolia*) with lesser densities of other grasses and sedges. No woody vegetation exists on the flat marsh islands which average two feet msl.

The soils of Little Beach Island are primarily well-sorted yellow sands, deposited by wave, water-current, and wind action. There are shallow lepses of silt or muck where freshwater pockets have existed for many years of deposition. Some protected cove-beach areas have silty-muck edges where tidal and wave deposition occurs. The marsh islands of Egg Island, Salt Island, Elder Island, Pullen Island, and the other unnamed islands are all silty-muck over yellow sand. None of these soils have any present commercial value, nor is it anticipated there will be a demand for these soils since they are abundant all along this part of the New Jersey coast.

The only known deposits of gravel which have some commercial value are on the mainland, over four miles west of the proposed wilderness area.

There are no outstanding ecological, geological, or historical features in or near the proposed area. It is significant ecologically and geologically in that it is an unspoiled barrier-beach island with its complex of marsh-estuarian islands still undeveloped and unspoiled. This is a unique feature in itself in a setting so centrally located within megalopolis of the northeast coast. Estuaries to the north and south for many miles have large tracts blighted by dredge and fill developments with their associated disturbance and pollution. The marsh islands within the study area have somehow escaped the slashing mosquito-control ditching programs and offer the student and layman alike a rare opportunity to observe and enjoy a virgin tidal marsh within a megalopolis. This feature alone deserves the fullest protection wilderness designation can provide.

C. MANAGEMENT

The proposed wilderness area complements the managed mainland, mainland-attached marshes, and impoundments. In the proposed wilderness area hundreds of thousands of birds find solitude, safety, food, nesting, and migration-resting habitat. Maintaining this esthetic and pristine solitude in the pure form it was found when the Indians owned it is an obligation essential to preserving man's own environment as we have known it, and to the preservation of an important niche in the biosphere of the planet Earth.

1. *Management Requirements:*

No management-development practices will be necessary within the proposed wilderness area. Research programs started, can be continued, and new ones conducted that are compatible with the wilderness concept. Management will be to protect and preserve the habitat as it now exists and allow natural succession to proceed undisturbed by any activities of man. No physical development is contemplated. Developments on the mainland portions of the refuge will not change the proposed wilderness area, but might tend to slightly increase wilderness-compatible visitation.

The U.S. Coast Guard has a right-of-way which they use to service a communication cable crossing Elder Island under water approximately .38 miles to Little Beach Island.

* * * * *

There is no expected change in public use due to wilderness. Boats would still be permitted to travel the non-wilderness (below mean high tide) waterways and land on the beaches. Fishermen and nature enthusiasts would find no change in the assurance of permanent protection of the solitude and pristine beauty of the proposed wilderness area.

Upon eventual ownership of the inholding on Little Beach Island, all structures would be removed, including those buildings now in Federal ownership. There is no anticipated need or justification for any man-made structures in the area proposed as wilderness.

2. *Roads:*

No developed roads exist on Little Beach Island. Beach buggy trails will disappear rapidly when their use is no longer permitted.

D. THE WILDERNESS HEARING RECORD

The Notice of Public Hearing, announcing a public hearing on the Brigantine Wilderness Proposal, was published in the Federal Register on June 4, 1971. Written notification of the hearing and information about the proposal were furnished to the Governor of the State of New Jersey, the Congressional delegation, concerned Federal, State and local officials, organizations, and individuals. Local news media and local U.S. Post Offices were also provided a notice of public hearing and a brochure summarizing the wilderness study and proposal.

1. *Public Hearing:*

In accordance with Section 3(d) (1) of the Wilderness Act, a public hearing was held at 2 p.m. in the Holy Spirit High School, Absecon, New Jersey on August 11, 1971. Sixty-eight persons attended the hearing, conducted by Mr. William Redmond, Regional Solicitor. Mr. Richard E. Griffith, Regional Director of the Bureau of Sport Fisheries and Wildlife, Boston, Massachusetts, represented the Bureau. The hearing record was held open until September 10, 1971 and a total of 259 communications were received representing the views of 393 persons. Twenty-four oral statements were presented at the hearing. Sixteen of these persons also submitted written statements. Two additional written statements were also submitted by individuals. Twenty of the Twenty-four oral statements and both additional written statements, were in favor of establishing a wilderness area on Brigantine Refuge, basically endorsed the recommendation of the Wilderness Society and 10 other conservation groups to increase the 4,250 acres proposed by the Bureau to approximately 16,800 acres.

This would essentially include the entire refuge including the 256 acre Holgate peninsula, with the exception of the East and West Pools and their contiguous marshlands, roads, trails, the headquarters area and the roadbed portion of Motts Creek and Oyster Creek areas.

Two oral statements supported the Bureau's proposal as presented. In addition, the Ocean County Mosquito Commission basically endorsed the Bureau's proposal with the recommendation that the swales on Little Beach Island be deepened two or three feet to support fish for mosquito control purposes.

One individual who spoke neither endorsed nor supported any wilderness proposal. No elected State officials, or representatives of Federal Departments or agencies were present. The one local elected official present was Mrs. Mary A. Nigro, Commissioner of the Shrewsbury Borough Conservation Commission. Twenty-nine names of persons or groups sending communications prior to the hearing were read into the hearing record. Eleven responses received in Boston, Massachusetts immediately preceding the hearing were entered into the wilderness * * *.

The following persons spoke for the public hearing record:

Colin G. Beer, Institute of Animal Behavior, Rutgers University, presented a statement favoring the Bureau's proposal as did Mrs. Mary Lou Hagan representing the New Jersey State Federation of Sportsmen's Clubs. Oral statements favoring the expansion proposal of the Wilderness Society were presented in behalf of American Association of University Women, Atlantic City Branch; New Jersey Audubon Society; Sierra Club; National and Atlantic Chapter; Ocean City League of Women Voters; Joint Council of Taxpayers of Southern Ocean County; Montclair Bird Club; Atlantic County Citizens Council for the Environment; National Park and Conservation Association; Federation of Conservationists of United Societies; Shrewsbury Borough Conservation Commission of Monmouth County; League of Conservation Legislation; Ocean County Soil Conservation District; Monmouth County Conservation Council; D.C. Citizens Action Committee of Wilderness Society; Sierra Clubs of North Jersey and South Jersey Groups; Wilderness Society; and Americal Littoral Society.

A number of persons, primarily persons having property interests on Little Beach Island, asked and voiced concern regarding the status of their use of properties and beach buggies if Little Beach Island were designated as wilderness.

2. *Communications from Elected Officials:*

Mrs. Mary A. Nigro, Commissioner of the Shrewsbury Borough Conservation Commission of Monmouth County, submitted a statement in favor of the proposal as suggested by the Wilderness Society and others.

The Governor of the State of New Jersey acknowledged receipt of the brochure and hearing notice but did not respond further.

No member of the congressional delegation of New Jersey responded.

3. *Non-Elected Local and State Officials, Departments, or Agencies:*

The Director of the Ocean City Mosquito Extermination Commission was in favor of the Bureau's proposal with the suggestion that the swales on Little Beach Island be deepened to support mosquito-eating fish.

The Ocean City Soil Conservation District endorsed the proposal of the Wilderness Society to expand the wilderness to include 16,800 acres.

4. *Federal Officials, Departments, and Agencies:*

The Asst. Secretary of Commerce acknowledged receipt of the hearing notice and wilderness brochure but made no statement.

5. *Organizations:*

A total of 40 statements were received supporting one of three basic proposals for wilderness.

Eight organizations supported the 4,250-acre Bureau proposal with no reservations or changes. Twenty-six supported the proposal to expand the proposed wilderness to 16,800 acres. Six organizations, including the Wildlife Management Institute, National Wildlife Society, and Sport Fishing Institute, recommended adding Shad Island and the Holgate Peninsula to the proposal if the proposal arrangements could be made with the State and local authorities for use of the intertidal zone on Holgate for vehicle access.

6. *Communications from Citizens:*

A total of 218 statements, and a petition containing signatures of 134 individuals, were received for the record. Communications were received from all sections of the country including the local area. Thirty-four responses endorsed the Bureau's proposal, with three of these recommending no hunting.

A total of 151 of the 217 statements and the petition basically were in favor of the Wilderness Society's proposal to increase the proposed area to 16,800 acres.

Four responses indicated a misunderstanding of the proposal and mentioned nothing regarding wilderness.

Twenty-seven statements were in favor of expanding the proposed wilderness area anywhere from as much as possible to the entire refuge.

Two negative statements were received. Mr. Albert Ciardi, Jr., attorney for some persons having interests on Little Beach Island, responded that unless his clients' interests on the island regarding ownership and use of beach buggies are satisfied they would oppose the wilderness.

Mr. Henry Megargee, Jr., a cabin owner on Little Beach Island, initially opposed wilderness designation on the basis that it would conflict with prior commitments to those with private interests. After clarification that the Bureau had every intent to honor commitments for life estate privileges, Mr. Megargee provided a second letter for the record in which he recognized the occupancy of cabins must be compatible with the overall design for the protection of Little Beach Island. He further offered his assistance to impress upon other cabin owners the need for furtherance of our mutual interests.

DRAFT ENVIRONMENTAL IMPACT STATEMENT PROPOSED BRIGANTINE WILDERNESS AREA, NEW JERSEY

I. DESCRIPTION OF THE PROPOSED ACTION

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, proposes that 4,258 acres of the 19,388-acre Brigantine National Wildlife Refuge, New Jersey, be designated as wilderness within the National Wilderness Preservation System. A complete description and discussion of this proposal is contained in the Brigantine Wilderness proposal brochure.

The Wilderness Act of 1964 (P.L. 88-577; Stat. 890-96) directed the study of every roadless area of 5,000 acres or more and every roadless island within the National Wildlife Refuge System to determine the suitability or nonsuitability of each such area for inclusion in the National Wilderness Preservation System. In fulfilling this responsibility, a full and comprehensive study has been made of the proposed area. This environmental impact statement examines the proposed action in accordance with the National Environmental Policy Act of 1969.

The Brigantine National Wildlife Refuge is located along the Atlantic Coast of eastern New Jersey, 10 miles north of Atlantic City within the counties of Atlantic, Burlington, and Ocean. It lies about 90 miles south of Newark and 53 miles southeast of Philadelphia. The refuge was established in 1939, through acquisition of 1,768 acres of land authorized by the Migratory Bird Conservation Act. Additional acreage has been acquired over succeeding years, and at present, the refuge contains 19,399 acres, with another 330 acres under option. It is situated within a traditional nesting, migration, and wintering area for waterfowl, marsh birds, and shore birds. It is the major wintering area for the Atlantic brant and is one of the important wintering and migration areas for the black duck. The refuge has become increasingly valuable as pollution and enroachment continue to destroy natural tidal marshes along the eastern coast. The master plan approved and adopted by the Bureau in February 1971, states four objectives for the management and development of the refuge. The objectives, listed in order of priority, are to:

1. Preserve and manage the wetlands environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat.
2. Perpetuate existing habitat that is found to benefit rare or endangered species.
3. Provide environmental education and wildlife-oriented recreation programs and facilities to the public.
4. Encourage scientific study and research by qualified organizations and individuals.

The refuge is presently administered by the Bureau of Sport Fisheries and Wildlife to preserve a traditional wintering and migration area for the Atlantic brant and the black duck, and to provide habitat that benefits many forms of wildlife and protects this estuarine area from industrial and residential encroachment and pollution.

Planned for future development is an environmental education building which will be designed to harmonize with and complement the surrounding landscape. This building will contain wildlife displays, panoramas, exhibits, lectures, movies, and slide shows. A network of interpretive wildlife trails emanating from this facility will take the visitor through the various habitats of the refuge. The present office will need eventual replacement. A storage building and addition to the present shop will be constructed to meet operational requirements. The outdoor tour route will be widened and graveled where necessary to insure a safe, smooth road surface. Fencing, posting, signs, and an entrance road to the environmental education building will complete development of the refuge.

The Brigantine Refuge is within easy driving distance of millions of residents of the New York-Washington megalopolis and only 10 miles to the Atlantic City resort area which attracts 6.5 million visitors annually. By 1975, at least 200,000 people can be expected to visit the refuge each year. The area to the north, south, and west of the refuge has been highly urbanized and developed. The closest area which could be considered for wilderness designation is located at the Great Swamp National Wildlife refuge, some 150 miles north of Brigantine.

II. DESCRIPTION OF THE ENVIRONMENT

The 17 islands proposed for wilderness designation comprise 4,250 acres of the 19,388-acre refuge. The entire area, completely surrounded by water, forms an ecological complex representative of the rapidly disappearing estuarine-barrier beach islands and marshes along the Atlantic Coast. Difficulty of access has saved the island complex from the blight of man's development and despoliation. The physical location, geography, and environment of the area has preserved primitive recreational resource values.

Five islands constitute the major portion of the area proposed for wilderness designation. These are Little Beach Island, Egg Island, Salt Island, Pullen Island, and Elder Island. Little Beach Island is one of the last surviving barrier beaches along the New Jersey coast. It protects an estuarine environment of unspoiled marsh islands, tidal streams, and potholes from coastal storms. The crescent-shaped island is approximately one-half mile wide and a little over 3 miles long, comprising over 160 acres.

The island consists of wave and wind-sorted fine yellow sand with shallow lenses of dark silt and protected coves. The island is gently-rolling upland with low dunes, beaches, and sand bars exposed to half-to-low tides forming an unspoiled estuarine habitat. The vegetative cover is typical barrier beach species grading from barren foredunes at the high tide line, starting with dune grass and grading to false heather, wild rose, poison ivy, bayberry, speckled alder, wild cherry, and aspen in the back dunes. A few low areas contain fresh water pockets with fresh-water type species of grasses, sedges, and flowering plants. The brush on Little Beach Island contains habitat for a rookery of black-crowned white herons and protection and food for warblers during their spectacular spring migration.

Egg Island, Elder Island, Salt Island, Pullen Island, and the unnamed islands are all emergent tidal marsh islands totalling about 4,090 acres, stretching north and south the length of Little Beach Island and westward nearly to the intra-coastal waterway. These marsh islands are firm, deep, dark colored silt, clay, and muck.

The entire area is a traditional nesting, migration, and wintering area for waterfowl, marsh birds, and shore birds. It is a major wintering ground for Atlantic brant and is one of the important wintering and migration areas for black ducks. The osprey, whose numbers have been decimated in recent years, nest in the solitude of the undisturbed habitat of Little Beach and Elder Islands. The nesting success of the rare and beautiful fishing hawk is materially benefitted by maintaining the solitude and isolation of their nesting areas.

Egg Island received its name from the concentrations of nesting terns and gulls which cover it. It is important as a nesting site for gulls for a radius of many miles. It offers outstanding opportunity for both extended serious study and casual observations alike.

The climate of the area is oceanic, subject to "northeasters" and, infrequently, the fringes of hurricanes. Average annual precipitation is 42 inches, including 14 inches melt from snowfall. Average annual temperature is 54°F, with a January average of 36° F and July-August average of 70-74° F.

No grazing occurs within the wilderness study area and the unit provides no monetary return in any form to the Federal Government or local jurisdictions. There are no records of any commercially valuable minerals within the area.

Some gravel mining has been done on the mainland portion of the refuge. No minerals have been reported within the study area and no records of systematic exploration. The only known deposits of gravel which have commercial value are located over four miles west of the wilderness area. There is no farming on the area. The marsh islands are all dominant salt marsh grasses with lesser densities of other grasses and sedges. No woody vegetation exists on the marsh islands, which average 2 feet mean sea level. The aquatic vegetation in these waters surrounding and within the proposed area consists principally of eelgrass and marine algae known as bay cabbage or sea lettuce. The Atlantic brant feeds on this vegetation.

Each year, about 600 goslings are produced by the refuge's Canada goose flock. These birds provide refuge visitors with many hours of viewing pleasure and supplement the fall migrant geese, increasing the local hunting opportunities. Most of the 4,000 ducks produced annually on the refuge occur in approximately 1,400 acres of fresh-water habitat. Predominant nesting species are the black duck, gadwall, blue-winged teal, and mallard. Up to 10 percent of the 350,000 black ducks of the Atlantic Flyway winter in the estuarine environment in and around the refuge. Grebes, herons, egrets, bitterns, rails, sandpipers, gulls, terns, skimmers, and plovers are some of the marsh, water, and shore birds common to the area, especially during the spring and fall migrations. Ten other species of hawks, eight species of owls, and the bald and golden eagles have also been observed on the refuge since 1939. The varied upland habitat of the refuge supports over 126 species of song birds throughout the year, including 20 species of warblers. The chickadee, hooded warbler, downy woodpecker, and the common house wren are indigent to the area. The upland habitat of the refuge supports a variety of small mammals and birds, including bobwhite quail, ruffed grouse, cottontail rabbits, ring-necked pheasants, and woodcock.

The white-tailed deer herd of the refuge is estimated at 60 animals. Their habitat is confined to a narrow strip of upland, outside of the proposed wilderness area, where they continually move off and on the refuge. This exposes them to hunting pressure which helps to keep the herd in balance with the food supply of their restricted habitat. There is no public hunting of big game species allowed on the refuge proper. Other animals of the refuge include the mink, weasel, raccoon, skunk, red and grey fox, and opossum.

White perch, fluke, flounder, and blue crabs are plentiful in the tidal guts, streams, and bays throughout the area. Excellent surf fishing is found along the eastern beach of Little Beach Island. These species are caught by sport fishermen and also support a small commercial fishery. The diamond-back terrapin, once commercially caught to nearly extinction, abounds in the larger tidal streams and little bays. Clamming is a very enjoyable and popular sport participated in by the local residents.

There are no roads on the islands designated for wilderness. Unimproved foot trails exist and are used by nature enthusiasts conducting wildlife studies on the area.

Hunting of migratory waterfowl is allowed on the refuge and in the proposed wilderness area in accordance with State and Federal game laws.

III. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

There would be no immediate or long-range change in the condition of the environment as a result of this proposal. Present management of the proposed wilderness area is to preserve and manage the wetland environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat. The beneficial effects of such designation would contribute significantly to achieving the broad commitments within the potential of the refuge's natural, economic, and human resources. No management development practices will be necessary. Research programs started can be continued and new ones conducted that are compatible with the Wilderness Act. Management will be to protect and preserve the habitat as it now exists and to allow natural succession to proceed undisturbed by any activities of man. Further physical development of the islands will be halted. There will be no change in public use. Boats would still be permitted to travel the non-wilderness waterways and beach on the beaches. Fishermen will find no change in the assurance of permanent protection for the solitude and pristine beauty of the proposed area. A number of trespass trails from beach buggy-type vehicles mark some of the shoreline areas in the vicinity of the camp area, but with time these will soon disappear after all vehicles are removed from the island.

Wilderness designation will provide legislative assurance that natural ecological processes will continue to prevail and, therefore, that the area's wildlife, educational, and research values will be preserved for the enjoyment of all mankind in perpetuity.

Undesirable wildlife responses to the unspoiled condition of wilderness, such as overpopulation or disease, are not expected to present problems. Should events of this nature occur, there is latitude in wilderness management to cope with any foreseeable problem, and prolonged environmental damage would not be sustained. The area will continue to serve as an area of solitude of benefit to all forms of wildlife and to human visitors as well. To place the beneficial aspects of this proposed action in its proper perspective it should be remembered that this emergent complex of tidal marshes, beaches, and waters form an unspoiled estuarine habitat which is rapidly disappearing along the middle and north Atlantic Coast. There are no other locations for miles north or south, due to industrial and residential developments, water connected recreational activities, and pollution by effluents or noise, that could qualify as wilderness under present legislation.

There are no known adverse environmental effects anticipated as a result of this action. Designation of the area as wilderness would not be affected by outside developments. The minimal adverse impact would be the expected increase in the number of visitors to the area. A large increase in visitation could conceivably result in damage to the natural features of the area, disturbance to wildlife and create other problems which are common to large numbers of people. Since access to the islands is by boat, controlling the number of visitors would be a difficult task. To minimize the possible adverse effects, it conceivably could be necessary to establish some form of patrol to supervise visitor numbers and uses. Economic effects on the local economy would be neutral.

IV. ANY ADVERSE EFFECTS WHICH CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED

Since wilderness designation is designed to protect and preserve natural environmental qualities, no adverse environmental effects are anticipated.

V. ALTERNATIVES TO THE PROPOSED ACTION

Alternatives to the proposal of wilderness designation would be:

(a) *Reject the proposal in its entirety and continue existing management as part of the National Wildlife Refuge System, and*

(b) *reduce the area of the proposal.*

Alternative A. There are no other potential wilderness sites within the immediate area which could be considered for such designation. The nearest area within the National Wildlife Refuge System would be at the Great Swamp National Wildlife Refuge, New Jersey, located some 150 miles to the north. It is considered that this Bureau would be evading its responsibilities under the Wilderness Act should this proposal not be made. Possible future development, pollution, and encroachment by man should certainly be considered as a potential hazard under this alternative.

Alternative B. Should the size of the proposed area be reduced, it would mean that the refuge would be limited in its achievement of the first of its objectives: "To preserve and manage the wetlands environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat." The entire 19,388-acre refuge was considered in the preliminary wilderness study, but only the 4,250-acre complex of associated marsh islands were found to meet requirements of the Wilderness Act.

A further reduction of the size of the area would increase the possibility of access roads on the upland portions of the islands, private development within refuge status limitations, and other uses incompatible with the natural area. The adjustment of boundaries could involve changes in the islands included in the proposal or establishing the boundary in a location other than on the line of mean high tide.

VI. RELATIONSHIPS BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

The relationship between the local short-term use of the environment and the maintenance and enhancement of long-term productivity should not change. The area will still be open to hiking, photography, wildlife observation, hunting, fishing, nature study, and research. The habitat and climate will not change beyond that of natural succession; therefore, the wildlife species will remain the same. Wildnerness designation will mean that the area shall be protected from development, pollution, encroachment, and be preserved for public use as other areas disappear from the Atlantic seaboard.

VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

This wilderness proposal would commit all of the areas resources for preservation under wilderness classification until such time as the Congress might determine that the National interest would better be served by declassification of all or a portion of the area.

VIII. CONSULTATION AND COORDINATION WITH OTHERS

A. *Consultation and Coordination in the Development of the Proposal and in the Preparation of the Draft Environmental Statement.*

Informal coordination has been conducted with local civic groups and private conservation agencies of the area since the early stages of the Brigantine wilderness area proposal. Copies of the draft statement were made available at the public hearing on August 11, 1971, at which time a brochure describing the complete proposal was distributed and comments heard. This hearing was conducted prior to the submission of the proposal to the Secretary, approval of the Congress, and signature of the President.

B. *Coordination in the Review of the Draft Environmental Statement.*

To be developed.

By Mr. COOK:

S. 778. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

Mr. COOK. Mr. President, I am reintroducing today the Narcotic Addict Treatment Act which I initially introduced on July 26 of last year. Because of the rapid expansion of drug treatment programs in the United States, especially those utilizing methadone as a means of maintenance and detoxification of drug addicts, there is a great need for the development of additional safeguards to prevent the illicit diversion of those treatment drugs.

In 1968 there were less than 400 patients enrolled in methadone treatment programs nationwide; today there are well over 60,000. Likewise, in 1964, the production quota set by the Bureau of Narcotics and Dangerous Drugs for methadone was approximately 190 pounds; the production quota for 1972 was just over 5,700 pounds. Unfortunately, the opportunity for the diversion of these drugs and the abuse of their prescription now presents a serious medical and law enforcement problem.

The Narcotic Addict Treatment Act of 1973 which I am introducing today would address this ever-increasing problem primarily in two ways. First, in order for a practitioner to qualify to engage in the type of drug addict treatment for which registration is sought he must meet certain medical standards which will be promulgated by the Secretary of Health, Education, and Welfare pursuant to the authority granted to him by the Comprehensive Drug Abuse Prevention and Control Act of 1970. Second, the applicant for registration will be required to abide by standards promulgated by the Attorney General regarding the security of drug stocks.

These standards will pertain to: first, the physical receipt, storage, and movement of narcotic drugs; second, the number of dispensing areas utilized by a single program; and third, the training and credentials of personnel permitted to have access to, handle, or dispense medication. In addition, the Attorney General may require that records be kept and made available for inspection showing the full chain and receipt and distribution of narcotic drugs.

The goal to make medical treatment available to as many narcotic addicts as possible is certainly a laudable one but in order to make the treatment programs truly effective adequate controls must be established to prohibit illicit diversion. Therefore, I urge expedient action on this direly needed legislation.

In conclusion, Mr. President, I ask unanimous consent that a copy of the bill as well as a copy of my introductory remarks on July 26, 1972, be printed in the Record at this point.

There being no objection, the bill and statement were ordered to be printed in the Record, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Narcotic Addict Treatment Act of 1973.

Sec. 2. Section 102 of the Controlled Substances Act, 84 Stat. 1242, 21 U.S.C. 802, is amended by adding the following after paragraph (26):

"(27) The term 'maintenance treatment' means a method of treatment of narcotic addiction which involves the continuous furnishing of narcotic drugs to an addict for a period of time exceeding that which is necessary for detoxification treatment.

"(28) The term 'detoxification treatment' means a method of treatment of narcotic addiction which involves the furnishing of narcotic drugs to an addict for the purpose of alleviating pain and other adverse physiological effects incident to withdrawal from the habitual use of a narcotic drug, which does not include emergency treatment.

"(29) The term 'emergency treatment' means the administration of a narcotic drug to an addict when necessary to alleviate pain incident to withdrawal from a narcotic drug while arrangements are made for referral of the addict to a treatment program."

SEC. 3. Section 303 of the Controlled Substances Act, 84 Stat. 1253, 21 U.S.C. 823, is amended by adding the following after paragraph (f):

"(g) Practitioners who dispense or administer narcotic drugs in a treatment program for addicts shall obtain annually a separate registration for that purpose. The registration may be for maintenance treatment, detoxification treatment, or both. The Attorney General shall grant a registration under this subsection upon a showing that the applicant—

"(1) is qualified to engage in such treatment under standards set by the Secretary,

"(2) is prepared to comply with standards imposed by the Attorney General relating to the security of the narcotic drug stocks, the maintenance of records in accordance with section 307, and with the concurrence of the Secretary, the quantities of drugs which may be provided for unsupervised use."

SEC. 4. Section 304 of the Controlled Substances Act, 84 Stat. 1255, 21 U.S.C. 824, is amended by adding the following after paragraph (3) in subsection 304(a):

"(4) has failed to comply with standards imposed pursuant to section 303(g)."

SEC. 5. Section 307 of the Controlled Substances Act, 84 Stat. 1258, 21 U.S.C. 827, is amended by adding the following after the word "practice" in subsection (c)(1)(A):

"except in the treatment of narcotic addicts in accordance with registration under section 303(g), or in emergency treatment as defined in section 102(29), but in any case subject to this exception, disclosure and use of such records in any manner other than in an investigation of/or proceeding against a registrant shall be subject to the restrictions, criteria, and procedures of section 408 of the Drug Abuse Office and Treatment Act of 1972; or"

Remarks by Senator Marlow W. Cook

Mr. President, I am pleased to introduce today, for the administration, the Narcotic Addict Treatment Act of 1972, a bill which will set up a legal basis for present and new narcotic treatment programs while simultaneously serving to eliminate diversions of narcotic drugs into the street traffic. In view of the importance of providing medical treatment to narcotic addicts and the increasing acceptance of treatment modalities which involve the continuous furnishing of narcotic drugs such as methadone, problems of safeguarding against diversion have become acute.

This legislation has become necessary as a result of an evolution in medical opinion. On April 6, 1972, the Food and Drug Administration published in the Federal Register a notice of its intention to permit the use of methadone for the maintenance treatment of narcotic addiction for all addicts for whom it is medically justified. Although entirely appropriate on the basis of medical opinion, this, nevertheless, underscores the need for additional legal controls against diversion. In order to strengthen the legal authority of the Department of Justice to protect against diversion, the separate registration of practitioners who utilize narcotic drugs in the treatment of addiction and the application of special drug security requirements is necessary.

The recent and extremely rapid expansion of drug treatment programs of this sort makes legislation along this line most urgent. In 1968 there were fewer than 400 patients enrolled in methadone treatment programs nationwide, today there are over 60,000. Similarly, in 1964 the production quota set by BNDD for methadone was some 190 pounds; the production quota for 1972 is just over 5,700 pounds. This represents an unprecedented development in medical practice. We have never previously had any appreciable number of patients receiving legitimate narcotic drugs on a daily basis. Unfortunately, the opportunity for the diversion of these drugs and the abuse of their prescription has increased proportionately and now presents a growing medical and law enforcement problem.

Of the nearly 79,000 narcotic addicts presently undergoing treatment for their addiction, over two-thirds of these patients are involved in methadone programs. What is disturbing is the increasing number of these addicts who are addicted to methadone itself. A recent study in Miami found that nearly 7% of the addicts then entering narcotics treatment programs tested positive only for methadone and that nearly 40% tested positive for methadone along with other narcotic drugs. Clearly then, methadone is a drug abused as frequently as any other narcotic and its potential for abuse is increasingly reflected in its expanding illicit traffic.

A recent report in New York City found that over 92% of the addicts surveyed had had an opportunity to purchase quantities of methadone illegally. In the first nine months of last year, the Bureau of Narcotics and Dangerous Drugs, through undercover agents, purchased or seized 138,181 dosages of the drug from various illicit sources. The principal sources of this diversion, however, seem to lie not with the manufacturer but at the point of the drug's legal distribution to the public.

Just last weekend, in Baltimore, two gallons of methadone were stolen from a clinic at gunpoint. The immediate result was one death and several hospitalizations from overdoses of the stolen drug. In 1971 methadone accounted for 170 of the 1,300 narcotic related deaths in New York City; for the first five months of 1972 the count has already reached 160. Here in Washington, where methadone accounted for 14% of the narcotic related deaths in 1971, it is responsible for nearly 40% of the recorded deaths this year. Surely this problem has reached sizable enough proportions that immediate legislative action and regulation is necessary.

Up until now the Bureau of Narcotics and Dangerous Drugs has required a separate registration for all maintenance programs but has lacked the authority to require this of detoxification programs. Currently the only authority for a separate registration is predicated on the research status of methadone treatment programs and such authority was never intended to apply to the massive treatment efforts now in progress. The statutory basis for the control of genuine research is necessarily inadequate for the regulation of well-defined clinical programs involving tens of thousands of persons being supplied with narcotic medication. The proposed expanded approval of methadone to the status of a new drug will make the inadequacies and loopholes in the Government's current ability to control its diversion even more apparent. Presently a physician can dispense methadone to patients, on a large scale or on a regular basis, without regulation under the premise that it is detoxification treatment. Once methadone is relisted as an approved new drug the Government will no longer have authority over treatment programs either. These facts are appreciated within concerned Government agencies and the proposal of these amendments has been purposely correlated with other administrative and regulatory measures to correct the situation.

Section 2 of the proposed amendments will add the definitions of three new terms to the Controlled Substances Act which are crucial in determining the applicability of the remaining provisions of this bill. The terms in question are "maintenance treatment", "detoxification treatment," and "emergency treatment", which, in the context of the treatment of narcotic addicts, have reasonably specific meanings within the national medical community. Such specific differentiation will also enable the Justice Department, in conjunction with HEW, to establish more specific and comprehensive regulatory authority over the handling of these narcotic drugs.

Section 3 will provide for a separate registration under the Controlled Substances Act, of those practitioners who wish to administer or dispense narcotic drugs to narcotic addicts in the course of treatment programs. The registration will be predicated on treatment standards set by the Secretary of Health, Education and Welfare and on standards prescribed by the Attorney General relating to specific matters which are of primary importance in limiting the diversion of narcotic drugs into illicit channels. The impact of these latter standards on the quality of medical services is also recognized, and the Attorney General is accordingly required to obtain the concurrence of the Secretary of Health, Education, and Welfare as to any standards he imposes regarding the quantities of narcotic drugs to be dispensed for unsupervised use. The requirement for special registration will not apply to practitioners who may have occasion to administer narcotic drugs in the course of emergency treatment to narcotic addicts since the necessity for such treatment cannot be anticipated in advance.

Section 4 provides for the denial, revocation, or suspension of the separate registration on the basis of standards promulgated under the preceding section. In any such case, the means of undertaking administrative action will be in accordance with existing provisions of the Controlled Substances Act.

Finally, section 5 amends the current bookkeeping requirements to require that practitioners who supply narcotic drugs to narcotic addicts for the treatment of their addiction in either of the designated circumstances, keep a record of drug administrations as is currently required for dispensations. This is an essential provision to enable the Justice Department personnel to conduct drug accountability audits. The circumstances in such cases are fundamentally different from those in which the general practitioner may occasionally administer narcotic drugs for analgesia to patients who are little tempted to divert them and who lack the capabiliy and knowledge for doing so. This provision has been intentionally drafted so as to insure that access to these records shall only be used in connection with investigations of or proceedings against a registrant thereby retaining the customary benefits of patient confidentiality.

In view of the desire to make medical treatment available to as many narcotic addicts as possible and to encourage the medical profession to meet the challenge of this difficult social problem, it is necessary to establish the basis for adequate controls as soon as possible. Therefore, I urge the enactment of this proposal at the earliest practicable time.

By Mr. SPARKMAN (for himself, Mr. Allen, Mr. Baker, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Burdick, Mr. Chiles, Mr. Cook, Mr. Cotton, Mr. Dole, Mr. Dominick, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hart, Mr. Hartke, Mr. Hathaway, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Scott of Pennsylvania, Mr. Stevens, Mr. Stevenson, Mr. Thurmond, Mr. Williams, and Mr. Young):

S. 780. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

CONSUMERS ARE HURT AS THE SMALL BUSINESS POPULATION GOES DOWN AND DOWN

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. This measure will help stem the terrible attrition of our small business population by striking at the predatory loss leader, one of the principal causes of that attrition.

I am proud to announce that 37 Senators have joined me as cosponsors of this measure. The bill is identical to S. 1457 of the 92d Congress, which had 33 Senators as cosponsors, and which received public hearings from the Senate Judiciary Subcommittee on Antitrust and Monopoly. It is my hope, and I shall strongly urge, that that distinguished subcommittee will report this bill to the full committee without further hearings, and that the full Committee on the Judiciary will promptly report it to the Senate. In opinion, the case for this legislation has been made and the Senate should now be given the earliest possible opportunity to vote upon it.

The major purpose of this bill is to give small business concerns a means of protecting themselves against certain types of predatory pricing practices.

Those practices are loss-leader selling below cost for the purpose of eliminating a competitor. These are practices which are against the interests not only of small business but of the consumer. Furthermore, these practices are now illegal under one or a combination of three existing statutes. The purpose of my bill is simply to make sure that the practices, when employed for motives already criminal under existing law, can be enforced directly, through private treble-damage and injunctive relief actions, by the "policemen" most interested in having them enforced: the small businesses that are injured.

EXISTING LAW

The three laws now on the books which can be employed against loss-leader and below-cost selling, under some circumstances, are:

First, section 2 of the Sherman Act, which outlaws "attempts to monopolize;"

Second, section 2 of the Clayton Act, as amended by the Robinson-Patman Act, which outlaws various forms of price discrimination; and

Third, section 3 of the Robinson-Patman Act, which outlaws sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor."

Infractions of the first of these, section 2 of the Sherman Act, can be attacked by the Justice Department in either a civil or criminal action, or both; by the Federal Trade Commission—which regards all Sherman Act violations as automatic breaches of its own statute, the Federal Trade Commission Act, section 5; and by civil actions brought by private parties injurel by the violations.

Infractions of section 2 of the Clayton Act can be attacked by the Justice Department in a civil but not a criminal action, by the Federal Trade Commission, and by injured private parties.

Infractions of section 3 of the Robinson-Patman Act are now subject to attack only by the Justice Department, as crimes.

ROBINSON-PATMAN ACT BACKGROUND

It was not always so. Between 1936, the year the Robinson-Patman Act was passed, and 1958, some 50 private businessmen filed civil actions against those who had injured them by violating the "sales at unreasonably low prices" ban of section 3. While some Federal courts refused to allow the suits, enough others did allow them to make private business, by 1955, the most important enforcers of section 3. Some of the cases are collected in Rowe, "Price Discrimination Under the Robinson-Patman Act," page 469, footnotes 97 and 99.

Then, in 1958, civil enforcement of section 3 came to an end. That year, in the companion cases of *Nashville Milk Co. v. Carnation Co.*, 355 U.S. 373, and *Safeway Stores, Inc. v. Vance*, 355 U.S. 389, the Supreme Court entered 5–4 decisions holding that section 3 of the Robinson-Patman Act was not a part of the antitrust laws and therefore not subject to enforcement by civil actions filed by persons injured in their business by violation of its provisions.

ATTEMPTS TO OVERTURN CASES BY LEGISLATION

The Court's interpretation of congressional intent was a severe blow to this country's small business community, for it is well recognized that private civil actions are the principal vitalizing force of the Nation's policy against monopoly. Three days after the decision came down, I introduced a bill to make section 3, by express enactment, a part of the antitrust laws and thus subject to civil enforcement.

Over the years, that bill and its successors have had much attention but none has made significant progress down the tortuous legislative path to enactment. Those who see themselves as prospective defendants under the proposed new law have had more persuasive power and influence with the Judiciary Committee than those who see themselves as prospective plaintiffs.

In my judgment, this is unfortunate. I think the perils and pitfalls of providing for civil enforcement of the statutory ban on predatory pricing have been vastly overrated and the advantages overlooked.

DREADFUL TOLL OF SMALL BUSINESSES

The difficult situation of small business concerns in industries in which predatory pricing is a way of life continues, meanwhile, unabated, and a dreadful toll has been taken. There are today, for example, only about a tenth as many independent dairies and independent bakers in existence as there were at the end of World War II.

Last year, in my testimony in support of this legislation, I invited the attention of the Antitrust and Monopoly Subcommittee to a publication sponsored by itself, part 1 of the 1967 Census Bureau pamphlet entitled "Concentration Ratios in Manufacturing," which is one of the many component parts of the 1967 Census of Manufactures.

I asked the subcommittee to look at what has been happening in some of the industries whose representatives have been begging the Congress for legislation of the type then under consideration and reintroduced today.

Here is a brief excerpt from my testimony:

> One of the most earnest petitioners for the relief that this bill would provide has been Mr. Lynn Paulson, representing independent dairies. Do the Census data support his claim that small business in his industry need help? I would say they do.
>
> In 1958, the year those two unfortunate Court decisions were made, there were 997 companies, nationwide, engaged in industry No. 2021, Creamery Butter. In 1967, the number of companies in that industry was 510. The share of the total shipments of that industry accounted for by the top 50 companies increased from 45 to 60 percent in the same period, and the share of the top 4 companies increased from 11 to 15 percent.
>
> In industry No. 2024, Ice Cream and Frozen Desserts, while the total value of shipments was growing from $878 million to over $1 billion between 1958 and 1967, the number of companies in the industry dropped from 1,171 to 713, and the share of the top 50 companies climbed from 69 to 73 percent.
>
> Look at industry No. 2026, Fluid Milk. In 1958 there were 5,008 companies sharing over $5.8 billion worth of shipments, the share of the top 50 companies being 45 percent. By 1967 the value of shipments had increased to $7.8 billion (plus), but the number of companies had dropped to 2,998, and the share of the top 50 companies had increased to 51 percent.
>
> Or look at industry no. 2051, Bread, Cake and Related Products. The Subcommittee is hearing this year from bakers, too, I understand. Do they have any real cause for concern? From the Census data, I would say that they do. In 1958 there were 5,305 companies accounting for shipments valued at about $3.7 billion in this industry. In 1967 the value of shipments was up to more than $5.1 billion, but the number of companies was down to 3,445. The share of the top 50 firms increased from 51 to 58 percent in the period, and the share of the top 4 firms from 22 to 26 percent.
>
> The developments in many local markets are even worse than these aggregate national data would suggest.
>
> The picture is not this bad throughout manufacturing, of course; the scene in Major Group 20, Food and Kindred Products, is certainly one of the worst. But a quick count of all the 230 different manufacturing industries for which both 1958 and 1967 comparable data are presented . . . reveals that the business population declined in 131 of them—well over half.

Mr. President, when the comparable data from the 1972 Census of Manufactures become available, some months or years from now, I predict that these alarming trends will be shown to have continued and even accelerated in the years between 1967 and 1972. They are continuing at this moment.

SIMILARITIES AND DIFFERENCES IN BILLS

As I have already noted, the bill introduced today is identical to S. 1457 of the 92d Congress. That bill, in turn, resembled S. 1494, 91st Congress, in that both bills had, and have, as their main purpose the express authorization of civil actions to be filed by those injured by predatory pricing against those who practice such pricing. Both bills are aimed at the loss leader and below-cost selling. Both bills would allow the plaintiff to seek and, if successful, obtain treble damages, injunctive relief, or both. There the similarities end.

S. 1494 would have repealed section 3 of the Robinson-Patman Act and reenacted as a new section 3A of the Clayton Act one provision of section 3: the ban on sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor." The present bill does not repeal section 3, and hence leaves alive the little-used criminal sanctions it contains.

S. 1494 used the section 3 language just quoted to describe the prohibited conduct. The new bill uses different and more specific language. It prohibits sales "below cost for the purpose of destroying competition or eliminating a competitor."

A ground for objection to S. 1494 was that the language "unreasonably low prices," was allegedly too vague. The new bill meets that objection by stating exactly what kind of prices are prohibited, namely, those that are "below cost." The term "below cost" is defined in language borrowed substantially verbatim from the opinion of the Eighth Circuit Court of Appeals in the leading case involving enforcement of section 3 of the Robinson-Patman Act as a criminal statute, *National Dairy Products Corporation* v. *United States*, 350 F. 2d 321, 329, (1965).

As that case makes clear, however, mere proof of sales below cost will not alone suffice to establish liability by a defendant to a plaintiff: there must also be proof of the predatory intent, the "purpose" to destroy competition or eliminate a competitor.

As the law stands now, we have this anomaly: below-cost selling with predatory intent is a Federal crime, for which the offender can be fined or even imprisoned, if the Justice Department elects to prosecute and a court convicts. But the person injured by the crime, the businessman destroyed in his livelihood, is given no remedy. He cannot sue the offender either for damages or injunction. The bill introduced today would end the anomaly. It would give the small businessman the right to sue his predatory competitor, and if he could prove below-cost selling and prove the "purpose" of that pricing was destruction of competition or a competitor, he could obtain an injunction and treble damages. This bill will restore force and meaning to an important part of the Nation's antimonopoly law.

The forces pushing us toward concentration in industry after industry in our economy are very great. Some of them may be unavoidable; but one such force, the occasional practice of deliberate predatory pricing with the express purpose of destroying competition, is not in that class. It can and should be checked; yet it is not feasible or even, perhaps, desirable for the Justice Department to initiate a criminal prosecution every time the existing law against such pricing is broken. Unleashing the power of private civil enforcement will bring vitality to an important part of our national policy against economic concentration and monopoly power. To that end, this bill is dedicated.

By Mr. TUNNEY (for himself and Mr. Gurney):

S. 782. A bill to amend the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST PROCEDURES AND PENALTIES ACT

Mr. TUNNEY. Mr. President, on behalf of the distinguished Senator from Florida (Mr. Gurney) and myself, I am pleased to introduce S. 782, the Antitrust Procedures and Penalties Act. Senator Gurney and I introduced this legislation last session, as S. 4014, but it was introduced so late in the session that it was impractical for the Antitrust and Monopoly Legislation Subcommittee to hold hearings on it.

Accordingly we are introducing the legislation early in this session with a view toward hearings which will be held on March 14, 15, and 16, 1973.

Because I described the legislation fully when we introduced it on September 21, 1972, I ask unanimous consent that, in lieu of an additional statement at this time, a copy of the bill, a section-by-section analysis, and my introductory remarks of last September, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Procedures and Penalties Act."

CONSENT DECREE PROCEDURES

Sec. 2. Section 5 of the Act entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies, and for Other Purposes", approved October 15, 1914 (38 Stat. 730; 15 U.S.C. 16) is amended by redesignating subsection (b) as (h) and by inserting after subsection (a) the following:

"(b) Any consent judgment proposed by the United States for entry in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust laws shall be filed with the district court before which that proceeding is pending and published in the Federal Register at least 60 days prior to the effective date of such decree. Simultaneously with the filing of the proposed consent judgment, unless otherwise instructed by the court, the United States shall file with the district court, cause to be published in the Federal Register and thereafter furnish to any person upon request a public impact statement which shall recite:

"(1) the nature and purpose of the proceeding;

"(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

"(3) an explanation of the proposed judgment, relief to be obtained thereby, and the anticipated effects on competition of that relief, including an explanation of any unusual circumstances giving rise to the proposed judgment or any provision contained therein;

"(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that the proposed judgment is entered;

"(5) a description of the procedures available for modification of the proposed judgment;

"(6) a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

"(c) During the 60-day period provided above, and such additional time as the United States may request and the court may grant, the United States shall receive and consider any written comments relating to the proposed consent judgment. The Attorney General or his designate shall establish procedures to carry out the provisions of this subsection, but the 60-day time period set forth herein shall not be shortened except by order of the district court upon a showing that extraordinary circumstances require such shortening and that such shortenings of the time period is not adverse to the public interest. At the close of the period during which such comments may be received, the United States shall file with the district court and cause to be published in the Federal Register a response to such comments.

"(d) Before entering any consent judgment proposed by the United States under this section, the court shall determine that entry of that judgment is in the public interest. For the purpose of this determination, the court shall consider:

"(1) the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy the judgment;

"(2) the public impact of entry of the judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint, including consideration of the public benefit to be derived from a determination of the issues at trial.

"(e) In making its determination under subsection (d), the court may—

"(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participants or upon its own motion, as the court may deem appropriate;

"(2) appoint a special master, pursuant to rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate; and request and obtain the views, evaluations, or advice of any individual group or agency of government with respect to any aspect of the proposed judgment of the effect thereof in such manner as the court deems appropriate;

"(3) authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae, intervention as a party pursuant to rule 24 of the Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

"(4) review any comments or objections

concerning the proposed judgment filed with the United States under subsection (c) and the response of the United States to such comments or objections;

"(5) take such other action in the public interest as the court may deem appropriate.

"(f) Not later than 10 days following the filing of any proposed consent judgment under subsection (b), each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any officer, director, employee, or agent thereof, or other person except counsel of record, with any officer or employee of the United States concerning or relevant to the proposed consent judgment.

Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this section have been complied with and that such filing is a true and complete description of such communications.

"(g) Proceedings before the district court under subsections (d) and (e), and public impact statements filed under subsection (b) hereof, shall not be admissible against any defendant in any action or proceeding brought by any other party against such defendant under the antitrust laws or by the United States under section 4A of this Act nor constitute a basis for the introduction of the consent judgment as prima facie evidence against such defendant in any such action or proceeding."

PENALTIES

SEC. 3. Sections 1, 2, and 3 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209; 15 U.S.C. 1, 2, and 3) are each amended by striking out "fifty thousand dollars" and inserting "five hundred thousand dollars if a corporation, or, if any other person, one hundred thousand dollars."

EXPEDITING ACT REVISIONS

SEC. 4. Section 1 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 28; 49 U.S.C. 44), commonly known as the Expediting Act, is amended to read as follows:

"SECTION 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of a general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

SEC. 5. Section 2 of that Act (15 U.S.C. 29; 49 U.S.C. 45) is amended to read as follows:

"(a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to section 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to sections 1292(a) (1) and 2107 of title 28 of the United States Code but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28 of the United States Code.

"(b) An appeal from a final judgment pursuant to subsection (a) shall lie directly to the Supreme Court if:

"(1) upon application of a party filed within five days of the filing of a notice of appeal, the district judge who adjudicated the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(2) the Attorney General files in the district court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(3) the district judge who adjudicated the case, sua sponte, enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice."

A court order pursuant to (1) or (3) or a certificate pursuant, to (2) must be filed within fifteen days after the filing of a notice of appeal. When such an order or certificate is filed, the appeal and any cross appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. That Court shall thereupon either (1) dispose of the appeal and any cross appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal and any cross appeal therein had been docketed in the court of appeals in the first instance pursuant to subsection (a)."

SEC. 6. (a) Section 401 (d) of the Communications Act of 1934 (47 U.S.C. 401(d)) is repealed.

(b) The proviso in section 3 of the Act of February 19, 1903, as amended (32 Stat. 848, 849; 49 U.S.C. 43), is repealed and the colon preceding it is changed to a period.

SEC. 7. The amendment made by section 2 of this Act shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 29; 49 U.S.C. 45) which were in effect on the day preceding the date of enactment of this Act.

ANTITRUST PROCEDURES AND PENALTIES ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title

The Act may be cited as "The Antitrust Procedures and Penalties Act."

Sec. 2 Consent Decree Procedures

Section 2 adds a series of new subsections to Section 5 of the Clayton Act (15 USC § 16) to establish procedures governing the filing and entry of a consent judgment settling a civil antitrust suit by the United States. These new subsections, numbered "(b)-(g)" are inserted after the present subsection "(a)" in Section 5 of the Clayton Act.

SUBSECTION (B)—PUBLIC IMPACT STATEMENT

This subsection provides that any consent decree proposed by the United States must be filed with the court in which the case is pending and simultaneously published in the Federal Register at least 50 days prior to the effective date of the decree. In addition the Government must file a "public impact statement" containing the following:

(1) the nature and purpose of the proceeding;

(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

(3) an explanation of the proposed judgment, the relief to be obtained thereby, the anticipated effects on competition of that relief and an explanation of any special circumstances giving rise to the proposed judgment or any provision contained therein.

(4) the remedies available to potential private plantiffs damaged by the alleged violation in the event that the judgment is entered;

(5) a description of the procedures available for modification of the judgment;

(6) a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

The public impact statement required by this subsection is analogous to the environmental impact statement presently required from governmental agencies by the National Environmental Policy Act.

SUBSECTION (C)—PROCEDURES FOR PUBLIC COMMENT AND DEPARTMENTAL RESPONSE

This subsection lengthens the present 30 day public comment period to 60 days. It also provides that the sixty day period may be shortened by order of court but only upon a showing that extraordinary circumstances require it and that such a shortened time period would not be adverse to the public interest.

An additional requirement contained in this subsection is a filing by the Justice Department of a formal response to comments submitted to it pursuant to this provision. This requirement has two purposes: first, to give some assurance that public comments will in fact be considered by the Department when received; and second, to provide additional data to the district court in making its decision whether to enter the decree.

SUBSECTION (D)—ENTRY OF THE DECREE

This subsection establishes the general criteria by which the court should determine whether to enter a particular decree.

The mandate is phrased first in general terms: Before entering any consent judgment, the court shall determine that entry of that judgment is in the public interest.

In addition, however, and as an aid to the court in making its independent judgment, the bill provides a number of more detailed criteria for determination of the public's interest. Those criteria are as follows:

(1) the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy of the judgment; and

(2) the public impact of entry of the judgment upon the public generally and persons alleging specific injury from the violations set forth in the complaint; including consideration of the public benefit to be derived from a determination of the issues at trial.

SUBSECTION (E)—PROCEDURES AVAILABLE TO THE COURT

This subsection adds a series of discretionary procedural devices to assist the court in making the determination of public interest required by the Act. Those procedures are as follows:

(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

(2) appoint a special master, pursuant to Rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate; and request and obtain the views, evaluations, or advice of any individual, group or agency of government with respect

to any aspect of the proposed judgment or the effect thereof in such manner as the court deems appropriate;

(3) authorize full or limited participation in proceedings before the court by interested persons or agencies; including appearance amicus curiae, intervention as a party pursuant to Rule 24 of the Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

(4) review any comments or objections concerning the proposed decree filed with the United States under subsection (c) and the response of the United States to such comments or objections;

(5) take such other action in the public interest as the court may deem appropriate.

SUBSECTION (F)—RECORD OF LOBBYING ACTIVITIES

This subsection provides that not later than 10 days following the filing of any proposed consent judgment as required by the bill each defendant must file with the district court a description of any and all written or oral communications by or on behalf of the defendant with any officer or employee of the United States concerning or relevant to the consent judgment or the subject matter thereof. Included under this provision are contacts on behalf of a defendant by any of its officers, directors, employees or agents, or any other person acting on behalf of the defendant, with any federal official or employee. Thus, for example, the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff.

The only exception is a limited exception for attorneys representing the defendant who are of record in the judicial proceeding. The exception is designed so as to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. However, the provision is not intended as a loophole for extensive lobbying activities by a horde of "counsel of record."

In addition, the subsection requires that prior to entry of the consent judgment by the court, each defendant must certify to the court that the requirements of the section have been complied with and that the filing is a true and complete description of all such contracts or communications.

SUBSECTION (G)—PRIMA FACIE EFFECT

A final provision in the consent decree procedures retains the provision presently contained in Section 5 of the Clayton Act which prevents use of a consent decree in any way in subsequent litigation as prima facie evidence of violation. A new subsection (g) would be added which provides that proceedings before the district court in connection with the decree pursuant to this Act and public impact statements filed pursuant to the act are not admissible against any defendant in any action or proceeding brought by any other party against that defendent under the antitrust laws or by the United States under Section 4A of the Clayton Act, nor constitute a basis for introduction of the decree as prima facie evidence against such defendant in any such action or proceeding.

The basic reason for including this provision is to preserve the consent decree as a substantial enforcement tool by declining to give it prima facie effect as a matter of law.

SECTION 3. CRIMINAL PENALTIES

This section increases the penalties for criminal violations of the antitrust laws from $50,000 to $100,000 for individuals and $500,000 for corporations.

SECTION 4–7. EXPEDITING ACT REVISIONS

These sections incorporate revisions of the Expediting Act which previously passed both House and Senate in the 91st Congress. They provide for intermediate appellate review of antitrust cases, with direct appeal to the Supreme Court retained for cases of general public importance. In addition, the present uncertainty regarding the opportunity for appeal by the Government from a denial of a preliminary injunction by a district court is resolved by allowing such appeals.

Remarks by Mr. Tunney

Mr. President, we have learned a great deal about the importance of the Nation's antitrust laws in recent months and in particular about the manner in which they are administered. Two recent books, Morton Mintz and Jerry Cohen's "America, Inc." and the Ralph Nader study group's "The Closed Enterprise System," have focused with remarkable clarity upon the impact of economic concentration on the everyday lives of American citizens.

Combined with the Judiciary Committee's recent hearings, these events have crystalized the rather vague concept of antitrust into a very tangible reality.

Perhaps for the first time since the now famous electric company price-fixing cases in the 1950's, public attention has been focused in a very direct and emphatic way upon the administration of the Nation's antitrust laws. Concern has been renewed about the standards and the safeguards which apply when the stakes are high.

That concern is not limited to any one party or one administration. Confidence in the process by which public decisions are made is an issue in which every public official has very immediate investment. Moreover, it is an investment which must be shared with every member of the electorate. The disaffection which an increasing number of Americans have come to feel for their Government poses the gravest of threats to the delicate balance by which we all consent to be governed.

The problem is especially acute where the issue is antitrust because the stakes are high. Antitirust cases often carry with them profound implications not only for the particular defendants but for the millions of voiceless consumers with whom they deal. The decision to settle a case, and the components of that settlement, may affect the price, the quantity, and the quality of the most basic commodities. The elimination of several independent bakeries or dairies in a metropolitan area, for example, may have a very direct effect upon the cost of bread and milk to millions of families. Or the commodity might be drugs: For example, between 1953 and 1961, 100 tablets of the antibiotic tetracycline retailed for about $51. Ten years later, after exposure of an illegal conspiracy which had set prices, the same quantity was approximately $5, a 90-percent decrease.

In short, enforcement of the antitrust laws may have a very profound effect on the lives of every citizen of this country.

But beyond the economic effect, there is a political effect. Increasing concentration of economic power, such as has occurred in the flood of conglomerate mergers, carries with it a very tangible threat of concentration of political power. Put simply, the bigger the company, the greater the leverage it has in Washington. Bigness may not be bad in itself, but it carries with it a wide range of implications and consequences that must be examined very carefully.

We are not yet a corporate state but we may wish to decide whether we want to be before it happens by default.

All of these considerations point to the fact that the public has a direct and vital interest in effective enforcement of the antitrust laws, particularly in the process by which antitrust cases are resolved.

For these reasons I am today introducing S. 4014, the Antitrust Procedures and Penalties Act. I am pleased and honored to have my distinguished colleague on the Antitrust and Monopoly Subcommittee, Mr. GURNEY, join me as a prime sponsor.

The bill which we are introducing today has three basic provisions. The first establishes a reasonable but specific set of standards and guidelines to govern the process by which antitrust suits may be settled and consent judgments entered. The second increases the penalties for criminal violations of the antitrust statutes. Finally, a third provision revises the Expediting Act to improve the process of appellate review of antitrust cases, and in particular to authorize the United States appeal from the denial of a preliminary injunction at the trial court level.

I. CONSENT DECREE PROCEDURES

By the most recent figures available, over 80 percent of the civil antitrust suits brought by the Justice Department and disposed of through consent decrees—voluntary settlements negotiated between defendants and the Government and adopted by the court prior to trial. Essentially the decree is a device by which the defendant, while refusing to admit guilt, agrees to modify its conduct and in some cases to accept certain remedies designed to correct the violation asserted by the Government.

The consent decree has a number of major public consequences, however. First, it means that the substantial resources of the Justice Department will be removed from the effort to establish that the antitrust laws were violated. Because consent decrees by statute carry with them no prima facie effect as an admission of guilt, private parties who may have been damaged by the alleged violations are left to their own resources in their efforts to recover damages. As a practical matter because of the protracted nature of antitrust litigation, and the deep pockets of many corporate defendants, few private plaintiffs are able to sustain a case in the absence of parallel litigation by the Justice Department.

In addition, however, the consequences to the public of the provisions contained in the decree itself may be of major significance. Depending upon the skill of the Justice Department's attorneys and opposing counsel, and the relative leverage which they can bring to bear, a bad or inadequate consent decree may as a practical matter foreclose further review of a defendant's practices both inside and outside the scope of the decree.

Similarly, where the decree establishes guidelines for future conduct, the enforcement and modification of those guidelines takes on even more importance.

Finally, the public's interest in deterrence of future antitrust violations by the defendant and by other potential defendants may be affected profoundly by the willingness of the Justice Department to settle cases and the price exacted for such settlements.

None of these points implies that settlement of an antitrust case should necessarily be discouraged. There is in fact little question that consent decrees have been a particularly valuable enforcement tool.

But because of the frequency of their use, because of the importance a particular decree may have, and because of importance of public confidence in the manner a decree is arrived at, I believe we must provide specific standards and procedures to assure that the decision to settle and the settlement itself are in fact in the public interest.

A. PUBLIC IMPACT STATEMENT

Section 2 of the bill adds a new subsection (b) to section 5 of the Clayton Act (15 U.S.C. S. 16). This new subsection provides that any consent decree proposed by the United States must be filed with the court in which the case is pending and simultaneously published in the Federal Register at least 60 days prior to the effective date of the decree. In addition, the Government must file a public impact statement" containing the following:

First, the nature and purpose of the proceeding;

Second, a description of the practices or events giving rise to the alleged violation of the antitrust laws;

Third, an explanation of the proposed judgment, relief to be obtained thereby, and the anticipated effects on competition of that relief, including an explanation of any unusual circumstances giving rise to the proposed judgment or any provision contained therein;

Fourth, the remedies available to potential private plaintiffs damaged by the alleged violation in the event that the proposed judgment is entered;

Fifth, a description of the procedures available for modification of the proposed judgment;

Sixth, a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

Each of these items is relatively self-explanatory. In sum, they have a dual purpose: first, they explain to the public particularly those members of the public with a direct interest in the proceeding, the basic data about the decree to enable such persons to understand what is happening and make informed comments of objections to the proposed decree during the 60-day period. Second, the items listed in the subsection will serve to focus additional attention by both sides during settlement negotiations upon the factors which should be considered in formulating a decree.

The requirements of this provision are departures from the current practice of the Antitrust Division, but are not necessarily burdensome ones. At present, proposed consent decrees are filed with the court 30 days before they are to be entered. Typically the Department issues a brief press release recounting the fact of the filing of the decree and in some cases giving some additional but limited information about the litigation. Following the 30-day period during which public documents are received—but rarely solicited—the decree is entered by the court.

This new subsection lengthens the comment period to 60 days and provides for circulation of both the decree and an analysis of its public impact by publication in the Federal Register. In addition, an affirmative duty is placed upon the Department to provide copies of both upon request.

The public impact statement required by this section is analogous to the environmental impact statement presently required from governmental agencies by the National Environmental Protection Act. It is therefore not without precedent but rather reflects a continuing concern on the part of the Congress to assure that decisions having a major public impact be arrived at through procedures which take account of that impact.

In addition, the public impact statement will serve as the basis for vastly improving the quality of comments filed in response to the decree. In so doing, it may render more meaningful the period for public comment which exists in shorter form under present procedure. Given the enormous amount of time and resources devoted to the prosecution of most antitrust suits, it is both logical and necessary that the end result be as carefully considered as possible.

The significance of this latter point should not be overlooked. Regardless of the ability and negotiating skill of the Government's attorneys, they are neither omniscient nor infallible. The increasing expertise of so-called public interest advocates and for that matter the more immediate concern of a defendant's competitors, employees, or antitrust victims may well serve to provide additional data, analysis, or alternatives which could improve the outcome.

B. PROCEDURES FOR PUBLIC COMMENT AND DEPARTMENTAL RESPONSE

As explained above, the bill would lengthen the present 30-day public comment period to 60 days. A new subsection (c) would be added to section 5 of the Clayton Act which would require the Attorney General or his designee to establish procedures to carry out the provision for public comment on the decree. The bill also provides that the 60-day period may be shortened by order of court but only upon a showing that extraordinary circumstances require it and that such a shortened time period would not be adverse to the public interest.

An additional requirement contained in this subsection is the filing by the Justice Department of a formal response to comments submitted to it pursuant to this provision. This requirement has two purposes: First, to give some assurance that public comments will in fact be considered by the Department when received; and second, to provide additional data to the district court in making its decision whether to enter the decree.

This latter point is particularly important because of the historically limited role which the courts have played in scrutinizing consent decrees. Before a court can be expected to exercise an independent judgment with respect to the merits of a particular decree, it must have adequate information available to it.

The public impact statement required by the bill, and the departmental response to public comments, can provide significant contributions toward the adequacy of the data available to the court.

C. ENTRY OF THE DECREE

A new subsection (d) which the bill would add to section 5 of the Clayton Act establishes the general criteria by which the court should determine whether to enter a particular decree.

The mandate is phrased first in general terms: Before entering any consent judgment, the court shall determine that entry of that judgment is in the public interest.

The mandate is a highly significant one because it states as a matter of law that the role of the district court in a consent decree proceeding is an independent one. The court is not to operate simply as a rubber stamp, placing an imprimature upon whatever is placed before it by the parties. Rather it has an independent duty to assure itself that entry of the decree will serve the interests of the public generally.

Though this may seem a truism to some, too often in the past district courts have viewed their rules as simply ministerial in nature—leaving to the Justice Department the role of determining the adequacy of the judgment from the public's view. While in most cases that judgment may be a reasonable one, there may well be occasions when it is not. Furthermore, the submission of the proposed decree to the court and its subsequent embodiment in a judgment lends a permanence that endures long after the passing of a particular administration of the Department.

For all of these reasons, the mandate placed upon the court by this section, even though a general one, carries with it a major significance.

In addition, however, and as an aid to the court in making its independent judgment, the bill provides a number of more detailed criteria for determination of the public's interest. Those criteria are as follows:

First, the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy of the judgment;

Second, the public impact of entry of the judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaints including consideration of the public benefit to be derived from a determination of the issues at trial.

The thrust of those criteria is to demand that the court consider both the narrow and the broad impacts of the decree. Thus, in addition to weighing the merits of the decree from the viewpoint of the relief obtained thereby and its adequacy, the court is directed to give consideration to the relative merits of other alternatives and specifically to the effect of entry of the decree upon private parties aggrieved by the alleged violations and upon the enforcement of the antitrust laws generally.

These latter two points merit some additional explanation. First, as is well known by the antitrust bar, in the vast majority of cases, the Government is the only plaintiff with resources adequate to the task of protracted antitrust litigation. Thus, a major effort of defense counsel in any antitrust case is to neutralize the Government as plaintiff and leave prospective private plaintiffs to their own resources. Consent decrees have that effect because by statute they cannot be used as prima facie evidence of a violation in subsequent suits by private plaintiffs.

Thus, removal of the Government as plaintiff through entry of a consent decree has a profound impact upon the ability of private parties to recover for antitrust injuries. Such a result is by no means improper nor perhaps in every case unreasonable. But because of that impact, it is a factor which should enter into the calculus by which the merits of the decree are assessed. It may well be that the economic cost to the public of a particular antitrust violation merits the application of governmental resources toward gaining a recovery of that cost in damages for those who can establish their injury.

Similarly, the court is instructed to look at the question of antitrust enforcement generally to determine whether there may be overriding public interest in denying a particular settlement or even forcing a trial on the merits. For example, it may be that a particular case presents issues which demand an outcome which carries value as precedent. Such considerations would thus be added to the guides by which the court would arrive at its decision.

D. PROCEDURES AVAILABLE TO THE COURT

To assist the court in making the determination of public interest required by the bill, a variety of discretionary procedural devices are provided in a new subsection (e). Those procedures are as follows:

First, take testimony of government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

Second, appoint a special master pursuant to rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate, and request and obtain the views, evaluations or advice of any individual, group or agency of government with respect to any aspects of the proposed judgment or the effect thereof in such manner as the court deems appropriate;

Third, authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae intervention as a party pursuant to rule 24 of the Federal

Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

Fourth, review any comments or objections concerning the proposed decree filed with the United States under subsection (c) and the response of the United States to such comments or objections;

Fifth, take such other action in the public interest as the court may deem appropriate.

A few key factors should be mentioned. First, all of the procedural devices continued in this subsection are discretionary in nature. They are tools available to the district court for its use, but use of a particular procedure is not required.

The decision to make those procedures discretionary is dictated by a desire to avoid needlessly complicating the consent decree process. There are some cases in which none of these procedures may be needed. On the other hand, there have been and will continue to be cases where the use of many or even all of them may be necessary. In fact, in a very few complex cases, failure to use some of the procedures might give rise to an indication that the district court had failed to exercise its discretion properly.

Second, the procedures are not meant to be exclusive. Rather, they are designed as guides for the courts to follow. To a considerable extent, they serve as safe harbors for a court to look to when faced with a difficult case. By following one or more of the procedures contained in this provision, an individual judge can develop the data he needs without fear that he is embarking upon an untried and perhaps reversible journey. This point is particularly significant where courts have been confronted in the past with the argument that any effort to make an independent examination of the decree is unprecedented.

Turning to the specific procedures provided by the bill, most are quite simple. The first two mechanisms, testimony of expert witnesses and special masters or other expert consultants, are designed to allow the court to obtain from whatever source necessary the technical expertise required to assess the merits of the decree or its consequences. This might include, for example, calling upon an economist from the Antitrust Division to explain the practices complained of and the effect of the relief sought. Or it might involve testimony from an expert obtained by the court from the SEC or some other Government agency. In a particularly complex case, it might include appointing one or more special masters or expert consultants to analyze and evaluate the decree or other arguments in its support. In short, the court would be authorized to obtain, from whatever source deemed appropriate, information sufficient to make an informed judgment about the decree.

In addition, the court may take appropriate measures to solicit comments on the decree from groups, agencies of government, or individual members of the public to assure itself that the decree has received adequate public attention. While it seems clear that the court would have such authority in the absence of legislation, this provision like those discussed above serves to encourage such requests by removing any aura of extraordinariness.

A third provision outlines a variety of methods in which interested third parties may be authorized to participate in the proceedings. The thrust of this provision is broadly flexible. It ranges from full intervention as a party under rule 24 of the Federal Rules of Civil Procedure down through a wide variety of more limited forms of participation. The basic point, however, is that the court is given broad discretion to fashion the degree of participation necessary to assure an adequate airing of the merits of the decree. Thus, for example, it need not allow an intervenor to come in with all the rights of a party to the litigation, but can choose instead to confer more limited rights. The effect of this provision should be to allow more extensive participation by so-called public representation where useful or appropriate without needlessly complicating the entire litigation.

The fourth procedural mechanism deals with public comments other than through actual participation in the proceedings before the court. Thus public comments received during the 60-day period for such comments together with the Justice Department's response would be available to the court.

Finally, a blanket authorization for other appropriate procedures is included to encourage the court to fashion such additional tools as may be useful in fulfilling the mandate placed upon it to evaluate the proposed decree.

E. RECORD OF LOBBYING ACTIVITIES

One of the unfortunate lessons which the American people have learned in the past few months is that access to governmental institutions and governmental decisionmakers is inherently unequal. Large corporations and their officials can obtain a hearing at the highest levels of government on a scale that is beyond the imagination of the average citizen. This problem is not unique to the present administration, it is a fundamental reality of any administration. And it will continue to be a problem as long as we continue to finance political campaigns by watering at the big money trough.

But having said that, we must also assure that adequate safeguards govern the manner and extent of corporate influence.

The problem is particularly critical where the antitrust laws are concerned because to a considerable extent those laws are viewed as a direct threat by those who exercise the greatest corporate influence. And because the stakes are high the level of lobbying is equally high.

For this reason, it is particularly important to assure some measure of public scrutiny of the exercise of that influence. Justice Brandeis once said, "Sunlight is the best of disinfectants." And it is sunlight which is required in the case of lobbying activities attempting to influence the enforcement of the antitrust laws.

To deal with this problem in a constructive way, the bill proposes a new provision in the Clayton Act which would require a disclosure of lobbying activities on behalf of any defendant in connection with a consent decree proceeding.

The bill adds a new subsection (f) which provides that not later than 10 days following the filing of any proposed consent judgment as required by the bill each defendant must file with the district court a description of any and all written or oral communications by or on behalf of that defendant with any officer or employee of the United States concerning or relevant to the consent judgment or the subject matter thereof. Included under this provision are contacts on behalf of a defendant by any of its officers, directors, employees or agents or any other person acting on behalf of the defendant, with any Federal official or employee. Thus, for example, the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff.

The only exception is a limited exception for attorneys representing the defendant who are of record in the judicial proceeding. The exception is designed to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. However, the provision is not intended as a loophole for extensive lobbying activities by a horde of "counsel of record."

In operation, the provision would require disclosure, for example, of a meeting between a corporate official and a Cabinet officer discussing "antitrust policy" during the pendency of antitrust litigation against that corporation. The disclosure intended is a disclosure of the fact of the meeting and the general subject matter. It obviously does not envision an outline of the conversation. But the essential data, that is, the date, the participants, and the fact that antitrust matters were discussed must be disclosed.

In addition, the bill requires that prior to entry of the consent judgment by the court, each defendant must certify to the court that the requirement of the section have been complied with and that the filing is a true and complete description of all such contacts or communications.

The requirements of this section are by no means burdensome. They demand no extraordinary efforts on the part of any defendant in order to comply with the duties imposed in the section.

Furthermore, they apply equally to contact with any branch of Government, including the Congress. I believe it is important that we in the Congress accept the same scrutiny as we would impose on any other branch. Furthermore, I believe there is a great deal to be gained by having a corporate official who seeks to influence a pending antitrust case through congressional pressure, know that his activity is subject to public view.

For all these reasons, I believe this section will be an important contribution toward vastly improving the atmosphere in which the Antitrust Division must operate in seeking to enforce the law. I have little doubt that enactment of this section might enable the Government's attorneys to do an even better job of litigating a particular case.

F. PRIMA FACIE EFFECT

A final provision in the consent decree procedures retains the provision presently contained in section 5 of the Clayton Act which prevents use of a consent decree in any way in subsequent litigation as prima facie evidence of violation. A new subsection (g) would be added which provides that proceedings before the district court in connection with the decree and public impact statements filed pursuant to the provisions of the bill are not admissible against any defendant in any action or proceeding brought by any other party against that defendant under the antitrust laws or by the United States under section 4A of the Clayton Act, nor may they constitute a basis for introduction of the decree as prima facie evidence against such defendant in any such action or proceeding.

The basic reason for including this provision is to preserve the consent decree as a substantial enforcement tool by declining to give it prima facie effect as a matter of law.

Although there have been suggestions that such effect be written into the law this bill does not reflect such suggestions. Since the primary purpose of the new consent decree procedures is to improve the process by which such decrees are used, continuation of the protection against prima facie effect appears necessary.

However, this provision is not intended to affect the Government's ability to require a so-called asphalt clause providing such effect where such a clause is deemed appropriate.

II. INCREASED CRIMINAL PENALTIES

A second part of the bill increases the penalties for criminal violations of the antitrust laws from $50,000 to $100,000 for individuals and to $500,000 for corporations. In an era when the profits available through antitrust violations can run to the millions of dollars, this increase is long overdue.

Former Attorney General John Mitchell, himself no stranger to corporate boardrooms, said this in support of increased corporate penalties in 1969:

> The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust cases trivial for major corporate defendants.

The need for this increase is self-evident. The only way violations of the antitrust laws will be deterred is by making the cost of violations unacceptable. Increasing the fines is not the only solution; more jail sentences for individual defendants might well be the most effective deterrent. But increasing the monetary penalties might well remove some of the profits which make antitrust violations attractive to otherwise ethical businessmen.

Increasing the maximum fine will do nothing if judges fail to use it effectively. Actual fines in the past have been far below the maximum possible. The Ralph Nader study group report on antitrust enforcement recently estimated that between 1955 and 1965, corporate fines average $13,420 and invidual fines $3,365. Unless judges are prepared to make a violation economically painful, mere increases in statutory maximums will carry little deterrent value.

III. APPELLATE REVIEW OF ANTITRUST CASES

Mr. President, the final portion of this bill would amend the Expediting Act to improve the procedures for appeals in antitrust cases, and particularly to permit immediate Supreme Court review of those cases of general public importance. Additionally, it would remove the present uncertainty as to whether or not the interlocutory appeal statute is available under the Expediting Act. This present uncertainty has hampered the Department of Justice in obtaining preliminary injunctions in antitrust cases because of the doubt as to the applicability of appellate review.

In brief, the proposal would amend section 1 of the Expediting Act (15 U.S.C. 28, 49 U.S.C. 44) which provides for a three-judge district court in civil actions where the United States is a plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act, when the Attorney General files with the district court a certificate that the case is of general public importance. The section also provides that the hearing and determination of such cases shall be expedited. The amendment would eliminate the provision that a three-judge court be impaneled when the Attorney General files his expediting certificate, but would retain the expediting procedure in single-judge courts.

The bill would amend section 2 of the act (15 U.S.C. 29, 49 U.S.C. 45), which provides that appeal from a final judgment of a district court in any civil action brought by the United States under any of the acts covered by section 1 of the Expediting Act will lie only in the Supreme Court. The amendment would eliminate directed appeal to the Supreme Court in such actions for all but cases of general public importance, substituting normal appellate review through the courts of appeals with discretionary review by the Supreme Court. The amendment provides that any appeal from a final judgment in a government civil case under the antitrust laws, or other statutes of like purpose, and not certificated by the Attorney General or the district court as requiring immediate Supreme Court review will be taken to the court of appeals pursuant to section 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to section 1292(a)(1) and 2107 of title 28 of the United States Code, but not otherwise. Any judgments entered by the courts of appeals in such actions shall be subject to review by the Supreme Court upon a writ of certiorari.

The amendment also provides that an appeal and any cross-appeal from a final judgment in such proceedings will lie directly in the Supreme Court if, not later than 15 days after the filing of appeal, (1) upon application of a party, the district judge who decided the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice or (2) the Attorney General files in the district court a certificate containing the same statement. Upon filing of such an order or certificate, the Supreme Court shall either dispose of the appeal and any cross-appeal in the same manner as any other direct appeal authorized by law or deny the direct appeal and remand the case to the court of appeals. Review in that court could then go forward without further delay. This is similar to the procedure of the Criminal Appeals Act (18 U.S.C. 3731).

These revisions represent a substantial improvement in the appellate process for antitrust cases. In addition, the provisions authorizing appeal by the Government from a denial of a preliminary injunction at the district court level are directly responsive to the repeated pleas of the former head of the Antitrust Division, Richard McLaren, voiced recently. Judge McLaren repeatedly emphasized the need for legislation to give the government the right to appeal from such denials:

> Again, I refer to the fact that we have asked, or the Department asked, repeatedly for legislation that would give us the right to appeal in those denials.

That request has been echoed recently by Donald Baker, Chief of Policy Planning and Education for the Antitrust Division:

> Under present law, the government has no effective appeal from a denial of a preliminary injunction in a merger case. We have sought unsuccessfully to get that power in recent years. Congress has not acted.

This bill will resolve that problem in a manner acceptable to the Justice Department. All of the revisions of the Expediting Act contained in this bill have been endorsed by the Department in hearings during the 91st Congress.

Mr. GURNEY. Mr. President, I am pleased to join with the distinguished Senator from California (Mr. TUNNEY) in reintroducing legislation which would amend the antitrust laws so as to make more information available to the courts, and to the public, about proposed consent decree settlements of antitrust cases. The consent decree is an important and useful tool in the enforcement of our antitrust laws, and this legislation to enhance its effectiveness will serve to strengthen our national commitment to the ideals of freedom and the free enterprise system.

Consistently with the ideals of freedom and the free enterprise system, competition by entrepreneurs in the marketplace is generally considered indispensable to the production of high-quality goods at the lowest possible price. Producers and consumers alike benefit when no one company or corporation controls an industry to the extent that competitive producers can be driven out of the market or that prices can be set arbitrarily at high levels.

Just as Government is charged with the duty to protect the rights of individuals in a political and social sense, so, too, does it have an obligation to protect their rights in an economic sense. To meet this obligation, legislation has been passed, starting with the Interstate Commerce Act in 1887, to protect businessmen and consumers alike from monopolistic practices that act in restraint of free and open trade. The Sherman Act, the Clayton Act, and the creation of the Federal Trade Commission are but a few examples of our efforts to insure that the free enterprise system remains free and competitive.

The trend toward "consumerism" in recent years emphasizes that effective antitrust legislation is as important today as it ever was, and while the laws on the books have served us well, changing times always leave room for improvements to be made. It is the purpose of this bill to improve the procedures for enforcement of our antitrust laws by providing the public with greater information with which to assess antitrust effectiveness.

For example, in recent years we have seen a dramatic increase in the number of conglomerates or holding companies—huge corporations that have interests in a wide range of industries. There is nothing necessarily wrong with size, per se, and in many cases the industries involved may benefit. Yet unless a watchful eye is kept on such developments there is a danger that the interests of the public may be done a disservice. Although there is no inherent danger to size, the very vastness of some companies presumably has some effect on the Nation's economy.

The key here is information, information on what is being contemplated, how it came to pass, what the public impact may be, and how individuals affected might obtain recourse in case of injury. With present-day business dealing more complex than ever, the public has a need for a greater amount of information than ever, if its interests are best to be served. And that is exactly what this bill proposes to do—make more information available to all concerned.

Specifically, this bill establishes a specific but reasonable set of standards and guidelines to govern the settlement of antitrust cases and, in particular, the procedures by which consent judgments are entered into. This bill basically expands upon existing law and does not work undue hardship upon anyone. In my view, its passage would have the positive effect of enhancing public confidence in the way antitrust cases are being handled.

Basically, the bill can be divided into three sections. The first section would require that any consent decree proposed by the Justice Department must be filed with the court and published in the Federal Register 60 days before it is intended to take effect. At the same time the Department would be required to file a "public impact" statement listing information on the case, the settlement proposed, the remedies available to potential private plaintiffs damaged by the alleged violation, a description of alternatives to the settlement, and the anticipated effects of such alternatives.

As it stands now, these consent decrees must be filed with the court 30 days in advance and similar public impact statements are already required in other areas by the National Environmental Protection Act. The extra time and additional information that this bill requires is for the purpose of encouraging and, in some cases, soliciting additional information and public comment that will help the court decide if the consent degree should be granted. To insure that public comment receives consideration, a further provision requires that the Justice Department file a formal response to it.

As to whether or not the consent decree should be accepted by the Court, this bill requires that the decree be accepted only after the Court has determined that it is in the public interest. This is a particularly important provision since, after entry of a consent decree, it is often difficult for private parties to recover damages for antitrust injuries. In some cases, the Court may find that it is more in the public interest, for this reason and others, for the case to go to trial instead of being settled by agreement.

Because the consent decree is an important and useful method of antitrust enforcement, it is not the purpose of this bill to undo its effectiveness. Instead, the bill provides that proceedings before the district court in connection either with the decree itself or the required public impact statements are not admissible against any defendant in any antitrust action nor may they be used as a basis for introduction of the decree itself as evidence. By declining to give it prima facie effect as a matter of law, the consent decree is thereby preserved as an effective tool of law enforcement.

The other portions of the bill are also very important and valuable. They raise the penalties for criminal violations of the antitrust laws and improve the appeals procedures in antitrust cases. The present maximum fine of $50,000 is an inadequate deterrent against violations, and providing for immediate Supreme Court review of those cases of general public importance can only benefit everyone concerned.

The use of consent decrees by the Department of Justice is highly important to the effective administration of our antitrust laws. A great number of judgments each year result from this practice. During the years 1955 to 1967, 81 percent of all antitrust judgments were represented by consent decrees. The following figures show the percentage of antitrust judgments represented by consent decrees during the period 1955 to 1972:

	Percent
1955	91
1956	91
1957	88
1958	88
1959	82
1960	100
1961	70
1962	100
1963	82
1964	88
1965	75
1966	80
1967	53
1968	66
1969	57
1970	84
1971	93
1972	76

If we are to be effective in our efforts to promote free enterprise and to discourage monopolistic business activity, we must be firm, we must be fair, and we must insure that the public interest—the rights of indivduals to buy and sell goods at the marketplace without undue interference—shall to the greatest extent possible be protected.

By Mr. CHILES (for himself and Mr. JACKSON):

S. 783. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, in 1971, before I introduced an acquisition bill last year along with Senator JACKSON, I studied various alternatives to protect this beautiful and vital area of Florida. I came to the conclusion that the direct acquisition of this area was the most straightforward and fair approach and the most complete way of protecting a key link to the survival of Everglades National Park.

I am today reintroducing along with Senator JACKSON a reacquisition bill.

I am delighted that the President and Secretary Morton have come out in full support of an acquisition approach as the best way to protect the Big Cypress watershed. At that time 25 of our colleagues had cosponsored one or another of the acquisition approaches. In addition, this approach has received another boost by the chairman of the House Interior Committtee, Congressman JAMES HALEY of Florida.

Although the Big Cypress is a treasure worth protecting in itself, its role in supplying over one-half of the flow of ground water into western portions of the park makes the Big Cypress an absolute link in the park's future.

It seems to me that not only is direct acquisition the best way but that it is the only right way to protect the rights of owners in the area. This bill protects the rights of sportsmen-hunters and fishermen. This has long been a great area for hunters and fishermen and is an area that should be protected and utilized for that purpose.

Mr. President, there are some people who actually live in the proposed acquisition area. These people, many of whom have sold their homes in the city and moved into a permanent residence in the Big Cypress, deserve to be protected. In addition, there may be a small handful of commercial establishments in the area which I feel should also retain some rights also subject to proper regulation by the Secretary. Also, there are a few sportsmen who have longstanding camps who could be included. These sportsmen agree that no further changes should be made in Big Cypress and I want to see the area remain in its present state. In fact, most agree the existing uses of this area today are not the problem. The danger lies in any proposed new uses.

There is language in the bill along the lines of giving a term in years or a life estate in these holdings for the owner, his wife, or children as long as the property is being utilized in a consistent way according to the Secretary's rules and the fair market value for his holdings less the rights he retains. It goes without saying that the owner of property has a right to just compensation for his property and if he cannot agree on this compensation, he would be entitled to a jury trial in a Federal district court.

The State of Florida wants to make its contribution to the protection of the area through possible future management of the acquired lands and possibly sharing a part of the acquisition costs.

The Big Cypress watershed can remain a viable natural resource or it can be carelessly exploited for the immediate gain of a few—and which will result in an enduring disaster to many.

Maintained as a protected ecosystem, Big Cypress will provide major benefits which can be grouped in several broad areas.

As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse plant and animal life, including a number of endangered species such as the Florida panther, the Everglades mink, southern bald eagle, and roseate spoonbill. It serves as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishes opportunities for hunting, fishing, airboating, and other kinds of recreation in a natural setting for a contact with nature of a kind that is increasingly scarce and hard to find.

As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress Watershed is the key to survival of the far-reaching recreational and commercial shrimping and fishing enterprises that depend upon those estuaries.

The entire food-chain relationship that supports a major segment of Everglades National Park's plant and animal communities depends on maintaining the continuing flow of Big Cypress water. The quality and quantity of the water and the timing of its delivery into the park must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

The Big Cypress watershed serves as a natural water conservation area, recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of this recharge, the aquifer would be vulnerable to damaging salt-water intrusion.

The natural cycles of Big Cypress' waterflow and the life cycles of the living things dependent on that flow are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed.

The Big Cypress is threatened today. Already the water in the canals east of Naples contains iron, lead, and aluminum at levels greater than are found in natural waters from undrained areas nearby. Given sufficiently increased concentrations, these contaminants can detrimentally affect the quality of the water supplies in the aquifer. Further contamination by nutrients and organisms that affect public health can be expected as a result of the use of septic tanks in the area and in the event of further agricultural development in the Big Cypress. At the same time, irrigation needs will mount, putting additional demands on the waters of the Big Cypress.

The report, "Environmental Problems in South Florida," made by the National Academy of Sciences and National Academy of Engineers in March of 1970, stated:

> It is clear that preservation of the Big Swamp as a natural water-conservation area would be most desirable relative to the Everglades National Park, and, as indicated in the section on water management, probably most desirable to orderly development of the South Florida region as a whole.

I feel that if the Big Cypress is permitted to remain in its state as a natural watershed, it can remain the key to effective water preservation in neighboring areas throughout southwest Florida.

The Big Cypress is jeopardized by the pressure for progress based on sometimes well-intended, but too often ill-planned, development. Inevitably the destiny of the Big Cypress is closely interwoven with the enormous and widespread array of living and inanimate things. Within its boundaries, its natural assets can provide an unending procession of rewarding human experiences and great scientific benefit. The Big Cypress is a mosaic of marsh and lowland forest—a wilderness of sloughs, tree islands of hammocks and bay and cypress heads. Cypress dominates and gives the area its name.

Mr. President, the fate of the broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance. In the unusual diversity and wealth of its natural resources, in the far-reaching effects of the uses to which it is put by man, and in its profound vulnerability to unwise uses, the Big Cypress has the potential for becoming a textbook or classic example of ecological ruin.

We cannot allow this area to become an ecological ruin and this legislation will again put this Congress on record as dedicated to protection of our environment.

Time and time again we must echo this dedication by action in the positive—and the purchase of this natural wilderness before man has inflicted permanent damage, will be the mark of a Congress so dedicated.

I ask unanimous consent that a copy of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 783

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect for the benefit, education, and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida, in order to preserve Everglades National Park, which is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp, in order to preserve the fresh water supply and estuarine dependent fisheries of south Florida, and in order to assure the economic well-being and cultural integrity of the Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida, there is hereby established the Everglades-Big Cypress National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be as generaly depicted on the map entitled "Everglades-Big Cypress National Recreation Area," numbered NRA-BC-91,000, and dated March 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary from time to time by publication of a revised map or other description in the Federal Register, but the total area within the recreation area shall not exceed 585,000 acres.

Sec. 2. (a) Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that property owned by the State of Florida or any political subdivision thereof may be acquired only with the consent of the owner. Federal property within the boundaries of the recreation area may, with the concurrence of the head of the agency having jurisdiction thereof, be transferred without reimbursement to the administrative jurisdiction of the Secretary for the purposes of this Act.

(b) With respect to any property acquired pursuant to subsection (a) which in the Secretary's judgment is not essential for the protection, or administration of the recreation area in accordance with the purposes of this Act, the Secretary may take appropriate action to revest title to such property in the former owner.

Sec. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than forty years or, in lieu thereof, for a term ending at the death of the owner, his spouse, or any of his designated heirs in being, whichever is later. The owner shall elect the term to be reserved; except that the right of use and occupancy of corporately owned property shall terminate at the end of forty years. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b)(1) As used in this Act the term "improved property" means a non-commercial residential detached one-family dwelling, construction of which was begun before January 1, 1973, a non-commercial residential campsite upon which improvements were undertaken before January 1, 1973, or a structure used for commercial purposes, construction of which was begun before January 1, 1973, and any such contiguous land which is in the same ownership as the dwelling, campsite, or commercial structure, together with any structures accessory to the dwelling, campsite, or commercial structure, which are situated on such land.

(2) A structure used for commercial purposes, construction of which was begun before January 1, 1973, and any further improvement or activities on "improved property" as defined in paragraph (1) of this subsection, shall be in compliance with regulations established by the Secretary of the Interior.

Sec. 4. Notwithstanding any other provision of law, the Secretary may acquire, by any of the methods set forth in section 2(a) of this Act, lands, waters, and interests therein outside the boundaries of the recreation area but within the State of Florida and exchange such property for property of approximately equal value within the boundaries.

Sec. 5. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and in accordance with such other statutory authorities available to the Secretary for the conservation and management of natural resources to the extent that he finds such authorities will further the purposes of this Act. In administering the recreation area the Secretary shall make appropriate use of the authority in section 5(a) of the Act of July 15, 1968 (82 Stat. 354, 356), to convey property acquired for the purposes of this Act to former owners thereof.

(b) No additional access roads or canals shall be constructed within or leading to the recreation area, and no facilities for the care and accommodation of visitors shall be constructed or permitted other than on lands which, on the effective date of this Act, have been filled, dredged, built up, or otherwise permanently altered for construction purposes, it being the intention of this subsection that establishment of the recreation area shall in no way further adversely alter the natural ecology of the area.

Sec. 6. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the recreation area in accordance with applicable laws of the State of Florida and of the United States, except that he may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary to carry out the purposes of this section shall be issued only after consultation with the Florida Department of Natural Resources. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida may continue their usual and customary use and occupancy of lands and waters within the recreation area, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

Sec. 7. Notwithstanding any other provision of law, the Secretary may enter into cooperative agreements with the recognized tribal governing bodies of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, for the construction and operation by such recognized Indian tribes, or their assigns, of revenue-producing facilities and services for visitors to the recreation area; except that the carrying out of such construction, operation or services shall be subject to such standards, terms, and conditions as the Secretary may establish, and may be conducted only at locations designated by the Secretary. Such agreements may provide that all or an appropriate portion of the net receipts may be retained by such Indian tribes or their assigns. Before entering into any other contract for the provision of revenue-producing visitor services of facilities for the recreation area, the Secretary shall give the governing bodies of such Indian tribes recognized by the United States ninety days in which to enter into a cooperative agreement pursuant to this section for the provision of such visitor services or facilities.

Sec. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $ (February 1973 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

By Mr. KENNEDY:

S. 784. A bill to apply certain provisions of the Fishermen's Protective Act of 1967 to situations in which vessels of the United States or their gear are damaged by actions of foreign countries; and

S. 785. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environmental and natural disasters. Referred to the Committee on Commerce.

S. 786. A bill to provide Small Business Administration disaster assistance for individuals who are self-employed in the fishing industry. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 787. A bill to provide certain essential assistance to the U.S. fishing industry;

S. 788. A bill to amend the provisions of law establishing a fund to promote the free flow of domestically produced fishing products in order to increase the amounts in such fund; and

S. 789. A bill to authorize the Secretary of Commerce to increase the availability of insurance coverage for U.S. fishing vessels, and for other purposes. Referred to the Committee on Commerce.

REVITALIZATION OF THE NEW ENGLAND FISHING INDUSTRY

Mr. KENNEDY. Mr. President, I am introducing today six bills and one resolution aimed at the revitalization of the New England fishing industry. I ask unanimous consent that full text of the bills and resolution be printed in the Record at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, 2 weeks ago, I had the opportunity to visit with fishermen from New Bedford, Gloucester, and Boston to discuss the problems of the Massachusetts fishing industry. Without exception, the message was the same from fishermen from all parts of the Commonwealth—the New England fishing industry is in peril and if action is not taken immediately by the Federal Government to assist them, it will be too late.

The fishermen of Massachusetts have been bringing this message to Washington for years, but the Congress has not responded with comprehensive legislation directed at solving the enormous problems facing the industry. Time is running out for the fishermen of Massachusetts and New England and the United States, and it is up to this Congress to enact a meaningful, effective, comprehensive program to assist and support the fishing industry.

The legislation which I introduce today includes the suggestions I have received from Massachusetts fishermen to support their own revitalization program, a program I am hopeful this Congress will debate and discuss and perfect for the protection of this vital industry.

Massachusetts fishermen will have the opportunity to personally present their views to Members of the Senate during hearings of the Senate Commerce Committee which has over the years shown commitment and concern under the distinguished leadership of Senator Magnuson for the interests of fishermen from all coastal areas of the United States. The program which I am introducing today will serve as a basis for the discussion of New England fishing industry problems and working together we can begin now the long and difficult task of returning this important industry to a vigorous and healthy state in the economy of Massachusetts and New England.

Mr. President, I would like to outline for the Members of the Senate some of the problems this industry faces, some of the steps that have been taken to assist the industry, and discuss the legislation I am introducing today.

The New England fishing industry faces devastating problems from limited fish resources, from foreign competition, and from financing the revitalization of their own industry. The dismal statistics suggest the decline of this industry during the last decade. Fish stocks have been grossly reduced by the overfishing practices of 14 nations in the Georges Bank area. Our haddock resources have declined 86 percent in 5 years, it is estimated by the New England fisheries council. And 70 percent of the fish consumed in the United States is now imported. In 1960 American fishermen caught 93 percent of the fish off the New England coast; today that catch is down to about 30 percent. Fish landings at the Boston fish pier in 1961 were 115 million pounds; in 1972 landings were less than 22 million pounds.

The fishing industry has attempted to revitalize itself by developing research and technology for the restoration of depleted resources and developing market research for nutritious underutilized species.

We made some small progress in the last Congress to assist the fishing industry. On May 25, my amendment to help those fishermen who have suffered damage at the hands of foreign fishing fleets passed the Senate. That amendment failed in conference with the House, but we did gain a commitment to hold hearings in the House of Representatives during this Congress on the protection of our fishing fleet.

I cosponsored legislation to make funds available retroactively to all those fishermen who have suffered damage to vessels or gear since 1971 and who continue to sit and wait for reimbursement while the Government negotiates with the foreign governments whose vessels and fleets are responsible.

I asked the Secretary of Commerce and the Secretary of Agriculture to assist our fishing industry by gathering and disseminating marketing information from Europe so that our fishermen can compete in foreign markets as the foreign countries are competing in ours. The Departments of Commerce and Agriculture agreed and the marketing information is now available and the New England Fisheries Association presented American products in Milan, Italy, this month.

The "red tide" hit the coast of Massachusetts in September and the fishing industry is still reeling despite the assistance from the Small Business Administration. In addition to asking for this emergency aid, I have asked the National Marine Fisheries Service for long-range assistance in research on the cause and prevention of red tide organisms.

I have asked the Food and Drug Administration and the National Marine Fisheries Service to coordinate a program to assist the swordfishermen of Massachusetts as they deal with the health hazard pronouncements affecting their industry and I ask unanimous consent that those letters be placed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 24, 1973.
Mr. Charles C. Edwards,
Commissioner, Food and Drug Administration, Rockville, Md.

Dear Mr. Edwards: I am writing in regard to the serious situation in the Massachusetts swordfish industry because of the continuing concern over the mercury content in the fish.

Massachusetts swordfishermen have made several suggestions which they feel would serve both the interests of consumers and the interests of the fishing industry:

(1) that prior to any announcement of health hazards, the industry be consulted and advised of the findings

(2) that a committee within the National Marine Fisheries Service work together with the Food and Drug Administration in determining how the fishing industry can be assisted during the critical period

(3) that a method of effective and continuing inspection of imported fish products be established

(4) that periodic reevaluation of mercury content standards be implemented.

We all share the concern that consumers of fish products be protected against health hazards and at the same time that confidence in those products which are safe be restored. I would appreciate your comments on these suggestions and any current data on the mercury content of New England swordfish as compared with imported products or other fish products from other parts of the nation.

I appreciate your personal attention to this, and I look forward to hearing from you soon.

Sincerely,

Edward M. Kennedy.

U.S. Senate,
Washington, D.C., January 24, 1973.
Mr. Philip M. Roedel,
Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C.

DEAR MR. ROEDEL: I am enclosing a copy of a letter which I have written to Mr. Charles C. Edwards, Commissioner of the Food and Drug Administration.

I know that you are very familiar with the problems of the swordfishermen of Massachusetts and that your office has given a great deal of personal attention to the solution of those problems. One of the suggestions the fishermen have made is that a coordination between National Marine Fisheries and the Food and Drug Administration on health hazard announcements might prevent the kind of misinformation which circulates among fish consumers in the wake of any kind of health hazard notification. For example, our fishermen feel that many consumers stopped buying any kind of fish products when the information became available that mercury was found in some swordfish.

I would be interested in your comments and suggestions on how we might deal with this kind of situation in the future and what kinds of relief in terms of better public relations for the fishing industry might assist those already severely affected.

Thank you so much for your personal attention to this, and I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

Mr. KENNEDY. Mr. President, on behalf of Massachusetts fishermen, I asked representatives of the Department of Commerce to discuss the U.S. position for the upcoming ICNAF meeting in Rome to urge an increase in the U.S. proportion of fish quotas off the coast of New England.

But all of these efforts will not save the New England fishing industry. Foreign fleets continue to deplete the resources off our coasts. And every May and every November, we can be virtually assured that Russian or East German fishing fleets will ram an American fishing boat or ruin lobster gear off the cape. And every year we will continue to protest the action to the State Department and the Coast Guard. And next year the same type of incidents will occur and the same kind of protests will be heard and no action has been taken by the Government to see that it never happens again.

It takes a great deal of courage to be a New England fisherman today.

They have to face a fish stock that is rapidly declining and in some cases such as haddock nearly depleted and they may not be able to make a decent living for their families.

They have to face the possibility of losing vessels and gear as a result of ramming and harassing by foreign fishing fleets. And they face danger to their lives and crews.

They face a fleet of foreign vessels almost as big as aircraft carriers who overfish the resources, pack, and freeze the catch and sell it back to us at twice the cost.

They face the "red tide" or mercury or the next natural disaster and then face sitting and waiting for Government assistance.

And the saddest part of all of this is that they face it alone—without Government help. New England fishermen are zealous in their efforts to revitalize the fishing industry. They have taken the initiative to develop markets in other countries. They carry their message to their elected officials. They search for ways to finance their own modernization. and they receive answers from the Department of State that agreements are being worked out; that reimbursement for damage is being negotiated; that relationships with foreign countries demand patience. And in the budget announcement this week, we saw over $4 million dollars cut from the National Marine Fisheries Service budget and over $3 million impounded in that budget:

Funds cut or impounded

Funds cut:	
Fisheries Advisory Board	$100, 000
MARMAP-resource and management study operation	838, 000
State-Federal fisheries management, research	1, 900, 000
Fish protein concentrate program	1, 300 ,000
	4, 038, 000
Funds impounded:	
Fishery ship operation and maintenance	1, 600, 000
MARMAP	1, 300, 000
State-Federal fisheries management, State grants	540, 000
Aquaculture research and technology	250, 000
	3, 690, 000

I am introducing a Senate concurrent resolution and six bills which provide a comprehensive framework for solving the problems of the fishing industry:

Senate concurrent resolution, to express a national policy of support for the New England fishing industry and the fishing industry in other parts of the Nation, and to urge immediate study on the implementation of coastal zone preference.

First. Amendment to the Fishermen's Protective Act—To reimburse American fishermen for damages caused by foreign fishing vessels.

Second. Federal Fisheries Environmental and National Disaster Assistance Act—To provide insurance against natural disasters which reduce or impair fish resources.

Third. Amendment to the Small Business Act—To provide disaster assistance to the unemployed fishermen who suffer loss of income due to the "Red Tide."

Fourth. Fisheries Development Act of 1973—To authorize a comprehensive program of funds, technical assistance, and marketing information.

Fifth. Amendment to the Saltonstall-Kennedy Act of 1954 to provide that 100 percent, rather than 30 percent of duties on fish imports be returned to the fishing industry.

Sixth. Fishing Vessel Insurance and Safety Act—To provide the promulgation of safety standards, loan guarantees to meet these standards, loans guarantees to fishermen's marine insurance associations.

NATIONAL POLICY

The concurrent resolution expresses a national policy of support for the New England fishing industry and the fishing industry across the Nation. I joined with Senator JAMES EASTLAND in a resolution of support for the fishing industry from all coastal areas, and I know that the fishermen of New England stand ready to join with the fishermen of the west coast and gulf coast and Alaska to support those programs which will best serve all our fishermen. The resolution expresses the critical need for assistance to the New England fishing industry, in particular and the national commercial fishing industry.

This resolution endorses the U.S. position for the Law of the Sea Conference that the coastal State has the right to regulate the fish stocks inhabiting the coastal waters off its shores, but goes further and requires that the United States begin to study now the implementation of this policy prior to international agreements which may be years away. The New England fishing industry reminds us that they do not have years to survive as an industry unless some action is taken now by the Federal Government to give the coastal States preference in fishing off our coastal waters.

The fishermen of Massachusetts favor a 200-mile extension of the fishing limit and I support their position. But while the years go by and a 200-mile fishery extension is not implemented through international negotiations, the fishermen off the New England coast continue to suffer the harassment and damage by foreign fleets which by most estimates have increased their presence over 30 percent in the last year. Action must be taken now to protect our fishermen and promote good will among fishermen of all nations. It is inconceivable that the current situation with foreign trawlers tearing through lobster gear off the New England coast and Massachusetts fishing boats rammed and sunk by foreign ships provides a setting for fostering international good will, and it is in the best interests of fishermen from every country that clear, safe and equitable fishing policies be implemented.

The fishermen of New England understand the unique problems of gulf shrimpers and west coast tuna fishermen and they have shown a willingness to support a policy which will be in the interest of all American fishermen.

VESSEL DAMAGE

I am reintroducing my legislation which passed the Senate on May 25, 1972, to protect fishermen whose vessels are damaged by the ships of foreign nations. It authorizes reimbursement for damage to vessels or gear, the market value of the fish caught before damages, and reimbursement for loss of income during the period of repair. I expect that hearings on this legislation will provide the Congress with the grim information on the extent of foreign fleet damage to American fishing vessels and point out the criterial need to enact this legislation.

ENVIRONMENTAL DISASTERS

I am introducing a bill to provide a comprehensive program of insurance against losses due to environmental disasters, such as storms, red tide organisms, mercury content. In the last Congress legislation was introduced to assist the fishing industry during periods of loss of income due to health pronouncements which limit the sale of fish products due to diseased conditions produced by natural disasters. The legislation which I am introducing goes beyond those provisions to provide reimbursement for loss of income due to storms or other natural disasters which reduce fish supply.

The bill sets up the Federal fisheries environmental and natural disaster insurance corporation with a capitol stock of $25 million to provide insurance to fishing vessel owners as well as domestic fish dealers against natural disasters which prevent the harvesting or marketing of fish or shellfish. Grants totaling $8 million would be available for owners, processors, and dealers for recovery during a period of economic loss due to health restrictions.

EMERGENCY ASSISTANCE

This legislation and the amendment to the Small Business Act which I am introducing are particularly important to the diggers of soft shell clams and mussels in Massachusetts who were recently hit by the "red tide" disaster. The amendment provides that even those self-employed fishermen who have no inventory and cannot demonstrate a loss in equipment or facilities loss—precisely because clam digging is usually carried out by individual diggers who do not carry on a business operation—may qualify for loans under the emergency loan provisions of the Small Business Act.

TECHNICAL AND GRANT ASSISTANCE

I am introducing the Fisheries Development Act of 1973 similar to legislation I introduced in the last congress to authorize a comprehensive program to revitalize the New England fishing industry. It provides:

First. Funding of the Fisheries Extension Service to centralize, now fragmented information and assistance programs—$45 million program over the next 3 fiscal years.

Second. A program of technical assistance grants to enable fishermen to take advantage of modern methods, gear, and equipment to increase their productivity—$22½ million over the next 3 fiscal years.

Third. Expansion into new and underexploited species—$15 million over the next 3 fiscal years.

Fourth. A thorough and continuing review of the fish import situation with an important provision that imported fish product information must be kept separately for fresh and frozen products.

Fifth. A comprehensive study of Federal, State, and local regulations on the fishing industry and the development of model codes for coastal States to harmonize the conflicting interests of commercial fishing and the protection of dwindling fish resources—$1 million.

Sixth. Funding of the fish protein concentrate program at the rate of $1½ million each fiscal year.

Seventh. Grants to fishermen's cooperative associations for storage, processing, or marketing fish products—$9 million over the next 3 fiscal years.

Eighth. Assistance in the formation of fish marketing agreements to promote the development of market for new products and conduct marketing research—$4½ million over the next 3 fiscal years.

IMPORT DUTIES

President Kennedy, when he was in the Senate, and Senator Saltonstall introduced legislation in 1954 to return 30 percent of the duties to the domestic fishing industry. This has been an important source of revenue for research and development in the fishing industry. But during the period since 1954, we have seen a rise in imported fish products until today nearly 70 percent of the fish consumed in the United States is imported, and we have seen a decline in the domestic fishing industry, the dimensions of which could not have been foretold in 1954. The return of 100 percent of these duties is critically needed now to help the fishing industry meet competition from foreign countries.

Total duties collected on fishery products in 1970 were $25,175,481 and NMFS received $7,552,644. I would like to insert in the RECORD at this point, a breakdown of expenditures from these funds.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Breakdown of expenditures

The Saltonstall-Kennedy Act funds for fiscal 1972 are:

Title and Funding ($1,000)

Resources and environment, MARMAP	1,907
Resources and environment, acquaculture	476
Resources and environment, biological research	1,213
Resources and environment, ecological change	73
Public service, extension and others	215
Public service, economic analysis and marketing	2,377
(Statistics and market news, 1,465)	
(Marketing, 800)	
(Economics, 112)	
Public service, inspection standards development	22
Develop, test and evaluate, fishery products technology	1,270
Total	7,553

INSURANCE AND SAFETY

Mr. KENNEDY. Mr. President, I introduce also the Fishing Vessel Insurance and Safety Act. Similar legislation was introduced in the House of Representatives in the last Congress and was the subject of extensive hearings. The legislation I am introducing includes the suggestions from the National Oceanic and Atmospheric Administration on that legislation which is so vitally needed by American fishermen.

In New England the price of protection and indemnity coverage has increased over 50 percent. New Bedford scallop vessels absorbed a 54 percent jump in insurance costs between 1960 and 1968, compared with a 2.3 percent gain over the period 1956 to 1960. I would like to insert in the RECORD at this point a table prepared by the National Marine Fisheries Service on the insurance expenses of the New Bedford scallop fleet.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHANGES IN INSURANCE EXPENSES AND OTHER VESSEL OPERATING EXPENSES, NEW BEDFORD SCALLOP FLEET, 1956–68

	Expense per man-day at sea				Receipts per man-day at sea
	Insurance costs	All other fixed	Total trip expenditures	Repairs and maintenance	
1956	$3.04	$1.56	$9.19	$7.87	$53.91
1957	2.88	1.99	9.60	6.91	54.06
1958	3.16	1.89	9.92	6.62	51.98
1959	3.01	1.85	8.77	6.68	56.53
1960	3.11	2.75	8.70	4.99	46.93
1967	3.92	4.96	12.24	10.59	76.15
1968	4.80	5.53	13.14	12.98	103.05
Percentchange:					
1956–60	+2.3	+76.2	−5.4	−36.5	−13.0
1960–68	+54.3	+101.0	+51.0	+160.1	+119.6
1956–68	+57.9	+254.5	+43.0	+64.9	+91.2

Source: National Marine Fisheries Service, Division of Economic Research.

Mr. KENNEDY. Mr. President, NOAA has completed their comprehensive report on the special problems of insurance coverage for U.S. commercial fishing vessels and that report was the basis of of a 2-day discussion of fishing insurance problems 2 weeks ago at the Smithsonian Institution here in Washington during which leaders of the Massachusetts fishing industry reviewed the critical situation of spiraling insurance rates. I would like to include in the RECORD at this point the summary of that report outlining the complex nature of rising vessel insurance costs.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

INSURANCE COVERAGE FOR U.S. COMMERCIAL FISHING VESSELS

The evidence developed in this report indicates that rising vessel inusrance costs are a potential threat to the financial integrity of many commercial fishing operations. That is, the price of adequate coverage appears to be climbing at a pace well above the average for all other vessel costs which appear to be escalating considerably faster than general price inflation trends. The situation is made worse by declining productivity in some fisheries—the result of pressures on the resource.

The rise in insurance costs commands attention for two basic reasons: (1) insurance constitutes a significant component of vessel operating costs and is therefore a significant variable in determining the profitability of fishing operations; and, furthermore (2) insurance costs are susceptible to a degree of potential control not applicable to most other important cost components. Briefly put, the price of insurance reflects the risk associated with vessel operations. To reduce risk, would therefore, release pressure on insurance costs. Fishing operations, of course, are inherently a risky business; but the risk can be minimized through a high regard for vessel safety and crew competence. Of particular note here are the findings of a Coast Guard study group which indicate that comprehensive safety programs could result in savings of more than 50% in hull insurance costs in some fisheries. Vessel owners, and insurance underwriters appear to agree with the Coast Guard (in principle if not in actual estimates) as witnessed by their interest in crew training programs that have been undertaken in the Gulf Coast areas.

Although an insurance problem is found in all fisheries, it differs significantly between regions, or fisheries. The general insurance problem breaks down into two segments: (1) the hull insurance problem; (2) the liability insurance problem (P&I or protection and indemnity.) The classifications differ as to significance when viewed on a regional, or fishery basis. For sample fleets studied, the key problems were: (a) sharply rising hull insurance rates in Alaska; (b) increasing costs of P&I coverage in the North Atlantic, particularly New England; (c) continuous cost increases for hull insurance in the Gulf area, coupled with more recent problems with the cost of P&I coverage; (d) rising costs of P&I coverage in the West Coast.

Regional differences in insurance problems are related to characteristic differences between fisheries. Diverse operations contain a diverse set of inherent risks. Vessels operating in Alaskan fisheries, for example, apparently face considerably greater navigational hazards, than many other fisheries. This can be deduced from the fact that a large percentage of vessel casualties in Alaska are due to "grounding" accidents, which lead to considerable claims for hull damage. The New England area is characterized by its own set of physical hazards for vessel operations, which is reflected in the relatively high rate levels paid for hull insurance. An even greater problem, however, exists in the persistently high losses claimed under P&I coverage. These losses have driven premium rates to high levels and have almost totally discouraged domestic underwriters from writing this coverage in New England.

There is also the important question of vessel characteristics. The investigations conducted for this report left little doubt that age and construction type of a vessel have a profound effect on premium rates particularly for hull insurance. It is generally true that where you find aged fleets, of mostly wood construction, you will also find a "hull" insurance problem. Underwriters for the Gulf area, particularly, rate wood vessels as a considerably greater risk than steel vessels. A similar situation prevails on the West Coast, where aged fleets also contribute to high insurance costs. Of course these are generalities, but are recounted to point up the important fact that there are many shades of the insurance problem, identifiable with various fisheries.

With respect to each type of insurance (hull and P&I), it is possible to make the following observations:

The hull problem potentially is more widespread, because all vessel operators should protect their investments in vessels, whereas in the case of family owned and operated vessels it is not always essential to have P&I protection. On the other hand, the P&I problem is the more troublesome when viewed in the light of potential solutions. Although factors that determine "risk" with respect to hull insurance are considered in the determination of P&I rates, the latter are seriously affected by the legal environment in which claims are pursued, i.e., the broad scope of legal liability imposed on vessel owners by traditional maritime laws, and the Jones Act.

Commercial fishermen, for the most part, are not embraced by Workmen's Compensation statutes but are afforded the protection of the maritime laws. As the law has evolved, vessel owners have broad obligations with respect to liabilities for personal injuries to crewmen. The degrees of liability are not so clearly defined as they are under Workmen's Compensation statutes and regulations. Rather, determinations of liability have been made through litigation. In the eyes of underwriters, court interpretations of the maritime law and generous jury verdicts have combined to increase the P&I risk substantially. Judging from the persistent losses insurers have sustained for this class of insurance, it is evident that underwriters have been unable to assess the risk with any degree of accuracy under these conditions. Inevitably, insurers have avoided underwriting P&I, and the domestic market for this class of insurance is extremely limited.

Because of the high loss ratios and unfavorable institutional environment (i.e., Jones Act, etc.) P&I coverage for most fisheries is being obtained largely from foreign underwriters. Domestic underwriters do, however, show an active interest in "hull" business particularly in the Gulf area and California. Quite likely, domestic companies are managing to earn modest margins on their hull writings, although the rising costs of settling claims appear to be eroding these margins. Moreover, where P&I coverage is written in conjunction with hull policies, underwriting margins become even more vulnerable. An evaluation of the "active" interest maintained by domestic companies with respect to hull insurance, however, should be made with the additional fact that there is a high degree of concentration in the market for vessel insurance, with relatively few companies writing most of the business in the various areas. This is not, necessarily, an undesirable structure, because it may be that the peculiarities of writing fishing vessel insurance dictate this type of arrangement. Price competition for all types of insurance has been minimized through legally sanctioned rating bureaus and insurance syndicates.

Mr. KENNEDY. Mr. President, the National Marine Fisheries Service points out that annual premiums for vessels in the Boston haddock fleet in 1966 averaged $16,351. This amounted to half the fixed costs or overhead to each vessel; that is, the insurance bill was equal to the combined total of interest expenses, employee taxes, and administrative costs. As much is spent on insurance as on food which runs over $60 per day at sea for a 17-man vessel.

The legislation which I introduce today provides that the Secretary of Commerce promulgate safety standards and authorizes loan guarantees of $15 million so that commercial fishermen can meet these standards. The U.S. Coast Guard estimates that with the adoption of adequate safety programs in the North Atlantic fisheries, savings in hull insurance premiums would range between 28 percent and 56 percent. I would like to insert in the RECORD a chart prepared by the Department of Interior illustrating the high rate of work-connected injuries in the Boston fleet as compared to other industries.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WORK-CONNECTED INJURY EXPERIENCE OF THE BOSTON OFFSHORE TRAWLER FLEET COMPARED WITH OTHER INDUSTRY EXPERIENCE 1963-64

Industry group	Injury frequency rate[1]	Acreage days disbility per case[2]
Boston fishermen	40.3	47
Manufacturing	11.9	18
Coal mining	43.5	(3)
Metal mining and milling	23.8	(3)
Contract construction	28.6	18
Major freight transportation warehousing	31.3	17
Wholesale and retail trade	12.2	14

[1] Number of disabling work injuries per million employee hours worked. In the case of Boston fishermen, work-connected illnesses are included.

[2] Pertains to injuries which do not result in death or permanent impairment.

[3] Not available.

Source: Norton, Virgil J. and Morton M. Miller, "An Economic Study of the Boston Large-Trawler Labor Force," U.S. Department of the Interior, Bureau of Commercial Fisheries ircular 248, Washington, D.C. (May 1966).

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Mr. KENNEDY. Mr. President, the bill also authorizes $10 million for loan guarantees to fishermen's marine insurance associations to provide insurance against damage or loss of vessels, injury or death of fishermen and other insurable risks associated with commercial fishing vessel operations. Vessel owners on the west coast have formed several groups for the purpose of pooling their insurable risks. They are nonprofit groups, organized to obtain insurance at the lowest reasonable cost and they have been very successful in this effort.

A reinsurance fund is established to provide a reinsurance service to carriers which issue insurance to commercial fishing vessels. Enactment of this legislation would bring down insurance rates which have become so enormously high in the last decade that many New England fishermen today must go without insurance.

Mr. President, the legislative package I introduce today for the New England fishing industry deals with the varied and complex problems that face all our fishermen. And I think that this Congress should make the determination that the fishermen have made, that the fishing industry must be assisted now if it is to be effective, timely assistance. There is a visible force at work during these critical times for Massachusetts fishermen and that is the will and commitment of the fishermen themselves to saving the New England fishing industry. And it is this force which I am hopeful will prevail during this Congress as we have the opportunity to consider and act on this legislation which is so desperately needed.

The bills and concurrent resolution, ordered to be printed in the RECORD, are as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fishermen's Protective Act of 1967 is amended—

(1) by inserting immediately before "by a country" a comma and the following: "or vessel of the United States or its gear damaged"; and

(2) by inserting before "in accordance" the following: "or such vessel or its gear damaged".

SEC. 2. Section 5(a)(2) of the Fishermen's Protective Act of 1967 is amended by inserting after "seizure" the following: "or damage to a vessel of the United States or its gear".

SEC. 3. (a) Section 7(a) of the Fishermen's Protective Act of 1967 is amended to read as follows: "(a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if such vessel or its gear is damaged as a result of the action of a vessel operated by the government of such country or any other activity of such government (on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States), or if such vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for actual costs, except those covered by section 3 of this Act, incurred by the owner arising out of damage to his vessel or gear by such country, or during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught (A) before damage to such vessel or gear and lost or spoiled as the result of such damage, or (B) before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such damage or such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such damage or seizure and detention of the vessel seized or, if such experiences is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the damaged or seized vessel."

(b) Section 7(b) of such Act is amended by striking out "seized".

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fisheries Environmental and Natural Diseaster Assistance Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to promote the national welfare by improving the economic stability of the fisheries and fisheries trade through a sound system of product insurance and indemnity against excessive losses, caused by Federal, State, or local health authority action preventing the processing of marketing of fish or fish products or by any natural disaster; and providing the means for the research and experience helpful in devising and establishing such insurance.

TITLE I—FEDERAL FISHERIES ENVIRONMENTAL AND NATURAL DISASTER INSURANCE CORPORATION

CREATION

SEC. 101. To carry out the purposes of this title, there is hereby created as an agency of and within the Department of Commerce a body corporate known as Federal Fisheries Environmental and Natural Disaster Insurance Corporation (hereinafter referred to as the "Corporation"). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

CAPITAL STOCK OF THE CORPORTION

SEC. 102. (a) The Corporation shall have a capital stock of $25,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Commerce (hereinafter referred to as the Secretary"), be subject to call in whole or in part by the Board of Directors of the Corporation.

(b) There is authorized to be appropriated such sums as are necessary for the purpose of subscribing to the capital stock of the Corporation.

(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

CAPITALIZATION OF THE CORPORATION

SEC. 103. The payment of capital stock in the Corporation shall be effected by transfer of funds on the books of the Treasury Department to the credit of the Corporation.

BOARD OF DIRECTORS AND MANAGER OF THE CORPORATION

SEC. 104. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the "Board") subject to the general supervision of the Secretary. The Board shall consist of the manager of the Corporation, two other persons employed in the Department of Commerce, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board shall be appointed by, and hold office at the pleasure of the Secretary, who shall not, himself, be a member of the Board.

(b) Vacancies in the Board so long as there shall be three members in office shall not impair the powers of the Board to execute the functions of the Corporation, and three of the members in office shall constitute a quorum for the transaction of the business of the Board.

(c) The Directors of the Corporation who are employed in the Department of Commerce shall receive no additional compensation for their services as such Directors but may be allowed necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia. The members of the Board who are not employed by the Government shall be paid such compensation for their services as Directors as the Secretary shall determine, but such compensation shall not exceed $100 per day each when actually employed and transportation expenses plus not to exceed $20 per diem in lieu of subsistence expenses when on business of the Corporation away from their homes or regular places of business.

(d) The manager of the Corporation shall be its chief executive officer, with such power and authority as may be conferred upon him by the Board. He shall be appointed by, and hold office at the pleasure of, the Secretary.

POWERS OF THE CORPORATION

SEC. 105. The Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed:

(3) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

(4) may sue and be sued in its corporate name in any court of record of a State having general jurisdiction, or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; except that no attachment, injunction, garnishment, or other similiar process, mesne or final, shall be issued against the Corporation or its property;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

(6) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

(7) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this title;

(8) may conduct researches, surveys, and investigations relating to fisheries disaster insurance and shall assemble data for the purpose of establishing sound actuarial bases for insurance on fisheries commodities;

(9) shall determine the character and necessity for its expenditures under this title and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

(10) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

PERSONNEL OF THE CORPORATION

SEC. 106. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation pursuant to the civil service and classification laws, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine, require bond of such of them as he may designate, and fix the penalities and pay the premiums of such bonds; except that personnel paid by the hour, day, or month when actually employed, and local insurance committeemen may be appointed without regard to civil service laws and regulations.

(b) Insofar as applicable, chapter 81 (relating to compensation for work injuries, of title 5, United States Code, shall extend to persons given employment under the provisions of this title, including the employees of the committees and associations referred to in subsection (c) of this section and the members of such committees.

(c) The Secretary of Commerce may allot to bureaus and offices of the Department of Commerce or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this title any funds made available pursuant to the provisions of this title.

(d) In carrying out the provisions of this title the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

FISHERIES ENVIRONMENTAL DISASTER INSURANCE

SEC. 107. (a) To carry out the purposes of this title, the Corporation, commencing with fish and shellfish catches for 1974, shall insure, or reinsure insurers of—

(1) domestic fishing vessel owners and crews for losses in gross revenue incurred in a single season by inability to harvest or market as planned a fish or shellfish catch because of Federal, State, or local health regulation or action determining the product to be unfit for human consumption or because of any natural disaster, as defined by the Secretary;

(2) domestic fishing vessel owners for costs of refitting vessels necessitated by, or loss value of vessels caused by, elimination of an entire fish or shellfish resource as a harvestable resource because of Federal, State, or local health regulation or action or because of any natural disaster; and

(3) domestic fish and shellfish dealers,

processors, and wholesalers against losses incurred by inability to market an inventory of fish or shellfish because of Federal, State, or local health regulation or action determining the product to be unfit for human consumption when the cause of the determination is change, either natural or man-made.

(b) The Board shall fix premiums for each type of insurance and for the various species of fish and shellfish at such rates as the Board deems sufficient to cover claims for losses on such insurance, and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. Such premiums shall be reviewed and adjusted annually to reflect experience of the previous year.

(c) The Board shall adjust and pay claims for losses in cash under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court, or in any court of record of the State having general jurisdiction, sitting in the district in which the insured firm is located, and jurisdiction is conferred upon such district courts to determine such controversies without regard to the amount in controversy; except that no suit on such claim shall be allowed under this subsection unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.

EXEMPTION OF INDEMNITIES FROM LEVY

SEC. 108. Claims for indemnities under this title shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this title.

DEPOSIT AND INVESTMENT OF FUNDS

SEC. 109. All money of the Corporation not otherwise employed may be deposited with the Treasury of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this chapter.

TAX EXEMPTION

SEC. 110. The Corporation, including its franchise, its capital reserves, and surplus, and its income and property, shall be exempt from all taxation imposed by the United States or by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

CORPORATION AS FISCAL AGENT OF GOVERNMENT

SEC. 111. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary of the Treasury. The Corporation may also be employed as a financial agent of the Government and shall perform all such reasonable duties as a depository of public money and financial agent of the Government as may be required of it.

ACCOUNTING BY THE CORPORATION

SEC. 112. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable; except that such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors herein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

ADVISORY COMMITTEE

SEC. 113. The Secretary is authorized to appoint, from time to time, an advisory committee consisting of not more than five members experienced in the functions of the Corporation and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this title. The compensation of the members of such committee shall be determined by the Board but shall not exceed $100 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of such expenses.

TITLE II—REIMBURSEMENT OF COMMERCIAL FISHERMEN

DEFINITIONS

SEC. 204. As used in this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "domestic fishing" means commercial fishing undertaken by vessels registered in the United States.

(3) The term "allied sport fishing camps" means fishing camps and businesses which provide facilities, boats, bait, and other incidental supplies for fishing.

(4) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(5) The term "prohibitive Federal or State restrictions" means restrictions relating to a deterioration in the quality of the aquatic environment and imposed or enforced on or after January 1, 1970, and until December 31, 1973 (or until the implementation of title 1 of the Federal Fisheries Environmental and Natural Disaster Act, if such implementation is before December 31, 1973) by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce—

(A) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or

(B) by 20 per centum or more the market value of the commercial catch in the calendar year concerned but for the imposition of such restrictions and which also results in allied sport fishing camps proportionate losses.

(6) The term "eligible owner" means any legal entity which—

(A) is the owner of fishing equipment, and

(B) was engaged in domestic fishing as his usual occupation for 30 days or more prior to the imposition of prohibitive Federal or State restrictions thereon, or

(C) was the owner and operator of a sport fishing camp.

GRANTS TO ADVERSELY AFFECTED OWNERS

SEC. 202. (a) Any eligible owner adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

(b)(1) In any case in which paragraph (2) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing or allied sport fishing camp operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owners' operations.

(2) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in materials in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account all harvesting gear owned by the eligible owner and in use by him at the time of, or intended to be so used by him before, such Federal or State restrictions were imposed and the expected income for that calendar year. In the case of an eligible owner who operates a sport fishing camp, the Secretary shall accordingly take into account his volume of business and investments in facilities and supplies when estimating lost gross earnings under the same paragraph.

(c)(1) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are imposed or enforced.

(2) No grant may be made under this section to any owner unless such owner is a domestic legal entity.

APPROPRIATIONS AUTHORIZED

SEC. 203. There is authorized to be appropriated to carry out the purposes of this title not to exceed $5,000,000.

TITLE III—REIMBURSEMENT OF FISH AND SHELLFISH PROCESSORS AND MARKETERS

DEFINITIONS

SEC. 301. As used in this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "inventory" means fish or shellfish products in processed or partially processed form owned by a domestic corporation.

(8) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(4) The term "prohibitive Federal, local, or State restriction" means restrictions imposed on or after January 1, 1970, and until December 31, 1973 (or until the implementation of title I of the Federal Fisheries Environmental and Natural Disaster Assistance Act if such implementation is before December 31, 1973), by any State or local government agency or by any agency or department of the Federal Government which prohibits marketing of the product in this country because of determination that the product is unfit for human consumption when the cause of such determination is change, either natural or man-made, in en-

vironmental conditions; or a newly discovered hazardous condition (including, but not limited to, presence of toxic or potentially toxic constituents or contaminants).

(5) The term "eligible owner" means any domestic legal entity which is the owner of the inventory or fishing equipment at the time of imposition of the prohibitive restrictions.

GRANTS

SEC. 302. (1) Any eligible owner adversely affected by the imposition of prohibitive Federal, State, or local restrictions during the period specified, may apply to the Secretary for a grant under this title for the purpose of recovering losses incurred in disposition of inventory affected or lost value of fishing equipment rendered unusable because of elimination of an entire fish or shellfish resource as a harvestable resource.

(2) No grant shall be made under this section unless such inventory was acquired from a domestic fishing vessel.

APPROPRIATIONS AUTHORIZATIONS

SEC. 303. There is authorized to be appropriated to carry out the purposes of this title not to exceed $3,000,000.

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 7(b)(4) of the Small Business Act, the Administrator of the Small Business Administration shall make loans to cover loss of income or profit to individuals who are self-employed in the fishing industry and who, as a result of the "Red Tide" or any other incident of toxic algae occurring on or after September 1, 1972, sustain losses of income or profit, except that the aggregate amount of loans under such section made pursuant to the additional authority conferred by this Act to any individual in any calendar year may not exceed the lesser of (1) the actual amount of income or profit lost, or (2) $5,000.

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Fisheries Development Act of 1973".

TITLE I

STATEMENT OF PURPOSE

SEC. 101. The purpose of this title is to encourage and facilitate efficient use of fishery resources in all regions of the United States, to coordinate and maximize the benefits from new fisheries technology, development, and research, and to provide other assistance to the fisheries industry.

FISHERIES EXTENSION SERVICE

SEC. 102. (a) In order to aid in diffusing useful and practical information on subjects related to commercial fishing operations, the processing of fisheries products, and the marketing thereof, and to encourage the application of such knowledge, the Secretary of Commerce (hereinafter referred to the "Secretary") is authorized to provide funds for the National Oceanic and Atmospheric Administration in the Department of Commerce the Fisheries Extension Service and to exercise through such Service the existing fisheries extension authority of such Administration, as well as the extension authority under the provisions of this section. All such extension activities shall be coordinated with the fisheries extension activities carried on by the States and by the sea grant colleges and, to the extent practicable and feasible, shall utilize or be carried out through State fisheries agencies, colleges and universities, or other institutions with expertise in the field of fisheries development, with special emphasis on institutional arrangements which promote regional undertakings.

(b) In determining which industries and geographic areas shall receive priority for the purposes of initiating extension activities authorized in this section, the Secretary shall consider such factors as (1) the size of the industries to be affected; (2) the state of their technology as compared to that of similar industries in foreign countries; (3) the extent of the potential resources and markets; (4) the amount of information resulting from relevant research activities; and (5) the economic benefits to be derived from the practical application of such information to commercial operations.

(c) The Secretary is authorized to carry out fisheries extension work pursuant to this section which shall consist of the giving of instruction and practical demonstrations in commercial fishing, in the processing and marketing of fisheries products, and in business management at all levels of the fishing industry, to persons engaged in such activities for economic gain, and of imparting information on said subjects through demonstrations, publications, and otherwise. Such work shall be carried on in such manner as may be determined by the Secretary after consultation with appropriate State and local officials, and local representatives of the industries to be benefited by such work.

(d) There are authorized to be appropriated for the purposes of this section $10,000,000 for the fiscal year beginning July 1, 1973, $15,000,000 for the fiscal year beginning July 1, 1974, and $20,000,000 for the fiscal year beginning July 1, 1975.

TECHNICAL ASSISTANCE GRANTS

SEC. 103. (a) The Secretary is authorized to make technical assistance grants to fishery cooperatives, marketing associations, and other private agencies or organizations, to pay in whole or in part the costs of—

(1) implementing technological improvements in the fisheries for demonstration purposes; and

(2) marketing research necessary for the development of foreign markets.

(b) In determining whether to make any such grant, and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial condition of the applicant; and the benefits which are expected to accrue from the proposed demonstration project.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1973, $7,500,000 for the fiscal year beginning July 1, 1974, and $10,000,000 for the fiscal year beginning July 1, 1975.

EXPANSION INTO NEW OR UNDEREXPLOITED SPECIES

SEC. 104. (a) For the purpose of encouraging and assisting the United States fishing industry to expand into unexploited or underexploited species the Secretary is authorized to make grants pursuant to this section for the necessary conversion of fishing vessels (including the acquisition of gear).

(b) In determining whether to make such a grant and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial ability of the applicant to pay any remaining cost of conversion and to operate the vessel after conversion; and the benefits to the industry generally.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1973, and for each of the two succeeding fiscal years.

FISHERIES LAW STUDY

SEC. 105. (a) The Secretary is authorized to undertake a comprehensive study and review of existing fisheries regulation at the local, State, and Federal levels. Such study shall include but need not be limited to (1) a review of existing Federal, State, and local regulation of commercial and recreational fishing, and (2) an assessment of the effectiveness of such regulation in promoting the efficient and beneficial use of marine resources.

(b) The Secretary is further authorized to develop a series of model codes suitable for adoption by the various coastal States. These codes shall be designed to harmonize the conflicting interests of various commercial and recreational fishing, and to promote the conservation and efficient exploitation of marine resources.

(c) The results of such study and such model codes shall be incorporated into a report on the state of fishery regulation and shall be presented to the Congress and the President on 19 , and kept up to date by an annual supplement presented on May 31 of each following year.

(d) There are hereby authorized to be appropriated for the purposes of this section $1,000,000 for the fiscal year beginning July 1, 1973, plus such additional sums as the Congress may deem necessary for each fiscal year thereafter.

IMPORT STUDY

SEC. 106. In order to aid the Congress in adopting the Nation's tariff policies to the needs of the domestic fishing industry, the Secretary shall submit beginning as soon as practicable a semiannual report to the President and the Congress on the importation of fisheries products into the United States. Such report shall include, but need not be limited to (1) a profile of the quantity and value of the fisheries products imported into the United States in the preceding six months, broken down by tariff category and country of origin, (2) a projection of imports of fisheries fresh products and frozen products anticipated in the following six months, and (3) an analysis of the effects of these past and projected imports on the domestic fisheries.

FISH PROTEIN CONCENTRATE

SEC. 107. Section 3 of the Act entitled "An Act to authorize the Secretary of the Interior to develop through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate", approved November 2, 1966, as amended (16 U.S.C. 778f) is amended by adding at the end of the second sentence the following new sentence: "There is also authorized to be appropriated not to exceed $1,500,000 for each fiscal year beginning after June 30, 1973, to carry out the research authorized by the first section of this Act."

FISHERMEN'S COOPERATIVE ASSOCIATIONS

SEC. 108. The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make grants to fishermen's cooperative associations, for the following purposes;

(1) to finance the purchase of fish and shellfish or products thereof and the cost of storing fish and shellfish and the products

thereof in cold storage or other storage facilities owned, leased, or used by such association;

(2) to provide operating capital needed to supplement the capital funds of such association; and

(3) to finance or refinance the acquisition by purchase or lease of land, buildings, and equipment and the construction or reconstruction of buildings or other improvements used by such association in connection with activities related solely to the storage, processing preparation for market, handling, or marketing of fish and shellfish or the products thereof.

No grant shall be made under this subsection if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices. There is authorized to be appropriated $3,000,000, for the fiscal year ending June 30, 1974, and for each of the two succeeding years, for grants pursuant to this section.

TITLE II

STATEMENT OF PURPOSE

SEC. 201. The purpose of this title is to assist voluntary associations of fishermen, processors, cooperatives, and other organizations and persons engaged in handling fish and fish products, and to conditionally exempt such associations from certain provisions of the antitrust laws, so that they may, through marketing agreements, promotional and product development activities, marketing research, and other related activities, better regulate the fluctuation of prices and the marketing of fish and fish products which create the unstable and chaotic conditions in the fishing industry, and expand and develop existing and new markets, both domestic and foreign, for underexploited species.

VOLUNTARY ASSOCIATIONS AUTHORIZED

SEC. 202. (a) In order to effect the purpose of this title, the Secretary shall have the power, after due notice and opportunity for hearing, to permit the voluntary association for the purpose of this title of fishermen, processors, cooperatives, and other organizations and persons engaged in the handling of fish or fish products (hereinafter referred to as "handlers").

(b) Such voluntary associations may be formed for the purposes of the issuance of marketing agreements, the development and promotion of a specific product or products, and the establishment of market and product research programs designed to improve the quality or increase the consumption of the product.

(c) The making of any such agreement shall be lawful and shall not be held in violation of any of the antitrust laws of the United States if such agreement meets the requirements of this title and such additional requirements as are prescribed by the Secretary for the purpose of this title.

PURPOSES OF MARKETING AGREEMENTS

SEC. 203. Agreements made pursuant to section 202 may—

(a) limit, or provide methods for limiting, in a fair and equitable manner the total quantity of any fish or fish product, or any grade, size, or quality thereof, produced in any specified manner during any specified period or periods of more than three months each, which may be marketed in or transported to any or all markets during any specified period or periods by each handler or all handlers, but such limits shall be subject to minimum limits determined by the Secretary;

(b) allot, or provide methods for alloting, in a fair and equitable manner the amount of any fish or fish product, or of any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all other handlers during any specified period or periods;

(c) establish or provide for the establishment of reserve pools of any such fish or fish product, or of any grade, size, or quality thereof, and provide for the equitable disposition of the net return derived from the sale thereof among the persons beneficially interested therein;

(d) require or provide for the requirement of inspection of any such fish or fish product produced during specified periods of marketing;

(e) determine, or provide methods for determining the evidence and extent of the surplus of any fish or fish product, or of any grade, size, or quality thereof and provide for the control and disposition of such surplus and for equalizing the burden of such surplus elimination or control among the handlers thereof;

(f) prohibit unfair methods of competition and unfair trade practices in the handling of any fish or fish product;

(g) provide that any fish or fish product, or any grade, size, or quality thereof shall be sold by the handlers of any class or handlers in the manner provided in such agreement;

(h) provide to the association the powers and duties—

(1) to administer such agreement in accordance with its terms and provisions;

(2) to make rules and regulations to execute the terms and provisions of such agreement;

(3) to receive, investigate, and report on complaints of violation of such agreement; and

(4) to recommend amendments to such agreement; and

(i) make such other provisions incidental to, and not inconsistent with the terms and conditions above specified and necessary to execute the provisions of such agreements.

AGREEMENTS NOT APPLICABLE TO RETAILERS

SEC. 204. Agreements formulated under this title shall not be applicable to any person who sells fish or fish products at retail in his capacity as retailer.

AUTHORITY TO PREVENT SHORTAGES

SEC. 205. The Secretary shall not permit to continue in effect any agreement which reduces the supply of any fish or fish product below a quantity sufficient to provide for normal domestic consumption, exports, and carryover.

SHARING OF EXPENSES

SEC. 206. Each association formed under this title and approved by the Secretary may require that each member thereof shall pay to the association such member's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find are reasonable and are likely to be incurred by such association, during any period specified by him, for such purposes as the Secretary may determine to be appropriate for the maintenance and functioning of such association, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of commodity received, handled, held, or disposed of by such association for the benefit or account of persons other than members. Such pro rata shares shall be computed on the basis of the quantity of the fish or fish products distributed, processed, or shipped by such association, and such other activities as the Secretary may approve.

INFORMATION REPORTS

SEC. 207. (a) All parties to any marketing agreement pursuant to this title shall severally, from time to time, upon the request of the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement has been carried out or has effectuated the declared policy of this title, and with such information as he finds to be necessary to determine whether or not there has been any abuse of exemptions from the antitrust laws. Such information shall be furnished in accordance with forms of reports to be prescribed by the Secretary. For the purpose of ascertaining the accuracy of any report made to the Secretary pursuant to this section, or for the purpose or obtaining the information required in any such report, where it has been requested and has not been furnished, the Secretary is authorized to examine such books, records, papers, copies of income tax reports, accounts, correspondence, contracts, documents, or memorandums, as he deems relevant and which are within the control of (1) any such party to such agreement from whom such report was requested, (2) any person having, either directly or indirectly, actual or legal control of or over such party, or (3) any subsidiary of any such party.

(b) All information furnished to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department of Commerce and only information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the agreement with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of parties to an agreement or of handlers subject to an agreement, which statements do not identify the information furnished by any persons, or (2) the publication by direction of the Secretary, of the name of any person violating any marketing agreement, together with a statement of the particular provisions of the agreement violated by such person. Any such officer or employee violating the provisions of this section shall upon conviction be subject to a fine or not more than $1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office.

GRANT ASSISTANCE

SEC. 208. (a) The Secretary is authorized to make grants to voluntary associations formed pursuant to this title in order to assist such associations in carrying out the purpose of this title. No grant shall be made under this section if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices.

(b) There are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years, for grants pursuant to this section.

SEPARABILITY

SEC. 209. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

S. 788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act entitled "An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry", approved

August 11, 1939, as amended (15 U.S.C. 713c–3(a)) is amended by striking out "30 per centum" and inserting in lieu thereof "100 per centum".

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fishing Vessel Insurance and Safety Act."

FISHING VESSEL SAFETY

SEC. 2. (a) The Secretary of Commerce (hereafter referred to in this Act as the Secretary) is authorized under such rules and regulations and under such terms and conditions as he may prescribe, to promulgate voluntary safety standards for the construction, reconstruction, and operation of commercial fishing vessels, after consultation with the Secretary of the Department within which the United States Coast Guard is operating, for the purpose of reducing operational hazards and lowering the risks of fishing vessel casualties and loss of life.

(b) The Secretary is authorized to develop a certification system for determining compliance with the voluntary safety standards promulgated pursuant to section 2(a) and to certify fishing vessels as having complied with the voluntary safety standards. Certification can be made upon receipt of a statement of compliance by a marine surveyor or naval architect previously registered and accepted as qualified by the Secretary.

(c) Costs of inspecting vessels for the purpose of obtaining certification by the Secretary shall be borne by the vessel owner.

LOAN GUARANTEES FOR FISHING VESSEL SAFETY

SEC. 3. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to guarantee the entire amount of loans made to owners of commercial fishing vessels by private lending institutions for the cost of equipping, maintaining, repairing, altering, modifying, rehabilitating, or improving commercial fishing vessels in order to meet standards of safety for fishing vessels promulgated by the Secretary pursuant to section 2(a).

(b) The aggregate unpaid principal amount of the loans guaranteed under this section and outstanding at any one time shall not exceed $15,000,000.

LOAN GUARANTEES FOR FISHERMEN'S MARINE INSURANCE ASSOCIATIONS

SEC. 4. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to guarantee loans made by private lending institutions to fishermen marine insurance associations to provide insurance against (1) damage to or loss of commercial fishing vessels; (2) injury or death of a member of a fishing crew; or (3) other commercially insurable risks and perils associated with commercial fishing vessel operations.

(b) No loan or loans guaranteed hereunder shall exceed 50 per centum of the capital and surplus of such fishermen's marine insurance association at the time the guarantee agreement is executed.

(c) A fishermen's marine insurance association may not insure any commercial fishing vessel other than a vessel which is owned by a citizen or national of the United States who is a member of such association.

(d) The term "fishermen's marine insurance association" means any association, whether corporate or otherwise, which is composed of citizens of the United States and is organized and existing under the laws of any State.

(e) The aggregate unpaid principal amount of the loans guaranteed under this section and outstanding at any one time shall not exceed $10,000,000.

CONDITIONS FOR MAKING LOAN GUARANTEES

SEC. 5. (a) Any loan guarantee made under either section 3 or 4 shall be on such terms and conditions as the Secretary determines, subject, however, to the following minimum restrictions and limitations:

(1) Loans shall bear interest (exclusive of premium charges and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce.

(2) Loans shall mature in not more than 10 years.

(3) No loan guarantee shall be entered into unless some security or other reasonable assurance of repayment is furnished, as the Secretary may require.

(4) The Secretary is authorized to make commitments to guarantee any such loan prior to the date of execution or disbursement thereon.

(5) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a loan guarantee, for the appraisal of properties offered as security, and for the issuance of commitments: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the loan to be guaranteed. Unless otherwise agreed, the charge for any such services shall be paid by the borrower.

(6) The Secretary is authorized to fix a premium charge for the guaranteeing of loans under this Act. Such premium charges shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of the loan outstanding. Premium payments shall be made when moneys are first advanced under the loan and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Secretary under such regulations as he may prescribe.

(7) An applicant for a loan guarantee under section 3 must be a citizen or national of the United States.

(8) Within the meaning of this Act, a corporation, partnership, or association shall not be deemed to be a citizen of the United States, unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 2 of the Shipping Act, 1916, as amended, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this Act, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are nonnationals and noncitizens.

(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States.

(b) There is hereby created a Loan Guarantee Fund which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of sections (3) and (4).

(c) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each loan guaranteed under this Act.

(d) The Secretary shall upon payment of the guarantee to the lender, be entitled to take an assignment from the lender of any collateral or security given by the borrower or others in connection with the loan.

(e) If at any time the moneys in the Loan Guarantee Fund authorized herein are not sufficient to pay any amount the Secretary is required to pay hereunder, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce with the approval of the Secretary of the Treasury.

(f) No application for a loan guarantee authorized under this Act may be accepted by the Secretary after June 30, 1981.

REINSURANCE FUND

SEC. 6. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to establish and administer a Fishing Vessel Reinsurance Fund (hereafter referred to in this section as the Fund), which will provide a reinsurance service to insurance carriers organized and existing under the laws of any State and which issues insurance to commercial fishing vessels documented under the laws of the United States. Such reinsurance service shall be limited to policies issued to such commercial fishing vessels.

(b) The Secretary is authorized to charge premiums for this reinsurance service in accordance with a schedule of rates to be determined by the Secretary. For the purpose of specifying appropriate rates, the Secretary is authorized to provide for a centralized risk evaluation service to be used for establishing reinsurance rates and to provide fishing vessel risk information to the public.

(c) The Secretary shall create an insurance fund in the Treasury to enable him to carry out the provisions of this Act. Moneys appropriated by Congress to carry out the provisions of this Act and all moneys received from premiums or other recoveries and all receipts in connection with this Act shall be deposited in the Treasury to the credit of such fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this Act shall be made from such fund through the Division of Disbursement, Treasury Department. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund.

(d) The Secretary is authorized to reinsure through the Fund a sum not to exceed 75 per centum of the amount of coverage written by the insurer on all fishing vessels.

(e) If at any time the moneys in the Fund authorized herein are not sufficient to pay any amount the Secretary is required to pay by subsection (d) of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and condtiions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury.

(f) The aggregate principal amount of the notes or other obligations outstanding as described in subsection (e) of this section, at any one time shall not exceed $10,000,000.

SEC. 7. There is hereby authorized to be appropriated such sums as are necessary to administer the provisions of this Act.

S. CON. RES. 10

Concurrent resolution to express a national policy of support for the New England fishing industry, and the domestic coastal fishing industry in all parts of the United States

Whereas the New England fishing industry is in peril due to the fishing practices of foreign nations off the coast of New England

Whereas the New England fishing industry is further jeopardized by obsolete and unsafe vessels and equipment, the high cost of insurance, and dwindling fish resources

Whereas the revitalization of the New England fishing industry is in the best interests of the industry and consumers in New England and across the Nation

Resolved by the Senate (the House of Representatives concurring), That the Senate endorse the position regarding fisheries now being taken by the United States delegation to the United Nations Seabed Committee, namely, that the coastal State has the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous species, and further that the United States begin to study the need to implement this policy immediately in order to protect our Nation's living resources by creating in the United States or the invidual States the authority to regulate such stocks, to the limits of their range, as well as the authority to reserve to itself (or selves) all of the available catch its (their) vessels are capable of handling.

By Mr. DOLE:

S.J. Res. 53. A joint resolution to establish a joint congressional committee to investigate the causes and origins of U.S. involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

JOINT COMMITTEE ON THE VIETNAM WAR

Mr. DOLE. Mr. President, in Saigon, 3 days before Christmas in 1961, a specialist 4th class named James T. Davis left his billet and boarded a truck for a mission into a province bordering on Saigon. Davis was a member of a highly secret intelligence-gathering organization called the Third Radio Research Unit. He was called Tom by the men of the unit and he was well liked. He was 25 years old. He was married and had a young son whom he had never seen back in Tennessee. On December 23, Tom Davis was to return to the United States for discharge.

On that December 22, he was boarding a truck for one last mission. The unit commander, Col. William Cochran, passed the truck and told Davis he did not have to go out—that it was not worth the risk. But Davis did not like Saigon, and he wanted to take a few more pictures before going home. Besides, it was his job. And if he did not do it, somebody else would have to do it, so he stayed aboard the truck.

On a narrow track in the province, Davis' convoy moved, strung out, around a curving road, and suddenly Davis' truck was blown off the road. The ARVN guards on the truck were all gunned down from ambush. Davis' body was found with his carbine. The clip was empty, so it was apparent he had been able to fight back. The stock was broken, which suggested he had fallen heavily when he was hit. And 3 days before Christmas, they brought his body back to Saigon to send home to Tennessee.

It was said, among Tom Davis' buddies in the 3d Radio Research Unit, that Colonel Cochran had put his name in for a Silver Star, and that the Pentagon had replied saying it was not authorized, because the medal was only given in time of war. No one seemed to know if the story was true, and no one wanted to risk destroying the nice irony of the whole thing by inquiring.

Davis was the first man to die in the Vietnam conflict.

He was the first of 45,941 who died in combat through January 27, 1973. The last man to die before the peace agreement went into effect, Army Col. William B. Nolde, was buried only yesterday in Arlington National Cemetery.

ELEVENTH ANNIVERSARY

In the 11 years and 36 days between the deaths of Tom Davis and William Nolde, more than 56,000 Americans died in Southeast Asia from hostile and nonhostile causes. If we had the time, each single death could probably be told as I have told of Tom Davis', and each would show the same elements of chance or irony, of devotion to duty and to America, of loss to loved ones and to this Nation's future.

We cannot know what we have lost in Vietnam, but as President Nixon said 2 years ago:

> There would have been poets among them, and doctors and teachers and farmers. There would have been builders of this Nation.

We cannot know what was lost to America over the last 11 years. We cannot recount each single story, and know the pain of what was lost to each one who paid the supreme sacrifice.

But it seems to me that we can try to discover the "why" of the whole thing.

For despite the motives which led to the loss of those lives, despite the judgments which led to such a loss—these American lives can be redeemed, and lessons can be found in these losses that will help bring a lasting peace to this Nation and the world.

WE MUST SEEK LESSONS

We owe it to those who died to search out these lessons. We owe it to their loved ones. We owe it to our children and to their children yet unborn to take from the ashes of death and destruction a spark of understanding which alone can insure that those dead have not died in vain. And we owe it to those who have been crippled and maimed.

We must learn from the past if we are not to be condemned to repeat it—again and again.

World War I began because men refused to recognize the meaning of events, and they were mastered by those events. When the war was finished, the German Chancellor was asked: "How did it all begin?" And he replied: "Ah, if one only knew."

In the years leading to World War II, America rejected the lessons it might have learned from World War I. From the seeds of ignorance the world again reaped the whirlwind of war, and a petty tyrant was able to bully his way up to sit forever astride a legacy of horror that, to this day, staggers the imagination.

In Korea, we acted on behalf of freedom to repel aggression and to dispel any doubt of the free world's commitment to its freedom. From World War II we had learned not to tempt tyranny with the appearance of weakness. Whether an alternative course might have been pursued is academic now. At least we know why we fought; we were not drawn by events and indecision into the war.

PEACE HAS COME

Today, our commitment of forces in Vietnam is ending, and in less than 60 days it will be over. The peace agreement has been signed. The basis for lasting, workable peace—a peace with honor—is established. It is a fragile thing. There are many questions which depend on the seriousness and determination of all the parties. But it is a beginning for peace and an end to war.

It serves no useful purpose now to second guess the terms of the agreement or to complain that it should have been reached earlier. I say we should give thanks that the agreement was reached, that it fulfills our fundamental objectives, and we should unite in efforts to support the peace and make it work.

THE LARGER QUESTION

But a larger question today, as the war ends, is not that ending, but the beginning of our involvement—in the days of men like Tom Davis—when our men in Vietnam were called advisers and when their number was secretly creeping up and up beyond the limits that the American public knew. Our questions must go to such matters as the murders of President Diem and his brother and the way this period set us irrevocably on the road to the tragic loss, diminution, or disruption of so many lives, both American and Vietnamese. We must question those early events and those first policies.

When the battle flags are brought home and America has recovered her sons and the question is asked, "How did it all begin?", a people such as ours cannot simply reply with weary indifference, "Ah, if one only knew."

We must know. We have paid bitterly for whatever wisdom there may be in this longest war. And if from that wisdom, we may get peace and reconciliation—and if by that wisdom we may prevent the loss of other, future lives—then should we not seek that wisdom?

I think we must.

But we should not do so to condemn or to justify the actions and decisions of the past. Rather, we should attempt to learn from them, so the seeds of sacrifice shall not have fallen on barren ground to be blown away in the winds of another war.

FULL, IMPARTIAL ANSWERS

With these thoughts in mind, I offer a resolution to create a joint congressional committee to investigate the causes and origins of U.S. involvement in the Vietnam hostilities. This measure was introduced in the 92d Congress but was not acted upon; however, the momentous achievement of the peace agreement in January makes such a study all the more appropriate and timely.

A joint committee, appointed by the Speaker of the House and the President of the Senate, will, I believe, provide the fairest, most impartial means of providing the answers we must have.

ROLE OF CONGRESS

Many in the Congress have expressed concern recently regarding the obligation of Congress to exercise its full constitutional authority and fulfill its responsibilities to the American people in a number of areas.

I certainly share this concern. As a Senator, I have a deep interest in seeing that the institutions and individuals of the legislative branch are executing the duties with which they are charged. As an American, I do not want to see any branch of government—judicial, executive or legislative—fail in its obligations to seize, in an appropriate manner, upon opportunities for meeting a compelling public need.

And I can see no more clear-cut and pressing necessity than the illumination of the reasons, decisions and policies that led America into this war with its terrible division, cost and suffering.

I believe many Americans share this concern. We are an inquisitive people and a people who have shown a willing ability to learn from the past. So, now it is the time to search out the lessons of the latest chapter in our history. Hopefully, they can be learned—and in time.

Again, I would emphasize that this task has no partisan bias. It is not a matter of liberalism or conservatism—or of hawks and doves. It is a matter, though, of great importance.

PRESIDENT JOHNSON'S PAPERS

I noted an article which appeared shortly after President Johnson's death. In it, the director of the Johnson Library in Austin, Tex., was reported to have revealed that President Johnson was hopeful his private papers on the conduct of the war could be declassified and made public as soon as possible after peace was achieved.

I am sure President Johnson must have felt a great concern that these lessons of the war be learned while the events of these trying days were still fresh in our minds. He certainly bore the heavy burdens of the war in some of its most agonizing moments.

And let me say at this point—as one who has supported three Presidents as they fulfilled their responsibilities as Commander in Chief in Southeast Asia—it was heartwarming to hear Mrs. Johnson's statement that President Johnson did know that the peace had come before he died last month. Lyndon Johnson was a strong President and a strong leader of his party. But no one who served in the Congress with him and during his Presidency, as I did, could ever doubt or question his great love for this country and the depth of his dedication to everything he believed was best for it.

So his papers, and those of President Eisenhower and of President Kennedy, could all contribute to this process of gaining something from the war.

LEARNING AND HEALING

In conclusion, I would simply express the hope that the Congress will approve the creation of this special committee. I believe it can perform two essenial functions for America.

First, it can lead us to those vital "whys" of our involvement in Vietnam—and from there to wisdom and understanding for future decisions and policies.

Second, by bringing this wisdom and understanding, it will be a means of healing the wounds which 11 years of war have left.

So with increased wisdom and greater understanding, a healed and once again united America can make the start of its third century the beginning of its greatest era.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 53

Whereas Congress has in the past undertaken investigations to determine the causes of United States involvement in World War I, World War II, and the Korean conflict;

Whereas complete and accurate information concerning United States involvement in the hostilities in Vietnam is not available because (A) the series "Foreign Relations of the United States", containing documents concerning the policy of the United States toward Vietnam, has been prepared only through 1946, and (B) the Department of Defense study "United States-Vietnam Relations, 1945-67", known as the Pentagon Papers, has not been fully disclosed and does not represent a thorough or independent review of such involvement; and

Whereas the people of the United States have a right to full disclosure of all information concerning the background, origins, and causes of United States involvement in the hostilities in Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee to be known as the Joint Committee on the Causes and Origins of United States Involvement in the Vietnam Hostilities (hereafter referred to as the "joint committee").

(b) The joint committee shall be composed of the following fourteen members:

(1) Seven Members of the Senate appointed by the President of the Senate, four of whom shall be members of the majority party and three of whom shall be members of the minority party; and

(2) Seven Members of the House of Representatives appointed by the Speaker, four of whom shall be members of the majority party and three of whom shall be members of the minority party.

(c) The joint committee shall select a chairman and a vice chairman from among its members. Eight members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Any vacancy in the membership of the joint committee shall not affect its authority, and shall be filled in the same manner in which the original appointment was made.

DUTY OF THE JOINT COMMITTEE

Sec. 2. (a) It shall be the duty of the joint committee to conduct a thorough study and investigation of—

(1) the actions of each President and administration relating to Vietnam since 1945, and the effects of such actions on the commitment of the United States to the Republic of Vietnam;

(2) the foreign policy assumptions of each such President and administration relating to Vietnam, with special emphasis on the United States view of the objectives of Communist China and the Soviet Union worldwide and in Southeast Asia and how this may have affected United States involvement in Vietnam;

(3) the diplomatic policy of the United States relating to Vietnam since 1945 and the influence of such policy on the United States commitment to the Republic of Vietnam;

(4) changes in United States military and strategic concepts and doctrines since 1945 and how military concepts and doctrines affected the United States military role in Vietnam; and

(5) executive-congressional relations in the context of United States involvement in Vietnam, and the manner in which the overall pattern of the executive-congressional relationship on foreign policy matters since 1945 affected congressional and executive actions with respect to Vietnam.

(b) Not later than September 6, 1972, the joint committee shall transmit to each House of the Congress a report which shall contain its findings and conclusions. Upon the transmittal of such report, the joint committee shall cease to exist.

ADMINISTRATIVE PROVISIONS

Sec. 3. (a) The joint committee, or any subcommittee expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and bindings, (9) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under the subsection (i) of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

(c) Upon the request of the joint committee each department, agency, and instrumentality of the executive branch of the Government is authorized and directed to furnish to the joint committee such reports, documents, and information as the joint committee deems necessary to carry out its duty under this joint resolution.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 316

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from California (Mr. Cranston) was added as a cosponsor of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system.

S. 371

At the request of Mr. Tower, the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 371, a bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas.

S. 418

Mr. DOMINICK. Mr. President, I am pleased to join as a cosponsor of S. 418, a bill which has as its purpose reinstatement of the Emergency Loan program of the Farmers Home Administration. As a result of its continuing battle against inflation and excess spending, the U.S. Department of Agriculture on December 27, telegramed the regional offices of the Farmers Home Administration instructing that all county offices cease receiving, processing, and approving applications for emergency aid for farmers or rural homeowners in counties which have carried an emergency designation by the Secretary of Agriculture for 60 days or more. This action was taken to counteract inflationary pressures and to adhere to a $250 billion Federal budget.

Such action created an immediate crisis in many areas of our Nation. I have received many telegrams, phone calls, and letters from Colorado residents on the Western Slope, particularly in Mesa, Montrose, and Delta Counties, concerning the damage and loss suffered to crops. Some persons have advised me that they had only learned of the possibility of assistance under the emergency loan program on December 21, 1972.

Regardless of the details, there is no question that some assistance must be available to our farmers and rural homeowners under a workable emergency loan program. I cosponsored S. 418 because prompt enactment of such a bill would provide the means of resolving most of the problems created by the December 27 curtailment of funds.

Last summer, the 92d Congress enacted legislation which broadened the emergency assistance program. The significant change in the congressional response to the destruction caused by Hurricane Agnes and the Rapid City flood, was to increase the amount of the disaster loan which could be forgiven to $5,000, and provide for interest on the remaining principal at 1 percent per annum. Officials at the Office of Management and Budget have advised that this provision has created a runaway program which could only be curtailed by a complete termination. For persons in Colorado, this meant a termination date of December 27, 1972. S. 418 would reinstate the emergency loan program, eliminate the $5,000 forgiveness feature, and set the interest rate at 5 percent per annum on the amount of the loan. There is no question that there is a vital need for such an emergency loan program. In many instances the modern family farm is in a tight credit situation. When hit by a natural disaster, it must have a source of emergency credit. The bill that I support would provide such assistance.

On January 15, 1973, Congressman Alexander introduced H.R. 1975 in the House of Representatives. That bill would eliminate forgiveness, set interest at 6 percent, and require that applicants be unable to obtain credit elsewhere at reasonable rates and terms. That bill, although varying slightly from the terms of Senator Bellmon's bill, would meet the credit needs of those suffering losses in existing disaster areas that are presently ineligible for assistance, and would correct the problems which are being experienced under our present laws.

The Senate Agriculture Committee will be holding hearings this week on the problems created as a result of the December 27 curtailment of funds for the emergency loan program and other cutbacks in agricultural programs. I urge the Senate Agriculture Committee to promptly consider S. 418, and report out a bill that will assist persons who have suffered losses before the commencement of spring farming programs. I shall support any reasonable measure that would accomplish these purposes. Time is of the essence.

S. 440

At the request of Mr. Javits, the Senator from South Carolina (Mr. Hollings) and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 440, the War Powers Act.

S. 565

At the request of Mr. Nunn, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 565, a bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings.

S. 566

At the request of Mr. Hruska, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 566, a bill to define the circumstances in which foreign states are immune from the jurisdiction of the United States courts and in which execution may not be levied on their assets, and for other purposes.

S. 649

At the request of Mr. Javits, the Senator from Alaska (Mr. Stevens) and the Senator from Washington (Mr. Magnuson) were added as cosponsors of S. 649, a bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

S. 662

At the request of Mr. Robert C. Byrd (for Mr. Jackson) the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 662, a bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management.

SENATE JOINT RESOLUTION 10

At the request of Mr. Schweiker, the Senator from North Carolina (Mr. Helms) and the Senator from Kentucky (Mr. Cook) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment.

SENATE JOINT RESOLUTION 11

Mr. TOWER. Mr. President, I am pleased today to join my distinguished colleague from South Carolina (Mr. Hollings) in cosponsoring his Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

Certainly, Law Day is an appropriate time to selectively commend the courageous men and women who, each day of their lives, risk their personal safety to protect and defend our freedom and our security.

America is a Nation built on law. Americans are a people governed by law. More important, however, Americans are a people protected by laws they have chosen themselves to insure the perpetuation of their collective liberty. Americans have always taken pride in their system of laws and the security it afforded them; however, today there are growing numbers of people who question these laws and flagrantly abuse them in an audacious attempt to test their strength.

We are particularly aware of this element in our society having just witnessed the senseless attack on our distinguished colleague from Mississippi. Law enforcement officers, more than ever before, must bear the brunt of this violent, reckless element in our society. They, too, more than ever before deserve the credit for defending and perpetuating our system.

Let us not pass this off lightly. We cannot afford to take this courage and dedication for granted, for the fight against crime and violence in this Nation is the responsibility of us all.

Our system of government is flexible. It can adapt to changing values and social attitudes. It can accommodate a variety of philosophies, and if change seems appropriate, the means of orderly change are built into the system itself. It provides for continuity through change which provides the flexibility necessary for survival. Indeed, this is the wisdom and the strength of the system.

Our Nation's law enforcement officers have a grave responsibility. They deserve our open and public support and our most sincere thanks for their efforts in our behalf. Let us pause this year, on Law Day, 1973, to renew our commitment to a Government of laws, and plant our feet firmly behind our law enforcement officers.

SENATE JOINT RESOLUTION 14

At the request of Mr. Brock, the Senator from Oklahoma (Mr. Bartlett) was added as a cosponsor of Senate Joint Resolution 14, an amendment to the Constitution of the United States relating to the open admission to public schools.

SENATE JOINT RESOLUTION 20

Mr. HASKELL. Mr. President, I am honored to join many of my distinguished colleagues in cosponsoring Senator Brooke's Senate Joint Resolution 20 which designates January 15 of each year as Martin Luther King Day. I am equally honored to present to the Senate a joint resolution from the Colorado State House of Representatives recognizing January 15 as Martin Luther King Day in the State of Colorado. Colorado State legislators encourage us to recognize Dr. King and his contributions to freedom and democracy by honoring his memory on his birthday each year. Martin Luther King left our Nation a legacy of courage and sacrifice in his struggle for social progress; a legacy of accomplishments that have brought hope to all mankind. It is altogether fitting and appropriate that we honor him with other great leaders of our Nation by designating his birthday each year as a holiday. Mr. President, I ask unanimous consent that Colorado House Joint Resolution 1002 be printed at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Joint Resolution No. 1002

Whereas, The United States of America was founded upon the principle that all men are created equal and endowed by their Creator with the individual rights of life, liberty, and the pursuit of happiness; and

Whereas, This nation has always carried the torch of liberty, justice, and equality for all with dignity and pride; and

Whereas. Dr. Martin Luther King, Jr. was unquestionably a man of vision who in his lifetime championed these rights for all; and

Whereas, Dr. King lived and died by his personal conviction that "Injustice anywhere is a threat to justice everywhere"; and

Whereas, Dr. King is remembered as one who brought a sense of hope not only to this country but the entire world; and

Whereas, The accomplishments of this great American are too numerous to be adequately reviewed in this resolution; and

Whereas, We should take every possible opportunity to remind ourselves and others of the value of remembering such persons and of rededicating ourselves to the principles that make us a great nation of one people; and

Whereas, January 15, the birth date of Dr. King, is recognized by various cities and states throughout the nation as a time to consider the great potential for good that each person has within him as so courageously exemplified by the life of Dr. King; now, therefore,

Be It Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Colorado, the Senate concurring herein:

That January 15 be recognized as Martin Luther King Day in the State of Colorado.

Be It Further Resolved, That this General Assembly be recorded as commending national groups that are seeking U.S. Congressional approval of January 15 as a legal public holiday in honor of Dr. King, and that schools, businesses, and organizations and community groups be encouraged to recognize Dr. King and his contributions to freedom and democracy in various appropriate ways, and

Be It Further Resolved, That copies of this resolution be sent to the widow of Dr. Martin Luther King, Jr. (Mrs. Coretta King) and to the Dr. Martin Luther King, Jr., Legal Holiday Committee and the Colorado Congressional delegation.

John D. Fuhr,
Speaker of the House of Representatives.
Lorraine F. Lombardi,
Chief Clerk of the House of Representatives.
John D. Vanderhoof,
President of the Senate.
Comfort W. Shaw,
Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 10—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS A NATIONAL POLICY OF SUPPORT FOR THE NEW ENGLAND FISHING INDUSTRY

(Referred to the Committee on Commerce.)

Mr. KENNEDY submitted the following concurrent resolution:

S. Con. Res. 10

Concurrent resolution to express a national policy of support for the New England fishing industry, and the domestic coastal fishing industry in all parts of the United States

Whereas the New England fishing industry is in peril due to the fishing practices of foreign nations off the Coast of New England.

Whereas the New England fishing industry is further jeopardized by obsolete and unsafe vessels and equipment, the high cost of insurance, and dwindling fish resources.

Whereas the revitalization of the New England fishing industry is in the best interests of the industry and consumers in New England and across the nation.

Resolved by the Senate (the House of Representatives concurring), That the Senate endorse the position regarding fisheries now being taken by the United States delegation to the United Nations Seabed Committee, namely, that the coastal state has the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous species, and further that the United States begin to study the need to implement this policy immediately in order to protect our nation's living resources by creating in the United States or the individual states the authority to regulate such stocks, to the limits of their range, as well as the authority to reserve to itself (or selves) all of the available catch its (their) vessels are capable of handling.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. Baker, the Senator from Kansas (Mr. Dole) was added as a cosponsor of Senate Concurrent Resolution 6, making apportionment of funds for the National System of Interstate and Defense Highways.

SENATE RESOLUTION 61—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO CONDUCT HEARINGS RELATING TO THE CONDUCT OF THE POSTAL SERVICE

(Referred to the Committee on Post Office and Civil Service.)

Mr. McGee (for himself, Mr. Randolph, Mr. Burdick, Mr. Hollings, Mr. Moss, Mr. Fong, and Mr. Stevens) submitted the following resolution:

S. Res. 61

Resolved, That, whereas the Committee on Post Office and Civil Service in carrying out its responsibilities to the Senate did in 1970 recommend the enactment of legislation relating to the reorganization of the United States Postal Service; and

Whereas the postal policy of the United States as enacted in the Postal Reorganization Act in 1970 was established as follows:

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the over-all value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and contol of costs to the Postal Service"; and

Whereas it is the duty of the Congress to exercise its oversight and investigations authority to insure that the public policy shall be faithfully executed by the President through the executive branch: Therefore be it

Resolved, That the Committee on Post Office and Civil Service shall conduct open public hearings into the conduct of the Postal Service: *And provided further,* That the committee shall undertake such other investigations into the Postal Service, including, but not limited to, on-the-spot investigations of postal facilities and installations without advance notice; interviews on and off the record with postal officials, administrators, and employees; investigation of official documents and statistics of postal services relating to volume, revenue, costs, levels of service, employment, and other matters as determined by the committee; and such other matters as the committee may deem necessary.

SEC. 2. The committee shall report its finding, including recommendations for legislation, not later than August 31, 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 36

At the request of Mr. NUNN, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 36, prescribing certain procedures for the Senate.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on February 23, in room 3110, Dirksen Senate Office Building, on the following:

Informational hearing on, establishment of a reservation system for camping in selected units of the national park system.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY S TRUMAN—IN MEMORIAM

Mr. SYMINGTON. Mr. President, the title of this short talk about a great American is:

HARRY S TRUMAN—A LEGACY OF CHARACTER, COURAGE, AND COMMONSENSE

It is a privilege indeed to pay tribute today to the memory of one of the most outstanding public servants in the history of America, a superb U.S. Senator and a great President—Harry S Truman.

This patriot brought dignity and credit to his many and varied accomplishments; his World War I battery, his county, the State of Missouri, the U.S. Senate, as well as to his Nation which called upon him to lead this country in grave times.

For nearly 8 challenging but rewarding years, 1945–1952 inclusive, he guided America in its new role of leadership of the Free World; and that leadership will long be remembered for its character, its courage, and its commonsense.

At the time President Truman left the position of presiding judge of the Jackson County Court, he summed up as follows his experience as the leader of that administrative body with characteristic lack of pretension as to his own future:

> "I'll go out of here poorer in every way than when I came into office . . . I hope that there are no bond issues and no more troubles, until I'm gone, and then maybe I can run a filling station or something until I've run up my three score and ten and go to a quiet grave.

The future, however, would hold neither a filling station, nor lack of trouble, for Judge Truman. Some 12 years later he would become the leader of the most powerful of all nations; and he brought to the presidency in 1945 the same qualities of leadership and regard for the public trust that had been the hallmark of his entire previous career.

Most Americans, who knew relatively little about their Vice President of but 97 days, worried about the future of the country as the thread of constitutional succession passed from Franklin Roosevelt to Harry Truman on that fateful day, April 12, 1945. For some 12 years Americans had first lived through its most serious depression and then 4 years of tragic war. They had strong faith in the President who told the Nation in 1933 that "the only thing we have to fear is fear itself."

We now know that the new President we commemorate today carried out that thinking in practical fashion. A man of middle America, of farm-oriented origin, President Truman would inspire the Nation with his vigor and determination to carry on the program of his famous predecessor. As a former White House assistant, the North Carolina editor, Jonathan Daniels, commented:

> Americans felt leaderless when Roosevelt died. Truman taught them, as one of them, that their greatness lay in themselves.

Dr. Richard Kirkendall of the University of Missouri, who has studied the Truman record for 15 years, concluded his extensive research on this President as follows:

> Truman was not a small man who suddenly had a very big job imposed upon him. The job was very big, but he brought to it rich and varied experiences in American life and politics. He had served for eight years as the chief administrative officer of a populous county and more than nine years as a United States Senator. He had campaigned for office on local and state levels, administered and constructed court houses, welfare agencies, roads, and other public facilities in Jackson County, contributed significantly to the war effort as an investigator of the economic side of it, and learned much about the American political and economic systems . . . If he did not shape the Administration's proposals, he did obtain opportunities to build support for them. His career before the White House was not a little man's career.

Although reluctant to accept the Vice-Presidency because, as his beloved daughter later recounted, he did not want to enter the Presidency "through the back door," Harry Truman never shrank from tackling the great problems which faced him shortly after he took the oath as our 33d President. His instinct for decisive action promptly moved his administration forward to implement plans for the United Nations at the same time he gathered the facts prior to that fateful decision which he alone could make—the first use of a nuclear weapon.

President Truman also proceeded to create a governmental structure which reflected his personal discipline and passion for orderly administration. He did this through an administration which displayed the personality of a man who believed that those in government owe their allegiance and loyalty to the people; that is to the citizens who put them in office.

In the field of foreign policy, his famous Secretary of State, Dean Acheson, described vividly some of the more momentous decisions it was necessary for him to make in the interest of America, when he said:

> The 1947 assumption of responsibility in the Eastern Mediterranean, the 1948 grandeur of the Marshall Plan, the response to the blockage of Berlin, the NATO defense of Europe in 1949, and the intervention in Korea in 1950—all these constituted expanded action in truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act.

Neither the unpopularity, nor the political explosiveness of any decision would deter this firm Missourian once he had decided on the course of action he believed in the best interests of his country.

As but one example, the impressive strides made on behalf of equal rights for all Americans during later years were first advanced in the party platform and legislative proposals of the Truman administration.

Mr. Truman was conscious of the role the United States should play in guaranteeing equal rights for all Americans if this Nation were to advance that concept in other parts of the world. Accordingly, early in his administration he established a Committee on Civil Rights to recommend Government action; and out of that committee grew the first U.S. Civil Rights Commission. He thereupon sought national legislation to provide Federal protection against lynching, as well as a law to protect the voting rights of every citizen.

Always fearless about what he believed to be right, President Truman was characteristically courageous when he took his record to the people for reelection in the 1948 campaign. He felt that the constructive work of his administration had not yet been achieved; and he was always confident, despite the almost universally unfavorable polls, that the people would respond to the goals he had set for America.

Perhaps his legal counsel, Clark Clifford, later Secretary of Defense, summed up best the logic behind Mr. Truman's reelection, when he said:

> Here was President Truman the underdog out appealing to the people in thousands of meetings literally, from the back platform of his train. With his simplicity, his sincerity, they understood him. If he had a style they weren't conscious of it but they understood the man and they understood what he was saying and his ideals became their goals and their ideals.

Despite his being President of the most powerful Nation on earth, Harry Truman was always a man of the people.

He followed in the traditions laid down to that end by such Presidents as Andrew Jackson and Abraham Lincoln. His stature in history grows steadily. He was truly a great President, with a humility in his efforts that was matched by both pride and faith in the United States of America.

Mr. President, in recent days, Members of the House of Representatives, led by Congressman WILLIAM J. RANDALL, of Missouri, have already paid their respects to President Truman. During their eulogies, Congressman RANDALL and others inserted outstanding editorials from Missouri and other papers across the country.

In addition to the tributes which they placed in the RECORD, I ask unanimous consent that editorials from newspapers throughout the Nation, reprinted in the Kansas City Star on December 28, under the heading, "Legacy of Harry S Truman," be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Dec. 28, 1972]

THE LEGACY OF HARRY S TRUMAN

NEW YORK TIMES

Harry S Truman waged the last fight of his long life with the same courage and stamina that never failed him during eight taxing years as President of the United States. Thrust into the highest office by the death of Franklin D. Roosevelt, this unassuming, small-town politician drew on hidden reserves of those qualities, along with decisiveness and rocklike integrity, to meet with credit the staggering challenges of a momentous era in history and vindicate democracy's faith in the common man.

In a world that was just emerging from a devastating war, Mr. Truman presided over one of the most constructive and innovative periods of American foreign policy. Isolation had been sunk along with the battleship Arizona at Pearl Harbor in 1941. Mr. Roosevelt had directed the mightiest armed forces ever assembled and forged the greatest coalition in history to crush the Axis powers.

In educating the nation to meet the vast new responsibilities it could not safely evade in the aftermath of the war and the rapid dissolution of the alliance with Soviet Russia, the former artillery captain of World War I demonstrated in an uncommon ability to seize upon the grand strategic concepts that were developed by the extraordinary group of able men from the Roosevelt administration who surrounded him.

The Truman Doctrine of 1947, never called that by the man himself and never intended to be the globe-embracing policy that both champions and critics claimed; the Marshall Plan which restored much of a devastated continent and laid the foundation for European integration and unity; the Atlantic Alliance of 1949, recognizing the enduring identity of vital interests between North America and Western Europe; Point Four, making benefits of scientific and technical progress available to the world's hungry and needy—all these innovative manifestations of a foreign policy designed to meet the conditions of a new world took form in Harry Truman's administration.

Mr. Truman's bold decision to check aggression in Korea in 1950 despite the enfeebled state of American armed forces in the area probably saved the United Nations from collapse and more or less stabilized for 20 years a highly volatile situation. It was during the Korean War that Mr. Truman, in one of his most courageous and most important actions, fired an unquestionably insubordinate General MacArthur, thereby preserving civilian control over the military and over the conduct of foreign policy.

One of the most difficult decisions any President has ever had to face was the question presented to Mr. Truman in his very first days in office: Whether to drop, without warning, two atomic bombs on Japan.

With hindsight, it seems a terrible failure of the human spirit to have used nuclear weapons on densely populated cities without at least having given the Japanese and the world a demonstration of their unique horror by dropping a bomb on an uninhabited island.

Mr. Truman knew some moments of greatness in domestic affairs. He recognized the twin evils of McCarthyism and McCarranism from the first and stood firmly against them. He championed the civil rights of the Negro in his 1948 message to Congress, and he defied the subsequent Dixiecrat revolt.

Yet he could speak and act impetuously, even recklessly, and play the pettiest kind of politics, reflecting his early training in a corrupt big-city machine.

Some of his appointments were deplorable, including some to extremely high posts in government. He was fiercely loyal to old friends, some of whom certainly did not deserve his loyalty.

He could be carried away by bad advice or by an impatience for quick results, as when he proposed to seize the steel mills.

He never cast himself in a role of a man of destiny, always retaining his sense of humor and humility. His fellow citizens trusted him, however much some may have disagreed with him, because they could be confident that the "image" of the President reflected the true character of the man.

TULSA DAILY WORLD

It will be years before historians can fully evaluate Mr. Truman's presidential service and place it in perspective with the events that followed. But it's safe to guess that his stature and place in history will grow as time goes by.

In any event, in this age of yearning for "charisma" and political image-making divorced from reality, we are not likely to see another Harry Truman.

ST. LOUIS POST-DISPATCH

Looking back on the Truman years, some of our younger writers are inclined to fault the President for policies that in perspective appear to have been misguided.

It should be remembered that when Mr. Truman entered the White House the world was falling apart. Colonialism was on its last legs; big powers and little powers alike were scrambling to fill vacuums. The aims and capabilities of the Communists were not fully understood.

A generation has passed since the Truman years and some of the problems the Missourian faced have not yet been solved: Germany remains divided, Korea is divided, the U.S. is engaged in paracolonialism in Vietnam. One can well afford to look back with a measure of charity.

Mr. Truman was overwhelmingly a man of the people—earthy, gregarious, stubborn, courageous, honest, a mixture of pride and humility. He had small preparation for high office, but he gave the day's responsibilities the best he had and slept at night in the comfort of knowing that no man can do more. He was not only a native of this state, in many ways he was typical of its citizenry. We can be thankful that Mr. Truman walked among us.

DES MOINES REGISTER

Harry S. Truman never lost his flat Missouri twang nor acquired the slightest trace of cultural gloss. He remained a home-town boy who loved his home town and his family.

The American public regarded Mr. Truman as a scrappy fighter who dared long odds. The greatest of these fights was his battle for re-election in 1948 when polls and political experts pronounced him doomed.

Though some of this administration's agencies were riddled with scandal, and "the mess in Washington" became a household phrase, historians polled near the close of his administration ranked Mr. Truman among the great U.S. President.

Historical revisionists are disagreeing with this estimate now. They see the Cold War as a serious mistake for which Mr. Truman was partly to blame.

These reassessments overlook the fact that Mr. Truman acted at a time when hot voices in this country were calling for more dangerous warlike responses than Mr. Truman permitted.

TOPEKA DAILY CAPITAL

When he assumed the presidency President Truman had been kept on the outside of all of the Rooseveltian strategies, and it was Mr. Truman's task to pick up the threads of policy, action and intrigue as they were being woven by F.D.R.

For example, Mr. Truman did not know the United States had developed the A-bomb although the Russians were privy to this information. But he did not hesitate to order it dropped on Hiroshima and Nagasaki.

Mr. Truman had no regrets over the loss of Japanese lives. He easily translated this into the saving of a million American lives.

WALL STREET JOURNAL

His contemporaries judged him harshly, at one time his approval rating in the Gallup Poll sank to 23 per cent, a record low for any President. Yet now, these 20 years later, it grows increasingly hard to remember what Harry Truman did wrong, and increasingly hard to dispute that he did most of the big things right.

Today many would deprecate some or all of these decisions, as they would deprecate the gutsy quality that went into them. But Josef Stalin was not the figment of anyone's imagination. The containment policy has achieved its purpose of moderating the ambitions of the Soviet leaders. The reason the second-guessers question whether the dam was needed is that there has been no flood since it was built.

Merely glancing through the photographs in Miss Truman's book you can guess the experiences that forged Harry Truman. Here is a child standing with relatives in a wooden-wheeled wagon, scarcely removed from the frontier. Here are slices of the Americana now mocked in fashionable movies. From this Mr. Truman drew the earthy sense, the directness, the sense of self-worth by which both his contemporaries and history judge him.

WICHITA EAGLE

His honesty was never questioned, though he had the active support of the corrupt Pendergast political machine of Kansas City. He said Tom Pendergast never asked him to do a single dishonest act. And, though his connections with the machine were criticized in political campaigns, he never abandoned his friend, Pendergast.

He had his enemies. He was the object of an assassination attempt, in which two of the attackers were killed. The third was sentenced to death, but his sentence was changed to life imprisonment by Mr. Truman just before he left the presidency.

DAILY OKLAHOMAN

He was uncharacteristically subdued and humble when he took the oath of office. He asked for the nation's prayers, and a great many of his apprehensive countrymen may have agreed that prayers were needed. But the office of the presidency has a recognized capacity for bringing out unsuspected qualities of greatness in its occupants and Mr. Truman soon showed in what ways he was destined to become great.

OMAHA WORLD-HERALD

As an administrator and decision-maker, he proved to be both tough and wise. He could see that Soviet expansion had to be stopped in the late '40s and early '50s, and he committed the resources of this country to do it. He saw the development of the hydrogen bomb was a military necessity and our country developed it.

ATLANTA JOURNAL

His detractors wouldn't leave him alone. They said he was little, he was vulgar. He did not have the graces. What they really were saying was he was a plain, unvarnished citizen of the United States, typical of millions of us except that he had more character, more determination, more gumption and more political shrewdness than his detractors combined.

After the White House, Mr. Truman lived a full life. He enjoyed his family and his neighbors. He stayed active. He was accessible. And what must have been sweetest of all was the decline of his detractors and the growth of his admirers. Now, on his death, he is praised as one of the great American presidents.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent that the observations of two students of the Truman era, Dr. Richard Kirkendall, to whom I referred earlier in these remarks, and D. W. Brogan, a British historian and commentator on American life for some 30 years, be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

HARRY S TRUMAN—A GREAT AMERICAN PRESIDENT

(Memorial Address by Dr. Richard S. Kirkendall at University of Missouri-Columbia, January 17, 1973)

Harry S Truman was one of America's greatest presidents. This is not to say that he was always wise and always successful at every point. We have not been ruled by gods. We have been forced to make do with men, and men have limits on their abilities. In appraising presidents, the historian must have realistic expectations. Harry S Truman achievements and proposals entitle him to recognition as a great occupant of the Executive Mansion. He failed more than once; a bolder man might have accomplished more; a wiser one would have avoided some of his moves. His accomplishments may not have been as substantial and significant as Washington's, Lincoln's or Franklin Roosevelt's. Yet, he did promote valuable changes; he developed a new and larger role for the United States in the world, affected some parts of it in very desirable ways, and encouraged social and economic improvements at home. And our experiences since he left the White House suggest that his advice should have been followed more closely.

Truman was not a small man who suddenly had a very big job imposed upon him. The job was very big, but he brought to it rich and varied experiences in American life and politics. He had served for eight years as the chief administrative officer of a populous county and more than nine years as a United States Senator.

He had campaigned for office on local and state levels, administered and constructed court houses, welfare agencies, roads, and other public facilities in Jackson County, contributed significantly to the war effort as an investigator of the economic side of it, and learned much about the American political and economic systems. Although his brief vice presidency had not supplied specialized training for the higher assignment, his selection as a candidate had enabled him to wage a national campaign in 1944, and his responsibilities as vice president had given him a chance to exercise his political talents in new ways. If he did not shape the administration's proposals, he did obtain opportunities to build support for them. His career before the White House was not a little man's career.

Truman's life before April 12, 1945 also supplied him with a philosophy on the issues that he would face, including the international affairs that would dominate his presidency. His thinking on foreign policy emphasized political considerations, especially the distribution of power, the importance of the military factor, and the need to deal forcefully with aggressive nations. This philosophy was the product of his own experiences as a soldier extending over more than thirty years and of the nation's experiences in world affairs from 1918 to 1945.

As president, Truman was determined to avoid what he regarded as the errors of the past: weakness and refusal to get involved in the major international problems. He feared that the American people would retreat to the foreign and military policies of the 1920's and 1930's that had failed disastrously. He was convinced that the nation must play a very significant role in the world in the postwar period and must possess military strength.

With Truman supplying essential leadership and making the basic decisions, the United States did not retreat to the policies of the interwar period. Instead, it played a large role in the world. Truman carried to completion Roosevelt's plans for the creation of and American membership in the United Nations. Of greater importance, at least in the short run, his administration developed and implemented a plan—the Marshall Plan—for European recovery. The plan and the program that followed contributed decisively to the economic recovery of Western Europe and to the development of political stability and strength in the region.

Truman believed that the United States could and should play a large role in world affairs, but he did not regard American power as unlimited. He did not believe that the United States could do all that it might wish nor accomplish all that it might hope. This sense of limits affected his efforts in Eastern Europe, where he relied largely on words in a futile effort to influence political developments. He was distressed by Russian behavior there but believed that there was little he could do to change it. The sense of limits also prevented him from intervening in a large way in the Civil War in China even though he hoped that Chiang Kai-shek could avoid defeat. He and his aides did not believe that the United States could mobilize the economic and military resources needed to exert a decisive influence on that very large, very complex, and deeply troubled nation.

The sense of limits also contributed significantly to another very controversial aspect of Truman's presidency: his conflict with General Douglas MacArthur in 1951. The President rejected the General's proposal to throw more force against the Chinese in Korea and to carry the war into China itself, using American air and naval power and Chiang's troops. Truman regarded the suggestions as extremely dangerous. "We are trying to prevent a world war—not to start one," he explained. Furthermore, MacArthur's proposals would tie the United States down in an area of secondary importance and thereby give the Russians new opportunities in a much more important region: Europe. MacArthur's strategy would, according to Truman's top military adviser, "involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy." MacArthur's objectives—the reunification of Korea under non-Communist control and the weakening of China—were not unattractive, but they seemed to Truman to be beyond the limits of American power. The pursuit of them would result in losses that would far outweigh those objectives in importance.

The Truman-MacArthur controversy also involved another very important consideration: the place of the military in American life. Truman regarded military power as essential but also dangerous. His solution was civilian control. This was, of course, the solution of the American Constitution. MacArthur tried to use his prestige to force a change in policy and appealed publicly for support of his ideas. His actions challenged Truman's authority as commander in chief, and the President concluded that he must remove the General from command in order to uphold and maintain the essential principle of civilian supremacy.

Foreign affairs was the most significant aspect of Truman's presidency. The record of his domestic accomplishments did not contain any contribution as substantial as the Marshall Plan, to cite a major example. Nevertheless, he was not insignificant in the domestic history of the United States. He was not able to gain acceptance for new domestic proposals, but he did expand and improve already established ones, such as Social Security and public power, and he did defend them against their foes. Moreover, by publicizing various issues, such as health insurance, he paved the way for later accomplishments. Furthermore, he did more on behalf of the civil rights of black Americans than any of his predecessors in the twentieth century.

Truman's civil rights record deserves more than brief mention. It was influenced by his interest in the nation's relations with other people as well as by domestic concerns and humanitarian considerations. Well aware of the international implications of American race relations, he was convinced that the country "could no longer afford the luxury of a leisurely attack upon prejudice and discrimination." In 1951, when vetoing a bill that would segregate schools on federal property, he explained:

"We have assumed a role of world leadership in seeking to unite people of great cultural and racial diversity. . . . We should not impair our moral position by enacting a law the requires discrimination based on race."

Truman's concern in this area was expressed by several significant actions. Late in 1946, he established a Committee on Civil Rights to investigate race relations and make recommendations for government action to protect civil rights, and less than a year later, the committee produced a bold report that influenced the administration's subsequent behavior. Soon, his Justice Department joined the NAACP in an attack before the United States Supreme Court on segregated housing. This marked the beginning of that department's significant participation in the civil rights movement. Early in the following year, the President delivered a special message attacking discrimination and segregation and calling for national legislation that would provide federal protection against lynching, protect the right to vote, prohibit discrimination in interstate transportation facilities, and establish a permanent agency concerned with job discrimination. And in July, 1948, Truman issued two executive orders on civil rights, including one calling for equality of treatment and opportunity in the armed forces and the establishment of a committee to help with the implementation of the order. The President explained that it was intended to end segregation.

Truman enjoyed some successes in this area. His Justice Department continued to function as a "friend of the court" in the major civil rights cases and helped the NAACP win its battles. His appointees to the United States Supreme Court also played important roles in these cases, which attacked segregation in housing, railroad dining cars, and higher education and prepared the way for the monumental decision in 1954 attacking segregation in all public schools. And the armed forces were desegregated. They had taken on new importance as a result of the enlargement of the nation's role in the world, and he promoted progress in race relations in this part of American life.

Truman failed, however, to obtain passage of the broad civil rights legislation that he proposed. Perhaps he might have accomplished more if he had pressed his proposals more boldly. His appraisal of political realities restrained him, however. His ability to promote change was limited by strong resistance, especially in the South. Many southerners bolted the Democratic party in 1948 and supported Governor J. Strom Thurmond of South Carolina in a presidential campaign that focused upon race relations. And after the election, a congressional coalition of conservative Democrats, mostly southerners, and conservative Republicans dominated Congress on domestic issues and frustrated Truman's appeal for a legislative attack upon problems in American race relations. Even before Truman became president this coalition had demonstrated that it could thwart a president. It was chiefly responsible for his failure in this area.

Truman did not always succeed, and he did not always make wise decisions. One unwise one was the decision to provide financial support for the French in their battle against revolution in Indochina. This marked the beginning of an involvement that led to disaster.

Truman, however, was not responsible for the disaster. His successors were. They lacked his appreciation of the limits on our power and enlarged enormously a rather small commitment that could have been terminated after the French failed or at some other point far short of massive military involvement.

Many Americans, however, could not accept Truman's belief that their power had limits. That belief was one of the sources of his unpopularity during his last years in office. By early 1952, only 25 percent of the people thought that he was doing a good job. His most prominent critics were very dissatisfied with his foreign policy, seeing it as responsible for the "loss" of China and for other undesirable developments, and they assumed that the United States could and should accomplish much more than he had accomplished. It was this attitude that led to our large-scale involvement in Vietnam. It has been an effort to "avoid another China."

Truman made mistakes; he failed to accomplish some of his objectives, but he was a much greater president than most Americans realized during his years in the White House. They should have accepted rather than resisted his advice on civil rights and made a much larger effort to solve the problems in American race relations. Instead, those problems—or many of them—were allowed to grow and become a serious threat to the nation as well as a source of suffering and sorrow for many individuals. More attention should have been paid to his suggestions about the limits on American power. Instead, we enlarged our role until bitter and destructive experiences in Vietnam provided persuasive evidence on this point.

In his area of greatest significance, international affairs, Truman's point of view and performance were complex and balanced. He believed that the United States must play a large role in world affairs, but he also maintained that there were limits on what the nation could and should do. He insisted that the United States must have a strong military establishment, but he also knew that a strong military posed a threat to the American system and must be kept in a subordinate position.

We need that complexity and balance at the present moment. Alive now to the folly of globalism, we may swing back to isolationism, forgetting its dangers. The United States once tried to play a small role in the world, but that failed. It did not keep the country out of major wars. Now the nation, or at least a very substantial part of it, has become aware of the short-comings of the global role, the limits on American power, and the need to make choices, and efforts are being made to define a role in the world that minimizes difficulties. The thought and record of one of our greatest presidents could help us define that role.

An Historian's View of Harry Truman's Presidency

(By D. W. Brogan)

From the beginning, the office of Vice President of the United States has seemed to nearly all its incumbents futile and to most of them disillusioning. The only real attraction of the office (except for a naturally lazy man) is the possibility of succeeding to the Presidency on the death of the President. This has happened eight times. Lyndon B. Johnson is too much part of current history for his role to be assessed even tentatively, but of other Vice Presidents who have succeeded, only two can have any claims to be considered great Presidents. One of them was Theodore Roosevelt; the other was Harry S. Truman.

From the moment that the sudden death of Franklin D. Roosevelt made Harry Truman the center of American power, the new President was involved in issues of the highest importance. Not all of his decisions can be justified, and some have been severely criticized. But from the first Mr. Truman showed the essential qualities of a President: the willingness to take responsibility and to decide rapidly. His motto, "the buck stops here," is the essential aspect of the Presidential office.

In the light of history, perhaps the most important act performed by the new President was the decision to drop the atomic bomb, a weapon of whose existence he knew nothing when he became President. That decision has been much debated, especially the resolve to drop the bomb on densely populated cities like Hiroshima and Nagasaki; but it was made. For good or ill, Truman was the President who opened Pandora's box by deciding to bomb Hiroshima. Both Truman and Churchill looked on the bomb as a providential weapon to end the war with Japan; without the bomb, their military advisers calculated that Japan would have to be invaded, with the possible loss of a million Allied lives. Truman solicited the counsel of his top scientific, military and civilian advisers, but he has clearly stated that the final decision and responsibility were his. For as an enthusiastic student of American history, Mr. Truman knew that on him, and on him alone, lay the ultimate responsibility of any great decision of the President and Commander-in-Chief of the United States.

Truman did not look back. Having determined to drop the atomic bomb on Japan, he did not stay awake nights. Whether the decision was justifiable, whether the demonstration of the new power of destruction could have been made in another way, are still matters of bitter dispute. But Mr. Truman accepted responsibility for what he did, apparently without regrets or pangs of conscience.

For the nearly eight years that Mr. Truman was in office, this power of decision was the most important power to have. For it was essential that the United States should be, and should seem to be, under firm command, even if not all the examples of the command were encouraging or successful. For this reason Mr. Truman will go down to history as one who maintained the power as well as the dignity of the Presidential office. He is in the line of Chief Executives who used Presidential power sometimes outside, if not quite against, the letter of the Constitution—the line of Jefferson buying Louisiana, Jackson facing down the revolt of South Carolina, Lincoln deciding, as finally he alone decided, to open the Civil War by replying in arms to the firing on Fort Sumter. Truman repeatedly demonstrated his readiness to use his power, perhaps most notably by moving quickly and decisively when South Korea was invaded, without waiting for full Congressional debate and declaration of war.

At the time he took office this power of decision was not immediately visible. Mr. Truman was thought of as a very accidental President—indeed, as having been an accidental Vice President (F.D.R. passed over several more impressive candidates for that office in 1944). He even showed in his early days some regard for the old hierarchy by nominating a Senate leader whom he admired, James F. Byrnes, as Secretary of State. He asked for advice from elder statesmen like Henry Stimson; he took advice. But it soon became apparent that he was fully conscious that he was President and that the buck stopped with him.

In part, this was the result of the educational impact of the office he had inherited. When Winston Churchill was asked why his successor, that very undramatic figure Clement Attlee, had shown himself so authoritative a Prime Minister, Churchill replied that he had fed "on the Royal Jelly." But of course both Truman and Attlee were men whose basic qualities had been hidden in minor offices and were revealed only when each man was stretched to his fullness. That each had been a successful fighting officer commanding men in the field is perhaps significant in assessing their later roles.

There were other aspects in the new President's career that were perhaps more useful to him than his experience as a captain of field artillery on the Western Front in 1918, although that was an experience he liked to dwell on. He had been put into the Senate by the Pendergast machine in Kansas City, as he had been given his first political job by that machine, a job in which he combined executive efficiency with rigid honesty, a rare combination in the Kansas City of that age. It was these qualities of thoroughness and honesty that enabled Truman to live down, both at home and among his colleagues in the Senate, his first reputation of being merely a Pendergast stooge. Yet Truman preserved some of the habits of the Kansas City political world—particularly a deep loyalty to old friends that involved him indirectly in scandals, especially toward the end of his administration. But by that time people concentrated more on the loyalty he showed than on the indiscretion he displayed. He had by then earned on a national scale the trust he had earned long before in Kansas City.

Truman had not merely to live down the Pendergast machine, he had to live in the shadow of a great name, that of F.D.R. He inherited a great deal of unfinished business, and he inherited a Cabinet and other personnel chosen by a President who had been in office so long that many young Americans could not remember any other. It was natural for Truman to get rid of the Roosevelt Cabinet, but it was bitterly resented by many loyal New Dealers, especially those on the radical side like Henry A. Wallace.

The Roosevelt Cabinet and F.D.R.'s great administrative chiefs had been prima donnas. The Truman appointees, for the most part, were not. Yet at the end of his administration there could be no doubt that the Truman Cabinet was a more effective instrument of government and contained more useful public servants than the Roosevelt Cabinet had; more than that, the devotion of the Cabinet (containing figures like Dean Acheson and Robert Lovett) to their chief was more manifest than the devotion of the Roosevelt Cabinet to F.D.R. And the relationship between President Truman and General George C. Marshall was far closer and mutually far more trusting than that between Roosevelt and Marshall. In this sense Truman was out of F.D.R.'s shadow long before he left the White House.

In another way, as well, Truman was out of the Roosevelt shadow. He was a great maker of the modern Presidency as a department of the nation's government in its own right.

The most that F.D.R. did was to improve, to some degree, the organization of the White House. But what Truman did was to improve very markedly, and impose discipline on, the whole organization of the executive branch of the United States government. In administrative history, despite the scandals and despite the errors, Mr. Truman will go down as a great innovator and reformer. There were few of the tense personal rivalries that had marked Roosevelt's Cabinets—with Roosevelt's approval, since F.D.R. believed that in the clash of personalities fresher ideas might be born. Instead Truman used his Cabinet to sift carefully ideas and approaches to problems. He also met frequently with the various committees and boards that operated within the executive branch, soliciting expert opinion before making his own decisions. He often asked that memoranda and position papers be formulated for his careful scrutiny. He brought into the White House such men as Clark Clifford and encouraged them to impose organizational efficiency on what had tended to be independent chaos. (Clifford, important as an adviser and strategist for Truman, remained a part-time adviser of Presidents John F. Kennedy and Lyndon B. Johnson, and became Secretary of Defense in Johnson's Cabinet.)

When Eisenhower succeeded to the Presidency, he inherited a much more effective instrument of command than had Truman.

PROGRESS IN FOREIGN AFFAIRS, SERIOUS FRUSTRATIONS AT HOME

But what did Truman do with this instrument of command? His accomplishments in the foreign field were substantial, but he was less lucky in domestic affairs. As always happens after a great war, the public was in the mood, consciously or unconsciously, to revenge itself on the government that had imposed such burdens on it. In addition, Truman found himself confronted with serious and disruptive postwar problems—strikes, rising prices, food and housing shortages—that were bound to antagonize the electorate. He dealt firmly with these problems, sending message after message to Congress asking for needed legislation. But Congress did not always give him the laws he felt he needed to meet the onrushing crises. The people, only imperfectly aware of Truman's efforts, decided on change, and the climate of the country turned against the Democrats. In 1946 the party lost control of Congress for the first time since 1930. The subsequent Republican-dominated Congress, the 80th was even less inclined to enact the domestic legislation that Truman asked of it.

But if Truman was often frustrated in his domestic policies, it was a different story in foreign affairs. A careful student of U.S. history, Truman had learned an important lesson; not to quarrel unnecessarily with the Senate. He would not imitate Woodrow Wilson who had fought so bitterly with Senator Henry Cabot Lodge over U.S. membership in the League of Nations in 1919. Instead Truman frequently invited Senate leaders to the White House for consultations, carefully and diligently asking their opinions. He won over eminent Republicans like Senator Arthur Vandenberg and was able to gain support for what could be called a national foreign policy. As a result, the Senate voted enormous appropriations and backed the bold policies that bulwarked war-ravaged Europe and started the "Free World" on its road to recovery.

Despite these accomplishments, Truman was on the defensive as the 1948 election approached. It was almost universally assumed that he would be beaten.

The assumption led to very open conspiracies within the Democratic Party to deny him the nomination, a kind of mutiny that Captain Truman had no intention of tolerating. He had his drawbacks as a politican. He was often indiscreet at press conferences, and he sometimes contradicted himself, relying too much on his memory, good as it was. He may be suspected of having succumbed to some political temptations: the very rapid U.S. recognition of the government of Israel was connected by some critics with vote-getting in the Bronx rather than with Truman's concern to bolster the new Jewish state. Truman's confidence that he could get elected never wavered, however. He coolly got the nomination in Chicago and then set out on his famous and arduous "give 'em hell" campaign. To the confusion of pundits and pollsters, he won.

By 1950 the United States had recovered from the brief postwar depression and from the brief and trivial shortages that followed the war. The fruits of Truman's decisiveness and successful moves in what was the most important part of his office, foreign affairs, soon became apparent. The Marshall Plan, a brilliantly conceived blueprint for the revitalization of European industry instead of a vengeful stripping of the conquered countries' resources, was one of the key achievements of his foreign policy. Although the makers of the Marshall Plan were such men as Dean Acheson and, above all, George Marshall, the final responsibility resided in the White House. The decision to concentrate American aid and military resources in Europe was the President's. So was the "Truman Doctrine," which probably saved Greece and Turkey from a Russian-inspired Communist upheaval. The resolve to use the "airlift" to defy Stalin's attempt to isolate Berlin was a Presidential decision. Thus Western Europe was saved from the danger of collapsing in economic chaos and misery out of which a Communist controlled Europe might well have emerged.

Meanwhile Truman was ever-more-vigorously taking hold of the job of Chief Executive. He would not brook sloppy work or any form of insubordination in his official family. When Secretary of State Byrnes overstepped his role by presuming to negotiate with the Russians without keeping Truman fully informed of his steps (he issued independent press statements and generally acted as if *he* were the country's leader), he soon found himself replaced by Marshall. The same fate befell the irascible, powerful Harold Ickes, long Roosevelt's Secretary of the Interior, when he crossed Truman.

Hindsight suggests that the President did not sufficiently allow for the fact that his bold foreign policy required more military strength than his economical administration permitted. It is often forgotten that it was Mr. Truman who, for a brief period, first balanced the budget after many years of built-in deficits. Perhaps he took this part of his job too seriously. The outbreak of the Korean War puts a tremendous strain on the nation's military establishment, weakened by the cutbacks Truman had made in the interests of economy. The Korean War was a turning point in his administration, casting a shadow over its later years and over his miraculous election in 1948.

BOLD AND SPEEDY INTERVENTION IN KOREA

The War had three results for Mr. Truman's immediate popularity and perhaps for his permanent reputation. It showed, first of all, his power of decision at its highest. Instead of giving South Korea "all kinds of aid except help," as the Washington wags predicted, President Truman immediately ordered General Douglas MacArthur to dispatch troops to support South Korea's faltering forces. He did not, as we have noted, ask for a Congressional declaration of war or, indeed, for Congressional approval. It was a pure exercise of Presidential prerogative, of a sort much criticized today because of Vietnam. But there is no doubt that President Truman was within his rights as Commander-in-Chief, although he was exercising those rights to the full.

A second result of the Korean War for Mr. Truman was his much publicized and hotly debated dismissal of General MacArthur. MacArthur openly challenged Truman's direct orders to confine the war to Korean soil and refrain from violating China's borders. Truman asserted his authority without hesitation and relieved the general of his command. There can be little or no doubt that he was constitutionally right. No general can be allowed to openly criticize and oppose the policy of the Commander-in-Chief. Lincoln, as Truman knew from his reading, had not stood for this from General George B. McClellan, and Truman did not stand for it from a much greater soldier, Douglas MacArthur. Captain Truman knew the spirit and the letter of the American Constitution better than his five-star General of the Army.

But all of Truman's decisiveness could not bring an end to the Korean War. The fifth bloodiest conflict in American history, it dragged on and on, deeply disillusioning a country brought up to believe that all its wars ended in complete victories signalized by Yorktown, Appomattox or Tokyo Bay. It cast a pall over Mr. Truman's last years in the Presidency and doubtless influenced the 1952 election, which put a Republican in the White House. It could and should be argued that the Korean War offered America a valuable lesson in the perils and perplexities that lurk in Asia. But it was an expensive lesson, and it was only imperfectly digested. It served to confirm in their beliefs those who clung to the legend that the U.S. somehow "lost China," that only some form of negligence (or possibly treason) allowed the Communists to take over. And it has been pointed to by those who believe that every form of aggression in Asia must be met with military counterforce.

If Truman had a leading fault as Chief Executive it was that he almost invariably met problems head on—which sometimes meant that he ran his head against a Congressional stone wall. This fault, of course, is but the mirror image of his overwhelming virtue, his bold decisiveness. His legacy to the office, to the nation and to the world was great and on the whole beneficient.

He held the front of the "Free World" against Communism when many people believed that the front was collapsing. He defended the prerogatives of the President against an overweening general. He made the Presidency for the first time in its history an effectively organized instrument of government. He opened the Pandora's box of the atomic bomb. Perhaps it had to be opened; perhaps it had to be opened that way. Perhaps because it was opened that way it need never be opened again. No one knows.

An outstanding quality of Truman himself was his ironical acceptance of his own limitations, his humor and his dislike of pomposity. He is reported to have offered an important job to a man he much admired who demurred, saying, "I don't really feel qualified for it." Truman replied, "Maybe you're not. There are probably hundreds of people better qualified than you, but I don't know any of them. There are probably hundreds of people better qualified than I am to be President, but they weren't elected." Whether Truman really believed the second half of this famous statement is doubtful. What is certain is that he never acted as if the task of being President was an easy one, that it demanded anything less than his never-flagging zeal and constant watchfulness. It was this quality perhaps more than any other that made him the very remarkable and possibly great President that he was.

And—a point very hard to demonstrate, but which is necessary to make—he showed in his brisk, man-in-the-street, man-from-the-farm way that the promise of American life for the average citizen had not been withdrawn. It has been an age of Presidents whose backgrounds have been very different from that of Harry Truman: a great engineer, Hoover; a country gentleman full of the social arts, F.D.R.; a great soldier, Eisenhower; a great millionaire with charm, high culture, dazzling personal appearance, Kennedy. The American public, as it rejoiced in his upset victory of 1948, took and kept to its heart the brusque little man from Independence, Missouri.

Mr. EAGLETON. Mr. President we pay tribute today to a man who, during a lifetime of outstanding service to his country, was characteristically uncomfortable while being praised for his many accomplishments. Harry Truman once described a statesman as "a politician who has been dead for 15 years."

But Harry Truman was a great politician who was recognized by historians as a great statesman long before his death.

Much has been said about Harry S Truman the President. The great decisions that he made and the social programs that bear his imprint will stand as the only tribute he would enthusiastically endorse for himself.

It was a painful irony that President Lyndon Baines Johnson, a close friend and ally of Harry Truman during the years of his Presidency, would die within a month after attending President Truman's funeral. Last week on network television Americans saw the last interview with President Johnson before his death. During that interview he discussed the many social programs that were enacted during his administration and—in a fashion characteristic of Lyndon Johnson—he gave credit to Harry Truman for the most significant of those programs.

President Truman fought for medicare and civil rights legislation long before it was popular to do so because, in his words, "it was the right thing to do."

Two men of humble beginnings, Harry Truman and Lyndon Johnson, shared a dream and now, in death, they share a place in history for their respective roles in bringing health care to America's elderly and equality under the law to Americans of all races.

President Harry Truman also achieved greatness through his work in foreign affairs. His initiation of the Marshall plan—his program of aid to underdeveloped countries—his courageous early recognition of Israel's nationhood—and his steadfastness in meeting aggression—have all contributed to thrust upon him the title of "statesman."

But Harry Truman would not want us to remember him only for his service in the great office of the Presidency. He also was proud of the record he built as a U.S. Senator.

Harry Truman was elected to this body in 1934. And it was not an easy first term. He was unfairly labelled as a "machine" politician and when he defied the machine—as was his custom, since he voted his conscience—he was charged with disloyalty. It was the type of situation that inspires most men to pull up stakes and quit.

At the end of his first term, the effect of these attacks had taken their toll. Harry Truman was prime for defeat. It would have been easy to back out quietly and not run. But if there is one characteristic that looms larger than any other in Harry Truman's life, it is that he is not a quitter. In 1940 he said:

> I'm going to run for reelection, if the only vote I get is my own.

Harry Truman ran for his second term in the U.S. Senate and defied all odds by winning reelection. It would not be the last time that he would confound the political pundits by ignoring their predictions and going directly to the people for his victory.

Returning to Washington, Senator Truman took an interest in what he considered to be the alarming amount of waste and mismanagement in the defense establishment. In typical fashion he left Washington immediately on a rigorous month-long inspection tour of military installations around the country.

When he returned he told the Senate of the waste he had seen and requested that a special committee be created to oversee the Defense Establishment. This was the beginning of the Truman committee that was to save the Nation billions of dollars during a period when we badly needed to build our military strength while, at the same time, maintaining a careful watch over a shaky economy.

Senator Truman knew that the war effort could be damaged just as much by mismanagement as by faulty leadership.

His work in the defense area earned him a degree of notoriety in Washington that he had not known before. But he was not looking for publicity, he was simply trying to do a job. Early in 1942 he wrote to a close friend concerning the new-found prestige of the Truman committee:

> My committee has had so much publicity in the last 60 days that its work is not nearly as efficient as it was before that time. We are in a situation where the slightest mistake will cause us serious difficulty . . . One bad tactical error, political or otherwise, can ruin the whole structure much more easily than it could have done when we were first starting.

Senator Truman was intent on doing his job and doing it well. He understood the significance of that work and he never attempted to use his new-found prominence to advance himself at the expense of his country. He was, in short, an outstanding Senator.

Mr. President, I have spoken today of Harry S Truman, Senator from the State of Missouri and President of the United States. History will recognize Harry Truman as a great President but the record will show that he was also a great Senator.

In a letter to his daughter Margaret, Senator Truman, with his usual humility, showed that he knew the significance of being a United States Senator:

> It's awful what it means to some people to meet a Senator. You'd think I was Cicero or Cato. But I'm not. Just a country jake who works at the job . . .

Whether serving his country as judge, Senator, or President, Harry Truman was always proud to be "just a country jake." And, whatever job he held he never failed to make an impact on his State and on his country.

Mr. President, I ask unanimous consent that articles on President Truman's life that appeared in the Washington Post, the New York Times, Time, and Newsweek be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SAYING "WE GOING TO GIVE 'EM HELL," HE DID

(By David S. Broder)

For the Washington Post's veteran political reporter, Edward T. Folliard, it was a very puzzling phenomenon.

A week earlier, on September 9, public opinion analyst Elmo Roper had announced he was suspending his polling on the 1948 election. "Thomas E. Dewey is almost as good as elected," Roper had said, "That being so, I can think of nothing duller or more intellectually barren than acting like a sports announcer who feels he must pretend he is witnessing a neck-and-neck race."

Yet, here, on September 16, was the annointed loser, President Harry S Truman, starting off on a 16-day train tour, and acting, as Folliard wrote, "not at all like a man who . . . is destined to be an also-ran on election day. He seemed gay and confident as he was boarding his 17-car campaign special and told the crowd: "We're going to give 'em hell.' "

It was the start of the showdown phase of one of the most remarkable campaigns in American political history—a struggle against seemingly insuperable odds that was to result in perhaps the greatest upset in our presidential history. That campaign of 1948 remains today one of the imperishable memories left behind by Mr. Truman.

Before the Democratic convention that July, Joseph and Stewart Alsop had written that "if Mr. Truman is nominated, he will be forced to wage the loneliest campaign in recent history."

The "if" was needed, because there were powerful elements in the party who felt that their own political survival dictated dumping the man who had inherited the presidency from Franklin D. Roosevelt three years earlier. Their favorite was none other than Dwight D. Eisenhower and, as Irwin Ross noted in his book on the 1948 race, "The Loneliest Campaign," the coalition behind the draft-Eisenhower movement was indeed "bizarre." Two days before the convention opened, 19 prominent Democrats invited their fellow delegates to a caucus to select "the ablest and strongest man available."

Among the signers: Mayor Hubert H. Humphrey of Minneapolis, Minn., Chester Bowles, Gov. William Tuck of Virginia and Gov. J. Strom Thurmond of South Carolina.

Mr. Eisenhower chilled the fever by issuing a statement that he "could not accept nomination for any public office or participate in partisan political contest." Although such men as Connecticut's boss John M. Bailey persisted in their efforts to draft Ike, the desperate coalition splintered, some turning to Justice William O. Douglas, some to Senator Claude Pepper of Florida.

None of these movements got off the

ground and the Democrats settled back, glumly, to renominate their "loser."

Why were they so sure he was a loser? Well, the Republicans had won a massive victory in the midterm election of 1946, capturing both houses of Congress for the first time in 16 years.

The old Democratic coalition appeared shattered. The start of the Cold War had split both labor and the liberals, with Henry A. Wallace quitting the Truman Cabinet to form a left-wing Progressive Party that threatened Mr. Truman's chances in New York, California and other industrial states.

The South, traditionally Democratic, was restive over the civil rights program Mr. Truman had sent to Congress.

SOUTHERNER'S WALKOUT

Before the convention was over, a tough civil-rights plank, sponsored by Humphrey, was to cause a walkout by some Southern delegations and provoke a "States Rights" Party campaign with Thurmond as its nominee.

Like George McGovern, 24 years later, Mr. Truman did not reach the platform to make his acceptance speech until the small hours of the morning. "Senator Barkley (Alben Barkley of Kentucky, his running mate) and I will win this election," he said, "and make the Republicans like it—don't you forget it." But few Democrats believed either the first or second clause of that sentence, and most acted as if they would like to forget the whole thing.

Yet, as Folliard noted on the day the Truman campaign train left Washington in Mid-September, "Mr. Truman's buoyancy, his refusal to believe that he is whipped, is not merely a campaign attitude, according to those who know him well . . .

"On his last barnstorming trip, the one that took him to Michigan, he said something that he has often said in private conversation: 'In 1940, I had the bitterest campaign for reelection to the United States Senate that I think any man had in the history of this country. I had every newspaper in the state against me, the governor of the state and his organization was against me, and at 11 o'clock that night all the radio broadcasters and the papers said that I was defeated by 11,000 votes. I went to bed and got up the next morning and found out I had been nominated . . ."

TYPICAL OF CAMPAIGN

The first major speech of the trip was at the National Plowing Contest in Dexter, Iowa, and one of its lines is sufficient to recall both the rhetorical style and the substance of Mr. Truman's campaign. "The good-for-nothing, do-nothing Republican 80th Congress," he said, "has stuck a pitchfork in the farmer's back."

With suitable variations for the audience, this was the Truman message—that the Republican Congress which had been elected in 1946 had hurt the farmers (by cutting grain-storage facility funds), had hurt labor (by passing the Taft-Hartley bill), and hurt consumers (by ending price controls), had helped the privileged and hurt the common man (by voting tax cuts, cutting housing programs.) (It was also refusing to pass most of Mr. Truman's domestic program.)

It was a broadside attack, in exaggerated language, ending with a warning that the "catastrophes" of the past two years were only a sampling of what would happen if Dewey were elected and the Republicans had the government to themselves.

"If you let the Republican reactionaries get complete control of this government," Mr. Truman said on Labor Day in Detroit, "I would fear not only for the wages and living standards of the American working man, but even for our democratic institution of free labor and free enterprise."

Often, Truman would chide his audiences to remember that it was their interests, even more than his own, that were at stake in the election. "How many times do you have to be hit over the head before you find out what's hitting you?" he demanded. "If you let those Republicans get in again, you deserve what will happen to you."

SPELLED OUT BY CLIFFORD

The strategy underlying the campaign had been spelled out back in November, 1947, in a 43-page memo to the President from Clark Clifford, then a youthful member of the White House staff. Correctly anticipating both the Dewey nomination and the Wallace third-party candidacy (but not the Southern defection and the Thurmond challenge), Clifford argued that Mr. Truman could win the election by cementing the allegiance of farmers, laborers, blacks and Catholics.

His prescription for forming this alliance: Staunch anti-communism abroad and a liberal domestic program at home, designed to force Dewey to say "me, too" to the Truman foreign policy and to defend a conservative Republican congressional record on domestic affairs.

The congressional Republicans were more conservative than the likely GOP nominee, Clifford wrote the President: "The administration should select the issues upon which there will be conflict with the majority in Congress. It can assume it will get no major part of its program approved."

Mr. Truman did just that in 1948, heightening the drama by concluding his acceptance speech with the announcement that he would call Congress back for a special "Turnip Day" session to let the country determine "if there is any reality behind that Republican platform," which, tailored to Dewey's desires, was more progressive than the Republican record. Predictably, nothing came out of the special session, and Mr. Truman had his issue.

Both the reporters covering him could not determine if it was a real issue or not. Folliard noted that there was rarely much response to the rough rhetoric of Mr. Truman's prepared speeches. Although 72,000 people turned out for him at the Plowing Contest "not a single handclap or cheer was heard."

Richard H. Rovere, writing of that September tour in The New Yorker, said, "Nobody stomps, shouts or whistles for Truman . . . I should say that the decibel count would be about the same as it would be for a missionary who had just delivered a mildly encouraging report on the inroads being made against heathenism in Northern Rhodesia."

BETTER OFF THE CUFF

But it was also clear to the reporters that Mr. Truman was drawing big crowds and that the response to his off-the-cuff remarks, much more homely and less strident than his prepared speeches, was overwhelmingly friendly.

On Sept. 25, Folliard wrote: "Hardly a reporter aboard the 17-car special believes that Mr. Truman can reach his goal of a full, four-year term in the White House. The Republican tide is running strong after 16 New Deal years, and it looks at this time as if Gov. Thomas E. Dewey . . . can afford to drift to victory with it.

"If the decision were left to those who turn out for Mr. Truman at the whistle-stops, however—well, the outcome might be different.

"They like 'Harry,' those people who have been gathering along the railroad tracks all across the continent and down the Pacific coast. They like him a lot. You can see it in their faces as they look up at him there on the rear platform of the Ferdinand Magellan, smiling and waiting for the high school band to finish Hail to the Chief and the Missouri Waltz . . ."

Whatever the faces showed, the polls showed defeat. The late September Gallup Poll put Dewey ahead, 46.5 to 39—virtually unchanged from the previous month.

DEWEY CONFIDENT

The Republican nominee, accompanied on his campaign train by a press corps twice the size of the incumbent President's, was serenely confident. In his first speech, he said his was "a campaign to unite America." He ignored most of Mr. Truman's thrusts and avoided any pledges of his own more specific than "the biggest unraveling, unsnarling, untangling operation" Washington's bureaucracy had ever seen.

October was more of the same—for both the main rivals. Mr. Truman toured the Eastern cities, drawing what The Post's Robert C. Albright called "huge crowds, running well into the hundreds of thousands."

Having established his domestic indictment, Mr. Truman turned to the other half of the Clifford formula: anti-communism. He had been stung by Republican charges of Red infiltration of his administration. In Boston, with its heavily Catholic population, he sought to turn the tables by arguing, "You can fight communism with a clear-cut vote to defeat Republican reaction. Reactionary Republican policies invited communism in 1932. We were saved then, but we cannot afford to take the risk again."

Time and again, he ridiculed his rival, taunting him as "the man whose name ryhmes with hooey." In Minneapolis, he charged, "The Republican Party either corrupts its liberals or it expels them." The crowds continued large, and Frank McHale, the Indiana Democratic National Committeeman, told reporters Oct. 15, "this election could be the biggest upset in political history."

Newsmen traveling with Dewey noted a slight ripple of apprehension and a brief sharpening of the Republican nominee's rhetoric. But an informal poll of the reporters accompanying him found a unanimous belief that he would be victorious, and he settled back into his accustomed pleas for unity.

On Oct. 26, in Cleveland, Mr. Truman charged that the Republicans were using the pre-election polls to insure a light vote. "These polls are like sleeping pills . . . You might call them sleeping polls."

The next day, Dr. George Gallup said loftily that the President's comments were "all part of politics. Mr. Truman would love us if we could show him out in front . . . Either he is wrong, or we are. The people will know in another week."

On the final weekend of the campaign, with Mr. Truman heading for St. Louis and the 275th and last speech of his 22,000-mile campaign, The Post's Marshall Andrews wrote:

"There can be little doubt that Mr. Truman has picked up votes in the last week of his campaign . . . There is a general feeling among unbiased observers that Mr. Truman will poll a much larger vote next Tuesday than has been credited to him . . . He is a new man . . . a platform fighter who has been counting his own points and sees the decision in the bag."

Yet, when all was said and done, Andrews said those same "impartial observers are not willing to concede that Mr. Truman's confidence is justified."

They would admit, he said, "he has put up a masterful fight against what seemed to be insuperable odds" and "if the campaign could have gone on just a few weeks longer, it might have become one of the most exciting in history . . ."

Weeks earlier, however, on Oct. 13, Mr. Truman had given campaign aide George Elsey a state-by-state rundown on his election prospects in which he predicted he would win 340 electoral votes.

NO DOUBT VOICED

Clark Clifford later said that "from the beginning of the campaign until election day, I never heard him express a doubt about winning."

He was virtually alone in that faith, however. The final pre-election Gallup gave Dewey 49.5 per cent and Truman 44.5 per cent. All 50 political reporters in the Newsweek survey picked Mr. Dewey. The pre-election issue of Life carried a picture of the Republican nominee captioned: "The next President of the United States travels by ferry boat over the broad waters of San Francisco Bay." Drew Pearson, the Alsop brothers and others wrote advance columns for the editions of Nov. 2, discussing Dewey's Cabinet selections and the problems of the transition to a new President.

As for Mr. Truman, he went home to Independence, Mo., cast a straight Democratic ballot and handed it to the Democratic receiving judge, who happened to be his brother-in-law. His name: George Wallace. Mr. Truman told reporters: "It can't be anything but a victory."

Then he slipped off to Excelsior Springs, had a mineral hot-water bath, came home for a supper of ham-and-cheese sandwiches and buttermilk, and, at 7 p.m., went to bed!

He awoke about midnight and, as he later recalled in one of his most humorous and famous speeches, turned on the radio to hear H.V. Kaltenborn saying he was 1,200,000 votes ahead but was sure to lose when the country vote came in. "So I went back to sleep," Mr. Truman said.

VICTORY CONFIRMED

He was up before dawn, and heard the first newscast of the day confirm the victory he had confidently expected. He went down to the Muehlbach Hotel in Kansas City to join his staff and the newsmen accompanying him.

The sequence was startlingly like that in the earlier senatorial primary, which Mr. Truman had told his audience about back on Labor Day. It was also exactly the kind of "neck-and-neck race" which pollster Elmo Roper had said could not develop.

He won 303 electoral votes (37 fewer than he had predicted), compared to 189 for Dewey and 39 for Thurmond. But a shift of less than 30,000 votes to Dewey in California, Illinois and Ohio would have swung those three states to the Republican and given him an electoral-college majority.

The analyses of the upset were as numerous as the pre-election predictions of a Dewey victory. But as the Alsop brothers wrote, "There is only one question on which professional politicians, poll takers, political reporters and other wiseacres and prognosticators can any longer speak with much authority. That is how they want their crow cooked."

Mr. Truman himself seemed totally nonchalant. He rode his train back to Washington and went to work.

Nixon Sets Day of Mourning

Text of a proclamation by President Nixon announcing the death of Harry S. Truman:

To the people of the United States:

It is my sad duty to announce officially the death of Harry S. Truman, 33d President of the United States, on Dec. 26, 1972.

Throughout his long career in public service, Harry S. Truman was known as a man of forthrightness and integrity. He served with distinction in the United States Senate; and when the death of President Franklin Delano Roosevelt thrust him suddenly into the presidency in April of 1945 at one of the most critical moments of our history, he met that moment with courage and vision. His far-sighted leadership in the postwar era has helped ever since to preserve peace and freedom in the world.

Confronted during his presidency with a momentous series of challenges, his strength and spirit proved equal to them all. His fortitude never wavered, and his faith in America never flagged.

President Truman had a deep respect for the office he held and for the people he served. He gave himself unstintingly to the duties of the presidency while he held it, and in the years afterwards he honorably supported and wisely counseled each of his successors.

The nation to which he gave so much will honor his memory in admiration and respect, and the other countries for which he helped keep freedom alive will remember his name with gratitude.

Now, therefore, I, Richard Nixon, President of the United States of America, in tribute to the memory of President Truman, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and naval vessels of the United States for a period of 30 days from the day of his death. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their embassies, legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the armed forces under orders of the Secretary of Defense on the day of the funeral.

I do further appoint Thursday, Dec. 28, 1972, to be a national day of mourning throughout the United States. I recommend that the people assemble on that day in their respective places of worship, there to pay homage to the memory of President Truman and to seek God's continued blessing on our land and on this his servant. I invite the people of the world who share our grief to join us in this solemn observance.

In witness whereof, I have hereunto set my hand this 26th day of December, in the year of our Lord 1972 and of the independence of the United States the 197th.

[From the Washington Post, Dec. 27, 1972]

Former President Truman Dies at 88

(By David S. Broder)

Former President Harry S. Truman, the man from Independence who set an example of personal courage in making the critical decisions that shaped the post-World War II world, died yesterday at the age of 88.

The 33d President of the United States, eulogized by President Nixon as "a fighter who was best when the going was toughest," succumbed at 8:50 a.m. (EST) to a combination of infirmities that had hospitalized him in Kansas City, Mo., 22 days ago.

His widow, Bess Wallace Truman, and his only daughter, Margaret Truman Daniel, who had been at his bedside until last Christmas night, were notified of his death moments later at the family home in Independence, Mo. by his personal physician since White House days, Dr. Wallace Graham.

Mr. Nixon, one of many past political antagonists whose respect for the former President grew with the years, proclaimed Thursday a day of national mourning and ordered flags on federal buildings flown at half-staff for 30 days—past his own inaugural date.

Mr. Truman's state funeral will be held at 3 p.m. Thursday (EST) in the auditorium of the Harry S. Truman Library in Independence. Burial will be an hour later in the courtyard of the library, in accordance with plans approved by Mr. Truman several years ago. He had rejected proposals that his body lie in state in Washington.

Attendance at both events will be by invitation only, according to an announcement from Army officials handling the funeral arrangements.

President and Mrs. Nixon will fly to Independence today to lay a wreath at the Truman library and to pay their respects to the Truman family. The Nixons will return to Washington tonight. They will not attend Thursday's funeral, which will be a simple, private ceremony.

Former President Lyndon B. Johnson and Mrs. Johnson will also fly to Independence today to pay their respects.

From 2 p.m. today, when the body is moved from the Carson Funeral Home in Independence, until noon Thursday, Mr. Truman's remains will lie in the lobby of his library, where the public may pay its final respects.

The ceremony in the 200-seat auditorium is expected to be devoid of pomp and pageantry. A more formal memorial service will be held in Washington's National Cathedral at a date within the next two weeks.

Mr. Truman, a World War I artilleryman and unsuccessful haberdasher, who succeeded Franklin D. Roosevelt in the presidency on April 12, 1945, died in a sixth-floor room at Kansas City's Research Hospital.

He had entered the hospital on Dec. 5, suffering from lung congestion. His heart, his kidneys and other organs were also impaired and for the last four days he had been in a coma.

The official medical bulletin said: "The Honorable Harry S. Truman, 33d President of the United States, died at 8:50 a.m. (EST). The cause of death was a complexity of organic failures causing a collapse of the cardio-vascular system."

In addition to his wife and daughter, he is survived by a sister, Miss Mary Jane Truman, 83, who is recovering from injuries suffered in a fall and has been a patient at the hospital where Mr. Truman died. He is also survived by the four children of Margaret Truman Daniel and her husband, E. Clifton Daniel, an associate editor of The New York Times.

Mr. Truman began his political career at the age of 38 with election as judge of the Jackson County court, an administrative post. He served 10 years in the Senate before being selected by Mr. Roosevelt as his fourth-term running-mate in 1944.

The almost eight years he spent in the presidency—from Mr. Roosevelt's death only 82 days into the new term until the succession of Dwight D. Eisenhower on Jan. 20, 1953—was a time of momentous change for his country and the world.

Mr. Truman was barely in the White House when he was called upon to decide whether the atomic bomb—a weapon whose existence had been unknown to him until he succeeded Mr. Roosevelt—should be used against Japan.

Although the decision to drop the nuclear bombs on Hiroshima and Nagasaki remains one of the most controversial of his tenure, Mr. Truman said, "It was a military decision. No other course was conceivable."

More difficult, he said, was the decision to send U.S. troops into South Korea to battle a Communist invasion from North Korea in June, 1950.

But the decision was consistent with the first anti-communism that came to dominate American foreign policy as Mr. Truman guided the nation from the final months of World War II into the Cold War.

In response to earlier challenges, he had sent massive U.S. economic and military assistance to counter Communist threats to Greece and Turkey and mounted the Berlin airlift to defeat a Soviet blockade of the former German capital.

In all these crises, the blunt, plain-talking Missourian won the respect not only of his fellow citizens but of the international leaders—Churchill, Stalin, Adenauer and the rest—who had at first been skeptical of his mettle.

While Mr. Truman will probably be best remembered for the series of decisions Mr. Nixon said yesterday were "crucial to the defense of liberty . . . in the world," he took equal pride in what he called his "acts for peace and human dignity."

Among these he numbered his support of the fledgling United Nations, the Marshall Plan for economic recovery of Europe, his "Point IV" program of technical aid to underdeveloped countries and his quick recognition and strong backing of the state of Israel.

Uniquely among modern Presidents, Mr. Truman combined simplicity of manner with a strong assertion of the authority of his office.

"I'm a meat and potatoes man," Mr. Truman said, disarming his critics. But he was also one who understood and fully exercised the powers of his office. His White House desk carried a small sign reading, "The Buck Stops Here," and he did not hesitate to dismiss a national hero, Gen. Douglas MacArthur, in a bitter dispute over management of the Korean War that Mr. Truman made a classic demonstration of the superiority of civilian authority in the American government.

A strong partisan who achieved one of the great upsets of American political history in winning re-election in 1948, Mr. Truman was engaged in controversy with Congress during much of his time in office.

Although few of his recommendations became law, during his own presidency, included in his "Fair Deal" program were the seeds of many of today's civil rights, housing and social welfare programs.

Those proposals—like his decisions in the international arena—were matters of great controversy at the time, but today the antagonists of the past joined in tribute to Mr. Truman's memory.

House Republican Leader Gerald R. Ford of Michigan called him "one of the most courageous men ever to lead the American people." House Speaker Carl Albert said he was "a people's President, a man who always was himself and with whom every citizen could identify."

Mr. Truman supplied his own appraisal in 1953 after leaving the White House, and it bespeaks the man. "There are a great many people—I suppose a million in this country—who could have done the job better than I did," he said. "But I had the job and I did it."

[From Time magazine, Jan. 8, 1973]

THE WORLD OF HARRY TRUMAN

While visiting Harry Truman in the closing months of his presidency, Winston Churchill spoke with blunt generosity: "The last time you and I sat across a conference table was at Potsdam. I must confess, sir, I held you in very low regard. I loathed your taking the place of Franklin Roosevelt. I misjudged you badly. Since that time, you, more than any other man, have saved Western civilization."

If Churchill was deceived at first, so were most of his contemporaries. Sir Winston, in fact, was some years head of other historians in his re-evaluation. Truman was one of those public men whose reputations flourish only after years of retirement. His nondescript appearance, his shoot-from-the-hip partisanship, his taste for mediocre cronies who tainted the record with scandal—all the things that made him seem too small for the office—dwindled in importance with the passing decades. What loomed larger was a sense of the man's courage, a realization that he faced and made more great decisions than most other American Presidents. It was Harry Truman who decided to drop the atomic bomb. It was the Truman Doctrine that shattered the long U.S. tradition of peacetime isolation by supporting Greece and Turkey against Communist threats. It was Truman's Marshall Plan that committed U.S. resources to the rebuilding of Europe. Later Truman defied the Soviet blockade of Berlin and risked war by authorizing the airlift. Still later he met the Communist invasion of South Korea by ordering U.S. forces into the field.

If those accomplishments were long past, the Trumanesque spunk and will that produced them were evident right up to the end. After a tenacious 22-day struggle in Kansas City's Research Hospital and Medical Center, the nation's 33rd President died, at 88, from what doctors officially termed "organic failures causing a collapse of the cardiovascular system." Truman had detested Richard Nixon for years after the 1952 campaign, when Nixon implied that Truman might be treasonously soft on Communism, but the feud was since mended. Now Nixon proclaimed a 30-day period of national mourning and praised Truman as "one of the most courageous Presidents in our history" and "a man with guts." Warm tributes from world leaders flowed into Independence, Mo. France's President Georges Poumpidou and Great Britain's Queen Elizabeth II both cited Truman's aid in rebuilding Europe after the war. Noting Truman's early recognition and support of Israel, Foreign Minister Abba Eban said the U.S. President had "helped a tormented humanity to stand on its feet and to raise its head high once again."

Truman had personally approved elaborate military plans for a five-day state funeral ("A damn fine show. I just hate that I'm not going to be around to see it," he had said), including attendance by heads of state. But a shorter, simpler schedule was ordered by his wife Bess, 87, whom he had often referred to fondly as "the boss." Instead of the planned procession with muffled drums, a casket-bearing caisson and the symbolic riderless horse, a caravan of 21 cars and a hearse briskly transferred the body from a funeral home to the Truman Library in Independence. There some 75,000 people queued patiently through the night, some carrying sleeping children in their arms, to file past the mahogany coffin. Explained one mourner from Independence: "This whole town was a friend of Harry's." A wreath of red, white and blue carnations (Truman's favorite flowers) was placed at the casket by President Nixon, who, with Pat, also visited the plain white frame Truman house on Delaware Street. Nixon told Mrs. Truman that the simple ceremonies befitted her husband—"He didn't put on airs." A similar visit was made by Lyndon Johnson, now the only living former President, and Lady Bird. Johnson called Truman "a 20th century giant" and "one of the greatest men to lead freedom's cause."

The funeral itself, held at the library, was basically an Episcopal service, although a Baptist minister and a Masonic leader also participated (Truman, past Masonic Grand Master, was baptized in the Baptist church at age 18; Bess is an Episcopalian). At Truman's request, no hymns were sung and there was no eulogy. Bess and her daughter Margaret watched the ceremony from behind a green curtain that screened them from the 242 invited mourners, all relatives or close friends of the family. At the burial site in the library courtyard—a spot Truman had selected 15 years ago—a frail but composed Bess accepted the folded flag that had covered the coffin, after a trio of traditional military touches: three musket volleys, a final 21-gun salute from howitzers of Truman's beloved World War I Battery D and the blowing of taps.

LIGHTFOOT

Harry Truman was the country boy of legend who comes to the big city and outwits all the slickers. His parents and grandparents were people of the Middle Border, the odd blend of Midwesterner and Southerner that enriches Missouri with all the paradoxes of that mid-continental mixture. He was innately religious and believed in daily prayer, but like his mother, he was a lightfoot Baptist; he looked on dancing, cardplaying and bourbon drinking with a tolerant eye. He wore his provincialism as proudly as he did his loud sports shirts, which, to much of the world, represent the American tourist.

And what, Harry Truman would have asked, is wrong with the American tourist? He never pretended; better than most men, Truman knew himself. He possessed some hard inner kernel of conviction—partly moral, partly intellectual, partly folk wisdom—that was neither proud nor ashamed. It made him secure.

Though he was born provincial, he was not born poor. The family farms ran to hundreds of acres. But wheat futures went bad just when young Harry graduated from high school in 1901, and college was out of the question.

A congenital eye defect condemned him to thick lenses and excluded him from the wide fraternity of athleticism. Reserved, almost withdrawn as a boy, he read every book in the local library. Later, because he was essentially lonely, he became a joiner. In 1918, his field artillery regiment was sent to France, where Captain Truman for the first time on record displayed the cockerel courage that was to characterize his career. Later he recalled his greeting to the battery: "I told them I knew they had been making trouble for the previous commanders. I said, 'I didn't come over here to get along with you. You've got to get along with me. And if there are any of you who can't, speak up right now and I'll bust you right back now!' " Added Truman: "We got along."

Back in civilian life, Truman married his childhood sweetheart, Bess Wallace, and invested his life savings of $15,000 in a haberdashery shop in Kansas City, Mo. He prospered briefly, then went broke during the depression of 1922, but proudly paid back all his creditors although it took years to do so. His political career began when the brother of Kansas City's Boss Thomas Pendergast walked into the failing store, leaned an elbow on the counter, and asked whether Truman would be interested in running for county judge in Jackson County—which includes Kansas City. The offer was apparently made because Boss Pendergast's nephew Jim had served in Truman's regiment. Having no better prospects at the time, Truman said, "Yes, why not?"

In Jackson County, the county judges are the chief elected executives, and are concerned with roads, hospitals and political patronage. Truman held the job of judge and later presiding judge for ten of the next twelve years. In 1934, at the age of 50, with the help of Pendergast's machine, he was elected to the U.S. Senate. They called him "the Senator from Pendergast."

The snide remark was unfair. Truman frequently got advice from Pendergast, all right, but just as frequently he disregarded it. Even F.D.R. thought Truman was in Pendergast's pocket; he asked the Missouri boss to get Truman's vote for Alben Barkley as Senate Majority Leader. Truman voted for Pat Harrison, observing: "They better learn downtown right now that no Tom Pendergast or anybody else tells Senator Truman how to vote." Re-elected to the Senate in 1940, he soon launched the Special Committee Investigating the National Defense Program—the Truman Committee—which was to help carry him to the White House.

LOAD OF HAY

Truman's investigation saved the nation billions of dollars during the huge hurry and grab of wartime procurement. By 1944, his personal stature had grown so impressive that some Democrats saw him as a way out for F.D.R., who was looking for a new running mate to replace the controversial Henry Wallace. James Byrnes was proposed and Truman even agreed to nominate him. But the final choice was an astonished Harry Truman.

Truman's tenure as Vice President was brief. In less than three months, Eleanor Roosevelt was to tell him: "Harry, the President is dead." The new President spoke to reporter next day: "I don't know whether you fellows ever had a load of hay or a bull fall on you. But last night the moon, the stars and all the planets fell on me. If you fellows ever pray, pray for me."

He was ill-prepared because Roosevelt had not taken him into his inner councils, had not even let him in on the secret of the atom bomb. For a while, Truman floundered, and he never did acquire any sense of personal grandeur. But he did come to understand his office. On his desk, he placed a sign: THE BUCK STOPS HERE. So did pretension.

Neither status nor success made any significant change. Truman's idea of a holiday was to spend a week in the VIP quarters at the Key West naval base and do a little fishing. He still took his early-morning walks (at the military quick-time pace of 120 steps a minute), to the distress of Secret Service men and reporters trying to stay awake and keep up with him. When a Washington critic said some unpleasant things about the singing talent of his daughter Margaret ("my baby"), he dashed off a letter which said, in part: I have just finished reading your lousy review. I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below."

MANURE

Always an earthy talker, Truman once offended a friend of his wife's by referring repeatedly to "the good manure" that must have been used to nurture the fine blossoms at a Washington horticulture show. "Bess, couldn't you get the the President to say 'fertilizer'?" the woman complained. Replied Mrs. Truman: "Heavens, no. It took me 25 years to get him to say 'manure.'" When confronted by a press conference question he did not care to answer, Truman did not hesitate to say "no comment" or, more pointedly, "That's none of your business."

When confronted by the great issues Harry Truman never flinched. The one that has brought him the heaviest criticism was the decision to drop the atomic bomb. As was his practice, Truman listened to both sides of the argument, thought, and then decided. Later he recalled: "We faced half a million casualties trying to take Japan by land. It was either that or the atom bomb, and I didn't hesitate a minute, and I've never lost any sleep over it since."

In the wake of World War II, Truman enjoyed a brief honeymoon with the public. Then trouble came. Abroad, the Communists were pressing hard, backing an armed insurrection in Greece and threatening Turkey. In 1947, the hard-pressed British declared that they could no longer defend the borders of freedom in the eastern Mediterranean. Remote as such places then seemed to U.S. interests, the President proclaimed the Truman Doctrine: the U.S. would aid free countries threatened by Communist aggression.

Only months later, Truman initiated Secretary of State George Marshall's plan for the economic revival of Europe. Along with the largely military Truman Doctrine, the Marshall Plan probably staved off imminent revolution in some countries and provided Western Europe with the means to rebuild its cities and industries.

At home, Truman was less successful. He was heavily beset by postwar shortages, inflation, strikes and the mink-coat, deep-freezer hanky-panky of a few subordinates. In responding, Truman characteristically attacked rather than turned defensive. When the railroad workers struck, he threatened to seize the railroads. In early 1948, his popularity was at a low ebb. Panicky party strategists declared that if the Democrats did not appease the South, the party would vanish. Some seriously suggested that Truman should resign. Truman responded by proposing an elaborate series of civil rights measures that only further antagonized the South.

The Democratic Convention in Philadelphia kept him waiting until nearly 2 a.m. on a sweltering night in July 1948 before reluctantly nominating him for a full term. Harry Truman walked in, wearing an ice-cream suit that only a haberdasher from Missouri would choose for the occasion—and brought the dispirited convention cheering to its feet. He announced that he was calling a "Turnip Day" session of what he had labeled the "do-nothing" 80th Congress to give it a chance to enact its own Republican program.

The Congress predictably did nothing, and Harry Truman, without major money or major support, set out on a whistle-stop campaign across the country. He lambasted Congress for the higher cost of living, for blocking low-rent housing, for failing to vote grain-storage bins. "Give 'em hell, Harry!" the crowds cried. The Democratic left had deserted to the third-party candidate, Henry Wallace, the South to Strom Thurmond's States' Rights party, Republican Candidate Thomas E. Dewey was calm, self-confident, and spent much of his time discussing his future Cabinet. Not until midmorning on the day after election did an amazed nation learn that Truman had scored the greatest upset in U.S. electoral history.

UPROAR

His second term soon turned frustrating. Scarcely a month went by without some congressional committee grilling one of his friends for some peccadillo or outright misfeasance. China had been taken over by Communists, contributing to the charge that the State Department was "soft on Communism." When the invasion of South Korea started, Truman reacted with typical dispatch. In a space of 60 hours, he ordered U.S. forces into battle and got U.N. endorsement. When General Douglas MacArthur tried to bully him from abroad and issued battlefront ukases challenging U.S. policy, Truman did not hesitate. He recalled the hero of World War II despite public and political uproar. Truman's reaction was characteristic: "General MacArthur was insubordinate and I fired him. That's all there was to it."

By 1952, the Korean War was bogged down in a seemingly endless stalemate. Senator Joe McCarthy was in full cry, charging that the State Department was infested with Communists. Nervous because of the discovery of some real spies, concerned that the Russians had developed an atom bomb of their own, dismayed by the course of events in Asia, the nation was all too ready to listen. Though he could have run for another term, Harry Truman decided that he had had enough. It was another sound decision.

In retirement, Truman willingly faded from public life. In Independence, he built a library for his papers of which he was inordinately proud. He still ate at lunch counters, stopped at roadside restaurants on his rare trips, and offered no punditry to later Presidents. He was discontented with the intellectual style of the 1952 candidate, Adlai Stevenson, but could not convey to him what he felt was wrong. Truman was a man of action, and deprived of the power to act, he receded into near anonymity.

When he died, Harry Truman was under no illusion that he was a giant of intellect or even a "great" man. He was, as has been said, perhaps the greatest little man the U.S. has known. In a nation founded on the principle that ultimate wisdom lodges in its citizens, that is no mean accolade.

A LITTLE TOUCH OF HARRY

Margaret Truman was not only very close to her father, she also attentively followed his career. In an affectionate biography published by William Morrow & Co., she provides some insights and asides to the official record.

Truman's relations with Franklin Roosevelt was always ambivalent. Though F.D.R. would later select Truman as his Vice President, in 1940, Margaret reveals, he tried to dump Truman from the U.S. Senate. Harry resisted and defended his relationship to Kansas City's Pendergast machine.

"It was the White House calling. It was an offer from the President. If Senator Truman would withdraw from the race, he could have a seat on the Interstate Commerce Commission, a life appointment at a salary that was a lot more than Senators were paid. 'Tell them to go to hell.' Dad said. 'For my own self-respect, if nothing else, I must run.'"

Though he chaired the most important wartime committee in Congress—the Truman committee acted as watchdog over defense—Harry tried to enlist in the Army. He went to see Army Chief of Staff George Marshall.

"'I would like very much to have a chance to work in this war as a field artillery Colonel,' he said.

"General Marshall pulled down his spectacles, eyed my gray-haired father, and said, 'Senator, how old are you?'

"'Well,' said Dad, 'I'm fifty-six.'

"'You're too damned old. You'd better stay home and work in the Senate.'

"Tartly, Dad replied: 'You're three years older than I am.'

"'I know, but I'm ready a general.'"

Truman was never torn by ambition. He did not particularly want to be Vice President in 1944 when word went out that F.D.R. was interested. Margaret shows how Roosevelt maneuvered him into the job against his will. First, F.D.R. had to get rid of two contenders, Vice President Henry Wallace and James Byrnes.

"The story has long been told that F.D.R. finally yielded to the hostility of the city bosses who assured him that they could not deliver their heavily Catholic constituencies for Byrnes because he had abandoned Catholicism in his youth and became a Protestant. James Farley recently told me that the true story is the exact reverse—it was the President who ordered the bosses to spread the story to eliminate Mr. Byrnes. As for Vice President Wallace, F.D.R. sent him off on a trip to China."

As the convention opened, Truman was balking. Finally, Roosevelt was called by the party's chairman, Bob Hannegan, while Truman listened.

"'Bob, have you got that fellow lined up yet?'

"'No,' said Mr. Hannegan. 'He is the contrariest Missouri mule I have ever dealt with.'

"'Well, tell him if he wants to break up the Democratic Party in the middle of a war, that's his responsibility.'

"There was a click and the phone was dead. My father got up, walked back and forth for a moment, and then said, 'Well, if that is the situation, I'll have to say yes. But why the hell didn't he tell me in the first place?'

"In politics, and in every kind of relationship, Dad believed in dealing straight from the shoulder whenever possible. Mr. Roosevelt obviously enjoyed juggling friends and potential enemies to keep them all within the charmed political circle on which he rested his power."

While he served as President, Harry remarked more than once that he thought the White House might be haunted. He wrote Margaret in 1946:

"I told your mother a 'haunt' story which you'd better have her read to you. This old place cracks and pops all night long and you can imagine that old Jackson or Andy Johnson or some other ghost is walking. Why they'd want to come back I could never understand. It's a nice prison but a prison nevertheless. No man in his right mind would want to come here of his own accord.

"Now about those ghosts. I'm sure they're here and I'm not half so alarmed at meeting up with any of them as I am at having to meet the live nuts I have to see every day. I am sure old Andy could give me some good advice and probably teach me some good swear words to use on Molotov and De Gaulle. And I am sure old Grover Cleveland could tell me some choice remarks to make to some political leaders. So I won't lock my doors or bar them either if any of the old coots in the pictures out in the hall wants to come out of their frames for a friendly chat."

When Truman gave up the haunted house he never really liked and retired to private life, he had a chilly meeting with his successor, Dwight Eisenhower. Margaret describes their drive together to Ike's inauguration.

"There was very little conversation during the one-mile ride to the Capitol. Ike remarked that he had not come to the 1948 inauguration because he did not want to attract attention from the President.

" 'You were not here in 1948 because I did not send for you,' Dad said. 'But if I had sent for you, you would have come.'

"When they reached the Capitol, they went to the sergeant-at-arms' office to wait for the summons to the platform. Ike suddenly turned to Dad and said: 'I wonder who is responsible for my son John being ordered to Washington from Korea? I wonder who is trying to embarrass me?'

" 'The President of the U.S. ordered your son to attend your inauguration,' Dad said. 'If you think somebody was trying to embarrass you, then the President assumes full responsibility.'

"My father had ordered John Eisenhower home as a gesture of thoughtfulness. He was not serving in the front lines or in any vital role in the Army, so there was no reason to accuse either his father or Dad of favoritism, or of endangering the public interest. It astonished Dad that Ike resented his gesture. It still astonishes me."

[From Newsweek, Jan. 8, 1973]

Farewell to Mr. Citizen

There is by now an established ritual for the funerals of American ex-Presidents—lying in state at the Capitol, a congregation of the mighty and the media, a horse-drawn caisson and troop-lined streets, rolling drums and a riderless black horse bearing polished boots stuck backward in the stirrups. But Harry S. Truman had decided that he didn't want most of that, and when his long and exhilarating life finally ended last week at the age of 88, he went out in his own way—in Independence, Mo., his home since boyhood, in a simple funeral ceremony attended by his family and perhaps 250 neighbors and old friends, with burial following immediately near a stand of pin oaks, flowering cherry and hawthorn trees in the courtyard of his treasured Truman Library.

History would not be stayed entirely, however—nor would the sentiments of those millions who had come to feel an unabashed and curiously personal affection for the plain-spoken, straight-headed, good-hearted Missourian who became the nation's 33rd President. The generation of postwar leaders who knew him as one of their own—Churchill, Stalin, de Gaulle, Adenauer, Marshall, Eisenhower, Attlee—is now dead, but their successors found words to remember him by. France's President Georges Pompidou spoke of the "restoration" of Europe under Truman, and South Korea's President Park Chung Hee of the "heroic leadership and decisions" of the 1950s. U.N. Secretary-General Kurt Waldheim recalled that HST had been present at the creation of the U.N., and NAACP chief Roy Wilkins remembered that it was Truman who first ordered the desegregation of the armed forces. President Nixon, in a measured statement from Key Biscayne, hailed his old foe's "exceptional vision and determination" and offered "a description he himself might have appreciated the most—as a man with 'guts'."

But apt as these assessments were, Truman's farewell took its real tone from his friends. A few old comrades (Clark Clifford, Averell Harriman, HST's Treasury Secretary John W. Snyder) and present-day politicians (Sen. Hubert Humphrey, Kansas Gov. Robert Docking, Missouri Gov. Warren Hearnes) were on hand for the hour-and-a-half funeral services at the Truman Library. But the mass of mourners were home folks—Bess Truman's bridge club, house painter Robert E. Sanders, several retired guards from the Truman Library, housekeeper Mrs. Vietta Garr, and about fifteen survivors, almost all in their 80s, of Battery D, 129th Field Artillery, 35th Infantry Division, the unit that Capt. Harry Truman had commanded in France in World War I. Only four pool reporters and one TV camera crew were allowed into the Library auditorium and the nearby courtyard for the services, and they were given minimal shrift. In the auditorium, the Truman family—Mrs. Truman, Margaret Truman Daniel, her husband Clifton Daniel and their four sons—sat concealed behind a green gauze curtain. Outside, at the burial, Mrs. Daniel and her mother stood silent and hatless in the 30-degree chill, flinching at the first boom of a 21-howitzer salute, dabbing occasionally at their eyes, but otherwise defending the privacy of their grief.

HST's death, when it came at 7:50 a.m. on the day after Christmas, ended a 22-day vigil for his family and the nation. The old man, increasingly frail the past two years, had been taken to Research Hospital in Kansas City, Mo., on Dec. 4, suffering from congestion in the lungs. But other complications—kidney malfunction, digestive disorders, the strain on a weakened heart, the over-all burden of his 88 years—quickly set in. The old man doggedly pulled through one crisis and then another—both times reviving enough at least to speak a few words to Bess and Margaret—before slipping into unconsciousness for the last time on Christmas Day.

After his death the next day, his body was taken to the Carson Funeral Home in Independence, where Truman's long-time friend and barber, George Miller, gave him his final trim. The body was dressed in black suit, white shirt and black tie and laid to rest with HST's horn-rimmed glasses and Masonic ring in a flag-draped 6-by-6-inch mahogany casket. Despite the preparations of the U.S. Army—which had spent four years rehearsing a full state funeral, complete with airlifted horses for the caisson—the Truman family settled on a simple black hearse to carry the former President's casket to the Truman Library, where it would be displayed in the main lobby for the next 24 hours.

What pomp there was to Harry Truman's departure occurred in this brief public interlude. An Army band played "Hail to the Chief" and "Ruffles and Flourishes" as the casket was borne inside the Library, and a flight of 21 A–7 attack bombers cracked over the treetops at 380 mph. President and Mrs. Nixon flew in from Key Biscayne to make a stop at the Truman Library and spend some time paying their respects to the family before heading South again. Lyndon Johnson and Lady Bird also passed through. Then the Library was thrown open to the quiet throngs lined up in the street outside, and for the next 22 hours, through the night and into the next morning, the people filed by—perhaps 75,000 in all.

There was a deeper poignance elsewhere. At the gabled Victorian house on North Delaware Street, Mrs. Truman, thin and exhausted, was supposed to be resting for the funeral—and it was perhaps the best measure of HST's final standing with the public that she got no chance to. Neighbors began phoning, Missouri style, with offers of casseroles and pies to tide the family over the long ordeal. Often, when they called, they found the 87-year-old Mrs. Truman herself on the line. She met with the Nixons, met with the Johnsons, met with the Humphreys—and sent Hubert away bearing one of Harry's favorite black canes as a last memento. Then after the guards had cleared the last of the visitors from the Truman Library, she went off to bury her husband. When President Nixon disclosed that a formal memorial service, with full honors, would be held in Washington on Jan. 5, after Congress returns, a Truman family friend said that Mrs. Truman was not prepared to say if she would attend.

Harry S Truman

To most Americans, Harry S Truman in recent years had become a ghostly figure out of a different, distant past. As his public appearances grew fewer, as frailty and age finally confined him to his large old white frame house in Independence, Mo., it became easier to forget that this quaint and elderly gentleman had been the single most powerful leader in the world through nearly eight tumultuous years—and that Winston Churchill, at dinner on the Presidential yacht Williamsburg in 1952, had roused himself from a postprandial snooze and said to him: "I must confess, sir . . . I loathed your taking the place of Franklin Roosevelt." The old Tory paused, then continued: "I misjudged you badly. Since that time, you, more than any other man, have saved Western civilization."

"Saved" may be too strong a word, but the perception behind it was accurate enough. From April of 1945, when he succeeded Franklin D. Roosevelt in the White House, until he retired to his beloved Independence in January of 1953, Harry Truman made all the important decisions not only for the U.S. but for the whole of the non-Communist world. The policies he laid down in those germinal years are still, for better or worse and whatever the latter-day variations, the bedrock of the U.S. position in the world.

It was Truman who ordered atomic bombs dropped on Hiroshima and Nagasaki in 1945 and then refused to use them against any other foe. It was he who presided over the victorious end of World War II and the perhaps inevitable onset of the cold war, and he who decreed that enlightened self-interest demanded that the U.S. share its incredible resources and wealth with the poorer nations. It was he who pushed the once and future schism on the Democratic Party by running on a strong civil-rights platform in 1948. And most poignantly, it was Truman who fixed the nation's determination—in Greece, Korea and a dozen other places—to use military force against all forms of Communist expansion everywhere, defining the dogma that led eventually, in decisions by his successors, to the U.S.'s commitment to Vietnam.

The appealing irony about Harry Truman was that all his forcefulness—all this initiative and certainty and Jovelike grace to a crushed and frightened world—came pouring out of one of the folksiest and most out-at-elbow Presidents since Andrew Jackson. At the age of 50, eleven years before taking over the Presidency, Truman was a failed farmer and businessman, a lame-duck county judge and a minor pawn in the Kansas City, Mo., machine of boss Tom Pendergast. Even after his accession to the Senate, the Vice Presidency and the Presidency—even after his upset victory over Thomas E. Dewey in the 1948 Presidential campaign—he was constantly demeaned and condescended to.

Robert Taft called him "that roughneck ward politician" and Virginia-born Lady Astor made fun of his twang. (Said Harry: "At least my accent is natural.") Everybody heehawed at his colorful sport shirts and blanched when he excoriated Washington Music critic Paul Hume for panning his daughter Margaret's singing. Truman was 5 feet 9 inches tall, but the adjective for him was always *"little."* Even Dwight Eisenhower, riding up Pennsylvania Avenue on his own Inauguration Day in 1953, turned to Truman and explained patronizingly that the reason he hadn't attended Truman's Inauguration four years earlier was that "if I had been present I would have drawn attention away from you." Truman replied evenly: "You were not here in 1949 because I did not send for you. But if I had sent for you, you would have come."

Truman's unsurpassed sureness came partly from Missouri mulishness, partly from his almost magical belief in the power and dignity and rightness of the office of President. In the beginning, he needed all of this faith just to survive. Truman himself told of being summoned to the White House from Capitol Hill on the night of April 12, 1945, and being told by Eleanor Roosevelt: 'Harry, the President is dead." Truman finally stammered, "Is there anything I can do for you?" Mrs. Roosevelt replied immediately: "Is there any way we can help you? For you are the one who is in trouble now."

The new President's deepest trouble came not from the stunning news of Roosevelt's death—Truman and most of the Democratic hierarchy had known that FDR could not live out his fourth term—but from his own innocence of statecraft. FDR had run the Presidency out of his hat for thirteen years, with no executive chain of command, no clear division of responsibilities and no contingencies whatever for his dying. Truman was now responsible for a final decision about using the atomic bomb but he didn't know that such a thing existed. He was about to debate the course of the postwar world with Stalin and Clement Attlee at Potsdam but he had never met either of them nor been to Europe since 1918. He was a Commander in Chief who knew none of his generals, a President who barely knew his Cabinet.

Yet he got the hang of things extraordinarily fast. Stalin fooled him for about two days (he told an aide that Stalin was as nice a fellow as his old patron Tom Pendergast), but by the end of the Potsdam conference he was writing home to his mother: "You never saw such pigheaded people as are the Russians. I hope I never have to hold another conference wtih them." Truman could be pretty stubborn himself. In Iran, Trieste, Berlin and finally Korea, to the howls of Western leftists, he countered Stalin's expansionism with enough American force to do the job, at the same time holding off those who wanted a nuclear attack launched against the Russians before they got their own A-bomb. The touchiest test came when the Russians sealed off the Allied corridor into Berlin in June of 1948. Some advisers wanted to fight their way through, others to launch preventive war on Russia. Truman decided (over the objections of Gen. Hoyt Vandenberg, his Air Force Chief of Staff) to fly over the blockade, and the U.S. fed, fueled and supplied a city of 2.4 million by airlift for nearly a year.

The Missourian was equally decisive about the atomic bomb, though history will probably never make up its mind whether he decided rightly. Truman learned about the atomic project from Secretary of War Henry Stimson half an hour after he took the oath of office, and was assured the next day by Adm. William D. Leahy that it wouldn't work. "This is the biggest fool thing we have ever done," said the Chief of Naval Operations. "The bomb will never go off, and I speak as an expert in explosives." Three months later the first atomic device did go off at Alamogordo, N.M. Told by his advisers (now including Leahy) that use of the bomb would save 500,000 American lives—and just as many Japanese—by obviating an invasion of the Japanese mainland, Truman ordered the first bomb dropped in early August of 1945 on one of four cities: Hiroshima, Kokura, Nagasaki or Niigata. On Aug. 6, the Enola Gay destroyed Hiroshima. When the Japanese hesitated, Truman ordered the other one dropped on Nagasaki, and five days later the war ended. There had been no real thought given to showing the Japanese the awesome power of the bomb on uninhabited terrain because the U.S. had only two atomic bombs. "I never lost any sleep over my decision," Truman said later.

For a man with his instant military reflexes, Truman was extraordinarily receptive to the more humanitarian tools of policy. In May of 1947, he sent the late Dean Acheson (then his Under Secretary of State, later the Secretary) to deliver a speech in his stead at an obscure teachers college in Cleveland, Miss. The U.S., said Acheson, speaking the President's words, must "push ahead with the reconstruction of the great workshops of Europe." The U.S. press paid little attention, but The Times of London and other European journals saw what was coming and cheered. Ten months later the U.S. Senate passed the so-called Marshall plan, appropriating the first $5.3 billion of the roughly $29 billion in economic aid that the U.S. would send to Europe in the next twenty years. The Point Four program, introduced in Truman's Inaugural Address in 1949, did much the same thing for undeveloped countries. Historian Arnold Toynbee has since written that these mammoth projects of economic assistance, both of them without any real precedent in world history, "will be remembered as the signal achievement of the age."

The substitution of Acheson for the President in Cleveland had a touch of the prophetic. In 1949 the unschooled Missourian appointed the Connecticut Brahmin to the top job at the State Department, and the two of them together laid most of the cornerstones of American cold-war foreign policy—NATO, military assistance to the "free world," a determination to contain Communism wherever an aneurism appeared. The two men had a curiously deep symbiotic relationship. Truman valued and relied on his Secretary, and defended him to the ditches when the GOP came howling for his scalp; Acheson for his part heaped his chief with praise that stopped just short of fulsome. Acheson called him "the greatest little man" he had ever known and in later years paid lengthy written tribute to Truman's decisiveness, integrity, wisdom, modesty, selflessness and humanity—usually making his point with an anecdote in which Truman would demonstrate the virtue in question by deferring to his Secretary of State. If Truman detected a whiff of condescension, he never let on.

Truman's domestic programs were frequently as bold as the foreign ones, but most of them were summarily beaten back by Congress whether or not the Democrats were in charge. In the first blaze of his triumphant Inauguration in 1949, with overwhelming Democratic control of both houses, Truman sent up an ambitious 24-point "Fair Deal" program that would take up where FDR's New Deal left off. Of the 24 programs—covering medical insurance, immigration policy, farm supports, civil rights, the whole liberal range—only his public-housing bill got through Congress, and that only through the last-minute cooperation of conservative GOP Sen. Robert A. Taft.

For most of the last years of his Presidency, in fact, it seemed that everything Truman touched turned to controversy and vituperation. Corruption flowered in half a dozen places, never involving Truman but now and then touching old friends whom the President characteristically would not disavow—leading to widespread talk of a "mess in Washington." The Washington Times-Herald called him a "dishonest nincompoop" and Sen. Joseph McCarthy, waving his fictitious list of 205 "Communists" in the State Department, implied that the President was a traitor. Truman snapped back tartly. "We are not going to turn the United States into a right-wing totalitarian country," he said, "in order to deal with a left-wing totalitarian threat." On the other hand, he often got too tart for his own good. Acheson once remarked that the State Department "kept on hand, as a sort of first-aid kit, a boxful of 'clarifications'" for use after the boss had harpooned everyone at a news conference.

The national uproar reached its loudest over the President's instigation and conduct of the Korean War. When the U.N. Security Council—taking advantage of Russia's absence—branded North Korea an aggressor in June of 1950, Truman immediately committed the full weight of U.S. forces to the defense of South Korea, at the same time avoiding a declaration of war by labeling the conflict a "police action." His middle-road policy was clear enough—he wished to hold the line in Korea without touching off World War III—but he was pummeled by criticism from both sides. If this was war, the liberals asked why not have Congress declare it? If this was war, conservatives demanded, why not fight it all-out—not excluding the use of atomic weapons, and not excluding the bombing of Red China after the nation entered the war from the north in 1950? The President demurred; his object, he reiterated, was to preserve the integrity of South Korea, the U.S. and the U.N., not to risk global war.

Truman's policy led him into a running debate—private at first but finally open and bitter—with Gen. Douglas MacArthur, the flamboyant and imperious commander of allied forces in Korea. As the war ossified into a bloody stalemate between two unbudgeable armies, MacArthur called more insistently for the right to bomb Chinese bases, atomically or otherwise. Truman warned his commander to keep his arguments private. When MacArthur persisted in publicly second-guessing his Commander in Chief, Truman sacked him in April 1951, then watched an apprehension as MacArthur came home to a gigantic hero's welcome in the streets and before a joint session of Congress. Truman's fears that MacArthur would foment some kind of reactionary movement were unfounded. But the general's dismissal did fortify the suspicions of those right-wingers who thought they detected a "softness" in U.S. policy, and also gave new impetus to the China lobby, which held the Democrats responsible for Mao Tse-tung's defeat of Chiang Kai-shek in 1945–1949. Though the Korean intervention ended in 1953 with South Korea territorially and politically intact, it left as bad an after-taste of any U.S. war up to Vietnam.

Truman's supposed unpopularity—and just about everybody who was anybody agreed that he was unpopular—led to the most flamboyant success of his Presidency: his own re-election in 1948. In May of that year, Time was calling him "awkward, uninspired and above all mediocre," and Gallup reported that only 36 per cent of the nation thought he was doing well in his job. Half a dozen top Democratic politicians—including Jake Arvey in Chicago, Richard Russell in Georgia, and Mayors Frank Hague and William O'Dwyer of Jersey City and New York—tried to get Eisenhower to declare himself receptive to a Democratic draft for President. When Eisenhower finally declined, the Democrats nominated Truman in a spirit of helpless gloom, WE'RE JUST MILD ABOUT HARRY, read the signs at the Democratic convention, and The New York Post concluded: "The party might as well immediately concede the election to Dewey and save the wear and tear of campaigning."

Things got worse before they got better. Henry Wallace, FDR's Vice President from 1941 to 1945, had already formed his own Progressive Party to chip away at the Democratic left. South Carolina's Gov. J. Strom Thurmond, then a Democrat, led a massive Southern walkout over civil rights and formed his own Dixiecrat ticket to box off the Democrats' so-called Solid South. A reporter asked Thurmond why he was so angry, since Truman's civil-rights platform was no different from FDR's. "I agree," said Thurmond, "but Truman really means it."

Just about the only man who believed that Truman had a chance was Truman himself—and he knew something the others didn't. In June of 1948, before the campaign began, HST accepted an honorary degree from the University of California at Berkeley and used the cross-country train trip to deliver a score of fiery, crowd-rousing partisan speeches. They were slangy, combative, extemporaneous talks and they brought the crowds to life in a way that Truman had never managed in all his Presidential years of earnest, droning statesmanlike dullness. When the campaign began, the brand-new "Give-'em-Hell" Harry just stepped up the volume and the tempo, jeering and slashing at the Republicans and the "do-nothing 80th Congress" for 22,000 miles and reaching some 10 million to 15 million citizens in person.

Give-'em-Hell Harry drew some phenomenal crowds—50,000 on a cold night in Indianapolis, 300,000 in Chicago, 5,000 in a driving rainstorm at 8 a.m. in Albany, N.Y. In Ohio, Democratic gubernatorial candidate Frank Lausche, fearing defeat-by-association, made plans to ride the train for only a few miles. But he peered unbelievingly at a mob in the Columbus station, murmured that it was "the biggest crowd I ever saw in Ohio," and stayed on the train all the way to Cleveland. Reporters and pundits saw it all but would not believe that it meant anything. "Could we be wrong?" asked a Washington Post reporter after Truman outdrew Dewey by 2½ to 1 in St. Paul. The polls insisted tha Dewey would win easily, and the papers, the pundits and politicians agreed—including Truman's own staff and all the Democratic fat cats. The President's campaign was so underfinanced that he was regularly cut off the radio in mid-speech for nonpayment, and once in Oklahoma his staff took up a collection to get his train out of the station.

And in the end he won it anyway—in a way that still doesn't seem quite credible. The Wallace vote gave New York to Dewey, and Thurmond carried four Southern states for the Dixiecrats. But Truman swept California, Ohio and Illinois, all supposedly safe for Dewey, and took most of the Republican Farm Belt; he woke up the next morning with 304 electoral votes, 38 more than he had to have. "You've got to give the little man credit," said Republican Sen. Arthur Vandenberg of Michigan, damning him with the adjective again, but Ohio's Taft could not manage even a backhanded graciousness. "I don't care how the thing is explained," he said, "it defies all common sense to send that roughneck ward politician back to the White House."

It defied Taft's sort of common sense for Truman to have got to the White House in the first place. Harry S. (for nothing) Truman was born on May 8, 1884, the eldest of three children of John Truman, a western Missouri mule trader and farmer, and his wife, Martha. His mother was the major force in the boy's life, a proud, vigorous, lemony Baptist and Southerner who lived to be 94 and who said, before her first visit to the White House in 1945, "You tell Harry that if he puts me in the room with Lincoln's bed in it I'll sleep on the floor." She fell down an East Wing stairway on that stay—she was 92 years old—but didn't tell anyone about it until after she had gone home to Independence.

Young Harry was bright, diligent and retentive—60 years later he was winning scripture-quoting contests from visiting clergymen—but his father's financial collapse ruled out college. For ten years in his 20s and early 30s, Harry farmed 900 acres belonging to his mother's family, and he might never have left but for the Great War. Harry went over as an eager first lieutenant of artillery and came back as the seasoned Capt. Harry Truman of D Battery, a good drinker and poker player and a confident leader of men. "So far as its effect on Harry Truman was concerned," wrote his biographer Alfred Steinberg, "World War I released the genie from the bottle."

Flush and fired up with his own modest sense of destiny, the 35-year-old Truman went back to Independence to acquire a bride—Bess Wallace, whom he had been courting since high school—and a mother-in-law, the imperious and disapproving Madge Gates Wallace, who made her home with the Trumans for the next 30 years and assured reporters in 1948 that her son-in-law was going to be thrashed by Dewey. The Trumans' only child, Margaret, was born in 1924.

By this time, Truman had already taken his first political plunge and come up as county judge under the aegis of the Pendergast machine in Kansas City. (Truman's one business venture—a haberdashery store that got caught in the recession of 1921—had already gone under, a failure that some Republicans were still gratuitously sneering about in 1948.) Truman was beaten in 1924 by someone named Rummell, the only man ever to win an election from him, then was elected presiding judge in 1926 and again in 1930. But in 1934, not allowed to succeed himself again, Truman wrote that "retirement in some minor county office was all that was in store for me."

Instead, he got lucky and stayed lucky for the rest of his life. Pendergast's three top choices for U.S. Senator in 1934 declined to run, and Truman got the chance to stand as Pendergast's man in a three-way Democratic primary. The whole campaign, said The St. Louis Post-Dispatch, was "the pot, kettle and stewpan calling each other black." On election night, the bosses in St. Louis reported that Truman's principal opponent, a local boy named John J. Cochran, had run up 104,265 votes to 3,742 for Truman. Just hours later Pendergast announced the Kansas City vote Truman 137,529, Cochran 1,525. Truman was in and he won handily in the main election against a worn-out Republican, but FDR was so offended by the logistics of his fellow Democrat's victory that he wouldn't receive Truman in the White House for months after he was sworn in.

Truman's connection with Pendergast was curious but probably not venal. The machine delivered plenty of votes, and HST always declared himself grateful; on the other hand, Truman always did his job independently and honestly, and even when Boss Tom was put away for taking a $750,000 bribe from a group of insurance firms, Truman's name never turned up even on the fringes. The public and the press remained suspicious of the Pendergast connection clear through his nomination for Vice President in 1944. But politicians understood the niceties of the situation far better, and Truman was a popular Senate club man almost from the beginning. He was trustworthy, hard-working and fanatically loyal, all of which virtues were balanced nicely by his fondness for bourbon, stud poker and courthouse camaraderie. (Unlike many of his colleagues, HST was never a womanizer; he wrote primly in his diary: "In reading the lives of great men, I found that the first victory they won was over themselves and their carnal urges.")

Truman voted a straight New Deal line for six years—and his reward was that Roosevelt backed Missouri Gov. Lloyd Stark in the 1940 Senatorial primary. Truman's response presaged 1948. With few allies, no money and no prospects, "Tom Pendergast's stooge" toured 75 rural counties by car, swapping insults with his opponents in what he later called "the bitterest and dirtiest fight I ever witnessed." Truman put together a rough alliance of a few labor, Negro and urban leaders to strengthen his hand in the cities, and it was just enough. He won the primary by 8,000 votes, the main election against Republican Manvelle Davis by 44,000; FDR gave up and wrote congratulations.

FDR and HST were destined to come far closer together than that. World War II gave Truman his first taste of national celebrity, when he was appointed to head a committee looking into chicanery and waste in defense programs. In less than three years, the Truman committee turned out 32 major reports on inefficiency and corruption in war production and claimed to have saved taxpayers $15 billion. By 1942, Tom Pendergast's stooge was a major campaign asset for the Democrats; by the spring of 1944, he was being touted to run with the ailing FDR, who was under strong pressure from labor unions and party bosses to dump his current Vice President, the excessively Russophilic Wallace. When FDR tapped him for the nomination, Truman knew clearly enough what it meant, "I had a hollow feeling within me," he said after seeing FDR in early 1945. "He seemed a spent man."

Truman was 60 when he took over the Presidency and 68 when he left Washington for the last time to retire to Independence. A few months after he left the White House, a reporter asked him if he wasn't getting a little less militant. "Not in the slightest degree," said Harry. "They are trying to make a statesman out of me but they will never succeed."

One of his regular targets in those first days as a private citizen was the new President. Truman's wartime friendship with Dwight Eisenhower had deteriorated in 1952 when, said Truman, Ike "permitted a campaign of distortion and vilification that he could not possibly have believed was true." Truman subsequently referred to Eisenhower as the "most inept" President since Millard Fillmore. In both 1952 and 1956, Truman campaigned for Adlai Stevenson (although the independence and vacillation of the Illinois governor offended HST's sense of party solidarity), as he did for John Kennedy in 1960.

Truman liked to tour the nation's schools and colleges, talking about government and history. Reporters were forever seeking him out in airport lounges and hotel lobbies—or trotting behind him on one of his habitual morning walks—to ask his opinion on the latest developments at home and abroad. Truman would not generally comment on foreign affairs—"no one but the President has enough information," he would say—but he went pretty much all the way with LBJ on the Vietnam war.

In between public appearances there was a happy, busy life among his neighbors in Independence. Bess took up housework again and Harry got used to dialing a phone and driving a car. He wrote about the years of his

Presidency and those that followed, later turning some of the material into a TV series. He also had more time for his daughter and her husband, New York Times associate editor E. Clifton Daniel, and their four sons. "Leaving the White House involves no problem of adjustment if you were a common citizen before," he remarked.

His favorite project was raising funds for—then presiding over—the $1,659,000 Harry S Truman Library in Independence, now run by the National Archives. The library features 9.5 million documents of Truman's Administration, a replica of his old Executive Office and a White House piano—not to mention an informal talk about "The Greatest Government in the World," given periodically to visiting schoolchildren by an ebullient Harry himself.

In the last two years, the old engine quietly ran down, confining him more and more to the frame house on North Delaware Street. One final accolade remained—a proud thorough and loving memoir by Margaret Truman Daniel called "Harry S Truman," advance copies of which were just reaching the bookstores in the week when Truman was taken to Research Hospital with lung congestion.

Through all the years of power and the accolades that came to him in retirement, Truman never dropped the modest bearing that tied him to the common man. Before the sprightliness went out of his step near the end, he made a point of attending the annual birthday party thrown for him at a Kansas City hotel. At one such celebration, an unexpected phone call came through from then President Lyndon Johnson. "We've had thirteen years to see the wisdom of your policies," Johnson remarked. "I have always thought you'd rather have your friends cussing you than praising you, but you'll have to go right on paying the cost of greatness."

"I can't agree that it was great," beamed Harry Truman, "but I did the best I could."

Richard Boeth.

Just Call Me "Captain Harry"

"Dear Mamma and Mary:

"I am 61 this morning and I slept in the President's room in the White House last night. They have finished the painting and have some of the furniture in place. I'm hoping it will all be ready for you by Friday. My expensive gold pen doesn't work as well as it should.

"This will be an historical day. At 9:00 o'clock this morning I must make a broadcast to the country announcing the German surrender."—Letter to his mother and sister. May 8, 1945.

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"I remember when I first came to Washington. For the first six months you wonder how the hell you ever got here. For the next six months you wonder how the hell the rest of them ever got here."—To Leonard Lyons. February 1950.

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"I never ran for a political office I wanted. But I've fought for every one I ever had. Damn it! I've never had an office I didn't have to fight for, tooth and nail."—To a reporter. July 1944.

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"Card games? The only game I know anything about is that game—let me see—I don't know what the name is, but you put one card down on the table and four face-up, and you bet."—To a reporter. October 1944.

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". . . the President gets a lot of hot potatoes from every direction . . . and a man who can't handle them has no business in that job. That makes me think of a saying that I used to hear from my old friend and colleague on the Jackson County Court. He said, 'Harry, if you can't stand the heat, you better get out of the kitchen.' I'll say that is absolutely true."—Remarks at the Wright Memorial (Dinner of the Aero Club of Washington. Dec. 17, 1952).

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"The Republicans have General Motors and General Electric and General Foods and General MacArthur and General Martin and General Wedemeyer. And they have their own five-star general running for President . . . I want to say to you that every general I know is on this list except general welfare, and general welfare is in with the corporals and privates in the Democratic Party."—Campaign speech, 1952.

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The Buck Stops here!—Sign on HST's desk.

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". . . a man in his right mind would never want to be President, if he knew what it entails. Aside from the impossible administrative burden, he has to take all sorts of abuse from liars and demagogues . . . All the President is, is a glorified public relations man who spends his time flattering, kissing and kicking people to get them to do what they are supposed to do anyway."—Letter to his sister. November 1947.

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"We'll have none of that now. When I put on those striped pants and that top hat, you can call me 'Mr. President,' but here and at all such reunion occasions you can make it just 'Captain Harry'."—Reunion breakfast with Battery D. Inauguration Day 1949.

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"I have just read your lousy review [of Margaret Truman's recital] . . . I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below. Westbrook Pegler, a guttersnipe, is a gentleman compared to you."—Letter to Washington Post music critic Paul Hume, Dec. 6, 1950.

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"It all seems to have been in vain. Memories are short and appetites for power and glory are insatiable. Old tyrants depart. New ones take their place. Old allies become the foe. The recent enemy becomes the friend. It is all very baffling and trying, [but] we cannot lose hope, we cannot despair. For it is all too obvious that if we do not abolish war on this earth, then surely, one day, war will abolish us from the earth."—Independence, January 1966.

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"I always qoute an epitaph on a tombstone in a cemetery in Tombstone, Arizona: 'Here lies Jack Williams. He done his damnedest'."—Press conference, April 1952.

[From the New York Times, Dec. 27, 1972]

From Missouri Farm to Fame

"My first memory is that of chasing a frog around the backyard in Cass County, Missouri. Grandmother Young watched the performance and thought it very funny that a 2-year-old could slap his knee and laugh so loudly at a jumping frog."

Harry S Truman was 68 when he wrote that recollection of his carefree farm childhood, so secure in strong, affectionate family bonds.

A product of the Middle Border and of hardy farming stock with frontier traditions, Truman was born at 4 P.M. May 8, 1884, in a small frame house at Lamar, Mo. He was the first-born of John Anderson Truman and Mary Ellen Young Truman. The initial "S" was a compromise between Shippe and Solomen, both kinsmen's names.

Within the year the family moved to a farm near Harrisonville, Mo., where another son, Vivian, was born in 1886. A year later the Trumans were living on a Jackson County farm, near what was to be Grandview. There, Mary Jane, the third child, was born.

"Those were wonderful days and great adventures," Truman said of his growing up on 600 stretching acres. "My father bought me a beautiful black Shetland pony and the grandest saddle to ride him with I ever saw." When Harry was 6, the family moved once more, to Independence, a Kansas City suburb, but John Truman remained a farmer and took up the buying and selling of cattle, sheep and hogs.

THE GIRL WITH GOLDEN CURLS

It was in Independence that Harry, whose mother had taught him his letters by 5, went to school. He made friends, one in particular. "She had golden curls . . . and the most beautiful blue eyes," he said of Bess Wallace, the childhood sweetheart who was to become his wife. Harry was a shy boy with weak eyes, who wore glasses from the age of 8. Shunning rough-and-tumble sports, he read fast and furiously. By 14 he "had read all the books in the Independence Public Library, and our big old Bible three times through."

Poor eyesight barred him from the United States Military Academy (to which he had an appointment) when he was graduated from high school in 1901; and, since the family lacked the money to send him to college, he turned to a variety of jobs. He worked as a drugstore clerk, timekeeper on a railroad construction project, in a mailroom, in a bank. He speculated in zinc and oil. And he toiled on the family farm. Meantime he joined Battery B of the National Guard in 1905 and became a member of the Masonic Order in 1909.

When the United States entered World War I, Truman, then 32, was a farmer. He left the soil to help organize the 129th Field Artillery, and he became commander of its Battery D. He led it into action at St. Mihiel, in the Meuse-Argonne offensive in France, and again at Verdun, gaining the respect and affection of his men. (At convivial reunions later, "Captain Harry" used to play the piano—he had learned as a youth, at his mother's insistence—while his comrades sang.)

Mustered out in 1919, he returned to Independence and married Miss Wallace on June 28. Then 35 and without a firm station in civilian life, he opened a haberdashery shop in Kansas City in association with Edward Jacobson, an Army buddy. At the start, business was excellent, but the postwar depression changed all that, and Truman & Jacobson were obliged to close. Jacobson went through bankruptcy proceedings; Truman did not, and he was still paying off his creditors (the total was $28,000) 10 years later when he was a Senator.

Truman's entry into politics was fortuitous. It occurred in 1921, when James Pendergast, an Army friend, introduced Truman to his father, Mike Pendergast, who, with his brother, Thomas J., ran Democratic politics in western Missouri. A veteran, a Baptist, a Mason, the personable Truman was adjudged a likely officeholder, and in 1922 he was elected a judge of the Jackson County Court. The post, a nonjudicial one, had jurisdiction over the building and upkeep of the county roads and public buildings.

Truman was conscientious, vigorous and industrious, both as a campaigner and as an administrator. He was defeated, however, in 1924. But in 1926 he was elected presiding judge and again in 1930, both times with the help of the Pendergast organization. In 1934 Truman wanted to run for the House of Representatives, but the Pendergasts put him up for the Senate instead. Running on a pro-Roosevelt program in a strenous campaign, he won with a majority of more than 250,000 votes. His record of probity as a county official and his Masonic connections helped him.

Although Truman never disavowed his close friendship with Thomas Pendergast, the leader of the party machine, he made it clear in the Senate and elsewhere that he was not "Pendergast's messenger boy." There was never any tarnish on his reputation for personal integrity.

Truman was nearly 51 when he took his Senate seat. But "I was as timid as a country boy arriving on the campus of a great university for the first year," he recalled. "I had a prayer in my heart for wisdom to serve the people acceptably."

"PLAIN FOLKS" IN CAPITAL

In Washington, Senator and Mrs. Truman lived simply in an apartment with their daughter and only child, Mary Margaret, who was born Feb. 17, 1924. The family was "plain folks," with Truman coming home in the evening to talk to Margie, as he called his daughter, and to recount the day's happenings to his wife, whom he called "The Boss." The Trumans were little evident on the social and cocktail circuit. Mrs. Truman was popular with the Congressional wives and her husband with his colleagues. For relaxation, he liked to sip bourbon and water (but never in the presence of women, not even his wife) and to play a bit of poker. Otherwise he worked; there were documents and books and reports to read, committee duties to fulfill, constituents to see and do favors for, Senate sessions to attend.

The years Truman spent in the Senate he recalled as "the happiest 10 years of my life." He found his fellow Senators "some of the finest men I have ever known," and he used the word "cherish" to describe his friendship for them. He was a member of two important committees—Appropriations and Interstate Commerce—to whose work he devoted himself with diligence. He read voluminously from the Library of Congress, but he spoke seldom on the Senate floor, and then simply, briefly, without ostentation. His voting record was New Deal, which earned him the opposition of the big Missouri papers.

Truman was re-elected in 1940, but only after a hard and close Democratic primary race. Harry Vaughan, later to be a White House crony, and Robert Hannegan, later to be Postmaster General, worked hard for Truman, and to them, as to other friends, he was unswervingly loyal. It was part of his creed of "doing right."

DEFENSE WASTE EXPOSED

When Truman was sworn for his second term in 1941, the nation was preparing for war, and the letting of defense contracts was surrounded with rumors of favoritism and influence. Deeply concerned, Truman got into his automobile for a 30,000-mile tour of major defense plants and projects.

"The trip was an eye-opener, and I came back to Washington convinced that something needed to be done fast," he said. "I had seen at first hand that grounds existed for a good many of the rumors . . . concerning the letting of contracts and the concentration of defense industries in big cities."

The result was the Special Committee to Investigate the National Defense Program, soon shortened to the Truman Committee after the name of its chairman. It saved the country many millions of dollars by curbing waste and discouraging graft. And it made Truman a minor national figure, conspicuous for his firmness and his fairness.

Truman prepared his investigation by making a thorough study of similar committees in the past, especially of the records of the Joint Committee on the Conduct of the War Between the States. Defining his approach, the Senator said:

"The thing to do is to dig up the stuff now and correct it. If we run the war program efficiently, there won't be an opportunity to undertake a lot of investigations after the war and cause a wave of revulsion that will start off the country on the downhill road to unpreparedness and put us in another war in 20 years."

The committee got under way slowly, with $15,000 appropriated for its tasks. Truman invested $9,000 of this in the salary of Hugh Fulton, the group's investigator and counsel. The committee quickly turned up disquieting evidence of waste in military-camp construction and equipment. And once its first reports—sober, factual and damning—were issued, more money for its operations was forthcoming.

The dollar-a-year man came under its scrutiny, and the committee was able to produce evidence that between June 1, 1940 and April 30, 1941, Army and Navy contracts totaling almost $3-billion had gone to 65 companies whose officials or former officials were serving in Washington and elsewhere as unpaid advisers to Federal agencies.

Truman also inquired into aluminum production, the automobile industry, the aviation program, copper, lead, zinc and steel; into labor, plant financing, defense housing, lobbying, ordnance plants, small business and Government contracts. Scarcely any aspect of procurement escaped his attention. The committee's hearings were orderly, remarkably free of partisanship, but they produced news and, more important, correction of the abuses that the Senators had brought to light.

Truman was as unsparing of industrialists as he was of union leaders. He criticized William S. Knudsen, director of the Office of Production Management, for "bungling"; he was just as harsh with Sidney Hillman, the union leader, who was associate director of the office.

The Senator was himself a zestful investigator and a keen questioner. He said later that the committee's watchdog role "was responsible for savings not only in dollars and precious time but in actual lives" on the battlefield.

In the course of the committee's work, Truman was in touch with President Roosevelt, but there was no immediate serious thought of him as Vice-Presidential material. When early in 1944 some friends mentioned the possibility to him, Truman "brushed it aside."

"I was doing the job I wanted to do; it was the one I liked, and I had no desire to interrupt my career in the Senate," he said.

Indeed, Truman had so far removed himself from consideration that he had agreed in July, on the eve of the Democratic Convention in Chicago, to nominate James F. Byrnes for Vice President, after Byrnes told him that Roosevelt had given him the nod. Meantime Roosevelt had decided to drop Vice President Henry A. Wallace and also, it turned out, to pass over Byrnes.

The choice fell on Truman. He was not so closely identified with labor as Wallace, although he was acceptable, nor was he a Southern conservative, as was Byrnes. He was without fierce enemies, had an excellent reputation, was moderate on civil rights and was a Midwesterner. Truman, however, was almost the last to know of Roosevelt's decision.

"On Tuesday evening of convention week," he recalled, "National Chairman Bob Hannegan came to see me and told me unequivocally that President Roosevelt wanted me to run with him on the ticket. This astonished me greatly, but I was still not convinced. Even when Hannegan showed me a longhand note written on a scratch pad from the President's desk which said, 'Bob, it's Truman. F.D.R.,' I still could not be sure that this was Roosevelt's intent."

It took a long-distance call to Roosevelt, then on the West Coast, to convince Truman.

"Bob," Roosevelt said, "have you got that fellow lined up yet?"

"No," Hannegan replied. "He's the contrariest Missouri mule I've ever dealt with."

"Well, you tell him," Truman heard the President say, "if he wants to break up the Democratic party in the middle of a war, that's his responsibility."

"I was completely stunned," Truman remarked afterward. After walking around the hotel room, he said, "Well, if that is the situation, I'll have to say yes, but why the hell didn't he tell me in the first place?"

Following the nomination, Truman stumped the nation for Roosevelt and himself; for the President campaigned almost not at all. The Roosevelt-Truman state won with ease over Gov. Thomas E. Dewey of New York and Senator John W. Bricker of Ohio, the Republican choices for President and Vice President. The popular vote was 25,602,555 to 22,006,278, and the Electoral College tally was 432 to 99.

On Jan. 20, 1945, a snowy Saturday, Harry S Truman stood on the South Portico of the White House and was inaugurated. The man he was about to displace, Vice President Henry A. Wallace, administered the oath.

Mr. MOSS. Mr. President, as we all know, time is a relentless critic. It assesses a man's greatness as it never can be assessed while he is in the mainstream of life.

When Harry S Truman went home to Missouri—and private life—20 years ago, the Nation knew he had been a fine President, a courageous and strong President. But we did not realize how right had been his decisions, how wise his actions, how farsighted his views.

We know now. He has grown in stature with each passing year. Time has tested Harry Truman and has found him to be one of our truly great Presidents.

When he first assumed the Presidency, this onetime farmer and haberdasher stood in the towering shadow of Franklin Roosevelt. He had not wanted the job; he had wanted only to be a U.S. Senator. Yet when the burden of the Presidency fell suddenly upon his shoulders, he put a firm hand on the helm and steered the country resolutely through some of the most critical days of its history.

He made excruciating decisions without vascillating. He dropped the bomb on Hiroshima and ended the war with Japan. He enunciated the Truman doctrine—stood almost alone in his insistence that it was right—and got the money from Congress to prevent a Communist takeover of Greece and Turkey. He established the Marshall plan, and used its massive aid to help vast sections of the world stay free from tyranny and aggression.

He secured ratification of the United Nations, the North Atlantic Treaty Organization, the Inter-American Treaty of Reciprocal Assistance. He unified the armed services. And in so doing, he laid the foundations for the foreign and defense policies of the United States for more than 25 years.

On the domestic front, his Fair Deal was far reaching. The Hill-Burton hospital construction act, the program providing Federal funds for airport construction, the flexible price support program, were enacted. The minimum wage was raised; the social security program expanded. The Atomic Energy Commission was created, and housing and farm program established.

It was President Truman who first saw the need for Federal aid to education, universal health insurance, the establishment of a Department of Health, Education, and Welfare, and greater leadership in the field of civil rights. Some of these things did not come until more than 10 years after he left Washington—some are still not law. But he gave them impetus and status.

But mostly he will be remembered as the President with the common touch—the man who could communicate his thoughts as few Presidents have to the rank and file of America. They liked his tough-minded approach, his fearlessness, his straight talk about what he was trying to do and why. His sincerity was unquestioned; he instilled confidence and trust.

Harry Truman brought an earthy commonsense practicality to the Presidency—and he left his mark vividly not only on his own times but on the times we live in today.

Both Mrs. Moss and I extend deep sympathy to his devoted widow and his able and charming daughter. Their loss is the Nation's great loss as well.

Mr. MANSFIELD. Mr. President, I remember President Harry S Truman as a Senator and as "the Man in the White House." His simplicity, his lack of ostentation, his ability to understand, to see the other man's point of view, those are the characteristics which I recall in my memory of this outstanding President of the United States.

I recall the part he played in making it possible for the veterans of all wars to have a veterans hospital located at Miles City in the eastern part of Montana.

I recall being called to the White House, when I was a Member of the House—Elbert Thomas then a Member of this body was called at about the same time—and we both were asked the same question, what should be the decision vis-a-vis retention of the Emperor of Japan at the conclusion of the war.

I recall speaking to Senator Thomas about it, that we both made the same recommendation that the Emperor should be retained in the interests of harmony, stability, and commonsense.

Some of my colleagues will recall at that time that there was talk of forcing out the Japenese Emperor and establishing some other form of government.

I recall, also, when President Truman came to Montana during the election campaign in 1948, that he visited the Hungry Horse Dam up in the Flathead country. I recall his humorous remark when he said to the people assembled that they should take a good look at the Hungry Horse Dam because if the Republicans were elected it would be the last dam they would see in a long, long, long time.

I recall being called to the White House while a Member of the House, when President Truman notified various Members of Congress, both Representatives and Senators, that he had ordered General MacArthur to move to Korea to repel the aggression which had occurred across the 38th parallel and the North Korean forces which were on the way, down south into the area of the Pusan perimeter.

I recall President Truman meeting with the Democrats on Jefferson Island in the Potomac. If I am not mistaken, the distinguished Senator from Arkansas (Mr. McCLELLAN), now in the Chamber, was one of those present on that occasion.

I recall President Truman playing poker with some of our Senate colleagues and losing.

I recall many things about this man who was both humble and great, who was, I repeat, a man of simplicity, a man who lacked ostentation, but a man who truly reflected the temper of the times in which he lived—and a man who, I think, will go down in the history of this Republic as one of the great Presidents.

So I join my colleagues today in expressing my family's deep regret and sadness at the passing of President Harry S Truman and to express to his wife, Bess, and to his daughter Margaret, our sense of loss because of it.

May his soul rest in peace.

Mr. GRIFFIN. Mr. President, a truly effective political leader, it has been written, is one who has the rare capacity to make hard decisions.

Judged by this qualification alone, Harry S Truman our 33d President, was one of the great leaders this Nation has produced.

Few men have been confronted with the necessity for having to make so many momentous decisions as he was called upon to make during his years in the White House.

He entered upon the Presidency at a climactic moment in history. A great war was drawing to a conclusion. Much of the world was in chaotic disarray and the problems confronting Mr. Truman were immense.

But he never hesitated, he never wavered.

As liquidation of the war in Europe began, he made the difficult and terrible decision to drop the atomic bomb which ended Japanese resistance.

As the cold war ensued, Mr. Truman met the challenge of Communist expansionism with the Truman doctrine in Greece, the Berlin airlift, the Korean war and, perhaps most significant of all, the Marshall plan for rebuilding a shattered Western Europe.

These and other decisions, taken together, set the course of the Nation's foreign policy which, with remarkable consistency, has endured to the present time.

In 1965, on the 20th anniversary of his becoming President, he received the Freedom Award in recognition for setting "the pattern for America's worldwide activities in behalf of freedom." In an address on that occasion, Dean Acheson, who was Mr. Truman's Secretary of State, described Mr. Truman's decision as "in truly heroic mold."

No less a figure in history than Winston Churchill ungrudgingly praised Mr. Truman as one who did more than any other man to save Western civilization.

With all the greatness he achieved as a leader of the free world, Mr. Truman remained essentially a modest, unassuming, and even folksy individual. Once it was proposed that he should be awarded the Congressional Medal of Honor.

He dismissed the idea with characteristic directness, writing:

> . . . In the first place, I do not consider that I have done anything which should be the reason for any award, Congressional or otherwise.
>
> Next, the Congressional Medal of Honor was instituted for combat service. This is as it should be and to deviate by giving it for any other reason lessens and dilutes its true significance. Also, it would detract from those who have received the award because of their combat service.
>
> Therefore . . . I would not accept it.

Mr. Truman often said:

> If you do your best, history will do the rest.

With Mr. Truman, a most uncommon man, history, I am sure, will do full justice.

HARRY S TRUMAN—A LEADER EQUAL TO THE TASK

Mr. RANDOLPH. Mr. President, I believe the mantle of greatness falls easily on few men. Some are acclaimed because they achieve broad prominence and power, but the judgment of history may prove otherwise.

Harry S Truman, the 33d President of the United States, became the most powerful leader in the world, but it was under a cloud of uncertainty. As we look back, we know this was true. His enemies dismissed him at that time as a political accident. His friends and allies adopted a posture ranging from toleration to almost outright anguish. None could foresee that this man, who came from Missouri, would be equal to the task, and he certainly was more than equal to the awesome assignment which was placed before him.

Harry Truman grew in stature through the years. The hallmark of his public career was courage and loyalty and devotion to our country—most importantly, to our people.

His White House leadership was characterized by sound, mid-America judgment; yet, his profound actions encircled the very earth.

His philosophy was in many instances small town, but he developed a grasp of international affairs, and he carried our country and the free world through exceedingly difficult times.

Harry Truman was a man of tough mind and yet of tender heart. He has been acclaimed the last old-style politician by some, a description that is accurate only if it means that he held those virtues of which I have spoken—loyalty, integrity, and devotion—most dear during the years he served in the Senate and in other positions of trust in the executive branch of Government.

As a leader, he used candor rather than charisma. I am sure we could use more of that today, tomorrow, and in the years ahead, He used plain talk rather than polished press agentry to the degree we use it today. He was truly a man of the soil and a man of the people.

President Truman identified himself with Americans in all walks of life. They came to know him and felt he was one of them. There was no question of his great love for America and for the heritage that has been a part of our country. He had a belief in the traditions of America that might be considered old fashioned by some in these changing times.

There was never a question about his unwavering faith in America's future and her people, as he discussed goals for a fuller life for all segments of our society.

I think history will judge him well because Truman was a shining light in America's darkest hours. Our Nation, I believe, will be forever in his debt. He had a very rewarding life. It certainly was a full life by its achievements in those perilous days in which he led the country, when the civilization we knew at that time tottered on the ragged edges, and on the brink. His achievements are indelibly etched in the history of the world.

Mr. Truman often visited West Virginia, as have other Senators, other Vice Presidents, and other Presidents of the United States. It was my good fortune on many of these occasions, as it was the good fortune of my esteemed colleague, Senator ROBERT C. BYRD of West Virginia, and others, to share with our guest the experiences of some of those visits to the Mountain State.

I remember when I asked the President and Mrs. Truman if their daughter Margaret might grace an occasion where she was to dedicate a commercial aircraft, new in flight at that time, the Constellation named the Capitaliner United States. About 2,500 persons attended the event in the late spring of 1950. So characteristic of him was the fact that he and his wife, Mrs. Truman, were old-fashioned but right in their belief that it was good for the family to talk matters over. I had asked their daughter, Margaret, to participate in this noteworthy program at Washington National Airport. They considered the matter and I remember we walked to the door. He said proudly—

> I am happy that Margaret can do the job—the christening of this new bird of flight.

And he added—

> I am glad because you know no one would do a better job.

That is the way he was about his family; not just boastful, but very conscious of the ability of his daughter to participate in a successful manner.

Yes, we have these closely knit friendships that touch our lives. I know my wife, Mary, would want me to say that she and Bess Truman also shared a friendship.

He will be judged in history not for what he did for individuals or even for entire groups and governments, but for the impact of his leadership in directing our society toward a goal of betterment for mankind.

THE LIFE OF PRESIDENT HARRY S TRUMAN

Mr. NUNN. Mr. President, when Harry S Truman became President, I was an 8-year-old boy. Therefore, my impressions of this great man are based on my boyhood memory, but more importantly, on the historical analysis of his term in office.

President Truman's courage and fortitude enabled him to make tough, hard decisions. Many, though unpopular at the time, were crucial decisions which set the course for this Nation for generations to come.

In this day and time when so many decisions are based on the popular whim of the moment, the leaders of our States and Nation should pause not only to pay tribute to this great American but also to learn from his courageous example.

The life of Harry S. Truman is very much a representative American story—of how a man can rise from humble origins to the highest office in the land. He embodied in his personality and character the qualities shared by the vast majority of his fellow citizens.

Through all the great controversies in which he participated and which tested and proved his leadership, he retained that humility which we call "The common touch," the ability to speak directly and frankly to his fellow Americans. With good reason, General Marshall noted his curious blend of humility and boldness, nourished by faith in God and belief in America.

An eminent preacher of 19th century America, Henry Ward Beecher, once observed that "greatness lies not in being strong but in the right use of strength." Let it be said of Harry Truman that he used the powers of his office and the God-given gifts which were his inner resource to give effective leadership not only to his own country but to the free world in a time of grave crisis and disruption. His enduring legacy is the foundation of a just and lasting peace and the love of liberty in the hearts of free men and women.

Mr. HARRY F. BYRD, JR. Mr. President, Harry S Truman was as stubborn as a Missouri mule—and as courageous as any President this Nation has had.

At least that is the way the senior Senator from Virginia views the man from Independence, Mo., who served his country in World War I as an artillery captain, who served his State as a U.S. Senator, and who served his Nation as the 33d President.

When President Roosevelt died in April of 1945, the former Missouri Senator had been Vice President less than 3 months. His Nation was at war on two fronts—with Germany and Italy in Europe, and Japan in the Pacific.

The most important decision, perhaps, which President Truman was called upon to make was whether to drop the atomic bomb, U.S. scientists having just fathomed the secret of the atom. President Truman determined that the use of the bomb on two Japanese cities would bring the war to an end and thus save an estimated 1 million American military personnel who otherwise would have been ordered to invade Japan.

While none was so far reaching as the decision to bomb Japan, President Truman faced many difficult decisions during his nearly 8 years as President. I found myself at odds with some of Mr. Truman's decisions. But always did I recognize him as being a man of courage and of the highest patriotism.

It has been 20 years now since Harry Truman left the White House. His stature has grown as the years have lengthened.

History, I feel, will treat President Truman well. He very likely will stand near the top when historians determine which Presidents of the United States have best and most unselfishly served our great country.

HARRY S TRUMAN

Mr. PASTORE. Mr. President, this is February, the month of Presidents, as we observe the birthdays of Lincoln and Washington—while, within the week, the birthday of Franklin Delano Roosevelt has passed with little comment.

In this young year of 1973, this Capitol has echoed to the inaugural triumph of a living President and the tribute eulogy of Lyndon Johnson.

This hour is given to another President, to Harry Truman, who is in this Capitol today only in our memories.

I note a symbolic incident from the Time magazine anniversary party last week at the National Portrait Gallery. There the Time cover portrait of President Harry S Truman hung on the wall.

Margaret Truman Daniel, his daughter, was distressed when she saw that her father's portrait was not hanging straight.

So she adjusted it.

And history continues to adjust the picture of this President from Missouri who presided over the most critical times in our Nation's history.

It is refreshing to recall his optimism and his openness—the down-to-earth democracy that history will accord to the Truman era.

Historians will continue to weigh and value the influence of this humble human being on the fortunes of mankind.

Each of us will treasure a simpler thought—perhaps a single episode—a precious contact we enjoyed with this lively and lovable Missouri man in the White House.

My mind goes back to an October day of 1948—at the height of a presidential campaign—Truman's contest for election.

All the prophets were forecasting disaster for the Democrat.

They were grueling October days—the final days of Truman's personal appeal to the people.

In 35 days he made 365 speeches—covered 31,500 miles—and wound up October 30 in St. Louis, Mo.

Two days before that—on October 28—Truman's quest brought him to Rhode Island. As the then Governor of the State, I had the honor to escort him from one border of my State to the other.

I treasure a newspaper picture of that dramatic day in 1948. It was reproduced at the December death of this great man of Independence.

The picture is that of President Truman in his automobile—surrounded by a sea of people. The motor seat was shared by myself as Governor of Rhode Island and our U.S. Senator, Theodore Francis Green, already established as a leader in this great body.

I might add that the other Senator from Rhode Island was J. Howard McGrath, at the time national chairman of the Democratic Party and one of the architects of what the newspaper world termed "the greatest political upset of modern times."

I had the chance that day to experience the heart of America responding to the challenge and charm of a great soul. I saw the individual on his little farm wave his hat as we rode by—another bless himself—and most of them shouting the war cry, "Give 'em hell, Harry."

And I understood the confidence Truman had in his cause and its ultimate victory.

He had reason.

On that October day, 50,000 Americans gathered to greet him and cheer him before the City Hall in Providence.

Not only that great number but the spontaneous enthusiasm of the thousands reflected the appeal and response of human nature in a democracy at a crucial hour in our Nation's existence.

In those 35 days of 10 speeches a day—in large groups and small—15 million people had seen and heard him. They confirmed the Truman doctrine—as he expressed it—that people are not swayed by polls but prefer to make up their own minds about candidates on the basis of direct observation.

It is a salutary experience for a people to see and hear their public servants at close range—and the higher the office, the more important it is that the servant should have genuine contact with the common people so that he may know their desperate needs—and so that their needs shall shape the mood and mind of the leader.

I like a sentence from a Providence Journal-Bulletin editorial at the December passing of President Truman.

It reads:

> If, as some believe, history finds the right man in crisis to lead a nation, history did magnificently well by this country when Harry S Truman turned the last great bend on his road to the White House.

Indeed, the entire editorial from this newspaper—politically independent in its views—deserves a place in our comments today; and I ask unanimous consent that the Providence Journal-Bulletin editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Providence Journal, Dec. 27, 1972]

HARRY S TRUMAN

The cocky little man from Lamar, Missouri, went a long long way in 88 years—from chores on a small farm to decisions that shook the world. Harry S. Truman, 33rd President of the United States, was a man of deep personal honesty and integrity, a husband and father of folksy warmth, and a leader with shining courage in the tumultuous years of a troubled presidency.

Nothing ever was easy for Harry Truman. Poor vision denied him a career at West Point. A depression denied him a career in business in Kansas City. Sent to the Senate by the boss of a corrupt Missouri political machine, he seemed doomed to the humdrum existence of a hardworking back-seat member—until World War II engulfed the nation and the world.

Out of his assignment as chairman of the Truman committee in exposing war time frauds in work for the government, the senator built a reputation that stood him in good stead. He was handpicked to run for the vice presidency in 1944 with Franklin D. Roosevelt, but even in victory, he was denied access to the presidential confidences on domestic and foreign affairs.

When Mr. Roosevelt died in the spring of 1945, Harry S. Truman took the oath of office, perhaps the most under-briefed vice president to succeed to power. Yet events did not wait upon him; it was fortunate for the country that he had and took good advice, had the wit to make the right decisions, and had the courage to stick by them when the going got rough.

It was Harry S. Truman who authorized and later announced the destruction of Hiroshima by the first atomic bomb, not for the sake of destruction, but to speed the peace that soon came. It was Harry S. Truman who announced and stood by the Truman Doctrine to keep Turkey and Greece on their feet, and who inspired the Marshall Plan to renew the strengths of a prostrate Europe.

In domestic affairs, he did less well. His efforts to write a Fair Deal fell afoul of a hostile Congress. It took all his courage and strength to win an election in 1948 that no political expert expected. Then in 1950 came Korea, and all his hopes of domestic progress had to give way to the problems of serving as leader of the key nation in the United Nations forces in Korea.

Yet for all the demands made upon him as the nation's leader, he had time always for the human touch. He declined to abjure his political relationships with Thomas J. Pendergast even when he was warned that the Pendergast machine's corruption might stain him fatally. He did not hesitate to berate a music critic who dared to criticize his beloved only daughter, Mary Margaret.

Harry S Truman survived an assassination attempt; he survived the bitterest political criticism. He was proud of the fact that his desk was where "the buck stopped," and when he did what he felt was right, he did not much care who criticized him. He made some gross political errors; sometimes, he wasted his friendship on ingrates who rode his coattails.

He became as much a symbol of his times as any single figure in the land. Who can forget the happy malice of his smile before the television cameras when he, victorious the day after Election Day in 1948, waved the front page of a newspaper which had prematurely and mistakenly identified his opponent as the winner? Who can ever forget his cocky grin and strut?

It will be for history to judge him finally as we his contemporaries today mark his passing by recalling the memories of the great events and the petty events of his career in the White House. If, as some believe, history finds the right man in crisis to lead a nation, history did magnificently well by this country when Harry S Truman turned the last great bend on his road to the White House.

Now the great of the nation will gather in his home state; the great of the world will send condolences. The caisson with its coffin will roll, and the guns will thunder farewell in a winterswept midwest cemetery—and Harry S Truman, the brash little guy from Lamar, Missouri, will go to his last resting place, a man of his times and for his times, a dedicated servant of a land he loved intensely.

Mr. HUMPHREY. Mr. President, we observe in the Senate today our appreciation of the life of President Harry S Truman. I wish to address myself for just a few moments to the remarkable career of this unusual and remarkable man.

His work and his achievements are immortal. The life story of Harry Truman is America at its best—patriotic, self-reliant, courageous, simple and uncomplicated, forthright and loyal, a partisan and a patriot, a devoted husband and father, and a great President and statesman.

He was a builder in a world ravished by war. He was a healer in a world beset by disease, pestilence, and poverty.

He was a giant of a man who lived in troubled times and had the courage to make difficult decisions.

I have shared in his friendship and honor it second to none. I have followed and supported his leadership—a rare privilege for any man.

He has served America and all mankind with humility, dignity, and greatness.

I recall when the Humphreys first came to Washington in 1948. I was elected to be the freshman Senator from Minnesota. Harry Truman was our President.

My parents came to visit me during those first few months. Concluding that even a freshman had the right to make at least one request of the White House, I phoned the President's appointments secretary, Matt Connelly, to ask if my parents could meet the President. My father was a lifelong Democrat and a strong supporter of President Truman. Not long after, my parents and I were escorted into the President's office.

My father and mother had never been in the White House before and for them and for me it was an exciting experience. The President was kind and gracious, particularly to my mother, who admitted she was "scared to death" to be in his office. Truman gave her a hug and said, "Oh, we're just folks here."

The 33d President of the United States then took my parents on a personal tour of the White House. I shall never forget it. And I know that to my father in particular it was the high point of his life.

So as a human being we remember Harry Truman for his uncomplicated, direct, and friendly appeal. He truly was a man of the people, from the people, and for the people.

As President, we remember him for courage, frankness, and principle, in the face of monumental decisions which had to be made and which he did make;

The atom bomb and the peacetime uses of atomic energy;

The Potsdam Conference and the diplomatic and military followup to World War II.

The creation of the United Nations and the guarantee of U.S. participation in it;

His timely and firm response to the threat of communism in Greece and Turkey; the Marshall plan in Europe; the point 4 program;

His combat of disease, and pestilence, and poverty worldwide;

The North Atlantic Pact;

The Berlin Airlift;

Resistance to Communist aggression in Korea; and

The maintenance of civilian control over the military.

And then his pioneering in so many areas of domestic policy. We should never forget that it was Harry Truman's administration that laid before the Nation and the Congress proposals for the improvement and expansion of our health care system, including the proposal of medicare. Nor should we ever forget that it was President Truman who appointed the commission that came forth with a monumental study on race relations in America and recommended the shaping of a program for reform.

For these and so many other acts of leadership in the world, President Truman won our admiration and gratitude. He established the basis for postwar peace and the survival of human dignity.

For most Americans, President Truman was not a President whose greatness would be recognized only after the passage of time. He was recognized—as a great and Democratic President. If I may repeat here a portion of the remarks I made on March 31, 1952, following President Truman's retirement, I think I can illustrate this point. I said then in part:

> President Truman is beloved by the American people because of his candor, honesty, frankness, and principle. He received the support of the American people because he represented in the minds of the American citizens the bold principles of the New Deal and the Fair Deal. The Democratic Party has a responsibility to choose for its candidates for President and Vice President of the United States candidates willing, eager, and determined to carry on in those traditions and faithful to a Democratic Party political platform committed to the foreign policy of the administration and to a domestic program of parity and progress for agriculture, full and equal civil rights for all, public power—REA, social legislation, development, and conservation of our natural resources, free collective bargaining, and defense mobilization. That is the program of the Democratic Party. This is our record. It is the record that has earned and received the support of the American people.

Mr. President, that is what I said in those days after the President had decided in 1952 not to seek reelection.

Mr. President, I wish to say before closing how much Mrs. Humphrey and I have admired the Truman family. All Americans have been appreciative of the quiet and resolute strength of Mrs. Truman—affectionately called by her beloved husband "Bess" Truman—throughout the years and during the difficult period of recent weeks.

Mrs. Humphrey and I were privileged to be with Mrs. Truman on the day of the funeral services in Independence, Mo. She is a beautiful woman, beautiful in character and in spirit. President Truman was vastly proud also of his daughter, Margaret Truman Daniels. I considered it a special privilege to know her, her husband, and family as close and dear friends. Indeed, President Truman should well have been proud of Margaret, because she is a remarkable woman.

The loyalty and love among the members of the Truman family and the quality of their lives have been a guide and an inspiration for us all.

Mr. President, because President Truman died during the adjournment of Congress, I am concerned that much of the editorial comment following his death will not appear in the CONGRESSIONAL RECORD as is customary. For that reason I have made a limited selection of editorials from different sections of our country, editorials that relate to the life and the work of President Harry S Truman.

Mr. President, I ask unanimous consent that those editorials, insofar as they do not duplicate others that have been printed in the RECORD, be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution,
Dec. 27, 1972]

HARRY S TRUMAN

"I underestimated you," Winston Churchill once told Harry Truman.

So did the rest of us.

So did Truman himself.

Who would have thought that an ex haberdasher from Missouri would become one of the most decisive and effective leaders of the 20th Century?

A great man? Not in the usual sense. Truman had none of the grand style of a Churchill or Roosevelt, none of the godlike presence and egotism of a Des Gaulle, none of the intensity and mystique of a Hitler, none of the cold, ruthless power of a Stalin.

All Truman had going for him was courage, a clear vision, common sense and a common touch, basic intelligence, and the ability to make up his mind on the tough questions, to make a decision, and then get a good night's sleep.

There are a lot of people like that, people who will never be President of the United States. They are among your neighbors, your fellow workers, your family. American democracy breeds them, always has. Quite ordinary, unpretentious people who are not born great, do not have greatness thrust upon them, don't seek greatness out, but who rise to the occasion whenever extraordinary demands are made on their character their intelligence and their judgment.

Truman's daughter Margaret, in her recently published biography of her father, notes that he didn't want to be a vice presidential candidate with the awesome possibility that he might become President. This was not false humility. It was the honest humility of a man who knows in his bones that the nation is greater than any one man, who hesitates because of a sense that his own personal ambitions and goals and values may not be those of the rest of the people, may not be worthy. Upon the death of President Roosevelt in the last months of World War II, Truman took office with a halting and obviously sincere acknowledgment that he was aware of the tremendous burden he was being asked to carry.

But Truman's basic humility was balanced by a healthy joy of life and action, and he very quickly acquired the ability to deal effectively with the problems and decisions required of the President of the world's most powerful nation. Among his first major decisions, still controversial, was the decision to drop atomic bombs on Japan. That ended World War II within weeks (and prompted Churchill's remark). Truman presided over the reconstruction of Europe and Japan after the war, converting, in one of America's finest hours, former enemies into steadfast friends. He stood firm against Communist bids to take over other nations by political intrigue or military might. He took the first concrete steps to end our government's support of racial segregation. He didn't hesitate, as commander in chief to slap down the popular war hero, General MacArthur, when MacArthur was insubordinate. And he won reelection against the predictions of polls and pundits by going to the people, speaking their language, and delighting them in a rousing campaign devoted to "giving the Republicans hell."

"If you can't stand the heat," said Harry Truman, "stay out of the kitchen." He could stand the heat—and there was plenty to stand. His administration had its failures and its scandals and it may be that history will severely judge some of his basic decisions on domestic and foreign problems. Yet Churchill, who himself knew a thing or two about courage and greatness, said that Harry Truman "had done more than any other man to save Western Civilization." Pretty fancy language that—and Truman's common sense probably took it with a grain of salt. Yet there was truth in Churchill's judgment. Everybody knew that Truman was making the key decisions that determined the course of the post war world, that opened the nuclear age.

Truman spent his last years a respected and honored elder statesman in his native Missouri, writing and publishing his memoirs, occasionally catching the notice of the newspapers and the newfangled television cameras when he took his "morning constitutional" and delivering himself of peppery and shrewd observations on life and politics. He lived to the ripe old age of 88. His lingering death, painful as it must have been for his family, his loved ones and admirers, demonstrated once again those strong qualities that made him one of our outstanding Presidents.

Will we see his like again? Let us hope so—because our nation's future depends on it. Harry Truman wasn't a great man in the sense that Caesar or Napoleon or even Churchill was, with all their air of power and genius and brilliance and arrogance. He was basically an ordinary man, honest, with courage and humanity and old fashioned horse sense. And that was good enough for America in a time of great crisis—and good enough for civilization.

[From the Denver Post, Dec. 26, 1972]

UNCOMMON COMMON MAN, "HE DONE HIS DAMNDEST"

On a late afternoon in April 1945, a grieving Eleanor Roosevelt placed a hand on the shoulder of a bewildered little man in bifocal glasses and said to him softly, "Harry, the President is dead."

Harry S Truman, the Missouri farm boy who had become vice president of the United States, was unable to find words for a moment. Then he asked: "Is there anything I can do for you?" Mrs. Roosevelt replied: "Is there anything we can do for you? For you are the one in trouble now."

As Truman himself later described it, he "felt like the sun, the stars, an dall the planets had fallen on me." But he faced his troubles quickly without flinching in what he once called "the most terribly responsible job a man ever had."

On the occasion of his death, Harry Truman has passed into history as a plain, blunt, unspectacular man who made some of the boldest decisions ever to emerge from the White House.

His was the voice that authorized the first use of atomic bombs on cities, that launched the Truman Doctrine, the Marshall Plan and the Point Four Program of technical assistance to underdeveloped nations.

He also sent American troops to fight in Korea, ordered the development of the hydrogen bomb, promoted the North Atlantic Treaty Organization and directed a global cold war against communism.

On his desk at the White House was a sign, "The Buck Stops Here." He never tried to duck his responsibilities, and he never appeared to agonize over his decisions or lose sleep once they were made.

As much as any president since Lincoln, Truman brought to the White House the traits and language and values of the American common man.

He was direct and unpretentious in his manner, salty in his speech, and quick and impulsive in his reactions. He was spunky and full of fight in dealing with his political enemies and his newspaper critics.

When Truman sallied forth on the campaign trail, the crowds loved to shout "Give 'em hell, Harry." He commented later: "I never did give anybody hell—I just told the truth on 'em and they thought it was hell."

As an aroused father, he once wrote to

a critic who had disliked his daughter's singing: "I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below."

His frequent letters to his mother and sister in Missouri, written in the midst of tumultuous affairs of state, are the kind many small-town Americans might have written if suddenly transplanted to the White House.

Writing to "Dear Mamma & Mary" that a general had given him the baton of German Field Marshal Hermann Goering, Truman observed: "I always get those dirty Nazis mixed up but it makes no difference. Anyway it's the fat marshal's insignia of office . . . Can you imagine a fat pig like that strutting around with a $40,000 bauble—at the poor taxpayer's expense. . . ."

If his manner did not always enhance the dignity of his office, it kept him in tune with many voters who felt and spoke as he did. They helped to return him to office in 1948 in an election almost all the experts said he would lose.

In a poll of American historians, conducted by the late Prof. Arthur Schlesinger Sr. in 1962, Truman was rated among the "near great" presidents and ranked ninth on the list of all of them.

The later judgment of history will be influenced by future attitudes toward hot and cold war and by other values. But Harry Truman will always be recognized as a man who had a powerful influence in shaping the American future.

Whatever else may be said of him, even his critics will acknowledge that he deserves the epitaph he once admired on a grave at Tombstone, Ariz.: "He done his damndest."

[From the Los Angeles Times, Dec. 27, 1972]

HARRY S TRUMAN

More than half of the people now living in the United States had not been born when Harry S Truman of Missouri was called to the White House on April 12, 1945 and told that Franklin D. Roosevelt was dead. Only those who lived through those dramatic days can fully appreciate the grave problems he faced.

This little known Son of the Middle Border, the product of a corrupt political machine, a man with little experience in foreign relations and the affairs of state, was thrust into the shoes of a revered world leader at one of the most critical junctures in world history.

Furthermore, Harry Truman came into office without being informed about the secret work being done on the atomic bomb or the military, political and diplomatic complications involved in the great problems then facing President Roosevelt.

Yet this indomitable man from Independence went on to make some of the most momentous decisions in the history of the world—decisions that played a major role in shaping events in the crisis-ridden postwar period during the early days of the Cold War between the Soviet Union and the United States.

After he left office, Mr. Truman was asked how he thought history would deal with him, and he replied in characteristic fashion: "I don't give a damn what history thinks of me. I know what I did and that's enough for me."

This was the essence of the Truman creed—do what you think is right and never mind the critics. It was the creed of a self-confident man whom his close friend, the late Gen. George C. Marshall, said had that curious blend of humility and boldness.

And Harry Truman was bold enough to make unflinching decisions that would unsettle the most courageous of men. During his Presidency, he made decisions to:

Bring the United States and the world into the atomic age and drop nuclear bombs on two Japanese cities to hasten the end of World War II.

Proceed with development of the hydrogen bomb after Russia developed its own atomic capability.

Have the United States take the lead in creation of the United Nations during the closing of World War II.

Establish the multibillion-dollar postwar program for European recovery, the Marshall Plan.

Enunciate the Truman Doctrine to provide economic and military aid to Greece and Turkey to help those countries resist Communist moves being led by the Soviet Union.

Send American troops to Korea to push back the invasion of South Korea by Communist North Korea.

Operate a $250 million airlift to supply food and other essentials to the people of West Berlin and break the 327-day Russian blockade that was designed to force the Western powers out of the city.

Begin the Point Four program to give technical aid to undeveloped countries.

Form the North Atlantic Treaty Organization.

Fire Gen. Douglas MacArthur as the supreme commander in the Pacific for insubordination during the Korean war and reaffirm the historic American principle of civilian control over the military.

All of these decisions were controversial, and Mr. Truman knew they would be. For example, on April 10, 1951, the day he announced the firing of MacArthur, he wrote a friend: "It will undoubtedly create a great furor, but under the circumstances I could do nothing else and still be President of the United States. Even the Army chief of staff came to the conclusion that civilian control was at stake. And I didn't let it stay at stake very long."

On the home front, Mr. Truman's achievements appeared to suffer by comparison. He was in a constant struggle with Congress on domestic legislation, and many of his proposals were ignored or rejected—particularly in the field of civil rights, social welfare and education.

Nevertheless, his administration was responsible for the unification of the armed forces, a move that came only after the most bitter infighting among the separate branches of the services.

The Truman administration also was responsible for the Employment Act of 1946, which for the first time committed the federal government to a policy of maintaining high employment and a strong economy. The act also created the President's Council of Economic Advisers, which in recent years has played a major role in shaping U.S. economic policies.

When Mr. Truman came to office most of the world had serious doubts that he could handle the awesome tasks of the Presidency. Many critics tended to leap on his personal faults of being loyal to his friends and a feisty tendency to "shoot from the hip." And he suffered for it. He was plagued by friends and subordinates who let him down or embarrassed him.

Criticism was also heaped on Mr. Truman for his earthy manners and his blunt talk. His angry letter to a music critic who didn't enjoy his daughter's singing and another that took a dim view of the Marine Corps were incidents that were treated gravely at the time. But with the passage of the years they were looked upon by most persons as amusing events involving a very human President.

Even though Mr. Truman was under constant attack from critics, the people sympathized with him and seemed to understand that he was doing the best he could under the most difficult circumstances.

This feeling, perhaps, was the main underlying reason for Mr. Truman's surprising victory over Thomas E. Dewey in 1948—the most astounding political upset in American history.

Jonathan Daniels, the North Carolina editor who had served as a White House assistant under both Presidents Roosevelt and Truman, hit on this point: "Americans felt leaderless when Roosevelt died. Truman taught them, as one of them, that their greatness lies in themselves."

Of course, the other factor in that 1948 victory was Harry Truman's indomitable courage—the same courage he showed in the last days of his life in a Kansas City hospital.

Harry Truman's mark on history was made chiefly in the field of foreign policy, where he worked unceasingly to prevent the unthinkable devastation of World War III.

Early in his term, shortly after the end of World War II, he put some private thoughts down on White House stationery. He wrote that he could see some of the forces of "selfishness, greed and jealousy" at work, and he wondered if he could continue to "outface the demagogues, the chiselers and the jealousies."

"Time only will tell," he wrote. "The human animal and his emotions change not much from age to age. He must change now, or he faces absolute and complete destruction, and maybe the Insect Age or an atmosphereless planet will succeed him."

In his last address to the American people before leaving the White House, Mr. Truman said: "We have averted World War III up to now, and we may have already succeeded in establishing conditions which can keep that war from happening as far ahead as man can see . . ."

This foundation—which each succeeding President has built upon—is the legacy Harry Truman left to the American people and the people of the world.

[From the New York Times, Dec. 27, 1972]

MAN OF INDEPENDENCE

Harry S. Truman waged the last fight of his long life with the same courage and stamina that never failed him during eight taxing years as President of the United States. Thrust into the highest office by the death of Franklin D. Roosevelt, this unassuming, small-town politician drew on hidden reserves of those qualities, along with decisiveness and rocklike integrity, to meet with credit the staggering challenges of a momentous era in history and vindicate democracy's faith in the common man.

In a world that was just emerging from a devastating war, Mr. Truman presided over one of the most constructive and innovative periods of American foreign policy. Isolation has been sunk along with the battleship Arizona at Pearl Harbor in 1941. Mr. Roosevelt had directed the mightiest armed forces ever assembled and forged the greatest coalition in history to crush the Axis powers. In educating the nation to meet the vast new responsibilities it could not safely evade in the aftermath of the war and the rapid dissolution of the alliance with Soviet Russia, the former artillery captain of World War I demonstrated an uncommon ability to seize upon the grand strategic concepts that were developed by the extraordinary group of able men from the Roosevelt Administration who surrounded him.

The Truman Doctrine of 1947, never called that by the man himself and never intended to be the globe-embracing policy that both champions and critics claimed; the Marshall Plan which restored much of a devastated continent and laid the foundations for European integration and unity; the Atlantic Alliance of 1949, recognizing the enduring identity of vital interests between North America and Western Europe; Point Four, making benefits of scientific and technical progress available to the world's hungry and needy—all these innovative manifestations of a foreign policy designed to meet the conditions of a new world took form in Harry Truman's Administration.

Mr. Truman's bold decision to check aggression in Korea in 1950 despite the enfeebled state of American armed forces in the area probably saved the United Nations from collapse and more or less stabilized for twenty years a highly volatile situation. It was during the Korean War that Mr. Truman, in one of his most courageous and most important actions, fired an unquestionably insubordinate General MacArthur, thereby preserving civilian control over the military and over the conduct of foreign policy.

One of the most difficult decisions any President has ever had to face was the question presented to Mr. Truman in his very first days in office: whether to drop, without warning, two atomic bombs on Japan. With hindsight, it seems a terrible failure of the human spirit to have used nuclear weapons on densely populated cities without at least having given the Japanese and the world a demonstration of their unique horror by dropping a bomb on an uninhabited island. However, Mr. Truman made this decision on the advice of experienced statesmen and generals, deeply concerned by the forecast of a million American casualties should an invasion of Japan be required to end the war. On this, as on other controversial decisions, Mr. Truman never tried to blame others or to shirk his own responsibility before history.

Mr. Truman knew some moments of greatness in domestic affairs. He recognized the twin evils of McCarthyism and McCarranism from the first and stood firmly against them. He championed the civil rights of the Negro in his 1948 message to Congress, and he defied the subsequent Dixiecrat revolt.

Yet he could speak and act impetuously, even recklessly, and play the pettiest kind of politics, reflecting his early training in a corrupt big-city machine. Some of his appointments were deplorable, including some to extremely high posts in government. He was fiercely loyal to old friends, some of whom certainly did not deserve his loyalty. He could be carried away by bad advice or by an impatience for quick results, as when he proposed to seize the steel mills.

He never cast himself in the role of a man of destiny, always retaining his sense of humor and humility. His fellow citizens trusted him, however much some may have disagreed with him, because they could be confident that the "image" of the President reflected the true character of the man. Today millions of his countrymen mourn as friend and neighbor and millions more around the world remember as protector and benefactor the 33d President of the United States, the man of Independence.

[From the Courier-Journal, Dec. 27, 1972]

MR. TRUMAN: FEW HAVE RISEN SO SPLENDIDLY TO THE OCCASION

Harry Truman has been singled out as a prime example of a man who "grew" in the presidency. It is a backhanded compliment, one that tends to exaggerate his presumed inadequacy when the mantle of Franklin Roosevelt fell upon his shoulders. After all, Mr. Truman had been a pretty solid Senator, His instincts, if one examines his record in Congress, were good.

It is easy to remember the challenging circumstances in which Lyndon Johnson assumed the presidency in 1963. Harry Truman came to the presidency under even more trying circumstances. He was bound to suffer—any man would have—in comparison with his predecessor. Mr. Truman was succeeding the only man who had been elected President more than twice, a man who was a father figure for a whole generation. Moreover, Harry Truman succeeded Franklin Roosevelt while the country was still fighting World War II.

Harry Truman suffered more in comparison than some other men would have. He lacked prestige. No one really knew much about him. His accession to power was viewed as a freakish political accident. He was rated as a well-meaning mediocrity at best, a cheap political hack at worst, a typical product of grubby Kansas City machine politics. He wasn't typical, however. He had shown a streak of independence, a stubborn adherence to certain principles.

TO USE THE ATOMIC BOMB

Despite the sudden shock of his elevation to unrivaled power and responsibility, somehow Harry Truman took hold. He had a deep respect for the office of the presidency and he knew, from his reading of history, a great deal more about it than most people gave him credit for knowing. He made the awesome decisions. It was his decision to use the A-bomb (he didn't even know it was being developed when he took the oath); he saw the war to a conclusion and he helped launch the United Nations.

Then he put the Marshall plan in motion, which helped raise a war-battered Europe from its knees, and announced the Truman Doctrine to protect Greece and Turkey from Soviet aggression. He proposed far-reaching social and economic programs at home. He called for a more comprehensive program of medical care than we have today; he set a goal of "full employment"; he pressed for action against racial discrimination.

Still, most people kept on underestimating the little man from Missouri. They said he didn't have a chance of being elected in his own right in 1948, but he was. They said he couldn't continue to stand up to the pressures of the office, but he did.

It is not now possible to make a final judgment on some of his policies. There are those who blame Harry Truman for starting the Cold War; yet, knowing what we now know about Joseph Stalin during those years, who can say it wasn't Stalin who started it? The results of the Truman Doctrine are still ambiguous. It may have saved Greece and Turkey from a Communist takeover, but it did not save them for democracy.

At home there are those who say the Truman administration opened the way for McCarthyism by going along with loyalty checks, by setting up some of the machinery of the witchhunt. Nevertheless, Harry Truman resisted some of the excesses of the witchhunters. His ringing veto of some of the repressive legislation of the period was later vindicated by events and the courts. If the Truman administration is to be blamed for letting the genie out of the bottle, it also must be credited with trying to put it back in.

From the time he took over at the White House, Harry Truman was accused of "croneyism." There was some truth in the charge. He had some fifth-rate people around him, and he entrusted some of them with responsibility. Some of his friends served him ill. However, they did not make the big decisions.

A LIFE TO REFLECT UPON

The popular understanding of just what's involved in using presidential power to the fullest goes back to such Trumanisms as, "The buck stops here" and "If you can't stand the heat, get out of the kitchen." At times a bitter partisan, Mr. Truman believed in setting national priorities in the clearest terms, then getting down into the political arena for them, with the knowledge that history will redeem good causes—even those that seem beyond saving in the heat of the moment.

It was an approach to the presidency that he learned in the turmoil of politics, and it served him, and the nation, well.

In the shy boy with thick glasses who found his heroes in treasured history books, there developed a tenacious mind, a rock-hard power of decision and—what many politicians claim, but few attain—an identification with the ideals of plain Americans. In their bereavement, his nation and his party could do worse than meditate on the life of Harry Truman.

[From the Philadelphia Enquirer, Dec. 27, 1972]

HST "DONE HIS DAMNEDEST"—AND HE DID IT VERY WELL

Harry S Truman, according to one of his biographers, Jonathan Daniels, liked the story of the small-town man who became Postmaster General and who, some time afterward, returned to his hometown on an early morning train. Only the village half-wit was on hand at the station, so the great man asked him:

"What did people say when I was appointed Postmaster General?"

The half-wit spoke for the town: "They just laughed."

No one laughed when Harry Truman became President. On the contrary. People wept at the death of Franklin Delano Roosevelt, and trembled at the fact that the little-known Vice President was assuming the august office of President of the United States, with all its awesome powers and in a time of awesome decisions.

For Mr. Roosevelt was a great man. There was no disputing that, even by those who loathed "that man in the White House." He had what later came to be known as "charisma," and he was an aristocrat, born to the purple, who had presided over the destiny of the United States for more than 12 years. He had led the country out of the Great Depression. He had been Commander-in-Chief of American forces in the war against the Nazis and the Japanese. He had conferred with kings and prime ministers and dictators. He was a world figure.

By contrast Harry S Truman was a very ordinary man. A haberdasher who had gone broke in the post-World War I depression, a product of the infamous Pendergast machine in Kansas City, an amiable nonentity as senator from Missouri. He had gained some distinction as chairman of a Senate watchdog committee investigating war profiteering, but the only thing great about him was that he was a great unknown, as he had been a few months before when Roosevelt picked him to replace Henry Wallace as Vice President. A very ordinary man. He even looked ordinary.

Harry Truman had to make some of the most extraordinary decisions in American history, and he made most of them with extraordinary sagacity. What he lacked in charisma he made up for in courage. Not every decision he made was right. You can still get up quite a controversy over whether he should or should not have dropped the atomic bomb on Hiroshima and, a few days later, on Nagasaki. To Mr. Truman, the only issue was whether the war would be ended quicker and lives would be saved, and he never regretted his choice.

It was often observed of Mr. Truman that he was great on great issues, small on small. Not a bad thing to have said of you, all things considered, and especially considering the opposite.

In these days of disenchantment about America's role in the world, it may be difficult to remember how the world looked in those years following the collapse of Germany and Japan. Indeed, almost half the Americans now living were not even born when Mr. Truman entered the White House. Then, a nation which had existed in "splendid isolation" for most of its history had global responsibilities thrust upon it—to feed the starving, to restore the devastated economies of its allies and its enemies, to retool for peacetime production and reassimilate millions of American GIs into civilian life, and increasingly, to resist the glowering menace of the Soviet Union under Stalin.

Mr. Truman rose to the challenges and, with considerable Republican assistance, notably from the late Sen. Vandenberg of Michigan, brought America along with him. The Truman Doctrine drew the line against a Soviet threat which was very real. The Marshall Plan still stands as a monument to American generosity, to defeated foes as well as allies.

He had spunk and a sense of the authority and dignity of the Presidency—qualities he demonstrated in 1951 when he fired General Douglas MacArthur as Supreme Commander in Korea and shogun of Japan—and had an abiding loyalty to the values of a free society, as he demonstrated the preceding year when he vetoed an internal security bill, knowing he would probably be overridden as he was.

In domestic affairs he was less successful. In those days "politics stopped at the water's edge," most of the time, but up to the water's edge it was, as it still is, fierce. Mr. Truman played the partisan game with relish, won the big one in 1948, when no one but himself and Louis Bean thought he could, but lost most of his Fair Deal program to an increasingly cantankerous Congress.

He had the defects of his virtues. Much too loyal to friends who betrayed his friendship, too outspoken at times, confident on occasion to the point of cockiness, he will nevertheless be honored for his achievements and remembered for his own integrity and warmth and scrappiness.

His favorite epitaph was in Tombstone, Arizona:

"Here Lies Jack Williams. He Done His Damnedest."

So did Harry Truman—an ordinary man who accomplished the extraordinary.

[From the Oregon Statesman, Dec. 27, 1972]

Truman United Common Touch With Greatness

A tough, little man who brought both the common touch and the greatness of indomitable courage to the U.S. Presidency died Tuesday at a Kansas City hospital.

Harry S. Truman was not just respected or admired. He was loved—with a warmth which grew as the passing years measured him against those who followed him and the legacy he left his country and the world.

The United States seldom has had a more unlikely candidate for greatness. At age 36, by the time most men have their careers well under way, Truman had given up life as a farmer and had ended a haberdashery business $28,000 in debt.

Turning to politics, he was assisted by the Pendergast Machine, the living symbol of big-city machine politics and favoritism.

By 1941 he was a U.S. Senator from Missouri, making a national reputation by ferreting out favoritism in defense plant contracts.

He shared the concern the entire nation felt when, as a newly-elected Vice President, the death of President Franklin D. Roosevelt pushed him into the Presidency.

He inherited the burden of ending a World War, and establishing the U.S. as Free World leader.

He asked his countrymen for their prayers. With humility but with determination, he began implanting his image on the course of history.

He decided "thousands of American lives" would be saved by dropping the atomic bombs on Hiroshima and Nagasaki. After an uncertain start in world diplomacy, he initiated the "Truman Doctrine" which drew the line against Communist aggression in Greece and established NATO. On the economic side, he sponsored the Marshall Plan to revitalize Europe and had Gen. MacArthur help re-establish Japan's economy.

At home, he presided at the stormy changeover from a wartime to peacetime economy, rapping the knuckles of business, labor and Congress. He gained the nickname "Give 'em Hell Harry" and won the public's votes as well as its hearts in the 1948 election.

He made another lonely decision in the middle of a June night in 1950 which sent American troops into Korea. It was a difficult war, but the American people understood his decision and supported him.

He spent his retirement years in the old family home in Independence, Mo., with his wife, Bess, his personal life untouched by the power he had known.

"Some are born great, some achieve greatness thrust upon them," Shakespeare wrote. Harry Truman grew out of the heartland of America, out of its soil, its culture and its values, and when he was called to greatness, he was ready.

And in his readiness, he not only wrote an important chapter of American history, he confirmed the basic premises upon which this democratic nation was founded.

[From the Boston Globe, Dec. 27, 1972]

A Good and Courageous Man

There were many things that Harry S. Truman proved in his 88 years on a troubled and often panicky earth. One of these is that he was by no means "only a small duck in a very large puddle," as he himself once described himself. (And watch that period after the S. No one, including his daughter, Margaret, knows to this day whether the S stands for Solomon, the first name of one of his grandfathers, or Shippe, the first name of the other one, and the Trumans never wanted anyone to know lest feelings be hurt on one side of the family or the other. But he himself used the period in his autobiography and he must have been quietly amused as the curious legend grew that it should always be omitted. Mr. Truman liked his little jokes and was as likely to break into a chuckle as he was to break into the irritated earthyisms for which his beloved Bess never failed to scold him.)

The late President has been variously described as "that pugnacious little rooster," the "bantam heavy-weight," and "the bankrupt haberdasher from Independence." He was all of these, and proud of it. His bankruptcy was in 1920–21 when business failures tripled overnight. Typically, Mr. Truman charged it to "the Republican recession engineered by Old Mellon" (Andrew Mellon, Secretary of the Treasury under President Harding), and just as typically he refused to go into bankruptcy but spent the next 15 years trying to pay off some $12,000 in debts.

News accounts say that death came quietly to the nation's 33rd President. This is comforting to his family and friends. But death certainly is the final adversity, man's last great fight, at least in most circumstances, and it is difficult to imagine Mr. Truman quitting without putting up his dukes.

He was one of the great scrappers of our times. He more than once laid out Missouri's "Boss Pendergast," to whom he was falsely reported to be beholden for his first political election as an administrative judge in Missouri's Jackson County after the haberdashery had failed. He had more than one good battle with President Roosevelt, whose third term he opposed while he himself was serving his first Senate term. Mr. Roosevelt returned "the favor" with icy coolness to Mr. Truman's own successful campaign for a second term in the Senate, neither of them having the remotest idea that Mr. Roosevelt, in his own battle for the fourth term nomination, would insist that he had to have "that independent S.O.B. from Independence" as his running mate. "Tell the President to quit treating me like an office boy," was one of Mr. Truman's messages to the White House. An office boy, he wasn't.

He fought with "that Do Nothing (80th) Congress," with arms manufacturers in World War II, with the brass in the military services which he unified in his own creation, the Defense Department, after he ascended to the Presidency upon Mr. Roosevelt's death in April, 1945. He fought with Gen. Douglas MacArthur, even fired him to the surprise of everyone except Bess because the popular General refused to follow orders in the Korean war. He fought the steel industry, the railroads, John L. Lewis.

There was no one in Washington or out whom he refused to take on, when need be, except Bess and daughter, Margaret. He even found time to do word battle with the music critic whose reviews of Margaret's tour as a concert singer were unkind. And most of all, this bespectacled and deceptively mousy-looking little man, who "felt like the moon, the stars and all the planets had fallen" on him when Mr. Roosevelt died, fought Thomas E. Dewey tooth and nail on city streets and in the nation's crossroads in the 1948 campaign which none but Mr. Truman himself, and, of course, Bess and Margaret, thought he had a chance of winning.

Typically, he had a Turkish bath on election night, ate a ham sandwich, drank a glass of milk and went to bed while the nation piled up 24 million popular votes for him, 304 electoral, in what is generally regarded as the biggest political upset in the nation's history.

Mr. Truman, in the controversies that swirled round his head, resolutely refused to pass on such blame as there might be, and proudly announced that "the buck stops here,"—his own desk. The bucks were many and varied—the prosecution of World War II to its conclusion, including the atomic bombing of Hiroshima and Nagasaki—the Korean War, where he preceded President Nixon in the insistence that Congress has no right to dictate how a President deploys American troops—the Truman Doctrine of "containment" of Communism, which, it is argued even now and perhaps rightly prolonged the Cold War if it did not actually precipitate it—the Marshall Plan—Civil Rights legislation—the airlift to break the Berlin blockade. Mr. Truman even took on and licked the architects and the traditionalists when he insisted upon the building of the balcony, "the back porch," on the south side of the White House.

When he first went to the United States Senate, a friend counseled him, "Harry, don't you go to the Senate with an inferiority complex. You'll sit there about six months wondering how you got there. But after that you'll wonder how the rest of them got there."

The friend need not have worried. Mr. Truman had few, if any, complexes. An inferiority complex was not one of them. He was asked to fill the shoes of a great President. All observers are agreed that he filled them more than adequately. Some, perhaps many, insist that Mr. Truman himself will be recorded in history as one of the great Presidents. Certainly to the degree that courage is one of the proper measures, Harry S. (for Solomon or Shippe) Truman will measure up.

[From the Des Moines Register, Dec. 27, 1972]

Harry Truman

Harry S. Truman, who died at 88 this week, never lost his flat Missouri twang nor acquired the slightest trace of cultural gloss. He remained a hometown boy who loved his hometown and his family. He supported his friends, even when they didn't deserve it.

Truman was tapped as a candidate for U.S. senator by Kansas City Democratic boss Tom Pendergast in 1934, because Truman's reputation for honesty and efficiency as the Missouri equivalent of chairman of the county board of supervisors was hard to come by in the Pendergast machine. Truman won the nomination and election with day-and-night campaigning. He won re-election the same way in 1940 when he was considered an underdog.

He became a national figure after the committee he organized to expose war profiteering began to grab headlines. He was a compromise choice for vice-president on Franklin D. Roosevelt's fourth term ticket. That term was only two months old when Roosevelt died and the figure of Olympian majesty in the White House was replaced by someone who looked, sounded, and acted like the guy next door.

Crucial decisions were thrust upon Truman. He gave the word to drop the world's first atomic bomb. He shaped the Marshall Plan of economic aid to Europe. He bolstered Greece and Turkey against Russian pressure. He ordered U.S. troops to fight the North Korean invasion of South Korea.

The American public regarded Truman as a scrappy fighter who dared long odds. The greatest of these fights was his battle for re-election in 1948 when polls and political experts pronounced him doomed.

He was equally combative when he fired an American hero, Douglas MacArthur, as commander in Korea in the face of certain public and congressional outrage.

Though some of his administration's agencies were riddled with scandal, and "the mess in Washington" became a household phrase, historians polled near the close of his administration ranked Truman among the great U.S. Presidents.

Historical revisionists are disagreeing with this estimate now. They see the Cold War as a serious mistake for which Truman was partly to blame.

These reassessments overlook the fact that Truman acted at a time when hot voices in this country were calling for more dangerous, warlike responses than Truman permitted.

America was fortunate to have as President in those unsettling days an uncommon man.

[From the Chicago Tribune, Dec. 27, 1972]

THE MAN FROM MISSOURI

It would not have been like Harry S. Truman to mar a holiday weekend by his death. For three days, he clung to life and confounded his doctors with the same tenacity that marked his career, yielding only when the holidays were over. He was 88 years old.

The perspective gained by Mr. Truman's 20 quiet years of retirement has brought a mellowing of his reputation, just as 31 years of retirement did for Herbert Hoover. Yet two superficially contrasting judgments of his character and public life still stand confirmed.

More than perhaps anyone else, Mr. Truman proved that any American boy may become President; the American people liked and trusted the way he talked and acted, after the event as well as before it. The man from Missouri faced grave historic challenges with gutsy confidence and courage. His many political allies and his many political opponents [including The Tribune] could agree on that.

Few national figures were ever launched under less promising circumstances than Mr. Truman. At the age of 50, he arrived in Washington in 1935 as junior senator from Missouri, by favor of the Kansas City machine bossed by Tom Pendergast. The only public offices he had held earlier were in Kansas City. Before that, he had been a partner in an unsuccessful men's clothing store and had worked on the family farm. Truman was loyal to the end to the man who lifted him out of obscurity.

In the Senate, Mr. Truman exceeded expectations as in investigator of profiteering and waste in war contracts. In 1944, lightning struck him again; he was slated as a compromise choice, in place of Henry Wallace, as second man on the ticket with President Franklin D. Roosevelt. When he succeeded to the Presidency on April 12, 1945, he felt, he said later, that "there must be a million men better qualified than I to take up the Presidential task." Many Americans agreed with this, yet respected him for saying it.

Despite a spunky performance as President between 1945 and 1948, few people in the country except Mr. Truman himself believed that he could return to the White House in his own right. Neither the prevailing doubts nor the discouraging early returns kept him from defeating Thomas E. Dewey 24.1 million to 22.0 million in the popular vote.

Often and with glee, Mr. Truman displayed a headline which appeared briefly on an early election night edition of The Chicago Tribune announcing boldly [and erroneously], "Dewey Defeats Truman." It was not one of our proudest moments, but we didn't begrudge Mr. Truman his laughs. He was entitled to them.

Tho eligible to run again in 1952, he declined to do so, instead vigorously supporting the ineffectual campaign of Adlai Stevenson.

Mr. Truman's Presidency was spectacularly eventful. He was President at the time of the atomic bombing of Hiroshima and Nagasaki, the end of World War II and the beginning of the United Nations, the early stages of the "cold war" with the Soviet Union and the founding of NATO, the Korean War and the dismissal of Gen. Douglas MacArthur, postwar foreign aid, the peacetime draft, the Berlin airlift, and critical strikes in the coal, steel, and railroad industries. It was a time to try any man's soul, especially any man burdened with heavy responsibility.

Tho, even as President, Mr. Truman showed capacity for hot-tempered vulgarity and for too easy dismissal of corruption in political associates as mere "fly specks," his high office lifted this rather average man to unforeseen levels of principled decisiveness. After many hard decisions, he could say as he retired from the Presidency, "I hope and believe we have contributed to the welfare of this nation and to the peace of the world."

After 20 years, that hope and belief are still possible to hold. Certainly there is no doubt about the accuracy of another of Harry Truman's valedictory remarks: "I have tried to give the work everything that was in me." A grateful nation gives him a last salute, and his family its condolences.

[From the Houston Chronicle, Dec. 28, 1972]

A DAY OF MOURNING

Harry S Truman shunned ostentation. Although he held for crucial years the most powerful office in the world, he remained true to his heritage, a man of the people with roots in the Missouri soil.

The funeral arrangements for Truman reflect the beliefs of the former president. He wanted no riderless horse, no carriages, no pageantry. For Truman, the simple traditions were sufficient. He believed that men provide their own dignity.

Only relatives and close friends could attend the private ceremony in the small auditorium at the Truman Library, three-quarters of a mile from the Truman home in Independense. Truman himself selected the burial plot, the courtyard of the library, near a rose garden.

The simplicity of the ceremonies reflects the closeness of the former president and the people of this nation. He was a man with whom millions and millions felt empathy; he was a friend.

Today is a national day of mourning, proclaimed by President Nixon.

Our sympathies go out to Truman's wife, Bess, and daughter, Margaret.

The nation is saddened, and grateful.

[From the Miami Herald, Dec. 27, 1972]

FOR ALL TRUMAN'S EARTHINESS, HE DIGNIFIED THE PRESIDENCY

(By Peter Lisagor)

WASHINGTON.—President Truman was the first President I ever met, and the encounter was so simple and straightforward that I forgot for a moment that I was in the presence of the Chief Executive.

It was early in 1950, and I had been in town for just about a month.

Paul R. Leach, then chief of The Chicago Daily News' Washington bureau, took me to a Presidential news conference in the old Indian Treaty Room across from the White House.

Mr. Truman usually lingered in an anteroom after the conference to greet newcomers and guests. Leach introduced me as the newest addition to his staff.

"Howdy," the President said, smiling. "Your publisher has never had a good word to say about me."

It was a genial remark, but I was startled by its directness.

My lame rejoinder was, "Well, at least we know where we stand."

The President laughed, and said, "Don't worry; you fellows do your job all right."

It was President Truman's lack of pretentiousness, a down-to-earth quality he never lost, that endeared him to Washington newsmen. He never got tangled up in fancy syntax or resorted to empty ambiguities to conceal how he felt.

And he rarely shrank from the use of the phrase, "No comment" when he wanted to evade an answer. Except on occasion, he would say, "That's none of your business."

The late Dean Acheson, his second-term secretary of state, once wrote that Mr. Truman learned "from all mistakes but one—the fast answer in the nightmare of Presidents, the press conference. We kept on hand, as a sort of first-aid kit, a boxful of 'clarifications' for these events."

His distinguishing characteristic was that he never lost the common touch. The trappings of power didn't bend him out of shape.

He resisted what he called an "importance complex," and it was charmingly illustrated when someone asked him what was the first thing he would do when he moved back to his home in Independence, Mo., after leaving the White House. "I'm going to take the suitcases up to the attic," he said.

He stayed close to the people, and his early-morning walks through the streets of Washington were a cheerful manifestation of his refusal to be insulated behind the walls of the White House. They were also the sign of a quieter time in the life of the nation.

His dislike of critical publishers didn't extend to reporters; they were working stiffs trying to do a fair and objective job, in his view.

He especially liked photographers, and became an honorary member of the "One More Club," an informal group of lensmen which got its name from the familiar cry of photogs when shooting pictures, "One more, please."

Before he left the White House, the One More Club gave him a farewell party which has become a legend of the craft. He imbibed with "the boys" and played the piano until the small hours of the morning. And when the party was over, the club disbanded.

He was an earthy man, without airs. A favorite story of his admirers was the one about his visit to a horticultural show at the D.C. Armory. With him was his wife, Bess, and a woman friend of hers.

As he walked among the plants, he would pause at a particularly lush specimen and remark, "My, you must use good manure on this." After several comments, the friend whispered to Mrs. Truman, "Bess, couldn't you get the President to say 'fertilizer'?"

"Heavens no," Mrs. Truman replied. "It took me 25 years to get him to say 'manure.' "

For all his earthiness, though, he dignified his office and presided over some of the most momentous events of this century. Acheson dedicated his memoirs to "Harry S Truman—the captain with the mighty heart." In those memoirs, Acheson wrote:

"Today no one can come to the Presidency of the United States really qualified for it. But he can do his best to become so. Mr. Truman was always doing his level best.

"He aspired to the epitaph reputed to be on an Arizona tombstone:

" 'Here lies Jack Williams. He done his damnedest.' "

[From the Washington Post, Dec. 27, 1972]

HARRY S TRUMAN

A few minutes after Harry S Truman took the oath of office as President of the United States—when, as he put it, he "felt like the moon, the stars, and all the planets had fallen on me"—he was asked if the San Francisco Conference on the United Nations would meet, as had been planned. "I did not hesitate a second," he recalled in his memoirs. "There was no question in my mind that the conference had to take place." Within hours, he was dealing as an equal with Winston Churchill and Josef Stalin.

There were not many who were prepared to say in that dark hour that Harry Truman was equal to the appalling burden put upon him. The members of the Roosevelt Cabinet tended to feel that they would have to take him under their tutelage; they were considerate but patronizing. He very quickly replaced them. He had no very exalted opinion of himself; but he had great self-respect. Acknowledging that no one was "big enough" to be President of the United States in the crucial years of a great world war, he nevertheless felt himself to be about as big as the fellow. What he had to do, he would do to the best of his ability.

Diffidence and doughtiness, humility and self-confidence, vulgarity and grandeur were mingled in this solid, unpretentious man, a seemingly typical product of smalltown politics in middle America. He was an able and conscientious senator, although by no means one of the towering figures of Congress. He was a man for whom—and probably to whom—the Vice Presidency seemed the very summit of legitimate aspiration. Yet when immeasurable responsibility was suddenly thrust upon him against his honest wish and will, he found within himself the resources to meet the task honorably and, indeed, greatly.

"Some scholars of American history with whom I talk from time to time are of the opinion," he wrote years later, "that it is history that makes the man. I am inclined to differ. I think that it is the man who makes history. I find that throughout our own history the greatest strides occur when courageous and gifted leaders either seize the opportunity or create it."

It may well be that both views are true. In any case, Harry Truman lacked neither opportunities nor the courage to seize them. Perhaps the greatest single decision of modern times was made by him very early in his Presidency—the decision to use the atomic bomb in the war against Japan. "The final decision of where and when to use the atomic bomb was up to me," Mr. Truman recalled with characteristic simplicity. "Let there be no mistake about it. I regarded the bomb as a military weapon and never had any doubt that it should be used. The top military advisers to the President recommended its use and when I talked to Churchill he unhesitatingly told me that he favored the use of the atomic bomb if it might aid to end the war."

For good or for evil, a new dimension was added to the world. For the salvation or the destruction of mankind, a new force was created. Years of experience with the ineradicable threat of atomic war, years of reflection on the moral implications of employing so terrible a weapon, may lead to a judgment that Harry Truman was wrong. But let those who make that judgment ponder his straightforward justification for what he did: "General Marshall told me that it might cost half a million American lives to force the enemy's surrender on his home grounds." And, conversely, let those who applaud his decision ponder what it foreshadows for any future war.

Harry Truman made another decision inexpressibly more life-giving and perhaps almost as momentous in its way—the decision to commit the immense resources, strength and skill of the American people to the reconstruction of Europe at the end of the war. The Marshall Plan, formulated and implemented under his leadership, represented what may well be considered the most enlightened piece of national generosity in all history. Indeed, American aid went generously to the vanquished as well as to the victors. In Mr. Truman's own estimation, "The Marshall Plan will go down in history as one of America's greatest contributions to the peace of the world. I think the world now realizes that without the Marshall Plan it would have been difficult for Western Europe to remain free from the tyranny of communism."

To arrest "the tyranny of communism," President Truman took the country into a considerable and troublesome war of his own—the war in Korea. The swift American response to the North Korean invasion of South Korea afforded a fresh illustration of the President's decisiveness and toughness in the conduct of his office. And in the course of the war he gave a dramatic demonstration that as President he was also indubitably Commander in Chief of the nation's armed forces when he summarily removed Gen. Douglas MacArthur from his post in the Pacific.

Harry Truman was a pragmatist and a politician. He preferred the specific gain to the idealistic goal. And he understood with unblurred realism that specific gains in American political affairs are achieved by leadership which embraces not only an imaginative appeal to the aspirations of a free people but also the crasser arts of political influence, pressure and manipulation. He was in constant conflict with Congress. "When a President does not have a fight or two with Congress, you know there is something wrong," he wrote. "A man with thin skin has no business being President."

His fiercest political controversy centered in the cult of loyalty that developed in the late 1940s and reached its culmination in obsessive attacks upon Government employees, especially in the State Department, by Senators McCarthy, McCarran and Jenner. There was a passionate commitment in Harry Truman to the principles of the Bill of Rights and to the concept of individual liberty. The tactics of what came to be called McCarthyism were abhorrent to him, and he was unreserved in his condemnation of them. Unfortunately, however, in his zeal to protect Government employees from the brutal assaults of McCarthyism, he established the Federal Employee Loyalty-Security Program—a pernicious process, still in full effect, which bases the determination of an employee's trustworthiness on accusations made by informers unknown either to the accused employee or to his judges.

Despite this grievous lapse into the fundamental error of McCarthyism, Harry Truman was otherwise a stalwart champion of a principle he enunciated in simple terms: "In a free country, we punish men for the crimes they commit but never for the opinions they have." Nothing in his official career redounded more greatly to his glory than his veto in 1950 of the Internal Security Act which established the Subversive Activities Control Board. In the hysteria of the time, the bill was passed over his veto within 24 hours. But he gave assertion, nevertheless, to a reassuring faith in his fellow Americans and in their fealty to the principals of political liberty.

His faith in the American people found reciprocation. In 1948, he sought election to the Presidency in his own right. Although it was not widely supposed that he could win, he campaigned with a verve, ebullience and indomitable determination that led him to victory. It may be that the American people saw in him an embodiment of their image of themselves—an exemplification of their own rooted virtues and values. There were qualities about Harry Truman now often referred to as old-fashioned—his rather simple morality, his devotion to his family, his uncritical loyalty to his country, to his party, to past political associates who had been loyal to him, his capacity, on occasion, for intemperate and injudicious indignation, his earthiness—qualities that stamped him a common man yet a man capable, as other common men are capable, of ascent to the heights of heroism. Harry Truman showed his countrymen what they were made of and what they could become.

[From the Arizona Republican, Dec. 27, 1972]

MAN FROM "MIDDLE AMERICA"

President Franklin D. Roosevelt was a glittering, sophisticated, worldly aristocrat from New York, a graduate of Groton and Harvard.

Vice-President Harry S. Truman was an ex-haberdasher from Missouri who studied law at night school.

Their official paths crossed infrequently; their social paths never.

World War II was approaching its climax in 1945, and the scientists at the Argonne Laboratory were nearly ready to raise the curtain on the Atomic Age.

Communications between the President and the Vice-President had been so bad that Mr. Truman required a briefing on the Manhattan Project after Mr. Rooseelt died.

The new President knew next to nothing about the military situation in Europe and Asia.

But Harry Truman took his place with the great and near-great as though he had been "to the manor born."

He exchanged toasts and barbed quips with Stalin, kidded with Churchill, was not overly impressed by De Gaulle, took the measure of Chiang.

In 1948, with the hot war ended and the cold war under way, Mr. Truman sought the presidency on his own. The polls all predicted he would be defeated by Thomas Dewey, a prestigious Wall Street lawyer and a successful governor of New York state.

Mr. Truman took to the hustings in a "give 'em hell" campaign that caught fire without the pundits realizing what was happening. He won handily, although the Chicago Tribune proclaimed Dewey's victory before all the votes were counted.

The history of the Truman presidency glistens with accomplishments. He used the atomic bomb at Hiroshima because he wanted to save a million American lives. He undoubtedly saved even more Japanese lives by forcing the Emperor to surrender without an invasion of Japan.

When the Communists started an overt drive for world domination by crossing the 38th Parallel in Korea, President Truman ordered General MacArthur to repel the attack.

He later fired MacArthur, in an unnecessary belittlement of the general, but the action was in keeping with a grass-root recognition of his own power and his belief in himself.

(Another great military hero, Dwight Eisenhower, followed Truman into the White House. "I didn't go to your inaugural because I didn't want to steal the show," Ike told the retiring President. "You didn't go because I didn't order you to," said the commander-in-chief. "If I had ordered you to, you would have gone.")

The seemingly parochial Missourian was as impressive in his peace moves as in his war moves.

He proclaimed the Truman Doctrine, which kept Greece and Turkey out of Communist hands.

He implemented the Marshall Plan, which restored Europe's shattered economy. He helped launch the United Nations, raised minimum wages, increased Social Security payments.

Harry S. Truman wasn't always right. The U.S. Supreme Court rebuked him for seizing the steel companies.

But he was never lacking in courage, and he was much closer to being an average American than most of his nation's chief magistrates.

Death has removed a great citizen who represented Middle America long before the Republicans coined the phrase.

[From the Montgomery Advertiser, Dec. 27, 1972]

HARRY S TRUMAN

As in life, Harry S Truman refused to give up on his deathbed.

In a sense, his last battle capsuled his life—the life of a doughty, audacious fighter against seemingly impossible odds.

This time the odds proved impossible, but had his will and determination been enough, the former President would have made it. Throughout the three weeks of his final illness, he continued to amaze doctors by rallying time and again at the point of death.

On April 12, 1945, when the country was still at war, he was elevated to the presidency of the sudden death of Franklin D. Roosevelt.

The nation was almost as stunned by the realization that this average man, this haberdasher, this political functionary (as he was generally viewed at the time) had become chief executive as by the death of FDR.

Truman had none of the "charisma" of Roosevelt, but he proved that wasn't necessary. He was a hard-worker, decisive and never fretted once he had made up his mind.

Fate handed him many hard decisions, which he made almost alone: using the atomic bomb on Japan, an act he and others believed saved millions of lives; the Truman Doctrine to halt Soviet expansionism in post-war Europe; the Marshall Plan for economic recovery of the war-ravaged continent; the Berlin airlift; Korea; the firing of Gen. MacArthur for insubordination when the General was a national hero and Truman wasn't; and, not least, the 1948 election which he was supposed to lose by a landslide, in the estimate of Democrats, Republicans, pollsters and pundits.

In that campaign, against what seemed the insurmountable victory of Thomas E. Dewey, and with the defection of the South and liberal Democrats under two splinter parties, he fought. His gutsy appeal to the people, his never-say-die spirit and the vitality of an uncommon common man upset all predictions.

Although many despised him (notably Southerners because of his civil rights stand, moderate by today's standards), hindsight and the verdict of history have revealed him to be one of our strongest presidents.

President Truman was the perfect example of maximum output from limited input.

He will be remembered, in spite of his pettiness and cronyism, as a great man and a great president.

But most of all, perhaps, he will be remembered as a fighter against apparently insuperable circumstances, even the final one when he survived far longer than anyone had believed possible.

With all his flaws, he was a superior American.

[From the San Francisco Examiner, Dec. 26, 1972]

HARRY TRUMAN

The story of Harry S Truman is one of the most remarkable in the entire saga of America. It is the story of a small town Missouri politician, lacking either the desire or the background for the Presidency, who in less than eight years made as many history-changing decisions as any other man who ever occupied the White House.

Coming out of Middle America as the hand-picked senator of Kansas City boss Tom Pendergast, Mr. Truman first attracted national attention when he chaired a Senate investigation into World War II defense production. In that role he acquitted himself so well that Franklin D. Roosevelt, faced with a compromise between James Byrnes on the right and Henry Wallace on the left, selected Mr. Truman as his 1944 running mate.

Within three months of their inauguration, Roosevelt was dead and Mr. Truman was President. In the whole history of the Republic, no man has ascended to the Presidency in such a troubled time. One vast contingent of American fighting men was battling its way across Europe to Berlin while another was pushing across the Pacific to Tokyo. The United Nations was waiting to be born here in San Francisco.

Although Mr. Truman felt that the whole world had fallen in on him, he did not flinch before the challenge that confronted him. He did not agonize in the face of decision nor did he torture himself with doubt after a decision had been made.

In his simple, direct, humane manner, Mr. Truman did what had to be done. He ordered the dropping of the first atomic bomb because he was convinced that was the only way to save hundreds of thousands of American lives and bring World War II to a speedy conclusion.

When Russian aggression in Europe destroyed the world's hopes for peace, the President sent aid to Greece and Turkey and thus prevented them from being overwhelmed by Communist insurgency.

In doing so, he set down the Truman Doctrine: "I believe that it must be the policy of the United States to support all peoples who are resisting attempted subjugation. If Greece should fall under the control of an armed minority, confusion and disorder might well spread throughout the Middle East."

During his Presidency, Mr. Truman was bitterly maligned by the right wing. He also was assailed by the left wing, which decreed that only political disaster could result if he were nominated by the Democrats in 1948.

How sweet it was for the hard-hitting Missourian when, in the fact of opposition from both extremes, he pulled off the most surprising election victory this nation has ever known.

Mr. Truman's Presidency was one of almost constant controversy and conflict. When he finally retired to his Victorian home in Independence, his popularity was at a very low ebb.

In the ensuing 20 years Mr. Truman's stature has risen to the point where he is almost universally recognized as one of the great American Presidents.

Now, Mr. Truman is no longer with us. But this is no time for tears or vapid eulogies.

Indeed Harry S Truman's epitaph was written long before he departed this mortal world. It was written when imperial Japan surrendered aboard the battleship Missouri, when Greece, Turkey, Berlin and South Korea were saved from Communist subjugation, when the Marshall Plan resurrected Western Europe from the holocaust of war, when the North Atlantic Treaty Organization was created, when the state of Israel was founded with American support and when civilian control of the national defense was preserved with the firing of Gen. Douglas MacArthur.

But perhaps the most fitting epitaph for Harry S Truman is one that he himself liked to cite from a grave marker in Tombstone, Ariz., "He Done His Damnedest."

[From the Wyoming State Tribune, Dec. 27, 1972]

TRUMAN THE COLD WARRIOR

It is absolutely fascinating to see the praise being heaped on President Truman by persons whose philosophy represents the very antithesis of what the man from Missouri believed in, particularly with respect to U.S. foreign policy.

It was Harry Truman who by drawing a line and daring Joe Stalin to step over it, actually committed America to the Cold War, who also committed it to the Korean War, and in a sense set the stage for Vietnam.

What Mr. Truman ordained, largely by his own determination and courage, was that the United States of America would stand as the leader of the Free World athwart the purposes of the communists powers which was that of world conquest.

Yet how ironic it is today that the 33rd President whose niche in history will be carved on his policy to oppose the purposes of the man in the Kremlin, Josef V. Stalin, in gobbling up every bit of territory within the Soviets' capability of seize and conquer, is being hailed by those whose philosophical concepts are at total variance with this credo.

If the Berlin airlift represented the extension of Truman's policy of 1946 in telling Stalin to hold back; if the Marshall Plan implementation was to shore up the economic structure of Western Europe so it could not fall easy prey to Soviet incursion; if the Korean War was designed to prevent overrunning of Eastern Asia by the communist powers; and the Vietnam War a continuation of that policy of simply resisting territorial seizures by the communist powers, all this was faithful to the basic thinking of Harry S Truman.

Yet today persons of note in this country are joining in the eulogy of Mr. Truman as a man of great bravery and sense of purpose. And many of these same persons are individuals who have occupied high places in the councils of our country, especially the Senate; and who in those places have done their very best to defeat the purposes of Vietnam and in effect the whole scheme of this country's prosecution of the Cold War.

It is they who have made common cause with the enemies of this country with whom our military servicemen have been engaged in mortal combat and still are; and who would have had us throw in the towel long ago to the discernible goals of the communists, and that is simply extraterritorial conquest, the overrunning of neighboring countries like South Vietnam, Laos and Cambodia.

Mr. Truman has been out of office for 20 years and these hypocrites who so sententiously prate about his great achievements must think that people have forgotten Truman's endeavor in the cause of a Free World by opposing with force of arms, explicit or implicit, the thrusts of this nation's most powerful enemies.

While there are those who set up a great noise about the alleged injustice of the U.S. bombing of Hanoi, forgetting that it is the North Vietnamese who are the ones who are absolutely intractable about acceding to a key point of an Indochinese peace and that is getting their troops out of South Vietnam, it must not be lost on the people of America what the whole purpose of the Vietnam War has been.

Especially in this day when the country and the world mourns Mr. Truman, who more than any one person set the stage for the effectuation of a policy which led to Vietnam and possibly beyond. He cannot be allowed to go to his eternal rest with a cynical rejection of what he wrought.

[From the Richmond Times-Dispatch,
Dec. 27, 1972]

HARRY S TRUMAN

When Harry S Truman astounded the pollsters and the political prognosticators by winning the presidential election of 1948, one of his aides explained the victory:

"People liked him. He spoke their language. They called him 'Harry' and they liked the way he talked and acted."

Harry Truman talked and acted in ways that ordinary citizens could identify with. They might not use quite as crude language as he did in threatening a critic of his daughter's singing ability, but they understood a proud father's indignation over what he considered the ridiculing of his child. They might not have used a profane term in publicly referring to another individual, but they could sympathize with a man who struck back in anger at what he considered a political columnist's unfair attack. And they liked a man who, though holding the highest office in the land, would candidly admit that he was under the handicap of living two lives, "one as President and one as a human being."

Harry Truman's term as a human being lasted more than 88 years; his term as President of the United States spanned seven years, nine months and eight days, and it is this period, of course, that will put him in the history books for all time.

No one, in 1972, can see the Truman presidency with the perspective that will be possible a generation from now, but it can be assessed today with more objectivity than when it ended two decades ago.

It can be seen, in retrospect, that the actions of the Truman administration may well have saved the Western nations from being devoured by the Russian bear.

The economic and military collapse of Western Europe and of pro-West Middle East countries in all probability was prevented by the massive assistance rendered by the United States under the Marshall Plan and the Truman Doctrine. The Soviet military juggernaut may have attempted, at least, to roll westward had not free nations bound themselves together for mutual protection under the NATO banner. And World War III could have been the catastrophic result if the United States and the othert free countries of the United Nations had been too timid to resist the Communists' naked aggression in South Korea.

THE COLD WAR

They were tense and dangerous years after World War II when Russia probed for weaknesses in Western power and resolve. The effort to force the West out of Berlin by putting a strangling blockade around that city failed only because Truman ordered an airlift which, against almost insurmountable obstacles, kept 2 million Berliners alive month after month with the staggering total of 2,343,000 tons of supplies transported by air.

Of all the decisions made by Harry Truman during his nearly eight years in the White House, none seems more awesome than that to drop the atomic bomb. Truman knew the release of this terrible weapon would devastate Hiroshima and Nagasaki, but he was convinced it would save far more lives than it would take, by bringing Japan to her knees and ending the war. History, we believe, will sustain his decision as the right one.

On the domestic scene, Truman's "Fair Deal"—succeeding Franklin D. Roosevelt's "New Deal"—was an effort to push social legislation much faster than many Americans wished. He antagonized the South with his antidiscrimination legislative program, yet years later he was outspoken in his denunciation of sit-ins and other civil rights protests and referred to Dr. Martin Luther King Jr. as a "troublemaker." (When somebody reminded him that King had won the Nobel Peace Prize, Truman growled: "I didn't give it to him")

Truman was out of touch with reality when he dismissed the Alger Hiss spy hearings as a "red herring," and some of his criticisms of his successor, Dwight Eisenhower, were ridiculous. He once said that Ike was a great military commander in Europe and in NATO "when he had someone to tell him what to do." He added that he was the one who told him.

ANTISTRIKE ACTIONS

Pro-labor though he was, Truman took far-reaching actions in strike-preventing efforts. A rail strike ended after he seized the railroads and threatened to use troops to run the trains. But the Supreme Court ruled he went too far when he seized the steel mills in a vain attempt to halt a strike in that industry.

Master politician though he was, Truman's political influence quickly waned after he left the White House. The Democratic party rejected his choice of Averell Harriman as presidential candidate in 1956 and of Stuart Symington in 1960. He resigned as a delegate to the latter convention in bitter protest.

But although the ex-President's political clout was gone, the American people as a whole came to regard Harry Truman with growing affection during the latter years of his life. They nodded in agreement when, in referring to juvenile misconduct, he declared that "Mama and Papa are more to blame than the kids; parents should stay home and raise their children and spend less time in taverns." And they liked the down-to-earth quality of a man who, upon arriving at a dinner party without his wife, passed up fancy excuses and bluntly explained: "Bess' feet hurt her, so I told her to stay home."

"NEAR GREAT"

A decade ago 75 American historians were asked to rank the presidents in order of greatness. Among the 31 presidents included in the assessment, Harry Truman was listed ninth, below five who were classified as "great" and with six who were viewed as "near great." The vast majority of Americans would not have the historical knowledge to attempt any comparative rankings of greatness among the men who have occupied the White House. But only the most shortsighted and biased citizens would deny that, on balance, the Truman administration served the nation creditably, particularly in the field of foreign affairs. And regardless of what one may think of his political philosophy, the man who headed that administration was a scrappy, courageous and dedicated leader who deeply loved his country and who was held in affection and admiration by most of his fellow-Americans.

[From the Burlington Free Press,
Dec. 27, 1972]

MAN FROM INDEPENDENCE

On Nov. 2, 1948, President Harry S Truman with his customary aplomb, switched off his radio and went to sleep. By then he had heard the inimitable H. V. Kaltenborn and several other radio commentators of the period pronounce his epitaph.

While he slept, the presses at the Chicago Tribune ran off their now-prized editions which screamingly proclaimed, "Dewey Defeats Truman." Others in the country quietly were preparing for the transition from a Democratic to a Republican President.

By the next morning, though, the picture had changed and the perky little haberdasher from Independence, Missouri, had pulled off one of the most stunning upsets in political history.

It seemed, too, that Harry Truman was making a career of confounding his critics. After living in the awesome shadow of the magnetic and articulate President Franklin D. Roosevelt, Mr. Truman was not a figure likely to stir the imagination of the American people when he became the nation's leader in April 1945 after Roosevelt's death. But it was not too long before his critics learned that he would not evade crucial decisions.

Though much has been written and said about his decision to drop the atomic bomb on Hiroshima and Nagasaki, there can be little doubt that his action headed off a disastrous invasion which could have claimed countless thousands of American and Japanese lives.

Much of the credit for resurrecting Western Europe from the ruins of World War II must go to the blunt and outspoken President. His Marshall Plan shored up teetering governments and curbed the Soviet Union's voracious appetite for more and more territory.

Mr. Truman, too, was a strong backer of the United Nations and opened that international organization's conference by radio. In June, 1950, he demonstrated just how much he backed the U.N. when he ordered American troops into Korea to meet the threat of a Communist take-over of that country.

On the domestic scene, Mr. Truman pushed for a higher minimum wage, increased Social Security benefits and housing aid for all Americans.

Even after he left Washington, Mr. Truman retained a keen interest in the nation's affairs and could be counted on from time to time to deliver a typically acerbic opinion on any political subject.

He has left an indelible imprint on the minds of many here and overseas for putting the pieces of the world together again after it had fallen apart in history's worst war.

Mr. ERVIN. Mr. President, if I had to describe Harry S Truman in a nutshell, I would say that he was an ordinary man who was endowed with the most extraordinary character, commonsense, and justice. He had the courage to make great decisions when the time for the making of those decisions was at hand. He was the ultimate determinator of all that he did, as is shown by the fact that he is said to have kept on his desk in the White House a statement to the effect that "The buck stops here."

He had, as I have stated, a great amount of commonsense. He was a man who came from the people, and was one of the people, and he understood their hopes and their aspirations. He was faithful to the highest degree in all that he did as President of the United States to the best interests of the people of this Nation.

In addition to these things, Harry Truman was a very humble man, as was so well exemplified in the manner of funeral he wished to have held for himself.

Although he was, as I say, an ordinary man who came from the people, he will go down in history, in my book, as one of the greatest Presidents this country has ever had, simply because he was endowed with such extraordinary character, commonsense, and courage. We shall not see his like again.

Mr. HART. Mr. President, the delivery of eulogies is rarely a pleasant experience. But I think all of us have been fortunate, in thinking about what we might say on this occasion, to find that grief—though present—is not the prevailing emotion.

It cannot be said that we were deprived of Harry S Truman unexpectedly or with total suddenness. He lived a good life, a full one and a long one.

And so when we reflect on the man and his career, it is easy to find ourselves possessed less of sorrow than of nostalgia. And the memories, in history's perspective, are pleasant ones indeed.

Harry Truman entered history's spotlight as an ordinary American, uncertain of his own talent, who found himself running the country.

And when he walked offstage, he was still an ordinary citizen but there was no longer any uncertainty about this particular American's talents for leadership, compassion and decision.

Those are truly nostalgic times. He was the last President, I think, to walk freely and regularly out into the street among his fellow citizens.

He was the last President, as far as we know, to dial his own phone calls.

Probably the reason that history took a few years to really appreciate the merit of his decisions was because he embarked on them in a totally understated manner.

He occupied the office of the President without presumption, with no pomp and without self-importance.

The public in those days, I believe, held politicians in somewhat higher regard than they do now and it is my guess that it was because Harry S Truman upgraded the image of the profession.

There may have been mutterings about administration mistakes in those days, but there was no talk of a credibility gap.

There was never any doubt about where he stood. And his retirement was a victory for every stuffed shirt in the Nation.

In a way, I suppose, it could be argued that he did the public a disservice by teaching the people that candor and politics, honesty and government are not incompatible items.

After President Truman, the public—not unreasonably—expected complete straightforwardness and frankness from everybody elected to Federal office thereafter. The disappointment was inevitable.

He was a great man, yes, but he has given us a gift that we do not always get from great men—he gave us the gift of warm, smiling memories.

George Washington, I think, was a great man. Samuel Adams. Andrew Jackson. Woodrow Wilson. Franklin Roosevelt. The list is long.

But how many great men have really left us with warm, human memories as a wrapping to their impressive deeds? Great men are rather prone to become more and more one-dimensional with time, honored but faded and lifeless, like paintings of medieval saints.

Not Abraham Lincoln, for example. Somehow, his humanity projected itself into history without effort and so we can read about him a century later and still occasionally want to nudge a companion and relay a warm anecdote or a self-effacing remark.

Harry Truman, to the good fortune of all who come after him, will be remembered that way, too. Because his humanity, too, projected itself beyond all the barriers and insulations surrounding the Presidency.

Happily, he had a daughter with the wit and talent to record his character. But even absent her valuable book, Mr. Truman's humor and humility would have become his trademarks.

Yes, we will all remember those decisions about the atom bomb and the Korean development. But is it not a delight now to remember that the wisdom to make those decisions was in the possession of a President who could get irritated because an expensive gold pen did not work.

Had he been given one more term, the consumer protection movement would doubtlessly have had an earlier birth.

Unhappily, I cannot claim to have known him well. He left this town before I came. So I am in the position of most Americans: It pleases me that I live in a nation that had the wisdom to make him President.

Mr. McGEE. Mr. President, although I had taken an earlier occasion to pay tribute to the memory of President Harry S Truman, I would like to add my personal experiences with our 33d Chief Executive since time has been set aside today for additional eulogies.

I first met President Truman when I was a young professor of history at the University of Wyoming. It was during the month of May 1950, on the very eve of the Korean war, and the President addressed a capacity house convocation for university students and faculty.

I remember on that occasion, President Truman talked to me about launching on a political career. At that time he urged me to consider running for the House of Representatives, pointing out that times were changing and that academicians could dare to venture into the political arena.

From that moment on, until I arrived in Washington as a U.S. Senator, Harry S Truman grew in stature on the pages of history even though at the time of our first conversation he was being castigated and demeaned by his critics.

Upon my election to a first term in the U.S. Senate, I had barely arrived in Washington, D.C., when I was summoned to the Mayflower Hotel by President Truman. I have never forgotten the warm, fatherly counsel he gave me on that occasion.

Thus, in a very real way he played a very meaningful part at significant moments of my life. And for that, I will be forever grateful and appreciative.

In conclusion, I would request that my remarks today be placed immediately following my tribute to President Truman of January 26, 1973, in the bound volume of eulogies.

Mr. DOLE. Mr. President, Americans of every political affiliation mourned the death of former President Harry S Truman, who was a unique figure in modern history.

A strong leader, Mr. Truman never shrank from the difficult decisions of his Presidency. In the closing days of World War II, when freedom was threatened and when Israel was born out of controversy and discord, he always stood firm. But he was also a wise and compassionate statesman who led the reconstruction of a war-torn Europe through the Marshall plan.

The Senate has a special fondness for for Mr. Truman who considered a seat in this body one of the highest and most important positions to which an individual could aspire. His reluctance to give up his Senate seat and become President Roosevelt's Vice President was well known, and throughout his Presidency he always held the Congress in high regard and maintained warm relationships with many of its leaders.

I first became interested in politics when President Truman was in office; and, though we sometimes held different views, he always had my utmost respect for his integrity, decisiveness, and dedication to America's best interests.

Millions of free people—here and around the world—will long remember and be grateful for President Truman's service to his country and mankind.

Mr. MONTOYA. Mr. President, The man we gather here to honor today was a reluctant genius. A man who celebrated his common origins and proudly continued to live humbly throughout his whole life.

This is no small accomplishment for a person who wears the mantle of President of the United States. But then Harry S Truman was a man who made a habit of doing the unexpected—and doing it well—during a long, distinguished career in public service.

For Harry Truman, unlike so many others, was a man dedicated to the act instead of the word. He came from Missouri, the "show me" State. That was his personal philosophy, too.

When visitors came into his office, the first thing that always caught the eye was the famous sign: "The buck stops here." He knew that someone must be responsible, and he accepted the challenge.

Although a farm boy, to his lot would fall some of the most important decisions of the 20th century. Decisions requiring subtle analysis of the most complex questions. And while we may—from the perspective of 20 years and more—criticize some of those decisions, none of us can say they were not made.

To the everlasting credit of Harry Truman, policies of his Presidency were created and molded for the needs of the times. There was no drift. The Nation did not lack for leadership.

When Harry Truman was suddenly catapulted into the Presidency, he was immediately confronted with dozens of decisions that would determine the course of peace and war in the world for the next generation.

Harry Truman made the decisions, living one day at a time. "I never look back," he used to say.

Harry Truman brought World War II to a close, settling the division of war-torn Europe and establishing a new order based on democracy and justice.

Former enemies became firm and staunch allies under the guidance and leadership of Harry Truman, and old allies remained good friends.

When war-ravaged Europe was threatened with economic catastrophe, Harry Truman worked with George C. Marshall to develop the Marshall plan to save the European democracies from totalitarianism.

When Greece, already staggered from 4 years of Nazi atrocities, was attacked by a Communist neighbor, Harry Truman propounded the Truman Doctrine and we aided in that Nation's self-defense.

To many, the policies of the Truman administration and their nearly unanimously successful outcome were miraculous. To Harry Truman, there was nothing miraculous or even strange. After all, he said, commonsense works wonders.

All his life he applied the lessons he learned on his parents' Missouri farm. Do not be afraid to ask about something you do not know. Learn from others. Get all the information you can before you decide, but once you are sure you are right, do not back down.

Honesty, straightforwardness, a sense of humor about himself, a deep and abiding faith in his fellow man and an equally deep faith that American citizens will do the right thing if they have all the facts.

These were the virtues of the American frontier, and these were the virtues that Harry Truman brought with him to his Nation's highest office. And these were the virtues that carried him through seven of the most difficult years that the office has ever seen.

When Harry Truman won a political victory that all the experts said he could not win, he was not surprised. Although the experts knew about politics, he said, but he knew about the people. And the people were the voters, not the experts.

Harry Truman had a long history of knowing the people. Harry Truman, really, was the people.

He grew up poor, he operated his own small business. He was a soldier and a member of the Reserves. Although he was an officer, he obtained his rank through an election of the battalion members. His commission only served to confirm the judgment of his fellow artillerymen.

Harry Truman was not a man to be called great. He was not heroic. He was not a ringing orator.

Instead, he was a man who looked like your next door neighbor and talked like him too.

For some the thought of that fellow in the White House was terrifying. But for millions of Americans, the thought of him in the White House was a reassurance to them that America worked. That a common man could not only become President, but could also stay President.

That reassurance in a time of turbulent change gave him a special importance. In a turbulent time, he was a symbol the world was not turned upside down.

Mr. BIBLE. Mr. President, few Americans have served their Nation with the devotion and dedication of Harry Truman. He became President in one of the most critical periods in our country's history and faced some of the most awesome and far-reaching problems ever to confront an American President.

Harry Truman assumed the Presidency only months after his election to the office of Vice President, and at a time when the United States was engaged in one of mankind's most devastating wars. In rapid order, he faced some of history's most difficult decisions. There were the negotiations with Stalin, the decision to drop the atomic bomb, the Berlin blockade and the Korean war, to name only a few.

And through all these monumental decisions, Harry Truman was more than equal to the challenge. His courageous and decisive leadership during those troubled years stand today as a hallmark of excellence in American history. With each passing year since he left the White House, we have gained a deeper appreciation of the enormity of his contribution to his Nation and to the free world.

Today there is little question that time and history have judged Harry Truman to be one of our greatest Presidents.

But Harry Truman was more than a bold and decisive leader, he was a man of great compassion and vision. He was totally committed to building a better America for all of our people. Many of the great social programs enacted during the decade of the 1960's were first suggested by President Truman. He was an early leader in the struggle to provide equal treatment for all Americans regardless of race, and he advocated government assistance in providing medical care for our senior citizens years before medicare finally became reality.

Throughout his life, Harry Truman cared deeply about the people of this great country. And in return, I think the American people cared deeply about Harry Truman. We admired his strength and wisdom, and we loved his warmth and honesty.

The magnitude of his contributions to the American people and to all the free nations of the world can never be adequately measured. Perhaps it is enough to say that we are immeasurably in his debt, just as future generations of freedom-loving people everywhere will be in his debt.

Mr. PACKWOOD. Mr. President, former President Harry S Truman served his State, the Senate, and the Nation with dedication and distinction, and his death is a sad loss.

During his decade of service in the Senate, President Truman compiled an impressive record. He took his duties seriously and will long be remembered as one of the hardest workers in the history of the Senate. The story is often told that as a member of the Senate Appropriations Committee, Harry Truman never missed a meeting of the committee.

But, perhaps his greatest and most lasting achievement while a member of this body, was his service as chairman of the Special Committee To Investigate Contracts Under the National Defense Program. Realizing that billions of tax dollars were being wasted, Harry Truman drafted the resolution creating this committee, was named its chairman, and is largely responsible for saving the taxpayers countless billions of dollars by exposing much of the waste and corruption which permeated our military programs during World War II.

In 1944, because of his outstanding work in the Senate, President Roosevelt chose Harry Truman as his Vice-Presidential running mate. After serving as Roosevelt's Vice President for only 3 short months, Harry S Truman acceded to the Presidency on the death of Franklin D. Roosevelt.

As the 33d President of the United States, Harry Truman performed with the same zeal he had previously demonstrated in Missouri and in the Senate. Within his first 6 months as President, Harry Truman presented the United Nations Charter to the Senate, attended the Potsdam Conference to plan the peace in Europe, ended the war in the Pacific and sent his "Fair Deal" domestic legislation package to Congress.

He will long be remembered as the architect of the foreign policy programs and commitments which have endured for the past quarter of a century. He was largely responsible for the Senate ratification of the United Nations Charter, for the initiation of the massive foreign aid programs which rebuilt and stabilized half the world and for the conclusion of the mutual security treaties which were designed to keep the hard-won peace.

Mr. President, I ask unanimous consent that there be printed in the Record, at the conclusion of my remarks, an article which appeared in the "Congressional Quarterly Weekly Report" of December 16, 1972, itemizing in great detail the dramatic foreign and domestic achievements of the Truman administration.

President Truman's courage and determination will never be forgotten. Nor will his boundless foresight and imagination.

Mrs. Packwood joins me in extending our deepest sympathy to his devoted wife, Mrs. Bess Truman, their daughter Margaret, and the Truman grandchildren.

There being no objection, the article was ordered to be printed in the Record, as follows:

HARRY TRUMAN: HIS CAREER, ACHIEVEMENTS, VIEWS

Harry S Truman, the 33rd President of the United States, has been waging yet another uphill battle. The 88-year-old former chief executive, suffering from pulmonary congestion, complicated by bronchitis, a weak heart and kidney problems, remained hospitalized in serious condition Dec. 15.

Truman's condition has fluctuated from fair to critical to serious since he entered Research Hospital and Medical Center in Kansas City, Mo., Dec. 5. His heart—weakened by hardening of the arteries—was being closely monitored.

The former chief executive had been hospitalized seven previous times since he turned the presidency over to Dwight D. Eisenhower early in 1953.

Only two Presidents, John Adams and Herbert Hoover, lived longer than Truman. Both died at the age of 90—the age Truman pledged a few years ago to reach. Lyndon B. Johnson, 64, is the other remaining former chief executive.

Although Truman went home to Missouri two decades ago, the legislation enacted during his presidency continues to shape and affect policies today. The United Nations, Marshall Plan, North Atlantic Treaty Organization and Taft-Hartley labor law are but a few of the landmarks of the Truman era.

But Truman is remembered for more than his legislative triumphs and defeats. The earthy, populist style of the onetime farmer and unsuccessful haberdasher is recalled with nostalgia in an age of Madison Avenue techniques, programmed politics and alienated voters.

Reluctant Candidate.—Despite the monumental events of his post-World War II presidency, Truman would have preferred to participate as a senator from Missouri rather than as President. Great pressure, from the White House on down the line, had to be applied to get him to accept the vice presidential nomination in 1944. According to *Harry S Truman*, a new book by his daughter, Margaret Truman Daniel, Truman knew of President Franklin D. Roosevelt's ill health and tried his best to avoid being on the Democratic ticket.

"Do you remember your American history well enough to recall what happened to most vice presidents who succeeded to the presidency? Usually they were ridiculed in office, had their hearts broken, lost any vestige of respect they had had before. I don't want that to happen to me," he remarked to a St. Louis *Post-Dispatch* reporter during his fight to stay off the ticket.

"It is funny how some people would give a fortune to be as close as I am to it and I don't want it," Truman wrote to his daughter in July 1944, shortly before the Democratic convention. "Hope I can dodge it. 1600 Pennsylvania is a nice address but I'd rather not move in through the back door—or any other door at sixty."

But party loyalty came first. After Roosevelt warned him that he would be responsible for splitting the Democratic Party if he refused the nomination, Truman abandoned his first love and home for 10 years—the Senate—and agreed to be Roosevelt's running mate. Within three months of their inauguration. Roosevelt died and Truman was sworn in as President on April 12, 1945.

Despite his earlier reluctance, Truman did not shrink from his duties, whether it meant standing up to Soviet leader Joseph Stalin, doing battle with a Republican Congress or deciding to assist South Korea. "The buck stops here," read a sign on his White House desk—and he observed it. Within his first six months as President, Truman presented the United Nations charter to the Senate, attended the Potsdam Conference, ordered the atomic bombing of Hiroshima and Nagasaki and sent his Fair Deal domestic legislation package to Congress.

TRUMAN CONGRESSES

The pace had been set, and there were few lulls, especially in the administration's early years. Truman and his Congresses—the 79th, 80th, 81st and 82nd—did more than return the country to postwar normalcy. Together they launched foreign policy programs and commitments that have laid the foundation for U.S. defense and diplomatic policies for the past 25 years. During the Truman presidency, Congress ratified the UN charter, established the Atomic Energy Commission, approved and funded massive foreign aid programs and ratified mutual security treaties.

In domestic legislation, Congress passed a major housing bill, authorized federal aid grants for hospital construction and created the President's Council of Economic Advisers. But Truman's domestic proposals did not fare as well as the foreign policy innovations. Conservative elements in the Truman Congresses banded together to thwart many of the administration's Fair Deal proposals.

In addition, they passed many measures of which the administration disapproved. Truman vetoed 78 bills during his eight years in office. Twelve of his vetoes were overridden.

Only one Truman Congress—the 80th—was controlled by the Republicans. It came under special attack from the President, who termed it the "do-nothing Congress." He called it into special session on July 26, 1948 (Turnip Day in Missouri), to act on a number of domestic measures he considered necessary to the public interest.

The special session produced no domestic legislation, Truman charged. "The Congress ran off and left everything just as I expected they would do and now they are trying to blame *me* because they did nothing," Truman wrote to his sister afterward. "I just don't believe people can be fooled that easily." And he set out to tell his side of the story in the "give 'em hell" presidential campaign of 1948.

Second Term.—Truman, unwilling to join the ticket in 1944, had decided it was necessary to run for another term. "I'm rather fed up on all the fol-de-rol it takes to be President," he explained to his sister. "If it were not for the world situation and my lack of confidence in the presidential candidates I'd throw the whole works out the window and go home and stay there. But I can't run from responsibility as you know."

A few days after he began his second term, someone asked him if he were going to run another term. "Have you lost your mind?" he replied. According to Margaret Truman Daniel, he had thought for some time that eight years in the White House would be enough.

By the time Truman finished his second term, he did not appear to have a choice. His popularity rating was at low ebb. The opposition was shouting "communism, corruption and Korea." Estes Kefauver beat Truman decisively when the President's name was entered in the New Hampshire primary of 1952.

MAJOR LEGISLATION

Labor Management Relations Act.—One of the most significant pieces of domestic legislation enacted during the Truman administration was the Taft-Hartley Labor Management Relations Act. The bill, which was bitterly opposed by organized labor, included provisions permitting 80-day injunctions against strikes imperiling national health and safety and outlawing the closed shop, secondary boycotts and jurisdictional strikes.

The 80th Congress passed the bill in 1947 over the President's veto, and the 81st Congress in 1949 successfully countered an administration attempt to have Taft-Hartley repealed.

Fair Deal.—Truman appeared before Congress early in 1949 to urge a sweeping new program of social reform. The 81st Congress approved some of the "Fair Deal" measures sought by the administration, including a long-range housing bill providing for expanded federal programs in slum clearance, public housing and farm improvement.

It passed the Social Security Expansion Act of 1950 and raised the minimum wage from 40 to 75 cents an hour in 1949.

Otherwise the "Fair Deal" programs hit formidable obstacles. A religious controversy over aid to parochial schools snagged federal aid to education bills. The administration's compulsory health insurance plan—labeled "socialized medicine" by its opponents—never was enacted.

The Truman plan for the establishment of a new Department of Health, Education and Welfare was disapproved by the Senate in 1949 and by the House in 1950.

Civil Rights.—On Oct. 29, 1947, Truman's Committee on Civil Rights released a report calling for greater leadership by the federal government in the field of civil rights.

Early in 1948, the President called for a comprehensive legislative program which included the establishment of a Fair Employment Practices Commission and legislation that would halt lynching, poll taxes and segregation in transportation.

Administration leaders never were able to push Truman's program through Congress in the face of opposition by Republican leaders and southern Democrats.

However, Truman issued two executive orders in 1949 ending segregation in the armed forces and barring discrimination in federal employment and in work done under government contract.

Truman Doctrine.—The threat of a communist takeover in Greece and Turkey prompted Truman, addressing a joint session of Congress on March 12, 1947, to declare that "it must be the policy of the United States to support free peoples who are resisting subjugation by armed minorities or by outside pressures"—the Truman Doctrine.

Nine weeks after the President made his request, Congress authorized $400-million in military as well as economic aid to Greece and Turkey.

European Recovery Program.—The concept of massive economic aid to European countries to assist them in their postwar recovery received final congressional approval in the passage of the European Recovery Program (Marshall Plan) in 1948.

In an interview shortly before he left the White House in 1953, Truman cited the assistance to Greece and Turkey and the Marshall Plan for European recovery as the most significant accomplishments of his presidency.

Investigations.—The Truman Congresses began in 1948 to hold investigations on domestic communism which were to continue and haunt the nation throughout the 1950s.

Television audiences watched a series of hearings conducted in 1951 by the Senate Special Committee to Investigate Organized Crime in Interstate Commerce. The investigation centered on testimony of reputed gangland figures.

LEGISLATIVE SUMMARY

Following is a topical summary of the most notable congressional accomplishments in the domestic area during the Truman years:

Labor—Labor Management Relations Act (Taft-Hartley Act) in 1947. Increase in the minimum wage in 1949 from 40 to 75 cents.

Agriculture—1948 enactment of the Hope-Aiken flexible farm price support bill.

Atomic Energy—Creation in 1946 of a five-man civilian Atomic Energy Commission to control all aspects of atomic energy development.

Transportation—Federal Airport Act of 1947—authorization of $500-million in federal matching grants for airport construction.

Government—Legislative Reorganization Act of 1946—streamlining of congressional procedure and regulation of lobbying activities. Unification of armed forces under a single Department of Defense and creation of the Central Intelligence Agency in 1947.

Presidential Succession Act—designating the speaker of the House and the president pro tempore of the Senate next in succession to the vice president, in 1947.

22nd Amendment—limiting Presidents to two terms—was approved by Congress in 1947 and adopted in 1951.

Health, education and welfare—Hospital Survey and Construction Act of 1946 (Hill-Burton Act).

Housing Act of 1949—expanding federal programs in slum clearance, public housing and farm improvement.

Social Security Amendments of 1950—extending coverage to 9.2 million persons and increasing some benefits, and the Social Security Act of 1951, which increased benefits further.

Most of the major congressional accomplishments were in foreign policy. Following are some of those:

Senate ratification of the UN charter in 1945.

Authorization of a $3.75-billion, 50-year loan to Great Britain in 1946.

Authorization of $400-million in U.S. assistance to Greece and Turkey in 1947—the first implementation of the "Truman Doctrine."

Inter-American Treaty of Reciprocal Assistance, signed by the United States and 18 Latin American countries, ratified by the Senate in 1947.

Funding of the European Recovery Program (Marshall Plan), started in 1948.

Senate ratification of the North Atlantic Treaty in 1949.

TRUMAN AS SENATOR

Truman called his years in the Senate—1935 to 1944—"the happiest 10 years of my life."

He first won election to the Senate in 1934 with the support of the Kansas City Democratic machine led by Tom Pendergast, the organization that had sponsored Truman's rise to the Jackson County Court, the county administrative body.

In the Senate, Truman was a strong supporter of New Deal domestic programs. In 1935, he voted for the Wagner Act, which strengthened union bargaining power, and the Social Security Act. He also supported legislation to regulate public utilities and transportation, as well as President Roosevelt's "court-packing" plan in 1937.

In his 10 years as a senator, Truman became the 11th-ranking Democrat on the Appropriations Committee and the sixth-ranking Democrat on the Interstate Commerce Committee. He gave particular attention to legislation dealing with transportation and communications.

His efforts on the Appropriations and Interstate Commerce Committees gained him a reputation for hard work and attention to detail. He never missed an appropriations meeting and frequently worked 12-hour days.

"Most of the senators who really apply themselves never get much attention in the headlines," he once said.

Truman faced an uphill battle in his 1940 senatorial campaign. Despite his support for Roosevelt's legislative program, the President appeared to favor Missouri Gov. Lloyd C. Stark for the nomination. In fact, early in 1940, the President offered Truman an appointment to the Interstate Commerce Commission if he would withdraw from the race. Truman refused.

Military Investigations.—In his second term, Truman won national attention by investigating corruption and waste in military programs. Concerned by charges that defense contracts and purchases were awarded through favoritism, he drafted a resolution creating a special Committee to Investigate Contracts Under the National Defense Program. After approval of the resolution, Truman was named chairman of the five-member committee.

Truman called leading defense officials before the committee, and its investigations received much public attention.

Witnesses heard by the special committee included Gen. George C. Marshall, Secretary of War Henry L. Stimson, Under Secretary of War Robert P. Patterson and Secretary of the Navy Frank Knox.

Truman also held hearings on a coal strike that threatened the nation's war effort. The strike ended after he threatened to summon mine owners before the committee.

THE COMMON MAN

Washington was a long way from the small Missouri town of Lamar, where Truman was born on May 8, 1884, and from the farm near Independence where he was raised. He spent 11 years as a farmer after graduation from high school and brief stints as a railroad employee, mail clerk for a newspaper and bank bookkeeper.

Truman received a commission in the national guard and served in France during World War I. Returning home as a major in 1919, he married Elizabeth (Bess) Wallace and opened a clothing store in Kansas City. When that venture failed during the Depression, Truman at age 38 turned to politics.

Public Offices.—Taken under the wing of Pendergast, the power in the Kansas City machine, Truman was first elected to public office in 1922 as judge of the Jackson County Court (a county administrative position). Defeated for re-election two years later, he came back in 1926 to win election as presiding judge, a position he held for eight years.

From there, it was the Senate and then the White House. But he never forgot his humble beginnings, nor did he drop his earthy style.

Once in 1956, Democratic nominee Adlai E. Stevenson, whose campaign was not going well, reportedly asked Truman what he was doing wrong. The ex-President walked over to the window and pointed to a man standing in a doorway across the street. "The thing you have got to do is learn how to reach that man," Truman advised.

"Give 'Em Hell."—It was something Truman did with ease. President or not, he was one of the people. His 1948 whistle-stop campaign typified his common-man politics. He would come out on the observation platform of the train—sometimes twisting an imaginary Thomas E. Dewey-like mustache—and would lash out at the "do-nothing" Republicans to cries of, "Give 'em hell, Harry." His election victory over Republican Dewey defied all predictions by pollsters and the news media.

In a 1958 television interview, Truman discussed modern campaign techniques: "Well, it's just like selling soap, and it's not right. It doesn't work. You can't sell human beings. . . . The way this last election came out in 1956 conclusively proves that. This is the first time in 140 years that a President has been elected—and that was a personal matter of popularity on his part—has been elected and has not carried a Congress with him shows Madison Avenue didn't fool the people.

"All my experiences as candidate for office I never did have money enough to run. In the campaign of 1948, the train stopped in the station on several occasions because we didn't have the money to pay the fare. When I campaigned for the Senate both times, we never did have money enough to meet the necessary expenses. We had no chance at all in those campaigns to talk over the radio or anything of the kind, and we won just the same. I'm not so sure that people have the respect for the big money that everybody thinks they have, because they like to vote for a poor man sometimes."

Mr. EASTLAND. Mr. President, Harry Truman was a friend—a protector—a benefactor—a striver for peace—for countless millions of people around the world. He was that rare leader who did much for all mankind.

History's present verdict lists him among the great Presidents of this Republic. History's final judgment could well place him with the few who will be honored and revered through the centuries.

His gallantry was a cornerstone of freedom's victory in World War II. His compassion was a cornerstone of the unprecedented effort which—following the conflict—rehabilitated friend and foe alike.

President Truman's Valley Forge was the complete destruction of Western Europe—which his Marshall plan restored. His declaration of independence was the Truman doctrine—which saved whole nations and peoples.

He steered our ship of state when a hurricane threatened all we have and all we hope to be. I speak of the storm which developed from the monumental conflict between Eastern communism and Western democracy. It was—truly—a testing time for humanity. At stake was the destiny of the race of men.

As always—through his life—Harry Truman met this ultimate test head-on. In his inaugural address he said:

> Events have brought our American Democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of Liberty."

President Truman's strong hand shaped vital events which brought America new influence and new responsibilities. His devotion to duty was a model for all who aspire to leadership. His concept of liberty was tested—and, like him, measured up to every test.

During the closing months of World War II—and in the aftermath of that widest of all wars—he made a lasting contribution to the protection and the preservation of Western civilization.

Harry Truman's station—a station he earned—will be conveyed to grateful Americans of tomorrow in the pages of history.

It was here in the Senate that I first knew and came to admire him. Among our present membership—only the senior Senator from Vermont, the senior Senator from Arkansas and I were privileged to be Senator Truman's colleagues in this body.

He loved the U.S. Senate. Modest—kind — unaffected — unostentatious — he was, nevertheless, highly respected and regarded on both sides of the aisle.

His dedicated service—his honesty and integrity in the discharge of his Senatorial duties—first brought him to national prominance. He moved—in a few short months—to the Vice Presidency, and—in April of 1945 he assumed the burden which brings with it the greatest power and the most crushing responsibility that any man has ever held.

I think people here—and in every corner of the earth—came to love Harry Truman because he was—in addition to being a world leader—a very human individual.

He never had an opportunity to earn a college degree but he was educated in the very best of schools—here and abroad.

On the farm in Missouri, he saw poverty at first hand—and became its enemy. On the battlefields of France, he witnessed the horror of war—and sought peace all the days of his life.

In government he earned his bachelor's degree at the county level—his master's in the U.S. Senate—and his doctorate in the Presidency itself.

Every college and every university would honor him today as a master of statecraft—and no one denies that he deserved a doctorate in the art of politics.

He was a statesman who was proud of the profession of politics—the art and science of public service—and he used his unsurpassed skill to strengthen the concept of liberty.

My most enduring memory of the man

from Independence is—and will be—linked to his matchless courage.

His great valor brings to mind the words of Pericles, who said:

> The secret of happiness is freedom—and—the secret of freedom is a brave heart.

All who knew Harry Truman should be comforted by the knowledge that he must have been a happy man through all of his years of service to Missouri—his beloved country—and the world.

Mr. TAFT. Mr. President, President Truman, above all alse, was a realist. He understood and appreciated the dangers of communism to a free people in the postwar period. In his inaugural address of January 20, 1949, he said:

> Communism is based on the belief that man is so weak and inadequate that he is unable to govern himself and therefore requires the rule of strong masters.
>
> Democracy is based on the conviction that man has the moral and intellectual capacity, as well as the inalienable right, to govern himself with reason and justice.
>
> Communism subjects the individual to arrest without lawful cause, punishment without trial, and forced labor as a chattel of the State. It decrees what information he shall receive, what art he shall produce, what leaders he shall follow, and what thoughts he shall think.
>
> Democracy maintains that government is established for the benefit of the individual, and is charged with the responsibility of protecting the rights of the individual and his freedom in the exercise of those abilities of his.

In the aftermath of World War II, President Truman led a nation that was weary of war and wanted to demobilize its Armed Forces. But President Truman recognized the dangers of total disarmament in the face of Soviet militarism. In his book, "Year of Decision," he wrote:

> War weariness leads to easy illusions. It was natural for people everywhere, when fighting ended, to hope that peace and harmony would come at once without too much effort. But keeping the peace is a vast undertaking, and constant vigilance and effort are needed to keep conflicting interests from destroying it.

In that same volume he wrote that:

> Once hostilities are over, Americans are . . . spontaneous and . . . headlong in their eagerness to return to civilian life. No people in history have been known to disengage themselves so quickly from the ways of war.
>
> This impatience is an expression of a deeply rooted national ideal to want to live at peace. But the tragic experience following World War I taught us that this admirable trait could lead to catastrophe. We need to temper and adjust the rate of demobilization of our forces so that we would be able to meet our new obligations in the world.

Today, we are once again confronted by political forces, weary of the war in Vietnam, which would have America abdicate its military responsibilities in Western Europe and other parts of the world. President Truman recognized the dangers of these forces and we should learn from his courage and his resolve. As much as he yearned for peace, he understood that in the cold war era the United States would have to undertake firm measures to shore up democracy in Western Europe and in Asia. He launched the Marshall plan, the Truman doctrine, the Berlin airlift, NATO, and our efforts in Korea.

He understood that realistic efforts toward international cooperation would have to be launched if we were to arrive at an age of peace. His first act as President had been to reaffirm the American desire for a world organization to keep the peace.

Because of his realism toward the Russians, he set the stage for the detente that only now may be possible.

In his last address to the American people before he left the White House he said that:

> We have averted World War III up to now, and we may have already succeeded in establishing conditions which can keep that war from happening as far ahead as man can see.

I hope that we can be as realistic in our age as President Harry Truman was in his.

Mr. TOWER. Mr. President, Harry S Truman earned a significant place in the history of this country by displaying the type of leadership that was demanded of him at a crucial time. Our Nation was trying to extricate itself from a massive global hot war and survive a massive cold war imposed by the Communist world.

The Nation's highest office was thrust upon Harry Truman by the death of President Roosevelt during the closing days of World War II, but there were still some far-reaching decisions hanging over the Executive Office which only the new President could make. President Truman proved to have the courage to make those decisions; and his leadership in ending the great war—the decision to employ the world's first atomic bomb—and his steady and determined hand during the dark days of cold war diplomacy are his great marks on world history.

President Truman exemplified the compassion of his great Nation through his postwar recovery programs for Europe and the Far East. His Truman doctrine blocked the spread of communism over Western Europe and prevented its domination by Soviet Russia. His determination not to yield to threats in West Berlin kept that part of the city from being engulfed, and, perhaps, forever lost to the free world. Clearly, the policies which President Truman established during those dark days made it a bit easier in our own time for President Nixon to exert the strong leadership which has given us our best chance for an eventual end to the strained relationships which have separated East and West.

True to the great American tradition, Harry S Truman, rising from a humble background, found the strength and determination to face the decisions which were thrust upon him, and to prove his worth as a world leader. He was put to the test as only the Presidency can test a person, and he was found worthy of that high office.

Mr. HATHAWAY. Mr. President, Harry Truman is a man whose stature increases as the years pass. He stood as a leader unafraid of difficult decisions and confident that the American people would support him if he took the time to explain his actions to them. Not one for press agentry, Harry Truman talked commonsense and the people knew, almost by intuition, that he was telling the truth.

His career and success as a President are important to those of us in public life today because of the example he set of courage and candor in office. He proved that the public can understand complex problems and hard decisions and will respond positively if dealt with honestly and openly.

Beyond this, Harry Truman provided leadership on issues of substance which foreshadowed much of the work of succeeding administrations. Aid to education, medical care, and justice for minorities were problems addressed by Harry Truman more than two decades ago, problems which we have only recently begun to grapple with in any realistic way. Unemcumbered by outworn myths and prejudices, he taught us the value of recognizing what had become "acceptable" problems and confronting them in a direct and concrete way.

But above all, it was Harry Truman's style, or lack of it, as that word has come to be used, that so endeared him to the American people. He was truly the citizen-President and our public life is infinitely the richer for it.

Mr. PELL. Mr. President, on December 26, the American people lost not only a great former President of the United States but a man beloved by those he so valiantly led. Harry S Truman has been called a man of the people. He was this, but he was much more. He had rare gifts of compassion and understanding, and the even more rare ability to translate these qualities into actions which made our Nation and our world better places for all of us.

The immense legacy of accomplishment which he left behind continues with us. It includes his leadership in civil rights, in health care, in housing and education. It includes the Marshall plan and the Truman doctrine and a foreign policy which gave Winston Churchill cause to say to President Truman—

> You, more than any other man, have saved Western civilization.

And it includes the abiding example of an individual of modest means, not far in those early years from the edges of poverty, who rose to our Nation's highest office and dignified it with exceptional wisdom.

It seems symbolic that he came from a town in Missouri called Independence. For he exemplified the independent spirit which is so cherished by our country and which, indeed, formed the basis for its founding.

Along with this spirit went enormous courage. He was not a man of awesome stature, but his courage filled his world, and above all it filled our hearts, and it lasted until the very end of his life. That courage gave strength to us all. That independent spirit gave us courage.

President Truman was a constant and unrelenting student of history. He knew both the broad visions our history contains and the small details which are the building blocks of those visions and aspirations. He was unafraid of historic judgment. "Do your duty and history will do you justice," he said. A full sense of duty was perhaps his greatest attribute.

His sense of duty was nothing less

than complete dedication. It was enhanced by an honesty and a decisiveness which served as brightest beacons for our own people and for freedom-loving people all over the world. And his dedication was enhanced by fairness. The Fair Deal, which became synonymous with his administration, epitomized his own integrity.

At this moment when we pay our tributes to President Truman, let me recall another historic occasion which took place in this Chamber on May 8, 1964. Previously, during the 88th Congress, I had the privilege of sponsoring Senate Resolution 78, which for the first time entitled former Presidents of the United States to address the Senate. After this resolution was approved, President Truman was the first former President to speak to us here.

We welcomed him both as a beloved former President and as a beloved former Senate colleague.

He said in part on that occasion—

> It is one of the greatest things that has ever happened to me in my whole life-time. It is unique. It is something that has never happened before. And between you, and me, and the gate post, since I profit by it, I think it is a good rule.

He was then celebrating his 80th birthday, and he graced this Chamber with his wit and wisdom as he did life itself, and the people he served, and such numbers of those who had the honor of knowing him.

In August of 1964 I had the honor of visiting the Truman Library in Independence under his guidance. I will always remember his kindness and hospitality—and I cherish particularly the good advice he gave me for my own endeavors.

In that library, in whose courtyard he now rests, is the draft of his message to Congress on January 5, 1949. It states in his own stalwart hand—

> All I want to do is to carry out the will of the people of the United States—the greatest of all nations.

He so wonderfully fulfilled this ideal.

I am sure that our hearts reach out today to his wife, to his daughter, to his family, as they have for so many years, and with feelings of deepest sympathy since last December 26.

It has been said of President Truman that as a young man and farmer he plowed the straightest furrow in Jackson County, Mo. That furrow widened as his own horizons grew broader and his responsibilities increased; but it did not deviate in its directness.

He could see beyond the horizons of today and his legacy and his life's work rises up now against our American sky.

Mr. HANSEN. Mr. President, it is an honor for me to join my colleagues today to pay tribute to a late President of the United States, whom history will record as a great one.

Harry Truman served our Nation for many years, and most of them were troubled years. He made many of the hard decisions for this country because he knew "the buck stops here"—in the Oval Room of the White House.

President Truman presided over the end of World War II, and that was a time, as all of us will recall, that the United States was the only nation in the world strong enough to preside in anything resembling a fairness to both the conqueror and the conquered. He endorsed the Marshall plan—a revolutionary concept of a single nation contributing of its wealth to aid the many nations of the world—even the nations of the vanquished enemy. Prior to that, Truman made the decision to use the atomic bomb to bring a speedy end to the war in the Pacific. That was a hard decision, but President Truman felt that in the long run it would save more lives by bringing the end to the war sooner.

Truman was not afraid to draw the line on aggression. He made the decisions to aid Greece and Turkey in preventing a takeover by the Communists there, and this became a part of the Truman doctrine. He helped establish the North Atlantic Treaty Organization, and he sent Americans to fight in Korea in the name of freedom for all mankind. History will record the importance of those decisions.

Interestingly, Harry Truman was the first post-World War II President of the United States to send troops to Vietnam, when military advisers were sent there in June 1950. That certainly is a move that only history can judge fairly, but we know that it has been customary for the United States to have military advisers in many countries as a gesture of friendship to allies.

Truman was himself a soldier in World War I, and knowing the horrors of war, he did not lightly enter this Nation into a military conflict. But he believed many things were worth fighting for and he never lacked courage when he felt the United States had to face down a threat by any nation. He knew that to maintain the world balance of power the United States could not shrink from its natural leadership role in the free world. He confronted the Soviet Union and prevented a Berlin blockade, and this came at a time when the world had only recently been through the long struggle of World War II, and it was an especially hard time for Americans to think they might have to fight again. There is a lesson here for us in the wake of the long struggle in Southeast Asia, and that is to show a firm hand now when some nations may assume, with some cause, that America does not have the stomach to stand firm against aggression.

President Truman, because he was a relative unknown in the minds of many Americans when President Roosevelt's death made him President, gave great credence to the theory that the Presidency makes the man. In any event, Truman proved he had the potential for greatness, and in my opinion, Harry S. Truman was a great President.

Mr. McCLELLAN. Mr. President, freedom-loving people everywhere mourn the death of former President Harry S Truman. He was an American son. But he was liberty's apostle the world over. He was our beloved 33d President. His quest for peace reached the four corners of this earth.

I first knew Harry Truman as the distinguished junior Senator from Missouri, whose sweeping probe of the national defense program during World War II set a standard for the firmness and fairness which we strive for in our investigations today. I knew Harry Truman as a conscientious legislator who voted his convictions; a diligent advocate for the people of his State and Nation; an industrious worker who shunned spectacle and ostentation for quiet learning and more lasting pursuits. It was also my privilege to know Harry Truman when he briefly presided over this Chamber as our Vice President, a few months before he was summoned to a greater mission.

Harry Truman's answer to history's call has been etched indelibly into the chronicle of time. No man faced more momentous challenge. No man met its test more decisively. He hastened the end of civilization's bloodiest conflict. He cleared away the rubble of Europe and rebuilt the ravaged continent. He strengthened the will of our allies to resist Communist aggression. He opposed Soviet efforts to isolate West Berlin from the free world. He brought democracy to the Middle East and to Japan. He turned back the conquering Communist horde from South Korea.

The Marshall plan, point 4, the North Atlantic Treaty Organization, the Berlin Airlift—but a few of Harry Truman's extraordinary achievements—meant more than just survival for millions during the Second World War and its aftermath. His resolute stand against tyranny and oppression ignited the torch of freedom in lands throughout the globe.

So, too, did he bring America into a new era of independent growth and prosperity. He fought for his Fair Deal at home with the same ferocity and perseverance as he battled the scourge of despotism abroad. Under his remarkable leadership, our Nation made the difficult transition from wartime controls to a stable, peacetime economy. Harry Truman believed in and practiced the kind of virtues we so critically need today—restraint and prudence. These were his fiscal bywords and he brooked no inflational deviations from them whether on the part of big business, big labor, or big government.

In his domestic vision, Harry Truman was as ahead of his time as he was in drawing the line against the forces of international terror. His proposals for bettering the life of our people were forerunners of many important services our Government provides today.

Many descriptions aptly characterize the kind of man Harry Truman was. He was at home on Main Street as he was on Pennsylvania Avenue, never hiding the basic qualities of his rural heritage—plain talk, humility, and straight dealing—which made him one of the people and raised the stature of his high office to new heights of respect. Harry Truman also was first and foremost a fighter—a man with unique fortitude—a man willing to stand up to adversity and conquer it, whatever the odds.

The Harry Truman I was privileged to know was once characterized as "the captain with the mighty heart." This is a most fitting and enduring tribute for

Harry Truman—a true 20th century giant.

Mr. TALMADGE. Mr. President, today I wish to join my colleagues in expressing my deep admiration for the late President Harry S Truman.

Harry Truman was a great American and a strong leader of our Nation during a most perilous time in history. He was a man of courage and conviction who called shots as he saw them. He made momentous decisions without fear or favor in accordance with what he believed to be in the best interests of the United States.

It was Harry S Truman who, virtually alone, made the agonizing decision to drop atomic bombs on Hiroshima and Nagasaki—thus unleashing the most powerful, the most potent, the deadliest weapon this world had ever known. It was he who weighed the promise of peace against the tragedy of war and chose the deadly price of peace. The bomb was dropped. The war concluded.

It was Harry S Truman who campaigned for peace in Potsdam and signed his hopes for world unity into a United Nations. It was he who attempted to insure that unity by offering the U.S. resources to a war-torn world in its attempt to rebuild.

History will no doubt record Harry Truman as one of our greatest Presidents and one of the world's greatest leaders.

But as we pay tribute to Mr. Truman let us not only recall the caliber of his decisions and the importance of his terms in office—let us remember, as well, Harry S Truman, the individual.

He was a fighter, and a courageous fighter. He never forgot what was at stake during all of his battles: the future of a world recovering from the most devastating war in the world's history. He worked brilliantly toward a better tomorrow for all peoples.

Mr. Truman brought to this Nation simple freshness—the flavor of the farm, the values of Midwest America. Never once did Harry Truman, the man, forsake what he believed Americans held dear. Never once did he lose his humbleness. Never once was he afraid of being human in the seemingly inhuman world of international politics.

Many felt that President Truman was too blunt a man, too earthy, to hold the position he inherited. But a man can never be too close to the earth—he can never hold too dear the lesson of the land.

Mr. Truman was indeed a great President. He was indeed a great individual. We are grateful for the sincerity and understanding he employed as President and for the dedication he inspired as a man. We mourn his passing.

Mr. THURMOND. Mr. President, on Thursday, April 12, 1945, Harry S Truman was propelled into the most important position in the world, the Presidency of the United States. It fell his lot to succeed the urbane and cosmopolitan New Yorker, Franklin Delano Roosevelt, who had served as President longer than anyone in our history. The Roosevelt name had become synonymous with national leadership, and suddenly he was gone.

It was not by choice, but by circumstance, that Harry Truman had the grave responsibility and awesome power of the Presidency thrust on his shoulders. He was a small-town boy who had been elected to the Senate and then chosen Vice President as a compromise. He had no formal college education and little preparation for his new office, but he was determined that he could and would succeed in his efforts to lead our Nation.

Mr. President, he knew that national leadership called for perseverance and hard work. Timidity was unknown to President Truman and "The Man From Independence" set out to reassure an apprehensive Nation.

The Truman trademark became swift and decisive action, and in his trait the American people discovered a characteristic which they long for in national leaders. His readiness to accept responsibility was found in the motto which he placed on his desk, "The Buck Stops Here."

Mr. President, both those who agreed and those who disagreed with him will acknowledge that President Truman did not shirk his responsibility to make a decision.

We must leave it to history to judge the decisions he made, but we all recognize that his decisions were some of the most important in the 20th century. President Truman was faced with the task of dropping the atomic bomb or prolonging World War II in the Pacific. He saw the necessity for swift action in the Mediterranean or the possibility of a Communist takeover. He presided over the formation of NATO and the implementation of the Marshall plan. Other crucial decisions were also his, and he always took the initiative to act.

Mr. President, he did not shun controversy and he welcomed the duties of his position. When Harry Truman relinquished the Presidency, he returned to private life but maintained his interest in national affairs.

As an elder statesman, the former President always answered when his successors in office beckoned. He used his vast experience and knowledge to counsel Presidents Eisenhower, Kennedy, Johnson, and Nixon. I am sure that his perspective was always a comfort to them, and his presence was always a reminder of decisive action.

Mr. President, even though "The Man From Independence" rose to the Presidency of his Nation, he was always proud of his place of origin. The glory and fame of national prominence did not change his manner, and this, Mr. President, was one of his most admirable traits.

From the haberdashery in Kansas City to the White House and back to his home in Independence, Harry S Truman represented the fulfillment of the American Dream. He was always willing to work and to accept responsibility, and he persevered.

Mr. President, Harry S Truman never passed the buck, and this made him a successful leader in American politics. May his life shine forth as an example to all Americans who aspire for success.

Mr. BAYH. Mr. President, in recent weeks the Nation has mourned the passing of two former Presidents, both of whom served in this Chamber with distinction for a number of years before being elected Vice President. Lyndon Johnson, who we eulogized here just 2 weeks ago, and Harry Truman, who we pause to remember today, both assumed the Presidency under the most difficult of circumstances.

When we spoke a fortnight ago about the greatness to which Lyndon Johnson rose in his Presidency, we could not help but recall that two decades earlier Harry Truman had similarly risen to the extreme demands of our Nation's highest office.

In recent years, historians have developed a "revisionist" theory of the Truman Presidency. This theory recognizes the strength of his leadership and the foresight of the direction in which he carried the United States. Curiously, these historians are running 25 years behind the American people who, in 1948, gave Harry Truman a strong vote of confidence in the face of predicted disaster at the polls.

Back then, when just about everyone was predicting a victory for Thomas Dewey, Harry Truman had faith in the American people. And they returned that faith in a great electoral upset which stands as a lasting testament to the popularity this great American enjoyed.

Today, in an era when public cynicism has cast suspicion on the credibility of politicians, it is refreshing and instructive to reflect on the total candor of Harry Truman. Not only did it assure him success at the ballot box; that candor provided him with the necessary public support to pursue domestic and foreign initiatives of great importance in the period following World War II.

The achievements of Harry Truman's public career, from Missouri to the White House, make a long list. Certainly high on that list must be his courageous actions which helped rebuild and defend Europe in the tense years after fascism when there was the serious threat of communism. He carried out with forthrightness the policies of Franklin Roosevelt in order to end World War II; a war whose spending he admirably policed while serving earlier in the Senate.

While he fought inflation, sought to ease labor-management strife, attempted to meet a burgeoning housing demand, Harry Truman also showed a vision which went beyond the crises of his Presidency. As Lyndon Johnson was quick to point out before his death, when he was lauded for the enactment of medicare, it was Harry Truman who first proposed medicare many years earlier.

When some in the Democratic Party urged Harry Truman to ease off from the civil rights plank in the 1948 platform, he showed a valuable and remarkably clear perception of the need for racial justice. He would not renounce the platform, and took a gamble with political disaster as a consequence. That gamble paid off handsomely at the polls when Harry Truman emerged with his honor and his job.

In his retirement Harry Truman returned to the simple life he treasured. Not one to place himself beyond the reach of the American people, he lived with them, laughed with them in times of joy, and cried with them in times of sadness. To say that he never lost his common touch only suggests the humility and outspokenness which were his trademark.

The fact that he was able to live a long life with his loving wife, Bess, was a deserved reward for a man who had spent decades in public service. It is men like Harry Truman who together make this country the wonderful place it is. Pausing to honor his memory one cannot help but sense the void his death has created.

No more will there be a sudden urge to play the piano for favored guests. Sprightly walks with newsmen who found his pace a bit taxing are ended. But our respect, appreciation and thankfulness for the life of Harry Truman will live on as an eternal part of our history.

Mr. GOLDWATER. Mr. President, on many occasions, particulary during America's involvement in Indochina. I have expressed my appreciation for the great service which former President Truman performed for this country in standing firm in times of repeated crisis. And I noticed that more and more as the years pass the true stature of Harry Truman was becoming recognized by the people he served. Because of this I find myself regretting that President Truman did not live a few years longer—until the full importance of his contributions to the world found its true expression.

It is sufficient for us today to recognize that this quiet, unassuming man proved a tower of strength in those periods when American firmness and determination was the only language understood by America's cold war adversaries. Looking back we find one instance after another where Harry Truman stood firm against the forces of aggression—in Berlin, in Korea, in Greece and Turkey and elsewhere.

In paying tribute to this fine American it should be noted that Western Europe owes its present prosperity and its continued freedom, in very large part, to actions taken by President Truman to initiate the Truman Doctrine and the Marshall Plan for the containment of international communism.

All of us, Republicans and Democrats alike, owe a debt of gratitude to former President Truman which we will never be able to repay. In this connection I wonder how many times recently—especially during the last bombing of North Vietnam—President Nixon called to mind the advice once spoken by Harry Truman when asked if he was annoyed by public criticism of his policies. As I am sure everyone remembers, President Truman replied:

> If you can't stand the heat, you ought to get the hell out of the kitchen.

Mr. ALLEN. Mr. President, on April 12, 1945, Harry S Truman was sworn into office as the 33d President of the United States. Incidentally, he was the first President in our Nation's history to assume office in the midst of war. From the standpoint of experience, he admittedly was unprepared to cope with problems of the magnitude which destiny had thrust upon him. In fact, he had been Vice President for only 82 days during which time he had not been privy to President Roosevelt's far-reaching plans for ending the war and securing the peace.

In truth, few Presidents in our Nation's history have ever assumed office so completely inundated by a flood tide of momentous events originating in causes and plans completely beyond their control. Consider these circumstances: Not only was our Nation at war but in less than a month after assuming office he would be compelled to cope with problems arising from the surrender of Nazi Germany. The Yalta Agreements negotiated by President Roosevelt were even then under suspicion—but worse, they were in the process of disintegration. Too, the date of the San Francisco Conference called to set up the United Nations was but 2 weeks away. The first successful explosion of the atom bomb was but 3 months off, and the decision to use the atom bomb to help end the war in the Pacific was but 4 months off. In July and August of that same fateful year, Harry Truman was to be thrust upon the international scene at the Potsdam Conference in the role of world leader. During the conference, Winston Churchill's Conservative Party was defeated in a general election and Winston Churchill was to be replaced by Prime Minister Clement Attlee.

Mr. President, in evaluating Harry Truman on the basis of nearly 8 years as President, it is well to remember that it was not he who had been the architect of the plans leading up to momentous events with which he was confronted. Instead, it became his awesome duty to make the necessary decisions to implement the plans of the man who had preceded him in office. This he did in a manner true to his determination to protect the interests of the United States and that of the free world.

With the war in Japan successfully concluded, President Truman was next confronted with a series of serious domestic problems. He was faced with the herculean task of leading the Nation through the ordeal of transformation from a war economy to a peace economy. Throughout this truly character-testing period, on both the international and national fronts, two facts become unmistakably clear. First, Harry Truman was determined to be President of the United States in his own right. Second, he had the capacity of making bold and decisive decisions.

On the domestic scene, when railroad unions called a strike in May 1946, Truman seized the railroads and asked Congress for authority to draft workers into the Army so they could be made to go back to work. When coal miners called a national strike, he took over the mines by Executive order and operated them under the Department of the Interior.

In addition, despite the fact that Harry Truman had served in the U.S. Senate from January 1935 to January 1945, when he became Vice President, and had many close friends in both the House and the Senate, he did not hesitate to do battle with Congress when he deemed it in the public interest. He vetoed bill after bill when he thought the national interest demanded it.

In the area of foreign policy, he acted with equal vigor, boldness, and decisiveness. He locked horns with Communist Russia which had repeatedly reneged on terms of the Yalta and Potsdam agreements. President Truman responded with the Truman doctrine. In announcing the doctrine in March 1947, he told the people of the world:

> I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

As a result of the President's determination to oppose subjugation of free peoples, Congress voted the funds necessary to save Greece and Turkey from being taken over by the Communists, and Congress supported the President's request for funds to reconstruct war-ravaged Europe as reflected in the multibillion-dollar Marshall plan. Soon thereafter, he was confronted with the Berlin blockade. He responded to this challenge by ordering the Air Force to break the blockade with the Berlin airlift—which it did.

These examples of courageous, decisive leadership during extremely crucial years of our history is striking evidence of a potentiality for greatness that lies latent in most men. A potential that can be fully developed only under the stern discipline of adversity or under pressures of extraordinary responsibilities, President Truman rose to the occasion time and time again.

Fortunately, in evaluating a political leader, and particularly our Presidents, it is of little consequence that one may or may not have agreed with some of his decisions. No man is equipped with the power of prescience. From the standpoint of ultimate consequences, we must await the verdict of history. But this we do know—in his conduct of the war and in his resistance to Communist aggressions, his motives were idealistic. At a visit to Berlin during the Potsdam Conference, he said:

> We are not fighting for conquest. There is not one piece of territory or one thing of a monetary nature that we want out of this war. We want peace and prosperity for the world as a whole. We want to see the time come when we can do the things in peace that we have been able to do in war. If we can put this tremendous machine of ours, which has made this victory possible, to work for peace, we can look forward to the greatest age in the history of mankind. That is what we propose to do.

I believe most sincerely that in these words, Harry Truman expressed the sentiments of the overwhelming majority of American citizens. In doing so, he reflected a conviction which we then all shared. I am pleased to note that historians today are more kindly disposed than in earlier years in passing judgment on his tenure.

Mr. President, I salute the memory of Harry S Truman—a patriotic, courageous, and dedicated man who steadfastly faced and responded to unprecedented challenges without equivocation and in a manner true to himself and true to the tradition of great national leaders.

Mr. BAKER. Mr. President, former President Harry S Truman led our Nation wisely and well through one of the most critical periods of our history. The 7 years he served in the White House were years of challenge and change. The decisions he made affected not only this country, but all the world.

Perhaps no man so suddenly elevated to the office of the Presidency was ever confronted with such a bewildering succession of difficult decisions. Yet President Truman did not shrink from his responsibilities. He acted with the characteristic determination and judgment which proved to friend and foe alike the truth of his familiar maxim: "The buck stops here."

Almost immediately after taking office he was faced with the decision of how to end the Second World War. He presided over the final victory in Europe and the uneasy peace that followed. Because he desired to bring the war in the Pacific to a rapid conclusion with a minimum loss of life on all sides, he gave the order to drop the bomb which changed the stakes and the meaning of warfare from that time on.

President Truman also proved to be a strong leader in the transition period from war to peace. He emphasized domestic needs, but was ever mindful of America's new international responsibilities. Faced with the threat of Soviet advances in Europe, he responded with the Marshall plan and other forms of economic and military assistance to rebuild and revitalize the war-torn nations of the continent and help them preserve their freedom.

In Asia, too, he was confronted with the challenge of open Communist aggression. He acted with firmness in using America's strength to protect a small ally. Yet he acted with control to prevent the outbreak of an even wider war.

President Truman was vitally interested in achieving peace through strength and understanding. He believed the United States must always stand ready to honor treaty commitments of the North Atlantic Treaty Organization and other alliances, yet he was also one of the strongest supporters of the United Nations and the quest for peace through international agreement.

Mr. Truman was a proud and fiery partisan whose courage was admired even by those who disagreed with him. No matter how far he rose, he always retained his individualism—his candid, sometimes salty manner and his folksy, smalltown neighborliness. These qualities, as well as his good judgment, incredible stamina and free spirit, endeared him to the American people. They helped explain his remarkable personal victory against the odds and the polls in 1948.

Harry Truman was a fighter for what he believed in. He was his own man. He lived in Independence, the newspapers and commentators recalled when he passed on. The reference, of course, was to his hometown in his State of Missouri. It could just as well have been to his state of mind.

Mr. YOUNG. Mr. President, I would like to join my colleagues in paying tribute to the late President Harry S Truman.

Harry Truman was not only a great President, but one of the more able members of the U.S. Senate in this era. He had an earthy, frank, honest and courageous way about him that won him the admiration and respect of everyone. He was a friend and you always knew where he stood. He did not hesitate to tell you if he thought you were wrong, and he was always very willing to help you if he thought you were right and you had a good cause.

Harry Truman was a man of the soil, and a good friend of farmers and all of rural America. He was unique in that he was one of the few Presidents whose stature continued to grow in the years following his Presidency. He had to make some of the most difficult decisions of any President.

I had a special warm feeling toward him as a friend and as Vice President of the United States. I was the last one he swore in as a Member of the Senate before he became President of the United States.

Mrs. Young and I extend our heartfelt sympathy to Mrs. Truman and all the Truman family.

Mr. CANNON. Mr. President, it is with great honor that I rise today to speak of our late, great President, Harry S Truman.

Harry S Truman was one of the most outstanding Presidents ever to serve this Nation. Just as surely, he was one of the most outstanding leaders the world has ever known.

He guided the United States with exceptional adroitness in the difficult transition from war to peace in the late 1940's. His accomplishments throughout his time in office are many and one could spend hours enumerating them and praising them and still not do this man justice.

The milestones of the Truman era are justly celebrated. The Marshall and Point IV plans are surely two of America's greatest contributions to the peace of the world; for, by "building up rapidly the combined political, economic, and military strength of the free world," they formed the cornerstone of President Truman's foreign policy: That American generosity could enable Western Europe to repel the tyranny of communism.

The dropping of the bomb on Hiroshima to bring a swift end to World War II was, of course, a controversial decision then and now. But President Truman took sole responsibility for this momentous action—"The buck stops here" philosophy was never more apparent. History has already written that, on balance, the vast majority of his decisions were proper. They strengthend the United States and the cause of peace everywhere in the world.

They were the decisions of a human being devoted to the old-fashioned virtues of responsibility and patriotism. He knew his shortcomings and never assumed he was infallible. But he knew final decisions affecting the whole world must be made at his desk and nowhere else.

I regret that I could not have served under Harry Truman's Presidency. He was a man who greatly respected the Office of President, yet he listened to wise counsel, developed an excellent working relationship with the Congress based on mutual respect and equally respected the intelligence and good sense of the electorate.

He was a man of the people, not remote from them. There was no need or desire on the part of Harry Truman to be insulated or isolated from the critical eye of the press and on a broader scale, the American people.

When Harry Truman said "If you can't stand the heat, get out of the kitchen," you knew that here was a man who had the moral fiber needed to handle the toughest job in the world.

He served us faithfully and well, and future American Presidents in time of crisis will be measured against the record of his courage and determination.

Mr. MONDALE. Mr. President, men make history and not the other way around. In periods where there is no leadership, society stands still. Progess occurs when courageous, skillful leaders seize the opportunity to change things for the better.

So did the late Harry S Truman sum up his philosophy in 1959. And if any man of the last quarter century has helped to reshape our history and set our Nation on the path to economic and social justice, that man was Harry S Truman.

Mr. Truman assumed the Presidency at a critical moment in America's history. Throughout almost 8 difficult years in that office, he fought courageously to achieve economic and social justice for all Americans, to maintain civilian control over the military establishment, and to bring about the recovery of war-torn Europe. And at a time when fear and hysteria threatened the basic civil liberties of many Americans. President Truman never hesitated in speaking out for reason and fair play.

Above all, President Truman's long and productive life demonstrated his abiding love for this country. He was a public servant, in the best meaning of that owerworked phrase. First, as a U.S. Senator, and later as President, he sought at all times to carry out his responsibilities under the Constitution, never permitting personal ambition or political expediency to interfere with his devotion to public office and to public service.

When President Franklin D. Roosevelt died, Harry Truman asked the Nation to pray for him. "Last night the moon, the stars and all the planets fell on me," he commented. The Nation prayed for Harry Truman, and President Truman left this Nation with a legacy which shall long outlive him in the hearts of each one of us.

When the history of this century is written, future generations will look to those among our Presidents whose goals were just, whose purpose was steadfast, and whose judgment was unerring. The late Harry Truman will undoubtedly be among those held in highest regard for the service he rendered and the lasting changes on the face of our society he left. We shall all miss him greatly.

HARRY S TRUMAN—HUMILITY, HUMANNESS, AND GREATNESS

Mr. McINTYRE. Mr. President, today we honor the memory of the 33d President of the United States, the late Harry S Truman.

Each of us who speak to his memory will reveal what it was about the man from Missouri that particularly impressed us or particularly won our affection.

We will hear about his courage.

We will hear about his vision.

We will hear how he held us together and moved us ahead after the death of Franklin Roosevelt staggered the Nation and shook the free world.

We will hear about his quantum leap beyond a humble beginning and a limited education to an exalted place in history.

And everything in these eulogies will be richly deserved by the man whose memory we honor.

But for me, Mr. President, the most enduring and endearing characteristic of Harry S Truman was the humility that came with his humanness.

He was a man. No more. No less. A man.

His humility was genuine, because he recognized his own frailties. His humanness was genuine because he recognized himself—faults, virtues, weaknesses, strength and needs—in every man.

In my judgment, Mr. President, it was this characteristic more than anything else that made him truly the people's President.

It was this characteristic that enabled him to say with sincerity that the only lobbyist the whole people had in Washington was the President of the United States—and to act in the Presidency as the whole people's lobby.

Sometimes the people and Mr. Truman were ahead of their times.

I was reminded of this just last week as I watched Walter Cronkite's last filmed interview with the late President Lyndon Johnson.

In that interview, Mr. Johnson graciously noted that he was not the first man to recommend medicare.

Mr. Johnson said:

> Mr. Harry Truman recommended Medicare, and he was called a Socialist and a Communist and everything else.

And so he was.

But in his humanness, Harry Truman recognized the inhumanity of letting the elderly live out their final years in terror of catastrophic illness that would wipe out their modest savings, and plunge them and their sons and daughters into debt.

The people had a need. Mr. Truman related to that need. And Mr. Truman recommended a means to meet that need.

But what he proposed took nearly a quarter of a century for the Congress to accept, and who can judge how much anguish and misery resulted from that long delay.

I cannot help but wonder, Mr. President, how many—if any—votes could be found on the floor today if a motion were made to repeal medicare.

A final thought, Mr. President, but a related one.

Perhaps no President in our time was able to separate the office from the man with more clarity and determination than President Truman.

Of the office he demanded the highest respect. Of the man who held the office, he asked only human understanding.

In his tenure as President, he did not always get either.

But once the man was separated from the office, the man at long last got both.

Mr. HARTKE. Mr. President, born to English-Scotch-Irish parents in Lamar, Miss., in 1884, Harry S. Truman was one who perfectly exemplified a typical average American. In reality, however, he proved he was far more than typical, far more than the average American.

At the time of World War I, Harry Truman left his pastoral home life and enlisted in the Armed Forces in service of his country. Quickly rising to the rank of captain and finally to the rank of colonel at the close of the war. A businessman in his home State in the early 1920's, Truman succeeded in being elected county judge in Missouri and served with honesty and efficiency from 1922–1924.

Harry Truman continued to develop politically and gained a seat in the U.S. Senate in 1934. Throughout his stay in the Senate, Truman served with integrity and honesty, and never failed to pursue objectives which he felt were correct. As chairman of the Railroad Investigation Committee, Truman was informed by his staff that his personal friends in Missouri were involved in questionable practices concerning railroads. He ordered the investigation to continue.

In 1944 when most did not expect President Roosevelt to complete his fourth term, Harry S Truman was nominated and became Vice President of the United States. He became President just 83 days after having been elected to office, at one of the most critical moments in the Nation's history. He took office at a time when World War II still had to be won and when the United Nations was just started. President Truman however faced these problems with courage and steadfast strength.

In the first few weeks of his administration President Truman had to make the awesome decision to drop the atomic bomb. He made that decision which brought peace to the allies and peace to the world. He also faced the difficult task of organizing and changing the economy from wartime to peacetime. In the face of these problems Truman took his stand and acted with firm resolve.

Following peace in World War II, President Truman faced the arduous task of aiding war torn countries. Western nations contemporaneously were also confronted with Communist subversive activities and aggression at a time when the cold war divided the world. He met these challenges by creating such far-reaching programs as the Marshall plan point 4 program, the Truman doctrine and NATO.

In 1948, Harry Truman sought reelection to the Presidency confronted with a Democratic party that had been split by the Dixiecrats and Progressives. With the opposition feeling confident of complete victory, President Truman disregarded what seemed to be insurmountable odds and began his famous "Whistle Stop campaign" and engineered one of the greatest political upsets in our country's history.

President Truman was destined to be plagued throughout his administration. In 1950, he encountered another grave problem when North Korea invaded South Korea. President Truman had to decide whether to risk war with Russia by sending armed troops with or without U.N. action, or possibly sacrifice the free state of South Korea. If he delayed taking his course of action it might be too late. Again President Truman made the decision by sending U.S. troops 2 days later and preserved South Korean independence.

President Truman's strong personality and fighting spirit won him loyal friends as well as bitter enemies. But his courage and steadfastness in grave situations when security of liberty was at stake, secure him a place as one of the world's great leaders.

Often outspoken, at times blunt, he never avoided using forceful rhetoric towards his opposition if he felt justified. His opponents described him as undignified, but his friends loved him as an honest straightforward man of the people.

And President Harry S Truman should forever hold a place as a great leader, a great man, of strength, and firm spirit in the face of great adversities. He will always stand out as a pillar of courage and honesty and should be an example to us and to all future leaders of the United States.

Mr. FULBRIGHT. Mr. President, we pay tribute today to a man who led this Nation through one of the most trying periods in our history—and who did so with vision, determination, and courage. Harry Truman took his oath of office with as little preparation for the job as perhaps any President of this century, and yet he met the responsibilities of his time forthrightly and, to a large extent, wisely.

President Truman was brought up in my neighboring State of Missouri and circumstances of the time did not allow him to enjoy the benefits of much of the formal education and travel which many other Presidents had early in life to help prepare them for the office.

Fortunately, the President was candid enough with himself to realize that he was human—subject to error—and I believe this recognition of his personal limitations was an asset which inured to the benefit of our country. The President did not, as he said, acquire an "importance complex," and I think the perspective made him more receptive to constructive suggestions which were not in line with his own thinking. As his Secretary of State, Dean Acheson, later put it:

> Awareness that he was not an intellectual did not result in self-distrust. The conviction that views opposing or critical of his own might be sound held his irritation in check and made dissent and criticism possible.

President Truman's capacity for decision was one of his finer qualities, and while we had spirited and honest differences, I will always admire the courage he displayed in making crucial decisions, unprecedented at that time in our history.

Of his decisions, I believe one of the most courageous and correct of his Presidency was the relieving of General MacArthur of his Far East Command. A grave constitutional question was at issue, and the President's choice was not a popular one. Yet, after considering MacArthur's contradictory views on our Asian policy, he unflinchingly decided to dismiss the general, reasoning that "If there is one basic element in our Constitution, it is the civilian control of the military."

While Harry Truman is well remembered for his activity in the area of foreign affairs, it should not be forgotten that many of the important domestic legislative programs which came following his administration—notably in the sixties—were first envisioned and initated by Truman. His programs included a national health plan, increased minimum wages, aid to education, higher farm prices, and broadened rights for minorities.

A widely reported misunderstanding between the two of us occurred as a result of a suggestion I made after the 1946 elections that it might be best for the country if the President resigned in favor of a Republican, so that the responsibility of running the Government would be in one party, thereby preventing a stalemate. As I said then, my comment was in no way a personal reflection on the President. Some years after the incident, he received me cordially during a visit to Washington and indicated that he understood my suggestion as it was intended.

Mr. President, Harry Truman was courageous, dedicated, and honest. I am honored to be here today to join in paying tribute to the man who "stayed in the kitchen."

Mr. HUGHES. Mr. President, to me, as to millions of other rank-and-file Americans, Harry S Truman was at once a national hero and a personal friend. I am sure he will forever hold this special place in the affections of the American people. He was the unaffected good guy from back home who met the ultimate test of leadership, but never let it change his friendliness, his forthrightness, or his decent life style.

His honesty, his penchant for speaking his mind, will stand in history like a national monument. Whether he was on target with big decisions or wide of the target with minor shots from the hip, this wonderful human quality endeared him to all of us.

It was his unique humanness, as I see it, that enabled him to unite and lead the country as he did so well. His was a big world of inclusion, not a cramped world of exclusion. This is something for future generations of Americans to remember.

We remember the rich quality of his commonsense. He said:

> Whenever the press quits abusing me, I know I'm in the wrong pew.

The humor of this remark should not be allowed to divert us from its essential wisdom.

This humble, plain man, who said unabashedly that he felt as if the moon and stars had fallen on him and asked the citizens of the country to pray for him when he became President, never thought of himself as a great man. He did not waste time worrying about it, though. He prided himself on trying hard and giving the best he had.

He was modest and friendly, but when the great decisions were to be made, he moved with sure-footed self-confidence and courage.

He was not famed for his eloquence, but he was eloquent because he was straightforward and right in principle. He said:

> We are a moral people, Peace is our goal, with justice and freedom. We cannot, of our own free will, violate the very principles we are striving to defend. . . . Starting a war is no way to make peace.

Mr. Truman said:

> When Franklin Roosevelt died, I felt there must be a million men better qualified than I, to take up the presidential task. But the work was mine to do, and I had to do it. And I have tried to give it everything that was in me. . . .

We know now that the verdict of history will be that this modest, plain man from Missouri was one of the greatest Presidents.

Perhaps the affection in which they held him might blur the objectivity of his own countrymen. But the great leaders of other Nations confirm the judgment.

As Sir Winston Churchill put it:

> His celerity, wisdom and courage in this crisis make him worthy, in my estimation, to be numbered among the greatest of American Presidents.

Mr. ROTH. Mr. President, when Harry S Truman was sworn in as President on April 12, 1945, his national reputation rested on his investigation of corruption and waste in military programs. As the new President of the United States, Harry Truman succeeded one of the most influential men of the 20th century. This circumstance alone would have proved exceedingly difficult for any individual, but Harry Truman was not, contrary to many popular statements, the average individual. Harry Truman was a most uncommon man. His stewardship of the Presidency of the United States encompassed some of the most crucial decisions made by this country in the past several decades.

Harry Truman never shrank from the awesome responsibility of the Office of the President. A sign on his desk read, "The buck stops here." Harry Truman fully implemented the idea contained in that sign regardless of the popularity of those decisions.

Within 6 months of taking office, President Truman presented the United Nations Charter to the Senate, attended the Potsdam Conference, ordered the atomic bombing of Hiroshima and Nagasaki and sent his Fair Deal domestic legislation package to Congress.

President Truman's battles with Congress are legendary. His criticism of the 80th Congress as a "do-nothing Congress" was the central theme of Mr. Truman's "give 'em hell" presidential campaign of 1948. Despite the predictions of almost all political pundits, Harry Truman was victorious in his appeal to the people.

Although Mr. Truman was not always on the best of terms with the Congress, his domestic legislative proposals did meet with substantial success.

The same was true in the area of foreign affairs. World War II left Europe prostrate, and the Soviet Union promptly moved in to fill the political vacuum. President Truman quickly moved to counter the attempts of Communists to take over other nations. In an address before a joint session of Congress on March 12, 1947, Mr. Truman stated what was to become known as the Truman doctrine.

He stated:

> It must be the policy of the United States to support free peoples who are resisting subjugation by armed minorities or by outside pressures.

Congress concurred with President Truman and authorized $400 million in military as well as economic aid to Greece and Turkey. This aid and subsequent funds provided under the auspices of the Truman doctrine have been credited with allowing Greece and Turkey to resist the efforts of Communist insurrectionists.

Likewise, the European recovery program of 1948, or the Marshall plan as it is better known, is credited with preserving European autonomy.

In an interview shortly before he left the White House in 1953, President Truman cited the assistance to Greece and Turkey and the Marshall plan for European recovery as the most significant accomplishments of his Presidency.

History, of course, must make the final assessment of the effectiveness of Harry S. Truman as President of the United States. In the two decades since he held that office, President Truman's reputation has risen steadily among historians. Mr. Truman expressed his own opinion of his efforts as President in a press conference of 1952.

In the humorous, plain-folks manner for which he was noted, President Truman stated:

> I have tried my best to give the nation everything I had in me. There are probably a million people who could have done the job better than I did it, but I had the job, and I always quote an epitaph on a tombstone in a cemetery in Tombstone, Arizona: "Here lies Jack Williams. He done his damnedest."

President Truman did, indeed, do his best, and it was a best which America will for all time remain proud.

Mr. INOUYE. Mr. President, I wish to join with my colleagues today in paying my respects to one of the truly great men in the history of our Nation, Harry S Truman. As a U.S. Senator, as Vice President, and as President of our Republic, he was a living demonstration of the enduring qualities of what he referred to as mid-America. A plain-spoken, unassuming, modest man, with impeccable honesty, integrity, strength of character, and decisiveness, Harry Truman was admired and respected by all who knew him and millions who knew of him.

President Truman tried less to ingratiate himself with people and succeeded more in earning their respect and admiration than any other political leader in memory. He became not only respected and warmly liked, but deeply loved by the American people. While political analysts predicted his overwhelming defeat, Harry Truman maintained his faith in the people and the people their faith in Harry Truman to confound the expert professional image makers, poll takers, and election prognosticators among us.

Harry Truman's eloquence resided in his simplicity and in his directness. Though a coherent and forceful man he was never superfluous with words. To him those who were less than honest were "damn liars" and he wasted few moments or words on them. You knew where you stood with Harry Truman and you also knew where he stood and what he stood for. While he was a flexible man he was not one easily swayed and he firmly adhered to his creed of "doing things right."

My most outstanding recollection of Harry Truman was his courage to commit himself to a course of action and his self-confidence in his decisions. He never built any false images of himself and yet his unassuming manner lent stature to the Office of President and to the man who utilized its potentialities to advance our national interests in a most trying and turbulent period of our history.

A man of fierce partisan loyalties, he was yet to guide the free world through the closing months of worldwide war with a bipartisan spirit toward a world of stability and peace.

When that peace was threatened whether in the East or the West, he did not hesitate to use the power of our Nation to protect the freedom of others. The man from Independence would rise to meet any test. While he did not seek confrontations, neither did he flinch from those forced upon us as a nation or a people.

During Harry Truman's Presidency, as seldom before in history, our Nation had to face great decisions of worldwide and lasting significance. With the pressures of war and recovery from conflict always present, Harry Truman never lagged in his quest for a better life for the American people, however.

A man of humble beginnings and great achievements, he gave us self-confidence as a people even as he exhibited confidence in his own judgment and capabilities. He dared to be himself and it is for himself that we loved him and admired him.

Proud of his family, we on this day share our sense of loss with them and thank them for sharing their husband and father with us. We are all so much richer for having had him among us.

Mr. HASKELL. Mr. President, I join Senators in paying tribute to the life and service of former President Harry S Truman, who passed away in late December.

Though I did not serve with him and though I never knew him personally, I did know him as my President. During the last years of World War II and during the turmoil of the postwar years, America needed a leader; a man who would make the tough decisions that had to be made; a man who would think of people first; a man who would work to bring peace out of the holocaust of war. America was fortunate. America had Harry Truman as President.

In these times of trouble, the abilities of President Truman will again be needed. May America be so fortunate once again.

Mr. HRUSKA. Mr. President, this Senator notes the passing of Harry Truman, 33d President of the United States, with regret. He also wishes to extend his sympathy to Mrs. Bess Truman and their daughter, Margaret Truman Daniel.

President Truman did not wish to be taken to Washington for the customary ceremonies nor did he wish to be buried in Arlington Cemetery. Throughout his life President Truman had a special attachment to his home State and it is proper today that he rests close to his home in Independence, Mo.

President Truman described himself as a "meat and potatoes man" who was a "home-grown American farm product." Those of us who knew President Truman admired the qualities that the Midwest engendered in him. He was a competent administrator and a great President.

As President, he checked Communist expansion in Greece and Turkey. The Marshall plan put Europe on her feet. President Truman became the man who protected freedom in the postwar world. President Nixon has said about Harry Truman:

> Our hopes today for a generation of peace rest in large measure on the firm foundations that he laid. Recognizing the new threat to peace that had emerged from the ashes of war, he stood boldly against it with his extension of aid to Greece and Turkey in 1947—and the "Truman Doctrine" thus established was crucial to the defense of liberty in Europe and the world.

A grateful nation will long remember his Presidency and his contribution toward a generation of peace.

Mr. BURDICK. Mr. President, America lost a great man and a great former President when Harry S Truman, our 33d Chief Executive died this past December.

We shall surely miss him—as a former leader of our party, and as the living embodiment of those qualities that made his years in office among the finest and proudest our great Nation has ever known. We think back to those fateful years—so long ago, yet so close—and recall the agonizing decisions that fell upon the shoulders of this brave man, this man whom some called in admiration the average-man President.

Yet there was so much about Harry S Truman that was anything but average. He overcame adversity at every turn, from the childhood affliction of poor eyesight, through the business recession of 1921, and into the rough and tumble world of politics. He was the underdog so many times; with no money for campaigning, he still managed to meet the people of Missouri and convince them he was the best man for them to send to the Senate. He confounded the professional politicians and pollsters in 1948. No, Harry S Truman was not average in his determination, in his perseverance, in his profound belief in America and its people.

Harry S Truman will surely be recorded by history as one of our great Presidents, a man who had tremendous impact on the course of world history and on the lives of us all.

The Board of City Commissioners of Fargo, N. Dak., adopted a resolution of condolence to the family of the late President. I ask unanimous consent that this expression of sympathy and grateful appreciation for our departed leader be included in the RECORD at this time.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CITY OF FARGO, N. DAK.,
January 2, 1973.

RESOLUTION OF CONDOLENCES ADOPTED—FAMILY OF THE LATE HARRY S TRUMAN

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding.)

Whereas, It was with profound sorrow that the Board of City Commissioners of the City of Fargo learned of the untimely demise of the 33rd President of the United States, The Honorable Harry S. Truman; and

Whereas, The citizens of the City of Fargo deeply mourn the passing on of the beloved Harry S. Truman as a President who commanded respect and admiration for his unparalleled leadership during the difficult dark days of the Cold War; and

Whereas, Harry S. Truman was the sort of President that everyone felt a close kinship with because of his humility and decisiveness; it is these qualities of humility, decisiveness, fearlessness, courageousness, and a deep concern for the well-being of his fellow man that kindled the warm affection of the people of Fargo for Harry S. Truman; and

Whereas, Harry S. Truman, as a public figure and as a private citizen, set an example for Americans everywhere to emulate in terms of devotion to his country and service to his fellow man; the people of Fargo join with the people of the rest of the United States and even the Nations of the world in mourning our beloved Harry S. Truman; and

Whereas, Harry S. Truman has earned a secure place in history as one of the true giants of this or any other era.

Now, therefore, be it resolved, That the Board of City Commissioners, in behalf of the citizens of the City of Fargo, North Dakota, takes this opportunity and means of expressing its heartfelt condolences upon the passing on of the Late Beloved Harry S. Truman and wishes to express its gratitude and admiration for the lasting contribution made not only to his nation but to the freedom and dignity to mankind generally.

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and that certified copies be forwarded to the family of the Late Harry S. Truman, the Truman Library, and to the North Dakota Congressional Delegation.

Mr. MUSKIE. Mr. President, I am honored to join my distinguished colleagues from Missouri in paying tribute to President Harry Truman, one of the truly great statesmen of our time and a man revered and liked by all Americans.

Harry S Truman was an uncomplicated man—a plain-talking, unaffected man faced with some of the most complex problems of 20th century America. He met the problems head on, developing in the process a foreign policy which still shapes America's thinking abroad, and offering a domestic program which formed the basis for progressive legislation in the postwar era.

Truman served ably and effectively in this body for 10 years—gaining stature as a watchdog over wastefulness in military spending. He did not seek the Vice-Presidency, and when he was nominated and then elected, he mourned:

> I was getting along fine until I stuck my neck out too far and got too famous—and then they made me V.P. and now I can't do anything.

Eighty-three days later, with the death of Franklin Roosevelt, Harry Truman was President of the United States. He said:

> I felt like the moon, the stars and all the planets had fallen on me.

But although he assumed the Presidency with the barest of preparation, President Truman immediately established a pattern of courage, directness of judgment, decisiveness, and self-confidence that became hallmarks of the Truman Presidency.

When Russia, our ally, became our adversary in the cold war, Truman found a simple solution—to make our World War II enemies our allies. In those tense, sometimes terrifying postwar days, Truman made the decision to develop the hydrogen bomb, broke the Soviet blockade of Berlin, laid out the Truman doctrine to meet a Soviet threat in the Middle East, formed the North Atlantic Treaty Organization to present a solid front in Europe, and through the Marshall plan helped avoid an economic collapse in Europe.

His tough, no-nonsense approach to foreign affairs has had many critics, but the economic strength of Europe in the 1970's and the rapprochement with Soviet Russia may have proved Truman right.

Truman is better known for his foreign policy decisions, but in domestic affairs he proposed major civil rights, labor, and social welfare legislation, began desegregating the Armed Forces by Executive order, and committed the Federal Government to a policy of high employment and a strong economy. And while he lost most of his legislative battles, the theme he sounded was picked up again in the 1960's.

What do these ideas and accomplishments tell us about the man? He was a man of conviction, and he was willing to stand by his convictions, whatever the pressures to change them.

He demonstrated an understanding of the uses and limitations of military and political power which has scarcely been equaled since his administration. He knew the effectiveness of military strength to prevent aggression. And, more importantly, he knew the limitations of military strength over conquered peoples.

In addition to his major accomplishments, Harry Truman possessed qualities which commanded the admiration of his supporters and the respect of his opponents. A fairminded, straightforward, honest man, Harry Truman acted with conviction and accepted full responsibility for his actions. He added a phrase to our language—"If you can't stand the heat, get out of the kitchen." And because of this same directness and strong sense of purpose, he was "Give-'em-hell Harry" to millions of fond Americans. Here was a man who never quibbled and never stood on the sidelines waiting for events to determine his decisions or actions.

He gave me good counsel when I became a candidate for the Vice Presidency in 1968. When I asked for his advice during a visit in Independence, he said, "Tell the truth." When I replied that my way of telling the truth was not the same as his, he gave me a second piece of advice, "Be yourself," he said. Since then I have always tried to follow that advice.

America and the world owe much to Harry Truman—the man who never lost touch with the man on the street and never forgot his Missouri roots. He was a great President and a strong, but compassionate man who directed America's energies into creative and constructive channels. In times of stress and anxiety he never faltered, never failed the American people. He served her well and brought honor to the office of the Presidency. He bravely led America into her new role of responsibility within the world community.

We shall all miss his quick wit, his disarming humility, and his deep and abiding faith in the intelligence of the American people. We must never forget what he stood for and loved: honesty, integrity, strength, and freedom.

When it was over, Truman himself summed it up better than we can, and provided history with a most fitting epitaph. He said:

> I have tried my best to give the Nation everything I had in me. There are probably a million people who could have done the job better than I did it, but I had the job, and I always quote an epitaph in a cemetery in Tombstone, Ariz.: "Here lies Jack Williams. He done his damndest."

Mr. **SCHWEIKER**. Mr. President, I wish to join my colleagues today in tribute to the 33d President of the United States, Harry S Truman.

Harry S Truman was a man thrust suddenly into a position of world leadership during a time of grave crisis who rose to meet awesome responsibilities with distinction.

He did not seek out these responsibilities, but was always equal to the challenges that faced him. As U.S. Senator from Missouri, he was dubious about running for Vice President in President Roosevelt's last election. Only 3 months later, he became Chief Executive upon the unexpected death of President Roosevelt.

In ending World War II, setting the stage for world peace, and taking up the new cold war, President Truman was faced with complex international problems that no President in American history ever had to review. He has already gone down in history as a strong President who made tough decisions. History will record that the man famous for his desk plaque, "The Buck Stops Here," did not flinch from meeting difficult new international decisions head-on. The development of atomic energy, the Marshall plan, the Berlin airlift, creation of the United Nations, and the Korean war were all important developments of the Truman years in the Presidency.

Although President Truman will perhaps be best known for taking the United States out of its pre-World War II isolationist position and into a position of international leadership as a major power, he also was a leader in domestic affairs as well.

He will be particularly remembered as a strong advocate of civil rights, who insisted on desegregation of the armed services, who established a Commission on Civil Rights, and who initiated many pieces of civil rights legislation and ideas that eventually became law in the 1950's and 1960's.

President Truman was a significant leader. He never forsook his principles for political expediency, but he actively entered into political activities in order to accomplish positive goals he believed were for the good of all Americans, and the country.

President Truman will go down in history as an important President. He will be missed.

Mr. **HATFIELD**. Mr. President, I speak today to honor the memory of a man who rose from the owner of a small store in Missouri to serve as President of the United States during some of our most "formative" years. Others in this Chamber have noted many areas where his memory will be honored by future historians. I will not repeat what they have said, but will add only a few more comments.

Today, one of the greatest problems facing government at all levels is the general mistrust by the people of any form of government. I noted, with embarrassment, that a survey of "respected" professions ranked politicians 19th out of 20—we finished only ahead of used car salesmen. This problem of growing disenchantment with government is a critical one we face, and we must act to reverse this drift.

I call attention to this because of the unique quality possessed by Harry Truman to call shots as he saw them. People recognized this, and responded to it. It was not necessary to agree with Harry Truman, but you knew he was speaking his mind, without concealing or hiding anything.

How many times have we in this body read or heard charges that as individuals or as a group, we "waffle" on an issue—we avoid it or diffuse it; we conceal a straightforward answer in a barrage of verbage.

Harry Truman spoke plain truths. We as a Congress must return to speaking plain truths to the people of this country. If we do not speak the truth at all levels of government—from Washington to city councils across the country, continued erosion of confidence in government will occur, and problems confronting us today will be magnified manyfold.

President Truman's legacy to us in Congress should be that—we will level and be honest with the people of this country. Just as the people responded to Truman 25 years ago, I believe they would respond today. A renaissance of confidence in government should be a worthy goal of all of us here today who honor Truman.

In closing, I wish to point out another aspect of President Truman of particular interest to me. As my colleagues are aware, I am a student of former President Herbert Hoover. My master's thesis at Stanford dealt with Hoover's labor policies and it was my extremely good fortune to get to know this great American in his later years. I have studied in some depth about his life and his Presidency.

Mr. President, soon after Harry Truman became President, he invited Herbert Hoover to the White House for consultation. Truman utilized the bountiful skills of Hoover during his years as President. In this way, former President Hoover was able to contribute in many ways on a number of important projects. I always believed that President Roosevelt had followed a senseless policy in not seeking the assistance and counsel of Herbert Hoover during the years of Roosevelt's Presidency.

Mr. **TUNNEY**. Mr. President, "The buck stops here."

Perhaps better than any other phrase, those four words sum up the Presidential character of the 33d President of the United States, Harry S Truman.

However difficult the dilemmas, however tough the decisions, Harry Truman made them. He acted. He led.

We know that he never expected to be President. When that burden fell on him suddenly with the death of Franklin D. Roosevelt, Truman shouldered it without hesitation.

If he was new to the office, he understood its great fundamental requirement—decisiveness.

Harry Truman was human. Not all his decisions were wise ones. And not all of them became part of the fabric of the Nation he served so well.

But Truman battled untiringly for his beliefs. He fought for public housing, for fair employment practices, for improved social security, for civil rights. He fought for the little man.

His accomplishments in the foreign policy field were truly monumental.

It was the Truman administration that developed the historic aid program to rebuild a shattered Europe after World War II. "The most unsordid act in history," it was called by Winston Churchill.

It was the Truman administration that saw to it that America participated in the United Nations, the first successful attempt in modern times to build international cooperation among all nations—large and small.

It was the Truman administration that stood up to provocative expansionist moves in Europe after the war, including the Berlin blockade. And it was the Truman administration that mounted the incredible airlift providing food and fuel for nearly 2.5 million Berliners for almost a year.

The early years of the Truman Presidency presented crisis after crisis. And Truman responded to them with courage, with compassion, with determination.

His Secretary of State, Dean Acheson, paid this tribute to the Truman response in foreign affairs:

> His policies showed a sweep, a breadth of concentration and boldness of action which were new in this country's history. All of them were dangerous. All required rare capacity to decide and act. All of them were decided rightly and vigorously and followed through.

Yet, despite his accomplishments, Harry Truman was all but written off in the presidential election of 1948.

Again, Harry Truman showed his characteristic courage.

He conducted one of the most extensive, exhausting, and amazing campaigns in American history.

They said the people would not respond. But Harry Truman had faith in the people. He spoke to them in plain language. He trusted their judgment. And his faith in the people was rewarded by a stunning and impressive victory.

In the next 4 years Harry Truman worked unceasingly building the foundations for what were to become the New Frontier and the Great Society at home, and preserving the peace abroad.

Our Nation and our world are better places because of Harry S Truman. He was a giant of the 20th century.

HARRY TRUMAN—A REAL PERSON

Mr. **GRAVEL**. Mr. President, when I was a student at Columbia University in New York City, I drove a taxi cab to support myself and to pay the bills for tuition. My college education had been interrupted by enlisting in the U.S. Army, and my family had already contributed to my earlier education. I was determined to do as much as I could to pay for the rest of my education myself.

One day in the mid-1950's, I was out in my cab looking for a fare. I was driving slowly along Central Park South, a wide avenue that has the lower end of Central Park on one side and a row of fashionable hotels and apartment houses on the other. It was a good area to look for a customer, because it was almost certain I would get a big tip.

I saw a knot of people walking slowly along the sidewalk and slowed down to see what the reason for it was. It was former President Harry Truman, taking one of his famous morning walks. He was in New York City for a visit and I remembered having seen pictures in recent newspapers of him out walking. He liked to walk along Central Park South because of the park and the variety of people he would meet.

There were no cars parked along the curb. I maneuvered my cab so that I could drive slowly along the sidewalk. When I came abreast of President Truman, I noticed that he was surrounded by secret servicemen and newsmen, but that he was going out of his way to greet almost everyone he passed on the sidewalk. He would tip his hat to the ladies and have a cheery hello for everyone.

I slowed down almost to a stop, and leaned across the front seat of the taxicab, until I could put my hand and head out the front door window. The secret servicemen looked at me with concern.

I waved and called out:

> Good morning, Mr. President. It's good to see you.

He took a few steps over to the curb and shook my extended hand. He said:

> Good morning.

And added:

> Young man, you look good to me, just make something of yourself.

I thanked him and drove on. I picked up a fare in the next block. I must have told every customer I had for the next week, along with all my friends, about my meeting with President Truman and what he had said to me.

After I graduated from Columbia, I drove the Alaska Highway and settled in Alaska.

A year or so ago, after becoming Alaska's U.S. Senator, I was invited to speak to a group of people in Kansas City, Mo. On the speaker's platform was the honorary mayor of Kansas City, H. Roe Bartle. He was one of Harry Truman's closest friends and one of the few people who saw him regularly.

I started talking to Mr. Bartle about Mr. Truman and asked if it would be possible to visit him. He explained to me that the former President's health had deteriorated and that he seldom left his home. He was not able to have many visitors. Even when visitors did come to the house, it was for a very short period of time.

But, he said he would call "Miss Bess" and see how Mr. Truman was feeling that day. He did so promptly and assured Mrs. Truman that we would only stay a short time. She said to come.

Within an hour or so, Mr. Bartle and I were at the Truman home. President Truman greeted us with a smile and a twinkle in his eye. He said to me:

> Yep, I'll tell you, you've been a good Senator.

Then he started to tell me how I had voted on this issue and that issue. He told me when he thought I was right and when we disagreed. I was overwhelmed that a man his age would know so much about how one Senator had voted on so many issues.

Then I told him about our meeting in New York and what he had said to me. He, of course, did not remember the chance meeting but he enjoyed the story and felt that I had done well in making something of myself. After we had left the President, I told Mr. Bartle:

> I will never forget this. He was just as friendly to me when I was just a cab driver. He didn't know then that I would be the Senator from Alaska.

Harry Truman was a down-to-earth, real person. A cab driver and a U.S. Senator got the same attention and respect from him. He was interested in people and took the time to talk with them, whether it was to wish them well in the future, or to talk about their votes in the Senate.

We will miss Harry Truman. He was a great President and a great leader of this country at a crucial time in its history. He was also a master politician who won an election no one thought he could win. The reason for his success is that he never let his position change him. He was always the man who liked people, who felt their problems. He was one of us.

THE MAN FROM INDEPENDENCE, MO.

Mr. ROBERT C. BYRD. Mr. President, I thank the senior Senator from Missouri for arranging this period for eulogies to a great American. It is one of the comforts of the human condition on those occasions when our hearts are full of sorrow, that sorrow can often be alleviated by feelings of the highest pride.

So it was when Harry S Truman laid down the burden of the years. Surely no great man who ever lived had a birthplace which more typified his personal qualities in one word than did the 33d President of the United States. When Harry Truman was born in Independence, Mo., he was born into humble circumstances, relative to the riches of those things that are wordly. But while he did not enjoy the benefits of material wealth, there were born into him qualities of heart, mind, and spirit, the worth of which far transcend the values of things of the flesh.

It is beyond the comprehension of any man to whom it has not happened, that in one tragic moment, he finds himself charged with the awesome responsibility of conducting the affairs of the most powerful nation in the world; that he assumes the mantle of a predecessor who had become a legend in his lifetime; and that he is thrust by circumstance into the role of guardian of freedom, not only of his own country, but of tens of millions of human beings in all corners of the world.

If this humble American, ill-prepared as he was for the monumental task that fell upon him, had tried and failed, history could only have been charitable. But he did not fail. Those qualities that were born into him—the qualities of heart, mind, and spirit that had sustained so many of his Missouri forebears in the difficult years after this Nation's birth—triumphed over every challenge that was placed before him.

Even in the most benevolent of circumstances, the burden of the Presidency of the United States is the heaviest burden on earth. But when that burden is thrust upon a man whose country and the world are engaged in the most disastrous war in history, it might well have been unbearable. Yet, Harry Truman not only brought his country out of that war with the highest honor; he also devoted the rest of his years in office to being the architect of a charitable peace.

Historically, the Marshall plan and the North Atlantic Treaty Organization, the genesis of the United Nations and the war against aggression in Korea will be Harry Truman's monuments. But to the millions of middle Americans, of whom he was one, his monument will always be that regardless of the heights to which he rose in the service of his country, he remained at all times, a man of the people.

I will always be thankful that Harry Truman lived long enough to see his tenure as our President praised and admired even by those who were once his severe critics. I have not the slightest doubt that when the history of the middle years of this century is written, the man from Independence, Mo., will emerge as a giant among his peers.

In this Republic, we have been fortunate throughout the two hundred years of our history that in times of crisis and great travail, there has emerged upon the national scene a man of destiny whose strength, courage, capability, and patriotism have steered the ship into calm waters. Harry S Truman will go down as one of our greatest Americans, one of our greatest Presidents.

> If you can talk with crowds and keep your
> virtue,
> Or walk with Kings—nor lose the common
> touch."

TRIBUTE TO A TRUE PRESIDENT

Mr. JAVITS. Mr. President, my memorial to the departed President Truman must be intensely personal, as I served in the Congress immediately after World War II and I vividly recall his succession to President Roosevelt, his 1948 surprise electoral victory, and the ensuing postwar reconstruction years of his incumbency. This period included the era of point IV, the Greek-Turkish aid program, the Marshall plan, and the occupation of Germany, as well as the Berlin blockade and the opening of the cold war. Domestically it saw signal progress in the beginnings of racial desegration in the Armed Forces, massive new housing programs—including the landmark Taft-Ellender-Wagner bill for public housing—to recover from the war moratorium and the GI bill for higher education and veterans' housing. President Truman was extraordinarily well briefed and really magnificent as a President, especially following his election in 1948.

He had an excellent feel for foreign policy and a truly balanced appraisal, both of our future role with the Soviet Union and of the dynamics of communism as an ideology in the world. He also had an excellent grasp of Germany's prior role in the world—and of Germany's potential role in an integrated and ultimately united Europe.

I have met few men who could more thoroughly absorb the facts, get to the essence of a problem, and lock into his solution more decisively than President Truman.

History is already rating him as one of our great Presidents for his initiatives in postwar reconstruction: point IV technical aid, the Greek-Turkish aid program, and the Marshall plan. The latter has often been called generous, but it was far more than that; it was astute. It recognized that the more speedily the world was rehabilitated after World War II, the more sure would be American security and American prosperity—and it worked out just that way. It was an historic example of the most beneficent great-power leadership, and President Truman deserves to be forever honored for it.

Mr. McGOVERN. Mr. President, today we pay tribute to a man who was ordinary, in the best sense of that word, and who became an extraordinary President in a difficult time.

Harry Truman was thrust into the Presidency by fate—and in that place, he affirmed anew the faith of America's people in American democracy. He was blunt and plain, a son of the Midwest frontier with the uncommon gift of commonsense.

Magnanimous in victory, he worked to rebuild nations that had been enemies and to restore the lands and economies of our wartime allies.

Courageous in a time of continuing crisis abroad, he acted decisively to do what he believed was right to protect America's vital interests.

Farsighted about the problems and potential of our society, he was a pioneer in the struggle for civil rights, the father of medicare and Federal aid to education, the spokesman of working people and the poor against the special interests.

Most of all, Harry Truman taught us that in the modern age, too, government for the people can also be government by the people.

He dismissed General MacArthur and some said how dare this ex-haberdasher fire this military genius. But Harry Truman was right—and our free system is safer because he preserved civilian supremacy over the military.

He won an election the columnists and commentators were certain he was bound to lose. In the end, he lost the pollsters, but won the people. And that was the way Harry Truman wanted it.

Harry Truman was an adornment of this democracy. He left us after a full measure of years and a lifetime of service as Senator, Vice President, President, and—the title he gave himself in retirement—the title he treasured most—Mr. Citizen. We honor him today, and Americans will remember and cherish him always, for he was one of us and among the best of us.

Mr. BROCK. Mr. President, Harry S Truman will long be remembered by those with whom he served, and by all in our land who take our governmental process seriously. In particular, he will be remembered by those who were privileged to study, watch, and appreciate his dedication and integrity.

He was a rare individual, colorful and lovable, a man of great candor, but also a man who spread his irresistible humor and good fellowship everywhere he went.

His presence will be missed, yet, there is comfort. We are a better, stronger Nation for his wisdom. We not only enjoyed the years of his leadership, but know that he, too enjoyed being a leader. It is indeed gratifying to see a deserving man live to be a legend in his own time.

Mr. COTTON. Mr. President, they called the late Harry Truman "a man of the people." He was just that throughout his entire private and public career, even in the White House. What better tribute can we offer today than to reflect on the fact that this "Government of the people" was, most appropriately, led through some of its most fateful hours by this "man of the people."

When the crises of our nuclear age confronted President Truman, he called upon personal strength and commonsense which were still rooted in the soil of his rural Missouri birthplace.

He walked among us, we the people. He spoke our language to the extent that his more caustic critics originally derided some of his basic terminology but then lived to learn that his plain-spoken messages had been understood and heeded. Even amid the splendor of the home of our Presidents on Pennsylvania Avenue, Harry Truman was ever the unpretentious family man with a beloved wife and a daughter on whom he unashamedly doted.

All the adulation and fanfare surrounding the Presidency rarely fails to have its impact on the best of men. Harry Truman was the outstanding exception. He came out of the White House thoroughly unspoiled—the same unassuming, down-to-earth, commonsense individual he was when he entered it.

He was the first President under whom I served in the Congress, and on this day of memory I have little concern at what place in history the scholars and wise men may accord him. Instead, I shall merely note that we folks from New Hampshire count ourselves among those who will never forget and always respect a man who can speak clearly and directly, a man undaunted by the heat of the kitchen, a man prepared to take the responsibility at the end of the buck-passing.

To his wife and daughter and his many personal friends who love him we extend our deepest sympathy.

Mr. KENNEDY. Mr. President, Harry Truman came from the heartland of this Nation, from the vast and rolling plains of Missouri that he loved so well. A great American, a great leader of his party and a great President, Harry Truman spoke for the people and acted with the independence and determination that has characterized this Nation.

For those of us who have watched the course of events over the past two decades, it is clear today how difficult and courageous were the decisions that he made after 1945—decisions to pledge the energies of America to rebuilding Europe and Japan, decisions to forge the shield of NATO, and decisions to commit the United States to the creation of a United Nations and the promise of peace.

In public and private, he was dedicated to the same principles that he urged on others:

> To do the right thing, to do the best we could, never complain, never take advantage, don't give up, don't be afraid.

The example of President Truman is one which has inspired every President since, none more than President Kennedy. On his first day in the White House, Saturday, January 21, 1961, I recall President Kennedy greeting his predecessor and the two men talking together in his office. During the years John Kennedy served in the White House he and President Truman developed a warm and strong regard for one another. Every year President Kennedy would call President Truman on his birthday and I remember that on one birthday, his 77th, he asked him how he retained his resilience through 7 long and very hard years in the White House.

And President Truman's response was, quite simply:

> Well, I'll tell you how I did it. I did just what you are doing, try to make the right decision—and then sleep at night and try and forget about it.

It was good, sound, commonsense advice, typical of the man and his philosophy of life.

Harry Truman was a forthright and honest man, and in the eyes of history, I believe he will be regarded as one of our wisest leaders.

Mr. STEVENSON. Mr. President, when I think of Harry S Truman, I think first of that unforgettable photograph of 1948—surely one of the most expressive in the history of journalism. It shows the victorious President holding aloft a copy of the Chicago Tribune which bears a banner headline:

> It's Dewey by a Landslide.

That photograph, it seems to me, was great because it told us so much about Harry Truman—about his sense of humor; his unquenchable exuberance for politics, about his fighting spirit. But it also expressed a great deal about the people who elected him: about their love for the fighting underdog—and about the sheer American cussedness that loves to confound the experts, the pollsters, the know-it-alls.

Now the man who gave us that memorable picture is dead. Harry Truman, who for so many years was a part of the American political landscape, is now a part of its political memory.

But to millions of Americans, Harry Truman is also a warmly personal memory. For he was not a President who held himself above us—he was one of us. He was not a mere symbol of the uncommon virtues of the common people—he was, in his life and personality, an embodiment of those virtues.

At the very pinnacle of political power, he saw himself simply as a citizen with a big job to do. His simplicity seemed to some Americans almost eccentric: Though he lived in the White House, he washed his own socks. Though he was burdened with urgent matters of state, he wrote his mother long, chatty letters explaining events in Washington and the world as if they were bits of homey local news.

But if Harry Truman's vision of himself was small, his vision of his job—and his performance in that job—were never small.

Some of his monuments were completed during those tumultuous years of his stewardship: He made history with a stroke of his pen when he ended racial segregation in the Armed Forces. And with that act, he launched the modern era of progress in civil rights.

Other of his monuments had to wait until long after he had gone back to Independence: Federal aid to education is one. And medicare, which he proposed almost a generation before it was written into law, is another.

A few years ago President Johnson went to Independence to sign the medicare bill and to give President and Mrs. Truman the first medicare enrollment cards. He said then,

> The American people love Harry Truman, not because he gave them hell, but because he gave them hope.

And Harry Truman answered:

> I never gave them hell. I just told the truth and they thought it was hell.

He managed this Nation's foreign policy in the turbulent years after World War II with admirably clear eyes and unfailing courage. These days, the clarity of hindsight makes it easy to minimize the real threats of the cold war—to disparage the architects of the postwar policy of containment.

Let us not reopen that debate; let us only acknowledge what is undeniable: The Truman doctrine and the Berlin airlift were expressions of Harry Truman's own great courage and his determined assessment of this country's national interest. And they succeeded.

But he was no mere cold warrior. Point Four and the Marshall plan—those historic programs of postwar reconstruction and nation building—were expressions of Harry Truman's compassion and again of his view of our national interest. They were—and are—landmarks of national goodwill and generosity. They, too, succeeded.

And it was his great blessing to live long enough to see the fruits of his efforts.

The lesson of his life is a lesson about ourselves; an object lesson in the vitality of popular government; an example of the ability of this society to yield up, from the most unremarkable origins, the most remarkable men.

"Now the Trumans," Eric Hoffer wrote a few years ago:

> Are a dime a dozen in this country. You can almost close your eyes, reach over to the sidewalk, and make a man President—and he'll turn out to be a Truman. Show me any society on earth or in heaven that can supply potential leaders like that. It's breathtaking.

"Such a man," Hoffer said:

> Is not a hero, but one of us, saddled with the toughest job in the world and trying to do his best. If he fails, we fail; if he succeeds, we succeed.

Because he succeeded, we are the more successful as a people. For he was one of us. Let us remember now that he was not only one of us but one of the best of us.

Mr. GURNEY. Mr. President, in this time of tough decisions, it is most fitting to honor the memory of a man, who, as the 33d President of the United States, had to make some of the toughest decisions any man has had to make.

President Harry S Truman became a symbol for many Americans—a symbol of America's emergence as a full fledged world power. He rose from humble beginnings to the highest office in the land—in the finest American tradition. Prior to becoming President he served his country with distinction—as an Army officer, a judge, a Senator, and, for a brief time, as Vice President. After assuming the Presidency, he served with even greater distinction in a period beset by crises.

It took a man of courage to make the decision to use the atomic bomb; it took a man of vision to implement the Marshall plan; it took a man of wisdom to check Communist aggression in Greece and Turkey and to formulate the Truman doctrine, and it took a man of strength to deal with the conflicting pressures of the Korean war—the first war ever fought under the nuclear shadow. Indeed, President Truman was a man of ample courage, vision, wisdom, and strength—and the record he compiled during 7 years in the White House is testimony to that.

Historians are already writing up President Truman as one of our best Presidents. Certainly, his contributions are manifold and he became recognized around the world as a stalwart in the struggle for freedom.

Some may question his judgment on this or that issue, but no one can deny that President Truman was a dedicated man who loved his country and who served it well. At age 60, he did not have to accept the Vice-Presidency, knowing as he did that he was likely to become President under the most difficult of circumstances, but when duty called he responded. That is the mark of statesmanship, and from the day he took office to the day he died, President Truman was every inch a statesman. His presence will be sorely missed, but his record should shine brightly in the annals of history. We can all learn from what he did.

ORDER FOR RECORD TO BE KEPT OPEN

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the RECORD be kept open for 15 days so that additional Senators may file remarks with respect to our late, great President, Harry S Truman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the same request made by the distinguished assistant majority leader, the Senator from West Virginia, relative to a certain number of leather-bound copies also be incorporated in the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A PRAYER OF THANKS

Mr. McGEE. Mr. President, the Nation is sincerely grateful that a cease-fire has been negotiated in Southeast Asia. I, for one, am extremely hopeful that our military involvement in Indochina is drawing rapidly to an end.

The thankfulness felt by so many can be epitomized in a prayer delivered by the Very Reverend Howard L. Wilson, who is dean of St. Matthew's Cathedral in my hometown of Laramie, Wyo. The prayer was delivered to the Laramie Rotary Club on January 25 of this year.

I ask unanimous consent that the prayer be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER OF THANKS FOR THE CESSATION OF WARFARE

O God, Whose will is that all men everywhere dwell together in peace and brotherhood: we give our hearty thanks that war has ceased, and that men have elected to deal with their problems and differences by other means.

We are grateful for the patience, perseverance and determination exhibited by those empowered to bring an end to hostility and suffering, of violent death and destruction.

Bring us now, O Lord

Out of the paralysis caused by enduring years of warfare;

Out of the frustration which has obscured for many the origins, reasons and purposes of this conflict;

From the divisions among our people, which have imperiled our unity and love for one another;

And so release us from every emotion which would inhibit our true and full expression of thanksgiving for what has now been granted.

Keep us, O God, from using the occasion of peace to turn away from the opportunities yet before us to insure its preservation.

Lead us to redirect our energies, resources and prayers with such diligence and wisdom that what is now ended may never need to be resumed.

Strengthen us to show in our lives the faith that the fullest expression of every man's dignity and human yearnings rests in conformity to Your will, through which all may receive and continue in Your love, perfection and peace.

All this we ask in the Name of Him who proclaimed blessed the peace-makers and came among us as the Prince of Peace; Jesus Christ our Lord. Amen.

AN HONORABLE PEACE IN VIETNAM—RESOLUTION BY OKLAHOMA HOUSE OF REPRESENTATIVES

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution by the Oklahoma House of Representatives commending President Nixon for negotiating an honorable peace in Vietnam.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION—AN HONORABLE PEACE IN VIETNAM

A resolution commending the President of the United States for his effort in bringing about peace with honor in Vietnam and directing distribution

Whereas, President Richard M. Nixon has through diligent, arduous and sensitive negotiations achieved an honorable Vietnam peace; and

Whereas, President Richard M. Nixon has resisted the raucous demands and vilification of a radical liberal minority to end the Vietnam conflict at any cost without reference to integrity, commonsense, or reasonable safeguards for the United States Troops, citizens and prisoners of war located in Vietnam; and

Whereas, in spite of the protests, pleas, half-lies, misrepresentations and false tears of this misguided few, President Richard M. Nixon persevered in the pursuit of an honorable peace and has now attained his goal with the aid and the efforts and lives of those Americans who have fought and died in combat; and

Whereas, President Nixon's firm conviction that peace with honor was the proper goal of the American people has proved to be both realistic and vital to international security; and

Whereas, it is fitting and proper that we commend our President for his efforts in successfully dealing with one of the most difficult crises in American history,

Now, therefore, be it resolved by the House of Representatives of the First Session of the 34th Oklahoma Legislature, that

We, the members of the Oklahoma House of Representatives, express our commendation of Mr. Richard M. Nixon, President of the United States, for his tireless efforts in the face of great pressure and criticism at home in bringing about peace with honor in Vietnam.

Further resolved: That a copy of this Resolution be transmitted to the President of the United States.

EUGENE L. WYMAN

Mr. EAGLETON. Mr. President, it was a personal shock to me to learn of the death of Gene Wyman, as it was to all of us in this body who knew him. Although I was not a longtime acquaintance of his, it did not take a long exposure to him to recognize his qualities of principle, energy, love, and devotion to family and friends.

In his too-short lifetime he left a mark on politics, law, philanthropy, and human relationships that few men will equal. While he was personally successful, his activities on behalf of others and in the service of his country demonstrated that he was a selfless man.

It was my privilege to attend a dinner at the Wyman's house last fall and to witness the boundless devotion of the Wyman family to one another. I share the grief and sadness of the Wyman family over the passing of this generous person from our lives.

CLASSIFIERS OF CLASSIFIED DOCUMENTS BREAK THEIR OWN RULES

Mr. ROTH. Mr. President, I commend to the attention of all Senators Theodore Draper's article in last Sunday's New York Times Magazine entitled "The Classifiers of Classified Documents Are Breaking Their Own Classification Rules." The article details Professor Draper's efforts to obtain access to some classified documents concerning the Dominican crisis which had already been made available to some other scholars a number of years earlier on a "not for attribution" basis in violation of regulations for preserving the confidentiality of protected official information.

Professor Draper rightly condemns this practice as unfair and inequitable, and he notes also that the present system of classifying and declassifying information withholds too much too long. He writes:

The material in the documents gets out but in the worst, most tendentious way imaginable. Not only do supposed servants of the people decide the people's fate, but they reserve the right to decide when and how and what the people are going to learn about their fate. That is what more than 90 per cent of the classified documents are all about. We could live with the other 10 per cent if something could be done about the 90 per cent.

What can be done? Professor Draper makes two excellent suggestions. First, he believes that when Government documents have been made public by someone in a privileged position—for the purpose of writing memoirs or justifying past actions—they should become automatically declassified for all. He notes that when William L. Langer and A. Everett Gleason wrote their studies of pre-World War II foreign policy in the early 1950's, the documents they used were automatically declassified.

Second, Professor Draper suggests that classification should stop at the borders of personal interest and partisan politics. I could not agree more. We should make sure that official information is classified for only a few necessary reasons—like protecting the national security or safeguarding trade and commercial secrets that have been entrusted to the Government—and not to hide officials from potential embarrassment or to conceal wrongdoing or misjudgment.

I believe that our present practices of classifying and declassifying information should be thoroughly reviewed and studied with an eye toward making appropriate reforms and then seeing to it that the new regulations are uniformly and effectively—and not selectively—enforced. I introduced two bills in the past session which I hoped would mark the beginning of such an effort, and I hope shortly again to introduce legislation responsive to the problems cited in Professor Draper's article.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Classifiers of Classified Documents Are Breaking Their Own Classification Rules

(By Theodore Draper)

The problem of classified documents, which has so bedeviled the Government, scholars and journalists—not to mention Daniel Ellsberg, Anthony Russo and Prof. Samuel L. Popkin—is usually discussed in a political vacuum. The three main questions hotly debated in scholarly circles are: Who should classify? What should be classified? How long should it remain classified? Whatever the right theoretical answers may be, however, they can have little to do with the real world of classified documents.

In practice, the rules are largely irrelevant or illusory because there is a privileged group that does not abide by them. This group has existed for a long time; its members have systematically violated their own code with impunity and often for profit. They have created, controlled and benefited from a system which is shot through with duplicity, hypocrisy and favoritism. These are strong words, I know, but, I use them advisedly.

Who are the guilty ones? None other than the custodians of the classified documents. My own experience has convinced me that they, more than anyone else constitute the main problem. The case which happened to concern me is worth relating for two reasons: It is absolutely classic in its revelation of how the real system often works; it can be fully documented from beginning to end.

The story may be told as it actually happened. About two years ago, I was asked by the Political Science Quarterly to review a new book, "Intervention and Negotiation: The United States and the Dominican Revolution," by Prof. Jerome Slater. When I read the book, I was astonished to find that about half of it was largely devoted to a running polemic against my own work in which I had been highly critical of United States policy during the Dominican revolt of 1965.

I was also astounded to learn from Professor Slater's preface that he had been given access "to a great number of papers, memoirs and documents which are not now in the public domain"—in other words, classified documents. In return for this favor, Professor Slater had promised to use the material on a "not-for-attribution" or "no-direct-citation" basis. He was not required to submit his manuscript for clearance or approval.

I did not think that it was proper for me—now, so to speak, an involuntary "interested party"—to review the book. Instead, I offered to write a reply, not a review, discussing the issues raised by the book. Professor Slater tried to prevent the publication of the article without success. It appeared in the Political Science Quarterly of March, 1971.

The more I thought about it, the stranger the whole thing became. Here was a book, written by an academician, put out by a reputable publisher, attacking a book of mine on the basis of material which I could not consult or check. There was no way to know whether he had used the material fairly. Even if he had invented it, no one could be the wiser, though that was not a possibility I seriously entertained.

My own book, "The Dominican Revolt: A Case Study in American Policy," which had appeared in 1968 but was based on articles mainly published in Commentary magazine in 1965–66, made use wholly of open sources, all of them given to the reader so that he or she could make up his or her own mind about the reasons for my reconstruction of the events and my views about them. To be attacked by someone who knew where everything I wrote came from but did not reveal where much of what he wrote came from did not seem altogether sporting.

But Professor Slater was not the first or the last to benefit from this extraordinary favoritism on this very subject. In 1966, the Center for Strategic Studies at Georgetown University had brought out a book, "Dominican Action—1965," which had also advertised that it was based on "restricted" sources. This book was backed by a committee of three well-known former United States diplomats and two Georgetown University professors.

And while I was reading Professor Slater's book, I already knew that a third study of the very same subject, based on the same classified material used by Professor Slater, was on the way. This one, "The Dominican Intervention," by Abraham F. Lowenthal, has since been published by the Harvard University Press.

Still a fourth book which dealt in part with the same events on the basis of much classified material belongs in a somewhat different category because it was written by one of the actors in the story. It was "Overtaken By Events," by John Bartlow Martin, President Kennedy's Ambassador to the Dominican Republic and President Johnson's hapless special emissary at the time of the revolt. Two or three other books might be added to the list. They were done by job specialists who somehow or other managed to make use of some classified material. And, it should be remembered, we are now dealing with a single episode in American foreign policy in the last decade.

All this seemed almost too much of a good thing. Or was it a good thing? Here were at least three books with some scholarly pretensions, one of them in good part directed against me, based on classified documents, obviously made available to the authors by high officials of the State Department. Yet I could not see the same material to defend myself or merely to check the books for accuracy.

Or could I? After finishing Professor Slater's book, I decided to make myself a test case. I made up my mind to give the system a chance, to abide by all the rules, to do everything openly and legitimately. After all, I did not have to prove that at least two books (Lowenthal's had not yet appeared) had used classified material; they had boasted of it. All I wanted was the same privilege.

So I wrote to Dr. William M. Franklin, Director of the Historical Office of the Department of State, the following letter:

"I have just finished reading a recently published book by Jerome Slater entitled 'Intervention and Negotiation: The United States and the Dominican Revolution,' published by Harper & Row.

"Professor Slater takes issue with me—I had put out a little book, 'The Dominican Revolt,' in 1968—partly on the basis of documents not now in the public domain, as he explains [in] his preface. These documents were evidently made available to him by the Department of State. . . .

"Professor Slater's book seems to be the second one which was able to make use of 'restricted' primary sources, obviously originating in the Department of State. The first one to my knowledge was 'Dominican Action—1965,' issued by the Center for Strategic Studies, Georgetown University, in 1966.

"I, therefore, ask for the same privilege to consult and use these documents or materials bearing on U.S. policy vis-a-vis the Dominican Republic in 1965. I will come to Washington at your earliest convenience."

Dr. Franklin took only a week to reply. He assured me that the Historical Office had not made any records pertaining to the Dominican crisis available to Professor Slater or to the Center for Strategic Studies of Georgetown University. He promised to investigate and to write me again as soon as he knew the facts.

I promptly wrote him a second letter which went over the ground again in more detail and which read in part:

"If they [the authors of the two books] did not get them [classified cables] from your office where did they get them? I applied to your office because I considered that the department has given your office the responsibility for its records. But if they can be obtained elsewhere, what is one in my position to do? Complain to the Secretary of State?"

The right place to complain apparently was the Assistant Secretary of State, not the Secretary. Dr. Franklin replied 10 days later to the effect that since the Historical Office had had no contact with either Slater or the Georgetown group, he was referring my letter to the Assistant Secretary of State for Inter-American Affairs, Charles A. Meyer. So I started all over again with Mr. Meyer. Another letter from me ended as follows:

"This is a question which goes to the heart of scholarly work in contemporary history. Criticism has been made by eminent scholars of the existing regulations. But it is a scandal when the existing regulations are not equally and fairly enforced in the short period of five years.

"I respectfully request, therefore, a review of the applicability of the existing regulations in my case. It is, admittedly, a special case—but it is special only in the sense that it is a documented case of how inequitably and unfairly the present system works."

Mr. Meyer mulled over the problem for a month. Then I received this letter from him:

"I have given your letter of Dec. 27, 1970, considerable thought, and I appreciate the reasons for your strong feelings on the matter of equal access by scholars to government documents.

"I do not feel, however, that my personal sympathy for your position can override my responsibility for adhering to the regulations regarding access to classified material. . . . I think strict and uniform compliance is the only proper course. I recognize that in the particular circumstances of your case, this may seem to be turning a deaf ear to an otherwise reasonable request.

"I sincerely regret that the regulations do not allow me to be more forthcoming to your request, but I hope you will understand my unwillingness to assume responsibility for remedying the actions of predecessors when, as appears to be the case here, the cure would require a fresh departure from the regulations."

I thanked Mr. Meyer for his courtesy and candor. I took his letter to be a dead end. But one thing had been gained. As I read Mr. Meyer's letter, it came as close as could be expected in the circumstances to confirming that his "predecessors" had violated their own regulations regarding access to classified material. It should be remembered that those "predecessors" had acted less than three years earlier. I did not think that every Assistant Secretary of State should behave as if the United States Government in general and his department in particular were totally bereft of continuity and had no obligation to take so many precedents set so recently by previous officials into consideration. But there did not seem to be anything else I could do.

Later I learned how Professor Slater had obtained access to the classified material. At least part of the story came out in a recent study called "Classified Files: The Yellowing Pages," made by Carol M. Barker and Matthew H. Fox for The Twentieth Century Fund. Slater told them that in the spring of 1967 he had asked a State Department official with whom he was personally acquainted for an opportunity to see the State Department records of the Dominican crisis. After some time had passed, Slater was informed that he could see the classified files, at that time only two years old. He had bypassed the Historical Office. Neither his notes nor his manuscript was reviewed for breaches of security. He was told by the State Department that there were only two restrictions on his use of the material—he could not quote directly from it or acknowledge his use of it. So much for the ardent zeal with which "security" is protected. Presumably much the same procedure was followed in the case of Dr. Lowenthal.

Slater claimed that he was not told why he was given privileged access to the classified files. But he surmised, not without reason, that those in the senior levels of the department "genuinely believed that their policies and actions had been misunderstood and misrepresented, and fervently felt that if the whole truth were known, and honestly reported and evaluated, the public assessment of their policies would be very different." In plain English, the senior levels of the department wanted Slater to go after me and thought that they could give him the ammunition to fire away by making the classified documents available to him.

I don't think that Slater made a particularly good job of it, though that is for others who read his book and my reply to decide. In any case, the senior levels of the department must have been sorely disappointed by his book. Despite his efforts to undermine what I had written, he came out in the end almost as critical of United States policy as I had been and for much the same reasons. To Slater's credit, it must be said that he took the material and ran. He must have made his friend or friends in the State Department happy only in the first half of his book, not in his concluding chapter. Lowenthal's book was probably equally disappointing.

From a scholarly point of view, these two books show how dangerous this under-the-table practice can be. Both sometimes refer to the same document without giving exactly the same version of what is in it. Yet no one else can check on them to find out just what the document did say.

I can well understand why these young scholars agreed to use classified material under conditions that I consider to be unscholarly and onerous. They were as much victims as beneficiaries of the present system. The scholarly competition is extremely keen, and anyone can justify playing this kind of questionable game on the ground that everyone else plays it—or would if he could.

The Twentieth Century Fund study came to this conclusion: "The Dominican case is significant for its illustration of Government practices. State Department officials ignored the department's own rules for access to its own records; they clearly played favorites; and they violated the regulations for use of security-classified records."

It was not always so. When William L. Langer and A. Everett Gleason wrote their studies of pre-World War II foreign policy in the early nineteen-fifties, "The Challenge to Isolation" and "The Undeclared War," basing them on classified documents, they were able, according to Professor Langer's letter to The New York Times Book Review of Dec. 20, 1970, to get all such documents used by them automatically declassified. Interestingly, the only trouble encountered by them came from the Latin-American Desk.

If the previous practice were followed, much of the trouble would be avoided. For there are two main problems with the present system: (1) it withholds too much, for too long, and (2) it is not fair and equitable. The second problem is more easily solved than the first. But as long as the second problem persists, the first is often rendered nugatory. The material in the documents gets out but in the worst, most tendentious way imaginable. Not only do supposed servants of the people decide the people's fate but they reserve the right to decide when and how and what the people are going to learn about their fate. That is what more than 90 per cent of the classified documents are all about. We could live with the other 10 per cent if something could be done about the 90 per cent.

The real culprits are the high officials who use classified documents as political weapons. This practice is not restricted to the State Department. One of the most crucial and damaging (to President Johnson's Dominican mythology) documents of the Dominican crisis was shown to a well-known Washington correspondent by a high C.I.A. official who presumably was not enchanted by the official policy. A portion of this document was quoted by the correspondent in a contemporary newspaper article and later in a book. Of course, the correspondent would have been out of his mind not to have taken advantage of this beneficence.

Another case in point was "The China White Paper" put out by the State Department in 1949. Its purpose was manifestly political—to counteract the attacks made on the Truman Administration's China policy. Towards this end, former Secretary of State Dean Acheson declassified 642 pages of documents, most of them in the "Top Secret" category. But at least the documents themselves were made available, and from a scholarly point of view, they were pure gain, even if they left something to be desired in the way of completeness.

In the case of the Dominican documents, the practice vitiated whatever scholarly use they might have had. Not only were the documents themselves not made available, but the authors were not permitted to quote from them or to identify what they were using. It is of the essence of scholarly work that other scholars should be able to check on the material or to arrive at their own interpretations from the given body of evidence. A half-world of quasi-scholarship has been created in which the canons of traditional scholarship are perverted and, in the end, no one can be quite sure what was in the documents anyway.

Congressional committees are not without fault. The Senate's high-minded Committee on Foreign Relations held closed hearings on the Dominician crisis and classified the testimony. But one member of the committee invited two of the best-known Washington correspondents to look at the testimony *sub rosa*, locked in a room with pencils and pads, and permitted to take notes (for only one hour!). Their articles on the closed hearings appeared the next day on the front pages of their newspapers. When I asked for the same privilege, it was sanctimoniously denied.

The more powerful the official, the less the classification system restrains him. The Presidents of the United States are in this respect the worst offenders. They seem to consider the entire system a convenience to give them a monopoly of state secrets until they are ready to get out their memoirs—for which publishers bid in the six- and seven-figure range. If everyone followed the example set by Presidents, the classified files would be raided en masse and not a shred left of them.

But Assistant Secretaries have also been known to take advantage of the rule that the classifier can also declassify. The same Assistant Secretary who has classified hundreds, if not thousands, of personal documents during his stay in office may, and has, declassified as many of them as he thinks necessary for that book he has in mind just as he is about to leave office. And if he is too squeamish to quote verbatim, he can always paraphrase.

The New York Times recently requested the declassification of materials relating to a number of foreign-policy questions. One of them, according to The Times's account of Nov. 22, 1972, pertained to "comments of the Joint Chiefs of Staff on the Bay of Pigs invasion." Among the requests that have not been granted was this one. If The Times's researchers will look at pages 187–190 of Gen. Maxwell D. Taylor's recent memoirs, "Swords and Plowshares," they will find just what they are looking for.

How did General Taylor happen to know so much? He was chairman of the committee appointed by President Kennedy to investigate the Bay of Pigs fiasco. His book contains an entire chapter which patently paraphrases his committee's report. If the report can come out in this form, why should it be withheld from The Times? Was the report declassified for General Taylor and no one else? Or didn't he bother to get its declassification?

The highest public officials in the land have set the example and established the tradition of using classified documents for political purposes. It is only when the example and the traditions are used against them that they call for the police, the handcuffs and the courts to uphold the sanctity of the law and the inviolability of Government regulations. It is precisely this double game that degrades the law and makes a mockery of "security." If a plaintiff is supposed to come into court with clean hands, the Government's hands could not be dirtier.

The double game is rampant in Washington. For this reason there are actually two systems of classified documents. One is abstract and theoretical. The other is real and political. The arguments over first principles and fine points invariably concern the former. "Do you *really* mean that *nothing* should be classified?" "For *God's* sake, where are you going to *stop?"* The answers to such questions are not so difficult if the real, the political system is kept in mind.

(1) Nothing should remain classified if the classifiers themselves do not abide by the system of classification. Whenever a classified document is made public by those in a privileged position, that document should be automatically declassified. As long as the highest officials in the land habitually use classified documents as political weapons, they cannot in good conscience deny the same use to their critics without debasing and perverting the rule of law. Every victim of the present system of classification testifies to the politicalization of the entire process and to its degeneration into a system of special privilege and bureaucratic decadence. The system needs cleaning up; it does not need more victims.

(2) Where should classification stop? It should stop at the borders of personal interest and partisan politics. The system of classified documents has become a scandal because it has been made to serve one-sided personal and political ends. If the system were purged of personal self-interest and political manipulation, many if not most of the present discontents would be greatly mitigated. There would still be problems, to be sure, but they could be held within manageable limits, and at least we would be spared the present flagrant inequities and hypocrisies.

The case of the classified documents in the United States is remarkably similar to that of the woman charged with violating the antiabortion law in France. According to the report in The New York Times of Nov. 24, 1972, her action was defended in court by a French doctor, who was the dean of a Parisian teaching hospital, a practicing Catholic and an opponent of abortion on principle. But he believed that it was sometimes the best solution, and he testified that he himself occasionally performed abortions when the circumstances warranted them. The French Minister of Health summoned him imperiously for an official rebuke. The doctor protested that well-to-do women obtained abortions without risk, only the poor suffered from the law. Whereupon the Minister admonished the doctor that this was "not a reason why the vices of the rich should be made equally possible for the poor."

In American terms, this is the kind of double-bookkeeping which, as in the case of the classified documents, protects the vices of the higher officialdom and persecutes those who are guilty of nothing else but following their example.

EDUCATION: A KEY TO WORLD PEACE

Mr. CRANSTON. Mr. President, a panel of the country's leading educators are telling us that the "search for world peace must begin with schools."

The provocative views of these school curriculum specialists are outlined in a report published in the Education USA, issue of February 5.

I commend this article to Senators and Representatives, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Education, U.S.A.,
Washington, D.C., February 5, 1973.

Search for World Peace Must Begin With Schools

Programs in peace education, taught in the nation's schools, are the only deterrent to the warfare that has plagued the world in the 20th century. This is one conclusion of the 1973 yearbook of the Assn. for Supervision and Curriculum Development (ASCD), the 12,000-member group of school curriculum specialists. Not satisfied with scattering the subject into world history or "contemporary problems" courses, ASCD believes that the values and issues involved in world peace "should provide the main content of curriculums in the 1970's" and should be "actively pursued" in classrooms. In the 1973 yearbook, Education for Peace: Focus on Mankind, 10 educators conclude that schools must be one of the institutions to take on the responsibility for teaching mutual understanding, justice and the uses of power essential for world peace.

Contributors to the volume reject the thesis that man is innately violent and insist that aggressiveness is learned: "Recognizing that violence is an inadequate solution to a problem by an individual or by groups, the school can become much more deeply involved with choices, decision making, cognitive processes, and values—all leading to solutions other than violence." The place to begin, writes Aubrey Haan, dean of the school of education at California State U., San Francisco, is the school environment. If it is adult-oriented, suppressive or indifferent, the school "can sow seeds of violence, self-hatred, defeat," he says. Individualized instruction, which emphasizes each child's cognitive development, also "can be a constructive force in aiding children to learn coping behavior," he says.

The yearbook justifies giving schools the responsibility for moral development on the basis of educational research. Citing studies on the development of moral judgment in children, several authors note that it proceeds in the same stages as the learning of language or reasoning. Using data collected from interviews with children in five states and in Japan, education consultant Gertrude Noar illustrates the changing concepts of young people about peace and conflict—and gives schools little credit for being influential. "Young children," she says, "describe peace—and its opposite, conflict—mostly in reference to their own home, school and neighborhood. . . . Adolescents move beyond their intimate environments. . . . Older students believe in the efficacy of communication. . . . Some of the older adolescents are without hope."

In the United States, teachers "are still seen as part of the nation's defense system," and education has become synonymous with "indoctrination and training," says James Becker of the Social Studies Development Center at Indiana U. But, Becker says, there are resources to change that. Listing projects on "conflict resolution" at several universities, Becker also points to elementary and high school courses created by the U. of Minnesota, the World Law Center and the Center for War and Peace Studies, especially the Diablo Valley Education Project. (See EDUCATION U.S.A., May 24, 1971.) "Not everyone, either within the education community or the general public, will agree with all the comments and proposals of the many authors," says editor George Henderson, professor of education and sociology at the U. of Oklahoma. "But everyone in this war-weary nation can welcome this forthright search for the elusive road out of our present morass and on to abiding peace." The yearbook is available from ASCD (1201 16th St. NW., Washington, D.C. 20036; 250p; $7.50).

MISGUIDED EFFORTS TO END THE WAR IN VIETNAM

Mr. TOWER. Mr. President, President Nixon's peace agreement is beginning to take hold and American guns are now silent in Vietnam. Our ears are greeted by another silence—Capitol Hill no longer rings with cries for disguised surrender. There were many mistakes in the handling of the Vietnam war. But I shall always regret the persistent misguided efforts by certain Members of Congress to restrict the authority of the Commander in Chief while our men were still fighting overseas.

Time and time again in the last 4 years we have seen serious efforts made to undermine our efforts in Vietnam—and our goal to end the fighting on terms of honor. A study of the record shows no fewer than 87 such major legislative proposals pushed in the Congress between 1969 and 1972.

The chief target of these proposals was President Nixon—a man unfortunate enough to inherit this war but courageous enough to bring it to an honorable end. Now that the struggle is ending, I think it is about time that his critics concede to the President the credit he so clearly deserves.

Congressional interference culminated in Senator McGovern's campaign proposal in 1972 to withdraw unilaterally without making arrangements to get our prisoners back and our missing accounted for. In addition, "the McGovern package" called for the United States to disarm our South Vietnamese allies as we left—leaving them defenseless in the face of 14 divisions of heavily armed North Vietnamese troops plus the Viet Cong. McGovern would have further warned President Thieu of the imminent end of U.S. economic assistance.

In retrospect, as we review the agreement and its provisions relating to the South Vietnamese and to our POW's, it is clear that the McGovern proposals would have prevented the achievement of an honorable peace settlement. Fortunately for the United States and fortunately for history, that plan was buried by the American people when nearly 61 percent of them voted for the reelection of the President.

However, similar proposals kept coming up in Congress throughout the first 4 Nixon years. Many of them drew considerable support. And though no extremely restrictive plans passed, several critical one-vote margins were recorded, bringing us to the brink of a constitutional crisis.

But more important, each of these cut-and-run plans tended to give the enemy encouragement to hold out, to refuse serious negotiation. Each held out the prospect to the Congress handing Hanoi what it could not win on the battlefield. Those who argue that the war could have been ended sooner are probably right. Had some Members of Congress not given Hanoi so much encouragement to abstain from serious negotiations, a just settlement in all probability could have come earlier.

Here is what some of the most prominent legislative restrictions would have done if they had been adopted:

The President would have been forced to withdraw our forces by a certain date, regardless of the military and political situation as of that date, and with no protection for either the South Vietnamese or our prisoners.

Money to support our fighting men would have been cut off, or severely limited.

The President would have been forbidden to carry out military operations, even if he deemed them necessary to protect American lives.

All in all, the political opposition to the commander in chief within the Congress was one of the unhappiest stories in congressional history. But we can be thankful that we had a President who was courageous enough to hold the course and bring an honorable end to this tragic conflict.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of Vietnam legislation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VIETNAM LEGISLATION

S. 2956. War Powers. Gravel amendment making the bill's provisions apply to hostilities abroad in which U.S. forces were engaged, including Indochina, as of the date of enactment of the bill, unless Congress not later than 15 days after enactment had declared war against the nation whose forces they were fighting. Rejected 11–74: April 11, 1972

S. 2956. War Powers. Fulbright amendment specifying that the provision exempting ongoing hostilities, including Indochina, from the bill did not give the President any authority to pursue hostilities not conferred by the Constitution or other provision of law. Rejected 28–56: April 11, 1972

S. 2956. War Powers. Passage of the bill defining the powers of Congress and the President in decisions involving the armed forces of the United States in hostilities. Adopted 68–16: April 13, 1972

S. 3390. Foreign Military Aid Authorizations. Cannon amendment—as modified by adopted Mansfield amendment—forbidding the use of funds to maintain U.S. forces in South Vietnam after Oct. 1, 1972. Rejected 44–49: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Cannon amendment—in the nature of a substitute for Cooper amendment—prohibiting use of funds to maintain U.S. forces in South Vietnam 90 days after enactment, contingent upon an agreement for the release of all Americans held as prisoners of war and an accounting for the men missing in action. Rejected 40–55: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Cooper amendment—as modified by adopted Brooke amendment—forbidding use of funds for U.S. participation in the Indochina war except for withdrawal of the remaining troops from South Vietnam, Laos and Cambodia four months after enactment, contingent only on the release of all American prisoners of war. Adopted 50–45: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Church motion to table, and thus kill, Brooke motion to reconsider the vote by which the Stennis amendment was rejected. Adopted 49–46: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Hartke amendment prohibiting all military and economic assistance to Thailand except for funds to aid in the control of the international narcotics traffic, unless the President determined that the Thai government had taken adequate steps to control international traffic in narcotics. Rejected 22–68: July 14, 1972

H.R. 15495. Defense Procurement Authorization. Brooke substitute amendment for Cranston amendment requiring a cutoff of funds for support of U.S. air, naval and ground troops in Vietnam, Laos and Cambodia within four months of enactment of the bills, pending the release of U.S. prisoners of war. Adopted 49–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Allen motion to reconsider the vote by which the Brooke amendment was agreed to. Brooke amendment called for cutoff of funds for support of U.S. troops in Indochina four months after enactment, pending the release of U.S. prisoners of war. Agreed to 49–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Scott motion to reconsider the vote by which the Allen motion was rejected. Agreed to 52–45: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Adoption of the Cranston amendment as it was replaced by the Brooke substitute which called for the cut-off of funds for support of U.S. military activities in Indochina four months after enactment, pending release of U.S. prisoners of war. Adopted 50–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Pastore motion to reconsider the vote by which the Cranston amendment was adopted. Agreed to 51–46: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Pastore motion to table the Dole amendment stating Congress accepted the full responsibility for the consequence of policy they wrote into the bill. Agreed to 59–38: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table Miller amendment requiring full accounting by the North Vietnamese for those missing in action in Indochina prior to withdrawal of U.S. troops from Indochina. Rejected 1–96: August 2, 1972

H.R. 16593. Defense Appropriations. Proxmire amendment banning the use of funds for the continued aerial bombing of Vietnam, Laos and Cambodia, and reducing the bills appropriation by $2 billion to reflect savings from the bombing ban. Rejected 26–55: October 2, 1972

H.R. 15495. Defense Proceurement Authorization. Harrington amendment to cut off all funds as of 1 September 1972, subject only to POW release and MIA accounting. Rejected 152–244: June 27, 1972

H.R. 16029. Foreign Military Aid Authorizations. House Foreign Affairs Committee adopts for the first time an "End the War" amendment calling for the termination of activities in and over Indochina by 1 October 1972, subject to a cease-fire, release of POW's and accounting of MIA's. Adopted 18–17: August 1, 1972

H.R. 16029. Foreign Military Aid Authorizations. Whalen amendment postponing the effective date of provision terminating U.S. involvement in Indochina war to 31 December 1972, from 1 October 1972. Rejected 109–304: August 10, 1972

H.R. 16593. Defense Department Appropriations, Fiscal 1973. Addabbo amendment calling for a cut off of all funds appropriated in the bill to support U.S. involvement in Indochina. (The fund cutoff would take place four months after enactment of the bill pending the release of U.S. prisoners of war and an accounting for those missing in action.) Rejected by recorded teller vote 160–208: September 14, 1972

1971

H.R. 6531. Military Selective Service Act. Fraser amendment prohibiting involuntary induction of military personnel for training and service in Indochina or involuntary extension of tour of duty. Rejected 122–160: April 1, 1971

H.R. 6531. Military Selective Service Act. Gonzalez amendment prohibiting involuntary induction of Armed Forces personnel for training and service in any area of armed conflict outside the U.S. and its territories, except during period of war declared by Congress. Rejected by Voice Vote: April 1, 1971.

H.R. 6531. Military Selective Service Act. Gibbons amendment prohibiting use of inducted military personnel in combat or for deployment to a combat zone after June 30, 1971 except in the event of: Presidential affirmation of an armed attack on the U.S. or an imminent attack requiring Armed Forces mobilization; congressional authorization of such induction or force mobilization; congressional declaration of war; or personal consent to such induction. Rejected 97–279: April 1, 1971

H.R. 6531. Military Selective Service Act. Ryan amendment prohibiting the assignment of active duty personnel strengths from use in South Vietnam, Cambodia, Laos, North Vietnam, and adjacent waters. Rejected by Voice Vote: April 1, 1971

H.R. 6531. Military Selective Service Act. McGovern-Hatfield amendment prohibiting the expenditure of authorized or appropriated funds after December 31, 1971, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority to provide for the safety of U.S. Armed Forces or of South Vietnamese, Cambodians, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in amounts approved by Congress; stipulating, however, that in the absence of arrangements on the part of North Vietnam and other adversary forces for the release and repatriation by December 31 of all American prisoners (arrangements to be made 60 days after enactment), the U.S. withdrawal deadline may be extended for 60 days and Congress may by joint resolution authorize further action as is recommended by the President to secure American prisoner release and repatriation. Rejected 42–55: June 6, 1971

H.R. 6531. Military Selective Service Act. Chiles amendment prohibiting the expenditure of authorized or appropriated funds after June 1, 1972, to support the deployment of U.S. Armed Forces in or conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority on the same counts as in the above amendment; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or American designated as missing in action but held as prisoners of war by North Vietnam and other adversary forces in Indochina. Rejected 44–52: June 16, 1971

H.R. 6531. Military Selective Service Act. Cook amendment (as amended by Mansfield amendment as a substitute) declaring it to be the policy of the United States to terminate all involvement of the U.S. Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all U.S. military forces and equipment from South Vietnam, Laos and Cambodia; prohibiting the expenditure of funds authorized or appropriated under this or any other law after nine months from the date of enactment to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over South Vietnam, Laos, Cambodia, or North Vietnam; stipulating that if after 60 days following enactment the President is unable to obtain a firm commitment from the North Vietnamese Government for the release of all U.S. personnel held captive by it and other allied forces, the above provisions will have no further force and effect unless Congress provides for their extension; not to be construed as affecting Presidential authority on the same counts as in the above amendment; and outlining specific procedural arrangements for immediate congressional consideration and votes on bills and resolutions related to withdrawal. Adopted 61–38: June 22, 1971.

H.R. 6531. Military Selective Service Act. Mansfield amendment (as substitute to Cook amendment), declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than nine months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than nine months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57–42: June 22, 1971 on June 28, 1971, a similar provision was voted by the House, 219–175.

H.R. 6531. Military Selective Service Act. Conference report changing Mansfield amendment declaring it to be the sense of Congress (rather than the policy of the United States) that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain (rather than not later than nine months after the date of enactment) subject to the release of all American prisoners held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, except that "establishing a final date for the withdrawal from Indochina of all military forces of the United States" becomes a directive to "negotiate with the Government of North Vietnam for the establishing of a final date . . .", and the original phrase stating that the parties involved may establish an earlier withdrawal date by negotiation than the stipulated nine-month date is deleted. Adopted 55–30: September 21, 1971. A similar provision had been adopted by the House by 297–108 on August 4, 1971.

H.R. 8687. Military Procurement Authorization. Nedzi-Whalen amendment prohibiting the expenditure funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any military operations in or over North Vietnam, South Vietnam, Cambodia, or Laos except in the event of Presidential determination that such limitations would prevent the safe and orderly withdrawal of all U.S. military personnel from Vietnam or ensure the return of prisoners of war; not to be construed as affecting the constitutional power of the President as Commander-in-Chief, or his power to provide asylum or other safety measures for endangered South Vietnamese citizens or military/economic assistance to Cambodia, Laos, or South Vietnam consistent with the amendment; or as affecting the assignment of customary military personnel to diplomatic missions. Rejected 158–254: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Robison amendment prohibiting the expenditure of appropriated funds after April 30, 1972, to support the deployment of U.S. military personnel or the conduct of U.S. military operations in or over South Vietnam, North Vietnam, Laos, or Cambodia or by such date as a ceasefire has been arranged either by the parties involved or the United Nations or by any group of neutral nations, and if by such date agreement has been consummated on the identification and exchange of prisoners of war, and if all American prisoners have been released. Rejected by Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Mink amendment prohibiting the expenditure of appropriated funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. Rejected 79–327; June 17, 1971

H.R. 8687. Military Procurement Authorization. McDade amendment prohibiting the expenditure of appropriated funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos, provided that all U.S. prisoners of war under control of the North Vietnamese, the Vietcong, or their Allies, be released not less than four months prior to the above date and that the latter parties refrain from interfering with the safe withdrawal of U.S. troops. Rejected 37–146: June 17, 1971

H.R. 8687. Military Procurement Authorization. McKinney amendment requiring that an agreement be reached prior to December 1, 1971 between the U.S. and North Vietnamese Governments setting a definite date for ceasefire and mutual return of prisoners of war. Rejected by Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Findley amendment prohibiting the use of resources authorized by the Act to support action by U.S. combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date; not to be construed as limiting the authority of the President to take necessary measures to secure the safe return of U.S. prisoners of war or to provide asylum for those endangered by the withdrawal of U.S. forces. Rejected on Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Badillo amendment prohibiting the use of any funds authorized by the Act for engaging in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any guerrilla warfare operation) that would necessitate execution by forces composed in whole or in part of mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, a prohibition to apply expressly to the Central Intelligence Agency or any agency acting on its behalf. Rejected 46–172: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Harrington amendment striking out line 18 on page 5 and all that follows down through page 7, line 4. (No other text appears in the Record date; however, the Congressional Quarterly notes that the amendment would have removed from the bill $2.5 billion authorized for support of local and free world forces in Indochina.) Rejected 29–128: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Pepper amendment prohibiting the expenditure of authorized funds after June 1, 1972, to support the deployment or maintenance of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or Americans designated as missing in action but held as prisoners of war by North Vietnam and other adversary forces in Indochina; not to be construed as affecting the authority of U.S. Armed Forces or of South Vietnamese, Cambodians, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in the amounts approved by Congress. Rejected 147–237: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Symington amendment beginning with the word "local" on page 5, line 26, strike out through the word "Thailand" in line 1 on page 6 and insert in lieu thereof "local forces of Laos in Laos and local forces of Thais in Thailand." Immediately before the quotation marks on page 6, line 25, insert the following: "Notwithstanding any other provision of law (including but not limited to the foregoing provisions of this paragraph), none of the funds made available under this or any other law may be used to support any member of a local force of Laos in Laos who is not a citizen or national of Laos." Not acted on.

H.R. 8687. Military Procurement Authorization. Montoya amendment prohibiting the expenditure of authorized or appropriate funds under this or any other law after February 3, 1972 to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; noting that such date may be postponed by the President to a date not later than six months after enactment if he determines and notifies Congress in writing that the South Vietnamese Government has conducted a freely contested presidential election in which the right of all campaign workers were guaranteed, the franchise of the South Vietnamese people protected, and the election conducted in a manner consistent with the purposes of the United States in behalf of the South Vietnamese; not to be construed as affecting the authority of the President on the same counts as in the above (Pepper) amendment; urging and requesting the President to negotiate with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners concurrently with the withdrawal of all remaining U.S. military forces by a date not later than six months after the February 3, 1972 deadline. Rejected 25–60: October 6, 1971

H.R. 8687. Military Procurement Authorization. Gravel amendment prohibiting the expenditure of authorized or appropriated funds under this or any other law after enactment to bomb, rocket, napalm, or otherwise attack by air any target whatsoever within Cambodia, Thailand, North Vietnam, and Laos, and prohibiting the same within South Vietnam unless the President determines any such air operation to be necessary to provide for the safety of U.S. Armed Forces during their withdrawal from Indochina. Rejected 19–64: October 5, 1971

H.R. 8687. Military Procurement Authorization. Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than six months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57–38: September 30, 1971. The House rejected the provision, 216–192, October 19, 1971.

H.R. 8687. Military Procurement Authorization. Conference report containing Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal at a date certain (rather than not later than six months after the date of enactment) subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces and an accounting for all Americans missing in action who have been held by or known to such parties; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, with the addition that the establishing of a withdrawal date be contingent not only upon the release of all American prisoners of war but also upon an accounting for all Americans missing in action who have been held by or known to the North Vietnamese Government and its allied forces. Adopted 65–19: November 11, 1971. The House adopted this provision 251–100, November 10, 1971.

H.R. 11731. Defense Appropriations. Boland amendment prohibiting the use of appropriated funds after June 1, 1972 to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, in line with Title VI of the 1971 Mlitary Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for a prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 163–238: November 17, 1971

H.R. 11731. Defense Appropriations. Jacobs amendment prohibiting the use of appropriate funds after November 7, 1972 to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for, in line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 52–161: November 17, 1971

H.R. 9910. Foreign Assistance Act of 1971. Scott amendment striking Cooper-Church provisions declaring that, in order to bring an end to the involvement of U.S. Armed Forces in the hostilities in Indochina, to secure the safe return of U.S. prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all U.S. Armed Forces; stipulating that on and after the date of enactment funds authorized for use by such forces by this or any other act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn. Accepted 47–44, October 28, 1971

H.R. 9910. Foreign Assistance Act 1971. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining U.S. military forces by not later than the date established by the President pursuant to the above or an earlier negotiated date. No direct vote on floor.

H.R. 9910. Foreign Assistance Act 1971. Gravel amendment lowering the ceiling on all forms of aid to Cambodia to $150 million. Rejected 26–53; October 29, 1971.

H.R. 9910. Foreign Assistance Act. Senate report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to South Vietnam, Laos, and Thailand be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 (instead of continuing the interim procedure of funding military aid to these countries under the Department of Defense budget); adding a new section 513 requiring specific congressional authorization before funds from any U.S. Government agency or official can be made available "for the purpose of financing any military operations by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma outside the borders of the country of the government or person receiving such funds"; not to be construed as infringing or restricting military operations and exercises outside Southeast Asia which are required for self-defense purposes or which are pursuant to regional defense arrangement such as NATO or other arrangements such as United Nations peacekeeping operations. Adopted on Voice Vote: October 29, 1971.

H.R. 9910. Foreign Assistance Act 1971. Case amendment deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval for all U.S. funds used to finance military operations by foreign (third country) forces in the six countries of Southeast Asia, leaving the requirements in effect for North Vietnam, Laos and Thailand. Adopted on Voice Vote: October 29, 1971.

H.R. 9910. Foreign Assistance Act 1971. Fulbright amendment leaving committee oversight of military funds for South Vietnam and Laos in the Defense Department budget under the jurisdiction of the Armed Services Committee, but returning oversight of military aid to Thailand to the Senate Foreign Relations Committee and placing such aid in the Foreign Assistanct Act, thus amending section 512. Adopted on Voice Vote: October 29, 1971.

NOTE. After Considering the above and other amendments, the Senate in an unexpected move rejected the overall bill, H.R. 9910, on October 29 by a recorded teller vote of 27 yeas, 41 nays, and 27 not voting.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining U.S. military forces by a date not later than the date established by the President pursuant to the above or an earlier negotiated date. Adopted by Senate vote of 65–24 on whole bill. Similar provision in bill passed by the House 130–101, December 16, 1971, but motion to instruct conferees to accept Mansfield language was rejected.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Nelson amendment lowering the ceiling on all forms of aid to Cambodia to $263.5 million from the $341 million ceiling approved in section 655 by the Senate Foreign Relations Committee (the $341 million ceiling was the same as that set by Symington amendment No. 558, adopted as part of the subsequently defeated H.R. 9910.) Rejected 43-46: November 11, 1971

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new subsection (v) to section 620 of the Foreign Assistance Act stipulating that none of the funds appropriated to carry out the provisions of the act shall be made available to any foreign country which the President determines has failed to actively support the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war (same as Brock amendment No. 555 adopted as part of H.R. 9910.) Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House did not consider a similar provision and the Senate receded from this amendment in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval of all U.S. funds to finance military operations by foreign (third country) forces in the six countries of Southeast Asia, leaving the requirement in effect for North Vietnam, Laos, and Thailand (same as the Case compromise amendment adopted as part of H.R. 9910.) Adopted by 65–24 Senate vote on whole bill, November 11, 1971, but dropped in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to Thailand shall be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 rather than under the Defense Department budget (same as Fulbright modifying substitute amendment adopted as part of H.R. 9910); new section 513 as reworded in conference provides that after June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this act or the Foreign Military Sales Act. Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House adopted a similar provision 203-179: January 25, 1972.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 656 stipulating that the total number of civilian officers or employees of executive agencies of the U.S. Government who are citizens of the United States and of members of the U.S. Armed Forces (excluding such members while engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed 200; providing further that the United States shall not at any time pay in whole or in part, directly or indirectly, the compensation of allowances of more than 50 individuals in Cambodia who are citizens of countries other than Cambodia or the United States; latter figure changed in the conference report from 50 to 85. Adopted by Senate vote of 65–24 on whole bill. *The House approved* the provision in 203–179 vote on conference report: January 25 1971.

1970

H.R. 15628. Military Sales Act. Goodell-McGovern-Young—amendment adding the following new section 47: "No part of any amount authorized to be appropriated under this act or any other law shall be used to introduce into or maintain in the territory of Cambodia or the airspace thereof, for any purpose and for any period of time, (1) any military personnel of the United States, or (2) any other persons employed by the United States or hired pursuant to contract with the United States, who perform the functions of military advisors or military instructors." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church-Mansfield-Aiken amendment adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States ground forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who furnishes military instruction to Cambodian forces or engages in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces; (4) supporting any combat activity in the air above Cambodia by United States air force except for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church Provision in Senate Report adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of: (retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in support of Cambodian forces." Filed May 12, 1970.

H.R. 15628. Military Sales Act. Cooper-Church revision adding the following new section 47 entitled prohibition of assistance to Cambodia: "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970 for the purpose of: 1) retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in direct support of Cambodian forces; [and further stipulating that] nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of U.S. armed forces wherever deployed: [and] nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the armed forces of the United States." Adopted 58–38, June 30, 1970. The provision was later approved by the House in a 237–153 vote on the whole bill but the House killed a motion to instruct conferees to accept this particular section.

H. R. 17123. Military Procurement Authorization. Reid amendment adding the following new section 403: "In line with the expressed intention of the President of the United States, no part of the funds authorized to be appropriated pursuant to this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Rejected 32–321, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Findley amendment adding the following new section 403 in place of the language of the above Reid amendment: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, to protect the lives of American troops remaining within South Vietnam" [similar to the Dole amendment to H.R. 15628]. Adopted 171–144, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Leggett amendment striking the proviso exception after the word "Congress," thus changing the Findley substitute to read: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of Congress." Rejected 132–215, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Bingham amendment inserting after the word "Cambodia" in the above Reid amendment the following: ", or to finance attacks on the territory of North Vietnam." Rejected 70–232, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Ryan amendment adding the following new section 403: "No funds authorized or appropriated pursuant to the act shall be used to finance the use of American military forces in Cambodia." Rejected on a point of order, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Ryan amendment striking section 401, an open-ended authorization for the funding under this or any other act of the local forces in Laos and Thailand and of South Vietnamese and other free world forces in Vietnam, in effect requiring the Administration to request specific authorization for support of these forces. Rejected on voice vote, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Lowenstein amendment adding the following new section 403: "No part of the funds authorized to be appropriated pursuant to this act shall be used to finance American military operations in Laos, Thailand, or Cambodia." Rejected on a point of order, June 6, 1970.

H.R. 17123. Military Procurement Authorization. McGovern-Hatfield amendment adding a new section: "(1) In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expended to maintain a troop level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971; (2) after April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives: (a) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971; (b) to secure the release of prisoners of war; (c) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and (d) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives; providing, however, that if the President while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including [if necessary] a new date applicable to section 2(a) for Congressional approval." Rejected 39–55, September 1, 1970.

H.R. 17123. Military Procurement Authorization. Proxmire-Nelson-Hughes-McGovern-Goodell-Young-Yarborough [revised] amendment incorporating Dominick suggestion that any proposal to end the practice of sending draftees to Indochina include a proviso whereby young men inducted into the armed forces can retain the option of volunteering for such duty, and subsequently changing the use of the term "drafted" to "inducted," thereby adding the following new section: "No funds appropriated pursuant to this or any other act may be expended after the date of enactment of this section for the purpose of sending to South Vietnam, Laos, or Cambodia, any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted; [stipulating, however, that] the preceding sentence shall not apply in the case of any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, who (1) volunteers for duty in South Vietnam, Laos, or Cambodia, or (2) has voluntarily extended his military service obligation after having been inducted into the armed forces." Rejected 22–71: September 1, 1970

H.R. 19590. Defense Appropriations. Senate Report—amending the House-passed section 838 to include a $2.5 billion limitation on the amount of funds to be made available for expenditure, and adding the restrictive language of section 502 of the Defense Procurement and Research Authorization Act (P.L. 91–441) which further stipulates that nothing in the above limitation "shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos." Adopted [as part of whole bill] 59–0: December 8, 1970

H.R. 19590. Defense Appropriations. House Report—modifying slightly the language of section 838 in the first conference report to read: "Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure [rather than support of free world or local forces in actions designed to promote] the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70–2; and by the House 234–18 in second conference report: both in December 29, 1970.

H.R. 19590. Defense Appropriations. Senate Report amending the House-passed section 843 to include the sense of the original Cooper-Church amendment to H.R. 15628, except for the prohibition on the introduction of advisors into Cambodia: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Adopted [as part of whole bill] 89–0, December 8, 1970.

H.R. 19590. Defense Appropriations. House Report adopting the compromise reached in the first conference report, thereby amending section 843 to read: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand, provided, that nothing in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70–2 and by the House 234–18 in second conference report: both on December 29, 1970.

H.R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, of the aggregate amount appropriated pursuant to titles I, III, IV, and VI of this act, not more than $15,000,000,000, shall be available for expenditure for military personnel, operations and maintenance, procurement, defense readiness, or any other purpose in support of United States, South Vietnamese, and other allied armed forces in South Vietnam." Rejected in voice vote: October 8, 1970.

H.R. 19590. Defense Appropriations. Fraser amendments adding the following new section 845: "(a) None of the funds appropriated by this act shall be used to finance in any manner whatsoever any combat or support operations by any United States armed force in Vietnam other than those such operations which are necessary to carry out the safe and orderly withdrawal of United States forces and United States prisoners of war from Vietnam; provided that the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated; (b) notwithstanding any other provisions of this act, none of the funds appropriated by this act shall be available for expenditure nor shall be obligated for expenditure after June 29, 1971 to finance United States military personnel, other than advisors, in Vietnam, provided, that all the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated." Rejected 65–23: October 8, 1970

H.R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, none of the funds appropriated by this act shall be available to finance United States ground combat forces in Vietnam after June 20, 1971; provided that any funds not expended or obligated because of the limitation in this section shall not otherwise be expended or obligated." Rejected by voice vote: October 8, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Findley amendment adding the following new section 6: "The military and supporting assistance funds herein authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam." Rejected on voice vote: December 9, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Tunney amendment adding the following new section 6: "Nothing in this act shall be interpreted as authorizing any military assistance to Cambodia other than small arms, ammunition, and communications equipment." Rejected on voice vote: December 9, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Cooper-Church-Javits-Case-Mansfield Provision in Senate Report adding the following new section 7: "(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia; (b) military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia for its defense." Adopted [as part of whole bill] 72–22, December 16, 1970. Adopted in conference report by the House on a voice vote December 22, 1970.

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Williams amendment amending the language of section 7 as contained in the above committee amendment [Cooper-Church] to read: "In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodia or Israel or to provide United States advisors to or for Cambodia or Israeli military forces in Cambodia or Israel." Adopted Church tabling motion [in effect, rejected] on December 15, 1970.

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Gravel amendment deleting from section 2: "(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia." Rejected 33–61, December 16, 1970.

1969

H.R. 11400. Second Supplemental Appropriations 1969. Ryan amendment striking out Title I, "Military Operations in Southeast Asia," which would appropriate $1.2 billion in supplemental funds for the conduct of the war in Vietnam, including military personnel of all the armed services, operation and maintenance, and equipment. Rejected 25–140, May 21, 1969.

H.R. 11400. Second Supplemental Appropriations 1969. Eckhardt amendment revising the Ryan amendment to delete only that portion of Title I which would appropriate $640.1 million in procurement funds for the obtaining of further military material to conduct the war in Vietnam. Rejected 23–134, May 21, 1969.

S. 2546. Military Procurement Authorization. Fulbright amendment adding to the above the following stipulation: "Not to exceed $3 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes to support . . ." Adopted on voice vote [as modified by Stennis], August 12, 1969.

H.R. 14000. Military Procurement Authorization. Mikva amendment adding to the proposed change to section 407: "In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 31, 1969, this limitation [on active duty strength of Armed Forces personnel] of 3,285,000 shall within 180 days thereafter be reduced by a like number [and further, stipulating that [nothing in this section shall be construed as requiring the reduction of the permanent active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law." Rejected 38–85, October 3, 1969.

H.R. 15090. Defense Appropriations. Cooper-Mansfield amendment adding the following new section 643 to conform with the Cooper qualification on the nature of support to local forces as passed by the Senate when considering the Military Procurement Authorization [amending section 401 of S. 2546] but subsequently deleted in conference: "None of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment, and facilities, including maintenance thereof, or to provide training for such local forces." Adopted 80–9 as modified by the revised Church substitute, December 15, 1969.

PROPOSED REDUCTIONS IN MEDICARE BENEFITS

Mr. EAGLETON. Mr. President, medicare in its early days paid approximately 50 percent of the total health care bill of our elderly citizens. Left uncovered were such major items as prescription drugs and long-term care.

Today, as a result of ever larger deductibles and coinsurance payments and of increases in doctors' fees not recognized by medicare, this program covers only about 42 percent of the health care costs of the elderly.

Now we are informed that President Nixon will propose that medicare beneficiaries pay a still greater share of their hospital and doctor bills.

Referred to euphemistically in the President's budget as "cost-sharing reforms," these proposals would in 1974 shift $1 billion in health care costs from medicare to those elderly and disabled people who need medical care.

Rather than 60 covered days of hospital care after the payment of a $72 deductible, the President will propose that an elderly person pay the full cost of his first day in the hospital and 10 percent of the cost of each day thereafter.

With respect to doctors' bills, where there is now a $60 annual deductible and 20 percent coinsurance payments for all remaining bills, the President will propose an $85 deductible and 25 percent coinsurance payments.

Mr. President, I find these proposals almost incredible.

Virtually every day I receive letters from elderly persons who are struggling to make ends meet on an average social security benefit. Often suffering from chronic conditions, they need medication on continuing basis and should visit the doctor with some regularity.

Before they ever see their social security checks, the part B medical insurance premium has been deducted from it. This now amounts to $5.80 each month; beginning July 1, it will be $6.30.

Yet medicare pays nothing toward the cost of their medication. And each time they go to the doctor's office they must pay at least 20 percent of the bill out of their own pockets. Where fees exceed those charges allowed by medicare, they must pay an even larger share of the doctor's bill.

Mr. President, are these the people who administration spokemen suggest are overutilizing medical services and should become more cost conscious?

In my opinion, the responsibility of Congress is to find ways to decrease—not increase the share of health care costs that the elderly must pay out of their own pockets.

We should, at the earliest possible time, extend medicare to cover the cost of those prescription drugs required by the chronically ill. I have joined with the Senator from New Mexico, Senator MONTOYA, in cosponsoring S. 174, the prescription drug proposal developed last year by the Senate Finance Committee and passed by the Senate as a part of H.R. 1.

We should eliminate the requirement that medicare beneficiaries pay a monthly premium for their supplementary medical insurance. Both the hospital and medical insurance portions of medicare should be financed by a combination of payroll taxes and general revenues so that medicare protection can be fully paid for during a person's working years.

I believe also that Congress should take a hard look at the role of deductibles and coinsurance requirements under medicare.

The hospital insurance deductible, which was originally $40, is now $72—an increase of 80 percent since 1968. The hospital coinsurance rate following the first 60 days of hospitalization has incresed by the same percentage. And the medical insurance deductible has just been increased from $50 to $60.

It is argued that these deductibles and coinsurance payments are required to deter unnecessary use of medical services. Is not it also true that they often serve to deter people from seeking the care they need? Are not there ways to assure the medical necessity of services covered by medicare which do not at the same time raise economic barriers to necessary care?

At the very least, Mr. President, I am confident that a majority of Members of Congress will reject any proposals that will result in placing a greater financial burden on elderly and disabled persons who need medical care.

INTERVIEW OF SENATOR HELMS BY NORTH CAROLINA MAGAZINE

Mr. BUCKLEY. Mr. President, the junior Senator from North Carolina (Mr. HELMS) was recently interviewed in North Carolina magazine. I believe the interview provides an excellent introduction to one of the Senate's newest members. In the interview, Senator HELMS explains how he became a candidate, and how he views his new role.

I first came to know our new colleague last fall, when I undertook to campaign on his behalf. I found him to be a dedicated American who understands that our Federal Government was designed to be limited in scope, and that the vitality of the free market should be encouraged, not stifled, by Government. Further, the junior Senator from North Carolina understands the realities of national defense and foreign policy. He knows that isolationism is no longer a viable option for the United States to consider.

Mr. President, as I believe the interview of the junior Senator from North Carolina will be of interest to all Senators, I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA INTERVIEW: SENATOR JESSE A. HELMS, JR.

BIOGRAPHY

Those who have the opportunity to meet a well known television personality for the first time have been known to exclaim, "Why he's nothing like I expected from watching him on TV."

That has happened often to North Carolina's new Junior United States Senator, Jesse A. Helms, Jr. Twelve years of nightly editorializing before the cameras of Raleigh's WRAL–TV left the impression with thousands of viewers, including those who responded most favorably to his strong conservatism, that the man must be a stern and unbending individual, as stiff in manner and righteous in certitude as any Old Testament prophet.

Coming to a personal meeting with Jesse Helms, many of those viewers were surely surprised to discover a rather shy individual whose conversation could be as rambling and hesitant as his editorial style was positive and direct, who could be almost diffident about his own abilities and influence, and who displayed, often at his own expense, a ready sense of humor seldom apparent in his television editorial capacity.

At age 51, this son of a small-town chief of police has become one of the 100 members of the most sought-after legislative chamber in America. The ways of Congress and of Washington are familiar to him: he spent four years in the early 1950's as administrative assistant to Senators Willis Smith and Alton A. Lennon. Mr. Helms has long had friends and confidants in many high places of government. His next-door office neighbor when he first went to Washington 21 years ago was a young California Senator named Richard M. Nixon. As executive secretary to the North Carolina Bankers Association from 1954–60 he became well known in the business community. And as executive vice president and editorialist for Capital Broadcasting Company and its radio and television outlets during the past 12 years Jesse Helms had become a household name in much of Eastern North Carolina. His reputation as a major electronic editorialist had spread far beyond the coverage area of the stations carrying his Viewpoints.

Nevertheless, the election of Jesse Helms to the United States Senate, looked at in retrospect, was a stupendous political feat. He was, first of all, a newcomer to the Republican Party, Traditionally, the North Carolina GOP hierarchy has not been overly warm toward the idea of recent converts seeking statewide office. Second, while Mr. Helms' conservative views drew wide empathy from people of all classes and income levels, they also created many influential enemies: the editors of major state newspapers, high-ranking public officials and educators and others who regarded Mr. Helms' views on many issues as impossibly negative and simplistic. Third, despite the strong impact of Jesse Helms from the video medium and personal warmth he conveyed to friends, his personal style precluded anything approaching a Kennedy-like charisma on the campaign hustings. As the new Senator put it himself: "I'm just not built for glad-hander politicking."

Nevertheless, there was something about his manner on the campaign trail which tended to drain off potential hostility. Seeking the support of a Republican county chairman during the primary campaign Mr. Helms was initially rebuffed. Why, the chairman asked, should he support a man who had repeatedly and sometimes vehemently criticized President Nixon, and who was a Johnny-come-lately Republican?

Mr. Helms' reply was that the change of parties resulted from a conviction that the Democratic Party was finally beyond any return to the principles which he espoused, and that while he had indeed criticized Nixon, he had also praised him. Further, he would continue to criticize Nixon when he—Helms—felt the President was wrong. Still further, he urged the local chairman to support the candidate whom the chairman felt best represented his own convictions. Whereupon the chairman declared he would do exactly that—and Helms was his choice.

In the Republican primary Mr. Helms defeated former state legislator James Johnson of Concord and William Booe of Charlotte. In the general election he defeated Nick Galifianakis by almost 120,000 votes. Mr. Helms' 795,000 votes represented one of the higher totals garnered by any statewide candidate on November 7.

A native of Monroe, Mr. Helms attended Wingate Junior College and Wake Forest College. His journalism career interrupted by four years of U.S. Navy service during World War II, he was a reporter for "The Raleigh News and Observer," City Editor of "The Raleigh Times," manager of a radio station at Roanoke Rapids, and News and Program Director of WRAL Radio in Raleigh before becoming administrative assistant to the late Senator Willis Smith in late 1951.

Mrs. Helms is the former Dorothy Coble of Raleigh. Their children are Jane (Mrs. Charles Knox), Nancy (Mrs. John Swart), and Charles, a student at Western Carolina University.

INTERVIEW

North Carolina: What was the background of your decision to run for the Senate?

Helms: Over the years people have suggested now and then that I run for statewide office, but I never took the suggestions seriously. I had been elected to a couple of terms on the Raleigh City Council, but I just couldn't see myself as having any great personal appeal to the voters. Besides, I was perfectly happy with my job here (WRAL Television) and intended to spend the rest of my working life at it. But last fall (1971) I started getting more calls and visitors asking me to run for the Senate. I said then and several times thereafter that the idea was preposterous.

North Carolina: What happened to change your mind?

Helms: As you know, Tom Ellis (a Raleigh attorney and campaign manager) came to see me with some other folks early this year (1972) and asked my consent to let him circulate a letter to friends asking them to write and/or send seed money to persuade me that I would have a good nucleus of support. I finally agreed to that but I was still dubious that it would amount to anything. But three weeks later the mail had brought some 15,000 letters and about $20,000 in contributions which would be returned if I decided not to run.

North Carolina: Was that reaction what persuaded you?

Helms: To a great extent, yes. It wasn't just the volume of the response, it was the quality of some of it. There was one letter from an elderly lady in a nursing home. She sent one dollar, saying it was all she could spare, but she believed in me and hoped it would help. That really touched me deeply. But I was still reluctant.

North Carolina: Why?

Helms: For one thing, becoming a candidate meant I would have to go off the air and I felt I would be letting down the people here at the station who've been so good to me. For another, I still didn't think I had a chance of winning even the nomination, much less the election. Also, if I did become the Republican nominee it would mean—so I thought at the time—running against Senator Everett Jordan. And I certainly didn't relish that prospect.

North Carolina: You and Senator Jordan had been close friends for many years, I believe.

Helms: Yes, and we still are, even though I have disagreed with him editorially a number of times. Even before I made up my mind to run I wrote him a letter telling him of my continuing friendship and respect and assuring him that any differences I might have with him would never be personal ones. I told him that I would never speak disparagingly of him as a man, or refer to his age or any physical infirmity, or knowingly permit any of my supporters to do so.

North Carolina: Why didn't you believe you could win the Republican nomination?

Helms: The fact that I was a newcomer in the party and the fact that my major opponent, Jimmy Johnson, was such an attractive and articulate candidate. And outside the coverage area of the television station here I was not at all well known—in the Piedmont and West where most of the Republican strength is.

North Carolina: As it turned out, you won the nomination in a runaway. Did that increase your confidence?

Helms: Yes, but I knew the fight would still be uphill. I had not expected that Nick Galifianakis would defeat Senator Jordan, but I knew that Nick, as a Congressman, was still better known than I was. And being the Democratic nominee in a Democratic state gave him the obvious advantages.

North Carolina: The fact that you received nearly 800,000 votes shows your support came from all income levels. Do you think it also came from young people, who were supposed to be solidly against you?

Helms: I know it did. Everywhere I went during the campaign there were young people—including young men with long hair and beards—who told me they were for me. I'll tell you, that really changed my opinion about long hair and whiskers. Frankly, except on some of the larger college campuses, I think I got a substantial majority of the youth vote. You know, the average age of my own campaign staff was only 22. Harold Herring, who will be my administrative assistant, is only 24.

North Carolina: Certainly you had a great deal of support in the business community. How about that big bloc of voters often referred to as the "little people"?

Helms: They are the ones who put me in the Senate. They may be called little people, but they're not little at all. They are the people who struggle to pay their taxes and raise their children, who never took a dime of welfare money, and who ask nothing of the government except to be left alone. I know you've heard that from me a lot of times, but it's true. And if I owe my election to any one group, it is to those so-called little people.

North Carolina: Having served as administrative assistant to two Senators and knowing something about how the Senate operates, do you feel that will be of some help in getting yourself established?

Helms: To some degree, but in the years since I left Washington the bureaucracy in the Senate has grown tenfold, just as it has in every other sector of government. A lot of change has come about since I was there before.

North Carolina: A lot of people are waiting to see what kind of Senator you are going to be. Can you give us any sort of preview?

Helms: Well, I'm not going to introduce bills to abolish Social Security or the REA, as it was intimated during the campaign that I might do if I got to Washington. I've never been against Social Security—just against the unsound actuarial way in which it is operated. I will continue to oppose forced busing for integration and I'll support any good legislation the President may offer to stop it. I may have a bill of my own on busing. As for tax reform legislation—well, I'll just have to wait and see what sort of tax reform they're talking about before I take any position.

North Carolina: One of your principal editorial themes over the years has been federal budgetary waste and extravagance. As a member of the Senate, will you make this a principal concern of yours?

Helms: You bet I will. When I worked for Senators Smith and Lennon there were a number of Senators who were willing to do their budget homework—that is, to sit down with those dreary mountains of line item figures and find out where the fat was. Well, they're just about all gone now. Our own Charlie Jonas was one of the last of those Congressmen who was willing to really bore in on the budget. I know he's saved the taxpayers billions of dollars. It's lonely, unglamorous work—this budget analyzing. But I'll be doing it—I'm going to be practicing what I preached all these years.

North Carolina: Do you intend to be an Ivory Tower sort of Senator, as many of them are?

Helms: I intend to be as accessible to all the people of North Carolina as humanly possible. I plan to be at home in North Carolina every weekend that Congressional business will permit. And I'm planning something new—what in effect will be 800 local offices across the state.

North Carolina: How will that work?

Helms: With the cooperation of the North Carolina Bankers Association and the North Carolina Savings and Loan Association, we've worked out a system where citizens can take their requests and complaints and problems to the teller windows of the member institutions of those associations and they will be forwarded to us. You know, these institutions now perform a similar sort of service for their customers in payment of bills for utilities and so forth. I got the idea while standing in line at a teller's window recently. And the banks and savings and loan associations have graciously agreed to go along with the idea. The service will be available to all members of the state's congressional delegation.

North Carolina: There has been speculation that once you are in the Senate you will modify some of your more conservative positions and move toward the center of the political spectrum. Will this occur?

Helms: If the people doing that speculating mean that I will abandon the principles I've always stood for, the answer is, absolutely not. Just how far right of center I am I've never tried to analyze. But I did not, as some implied, move closer to the center during the campaign and I'm not going to in Washington. I'll continue to look at things as I always have and judge them according to my own criteria. And frankly I couldn't care less what distance from the center that puts me.

North Carolina: You have been a strong critic of both the national press and of the major daily press in North Carolina. How do you think the press treated you during the campaign?

Helms: Well, the editorial writers of the big dailies were pretty solidly against me, of course, and I didn't get a thing from them. But as for the working press—the men and women out covering the campaign for their papers and stations—I thought that on the whole they were quite fair and comprehensive in their coverage of me. At least one reporter told me that a story he wrote about me which was distorted and untruthful was altered by the editors from what he originally put down on paper. When I was in the Secretary of the Senate's office in Washington recently a TV network news reporter asked me if it was true that I am a wild-eyed extremist. I asked him how he defined a wild-eyed extremist, and where he got the information that I was one. This business of labeling is like beauty—it's in the eye of the beholder. It seems that when some members of the press don't like your views, then you are, ispso facto, a wild-eyed extremist.

North Carolina: As a first-time political campaigner, how did you regard the experience?

Helms: It had many rewards, of course, as every candidate learns. You can never fully thank all of the people who worked so hard for you. But it is also a totally exhausting experience—physically and mentally. Political campaigns today are too long and too expensive, and somehow we've just got to make them more reasonable in terms of time and cost. I'll frankly admit that there were times during the campaign when I was so dog-tired that I would appear at a place not fully knowing where I was or what I was supposed to do. And other candidates have told me the same thing. Seeking high public office today is a brutal and debilitating task.

North Carolina: Do you have any trepidations about becoming a member of the Senate?

Helms: I regard the job of being a Senator as an awesome task, and I approach it with awe. All I can really promise is that I will work hard for the things I believe in, and against those which I don't believe in. I can't save the world, and I say in all honesty that I think there are many people in North Carolina more qualified than I for this job. But I do promise to do everything in my power to justify the confidence the voters placed in me.

GOVERNMENT ACTIONS JEOPARDIZE A FREE PRESS

Mr. SYMINGTON. Mr. President, few constitutional safeguards have proved more vital to the health of the Republic than the first amendment guarantees of freedom of speech and freedom of the press.

Each of us in public office would readily concede that while the aggressive pursuit of news by members of the press has at times produced occasional error or misinterpretation, the public interest nevertheless has been well served through the greater exposure that has been given Government activities.

There are few Members of the Congress or any other branch of Government who would make any other choice than that proffered by Thomas Jefferson when he said:

> If it were left to me to decide whether we would have the government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

In a statement before the Northwest Missouri Press Association January 20 in St. Joseph, Mo., my colleague from Missouri, Senator Thomas F. Eagleton, discussed the most recent encroachments on the freedom of our press. In that statement he said:

> It is clear that while the vitriolic verbal attacks of 1969 and 1970 have subsided, their legacy lives on in a more subtle and dangerous form. I do not believe that these incursions are necessarily conscious, malicious efforts to destroy the free press. But I do believe they will represent an officially sanctioned loss of reverence and respect for the very concept of a free press.

In a democracy the press acts as a balance against unlimited government, an independent audit on power. As Justice Sutherland once wrote, it serves "as one of the greatest interpreters between men and government and the people." Its function is to hold up government policies for both examination and discussion.

I ask unanimous consent to have printed in the Record the outstanding address by Senator Eagleton.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Senator Thomas F. Eagleton

It is a sad commentary on our times that headlines like "Further Restrictions on the Press Likely" and "Another Newsman Jailed" have become commonplace. We don't like to see them, we are concerned about them, but we are no longer surprised by them. Incursions on the First Amendment have become an unfortunate way of life.

Over the past year or two the people have witnessed—and you have experienced—a series of assaults on the press. These attacks have not been as blatant as the Agnew barrage launched early in the Nixon era, but I know that you are all painfully familiar with the events I am referring to:

The government's attempt to repress publication of the Pentagon Papers;

The Congressional investigation of the TV program "The Selling of the Pentagon";

The FBI investigation of newsman Daniel Schorr for a yet-to-be-disclosed government job;

The jailing of Peter Bridge, William Farr, and other journalists for refusing to divulge their news sources and other information to arms of the government;

The recent Whitehead speech foretelling possible restrictions on network news broadcasting.

It is clear that while the vitriolic verbal attacks of 1969 and 1970 have subsided, their legacy lives on in a more subtle and more dangerous form. I do not believe that these incursions are necessarily conscious, malicious efforts to destroy the free press. But I do believe they represent an officially sanctioned loss of reverence and respect for the very concept of a free press.

I want to concentrate my remarks today on the critical importance of protecting investigative reporting from government intrusion because that is the area where Congress is most likely to take action in the coming months. I am aware, however, that the newsman's privilege is but one aspect of the broader issue of whether we will have a free press in this country—a Constitutionally guaranteed right to which I am unalterably committed.

We would all agree. I think, that in the best of all worlds the Supreme Court would have chosen to state explicitly that the First Amendment guarantee of a free press necessarily includes protection of news sources and related information. But, faced with the Caldwell and Branzburg cases, the Court chose not to do so.

Thus, responsibility for insuring that news gathering is protected falls to Congress and the state legislatures. Justice White wrote in the *Branzburg* case:

"Congress has freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned, and equally important, to refashion these rules as experience from time to time may dictate."

Congress can and should rise to that challenge from the bench. Although the 93rd Congress is only days old, four privilege bills have already been introduced in the Senate and hearings are scheduled for late February in the Constitutional Rights Subcommittee chaired by Senator Ervin.

These hearings will explore whether there should be such a newsman's privilege and how far it should extend. I am working to develop a bill to provide a privilege in federal jurisdictions. The bill would also detail procedures for requiring newsmen to testify under any circumstances to safeguard against abuses.

Some may view legislation to shield newsmen from disclosing information to the government as "special interest" legislation—a bonus to the men and women of the press corps upon whom we as public officials depend for exposure in our home states. In my view, the newsman's privilege is not a favor for the press corps but rather a privilege to be exercised *by* the press *for* the people.

Of course shield legislation would make life easier for journalists. It would eliminate the possibility of having to choose between breaching confidences or going to jail. And it would make it easier to get the information that "scoops" are made of. But these are incidental effects of the privilege. Its primary purpose, and the reason that I support it, is to insure that the public receives as free and as steady a flow of information and ideas as possible.

It is a fact of life that some information and some ideas will be available to the people only from sources who want to remain anonymous. Why? Perhaps they fear losing their jobs, or perhaps they fear physical harm at the hands of those whose activities are being exposed. Whatever the reason, these people will speak openly and honestly to reporters only if they can be honestly assured that their identities will be protected while their information is being disseminated to the public.

As it becomes apparent that journalists can no longer make promises of confidentiality, these sources will dry up. And precisely the kind of story that the public should know—stories about corruption in government, policies of extremist groups, how major decisions are made by the government—will no longer be available to them.

An effective privilege must extend not only to the sources of investigative reports but to the fruits of the investigation as well. That is the lesson we learned from the Bridge case, where a county grand jury sought information which did not appear in print but which Mr. Bridge *may* have known by virtue of his investigation of corruption in government.

The central question here is whether or not we will allow the press to become an investigative arm of the government. Will we permit the government to treat the records and files of investigative reporters as their own resource material? The answer to that question appears in the Bill of Rights. Under our Constitution, we do not even have that as an option. Ours *must* be a *free* press—and that means a press free of government control and interference.

If the Constitution prohibits Congress from making any "law . . . abridging the freedom . . . of the press . . ." then I submit that it is also our duty to prohibit any other institution from violating that same freedom. Freedom of the press can no longer be assumed. We must now work actively to preserve it.

RESPONSIBILITY FOR GENOCIDE

Mr. PROXMIRE. Mr. President, the most important aspect of article IV of the Genocide Convention is that it extends the responsibility for genocidal acts beyond the traditional scope of responsibility.

Before World War II only nations had been widely judged to be subject to the pains and penalties of international law. Indeed, this line of defense was taken by the men who stood trial at Nuremberg and Tokyo. The defendants maintained that they could not be blamed or punished for their evil acts against humanity because they were "just carrying out the orders of their government."

The international war crimes trials refused to accept this specious argument and ruled against the defendants. The position of the courts was that these men had committed war crimes and did bear some responsibility for ordering and participating in reprehensible acts against humanity. Thus, these trials set a precedent that high government officials could be held accountable to the international community for their actions.

It was in this spirit that article IV of the convention was written. This article states:

> Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

The most important historical change the convention makes is that responsibility for genocide is extended to include private individuals. At the same time those who accept the Genocide Convention also reject the so-called public officials' "Nuremberg defense" of denying responsibility for their actions.

Article IV thus declares to all chief executives, Cabinet members, legislators, armed forces commanders and soldiers that if they commit or support any genocidal acts they bear personal responsibility for their actions. The article is cast in the form of a warning and is expected to serve as a deterrent to the reprehensible crime of genocide.

The most important drawback to article IV, in the eyes of convention critics, is that the convention makes no provision for punishing governments which commit genocide. Their fear is that genocide is likely to occur with either the implicit or explicit support of a government. While this might be considered a drawback to the convention, the Senate Foreign Relations Committee pointed out during the last Congress that the international community has no way to effectively punish government-instigated genocide. This is true because there is no international law which covers genocide by governments.

However, it should be noted that charges against governments could be brought before the International Court of Justice in the Hague or before the United Nations. While these organizations have no power to punish offenders, they would be able to bring moral pressures and public opinion to bear. Under the convention, of course, any future government would be responsible for charging officials of the previous government with genocide.

Article IV represents a landmark because it would punish private citizens, not just government officials, for the reprehensible crime of genocide. Let me assure convention critics that American citizens do not have to fear being pulled from the streets of foreign cities and charged and tried for genocide. The convention is very specific about what actions constitute genocide. For example, lynching, school busing, the dispensing of birth control pills and police actions against militant groups would not constitute genocide unless it could be proven that there was the intent to destroy the entire group. At the present time any American citizen visiting a foreign country can be charged and tried for any criminal offense, including murder. The only change that acceptance of the convention would make is that genocide would be added to the list of criminal offenses Americans overseas could be charged with. It would in no way modify or extend the jurisdiction of foreign courts over American citizens.

The intent of the convention is to make it possible for those persons involved in committing genocide, and only those persons, to be rightly charged with the crime of genocide. Those nations which ratify the convention thus declare to the international community that individuals must be held accountable for their actions. I ask the Senate for swift approval of this important international agreement.

ADDRESS BY ADDISON H. REESE, CHAIRMAN, NORTH CAROLINA NATIONAL BANK

Mr. HELMS. Mr. President, Mr. Addison H. Reese, chairman of the board of the North Carolina National Bank, is one of North Carolina's most prominent business leaders and one of my most valued constituents.

Mr. Reese is also a very perceptive analyst of the national economy. On January 16 he delivered an address to the Charlotte, N.C., Chamber of Commerce, which is a reasoned analysis of what we may expect in the economy during the next several years.

I commend this address to all Senators, and to all students of the economy, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECONOMY: MORE PROBLEMS, MORE PROMISES

(By Mr. Addison H. Reese)

Four years ago, I gave a talk before this group entitled "The Economy: Problems and promises." In preparing my remarks today, I reviewed that talk in which I mentioned several problems facing the economy at that time, gave a forecast for business in 1969 and mentioned the bright outlook for the early part of the 1970s.

Before we discuss the present prospects for business, I thought that it might be of interest to review our forecast for 1969 and to identify what we saw as the major problem areas at that time.

Actually, 1968 and 1973 seem to have a lot in common. 1968 showed considerable economic strength and 1973 gives promise of the same. The problems that beset our economy in 1968 and early 1969 are with us today. Only the severity has lessened. But there is a good lesson to be learned from the fierce inflationary expectations of the late 1960s. And if we do not learn from history, we may well find ourselves repeating it.

To start with, our forecast for 1969 included the expectation of moderate growth in the early part of the year. We expected the federal reserve to resist the strong inflationary forces which were with us then. We expected a slowdown to materialize at mid-year. We recognized the possibility that the slowdown might be severe and longer lasting than most forecasters were expecting at that time. We expressed the hope that the economy would "slow to a normal growth rate . . . and . . . avoid the recession." We went on to say "if economic activity continues to grow at its presently unsustainable rate, an increasingly stringent monetary policy seems inevitable."

Those of us who worked closely with financial institutions in 1969 and 1970 soon came to know just what increasingly stringent monetary policy meant in real terms. Money was just not available in late 1969 and early 1970. And interest rates climbed to record highs.

Unfortunately, we were not able to avoid a recession and the cause was stringent monetary policy. Credit dried up in 1969 and 1970. The impact of tight money was late in arriving, but it did slow the economy. And the Penn Central failure dispelled whatever doubts might have lingered regarding the determination of monetary authorities to slow inflation. The slowdown lasted longer than most forecasters were then expecting. In fact, the rebound from the recession did not become pronounced until 1972. Only now are the great majority of businessmen convinced that prosperity has arrived once again.

Four years ago we identified inflation as the most pressing economic problem. It still is. By way of illustration, we traced the unhappy example of a widow who received an annual income of $10,000 in 1958. By January of 1969 the purchasing power of that income had shunk to $8,100. This poor lady has lost consistently since then, and the $10,000 income in 1958 is now worth only $6,800.

Although inflation has slowed recently, we can see more inflationary problems waiting just around the corner in 1973.

An inflationary fiscal policy was another problem that we recognized in 1969. The rapid upward thrust of Government spending remains a major problem today.

While we applaud the efforts of the Nixon administration to bring Government spending under control, we will applaud much louder when it becomes evident that this spending is, in fact, under control. We will not have price stability until we have a responsible fiscal policy. This is still a primary need of this Nation's economy.

Finally, we were quite worried about inflationary *psychology* in 1969. While this has subsided somewhat, it is still with us. The major economic problem for 1973 remains the need to curb inflation and inflationary psychology.

So much for the problems of 1969. Now let's take a look at the problems and promises of 1973.

I am going to depart somewhat from the usual format of these talks. Instead of leading up to our forecast, let me start by first summarizing the outlook as we see it for this year. We can then work our way through the reasoning underlying our view of the business picture.

First, the economy is very strong. We are entering the boom stage in the business cycle. Rapid economic growth is in store for the Nation and North Carolina in 1973. A very strong business picture is assured for the first three quarters of this year and probably for the fourth quarter.

Second, the major economic problem will be inflation, which will accelerate as the year progresses The question now is whether this acceleration will be moderate or whether inflation will again get out of hand.

Third, we are likely to retain some vestige of wage-price controls throughout 1973. The economic environment that we foresee is one in which strict wage-price controls would have become difficult if not impossible to administer. Given this environment, the administration displayed a good sense of timing in modifying the controls process. The mandatory aspects of controls have not been completely abandoned. The administration still has the enabling legislation and, I suspect, the willingness to use mandatory controls in areas where the rise of prices and wages substantially exceeds the guidelines. Some call it the stick in the closet.

Fourth, substantial growth of the economy will force interest rates higher as the year progresses. We do not expect extremely tight conditions. We do not expect a credit crunch. But we must recognize the possibility of tight credit markets developing later this year.

Now let me summarize the reasoning behind these forecasts.

A bullish forecast for business in 1973 is hardly unique. This has become a consensus forecast and many corporations have based their production and spending plans upon the expectation of a strong economy. I would note, however, that our forecast for 1973 is among the more optimistic that I have seen.

The driving force behind a rising economy is two years of strongly expansive monetary and fiscal policies. Monetary authorities have been pumping credit into the economy at extremely rapid rates. The Federal budget has been in deficit for two successive years, and the size of these deficits will total nearly $50 billion.

Loans at all types of financial institutions have been rising as strongly as any comparable period since World War II.

It is not surprising that the effect of these stimulative measures is now being felt.

The composition of the economic upturn is beginning to change. Initially, consumer spending and residential construction were the two areas that led the economy. Housing starts rose to an all-time record last year and judging from automobile sales, which might top 11 million this year, we are in the midst of a consumer spending boom.

Other consumer durable goods such as household furnishings have also been strong. The furniture industry in North Carolina is a good example of this trend. Furniture manufacturers have been hard put to fill orders and skilled workers in this industry are extremely scarce.

But it is inventory rebuilding and capital spending that will provide the major economic strength in 1973. Many manufacturers were late in recognizing the rapid rise in consumer spending. As a result, inventories were depleted. Now, inventories in relation to sales are at the lowest levels since 1965.

Production has risen rapidly in response to rising sales, employment has strengthened and the average work week has lengthened accordingly. Rates of capacity utilization have risen. And judging from industrial capital appropriations, 1973 is likely to produce a near boom in capital spending.

We have so many areas demonstrating such decided strength that the consenus forecast probably understates the strength that we will see this year. 1973 is likely to be a record year in many industries. In short, we are on the verge of a developing boom.

The critical point for the economy in 1973 is going to be the outlook for wages. The rate of unemployment remains relatively high, but there are indications that skilled labor, available to be put on production lines, is very scarce.

This is especially true if you look at North Carolina. Many industries here are running into labor shortages. As the economy continues to rise, the shortage of skilled labor is likely to be reflected in continuing upward pressure on wage rates. The history of wage-price controls in other countries indicates that this is precisely the point where controls deteriorate.

Phase III of the controls process was formulated with this in mind. Strict controls would have become less effective and increasingly more difficult to administer with each passing month in 1973.

The voluntary aspect of Phase III controls should not be over-emphasized. The same guidelines that were in effect prior to the shift from mandatory to voluntary controls are still in effect. We would not be surprised to see a great deal of arm-twisting in specific industries. If arm-twisting does not work, we may actually see a few companies told to roll back their prices.

This type of strategy would have a dual benefit. Inflationary psychology would be dampened. And more to the point, companies engaged in wage negotiations would be served notice that they should bargain hard to hold the line. While we expect some wage-price controls to be in existence at the end of the year, we interpret the move to Phase III as a gradual dismantling of the entire controls process.

As we move into 1973, however, we are shifting from one phase of the business cycle to another.

The emerging strength in inventory rebuilding and capital spending means that the demand for credit will accelerate. We have found that many of our business loans now are used to finance inventories and to provide the initial funds for the expansion of productive facilities.

So we are entering the stage of the business cycle where credit demands becomes larger. On the other side of the ledger, the supply of credit in the economy is controlled by the Federal reserve. While it is always difficult (if not dangerous) to forecast precisely what the Federal reserve might do, two important indicators are useful in judging the course of monetary policy. The chairman of the board of governors of the Federal reserve, Dr. Arthur Burns, recently indicated that he expected inflation to accelerate somewhat in 1973. We would expect the Federal reserve to resist this accelerating inflation by tightening monetary policy.

The second indicator is the rate at which money outstanding rises in the economy. This has recently become quite important because the Federal reserve has shifted from trying to control interest rate levels, toward attempting to control the rate of growth of money outstanding.

We have recently witnessed an extremely rapid acceleration of monetary growth and, as the economy strengthens in 1973, monetary growth will tend to accelerate further. The Federal Reserve then will face an environment which is decidedly inflationary and in which the rise of the money supply is higher than would be consistent with maintaining any reasonable price stability.

We expect these factors to result in a progressively tighter monetary policy in 1973.

The real question at this point is how much higher interest rates might move and whether there will be a credit crunch. While we do not now expect that 1973 will produce a credit crunch, I will hedge this statement by adding that if we do see the resumption of a rapid upward climb in wages, and if inflation accelerates, the threat of a credit crunch will be very real.

Let me close with a summary of the main points of what I have said today.

The economic outlook is exceptionally good for 1973. The economy is entering a boom. It is our hope that the *rate* of economic growth will taper off as the year progresses, and we will not see severe demand-pull pressures emerging.

As the economy reaches full employment there will be upward pressure on wages, but we do not expect these to be severe.

On the monetary side, the rising economy will generate stronger demands for credit. When you put this together with our expectation of a continuing tightening of monetary policy, you arrive at a forecast of progressively higher interest rates in 1973—perhaps a full 1 percent above those prevailing now.

We are at the point where we retain some possibility of entering a sustained period of noninflationary economic growth. If the economy rises too quickly in 1973, and generates substantial demand-pull pressures, we will have forfeited this opportunity. In my talk 4 years ago I ended by stating that "if all this comes about, we will have succeeded in laying a solid base for greater social and economic progress in the 1970's than this country has ever known before. Being an optimist, I think we will do it."

I am still an optimist, but I confess to some doubts and some concern. Not about 1973, which will be a boom year, but about the years beyond. With controlled inflation we can have solid social and economic progress. Out of control inflation means nothing but trouble—social, economic, and political. Which will it be? Well, here I offer no firm prediction—only hope, based on faith in the basic commonsense of the American people.

PRIORITIES IN THE BUDGET

Mr. MOSS. Mr. President, on several occasions in the past week I have used this forum to express my dismay and outrage over some of the specific cutbacks in the budget that President Nixon has submitted to Congress. It has now become apparent that there are many others in Congress who share my strong feelings about this budget. It is a budget that would discontinue or severely curtail a large number of useful and vital Federal programs. It is a budget that is heartless and discriminatory, that favors the rich over the poor. It would attempt to repeal much of the hard-won social progress of the past decade in this country, and would enthrone the concept of "benign neglect" as the country's ruling social policy.

In this past week, one thing has become perfectly clear—Mr. Nixon has submitted a budget that most Members of Congress find quite unacceptable. Already the news media are trumpeting the great "battle of the budget," and there can be no question that a conflict is in store. But before we become lost in the dust and din of battle, I believe we should look briefly to see just where the lines have been drawn.

There are some who have portrayed the conflict over the budget as one between the "budget-cutters" in the executive branch and "free spenders" in Congress. Such a portrayal grossly misrepresents the current disagreement. For, since the Republicans took office in 1969, the Democratic-controlled Congress has consistently appropriated less, not more, than President Nixon has requested. According to the estimates of Senator MANSFIELD, Congress has been able to save $22.2 billion in the past 4 years by cutting the budgets submitted by the administration.

If the President truly wishes to place limits on Federal spending, he will find little disagreement from this Congress. I only hope that his stated concern over the dangers of inflation is a genuine one, and that it will be reflected in other areas of the administration's economic policy. The results of Nixon's game plan for controlling inflation over the past 4 years, however, cannot be said to inspire a great deal of confidence.

The place where the President will find disagreement from this Congress is in the matter of budget priorities. It is commendable that the administration has looked for places in the budget to make cuts. But it has been unconscionable for them to look entirely to the domestic side in wielding their budget axes, and to scarcely touch the enormous outlays going into defense.

The task before Congress, then, is not simply to restore some of the important domestic programs that the Nixon administration would curtail. Congress must also bring the defense budget under the most searching examination, and restore balance to the budget as a whole.

Congress must also look for savings by means of tax reform. In its search for economies the administration has deliberately overlooked the vast network of loopholes in our tax structure. The closing of many of these loopholes presents an opportunity to increase revenues to balance President Nixon's deficit spending request.

The control of Federal deficits, by trimming selectively various spending programs and by providing new sources of revenue through tax reform, represent the true lines along which Congress will be rallying its forces in the forthcoming battle. But I believe that this has been largely ignored by the media. One exception, however, is a perceptive article by Clayton Fritchey that appeared in this morning's Washington Post. Because it so accurately depicts the current conflict over the budget, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUDGET: A QUESTION OF PRIORITIES

(By Clayton Fritchey)

What is left out of federal budgets is often as significant as what is put in, and the Nixon budget for fiscal 1974 is no exception.

On Oct. 7 last year, just a few weeks before the presidential election, Mr. Nixon called the high property taxes paid by elderly retired Americans a "national disgrace." He pledged that "relief for these Americans is going to be a first order of business in our next federal budget." Nevertheless, there isn't a whisper of this promise in the new budget. On the contrary, the administration intends to make the elderly pay an extra $1 billion a year for Medicare benefits they are now getting free. Fortunately for the aged, this has to have the approval of Congress.

In his budget message last year, the President said, "Welfare reform, with training and work incentives, with a new fairness toward the working poor and a minimum income for every dependent family, is a good idea whose time has come . . . It is ripe for action now." Further delay in enactment, he said, would be both "unwise" and "cruel." Yet, there is no mention of it in the new budget. Instead Mr. Nixon in a special broadcast preceding the formal presentation of the 1974 budget, favored the public with a sermon against government spending, no doubt hoping this would divert attention from the record-breaking expenditures he is planning for next year and the year after.

Despite Mr. Nixon's warning about the spending habits of Congress, it is the President—not Congress—who is now asking for a budget of $269 billion, or $23 billion more than he requested last year. That's a leap of almost 10 percent. In four years under Mr. Nixon, the budget has climbed from $195 billion to $269 billion—a record jump of $74 billion, or almost 40 per cent. And it might have been worse except for Congress. At the end of the 92d Congress last fall, Sen. Mike Mansfield, the majority leader, reported that Congress had cut Mr. Nixon's new-appropriation budgets by $22.2 billion.

Under Mr. Nixon's stupendous spending, the national debt has climbed to almost half-a-trillion dollars an increase of around $100 billion in four years. His deficits have exceeded anything in U.S. history except at the height of World War II. Yet in his radio broadcast on his latest budget the President said with a straight face, "It is time to get big government off your back, and out of your pocket."

Actually, there is little or no dsagreement between the President and Congress over the $269 billion total for the new budget. The conflict centers on priorities. Although the United States is now out of the Vietnamese war, Mr. Nixon still wants to spend more on defense, while cutting or eliminating domestic programs for, among other things, health, education, poverty, pollution, day care and Medicare. Congress wants to do the reverse.

The President says his "search for waste" has led him "into every nook and cranny of the bureaucracy." But it hasn't led him to the Pentagon, where the documented waste runs into the billions.

The President warns Congress that if it gives social programs more than he has allowed it will have to take the responsibility for a tax increase. Not necessarily. Congress can offset these increases with military reductions. Also it can provide more revenue by eliminating tax loopholes for vested interests.

After being subjected to four Nixon budgets, Congress has become a little skeptical of the President's arithmetic. It still remembers his first budget message, in which he said, "I have pledged to the American people that I would submit a balanced budget. The budget I send to you today fulfills that pledge." Instead, it ended with a deficit of $23.4 billion, and that was just a start.

RULES OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Select Committee on Small Business, in its organizational meeting held Thursday, February 1, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

STANDING RULES OF THE SENATE SMALL BUSINESS COMMITTEE

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The Committee will meet at the call of the Chairman. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b) In executive sessions, a quorum for the transaction of business shall consist of a majority of the Members of the Committee.

(c) In hearings, whether in public or executive session, a quorum for the taking of testimony not under oath shall be one Member of the Committee. A quorum for the taking of sworn testimony shall be two Members of the Committee, unless the witness voluntarily waives this requirement.

(d) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a) The Chairman of the Committee may initiate a hearing on his own authority or at the request of any Member of the Committee. Written notice of all hearings shall be given to respective Committee or Subcommittee Members. Notice shall be given as far in advance as practicable. No hearings of the Committee shall be scheduled outside of the District of Columbia except by a majority vote of the Committee.

(b) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact, if a quorum be present as specified in Rule 2(c).

(c) Subpoenas shall be issued only when authorized by a majority vote of the Committee. When so authorized, subpoenas may be issued by the Chairman or by any other Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of documents, memoranda, records, etc. shall state briefly the purpose of the hearing and shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

POSTARREST DRUG TRAFFICKING

Mr. DOMINICK. Mr. President, the Bureau of Narcotics and Dangerous Drugs recently released an interesting report on postarrest drug trafficking, which I believe merits our attention. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The Bureau has had considerable success in reducing illegal narcotics traffic, as evidenced by the current shortage of heroin in the United States. Much of this success is attributable to the arrest and conviction of key members of heroin trafficking organizations. Due to the necessity for reliable contacts to carry out complex heroin "connections," the removal of such keymen can effectively disrupt a heroin trafficking organization. These contacts are difficult to replace. The problem is that the arrest of a heroin trafficker frequently does not accomplish the desired result; he may be free on bail for months pending trial, during which time he may continue to engage in heroin traffic. Law enforcement officials feel this problem has hindered their efforts to break up heroin organizations.

Although the Bureau of Narcotics and Dangerous Drugs "Report on Post-Arrest Drug Trafficking" does not reveal what percentage of those arrested for drug trafficking continue to engage in such activity while free on bail, it does develop statistics indicating this may be a substantial problem. The report is based on a sample of 422 narcotics traffickers—primarily heroin—released on bail during 1970. About 71 percent of these were free longer than 3 months pending disposition of their cases; 37 percent were free 6 months or longer. Many were out on bail longer than a year. Of these 422, 77 percent were released on less than $10,000 bail; 19 percent were released on personal recognizance.

Considering the tremendous importance of maintaining our law enforcement momentum against narcotics trafficking, we definitely need to find a solution to the postarrest trafficking problem. But I think any proposed solution must recognize that the presumption of innocence remains the cornerstone of our criminal justice system. Any encroachments on this presumption must be carefully justified, and must be limited to very narrowly defined circumstances. Assuming pretrial detention can be justified with respect to certain classes of drug traffickers, it is essential that such measures be coupled with measures to reduce the often considerable delay between arrest and trial.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON POSTARREST DRUG TRAFFICKING

[Charts not printed in RECORD.]

On October 15, 1972, President Nixon addressed the nation in a radio broadcast in which he summarized both the progress and problems in the Government's effort to combat the illicit drug traffic. He stated his intention to ask the next Congress to enact mandatory sentences for heroin traffickers and to amend Federal law "so as to keep these peddlers of death off our streets after their arrest."

This is a preliminary report designed to illustrate one facet of the problem to which the President referred—that of the continuing illicit trafficking activity of violators who have been released on bail. We believe this preliminary data supports the need for pretrial detention measures which will be proposed by the Department of Justice.

JOHN E. INGERSOLL,
Director.

Prepared by: The Office of the Special Assistant to the Director.

INTRODUCTION

Professional drug enforcement officers have become increasingly concerned with a problem which may be referred to as "post-arrest drug trafficking". This involves a multiplicity of situations in which persons apprehended for trafficking in narcotics and dangerous drugs have obtained release pending trial and continue to engage in illicit trafficking activities. Although existence of the problem has been suspected for some years, it has become of more crucial interest because of the current drug crisis and the shifts in Federal drug enforcement strategies which have recently occurred.

Shortly after its creation in 1968, the Bureau of Narcotics and Dangerous Drugs launched a new strategic enforcement concept which sought to identify "drug trafficking organizations" and immobilize them through systematic investigation. Notable successes have been achieved; however, it was soon learned that the almost immediate release of the arrested individuals on bond made possible the organization's continued functioning. Moreover, since such investigations involve great expenditure of agent manpower and resources, it is extremely difficult to again arrest the individuals; and they are, therefore, able to resume their illicit operation. Even though they are subsequently convicted, the organization may not be disrupted since the time of their departure for prison will vary and ample opportunity will exist to incorporate new criminal associates in their place. Finally, it was suspected that a substantial number of major violators often sought to prolong the period between arrest and conviction through legal delays or by fleeing the jurisdiction to continue their activity.

In July of 1972, the Director of the Bureau of Narcotics and Dangerous Drugs appointed a committee of combined legal and enforcement officers to review the alleged problems in detail and to recommend concrete measures for combatting them. In late August the committee concluded that a problem of serious dimensions did appear to exist and that current bail release procedures were sharply hindering the Government's effort to reduce illicit sources of narcotic drugs. It was recommended that a series of phased research efforts be designed and implemented for the purpose of bringing the problem into sharper focus. This plan was approved, and the data contained herein reflect the findings of the initial phase of inquiry.

The statistics represented in the accompanying charts have been abstracted from a review of cases of 422 individuals released on bail during Calendar Year 1970. All of these individuals were charged with offenses of trafficking in narcotic drugs. In the vast majority of cases, this meant heroin specifically, but some cocaine transactions are also included. The individuals were otherwise selected at random with the exception that cases were excluded from consideration where data was incomplete.

STATURE OF VIOLATORS

23% dealing in over 10,000 d.u. (kilo dealers).

65% dealing in over 1000 d.u. (multi-oz. to ¼ kilo dealers).

This chart provides a quick description of the stature of the traffickers represented in the sample. 65% of the total were dealing in multiple ounce quantities or above and 23% of the total were classified as kilogram dealers. The 23% is included as a part of the larger figure in which they were also counted.

ESTABLISHED CRIMINALITY

64% have prior felony arrests.
40% have prior drug arrests.
20% have prior drug conviction.

This chart illustrates the previously established criminality of the violators in this sample. 64% have previous felony arrests; 40% have previous drug arrests; and one-fifth have prior drug convictions. This evidence tends to suggest that their arrest for narcotics trafficking is more often than not merely a further episode in a continuing criminal career.

This chart illustrates the relatively low amount of bail set in most of the cases in this sample. 77% were set at less than $10,000 and in one-fifth of the total cases it cost the defendants nothing to obtain their release. Normally, a defendant must otherwise raise approximately 10% of the total bail amount to post bond. A narcotics trafficker can, therefore, return to his chosen profession with relatively little financial cost. The remaining 23% represents that portion in which bail was set at $10,000 or more.

COST OF FREEDOM

19% Free on personal recognizance.
77% Free less than $10,000 bail.

This chart illustrates the amount of time for which the violators in this study remained free to engage in post-arrest trafficking activity prior to actual incarceration. 71% of the total were at large for more than three months, and 37% were free from six months to over a year. Many of the examples of post-arrest trafficking activity show subsequent violations which occurred only days and sometimes hours after release.

FREE TIME

37% Free from 6 months to 1 year or more.
71% Free from 3 months to 1 year or more.

This chart illustrates the amount of time available to kilogram level dealers following their arrest and prior to their final incarceration. 66% were free for more than three months; one-fourth of the total number were free from three months to one-half year; one-fourth of the total were free from one-half year to one year; and 16% were free for more than one year.

FREE TIME KILOGRAM DEALERS

66% over 3 months.
25%, 3 months to ½ year.
25%, 6 months to 1 year.
16%, over 1 year.

The final chart in this series illustrates data from separate studies indicating the excessive frequency with which aliens become fugitives, presumably because of their lack of cultural ties to the United States. Although aliens represent but 2% of the national population, they represent 10% of the narcotics traffickers in the sample of 422 cases. They further represent 22% of a sample of 100 Bureau fugitives and 27% of recent fugitives in cases involving a bail of $10,000 or more. Thus, although aliens represent one-tenth of the narcotics traffickers studied, they constitute approximately one-fourth of the Bureau fugitives indicating a category of exceptional risk.

FREQUENCY OF ALIEN FUGITIVES

10% of sample BNDD traffickers (422) were aliens.

22% of sample BNDD fugitives were aliens.

27% of sample involving $10,000 or more bond were aliens.

SAMPLE CASES

In addition to the foregoing data, the Bureau of Narcotics and Dangerous Drugs' Regional Offices were requested to supply brief examples illustrating the nature of field intelligence concerning post-arrest drug trafficking activities so that the value of this source might be assessed for inclusion in a broader research effort. These intelligence summaries further tend to confirm the existing view of the magnitude of the problem. They provide concrete examples of cases in which important violators may be arrested two or three times and repeatedly released on low bail before being brought to trial on the original charge. Moreover, it appears that violators often resume their illicit activity within a matter of hours or days after their release.

The following case summaries have been selected for inclusion in this report to provide a sample of the kind of information which was obtained from the Bureau's field offices. Most of the examples submitted in connection with the committee's original request have been excluded because of their sheer bulk or, in some cases, because investigations were still pending.

Boston

On February 10, 1971, Maurice Gregory was arrested in Boston after investigation which established him as the head of a group of 36 defendants who had been supplying 150 bundles of heroin at a cost of $100 per bundle every week for a preceding two-year period. Six days later, this defendant was freed on $5,000 bond. At that time he moved to the New York area where he continued to supply an associate in Boston with 100 bundles of heroin weekly until November 13, 1971, when he was apprehended as a fugitive as he attempted to deliver a shipment of 75 bundles to a drug courier in New Jersey.

Philadelphia

On March 11, 1972, William Jacobs was arrested in Pittsburgh, Pennsylvania, in connection with the sale of heroin to BNDD undercover agents. The same day he was released on a $5,000 bond and on April 21, slightly over a month later, Jacobs was again arrested by BNDD undercover agents for illegal possession of heroin. Again, on the same day Jacob's obtained release on a $5,000 bond, and subsequently on August 14, he was arrested by agents of the Federal Bureau of Investigation in a hotel room in New Jersey where he was negotiating for the purchase of narcotics to be delivered to Pittsburgh. He was also charged with interstate transportation of stolen property.

New York

On May 16, 1972, Enrique Barrera was arrested in New York City when he and four other violators attempted to receive shipment of 100 kilograms of heroin in a footlocker which had been brought into the country from Belgium. The following day he was released on $200,000 bond. Four months later several South American female couriers were intercepted by U.S. Customs agents in Miami as they attempted to smuggle 16.5 pounds of cocaine into the United States. Subsequently, one of these defendants identified Barrera as the recipient of this shipment as well as other shipments that preceded it in the past. On September 12, 1972, Barrera was again arrested in connection with this case and is currently in custody charged with conspiracy.

Chicago

On June 28, 1971, Albert Bennett was arrested in Gary, Indiana, after the execution of a search warrant resulted in the seizure of several ounces of 100% pure heroin, $15,000 in cash, and several weapons. The search warrant was obtained as a result of previous undercover purchases from members of Bennett's gang. Bond was originally set at $100,000, but was subsequently reduced to $25,000 which was posted several days later, BNDD continued to receive information that Bennett was selling multi-ounce quantities of heroin in the Gary area. On August 15, 1971, Bennett was arrested by U.S. Marshals in New York City while attempting to board a plane for Chicago in possession of approximately one pound of heroin. Bennett and a companion subdued the Marshal, took his service revolver and threatened his life. The subjects fled with the heroin but were apprehended a short time later. He was then charged with assault on a Federal Officer, but on August 19, posted bond of $10,000 and continued to engage in the heroin traffic, until his conviction, a Federal search warrant was executed at his residence and 178 grams of heroin, 8 loaded weapons and $11,000 in cash were seized.

Miami

On January 22, 1972, Ernest "Pop" Nelson was arrested in Miami after execution of a Federal search warrant disclosed 6 grams of cocaine, $14,000 in cash, and a revolver. Nelson was well-known in the Miami office as a major drug trafficker. He was released 2 days later under a $20,000 bond, and on that very evening sold 3 ounces of heroin to a BNDD undercover agent. Four days later Nelson sold an additional ⅛ kilogram of heroin to an undercover agent. On March 11, 1972, Nelson was again arrested in Miami by BNDD agents and was released on a $75,000 bond. He was sentenced to terms of 7 and 10 years in connection with these offenses, but was released on a $75,000 appeal bond. On August 14, 1972, Nelson was again arrested when a search of his residence disclosed 150 tin foil packets of heroin, and he is currently incarcerated without bond.

Baltimore

On March 20, 1972, a violator was arrested in Oxon Hill, Maryland. According to Grand Jury testimony this defendant was the source of supply for another violator who sold ⅛ of a kilogram of heroin to undercover agents. He was released on June 2, after posting a $25,000 bond. Arrest of another Washington, D.C. trafficker in late June revealed that he had also recently supplied this defendant with a ¼ kilogram of heroin for sale.

Detroit

On December 8, 1970, Alan Murray Morris was arrested in Detroit, Michigan, shortly after his arrival from New York in possession of 18.4 grams of heroin. The next day he was released on a $1,000 bond. On October 31, 1971, ten months later he was again arrested in Toledo in possession of 5½ kilograms of heroin and one kilogram of cocaine. Again obtaining his freedom, Morris had to be arrested for a third time on June 14, 1972, almost another year later. He was in possession of a pound of heroin, a stick of dynamite and several guns. Two days later Morris was again free on $5,000 bond.

Kansas City

On July 7, 1972, a violator was arrested in Kansas City, Missouri, for illegal possession of heroin. He was released the same day on a $7,500 bond, and before a month was out, had again twice sold heroin to an undercover agent. He was rearrested on August 10, again released on bond and arrested the third time on August 21 for illegal possession of heroin. This defendant has again been released on bond and according to intelligence received by BNDD officers, continues to traffic in drugs.

Texas

On January 30, 1972, Jose Garcia Leyva was arrested in San Antonio, Texas, after having sold heroin to a BNDD undercover agent. At the time of arrest he was in possession of approximately 2 pounds of cocaine. He pleaded guilty on February 1, but was freed prior to sentencing seven days later on a $20,000 bond. He failed to appear for sentencing and was declared a fugitive on March 24. On September 19, 1972, he was again arrested by Mexican officers for separate narcotic law violations involving a quantity of European heroin.

Denver

On December 1, 1970, defendants Blanca A. Uriarte De Lopez, Ismael Jaquez-Diaz, Marciano Barraza-Sanchez and others were arrested after delivery of 784 grams of heroin to a BNDD undercover agent. Bonds were set at $2,500 with one exception in which the bond was set at $8,000. All defendants posted bond and fled into Mexico where they continue to be fugitives, and according to intelligence received, are still engaged in the illicit narcotic traffic.

Seattle

On January 18, 1972, Charles Steven Baken was arrested in Seattle following undercover purchases of first heroin and then cocaine from one of his dealers. He was released on a $2,500 bond the same day. Thereafter, late in March another undercover purchase of heroin was made from one of Baken's men and a second purchase of heroin was made from Baken himself. He was arrested for these on April 4, and obtained release on a $10,000 bond. On June 9, 1972, for the third time in less than six months Baken was arrested by BNDD agents after successful negotiations for yet another purchase of heroin.

Los Angeles

On May 9, 1972, Robert A. Murry was arrested at Los Angeles International Airport in possession of 30,000 tablets of amphetamine and 1,300 secobarbital capsules. Thereafter, he obtained release on a $2,500 bond. On May 22, 1972, on the other side of the country in Jacksonville, Florida, he was rearrested as he delivered 450,000 amphetamine tablets to a BNDD undercover agent.

New Orleans

On April 21 1971. Curry Williams was arrested in New Orleans following the sale of 18 grams of heroin to a BNDD undercover agent. He was freed the same day on a $7,500 bond. During the months of August and October, he made additional sales of heroin which resulted in his rearrest on December 9.

RESOLUTION BY AMERICAN LIBRARY ASSOCIATION

Mr. McGEE. Mr. President, last week I met with Wyoming representatives to the American Library Association's midwinter meeting held in Washington, D.C.

Bill Williams, Wyoming State librarian, expressed the association's concern as to how the President's fiscal 1974 budget will affect the ability of libraries to provide adequate services at the local level across the Nation. I share this concern and would like to take this opportunity to place in the RECORD a resolution passed by the American Library Association outlining the impact of the President's budget policies on our libraries all across the United States.

I ask unanimous consent that the American Library Association's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

The American Library Association's Council unanimously passed a resolution protesting President Nixon's new federal budget and urged Congress to pass a budget that "meets the needs of all the people whose access to information is the key to effective participation in society and often the key to survival itself."

The resolution was passed today (January 30) at the annual Midwinter Meeting of the American Library Association in Washington.

The resolution reads as follows:

Whereas President Nixon proposes to end major grants-in-aid to libraries in FY 1974; and

Whereas this annihilation of needed and effective programs would result in devastating reduction or elimination of services to millions of library users; and

Whereas public libraries in every state, public and private school libraries in every congressional district, and the nation's college, university, and academic research libraries would suffer loss of urgently needed funds at a time when most libraries are already experiencing financial difficulty; and

Whereas the President twice vetoed the appropriations for the Departments of Labor, and Health, Education, and Welfare in FY 1973, and as a result federally supported library programs are now entering the 8th month of the fiscal year with great uncertainty and, in some cases, at near crisis level of reduced funds; and

Whereas the President now proposes to impound or rescind almost $3 million of FY 1973 funds for college library resources, fellowships and other support for library education, research, and demonstration authorized under Title II of the Higher Education Act, despite the fact that on October 31 he signed this appropriation into law; and

Whereas by all these actions, the President has shown that he claims the right to dictate educational priorities for the nation, contrary to the mandate of Congress; Now Therefore be it

Resolved, That the American Library Association expresses its grave concern over these erosions of the constitutional powers of Congress in the determination of national priorities, and urges the Congress (1) to move quickly to enact a third Labor-HEW appropriations bill for FY 1973 and override another veto should that occur; and (2) to enact a FY 1974 appropriation for libraries adequate to meet the needs of all the people whose access to information is the key to effective participation in society and often the key to survival itself.

THE EMERGENCY COMMUTER RELIEF ACT

Mr. CRANSTON. Mr. President, on Tuesday, January 16, 1973, I joined with the distinguished Senator from New Jersey (Mr. WILLIAMS) in sponsoring the Emergency Commuter Relief Act (S. 386), a bill designed to aid our States and municipalities so that more and more mass transit systems will not be forced to raise fares, curtail services, and eventually grind to a halt. In doing so, the bill recognizes that mass transportation is the lifeblood of our urbanized society and that the capital assistance program created by the Urban Mass Transportation Assistance Act of 1970—Public Law 91-453—must be complemented with a new program of operating assistance if we are truly to alleviate the plight of the Nation's transit industry.

The timeliness of this proposal was forcefully brought to our attention with the dramatic announcement by the Environmental Protection Agency on Monday, January 15, that the South Coast Air Basin in southern California—the Los Angeles metropolitan area—must, in EPA's opinion, consider implementing a system of gasoline rationing if 1977 air quality standards established by the Clean Air Act of 1970 are to be met. Gasoline rationing, one of several proposals put forward last Monday by the EPA, is advocated by EPA as necessary to reduce the amount of photochemical oxidents in the air. Photochemical oxidents result from hydrocarbon emissions that mix in the air with nitrogen oxides and then react with sunlight to become the primary ingredient of Los Angeles smog. EPA estimates that, without the imposition of such controls, by 1977, 691 tons of hydrocarbons will be dumped into the Los Angeles atmosphere every day, and that this must be reduced to 161 tons per day in order to meet air quality standards in 1977. To accomplish this reduction, Los Angeles residents must reduce their vehicle miles by more than 80 percent. The EPA argues that more than half of this reduction could be accomplished with gasoline rationing.

Mr. President, it is hardly necessary for me to point out the severity of such a proposal. Gasoline rationing could very well bring the city of Los Angeles to a dead halt. The economic and social fabric of the area would be severely disrupted, jobs would be lost, and whole industries would have to cut back their operations.

The question that we must be asking ourselves today is how did the air of the Los Angeles area become so polluted that gasoline rationing would be seriously proposed? The answer is that although Los Angeles is a unique geographic area which has ample sunlight to react with hydrocarbons and which is ringed by mountains and oceans in such a manner that pollution cannot escape or dissipate into the atmosphere, the fact remains that Los Angeles is, more than any other large American city dependent upon the automobile. Existing public transportation is woefully inadequate despite the best efforts of the public transportation authority. Poor land-use planning has developed an urban sprawl of tremendous proportions. Freeways and highways criss-cross the entire area, cutting communities into crazy-quilt patterns and making it possible for commuters to move farther and farther away from their place of work. Recent studies have found that only 8 percent of the people in the Los Angeles metropolitan area use public transportation as compared with 45 percent in New York, and 31 percent in Chicago and Philadelphia.

Mr. President, it is clear that some means must be found to reduce significantly the automobile emissions dumped into the air of Los Angeles each day. Gasoline rationing is one means. Development of an engine control device that lowers pollution drastically is another far more acceptable means. Still another, also far more acceptable means would be the development of an efficient, comprehensive system of public transportation that would provide a viable alternative to the private automobile. Without generous Federal assistance, public mass transportation can never be a reality in Los Angeles.

The bill that I am sponsoring with Senator WILLIAMS will not provide all the assistance needed by an area like Los Angeles, but it will take a very important step in this direction. The Senate has on three occasions in the past approved nearly identical leigslation, only to see it die in the House. In the 91st Congress, the Senate approved a similar bill, but the House never took any action on the measure. During the 92d Congress, the Senate again responded to the need for Federal operating assistance and passed the Emergency Commuter Relief Act as part of S. 3248, the Housing and Urban Development Act of 1972. Last September, when it became apparent that the House would not have ample time to act on the measure, the Senate once again passed the Emergency Commuter Relief Act as an amendment to the Federal Aid Highway Act. This provision was then adopted by the House-Senate conference, but failed to become law when the House adjourned before approving the conference report on October 18 due to a lack of a quorum. This new bill, S. 386, offers yet another opportunity for the Congress to respond to the very urgent need for Federal operating assistance, an opportunity we simply cannot afford to bypass again. The Emergency Commuter Relief Act would help to alleviate the present transit crisis by:

Amending section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses;

Providing grants on a two-thirds Federal, one-third local matching basis, to States and local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service. These operating assistance provisions are geared to fulfilling three prime objectives: First, maintainence of service to the public; second, stimulation of further ridership especially during peak commuter hours; and third, assistance to communities in meeting their overall transportation development aims. $800 million would be made available over the next 2 fiscal years to fund this program.

In addition, the Emergency Commuter Relief Act would amend the Urban Mass Transportation Act of 1964 to provide that Federal grants under the capital assistance program shall be in an amount equal to 90 percent of the net project cost.

This provision is identical to the amendment I offered to Senator WILLIAMS' commuter relief bill during consideration by the Senate Banking, Housing and Urban Affairs Committee last year. I am delighted that Senator WILLIAMS has incorporated my amendment into his more comprehensive proposal, S. 386. By approving this provision for 90 percent Federal assistance, we will be putting Federal support for mass transit facilities and equipment at the same level as the interstate highway program, a parity which I see as absolutely essential if we are ever to make mass transit systems attractive alternatives to highway programs. The bill would provide an additional $3 billion in contract authority to sustain the capital grant program through 1977. This amount is in accordance with the administration's recommendations, received belatedly by the Congress last September 7, and should be adequate to assure the continuation of the program. The $3.8 billion authorized by the Emergency Commuter Relief Act assures the improvement and expansion of commuter service in our urban areas. Its enactment is essential to the well-being of our cities.

INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS

Mr. ROTH. Mr. President, the Arms Control and Disarmament Agency has today delivered to the President of the Senate and the Speaker of the House of Representatives copies of the interim report on the international transfer of conventional arms. This report is the result of an amendment which I sponsored last May to the Foreign Relations Authorization Act of 1972 (Public Law 92-352). The amendment required ACDA, with the assistance of other interested agencies and departments, to prepare a comprehensive report to the Congress which would analyze movements of conventional—that is, nonnuclear—weapons, examine the possibilities for international limitations on movements of such arms, and make recommendations for strengthening U.S. policies in this area.

The purpose of the interim report is to give Congress an opportunity to review ACDA's progress at the midway point and to make recommendations or comments that might be helpful in insuring that the full and insightful report is finally available in July. I will, therefore, be closely examining and evaluating this interim report and hope to have extensive comments on it in the near future. At my request, the Foreign Affairs Division of the Congressional Research Service is also conducting an evaluation. I hope that other Members of Congress, journalists, scholars, and interested members of the public would be able to find time to comment as well.

Let me add just a brief remark on why I think this report is worthy of our attention. We have seen considerable progress in controlling the emplacement and dissemination of nuclear weapons. In contrast, relatively little international attention has been given to the control of conventional weapons. While it is essential to continue to seek substantial progress in the area of nuclear arms control, it is also very important to intensify our efforts in the conventional arms field. Since the end of World War II, some 60 conflicts—including the Korean and Vietnam wars—have been fought in developing countries with conventional weapons. These conflicts have caused untold misery, yet the international machinery to prevent or ameliorate such conflicts is still very undeveloped. Hopefully, one way peace might be strengthened is through international agreements limiting the supplies of the instruments of war to the developing world. The possibilities should be brighter now that a cease-fire is in effect in Vietnam and the peace agreement regulates the inflow of weapons to the south on a replacement-only basis.

As one of the great powers, the United States has an important responsibility in preserving peace. I would hope that future U.S. efforts toward seeking international restraints on conventional arms flows would be one of the ways we could carry out this responsibility, and that this report will help clarify the possibilities that exist for policy initiatives on our part and stimulate other countries to examine their own policies in this area as well.

STATEMENT BY HON. MAYNARD LAYMAN ON TENNESSEE VALLEY AUTHORITY

Mr. ALLEN. Mr. President, I ask unanimous consent that a statement given today by Hon. Maynard Layman, of Decatur, Ala., before the Senate Committee on Agriculture and Forestry, be printed in the RECORD, because it speaks, with great eloquence, the sentiments of the people of the Tennessee Valley and of many citizens throughout Alabama.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TENNESSEE RIVER VALLEY ASSOCIATION STATEMENT BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, FEBRUARY 6, 1973

Mr. Chairman and Gentlemen: I am Maynard Layman, farm editor of The Decatur (Alabama) Daily, and I am representing Mr. Barrett C. Shelton, publisher of The Decatur Daily and president of the Tennessee River Valley Association.

I have brought with me a number of brochures, some of which I would like entered in the record together with this statement with which I was associated with Mr. Shelton in developing and, with your indulgence, I will present on behalf of the Tennessee River Valley Association.

Please let me say at the outset that the objectives of this 260-member organization are the same objectives as those of the Senate Agriculture and Forestry Committee—the rebuilding of rural America.

I'd like to tell you about what government has done for my part of the country in the past and of the disturbing trends which I see occurring today.

When Dave Lilienthal came to Decatur in 1934 to tell us about the tools created by the Congress of the United States that is today the world respected Tennessee Valley Authority, we were hostile and broke. Malaria plagued the people of the Valley. Floods were a continual problem. And cotton was selling for five cents a pound.

Our love affair with TVA is now a long story, but it is a beautiful example of directed government activity to provide a hand to lift ourselves up, rather than a handout.

It taught our people how to build on our own resources for a diversified agriculture. It taught us the value of people from counties and states with mutual interests working for a common good. Today this notion is catching fire all over and people call it "regionalism."

We are very fortunate in the Tennessee Valley for all of the good things that have happened to us as a result of a working cooperation with our federal government.

I am pleased to see that many of the things we learned have been transferred to other parts of America for the benefit of other country people. I am pleased to see that many of the things we learned through some often brutal experiences have been translated into laws like the Rural Development Act of 1972.

We planned together with our government for our future, and then using our own labor we are building economic security.

And you know, that word planning is what I consider to be the key to the whole thing.

That's why it troubles me when I hear that the President wants to transfer blank checks to the states to do jobs that only the Federal government can do. It doesn't take a genius to understand that many states are simply not prepared to take over the reins.

It disturbs me when I see good programs like the Economic Development Administration go down the drain, along with the Title V Commissions. It disturbs me when there is no planning money for the rural development bill in the budget. It disturbs me when the 701 Planning Grant money goes directly to state governments.

It has taken us nearly fifty years to get it into our heads that communities prosper when the people plan together for the future, and now it looks to me like that's all being kissed off, in the name of so-called local control, or some such. It looks to me as if someone here in Washington would just rather not get involved.

We have, and will continue to have, local control over our destinies. That's the message that Dave Lilienthal brought to us so many years ago. And even if the Administration takes the planning authorizations out of the budget, we in the South will continue to operate in the new ways that have been so successful for us.

I believe that's because we in the South learned our lessons in the hardest ways. We were a little poorer than everybody else. But I strongly suspect that if we dump hopper cars of money at some statehouse doors, with few strings attached, the idea of regional planning will die in all but about seven states . . . the TVA area.

Where I come from, moving backward isn't what we call progress.

Now I know as well as anybody else that the government has to watch its spending. But it looks from where I sit, down there in Alabama, that the cuts that have been made hurt country people, old folks and generally what we used to call the little guy.

If you cut out housing subsidies, poor people aren't going to get houses. If you cut out water and sewer grants, the smallest towns aren't going to be able to survive. If you raise private Medicare payments by nearly a billion dollars, a lot of people living on Social Security are going to be up the creek, without a paddle.

Well anyway, I say put some money into the Rural Development Act. It makes jobs, and it makes country towns nice places to live.

I say restore the Title V Commissions and EDA, because they provide the same kind of help Dave Lilienthal gave us back in '34. Don't let President Nixon use the Rural Development Act as an excuse to cancel these good programs.

Give the REAs back their two per cent money when they need it. You and I both know, Mr. Chairman, that the two per cent money is essential to many rural areas and the mom and pop phone companies out in the country.

I've seen what the REAP program has done to improve the eroded hillsides of Northern Alabama. It's a good program, not pork barrel.

And we ask you to restore the Water Bank until such time as the Department of the Interior proves that it can do the job of providing for our migratory waterfowl.

We have always had a disaster loan program in this country, and now we don't. If we don't get one fast, our farmers are going to be in serious trouble.

President Nixon is holding back tens of millions of dollars for small watersheds, resource, conservation and development projects and for forestry. That's rural development money gentlemen, and I thought this country was committed to rural development as a priority, as of 1970.

Now as for farming, I could talk about the $100 million cut in the cotton program for this year, and a lot of other specifics. I'll just say this:

I like to hear Mr. Butz talking about exports. Exports mean money for my farmers, and that's rural development too. But when they start talking about taking away the farm programs because of all of those new markets that Mr. Butz is going to find for us overseas, that's short-sighted.

I've been hearing that free market agriculture baloney for years. I'm also old enough to have had a good dose of the Depression. I lived through enough free market agriculture to suit me for the rest of my life.

In all those years of watching farm marketing, I've learned that you don't toss all of your eggs into the loose-bottomed basket of promised export opportunities that may not develop, and don't make long-term program plans based on short-term factors, like one good year of farm income.

Mr. Chairman, on behalf of some seven million people of the Tennessee Valley, I thank you for this privilege.

PROPOSED BUDGET CUTS IN FEDERAL HEALTH CARE PROGRAMS

Mr. TUNNEY. Mr. President, the President recently submitted to Congress his budget request for fiscal year 1974. A source of much alarm to myself and many other Members of Congress are the proposals for reduction in or total elimination of major Federal health programs.

The Hill-Burton program for construction of various health facilities is scheduled to be completely phased out. In the past 26 years, this program has provided funds to more than 3,800 communities for construction of 6,265 public and nonprofit facilities—particularly hospitals and nursing homes. Construction of health care facilities has long been recognized as an area where Federal financial assistance is imperative. The President's action completely ignores the need of a growing and mobile population.

The Community Mental Health Centers program also is threatened with loss of Federal support. This program, as enacted in 1963, provides grants for construction of centers which offer comprehensive mental health services. Since that time, amendments have authorized grants for initial staffing of centers and programs of construction and staffing grants for specialized services for alcoholics, drug addicts, and children. As of June 30, 1972, a total of 423 centers have been funded each of which served populations of between 75,000 and 200,000 persons. Although this is a program which has proven its merit, no funds have been requested for new construction or staffing grants. Federal funding accounts for only about 25 percent of the total source of funds for these centers. Yet, without this 25 percent, many of the centers, particularly those in areas of high poverty, will be forced to close due to lack of State and local resources.

Funding also has been cut off for the regional medical program. This program of grants and contracts was created by the Heart Disease, Cancer, and Stroke Amendments of 1965. It was designed to establish regional cooperative arrangements among medical schools, research institutes, and hospitals for research and training, medical data exchange, and demonstration of patient care in the fields of heart disease, cancer, stroke, and other related diseases. At the present time, there are 56 regional medical programs which cover the entire United States and its trust territories. California has the largest such program which serves a population of 20 million persons.

The fourth major Federal health program scheduled to be eliminated is the National Institutes of Health's program of research training grants and fellowships. This program has provided support for young scientists for two decades. Training grants include stipends awarded to students to support research training largely in the medical and biological sciences with some support in related fields such as psychology, social sciences, and engineering. Fellowships, although they go to an institution, are for support for specific individuals. In 1971, the NIH training grant and fellowship programs provided assistance for about 37.5 percent of all graduate students in basic medical sciences and 21 percent of those in all biosciences.

These programs are the ones which have been scheduled to be entirely eliminated. There are numerous other essential programs threatened with severe cuts in funds. One such program is health manpower training. No funds are requested for obligation in fiscal year 1974 for training in the allied health or public health fields. Grants for construction of facilities for education of health manpower and nurses have no requested funds. Requested obligations for fiscal year 1974 as a total for the entire program are cut by $346 million from the original fiscal year 1973 budget.

These budgetary amputations are arbitrary and undercut programs essential to the health of the American people. Congress must assert its constitutional power of the purse over national priorities. I believe we can have budgetary responsibility in the Senate and adequate health care, and intend to continue my efforts to achieve both.

DEATH OF DICK EVANS, EDITOR OF COMMERCE TODAY

Mr. BAKER. Mr. President, it was with a deep sense of shock and sadness that I learned today of the death of my close personal friend and fellow Tennessean, Dick Evans, editor of Commerce Today, the national publication of the Department of Commerce.

Dick Evans was a talented and effective journalist, and a warm and friendly man who won the respect and admiration of all who knew him. He was well known in the Washington area, as well as the Volunteer State, as Commerce Today editor, president of the Tennessee State Society of Washington, and a member of the National Press Club and the Centreville, Va., Episcopal Church.

His name was Clarence Richard Evans, but he preferred the easy informality of his nicknames. He was known simply as Dick to his many friends—and as "The Chief" to a generation of Tennessee newsmen he helped train while serving as a newspaper and wire service editor, and as an instructor at the University of Tennessee School of Journalism.

Dick Evans was born in Knoxville, Tenn., on February 14, 1920. He was educated in the Knoxville public schools and graduated from the University of Tennessee with a major in journalism and a minor in political science.

His introduction to journalism came as he worked as a copyboy at the Knoxville Journal from 1939 until he entered the Army in 1941. He served 50 months in the infantry during World War II, including 20 months in the Pacific and Japan.

When peace came, Dick returned to the Journal to begin his rise to the top of his chosen profession. He served as a reporter from 1945–48; worked as assistant city editor from 1948–52, and served as night editor of the Knoxville Bureau of the Associated Press from 1952–53.

In 1953, Dick Evans became Nashville correspondent for the Journal, covering the Tennessee State Legislature until being called back to Knoxville that same year to serve as city editor. During the next 14 years he established an outstanding record as city editor of Knoxville's morning newspaper. He became managing editor of the Journal in 1970, serving until he came to Washington as editor of Commerce Today in 1970.

Dick Evans was especially interested in young people. He gave generously of his own time to help young journalists just getting started in the profession. During his busiest years as a news executive in Knoxville, he served on a part-time basis teaching journalism at the University of Tennessee.

Dick Evans' influence will live on in the writing of all those working newsmen who learned so much from him in the city room and the classroom. Memories of his smooth professionalism, his energetic leadership, and his warm friendship will be treasured by all who were privileged to know him. Mrs. Baker joins me in extending our sympathy to his wife Ruth and the Evans family.

EUGENE L. WYMAN

Mr. HARTKE. Mr. President, our country recently lost an outstanding citizen with the passing of Eugene Wyman at the early age of 47. Gene was a successful lawyer, a dedicated family man, a man who worked hard for the betterment of his community and his country. He took an active role in politics—he believed in working hard for the candidates and ideals he believed in. He would take on the tough jobs—mainly fundraising—without thought of reward or publicity—because he believed in our system of government and knew that democracy does not come free, but has to be earned and requires constant nourishment.

Gene gave freely of his time and talents to help the State of Israel and made friends for us through his law business in France and England. He earned respect and friendship for us that we as a nation are sometimes unable to do for ourselves.

For us who had the opportunity to know him, work with him, laugh with him, it is a great personal loss; for those who did not have that opportunity, the loss is also theirs.

Let us all work to carry on in the tradition of Gene Wyman.

NUCLEAR TEST BAN

Mr. KENNEDY. Mr. President, 10 years ago, we were enjoying a total moratorium on nuclear testing announced by President Kennedy to speed negotiations toward a test ban with the Soviet Union.

Unfortunately, because the final agreement barred only atmospheric testing, the nations of the world have not been spared a massive buildup in nuclear potential and power in the intervening years.

Now, however, it is time to reassess the events of the past decade, including the recent SALT I agreement and ask whether the time has not come for another effort at a comprehensive test ban treaty.

Last year, some 28 Senators joined in cosponsoring test ban resolutions which I and Senators Hart and Mathias introduced. This year, we intend soon to reintroduce legislation along with Senators Humphrey, Muskie, and Case, to achieve this purpose.

For we feel that the moment is opportune for an end to come to nuclear testing.

In a recent article, Herbert Scoville Jr., a former Assistant Director of the U.S. Arms Control and Disarmament Agency and Deputy Director of the Central Intelligence Agency, has spelled out concisely some of the reasons why the time is ripe for attempting a new initiative to achieve a comprehensive nuclear test ban treaty.

I ask unanimous consent that his article in the Washington Post of February 4, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

After SALT, a Total Test Ban?

(By Herbert Scoville, Jr.)

The accomplishments of SALT I have produced a totally new climate in which a comprehensive nuclear test ban—one covering underground as well as atmospheric explosions—becomes a negotiable arms control measure after nearly 10 years of drifting in the doldrums. Not since 1962, when Nikita Khrushchev made his offer of three on-site inspections to verify such a ban, have opportunities for agreement been so good.

This improved outlook, if we take advantage of it, is particularly timely since it comes just as steps are needed to prevent further spread of nuclear weapons to additional countries. That the patience of the non-nuclear-weapons countries is beginning to wear thin is shown by the overwhelming support, despite U.S. opposition, for a United Nations resolution in favor of a halt to all nuclear testing by August, 1973, the tenth anniversary of the limited test ban treaty. In addition, there is strong Senate support, led by Sens. Philip Hart, Edward Kennedy, Charles Mathias and Clifford Case, for a resolution urging the President to make a renewed effort to negotiate a comprehensive test ban and, in the interim, to suspend all testing immediately as long as the Russians reciprocate.

The limitations on strategic arms agreed to in Moscow, particularly the ABM treaty, have greatly reduced the desires for further nuclear weapons testing which have in the past been the major obstacle to a comprehensive test ban. With only 200 ABM interceptor missiles allowed each side, it is almost impossible to justify further improvements in the nuclear warheads for this purpose. The United States, and almost certainly the Russians as well, have nuclear weapons developed for such interceptors, and no improvements in warhead design can possibly overcome the complete ineffectiveness of the small ABM systems permitted by the treaty.

STRATEGIC WARHEADS

The effects of the ABM treaty also apply to the requirements for warheads for offensive weapons. Without any effective ABM to penetrate, the need for new warheads largely disappears. In addition, there is no further need for testing to develop special warheads to withstand high-altitude nuclear explosions, since the allowed ABMs can be overwhelmed by a small fraction of the existing strategic forces.

Only for a first-strike force able to destroy the enemy's missiles in their silos is there any need to design new offensive warheads. However, the stated U.S. policy has been to forego a "hard target" MIRV which might provoke Soviet concerns that we were seeking a first-strike capability, thus upsetting the present strategic balance. Even for such a MIRV, an improved warhead with five times the yield would be less important than potential improvements in accuracy.

Nor does the United States any longer need a "hard target" MIRV to provide the flexibility to attack key military targets instead of cities after a limited Soviet attack; this can now be achieved without further advances in weapon design since, as a result of the ABM treaty, the retaliatory attack no longer has to cope with large ABM defenses and can afford to direct several warheads at a single target.

A complete test ban would, on the other hand, increase U.S. confidence that the Soviet Union was not improving the yields and accuracy of its warheads in order to develop a first-strike MIRV system able to destroy a large fraction of our Minuteman force.

Another familiar justification for nuclear weapons testing has been the need to assure the continued reliability of already developed and stockpiled weapons. Although nuclear tests have never been carried out solely to check the proper functioning of a stockpiled weapon, it has been argued that the ability to test is necessary in case deterioration is found by other means and corrective action is required. This is not necessary, however, since it would always be possible to replace a warhead which had deteriorated with one of proven design. Furthermore, if mutual deterrence is the fundamental element in our strategic policy, as spelled out by the ABM treaty, then any unknown decrease in reliability on both sides can only improve deterrence. High reliability is only necessary for a nation contemplating a first strike. No aggressor could rely on the uncertain reliability of another nation's weapons as the means of surviving a retaliatory attack.

Thus, as a result of the Moscow agreements, a strong case can be made that no further nuclear testing of strategic weapons is required. Yet, during the past 10 years since the limited test ban treaty, more than two-thirds of the U.S. tests have been related to strategic weapons systems, and indeed the highest priority tests have fallen in this category. The Moscow agreements have thus undercut the major rationale for continued nuclear testing. Even before SALT I, Drs. Carl Walske and John Foster of the Defense Department testified that they favored a comprehensive test ban provided it could be adequately verified. This Pentagon position, which is the U.S. position at the Geneva disarmament talks, is even further reinforced by the Moscow agreements.

SIGNALS AND SATELLITES

The benefits of SALT I, however, are not limited to the weapons development part of the problem alone; the ABM treaty also creates a mechanism by which the verification difficulties, for years the ostensible stumbling block to a test ban, can also be solved.

Since 1963, the United States has insisted that on-site inspections were required for adequate policing against secret underground tests, while the Soviet Union has consistently claimed that these inspections were unnecessary. The verification provisions of the ABM treaty afford a means of bridging this gap. In this, and in the interim agreement on offensive weapons, both nations agree that national technical means of verification will be used; that neither nation will interfere with such means; and, finally, that neither will use deliberate concealment to impede verification. In addition, a standing consultative commission is set up to consider questions concerning compliance with the obligations of the agreement. Similar provisions, but multi-national in scope, attached to a comprehensive test ban treaty, might satisfactorily reconcile the U.S. and the Soviet points of view.

The primary problem in verifying a ban on underground tests has been the difficulty in telling apart the seismic signals from small earthquakes and explosions. Now, with greatly improved seismic methods and sophisticated computer processing, it is possible to classify almost any detectable seismic event as an earthquake or an explosion.

For those few small events which are detected seismically but not identified, the United States has in the past sought the reassurance of on-site inspections despite Pentagon testimony that the value of such on-site inspections is marginal at best. Today's U.S. verification techniques, however, are superior to our earlier capabilities, even combined with the on-site inspections we were seeking.

Observation satellites are one agreed method capable of providing increased assurance. A photographic satellite scanning an area in which an unidentified seismic event was detected could obtain information useful for evaluating whether the seismic signals originated from a secret nuclear test. Most of the natural earthquake areas within the Soviet Union are remote from human activity, so that a large fraction of these unidentified events could be clearly classified as natural in origin when evidence of man-made disturbances was absent. Whenever a satellite obtained evidence of mining or drilling operations in the area where the seismic signals originated, a satisfactory explanation could be demanded through an international commission on the SALT I model. If not satisfied, the United States could resume testing or take whatever other action it thought necessary.

EVASION TECHNIQUES

Some experts have worried that an underground test ban could be violated by use of sophisticated evasion techniques, such as a detonation in a large cavity. But theoretical studies show that a very large chamber, 300 feet in diameter and several thousand feet underground, would be required to muffle the seismic signal of a 5-to-10-kiloton explosion sufficiently to make it undetectable. The use of such concealment techniques for even so small a test would involve a mammoth construction operation which would be easily visible by observation satellites.

Other exotic evasion techniques have been proposed: a nuclear explosion could be conducted in the immediate aftermath of a large earthquake, or a series of nuclear explosions could be timed to give additive seismic signals that more nearly resemble an earthquake than an explosion. Both of these techniques are vulnerable to detection by sophisticated seismic measuring and data analysis systems. However, even if these techniques successfully hid the signals, there would be a considerable probability that the operations required to carry them out would be noticed by observation satellites and challenged through the mechanism of the consultative commission.

Finally, the use of nuclear explosives for peaceful purposes is now generally recognized, at least in this country, to have few economic advantages and many environmental and safety problems. This program, nicknamed Plowshare, has always been a roadblock to a ban on nuclear tests, since it could provide an ideal cover for disguised weapons testing. In fact, the greatest enthusiasts for Plowshare have been the most ardent nuclear weapons developers.

Now the proposed nuclear excavation of

the sea-level Panama Canal has been dropped, and the use of nuclear explosives for the release of natural gas is the only project being given serious study in the United States. Tests even for this purpose are in trouble with environmentalists and significant gas recovery would require thousands of nuclear explosions. The Atomic Energy Commission budget for Plowshare has just been cut almost in half and no tests are planned for the next fiscal year. Considerable interest in peaceful nuclear explosions has, unfortunately, been stimulated by U.S. propaganda in other countries, particularly Russia, India and Brazil, and could interfere with negotiations for a comprehensive test ban if they are unduly delayed.

The time has now come for the United States to take a new initiative in negotiating a comprehensive test ban treaty. It would be an important next step after the Moscow agreements to place some overall ceiling on qualitative improvements in strategic nuclear warheads.

THE 166TH ANNIVERSARY OF BIRTH OF GEN. ROBERT E. LEE

Mr. GRIFFIN. Mr. President, at the request of the distinguished Senator from Tennessee (Mr. BROCK), I ask unanimous consent to have printed in the RECORD a statement by him and an article relative to the 166th anniversary of the birth of Gen. Robert E. Lee.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROCK

Last January 19, in observance of the 166th anniversary of the birth of General Robert E. Lee, Norman Bradley, editor of the Chattanooga Times, reprinted a perceptive and thoughtful column for that newspaper.

Mr. Bradley's words speak not only of the greatness of Lee, now recognized throughout the Union, but also of the meaning of his life for us, in these times.

I believe that his message deserves wide currency, so I ask unanimous consent that it be printed in the Record.

LEE: A MAN TO EMULATE

(By Norman Bradley)

Attention always is on "new frontiers." But it never hurts to remember the mountain ranges behind us. This may be an era of changing tactics, but equally important are unchanging virtues. There is a need for new programs, but not without old, and tested principles.

Today the nation looks ahead, as it should, of course, and thoughts are attuned to the future and its demands. But on this particular day, we might think briefly of a man of a century past.

True, his form has been stilled for 102 years, but his shadow has lengthened to span the ages; true, his voice has been silenced all this time, but the words he spoke—better, the words he lived—still ring in the hearts and consciences of his countrymen.

Robert Edward Lee, born this day 166 years ago, died on an autumn morning in 1870. By present standards, he was not an old man, but at 63 his body had been subjected to the rigors of many campaigns, his heart to the agony of many losses.

He was the military genius of a war that ended in his surrender, the physical embodiment of a cause that was lost from its start, the advocate of unity in an age when the wounds of war still were raw and bleeding.

And yet whose name, among all those posted on the roll of heroes of that era, is more deeply revered, more widely honored by descendants of friend and foe alike?

Certainly not Ulysses S. Grant, a man of great military competence whose stature was diminished rather than heightened by his later years as President of the United States; not William Tecumseh Sherman with his concept of total war, or Phil Sheridan or George B. McClellan or any other blue-clad general.

And, I might add, not even Stonewall Jackson or Nathan Bedford Forrest, whose genius Lee recognized and depended on; not Jefferson Davis, the president of the Confederacy, or L. Q. C. Lamar, the brilliant Mississippian, an eloquent spokesman for the region from positions of high honor in post-war Washington.

Only the name of Abraham Lincoln ranks with that of Lee from that tragic period, and Lincoln's enduring fame rests upon the wisdom and the grace with which he wielded the power of the Union that claims our supreme allegiance today. Lincoln was the victor, not the vanquished; he lost any in those areas where he would have been magnanimous and others vindictive.

What is the basis for Lee's unchanging place in the regard of those who have come after him? Not his unqualified successes, certainly, for he rarely trod the high road to victory; his path was heavily shadowed by disappointments throughout his lifetime.

Instead, I think, we honor Robert E. Lee today for what he was as a human being rather than what he achieved, for how he lived rather than what he gained, for what he gave rather than what he accumulated. And these are the virtues which can be shared by any man, anywhere.

He was no lover of slavery, no advocate of the theory of seccession. Yet when war loomed, he followed the course his sense of duty dictated. His first obligation, he decided, was to the State of Virginia. When it left the Union, he resigned his commission in the U.S. Army with the assertion he would never again bear arms save in Virginia's defense.

Once having committed himself, he never looked back. He bore the responsibilities of the post he assumed as he had all those he had known before—with a singleminded devotion and an unwavering determination to excel.

He was keenly aware of the power that rested in his hands, yet was slow to exert it. He was devoid of fear for himself but hesitant to subject others to danger. He was considerate always of his men, not merely because they were soldiers of his command but because they were human beings with their own rights and dignity.

Deeply religious without giving way to religiosity, he prayed for victory but when God willed defeat, he was unquestioning. In the lean years after the war, he was a symbol of uncomplaining courage in the face of lasting discouragements and of unyielding determination to build a still better life from the wreckage of the old.

He was convinced it was his duty to promote peace and national unity. It was not easy but he persevered. He was calm when others gave way to frenzy or frustration; he was loving when they hated; he was silent when they spoke with rancor.

And within months of his death, he was able to say with deep sincerity, "I have never known one moment of bitterness or resentment."

His was a life with enduring principles—devotion to duty, recognition of rightful authority, humility in the use of power, the natural kindness that reveals a heart attuned to the needs of others.

It invites a people's emulation.

THE CALM IN SOUTH ASIA

Mr. KENNEDY. Mr. President, in recent months a calm has fallen over South Asia. After the human tragedy and civil war in Bangladesh in 1971, this calm is surely welcome. But to many Americans who have closely followed developments in South Asia, the calm seems deceptive—for it carries with it some of the same seeds of confrontation and conflict which have overtaken the people of the region repeatedly in recent years.

The birth of Bangladesh forever changed the map and relationships in South Asia. But some of the new problems raised by this change, and some of the difficult issues of previous years, continue—despite the helpful steps last year towards diplomatic accommodations and peaceful change.

I would like to outline just a couple of the immediate concerns, over South Asia, that I share with some of my colleagues and others.

First of all, Mr. President, let me comment on what some have called "the new forgotten people" of South Asia.

I refer to the plight of the prisoners of war, the interned civilians, and others caught in the crunch of deadlocked negotiations on ending the state of war and normalizing relations throughout the area. Some 76,000 Pakistani prisoners of war and some 16,000 civilian internees remain in India under the control of the joint India-Bangladesh military command. As many as 250,000 Bengalis are trapped in Pakistan, waiting for exit permits to go to Bangladesh. Most of them are without a means of livelihood, depending for their existence on the charity of others and the sale of their personal belongings. Their number includes some 28,000 Bengalis who previously served the Pakistan military and are now reportedly interned in prisoner-of-war conditions. And in Bangladesh some 500,000 Urdu-speaking Biharis continue precarious lives. Although their fate remains unsettled, they are receiving temporary assistance from international voluntary agencies and the Dacca government—but a good share of them are waiting the opportunity to leave Bangladesh for Pakistan.

Just a year ago, there was a great deal of hope on all sides that an orderly repatriation and exchange of prisoners and populations, under international auspices, would take place among India, Pakistan, and Bangladesh. I recall from conversations in Geneva—as well as in Dacca, during my visit to Bangladesh last February—that the United Nations, the International Committee of the Red Cross, the Intergovernmental Committee for European Migration, were all prepared with their good offices to facilitate the repatriation and exchange of populations, and some plans were being drawn up to accomplish this objective on an orderly basis.

But with the exception of a few scattered individuals and families who were bale to move, nothing much has happened. No meaningful progress has been made—despite the offers and good intentions on all sides, and the best efforts of the International Agencies to help. In fact, within a short time last year, the whole issue was caught in a diplomatic log-jam. And so, despite all the specific offers and good intentions—and all the plans available for repatriating and exchanging the people trapped on all sides—the suffering of hundreds of thousands continues to this day.

Hopefully, this logjam will soon be broken.

Perhaps all governments concerned will finally recognize the new realities in South Asia—including the existence of Bangladesh. Perhaps one of these governments will take a unilateral initiative—some gesture of good will—to encourage progress on the Repatriation of Prisoners and the exchange of populations, and to foster normalization among the governments and peoples of the area.

An encouraging development in recent days—and one that deserves much support—is a communication from Prime Minister Indira Gandhi of India to President Zulfikar Ali Bhutto of Pakistan, concerning needed efforts to resolve differences and build better relations between the two countries. In the SIMLA agreement of July 3, 1972, the Indian Prime Minister and President Bhutto pledged themselves to the "establishment of a durable peace in the subcontinent," and instructed their representatives to pursue before the next summit meeting the outstanding problems the two countries, "including the questions of repatriation of prisoners of war and civilian internees."

Hopefully, the new initiatives in the subcontinent will bear fruit. Perhaps, also, the current visit of United Nations Secretary General Kurt Waldheim to South Asia will help to accomplish this end.

The Secretary General's mission deserves the active support of all governments, including our own—whose stated interest in the concerns and future of South Asia is hardly reflected in the absence of U.S. Ambassadors to Islamabad, Dacca, and Delhi over the past several months. For until some movement is made on the issue of prisoners of war, civilian internees, and minority populations, men and women and children will continue to suffer needlessly—their unsettled fate not tied to their well-being, but to the names of diplomacy over which they have so little control.

Mr. President, a second concern that I share with many Americans, is the continuing humanitarian crisis in Bangladesh. In the nearly 14-months since achieving their independence, the Government and people of Bangladesh have struggled courageously to maintain the hopes of their hard-won freedom and, with the help of the international community, to build a better life for all. As a result, some 10,000,000 refugees who fled to India, and millions more who were displaced within their homeland, have been resettled. A good measure of law and order has been maintained. Communications have been restored. A constitution has been established, with elections scheduled for March 7. And the people have been fed. But such remarkable accomplishments should not cloud the fact that a humanitarian crisis remains.

Just as the birth of Bangladesh was a testing for freedom and self-determination—the Bengali's continued struggle for survival is, in many respects, a testing of the world's willingness and ability to respond to a humanitarian emergency. And that testing goes on today, and will continue for some time.

A few weeks ago, Secretary General Waldheim reluctantly reported that, despite the successful efforts of the U.N. relief operation in Dacca—UNROD—to avert the heavy threat of famine last year, the food situation today is "more serious and more threatening" than it was in the immediate aftermath of civil war and independence. And he has appealed for international help and assistance to avert a famine again.

Always a food deficit area, Bangladesh has regularly experienced an annual short fall of at least a million tons in food grain. But a combination of heavy drought and an agricultural system still disrupted by a war, has created a "food gap" in 1973, which experts estimate will require a food import of as much as 2.5 to 3 million tons. This is a staggering blow to the hopes of Bangladesh and a clear signal, that the efforts of the Bengali people to help themselves, still need the support of our own Government and others.

Because of our country's vast food resources—and because we have traditionally filled most of the "food gap" in Bengal when it was still part of Pakistan—I feel we inevitably have a special role to play in responding to the current food needs of Bangladesh. This is especially true in light of the good relations we have established with Bangladesh, and the enlightened foreign assistance agreement we concluded with the government of Sheikh Mujibur Rahman last year.

To date, the United States has effectively participated in the rehabilitation and reconstruction effort in Bangladesh—both bilaterally and in giving our full support to UNROD's emergency program. Some $319 million in funds appropriated by the Congress were committed in 1972, including over 1 million tons of food grains valued at $136.9 million. The American contribution represents nearly one-third of the more than $1 billion committed by all countries. Again, I want to commend the Agency for International Development for its active concern for the Bengali people, and pay high tribute to those voluntary agencies which are playing such an important role in America's efforts.

But let us not rest on the records of last year; for the food crisis of Bangladesh continues. And I share the distress of many Americans that, despite the threatening conditions in Bangladesh, the administration is dragging its feet in responding to the urgent appeals for help from Secretary General Waldheim. So far, the public record indicates that we have committed only 200,000 tons of food grains out of an estimated need of at least 2.5 million tons. No one will suggest that we make up the complete food deficit in Bangladesh—but, given our traditional input into the area, why should an independent Bangladesh, undergoing an emergency food crisis, receive less food assistance than we normally gave Pakistan? And why should we risk jeopardizing the good relations and effective assistance we have built with Bangladesh over the past year?

Our Government's official attitude toward food needs in Bangladesh and elsewhere, raises troubling questions about the administration's use of our food surplus. Are we now more interested in selling our surplus grains, than in fulfilling the high purposes of the food for peace program? Are we now to understand that this program is more important as a bargaining chip in international diplomacy, than as a humanitarian effort to help feed a hungry world?

Mr. President, if the international relief effort in Bangladesh is to succeed this coming year, our Government must help with more food. The record should be clear that we are willing to do so—with commitments far greater than the 200,000 tons already announced. To do less, would be to mar a fine record of accomplishment in providing essential humanitarian assistance to Bangladesh during the first year of need—and would also abandon a major intent of America's food for peace program.

Mr. President, little more than a year ago, the entire world was grateful for the end to a tragic conflict which tore at the people and nations of South Asia. The international community joined in an effort to help the people of the region survive one of the most massive human tragedies of this century, and to assist them in building a new basis for lasting peace. But the hopeful beginnings to accomplish these ends are unfulfilled, as humanitarian problems and political tensions continue to fester.

The basic responsibility for a bright and peaceful future in South Asia rests, of course, on the courage and goodwill of the leaders and people of India, Pakistan, and Bangladesh—and the other countries in the immediate area. And I am fully confident that they see, and will act upon, the opportunities at hand. But we must understand the strains that face these countries, and we must be ready to help and support these countries help themselves.

Mr. President, I ask unanimous consent to have printed in the Record some recent press articles concerning the current problems in South Asia, an excerpt from a January report by Secretary General Waldheim, and a U.N. summary of international aid to Bangladesh.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 2, 1973]

The Pakistani POW's

Pakistan, understandably using the leverage of the weak, is appealing for the international community's support in securing the return of the 90,000-odd Pakistani prisoners which India and Bangladesh still jointly hold more than a year after the Asian subcontinent's 1971 war. Its case is strong: India has not honored its Geneva Convention obligation to return prisoners upon "cessation of active hostilities" and, according to the impartial International Red Cross, some prisoners have been mistreated, even tortured and killed. There can be no dispute that, on these grounds, India is in severe default. As well, its policy towards the prisoners has failed to furnish the example of generosity to the vanquished which India as the victor should properly be expected to set.

The hitch is, of course, that the prisoners are only one part of a much larger package. The Red Cross has a duty to speak out for the POWs but no duty or license to address the larger political requirements of the subcontinent. The reason India is holding the prisoners is chiefly to serve its client, the fledgling wobbly state of Bangladesh. Bangladesh, which suffered untold atrocities from the Pakistani army before winning statehood, cannot easily let go of the remnants of the force that previously tormented and oppressed it. Moreover, with the prisoners, Bangladesh hopes to buy not only formal Pakistani recognition but perhaps also Pakistani assumption of certain earlier debts. The fact is, Delhi's first priority is to bolster Bangladesh; its second priority is to accommodate Pakistan. This is not to say the Indian attitude is untouched by vindictiveness and by a hoked-up fear of Pakistani revenge-seeking, but its prime purpose in holding the prisoners is to nurse along Bangladesh and it is willing to suffer a measure of international censure for so doing.

Addressing this subject on this page recently, Mr. Tad Szulc suggested that detention of the POWs posed an issue of international morality. It also poses an issue of regional politics. For Americans, the post-Vietnam outlook on the world necessarily includes a willingness to subdue pronouncements on situations which the United States is not directly a party to. The test which foreigners might best apply to the subcontinent is not whether each country there has satisfied the claims of international morality; by that standard, Pakistan would have to account for still detaining some 400,000 war-stranded Bengalis. The test is whether the countries of the region have accepted the burden of moving, by their own political engines and their own political road maps, towards a common destination of conciliation. Disturbed as we are by their lapses and shortfalls since the December 1971 war, we are more impressed by the steps the countries have already taken, and by the opportunities for reconciliation lying still within their grasp.

[From the Washington Post, Jan. 18, 1972]

Pakistani POWs: "The New Forgotten People"

(By Tad Szulc)

North Vietnam's determination to hold American prisoners of war, now close to 600, as hostages against a truce or peace settlement has all along been a grim but accepted reality of the Vietnamese conflict and the parallel Paris negotiations. Yet, the assumption always was that these Americans would be released the moment the hostilities involving United States forces in Vietnam have ceased.

Elsewhere in Asia, however, the precept of international law that prisoners must be freed with the cessation of hostilities does not seem to apply: Pakistani military and civilian personnel are still interned by India in POW camps. They remain there today although the latest subcontinent war ended in mid-December 1971, more than 13 months ago.

For all practical purposes, the estimated 92,000 Pakistanis, including approximately 16,000 civilians, captured in the fighting over the emergence of the new state of Bangladesh (formerly East Pakistan), are hostages to the complex and angry politics of the subcontinent and the ever-deep distrust between India and Pakistan.

This indefinite condition of hostage for the largest number of people in foreign captivity since World War II is tacitly recognized by Indian officials for reasons they privately admit to be overwhelmingly political. Pakistan, of course, has repeatedly charged that its defeated soldiers are India's hostages. But, incredibly, only the International Committee of the Red Cross, which periodically inspects the 53 POW camps under the provisions of the two Geneva Conventions on war prisoners, has openly and insistently demanded the release of the Pakistanis.

Most of the world appears to be conveniently looking the other way, including the United States which, to say the least, was supportive of Pakistan in the 1971 war. The 92,000 Pakistanis are, then, Asia's new forgotten people: the officers and soldiers, the civilian officials and professionals, the women, the children and the babies born in the camps. This general indifference is, presumably, a reflection of the underlying political stalemate in the subcontinent engaging India and Pakistan on one level and the related interests of each of the superpowers on the other.

At this stage, when New Delhi and Washington actively seek to improve their frayed relations and the Nixon administration hopes to expand the detente with Moscow, nobody in this town is prepared to rock the precarious status quo in South Asia by raising the fate of the Pakistani POWs as a major international issue.

In fact, the United States nowadays seems to feel cooler toward Pakistan as it edges toward better ties with India. Pakistani President Zulfikar Ali Bhutto, for one thing, has publicly condemned the United States Christmas bombings in North Vietnam while India kept mum. Even China, an ally of Pakistan, is singularly quiet on the subject of the POWs. Moscow is India's treaty partner and, therefore, uncritical of her. Only Romania, the Communist maverick, has expressed support for Pakistan over the prisoners.

But beyond all these power considerations there remains an array of moral, legal and political questions concerning the 92,000 captive Pakistanis.

The moral question has two aspects. One is the matter of mass atrocities committed by the West Pakistani forces in Bangladesh before and during the independence war. This is perhaps what the outside world remembers the best: The atrocities set off a wave of indignation here and elsewhere. Thus it may be understandable that Bangladesh wishes to punish through trials those responsible for the murders. But it has indicated that at most 1,500 of the Pakistanis now held in India, less than two per cent of the total, may be wanted for such trials.

This raises the obverse moral question: Is it justifiable to hold 92,000 persons indefinitely in prisoner camps (quite aside from the current controversy between India and the Red Cross over proper treatment of the prisoners, the shooting of escapees, the overcrowding of camps and so on) because a tiny minority may be guilty of war crimes? One wonders—at least for the sake of consistency—about the absence of major international outrage concerning the 92,000 captives.

The legal situation seems to be crystal clear, but this is no solace to the POWs. Article 118 of the 1949 Geneva Convention, to which both India and Pakistan are signatories (Bangladesh acceded to it last August), provides that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." When the Pakistani forces capitulated on Dec. 15, 1971, the Indian Chief of Staff, Lt. Gen. Jagjit Singh Aurora, formally assured the Pakistani commander that "I shall abide by the provisions of the Geneva Conventions."

On Dec. 21, the United Nations Security Council noted that "a cessation of hostilities prevails." In the Simla Agreement, signed on July 3, 1972, India's Prime Minister, Mrs. Indira Gandhi, and President Bhutto pledged themselves to the "establishment of durable peace in the subcontinent" and instructed their representatives to discuss outstanding problems, "including the questions of repatriation of prisoners of war and civilian internees," before the next summit meeting.

All of the requirements for the release were thus met, but India (which 20 years ago handled the repatriation of the Korean War POWs) now invokes a host of political and security reasons for refusing to free the Pakistanis.

The first reason cited by India is that she cannot release the prisoners without consent of Bangladesh on whose territory most of them surrendered to the joint Indian-Bangladesh command. But the catch in the intricate subcontinental political game is that the Bangladesh Prime Minister, Sheikh Mujibur Rahman, refuses his consent until Pakistan recognizes his new state and until he has made up his mind about the war trials.

The vicious circle in which the POWs are caught extends to Islamabad where Bhutto, fighting hard to convince his rightwing opposition that ultimately Bangladesh must be recognized, insists for his own political reasons that this must be preceded by a personal meeting between him and Mujibur. Bhutto, who released Mujibur from prison late in 1971 and probably saved his life, argues that such problems as Pakistan's responsibility for prewar external debts for projects in Bangladesh should be settled prior to recognition. But Mujibur refuses to meet Bhutto before recognition.

Late last year, Pakistani diplomats at the United Nations privately asked the Indians whether New Delhi would guarantee in writing that the Bangladesh recognition would bring the POWs' release. Diplomatic reports say that the Indian reply was at best noncommittal, Bhutto's letter to Mrs. Gandhi last Dec. 21, proposing a new summit, has not yet been answered and Indian diplomats here are vague as to when such a meeting might be possible.

Finally, Indian officials have begun talking about Pakistan allegedly preparing a "new round" and rearming with "massive" weapons shipments from China. Significantly, they now speak of the POWs in terms of "four-and-a-half divisions of trained troops." A senior Indian official remarked recently: "How can we let such an army go free when Pakistan is again preparing for war?"

Thirteen months after the cessation of active hostilities, the Geneva Conventions and all the precedents notwithstanding, the deadlock seems unbreakable and the 92,000 Pakistani prisoners may be fated to remain India's hostages for an unpredictable period of time. International morality, it would appear, has seen better days.

[From the Far Eastern Economic Review, Nov. 18, 1972]

The Dispossessed

(By Werner Adam)

New Delhi.—Bengalis in Pakistan, POWs in India and Biharis in Bangladesh are the remaining and almost forgotten sufferers of a war that ended nearly a year ago. I recently visited many of them: Bengalis in Islamabad and Karachi as well as Biharis in Dacca and Chittagong, though not Pakistani soldiers and civilians held by India, who are inaccessible.

The stories they have to tell, the difficulties they have to face, are rather divergent and hardly reducible to a common denominator. Their fate, however, only too clearly proves that the subcontinental neighbours have still a long way to go to reach a lasting settlement of their manifold problems.

There are more than 200,000 Bengalis in Pakistan desperately waiting to return to their homeland, which they have not yet seen as an independent state. They have a rough idea of the difficulties confronting the fledgling Bangladesh. They know it might at the best be an uncertain future that the People's Republic will have to offer. But the future lies only there and no longer in Islamabad, Karachi or Lahore.

Their plight is a tragic paradox: while not wanted any more in Pakistan and laid off from all duties these people, particularly the civil servants among them, would be a great help in making the Administration more efficient. Similarly, the 26,000 Bengali officers and soldiers crowded together in Pakistani camps are badly needed by Bangladesh's Prime Minister, Sheikh Mujibur Rahman, who has not even enough police to guarantee law and order in his new country.

The hopes of the stranded Bengalis for repatriation are, however, unlikely to be fulfilled unless Mujib gives his approval for repatriating the POWs from India, Pakistan's President, Zulfikar Ali Bhutto, at any rate, has made no secret of his intention to use "his" Bengalis not only to get the POW's back but to counter the Sheikh's attempt to put a few hundred of them behind bars.

Understandably, Bengalis in Pakistan who recently set up a Central Bengali Welfare and Repatriation Committee by no means agree with Bhutto's policy of equating them with the POWs. The Bengalis' fate, they say, could at best be compared with that of "innocent Pakistanis now stranded in Bangladesh." Regarded as neither Pakistani citizens any longer nor as aliens they feel their situation to be even worse since POWs are at least entitled to certain privileges under the Geneva Convention.

The committee has meanwhile done a first comprehensive survey on the living conditions of Bengalis in Pakistan, who are said to number not 500,000 as earlier believed, but just over 200,000. According to these estimates the Bengali minority—including family members—consists of 16,000 government, 39,000 defence services and 150,000 private sector employees. Those who had been working for the Pakistan Government until their services were terminated in July this year complain they were treated "rather shabbily without much regard to human considerations and legal aspects of the problem."

When asked whether they would like to serve in "East or West Pakistan," almost 99% of the Bengali officials opted for "East Pakistan." A few days later they were told that since they had chosen "Bangladesh," their retirement had become a must.

Although promised a subsistence allowance amounting to 50% of their basic pay for a head of a family and 33% for a single official—with a minimum of Rs 100 (US$9.09) and a maximum of Rs 1,000 ($90.91) per month—this payment was immediately made subject to deductions on account of previous advance and loans. The result: most of them are now living on the sale of personal belongings and savings. But at least they are allowed to stay in their government houses and quarters.

This is not so of the military personnel who were ordered off duty and disarmed as early as February; they now huddle in a number of camps in Baluchistan and the Northwest Frontier Province. They were put on monthly subsistence allowances ranging from Rs 40 for sepoys to Rs 1,000 for generals. Says the survey: "Reports from these camps give harrowing accounts of harsh treatment, lack of privacy and unhygienic conditions." And it further claims that many officers have been tried "on flimsy grounds" and sentenced to rigorous prison terms ranging from six months to fourteen years.

Still worse appear the conditions of Bengalis laid off in the private sector, who have not received any further payment at all. The committee has so far distributed some Rs 25,000 to the most needy Bengalis. It has also approached the International Committee of the Red Cross (ICRC) and the United Nations International Children's Emergency Fund (UNICEF) for assistance. But as the Pakistan Government apparently did not give the necessary clearance both organisations expressed their inability to help the stranded community.

Except for a few incidents, these Bengalis have not yet faced real physical threat. But their most uncertain, sometimes deplorable conditions combined with the overwhelming desire to return to Bangladesh, have caused many to attempt escape via Afghanistan and India.

At least some 2,000 are reported to have reached their destination, while an estimated 1,000 were apprehended and, under the Defense of Pakistan Rule, put in jail. Concludes the survey: "The UN, its Commission for Refugees and the ICRC should take up the matter urgently with the Government of Pakistan, and also see that the repatriation of the stranded Bengalis starts as soon as possible."

In Bangladesh, approximately the same number of non-Bengalis want to settle in Pakistan. One of their spokesmen in the Dacca suburb of Mirpur implored me: "Please do not call us Biharis; we are Pakistanis. East Pakistan has become Bangladesh, but our thinking, our feeling, remains and will remain that of a Pakistani." The argument that Bhutto has not intended a place for them in his "new Pakistan" obviously doesn't count much. "Bhutto simply has to take us," stressed the Bihari spokesman. "After all, only recently we have once again opted for Pakistan."

This is true of about 95% of some 250,000 Biharis in Mirpus and Mohammedpur, another suburb of Dacca. In a "survey of Urdu-speaking non-locals" recently undertaken by the Bangladesh authorities, they declared themselves in writing for what has been left of the Islamic Republic of Pakistan. At Saidpur in northern Bangladesh where some 150,000 non-Bengalis constitute the majority of the town's population, only 20% decided for Pakistan, while about 60,000 Biharis at Chittagong simply refused to publicly choose.

The survey, therefore, did not produce a clear picture. However, after having gone to many of these places and spoken to Biharis I have the impression that their elite—teachers, lawyers, doctors and former civil servants—is still very much Pakistan-orientated. Those concentrated in a comfortable number seem rather confident about their chances of survival in Bangladesh; and the Biharis confronted with an overwhelming Bengali majority have not yet the courage to express their real feelings.

Thanks to the UN Relief Operation, Dacca, and the ICRC, the living conditions of non-Bengalis at Mohammedpur and Mirpur have undoubtedly improved during the past few months. At Mohammedpur, where the people were crowded in concentration camps until June this year, a new colony has been set up providing them with better facilities. Most of the Biharis are without jobs and any means of income, and confronted with a hostile environment.

But as far as unemployment is concerned, millions of Bengalis have to share this fate with them. In the railway workshops of Saidpur I even saw both ethnic groups working hand in hand: 1,200 Biharis and 1,600 Bengalis. At Mirpur, however, the Biharis are more than reluctant to accept Saidpur as an example of a gradual improvement. They argue that to reconstruct the railway system, the Bangladesh Government simply had been compelled to take the non-Bengalis back to their jobs.

Law Minister Kamal Hossain makes no bones about his government's wish to get rid of those who opted for Pakistan; they are somewhat regarded as a "fifth column." Some 200,000 of them are said to have already managed to get out—to Burma, Nepal and India and, to a lesser extent, via these countries to Pakistan. The rest of those still calling themselves Pakistanis want to follow them; they urge the foreign visitor "to carry this message to President Bhutto." He might indeed find it more and more difficult to simply ignore the demands of these "patriots."

A lasting solution will probably only be found by following Mujib's earlier proposal to exchange all "Islamabad Bengalis" for those "Dacca Biharis" who wish to settle in Pakistan. After all, the subcontinent has not only experienced another partition but has already witnessed a bigger migration than what the "non-locals" in Bangladesh and Pakistan would amount to.

[From the Washington Post, Sept. 14, 1972]

BENGALIS KEPT FROM RETURNING

(By Arnold Zeitlin)

RAWALPINDI.—A former ambassador in the Pakistan foreign service stepped briskly along an Islamabad street, twirling his walking stick.

"I feel like a retired gentleman," he said. He was a Bengali from what is now Bangladesh. That day he had received notice from the government of Pakistan that he had been fired because he had opted for service in Bangladesh—whenever Pakistan will permit him to leave.

Not all the Bengalis once in government service in the bureaucracy or the military have reacted as breezily in their nine months as virtual hostages.

According to officials of the International Committee of the Red Cross, deep mental depression has gripped many Bengali military officers and men isolated in about a dozen camps and abandoned cantonments in the border provinces of Baluchistan and Northwest Frontier.

The Red Cross reports the estimated 25,000 men detained in the camps are well treated physically.

"They are not getting much mail from Bangladesh," said a Red Cross inspector. "Some officers who used to have their own houses and servants are living three to a room. They are depressed because they now have to go to the toilet under the eyes of guards carrying bayonets."

DRY MORE PRESTIGIOUS

In one camp, Bengalis were arguing furiously over who was to be the "wet sweeper" or the "dry sweeper" in helping keep living quarters clean. In the caste system which has grown up, dry is more prestigious than wet.

The Pakistan government has refused to permit any Bengalis to leave for home since East Pakistan became Bangladesh last December. According to a census by Bengali community leaders, about 200,000 persons, living principally in Islamabad and in Karachi, are stranded.

Pakistan officials have indicated the Bengalis won't be permitted to leave pending a general settlement under which 91,000 Pakistani civilians and military held in India as war prisoners are repatriated.

In June, government employees who are Bengalis were given the option to serve "East or West Pakistan." Most selected East Pakistan and were removed from their jobs. The government announced allowances to its former employees amounting to half salary for married men and one third to single men.

FIRM POLICY

The government has been firm in its policy of refusing exit. President Zulfiqar Ali Bhutto even turned down the application of the son of one of his best friends.

According to members of the Bengali community, government workers are not as bad off as private Bengalis. About 150,000 live in Pakistan's largest city, Karachi.

Many who have lost jobs in the economic depression since the breakup of the country have little hope of getting new work. Few employers will risk hiring a Bengali who might leave as soon as he gets permission to go to Bangladesh.

The Red Cross has inspected one area, Musa Colony, where an estimated 25,000 Bengalis live jammed together. Officially, the International Red Cross has not interfered in what is considered a domestic problem.

Bengalis in Karachi have tried to help themselves by pooling money and passing it to the needy. One Bengali bank official who every month distributed 5,000 rupees, about $450, reported this month he could collect only 500 rupees.

"People are afraid to give their money," he said. "They don't know how long it will have to last them."

SOME EXIT ILLEGALLY

Some Bengalis are getting out illegally, using forged papers or buying their way out with bribes.

The son of K.K. Panni, the Bangladesh ambassador to Indonesia, waited six weeks in Afghanistan until his wife and family were spirited to him across the Northwest Frontier border.

Operators run boats which will carry Bengalis to India from the beaches near Karachi.

According to a leader of the Karachi-Bengali community, some boat operators have callously landed their passengers on beaches within Pakistan territory.

"These poor people have wandered until they come to a village," he said, "and thinking they are in India, joyously run to it yelling 'Joi Bangla'."

If they are lucky, he said, they meet kindly villagers who in some cases have given them bus fare back to Karachi.

[From the Nation, Jan. 22, 1973]

AID TO BANGLADESH: AMERICA DOES SOMETHING RIGHT

(By David A. Weisbrod)

No one knows exactly why, but Bangladesh, the world's youngest and eighth most populous nation, is now a leading recipient of American grant assistance. Some $320 million worth of commodities, technical assistance and just plain cash are being given in an unusually open-handed style by a skeleton American aid team, with no repayment or interest requirements.

The effect on U.S.-Bengali relations has been remarkable. In little more than a year, the official Bengali attitude toward the United States has moved from a preindependence ban on contact with our government representative, to a post-independence series of angry, hostile statements, to the present support of close and fruitful working relations. Although "America Go Home" posters are still plastered outside USIS walls in Dacca and shrill stories "exposing" CIA activities occasionally appear in the press, the frequency of these attacks has diminished. On the positive side, favorable coverage is now being given to U.S. assistance projects.

The Prime Minister, Sheikh Mujibur Rahman, who was ready to throw the entire U.S. mission out of the country last March because of Washington's delay in extending diplomatic recognition, is now careful not to hurt American sensitivities. One feels that even the student opposition, which contains the most vocal anti-American elements, issues its condemnations less out of belief in their truth than from emotional compulsion to blame *someone* for Bangladesh's continuing problems. "It should have been very difficult for the United States to have any dialogue with Bangladesh," a high-level Bangladesh Government official commented, "but more than dialogue, we now have cozy relations."

And for good reason. American assistance to Bangladesh is being given through a relaxed, innovative approach, and no *quid pro quo* is demanded. The heart of the agreement is a direct grant of $115 million to purchase cotton, pesticides, fertilizer and tallow, and to pay for urgent public works projects ranging from the repair of roads and bridges to the construction of coastal embankments.

Approximately 1 million tons of wheat and rice grain valued at $140 million are being sent under the Food for Peace program (PL 480). This grain, along with that provided by India and other countries, is now being more widely distributed and is heading off serious famine. In addition, a grant of $35 million was made last March to the United Nations relief operation to help meet the cost of transporting foodstuffs, and contributions totaling $20 million have been made so far to ten American relief agencies for housing, health and education projects.

Although larger loan programs exist, few American assistance schemes for peaceful purposes have been extended on the same scale since the days of the Marshall Plan. Theories abound. Some say the Nixon Administration is acting from a sense of guilt after months of resisting the Bengalis' drive for independence. Others insist that the large input represents the best impulses of American charity; a simple humanitarian response to an urgent crisis, a provision of emergency assistance to help head off mass starvation. Those with a geopolitical frame of mind point not only to Russia's designs on the subcontinent but a supported U.S. suspicion of India's growing hegemony in the region and a fear that, without help, Bangladesh would soon become a nightmarish cauldron of strife and instability which could bubble over into other parts of Asia where American interests are more important.

Aside from the magnitude of American aid, the terms allow the Bengalis an unusual degree of freedom to decide for themselves just how they want to go about making the purchases and initiating the prospects. In Bangladesh, AID for the first time is permitting the recipient country administrative control over the use of grant funds. Within reasonable limits, the Bengalis will be able to direct the purchase of supplies from American companies and will decide which contractors to hire and on what terms.

"In India there was tremendous abuse because of the size of our mission," said an AID official with experience in both India and Bangladesh. "We were contracting, bringing in advisers and experts practically once a month and touting them over to the ministries. In Bangladesh we're doing the exact opposite. We are starting from the premise that we don't have all the answers. We're not going to do the kinds of things the Bengalis should be trying to do for themselves."

Currently, despite the amount of money at stake, AID has only fourteen direct-hire officials, plus fifteen to twenty private contractors in the field, in comparison to the 300 or so Americans who were working on AID projects in pre-independence East Pakistan. Both the Russian and Indian aid missions are larger than the American, even though the United States is providing more assistance than those two countries combined.

AID hopes that a "noninterventionist" low profile will eliminate the kind of advising, suggesting and prodding that created friction in many previous aid programs and helped make bilateral aid a controversial topic in the recipient countries. The exceptionally young AID team in Dacca (the average age is 32) is relatively free of the "arrogance of power" so pervasive among foreign affairs officials in Washington, and is responsive to the Bengalis' suffering.

"The good thing about the aid is the volume and the grant terms," a senior Bengali official commented, "but even better are the procedures. For the first time in my experience an AID operation has been made smooth. You've simplified it, removed the bottlenecks. Normally we'd have to go through complex channels to alter even minor parts of an agreement; now we just ring up on the telephone and they say O.K."

The Bengalis too have yielded on small points such as permitting fertilizer to be shipped in polypropylene as well as jute bags (jute is Bangladesh's chief export). With both sides displaying so much good will, time-consuming liaison between Washington and Dacca has been minimized.

Still, there is reluctance on the part of the Bengalis to be outwardly too friendly. When Sheikh Mujib delivered a speech on December 16, commemorating the first anniversary of Bangali liberation, he thanked India and the Soviet Union for their help during the nine-month struggle for independence, but did not refer to America's assistance in helping the country get back on its feet. The Sheikh evidently feels that, in the hearts of many of his countrymen, last year's bitterness has not faded altogether, and that a demonstration of cordiality toward the United States would almost certainly be used against his party (the Awami League) in the general elections scheduled for March 7.

Political analysts predict sporadic outbursts of anti-Americanism for the weeks before that election, but dismiss their significance as reflex by-products of a heated election mood. Tajuddin Ahmed, Minister of Finance and Planning, and the most outspoken leftist in the cabinet, has resumed attacks after several months of silence. In a recent newspaper interview, he accused the United States of "working to use Blangladesh as a pawn of its world politics," and warned that as the United States pulled out of Vietnam, "it would try to expand its claws into Bangladesh."

Whether these remarks are part of an overall Awami League campaign strategy, or merely an example of lack of party discipline, few see a day soon when relations between a country as poor as Bangladesh and one as rich as the United States will assume genuinely deep and warm proportions. "The relationship is almost back to its usually unsatisfactory level," and an American official with years of experience in Dacca, who added that an inevitable decline will take place as the magnitude of U.S. assistance drops.

Bengalis, too, seem to realize that the generous AID package is a one-shot affair intended only to meet the emergency conditions caused by the war. As soon as last year's request for an additional $100 million is channeled through Congress, the extraordinary grant arrangement will end. There are no plans in the next fiscal year for a special appropriation for Bangladesh and future terms will harden into smaller and more traditional loan programs.

Much of the new flexibility, moreover, will be evidenced more in theory than in practice. Although Bangladesh is permitted to procure items in most less-developed countries of the so-called "free world," purchases are still prohibited from Communist countries, Western Europe and Japan. Almost all of the cotton, tallow, pesticide and fertilizer will be obtained in the United States because these commodities are unavailable or more expensive on Third World markets. A good proportion of the project money (for road repairs, coastal embankments, etc.) also will be used to purchase

U.S. equipment and supplies and to pay salaries of American contractors. (About $30 million of it will be converted into Bangladesh *takas* to meet local construction costs, with the important stipulation that the Bangladesh Government spend an equivalent amount of dollars on purchases within the United States.) In the end, all except a tiny fraction of the total aid package will eventually find its way back to the United States.

In addition to the expiration of grant terms, another potential source of friction between the United States and Bangladesh is likely to be a reduction in Food for Peace (PL 480) assistance. Bangladesh, a victim of the bad weather that prevailed throughout Asia last year, will probably need to import as much or more grain this year as it did in 1972. Although the food shortfall for 1973 will be in the neighborhood of 2.5 million tons, according to a report by Dennis Chandler, a former director of the International Rice Research Institute, the United States has so far promised only 200,000 tons of wheat, to be shipped between now and the end of June.

Because of the sudden drop in grain reserves and the rapid rise of world demand, the future of the PL 480 program is hanging in the air, and with it the likelihood that Bangladesh will receive sufficient assistance from that source to meet its needs. Since India, which donated 500,000 tons of grain to Bangladesh last year, now faces a major food shortage of its own, Bangladesh will have no alternative but to use a substantial percentage of its foreign currency reserve to make competitive purchases on the world market. Bengali negotiators are currently arranging to buy 400,000 tons of grain (valued at $42 million) from Continental Grain Corporation, the same American supplier that handled the huge Russian purchase. (The Bengali purchase, by the way, is at a higher price than the Russian one and includes 100,000 tons of Pakistani rice, an indication of just how desperate conditions are expected to be.)

At this point, Bangladesh is planning to meet half the 1973 deficit with private purchases and the other half with PL 480 assistance. This would call for a PL 480 input beyond that of last year; there is considerable doubt, however, that so large a quantity will again be available.

"Beyond a point you have to say 'hope for the best,'" a State Department official said. "The U.S. may find itself in a position of not being able to feed all the hungry in the world; it won't even be a matter of public policy decision—there just won't be the food to send."

While others insist America will not let Bangladesh "go down the drain," it is generally acknowledged the new country will soon have to compete like any other for its share of the aid pie. As public attention to the Bangladesh disaster fades, so will the quantity of American assistance. Furthermore, AID's new low profile, combined with the Congressional restriction limiting U.S. contributions to Bangladesh reconstruction to 40 per cent of total worldwide contributions, almost guarantees a modest U.S. presence.

Nevertheless, the accomplishments so far have been noteworthy. Thanks in good part to American aid: mass famine has at least temporarily been avoided, a stable, democratically inclined regime has successfully taken roots, and an improvement of relations between the people and governments of the United States and Bangladesh has been engendered. Much has been done that Americans should feel proud of.

But in the end the aid question, though important, is marginal. Bangladesh's needs are enormous and will remain so indefinitely into the future. The country is burdened by 80 per cent illiteracy, has a per capita income of less than $80 and is one of the most densely populated nations in the world—without the industrial base required to support itself. By the year 2000 the present population of 80 million is expected to double. To imagine 160 million poverty-ridden people living in an area the size of Wisconsin is to confront a challenge to human survival of unprecedented dimensions.

Tomorrow's difficulties are perceived with such a shudder that differences between optimists and pessimists are barely distinguishable. The pessimists, it is said, describe Bangladesh's future as, "irretrievably bleak"; the optimists are said to describe it as "retrievably bleak." Whatever the outcome, American policy will encounter some challenges in the years ahead. To extend the present generous aid program, while at the same time keeping it simple, direct and flexible, would seem the most hopeful role the United States can play.

III. The Food Situation and Prospects for 1973

ASSESSMENT OF THE AMAN HARVEST, AND ESTIMATED NEEDS OF FOOD GRAINS IN 1973

76. As indicated earlier in this report, it was always accepted that the Aman harvest would be the decisive element influencing the food situation in 1973. Recognizing this fact, and assuming also that it would be essential in any case to import a certain amount of food grains in the coming year, the Secretary-General felt that it would be advantageous to all concerned if mutually acceptable estimates could be made both of local production and of the imports likely to be needed in 1973. As early as August 1972, he therefore proposed, in co-operation with the Director-General of FAO, the establishment of a mission under the leadership of a recognized international authority, and composed of experts drawn from the Government of Bangladesh and the appropriate international organizations, in order to make these estimates. The Government agreed with this proposal, and Professor Robert Chandler, of the Rockefeller Foundation, agreed to lead the Mission. For this purpose he visited Bangladesh in October and again in November 1972.

THE PRIME MINISTER'S REQUEST

77. By early October, it had already become apparent that the Aman harvest was threatened, not only because of an unavoidable lack of fertilizer, but also by unfavourable weather conditions. The Prime Minister therefore wrote to the Secretary-General on 14 October 1972, drawing his attention to the serious difficulties which would almost certainly arise in 1973, and requesting continued relief assistance from the United Nations, essentially in the fields of food and transportation, for another year. The Secretary-General immediately initiated informal discussions with Governments interested in assisting Bangladesh, and informed the Prime Minister of the outcome of these preliminary exchanges.

78. In summary, while many Governments were sympathetic to the problems still confronting Bangladesh, they asked the Secretary-General to ascertain the degree to which Bangladesh might be expected to help itself still further in 1973, while simultaneously taking into account the conclusions of the Chandler Food Mission.

THE SECRETARY-GENERAL'S PRELIMINARY APPEAL OF NOVEMBER 9, 1972

79. While the Secretary-General was taking action (late October) to respond to these wishes expressed by Governments, it became apparent, a few days later, that the monsoon rains had failed. The Weather Bureau reported that the October rainfall on a country-wide basis was 61 per cent below normal, and that the cumulative rainfall total for the months of June, July, August, September and October was 40 per cent below normal. Such a deficiency, compounded by the insufficient supply of fertilizer at the crucial time of transplanting, and still further aggravated by above-average attacks by pests, made it inevitable that the Aman harvest would be seriously below normal.

80. As soon as this basic condition became apparent [and also taking into account the fact that, in response to the Secretary-General's appeal of 31 May for 1 million tons of food grains (A/8662/Add.2–A/10539/Add.2), Governments had been able to provide only about 900,000 tons], the Secretary-General, in co-operation with the Government of Bangladesh, immediately arranged—while waiting for the Chandler Food Mission to make its report—for a short-term forecast to be made of the food situation likely to arise in the first quarter of 1973. In asking for this forecast to be made, the Secretary-General was very sensitive to the rapidly changing world situation as regards the availability both of food grains and of shipping. In order to ensure that the essential ration was provided until 31 March 1973, and to create a reasonable working reserve by that date, the Secretary-General concluded that he should appeal immediately for 700,000 tons of food grains to be delivered to Bangladesh during the first quarter of 1973. (This figure assumed that the Government would do its best to purchase the maximum amount from the Aman harvest—a complicated and delicate operation.) The Secretary-General made it clear that Governments or other institutions willing to help Bangladesh could respond to this appeal either in kind or by making funds available for the purchase of food grains, and that the necessary arrangements could be made either bilaterally or through UNROD.

81. To date, the United States Government has indicated that it is providing 200,000 tons of the wheat immediately, and the Government of Canada has stated that a total of 100,000 tons of wheat will be loaded in the months of February and March. The Netherlands Government has reported that over 3,000 tons of wheat flour will be provided as soon as a delivery date is indicated by the Government of Bangladesh.

82. Welcome as these contributions are, they will not, of course, meet the essential requirements of the country during the first quarter of 1973. The Government of Bangladesh itself has therefore made certain purchases of food grains on world markets from its own reserves of foreign currency (see para. 85 below), but a point will soon be reached where this process will become self-defeating in that foreign currency needed for supplies and equipment to develop the agricultural sector (particularly irrigation) in the coming years will have been spent on current purchases of food grains.

CONCLUSIONS OF THE CHANDLER FOOD MISSION

83. On 1 December 1972, Professor Chandler and his Mission reported that they estimated that the Aman harvest would yield just over 5,500,000 metric tons, compared to the 1969/1970 crop of 6,950,000 metric tons.

84. After assessing the prospects for the local production of food grains as a whole in 1973, the Mission concluded that it would be necessary to import an additional 2,500,000 tons of wheat and rice in order to provide a per capita ration of 15 ounces for a population of 75 million people (this is considered to be the most realistic population estimate available at present).

ACTION ON THE PART OF THE GOVERNMENT OF BANGLADESH

85. Fully recognizing both the gravity and the urgency of the situation, particularly when related to world conditions, the Government of Bangladesh, having accepted the main conclusions of the Chandler Mission, informed the Secretary-General that, as a further demonstration of its firm determination to help itself to the utmost, it intended:

First, to commit approximately one third of its reserves of foreign currency—this is regarded as the maximum which could be spent with prudence on current needs; any expenditure greater than this could easily lead to inadequate investment in the vital agricultural sector in the coming year—in order to purchase approximately one third of the food grains required (i.e. about 800,000 tons) and in order either to charter or purchase vessels required for water transport after UNROD's direct operational responsibilities are reduced after 31 March 1973;

Second, to do its best to make purchases from the local harvests;

Third, to ensure that the ration should not exceed 15 ounces per diem, and indeed to reduce it if either the necessary supplies of food grains or the shipping necessary to import food grains could not be foreseen;

Fourth, to meet the cost of all local expenditure related to relief;

Fifth, to take over progressively many of the relief functions now being performed by the United Nations relief operation in Dacca.

ACTION BY THE SECRETARY-GENERAL

86. On 1 December 1972, an informal meeting was held at United Nations Headquarters with representatives of Governments interested in assisting Bangladesh. The governmental representatives were informed both of the conclusions of the Chandler Mission, and of the further measures that the Government of Bangladesh intends to take in order to meet the relief needs of its people in 1973.

87. As a result of that meeting, the Secretary-General informed the Prime Minister, in response to his letter of 14 October 1972, that, having noted the additional measures being taken by the Government of Bangladesh, he, for his part, would be ready to concentrate his main effort on mobilizing world support in order to provide the balance of 1,700,000 tons of food grains that would need to be imported in order to supplement the 800,000 tons purchased by the Government, thus meeting the total deficit of 2,500,000 tons estimated by the Chandler Food Mission. (It will be noted that the Secretary-General has already appealed for 700,000 tons of this balance—see paragraph 80.)

88. In addition, the Secretary-General informed the Prime Minister that he would maintain a reduced United Nations Office in Dacca to assist in dealing with the problems of relief that might arise next year. The main functions of that office would be:

To participate in the continuous surveillance of the food situation;

To co-ordinate action with the Government in making arrangements for supplies of food grains from overseas;

To assist, when requested by the Government, in the stimulation of whatever action may be necessary in order to obtain supplies of food essential to preserve life;

To provide assistance, when requested by the Government, in the operational management of the infrastructure.

89. The Secretary-General considers that the first three of these functions should end by 31 December 1973, and that the fourth function should be phased out by 30 September 1973.

CONCLUDING OBSERVATIONS OF THE SECRETARY-GENERAL

90. The Secretary-General feels that it is essential for all Member States interested in assisting Bangladesh to recognize the following vital considerations:

(1) Taking into account likely conditions in 1973, both in relation to Bangladesh itself and also to the world food grains and shipping situation, the relief problem in Bangladesh may well be even more difficult next year than this.

(2) World availability of shipping in 1973 may present an even greater problem than world availability of food grains.

(3) The physical and managerial problems associated with the efficient performance of the port and internal transport system in Bangladesh are such that it will be imperative for all concerned in helping Bangladesh in 1973 to work out a carefully co-ordinated plan of deliveries of food grains, and to adhere to that plan.

(4) The uncertainties in forecasting the nature and extent of the essential relief needs in Bangladesh in 1973 are so great that the Secretary-General may find it necessary to modify the composition and scale of the United Nations office in Dacca.

(5) The Secretary-General wishes to make it clear to all concerned that:

(a) while he personally wishes to do everything within his power to help ensure that the lives of the people of Bangladesh are preserved in 1973, the fundamental responsibility for achieving this result must rest with the Government of Bangladesh (which fully accepts such a responsibility), and

(b) only Member States interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation.

(6) The Secretary-General wishes to emphasize the necessity of a generous response to his appeals. At present, it is possible to forecast how essential needs of food grains will be met during the first quarter of 1973, but in order to distribute essential food grains throughout the country for the remaining three quarters of the year, it would be essential for Governments to make the necessary pledges either in kind or in cash before 1 March 1973, so that the co-ordinated plan of delivery referred to in the third point of this paragraph can be worked out and executed.

ACKNOWLEDGMENTS

91. On several occasions the Prime Minister of Bangladesh has conveyed to the Secretary-General the deep appreciation of his Government and of the people of Bangladesh for the work carried out by UNROD. The Secretary-General has greatly appreciated these messages and, in turn, wishes to express his own gratitude to the many States Members, international institutions, voluntary organizations and individuals from all over the world who have responded so generously to his appeals for the resources which have enabled UNROD so far to discharge successfully the great responsibilities entrusted to it.

[From the New York Times, Jan., 2, 1973]

WALDHEIM REPORTS BANGLADESH FACES THREAT OF FAMINE AGAIN

(By Robert Alden)

UNITED NATIONS, N.Y., January 1.—Secretary General Waldheim reported today that despite an enormous and successful effort to to avert a famine in Bangladesh in 1972, the prospect of one was now "more serious and more threatening" than it was at the beginning of last year.

Mr. Waldheim's report attributed the bleak outlook to the poor December grain harvest, which was regarded as crucial in filling the food needs of Bangladesh.

The harvest was small because the monsoon rains were 40 per cent below normal during the critical growing months.

In addition, attacks by pests were greater than usual and supplies of fertilizer were insufficient at the time of transplanting.

AN APPEAL TO WORLD

Because of the poor harvest, Mr. Waldheim said, he wanted to make it clear that "only members states interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation."

In his report to the Security Council and the General Assembly, Mr. Waldheim noted that last year's effort to save the people of a single country by the international community had been on a scale never matched before.

During the year, just over a billion dollars in aid was contributed and as a result, Mr. Waldheim said, the lives of 75 million people were sustained and no deaths attributable to famine were reported.

This was accomplished despite the virtual destruction of the country's transportation system by war and by storm. Bangladesh, the former eastern wing of Pakistan, became independent a year ago after a brief war in which the Pakistanis were defeated by Indian and local forces.

"No summary," the Secretary General said, "can give an adequate picture of the appalling conditions which confronted the new Government of Bangladesh on the assumption of authority."

THE OBSTACLES LISTED

"The destruction of major bridges, the blocking of ports by mines and sunken vessels, the wholesale destruction of villages and all their facilities throughout the countryside, particularly the damage to agricultural systems, grain storage, water supply and use, draft animals, servicing and repair facilities for tractors, pumps and the like and the breakdown of the basic services of health, education and welfare all combined to make a catalogue of interdependent and interlocking obstacles to any early return to normal life."

Besides the special body that was set up, the United Nations Relief Operation in Dacca, virtually every United Nations agency was involved in the relief effort, including the United Nations Children's Fund, the World Health Organization, the Food and Agriculture Organization and the World Bank.

But critical to the prospects for 1973—and this was recognized from the start—was the December harvest. A team of experts was sent to Bangladesh to determine as early as possible what it would be.

By early October it was apparent that the harvest was threatened "not only because of an unavoidable lack of fertilizer, but also by unfavorable weather. Mr. Waldheim, immediately began informal discussions with governments interested in assisting Bangladesh, informing them that needs would continue into 1973.

ADDITIONAL 2.5 MILLION TONS NEEDED

At the beginning of December the team of experts projected a harvest of 5,500,000 tons, compared with 6,950,000 tons a year earlier. The team concluded that 2.5 million additional tons of wheat and rice would have to be imported into Bangladesh.

The Bangladesh Government informed Mr. Waldheim that it was buying 800,000 tons on the world market with its own money. The Secretary General said he would concentrate his main effort in mobilizing world support to provide the balance of 1.7 million tons.

He said that it was essential for governments to make their pledges by March 1 so that a coordinated plan of delivery could be worked out. The United States has already said that it will provide 200,000 tons of wheat immediately and Canada will send 100,000 tons in February and March.

[From the London Financial Times, Dec. 14, 1972]

BANGLADESH—BATTLE TO HOLD OFF FAMINE

In spite of scares, Banglagdesh has survived this year without any chronic food shortage; but, ironically, the conditions which helped in avoiding famine in 1972 have piled up yet more problems for 1973. Next year the foodgrain shortage is expected to be slightly worse than this year's. Next year the rest of the world may not prove so willing to lend its assistance. And every year in which money is spent merely on plugging the gaps and tiding Bangladesh over, there is so much less left for development aid.

Next year's foodgrain shortage in Bangladesh could read 3m. tons, according to Government experts in Dacca. A special study for the UN by Dr. Robert Chandler claimed on December 1 that the shortfall would be 2.5m. The difference, according to Dacca officials is because the main *aman* crop now being harvested could be up to 0.5m. tons short. This year it was predicted at 2.7m. tons, but the country has managed with 2.4m. tons of imports. Two factors contributed to the distribution of supplies. The first was assistance from India, which rushed huge amounts of foodgrains in at the most critical times, supplying 930,000 tons in spite of its own difficulties, then allowed the use of Indian railways to get the food through to the vulnerable north-west area, cut off from the rest of the country by the swollen Ganga and Brahmaputra rivers. The second factor was the light monsoon which meant that the roads and countryside did not become as flooded as normal, and advanced the main *aman* rice crop harvest by a few weeks. But the monsoon has left behind a problem for 1973: the light rainfall meant that the *aman* crop is well below what was hoped for, (Dacca experts put it at a 2.5m. shortfall, while the UN prediction is 2m.)

The output predicted by the UN from the crops providing food for next year is 5.57m. tons from the main *aman* crop now being harvested (as little as 5m. tons according to Bangladesh experts), about 2.1m. tons from the *boro* or spring crop, and 2.5m. tons from the *aus;* in addition there will be about 0.1m. tons of wheat. Even these forecasts may not be fulfilled. The *boro* crop in particular needs plenty of water and fertilizer, and there are doubts whether irrigation will be available, or whether sufficient low-lift pumps will be working to enable the 2.1m. figure to be reached. Similar problems affect the likely *aus* output.

There is great disappointment in the country, particularly as new varieties of seed, mainly IRRI 8, 5 and 20, had been sown over more than 2m. of the 14.5m. acres in July and a crop of 7.6m. tons had been planned for. By August hopes had faded to 6.8m. tons, which was below the 6.95m. tons output for 1969–70. But as the months went on, the monsoon continued to fall below normal. In June it was 20 per cent below normal, in July 30 per cent, in August 20 per cent, in September 40 per cent, and in October 60 per cent. Overall, the rainfall was about 50 per cent below normal, an even worse performance than the bad years of 1966–67.

LOWEST LEVEL

Even if all the crops turn out as predicted, the total supplies will be 10.27m. tons which, allowing for wastage of 10 per cent, will provide 9.24m. tons, fewer than were available in the disturbed year of 1971 when there were several million people absent in India. The *aman* crop is at its lowest level for at least the last 13 years, and the foodgrain gap will be the highest ever. Even in 1966–67 5.92m. tons were produced from *aman*, even in 1971–72 when only 13m. acres were planted, 5.69m. tons were produced. In recent years the crop had yielded about 6.9m. tons, and in good years up to 7.3m. Prior to last year, the overall foodgrain deficit had been between 1.2m. and 1.7m. tons.

The deficit is calculated by allowing just under 1 lb of grain a day for each person. This may not seem much but nutrition experts have calculated that 14 oz. of cereal produces 1,400 calories, which, together with non-cereals in the Bengali diet, would bring the calorific intake to about 1,680 calories. Western men on diets are frequently told to cut down to about 1,300–1,400 calories a day. The average intake over the past 12 years, insofar as an average means anything, has been 15.4 oz. daily, and only 14 oz. in the late fifties. For many of the poorer people, of course, the so-called "average" diet is unknown.

The fact that the monsoon failed over all South and Southeast Asia makes the problem even harder to face. Virtually no country in the area has a foodgrain surplus, except Thailand and Pakistan. The Philippines has to seek the import of about 700,000 tons; Indonesia 600,000 the Burmese harvest has not been good; Thailand's surplus is about 1m. tons instead of 15m.; some experts predict that India, Bangladesh's main benefactor, may have to import anything between three and 8m. tons of foodgrains; even Australia has not got a surplus.

CHINESE PURCHASE

Many of whatever other grains were spare have been bought up in major deals involving the great powers, the Soviet Union with the U.S. and China with Canada. China has been so short that it has even bought 400,000 tons of wheat from Argentina a country with which it has no relations.

All this has pushed up the prices of food grains. Rice has gone up from $85 a ton to $140 f.o.b. Wheat has risen from $65 to $70 to about $90 f.o.b. or $105 c.i.f. The hope for Bangladesh and for other nations of the monsoon area must be that world planting of winter wheat will be high in response to the world food shortage, which might do something to retrieve the bad situation. World wheat stocks are down to their lowest level for about 20 years. This is not the only complication. Even if the food can be found and bought, it has to be shipped in, and world pressure on shipping is intense, and will be particularly so while so many countries are on the market.

But even if there were readily available supplies of food. Bangladesh would almost certainly have to use up some of its own foreign exchange reserves next year to pay for them. Sheikh Mujibur Rahman has asked the UN Secretary-General Dr. Waldheim, that the UN Relief Operation, Dacca (UNROD) should continue to the end of 1973, instead of finishing at the end of March. More than $1,000m. has gone into the operation, about a third of it in supplying food. Sir Robert Jackson, UN Under-Secretary and in charge of UNROD, compared it with injecting a patient with a massive dose to try to get him on walking sticks by 1973.

In the relief operation, the Manhattan, a vessel capable of carrying 110,000 tons, was anchored off Chittogong as a floating silo. It was supplying a fleet of 25 mini-bulkers which carried the grain in loads of about 15,000 tons up to major riverheads, where it was transferred into smaller vessels or into trains and trucks. At critical times some supplies were air-lifted in.

The Bangladesh Government has been responsible for internal distribution of the food, allowing both free and subsidized rationing systems, although the free rations have now been discontinued. Though everyone at the UN mission quickly rejected the idea that the Dacca administration had done anything but the soundest job, the level of private syphoning off of public supplies has been alarming and UNROD chief in Dacca, Dr. Victor Umbricht, has on several occasions exchanged harsh words with the Government. There is evidence that hoarding and speculation have been far more widespread than can be dismissed by the phrase "one is as natural as sex, the other as old as sin," as a senior diplomat said.

Rice has risen to prices which are higher than ever, to more than takas 80 per maund in Dacca and more than takas 100 elsewhere. Even during the 1942–43 famine when millions died, prices never rose to more than Rs.60. This is somewhat surprising if supply lines have been maintained as well as boasted and boosted with free rations and grains at reduced prices.

AID SUPPLIES

Whether UNROD will continue depends on if Dr. Waldheim can prod the great powers into promising to maintain their aid supplies. Bangladesh's ability to buy some supplies on the international market—but not enough to make donors think it can support the whole operation—would obviously help. But the signs are that the year of Bangladesh is already over. The Secretary-General's latest appeal for 700,000 tons of food-grains to boost the stocks has not yet been a great success, with only 20,000 tons being promised by the United States. If there is a settlement in Vietnam, Bangladesh's chances will probably be killed since both Vietnams can be reckoned to be deficit areas and the UN relief and rehabilitation teams would have time and money and energy well occupied there. In any case, some experts argue that there is no need for the UN to continue, except perhaps to serve as a reminder to the Bengalis that the rest of the world is watching how those in power distribute the food. They say that it is better for Bangladesh to have to walk on its own crutches than to hold out continually the "baksheesh" begging bowl.

Where the UNROD operation has been a great success is in bringing together the three heads of aid, multi-lateral aid, bi-lateral aid and aid from the voluntary agencies, under one umbrella, so that a proper coordinated plan could be made without duplications. The combined effort by the voluntary agencies has been most impressive. They have managed to avoid a repeat of the cyclone situation when, according to one observer, "they were running around in all directions like chickens with their heads cut off."

The best overall comment on the success of the 1972 stopgap operation comes from a survey on nutrition recently conducted by Dr. Sam Street for the UN. By October, only 8.4 per cent of the population was moderately to severely malnourished, compared with 13.6 per cent in May; the mortality rate from May to October was in the same range as that from 1968–69. Even so, he comments, nutrition standards of Bengalis are nowhere near the standards of those in developed countries, 45 per cent of Bengali children are still thinner than 98 per cent of children in the West. He concludes: "the improvement means a return to the state of 'normal' chronic malnutrition."

Excerpt From a Report of the United Nations Secretary General on Conditions in Bangladesh, January 1, 1973

III. THE FOOD SITUATION AND PROSPECTS FOR 1973

Assessment of the Aman harvest, and estimated needs of food grains in 1973

76. As indicated earlier in this report, it was always accepted that the Aman harvest would be the decisive element influencing the food situation in 1973. Recognizing this fact, and assuming also that it would be essential in any case to import a certain amount of food grains in the coming year, the Secretary-General felt that it would be advantageous to all concerned if mutually acceptable estimates could be made both of local production and of the imports likely to be needed in 1973. As early as August 1972, he therefore proposed, in co-operation with the Director-General of FAO, the establishment of a mission under the leadership of a recognized international authority, and composed of experts drawn from the Government of Bangladesh and the appropriate international organizations, in order to make these estimates. The Government agreed with this proposal, and Professor Robert Chandler, of the Rockefeller Foundation, agreed to lead the Mission. For this purpose he visited Bangladesh in October and again in November 1972.

The Prime Minister's request

77. By early October, it had already become apparent that the Aman harvest was threatened, not only because of an unavoidable lack of fertilizer, but also by unfavourable weather conditions. The Prime Minister

therefore wrote to the Secretary-General on 14 October 1972, drawing his attention to the serious difficulties which would almost certainly arise in 1973, and requesting continued relief assistance from the United Nations, essentially in the fields of food and transportation, for another year. The Secretary-General immediately initiated informal discussions with Governments interested in assisting Bangladesh, and informed the Prime Minister of the outcome of these preliminary exchanges.

78. In summary, while many Governments were sympathetic to the problems still confronting Bangladesh, they asked the Secretary-General to ascertain the degree to which Bangladesh might be expected to help itself still further in 1973, while simultaneously taking into account the conclusions of the Chandler Food Mission.

The Secretary-General's preliminary appeal of 9 November 1972

79. While the Secretary-General was taking action (late October) to respond to these wishes expressed by Governments, it became apparent, a few days later, that the monsoon rains had failed. The Weather Bureau reported that the October rainfall on a country-wide basis was 61 percent below normal, and that the cumulative rainfall total for the months of June, July, August, September and October was 40 per cent below normal. Such a deficiency, compounded by the insufficient supply of fertilizer at the crucial time of transplanting, and still further aggravated by above-average attacks by pests, made it inevitable that the Aman harvest would be seriously below normal.

80. As soon as this basic condition became apparent [and also taking into account the fact that, in response to the Secretary-General's appeal of 31 May for 1 million tons of food grains (A/8662/Add.2-A/10539/Add.2), Governments had been able to provide only about 900,000 tons], the Secretary-General, in co-operation with the Government of Bangladesh, immediately arranged—while waiting for the Chandler Food Mission to make its report—for a short-term forecast to be made of the food situation likely to arise in the first quarter of 1973. In asking for this forecast to be made, the Secretary-General was very sensitive to the rapidly changing world situation as regards the availability both of food grains and of shipping. In order to ensure that the essential ration was provided until 31 March 1973, and to create a reasonable working reserve by that date, the Secretary-General concluded that he should appeal immediately for 700,000 tons of food grains to be delivered to Bangladesh during the first quarter of 1973. (This figure assumed that the Government would do its best to purchase the maximum amount from the Aman harvest—a complicated and delicate operation.) The Secretary-General made it clear that Governments or other institutions willing to help Bangladesh could respond to this appeal either in kind or by making funds available for the purchase of food grains, and that the necessary arrangements could be made either bilaterally or through UNROD.

81. To date, the United States Government has indicated that it is providing 200,000 tons of the wheat immediately, and the Government of Canada has stated that a total of 100,000 tons of wheat will be loaded in the months of February and March. The Netherlands Government has reported that over 3,000 tons of wheat flour will be provided as soon as a delivery date is indicated by the Government of Bangladesh.

82. Welcome as these contributions are, they will not, of course, meet the essential requirements of the country during the first quarter of 1973. The Government of Bangladesh itself has therefore made certain purchases of food grains on world markets from its own reserves of foreign currency (see para. 85 below), but a point will soon be reached where this process will become self-defeating in that foreign currency needed for supplies and equipment to develop the agricultural sector (particularly irrigation) in the coming years will have been spent on current purchases of food grains.

Conclusions of the Chandler Food Mission

83. On 1 December 1972, Professor Chandler and his Mission reported that they estimated that the Aman harvest would yield just over 5,500,000 metric tons, compared to the 1969/1970 crop of 6,950,000 metric tons.

84. After assessing the prospects for the local production of food grains as a whole in 1973, the Mission concluded that it would be necessary to import an additional 2,500,000 tons of wheat and rice in order to provide a per capita ration of 15 ounces for a population of 75 million people (this is considered to be the most realistic population estimate available at present).

Action on the part of the Government of Bangladesh

85. Fully recognizing both the gravity and the urgency of the situation, particularly when related to world conditions, the Government of Bangladesh, having accepted the main conclusions of the Chandler Mission, informed the Secretary-General that, as a further demonstration of its firm determination to help itself to the utmost, it intended:

First, to commit approximately one third of its reserves of foreign currency [1] in order to purchase approximately one third of the food grains required (i.e. about 800,000 tons) and in order either to charter or purchase vessels required for water transport after UNROD's direct operational responsibilities are reduced after 31 March 1973;

Second, to do its best to make purchases from the local harvests;

Third, to ensure that the ration should not exceed 15 ounces per diem, and indeed to reduce it if either the necessary supplies of food grains or the shipping necessary to import food grains could not be foreseen;

Fourth, to meet the cost of all local expenditure related to relief;

Fifth, to take over progressively many of the relief functions now being performed by the United Nations relief operation in Dacca.

Action by the Secretary-General

86. On 1 December 1972, an informal meeting was held at United Nations Headquarters with representatives of Governments interested in assisting Bangladesh. The governmental representatives were informed both of the conclusions of the Chandler Mission, and of the further measures that the Government of Bangladesh intends to take in order to meet the relief needs of its people in 1973.

87. As a result of that meeting, the Secretary-General informed the Prime Minister, in response to his letter of 14 October 1972, that, having noted the additional measures being taken by the Government of Bangladesh, he, for his part, would be ready to concentrate his main effort on mobilizing world support in order to provide the balance of 1,700,000 tons of food grains that would need to be imported in order to supplement the 800,000 tons purchased by the Government, thus meeting the total deficit of 2,500,000 tons estimated by the Chandler Food Mission. (It will be noted that the Secretary-General has already appealed for 700,000 tons of this balance—see paragraph 80.)

88. In addition, the Secretary-General informed the Prime Minister that he would maintain a reduced United Nations Office in Dacca to assist in dealing with the problems of relief that might arise next year. The main functions of that office would be:

To participate in the continuous surveillance of the food situation;

To coordinate action with the Government in making arrangements for supplies of food grains from overseas;

To assist, when requested by the Government, in the stimulation of whatever action may be necessary in order to obtain supplies of food essential to preserve life;

To provide assistance, when requested by the Government, in the operational management of the infrastructure.

89. The Secretary-General considers that the first three of these functions should end by 31 December 1973, and that the fourth function should be phased out by 30 September 1973.

Concluding observations of the Secretary-General

90. The Secretary-General feels that it is essential for all Member States interested in assisting Bangladesh to recognize the following vital considerations:

(1) Taking into account likely conditions in 1973, both in relation to Bangladesh itself and also to the world food grains and shipping situation, the relief problem in Bangladesh may well be even more difficult next year than this.

(2) World availability of shipping in 1973 may present an even greater problem than world availability of food grains.

(3) The physical and managerial problems associated with the efficient performance of the port and internal transport system in Bangladesh are such that it will be imperative for all concerned in helping Bangladesh in 1973 to work out a carefully coordinated plan of deliveries of food grains, and to adhere to that plan.

(4) The uncertainties in forecasting the nature and extent of the essential relief needs in Bangladesh in 1973 are so great that the Secretary-General may find it necessary to modify the composition and scale of the United Nations office in Dacca.

(5) The Secretary-General wishes to make it clear to all concerned that:

(a) while he personally wishes to do everything within his power to help ensure that the lives of the people of Bangladesh are preserved in 1973, the fundamental responsibility for achieving this result must rest with the Government of Bangladesh (which fully accepts such a responsibility), and

(b) only Member States interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation.

(6) The Secretary-General wishes to emphasize the necessity of a generous response to his appeals. At present, it is possible to forecast how essential needs of food grains will be met during the first quarter of 1973, but in order to distribute essential food grains throughout the country for the remaining three quarters of the year, it would be essential for Governments to make the necessary pledges either in kind or in cash before 1 March 1973, so that the co-ordinated plan of delivery referred to in the third point of this paragraph can be worked out and executed.

Acknowledgments

91. On several occasions the Prime Minister of Bangladesh has conveyed to the Secretary-General the deep appreciation of his Government and of the people of Bangladesh for the work carried out by UNROD. The Secretary-General has greatly appreciated these messages and, in turn, wishes to express his own gratitude to the many States Members, international institutions, voluntary organizations and individuals from all over the world who have responded so generously to his appeals for the resources which have enabled UNROD so far to discharge successfully the great responsibilities entrusted to it.

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[1] This is regarded as the maximum which could be spent with prudence on current needs; any expenditure greater than this could easily lead to inadequate investment in the vital agricultural sector in the coming year.

UNITED NATIONS REPORT OF THE SECRETARY-GENERAL CONCERNING THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2790 (XXVI) AND SECURITY COUNCIL RESOLUTION 307 (1971)

ADDENDUM

1. The report of the Secretary-General of 1 January 1973 contained preliminary estimates of aid from external sources mobilized for the relief of the people of Bangladesh (A/8996 and Corr. 1-S/10853 and Corr. 1, paras. 22, 38, and annexes I, II and III). On the basis of additional information received by the Secretary-General, the estimate of total aid to Bangladesh from all external sources as of 31 October 1972 should be revised to $US 1,021.29 million. The table of commitments (*ibid.*, para. 22) should be revised as follows:

TABLE 1 (REVISED).—BILATERAL AND MULTILATERAL AID TO BANGLADESH ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972

[Cumulative totals since Dec. 16, 1971]

	Value (million U.S. dollars)	As a percentage of total
Bilateral (country to country)	665.35	65.15
Multilateral (United Nations system)	265.36	25.98
Voluntary agencies (people to people)	90.58	8.87
Total	1,021.29	100.00

The above figures do not substantially affect the division between food and non-food aid (approximately 32 and 68 per cent) as given in the report of 1 January.

2. In table 2 of the report of 1 January (para. 38), the figure for the item "Miscellaneous" has been revised to read $15.61 million, and that for the cumulative total of voluntary agency contributions to relief operations in Bangladesh will therefore read $90.58 million.

3. Revisions of the tables in annexes I, II and III of the report of 1 January 1973, giving the details of bilateral aid, multilateral aid, and people-to-people aid, are appended to the present report.

ANNEX I.—BILATERAL AID TO BANGLADESH, REVISED ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

[In millions U.S. dollars]

Donor	Cash	Food	Non-food	Total	As a percentage of total
Argentina					
Australia		0.23	2.32	2.55	0.38
Austria	0.06			.06	.009
Belgium			1.00	1.00	.15
Bulgaria			.21	.21	.03
Canada		24.50	27.00	51.50	7.74
Czechoslavakia				(1)	
Denmark			7.72	7.72	1.16
European Economic Community		7.92		7.92	1.19
France			3.99	3.99	.60
German Democratic Republic			1.28	1.28	.19
Germany, Federal Republic of		3.42	3.85	7.27	1.09
Hungary		.02		.02	.003
India	43.57	118.36	95.79	257.72	38.73
Ireland					
Italy	.10			.10	.02
Japan		7.40		7.40	1.11
Nepal	0.01			0.01	0.002
Netherlands	7.08		5.63	12.71	1.91
New Zealand			.61	.61	.09
Norway					
Poland				(1)	
Romania			9.60	9.60	1.44
Sweden	11.00		9.96	20.96	3.15
Switzerland					
United Kingdom			13.54	13.54	2.04
United States of America		34.80	123.38	158.18	23.77
U.S.S.R		8.73	42.27	51.00	7.67
Yugoslavia			50.00	50.00	7.52
Total	61.82	205.38	398.15	665.35	100.00
Percentages	9.29	30.87	59.84	100.00	

[1] Data not available.

Note: The above figures are based on the latest information available in Dacca and New yorK.

ANNEX II.—MULTILATERAL AID TO BANGLADESH

REVISED ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

[In million U.S. dollars]

Donor	UNROD	UNICEF[1]	World Bank (IDA)	WFP	Total	As a percentage of total
Argentina	0.24				0.24	0.09
Australia	4.80	0.17			4.97	1.87
Austria	.04				.04	.02
Belgium	.86	.01			.87	.33
Bulgaria						
Canada	6.25	2.12			8.37	3.15
Czechoslovakia						
Denmark	1.71	1.00			2.71	1.02
European Economic Community						
France	.45	.06			.51	.19
German Democratic Republic						
Germany, Federal Republic of	3.75	3.38			7.13	2.69
Hungary						
India						
Ireland	.09	.09			.18	.07
Italy		.01			.01	.004
Japan	10.60				10.60	3.99
Netherlands	5.56	1.56			7.12	2.68
New Zealand	.52	.03			.55	.21
Norway	2.52	.50			3.02	1.14
Poland						
Romania						
Sweden	4.72	.31			5.03	1.90
Switzerland	1.22	.33			1.55	.58
United Kindom	29.45	.43			29.88	11.26
United States of America	107.90	26.87			134.77	50.79
Union of Soviet Socialist Republics						
Yugoslavia						
Others[2]	.29	.03			.32	.12
World Bank (IDA)			38.00		38.00	14.32
WFP	1.80			0.06	1.86	.70
UNICEF[3]		7.63			7.63	2.88
Total	182.77	44.53	38.00	.06	265.36	100.00
Percentages	68.88	16.78	14.32	.02	100.00	

[1] Foreign exchange component of UNICEF programs only.

[2] Includes Chile, Fiji, Finland, Holy See, Lebanon, Liechtenstein, Luxembourg, Nepal, Philippines, Spain, Thailand, as well as Israel Philharmonic Orchestra, United Nations Secretariat and private contributors.

[3] UNICEF out of its own resources. In addition $4,580,000 internal transfer of UNROD funds to UNICEF is not reflected in these figures.

ANNEX III.—PEOPLE-TO-PEOPLE AID TO BANGLADESH

REVISED ESTIMATE OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

CONTRIBUTIONS THROUGH VOLUNTARY AGENCIES

[In million U.S. dollars]

Donor	Government sources	Private sources	Total	As a percentage of total
Argentina				
Australia		4.31	4.31	4.76
Austria				
Belgium	0.23		.23	.25
Bulgaria				
Canada	2.68	1.92	4.60	5.08
Czechoslovakia				
Denmark		.61	.61	.67
European Economic Community				
France		.51	.51	.56

Donor	Government sources	Private sources	Total	As a percentage of total
German Democratic Republic				
Germany, Federal Republic of	8.73	12.19	20.92	23.10
Hungary				
India			(1)	(1)
Ireland	.04		.04	.04
Italy				
Japan		0.93	0.93	01.03
Netherlands	0.93	4.63	5.56	6.14
New Zealand	.12	1.04	1.16	1.28
Norway	.78	3.65	4.43	4.89
Poland				
Romania				
Sweden	3.02	.02	3.04	3.36
Switzerland	5.98	.56	6.54	7.22
United Kingdom	.50	2.38	2.88	3.18
United States of America	20.33	14.49	34.82	38.44
Union of Soviet Socialist Republics				
Yugoslavia				
Total	43.34	47.24	90.58	100.00
Percentages	47.85	52.15	100.00	

(1) Data not available.

THE FUTURE OF FEDERAL GOVERNMENT ANTIPOVERTY PROGRAMS

Mr. JAVITS. Mr. President, as the ranking minority member of the Senate Labor and Public Welfare Committee and a member of the Subcommittee on Employment, Manpower and Poverty, and a supporter of the antipoverty program, I wish to indicate my general position with respect to the administration's plans for the program as disclosed in the fiscal 1974 budget submission and related announcements.

The administration's plans consist of four basic elements:

First, the administration proposes completely to eliminate the Office of Economic Opportunity, beginning July 1, 1973, by not requesting any funding for fiscal 1974.

Mr. President, this is notwithstanding that the Economic Opportunity Amendments of 1972, which the President signed on September 19, 1972, provide for a continuation of OEO through fiscal 1974—June 30, 1974.

It is extremely important that the poor—who number 24 million, or over one-twelfth of our population—continue to have an advocacy agency within the Federal "establishment" which may serve their needs.

As President Nixon himself said on February 19, 1969, in a message to the Congress concerning the antipoverty program:

> From the experience of OEO we have learned the value of having in the Federal Government an agency whose special concern is the poor.

Second, the administration proposes the cut-off of Federal funding for community action operations and activities—so-called "local initiative"—as of July 1, 1973; in that regard, the fiscal 1974 budget submission states—at page 122:

> After more than seven years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments, may, of course, use general and special revenue sharing funds for these purposes.

The 1972 amendments signed by the President reserved $328.9 million for these activities out of $870 million authorized for programs administered by the Office of Economic Opportunity during fiscal 1974.

It is expected that the administration will take the position that since they are not requesting funds for OEO, the reservation is inapplicable.

The elimination of Federal funding for community action agencies—which aggregate 1,000—may well sound a "death knell" for them in many areas; although it is true that in a number of cases they may be successful in obtaining funds from and establishing new relationships with the departments and agencies of the Federal Government and with State and local government—and should begin now to do so—I am concerned that in a substantial number of instances they will not be extended the benefit of general revenue sharing funds, and they will go out of business. Too many community action agencies have had to "take on" State and local government in order to carry out their chartered role as "advocate for the poor" and it is not reasonable to expect that States and cities will come running to the assistance of their former antagonists if the Federal lifeline is cut.

The administration's proposal to eliminate Federal funding for CAA's overlooks the administration's own strategy with respect to the role of the community action agencies in the community.

Since 1970, the administration has been developing community action agencies as catalysts, rather than protagonists, on the local level, and those efforts have borne fruit.

A report entitled "Utilization Test Survey Data for 591 CAA's" dated January 1973 by the Office of Operations of the Office of Economic Opportunity concludes—on the basis of an extensive survey of approximately 60 percent of the 1,000 community action agencies:

> CAA's are rapidly becoming very positive forces in their communities, that can play significant roles in helping communities rise to the challenges of revenue sharing and other forms of government decentralization.

The report documents the fact that between 1965 and 1972, with an aggregate Federal expenditure of approximately $1.1 billion in local initiative funds, 591 community action agencies have mobilized $1.3 billion in resources from State and local governments, the private sector and other Federal sources—thus more than doubling the Federal investment.

Accordingly, sound Federal policy dictates that we continue Federal funding for community action agencies in order to make general and special revenue sharing work for the poor.

The concept which underlies revenue sharing—that those on the local level can best determine their future—applies to the poor on the local level, as well.

Thus, I consider it essential that Federal funding for community action agencies continue beyond July 1, 1973, so that they can find a meaningful and secure place in the local fabric emerging under decentralization, and so that we will not precipitously bankrupt those very agencies which may well provide the means of making decentralization work effectively for the poor.

Third, the administration's fiscal 1974 budget provides $71.5 million for legal services, assuming enactment of legislation for a legal services corporation which the administration intends to submit. No funds are included in the budget for the current legal services program under administration by the Office of Economic Opportunity.

In contrast, the Economic Opportunity Amendments of 1972 expressly provide for a reservation of $71.5 million for legal services program for fiscal 1974.

I believe in the concept of a national legal services corporation and considered most unfortunate the decision made last year to drop the legal services title from the Economic Opportunity Amendments of 1972.

At my request the conference committee included the following language as a part of the joint explanatory statement of the committee on the conference of September 5, 1972: (Report No. 92-1086, at page 26).

> The Conferees regret that it was necessary to delete title IX, which would have established a National Legal Services Corporation as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.
>
> The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independents, to provide the poor greater access to our system of justice under law.

To implement this commitment, I intend to sponsor, or cosponsor new legislation for the establishment of a legal services corporation. I believe deeply in the current legal services program which defends the legal rights of the poor and contributes so much to the sense of dignity of the poor—and in the desirability of giving the legal services program a new home where its independence, professionalism, and adequate funding may be more readily secured. I will make every effort toward fulfillment of that objective early in this Congress both in my own efforts and in respect to any proposal that is forthcoming from the administration; their commitment to pursue the concept of the corporation is most welcome. However, if we fail to enact a specific legal services measure before the beginning of fiscal 1974, the current program should continue and I shall take whatever steps are necessary to see that the program receives the appropriations to which it is entitled.

Fourth, the administration plans to delegate or transfer a number of programs to other agencies or have them assumed by such agencies. As indicated at page 122 of the administration's budget request:

> In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity.

The administration has not revealed at this time details of its plans for implementation of these actions in terms of the legal basis upon which they intend to proceed and the effect on existing programs in terms of funding and mode of operation, but again I shall try to hold substantively to the specified programs.

Mr. President, in closing, the administration's proposals are very serious and I am concerned that they be not received by the poor as depressant to their own efforts.

In his second inaugural address, President Nixon said:

> The shift from old policies to new will not be a retreat from our responsibilities, but a better way to progress.

Mr. President, I will be openminded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the 2-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.

The administration's proposal at this point is only that—a proposal; it is not enacted into law and is subject to action by the Congress.

It is my fervent hope—and one to which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

This is no time for further divisions at home between the community of the poor exemplified in the community action movement and the community at large; now that peace in Southeast Asia is being secured, it is time for reconciliation.

We have a great opportunity here. The American public wants progress for the poor: a Harris poll conducted in December of last year documented that 62 percent of Americans supported increased spending for the poor.

We must work together to secure that progress mindful not only of the dictates of the "new federalism" and the economy, but of the benefits and toil of the past and the necessity of maintaining the momentum of the national commitment contained in the Economic Opportunity Act and which OEO, community action agencies and the poor have sought to translate into programs to arrest the syndrome of poverty.

As the President said in his message of February 19, 1969, to which I referred earlier:

> How the work begun by OEO can best be carried forward is a subject on which many views deserve to be heard—both from within Congress, and among those many others who are interested or affected, including especially the poor themselves.

I want very much that we work together in that spirit.

ROBERT M. BALL: A DEDICATED SOCIAL SECURITY ADMINISTRATION COMMISSIONER

Mr. KENNEDY. Mr. President, only a few weeks have passed since it was announced that President Nixon would accept Robert Ball's resignation as Commissioner of the Social Security Administration.

Mr. Ball has been one of the most competent, respected, and honest public servants in the history of our Federal Government. As the New York Times said when his resignation was accepted, he "has demonstrated both administrative competence and social imagination of a high order."

The career of Bob Ball and the life of the social security system coincide almost perfectly. He started with the agency in 1939, shortly after it came into being and he helped direct its growth and development in the years since.

Under both Republican and Democratic administrations, Bob Ball has served the Nation and its people well, protecting the system from political influence and preserving its integrity.

Serving as Commissioner since 1962, he was at the helm of the Social Security Administration during the years that the most far-reaching change in the system was ordered, the enactment of medicare.

Now, at a time when the Social Security Administration is preparing to take on additional programs and a fundamentally new and broader social insurance coverage for the elderly, disabled, and survivors, it is unfortunate that this administration was willing to see Mr. Ball step down.

Mr. President, I submit for the RECORD the exchange of letters between the President and Mr. Ball. I am sure that he could have been persuaded to stay if he had been asked. For he already had expressed a desire to meet the administrative challenges presented by the new programs.

Mr. President, I ask unanimous consent to submit for the RECORD articles from the Washington Star of January 30 concerning Mr. Ball's departure and the social security system.

Finally, it is clear that Mr. Ball and his predecessors at the Social Security Administration have set high standards.

If the President wishes the public and Congress to retain confidence in the social security system, he must offer in nomination only an equally qualified and credible person, one who, as Mr. Ball himself recommended, "has experience in running a large Federal agency" and one who is "nonpolitical and a humanitarian."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., January 5, 1973.

Hon. ROBERT BALL,
Commissioner, Social Security Administration, Washington, D.C.

DEAR BOB: It is with a full measure of appreciation for your contributions to our nation that I accept your resignation as Commissioner of Social Security, as you have requested, effective upon the appointment and qualification of your successor.

Few agencies in government have as direct and profound impact on the lives of our fellow citizens as does the Social Security Administration. And perhaps more than any other government program, the administration of social security reflects upon the efficiency and responsiveness of government. It is to your great credit that the Social Security Administration has, indeed, become a model for other government agencies in discharging its responsibilities to the American public.

During your service as Commissioner, the scope of social security has been enlarged and enhanced many times. Legislative additions and amendments to the law have demanded the finest in administrative implementation, and this you have given superbly. You have every reason to be proud of such distinguished efforts.

As you prepare to return to private life, you have my special thanks for your service to our country and my very best wishes for success and happiness in the years ahead.

Sincerely,

RICHARD NIXON.

THE COMMISSIONER OF SOCIAL SECURITY,
Baltimore, Md., January 3, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you have known for some time, my personal preference, after nearly eleven years as Commissioner of Social Security, has been to ask you to accept my resignation, effective at the beginning of the new term. I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1.

It is my understanding that you now believe that a successor can and will be found shortly and that you wish to accept my resignation at this time with the understanding that I will stay on until he is confirmed and with the understanding that I will be available for whatever help I can give during the period of transition.

I believe, Mr. President, that the social security program and the organization that administers it are in excellent shape. It has been a great privilege to have contributed to this development.

Please be assured that I will continue to be available for whatever help I can give in promoting the sound development and sound administration of this important program.

Respectfully yours,

ROBERT M. BALL.

[From the Washington Star-News, Jan. 30, 1973]

Social Security Head Disputes Benefits Cuts

(By Philip Shandler)

President Nixon's claims that increased payments by Medicare recipients of their hospitalization costs would shorten hospital stays have been disputed by the outgoing Social Security administrator.

Robert M. Ball, whose resignation from the post he has held the last 11 years has been accepted by Nixon, said he cannot support several aspects of the proposed budget for health care for the elderly.

In his budget message yesterday Nixon called for legislation to raise the annual deductible—the patient's initial out-of-pocket cost—on doctors' bills from $60 to $85, and to boost the patient's share of subsequent expenses from 20 percent to 25 percent.

More basically, he recommended revising the payment formula for the hospital insurance portion of Medicare available to anyone over 65 without an enrollment fee.

Currently each patient entering a hospital pays $72 for room and board the first day, a national average, but nothing more until the 61st day of hospitalization. Then he pays $13-a-day for the next 30 days and $26-a-day a maximum of another 60 days when the benefits run out.

The administration would have the patient pay the actual cost of his first day in the hospital, and 10 percent of all services thereafter.

Administration officials said their aim is confronting both patients and doctors with "the real costs" of hospitalization to discourage long stays.

But, Ball said, if patient costs were "a major thing" in hospital-bed utilization, how come hospitalization is lower for subscribers to the so-called Kaiser plan, a health-maintenance organization, than for the public generally?

Subscribers in health-maintenance organizations are entitled to virtually free medical and hospital care on payment of an annual fee. The administration has been citing reduced hospital usage by these persons in advocating funding for the creation of more HMOs.

Ball's remarks were the first clear indication of a policy split with the Nixon administration.

The President announced three weeks ago that he had accepted Ball's resignation. Ball said he was happy to go, though willing to serve on.

But friends said he would have preferred to remain, and key congressmen said they were distressed that he would be leaving as the government is moving into several new programs, including federalization of current state welfare assistance for adults.

[From the Washington Post, Jan. 14, 1973]

Rowland Evans and Robert Novak

The sacking of highly respected-civil servant Robert Ball as social security administrator fits neatly into President Nixon's overall program of attaining iron control over the federal government, but it came four years later than Mr. Nixon originally planned.

In 1969, White House aides, noting that the non-partisan Ball had first been named administrator by President John F. Kennedy, wanted him replaced by a Nixon stalwart. But Mr. Nixon's newly designated officials at Health, Education and Welfare (HEW)—Secretary Robert Finch and Under Secretary John G. Veneman—protested they badly needed Ball's expertise. Moreover, Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, informed the White House he would be most unhappy if Ball were fired.

This time, Mr. Nixon experienced little difficulty. Elliot Richardson, outgoing secretary at HEW, told the White House Ball ought to be kept to administer changes in law, but did not press the point. His successor, Caspar Weinberger, made no protest. Mills was not consulted (though he is not happy about Ball's ouster).

A footnote: The Ball incident confirms the general expectation that Weinberger, highly competent administrator though he is, will be considerably more subservient to the White House than either Finch or Richardson.

Nixon Mistaken in Firing Ball

(By Bruce Biossat)

Washington.—President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

The argument has undeniable plausibility. The woods are full of executives and administrators whose energies flag and whose imagination runs thin. Rigidity and complacency often set in all too quickly. Against this very real prospect, change—even systematic change—looks like a sound rule.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Here again, the contention has undoubted force. The corporate and government landscape is well dotted with figures whose long service in top posts is a consequence not of power but of demonstrated abilities maintained through markedly changing times.

Proponents of this point argue, incontestably, that to dispense with or shift such leadership from its proved realm is to waste human resource, to deprive a society of commanding individuals who serve its institutions as a keystone holds an arch together.

Does Robert Ball deserve such an accolade as this? There are a good many men in the the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Federal Times, Jan. 24, 1973]

Robert Ball Leaving Social Security Post

Washington.—The White House has accepted the resignation of Robert M. Ball, commissioner of Social Security.

Ball, who presided for more than a decade over the ever expanding activities of SSA, wished to stay on. But his pro forma resignation, submitted to President Nixon along with those of all other political appointees, was accepted.

In a letter to SSA employes Ball said that though he personally longed to be freed from the "pressures of a highly demanding administrative job . . . I would have felt obligated to stay on to help implement the important new legislation contained in H.R. 1 had the President felt that it was of crucial importance that I do so."

Ball revealed to SSA employes that despite the administration's drive to reduce federal employment, "we have approval for the increased staffing necessary to put the new legislation into effect so that your efforts can move forward at full speed."

He noted that it was "particularly difficult" for him to leave at this time "and not be part of these efforts."

His letter to Nixon contained a similar observation. Saying that even though his personal preference was to leave SSA, "I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1."

The recently enacted welfare reform amendments will federalize certain state welfare programs, change eligibility standards, and draw thousands of additional employes into SSA, mostly at the district and field levels.

Numerous SSA employes have expressed displeasure at Nixon's action because they regarded 58-year-old Ball as an able and just administrator.

Many congressmen, including Rep. Daniel J. Flood, D-Pa., are reportedly unhappy at Ball's ouster. Flood is chairman of HEW's appropriations committee.

A Capitol Hill source said: "It was unlikely that the Nixon administration would retain Ball. You've got to remember that Ball was an old-line, independent-minded administrator, not the type that could be a yes-man to anyone, or be controlled by the White House. The Nixon game plan is to appoint bureau rats who can be directly controlled by the White House."

Ball also was highly regarded by senior citizen organizations across the nation. A spokesman for the National Council for Senior Citizens said it was "unfortunate" Ball was leaving. The spokesman said Ball "administered a complicated program with great devotion and was one of our most outstanding public servants."

An SSA spokesman said Ball plans to work privately on development of long-range policy in health insurance, welfare, social security, and the organization of government for dealing with social programs.

A federal career employe, Ball started in the ranks as a field assistant in a social security district office in New Jersey in 1939 at a salary of $1,620 a year. He devoted his entire career to social insurance.

Before President Kennedy appointed him SSA commissioner, 11 years ago, Ball served as deputy director of the former Bureau of Old Age Insurance.

He is a recipient of the Rockefeller Public Service Award "for distinguished service in the field of administration," and the National Civil Service League Award citing him as a top authority on social security and also for "his notable ability to lead and inspire those who work with him."

During 1947 and 1948, Ball was staff director of the Advisory Council on Social Security to the U.S. Senate Committee on Finance. In 1952, under the sponsorship of the National Planning Association, he wrote the study, "Pensions in the United States," which was published by the Joint Committee on the Economic Report of the Congress in 1953.

Born in 1914, Ball received his M.A. in economics in 1936 from Wesleyan University.

[From the Baltimore News American, Jan. 8, 1973]

CHANGE AT WOODLAWN

The resignation of Robert M. Ball as commissioner of the Social Security Administration is regrettable.

Mr. Ball was planning to retire, but it was his hope that he could stay through the crucial period over the next few years when far-reaching provisions of House Resolution 1 are being implemented.

President Nixon, bent on replacing top federal administrators with men of his own choice, decided otherwise. The job is a presidential appointment.

Mr. Ball was supported by powerful congressmen, and a fight could have been made over his ouster, but he chose to avoid one on the sensible grounds that no one wins or loses in such circumstances.

Baltimore, the national headquarters of Social Security, has a keen interest in the person picked to run the agency. Whoever is selected will have a difficult task filling Mr. Ball's shoes. Not only was Robert M. Ball a career agency employe, he also was intimately acquainted with the changes made in H.R. 1.

This measure, enacted by the 92nd Congress, contained provisions so broad in scope that the Woodlawn headquarters will be working overtime in the months ahead to implement them. Social Security, for example, will be assuming the states' responsibility for old-age assistance, aid to the disabled and aid to the needy blind in 1974. Its reponsibilities in the administration of Medicare have grown. The agency, in short, has been handed a gigantic task by Congress, and the post of commissioner is no place for a novice.

Mr. Ball's consolation is the knowledge that he presided over Social Security during a time of great change, including the creation of Medicare, and successfully led the agency through the period with a minimum of turmoil. It is unfortunate that he will be unable to remain through the final days of change.

ANNOUNCEMENT OF POSITIONS ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent when the Senate voted to confirm the nomination of Mr. Schlesinger as Director of Central Intelligence, and Mr. Clements as Deputy Secretary of Defense. If I had been present and voting, I would have voted "yea" on the Schlesinger nomination and "nay" on the Clements nomination.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 2:28 p.m. the Senate took a recess subject to the call of the Chair.

At 2:33 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. MANSFIELD).

LYNDON B. JOHNSON SPACE CENTER

Mr. MOSS. Mr. President, I ask unanimous consent that Calendar No. 23, Senate Joint Resolution 37, be laid before the Senate for immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution (S.J. Res. 37) as follows:

> A joint resolution to designate the Manned Spacecraft Center in Houston, Texas, as the "Lyndon B. Johnson Space Center", in honor of the late President.

The PRESIDING OFFICER (Mr. HELMS). Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment to strike out all after the resolving clause and insert:

> That the Manned Spacecraft Center, located in Houston, Texas, is hereby designated as the "Lyndon B. Johnson Space Center", and any reference to such center in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such center as the "Lyndon B. Johnson Space Center".

Mr. MOSS. The amendment was agreed to in committee and there is no divergence of opinion on that matter.

This joint resolution was introduced by the Senator from Texas (Mr. BENTSEN) and concurred in unanimously by the members of the Aeronautical and Space Sciences Committee of the Senate. For that reason, we would like to move forward now. I have cleared this matter with the minority side, and there is no objection to its present consideration.

I am happy at this time to yield to the Senator from Texas, who has some remarks to make.

Mr. BENTSEN. Mr. President, the legislation we are considering today would rename the Manned Spacecraft Center in Houston to honor Lyndon B. Johnson and his efforts in behalf of the American space effort. What could be more fitting than this? Who could deny that it was Lyndon Johnson who created and organized the American space program and saw it through to its fruition?

I believe that President Johnson's experience with the space effort can be separated into three major phases which cover most of his career in public office.

The first phase of his involvement with America's position on space exploration came when he was a Senator in the late fifties. Using his position as Senate majority leader and chairman of the Senate Armed Services Preparedness Subcommittee he molded the direction of American space efforts. When America needed to formulate a response to the Russian sputnik it was Lyndon Johnson who was able to bring order out of the confusion and create consensus. Serving as chairman of the Senate Special Committee on Space and Astronautics, Johnson conducted hearings which led to the establishment of the permanent Senate Committee on Aeronautical and Space Sciences. The committee was the first real organization of the space program and again Lyndon Johnson led the way as the committee's first chairman until January 1961 when he left to become Vice President.

The Vice-Presidency marks the second phase of Lyndon Johnson's support of space exploration. President John Kennedy recognizing the Vice President's long association with the space program, appointed him Chairman of the National Aeronautics and Space Council which was responsible for coordinating all of the aeronautical and space activities of our executive agencies.

President Kennedy also asked the Vice President to lead a panel to determine what could be done to close the "missile gap," one of the major issues of the campaign of 1960 for the Presidency.

It was largely his handling of this issue which led Johnson to recommend that the United States attempt to go to the moon. And, of course, this recommendation was responsible for the creation of the Apollo program which led in turn to the establishment of the Manned Spacecraft Center in Houston, the object of the present resolution.

The period of his Presidency was Lyndon Johnson's third major phase of interest in the American space effort and like the others it was marked by great American achievements in which he was vitally interested. The entire Gemini series was flown during the Johnson years, as was the Apollo program, through Apollo 8.

Mr. President, Lyndon Johnson embodied many of those qualities which are so often associated with the American character. He was deeply concerned about his fellow man and he had a driving, determined spirit which enabled him to start and accomplish his dream of the American effort in space.

I believe that it can be said that Lyndon Johnson was relatively unconcerned with superficial glory or the mere fact of the American accomplishment in space. He did not put his dynamic strength behind the space program in order merely that America could be first but rather that America could lead the way toward improving man's lot here on earth by applying that knowledge gained in space.

Lyndon Johnson deserves this honor more than any other individual in America. Just as the Houston facility is a physical center of the space program, Lyndon Johnson was, perhaps, the spiritual center of the American space program. What better way to honor him, and reflect the spirit of the space effort than to rename the Manned Spacecraft Center in Houston to the Lyndon B. Johnson Space Center.

Mr. President, I ask unanimous consent to include the name of the senior Senator from Montana (Mr. MANSFIELD) as a cosponsor of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that I, too, may be shown as a cosponsor of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. This matter was presented before the Senate Aeronautical and Space Sciences Committee. I recently have assumed the chairmanship of that committee, and I am well aware of the tremendous efforts made by Lyndon B. Johnson in the Senate, as Vice President, and as President of the United States, in the space program. Indeed, he was really the father of the legislative side of the space program, and no man is more deserving of the honor that this action would convey to him than Lyndon Johnson. I, therefore, support the joint resolution fully and ask that it be adopted at this time.

Mr. TOWER. Mr. President, it is an honor for me to be a cosponsor of Senate Joint Resolution 37, to redesignate the Manned Spacecraft Center in Houston as the Lyndon Baines Johnson Space Center.

As the 36th President of the United States, Lyndon Johnson had the vision to see the need for a viable space program in this country and his tenure saw great strides made in this field. Such space firsts as manned orbital maneuvers, manned space rendezvous, and manned docking of two crafts were made during his tenure—as were manned lunar orbit, the first closeup lunar and Mars pictures, and a controlled soft landing on the moon.

He fully supported our country's space efforts and the work done during his time in office made possible the first step on the moon. He was indeed a man of vision, able to see what the exploration and peaceful use of space could do for this country, and for mankind.

It is indeed fitting that the Houston Manned Spacecraft Center, located in Lyndon Johnson's home State, be redesignated the Lyndon Baines Johnson Space Center—in honor of a great Texan and a man of vision.

Mr. HUMPHREY. Mr. President, I ask the distinguished Senator from Texas if he would permit me to ask unanimous consent to join as a cosponsor. I served as a member of the Space Council under President Johnson and feel a very close relationship to the splendid leadership he gave to us in this area.

Mr. BENTSEN. Mr. President, I know how much the late President would have appreciated the sponsorship of the joint resolution by his very great and dear friend, the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble as amended was agreed to as follows:

At the beginning of the sixth line of the preamble, on page 1, strike out "Science" and insert "Space."

The joint resolution with its preamble, reads as follows:

Whereas President Lyndon B. Johnson was one of the first of our national leaders to recognize the long-range benefits of an intensive space exploration effort; and

Whereas President Johnson, as Senate majority leader, established and served as chairman of the Special Committee on Space and Astronautics which gave the initial direction to the United States space effort; and

Whereas President Johnson, as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program; and

Whereas President Johnson for five years, as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manned Spacecraft Center, located in Houston, Texas, is hereby designated as the "Lyndon B. Johnson Space Center", and any reference to such center in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such center as the "Lyndon B. Johnson Space Center".

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of Public Law 92–342, the Legislative Branch Appropriation Act, 1973, the Speaker had appointed Mr. O'NEILL, Mr. GERALD R. FORD, Mr. MAHON, and Mr. CEDERBERG to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the Old Senate and Supreme Court Chambers in the Capitol.

The message also informed the Senate that, pursuant to the provisions of section 2(a) Public Law 92–489, the Speaker had appointed Mr. BROOKS, Mr. HUNGATE, Mr. HUTCHINSON, and Mr. WIGGINS as members of the Commission on Revision of the Federal Court Appellate System, on the part of the House.

The message further informed the Senate that, pursuant to the provsions of section 4(a), Public Law 92–484, the Speaker had appointed Mr. DAVIS of Georgia, Mr. TEAGUE of Texas, Mr. UDALL, Mr. MOSHER, Mr. GUBSER, and Mr. HARVEY as members of the Technology Assessment Board, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 4355(a), the Speaker had appointed Mr. MURPHY of New York, Mr. LONG of Maryland, Mr. MINSHALL of Ohio, and Mr. GILMAN as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 712(a) (2) the Defense Production Act of 1950 (title 50, Appendix, United States Code, section 2162(a) (2)), the following members of the Committee on Banking and Currency are appointed as members of the Joint Committee on Defense Production on the part of the House: Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. BROWN of Michigan.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 3:50 p.m. today.

The motion was agreed to; and at 2:59 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:50 pm., when called to order by the Presiding Officer (Mr. HELMS).

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HELMS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, under the previous unanimous-consent agreement, the Chair lays before the Senate Senate Resolution 60, which the clerk will state by title.

The assistant legislative clerk read as follows:

S. Res. 60, to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk

called the roll, and the following Senators answered to their names:

[No. 11 Leg.]

Abourezk
Allen
Baker
Bartlett
Bennett
Bible
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Clark
Cook
Cranston
Domenici
Dominick
Fulbright
Griffin
Gurney
Haskell
Hathaway
Helms
Hruska
Huddleston
Hughes
Inouye
Kennedy
McGee
McGovern
McIntyre
Metcalf
Muskie
Pastore
Proxmire
Roth
Schweiker
Scott, Va.
Sparkman
Symington
Talmadge
Tower
Tunney
Weicker
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Beall
Bentsen
Biden
Brock
Case
Chiles
Cotton
Curtis
Dole
Eagleton
Ervin
Fannin
Gravel
Hansen
Hart
Hartke
Hatfield
Hollings
Humphrey
Jackson
Javits
Long
Mansfield
McClellan
McClure
Montoya
Moss
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Randolph
Scott, Pa.
Stevens
Stevenson
Taft
Williams

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnston) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe) and the Senator from Vermont (Mr. Stafford) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that Robert Bland Smith of the staff of the Committee on Government Operations and Bill Pursley of the staff of the Subcommittee on Revision and Codification of Laws of the Committee on the Judiciary be permitted to be present on the floor of the Senate to assist me during the consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KENNEDY. I ask unanimous consent that Jim Flug of the staff of the Committee on the Judiciary be permitted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I do not lose the floor by reason of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen.) Without objection, it is so ordered.

Mr. ERVIN. Mr. President, since drafting and introducing the resolution, Senate Resolution 60, I have decided that certain modifications in the resolution should be made.

The first one of the modifications would strike out following subsection (8), the words:

> (8) to procure the services of any consultants or organizations it deems necessary or appropriate to aid it in the investigation and study it is authorized and directed by this resolution to make; (9) to use on a reimbursable basis with the prior consent of any department or agency of the executive or legislative branch of the United States Government the facilities or services of personnel of such department of agency;

I am constrained to make this modification at the suggestion of the Finance Office in order to make this resolution conform to precedents in this field and to the Reorganization Act. I ask unanimous consent that that modification——

Mr. BAKER. Mr. President, reserving the right to object, I wonder whether, just now receiving a copy from another desk of the resolution, as I was not able to follow the proposed changes that were suggested, whether the distinguished Senator from North Carolina will repeat them for me.

Mr. ERVIN. Yes, I shall be glad to do so.

On page 11, strike out everything from and including "(8)" through the word "agency" on line 8, and substitute the following in lieu thereof:

> (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimburseable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency;

I am constrained to make that modification at the instance of the finance advisers of the Senate in order to make the resolution conform fully to the Reorganization Act of 1946, and also to make it conform to prior precedents in this field.

Mr. BAKER. Mr. President, reserving the right to object, and I have no intention to object at the moment, I wonder, however, if the Senator from North Carolina could proceed with whatever other changes he has before asking unanimous consent on the six sections. Also I wonder whether we could have a copy of the proposed changes so that I can confer with the leadership. I am not in charge of this proceeding. I am not the manager on our side of the bill. If a copy has already been supplied the leadership on our side, then, of course, that is not necessary.

Mr. ERVIN. Well, Mr. President, I should like to make a parliamentary inquiry at this point.

The PRESIDING OFFICER. The Senator from North Carolina will state it.

Mr. ERVIN. Do I not have the right to ask that this resolution be modified without asking unanimous consent?

The PRESIDING OFFICER. The Senator does have that right.

Mr. ERVIN. The other thing is on page 12, beginning with the figure 12 which is on line 4, strike out everything as follows:

> (12) to procure either through assignment by the Rules Committee or by renting such offices and other space as may be necessary to enable it and its staff to make and conduct the investigation and study authorized and directed by this resolution;

This amendment is also on the advice of the Senate finance officer.

In the next modification, section 4, some Members of the Senate thought it was unwise to give the select committee only legislative power beyond that of recommending any new legislation for consideration by the Senate and legislative committees of the Senate. So, in order to comply with their views in respect to this matter, I wish to strike out in its entirety, the following section on page 13, lines 3, 4, 5, and 6, and insert the following in lieu thereof:

> The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation convinces it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

The part stricken out would give the subcommittee the power to report legislative proposals in the form of bills and it strikes that authority out and merely provides that we can recommend new legislation.

Then to make the next section on the same page conform to my change, I wish to modify section 5 by striking out the following on line 10: "such legislative proposals as" and substitute in lieu thereof the words, "its recommendations as to new congressional legislation."

As thus modified, section 5 would read as follows:

> SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

Then the last modification is that section 6, as stated on page 13 of the original resolution, be stricken and a new section 6 be inserted in lieu thereof, the new section 6 to read:

> SEC. 6. The expenses of the Select Committee through February 28, 1974, under this resolution, shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

I propose to make this modification, also, on the recommendation of the financial advisers of the Senate, in order to make it conform to the Reorganization Act, which requires a designation of the amount of money that can be used for consultants.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BAKER. I understand that the Senator from North Carolina is not now asking unanimous consent but, rather, is asking that his resolution be amended in these respects, which he clearly has the right to do.

Mr. ERVIN. I am exercising my right to modify the resolution.

Mr. BAKER. The amendments are fairly extensive, and at first hearing I think they are more or less housekeeping amendments; but I wonder whether we could have a quorum call at this point or move on to some other matter while the Senator from North Carolina might supply us with copies.

Mr. ERVIN. I do not have copies available at this time, but I do have the resolution as thus modified. I send it to the desk for the purpose of making the modifications, and I ask unanimous consent that the resolution as thus modified be printed in the RECORD at this point for the information of Senators.

Mr. BAKER. Will we have a star print of the resolution?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The resolution is modified in the manner proposed by the Senator from North Carolina.

Is there objection to the request that the resolution as modified be printed in the RECORD? The Chair hears none, and it is so ordered.

The resolution, as modified, reads as follows:

S. RES. 60

Resolution to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of five Members of the Senate, three of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and two of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee, and shall be filled in the manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discredit-

ing any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivisions (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

Sec. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country;

(8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the Select Committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority members to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member there of, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

Sec. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

Sec. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

Sec. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. ERVIN. Mr. President, I also ask unanimous consent that the resolution as modified be reprinted, so that Senators can have an opportunity to study copies of the modified resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Most of the modifications are housekeeping amendments. It is done in order to bring the resolution in complete harmony with the precedents and the provisions of the Reorganization Act as amended. The only changes of substance were the changes which made it clear that the select committee, if the resolution is adopted, shall not be in any sense a legislative committee but shall confine its activities, in respect to legislation, to recommendations to the Senate of any new congressional legislation which the committee is convinced that its investigation and study show to be necessary or desirable to protect the process by which Presidents of the United States are elected.

This resolution has been very carefully drafted. I think it gives the select committee sufficient authority to investigate the presidential election of 1972 and any campaign or canvass or activity of any person seeking nomination or election as a candidate of any political party for the office of President of the United States during 1972, with a view to determining whether or not any persons acting individually or in combination with others engaged in any illegal or improper or unethical conduct in connection with the election or in connection with any campaign or candidates or activity that is related to the election.

Some Members of the Senate thought there ought to be a complete investigation of all such matters in respect to all Federal elections in 1972. I disagree with those who entertain that view, because I think there has been no complaint and no charges have been made of any irregularities which are illegal or improper or unethical in connection with any other Federal elections.

It also has been suggested by others that the year "1972" be stricken out and that the Select Committee be authorized to conduct an inquiry into whether there have been any illegal or improper or unethical practices conducted in any other presidential election since George Washington was chosen for that office in 1789. I disagree with those who entertain this view, because I think the committee, if established by the Senate, will have a hard enough task to perform in connection with things that it is specifically authorized to do by the resolution.

I wish to say this: Many, many years ago, when I first began to practice law, I bought a copy of a book by a great Tennessee poet, Walter Malone, which contained a poem entitled "The Judge." This poem stated, in very beautiful language, the great path which is imposed by the law upon a judge who has to ascend the bench and judge his fellow travelers to the tomb. That convinced me of the great need of a judicial officer to be fair and just in judging his fellow travelers to the tomb.

After that, I had the privilege of spending approximately 15 years of my life on two different trial courts and the supreme court of my State in the capacity of a judge. I do not know any more serious responsibility which can devolve upon any human being than performing a judicial task.

If this resolution is adopted and I am a member of the select committee, I will approach the performance of the task imposed upon me and its members by the resolution in exactly the same fashion in which I attempted to discharge my duties as a member of the judiciary of my State. I shall not participate in any witch-hunts. I shall strive very diligently not to do any injury to any human being unjustly. At the same time, I will do everything in my power to see that the truth is discovered and disclosed in respect to the matters that the committee is authorized to investigate.

I have no prejudgments about any of the activities connected with the matter; and I am sure that, by reason of my judicial experience, anything I have read or heard in connection with these matters can be laid aside and that I can reach my conclusions solely upon the basis of what the evidence, in my judgment, discloses. I am sure that any other members of the select committee who may be chosen, in the event of adoption of this resolution, will attempt to do the same.

I think the American people expect that an investigation such as this will be so conducted, and that it will be conducted in such a way as to reflect credit on the Senate in general and on the members of the select committee in particular.

The duty is a very solemn one. The resolution would give the committee fairly wide powers in order that the committee might not be hampered by claims that it had no jurisdiction to do the things it finds necessary to accomplish the investigation and study.

The committee, of course, is created for a legislative purpose, not to establish the guilt or innocence of any party, except to the extent such establishment is necessary, to point out the need, if any such need there be, for new congressional legislation, to make it as certain as humanly possible that the process by which Presidents of the United States are chosen is safeguarded against improper or unethical acts, as well as acts which are now illegal.

As we all know, a criminal prosecution against five men who allegedly broke into and entered the National Democratic Headquarters in the Watergate building in Washington, and two others who allegedly had procured them to do so, was in progress in the District Court for the District of Columbia for some weeks. Five of the men pleaded guilty.

As a result of these pleas of guilty, much evidence which might have been produced if they had persisted in their pleas of not guilty was not revealed. The distinguished district judge who tried that case stated that all the matters connected with even a mere breaking into the Watergate headquarters of the National Democratic Committee were not brought to light in the trial.

I know as a lawyer and as a former judge that, when a judicial tribunal tries criminal charges, it does not have the same latitude in seeking to establish all related facts that allegedly the select committee would have. This is true simply because a judicial tribunal cannot investigate anything except to ascertain whether crimes have been committed. It is not authorized to investigate the question of whether improper activities have occurred which are not illegal or whether unethical activities have occurred which are not illegal.

Moreover, the judicial tribunal is restricted in receiving testimony to admit that which tends either to prove or disprove the allegation made in the bill of indictment. As a result of these two considerations, a judicial tribunal cannot investigate matters of the kind mentioned in the resolution as effectively as a congressional committee.

It seems to me the Senate should approve this resolution, that the select committee called for by the committee should be set up, and that the select committee should embark upon the very arduous task of preparing for the holding of public hearings and holding of such hearings when such preparations are completed, as soon as reasonably possible.

I do not believe it is necessary to make any argument as to the advisability of conducting an investigation of the character of that mentioned in the resolution. Ever since it was made known to the public on the morning of June 18, 1972, that five men had been caught in the headquarters of the National Democratic Committee in the Watergate building here in Washington, who had apparently made an illegal entry, there has been much discussion about the matters connected with the Watergate and about the various ramifications from the breaking and entering of the Watergate headquarters and other matters connected with the campaign.

I think the public, the Senate, and the House of Representatives are entitled to know what occurred in connection with the matters mentioned in the resolution so they may determine whether there is necessity for any new congressional legislation to safeguard the process by which the President of the United States is chosen, whether it is necessary to amend existing laws, and whether it is necessary or advisable to have new laws passed on this subject.

If I should be elected as a member of the select committee after the adoption of the resolution, if it is adopted by the Senate, I would solicit the assistance of the various departments, agencies, officers, and employees of the executive branch of the Government of the United States, and I would be glad to have men, who have been charged with any participation in any improper activities and who desire to clear their names of such charges, appear before the committee and assist in its investigation.

The resolution expressly provides that the select committee has authority to investigate and study all matters tending to prove or disprove that illegal or improper or unethical conduct was engaged in during the period in connection with the matters enumerated in the resolution.

I sincerely hope that the Senate will adopt this resolution and that the select committee will be able to conduct a full and fair investigation and study, and determine what the truth is with respect to all the matters stated in the resolution.

Mr. President, I yield the floor.

Mr. **KENNEDY.** Mr. President, I want to express my admiration and gratitude to the Senator from North Carolina for the development of this resolution and for his willingness to assume a leadership role, if, as we hope, he is assigned to chair the select committee. The Senator from North Carolina has assumed some of the most important responsibilities of any Member of this body in the 93d Congress. He is in the forefront on the vital area of impoundment, on the issue of executive privilege, in his concerns about freedom of the press, as well as the Federal rules of evidence, clearly some of the key issues and questions which this Congress will have the opportunity to address.

I think we have seen this afternoon, with the introduction of this resolution, its thoughtfulness, and comprehensiveness, the genius of a very special talent. I think those of us who have listened to the Senator from North Carolina, in his fair and reasoned manner and explanation, realize we are getting a person who not only has unique abilities, but an individual who is sensitive to the rights and liberties of all those who may be touched by such an investigation. We are strengthened by his determination to carry this task through and let the chips fall where they may, and conduct this investigation in a thoughtful and comprehensive way.

When this matter first presented itself, I was one of those members of the Judiciary Committee, who, with others, urged the Senator from North Carolina to assume leadership in this area. He, recognizing the other responsibilities he had, was thoughtful about this problem, and he wrote to me, as the chairman of the Administrative Practices Subcommittee, to urge that our committee begin a preliminary investigation, which we have done. The material we developed will, obviously, be made available to the select committee. Since the outline of our investigation was included in the Administrative Practices Subcommittee budget better, I ask unanimous consent that those portions which are relevant to this discussion be included at an appropriate place in the Record.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

Excerpt From Letter of January 23, 1973, From Senator Edward M. Kennedy to Senator James O. Eastland Regarding the Activities and Budget of the Subcommittee on Administrative Practice and Procedure

14. The Use of Electronic Surveillance in, and Federal Investigative and Enforcement Procedures in Connection with, Alleged Political Espionage and Sabotage During the 1971–72 Campaigns.

Almost immediately after the Watergate arrests in June of 1972, there arose a great public and Congressional outcry for a complete legislative investigation of that incident and related allegations of political espionage and sabotage. The fact that bugging and wiretapping were involved placed the matter squarely within the Subcommittee's long-term and active interest in electronic surveillance. The public questioning of the integrity of a criminal investigation headed by a designated surrogate campaigner for President Nixon, and of an administrative inquiry conducted by the White House counsel, when the Nixon re-election committee was a principal subject of the investigation, raised issues falling directly in the Subcommittee's mandate to assess the investigative and enforcement procedures of the Executive Branch.

Thus, after determining that no other Senate Committee was proceeding on the matter, and having been urged to proceed by individual Senators, including some on or chairing other committees with potential jurisdiction, the Chairman recommended to the members of the Administrative Practice and Procedure Subcommittee that it proceed with a preliminary inquiry on the matter. The Chairman committed himself not to move to public proceedings without further consultation with the Subcommittee and indicated that all possible steps would be taken to avoid interfering with the pending criminal trial.

A majority of the Subcommittee indicated approval of the proposed preliminary inquiry, including the issuance of subpoenas. The Subcommittee staff thereupon proceeded to gather as much documentary evidence as possible, especially business records which might have been subject to routine destruction in the near future. Attempts were made to contact as many persons as possible with information bearing on particular allegations being studied. In keeping with the Chairman's commitment, and since much of the preliminary inquiry focussed principally on matters other than those covered by the indictments.

Subpoenas were utilized to obtain records of various types, and subpoenas were also served on individuals who declined to volunteer information to the Subcommittee's investigators. In some instances those served or about to be served cooperated without the necessity for a testimonial appearance. In others those served would not do so. Scheduling difficulties resulted in the postponement of sessions planned for the possible receipt of preliminary testimony of an investigatory nature, but the subpoenas remain outstanding subject to the Subcommittee's decision as to its course and schedule.

The information gathered thus far by the Subcommittee strongly indicates that a wide range of espionage and sabotage activities did occur during the recent Presidential campaign, and especially its primary phase, that these activities were planned and initiated no later than the middle of 1971, that one key participant was in repeated contact with the White House, the White House Convention Headquarters, and White House aides during relevant time periods, that at least part of the financing was arranged through a key Republican fund-raiser who is a close associate of President Nixon's, and that neither the federal criminal investigation nor the White House administrative inquiry included any substantial investigation of the alleged sabotage and espionage operations apart from those surrounding the Watergate episode itself.

It is clear from the preliminary inquiry that the scope of the investigation yet remaining is such that it could not be conducted on a comprehensive basis within the Subcommittee's present staff and budgetary limitations. It is also apparent that a comprehensive inquiry will require the calling of various Executive Branch and White House personnel with the attendant problems that course entails. Thus the Subcommittee Chairman has publicly welcomed the suggestion that a strong special resolution, and ample resources designated for this purpose, be provided to whatever committee or subcommittee is to complete the inquiry.

The Subcommittee expects that, whatever form the investigation takes henceforth, much additional effort will be required to complete the processing of the information already acquired, and it stands prepared to provide whatever staff assistance is necessary in the continuing inquiry, so that the full benefit of its preliminary work is realized by the Senate.

Mr. KENNEDY. Mr. President, I think all the American people have a right to know what kind of tampering with the electoral process went on before the election and, if there was a fix, the American people have the right to know who the fixers were and how and when it came about.

I think all Americans will thank the Senator from North Carolina (Mr. Ervin) for assuming this responsibility, and we all look forward to working and cooperating with him. I cannot think of a person who could bring a better sense of fairness, judicial temperament, experience, and impartiality to this task than the distinguished Senator from North Carolina. I think all of us, Democrat and Republican alike, will be in his debt for the undertaking which he is about to begin.

I would like to ask the Senator from North Carolina, if I could, a couple of very brief questions as to the resolution to see if I understand the language the same as he understands it.

I would like to direct his attention to page 4, line 24. In speaking of those who "employed any of the participants" in the activities under study, does the Senator include those who may have ratified or endorsed that employment by acquiescing in it or receiving its benefits or failing to terminate it?

I can think of material that may have developed that may have been made available to individuals who may not have authorized or directed it, but which was made available to them. Would that also be included in the committee's investigation?

Mr. ERVIN. It was my intention, and I believe the resolution was so drafted, to provide that such information which was furnished to any person can be inquired into.

Mr. KENNEDY. Further, on page 6, line 1, the resolution mentions "1972." That is only to identify the year in which the relevant election took place, and not to limit the year of the activities or events in which we are interested. Is that correct?

Mr. ERVIN. I think the last part of subparagraph (11), which reads, "in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972." applies to any campaign or canvass or activity of any candidate seeking nomination to any political party, even though his campaign or his activity may have occurred before the year 1972.

Mr. KENNEDY. I thank the Senator.

Also, in the paragraph starting at the bottom of page 8, paragraph (15) and extending to the top of page 9, the general and itemized matters in the resolution, and also paragraphs (12) and (14) the intent is not only to get at the facts themselves, but also whether any act or omission of any Federal official or employee or other person contributed or led to any limitations on any criminal or administrative inquiry or any prosecution: is it not? In other words, the various Federal investigations of these matters are certainly "activities related to" the election of 1972, as set forth in paragraph (15) for example?

Mr. ERVIN. I do not believe the resolution is broad enough to cover the question whether investigations of any of these activities were properly conducted. However, I think it is broad enough for the committee to obtain any information from any of the agencies of Government which made these investigations concerning what they found, and also, I may add, what they did not find.

Mr. KENNEDY. If we could just talk

about this for a moment, does the Senator have any concerns about whether, as has been suggested, the investigations were as complete as necessary by various governmental agencies? Also, there have been newspaper reports that have speculated on the fairness of such investigations and whether there has been interference with the investigations. I am interested in how the Senator's resolution would concern itself with that question.

Mr. ERVIN. The resolution does not expressly authorize the select committee to determine whether any of the agencies of the Federal Government or any of the officers of the Federal Government who had the power to investigate or prosecute any matters that they discovered which are covered by the resolution did so, but it is broad enough to give the committee the right to access to anything they may have discovered, and, incidentally, to determine whether the laws are either adequate in their content or in the method of their enforcement to safeguard the electoral process through which Presidents are chosen. In other words, the resolution does not specifically authorize the committee to investigate the conduct of the agencies charged with the investigation of criminal activities or the prosecution of crimes. These agencies, as I understand it, have assured the majority leader by letter, and I refer to the Department of Justice and the Director of the FBI, that they will cooperate with the Senate in any endeavor to unearth everything about these matters.

Mr. KENNEDY. Does the letter also include the cooperation of the White House?

Mr. ERVIN. No, I do not know whether any letter was ever sent to the White House or whether any letter was ever received from it. The distinguished majority leader wrote the letters and he received what replies were received. But I do have a feeling that we have gotten assurance from the Director of the Federal Bureau of Investigation that they will cooperate with any committee the Senate may set up to investigate these matters.

I thought that the committee should confine itself to the investigation and study of the conduct of any individuals or group of individuals or committees or organizations that may have participated in any of the matters mentioned in the resolutions and not include in the investigation the action of investigatorial, prosecuting agencies.

Mr. KENNEDY. I was not asking so much that there be a value judgment on the investigation by the department, other than trying to ascertain whether there was either a failure or any kind of interference in the investigation procedures of any governmental agency. Would that not be a matter of interest to the committee, if the committee were created, that investigations were purposely sidetracked and there was some kind of interference in the investigation. Would that not be of concern to the committee?

Mr. ERVIN. I think the resolution is broad enough to go into the question of whether, for example, five of the defendants who were prosecuted in the trial before Judge Sirica were induced by anyone to plead guilty or whether they were bribed, coerced, or influenced by any means by any person to refuse or fail to divulge what they knew about what had happened.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ERVIN. I will yield in just one moment.

Mr. President, I modified the resolution a moment ago, and I failed to make a modification which I am sure some other Senators may make. That is on page 11, subsection (11). I would modify that to read as follows:

> (11) to have access through the agency of any members of the select committee or any of its investigatory or legal assistance designated by it or its chairman or the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the Select Committee to prepare for or conduct the investigation and study authorized and directed by this resolution;

Mr. President, I modify the resolution accordingly in this respect and ask that it be printed with that modification.

The PRESIDING OFFICER. The resolution is accordingly so modified.

The resolution as finally modified is as follows:

S. RES. 60

Resolution to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of five Members of the Senate, three of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and two of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee, and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities of their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in

any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivisions (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in he planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new Congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its finding and its recommendation as to new Congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I had promised a moment ago that I would yield to the Senator from Tennessee. However, I will now yield to the Senator from Texas.

Mr. TOWER. Mr. President, I would like to assure the distinguished Senator from North Carolina and other Members of the Senate that there is no desire on the part of the minority Members to engage in any dilatory tactics that would prevent early consideration of this resolution.

As a matter of fact, there is a singular desire on the part of the Republican Members to see that we have a thorough and speedy and expeditious investigation into the matters surrounding electronic surveillance in this election.

I think there might be some significance or relevance in looking into some other elections that bear on the objective of the resolution, and that is to see if we should not prepare additional legislation bearing on electronic surveillance. However, in any case we would be cooperative.

Mr. President, this matter was discussed at length in our policy meeting today at noon. I think we are of like mind, that this investigation should proceed.

I should serve notice that we have amendments which we intend to offer. We have discussed some of these amendments with the Senator from North Carolina and with the majority leader and with the assistant majority leader. One amendment that was recommended as, for the most part, being acceptable to the Senator from North Carolina is the modification he just made. However, there are others as well that we feel we should offer. And these amendments are designed to make sure that the investigation proceeds in an impartial and objective way so that there can be no question about the honest intent of the Senate that all of the facts should be brought out, without regard to any partisan questions.

We believe these amendments will stand on their own merits. And we hope that they will be agreed to by the Senate with the attitude of mind that we do not want to make this investigation appear to be some sort of narrow partisan witchhunt.

I believe that the Senator from North Carolina has been very objective in private conversation and has said that he does not want to be a part of something that is partisan.

Mr. ERVIN. Mr. President, I certainly do not want to conduct an investigation for any partisan purpose. As far as I am concerned, if I am on the select committee, I will do all I can to investigate this thing in what Edmund Burke called a code of neutral and impartial justice.

I assure the Senator from Texas that I would certainly hope we would receive full cooperation from the minority party. And I am glad to have the assurance of the distinguished senior Senator from Texas. Any Member of the Senate, of course, not only has the right, but also has the duty to offer any amendment to the resolution that he thinks is justified.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I had promised to yield to the Senator from Tennessee. I will be happy to yield to the Senator from Florida after I have yielded to the Senator from Tennessee.

Mr. BAKER. Mr. President, I shall not be very long. I will conclude my inquiries of the Senator from North Carolina shortly, because I know that the hour is late.

I, too, join with the Senator from North Carolina, in offering this resolution and believe that with his reputation for absolute objectivity and fairness, he will objectively and fairly conduct this inquiry under the resolution or some variation thereof, if that is the case.

When I first came to the Senate in January of 1967, and even prior to that time, I knew of Senator Ervin's reputation as a great jurist. It was pointed out to me by some who are Members of the Senate at this time and by some others who are no longer Members of the Senate that Senator ERVIN is not only a great jurist, but also a constitutional authority. That is certainly the case.

I am pleased to hear that the description which the Senator from North Carolina has made of the mandate creating this resolution was a description in broad terms, to inquire into the general scope of the activity attendant to the election campaign of 1972. As I am sure the Senator from North Carolina will agree with me, unlike the judicial proceedings, especially the criminal proceedings, the legislative inquiry about which this resolution centers is not limited or burdened by the rules of evidence. We are not burdened with the presumptions that create at least some awkwardness in the trial of criminal cases from time to time, and we do have a mandate, as the Senate should, to inquire into the whole scope of activity related to the conduct of campaigns, and even of people not related to campaigns who may have had some effect on those campaigns.

I wonder if, in that vein, the Senator from North Carolina, might answer one question for me that gives me a problem. He indicated there had been some discussion about the extent and scope of this resolution beyond 1972. I can understand his concern in that respect. He wishes not to diffuse the focus of this inquiry. But I wonder if, in keeping with the spirit of a broad inquiry, the Senator would agree with me that any line of inquiry which leads us beyond 1972 into other activities would still be within the breadth of the mandate of this select committee.

Mr. ERVIN. Only to the extent that it involved the candidacy of some person for nomination who was seeking the nomination prior to 1972, to run as the candidate of any political party for President in the general election of 1972.

Unfortunately, during recent years—at least I think it is unfortunate—we have had people start campaigning a long time before the election year for the office of President. Anything of the nature described in the resolution as a proper field for the investigation and study of the select committee that related to the nomination or the seeking of the nomination to be the candidate of a political party for the office of President in 1972 would be subject to investigation and study, even though it may have happened prior to 1972.

Mr. BAKER. Once again, I am not attempting to limit the scope of the resolution. I think I am trying to broaden it, in my own mind, at least, to serve the same purpose as the Senator from North Carolina.

Let me broaden the scope of my questioning with this further inquiry. I am not suggesting it has any basis in fact; it is purely hypothetical. Assume for the moment activity by a person or group of persons was related instead to the candidacy of a party, without reference to the identification of a nominee; in other words, that it dealt with Republicans or Democrats, and it extended past the 1972 election. Would that be within the scope of the inquiry of this committee?

Mr. ERVIN. Only if it related to the election. For instance, if we have an investigation relating to the destruction of any records of a financial nature, that would be related to the investigation.

Mr. BAKER. But it need not deal with the candidacy of a person; it could involve the records of a party as such?

Mr. ERVIN. Yes, it could involve the investigation of the conduct of persons acting, or who professed to act, in behalf of a political party.

Mr. BAKER. Even if it was after the fact?

Mr. ERVIN. Well, it would have to have some relationship to the presidential election of 1972, or to such things as the destruction of records that was mentioned in the resolution.

Mr. BAKER. Once again, I am not trying to unduly refine this line of questioning, as I am fully convinced that the Senator from North Carolina admits the full scope and sweep of such inquiry as might be necessary to fully illuminate this situation, and I will stop on that basis.

I might say that in addition to the 1972 question, there was concern in my mind about the appearance of neutrality or impartiality in the ratio of 3 to 2 which the select committee has established. It would please the Senator from Tennessee more if the resolution provided, as we have provided in other instances—I am thinking particularly of recent inquiries involving the ethics of the Senate—for a three and three division. I confess I am less concerned about that if the Senator from North Carolina finally assumes command as chairman of this committee.

Mr. ERVIN. I am grateful to the Senator from Tennessee for his compliment, and for the previous compliments he has paid me.

Mr. BAKER. I do assume that even if the committee remains at three and two instead of three and three, which would be exact equality, even if that is the case, there will be a free and easy relationship on the staff level between majority and minority, so that the minority is fully represented in staffing the operation.

Mr. ERVIN. Well, I have a little difficulty understanding why, in what is essentially a search for truth, we have to have necessarily an equal number of people of diverse political opinions to make the study. I have always felt, in respect to every subcommittee that I am chairman of, and in respect to every committee—and I am chairman of the Committee on Government Operations—that every member of the committee is entitled to equal representation to assist them in finding out what the staff is doing, and to assist the staff in its investigations, and to keep the minority members fully informed of what the committee is engaged in at every particular moment.

Mr. BAKER. I entirely agree with the observation of the Senator from North Carolina. I, too, do not sense the necessity for an adversary proceeding at the staff level. I really was not thinking of the mathematical allocation of majority and minority staff, although that may be necessary for self preservation by personnel. I hope rather, in this investigation, that the staff for the minority and for the majority would have free interchange of information, that one staff did not compete with the other staff to produce unnecessary or useless information.

Mr. ERVIN. I certainly would hope so, and I would say this, that the chief counsel of the committee would be the one chiefly responsible to the chairman of the committee. But I think the minority members of the committee should have sufficient staff to investigate what is going on, to receive and convey to the minority members the information that they know has been collected, and I think also that one of the valuable things that any member of a staff, whether he is appointed by the majority or the minority, could do in this thing is try to determine not only what evidence might be of value, but also anything that bears on the reliability or unreliability of that evidence. I think that a very valuable service could be performed by minority staff in those fields.

Mr. BAKER. Mr. President, I thank the Senator from North Carolina for these elaborations and other assurances. I stop with only this observation on my part: I think that a select committee is far and away the best way to handle this matter. I think the legislative inquiry, as distinguished from a judicial inquiry, is far and away the best way to illuminate the facts tendered under these circumstances.

I think clearly the intention of the senior Senator from North Carolina is to conduct an inquiry, if he is constituted chairman, and I hope he is, that will be truly objective and will have a free flowing exchange of information between members, regardless of their party.

I think that the only remaining thing for me to say is that I hope the inquiry gets under way quickly. I hope it is pursued vigorously. I hope it is done with the characteristic energy that the Senator from North Carolina brings to all of his endeavors; and I hope we produce all the facts in a legislative atmosphere that will be useful to the Congress of the United States.

I take exception to the statements of some who criticize a criminal proceeding for not having produced the broad sweep of information to which this resolution aspires. Had it done so, it would have jeopardized constitutional rights of the defendants. That is not the forum for developing the facts. This is the forum for it. Therefore, I commend the Senator from North Carolina and I think the country and the Senate will benefit from his stature as a great jurist.

Mr. ERVIN. I thank my friend from Tennessee. I would like to say this: I know that I enjoy the friendship of Senators on both sides of the aisle. They treat me so nicely and with respect. I wish to say that I will strive, if I happen to be a member of the Select Committee, especially if I happen to be its chairman, so to conduct myself that I will assist the committee in bringing out the truth in respect to the matters being investigated in a fair and just way, in a way not to forfeit the respect of any Member of the Senate on either side of the aisle.

Mr. President, I am now glad to yield to the distinguished Senator from Florida (Mr. GURNEY). I have just been struggling, trying to get minority representation on the Subcommittee on Constitutional Rights as to the clerical staff there, in order that the Senator from Florida and other Members of the minority may have adequate assistance.

Mr. GURNEY. Mr. President, I thank the Senator from North Carolina for yielding to me. I have a question I want to ask but before I ask it, I join my other colleagues who have commented on the timeliness of the resolution introduced by the distinguished Senator from North Carolina (Mr. ERVIN).

I have been asked on a number of occasions by newsmen in my State of Florida whether there would be a further investigation of the Watergate affair and I said, yes, that I thought there would be and that the Senator from North Carolina (Mr. ERVIN) was interested in it and I hoped that we would have an investigation because I think we should lay the thing finally to rest.

So I certainly commend the Senator from North Carolina for introducing the resolution and I hope that he chairs the committee, because if he does, it will be conducted with the objectivity and impartiality for which he is so well known.

As he knows, I work on two main committees with him and I have always found him to be fair and objective. I want to join in the remarks of the Senator from Tennessee. My experience with the Senator from North Carolina on the Government Operations Committee, of which he is chairman, and on one subcommittee on which I am the ranking member, of which is also the chairman, is that he certainly has been most cooperative in helping out on whatever matters we had before us.

Mr. ERVIN. I thank the Senator from Florida. I should like to take this occasion to testify that the Senator from Florida has been most diligent in discharging all the responsibilities undertaken by him on the subcommittee and the committee on which we jointly serve.

Mr. GURNEY. I thank the Senator.

I was interested in the interpretation on page 12, line 14, subdivision (b):

> Subpoenas may be issued by the Select Committee acting through the chairman or any other member designated by him.

As to the interpretation of that language by the author of the bill, does that mean that the committee as a whole would approve of who would be subpenaed and the chairman or whoever had been designated by him would issue the subpenas, or whether the chairman or that other member could issue subpenas in his own right?

Mr. ERVIN. I would say to the Senator from Florida that I wrote those words in for the purpose of expressing the concept that subpenas should be authorized by the majority of the committee, in order to have mechanism for issuing subpenas authorized by the committee, and that either the chairman or any person designated by him should actually sign the subpenas in the name of the committee.

I do not concede that those words confer on the chairman any authority just to determine for himself, without action of the members of the committee as to what subpenas should be issued.

Mr. GURNEY. I thank the Senator from North Carolina. I thought that the author of the bill meant to interpret it that way. I certainly think that is the way to do it. There have been some instances in the past where some committees have issued subpenas by chairmen without consultation with the members. I never thought that was the best way to go about it. So I am delighted that the Senator from North Carolina interprets it that way. I certainly think that is the fairer way and the better way to go about.

Mr. ERVIN. Let me say to the Senator from Florida, quote me correctly by way of a generality, that if this resolution is passed and I should become the chairman, I will do everything in my power to make the activities of the committee a cooperating enterprise on the part of all members of the committee.

Mr. GURNEY. I have no doubt and all sorts of belief in that, because that is the way the Senator from North Carolina has always operated.

That was the only specific question I had to ask. Any other observation certainly can wait until tomorrow.

I thank the Senator.

Mr. ERVIN. I thank the Senator.

ORDER FOR RECOGNITION OF SENATORS HATFIELD, GRIFFIN, ROBERT C. BYRD, AND COOK TOMORROW; AND ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following recognition of the two leaders or their designees, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Senators Hatfield, Griffin, Robert C. Byrd, and Cook; and that following recognition of the aforementioned Senators, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the order for recognition of the four Senators on tomorrow be revised as follows:

Senators Hatfield, Cook, Griffin, and Robert C. Byrd.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian.

After the two leaders have been recognized under the standing order, or their designees, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators Hatfield, Cook, Griffin, and Robert C. Byrd.

After the aforementioned Senators have been recognized pursuant to other orders previously entered into, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the unfinished business, Senate Resolution 60, to establish a Select Committee of the Senate to conduct an investigation, will be laid before the Senate, and the Senate will resume its consideration thereof. Amendments to that resolution are anticipated. Votes are also expected. Senators may plan their day accordingly.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 6:09 p.m. the Senate adjourned until tomorrow, Wednesday, February 7, 1973, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Tuesday, February 6, 1973*

The House met at 12 o'clock noon.

Msgr. Richard J. Burke, St. Thomas More Roman Catholic Church, Arlington, Va., offered the following prayer:

Be pleased Almighty God, Father, Son, and Holy Spirit to hear our prayer of praise, adoration, and petition.

We praise You for Your glorious creation, we adore You as our God and Redeemer, we petition You for Your blessings as we deliberate today. Grant us Your help to consider wisely what is according to Your law and what will serve the best interests of all the people. Give us prudence to choose the best means to accomplish peace through justice for all. May we have Your help to listen courageously to the truth, weigh it well and then make our decisions.

Having humbly, honestly, and courageously done our best for the glory of God and the welfare of all men of good will, we beg Your blessing in a particular way for our Senate colleague who is gravely ill. We ask this all in the name of Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 38. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

S. 267. An act to abolish the Joint Committee on Navajo-Hopi Indian Administration; and

S. 518. An act to provide that appointments to the offices of Director and Deputy Director of the Office Management and Budget shall be subject to confirmation by the Senate.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON BANKING AND CURRENCY

The SPEAKER laid before the House the following communication from the chairman of the Committee on Banking and Currency:

Committee on Banking and Currency,
Washington, D.C., February 5, 1973.

Hon. Carl Albert,
The Speaker,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: As you know, pursuant to section 712(a)(2) of the Defense Production Act of 1950 (title 50, Appendix, United States Code, section 2162(a)(2)), it is the duty of the Chairman of the Committee on Banking and Currency to suggest five members of the Committee to be members of the Joint Committee on Defense Production.

The members selected to serve on this Committee for the 93d Congress in pursuance of this law are as follows: Wright Patman, William A. Barrett, Leonor K. Sullivan, William B. Widnall, and Garry Brown of Michigan.

With kindest regards and best wishes, I am
Sincerely yours,
Wright Patman,
Chairman.

APPOINTMENT AS MEMBERS OF THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 92-484, the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. Davis of Georgia; Mr. Teague of Texas; Mr. Udall, of Arizona; Mr. Mosher, of Ohio; Mr. Gubser, of California; and Mr. Harvey, of Michigan.

APPOINTMENT OF MEMBERS TO SERVE WITH THE COMMISSION ON ART AND ANTIQUITIES OF THE U.S. SENATE

The SPEAKER. Pursuant to the provisions of Public Law 92-342, the Legislative Branch Appropriation Act, 1973, the Chair appoints the following Members to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the Old Senate and Supreme Court Chambers in the Capitol: Mr. O'Neill, of Massachusetts; Mr. Gerald R. Ford, of Michigan; Mr. Mahon, of Texas; and Mr. Cederberg, of Michigan.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 92-489, the Chair appoints as members of the Commission on Revision of the Federal Court Appellate System the following Members on the part of the House: Mr. Brooks, of Texas; Mr. Hungate, of Missouri; Mr. Hutchinson, of Michigan; and Mr. Wiggins, of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. MURPHY of New York; Mr. LONG of Maryland; Mr. MINSHALL of Ohio; and Mr. GILMAN, of New York.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of the legislation the gentleman thinks will be coming from the Rules Committee?

Mr. BOLLING. Mr. Speaker, I anticipate the Rules Committee will report this afternoon shortly on four different matters: The resolution dealing with the Permanent Select Committee on Small Business; the resolution dealing with the Select Committee on the House Restaurant; the resolution dealing with the Select Committee on Parking on the House side of the Capitol; and an open rule waiving the 3-day rule on the so-called REAP program.

Mr. GROSS. That was to be the next question. If it is reported today, then it would, to that extent, have to be a closed rule waiving the requirement that the report lay over for 3 days.

Mr. BOLLING. In order to comply with the 3-day rule, unless the rule waiving the points of order were passed it would be necessary to bring the legislation up on Thursday rather than tomorrow.

Mr. GROSS. That still would not give 3 legislative days.

Mr. BOLLING. My understanding, and I must say I have not checked it myself, is that it would comply with the rule on Thursday but would not on Wednesday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER ON THE ELECTRONIC VOTING SYSTEM

The SPEAKER. The Chair would like to make a brief statement about the use of the electronic voting system.

Members now have been using this new voting system for several days. A sufficient number of Members have spoken to the Chair about its use to demonstrate that there is some general misunderstanding, or lack of understanding, about the safeguards which have been built into this system. The Chair would like to stress two points:

First, when a Member inserts his card in a voting station, he should carefully note whether the blue light—that is the light on the far right of the voting station—goes off momentarily and then illuminates. When this light comes on, and only then, is the mechanism ready to receive the Member's vote. The Member then depresses the appropriate button—yea, nay, or present—before removing his card. When he depresses the button of his choice, that button will also light. It may take a second or two for this voting light to come on. The Member should continue to depress the button until it does illuminate.

Second, having voted in this fashion, a Member can very quickly and simply verify whether or not he is correctly recorded, or is recorded at all, on the rollcall or quorum call then in progress, simply by reinserting his card in the same or any other voting station and observing which button lights. If he has previously voted in the affirmative, for example, the yea button will light to indicate that the computer already has registered his vote.

A Member also can verify his vote by watching the master panel on the wall of the Chamber above the Press Gallery. However, a Member can more accurately check his vote by the procedure just explained.

If a Member has any difficulty with the system, he should of course check with the employees of the House who are positioned at the majority and minority tables next to the monitoring screens.

CIA SHOULD NOT BE TRAINING LOCAL POLICE PERSONNEL

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on December 17, 1972, there appeared in the New York Times an article that 14 New York City policemen have received training by the CIA. The newsstory indicated that the training of those New York City policemen involved the handling of information files, sometimes called dossiers, on individuals within the United States.

I was surprised to learn that the CIA was involved in such training of domestic police officers. It is my understanding that they are not authorized by statute, indeed barred by statute, from participating in law enforcement activities in the United States.

I wrote to the Director of the CIA, Richard Helms, asking the following questions:

First. How many police officers from local police departments throughout the country have been similarly trained or received instruction of any kind by the CIA within the last 2 years? Please indicate the number of policemen from each city involved.

Second. Describe the kind of training provided by the CIA to those police officers.

Third. What was the cost involved in the training and who paid for it?

Fourth. Does the CIA intend to continue the program of training local police officers?

Fifth. Finally, pursuant to what section of the law is the CIA training local police officers, and for what purpose is the training provided?

On January 23, 1972 I was advised by phone by John Maury of the CIA of the following: that there was no specific law which authorizes the CIA to undertake the training of local police forces but that the CIA believes that the statute which created LEAA indicates an intent that all Federal agencies should assist in law enforcement and crime prevention efforts in America. He also said that training was provided on request of police departments in about a dozen jurisdictions. I have been asked by the CIA to keep the specific locations confidential because the agency pledged this confidentiality to those police departments. I see no valid reason for such a pledge, however. The very fact that this secrecy is involved makes it even more incumbent that the CIA be prohibited from any training of this nature.

Mr. Maury also advised me that the police training provided by the agency dealt with the handling of explosives and foreign weapons, as well as audio control measure techniques. The latter, he told me, involved the detection of wiretaps and bugs in which foreign interests are involved. He went on to say that the training of New York City Police Department personnel in filing, retrieving, and indexing dossier material did not involve an exchange of information but was limited to how such information should be processed.

Mr. Maury informed me of the CIA's authority, as the agency interprets it, to conduct such briefings. I quote from his letter:

> "Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P.L. 80–253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351, 42 U.S.C.A. 3701 et seq). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to ". . . encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S.C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S.C.A. 3756)."

I believe that the matter raised in the newsstory, my letter to the director, and the telephone conversation, is very serious. What are the limits of CIA involvement in matters of this kind? The very fact that the CIA is carefully exempted from the usually required reports to the Congress—indeed its budget is confidential and not accessible to individual Members—poses a great danger. This is especially true if the CIA activities are conducted, not under a specific statute outlining and limiting its jurisdiction, but rather in response to the

Agency's own unchecked interpretation of the national interest and of a statute dealing with another agency.

I urge the Government Operations Committee to investigate this matter and make certain that CIA activities, insofar as its involvement in the United States is concerned, is carefully outlined. I have submitted to the Committee the names of the forces referred to above to aid in any investigation it may decide to undertake. Undoubtedly local police forces require upgrading and technical assistance, but surely they could receive assistance from other law enforcement agencies.

I am especially concerned that the CIA is involving itself in the handling of dossier material maintained by local law enforcement agencies. Notwithstanding any assurance that their involvement is limited to the techniques of using the material, I believe it to be a bad precedent that they be involved in any way whatsoever with the handling of such material. Far too many files are being collected by law enforcement agencies on citizens in this country and the involvement of the CIA will encourage that collection.

I am appending the New York Times article on this subject to be inserted at this point in the RECORD:

[From the New York Times, Dec. 17, 1972]

FOURTEEN CITY POLICEMEN GOT CIA TRAINING

(By David Burnham)

Fourteen New York Policemen—including First Deputy Police Commissioner William H. T. Smith and the commander of the department's Intelligence Division—received training from the Central Intelligence Agency in September.

A spokesman for the C.I.A., Angust Thuermer, confirmed that the 14 New Yorkers had been given training but denied that the agency had regular instruction programs for local police officials.

Mr. Thuermer acknowledged, however, that "there have been a number of occasions when similar courtesies have been extended to police officers from different cities around the country.

In response to an inquiry, Mr. Thuermer said he was not able to determine how many police officials or how many departments had come to the Washington area to receive agency training.

"I doubt very much that they keep that kind of information," he added.

Mr. Thuermer scoffed when asked whether the agency's training of policemen—some of whom are responsible for collecting information about political activists—violated the Congressional legislation that created the C.I.A. to correlate and evaluate intelligence relating to national security, "provided that the agency shall have no police, subpoena, law-enforcement powers or internal security functions."

Twelve of the New York policemen—one captain, three lieutenants, five sergeants and three detectives—received four days of training from the C.I.A. in a facility in Arlington, Va., beginning last Sept. 11, according to the Police Department.

Commissioner Smith and Deputy Chief Hugo J. Masini, commander of the Intelligence Division, attended one day's training, on Sept. 13.

Commissioner Smith said during an interview that in connection with the reorganization of the department's intelligence work, "we decided we needed some training in the analysis and handling of large amounts of information."

Mr. Smith said the department had decided that the C.I.A. would be the best place for such training. "They pretty much set this up for us," he explained. "The training was done gratis, only costing us about $2,500 in transportation and lodging."

Both the International Association of Chiefs of Police, a professional organization that does police efficiency studies and runs training seminars on a variety of law-enforcement subjects, and the Federal Bureau of Investigation said they were not equipped to provide instruction on the storage, retrieval and analysis of intelligence information.

One branch of the Police Department's Intelligence Division, the security investigation section, is the subject of a pending suit in Federal court here. The suit, filed by a group of political activists, charges that the surveillance and infiltration activities of the security section violate "the rights of privacy, free speech and association granted and guaranteed" the plaintiffs "by the United States Constitution."

The present reorganization of the security section—and the part of the Intelligence Division that collects information on organized crime—is being financed by a $166,630 grant from the Law Enforcement Assistance Administration, a branch of the Justice Department. As of Oct. 13, a police roster indicated that there were 365 policemen assigned to the Intelligence Division.

COMMEMORATION OF THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, I am submitting today a joint resolution calling upon the President to proclaim April 29, 1973, as a day in commemoration of the 30th anniversary of the Warsaw ghetto uprising.

This is a day that has great significance for us all, Jew and gentile alike. It was on this day that a handful of Jews, starved and terrorized for months by the Nazis, finally struck back. These men and women were looked on by the German oppressors as less than human. It was a well known fact that Jews never fought back, that one could do anything to them with impunity. But these few people, tormented as they were with hunger, disease, every ill that could befall men, were still very much human beings. Their valiant, doomed effort proved that even in the worst of conditions, man's will to survive could overcome anything.

Only a few hundred Jews held off German soldiers and tanks for 3 weeks. They did this with no outside help, even though there were daily radio broadcasts from the ghetto begging for help from the Polish partisans. When the ghetto finally fell to the Germans, it was razed. Nobody knew until after the war what had actually happened there.

World War II has taught us many lessons, most of them lessons we would rather not have learned. The Warsaw ghetto uprising has yet another lesson for us—that man can and will survive even under the most brutal oppression. We dare not forget what happened in the ghetto, not only on the days of the uprising, but throughout its short, black history.

We tend to take our freedom too much for granted these days. It is only when we look back at history and see people who would rather die than sacrifice their intrinsic worth as human beings that we begin to understand just what our freedom is worth, and the costs we must be willing to bear if we are to preserve those things most precious to us. We may never be asked to die for what we believe in. Yet it is a valuable lesson to us all to remember those who did die for their faith.

We owe those Jews at least our remembrance. And, in remembering, we must say, with all the strength we can muster, "Never again." We must remember, so that such things will never be seen on the face of the earth any more.

GREATER CARE NEEDED IN OVERSEEING FEDERAL EXPENDITURES

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute.)

Mrs. GRIFFITHS. Mr. Speaker, in case it was not noticed, this year when your income tax is made out, the person who makes out that income tax for you must attach his social security number to his name as the person who makes out the return.

For the year of 1974 $82 billion will be the expenditure on our Federal income maintenance programs. This is the largest expenditure in the Federal budget.

We need to use the same type of care with these expenditures as we do with our income tax returns. Everybody in this country should have a social security number to which his thumbprint is attached, so that we know not only that we get our money's worth, but that we are not paying it out incorrectly.

LONG-TERM GUN CONTROLS URGED

Mr. BINGHAM asked and was given permission to address the House for 1 minute.)

Mr. BINGHAM. Mr. Speaker, the other day I introduced legislation which would, in effect, start this country down the road toward prohibiting private possession of handguns.

I would like to quote to the Members today the following statement by criminal court Judge Loran L. Lewis of Pittsburgh, as quoted in a UPI dispatch of February 3d.

He says:

> What we are seeing today in this country is a war against society by the criminal element. Hardly a day goes by in Allegheny County (Pittsburgh) that a holdup by a gun doesn't occur.
>
> If society is going to survive against the vicious attacks by these thugs, it must fight back. There is no reason why anyone should own or possess a hand gun, except peace officers and the military.

SMALL BUSINESS ACT AMENDMENTS OF 1973

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, on behalf of myself and my colleagues, JOHN DINGELL, of Michigan, Bob Eckhardt, of Texas, and Charles Carney of Ohio, I am today introducing legislation which would amend the Small Business Act for the purpose of authorizing loans to small businesses for expenditures made necessary in order to comply with safety regulations under the Consumer Product Safety Act, the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the Poison Packaging Prevention Act.

The 92d Congress enacted one of the most important pieces of consumer legislation in decades. The Consumer Product Safety Act (Public Law 92–573) establishes a new Federal agency, the Consumer Product Safety Commission, to protect the health and safety of American consumers in and around their homes, in recreation, and in other activities.

While it is essential to consider the safety of the consumer, it is also important to consider his pocketbook. The impact of such legislation on small business must not be anticompetitive, particularly in the first few years of operation where some new designs and processes may be necessary to deliver safer products to the public.

Eighty percent of the manufacturers in this country produce 20 percent of the consumer products. These smaller manufacturers may not be as well equipped as their larger competitors to afford the technology and assure the quality control essential to reducing undue risks in consumer products. Small businesses may in some cases face the handicap of added expense to meet safety requirements imposed by Federal law. In its final report to the President and Congress in June 1970, the National Commission on Product Safety made the following recommendation:

AID TO SMALL BUSINESS

We recommend that existing programs of the Small Business Administration be expanded to authorize granting long term, low interest loans to assist small businesses in meeting requirements of product safety standards.

Mr. Speaker, a strong consumer product safety program and vigorous economic competition are in the best interest of American consumers. The Consumer Product Safety Act was a major step toward a safer marketplace. The Small Business Act amendments which we are introducing today will help promote a competitive marketplace by assisting small businesses which manufacture and sell consumer products. The authorization figures in the bill are conservative projections based on data furnished by the Small Business Administration.

The text of the legislation is as follows:

H.R. 3342

To amend the Small Business Act to provide loans to small businesses for certain expenditures incurred as a result of complying with the Consumer Product Safety Act of 1972, the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the Poison Prevention Packaging Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by—

(1) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(2) inserting after paragraph (7) a new paragraph as follows:

"(8) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act of 1970, if the Administrator determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

Sec. 2. Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended by inserting "7(b)(8)," immediately after "7(b)(7)," in paragraph (1)(A) thereof, and by inserting "7(b)(8)," immediately after "7(b)(7)," in paragraph (2)(A) thereof.

Sec. 3. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act and the amendments made thereby the sum of $75,000,000 for the fiscal year ending June 30, 1975; and $125,000,000 for the fiscal year ending June 30, 1976.

THE NEW ENGLAND FISHERIES THREATENED WITH OBLIVION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, this Nation's fishing industry is in critical condition. We have dropped from second place to sixth in total world fish catch since 1956, trailing Peru, Japan, Red China, Russia, and Norway. Unconscionable exploitation by 14 foreign fleets over the past 12 years has caused a drastic decline in the abundance of fish stocks in the Northwest Atlantic—Georges Banks. Particularly Russian fleets, heavily subsidized by their government and using the most advanced technology and electrical gear, have all but wiped out several of the fish species that had made the Northwest Atlantic one of the most prolific fisheries in the world.

The New England fishing industry has a substantial economic potential for the future of New England and for the future of the whole Nation. It is time for a national commitment to the New England fisheries to save the industry from oblivion.

It is time to initiate a governmental approach to give drastic relief to revive the fishing industry.

It is time for the Federal Government to reaffirm its commitment to the New England fish industry.

Mr. Speaker, I am introducing several pieces of legislation which taken comprehensively will inaugurate a national policy for the fishing industry of the United States.

The legislation I introduce today offers relief from overexploitation of our fish stocks. Time and time again, U.S. fishermen have watched while foreign fleets deplete vast natural resources with no concern for conservation or preservation of the resources for future generations. Time and time again the U.S. Government has stood idly by and allowed this to happen, in effect, subjugating a viable industry to those of Canadian, Japanese, and Soviet fish interests. Continued delay will only further jeopardize the existence of a valuable natural resource.

The resolution I offer today expresses a national policy of support for the New England fishing industry and for the whole domestic coastal fishing industry in the United States. With this significant resolution, Congress would go on record endorsing the position taken by the U.S. delegation to the United Nations Seabed Committee, that the coastal State has the right to regulate the fish stocks inhabiting the coastal waters off its shores, and that the United States should begin studying the need to implement this coastal zone policy immediately in order to protect our Nation's living resources.

The second measure which I submit today is a bill to amend the Fisherman's Protection Act to reimburse fishermen for damages incurred by foreign vessels.

The fish industry has suffered incalculable losses during the past several years due to changes or conditions in the environment, beyond the industry's control. To improve the economic stability of the fisheries and fishery trade through a sound system of product insurance and indemnity against excessive losses caused by Federal, State, or local health authority action preventing the processing of marketing of fish or fish products, and to provide a comprehensive program of insurance against natural and environmental disasters like red tide, mercury, and storms, I am introducing the Federal Fisheries Environmental and Natural Disaster Assistance Act.

I am also offering an amendment to the Small Business Administration Act to enable the Administrator of the Small Business Administration to make loans up to $5,000 to cover loss of income or profit to individuals who are self-employed in the fishing industry, and who, as a result of red tide, or any other incident of toxic algae, sustain loss of income or profit on or after September 1, 1972.

The Fisheries Development Act of 1973 is a comprehensive bill of grants and technical assistance to the fisheries industry. I am sponsoring this act today to assist voluntary associations of fishermen processors cooperatives and other organizations and persons engaged in handling fish and fish products. Semiannual reports must be submitted to the President and Congress on the importation of fisheries products to the United States. These reports must include a profile of quantity and value of the fisheries products imported into the United States during the preceding 6 months, a projection of imports of fish products, a breakdown of frozen and fresh fish import information, and an analysis of the effects of these past and projected imports on the domestic fisheries.

Imports of frozen catch have had dire consequences on the domestic fish industry. It was a billion-dollar market for importers last year.

Seventy percent of the fish consumed in the United States is imported. In 1970, imports valued more than $950,000,000, while exports valued only $85,000,000. Each year, edible fish imports increase. To offset the heavy losses incurred by the domestic fish industry from a large percentage of fish imports, I offer an amendment to the Saltonstall-Kennedy Act of 1954, providing for 100 percent, rather than 30 percent, of duties on fish imports be returned to the domestic fish industry.

Insurance costs for fishing boats each year show a major premium increase. In addition, cost of fishing gear is exorbitant. High tariff rates make fishing gear, nets and electronic equipment twice the cost in the United States for the same purchased in Canada. Low interest-rate loans supported by the Government are needed for repairs and boat upkeep. Bank rates are just too high. For these reasons, I am introducing the Fishing Vessel Insurance and Safety Act to establish safety standards, provide loans to meet these standards and loans to fishermen's cooperatives to buy insurance.

These measures I introduce would give massive aid to revitalize the U.S. fishing industry on both coasts while protecting it from the commercial depredations of subsidized fleets from foreign lands. What I offer today is only the beginning of a national commitment to save the fishing industry from oblivion. But it is an important initial step in heading off the ruinous depletion, principally at the hands of foreigners, of the remaining fish stocks in coastal North Atlantic waters.

APPROACHING CRISIS CONCERNING THE PANAMA CANAL

(Mr. FLOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOOD. Mr. Speaker, in recent weeks there have been repeated indications of an approaching crisis on the isthmus concerning the Panama Canal that will be dramatized on March 15–21, 1973, during sessions in Panama of the U.N. Security Council of which Aquilino Boyd, a Panamanian radical, will be President.

Accordingly, I propose to address the House of Representatives on the dangers at Panama on Thursday, February 8, and to outline a program for action by our Government.

LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce that on tomorrow, Wednesday, we will call up House Resolution 19, House Resolution 111, and House Resolution 145, for the Committees on Small Business, the House Restaurant, and Parking, respectively, before we call up H.R. 2107, the REAP program which has an open rule with 1 hour of debate.

DETERIORATION OF THE U.S. POSTAL SERVICE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, the deterioration of the U.S. Postal Service has now reached an alarming position.

I am the recipient of many pieces of mail complaint. I have received one petition with over 80 names on it, and I have received over 200 letters in the past 45 days complaining of the horrendous service now being afforded the people of this Nation by the so-called U.S. Postal Service.

I believe it is about time that we begin to look at our domestic affairs and to put our House in order in its proper perspective.

There was a letter mailed to me from my office, a special delivery letter, mailed a week ago last Friday, that arrived the following Tuesday at my home. That was 4 days to get a special delivery letter 135 miles in transit. They did better than that with the pony express, even, out around Wyoming, at one time. I submit to the Members today it is about time the Members of the House begin to take into consideration the needs of the people and to do something about this ridiculous service the Postal Service is now providing.

TRANSFER OF JURISDICTION OVER LORTON REFORMATORY

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I am today introducing legislation which will, if enacted, transfer jurisdiction over the Lorton Reformatory, which is located in my district, from the District of Columbia Department of Corrections to the Federal Government. In my opinion, this legislation is essential to correct the problems at this institution.

The administration of Lorton threatens to become a national disgrace. Easy access to narcotics, assaults, and escapes have become commonplace. More than 60 felons escaped from Lorton last year including several who held a Fairfax County family hostage for hours.

Because of these activities and the fact that the current administration at Lorton has been demonstrably ineffective in curbing the growing list of incidents, this institution is causing a very deep concern among residents of northern Virginia who feel they are not safe under the present circumstances.

This concern has been highlighted by resolutions passed by both the Fairfax County Board of Supervisors and the Virginia General Assembly requesting that Lorton be transferred to the control of the Federal Government. With the legislation I introduce today, it is my intent to not only comply with these requests, but to still the fears of residents of this area by making Federal control of Lorton a reality.

The bill I am introducing would transfer the responsibility for the supervision of personnel and inmates at Lorton to the Attorney General of the United States. It would provide for a quarterly billing to the District of Columbia by the Attorney General for the cost of the care and custody of inmates convicted for violating laws of the District of Columbia.

In summation, Mr. Speaker, enactment of this legislation will provide for a more effective and a more responsible administration of this instituton—action which I believe the public interest not only requires but demands.

OIL IMPORT QUOTAS AND OIL RATIONING

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, because of severe shortages of fuel oil, gasoline, and natural gas, I am joining some of my colleagues in sponsoring bills that would abolish oil import quotas, set up a rationing system to assure Illinois consumers their fair share of imported supplies and end Federal regulation of producers' prices for natural gas sold to interstate pipelines.

President Nixon should be commended for his recent action in suspending fuel oil import quotas until April 30 and increasing crude oil quotas by 65 percent for the rest of the year.

However, these steps do not go far enough in my opinion. Home heating fuels are in dangerously short supply in many parts of the country and critical gasoline shortages are expected by spring. Congress must act now to assure adequate supplies. Enactment of these three bills—H.R. 428, H.R. 2552, and H.R. 2553—will ease the current energy crisis and open the way for more permanent solutions to the problem.

Federal controls over the wellhead price of natural gas have discouraged exploration for new sources and have resulted in higher sales of gas within the producing States at unregulated prices.

Removal of price controls over wellhead prices will help increase the flow to interstate consumers and provide the incentive for producers to explore for new supplies.

DETERIORATION OF THE POSTAL SERVICE

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, the gentleman from New Jersey (Mr. HUNT) called attention to the horrendous condition of our Postal Service. There are scores of horrible examples of shoddy service, late deliveries, and incredible mismanagement which has created chaos in a once-reliable postal system. I for one have introduced legislation to restore the independent Postal Service to a Federal Post Office Department as it once was.

Every Member of this House can offer many illustrations which dramatize the utter incompetence of the present management of the Postal Service, which has apparently devised hare-brained schemes by high-paid bureaucrats which have thoroughly messed up our mail delivery.

Earl "Buck" Ireson, who owns the Flat Iron Drug Store in Welch, W. Va., has been for many years mailing prescriptions to hundreds of people in the rural areas of McDowell and Mercer Counties. These prescription packages, which are desperately needed by the people who receive them, used to be received without fail the very next day. They now take from 72 hours to a week to be delivered, because the packages containing the prescriptions are trucked many miles away, frequently to be trucked right back to the same town or area where they were originally mailed. When a patient with a heart condition depends on the receipt of nitroglycerin and it fails to arrive, that patient suffers terribly and is at death's door.

This is just one more illustration of the total deterioration of our postal service in this Nation. I have asked an immediate inquiry by the House Committee on Post Office and Civil Service to determine the speediest means to reestablish the old Post Office Department and restore the kind of genuine postal service which the people of this Nation once enjoyed and now deserve.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Florida.

Mr. ROGERS. I want to join very strongly in the remarks the gentleman has made about the postal system. I have already asked the House Committee on Post Office and Civil Service to conduct an investigation. I have also asked the General Accounting Office, and they have already initiated the beginning of an investigation nationwide.

I thought at first perhaps it was just in Florida, but after I had made a few statements that had some coverage over the country, I am amazed to find that this postal system is in chaos in every part of the Nation.

Mr. HECHLER of West Virginia. The gentleman is correct.

Mr. ROGERS. We will find that we will have economic chaos unless we establish the reliability of and some service in the postal system which is supposed to emphasize service more than anything else.

And unfortunately it is simply not true today, and we must straighten that out. I think it is the responsibility of Congress to do it.

EXTENSION OF DATE FOR SUBMISSION OF REPORT OF JOINT ECONOMIC COMMITTEE ON THE PRESIDENT'S ECONOMIC REPORT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 299) relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from Texas give us an explanation of the resolution?

Mr. PATMAN. Yes, sir; I shall be very glad to enlighten the gentleman, if I may.

This is the report of the Joint Economic Committee on the Economic Report by the President this year. It is required by law at a certain time.

The President's report was delayed for some time by consent of the committee, and we are asking for additional time to file our report, from March 10, 1973, to March 31, 1973, about two-thirds of a month. We need the time in order to do a good job, and under the law we have to answer the President's economic report and answer each statement or allegation on its own.

Mr. Speaker, I think it will be a good report, and it will be interesting to the Members, regardless of what they believe.

Mr. GROSS. May I ask the gentleman, this is in answer to the President's economic report to the Nation that was released only a few days ago?

Mr. PATMAN. Yes, sir; the gentleman is correct.

Mr. GROSS. Will the gentleman in his report give some explanation as to why we no longer get estimates of the previous year's total net public and private debt?

The estimates have been discontinued. Now we get 1971 only and have to make our own estimate for 1972 based on the average of the years past.

I would hope that some inquiry would be made as to why there is no estimate of the net public and private debt in the report just released, setting forth the increase from the previous year.

Mr. PATMAN. That is a good question. I appreciate the fact that the gentleman brings it, and I will make sure that is provided by the Joint Economic Committee.

Mr. GROSS. The gentleman's resolution does not require $200,000 or $250,000 for further financing the committee, the joint committee, does it?

Mr. PATMAN. It does not have to do with financing; it is just for the continuation. It is for the extension of the time.

Mr. GROSS. Mr. Speaker, we do have assurance it will be made at the end of how many days, the extension?

Mr. PATMAN. The extension is from March 10, 1973 to March 31. That is 21 days.

Mr. GROSS. So it will require no additional money?

Mr. PATMAN. No more additional money.

Mr. GROSS. As the gentleman recalls, only yesterday we had a resolution providing for a Commission to report along with an additional $250,000.

Mr. PATMAN. I will assure the gentleman it is nothing like that.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 299

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That Public Law 1, Ninety-third Congress, is amended by striking out "March 10, 1973" and inserting in lieu thereof "April 1, 1973".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 12]

Abzug
Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Blatnik
Brinkley
Burke, Calif.
Burke, Fla.
Carney, Ohio
Cederberg
Chamberlain
Chisholm
Clay
Conlan
Corman
Davis, Wis.
Dellums
Dennis
Dent
Derwinski
Diggs
Dorn
Dulski
du Pont
Edwards, Ala.
Esch
Eshleman
Foley
Frelinghuysen
Frey
Gaydos
Gettys
Gray
Grover
Guyer
Hanley
Hansen, Wash.
Harsha
Harvey
Hébert
Heckler, Mass.
Holifield
Hosmer
Howard
Jarman
Jones, Ala.
Karth
King
Kluczynski
Kuykendall
Kyros
Landrum
Lujan
McKay
McKinney
Macdonald
Mahon
Martin, Nebr.
Mayne
Mink
Minshall, Ohio
Mitchell, Md.
Myers
Nedzi
Nichols
Patten
Rangel
Riegle
Robison, N.Y.
Rooney, N.Y.
Roy
Roybal
Satterfield
Shipley
Snyder
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stokes
Teague, Calif.
Teague, Tex.
Vander Jagt
Waggonner
Waldie
Ware
Whalen
Wright
Wydler
Wyman
Yatron
Young, Fla.

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRESERVE COMPETITION OF SOFT DRINK BOTTLERS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, when the Federal Trade Commission filed complaints against eight large soft drink companies, its purpose was to break up what it considered monopolistic practices in the industry. Those complaints charged that the named companies hindered competition by restricting soft drink manufacturers to specific geographical areas.

I contend, however, that the FTC actions will have exactly the reverse effect. A bottler's principal assets are his capital investment in plant and equipment and the value of his exclusive right to use a franchisor's trademark in a given area.

If the FTC prevails, large bottlers like Coca-Cola will simply operate from a few major centers and close their small local franchises. This would mean the elimination of most of the small independent bottlers and the concentration of soft drink manufacturing and distribution in the hands of the giant corporations.

There are today 3,050 soft drink manufacturers in the United States. Of these, all but about 100 meet the criteria of a small business as defined by the Small Business Administration. The capital investment in plants and equipment of these companies well exceeds $1 billion.

The system under which these companies operate has assured the consumer of uniform quality throughout the nation, whether he buys his soft drink in Seattle, Wash., or Miami, Fla. The system also means that national brands compete for consumer acceptance, even in the smallest communities and most remote areas. For example, at least 17 different brand cola drinks alone compete for a share of the cola market.

I am convinced this system has worked exceptionally well. Bottlers do not view the territorial provision as any kind of limitation on their competitive freedom. Rather, they view it as the only workable way to provide the public with quality soft drinks, good service, and reasonable prices. The present system also is the only possible way by which a small businessman would undertake the extensive risks and responsibilities required in the industry.

The FTC complaints pose a number of threats to the soft drink bottlers. Besides driving many small independents out of business, the complaints—if upheld—would also result in an alarming increase in the economic power of the major grocery chains to control the market in favor of their store brands.

Now, I do not question the integrity of the FTC in filing the complaints. Undoubtedly, the staff is genuinely concerned with promoting the public interest. However, the FTC action ignores many realities and hard facts of the soft drink market.

Sales and service by route delivery has been the traditional marketing method. This requires and has produced intensive competition between bottlers of the different national brands. They compete for the trade of virtually every restaurant, gas station, and other outlet in their territory, and for shelf space in the supermarkets.

Low prices and good service at all retail outlets have been the result. If the exclusive territorial system is abolished, then we will see large volume buyers, such as supermarket chains, choking off the small independent bottlers nearest their major warehouses and distributing their product all over the nation.

The small bottler would be left with small outlets like the "mom and pop" shops, and they will either have to raise prices or go out of business.

Mr. Speaker, five of my colleagues from Washington join me to introduce legislation which will protect the territorial system not only for the 34 bottlers in our State, but for hundreds of others throughout the country. I urge the House to take action quickly on this bill.

AMENDING FEDERAL CIGARETTE LABELING AND ADVERTISING ACT

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, today I am introducing legislation to amend the Federal Cigarette Labeling and Advertising Act. My first bill would extend the current prohibition against advertising cigarettes on radio and television to what are known as "little cigars."

The second bill would expand the warning that now appears on cigarette packages and advertising to read "Warning: Cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema, or other diseases." This warning would also have to appear on packaging and advertising of small cigars if my first bill is enacted.

Unfortunately, since the implementation of the Public Health Cigarette Smoking Act which was enacted on April 1, 1970, cigarette smoking has not produced any immediate decrease in the consumption of cigarettes. Heart disease and cancer still remain the foremost fatal diseases among Americans, despite the attempt to alert the public to the health dangers associated with smoking.

I am hopeful that the Congress will give these two bills favorable consideration.

PERSONAL ANNOUNCEMENT

Mr. DANIELSON. Mr. Speaker, on February 5, because I was attending a subcommittee hearing, I missed rollcall vote No. 11, the Highway Beautification Commission amendment. If I had been present, I would have voted "yea."

LYNDON BAINES JOHNSON—LARGER THAN LIFE

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. PATMAN) is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, the Members of the House are today privileged to honor and pay tribute to the memory of the 36th President of the United States, the Honorable Lyndon Baines Johnson, once a Representative in this Chamber, a U.S. Senator, Vice President of the United States and thereafter the leader of this Nation from November 22, 1963 until January 20, 1969 during the tenure of the 88th, 89th and 90th Congresses. President Johnson died suddenly at the age of 64 on January 22, 1973, deeply mourned and universally respected. My own association with President Johnson goes back over half a century when I was desk mate in the Texas Legislature with his father, Sam Houston Johnson, a rancher and former teacher from Johnson City, Tex. Young Lyndon visited his father frequently at Austin and although he was only 12 years of age he already stood 6 feet tall. He was a serious and purposeful young fellow interested even then in legislative procedures.

Lyndon Johnson's growth and early stature are particularly significant to me in view of the recurrent theme in a number of recent editorials and oral discussions and tributes that, in retrospect, President Johnson looms "larger than life," and I would like to comment on the meaning that can be attached to this widespread observation by knowledgeable people.

For those of us who knew him personally, there was his overwhelming physical presence, his vitality, his dynamic forceful energy, his straight-out eyeball-to-eyeball courage, and forthright, even aggressive demeanor—like a folk hero out of a saga from our frontier days—larger than life, like Davy Crockett or one of the storied martyrs who died at the Alamo. I suspect that for many Americans, Lyndon became a legend during his lifetime because here was a man who believed in America with his whole heart, the America he grew up in, not too far removed from the days of raw rampaging growth when there was no guilt attached to being strong or successful, before it was necessary to think too much about pollution; when the smoke that spewed from chimneys was less noted than the goods delivered to factory loading docks; when, in brief, America was bursting out all over, a great country, when the proudest thing you could imagine was to be a U.S. citizen. I am speaking of Lyndon Johnson the patriot, who could say with an earlier American, and I paraphrase—our country, may she always be in the right, but right or wrong, our country. Yes, Lyndon Johnson was bigger than life.

When the young Johnson departed Texas for his first term in Congress in 1937, he was relatively inexperienced, but he had good advice from his father. It soon became clear, however, that Lyndon could land on his feet like a cat under any circumstances and it was not long before he was considered one of the most able Members of Congress. In fact, stemming from his 11 years as a Representative he grew to love the House as the instrument of government closest to the people, and even when he became a Senator for Texas and then Vice President and President he never lost touch with House Members. It was during these years that he began his close association with Speaker Sam Rayburn, that other giant from Texas who served as Speaker longer than any other man.

It can be said to Lyndon Johnson's credit that there were two great Americans to whom he was particularly devoted, Franklin Delano Roosevelt and Sam Rayburn, and from each he learned about our Government, and that its one purpose is service to the people. As a further indication of his special regard for the House, I would like to relate an incident that occurred a year ago last Christmas when Mrs. Patman and I were weekend guests at the LBJ Ranch. We drove from there to the LBJ Library at Austin and the President used the car telephone to call his daughter, Luci Nugent, and had her meet us at the library with her young son, Lyn. When we got there the President said to his grandson:

> Little Lyn, I've asked Mr. Patman to help you be elected to Congress when you grow old enough, and to prepare you to be ready for it, and I want you to go to Congress.

This is a pledge I will certainly keep if I am given the opportunity, and I think the President's wish for Lyn reflects his feeling that the House is closest of all to the people and that there is more pleasure to be derived from helping others than from any other walk of life.

Loving America and being proud of his heritage, Lyndon Johnson would not accept anything less than full citizenship for all the people, and because of him we have laws on the books that mean decent living for the greatest number of people in the history of mankind—his Great Society was more than a slogan, it was a workable "New Deal," the high watermark for the American education system, low-cost housing for the poor, assistance for the underprivileged, health services for the elderly—what has been called a physical and spiritual rebirth for all America. This was the definitive answer to FDR's battle call. You remember President Roosevelt's description of one-third of the Nation as ill-housed, ill-clothed, and ill-fed. It is my hope that we will not recede from the high standard of living that LBJ cajoled, schemed, and demanded for the people of this country—the greatest improvement in living conditions in the shortest period of time ever achieved by anyone. Is it possible to do too much good too fast? What ethic can condemn an ambition that is humble for itself and demanding only for others?

A great deal of Lyndon Johnson can be understood in the light of his deep religious feeling. Lyndon Johnson was a churchgoing man—he believed in the existence of a power for good and also that there is a power for evil. He stood foursquare against the forces in this world that would overthrow and pervert our democracy. From the official announcement of the peace agreement for Vietnam released just 3 days after President Johnson's death, I read the following:

> Let us be proud of the two and a half million young Americans who served in Vietnam, who served with honor and distinction in one of the most selfless enterprises in the history of nations.

This bears repeating: "One of the most selfless enterprises in the history of nations." It is a point that is too frequently overlooked. There was absolutely no self-interest in our involvement in South Vietnam, and from this standpoint, it is probably the most altruistic of all wars. I quote again from a Washington editorial:

> Perhaps when time and distance have restored a little perspective, another generation of Americans will look back and remember that we came to the aid of a small nation whose freedom was threatened and that, at the cost of much blood and gold, we sustained that freedom. Perhaps with the benefit of hindsight they will recognize that because we fought in Vietnam we did not have to fight in Germany or in Burma.

And perhaps Lyndon Johnson will then be universally praised for his patriotic vision that looked so truly and so far into the future.

The people of this country had only one rival in the affections of President Johnson—his great and abiding love for the members of his family. When he had dark hours there was his wife, Lady Bird, a lovely and truly remarkable life partner to whom this country will ever be in debt for the composure, grace, and charm she brought to her home in the White House, and the splendid rearing of her fine daughters, Lynda and Luci. This strong family atmosphere was a great force for good in this country and served as a shining example for the fifty million other families that constitute this great Nation.

There are many people, and not all of them are Texans, who find there is no need to toll the years for a just appraisal of Lyndon Johnson's service to the Nation. We feel we know him and his accomplishments. We know he was an intensely loyal man, loyal to family and friend, loyal to State and country, a Texan born and bred, true to the land, true to the people.

The editorials and news media continue their thousands of words attempting to define his place in history. I stand by the thoughts I wrote just 4 years ago as L B. J. left the highest office in the land:

> The Honorable Lyndon Baines Johnson, President of the United States from November 22, 1963 to January 20, 1969, in my opinion stands among the honored few whose thoughts, words and actions have had a special significance in making this country productive, powerful and preeminent among nations; he shares the mantle of greatness with Presidents Lincoln, Wilson, Franklin Roosevelt, and Truman, with whom there is special reason to compare his five difficult years in the Nation's highest office. And I believe that Mrs. Johnson, whom we in East Texas know so well, fully merits the observation by Life Magazine that: 'Quite possibly she is the best First Lady we have ever had.' Last Thursday (January 16, 1969) on the floor of the House of Representatives, as Dean of the Texas Delegation, I was privileged to salute President and Mrs. Johnson, stating my absolute belief that history will accord high honor to their great accomplishments.
>
> LBJ will, I know, in the years ahead work meaningfully in the best interests of the people. And I fully anticipate that Lady Bird will continue to give, particularly to Texans, her fine example and leadership in those special fields of beautification, conservation, and historic preservation which already bear the imprint of her tremendous interest and expert knowledge.

My predictions were borne out by President Johnson's devoted service after leaving the White House, and there can be no doubt that Lady Bird will continue to be an influential and inspirational force for good for many years to come. At this point, I would like to introduce for the RECORD the text of a statement made by Lyndon B. Johnson at Temple, Tex., in September 1972:

AS THE DAYS DWINDLE DOWN

(By Lyndon B. Johnson)

TEMPLE, TEX.—With the coming of September each year, we are reminded, as the song says, that the days are dwindling down to a precious few. By the calendar, we know that soon the green leaves of summer will begin to brown; the chill winds of winter will begin to blow; and—before we are ready for the end to come—the year will be gone.

If we permit our thoughts to dwell upon this perspective, days can become a melancholy season.

As it is with the calendar, so it sometimes seems to be with our country and its system. For there are those among us who would have us believe that America has come to its own September. That our days are dwindling down to a precious few. That the green leaves of our best season are turning brown and will soon be falling to the ground. That before long we will feel the first chill wind of a long American winter—and that our nation's stand as mankind's "last best hope" will be done.

For those who preach this prophecy—and for those who believe it—this period of our affairs can only be a melancholy season. But it is to that mood—and to the perceptions which foster it—that I want to address my remarks today.

Over the course of a long, full and gratifying life, I have seen many Septembers and have known many autumns. In public service—and in private life—I have experienced a full measure of unwelcome winters. Yet melancholy is not a mood which I have ever allowed to weigh for long upon my spirits.

I live—as I have always worked—by the faith that with each passing day, we are always approaching nearer to the beginning of a new springtime. It is by perspective I see our country now.

If I believe anything of this land—if I know anything of its people and their character—I believe and I know that we have not come to and are not approaching America's September.

On the contrary, it is my conviction—a conviction which deepens every day—that this land and its people are quickening with the new life and new potential of what will become the springtime of a new America.

I do not say this merely to offer reassurance in anxious times. Far from it I intend what I say to be taken as a challenge—a challenge to every citizen of every age.

No nation can be more than the visions of its people. Americans cannot be more than we believe ourselves capable of becoming. Thus we are directly challenged to choose between two different perceptions of what we are and what we can make of America itself.

On the one hand, we can choose to guide our course by the light of the bright perceptions—of America the beautiful, America the just, America the land of the free and the home of the brave.

Or, on the other hand, we can choose to move toward the shadows of what some have called "the dark perception" of America the unclean, America the unjust, America the unworthy.

For myself—as, I am sure, for many of you—there is no real choice. I want to open the soul of America to the warm sunlight of faith in itself, faith in the principles and precepts of its birth, faith in the promise and potential of its resources and skills and people. Yet I know that, in these times, that is not easy.

For too long, we have permitted the dark perception to pervade our midst. Day after day, month after month, the portrayal of America as unclean, unjust and unworthy has been ground into the consciousness of our people.

We no longer see the blooming flowers for we are searching for the litter. We no longer celebrate the many fresh triumphs of justice for we are lingering over the residue of yesterday's shortcomings. We no longer measure the miles we have come toward a more humane, civil and peaceful world for we are too busy calibrating the remaining inches of times we are trying to escape and leave behind.

This is our clear and present challenge.

When we permit these dark perceptions to dominate us, we are allowing our future to be shaped by visions that are small and mean and diminishing to our potential. We are, in simple terms, dooming those who come after us to know what could only be a second-rate America.

This is a future which I am unwilling to accept.

I have devoted my time on this earth to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits.

I do not intend now that second-rate visions shall set our course toward settling for a second-rate America. That is why I speak as I do now.

All through the pages of history we read the heart-rending stories of those who set out in quest of great goals and discoveries, yet when they were almost to the edge of success, they hesitated—not knowing or understanding how near they were to their aims. Out of that moment of hesitation, all too often they lost forever their opportunity to succeed.

In many respects, that seems to me to be a pattern we ourselves are in danger of repeating.

Over all the years of our nation's existence, we have been setting goals for ourselves and striving tirelessly to reach them. Those goals have been both the slogans and the substance of national affairs for generation after generation.

Full employment. Decent wages. Adequate housing. Education for everyone. Opportunity for all. Good health, good medical care, good hospitals for even the least among us. Above all, equal justice under the law for all our fellow men. America's goals have been simple and basic.

They have permeated and motivated all our institutions—churches and schools, professions and labor unions and corporations and foundations—as well as our government at every level.

All our American resources and strengths—private and public—have been committed to the effort and we have come very close to success.

Nowhere—over all the globe—have any people, under any other system, come nearer to fulfillment of such aspirations than we have under our system.

Yet, at the very moment we were near to realization, we have allowed our effort to go slack, our momentum to slow and we have entered a season of hesitation.

Why?

Basically, I believe, it is because we have not understood—and still do not fully comprehend—where we are or what we are about.

Whatever may be your own perception of where we are and where we may be heading, let me say for myself that I see little today suggesting that our system is failing—but I see all too much which convincingly argues that by our doubts and hesitation we may be failing the promise and potential of our system.

We are not living in times of collapse. The old is not coming down. Rather, the troubling and torment these days stems from the new trying to rise into place.

With our nation's past efforts, with our long and faithfully kept commitments, with our infinite successes in so many fields, we have brought into being the materials, as it were, with which to construct a new America.

Faced with the task of such great dimensions, we have no time for melancholy. We have no cause for moroseness. We have work to be done—the greatest work any generation of Americans has ever faced. Believing that, I say—let's be on with our labors.

The essentials of a new America—a better America—are all on hand and within our reach. It is our destiny—and, I believe, our duty—to take up our appointed positions and commence the labors that will change what needs change among us.

Our real challenge lies not in suppressing change but utilizing it to vitalize and energize our society. Change is not our enemy. On the contrary, this society has no deadlier danger than refusal to change.

That is what I believe our young Americans are trying—and have been trying—to communicate to us. With their fine young minds, fresh new learning and clear new vision, they are seeing many segments of our society as it needs to be seen and understood.

The most frightening thing that could happen to us today would be for us to close our eyes to new ideas, and to close our ears to those—particularly the young, in whom we have invested so much hope and effort through the years of our existence—who are trying to tell us how they would go about perfecting the visions of America.

It is just such spirit that we honor on this occasion. It is by restoring that spirit to our lives and our nation's life that we can honor our own trust as Americans.

Again, I return to the theme "larger than life," and I accept the thought that Lyndon Johnson was big—as America is big, that Lyndon Johnson was good—as America is good, and that with the help of God, some day our country will be all that he wished it to be.

I would now like to yield to the distinguished Speaker of the House of Representatives, the Honorable CARL ALBERT.

Mr. ALBERT. Mr. Speaker, I thank the distinguished dean, a long-time friend of the late President, the gentleman from Texas, for yielding this time to me.

Where have all the giants gone? In the month of January 1973, America interred two great former Presidents, Harry S Truman and Lyndon Baines Johnson. Old Glory flies at half-mast for two of the greatest leaders America—and the world—have ever known. But we are not bankrupt—their legacies will enrich this Nation for years to come.

Lyndon Baines Johnson devoted all of his vigor, his vision, his productive years to the service of his country. Having known him intimately as Congressman, Senate majority leader, as Vice President, and as President, I know that Lyndon Baines Johnson lived and breathed in the work rhythm of America. He was the original American. His view of his country was similar to that of the frontiersman which in many respects he was. He had a Southwesterner's unrestricted view of the panorama of his homeland. He challenged America's greatest problems—civil rights, poverty, education, housing, health. All things seemed possible to him. He made them seem possible to much of America, those Americans who gave him his historic election victory in 1964.

America recognized greatness in the President who entered the oval room in the sorrowing, uncertain days which followed the assassination of John F. Kennedy. This country can never be anything but grateful for the perfect manner in which he carried out the change of command under such terrible duress. Could any man fault his stability, his compassion, his vision? He held the Nation on a steady course; he opened the Johnson era with the burden of melancholy, but also with determination to achieve the goals of an administration of which he had been a part. He branded them as his own, and he breathed life into them.

The plight of the common man lay deep in his understanding. He set out to assure that every American could go to the polls and vote, that every American would be able to find an exit from the pit of poverty, have decent housing, the opportunity to be educated to the limit of his abilities, the means with which to maintain his health and cure his ills, a fighting chance in the marketplace to get a dollar in value for his hard earned paycheck dollar. Lyndon Johnson did not simply talk about the problems of the minorities, the poor, the sick, the elderly, the young uneducated, and the old untrained. He called Congress to the White House: He discussed these problems with us, we exchanged information, we planned programs, we passed them and he signed them into law. Today those statutes are his epitaph. They will endure longer than all the tributes which will be heaped above his bier and written into his obituary.

Lyndon Baines Johnson was a giant-sized President. Where faint-hearted men might have hesitated, he acted, letting the chips fall where they may. He knew that above all things the man in the White House must endure the loneliness, perhaps the blame, of having had the last word.

As his great predecessor, Harry S Truman, Lyndon Johnson accepted the philosophy that a man who could not bear the heat must get out of the kitchen. They were much alike in their philosophy of government. They were great leaders, born leaders and trained, and while they sought counsel and aid from Government heads and advisers, and called for the confidence and support of the people, they were prepared to make hard decisions based on their own conscience and their own judgment, and particularly their understanding of the philosophy of our Constitution, the commitment and mission of the greatest possible republic on earth.

Lyndon Johnson was the most experienced public servant ever to have occupied the White House. There was no arm of Government, person, program, agency a stranger to him. He could not have begun to set down the entire range of information, insights, and knowledge he had acquired over a lifetime, even in his formative years, of observing and being a part of National Government. He held every high elective office in the land at the Federal level—Congressman, Senator—chosen also by his own party as majority leader of the Senate—Vice President and President.

Lyndon Baines Johnson was without peer in his strength, without peer in his dedication, without peer in his ability to produce solid results, without peer in his determination to make America better than he found it when he entered 1600 Pennsylvania Avenue. The great disappointment of his life, of course, and perhaps the fact which accounts for his early demise as surely as it did those of the returning American servicemen whose loss broke his heart, was his inability to end the war. None can say he did not seek an honorable withdrawal from Indochina with the same diligence that he pursued successfully the great domestic programs with which he is credited. He laid the groundwork for peace before he left the White House. It was his misfortune that the flow of events toward peace did not run their course within his term of office. In the words of Shakespeare:

> There is a tide in the affairs of men which when taken at the flood, leads on to fortune.

The crest did not come, and the President did not have the opportunity to claim the peace he so assiduously sought. It is comforting to me to know that President Nixon had advised him of the imminent announcement of the truce prior to his death.

No President soared to greater heights in his attainments. Perhaps none stirred such strong feelings both of opposition and support. How could it be otherwise in a period when divisions were springing up on every side, when values were changing, when society and government were under challenge, and all Americans suffered trauma and uncertainty? It was President Johnson's dream to lead a united people in the creation of the Great Society. He certainly left a better society.

I cannot believe other than that the judgment of history will say Lyndon Baines Johnson was one of the greatest most courageous, most American Presidents, of all time.

In a personal vein, may I conclude by saying that President Johnson's death was not only a great national loss. I have had to say "good-bye" to a personal friend with whom I have served and worked for many years, one who has always been on my side in every moment of triumph and difficulty. So has his wonderful wife, Lady Bird. She and her two daughters, Linda and Lucy, will always be numbered among my friends and helpers. To them and their fine husbands and children and to all the host of friends and relatives of the late President, my wife, Mary, and my children, Mary Frances and David, extend our deepest sympathy and love.

Mr. Speaker, among all those who knew and worked with Lyndon Baines Johnson during his long career in the Capitol and in the White House, none was closer to him than former Speaker John W. McCormack of Massachusetts. John W. McCormack was in the House of Representatives every day that Lyndon Johnson served in the House of Representatives. John W. McCormack was a member of the House leadership every day that Lyndon Johnson was a member of the Senate leadership. John W. McCormack was Speaker of the House of Representatives every day during the Presidency of Lyndon Baines Johnson.

The Honorable John W. McCormack has made a statement on his friend, his close coworker, the late President Johnson, and I ask the indulgence of the House to listen to me as I read this statement of our former beloved Speaker:

STATEMENT OF HON. JOHN McCORMACK

> The recent death of former President Lyndon Baines Johnson took from our midst one of the great Presidents of American history. President Johnson was very kind in his relationships with other people, but he was very firm in performing the duties of his office. He met every responsibility which came his way as a Member of the House of Representatives, a Majority Leader of the Senate, as Vice President and, particularly, as President of the United States.
>
> The sudden and tragic death of President John Fitzgerald Kennedy thrust the Presidency, with all its challenges and problems upon Lyndon Johnson. Our people soon recognized that in President Johnson the country had an outstanding leader. During his active term of office, he manifested the great qualities of leadership with which he was possessed.
>
> The eminent role played by our late beloved President in that critical part of the world is history, his firm desire that peace and justice with honor should prevail in the world will insure his place of prominence in history. Time has clearly shown his courageous decision in relation to the crisis in the Dominican Republic was sound and in the national interest of our country. Time will also show his decisions in relation to Viet Nam, and more broadly all of Southeast Asia, including our Far Eastern defenses were sound and, in light of existing circumstances, were consistent with the national interest of the United States.
>
> Lyndon Johnson was not only a great man, he was a good man, with an intense love of all human beings, particularly the poor, the sick, the handicapped, the underprivileged, and those against whom discrimination in any way was directed. He recognized in a most vital way the importance of education.
>
> While he was President over 400 major pieces of legislation recommended by him were enacted into law. These laws make America a stronger nation and a better place in which to live. Laws recommended by President Johnson and enacted into law have favorably affected every phase of life and liberty in this nation. He has enriched the lives of each and every one of us.
>
> President Johnson gave to our country a leadership in thought, action and accomplishment that will always be a monument to his memory.
>
> For many years I enjoyed a very close friendship with President Johnson. I am deeply saddened by his death.
>
> I extend to Mrs. Johnson and to her daughters, Lynda and Lucy and their loved ones my deep sympathy in their great loss and sorrow.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PATMAN. I thank the speaker.

Mr. Speaker, I desire to yield at this time to the distinguished minority leader, the Honorable GERALD R. FORD.

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful that the dean of the House, the gentleman from Texas (Mr. PATMAN) has yielded to me on this occasion.

Mr. Speaker, literally millions of words have been written and spoken in recent weeks about the late President Lyndon B. Johnson. For this reason it is extremely difficult to add anything that has not already been said except perhaps on a personal basis, but at this time I do want to pay my very personal respects to his memory.

There have been 10 Presidents of the United States in my lifetime, and five during the years I have been a Member of Congress. They have all been extremely different personalities, from very different backgrounds, so it is very hard to compare them and it is too early to say how history will finally rate them. About all we can say is that the problems facing the world and this country following World War II have been infinitely greater and more complex than previous Presidents had to deal with in safer and saner times, when we did not have nuclear weapons and instant communications and worldwide commitments.

By any standard President Johnson did his best, as I think all Presidents do, but he became President under especially trying circumstances, perhaps more overwhelming than have faced any Vice President since the previous President Johnson took the oath upon the assassination of President Lincoln. It would be my judgment at this time, Mr. Speaker, that history will undoubtedly record that Lyndon B. Johnson met the test of that difficult period.

My first close contact with Lyndon Johnson as President was when he appointed me and six others in late November of 1963 to what has come to be known as the Warren Commission. He gave Chief Justice Warren and the six others on that commission a responsibility to dig out the facts and to come to conclusions concerning the tragic death of President John F. Kennedy. When our report was concluded, President Johnson commended us for our efforts and thanked each and every member of the Warren Commission for the job that he had assigned us. All of us who had that serious responsibility were grateful for the support he gave us at that time and also after the report was published when many critics were attacking our conclusions.

Time has dimmed the memory of how manfully President Johnson took up the reins of leadership and held a shocked and grief-stricken nation together during those dark hours in late 1963, and he did so despite the reservations of some within his own party as well as others. It is a tribute to him that he retained many key officials from his predecessor's administration as his top advisers.

President Johnson inherited a nasty war which was already unpopular and which he was unable to resolve even at the high price of declining to seek another term in office. As one of the leaders of the "loyal opposition" in Congress during the elected term of President Lyndon Johnson I know firsthand how much anguish the Vietnam War caused him and how desperately he longed for peace under honorable conditions.

Mr. Speaker, a few days before he left office in 1969, I was called to the White House one weekend for what I supposed was another crisis briefing of the bipartisan leadership. Instead, Mr. Speaker, I found myself ushered upstairs to the Lincoln bedroom and alone with President Johnson. We talked for quite awhile casually about many things—our differences as well as our many areas of agreement during the previous 4 years.

Mr. Speaker, it was obvious to me that he seemed to be in no hurry, for once. Before I left, he thanked me for my firm support of his hard decisions as Commander in Chief, and said that while we had had our little differences in the political arena, he wanted to leave Washington without any enemies left behind.

Let me assure you, Mr. Speaker, I am deeply grateful for such an experience with a President I greatly respected, a man I admired, and a friend for whom I learned to have a wonderful affection.

Mr. Speaker, after he returned to Texas, President Lyndon Johnson wrote me on several occasions very warm and very friendly letters, which I shall cherish as mementos of our fine relationship.

Finally, Mr. Speaker, I want to repeat a comment that I heard often during the memorial services for the late President. Most appropriately, people would say as they watched Mrs. Johnson and her family, that any man with such a truly great wife and two such lovely daughters must have contained goodness and greatness in his character. He had both, and many more outstanding characteristics.

He was a complex individual, surely, and certainly a controversial one, but I know he loved his country and his family and his friends.

We are all poorer for his passing.

Mr. PATMAN. Mr. Speaker, I thank the distinguished minority leader for his remarks.

At this time I desire to yield to the distinguished majority leader, the Honorable "TIP" O'NEILL of Massachusetts.

(Mr. O'NEILL asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, at this time I place in the RECORD following my own remarks, the remarks of U.S. Representative J. J. PICKLE.

He made these remarks at the memorial service in the U.S. Capitol for the late President, Lyndon Baines Johnson.

As a Member of Congress, I know I express the sentiments of so many of his colleagues when I say that the inspiring words of Mr. PICKLE really moved a mournful nation that particular day.

Mr. Speaker, our Nation deeply mourns the untimely passing of an eminent leader and distinguished American, President Lyndon Johnson. It is with the greatest respect and admiration that I pay tribute today to my former colleague and dear friend.

Lyndon Baines Johnson was a man who clearly placed America first and foremost in his list of priorities, evidenced by his constant hard work and sacrifice even at the expense of his physical well being.

Born of humble origins, he rose to the highest position in our Nation's Government. After attending high school in Johnson City, Lyndon worked for several years before attending Texas State Teachers College, from which he was graduated in 1930.

Two years later, he came to Washington assisting Representative Richard Kleberg of Texas. From that time until his retirement from public office in 1969, President Johnson continued to serve our Nation with great dedication and purpose. His personal courage and integrity are well known by all who worked with him.

As he moved up the political ladder from Representative to Senate majority leader to President, Lyndon Johnson continued his unrelenting devotion to each succeeding task. For President Johnson, no legislation received too much attention. Diligence and resourcefulness marked Johnson's years in Washington.

Party affiliations were least important among his priorities. He once said:

> I have followed the personal philosophy that I am a free man, an American, a public servant, and a member of my party, in that order always and only.

He was partisan only in the sense of his unswerving devotion to the important and necessary causes which he championed throughout his career: education, medical care, and civil rights. In his own words, he believed that—

> Until justice is blind to color, until education is unaware of race, and until opportunity is unconcerned with the color of men's skins . . . emancipation will be a proclamation . . . which falls short of assuring freedom to the free.

And against doctor's orders, Lyndon Baines Johnson made his last public speech calling for a greater national effort to provide equal opportunity for blacks.

President Johnson did not want a good society. He aspired for a great society. In his years as President he did more for the minorities of this country through is great society programs than anyone else in the history of the United States. He was a man who made a vital distinction in assessing the benefits of our national domestic commitments. He asked:

> Not how much, but how much good, not only how to create wealth, but how to use it, and not only how fast we are going but where we are going. The great society proposes as the first test of a nation: the quality of its people.

Under his leadership, an extraordinary number of bills aimed at eliminating some of the severe problems cripling our Nation's welfare were passed. Our debt to Lyndon Johnson for his accomplishments on the domestic front has not yet been realized.

And in the realm of foreign affairs, Johnson acted without regard for his own personal ambitions, but in what he believed were the interests of America.

Few men if any desired peace more than Lyndon Johnson. Acting with courage and conviction in an attempt to realize that peace, he was greatly disturbed when he failed. If historians are to judge Lyndon Johnson by his own motto:

> A President's hardest task is not to do what is right, but to know what is right.

Then he must be remembered as one of our greatest Presidents. He saw injustice and tried to right it, and he saw peace and desired to achieve it.

It was ironic that his father, Samuel Johnson, whose ambition it was that his son achieve political prominence, should have died shortly before his son attained that goal. Similarly, it is ironic that President Johnson, who so desired peace, should pass away before his desire could be fulfilled.

The Nation has lost another great leader, and I have lost a dear friend. Mrs. O'Neill joins me in extending our deepest sympathies to Mrs. Johnson and the Johnson family.

The remarks of Mr. PICKLE follow:

REMARKS OF U.S. REPRESENTATIVE J. J. PICKLE DURING MEMORIAL SERVICES FOR THE HONORABLE LYNDON B. JOHNSON IN THE U.S. CAPITOL

Mr. President, Mrs. Johnson and Family, my colleagues and Americans:

Lyndon Baines Johnson was a President *for the people*. Working *for the people* came easily and naturally to his Presidency. It was the fulfillment of a career as Texas National Youth Administrator, Congressman, Senator, and Vice President.

When I was elected in 1963 to the 10th Congressional District seat of Texas that Lyndon Johnson filled in 1937, I sought his advice. He gave me one guiding principle: "Congressman, when you vote, just vote *for the people*."

This was the same principle that guided Lyndon Johnson's public life.

Wherever he served, we were struck by the bigness of this man, his energy, his drive, his ambition, his quest for perfection in all he did and in all he asked us to do.

His demand for the best within us was relentless. He persuaded, cajoled and drove us until we fulfilled potentials we never knew we had. And, when we did our best, he wrapped his long arms around us—for he loved us and he loved to see us and our country at our best.

To those of us who were closest to him from the start, we understood him for we were "his boys." He meant to us what the great Sam Rayburn meant to him and what Franklin Roosevelt meant to both of them.

We could sense even then the reach for greatness deep within this man. We were joined by dozens, then hundreds of young men and women that Lyndon Johnson gathered around him over the course of his public life—not simply to serve him, but to help him achieve his vision of America.

His ambition for himself was as nothing compared to his ambition for America. As hard as he drove America toward this vision, and asked us to work for a Great Society, he *gave more* of himself to that goal than he ever asked of any of us.

As a young man, he experienced poverty and witnessed discrimiation. He learned firsthand about drought and parched earth, about stomachs that weren't full and sores that weren't healed. He brought water and electricity and housing to the Congressional District which he served. As a Congressman, he knew what it was like to be a poor farmer, a working man without a job, a Black or a Mexican-American, and he set about changing life for the disadvantaged among his constituents.

As Senator and Vice-President, he saw that it was just as difficult to be poor or unemployed, or Black or Mexican-American in the big cities of the Northeast and West Coast as it was in Central Texas.

His Presidency changed America for the good, and America will never be the same again.

In 1964, the people gave him the greatest vote of confidence any President has ever received in our history. In turn, he voted his Presidency *for the people*. Medicare became the right of every older American, rather. than a dream. He authored the first Elementary and Secondary Act in our nation's history, and the Head Start Program which bears the imprint of Mrs. Johnson so vividly, to give every American child the opportunity to go to school and develop his talents to the fullest. He saw the landscape ravaged by American technology and he moved to clean our air and our water, to protect our land, and to turn the brilliance of that technology to the restoration of our natural environment.

He knew well what that technology could do, for he guided our space program as Senator, Vice-President, and President until America placed the first man on the Moon.

Lyndon Johnson was proudest of his achievements in the field of civil rights:

The 1964 Civil Rights Act, the granddaddy of them all, which opened public accommodations and jobs to all Americans regardless of color; and

The 1968 Fair Housing Act which gives every American regardless of his color, the right to live in any house he can afford.

By his own testimony, Lyndon Johnson's greatest achievement in civil rights was the Voting Rights Act of 1965. As he said shortly before he left the White House:

"It is . . . going to make democracy real. It is going to correct an injustice of decades and centuries. I think it is going to make it possible for this Government to endure, not half slave and half free, but united."

He waged the war he loved—the War on Poverty—with more energy and imagination than all the Presidents who preceded him. He gave even more of himself to his efforts to end the war he hated—the War in Vietnam. Before he left office, he opened the negotiations in Paris which last night culminated in the peace agreement he wanted so much.

However history may judge Lyndon Johnson's foreign policy, that, too, was directed by his desire to help all the people. He saw foreign assistance not as a military program, but as a program to feed and clothe, heal and educate the disadvantaged people of the world. His concern in Southeast Asia was for the people of Vietnam, North as well as South, and he offered the resources of this nation to help rebuild both countries.

He devoted his life "to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits."

Theodore Roosevelt once said:

"It is far better to dare mighty things and to enjoy your hour of triumph even though it may be checkered occasionally by failure, than to take stock with those poor souls who neither enjoy much nor suffer much because they live in a gray twilight that knows neither victory nor defeat."

Lyndon Johnson never lived in a gray twilight.

He experienced and appreciated the joy of the Democratic process when it served to enrich the lives of the people. And he suffered with the people when that process did not serve them soon or well enough.

His was a time of turbulence because it was a time of dramatic change. But he never saw that change as a time of collapse or deterioration. He put it best himself when he said:

"The old is not coming down. Rather, the troubling of torment of these days stems from the *new* trying to rise into place."

His closest friend and wisest advisor was his wife. She inspired his concern for our environment. Most of all, Lady Bird Johnson understood her husband and he understood her as few men and women dare hope to understand and love each other. It is no wonder that their daughters, Lynda Bird and Luci, brought so much credit to their family, *and to our country*, for they came out of this beautiful bond and were privileged to share in this close and loving relationship.

Lyndon Johnson is a President who came from the land, from the Hill Country of Texas, where sun and rain are the most precious values a man can tie to; and where God's will is seen and felt and gauged by the sky and the wind.

It was from this land that Lyndon Johnson drew his strength. It was from his family that he rekindled the love he gave to his country. And it was from the potential he saw in the people that he drew his vision of America. And he knew—as no other man—that human dignity and economic justice were essential to our people to set them free to achieve that vision.

This was a man who saw his purpose in life and lived his creed:

"Throughout my entire career, I have followed the personal philosophy that I am a free man, an American, a public servant, and a member of my Party—and in that order."

He saw also his Presidency and his vision of America when he told the Congress and this Nation:

"I do not want to be the President who built empires or sought grandeur or extended dominion.

"I want to be the President who educated young children to the wonders of their world.

"I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of tax-eaters.

"I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all regions and all parties.

"I want to be the President who helped to end war among the brothers of this earth."

And he did all these things.

From his new "Vantage Point," the President will rest in his beloved Hill Country, where he has told us his Daddy before him said he wanted to come home. Come home—"where folks know when you're sick and care when you die."

Two hundred million Americans care, Mr. President. We care—and we love you.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I thank the distinguished dean of the House, the gentleman from Texas, for allowing me this time to speak somewhat out of turn, because I have another committee meeting, of which he is aware.

Mr. Speaker, with the passing of the 36th President of the United States a great void was left in the country, in the world, and, of course, in the dear family he loved so much.

A void was left with those of us who had the privilege and honor of being somewhat close to him.

The area that I represent in Texas feels especially close to Lyndon Johnson and to his memory. As a youth he worked in a cotton gin down in Robstown, Tex., where he earned a part of the money he needed to get his college education.

Then some years later his first public experience in Washington was gained through his position as administrative assistant to the distinguished Richard M. Kleberg, Congressman from the 14th Congressional District of Texas, which I have the honor to represent here now.

So, Mr. Speaker, we all lament more than anybody can say over the passing of this man, which means so much to us. We all feel a great gratification and pride, in that we know he had the great faculty that wherever he went his presence was felt.

People understood him. People knew him well. Those who knew him well knew him favorably.

I suppose there is no man in the history of this country who has had a greater career in the legislative field than our distinguished friend Lyndon Johnson.

Of course, Presidents do not avoid history. Presidents like Lyndon Johnson make history. When history is written, history will tell what happened.

Time here does not permit me or anyone else, for that matter, to enumerate or to chronicle the many, many great accomplishments of this great American President, this great American individual.

But I must say that particularly in the field of civil justice, in the field of education, and in the field of human dignity this President not only did more than any other President in the history of this country, but in this field of justice and education and dignity he did more than all of the previous Presidents combined.

And by that measure, Mr. Speaker, I will add that Lyndon Johnson in the field of justice and dignity and education did more than any other man in the history of the world.

So it is no wonder, aside from the grave personal feeling of vacancy that we will all have, then, that this country will miss our friend, and it is no wonder that his presence in the world will be missed.

Mr. Speaker, I suppose no greater compliment could be paid to anybody than simply to say that our country and our world was better off for his having been in it.

I thank the gentleman.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Mr. Speaker, I desire to yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the dean of the Congress for yielding to me.

Mr. Speaker, I have been pleased to observe the deep feeling which has been apparent in the remarks made here today about Lyndon Johnson. This is not hard to understand. It is all because Lyndon Johnson meant so much to so many of us personally, aside from what he meant to the Nation and to the world.

It is hard to know what one should say about this warm and devoted friend who has left us—this great American. I shall not speak at length. Others will recount many things about this man but we all have so many cherished memories of our association with him over so many years we know not where to start or what to say.

Lyndon Johnson was much beloved but he was much criticized in certain quarters prior to his departure from the White House and thereafter.

All Presidents receive a full measure of criticism. It is often not easy for a public official to deal with criticism. All public officials long to be loved by the people, and certainly Lyndon Johnson yearned for the support and good will, and shall I say, the love of his fellow man. And I must say he had it in large measure.

Mr. Speaker, Mrs. Mahon and I spent a couple of days and nights at the Johnson ranch with the Johnsons in late October of last year. At that time I talked to him about the criticism he suffered and as we talked it became obvious to me that he considered this to be a matter of little consequence. He was not disturbed or embittered. He was most tolerant. It was clear to me that Lyndon Johnson was so convinced he had done the right thing, insofar as he knew the right that he could not be bothered by the criticisms which were made of him.

Furthermore, Mr. Speaker, Lyndon Johnson knew that he had a place in history. I feel certain that the Members of Congress agree with me that Lyndon Johnson's place in history is secure. He earned it. None of the critics can ever take away from him his shining record of achievement.

Lyndon Johnson had great respect for our institutions and for our system of government. This was nowhere more evident than in the great respect he showed for the Office of the President.

The relations between the Republican Party and the Democratic Party are naturally characterized at times by spirited partisanship. That is our system. But, when President Johnson laid down the responsibility of the Presidency, he did everything he could to provide for a smooth transition and to remove stumbling blocks from the path of his successor. He felt his successor should have the fullest opportunity to address himself to the awesome responsibilities of the Presidency—and no one was as acutely aware of the responsibilities and problems confronting Richard Nixon as was President Johnson. President Johnson was most considerate of his successor and President Nixon extended to him great respect and friendship.

I have heard President Johnson say many times we cannot have but one President at a time. In office President Johnson conducted himself in an exemplary way. When he departed from the Presidency he conducted himself in the most commendatory and gracious manner as a former President.

With pride I join in the salute being given today to his memory. My wife Helen joins me in sentiments of warmest affection for Lady Bird and for his wonderful and talented daughters and loved ones who meant so much to him. They all have our deepest sympathy.

I thank the dean for yielding to me.

Mr. PATMAN. Mr. Speaker, I desire to yield now to the distinguished gentleman from Texas (Mr. POAGE).

Mr. POAGE. Thank you, Mr. PATMAN.

Mr. Speaker, there have been but a few men who have changed the history of nations. Lyndon Johnson was one of these men. Certainly he was President of the United States. Thirty-six other men have been President of the United States. We can all probably name no more than six who have greatly influenced the history of the United States. Lyndon Johnson was one of those.

He did not guide our country to independence; he did not expand our boundaries; he did not establish the sovereignty of the Federal Government over the States; nor did he lead us into a world war. But he did establish the responsibility of the Federal Government for meeting the needs and the aspirations of our people in their everyday activities.

I was not one who agreed with all of his reforms. He held a somewhat more liberal philosophy than that which I accept. He believed that the Government could and should do for the individual many of those things which to me seem to be both improper and impossible for the Government to achieve. At the same time I never questioned his sincere belief that what he proposed was going to be beneficial to the people whom he loved. There have always been, and there are now, individuals in our Government who have, and do hold, his views relative to the power of Government to change the attitude of individuals, but these officials have never been able to translate their views into action as Lyndon Johnson did.

When he saw suffering he looked to the Government for a cure and in most cases he provided, if not a cure, an improvement, because he was a compassionate man. He was not so concerned with the perpetuation of our form of government as he was with using it to provide immediate relief where he felt a change was needed. And he never refused to take a part of what he felt was needed because he could not get all of what he sought, because he was a practical man.

Lyndon Johnson loved the people of America and he secured for them every benefit which he could grasp. He was a man of great intellect and of great ability, but a still greater heart. He was impatient with those of us who sometimes questioned the method he suggested for giving aid to our people. He was concerned almost entirely with results and he got results. He fed the hungry; he protected the weak; and he gave dignity to those who had been denied recognition. He was willing to sacrifice what some of us felt were important principles of government and of economics. At times he found it necessary to sacrifice his friends when they stood in the way of what he believed to be essential for the American people. But he proved his sincerity through his unhesitating willingness to sacrifice himself for the same causes. He only asked of others what he himself was willing to give.

I think it is clear that Lyndon Johnson would have been reelected by an overwhelming vote had he run for a second full term, and I have no doubt but what he wanted that second term most desperately. But he was convinced that his withdrawal from the Presidency would enhance the possibility of peace in Southeast Asia. He never whimpered. He saw his duty and he did it. He stepped aside. He applied the same harsh rule to his own ambitions that he so often applied to others.

Lyndon Johnson loved his associates and all people of his country. He wanted to be loved in return but it was inevitable that a man with such strong views and such resolute action would make outspoken enemies and indeed his enemies were vocal. I think Lyndon Johnson overestimated the number of his enemies and I think he was prone to mistakingly include among that category all those who disagreed with his policies. As a matter of fact, he had remarkably few enemies. Most of the American people admired the man and respected him even when they disagreed with him.

To most of the American people, Lyndon Johnson's life was entirely political. They knew him only as a statesman. In this field those who were not blinded by prejudice certainly knew him as one who demanded much and who gave much. "No greater love hath any man than he lay down his life for a friend." Politically, Lyndon Johnson laid down his life for his friends when he refused to run for reelection because he believed by so doing he could save the lives of both American and Vietnamese boys. But Lyndon Johnson was not simply a politician or even simply a statesman. He was one of the greatest politicians that the country has ever known, but he was also a husband, a father, and a citizen of a frontier community. He built a home and reared a family on a remote Texas ranch. He was always just as proud of his home and his family, of his wife, his daughters, and his grandchildren as he was of his achievements as President. He had a right to be, because his was an outstanding family.

We in Texas are proud of all of the Johnson family and, while we in the Texas congressional delegation miss our personal friend, we are fully aware of his great impact on our country and on the lives of our people. But at the same time we share in the pride which his family has and which this Nation has in his accomplishments.

Mr. BROOKS. Mr. Speaker, America has lost a great leader and I have lost a longtime personal friend.

Lyndon Johnson was a man of rare capability, compassion, and understanding, who wanted to be remembered as the President who did the most for the well-being and dignity of our citizens. History will reflect he was a great President and, as time passes, America will become increasingly grateful for all he did.

I have known President Johnson and his lovely wife, Lady Bird, throughout my years in public office. We served together in the Congress and I worked with him to get his programs enacted when he was in the White House.

Some of America's greatest moments in history occurred because Lyndon Johnson was President. All Americans live better because of his concern for people, for equality, for health care for the elderly, for opportunity for the poor, for the sanctity of the American democratic system.

I shall be forever grateful that he was my friend. Although he had the greatest power that man had ever known, he never lost his humanity. He could be abrupt and overbearing when he needed to get things done in a hurry, but he was never petty or mean. He somehow always found time to think of his family, his friends, and those who needed his help.

Just last month, I visited with him in New Orleans and a few weeks before, he had Charlotte, my children, and me as his guests at the ranch. He seemed to be enjoying the chance he finally had to visit with his family and his friends. He took Jeb and Kate to see his ranch, the cattle, and some of the game he kept there. He thoroughly enjoyed himself and the children returned his warm affection.

I regret that he did not live longer to enjoy this leisure and time to indulge himself in some of the pleasures we take as common but that duty denied him—a quiet family life—undisturbed visits with his wife, children, and grandchildren—time to relax and reflect on his accomplishments.

His lovely wife, Lady Bird, is a most gracious lady and to her and her fine children and grandchildren I extend my deepest sympathy.

I had hoped that he would live another 30 years. Although this could not be, I am grateful that I knew him, I am grateful for his advice and counsel, I am grateful that we had him as our President. Time will honor this man in a way that no amount of public acclaim ever could during his lifetime.

Mr. PATMAN. Mr. Speaker, I thank the gentleman from Texas (Mr. POAGE) and I now yield to the gentleman from Texas, the Honorable CARL FISHER.

Mr. FISHER. Mr. Speaker, I share with my colleagues the sadness and lament concerning the death on last January 22 of Lyndon B. Johnson, 36th President of the United States.

It happened that the late President lived much of his life and died at his beloved LBJ Ranch, located in the district in Texas which I represent. That area, through which coursed the beautiful spring-fed Pedernales River, was very much a part of the life of the man whose loss we mourn here today. He loved the verdant hillsides that abound there. It was a source of strength and inspiration for the man who rose from the ranks of humble origin to become the Nation's leader during one of the most turbulent periods in American history.

I recall that during the time he was convalescing from his first heart attack I was invited to visit him and spend the night at the LBJ Ranch. As an indicator of his personal concern for others, after dinner that evening I accompanied him on a visit he made to neighboring homes. He stopped at several places to inquire about the health and well-being of families and express his concern and solicitude. He wanted to know what he might be able to do for them. It will be recalled that he was at that time majority leader of the U.S. Senate.

Throughout the time he served in the Congress, as Vice President, as President, and right down to the time of his death, Lyndon Johnson took a very active interest in problems associated with the livestock industry in that area. When I would see him he would often inquire about the current prices of cattle, sheep, and goats. And he would want to know what problems needed the attention of those of us who represented the growers.

It goes without saying that the "Sage of the Pedernales" enjoyed many friendships among those who made their homes in the "LBJ country," as it came to be known. To many he was a pioneer in terms of progress and achievement in the area of State, national, and world affairs. Shortly after Johnson's death, an admirer, Mrs. Judy Pue of nearby Bandera, wrote this poem to his memory:

FAREWELL, O PIONEER

Across the land a tolling bell
Peals a song of sad farewell.

Each wind-swept hill with cedar head
Nods in grief above his bed.

The liveoaks twist their naked hands
While lonely sheep roam overland.

On the range, the moan of cattle
In the barn an empty saddle.

Farewell, farewell, O Pioneer
Farewell, O mighty friend

Farewell, farewell, O Pioneer
Who loved his fellow-men.

Already assessments are being made of Lyndon B. Johnson's place in history. Perhaps at a later time, with a wider perspective, a better judgment can be formed. As I see it, his handling of the war in Vietnam will loom as a lasting and significant achievement.

Devoted as he was to the cause of human freedom and the freedom and independence of both people and nations, his courageous decisions during the war in Vietnam, tragic though that conflict was, figured in the ultimate outcome of that war. The enemy was defeated and a peace settlement was agreed upon the day following the death of President Johnson.

Mr. GONZALEZ. Mr. Speaker, 2 weeks ago the life and era of Lyndon Johnson ended.

The last ceremony is over. The last funeral notes, the last salutes, have long since echoed and faded away in the hills of Texas to be lost forever in the winds of time, and he is at rest—and we somehow are amazed, disbelieving that a man of such intensity and restless, endless energy, could ever be at rest.

But social conscience did not die with him, and if he were here, he would be reminding us how much is left undone.

I do not think there was any problem, any injustice, any human need, that escaped his concern or failed to draw his attention. No problem, no human dilemma, no matter how far removed, no matter how intractable, would be too much for him to contend with. If he were standing here today, he would be telling us how high we could reach, how far we had to go, if we only dared and cared enough.

No one who ever knew or met Lyndon Johnson could come away without being impressed; he confounded his enemies and his friends alike; he never faltered or failed; never took the easy way out; and if he fell far, he reached higher than any other man ever dared.

And as he would remind you of things left undone, so will I—not that I have his powers of persuasion, but because we cannot deny nor refuse to recognize those problems and concerns that moved him, and ought to move us. They did not die when he did, nor did they fade away with a change of Government; nor will they.

It is my plan to elaborate further at a subsequent time.

Mr. FLOWERS. Mr. Speaker, today we are honoring the memory of former President Lyndon B. Johnson.

L. B. J. was no ordinary man. Whether one agreed or disagreed with his politics, Johnson was a man of incredible strength and endurance.

He was a master at the science of politics and his record in Congress bears this out. But he may best be remembered for the calm and confident leadership he provided in the time following that tragic day in November 1963 when President Kennedy was shot and killed.

Most of Lyndon Johnson's adult life was spent in service to his country culminating in his being called upon first by circumstances and then by a great majority of voters to serve as President of the United States. Throughout his entire career he worked tirelessly and with great dedication for the good of the country as he perceived it.

While only history can ultimately judge his deeds, those of us who lived in his lifetime honor his memory with the utmost respect.

Mr. GAYDOS. Mr. Speaker, history will remember Lyndon Baines Johnson. From the time he assumed the awesome responsibilities of the Presidency, 99 minutes after the assassination of President John F. Kennedy, until he left that office in 1969, his administration was studded with monumental decisions and dramatic actions.

It was an administration that spanned an era of turbulence that America will never forget. The mid-1960's saw our country locked in conflict abroad and wrenched apart by violence at home. It was an era where the clarion call for civil rights echoed over the land and the stain of civil disorder spread from coast to coast. It was an era which saw two leaders of our Government murdered—President Kennedy and his brother, Senator Robert Kennedy. It was an era which Americans saw grow bitter and take sides against our involvement in Vietnam. It was an era which would have drained the physical and moral strength of any man and it was Lyndon Johnson's destiny to be the man tested. He was not found wanting.

History, unquestionably, will link President Johnson with Vietnam. His policies regarding the war have been and will be questioned by many people. I believe, however, that his critics, if they be honest and reasonable, will bring peace to that land, to America, and to the world. I deeply regret he did not live to see it happen.

But, if war is to be Lyndon Johnson's footnote on the pages of history, then let history also remember his other wars. Let it remember Lyndon Johnson's war against poverty, his war against the lack of decent housing for poor Americans, his war for expanded educational opportunities for young Americans, and his war for increased medical and health benefits for older Americans.

Let history remember that when President Johnson took office he promised nothing more than to do his best and asked for the help of his people and his God in this quest. Who could promise more?

Mr. HICKS. Mr. Speaker, Lyndon Johnson was at the same time one of the most capable, promising, and yet tragic Presidents in American history.

He held the capacity for greatness. When the Great Society programs tackled all of our problems—race, poverty, public education, medical care, and housing—we all felt we were a part of changes that would shake the world.

The tragedy was that these programs withered on the vine. In his years in office President Johnson was obsessed with the war in Vietnam. His tremendous promise for a better world was killed by an unpopular war in a strange land.

I have no doubt that the trials and turmoil of his last years in the White House hastened his death. He will be missed by his many friends in Congress. And, if history is kind, he will be remembered by all Americans for his desire to make our country a better place to live.

Mr. WAGGONNER. Mr. Speaker, in the untimely passing of the late President Lyndon Baines Johnson, the United States has lost a great man who was deeply respected by his colleagues, his friends, and those he lead and served so devotedly during his Presidency. Just as all Americans shared with Mrs. Johnson and her daughters the warmth and wisdom of their loving husband and father for so many years, we share with them now the sadness they feel.

I was honored to serve in the Congress during the Johnson years, and I will treasure and remember those years for the rest of my life. While the two of us disagreed from time to time, I respected and admired L. B. J. for the firmness of his dedication to the ideals and convictions he believed in. History will record and men will long remember Lyndon Baines Johnson and the Great Society he sought so diligently to create. While his efforts took so much from him, he thought it worthwhile and necessary no matter what the cost.

I can appreciate and understand his wanting to return to the hill country, for I, too, feel a special closeness to a section of the country very similar to the hills and the ranch that he called home. The peacefulness and simplicity of the hills, coupled with the family which meant so much to him and knowledge of the achievement of the peace which had so successfully eluded him, provided L. B. J. with contentment and happiness during his last days; and I am sure he would have wanted it to end in no other way, for finally he had what he wanted most—peace.

Mr. ICHORD. Mr. Speaker, the sudden death of former President Lyndon Johnson less than a month after the death of former President Truman has filled the entire Nation as well as those of us who serve in the Congress with a great sense of sadness. Two devoted public servants have been taken from our midst leaving us with no living former Presidents. Such an occurrence reminds us all of our own mortality and of the fleeting nature of life itself.

The writer of the book of Ecclesiastes reminds us that there "is a season for everything"—a time to be born, weep, laugh, mourn, dance, a time to speak and a time to remain silent, and finally a time to die. It is rather interesting that the time to die for Presidents Truman and Johnson came so close together because there were great similarities in the terms they served as President. They both served as Vice President and took office upon the death of the President. They both served one elected term and chose not to run for reelection. Both men left office with great controversies surrounding their terms in office.

Lyndon Johnson, like Harry Truman, understood and loved politics, knew how to use power and was not hesitant to make a decision. I did not always agree with President Johnson but I always respected and admired him. Lyndon Johnson's devotion to his principles can be very clearly seen in the decision he made in March of 1968. He believed so strongly that the course he pursued in Vietnam was just that he was willing to give up the opportunity to serve another term as President rather than alter his Vietnam policy. History may judge him right or wrong in this decision if it is ever able to render a clear verdict but it will have to recognize the fact that he made a decision and stuck by it.

One of the tragic aspects of the timing of President Johnson's death is the fact that it came just a few hours before the public announcement of a cease-fire in Vietnam. It is my opinion that no person in America desired to see a just and lasting peace in Vietnam more than Lyndon Johnson.

I can only conclude by saying that another great and dedicated leader has been taken from us and we will miss his presence and his guidance as time passes.

Mr. GILMAN. Mr. Speaker, the untimely death of President Lyndon Johnson is not only a great loss to his family and friends, but to the entire Nation and to the world.

Mr. Johnson, who gave more than half of his 64 years in service to his country, assumed the extremely difficult role of President following the abrupt and tragic death of President Kennedy. Throughout his term in office President Johnson, saddled by the additional burden of an unpopular war, proved his ability not only as an outstanding executive but as a stanch, highly respected leader of legislators.

Some solace to those who mourn his death can be found in that Fate was kind enough to have allowed Lyndon Johnson knowledge of the Vietnam cease-fire prior to his death. This welcome news must have been a great comfort to the man who sought so long for peace.

The death of our 36th President, a sad event for our entire Nation, will be brought to mind in the next 30 days by the flying of our Nation's flags at half-mast—a symbolic tribute to Lyndon Baines Johnson and a reminder to all Americans of the earnest and powerful man who served his country faithfully and well in some of her most troubled times.

Mr. DAVIS of South Carolina. Mr. Speaker and my fellow colleagues. I did not know Lyndon Johnson—either as a Member of this House, as a Senator, or as the President. In fact, there is only one time that I talked with him, but that memory will remain with me as long as I live.

I have read and heard a lot about Lyndon Johnson—the rough edged, hard-riding Lyndon Johnson—the folksy Lyndon Johnson and the unbendingly, patriotic Lyndon Johnson. I have heard about the Lyndon Johnson of civil rights fame and Great Society fame, but the Lyndon Johnson that I know and remember is the one of deep compassion and concern.

Mr. Johnson had been gone from the Presidency for 2 years, from the Senate for 11 years, and this House of Representatives for 23 years. Yet on a cold night in December of 1971, Lyndon Johnson took the time himself to call Birmingham, Ala., to inquire how my boss, the late Congressman Mendel Rivers, was doing. Mr. Rivers had undergone heart surgery. Mr. Johnson told me on the phone that night:

> I just wanted to call and see if everything is all right. I hope you don't mind if we keep calling the next few days.

Then he went on to explain:

> You see, Mr. Rivers is an old friend of mine from our days together in the House.

Every day for the next few days, either he or Mrs. Johnson would call and get a report on the Congressman's condition. This touching tribute to an old friend told me all I ever have to know about Lyndon Johnson. Here was true compassion—away from the glare of publicity—genuine concern for an old friendship. That is the mark of a true leader and man. One who can relate to the everyday problems of his fellow man. One who can take the time to care about a friendship kept.

Mr. Speaker, I express the thanks of a grateful Nation, that Lyndon Johnson was the right man for the right time. Lyndon Johnson gave this country a heritage that will be well remembered in the history books tomorrow. Thousands of Americans today—and millions in the future—will live better because Lyndon Johnson was a caring President. Lyndon Johnson was many things to many people, but he was above all a very human being—and while this Nation today mourns the death of our 36th President, we can feel thankful indeed that a man like Lyndon Johnson occupied the residence at 1600 Pennsylvania Avenue. We can be thankful that Lyndon Johnson was on hand to step in and lead the American people through one of the most trying times of our history.

Mr. DOWNING. Mr. Speaker, I have had the privilege of serving with four great Presidents. Of the four, I probably spent more time in the presence of the late President Johnson than any of the others. My memory of those experiences will not soon fade.

Lyndon B. Johnson was a strong man in every respect. He was a natural-born leader. He was a leader in the House; a leader in the Senate; and he certainly lead our Nation with strength and ability. Our country has been fortunate indeed to have such leaders at the ready in time of crisis.

I wish he could have lived to have seen this agonizing war come to its end. Certainly he did everything within his enormous power to extricate this country from her morass—but to no avail.

Finally with calm resolve, the President, who loved his country more than the prestige of being its leader, chose to refuse certain reelection in an effort to restore peace. History will probably recall that his action did indeed cause peace to be possible.

The late President should go down in history as one of our great Presidents. A grateful Nation says goodbye.

Mr. MORGAN. Mr. Speaker, it is with deep regret and sorrow that I reflect upon the untimely passing away of Lyndon Baines Johnson, the 36th President of the United States.

Of all the leaders of our country during these momentous times, I have known him, and worked with him, the longest: First, when we were both Members of the House, with offices in the Cannon Building; then when he became Senator; later, when he ascended to the Vice Presidency; and, finally, when he became the Chief Executive of our Government.

It was a long association, and one which I shall always treasure. For although President Johnson may have made some mistakes, he was also a great man who came from the Congress, who loved it, and who knew how to work with it for the benefit of our Nation.

During his tenure as Senate majority leader, and as the President of the United States, our country had made more difficult and far-reaching decisions than probably during any other comparable period in our history.

Most of those decisions will affect the character of this country, and the condition of life of the American people, for decades to come.

And they will affect them for the better.

For Lyndon Baines Johnson has done more than any other single man to bring about a profound change in the relationship between the Government and the people of the United States—a change which made the Government an active champion of the right to equal opportunity, and a better standard of life, for all Americans.

Some people may tend to forget this, and to judge President Johnson's stewardship of the highest office in this land by our tragic military involvement in Vietnam.

I believe that history will be much more objective, and kinder, in this respect.

I believe that history will show that the initiatives which he undertook in the field of foreign policy, whether they were based on sound or on questionable advice, did not come from a narrow motive but were intended to strengthen the cause of freedom, and of peace, in the world.

Moreover, history will show that in a time of crisis, President Johnson had the courage to make the most difficult decision of all: to reverse himself, and to renounce the office of the Presidency, for the sake of reaching peace.

Nearly 5 years later, as he rests in his beloved Texas soil, the results of that momentous decision are at hand: a cease-fire has been signed in Vietnam and, hopefully, the cause of peace in Indochina is gaining momentum.

It is sad indeed that the man who turned our involvement in the direction of peace is not here to see the fruition of his hopes.

The singular courage which President Johnson displayed in March of 1968 was characteristic of his approach to the basic and controversial issues of our age.

Time and again, he withstood public rancor and abuse, risking his political career for the sake of the poor, the forgotten, and the dispossessed.

As chairman of the Committee on Foreign Affairs, and as a Representative of a district which has experienced its share of sorrow and hardship, I have admired his compassion for the less fortunate at home and abroad; his deep sense of fairness and justice; and his full commitment to the highest principles for which the United States has stood for nearly two centuries.

These parts of his record, these outstanding achievements, shall serve as the finest testament that any President could leave to his countrymen.

We are fortunate that Lyndon B. Johnson lived in our time; and we sorrow at his passing.

To Mrs. Johnson, and to the members of our late President's family, Mrs. Morgan and I wish to extend our sincerest condolences.

Mrs. GRIFFITHS. Mr. Speaker, there was a man among us. And now he is gone.

He stood taller, reached wider, worked and fought harder, talked and cajoled and persuaded and listened better than the rest.

His thoughts, his ideas, his plans were greater and more generous than most. And his energy, his pounding, driving energy, it was as the strength of ten.

And there were those——some in admiration, some in mockery—who said he was larger than life.

And now he is gone. His body lies in the ground, in unaccustomed stillness. His mind, his heart, his energy no longer churn with thoughts, feelings, and action. He is at rest.

But even in death, he stands tall. And now there are many—all in admiration, none in mockery—who say he is larger than life.

For Lyndon Johnson has not left the company of his fellow Americans. His life was too big to be circumscribed by a day of birth at one end and a day of death at the other. His life and his spirit live on not just in our memory, but in the real world he did so much to build and in the millions of men and women who inhabit his structure.

Other Presidents gave in the words of emancipation and the promise of reconstruction. Lyndon Johnson gave us its reality.

Other Presidents gave us the hope of health protection and better education. Lyndon Johnson gave us its actuality.

Other Presidents gave us eloquence and agendas. Lyndon Johnson gave us hospitals, and houses, and national parks, and schools, and roads, and better cities, and dignity in our old age and opportunity in our youth.

And when we partake in any of these promises he made into reality, he shall live on in us.

He was an alchemist of dreams, transmuting the fragile stuff on which dreams are made into the tough, pragmatic substance of which Federal law and Federal policy is built. It may not be perfect but you can see it, touch it, use it, test it, live with it or improve it.

These are two sentences of Lyndon Johnson's that I shall never forget. They are plain words rather than poetry. But, how moving they were when he said them and how timely they are now. And both reflect what was really his favorite pronouns—not "I" and "me," but "us" and "we."

"Let us continue." He said that when he assumed the leadership of this Nation.

"We shall overcome." He said that when he assumed the role of its conscience.

And now he is gone. And we are left to carry on. But we are not alone. We are not without him.

For he is the rock upon which we shall build a greater society.

Let us continue. And surely we shall overcome.

Mr. JOHNSON of California. Mr. Speaker, we are going to miss Lyndon Johnson probably more than we realize today.

Those of us who knew him and worked with him and supported him will miss his vision, his compassion, his legislative intuition and skills that moved ideas into reality.

But even more, our citizens will miss him—the poor, the sick, the old, the disadvantaged—all of those who had a friend as President who was determined to do what he could to turn the vast resources of our country toward doing what is right for the people.

I only wish that the tribute of today, the vast outpouring of recognition of the man he was, of the things he achieved, could have been expressed in his lifetime.

Harry Truman, who left the Presidency some 20 years before his death, benefited from the study and evaluation and finally, the general recognition that he indeed was one of our great Presidents.

I have no doubt that 20 years from now the scholars and historians who evaluate the Johnson years will give him the highest marks as a man and as a leader during most trying times.

President Johnson confronted the critical and fast-moving events of his day with the determination to make the decisions that would serve the greatest good for the greatest number of people.

I am glad that I was able to support him during these critical years and I remember with pride his letting me know on more than one occasion that I was one of those he could depend on and rely on.

Mrs. Johnson and I will miss him. We extend our affection and best wishes to his family.

Mr. SMITH of Iowa. Mr. Speaker, I am glad to join in this tribute. While anything I could say at this point would be redundant because our Speaker, majority leader, minority leader, and members of the Texas delegation have already most appropriately expressed the feeling of Americans. However, I also want to take this occasion to announce that I am today introducing a bill to designate the Interstate Highway System as the Rayburn-Johnson Highway System. These great leaders were responsible for devising a method and a means for building this system which is almost completed and links all of the United States today.

There were many proposals under which most of the money would have gone for interest payments, and periodic infusions of money followed by slowdowns would have amounted to a no-plan plan. But these great leaders, Sam Rayburn as Speaker of the House and Lyndon Johnson as leader of the Senate, saw the need and in a great exercise of leadership devised a successful plan for accomplishing the objective, using the resources of the Federal and State Governments as well as great private expertise. Both great leaders have now passed on and I think it is most appropriate at this time that the system be named the Rayburn-Johnson Highway System.

Mr. MADDEN. Mr. Speaker, I wish to commend Congressman WRIGHT PATMAN, the dean of the House of Representatives for securing this time on the House floor today for himself and other Members to pay tribute to our former colleague and departed President Lyndon Baines Johnson.

During the 79th Congress, which was my second term, I served on the Naval Affairs Committee with Congressman Lyndon Johnson. I became acquainted with him as a co-member of this committee and have always admired his ability, not only as a legislator but also his great service in the U.S. Senate, particularly as leader of the Senate. Lyndon Johnson's leadership in the Senate was outstanding. His ability as legislative leader was recognized by all Members of that body, as well as Members of the House. He was a master in the art of legislative compromise which resulted in the passage of many legislative bills for the benefit of humanity and the Nation.

At the 1960 Democratic Convention, when John F. Kennedy was nominated, he greatly aided the Democratic ticket nationally by becoming a candidate for Vice President which resulted in a great Democratic victory throughout the Nation.

After the unfortunate tragedy to President Kennedy, at Dallas, Tex., Vice President Johnson was sworn in as President and carried on the various programs which President Kennedy had sponsored during his 1½ years as our Executive and he enacted many additional legislative programs. He exhibited the same outstanding ability as an Executive that he displayed as a legislative leader of the Senate.

During his almost two terms as President of the United States, he accomplished more than any President in history with the possible exception of President Franklin Roosevelt in successfully placing upon the Federal statute books more progressive legislation than any President in the history of our country.

The Civil Rights legislation which had been debated, postponed, stalled, filibustered, and neglected for generations was enacted into law through the extraordinary persuasion and finesse of Lyndon Johnson. Housing legislation, social security expansion, medicare, health, rural, and labor bills were enacted and expanded during his regime in the White House.

His patriotism and dedication to his country and his sense of sincerity and responsibility toward all segments of our citizenry was unquestioned. I, along with other members of congressional committees was invited to the White House by President Johnson to participate in his ceremonies of signing many important bills for the benefit of the impoverished and the middle- and low-income population of the United States.

Lyndon Johnson was a common man who could occupy the highest office in the world with dignity, ability, and not lose the common touch because he as a youngster and student in grade school, high school and college mingled with all stratas of society in his native Texas. Even as President of the United States when meeting friends in the White House or at State functions he always had time to stop and converse and greet old-time friends from all segments of life.

The Nation for generations to come will be enriched and benefited by the long public service of Lyndon Baines Johnson through his sagacity and foresight in fighting for principles that would be beneficial to all segments of our Nation's population.

When President Johnson's casket was flown to Washington and placed in the rotunda of the Capitol tens of thousands of his adoring public marched by and paid tribute to his memory during the afternoon and night after the ceremonial tribute. I wish to join with all our citizens in extending this farewell tribute to a great leader and extend sympathy to his wife, family, and relatives in their bereavement.

Mrs. SULLIVAN. Mr. Speaker, in 1952 when the Democrats had a fine candidate for President of the United States in Gov. Adlai Stevenson of Illinois, the attacks on President Harry S Truman had become so bitter and mean that those who were masterminding the Stevenson campaign decided to make a particular point of disassociating the Stevenson candidacy from the Truman administration, on the assumption that Mr. Truman was an unpopular President. But regardless of what was being said about him at the time by his political enemies, President Truman had deeply impressed the American people with his sincerity and his compassion and his courage, and as the years went by history more and more accorded him the greatness he had earned in office. Had he run for reelection in 1952, I am sure he would have won.

And if Lyndon B. Johnson had run for reelection in 1968, I am sure he would have won, too, despite the attacks which were then being made upon him and his administration. For he, like Truman, had had the courage to fight for the kind of legislation which the people of the United States wanted and needed, and his achievements in the fields of health, safety, consumer protection, economic opportunity, civil rights, natural resource development, transportation, conservation, and economic expansion were of such vast scope that it will take us years to appreciate their real significance.

His decision not to run for reelection reflected his consuming desire to find a way to terminate the tragic war in Vietnam, since his own efforts in this respect had succeeded only in bringing the Paris peace talks into existence but with no prospect at that time of any agreement. So he relinquished an office in which he was a superb practitioner of the art and science of government—an office he filled with great distinction and effectiveness—in the hope that his stepping down would enable his successor to achieve the peace which eluded him. The bitterness over the war so clouded the political atmosphere of 1968 that to many articulate Americans, Lyndon Johnson was a failure as a President and a man to be vilified. But the outpouring of genuine grief which marked his premature death demonstrated the deep regard in which he was held as a President and as a man by the millions upon millions of Americans of every race, creed, color, and economic station who recognized the tangible results of his unprecedented achievements as a President of and by and for the people. Presidents Truman and Johnson had much in common in that respect.

A few days before President Johnson left office, an attempt was made to bring into focus the remarkable achievements of "The Johnson Years" in a book presented to President Johnson at a dinner in New York City on January 13, 1969. I felt deeply honored to be the only Member of Congress to contribute to this presentation volume. My assignment was to discuss in a few short paragraphs the contributions made by the Johnson Presidency to the protection of the American consumer.

Now, in looking over that volume of capsule evaluations of the Johnson Presidency; by a score or so of prominent Americans who were closely associated with Johnson administration objectives but including many who were not a part of the Federal Government themselves, I am struck by the incisiveness of the judgments expressed 4 years ago as to what his great achievements really were.

TRIBUTE BY JAMES MAC GREGOR BURNS

The historian, James MacGregor Burns of Williams College, summed up the stature of the man in this overview of the Johnson Presidency which began the volume:

OVERVIEW

(By James MacGregor Burns)

> Last winter I stepped out onto the balcony of the White House in the company of the President of the United States. In the distance the figure of Thomas Jefferson gleamed like a jewel in his marble pantheon—and I thought of the greatness of the first Democratic President of the United States and of the littleness of some of those who attacked him. We were standing on "Truman's balcony"—and I remembered the absurd criticism by those who were dead set against any kind of change, whether of architecture or of policy.
>
> History has a way of siphoning into oblivion the petty and the irrelevant and of measuring up the real stature of a man. His-

tory does not supply one final verdict but many assessments. Those assessments add up to as final a judgment as a man can receive on earth.

Some historians will remember Lyndon B. Johnson as the man who declared total war on poverty, deprivation, disease, and ignorance—and who threw himself, day and night, into the leadership of that battle with every ounce of energy he possessed.

Other historians will remember him as the man who—like Jackson and Wilson and Truman—suffered criticism because he stuck to the course that he believed was right; a man who endured attacks with the patience and tolerance of a Lincoln; and as a man who risked the consensus he cherished because he put duty and conscience over an easy popularity.

Still other historians will remember him as the man from the South and from the Senate who made a personal and political commitment to full opportunity for black Americans—a commitment that stamped him as truly the President of all the people and a symbol of hope for the whole nation.

Students of government, like myself, will remember Lyndon Johnson for a further and special reason. He was the first President to recognize fully that our basic social ills are so rooted in encrusted attitudes and stubborn social structures that no single solution or dramatic crusade will solve them; the first President to see clearly that only a total attack across the widest front, with every possible weapon, would bring a breakthrough; and the first President to propose basic institutional changes to make a total attack possible.

No one defined the problem better than the President himself: "Our democracy cannot remain static, a prisoner to the past . . . Government itself has the continuing obligation—second to no other—to keep the machinery of public participation functioning smoothly and to improve it where necessary so that democracy remains a vital and vibrant institution."

OTHER CONTRIBUTORS TO THE "JOHNSON YEARS"

Mr. Speaker, there followed then a series of summarizations of Johnson administration achievements in many different fields, accompanied by a list of landmark laws enacted at President Johnson's request and with his vigorous participation.

Those who contributed short chapters for the presentation volume and their affiliations at the time were:

Foreign Affairs—McGeorge Bundy, president of the Ford Foundation; National Defense—Robert S. McNamara, President of the International Bank for Reconstruction and Development; The Economy—Walter Heller, University of Minnesota; Civil Rights—Ralph Ellison; Poverty—Carl B. Stokes, Mayor of Cleveland; Education—John W. Gardner, Chairman, the Urban Coalition; Health—Michael E. DeBakey, Baylor College of Medicine; Housing and Urban Development—Edgar F. Kaiser, chairman of the board, Kaiser Industries Corp.; Farming and Rural America—Herschel D. Newsom, past master of the National Grange; Older Americans—Wilbur J. Cohen, Secretary of Health, Education, and Welfare; Transportation—Ben W. Heineman, president, Northwest Industries, Inc.; Law and Justice—Tom C. Clark, Associate Justice of the Supreme Court of the United States, 1949–67; Excellence in Government—Kermit Gordon, President, the Brookings Institution; Federal State Partnership—Nelson A. Rockefeller, Governor of New York; Business Government Partnership—Henry Ford II, chairman of the board, Ford Motor Co.; Labor Government Partnership—George Meany, President of the American Federation of Labor and Congress of Industrial Organizations; Quality of the Environment—Laurance S. Rockefeller, Chairman, Citizens' Advisory Committee on Recreation and Natural Beauty;

Protecting the Consumer—Leonor K. Sullivan, Member of Congress, chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency; Space—James E. Webb, former Administrator, National Aeronautics and Space Administration; The Arts and Humanities—Roger L. Stevens, Chairman, National Council of the Arts.

A FEW OF THE LANDMARK JOHNSON LAWS

Mr. Speaker, the mere listing in this book of the remarkable laws and administrative actions taken during the Johnson years in the White House in each of these fields is almost overpowering. Included among the consmer protection listings are:

The Truth in Securities Act of 1965; the Traffic and Highway Safety Act of 1966; the Fair Packaging and Labeling Act of 1966; the Child Protection Act of 1966; the Flammable Fabric Amendment of 1967; the Product Safety Commission Act of 1967; the Fire and Safety Research Act of 1967; the Truth in Lending Act of 1968; the Meat and Poultry Inspection Act of 1968; the Gas Pipeline Safety Act of 1968; the Hazardous Radiation Act of 1968; and establishment of consumer representation in the White House and Justice Department.

Many, many more consumer measures are listed under other headings in the volume, such as medicare, the food stamp program, the Water Quality and Clean Air and Solid Waste Disposal Acts, innovative new housing programs, the Law Enforcement Assistance and the Safe Streets Acts, and numerous others. The Johnson record in office matches or exceeds that of any other administration in the history of our Nation in working effectively for the well-being of all citizens.

President Johnson not only built upon the accomplishments of such illustrious predecessors as Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, and John F. Kennedy but blazed new paths in many areas of economic improvement and the health of the American people.

LAWS IN WHICH ALL AMERICANS CAN TAKE PRIDE

In the consumer field particularly, President Johnson was outstandingly successful. In my tribute to his administration's consumer record, in my contribution to the book presented to him on January 13, 1969, I stated:

> From the standpoint of the well-being of the American people as consumers, the past five years have been the most dramatic and productive in our entire history. And the credit for this remarkable change in the consumer's long-neglected status belongs entirely to President Lyndon B. Johnson. The results will stand always as a tribute to his deep concern for people, and his determination to assure a better, safer, healthier, happier life for all Americans.
>
> From his first days in the White House, President Johnson initiated a drive for far-reaching and long-needed consumer laws which was as effective as it was unrelenting. Furthermore, through establishment of the White House office of Special Assistant to the President for Consumer Affairs, he brought the Voice of the Consumer into the highest counsels of government. To this office, he named first Esther Peterson and then Betty Furness, dynamic women of outstanding ability, who succeeded in creating throughout the Federal Government, and in the States as well, a new sense of public agency awareness of government's obligations to consumers.
>
> As one who has made consumer causes my main concern in the Congress, I am convinced that without President Johnson's wholehearted leadership in this field, the impressive catalogue of landmark consumer laws of the past five years could never have been achieved. These are laws in which all Americans can take pride.
>
> Leonor K. Sullivan,
> *Member of Congress, Chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency.*

Mr. Speaker, I shall always treasure the inscription in the volume he sent to me, thanking me for helping to "give the consumer a voice." Had it not been for the vigor with which he galvanized his entire administration into support of the Food Stamp Act of 1964 and the Consumer Credit Protection Act of 1968 and other measures which I sponsored which were bitterly opposed at the time, I know they would never have become law, or would have been so watered down as to be virtually nothing more than shells.

Franklin D. Roosevelt once said the American people had a "rendezvous with destiny." Lyndon B. Johnson exemplified that concept in his untiring drive to make this a better country for every citizen. We and those who come after us will all be in his debt for the achievements of his Presidency.

Mr. BOLAND. Mr. Speaker, I join with my colleagues in the House and with Americans everywhere in mourning the loss of a great American President, Lyndon Baines Johnson, whose passing on January 22 came within a month of the death of another great President, Harry S Truman, on December 26, 1972.

Both former Presidents will long be remembered for the role they played in providing medical care for the needy in America; President Truman for his proposal of a medical aid program to the Congress in 1949 and President Johnson, who fought for the enactment of medicare by the Congress and signed it into law in 1965 with President Truman by his side.

Historians of the future cannot escape linking the names of these two former great Presidents, Harry S Truman and Lyndon B. Johnson, to the epoch leadership they played in placing the first meaningful civil rights law on the statute books since President Abraham Lincoln signed the Emancipation Proclamation one century earlier.

Harry S. Truman, as President, had the courage to propose civil rights to the Congress in 1948; and Lyndon B. Johnson, as Senate majority leader, floor managed the first voting rights legislation onto the lawbooks in 1957, and as President saw the fulfillment of that goal by signing the Civil Rights Act of 1964.

Mr. Speaker, President Johnson was

indeed one of America's great public servants, as a congressional secretary, as a Member of this House, as a Senator from Texas and Senate majority leader, as Vice President and President of the United States. All of his years in Washington were devoted to helping the poor, the sick, the uneducated, the oppressed, and those whom society had forgotten or ignored. His public life was filled with controversy because he was a man of decision, and a man who cared.

One of Lyndon B. Johnson's close friends and confidants on the Washington scene for many years, former Supreme Court Associate Justice Abe Fortas, summed it up eloquently when he said of the former President:

> Above all, let us remember that he was a large man, of enormous strength and intense dedication. He was a man alive, vital, eager, restless, warm and passionate. He was America. He was America's frontier, without which America is just another tired, retreating society, headed towards mankind's end and not towards the fulfillment of its dreams.
>
> Let us not lose our way. Let us honor him by continuing the ascent which he began.

Mr. Speaker, the ascent to which former Justice Fortas refers reads like a litany of Lyndon Baines Johnson's legislative accomplishments: civil rights, medicare, Elementary and Secondary Education Act, Higher Education Act, Older Americans Act, the War on Poverty, the Immigration Act abolishing discriminatory national origins quota system, Mental Health, Heart, Cancer, and Stroke Acts, housing programs and model cities, the Water and Air Pollution Acts, the Truth in Packaging Act, Auto and Highway Safety Acts, Child Protection Act, minimum wage and social security liberalization, increased veterans benefits and a new GI Education Act, the Wholesome Meat Act, the Flammable Fabrics Act, the Age Discrimination Act, Vocational Training Act, and the Library Services and Construction Act.

President Nixon aptly said in his tribute that President Johnson's concept of the American dream was no catch phrase to Lyndon Baines Johnson:

> He believed in America—in what America could mean to all of its citizens and what America could mean to the world. In the service of that faith, he gave himself completely.

Mr. Speaker, the many accomplishments of Lyndon Baines Johnson speak for themselves.

It must have been gratifying for him to know before his untimely death that in the 4 short years since he left the White House, his long-sought quest for peace in Southeast Asia was coming to fruition as a result of the Paris peace talks he initiated; and that his fellow countrymen were favorably viewing his Presidency with a new perspective as one of enlightenment, progress, and compassion for less-fortunate Americans.

As we mourn the passing of this physically large and dynamic leader of unshakeable courage, we are grateful for the life God gave him and for the useful purposes to which he channeled his every breath and ounce of energy for the benefit of his fellow man. I join my colleagues in offering profound sympathy on behalf of myself and the citizens of the Second Congressional District of Massachusetts to President Johnson's beloved wife, Lady Bird, and to their daughters, Lynda and Luci, in their great hour of sorrow.

Mr. Speaker, I include with my tribute at this time editorials from the Springfield, Mass., Daily News of January 23, and the Boston Globe of January 24, and former Justice Fortas' tribute to President Johnson in the New York Times of January 25, 1973:

[From the Springfield (Mass.) Daily News, Jan. 23, 1973]

LYNDON JOHNSON FOUGHT FOR RIGHTS

It is fitting that, in his last public speech little more than a month ago, Lyndon Baines Johnson spoke out once more for civil rights—the area of human need in which the 36th President of the United States made his greatest contribution to our society.

Pictures of that civil rights symposium at the LBJ Library in Austin gave the initial impression that Mr. Johnson had aged suddenly—faster than his 64 years should allow. But the lasting impression was that the passage of time and withdrawal from public life had not dimmed Mr. Johnson's abiding passion for equal rights for his fellow Americans.

He spoke softly but with deep conviction as he appealed for a unified effort to advance new civil rights programs and told opposing factions at that symposium: "We shall overcome!"

Indeed, the tall Texan with the Southern drawl and the down-to-earth manner did overcome. If the time was ripe in the mid-1960s for passage of the first meaningful civil rights legislation in America's history, it is to President Johnson's great credit that he was the unifying and moving force responsible for getting this historic legislation through Congress.

Mr. Johnson's social legislation, the outgrowth of his Great Society policies, was unquestionably the distinguishing feature of his administration—just as, in contrast, the war in Vietnam was his political albatross.

Without Vietnam, history would, most likely, rank Mr. Johnson as one of America's greatest Presidents. Despite Vietnam, historians will, in assessing his White House years, have to consider that Mr. Johnson's record of legislative accomplishment in Congress is unequaled in recent times.

Lyndon Johnson was a consummate politician. No President was more adept at maneuvering Congress into doing his bidding—a mastery of the high political art of compromise developed in his days as a congressman and senator and refined during his eight years as Senate majority leader.

Unfortunately, Mr. Johnson's skills in behind-the-scenes political maneuvering were not translated to his public image. He was not a good public speaker. And it was easy to let the recited speeches and the Texas drawl divert attention from the significance of his message, and even obscure his deep sense of dedication to the achievement of a better society for all Americans.

Lyndon Johnson developed his political skills early on. It seemed that politics and LBJ were a natural combination. In contrast to Harry S Truman who labored for years in the political vineyards before achieving recognition and success, Lyndon Johnson first appeared on the Washington scene, as a secretary to a congressman, at age 23. He became a congressman before he was 30 and advanced to the U.S. Senate slightly more than a decade later. He was only 46 when he was chosen by his colleagues for the most prestigious and powerful Senate job, majority leader.

But if his early political brilliance and his legislative accomplishment as Democratic leader in the Senate eminently qualified him for advancement to the presidency, this advancement came under tragic circumstances—the assassination in Dallas of President John F. Kennedy on Nov. 22, 1963.

Again, it is to Mr. Johnson's credit that, recognizing the depth of the nation's loss and the very painful transition of power in the White House, he devoted his efforts, first, to carrying on President Kennedy's unfinished programs.

Lyndon Johnson will be remembered for many things during his five years and two months as President. He fashioned his own Great Society. He instituted a national War on Poverty. He carried on the Peace Corps, the Job Corps, and put the full weight of the federal government behind an effort to improve the lot of millions of Americans who had never before been given the opportunity for better schools, better housing, participation in the election process, and, in fact, equal rights in all areas of American life.

On July 2, 1964, President Johnson signed the civil rights bill—opening up to blacks all hotels, motels, restaurants and other businesses serving the public. This historic law also guaranteed equal job opportunities for all.

But, LBJ will also be remembered as the President who got America deeper and deeper into an increasingly unpopular war in Vietnam and, try as he might, could not get us out.

Under mounting criticism and attack, even from his own Democratic party, Mr. Johnson did not seek re-election to a second full term, opting instead to devote his final months in office to efforts to achieve peace in Vietnam.

This peace never came. And it will remain a paradox of history that this man who labored so hard and so successfully to advance human and humane causes at home was, to reverse the saying, a prophet without honor in Vietnam. He was a man of peace who was hailed for his concern for the needs of Americans, and, simultaneously, a man of war—reviled by many for his hard-line war policies in a distant land.

History may record that this skilled politician's greatest triumph was his smashing election victory over Sen. Barry M. Goldwater in 1964. And history will doubtless point to his summit meeting at Glassboro in 1967 with Russian Premier Kosygin as a highpoint of the Johnson presidential years.

But, the thought persists that the finest hour for Lyndon Baines Johnson came last Dec. 12 in that civil rights symposium in Austin when—his shoulders stooped, his hair graying, and his steps almost hesitating—he returned to the rostrum to mediate a civil rights dispute and appeal for a cause in which he believed so deeply and so sincerely.

Americans and the entire world are shocked by President Johnson's sudden and premature death at age 64.

We mourn his passing. And we pay tribute to this man who fought so courageously and untiringly for civil rights, and for a better America.

[From the Boston Globe, Jan. 24, 1973]

L. B. J.—WE SHALL OVERCOME

The entire nation has reason to mourn the death of Lyndon B. Johnson, which has come so soon after the passing of our only other former President, Harry S. Truman.

We say this notwithstanding the fact that Mr. Johnson presided over the most unpopular war in American history, the one about which President Nixon addressed the nation last night.

But there was also another Lyndon Johnson. He played a leading role—and we were surprised to find no reference to it in the pages of print about him yesterday—in keeping us out of war in Vietnam back in April of 1954. He was Senate Majority Leader then, and John Foster Dulles called eight congressional leaders before Adm. Arthur W. Radford, chairman of the Joint Chiefs of Staff, and told him President Eisenhower wanted a joint resolution permitting air and naval attacks.

Johnson vigorously opposed it, and we stayed out of war for seven or eight more years. Then, tragically, it came. He did not start it, but might have stopped it. To his great credit he did finally stare down his generals in March of 1968 and refuse the massive reinforcement of US troops they were seeking.

By then he had lost the majority that in 1964 had given him what still stands today after President Nixon's recent landslide as the largest percentage of the popular vote ever given to a presidential candidate. And by the time of his decision not to run again, he had accomplished much with the support that vote gave him in Congress.

It was this other Lyndon Johnson who, even before that, persuaded Congress to enact in 1964 the most meaningful Civil Rights Law in a century. And there were other major accomplishments of his campaign for a "Great Society," such as laws giving massive Federal aid to our schools, medical care for the aged and funds for his war on poverty.

He tried to mix the two wars, and they wouldn't mix, any more than guns and butter. This was his tragedy.

Yet there is great hope for the country in much of what he said and did. And surely one of the best farewell addresses was his impromptu speech only last Dec. 12, before a heated audience in Austin, Texas:

"I believe that the essence of government lies with unceasing concern for . . . every individual . . . regardless of color, creed, ancestry, sex or age. . . . To be black, I believe—to one who is black or brown—is to be proud, to be worthy, to be honorable. But to be black in a white society is not to stand on level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. . . . We must get down to the business of trying to stand black and white on level ground."

It was a most moving speech right down to his very last sentence and very last words: "And if our efforts continue, if our will is strong, if our hearts are right and if courage remains our constant companion then, my fellow Americans, I am confident we shall overcome."

[From the New York Times, Jan. 25, 1973]

He Was America

(By Abe Fortas)[1]

Washington.—Let us remember Lyndon Johnson's greatness. Let us remember his love for people. To him, people were not statistics. Each of them was a warm, real, living human being, endowed with the spark of immortality. He could not believe that any of them was less deserving than any other of dignity, of compassion, of a position in the world of mankind.

Let us remember the totality of his dedication to his role, unsparing and unflagging.

Let us remember the fullness of his understanding of his nation, of its roots, its meaning, its mission. Let us remember that he was determined that his nation should fulfill and not frustrate its destiny.

Let us remember that it was he who, risking constituency and traditional friends, vowed faithfulness to the impossible dreams of President Kennedy; and that it was he who made them come true.

Let us remember that he led and drove the nation to a new plateau of humanity; that it was Lyndon Johnson who breathed life and vitality into the mutilated body of our Constitution's noble principles; that it was he who destroyed the ideological ghetto left by slavery's habits; that it was he who insisted that twenty million black people, too, are entitled to a jury of their peers, to a vote, and to equality of opportunity; that it was he who marshalled the nation's forces in an assault upon a disgraceful poverty; that it was he who committed the nation to the cure of illness and the cause of health; that it was he who dedicated the nation's resources to providing education for all.

Lyndon Johnson transformed his nation. He saw to it that the forgotten people of the New Deal, the blacks and abjectly poor, are no longer forgotten—and this is Lyndon Johnson's achievement.

Let us remember his sad, heartbreaking words about the misery of Vietnam which he inherited: "Peace has eluded me." He sought peace, not victory, in Vietnam; and when the successive application of force did not bring the enemy to the peace table, he gave himself to the cause. In March of 1968 he sacrificed his career and his future, as an earnest of good faith, to further the cause of peace. It was this, as much as any other event, that marked the beginning of the long and agonizing road to an agreement in Vietnam.

Above all, let us remember that he was a large man, of enormous strength and intense dedication. He was a man alive, vital, eager, restless, warm and passionate. He was America. He was America's frontier, without which America is just another tired, retreating society, headed towards mankind's end and not towards the fulfillment of its dreams.

Let us not lose our way. Let us honor him by continuing the ascent which he began.

Mr. DELANEY. Mr. Speaker, like multitudes of people throughout the world, I was deeply saddened by the untimely death of former President Lyndon B. Johnson.

As Congressman, Senator, Vice President, and President of the United States, his name will long be remembered for the numerous legislative proposals which were enacted because of his dedication and skill.

Lyndon Johnson was pre-eminently a legislator. As a protege of the late Speaker, Sam Rayburn, he learned the legislative process thoroughly, and developed a unique and exceptional ability to guide complex and difficult proposals through the Congress.

For some years, Mr. Johnson, as Senate majority leader, and Mr. Sam, as Speaker of the House, performed as a legislative team whose effectiveness is unlikely to ever be surpassed.

Lyndon Johnson was a man of the people. He rose from humble origins to become President of the United States, a position which the people of this Nation have entrusted to only 36 others.

During his Presidency he worked day and night with dynamic intensity to make America a better place in which to live. He was particularly concerned about civil rights, education, public health, and improving conditions for the poor. He was a man of great compassion, who was devoted to improving the condition of our less fortunate citizens.

Those of us who had the privilege of knowing him and working with him will long cherish our association and friendship.

Texas has lost a favorite son. The United States has lost a great leader and a devoted public servant.

I extend my deepest sympathy to Mrs. Johnson, and their two daughters, Lynda and Lucy.

Mr. RODINO. Mr. Speaker, yes, I served under L. B. J.—I, along with many of my distinguished colleagues here in this Chamber today. I knew him, however, not only as my President, but also as my friend. He, himself, told me so, during the 1964 Presidential campaign, while driving with me through my home town of Newark, N.J. "I can tell what's in a man's heart," our 36th President would often say, "by looking straight into his eyes." "And you," he said, "I'm looking at you straight, right here," pointing a finger directly at my nose and right between my eyes—"I can tell that you are my friend."

President Lyndon Johnson had a way of saying something which really got through to us. He had a way of making one feel really close, of really drawing one in. He sought loyalty, and at the same time, he gave loyalty. As a great leader, he had the ability to bring together other leaders, to work out together his blueprint to overcome the crippling legacy of bigotry and injustice, which had been plaguing, for too long, his people. His style, his nature, his character was strong, intense, tempestuous, earthy. He was a mover and a doer. In a sense, he was overwhelming—so electric, so extremely powerful, yet so compassionate and so filled with great visions and great dreams.

I remember him telephoning in 1966 to congratulate me upon the successful passage of his Open Housing bill in the House. "Pete, this is Lyndon," he said, "Lyndon" . . . No matter when I would come to the White House, he would always make it a point to stop, to introduce me to whomever he was with, and to ask me to come along with him for awhile. I often recall his declaration that first he was a citizen of the world, a human being, then he was an American, and finally he was a Democrat—all in that order. His ability to make each of us feel very special, to make each of us feel we had a most important part to play in the progress of our world, was indeed a most remarkable gift.

On Wednesday, January 24, Haynes Johnson shared his impressions of our late President, with the readers of the Washington Post. Because the "Recollections" of Haynes Johnson touch deeply the hearts of all of us who knew L. B. J. over these many years and because the experience of this author could easily have been our experience had we lunched with President Johnson along with the rest of the Post press corps that Tuesday, April 7, 1970, I would like to enter, at this time, Haynes Johnson's remarks into the body of this Record:

Recollections

(By Haynes Johnson)

Perhaps the most poignant aspect of Lyndon Johnson's death is that this most public man, who was in his element when surrounded by cheering crowds, died alone, calling for help.

His wife, who had stood by him in every crisis and on whom he relied so much, was away. His daughters, grandchildren, cronies and friends whom he loved to regale with his inimitable stories were absent.

He reached for a phone in his bedroom at 3:50 p.m., we are told, and asked for the head of his Secret Service detail. The agent was in a car at the time, so another agent answered the call. Mr. Johnson asked him to come immediately to the bedroom without saying why.

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[1] Abe Fortas was a close friend of President Johnson and an Associate Justice of the Supreme Court.

When the agents arrived, they found the 36th President lying on the floor next to his bed, apparently dead.

His death came quietly, in lonely seclusion, after a stormy life played out so largely in public view.

It is that vibrant life that Washington is recalling today as Lyndon Johnson's body is borne back to the Capitol he once dominated.

While memories are fresh, and before the stories pale, let one last recollection be recorded. It is an account of the last time many of us at The Washington Post saw Lyndon Johnson.

He came to lunch that Tuesday, April 7, 1970. Nearly five hours later he left us all drained, fascinated, enthralled and full of questions that never could be answered or resolved.

Probably none of us present that day could successfully capture or reconstruct all the moods, the language, the mobile expressions or the specific points made. It was, at the least, a virtuoso performance. He was soft, sarcastic, crisp, commanding, anecdotal, colorful—and in the end confounding as always.

Lyndon Johnson was telling us his story, and speaking to his place in history. He was a salesman, and the ex-President came prepared with the goods in the form of stacks of papers marked Top Secret and Top Secret Sensitive. Over and over, he read from the various memoranda, letters and other documents to back up his positions.

In retrospect what was most memorable about his performance was not what he said about the war or other aspects of his presidency. It was the two sides of Lyndon Johnson displayed that day that made the most lasting impression.

It was a subdued, somber Lyndon Johnson who first appeared. He had only recently recovered from a stay in a San Antonio hospital, where he had been admitted suffering from chest pains, and his initial conversation was all about his health. He had aged dramatically.

"He came in a little after 12:30" Richard Harwood wrote immediately after the long luncheon, "looking less tall, less bulky than I had remembered him. His hair was almost completely white and was growing long in the back in the old-fashioned Southern senator style, the way Mendel Rivers wears it.

"His illness showed in his face, I thought, and from the side his skin had the yellowish-gray look you find on extremely sick men. His hands were mottled with crimson splotches; there was a scab on the back of one finger and lots of freckles, all of which brought images of an old man."

Lyndon Johnson's own manner reinforced the impression. He seemed tired, withdrawn, quiet, and appeared preoccupied with problems of his health. He was on a diet of 850 calories a day, he said, and he was getting back his strength gradually. There had been quite a bit of pain this time, he said. His trouble really had begun the previous spring when he was working on his ranch.

He liked to get out and take his exercise, he went on slowly. One day he was laying lengths of pipe, lifting and placing them in the mud. Suddenly he became short of breath and began to experience slight pains in his chest. He remembered stopping his work without realizing quite why.

For nearly the next hour at the luncheon, he continued in the same vein. He was the elder statesman, above partisanship.

There was none of the old remembered Johnson fire and flash, none of the earthy anecdotes about men and events. He would not comment on Richard Nixon. He preferred to speak philosophically, it seemed, to talk about the memoirs on which he was working each day, to reflect on the higher problems of the presidency (he favored a single six-year term, and he didn't think being a lame-duck President necessarily reduced a chief executive's power).

But gradually his manner and mood changed. He began talking about Vietnam, and suddenly he was more vigorous and assertive. He folded and unfolded his napkin, began leaning forward, rocking back and forth in his chair, speaking first softly and then loudly. Now he was, clearly, LBJ.

To quote Harwood's recollections—one of many we all composed that day—"As he talked he seemed to take on another appearance. The pallor and signs of sickness went away and all of a sudden you were sitting with a vigorous, commanding, strong man whose mind was so clear, so well-organized, so quick that you instantly became aware of the power of his personality, of the ability to dominate and persuade and overwhelm."

Much of what he said that day about Vietnam has since appeared in his book. But what was most fascinating was not what he said about the war and other problems, but how he said it.

LBJ was overpowering. He thumped on the table, moved back and forth vigorously, grimaced, licked his lips, gestured with his arms, slumped back into his seat, switched from a sharp to a soft story, and kept the conversation going from the moment he sat down at the dining table until hours later when his wife called The Post and sent in a note reminding him he should come home and rest.

As he reminisced, going back into his childhood and then on through his entire political career, he became more colloquial and more Texan. His Daddy used to whip him with a razor strop, he said, and "It hurt him more than it hurt me. But that's the kind of thing you have to do in a family." In a way, it was the same as being President: there were certain things you had to do that were unpopular, but you did them for the public benefit.

His language, and phrases, were picturesque:

"So I took a cold belly buster . . ."

"Anyone who's smart enough to pour water from a boot . . ."

"And Dick Russell said, 'I've been to the duck blind with the man. I know him. I may not agree with him on everything, but he's a good man, he cares for the people, and he'll try to do what's right (referring to his plans to nominate his friend, Judge Homer Thornberry of Texas, to the Supreme Court)."

"Those Laotians can't stop anybody. They just stand around throwing water at each other . . ."

"MacArthur pinned a medal on me for heroism. It looks good on my chest"—here, he fingered the Silver Star citation in his coat lapel—"but it's a good thing they couldn't see what that flight did to my pants."

"Now, I don't want you good people to have a heart attack here at this good table eating this good food. And if any of you has heart trouble, you better take nitroglycerine now, because the first person to urge me to halt the the bombing was Walt Rostow . . ."

He mentioned his wife, Lady Bird, and said, "She always knew how to handle me." Then he told how he had decided, in advance of the 1964 Democratic convention, that he was going to announce publicly that he would not be a candidate *that* year. But Bird, he said, talked him out of it. She told him she knew he would like to leave the White House, but that he would miss being where things were happening, and where he had a chance to accomplished everything he had worked for in 30 years of politics.

But that wasn't why he should run, he said she told him. "It would make it seem as though you were running away. Your friends would hang their heads in shame, your enemies would dance and rejoice."

He recalled a story from his early days as a young Texas congressman. Elliott Roosevelt, the President's son, came to him on behalf of electrical power interests in Texas, he said. This was at a time when LBJ was fighting the power companies there.

"I always liked Elliott," he said. "He was a good boy. But they'd got to him, and so he came down there to see me and asked me to ease up on them.

"He said he had talked with his Daddy and his Daddy wanted him to tell me that he agreed. So I said, 'All right, I'll do that, Elliott. But before I do, I want you to do one thing for me. I want you to go back to your Daddy and tell him I'll do it if he wants me to, but ask him to write me a letter, in his own hand, saying what he wants, and then sign it.' Well, I could see Elliott wasn't expecting that. I'd kind of roughed him up. So he said, 'Why do you want father to write you a letter? I've already seen him, and he wants you to do this.'

"And I told him, "Well, Elliott, it's this way: when I do what your Daddy wants and I come back to Texas they're going to run me out of the state. Now the nearest border is 150 miles away and that's over the bridge to Mexico. And I figure I can get to that bridge before they get me, and when I'm half way over, and on the Mexican side, I want to be able to turn around and stop and hold up that letter showing the signature of Franklin Delano Roosevelt so everyone can read it. Like this'."

He held up an imaginary piece of paper, relishing the role he was playing and the laughter it inspired.

LBJ was full of such performances. He acted out various roles. He mimicked people: Clark Clifford sitting up straight and dignified like this (he sat up very straight and very solemnly in his chair and folded his arms over his chest); Hubert Humphrey and HHH's reaction to the news LBJ was going to renounce the presidency in 1968: "I told him not to go off to Mexico, but I guess he didn't believe me." LBJ gave a "hee-hee-hee-hee-hee" rendition to show how silly Humphrey thought the idea.

Finally, after nearly five hours, Lady Bird's note was sent into the dining room asking him to come home. Lyndon Johnson became serious. "I want you to know," he said, "no matter how we differ about things, I feel I am at the table of friends, and I want to thank you for letting me come and visit with you."

Here he was, he went on, in the twilight of his years, among good friends. He had one more story to tell. It was one Sam Rayburn used to tell about a small Texas town.

Once, when Rayburn was just beginning as a politician, everyone important in that town had turned him down when he was looking for a place to spend the night—the banker, the newspaper editor, the judge. Finally a little old blacksmith said he would be glad to take Rayburn in for the night. Years later, after Rayburn had become famous and powerful, he came back to that town. Everyone clamored for him, the banker, the newspaper editor, the judge. They all wanted the honor of his staying with them.

No, Rayburn told each to his face, he didn't want to stay with them. But was that little old blacksmith still there. Yes, he was. Bring him to me, Rayburn commanded. When the blacksmith came, Rayburn told him: "Jeeter, I'd like to spend the night at your house if you'll have me." The blacksmith did, and kept Rayburn up all night talking. When Rayburn said he had to go to sleep, for he had a busy day ahead of him, tears welled up in the blacksmith's eyes.

"Mr. Sam, I'd just like to talk to you all night."

And that, Lyndon Baines Johnson said, was the way he felt about his friends at The Post.

> There were some bitter-end Johnson critics among those of us around that dining table, but when LBJ stood up to begin shaking each person's hand to say good-bye we all spontaneously burst into applause. Some of us had tears in our eyes.
>
> We thought we might never see his likes again. And perhaps we were right.

Mr. Johnson stated:

> The problem of an American President is not the problem of doing what's right. The President's problem is knowing what's right.

President Johnson felt he had "so much to preserve, so much to protect and so much to believe in." "I love this country," he would often say. And, all who heard his words were affected by this sincerity and this love. He wrote, as we well know, one of the greatest chapters of social legislation in our history. Now that the chapter has been written, it is left in our hands to breathe life into his words. In the Choices We Face, written by L. B. J. after he had left the White House, he reminded us:

> None of what we have achieved is self executing. Programs that express commitment to people must be funded. An education act cannot teach a single child. A housing act cannot give shelter to a single family, nor can a manpower act provide a single job, nor can a civil rights act give one human being the dignity and respect he deserves. The real test of our commitment is whether we are willing to achieve over a period of years what those acts only promise. The certain fact is that there is no turning back. No closing that door. We can weather our troubles now because the kind of America we seek is right and because the alternative, denying just hopes and risking a divided and hostile nation is intolerable.

Thus, President Lyndon Baines Johnson, in these words, let us know that he knew what was right. Ours is now the task to keep these promises, to make his vision of the Great Society live. For if his legacy of social, economic, and racial justice is to have any real meaning and any great effect on the people of this Nation, ours is now the task to do what is right.

Mr. OBEY. Mr. Speaker, much has been written and said about a great President who left us recently, the 36th President of the United States, Lyndon Baines Johnson.

Every American will carry in his own mind's eye his personal reminiscences of the Johnson Presidency. To me, the quality that marked the Johnson Presidency more than any other was a passionate concern for the little people of America. I am firmly convinced that Lyndon Johnson will be regarded by history as one of the great domestic Presidents of all time. True, some of the programs pushed by President Johnson have had administrative problems, but those programs defined the Nation's purpose to make available to all Americans opportunities which have not been equally shared in the past.

I think the one sentence which best sums up the Johnson administration in domestic affairs was uttered by one of Lyndon Johnson's political heroes President Franklin D. Roosevelt who said in 1936:

> Better the occasional faults of a government living in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.

Lyndon Johnson's record shows that he remembered that statement. Let us hope that as we go about our work in this next session of Congress we will remember them as well.

Mr. MATSUNAGA. Mr. Speaker, Lyndon Baines Johnson will undoubtedly be recorded in history as one of our truly great Presidents. More than any other President, he advanced the causes of civil rights and aid to the poor and downtrodden. During his administration, older Americans saw medicare become a reality to save them from crushing medical expenses. Headstart gave disadvantaged preschool children a chance to compete with others on a more nearly equal basis. The Elementary and Secondary Education Act of 1965 bears monumental witness to President Johnson's concern that all young Americans be afforded the chance to learn.

His proudest accomplishments were in the field of civil rights, where he fought for the enactment of law after law—the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968—all calculated to eradicate what he called "an injustice of decades and centuries."

Mr. Speaker, the name of Lyndon B. Johnson will always have a special meaning for Hawaii and its people, for without his leadership in the U.S. Senate when he was majority leader, Hawaii's bid for statehood would not have succeeded when it did. The East-West Center on the University of Hawaii campus will stand as a special living monument to President Johnson for it was he who almost singlehandedly enacted legislation for its creation after being convinced of its desirability by Hawaii's then Delegate to Congress, John A. Burns.

As I stood at his graveside at the L. B. J. Ranch in Texas, listening to the singing of the Battle Hymn of the Republic, I recalled my accompanying President Johnson on his first visit to Hawaii on Air Force One as President. He was so grateful to the people of the Island State for having given him one of the greatest pluralities of all the 50 States in the 1964 election, that he kept repeating to me, "Sparky, I love your people." I kept responding, "They all love you too, Mr. President." The people of Hawaii loved Lyndon Johnson and will miss him dearly. As one who was fortunate enough to experience the warmth of his friendship, I feel the emptiness which follows the loss of a dear friend.

All America will miss Lyndon Johnson. His irresistible manner, his commitment to equality for all Americans, his personal anguish over a war that eventually caused him to step down in order to bring peace, make him a man deserving of admiration and praise.

At Temple, Tex., last September 16, Mr. Johnson delivered a speech that may stand as his final farewell to the Nation he served—a deeply moving reaffirmation of faith. The following article from the January 23, 1973, Honolulu Star-Bulletin is adapted from that speech and I believe my colleagues will find it inspiring.

To Lady Bird Johnson and other members of the Johnson family, I extend my deepest condolences. They can be sure that their personal loss is shared by millions of people around the world.

[From the Honolulu Star-Bulletin,
Jan. 23, 1973]

AS THE DAYS DWINDLE DOWN

> (NOTE.—At Temple, Tex., last Sept. 16 Lyndon Johnson delivered a speech that may stand as his final farewell to this nation—a deeply moving reaffirmation of faith. The following article is adapted from it.)
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> TEMPLE, TEX.—With the coming of September each year, we are reminded, as the song says, that the days are dwindling down to a precious few. By the calendar, we know that soon the green leaves of summer will begin to brown; the chill winds of winter will begin to blow; and—before we are ready for the end to come the year will be gone.
>
> If we permit our thoughts to dwell upon this perspective, these days can become a melancholy season.
>
> As it is with the calendar, so it sometimes seems to be with our country and its system. For there are those among us who would have us believe that America has come to its own September. That our days are dwindling down to a precious few. That the green leaves of our best season are turning brown and will soon be falling to the ground. That before long we will feel the first chill wind of a long American winter—and that our nation's stand as mankind's "last best hope" will be done.
>
> For those who preach this prophecy—and for those who believe it—this period of our affairs can only be a melancholy season. But it is to that mood—and to the perceptions which foster it—that I want to address my remarks today.
>
> Over the course of a long, full and gratifying life, I have seen many Septembers and have known many autumns. In public service—and in private life—I have experienced a full measure of unwelcome winters. Yet melancholy is not a mood which I have ever allowed to weigh for long upon my spirits.
>
> I live—as I have always worked—by the faith that with each passing day, we are always approaching nearer to the beginning of a new springtime. It is by that perspective I see our country now.
>
> If I believe anything of this land—if I know anything of its people and their character—I believe and I know that we have not come to and are not approaching America's September.
>
> On the contrary, it is my conviction—a conviction which deepens every day—that this land and its people are quickening with the new life and new potential of what will become the springtime of a new America.
>
> I do not say this merely to offer reassurance in anxious times. Far from it, I intend what I say to be taken as a challenge—a challenge to every citizen of every age.
>
> No nation can be more than the visions of its people. Americans cannot be more than we believe ourselves capable of becoming. Thus we are directly challenged to choose between two very different perceptions of what we are and what we can make of America itself.
>
> On the one hand, we can choose to guide our course by the light of the bright perceptions—of America the beautiful, America the just, America the land of the free and the home of the brave.
>
> Or, on the other hand, we can choose to move toward the shadows of what some have called "the dark perception" of America the unclean, America the unjust, America the unworthy.
>
> For myself—as, I am sure, for many of you—there is no real choice. I want to open the soul of America to the warm sunlight of faith in itself, faith in the principles and precepts of its birth, faith in the promise and potential of its resources and skills and people. Yet I know that, in these times, this is not easy.

For too long, we have permitted the dark perception to pervade our midst. Day after day, month after month, the portrayal of America as unclean, unjust and unworthy has been ground into the consciousness of our people.

We no longer see the blooming flowers for we are searching for the litter. We no longer celebrate the many fresh triumphs of justice for we are lingering over the residue of yesterday's shortcomings. We no longer measure the miles we have come toward a more humane, civil and peaceful world for we are too busy calibrating the remaining inches of times we are trying to escape and leave behind.

This is our clear and present challenge.

When we permit these dark perceptions to dominate us, we are allowing our future to be shaped by visions that are small and mean and diminishing to our potential. We are, in simple terms, dooming those who come after us to know what could only be a second-rate America.

This is a future which I am unwilling to accept.

I have devoted my time on this earth to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits.

I do not intend now that second-rate visions shall set our course toward settling for a second-rate America. That is why I speak as I do now.

All through the pages of history we read the heart-rending stories of those who set out in quest of great goals and discoveries, yet when they were almost to the edge of success, they hesitated—not knowing or understanding how near they were to their aims. Out of that moment of hesitation, all too often they lost forever their opportunity to succeed.

In many respects, that seems to me to be a pattern we ourselves are in danger of repeating.

Over all the years of our nation's existence, we have been setting goals for ourselves and striving tirelessly to reach them. Those goals have been both the slogans and the substance of national affairs for generation after generation.

Full employment. Decent wages. Adequate housing. Education for everyone. Opportunity for all. Good health, good medical care, good hospitals for even the least among us. Above all, equal justice under the law for all our fellow men. America's goals have been simple and basic.

They have permeated and motivated all our institutions—churches and schools, professions and labor unions and corporations and foundations—as well as our government at every level.

All our American resources and strengths—private and public—have been committed to the effort and we have come very close to success.

Nowhere—over all the globe—have any people, under any other system, come nearer to fulfillment of such aspirations than we have under our system.

Yet, at the very moment we were near to realization, we have allowed our effort to go slack, our momentum to slow and we have entered a season of hesitation.

Why?

Basically, I believe, it is because we have not understood—and still do not fully comprehend—where we are or what we are about.

Whatever may be your own perception of where we are and where we may be heading, let me say for myself that I see little today suggesting that our system is failing—but I see all too much which convincingly argues that by our doubts and hesitation we may be failing the promise and potential of our system.

We are not living in times of collapse. The old is not coming down. Rather, the troubling and torment these days stem from the new trying to rise into place.

With our nation's past efforts, with our long and faithfully kept commitments with our infinite successes in so many fields, we have brought into being the materials, as it were, with which to construct a new America.

Faced with the task of such great dimensions, we have no time for melancholy. We have no cause for moroseness. We have work to be done—the greatest work any generation of Americans has ever faced. Believing that, I say—let's be on with our labors.

The essentials of a new America—a better America—are all on hand and within our reach. It is our destiny—and, I believe, our duty—to take up our appointed positions and commence the labors that will change what needs change among us.

Our real challenge lies not in suppressing change but utilizing it to vitalize and energize our society. Change is not our enemy. On the contrary, this society has no deadlier danger than refusal to change.

This is what I believe our young Americans are trying—and have been trying—to communicate to us. With their fine young minds, fresh new learning and clear new vision, they are seeing many segments of our society as it needs to be seen and understood.

The most frightening thing that could happen to us today would be for us to close our eyes to new ideas, and to close our ears to those—particularly the young, in whom we have invested so much hope and effort through the years of our existence—who are trying to tell us how they would go about perfecting the visions of America.

It is just such spirit that we honor on this occasion. It is by restoring that spirit to our lives and our nation's life that we can honor our own trust as Americans.

Mr. CARNEY of Ohio. Mr. Speaker, all of us have been deeply saddened by the death of our former leader and President, Lyndon Baines Johnson.

We knew him not only as President—in his words—"of all the people," but also as a friend. No man worked harder for the causes he believed in than Lyndon Johnson. His major accomplishments were in the fields of civil rights and antipoverty programs, and his triumphant battle to secure a greater measure of justice for all Americans regardless of race, color, or ethnic origin, will live on as testimony to the greatness of the man.

He was a friend of labor, and he never lost sight of the needs of America's working men and women. He fought for a higher minimum wage so that the workers of our Nation might better share in the fruits of their labor. He saw the need for new health programs and he signed into law the program known as medicare.

Mr. Johnson called the 89th Congress "the fabulous 89th," because during that time some 86 administration measures were passed and sent to the White House for his signature. These measures were indicative of the man, Lyndon Baines Johnson, for they were destined to have far-reaching and beneficial effects on the whole quality of life in America.

It is difficult to take the measure of such a giant among men, or to express our feelings about him, in mere words. Perhaps the best way to describe Lyndon Johnson is by means of the words he himself spoke at his inauguration in 1965:

> We aspire to nothing that belongs to others. We seek no dominion over our fellowman, but man's dominion over tyranny and misery.

He now belongs to the ages. But surely history, with its widened perspective and wisdom, will accord him a place as one of our greatest Presidents.

Mr. STEELMAN. Mr. Speaker, Lyndon Baines Johnson was a many-faceted man. No words will be able to pin him down—no descriptions will aptly fit the man who served his country publicly for 41 years. He was a superior congressional leader and an able Chief Executive.

History will be kinder to Lyndon Johnson than many of his contemporaries were. His label as a warmonger will be exchanged for that of a man who was caught by circumstances in a superhuman situation. Vietnam will fade as Johnson is remembered as a President of the people—of all the people.

Where Lyndon Johnson was cursed for his foreign intanglements, he will be praised for his domestic achievements and legislative skill. He took the half-completed concepts of previous administrations and turned them into realities for the underprivileged. He was the champion of the minorities—a fighter who did battle for those people who could not fight for themselves.

Above all, Lyndon Baines Johnson was a Texan. A man of drive, compassion, insight, determination, and pride. Those of us who are Texans share a special sense of loss with his passing. But we can be proud that we come from the same background and heritage. We will miss him.

Mr. GOODLING. Mr. Speaker, I join with my colleagues in expressing my deep sorrow in the passing of our late President, Lyndon B. Johnson.

Lyndon Johnson was a dedicated public servant, having served in many official capacities in his lifetime, the ultimate of which was the Presidency.

He had a deep love for his country, a patriot in the deep sense of the word. He adhered assiduously to plans and programs which he felt would advance the best interests of America, and he had a passion for providing opportunities for the physically and economically poor to lift themselves above their adversities.

Mr. Johnson was a big man physically, built in the standard of men of the frontier period of this country's history. In addition to this, he was highly active and very deliberate in his pursuit of what he judged right. He was also very compassionate, for it is reported that during some dark days of the Vietnam conflict, he brooded in the quiet of his White House quarters, mourning the loss of lives in Vietnam.

Lyndon Johnson met with fortitude the challenges that confronted him in the Presidency. His presence will be missed, but there can be no denying that in his absence, he will leave an impressive mark on American history.

Mr. DE LA GARZA. Mr. Speaker, the Lyndon Johnson span in the history of the United States holds so many fond remembrances among those privileged to know him well—there is so much can be said about this great Texan—so many things a person remembers so vividly about the leadership that was part of him—but the first impressions that came to me after we lost Lyndon Johnson I wrote in my weekly newsletter which I introduce here so that all who knew him may share these thoughts conveyed to my south Texas constituency:

WASHINGTON, D.C.—Lyndon Johnson had a special place in his heart for South Texas. As U.S. Senator and as President, he visited our area often and he knew our people, knew their problems and hopes and needs. His lifelong concern for the poor and disadvantaged grew out of his knowledge, which he began to acquire as a young school teacher in Cotulla. As State Administrator of the National Youth Administration during the economic depression of the 1930s, he came face to face with the anxieties of young people who wanted and needed jobs when few jobs were to be had. As Congressman, Senator, Vice President and President, he remembered and he cared.

MY PERSONAL FRIEND

Lyndon Johnson had many friends in South Texas, and I am proud that I was among them—I and members of my family. Memories flood my mind. For some time he kept on his desk in the White House a little ceramic Beagle puppy given to him by my children. When I first came to Washington as a member of Congress and attended a reception at the White House, as I reached the President in the receiving line he threw his long arms around me in a bear hug and yelled, "Kika." I never felt more warmly welcomed in my life, and I shall always treasure the picture sent from the White House recording that event.

When the people of South Texas staged a great Appreciation Day for me on September 21, 1971 (a date I shall never forget), LBJ was there to be welcomed by thousands of folks who knew him as their friend. He was at his best—in great good humor, laughing, talking informally, clearly enjoying himself. And in speaking of me, he said something that I will always cherish in my mind and heart—that Kika de la Garza is "a man who has never forgotten his beginnings." All my life I will be proud of that tribute from a man who certainly never forgot *his* beginnings and who carried into the highest office in our land the attributes of character that had been formed in his early life in the Hill Country of Texas.

After I entered Congress, the President time and again was helpful to me in my efforts to give the best possible service to the 15th Congressional District.

I recall that after Hurricane Beulah had devastated much of our area and LBJ had personally come down for a personal inspection I was having trouble with the Federal bureaucracy about disaster relief. The Farmers Home Administration and the Small Business Administration were tossing the ball back and forth, each claiming the other was the agency responsible for extending help to the victims of the hurricane.

Being invited to a reception at the White House, I prepared a memorandum outlining the situation. Against all precedent, so I am told, I passed the memo to the President when he greeted me at the reception. LBJ did not tell me that this kind of thing simply was not done. No, he glanced at my memo, then handed it over to his trusted aide, Marvin Watson, and said, "Whatever Kika asks here, have it done".

The logjam was promptly broken to the benefit of South Texas.

I miss my friend, our friend, South Texas' friend.

AN INTERNATIONAL LEADER

Persons far more skilled with the written word than I have set down their appraisals of the former President. In passing, it is interesting to note that many persons now see Lyndon Johnson's presidency in a different light from that they focused upon it in his lifetime. The Eastern press was rarely able to get rid of its prejudices in viewing LBJ the President. It was frequently unfair, often malicious.

The fact remains, and I believe history will bear me out, that Lyndon Johnson exerted outstanding leadership not only in the nation but in the world as well. For the past week, newspapers and television commentators have been listing the great accomplishments of his Administration. Even with the U. S. caught up in a cruel war during most of the time he was President, he was able to get through Congress a large crop of constructive legislation. Much of it was designed to improve the lives of the disinherited and dispossessed of our land.

LBJ was preeminently a man of the people in the tradition of other great Presidents. He loved America and Americans and his life was devoted to their service. His place in history is assured. His place in the hearts of his friends is secure and everlasting. And those friendly hearts are today warm with sympathy for Lady Bird Johnson, a great lady indeed, and her two fine daughters. May God give them solace and our never ending gratitude for the many times they unselfishly shared LBJ with us.

Mr. MELCHER. Mr. Speaker, I join in this tribute to Lyndon B. Johnson, the Nation's 36th President who I am certain will go down in history as an architect of far-reaching social legislation for the people of the United States.

It is indeed unfortunate that efforts are being made to dismantle some of his Great Society programs that have proven their worth. We need to keep them alive for the benefit of the poor, the downtrodden, and minorities.

While I was not a Member of this body while President Johnson was in the White House or the Congress, I followed his career closely. He was a strong and able majority leader of the Senate and an equally strong and able Chief Executive.

Mr. Speaker, Lyndon B. Johnson understood, better than most, the legislative process. And he used this knowhow with a Texan's flare and forthrightness to persuade others to understand and follow his compassion for civil rights, poverty, and health laws. He was a true man of the people.

Mrs. GREEN of Oregon. Mr. Speaker, one of the most singular and appealing characteristics of President Johnson was his robust involvement in life. When such a person leaves us, it is particularly depressing because he contributed so much to our own sense of vitality and interest in the world around us. His energy was infectious and though he sometimes stirred our anger, he never, never bored us.

He was genuine in his desire to alleviate the burdens of poverty, in his commitment to education and in his commitment to make real the promises of our Constitution to millions of black Americans. It would be hypocritical of me to leave the impression that I agreed with all his policies, for neither I nor many others did. But his goals were worthy and in his essential humanness and courage, his disposition to dare greatly, accepting both risks and responsibilities, he represented the American character as perhaps few other Chief Executives in modern times have because he embodied the essence of the American character: plainspoken in the homespun accents of rural America, hard-working, hard-bargaining, possessed of visions and dreams for America and her potential for greatness that more erudite and polished statesmen would shrink from articulating, let alone, as he did, consciously strive to attain.

No brief assessment is possible. He was "larger than life." With my fellow citizens, I mourn his passing with especially poignant regret at this moment when the dawn of an era of peace—peace such as he earnestly believed his personal efforts would lead to—has at least begun to shed a glimmer over a nation and a world.

Mr. HELSTOSKI. Mr. Speaker, in this day of mass communication, as we grow somewhat callous to the sad news that floods broadcasts and newspapers, platitudes for passing statesmen become more and more meaningless. There is, of course, still some initial shock, but after that we tend to be numb as we await the next hero's death. Yesterday's hero is as readily forgotten as yesterday's headline.

I doubt if this will be the fate of Lyndon Baines Johnson. The memory of him will not fade from this earth or into the remote pages of history books. His image lends itself to the most resplendent of platitudes.

On Capitol Hill, Lyndon Johnson will long be remembered for his leadership as a Representative, Senator, Vice President, and President of the United States. It is a widely accepted fact that he was among the most effective legislators ever to serve. But this is not where his immortality will carry its greatest weight.

What Mr. Johnson did for the United States and the world will be fully realized only as we mature in the ways of history and begin to reflect with an objective eye; however, some glimpse of the basis for his real immortality can be comprehended even now.

While at times accused of turning the country increasingly outward, President Johnson urged upon this Nation a seriously needed time of introspection and internal repairs. He dared to challenge problems as old and as complex as man himself.

Making wise use of the power of the country's highest office, he attacked poverty; not only the poverty of material want, but the poverty of mind and spirit which lingered stubbornly throughout this Nation.

He did not totally eradicate it, but he did begin an erosion of that poverty, an erosion which is still gaining momentum today. If we allow this momentum to take its natural course, the Nation and the world will truly be the Great Society for which Mr. Johnson so anxiously yearned.

The poverty of material want was stormed through President Johnson's war on it, a war that, if nothing else, made America aware of the hungry and poor millions still living in our Nation during the jet age. He showed people that starvation and malnutrition were not phenomena of the outside world alone. It was a problem existing right here at home. And not only did the President make us aware, he acted. In the historic 89th Congress, he drove through welfare reforms and programs that filled us with fresh hope and astonishment at their sweeping scope.

The poverties of mind and spirit were pressed into retreat by Mr. Johnson's bold leadership in the cause of human rights. A southerner, he dared beckon Americans to support the black man's struggle for equality. "We shall overcome," he cried, and the Nation thundered forward with dynamic reforms in the Civil Rights Act of 1964 and the firmer foundations of the Voting Rights Act of 1965 which followed.

President Johnson saw to it that his Justice Department made every effort to uphold that legislation. It was a frustrating battle against a disease deeply imbedded in the attitudes of far too many Americans. Yet the President continued to fight. Courageously, he appointed a black man to the Supreme Court and another as the top official in the Department of Housing and Urban Development.

A former schoolteacher, he encouraged higher education and held students dear to his heart. He clamored to achieve the American ideal of an education for all, and held to the belief that better education would mean a greater people.

Clearly conscious of the generations to come and the welfare of all, he formed cabinet departments to deal with the problems of our burgeoning cities.

And he did not abandon America's forgotten generation over 65. Its greatest advocate, he guided medicare in its thrust through Congress.

Zealously, Lyndon Johnson sought to rid this Nation and the world of all their ills. His campaigns against the poverties of spirit, mind, and material want were all carried out with a dedication to all he thought was right and just.

He was a man with a vision, a compassionate man who loved all the peoples of the world, not as children under his wing, but as brothers and sisters, individuals all. And, perhaps, his greatest frustration was his inability to use his office to make them all eternally happy.

Yet, through all the frustration, he remained in the forefront, carrying the burdens of the world on his broad shoulders. He caused us to pause and reflect. He offered us hope. He convinced us that there was a way to find happiness on this planet.

He taught us to question, too, suggesting to us, "Let us reason together."

And now he rests, and we continue to run, seeking for all our people the happiness that he envisioned. We will go on.

And as we strive for these goals and struggle in the face of seemingly endless dead ends, we will recall Lyndon Baines Johnson; we will recall his strivings and frustrations.

He will always be with us.

Mr. ADAMS. Mr. Speaker, the deaths of Presidents Truman and Johnson coming so close upon one another were a shock to the Nation. The sudden death of Lyndon Johnson was particularly sad, as his vision of what America should be is needed now more than ever.

It is fitting that we should pay tribute to him in the House of Representatives where he began his long career of public service. It was a career marked by triumph and by criticism, by the closest of election victories and later by the greatest presidential landslide in our history. President Johnson was a giant of a man, a man of passionate conviction, a strong and dominating leader. Like all such men, his life was one of controversy. The closing years of his public career were overshadowed by the tragedy of the war in Vietnam. It was this war which made him give up public office—a personal abdication made in the search of peace. Now at last, the dark night of that war seems to be lifting. It is a bitter irony that he did not live to see the signing of the cease-fire agreement.

The death of a man who was so much a part of our lives for so long brings us up short. The anger and the passions of the past are burnt away, and we can look at the whole man as he was.

Taking office in the worst of circumstances, upon the death of President Kennedy, Lyndon Johnson brought to the Presidency a vision of America as the "Great Society" which it should be; he brought a deep human concern for the people who make up America. To him they were not a "silent majority," but living human beings whose hopes and fears he understood.

President Johnson will have many memorials, but his greatest monument will be the human programs enacted under his leadership—civil rights, the war on poverty, and Federal aid to education. These are the deeds for which he would wish to be remembered, and for which history will remember him. As the Johnson years recede into the past, it is his commitment to humanity which will stand out.

Lyndon Johnson was a man of Texas, a homeland he loved and from whence he drew his strength. But much as he loved Texas, he was not a regional or parochial man. He was the President of all Americans, and he strove to bring us together, to join with one another in the fight for a better life for every citizen. He asked us to care for the poor, the deprived, for those who only needed a chance to prove their own worth. He asked us to provide a society with careers open to the talents of everybody.

It was moving to hear at his funeral ceremonies the wonderful hymn, based on an old spiritual, "In Christ, There Is No East or West. In Him, No North or South." For Lyndon Johnson there was no east or west or north or south, but only the United States of America seeking to become the great society of which its founders had dreamt. He, and we, have not achieved that society. But in Lyndon Johnson, his family, and his countrymen, can point with pride to a man who in his life as a public servant tried to build an America that would match our dreams and hopes. In the history of this Nation, President Johnson will rank as one of our great Presidents.

Mr. PERKINS. Mr. Speaker, the news that former President Lyndon B. Johnson is dead in Texas brings sadness to those who love this country. For in a unique way, larger than life, he seemed to embody the traditions, the robust frontier vigor, and the determination to move ahead that have characterized the development of the American Nation.

Leadership was as natural to Lyndon Johnson as breathing and eating are to ordinary men. Within his heart he carried a generator that propelled him forward with the drive of a torpedo boat. For him, idleness and reasonless pause were simply intolerable. When there were things to be done—and he constantly saw things to be done—he wanted to be up and doing them.

We are still only 4 years removed from his Presidency, and that is far too close to see it in the perspective of history. The vapors of emotion, personal involvement, and political differences distort the image of the man and of his stewardship. But personally, I have little doubt as to the ultimate historical judgment on Lyndon Johnson as President—one of the great humanitarian statesmen of all time.

Mr. Speaker, I do not think of him merely as President. He was truly a man of the Congress. He cut his legislative teeth in this very Chamber, and he went on to become a master of the Senate. In the 184 years since the first Congress met in 1789, until these days when the 93d Congress is organizing itself, Lyndon Johnson has had few, if any, peers as an American legislator.

He felt at home in the Congress, and he relished a kind of brotherhood with those with whom he served here, a closeness that did not fade when destiny removed him from the legislative to the executive branches of Government.

Books have been writen, and will continue to be written, giving minute details of his activities as a legislative leader, and I need not recite those accomplishments to Members who know them well.

Lyndon Johnson loved the Presidency. But I have a feeling that, if it were his to choose, the accolade he would like most would be to have his portrait hang here in the Capitol as one of the great U.S. Senators of all time; and I hope the other body will shortly see that such an honor is bestowed.

In these brief remarks, I could not possibly cover, or even list, all of the accomplishments of his tenure as President. The scope is as broad as the universe.

But, Mr. Speaker, I like to think of Lyndon Johnson as the Education President. During his time in the White House, and as a result of his leadership, this Nation made decisions and initiated action that will be felt in education for many generations to come.

Perhaps chief among these was the decision to move ahead with the massive Elementary and Secondary Education Act of 1965. That was the act in which we were finally able to cut the knot that had hampered our efforts to involve the Federal Government in the financing of childhood education. Title I of that great landmark legislation was based upon the Johnson determination that no child in America, no matter what the income level of his parents, no matter what the color of his skin, should be deprived of a good education.

That act has paid untold dividends to

the Nation in the few short years it has been in operation, and its potential for the future is unlimited.

I can think of no more fitting memorial to Lyndon Johnson than to see that this act is extended and its funding provisions strengthened this year, so that we can move ahead with the work already begun.

The roll is long and overpowering. The Higher Education Act of 1965. The Higher Education Facilities Act. The landmark amendments to the Vocational Education Act. The National Vocational Student Loan Insurance Act of 1965. The revitalizing of the Library Services and Construction Act. The Adult Education Act of 1966. The great program of education for handicapped children in title VI of ESEA. These are but a few, but they suggest the enormous scope of the work done in the field of education during Lyndon Johnson's time in the White House.

Those were great years. May their greatness be repeated for our children.

Mr. McCLORY. Mr. Speaker, I appreciate this opportunity to join in tribute to the late President Lyndon B. Johnson. All of us who had an opportunity to be acquainted with him must share in some measure the loss which is felt throughout our Nation at this hour—and which is felt so deeply within the family circle characterized by close and sensitive ties.

Mr. Speaker, I feel fortunate that I enjoyed a personal as well as a social contact with President Johnson. This contact was enhanced when my constituent, Pat Nugent, son of Mr. and Mrs. Jerry Nugent of Waukegan, Ill., became the husband of Luci Johnson. I was privileged to be one of the few Members of this House who attended the wedding and White House reception for Pat Nugent and Luci Johnson at that time. In addition to his parents, many of Pat Nugent's relatives and friends from the Waukegan area were in Washington for the occasion and were entertained at my home as part of the nuptial activities.

Mr. Speaker, in addition to the personal and social relationship which President Johnson had with many Members of the Congress, his intimate contacts on subjects of official business are unsurpassed in modern history. His personal interest in the Congress and his individual efforts in securing support of measures which he proposed account in large part for the enormous success which he had in the enactment of domestic legislation.

I was privileged to take an active part in the revision of our immigration laws which President Johnson dramatized in a bill-signing ceremony in New York with the Statue of Liberty as a backdrop. It was also my privilege to support actively the Voting Rights Act of 1964, which resulted in expanding the voting franchise to millions of black Americans—and has resulted in the large increase in black officeholders particularly in our Southern States.

Mr. Speaker, I have no intention of recounting the legislative and other related events with which I associated President Lyndon Johnson, and which come to mind at this time. Instead, I prefer to recall the times when President Johnson and his family occupied the White House. Their warm hospitality and outgoing and friendly behavior, as the First Family of our Nation, endeared them in a very personal way to Democrats and Republicans alike. It is the personable, friendly, compassionate Lyndon Johnson whom I recall in this hour of reflection. And it is to his immediate family that I extend this expression of great respect and deepest sympathy—to Lady Bird Johnson, to Pat and Luci Nugent and to Lynda and Chuck Robb. My wife, Doris, joins in these sentiments.

Mr. HORTON. Mr. Speaker, as we eulogize the late Lyndon B. Johnson, a sense of humility pervades this great Chamber. Certainly it will be difficult for us to capture in words the awesome qualities of Lyndon Johnson, both as a man and as a President.

These Halls of Congress have seen few men as powerful and effective as Lyndon Johnson. He was, in the truest sense, a parliamentary master. His legislative genius was read quickly by his Senate colleagues, who choose him as their party leader while only a freshman Senator. From that moment, he would shape the course of our country for years to come.

Lyndon Johnson assumed the Presidency under tragic circumstances. Those of us who sat in this chamber in 1963 will not forget his moving address to a stunned nation. His primary motivation was to provide continuity and leadership to a country whose President had been struck down. His own words were "let us continue" and he mustered all the powers of his office and of his own being to accomplish that task. What he did accomplish was extraordinary—in education, housing, medical care, environmental protection, and civil rights. In this final category, in particular, Lyndon Johnson is credited with accomplishing what perhaps no other man could. The four landmark civil rights laws that bear his signature, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, have become his most lasting memorial.

The Vietnam war was an agonizing experience and, in this pause for tribute, it is not comforting to think of that costly conflict in relation to Lyndon Johnson. History did not make its final judgment in his own lifetime. But in death, even his sharpest critics gave thanks for all the good he had done.

Lyndon Johnson's tenure as President coincided with my early years of service in the House. He was unusually accessible to Members of Congress, regardless of their seniority or political party. I met with him on many occasions and came to know him well. He was a kind and considerate man and I cherish having known him and his remarkable wife, Lady Bird.

Mr. McDADE. Mr. Speaker, the Nation has been saddened in the past 6 weeks over the death of two of our former Presidents, Harry S Truman and Lyndon Baines Johnson. President Johnson was a man whose whole life was devoted to public service. He began his career as a teacher in his home State of Texas. He was elected to the Congress of the United States and then elected to serve a larger constituency as a Senator from the State of Texas. He served as Vice President to the late John F. Kennedy and no one will forget the difficult burden that was placed upon him when President Kennedy died so tragically at the hands of an assassin.

President Johnson was a man of courage and a man of stature. He was above all a man who had the great burden of this Nation's leadership thrust upon him and he accepted that burden. I extend to his beloved widow and his two fine daughters my own deep personal sympathy for the loss of the man who was outstandingly a splendid husband and father.

Mr. DORN. Mr. Speaker, first I want to compliment my good friend and colleague in the well, the distinguished gentleman from Texas (Mr. PICKLE), for the eloquent eulogy which he delivered during memorial services in the rotunda of the Capitol.

Mr. Speaker, at 5:33 p.m. eastern standard time on Monday, January 22, 1973, the stout heart of this great American ceased to beat. The mortal life of America's 36th President, Lyndon Baines Johnson, had ended where it began in his beloved Texas hill country from which he drew his indomitable strength.

All America was deeply shocked and saddened by the sudden and untimely death of President Johnson. This great President translated the dreams of a generation of political leaders into an administration of action that will be remembered in history as one of our most exciting eras of achievement.

President Johnson believed in America; in America's dedication and ability to provide justice for all, in America's role as a world leader, and most importantly, he believed in the people of America. His hopes and dreams for these people will only be fully appreciated in the years to come.

Lyndon Johnson more than any man understood the legislative processes of the Congress. He understood the committee system and the intricacies of congressional interaction—the work of Congress. He worked closely with the departments and agencies of Government to achieve his goals and objectives. He believed in education—and much landmark education legislation was enacted during his administration. He believed in assuring the elderly of adequate medical care—and medicare was enacted. He believed in assisting rural and urban areas in coping with their problems—and legislation to assist small towns, rural and metropolitan areas was enacted which has provided much assistance throughout America. He believed in helping the "little man" and he championed increased incomes for the working people throughout the United States. He had great respect for those who defended this Nation on the world's battlefields—and in veterans' circles throughout our great land, his administration was referred to as "the era of the veteran."

It was my great personal privilege to be associated with Lyndon Johnson, beginning in the 80th Congress. He became one of the outstanding leaders of the Senate and he worked in great harmony with President Eisenhower to help keep America strong and vigilant. I had the pleasure of campaigning with him in 1960 and later in 1964 with his lovely wife, Lady Bird. As we stand here today to eulogize President Johnson, so do all Americans. The black people throughout my congressional district believe Lyndon Johnson did more than any President since Abraham Lincoln to eliminate the hardships and inequities which this great minority of our society experienced.

Mr. Speaker, America will always be grateful for Lyndon Johnson's strength that enabled him to impart to America a strong sense of continuity and national purpose in the dark days following the tragedy that elevated him into the White House in 1963. Lyndon Johnson spent his life in service to his fellow man. From his early years as a schoolteacher, through his Presidential years and later as an elder statesman, he worked to help humanity. Few men were as aptly suited for this task as Lyndon Baines Johnson, and history will note that few men have ever met the task so well. The years will be lonely without him.

Mr. Speaker, Mrs. Dorn joins me in extending our heartfelt sympathy to Mrs. Johnson, her two daughters, the grandchildren and other members of the family upon their great personal loss.

Mr. BARRETT. Mr. Speaker, I am certain history will record Lyndon Baines Johnson as one of America's great men and great Presidents. A man of humble beginning, who never forgot that beginning, even though he attained the highest honor that the people of the United States can bestow upon an individual, that of President of the United States.

History will surely record that he was a most able legislator and legislative leader without peer; that he was dedicated to the best interests of our Nation and our people, rising above political party and ideology if need be. And, if history is fairly and accurately written, will depict him as the man he was, full of compassion and understanding for his fellow man; dedicated to the principles upon which this Nation was founded, the principles of equality and justice.

The legislative record during his years as Senate leader and the legislative accomplishments by the Congress during his term of office as our 36th President will ever stand as a monument to him; to his earnest and sincere desire to improve the quality of life and standard of living for the people of our Nation.

I truly believe that of Lyndon Baines Johnson it can be said, he was a giant among men; he not only dreamed of what should be but ardently sought to make those dreams real.

Mr. WOLFF. Mr. Speaker, I rise to join with so many of my colleagues in the Congress, as well as national leaders and statesmen the world over, to pay tribute to the memory of President Lyndon Baines Johnson and to offer our sympathy to his wife, children, and grandchildren.

As one looks back over President Johnson's political career—his service in both the Senate and the House, his key role as Senate majority leader, his vigorous Vice Presidency, and, of course, his assumption of the Presidency on that tragic day in November almost a decade ago—one cannot help but stand in awe at the accomplishments of this great leader.

I was fortunate to know the President and despite our differences on the war in Vietnam, came to value him as a close friend. He fought hard to gain approval of his programs and he devoted his energies constantly to attain the ideal of freedom for all—a concept upon which this country was founded.

It undoubtedly took rare political courage for President Johnson to advocate his Great Society programs. When he was first assessed as a potential President, few people would have guessed that he would be responsible for the broadest series of landmark-pioneering social welfare and civil rights legislation ever enacted in a single President's term of office. The various civil rights acts, Federal aid to education, the Voting Rights Act, and other laws passed during his years in the White House have irrevocably altered the social order of this Nation.

President Nixon in announcing the ceasefire agreement in Vietnam said that none would have wanted this peace more than President Johnson. I think that he also wanted the domestic tranquillity that our Constitution calls for in its Preamble. Lyndon Johnson spent his entire political life fighting for peace in America based on freedom and equality for all people in this Nation. When we finally reach that goal, historians will record that President Lyndon Johnson made a monumentally important contribution toward its achievement.

Mr. THORNTON. Mr. Speaker, the tributes which we are offering today to our late President, Lyndon Johnson, will not add to, or take from his stature as a great President and leader.

The impact of his dynamic vision has resulted in significant historical accomplishments which words can only recall. What we speak now more nearly reflects the effect his life had upon us who remain.

Let us be counted among those who are dedicated to those ideals of personal dignity and justice which characterized his contributions as our President.

He was a good man and a great leader of our country. Once he decided a course of action was right, he pursued it full speed ahead.

He translated many of our Nation's highest ideal into reality.

History will write final judgments on the basis of events which have yet to unfold—but we know he spoke and acted according to what he believed was best for the people of this land which he loved and served.

All of us must feel less secure because of his passing, for we no longer have the benefit of his counsel to inspire us to deeper humanity and to warn us of perils which may not be seen from any other vantage point.

Mr. ADDABBO. Mr. Speaker, as the Nation and the world mourns the passing of former President Lyndon Baines Johnson, this House of Representatives is filled with memories of a great legislator, an outstanding President and above all, a loyal American. Many of us in this Chamber were privileged to know President Johnson and to work with him and under his leadership. We join the millions of mourners around the world whose thoughts this week are concentrated on the life of this man from Texas.

President Johnson's career of public service was long and filled with excitement and activity. He knew the inner workings of the U.S. Congress as few others ever did and he never wavered in his respect for Congress as an institution and as an equal branch of Government.

President Johnson was a giant among men who have been at the forefront of the fight for social progress. It will probably take decades before this Nation fully realizes the extent to which President Johnson so changed the face of every day life in this country. He was truly a man of vision—a man with a dream. His blueprint for a Great Society may not have been perfect, but it was an imaginative, bold plan for action which proved that Government need not be idle, passive or helpless in the face of national problems. The Great Society was brought closer by his progressive leadership and millions of Americans have benefited from social programs such as medicare, aid to education, and the war against poverty.

Mr. Speaker, the Nation's Capital has lost a statesman who symbolized the political knowledge and expertise which we in Washington strive to equal. His understanding of the country and the feelings of the people was the cornerstone of his success in educating and leading the American public. He understood the people of Texas as well as the Eastern Establishment and he worked to mold a vast consensus which could move the status quo and bring about social change.

I shall always remember President Johnson as a man who caused more real change, true social reform, in a few years than I have seen in Washington or the Nation over the past generation. It is understandable that history will need many more years to evaluate the Johnson years, but we can make a more immediate evaluation of the man. He was a great American President and a fascinating and compassionate human being. I join my colleagues in extending personal sympathies to Mrs. Johnson and the family of our late President.

Mr. LEHMAN. Mr. Speaker, it is with profound sorrow that we gather here today in recognition of the late President Lyndon Johnson. The Nation has lost the last of its former Presidents, and a truly great leader.

Perhaps more than any other President since Abraham Lincoln, Mr. Johnson moved social justice further. He was a man of conviction, and fearless and resolute in his pursuit of what he believed in.

The Great Society was his goal; the beneficiaries were to be all Americans, but in particular the poor, the old and the disadvantaged. During his terms in office the Nation saw the creation of medicare, the war on poverty, the Higher

Education Act, the Elementary and Secondary Education Act, and the Civil Rights Act of 1964.

The war that tore apart America has ended. Let us hope that history will be able to look beyond the tragic circumstances of the war and judge President Johnson in the light of his other far-reaching programs which have given so much to all Americans.

Mr. FUQUA. Mr. Speaker, fate decreed that Lyndon B. Johnson would serve in this Nation's highest office in one of the most turbulent periods in our history. It was a time of unrest, a time of violence, and yet it was a time when we made significant advances to eliminate many of the causes of those very problems of the future.

It is not incumbent upon me to judge his record. It has been too short a period and that will be for history to determine.

Yet, my personal observation is that Lyndon Johnson was a man who really cared about his fellow man. It was his lot to lead this Nation at the time of our greatest involvement in Vietnam, and it turned out to be the greatest tragedy for a man of peace.

In that pursuit, this Nation was misled. He had great support at the outset, but that support immediately dwindled the moment that it was no longer the popular thing to do. I know he felt stunned at the rapid turn of events, but he never shirked his responsibility.

If Lyndon Johnson had had his way, he would have liked to have presided over this Nation in a time of peace, a time when he could have spent all of his boundless energies in pursuit of solutions to social problems in the mold of the man he greatly admired, Franklin D. Roosevelt.

Lyndon Johnson was the finest steward to succeed a fallen leader in history. He tried to complete the dream of John F. Kennedy, and then he started to fulfill a few of his own.

This Nation is going to be richer for that service. Time is needed for us to reflect on what he stood for, what he tried to do, and what he really accomplished.

It is unfortunate that there was not enough time between his term of office and his death for some perspective to be shown to that record.

He had some of that Harry S Truman presence about the Office of the Presidency. Mr. Truman was to live to see his name placed in the pantheon of heroes before he fell. Lyndon Johnson was not to be granted that privilege.

One of the things I liked so much about Mr. Johnson was the manner in which he treated Dwight D. Eisenhower. These acts on the part of Mr. Johnson were personal and deeply appreciated by the Eisenhowers and President Nixon.

Lyndon Johnson would probably agree with me that in Lady Bird Johnson, we had one of our finest First Ladies. Whatever the trial, whatever the tribulation, she was the rock that held fast.

Once he said that while others had often failed him, Lady Bird had never done so. It would have pleased him to know that the Johnson women did not fail him in death.

The quiet dignity of Mrs. Johnson greeting those who came to pay their respect was a moving experience. She is a great lady.

We have lost a leader. I do not dwell on the fantastic record he established in the Senate of these United States. I do not labor over the war nor the legislative accomplishments of his Presidency.

To me, the most memorable phrase he ever uttered is that it is easier to try to do right than it is to know what is right.

As I look out my window at the Capitol and see the flag at half-mast, I know that I cannot say today how history will judge him. But for those of us who had a chance to know him, we know full well that this was a man whose prayer and purpose was to do right.

Mr. ROSENTHAL. Mr. Speaker, the death of President Johnson is a deep personal loss to the Nation. In domestic affairs, he was a great leader, a great American, and a great human being.

He was an energetic and mercurial man. But his goal was constant. He was fervently dedicated to the betterment of his country and its people. He said:

> This is the richest and most powerful country which ever occupied this globe. The might of past empires is little compared to ours. But I do not want to be the President who built empires, or sought grandeur, or extended dominion.
>
> I want to be the President who educated young children to the wonders of their world.
>
> I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of tax-eaters.
>
> I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.
>
> I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races, all regions, and all parties.

Lyndon Johnson helped. He knew poverty firsthand, and he tried to eradicate it. His first full-time job was teaching and he never forgot the need for education. He loved the land of his birth and he fought to rid the air and streams of pollution.

By habit and birth Mr. Johnson was a man of Congress. To him the essence of government was the passage of legislation and the purpose of legislation was to insure equal justice, opportunity, and civil rights for all Americans. Under Lyndon Johnson's stewardship America made rapid progress toward these goals.

He was a big man. He knew power and he knew how to use it. But, of all his Texas-style excesses, one was by far the most abundant—his compassion and his appreciation for the dignity of man.

President Johnson was a doer. He worked hard, spoke to hundreds of people every day and steered through the Congress dozens of important bills. His legacy is his legislation. Civil rights, medicare, aid to education, voting rights, immigration reform, model cities programs, rent subsidies, minimum wage hikes, antipollution programs, antipoverty programs, and consumer protection.

But, Lyndon Johnson did more than legislate to make the Government a government for, of, and by the people. He listened too. On a wall in his Senate office hung his father's adage, "When you're talkin', you ain't learnin' nothin'."

He tried valiantly to heal the wounds of the Nation. Rather than amputate a segment of society he wanted to bring us all together. His goal was reconstruction "with justice for all and malice toward none." His Nation's problems were his personal heartaches.

More than anything else Lyndon Johnson cared for people. He will be missed.

Mr. FASCELL. Mr. Speaker, I join our colleagues in mourning the sudden and untimely death of our former President, Lyndon Baines Johnson.

Although President Johnson had a history of heart trouble, he worked tirelessly and unendingly for what he believed was best for America. In the finest sense of the word, Lyndon Johnson was one of the most political men of our time. Yet, he voluntarily ended his career in an effort to achieve the peace we all so desperately wanted.

His accomplishments in domestic programs were numerous and brilliantly achieved. He turned his dream of a Great Society into specific actions on civil rights, medicare, housing, job opportunities, special education for the disadvantaged, parks and recreation areas for all our citizens, and a thousand other improvements for our country.

Probably no leader in our history cared so much and did so much for the achievement of civil rights and the equal opportunity for all citizens than Lyndon Johnson. This was one of his primary concerns in Congress, as Vice President and as President. It continued to be one of his major interests even after he left the White House.

One of his last public appearances, made against the advice of his doctors, was a civil rights symposium, in which he insisted on participating.

One of the most tragic aspects of his death is that it comes so close to the time when it finally appears that we may realize the peace in Southeast Asia over which he agonized. It was President Johnson who, after giving up his own career to remove any doubts whatsoever about his effort, first brought the North and South Vietnamese, the Vietcong, and the United States together at the conference table.

We will all miss having the benefit of his wise and willing counsel. Had he lived, he would have continued to contribute much to our Nation. Lyndon Johnson has earned a high place in history.

Mr. FLOOD. Mr. Speaker, I am proud to say that Lyndon Johnson was a friend of mine. We served together when he was a Member of the House; we worked together on legislation when he was a majority leader in the U.S. Senate; and we joined together when he was President to create new programs in the fields of labor, health, education, and welfare.

On that terrible day in Dallas nearly a decade ago when John Fitzgerald Kennedy was assassinated, this man of courage, commitment, and compassion vowed that we should continue, and we did.

Lyndon Johnson made the dreams of John Kennedy into reality. For this alone, we should mourn him. But more than that Lyndon Johnson made the dreams of the poor and the sick and the aged and the minorities a reality, too.

Medicare, Federal aid to education,

better housing, conservation including the battle against pollution, Head Start, the Job Corps, model cities, Appalachia, and civil rights are among the programs that exist today, because Lyndon Johnson got behind them with his consummate legislative skill and made them into law.

I have known a lot of fine legislators in my time, but Lyndon Johnson was a master legislative technician, the best I ever knew. He seemed to be able to make the impossible—possible. Lyndon Johnson was a man who never forgot how it felt to be poor, who never forgot the need for a good education, who never forgot that the mission of government is to do for the people that which they cannot do for themselves.

History shall judge him, of course, but I am sure its verdict will cause us to mourn him even more.

With the passing in December of Harry Truman and the death on January 22 of Lyndon Johnson, this Nation for the first time in many years now has no living former Presidents. It gives one a sad and empty feeling.

Mr. CHARLES H. WILSON of California. Mr. Speaker, he said:

> To reach for the moon is a risk, but it is a risk we must take.

Lyndon B. Johnson was a President who never hesitated to take every possible risk in an effort to help his fellow man. While the risk of Vietnam proved his nemesis, the ones he took on other fronts of American society—health, housing, education, and equal opportunity—brought bountiful rewards to us all.

Believing that America must continue the Revolution of 1776, he worked uncompromisingly to secure independence for all through equal rights and equal opportunity. He literally wrote the chapter on civil rights, feeling rightly that an end to discrimination in America would prove our greatest strength both at home and abroad.

Never one to forget his humble origins and the deep impressions he received as a teacher in a rural school, Lyndon Baines Johnson thought that "the classroom—not the trench—is the frontier of freedom now and forevermore." And from his belief that "it is in the soil of ignorance that poverty is planted," he worked tirelessly both as U.S. Senate majority leader and as President to secure equal education for all.

His achievements in education and civil rights were monumental. A great believer in the democratic system, his vision of America was one of great compassion and humanity. And, from his years of top-level experience in the House and Senate, he became a masterful and pragmatic politician, understanding that "if you're in politics and you can't tell when you walk into a room who's for you and who's against you, then you're in the wrong line of work." Indeed, his keen acumen about politics enabled him not only to initiate but to work effectively with Congress in passing a truly great legislative program.

But the lingering war in Southeast Asia cast the shadow which obscured his domestic accomplishments. Ironically, his death was to occur on the very eve of the negotiated settlement to which he had devoted the last few years of his Presidency. A lion of a President, Lyndon B. Johnson had great courage in electing to forgo a second term in the belief that only by exempting himself from candidacy could he keep the Vietnam conflict from evolving into a political issue.

So, in remembering Lyndon Baines Johnson, let us not dwell upon his tragedy, but rather on his great love for this country and its people and his overriding concern for their welfare.

My deepest condolences go out to Lady Bird Johnson, undisputably a magnificent First Lady, and to the lovely and valiant Johnson daughters. The support of his loyal and devoted family got Lyndon Johnson through many a dark night, and I know that his towering memory will give his family a similar strength in the difficult and sad days ahead.

Mr. ANNUNZIO. Mr. Speaker, I rise today in tribute to Lyndon B. Johnson, 36th President of the United States.

I had the honor of knowing Lyndon Johnson personally and supported him in all of his major domestic legislative undertakings. I joined with the President in these efforts, not only because he was the leader of our party, but because I considered these efforts to be just and right.

I shall always remember Lyndon Johnson as a humble human being. Yet, along with his humility, he possessed tremendous courage and the ability to get things done. President Johnson was a great man, because he tried. He faced problems head-on, and tried to solve them fairly with dispatch, and with compassion. Because of his energy and conviction, he was amazingly successful.

Lyndon Johnson was President at a time in the history of our Republic when great social and technological changes were compelling us all to change our patterns of thinking. Since Mr. Johnson was bigger than life in everything he did, he was the catalyst which forced us all to reevaluate the way we think about ourselves and our country. President Johnson was a great leader and a great American. His death is a tremendous loss to our Nation.

Mrs. Annunzio and I extend our deepest sympathy to President Johnson's wife and family during this most difficult of times.

Mr. GETTYS. Mr. Speaker, the passing of former President Lyndon B. Johnson leaves a void in the lives of all Americans in general and in many of us in particular.

Indeed, he was a public servant of the first magnitude, as well as a formidable legislator. His ability to bring Members of both Houses together to support important legislation was phenomenal. He truly was the President of all the people of all the States and though they differed on innumerable occasions, he could and did meld them into majorities to both support and pass major milestones in legislation.

He was a modern Horatio Alger in that this truly self-made man came from the most humble of economic beginnings. He rose to become a Member of the House of Representatives, the leader of the Senate, Vice President of the United States, and a powerful President, filling out the unexpired term of our martyred President John F. Kennedy and then he was elected in one of history's greatest votes of confidence, by a trusting electorate.

Much of his proposed legislation, although controversial at the moment, was passed and signed into law. Former President Johnson was a man years ahead of his time.

He was a man of purpose, who believed in the theory that a purpose is a fantasy unless acted upon to its fullest.

The American people naturally will always differ in their individual assessments of all people and all things, including their evaluation of President Johnson's policies. Since freedom of thought and speech is a fundamental right, no one questions their process, but time will prove he was a man of charity and a man who loved his fellow man.

No one will ever charge him with not wanting peace in the world at large, but in Indochina most of all. He inherited, to some extent, this war so far away, yet he tried for peace under every sincere procedure known by both his staff and his office.

My deepest sympathies go out to his family. May their knowledge of our heartfelt loss soften the blow they have received.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 30 legislative days in which to extend their remarks and include extraneous matter on the life, character, and public service of the late President Lyndon B. Johnson.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRIBUTE TO THE LATE PRESIDENT LYNDON B. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PICKLE) is recognized for 60 minutes.

Mr. PICKLE. Mr. Speaker, it is with deep sadness, yet great respect, that I again take this opportunity to mark the passing of our late President, the Honorable Lyndon Baines Johnson.

Courage, compassion, concern, strength, unselfishness, and honesty, and above all a dedication to get the job done, mark the best qualities of Lyndon B. Johnson.

To his countrymen and to the world he came to symbolize the potential of mankind and of a nation.

With superb natural skills as a politician, legislator, and public official he had one consuming drive in life—a fierce desire that our ideas, programs, and action serve all the men and women of this Nation.

Mr. MILFORD. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I will be happy to yield to the gentleman from Texas.

Mr. MILFORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is my first opportunity to have the privilege of addressing the House of Representatives. Normally a freshman steps into the well for his maiden speech with the hopes of swaying the Nation on some great issue. My mission today will be to console the Nation on the loss of a great man.

Unlike most of my colleagues, I did not know President Johnson personally. I never had the privilege of experiencing his warm handshake or receiving one of his friendly slaps on the back.

Like the majority of this Nation's citizens, I knew President Johnson from his career in Government service, a career that took him through both Houses of the Federal Government and into the Presidency.

A citizen forms an attachment for his leader in the same manner that he forms attachments for his immediate family. Our President is closely associated to our father. In our immediate families we often disagree with our father, and even temporarily have squabbles with him. But we maintain our respect and our feeling of warmth.

Our citizen attachment to President Johnson and his long years of Government service followed these same patterns.

During his lifetime, for example, many of us called him conservative; many of us called him progressive; there were even a few of us who called him radical. But there are a few things that all the people of my district know to be true. He was great; he was Texan; and we loved him. Therefore, we, as citizens, feel the same sense of loss as that of his immediate family.

I thank the gentleman for yielding.

Mr. PICKLE. Mr. Speaker, I yield to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, the man who probably did more for America than anyone since Franklin Roosevelt has passed away. Lyndon Baines Johnson, 36th President of the United States devoted his life to the service of his country. He was a schoolteacher, a congressional secretary, and then he was appointed by his idol, President Franklin Roosevelt, to head up a program in Texas that would make it possible for young people to work part time, go to school, or to learn a trade.

It was my privilege to join him when he was Director of the National Youth Administration in Texas.

I knew him as a young idealist who drove himself from daylight till dark to try to do more for the young people of Texas than could be done elsewhere. It was from this position that he was elected to Congress. He was an inspiration to me from the day I met him until his death.

He quickly became the protege of Speaker Sam Rayburn and one of the favorites of President Roosevelt. He earned his spurs early in Congress when he was selected in his third term to head up the Democratic congressional campaign. Not only did he hold the House for the Democrats, he increased their membership.

As a Senator, he was equally outstanding and became majority leader of the Senate. Throughout his legislative career his philosophy was contained in the biblical exhortation, "Come now, and let us reason together." During this time he was without peers in his ability to find a basis for agreement among disagreeing Members.

As President, Lyndon Johnson passed more landmark legislation to help the underprivileged than any President we have ever known. He was saddled with a war he did not start and could not end. His tremendous success in other fields led most Americans to believe he could do anything he wanted to do, and, therefore, they were critical of the fact he did not end the war.

Lyndon Johnson was a great man—great in stature, great in heart and great in ideals for his beloved country. Surely America has lost one of her great leaders, and I have lost one of the greatest friends I ever had.

I extend my deepest sympathy to Mrs. Johnson, Linda Bird and Luci, their husbands and children.

Mr. PICKLE. Mr. Speaker, I yield to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I thank the gentleman, Congressman PICKLE, for yielding.

Mr. Speaker, on January 24 in the rotunda of our Capitol, a solemn and impressive memorial ceremony was held as the body of President Lyndon B. Johnson was brought in to lie in state as a last farewell tribute to him, the President, who had served so long and well in this building as a Member of both Houses of Congress.

As Mrs. Johnson and the President's family gathered there with Members of the House and Senate, with President and Mrs. Nixon, and with friends and former Cabinet members of the Johnson administration, a magnificent eulogy was delivered by President Johnson's Secretary of State, Dean Rusk, now professor of international law at the University of Georgia in my home town of Athens, Ga. Mr. Rusk had the privilege of being selected to make this memorial speech from among all the friends and official family of the Johnson times.

The only other address delivered was a fine personal tribute delivered by the gentleman from Texas, Mr. J. J. PICKLE, President Johnson's own Congressman.

In order to preserve the memorial speech of Secretary Rusk because of its sentiments and also as a part of the historical events of our era, under permission previously obtained I insert the eulogy in the RECORD at this point:

REMARKS MADE BY DEAN RUSK AT A MEMORIAL SERVICE FOR PRESIDENT LYNDON B. JOHNSON

JANUARY 24, 1973.

A home on the bank of the Pedernales in the beautiful hill country of Texas, surrounded by his beloved family and the friends with whom he so fully shared his warm and generous spirit—.

A home in this place where we are gathered today, in the Congress, which was his life for so long, filled with friendships enlivened by that political debate which is the lifeblood of a free society, but friendships cemented by the common task of insuring that the public business somehow would go forward at the end of the day.

A home for more than five years at the summit of responsibility, of responsibility and not necessarily of power—for he, as other Presidents, understood that many expectations and demands were addressed to him which were beyond his constitutional reach or, indeed, beyond the reach of our nation in a world community where we might persuade but cannot command. These were years of awesome burdens, but burdens lightened by the fine intelligence and the natural grace and the personal devotion of the First Lady who was always at his side.

And now he returns to the Pedernales to a home among the immortals, that goodly company of men and women whom we shall forever cherish because they were concerned about those matters which barred the path to our becoming what we have in us to become. More than a thousand years ago, in a simpler and more robust age, perhaps we might have known him as Lyndon the Liberator, for he was determined to free our people in body, mind and spirit.

A few strokes of the brush can not portray this man to whom we offer our affection and respect today. As for me, I would begin with his deep compassion for his fellowman, a compassion which was shared by the Congress and resulted in the most extraordinary legislative season in our history.

Who can forget that remarkable evening of March 15, 1965, when President Johnson addressed a joint session of Congress on voting rights and other civil rights? It was perhaps his finest single message.

You will remember that, after recalling his days as a teacher of poor Mexican-American children back in 1928, he said, "It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over the country."

And then, with eyes which bored into the conscience of all who heard him, he said, "But now I do have that chance, and I'll let you in on a secret—I mean to use it. And I hope you will use it with me."

And then he went on to disclose in a very frank way what some of his deepest hopes were. Congressman Pickle has already quoted those hopes. One may give these ideas any name or epithet one might choose. They did not evolve out of some empty intellectual exercise. They were not the product of shrewd political calculation. His colleagues knew them as a volcanic eruption from the innermost being of his soul when the responsibility for leadership finally became his own.

Many have said that Lyndon Johnson was demanding upon his colleagues and personal staff. Indeed he was. And demanding upon the Congress and the American people and many a foreign leader as well. But he was most demanding upon himself and stubbornly resisted the admonitions of his associates to slow down. There was so much to do, and there was so little time in which to get it done.

President Johnson sometimes deprecated his own background in foreign affairs. Actually he brought great talents and a rich experience to this aspect of the Presidency in November 1963. As Senate Majority Leader throughout much of the Eisenhower years, he was necessarily and deeply involved in the widest range of legislation affecting foreign and defense policy.

When he became Vice President, President Kennedy asked him frequently to make foreign visits and consult with foreign leaders on matters of major importance—not merely a tourist's visit.

He absorbed briefings in a most expert

fashion, and with a powerful intellect went directly to the heart of the issues under discussion. And as many present know, he was always formidable in negotiation or persuasion.

He had a special ability, perhaps learned in the Senate, to begin his consideration of a problem by putting himself in the other fellow's shoes, in an attempt to understand which answers might be possible.

He had a personal code of relations among political leaders which did not permit him or his colleagues to engage in personal vilification aimed at foreign leaders, however deep the disagreement might appear to be.

Today's writers are inclined to discuss Lyndon Johnson almost solely in terms of Viet-Nam, and such questions as whether he did too much or too little in that tragic struggle. The historian will take a broader view and weigh such things as the Consular and Civil Air Agreements with the Soviet Union, the Non-proliferation Treaty, our space treaties, his East-West trade bill, the beginnings of the SALT talks, and many other initiatives aimed at building the peace.

He had a very special and affectionate feeling for the nations of the western hemisphere. He used to say to us, "This hemisphere is where we live, this is our home, these are our neighbors. We must start with our own neighborhood."

Mr. President, last evening your made some moving remarks about President Johnson in your brief address to the American people. We congratulate you on the substance of that address and give you our best wishes for the weeks and months ahead. I mention two points which you made about Lyndon Johnson. That President Johnson was a man of peace and would have welcomed the peace which seems now to be opening up in Southeast Asia. How true. And he would, indeed, have joined you, Mr. President, in paying tribute to those millions of gallant and dedicated men in uniform whose service and sacrifice opened the way for the peace which is before us.

In his last State of the Union Message to the Congress, his final sentence was, "But I believe that at least it will be said that we tried." Ah, yes, he tried, with reckless disregard for his own life.

And then, in the final chapter of his book, when he was reflecting upon how it looked to him as he returned to that ranch which he loved so much, his final sentence was, "And I knew also that I had given it everything that was in me."

As time passes, the world will increasingly acknowledge that the "everything" that was in him was a very great deal, and that men and women all over the earth are forever in his debt.

Mr. STEPHENS. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

The President of the United States, Lyndon Johnson, was close to the people of Georgia and close to my district because his family came from our county in Georgia and went from there to an adjacent county and then from there to Texas. We felt especially close to Lyndon Johnson because of the leadership he had given when the county needed that leadership. We felt close to President Johnson because of his friendship for our late beloved Senator Richard B. Russell. Senator Russell and Senator Johnson at that time were the two great powers of influence in the Senate of the United States. We also felt very close to President Johnson because of the heart he showed when young Bobby Russell, one of the associate justices of our supreme court died. Bobby had been up here as a page in the Senate, and President Johnson, the President of the United States, put down his busy schedule and came down to Georgia to attend the funeral of Bobby Russell in Winder, Ga.

So it is with appreciation that I come here at this time and thank the gentleman for letting me participate in these memorial speeches for President Johnson. Again I thank the gentleman.

Mr. PICKLE. Mr. Speaker, at this point in the Record I insert the text of the eulogy delivered by the Honorable W. Marvin Watson, former Postmaster General of the United States and a former member of President Johnson's staff. His speech was a moving and inspirational message for all Americans. The eulogy follows:

President Lyndon B. Johnson—Eulogy by Hon. W. Marvin Watson

He was ours, and we loved him beyond any telling of it.

We shared his victories and his defeats.

In victory he taught us to be magnanimous—in defeat he taught us to be without hate—to learn—to rally—to accept the challenge and to try again.

He believed that good men together could accomplish anything, even the most impossible of dreams. No matter who his opponent, he constantly sought to find that touchstone within the soul of every man which, if discovered, would release the impulse for honest and fair solution. Hate was never in this man's heart.

Each of you has your own memories of this man who served for 37 years in this city. I had the honor of being with him through the final four years of his Presidency—in those great moments of triumph when the American people endorsed him so strongly—in those magnificent hours when he stood before the Congress of the United States and led the way to the passage of laws long overdue that would lead to justice long denied—and in that darkening twilight when, as a man seeking peace, he was forced to continue a bitter war to honor our country's commitment to a small, far-off ally.

I watched the gray come into his hair.

I saw each deep line etch itself into his face as he gave all at his command to lead our country through the turmoil which surged around us.

I watched him as he used his great gift of persuasion to convince a Southern Senator that the time had come for the Civil Rights Act—I watched him formulate, secure passage and sign into law the most comprehensive legislative program in education, housing, conservation and health of any President in history—I watched him in the Situation Room at the time of crisis during the Six Day War when only his ability, his knowledge, and his sheer courage helped to keep that conflict from erupting into a wider confrontation.

I sat with him through those long nights as he endured the agony of Vietnam, as he sought the key to peace, and as he waited for word of men whom he had ordered into battle. Each was a human being to him, not a statistic; each was a name linked with wives and parents and children—he cared for people, not for numbers.

So desperately did he want a just and lasting peace—so much did he want us to reason together—so much did he yearn that man's goodness would triumph over man's evil—so often as friend turned to political foe, did he nod with sad understanding and pray that in the years to come, the sacrifices he was making would be worthy of the American people and serve ultimately as a firm platform on which to build a better world.

And through it all, I saw him earnestly seek God's wisdom for his decisions, for this was a man with a strong belief in the Almighty.

President Nixon, as you so eloquently stated in your message informing Congress of President Johnson's death, it was his "noble and difficult destiny to lead America through a long, dark night of necessity at home and abroad." If he could have chosen other circumstances in which to be President, perhaps he would have. But, America has a capacity to call forth the leadership it must have in those hours of its greatest need. We had Abraham Lincoln when he was needed. We had Franklin Roosevelt when he was needed. History will record that in the seventh decade of the 20th century, America had Lyndon Johnson when he was needed.

When you remember him, remember him please for two things—his devotion to his country—and his restraint.

So often in his Presidency, dissension escalated into violence. Yet always, no matter how critical the situation, his inner faith in the people came to the fore and his restraint in the uses of power permitted the people to confront each situation and overcome it utilizing the inherent rights of free men.

Those of us who loved him take comfort in the knowledge that before he died, he could see the dawn of domestic tranquility and of foreign peace which he gave so much of his great heart to bring about. The structure of peace which President Nixon, with great distinction and determination, is building in the world today will rest upon a foundation laid in loneliness and stubborn courage by Lyndon Johnson.

This man's restless, searching heart began to give out long before January 22nd. He gave so much of himself to so many that it is wondrous that God, in His grace, granted him four years to enjoy his retirement in the hill country he so deeply treasured.

Not for him the easy way.

Not for him any halfway measures.

He was a tall man of giant character, and when he committed himself, he committed himself totally. And he asked his countrymen to do the same.

He asked those who had much to be concerned for those who had least.

He asked us to live up to our national promise.

He asked us to be worthy of our heritage.

He asked us to be true to ourselves.

But, he never asked more than he was willing to give—and what he gave was good enough to confirm and advance the progress of the nation he served.

Lyndon Johnson loved a woman, and she was his greatest joy and his greatest comfort. He loved his children and his grandchildren and to see them together was a heartwarming experience, for it transcended normal family devotion.

And coupled with that he loved each of us, sometimes with wry amusement at our failures, often with sharp words at our imperfections, but always with a sweeping and generous understanding of our frailties. The dimensions of this man were vast.

He is gone from us now—and this afternoon we shall take him home and he will be forever a part of the hill country.

Last September, I had the opportunity to be with him when he spoke of America and of the future.

He knew then that he might not see another autumn, but this was not a man who welcomed or needed sympathy.

Years from now, when historians appraise him, his speech that day could serve as the cornerstone of their research—for it reflected the true Lyndon Johnson. He gave much of himself to it, and it might well be his epitaph. He said:

"With the coming of September, each year, we are reminded as the song says, that the days are dwindling down to a precious few—

the green leaves of summer will begin to brown—the chill winds of winter will begin to blow—and before we are ready for the end to come, the year will be gone.

"As it is with the calendar, so it sometimes seems to be with our country and our system. For there are those among us who would have us believe that America has come to its own September—and that our nation's span as mankind's last best hope will be done."

President Johnson continued:

"But I live by the faith that with each passing day we are always approaching nearer to the beginning of a new springtime and it is by that perspective that I see our country now.

"No nation can be more than the visions of its people. America cannot be more than we believe ourselves capable of becoming.

"I want to open the soul of America to the warm sunlight of faith in itself . . . faith in the principles and precepts of its birth . . . and faith in the promise and potential of its people."

That was Lyndon Baines Johnson, the 36th President of the United States of America.

The years will be lonely without him.

Mr. PICKLE. Mr. Speaker, at this point I insert the remarks by the Honorable John B. Connally, former Treasurer of the United States, which was a eulogy delivered at the graveside at the LBJ Ranch. Mr. Connally was one of the young men who joined the President's staff in the late 1930's and was "one of his boys" and has given a life of dedication and devotion to the President.

[From the Austin Statesman, Jan. 26, 1973]

"How Can a Few Words Eulogize a Man Such as He?"

(By Hon. John B. Connally)

We lay to rest here a man whose whole life embodied the spirit and hope of America.

How can a few words eulogize a man such as he?

Not in a purely personal way, although President and Mrs. Johnson had a profound effect on my life, on Nellie's and the lives of our children, just as they had on the lives of many of you within the sound of my voice.

Not in a dispassionate way, because none who knew him could speak dispassionately of him.

And not in words of great elegance and adornment, simply because he would not have wanted that.

Lyndon Johnson spoke plainly all of his life. He spoke to the hearts of people. The wellspring of this thought and words and deeds was always the fundamental character of the plain people he loved and whose dreams and aspirations he tried so hard to bring to reality.

Eloquent praise and heartfelt words of sympathy have poured forth since last Monday afternoon when we learned this great heart had stilled. The world has a fallen leader and owes him much honor.

But I feel today it is these plain people he loved—the silent people—who mourn him the most.

He gave them all he had for forty years. He gave them his incredible energy, his matchless legislative mind, and his restless devotion to the ideal that his country's grasp should always exceed its reach . . . that nothing was impossible where there was a determined will.

He was one of them. He never forgot it, and they will never forget him.

Lyndon Johnson was one of three presidents to be born in this century. But this hill country in 1908 was not much different from the frontier his father and mother had known.

The comforts and amenities were few, the educational opportunities were determined by the quality of a single teacher or a handful of teachers, and man's fortunes were dictated by the amount of rain or the heat of the sun or the coldness of the north wind.

Yet a child's dreams could be as wide as the sky and his future as green as the winter oats, because this, after all, was America.

Lyndon Johnson made his dreams come true because he saw the real opportunity of this land and this political system into which he was born. He never doubted he could do it, because he always knew he could work harder than anyone else, sustain his dedication longer than anyone else and renew his spirit more completely than anyone else no matter how serious the setback or even the defeat.

Thus he rose from these limited beginnings to the zenith of power, and as he so often said with a mixture of awe and pride, "I guess I've come a long way for a boy from Johnson City, Texas."

But with all of his strengths, Lyndon Johnson cannot be viewed as a man above men, a mythical hero conquering all before him.

In a sense, his life was one of opposites—of conflicting forces within him trying to emerge supreme.

The product of simple rural surroundings he was thrust by his own ambition into an urbane and complicated world.

Born into a Southwestern, Protestant, Anglo-Saxon heritage, he found his native values challenged constantly in the political and social climate which enveloped him.

Reared and educated without benefit of a more worldly existence, he thirsted for the knowledge that would propel him to the heights in the life he chose for himself.

Some criticized him for being unlettered and unsophisticated when in truth he was incredibly wise and incredibly sophisticated in ways his critics never understood, perhaps because he always dealt not with things as they should have been, but as they were.

He dealt with basic human qualities and basic human reactions.

He was uninhibited by hypocricy or false pride. He was not afraid to let his feelings show.

It is said that in some ways he was an insecure man. Of course he was. He knew he was not endowed with the kingly virtues of always being right; he tried merely to do his best to discover what was right.

He recognized his own shortcomings far more than many of his detractors recognized theirs. He never hesitated to ask for help and he understood better than most the meaning of loyalty and mutual affection among friends and associates.

The same insecurities existed in Lyndon Johnson that exist in all of us. His strengths and his weaknesses were universally human qualities, shared by people everywhere who have also dreamed of the mountaintop, each in his own way.

President Johnson cared for people, no matter where they lived in this world or their color or their heritage.

He showed this in public ways too numerous to list. What is more important, he showed it in private ways when the world was not looking.

Not long ago he visited the ranch of a friend in Mexico and discovered a small rural schoolhouse for children in the depths of poverty.

When he returned to Austin he and Mrs. Johnson gathered dozens of small wind-up toys, medicine, clothing and other items for those children, and when he went back to Mexico he took those things with him and he had his own Christmas celebration with those children.

So we have the vision of a former president of the United States, perhaps down on his knees, surrounded by youngsters from another land, whose language he did not speak, demonstrating for them how to wind up a 25-cent toy.

Somehow, I think that's how Lyndon Johnson would like best for us to remember him.

The tens of thousands who have filed past his bier and the tens of millions who mourn him from afar—these are the people who understand who he was and what he was and how he thought, because he was one of them.

I think they would know of his frustrations of leadership, his impatience, the occasional temper, sometimes the sharp tongue, but always the overriding courage and determination of this complex man.

Surely they would know of his anguish over sending men to war when all he wanted was peace and prosperity and freedom. It seems ironic on this day that his predecessors began the war in Southeast Asia and his successor ended it. It was his fate to be the bridge over the intervening chasm of conflict that swept this country and the world. But he accepted that role without flinching, and no one would be happier today, no one would be more appreciative of the beginnings of peace and the president who achieved it, than the president who worked so long and so unselfishly for the tranquility that eluded him.

It is fashionable among some to refer to Lyndon Johnson as a tragic president.

But I believe history will describe his presidency as tragic only in the sense that it began through tragedy, for his service was not one of tragedy but one of triumph.

It was a triumph for the poor, a triumph for the oppressed, a triumph for social justice and a triumph for mankind's never-ending quest for freedom .

Along this stream and under these trees he loved he will now rest.

He first saw light here. He last felt life here. May he now find peace here.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Speaker, we are here today to memorialize Lyndon Johnson.

It is fitting that we do so in this Chamber where Mr. Johnson first came 42 years ago.

He knew the Congress as no man ever will. First as a doorman to this room, then as assistant to his Congressman, next as Congressman, and as we so well know, as Senator, Vice President, and President.

The Nation has lost a great leader. The poor, the black, the aged, the sick have lost a champion. I have lost a friend.

Most of us here today supported Lyndon Johnson at one time or another. I am proud to have supported him often, and willingly, both domestically and in foreign affairs.

This man's legislative accomplishments were legion. Ideas and social programs that had languished in the Congress for years were placed on the books during his 5 crowded years in office.

And we could do his memory no greater disservice at this time than to allow the systematic dismantling of his social visions and accomplishments.

Medical care for the elderly and the poor had been discussed since the first days of social security. They now have it. We must not take it away.

Rights of the minorities to be treated fairly were discussed since the days of the Civil War. They now have many rights; they will have more, until we all are truly treated equally. We must not take it away.

Aid to education was a dream of many.

Lyndon Johnson made it a reality in a series of landmark educational measures. We must not take it away.

The training and opportunity for jobs has long been a national necessity. Lyndon Johnson made it a source of national pride. We must not resort to callous economic programs whose victims are those whose greatest need is a fair chance at a productive job.

A strong and vital nation, with pride and performance on its commitments was Lyndon Johnson's goal. We must not become a weak and impotent nation. He would not have allowed it.

These, and many, many more were the goals and dreams and accomplishments of Lyndon Johnson—for himself, perhaps, but really for the people of this Nation.

For he loved the people. When he worked for education, he thought of the individual children who were denied an equal choice. When he worked for voting rights, he thought of the citizen who was denied his rightful voice in government. When he worked for social security and medicare and jobs, he thought not of great programs, but of the individual who had to be given his fair chance, but was denied.

Lyndon Johnson's life touched every American. The improvements he dreamed of and fought for and accomplished will be his living monument.

He once said:

> I have devoted my time on this earth to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits.

As I joined his family and friends on his burial day in his beloved Texas hill country, my thoughts turned to how few of us have such great goals and how fewer still accomplish any of them.

He did it all.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Oklahoma (Mr. Jones).

Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman from Texas for yielding. I approach this, my first speech as a Member of this body, with mixed emotions. On the one hand, I am very honored to be able to pay tribute to the man, Lyndon B. Johnson, who gave me and scores of other young men and women in the United States an opportunity to serve this country and who also renewed in us a dedication and love for this country.

It also is a sad occasion, because by our tributes we acknowledge that the wisdom, and wit of Lyndon Johnson, and the love which Lyndon Johnson had for America must rest as a part of our history.

I feel I had a somewhat special relationship with President Johnson, which at times extended to employer-employee; at times to man to man; father-son and President-citizen. Particularly during the last 4 years of his Presidency, as a member of his White House staff, I had a rare opportunity to observe this human being who happened to be our President, from early in the morning in the President's bedroom, when he went over the casualty reports and the situation reports worldwide and in Vietnam, to late at night when he usually left the troubles of the Presidency sometime around midnight or thereafter.

I had the opportunity to observe this human being in many moments of pressure and in many times of relaxation. My admiration for him as a private person and as a public being only grew with exposure. He was a genuine, warm, decent man for whom I will always have profound fondness, respect and love.

I remember Lyndon Johnson for many things, because he was a man who cared, not in the abstract, but a man who cared for people in human terms. He did not measure his Presidency, nor did he measure his life, by the pieces of legislation which he passed. He measured it by what that legislation and what his works did for people. He had landmark legislation, which this Congress helped him pass, in the field of education. But he did not put it in terms of, "Here is a piece of legislation." He put it in terms of Mexican-American children he had taught as a young man. He put it in terms of an opportunity for all the children of this country, regardless of their backgrounds, to have a chance to get the tools to do for themselves, to share the full opportunities of this country.

He did not look upon his great legislation that he passed in the field of health care, such as Medicare, as just another bill the historians will look at. I remember in Beaumont, Texas, one time in a nursing home, when a lady looked up to him and said, "Mr. President, you have given me pride, you have given me dignity," and that is what he wanted to give his fellow human beings.

He demanded excellence both of himself and of those around him. In many of those long days in the White House, we would be exhausted at the midnight hour from the demands that he had placed on the staff. When you went home, you really realized what he had done for you. He had allowed you to push yourself beyond the capabilities and the abilities that you thought you had, into that pursuit of excellence which he demanded of himself and of the country.

He wanted peace probably more than any single thing. I think that was the single, most important reason why he chose not to run for re-election in 1968.

He loved this country and he loved those who built the country, the constructors, and not those who tore it down. Those people he could not understand.

He was a private man and yet he belonged to the public. He was a humorous man. He was a forgiving man. He was an understanding man.

I remember his wit. One Saturday evening after a particularly long week in which he was going back to the mansion for a private dinner. He invited a particular Member of Congress, who had been vocally critical of him, to have dinner with him and his family. A member of his family said:

> Why would you do that? He is your enemy, he is saying all those nasty things about you. Why don't you enjoy dinner with your family?

And he replied:

> If I did not have dinner with my enemies, I might be dining alone.

He was a witty man. He was an understanding man. He was a man who loved the power of political office, and mostly what that power would do for the country.

I remember the night before President Nixon was inaugurated in 1968. Mr. Johnson had a group of the special assistants and their families in the yellow oval room of the White House, and in what was a most moving experience he recalled the history of America that he had personally participated in. He encouraged all of us to try to be bipartisan in our support of those who would lead us in our lifetimes.

He did have a special relationship with and a special feeling for the Presidency.

Mr. Speaker, I ask unanimous consent to include in the Record at this point some comments from an essay by John Steinbeck which bear upon what America does about its Presidents and what it feels toward its Presidents.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

> The relationship of Americans to their President is a matter of amazement to foreigners. Of course we respect the Office and admire the man who can fill it, but at the same time we inherently fear and suspect power. We are proud of the President, and we blame him for things he did not do. We are related to the President in a close and almost family sense; we inspect his every move and mood with suspicion. We insist that the President be cautious in speech, guarded in action, immaculate in his private and public life; and in spite of these imposed pressures we are avidly curious about the man hidden behind the formal public image we have created. We have made a tough but unwritten code of conduct for him, and the slightest deviation brings forth a torrent of accusations and abuse.
>
> The President must be greater than anyone else, but not better than anyone else. We subject him and his family to close and constant scrutiny and denounce them for things that we ourselves do everyday. A Presidential slip of the tongue, a slight error in judgment—social, political or ethical—can raise a storm of protest. We give the President more work than a man can do, more responsibility than a man can take, more pressure than a man can bear. We abuse him often and rarely praise him. We wear him out, use him up, eat him up. And with all this, Americans have a love for the President that goes beyond loyalty or party or nationality; he is ours, and we exercise the right to destroy him.

Mr. JONES of Oklahoma. As has been said during these tributes to Lyndon Johnson, Mr. Johnson learned about Government from two men—Speaker Sam Rayburn and President Franklin Roosevelt. He was generous with this knowledge, and gave me a rare opportunity to learn. I am pleased to see that former Congressman Ed Edmondson from whom I also learned so much is in the Chamber today to pay his respects to our mutual friend, Mr. Johnson, and the Johnson family. In conclusion, Mr. Speaker, I would just point to another essay I read which stated that in America we honor our mediocre Presidents during their lifetimes and we honor our great Presidents after they have departed.

I feel, on behalf of myself and my wife Olivia and all those who had the privilege of working with President Johnson, that the honors due him for his greatness and his contributions to this country and to his friends are just now beginning to come home. We will miss him very deeply.

Mr. PICKLE. Mr. Speaker, I should like to thank the gentleman from Oklahoma for his remarks. He was one of those men who worked at the White House and who put in long, dedicated hours carrying out the wishes and the ambitions of the President, and doing so in a loyal and dedicated manner. His own dedication has meant a lot to America. I know that his remarks will be appreciated by the family and by all those who know what he has meant to the President and to this Nation.

I thank the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman from Texas.

Miss JORDAN. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentlewoman from Texas.

Miss JORDAN. Mr. Speaker, the death of Lyndon B. Johnson diminished the lives of every American involved with mankind.

He was a great man and a great President of the United States. Historians may regard that judgment as premature. But those of us who felt the power of his compassion and were the beneficiaries of his legislative prowess and effectiveness cannot await the historian's judgment. We know now and see clearly that the fact of Lyndon B. Johnson's life and work stripped the Federal Government of its neutrality and made it the actor on behalf of America's old, poor, and black citizens.

The depth of Lyndon B. Johnson's concern for people cannot be quantified. It was big and all encompassing. Old men straightened their stooped backs because he lived. Little children dared look forward to intellectual achievement because he lived.

Black Americans became excited about a future of opportunity, hope, justice and dignity during his Presidency. Lyndon B. Johnson reminded this country shortly before his death that the problem of being black in a white society remains and that the problem of unequal opportunity cannot be overcome until unequal history is overcome. He wanted America to get on with the business of removing the vestiges of racial discrimination wherever found.

The record of the Johnson Presidency provides us with real and hard evidence of his commitment to equality for all men. There is no need to repeat it here for a quick glance at the laws of the United States enacted from 1963 through 1968 provide an authentic account.

The legacy of Lyndon B. Johnson is a legacy of hope for defenseless Americans—a hope born in the decade of the sixties—a hope which must not be allowed to die in the decade of the seventies.

Lyndon B. Johnson left us a legacy of courage and commitment.

Let us today resolve to protect and defend this inheritance. He was counting on us and we must not let him down.

Mr. PICKLE. Mr. Speaker, I thank the gentlewoman from Texas for her remarks. She knows personally of the great compassion and courage of President Johnson.

As Speaker ALBERT had said earlier, the acts passed in the field of civil rights, the 1964 Civil Rights Act and the 1965 Voting Rights Act, will be President Johnson's epitaph and will be remembered long after we are gone, and they will live through the ages.

I am grateful for the remarks the gentlewoman has made to us.

Mr. WRIGHT. Mr. Speaker, as is always the case when a great man dies, journalists during the past 2 weeks have been recounting the incidents and events, large and small, that help us understand Lyndon Johnson as a distinguished lawmaker, as a President, and as a man.

Since my tenure in Congress coincided in part with Lyndon Johnson's service in the Senate and later in the White House, I came to know him fairly well. He was my friend, a truly monumental person, and a man whom I believe history will treat far better than some of his contemporaries have treated him.

It would be folly to try to paint even a rough word portrait of Lyndon Johnson in these few minutes, because he was above all an enormously complex man. There are, however, little scraps of recollection that give illuminating insights into at least certain phases of his personality, his hopes, and his dreams.

My first exposure to Lyndon Johnson date back to 1941. Senator Morris Sheppard of Texas had died and there was a special election to fill his vacancy in the Senate. Lyndon Johnson, then a young Congressman from central Texas, sought the post. For most Texans, it was the first we had heard of this driving, thrusting personality who was to loom so large in the history of our State and of our Nation.

Mr. Johnson was not successful in that bid for higher office. He barely missed winning election to the Senate that year. My most memorable recollection of him at the time was his publicly stated promise, those few fateful months before Pearl Harbor, that if it ever became necessary to send American boys overseas in a foreign war, Lyndon Johnson would leave his seat in the U.S. Senate and go with them.

When Pearl Harbor came—in the words of President Roosevelt, "A day that will live in infamy"—Congressman Johnson made good his promise. Of all Members of the House and Senate, he was the first to enlist in the service of his country. He left the Halls of Congress and accompanied members of my generation to the South Pacific where he participated in combat action against the Japanese, earning the Silver Star for gallantry.

For some who find it easy to attribute selfish motives to every deed of decency and kindness, Lyndon Johnson's championing of the oppressed and the dispossessed may have seemed nothing more than "politics." Those who knew him as a person know better. I recall from the days immediately following the hostilities of World War II an occurrence in which the body of a Mexican-American boy was returned and he was denied burial by the bigoted rules which governed his hometown cemetery in south Texas. It was Lyndon Johnson who pointedly and publicly exposed the barrenness of the blind and unthinking prejudice of that community when he arranged for the body of that young man to be buried with honors at Arlington National Cemetery. With Lyndon Johnson, it was not "politics." It was conviction.

One small incident took place on an airplane en route to Texas only a year or so after he had recovered from his first heart attack in 1955. As the plane droned westward from Washington, Mr. Johnson and I talked about the racial unrest that was then festering in Texas. Because of his work in behalf of civil rights legislation, Senator Johnson was being accused in some quarters of being a turncoat—a traitor to the Southern cause—a tool of the NAACP. One fellow who had been listening to the conversation asked the Senator what he was going to do about this accusation. This fellow asked:

> Don't you think you will have to deny it?

I will never forget Mr. Johnson's reply. He said:

> No, I'm not going to demagogue on that issue. If I have to prove that I hate Negroes in order to win, then I'll just not win.

He told us there was a Negro girl who brought him coffee in the majority leader's office every morning. He said,

> I'm not going to have to look away when she comes in for being ashamed of something I've said.

Then, recalling his battle to recover from the heart attack, he told me:

> When I lay in that hospital bed I thought of a lot of things. A man doesn't occupy this earth forever. I don't know when I'll die, and I hope it won't be soon. But I'm not going to die with that on my conscience.

A man indeed does not occupy this earth forever. When death struck Lyndon Johnson in the privacy of his bedroom all his friends could be certain that his conscience was not haunted by anything he had failed to do in the field of human rights.

Lyndon B. Johnson was a big man and he moved on a big stage. He was big in compassion for his fellow man, and big in his ambitions for the betterment of our Nation.

He wanted to wipe out poverty, to end racial injustice, to conquer space, to establish a genuine and lasting peace in Southeast Asia—and he wanted to do them all at once.

The wonder is not that he failed to accomplish all of his goals. The wonder is that he was able to accomplish so many of them.

Lyndon Johnson was above all a generous man. He was impulsively generous on occasion with his friends, and often more generous than many ever realized in his appraisal and personal treatment of political foes.

More than this, he was generous with

himself. Abundantly, almost wantonly, he spilled out his time and effort and energy. In the days of his Presidency, it was almost as though he were haunted by the limitations of time. There was so much to be done, and so little time in which to accomplish it.

Some who were closer to Mr. Johnson than I in the last few months of his life have expressed privately the feeling that he may have had a premonition of death. I have no knowledge of that nor any reliable insight. But I recall with vivid clarity the last conversation I had with Mr. Johnson. We were having lunch in his suite in the library which was his endowment to the University of Texas. The former President was relaxed. He spoke with pride of his family, his children and grandchildren, the opportunities for service that had come his way, the relative comfort and material abundance which had been his privilege. And then, almost as in a self-pronounced benediction, he said, "I am content."

Many have called Lyndon Johnson the greatest legislative leader in our history. He was a great politician, no one can deny that, but he was also a great humanitarian with a deep compassion and respect for his fellow man.

He did more than the country ever realized or appreciated and accomplished less than his own dreams. He wanted a "Great Society" but unlike so many who want to improve the country, he devoted a lifetime to doing something about it. For Lyndon Johnson the "Great Society" was not just a dream; it was a way of life.

Mr. RONCALIO of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the gentleman from Texas.

Mr. Speaker, we have witnessed the passing of a mighty man and a great leader. Of this there is no doubt.

The people of my State knew him and loved him and remembered him with great warmth and admiration as a result of his many visits to our State, not in behalf of himself, but always to fight the good fight for his party and his country and to acclaim the good works of our own U.S. Senators, the late Senator Joseph C. O'Mahoney and our incumbent Senator GALE W. MCGEE.

Mr. Speaker, I can think of no more fitting remarks in memory of our late President than the words of Bernie Horton, editor of the Wyoming Eagle, recalling the tremendous assistance that great man gave to the Nation and to Wyoming's public servants.

Mr. Speaker, I would like to ask unanimous consent, if I may, that my remarks be followed by the editorial of the Wyoming Eagle of January 23, 1973.

LYNDON B. JOHNSON

Wyoming has lost another friend.

His name: Lyndon B. Johnson, 36th President of the United States. Mr. Johnson died yesterday of a heart attack.

Many Wyomingites may remember Lyndon Johnson when he came to Cheyenne in 1952 to deliver a free-swinging political speech in behalf of his long-time friend, the late Sen. Joseph C. O'Mahoney.

Others may remember him in 1958, when he told Wyomingites that, if they elected Gale W. McGee to the United States Senate, he, as majority leader in the Senate, would see to it that McGee would be appointed to the powerful Senate Appropriations committee. McGee was elected and he was appointed to the appropriations committee the day he walked into the Senate.

Some of us will remember talking to Lyndon Johnson in Los Angeles, in 1960 when he was running for President. He ended up as running mate to the late President John F. Kennedy, and much of the credit for their victory was due to his efforts.

Lyndon Johnson came to Cheyenne again, in July, 1963, to speak at a giant appreciation dinner in honor of Wyoming's senior Senator McGee. More than 1,250 persons from all over Wyoming turned out for the occasion.

On that day, Mr. Johnson granted this writer an exclusive interview, perhaps the last exclusive interview he was to grant for many years. He was Vice President, at the time, and a few months later he was to become President following the tragic events that transpired in Dallas, Tex.

Lyndon Johnson even rode in the Cheyenne Frontier Days parade, one year. Remember him? Cowboy hat and all perched on the back of a stagecoach?

Some may have thought differently.

But we thought Lyndon Johnson was one of the most approachable, down-to-earth men we have ever interviewed.

He answered our questions with candor and sincerity. It seemed to us that, even as Vice President, he was dedicated to making this a greater nation—a nation with concern for all.

President Johnson was scheduled to return to Cheyenne on Nov. 4, 1966, but was forced to cancel because of a serious illness.

Some Wyoming Democrats may remember Lyndon Johnson when he was nominated at the 34th National Democratic Convention at Atlantic City, Aug. 24–27, 1964.

Some, who are interested in politics, will remember his landslide victory that year. He won 486 electoral votes to only 52 for his opponent.

Some may remember the vast number of social and economic reforms he brought about as President, especially during the months immediately following the death of President Kennedy.

But we strongly suspect that millions of Americans, including the citizens of Wyoming, may remember most vividly the address Lyndon B. Johnson gave on a Sunday evening, March 31, 1968.

At the very close of a 30-minute speech on Vietnam, during which he announced he was ordering an immediate and unilateral scaling down of American bombing of North Vietnam as "the first step in what I hope will be a series of mutual moves toward peace," Mr. Johnson declared:

"I shall not seek and I will not accept the nomination of my party for another term as your President."

That was his way of underscoring the United States' sincerity in seeking to end the war in Vietnam. It eventually was to bring the communists to the conference table. Few times in history has a President, or any other leader of a major international power, placed the welfare of his nation and the struggle for the ideal of peace so clearly and dramatically ahead of his own political ambitions.

Among other things, President Johnson may go down in history as the President who gave up his own political future in favor of national unity and a sincere hope for peace.—Bernie Horton, Editor.

Mr. PICKLE. Mr. Speaker, I insert in the RECORD at this point the text of a commentary by Nicholas von Hoffman entitled "A Big, Big Man," which article appeared in the Washington Post edition of January 24, 1973:

A BIG, BIG MAN

(By Nicholas von Hoffman)

Ah, Lyndon, you're not cold yet and they're calling you great. That's what happens when one politician dies: The rest of them call him great, but, Lyndon, you deserve better than patriotic hagiography. You were better than the eulogistic junk they're saying at the memorial services.

Lyndon, you got your teeth into us and we got our teeth into you. Those five years of you in the White House were a barroom brawl, and, just four years ago almost to the day, when we staggered out of the saloon, dusty and bloody, we didn't hate you anymore. We understood better how you got us into Vietnam than how Nixon got us out and we liked you more, you cussed, cussing, bullheaded, impossible, roaring, wild coot.

You had your credibility gaps and your silent, sullennesses, but we read you. Oh, man, Lyndon, did we know you! You were the best and the worst of ourselves, the personification of our national deliriums. You were always so completely, so absolutely you. Kennedy had Pablo Casals to play for him, Nixon's got Pat Boone to pray for him, but you, Lyndon, you had Country Joe and the Fish singing songs soaked in four-letter words at you.

They're not bringing it up at your funeral, but you had a famous dirty mouth. By most accounts the only man in the history of the White House who could cuss better than you was Andrew Jackson. We on the outside knew how to make obscenity a tool of eloquence, too. We could recognize you, not as a Great American, but as an American man. But you did your own hating and your own cussing, not like these stiffs they've got in there now who import Sinatra and the dregs of Las Vegas to call people filthy names for them.

That wasn't your style, Lyndon. You let it all hang out; but then, man, even when we hated you most, we knew you at least had something. Your dogs had names and you pulled their ears. No official court photograph animal for you to have its picture taken as you asked the mutt's name. Sure, you could be gross. Getting your picture taken in the hospital bed, pulling up your pj's so we could all see the scar on your belly, and they still whisper around Washington that you used to receive ambassadors from foreign countries stepping out of the shower bath nikked as a jay bird, as they say where you came from.

And, still you kept your dignity. Maybe because everything you did, good, bad, indifferent or just funny, was so big. You were Andy Jackson's boy. Immoderate and big. No rein on yourself. They say even after the second heart attack you couldn't bring yourself to quit smoking.

Lyndon you were immoderate, and greedy. You outdid all the rest of us hungry Americans for reaching out and grabbing, fingers always stretched for grasping, but now they're saying after your death that you divided America, left her all split and bleeding. It is true that if ever a man had a reach which exceeded his grasp, it was you, you wicked old devil, but you redeemed this country even while dropping us, plop!, in the middle of the Vietnam Big Muddy.

You fought our Second Civil War and carried out our Second Reconstruction. The credit has gone to John Kennedy but he doesn't deserve it. He had the speechwriters to say fair, promising things, while he and his brother appointed racist judges to the federal bench. Lyndon, it isn't fair to you that Jack Kennedy's picture should be tacked up on the walls of so many poor black homes, Kennedy who regarded blacks as but another pressure group to be tricked or placated.

But some of us remember. Some of us who were in a room in the public housing project across the street from Brown's Chapel in

Selma, Ala., that night you talked to a joint session of Congress in your rich, half-southern accent and we saw you on TV say to them, "We shall overcome." Lyndon, you did your best to overcome. Where Jack Kennedy reacted with official indifference to what happened to black people, you shook and threatened the federal bureaucracy from the FBI to the Department of Agriculture to make them redeem the pledge of equal protection.

Much of what you started is being abandoned, discarded and attacked, and much of it ought to be. You were so impulsive. You tried to solve social problems like a drunken hardware wholesaler trying to snag girls in a Paris nightclub. You drank so much of the social betterment bubbly the nation woke up with a hangover, but God bless you for it. Every right-living nation ought to go on that kind of a drunk every so often, and even if you went about it the wrong way, you got us thinking about what we should be doing. Your Medicare and Medicaid aren't exactly winners, but thanks to you our people will have the health protection.

You were a big 'un, Lyndon. We're going to miss you, you old booger, and we're going to know, regardless of official proclamations, you deserve better than to be saluted, left at half-mast and forgotten.

Mr. Speaker, I would ask unanimous consent to insert in the RECORD at this time the texts of speeches delivered on the campus of the University of Texas on January 25, 1973, as follows: the remarks by Mr. Dick Benson, the student president of the University of Texas at Austin; the remarks of the Dr. Stephen H. Spurr, president of the University of Texas; and the remarks of the Honorable Charles Alan Wright, chairman of the faculty senate of the University of Texas.

Mr. Speaker, these remarks were given before a large audience at the university, the university which houses the L. B. J. papers, and I am pleased to have them inserted at this particular point:

SPEECH BY DICK BENSON

(Student President at the University of Texas at Austin)

Within the confines of statehood, diplomacy and politics there exists a nearly infinite variability of approach. The subtle weave or events, ideals, information and mankind is so enormously complex and chaotic as to defy definitive analysis of exact description. Approach, or method, becomes then a matter of projection—of arraying the chaos of the world out there to conform with inner assumptions, drives and goals. Of this, Lyndon Johnson was a master—he carried his milieu both within and without and the strength of his world demanded the attention of those around him—extending outwards to encompass the population of an entire nation.

For those who demand absolutes, politics is a hard road to travel. Those who survive it, like President Johnson, are able to endure the void, the chaos, they have the force of will to create from nothing a field of endeavor and inhabit it.

Johnsonian politics besides being earthy and regional was primarily composed of people—inordinately human, the content and structure of his epoch were made up of distinct personalities—in itself, a great contribution. Government exists of and by men only—we not only man, but also create its machinery. To understand this takes sometimes, a substantial leap of faith by those hard-pressed by the system. A personal man as president is a friend or enemy—a person and a personality—infinitely more distinct and valuable than the programmed blandness of the scientifically determined and unobjectionable middle of the road.

Composed as they are of human thoughts, I am recently impressed by the ability of events to elude the grasp and manipulation of man himself. Surely, when faced with that situation, leadership acquires a whole new kind of loneliness.

Sometimes intention and event do not coincide and we are often not justified in exacting personal judgments on situations well beyond our comprehension. History in total is not the conscious product of any one man's mind. President Johnson's intentions were impeccable in his own moral frame. His life and works were not egotistical but rather the natural extension of an audacious and challenging existence.

I met and knew him briefly for a total of some four to five hours spread over two occasions, but those impressions confirm these thoughts. His preoccupations primarily concerned the problems of race, hunger and education. With two others, I first encountered President Johnson in the front yard of his ranch. During the ensuing conversation he was asked this question: assuming the apparent goodwill and intelligence of most of the world's leaders, why did war, strife and famine girdle the planet? He was perplexed and could not produce a simple answer but to him it was an issue to consider and not one to be written off as simply beyond man's comprehension—he wanted and tried to understand what probably no person in the world does understand. Presumptuous and in the style of the President but necessary—very necessary for those who care to sustain the terribly tenuous state of peace.

President Johnson, just because of his style, would never have selected this statement to end a speech of his own but the Poet Rilke also seems to have known the magnitude of what it is to create a historical world and live in its consequences:

"These things that live on departure understand when you praise them: fleeting, they look for rescue through something in us, the most fleeting of all. Want us to change them entirely within our invisible hearts, into . . . endlessly, into ourselves. Whosoever we are."

SPEECH BY STEPHEN H. SPURR

(President, the University of Texas at Austin)

All of the proper things have been said about LBJ by those most qualified to say them: his largeness of character, his mastery of the art of politics, his leading role in the betterment of American education, and his deep commitment to enlarging the opportunities of ethnic minorities. I can speak personally only of his last year and a half and only of his relationship to our University.

President Johnson was fond of telling how he was shamed into going to Southwest Texas State by his parents, and how he was taken in there warmly, and how he came to maturity and ambition through his college experience. His gratitude to his alma mater was great, and his commitment to higher education derived from this crucial turn in his own life.

The University of Texas was, of course, his wife's alma mater. Here he was persuaded to place his presidential papers, and here he gave his blessing and support to having a new and special School of Public Affairs established in his name.

In my dealings with him, I found him deeply respectful of the University community, strongly supportive of our efforts to build a better university, and careful not to intrude in any way on our academic processes. When I came to campus he told me that he respected the presidency of the University as he did the presidency of the country; that he'd never offer advice, but that he'd give it if asked; and that he would never intrude himself on campus but that he was available if wanted. When I hesitantly asked if he would open the Congress of Black Professionals in Higher Education, he countered with the offer to give a major speech if I wanted him to—and he did—although he had to get up at 4:00 in the morning to keep his promise, and although the strain of the effort may have contributed to the heart attack he suffered two days later.

I shall remember best, however, his final moment at the recent civil rights symposium. We knew a disruption was planned, but President Johnson would not be deterred. He mounted slowly and painfully to the podium, and stopped to swallow a nitroglycerin pill to ease the pain before giving his closing remarks. When an uninvited speaker tried to force his way through the secret service to the platform to serve his demands, we could see the President come to life. He seemed literally to grow in stature, to glow, and to fill the room. With one gesture he called off the guards and with another he took the black minister to his bosom. Giving the podium to the speaker, he listened patiently and then delivered a calming, folksy, and wise discourse that left us all—black and white, conformists and dissenter alike, knowing that we had been for a moment in the presence of true greatness. That is how I shall remember him.

SPEECH BY CHARLES ALAN WRIGHT

(Chairman of the Faculty Senate, the University of Texas at Austin)

Members of an academic community have reason to be grateful for the life and career of Lyndon Johnson. He was devoted to the cause of education and did much that will be of permanent benefit to higher education generally and to this University in particular. President Spurr will address himself to some of these things. Rather than duplicate what he will say, I would like to reflect with you briefly on the great office that President Johnson occupied for more than five years.

In my judgment the most significant original contribution the Framers of our Constitution made to the science of government was in Article II, in which they vested all executive power "in a President of the United States of America." Unlike some of the other novel concepts of the Framers, such as federalism, which have not been much copied elsewhere, their concept of a single officer who is both head of state and head of government and who is chosen by the people for a limited term has been widely adopted throughout the world and has been immensely successful in our own country.

In Moussorgsky's opera, "Boris Gudonov," there is a great aria in which Tsar Boris sings "Mine is the highest power." A 17th Century Tsar of All the Russias had great power—but his power was puny compared to that exercised by a President of the United States. The very existence of civilization on this planet may turn on his wisdom, his good sense, his coolness, and his courage, as he makes hard decisions in international crises in which a nuclear holocaust is a possibility. The President must also several times a day bear the heavy responsibility of resolving issues that are less dramatic but that will have great impact, for good or ill, on "domestic Tranquility" and "the general Welfare." What Chief Justice Vinson described as "the broad executive power granted by Article II to an officer on duty 365 days a year" gives the President considerable room to shape the future course of our nation.

This awesome power is vested in one man. When Congress or the Supreme Court act, the responsibility is shared among those who are in the majority. When the President acts, he acts alone. He can and does listen to wise advisers, but only he can make the decision. In President Truman's phrase, "The buck stops here."

We choose our President in hotly fought elections. His margin of victory may be sweeping, as was President Johnson's in

1964, or very thin, as was that of the ticket on which he was chosen Vice President in 1960. But from the moment he takes office, he is President, not of a party, but of all the people. The hopes and aspirations all of us have for our country are wrapped up in one lonely man who has sworn that he "will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Mark well the phrase, "to the best of my Ability." The Framers made the President, within the area assigned to him, omnipotent, but they could not make him omniscient. Given the complexity of the issues with which he must deal, it is hardly surprising that every President in our history has made some decisions that, with the benefit of hindsight, were wrong and others that caused great controversy when they were made and that can only finally be appraised in the long judgment of history. President Johnson was no exception. But we were reminded in the ceremony yesterday in the Capitol rotunda that President Johnson closed his final State of the Union message by expressing his hope that it could be said of his administration, "We tried." He closed his memoirs by saying "I gave it all I had." That is all that the Constitution requires. It is all that a free people can properly ask of their chief executive.

The Framers lived in a time of emperors and kings, hereditary monarchs who still exercised significant power. It is a tribute to their genius that they could conceive of an officer more powerful than the mightiest king, yet answerable to the humblest citizen. It is a tribute to that representative product of the sturdy democratic traditions of the Texas Hill Country whom we remember today that he was able to meet the demands of that great office so tragically thrust upon him. All of us, whether we be Republican or Democrat, integrationist or segregationist, hawk or dove, must be grateful for President Johnson's service to our country and for his conscientious effort, through five extraordinarily difficult years, to provide, to the best of his ability, wise leadership for the country he loved so well.

Mr. Speaker, I also ask unanimous consent to insert an article by the Honorable Horace Busby, who formerly was a member of President Johnson's staff, and who indeed came to Washington in the early 1940's to become a member of his staff at that time. The article is entitled "'This Country Isn't Over the Hill' . . . Then L. B. J. Was Gone."

The article follows:

[From the Los Angeles Times, Jan. 28, 1973]

"THIS COUNTRY ISN'T OVER THE HILL" . . . THEN L. B. J. WAS GONE

(By Horace Busby)

On Sunday, Dec. 31, 1972, at my home in the Washington suburbs, I was awakened early in the morning by the telephone. When I answered, a Secret Service agent at the LBJ Ranch in Texas announced: "President Johnson is calling."

Over 25 years, countless days had begun in much the same way, for me and for all other former assistants from the early years whom Lyndon Johnson liked to call "my boys." Whatever his office—congressman, senator, Vice President or President—he was awake at dawn, thinking out his strategies to surmount what others deemed insurmountable.

Once his plans were set, he reached for the telephone and, oblivious to the hour, began launching his characteristic counterattack on the approaching day. The pattern lingered on in retirement.

If the call was typical, his manner on this morning was not. He did not banter casually. Speaking crisply and, it seemed, rather hurriedly, he went directly to his point.

"I've called," he said, "about two things."

Out of old habit, I picked up a pencil and prepared to take notes. He did not continue. I heard him lay down the telephone—I assumed on the medicine table beside his bed—and there were sounds of glasses clinking and water being poured. A minute or more passed before he spoke again.

"I'm swallowing these nitroglycerine pills," he said matter-of-factly, "like a goldfish gulping crackers."

Of late, his health had become an increasing concern. While he did not always take kindly to inquiries about that subject, I ventured a question anyway, asking how he had been feeling.

"Just fair," he replied. "I'm trying to get in better shape so the doctors will let me go to Mexico next month and rest up in the sun. But it's not good."

The answer was unexpected. Only the previous day, news accounts reported President and Mrs. Johnson's attendance at memorial services in Austin for 16 teen-agers from the city who died in a holiday traffic tragedy. I had assumed his presence at those services meant his health must be improved.

When I began mentioning the news reports, however, he immediately bridled. He apparently suspected that I meant to reproach him—as others around him had been doing in recent weeks—for attending too many funerals, each of which seemed to take a deep emotional toll. He cut my comment short.

"Now, Buzz," he said firmly, "you've got to understand those families all live in south Austin."

In the context of his carrer, that was explanation enough. Since 1937, when he first ran for Congress, Lyndon Johnson had never fully come to terms with Austin's proud old family elite—"the better people," as they were known in the class-conscious New Deal era—who lived in the palatial homes of north Austin.

They resented him politically and were contemptuous of him socially: He was born wrong, schooled wrong, had wrong friends, wrong interests and wrong style. But across the river, in the modest homes of south Austin, where the "little people" lived, he always had the votes.

That schism marked the man from the beginning to the end of his public life. While the fires within him had long been banked, now an ember began to glow hot inside.

"Those people," he said with sudden intensity, "are my people. When nobody else was with me, they stood by me. When they hurt, I hurt. Nothing"—he repeated the word twice more—"is ever going to keep me away from them in times like they're going through."

I said no more about funerals.

After a moment, he turned the conversation, raising the subject of the Vietnam cease-fire negotiations.

"I think they've about got it," he said, "or they will have it soon. I just pray to God they can make it stick."

He continued on, repeating concerns he frequently expressed for what might happen next in other Asian lands. Although his comments were not optimistic, he was talking now about national concerns and his mood brightened noticeably and the horizons of the conversation expanded to Congress, the new Cabinet appointments, economic policy.

"Be sure," he told me, "to meet Barbara Jordan." The newly elected black congresswoman from Texas greatly impressed him. "She's one of the best to go up the pike from down here in a long time," he said.

Other such directions came tumbling out as he went along. There were two editorial page articles in recent issues of the Washington Post and he wanted me to read, "think about," and send him a memorandum of comment.

He would like to have any statistics I could find about black voting in the 1972 national elections. The indicated low turnout of both blacks and 18-year-olds was, he thought, "a damn disgrace." When he returned from Mexico in March, he added, "we've got to get some smart people together and try to figure out something to change that before the next election."

In this mood, he skipped to another pet project. He was trying, he reported, to raise $1 million to fund a guest lectureship program at the Johnson Library in Austin. But he was dissatisfied with the current "crop" of lecturers touring the campus circuit.

"Some of those faces," he said, "are getting pretty old and tiresome. Their needles have been stuck for 10 years. Aren't there any new and exciting thinkers?"

I began suggesting some Washington figures, but he interrupted. "Hell," he said, "nobody there has enough charisma to fill a small phone booth, except Kissinger, and he's always some place else."

I laughed, of course, at this flash of his typical humor, and he ran through a list of other names, offering similar succinct comments on each. Then, serious again, he added another assignment.

"While I'm gone," he said, "talk to some good people up there and get some names of lecturers who can really shake up things. These kids on campus aren't fired up like they ought to be."

This talk reminded him of another campus matter. He had been invited, he reported, to deliver the commencement address at the University of Virginia when his son-in-law, Charles Robb, received his law degree this spring.

"That's an old school, a fine school," he commented, "and I want to make the best speech of my life. Remember," he went on, "when Thomas Jefferson wrote his own epitaph, he asked that his tombstone say he was founder of the University of Virginia."

The mood was upbeat, even soaring. This had become a typical early morning Lyndon Johnson conversation. Abruptly, though, he left the telephone once again as he had done at the beginning of the call. When he resumed, nothing was said to explain the interruption, but he returned to his opening remark.

"One of the things I wanted to say," he began, "is that I am very pleased with what we've been able to accomplish these last four or five months."

This had special significance. Over most of his period in retirement, Lyndon Johnson had severely restricted activities that might thrust him back into the public eye. Invitations to speak, lecture or contribute articles to periodicals were rejected without being considered.

"Whatever I say," he had argued, "they'll twist it around to say that I'm criticizing the President. I'm not mad at anybody. I don't want to fight with anybody. The only way to stay out of scrapes is to stay where I belong on the ranch."

Family and friends, though, believed this isolation worked against his health. For more than 30 years, Lyndon Johnson lived with and thrived on the tension and trauma at the center of national affairs. He was farther away from that milieu now than at any time since he was 21 years old.

With some conspiracy and much complicity, various associates began working together after his spring heart attack, edging him back toward a more active public role. He continued to resist through the summer. At the start of September, however, he abruptly changed, for what reason I do not know.

He accepted an invitation to speak at the Scott and White Clinic in Temple, Tex. From the ranch, he called me in Washington and asked if I could come down and work with him on what he wanted to say.

"I would like to get some things off my chest," he explained.

When I arrived at the ranch, he almost seemed to be waiting at the door. I was hardly inside before he picked up a favorite cap and headed outside, saying, "Come on, we need to take a long ride."

For hours we rode together over the ranch, a Secret Service agent trailing behind. He said nothing about the speech. Instead, he reviewed in minute detail—more, I thought, for his interest than mine—his systematic effort "to get things in order for Bird and the girls."

Family business properties were being disposed of, the ranch itself was being deeded to the government for public use, other relatives for whom he felt responsibility were being moved into appropriate career opportunities.

The ride continued through the morning and into early afternoon. Reluctantly, it appeared, he said he had to return to the house. "If I don't get my oxygen and my sleep," he explained, "I begin to feel it in my chest."

At his request, I followed him into the bedroom. He changed into pajamas, spent a few minutes adjusting the oxygen controls and finally slipped under the covers. Holding the oxygen mask in one hand, he began "dictating" what he wanted to say, gesturing as he did so with the other hand.

"This country isn't over the hill," he said. "We aren't on the skids. This is a just country. It's a beautiful country. All this moaning and complaining isn't true, isn't right and it isn't leadership."

He went on at exceptional length, stopping only when he felt, as he described it, "a little pinching" in his chest. Then he turned out the light and I went away to compose the first draft.

When I sat at the typewriter, I knew I had received two messages that morning—one was Lyndon Johnson's message about the country, the other was a distinct message about himself.

The best speeches—or, at least, the best lines in speech texts—usually compose themselves. The message about himself composed the first lines of this text.

"With the coming of September each year, we are reminded, as the song says, that the days are dwindling down to a precious few. By the calendar, we know that soon the green leaves of summer will begin to brown; the chill winds of winter will begin to blow; and—before we are ready for the end to come—the year will be gone."

It was late that night before Lyndon Johnson read the draft. He penciled through it extensively, far more than usual, and he read it aloud—to me, to Mrs. Johnson, to the ranch foreman.

When we were alone in the office, he read the first lines aloud for still another time.

"That's just right," he said. "That's just the way I wanted it."

On that December morning, three weeks ago, it was this speech—if not those lines—that was uppermost in his mind.

"As I look back on it," he said, "I think it was that Temple speech that turned things around. I think the things needed to be said and you just wouldn't believe how kind people are in their letters about it."

This time, though, his mood was not melancholy. Things had turned around. He wanted, he said, to get "really active this year."

"After the inauguration," he explained, "we'll have four years behind us and I think I can speak up a little more. I've got some programs up there they are kicking around and I'd like to go more places and see more people again."

It was very good news. Whatever concerns had formed during portions of the conversation seemed to be meaningless. After a month in the sun, he would be eager to go to work once more.

He paused in his conversation. "I told you I had two things to tell you," he said, "but I can't seem to remember the other." He lingered over it a bit longer, then dismissed it: "It'll come to me later."

That was all. "Thank you for everything," he said, and he was gone.

Mr. Speaker, President Johnson was a generous man. Those of us who have worked closely with him all these years know that he had an immense heart that overflowed with gratitude when good things were done for him or for his programs.

Though he drove his staff hard, he never asked them to put in long or short hours, but rather to "get the job done." He matched their hours with double time because he was totally committed to accomplishing whatever task was before him. Many times when the pressure was intense to get the job accomplished, the President would pause to highly compliment his staff members or to hug them or to otherwise bestow gifts upon them. He realized that his efforts would amount to nothing if he did not have a dedicated and loyal group of people working for him.

It is true that he sometimes used sharp words and kindly scolded some of his staff of friends, but it was always a justifiable apprehension.

The story is legend, however, that he always returned that dedication and that kindness ten-thousand fold. His close friends knew that for every act of kindness given to President Johnson or to his family or program, it would be returned many times over because he would literally shower his gratitude and affection on them.

I was once a Capitol policeman here assisting Mrs. Johnson when the President went to the far reaches of the South Pacific in World War II. Because I had one job as a member of his staff and another job as a Capitol policeman, he knew that I was putting in long hours. It had to be done at that time and all of us were glad to make sacrifices. After his return from the service and in all the years thereafter, he constantly referred to the fact that he would never forget that I would come to the Capitol and hold two jobs just to help run the congressional office. In meetings large and small, he has bestowed thanks and credit to me for that early dedication. He never forgot his early or old friends.

Anyone who reads the RECORD and might study these remarks will know that there are thousands upon thousands of instances where the President has individually bestowed upon his friends his love and affections and blessings.

Some people tend to picture President Johnson as a hard-driving, forceful juggernaut of a man who swept toward his destiny with unrelenting fervor. It is true that he knew that he must apply himself and he did so with all of his body and soul. But the other side of Lyndon Johnson is that he was warm and compassionate. There were times when he would be so overwhelmed with acts of kindness that he would be in tears himself. When he could help a young student or a child achieve some special consideration, that seemed to pump new spirit into his soul and he would walk on a cloud for hours or days at a time.

If he heard of someone on his staff were having illness or difficulty, he would not make a phone call or write a letter, but instead would see that an airplane was made available to fly him or a member of his family to Mayo Clinic if need be. If a dear friend was being married, he would drive or fly hundreds of miles if he could. Or if a close friend was to be buried, he tried to go personally to pay his last respects.

Few people realize how much money he would bestow on his family or his staff or his friends when he wanted them to make a special trip or wanted them to have relaxation or entertainment.

Some of the most pleasant evenings spent in this lifetime by countless friends have been those times when we could visit individually in the quiet of the evening reminiscing and recalling the good and hard times. The President could tell country stories with a strong and forceful point and it was at these moments he was perhaps at his best. He was warm and considerate and had such a keen insight into human nature that his recollections would be so much like people that the person listening could actually visualize and enjoy an America marching forward into the years.

Mr. Speaker, the constant theme of President Johnson's service is the essential fact that he worked for the people. Having been raised in the hard, dry, caliche country of central Texas and having to scrape out an education and a living, President Johnson always knew that there were a lot of people who needed help.

When he became a Congressman and later a Senator and then President, he never lost sight of the fact that government was an instrument to help people who could not help themselves. He visualized government as a means of providing essentials to the downtrodden and underprivileged so that they might have hope and faith in their government. He sincerely believed that government was for the people, and he used that power perhaps more than any President we have had. Some say that he was a "populist" President and perhaps the last of the populist-type of Presidents. If "populist" means that government is supposed to do things for people, then that is an apt description of President Johnson.

President Johnson was the great persuader. He was America. He was big, robust, driving, doing, living, loving, daring, but doing great things during his life. He was easily the most colorful, lovable man of our times, although a controversial man at times. But he was a big man, generous to a fault, who loved his friends whom he had around him at all times.

Lyndon Johnson never ate alone at his dinner table, friends always shared his blessing.

He gave his life to public service.

(Mr. PICKLE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ROSTENKOWSKI. Mr. Speaker, on this occasion, I would like to join my colleague from Texas, the Honorable WRIGHT PATMAN in paying tribute to our late President Lyndon Baines Johnson.

With the passing of any prominent public figure, the American tradition for eulogy and ceremony has become so commonplace as to have taken away much of its original meaning. It has been the custom to overly salute those who have passed on and hail their achievements far beyond their worth.

As a result of the American penchant for canonization, it is often difficult to truly evaluate the real man—his achievements and his shortcomings. But in the case of Lyndon Baines Johnson, we are indeed fortunate to have a yardstick with which few can dispute. For, although he has been eulogized by friend and foe alike, it is the latter that holds the true key.

As columnist Kenneth Auchincloss said in Newsweek:

> Death withheld from him the favors it has granted other Presidents; that extra measure of devotion that falls to those who die in office, such as John Kennedy and Franklin Roosevelt, or the benevolent respect accorded those, such as Dwight Eisenhower and Harry Truman who outlive the memory of all but their most ardent enemies. Lyndon Johnson died with many of his old foes still arrayed against him, and his place in history far from clear.

Thus, Lyndon Johnson must be viewed without the tragedy that has so often muted criticism, or the time which so often mitigated it.

But, as a longtime friend and admirer of the late President, I am indeed heartened to see so many of those who opposed him or his policies during his life identify so strongly with him now. I think particularly of the youth of our Nation. A generation of young people who matured in the controversial sixties—a generation that saw their President as a symbol of the war they did not like and did not understand. This generation can now identify with the man for they can see him as he really was. They can now see the one quality above all others, that Lyndon Johnson possessed. They realize that even when they disagreed with him, he was doing what he thought was best. That even when they disagreed with him, he was himself. And, they respect that. In a time when national leaders are looked upon as aloof and having a disdain for the common man, our young people can look to the days of Lyndon Johnson and remember, whether he was with you or against you, you knew it—for this man did not walk the fence.

As this young generation of the sixties turns into the leaders of the seventies and the eighties, they will remember the Lyndon Johnson of the civil rights and the voting rights. But even when they think that war, I am sure they will remember the night in March of 1968 when Lyndon Johnson was big enough to relinquish what he had worked a lifetime to achieve. All this, in the mere hope that it would bring that frustrating conflict to a quicker close. No man would have hailed the announcement that peace was indeed at hand more than the President who had passed on but a day earlier.

My memory of Lyndon Johnson will always be that of the man as a doer. When he took charge, the reins were in firm control. He was a very decisive person who knew how to get the job done.

It is well known that the dreams of John F. Kennedy were the programs of Lyndon Johnson. In my opinion, his record of social legislation is unsurpassed by any President in this century in its sweeping impact on so many phases of American society. The right of the poor, and the right of the elderly to decent health care, were not rights until Lyndon Johnson pushed his medicare and medicaid through Congress in the mid-1960's. And the rights of minorities to buy a home where they choose or the right to vote for their public officials did not become realities until Lyndon Johnson's Civil Rights and Voting Rights Act of 1964 and 1965.

Thus, it is a unique tribute to the man that he will not have to wait for years to pass before history will look kindly on him. He does not need us to build monuments to him, for he has left his own. For, it is a rare man whose opponents will look back upon his achievements and say he has guaranteed the rights and bettered the opportunities of generations of Americans yet unborn. Lyndon Baines Johnson was such a rare man.

Mr. FINDLEY. Mr. Speaker, President Johnson will be remembered in history for his effective leadership for voting rights and other programs to improve opportunities for blacks. As no President since Lincoln, Lyndon Johnson exerted the full leadership of his office to advance the equality of all Americans. Like Lincoln, his efforts in the field of civil rights, as in Vietnam policy, divided the Nation deeply. The years of his presidency were scarred with bloody protest marches, riots, and public outcries against moving too far, too fast on behalf of human rights. Like Lincoln, Lyndon Johnson kept the faith. To use his own earthy phrase, he "hunkered down" when the protests of some whites beat down over his head. Unswervingly he stuck to the guiding principle that gave birth to this Nation, that all men are created equal.

This achievement, so true to the spirit of America, will be honored even when time dims the memory of Vietnam.

Mr. BLATNIK. Mr. Speaker, Lyndon Johnson dominated the legislative landscape in his lifetime as he will command a quarter century of historians' writings.

When I came to Congress in 1947 he was already a driving force in the Senate. Even then, his rise seemed foreordained, from majority leader of that body, to Vice President, to the most powerful office in the land.

And he, of all Presidents, was as big as the office.

He charted the most far-reaching record of achievement in American history, both as Senator and as President. Like the man himself, his legislative accomplishments are larger than life, and have changed forever the course of the Nation's history.

Driven by compassion for the least fortunate; convinced that America would not work in theory or practice until every citizen was brought into the great consensus he sought, he put the full force of his energy and determination behind creation of the Great Society as he did behind the Civil Rights Act of 1964, and the Voting Rights Act of the following year.

He asked more of us than we dreamed we had; and forced, cajoled and persuaded the 88th, 89th and 90th Congresses to join him in history.

Lyndon Johnson was a vibrant, vital man of boundless energy, intolerant only of those whose involvement in the world was circumscribed by a shrug. He drove himself relentlessly, and demanded the same total dedication and commitment from those around him.

But beneath the rough exterior I knew him as a kind, compassionate, humanitarian person. His instincts were correct; the love of country that put them into action was real. If the results of some of the Great Society promises have not fulfilled our expectations, it is incumbent upon us to put them right.

The Nation has lost a great leader, the land has lost a giant. History has gained a man who will grow with time as his record is measured against passing generations whose lot is immeasurably improved by his years in the Senate and White House.

Mr. DERWINSKI. Mr. Speaker, President Lyndon Johnson shouldered a heavy responsibility during his term of office, and it has been duly noted by many Members this afternoon that his untimely death can well be traced to the pressure that he felt in the White House.

We remember him not only as the 36th President, but also as a House and Senate Member and a leader during his days in the legislative branch.

It is unfortunate that so much of the review of his career centers around the controversy of the Vietnam period. President Johnson was an imaginative President, and an imaginative Member of the House and Senate. Certainly, the success he achieved in politics and government was the result of his determination, the hard work that he put into his assignments, and his willingness to shoulder great responsibility.

His loss, coming so soon after that of former President Truman, deprives our Nation of the wise counsel that a respected senior statesman can give. He will be missed in that sense. He deserves the respect and appreciation of all Americans for the steadfast fashion with which he faced his awesome responsibilities.

On behalf of Mrs. Derwinski and myself, I express to Mrs. Lady Bird Johnson and the other members of the Johnson family our deepest sympathy.

Mr. UDALL. Mr. Speaker, I would like to join my colleagues in expressing the sorrow we all feel in mourning the untimely death of former President Lyndon Baines Johnson.

Throughout his long career in public service, Lyndon Johnson served the Nation with distinction—as Congressman, as Senator, as Vice President and as President. As floor leader of the Senate and later as 36th President of the United States, Lyndon Johnson was a man of action, a man who put less stock in rhetoric than in accomplishment. His deep love of the Congress and his keen understanding of the legislative process enabled him to shape his dreams into realities. As President, Lyndon Johnson recommended 200 major measures to the Congress. Of these, 181 were passed into law. Let us look at some of these accomplishments for a moment:

1964, Passage of the Civil Rights Act.

1964, Passage of the Economic Opportunity Act.

1965, Passage of the Voting Rights Act.

1965, Passage of the Social Security Amendments.

1965, Passage of the Elementary and Secondary Education Act.

1965, Passage of the Department of Housing and Urban Development Act.

1966, Passage of the Demonstration Cities and Metropolitan Development Act.

President Lyndon Johnson started more programs for social progress than any other Chief Executive in our history. He sought to care for the sick through medicare and medicaid; he sought to make life more tolerable for the elderly through increases in social security; he sought to educate the young through tripling money for schools; he sought to provide equal rights and dignity for all men with legislation that advanced the cause of civil rights more significantly than any measure since the Emancipation Proclamation.

Mr. Speaker, it is politically fashionable these days to belittle the accomplishments of these Great Society programs. One reads in the press, and one hears from this administration, that these programs, although noble in inspiration, did not really help people. One reads that these programs raised the hopes of the downtrodden without answering their needs. I do not agree. All one has to do is to think of the pride of a black American who, after two centuries of disenfranchisement, votes for the first time. All one has to do is think of the relief of a sick old man who finally receives hospital care; all one has to do is think of the feeling of accomplishment of a Job Corpsman who has just received his first paycheck.

Mr. Speaker, President Johnson had his faults, but his sentiments were the right ones. Perhaps nowhere are his basic beliefs stated more clearly than in a speech he delivered to a joint session of Congress on March 15, 1965. In that speech he said:

> I want to be the President who educated young children to the wonders of their world. I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of taxeaters.
>
> I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.
>
> I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all religions and all parties.
>
> I want to be the President who helped to end war among the brothers of this earth.

The tragedy of Lyndon Johnson's death is that he died before a ceasefire in Vietnam had been announced. But, in so many other areas, what President Johnson wanted he achieved. Lyndon Johnson wanted, more than anything else, to help people—especially the poor, the sick, the oppressed—those people too weak to help themselves. When future historians look back at this era, I believe Lyndon Johnson will be remembered as he would want.

Mr. GIAIMO. Mr. Speaker, former President Lyndon B. Johnson was an imposing figure on the world's landscape throughout the decade of the 1960's. From modest origins he became a congressional aide, a Congressman, a Senator, an effective Senate majority leader, Vice President of this Nation and, in the tragic aftermath of President John Kennedy's death, President by succession and again by virtue of his genuine landslide victory in 1964.

Lyndon Johnson brought to full fruition the work of the Roosevelt era, promoting the civil rights of the disenfranchised and the poor, working for the economic, educational, housing, and health advancement of all Americans through Federal action.

It is fashionable now, of course, to note the disappointment and the expense that have followed in the wake of the ambitious variety of Federal programs begun or dramatically enlarged under Lyndon Johnson. It is said that programs and Federal money could not buy education, health, or security; neither could they guarantee good housing or outlaw discrimination.

Such a mood of examination should not neglect to note, however, the accomplishments of Lyndon Johnson as a legislative leader and as President. The enormous positive accomplishments of the programs passed in that era and implemented through the past decade should not be disregarded.

Lyndon Johnson's dreams for the Nation were large and ambitious, and his accomplishments as a man matched his dreams. He led this Nation into a time of unparalleled government efforts to improve the lives of all Americans. Medicare, civil rights legislation, voting rights laws, medical research programs and aid to education—all of these are lasting tributes to the man and his dreams.

As an architect, planning the Great Society in America, Lyndon Johnson was humane and compassionate; as the builder of an ideal Nation, his energies and skills seemed to have no limit. For those efforts and for the legacy he leaves in a more humane and concerned government, we are all in his debt.

Mr. RANGEL. Mr. Speaker, the death of our 36th President, Lyndon Baines Johnson, was a tragedy for most of the world. But nowhere was this tragedy felt more deeply than by the poor and minority Americans for whom L. B. J. showed unparalleled concern.

Despite his failure to achieve the peace he longed for in Vietnam, he will live in history as the President who stood with Abraham Lincoln in his concern for the position of the black man in America. While some of his foreign policy decisions may be open to criticism, few Presidents have done as much for those people here in America who needed help the most.

The day that Lyndon Johnson announced that he would not again seek the office of the Presidency, he said:

> I have not done near enough.

But in the field of civil rights, few men could have done more.

Lyndon Johnson believed in the principle of equality for all Americans. As a teacher of Mexican Americans in his native Texas, he had seen the damage done by discrimination. He knew, as only someone who has observed it can know, the harm that is inflicted by bigotry and injustice.

Six years before he was to become President, Lyndon Johnson, as majority leader of the Senate, led the struggle against an attempted filibuster and succeeded in obtaining the passage of the first Federal civil rights bill since Reconstruction. His efforts, more than anyone else in the national leadership, were responsible for the enactment of the Civil Rights Act of 1957. There were those who complained that this act was not enough, and Lyndon Johnson agreed. But it was a beginning, and it was necessary to begin somewhere.

In the first few weeks after that tragic day of President Kennedy's death in 1963, those of us who did not know Lyndon Johnson were looking for an indication of what type of President he would become. To a joint session of Congress he said:

> Let us continue.

He would soon prove that a person's sense of justice need not have any relation to his birthplace.

It was through the efforts of President Lyndon Johnson that the most significant piece of civil rights legislation in our history was enacted, the Civil Rights Act of 1964. This act called for an end to prejudice in not only the areas of employment and public accommodations, but also prohibited discrimination in federally assisted programs.

Yet it was Lyndon Johnson who realized that the job was not completed, that millions of black Americans were still denied their birthright in this democracy, the right to vote. He came to Congress in 1965 and had the courage to say, "we shall overcome" while the eyes of the Nation were on Selma, Ala. His desire to let all the people have a voice in our Government resulted in the Voting Rights Act of that same year. The act removed literacy tests and other discriminatory procedures as criteria for registering to vote.

Mrs. CHISHOLM. Mr. Speaker, the smile on the face of a Job Corpsman who has just received his first job, the expression of happiness displayed by the mother of a Head Start child, and the pride seen in a black American who after 100 years of disenfranchisement votes for the first time—all serve as the greatest memorial to the man from Texas—Lyndon Baines Johnson.

The untimely loss of this great President of the "Little People" is deeply felt by us all. The fact that he rose from the reactionary Southern resistance to the challenges of change—to become the greatest innovator of social change in modern America indeed marks the true greatness of President Johnson.

Lyndon Johnson was a unique man, a

rare man who realized that the force of freedom is a never ceasing and unstoppable force. He was a southerner, but yet refused as President to be bound by the tragedies of sectional hatred and regional perceptions.

There have been and will continue to be many comparisons made between President Johnson and his colleague in the Presidency, Abraham Lincoln. Many of these comparisons are valid. But a quality which Mr. Johnson possessed singularly was the ability to do what was right on the sole grounds that it was right.

His administration should not be remembered for the great amount of social legislation it produced and initiated as law. But rather it should be remembered, not in the annals of history, but in the lives of our people as having served as an agent of freedom's mission and a commander in this Nation's war with itself.

While it is customary to mark the passing of our national leaders with tribute and praise—Lyndon Johnson authorized his own tribute by his steadfast determination to take his high office to the people and thereby allow them to govern. This tribute now serves and shall forever serve as a measuring stick for all of those who shall hold the Presidency of this land.

Most importantly, it allowed Federal marshals to supervise registering and voting procedures in those counties where the Attorney General deemed it necessary.

Despite the success of his efforts to obtain legislation that guaranteed the constitutional rights denied to black Americans and other minorities throughout American history, President Johnson had the wisdom to realize that the long, hard journey toward equality had not ended because these rights were won, but had just begun. He realized that it does a man no good to win the right to eat in the restaurant or sleep in the hotel of his choice if his economic condition prohibits him from affording the meal or the room. So Lyndon Johnson conceived the Great Society programs to wage war on poverty, and in so doing provided hope and a means out of the depressing cycle of poverty for thousands who before knew no hope and felt that their Government did not care. The Economic Opportunity Act and the other programs of the Great Society such as medicare and Federal aid to education are tributes to Lyndon Johnson's compassion for his fellow man.

It was during Lyndon Johnson's administration that for the first time, blacks were appointed to important posts in the Federal Government. Because of Lyndon Johnson, a black man now sits on this Nation's highest court.

In 1968, Lyndon Johnson signed into law two more important pieces of legislation: a Jury Selection Act and a Fair Housing Act.

In 1963, speaking at Gettysburg, Pa., 100 years after Lincoln's Gettysburg Address, Vice President Johnson said:

> Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

We would all do well to remember his words.

Mr. COLLINS. Mr. Speaker, there have been many inspiring statements written about Lyndon B. Johnson. One of the finest statements was the editorial written by Dick West who is the editorial director for the Dallas Morning News. This excellent editorial has some plain-spoken facts about our great plain-spoken President. President Johnson was a man of action and it is interesting to see the comments from West about Lyndon Johnson in action. Many times it has been said that Lyndon B. Johnson was the most colorful personality in the history of Texas. Dick West in the News describes some of these characteristics.

L. B. J.: His Influences and Talents

(By Dick West)

AUSTIN.—Two questions went through my mind as I filed past the flag-draped casket holding the body of former President Lyndon B. Johnson: Who and what were the great influences in his life? And what talents or qualities did this complex man, who roamed the Pedernales and ruled on the Potomac, use to the fullest?

As to influences: You have to start with Lady Bird, whom he loved deeply but who has talents of her own which helped him greatly: "Sometimes I feel like a bald eagle," he told me once at the ranch as we rode around in his Continental "I am too aggressive. I want to soar too high. Bird, bless her, has a way of bringing me back to earth."

You include next his parents. His father "worked the laziness out of me," Johnson recalled. "He would yell out from the kitchen and tell me to get out of bed—that every boy in town had a head start on me. He was a taskmaster. He taught me the value of attending to details—and, brother that came in handy about 40 years later when I sat in the President's office. He was big on the meaning of responsibility. Once he said, 'Son, you'll never know what it means to be a father until you are a father.' "

While Johnson's father stressed perspiration, his mother lent inspiration.

It was she who made him get an education, who channeled his muscle, energy and drive into higher spheres of endeavor. "I guess if it hadn't been for her," he confided. "I would have been just a clerk in the Highway Department. My daddy made me get up and go. But she was the spark who first got me to thinking where to go."

And then there was the late Speaker Sam Rayburn of Bonham. In the living room at the ranch, there used to be a big picture of Mr. Sam, and Johnson loved to sit under it in his favorite chair. He would lean way back in it as he philosophied and talked gently—then lunge forward, arms out wide, as he made a telling point.

Mr. Sam taught him the parliamentary process on Capitol Hill. Mr. Sam taught him how to line up votes in the Senate, Mr. Sam, when Lyndon got down in the dumps, "got me up again." Mr. Sam took him off one day and said, "Lyndon, you've got to get a thicker hide. You let too many little things bother you. This is a rough place to operate. It'll drive you crazy if you let it—and you are by nature sensitive and lovable, striving in a place where you at times can't be sensitive and lovable. There are a lot of s.o.b.'s who'll cut your insides out if you let them."

There was Alvin Wirtz, attorney and Texas state senator in the late 1930s. "Many men have been my teachers, but one stands out above the rest—Alvin Wirtz. He taught me the most about the one element in politics that matters the most—the people."

Johnson and Wirtz once met with some private utility executives in an effort to persuade the larger companies to extend power to small farmers in rural areas. At one point, LBJ got mad and told one of the utility presidents to "go to hell."

Wirtz took him off to the side. "Listen, Lyndon, I've been in this business a long time. You felt like a hero talking that way in front of your consumer friends, but your speech broke up the meeting. It left us back where we started. If I have learned anything in all these years, it is this: You can tell a man to go to hell, but you can't make him go."

As to talents and qualities, the two in my opinion which contributed the most to Johnson's success were a tremendous reservoir of energy and an uncanny knack of persuasion. He was born with the first; he developed the latter.

He once admitted that the margin he had over other men was his capacity to work harder than they do. He waked up around 7:30 in the White House, worked two hours in bed, entered the oval office in the west wing around 10. After a swim, lunch and nap, he began a "second day" at 4:30 in the afternoon and often labored until midnight—maybe later if he had to attend some official function.

When Johnson decided on a political career, the private business world lost the greatest salesman in history. He talked, argued and persuaded his way into the Senate's top leadership. In his earlier years he would become angry and impatient; later he learned the wisdom and art of reasoning without being unreasonable.

One time at a social function he met Sen. Frank Church of Idaho, who had just made a bitter speech against Johnson's Vietnam venture.

"Frank," he said, "that speech wasn't a bit helpful."

"I'm sorry, Mr. President, the headlines exaggerated what I said."

"Frank, the headlines are all that people read."

"But, Mr. President, I didn't go any farther than Walter Lippmann."

"Well, Frank," the President shot back, "the next time you need money to build a dam in Idaho, you'd better see Lippmann."

The last time I visited the former president at the ranch, I noticed he had mellowed. He was more reflective, he was calmer, definitely more complacent and philosophical about disappointments and frictions of the past.

As I got in the car to head for Dallas, he stuck his head in the window for a final farewell.

"Your paper has been rough on me at times in the past," he commented in a tone of forgive-and-forget. Then he lowered his head, grinned and quipped: "And you know, there were times I had it coming."

Mr. CONTE. Mr. Speaker, I am grateful for this opportunity to honor the memory of our distinguished 36th President and one of the most powerful legislators ever to labor under the dome of the Capitol, Lyndon Baines Johnson.

Lyndon Johnson in many respects seemed larger than life. He was a big man, an imposing man, a man who reflected the size and greatness of his beloved home State of Texas.

He was born near Johnson City, Tex., in 1908. After graduating from Southwest State Teachers College in 1930, he got a job teaching school. But the role of an educator is not the one that Lyndon Johnson chose to play for a lifetime. Rather, a career of public service as an elected representative of the people called him.

He came to Washington in late 1931 and here he remained until 1968. He left a mark on this city, in this Chamber where he served from 1937 to 1948, in the Senate where he distinguished himself as majority leader, and in the White House where he planned for a Great Society for all Americans.

My fondest memories of Lyndon Johnson will always be of his leadership in the area of civil rights. We worked together, taking the great strides toward achieving equality of opportunity for all people.

He told us, in a joint session of the Congress that "We Shall Overcome" and led us to passage of landmark civil rights legislation.

Although he presided over a divided Nation in his last months in office, I believe it is important to remember his unifying plea, "Let us continue" as this country stood numb and profoundly grieved at the death of a young and vigorous President.

Finally, it was the war in Vietnam that lead to Lyndon Johnson's decision in 1968 not to seek, once again, the highest office in the land. He may certainly be considered one of the casualties of that tragic conflict.

The awesome responsibilities of the Presidency put a great strain on the heart, even a heart as big as Lyndon Johnson's. On January 22, with the knowledge imparted to him by President Nixon that the Vietnam war was, at last and mercifully, over, Lyndon Johnson died at his ranch in Texas.

I join with my colleagues in mourning the passing of this dynamic legislator, industrious chief executive and eminent elder statesman. I extend my deepest sympathy to his remarkable wife, Lady Bird, and his entire family.

Mr. STEED. Mr. Speaker, it is still hard for all us to realize that Lyndon Johnson is no longer here. And in truth, in the measures for which he was responsible which are changing for the better the lives of so many, he will always be here.

He is widely recognized as the outstanding legislative craftsman of our time, the greatest majority leader of the Senate ever. Never before has a single individual had impact like his not just at one end of Pennsylvania Avenue but both.

President Johnson was one of the truly great Chief Executives our country has had. If only he could have lived another 10 years. He deserved time to enjoy the retirement he had earned, and time to see how, with the test of the years, people will value his efforts ever more, as happened with President Truman before him.

Others more eloquent will describe his achievements. I want to say a few words of my own experience with the man whom I am privileged to have had as friend.

In 1935, when I first came to Washington as assistant to Congressman P. L. Gassaway of Oklahoma, the New Deal was at its flood tide. One of the first people with whom I became acquainted was Lyndon Johnson, who shortly became assistant to Congressman Richard Kleberg of Texas. Those were days of frantic legislative activity. But at that time each House Member had a staff of only two, and the Capitol Hill community had not grown too big for people to generally be acquainted. President Johnson and I came from similar agrarian southwestern backgrounds. We were born only about 200 miles apart in central Texas, although my own family soon moved to Oklahoma.

We had an organization on the Hill then called the Little Congress, and Lyndon Johnson was elected as its President, with me among his supporters.

Lyndon Johnson was always mindful of people, thoughtful, interested in individuals. Of course, he could lose his temper, as everyone knows, but that was in his zeal for action and was quickly submerged in his basic kindness.

He remembered the little things as well as the big ones. Even in his White House years he could and did remember to call his birthday greetings to me and others. He was never too self-important to pay due notice to staff people, on the Hill and elsewhere, to let them know that he knew about and valued their work. If genius is an infinite capacity for detail, he had it.

We developed a sentimental attachment. Even after he went back to Texas he never failed on election night to use his fabled ability to reach anyone on earth by telephone, and he would always find me and get the results of my campaign direct.

As chairman of the Legislative Appropriations Subcommittee I saw a good deal of him during the White House years. And my appreciation of his stature consistently grew.

One of the incidents I remember best occurred when I sat on a White House meeting during the crisis following the seizure of the *Pueblo*. The crew of 81 was held by the North Koreans.

Someone urged a hard-line, drastic military response despite the threat that would involve to the lives of the crew. In effect, he said:

> It's only 81 men, and the honor of our Nation is at stake.

The President almost ran across the room in his anger to shake his fist at that man and said:

> Don't you ever say that to me. I would crawl on my belly before I'd give up the life of one of those men. If we do not cherish the life of one man we have lost everything that counts.

Subsequently, he did what was necessary to bring those men back.

One of my fondest memories of him is of the time in 1960 when he flew to my home town, Shawnee, Okla., to speak during the climatic period of the presidential campaign. He had spoken many times that day, traveling all the way from Washington State to Oklahoma and going on to Texas the same evening. He was tired, but he gave that crowd everything he had. The response was terrific, and he threw away his prepared text for 15 minutes of impromptu delivery. Those who were present would not forget it. It was the greatest political rally ever for our town. In a front page editorial January 24, Ross Porter, Publisher of the Shawnee News-Star, recalled it:

SHAWNEE REMEMBERS L. B. J.

> The sudden death of former President Lyndon B. Johnson, Monday, in his beloved Texas ranch home may have saddened the world, but it solemnly shocked a multitude of friends in his neighboring Oklahoma.
>
> LBJ was a good neighbor to Oklahoma and many of his closest longtime friends here, for almost four decades, had learned to depend upon his friendship and loyalty and they cordially reciprocated in typical Sooner fashion. LBJ never forgot that.
>
> Here is one example. When the Kennedy-Johnson ticket ran into trouble late in October 1960, LBJ, the vice-presidential candidate who had campaigned the entire country, was so exhausted and distressed after a California trip that he was ready to "throw in the towel" and return to the Texas ranch. He had made a commitment however, to speak for his political friends in Shawnee, Oklahoma.
>
> With stark political defeat staring at the ticket, he none the less would honor that speaking commitment, even though in a small Oklahoma town.
>
> Arriving at Shawnee airport, from the west coast after dark, on a rainy Thursday night, LBJ discovered what he always later recalled as, "the turning point in the campaign came at Shawnee, I knew then we could win the election."
>
> A very large motorcade met him at the airport and paraded to the Municipal Auditorium, where an overflow crowd of 3,000, wildly cheered almost everything he said.
>
> He returned to the Texas ranch that night a happier man, more convinced of victory by the Shawnee reception. Ten days later the ticket won over Richard Nixon, by the smallest victory—which required several days to officially determine the outcome, that Kennedy and Johnson had indeed won the election.
>
> About three years later, Kennedy was assassinated in Dallas and Lyndon Baines Johnson became President of the United States for the next five years.
>
> President Richard Nixon, who talked frequently with LBJ, will miss his experienced judgment and wise counseling in the gigantic tasks which confront each president of the United States.
>
> Lyndon Johnson always remembered Shawnee and Shawnee will always remember that friendly hard working country boy neighbor from Texas, whom we all called, "LBJ."
>
> He really was "something else," and we believe, history will say so.—RP

Among the best tributes that I have seen was one from a University of Oklahoma student, Randy Splaingard, night editor of the Oklahoma Daily, who wrote this, in part, about the reaction there to the news of his death:

EULOGY TO LYNDON JOHNSON

> "About Johnson? Wasn't that something?"
>
> We talked about it a few minutes—about his greatness as a humanitarian, a world leader, a vibrant down-to-earth man who will go down in history as one of America's greatests.
>
> "Anyone who ever visited his presidential library in Austin can't help but realize how great he was," I said.
>
> "By the way, have you heard they've been having some trouble with that building? The marble's cracking, I think," she said.
>
> "You know, think how symbolic it would be if they would label those cracks "Vietnam." There it would stand—an eight-story monument of fine marble, one of the most impressive buildings in the world, marred by cracks, as only the war in Vietnam marred his five years in office," I thought out loud.
>
> It was nearing 7:30 p.m. and "Maude"

again came on at her worst. Soon it was time to return to work and put out a front page.

News of his death was still coming over the wire sporadically, squeezed between the Supreme Court's abortion ruling and the progress of the Paris peace talks.

I sat down to a blank front-page dummy. "Johnson gets the top of the page," I thought, "It can be no other way."

I sat there trying to busy myself. I could do little until an adequate story on Johnson came over the wire. Finally, more than an hour later, it did—and I went to work.

Steve Howland, assistant managing editor, had located a couple of pictures of Johnson for my use. A symbolic double black box was drawn on the dummy sheet, the story was fitted, and the picture sized.

It was time to write a headline. "How do you summarize Lyndon Johnson's life in 28 letters?" I thought. I sat back and reminisced a short while.

I thought of that dark rainy Friday in November 1963 when sixth-grade classes were proceeding as usual in my Catholic elementary school in Collinsville, Ill. The parish priest suddenly entered the room, and solemnly said, "Let's all kneel down and pray. The President's been shot and killed."

And I remembered watching television with the rest of my family for three continuous days. I remembered the end of Johnson's somber statement upon first arriving in Washington, D.C. as President—"I ask your help, and God's."

I remembered hearing of the violence in Selma, Ala., and seeing the picture of Johnson shaking hands with Dr. Martin Luther King upon signing the Civil Rights Act of 1965.

"Dr. King wasn't the only one who had a dream," I thought.

I recalled writing a letter to him soon after that and receiving a warm one from him in return, along with a five-by-nine black and white portrait of his family. Of course it was a stock letter with a stamped signature, but nevertheless I was impressed.

He was the President.

I remembered his presidential address when for the first time he referred to the "police action" in Vietnam as a "war." As a 13-year-old, I naively thought, "It'll all be over by the time I'm draft age."

I recalled reading letters in Ann Landers' column from persons enraged with the President's treatment of his dogs.

I remembered my grandparents' Social Security increases, and their registering for Medicare. I remembered someone calling him "education's best friend."

And I remember "I am not seeking and will not accept the nomination of my party for another term as your President."

So how do you sum it all up in 28 letters?

"Well," I thought, "you use his phrase—'Great Society.' That will be his most lasting gift to this country."

And so the headline was quickly formed—" 'Great Society' President dies."

That seemed to say it all.

I finished the rest of the front page, and approved the others to appear in the next morning's issue. I left Copeland Hall near midnight—about two hours later than usual. But then, it wasn't an ordinary night.

As I walked through the parking lot to my house, I noticed its stillness. Not a car passed along Elm as I made my two minute jaunt.

And I remember thinking, "Let the world stand still for a moment."

Lyndon Johnson was dead, and I felt a little less human because of it.

RANDY SPLAINGARD.

Another perceptive evaluation came from Jack Reese, executive editor of the Norman Transcript:

COME, LET US . . .

Every President lives, the late Lyndon Baines Johnson told Congress in 1969, not only with what is, but with what has been and what could be.

Within the framework of these circumstances and the varied personalities of the leadership at his disposal, he sees the hope of a better America, a world at peace, a country aware of its own destiny.

He was reminding the men and women with whom he had had such long association as a legislative leader that the great events of any Presidency are shaped by many forces, controlled and uncontrolled.

Strong Presidents, it has been observed, "store up trouble for themselves and their successors."

This is what happened to President Johnson, and not solely because of Vietnam, the high price tag which has been attached to a distinguished career in government.

Not many can forget that sad day in November 1963 when a nation, stunned by incredible events, focused its eyes on a new leader, one uniquely equipped by legislative experience, tutored by masters of the political game.

President Johnson's ascendancy to power came at one of the moments in history which had been building for at least two decades. The tragedy of the Kennedy assassination served as a kind of catalyst to great hopes.

The unusually active 89th Congress, elected with Mr. Johnson in 1964, proceeded to approve legislation that had been stalled for as long as 20 years.

Major laws enacted in 1965 included medical care for the aged under Social Security; aid to primary and secondary schools; immigration reform; protection of Negro voting rights; excise-tax reduction; aid to urban areas, and others.

This burst of activity in a single session led seasoned Washington observers to compare the 89th Congress with the 73rd Congress of 1933–34 (the first two years of Franklin Delano Roosevelt's administration) and the 63rd Congress of 1913–14 (the first two years of the Woodrow Wilson administration).

The second session of the 89th Congress was notably less productive than the first. And the 90th Congress displayed outright hostility to presidential proposals, even though both houses were controlled by the President's party.

Mr. Johnson's experience was far from unique. Every activist president has been accused of being domineering; most have been succeeded by men who took a more cautious approach to the exercise of executive power. Thus, Lincoln was succeeded by Grant; T. R. Roosevelt by Taft; Wilson by Harding; Truman by Eisenhower.

The split within the Democratic party which rejected Mr. Johnson had started in the early 1950s when he was the overseer of a Senate which did not reflect in its geographical and ideological makeup the national Democratic party. Forces outside and inside his own party moved Mr. Johnson along a historical path which led to the Presidency.

President Johnson was an enigma to many. He, indeed, listened to his own drummer. Some who observed him claimed that he had neither deep commitment nor firm philosophy in his handling of domestic or foreign affairs and that he was guided by a kind of frenzy to prove himself as a great President.

Be that as it may, but we believe he did have a firm commitment to his dream of a Great Society, one which it may be said a hundred years from now, that "by working together we helped to make our country more just, more just for all of its people, as well as to insure and guarantee the blessings of liberty for all of our posterity."

That is what President Johnson hoped for—but be believed that future historians, for whatever other judgment they might make, would agree that he tried—and tried hard.

It was my honor to be a member of the House delegation to the graveside services at the Johnson family cemetery there across the Pedernales River from Stonewall. He is back there for good now in the hill country whose name will always be linked with his—under the vast dominating sky of the Southwest that can almost command you to look into infinity. The dark, twisting beauty of the live oaks is there, and the little river with its stones and its turtles. His birthplace is only a few hundred feet away. This is the setting that produced Lyndon Johnson, and from many others, similar yet always different, throughout the land has come the spirit that has made our country.

He was confident that the turmoil of our times is not just the decline of the old but the turbulent birth of the new. With some of his strength of will and devotion, we can try to do as he did and help make that true. He met his measure of success, that people will live a little better for his having been here.

Mr. KAZEN. Mr. Speaker, today we honor a man who was our friend, our leader, our inspired and determined President. He lived with energy and dedication throughout his life. Every American shares in the heritage he left, his performance in this House, in the Senate, in the White House. We share the loss with his devoted wife and family; we share the pride that our lives were touched by his.

I choose first to say that he was a friend because that word meant so much to him. He never used it lightly; it was for him a term of approval and appreciation. He knew that he marched in the vanguard of his company, but he never felt that he marched alone. And he was grateful for the friendship of others.

I do not need to recite the contributions of his leadership, the progressive legislation that he guided to enactment, the compassion of his achievements. History records them, and I am sure that history will record him as one of the most able Presidents of our Nation. And I shall never forget his relentless effort to do what was best, how time and again he said:

> It isn't hard to do what's right; what's hard is knowing what is right to do.

He was fortunate to have a great lady as his wife and constant counselor. Mrs. Johnson served the Nation as well as her husband as, time after time, he labored to know what was right to do. It is recorded that on the night of March 31, 1968, when he startled the world by announcing he would not seek reelection, Mrs. Johnson was the first to speak to him as that television address ended. She said three words: "Nobly done, darling." How much those words say about Lyndon and Lady Bird Johnson.

So as we said farewell to him for the last time, the men and women who spoke and sang at the services, here at the Capitol and in the National City Christian Church as well as at the family burial plot, lifted their voices for all of us. We shared together a grief relieved by pride that our lives had been touched by Lyndon Johnson.

None was more touching than words quoted at the church by W. Marvin Watson, friend and aide to the late President. They were words spoken by Lyndon Johnson himself last September, at the 75th anniversary observance of the Scott and White Hospital in Temple, Tex. As Marvin Watson said last week, the words might well be Lyndon Johnson's epitaph. President Johnson said:

> With the coming of September each year, we are reminded, as the song says, that the days are dwindling down to a precious few . . . the green leaves of summer will begin to brown . . . the chill winds of winter will begin to blow . . . and before we are ready for the year to end, the year will be gone.
>
> As it is with the calendar, so it sometimes seems to be with our country and our system. For there are those among us who would have us believe that America has come to its own September . . . and that our nation's span as mankind's last best hope will be done.

President Johnson continued:

> But I live by the faith that with each passing day we are always approaching nearer to the beginning of a new springtime and it is by that perspective that I see our country now.
>
> No nation can be more than the visions of its people. America cannot be more than we believe ourselves capable of becoming.
>
> I want to open the soul of America to the warm sunlight of faith in itself . . . faith in the principles and precepts of its birth . . . and faith in the promise and potential of its people.

So spoke Lyndon Johnson. And Mr. Watson concluded:

> That was Lyndon Baines Johnson, the 36th President of the United States of America. The years will be lonely without him.

I cannot disagree, but I must add that the years of his leadership, his calling us to action, will live on. Each of us, in a small way, must keep the faith of Lyndon Johnson. We may strive to do better; he would not have wanted us to do less.

Mr. MAZZOLI. Mr. Speaker, it is indeed ironic that Lyndon Baines Johnson, who in life was a veritable lightning rod for controversy and criticism, should in death evoke such a widespread and spontaneous sense of national loss and grief.

In the Presidency, as well as in the Congress, Lyndon Johnson was a wielder of power, a strong, larger-than-life figure, who made no apologies about his determination to get his own way.

The American people, in their great wisdom, are wary of the powerful. This no doubt accounts for the fact that President Johnson's style, during his years in the White House, made him a popular target for criticism.

Yet in the retrospect, which comes untimely in the wake of death, the Nation more fully grasps the measure of Lyndon Johnson's greatness. It is true that he was a man greatly enamored of power. But, the power of Lyndon Johnson was the power of getting things done. It was not the power of brute force, so much as it was the power to strike a positive compromise, the power to forge a legislative solution to problems deemed impossible of solution by lesser men.

But, most significant of all, in our memories of Lyndon Johnson as a man of power, is the fact that he wielded his greatest power for the sake of the powerless. The mark of President Johnson's greatness is his record of accomplishments in behalf of the poor, the sick, the aged and the disenfranchised.

The nature of political power is such that, all too often, those who are strongest and most influential are best able to command the attention of Government.

At the peak of his political power, Lyndon Johnson turned his attention and opened his ears to the needs of our weakest and least influential citizens.

That explains the long lines of saddened citizens who waited hours in the cold to pay their respects when President Johnson's body was laid in state in this Capitol.

And, it explains why the only truly fitting memorial which this Congress can pay to President Johnson is to do our utmost to see that his programs for the poor and the needy are perfected and continued and brought to full fruition.

Thank you, Mr. Speaker.

Mr. EDWARDS of California. Mr. Speaker, I join with my colleagues today in mourning the death of a great leader. Lyndon Johnson understood intimately the potential for leadership vested in the Office of the Presidency. Never was that understanding more clearly demonstrated than in his commitment to securing civil rights for all Americans.

Lyndon Johnson knew that the fear and suspicion which divided black from white, poor from rich, uneducated from educated, would not easily be overcome. But he knew also that the President could provide the leadership necessary to mend such divisions.

Shortly before his death in an interview with Walter Cronkite, Lyndon Johnson spoke of the responsibilities he had faced. He said:

> When I became President, and realized that I was the leader of the country and that I was the President of all the people and all the people were looking to me to correct the inequalities, inequities and injustices and there was something that I could do about it, I concluded that now that I had the power, I was going to use it every way I could.

Johnson used his power well. During the 6 years of his administration, Lyndon Johnson produced 440 pieces of major legislation, the largest portion of which was aimed at eradicating social injustice.

The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, these were laws which opened the way to equal rights for millions of Americans. Yet, these laws were not enacted without significant opposition. For years, discrimination against nonwhites had become a way of life in both the North and the South. Lyndon Johnson took it upon himself to reverse the trends of that discrimination.

I remember sitting in this great hall when President Johnson came to address a joint session of Congress in March 1965. He came that night to speak to us of what he called the American promise. That promise, he told us, rested on the right of every American "to be treated as a man equal in opportunity to all others." At issue was the right to vote for millions of Americans who had been disenfranchised solely because of the color of their skin. Lyndon Johnson appealed in that speech to the best instincts of Americans. He told us what was right, and he told us as legislators what would be expected of us.

The civil rights laws of the 1960's brought about change. Coupled with legislation in health, education, and public employment, those civil rights laws spelled progress for many disadvantaged minorities.

That progress was sometimes slow and painful, but there was always the reassurance that the President of the United States had committed the resources of the Nation to seeing to it that the goal of equality would be attained.

For the last 2 years, I have served as chairman of the Civil Rights Oversight Subcommittee in the House Judiciary. During that time, I have come to know well the impact of our civil rights laws. And I have come to appreciate, too, how crucial is the role which Presidential leadership plays in the enforcement of those laws. Lyndon Johnson understood that prejudices were not easily given up, but he had faith in the American people's sense of justice. That faith led us out of the shadow of our own fears.

I can think of no more fitting epitaph for Lyndon Johnson than what he said of his own goals:

> I want to be the President who educated young children to the wonders of their world. I want to be the President who helped feed the hungry and to prepare them to be taxpayers instead of taxeaters.
>
> I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.
>
> I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all regions and all parties.

Mr. Johnson, you were such a President.

Mr. GUYER. Mr. Speaker, Lyndon B. Johnson was a man unique in our time. From frontier obscurity he rose to international prominence. As President of the United States during one of the most trying periods in our national history, he magnified both his name and his office.

The man from Texas established a new brand that the world will not forget. LBJ was not just a brand for ranch identification. Lyndon Johnson put that brand on legislation that brought light to millions who had lived in darkness. That brand brought new freedom, new opportunity, and new identity to minorities who had all too long dwelt in the valley of despair.

LBJ was a hallmark in American political life. It stood for a man who stood for many innovations for people. Yes, it cost him something. Yes, it likely shortened his life. Yes, it carried with it the thorns of frustration, the sting of rebuke, and placed him all too often on an island of loneliness. Lyndon Johnson was a tall man. History says he was the second tallest of all our Presidents. But Mr. Johnson was tall in the saddle, tall on human rights, tall in bluntness, tall in action, and tall in courage. There is an empty saddle in the old corral, but LBJ is enshrined where generations unborn may see and know—in the hearts of those he loved, and in the garden of American remembrance.

Mrs. HANSEN of Washington. Mr. Speaker, I join with my distinguished colleagues in this House in expressing my sorrow, regret, and deep sense of loss at the death of our very beloved late President Lyndon B. Johnson.

I had the privilege of knowing him first as a U.S. Senator, second as Vice President, and, finally, as President. But I am proudest of having had the privilege of knowing him as a great, thoughtful, and compassionate citizen of the United States.

Many of you have known him much longer, so I cannot add to those memories. But, I would like to talk, just for a moment, of Lyndon Johnson the great human being—the man who cared. To do this, I repeat a personal incident.

A very few days after President John F. Kennedy's death, when Lyndon Johnson, the new President, must have been at his busiest, my mother passed away. I, with members of my family, had left for the West for her funeral when the White House called my office and asked for me. My secretary who answered presumed that it was a White House staff member speaking and explained that I had already left. The voice on the telephone said, "This is Lyndon Johnson. I wanted to express my personal sympathy." Needless to say my secretary was astonished and astounded and said later, "The President himself cared."

I returned from my mother's funeral a few days before Christmas and, like other House Members who were then working on the Russian wheat problem late into the Christmas season, received the gracious invitation to the White House for coffee and fruit cake. Because of the circumstances, I did not quite feel like a social affair and called the White House. They were most gracious.

Two months later President and Mrs. Johnson had one of their delightful, informal parties for House Members. During the course of the evening the President talked with me and his first words were:

> I can't begin to tell you how deeply I sympathize with you on the loss of your mother. It was my mother who shaped my life and I shall miss her forever.

While this is a simple personal experience, it shows the great quality and depth of Lyndon Johnson's compassion for human beings. This is but one example among the undoubted thousands of times he remembered and cared for people and their problems. He cared not just for Members of Congress, but all people—the black, the white, the tired, the sick, and the poor.

A budget may now seek to erase Lyndon Johnson. But no budget nor legislation can ever erase the compassionate understanding which began Head Start, VISTA volunteers, Community Action programs, medicare, kindergartens, aid to education, and art and beauty for the many. Within millions of homes in America there is some memory that Lyndon Johnson passed their way with a message of hope and understanding for their circumstances and problems.

I also salute his courageous and gracious wife who worked and continues to work to make this Nation reflect the beauty which is inherently America at her best.

Mr. Speaker and my distinguished colleagues, I join you in sending my deepest sympathy to Mrs. Johnson and her family. I feel privileged and grateful to have shared a part of the unforgettable Johnson years.

Mr. EVINS of Tennessee. Mr. Speaker, today the flags over the Capitol are flying at half-mast in memory of Lyndon Baines Johnson, the 36th President of the United States.

We have all participated in ceremonies in the rotunda of the Capitol and at the National City Christian Church here in Washington, and have heard the beautiful and eloquent eulogies of our colleague, Congressman J. J. PICKLE, from Texas; the Honorable Dean Rusk, who served with President Johnson as Secretary of State; Mr. Marvin Watson, the President's close associate and assistant in the White House; and the Rev. Dr. George R. Davis, pastor of the National City Christian Church, which President Johnson attended while in Washington.

These and other tributes and editorials on his passing were moving and beautiful. I should like to take this opportunity of adding my own tribute to this great man and close friend who served the Nation so faithfully and well—both in the Congress and in the White House.

Certainly I was shocked and saddened by the news of the passing of Lyndon B. Johnson. He was my personal friend and I felt extremely close to him.

Lyndon Johnson had the greatest legislative record of any President I have known—legislation passed during his administration has been compared to the famous "90 days" of President Franklin Roosevelt's administration as he responded to the challenge of the depression.

Lyndon Johnson more than any man I have known understood the legislative processes of the Congress. He understood the committee system and the intricacies of congressional interaction—the work of Congress.

His legislative success was a compound of this knowledge, his awareness of the Nation's problems, and his determination to attack these problems with all the force he could muster with the aid of Congress.

Although it may appear fashionable in some quarters to cast aspersions on the Federal career service, President Johnson was a Federal career man and he worked with the departments and agencies of Government to achieve his goals and objectives.

He believed in education—and much landmark education legislation was enacted during his administration.

He believed in assuring the elderly of adequate medical care—and the medicare legislation he sponsored has provided this assurance as a matter of right to the poor and needy.

He believed in helping the "little man" directly—rather than in the "trickle-down theory"—and legislation which he championed has increased the incomes of the working people throughout America.

He believed in assisting rural and urban areas in coping with their problems—and legislation to assist small towns, rural areas and metropolitan areas has provided much assistance throughout America.

President Johnson's list of legislative accomplishments defies definition and comparison.

He thought big—like the man he was and the State of Texas, the State of his origin. And he was a dynamo as he translated his thoughts and dreams into action and reality.

As the first southern President since the Civil War, he accomplished more to assure equal rights for all Americans than any President since Abraham Lincoln.

Lyndon Johnson had the common touch—a sensitivity for people. He loved people and identified with them. He wanted all Americans to share in the good life.

As he once remarked:

> I believe every American has something to say and under our system a right to an audience.
>
> I believe achievement of the full potential of our resources—physical and human—is the highest purpose of governmental policies next to the protection of those rights we regard as inalienable.

I recall that on one occasion during a campaign swing through Tennessee in 1964 on leaving the airport at Nashville, the President, rather than heading directly for the city chose to detour to greet people who were crowded behind a fence hoping to catch a glimpse of him.

I also recall that as we were returning to the airport after a hard day of campaigning, I pointed out an important constituent among the throngs along the highway. I suggested that he wave to this friend but instead he ordered the driver to stop the car, then bounced out and went over to this constituent, shaking his hand and giving him a warm and enthusiastic greeting.

This was the personal style of campaigning that President Johnson loved and that was his trademark—and he made a lifelong friend and supporter of the man he stopped to greet.

While President Johnson was in office, I was invited to the White House frequently to participate in bill-signing ceremonies or for receptions, dinners and briefings.

Following his retirement from the Presidency, we corresponded on occasion and he obviously enjoyed maintaining his contacts with old friends in Congress.

Upon leaving the White House in January of 1969, he wrote to me a warm personal letter in which he said:

In this, my last week in office, I am stirred by memories of old battles—and old friends who stood at my side throughout them all.

You are one of those friends.

My admiration and affection for you will never diminish.

I thank you and I salute you.

Sincerely,

LYNDON B. JOHNSON.

I value and treasure this letter among my most prized mementos.

Although President Johnson, when he left the Presidency, had had a number of heart attacks—the first when he was majority leader of the Senate—we, his friends, had hoped that, with the burdens of the Presidency off his shoulders, he would live a long life in retirement.

He lived a full, rewarding life and his work had been completed. His achievements and accomplishments are now history. The Vietnam conflict which he worked to end is drawing to a close.

His administration will stand in history as a monument to social and domestic progress at home and to a strong defense of freedom abroad.

I was deeply saddened by the passing of this great friend, and my wife Ann joins me in expressing our deepest and most heartfelt sympathy to Mrs. Johnson—Lady Bird—and other members of the family in their loss and bereavement.

Because of the high regard and respect of my colleagues and the American people for this great President, I place in the RECORD herewith copies of editorial eulogies from the Washington Post and Washington Star-News.

The editorial eulogies follow:

[From the Evening Star and the Washington Daily News, Jan. 23, 1973]

LYNDON BAINES JOHNSON

He was six-foot-three and everything about him—his ability his high sense of national purpose, his towering rages—seemed somehow slightly larger than life. Now he is gone at the age of 64, the second former President to die within a month.

The very memory of Lyndon Baines Johnson, thrust into the presidency by an assassin's bullet, is so freighted with partisan feeling that it must remain for another generation of Americans, immunized by time from the contagion of emotion to assess fairly the man and to judge impartially his presidency.

When that day comes, when the Vietnam conflict—like the Spanish Civil War which stirred the conscience of another generation—has become an issue to bring the flush of passion only to the cheeks of old men, we believe that the man from the Pedernales will be counted among this country's near-great presidents.

Historians will record that the first Southern president since Reconstruction engineered the Civil Rights Bill of 1964 (the first in more than 80 years), outlawing racial discrimination in public facilities, employment and union membership and giving the attorney general new powers to enforce Negro voting rights and to step up the pace of school desegregation. They will remember that, while he committed large numbers of U.S. troops to a conflict on the Asian mainland, he kept us out of nuclear war. This and much else in the fields of civil rights, housing and health did Johnson, who was perhaps the most consummate politician in modern American history, make part and parcel of our children's heritage.

And yet, at the last, he failed—or believed himself to have failed—withdrawing himself from contention in the 1968 election, leaving the country and his party weary and divided.

The roots of that failure are manifold and difficult to trace. Was it, as he insisted, too close to Appomattox for the country as a whole to accent and appreciate a Southern president, to believe in his vision of "the Great Society"? Was it inevitable, in a rising tide of bitterness and disaffection, that John F. Kennedy's successor should be struck down by the tumbling ruins of Camelot? Did he simply fail to gauge correctly the mood of the country when he vowed to nail that Vietnam coonskin to the wall? Was there some fatal and concealed flaw in his character which prevented him from dealing effectively with the burgeoning crisis of the races?

A little of each of these factors perhaps, contributed to the downfall and bitterness of a man whose personality so vividly reflected the brashness, drive, optimism, and acquisitiveness of his native state. Those good qualities and those defects which he brought to the presidency, in fact, may well have been the inevitable outgrowth of his state and regional heritage.

When time cools the passions of the moment, it will be remembered that he served his state and country, as congressman, senator, vice president and President for 31 consecutive years, and that if he did well by Lyndon Johnson, dying a multimillionaire, he also tried to do well (and often succeeded) by Texas and the United States.

To a certain extent the measure of statesmen can be calculated by the passions they arouse among their contemporaries. Churchill and De Gaulle, for instance, were nothing if not controversial. In this respect, the hostility of his foes makes the big Texan look like tall timber indeed among the scrub growth which forested much of the political hills of America in our times.

Lyndon Johnson was a big man and a big President.

[From the Washington Post, Jan. 24, 1973]

LYNDON BAINES JOHNSON

The public lifetime of Lyndon Baines Johnson spanned almost four decades. It was a period market not just by the development of certain powerful currents in American thought, but also by an eventful reappraisal of where those currents had led. Thus, much which had been considered desirable, necessary and even holy in Mr. Johnson's political youth had fallen into disrepute by the time that he left office. "Internationalism" had come to be known as "interventionism" by many, its painful and costly effects haunting the nation in a seemingly unendable war. And the vital and generous impulses that had animated Mr. Johnson's commitment to domestic legislation from the New Deal through the Great Society had come to be seen by many as obsolete and outworn habits of mind which caused as many troubles as they cured. At the airport sendoff that January day in 1969, when Lyndon Johnson's homebound plane vanished into the clouds, his longtime friends and colleagues were left with more than an eerie feeling of the suddenness and totality with which power is relinquished in this country. The summary departure of this man who had been the larger-than-life center of ambition and authority in government for five years, also seemed symbolically to end a self-contained chapter in the nation's political development.

It was an era characterized both domestically and in foreign policy terms by an assumption of responsibility—national responsibility—for the welfare of the poor, the rights of the mistreated, the fairness of the way in which we distribute our wealth and the general well-being and stability of countries all over the world. Of Mr. Johnson's participation in all this—as a Congressman, Senator, Vice President, and President—it must be said that his impact was so profound that there is hardly a case in which the nation was either blessed or victimized by this particular 20th century passion for responsibility for which Lyndon Johnson himself was not largely responsible. Like indifferent lovers for fractious offspring, a nation can often take things for granted or seem only to notice when it has been wronged. The death of Mr. Johnson may serve momentarily to pull us back from these perspectives, to remind us that much which we now expect from our government and our society as a matter of course—black voting rights, care for our elderly and our ill—came to us very recently and largely by courtesy of Lydon Johnson.

The simple, inescapable fact is that he cared—and that it showed. Being in all ways larger than life-sized, he cared about a lot of things: his own political fortunes, his image, and his place in history, for of course he was vain. But he was consistent; all of his appetites were kingsized. So he cared about people with the same enormous intensity. In fact, a fair case can be made that one set of appetites fed on the other; he struggled and wheedled and hammered and cajoled for political power because he yearned powerfully to do great and good things and that is what he wanted the power for.

This was at once the strength and the weakness of Lyndon Johnson, for while this tremendous force was more often than not irresistible over the years, both as Senate Majority Leader and President, it was, like everything about the man, very often excessive. It could bend the political process to his will, and to good effect. But it could also bear down too hard, so that the system cracked under his weight. A master at the instrumentality of events, he could use a Selma or an assassination to lever a civil rights law or a gun control bill through Congress. But he could also use a minor gunboat skirmish in the Gulf of Tonkin to produce a resolution from Congress giving overwhelming support to a war effort whose true nature was never revealed in terms which could be expected to prepare either the Congress or the public for the sacrifice that both would later be expected to accept.

Neither Lyndon Johnson's memory nor his place in history, we would hope, is going to turn entirely, or even primarily on the war that grew out of that resolution; for Vietnam there is blame enough for all concerned, over four administrations and a good number of Congresses. Confined and carried along by earlier commitments, counseled by the men recruited by his predecessors, unchecked by Congress, Mr. Johnson plunged on, overstating, over-promising, over-hoping, overreaching. But if his time in office marked the big Vietnam escalation, it also will be remembered for the fact that he, by implication and by painfully difficult decision, moved toward the end of his term to acknowledge a great miscalculation—widely shared in, let it be said—which is not something incumbent Presidents are given to doing. Reluctantly, grudgingly, but effectively, he turned the war effort around, abandoning "graduated response" as the method of choice, and bequeathed to his successor a greater opportunity than he himself inherited to move toward disengagement and a re-definition of the mission in realistic terms.

When Harry Truman died a few weeks ago at the age of 88, he died the beneficiary of a gift Lyndon Johnson was not to receive: 20 years had passed since the embattled and much maligned Mr. Truman had held office so that time and change and hindsight vastly altered the view people had of him. Mr. Johnson was never lucky in this regard. His each and every achievement from his Senate years on seemed to be followed or accompanied by some series of events that spoiled

> the glory of the moment. Still, we do not share the notion, now being advanced (sometimes with bitterness) of how unfair it was that he rarely received the recognition he deserved in his lifetime for the good and also great things he did—or that the criticism of his handling of the war unfairly overshadowed all the rest. He would, we suspect, have a wryly humorous view of all this—much as he craved to be well-loved and well-remembered—because he was too shrewd, not to say cynical a student of human and political nature not to have been amused by these efforts by those who served him badly from time to time to revise the record in his (and their) favor. Lyndon Johnson must have known that he did not need to be helped into history.

Mr. KOCH. Mr. Speaker, today the country mourns the death of a great leader and a great American President.

In this hour of Lyndon Johnson's passing, let us put aside the disagreement that many of us had with him over Vietnam. He was a man with great courage and fortitude, a man who did what he thought was right, misguided though some of his decisions may have been.

At home Lyndon Johnson had the courage and compassion to grapple with some of the most difficult problems of our times: poverty and racial discrimination. He did not retreat from these challenges; indeed, he pursued them with great vision and determination. History will most fondly remember Lyndon Johnson for his civil rights legislation and for the commitment the Federal Government made under his leadership to improving the quality of life for all Americans.

Lyndon Johnson was a big man in every regard: in stature, in energy, in vision, in capacity, and in compassion. He was a man who embodied almost every human quality in such magnitude that he will be remembered not only for what he did but for the man he was and the dimensions of his leadership.

We all remember the many pictures of the man in the Oval Office who often looked tired and haggard. But, that craggy face reassured us that a man was in the White House who knew and cared about what was going on in the Federal Government and in the country.

It is tragic that Lyndon Johnson should have died before the signing of a peace accord settling the Vietnam conflict that through the months of his administration had become so personally consuming and finally his political nemesis.

Within the past month we have lost two great men our country has known. Let this be a period in which we reaffirm our resolve to meet the ideals on which our country was founded.

Mr. Speaker, in remembering President Johnson today, my sympathy goes to Lady Bird, Lynda, and Luci and the rest of the Johnson family who gave him such support and comfort during his years in Washington and in his retirement.

Mr. HUNT. Mr. Speaker, it is both tragic and ironic that former President Lyndon B. Johnson passed away yesterday, on the eve of peace in Vietnam. It was during his administration that the United States brought power to bear on the North Vietnamese in an effort to bring them to the bargaining table. It was during President Johnson's administration that Paris became the center of attention when it was announced that peace talks would begin.

One could not help but feel while watching the news last night that it was ironical that the Majestic Hotel in Paris was being prepared for the signing of the peace treaty ending the conflict in Vietnam. It was in this same hotel, in that very room shown last night, that the first hurdle to clear in the talks was the seating arrangement. This was just the first of many frustrations President Johnson would suffer in bargaining with the North.

He was indeed a casualty of the war.

Because of his efforts to deal with the Communists and the war with a strong hand, he was snubbed by his own party at the convention in 1968. But now, in retrospect, he, more than anyone else at the time, knew the best way to deal with his adversaries was through strength not weakness.

The war reached its fullest fury under Johnson, but it was he, and he alone who had to assume the consequences of difficult decisions, decisions which can only be made by the Commander in Chief.

History may yet prove him right.

Mr. DOMINICK V. DANIELS. Mr. Speaker, on January 22, 1973, at 5:33 p.m., death took from us Lyndon Baines Johnson, the 36th President of the United States, almost 4 years to the day from the time he left the White House.

Mr. Speaker, I have already conveyed to Mrs. Johnson my own personal condolences in which Mrs. Daniels joins with me. In addition, I would like to publicly convey the deep and profound sorrow of the people of Hudson County, N.J., at the passing of this towering figure.

Few men dominated the age in which they lived as Lyndon Baines Johnson. In every sense of the word he gravitated toward center stage in every forum in which he performed—as a Member of this House, the Senate, as Vice President, and as President. It is cliche to say that he was larger than life, but no other expression describes his relationship with the world in which he lived.

The tragedy of the Vietnam war has largely obscured the record of Lyndon Johnson in domestic affairs, but historians placing events in context will, I am sure, judge the accomplishments of the 89th Congress as the great monument to Lyndon Johnson. All of us who served in this body during the years 1965 and 1966 will never forget the nature and kind of leadership supplied by the White House.

It is perhaps a little ironic, but there were few places where Lyndon Johnson—the man of the arid plains of south-central Texas—was loved more than in my own Hudson County, N.J. But our people loved him for what he did for the poor, the urban, the black, the Spanish, and all Americans who needed help. His 5 years in the White House raised a new hope for millions, and those millions weep today for their champion.

Benjamin Disraeli once wrote that—

> The spirit of the age is the thing that a great man changes.

Lyndon Johnson viewed in this light met the test of greatness for he, more than any other man of our time, or any time, led the fight for freedom for black Americans. A product of the segregated Southland, he fought to extend the franchise to millions of black Americans. Through his championship of the great Civil Right Acts of the 1960's, black Americans were led out of peonage and brought into the mainstream of American life. Truly, he changed the spirit of the age.

Mr. Speaker, Lyndon Johnson now moves from the contemporary stage to the historical and I know that history will view him as one of the great men of the century. I know that we shall not see his like again. May Almighty God bless Lyndon Baines Johnson and may perpetual light shine upon him.

Mr. BURLESON of Texas. Mr. Speaker, observation of history suggests that all great leaders have had much in common. It seems to me that former President Lyndon Johnson had an amalgam of characteristics exhibited in many of our modern day statesmen, both in and out of government.

It is not surprising that this appears to be the case since he virtually grew up under the tutelage of such men as Franklin Roosevelt, Sam Rayburn, John Nance Garner, and others who directed the affairs of this Nation during times of change and under varied circumstances which occurred during the formative period of President Johnson's political life.

As Lyndon Johnson became a national legislator, first as a Member of this U.S. House of Representatives and then the U.S. Senate, he, too, left an imprint on events of that time. Later, as Vice President and then as President, he led this Nation with the great energy and ambition with which he was so greatly endowed.

There were differences of opinion on issues, which are bound to occur between men, but his devotion to what he believed was always something anyone could admire.

I prefer to remember his strong unyielding conviction that this Nation must be strong in its ability to defend itself and to ally those nations who sought our assistance in maintaining their independence.

The ability to anticipate events and shape policy accordingly was always an amazing performance by President Johnson. He had vision, he had dreams, and he had the courage to institute actions to bring them to the greatest possible fruition.

As is the case of all great public figures, only time will make it possible to fully appraise the leadership he gave this Nation. This seems to be a characteristic of our Nation as a people but one thing is already proved, and that is that he was a leader.

I join my colleagues in extending sympathy and condolence to Lady Bird and the other members of the Johnson family and hope that they may have the greatest possible comfort with the passing of the shortest time. They can, of course, do so in the knowledge of the great service he rendered and the type of husband and father he was to them.

Mr. GRAY. Mr. Speaker, America is blessed not only with the quality of her institutions, but with the quality of the men who guide her destiny. My dear friend, Lyndon Baines Johnson, was truly a man who knew what America needed and he gave his all to fulfill the hopes and aspirations of millions of Americans.

The congressional district I represent in southern Illinois is a much better place today because this great President had compassion for our needs and put his broad shoulder to the wheel in helping us build a greater southern Illinois. He signed bills providing for better housing, better health care with new hospitals and nursing homes, economic development programs that are now providing thousands of new jobs, clean air and clean water, millions of dollars to provide retraining and a greater educational program from Head Start to postgraduate courses at our great Southern Illinois University, lakes and recreational facilities, superhighways, medicare, social security benefits, and many other benefits too numerous to mention. Yes, Mr. Speaker, when we were fighting desperately to locate the most modern Federal penitentiary in the world at Marion, Ill., Lyndon Johnson ignored pressure from all sides and stood with us in guiding this important legislation through the Senate after it had passed the House of Representatives.

Mr. Speaker, the Nation will not only mourn the absence of Lyndon Johnson, but we shall miss his clear and penetrating judgments. Lyndon Johnson had a real understanding, love and warmth for his family and his fellow man. I think when the history books are written concerning his long period of service in the Congress and in the Presidency, his sterling character, personality, and dedication will rank with the greatest Presidents of all time.

Mr. Speaker, when I saw Mrs. Johnson standing in the rotunda at the service, all I could say was—

> I am sorry. You have my sympathy.

I wanted to say more but I am sure I speak for everyone in the Nation when I say that we were all saddened beyond words at the passing of such a great leader. Lyndon Johnson was "our kind of people," never too busy to give attention to the ignored; to those in despair, he gave hope; to those in need, he gave help; to the minorities and black, he gave equalization.

Yes, Mr. Speaker, he is gone but he has left behind a legacy and a challenge to us. His good works will stand as a lasting memorial that will be much taller than any monument we could erect.

The entire Gray family, my congressional staff, and the people of the 24th Congressional District of Illinois join me in extending deepest sympathy and prayers to Mrs. Johnson, the daughters, and their families. We thank them for sending this giant of a man our way.

Mr. FULTON. Mr. Speaker, few men in history have seen fortune and circumstance elevate them to the heights of power and responsibility as did the late Lyndon Baines Johnson only to suffer the tragedies which fate can impose.

And yet I am convinced that this Nation has never had a political leader or President who was more dedicated to the improvement of the life of all our people, particularly those among us who have been in one way or another disadvantaged, or more personally dedicated to the search for world peace.

That Lyndon Johnson suffered reverses and made mistakes in pursuit of these noble goals cannot be denied. Yet his accomplishments were legion and many will survive him as a living memorial to all that is good in America and to the worthy greatness to which we justly aspire.

He now belongs to history and it is for the future to judge him. Yet there are millions of Americans today whose lives are somewhat richer and fuller because of the labors of Lyndon B. Johnson. For these persons he is justly a great figure.

I am confident that history will regard President Johnson highly as a man of great courage who was driven by worthy compulsion to make the great American dream a reality for all Americans and as a man who guided this Nation into a war of tragic consequence not in search of vain glory but in the quest for peace.

Mr. ROBISON of New York. Mr. Speaker, remembering as I do the force and vitality of Lyndon Johnson of some 5 or 6 years ago, it is difficult to believe that he is dead. He was a tower of strength, as majority leader in the Senate for so many years and, then, if the greatness of a President can be measured in terms of success in engineering his programs through an often-reluctant Congress, he was surely one of the greatest of our modern-day Presidents.

Mr. Johnson and I often disagreed, but I always saw him as a sincere advocate of America's "little people," and particularly of America's poor and disadvantaged. He constantly wanted to move our Nation forward and his Great Society programs for doing so—no matter how controversial some of the same still are—stand as a landmark of Presidential concern.

The tragedy of Vietnam became—and remains—his own personal tragedy. One has to wonder how much that tragedy shortened his life, even as it shortened his political career.

The loss of our only two, surviving ex-Presidents within the span of 1 month is a cruel blow to the Nation. It points up again, I think—no matter how late now to consider it—the necessity for our finding some way to continue to use their experience, perhaps as members "emeritus" of the Senate, after they leave office. I hope we will give our attention to that need—as a memorial of sorts to both Harry Truman and Lyndon Johnson.

Mrs. MINK. Mr. Speaker, all Americans are deeply saddened by the sudden death of our beloved former President, the Honorable Lyndon Baines Johnson.

Those of us who were his colleagues during Lyndon Johnson's long and distinguished service in the Congress have special reason to mourn his loss. His fellow Members of Congress knew well his great legislative ability, his leadership, and most of all, his tremendous personal qualities.

Lyndon Johnson's accomplishments during several decades of public service loom large on the rich tapestry of American history which he helped to fashion. As a Member of Congress, he raised the legislative branch to a pinnacle of power and influence that it has not achieved since. As President, he received the greatest electoral mandate in history. As an American, he captured the support and admiration of perhaps more of our people than any other recent leader.

President Johnson won this widespread respect because he was truly a man of the people. More than anything else, he envisioned government as a helping hand for the poor, the sick, the hungry, and the needy. He saw Federal programs as providing the means, through education of the individual, job training, and providing equality of opportunity, whereby the people could be given the means of helping themselves. His Great Society, and the programs to achieve it, were based on a respect for individualism and personal achievement.

To attempt to list even his major accomplishments in a brief manner is a certain injustice, but Lyndon Johnson is perhaps best known for such landmark programs as the war on poverty, the 1964 Civil Rights Act which covered public accommodations, hiring practices, and voting rights, the medicare program for our older citizens, and our most important education bills such as the Elementary and Secondary Education Act of 1965 which was the first general school assistance law in U.S. history. Among other portions of his legislative program was the bill creating the Department of Housing and Urban Development in 1965; the Immigration Act of 1965 which eliminated the national origins quota system; the Wholesome Meat Act of 1967; the Truth in Lending Act of 1968; the Land and Water Conservation Fund Act of 1964; the Wilderness Act of 1964; the 1968 Civil Rights Act which prohibited discrimination in the sale or rental of housing; and the Fair Labor Standards Amendments of 1966. This is a legacy of governmental achievement which would be exceedingly difficult to emulate.

It was incongruous, to say the least, that this man who so believed in human worth should have become involved in a war so little understood by his countrymen. President Johnson did not start the war, nor was he able to end it. I am convinced that he sought with all his heart to stop the conflict, but this goal proved as elusive as the social uplift for which he so valiantly strived. More because of the war than anything else, our country was unable to muster the resources required to achieve the ambitious and imaginative program mapped out by President Johnson to achieve his domestic ends.

Let history record that here was a man of destiny denied, a figure of epic proportions whose hopes for all mankind were stymied by concerns that go deep into our culture and heritage. It was not enough to reach for the stars, when our roots remained in a clay that was all ours, and seen as indisputably superior to all else. In this, Lyndon Johnson fell victim to a national pride that would not accept a lesser role on the world stage, even at the price of abandoning the dream which made us best.

Let the future spell out the lesson of this paradox. For now, it is enough to know that in Lyndon Johnson we had a President who embodied the conflicts so inherent in our own society, and whose achievements may be measured by his unprecedented attempt to make it great.

Mr. BENNETT. Mr. Speaker, the country has lost a great leader in the passing of President Lyndon Johnson. I served with him in Congress and always found the door open at the White House while he was there. He used to phone me at home in the evening and talk with me about matters before the country and we have corresponded since his retirement. So this great loss to the country and to the world is a keen loss to me personally. History will properly list him as one of our greatest Presidents.

Mr. METCALFE. Mr. Speaker, it is with more than a heavy heart that I learned about the death of former President Lyndon Baines Johnson.

In the course of less than a month this country has lost two of the greatest leaders that it has ever had. Without a doubt, Lyndon Johnson worked harder than most men alive to help all minorities attain their rightful equality. Added to this is the fact that he had more compassion and more understanding than the other leaders of this country, especially at a time when compassion and understanding were needed and very necessary. It is not as though he listened like many politicians at the time did; he acted. He worked to present a positive program to the people; something not to placate them, but something constructive, positive.

Lyndon Johnson was a man who came up through the ranks, so to speak. He started as a teacher in Texas, something he was exceptionally proud of. He was elected to the House of Representatives in Washington. It was there that he learned the ins and outs of politics as we have come to know it today. He left the House for the Senate where he was an effective Senator, whip, and majority leader, always with the people in mind. From the Senate to a sectionally balanced ticket headed by John Kennedy and, after that tragedy, to the Presidency.

One of the characteristics of Mr. Johnson all the way through his political career was that he worked, and those around him felt the aura of this constant work.

In one of the small ironies of his life, it should be noted that one of the last things that he did was to have the Conference on Civil Rights in Texas as his Presidential papers on that subject were opened up to the scrutiny of scholars. There are very few national leaders that I know of who could lay claim to the title of leader in the field of civil rights; Mr. Johnson could, but I never recall him doing it.

His Great Society program was a constructive response to the needs of his fellow man. The Civil Rights Act of 1964 and the Voting Rights Act were enacted, because President Johnson was firmly committed to equality and because this President was committed to action where there was inequality. He was a man who used the Presidency to exercise the moral leadership in time of crisis.

Mr. Johnson was humble in origin, and he was strong in will and spirit. He will be missed by those who love people; those who care about people. He was a man whose wisdom and knowledge will be sorely missed in this country and around the world. He understood the needs of the people and did his utmost to meet these needs. A great leader and a great person—we all will miss this uncommon man and great President.

Mr. PRICE of Illinois. Mr. Speaker, the death of Lyndon Baines Johnson takes from us a man who spent a lifetime seeking the American dream for all people. A man of boundless energy, talent, and persistence Lyndon Johnson dreamed big dreams for the American people and devoted his public career toward the realization of a great society.

In many ways Lyndon Johnson was larger than life. Big of frame, deep of mind, Lyndon Johnson came out of Texas like a duster, full of frontier restlessness and energy. Powerful, assertive, and determined Lyndon Johnson saw to it that more progressive legislation was enacted during his Presidency than any President in American history.

Education, human rights, economic development are but several of the legislative enactments that Lyndon Johnson saw fashioned into law. Benefiting the American people these legislative programs epitomized Lyndon Johnson's belief that the Government should work for the people.

My association with Lyndon Johnson goes back to the days when he served as Speaker of the Little Congress, an organization of congressional aides devoted to the realization of the New Deal legislative process and worked long and hard for the goals of his idol, Franklin D. Roosevelt. From that day until the day of his death, Lyndon Johnson never lost sight of his main objective: utilize the full powers and resources of the Government for the people of America.

It was my pleasure to serve in the Congress with him as a member of the House Armed Services Committee and later as a Member of the Joint Committee on Atomic Energy.

Few men have ever come to the Presidency with as much training as Lyndon Johnson. Legislative aide, governmental official, Member of the House of Representatives, Member of the Senate, Senate majority leader, and Vice President, Lyndon Johnson was a proven political leader. He understood how the political process could be used effectively for the development of enlightened public policy. No man personalized the Presidency more than Lyndon Johnson.

An era has passed with Lyndon Johnson's death. Though caught in the cruel wash of the Vietnam war, it was Lyndon Johnson who started the Paris peace talks. His devotion to the cause of peace stood second to none. He removed himself from politics in the belief that it, his action, would give peace a chance to work. Ironically, his death came as the cease-fire agreement in Vietnam emerged. Fortunately, he was aware of the coming peace before his death.

In death Lyndon Johnson will remain big as he did in life. His career, his spirit, his endless quest for peace and fulfillment will remain forever etched in the American memory of great Presidents. A great patriot who loved his country and was not ashamed to show it Lyndon Johnson gave his life to a cause he believed in: The right of human dignity for all Americans.

Mr. FRASER. Mr. Speaker, the man we honor in this special order once served in this House. Lyndon Baines Johnson described himself as "a child of Congress."

I would like to believe that it was, in part, because he was "a child of Congress" that he rose above the circumstances of his birth, as we must, expanding himself beyond his parochial, Texas-centered concerns.

But whether or not his service in the Congress aided President Johnson in overcoming, it is clear that he did. Born and raised in Texas, Mr. Johnson went on to shepherd through the Congress more civil rights legislation than any President who served before or after him.

Those of us who were Members of the 89th Congress saw for ourselves that his efforts were not limited to civil rights measures, but included other landmark social welfare laws also aimed at benefiting the entire Nation. But to me, and to many other Americans, President Johnson's effort to end what he described as "the one huge wrong of the American Nation"—the denial of black America's civil rights—is his greatest contribution to this Nation.

In the 10 green volumes containing the public papers of President Johnson, there are innumerable evidences of the President's commitment to equal treatment for all Americans, of his concern for those Americans who for whatever the reason need their Government's help if they are to share fully the benefits of American society.

His belief was not that every American problem could be solved in Washington—this was and is an impossible task. But President Johnson did recognize that many ills of our society would persist and and grow worse if left unattended. Some local and State governments either could not or would not address some of these problems—civil rights was only the most obvious example.

The President knew that the fundamental problems of poverty and color in our society do not evaporate—except in the observer's mind—if they are ignored. They become more complex and concentrated and more difficult for future generations—our children's—to ameliorate or solve.

And President Johnson did not believe we could solve our problems by throwing dollars at them. But he knew that problems are not solved without effort. And this effort always requires human and material resources if it is to succeed.

President Johnson's ideas evolved, Dean Rusk pointed out during services for the President at the Capitol, from "a volcanic eruption from the innermost being of his soul." These eruptions could lead to error though only good was intended. But the eruptions in behalf of the domestic well-being of the American people were sound and well directed. Just as important, for the President was above all human and fallible, and no one contends his actions were always without error, the President gave to the poor and less affluent of this country a sense that he was committed to progress for all—and they saw evidences of the progress.

He used his national pulpit to assure the afflicted. While he was himself a major beneficiary of the American social and economic system and an unashamed advocate of the free enterprise system, he did not concern himself only with those who share in the benefits of the status quo. He recognized that many still wait in line.

In closing I want to quote briefly from President Johnson's June 4, 1965, commencement address at Howard University: "To Fulfill These Rights." His words still have relevance 8 years after they were delivered and they bear repeating and demand action if we are to progress as a nation.

But, more importantly, on this occasion, by illustrating President Johnson's commitment to progress for the least advantaged in our society, these words record again his hopes for every member of our society:

"TO FULFILL THESE RIGHTS": COMMENCEMENT ADDRESS AT HOWARD UNIVERSITY, JUNE 4, 1965

> This graduating class at Howard University is witness to the indomitable determination of the Negro American to win his way in American life . . . But for the great majority of Negro Americans—the poor, the unemployed, the uprooted, and the dispossessed—there is a much grimmer story. They still, as we meet here tonight, are another nation. Despite the court orders and the laws, despite the legislative victories and the speeches, for them the walls are rising and the gulf is widening . . . There is no single easy answer to all of these problems.
>
> Jobs are a part of the answer . . . Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.
>
> Welfare and social programs better designed to hold families together are part of the answer.
>
> Care for the sick is part of the answer.
>
> An understanding heart by all Americans is another big part of the answer . . . But there are other answers that are still to be found . . . [I]t is the glorious opportunity of this generation to end the one huge wrong of the American Nation, and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for freedom.
>
> All it will take is for all of us to understand what this country is and what this country must become . . .

Mr. STEIGER of Wisconsin. Mr. Speaker, the death of Lyndon Baines Johnson leaves a considerable void to all who knew him. President Johnson, as has been said many times in the past few weeks, was a giant of a man, a larger-than-life figure we will always remember.

Lyndon Johnson was perhaps the ultimate creature of Congress, with a better understanding of the workings of Government and the uses of power than any other man in recent history. When Mr. Johnson was Senate majority leader and Sam Rayburn was Speaker of the House, Congress played a more proper role in our "checks and balances" system. His departure, I think, was a factor in and of itself in the decline of Congress.

President Johnson was a massive man who when he made a mistake it was massive and who when he moved to correct a wrong he gave it all he had. Millions of Americans benefit directly from the hundreds of laws he pushed through Congress. His vigorous efforts on behalf of his measures was a major factor in Congress' passage and implementation of them.

It is tragic that many remembrances of President Johnson have dwelt on his role in the Vietnam war. He did make the decisions, based on the advice of his expert advisers, which did involve us more in the conflict. But he took every action—including the sacrifice of his own political career in March 1968—in the hope of achieving a just peace. President Nixon rightly spoke of Mr. Johnson's dedication to peace during his speech announcing the settlement in Southeast Asia.

What will stand as more of a tribute will be his efforts on behalf of the disadvantaged. As Senate majority leader, as Vice President, and then as President, he performed valiantly to erase the barriers condemning many of our fellow citizens to second-class citizenship. History books will, I am sure, list his accomplishments along with Mr. Lincoln's in discussions of the fight for justice, equality, and opportunity for all Americans.

I shall always remember fondly President Johnson. Mrs. Steiger and I both shall treasure the opportunities made available to us in our first 2 years in Congress to be at the White House with the President and his family. Most especially, Mrs. Steiger joins with me in expressing our deepest sympathy to Mrs. Johnson, to Lynda and Chuck Robb, and all the other members of the Johnson family.

Lyndon Johnson cared—and cared deeply—for his fellowman. And he put this concern into action. His example is a legacy for the ages.

Mr. BIESTER. Mr. Speaker, our Nation now mourns the passing of another President, Lyndon Johnson. We will miss the wisdom and perspective he shared with us, and the absence of his presence is a loss we cannot measure but which we will surely feel.

His early life knew hardship and struggle, and his political upbringing was steeped in rural populism, the Great Depression and the New Deal. From these early experiences, Lyndon Johnson developed a natural and powerful concern for the weak and the poor. Despite their differences in personality and style, I am struck by the similarities I see in the lives of Lyndon Johnson and Harry Truman and the passing of an era their deaths represent. In their passing we may have seen the last of our Presidents who lived and practiced what they learned in that singular and decisive period of American history.

Lyndon Johnson saw politics as the art of compromise and the possible. Being the man he was—forceful, strong, fervent—he realized accomplishments others would not have been able to achieve. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 were turning points in our Nation's commitment to provide justice and opportunity for all its people.

The impact that legislation has had is staggering; yet equality remains a goal and not a reality. Lyndon Johnson's dedication to this struggle is underscored in one of his last public statements in December at the civil rights symposium at the Lyndon Baines Johnson Library in Austin. At that time he concluded his impromptu remarks with the following:

> We know there is injustice. We know there is intolerance. We know there is discrimination and hate and suspicion, and we know there is division among us.
>
> But there is a larger truth. We have proved that great progress is possible. We know how much still remains to be done. And if our efforts continue, if our will is strong, if our hearts are right, and if courage remains our constant companion, then, my fellow Americans, I am confident we shall overcome.

The Johnson years told us much about ourselves and our Nation. Their successes and failures will be instructive as we continue to grapple with the persisting problems of society. We will learn from the mistakes of those years, but let us never forget the achievements Lyndon Johnson won for all the American people.

Mr. MEEDS. Mr. Speaker, I appreciate this opportunity to speak of the achievements of the late President Lyndon B. Johnson.

President Johnson was the first President under which I served in the House and as such retains a special place in my memories. Shortly after my appointment to the Committee on Education and Labor in 1965, Congress passed the Elementary and Secondary Education Act of that year.

President Johnson's key role in passage of this first Federal aid school bill made apparent to me his sincerity and dedication as a friend of education. In that same congressional landmark year, the hand of President Johnson helped mightily in approval of medicare, the Higher Education Act of 1965, and the Appalachian Regional Development Act.

I think President Johnson's place in history is assured by his support of vital social legislation and the creative work by the 89th Congress that cast his and our ideals into legislation.

Above all else, his role in civil rights deserves praise. President Johnson recognized division by race in this Nation as a potentially destructive force. His efforts to abrogate this force are best illustrated by strong support of the 1964 Civil Rights Act and the 1965 Voting Rights Act.

These and the earlier human rights bills he supported may eventually make possible a viable society in this Nation.

His foresight into the consequences of remaining a separate but unequal society, combined with his leadership and understanding of the legislative process, resulted in an opening of doors that was long overdue. It is fitting that his last major address was to a gathering concerned with human rights.

If all our human problems were not overcome in Lyndon Johnson's lifetime, it was not for lack of his trying.

Mr. PRICE of Texas. Mr. Speaker, the American people have witnessed a most remarkable month—first with the passing of former President Harry S Truman on December 26, followed by the reinauguration of President Richard Nixon on January 20, and now again with the passing of another former President, Lyndon B. Johnson.

January was a month of mixed emotions—Americans both celebrated and mourned. We looked with anticipation to the future and yet paused to contemplate the past.

Lyndon B. Johnson was no ordinary man. Regardless of whether one agreed or disagreed with his policies, Johnson was a man of incredible strength and endurance. His steadfastness which was often a target for his detractors nevertheless gave Americans a sense of security and continuity during a time so wrought by strife and emotion.

Although ascending to the Presidency through an act of fate not expected or awaited, Lyndon B. Johnson carved his own record, and set into motion the most comprehensive domestic legislative program in history. Lyndon B. Johnson, a fellow Texan and political protege of the immortal Sam Rayburn, will have a place in history. We today are too close in time as his contemporaries to truly measure the significance of his presence upon the course of national and world affairs.

But Lyndon B. Johnson can never be doubted in his great faith in the American system. To all citizens, regardless of political party, he beckoned to the call of a task yet unfinished. And of that work which is good, he said, "Let us continue."

Mr. BINGHAM. Mr. Speaker, I am glad to join with my colleagues in paying tribute to the late Lyndon Baines Johnson, 36th President of the United States.

I had the honor of serving under President Johnson from the time he assumed the office until March of 1963. At that time I was the U.S. Representative on the Economic and Social Council of the United Nations. One of Mr. Johnson's first acts as President was to come to the United Nations and address the General Assembly. This was a way of expressing his great interest in and support for the U.N., as well as a method of assuring the world of the continuity of U.S. foreign policy following the tragic death of President Kennedy.

I also had the great privilege of being a Member of the Congress during the 89th and 90th Congresses. There is no doubt that the record of domestic legislation written during those years, especially in 1965, in response to the leadership of President Johnson was one of the most remarkable in the history of the Nation.

President Johnson knew how to get action out of the Congress. He was unfailingly courteous, hospitable, and friendly, but he was also a hard taskmaster. He never let up in his efforts to press the Congress for constructive action.

While I differed with President Johnson in regard to his Vietnam policies, I never had any doubt that he was acting as he believed to be in the best interests of the country.

I cannot conclude these remarks without paying a brief tribute to Mrs. Johnson. She was—and is—an inspiration to all of us. Her dignity, her friendliness, and her intense interest in many important programs, especially the beautification of our country, were truly remarkable. We all extend to her and her family our deepest sympathy in their great loss.

Mr. RIEGLE. Mr. Speaker, all Americans feel a sadness and sense of loss at the sudden death of former President Lyndon Johnson. More than any President in recent times he had a deep faith in—and concern for—working people. His strong emphasis on human problem solving gave the country leadership and direction. While his Vietnam war policies were regrettable—his full commitment to equality and human rights was a source of national inspiration.

Above all, Lyndon Johnson was a human being—a man who loved his fellowman—and I feel his loss in a personal way. I am proud to have known him—and to have served 2 years in Congress while he was President. My prayers and thoughts are with his family.

Mr. O'HARA. Mr. Speaker, it is with a sense of profound sadness over the loss of a great leader and an indomitable fighter for the rights of man that I rise to join with my colleagues today in paying tribute to the memory of Lyndon Baines Johnson.

Since I came to this body, in 1959, it has been my privilege to serve under four Presidents. None of them executed the duties of his office with greater passion and persuasion than Lyndon Johnson. He battled untiringly for those causes in which he believed—the causes of civil rights, education, full employment, and the rest—and because of his leadership, we made the greatest strides toward these goals that have been made in our lifetime.

It was my privilege to serve as a soldier in Lyndon Johnson's army during the great legislative struggle that culminated in the enactment of the Voting Rights Act of 1965. The President was not content merely to issue a manifesto concerning the urgent need for this legislation which would give the franchise to American citizens long denied their rights, because of the color of their skin. He was not content merely to exhort his troops to do battle in the cause of simple justice: Instead, he fought side by side with us throughout the battle in the halls of this great national legislature. All of us who participated in this struggle can be proud of what we accomplished in enactment of the Voting Rights Act. But all of us who participated in that struggle are also aware that victory well might have eluded our grasp, had it not been for Lyndon Johnson's efforts.

It is particularly timely, Mr. Speaker, to recall the working partnership which existed between President Johnson and the Congress—in this and other legislative milestones which were placed along the road to a greater society during his stewardship in the White House. We could wish today for the same kind of interaction between the legislative and executive branches.

It is a tragedy of history that the Johnson administration was marred by the fact that we became more deeply involved in a war in Southeast Asia which was, to a large extent, President Johnson's legacy from his two predecessors in the White House, and a war, in turn, which raged on for 4 long years after Lyndon Johnson retired to private life. It is a tragedy, because that war and its consequences, both at home and abroad, have diverted the people's attention from Lyndon Johnson's role as the great activist in the White House.

President Johnson was a man with faith in America and with a dream about what its people could accomplish. Not content with merely dreaming, he dared to make those dreams come true—and our lawbooks now are studded with landmarks to his challenge to the American people, and to their response to that challenge to their greatness and their better nature. It is my hope, and one I believe is shared by the majority in this body and the majority of the American people, that those great social programs of the Johnson years not be dismantled now.

Mr. Speaker, history will vindicate the memory of Lyndon Baines Johnson. I believe it will stamp him as one of the great Presidents of this century—a man who was truly a partner with the people, and with their elected representatives, in achieving progress toward a better society. I hope we will live to see other Presidents with his cooperative spirit, and with his concern, his compassion, and his capacity for social progress.

Mr. PICKLE. Mr. Speaker, Lyndon Johnson was an extraordinary man. I think it might be fitting today to relate one of the stories that appeared in the Washington Post the day after this great man passed away. It was a story told by Mr. James Rowe, who had been one of Mr. Johnson's friends through the years, and he related the story of a phone call that the then Congressman Johnson made. He called home and talked to Mrs. Zephyr Wright, his cook. He told her that he was having five guests in for dinner, and she had to fix five good steaks, and that he would be there in about an hour. And before she could tell him that she did not have any red coupons, which were necessary during those days of food rationing, he had already hung up. Zephyr then called Mrs. John Connally and told her that she had to have some red coupons; that the Congressman said he was going to bring five folks home for dinner, and she did not have any coupons, and could she borrow some from Mrs. Connally? Mrs. Connally said:

> Zephyr, I don't have any red coupons, and if I did I wouldn't give them to Lyndon because that man has got to learn that he is just like anybody else.

And Zephyr said:

Yes'm. I know, Mrs. Connally. I know he is just like anyone else, and you know that he is just like anyone else, but he doesn't know it, and I'm not going to be the one to tell him.

Mr. Speaker, this extraordinary man has given his life to Americans. Our country will be improved for ages to come because of the goodness and the dedication of this great man from the hill country of central Texas. We do appreciate his great service. We love him and his family, and we are proud to join today in tributes which, in just a small measure, might be an expression of appreciation for the good things he has done for America, and for the people of America.

Mr. Speaker, I ask unanimous consent that I may include the following editorials on the life and character of the late President Lyndon Baines Johnson.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from Texas?

There was no objection.

The editorials are as follows:

[From the Austin Statesman, Jan. 26, 1973]

Minister Says He Learned Courage, Faith From L. B. J.

(By Harry Provence)

Washington.—"Lyndon my servant is dead, now therefore arise . . ."

So did Lyndon Baines Johnson's minister, Dr. George R. Davis, paraphrase Joshua I, Jehovah's command to Moses' successor, in the final Washington tribute to the former president Thursday morning in National City Christian Church.

"Lyndon Johnson was my minister," Dr. Davis told the crowd that packed his house of worship and overflowed all around Thomas Circle in the heart of the nation's capital.

"He taught me grace under pressure, courage, faith . . . he showed me how religion can be a part of daily life . . ."

Dr. Davis recalled two examples of Lyndon Johnson's leadership, the first when he took over the presidency after the assassination of John F. Kennedy and the second when he handed over the office to Richard Nixon. Never has there been a more graceful transfer of power in our history, Dr. Davis said.

. . . mourners, including President and Mrs. Nixon, to "arise to the tasks set before us by Lyndon B. Johnson."

Mr. Johnson was an honorable elder of National City Christian Church and a frequent worshipper at its services. "I know I shall see Lyndon Johnson again in heaven," said the minister.

Marvin Watson, business executive, former postmaster general and one-time White House assistant to LBJ, eulogized the memory of the 36th President of the United States:

"We shared his victories and his defeats.

"In victory he taught us to be magnanimous . . . in defeat taught us to be without hate . . . to learn . . . to rally . . . to accept the challenge and try again.

"He believed that good men together could accomplish anything, even the most impossible of dreams. No matter who his opponent, he constantly sought to find that touchstone within the soul of every man which, if discovered, would release the impulse for honest and fair solution. Hate was never in this man's heart," said Marvin Watson.

The former White House aide recalled that "I watched him formulate secure passage and sign into law the most comprehensive legislative program in education, housing and conservation and health of any president in history . . . I watched him in the situation room at the time of crisis during the six days war when only his ability, his knowledge and his sheer courage helped to keep that conflict from erupting into a wider confrontation . . ."

Watson echoed the theme sounded Wednesday by Rep. J. J. Pickle in the ceremony in the Capitol rotunda: "He was a tall man of giant character, and when he committed himself, he committed himself totally. And he asked his countrymen to do the same.

"Those of us who loved him take comfort in the knowledge that before he died, he could see the dawn of domestic tranquility and of foreign peace which he gave so much of his great heart to bring about. The structure of peace which President Nixon, with great distinction and determination, is building in the world today will rest upon a foundation laid in loneliness and stubborn courage by Lyndon Johnson," Watson said.

The gray stone church began to fill an hour before the 10 a.m. funeral service. Admission was by invitation and the crowd overflowed the pews to line the walls on three sides in metal chairs.

Bright television lights made the floral wreaths and sprays more vivid, the flag over Mr. Johnson's casket glow, the cerise and white vestments of the 50-voice church choir glisten.

Leontyne Price, world's premier coloratura soprano, arrived from Los Angeles, where she had given a concert the evening before and thrilled the crowd with her singing of "Take My Hand, Precious Lord" and "Onward, Christian Soldiers." The latter selection was one requested by LBJ in a conversation months ago with Mrs. Johnson.

The choir presented "The Church's One Foundation," "A Mighty Fortress Is Our God," with the congregation joining in that hymn. The concluding anthem was "Once to Every Man and Nation."

Loudspeakers carried the words and music of the service to the several thousands of citizens standing behind security barriers in the vicinity of the church. A bright sun softened the temperature which had dropped far below freezing during the night.

The small balcony in the vaulted church bulged with reporters, cameramen and a tangle of wires, switchboards and other gear needed to serve the television network crews. It was a scene of quiet confusion upstairs.

Two Red Cross vans came to the church to serve coffee and chocolate and cookies to the relays of metropolitan policemen, reporters and armed service sentries who took up their stations at daybreak.

The Red Cross volunteers had been on duty all night attending to the needs of men, women and children who shivered in line outside the Capitol awaiting their turns to walk past the casket of the former president. Several of the children suffering from the cold were taken to nearby hospitals by Red Cross workers, they reported. Numerous adults in the night-long vigil required first aid from the bitter temperature, the Red Cross ladies said.

At the conclusion of the funeral in the church, the same servicemen who had acted as pallbearers from the time the Johnson cortege reached Washington bore the casket to a funeral coach for the motorcade to Andrews Air Force Base. As they carried the casket up the aisle, Mrs. Johnson on the arm of retired Maj. Gen. James Cross of Austin led the mourners in a slow walk behind the body of LBJ. Again Mrs. Johnson paused to shake hands with President and Mrs. Nixon and to blow a kiss to the first lady.

From Andrews AFB the Johnson funeral party flew to the LBJ Ranch for burial services in the Johnson family cemetery on the banks of the Pedernales River.

[From the Dallas Morning News, Jan. 24, 1973]

Larger Than Life, L. B. J. Retained Humanity

(By Max Frankel)

New York.—He was larger than life, almost a caricature of the Texas caricature that he could never shake, but he never lost his humanity because with Lyndon Johnson, everything was really personal.

The war that overwhelmed his years in the White House was personal—a test of endurance against Ho Chi Minh, which he acknowledged having lost in the end, no matter who actually won the spoils of battle.

The Great Society was personal, because a lackluster education in his own life had saved him from shiftlessness and he deemed learning of any kind to be forever more the way to get ahead in this world.

The civil rights laws that he wanted as his monument were, in the end, highly personal, because they were drawn on the testimony of his Negro cook and her humiliations whenever she traveled without reliable food or lodging between Washington and the Texas ranch.

And even politics, the business in which he excelled and in which he took such great pride, was to him only a personal, face-to-face thing. If he had talked George Meany into acquiescence on a point, he thought he had won over all of American labor. If he had conquered Richard Russell on a budget matter, he thought he had won over the Southland.

In this fashion, he had been able to encompass every issue and every center of power in his years as majority leader of the Senate. But from the White House, even his huge reach fell short and his incredibly hard work and keen mind felt often overwhelmed.

REPLACING THE PRINCE

Insecure, despite his size and force, LBJ felt from the moment of John Kennedy's death in Dallas that the nation would never accept his Southern speech and rural manners as a replacement for the slain prince.

So he clung to the Kennedy men and boasted of their Ph.D. degrees and he was afraid, even after his landslide election in 1964, to bring his own men to the capital.

And he could not comprehend, to the moment of death, how so many Kennedy partisans around the country could turn against him because of a war in which he felt he had taken the counsel of his predecessor's cabinet and aides.

So he took it personally. He thought he saw a plot to promote yet another Kennedy and he thought he saw his fate as being merely the caretaker between two Kennedy administrations and he hated the thought and all who made it seem so real.

VINDICATION

In his own mind, he felt certain that history would bring vindication. Historians would see, he thought:

A southerner, who brought the blacks to the ultimate legal equality—with their own seat on the Supreme Court and a court that ruled in their cause.

A conservative kept alive in politics by conservative votes for Texas interests, who made the war on poverty an elaborate concern of the federal government.

A wartime leader who was governed to the end by respect and occasionally even compassion for his "enemy," who really wanted to extend the Great Society to the Mekong River and who systematically refused to whip the nation into an anti-Communist frenzy.

A backwoods boy of modest learning, who gave what seemed to him the disrespectful establishment figures of the East the scope and mandate for great social works.

That is how he also saw himself. He confronted antagonists to the end, always hoping that reason and short ideals and long conversations—really monologues—could find a compromise for every conflict.

Although overcome by a bitter war and the hatreds that it spawned throughout the country, Lyndon Johnson remained a man who hated conflict and who feared confrontation for himself and his country.

He made the joint chiefs of staff testify in writing that he should really stand the siege of Khe Sanh.

He made all his diplomatic advisers commit themselves in writing to the advice that he really go to meet Soviet Premier Kosygin at Glassboro, N.J.

He weaned from his wife, Lady Bird, a written recommendation that he ride into battle against Barry Goldwater in 1964 and that he should buck the battle for re-election in 1968. He never really did want to stand alone.

"Well," he said to a newsman on the morning after his surprise announcement of intended retirement in 1968, "do you still believe in the First Amendment?" He thought free speech and free assembly had destroyed him but he went on to confess that he believed in the First Amendment.

He wanted everyone with him all the time and when they weren't, it broke his heart.

[From the San Antonio Express, Jan. 25, 1973]

L. B. J. Worked Hard for Peace

(By David Lawrence)

Washington.—It is unfortunate that Lyndon Baines Johnson didn't live long enough to see the end of the Vietnam war which he had tried so hard to get.

For Johnson came into office as the 36th President of the United States when the military involvement of this country in Vietnam had already been instituted during the administrations of Presidents Kennedy, Eisenhower and Truman.

Lyndon Johnson's efforts to make peace in Vietnam were continuous, though he found it necessary to increase American forces from about 15,000 when he took office in 1963 to more than 500,000 when he left the White House in January 1969.

President Johnson had halted the bombing of North Vietnam in 1968, when "peace talks" were began. The country was surprised at his announcement on March 31, 1968, that he would not seek or accept renomination. His hope was that some progress might be achieved toward a peace settlement during the rest of his term, but it turned out that the North Vietnamese were not negotiating seriously.

Johnson got the support of Congress in 1964 when two United States destroyers were attacked by North Vietnamese torpedo boats in the Gulf of Tonkin. Immediate retaliatory action was taken, and Congress answered the President's call for war powers by passing a resolution giving him authority "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

President Johnson offered as early as September 1967 to stop all bombing of North Vietnam if this would "lead promptly to productive discussion." But North Vietnam refused.

Looking back over at least ten years of war in Vietnam, it will be found that the United States was honoring its commitments made in the Southeast Asia Treaty, which was ratified by the Senate in 1955. The Vietnam issue was regarded by the chief executives in three administrations as the fulfillment of the pledge to help nations of Southeast Asia which were victims of aggression.

Nevertheless, Johnson was under frequent criticism from "antiwar" groups and from members of Congress who left the pressure to terminate the draft and relieve hundreds of thousands of young men from having to go into military service.

While Lyndon Johnson made every effort to obtain a settlement with the North Vietnamese, the Communist side in the war was adamant. Military aid to North Vietnam from Red China and the Soviet Union was substantial from the start.

If Lyndon Johnson could have lived to read the text of the agreement which will be signed and to learn of the plans for the return of prisoners and withdrawal of all American forces, it would have been one of the most satisfying moments of his life. When peace is achieved, the record will show that he worked hard to attain that goal.

People forget what happened only a few years ago. Many of them, especially the "antiwar" groups, seem not to remember that the Vietnam war was not started under President Nixon. Nor do they realize that he has been carrying out the obligations of the United States in the treaty of 1955 to protect sovereignty of a small nation.

The "antiwar" movement seems to be based upon objections to all war no matter what the consequences are and what the risks would be if aggressors are allowed to grab territory and deny millions of people their rights in freedom.

While there have been many eulogies for Lyndon Johnson, his handling of the Vietnam war, especially as he strove to stop the bloodshed, will be regarded as a demonstration not only of his dedication to peace but of his loyalty to the cause which brought the United States into the Vietnam conflict.

The huge sacrifices made will always remain an exhibition of the humanitarianism of the United States.

[From the San Antonio Express, Jan. 25, 1973]

L. B. J.: Glory, Tragedy

(By James Reston)

Washington.—Both the glory and the tragedy of Lyndon Johnson was that he believed utterly in the romantic tradition of America.

He believed in the Congress and the church, in that order; in Main Street and Wall Street, in the competitive state and in the welfare state—in all of it part of the time and some of it all of the time: All the dreams and realities and myths, from Horatio Alger to Lord Keynes, no matter how contradictory.

In other words, he was a symbol of this confusing time in America—a little nearer to the old spirit of Frederick Jackson Turner's American frontier than most of his fellow countrymen, but also a little nearer to the folks who had been left behind when the frontier and battle moved to the cities.

Johnson was not only sure of the greatness and supremacy of his country, but of his own ability to persuade the Congress after the death of John Kennedy, that it must pass his Civil Rights Bill of 1964 and his Equal Voting Rights Act of 1965, and prove that the Congress was equal to the promises of the Constitution and the Bill of Rights. These are his monuments.

In Washington, he knew every card in the deck, but in the world, he didn't. He knew very little about Vietnam.

* * * * *

He was very close to Gen. Eisenhower. When Ike was president and Johnson was the Democratic majority leader of the Senate, Johnson never opposed him on foreign affairs. We fight at home, Lyndon said, but when we go overseas, he's my president.

And yet, one of the very odd things in this tragedy of human and political relations, is that President Johnson after he got into the White House, paid little or no heed to Gen. Eisenhower's judgment on Vietnam.

Eisenhower's views about Vietnam were well known in Washington at that time. Johnson had heard them all years before when Vice President Nixon, Secretary of State John Foster Dulles, and the chairman of the Joint Chiefs of Staff, Adm. Radford, had argued for American intervention in Vietnam during the French crisis at Dien Bien Phu.

Ike said then, what he wrote in his book later, that the political situation in Saigon was weak and confused, and that, without strong political and popular support, American intervention was unwise.

"Willingness to fight for freedom, no matter where the battle may be," Ike wrote, "has always been characteristic of our people, but the conditions then prevailing in Indochina were such as to make unilateral intervention nothing less than sheer folly."

Johnson wasn't thinking about President Eisenhower, much as he admired him, when President Kennedy was assassinated. If the evidence of his own book is accurate, he wasn't even thinking about himself.

Certainly he was not concentrating on changing the whole policy. He was focusing on the death of Kennedy, on carrying on Kennedy's policies, on political loyalty, as he saw it, so he plunged deeper into the war, and it destroyed him in the end.

The journalists tried to deal with all this at the time, and even at Johnson's death, but it is beyond us. Like Kennedy and Nixon, he is a subject for a great psychological American novel.

But Johnson was different. He left a broken record, triumphant at home and tragic in Vietnam, and like most presidents, his policies will be judged by the historians.

The difference is that Lyndon Johnson was a great talker, one of the last of the old southern and frontier storytellers of the age.

He didn't leave the real story in his documents in his library at the University of Texas, but in the memories of his friends, companions and political adversaries in Washington.

He loved the camera. No president collected more photographs of himself and his visitors than Johnson, but the tape recorder was really the instrument he should have used.

For he gave himself to his visitors, and historians will never be able to sort out the glory and the tragedy, unless they somehow manage to collect the stories, listen to the tape recorders and forget the television, which was his downfall, and somehow hear him talking endlessly about his problems, his cunning contrivances, his feeling for the Congress, his love of his country, and particularly his affection for his lovely and remarkable wife, and his hardscrabble land in Texas.

[From the Dallas Morning News, Feb. 1, 1972]

L. B. J. Recalled as Visionary

(By Carl Rowan)

Washington.—How shall I remember LBJ?

I think of a man I had scarcely met, poking his index finger against my chest one sultry day in Saigon in 1961 and saying: "Mr. Roe-ann, you don't know me. But one of these days you're gonna discover that I'm a goddamn sight more liberal than most of these so-called liberals you've been cottoning up to."

And I shall remember that when the public mood turned mean and ugly in America and lesser liberals ran with the mob, Lyndon Johnson remained true to his decent convictions.

I shall remember LBJ as a man driven to success, a man who didn't know how to take it easy, whether ordered to by his doctor or begged to by the Secret Service.

There was that incredibly hot day in some unbelievably dusty villages on the outskirts of Agra, India, when he kept whispering to me: "Stay close to me—right by shoulder." He was nurturing the illusion that I was some kind of expert on India just because I had written a book about it!

PUMP TALK

I gasped as I tried to stay near him as he plowed through the grasping crowds. As I wiped my sweaty forehead with the front of my hand and my parched lips with the back of it, I asked myself: "Is this a man who has suffered a massive heart attack?"

When the pace slowed to a hotel room and a cool scotch, all Johnson wanted to talk about was the cheap water pumps (he thought they were Fairbanks-Morse) that he used to know as a boy in Texas. He wondered why the hell the U.S. couldn't get some of them into India so the people in these villages could have water.

I remember his telephone call on March 15, 1965, asking if I would sit with his wife and daughters while he delivered his address on the Voting Rights Act to a joint session of Congress. That was the speech—the last touches written by him on the way to the Capitol as he cursed the slowness of his speechwriters—in which he startled millions of Americans by using the emotional slogan, "We shall overcome."

And after that speech I remember sitting with him in his living quarters as the White House operator fanned out long distance calls all over the land.

"How did I do?" Johnson kept asking. He was a man who meant it when he talked about bringing Americans together, healing the nation's wounds, making this a land of equal opportunity. He wanted so badly to be reassured that what he had done that night was courageous, and good for all America.

Yet, I remember Lyndon B. Johnson as one of the most complicated men I ever met. He could seem petty, even mean, about trifling things and then display the broadest vision about the human needs of men and nations.

Johnson was at heart a sentimentalist—the kind of man who would weep in San Antonio during the 1964 campaign when an aged black man stood in the back of a pickup truck at a shopping center and said: "I'm a black man, born two blocks from this spot. I never dreamed I'd live to see the day when a Mexican congressman (Henry B. Gonzalez) would introduce me so I could ask you to vote for a white Texan for President."

And Johnson would dismiss his tears with the comment that "a man ain't worth a goddam if he can't cry at the right time."

I always felt that a lot of Johnson's toughness, even ruthlessness, was part of his effort to hide his sentimentality.

I felt that he waded deeper into Vietnam, and for a longer time than his instincts and intellect dictated, because he never wanted the Joint Chiefs of Staff to think they had a sentimental sissy in the White House. He seemed to want to say to Gen. Curtis LeMay: "I don't puff a 1-foot cigar, but I'm as tough as you are."

IRONY, TRAGEDY

There is special irony and tragedy in the coincidence that the war that killed Johnson politically should be grinding to a close just as the fates snuffed out his life completely.

There is double irony in the fact that he died on the eve of a White House campaign to erase much of the "Great Society" whose foundation Johnson built.

We have had our truce in the war on poverty; we have our moratoriums on federal subsidies for housing for the poor and middle classes; we have had vetoes of education bills and public works projects. We are told not to ask what government can do for us, but what we can do for ourselves.

There will be more of this. But not in four years nor 40 will they erase all that Lyndon Johnson did to change this society—not any more than they have been able to erase the mark of Franklin D. Roosevelt.

Maybe it's a little girl sleeping in a nightgown that won't go up in flames at the slightest spark—because Johnson believed in consumer protection; maybe it's a "hillbilly" girl who in June will become the first of her family ever to graduate from college—because Johnson insisted that higher education be put within reach of all; maybe it's a black family, walking into a motel in Mississippi tonight where in years past they would have been chased away—because Johnson wanted a public accommodations act sincerely enough to browbeat Congress into passing it.

When the Vietnam war and the passions around it become but memories, millions of Americans will look anew at what has been happening inside America this past decade. And they will adjudge Lyndon Johnson a great president.

[From the CONGRESSIONAL RECORD, Jan. 6, 1973]

A HISTORIC MOMENT IN AUSTIN

(Speech by Hon. J. J. PICKLE of Texas in the House of Representatives, January 6, 1973)

Mr. PICKLE. Mr. Speaker, on December 11 and 12 of last year, a truly remarkable and prestigious gathering was held at the Lyndon Baines Johnson Library in Austin, Tex.

These were the days of the Civil Rights Symposium, marking the opening of the papers dealing with civil rights of President Lyndon Johnson's administration.

I was fortunate enough to attend the symposium. The meeting was a meeting of leaders—strong leaders of a good cause.

During the 2 days, one figure dominated the mood, dominated the resurgence of commitment to create a society of equal opportunity.

This man was President Lyndon Johnson.

It is appropriate that the last issue of Life of December 29, 1972, carried the best account of those 2 days in Texas.

In his last column on the Presidency for Life, Hugh Sidey caught superbly the moment—its dignity and vitality.

ONE MORE CALL TO REASON TOGETHER

(By Hugh Sidey)

Lyndon Johnson savors each day for its meaning and joy, his battered heart frequently sending out signals of pain to let him know that it can't keep up. In the past year he has finally adjusted to this twilight world, melting off about 20 pounds, carrying a pouch full of nitroglycerin tablets and holding that restless soul of his in check. Well, almost in check.

Several months ago, when Johnson and his staff began planning symposiums for the Lyndon Baines Johnson Library at the University of Texas, it was Johnson himself who insisted on a session dealing with civil rights.

So a fortnight ago they came by jet and auto and bus through an ice storm to be in Austin with "the President" again, one of the few times in the last four years that the men and women who carried the civil rights banner for two decades had assembled. There were some new faces among them, but the focus was on men like Hubert Humphrey, Roy Wilkins, Clarence Mitchell and former Chief Justice Earl Warren. They showed up with more wrinkles than they used to have, more gray hair and a lot more discouragement. From the beginning of the two-day meeting it was plain that civil rights no longer had a clear national leader. Nor could anyone perceive any sympathy for the cause in the White House.

L.B.J. put on his tan rancher's twill and his cowboy boots and came in from the country, sitting silently through the first day's meetings, the fatigue growing on him. That night he went to the reception for the 1,000 guests. The strain took its toll. For Johnson the rest of the night was filled with pain and restlessness. His doctors suggested, pleaded, ordered him to give up his scheduled address the next day. He ignored them. He put on his dark-blue presidential suit and those flawless polished oxfords and came back the next morning.

He didn't take a seat in the auditorium but, with a worried Lady Bird at his side, watched the first two hours' proceedings on closed-circuit TV in the anteroom. Near noon he walked slowly to the podium. In a low but steady voice he talked eloquently for 20 minutes. "Until we overcome unequal history, we cannot overcome unequal opportunity," he said. "But to be black in a white society is not to stand on equal and level ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. . . . So I think it's time to leave aside the legalisms and euphemisms and eloquent evasions. It's time we get down to the business of trying to stand black and white on level ground." Even in that short plea there was pain, and Johnson reached for one of his pills, munching in front of everybody. It was something he rarely does.

When he was done he acknowledged the applause and stepped off the stage to take a seat in the auditorium. Then squabbling broke out among the black factions, and one of the participants read an indictment of Richard Nixon and his administration.

Lyndon Johnson sat for a few minutes in the midst of it. Then, just as if he were back in Washington, he moved. The fatigue of the night before seemed to drop away, the old adrenalin machine pumping back into action. Going to the microphone, with his hands molding the air, he delivered one of his sermons on brotherhood and reason, flavoring it with one of those marvelous stories about a backwoods judge and the town drunk, reminiscences of when he arrived in Hoover's Washington and the bonus marchers were driven down Pennsylvania Avenue.

"Now, what I want you to do is go back, all of you counsel together," he said, "that soft, kind way, just cool and push off wrath, indulge, tolerate, and finally come out with a program with objectives. . . . There's everything right about a group saying, 'Mr. President, we would like for you to set aside an hour to let us talk,' and you don't need to start off by saying he's terrible, because he doesn't think he's terrrible. . . . While I can't provide much go-go at this period of my life, I can provide a lot of hope and dream and encouragement, and I'll sell a few wormy calves now and then and contribute."

When all that human juice clattered out over the wire, the memories began to rise, of the lean, youngish Lyndon Johnson in 1957 leading the United States Senate to pass the first Civil Rights Act in 82 years. It was near midnight, and the tension was so thick you could slice it, but the majority leader just stood there on the floor, calmly counting his votes.

Then there were those later nights, when L.B.J. was President. He would talk about how he ceased to be just a man from the South and had become a leader for all of America. The old tales would roll out—about what it was to be a black and never sure as you traveled if you would find a decent place to eat or go to the bathroom; or how he knew what it was like to be a Mexican-American child in the Depression, rummaging in the garbage cans for food.

Another night: it was in New Orleans during the 1964 campaign when Johnson stood on a street corner in the harsh neon glare, white Louisiana state officials clustered around him, and shouted out his message of hope and equality to the blacks who stood below him. And then in his 1965 civil rights address to Congress, in the place he loved most, among the men he liked best, he sounded the most poignant refrain of the time: "We shall overcome."

No wonder his heart is scarred today. It has been a long and anguished journey, with a long way left to go.

In the auditorium in Austin, the ovation that followed Johnson's appeal washed away the controversy, for a moment. People came to the stage and crowded around him as he tried to leave. They were all reaching for a bit of the old magic. But nobody got so much of it as Mr. Youngblood, a thin, aging black who used to wait on tables in Austin's ancient Driskill Hotel, where Johnson sweated out election night returns. The former President and the former waiter stood there for a few seconds gripping hands, and if any questions lingered about what Lyndon Johnson had tried to do for his country, they were answered right then.

FLOODS IN SAN LUIS OBISPO, CALIF.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, in mid-January San Luis Obispo City and county, including many businesses, residences, and public facilities, were stricken by extraordinary floods.

High water rushed through their business, residential, and farm area. Water rose and stood 8 feet deep in many homes, offices, and stores. Many citizens lost not only their life's savings, but also some of their livelihood. History has recorded this flood as the most devastating in the San Luis Obispo area.

What words can explain to the citizens of any district that their flooded area does not qualify as a Federal disaster area, for the expressed reason that not enough dollar damage to public facilities or private property occurred to meet the Federal criteria? Estimates indicate that between $800,000 to $850,000 damage was done to public facilities and that about $6 to $6.5 million damage to private property—business, farm, and residential.

How do you tell an unadvantaged city and county government that they are really not disadvantaged? How do you tell a man who has lost everything, that his loss was not great enough? At least in the mind of his government?

And a more pertinent question, I suggest, in the light of previous disasters which have stricken our populous areas is whether the Government is offering equal treatment to the citizen who has equal losses, pays equal taxes, obeys equal laws but resides in different, less populated, locales?

We have heard the cry for equality in this Chamber for many years. It is distressing that a need should arise again on this occasion under circumstances of human disaster to call attention to unequal treatment of fellow citizens.

I was advised late last Friday that San Luis Obispo did not qualify as a national disaster area. If San Luis Obispo were larger, they would have qualified.

Let me give you a thumb-nail sketch of the San Luis Obispo predicament.

The San Luis Obispo Board of Supervisors notified me that there would be extraordinary flood damage; so I sought Federal help. After an inquiry at SBA, I was informed that previous SBA authority to declare disasters had been recently withdrawn—meaning SBA could not help.

I contacted OEP—Office of Emergency Preparedness. OEP requires a Governor's application before it can declare a disaster in any State. We therefore consulted Governor Reagan's office. He quickly sent an investigative team to San Luis Obispo to appraise the damage and gather the necessary information to support his application for the declaration of a Federal disaster. The Governor's team recommended that a "disaster application" be made to OEP. The Governor lumped Marin County, San Francisco and San Luis Obispo damages and forwarded to OEP the request that the three California flood stricken areas be declared a Presidential disaster area.

OEP then sent an investigative team to San Luis Obsipo to evaluate the extent of the damage. Their report and evaluation substantiated the Governor's investigation and report.

A disaster evaluation committee of OEP in Washington recommended that the President not declare San Luis Obsipo to be a Federal disaster area.

I commend the Governor for his prompt, competent and considerate response to the disaster suffered by the citizens of San Luis Obsipo.

I commend the staff of OEP for their expeditious and thorough evaluation of the damages and the plight of the flood victims of San Luis Obispo.

My appeals to Mr. Tom Kleppe, Director of the Small Business Administration, to Secretary of Agriculture Earl Butz, and to Administrator Darrell Trent of OEP brought sympathetic, prompt, even generous consideration, but all were proscribed by law or regulation from assisting San Luis Obispo. All SBA and FHA authority in disaster situations had been withdrawn only a few days before the rains came. The damage to public facilities and to private property in dollar amounts was "insufficient" to meet the complicated formula criteria required by Public Law 91–606 under which OEP functions.

Apparently under the particular circumstances pertaining to this flood in California, $2 million damages to public facilities were required—California had only about $1.6 million; $10 million damages to private property is required to declare a Federal disaster; California sustained only $4 to $6 million in private damages in this flood.

The size of the disaster area, or the total amounts of damage done, do not make the disaster and damage to the individual businessmen and homeowner flood victims regardless of the size of their community or the number of their neighbors.

After struggling through the intricacies of the Federal bureaucracies and the Federal laws, rules and regulations pertaining to disaster relief—and particularly involving the citizens and officials of San Luis Obispo county—it seems to me that the whole subject must be reviewed and changed.

Flood insurance programs may be one answer.

Obviously every victim of a natural disaster cannot be made whole by a Federal grant. But it should be remembered that the miner's hilltop hut that it struck and destroyed by lightning, the dairyman's barn and home which are washed away by an extraordinary flood in San Luis Obispo, the retail store which is suddenly inundated by water 8 feet deep in San Luis Obispo, as well as the realtor's office in Harrisburg or the grain broker's office in Norfolk which are washed away, are all equally important and valuable to the owner, regardless of the size of the community or the number of neighbors any victim may enjoy.

Direct grants, low-interest loans, and loan forgiveness projects should not be given to some citizens and denied to others who suffer identical individual losses.

The present law is inequitable and discriminating and should be rescinded.

Either all citizens and municipalities should be eligible for disaster relief or none should.

The law appears to be for the sole benefit of U.S. citizens who sustain devastating damages but who also reside in heavily populated areas. All citizens pay Federal taxes; all should be treated equally, or fairly—in disaster. A family or business wiped out by a small flood in a small town apparently gets no Federal aid; a family or business in a big city, or developed county, damaged by a large flood is likely to be the prompt benefactor of the largess of numerous Federal disaster programs. This seems unfair to say the least.

A U.S. citizen who loses his business, farm or home by an act of God—an extraordinary flood, for instance—should be entitled to the same Federal relief or benefits regardless of where he lives or how many neighbors he has or how many acre-feet of water washes him out.

The disaster is just as acute, just as damaging, just as devastating to the isolated dairymen, the small town merchant; the rural homeowner sustains as much damage, loss, heartache and inconvenience as his big city fellow citizen sustains in a flood or hurricane or an earthquake.

If you have experienced a flood, I need not explain that the damage is disastrous regardless of where it occurs or how many of your neighbors are also damaged.

Our whole Federal disaster structure favors the big city dweller and businessman over the small town inhabitant. Reform and revision of our inequitable guidelines are essential to achieve equity and to avoid this gross discrimination toward some citizens.

The home that is washed away in San Luis Obispo is just as valuable, just as cherished, furnishes the same kind of shelter and investment as the home that is washed away in Norfolk, Harrisburg, or Los Angeles. The home owner in San Luis Obispo ought to be entitled to the same benefits as the home owner in other disaster areas.

Mr. Speaker, how can we, as representatives of all citizens, explain to our constituents a system that will provide aid to a foreign nation, such as Nicaragua, but in comparable disasters cannot help its own disaster victims. This is not to infer that our efforts to aid Nicaragua were unwarranted—this is to suggest however, that our efforts to aid our fellow citizens seem inequitable by comparison.

Many U.S. flood victims—in San Luis Obispo, many of whom have paid considerable taxes for many years—will not receive as much help from their Government as their Government gave to the victims in Nicaragua and many other places throughout the world. Again, I have no objection to any aid to any victim by any charity. I do suggest that if aid and charity should not necessarily start at home, both ought to benefit our own citizens at least as much as aliens.

If the appropriate committee of the Congress does not undertake a revision of our disaster laws, I shall initiate legislation to rescind our disaster laws.

A RED LIGHT FOR THE WHITE- AND BLUE-COLLAR BLUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, the bill I am introducing into the House of Representatives today addresses the problems of a central facet of all human life: work. There can be no dispute about either the importance of work or the dissatisfaction which many Americans experience in it. I am therefore introducing the Worker Alienation Research and Technical Assistance Act of 1973 to accomplish three goals—to gather hard data on the problems of worker alienation; to experiment with and develop means to resolve those problems; and to stimulate and focus additional effort on the subject by Government, management, and labor.

The content of work for most members of our industrialized and highly technological society has undergone dramatic change from the daily tasks which were originally cloaked with the "work ethic" of Western civilization. Yet the essence of work remains unchanged: it is still central to adulthood, to identity, to self-esteem, and to the order and meaning of life. It is not surprising that dissatisfaction with work causes significant problems in the entire fabric of our society.

The rewards of improving the work experience are almost incalculable. On the most important level, that of the individual worker as a human being, the quality of life would be upgraded as a necessary consequence to the proper redesign of work. Recent research indicates that work discontent is related to declines in family stability, community cohesiveness and increases in drug and alcohol addiction and delinquency. Perhaps most startling, the report of a special task force to the Secretary of Health, Education, and Welfare entitled "Work in America," suggests that work dissatisfaction can cause the worker to die an early death.

The society as a whole would also naturally benefit from proper work redesign. In addition to the aggregation of the improvement in individual lives, the economic base of society would be strengthened. Worker discontent is a major source of low productivity, as indicated by high absenteeism, high turnover rates, wildcat strikes, sabotage, and poor quality products. Worker satisfaction and consequently improved productivity would go far in enabling this Nation to meet its other pressing problems.

The challenge to improve the quality of work in America is a massive one. Worker dissatisfaction is by no means limited to the unskilled or assembly line laborer. Nor will the solution be simple; there will be presumably many partial solutions, each applicable to a part of the entire problem. We need to start today to work toward those solutions, and we need to do so on the Federal level. Although some companies have initiated work redesign projects with promising results, there has been little effort expended to this end, and practically no coordination of the research and experiments which have been conducted.

The bill I am introducing today starts us on this challenge. It authorizes the Departments of Labor and Health, Education, and Welfare to conduct research to increase our knowledge of the problems of job discontent; to examine the methods currently used to deal with it; and to assist workers, unions, companies, State and local governments in experimentation and demonstration projects which address the problem. As "Work in America" concluded,

> To do nothing about these problems in the short run is to increase costs to society in the long run . . . the essential first step toward these goals is the commitment on the part of policymakers in business, labor, and government to the improvement of the quality of working life in America.

I ask each of my colleagues to join in that most necessary commitment.

Mr. Speaker, the text of the measure follows:

H.R. 3777

A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Worker Alienation Research and Technical Assistance Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) alienation of American workers because of the nature of their jobs is a problem of growing seriousness to the national economy and to individual workers;

(2) alienation often results in high rates of absenteeism, high turnover, poor quality work, a decline in craftsmanship, and lessened productivity;

(3) alienation often results in high levels of frustration among workers with the following consequences: poor mental health, poor motivation, alcoholism, drug abuse, and social dissatisfaction among workers;

(4) it is in the national interest to encourage the humanization of working conditions and the work itself so as to increase worker job satisfaction and to diminish the negative effects of job dissatisfaction; insofar as possible, work should be designed to maximize potentials for democracy, security, equity and craftsmanship;

(5) it is in the national interest to promote the fullest development of the abilities, creativity, skills, and personal growth of all American workers;

(6) the problem of worker discontent and alienation has for too long been largely ignored by government, management, and unions;

(7) promising efforts to deal with the problems of alienation carried out in this country and in Europe are not widely known.

SEC. 3. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare are hereby authorized to either directly or by way of grant, contribution, or other arrangement—

(1) conduct research, to determine the extent and the severity of job discontent and the problems related to the nature of work in American worksites, included but not limited to:

(A) quality of work, levels of turnover, absenteeism, sabotage, and loss of productivity; and the monetary costs to the economy of those problems;

(B) worker health, including statistics on mental and physical health and emotional stability;

(2) conduct research on methods now being used in both this Nation and abroad to meet the problems of work alienation, including more flexible hours of work, reduced working days, profit sharing, additional responsibility for workers job rotation, worker participation in the decisionmaking process with regard to the nature and content of his job, redesign of jobs and production patterns, autonomous work groups, and additional opportunity for education, training, and advancement;

(3) collect and disseminate research results and recommendation for relieving worker discontent and for improving the quality of work to workers, to unions, to companies, to schools of management and industrial engineering, and to the general public.

(4) provide technical assistance to workers, unions, companies, State and local governments for (i) practical experimentation in meeting the problems of alienation in their own places of work; (ii) the development and conduct of pilot demonstration projects expected to make significant contributions to the knowledge in the field, to include but not be limited to such programs as job enrichment, guaranteed employment, reduced workdays and weeks, autonomous work groups, job restructuring, increased worker participation in decisionmaking on the nature and content of his job, increased job mobility, job rotation, group productivity bonuses, compensation on the basis of skills learned, continuing education and training both to provide new careers and new opportunities for increased job satisfaction;

(5) provide support of the Triadic national survey on working conditions and work satisfaction of the Department of Labor;

(6) assist in the development and evaluation of curriculum and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods;

(7) conduct pilot projects for a variety of experiments in both blue collar and white collar work redesign in selected Federal agencies to determine their effect in improved employee job satisfaction.

(b) in carrying out the research and technical assistance program authorized by this section, the Secretaries shall consult with the National Institute of Mental Health, the National Science Foundation, the National Institute for Occupational Safety and Health, and representatives of workers, unions, management, academic, and medical experts.

(c) Each December 31, the Secretaries shall file an annual report including any recommendations for further legislation with the Congress. The Secretaries also shall file an interim report no later than six months after passage of the Act.

SEC. 4. The Secretary of Health, Education, and Welfare, in consultation with the Administrator of the General Services Administration, is directed to insure that Federal agencies seek to maximize job satisfaction of their workers and consider that factor in the design of new Federal facilities.

SEC. 5. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall consult with each other concerning the implementation of this Act for the purpose of avoiding duplication or conflict in the activities of their respective Departments under this Act.

SEC. 6. There is hereby authorized an appropriation of $10,000,000 in fiscal year 1974 and $10,000,000 in fiscal year 1975 to carry out the provisions of this Act.

CONGRESSIONAL INITIATIVES ON APPROPRIATIONS PROCESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, Congress begins each year with renewed good intentions to expedite and control the appropriations process. Later in each year, we are uncertain as to where we stand and what we have actually accomplished. Appropriations measures are passed with little, if any, idea as to their impact on our economy. As we stumble along, spasmodically restraining ourselves in one area only to triple a suggested outlay in another area, financial extravagance is perpetuated year after year.

Congress' irresponsibility has led to a serious schism between the executive and legislative branches. The present controversy has been caused by President Nixon's actions to trim fiscal year 1973 spending to $250 billion. As such, the President has already impounded more than $12 billion in funds appropriated by the Congress for the rural environmental assistance program, rural electrification 2 percent direct loans, many Environmental Protection Agency plans, and subsidies for new housing and reconstruction.

It is my firm belief that until Congress takes the initiative and responsibility to reform its own budget system, impoundment will continue to be a weapon which the executive branch can and will successfully wield.

I am therefore introducing legislation which will provide the mechanism for the House to adopt its own limit on spending.

Traditionally, the congressional review of the budget starts when the President transmits it to the Congress. It is at this time that the Congress could exhibit much more responsibility. My bill provides that not later than 90 days after the President's budget has been received, the Committee on Appropriations is to review and study the budget—consult with members of the Committee on Ways and Means, the Senate Finance Committee, and the Joint Economic Committee—and submit to the House of Representatives a resolution containing its recommendation for a comprehensive limit for all appropriations. The House then has 30 days in which to adopt a comprehensive limit for that fiscal year. Once all appropriations bills have been passed, the Congress, prior to adjournment sine die, shall conform those appropriations to such limit by reducing unobligated appropriations. If, however, the Congress, does not reduce the appropriations, I have proposed a percentage formula by which the total appropriations for such fiscal year will automatically be cut.

Another important section of my bill states that whenever the President impounds funds, he must submit a full report to both bodies of Congress. If either body disapproves by a three-fifths vote of the impoundment, then the impoundment of such funds shall cease.

Finally, I have included a provision in my bill which is identical to language originally introduced by Congressman BOB MICHEL. It provides that the calendar year and the fiscal year shall coincide.

Mr. Speaker, I know my colleagues subscribe to the objective of curbing Federal spending. It is clear that reform must begin in our own Chambers. We must be willing to assume the responsibility that is unequivocally ours. We must refine and improve the machinery with which the Congress handles matters of public finance. Numerous bills to accomplish this goal have already been introduced this year. However, no significant action has been taken to date. I am hopeful my bill will prove a meaningful solution on which we all can agree.

I will be circulating a Dear Colleague letter soliciting cosponsors for my bill. The legislation will be reintroduced immediately following the Lincoln Day recess, and I am hopeful favorable action will be forthcoming.

THREE CIVIL SERVICE BILLS ARE INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DULSKI) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, the Chairman of the Civil Service Commission has submitted to you three separate requests for legislation, each of which you have referred to our committee. Pursuant to those requests I am today introducing the recommended bills.

The first bill proposes to change the present law applying to automatic separation of a 15-year Federal employee at age 70. The bill would reduce the service requirement to 5 years, but specifies that the change would not be effective during the first 5 years following enactment.

The second bill liberalizes the eligibility for cost-of-living increases in civil service retirement annuities.

The third bill proposes to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government.

Mr. Speaker, as part of my remarks I include the texts of the three letters to you from Chairman Hampton:

JANUARY 12, 1973.

Hon. CARL ALBERT,
Speaker of the House.

DEAR MR. SPEAKER: I submit for the consideration of Congress, and recommend favorable action on, the attached draft bill to amend (among other things) the separation provisions of the Civil Service Retirement law.

This law now requires automatic separation of a 15-year employee at the end of the month in which he attains age 70. Should he not have served 15 years upon reaching that age, the separation date moves to the end of the month in which this service requirement is met. Extension beyond retirement age may be authorized in unusual cases, and the age retiree can be reemployed by the Government if need for his service exists.

There are also some exceptions to the 70–15 automatic separation provision. The retirement law (1) sets age 62 as the superannuation point for employees of the Alaska Railroad in Alaska and for citizen employees of the Panama Canal Company and the Canal Zone Government serving on the Isthmus (with 15 years' service on the Isthmus or in Alaska) and (2) exempts from its regular 70–15 requirements Members of Congress, Congressional employees, the Architect of the Capitol and his employees, and judicial branch employees appointed for definite terms. In addition, the law's automatic separation provisions do not apply to the other Federal and District of Columbia retirement systems covering a sizeable number of workers.

Studies conducted over the years by the Commission and by two independent Committees (the Committee on Retirement Policy for Federal Personnel which was created by an Act of Congress in 1952, and the Cabinet Committee on Federal Staff Retirement Systems which was created by the President in 1965) have all concluded that the present age 70, 15-year service provision in the Civil Service Retirement law for age retirement is not, and has not been for quite a number of years, responsive to the needs of the Government. For instance, in its 1966 report to the President, the Cabinet Committee on Federal Staff Retirement Systems summed up the rationale for amendatory legislation in this area by saying that:

"* * * the 15-year service minimum in mandatory retirement not only prolongs the employment of some who should retire, but stands in the way of the hiring of new workers who would not have 15 years of Federal service by the time they reach age 70. This provision was adopted in 1926, when there were few private pension plans and no Social Security program. There were compelling social and economic reasons for permitting older hires to stay on the rolls until they could gain a significant CSR benefit, even if this took their Government employment well past age 80. Today, the older person with short Federal service may be presumed to have other public or private pension coverage through Socal Security, corporate retirement, State or local government retirement, Veterans' compensation, military retirement * * *.

The foregoing problems in CSR as it concerns the older worker point to a serious need for amendment in order to make the system more responsive to operating requirements and give more realistic recognition to the needs and individual capacities of employees."

Although the Government's policy is not to discriminate in hiring on the basis of age, the 15-year service requirement, almost without question, adversely affects Federal employment opportunities for qualified people who are age 55 or older. We believe that if the service requirement for mandatory retirement were changed from 15 to 5 years, it would have the immediate effect of lessening resistance to the appointment of persons over age 55, and at the same time it would open up promotion opportunities for other employees. In addition, it would standardize at 5 years the service period required for disability, deferred, and age-service retirements.

Draft legislation to produce this result is attached. Under the terms of the proposed legislation, persons now serving would continue to be subject to the present age-70, 15-year mandatory retirement provision. The amendment in this respect would apply only to persons appointed or reappointed following a break in service of more than three days, after the date of its enactment. Since the amendment would not be operative until 5 years after its enactment, there would be no increase in the unfunded liability of the Civil Service Retirement and Disability Fund during the first 5 years following its enactment. The normal cost would be increased by .01 percent of payroll.

In addition, the draft legislation proposes to amend both the Federal Employees' Group Life Insurance and the Federal Employees Health Benefits laws to reduce from 12 to 5 years the length of service required by a retiring employee to retain his group life insurance and health benefits coverages during retirement. At present, disability retirees are the only group of employees who may continue their life insurance and health benefits coverage, after retirement, with 5 years' service; all other employees who retire on an immediate annuity must, among other things, have completed at least 12 years of creditable service in order to so continue their coverages.

The Commission believes that, if the retirement law is amended to require mandatory retirement after 5 years' service, it would be desirable to set this same period of service requirement for retention of group life insurance and health benefits coverages after retirement. Such a change would permit not only the age retiree, but other eligible employees with 5 or more years' service—some of whom no doubt stay on the job now for the sole purpose of completing the required 12 years' service—to retire with the assurance that the security they had during employment will continue to some degree during their retirement years.

However, we also believe that the effective date for any such change in the life insurance and health benefits laws should be five years in the future to coincide with the operative effect of the proposed 5-year service requirement for mandatory retirement. This then would not result in any added cost to these programs for the first five years after enactment. Thereafter, though, we estimate that there will be certain increases in the costs of these programs. The regular group life insurance biweekly rate, per $1,000 of insurance coverage, would have to be increased from 41¼ cents to 42 cents [employees' biweekly life insurance rate would therefore be increased by ½ cent (from 27½ to 28 cents) and the Government's contribution would be increased by ¼ cent (from 13¾ to 14 cents) for each $1,000 of regular group life insurance coverage]. The biweekly rate for the $10,000 optional group life insurance would have to be increased by an average of 5.6 cents. Also, the average high-option biweekly health benefits rate would have to be increased gradually to an additional 38 cents over a period of about 15 years, due to the increasing average age of enrollees under the health benefits program.

The enactment of the attached legislative proposal would go a long way in making the retirement, life insurance and health benefits laws more responsive to the needs of both the Government and its employees. The Commission accordingly recommends the introduction of the draft bill and urges its early enactment.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposal.

By direction of the Commission.

Sincerely yours,

Robert Hampton,
Chairman, U.S. Civil Service Commission.

January 18, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: The Commission submits for the consideration of the Congress, and recommends favorable action on, the attached legislative proposal which provides that the immediate (not deferred) Civil Service Retirement annuity of an employee or Member of Congress retiring after the effective date of a cost-of-living annuity increase shall not be less than his annuity would have been if he had retired and had been eligible for annuity on the effective date. Similarly, the proposal provides that the annuity of an employee's or Member's widow(er) commencing after the effective date of a cost-of-living annuity increase shall not be less than it would have been if it had commenced on the effective date.

Whether an employee's annuity will be greater computed on the basis of (1) service and salary up to the effective date of the most recent cost-of-living increase, plus that percentage increase or (2) all service and salary up to the date of actual separation, without a cost-of-living increase, depends on factors which vary with the individual. Assuming a normal pattern of past and future salary increases, and a 5 percent cost-of-living increase, an employee would need 3–10 additional months' service, depending on his total years of service, for his annuity without the cost-of-living increase to equal the amount he could get if he had retired on the effective date of the cost-of-living increase. Under the proposal, an employee would in all cases receive the larger annuity.

The present cost-of-living adjustment provision, found in 5 U.S.C. 8340, provides that an employee must retire and his annuity must commence on or before the effective date of a cost-of-living annuity increase in order to have it applied in the computation of his annuity. The reasons for the proposed change are:

(1) The present provision produces the anomaly of an employee who retires soon after the effective date of an increase receiving less annuity than an employee, with the same service beginning date and high three-year average salary, who retires on or before the effective date, even though the employee who retires after the effective date has more service. A similar anomaly exists in computing a survivor's annuity because the survivor of an employee who dies on or before the effective date of a cost-of-living increase receives the increase, but the survivor of an employee who dies after the effective date does not receive it.

(2) We are concerned about the way the large number of retirements which follow cost-of-living annuity adjustments affects the administration of the Civil Service Retirement System. The present cost-of-living adjustment provision "bunches" retirements immediately before the effective date of every cost-of-living annuity increase by accelerating the retirements of employees who had been planning to leave within six months or so after that date. The last such increase, effective July 1, 1972, for example, produced about 60,000 retirements in addition to the 20,000 or less that occur in a normal four-month period. Despite the Commission's plans to cope with such a peak load, work is disrupted and annuity payments are seriously delayed when so many retirements that would otherwise have been evenly spaced over a period of several months occur at the same time.

(3) Agencies throughout the Government are also adversely affected because an inordinate number of employees decide to retire immediately before a cost-of-living annuity increase. Many of these people, if they are willing, must be reemployed as annuitants to complete the projects on which they were working.

Enactment of the draft bill would (1) eliminate the anamoly between annuities that commence on or just before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective, with an estimated savings of $300,000 in administrative expenses now charged against the Civil Service Retirement and Disability Fund for processing the peak work load that accompanies each cost-of-living adjustment; and, (3) reduce the disruption in the work of agencies throughout the Government caused by many employees suddenly retiring at the same time, with many leaving work projects incomplete.

To the extent that employees delayed retirement by a few months they would (1) pay contributions to the Fund for a longer period, and (2) not receive any annuity for those months—a combination necessarily resulting in more money in the Fund. On the other hand, to the extent that employees who would have retired after the effective date of the cost-of-living increase anyway receive a higher annuity than they would have received if they had retired on the effective date, more money would be paid out of the Fund.

The additional annuity benefits which would be provided by the draft bill for each cost-of-living annuity increase authorized on or after its enactment would increase the unfunded liability of the Civil Service Retirement and Disability Fund. Assuming, for example, that the draft bill is enacted and that then a 4.5 percent cost-of-living annuity increase is effective July 1, 1973, the unfunded liability of the Fund would be increased by $7.5 million. The annual interest on this $7.5 million would be $375,000.

Under 5 U.S.C. 8348(g), the Secretary of the Treasury, before closing the accounts for a fiscal year, would have to credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of all interest on the unfunded liability existing at the start of that fiscal year: 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; and continuing to increase by 10 percent each year until 100 percent of the interest would have to be credited for fiscal year 1980 and for each fiscal year thereafter.

Each additional cost-of-living annuity increase authorized subsequent to fiscal year 1973 would have a cumulative effect on the Retirement Fund's unfunded liability and the annual interest thereon. If, for example, there is one cost-of-living annuity increase of 4.5 percent in each fiscal year 1974 through 1980, the unfunded liability would be increased by a little over $52.5 million, and the annual cumulative interest payment due the Fund from the Secretary of the Treasury at the end of fiscal year 1981 would be a little over $2.6 million.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this draft bill to Congress.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

Robert Hampton,
Chairman, U.S. Civil Service Commission.

January 18, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: The Commission submits for the consideration of the Congress, and recommends favorable action on, the attached legislative proposal which provides that United States nationals who are Federal employees shall be extended the same rights and benefits as are presently provided United States citizens employed by the Federal Government.

Section 1408 of title 8, United States Code, defines nationals, in pertinent part, as follows:

"Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth:

(1) a person born in an outlying possession of the United States on or after the date of formal acquisition of such possession * * *."

As originally enacted, provisions in the Federal Employees' Group Life Insurance Act and the Federal Employees Health Benefits Act (now codified as 5 U.S.C. 8701(a)(B) and 5 U.S.C. 8901(1)(ii), respectively) excluded from their coverage U.S. nationals by barring coverage of noncitizen employees whose permanent duty station is outside the United States. The question of whether as a matter of policy U.S. nationals should be so excluded came into sharp focus in 1970 when it was found that the National Oceanic and Atmospheric Administration (NOAA) at Pago Pago had permitted six American Samoan employees to participate in these programs. On April 27, 1970, the Civil Service Commission issued a bulletin (see enclosed copy of Federal Personnel Manual Bulletin No. 300-26) which determined that U.S. nationals employed by Federal agencies outside the United States are not entitled to life insurance and health benefits. As a result, these six American Samoans had their life insurance and health benefits coverage terminated.

The draft legislation would have the effect of extending coverage to these six American Samoan employees as well as an estimated 2,000 U.S. nationals employed by the Federal Government at permanent duty stations outside the United States. Currently American Samoa and Swains Island are the only areas under U.S. jurisdiction whose citizens are nationals rather than citizens of the United States. To the best of our knowledge, the Federal employees affected by this legislation would all be American Samoans mostly employed in American Samoa. However, we believe the draft legislation amending the laws should be general and should include those U.S. nationals now employed or someday to be employed at another duty station.

Section 3 of Public Law 91-418, effective September 25, 1970, extended coverage under the Federal Employees' Group Life Insurance and Federal Employees Health Benefits laws to formerly excluded noncitizen employees whose permanent duty station is in the Panama Canal Zone. It would appear that U.S. nationals should be entitled to the same benefits.

Assuming the draft bill is enacted, the additional annual cost to extend life insurance and health benefits to these employees would be approximately $604,000.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this draft bill to the Congress.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON, *Chairman,*
U.S. Civil Service Commission.

CHANGES IN HOUSE POST OFFICE SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO), is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues in the House some changes in the House post office service which have been effected in order to improve mail service for Members of Congress.

I also want to take this opportunity to commend once again Postmaster Robert Rota for the excellent cooperation he has extended to the Subcommittee on Personnel, which I have the honor to chair as a member of the Committee on House Administration.

As chairman of the subcommittee, I have been working closely with my distinguished colleague from Ohio, Chairman WAYNE HAYS of House Administration Committee.

The postmaster has extended full cooperation to our subcommittee, and after much discussion and deliberation, the following changes are now in effect:

Each new employee meets with the postmaster and the assistant postmaster and is instructed and briefed on his job and what is expected of him in the performance of his duties.

Duties of post office personnel have been rearranged and all personnel, except supervisors, are classified as mail clerks so they may be substituted on any operation whenever necessary. This results in a minimum use of the voucher fund.

When mail carriers, on their regular delivery routes notice that a Member needs to have mail picked up, the carrier immediately calls the post office and a special pickup man is sent to that Member's office; thereby avoiding any delay in mail distribution and saving considerable time in getting Members' mail dispatched. A special pickup for Members, when requested by the Member's staff, was also initiated.

A new added service which the postmaster has started is the security of all mail. The postmaster and assistant postmaster have been trained in the operation of the X-ray machine, examining all suspicious mail coming through the House post office.

Another service initiated, is the 1-day service on social security mail. This procedure has cut days in the response time to Members on all social security correspondence.

At the present time, the postmaster is also trying to arrange another service whereby he can take advantage of the messenger service between the Library of Congress and the House of Representatives. This will provide a service similar to that in effect with the Social Security Administration.

With added responsibilities, it became impossible for Mrs. Mary Bowman to do the additional secretarial work and perform the services that the Congressmen need. To alleviate this problem one of the mail clerk positions was changed to a secretarial position. Since that time Miss Ruth Jones has been employed as a secretary and is taking care of payroll changes, vouchers and other secretarial duties.

The hours of the post office personnel have been lengthened. To accommodate the Members, all stamp windows' services—parcel post, registered mail, money orders, and stamp service—have been extended to 6 p.m.

The postmaster is also trying to add the mail service to the Congressional Office Building Annex—Congressional Hotel—without additional personnel.

With these changes the Members have been provided with extra service, and I believe the post office is operating more efficiently. This has been accomplished without adding employees or additional cost to the House of Representatives.

PROPOSED LEGISLATION CONCERNING ILLEGAL ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 10 minutes.

Mr. EILBERG. Mr. Speaker, the growing numbers of illegal aliens in this country has been a serious problem for some time and it is getting worse.

Current estimates of the number of illegal aliens now in this country range from 1 to 2 million. This group is a major burden on our economy which must be relieved immediately.

Illegal aliens take jobs—at the lowest possible wages—from citizens and legal residents and they are willing to work long hours of overtime without additional compensation.

They often live in overcrowded slum dwellings which aid in the destruction of our urban areas.

And, finally, when they cannot get work, illegal aliens add to our burden by going on welfare.

These people come to the United States because they cannot earn a decent living in their countries and they have heard that they can get good paying jobs here.

Most of them are able to get work because unscrupulous employers have found that they can pay illegal aliens wages much lower than citizens or legal residents would have to accept and they threaten to turn them over to immigration authorities if the aliens complain about long hours, working conditions or the poor pay

The problem is purely one of economics. If there were no jobs persons would not remain in this country illegally, but the only way to eliminate these jobs is to make it unprofitable for employers to hire them.

As the chairman of the Subcommittee on Immigration and Nationality I have been able to make a full and careful study to this problem. Last year my committee wrote and approved legislation designed to deal with this matter. The measure was approved by the House of Representatives during the 92d Congress, but there was not enough time for the Senate to act.

This proposal lays the blame where it belongs, on the unscrupulous employers who knowingly hire illegal aliens, in order to exploit them so profits will be greater. At the same time it takes into account the real possibility of an employer unknowingly hiring a person who is in the country illegally.

For these reasons the sanctions for

hiring illegal aliens become increasingly severe for repeated violations of the law.

The first is a citation from the Immigration and Naturalization Service. There are no penalties, but the employer is put on notice that he must immediately and permanently discontinue the practice.

The penalty for the second offense is an administrative fine of up to $500 for each illegal alien found working in a business or factory.

All subsequent offenses would carry a fine of up to $1,000 and/or up to 1 year in prison for each illegal alien employed.

As I stated before, Mr. Speaker, my committee believes the only way to end this problem is to make it unprofitable for the men and women who are making money because of it.

For this reason, I now introduce this proposal:

H.R. 3803

A bill to amend the Immigration and Nationality Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"SEC. 245. (a) The status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, or the number of visas authorized to be issued pursuant to the provisions of section 21(e) of the Act of October 3, 1965, for the fiscal year then current.

"(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) any alien (other than an immediate relative as defined in section 201(b)) who has hereafter accepted unauthorized employment prior to filing an application for adjustment of status; or (3) any alien admitted in transit without visa under section 238(d)."

SEC. 2. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 of subsection (a) and by redesignating subsection (b) as subsection (e) and adding new subsections (b), (c), and (d) to read as follows:

"(b)(1) It shall be unlawful for any employer or any person acting as an agent for such an employer, or any person who for a fee, refers an alien for employment by such an employer, knowingly to employ or refer for employment any alien in the United States who has not been lawfully admitted to the United States for permanent residence, unless the employment of such alien is authorized by the Attorney General: *Provided,* That an employer, referrer, or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further,* That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment, shall be deemed prima facie proof that such employer, agent, or referrer has made a bona fide inquiry as provided in this paragraph. The Attorney General of the United States shall prepare forms for the use of employers, agents, and referrers in obtaining such written statements if they so desire, and shall furnish such forms to employers, agents, and referrers upon request.

"(2) If, on evidence or information he deems persuasive, the Attorney General concludes that an employer, agent, or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent, or referrer informing him of such apparent violation.

"(3) If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer, agent, or referrer upon whom such citation has been served has thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each such alien employed in violation of paragraph (1).

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designed by the Attorney General, individually or by regulation. The proceedings shall be conducted in accordance with such regulations, within the constraints and requirements of title 5, section 554 of the United States Code which shall be applicable to the hearing provided for herein, as the Attorney General shall prescribe and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a civil penalty under this subsection.

"(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount assessed in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien in respect to whom any violation of this subsection occurs.

"(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited: *Provided,* That no vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this section unless it shall appear that (A) in the case of a railway car or engine, the owner, or (B) in the case of any other such vessel, vehicle, or aircraft, the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto: *Provided further,* That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any State.

"(2) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as applicable and not inconsistent with the provisions hereof: *Provided,* That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws shall be performed with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.".

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

SEC. 4. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

"Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or".

SEC. 5. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect;

but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the statutes or parts of statutes repealed by his Act are, unless otherwise specifically provided therein, hereby contained in force and effect.

SEC. 6. This Act shall become effective on the first day of the first month after the expiration of ninety days following the date of its enactment.

THE BIG LIE—THE 1974 FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, President Nixon has challenged the Congress to be responsible in considering his 1974 budget. I believe that we should again live up to that challenge.

Over the past 4 years, Congress has altered the administrations' priorities by cutting defense, foreign aid, and SST funds and shifting such funds to domestic programs. In the 91st Congress, about $10 billion was cut from military and foreign aid requests, and nearly $4 billion was added for education, clean water, health care, agricultural conservation, urban programs, and veterans benefits.

In the first session of the 92d Congress, the Congress trimmed $4.3 billion from the administration's foreign aid and military requests, and added $2.5 billion to the nonmilitary budget categories to help meet vital domestic needs. During the second session, the pattern continued, as Congress added funds for various domestic programs and cut by over $5.2 billion the military budget.

Thus it is clear that the accusation by administration officials that the Congress is responsible for the inflationary budgets of the past 4 years is totally false. Instead, the Congress has reduced Nixon's budgets for military expenditures and foreign aid by about $20 billion, while adding some $10 billion of these cuts to domestic programs—a reordering of priorities of some $30 billion.

This, I submit, is responsible government, very different from what we have been getting from the Nixon administration.

No one should be fooled either by Mr. Nixon's argument that this budget is necessary for fiscal responsibility and to prevent tax increases. I submit that this Nation can afford needed social programs and that it can support them without increasing taxes. The solution is simple: cut the fat and waste out of the defense budget and reform the tax system to make it more equitable for the average American—make the rich pay their fair share. Fiscal responsibility and small government are desirable. But we could better let out fewer military contracts and withdraw special benefits and subsidies from the rich, the super-rich, and giant corporations; and at the same time preserve and even expand valuable programs to protect our environment, create new jobs, improve our health, assist our poor, and educate our children. Nixon's values are, frankly, backward.

Not all these programs, of course, should be retained. Some, such as hospital construction, for example, should be cut back. But even in such instances, it is foolhardy to terminate the program entirely when there are still areas where shortages exist, where improvements could be made, and where shortages will develop in the next few years as facilities become obsolete. The Hill-Burton Act was passed to meet desperate needs in this Nation and it has worked. So we have made progress. That does not mean that it is time to scrap a good program, even if it is time to scale it down.

Second, some of the cuts are frauds on the American people. Elementary and secondary assistance is being cut about in half. Nixon says this is giving government back to the people. But in fact it is giving them nothing. They already control their local systems so they will have no more power. But they will get fewer funds from the Federal Government so that to maintain the quality of the education of their children they will have to raise State and local taxes. Thus overall taxes will not fall, the taxes levied will be more regressive, and the quality of education may well fall. This policy makes no sense. All that it does is let Nixon point to a lower budget figure then claim that he is returning power to the people. What, we should ask, is Nixon cutting? Not military spending, not foreign aid, and not even the space program. Instead he is cutting programs related to human needs.

Nixon is proposing to eliminate dozens of popular education programs, including the dismantling of the landmark Elementary and Secondary Education Act of 1965. Among the programs that would be eliminated are those of title I for the act, which provides for compensatory education for disadvantaged pupils. These programs have worked and the annual cost of $1.5 billion will either have to be picked up locally or the educational assistance be dropped. If there is one thing I thought we stood for as a Nation, it was for the principle that we would give all our children a fair chance for a decent education. And now Nixon attacks even this.

In addition, part of the Federal aid for communities with Federal installations, called impact aid, would be eliminated, and part of the vocational education programs would go down the drain. Again, either our constituents will have to pay higher State and local taxes or the programs, which we all know have proved valuable, will have to be scrapped.

If it is not enough that we will abandon the education of our children, Nixon proposes to abolish Federal job-training and employment services to State and local authorities. The major element in this cutback is the elimination of the emergency employment assistance program, a public employment program that was created to provide temporary work during periods of high unemployment. High unemployment is still with us, and this is no time to abandon those who have been thrown out of work for no fault of their own.

Nixon's budget also serves notice that he will end by next July the Federal commitment to urban development programs enacted by Democratic Presidents and Congresses over the past four decades. The Department of Housing and Urban Development will now approve no new projects for urban renewal, Model Cities, open space, neighborhood facilities, water and sewer systems, rehabilitation loans or public facility loans. Housing and community programs, although funded and administered separately, have been major components in the efforts of the municipal governments' efforts to renew and rebuild neighborhoods. Until now, the Federal Government has supported these efforts. Nixon is deserting that responsibility and it will cost the taxpayers $1.6 billion to replace and preserve the programs Nixon is slashing.

Cities are not alone. Nixon is cutting agriculture programs as well. He will cut rural housing subsidies $842 million, price-support operations $715 million, the rural environmental assistance program $172.5 million, and the special school milk program $72 million.

Finally, Nixon is abandoning his fight to save the environment. His budget proposal is barebone and although it appears to be an increase, a substantial part of the funds proposed will go to State and local governments to repay environmental loans already made. In addition, the increased funding only matches the $950 million he impounded last year. Beyond that, Congress authorized $6 billion of which Nixon proposes to spend only $3.5 billion. Nixon, in short, has put a good face on what amounts to desertation of a good cause.

This raises an interesting point. Nixon, in fact, is abandoning his own programs. Less obvious than the reduced items, but just as important are the omissions from the budget that indicate changes in Nixon policy. Welfare reform, estimated last year to cost $5.5 billion a year, has disappeared from the new budget altogether. Although Nixon has repeatedly promised Federal tax relief to homeowners with heavy local property taxes, there are no funds set aside for this purpose. National health insurance is promised, but there are no funds earmarked for it in the new budget; a year ago it was budgeted at $1.1 billion. The four special revenue-sharing plans totaling $6.9 billion yearly in the new budget are hailed as the cornerstone of Nixon's support for domestic programs, but in fact compare with six such plans totalling $12.3 billion in last year's budget.

Nixon's 1974 budget is not only a retreat from the Great Society programs of Lyndon Johnson which deserve study and in some instances reform and preservation, but from his own hopes and aspirations for our Nation as he has outlined them himself. This is no New American Revolution. It is a withdrawal from social responsibility.

The core problem with Nixon's budget is that it has no plan and no sensitivity. A meat ax has been taken to past social programs, some of which worked and some of which did not, throwing out the good with the bad and leaving the average worker and consumer unsupported and undefended by the Federal Government. Nixon is not creating a responsible government—he is abdicating social responsibility under the cover of thrift.

This is a serious subject and not to be taken lightly. The people deserve the ear and the help of responsible government officials. Therefore, I am announcing today that beginning during the February congressional recess, I shall hold hearings across New England to determine the local impact of the Nixon budget. I will meet with responsible elected officials, labor representatives, businessmen, and academicians. I hope to hold such hearings jointly with local members of Congress. The goal of the hearings will be to determine as precisely as possible the local effect of the Nixon budget cuts, what programs and how many people are affected in what ways, and finally to begin to develop alternative strategies for dealing with the problems Nixon is creating. I expect to work with all the Members from New England in this effort and I further expect that we will develop within a brief time a series of specific proposals to present to the Congress, the Governors, and the State legislatures. In addition, I hope that we will successfully develop a useful methodology and strategy that others in different regions of our Nation will be able to employ to the benefit of us all.

CONGRESSIONAL BUDGET REFORM PROPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the following is the text of a proposal for a congressional budget procedure which I submitted to the Joint Committee to Review Operation of the Budget Ceiling:

PROPOSAL FOR A CONGRESSIONAL BUDGET PROCEDURE, JANUARY 11, 1973

More responsible Congressional budgeting is needed. A full-employment-without-inflation economy requires a considered judgment about the amount and timing of spending and revenues. Because Congress has seemed to proceed in an uncoordinated way, it has steadily seen its powers erode to the executive. The following proposal could enable Congress to exert greater responsibility:

1. *House and Senate Budget Committees.* The traditional right of the House to initiate taxing and spending bills suggests separate House and Senate Committees, rather than a joint committee. But coordination could be obtained by the use of a joint staff, and by frequent joint meetings.

Each committee, along the lines of the present temporary Joint Budget Committee, would be composed of seven members of the House or Senate tax-writing committee (four majority, three minority), seven members of the Appropriations Committee (four majority, three minority), and two members of other committees (one majority, one minority).

Immediately after the President's budget is transmitted to Congress in late January, the House Budget Committee would begin work on a Tentative Budget Resolution. The Senate Budget Committee may desire to sit in with the House Budget Committee at this point.

The Budget Committees would request the Joint Economic Committee to supply by February 15 its estimate of the budget deficit, surplus, or balance needed to produce full-employment-without-inflation in the upcoming fiscal year, together with supporting data.

The Budget Committees would prepare by March 1 a Tentative Budget Resolution, setting a total spending limit (both appropriated and "backdoor"), and a total revenue target. Within the total spending limit, the Budget Committees would set specific limits—delegating to the Appropriations Committees the subdivision of total spending (roughly 60 percent) which is subject to appropriation. The Appropriations Committees would hold hearings and take prompt action to provide target totals for each of the 13 Appropriations Subcommittee categories, adding up to the Appropriations Committee total. As to that portion of total spending (roughly 40 percent) not subject to annual appropriation, the Budget Committees would consult with the chairman and ranking minority members of the relevant legislative committees (e.g. Ways and Means and Finance on general revenue-sharing, Banking and Currency on urban renewal, Agriculture on price-support payments).

2. *The Tentative Budget Resolution.* By March 1, the House Budget Committee and the House Appropriations Committee would jointly report to the House a Concurrent Resolution (since this is internal Congressional housekeeping, the President's signature should *not* be required), including:

(a) A total spending limit, broken down into the total sum available for normal appropriations bills, with subtotals for each of the 13 Appropriations Subcommittee categories, and the specific sums recommended for legislative action to each committee with mandatory or back-door spending programs; and

(b) A total revenue goal, with recommendations to the Ways and Means and Finance Committees to raise or reduce revenues (whether by surcharge, loophole-plugging, or new forms of taxes, is left to the discretion of the tax-writing committee).

The floor rule governing the Tentative Budget Resolution would allow for lengthy debate, the permit amendments from the floor at any point. Present House and Senate procedures allow roll call votes on all points of the Resolution. After House passage, the Senate procedures follow. Differences between the two bodies would be resolved by the usual Conference Committee and floor action. Final action on the Tentative Budget Resolution would be sought by April 1–15.

Since this action on the Tentative Budget Resolution will be taken early in the year (more than two months prior to the start of the Fiscal Year), it is clear that all the figures will and should be viewed as subject to change. More definitive action would be taken in connection with the Final Budget Statute discussed below.

3. *Action following adoption of Tentative Budget Resolution During Pre-July Period.*

(a) *On appropriation bills.* Under proposed new House and Senate rules, any appropriation bill (and any floor amendment offered to it) that departs from the targeted amount for that category in the Tentative Budget Resolution must contain a provision specifying the amount by which it exceeds or falls short of the tentative targeted amount. There would be no penalty for departing from the Tentative Budget Resolution target *at this point;* but any legislation departing from the target would be a prime candidate for revision in connection with the later Final Budget Statute.

(b) *On non-appropriation spending.* The legislative committees having jurisdiction over the mandatory or backdoor spending which was the subject of recommendations in the Tentative Budget Resolution would be expected to report out implementing legislation by June 1. (The respective Budget Committees, following the passage of the Tentative Budget Resolution on April 1–15, would notify the appropriate legislative committees of the recommendations, and request action by June 1.) As in the case of appropriations bills, departures from the Tentative Budget Resolution would have to be specified in the bill (and in floor amendments), but there would be no penalty for departing from the Tentative Budget Resolution target at this point. Again, however, a second look would be taken at this legislation in connection with the Final Budget Statute.

If the legislative committees do not report out the implementing legislation by June 1, it would be in order for the Budget Committees, pursuant to new House and Senate rules, to bring such legislation directly to the floor for a vote (subject, of course, to a rule's being granted and approved by a majority in the case of the House).

(c) *On taxes.* Since both Ways and Means and Finance Committees would be well represented on the respective Budget Committees, it would seem highly likely that they would respect by the July 1 target date the revenue-raising (or lowering) requests contained in the Budget Resolution.

4. *The Final Budget Statute.* Immediately following July 1, at the start of the new fiscal year, the Budget Committees (with the assistance of the Joint Economic Committee) would review revenue and spending estimates, and general economic conditions, in order to determine what changes (if any) are needed in the *total* spending and revenue targets. Having made the decision on this issue, the respective Budget Committees would then determine what changes should be made in previously-passed appropriations legislation, mandatory and back-door spending legislation, and tax legislation, in order to meet the final spending and revenue targets.

The respective Budget Committees would then report to the House and Senate their Final Budget Statute. Title I of the Statute would specify the final spending and revenue *totals* agreed on by the Budget Committees. Title II would specify the changes needed in the spending levels for specific programs, and in specific revenue provisions, to meet the spending and revenue totals in Title I.

The rules for floor consideration of the Final Budget Statute would require that Title I be debated, amended, and finally agreed to before Title II could be taken up. (An alternative would be to separate Titles I and II into separate measures, and finally enact the first before addressing the second.) In this way,the decision on the proper overall level of spending and revenue needed for a sound, full-employment-without-inflation economy would be less subject to bias by pressures for greater or lesser spending on individual programs.

With the final spending and revenue totals firmly set, floor consideration of the specific spending program and tax changes contained in Title II would begin. Amendments could be offered from the floor changing the spending totals for specific programs and/or making specific tax changes, but these amendments could not change the overall budget surplus, deficit, or balance figure agreed to in Title I. Thus, for example, a package amendment could be offered cutting $1 billion from Defense Department programs and $1 billion from highway programs, and adding that $2 billion to water pollution control programs. But an amendment cutting $2 billion from some programs and adding $3 billion to others would not be in order.

The Final Budget Statute passed by each House would then have to be reconciled in Conference, passed in final form, and signed by the President. (The Final Budget Statute must have the effect of law, since it will amend existing, just-passed spending and taxing measures.)

Consideration of Title II would thus represent a real debate over national priorities, but within the limits of fiscal responsibility established earlier by final action on Title I.

CRIME COMMITTEE BATTLES FOR PEP PILL CONTROLS CITED BY NATIONAL MAGAZINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. ROY) is recognized for 15 minutes.

Mr. ROY. Mr. Speaker, we are all aware of the pioneer work of the House Crime Committee to place reasonable quotas and controls over the production of amphetamines which 3 years ago were pouring out of the Nation's pharmaceutical firms in the amount of 6 to 8 billion pills per year.

The Crime Committee focused the attention of the Congress, the Food, and Drug Administration, the Bureau of Narcotics, and Dangerous Drugs, and the Justice Department to the extent of the overproduction of the bill which in its injectable form was called "speed" in the drug subculture and responsible for the deaths of some young abusers.

Following 3 years of prodding by the Crime Committee, the House Health Subcommittee, and a few other concerned parties, amphetamines overproduction was curtailed 82 percent. The Food and Drug Administration applying the law originating in the Health Committee, just recently recommended at least another 60 percent cut over 1972 quotas which would reduce production from a former high of 6 to 8 billion pills to somewhere around 200 million pills for the treatment of narcolepsy and hyperkinesis, their only medically necessary function.

Recently, the New Republic magazine traced the history of amphetamine overproduction which commented at length of the work of Chairman Pepper and his Crime Committee. This article entitled "Amphetamines and Barbiturates—Legal Drugs, Illegal Abuse," was authored by Peter J. Ognibene.

I submit a copy of the article as well as a recent news release from the Food and Drug Administration recommending further reductions on amphetamine production:

LEGAL DRUGS, ILLEGAL ABUSE: AMPHETAMINES AND BARBITURATES

(By Peter J. Ognibene)

A story in The New York Times several weeks ago caused quite a stir on the cocktail party circuit. It implied that a prominent New York City physician had administered amphetamines intravenously to President Kennedy in Vienna when he meet Khrushchev there in 1961, and at other times. The physician allegedly gave similar preparations to other patients, many of them prominent in politics and the arts.

Amphetamines, or "speed," are a significant source of drug abuse among young persons, but they have also been misused by their elders. Until the recent clampdown led by the Bureau of Narcotics and Dangerous Drugs, American pharmaceutical manufacturers had been producing some eight billion doses of amphetamines each year. First marketed in the 1930s under the trade name Benzedrine, amphetamines have been used to treat narcolepsy, a rare disease whose victims fall asleep involuntarily and frequently. They have also been used to treat hyperkinetic children, another rare affliction. Treating these two disorders would justify the production of thousands of amphetamine doses a year, not billions.

Most legally prescribed amphetamines have generally been used for a less serious medical problem. Because they are an appetite depressant, many physicians have prescribed them for obese patients. In most instances, they have had only modest results: the average weight loss has been on the order of a few pounds. A controlled diet and exercise are more effective ways to lose weight. "Diet pills" are central nervous system stimulants, and some people who had them prescribed for obesity have used them as pep pills. They were also used that way by the armed forces of the United States, Great Britain, Germany and Japan during World War II to combat fatigue and extend alertness, and the American military continued their use after the war. In 1970 the House Select Committee on Crime reported "that one of the largest purchases [of amphetamines] is still the US military establishment."

Unlike heroin, which is illicitly produced and thus never medically prescribed, amphetamines have been introduced to many people by doctors who regard them as wonder drugs of a sort. "Heroin," one government official who is responsble for controlling illicit drug traffic commented, "has the mystique as 'the killer drug,' but amphetamines and barbiturates are worse because they are available, medically respectable and you don't know you're getting hooked." Estimates of the number of heroin addicts (500,000–600,000) can be made on the basis of heroin-connected deaths, hepatitis cases and related phenomena, but amphetamine abuse is harder to measure because, except for the declining number of "speed freaks" who inject the drug intravenously, most abusers are pill poppers. Some who become dependent on them while under a doctor's prescription may be maintained on the drug by further prescriptions by doctors who are unaware of the drug's danger. (Some doctors, for instance, still do not believe amphetamines are addictive.)

Dr. Sidney Cohen, former director of the division of narcotic addiction and drug abuse at the National Institute of Mental Health, has told Congress that "the use of hundreds of times the average dose of amphetamines is physically addicting, meaning that tolerance builds up, and definite withdrawal symptoms occur when the drug is discontinued." Over extended periods of time, Cohen warned, "the use of very high doses may also lead to serious psychological problems and violence. Dr. Joel Fort, a professor at the School of Social Welfare at the University of California at Berkeley, believes that "on a typical run (prolonged heavy use) of speed, here develops severe paranoia (paranoia characerized by delusions and hallucinations, violence, etc.), a marked tendency to violence sometimes tragically leading to murder, and serious physical deterioration." A common hallucination is that "bugs" are crawling under the user's skin.

After prolonged use of speed, users "crash" and can sleep for more than a day. To counteract the fatigue and depression which follow, many turn to "downers" such as barbiturates or heroin. The "needle culture" of the speed freak makes the transition to heroin an easy one, and it was a step many of them took a few years ago when speed became less fashionable and heroin was relatively cheap and in large supply.

The Bureau of Narcotics and Dangerous Drugs and, more recently, the Food and Drug Administration have tightened federal controls on amphetamines and amphetamine-like drugs. Production has been cut by 83 percent, and the drugs are now subject to the strict regulations regarding security and record-keeping under Schedule II of the Controlled Substances Act. One government official told me, with more than a little satisfaction, that the cut in manufacturing quotas for amphetamines has resulted in "a dying industry." He also noted that "doctors are not prescribing amphetamines as freely as they once did." The FDA is currently sending a "drug bulletin" to some 600,000 physicians and other medical professionals to encourage limiting the use of these drugs. (We have still to follow the example of Canada which on January 1 prohibited physicans from prescribing amphetamines and pharmacists from dispensing them except for narcolepsy and other rare diseases.)

Three years ago, the House Select Committee on Crime found that Bates Laboratories of Chicago "had shipped 15 million amphetamine tablets . . . to a post office box for an alleged drug store in Tijuana, Mexico." If one had taken literally the street address for this nonexistent drug store, it would have been located at "the 11th hole of the Tijuana Country Club golf course." The committee estimated that "more than 50 percent of these drugs manufactured in this country find their way into the illicit traffic" and that "more than 60 percent of the amphetamines and methamphetamines presumably exported to Mexico find their way back into the bootleg market in the United States." When one pharmaceutical firm, Strasenburgh Prescription Products of the Pennwalt Corporation, sought to renew its license to export amphetamines, BNDD ordered it to "show cause" why its application should not be denied. In this order BNDD alleged the company was ineffective in controlling its Mexican subsidiary, citing, in this instance, that 1.2 million doses of amphetamines from this subsidiary had been seized from illicit traffickers over a nine-month period. Strasenburgh subsequently dropped its renewal application. Other companies have curtailed amphetamine exports: some because of government pressure, others because of a belated recognition that the drugs were being diverted into illicit channels.

Amphetamine abuse seems to be on the decline. Some users have switched to another central nervous system stimulant, cocaine, which was popular in the 19th century and is now enjoying a comeback. Others have turned to heroin, but most have probably found barbiturates. Unlike amphetamines, whose legitimate medical uses are few, barbiturates have dozens of important uses. Although they are being abused on a larger scale than amphetamines ever were, the legitimate needs for barbiturates require billions of doses per year compared to the thousands of doses of amphetamines needed to treat two rare diseases. Hence, these drugs cannot be controlled by drastically cutting production quotas.

The person who takes speed and then discontinues its use before the addiction-psychosis-brain damage cycle is run can generally make a complete recovery. Although young drug users passed the word that "speed kills," death from an overdose of amphetamines is rare. Death from an overdose of barbiturates is not.

Since the turn of the century, scientists have found more than 2500 derivatives of barbituric acid, some 50 of which have been put to medical use as "sedative-hypnotics." All of them are central nervous system depressants, and some of the long-acting ones, such as phenobarbital, are important in treating epilepsy and in controlling high blood pressure and peptic ulcers. The short-acting ones are commonly used as sleeping pills, and because their effects can be felt within minutes, they are the drugs of choice for abusers of barbiturates. This abuse potential led BNDD to recommend that nine of the short-acting barbiturates be put under Schedule II of the Controlled Substances Act to increase the security under which the drugs are manufactured and distributed. The recommendation, which was sent to the FDA last November 16, requires the concurrence of the secretary of Health, Education, and Welfare (and the director of BNDD) to put these drugs under Schedule II. One inevitable consequence of such action would be lower production of barbiturates: a move which could be opposed by some of the powerful pharmaceutical companies even though it is the laxity of their present controls that has permitted millions of doses of barbiturates to be diverted from legitimate channels into the illicit market.

Heroin and amphetamines have been characterized as "hard" drugs, whereas barbiturates have come to be called "soft" drugs. This erroneous distinction—no doubt a part of the heroin mystique—is dangerously misleading: there is nothing "soft" about these drugs. Although their effects are similar to those of alcohol, barbiturates are potentially the most lethal of all abused drugs. A small dose reduces social inhibition and produces a mild "high." A somewhat larger dose intoxicates and results in a loss of judgment and physical coordination. The next stage is a loss of consciousness from which the individual can be aroused. A higher dose produces a coma, and a sufficiently high dose results in death. With alcohol, the user generally passes out before he can drink enough to go into a coma, but with barbiturates, a killing dose can be ingested before even the first effects are felt. Barbiturate overdose, not surprisingly, has long been a leading method of suicide, but accidental death from such is also common. It will probably become even more prevalent if abuse of these drugs continues to rise.

In December, Senator Birch Bayh (D, Ind.), chairman of the judiciary subcommittee to investigate juvenile delinquency, issued a report: "Barbiturate Abuse in the United States." The subcommittee found that an increasing form of drug abuse involves mixing alcohol and barbiturates. Because one potentiates, or intensifies, the other, a small dose of barbiturates can have a more serious effect when taken with alcohol than when taken alone. Dr. David Lewis of the Harvard Medical School told Bayh's subcommittee that "death has been reported with as little as 300 milligrams of the short-acting barbiturate plus a couple of ounces of hard liquor." (A typical pill might be 100 milligrams.) In other words, taking alcohol with barbiturates drastically compresses the boundaries betwen a dose that merely intoxicates and one that can kill. In spite of the well-publicized "horrors" of heroin withdrawal, it is rarely fatal. But going "cold turkey" from a high level of barbiturate addicition may lead to convulsions, psychosis or even death.

Because heroin is expensive and lacks potency when taken orally, it is used intravenously. Short-acting barbiturates, by contrast, are effective within minutes after they have been swallowed. Some young drug experimenters, apparently unaware of this potency, have tried to inject barbiturates, often with horrible results. The danger of an overdose is, of course, increased, but mistakes in making the injection—a likely result when earlier does have impaired the user's motor functions—can maim, if not kill. If the vein is missed and the drug is injected under the skin, a painful abcess will result. If an artery is accidentally hit instead of a vein, gangrene can result. Dr. Max Gaspar, clinical professor of survery at the University of Southern California School of Medicine, told the Bayh subcommittee that "six of the patients, or 30 percent of the first 20 we saw [who had injected barbiturates into an artery] have had amputations of part of the hand or foot."

Barbiturate abuse is also associated with violence. One barbiturate user told Dr. Roger Smith, the director of the Marin Open House (a drug treatment center), about the effect of mixing "uppers" and "downers": "Once you've got enough goofers [barbiturates] so you're ready to kill some cat, you have to shoot up the crank [amphetamine] so you get the energy to do it." Those who saw a recent NBC documentary, "Thou Shalt Not Kill," about two convicted murders on death row in a Utah state prison, may remember that they described their murder spree with no signs of remorse. Those murders took place over several days in which they were drinking heavily and popping pills. The pills were pentobarbitals.

Illicitly manufactured barbiturates are essentially nonexistent because these drugs are easy to obtain and inexpensive. Some children need only reach inside the family medicine cabinet; others buy them on the street for a quarter apiece. The drug manufacturers are now making more than 10 billion doses a year, or 50 for every man, woman and child in the United States.

Two years ago BNDD required that thefts of barbiturates be reported, and in the first report (for the 12-month period ending April 1, 1972) more than seven million doses were reported stolen. BNDD audits for a two-year period (ending April 1972) showed an additional six million doses which could not be accounted for. Indeed, the normal route of legitimate barbiturates (from manufacturer to wholesaler to pharmacy to doctor or patient) and the lax controls of Schedule III make diversion of these drugs a relatively simple matter for drug traffickers with plenty of bribe money. Like BNDD, the Bayh subcommittee would put the nine short-acting barbiturates under Schedule II of the Controlled Substances Act. The move, while no panacea, would seem justified.

Much has been written about treating addiction to heroin and other opiates, but less work has been done on the problems of amphetamine or barbiturate dependence. Although most government experts now concede that heroin addiction is past its peak and barbiturate abuse is on the rise, the federal drug treatment and prevention effort still seems to be directed exclusively to the heroin problem and the creation of more methadone maintenance treatment facilities. That heroin is still a serious problem and that more methadone facilities are needed are nondebatable, but there seems little justification for ignoring other forms of drug abuse which are every bit as lethal. An official at the Special Action Office for Drug Abuse Prevention conceded that his agency was doing little to help the barbiturate addict but said that something would be done within the next six months. Without questioning his agency's good intentions, one sees little *preparation* for a federal effort to curb amphetamine and barbiturate abuse. There seems to be a dearth of ideas about *how* to do it and what facilities will be needed. One SAODAP official suggested that existing hospitals were sufficient, but another official in the same agency who has directed narcotics treatment programs said it was "hard to get hospitals to take barbiturate addicts" because many doctors consider such addiction to be an "illegitimate medical problem."

Burglary and theft by heroin addicts are serious problems in every metropolitan area, and so there is strong public pressure to get addicts off the street. Methadone maintenance is one way, incarceration another. On the other hand, amphetamines and barbiturates are inexpensive, and those addicted to them rarely have the criminal "talents" of members of the heroin subculture; little property crime is associated with their abuse. The violence and property crimes these drugs do cause are usually contained within the user's subculture. Put another way, a speed freak is not likely to steal your color TV but a heroin addict is. Nevertheless, amphetamines and barbiturates have been taking a heavy toll in human misery, and a humane government should act to alleviate it. It remains to be seen whether this administration will commit itself to helping these addicts with the same zeal it has applied to getting heroin addicts into methadone maintenance where they are no threat to private property.

AMPHETAMINES QUOTAS

The Food and Drug Administration today recommended further restrictions on production and availability of amphetamines and other drugs prescribed for weight loss.

FDA's proposal to the Department of Justice's Bureau of Narcotics and Dangerous Drugs (BNDD) would lower amphetamine production for 1973 by over 60 percent when compared to 1972. With the major production cutback imposed in 1972, this would mean a total reduction of 92 percent or more since 1971.

The FDA further plans to limit availability of amphetamines by ordering injectable amphetamines and amphetamines combined with a sedative or other drugs off the market. This action will be based on the FDA conclusion that the injectable form is unsafe and that all the ingredients in the various combination products do not contribute to the claimed weight loss. Combination amphetamine currently are believed to represent 72 percent of the appetite suppressing drugs prescribed by doctors.

FDA is also recommending to BNDD that five other weight-control drugs widely used in the United States be listed under the Controlled Substances Act of 1970 but in a less restrictive category than the amphetamines. The Act provides classes of availability based on medical usefulness of listed drugs and their potential for abuse and harm to public health.

The five are all stimulants and appetite depressants—though not directly related to amphetamines. Three aditional drugs of the same type are expected to be marketed in the near future would also be added to the controlled-drug list according to the FDA recommendation.

During 1972 FDA completed an extensive review of drugs used for treatment of obesity. The review showed that amphetamines and methamphetamines have limited effectiveness in weight control.

FDA's findings apply to all anorectic (appetite depressant) drugs. Among the specific drugs evaluated were amphetamine preparations such as Dexedrine, Biphitamine, and Obotan, and closely related drugs such as phenmetrazine (Preludin), methamphetamine (Syndrox, Desoxyn), benzphetamine (Didrex), phendimetrazine (Plegine), diethylpropion (Tenuate, Tepanil), phentermine (Ionamin, Wilpo), and chlorphentermine (pre-Sate).

In addition, FDA evaluated the three about-to-be marketed anorectic drugs mentioned in the control recommendation to BNDD. All were found to have limitations similar to those of the currently marketed products.

In addition, FDA evaluated the three about-to-be marketed anorectic drugs mentioned in the control recommendation to BNDD. All were found to have limitations similar to those of the currently marketed products. These drugs are wenfluramine (Pondimin A.H. Robbins), clortermine (Voranil U.S. Vitamin Co.), and mazindol (Sanorex-Sandoz Pharmaceuticals).

All FDA findings have been communicated to the Nation's physicians in the Agency's *Drug Bulletin*. A number of State medical societies have passed resolutions recommending little or no physician use of such drugs for the treatment of their obese patients.

PERSONAL FINANCIAL DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, for more than a decade I have followed an annual practice of placing in the CONGRESSIONAL RECORD an accounting of my personal financial condition. Today, I am continuing that policy by issuing a financial statement for the calendar year 1972.

I have commented many times in the past that Members of Congress and holders of high office in general should make periodic public disclosures of their personal finances as a matter of course. Such statements are needed to provide the citizenry with information that will enable them to assess whether the personal holding of their elected representatives and public leaders have affected, in any way, the performance of their public trust and, I, once again, call for the enactment of legislation such as I have introduced, H.R. 1868, which requires a complete public disclosure annually of all sources of income for Members of Congress, members of the Federal judiciary, and certain employees of the legislative, executive, and judicial branches of the Government.

Mr. Speaker, a report of my personal financial condition for calendar year 1972 follows:

Statement of financial condition, Dec. 31, 1972

Cash on account with the Sergeant at Arms, House of Representatives	$502.93
Riggs National Bank, Washington, D.C. Checking account	1.70
Securities	None
Residential real estate:	
House, Arlington, Va. (assessed value)	69,650.00
Less mortgage	36,639.09
Equity	33,010.91
House, Sun Prairie, Wis. Cost, July 1, 1972	29,000.00
Plus improvements	916.66
Lot	1,200.00
Less note	1,200.00
Less first mortgage	19,805.78
Less second mortgage	4,500.00
Equity	5,610.88
Household goods and miscellaneous personalty	7,000.00
Miscellaneous assets, deposits with U.S. civil service retirement fund through Dec. 31, 1972, available only in accordance with applicable laws and regulations	32,060.07
Cash surrender, value of life insurance policies:	
One the life of Robert W. Kastenmeier	None
On the life of Dorothy C. Kastenmeier	544.00
Donaldson Run deposit	300.00
Automobiles:	
1963 Oldsmobile	250.00
1971 Ford Thunderbird	3,400.00
1966 Ambassador	600.00
Total Assets	83,279.89
Liabilities, including loan, 3 notes National Bank of Washington	1,600.00
Net	81,679.89

Income for calendar year 1972, excluding congressional salary and expenses:	
Gain, sale of stock:	
Reynolds Metal (loss)	−432.93
Austral	+986.25
Solitron devices	+174.27
Stock dividend (Solitron)	5.00
Honoraria (2)	350.00
Rent	210.00
Sale of book review	20.00
Total	1,312.59

OBSCENE RADIO BROADCASTING—II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, in yesterday's RECORD, I inserted a letter I had written to the U.S. attorney in Cleveland relative to allegedly obscene radio broadcasting in that city. Today, because of the currency, importance and constitutional sensitivity of this topic, I ask, for the information of Members of the House, that the following letter to the Federal Communications Commission be placed in the RECORD. In the next few days, I will submit for the RECORD letters I have written to the Office of Legislative Counsel and the Justice Department dealing with other aspects of this problem. The letter to the FCC follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 1, 1973.

Hon. DEAN BURCH,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I enclose herewith a copy of a letter I sent on January 30 to the United States Attorney in Cleveland, pertaining to allegedly obscene radio broadcasting by Station WERE. I ask that you read the letter carefully, since it deals with a problem over which the Commission exercises control and for which your agency is charged with a great deal of responsibility. I refer you especially to the third last and second last paragraphs, which point up the national scope of this problem and the fact that the Commission has an array of weapons that are not being used.

As a matter of fact, the inaction of your agency does not appear to be in accord with your own personal views; you have been quoted as saying: "Obscene programming is a form of air pollution." And it appears to run contrary, too, to a formal policy statement made by the Commission, as will be shown below.

The purpose of this letter, then, is to respectfully suggest to you that there are three fronts on which, as I see it, the Commission could be moving. I ask you to consider each of these approaches, then to determine which of the three appears to hold the most promise for proving effective, and then to take whatever actions are necessary to carry that strategy into execution. You might decide to proceed simultaneously on more than one front. In any event, I trust that you will keep me informed of what you intend to do. I have no doubt that you ought to be preparing to do *something* because, as the National Observer reported on January 13, 1973, the FCC "received 2,141 complaints last year about offensive language on the air."

You might want to consider (a) action based on Title 18, United States Code, Section 1464, cited in my letter to the United States Attorney; (b) imposing certain sanctions that stem from your authority to act in the "public interest;" (c) instituting an official inquiry and a rulemaking proceeding, with the aim of tapping the wisdom that abounds in this nation, so as to advise the Commission on promulgating a national regulatory policy in this area.

SECTION 1464

In considering whether to elect this alternative, you have available to you the file of complaints which the Commission itself has accumulated on Station WERE, and which has been examined by one of my staff members at your offices. You might also consult with the United States Attorney in Cleveland, who has examined and is examining certain tapes of broadcasts by WERE. And you could, of course, also direct your own Field Engineering Bureau to monitor the station in an effort to develop up-to-date evidence to suit your needs.

Should you conclude, after employing these tactics, that the evidence against WERE is, for one reason or another, insufficient to sustain sanctions by you, then you might turn to your complaint files on other stations around the country that include similar talk shows in their broadcasting formats. I have been told by your staff members (I have no information of my own that corroborates or refutes this) that WERE is not "as bad" as some of these other stations. Apparently, then, there is a lode of evidence to be mined. I have no doubt that action against any one of these stations will have a salutary effect on all of them, including WERE in Cleveland, and therefore, the public would be served no matter which target you select.

Evidently, the Commission thought so itself at one time. In this connection, I would like to call your attention to your proceedings in 1970 against Station WUHY-FM in Philadelphia. Words were uttered in a broadcast which the Commission found to be indecent. Accordingly, you asserted on April 3 of that year: ". . . We have a duty to act." Your ruling, which I quote from here, made statements which appear to me, at least, to be applicable to broadcasts that my constituents keep hearing over Station WERE. The Commission said:

"We have a duty to act to prevent the widespread use on broadcast outlets of such expressions . . . For, the speech involved has no redeeming social value, and is patently offensive by contemporary community standards, with very serious consequences to the "public interest in the larger and more effective use of radio" . . . However much a person may like to talk this way, he has no right to do so in public arenas, and broadcasters can clearly insist that in talk shows, persons observe the requirement of eschewing such language.

"The consequences of any such widespread practice would be to undermine the usefulness of radio to millions of others. For, these expressions are patently offensive to millions of listeners. *And here it is crucial to bear in mind the difference between radio and other media.* Unlike a book which requires the deliberate act of purchasing and reading (or a motion picture where admission to public exhibition must be actively sought), broadcasting is disseminated generally to the public under circumstances where reception requires no activity of this nature. Thus, it comes directly into the home and frequently without any advance warning of its content. While particular stations or programs are oriented to specific audiences, the fact is that by its very nature, thousands of others not within the "intended" audience may also see or hear portions of the broadcast. Further, in that audience are very large numbers of children. Were this type of programming to become widespread, it would drastically affect the use of radio by millions of people. No one could ever know, in home or car listening, when he or his children would encounter what he would regard as the most vile expressions serving no purpose but to shock, to pander to sensationalism. Very substantial numbers would either curtail using radio or would restrict their use to but a few channels or frequencies, abandoning the present practice of turning the dial to find some appealing program."

This reasoning by you led, as you know, to a decision to impose a monetary fine upon the station. But you were concerned, because of "the new ground which we break with this decision," that your action might be violative of free speech. So you met this problem by observing:

The courts are there to review and reverse any action which runs afoul of the First Amendment. Thus, while we think that our action is fully consistent with the law, there should clearly be the avenue of court review in a case of this nature. Indeed, we would welcome such a review, since only in that way can the pertinent standards be definitively determined.

Whereupon, you fined the station $100 (although a maximum of $1,000 was authorized). All this, as you know, was in vain. The station paid the $100 and elected *not* to go to court, leaving the Commission still uncertain over how far it could go in curbing obscenity—and with no test case immediately at hand which would cause the courts to prescribe, or not to prescribe, boundaries on free speech.

Personally, Mr. Chairman, I find it inexplicable that, after the lapse of nearly three years, you have yet to find another "test case"—despite the fact that the number of such talk shows have proliferated since April 1970. The reasons you gave for acting at that time seem even more compelling today. Isn't it about time you went forward with another such case? Doesn't WERE's programming provide you with suitable material? If not, what about that of the other stations which your staff members describe as being "worse"?

PUBLIC INTEREST

It seems to me that, in mounting an offensive against obscenity on the air waves, the Commission would find plenty of room for maneuver under the law (Title 47, United States Code, Section 307) which commands your agency to promote the "public interest, convenience and necessity" in its licensing of stations. As you well know, actions taken by you under this mandate present you with certain tactical advantages, important from a legal standpoint. When the criminal statute, Section 1464, is selected as the weapon, the burden falls on the *Government* to prove its case in court. However, when the Commission invokes the principle of "public interest," the burden shifts to the *licensee*—and *he* must prove that his broadcasting operation meets the requirements of Section 307.

In the Red Lion Broadcasting Co. case, decided in 1969, the United States Supreme Court gives us a number of reasons why the burden is properly placed on the licensee in any proceeding involving the "public interest." I find the language of that decision quite clear, and I offer a few excerpts:

"This mandate to the FCC to assure that broadcasters operate in the public interest is a broad one . . . whose validity we have long upheld.

"Although broadcasting is clearly a medium affected by a First Amendment interest . . . . differences in the characteristics of new media justify differences in the First Amendment standards applied to them.

"No one has a First Amendment right to a license or to monopolize a radio frequency; to deny a station license because 'the public interest' requires it 'is not a denial of free speech.'

"It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.

"Licenses to broadcast do not confer ownership of designated frequencies, but only the temporary privilege of using them.

"The Court (upholds) the regulations, unequivocably recognizing that the Commission (is) more than a traffic policeman concerned with the technical aspects of broadcasting and that it neither (exceeds) its powers under the statute nor (transgresses) the First Amendment in interesting itself in general program format and the kinds of programs broadcast by licensees."

Keeping in mind the fact that the air waves are owned by the public, not the broadcasters, and the additional fact that scarcity of space on the radio spectrum limits the number of stations that might be licensed, we can readily see that conferral of a license by the FCC constitutes the grant of a special privilege—one that is very valuable, indeed, and that ought to be earned.

Is WERE doing anything to abuse this privilege? In view of the complaints reaching me, and the FCC as well, should it not be called on to *prove* that its programming is in the "public interest"? These are questions, I submit, which become particularly appropriate this year, in view of the fact that the station's license is expiring on October 1. As I understand it, the application for renewal must be filed by July 1, and I trust that you will become properly inquisitive around that time, if not before.

Short of revoking, or failing to renew, or suspending a license, you might consider imposition of alternative sanctions, if your investigation satisfies you that WERE has not been acting in the "public interest." For example, you could—as a warning—renew the license for less than the usual three-year period. You could issue cease-and-desist orders against certain practices. You could refer the complaints you have, or the complaints you might yet receive, or the evidence that the Commission itself uncovers, to the station with demands for an explanation. You could hold a public hearing at which aggrieved persons would be given an opportunity to vent their feelings.

INQUIRY AND RULEMAKING PROCEEDING

Because of complaints you have not only from Cleveland but from around the country, it appears to me that the Commission should want to promulgate a regulatory policy that could be applied uniformly across the nation. Under your administrative procedures, you could institute an inquiry in which interested parties and organizations representing certain sectors of the public, and in which informed individuals, as well, would advise the Commission in setting standards and establishing criteria for the control of offensive language on the air. Issuance of appropriate regulations could ensue.

It seems to me that the Yale Broadcasting Co. case decided last January 5, in the United States Court of Appeals for the District of Columbia gives us an apt example of the Commission's inquiry and rulemaking powers. The court said:

"In the late 1960's and early 1970's, the FCC began receiving complaints from the public regarding alleged "drug oriented" songs played by certain radio broadcasters. In response to these complaints the Commission issued a Notice, the stated purpose of which was to remind broadcasters of their duty to broadcast in the public interest. To fulfill this obligation licensees were told that they must make "reasonable efforts" to determine before broadcast the meaning of music containing drug oriented lyrics.

"A licensee could fulfill its obligations through (1) prescreening by a responsible station employee, (2) monitoring selections while they were being played, or (3) considering and responding to complaints made by members of the public.

"Far from constituting any threat to freedom of speech of the licensee, we conclude that for the Commission to have been less insistent . . . would have verged on an evasion of the Commission's own responsibilities."

I would like to call your attention to one highly important area where regulation is sorely needed, and where promulgation of strict rules would go a long way toward abatement of complaints, and perhaps, partially, of the problem itself. This is the exposure of *children* to obscene programming. To a certain extent, this could be controlled by the Commission by relegating questionable programs to hours of the day or night when children are not likely to hear them.

One of the recent complaints that you have in your WERE file is from a Greater Cleveland woman who wrote:

"My concern is not so much with censorship (although if this continues I would have to be for it) but with the lack of consideration as to the time of day much of this programming occurs. Most of these subjects are being discussed in the hours from 5:00 AM on into the day. I am deeply concerned about the effect on the young people, of which there must be many who are listening while getting ready to go to school. If a radio station wants to use the above subject matter for programming I would suggest that it be done in the very late evening hours. I realize that I can always turn the dial if I do not like a program, but I am more concerned about the effect on the community in general and I strongly urge you to look into this complaint."

In my own files I have this very recent complaint from another woman:

"One point brought up was timing, since children would be at home for lunch. Mr. Wheelwright blithely retorted that the "turn-off" knob could be used where desired, and also that a child of six could not understand the broadcast. This is utterly irresponsible! I can think sensitively of children of many ages at home for lunch in "working-mother" homes, and of immature adults as well, who are harmed by these programs."

In conclusion, I would like to touch on two other matters.

First, I understand that, in an administrative proceeding concluded by the Commission not long ago, a decision was made *not* to require radio stations to keep tapes of their broadcasts, to be furnished on demand to Federal authorities. I would hope that you reconsider this ruling and that, in fact, you do require that tapes be kept on hand. On December 6, 1972, the United States Attorney in Cleveland wrote to me that he could not complete his investigation of complaints I had advised him of because "the recordings of other broadcasts by Gary Dee were missing and could not be located." I fail to see how the Commission can carry out its responsibilities if it has to fall back on disputed and contradictory versions of what might have been uttered on the air.

Second, I would like to serve notice that I intend to introduce legislation that, hopefully, would assure more effective and fair enforcement of Section 1464. When a draft is completed, I will submit it to you, and I would appreciate your comments at that time, pro or con.

I trust you will be replying to me soon about the various points raised both in *this* letter and in my letter, enclosed, to the United States Attorney.

Kindest regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

SOCIAL SERVICES FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 10 minutes.

Mr. HEINZ. Mr. Speaker, today I introduce legislation which will lift a hardship imposed on our elderly, blind, and disabled citizens by an amendment to last autumn's Revenue Sharing Act of 1972. This amendment, the total ramifications of which were not explored in the rush toward adjournment, placed an overall ceiling of $2.5 billion for social service programs made available under all of the public assistance programs in the Social Security Act. A further stipulation directed that 90 percent of these limited funds be utilized for services for those who are receiving or have applied for assistance, and in need of these services to become self-sustaining.

Only now are the full implications of last year's amendment becoming clear. As a result of this 90–10 limitation on social services, one of the most serious impacts has been the suspension of many ancillary service programs that are badly needed by our elderly, blind, and disabled citizens who are not receiving welfare, either because they prefer to get by with their small pensions or because they refuse to place a lien on their modest homes. For the last 2 months my mail has brought a daily bundle of letters from elderly, or handicapped citizens pleading for congressional action saving the social services upon which they depend. Transportation, nutrition, recreation, personal care, and other services, things which so many of us take for granted, are often the services that elderly or handicapped people are least able to provide for themselves. Yet they too are entitled to a life of independence and dignity, and to demand that these people apply for welfare in order to receive these social services is both unwise and inhumane.

I, therefore, offer this amendment assuring that while the $2.5 billion limitation will remain on Federal support for social services, the 90–10 limitation will not apply to service programs for the elderly, the blind, or the disabled. Therefore, States will be allowed to fund from their total Federal allotment social services for nonwelfare poor who are elderly, blind, or disabled.

Immediate action on this legislation is imperative since many States, including Pennsylvania, will soon exhaust the 10 percent of the funds reserved for social services for nonwelfare recipients. In fact, the State of Pennsylvania reports that if it is to avoid closing down already existing programs for the elderly, it will have to come up with an additional $10 million in funds that formerly came from its Federal social services allotment. I assume that what is happening in Pennsylvania has implications for all States across the Nation.

I therefore urge Congress to move with all haste on this bill.

For the convenience of my colleagues, the full text of the bill is reprinted below:

H.R. 3819

A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1130(a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

BILL TO RESTORE RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Mizell) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise briefly to give notice to my colleagues that I will offer an amendment tomorrow to H.R. 2107, the Agriculture Committee bill to restore the Rural Environmental Assistance program commonly known as REAP.

My amendment will be in the interest of compromise and in the interest of assuring that an REAP program is funded in this fiscal year.

The Agriculture Committee, of which I am a member, has reported a bill providing for a mandatory expenditure of $225 million for the REAP program in fiscal 1973. There are strong indications that President Nixon will veto this legislation if passed, and the delay involved in overriding that veto—if indeed there are enough votes to override it—would virtually assure that no REAP program at all would be funded for the current fiscal year.

The amendment I will offer contains the language of a bill I introduced on January 22, providing that the Secretary of Agriculture allocate $140 million for REAP in fiscal 1973, the level of initial allocation announced by USDA for this program in September of last year.

While this legislation represents a reduction from the $225 million level proposed in H.R. 2107, thus taking into account the much-needed austerity measures being called for throughout the Government, it also reinstates exactly the amount which USDA, county agriculture offices, and individual farmers have planned on for the current fiscal year.

I believe my amendment will offer a better course for the Congress to follow in this matter, and I intend to offer it as a substitute measure tomorrow.

The amendment reads as follows:

Amendment to H.R. 2107, as reported, offered by Mr. Mizell:

Strike out all after the enacting clause, and insert: "That funds allocated by the Secretary of Agriculture for the purpose of carrying into effect the rural environmental assistance program authorized by sections 7 through 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g, h, i, j–o, 590p(a), and 590q) for the fiscal year ending June 30, 1973, shall be fully expended for such purpose in such fiscal year."

PURE FOOD ACT OF 1973

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on January 3 I introduced H.R. 323, the Pure Food Act of 1973—See pages 498–499 in the Extensions of Remarks of the Congressional Record, January 6, 1973. At that time, 24 Members of the House joined me as cosponsors of the bill.

Today I am reintroducing that bill, and I have the honor of adding Mrs. Chisholm, Mr. Nix, and Mr. Charles H. Wilson of California as cosponsors. This legislation would put teeth in our pure food laws by giving the Food and Drug Administration the legal authority which it requires if it is effectively to exercise its watchdog function and really protect the American consumer.

Although the proposed Federal budget contained deep disappointments in the form of elimination or cutbacks of vital people-oriented programs, it was gratifying that the pressing fiscal needs of the Food and Drug Administration were reflected in increased budget proposals for that agency. About $37 million was spent by the FDA in 1972 for its food inspection activities. That figure will rise to about $61 million in fiscal 1973 and continue upward to almost $70 million in 1974. These increased expenditures for food inspection personnel and sanitary programs are sorely needed. The next step in the process of increasing the FDA's effectiveness is to strengthen its statutory authority.

Together with the Members of Congress who have cosponsored the Pure Food Act of 1973, I express the hope that the Interstate and Foreign Commerce Committee's Subcommittee on Public Health and Environment, under the able leadership of the distinguished gentleman from Florida, Mr. Paul Rogers, will hold hearings on the statutory authority of the FDA at the earliest possible date.

OUT OF INDOCHINA TO STAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on January 31, I introduced H.R. 3349 and H.R. 3350, and on February 1, I introduced H.R. 3548. (See pages 2869–2870 of the Congressional Record, January 31, 1973) These are identical bills which provide that, after the release of all American prisoners of war and a full accounting for all our missing in action, no further expenditures may be made for U.S. military involvement in Indochina without specific congressional authorization. Identical to S. 758, the proposal introduced in the Senate by Senator Case and Senator Church, this bill would restrict all military funds, including those appropriated prior to the signing of the Paris cease-fire agreement.

Today I am reintroducing this legislation, and I am honored to add as cosponsors Mr. Gude, Mr. Mezvinsky, Mr. Rangel, Mr. Roe, and Mrs. Schroeder, and 43 Members of the House of Representatives have now joined me as a cosponsor of this proposal.

The urgent need for this legislation has become increasingly apparent since the signing of the Paris agreement. Fighting, albeit on a reduced level, has continued in Vietnam and the status of hostilities in Laos and Cambodia remains unresolved. The activity of the international observation force has been hampered by organizational difficulties. In view of the threat which he perceives from the Vietcong and North Vietnam, President Thieu appeared in an interview televised in America and ominously declared that the United States would support his regime with resumed bombing in Indochina if the Communist violate the cease-fire agreement and imperil the South Vietnamese position.

Mr. Speaker, in my judgment the American people want all American forces out of Vietnam, Laos, and Cambodia permanently, and they wish to leave the resolution of the Indochina dispute solely in the hands of the inhabitants of that area. The bill which I am reintroducing today would guarantee that result.

BROADCAST LICENSE RENEWAL LEGISLATION

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, today I join with my colleague, Mr. Rooney of Pennsylvania, in introducing legislation to establish by law procedures for the consideration of applications for renewal of broadcast licenses. This bill also changes from 3 to 5 years the term for which broadcast licenses would be granted.

The need for this legislation arose from a decision of the U.S. Court of Appeals regarding broadcast license renewal procedures issued in June, 1971. This decision in effect revoked the standing policy of the Federal Communications Commission to give preference to the current holder of a license over a competing applicant if the licensee's service has been "substantial." The court's decision stated that the FCC did not have statutory authority under the Communications Act of 1934 to initiate such a policy.

It is vital that Congress act to clarify the relicensing procedure used by the Federal Communications Commission. Otherwise, every licensee is open to harassment by any group who wished to obtain a license. In my opinion, any broadcast license renewal procedure should encourage continuity of broadcast service when that service has substantially met the needs and interests of the community.

I sponsored identical legislation in the 92d Congress and over 100 of my colleagues joined in supporting this proposal. I have received assurances from the leadership that hearings will be scheduled early in this session on broadcast license renewal legislation and I am hopeful that my colleagues will again join me in supporting this needed legislation to correct obvious deficiencies in broadcast license renewal procedures.

H.R. 3854

A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 (d) shall be amended by striking the first two sentences and inserting the following: "No license granted for the operation of any class of station shall be for a longer term than five years and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby: *Provided however,* That in any hearing for the renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations; *Provided further,* That if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighed against the renewal applicant."

BILL TO ESTABLISH A NATIONAL CREDIT UNION BANK

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I am today introducing a bill which would establish a National Credit Union Bank to serve the liquidity needs of the Nation's more than 23,000 credit unions. This bill is identical to one introduced earlier this year, H.R. 7, by the distinguished chairman of the Banking and Currency Committee. I believe that the measure is a most sound one and one which the credit unions of this Nation need. I believe that it is a measure which will materially aid credit unions in meeting the credit needs of their 25 million members, especially in times of a "credit crunch." It is a measure which will give credit unions a facility such as banks and savings and loan associations already have to meet their liquidity needs.

During periods of "tight" money and high interest rates, credit unions are likely to have difficulty in meeting members' credit needs from their own limited resources of members' savings. Since a vast number of the Nation's credit unions serve middle- and low-income people, they are the one most likely to suffer from a lack of available credit. I know this from personal knowledge of the credit unions operating in my own district. And I know how vitally important credit is to these people.

Under the terms of this bill, a National Credit Union Bank would be able to raise funds for loaning to credit unions by the sale of the bank's debt obligations on the public money market; it would be able to discount paper of member credit unions; it would assist in arranging inter-lending between have and have-not credit unions. In other ways it would be able to assist in providing credit resources to credit unions serving people with limited credit standing. It would help the "little man" in our society.

Briefly, I believe that a National Credit Union Bank will serve a vital need in our Nation's financial structure, and as a result of it for our people and the Nation's economy.

A SPIRITED CITIZEN FOR SCOUTING

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this week the Boy Scouts of America will celebrate their 63d anniversary of formation in the United States. My colleagues are well aware of the contributions scouting makes to this country; primarily the necessary role it plays in the development of this Nation's youth.

Last night I attended a dinner sponsored by the Penn's Woods Council of the Boy Scouts of America in Johnstown, Pa. One of the reasons I am confident in the dependability, resourcefulness, and future of today's youth is because of the sound character they develop as they are guided by the dedicated leaders such as those I had the pleasure of being with on this occasion.

However, a subject of interest that was discussed at the gathering is well worth describing. It is a description of a civic-minded individual who sensed the importance of scouting in today's world. She realized scouting was designed not only to teach skills and understanding for the future, but to show the youth of the country their relationship to the Nation's heritage.

Mrs. Martha Eastwood, of Somerset County, Pa., was the fortunate owner of a historical stretch of land which has served as the location for a hiking trail, known as the Forbes Trail, and which is linked directly to Fort Dewart, a famous fort in the development of Colonial Pennsylvania and America. As you know, many activities and results in U.S. history were determined by frontier outposts such as Fort Pitt, Fort Bedford, Fort Ligonier, and Fort Dewart.

Because of its importance and accessibility, the trail was being used by the Boy Scouts of the Penn's Woods Council. Mrs. Eastwood was so impressed with the efforts of Scoutmaster Jack Finnegan and the hundreds of hours he spent improving the trail that she donated the land to the council. The strategic location provides Boy Scouts of the area the opportunity to relive the colonial history of western Pennsylvania in a more informative and realistic setting.

I would like to offer my personal thanks to Mrs. Eastwood for her contribution to scouting in Pennsylvania. In addition, I congratulate the Penn's Woods Council. I am confident they will strive to make the most of their new acquisition. It is an honor to represent this historical area and a pleasure to represent the men and boys of the Penn's Woods Council.

MORE ON NURSING HOME CARE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues know, because of the remarks I have made for the RECORD, of my interest in nursing homes, or if we want to use the fancy term, extended care facilities.

An interesting article on a local "extended care" hospital appeared in the Washington Post of January 28. The article shows the abuses to which medicare can be put and also the sort of reaction which nursing home patients and their families are subjected to.

The article follows:

AILING HOSPITAL GETTING WELL AS HOTEL

(By Eugene Meyer)

The Metropolitan Hospital for Extended Care, having suffered from an acute case of financial red ink, is on the road to recovery as the Metropolitan Hotel.

The owners of the 2-year-old building at 1142 New Hampshire Ave. NW resorted to the remedy of turning a hospital into a hotel because 60 percent of Medicare claims submitted on behalf of patients were rejected as ineligible under the law.

Consequently, the owners, the Washington Medical Center Corp., a $50-million corportation whose shareholders are 400 doctors and their relatives, are stuck with a $460,000 loss due to unpaid patient bills.

"It's a sad tale, a sad tale," said Dr. Oscar B. Hunter Jr., board chairman of the corporation and president of Doctors Hospital, which operated the facility intended for patients no longer needing full hospital care but not yet ready to go home.

"It's got a—I wouldn't say lurid—a colorful history," said Donald S. Farver, president of Group Hospitalization, Inc. which rejected the claims on behalf of the government.

Most of the rejected claims, however, were not for extended care, the original reason for establishing the hospital, but for regular hospitalization at Metropolitan.

A spokeswoman for the Social Security Administration, which dispenses Medicare payments, said there existed a "pattern of moving patients from Doctors to Metropolitan when they were, in fact, ready to go home.

"When you end a hospital stay in one hospital, you don't normally put a patient in another hospital," the spokeswoman said. The denial of claims for such new hospital admissions is "rare," she said.

Gloria Norris, patient accounts manager at Doctors Hospital, said the patients were transferred because their conditions had improved but not enough to be completely discharged from hospital care.

Meanwhile, the Metropolitan Hotel is doing fine. All rooms are booked through February and officials say they expect it to begin breaking even in March.

The $5.3-million building never became what it was initially supposed to be. Three years ago, Dr. Arthur A. Morris, vice president and treasurer of the corporation, said the privately financed facility, with 532 beds, would be "the only true extended-care center in Washington and . . . the largest in the U.S."

The patient costs at the new facility were to be around $43 a day, compared to $100 a day at Doctors Hospital. Officials said the facility would also free needed regular hospital beds at other hospitals.

The Health Facilities Planning Council of Washington, a private advisory group that no longer exists, endorsed the new facility "only as long as (it) is operated as a non-acute or post-acute extended care and long term facility" in line with early plans.

Dr. Edward W. Nicklas, former board chairman of the council, said yesterday that the regular hospital care was a "fictitious type of thing," because Metropolitan had no x-ray machines, operating rooms or laboratories.

"They never used those Metropolitan beds," he said.

The facility was opened Jan. 15, 1971 with 23 beds for extended care. In December, 1971, the number of beds certified for extended care increased to 128. There also were 20 rooms on the first floor set aside as a "hotel" for ambulatory patients and their relatives. Another area was used for physiotherapy.

Metropolitan Hospital was also certified by the District government, acting for the Social Security Administration as a regular hospital with 105 "acute" care beds. The theory behind this, according to Mrs. Norris, the Doctors' account manager, was that patients not needing full hospital facilities but not well enough for extended care could still qualify for medicare hospitalization benefits.

"There were people still acutely ill who could have stayed in Doctors Hospital," collecting benefits there, Mrs. Norris said. But GHI's Farver said that "had these patients stayed in Doctors and had we done a 100 per cent review, our answer (rejecting the claims) would have been the same."

Usually, Farver said, GHI does not review all of a hospital's claims.

A complete review of Metropolitan's claims occurred, Farver said, because of an unusual delay in certification of the hospital by the D.C. government on behalf of Social Security. The retroactive approval came on December, 1971, almost a year after the hospital opened.

"We sent a physician and a nurse to look at each case," Farver said. "What we found was that the level of care these patients needed wasn't hospital care."

Discussing GHI's actions, Thomas Foley, assistant treasurer of the medical corporation, said: "Our Doctors Hospital physicians' panel reviewed the claims and said (the patients) did need such care. They (GHI) have their feelings, we have ours."

GHI's Donald Farver says of Metropolitan's expectations that the claims would be honored. "They were dreaming. The Social Security Administration is responsible for benefits to provide only necessary care. These guidelines are rather strict."

The GHI rejection forms sent to Metropolitan patients said, "Medicare will cover in-patient hospitalization services when the patient requires treatment or a necessary diagnostic study and these services can be furnished appropriately when confined in a hospital. Since the services you needed do not meet this requirement, no hospital insurance benefits can be paid for your stay."

The rejection forms also said, Medicare "cannot pay for services which assist a patient to meet his personal needs of daily living. The care you received was considered as activities of daily living such as eating, bathing, moving about, getting in and out of bed, taking medications, etc.

"This type of care does not require the continuous supervision of a professional skilled nurse. Such care is excluded from coverage under the Medicare law," the documents added.

Dr. Hunter, the top Metropolitan official, explained that "the retroactive denials were just deadly. Patients were scared to death about their obligations. Doctors and patients were irritated and upset."

Without assured benefits, the patients stopped coming. "It got so bad, we ultimately decided not to continue it," Dr. Hunter said.

The Metropolitan Hospital for Extended Care quietly went out of business last May. The conversion to a hotel began, costing $8,000 to $10,000 a floor.

The ground floor retains the physiotherapy facilities built for the extended care patients. Two therapists are on duty. There is also a pharmacy.

A single floor is set aside for nursing care, essentially an old-age home at rates from $25 to $35 a day. Its 64 beds are almost filled to capacity. The top two floors of the nine-story building are rented by the Washington Psychiatric Institute.

The red-carpeted lobby bears no resemblance to that of a hospital. There is a gift shop, a cafeteria managed by the Marriott Corp., and Muzak piped into the halls and elevators.

The rooms are furnished with French provincial furniture and have color television sets. Except for the substitution of regular beds for hospital ones, and the addition of mass produced pictures to the walls, they are the same as before. The bathrooms still have handles for disabled to grasp.

The hotel rooms are booked by clients such as IBM and AT&T, according to Jay Wolfgang, hospital administrator turned hotel manager.

The Metropolitan Hotel does not advertise, but, if any rooms are vacant, they are available to the public at $12 for a single, $18 for a double.

MORE DATA ON THE NURSING HOME SITUATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, last year, during the month of December, an official of the Department of Health, Education, and Welfare, Dr. Marie Callender, said on a television show that "unfortunately" the Department—HEW—had not been gathering certain pertinent information involving nursing homes. She did not specify what information had not been gathered.

In a letter to then Secretary of Health, Education, and Welfare Elliot L. Richardson, I question why the Department was not gathering the information and also the reason for Dr. Callender's statement.

After reading Secretary Richardson's reply, I am still puzzled as to why this important information-gathering function has not been accomplished. Since a number of our colleagues have expressed an interest in the continuing saga of HEW's obscure and reluctant attitude with respect to nursing home responsibility, I knew they would appreciate reading the correspondence on this matter.

The letters follow:

DECEMBER 1, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: You know of my great interest in the general subject of nursing homes, and I was amazed to have reported to me that your assistant, Marie Callender, said on a recent TV show that, unfortunately, the Department of Health, Education and Welfare had not been gathering certain pertinent information involving nursing homes. She did not specify what she had in mind.

My question is why have you not been doing this? I am unaware of any bar in the law which prevents you from making pertinent inquiries. I would appreciate hearing from you.

Sincerely,

John P. Saylor,
Member of Congress.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., January 15, 1973.

Hon. John P. Saylor,
House of Representatives,
Washington, D.C.

Dear Mr. Saylor: Thank you for your letter of December 1 regarding Mrs. Marie Callender's appearance on the television show, "Not for Women Only."

The Department of Health, Education, and Welfare has the authority and responsibility to collect certain data regarding nursing homes. Mrs. Callender was referring to problems in the instruments of data collection and analysis. Different agencies and branches within the Department have long collected data, but have used different methods of doing so. These separate categories of data cannot be assembled to form a single comprehensive instrument for analytical purposes. Because different methodologies and systems of measurement were used, it has not been possible to completely utilize the data collected as a basis for policymaking. In addition, the Medicaid program, being a State-run program with Federal matching, has had to deal with fifty different sets of data. With each State establishing its own methods of data collection and analysis, it has been difficult for the Department to utilize the data extensively.

Mrs. Callender, as Special Assistant for Nursing Home Affairs, was charged with coordinating and unifying all long term care policy and implementation within the Department. In this capacity she has begun to draw the disparate agencies and programs together to devise a truly useful, common system for data collection, information and analysis. It is hoped that we will be able to gather and analyze data on patient characteristics and needs, nursing homes, costs of care, deficiencies, quality of care, and other pertinent aspects of long term care.

In addition to these essentially internal functions, the Health Services and Mental Health Administration has signed contracts with two States to test State based instruments of data collection and to find ways of establishing information linkages among States and between States and the Federal Government.

In these ways we are improving our information gathering system, and thus hope to implement better and more rational policymaking processes.

With kindest regards,

Sincerely,

Elliot L. Richardson,
Secretary.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Flood on February 8, 1973, for 60 minutes.

(The following Members (at the request of Mr. Jones of Oklahoma) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Dulski, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Eilberg, for 10 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. James V. Stanton, for 5 minutes, today.

Mr. Reuss, for 5 minutes, today.

Mr. Mills of Arkansas, for 20 minutes, on February 7.

Mr. Vanik, for 60 minutes, on February 7.

Mr. Drinan, for 60 minutes, on February 7.

Mr. Dulski, for 30 minutes, on February 19.

Mr. Flood, for 60 minutes, on February 20.

Mr. Roy, for 15 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Danielson, for 30 minutes, on February 7.

(The following Members (at the request of Mr. Bafalis) and to revise and extend their remarks and include extraneous matter:)

Mr. Peyser, for 60 minutes, on February 27.

Mr. Biester, for 5 minutes, on February 7.

Mr. Talcott, for 10 minutes, today.

Mr. Bell, for 5 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Heinz, for 10 minutes, today.

Mr. Mizell, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Huber in two instances and to include extraneous matter.

Mr. Gonzalez, to revise and extend his remarks immediately following those made by Mr. Fisher of Texas.

Mr. McFall, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $192.50.

(The following Members (at the request of Mr. Bafalis) and to revise and extend their remarks and include extraneous matter:)

Mr. Young of South Carolina.

Mr. Hanrahan in two instances.

Mr. Steele in five instances.

Mr. Findley.

Mr. Wyman in two instances.

Mr. Derwinski in three instances.

Mr. Shoup.

Mr. Conte.

Mr. Wydler.

Mr. Baker in two instances.

Mr. Gerald R. Ford.

Mr. Riegle.

Mr. Bray in two instances.

Mr. Heinz in two instances.

Mr. McClory.

Mr. Keating.

Mr. Smith of New York.

Mr. Rousselot.

Mr. Collins in four instances.

Mr. Railsback.

Mr. McCloskey.

(The following Members (at the request of Mr. Jones of Oklahoma), and to include extraneous matter:)

Mr. McFall in five instances.

Mrs. Burke of California in 10 instances.

Mr. Rangel in five instances.

Mr. Gonzalez, in three instances.

Mr. Rarick in four instances.

Mr. Moorhead of Pennsylvania in 10 instances.

Mr. Howard.

Mr. Macdonald.

Mr. Davis of Georgia in five instances.

Mr. Alexander.

Mr. De Lugo.

Mr. Harrington.

Mr. Jones of Tennessee.

Mr. Mezvinsky.

Mr. Evins of Tennessee in four instances.

Mr. Fulton.

Mrs. Griffiths.

Mr. Wolff.

Mr. McSpadden.

Mr. Cotter.

Mr. Helstoski in 10 instances.

Mrs. Sullivan.

Mr. Podell.

Mr. Thornton.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 38. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes; to the committee on Interstate and Foreign Commerce.

S. 267. An act to abolish the Joint Committee on Navajo-Hopi Indian Administration; to the Committee on Interior and Insular Affairs.

S. 518. An act to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 42. Joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 7, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

376. A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting a list of Department of the Navy research and development procurement actions of $50,000 and over, covering the period July 1 through December 31, 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

377. A letter from the Acting Director, Arms Control and Disarmament Agency, transmitting an interim report on the international transfer of conventional arms,

pursuant to section 302 of Public Law 92-352; to the Committee on Foreign Affairs.

378. A letter from the President, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc.; transmitting the 44th Annual Report of the work and operations of the Gorgas Memorial Laboratory, covering fiscal year 1972, together with a financial report for the same period, pursuant to 22 U.S.C. 278b (H. Doc. No. 93-19); to the Committee on Foreign Affairs and ordered to be printed.

379. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide additional authority for the Administrator of Veterans' Affairs to prescribe standards of conduct, and to authorize investigation of, and arrests for, crimes committed, on lands and in buildings under the jurisdiction of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

380. A letter from the Comptroller General of the United States, transmitting the Annual Report on the activities of the General Accounting Office for fiscal year 1972, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

381. A letter from the Comptroller General of the United States transmitting a report on the impact of Federal programs to improve the living conditions of migrant and other seasonal farmworkers; to the Committee on Government Operations.

Received From the Comptroller General

382. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules. House Resolution 111. Resolution creating a select committee to be known as the Select Committee on the House Restaurant (Rept. No. 93-10). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 145. Resolution to create a select committee to regulate parking on the House side of the Capitol; with amendment (Rept. No. 93-11). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 188. Resolution providing for the consideration of H.R. 2107, a bill to require the Secretary of Agriculture to carry out a rural environmental assistance program. (Rept. No. 93-8). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 19. Resolution: Organization, jurisdiction, powers, and duties of the permanent Select Committee on Small Business to conduct studies and investigations of the problems of small business. (Rept. No. 93-9). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 3774. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 15 or less employees from its provisions; to the Committee on Education and Labor.

By Mr. ADAMS (for himself, Mrs. Hansen of Washington, Mr. Hicks, Mr. McCormack, Mr. Foley, and Mr. Pritchard):

H.R. 3775. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT (for himself and Mr. Reuss):

H.R. 3776. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BELL:

H.R. 3777. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Chappell, Mr. Eilberg, Mr. Froehlich, Mr. Henderson, Mr. McSpadden, Mr. Murphy of New York, Mr. Stubblefield, and Mr. Thone):

H.R. 3778. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Badillo, Mr. Burton, Mr. Conyers, Mr. Corman, Mr. Fraser, Mr. Helstoski, Mr. Nix, Mr. Owens, Mr. Podell, Mr. Price of Illinois, Mr. Roybal, Mr. Seiberling, Mr. Symington, Mr. Won Pat, and Mr. Yatron):

H.R. 3779. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM (for himself, Mr. Gude, Mr. Mezvinsky, Mr. Rangel, Mr. Roe, and Mrs. Schroeder):

H.R. 3780. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mrs. Chisholm, Mr. Nix, and Mr. Charles H. Wilson of California):

H.R. 3781. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK:

H.R. 3782. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 3783. A bill to amend the act of June 22, 1948 (62 Stat. 568, as amended, 16 U.S.C. 577h) to make additional funds available to carry out the provisions of said act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of Ohio:

H.R. 3784. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 3785. A bill to authorize the Secretary of the Interior to establish and operate a National Museum and Repository of Black History and Culture at or near Wilberforce, Ohio; to the Committee on Education and Labor.

H.R. 3786. A bill to create a computerized catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 3787. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

H.R. 3788. A bill to authorize the establishment of the Ceder Swamp National Monument, Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3789. A bill to amend the Communications Act of 1934 to permit noncommercial broadcast stations to deny, under certain circumstances, access to their facilities by candidates for Federal elective office; to the Committee on Interstate and Foreign Commerce.

H.R. 3790. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

H.R. 3791. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 3792. A bill to amend section 832(e) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. de la GARZA:

H.R. 3793. A bill to amend the Rural Electrification Act of 1936, as amended to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 3794. A bill to amend section 133 of title 28 of the United States Code to change the number of district judges authorized for the Southern District of Texas; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Adams, and Mr. Charles H. Wilson of California):

H.R. 3795. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN:

H.R. 3796. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. DOWNING:

H.R. 3797. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. DULSKI (by request):

H.R. 3798. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 3799. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 3800. A bill to provide for the transfer to the Secretary of Labor of all functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, as amended, the Federal Metal and Nonmetallic Mine Safety Act, and any other law relating to the health and safety of persons working in the mining and mineral industries, and for other purposes; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 3801. A bill to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to U.S. nationals employed by the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. EILBERG:

H.R. 3802. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

H.R. 3803. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 3804. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 3805. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

H.R. 3806. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

H.R. 3807. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 3808. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3809. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for annual flu shots; to the Committee on Ways and Means.

H.R. 3810. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 3811. A bill to insure the free flow of information and news to the public; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 3812. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRIFFITHS:

H.R. 3813. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 3814. A bill to establish a national system of solid waste management; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 3815. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. BLATNIK, Mr. BREAUX, Mr. SHUSTER, Mr. WALSH, Mr. COCHRAN, Mr. BAFALIS, Mr. ABDNOR, Mr. HANRAHAN, and Mr. TAYLOR of Missouri):

H.R. 3816. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. HÉBERT (for himself and Mr. BRAY):

H.R. 3817. A bill to amend title 10, United States Code, to clarify certain provisions relating to the Department of Defense which require the authorization of certain appropriations, and submission of weapons development and procurement schedules, for the Armed Forces, and reports thereon; to the Committee on Armed Services.

By Mr. HECHLER of West Virginia:

H.R. 3818. A bill to require the Secretary of Housing and Urban Development, in the administration of the housing programs under his jurisdiction, to take more fully into account the special needs of the elderly; to the Committee on Banking and Currency.

By Mr. HEINZ:

H.R. 3819. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. MCSPADDEN, and Mr. MELCHER):

H.R. 3820. A bill concerning the allocation of water pollution funds among the states in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. HUTCHINSON:

H.R. 3821. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 3822. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 3823. A bill to amend titles 37 and 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age 60, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of Tennessee (for himself, Mr. FLOWERS, Mr. GINN, Mr. KASTENMEIER, Mr. MCSPADDEN, and Mr. BLATNIK):

H.R. 3824. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. LANDGREBE (for himself, Mr. NICHOLS, Mr. RAILSBACK, Mr. RARICK, Mr. SHOUP, Mr. TIERNAN, and Mr. MADDEN):

H.R. 3825. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. LEHMAN:

H.R. 3826. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 3827. A bill to amend the Federal Cigarette Labeling and Advertising Act to revise the warning statement required by that act to be placed on cigarette packages; to the Committee on Interstate and Foreign Commerce.

H.R. 3828. A bill to amend the Federal Cigarette Labeling and Advertising Act to clarify the application of that act to little cigars; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland (for himself, Mr. DENHOLM, Mr. GREEN of Pennsylvania, Mr. WON PAT, Mr. O'HARA, Mr. MOLLOHAN, Mr. LEHMAN, Mr. BOLAND, Mr. PODELL, Mr. FLOOD, Mr. PREYER, Mr. FROEHLICH, Mr. STUCKEY, Mr. ROE, Mr. MAILLIARD, Mr. EILBERG, Mr. TALCOTT, Mr. TREEN, Mr. KETCHUM, Mr. FOLEY, Mr. HUBER, Mr. PEYSER, Mr. SHRIVER, Mr. HORTON, and Mr. FRENZEL):

H.R. 3829. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. MCCLOSKEY:

H.R. 3830. A bill to amend the Fish and Wildlife Coordination Act in order to provide assistance for the preservation of natural game fish streams in the United States; to the Committee on Merchant Marine and Fisheries.

My Mr. MATHIS of Georgia (for himself and Mr. BRINKLEY):

H.R. 3831. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. MAZZOLI:

H.R. 3832. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. MEZVINSKY:

H.R. 3833. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. MILLS of Arkansas:

H.R. 3834. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate required under that act; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, Mr. HAMMERSCHMIDT, and Mr. THORNTON):

H.R. 3835. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Maryland:

H.R. 3836. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 3837. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 3838. A bill to permit retired personnel of the Armed Forces to receive benefits under chapter 81 of title 5, United States Code, relating to compensation of Federal employees for work injuries; to the Committee on Education and Labor.

H.R. 3839. A bill to amend section 40 (b) of the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

H.R. 3840. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. Morgan, Mr. Clark, Mr. Dent, Mr. Badillo, Mr. Mizell, Mr. Heinz, and Mr. Benitez):

H.R. 3841. A bill to provide for the striking of medals in commemoration of Roberto Walker Clemente; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. Dingell, Mr. Eckhardt, and Mr. Carney of Ohio):

H.R. 3842. A bill to amend the Small Business Act to provide loans to small businesses for certain expenditures incurred as a result of complying with the Consumer Product Safety Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act of 1970; to the Committee on Banking and Currency.

By Mr. O'HARA:

H.R. 3843. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. PARRIS (for himself, Mr. Broyhill of Virginia, Mr. Robinson of Virginia, Mr. Wampler, Mr. Butler, Mr. Robert W. Daniel, Jr., Mr. Downing, Mr. W. C. (Dan) Daniel, Mr. Whitehurst, and Mr. Satterfield):

H.R. 3844. A bill to transfer to the Attorney General jurisdiction over the District of Columbia penal facilities at Lorton, and for other purposes; to the Committee on District of Columbia.

By Mr. PERKINS (by request):

H.R. 3845. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered to be income for the purposes of determining eligibility for a pension under that title; to the Committee on Veterans' Affairs.

By Mr. PEYSER (for himself, Mr. Anderson of Illinois, Mr. Ashley, Mr. Bafalis, Mr. Bell, Mr. Biester, Mr. Blackburn, Mr. Buchanan, Mrs. Chisholm, Mr. Dellenback, Mr. Eilberg, Mr. Esch, Mr. Eshleman, Mr. Frenzel, Mr. Frey, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hinshaw, Mr. Horton, Mr. Huber, Mr. Hungate, Mr. Kemp, Mr. McKinney, Mr. Martin of North Carolina, and Mr. Mazzoli):

H.R. 3846. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PEYSER (for himself, Mr. Moorhead of Pennsylvania, Mr. Pepper, Mr. Pickle, Mr. Podell, Mr. Roy, Mr. Sarbanes, Mr. Vander Jagt, Mr. Veysey, Mr. Won Pat, Mr. Wright, and Mr. Yatron):

H.R. 3847. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PIKE:

H.R. 3848. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

H.R. 3849. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. QUIE (for himself, Mr. Coughlin, Mr. Horton, Mr. Melcher, and Mr. Rinaldo):

H.R. 3850. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 3851. A bill to amend title 38 of the United States Code to protect recipients of veterans' pension and compensation from having the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. ROBERTS (for himself, Mr. Clark, Mr. Don H. Clausen, Mr. Ginn, Mr. Henderson, Mr. Howard, Mr. Johnson of California, Mr. Leggett, Mr. McCormack, Mr. Milford, Mr. Roe, and Mr. Zion):

H.R. 3852. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. ROE:

H.R. 3853. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Broyhill of North Carolina, Mr. Byron, Mr. Carney of Ohio, Mr. Carter, Mr. Goldwater, Mr. Harvey, Mr. Hastings, Mr. Hudnut, Mr. Kuykendall, Mr. Lent, Mr. McCollister, Mr. Metcalfe, Mr. Nelsen, Mr. Pickle, Mr. Preyer, Mr. Roy, Mr. Stuckey, Mr. Ware, and Mr. Young of Illinois):

H.R. 3854. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 3855. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SCHERLE:

H.R. 3856. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. Brooks, Mr. Young of Texas, Mr. Poage, Mr. Fisher, Mr. Mahon, Miss Jordan, Mr. Pickle, Mr. Roberts, Mr. O'Neill, Mr. Patman, Mr. Gonzalez, and Mr. McFall):

H.R. 3857. A bill to designate the National System of Interstate and Defense highways described in title 23, section 103(e) of the United States Code, otherwise known as the Interstate System, as the Rayburn-Johnson Highway System; to the Committee on Public Works.

By Mr. STAGGERS:

H.R. 3858. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

H.R. 3859. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to permit the continuation of youth fares; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 3860. A bill to amend the Internal Revenue Code of 1954 by repealing the present provisions with respect to income averaging and readopting the provisions in effect prior to 1964; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 3861. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 3862. A bill, the Consumer Agricultural Protection Act of 1973; to the Committee on Education and Labor.

H.R. 3863. A bill to amend the Fair Labor Standards Act of 1938 to repeal the special minimum wage rate under that act for agricultural employees; to the Committee on Education and Labor.

H.R. 3864. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.R. 3865. A bill to provide for an additional life insurance benefit of $5,000 in the case of certain beneficiaries of servicemen's group life insurance; to the Committee on Veterans' Affairs.

By Mr. THONE:

H.R. 3866. A bill to extend titles I, II, III, IV, V, VI, and VII of the Agricultural Act of 1970 for 5 years; to the Committee on Agriculture.

By Mr. ULLMAN (for himself, Mrs. Green of Oregon, Mr. Wyatt, and Mr. Dellenback):

H.R. 3867. A bill to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VIGORITO:

H.R. 3868. A bill to deauthorize the Lake Erie-Ohio River Canal; to the Committee on Public Works.

By Mr. WHITE:

H.R. 3869. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 3870. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States to perform services or labor of a temporary or seasonal nature under specific contracts of employment; and to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining as an immigrant of the United States; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 3871. A bill to amend the Animal

Welfare Act, to cover midways at State and county fairs; to the Committee on Agriculture.

H.R. 3872. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 3873. A bill to amend the Horse Protection Act of 1970 (Public Law 91–540); to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 3874. A bill to restore the right of freedom of choice; to the Committee on Education and Labor.

H.R. 3875. A bill to amend the Uniform Time Act of 1966 so as to reduce from 6 months to 4 months the period for which daylight saving time shall be in effect; to the Committee on Interstate and Foreign Commerce.

H.R. 3876. A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions; to the Committee on the Judiciary.

H.R. 3877. A bill to provide for the withdrawal of second-class and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3878. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3879. A bill to authorize an additional 41,000 miles for the National System of Interstate and Defense Highways; to the Committee on Public Works.

H.R. 3880. A bill to provide that certain land acquired for flood-control purposes which is no longer needed for such purposes be disposed of as surplus property; to the Committee on Public Works.

H.R. 3881. A bill to protect funds invested in series E U.S. savings bonds from inflation and to encourage persons to provide for their own security; to the Committee on Ways and Means.

H.R. 3882. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 3883. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 3884. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

H.R. 3885. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 3886. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. WOLFF:

H.R. 3887. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mrs. Chisholm, Mr. Frenzel, Mr. Hicks, Mr. Rinaldo, Mr. Sarasin, Mr. Symington, and Mr. Whalen):

H.J. Res. 300. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 301. Joint resolution to direct the Secretary of Transportation to conduct a comprehensive study of the relationship of motor vehicle size to air pollution, fuel consumption, and motor vehicle accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.J. Res. 302. Joint resolution to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976; to the Committee on Education and Labor.

By Mr. PODELL (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mr. Brasco, Mr. Drinan, Mr. Eilberg, Mr. Fish, Mr. Gude, Mr. Hanley, Mr. Hastings, Miss Holtzman, Mr. Koch, Mr. Lehman, Mr. Mezvinsky, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarbanes, Mr. Steiger of Arizona, Mr. Wolff, and Mr. Yates):

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 304. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 305. Joint resolution providing that the United States shall not participate in any civil action except as a party to such civil action; to the Committee on the Judiciary.

H.J. Res. 306. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

H.J. Res. 307. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 308. Joint resolution to establish a commission to investigate the increase in riots and law violations, including loss of life and property, damage to or threat of damage to or destruction of the economy of States, counties, municipalities, or other political subdivisions, the causes thereof, and to recommend legislation that would grant States, counties, municipalities, or other political subdivisions additional rights to obtain injunctive and other relief to the end that the public welfare be protected; to the Committee on the Judiciary.

H.J. Res. 309. Joint resolution to establish a commission to investigate the increase in law violation, to determine the causes and fix responsibility for the breakdown in law enforcement, with the resulting destruction of life and property, to recommend corrective legislation, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 310. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RANDALL:

H. Con. Res. 110. Concurrent resolution providing for the printing, as a House document, of the eulogies and encomiums of the late President of the United States, Harry S Truman; to the Committee on House Administration.

By Mr. BROWN of Ohio:

H. Res. 189. Resolution to amend the rules to provide for timely appropriations; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H. Res. 190. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 19; to the Committee on House Administration.

By Mr. ICHORD:

H. Res. 191. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

By Mr. MADDEN:

H. Res. 192. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

By Mr. STEELE (for himself, Mr. Clark, Mr. Mosher, Mr. Ashley, Mr. Kyros, Mr. McCloskey, and Mr. Leggett):

H. Res. 193. Resolution endorsing the goals being sought by the U.S. delegation to the United Nations Seabed Committee in preparing for the Law of the Sea Conference, and commending the delegation for its work; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H. Res. 194. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3888. A bill for the relief of Antonio Zambianchi; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 3889. A bill for the relief of Lucrezia Adragna and her children Gioacchino Adragna and Luciano Adragna; to the Committee on the Judiciary.

H.R. 3890. A bill for the relief of Antonio Arena his wife Anna Arena, and their daughter, Anna Nicoletta Arena; to the Committee on the Judiciary.

H.R. 3891. A bill for the relief of Giuseppe Cucuzza; to the Committee on the Judiciary.

H.R. 3892. A bill for the relief of Sigurd Daasvand; to the Committee on the Judiciary.

H.R. 3893. A bill for the relief of Assuntina, Angela, and Raimondo Fiorica; to the Committee on the Judiciary.

H.R. 3894. A bill for the relief of Teresa Metrisciano; to the Committee on the Judiciary.

H.R. 3895. A bill for the relief of Rose Minutillo; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 3896. A bill for the relief of Margarita Badolamenti; to the Committee on the Judiciary.

H.R. 3897. A bill for the relief of Guiseppe Montemaggiore; to the Committee on the Judiciary.

H.R. 3898. A bill for the relief of Stefano Patti, Filippa Scaturro Patti, and Benedetto Patti; to the Committee on the Judiciary.

H.R. 3899. A bill for the relief of Giovanni Rugeri; to the Committee on the Judiciary.

H.R. 3900. A bill for the relief of Pietro Salvo; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 3901. A bill to convey the mineral

rights in certain real property located in Seminole County, Fla., to Carroll L. Ward, Sr., the owner of such real property; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 3902. A bill to provide for the free entry of certain cotton bags for Hamilton Specialties, Inc., of Brooklyn, N.Y.; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 3903. A bill to direct the Secretary of the Interior to convey certain public land in the State of Michigan to the Wisconsin Michigan Power Co.; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

FORMATION OF ECONOMIC INEQUITIES, INC., A NONPROFIT CORPORATION

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 6, 1973

Mr. TALMADGE. Mr. President, last month the Augusta Chronicle and the Savannah Evening Press, in my home State of Georgia, published a nationally syndicated newspaper column by John Chamberlain that mentioned the recent formation of a nonprofit corporation named Economic Inequities, Inc.

The corporation's Board of Trustees, which includes some of the Nation's most reputable economists, have approved resolutions that I believe Members of the Senate and House should bear in mind when they think about the long-run well-being of our national economy. As we know, free social and political institutions depend upon a free and healthy economy. We also know an economy cannot be healthy if it is afflicted by either inflation or unemployment.

In addition to approving the earliest possible completion of the massive book "Economic Inequities," or "The Wealth of a Nation," as it is sometimes called, the Board of Trustees of Economic Inequities, Inc., authorized three national conferences to which America's best theoreticians in economics, mathematics, and sociology will be invited to deliver formal papers. The first conference is to examine the relations between inflation, total public and private net debt, now over $2,000 billion, and the economic production of goods and needed services. The second is to examine the several elements of true economic employment as distinguished from public employment. The third conference, which is dependent upon the first two conferences, is to be charged with the causes and conditions of simultaneous and enduring full economic employment alongside zero inflation.

William D. Pardridge, of Washington, D.C., and Standardsville, Va., who is editorial director of the book "Economic Inequities," claims that widespread preconclusions of most professional economists that such a combination is impossible in a free economy itself housed in an open society are contrary to the natural order of human affairs. He likens this to intellectual defeatism. Disclaiming any fine knowledge of economic theory, I find myself agreeing with Mr. Pardridge's disciplinary training and insight.

Inasmuch as the three conferences must await completion of the book, which now has 40 of its 50 coauthors and 48 of our 50 States within its pages, it is hoped that book completion may be hastened so that the first two groundwork conferences may be organized. The third conference could inaugurate such a lasting era of economic strength for the Western World that communism would die on the vine.

Members of the Senate might question William Pardridge, known to many of us, why he is so convinced that the American way of life, which depends upon the work ethic, and American socioeconomic intelligence together can offer a nonpublic job to any man or woman who believes in honest toil and decent wages. His answers will not give us any rest.

Mr. President, I ask unanimous consent to make a part of my remarks the John Chamberlain syndicated column as it appeared January 12, 1973, in the Augusta, Ga., Chronicle under the heading "The Illusion of Controls."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ILLUSION OF CONTROLS

(By John Chamberlain)

President Nixon, who once campaigned against "Communism, Corruption and Controls," wants wage and price controls to continue after the April 30 expiration of the current Phase II period. The idea is that controls enable the government to combat inflation, which is, of course, pretty much of an illusion. As William Pardridge, the "disagreeable economist" of Washington, D.C. and Standardsville, Va., puts it, price and wage controls attack the result of inflation, not its causes in the increase in the money supply and in mass credit.

To be sure, the government can make a case that controls have kept price inflation within bounds in 1972, but, as the end-of-the-year Morgan Guaranty Trust Co. survey shrewdly observes, a "substantial slack in both plant and work force provided a favorable environment in which controls could operate." One can translate this to mean that controls have worked precisely to the extent that they made no difference—market conditions were such that neither businessmen nor labor leaders could have remained competitive if they had tried to get more than the controls would permit for their product.

The Morgan Guaranty Survey predicts a "spectacular rise" of $56 to $75 billion in personal after-tax income for 1973, which could result in a "colossal buying binge." As a curbstone economist, I would contend that any spending splurge under conditions of selective price controls must result in the strangest distortions. On the one hand, there must be a quick depletion of the stocks of superior goods in the controlled sector as the public, with money burning holes in its pockets, takes advantage of the enforced bargain prices. On the other hand, food prices, which are uncontrolled, would hardly dip in a splurging market. These are the prices that have mocked the inflation fighters all through Phase I and Phase II of controls; the housewife at the supermarket, paying 82 cents for a jar of mayonnaise that used to cost 77 cents, has never known what controls meant.

One big trouble with "controlling" an economy is that nobody can trust government figures. The official Consumer Price Index, for example, indicates that a person with "take-home pay" of $100 a week spends $22 on food. Assuming he has to feed a family of four, this means that he must subsist on fish, stew meat and canned vegetables. The market for delicacies and steaks, however, would seem to indicate that the CPI estimate of $22 is highly misleading. Rent, in the Consumer Price Index, comes to 5.05 per cent of "100 for all items." Well, University of Chicago Professor Arnold Weber, who once served as director of the Nixon Cost of Living Council, has been quoted as saying "to the guy who's renting a house, it's a hell of a lot more" than any mere 5.06 per cent.

In general, one suspects there has been a qualitative decline in a whole broad spectrum of goods. More than two years ago the "disagreeable" Bill Pardridge predicted that a wage-price freeze would "aggravate" inflationary wage demands by "causing a severe reduction in the quality of both goods and needed services." Since Pardridge's analyses of the relationship of debt (including mass credit) to production have yielded accurate estimates of inflation, it is good to know that he is putting together a non-profit corporation, Economic Inequities, Inc., to complete the book he has undertaken with 50 co-authors, many from prestigious universities, in an effort to enlist the best brains in a revitalization of economic science.

Pardridge's board includes Richard Seldon, David Davies and Dudley Dillard, who are, respectively, the chairmen of the economics departments of the University of Virginia, Duke University and the University of Maryland, along with Anna Schwartz of the National Bureau of Economic Research and Paul Van Riper, a former secretary of Beta Theta Pi who is head of the political science department of Texas A. and M.

A stated objective of this group would be to hold national conferences on the interrelationships of inflation, debt and production, with the hope of providing the formula that would combine zero inflation with full employment.

Since nobody in the government Establishment yet has come up with such a formula, it will be good to get the non-government dissidents thinking about this. We couldn't do worse than we have done, and we might do a lot better.

REAP

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, a few Sundays ago our preacher told the story of another minister preaching about man never really owning anything. After the sermon, one of the wealthiest members of the congregation invited the minister to his home for dinner. After the meal, the host pointed out the land surrounding his home and asked the preacher to survey the cattle, the buildings, the crops growing in abundance, and the results of the toil spent in tilling the land. He then said, "Preacher, do you mean to tell me I don't own these lands?" The minister reflected for a few moments and replied, "I wish you would ask me that question a hundred years from now".

The real question is "Who owns the land?" On our farm we have just completed, under the REAP program, the replanting of cutover timber land. These young pine trees are just beginning to catch root. During my lifetime we will not be able to harvest this crop; perhaps my children and their children will. These trees are literally being planted for generations to come.

Those of us who farm this land know full well that we are only custodians for a short time. So we assume the responsibility of leaving our young people more than just a heritage. We must leave them a place to produce food.

The REAP program is funded 30 percent by the Federal Government, 70 percent by the farmer. In the Sixth District of South Carolina there is 40 percent participation in this program.

We would ask those who consider doing away with this program what portion of our Federal budget constitutes the cost of the REAP program, and, comparatively, what benefits result from its use. The cost is roughly .05 percent of the total budget and the benefits cannot be determined in monetary figures.

More important, why should this program be discontinued? As a farmer who has been involved in and seen the results of REAP—streams running clear, small fields combined with larger to handle bigger equipment, yield increases, new trees springing forth to clean the air and permanent pasture grasses clinging to the soil particles preventing erosion—I can testify that this program has worked. Now it is a matter of priorities. Soil conservation should be at the top of the list.

Under the REAP program trees are planted, terraces built, land leveled; grassy waterways established, ditches dug, tile laid. These are practical aspects of the program that help us conserve the soil. We see fields that were once mud reclaimed through tiling and ditching. At one time our rivers ran red from top soil. Now they are beginning to run clear again. We appreciate what conserving the soil really means.

Today the hands of the Russian people are holding out a cup to the American farmer and asking for bread. The trains of our Nation are rolling toward the great ports to load thousands and thousands of tons of wheat to feed hungry people. The protein from soybeans nourishes thousands of persons on the Asian continent and the islands of Japan. The American people have the greatest selection of food at the most reasonable prices of any place in the world. This is a land of plenty. The question arises: Will we continue to be able to supply our Nation and countries around the world with food? As populations grow and other lands are developed, we must ask if this is a continuing problem. Many speculate on the answer, but there is only one authority—time.

MANDATORY PRISON SENTENCES SOUGHT FOR GUN-TOTING CRIMINALS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 6, 1973

Mr. SCHWEIKER. Mr. President, I am cosponsoring S. 576, a bill to provide for mandatory, separate sentences for criminals who carry or use guns during the commission of crimes. This legislation, sponsored by Senator DOMINICK, requires that in any situation where a criminal either carries a gun or uses a gun while committing a felony, he must be given an additional sentence beyond that imposed for the basic crime itself. I ask unanimous consent that a statement of mine in support of this legislation be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY RICHARD S. SCHWEIKER

Mr. President, I am pleased to join with my distinguished colleague from Colorado as a cosponsor of this legislation, which will create a separate crime for using or carrying a firearm during the commission of a crime, and will require that the sentencing for the two felonies run consecutively.

I strongly supported a similar amendment offered by Senator Dominick to the Handgun Control Act last year. The amendment passed by the overwhelming vote of 84 to 11. The Senate has passed other similar amendments on at least three separate occasions, and the distinguished Majority Leader, Senator Mansfield, has strongly supported these provisions for years.

The bill introduced today provides for a mandatory sentence for using or carrying a firearm during the commission of any felony punishable under the laws of the United States. It seems to me that this makes great sense. When a person chooses to arm himself with a gun before he sets out to commit a crime, there is a considerable degree of "malice aforethought" in his actions. Criminals do not choose to carry guns unless they intend to use them if the need arises. That is why an additional sentence is warranted in these cases. If a criminal knows he will be required to serve an additional term for having a gun with him, he will think twice about carrying it.

In addition, this bill provides that any prison term imposed under these provisions may not be suspended, and probation may not be granted. In other words, if you commit a felony with a gun, you are going to get an additional, separate sentence for it, and you are going to have to serve the full sentence. No discretion is left to the courts. No judge can decide on his own that he'll let a gun-toting criminal out on the streets before his full, separate sentence is served.

This is the kind of legislation we urgently need. It protects the rights of law-abiding citizens, but cracks down hard on dangerous criminals. I think when this bill becomes law, we will see an immediate decline in the use of guns in the commission of crimes. I strongly support it, and hope that it will be acted on swiftly by the Senate.

OIL IMPORT QUOTA SHOULD BE LIFTED OR EASED TO COMBAT SHORTAGES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. EVINS of Tennessee. Mr. Speaker, many areas of our Nation are enduring a shortage of fuel oil which has caused considerable hardship this winter to many small businessmen and consumers who require fuel oil to heat homes and businesses and run diesel-powered buses and trucks.

The Small Business Committee, which I am privileged to serve as chairman, has held extensive hearings on the energy shortage and early last fall specifically examined the outlook for fuel oil during this heating season. This inquiry, entitled "Inadequacy of Petroleum Supplies and Its Repercussions on Small Business," began with hearings in Washington, D.C., when testimony was received from numerous small businessmen who are engaged in petroleum marketing. These oil marketers were unanimous in their opinion that supplies of fuel oil were dangerously low.

Their views and the Small Business Committee's conclusion that sufficient fuel oil would not be available this winter were not shared by the Department of the Interior or the Office of Emergency Preparedness. These executive agencies continued to predict adequate fuel oil supplies and stated that it would not be necessary to relax restrictions on the importation of foreign oil in order to meet our needs.

However, the Small Business Committee's report took issue with the administration's position and recommended that the Interior Department and the Office of Emergency Preparedness, in their appropriately shared responsibility for administering and overseeing the operation of the mandatory oil import program, reevaluate the present quota system with its restrictions and also immediately authorize an increase in petroleum imports to provide an adequate amount of fuel oil to meet this Nation's needs.

Unfortunately, these executive agencies failed to heed the warnings of anticipated shortages and they have not even acknowledged the committee's recommendations concerning the oil import restrictions, although requested to do so by November 30 last.

Numerous articles have appeared in the news media questioning the need for continued restrictions upon the importation of foreign oil, among which is a recent editorial in the Tennessean. Due to the importance of this matter and the interest of my colleagues and the American people in solving the fuel shortage, I place the editorial in the RECORD herewith.

The editorial follows:

[From the Tennessean, Jan. 19, 1973]

WHITE HOUSE SHOULD END ALL CURBS ON OIL IMPORTS

In the face of nearly critical shortages of heating oil and diesel fuel in some sections of the United States, the administration has raised import quotas on oil and suspended them for 120 days on No. 2 heating oil.

That is a temporary expedient and a belated action, taken largely in hope of cooling the "political heat" being generated over a situation that has caused schools and public buildings to close, rationing of oil stocks and the fear of an emergency situation in the midst of winter.

The irony is that the White House, the Office of Emergency Planning, various agencies of government and the Congress itself had every advance indication of what was going to happen.

National stocks of heating oil began to drop alarmingly last March. The consumption of fuel oil was then increasing steadily. Anyone who looked even casually at the figures could predict the crunch was coming—that in case of a severely cold winter, it would be soon.

From time to time government officials spoke vaguely of an energy crisis, as if it were somewhere in the distant future. After the election, administration spokesmen hinted that Mr. Nixon would have a proposal to deal with the energy crisis. But almost nothing was done, at a time when consumption was going up and reserves were declining.

There is no real shortage of oil supplies available to this country. But imports have been severely restricted, mostly to please the oil companies, and regulatory policies of the government have now brought icy reminders of this to consumers.

Because of short-sighted and unrealistic policy, American refineries are operating below capacity. Domestic production is not keeping pace with demand and probably can't. Despite this, import regulations are an exercise in illogic.

The U.S. has almost instant access to Venezuelan oil, but it gives preferential treatment to Canada and Mexico, both of which present supply problems. This goes back to the Eisenhower administration, which excused the Canada-Mexico arrangement on the basis of defense considerations.

To carry illogic a step further, the U.S. recently increased the quota of refined fuel oil that can enter the country from the Virgin Islands. With U.S. refineries below capacity, it was a strange decision to give a plum to Ameranda Hess, the major refinery in the Virgin Islands.

Much of the crude of Ameranda Hess comes from the Middle East, which involves long tanker trips and added cost.

The question now is whether a temporary suspension of heating oil quotas is going to do the job and if the increase in imports permitted is enough.

What the administration should have done before and needs to do now is end the quota system entirely. Temporary measures are not answers, and answers are needed before the U.S. finds itself in deep freeze.

SENATOR FRANK E. MOSS, NEW CHAIRMAN OF AERONAUTICAL AND SPACE SCIENCES COMMITTEES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 6, 1973

Mr. METCALF. Mr. President, my good friend, Senator TED MOSS, has taken over the chairmanship of the Aeronautical and Space Sciences Committee. I have read, and am impressed by, the statement he released to the press on that appointment. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

MOSS TAKES CHAIRMANSHIP OF SENATE SPACE COMMITTEE

WASHINGTON, D.C.—Senator Frank E. Moss, D–Utah, Chairman of the Aeronautical and Space Sciences Committee said in an interview today in Washington:

I am honored that my Democratic colleagues have selected me to be Chairman of the Senate Committee on Aeronautical and Space Sciences. This is a challenging and important assignment. I look forward to working with the members of this Committee.

Aerospace is important to this country. It is the leading industry in Utah and, therefore, of vital interest to my constituents. A spokesman from Business Research at the University of Utah advised me that there are 19,000 jobs dependent upon aerospace industry in Utah.

Many people may have the impression that the space program is over now that the last Apollo moon landing has taken place. This is not the case. One important phase of our space exploration program has ended, but a new phase—a more productive phase in terms of benefits to man on earth—has already begun. Indeed, Congress in enacting the National Space Act stated that activities in space should be devoted to the peaceful purposes for the benefit of mankind.

This new phase includes a study of the earth's environment and the earth's resources with the Earth Resources Technology Satellite, launched last summer, and with the manned Skylab which will be launched this year. It includes a continuation of our research into the earth's weather. It includes a scientific work in many fields, such as the exploration of the planets with unmanned space probes.

An important element in this new space program is the space shuttle—a development which will make the use of space more practical and less costly. I supported the space shuttle in last session of Congress. All of these elements of our space program have important international aspects: in many we are sharing the costs of space exploration, and the fruits of this exploration, with other nations around the world. Cooperation with other countries in the areas of atmosphere, probes, rescue missions and information exchanges are exciting and vital concepts to a peaceful world.

No one can be more aware than I am that I am a beginner as far as knowing or understanding the details of the space program, its values, and its implications for the nation. In the days ahead, I will work diligently with my colleagues on the Committee and with NASA to develop a clear understanding of the program and their relation to other national needs and priorities. Like most of my colleagues, I have been concerned with the apparent high cost of the space program in relation to other important demands on the nation's resources. I therefore approach the question of the current, present and future level of the nation's space program with an open mind.

The uses of satellites in hydrologic, geologic and mapping studies to aid in the proper use of our earth resources can be of great value to the United States, and to Utah and the West in particular.

I am prepared to listen to all segments of the government, industry and the academic sciences and the other distinguished members of the Committee, to give the Senate and the country my best judgment as to the actions the Congress should take in this field.

"ALIVE IN CHATTANOOGA"—SOUTH CENTRAL BELL TELEPHONE EMPLOYEES SAVE FOUR LIVES IN CHATTANOOGA AREA

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. BAKER. Mr. Speaker, we hear a great deal today about apathy and indifference to the problems of our fellow men, suggesting that no longer are there persons who are willing to "stick their necks out" to help one another. While there may be an element of truth in that statement, I am proud to say that in my home district, and especially in my hometown, Chattanooga, Tenn., we have had at least three instances which seem to prove this assumption wrong. In each of these instances, ordinary people—all employees of South Central Bell Telephone Co.—sprang instantly into action when they noted another in distress.

These acts of valor were reported in the December issue of Take Tenn, the monthly publication of South Central Bell. I submit the article, "Alive in Chattanooga," which relates these instances in the Extensions of Remarks in the RECORD at this point. The article follows:

ALIVE IN CHATTANOOGA

Does the Spirit of Service live in the Chattanooga District? You bet!

During the past year, in fact, the Spirit of Service has lived three times over.

The Spirit, that human quality that makes telephone employees care about their fellow man, has recently saved four lives in the Chattanooga area.

Lemon R. Burrows had the Spirit of Service when he pulled two little boys from a burning car. Jimmie Ruth Humbert had the Spirit when she saved the life of a potential suicide. So did Bill Hammer when he pulled a drowning skier from Chickamauga Lake.

Assignment Foreman Lemon R. Burrows and his wife, Nancy, saw a burning car as they drove into the Northgate Mall on July 22. A little arm was thrashing around from the car window.

Lemon drove straight to the burning auto and pulled two little boys, one five, the other two, from the flames. Both tykes were uninjured, thanks to Lemon. The car was destroyed.

"Much is said about non-involvement," an editorial two days later in the Chattanooga *News Free Press* said, "but fortunately there are still many people who are quite ready to be involved if they see someone needing help and are in a position to give it."

Thanks to Lemon Burrows and the Spirit of Service, a tragedy was averted and two lives saved.

Cleveland operator Jimmie Ruth Humbert received a call from "CONTACT," a local ministerial association for people in need. The caller had expressed an intention to commit suicide. CONTACT called the operator. Mrs. Humbert verified the caller's telephone number and agreed to determine the caller's name and address since the situation was clearly an emergency. She called the Plant Service Center and W. A. (Bob) Roberts gave her the information.

The Cleveland Police Department sent immediate help. The caller was taken to the hospital and a life saved.

"I didn't think anything about it," Mrs. Humbert said, "until a letter of appreciation was sent to Cleveland Manager Sam Fair."

The CONTACT coordinator said, "we didn't know the name of the operator who took this call, bue we wanted to thank her."

The Spirit of Service was far from the mind of Plant Department Powerman William E. (Bill) Hammer as he and a friend, Vernon Arthur, cruised the waters of Chickamauga Lake on Labor Day, 1971. After all, it was a holiday, the water was nice and cool and the sun hot. He was doing what other boaters and vacationers were doing—enjoying life.

All except one little boy. A boat passed Bill going in the opposite direction. The boat had a driver and an observer, prescribed by law when pulling a skier. The skier was a young boy wearing a foam life preserver. There was one hitch, though. The preserver was built for adults, not youngsters. No amount of hitching and cinching had been able to make it fit.

In a wink, the skier lost his balance and was in the water. The preserver was ripped from him on impact. Recounting the experience later, Bill said: "As soon as he hit the water, I knew he was in trouble. I didn't think, something just told me."

There wasn't time to shed his shoes or remove his billfold. Bill jumped in the lake fully clothed. The youngster had already gone under the water several times before Bill reached him and pulled him into his father's boat. Artificial respiration revived the youngster.

A month later, the Loret Boating Club honored Bill Hammer during special ceremonies one evening. The coast guard followed suit soon afterward with a Letter of Commendation. A citation was also presented by the Special Awards Committee.

Maybe the Spirit of Service is like an endless catalog. As one page is turned, an entirely new one appears. But this is only natural since each of us is different from those around us. Yet, we are the same. When we see someone in trouble, we move, put our personal thoughts out of the way and reach out to help. That is the Spirit of Service.

A SAD COMMENTARY

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 6, 1973

Mr. CLARK. Mr. President, the commodity market is a $180 billion a year business with a substantial impact on the country's economy. Every working day at 11 separate exchanges across the country, contracts on corn, wheat, oats, cattle, potatoes, soybeans, and other commodities are bought and sold. Like other markets, the process can be open to abuse and fraud.

In a number of articles in the Des Moines Register, Clark Mollenhoff and James Risser have described a case in point. The articles are worthwhile reading, and I recommend them to the Senate.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Oct. 1, 1972]

WATCH ON WASHINGTON: SAD COMMENTARY ON U.S. HEARINGS

(NOTE.—Watch on Washington is a weekly commentary on people and the capital by the Pulitzer Prize-winning chief of The Register's Washington Bureau.)

(By Clark Mollenhoff)

WASHINGTON, D.C.—Citizens who count on governmental regulatory agencies to help them obtain due process of law in disputes can take little heart from the 12-year ordeal of Bernhard Rosee, a former commodity trader from Chicago, Ill.

Rosee, now 74, had to battle 12 years before he could gain through an Illinois court a proper hearing at which he could present full testimony to prove he was defrauded of more than $100,000 by a Chicago commission merchant.

The ordeal is a sad commentary on hearing procedures of the Chicago Board of Trade and on the federal Commodity Exchange Authority (CEA), which was established to keep commodity markets honest and protect the trading public.

EVIDENCE CLEAR

When he finally received a hearing before Illinois Circuit Judge Nathan Cohen this year, the evidence to establish the fraud was clear. In his decision, Cohen said Rosee had been "wrongfully, fraudulently, willfully, **and** maliciously injured."

Cohen said an earlier arbitration hearing before the Chicago Board of Trade was "a travesty" because Rosee wasn't permitted to have his lawyer present or to call witnesses he deemed necessary, and he was barred from access to commodity trading records required by law. Those records are kept for the purpose of preventing just such an ordeal as Rosee's.

In awarding Rosee $700,000 against the now-defunct firm of Baggott and Morrison and firm members James Baggott, jr., Donald Morrison, and Harris Haywood, Cohen told their attorney: "The gentlemen you represent were thoroughly dishonest. They secreted records. They suppressed records. They altered records." (The boards of trade generally are held liable for damages in the case of financial failure of clearing members.)

The question can properly be asked now: What was the Commodity Exchange Authority doing to fulfill its basic responsibility "to protect market users against cheating, fraud and abusive practices" in commodity transactions?

COUNTLESS EFFORTS

Rosee and his attorney, Milton Brandt, made countless efforts to obtain an adequate investigation from the CEA in Washington.

Alex C. Caldwell, the 62-year-old administrator of CEA, had been in that job during most of the time the Rosee controversy was simmering, and, before that, was in charge of the agency's compliance division.

Even today, Caldwell insists he is powerless to investigate arbitration hearings before the various boards of trade. "They set up their own procedures and file them with us," Caldwell said. "I am not sure whether we would even have the jurisdiction to investigate whether there was due process of law for the parties.

"We have pretty much taken the position that the conduct of the hearings by the boards of trade are internal affairs of the boards of trade, and we don't have authority to investigate," Caldwell said.

He acknowledged that Rosee and his legal counsel had been in his office nearly a dozen times in the last 10 years to complain about the lack of fairness in the board of trade's arbitration hearing. That hearing resulted in a finding that Rosee was behind in his accounts Baggott and Morrison, and should lose his seat on the board of trade.

"I had an investigation made by the Chicago office, and they said there was no way to tell who was telling the truth," Caldwell said.

The CEA administrator said he was aware that Judge Cohen had awarded Rosee a $700,000 judgment against the partners in the Baggott and Morrison firm, but didn't know what the evidence showed relative to the doctoring of commodity records.

He said he was unaware of a letter to Rosee from Harris Haywood, from which Cohen concluded, "Mr. Haywood confessed his defalcations."

The Haywood letter, written in 1971 from a health institution, asked Rosee's forgiveness for the wrong he had done to Rosee. The letter was written as part of a therapy treatment.

ON THE STAND

"This is an out and out confession," Cohen told Haywood's lawyer, and expressed his disbelief of the later explanation of the letter to Rosee that Haywood gave on the witness stand. "Mr. Haywood was one of the worst witnesses I have ever heard from a standpoint of telling the truth. He was not only unconvincing but the contrary. He convinced me he would say whatever served his motives," the judge said.

Caldwell denied Rosee's claim that he had informed the CEA administrator about catching Haywood cutting onion skin pages out of commodity dockets required under CEA law and regulations.

Melvin Brandt and Rosee gave testimony before Cohen that they entered Haywood's office in November, 1963, and found him cutting pages out of the commodity books for the period involved in Rosee's dispute with the Baggott and Morrison firm. Both made affidavits at the time, and the docket with 60 numbered pages missing corroborates their testimony that it was altered.

In the hearing before Judge Cohen, Haywood admitted cutting the pages from the book "to save space in the office." Cohen commented on "the wholly unworthy testimony of . . . Haywood and Donald Morrison and the machination engaged in by Mr. Haywood with respect to complex record keeping and miskeeping." He noted the absurdity of removing 60 onion skin pages "to save space" in a huge office of 350 cubic feet.

Cohen said the law is clear that Morrison and Haywood should not be permitted to reap the "fruits of . . . fraud" and place recovery beyond the reach of the victim "merely by suppressing or destroying documents as appears to have been done in the case."

John R. Blomquist, lawyer for Haywood and Morrison, made the comment that demonstrated clearly the serious responsibility of the board of trade and the Commodity Exchange Authority in policing records of commodity trading.

"I would like to say that these records passed muster with the CEA. They passed muster with the board of trade and the clearing corporation," the defense lawyer said.

SAME POINT

It was another way of saying what Rosee and his lawyers had been saying for years. They contended the hands couldn't have been covered up if the Chicago Board of Trade hearings had provided full due process of law and if there had been any competency or sense of justice on the part of the U.S. Agriculture Department, through the CEA, in policing the commodity markets.

Rosee blames Caldwell for most of his ordeal. "If he (Caldwell) had been willing to conduct a thorough investigation 10 years ago, or would have helped me get the trading records, this whole thing could have been settled quickly. I could tell when we talked to Caldwell that he wasn't going to do anything. He'd made up his mind that the board of trade decision was right."

Caldwell, even by hindsight, can find nothing to criticize in the way his agency handled the Rosee case, thus failing to see how "due process" was denied in procedures in the board of trade hearing.

[From the Dallas News, Nov. 18, 1972]

WATCH ON WASHINGTON: CEA ACCUSED OF FRAUD IN SUIT

(By Clark Mollenhoff)

WASHINGTON.—An agency of the U.S. Agriculture Department (USDA) has been accused of fraud and unjustified secrecy for its part in a lengthy civil suit involving trading on the commodity markets in Chicago.

The Commodity Exchange Authority (CEA), the USDA agency with the responsibility for policing the commodity markets, now claims the crucial records involved in the case were destroyed recently in a periodic cleaning of its files.

The destruction of the daily trading records of the Chicago Board of Trade was ordered despite the fact that CEA Administrator Alex Caldwell has been on notice for several years that Bernhard Rosee, a 74-year-old trader, considered those records vital to establishment of a claim against Baggott and Morrison, a now defunct brokerage house.

Last fall, Rosee won a $700,000 verdict in an Illinois State Court in a civil suit against Baggott and Morrison. Judge Nathan Cohen ruled the partners and office manager of Baggott and Morrison had perjured themselves, had altered and destroyed financial records and had produced false records in defending against Rosee's suit.

ACTUAL LOSSES

Rosee and his attorney, Melvin A. Brandt, contend that additional records from the CEA establish that Rosee's actual losses totaled nearly $2 million.

Rosee fought the case for a dozen years and says the only reason he eventually received a favorable verdict was Judge Cohen's years of experience as a lawyer in the Enforcement and Compliance Division of the Securities and Exchange Commission (SEC).

In winning the verdict in Illinois State Court, Rosee established these basic points:

The now-defunct Baggott and Morrison firm had flagrantly misused Rosee's trading account and then brought charges of trading account delinquencies against Rosee that resulted in his ouster from a seat on the Chicago Board of Trade in early 1960s.

A business manager for Baggott and Morrison and one of the partners destroyed trading records in the crucial period and then lied about it to the board of trade, in a federal court hearing, and in the state court.

The CEA has clamped a secrecy lid on records Rosee claims would have proved his case years ago. Those records deal with daily trading on the exchange and are required by law to be retained indefinitely in instances where there is reason to question their accuracy.

Rosee charged last week the CEA and the Chicago Board of Trade presented false documentation to U.S. District Court Judge Hubert Willis, who ruled there is no federal jurisdiction in the Rosee case, which has been tried, so far, in state courts.

Judge Wills acknowledged the CEA and Board of Trade records were in part responsible for his ruling. However, the CEA summaries were unsigned and there is a problem of establishing the identity of the person or persons who prepared them.

CEA Administrator Caldwell has held that post through most of the 12 years the Rosee case has been in litigation. He insists that CEA doesn't have authority to conduct an investigation of Rosee's broad allegations of CEA involvement in producing fraudulent records.

Allegations of fraud and unjustified secrecy have been called to the attention of Agriculture Secretary Earl Butz, who has turned the letters of complaint over to Caldwell for investigation and action.

It is possible that Secretary Butz has not recognized the seriousness of Rosee's allegations.

SIMPLEST FORM

In its simplest form, the charges are:

That an agency in Butz's department was negligent or corrupt in its investigations of Rosee's initial dispute with the Baggott and Morrison firm.

That his agency did not make available to Rosee the trading records of the Chicago Board of Trade and its own records required by law to prevent frauds upon the trading public.

That some officials in his department participated in deception of a federal court by submitting false documents and making false representations upon which Judge Wills ruled there was no federal jurisdiction in the case.

In these allegations, supported in general terms by a ruling by the Illinois State Court, aren't sufficient to cause Secretary Butz to be gravely concerned about the possible injustice in his area of responsibility he could be highly vulnerable to criticism and investigation by the next Congress.

[From the Des Moines Register, Aug. 20, 1972]

RULING RAISES MARKET DOUBT

(By James Risser)

WASHINGTON, D.C.—Serious questions have been raised about policing by the U.S. Department of Agriculture (USDA) of the commodities market, as the result of an Illinois court decision finding that rigged records were used to defraud a grain trader of his seat on the Chicago Board of Trade.

The ruling awarded $700,000 to Bernhard Rosee, a 74-year-old Austrian-born broker who has been battling with the federal government for more than two decades over his contention of corruption in grain markets.

REJECTED DEMANDS

Officials of the department's Commodity Exchange Authority (CEA) have scoffed at Rosee's arguments, and consistently have rejected his demands to inspect government records, which he said would prove he was defrauded.

But Cook County, Ill., Circuit Judge Nathan M. Cohen, winding up a case that has dragged on for nine years, ruled last month that Rosee indeed was defrauded by three "thoroughly dishonest" officials of a now-defunct Chicago grain-trading firm.

"They secreted records, they suppressed records, they altered records," and then offered the court a defense that was "replete with their falsity, deceit, and deviousness," Cohen said.

Rosee had alleged he was deprived of his Board of Trade seat and "blackballed" from trading after the board's Arbitration Committee ruled in 1961 that he owed substantial amounts of money to the trading firm, Baggott & Morrison.

Rosee denied he owed the firm anything, contending that records had been altered to make it appear as if he had taken large losses on the buying and selling of grain futures handled for him by Baggott & Morrison.

During his fight, Rosee was forced to live for several years on welfare payments.

A break came in the protracted court battle when one of the defendants, Harris Haywood, sent Rosee a letter asking him "to find it in your heart to forgive me" for "my actions over the past few years."

CITES "CONFESSION"

Judge Cohen said the letter amounted to "a confession of wrong-doing" by the former office manager of Baggott & Morrison.

The $700,000 judgment was rendered against Haywood and against the former firm's two partners, James E. Baggott, jr., and Donald W. Morrison.

Cohen awarded Rosee $25,000 for the loss of his trading privileges on the Board of Trade, $275,000 in lost earnings since he lost his seat on the board, and $99,000 representing the amount Rosee allegedly was defrauded in a September, 1959, transaction.

He also awarded punitive damages of $150,000 each against Haywood and against Morrison.

Rosee said, however, that he is not satisfied and will continue his fight to win back his seat on the Board of Trade.

Last year, Rosee filed suit in federal court in Washington against then-Secretary of Agriculture Clifford Hardin, CEA Administrator Alex C. Caldwell, and four other Agriculture Department officials.

He charged in that suit the department was withholding records which would allow him to prove his case against Baggott & Morrison, and claimed that Caldwell and the other officials had taken part in a conspiracy to drive him out of business.

Rosee alleged that the conspiracy came about because he had, in the past, "voiced complaints and made critical comments against the deceptive practices of certain officials in the Department of Agriculture and a group of manipulators in the Chicago Board of Trade."

DESCRIBED WRONGDOING

Rosee received national publicity in 1945 when he told Congress of an attempt illegally to corner the market in the trading of rye futures. Three years later, he caused Congress to take a look at questionable practices in cotton trading.

The Agriculture Department has offered to give Rosee a portion of the records he is seeking, but Rosee has refused the offer. As a result, the federal court here dismissed Rosee's suit on grounds he had not "exhausted his administrative remedies."

Rosee vows to continue his fight to open up the records, which the Agriculture Department contends must be kept confidential to protect the identity of customers of Board of Trade Commission merchants.

Rosee insists this is a misuse of federal confidentiality provisions, and that he needs the information to prove his charges of a conspiracy and win back his Board of Trade seat.

Administrator Caldwell has maintained that the department has investigated Rosee's charges and found them without merit, but that was before the recent Illinois decision determining that Rosee was defrauded.

REPORTS OF RULEMAKING BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. ALEXANDER. Mr. Speaker, during recent days a large number of Arkansans have brought to my attention reports of proposed rulemaking by the Department of Health, Education, and Welfare which seem to be ample cause for deep concern. These proposed regulations, according to the information provided to me, would—if put into effect—have a seriously adverse effect on social and rehabilitation programs which have been operating in Arkansas, and other States, with Federal assistance.

Because I believe this matter will be of considerable interest to our colleagues, I would like at this time to insert in the RECORD a copy of a letter which I have written to Mr. John D.

Twiname, administrator of the Social and Rehabilitation Service of HEW. I commend this letter to the consideration of my colleagues:

Mr. JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. TWINAME: Recently a number of 1st District constituents, persons living in other parts of Arkansas, and state officials have brought to my attention what appears to be a very alarming situation with regard to the provision of social and rehabilitative services under the federally-assisted programs authorized under the Social Security Act.

Their concern, and mine, is the result of reports relating to regulations which DHEW intends to propose for the implementation of Titles IV-A and XVI of the Social Service Amendments to that Act passed by the 92nd Congress. It is my understanding that these are to be published as proposed rulemaking on February 14.

The information which has been provided me indicates that many persons—many who are mentally retarded, neglected, delinquent and/or dependent children—who now benefit from the social and rehabilitation service programs will be denied future benefits. It also appears that the capacity of state and local programs to continue operating will, in many cases, be severely reduced or eliminated.

I strongly favor improved management of these programs and of the services offered. I also recognize the need to employ available funds as efficiently and judiciously as possible. But, I am just as strongly opposed to implementing federal regulations which will effectively and unreasonably deny the benefits of the programs to persons whose access to them will be beneficial to the individual, to his or her family and to society at large.

This is especially true when such a denial can reasonably be expected to seriously diminish the possibility that persons suffering from mental or physical handicaps, or who are neglected, delinquent and/or dependent children, will be able to achieve more desirable levels of self-sufficiency and, whenever possible, become contributing members of society.

I urge that you give serious consideration to my position and to that expressed by Dr. Roger B. Bost, director of the Arkansas Department of Social and Rehabilitative Services, in his December 22, 1972, memorandum to your office.

With kindest regards, I am,
Sincerely,
BILL ALEXANDER,
Representative from Arkansas.

UTILITY PROMOTION: LOBBYING AND THE "FAIRNESS DOCTRINE"

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 6, 1973

Mr. METCALF. Mr. President, many consumer groups and citizen organizations are raising important questions in connection with utility advertising campaigns and protection of consumer interests in the application of the Federal Communications Commission's "Fairness Doctrine." One such group, the Utility Consumers Council of Missouri, has taken its case to the FCC where it awaits decision. The FCC is being asked to rule on whether or not the "Fairness Doctrine" applies to commercials that promote a corporate interest, such as those which prepare the public for rate increases, as opposed to those that simply sell a product.

A description of this case and of other similar cases involving attempts by consumer groups to air counter-ads in the utility field is contained in the January 15, 1973, issue of Electrical World. McGraw-Hill, which publishes Electrical World, often refuses to sell subscriptions to the magazine, except to persons associated with the utility industry. Information about utility counter-ads deserves wide circulation; therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY MARKETING: "FAIRNESS DOCTRINE" ADDS TO AD WOES

In widely scattered cases across the country, utilities have been confronted by consumer groups with questions concerning utility advertising and application of the Federal Communications Commission's "Fairness Doctrine." The reaction of the utilities and the broadcast media has varied widely. One case is now awaiting decision before FCC; others are threatened.

The effect upon the utilities has not been as great as that upon the broadcasters, which one industry source termed as "terrifying" because the fairness doctrine is so "ill-defined." This is especially so for network-owned and -operated stations, he added. They fear, he explained, a recurrence of the "cigarette hassle," in which the broadcasters were ordered to run counter commercials to their cigarette ads.

ST. LOUIS, MO.

The case now pending before FCC involves St. Louis stations KSD-TV and KTVI-TV, and specifically concerns a rate application that Union Electric Co. filed last spring for almost $27-million. The utility at this time considers the case moot, since the ads stopped and some $21-million in increased rates were approved and went into effect last Nov. 28.

UE felt it was necessary to "explain precisely why we needed the increase and how our costs have been going up in recent years," a spokesman said. It put together three one-minute commercials at a cost of $50,000, and took them to local TV stations. The commercials explained that UE was seeking an increase, and that it was doing so because fuel costs had risen 39% in the same period that electric rates rose only 8.6%.

One television station, KMOX, refused to run the UE commercials. "We didn't accept their commercials because we felt UE took an editorial slant in them," says Chris Duffy, director of broadcasting for the station. "We have a policy against things like that, and we checked our decision out by putting it through our law department. They felt we were right."

But UE did get three takers: KSD-TV, KTVI-TV, and KPLR-TV. When the commercials went on the air, it was like a red flag to Mrs. Alberta Slavin, a local consumer-movement advocate and a frequent organizer of opposition to UE through the Utility Consumers Council of Missouri.

Mrs. Slavin demanded that the stations allow her to put on her own commercials opposing the commercial by UE. Only one station, KPLR, allowed her free commercials. "We felt the [UE] commercial slid far enough into the political vein that the equal-time provisions applied," says James R. Herd, vice president of KPLR. "We have followed the advice of attorneys who have successfully led us through the jungle of FCC," Herd says. "We gave her equal time," he added, "patterned after the antismoking spots, which work out to about three-to-one."

The other two stations, however, did not run her commercials, as such. KSD-TV used some during an interview program with Mrs. Slavin, but she maintains this is not enough. KTVI-TV declined the use of commercial time, but did offer her time on the air during an interview program to explain her views.

Mrs. Slavin filed suit with FCC, seeking to force the stations to give consumers' groups time in future situations like this. Never before, says Prof. Ray E. White, Jr., professor of law at St. Louis University, has FCC been asked to rule on whether the fairness doctrine applied to commercials that promote a corporate interest rather than sell a product. "Why do they want to keep the public informed?" says White. "That's the first thing. We feel these commercials are somehow an effort to influence public opinion and the commission."

PHILADELPHIA, PA.

Early last year, Philadelphia Electric Co produced a series of 11 two-minute commercials, called the "Tell it like it is" campaign (EW, July 1, 1972, p. 68). PE wanted to explain its problems to the public and describe what it is doing in the areas of pollution, blackouts, nuclear power, and rate increases.

When PE's agency, the Al Paul Lefton Co, which created the commercials, tried to place the series on all three major television stations, two turned the commercials down. Lefton placed the series on WPVI-TV, an affiliate of Capitol Cities Broadcasting, on 88 spots consisting of early and late news and six Wednesday-night movies.

John M. Rohrback, Jr., general manager of KYW-TV, the Westinghouse affiliate, replied to Lefton: "We consider that a number of the subjects you propose to cover are controversial in nature and in conflict with our policy regarding the sale of time to commercial advertisers wishing to promote one side of a controversial issue. As a broadcast licensee, we are obligated under the fairness doctrine to present both sides of such issues, and do so in our own news and public-affairs programming, as well as in editorials, which offer the opportunity of on-the-air replies by responsible spokesmen representing opposing points of view."

KYW-TV never saw the commercials; they considered the campaign controversial merely on the basis of concepts and subjects described to them. WCAU-TV, the CBS affiliate, did see the commercials, but a CBS lawyer in New York also judged the series controversial and refused it. He was apprehensive about being inundated with requests for equal time. CBS is in the courts over the same issue currently with its affiliate in Washington, D.C., for refusing to sell time to the Business Executives for Peace.

WPVI-TV, however, never had any reservations about the campaign and the fairness doctrine. Eugene McCurdy, general manager of the station, says he was aware that there could be requests for reasonable counter-time, but he thought that the campaign was handled professionally, and that the explanations were quite detailed and factual.

In fact, McCurdy had only one request from an environmental group, the Environmental Coalition, for a reasonable amount of air time to present its views on several issues. WPVI-TV arranged a one-hour program last May, called Profile, in which it featured a panel discussion on power issues.

Ken Haverstick, account executive of the Lefton Agency, feels that "the fairness doctrine is unfair because PE has to pay to air its views, while others do not have to." Creation of the campaign cost PE $100,000, plus $250,000 for air time.

ATLANTA, GA.

A number of concerned citizens groups opposing Georgia Power Co's television ad campaign on ecology, environment, construction plans, and public service has asked 12 Georgia TV stations carrying the utility's 60-second spots for fair coverage to tell all sides of the issues under the FCC fairness doctrine. In a letter on Oct. 12, the Georgia Power Project, a Georgia tenants organization, Emmaus House, the Atlanta chapter of the National Welfare Rights Organization, and the Georgia Labor Council, AFL–CIO, detailed to stations in Atlanta, Albany, Augusta, Columbus, and Macon instances in which ads raised controversial issues of public importance. Their attorneys have asked the stations to present both sides of issues by producing spot commercials, interviews, and feature shows or other appropriate programming, and members of the group have volunteered to participate in the shows.

All stations were asked to reply by Oct. 31 or expect punitive action from the groups, which planned to file complaints against them with the Broadcast Bureau of FCC. Despite the hazard of FCC intervention, as of press time, all the stations had not yet replied, and those that have did not promise satisfactory programming, says Bob Hall, a spokesman for the project.

Charles Minors, executive vice president and assistant to the president of Georgia Power, says the company's position is that none of the ads raises controversial issues of any substance. Beyond that, the utility has simply advised stations that if they do grant time for a response to the groups, that the program be limited to issues raised in the advertising. He does not believe that the ads fall under the fairness doctrine, although he is aware that the latitude for judgment is wide.

Georgia Power objects to the media calling the concerned groups "Citizens' Groups." Says Minors, "We don't think (the Georgia Power Project) is; they are by their own statement a group of socialists." In trying to gauge the extent of the opposition mounted by the project, the utility has concluded that, apparently, there are a dozen or so members, most of whom are also with "The Great Speckled Bird" (a local underground press), and that it has cast a pretty broad net in trying to interest people but has never succeeded.

The project first raised objections to George Power operations at a rate-case hearing before the Georgia Public Service Commission in August. During the hearings, which ended in early November, Georgia Power presented testimony in behalf of its application for a 12.14% ($48-million) increase in retail electric rates. The P&C recently granted a $17.8-million increase, and Georgia Power attributes this low figure in large part to the intervention of these groups.

The groups feel that the issues are similar to those that FCC recently determined to deal with controversial areas and not general products, and are thus covered by the fairness doctrine. This ruling was established after Standard Oil of New Jersey and Canadian Arctic addressed only one side of the controversial Trans-Alaska pipeline issue in their ads.

WYEA–TV, a Columbus (Ga.) station that carried seven 60-second spot ads between June and August for Georgia Power, invited the groups to tape a 30-minute program to present both sides of the issues. Maury Farrell, the general manager, is not convinced that failure to respond to the groups' request would precipitate any action from FCC, because he does not believe the fairness doctrine applies despite the pipeline ruling. "Frankly, I don't think they're entitled to it," he says.

LOS ANGELES, CALIF.

Southern California Edison also had its run-in with the fairness doctrine when it tried to place ads dealing with siting, the need for electricity, and energy conservation. Its experience points up the confusion surrounding the running of such ads. In this instance, of the 14 TV stations available, only three, the network stations, raised the issue of controversy and conflict with the fairness doctrine. And of the 70 radio stations on which ads are placed, again only three raised the question and refused to carry them.

The utility carried the same ads in the spring and fall of 1972. In the spring, CBS and NBC TV affiliates carried the ads for several weeks before "cutting them off." They were re-instituted later in the season. The ABC TV affiliate carried two of the three ads all the way through.

On the radio side, CBS and ABC affiliates carried the ads only up to mid-May. NBC, which is locally owned, carried them all through the scheduled series, which ended in early June.

From June until September, no TV ads were scheduled. Energy-conservation ads were scheduled for radio. The CBS radio station refused to carry the ad until the last two weeks of the schedule. NBC carried the entire series; ABC turned the ads down.

SoCal Edison's fall ad schedule began the last week in August and ran for six weeks. The commercials were the same as in the spring. But the lineup of the network TV stations again changed. CBS refused to carry the ads until mid-September; NBC carried them all; ABC carried none. Where radio commercials were concerned, all stations carried the siting and need-for-electricity ads, but ABC refused the energy-conservation ads.

According to SoCal Edison, it all boils down to a question of program balance on "controversial" issues, and depends on a decision that only the stations can make. The utility, however, sees the ads as informative, and not controversial.

RUTH LYONS CHRISTMAS FUND

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. KEATING. Mr. Speaker, I would like to bring to the attention of my colleagues a rather unique and interesting fundraising program in Cincinnati which brings joy to thousands of hospitalized youngsters in Ohio, Kentucky, and Indiana.

The project, the Ruth Lyons Christmas Fund, is named after the late Ruth Lyons, a television personality who hosted the "50–50 Club" until her retirement in 1967.

The Christmas fund began in 1939 when Mrs. Lyons first broadcasted her "50–50 Club" radio show. Since that time more than $7 million has been raised.

Today, almost 100 hospitals in Ohio, Kentucky, and Indiana participate in the project.

The money distributed to the hospitals is spent at the discretion of each hospital. The funds could be used to buy toys, games or dolls for each of the pediatric wards. The money also can be used to purchase pediatric medical equipment.

Since Ruth Lyons' retirement from the "50–50 Club" the show has been hosted by Bob Braun who can be seen on AVCO Broadcasting Stations in Cincinnati, Columbus, Dayton, and Indianapolis.

During the past 2 years, the viewers and listeners to the "50–50 Club" have contributed more than $450,000 each year.

The total for the 1972 drive was $406,395.36.

This money will go toward making life a little bit more enjoyable for youngsters who have to go through the experience of entering a hospital in the Tri-State area.

It should be mentioned that Bob Braun not only directs the fundraising appeal from the station's studios but he also makes numerous appearances in the hospitals entertaining the youngsters.

Mr. Speaker, thousands of parents have expressed their thanks for the Ruth Lyons Christmas Fund which has gone a long way since 1939 to relieve the apprehension of each youngsters who has entered one of our neighboring hospitals.

Bob Braun and his "50–50 Club" should be given a hearty thank you from all of us.

THE PEOPLE'S NEED TO KNOW

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MACDONALD. Mr. Speaker, I want to call the attention of my colleagues to a fine series of editorials published recently in the Boston Globe. Entitled "The People's Need To Know," the series ran from January 21 to January 27, 1973.

I would like to commend the Globe for its treatment of the sensitive issues involved and for coming to grips with the problem of government interference with the freedom of the news media.

I would like to include in the Record at this point one of this series of editorials which suggests that the public's need to know is under a broad attack on many fronts and from many sources:

A Bill of Complaint

> How much do the people have a right to know? Merely to ask the question in the world's freest country is to answer it: Just about everything there is to know.
>
> But some people in government and elsewhere would not agree. And so, today, the public's right to be informed by a free press under the protection of the First Amendment is under the strongest attack in our nation's history.
>
> It is not only the press, which as we all know is far from perfect, that is under attack. Other basic liberties of the people are being eroded away also. And involved in them all is the well-being of the people, their ability to make a decent living, to speak freely and knowledgeably, to be able to tell whether they are treated fairly or are cheated, and if the latter is the case, to do something to change it. All this is basic in a democracy.
>
> This was enunciated in the Bill of Rights, the first 10 Amendments to the Constitution, whose purpose was to protect the people from the power of government. They were written by men who remembered that, in the words of the Declaration of Independ-

ence, there had been under King George III "a long train of abuses and usurpations, pursuing invariably the same object . . ."

Only last fall, Harvard Law School Prof. Alan M. Dershowitz documented in The Globe what he called the erosion of liberties guaranteed by five of the 10 Bill of Rights Amendments.

The First Amendment's "right of the people peaceably to assemble, and to petition the government for a redress of grievances," was involved when the government rounded up 12,000 war protesters in the 1971 May Day peace demonstration in Washington.

The courts later held that almost all of them were engaged in entirely legal behavior, but all were arrested and confined for up to 62 hours in a ballpark, in jampacked police cells, and in the Coliseum on vague charges or none at all, and without legal counsel except for government and other attorneys who themselves were caught in the net.

Attorney General Richard Kleindienst still believes these arrests were justified, citing Justice Oliver Wendell Holmes's dictum that freedom of speech does not include the right to yell "Fire!" in a crowded theater. But the courts dismissed the cases in wholesale lots, saying that "mass probable cause" was no cause at all and the whole proceeding had been "illegal," "injudicious" and "a charade."

The Fourth Amendment's protection against "unreasonable searches and seizures" was involved when the Administration claimed to be exempt from a court warrant before it tapped or bugged conversations involving the national security.

More than 40,000 days of tapping and bugging were conducted without court approval in 1969 and 1970 alone, said Dershowitz. And last year a Senate subcommittee reported that "the number of wiretaps installed without court authorization is substantially greater than the Executive Branch has led the public to believe."

Here again the courts may have curbed the practice. In its last term the US Supreme Court held 5 to 4, the four dissenters being President Nixon's appointees, that a witness need not testify before a Federal Grand Jury if the government's investigation is based on illegal wiretapping. It was unanimous in overruling the Attorney General's claim that he needed no warrants to wiretap in cases of suspected domestic "subversion."

The Fifth and Sixth Amendments' protection against self-incrimination and for right to counsel and a fair trial could vanish, said Dershowitz, if the Administration succeeds in trying to abrogate the rule under which illegal obtained evidence is excluded from trial.

The Eighth Amendment's right to reasonable bail has been undercut, said Dershowitz, by the Administration's preventive detention law allowing imprisonment of suspects not because of what they have done, but because of what it is thought they might do. This year-old law, operative only in the District of Columbia, has been used only 20 times or so, but its implications of preventive imprisonment are frightening.

These areas of erosion of liberties do not perhaps concern the average citizen unless and until he gets into legal difficulties. But there is another area in which he is concerned all the time—his right to information. And here the erosion of his right to know is occurring almost daily.

Part of the blame, we feel obliged to say, lies with the press itself. It could too often have been more fair and more accurate, less sensational and more willing to admit its faults. Some newspapers are trying in this direction, but not all. Perhaps what is needed is a truly fair code of ethics for the press.

But a free press does not mean necessarily a press that is all good. It means a press in which the good has a fighting chance to correct the bad, because there is freedom for the truth to find its way. And pressure of any kind from government inhibits that freedom, and so keeps the truth from the people. Here are some examples of such pressure:

Five newsmen in printed and electronic journalism have already gone to jail in the recent past for contempt of court in refusing to divulge their confidential sources of material. At least half a dozen others across the country face possible jail terms, and the number is growing.

Vice President Spiro Agnew, in his Des Moines speech of Nov. 13, 1969, attacked the television networks for their "instant analysis and querulous criticism" of a speech by President Nixon, and warned that they enjoyed "a monopoly sanctioned and licensed by government."

It had its effect. A few days later there was only the spottiest television coverage of the largest march on the White House in American history—more than 500,000.

And also a few days later, White House Communications Director Herbert Klein, on the same day Press Secretary Ronald Ziegler was denying any attempt to suggest censorship, said Agnew's criticism should be extended to newspapers as well. It soon was.

Mr. Agnew responded with his Montgomery, Ala., speech of Nov. 20, 1969, attacking the Washington Post and New York Times and the "trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands."

Soon Dean Burch, Mr. Nixon's new chairman of the Federal Communications Commission, was asking the TV networks for transcripts of their commentaries on Mr. Nixon's speech.

And at about this time, Federal investigators began subpoenaing the files and unused photos of Time, Life, and Newsweek on the Weathermen, a radical offshoot of the Students for Industrial Democracy.

Three years and a month after Agnew's attack, Clay T. Whitehead, now Director of the White House Office of Telecommunications Policy, made a speech Dec. 18, 1972. (Like Agnew's, it had been written by White House aide Patrick Buchanan, himself a former editorial writer.)

Whitehead said new legislation had been prepared to make TV stations responsible for all network material they carried, and he added this warning:

"Station managers and network officials who fail to act to correct imbalance or consistent bias in the networks—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable . . . at license renewal time."

The threat was all but explicit, for the requirement of balance and fairness already existed in FCC regulations as a factor in license renewal. It came as no surprise, then, that two rival groups, both with connections to the White House, applied at renewal time last month for the Florida TV station owned by the Washington Post. The station had helped block Mr. Nixon's nomination of G. Harrold Carswell to the Supreme Court by uncovering his 1948 pro-segregation speech.

All of the above are but some of the items in a bill of complaint showing that the American people's right to know is under the heaviest attack in our history. Others, as well as what can be done about it, will be discussed in later editorials.

BOUQUET FOR JIM FARLEY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. COTTER. Mr. Speaker, the recent deaths of Presidents Truman and Johnson have left a giant void in the life of our Nation. Their deaths also mark the passing from the scene of two of the Democratic Party's most effective architects of post-New Deal policies. They did much to further the humanistic philosophy of government first created by President Franklin D. Roosevelt from the depths of human desire that was the Great Depression.

Recently, the Hartford Times tossed an editorial "bouquet" to yet another great American and Democrat who also was identified with that era of our party's life, James A. Farley.

Mr. Speaker, I want my colleagues to share this tribute to Jim Farley and, therefore, include the editorial from the January 12, 1973, edition of the Hartford Times at this point in the RECORD:

JAMES A. FARLEY

A bouquet of rosemary—"that's for remembrance"—to James A. Farley because the National Democratic Club has made him an honorary life member, an honor heretofore reserved for former Democratic presidents of the United States.

There is some rue mixed with the rosemary; ironically, the honor was given to Mr. Farley only two days before all the furnishings of the headquarters in New York were sold at auction. The building had already been sold to the government of Poland.

There are roses in the bouquet, too, because Mr. Farley at 84 has kept his personal dignity, as many a superannuated politician seems unable to do. Once the chief politician of the Franklin D. Roosevelt administration, a man of undoubted ability, he never held a major public office except the postmaster-generalship, which in those years was traditionally a kind of sinecure.

DISTINGUISHED COLUMNIST DAVID BRODER DEFENDS THE HOUSE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished newspaper columnist, Mr. David S. Broder, in the current issue of Progressive magazine takes issue with certain critics of the Congress and points out that the House is a vigorous institution, sensitive to change—with "a strong desire to find ways to fulfill their responsibilities under the Constitution." I commend the reading of this article to my colleagues and others.

Because of the interest of the American people in this most important subject, I place the article by Mr. Broder in the RECORD herewith:

The article follows:

AS THE HOUSE TURNS

(By David S. Broder)

In their article in the January issue, "The Stagnant House," my Washington colleagues, Peter Gruenstein and Erwin Knoll, advance a number of arguments in support of the general proposition, that the House of Representatives is beyond reforming, or maybe not worth the bother of reform.

Some of the arguments are, in my view irrefutable; some are of questionable merit, and some are plain wrong. The most important wrong argument is the one that is suggested in the title, that the House is "stagnant."

Gruenstein and Knoll flash a lot of statistics past us on that point, referring to the number of Congressmen reelected without opposition, the number reelected by more than fifty-five per cent of the vote, the number defeated for "normal political reasons." They neglect to give what I think may be the most important fact of all, which is that more than half of the Members of the new House of Representatives are men and women with fewer than six years of seniority.

What this means is that the House is turning over about one-sixth of its membership in each election—a rate that scarcely merits the term "stagnant."

Moreover, it is my belief that the change that has been taking place in the House is one of character and not just of numbers. The House is the point of entry to national elective politics for young men and women. Many of the young men and women who have entered the House in the last few elections are spiritually akin to those who have joined college faculties, law firms, newspaper staffs, and other professions in that period.

They are less willing to assume the wisdom of their elders; less patient about waiting ten terms for their chance at a committee chairmanship; more eager to grab a piece of the action now. It is not coincidental that the last five years have seen the first significant weakening of the seniority system (led by the House, not the Senate, incidentally) and a major reform of both committee procedures and the rules of floor voting.

None of this was reflected in Gruenstein's and Knoll's depiction of the "stagnant" House. Where they were most correct, I believe, was in emphasizing the effect of political gerrymandering on the makeup of the House. They do not exaggerate the "bipartisan conspiracy of incumbents" to protect Members of Congress as best they can by seeing that Congressional district lines are drawn to maximize the number of "safe" seats for each party and to minimize the number of competitive seats. Ironically, the Supreme Court has helped this process along by emphasizing mathematical equality as the sole criterion for judging the constitutionality of a districting plan. If a way could be found—through the courts or otherwise—to reduce political gerrymandering, there is no doubt the House would be a more responsive institution than it is today.

What is remarkable is that the House is changing as much as it is, *despite* the gerrymander problem, and *despite* the fact that in those gerrymandered districts, personal service to constitutents has come to have an exaggerated importance. In those districts where party competition is absent, the criterion becomes the level of personal service a Congressman performs.

What is remarkable is that men and women elected under this system have themselves taken steps to make the House a more responsible body. Gruenstein and Knoll put down the reform efforts, saying, in effect, those schnooks will still be schnooks even if you abolished seniority, ended secrecy, and imposed tighter rules of financial disclosure.

But that argument does not really bear examination. The fact is that changes in procedure can and do alter the patterns of behavior of Congressmen. Perhaps the best example is the institution of recorded votes on major amendments on the House floor three years ago through the record "teller-vote" feature of the Congressional reorganization bill. Until then, Members of the House (those few who bothered to show up) could vote anonymously, by voice vote, on every question that came up during floor debate until the final moments of consideration and the passage of the measure. Under the new procedure, a relative handful of Members can obtain a record teller vote on any amendment offered on the floor.

This change in procedure was the key to changing the outcome of House consideration of such major issues as the supersonic transport (SST). It also facilitated the first record votes in the House on ending the Vietnam war. More broadly, it will make possible construction of the kind of coalitions on specific issues which have been familiar in the Senate for many years and will substantially weaken control of House decision-making by the elderly committee chairmen Gruenstein and Knoll so much dislike. It is a reform that has produced results and will produce more.

The House I see is not the collection of hacks and lazy time-servers Peter Gruenstein and Erwin Knoll described. The House I see is a changing body whose newer members are characterized by a strong sense of impatience with the procedures that hobble them and a strong desire to find ways to fulfill their responsibilities under the Constitution. I know there are such men and women serving there, and it pains me a bit to see an article in *The Progressive* telling them to forget what they are trying to do 'cause it can't be done.

EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mrs. GRIFFITHS. Mr. Speaker, today, I would like to insert the concluding articles of a six-part series on the equal rights amendment, written by Bob Yeargin of the Las Vegas Sun. The previous articles appeared in the Congressional Record of February 1 and February 5:

[From the Las Vegas Sun, Dec. 28, 1972]

(Fifth in a six-part series)

Like Women—They Do Not Agree

(By Bob Yeargin)

(Editor's Note.—Nevada's women have as many different opinions about the equal rights amendment (ERA) and its merits as their male counterparts. The fifth article in the current series on the ERA explores the opposing views put forth by the state's females.

Unanimity on anything today is elusive and the equal rights amendment is no exception.

While the ERA is drawing upon many traditional women's organizations for support, it has also sparked a reaction among women opposed to it.

The League of Women Voters, one of the oldest and best known women's groups decided overwhelmingly at its national convention in Atlanta in May to allow state and local leagues to work for state ratification of the amendment.)

Most League action is taken after a study is made and a consensus is reached among the organization's 160,000 members on an issue. However, 16 states had already ratified the ERA and state and local leagues had made it abundantly clear they supported the amendment by the time the national convention met this year.

As a result, the convention, rather than requiring a study and consensus, agreed to place the ERA under the League's Human Resources program, thus permitting individual leagues to work for its ratification immediately.

Nevada's test will come early next year, when the Legislature meets in Carson City, and Kate Butler of Las Vegas, the state's Human Resources chairman, the ERA ratified.

"One of the most important things is to form a coalition of women's organizations," explains Mrs. Butler, "so there's not a feeling this is a radical or women's lib thing.

"We have to convince people that if the amendment's ratified, it will be of benefit to all women," she continues. "I've been meeting with some groups on the amendment and we're fortunate that women are not polarized in this state like they are in some others."

Media efforts, letter writing campaigns and workshops are other means the League will use to push the equal rights amendment, in addition to the old standby of buttonholing legislators.

"The main thing," remarks Mrs. Butler, "is to focus on the benefits for all women—and men, too."

Joining the League in supporting the ERA is the National Federation of Business and Professional Women's Clubs, (BPW), which at its national convention in July placed among its "action items" a decision to "actively work for prompt ratification of the Equal Rights Amendment by state legislatures."

Peggy Montgomery, president-elect of the state BPW, finds more agreement among men than women as regards the amendment. "More men are favorable to it than women," she says. "Women don't bother to look at what it means. They confuse it with Women's Lib and put up defenses.

"It's ironical, but that's the way it is," she continues. "If they would read it, they would find out what it's all about."

Miss Montgomery is optimistic about the amendment's chances in Nevada's legislature next month. "I would think that unless the women in the legislature who oppose it are strong enough to prevent it, the amendment will pass," she says. "Most men are in favor of it. For example, (Nevada) Sen. (Howard) Cannon bucked it for a long time because he feared women would be drafted, but he found out they wouldn't and voted for it."

The legislators will probably be getting some advice from her organization next year. "There'll be some lobbying," she explains, "but it will probably be done by people in that area."

As might be expected, the amendment is receiving strong support from recently formed women's activist groups such as the Southern Nevada Women's Political Caucus and the National Organization of Women (NOW).

Chairing the caucus is Annette Bremner, who, as the wife of Assemblyman Roger Bremner, knows the ERA wasn't exactly a burning issue during the campaign. "I think we had one phone call on it," she recalls.

A woman's involvement in other activities is some indication of her attitude toward the equal rights amendment, Mrs. Bremner has found. "Women who tend to become involved are generally in the beginning stages of awareness," she says. "They're questioning rather than negative."

Ratification of the ERA will depend on the lobbying effort, declares Mrs. Bremner. "I think it could easily fail in this state and I would hate to see Nevada go on record as being opposed to legal rights for any human beings," she comments.

Elaine Mills of NOW calls the equal rights amendment "the most important piece of legislation in this country in 200 years," adding, "For the first time women are no longer subhumans, but equal with men."

"Most people favor it, once it's explained to them," she says, "but most people don't realize it will affect everything, even Social Security.

"The amendment will mean a lot more in Social Security payments for many senior citizens, and also better legal protection for women," comments Miss Mills. "It will equalize things in that women will be able to get charge accounts and husbands may need their wives, signatures for big purchases."

And the amendment's chances in the legislature? "It's something that has to be," she declares. "We may have to show that lots of people are for it, but I think we'll be able to do that by the time the legislature rolls around."

The attitude of many women, though, may be reflected in the opinion of one Las Vegas housewife, Mrs. Maxine Mott. "I don't have to worry. My rights are already equal," she says.

Comments local television personality Helen Estrada, "I still think it's a man's world, but I don't feel discriminated against. "I enjoy being pampered by a man.

"Liberation," she says, "is truly in the mind. The woman who yells she's being discriminated against just isn't happy in this world. I don't think she'd be happy even if women were running it.

"I oppose the equal rights amendment because it tries to put us on the same basis as men and we're physically not the same."

Mrs. Estrada concedes, however, "Women's lib has made quite a blow in opening up occupations which were closed to women before, but they overdid it. Even the suffragettes had to go to extremes, though, to make a point."

One Las Vegan who feels very strongly about the ERA is Mrs. Pat Ormsby, who foresees "the breakdown of society" if the amendments is ratified.

"I don't feel we're second class citizens," she says. "We're already equal.

"I know we do have problems," explains the Las Vegas housewife, "but a constitutional change isn't needed. They should work on state laws.

"It's ridiculous," she exclaims. "Equal pay for equal work won't happen because of the amendment. It's up to the companies to decide who gets a raise and they may decide to lower the men's wages because of the women's complaints."

Mrs. Ormsby's most serious complaint, though, is that the consequences of the ERA are as yet unknown. "The laws could go either way," she says.

[From the Las Vegas Sun, Dec. 29, 1972]

(Last in a series)

LEGISLATURE'S REACTION TO REA—UNCERTAIN

(By Bob Yeargin)

(EDITOR'S NOTE.—The national president of the League of Women Voters predicts the equal rights amendment will become the 27th Amendment to the Constitution in May, 1973. Nevada's legislature will probably be among those considering it next year, but whether it will ratify the ERA is far from certain. The sixth and final article on the equal rights amendment takes a look at its chances for ratification.)

An uncertain reception faces the equal rights amendment in the Nevada legislature next year.

While some key legislators have voiced their support of the amendment and women's groups such as the League of Women Voters have promised a strong lobbying effort, the nature and amount of opposition the AER will encounter remain unknown quantities.

Indicative of the amendment's nebulous position is the fact that even the women legislators are almost evenly split on it.

Assemblyman Jean Ford of Las Vegas is already moving to have the ERA considered next year. "I will personally support the amendment," she says, "and I've asked that a bill be introduced in the next session.

"Assemblyman Mary Gojack (D-Reno) has said she'll co-sponsor it," Mrs. Ford continues, "and we'll try to get as many legislators as possible to co-sign the bill before we introduce it, rather than making it just a women's bill. That would narrow it too much."

The freshman legislator has also asked the legislative counsel bureau to determine which state laws would be affected by ratification of the amendment. "I don't know all of the ramifications of the amendment and the legislators should know them," she explains.

Mrs. Gojack agrees about the necessity of getting widespread support for the amendment, adding, "It's not just a woman thing."

While she favors the amendment, Assemblyman Eileen Brookman of Las Vegas is doubtful about the quest of women and the draft.

"Now that the war's started up again, women could be included," she says. "I think people will pick on this aspect of the amendment. It changes the picture in my mind about the amendment.

"Hopefully the conflict will be over by the time we get going in January. If so, there wouldn't be too much trouble. Otherwise we may have to amend it (the draft) out."

The women's colleague, Margie Foote of Sparks, is outspoken in her opposition to the ERA, though. "I'm totally opposed to it," she declares. "Rather than being equal, it will take away some protection that women worked for from women who need to be protected. I don't think the equal rights amendment will be as equal as it appears."

Continues Miss Foote, who owns her own clothing business in Sparks, "I think the amendment puts down women who have chose to stay home and rear children in favor of those who want to do their own thing and have no responsibilities, as I see it."

And as for women's organizations supporting the ERA, she says, "Many women's groups have been duped by their national organizations instead of listening to women in their own community."

Miss Foote's views reflect those of Nevada's only female state senator, Helen Herr of Las Vegas, who says "I have to be against the amendment because it puts housewives in a low position."

Mrs. Herr cites her long involvement in working for equal pay for equal work and rest periods for women. "I've fought for women's rights for years," she says.

Most members of the all-male Senate Judiciary committee don't foresee a great deal of difficulty for the amendment in their committee.

Observes Committee Chairman Mel Close of Las Vegas, "I have the general impression it's being adopted throughout the nation and I would say it has a good chance of passing in Nevada. I haven't had a chance to form any opinion myself, though."

In much the same situation is Sen. Chic Hecht of Las Vegas, who comments, "I don't think it should have any trouble."

To which Democrat John Foley of Las Vegas adds, "I've read it over and I haven't heard anything that would indicate to me I would oppose it. I would anticipate supporting the amendment."

Among the amendment's strongest supporters on the committee are Sen. Thomas Wilson (D-Reno) and Sen. Richard Bryan (D-Las Vegas).

"I think the amendment would have a fair chance of coming out of committee with a favorable recommendation," notes Wilson. "One side is that the amendment is unfair to women and the other is that's it's long overdue. I'm inclined to take the latter viewpoint."

Wilson recalls the committee was split two years ago on the question of the 18-year-old vote and acknowledges the possibility of another split this year. He remains confident, though, and says of the hearings on the amendment, "It needs a good airing."

"Some people feel the amendment would forcibly remove women from the home and put the young, impressionable children in federal day care centers," says Bryan, "but I can't see that at all.

"Most opposition to the amendment comes from those who fear for the family," he remarks, "but as I see it, the amendment makes a choice available to a woman as to whether she wants to work in the home or not."

"Everything I've seen on the amendment portrays it from the female viewpoint, but men are discriminated against under some laws as well."

Those skeptical about the ERA include veteran legislator Carl Dodge of Fallon and Coe Swobe of Reno. "I have some reservations as to whether the amendment's all that good for women," says Dodge. He concedes Congress saw reasons for passing it, and adds, "I'm not opposed in principle to it. If I voted against it, it would be because the amendment wouldn't be all that good for women."

"Frankly, I'm not too keen on women's lib," comments Swobe, who says he wants to study the amendment's effect. He hasn't heard much from the voters, though, noting, "The rank and file voter hasn't contacted me to vote for it."

The only woman on the Assembly Judiciary Committee, Margie Foote, is the ERA's most outspoken critic. Joining her is Assemblyman Darrel Huff of Las Vegas.

"I'm opposed to it because it would bring about the drafting of women," says Huff. "I have a daughter and I hope to have grandchildren some day. I don't want to see them drafted."

Committee Chairman Keith Hayes of Las Vegas and Thomas Hickey of North Las Vegas report they have yet to form opinions on the ERA, although they're starting to get literature on the amendment.

Having made a commitment to support the ERA after being approached by women's groups during the campaign, Assemblyman Alan Glover of Carson City and Roy Torvinen of Reno plan to follow through on their promise.

"I don't see how anybody could object to it," says Zel Lowman of Las Vegas.

"It's been my theory that in most businesses and professions most women are paid less than men and that's totally unjustifiable.

"The General Federation of Women's Clubs has taken the position that it should be passed," continues Lowman, "despite the fact that these are the women concerned with maternity or rape as a criminal issue. They consider these questions an attempt to cloud the issue."

Bob Barengo of Reno favors the amendment, but admits to misgivings about some of its effects. "My only problem is that I wonder what to do about existing laws," he says. "Women deserve protection in some areas."

"I think it should go through the committee without too much difficulty," comments Jack Fry of Reno. "How it will fare on the floor, though, I don't know."

Meanwhile in the Governor's Mansion, Gov. Mike O'Callaghan hasn't taken a stand on the ERA. The governor was contacted for a comment, but an aide said he hadn't formed an opinion yet.

Guy Shipler, a veteran observer of the legislature, isn't taking any bets on the amendment's chances.

"The legislature has tended to be at least as conservative as the people at large, and it's generally been more conservative," he observes, recalling that the last legislature made the 18-year-old vote a ballot question rather than act on it itself.

"There's a chance it will be a little more liberal than before, but that's pure speculation at this time," he continued.

"Whether the amendment passes depends on what kind of lobbying effort there is," says Shipler. "The lobbying will have a strong effect."

"The problem is that somebody could kill it in committee by just sitting on it," he adds. "It's harder to get it passed than to keep it from getting passed."

"The tone of the session depends on so

much more than personalities," remarks Shipler, which leads one to believe that nobody is going to foretell the equal rights amendment's fate until it is decided.

JOURNALISTIC PRIVILEGE

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MEZVINSKY. Mr. Speaker, as you know, subcommittee No. 3 of the House Committee on the Judiciary is in the process this week of holding what I believe are extremely important hearings on proposed newsmen's privilege legislation.

The crucial question before the subcommittee is whether it is necessary for Congress to pass legislation to reaffirm what I believe is the first amendment right of a newsman to protect the confidentiality of his sources; and, if such legislation is necessary, whether it should be absolute or qualified.

The Des Moines Register, in a recent editorial, presented what I believe is a thoughtful discussion of the issues before the subcommittee. I commend it to my colleagues for their consideration.

The editorial follows:

Journalistic Privilege

Why should a journalist be granted a legal right (privilege) not to reveal the source of a published report? Why shouldn't he be compelled to tell a grand jury, a legislative committee or a court who informed him about a crime or about a mistake by government officials? Doesn't the public "right to know" include the right to know the source of the information?

Public understanding of the reason for journalistic privilege is far from clear—partly because newspapers and other media have not been altogether lucid themselves in explaining why.

Let us try once again.

First, the source of news *is* important, and the public *is* entitled to know it. Newspapers are meticulous about attributing information whenever possible. But in some cases important news is not available to the journalist unless he can promise the informant that his name will not be revealed. In such instances, an editorial judgment must be made whether the facts are important enough to the public to offset the disadvantage of keeping the source secret.

Many people believe newspapers and journalists want a special privilege merely to shield themselves against lawsuits or having to go to jail. Journalists frequently do go to jail rather than reveal a confidential source. Naturally, they have a selfish interest in avoiding that.

But the fundamental reason why journalists should not be forced to reveal confidential sources lies in the First Amendment to the U.S. Constitution which protects the people against government action abridging the freedom of the press. This is not a special right of newspapers or of journalists. It is a right of the people to know.

If newspapers and their writers could be hauled into court to reveal the names of confidential informants about crime, for example, they would become the accessories of government, not independent watchdogs of government.

Government employes would not talk to reporters about corruption in the public business if they thought the reporters could be compelled to reveal their names. Persons involved in criminal activity would not give tips to reporters if they thought that would tip off police about themselves.

News of the most vital kind for the public to know, therefore, sometimes is inaccessible without protection for the informants by a promise of confidentiality on the part of the journalist.

It is true that some persons guilty of criminal acts may escape prosecution because of this, the same as they may through the privilege of secrecy in private communications with a physician, a minister or a lawyer. But the larger gain to the public from the exposure of government corruption, including that of the courts and police, far outweighs the escape from justice of a few informants.

Recently a number of judges have imprisoned newsmen for refusing to name sources. In the Caldwell case last summer, the U.S. Supreme Court rejected, 5 to 4, the claim that a gatherer of news is entitled to refuse to obey a grand jury subpoena. (This was the case of the New York Times reporter who wrote stories based on his confidential association with members of the Black Panthers.) It decided, also, that if a published account showed a newsman witnessed the commission of a crime, he must give testimony, just as every citizen must do.

However, the court, for technical reasons, did not pass on the key question: the validity of the lower court judge's protective order that Caldwell "need not reveal confidential associations that impinge upon the effective exercise of his First Amendment right to gather news for dissemination to the public . . . until such time as a compelling and overriding national interest which cannot be alternatively served has been established."

Senior Judge Harold R. Medina, of the Second U.S. Court of Appeals, says this leaves the journalist's privilege up in the air. "I believe the constitutional right to freedom of the press must include the right to gather news," he wrote. "The problem is: how to define and apply the constitutional right in such terms as to protect broad power of investigation and probing short of creating a separate class of persons privileged to witness and publish stories about the commission of crimes without giving testimony to help law-enforcement authorities."

In the past we have believed that journalistic privilege could be adequately guarded by the courts under the First Amendment. However, like many others in the profession, we now think special legislation may be necessary.

Our reluctance to favor "shield" laws has been based partly on concern that such laws, with their necessary definitions, might result in more governmental interference with the job of gathering and disseminating news than exists now. A journalist's privilege law must be carefully drawn to avoid this danger.

PLAYING OF THE NATIONAL ANTHEM

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SHOUP. Mr. Speaker, a few weeks ago Madison Square Garden in New York City held a sports event. Except for a great public outcry, the event would not have begun with the traditional playing of the national anthem.

The reason the Madison Square Garden officials gave for contemplating not playing the anthem, was that they did not want any incidents of disrespectfulness.

Mr. Speaker, it is incredible to me that it would even be considered to cancel the national anthem. Just because a few ill-mannered ruffians have been known to show disrespect for the flag and for the anthem is no reason to stop a traditional moment of reverence for flag and country. What about all those who stand for the anthem and are proud to show respect for the flag and the Nation it represents?

In our country, for some reason, we have become so afraid of any incidents occurring, so afraid of an ill-mannered individual causing a stir, that we are willing to capitulate, to give up something we enjoy rather than struggle to uphold it.

Ours is a nation governed by a majority. Clearly most Americans prefer to retain the national anthem, hold the flag in respect and recognize that this is a great country, for all of its problems.

I was shocked when I learned of the Madison Square Garden incident. Though the early decision to cancel the anthem was reversed it is an indication of how badly our patriotism, our respect for our fellow citizens has eroded.

VIRGINIA'S JUDGE'S FINDINGS CORROBORATE CRIME COMMITTEE HEARINGS ON PRISON CONDITIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. RANGEL. Mr. Speaker, in a decision unprecedented in our Nation's history, a Federal district judge has found Virginia's top prison officials in contempt of court for failing to carry out sweeping, court-ordered changes in the way the officials discipline inmates. U.S. District Judge Robert R. Merhige, Jr., ordered Division of Corrections Director W. K. Cunningham to pay, out of his own pocket, the judgment of $21,265.45 to three former inmates. The judgment grew out of a landmark prison ruling on October 30, 1971, when Merhige ordered Virginia prison officials to put an end to certain punishments meted out to inmates. Judge Merhige found that Cunningham knew of "and by his actions encouraged" such practices as arbitrary and indefinite solitary confinement, prolonged bread-and-water diets, the beating of prisoners by other prisoners, and the isolation of naked inmates in roach-infested cells with only a urine-soaked mattress to sleep on. In his October 1971, prison ruling, Merhige issued detailed procedures for the officials to follow. These orders, Merhige ruled, had not yet been carried out, and therefore Cunningham was found in contempt of court.

Judge Merhige's finding is in keeping with the descriptions of deplorable prison conditions throughout our country. The large number of prison escapes, suicides, attacks on correctional officers, and inmate attacks on other inmates reflect the tension, hostility, and frustration behind prison walls.

The tragedy of the Attica inmate uprising, resulting in 43 deaths, and other prison uprisings in 1971 served as the impetus for the Select Committee on Crime's hearings on the prison conditions in our country. The committee found that the penal system in our country today is a disgrace. On a nationwide basis, 80 percent of all felonies are committed by ex-inmates, and two out of three men released from our country's prisons are returned to prison within 4 years for new crimes or for parole violations.

These Crime Committee hearings on corrections were commended as the most extensive penal reform hearings ever held by the Congress, by one of the Nation's top corrections experts, Dr. David Fogel, director of the Minnesota Department of Corrections. These hearings were but one example of the outstanding work done by the Crime Committee since its inception in the 91st Congress.

Under the able leadership of Chairman CLAUDE PEPPER, the Crime Committee has maintained a solid record of achievement in various areas of crime problems which so vitally affect our Nation. Other Crime Committee investigations, hearings, and reports during the 92d Congress encompassed the following: First, various facets of drug abuse, including heroin addiction, importation, and paraphernalia; methadone maintenance; amphetamine and barbiturate overproduction and control; treatment and rehabilitation programs and facilities; narcotics research; and many other aspects of drug abuse related to problems of crime.

Second, organized criminal infiltration into legitimate businesses, including securities, banking, and insurance.

Third, organized criminal influences in sports, particularly horseracing.

Fourth, drugs in our Nation's schools, wherein the Crime Committee held comprehensive hearings in six cities across the Nation including New York City, Miami, Chicago, San Francisco, Kansas City, and Los Angeles.

The superior work of the committee to date, combined with the overwhelming concern of our citizens with problems of crime, violence, and drug abuse, make it imperative that the House of Representatives continue the Select Committee on Crime for the 93d Congress under the distinguished leadership of my colleague, Chairman CLAUDE PEPPER.

Returning to the corrections hearings, the committee heard witnesses from throughout the country testify that rehabilitation in prison is "a cruel joke." With Chairman CLAUDE PEPPER and my colleagues on the committee, I heard the views of penal authorities who advocate reform, ex-inmates who have turned away from a life of crime, and inmates who are serving sentences in State institutions.

The committee found that conditions inside prisons that lead to prisoners' revolts, such as at Attica, are dehumanizing, debasing, and volatile almost to the point of inevitable conflict. The committee heard about cell time of 16 to 24 hours for inmates; "punishment ration" of 5-cent canned dog food for inmates in solitary confinement; and drug abuse, homosexuality, brutality, and racial discrimination in prison.

Dr. David Fogel, director of the Minnesota Department of Corrections, testified:

> The human rights explosion of the 1960's promises to continue, with young people and ethnic minorities seeking to upgrade themselves through the system. In prisons throughout the country, human dignity is reaching a new plateau which a few administrators have fearfully mistaken for a widespread conspiracy among a "new breed" of inmates. In corrections we have seen the end of the judicial dictum describing the inmates as the "slave of the state" and the erosion of the court's "hands off" doctrine in relation to penal administration. There has been more significant correctional case law in the last two years than in all of this century. It, too, promises to continue, and it should. High standards of morality and humane treatment require the safeguard of high visibility.

We can no longer ignore the grievances of the 400,000 inmates in our country's 4,000 prisons, jails, and lockups. We must establish a mechanism to assure the fair and equal application of basic human and civil rights to prisoners.

At this time I insert in the RECORD, this page 1 article that appeared in the Washington Post on February 2, 1973.

The article follows:

PRISON HEAD TOLD TO PAY VIRGINIA INMATES

(By Ken Ringle)

RICHMOND, February 1.—A federal judge ordered the head of Virginia's prison system today to pay personally more than $21,000 to three former inmates as compensation for "cruel and unusual punishment" they received in the state penitentiary here.

The judgment, returned by U.S. District Judge Robert R. Merhige Jr., against Division of Corrections Director W. K. Cunningham, is believed to be unprecedented in U.S. history.

Although prisoners in the past occasionally won a damage judgment against a guard or other prison official for a specific act of brutality, today's judgment is believed to be the first against a high official stemming from generally degrading prison conditions over a period of years, according to a spokesman for the National Prison Project in Washington. The project is funded by the American Civil Liberties Union.

Merhige found that Cunningham knew of "and by his actions encouraged" such practices as arbitrary and indefinite solitary confinement, prolonged bread-and-water diets, the beating of prisoners by other prisoners, and the isolation of naked inmates in roach-infested cells with only a urine-soaked mattress to sleep on.

"At least certain of the practices . . . were of such a shocking nature," Merhige wrote, "that no reasonable man could have believed that they were constitutional."

He ordered Cunningham to pay the judgment of $21,265.45 out of his own pocket. The post of director of Division of Corrections carries an annual salary of $21,400.

Cunningham declined to comment on the order except to say he plans to appeal.

Yesterday's order was the outgrowth of a landmark ruling by Merhige in October, 1971, that found Virginia prison officials' "disregard of constitutional guarantees . . . so grave . . . as to violate the most common notion of due process and humane treatment."

In the wake of that ruling, the same five plaintiffs—Robert J. Landman, Thomas C. Wansley, Leroy Mason, Calvin Arey and Roy Hood—sued for damages, claiming that "severe psychic and physical damages" resulted from the unconstitutional nature of their confinement.

Merhige agreed today in the cases of Landman, Wansley and Mason, finding that much of the damage arose from their confinement in solitary for no legal reason.

Landman, he said, was confined primarily for his efforts to obtain legal assistance for other inmates during his 10-year stay at the penitentiary for robbery.

Mason, also serving a sentence for robbery, was punished because other inmates elected him their spokesman at a work stoppage of which he had no previous knowledge, Merhige said. Mason is currently free on a work-release program in Richmond.

Wansley, serving a life sentence for rape and robbery that has since been reversed by Merhige, was confined, the judge found, in connection with his legal efforts to desegregate the Virginia penal system. Wansley, free on $10,000 bond, may be retried on the rape and robbery charges by the state.

Merhige declined to award damages to Arey and Hood, ruling that they had been escape risks in prison for whom "maximum security . . . may have been justified."

They failed to show during the trial, Merhige ruled, that "allegedly sustained injuries derived from arbitrary conduct of prison officials . . . disassociated from their own misconduct."

Merhige awarded the greatest amount, $15,303.20, to Landman who, according to a psychiatrist's testimony in the case last fall, suffered mental and physical anguish—including anxiety, irritability, insomnia and drastic reduction in sexual potency—comparable to that observed in survivors of Japanese concentration camps in World War II.

While Landman "undoubtedly had neurotic symptoms," Merhige wrote, the doctor had testified that "his incarceration at the Virginia State Penitentiary exacerbated his illness when proper rehabilitation (and) psychiatric care might have cured him."

Landman now is working as a Washington-based consultant on penal reform.

The awards were computed on the basis of prison pay lost through unconstitutional solitary confinement plus what Merhige termed "reasonable sums for pain and suffering."

Landman had lost 758 days at a time when he was earning 40 cents a day in prison wages. Mason, who was awarded $3,605, had been earning 15 cents a day, which he lost for 23 months. Wansley, awarded $2,357.25, had been earning 35 cents a day, which he lost for 11 months.

In addition to Cunningham, the original suit had named as defendants Otis L. Brown, director of the Department of Welfare and Institutions and Cunningham's superior; M. L. Royster, former superintendent of the State Prison Farm, and C. C. Peyton, former superintendent of the state penitentiary.

Peyton and Royster have since died and Merhige rejected any notion of claims against their estates, as he did the plaintiffs' call for punitive damages against all five men.

He also ruled out damages against Brown, who he said had no direct responsibility for any of the actions complained of.

AMENDMENT TO BE OFFERED BY HON. TOM RAILSBACK TO H.R. 2107

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. RAILSBACK. Mr. Speaker, tomorrow I will offer an amendment to

H.R. 2107, the Rural Environment Assistance Program Act. My amendment will deny funds for any liming materials in an attempt to insure that H.R. 2107 is conservation—not production—oriented. I reached the decision to offer such an amendment after consulting with numerous farmers in my district. The text of the amendment is as follows:

> AMENDMENT OFFERED BY MR. RAILSBACK TO H.R. 2107, AS REPORTED
>
> Page 1, after line 11, insert the following:
>
> SEC. 2. Section 8(b) of the Soil Conservation and Domestic Allotment Act is amended by adding at the end thereof the following new sentence: "None of the funds provided pursuant to the provisions of this Act shall be used for any cost-sharing practice which involves the purchase and application of any liming materials."

THE BUDGET: NO VICTORY FOR DISCIPLINE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. CRANE. Mr. Speaker, much of the discussion about President Nixon's proposed budget for the 1974 fiscal year is misleading, both with respect to the actual amount of spending involved and the purposes for which such spending is to be appropriated.

Critics, both in Congress and elsewhere in society, have challenged the budget as one which cuts essential programs back and leaves those in need without necessary assistance.

The fact is that the 1974 budget continues to rise, rather than to decline. The initial figures call for Government spending of $268.7 billion and this is up $18.7 billion or 7.5 percent from the year earlier.

Discussing this fact, the Wall Street Journal notes that:

> Everyone has forgotten last year's opening bid of $246.3 billion, so no one notices that compared to it this year's opening bid is up $25.4 billion, or 10.4%. Since 1960 the average increase in federal spending has been 8.1% a year.

The American economy does not grow at a rate of 8.1 percent a year and the Federal Government is, at the present time, consuming 20 or 21 percent of the gross national product as compared to 18 or 19 percent in the early 1960's.

The Journal declares that:

> If the trend is to be continued, somehow the money must be raised. Economists who favor yet more public spending know that it cannot be borrowed without fueling inflation, so they forthrightly recommend higher taxes over the next year or two. Their Congressional friends willingly accept the spending prescriptions, but are unwilling to face up to the other side of the coin.

Those who call for a budget larger than the one the President has proposed, but who do not also call for higher taxes, will simply fuel an ever-increasing inflation if they are to have their way. The budget, contrary to claims made for it both its proponents and opponents, is not smaller than that of last year, but higher. It is, however, not as much higher as many advocates of Government spending would like.

The Journal makes it clear that:

> The budget is a political game, and the real function of the full employment budget is to set the Executive's opening bid and therefore a floor on federal spending. Since this floor is the maximum amount current tax rates could conceivably raise, the concept is an engine for higher taxes, or for inflation, if politicians refuse to face this reality.

It is true that Congress should reassert its prerogatives and that it is the responsibility of the elected Representatives of the people to make the final decision concerning Government spending. It is also their responsibility, however, to act in a manner consistent with the public interest.

If the debate proceeds without understanding the realities of our economic situation it will cast darkness and not light upon the subject. I wish to share this thoughtful editorial from the Wall Street Journal of January 30, 1973 with my colleagues, and insert it into the RECORD at this time:

> NO VICTORY FOR DISCIPLINE
>
> The 1974 federal budget, nearly everyone assumes, lays the ground for a great battle between the budget-cutters in the Executive Branch and the free-spenders in Congress. It is an entirely satisfying theme, meeting the press' needs for drama, the congressional liberals' need to posture on the side of the poor and the President's need to posture on the side of low taxes.
>
> Yet to a large extent the theme is one imposed on reality, not one reflecting it. There are of course elements of truth in the theme; the sides are drawn for battle, and we are already hearing the oratorical reports. But for all the din, the reality is the budget is going up like always.
>
> Federal budgets ought not to be viewed as a blueprint for the economy, but as the opening bid in a political contest. The most important factor in determining the outcome of the contest is not the battle that makes all the din, but who gets to bid what for openers.
>
> Consider the results of the 1973 budget: The original figure was $246.3 billion, up nearly $10 billion from a year earlier. That was the figure hashed and rehashed at this time last year; does anyone remember? Congress blithely proceeded to spend something like $261 billion, so President Nixon gets to play hero by unilaterally cutting and impounding, trying to hold the actual figure to $250 billion. This allows assorted Senators and Representatives to play hero by roasting the ruthless and insensitive President, and by suing him in court. Meanwhile, the $250 billion total remains in doubt.
>
> So this year the opening bid is $268.7 billion, up $18.7 billion or 7.5% from a year earlier. From the $250 billion that is. Everyone has forgotten last year's opening bid of $246.3 billion, so no one notices that compared to it this year's opening bid is up $25.4 billion, or 10.4%. Since 1960 the average increase in actual federal spending has been about 8.1% a year. It takes no great genius to see that, for all the marching and countermarching between the White House and Capitol Hill, we are most unlikely to see any smaller increase in fiscal 1974.
>
> Now, the economy does not grow at 8.1% a year over any sustained period of time. Thus the federal government is currently consuming 20% or 21% of the Gross National Product, compared to 18% to 19% in the early 1960s. If the trend is to be continued, somehow the money must be raised. Economists who favor yet more public spending know that it cannot be borrowed without fueling inflation, so they forthrightly recommend higher taxes over the next year or two. Their congressional friends willingly accept the spending prescriptions, but are unwilling to face up to the other side of the coin.
>
> So the reality of the 1974 budget is this: The rate of increase will be about the same as that established over the years of the New Frontier, the Vietnam war and the Great Society. Over any period of time this trend will require a greater and greater share of the Gross National Product, and cause either higher taxes or faster price increases. Yet while this rate of increase was only shortly ago considered normal or even generous, today holding to the same line requires a battle royal.
>
> What we are witnessing, then, is the total collapse of fiscal discipline. During the Great Society, Congress and the Executive learned they didn't have to be content with spending one year's budget; they could also spend the next year's and the next and the next. Today these bills are coming home to roost. And Congress is so intent on protecting its "prerogatives" that it wants to impose its will on the Executive, even if that means taking the wrong position where the President has taken the right one.
>
> In the Executive Branch, meanwhile, the economic sages have discovered the "full employment budget." This is a means of figuring how much money the government ought to spend that it doesn't have. It makes theoretical sense and might even work if the budget were an economic plan. But the budget is a political game, and the real function of the full employment budget is to set the Executive's opening bid and therefore a floor on federal spending. Since this floor is the maximum amount current tax rates could conceivably raise, the concept is an engine for higher taxes, or for inflation if politicians refuse to face this reality.
>
> So let us proceed with the din of the impending battle; if it's of no small importance, after all, whether fiscal discipline is utterly destroyed or retreats to fight another day. But let us remember that the real significance is that fundamental habits and thought patterns will keep federal spending out of hand until they are corrected, that a battle along the present lines simply cannot end in victory for discipline.

MOHAWK VALLEY CITIZENS BAND RADIO CLUB

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. CONTE. Mr. Speaker, much of our time in this Chamber is spent discussing and debating programs and proposals by which the Federal Government can serve the people of this country. Too seldom do we hear about those many cases in which individuals or groups across the land give of their time, effort, and talent to help others.

I am proud to have the opportunity today to bring the actions of one such group to the attention of this body.

When we talk about people helping other people, we are talking about the type of thing the Mohawk Valley Citizens Band Radio Club of Turners Falls, Mass., has been doing to an extraordinary degree throughout the decade it has been in existence.

The main purpose of this club, organized May 10, 1963, in my First District, is to promote good will between citizens band radio operators and the public. No organization, no matter its size or its age, has ever lived up to its stated purpose better than this proud organization.

In its first full year of operation, the club members donated 67 pints of blood to the blood bank. It has instituted a courtesy patrol to assist motorists on the highways. It aids in search and rescue, is involved in the Franklin County disaster program and supplies communications for the local hospitals in their disaster program.

If these types of assistance programs were the limit of their activities, we could say that the members of the Mohawk Valley Citizens Band Radio Club have been models of what public-spirited citizens should be. But their contribution has gone far beyond this. They have concentrated their major effort on helping the retarded children of Franklin County.

Each year the club sponsors a 2-day program on behalf of the retarded children. Several thousand people attend the event, including other radio operators from Maine to California. Last year, the club was able to present a check for $1,000 to the Franklin County Association of Retarded Children as a result of this event. Over the past 8 years, it has contributed $6,300 for this purpose.

Mr. Speaker, there is something that is deeply ingrained and very good in the American character. It prompts us to not only care about other people's misfortune but to do something about it. There are periods when this special part of our character is forgotten or mislaid. Part of the Federal Government may be going through such a period right now. But, fortunately, that particular trait keeps recurring, and groups such as the Mohawk Valley Citizens Band Radio Club are great examples of this continuing virtue. I am proud that such an organization is doing such great work in my district. And I am happy to commend their efforts in this Chamber today.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

SER—SUCCESS IN ACTION FOR MEXICAN AMERICANS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. COLLINS. Mr. Speaker, as the entire bureaucratic structure of the Government starts to shake under the impact of the President's recent budget message, I am hopeful that taxpayers will soon be relieved of the burden of paying for poorly planned and ineptly administered "social welfare" programs. However, in our desire to see this waste eliminated from Government, we must be careful to preserve those programs which have been operating with sound philosophy and demonstrated success.

SER, Service, Employment, and Redevelopment, has been funded over the past 6 years by the Department of Labor. A program which primarily operates in the Spanish barrios, SER seeks unskilled Mexican Americans to train and place in jobs. Today, although SER has been termed one of the most effective and efficient manpower programs in the Nation based on the Department of Labor's operational planning control system, it is faced with a Department of Labor cost freeze which has curtailed program services, increased trainee cost, and broken obligations the Government, through SER, has made to its trainees.

It should be the goal of any social program to see to it that those it helps rapidly get jobs and become self-supporting and contributing members of society. SER has been singularly successful in this regard. Throughout its existence, SER has sought to get those on welfare off, and help those who would otherwise go on the public assistance to get jobs.

In a study done by the Bureau of the Census in March 1972, it was determined that 7.4 percent of all Spanish-surnamed men and 10 percent of all Spanish-surnamed women are unemployed. It is to this problem that SER addresses itself. During its 1971–72 operating years, SER was successful in training 5,345 persons and placing them in jobs; 64 percent of these persons were still employed after 6 months and 50 percent of those received promotions.

In that same year, SER was able to place 44 percent of its trainees in breakthrough jobs—positions where no Spanish-surnamed person had ever before been employed. Furthermore, the average annual increase in income for a person who had gone through the SER program was $3,074.

It is significant that these figures do not just represent SER's best. In fact, for the first 6 months of the 1972–73 operating year, SER has reduced the per trainee cost of job training and placement by 52 percent. SER has been able to place 71 percent of its trainees in breakthrough jobs. The rate of SER graduates who retain jobs longer than 6 months has risen an additional 5 percent. Even the average annual income increase has risen $105.

Furthermore, from a strictly economic viewpoint, there is perhaps no more profitable way, than a successful manpower development program like SER, to help the disadvantaged become contributing members of their communities. The increased tax return that the Government derives from helping previously nonproductive people find work more than compensates for the expenditure of funds to maintain SER.

On January 8, 1973, the Department of Labor imposed freeze guidelines on SER which have served as a severe constraint to the organization's continued effective operation. The Department has banned all hiring, suspended all equipment acquisitions, prohibited the entry of any new trainees, canceled the start of any training classes not underway prior to January 8, and terminated all on-the-job training programs not begun before the freeze date.

These actions have had major ramifications. First, since all ongoing programs in operation at the time of the freeze are permitted to continue, while no new trainees may be enrolled, the effective per-trainee cost of the program is rapidly rising. Second, since SER training often includes classroom experience and on-the-job training, those students who have finished their classroom work are unable to complete their program because of the job-training ban. Besides the human disappointment and discouragement this creates, it also wastes the funds supplied for the classroom training.

I urge the Department of Labor to lift its freeze on SER based on the effective and efficient basis upon which it has operated. What we have in SER is a successful program dedicated to making self-respecting, self-supporting individuals. SER is a program which shows that welfare is the wrong answer to unemployment problems.

REPRESENTATIVE McSPADDEN IS CLAREMORE'S "MAN OF THE YEAR"

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. ALBERT. Mr. Speaker, the State of Oklahoma is fortunate to be represented in the 93d Congress by two outstanding freshman Members of the House, our colleagues, Representatives JAMES R. JONES of the First District, and

CLEM R. MCSPADDEN of the Second District. Both men come to this body with long and distinguished records of public service, and I am confident that each has the potential for unlimited success.

It is with special pleasure, therefore, that I bring to my colleagues' attention excerpts from an article from the Claremore Daily Progress concerning the "Man of the Year" award that Representative MCSPADDEN has just received from the chamber of commerce in his hometown, Claremore, Okla. This is a high honor and one that is justly deserved by a man I am proud to call my friend, CLEM MCSPADDEN. The article follows:

[From the Claremore (Okla.) Daily Progress, Jan. 28, 1973]

MCSPADDEN IS CITY'S MAN OF YEAR

(By Lyle Becker)

Six awards, including the coveted "Man of the Year" plaque, were presented Friday night at the annual Claremore Chamber of Commerce banquet, held at Claremore Junior College.

Rogers County's first Congressman, U.S. Rep. Clem McSpadden, was presented the "Man of the Year" award by 1972 chamber president, Jay Reed.

Before going to Congress, McSpadden served in the State senate for 18 years. While there, he wrote the bill that put pure water on Oklahoma farms and in smaller communities. He authored the bill that provided for leveling and reclaiming strip pits and one that set up the Ports of Catoosa and Muskogee, a project that will bring "long-lasting jobs and income to the people of this area," Reed said as he was leading up to the award presentation.

McSpadden also coauthored a bill to establish successful vo-tech schools, and in 1972 as chairman of the appropriations committee was instrumental in improving Oklahoma education with bills that resulted in the largest appropriation ever made for public education in the history of the state, Reed said.

He was also responsible for the recently opened facility that houses the Davis Gun Museum.

McSpadden was the youngest member ever elected to the Oklahoma State Senate and the first man to ever be elected President of the Senate for two terms. A "dedicated Oklahoman who fights for the people of Oklahoma whether they be rich or poor, an honest, down-to-earth man who has honestly tried to perform his job to the best of his ability and who has succeeded in giving his friends and neighbors a respected voice in government, and the kind of 'back home' representation that is our birthright as Americans," Reed said.

"Clem is his own man, but his philosophy is not too unlike that of his great uncle, the late Will Rogers, who, if he were here today, would no doubt derive a great deal of pleasure from the fact that Clem, just elected to serve in the Congress, is already making history by being appointed to the powerful rules committee—a feat unheard of for a freshman congressman," Reed continued.

THE NATIONAL ASSOCIATION OF COUNTIES ANALYZES THE ADMINISTRATION'S BUDGET

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. McFALL. Mr. Speaker, the National Association of Counties has made a very comprehensive analysis of the administration's budget and it is scheduled for publication in the February 9 issue of the association's County News.

I believe the organization's observations deserve wider consideration due to their thorough view reflected in this analysis. I insert this analysis in the RECORD together with related articles appearing in the same issue of the County News.

[From the County News, Feb. 9, 1973]

AN OVERVIEW: THE PRESIDENT'S 1974 BUDGET

In appraising President Nixon's budget, it appears there is very strong support among citizens generally and county officials in particular for the emphasis on eliminating unworkable federal programs and returning key decision making to locally elected officials.

It is equally apparent, however, that there will be severe transition problems in the move from the vast array of categorical grant programs to the new era of grant consolidation.

While dollars probably will be the final determinant, an assessment of the budget has to start with the proposals for redirecting and reorganizing federal programs.

The President is proposing four major grant consolidation plans. Without asking for Congressional approval, he is going to repackage existing manpower training programs into block grants for states, counties and cities. Legislation will be sent to Congress to revamp law enforcement, community development and education programs. The proposals still are being tagged as special revenue sharing.

Missing from the consolidation list proposed in 1972 are rural development and transportation. Also missing are two program areas discussed intensively within the Administration during the last few months—health care and social services.

As expected, the Office of Economic Opportunity (OEO) is to be abolished by July. The programs OEO runs directly will be shifted to old line agencies. Legal services will be moved to a semi-independent corporation. The decisions to continue or drop community action agencies (CAA's) will be left to local governments. Local governments also will decide what to do with other federal programs run CAA's (manpower, day care, counseling, nutrition, aging, etc.). No funds are provided to help counties and cities in this transition.

Apart from what happens to CAA's, the local political pressures to continue services administered by the CAA's will be intense. There also is the problem of what happens to the thousands of people employed by CAA's. Counties immediately should determine the projects currently administered by local CAA's and their funding cycles so that an early evaluation can be made of the political impact of each program.

The Administration is proposing an end to the Economic Development Administration (EDA) when the current legislation runs out on June 30. Also included are the interstate regional development commissions. Part of the EDA planning funds will be folded into HUD's 701 planning program and passed on to the states.

EDA grants and loans for public works and technical assistance will be terminated. EDA's grant and loan programs amounted to $260 million last year and an estimated $195 million this year. The "rural objectives" of the programs supposedly are to be carried out through the recently enacted Rural Development Act. Yet, only a small amount is requested as start up funds for the new rural act.

It is extremely doubtful if Congress, backed up by 966 counties and most of the governors, will allow EDA to go under. The program is popular and has a better success story than most federal programs.

Not included in the budget, but important in assessing the realignment of the Administration, is the President's move to immediately reorganize departments. Four super chiefs, operating out of the White House and linked closely to the Domestic Affairs staff, will coordinate the domestic departments. While not agreeing or disagreeing with the decision, it further complicates local government's ability to reach decision makers on federal policy and funding issues.

The President's often stated goal of reducing the number of federal bureaucrats does not show up in the budget. While a small cut of 113,000 employees (out of almost 5 million civilians and military) is indicated, total federal personnel costs will increase $4.5 billion during the next year.

The budget proposes some sharp cuts in assistance to local governments both in the remainder of this fiscal year and in the next fiscal year. High on the list is the Administration's proposal to eliminate the successful public employment program (PEP). Some $580 million of this year's fund would be carried over to phase out the program by November or December. The President is not asking Congress to extend the Emergency Employment Act which established the program in 1971.

Manpower training funds are being cut this year from $1.7 billion to $1.3 billion. The Manpower Special Revenue Sharing proposal to go into effect next year would be at this reduced amount. If the PEP program is added to the manpower training funds, the net reduction of funds from fiscal 1972 would be $1.4 billion.

While the budget proposes $2 billion to be available for social services in 1974, the amount states and counties will be able to receive is dependent on new regulations to be issued by HEW. The regulations will restrict the eligibility of clients and types of services to be provided. The federal cost implications of the regulations is being carefully reviewed within the Administration and probably will be lower than the $2 billion budget figure.

The Administration expects to save $750 million in 1974 by imposing tighter management controls on state and county public assistance programs. It is not clear if the proposed savings will only be at the federal level. The net effect could be a transfer of costs to states and counties.

A large number of counties will be affected by the budget proposal to cut school funds to federally impacted areas. The program is being reduced from $608 million last year to an estimated $439 million this year. Only $60 million is proposed for fiscal 1974.

As previously reported, the Administration terminated on Jan. 5 HUD's programs for water-sewer open space and public facility loans. The Model Cities program will be phased out by June 30. Urban renewal will be phased out during fiscal 1974. No new funds will be requested in 1974 for neighborhood facilities. The Administration is proposing legislation for a $2.3 billion Community Development Special Revenue Sharing program to start July 1, 1974. The specifices of the legislation are still to be worked out. How the transition is to be carried out over the 18 month interim period is unclear.

New commitments for subsidized housing are frozen until the White House completes its evaluation of these programs (both HUD and Agriculture). Timetables differ on when the Administration will propose alternatives to Congress.

No funds are being requested next year for HEW's hospital construction program (Hill-Burton). Existing community mental health, alcoholism and drug centers only will be funded to carry out current commitments. No funds will be requested beyond existing community programs. The budget states that overall spending on drug abuse will increase from $655 million to $719 million. Counties should analyze carefully the detailed breakdown of the many other proposed changes in funding health services.

Total spending for highways drops from

$5.1 billion in 1972 to an estimated $4.6 billion in 1973. Most of the reduction is on the interstate highway system. The budget indicates a sharp increase in spending on urban streets while rural road construction (both primary and secondary) is held to a level considerably below authorizations. This same funding pattern for local needs is proposed for 1974 with still further increases for urban areas.

The Administration announced in December that the full $11 billion authorization (fiscal years 1973 and 1974) for water-sewage treatment plants would be held to $5 billion. The budget indicates a carryover of $1.9 billion making a total of $6.9 billion available for new commitments. This is up from $2 billion in fiscal 1972. The 1974 funds can be committed during fiscal 1973.

While the Environmental Protection Agency's overall budget increased, the Administration proposed to hold spending on solid waste programs to $5.8 million. No new recycling demonstration projects will be funded beyond the four already started last Fall.

Notably missing from the budget is any reference to property tax relief or welfare reform. The President was expected to propose a program of property tax relief to elderly, low income people. Administration officials indicate that welfare reform still is a top priority. The President's previous proposals are being reviewed with the hope that Congress will provide clearer directions on a Compromise bill.

A detailed analysis of the budget as it affects county governments starts on page 7. Further analyses will follow in the weeks and months ahead.

AN ANALYSIS OF THE PRESIDENT'S 1974 BUDGET

URBAN COMMUNITY DEVELOPMENT

The proposed FY 74 budget confirms the termination of several community development programs which occurred on Jan. 5: water and sewer, open space and public facility loans and proposes the termination of several others effective June 30: urban renewal, model cities, neighborhood facilities and rehabilitation loans.

Program activity will not, however, cease as there is about $7.4 billion of outstanding obligations (mostly urban renewal) now in the pipeline. Rather, no new commitments will be made after these dates until the programs are folded into urban special revenue sharing.

If enacted by Congress, urban special revenue sharing would commence on July 1, 1974 at a level of $2.3 billion.

Amounts already in the pipeline (obligated funds) to meet existing commitments include: $806.7 million for Model Cities; $122.9 million for neighborhood facilities; $5.7 billion for urban renewal; $17.5 million for rehabilitation loans; $288 million for open space; $309.9 million for water and sewer; and $94.2 million for public facility loans. Total $7.4 billion.

The budget also confirms the termination of subsidized housing programs (homeownership, rental housing, rent supplements and public housing) until they are reevaluated by the White House. If, upon completion of the evaluation, these programs are reinstated they will be funded through carryover contract authority. It is anticipated that no reduction will occur in the number of subsidized housing starts, estimated at an annual rate of 250,000.

The budget proposes a redirection of all comprehensive planning funds (701) to the governors of the respective states for their redistribution to cities and counties. $110 million is requested with the additional $10 million called for over the FY 73 appropriation to be used to fund planning for interstate regional commissions under the economic development program. New legislation will be required to make this redirection effective since many units of local government receive such planning funds directly from HUD.

The new communities assistance grant program (higher matching grants for community development projects) is proposed to be terminated on June 30. New communities will only receive financing under the loan guarantee program which contains $500 million authority.

COMMUNITY DEVELOPMENT

[In millions of dollars]

Program	Actual 1972	Estimate 1973	Estimate 1974
Model cities	580.3	644.3	
Neighborhood facilities	39.3	40.0	
Open space	100.2	50.0	
Water and sewer	199.9	[1] 100.0	
Urban renewal	1,461.4	1,454.0	[2] 137.5
Rehabilitation loans	49.9	70.0	
Public facility loans	39.0	20.0	
Total	2,470.9	2,378.5	137.5

[1] No budget request was made in fiscal year 1973 for water and sewer. Instead $200,000,000 of carry over funds were proposed to be spent. Congress, however, directed that a total of $500,000,000 impounded be spent.

[2] To assist in closing out all conventional urban renewal programs by July 1, 1974.

Note: Totals may not add up due to rounding.

ASSISTED HOUSING PAYMENTS

[In millions of dollars]

	Actual 1972	Estimate 1973	Estimate 1974
Rent supplements	77.9	122.0	164.0
Homeownership assistance	234.8	340.0	412.0
Rental housing assistance	86.3	115.0	205.0
Public housing	727.7	1,214.5	1,305.0
College housing	2.2	11.5	19.0
Total	1,129.1	1,803.0	2,100.0

Note: Totals may not add up due to rounding. To meet existing commitments through July 1, 1974, no appropriations are requested for fiscal year 1974.

HEALTH PROGRAMS

The Administration does not plan to send to Congress this year a Health Revenue Sharing proposal.

The 1974 budget targets research support funds on major problems such as cancer and health disease, the development of manpower in critical health professions including physicians, dentists and special demonstration projects, and streamlining the organization and delivery of health services.

The Administration plans to resubmit to Congress legislation to establish a national health insurance program, and to foster the development of health maintenance organizations (HMO). It does not plan to ask for renewal of three health programs which expire June 30, 1973: Hill-Burton hospital construction program; regional medical programs; and community mental health centers program (the budget includes authority needed between now and 1980 to honor federal staffing grant commitments to existing centers).

The policy of transferring the Public Health Service hospitals to local control will continue to be implemented in 1974. The provision of inpatient services in PHS facilities will be terminated as soon as alternative contractual arrangements can be negotiated and notification given to Congress. The target date for these arrangements to be effective is July 1, 1973.

Funding of health services for the poor and disadvantaged, such as neighborhood health centers and maternal and child health services, have been maintained at current levels, although HEW will pursue a policy of requiring the recipients of these grant funds to seek more reimbursements from public and private third party payments systems.

Community mental health programs

Legislation for community mental health centers expires June 30, 1973 and the Administration will not ask for a renewal of the legislation.

The 1974 funds for general health, drug abuse and alcoholism community programs are to provide for the support of existing service delivery projects. No new projects will be funded. Although the special community mental health center staffing grants for drug abuse will be phased out, the project grant effort being carried out under the general leadership of the Special Action Office of Drug Abuse Prevention will be expanded.

Critical mental health services will be provided on a national basis by financing these services under national health insurance plan proposed by the Administration.

Formula grants to states for planning and development of alcoholism prevention and treatment will be continued. Under the flexible formula grant program for alcoholism, states have the discretion to support community alcoholism services. The state formula grant for drug abuse initiated in 1973 will be continued.

Funds and technical assistance will be provided to the states to assess the extent of the drug problem and to develop problems tailored to community needs.

Health planning services and development

Legislation will be submitted to strengthen the comprehensive health planning program. The federal role will be concentrated on health services research and demonstration efforts. The application to the health care delivery system of these demonstration efforts will be primarily the responsibilities of state, localities and private organizations and individuals with limited federal assistance.

The Administration plans to terminate the medical facilities construction grant program (Hill-Burton) when the legislation expires June 30, 1974. The 1974 funds are to meet present federal obligations. Further construction that might be needed can be financed from charges for patient care through private, state and local borrowing.

Health services delivery

Presently, 67 neighborhood health centers are supported and service an estimated one million persons under health service grants. The increase of $100 million in FY 74 results from additional neighborhood health centers being transferred from OEO. No new projects will be started.

The migrant health program will also be maintained at currents, to be funded under the Partnership for Health Act.

The maternal and child health project grants funds will be merged with the formula grants beginning on July 1, 1973.

The family planning services receive federal financial support through the national Center for Family Planning, the Maternal and Child Health program, Medicaid, and social services under public assistance. There will be increases in the latter two financing sources, both of which will carry a 90 percent federal matching rate in 1974 as a result of the amendments to the social security act passed last year. The support level through the National Center for Family Planning remains the same as in 1973 funding. Funding will be under the Partnership for Health Act. The apparent increase results solely from projects transferred from OEO.

Preventive health services

The Center for Disease Control will continue to train state and local employees in the investigation, prevention and suppression of diseases and occupational injuries but on a reimbursable basis. Lead based paint poisoning and rat-control programs will be continued in FY 1974.

Medicare

Legislation passed last year included over 50 provisions to improve the Medicare program. Beginning July, 1973 Medicare will cover people under age 65 who are entitled to social security or railroad retirement benefits because they are disabled.

The Administration plans to intensify its efforts to improve hospital utilization review programs; institute pre-admission certification procedures under both Medicare and Medicaid (See Welfare section); and implement the cost control provision in the 1972 amendments. The Administration will also propose legislation to introduce cost sharing and cost consciousness among Medicare beneficiaries.

SELECTED HEALTH SPENDING

[In millions of dollars]

	1972	1973 estimate[1]	1974 request
Community mental health programs:			
General mental health programs	144.6	159.5	133.7
Drug abuse	62.3	145.0	161.8
Alcoholism	39.3	49.6	42.3
Health planning services and development:			
Health services research development grants and contracts	59.6	58.0	51.6
Comprehensive health planning grants		39.8	36.3
Medical facilities construction grants (Hill-Burton)	186.8	169.5	135.6
Health services delivery:			
Comprehensive health services:			
Grants to States	94.3	90.0	90.0
Health services grants	126.6	116.2	211.1
Migrant health grants	16.1	23.8	23.8
Maternal and Child Health:			
Grants to States	131.0	125.7	218.0
Project grants	98.2	100.8	
Family planning	52.8	137.0	119.6
Preventive health services	96.0	166.0	131.2
Health Manpower	793.0	892.0	889.0
Health maintenance organizations			60.0
Medicare[2]			
Hospital insurance benefit payments	6,226.0	6,659.0	8,988.0
Supplementary medical insurance benefit payments	2,312.2	2,452.0	3,022.0

[1] Represents administration's recommended amended fiscal year 1973 expenditures. The final appropriation bill for the Departments of Labor and HEW is still pending before Congress.

[2] See welfare section for Medicaid programs.

MANPOWER PROGRAMS

Funds for manpower training programs available to local governments show a reduction of more than 20 percent, falling from a level of $1.7 billion in 1972 to $1.34 billion in 1974.

In fact, the reduction is even more severe. Not reflected in the budget figures is the absence of funds for the Public Employment Program (PEP). When PEP is included, the obligations fall from $2.9 billion in 1972 to a mere $1.34 billion in 1974, a slash of 55 percent.

The most striking feature of the budget is that it proposes to create Special Manpower Revenue Sharing under existing law, but no congressional action will be sought. Through Special Revenue Sharing, the Administration plans to give state, county and local governments authority to design manpower programs to fit their special needs.

The budget lists manpower spending only under two categories: state and local programs and national programs. The two general categories contain Manpower Development and Training Act MDTA Institutional Training, On-the-Job Training (OJT), Job Opportunities in the Business Sector (JOBS), Concentrated Employment Program (CEP), Public Service Careers (PSC), Neighborhood Youth Corps (NYC), and Operation Mainstream (OM).

In 1974 approximately 75 percent of the manpower program funds available under MDTA and EOA will be made available to states and localities. The remaining 25 percent will be retained at the federal level for national programs, research and demonstration, labor market information and technical assistance.

Some highlights of the Manpower portion of the budget are:

Effective July 1, 1973, under the existing authorities, the new form of Manpower Revenue Sharing will begin to decentralize planning and operational responsibility with broad flexibility to state and local governments.

The Administration will ask only for an extension of the Manpower Development and Training Act rather than resubmit its proposal for new Manpower Revenue Sharing bill.

Local Cooperative Area Manpower Planning System (CAMPS) committees receive prominent mention in the special analysis of the budget. The advice and recommendations of the local Manpower Area Planning Councils and Manpower Planning Boards are recognized as the principle vehicle for setting local funding priorities.

Unfortunately, there is no evidence in the budget analysis of the efforts of NACo during the past year to achieve recognition for all heads of general purpose government within the CAMPS planning process.

Work Incentive Program (WIN) obligations are slated to increase substantially, reflecting the mandate of the Social Security Amendments of 1971.

The Public Employment Program (PEP) will not be continued in 1974, although outlays of $580 million will be made for individuals completing their transitional employment during the year. The program will be allowed to phase out slowly. Spokesmen for the Administration envision funds being expended through December, 1973. How the phase-out of the program will be accomplished was not made clear.

Congressional reaction to the Administration's proposals is mixed. Only mild opposition is expected on Manpower Special Revenue Sharing. Some type of public employment program will be enacted later this year. Congress and public opinion may force the Administration to accept a continuation of the PEP program.

MANPOWER SPENDING

[Millions of dollars]

	1972	1973	1974 request
State and local programs	1,132.0	709.4	950.0
National programs:			
(a) National training programs	501.6	440.2	347.6
(b) Program support	45.3	45.1	42.5
(c) Computerized job placement	28.8	25.4	
Total obligations	1,707.7	1,220.1	1,340.1

WELFARE

The Administration is continuing its efforts to cut welfare costs through administrative and legislative changes.

One such change is the proposed regulation to go into effect April 1 to limit federal support to ineligibles on the welfare rolls.

The Administration is developing legislative proposals designed to help states manage their welfare programs and to standardize certain areas where wide variations lead to unnecessary complexities and inequities. One proposed amendment would standardize earned income expense allowances. It would provide for a work related income disregard of $60 per month plus the cost of child care (similar to provisions in the House-passed version of H.R. 1).

The new Supplement Security Income program (SSI) enacted last year goes into effect Jan. 1, 1974. Under it, the federal government assumes full responsibility for providing basic assistance for the aged, blind, and disabled.

There are no funds in the new budget for major welfare reform as was proposed in the last budget. The Administration appears to be waiting for the Senate Finance Committee to take some action before further consideration of welfare reform.

The new budget figures are based primarily on estimates received from the states in November, 1972, adjusted to take into consideration federal initiatives to improve the effectiveness of the public assistance programs.

Some major items are:

The cuts in maintenance assistance grants reflect the impact of H.R. 1 enacted last year transferring the adult categories to direct federal administration on Jan. 1, 1974.

Early and periodic screening of children for dental and other health problems under Medicaid will be continued. However, the Administration will propose eliminating federal matching payments for dental care for adult recipients (states could continue to offer the service).

Medical services will be expanded for the aged, blind and disabled welfare recipients as a result of recent legislation.

Contracts with local health services organization will be used to finance inpatient medical care to primary beneficiaries eligible for treatment at Public Health Service hospitals.

Legislation approved last year will allow states to determine levels of benefits, and permit nominal cost sharing by medicaid program beneficiaries.

The Administration will propose legislation to require states which have not already done so to expand their Medicaid coverage to include free standing clinics (neighborhood health centers and family centers). This effort will be made to reduce the need for federal grants to centers by making third party payments available to support the centers.

HEW will soon issue regulations to implement the $2.5 billion maximum on federal matching to social services added to the Revenue Sharing bill last year. The Administration has included $2 billion in the new budget, but has stated that the new regulations should bring this figure down to $1.8 billion. The new regulations will define allowable services for purposes of federal matching: prohibit federal matching for activities financed through other federal/state programs such as medical care, mental health and subsistence payments; and call for strengthened administration of services programs at the state and local level.

The 1971 amendments to the WIN program provide for major changes in requirements for registration and job placement for employable recipients of AFDC. Fiscal year 1973 is the first year of major program activity under these new requirements and priority for training and job placement will be given to unemployed fathers and AFCD mothers of older children where day care and related services are less extensive.

The SSI program budget includes $150 million in "hold harmless" payments to states which supplement the federal payments, and $40 million to reimburse the states for providing vocational rehabilitation services to blind and disabled SSO recipients.

SELECT WELFARE FUNDS

[Millions of dollars]

	1972	1973 estimate	1974 request
Public assistance grants:			
Maintenance assistance	5,945.9	6,498.0	5,543.5
Medicaid	4,360.5	5,048.5	5,281.9
Social services	1,589.2	1,266.3	2,000.0
State and local training	33.1	50.6	44.6
Child welfare services	45.9	46.0	46.0

	1972	1973 estimate	1974 request
Work incentives (WIN):			
Training and incentives, child care and supportive services	258.0	454.5	534.4
Social and rehabilitation services:			
Vocational rehabilitation	621.0	676.5	650.0
Special programs for the aging	45.0	201.0	196.0
Social security income program (SSI): Federal assistance payments (6 months)			1,700.0
Food stamps:			
Program costs	1,896.0	2,170.0	2,172.0
Allied services			20.0

LAW ENFORCEMENT

Authorization for the block grant programs administered by the Law Enforcement Assistance Administration (LEAA) under the Omnibus Crime Control and Safe Streets Act of 1968 expires on June 30, 1973.

Considerable attention will be focused on the program by the Congress as to its effectiveness in light of criticisms leveled at its over the past year. LEAA is formulating a Special Revenue Sharing proposal for law enforcement aimed at turning more program responsibility over to state and local governments. Various alternative methods of distributing the funds and being explored taking into account factors such as population and state and local expenditures. The legislation is expected to be presented to Congress shortly.

The proposed budget reflects replacement of the bloc grant program with Law Enforcement Special Revenue Sharing at a level of $800 million for FY '74. The total budget request of $891.1 million represents an increase of $35.8 million over that requested for FY '73, and $194.4 million over that requested for FY '72. Actual spending in FY '73 amounted to $590 million.

Under the Special Revenue Sharing proposed, if enacted by the Congress, the following new separate items would be incorporated:

Grants for development and implementation of comprehensive plans (Part B)

Matching grants to improve and strengthen law enforcement (Part C)

Aid for correctional institutions and programs (Part E)

Technical assistance

Manpower development (LEEP)

Of the total revenue sharing funds made available ($800 million), 85 percent ($680 million) would be allocated to the states by population and 15 percent ($120 million) would be retained by LEAA for use as discretionary funds.

LEAA APPROPRIATIONS

[In millions of dollars]

	Estimate, 1973	1974 requests
Comprehensive planning grants (pt. B)	50.0	
Matching action grants (pt. C):		
Allocated to States by population	480.2	
Discretionary	88.7	
Special revenue sharing:		
Allocation to States by population		680.0
Discretionary		120.0
Corrections (pt. E)	113.0	
Technical assistance	10.0	
Technology analysis	31.5	48.4
Manpower development (LEEP)	45.0	
Data systems and statistical analysis	21.2	25.5
Management and operations	15.5	17.1
Total	855.3	891.1

Note: Totals may not add up due to rounding.

TRANSPORTATION

Proposed 1974 federal expenditures for highways, airports and transit are almost the same as 1973. A total of $4.4 billion is planned for highways including $2.6 billion for the national interstate system. The amounts allocated to other road programs has steadily increased over the last two years with larger amounts going to urban streets.

The Administration proposes combining the non-interstate system highways with two new rural and urban programs. This is shown in the budget figures. The new urban program could be used at local discretion for roads or transit. It is not clear if Congress will agree with the President's proposals.

The unspent surplus in the Highway Trust Fund (impounded funds) will grow to $5.4 billion at the end of fiscal 1973 and to $6.7 billion at the end of fiscal 1974.

Funds available for new commitments for transit construction increased from $508 million to $980 million between fiscal 1972 and 1973, $1 billion will be available in fiscal 1974.

The Administration intends to ask Congress for an additional $3 billion in new contract authority for transit. This would bring the total up to $6.1 billion.

The Administration continues to be opposed to authorizing a new program of transit operating subsidies.

Funds available for airport construction will continue at the $280 million level. Of this amount, $30 million is for general aviation airports. An additional $15 million is available for airport planning.

The Administration plans no further funding beyond June 30, 1973 for federal marshals at major airports. They also continue to oppose legislation (S. 38—expected to pass Senate next week) authorizing $35 million for an expanded federal airport security force.

A total of $90 million will be available for highway safety programs in 1974.

Funding for the National Railroad Passenger Corporation (AMTRAK) will decrease from $107 million in 1973 to $93 million in 1974. AMTRAK reportedly sought a much higher funding level for 1974.

SELECTED HIGHWAY PROGRAMS—ACTUAL SPENDING

[In millions of dollars]

	1972–73 authorizations	1972 actual	1973 estimate	1974 estimate
Program by activities:				
Interstate Highways System	(4,000)	3,360	2,800	2,600
Primary system	(570)	443	360	
Secondary system	(380)	290	290	
Rural primary and secondary	[380]	95		
Proposed rural program				625
Urban extension highways	(275)	250	240	
Urban system	(100)	527	140	
Topics	(100)	44	265	
Proposed urban program				800
Bridge replacement	(125)		55	75
Economic growth center highways	(50)			
Forest highways	(33)	20	20	16
Planning and research		80	67	81
Public land highways	(16)	10	12	5

ENVIRONMENTAL PROTECTION AGENCY

The Environmental Protection Agency's (EPA) proposed operating budget for fiscal 1974 will increase by $44 million from $471 million to $515 million. Although this figure represents a net increase of 9.3 percent in EPA's operating funds (as compared to an overall federal budget increase of 7.6 percent), there are some disappointing decreases in programs of major interest to county governments.

Unfortunately for counties, the budget increases are only for EPA administrative and regulatory costs and not for direct services or programs through grants to state and local government. In fact, while solid waste and water pollution control grants are being "chopped", the overall manpower resources of EPA are being increased by 703 to a total of 9,203 full time, permanent positions.

Thus, new money is being used to regulate and control rather than to perform services or construct environmental control projects.

Solid waste

Foremost among program decreases is the drastic elimination of the solid waste recycling demonstration grants program. $30 million had been appropriated by Congress in fiscal 1973 for recycling projects under the Resource Recovery Act of 1970. Four grants totalling $20.3 million have been awarded to date (including a $4 million grant to San Diego County, Calif., for a project to convert solid waste into fuel oil). EPA does not plan to use the remainder of the $30 million.

In addition, the Administration is not seeking an extension of the Resource Recovery Act, which expires June 30, 1973, and includes both demonstration project grants and planning grants.

EPA has, to-date, made a policy decision not to fund any local government solid waste construction grants or demonstration projects. It believes solid waste is a "local" problem with national significance and that programs should be funded locally. EPA's avowed emphasis (in an Administration bill to be sent to Congress soon) will be to "force" local governments to act through a regulatory program emanating from Washington, D.C., and the states.

Congress has not yet indicated a desire to be this "tough". Sen. Edmund Muskie (D-Maine), Chairman of the Subcommittee on Air and Water Pollution, has developed a "committee print" bill to continue the Resource Act. The House Subcommittee on Public Health and Environment also plans hearings on proposals to amend the act.

The $5.8 million requested for solid waste programs will be used primarily to develop programs for disposal of hazardous wastes.

Water pollution

EPA recently announced plans to release only $5 billion of 1973 and 1974 contract authority for the funding of construction grants for municipal waste treatment plants under the federal Water Pollution Control Act Amendments of 1972. This $5 billion will supplement the $1.9 billion of 1973 appropriated funds making $6.9 billion of construction grant money available in the fiscal years 1973 and 1974.

This is only a portion of the $11 billion authorized by Congress for fiscal years 1973 and 1974.

Some major features of the $515 million EPA operating budget for fiscal 1974 are:

An increase of $53.1 million for administering the Water Pollution Control Program, including $20 million for grants to state water pollution control agencies.

An increase of $4.4 million for the Pesticide Program.

An increase of $1.6 million for the Noise Pollution Control Program.

A decrease of $6 million in the Air Pollution Control Program.

An increase of $4.6 million for agency and regional management functions of the new water, pesticides and noise programs.

NATURAL RESOURCES

As is the case with much of the proposed 1974 federal budget, natural resources and environment is a "mixed bag". Overall, President Nixon's budget calls for spending $609 million more on natural resources and the environment (see section of EPA for further explanatory material on environmental programs) in fiscal 1974 than in fiscal 1973.

However, this picture is somewhat clouded for county governments. A prime example is funding the Land and Water Conservation Fund of 1965. The proposed budget for grants to states and local governments shows an increase of $33.8 million to a 1974 total of $160 million. However, this apparent increase is partially offset by a reduction of some $20 million in federally-funded recrea-

tion programs under the Land and Water Conservation Fund.

The Open Space program (see HUD budget analysis) may be folded into the community development bloc grant proposal. However, until this becomes fact, local governments will lose some $100 million for parks and recreation.

While on the surface it appears that local governments receive an increase of $33.8 million for park and recreation programs, further analysis shows that in fact there is a reduction of some $120 million, or a net decrease of $86.2 million.

Some other highlights indicated in the 1974 proposed budget in the natural resources area include:

An overall increase of $19 million (from $179 million to $198 million) in payments to states and counties that contain tax exempt, federally-owned public lands. Examples of payment levels for 1974 can be found in the table below.

An increase of $6.5 million in the Youth Conservation Corps which provides summer employment for youth ages 15 through 18. The funding level for this program in the nation's forests would be $10 million.

A major decline of $56 million in funding for the Forest Roads and Trails program. This program decreased from $157.8 million in 1973 to a proposed $113.1 million in 1974. The cut reflects a shift in Administration emphasis to road construction by timber purchasers in the national forests, rather than the federal government.

A proposal by the Administration for legislation regulating strip mining. The budget request for this program is $7 million for a program that would encourage states to reclaim lands and water damage by future strip mining.

A $20 million request to fund the administration and implementation of a "national land use policy". This funding is in anticipation of the passage of land use legislation which would provide federal grants and technical assistance encouraging states and local governments to develop land use programs which would protect areas of critical environmental concern.

SELECTED RESOURCE SPENDING

	1972 Actual	1973 Estimate	1974 Request
DEPARTMENT OF THE INTERIOR			
Payments to States and counties (BLM):			
OEC lands	31.90	37.70	35.00
Taylor Grazing Act	1.04	1.05	1.22
Mineral Leasing Act	55.90	54.00	57.60
National Grasslands, payments to counties	.14	.16	.24
Land and Water Conservation Fund (BOR):			
Assistance to States and locals	87.3	126.2	160.0
Federal programs	84.9	100.1	80.1
Strip mining regulation (proposed)			7.0
Land use planning (proposed)			20.0
FOREST SERVICE, USDA			
National Grassland, payments to counties	.53	.52	.55
Youth Conservation Corps	2.76	3.50	10.04
Forest Roads and Trails	175.18	157.35	113.15

RURAL DEVELOPMENT

The FY 1974 budget for the Department of Agriculture (USDA) reflects greater dependence on loan authority rather than old-line grants and significantly reduces five programs popular with county governments.

Farmer's Home Administration water and sewer grants have been frozen (earlier in the year USDA expected to spend $42 million of the $108 million FY 1973 appropriation). More than 1000 rural counties have used these grants in combination with private loans to finance water lines for families previously without indoor facilities.

The 36-year old Rural Environmental Assistance Program (REAP), a federal cost-sharing conservation program used by many farmers, has come to a halt. Of the $225 million FY 1973 appropriation, $140 million is impounded and only $5 million spent. Commitments through December, 1973 will be honored.

An end has come to the direct two percent loans of the Rural Electrification Administration. They will be replaced with direct five percent loans guaranteed by the government.

Housing interest subsidies for low-income families and farm labor housing programs fall under the Administration's 19-month moratorium and reevaluation.

Emergency loans for disaster repair to farmers and rural homeowners costing $80 million last year are entirely terminated.

The much-touted Rural Development Act passed in the last Congress contains only $333 million, mostly loans, rather than the $500 million authorization. Major line items are community facilities grants, $10 million; community facilities loans, $100 million, and rural industrialization loans, $200 million. Gone are planning grants, waste disposal, pollution abatement and fire protection funds.

RURAL DEVELOPMENT SPENDING

[In millions of dollars]

	1972 actual	1973 estimate	1974 request
Agricultural stabilization	515.4	514.8	322.6
Soil conservation	333.4	359.5	314.3
Farmers Home Administration [1]	429.4	431.4	312.9
REA (direct electric loans)	550.9	619.0	375.1
Agriculture extension	169.7	191.7	197.2
Cooperative Research Service	74.7	82.8	68.5
Food stamps	1,916.8	2,193.3	2,195.8
Special milk program	715.7	698.6	787.2

[1] Most of the funds shown are for loan programs, not projec grants.

EDUCATION

The Administration will submit to Congress again its Education Revenue Sharing package which folds in over 30 categorical grant programs into one $1.9 billion single formula grant including funds for impacted area aid and vocational education.

In the 1974 budget, all federal programs which have the direct support of educational activities as a major purpose, or which involve the use of education resources to achieve other purposes are included in the Office of Education Budget. (See Health section for health manpower training programs). The Administration also plans to propose legislation that would provide an income tax credit for tuition paid to nonpublic elementary and secondary schools.

The Education Revenue Sharing proposal will earmark funds for vocational education and impacted area aid to insure a minimum level of funds in these priority areas but give State and local school officials much greater flexibility in targeting and programming the funds.

The funds for impacted area aid for children whose parents both live and work on federal property, (so called "A" children), will be provided at the full estimated entitled for 1974 according to the criteria in existing law. The state education authorities would be required to pass these funds through to the affected school district.

Federal support for (so called "B") children whose parents work on federal property, but live in the community and help support schools would be eliminated in 1974.

COUNTY OPINION: DO BUDGET CUTS HURT COUNTIES?

In the short run, most counties clearly will feel the pinch of President Nixon's present impoundments and proposed cutbacks in the 1974 federal budget. Some counties will be hit harder than others.

In the long run if the President is successful in cutting unnecessary federal expenditures, all counties stand to benefit from reduced inflation and stable federal tax rates.

The budget shows that the Administration is serious about reorganizing cumbersome federal programs and giving state and local elected officials more responsibility. This is to be accomplished by "Special Revenue Sharing" or bloc grants of funds to local governments for local priority items.

Not all programs have been reduced. There have been some program increases, notably:

Crime fighting in the Law Enforcement Assistance Administration (LEAA)
Aid to communities desegregating schools
Drug abuse
Sewage treatment plants
Highway beautification

It is hard, however, to imagine a county that will escape the impact of these major impoundments and cutbacks:

Public employment program (EEA Act)
Impacted school aid
Roads and streets
Community action agencies and other OEO programs
Housing and community development
Model cities
Hospital construction
Mental health centers
Solid waste
Regional medical programs
Public works and buildings
Soil conservation, rural electrification

In some instances, the total fiscal impact on counties is unclear. For example, Congress put a ceiling of $2.5 billion on social services (day care centers, counseling, etc.). The President proposes to spend $2 billion of this account. However, HEW is about to issue tough new administrative guidelines that are expected to save at least $200 million.

Our immediate county problems are with the "transition" period. Where programs are being merged into special revenue sharing it is not clear how the Administration plans to handle funding during the changeover. Where programs are being completely terminated, such as community action agencies, the local political pressures will be intensive to continue these services. The big question is, will the Administration review some of its spending proposals and work with local governments in planning a smooth transition?

WHAT CAN COUNTIES DO?

In some respects, county officials find themselves in the position of a man watching his mother-in-law drive over a cliff in his Cadillac.

Since the impoundments became known, we have had one meeting with county policymakers (county executives), and we have had many telephone conversations. The consensus seems to be that the President is basically right in his goals and should be supported but that there will be heck to pay during the transition.

One immediate need is to document cuts that are basically unfair and cause local hardships that cannot be remedied from local resources. Many retroactive cuts in welfare and social services programs surely are in this category. This review is underway. All members are urged to contact NACo with specific case histories. We must appeal to the Administration in these hardship cases.

A second approach is to vigorously support the President's special revenue sharing on grant consolidation programs in community development, manpower, education and law enforcement. We will have some amendments to offer to his proposals, but the most important thing is that the approach is sound.

A third approach is to work with the Administration and the Congress in recommending shifts in priorities within the agreed budget bureaucracy. Also, it should not be accepted without debate that defense expenditures can not be reduced.

We also are not giving up on reform of the welfare mess. Many of our counties' concerns on proposed cuts would be eased if they knew that some help was coming on the most onerous burden of the lot—rising welfare costs. NACo priority is closely related to the discussion on the federal budget.

Given the funds presently in the "pipeline" and assuming that the Congress can respond promptly, it is possible that the community impact of cutbacks can be lessened.

Client and support groups from impounded programs are beseiging county courthouses for a share of the counties' general Revenue Sharing funds. Since general Revenue Sharing allocations average only 5 percent of the average county's budget (about the level of one year's inflation), we can see little likelihood of overall relief from these funds. This is particularly true in areas like California where the state has forced the counties to use all or a portion of these funds for tax-cutting.

CAN CONGRESS HELP?

We see little prospect of Congressional action to prevent Presidential impoundments. Impoundments have been used since Thomas Jefferson's administration. There is a suit underway by the State of Missouri, and joined by Congressional leaders, against Highway Trust Fund impoundments. If Congress wins this one, we have a whole new ball game.

If the Congressional leaders do not win the court test, it's hard to see how they can have any policy role in spending priorities. What difference would it make, for example, if Congress increased the President's 1974 budget by $50 billion? The President will only spend what he wants to spend. The President's only problem would come if he wanted to spend for a new program for which Congress had not authorized or appropriated funds. He can not spend in a new program area without an authorization.

A TAX RAISE

Congress has one additional option. It can raise federal income taxes, and may have to. All indications are that the economy is already booming. We are apparently returning to the year when we tried to control inflation by adjusting interest rates. This did not work then and probably will not work now.

It is possible, and even probable, that by fall, the economy will be booming out of control and a tax increase will become an anti-inflation necessity.

HOW ABOUT PUBLIC OPINION?

All the public opinion polls indicate that the citizens have become "anti-bureaucracy." They want spending reduced.

The President will get strong public support with his battle cry. "Get the federal government off your back and out of your pocket."

ONLY SMALL CUTS IN FEDERAL EMPLOYMENT—THE FEDERAL BUREAUCRACY TRIUMPHS!

(By Bernard F. Hillenbrand)

The federal bureaucracy is not going to be off our backs or out of our pockets.

The plain fact is that the proposed 1974 budget envisions a massive, $20 billion cut in domestic programs but proposed to eliminate only 46,100 federal jobs over the next 18 months. This is about 2 percent decrease of the 2,770,000 federal employees.

How big is the bureaucracy? The numbers are tricky. In 1958, there were 2.23 million federal workers. In 1971, this had increased to 2.77 million. This is a relatively modest increase of 24 percent but does not take into account the increases federal activity has stimulated (or forced) in state and local programs through the grant-in-aid device. In 1972, for example, about $40 billion of federal dollars were flowing to state and local government in categorical grants and contributing to the total federally inspired bureaucracy.

This is not the full story. The major escalation in bureaucratic cost has been at the higher levels of federal bureaucrats—GS-14 and above.

Look at these figures. In the period for 1958–71, the GS-14 and aboves increased from 24,477 to 72,669. GS-14 salaries went from a maximum of $11,325 to $30,018 now.

The number of GS-14's and above is given in the table on page 2.

Mike Causey, the very knowledgeable author of the "Federal Diary" which appears daily in *The Washington Post*, has this agency breakdown:

Agriculture is due to eliminate 4,600 of its jobs, down to 78,800.

"Commerce will grow 200 positions, to 28,400.

"Defense will drop 25,600, to a fiscal 1974 estimate of 986,800.

"HEW is programmed to "lose 8,400 positions, but most will be paper transfers and the department will actually be hiring this year.

"HUD will drop 1,900 jobs. This is one department where officials believe that layoffs, or RIFs, will be necessary to get down to the 13,900 level.

"NASA must cut 1,800 jobs, and will probably have to resort to reductions-in-force to meet its new target of 25,000 jobs.

"Interior will lose only about 100 jobs, down to a level of 56,900.

"U.S. Postal Services will drop 5,000 jobs, to 564,500 for the 1974 estimate.

"Justice will drop 100 also, but there will be many internal realignments as workers are shifted to direct law enforcement work. Its fiscal 1974 estimate is 47,100.

"Labor's new ceiling will be 12,400, a drop of 400 jobs, mostly in the Manpower Administration, with the bulk of the cuts being made at Washington headquarters.

"State is seen gaining 200 jobs, up to 23,400.

Small Business Administration is set to cut 100 jobs; Selective Service System about 1,800; U.S. Information Agency down 300 jobs; Agency for International Development will lose 900 and General Services Administration will lose 300 while Environmental Protection Agency will gain 300 jobs. The Atomic Energy Commission will get an additional 400 positions if the budget is approved by Congress.

"Footnotes are all important in this, as other budgets. For example, the 8,400 job cut in giant HEW comes about primarily through the transfer of many workers to local government control from Public Health Service hospitals and St. Elizabeths Hospital here.

By "losing" that many employees in a transfer, HEW in fact will be able to hire between 8,000 and 9,000 new employees to beef up operations in Social Security and other agencies. Actually, HEW will be hiring about 9,000 this year and another 14,000 to 15,000 in the next fiscal year to staff new welfare responsibilities given it."

Agency	1971	1958
Defense Department	23,119	9,354
Transportation	6,800	--------
Health, Education, and Welfare	6,347	713
National Aeronautics and Space Administration (NASA)	5,698	495
Treasury	3,977	1,624
Commerce	3,656	1,599
Agriculture	3,617	1,305
Interior	3,063	1,026
Justice Department	2,391	1,075
Labor	1,780	305
Housing and Urban Development (HUD)	1,710	--------
Veterans' Administration	1,378	756
General Services Administration (GSA)	1,012	407
All Government	72,669	22,477

Note: The Department of Transportation and HUD did not exist in 1958.

MRS. JEANETTE DEATHRIDGE BATEMAN

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. FULTON. Mr. Speaker, Mrs. Jeanette Deathridge Bateman was one of those tireless and selfless individuals who constantly worked in behalf of and for the betterment of her neighbors and whose achievements will live for years as a tribute to her.

Mrs. Bateman died at 81 on January 16, 1973. Throughout most of her adult life she was an educator, beginning her teaching career in a one-room schoolhouse which stood on the Tennessee-Alabama line.

Later she transferred to Stratton school in Madison, Tenn., at a time when it had only four teachers and 125 students. She eventually became principal of Stratton school and served in that capacity for 38 years before retiring in 1956. By that time Stratton had grown until Mrs. Bateman was in charge of 27 teachers and 800 students.

Just before her retirement, Mrs. Bateman conceived and helped launch an idea which has become an annual and looked-forward-to occasion in our community, Madison Hillbilly Day.

Reportedly, she first thought of the idea when she was "arrested" in a North Carolina town where a similar celebration was taking place. Her "arrest" came because she was not properly costumed for the occasion.

"We were walking down the street and saw all those people in beards and costumes. I got arrested for not wearing one," she said.

"On the way back to Nashville I got to thinking. All those people were having so much fun, we ought to have a community project like that in Madison," she said. Thus, a tradition was born and established.

Mrs. Bateman was one who believed that all things are possible. In 1934, when President Franklin D. Roosevelt visited Nashville, Mrs. Bateman decided the President should halt his motorcade at Stratton school. I am not certain how she arranged it but President Roosevelt's motorcade did just that.

Upon her retirement she was honored as recipient of the Madison Sertoma Club's "Service to Mankind" award and given a trip to Europe by her former students and appreciative parents and friends in the community.

Her list of activities was long.

She was active in community and civic activities and was president of the Madison Garden Club and the Tennessee Retired Teachers Association, regent of the Belle Meade Daughters of the American Revolution, a board member of the Bill Wilkinson Hearing and Speech Center, and the Nashville League for the Hard of Hearing.

She taught a Sunday school class for many years at Trinity United Methodist Church and was chairman of the legislative committee of the Nashville Metropolitan Retired Teachers Association.

She was a member of the Tennessee Historical Association, the Ladies Hermitage Association, and Cheekwood Botanical Gardens.

Mrs. Bateman was a positive, invigorating and moving force in our community. She will be long and warmly remembered.

BUFFALO, N.Y., STUDENTS OUTLINE MODEL HUMAN RELATIONS CODE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DULSKI. Mr. Speaker, adults are often quick to criticize young people today, without pausing to realize that the great majority are fine citizens.

Dr. Joseph Manch, superintendent of the Buffalo public schools, has given me a copy of the Code of Human Relations adopted by the Inter-High School Student Council in Buffalo, N.Y., January 16, 1973, and presented to the board of education January 24, 1973.

This is a most remarkable document, clearly demonstrating not only the concern of the students for harmonious human relations, but also their maturity and sensitivity in recognizing and outlining the need for such standards in these troubled times.

The code will be distributed throughout the Buffalo school system and the community. I am pleased to take this opportunity to share it with my colleagues; its basic tenets merit serious deliberation by all of us:

RECOMMENDATIONS OF THE INTER-HIGH SCHOOL STUDENT COUNCIL FOR A CODE OF HUMAN RELATIONS—JANUARY 1973

We, the members of the Inter-High School Student Council, recognizing the importance of working together harmoniously and building good human relations in our school and nation, have formulated the following Code of Human Relations, which we recommend, not only for students and teachers, but for our parents and all Americans.

Respect—Respect yourself, and treat others with the respect that you desire for yourself. Respect and value differences in other people.

Acceptance—Accept other people for what that are. Accept them as individuals and not as a member of a group.

Understanding—Have empathy for those whose beliefs or practices differ or conflict with one's own. Allow for differences. Be openminded. Try to understand the other person's point of view. "Walk a mile in his shoes."

Patience—Bear problems and difficulties calmly and without complaint. Be not hasty or impetuous in judging others.

Responsibility—Answer for your own conduct and obligations. Don't always blame others. Look to yourself.

Trust—Act in such a way that others can rely on your character and truthfulness. Place confidence and hope in others.

Honesty—Be truthful with others. Be fair and straightforward in your conduct, but be sensitive to other people's feelings.

Dignity—Have pride in yourself. Earn the respect of others by being a worthy person.

Friendship—To have a friend, be a friend. Hold out your hand to others, regardless of their race, creed or national origin.

Love—What the world needs is love. All the rest will follow.

The practice of these "Ten Commandments of Human Relations" will guarantee our human rights through the exercise of our human responsibilities.

CONGRESS SHOULD ENACT THE DECLARATION OF INDEPENDENCE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. FINDLEY. Mr. Speaker, with the Nation's bicentennial only a few short years away, plans for an elaborate ceremony are well underway. Many millions of dollars will be spent to celebrate the birth of our Nation and the birth of democracy and freedom.

One Illinois citizen, Mr. Donald K. Robinson of Jacksonville, has come up with a very unique, and I think particularly appropriate, way to memorialize the stirring words first written in the Declaration of Independence. Mr. Robinson suggests in a recent letter to me that the Congress enact the Declaration of Independence into law, on the occasion of the bicentennial, thus reaffirming our commitment to the equality of man his inalienable rights of life, liberty, and the pursuit of happiness.

So that all may read Mr. Robinson's fine letter, I am including it at this point in my remarks:

DEAR PAUL: I would like to suggest legislation that would remove the "Declaration of Independence" from a status of common law and make it a part of our basic law, perhaps to be entitled "The American Philosophy of Democracy." This document generated an entirely new concept of the relationship of those governed and those holding the stewardship of governing, and these ideals are as timely now as they were in 1776.

The year 1976 is devoted to the past 200 years of our nation. However, the bicentennial year should also devote itself to the daily living of the future which becomes history surprisingly fast. Therefore, it struck me that a fitting memorial to both our forefathers and their unique ideals would be a reaffirmation of a social order which is realized by each generation through practicing its philosophy of change to meet changing conditions for 200 years.

Much of the concept of human rights practice seems to be generated out of these words, ". . . unalienable rights," as are the limits of bureaucracy measured in terms of, ". . . mankind are more disposed to suffer, while evils are sufferable, than to right them by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

Legislation that would make the "Declaration of Independence" a vital organ of our basic law would endow future generations with the democratic ideals out of which individual fulfillment of potential is unequaled elsewhere, while declaring to the nations of the world that what the dignity of mankind embraces and designs a dynamic social order which continually evolves a means of governing that meets the demands of the time and those governed.

These remarks are brought to your attention to evaluate and if the idea seems appropriate, sponsor a bill that would carry the essentials of the idea into law. The bicentennial meetings I have attended caused me to consider bringing this idea to your attention.

Sincerely,

DONALD K. ROBINSON.

HOMESPUN PHILOSOPHY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DERWINSKI. Mr. Speaker, a veteran journalist whose professionalism I have respected over the years is Walter Bielawski, editor emeritus of the Harvey, Ill., News Bee.

Wally is best known for his "Round the Town" column which carries colorful anecdotes and news interpretations of developments in the Harvey area. In his column of November 29, 1972, Wally wrote a very personal column devoted to his father, which I believe is a fascinating and human insight into a traditional father-son relationship. It contains a great deal of homespun philosophy that I believe merits attention.

The column follows:

[From the Harvey News Bee, Nov. 29, 1972]

ROUND THE TOWN

(By Walter Bielawski)

Next month, a few days before Christmas, will be the 83rd anniversary of the birth of my father.

Before the hair on my temples began to turn grey, and the bones in my body began to ache with age, I once thought that I had the meanest father who ever lived.

One of the meanest things I thought dad ever did was to be poor. The impact of this poverty hit me personally just after I was out of diapers and wearing short pants for the first time. When other kids got new clothes and fancy shoes, I was given patched-up hand-me-downs from my brother Frank and from relatives and friends. When other kids got bright new bicycles and store-boughten electric trains, I was given something that looked like a soap-box racer made from old wood and buggy wheels that had been salvaged from the dump. When other kids ate meats, fresh bread, and drank milk from the dairy, I was fed stewed rabbit, stale bread smeared with lard and sprinkled with salt, and maybe some neckbones or hearts on special occasions. I got milk only after dad, mom, and the two other kids crawled on their hands and knees through the onion fields of South Holland all summer, and then took part of their wages out in trade from the farmers.

Another mean thing I thought dad did was the way he would always "embarrass" me. When other fathers drove up to their homes in big cars, and wore grey flannel suits and black homberg hats, dad would come walking home along Lathrop avenue, his feet dragging and his shoulders sagging, dressed in dirty old clothes covered with the black talcum of a foundry or the ebony dust of a coal yard. While other fathers had manicured fingernails, dad's hands were like shoe leather, covered with callouses and blisters of manual labor and decorated with the dirt and grime of honest toil. While other kids watched as workmen wheeled coal into their homes for the winter, I had to watch as dad dragged home old railroad ties, telephone poles, and even orange crates.

While other fathers went off in the middle of the day with their golf clubs and tennis rackets and gold flasks tucked in their hip pockets, I watched as dad left the house every morning with a lunch bucket under his arm containing perhaps a bologna sandwich and a glass milk bottle filled with cold, black coffee.

Life with dad was a dull and unexciting experience, and I thought that was mean. While other kids stood in line with their fathers at a college football stadium and some big Chicago theatre, I had to stand in line clutching my father's hand as we waited for a free movie at the old Buda gym—and once we stood together in a relief line on Center avenue. It was while we were in the relief line that dad really "embarrassed" me. Just before we got to the door, he broke down and cried like a baby. He sobbed so badly, I thought he was going to die. People stared, but no one laughed.

I thought dad was very mean, too, when he didn't make something of himself so we kids could ride home free on his coattails. While other fathers had titles like doctor, teacher, lawyer, mayor, storekeeper, banker, chief, dad was happy with just the label of "Joe". He was satisfied with his specialty as "laborer", and his career as husband and father. While most of the other kids got the breaks because their father was "somebody," my brother, sister, and I had to stand on our own two feet and try to make a niche in society on our own.

I thought dad was especially mean when he chose to remain in the shadows. He was always content to be known as Frank's father, Emily's dad, or Walter's pa. How much easier it would have been through all these years if we could have bragged about being Joe's son or daughter, and then watched as people's eyes raised in recognition.

The meanness, too, I once thought, showed up when dad relinquished the disciplinary role at home to mother. He was an old softy who couldn't hurt a fly. Dad would have been a "pushover," and we could have almost done as we pleased. But because he chose the sole role as "provider", we got slapped across the mouth when we even looked crosseyed. We were quarantined at home when other kids were running the streets at every hour of the day and night. And we were made to study, or practice the piano, or do chores around the house while other kids were playing, dating, and having a ball. Just think of all the fun dad missed! Not once did he have a chance to bail us out of jail. Not once did he have to sober us up. Not once did he have to go to the hospital to watch the people in white patch us up. Heck, he missed a big part of what modern, contemporary life is all about.

As mean as I thought he was, the cruelest thing Dad ever did was the way he chose to die. His last wish was "to go with his boots on." He wanted no part of a hospital, or a sick bed at home. Apparently he was "in" pretty good with the Boss upstairs, because that is exactly how he bowed out of this world . . . with his boots on while sweeping snow from the sidewalks.

That was really cruel, because he and I were just starting to enjoy a relationship that other people normally enjoy their entire lives. We were just beginning to know one another as father and son when it was suddenly all over. By dying the way he did, he deprived me of a final chance to tell him I loved him; a last chance to thank him, and a final chance to tell him I was proud to be his son.

Yes, at one time I thought I had the meanest father in the world, but now I adore him for it.

Today, I know that when other kids received store-bought electric trains and bicycles, that soap-box racer he gave to me was priceless, because it was assembled out of pure love.

Because he wore old clothes and was covered with the dust and dirt of manual labor I now know the dignity of honest toil.

Because he once cried like a baby when things beyond his control forced him to his knees, I can now recognize individual courage and personal pride in other people and can respect them for these qualities.

I am glad we were poor, because now I can fully appreciate the luxuries I enjoy.

And because dad chose to remain in the shadows all his life he let the sun and bright light shine on those he loved the most.

Maybe dad knows, and maybe he doesn't, but three weeks ago I delivered a set of plans to a building contractor in Arkansas. Someday, a new structure will sprout from the red Ozark soil. And when it is completed, it will stand tall; it will stand straight, and it will stand proud and handsome—the same way dad stood all the years of his life.

It will be a temple where people will labor with their hands and backs in honest toil to create things of beauty. And when that building is done, there will be a sign for everyone to see. That sign will read: "Joe Bielawski & Sons, Manufacturing Plant and Warehouse." It will be a living monument to a man who I once thought was the meanest father in the world.

WHO WAS RIGHT IN VIETNAM?

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HUBER. Mr. Speaker, recently Senator Goldwater of Arizona circulated a Vietnam white paper pointing out the punishment our President has taken from certain Members of Congress and some members of the press as he attempted to secure a durable honorable peace in Vietnam. In this document, he recalls some of the distortions and intemperate attacks made by these persons who did not bear the responsibility for the negotiations. The quotations cited by various members of the press are most revealing. One can only speculate how much sooner peace would have come without them. Therefore, I wish to commend this analysis to the attention of my colleagues:

Vietnam White Paper

INTRODUCTION

For four agonizing years, Richard Nixon has stood virtually alone in the Nation's capital while little, petty men flayed him over American involvement in Indochina. For four years, he has been the victim of the most vicious personal attacks. Day and night, America's predominantly liberal national media hammered at Mr. Nixon, slicing from all sides, attacking, hitting and cutting. The intellectual establishment—those whose writings entered America *into* the Vietnam war—pompously postured from their ivy hideaways, using their inordinate power to influence public opinion to malign the President. And over all those years, there were the incessant attacks from the United States Congress—the low-motivated partisan thrusts from many who envied the President's office and many more who cynically molted their hawk's feathers for those of the dove.

No President has been under more constant and unremitting harassment by men who should drop to their knees each night to thank the Almighty that they do not have to make the same decisions that Richard Nixon did. Standing with the President in all those years were a handful of reporters and a number of newspapers—nearly all outside of Washington. There were also the courageous men of Congress who would stand firm beside the President. But most importantly there were the millions upon millions of quite ordinary Americans—the great Silent Majority of citizens—who saw our country through a period where the shock troops of leftist public opinion daily propagandized against the President of the United States. They were people of character and steel.

What follows is a partial record of how wrong and how harsh were the critics when things were most difficult. The Overwhelming evidence supports the observation that pessimism and gloom were the watchwords of the wordsmiths and electronic media commentators. Marking the reportage of Vietnam is the unavoidable impression that the worst of everything was to be found and prominently reported. And especially in the most powerful quarters of the mass media, there was rarely an indication of simple trust in what the leader of the free world was doing, or a hopeful tone that the partisans and cynics just might be wrong and the President right.

Through four years of distorted television reports—such as those of CBS during the Cambodian incursion and that of ABC during the Laotian action—the American people were, over the great preponderance of time, given negative and disheartening reports of Vietnam progress. NBC's Phil Brady often echoed what seemed to be an anti-American script. John Hart of CBS traveled to Hanoi and brought back hundreds of feet of Communist-sanctioned film to show the American public. All networks have used countless reels of enemy film—and though fairly labeling it—the steady process of the display of obvious enemy propaganda cannot but have an eventual toll.

And the media has tended to believe the worst about the American presence—remember the "destroyed" dikes? Each time it was something new—the dikes, the civilians, the hospital, the neutral ships and always the truth took longer to catch up with the distortions.

Now, through the worst gauntlet of opprobrium and malicious defamation in American history, the President has brought us to a successful end in Indochina. The guns are silent, and our men will be coming home to stay. History will record in the generations to come what only a few have seen first hand: that in this most darkening crisis, Richard Nixon thought more of his country than himself, bringing his skills, his heart, and the extra dimension of a rare and courageous human being.

SO WRONG FOR SO LONG

[From the New York Times, Dec. 30, 1972]

The American bombs falling on . . . North Vietnam . . . have dimmed prospects not only for peace in Indochina but for the wider detente for which all mankind has prayed.

(By Tom Wicker)

May 3, 1970.

The answer can only be that he has no plan to end the war, much less win the peace, that Vietnamization by itself is not and cannot be such a plan . . .

April 4, 1972.

"It is not going to be so easy to explain away a North Vietnamese military success this time."

May 12, 1972.

. . . the President—by imperial fiat—has placed the nation in hazard of the gravest confrontation with the Soviets since the Cuban missile crisis of 1962. . . . this is failure on a grand scale.

December 26, 1972.

. . . why *should* bombing a people make them want to deal in good faith?

(By James Reston)

DECEMBER 27, 1972.

This (the bombing) is war by tantrum, and it is worse than the Cambodian and Laotian invasions, . . .

MAY 8, 1970.

Accordingly (after Cambodia), he is now in a dangerous situation, both at home and abroad.

FEBRUARY 28, 1971.

There is something, not only illogical, but almost dishonorable in his (the President's) present strategy.

(By Anthony Lewis)

APRIL 10, 1972.

(Nixon and Henry Kissinger) . . . have no options except more of the destruction that everyone knows is morally outrageous and politically useless.

MAY 18, 1972.

The North Vietnamese say they are clearing American mines from the Haiphong harbor as planes drop them. . . .

DECEMBER 30, 1972.

. . . the elected leader of the greatest democracy acts like a maddened tyrant, . . .

JANUARY 6, 1973.

Even with sympathy for the men who fly American planes, and for their families, one has to recognize the greater courage of the North Vietnamese people. . . .

JANUARY 8, 1973.

. . . they (the enemy) are a people of extraordinary determination and bravery.

[From the Washington Post, Jan. 7, 1973]

He has conducted a bombing policy . . . so ruthless and so difficult to fathom politically as to cause millions of Americans to cringe in shame and to wonder at their President's very sanity.

(By Joseph Kraft)

MARCH 3, 1971.

. . . the more the President's policy becomes known, the more the support for it wanes.

JANUARY 27, 1972.

. . . To anybody who tells them (the enemy) to negotiate, they can say that the United States betrays secret dealings for international political advantages. In these conditions, the negotiating prospect is now virtually nil.

MAY 11, 1972.

But President Nixon's action does put in hazard the summit meeting with the Russians . . . And it washes out the rapport Mr. Nixon established with the Chinese leaders in what he called "the week that changed the world."

JUNE 4, 1972.

It is not wrong to say that if the war is not ended in the next few months, it will probably not be ended in the next few years.

NOVEMBER 26, 1972.

. . . we have been shamed as a nation, . . .

DECEMBER 24, 1972.

. . . Mr. Nixon called on the bombers—an action, in my judgment, of senseless terror which stains the good name of America.

(By Tom Braden and Frank Mankiewicz)

JUNE 2, 1970.

Vietnamization was always doubtful . . . Now the failure is plain through all of Indochina.

[From the St. Louis Post Dispatch, Dec. 19, 1972]

Over and over again Mr. Nixon has tried to bomb Hanoi into submission. It has not worked before and it will not work today.

CBS NEWS

(By Dan Rather)

MAY 5, 1972.

The scheduled summit in Moscow next month is clearly in danger. None of these are pleasant thoughts.

(By Eric Sevareid)

MAY 4, 1972.

It is no longer a question of repelling the Hanoi general offensive, but of holding it. On present evidence, there is no prospect of driving them out of the provinces they have taken . . .

MAY 8, 1972.

I would suspect that the summit will not come off.

MAY 9, 1972.

The realistic argument is whether this new gamble for peace in Vietnam will not, in itself, set off unpeaceful moves in Europe or the Mideast out of Russia's need to save face if nothing more.

MAY 17, 1972.

The bad news in the next few days could be the fall of Kontum rated as probable here and the fall of Hue rated only as possible . . .

(By Charles Collingwood)

MAY 9, 1972.

. . . Certainly the Moscow summit meeting, from which so much had been expected, is now in jeopardy. . . .

(By Marvin Kalb)

MAY 9, 1972.

One casualty of the President's mining and blockade may well be his upcoming summit to Moscow.

NBC NEWS

(By David Brinkley)

DECEMBER 19, 1972.

The best settlement would be to get out, . . . the American people long ago decided the war was a mistake, . . . the American people are mature enough to accept a bad settlement. . . . It is hard to see any good reason for delaying the American withdrawal from Vietnam.

(By John Chancellor)

MAY 8, 1972.

The summit is in jeopardy today.

ABC NEWS

(By Harry Reasoner)

DECEMBER 19, 1972.

The news . . . about the Vietnam negotiations breaking down was very scary and depressing . . . Dr. Kissinger's boss has broken Dr. Kissinger's word. It's very hard to swallow . . . backing off from a cease fire is a weight and comes very close to a breaking of faith, with Hanoi maybe, with Americans more certainly.

(By Howard K. Smith)

MAY 10, 1972.

. . . as a, I hope, judicious commentator, I doubt the wisdom of what has been done.

NEWSWEEK

MAY 15, 1972.

The Specter of Defeat.—Cover title.

. . . the Nixon Administration suddenly found itself faced with the specter of defeat in Vietnam.

. . . the President must have been aware that he was running grave risks.

. . . Mr. Nixon now seemed to be contemplating a massive military counterstroke—a move that could scuttle the summit and severely damage his image as a President whose strongest suit was foreign policy.

. . . many U.S. military men expected (Kontum) to fall soon, opening the way for the North Vietnamese to cut South Vietnam in half.

. . . a blockade of Haiphong . . . would almost certainly bring an immediate cancellation of the Nixon visit (to Russia).

The North Vietnamese offensive has already dealt a serious blow to the so-called Nixon doctrine.

. . . the weight of evidence over the years suggests that much of America's bombing has been in vain.

TIME

The Big Red Blitz.—Cover title.

. . . it is universally recognized that the Communists are able to keep fighting at a brisk pace for many months.

Blockading the ports of Haiphong and other entry ports . . . would risk direct conflict with Soviet and Chinese vessels.

[From the Washington Evening Star, Oct. 24, 1971]

OTHERS

(By Mary McGrory)

. . . (President Nixon) will negotiate with anyone but the North Vietnamese and will go anywhere but Paris in search of peace.

[From the Washington Evening Star, May 12, 1972]

(By Carl Rowan)

So Nixon decided—and make no mistake about it—that he would risk war with Russia and/or China rather than accept defeat and "insolence and insult" from . . . North Vietnam.

[From the Washington Evening Star, May 6, 1972]

(By Milton Viorst)

So what's left? I hate to use a dirty word, but what's left may be the nukes. . . .

FRAMERS OF THE CONSTITUTION FOUNDED NATION ON A STRONG CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. EVINS of Tennessee. Mr. Speaker, there is much discussion currently concerning the matter of the powers of the three supposedly coequal branches of Government, the legislative, judicial, and executive.

In this connection it is sometimes enlightening to review the intent of the delegates to the Constitutional Convention as reflected in debate and other available historical data.

Dr. Charles A. Beard, the famous historian who has done much research on this subject, concluded in his book, "The Republic," that framers of the Constitution certainly expected the Congress would be the dominant branch of the Federal Government.

In view of the fact that we have seen congressional powers eroded and weakened over the years, I wanted to place in the RECORD herewith a quotation from Dr. Beard's book because I believe my colleagues and the American people will find this item of interest.

The quotation follows:

QUOTATION

In my opinion, individuals and groups rise in stature and power in some relation to their conception of their responsibilities and opportunities. There is no duty of legislators so humble that it does not symbolize some greatness of quality. And the duty of Congress as contemplated by the framers of the Constitution is as great as the greatness of our nation and of all that this nation may be and may accomplish in the coming years.

The framers of the Constitution expected, if some among them did not intend, that Congress should be the dominant branch of the Federal Government. They sought to establish a strong Executive, but, reasoning from past experience in America, they assumed the supremacy of the legislature. They put it first in order in the Constitution, the Executive second, and the judiciary third. They vested in Congress immense legislative powers. They gave it the power of the purse and the power of the sword—the two mighty engines of government. They authorized Congress to determine the structure of the executive department, the powers of all administrative officers, the number of justices in the Supreme Court, the appellate jurisdiction of that Court, and the form and jurisdiction of inferior Federal courts.

And, what is highly important though usually forgotten, they left Congress free to determine the nature and form of its relations to the President and his subordinates. If Congress has largely failed to develop this phase of its responsibility and has allowed the President to assume a dominant position, the fault lies with Congress, not with the Constitution.

CHINESE COMMUNISTS TURN TO FREE MARKET FOR COTTON WHEN THEIR AGRICULTURAL SYSTEM BREAKS DOWN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. RARICK. Mr. Speaker, the failure of cotton crops in mainland China has forced the Chinese Communists to turn to the free market to make up for their bankrupt agricultural policies at home. At least 400,000 bales, almost one-half of their reported losses, are already being shipped from the United States.

It is interesting to note that the entire Red Chinese cotton deal has been cloaked in secrecy and various diversionary tactics in an effort to keep cotton traders and speculators from increasing the price of cotton. Apparently the Chinese Communists or their British commission agents have studied the free enterprise system of dealing in commodities and learned business finesse from the results of the Soviet wheat deal.

One hopeful note in the cotton deal is that the Chinese are scheduled to pay their cotton bill, which may reach $80 to $100 million with British sterling. Now, if only the American cotton farmers who have supplied fiber get the full value for their product, it will be more than this country has ever realized in other financial dealings with the Communists.

I insert the following newsclipping:

[From the Christian Science Monitor, Feb. 2, 1973]

Secrecy Surrounds Texas Shipments—U.S. Cotton Heads for China

(By John Dillin)

ATLANTA.—Late this week the British freighter SS Shaharistan will edge out of the port of Galveston, Texas, with 25,000 bales of American cotton aboard—bound for mainland China.

The shipment will be the first of at least 400,000 bales of U.S. cotton which China has purchased for quick delivery. It will be the first U.S. cotton sale to China in 20 years.

Rumors of a China-U.S. cotton deal have been exciting traders since Jan. 17, but the transaction has been wrapped in secrecy. Agriculture Department officials say it's only "speculation," so far as they know. Some cotton traders call it a "very persistent rumor."

Information derived from three sources, however, gives solid evidence that the shipments will get under way with Shaharistan's departure and continue for three or four months. At least 400,000 bales are under contract to leave from Galveston, and an undetermined amount from Pacific ports.

One source says that China wishes to keep the cotton deal quiet, for it plans to buy additional commodities in the near future. Speculation could drive prices up. Among the commodities China is said to be looking for is soy oil.

CROP FAILURE REPORTED

The Chinese purchase of cotton follows a crop failure in that country which dropped anticipated harvests during the current season by 700,000 bales to a total of 7 million bales. This would be about 500,000 bales less than the previous season.

One trade source says that Chinese contracts have been written in recent weeks for at least 700,000 bales, including 400,000 from the U.S., 170,000 from Sudan, and the remainder from several South American countries.

It is known, however, that more than 600,000 bales were sought from American sources, and contracts may have been written for at least that much.

When it pulls out of Galveston, Shaharistan's manifest will declare its destination to be Kobe, Japan—a ruse meant to throw off trade sources, according to two insiders. Similar diversionary tactics will be used with future shipments, one source indicates.

Trade sources say that the China deal is being handled exclusively by a London dealer, Ralli Bros. & Coney. It was confirmed that Ralli has recently arranged for shipment of at least 400,000 bales of cotton through Galveston for an undetermined port.

Trade sources indicate that Ralli, acting for China, has been insisting only on good-quality cotton. This would parallel Chinese purchases of high-quality cotton in earlier years from other nations. Much of the present purchase will come from Texas and Oklahoma.

TRADE BALANCE AID

The present deal, which could eventually reach $80 million to $100 million, will be paid for in British sterling, a hard currency which will help America's balance-of-trade problems.

Coming in the wake of earlier grain sales to Russia and China, the cotton sale will give another boost to U.S. farm income, which already has been at peak levels. Overseas sales of cotton, which were 3.3 million bales last year, already were expected to be 4 million bales this year. The China sale will make this at least 4.4 million bales.

For its part, China is becoming a larger and larger factor in the world's cotton markets. Chinese worldwide purchases stood at 350,000 bales in 1969, rose to 430,000 bales in 1970, and 670,000 bales in 1971. This year, purchases could reach 1 million bales, if the U.S. transaction is any indication.

Last season China's major foreign sources of cotton were Sudan (170,000 bales) and Egypt (80,000 bales)—both sources of high-quality cotton. Pakistan shipped 83,000 bales of low-quality cotton. Other China suppliers included Kenya, Mexico, Syria, Tanzania, Iran, Turkey, Morocco, and Australia, according to Agriculture Department officials.

For the United States, the China sale could help sustain cotton prices at current levels, which are the highest since the Korean War. Middling cotton, 1 1/16 inch, was quoted in Memphis this week at 36 cents a pound.

COTTON JUST HANGS ON

Should a permanent China market for American cotton be developed, it could go a long way toward restoring King Cotton to its battered throne in the U.S. Manmade fibers in the United States have gnawed away at traditional markets for cotton with more tenacity than the boll weevil. Today the king of fibers is barely holding its own. While U.S. population has soared, total cotton used in the country today is the same as in 1940.

The cotton industry has responded to this stagnation with both search and research. It is searching for new foreign markets and at the same time promoting a research program to help cotton recapture old markets.

Research is concentrating on improving cotton's "permanent press' qualities, flame retardancy, and development of knit cotton fabrics which can break into the recently explosive market for knit outerwear.

Exports meanwhile have been running at about one-fourth to one-third of the total U.S. crop, which this year is expected to reach 13.5 million bales. Last year's crop was 10.5 million bales. A bale weighs 480 pounds.

The nation has 200,000 cotton farmers.

Worldwide production of cotton this year should be about 59 million bales, up to 2 million from last season due primarily to the U.S. increase.

JIMMY DEAN MEAT CO.

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SCHERLE. Mr. Speaker, we have heard a great deal in recent years about the decline of rural America, the outflow of people and the decrease in job opportunities. But while this trend is undeniably gaining strength in some parts of the country, exactly the reverse is taking place elsewhere. Many employers are beginning to realize the wisdom of investing in the Nation's smaller communities; employees, too, are starting to recognize the value of living and working in a clean, healthful, safe, beautiful, spacious, friendly environment. The result is that our smaller cities and towns are becoming more attractive places economically for people and companies to settle. To the other advantages of life in rural America can now be added rising employment prospects.

One of the best examples of this positive trend occurred last Saturday in Osceola, Iowa, with the opening of the Jimmy Dean Meat Co.'s new branch. The remarks which I delivered on that occasion are included here for the encouragement they can offer to other communities all over America:

Formal Opening of Jimmy Dean Pure Pork Sausage Plant, Osceola, Iowa, February 3, 1973

It is a real pleasure to be here in Osceola today to have a part in the formal opening of this fine new plant. Already it is having an impact on the economy of the area . . . the publicity being given the new product by television, radio and newspaper has put Osceola on the map and in the minds of many.

I commend Jimmy and Don Dean for their choice of location for this new facility. Here they have a community where they are assured of receiving a day's work for a day's pay; where they have access to the finest live pork in the country; and where they will always be made to feel at home.

The plant is undoubtedly the most modern of its kind in operation today. Sanitation is always all important in a facility of this type, and the Dean boys must be running a clean one. This fact was established when the Burn Treatment Bank of Phoenix, Arizona, came to the Deans to arrange for pork skins for use in treatment of burn victims. The director said (and I quote) "We came to the Jimmy Dean Company because of the sanitary conditions of the plant."

While we owe a debt of gratitude to the

Dean Brothers for choosing Osceola as the site of this new plant, we also owe a big thank you for all the people of the community who had a part in bringing this industry to town. I doubt if very many of you here today realize the effort that went into procuring this plant. The competition was strong from other Iowa communities . . . in fact, if my informants are correct . . . the final decision to come to Osceola was made on the day that representatives of the Jimmy Dean firm were en route to another Iowa community to put the finishing touches on locating in that community. There was much dedication, a lot of late night work, a lot of personal sacrifice and considerable expense poured into this effort.

I would like to give credit where it is due . . . to those people who did such a splendid job of putting together the package which, in the end, made Osceola the most attractive place for the Deans to build their plant. I would like to be able to call out the names of each of the individuals who had a part in this huge task . . . but it would be such a long list that time won't permit. I do want to acknowledge the efforts of the Clarke County Development Corporation which had succeeded in bringing several new industries to Osceola since it was formed in 1970. In fact, it is my understanding that by the end of 1974, this corporation will have been instrumental in creating 455 new jobs in Osceola.

There were numerous other agencies involved in this project . . . the City Council, Board of Supervisors, Chamber of Commerce, Water Board, pork producers' associations all over this part of the state; and probably another 70 persons outside the membership of the Development Corporation . . . all of you deserve a pat on the back.

We welcome you, Jimmy and Don and the members of your organization, to Iowa and particularly to Osceola, which is a part of the Fifth Congressional District that I have the privilege to serve in Washington. The continued prosperity of rural America is uppermost in my mind, since I come from a small rural community and am closely associated with agriculture. The people you have employed in your plant today will certainly be joined soon by still more workers. The payroll generated by your plant is definitely a shot in the arm for Osceola, Clarke County and other surrounding communities. Your projection of doubling the work force and consequently the payroll makes the plant an even greater asset to the area. When you expand your operation, you are not only hiring more people but also helping the hog raisers, the feed dealers, the truckers . . . anyone who has any connection with the agri-business community.

We wish you well in your new venture, Jimmy and Don, and we hope that if you decide to open more plants, you will take a good long look at other Iowa communities.

IMPOUNDMENT VERSUS ADVOCATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. WYMAN. Mr. Speaker, President Nixon has acted to impound funds appropriated by the Congress for the single, simple reason that the Congress has not kept Government spending within Government revenues. All this talk about differing priorities results from the failure of prior Democrat-controlled Congresses to specify priorities within an overall spending ceiling.

Until Congress does this, it cannot properly be heard to complain that the President has held up certain types of spending in order to keep the country from insolvency or a major tax increase.

Until the Congress acts to restrict Government spending to Government revenues, the President will continue to impound and I, for one, will support him.

Similarly, in the other body, New Hampshire's distinguished senior Senator NORRIS COTTON has addressed his most recent constituent letter to this subject. Inasmuch as Senator COTTON's reports are famous for their clarity, succinctness, and vision, I commend this one in particular for explaining in a way everyone can understand the realities of the fiscal crisis that is upon us:

NORRIS COTTON REPORTS TO YOU FROM THE U.S. SENATE

So many of you have expressed concern that the President has seized the powers of the Congress by "impounding" and refusing to spend funds appropriated for specific purposes that I have decided to respond to all your letters in this Report.

While President Nixon, like most of his predecessors, may have technically exceeded his constitutional authority, he has been forced to do so because the Congress has deliberately and persistently refused to exercise its greatest power and perform its greatest duty—the control of the purse strings of government. In at least two recent instances, Congress has increased appropriation bills in defiance of the budget recommendations of the President and of its own appropriation committees to such an extent that the whole Body knew it had reached a fantastic figure impossible to justify. To remedy this, Congress actually inserted a provision authorizing the President to reduce any or all items up to a certain percent. There never has been a more blatant example of spinelessness on the part of a legislative body. After this weak-kneed behavior, it's truly amazing to hear the outcries that the President is usurping the powers of Congress by refusing to spend part of the funds it has appropriated. How can he do otherwise? He has no power to impose new taxes to produce the money to satisfy these demands nor can he keep on borrowing without exceeding the debt limit that Congress has determined. If he has to cut in the wrong places, that, too, is the fault of Congress for not facing up to its constitutional duty by doing its own pruning. Incidentally, the term "impound" being bandied about is inaccurate because it implies that the funds are available and the President is hoarding them.

Even more appalling is the practice by the Congress of what is known as "backdoor spending." This is when a bill authorizes executive departments to enter into contracts and incur obligations running into billions without obtaining the approval of its own appropriating committees. For instance, the so-called "Clean Water" Bill empowers the Environmental Protection Agency to obligate the Treasury for $24 billion over the next three years. The President vetoed the bill, but it was passed over his veto by both Houses. In the Senate only eight Senators voted to sustain his veto, of which I was one. Certainly, cleaning up the pollution of our waters is a most vital and worthwhile cause, but even that doesn't justify a budget-busting $24 billion commitment with no new taxes to meet it. If this practice continues despite the President's vetoes, both the Congress and the President will have lost control of the budget, and the U.S. Government might wake up some morning unable to pay its current bills. On that day the financial structure of the richest Nation on earth would collapse.

Almost as serious is the "authorizing" of huge sums which, if fully appropriated, would run us $50 billion a year beyond our present budget. The states, the cities, and the people learn of these authorizations and expect they are going to receive the money. When the full amount is not forthcoming, they hammer at the doors of Congress and demand "full funding" which, of course, is impossible. This is pure political demagoguery by members who want to show the people back home that they have voted colossal sums for worthy objectives like health care, education, environment, and many others.

If we are to have a safe, sane, and solvent Nation, the Congress must face up to its responsibilities in three ways—first, cut out completely or at least suspend some of the less essential programs, of which the journeying to other planets might be an example; second, fund essential Federal programs such as national defense, education, health, care of the aged, and cleaning up our environment by reasonable stages which present taxes can support; and third, if new or expanded programs are deemed absolutely necessary, impose new taxes to pay for them.

As a member of the Senate Committee on Appropriations, I am constantly striving toward that goal. All of you who are commendably concerned at the failure of the Congress to meet its responsibilities can help shape public opinion so that the people will stop demanding heedless and reckless spending.

Until this comes about, the President can hardly be blamed for refusing to spend what he hasn't got.

Yours sincerely,

NORRIS COTTON,
U.S. Senator.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The February calendar of events follows:

CALENDAR OF THE SMITHSONIAN INSTITUTION, FEBRUARY 1973

1

Seminar in Neurobiology: *Experimental Nurogenesis.* Lecturer: Viktor Hamburger, Washington University. First in a series of graduate level lectures on current research in neurobiology jointly sponsored by the Consortium of Universities and the Radiation Biology Laboratory of the Smithsonian Institution. Each lecture presents the current status of knowledge in the field, reviews the main concepts and unsolved problems, and concludes with the latest research data of the lecturer. A question and answer period follows. 7:30 p.m., History and Technology Building auditorium. Future lectures: Feb. 8, 22, March 1, 8, 22, 29, April 5, 12, 26, May 3 and 10. The public is welcome.

Concert: *Chamber Music.* Ayrton Pinto, first violinist with the Boston Symphony, and pianist Antonio Barbosa, two of Brazil's leading musicians, will perform works by Brazilian composer Villa-Lobos, as well as selections by Mozart-Kreisler, Bach, Beethoven and Cesar Franck. Sponsored by the Brazilian Embassy and the Smithsonian Institution. 8:30 p.m., The Renwick Gallery. Free admission; limited seating.

2

Exhibition: *From Within.* Fifty-three paintings by 21 inmates from the maximum security prison at Auburn, New York. The art—oils, acrylics, pastels, drawings, collages and mixed-media creations—is the product of a workshop organized and conducted by James Harithas, Director of the Everson Museum of Art in Syracuse. National Collection of Fine Arts, through March 25.

3

Lecture: *Inside the Atom.* Speaker: Jon Eklund, associate curator, Division of Physical Sciences. 10:30 a.m., History and Technology Building auditorium.

Music from Marlboro. Second in the three-concert series of 1972–73, evolving from the famed Marlboro Music Festival held each year in Vermont. Ruth Laredo, piano, Jaime Laredo, violin, and Jeffrey Solow, cello, will perform works by Mozart, Busoni and Ravel. 5:30 p.m., Baird Auditorium, Natural History Building. Tickets: $5 general; $4 Associates; concert: April 7. Sponsored by the Division of Performing Arts. Call 381–5395.

Japanese art seminar. Two-day seminar conducted by Japanese and Chinese art historian Joan Stanley-Baker. Refreshments included. Sponsored by the Smithsonian Resident Associates. Call 381–5157.

6

Free film theatre: *Sad Song of Yellow Skin.* A documentary focusing on three young Americans living in Saigon. 12:30 p.m., Baird Auditorium, Natural History Building.

7

Luncheon forum: *History of Rocket and Moon Mail.* Informal discussion presented by George James, 12 noon, Room 449, Smithsonian Institution "Castle" Building.

Free film theatre: *Sad Song of Yellow Skin.* Repeat. See February 6.

8

Creative screen: An American March—abstract forms symbolize America as a melting pot; *The Face of Lincoln*—artist Merrell Cage sculpts a clay bust of Lincoln showing him first as a young man, then adding age and line to the face. 11:15 a.m., 12:15, 1:15 and 2:15 p.m. The Renwick Gallery.

Seminar in neurobiology: *Electrical Aspects; Coding in Nervous Systems.* Lecturer: Harold Lecar, National Institute of Health. 7:30 p.m., History and Technology Building auditorium. See February 1 for seminar details.

9

Exhibition: *Objects for Preparing Food.* More than 500 historic and contemporary objects ranging from a crocodile-shaped grater from Thebes, Egypt, to the most modern industrially designed utensils. The objects were chosen for their function and design and reflects a change both in the utensils and in cooking itself. Organized jointly by the Renwick Gallery and the Museum of Contemporary Crafts, New York. The Renwick Gallery, through April 29.

10

Lecture: *The Only Surviving Man-of-War of the American Revolution. Speakers:* Philip Lundeberg, curator, and Howard P. Hoffman, museum specialist, Division of Naval History. 10:30 a.m., History and Technology Building auditorium.

11

Bach betwixt brunch: Featuring the music of Johann Sebastian Bach performed on original musical instruments of the period. John Fesperman, Director, Division of Musical Instruments, informally discusses the music and instruments during intermission. Brunch available before or after the concert. $8 general, $7 Associates. For reservations call 381–5157. Sponsored by the Resident Associates.

Jazz heritage concert: *Orchestrated Ragtime.* Directed by Gunther Schuller, eminent composer-conductor, and featuring works by Scott Joplin. 8 p.m., Baird Auditorium, Natural History Building. $4.50 general; $4 Associates, $3 students. For tickets call 381–5395. Presented by the Smithsonian Division of Performing Arts.

12

Audubon lecture: *Ecology of the Chesapeake Bay.* Francis S. L. Williamson, Director of the Chesapeake Bay Center for Environmental Studies, describes the predicted imminent destruction of the Chesapeake Bay and its causes. 5:15 and 8:30 p.m., Baird Auditorium, Natural History Building. Sponsored by the Audubon Naturalist Society.

13

Oriental art lecture: *An Ottoman Book of Festivals.* Speaker: Dr. Esin Atil, Freer Gallery of Art. 8:30 p.m. Exhibition galleries of the Freer Gallery open at 6:30 p.m. prior to the lecture.

14

Free film theatre: *The Navajo: Fight for Survival.* BBC film on the largest nation of native Americans. 12:30 p.m., Baird Auditorium, Natural History Building.

Women at work: *Women in Government.* Monthly luncheon series. Nancy Rawls, Director, Policy Planning Staff of the State Department Bureau of African Affairs, speaks on current issues of American policy in Africa. 12 noon, History and Technology Building. $12 general; $11 Associates. Sponsored by the Smithsonian Resident Associates Program. Reservations must be made in advance. Call 381–5157.

15

Free film theatre: *The Navajo: Fight for Survival.* Repeat. See Feb. 14.

The Violent Earth. TV documentary on the state of the planet as reported by the Smithsonian's Center for Short-lived Phenomena. The program includes a visit to the Center's "hot line" headquarters in Cambridge, Mass., and a descent by a French scientific team into the broiling crater of Africa's Nyiragongo volcano. CBS–TV, 9 p.m. (WTOP–TV, Channel 9 in the Washington, D.C. area).

16

Conference: *Altered States of Consciousness: Current views and research problems.* Two-day scientific conference presenting some current research methods for the study of human consciousness and behavior. Limited attendance. For information and registration call 381–6581.

Concert: *All The Things They Were: American popular music of the 20's and 30's.* Performed by Clifford Jackson and Joan Morris, singers, and William Bolcom, pianist. 8:30 p.m. Museum of History and Technology. $3 general; $1 students. For tickets write Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20560, or call 381–5398.

Concert: *18th Century Brazilian Church Music.* Performed by the National Gallery of Art Orchestra, directed by Richard Bales, and 50 voices from the Catholic University A Cappella Choir, directed by Dr. Michael Cordavanna. Sponsored by the Brazilian Embassy and the Smithsonian Institution. 8:30 p.m., The Renwick Gallery. Free tickets may be obtained at the Renwick Gallery Museum Shop.

18

Radio concert: *The Music of Nicolate Bretan*, as presented in December at the Smithsonian Institution—the first performance of this Romanian composer's work outside Eastern Europe. WAMU–FM (88.5), 8 p.m.

19

Concert: *Joseph McKee,* baritone, *Patricia Grignet, oboe,* and *Joel Berman;* violin, performing the Bach Violin Concerto in A minor, Bach Cantata 82, "Iche habe genug," and the Prokofiev Quintet, Op. 39, for violin, viola, oboe, clarinet, and double bass. Cosponsored by the Division of Musical Instruments and the National Collection of Fine Arts. 8:30 p.m., NCFA. Free, no tickets required.

20

Films: *Highway to Infinity*—non-technical film of the John Glenn manned space flight and the man and machine that made it possible; *Guide to Space*—the guidance computer system used in the *Friendship 7* and other space flights. Sponsored by the Smithsonian Section of Mathematics, on the 11th anniversary of the John Glenn flight in *Friendship 7*. 2 p.m., History and Technology Building auditorium.

21

Lunchbox forum: *Editing the First Volume of the Joseph Henry Papers.* Informal lecture presented by Arthur P. Molella, Assistant Editor, Joseph Henry Papers. 12 noon, Room 449, Smithsonian Institution "Castle" Building.

Free film theatre: *Calcutta.* Part I of a provocative film which dramatizes the universal human problems of a city of 12 million people. 12:30 p.m. Baird Auditorium, Natural History Building. Part II to be shown February 22.

Lecture: *The Image of the Common Man.* First in a four-lecture series entitled *Images of America: Four Themes in Nineteenth-Century Art*, by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts. Dr. Fink will discuss the response of Americans to the emergence of the common man as one of the most controversial themes in painting of mid-19th century France, and the use of the theme in paintings and prints by American artists. 4 p.m., Lecture Hall, NCFA. Remaining lectures: February 28, March 14 and 21.

22

Free film theatre: *Calcutta.* Part II. The final sequence of the film was made in some of the city's worst slums and many who watch the film may wonder if this is the ultimate finale for all major cities. 12:30 p.m., Baird Auditorium, Natural History Building.

Creative screen: *Making Bread; Baking Bread; Yeast Dough Shaping Made Easy.* Three short films shown in conjunction with the current exhibition, *Objects for Preparing Food.* Complete program begins 11:15 a.m., 12:15, 1:15 and 2:15 p.m. The Renwick Gallery.

Exhibition: *Alfred H. Maurer*, 1868–1932. Figure studies, landscapes, still-lifes and portraits illustrate Mauer's versatility in this retrospective exhibition of 90 paintings and some drawings, from his early academic works to abstract portraiture. National Collection of Fine Arts, through May 13.

Seminar in neurobiology: *The Nerve Membrane as a Fixed Charge Structure.* Lecturer: Ichiji Tasaki, National Institute of Mental Health. 7:30 p.m., History and Technology Building auditorium. See February 1 for seminar details.

National Capital Shell Club: Monthly meeting and lecture. 8 p.m., Room 43, Natural History Building. The public is welcome.

24

Lecture: *The Piano and Its Ancestors.* Speaker: Helen Hollis, museum specialist, Division of Musical Instruments, 10:30 a.m., History and Technology Building auditorium.

28

Free film theatre: *The Eskimo: Fight for Life.* A warm, intimate portrayal of the Netsilik Eskimos in their winter struggle 12:30 p.m., Natural History Building auditorium. Will be repeated March 1.

Lecture: *The Image of Innocents: Children.* Second in the series, *Images of America: Four Themes in 19th-Century American Art,* by Dr. Lois Fink. 4 p.m., Lecture Hall, National Collection of Fine Arts. Remaining lectures: March 14 and 21.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for February:

4th—*The Lazzaroni*—Lillian Miller, historian, National Portrait Gallery, talks about the small group of intellectuals who dominated American science in the mid-19th century. *A Look at the Stars and Stripes*, with Smithsonian Curator Grace Cooper.

11th—*Music of the Cajuns*. Ralph Rinzler of the Smithsonian's Division of Performing Arts spotlights the unique and fascinating music of the Cajun people of Louisiana.

18th—*The Coming of Steamboats*—with Melvin Jackson, Smithsonian Curator of Maritime Transportation. *Soundings Then and Now*. A look at instruments and methods that have been used to deal with hearing problems.

25th—*Concert*, featuring Sour Cream, a trio of recorder players from Holland.

MUSEUM TOURS

Walk-in tours

Highlights of the Museum of History and Technology—weekdays, 10:30 and 11:30 a.m. (1 p.m. by advanced request); weekends, 10:30 a.m., 12 noon, 1:30 and 3 p.m.

First Ladies Gowns—Monday through Wednesday, 10:30 and 11:30 a.m. Thursday and Friday, 10:30, 11:30 a.m. and 1 p.m. Museum of History and Technology.

National Portrait Gallery—Monday through Friday, 11 a.m. and 1 p.m.

The Renwick Gallery—Brazilian Baroque.

Tours of this exhibit in either Spanish or English can be arranged by calling 381–6541.

For Group Tours in other museums call: 381–6471—Museum of Natural History, Museum of History and Technology, National Air and Space Museum. 381–6347—National Portrait Gallery. 381–6541—National Collection of Fine Arts. 381–5344—The Freer Gallery of Art.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.-5:30 p.m. Cafeteria, MHT, 11 a.m.-5 p.m.

National Zoo buildings are open from 9 a.m.-4:30 p.m., seven days a week.

Anacostia Neighborhood Museum is open 10 a.m.-6 p.m. weekdays, 1-6 p.m. weekends.

STUDY TOURS

Foreign study tours—for further details write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

Morocco: March 6-27.

Cave Paintings: April 2-24.

Baroque Tour of Germany and Austria: May 11-June 2.

Russia including Siberia: May 31-June 22.

African Safari: July 17-Aug. 8.

Mexico and Guatemala: Aug. 27-Sept. 14.

International Aerospace Tour: Sept. 17-Oct. 3.

Domestic study tours—for further details write Mrs. Kilkenny, Room 106–SI, Smithsonian Institution, Washington, D.C. 20560.

Migratory Birds in North Carolina: Feb. 22–27.

Big Bend National Park, Texas: March 11-17.

Folkcraft and Musical Instrument Makers, Kentucky, North Carolina and Virginia: April 23-29.

Vanishing Indian Crafts: May.

Haiti Skin Diving on the Santa Maria site: May 12-23.

Olympic National Park: July.

Alaska Float Trip: July 18-Aug. 1.

Dial-a-phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-a-museum—737-8811 for daily announcements on new exhibits and special events.

OTHER EVENTS

Sponsored by the Smithsonian Associates

For reservations call 381–5157

New American filmmakers, series II Began Jan. 28. Organized by the Whitney Museum of Art. 5:30 Sundays. History and Technology Building auditorium. February schedule: West Coast Filmmakers Part I and II (Feb. 4 and 11); Quick Billy (Feb. 18); Highlights of the 9th Ann Arbor Film Festival Part I (Feb. 25). Series or individual tickets available.

Oriental rugs—An Examination and Appreciation

Three lectures (Feb. 11, 18 and 25) by Anthony Landreau, Director. Textile Museum, 10:30 a.m. Series or individual tickets available. Deadline February 6.

Day tours: General Motors Assembly Line Plant, Baltimore, Feb. 14; Church Architecture in Baltimore, Feb. 21; News Reporting: Making an Exhibit, Feb. 9; Winterthur, Feb. 17 or 24; Winterthur Study Tour, March 24.

Workshops: Leatherwork, March 7, 14, 21, 28; Pressed Flowers, March 2 or 3; Rug Making (lecture/workshop), March.

Children's activities: Workshops and Tours are available for children ages 6–13.

Kennedy center series: Lectures still open. $5 general; $4 Associates. Feb. 12—Herman Krawitz, former Assistant Manager for Production, Metropolitan Opera; Feb. 28—Morton Gould, composer and conductor. The Freer Gallery of Art, 7:30 p.m.

Changes of address and calendar requests: mail to Central Information Desk: Great Hall, Smithsonian Institution Building, Washington, D.C. 20560.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lillas Wiltshire, *Deadline for entries in the March Calendar: February 5.*

DEMONSTRATIONS

Museum of History and Technology

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:00 p.m., 2d floor. As part of this exhibit, films will be shown continuously throughout the day as follows:

Feb. 1—Highlights from MGM Musicals

Feb. 2–8—Songs of Disney II

Feb. 9–15—Songs of Disney I

Feb. 16–22—Highlights from MGM Musicals

Feb. 23–28—Songs of Disney II

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor.

Machine Tools. Wednesday, Thursday, Friday, 1–2 p.m. 1st floor.

Hand-Set Printing Presses. Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3d floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments. Lutes and guitars, Wednesdays, 1:30 p.m. Keyboard demonstrations, Monday and Friday, 1:30 p.m.; Hall of Musical Instruments, 3d floor.

Use of funds for printing publication approved by the Director of the Office of Management and Budget, June 3, 1971.

RARICK REPORTS TO HIS PEOPLE ON THE ENERGY CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. RARICK. Mr. Speaker, I recently reported to my people on this Nation's growing energy crisis. I include the text of my message in the RECORD at this point:

The critical scope of our Nation's growing "energy crisis" continues to make front page news across the country. Experts warn us that within the next fifteen to twenty years, the United States will need more energy than the combined amounts used during the entire one hundred ninety seven years since the nation's founding.

The amount of energy used today to heat and cool our homes, power our cars, operate our factories and farms and all the other uses we make of energy, if continued at the present level will *double* just in the next twelve years.

And at the same time we hear of energy demands growing, we are told of fuel supplies dwindling. Spokesmen for the oil and gas industry, which supplies over three-fourths of all our fuel needs, say that the production of domestic oil and natural gas is presently insufficient to satisfy domestic demand.

But the true picture of the "energy crisis" was seen recently in the empty schools, factories and churches in the Midwest, when there was no fuel oil to heat them, and in the grain rotting in Iowa because of the lack of natural gas to operate the dryers. And closer to home, Louisiana sugar cane refineries recently had to shut down because of the lack of gas to operate. These people have seen first hand the "energy crisis" and its challenge to our standard of living.

There *is* a real energy shortage. But in many instances the shortages seem to be a shortage of foresight and a shortage of common sense.

Production of an adequate supply of energy to meet the growing demands of our free society is and will continue to be one of the most pressing problems facing the United States in the years ahead.

As with any complex problem, there are no pat answers that given an instant remedy to the solution over night.

The National Petroleum Council, which is an industrial advisory board set up in 1970 to aid the Secretary of the Interior, in dealing with the energy problem says that the nation has three basic options in meeting the crisis.

First, we could rely on foreign imports of oil and gas from overseas to meet our requirements. This direction is favored in some "internationalists" circles. They tell us that "foreign oil is the answer". By abolishing import quotas, the international lobbyists claim, we could overnight have the oil and gas we need. But what they overlook is the fact that American dependence on foreign oil is governed completely by the country supplying it. The Council wisely points out that foreign dependence would "impair our national security". As imports rise, our country will become increasingly reliant on the political and economic policies of a relatively small number of countries. The major overseas suppliers with oil for sale are in the Middle East and North Africa, particularly those countries under Soviet influence. The important consequences of the military, political and economic security of the United States are obvious. We cannot be assured that even with contracts and agreements the oil will be there when we need it. Nor that the price will be favorable.

Greater reliance on foreign imports would also result in major balance of trade problems that could seriously affect the value of the American dollar. An unfavorable balance of exchange—with foreigners having more of our money than we have of theirs already exists . . . we have no assurance our dollar would continue to be accepted if we lack the means to redeem them.

One much trumpeted scheme to get foreign oil is a deal with Russia, whereby Russian oil fields would be developed with American capital and know-how. In exchange, we would then be allowed to buy the Soviet oil. The same problems exist with this pipe-dream as with oil from the Middle East—and the Russian oil scheme talks of productions 9 years from now.

Another so-called answer, is to limit the growth in energy demands through imposed restrictions on the use of energy. We don't need more governmental control over how we live our lives, and telling people when and how they can use gasoline and electricity would do just that. Imposed restrictions would alter our way of life and adversely affect employment, economic growth and freedom of consumer choice. I don't think that our people want to be told that they can only iron their clothes on Thursday afternoons between two and four because we might run out of electricity. Or that you can only drive your car within a thirty mile radius of your home because we need to save gasoline. Restrictions are not the answer, even though the Office of Emergency Preparedness has been making noises recently about gasoline rationing similar to the system used during World War II. This gasoline rationing, if undertaken, would be accomplished with a system of stamps that would limit each driver's ability to purchase gas.

Of course, conservation of energy in order to make the most effective use of the fuel we do have is clearly desirable. Few people would disagree with the environmentalists that we must each do our part to not waste our natural resources. But when a proposed answer to pollution is to ban the automobile, shut down factories, and generally go back to a time of lower productivity and a lower standard of living with fewer jobs they have overreacted to the situation.

Congress, in response to demands from ecologists to lower emmissions from automobile engines, passed stringent laws to require manufacturers to install pollution devices in all the new cars. These antipollution devices are far from perfected. While they may cut down some on pollution, they also cause the cars to require more gasoline to operate. And the gasoline shortage grows. In the meantime, the new car buyer—the consumer—and the tax payer continue to bear the financial burden of experimentation which contributes to the energy crisis.

Wiser use of the nation's sizable resources of coal and uranium to generate electricity would take some of the fuel burden off oil and natural gas. But scare groups continue to file suits to stop or slow down the construction of generating facilities in the name of the environment. For example last year's class action suit by ecologists in Washington, D.C. to enjoin oil leases in LA. This overreaction on the part of some groups further worsens the energy crisis.

Foreign imports of oil and gas or imposed restrictions on the use of energy may be the answer if we were indeed out of oil and gas. But while *present* sources of oil may be running low, the experts also tell us that we *do* have the oil and gas we need. The petroleum to power this country is here in the United States, they say. The problem lies in getting it out of the ground and into the market place. Production is the answer.

This brings us to the third possible option put forth by the Petroleum Council: to accelerate the development of our own domestic energy sources. Undeveloped sources of new oil and natural gas are in areas where exploration and development are more costly than they have been in the past . . . farther offshore and in remote regions of Alaska. Development of these domestic resources requires vast amounts of money to make them produce. The price of energy would necessarily rise to cover the higher costs and yield a sufficient return to attract necessary investment. But it's a price we pay for our American standard of living. The benefits of accelerated development of American energy resources are great to all segments of our society. Employment would increase, individual incomes would rise, profit opportunities would improve, government revenues would grow, and the nation would be more secure.

The oil industry cannot be expected to undertake costly exploration and development of new fields without the profit incentive, which is after all basic to our economic system. Governmental price controls of the energy business have had the effect of slowing down production, and creating an artificial shortage. The government could step in and subsidize the industry as it has with other commodities, or allow the capitalist system to function—to let the price of oil and natural gas reach their true market value.

We must develop realistic, graduated approaches to environmental goals. Clean air and water will require more energy to achieve . . . not less. With careful planning and proper usage of energy, a clean healthy environment can be achieved over a reasonable length of time. But not with a snap of some judge's injunction.

About half of the future sources of oil, and a larger percentage of gas and uranium are located on public lands . . . lands controlled by the government. Access to these lands by private enterprise developers is essential if we are to increase the availability of domestic fuel sources. The sale of leases in the outer continental shelf and in frontier federal lands will produce additional revenue in addition to the needed oil and natural gas.

Continuation of tax incentives to encourage private business in the finding and development of all energy sources is necessary. The 1969 Tax Reform Act cutting the depletion allowance killed much of the incentive of the oil industry to develop new fields by placing additional tax stumbling blocks in the way of getting new sources for fuel. You may recall, I used our vote in Congress to vote against cutting the oil depletion allowance, because I believed then that it would back fire on oil production, and result in higher prices to the consumer by chipping away at the profit incentive of business. The resulting "energy crisis" proved that belief correct.

I am now drafting legislation aimed at restoring tax incentives to the energy industry . . . to encourage private business to function as it should, with the chance to make a reasonable profit on it's dollar investment. The benefit to you, the energy consummer, would result in a greater value for the price you pay for fuel . . . free of artificial government price boosts. And more important, we would encourage production to increase the supply to meet our demands.

American problems have always been best solved by American industry, with American workers using American resources. When we are free to use our own ingenuity, the people of the United States have proven time and again that we can overcome any "crisis" even those created by well meaning people and too much government dickering.

ENERGY CRISIS—RED OIL AND HYDROGEN ECONOMY AS POSSIBLE SOLUTIONS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HOSMER. Mr. Speaker, the following are portions of remarks which I made on February 3 to members of the faculty of the Science and Mathematics Department of the U.S. Naval Academy:

ENERGY CRISIS—RED OIL AND HYDROGEN ECONOMY AS POSSIBLE SOLUTIONS

Our energy gap is being enlarged by recent shifts in energy use patterns which favor increased expenditures on transportation and the consumption of electricity which is converted from prime energy sources with an average efficiency of only around 33 percent. In contrast, the delivered efficiency with which coal, petroleum and nuclear energy sources are put to end use in industry, homes, and commercial establishments is between 50 and 60 percent. Transportation, which wastes 75 percent while putting only 15 percent of source energy to beneficial use, offers the poorest conversion ratio of all. Unfortunately, it is impossible to improve energy use patterns very fast. It would take somewhat more of cataclysmic unusuality than we would welcome to about-face the habits of 210–230 million Americans and their entire energy dependent economy.

That means that for the indeterminable future, neither voluntary conservation of energy nor other deliberate shifts in use patterns are going to play much of a role in avoiding an energy crisis. A characteristic of the affluent society is that someone else is supposed to bear the burden of energy shortages. The thesis that other people should also bear the burden of such things as pollution is likewise a characteristic of that society which, in this instance, certainly is starting to find segments of itself in deep conflict over which burden is least bearable.

Let me explain and expand:

About ⅕ of our energy is used for commercial and household purposes and that ⅕ accounts for only about 5 percent of pollution.

The ⅓ of our energy which we use for industrial purposes contributes a modest 15 percent of all pollution.

The ¼ we use to make electricity is responsible for a still modest 18 percent of all pollution.

But the 25 percent of energy we use for moving people and things over land, air, and water manufactures a whopping 60 percent of all environmental contaminants.

Don't hold me to these fractions and percentages. They are approximations for illustrative purposes, but in any event, transportation, particularly automobiles, makes such a large contribution to the deterioration to our environment that many people are talking about mass transportation as the only way to go. Whether they are talking knowledgeably or sensibly is another matter. I suspect they are not. My research and my guts tell me that it will prove economically infeasible to raise the trillions of dollars that would be required at this late date to convert our transportation system from an individual to a mass transit basis. And, even that assumes the unlikelihood that we could produce and use enough whips to drive people out of their automobiles and into some public transit system.

Predicting the survival of the automobile does not mean that Americans eventually will drown in a sea of smog, or smother in clouds of deadly gas, or be overwhelmed by avalanches of particulate garbage. Rather, I believe that ways to clean up individual transportation modes to acceptable levels are within the realm of technical feasibility and, even though costly, they will not in the aggregate exceed the limits of economic feasibility.

Today it requires two tons of steel, copper and plastics, and a gallon of gasoline to move by a distance of 10 miles a 1/25th horsepower device, the human body. Obviously we can do better than that if we apply the control mechanisms of that 1/25 horsepower device to the problem. Properly to guide energy research, however, we must recognize that presently available prime sources of energy in large quantity are limited to coal, oil and gas, and nuclear. Hydropower is quite limited and exotic energy sources—solar, geothermal, fusion and the like—will take several decades to develop.

We also must remember that electricity is not a prime source of energy, it is only a clean and convenient way to transport energy originating from prime chemical and nuclear sources to wherever it is to be put to end use. There is one loss when it is converted and another when it is put to actual use.

In the U.S. there is at least a 300 year domestic supply of coal. The efficiency of converting it to electrical energy most likely can be boosted from the 33 percent figure to 50 percent or more. Techniques limiting unwanted carbon and nitrogen oxides and particulates to tolerable levels are under extensive research. Success is expected with them and also with gasification and liquification systems to beat the high cost of shipping coal by rail.

Strip-mining legislation, now pending in Congress, will determine just how available the energy of coal will be. The issue is the non-esthetics of open pits versus needed BTU's. Unfortunately this is an issue which the general public does not yet see clearly because of the time lag between the imposition of environmental controls and their resultant impact. Balancing the various costs of environmental deprivation against similar costs occasioned by energy deprivation is a lengthy process.

Turning now from coal to oil and gas as a prime energy source: except in the short-run, the chances for improving domestic supplies are zilch. There are a lot of ways to accelerate production for a decade or two, but when the wells run dry, that's it.

Many people believe that importation of foreign oil and gas is the answer. But to supply our energy deficit that way would, by 1985, require imports involving at least a $35 billion annual trade deficit simply because the Arab states are so small and backward that two-way trade with them is not possible. We would have to sell off the country piece-by-piece to pay the Arab's bill, and the American people are not going to tolerate that. Unless you are willing to go for statehood for Saudi Arabia, Kuwait, Abudahbi, et al., forget it. The thought of large petroleum imports from anywhere are economically infeasible, politically hazardous and militarily inexcusable, with this exception: The Soviet Union has plenty of surplus oil and gas and seems to want to sell it; and, it is a fairly open secret that geophysical exploration beneath the shallow China Sea by American experts indicates there could be oil discoveries there as big as the entire Middle East reserves. If that is true and we buy equally from the Russians and the Chinese we would be at the mercy of neither, and, since both have a vast need for manufactured products, we might get a two-way trade going with those countries which would satisfy our petroleum deficit without simultaneously creating a trade deficit. We'll see what Dick Nixon and Henry Kissinger do about that.

Meanwhile, nuclear energy seems to be the one domestic source we can dependably rely upon to meet our energy load growth—whatever it is, and for how long it lasts. New high temperature gas-cooled reactors soon will be converting atomic energy to electrical energy with 45 to 50 percent efficiency, and, of course, upcoming breeder reactors will manufacture more nuclear fuel than they consume in the process of generating electricity. Beyond that, sometime around the year 2000, experts tell us that controlled hydrogen fusion will come on the line.

We will eventually solve the safety, public health and environmental problems plaguing the nuclear route. There is little doubt that eventually controlled fission and controlled fusion together can and will supply the nation's total energy needs domestically and that we will revert to an energy surplus nation.

The one "if" in the picture is the requirement for capital investments necessary to shift to these newer sources of prime energy. Capital demands will be enormous. They can be shaved considerably by improving the efficiency with which we release, convert, transport and use energy. Fortunately, we are making steady improvements in these areas, the effects of which are continually to lessen the amount of investment capital which otherwise would be required. In the electric generation area cryogenic techniques utilizing super-conducting magnets are coming along to vastly reduce the size of, and therefore capital investments in, central power station base load generators. In parallel cryogenic transmission facilities also will soon be available. These will obsolete large overhead long-line transmission systems and replace them with small underground superconducting cables which operate with negligible line loss. These will reduce capital investment in long transmissions lines by ⅓rd to ½.

And, at transmission distances over 600 miles another major possibility is on the horizon, based on new technology, for very substantial savings in both capital investments and operating costs for moving energy from one point to another. Beyond 600 miles moving energy in the form of electricity, even with super-conducting systems, will be more costly than piping the same number of ERGS and BTU's in the form of hydrogen gas. If we set up hydrogen separation plants and pipelines for bulk movement of energy for industrial use, electrical generation, household and commercial purposes, then we can well afford the modest incremental cost of expanding capacity as needed also to substitute domestically produced liquid hydrogen for imported gasoline in our automobiles. By this means we will get rid of the carbon oxides and only a few drops of water and a small amount of oxides of nitrogen will come out of the exhaust pipes. Or, we can go to catalytic burners which operate without flames, and get rid of nitrogen's oxides, too.

There is no need to fear the Hindenburg syndrome. We won't have to store bottles of liquid hydrogen under the front seat. The reason being that, amazingly enough, for many metals hydrogen penetration is so easy that by volume the absorption of hydrogen in, for example, titanium, vanadium or niobium, actually exceeds that of the same amount of liquid hydrogen. It just disappears into the metal. Applying a little heat when you want to use it will bring it out again. These hybrids are chemically inert, storable, movable and can substitute for the gasoline tank with absolute safety.

If we decide to shift to a hydrogen economy, large quantities of the substance can be generated from always available water in several ways, in theory at least. Electrolysis is one way, and its conversion efficiency already is around 38 percent with existing systems. Alternate methods which might bypass electroylsis and enhance overall efficiency include: (a) radiation-induced dissociation; (b) chemical reactions; (c) biological processes; and, (d) disassociation by heating water to around 3000° centigrade in nuclear reactors.

All this may produce somewhat expensive hydrogen but it will do so on a large scale, and remember—for every two hydrogen atoms produced there will come free, as a bonus, one oxygen atom to enhance the economics of the hydrogen cycle. Abundant oxygen will facilitate the clean and efficient release of energy from chemical fuels and otherwise serve to enhance the synergistic potentialities of wedding together nuclear energy, hydrogen economics and cryogenic applications.

NEW YORK STATE BAR ASSOCIATION SEEKS COURT ADMINISTRATION OVERHAUL

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. PODELL. Mr. Speaker, I have the pleasure of calling the attention of our colleagues to an article which appears in the January 24, 1973, edition of the New York Law Journal by the very distinguished New York jurist, the Honorable Samuel Rabin, presiding justice of the second judicial department of the appellate division of the supreme court of the State of New York.

Surely this year we should see some substantive change for the better in the administration of our judicial system. For too long our courts have labored under the centuries old procedures which in themselves hinder justice.

Justice Rabin addresses himself to this vital area and lends his prestige to the call for judicial reform. His article follows:

ORGANIZED BAR'S SUPPORT OF COURTS HEARTENING

(By Samuel Rabin)

On behalf of the Appellate Division, Second Judicial Department, it again gives me great pleasure to welcome the members of the New York State Bar Association to New York City on the occasion of its ninety-sixth annual meeting.

If recent events are an indication of things to come, 1973 will be a year of intense scrutiny of our judicial system. Never before have our courts been the subject of so much criticism, much of it uninformed and irresponsible, and never before have so many offered such far-reaching programs aimed at what is generally referred to as "court reform." Thus, there will be before the current session of the Legislature at least two and possibly three programs intended to change the manner of selecting judges and the method of managing the operations of our court system.

Robert MacCrate, the distinguished president of our association, at the direction of the house of delegates has established and appointed a special committee headed by Whitney North Seymour, Jr., to develop a program of public support for the association's recommendations to "remedy the current crisis in the administration of justice in the State and the possible loss of public confidence in the law."

We who have special responsibility for the administration of justice have received strong support from the organized Bar and it has been heartening, indeed.

President MacCrate has aptly defined the obligation of this association as one "to advocate measures to improve the legal system, while at the same time supporting the Bench against unjust criticism."

ADAPTING TO CHANGE

The judiciary welcomes the association's support and stands ready to join in bringing about such changes as will improve our judicial system. We recognize that all systems of government must adapt to change if they are to continue to function effectively. All of us—the Bench, Bar and the public—must do our utmost to secure the orderly and efficient operation of our courts.

I would caution, however, that we must not be stampeded into abandoning what has been developed after years of careful planning, study, experimentation and actual practice merely for the sake of change.

On the civil side, substantial progress has been made and, despite serious personnel shortages and lack of adequate financing, those courts are operating productively.

COOPERATIVE EFFORT

The critical problem facing the judiciary today is the administration of criminal justice. At this point of time, when the growing incidence of crime has made streets and houses unsafe, when our jails and detention facilities are overcrowded, when the criminal justice system is undermanned and overburdened, and when vacancies resulting from the steady attrition of essential non-judicial personnel are not being filled, every level of government must be prepared to re-evaluate its priorities and provide needed financial assistance to the courts and the ancillary agencies whose activities are necessary to the functioning of the system.

Hopefully, with the cooperation of the executive and legislative branches of government and the support of the organized Bar we can solve this problem.

The New York State Bar Association is to be congratuated on the record of its achievements. I look forward to working with its representatives in seeking solutions to the problems which are of mutual concern.

DEAN JUDITH YOUNGER: "LEGAL EDUCATION DOES NOT EXIST"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Ms. ABZUG. Mr. Speaker, on January 24, in connection with the annual meeting of the New York State Bar Association, the New York Law Journal published a special supplement containing feature articles on current issues and problems facing the legal profession.

One of the articles, addressed to the present state of legal education, was written by Judith Younger, professor and associate dean at the Hofstra School of Law. I think that Dean Younger's comments are quite intelligent and well worth reading, and I include the text of her article in the RECORD at this point:

LAW DEAN'S CRITIQUE: LEGAL EDUCATION DOES NOT EXIST

(By Judith T. Younger)

Of course Buttercup was talking about Ralph Rackstraw, but her words apply as well to "legal education," the commodity now being sold by the nation's 181 law schools[1] to 110,000 law students[2] in what has become a $200 million business.[3] This big seller is not what it seems. Though students think they are getting it, in fact legal education doesn't exist.

To the extent that law students are being educated, there is nothing legal about the process. Rather it is an attempt to impart basic skills; how to read, analyze what is read, write and do library research.

PROCESS NOT EDUCATION

To the extent that law students are being ing anything about the law, the process is not education. Rather, it is practice in using the law through clinics. I use the term "clinic" in its broadest sense to include the modern development of legal services for the poor as well as all other nonclassroom activities in which there is some contact with the real legal world or attempt to simulate it. Thus, law review, moot court, legislative drafting projects and neighborhood law offices are all clinics. At best, these are fun for students and give them the incentive to master the law library; at worst, they are seedbeds from which spring sloppy or incorrect work habits.

This is what law schools offer. In content (if not quality) the experience is now quite uniform throughout the nation. So is the packaging: a first year of required courses and a varied menu of electives thereafter. These include clinics of various kinds as well as classroom courses in history, philosophy, sociology, political science, and mathematically technique. What is an appalling degree of incompetence among law-trained members of the profession and a rather shocking lack of equivalence between what happens to them in law school and their ultimate capacity at the Bar. In every class some whose training was mediocre or worse, nevertheless, become legal stars. Others, after three years of exposure to the finest law school offerings, are never heard from again. If law schools were effectively teaching the qualities which make exceptional lawyers the level of competence of law school trained lawyers would rise and the disparity between law school experience and lawyers' performance would narrow or disappear.

UNSATISFACTORY STATE

What we have now is an unsatisfactory state of affairs. It means law schools have defaulted in their primary obligation. That, in my judgment, is to train lawyers for the practice of the profession.[4] Such training would, if successful, give graduates the ability to do eight things.

(1) Put problems in their appropriate places on the substantive legal map; in other words spot the issues, characterize or affix the right legal labels to facts. (2) Plumb the law library to its greatest depth and come up with buried treasure. (3) Write grammatically, clearly, and with style. (4) Speak grammatically, clearly, and with style. (5) Find, outside the library, the facts they decide they need to know. This includes the ability to listen. (6) Use good judgment. (7) Find their way around courts, clerks, legislators, and governmental agencies. (8) Approach any problem wtih enough social awareness to perceive what nonlegal factors bear on its solution.[5]

Law schools are successfully teaching only one of these qualities—the first on the list. The ability to correctly place a problem on the legal map requires a combination of reading ability, analytic skill, and superficial knowledge of substantive law. Students generally master it in the first year of law school through casebook collections of appellate opinions, the Socratic method, and endless briefing.

SECOND QUALITY

The second listed quality—ability to use the law library—is something which law schools could and should teach. Indeed, their catalogs say they do teach it in courses called "Legal Method," "Introductory Seminar," and "Research." Yet few law school graduates have it. Those who do learn it not from faculty in classes but from peers in clinics, especially law review. The rest graduate without it, ever fearful thereafter that the library contains material they've missed.

The third quality—the ability to write—the something that should be taken for granted by the time a student reaches professional school. Its learning should start in first grade. But American elementary schools, high schools, and colleges have not done the job. Students arrive now in law school lacking knowledge of the rudiments of grammar, punctuation, and composition. It would be futile in the circumstances to demand style. Faced with this situation, all law schools have instituted writing programs, but few have much interest or faith in their effectiveness. The prevailing faculty attitude is laissez-faire.

A student either knows how to write when he arrives, learns that he doesn't thereafter, remedies it himself on his own or continues illiterate into the profession. Even law review editors may suffer this fate. (Usually they do know how to edit; it is easier to learn than writing.) Learning to write requires constant practice—writing and rewriting under close supervision. The supervisor, of course, must know how to write. This eliminates all but a few faculty members as teachers.

SPEAKING CORRECTLY

The fourth quality—ability to speak correctly, clearly, and well—is, like writing, a skill which should begin to be taught early. Like writing, its development is hopelessly neglected in the students' earlier schooling. As a result many first year law students are inarticulate or vulgar of speech. Three years is too short a time to work a complete transformation but long enough to erase the most flagrant mistakes. Certainly, conscience requires the devotion of more curricular hours and effort to the attempt.

The remaining qualities—the ability to find facts outside the library, find one's way around, good judgment, and social awareness—cannot be taught in law school. About these qualities law schools can do only one thing—provide teachers who, by example, encourage students to learn them. Example is powerful. Said one of Roscoe Pound's students:

"His classes meant life to us. Learning and fiery insight he had; and, in the classroom itself, these were forged into the crucible of his genius. . . . In looking back, fantastic analogies rush into my memory: the impact of the French Revolution on Wordsworth, Francis Bacon's wild assertion that he would take all knowledge for his province. For us, in our halting, timid, clumsy thought, Pound insisted that we use all our resources, and he enabled us to continue to use them, far beyond what we or others thought possible."[6]

Faculty selection is thus crucial. Since Langdell[7] hired Ames,[8] however, the accepted measure of a law teacher has been "not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes—not experience, in short in using the law, but experience in learning law"[9] through the reading and analysis of judicial opinions.

Thus, for many faculty members the road to teaching has been short and narrow: a brilliant record in an Ivy League law school, a clerkship for a distinguished judge or a judge of a distinguished court, and then straight to the classroom. As Stone pointed out, good "teachers of law are born, not made exclusively by training or environment"[10] but before we loose any on students, in addition to natural gifts, we should insist on demonstrated ability in both learning *and* using the law.

Most laws schools today seem oblivious to their failures. It's hard to teach basic skills and pleasanter to discuss proposed panaceas: abolition of the third year of law school,[11] upgrading or downgrading the clinical components of the curriculum, training paraprofessionals and specialists and chucking the notion of a unitary bar.[12] These suggestions are of little importance so long as our graduates are lost in the library, can neither read nor write English and, in three years of law school, have met no inspiring faculty example.

It is time to gear the curriculum to competence in the profession and find faculty who can inspire students to learn. Only then will law schools be doing what they purport to do and "legal education" be worthy of the name.

FOOTNOTES

[1] This figure includes law schools in the Association of American Law Schools, law schools on the approved list of the American

Bar Association as well as those which are neither.

[2] Wall Street Journal, Dec. 29, 1972, p. 6, c. 4.

[3] Law school tuition at private institutions is generally between $2,000 and $3,000 a year. For example: George Washington—$2,200; Hofstra—$2,300; Harvard—$2,500; Stanford—$2,850; Columbia—$3,000.

[4] Law facilities are also supposed to do research. One law school describes it primary objective as follows: "to produce a new 'breed' of lawyers and legal technicians committed to the use of law as an instrument of justice; to generate a new body of legal scholarship—empirically based, relevant and highly disciplined—to deal with the problems of social injustice; and to act as a catalyst to change the nature of legal education nationally." Antioch School of Law Catalog 3 (1972).

[5] For a similar though not identical list see H. Packer and T. Ehrlich, New Directions in Legal Education 22–23 (1972, hereafter called "Packer and Ehrlich").

[6] P. Sayre, The Life of Roscoe Pound 179 (1948).

[7] Christopher Columbus Langdell (1826–1906), father of the case method and Dean of the Harvard Law School from 1870 to 1895.

[8] James Barr Ames who, when he was appointed Assistant Professor at the Harvard Law School at the age of twenty-seven, full professor at thirty and Bussey Professor at thirty-two, "had not practiced law for a single day." C. Woodward, The Limits of Legal Realism: An Historical Perspective in Packer and Ehrlich, Appendix B at 360. Ames succeeded Langdell as Dean of the Harvard Law School in 1895.

[9] J. B. Ames, Christopher Columbus Langdell, in Lectures on Legal History 477–78 (1913), quoting Langdell.

[10] A. T. Mason, Harlan Fiske Stone: Pillar of the Law 86 (1956).

[11] Commenting eighty-six years ago on the third year of law school, the Editors of the Harvard Law Review had this to say: "As the comparative merits of a third year at the school, and a third year in a lawyer's office, are so often discussed, the following extract from President Eliot's last report may be of interest both to graduates and under-graduates. 'It is good evidence of the value of the full three years' course that, for several summers past, the school had been unable to fill all the places in lawyers' offices which have been offered it for its third-year students, just graduating. There have been more places offered, with salaries sufficient to live on, than there were graduates to take them.' "

[12] All these are discussed in Packer and Ehrlich.

THE CONTINUING ECUMENICAL TASK IN THE UNITED STATES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. BRADEMAS. Mr. Speaker, one of the most distinguished leaders in religious life today is the Reverend Dr. Eugene Carson Blake, who recently retired as the General Secretary of the World Council of Churches.

I had the privilege a few weeks ago of hearing Dr. Blake speak on "The Continuing Ecumenical Task in the United States." As a member of the Central Committee of the World Council of Churches, I had of course a particular interest in Dr. Blake's observation. But I believe that what this distinguished churchman had to say would be of interest to all Members of Congress and I therefore ask unanimous consent to insert the text of his address, which was delivered on November 21, 1972, at the Riverside Church in New York City at this point in the RECORD.

The text of this address follows:

THE CONTINUING ECUMENICAL TASK IN THE UNITED STATES

(By Dr. Eugene Carson Blake)

In the last days of October, when I was winding up my responsibilities in Geneva, one of the tasks was to give a number of interviews to newspapers, magaiznes, and the electronic media. One of the last of them I gave to a reporter of La Vie Protestante, the church paper of the Reformed Churches of the Swiss Romande (that is the French-speaking part of Switzerland). During the course of that interview, I was asked, among many more important questions, whether I would be writing my memoirs. I answered "No," and gave a few reasons, the chief one being that such writing and speaking as I do will be present and future oriented. I was a little bit embarrassed, then, when La Vie Protestante came out with a banner headline across the front page saying that I was not writing my memoirs. The embarrassment arose because during these days, the memoirs of my distinguished predecessor had been appearing in Dutch and German, and will soon be out in English. Perhaps Dr. Visser 't Hooft will forgive the implied and unintended criticism if I urge you all to buy and read *his memoirs* when they are published soon by Westminster Press.

The incident illustrates the rather difficult position in which I find myself tonight. My esteemed successor is present, and speaking as General Secretary of the World Council of Churches. For anything official about the program of the World Council of Churches, hear him. You will be edified. I am the former General Secretary. The French put it "ancien" Secretaire Generale. In English, ancient carries a connotation not entirely pleasant, and I am not sure how much of a burden Philip Potter will find, having two ancient General Secretaries, one only slightly less ancient than the other, to get along with. Fortunately, we are all friends, and I take this occasion to pledge my full support for Philip Potter in his new task, as I received it from Dr. Visser 't Hooft.

It is because we share the same faith, and the same ecumenical assumptions, that the supporters of the World Council of Churches may have confidence that it will continue to flourish as a unique instrument of the ecumenical movement in the years that lie before us.

This is not to make light of the problems both inside and outside of the life of its member churches, which the World Council now faces. It is clear that under the pressures of change, most people everywhere are full of fears of the future. The essential task of the World Council will remain to encourage all Christians to act in faith and hope rather than to act upon their fears.

The subject I have chosen for tonight is "The Continuing Ecumenical Task in the United States". I shall not talk about the World Council as such, and I limit myself for the first time in six years to this nation and its ecumenical concerns, which I have never ceased to share as an American churchman, and to which my new freedom allows me to address myself more specifically than before.

For the twenty years or more, during which I have been involved in the church scene of this nation, primarily at the national level, I have consistently taken the position that the progress of the ecumenical movement is the only way of progress for the American churches. I have said again and again that there is no future for sectarian Christianity, whether liberal or conservative, whether Protestant, Orthodox, Anglican, or Roman Catholic. So, tonight I address myself to the ecumenical movement as a whole, not merely to the present constituency of the World Council of Churches. And I set what I shall say firmly in the American scene. For the United States of America exercises, as one of the super powers, a preponderant influence in the world of the 70's. And its churches are free, if they will, to influence the future more than any other churches in the world.

Tonight, therefore, I address myself to stating once again the chief ecumenical assumptions which must be increasingly understood and accepted by American Christians if they wish their faith to be relevant to the real human problems of the last quarter of the 20th century.

I. THE ECUMENICAL MOVEMENT IS SQUARELY BASED UPON TRADITIONAL TRINITARIAN CHRISTIANITY

In a time of rapid change, such as the churches are now passing through, it is important to note first of all the things that remain. I have dared use the expression "traditional trinitarian Christianity" even though some of you here present may feel that to talk about the trinity is to introduce irrelevent and ancient dogma to the discussion. But I find that I must emphasize the tradition received by all our churches from their past because many ecumenical critics seem to believe that to be ecumenical, a church is called upon to repudiate its past, and some of these critics delight in pouncing upon every novel position by any theologian, ecumenical or not, as the overthrowing and betrayal of the Christian faith. Those people tend to think of tradition as that understanding and expression of the faith as they experienced in their own childhood. This attitude toward tradition is a neurotic atavism rather than taking the ancient faith seriously, as I propose. Such understanding of the musical tradition in worship, for example, has tried to set the standard of hymnody squarely in the Victorian gospel song. Equally, others hold that the organ is the only acceptable musical instrument for Christian worship, repudiating guitars, forgetting that when the organ was new, it was attacked by the conservative Presbyterians, for example, as an unacceptable innovation.

But what I am talking about when I speak of tradition upon which the ecumenical movement is squarely based is the mainstream of Christian faith and worship, which has persisted throughout the centuries. Tradition should always be a living tradition, subject to new emphases and contemporary modifications as Christians and their churches are given new insights into truth by the Holy Spirit. To be traditional in theology or worship is not to resist change in favor of Christian belief or practice as of two generations before, but rather to appreciate the whole past enough so that the new flowers of faith have their roots in the familiar good soil of the best Christian heritage of the centuries. An ecumenical Methodist is not asked to be disloyal to the theological insights given to the church by John Wesley. An ecumenical Methodist is asked to try to become as ecumenical as John Wesley was. So Calvinists, Lutherans, Orthodox or Catholics do not lose their separate identities or histories when they become ecumenical; they are rather challenged to seek together common understandings and common convictions that have always been held by Christians in the transcendent and imminent God curred. Every generation has laid upon it the task of restating the ancient faith to speak to its own responsibilities. But ecumenism, cut off from its roots in the ancient faith is a false ecumenism, and leads to a dead end street.

But why do I emphasize the trinitarian dogma? Simply because Christianity is in fact trinitarian. God the Father, God the Son and God the Holy Spirit is the way in which the full richness of the faith of Christians in the transcendent and imminent God has been and is expressed theologically. The Christian churches committed to Jesus Christ and to each other in the ecumenical movement are, without exception, trinitarian churches. By this statement I am not attacking any other faith whether Jewish, Moslem or Unitarian. I am merely emphasizing a fact. The ecumenical movement in the 20th century has arisen out of orthodox trinitarian Christian faith; it is rooted in that faith. This does not mean to be ecumenical, one has to accept the psychology of Nicea or Chalcedon. But any serious Christian must today struggle to understand what the Fathers were affirming about God and Christ in order to be sure that their "modern" positions are in fact Christian positions, and not something else. One of the great advances of the 20th century theological work is that the theologians of all the churches are beginning to read each other, and so to transcend the sectarianism in which most of us were brought up two generations ago.

II: THE ECUMENICAL MOVEMENT IS COMMITTED TO DIALOGUE WITH PERSONS OF OTHER FAITHS AND IDEOLOGIES

I make this my second point because I am conscious of the fact that many liberal minded people both inside and outside the Christian churches, as I have just defined them, will be unhappy with my definition of the ecumenical movement. They will be afraid that the movement as I describe it is too narrow to be relevant to the major issues confronting humanity in an interrelated and interdependent world. In an address such as this, it is quite impossible to do justice to the theological depths of the questions raised by what I have called "commitment to dialogue". At Bangkok, the Conference called by the World Council's Commission on World Mission and Evangelism will be grappling with these questions, but even there, with all the wealth of Christian knowledge and experience available, we shall have to be satisfied with new beginnings and new insights. We should not expect final answers or total consensus.

Tonight let me content myself by giving assurance to those outside the Christ-centered committed fellowship of the ecumenical movement that by dialogue with them we intend to listen to their concerns as we speak to them of ours. To the Jew who fears that increasing Christian unity may be the preliminary to new antisemitic persecutions, such as those which have disgraced Christian civilizations and cultures for many centuries, ecumenical commitment to dialogue means not only respect, but admiration and love. To the Muslim whose history is compounded by memories of Jehads and Crusades, and more recently European colonialism, ecumenical commitment to dialogue means the end of arrogant Christian cultural imperialism. You like us and the Jews are the children of Abraham. To the Hindu and the Buddhist, to the pagan of Central Africa, to the Confucianist and Shintoist, ecumenical commitment to dialogue means, at the very least, Christian commitment to listen to their concerns about our Western habits, for example, of violation of nature and nature's laws by our scientific exploration of the world to serve human appetite and greed.

To the humanist who believes our Christian faith in a transcendent God is irrelevant or negative to human progress and prosperity, ecumenical commitment to dialogue implies a renewed commitment to the way of Jesus who gave himself to the poor and to the oppressed. To the marxist, ecumenical commitment to dialogue means that the churches will stop lying about you and justifying our own vices and sins by comparing them favorably to yours, while together we try to find the way out of our common materialism which threatens the survival of mankind.

To sum up, ecumenical commitment to dialogue does not mean the giving up of commitment to Jesus Christ or to faith in the God he revealed. It does not mean a syncretistic, homogenized religious mysticism. But it does mean a new humility before God and man which once and for all asks Christians not to think and act as if God belonged to them, but rather to think and act as those who belong to God.

III: THE ECUMENICAL MOVEMENT IS COMMITTED TO JUSTICE FOR THE POOR AND OPPRESSED EVERYWHERE

Perhaps the most controversial position I shall take tonight is to challenge the common majority assumption that the reason poor people are poor is that they are lazy. I am old enough to remember when Americans used to laugh at the long week-ends which had already become a part of the affluent British pattern of life. In those days we Americans worked six days a week and long hours each day. And yet now many Americans are confused at the challenges to our top economic position in the world, whether the challenges come from West Germans or Japanese following our former pattern of hard work and competition, or from the marxists who use their more limited industrial capacities to limit the goods they make to things their societies really need. Most establishment Americans now seems to believe that we are or ought to be God's favorites, allowed to live on comfortably in the luxury earned for us by hard working people in the past while poor people in the United States and the rest of the world (the overwhelming majority of men) should happily acquiesce in our affluence. Because of our preponderant industrial, military and diplomatic power, we find our chief allies throughout the world in those small groups of wealthy reactionaries in all the countries who with us are committed to reinforcing those structures of society which keep the poor poor, and let those rich continue in luxurious consumer societies. Now I know well that to be rich most Americans do not believe that is what we are doing. We continue to blind ourselves to the economic realities by professing Christian concern and charity for the poor while we more and more act on the basis that economic success is in fact the only virtue.

The ecumenical movement world-wide challenges the selfish materialism of the American way of life as it has developed in the past twenty-five years, and calls upon American Christians to follow the Lord Jesus in his concern for the poor, the failures and the also-rans in the race of life. And, although one continuing reaction to the poor will be charity, it is clear that the poor of the world want justice from us and not simply charity.

IV: THE ECUMENICAL MOVEMENT CHALLENGES RACISM

Nobody knows what race is. But everybody knows and recognizes racism. Racism is that almost universal sin of justifying the persecution and domination of other ethnic groups, especially those of a different color, by us because "we" are biologically and genetically better than they. Racism is just as wrong when it is practiced and manifested by black tribes against one another inside of Africa, as when it is consciously or unconsciously practiced by white people upon the African continent. Ugandan racism against Asians is sin, and so is Portuguese, Rhodesian and South African racism. This has to be said again and again to help white Europeans and North Americans understand why a world program to combat racism is justified in focusing upon white racism. For four hundred years and more, white men have had the military, economic and cultural power to impose their rule upon Asians and Africans. That power remains, and for some time the world minority of white people can, if they will, continue to keep black, yellow and brown people under their domination. But Chinese, Indians and Indonesians (not to mention black Africans) will not forever accept that domination. The peace and even the survival of civilization depends on the elimination of racism from the practices of mankind. Irrational racism practiced by any society produces fear which produces irrational behaviour which leads to human disaster. If Christian faith in America is to help solve America's social and political problems, the ecumenical movement must help our churches, white and black to throw off their racist patterns of thought and behaviour.

It is clear that white fear of black and brown minorities has been growing in our country during the six years that I have been living in Europe. The backlash of many, even of our own church members, explains a good deal of the new national majority revealed at the polls on November 7th.

This fear explains also the weakened positions of our churches' leadership, vis a vis their own members, which since 1954 has been struggling to persuade Americans to modify American life so that minorities, respected for their differences, could achieve equality and full justice in the American community. Although much progress toward that end has been achieved since 1954, it is clear that fear moves us more than our Christian vision of what ought to be. The task of American churches remains to lead in the implementation of that vision, and I repeat that this is a challenge to all Christians, of whatever race and color. For if we cannot repent of our mistakes and sins and solve the American racial problems, it is clear that we cannot contribute to long range peace in the world. For racism is a threat world-wide, perhaps especially in those nations where they do not believe they have a racial problem.

V: THE ECUMENICAL MOVEMENT IS COMMITTED TO THE ESTABLISHMENT OF A WORLD COMMUNITY

If I have learned anything from living abroad for six years and traveling widely throughout the world for twenty years, it is that the world must become a community of mankind. It is a truism that technologically the world is rapidly becoming one, interrelated and interdependent. But still Frenchmen are bemused by the glories of old France. Still the British are reluctantly entering Europe. Still the Germans are essentially German. The complication of the problem is that while it is clear that nationalism is passé in Europe, it is the new thing in Africa and Indonesia, and it is needed to supercede tribalism and insularity. But what of Russia and the United States? The two great super powers are super powers partly because of continental dimensions. Their top position will be challenged by Indonesia, India and China, and even sooner by the coalition of Western Europe. With nuclear destruction threatening all of mankind, the alternatives before us are world community or world destruction. The ecumenical movement chooses world community. Community is fortunately enriched by separate identities. It does not need to be threatened by them if we can catch a vision of the universal community of man. We Christians call this vision the kingdom of God. But we know that in man's fallen estate that man has neither the power nor the virtue to establish it. So the Christian prays as he struggles. He forgives as he is forgiven. He believes even when he sees cause for doubt.

CONCLUSION

In a very inadequate way, I have attempted to outline the basic assumptions of the ecumenical movement. It is upon these assumptions that the American churches must act if they are to be what they claim to be, God's instrument of the salvation of men and nations. The chief obstacle in front of the churches is fear and hopelessness.

Many of us are in shock because of the changes which have already come, but even more because of fear of change that threaten our peace and our prosperity.

The churches have no special intellectual scientific or technical insights to solve the problems of mankind. There is room for many differences of judgment as to what is the next thing to be done, the next program to be launched.

But the churches, if they are to be faithful, can incarnate in their life a hope which alone gives human life its meaning and a love which even if it is imperfect, casts out the fear which is the chief cause of their present paralysis.

A LEGISLATIVE APPROACH TO ALCOHOL AND HIGHWAY SAFETY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. BAKER. Mr. Speaker, as one who has expended time and effort in promoting every legitimate means of getting drunken drivers off our highways, I was gratified to note the constructive efforts being made in our State legislatures to deal with the tragic loss of life on the Nation's roads and thoroughfares.

A recent article in the winter 1972 issue of State government, published by the Council of State Governments, gives a detailed account on the progress taking place in this field through the legislative approach.

Under leave to extend my remarks, I ask that this informative article, "A Legislative Approach to Alcohol and Highway Safety" appear in the Appendix of the RECORD. The article follows:

A LEGISLATIVE APPROACH TO ALCOHOL AND HIGHWAY SAFETY

(By Marvin H. Wagner, Legislative Officer, Office of Alcohol Countermeasures, National Highway Traffic Safety Administration, U.S. Department of Transportation)

The enactment of adequate alcohol/highway safety legislation by the 50 States, the District of Columbia and the Commonwealth of Puerto Rico is one of the prime objectives of the federal Office of Alcohol Countermeasures. In order for many of the recommended projects of this office to become effective, specific enabling legislation must be adopted by these jurisdictions.

From the very inception of the National Highway Safety Bureau, the thrust of the program on alcohol in relation to highway safety has been towards the enactment of specific legislation by all of the States and jurisdictions. Those statutes sought were: implied consent, chemical test provisions, chemical testing procedures and quantitative blood alcohol content (BAC) tests in fatal accidents. These legislative requirements have been in some measure enacted by almost all jurisdictions. Specifically, the scorecard reads as follows:

1. *Implied Consent Law.* All 50 States have enacted a form of an implied consent law, but the District of Columbia has not. However, a bill is before Congress to give the District such a law.

Many of the state laws do not contain all the provisions an implied consent law should have. Four States—Texas, Wisconsin, Mississippi and North Carolina—do not impose the sanctions for violation of the implied consent concept if the "driving while under the influence of liquor" (DUIL) case is subsequently dismissed or if there is a not-guilty finding. This is obviously contrary to the purposes of implied consent. These, and other similar weaknesses, must be amended to allow full implementation of this law.

2. *Chemical Test Provisions.* All 50 States now have statutes establishing a specific finding of a chemical test as presumptive or prima facie evidence of intoxication. The alcohol standard requires a finding of not higher than .10 percent by weight, BAC, as its definition of "intoxicated" or "under the influence." As of late 1971, 38 States had their BAC levels at .10 percent or lower (Utah and Idaho are at .08 percent) with only 12 States higher than the specified amount. The aim is to have full implementation of this statute in the next few years.

3. *Chemical Testing Procedures and Certifications.* Forty-four States have adopted legislation designating a state agency as responsible for determining the appropriate methods, handling and analysis of chemical testing, together with the certification of testing operations. Most of the remaining six States are in conformity with this requirement through an administrative ruling establishing such an agency.

4. *Quantitative Tests for Alcohol in Fatal Accidents.* Less than half the States have laws mandating a chemical test of all drivers and adult pedestrians who die in a traffic crash; almost all of the States are now performing this task, mostly through an administrative order. The one area of noncompliance is the requirement for quantitative tests on all surviving drivers in crashes fatal to others. It appears that the States are extremely reluctant to implement this provision.

It is obvious from these findings that the States have, in most instances, substantially conformed to the requirements of the standard, Alcohol in Relation to Highway Safety. We are quite satisfied with their progress to date.

Last April, the administrator of the National Highway Traffic Safety Administration (NHTSA), Doug Toms, wrote to each Governor to urge him to support and endorse two new legislative concepts to greatly aid the national program in the reduction of traffic deaths. These laws are the preliminary screening breath test law and unlawful blood alcohol level law.

The basic purpose of the breath test law is to supply the arresting officer with an additional tool of identification of a suspected drunk driver. It should be noted that the test also gives the suspected person the opportunity to show to the police officer that he is *not*, in fact, intoxicated. This can, in many instances, avoid an unnecessary arrest.

Seven States—New York, Maine, Virginia, Indiana, North Dakota, Minnesota and Nebraska—have enacted this law. A substantial number of States are expected to follow suit.

The second statute—the unlawful blood alcohol level law—has also been enacted by a number of States. Mr. Toms told the Governors that extensive scientific studies have conclusively established that *all* persons are sufficiently impaired in their driving attitude, behavior and abilities at a BAC reading of .10 percent or higher so as to constitute them a serious danger to the general public while on the highway. This law is now on the books of five States: New York, Nebraska, Minnesota, Delaware and Oregon. (New York's "illegal per se" law level is at .12 percent and Oregon's law is at .15 percent BAC.)

The Supreme Court of Delaware has rendered an opinion upholding the constitutionality of this law. In a landmark decision, it stated, "It (the statute) represents a legislative determination that such quantity of alcohol (.10 percent BAC) has sufficient adverse effect upon any person to make his driving a definite hazard to himself and others."

With the constitutionality of this new law being upheld, we anticipate many States will enact this measure soon.

Since the promulgation of the Alcohol Standard, a great number of legislative concepts have been proposed to assist the States in their battle against the drinking driver. Unlawful blood alcohol content law and preliminary screening law are two examples of this new mode of thinking.

Other innovative, relatively harsh and certainly controversial laws which are being suggested for broader adoption, are:

1. *Laws of Arrest.* At the present time, the common law throughout the United States allows a police officer to arrest a person for a misdemeanor, without a warrant, only when the crime has been committed in his presence. The suggested change would allow such an arrest if, after a personal investigation by the law enforcement officer, he has reasonable grounds to believe that the person did, in fact, drive while intoxicated. This provision is especially important where, in the investigation of a crash, it is obvious that one driver was intoxicated, and yet the officer cannot make a DUIL arrest if he did not observe the accident. The State of New York has such a law.

2. *Two-Day Mandatory Jail Term.* It is becoming somewhat apparent that various strong measures must be taken to emphasize the seriousness of the crime of driving while intoxicated. One such method would be spending two days in jail, upon a conviction of a drinking-driving offense. This sanction, recently passed by Tennessee, would apply to *all* drivers, and could not be suspended or stayed by the court in its sentencing. It is a hard line, but necessary.

3. *Mandatory Pre-Sentence Investigations.* One of the most vital elements in the alcohol countermeasure programs is the identification of problem drinkers, so that they may be dealt with in the most appropriate manner. This, of course, refers to the alcohol rehabilitation programs. In order for the courts to be apprised of the extent of the drinking problem of the convicted drinker, a pre-sentence investigation would be required. Because of the extensive costs and shortage of trained personnel in this area, we suggest that there be permissive investigations on a first conviction of a DUIL offense, but mandatory pre-sentence investigation on a second or subsequent conviction. While ideally a report should be available on each such conviction, we believe this to be a reasonable compromise. Hawaii has such a law.

4. *Civil Commitment.* Many authorities believe that when a person is identified as an "alcoholic," his being confined to a jail after conviction may not serve any useful purpose. In fact, it may actually be counterproductive. One suggestion, already practiced in Sweden, is that the court have the authority to commit a medically diagnosed alcoholic to an institution where there is a competent alcohol rehabilitation program in effect, in lieu of a jail term. Certainly, the prospects of some form of rehabilitation of the person's severe drinking problem through this program deserve some consideration.

5. *Revocation of Registration Certificates and Plates.* One way to control the action of repeated offenders is by keeping them off the road. The recommendation for the revocation of the registration certificate and plates of a convicted DUIL driver is one method of accomplishing this end. Taking away his "wheels" and restricting his ability to obtain others would surely make the highway

a safer place to travel. Among States with such a law are Ohio, New York and Minnesota.

6. *Special Registration Certificate and Plates.* There are times when certain remedial steps are taken to correct one social problem and, in turn, create another. It must be recognized that through a revocation of a registration certificate one may be depriving a family of a much needed means of transportation. In today's mobile society, a motor vehicle is becoming more of a necessity and less of a luxury. Therefore, provisions should be made to provide special registration plates upon application by a member of the convicted driver's family. These plates can be designed so that the police can identify the *restricted driver* and allow other members of the family to operate the vehicle without repeated stops for identification. Minnesota and Ohio have such provisions.

7. *Impounding or Confiscation of Vehicles.* One of the most severe sanctions that can be imposed after a DUIL conviction is the impounding and, in some instances, confiscation of the motor vehicle of the defendant. Impounding is the holding of the vehicle by the State for a specified period of time, and then returning it to the owner. Among States using this method are California and Nebraska. Confiscation is the forfeiture of the vehicle to the State by defendant. The car is subsequently sold and the proceeds go to the State. Virginia law permits confiscation for driving while the license is revoked or suspended.

While it may appear that several of these recommendations are on a "law and order" theme, the purpose is not to severely penalize the convicted driver. Rather, it is to limit his ability to wantonly, recklessly and murderously operate his motor vehicle on the highways.

8. *Restricted or Limited Driver's License.* This approach, used in a number of States, is just as vital to the success of the alcohol countermeasures program as any other discussed. As indicated earlier, the major thrust of the program is to direct the problem drinker into some form of rehabilitation project. The Office of Alcohol Countermeasures strongly believes that in order to obtain the necessary cooperation of the driver, it may be imperative in his treatment program that he be allowed to drive in some limited fashion. The problem drinker usually drives in an intoxicated condition in the evenings and on weekends. If he is allowed to drive during the daytime weekday hours, and maintain some semblance of dignity (and also, in some instances, enabled to keep his job), we just might have a far more cooperative subject. By totally limiting his driving privileges, you will be dealing with a recalcitrant person and one who will probably continue to drive, even though his license has been taken away.

9. *Alcohol Rehabilitation Programs.* One of the most essential ingredients in the alcohol countermeasures program is the ability of the court to stay the execution of the mandatory provisions of the sentence, providing the convicted driver participates in an acceptable alcohol rehabilitation program. Although this is a coercive method of getting a person into the program, at least he is there. Without the ability of the court to operate in this fashion, it is doubtful that the convicted driver will voluntarily participate in this program. A problem drinker often is a person who, despite all the evidence to the contrary, truly believes that he can "handle the sauce." We know he cannot, but just telling him so is not enough. He has got to be shown—convinced. The best way of bringing about this realization that he has an uncontrollable drinking problem is through some form of rehabilitation. New York and Idaho have such laws.

10. *Insurance Penalties.* Several suggestions have been made in the area of insurance penalties for the convicted DUIL driver. They range from the restriction for obtaining collision or medical payment insurance, to preventing him from collecting any property damage to his vehicle. The most severe insurance penalty is mandating that insurance companies be repaid for any claims paid on an automobile crash caused by a driver who subsequently is convicted of driving while intoxicated. This policy is in operation in Sweden and Denmark, and apparently is quite effective. This right of subrogation by the insurance company is obviously a stringent penalty. Consider for a moment, though, that drinking drivers make a very deliberate choice on their own part. Perhaps without the protection of an insurance policy, if they had to pay their own way, they just might think twice before driving after drinking too much.

These, then, are some of the ideas that have been put forth by many different groups and individuals. If you think they are "way out" and will never be adopted into law, you should consider the fact that all of these statutes are presently in effect in at least one jurisdiction.

Once again, it should be mentioned that legislation is merely a tool for the law enforcement and judicial systems. It must be properly implemented to have any measurable effect. A good law can be misinterpreted for evil purposes, while a bad law can be converted into a tool for the common good. It all depends on who is doing what.

It is important to design and enact the best laws possible, but, we must also develop a knowledgeable, sophisticated and concerned police and judicial law enforcement system. Through coordination of efforts and resources, the laws we seek today may become the life savers of tomorrow.

EXPANDING JUDGESHIPS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DE LA GARZA. Mr. Speaker, the Judicial Conference of the United States has recommended 51 additional judgeships for the U.S. district courts and 11 additional judgeships for the U.S. court of appeals. The needs for these additions to our Federal court system is evidenced by the sharp increase during fiscal 1972 in case filings both in district and appeals courts.

Information from the Judicial Conference indicates that four of the additional district judgeships will be assigned to the Southern District of Texas. This number would include a second judge for the Brownsville Division, which is located in the congressional district I represent.

I regret to say that there is a continuing increase in criminal cases in the Southern District of Texas. It is unfortunate that this is true, but the facts must be faced. In the Brownsville Division, U.S. District Judge Reynaldo Garza, a hard-working and highly capable occupant of the Federal bench, finds his docket greatly overcrowded. A like situation exists in other parts of the Southern District of Texas.

In an attempt to relieve the congested dockets and live up to the American ideal of speedy justice, I am introducing a bill to provide four additional judgeships for the Southern District. I assure my colleagues that they are badly needed, and I hope they will support me in meeting that need as expeditiously as possible.

THE DISTRIBUTION OF HEROIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DERWINSKI. Mr. Speaker, Government officials, congressional committees, and specialists are all struggling with the problem of drug addiction and, especially, its impact on today's young people.

My attention was directed to the work of Miss Joyce Musil, a constituent, who wrote a term paper on the subject which I feel reflects the practical thought that students are bringing to this subject.

The paper follows:

THE DISTRIBUTION OF HEROIN

(By Joyce Musil)

There is scientific, practical, professional, and ideological importance in what legislators say and do. What they think of a profession affects its development and well-being. What legislators do matters. Their repeated attempts to influence human conduct can have tremendous effects which will be judged by moral and social standards.

The problem of drug addiction is certainly one of moral and social significance. Therefore, it would seem logical that some sort of legislation with regard to this problem be enacted, and, indeed, in several instances it has.

However, oftentimes in dealing with the problem of drug addiction, legislation has been enacted which has had certain undesirable effects, particularly with regard to the problem of drug distribution and even more specifically to the problem of heroin distribution.

For example, the basic anti-narcotics law in the United States is the Harrison Act of 1914. Its main purpose is to control the manufacture, importation, sale and dispensing of opium or any substance made from opium.

The agency whose job it is to enforce this law is The United States Bureau of Narcotics. By and large, this agency has taken the view that the narcotics addict is a lawbreaker and is therefore to be treated as a criminal.

Since most addicts are heroin addicts they must, by the nature of their addiction, commit a crime to be an addict. That is, they must buy their drugs illegally, and the buying of an illegal drug is a crime. In addition, very often to support his habit, the heroin addict himself must resort to selling the drug.

As long as addicts are committing a crime by buying or selling an illegal drug such as heroin, when caught they must be arrested and prosecuted. Determining whether the addicts and society are better served by sending the addicts to jail or to hospitals and rehabilitation centers is the problem with which I am concerned. There is no doubt that users of heroin are committing a crime under our present laws, and there are few people left who doubt that they are also sick people.

In accord with this "new social policy," I believe a distinction must be made between the addict pusher and the non-addict pusher. It is generally agreed that the buying, selling, importing, transporting, and distributing of narcotics is one of the mainstays of organized crime. No matter how many raids seem to be conducted, no matter how many are caught smuggling heroin or other narcotics into the country, the illegal business of supplying drugs is a vastly profitable one; in fact the U.S. heroin market is worth 5 billion dollars a year to the international drug trade. Thus, the addict soon finds it impossible to pay the prices his unlawful habit requires (an average U.S. addict spends $8000 a year to support his habit.) Eventually, many addicts become pushers themselves; in effect, they become part of the mob. Thus, a vicious circle has been created, one that is difficult to break.

As I see it, the narcotics laws now in effect make no distinction between the professional peddler and the addict who may share his drugs or obtain drugs for other addicts largely as a partial insurance protecting their own future supply.

However, there is at this time legislation pending in the House of Representatives which would make a distinction between the addict pusher and the nonaddict pusher. Bill H.R. 14184 would provide increased penalties for distribution of heroin by persons *not addicts* and provide for pretrial detention of such persons.

I believe that a distinction of this type must be made. There should be no leniency for the non-addict peddler who "exploits the weakness of mankind for profit."

Recently, more than 30 major drug pushers who were out on bail fled the country and are once again flooding the American market with illicit drugs from Argentina, Colombia, Chile, and other places. Bill H.R. 14184 would provide for pretrial detention of such individuals if the Government certifies that based on the person's pattern of behavior and other factors there is no condition to assure the safety of the public.

Thus far, one can see that those involved in illicit drug traffic are either suppliers or consumers. "They range from the organized crime boss who organizes 50-kilo heroin shipments, to the college student who smokes a single marihuana cigarette."

Too often, the brunt of law enforcement has fallen heavily on the user and the addict. "In cases handled by the Bureau of Narcotics, whose activities are directed against international and interstate traffickers, more than 40 percent of the defendants prosecuted are addicts."

The basic problem is that the drug trade is so lucrative that only a six-figure bond will hold the major traffickers—and sometimes even that is not enough. Examination of court records and interviews with judges and district attorneys conclude that a large percentage of major violators arrested by police or federal agents are discovered to be out on bail for a previous offense.

In addition, the Bail Reform Act of 1966 forbids a federal judge to consider a violator's danger to the community as a yardstick for pretrial freedom. "Thus, Atlanta narcotics kingpin Benjamin Pittman, with a record of 40 arrests, resulting in a number of convictions, had to post only a $3,000 arraignment bond on a charge which led to a 15 year sentence for selling narcotics.

Under Bill H.R. 14184 imprisonment upon conviction would range from 20–45 years, and suspended sentences or probation would be banned. "No longer could dealers brush aside meaningless jail terms and parlay pretrial freedom into fortunes."

This bill would alleviate the existing situation in which the punitive approach to addiction turned thousands of individuals into criminals for no other reason than that they found it impossible to live without drugs; "it promoted a development which reinforced the addict's sense of being apart from the rest of society.

Of course, it is true that legislation is not the complete answer to this problem. We must recognize that even where drug addicts are sentenced to penal or correctional institutions, they eventually come out, and they usually relapse shortly after they are released from institutional confinement. Strict enforcement and severe penalties may deter or discourage some drug peddlers, but there will always be others attracted by the lure of the large profits to be made in the drug traffic.

In summary, I believe there is no justification for mandatory lengthy jail sentences for addicts solely on the basis of their addiction. An addict's chances of becoming a productive citizen are lessened in proportion to the amount of time he spends in prison.

I also believe that "professional pushers" or members of organized crime are more culpable than their addict counterpart who sell drugs to support their own habit. Thus, I feel that stiffer penalties, such as those set forth in Bill H.R. 14184, should be imposed on non-addict pushers who profit from inducing other people to become addicts.

In addition, I have reason to believe that enforcement of laws enacted thus far have caused significant reduction in the flow of opiates. The best evidence is the high price, low quality, and limited availability of heroin today as contrasted with the former easy availability of cheap and potent heroin.

ROGER BUSFIELD—A GOOD CITIZEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. PICKLE. Mr. Speaker, hidden all across this country are citizens of a character and a concern that keep her great from the ground up.

One of the best was Roger Busfield, a journalist and civic leader in Austin, Tex., for many years.

A hard-driving man, Roger was long an effective voice for freedom and integrity of the press and for the rights of every man.

We miss his wisdom and leadership already. I know the good he performed will long outlive us all.

Mr. Speaker, I would like at this time to place in the Record an article describing Roger Busfield's life, as follows:

[From the Austin Statesman, Oct. 27, 1972]

Veteran Journalist, Roger Busfield Dies of Attack

Roger M. Busfield—an Austin journalist who rode with Gen. "Blackjack" Pershing in pursuit of Pancho Villa in 1916—died of a heart attack in Brackenridge Hospital at 5:42 a.m. Friday.

Busfield, 75, of 3107 Yellow Pine Terrace, had lived in Austin since 1935 and had worked parttime as a copy editor on the American-Statesman. He also worked for two Depression era competitors, the Austin Dispatch and later the Austin Tribune.

Services will be at 4 p.m. Sunday in St. David's Episcopal Church with Rev. Charles A. Sumners, officiating. Burial will be in Austin Memorial Park directed by Weed-Corley Funeral Home.

Busfield was born Dec. 23, 1897 in Utica, N.Y. He first came to Texas in 1916 as a Massachusetts National Guardsman called up during the tension-filled period of Mexican revolution.

He was back in Texas in 1923, when the William Randolph Hearst newspaper organization first came to the Lone Star state. Hearst bought the old Fort Worth Record, and Busfield was sent down from the Chicago American as part of the replacement newspaper crew.

Later, when Hearst bought the San Antonio Light, Busfield moved to the Alamo City to get the transition made on that paper.

It was while on the copy desk of the Fort Worth Record that Busfield met the woman he later married, J. Mabel Clark, the daughter of a former Tarrant County sheriff. When they met, Mrs. Busfield was a cub reporter on the Record.

While with the Hearst chain, Busfield worked for newspapers in New York, Chicago and Boston.

His newspaper career began with a paper in North Adams, Mass. When World War I erupted Busfield went overseas as a doughboy, but sent news from the front to the North Adams paper.

During conflict in France, he was gassed twice in chemical warfare and hospitalized a long time before recovering.

In 1935, Busfield was "loaned" by the Hearst organization to help in plans for the Texas Centennial the following year. He later went to work for the Texas Planning Commission in Austin.

Soon after, he opened a public relations firm in Austin—one of the first PR organizations in Texas.

He also worked as editor of the Texas Parks and Wildlife magazine, then known as the Game and Fish Commission magazine. In later years, he edited the Texas Tax Journal, which ended publication in 1971.

Busfield had been active in Austin civic affairs.

He started Golden Gloves competition in Austin, and had served as president of the Austin Little Theatre and Austin Symphony Orchestra board.

Busfield was credited with keeping both cultural organizations alive despite talk of canceling them during World War II.

He also was active in the American Legion and Veterans of Foreign Wars, and was a member of St. David's Episcopal Church.

In 1956, Busfield wrote a history of the Austin American-Statesman for an anniversary edition. The history remains the most complete ever written.

He was a member, and past president, of the Headliner's Club of Austin.

Survivors include his wife, J. Mabel Clark Busfield; a son, Roger M. Busfield Jr. of Lansing, Mich; a sister, Miss Dorothy E. Busfield of Boston, Mass.; a brother, Bernard L. Busfield, of Sarasota, Fla.; four grandchildren; and a great-grandchild.

VEDA REED, WELL-KNOWN MEMPHIS ARTIST, EXHIBITS IN NATION'S CAPITAL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. JONES of Tennessee. Mr. Speaker, on Sunday, February 4, proud Memphians journeyed to Washington in tribute to one of their city's very finest talents—Miss Veda Reed. The Mickelson Gallery at 709 G Street NW., will show Veda's paintings through February 28. I urge all my colleagues and friends to visit the gallery for I am sure that each of you will appreciate and enjoy her work. While visiting the Mickelson Gallery allow some time for a visit to the National Collection of Fine Arts and the National Portrait Gallery which is directly across the street.

Those of you from Oklahoma should also be proud of this talented artist who was born and reared in Granite. Her wonderful landscapes are memories carried from her youth of your gentle hills and rough terrain—their abstract simplicity and soft colors stand out and convey a mysterious brooding quality.

Some years ago Art World magazine called her work considerably persuasive paintings. That critic described Veda's landscape technique as—

> Not merely lonely; they are solitary like the special privacy one preserves for oneself in the recesses of the imagination. There is something ultimately unknown in them that forms a bond with the observer.

Miss Reed studied at the Memphis Academy of Arts; Siena College, Memphis, Tenn.; the Institute of Design and Illinois Institute of Technology in Chicago, Ill. A member of the faculty at the Memphis Academy of Art for almost 20 years, she has exhibited in the following one-person and group exhibition.

ONE-PERSON SHOWS

The Book Shelf, Memphis, Tenn., 1956, 1964.

Morris Gallery, New York, N.Y., 1957, 1960, 1961, 1963.

The Memphis Academy of Arts, Memphis, Tenn., 1960, 1963.

Creative Arts, Memphis, Tenn., 1967.

Brooks Memorial Art Gallery, Memphis, Tenn. 1967.

The Boatman Gallery, New York, N.Y., 1969.

Great Expectations, Memphis, Tenn., 1969.

Southwestern at Memphis, Memphis, Tenn. 1971.

GROUP EXHIBITIONS

Brooks Memorial Art Gallery, Memphis, Tenn.

Arkansas Arts Center, Little Rock, Ark.

High Museum, Atlanta, Ga.

Museum of Contemporary Crafts, New York, N.Y.

The Memphis Academy of Arts, Memphis, Tenn.

University of Southwestern Louisiana, Lafayette, La.

Cheekwood, Nashville, Tenn.

The show at the Mickelson Gallery centers itself on impressions acquired in Greece last summer. Veda conveys the simplicity and character of that ancient land. The landscapes of Mykonos, Santorini, Ios and Ano Mera transcend themselves into a form worthy of great praise. What Dore Ashton of the New York Times said in 1960 is still true today:

> Veda Reed is exhibiting nearly abstract paintings that sustain the melancholy, nostalgic note . . . She has gained a great deal by sacrificing local detail to the general lyrical effect.

Miss Reed has received a number of awards and honors:

First prize, Young Americans and Young Scandanavians, Museum of Contemporary Crafts, 1956.

First prize, the Memphis Academy of Arts Fellowship, 1958.

Honorable mention, Delta Annual, 1959.

First prize, Designer Craftsmen USA, Museum of Contemporary Crafts, 1960.

Honorable mention, painting of the year exhibition, Atlanta, 1961.

Honorable mention, Midsouth exhibition, Memphis, 1965.

Mrs. Jones and I are especially proud to know Veda as the teacher of our daughter Mary Llew. Veda's reputation is that of a devoted and dedicated person. Ted Rust, the director of the Memphis Academy has written of Veda the teacher as being "aware, informed, tolerant, and receptive to all that has gone on and is going on."

It was our privilege this Sunday to be present with Veda, and fellow Memphians Ted Rust, Ben Goodman, Janet and Downing Pryor and their daughter Jan at the preview opening. Her popularity as a teacher was borne out by the presence of four students who endured a 2-day car trip to be present. Other friends came from New York and the Washington area.

I urge you all to visit the show—you will then understand why we hold Veda in such high esteem.

"NEEDED LEGISLATION" TO PRESERVE A FREE PRESS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DE LUGO. Mr. Speaker, we cannot go too far in attempting to preserve those rights which permit a free press. In light of the guarantee of the first amendment, it would seem this concern is unwarranted. However, rulings by the Supreme Court in 1972 make it imperative that we in the Congress act to insure against intrusions into the independent province of the press.

For this purpose a number of my colleagues and I have sponsored legislation, H.R. 3460, to give the news media near absolute privilege of confidentiality with their sources of information. We have done so with the conviction that for the courts to force newsmen to disclose confidential sources severely handicaps the function of a free press. We contend that failure of the Congress to act on this matter would countenance interference with the public's right to know by inhibiting investigation by newsmen.

Mr. Speaker, that right of the press to investigate without compunction has been exercised well by the Daily News of the Virgin Islands. In its 42 years of publication, the Daily News has never hesitated to scrutinize public business and criticize those responsible when it deemed reproval necessary. This newspaper has never shirked from controversy. The Daily News, in short, has exemplified the type of independent journalism that H.R. 3460 is designed to protect.

To aid Members in their deliberation of H.R. 3460, I insert in the RECORD a persuasive argument on behalf of this legislation which appeared on the editorial page of the Daily News of the Virgin Islands, January 29, 1973:

NEEDED LEGISLATION

We were heartened last week to learn that the Virgin Islands Delegate to Congress has joined in co-sponsoring legislation to safeguard one of the basic rights of a free press. This measure, which he and several other congressmen concerned with civil liberties have placed before the House, is intended to ensure that newsmen are not forced to identify confidential news sources. It would guarantee an absolute privilege of confidentiality, except in cases where the newsman was being sued for slander or libel.

Since a Supreme Court decision last year cast doubt on the right of newsmen to refuse to identify sources who have asked that their names be withheld this right has been under increasing attack. In California and New Jersey reporters have gone to jail rather than betray confidential news sources, and court cases along these lines are pending in other states as well. Indeed, there is little doubt but what the administration, which has never bothered to conceal its dislike of the press, is seeking to use the courts to pressure and bully newsmen in an attempt to coerce the free press.

This may seem relatively unimportant except to those employed by the news media; however such tactics strike directly at the public's right to know. For the press to do its job of keeping the people informed it must be able to promise some news sources that they will remain confidential. To deny the press this right is to shut off these sources, thereby effectively censoring those who might otherwise reveal details of graft and corruption in government, or criminal activities, the disclosure of which might put them in real danger. Good, investigative reporting of the sort that has so often exposed wrongdoing would be severely handicapped if confidentiality could not be promised.

In discussing the wave of court harassment of newsmen that led to his proposed legislation, the Virgin Islands Delegate summed the need for it up well, saying, "This harassment clearly infringes on the public's right to know. The separation of the press from the government is essential in a democracy. When the government tries to annex the press as an investigative branch for any purpose our freedom becomes gravely threatened. The newsman-source relationship should be highly privileged as is the lawyer-client or doctor-patient."

We commend the concerned congressmen who have sponsored this measure, and trust they will be successful in their efforts to defend the free press and the public's right to know.

CHARLANN SANDBERG HAS A LOT TO CHEER ABOUT

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HANRAHAN. Mr. Speaker, one of my young constituents has been chosen as Miss Nationwide Cheerleader. She is Miss Charlann Sandberg, 17, who attends Homewood-Flossmoor High School. Since this young lady has some outstanding qualities and some interesting comments, I would like to introduce an article written about her in the Suburban Week, January 31 and February 1. I include, at this point, the article entitled, "Charlann Sandberg Has a Lot to Cheer About":

CHARLANN SANDBERG HAS A LOT TO CHEER ABOUT

(By Lon Grahnke)

Listen to the words: *Miss Nation-Wide Cheerleader.*

Do you see a naive girl in bobby sox who pops bubble gum and has giggle fits every time Joe Jock strolls by?

Look again.

Miss Nation-Wide Cheerleader is Charlann Sandberg, 17, an A student who plans to give up cheerleading in college to pursue a career in physical therapy or dental hygiene.

Miss Sandberg is captain of the five-girl Homewood-Flossmoor High School varsity cheerleading squad. Sue Camba, faculty advisor for the squad, offered these opinions of the young captain:

"Charlann has excellent skills. She's very co-ordinated and she's very good at thinking up new cheers and organizing the squad.

"Charlann is responsible and mature," Miss Camba said. "Whether she's dealing with teachers or her peers, she knows her place."

And cheerleading has been Miss Sandberg's "place" since she was in fifth grade.

"Both my older sisters were cheerleaders so naturally I wanted to be a cheerleader too," Miss Sandberg said. "But it wasn't until I made the sophomore squad two years ago that I realized what an awful lot of time and work goes into cheerleading."

Part of that time and work included attending a Nation-Wide Cheerleading Association camp at Western Michigan University during summer vacation, where the Homewood-Flossmoor squad learned new routines and techniques.

On the basis of her skills, pep, and an interview with camp officials, Miss Sandberg was chosen to represent the Western Michigan camp at the Nation-Wide finals in Pittsburgh last December.

The finalists were judged on the basis of past grades, college board test scores, an original esasy and the ability to quickly learn and teach a new cheer.

Charlann Sandberg won.

"A good cheerleader should be there to back the team, to show the guys somebody's there," she said. "A good cheerleader will unite and control a crowd. That's important. A crowd can get foul and yell things until your team gets penalized with a technical foul."

Miss Sandberg said the biggest troublemakers in a crowd are "the guys, definitely." But she added that male rowdies do not comprise the bulk of an average crowd.

"Most of the kids in the crowd are freshman and sophomore girls who can't get dates for the weekend," she said. "Our football team won the conference title and that really brought up school spirit for a while. But our basketball team's not doing really well, so not as many kids come out."

Miss Sandberg takes cheerleading seriously. "We scout the other team and ask our coach which of their guys we should watch out for."

And she takes a dim view of the type of cheerleader who doesn't share her zeal. "Some girls don't want to take the time and effort. They just want to look good. Instead of practicing a cheer at half-time, they brush their hair and put on fresh makeup. Or they spot a guy in the crowd and spend the whole game trying to get his attention."

That's not a problem on the Homewood-Flossmoor varsity squad, according to Miss Sandberg. "We've worked together two years now. We really love it. All the girls work hard."

She said there is a lack of understanding between some of the student body and the cheerleaders. "Some kids think we're a tight little clique, that we're only in it for ourselves. I wish we could take the time to explain that what we do takes a lot of practice and time if we're going to do it right. But as it is now, I stand on the sidelines and look up at the crowd and I realize I don't know 90 per cent of them."

Yet cheerleading can have its rewards, too. "After we won the football championship, the guys on the team gave each cheerleader a necklace," Miss Sandberg said. "I think the guys appreciate us. Even the coaches compliment us."

When she gets the chance, Miss Sandberg likes to spend time on the family farm in Kankakee. "I have two horses, Cyndi and Sunny," she said. "I love to ride. I've taken lessons since I was 8. It's been fun training Sunny. I've been bit, kicked and thrown. But I love it on the farm.

"I don't really like living in Flossmoor," she added. "There's nothing to do. Everyone's so competitive, in their fancy clothes and Cadillacs. My mother's always checking on me, making sure I'm Little Miss Nice, all neat and proper. On the farm people are much nicer, and I can wear grubs all the time."

When Miss Nation-Wide Cheerleader heads for DePauw University in the fall, she'll leave her cheerleading days behind.

"By the time I get to college, I'll have to start concentrating on my future and a career," she said. "I'm going to spend all my time on my studies. I can't afford to spend my time cheerleading."

But even in the social whirl of high school cheerleading, a girl can get lonely.

"After a game, the squad splits up," Miss Sandberg said. "Some go out with their dates. Others go out for a pizza and sit around and talk.

"My boyfriend goes to school 60 miles away. Sometimes he'll come in for a weekend and we'll go out. But most of the time I'll go straight home after a game, take a shower and go to bed."

MORE TO COMMUNIST KIDNAPING IN VIETNAM

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HUBER. Mr. Speaker, on January 20, I called to the attention of the Members of this body a report from Saigon that appeared in a London paper relative to reports of North Vietnamese kidnaping of South Vietnamese children. I further pointed a previous historical parallel from the Greek civil war in the period immediately following World War II. Two additional stories on this general subject have come to my attention. The first story concerns the general subject of South Vietnamese civilians "forced" to go north for "training" and "education," which has an ominous ring and the second story relates to the demand by the South Vietnamese Government for the return of some 40,000 local officials kidnaped over the years by the Vietcong before it considered releasing political prisoners from jails in South Vietnam. Both articles point up a tragedy that has not received much attention and needs more scrutiny if the American people are to understand the sort of people we are contending with in Southeast Asia.

The articles follow:

[From the Chicago Tribune, Dec. 6, 1972]

S. Viet Civilians Forced to North for "Training"

(By Donald Kirk)

Saigon, Vietnam, Dec. 5.—North Vietnamese army troops have forced "thousands" of South Vientnamese citizens to go to the North for "training" and "education," according to an investigation conducted by American and South Vietnamese officials.

"We have several reports concerning large numbers of people being taken north," said a report on the investigation. It quoted witnesses as having said that North Vietnamese army soldiers escorted them across the Demilitarized Zone, which theoretically divides the two Viet Nams.

Most of those sent to the North were from Quang Tri, the northernmost province of South Viet Nam, the investigation revealed, but some were sent from other regions.

CLAIM IT'S "SAFER IN NORTH"

The report, quoting those who had escaped from the march, said that North Vietnamese troops had claimed "it would be safer for them [in North Vietnam] because there would be less shelling and bombing."

Most of the members of one group, the report went on, left their North Vietnamese escorts and "returned because they said the bombing and shelling in North Viet Nam was just as bad or worse" than it had been in Quang Tri.

The report, of an investigation conducted for the American pacification program, provided an insight into the kind of treatment that many Vietnamese might expect if they happen to live in areas still held by the Communists after a cease-fire.

CEASE-FIRE INDOCTRINATION?

The North Vietnamese evidently are sending Vietnamese civilians to the North in hopes of indoctrinating them for the period after a cease-fire. This program presumably would expand as soon as the United States halted massive bombing and naval gunfire under terms of a cease-fire agreement.

The investigation showed that North Viet Nam wanted South Vietnamese civilians from Quang Tri to cross the Demilitarized Zone simply as a means of population "control."

As South Vietnamese troops recovered regions of Quang Tri province overrun in the offensive, the report said, "people in many hamlets were 'invited' to go with them to the North."

USED FORCE WHEN NECESSARY

The people were overwhelmingly against this move and did everything possible to avoid the journey by hiding in family shelters or by trying to leave the hamlet and go south toward advancing [South Vietnamese] government troops," the report went on.

While most civilians trapped in Quang Tri did not resist, the North Vietnamese did not hesitate to use force when necessary.

"In at least two hamlets," the report said, the North Vietnamese "found people hiding to avoid going north" and tied them with ropes.

"In most cases," the report went on, "the people were told to carry necessary belongings and rice for five days."

On the basis of "numerous eyewitness accounts," the report concluded, the number of those escorted to North Viet Nam "is well in the thousands." In some cases "whole hamlet populations" were sent to the North.

"Obviously, taking groups of people to the North had been long and carefully planned," said the report.

HEAVY ARMY RECRUITING

"There were a number of specific routes and along these routes there were "reception stations' with archways or signs reading, 'reception station number one for southern compatriots."

The report indicated that most of those sent north were women, children, and old men. Those of military age were either placed in "special labor groups" or ordered to serve in the Communist army.

"There were reports of heavy 'recruiting' for the armed forces in some areas," said the report. It said ages of recruits were "as low as fifteen."

SAIGON TO DEMAND RELEASE OF 40,000 ABDUCTED BY VC

(By Henry S. Bradsher)

SAIGON.—The South Vietnamese government plans to counter Communist demands for release of political prisoners with a demand for return of about 40,000 local officials abducted by the Viet Cong.

The political prisoners question was "one of the thorniest issues" in the Paris negotiations, Henry Kissinger has said, and it promises to continue a major stumbling block in reconciliation talks—if they ever get off the ground—with Saigon insisting that most people in its jails do not come under the cease-fire terms, but the abducted officials do.

The cease-fire pact provides that "immediately after the cease-fire" the parties shall consult on setting up a National Council of National Reconciliation and concord to work out the underlying causes of the conflict. But things have gotten nowhere so far.

The main job of the council will be to decide the kind of elections to integrate the Communists peacefully into South Vietnam's political life. Many observers here are skeptical that any elections will be organized: The South is demanding withdrawal of Hanoi's troops first.

The most emotional issue, however, may well be the return of civilian prisoners.

The Viet Cong say that Saigon has locked up tens of thousands of persons for political reasons, and say their release is covered, in principle, in the cease-fire accord.

Foreign Minister Tran Van Lam countered last week the government has a list of 40,000 abducted hamlet and provincial officials. The Communists will be asked to return them all, he said.

Some officials call this an impossible demand. Many of those abducted are probably dead. Some might be working with the Viet Cong.

The Communist effort to subvert the South Vietnamese government began in the late 1950s by the assassination and kidnaping of local officials and school teachers and it went on throughout the war.

Last year almost 14,000 persons were reported abducted.

That subject did not figure in the Paris negotiations as a major issue, although it is almost a mirror image of the political prisoners problem.

The United States was primarily concerned that the return of American prisoners of war not be dependent upon release of political prisoners in the South.

The agreement signed last Saturday in Paris provides that it is up to Saigon and the Viet Cong to deal with captured and detained civilians. "They will do their utmost to resolve this question within 90 days after the cease-fire comes into effect," it says.

The terms cover "all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention . . ." and that within 15 days the two sides will exchange lists of those detained.

COMRADE CARMICHAEL CALLS FOR DESTRUCTION OF FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. RARICK. Mr. Speaker, Stokely Carmichael, claiming to be a citizen of Guinea, is now being used by his masters to tour the United States as a mouthpiece of communism and agitating for a resurgence of racism.

So that our colleagues may better understand the rantings and ravings of some of the visitors in our land by courtesy of State Department visas, I insert a news story on Comrade Stokely, as follows:

[From the Newark Star-Ledger, Jan 15, 1973]

SPEAKS AT NEWARK'S WEEQUAHIC HIGH: STOKELY CARMICHAEL CALLS AFRICA "HOME"

(By Barbara Kukla)

Black activist Stokely Carmichael maintained yesterday that blacks throughout the world must form a massive party to regain control of Africa.

No matter where a black man or woman lives or works, he told a near-capacity city audience in the auditorium of Newark's Weequahic High School, "Africa is home."

Carmichael also praised Mark Essex, who was shot and killed in New Orleans Jan. 7 after allegedly shooting six persons to death and injuring 17.

"We should understand that brother Essex carried out our struggle to the next quantitative level, the level of science.

"We are plagued by being landless, by capitalism and by racism," Carmichael told the audience. "The only way to end those afflictions is to destroy the American capitalist monster."

Carmichael, former head in this country of the Student Nonviolent Coordinating Committee (SNCC) and now a citizen of Guinea in western Africa, also declared.

"The destruction of American capitalism and imperialism is our historic mission. We have to do it."

Carmichael said Essex's action illustrates that black people should have a common ideology to aid the Pan-African movement.

"By fighting to control the Newark community, you can gain more power in Newark and the more you can aid Africa," he said.

"Home is our priority," he added. "And the stronger home is, the stronger we (blacks) are."

He contended that when "Africa becomes totally liberated," we (blacks) will be the most powerful people on the earth."

Capitalism, which he called "the instrument of the white man who is interested only in the dollar," must be replaced by a socialistic system, he said, detailing the socialistic ideology of Kwame Nkrumah, deposed Ghanian president, under whom he studied in Guinea.

"Some of us blacks are so imbued with capitalism that we sell drugs to our people and make movies that sell because of sex. We must change those values," he said.

A state that serves its people can only work well when capitalism, individualism and the ownership of private property are abolished, Carmichael contended.

Such change cannot come about through reform, he said, because "a reformist wants to keep the foundation intact without changing the system."

Carmichael described himself as a revolutionary "who wants to tear down the whole system and rebuild it."

"A revolutionary's main concern is creating and building, but to do that you have to destroy something," he said. "It's simple scientific fact that two things can't occupy the same space at the same time."

Carmichael, who originated the Black Power movement in this country, was introduced by Imamu Amiri Baraka, head of the Committee for a Unified Newark, whom the speaker described as "a brother who has been out front for a long time and who refuses to allow setbacks to discourage him in organizing our black community."

MANPOWER COSTS AND THE DEFENSE BUDGET

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. WYMAN. Mr. Speaker, the volunteer Army and enormously increased manpower costs are eating the Defense budget alive. The 1974 Defense budget calls for an increase of $7 billion in pay, allowances, and fringes to pay an Armed Force that has been reduced by nearly a million and a half men.

Since 1968, the increases in pay for military personnel have been such that as the following editorial from the Washington Post of January 31, 1973, points out:

> If we were paying the smaller force at the old rate (pre-1968) we would be saving close to 20 billion dollars a year.

Those Members of Congress who criticize the level of the Defense budget—that for the coming year is actually the lowest in more than 20 years—ought properly to ask themselves where they were and how they voted on all these military pay increases and the volunteer Army pay? If they voted for these—and the great majority did just this—they ought now to be prepared to support the funding requests to pay for them, as dismaying as these may be.

The editorial follows:

THE PROPOSED OUTLAYS FOR DEFENSE

Minus funds for the Atomic Energy Commission, the Defense portion of Mr. Nixon's proposed outlay for fiscal 1974 comes to around $79 billion. This figure, as the President and his spokesmen have rightly pointed out, represents a much lower proportion of the overall federal budget and of the GNP than defense spending did when he assumed office. They also observe that in constant 1974 dollars, the total figure represents a lower expenditure for defense than in fiscal year 1964—before the Vietnam build-up.

It is to take nothing away from the administration's understandable satisfaction with these developments to remark that the defense budget is still mighty high. We have no doubt that had the same rigid standards of proven need and proven efficiency been applied to certain weapons procurement programs that were applied to programs in the domestic sector, a number of planes and ships would likely have gone the way of the poverty program or impacted area aid to the schools. And, based on his record over the past couple of years, Chairman Stennis of the Senate Armed Services Committee (who was reported in serious condition at a late hour last night as a result of gunshot wounds) offered us reasons to expect that between $1 and $2 billion worth of excess in proposed expenditures for military procurement and research could be found. There will doubtless be other congressional settings for dispute over these hardware programs.

It is a dispute into which the sevices will move unequally. The Army, having already lost its proposed gunship helicopter and main battle tank to congressional actions, comes in with very little in the way of big, immediately costly programs beyond the SAM-d missile. And, to its credit, the administration has not asked funds to build the second Safeguard ABM site permitted us under the SALT agreement. The Air Force is, so to speak, at the take-off stage. Both the B–1 strategic bomber and the F–15 fighter do not yet reflect anything like the costs they could in time incur, although this year's budget does include a big purchase of F–15s. (We note that our old friend OWOCS, the strategic air defense program about which Secretary Laird once accurately observed that this newspaper had a "thing," is in a state of relative repose. It is reportedly in process of being transformed into a less ambitious and more sensible tactical air defense project.)

It is the Navy that will be incurring the large and visible procurement costs with its various aircraft and shipbuilding projects and with its progress on the new long range underwater strategic missile system, Trident, and the new CVN 70 nuclear powered aircraft carrier among other major projects. Navy cost overruns, plus the relationship of Mr. Nixon's new budget director, Roy Ash, to the settlement of his old firm's (Litton Industries) claims against the Navy are bound to stir up further controversy on the Hill. And, despite the fact that Congress last year authorized procurement for both the Trident and the CVN 70, so too the pace at which the first project is proceeding and the early initiation of the second are bound to create new conflict. Especially where Trident is concerned, the accelerated rate of the program continues to raise the question of whether our underwater arsenal is dangerously outspacing our possible knowledge of the anti-submarine warfare techniques it may eventually be pitted against.

Both ultimate outlays of money and the safety and security afforded by the force structure we are creating are at issue in these administration requests, and they are matters on which Chairman Stennis along with others on the Hill have spoken wisely. But Mr. Stennis—unlike some of the liberal Democrats in Congress—also has no illusions about where the big financial outlay is going. It is going into manpower costs which have risen to 56% of the defense budget.

As Caspar Weinberger, Mr. Nixon's outgoing budget director has aptly said, until the Congress granted substantial military pay increases in the mid-sixties, the nation was in effect taxing draftees to pay our national military bill. Now the public has assumed the cost. Compared to 1968, we are now spending approximately $7 billion dollars a year more on military pay and personnel costs, even though military forces have been reduced by 1.3 million men. If we were paying this smaller force at the old rate, we would be saving close to $20 billion a year. With the creation of an all-volunteer army and with the need to create new incentives to bolster the strength and effectiveness of the Reserves and National Guard, these costs cannot be expected to wither away. Moreover, the pressure for an unwarranted increase in military retirement benefits—"recomputation"—could put the whole thing out of sight.

All this suggests two things to us. One is that the Pentagon, for all the modest progress in these matters it has claimed, is obliged to take much more comprehensive and effective measures to reduce the excessive ratio of support-to-combat troops in the services, to cut back on the overblown general officer class, to close unneeded bases and to take similar steps such as creating a smaller but more efficient Reserve that will result in holding the line on personnel-related costs. The other is that those legislators who have preferred to address the defense budget solely in terms of glamorous, visible and highly costly individual weapons systems, should bend their attention to the manpower cost issue. Last summer, Chairman Stennis could only get three votes besides his own against a bill for "recomputation" of retirement benefits; and this year the administration has requested a "recomputation" bill that would cost around $360 million for the coming fiscal year. The point is that the administration bill would also incur a retirement benefit obligation to those it covered coming, over time, to more than $10 billion.

Recomputation, like other payroll issues, lacks much of the drama of the weapons systems battles. But that is where sensible congressional attention should now be turned. We would cite Mr. Weinberger again in support of the need to keep our military outlays under control: "The defense budget . . . must be seen not only in terms of what we must defend ourselves against but what we have to defend. The more we take from the common wealth for its defense, the smaller it becomes."

"UNITED STATES LINES" CELEBRATES 100TH ANNIVERSARY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mrs. SULLIVAN. Mr. Speaker, the American merchant marine is one of our most important national economic resources, and as chairman of the House Committee on Merchant Marine and Fisheries I intend to do my best to increase public understanding—and particularly understanding by American exporters and importers—of the importance of strengthening our competitive position in international ocean commerce.

The stakes are enormous in terms of our balance-of-payments situation, and in terms of employment opportunities for citizens of the United States. The Federal Government subsidizes the construction of American-flag ships and also their operation, and those subsidies enable American-flag vessels to compete on even terms with the rates charged by the vessels of other maritime nations. But far too small a percentage of the cargo brought to or carried from the United States is conveyed in American ships, even though the rates are generally the same as for foreign-flagships.

There is no question about the fact that when business was easy to obtain the American merchant marine industry did not get out and vigorously sell its services to U.S. industry. Scheduling was not always devised with the convenience of the shipper in mind; labor-management strife was permitted to reach the point where frequent strikes and lockouts caused long delays and resulted in cargoes being awarded to foreign ships.

Hence, I am pleased to learn that in celebration of its 100th anniversary, United States Lines, one of our best-known ship lines, is vigorously promoting the use of its ships by American industry through the modernization and improvement of its services, including the use of electronic and other technological developments to make its ships more useful and more dependable to shippers.

STATEMENT BY "UNITED STATES LINES"

Under unanimous consent, Mr. Speaker, I submit herewith a statement by United States Lines dealing with its 100th anniversary, as follows:

"UNITED STATES LINES" CELEBRATES 100TH ANNIVERSARY

Mr. Edward J. Heine, Jr., President of United States Lines, Inc., has announced that the company is now celebrating its 100th Anniversary.

United States Lines successfully operates a "Sea Bridge" between Europe, the United States, Guam and the Far East, and has 16 high-speed, high-capacity containerliners plying the multi-thousand mile trade route and provides express containerized freight service for shippers to more than 50 gateways to the world's major marketplaces.

In its "Fleet of the 70's," it has two classes of vessels; first, the massive Lancers, which can course up to 24 knots and carry up to 1240 containers. The other eight vessels are Leaderships, which can also exceed 20 knots and carry 930 containers.

In the Far East service, they call at New York, Norfolk, Baltimore, Long Beach, Oakland, Hawaii, Guam, Hong Kong, Kobe and Yokohama. The North Atlantic service takes in New York, Baltimore, Norfolk, Le Havre, Rotterdam, and Felixstowe. In the South Atlantic, they call at New York, Philadelphia, Savannah, Rotterdam, Liverpool, Bremerhaven and Greenock.

United States Lines has once again linked the nation by sea. Its intercoastal route provides direct, express service between the major East and West coast ports of the United States.

United States Lines also has 14 modern cargo ships under charter to the Military Sea Transportation Service. These carry military cargo around the globe.

And United States Lines plans to expand its fleet to enable it to expand its global services.

The advantages of containerization are enormous to our nation's commerce and to the American buying public. They both benefit by faster door-to-door delivery, greatly reduced damage and pilferage, lower packaging costs, lower total freight and handling costs.

United States Lines has a world-wide marketing team of shipping experts to provide free distribution, planning advice and information on intermodal shipments from point to point anywhere on three continents. It can also help businesses find new overseas markets for products—and new products for a business's markets.

United States Lines supplies containers of all types, by the thousands, strategically located in container pools at virtually all major rail and truck terminals across the United States and overseas.

The company maintains tens of thousands of containers and wheeled chassis of various specialized types, readily available throughout its far-flung transportation system.

It also interchanges equipment with 1,400 participating rail and motor carriers here and abroad.

United States Lines was the first to introduce data processing equipment to the transportation industry and now utilizes one of the most sophisticated computer control systems to help its international transportation network work smoothly and efficiently. The system, with its nerve center located at the company headquarters at One Broadway in New York, employs twin IBM 360/40 computers and a host of related devices.

This smooth-flowing process will soon be further upgraded by the introduction of newly designed twin, 370/135 computers for even greater efficiency and speed.

The computer serves two basic purposes: 1. container location and control and 2. cargo-container documentation. The computer operates 24 hours a day, constantly accepting, storing, changing and transmitting data world wide. The Lines' computer staff in New York works three shifts, seven days a week.

The computer is linked to terminals in

major cities across the United States and in London and Tokyo. The London center tracks all European container movements while Tokyo monitors operations in the Far East. United States Lines recently installed highly sophisticated electronic equipment at its ports to expedite even further the transmission of data to and from the central computer.

The computer provides instantaneous information on rates, the movement of cargo, timing and availability of containers and chassis. The computer system enables the entire United States Lines Tri-Continent Service to function more smoothly and dependably for its customers.

This carrier, with its century of experience, has always been generous in donating its time and expertise to the service of the nation.

For example, Edward J. Heine, Jr., President of United States Lines is now serving as chairman of a 21-member federal panel that is prescribing new national regulations and standards for sport boating.

The company has a small army of top management executives all over the world who are active in voluntary posts on civic, social, municipal and maritime boards and agencies. In the past, a long list of executives have served in high military and other government posts.

All of United States Lines vessels have been certified by the National Weather Service for participation in the Cooperative Ship Weather Observing Program. The vessels have been certified as Weather Reporting Ships under the standards set forth by the World Meteorological Organization and the 1960 International Convention for the Safety of Life at Sea.

United States Lines, the first carrier to use refrigerated containers in the North Atlantic is carrying vast quantities of assorted fruits and vegetables—to the point that the company has had to triple its arsenal of special equipment to handle the volume.

Once again, the federal government is using the Lines' expertise gained from its experience in refrigerated cargo. United States Lines has undertaken experimental programs with the U.S. Department of Agriculture to carry unusual produce to Europe.

While United States Lines has assembled an international organization, it has also maintained its American identity.

This is evident in the "christening" of its vessels, named the American Liberty, the American Legion, the American Lancer, the American Legacy, the American Legend and even the American Apollo, which was named in honor of NASA's manned spacecraft program.

United States Lines has carried the name of the nation with dignity and pride to ports throughout the world.

BUDGET PRIORITIES: PROFITS VERSUS PEOPLE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. ROSENTHAL. Mr. Speaker, a group of 23 public interest advocates have sent a letter to President Nixon concerning his proposed budget for the fiscal year 1974. They pointed out that Mr. Nixon had cut back hard on a large number of social service programs in his budget while he left most corporate subsidy programs untouched.

In a country that already has an unequal distribution of wealth it seems absurd that our large corporations are allowed to reap immense profits while the very human needs of millions of people are neglected. The Nixon budget proposes a cut of some $8 billion in human welfare yet has set a standard of over $19 billion in corporate welfare.

Asking people to do for themselves rather than relying on Government is only fair for those who are able to take care of themselves. But it discriminates unfairly against the very young, the very old, and the very poor.

The President smugly tells us he is only interested in avoiding an increase in personal income taxes, but he is at the same time steadfastly opposed to any kind of tax reform, especially if it means his wealthy friends and corporate contributors might have to bear more of a fair share of the burden.

I feel this letter is informative and its insights should be shared by everyone:

JANUARY 31, 1973.

The President of the United States,
RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We are writing to voice our protest over the budgetary priorities in your proposed 1974 fiscal budget. At a time of nagging inflation and large federal deficits, concern over the level of federal spending is of course understandable. But what seems unjustified, and at the least unexplained, is why the Administration has wielded an ax on a number of social service programs without even applying a scalpel to corporate subsidy programs. The former can save millions of dollars at the cost of human welfare while the latter wastes billions of dollars on behalf of preferred business firms.

The following lists compare the costs of these two types of programs:

HUMAN WELFARE—1974 BUDGET REDUCTION IN MILLIONS

Hill-Burton Program—To construct public or other non-profit hospital and clinical facilities, $90.

Regional Medical Program—To improve and regionalize research on, and delivery of, health services, especially "for persons residing in areas with limited health services," $60.

Community Mental Health Clinics—To develop community mental health centers as an alternative to ineffective and costly state mental institutions, especially to provide facilities to those unable to pay, $50.

Training Grants and Fellowships—Promotes long term categorical training for selected professional disciplines, like social workers, health aides, and psychiatrists, $58.

Medicare—To provide medical insurance to the elderly. Various rule changes will increase out-of-pocket charges to the 23 million elderly and disabled beneficiaries of this program, $1,600.

Education—Includes all education programs in HEW; the largest component of cutback is for reduction in library construction and services ($138 million) impact area aid ($143 million) and "education development" ($53 million). Actually, federal education budget has been reduced by an additional $2.52 billion, with projection that a $2.53 billion educational revenue sharing bill will pass Congress this session, $208.

Public Assistance—Includes all federal welfare assistance programs in HEW, with proposed reductions occurring largely in maintenance assistance and social services, $1,237.

Office of Economic Development—An agency to research and reduce incidence of poverty. Agency abolished with some functions transferred to other Departments, $390.

Water Pollution Control—Of $11 billion legally appropriated by Clean Water Act of 1972 to clean up nation's waterways, approximately $6 billion is being impounded over two years, $3,000.

Manpower Programs—To encourage on the job and classroom training, summer jobs for youth, vocational rehabilitation, subsidies for those hiring the hard-core unemployed, and public service employment, $499.

Housing Subsidies—To help fullfill the 1949 Housing Act's pledge of "a decent home and suitable living environment for every American family." The 1975 Budget suspends new commitments under the housing subsidy program, $305.

Housing Projects—No new project approved for urban renewal, model cities, open space, neighborhood facilities, and rehabilitation and public facility loans. ($745 saving projected by 1975 budget).

Community Relations Service—To provide assistance to communities trying to resolve racial disputes, $4.

I. CORPORATE WELFARE: SUBSIDIES AND WASTE—ANNUAL COST IN MILLIONS

Merchant Marine Subsidies—Includes both construction subsidies and operational subsidies, which make up difference in costs between American carriers and equivalent outlays on foreign vessels, $460.

Air Carrier Payments—To cover any operating losses by air carriers for specific air transportation services, $66.

Government Guaranteed Loans—The underwriting of specific private loans, such as Lockheed's $250 million loan; the subsidy for the private firm is the difference between what it pays for the loans with a government guarantee and what it *would* pay without such a guarantee, n/a.

Government-Owned Property Used by Private Contractors—Use of defense facilities by private firms either for production of defense equipment (for which they pay no rent) or for commercial production (for which they pay a small amount of rent), As of June, 1970, $14.6 billion worth of government property so held by defense contractors, n/a.

Export-Import Bank—Low cost loans to encourage corporations to trade abroad, $65–169, (depending on prevailing interest rates; fiscal year 1971 estimates.)

Defense Procurement—Totals some $40 billion annually. Yet due to noncompetitive, nonadvertised bidding, sole source negotiating, and "cost-plus" contracts, there have been huge cost overruns severely taxing the public treasury. One study by the Joint Economic Committee found that 45 weapons systems had increased in projected costs by $7 billion from June, 1970 to June 1971, (est.) $7,000.

Drug Procurement—HEW expenditures for drugs, largely for medicare and medicaid, was $1.5 billion in 1972. Because purchase is often by brand (not generic) name and not by centralized procedures, the government is overpaying drug firms by approximately half, according to the data of HEW economists, $750.

Patents—The Federal Government spends over $15 billion annually for research and development, with most resulting patents being granted royalty-free to private firms. In many other countries the government retains title and sublicenses these patents at reasonable royalties to private industry, thereby recouping a substantial part of government R&D expenditures, n/a.

This corporate subsidy compilation represents *present* policies. Two pending proposals, if implemented, would have to be added to this list. Your administration has backed legislation seeking indemnification to private firms for losses connected with the HEW ban on cyclamates. Former HEW Secretary Robert Finch has estimated that such federal compensation could range between $250 million and $500 million. In addition, Administration spokesmen have reiterated the Administration's intention to propose federal subsidies for the construction of an American SST. Based on the last Administration request, this would cost the public treasury at least $289 million.

But merely listing corporate subsidies understates the problem. For one can control the federal budget either by limiting expenditures *or* by raising revenues. Thus, the following corporate welfare list (based on "Estimates of Federal Tax Expenditures" prepared in 1971 by the staffs of the Treasury Department and the Joint Committee on Internal Revenue Taxation) reflects the lost revenues due to the indirect (and usually invisible) subsidies attributable to certain preferential tax policies:

II CORPORATE "TAX EXPENDITURES"—COST IN MILLIONS, 1971

Deferral of income of controlled foreign subsidiaries, $165.

Excess of percentage over cost depletion, $785.

Investment tax credit, $1,495, (over next decade expected to increase to an average of $4500–$4.5 billion—annually.)

Asset Depreciation Range, $600, (over next decade expected to increase to $3.5 billion annually.)

Depreciation on buildings (other than rental housing) in excess of straight-line, $320.

Capital Gains: Corporations—(other than farming and timber and excluding individuals), $380.

Domestic International Sale—Corporation (DISC) (in effect an exemption of one-half of all export profits), $400 (approx.).

Expensing of exploration and development costs, $260.

Western Hemisphere Trade Corporation, $75.

Timber: Capital Gain treatment for certain income, $125.

Bad debt reserves of financial institutions in excess of actual, $400.

Exemption of interest on State and local debt, $485, (difference between federal corporate revenue loss and interest savings to state and local governments.)

This subsidy and tax expenditure list is by no means exhaustive. And even direct subsidies, indirect subsidies, and procurement waste fail to describe the extent and the cost of federal policies toward what have been called by some elected Canadian officials "corporate welfare bums." Federal tariff and quota policies, by limiting foreign competition and thereby permitting a higher than competitive price for many domestic products (e.g., steel, textiles, oil), leads to a net transfer from consumers to corporations of about $20 billion annually.[1] The failure of our antitrust laws to check monopolistic practices also redistribute wealth from the many consumers to the relatively few corporate managers and large shareholders by an estimated $24–31 billion annually.[2] In effect, by means of high, noncompeting prices, corporations levy a private tax and lessen net consumer income.

A variety of reasons have been offered to defend the human welfare cuts. The OEO, it is said, has simply been laterally reorganized into HEW; yet staff and funding reductions make it clear that much of this agency has been eliminated, not merely relocated. OEO Programs with zero 1974 funding are the Community Action Programs, State Economic Opportunities Offices, Senior Opportunity and Services, and certain training and technical assistance programs. It is said that states and localities, via revenue sharing, will assume many of your social cuts. Yet not only do most areas lack parallel programs to those being deleted, but the cuts are so many that it seems unlikely revenue sharing, even *if* recipient jurisdiction were so inclined, could sustain the burden. But recipient jurisdictions may well *not* be inclined to assume the federal social welfare programs you are shedding. Revenue sharing without stipulations means there may be a new city hall, not a new vocational training program, and for many areas it will simply mean a reduction in local property taxes, so that total revenue remains the same.

The Regional Medical Program supposedly failed in its mission of improved health delivery. So have many weapon systems, but they are not eliminated; redesign to improve malfunctioning programs would appear preferable to wholesale elimination, yet no such reevaluation seems to have been considered. Some programs have been said to have achieved their goal and are no longer needed (e.g., Hill-Burton and Community Mental Health Centers), yet closer scrutiny leaves that conclusion open to question (many poor communities and urban areas still lack adequate hospital facilities, however ample the number of hospital beds may be in other communities; the 515 existing Community Mental Health Centers can hardly claim to remedy the nation's mental health problems). Since there are, according to federal studies of public assistance, an ineligibility rate of 6.8 percent and an overpayment rate of 13.7 percent for the Aid for Dependent Children program, and error rates of 4.9 percent and 9.7 percent for the adult categories, the huge cut in federal public assistance supposedly follows. Unmentioned, however, is the large percentage of desperately poor people who need welfare assistance but presently do not receive it, as well as the meager assistance obtained by those poor who are able to receive assistance. In fact, according to the Citizen's Board of Inquiry, almost half of the nation's poor are still not receiving food assistance. And finally, reference is constantly made to the fact that the human services percentage of the federal budget has been steadily increasing in recent years, and that the 1974 HEW budget is $10 billion more than the 1973 budget. As the war recedes we would only expect a more sensible realignment of the social service and defense budgets. Also, HEW budgets go up (a) largely because Congress mandates increased spending in certain areas (e.g., four-fifths of this year's HEW budget increase is attributable to the increase of Social Security benefits, despite your well-publicized reluctance) and (b) partly because of sky-rocketing medicare and medicaid costs attributable to the lack of cost and quality control, which leads to hundreds of millions of dollars of annual budgetary waste and high profits for the medical industry. The fundamental issue is not whether federal human resource expenditures do or should go up, but by *how much* they should. And the fundamental test of Presidential courage and leadership is to make government work best for those who need it most, rather than eliminating those programs with the weakest constituency and preserving those pushed by the most powerful.

It is true that there is waste and poor administration in many federal programs, human resource ones included, that might justify paring down or phasing out. What troubles us, however, is not the pattern of belt-tightening toward social service programs but inattention to corporate subsidies. Your search "into every nook and cranny of the bureaucracy" does not seem to include this obvious area of waste (not to mention the fact of a defense budget increased by $4.2 billion during peacetime). While human needs in this society are so clearly unmet, all too often corporate paternalism, as Franklin Roosevelt once said of a proposed tax bill, "provide[s] relief not for the needy but for the greedy."

If, as outgoing HEW Deputy John Veneman said at the HEW budget briefing, "there is a conscious decision by this administration to identify those programs which have fulfilled their purpose already or cannot fulfill those purposes," why is this fiscal standard not also rigorously applied to programs which forgive tax payments and dispense corporate emoluments? If "throwing dollars at problems" can be wasteful in human resource problems, why aren't the billions handed over to the maritime, drug, and defense industries included in your analysis? If you defend human resource cuts by observing that Congress "gets enormous pressure from special interests to spend our money," why is mention omitted of the classic special interests—those with the political power to increase the corporate dole? Indeed, why are you never critical of corporations at the public till? The cost to taxpayers of wasteful corporate welfare far exceeds the cost of wasteful human welfare, as comparison of the lists above clearly indicate. (For example, all the HEW cuts listed, for health and education, equal the merchant marine subsidies alone; and the total tax breaks for corporations above, once ADR and DISC mature, totals $11.4 billion.) It seems an understatement to conclude you are employing a double standard: frugality for needy people, extravagance for corporate interests.

We would therefore like to know, for two specific examples, the Administration's explanation for spending $460 million to support the merchant marine fleet. The "national security" needs of this fleet have already been disparaged by objective experts and the relevant authorities in your predecessor's Administration; an August 16, 1967 memorandum from the then Secretary of Transportation Alan Boyd to President Lyndon Johnson said that "the reason for a program as large as 30 ships [which your Administration has approved] arose from a desire to buy industry and labor acceptance of the major policy reform of foreign construction. . . . A much smaller program would meet all national needs. Schultze, McNamara and I agree on this." In addition, it seems uneconomical to spend $460 million to preserve such an inefficient industry. And second, what is the explanation for the inefficient method of federal drug procurement, which, as noted, costs some $750 million to taxpayers in wasteful procurement to inflate the profits of the drug companies? We would appreciate specific answers to these questions by you.

In conclusion, Mr. President, we would urge that before you stop programs for the many, you at least should scrutinize programs for the few. Before there are fewer libraries and hospitals and low income apartments and sewage control systems, there should be fewer subsidized ships, less expensive drug and arms procurement, and more taxes paid by coddled corporations. The overall benefit to the individual taxpayer and to the public treasury would be substantial. And another beneficiary would be the free enterprise system, which without the props of many federal corporate subsidies would be more competitive, more efficient, and more responsive to consumers, leaving them with increased income to meet their needs. In a society already marred by a maldistribution of wealth and income, it is unjust to make the poor, poorer and the rich, richer by cutting some $8 billion in human welfare and tolerating over $19 billion in corporate welfare.

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[1] Bergsten, "The Cost of Import Restrictions to Consumers" (American Importers Association, 1972); Fieleke, "The Costs of Tariffs to Consumers," *New England Econ. Rev.*, Sept.–Oct. 1971, at 13. See also B. Moore, "Beyond McGovern's Radical Economics—the $300 Billion that He Missed." Congressional Record, v. 118 pt. 25, pp. 33346–57 (especially footnote 29 on p. 33351).

[2] W. Shepherd, *Market Power and Economic Welfare* 208–213 (1970); F. M. Scherer, *Industrial Market Structure and Economic Performance* 409 (1970).

Sincerely yours,

Jerry J. Berman, Assistant to President, Center for Community Change.[3]

Barbara Bode and Ms. Samm Brown, Children's Foundation.

Paul Friedman, Mental Health Project.

Mark Green, Corporate Accountability Research Group.

Fred Harris and James Rosapepe, New Populis Action.

Susan King, National Committee for an Effective Congress.

John Kramer, National Council on Hunger and Malnutrition.

Albert H. Kramer, Citizens Communications Center.[3]

Terry Lenzner, Project on Corporate Responsibility.

Phil Michael, Environmental Action.

Ralph Nader.

Joseph Onek and Richard Frank, Center for Law and Social Policy.[3]

Grady Poulard, Independent Foundation.

Marilyn Rose, Health Law Project.

John Tillman, National Welfare Rights Organization.

Mary Vogel, National Organization for Women.

Washington Research Project Action Council.

Tracy Weston, Stern Community Law Firm.

George A. Wiley, National Coordinator, Movement for Economic Justice.

Richard B. Wolf, Deputy Director, Institute for Public Interest Representation.[3]

OIL IMPORT QUOTA ABOLITION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HEINZ. Mr. Speaker, in the past several months Americans have been bombarded by a rising crescendo of discussion of an alleged "energy crisis." Much of this discussion of an energy crisis, now being underlined by the current fuel oil shortages in various parts of the country, is being accepted as if it were self-evident truth with little or no critical analysis of these noisy assertions of "crisis."

I myself am not yet persuaded that an energy crisis does in fact exist. Rather, it seems that our Nation may be suffering from temporary fuel shortages resulting less from physical depletion of resources than from shortsighted energy policies and incredible wastes and inefficiencies in the consumption of resources.

It is for this reason that I have cosponsored H.R. 2818, a bill that would provide a first step in rectifying these shortsighted energy policies, thereby increasing available supplies of fuel oil and other petroleum products badly needed. This legislation, a simple approach, would amend the Trade Expansion Act of 1962 by abolishing all import quotas or other nontariff trade restrictions on the importation into the United States of petroleum and petroleum products. Such a step would have at least two immediate impacts:

First, critical shortages of heating oil and diesel fuels would be eased for the remainder of this year and for future years;

Second, the prices of petroleum products would be stabilized rather than forced upward by spiraling demand in the face of diminishing supplies;

While it is true that the President has made recent changes in the oil import program, there are many who believe that it cannot possibly solve our current problems; nor prevent future ones. With European oil refiners requiring 1-year supply contracts, the President's order lifting oil import quotas for only 4 months does not provide the solution to either current or future oil shortages.

Clearly then, the answer lies in permanent suspension of oil import quotas, thereby assuring the meeting of current demand. I urge rapid committee consideration of this proposed legislation and congressional adoption of this policy.

I also take this opportunity to recommend that all Members of Congress carefully read the full text of a recent speech, printed below, by S. David Freeman, director of Energy Policy Project, Twentieth Century Fund.

This speech, entitled the "Consumer's Stake in the Energy Crisis," was presented at last week's Consumer Assembly of the Consumer Federation of America.

While I do not necessarily subscribe to all positions set forth by Mr. Freeman, he does provide a sober and detached analysis which is striking in its contrast to all the loose talk of impending national doom resulting from an energy crisis. Mr. Freeman confronts two points that demand particular public attention and debate:

First, the need to import increased volumes of petroleum if we are to meet demand at a reasonable price to the consumer, while preserving and enhancing our environment;

Second, the need to immediately begin to slash the appalling wastes and inefficiencies in our energy consumption.

Hopefully this speech signals the moving to a new and higher level of debate concerning our energy problems. By approaching these problems maturely and dispassionately we will lessen the danger of quick adoption of unwise policies which further undermine the public interest.

The speech of S. David Freeman follows:

THE CONSUMER'S STAKE IN THE ENERGY CRISIS

(Presented by S. David Freeman, at the Consumer Assembly of the Consumer Federation of America)

That phrase "energy crisis" has pushed its way, uninvited, into the vocabulary of the media and even into some people's lives. And like "The Man Who Came to Dinner," it shows every sign of settling in for a long and exceedingly unpleasant stay.

In a way, it all began with the Big Blackout of the Northeast in 1965. I can still remember the shocking impact of that evening in November. No one really thought the lights could go out. But they did. In a sense it was a freak—a failure to readjust the trip-out devices in Canada. In reality it was a warning signal of deeper trouble.

The Big Blackout has been followed by the annual summer brownouts. The nation seems incapable of adding new electric power plants fast enough to keep up with soaring demand. In a very real sense the sales department of most utilities are beating the daylight out of their production department. Thus far, the talk about power shortages has been much more alarming than the shortages themselves. But the brownouts, too, are danger signals of deeper trouble which lies down the road.

This winter we have begun to experience the first signals of the basic dilemma. Children in Denver can't go to school because there isn't natural gas to heat their classroom. A factory in Iowa shuts down, thereby putting men and women out of work, because there isn't oil to keep it warm. It's the "energy crisis", we are told.

Americans have become accustomed to crises on the domesitc front, and I regret to say almost oblivious to them. The nation has a transportation crisis, a crisis in housing, a crisis in medical care, an education crisis, a Crisis in Black and White, which Charles Silberman so ably set forth many years ago, and many others. They have all been identified, discussed, cursed, and yet regrettably are still part of the American scene.

It is, therefore, no small wonder that when the problems associated with energy began to emerge we would quickly label them a crisis. But Webster tells us that a "crisis" is a turning point, a decisive point where the status quo is no longer acceptable. To the average American living in a well-lit, over heated home and able to purchase all the gasoline he needs the status quo is really not all that bad.

Yet there has been a real crisis for a number of people this winter, and the situation is apt to become gradually worse if we continue with the government policies that prevent consumers from buying fuel that is available in the world market.

Thus far, the energy crisis is a self-inflicted wound. It is not Mother Nature but Uncle Sam that is to blame.

We haven't run out of fuel in the physical sense of the word. There's plenty of tolerably clean fuel still available in the world. Why, therefore, are there shortages in Denver and Des Moines and many other places this winter? A basic reason is that the United States Government did NOT remove the barriers which it erected to stop the free flow of oil into our nation. Three years ago the President's own Cabinet Task Force recommended to him that he scrap the present Oil Import Quota system. This winter's so-called "energy crisis" was manufactured right here in Washington. It could have been averted with a stroke of the President's pen.

We have no energy crisis, but there are problems galore. Domestic supplies that can be obtained near existing prices are scarce and dirty. Demand is growing much faster than domestic supply. There is little doubt that if we continue to drift into the future on the present course the nation and the world will indeed face a real crisis in energy. But that is all the more reason not to "cry wolf." Instead, we must seek out the root causes and fashion a solution in the public interest.

In the energy field the public, I believe, is concerned essentially about four basic items: (1) reasonable prices, (2) adequate supply, (3) protecting the environment, and (4) minimizing foreign policy concerns.

We have heard much discussion in recent weeks concerning the shortages that have occurred and the foreign policy and balance of payments problems involved in importing greater quantities of energy. The environmental problems have also been a matter of debate. But what has strangely been missing from the dialogue about the energy crisis is the need to protect the consumer.

The nation's energy bill is upwards of $70 billion a year and growing by leaps and bounds. In a nation concerned with inflation, the fact that energy prices are now soaring, after decades of stability, should be a matter of concern. Consumer protection was always considered a principal concern of federal energy policy. Indeed, the Federal Power Act, Natural Gas Act, and many other federal programs are essentially measures to protect consumers against windfall profits in an industry where competition may be ineffective to protect the consumer. Yet, in the ever-mounting volume of "energy crisis" stories, editorials and pronouncements, the consumer is ignored, or at best, is given only a passing nod.

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[3] For identification purposes only.

Why this almost deafening silence on so fundamental a subject as the consumers' stake in the energy crisis? One theory is that energy is priced too low and higher prices would be a good thing.

I am perhaps as much aware as the next person that in many respects energy has been under-priced in the past. It was really a false bargain to produce electric power cheaper for the consumer at the expense of raping the hillsides of Appalachia and destroying the lungs of the men who mine the coal. And energy is really not low priced if it doesn't include funds for research and development to provide clean energy for America's future. Yes, we have worshipped at the altar of low priced energy without recognizing that the price was really being subsidized by society as a whole.

But we are now in danger of making an even more critical error in adopting a pricing policy of "the higher the better." There is no doubt that the price of energy should reflect its true cost to society. But we must not forget the consumer still has to pay the bill and that higher prices will impose real hardships on lower and middle income families for whom energy represents a significant part of their cash outlay. And we must not fall into the trap of believing that the way to solve the energy crisis is to soak the consumer. There is all the difference in the world between paying for what energy really costs and adopting a policy that will bring billions of dollars of windfall profits into the hands of the energy companies.

Before we push the panic button, consumers should take a hard look at the remedy to the "energy crisis" which is being put forward by some industry and government people. It is, in effect, a crash program to boost our domestic production of energy fuels, particularly oil, natural gas and coal. How do they propose accomplishing this goal? First and foremost, by maintaining our Oil Import Quota system; also, by decontrolling natural gas prices and raising oil prices, by continued and even accelerated strip mining of coal, by incentive drilling for oil off our Atlantic and Pacific Coasts, AND, in general, by giving the energy industry a "greater incentive" to explore and develop domestic resources. In other words, much higher prices—whoppingly higher prices, as a matter of fact. Recent industry estimates indicate price increases on the order of 50 per cent for crude oil and of 100 per cent for natural gas.

The program is a continuation of a "Drain America First" policy. It means multi-billion-dollar increases in fuel prices to continue full speed ahead meeting a wasteful pattern of energy consumption; and the fuel supply will be expensive and dirty—higher prices and more pollution.

Let me be more specific. Oil and gas represent 75 per cent of our nation's energy supply and at current wellhead prices they represent a cost to the consumer of some $20 billion dollars a year. Higher prices may well be required in order to find and develop new sources of oil and gas that may involve higher costs. But the oil companies are obviously not losing money on the oil and gas which is now flowing to the consumer. If the price increases are permitted on the oil and gas already discovered there is the possibility—indeed the great likelihood—of a multi-billion-dollar windfall to the petroleum industry.

I raise this issue because there has been a lot of loose talk lately about decontrolling the price of natural gas in order to encourage greater exploration for that scarce and relatively clean source of energy. It is, therefore, well to remember that for two decades the petroleum industry has been attempting to obtain market prices for natural gas found largely as a by-product in the search for oil. There is now flowing some 23 trillion cubic feet per year of gas which has been sold under regulated prices. Permitting the price of the flowing gas to double, as could very well happen under decontrol, obviously would not enlarge present supplies. And there would be no assurance that the extra funds would be invested in gas exploration or even in domestic petroleum exploration at all.

The "energy crisis" could well serve as a smoke-screen for a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year. Energy is going to cost much more in the future, but how much more is a multi-billion-dollar issue. Yet I hear few voices in government raised to assert the consumer's concern in this critical area.

Avoiding a shortage is, of course, a key element in protecting the consumer. But there is an alternative to the multi-billion dollar per year price increases to increase domestic production on a crash basis. The root alternative is to stop chasing our tail so to speak and look at the two root causes of the problem. One is the skyrocketing growth in demand, and the other is our sad neglect of technology for new sources of cleaner energy.

First of all we need to buy time by demanding more efficiency in the use of energy. Unless we start examining how wastefully this nation is consuming energy and begin to practice conservation and indeed frugality, we are headed for a genuine energy crisis. I can't emphasize that enough. As a nation, our consumption of energy is growing at what mathematicians call an "exponential rate" but our domestic production is leveling off. Therein lies our energy problem.

The U.S. has already turned a corner and become a net importer of energy; today we get more than a quarter of our oil from foreign sources. Imports can serve as a safety valve for the next few years. But it is naive to believe that Americans can continue indefinitely driving big cars to work and overheating glass buildings with fuel from other nations. The rest of the world, too, wants to join the High Energy Civilization. We will soon find that even the Middle Eastern barrel has a bottom.

The United States' energy supply and demand figures are very sobering. Our energy demand has grown five times faster than our population over the past hundred years. We usually speak of growth in percentage terms, and it sounds small. But if we continue at the present pace, our consumption of energy will double about every 14 years—yes, double.

There is still plenty of coal in the ground and petroleum off-shore. But large increases in our domestic production of oil means a 50 per cent price increase if we are to believe the industry. And, in addition to higher prices, it means drilling on the Atlantic and Pacific Continental Shelf which raises the specter of ruined beaches and a polluted sea and the reality of industrialization of prime recreation areas. More coal means more strip mining of the arid West and more befouled air. Hence, increased reliance upon either of these domestic energy fuels could make our spaceship earth an even more unhealthy place to live than it has already become and would certainly signal a major retreat for our environmental ethic, which was so long in the achieving.

There are alternatives to this policy of "storming the beaches and stripping the hills." For the next few years oil can be imported at prices lower than existing prices by scrapping the Oil Import Quota system. And we can reduce energy demand growth by abandoning our more wasteful patterns of consumption. These represent a practical, short-term energy strategy, of delaying action, to buy enough time to enable us to develop new sources of energy.

The Oil Import Quota system maintains our oil prices at an artificially high level. Imported oil can be delivered to the East Coast of the U.S. at about $3.50 a barrel, in comparison to domestic oil which is about $4.00 a barrel. If oil could be freely imported we could avoid the fuel shortages we are suffering this winter and save consumers money. Large industrial users of natural gas could be encouraged to switch to the more abundant resource—foreign oil. The shortage of natural gas for new residential and commercial customers could thus be alleviated.

A wiser and more realistic oil import program could be designed to assure continuity of supply. In its essentials, such a program could include: (1) Storage of a sufficient amount of oil in order to eliminate the possibility of international blackmail, and (2) creation of more sensible import policies on the basis of dependability of the source—for example, restrictions on imports from Canada and the Western Hemisphere should be removed.

Energy and foreign policy is a complicated subject, but the notion that trade with other nations is automatically a problem is a false notion. The President has used trade with the Soviet Union to help bury the Cold War. The United States is no weakling that needs to pass up bargains out of a false sense of fear. It is high time that we faced the fact that we are importing oil and bury the dead Quota system designed to keep oil out. We need to fashion a flexible program turned to the 1970's. Japan, we should recall, manages to run one of the world's most dynamic economies and it imports over 90 per cent of its energy. The notion that it is bad business for America to import energy if it can save money in doing so simply doesn't make sense.

Imports can provide a safety valve to supplement supplies; but it, of course, makes sense to try to keep imports to a minimum and the best way to do that is to keep energy consumption to a minimum. The nation needs to recognize that we are caught up in a wasteful pattern of energy consumption. For too long we have measured progress by the number of kilowatt hours we consumed and the number of gallons of gasoline burned. But the consumer is interested in getting to work and having a warm house, and he has a great stake in getting the job done with the smallest possible consumption of energy.

As we move into an era of scarcity and higher prices the slogan for consumers should be "Save energy. Save money." And government should fashion a policy of energy conservation to replace the policies of promotion, protection, and privilege which dominate our present government energy policies.

Twenty years ago—in a time of abundance—it didn't make much difference. Today—in the beginning of this transitional period of relative scarcity—it does. At present only about half of the energy content of our fuels finds its way to the consumer. The second law of thermodynamics teaches us that some "waste" is inevitable in the conversion of fuels and the technology for energy consumption. But we need not waste that much. The nation can keep warm, get to work, and keep industry humming with about ⅓ less energy than is presently consumed.

One major step would be to replace promotional rates with conservation rates. We could revamp the rate structures so that big industrial users bear the brunt of rate increases and are thus encouraged to invest in energy saving. A householder that uses electricity for cooking and lighting can't really cut back. But industry can find ways to save energy if the price goes up. Reports from several major companies already indicate that they could cut their energy consumption from 10 to 15 per cent without increasing the costs of their products. When you consider that industry consumes 40 per cent of our energy, it becomes obvious how such savings could make a significant impact. Another 25 per cent of our energy goes into transportation. Here, too, the opportunities for conservation are massive. For example, it takes four times as much energy to get a person from home to work in an automobile than it does in a bus. Any public policy which encourages the use of mass transit is energy-wise. The American automobile, with less than 10 per cent energy fuel-use efficiency, is a prodigious squanderer of energy. To open the Highway Trust Fund for the financing of mass transit systems will certainly help us conserve energy. So too would a tax or a regulation which would encourage us all to drive cars that travelled more miles per gallon. Some 20 per cent of our energy use goes into the heating of our buildings. Experts have already demonstrated that proper insulation would slash the consumption of heating fuel by one-fourth—and there would be a similar savings in the air conditioning loads in the summer.

We have a staggering problem disposing of solid waste in our society. And yet our solid wastes by and large contain a better grade ore than our mines. As a matter of fact, it requires only a small fraction of energy to reclaim metals such as aluminum, iron, lead and others than is required in the production of those same metals from the raw ores: Thus, through recycling, we could conserve energy as well as other finite resources. Unfortunately, there are tax incentives to mine the earth but none to mine the trash.

Perhaps a first and urgent step is to enact a Truth in Energy Law so that consumers could know the energy costs each year when they buy a house, a car, an air conditioner, and other items. Consumers need to start asking questions about the energy bills of the items they buy. Remember that with prices of energy going up—as seems inevitable for the next decade—save energy-save money must be a key to consumer protection.

Energy conservation can buy precious time for the United States. But if we look at world-wide needs and face the fact that most people on earth still live in a perpetual blackout then a technology for world-wide abundance is the only way to avoid a crisis in energy.

Technology for abundance must become a reality if long-term energy needs are to be met, at reasonable prices—both in terms of dollars and the environment. But it will never happen unless the federal government launches a unified, vigorous research and development effort into alternative energy sources with the same sense of urgency that we embarked upon the Apollo Program. Today, research and development expenditures constitute only about one percent of the $75 billion annual revenues of the energy sector. Much of the industry has a vested interest in the technology of scarcity and so, if the opposite is to be attained, the federal government must take the lead.

The magnitude of our research and development neglect was most vividly underscored by the recent landmark report of the Electric Utilities Industry R&D Goals Task Force. The program they set forth for electric power ALONE would cost an average of $1.1 billion per year over the next three decades which, to quote the industry report, is "approximately double the current level of combined expenditures of government, manufacturers and utilities."

In addition to nuclear fission and fusion, a number of technical options are achievable if we make the commitment in federal funding and if the government provides the leadership, preferably through one agency responsible for R&D. By 1985, with an Apollo kind of thrust, we could develop the following clean energy sources:

The commercial use of solar energy for direct heating and cooling of homes in many parts of the nation and perhaps some form of central station solar energy;

A commercial shale oil industry producing upwards of one million barrels per day and capable of expansion;

Commercial gasification of coal to supplement natural gas as a fuel;

Large scale gas turbine-steam turbine combined cycles for electric power generation with a minimum of pollution;

A commercial fuel cell for total energy installations that would be more efficient than existing means of energy conversion;

Commercial geothermal energy in significant quantities in the West;

A fluidized bed boiler to burn coal in a power plant without emitting the sulphur and other pollutants into the air.

There are other possibilities as well; this list is by no means exhaustive. The significant thing is that of these seven options, only one is being funded at more than $10 million per year and it is the coal gasification program which gets only $25 million per year from the government and $10 million from industry. All the others are being funded to the tune of $1 to $3 million.

The technology for abundance is simply in a holding pattern while the coming energy crisis draws nearer. We can R & D our way out of this bind with federal funding of $1.5 to $2.0 billion per year—or about three times the current level—and by pulling together into one new agency a critical mass of technical talent which exists nowhere in the government today outside of the Atomic Energy Commission.

Richard Goodwin has written that in government, structure is policy. I don't go that far but in energy there is no structure or policy. Today, federal energy policy is as disjointed, *ad hoc* and directionless as is the organization. In 1952, long before any of us had ever heard about an "energy crisis," the Paley Commission on Natural Resources recommended that the "hydra-heads of energy policy must be reined together." It's even a more urgent necessity now. The formation of a Council for Energy Policy, as part of the White House establishment, would provide a focal point for straightening out the energy policy mess. Such a Council would coordinate and integrate the decisions of the more than sixty government agencies who have their hands in energy policy at one time or another.

I'm still old-fashioned enough to believe that the federal government's prime role in directing national energy policy is to protect the consumer.

But government reacts to the squeaky-wheel. Consumers need to enter the fight over a national energy policy. The stakes are enormous. Otherwise, the consumer could turn out to be the forgotten man in the energy crisis who ends up with high bills, shortages, and a polluted environment.

Yet, it need not go that way. I am not an energy doomsdayer. The problems of energy are really part and parcel of a new awakening. More is not always better, and the quality of life can be improved by stressing values more fundamental than becoming a servant of our mechanical servants.

Perhaps John Maynard Keynes, the famous economist, summed it up when he said: "The day is not far off when the Economic Problem will take the back seat where it belongs and that the arena of the heart and head will be occupied, or reoccupied, by our real problems—the problems of life and human relations, of creation and behavior and religion."

Energy is needed to sustain a society that improves the lifestyles of people. But we can avoid a crisis by curbing our appetite and investing in the technology for abundance.

"MR. MONMOUTH COUNTY"—JOSEPH C. IRWIN

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HOWARD. Mr. Speaker, I would like today to commend to my colleagues an editorial which appeared in the Red Bank, N.J., Daily Register, in tribute to one of Monmouth County's most able public servants.

The editorial was offered on the occasion of a dinner which was held to pay tribute to Mr. Joseph C. Irwin, who has served our area in many capacities for some 40-plus years. Aside from many other contributions as noted in the editorial, Mr. Irwin is embarking on his 23d consecutive year as director of the Monmouth County Board of Chosen Freeholders, having served on that body for 34 years.

Our former colleague in the House, Gov. William Cahill, was the principle speaker at this dinner, which speaks well for Mr. Irwin's great service to our State as well as to his own area.

The editorial from the January 12, 1973, Red Bank Daily Register follows:

TRIBUTE TO "MR. MONMOUTH COUNTY"

Tonight some of the friends of Joseph C. Irwin will gather in Ft. Monmouth's Gibbs Hall to pay honor to the man who has served on the county's Board of Freeholders for 34 years and has just begun his 23rd consecutive year as director of the board. They will include local, county, state and federal officials and men in high places in all walks of life.

We said "some" of Mr. Irwin's friends. No hall, unfortunately, could hold them all, and some tonight must be disappointed.

Gov. William T. Cahill will be the principal speaker. State Senate President Alfred N. Beadleston of Rumson will be the toastmaster. It will be a grand affair, a great tribute, and no one we know is more deserving of it. Mr. Irwin—who among his many other services also is vice chairman of the New Jersey Highway Authority which operates the Garden State Parkway—has served his community and his state long and well.

The chronology of that service in itself is impressive.

In 1932, then a Red Bank Young Republican, Joseph C. Irwin was elected to his hometown Borough Council and served two terms there. In 1936 he was elected to the state Assembly and served another two terms. He was first elected to the Board of Freeholders in 1938, and became its director in 1951. He was appointed to the state Highway Authority by Gov. Cahill in June, 1970.

As a freeholder he has served as director of highways, director of bridges, director of finance and administration. He has been a member of the state Freeholders Association and served as its president for two terms. He is a member of the Monmouth County Welfare Board and a trustee of the county Youth Detention Center.

But his official posts tell only a part of the story of his dedicated service to his community.

He also serves as a member of the board of trustees of Monmouth College, a member of the Monmouth and Ocean County Executive Council of the Boy Scouts of America, is a past scoutmaster and a past Sea Scout skipper of a unit that won national honors. He is a past president of the Community YMCA, a member and past president of the National Sweepstakes Regatta Association, on which he has served for 32 years. He is a trustee of the Monmouth County Historical Association.

And between public duties he participates in the operation of the Irwin Yacht Works. During World War II his firm built rearming craft for the U.S. Navy and won two Navy E awards for design and building.

Tonight's dinner was arranged by Sen. Beadleston and Mrs. Irwin Spellman of Holmdel, a member of the board of directors of the TB-Respiratory Disease Association of Central New Jersey. The association is sponsor of the dinner and will be its beneficiary.

Mrs. Spellman said proceeds will be used to help finance the group's respiratory health program in the county. She pointed out that Mr. Irwin has been directly involved in development of the tuberculosis clinic at Monmouth Medical Center, the first of its kind in the area, and in the creation of Brookdale College, which conducts a school of inhalation therapy in cooperation with Monmouth Medical Center.

Although Mr. Irwin's public office record speaks for itself, Mrs. Spellman said, it is not the primary reason for the association's tribute.

"It is just our way," she explained, "of recognizing Mr. Irwin's efforts in behalf of everyone who lives and works in Monmouth County."

The tribute is most fitting—and fittingly sponsored in light of Mr. Irwin's and the freeholders' long-demonstrated interest in social services, especially in the matters of health and welfare.

We join those honoring Mr. Irwin in extending our congratulations and—even more enthusiastically—our thanks to the man who has been appropriately called "Mr. Monmouth County."

SHOOTING DOWN FLIGHTS OF LIBERAL ROMANTICS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DERWINSKI. Mr. Speaker, from time to time I make it a point to emphasize the inconsistencies and contradictions so often practiced by the sanctimonious liberal establishment.

An article which I feel is a timely and accurate appraisal of the liberal viewpoint was carried in the New World of January 5, 1973:

SHOOTING DOWN FLIGHTS OF LIBERAL ROMANTICS

(By Father Andrew M. Greeley)

One of the major problems that affects American liberalism in its current crisis is romanticism—abandonment of careful and precise intellectual arguments for unbridled feeling and emotion. Norman O. Brown and Theodore Roszak, among others, have furnished a theoretical justification for the flight from intellect, and all sorts of lesser lights have eagerly followed.

An interesting recent example of romanticism is a comment of Dr. Everett C. Parker of the Office of Communications of the United Church of Christ. Dr. Parker's agency has conducted a study of the racial and sexual distribution of jobs in commercial television stations and found, not unsurprisingly, that blacks and women are underrepresented.

If he had been content with reporting that finding and suggesting that the stations ought to ask themselves whether they might be practicing discrimination, perhaps without realizing it, all would have been well. But Dr. Parker (as quoted in the Nov. 22 New York Times) had more to say: "We cannot rely on white males to interpret and communicate the life styles and experiences of blacks, Chicanos, Orientals, Indians, and women."

One wonders why not? There are certainly male writers who could much more adequately describe the experiences of women than could Gloria Steinem. There certainly are white writers who could do a better job at describing what most blacks are like than Jesse Jackson could; and there are certainly Jewish writers who understand Gentiles better than many Gentile writers.

Are women so different from men that no man can write about them? Are blacks so different from whites that a white man cannot preside over a TV station that tries to cover black experiences adequately? Are Orientals so different from the rest of us that no one but another Oriental can understand them?

There was a time when Dr. Parker's assertion would have been written off as pure racism. In my judgment, that is what it still is. For it denies the common humanity of us all and assumes that differences of sex, race, and ethnicity are so great that mutual understanding is not possible.

And come to think of it, why didn't Dr. Parker and his colleagues find out how well southern and eastern Europeans are represented on TV stations? Anyone with the slightest experience of the media knows that they are not represented at all.

If the quota game is going to be played, why are the Italians and the Poles excluded from it? Can Shirley MacLaine be trusted to interpret the experience of a Polish housewife? Or Marlon Brando communicate the life style of a Mafia don?

I have no doubt that there is some discrimination against women, blacks, Orientals, Indians, and Chicanos in the TV industry. I also have no doubt that there is discrimination against Poles and Italians. But I do not think discrimination is proved by mathematics.

Training, taste, inclination, aspirations—all of these must be taken into account. Despite Dr. Pottinger and the zealots from HEW, underrepresentation of certain groups is not a proof of discrimination. It is a bit of evidence, and one that must be taken seriously, but it is not enough to close the case—not in a world where careful analysis prevails over powerful feelings of righteousness.

If only those institutions which have exact representations of all minority (everyone is a minority, after all) and sex groups (both of them) are to be assumed free of discrimination, then we have a quota system imposed on us before the discussion has even begun.

And quotas would not necessarily guarantee Dr. Parker's interpretation of the life styles of minorities. A black face does not guarantee understanding of the black experience, nor a female body the understanding of woman's experience. One would have thought that these observations were self-evident, but in liberalism's present romantic interlude, they are not.

Dr. Parker wants to see more opportunities for women and blacks in the mass media (and perhaps for Poles and Italians, too, though that's uncertain because he doesn't say). But such an admirable goal is not going to be achieved by using quotas as a means of proving discrimination, and it is certainly not going to be achieved by insisting that certain fundamental kinds of human experience are totally beyond the understanding of those who do not have certain racial or sexual characteristics.

What is required to interpret the human condition is talent. And sex or race neither guarantees the possession of it nor its limitations.

It is interesting to consider that if William Shakespeare showed up at a TV station that had taken Dr. Parker's romanticism seriously, he would be refused employment as the one too many white male. Poor old Will, he might think that that was sexism. And where would Othello, Portia, and Falstaff be . . .

JOSEPH A. CORATOLA ENDS LONG POSTAL CAREER

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mrs. GRASSO. Mr. Speaker, last year an outstanding public servant from the city of Bristol in my congressional district retired after more than 45 years of service with the Bristol Post Office.

Joseph A. Coratola, who was assistant postmaster at the time of his retirement last June, has given a splendid example of the highest form of good citizenship and community involvement. In addition to carrying out a full range of postal service responsibilities with determination and efficiency, Joe Coratola has long been active in a variety of civic and community programs, particularly those which benefit young people. A man of compassion and concern, his work on the Board of Education and the Boys Club program has earned the admiration and respect of the entire community.

In tribute to this man who in retirement remains active and involved, I am pleased to submit for the interest of my colleagues a copy of an article in the Bristol Press which chronicles Joe Coratola's lifetime of public service. A personal statement of warm memories, written on the occasion of Joe Coratola's testimonial last July by a dear friend of Joe's and mine, the late Bill Garrett, also follows:

CORATOLA TO END LONG POSTAL CAREER JUNE 30

(By Kathy Rivard)

The Bristol Post Office won't quite be the same after June 30! Assistant Postmaster

Joseph A. Coratola is retiring on that date, concluding a career with the local post office spanning more than 45 years.

Coratola, who will be 66 two days before he retires, first came to the Bristol Post Office on April 18, 1927, when he says there were "only 11 clerks, 12 carriers, 12 routes, the postmaster and his assistant, and $90,000 in yearly receipts. Today there are 120 employes, 47 regular and four rural routes, and receipts total over $3,000,000."

The assistant postmaster a year before had been appointed substitute clerk in the Hartford Post Office, but then transferred to Bristol, where he has worked in all divisions, including mailing, finance, and even delivering mail and parcel post during the Depression.

A Bristol native, Coratola attended Bristol schools and Shields Business College in Bristol, studying business administration and management principles. He originally worked for general contractor Cosmo Vacca as a bookkeeper and timekeeper.

On April 1, 1937, the postal employe was made permanent assistant to assistant postmaster John E. Roberts. He became assistant postmaster the first of January, 1947.

Over his 45-year career, Coratola has worked under five different Bristol postmasters—Frank S. Merrill, William A. Hayes, Acting Postmaster John P. Fitzgerald, Harry C. Polhill, and present Postmaster Phillip V. Rokosa. While in Hartford, the veteran postal worker was employed under Postmaster William K. Taylor.

Coratola recalls several special tasks assigned to him over the years in addition to his regular postal duties.

He was placed in charge of social security registration of Bristolites in 1936, being assigned a staff of 18 clerks and stenographers to assign social security numbers to all employes and employers in Bristol. Surprisingly, the job was completed within six weeks.

Another special assignment came in 1937, when Coratola was placed in charge of the employment census—which took about two weeks to complete. And then, in August of 1940, he took command of registration and fingerprinting of all aliens in Bristol.

Asked about the changes in postal work during this career, the assistant postmaster feels closer relationships with fellow workers was made possible in earlier days since the employe force was so small. "But working conditions are much better today," Coratola reports, particularly with regard to benefits.

One obvious change, of course, is the postal headquarters. In 1927 the post office was located in the original building on the old Main Street site.

In 1936 the entire building, with the exception of the front and side walls, was demolished and more modern facilities established at the same site. The remodeled building was dedicated in March of 1937 and stood until demolished last year to make way for the Riverside Avenue extension.

Coratola describes the present building as "more functional and airy," although he admits he hated to see the old building destroyed. "It was an impressive building," he declares, "and had solidarity and strength." Space was so limited there, though, that a second building was used for carriers, behind the main one from 1952 through 1969.

Another change is the method of transporting mail, as it arrived mostly by train until some 15 years ago. "Everything arrives by truck now," Coratola says, "which is a more economical method of transportation and service is just as fast."

The switch away from the railroads, the assistant postmaster recalls, was often forced upon the postal system for often times it was the railroads which discontinued the mails.

One unforgettable event during Coratola's career was the infamous flood of 1955. But although the main building was right over the swollen Pequabuck River, not a drop of water entered. The back building housing the carriers, however, was somewhat flooded. No mail was ruined, but, of course, delivery was considerably delayed.

In addition to his postal work, Coratola has been active in school and civic activities over the years. He served as president of the Sarah Reynolds School PTA in the early 1940's, and was appointed by the late Mayor James P. Casey to serve on the Board of Education in 1947, staying until 1959. Coratola was chairman of the board from 1957–59, but he also served on all education committees at various times.

The late Karl Reiche was superintendent of schools at the beginning of Coratola's tenure on the board, while after his death Carl Magnuson took over. The postman also served on the School Building Committee. He remembers that "things were a lot calmer on the board then," though.

While he was Athletic Committee chairman, Coratola awarded the Thanksgiving bell for the first game between Central and Eastern, Central being the winner.

Among other activities, Coratola has been chairman of the United Fund auditing committee and the City Beautification Committee of the Chamber of Commerce, and he is a past president of the Lions Club.

But one of his greatest "hobbies," as Coratola puts it, is his Boys' Club work. For his service to the Boys' Club movement, Coratola was awarded the Boys' Club Medallion in 1955, and Bronze Keystone in 1962 and April of 1972.

He also received the Service Bar with a Silver Star that same night. This award was given in consideration of his 26 years to the Boys' Club.

Coratola began as a member of the Board of Managers of the Forestville Boys' Club in 1946 and soon became a member of the Board of Directors of the Bristol Boys' Club Association.

He chaired the Board of Managers from 1946 to 1954 and served as vice president of the Association from 1953 to 1955 and was elected president of the Association in 1969. He has served in this capacity for the past three years and has this year retired.

Coratola is married to the former Rose M. Piccola of Hartford, and the couple, who reside at 196 Garden Street, Forestville, will celebrate their 45th wedding anniversary on the same day he retires.

They have two sons, Dr. Joseph J. Coratola and Robert A. Coratola, manager of Date Quality Control of Associated Springs Corporation. They also have three grandchildren, Rose Marie, Joseph, and John.

During his retirement, Coratola is looking forward to "taking it easy" and continuing his Boys' Club work and other civic activities. He may also again take up real estate activities, as he is a licensed real estate broker.

"But I hope to do a little traveling," he adds. "I guess I'm just too active to sit back."

TESTIMONIAL TO JOE CORATOLA

(By Bill Garrett)

There are lots of things to remember about Joe Coratola—all good, of course. There can be only good things to remember about such a good guy, even though, to my knowledge, Joe never has worn a white hat.

Joe, Bart Barnes and I used to stop at the Koffee Korner after Board of Education meetings, and it may have been over the java there that Joe became so disoriented as to propose West Woods as the name for a new school in easternmost Bristol.

With that, Joe sort of drew up even with me for suggesting the name Stafford School for a new schoolhouse that—as the late Del Baker always was quick to remind me, devilishly—wasn't even on Stafford Avenue.

Joe brought a dash of color as well as a heap of good thinking to the old Board of Ed. He gave much time, I recall, to proposing that color be introduced even to the surface of the Bristol High tennis courts. At that time, as in the case of T Models, you could have tennis courts in any color as long as it was black.

It was both a privilege and a pleasure to deliberate with Joe.

We were sorry to leave him when Washington beckoned—but then we learned that moving 350 miles away didn't take the Coratolas out of our life, Joe's son was at Georgetown learning how to ask questions when his hand was stuck in some patient's mouth.

And then Joe himself came down, in large part to advise the postmaster general.

Ever generous, Joe never came down without bringing with him a share of Connecticut's showiest weather for his old friends here. Once he trudged with me through a blizzard to Capitol Hill. The conditions were such that St. Bernards had to be loosed on the Hill.

It was a day that was fit for neither man nor beast. Even the St. Bernards retreated, but not Joe.

The landscape was as white as the mane of Senator Tom Dodd, with whom we had dinner in the Senate Dining Room. Dodd liked Joe, but so did everyone else who knew the visiting assistant postmaster.

Joe Coratola has a lot of friends here, on both sides of the political fence. They are quite familiar with the great work he has done in his home city, in his various roles.

Congresswoman Ella Grasso plans a tribute to Joe, after the Democratic National Convention, in the Congressional Record.

"He's my kind of guy!" says Ella, who also gives most of her time to helping others. She admires particularly, as do many others, Joe's work with boys.

I wrote recently to Joe, to wish him well in retirement. Kind soul that I am, I didn't bring up that West Woods business.

Joe replied that he was looking forward to retirement. He was grateful that Postmaster Phil Rokosa had been so good to him. Phil, Joe said, has been a good postmaster.

Joe, as I noted right at the start; has been good at everything . . . good for Bristol and for all the things that make it up.

Joe may not know East from West, any more than I know there's no Stafford in Louisiana (I just looked it up), but whether or not he can box a compass he's been The Right Man in the Right Place whenever there was a need to be filled in Our Old Home Town.

TRIBUTE TO LYNDON B. JOHNSON

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mrs. BURKE of California. Mr. Speaker, Roger Wilkins, editorial writer for the Washington Post has written an exceptionally sensitive and perceptive tribute to Lyndon B. Johnson.

Mr. Wilkins, one of the fine young black writers of today, was very close to the former President in his capacity as Director of Community Relations, Department of Justice.

He has put into writing some of my feelings as well as the feelings of many of my colleagues and constituents concerning the former President's lasting contributions toward the advancement of equal opportunity for all Americans.

The article follows:

BLACK PERSPECTIVE ON L. B. J.: THE HOPE, THE HEART, THE LIFT

(By Roger Wilkins)

Black people spend their lives measuring white men. It's a matter of survival. Bosses, friends, teammates, enemies, cops and cab drivers all get the calibrated treatment. Men you don't know can hurt you badly, so you measure them. But, how do you measure a restless mountain?

You can't, but out of a lifetime of habit and necessity, you try. The first sightings were full of prejudice. He was from Texas and he talked that way. He wheeled and dealed and, even though two civil rights bills—in 1957 and 1959—passed the Senate while he was majority leader, it semed from afar that he was always trying to trim them down, not to get them through. Just that and no more was enough to elicit total agreement with Joe Rauh, who, upon hearing on the convention floor in Los Angeles that John Kennedy had picked Lyndon B. Johnson as his running mate, shouted, "Say it ain't so, Jack."

Then there were the years of idleness and the nasty "Whatever happened to . . .," jokes around Washington. But it filtered back from Gettysburg, in the summer of 1963, that Lyndon Johnson had made a hell-for-leather civil rights speech—shouting hoarse, waving his arms, the whole bit. Prejudice still didn't allow us to enlarge the frame. And then Dallas and the extinction of Camelot and this tall Southern stranger was in the chair. God help us.

In the oval office, the mountain began to move. Driven by his own furies and wrestling with the fates, he was a wonderous sight to see. He began to talk about his hopes for America as he pushed his bills through the Congress. When he talked about poverty and civil rights in 1964, the measuring process was still going on and one heard his words, first with disbelief and then with the suspicion that maybe you'd been wrong. Then, suddenly you had his measure. Despite instinctive distrust, despite Camelot lost and despite regional prejudice, this was a man who really wanted to change things. His briefing papers on civil rights and poverty came straight from his past and from his heart.

This as a man who could sound entirely believable when he told you that he intended to finish what Lincoln had begun. So he pulled the throttle out some and got us the Civil Rights Act of 1964 and the Economic Opportunity Act. The next year, after the brutality at the Edmund Pettis bridge at Selma he pulled the throttle full out. He went to the well of the House, asserted that he was committed to gaining full freedoms for minorities, proposed the Voting Rights Act of 1965 and shouted at the Congress and the nation, "We shall overcome." And he got that voting rights legislation and kept on coming. He took Thurgood Marshall off the 2nd Circuit of Appeals, made him solicitor General and then put him on the Supreme Court. He took a black Assistant Secretary of Commerce named Andrew Brimmer and made him a governor of the Federal Reserve system and he put Robert C. Weaver in his cabinet.

And still he kept on coming. He went up to Howard University and began the most incisive and sympathetic analysis of the situation of black people in this country that any President has ever made: "In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope." And he would end his analysis with a poetic promise, "The Scripture promises: 'I shall light a candle of understanding in thine heart, which shall not be put out.'

"Together, and with millions more, we can light that candle of understanding in the heart of all America.

"And, once lit, it will never again go out."

And for a while, it looked like maybe he could go a long way toward keeping his promises. There were some problems. The Mississippi Freedom Democratic Party's attempt to inject some fairness and elemental justice into the 1964 Democratic Convention fell short of the mark, summer rebellions were beginning in the cities and Vietnam somehow wouldn't go away. But, compared to the momentum of the movement with its powerful and driving ally in the White House, these were just specks on the horizon. He could still gather the greatest power and brains in the civil rights movement in the East Room of the White House and implore them—shouting, arms flailing and the force seeming to come straight from the Texas earth— to plan "night and day" how they together could "fulfill these rights." He would be Lincoln.

But it was not to be. Vietnam got larger, cities burned intensely, blacks became angrier and the young were sometimes rude. He could still, in the bleak death-filled summer of 1967 make clear to his people in purple language that he didn't want his troops killing black people in the streets of Detroit—and they didn't. But it had all begun to close in on him: Robert Kennedy, Eugene McCarthy, Rennie Davis, Rap Brown, Stokeley Carmichael and that wispy little fellow puffing away on his Salems in Hanoi just wouldn't go away. The last months were not good ones. The tiger was flailing about for a peace that would not come and blacks found that their ally had turned his back and was distracted by a war 12,000 miles away.

Still, after his presidency, blacks knew who he had been. An angry young soldier in Vietnam would say for Wallace Terry's record, "Guess Who's Coming Home": "Johnson was OK. He always came on with a heavy heart." And, he always did. Right up to the end. In the summer of 1972, he could bear hug a black former aide—estranged since a disagreement over the Kerner Report issued in the bad days of 1968—and promise that he still had a shot or two to deliver on civil rights. And in December, 1972, he would tell a black economist that they had to get together to figure out how to get the banks to put some money into poor peoples' pockets.

In that same month, he could propel a failing body up onto a stage and tell his audience and the nation, "To believe that the essence of government lies with unceasing concern for the welfare, dignity, decency and innate integrity of life for every individual, regardless of color, creed, ancestry, sex or age." And, he would conclude by saying, "Yes, there is injustice. Yes, there is intolerance. Yes, there is discrimination and hate and suspicion and division among us.

"But there is a larger truth. We have proved that great progress is possible. We know how much still remains to be done. And if our efforts continue, if our will is strong, if our hearts are right and if courage remains our constant companion, then, my fellow Americans, I am confident that we shall overcome." The hope, the heart and the lift were still there, but the body was almost gone—and soon, so was he.

On LBJs last day in Washington, Mrs. Whitney Young sat near the rear of the church as did Mrs. Martin Luther King Jr. Nearer the front Thurgood Marshall and Roy Wilkins sat together—heads in muffled conversation. Leontyne Price stood and sang. "Precious Lord, Take My Hand." It was a time to know how far we had come and how much it had cost. And, it was time to cry for a beloved mountain.

THE 55TH ANNIVERSARY DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HANRAHAN. Mr. Speaker, on February 16, 1973, Americans of Lithuanian descent together with Lithuanians throughout the world will commemorate the 55th anniversary of the Declaration of Independence of Lithuania.

On February 16, 1918, a 20-member national council proclaimed an independent Lithuanian State based on democratic principles.

Lithuania was one of the first countries to experience the agression of both Hitler and the Soviet Union. When the outbreak of the Second World War seemed imminent, Lithuania attempted to maintain a policy of absolute neutrality, but was gradually engulfed nevertheless.

Also, in 1939, finding itself in juxtaposition with Nazi armies then in Poland, Lithuania granted U.S.S.R. garrison privileges. This proved to be but the first step toward Soviet domination.

Lithuania was forcibly incorporated into the Soviet Union as its 14th Republic, but the United States has refused to recognize this conquest.

It is irony that the only country in which Lithuanians will be unable to observe this historical event will be in Lithuania itself, because of the continuing occupation and subjugation of that country by the Soviet Union.

However, the Soviets were unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights as recently demonstrated by a petition to the United Nations, signed by 17,000 Lithuanian Catholics in the occupied country, charging the Soviets with religious persecution and by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had self-immolated in a public square of Kaunas in a dramatic protest against the Soviet enslavement of Lithuania .

To Lithuanian-Americans the day recalls the history and the tradition of an independent Lithuanian State which has been traced back to the 11th century, A.D.

HOUSE OF REPRESENTATIVES—*Wednesday, February 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51: 10.

O God, our Father, during these decisive days Thou art our refuge and our strength, in Thee do we put our trust. Grant us the will to know Thy will and the courage to do it that the spirit of wisdom may save us from all false choices and in Thy light we may see light and in Thy straight path we may not stumble.

In the midst of critical issues and perplexing problems do Thou support us in our good intentions and in our genuine endeavors to make the virtues of justice, freedom, and peace prevail in our land and in our world.

Grant us, O God, Thy protection;
And in protection, strength;
And in strength, knowledge;
And in knowledge, faith;
And in faith, love for Thee, our country, and all mankind.

In the spirit of Him who is the Light of the World, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 37. Joint resolution to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

RESIGNATION AS MEMBER OF JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

The SPEAKER laid before the House the following resignation as a member of the Joint Committee on the Library of Congress:

FEBRUARY 6, 1973.

Hon. CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am hereby submitting my resignation as a member of the Joint Committee on the Library of Congress effective immediately. I make this request because of other pressing committee assignments and responsibilities.

It would be greatly appreciated if the necessary action can be taken to fulfill this request. Thank you very much.

Sincerely,

JAMES HARVEY,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION AS A MEMBER OF JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Mr. GERALD R. FORD. Mr. Speaker, I offer a resolution (H. Res. 196) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 196

Resolved, That Samuel L. Devine, of Ohio, be, and he is hereby, elected a member of the Joint Committee on the Library.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF SALARIES FOR STAFF OF SELECT COMMITTEE ON CRIME

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 195) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 195

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the salary, for services performed in the period beginning January 3, 1973, and ending at the close of February 28, 1973, of each person performing such services who is certified by that Member who was Chairman of the Select Committee on Crime in the Ninety-second Congress as being on the staff of that committee on January 2, 1973. Such salary shall be paid to each such person at a rate not to exceed the rate he was receiving on January 2, 1973, plus any increase in his rate of salary which may have been granted for periods on and after January 3, 1973, pursuant to section 5 of the Federal Pay Comparability Act of 1970.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with law.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am going to ask the gentleman from Ohio, the chairman of the Committee on House Administration, what is the intent and purpose of this resolution?

Mr. HAYS. The intent and purpose of it is, very briefly, to permit to be paid the staff of the so-called Select Committee on Crime which was established in the 92d Congress, the members of which staff have been working through the month of January and this far into February without any action being taken by the House committee. The resolution is very specific that it terminates on the 28th of this month.

I might say to the gentleman from Michigan that legal counsel and the Parliamentarian advise me that I have no right to sign the payroll for these people until the House reconstitutes the committee. This is an effort, since the Committee on Rules has done nothing to my knowledge, although whether a resolution is pending or not I do not know.

This Member has taken a good bit of heat as to whether or not he is personally holding up their pay.

I would like to point out that unless the House of Representatives reconstitutes the committee, and that would require action by the Committee on Rules and a vote by the House, that this is the end of the ball game on February 28.

Mr. GERALD R. FORD. Do I understand the gentleman to say that this is a temporary expedient as far as he is concerned, that this is a very unusual situation where the committee actually went out of existence with the termination of the last Congress, and this Congress has taken no affirmative action to extend its life?

Mr. HAYS. That is correct. I am told that there is a good deal of hardship since the staff was not told that its tenure was over. This is an attempt to pay them after the 3d of January, and allow them to terminate in an orderly fashion this month unless the House in its wisdom decides to reconstitute that committee. In that case, the chairman of the House Committee on Administration would have one vote the same as everyone else.

But, this is an effort on my part to get these people paid and to serve notice on the chairman, Mr. PEPPER, that if he wants to pay them after the 28th he had better get into the ball game and get a resolution in here and have it voted up or down, because as far as the House Administration Committee is concerned, this is it.

Mr. GERALD R. FORD. In other words, the gentleman is saying that for good and sufficient reasons, this action is recommended, but it is not his intention to take any other comparable action after February 28 unless the House of Representatives extends the life of the Select Committee, is that right?

Mr. HAYS. Exactly right. Of course, the House in its wisdom can work its will in committee.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding.

I am in favor of the resolution and wish to assist the gentleman from Ohio. In looking at the language, I notice it is very narrow in scope. It is my understanding that it is limited specifically to payrolls. The reason I bring this up is because, for some reason, this special subcommittee spent over $30,000 in the last Congress in long-distance telephone calls, which at times ran over $4,000 per month.

I want to be clear on whether or not the continued expenditure by this committee would be covered by this resolution, other than just salaries.

Mr. HAYS. It was intended to cover salaries. I would hope that the committee staff would be very careful about its long-distance calls from here on out, because I would hate to see the telephone company get stuck.

I suppose the committee would pay a reasonable amount, but $4,000 or $5,000 a month seems like an awful lot of conversation.

Mr. DICKINSON. If there are any additional expenses, they are not covered by this particular resolution, as I understand it.

Mr. HAYS. That is correct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that on Monday, February 19, 1973, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Pursuant to the special order agreed to today, the Chair designates the gentleman from Virginia, Mr. ROBERT W. DANIEL, JR., to read George Washington's Farewell Address immediately following the approval of the Journal on February 19, 1973.

IMPOUNDMENT OF FUNDS BY THE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, the President is currently impounding $8.7 billion, of which $7 billion represents the impoundment of civilian funds.

In doing so, despite the words of his advisers, he is taking away from the Congress the control over one-third of the entire controllable civilian budget of roughly $22 billion. This impoundment is a trap to enable the President to accuse the Congress of causing overspending and inflation. He is impounding money for many programs which he knows the public will be insistent on having restored. Win or lose, the President will have won the battle. If he wins, he will have taken over from the Congress control of one-third of the controllable civilian budget. If he loses, he will blame the Congress for forcing overspending and inflation. A tax increase, if he asks for one, will then be blamed on the Congress, for alleged irresponsibility.

Congress is partly to blame for the overspending and for the deficit, but nothing can hide the fact that the spending was done at the President's request, a great part of it. He asked for this money and more besides, including the guaranteed annual income, which would have added $5.5 billion to the current deficit and on which Congress exercising real fiscal responsibility and discipline, turned him down. He lined up his forces on the Republican side of the House to push through those bills, and he signed them. Now he wants to blame the Congress for irresponsibility and lack of discipline, when actually Congress was carrying out his duly expressed wishes. The President must share fully in the overspending and any inflation or tax increase which may follow.

MORE EFFECTIVE CONTROLS ON CAPITAL OUTFLOW

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, the dollar is again under attack in world money markets.

At the very moment of this dollar crisis, we are experiencing an unprecedented trade deficit; we are continuing to permit American capital to flow abroad ostensibly for foreign investment—but, quite possibly, for shelter and speculation during this current period of crisis.

The interest equalization tax which we are currently extending affects only $700 million in foreign investment. In the meanwhile, direct investments abroad soared to approximately $7.8 billion in 1971—a 10-percent increase. The direct investment now totals about $100 billion. The capital outflow for 1972 in direct investments has not yet been calculated, but it certainly exceeds the 1971 outflow.

In 1971, foreign loans and investments of U.S. commercial banks rose by $2.1 billion to a total of $12.9 billion—an increase of 18 percent. The 1972 figure may be in excess of $3 billion.

The Commerce Department program of control over direct investment abroad and the Federal Reserve program to restrain the outflow of commercial loans by U.S. banks and nonbanking financial institutions are not effective controls on capital outflow.

In light of the current pressures on the dollar in foreign markets, it is exceedingly possible that capital outflows by U.S. investors and speculators in recent days is progressing at a horrendous rate.

It seems that this monetary crisis and the continued economic stability of our country demands more effective controls on capital outflow. Our capital is the lifeblood of our country. We depend on it for growth and the development of enterprise. The American economy simply cannot survive capital outflow at current rates. The Congress should act on this matter which is very close to a grave national economic emergency.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 19 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 19

Resolved, That, effective January 3, 1973, the permanent Select Committee on Small Business shall be composed of nineteen Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made.

SEC. 2. It shall be the duty of such committee to conduct studies and investigations of the problems of all types of small business, existing, arising, or that may arise, with particular reference to—

(1) the factors which have impeded or may impede the normal operations, growth, and development of small business;

(2) the administration of Federal laws relating specifically to small business in order to determine (A) whether such laws and their administration adequately serve the needs of small business, and (B) whether Government agencies adequately serve and give due consideration to the problems of small business; and

(3) the problems of small business enterprise generally; and to obtain all facts possible in relation thereto which would not only be of public interest but which would aid the Congress in enacting remedial legislation. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Such committee shall not have legislative jurisdiction but is authorized to make studies, investigations, and reports; however, no bills or resolutions shall be referred to the committee.

SEC. 4. The committee may submit from time to time to the House such reports as the committee considers advisable and, prior to the close of the present Congress, shall submit to the House a final report of the committee on the results of its studies and investigations, together with such recommendations as the committee considers advisable. Any report submitted when the House is not in session may be filed with the Clerk of the House.

SEC. 5. For the purposes of this resolution, the committee, or any subcommittee thereof, is authorized, subject to clause 31 of rule XI of the Rules of the House of Representatives, to sit and act during the present Congress at such times and places within the United States, whether or not the House is meeting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as the committee considers necessary. Subpenas may be issued over the signature of the chairman of the committee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 6. The majority of the members of the committee shall constitute a quorum for the transaction of business, except that two or more shall constitute a quorum for the purpose of taking evidence, including sworn testimony.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen) pending which I yield myself such time as I may consume.

Mr. Speaker, the effect of this resolution is that this simply recreates the Committee on Small Business, provides for the 19 Members, and outlines the jurisdiction of the Committee on Small Business.

Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, the resolution before us today creates again the permanent Select Committee on Small Business, which is composed of 19 Members of the House.

The committee has the same jurisdiction as in the past.

I know of no objection to this resolution, and therefore urge its adoption.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 111 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 111

Resolved, That (a) there is hereby created, as of January 3, 1973, a select committee to be known as the Select Committee on the House Restaurant, which shall be composed of five Members of the House of Representatives to be appointed by the Speaker, not more than three of whom shall be of the majority party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) In the Ninety-third Congress, the select committee shall exercise direction and supervision over the immediate management and operation of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, subject to the authority of the Committee on House Administration.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, once again the reading of the resolution makes it amply clear that it re-creates for the 93d Congress a Select Committee on the House Restaurant for the purposes of supervising this activity.

I urge the adoption of House Resolution 111 and reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, this resolution creates the Select Commitee on the House Restaurant, composed of five Members of the House.

Its jurisdiction is over all food facilities in the House, subject to authority of the Committee on House Administration.

Knowing of no objection, I urge adoption of this resolution.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SELECT COMMITTEE TO REGULATE PARKING ON HOUSE SIDE OF THE CAPITOL

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 145 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res 145

Resolved, That (a) there is hereby created a select committee to be composed of three Members of the House of Representatives to be appointed by the Speaker, one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) The said committee is hereby authorized to exercise direction over the Sergeant at Arms of the House of Representatives in the assignment of space for outdoor parking of automobiles in squares 639, south of 635, and 692, located adjacent to the House Office Buildings, and for all other outdoor parking of automobiles on the House side of the United States Capitol Grounds.

Sec. 2. The House Office Building Commission, in carrying out the duties imposed upon the Commission by the Acts of March 4, 1907 (40 U.S.C. 175), May 28, 1908 (40 U.S.C. 183 and 184), and April 22, 1955 (40 U.S.C 175), is hereby authorized to delegate so much of such duties as pertain to the direction and supervision of the Architect of the Capitol in the assignment of space for parking of automobiles in the garages in the Rayburn House Office Building, the Cannon House Office Building, and the two underground garages in squares 637 and 691, located adjacent to the House Office Buildings, and the issuance of regulations governing such assignments, to the select committee herein created.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennesee (Mr. Quillen). Pending that I yield myself such time as I may consume.

Mr. Speaker, the reading of the resolution makes clear the intent and purpose, providing for a three-member committee to supervise parking on the House side of the Capitol.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 145 creates our Select Committee on Parking, composed of three Members.

This resolution speaks for itself, and I urge its adoption.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: on page 1, line 1, strike out "That (a) there is hereby" and insert "That (a) effective January 3, 1973, there is".

The committee amendment was agreed to.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE BOARD OF DIRECTORS OF GALLAUDET COLLEGE

The SPEAKER. Pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Chair appoints as members of the Board of Directors of Gallaudet College the following Members on the part of the House: Mr. Carey of New York; Mr. Quie, of Minnesota.

APPOINTMENT AS MEMBERS OF THE JAMES MADISON MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-417, the Chair appoints as members of the James Madison Memorial Commission the following Members on the part of the House: Mr. Slack, of West Virginia; Mr. Bennett, of Florida; Mr. Wampler, of Virginia; Mr. Robert W. Daniel, Jr. of Virginia.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON MARIHUANA AND DRUG ABUSE

The SPEAKER. Pursuant to the provisions of section 601(a), Public Law 91-513, the Chair appoints as members of the Commission on Marihuana and Drug Abuse the following Members on the part of the House: Mr. Rogers, of Florida; Mr. Carter, of Kentucky.

APPOINTMENT AS MEMBERS OF THE NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of section 202(a), title 2, Public Law 90-264, the Chair appoints as members of the National Visitor Facilities Advisory Commission the following Members on the part of the House: Mr. Gray, of Illinois; Mr. Blatnik, of Minnesota; Mr. Howard, of New Jersey; Mr. McEwen, of New York; Mr. Zion, of Indiana; Mr. Mizell, of North Carolina.

APPOINTMENT AS MEMBERS OF THE COMMITTEE TO INVESTIGATE NONESSENTIAL FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as members of the Committee To Investigate Nonessential Federal Expenditures the following Members on the Committee on Ways and Means: Mr. Mills of Arkansas; Mr. Ullman, of Oregon; Mr. Collier, of Illinois.

And the following members of the Committee on Appropriations: Mr. Ma-

HON, of Texas; Mr. WHITTEN, of Mississippi; Mr. CEDERBERG, of Michigan.

APPOINTMENT AS MEMBERS OF THE U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section I, Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: Mr. NIX, of Pennsylvania, chairman; Mr. WRIGHT, of Texas; Mr. GONZALEZ, of Texas; Mr. DE LA GARZA, of Texas; Mr. KAZEN, of Texas; Mr. UDALL, of Arizona; Mr. WALDIE, of California; Mr. WIGGINS, of California; Mr. LUJAN, of New Mexico; Mr. STEIGER, of Arizona; Mr. BROOMFIELD, of Michigan; and Mr. STEELE, of Connecticut.

APPOINTMENT AS MEMBERS OF THE NATIONAL MEMORIAL STADIUM COMMISSION

The SPEAKER. Pursuant to the provisions of section I, Public Law 523, 78th Congress, the Chair appoints as members of the National Memorial Stadium Commission the following Members on the part of the House: Mr. YATRON, of Pennsylvania; Mr. BYRON, of Maryland; and Mr. MIZELL, of North Carolina.

APPOINTMENT AS MEMBERS OF THE PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER. Pursuant to the provisions of House Resolution 19, 93d Congress, the Chair appoints as members of the permanent Select Committee on Small Business the following Members of the House: Mr. EVINS of Tennessee, chairman; Mr. STEED, of Oklahoma; Mr. KLUCZYNSKI, of Illinois; Mr. DINGELL, of Michigan; Mr. SMITH of Iowa; Mr. CORMAN, of California; Mr. ADDABBO, of New York; Mr. HUNGATE, of Missouri; Mr. ST GERMAIN, of Rhode Island; Mr. CARNEY of Ohio; Mr. MITCHELL of Maryland; Mr. BERGLAND, of Minnesota; Mr. CONTE, of Massachusetts; Mr. BROYHILL of North Carolina; Mr. J. WILLIAM, STANTON of Ohio; Mr. MCDADE, of Pennsylvania; Mr. THOMSON of Wisconsin; Mr. KEMP, of New York; Mr. MCCOLLISTER, of Nebraska.

APPOINTMENT AS MEMBERS OF THE SELECT COMMITTEE TO REGULATE PARKING ON THE HOUSE SIDE OF THE CAPITOL

The SPEAKER. Pursuant to the provisions of House Resolution 145, 93d Congress, the Chair appoints as members of the Select Committee To Regulate Parking on the House Side of the Capitol the following Members of the House: Mr. SISK, of California; Mr. HAYS, of Ohio; Mr. GROSS, of Iowa.

APPOINTMENT AS MEMBERS OF THE SELECT COMMITTEE ON THE HOUSE RESTAURANT

The SPEAKER. Pursuant to the provisions of House Resolution 111, 93d Congress, the Chair appoints as members of the Select Committee on the House Restaurant the following Members of the House: Mr. KLUCZYNSKI, of Illinois, chairman; Mr. STEED, of Oklahoma; Mr. BURKE of Massachusetts; Mr. THOMPSON of Wisconsin; and Mr. JOHNSON of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. MORGAN, of Pennsylvania, chairman; Mr. JOHNSON of California; Mr. RANDALL, of Missouri; Mr. KYROS, of Maine; Mr. STRATTON, of New York; Mr. MEEDS, of Washington; Mr. CULVER, of Iowa; Mr. HARVEY, of Michigan; Mr. MCEWEN, of New York; Mr. HORTON, of New York; Mr. WINN, of Kansas; and Mr. DU PONT, of Delaware.

APPOINTMENT AS MEMBERS OF THE JOINT COMMISSION ON THE COINAGE

The SPEAKER. Pursuant to the provisions of section 301, Public Law 89–81, the Chair appoints as members of the joint commission on the coinage the following Members on the part of the House: Mr. MAZZOLI, of Kentucky; Mr. DULSKI, of New York; Mr. CONTE, of Massachusetts; and Mr. SYMMS, of Idaho.

APPOINTMENT AS MEMBERS EX OFFICIO OF BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 85–874, as amended, the Chair appoints as members ex officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. THOMPSON of New Jersey; Mr. RONCALIO of Wyoming; and Mr. FRELINGHUYSEN, of New Jersey.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 188

Resolved, that upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 13]

Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Blackburn
Bolling
Burke, Calif.
Burke, Fla.
Chamberlain
Chisholm
Clark
Clay
Davis, Wis.
Dellums
Derwinski
Diggs
Dulski
Eckhardt
Edwards, Ala.
Esch
Frelinghuysen
Frey
Gubser
Harsha
Harvey
Heckler, Mass.
Heinz
Holifield
Jarman
King
Koch
Kyros
McKay
McKinney
Martin, Nebr.
Myers
Nedzi
Patten
Pepper
Pettis
Price, Tex.
Quie
Rangel
Rooney, N.Y.
Roybal
St Germain
Satterfield
Steed
Steiger, Ariz.
Stokes
Thompson, N.J.
Vander Jagt
Waldie
Wilson, Bob

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, this is a rather important matter, and I believe it should have the attention of Members.

Mr. Speaker, let me assure the Members that we will attempt to move as rapidly as possible. I hope not to take the full hour on this rule.

This is a matter, of course, that is of some considerable importance to a number of people, because it does represent a difference of opinion in connection with the program which has been canceled by the administration, and this particular piece of legislation proposes to require the expenditure of certain funds. So there are some basic principles involved.

Mr. Speaker, House Resolution 188 provides for an open rule with 1 hour of general debate on H.R. 2107, which is a bill to require the Secretary of Agriculture to carry out a rural environmental assistance program.

The 3-day rule, clause 27(d) (4) of rule XI of the Rules of the House of Representatives, is waived because it is important that we discuss H.R. 2107 on the floor today.

According to the Department of Agriculture, the main objectives of the rural environmental assistance program—REAP, are; to prevent or abate agriculture-related pollution of water, land, and air, to significantly reduce the loss of water, woodland or wildlife resources, to encourage enduring conservation practices in sound land use systems, to deal with critical conservation problems on average and small size family farms, and to achieve annually established goals and objectives in a manner consistent with community needs now and in the future.

H.R. 2107 will amend section 8(b) of the Soil Conservation and Domestic Allotment Act so as to require the Secretary of Agriculture to carry out the environmental assistance program.

Mr. Speaker, I urge the adoption of House Resolution 188 in order that we may discuss and debate H.R. 2107.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I will yield to the gentleman from Iowa.

Mr. GROSS. I hope—and I guess that is about all one can do is "hope"—that this rule is not setting a precedent for what is to come later on in this session of Congress by way of the waiving of the 3-day rule.

May I ask, can the gentleman give us any assurance that we might hope that we will not get bills in the future waiving the 3-day rule?

Mr. SISK. Mr. Speaker, I appreciate the comments of the gentleman, and let me say that I, for one, will expect to be quite circumspect in regard to this. I think the 3-day rule basically is a good rule. I cannot speak for the entire Committee on Rules, but for myself I am inclined to be very fearful about the use of this procedure.

Now, as I have said, in view of some of the statements I have understood to have been made, it was felt that this matter could be brought up on tomorrow, but in view of the pending recess, it was being done, as I understood it, for the convenience of the Members.

Mr. Speaker, I certainly will as to the future assure the gentleman that as far as I am concerned, I think the 3-day rule is a good one, and I would hope and would expect we will abide by it.

Mr. GROSS. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in explaining this bill before us today, I am tempted to say that this body is being asked to commit statutory REAP. But I will not. Seriously, though, H.R. 2107 would commit or require the Secretary of Agriculture to spend all of the funds which have been appropriated for the rural environmental assistance program in fiscal 1973—a total of $225 million. On December 26 of last year, the Department of Agriculture announced that no new commitments would be made under REAP for the remainder of this fiscal year, but that commitments made prior to December 23 would be honored. At the time that announcement was made, some $200 million of the $225 million appropriated, remained unspent.

The reason for the REAP reduction, and for other such reductions, is an attempt to hold Federal spending within the $250 billion ceiling for fiscal 1973. And, I might remind my colleagues, at this point, that on October 10 of last year, this body voted 221 to 163 to give the President the authority to hold spending within that $250 billion ceiling for fiscal 1973, and it was only due to sentiment in that other body that we lost that spending ceiling as part of the debt limit bill. As a result of our inability or unwillingness to impose a spending ceiling, the President has been forced to hold down spending in those areas in which he has discretionary authority under the law to do so. In the case of REAP, I would direct the attention of my colleagues to the citations from law made by the General Counsel of the Department of Agriculture in his opinion as printed on pages 2 through 5 of the committee report on this bill.

Those citations from the relevant authorization and appropriations laws leave no question about the discretionary spending authority granted to the Secretary in administering this program. After citing this language, the General Counsel concludes, and I quote:

> There are no provisions . . . in the Act which direct the expenditure of funds in carrying out the program. The declaration of Congressional policy in the Act does not constitute a mandate to the Department to approve all qualifying projects for which funds are available.

Indeed, the committee report on page 5 concedes that this discretionary spending authority does rest with the Secretary. To quote from the report:

> (H.R. 2107) removes the option of the Secretary of Agriculture to use the discretion contained within the provisions of the Soil Conservation and Domestic Allotment Act to terminate the REAP program, and, by so doing, reinstates the program.

I make this point because I want to emphasize that the issue before us today is not whether the Secretary of Agriculture had legal authority to do what he did; he clearly did. The central issue is not even a question of rural environmental assistance. Make no mistake about it, the main issue before us today is whether we are going to force Federal spending in complete disregard of the need for a spending ceiling, or whether we are going to exercise self-restraint and discipline and demonstrate fiscal responsibility.

In appearing before the Rules Committee yesterday, the chairman of the Agriculture Committee (Mr. POAGE) conceded that the central issue was not environmental assistance. To quote from his statement—

> This bill is a direct test of whether the legislative or executive branch will determine spending priorities.

I appreciate the frankness of the gentleman, but I would suggest that his own statement is the best argument against this bill. What are those priorities? How does this Congress propose to stay within the $250 billion ceiling? I have not seen any alternative budget forthcoming from this Congress. I have not even seen an alternative Agriculture budget produced by the gentleman's committee. Instead we are told that the committee is now scheduling hearings on other legislation to force Federal spending on other programs. I would suggest to the distinguished chairman that by this legislation and other such attempts, we are putting the spending cart before the fiscal horse, and this can only result in runaway spending and inflation or increased taxes. It is all that simple.

As I said in this Chamber on Monday:

> There is a lot of talk in this Congress about the need to reorder priorities, but I would suggest that if we are serious about this we must make the matter of setting an enforceable spending ceiling our very first priority.

Mr. Speaker, I would certainly agree with the distinguished chairman that today's vote is a test of the priorities issue. But I would submit that until we are willing to accept, embrace and implement that very first priority of setting an enforceable spending ceiling, all other talk of priorities is meaningless, frivolous and yes, even deceptive. As I said in this Chamber on Monday, and I will say it again: "There are a number of indications that the majority leadership is more interested in provoking confrontations with the executive branch on spending issue than in first setting our own fiscal house in order." And that statement certainly applies to the bill which is before us today.

And I might further point out, as I did on Monday, that although we were operating under the assumption last fall that this new Joint Committee on the Budget would produce machinery to enable us to get a better handle on the fiscal 1974 budget and take a more rational approach to our authorization-appropriations process, by producing recommendations no later than February 15 of this year, we are now being told that it will only issue a preliminary report on that date, and probably will not have a final report until late this fall—far too late for fiscal 1974. As I suggested on Monday, this delay is not only inexcusable and irresponsible, but illegal. When, oh when, are we finally going to accept this responsibility and exercise this constitutional prerogative everyone is bemoaning we have lost? This is not a matter of executive usurpation, as some have suggested; this is a matter of legislative abdication. And do not be deceived by those who would argue that a vote for this bill today is a vote for reasserting our authority, for the fact is that a vote for this bill is a clear recognition that we have not learned one thing and we are not willing to do one thing about disciplining ourselves and setting our own priorities, within a defined limit.

Mr. Speaker, I wish to conclude my remarks by saying a few things about the rule under which this bill is being brought to us today and the manner in which this important legislation is being brought to the floor.

This bill was not on the legislative program for this week as announced last week. This bill was not scheduled for consideration in the Rules Committee until late on Monday afternoon of this week. The report on this bill was not published and available until yesterday morning. The hearings on this bill will not be published and made available until late next week. The rule under which this bill is before us waives the requirement of rule XI clause 27(d)(4) which states, and I quote:

> A measure or matter reported by any committee . . . shall not be considered in the House until the third calendar day on which the report of that committee upon that measure or matter has been available to the Members of the House.

I questioned the chairman of the Agriculture Committee on this waiver yesterday, and he denied all responsibility for this rush rule, saying it was written by the Parliamentarian. I moved in the Rules Committee that this waiver be deleted so that the Members of this body could have more time to study this bill, and my motion was defeated. I would simply ask, if this is such an important test, if this is being billed as the focal point for a so-called constitutional crisis, who is trying to cram this bill down our throats in such a hurry for what reason? I cannot believe the Parliamentarian dictates such policy.

I want to call the attention of this body to another motion I made in the Rules Committee yesterday which was defeated—a motion which would make the Findley fiscal responsibility amendment in order without being subjected to a question of germaneness. The text of that amendment can be found on page 22 of the minority report in the committee's report. That amendment would require that this act cannot take effect until the Congress either raises the debt ceiling by the amount of money mandated to be spent by this act, or raises revenues by the amount mandated to be spent by this act, or until the Comptroller General determines that the outlays mandated by this act combined with other fiscal 1973 outlays do not exceed total revenues and authorized public debt for this fiscal year.

It seems to me, Mr. Speaker, that the Findley amendment really goes to the heart of what I have been saying about this overriding first priority of fiscal responsibility and congressional self-discipline.

Mr. Speaker, as I said on Monday, I am not an advocate of "unlimited Presidential impoundment authority in perpetuity." I also wish to make clear that I come from a farm State and represent a farm district, and I am, therefore, acutely aware of the popularity of REAP, and this has been a very difficult decision for me to make. But I firmly believe that the responsible thing for us to do today is to look beyond our narrow interests to the national interest, to look beyond the popularity of our pet projects to the necessity for economic stability and fiscal soundness. I, therefore, strongly urge my colleagues to join with me in voting down the previous question on this rule so that I might offer an amendment to the rule which would make the Findley fiscal responsibility amendment in order, waiving all points of order. This is the only way, it seems to me, that we can clearly demonstrate to the Nation that this Congress is truly serious about all this talk of holding down spending and avoiding further inflation and a tax increase. I urge a nay vote on the previous question.

The SPEAKER. Does the gentleman from Illinois have further requests for time?

Mr. ANDERSON of Illinois. I do, Mr. Speaker.

At this time I yield 2 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, and my colleagues, I want to make only about two points now, and then I will go into what I consider the serious defects of this bill during the general debate.

One point I want to make now, while we have a fairly good attendance, is that please, my colleagues, do not be misled by what REAP stands for in full. REAP means rural environmental assistance program, but the environment is only a secondary part of this whole program. The major objective of the program as it has evolved is the situation where it is an additional farm subsidy. It is an encouragement to increased production rather than to conserve the soil.

Mr. Speaker, I would be the last one to deny the fact and the first to say, I am very happy to admit, that when this program started back in the dust bowl days, and through many times since then, it has been successful and it has accomplished a lot of good. But most of that good has been accomplished or would be accomplished by farmers without Federal assistance, because they do not want their top soil to wash off into the river and go down to the sea.

If this were a matter where the environment as such was really concerned, or where it was an ecological or a conservation matter then that could be different, but that is not the case. It is very strange, I think, that the Sierra Club, the Friends of the Earth, the conservation societies, and such groups did not appear and testify at the hearings that we held on this matter. I for one have received no communications from any kind of conservation group requesting that this bill be supported.

We are talking about $210 million, I would point out to the Members, plus—plus $42 million just to administer the program.

It is nothing but an additional agricultural subsidy, and I would certainly think that those of you from the city areas would vote against the bill.

The SPEAKER. The time of the gentleman from California has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois. (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I rise in support of the action which my colleague, the gentleman from Illinois (Mr. ANDERSON) has indicated he will take, that is, to attempt to vote down the previous question in order to make in order a new rule. I certainly concur with his thoughts about the lack of necessity for eliminating the 3-day rule. I appreciate also very much his support for attempting to make in order the amendment which might be described as the fiscal discipline amendment.

I will read the text of that amendment later in my remarks, but I want to explain that I am not foreclosing the possibility of a favorable ruling by the Chair later when my amendment is offered. If the previous question is not voted down and this is not made in order by the action of the House, I still am hopeful that in the wisdom of the Chair it will be made in order in committee. I say that because there is really no precedent in history for the confrontation over the budget which now occurs between the President and the Congress. The first House test of this confrontation definitely is going to occur here this afternoon. That is why I feel it is of such significance as to merit the consideration of what would ordinarily be termed a rather unusual amendment.

The amendment I intend to offer reads as follows:

After line 11, add the following:

> SEC. 2. This Act shall not take effect until such time as one of the following events occurs: (1) the enactment of legislation increasing the statutory ceiling on the public debt by an amount at least equal to the amount of outlay mandated herein; (2) the enactment of legislation which will produce a first-year increase in revenue at least equal to the amount of outlay mandated herein; or (3) the Comptroller General of the United States makes a determination and so reports to the Speaker of the House and the President of the Senate, that the outlay mandated herein, together with all other outlays expected to occur during fiscal 1973, will not exceed the total of revenue and authorized public debt for fiscal 1973.

It is in the nature of us as human beings to put off the tough questions and to take the easy way out. I recall last October when we last had the question on increasing the public debt ceiling a good many Members voted "no" despite the overriding necessity for this act. There were 163 Members of this body who chose to vote "no" against a higher ceiling on the public debt.

It was not too long ago that this body had before it a revenue measure which in effect was a substantial decrease in tax revenue, and almost everybody joyfully voted for lower taxes.

We have now an interesting test before us this afternoon. Will this body really exercise some fiscal discipline? Will it delay the effective date of this mandate of expenditures out of the Treasury of the United States until such time as we can be assured that there is indeed adequate money in the Treasury for this purpose? That is what the effect of this amendment: To assure that there will be adequate money in the Treasury from which this expenditure can be made.

We have confronted the President with an unfortunate dilemma. We have given him by statute a ceiling on the public debt, and he cannot borrow beyond that ceiling without another act of Congress. We have given him various revenue measures, and those—debt and revenue—taken together represent the total that he can possibly lawfully spend during fiscal 1973. Yet, having rejected his request for an expenditure control measure in the last Congress, now we are trying to override his own, I would say, courageous individual effort to bring about expenditure control without the greater flexibility that act would have afforded.

One prudent way to meet this dilemma, and I do hope Members on both sides of the aisle would join me in this effort, is to support the motion by the gentleman from Illinois (Mr. ANDERSON) to vote down the previous question, to make in order the fiscal discipline amendment to this bill, and then, with that added, we can certainly in good conscience consider the merits of the program which is the subject of this legislation.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, number one, I would like to ask the gentleman from Illinois: His amendment does not go to the merits of the substantive program included in the legislation from the Committee on Agriculture?

Mr. FINDLEY. That is correct. Instead it goes to the merit, or lack thereof, of the position of the Congress in the confrontation with the President over fiscal discipline.

Mr. GERALD R. FORD. No. 2, we have heard a great deal recently about the need for the Congress to be a partner in making basic decisions, and I agree that the Congress ought to be a partner with a coequal branch, the executive branch of the Government. My impression is that the attempt by the gentleman from Illinois is to get the Congress to be a partner in the operation of fiscal responsibility. The President has decided that in order to achieve a degree of fiscal responsibility, holding the line of $250 billion for this fiscal year, he has to make some downward adjustments in certain programs, and REAP is one.

The gentleman says that if the Congress wants to continue this program, then the Congress has to be a partner in finding the resources to pay for it. Is that the sum and substance of what the gentleman is talking about?

Mr. FINDLEY. Indeed that is a very accurate summary.

I might say further that had the Congress approved the Expenditure Control Act the President sought last year, this would not be necessary.

Mr. GERALD R. FORD. Will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I have a suspicion, but I am not privy to the inner councils, that this is only one of a number of bills that will come from various committees that will seek to undo the President's effort to hold the line on spending and preclude additional taxes, and so forth. Is it the intention of the gentleman from Illinois, if and when this series of higher expenditure bills come to the floor, to offer the same opportunity for Members of the House on both sides of the aisle to be partners in this effort for fiscal responsibility?

Mr. FINDLEY. Indeed it is. That is why I view what we do today as of such vast importance. It could well set the pace and set the tone, and it gives us the opportunity to enhance the position of the Congress in the eyes of the public. It is an opportunity for us to show restraint and good judgment and discipline in this very vital field.

Mr. GERALD R. FORD. I join the gentleman from Illinois (Mr. FINDLEY) and the previous speaker, the gentleman from Illinois (Mr. ANDERSON), in urging defeat of the previous question so that this amendment would be offered under those circumstances if we prevail, to have a partnership with the Executive in fiscal responsibility.

Mr. FINDLEY. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further request for time and I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as I have indicated earlier I hope we can move along rapidly with this, but I do feel I should call attention to some of the things we have heard here this morning, especially for some of my colleagues who may not have been with us in the past. We are hearing a recital of what we are going to hear a great deal of I am sure in the next few weeks or months. There are going to be other bills coming out of other committees I am sure very much along these same lines, because I think basically we are faced with certain basic principles.

I for one am all in favor of Congress assuming its rightful responsibility in connection with trying to bring our budget under some control. I think that rightfully Congress has to share some responsibility. I think we have made mistakes in the past, and I for one would hope that I will have the courage and I would hope we all do, to do the things in the future to begin to bring under control some of the problems that we have in connection with our deficit spending.

I do think, though, on the other hand, that we are faced with a challenge that I think is important for us to meet. This is not a constitutional crisis and it is not being put on that basis, this particular program, many other programs were so written as to give to the Secretary, the administering agent, very broad flexibility in carrying out the program.

It seems to me that had the executive branch of Government or the Secretary utilized his power under that flexible arrangement from a standpoint of some reductions, reasonable reductions, as I think has been the practice in the past, I certainly would have accepted it and I think basically that American agriculture would have accepted it.

But, unfortunately, we have suddenly been faced with what is no longer any consideration about the use of that method to bring into balance expenditures along with income, but rather the picking and choosing of particular programs which the administration wants to go forward with and to stop those which it does not like.

This, to me, is an infringement upon the power, the prerogatives, the policymaking power of this Congress. I propose to fight it on that basis, and I would hope that this Congress, both Democrats and Republicans, are willing to stand up and to meet their share of responsibility of bringing our budget into balance, but at the same time not to permit dictation as to priorities or to programs.

This is what this is all about. We gave this flexibility, and I think the flexibility we gave to the Secretary in this instance has been abused. I happen to have a great deal of respect for the present Secretary of Agriculture, Earl Butz. I think he is a very able man. I think basically he is trying to do some things to help agriculture but unfortunately in connection with this particular area, he is not calling the shots. I think we can all agree that OMB is calling the shots. There is no question about it, they have their own pet programs and they have their particular hates. Many of us have been confronted with this over the years, so they are now going along with their pet programs, and those programs which they dislike, wham. "We will just cut them off at the throat."

That is the thing that I object to.

Let me conclude quickly. We are going to be asked here to vote down the previous question to make in order an amendment by the gentleman from Illinois (Mr. FINDLEY), frankly, to destroy the effectiveness of this bill. Let us not kid ourselves about this. We become amused at people who say, "We are all for this, but we have a way to sink the ship."

That is all this amounts to. This simply places a burden upon the operation of the program which would make it totally unworkable and impossible to comply with. That is all the effect of the amendment of the gentleman from Illinois amounts to.

I do not care how we cut it or how we slice it, it would just as well be saying that a vote for that amendment is a vote against this bill. Just put that in your pipe and smoke it, because that is what it amounts to.

So, I hope the Members will vote up the previous question and adopt the resolution.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ANDERSON of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 150, not voting 44, as follows:

[Roll No. 14]

YEAS—237

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley

Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Clark
Clay
Cohen
Conte
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hébert
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Kuykendall
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McFall
McSpadden
Macdonald
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Neill
Owens
Passman
Patman
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quillen
Randall
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ryan
St Germain
Sarbanes
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NAYS—150

Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Butler
Camp
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins
Conable
Conlan
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Dellenback
Dennis
Devine
Dickinson
Dulski
Duncan
du Pont
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frenzel
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Haley
Hanrahan
Hansen, Idaho
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mazzoli
Michel
Mills, Md.
Minshall, Ohio
Moorhead, Calif.
Mosher
Nelsen
O'Brien
Parris
Powell, Ohio
Pritchard
Quie
Railsback
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Saylor
Schneebeli
Shoup
Shuster
Smith, N.Y.
Snyder
Stanton, J. William
Steelman
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Towell, Nev.
Treen
Veysey
Walsh
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Zion

NOT VOTING—44

Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Blackburn
Burke, Calif.
Burke, Fla.
Chamberlain
Chisholm
Davis, Wis.
Delaney
Derwinski
Edwards, Ala.
Esch
Frelinghuysen
Frey
Harvey
Hastings
Jarman
King
Koch
Kyros
Martin, Nebr.
McKay
Myers
Nedzi
O'Hara
Patten
Pepper
Pettis
Price, Tex.
Rangel
Roncalio, Wyo.
Rooney, N.Y.
Roybal
Satterfield
Staggers
Steed
Steiger, Ariz.
Stokes
Vander Jagt
Waldie

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Burke of Florida against.

Mr. King for, with Mr. Derwinski against.

Mr. Bevill for, with Mr. Frelinghuysen against.

Mr. Addabbo for, with Mr. Martin of Nebraska against.

Mr. Waldie for, with Mr. Myers against.

Mrs. Chisholm for, with Mr. Steiger of Arizona against.

Mr. Patten for, with Mr. Vander Jagt against.

Until further notice:

Mr. Biaggi with Mr. Satterfield.

Mr. Badillo with Mr. Bell.

Mr. Jarman with Mr. Andrews of North Carolina.

Mr. Koch with Mr. Price of Texas.

Mr. Kyros with Mr. Frey.

Mr. McKay with Mr. Blackburn.

Mr. Nedzi with Mr. Chamberlain.

Mr. O'Hara with Mrs. Burke of California.

Mr. Staggers with Mr. Davis of Wisconsin.

Mr. Stokes with Mr. Esch.

Mr. Rangel with Mr. Hastings.

Mr. Pepper with Mr. Edwards of Alabama.

Mr. Roybal with Mr. Harvey.

Mr. Steed with Mr. Pettis.

Mr. Roncalio of Wyoming with Mr. Delaney.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2107, with Mr. GIAIMO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 30 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, on December 22, 1972, the farmers of America awakened to learn of an unbelievable situation. They discovered that the one program that had served this country so capably for almost 40 years faced annihilation. In short, there was to be no more Federal money for rural environmental assistance. As many Members of Congress and many people throughout rural America began to realize, REAP would give way to the economic rape of rural America.

It is difficult to understand why REAP, which has served so many people for so long, has suddenly, arbitrarily, and without any congressional consultation been eliminated by Executive order. The people living in metropolitan areas should remember that they live in a wonderful country. They spend only 16 percent of their disposable income for food. This is the best buy, anywhere, ever.

Americans enjoy this exclusive opportunity only because of programs like REAP, funded through the wisdom of Congress. With the help of REAP, the farmers have been able to rise above the bare subsistence level to compete fairly with other segments of our economy.

As I see it today, the primary problem is that nobody representing rural America sits on the staff at 1600 Pennsylvania Avenue. The last man we had down there was a geologist, and, as I have said many times, "What the heck does he know about agriculture?" The President's recent criticism of REAP proves once again the inefficiency of White House staff work on agricultural affairs.

We represent less than 5 percent of the total population. Today's farmer bears even greater responsibilities than his predecessors. It has been said that if a farmer cannot survive without funds from REAP, he should not be a farmer. But the money he receives, an average of $330, does not line his own pocket. He has to supplement this sum with an additional $670. The combined contributions of Government—one-third—and citizen—two-thirds—provides $1,000 in sound conservation practices, benefiting the general public as well as the farmer.

Last year, for instance, the farmer earned a net of only $7,000 nationally, and 52 percent of that was earned by moonlighting on other jobs.

The farmer delivers a plentiful supply of the highest quality food and fiber at reasonable prices to the entire country. He should not be penalized by the elimination of programs like REAP which are vital to his continuing efficiency.

We have heard the argument that only 20 percent of those eligible participate in this farm program. But when there is only enough money for 20 percent, then no one else can participate.

According to my county ASC office, 74 farmers are enrolled in the program but a backlog of more than 100 applicants is waiting to sign up. The USDA has admitted to me that while fewer than 20 percent of the farmers now participate, more than 40 percent would do so if matching funds were available.

I have here a legislative digest which was passed out to me this morning. Let me read out to the Members some of the farm organizations supporting REAP: the National Grange, the Milk Producers Federation, the National Farm Organization, and the National Wildlife Federation.

On the back of this digest, the following statement appears:

The American Farm Bureau does not support this legislation.

This is very puzzling because I am holding an editorial here from the Iowa Farm Bureau spokesman, dated January 13, 1973, entitled "Reinstate REAP Funds."

The editorial follows:

[From the Iowa Farm Bureau Spokesman, Jan. 13, 1973]

REINSTATE REAP FUNDS

No one has spoken out more strongly than Farm Bureau on the need to reduce federal spending. And Farm Bureau last spring recommended specific cuts in the present federal budget of nearly $21 billion.

But this present budget cutting approach isn't acceptable as important programs are being wiped out and it appears that agriculture and farm people are bearing the brunt of the budget cutting.

If a solid review of priorities can't be accomplished now (and budget cuts announced indicated it hasn't been done), a more acceptable approach would be a percentage reduction in federal spending in all areas—defense, health, welfare, education, etc.

The administration's cut in the Rural Environmental Assistance Program (REAP) is inconsistent with other actions of the administration and society's goal to improve the environment.

Agriculture is being asked to do more to control pollution. EPA has announced new regulations dealing with water quality control, including some impractical ones dealing with agriculture.

There is no question that the elimination of the REAP funds will seriously hamper conservation and water pollution programs in Iowa and across the nation. This is recognized by farmers and by those responsible for policy and administration of these pollution control and conservation programs. But it apparently is not recognized by the budget-cutters in the Bureau of the Budget.

There is widespread recognition that the benefits from good conservation programs are community and statewide and individual farmers shouldn't be made to bear the entire cost. In some cases, farmers will see little direct benefit from some conservation practices during their lifetime.

Even if farmers could afford these practices because of higher farm income in 1972 as some administration officials believe (which is erroneous), you could make the same argument that urban residents do not need federal grants for sewage treatment facilities and pollution control programs since their income was up substantially in 1972 and cities are receiving millions of dollars in federal revenue sharing funds. But only agriculture has lost its funds for pollution control.

The Nixon administration should immediately reinstate funds for the REAP program for cost-sharing for those soil and water conservation practices and structures which contribute to the attainment of pollution prevention, enduring conservation and environmental enhancement.

It does not make a great deal of sense to me for the American Farm Bureau—and I am a member—to send out a statement opposing the Iowa Farm Bureau's stand on this bill. They do not represent the people from my district, and apparently they do not even represent their own organization in the State of Iowa.

We have discussed ecology and the environment many times and debated a number of proposals to benefit them. Yet, REAP has been in effect for almost 40 years doing a tremendous job for everyone.

All Americans drink clearer water, breathe fresher air, protect their wildlife, and sail better because of REAP.

Critics of the program point to the $19 billion made by farmers last year and assert that they can pay for it themselves. But no one mentions the low income these same farmers earned in 1971, 1970, 1969, and earlier. Can anyone assure me that in 1973 the average farmer will make enough to afford all the common conservation practices needed on his farm? Of course not, farming is a big gamble at best.

It was at the Appropriations Committee hearings the other day when Roy Ash, the new OMB Director, was asked about aid for North Vietnam. As yet no funds have been requested. But any money over and above that already budgeted would have to come out of the $250-billion total. Thus additional cuts will have to be made in the very domestic programs we are talking about. Does the majority of this committee believe that we cannot afford $200 million to conserve America's environment while we blithely hand out aid to Communist North Vietnam? I think not.

This is not a feud with the administration. We do not object to a spending ceiling, but Congress should play a strong role in determining priorities. This is a matter of principle. Rural America still does not earn as much income as the rest of the Nation today. The highest proportion of poor still lives in the country. Yet, Roy Ash admitted that Agriculture's budget suffered more than any other Department.

In voting for this bill, which is identical to one I introduced the opening day of Congress, cosponsored by 73 Members represents almost all political philosophies, you will insure the continuation of a vital environmental program. I urge the committee to support this bill.

Following are two eloquent editorials from Iowa radio stations backing the reinstatement of REAP:

EDITORIAL—WHO STATION, DES MOINES, IOWA

I think American farmers are feeling a little like the President is pulling the rug out from under them.

We're referring to the sudden announcement of massive cutbacks in spending for REAP . . . Rural Environmental Assistance Program . . . cutting out FHA disaster loans . . . and severely cutting down on 5½% ASC loans for crop-drying set-ups . . . and totally eliminating ASC 5½% loans for storing high moisture corn.

We can understand the USDA's planning to cut in half the amount of money spent to finance the governments feed grain program. In the face of good prices now, and export demand, the Secretary of Agriculture has no alternative, really, than to try to cut the amount of tax dollars going into diverting acres from crop production. But eliminating the REAP . . . and the decent-interest loans of 5½% . . . and the FHA disaster loans . . . is not warranted.

Even conservative Iowa Republican farmers who voted for Nixon, feel this is a mistake. And it is strictly an administration judgment. Not to be blamed on Congress, or the Secretary of Agriculture.

EDITORIAL—KMNS STATION, SIOUX CITY, IOWA

Practically every farm-connected group in the Midwest has voiced strong opposition to President Nixon's decision to cut costs by dropping certain farm programs worth about 1.5 million dollars per year. KMNS couldn't agree more.

One program, the Rural Environmental Assistance Program or "REAP", has given thousands of farmers the incentive and funds to undertake environmental programs that otherwise would be left undone. For 36 years, the program has helped build terraces, contour strips, wind breaks, wildlife plots, and other projects.

In the last full year for which figures are available, Woodbury Countians received over 37-thousand dollars of matching funds for REAP projects. Farmers in Dakota County, Nebraska received over 39-thousand dollars. Across Iowa 27-thousand farmers received 5½-million dollars in Federal funds. Nebraska farmers spent about 4-million dollars during the last reporting period.

Senators and Congressmen will argue that some farm programs are intended to help farmers at the expense of other citizens. Programs like REAP benefit everyone. Water pollution is curtailed by proper soil management. The better the quality of soil, the more food can be grown, and the less it will cost.

It's KMNS Viewpoint Congress should restore funds for The Rural Environmental Assistance Program.

Mr. TEAGUE of California. Mr. Chairman, I am very much opposed to this bill for reasons which I have set forth in the minority report which I signed along with seven others of my colleagues.

Let me start out by saying that the conservation program has been, through the years, a good program. It started in the dust bowl days. It did a lot of good then and it has done many worthwhile things during the last 35 or 40 years.

It has evolved into a situation far afield from just conservation. What it amounts to now is mostly another farm subsidy payable to the farmers for increased production. It provides money which is used in addition to some items, which I concede are true conservation practices, but let me remind the Members that these are the types of things or some of the things which go into making a part of the present program: Limestone application, construction of fences, home gardens, wells for livestock, drainage, irrigation, brush removal, irrigation systems and wildlife ponds.

If this were a total environmental measure, I wonder why the Wilderness Society or any of the conversation groups did not appear before the Committee on Agriculture when we held extensive hearings on this proposal. They did not, which indicates to me that those of us who are concerned, as we all are, about the environmental and ecology and conservation problems need not have any fear of bringing the wrath of the environmentalists down on our shoulders if we show some fiscal responsibility and vote against this bill.

We are talking about $210 million which the President would be ordered to spend, between now and July 1. The Senate has not even held hearings on this bill. It probably will and probably will pass the bill, but it could not possibly go into effect until after the first of March. Therefore, there would be four months where the President would be ordered to spend $210 million.

I would also like to remind you that this bill carries an annual administration cost of $42 million. There are 600 Federal employees fully engaged in this type of operation.

I repeat, it has turned out to be a production subsidy, supplemental subsidy, rather than a truly conservationist matter.

In conclusion, I would like to read two things into the RECORD. The first is a letter which I received from a farmer in North Dakota:

> LAKOTA, N. DAK.,
> *January 31, 1973.*
>
> Rep. CHARLES M. TEAGUE:
>
> DEAR SIR: I hear Congress wants to restore the Rural Environmental Assistance Program, and the Water Bank Program.
>
> I have been a farmer here all my life. I am age 67 and I want to tell you we don't need REAP and Water Bank programs.
>
> The Water Bank just deprived small farmers from cutting hay for livestock on this low land, and so they had to sell their livestock when the big farmers signed this land up for government payments.
>
> This was just some more free money for big farmers and more weeds to let grow on this low land.
>
> The REAP program never did amount to very much money for each farmer, and what we were paid for, we would have done on our own anyway.
>
> The small farmers who remain on the farms and ranches of this nation are fighting for survival.
>
> The government paying big payments to big farmers, that are financially already well off, are driving the small farmers off their land by the thousands.

That is why I have been opposed to many of these farm programs.

The letter continues:

> Top payments of $55,000 to big farmers are way out of line.
>
> It is obvious that the small family type farmers is not the real beneficiary of our present farm programs.
>
> We would be a thousand times better off if no payments were made to any farmer, big or small.
>
> We desperately need an end to federal farm programs.
>
> Thank you.
>
> JESS KEITZMAN.

In final conclusion, I would like to read two paragraphs from an article which appeared in Time magazine, February 12, 1973:

> BUCKING THE BUDGET
>
> Rarely has a President attacked so many vested interests at one time as Richard Nixon has with his proposed budget cuts. Rarely have so many vested interests joined in trying to make the President back down. Lobbyists have poured into Washington to seek out and pressure members of Congress, many of whom welcome the invasion. They themselves are angry at the President for impounding funds that Congress has appropriated.
>
> Helping the farmers is an unlikely ally: the National Limestone Institute. Although only 4% of the industry's output is purchased by farmers, Lobbyist Robert Koch is putting up a 100% fight to save REAP. The institute has sent out 15,000 protest letters to various policymakers as well as to county agents and farmers.

Let me remind the Members that President Nixon is not the first President to recommend either cutting back or abolishing the REAP program. President Truman did. President Eisenhower did. President Kennedy did. President Johnson did. Now President Nixon is making a similar sensible, fiscally responsible recommendation, which I hope the majority of the Members of this House will adopt.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I rise in support of this legislation.

This particular legislation probably does not affect, in terms of districts of Members, any more than perhaps 10 to 20 percent of the Members sitting in the House.

I would urge upon my colleagues representing the urban and suburban areas to recognize that we have a collective responsibility to reaffirm that the House of Representatives, the Congress of the United States, is a coequal branch of the Government.

The Congress has worked its will with respect to this program. The executive is flouting the will of the Congress.

I would submit it is in the best interest of all of us, from the cities and suburbs as well as from the rural areas, to reaffirm the congressional will in this respect.

Just as this legislation does not affect the majority of our districts, similarly other legislation that we will be considering may not necessarily affect a majority of the constituencies of Members of this House. But if we extend a helping hand one to the other and strengthen each other's cause we are a good deal more apt to succeed in the effort to reassert and reaffirm the congressional will over legislative matters brought before this Congress.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for his comments and I applaud him.

Mr. Chairman, I support the REAP program and I urge passage of this bill as reported from committee.

Yet, I believe we are fooling ourselves if we see today's battle solely in terms of a struggle by Congress to reassert itself in a fight with an intransigent administration.

That, of course, is at stake, but it is not the important matter at issue today.

Instead, I think we have to look at the thrust behind the Nixon strategies which are hurting every poor, working-poor and blue collar citizen in this country—be they urban or rural.

Notice who Nixon attacks first. Does he touch the farmers who receive between $500,000 and $3.5 million annually in crop subsidies? The producers—of whom there were 300 in 1970—who got over $100,000 each?

Is it the corporate farms that are affected? We know the answer is "no" because these huge company-farms can absorb minor cost increments and are able to pass these increased costs on to consumers.

But for the small family farm, there are no easy answers, and every time the administration and its corporate friends are able to get away with cutting programs such as REAP while ignoring the real agricultural subsidies, and giveaways it forces the smaller farmer right into the hands of the corporate giants or to outright abandonment of their properties.

And I remind my colleagues that we are never going to be able to deal effectively with the myriad of urban problems unless we first reverse the out-migration from the rural areas to the cities.

The administration willingly subsidizes the massive capital expenditures of the corporate farms, but when Nixon policies force the small farmer and his workers off their land and into the cities, the administration cuts back on funds to handle job-training, health and education for these people—and then says "Help yourselves first."

That is utter nonsense, and that is why we must act to help the small farmer through REAP and related programs.

I note today that the lines are drawn very effectively between farm lobbies against this proposal—notably the Farm Bureau and its large-farm membership—and the National Farmers Union and the National Farmers Organization—two groups who I believe represent the real backbone of the agricultural heritage of this Nation and two groups who are for this bill.

I believe that members of the NFU and the NFO now realize what the role of "victim" in this society feels like. And I hope that all of us will be able to see the need and importance of working together in a true coalition of victims—the blacks, browns, native Americans, the poor and working poor, the blue collar and middle class, the women, the environmentalists, the senior citizens—all of those persons who are manipulated by the establishment and set to fighting for crumbs by it.

For the members of such a coalition, the issue today of the REAP program is just one skirmish in a much larger battle. We have the power to work together to change this Nation, and to bring about a society based on justice, freedom and equity.

And that is the true nature of this vote today.

Mr. TEAGUE of California. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I thank the gentleman for yielding. I rise in support of this legislation.

Mr. Chairman, I appreciate this opportunity to join the distinguished chairman of the House Agriculture Committee, the Honorable W. R. "BOB" POAGE, in support of legislation to continue the highly successful rural environmental assistance program.

Through this program, over 1 million farmers annually invest their own money—many times in excess of the Federal funding—to build terraces, construct diversion dams, and institute pollution abatement practices.

The benefits of this program have been far-ranging and affect all Americans. Let me point out what should be an obvious fact to my urban colleagues who are naturally interested in increased food costs. We hear a lot about proposed price controls as a possible alternative to the food cost problem. Let us consider the kind of problem we will face if the consumer cannot find quality food on the counter. The answer to the food price dilemma is in productivity and in fair prices for farm producst. This, in turn, is determined in part from the conservation and wise use of our natural resources. That is what REAP program is all about and why those of us familiar with the program believe it does not represent a cost, but an investment that benefits both the farmer and the consumer.

For example, in my home State of Kansas in 1972, about 80 percent of all the cost-share funds in Kansas were used on the four leading practices—terraces, farm ponds, waterways, and soil stabilizing seeding programs. The 1972 Kansas REAP allocation of $6,355,000 produced approximately 8,387 miles of terraces; 2,334 farm reservoirs; 7,887 acres of waterways; and 58,551 acres of soil stabilizing seeding programs not to mention a host of other soil and water conservation measures. These cost-sharing incentives were sufficient to encourage soil and water conservation practices on 12,000 separate farms. The maximum payment of $2,500 insured benefit to the small farmer.

Yet, despite the success of this program, much remains to be done. Statistics from the latest conservation needs inventory in Kansas reveal that over 60 percent of the 49.4 million acres in the State need erosion control and soil and water conservation practices. Much of this acreage will continue to lose productivity and create pollution problems without the REAP cost-sharing incentives.

Despite recent income gains, the average income of farmers is only 80 percent of the median income of wage earners in the nonfarm sector. Recent income gains may be accurate from the standpoint of USDA statistics, but that income does not exist in the pockets of farmers. Although prices are improved, the farmer has nothing to sell.

As a result, the continued farm price-cost squeeze will force many farmers to forgo long-range costly conservation measures. This will not only set back our effort to clean up our environment, but will also have long-range implications for our Nation's food supply.

I understand and support the commitment to fiscal responsibility and the obvious need for us to restore commonsense to our Federal spending. We must employ restraint in the interest of economic stability. If we win the fight against inflation, the farmer and all citizens will be able to spend more of their own money, or save it, or lower the cost of their business operations.

The American farmer is willing to assume his fair share of responsibility in this effort. However, farmers and conservationists were justifiably shocked with the announcement that the REAP program was to be completely terminated. It is one thing to trim the fat from a Federal program or to limit this cost-sharing assistance to the basic soil and water conservation practices and environmental protection. It is quite another to employ a "meat ax" approach in an arbitrary fashion as we have witnessed in the termination of REAP assistance.

Mr. Chairman, my colleague from North Carolina, the honorable WILMER D. MIZELL, will introduce an amendment that would fund the REAP program at a level of $140 million, the figure announced by the USDA last fall. Farmers programed their operations to reflect participation at that level. They have a right to count on the Government's commitment and the program itself has earned the right to continuation on its own merits.

While I support the efforts to restore funding to the rural environmental assistance program, I do not feel the attempt in H.R. 2107 adequately takes into account the goal of reducing Federal expenditures in the effort to fight inflation. Worse, it would simply dictate to the Secretary of Agriculture that he spend $225 million between now and the end of the fiscal year. That kind of dictate, Mr. Chairman, is just as irresponsible as was the termination action taken by those within the Office of Management and Budget.

The Mizell amendment represents responsible legislation and is fiscally sound. The enactment of this legislation should carry with it the mandate that appropriate USDA officials should work with the House and Senate Agriculture Committees to establish program priorities and guidelines.

Mr. Chairman, if we are going to be successful in restoring funds for programs of proven worth, regardless of area of interest or the agency, we must work with the President in recommending which programs can be cut back and what new priorities can be set. I urge my colleagues to support the Mizell amendment as a fiscally responsible means of carrying out the Government's earlier commitment regarding REAP, and as a means to continue a most needed program of rural environmental assistance.

In the past few weeks we have heard much discussion about the need to bring the Federal budget under control and for Congress to reassert its constitutional authority. Mr. Chairman, I submit we must accept that responsibility. In accepting it we must not only protest and oppose the recent "meat ax" approach by the Office of Management and Budget in terminating programs of proven worth, but we must also work with the President in setting spending goals and priorities. I personally feel the Mizell amendment accomplishes both goals.

Mr. RHODES. Mr. Chairman, I do not expect to speak to the merits of this bill. The bill, I am sure, represents a good program, one that has been in effect for many years and has stood the country in good stead.

However, I am going to speak on the effect I believe it would have on the country if we were to adopt this bill today.

The President of the United States has asked the Congress to go along with him in cutting expenditures to a point which will not inflate the economy. I think every Member of the House will agree we need to do just exactly that.

We have had enough inflation; we have had enough of rises in prices. It is necessary for us to bite several bullets, and today is the occasion of the first bullet we are being asked to bite in order to do this very important job for the people of this country.

Mr. Chairman, in case any of the Members doubt the mandate the President got in this last general election, let me point out to you that the mandate has been reaffirmed quite recently by a Gallup poll which says the President has a 68-percent approval rating insofar as the job he is doing is concerned.

Now, Mr. Chairman, this poll was taken after the budget came out. It was taken when the American people had become aware of the cuts which the President intended to make. It is important for us to understand that because, of course, we want to do what the people back home want us to do, and, believe me, they want us to do something about governmental expenditures.

Insofar as the money is concerned, it is not a great amount, but, believe me, the world is watching the House of Representatives today to see whether or not we have the courage to begin to do the tough things. This is truly a symbolic vote, and the world will take it as a measure of our determination to put our financial house in order.

We did a very intelligent thing just before the last session ended when we appointed a joint committee of the House and Senate on the budget to try to see what we could do to regain control of the purse strings. There can be no doubt that we have lost control of the purse strings.

Mr. Chairman, appropriation bills have come out at different times—one, one more, and then one more—until we get all 12 of them out. Nobody ever makes a rational decision on the floor of the House of Representatives as to whether or not we are going to operate within the budget, within the available revenues, or whether we are not.

Mr. Chairman, until we begin to do make such decisions, we shall have to rely on the Executive to give us the spending priorities which he believes are most important. As soon as we set our house in order, it will not be necessary to worry about impoundments from the Executive; they will not be necessary, we will have then provided the mechanism to decide the spending priority, as we should, and we will not then have to rely on the Executive.

But until that time comes, Mr. Chairman, the welfare of this country and the interests of our people demand that we do those things which are necessary to put our fiscal house in order, and to end inflation.

Mr. Chairman, defeating this is the first step. We will be called upon to make many tough decisions in this session of the Congress, and if we do not make them correctly, then we can fear for the future of the country as far as the economy is concerned. If we do not make these tough votes for economy, this Congress may go down in history as the Congress that finally put the last nail in the coffin of the American free economy.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. Mathis).

Mr. MATHIS of Georgia. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the REAP bill, and I urge its passage by the House.

Mr. Chairman, we presently have before us for consideration legislation to reinstate the rural environmental assistance program and as a member of the House Committee on Agriculture I support this vital proposal and have asked unanimous consent to include in today's proceedings my statement of support for the REAP legislation.

In May of last year the Department of Agriculture stated it planned additional emphasis on enduring conservation and pollution abatement practices through the rural environmental assistance program.

In September of last year, the Department announced that the 1973 REAP program would strengthen conservation and diminish air and water pollution. They told us that the conservation and environmental protection features would receive high priority, and I want to emphasize "high priority," during the coming year.

If the above pledge was considered so important by the Department 4 months ago, why does this administration now unilaterally terminate a program that has more than proven its effectiveness in past years without even a dialog with the Congress?

I would like very much for this administration to tell me where else can one find 1 million Americans willing to put up 70 percent of the cost necessary to care for millions of acres of land?

Where else can you find a program which has provided over 2 million water storage reservoirs, without which our beef shortage would be twice as bad?

Where else will you find a program that has provided terraces to control soil erosion on over 32 million acres of land?

Where can you find any group that has established wind or water erosion control, thus conserving water on 114 million acres?

Where is there any program or any hope for any program that will control erosion on ranch and pasturage lands to increase our beef supply on more than 62 million acres?

The agricultural conservation program participants have provided millions of other worthwhile conservation measures too numerous to mention.

Mr. Chairman, I just want to say that unless this program is not reinstated, American agriculture is in for 4 years of tough sledding. I urge passage of the bill.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, I should first of all like to read two or three sentences from a letter which reached my desk yesterday:

> I am concerned that our Federal Government is spending more than it is taking in tax revenue. My approach is quite simple. The Congress should either reduce expenditures or else should raise taxes to balance the budget.

Mr. Chairman, with that I agree 100 percent. My people want priorities in spending readjustments; my people want excess Government spending stopped, and I believe that applies to people practically everywhere.

Mr. Chairman, I am going to report a few figures to the House. One is constant, and the other changes practically every hour on the hour, and it is always upward.

When I came to this Congress in 1961, our national debt was $186 billion. I wonder if the Members have checked that figure recently. It is 1973. Do the Members know what that debt is today? It is $452 billion. At least that is what it was 2 days ago; it is probably higher than that by now.

We as Congressmen have been completely fiscally irresponsible during the last few years.

Just last week during our hearings the chairman told the Assistant Secretary of Agriculture that it is the Congress who should determine spending priorities. With that I agree 100 percent.

However, I also informed the chairman that when the Congress fails to accept its responsibility then I think it is time for the administration to step in and exercise some sense of fiscal responsibility.

Let us look at this REAP program quite briefly. It was first established in the early 1930's, and there probably is not a person anywhere in the United States who would not say that it did an excellent job. It did an excellent job, and it is still doing it today. To a certain extent it was set up as a pilot program.

There is not a farmer in the entire United States today who does not know the value of sound conservation practices. Why, I ask you, should we pay that farmer to do the things he himself knows should be done?

It is 1973, and I do not think we should continue to do this. Why should I ask my neighbor to pick up the tab for the fertilizer that I use on my farm? Why should you people who represent urban communities ask those city people to pay a farmer to do what he knows is good practice and should be doing for himself?

This program has now gone from conservation to production. That was certainly not the original intent of the bill.

I have been a farmer for 50 years. I have had good and bad years, and I want the Record to show that when the big book above is opened there is one black mark which will not be against the name of George Goodling. I have yet to take a penny in the form of subsidies, nor do I intend to do so. When I cannot operate my own farm profitably, I do not think I should be a farmer any longer.

That pretty generally applies to farmers everywhere. I will agree there are times when they need help. We have had some bad years, and they might need some help right now, but I do not believe this is the way to give it to them.

Mr. Chairman, there are more ecologists and conservationists in the United States today than there have been in the entire history of our country. I realize some do not know what day of the week it is when it comes to conservation. If this is such an important conservation measure, I ask you, why did not one of them appear before our committee? Not a single conservationist appeared before the committee in support of the bill we have before us today. I did not have one letter from my constituents in support of this bill other than a very, very few that came from committee members who have a personal interest in the bill. Not one individual farmer wrote me.

Mr. Chairman, I told the Secretary of Agriculture—and I want the Record to show this—that if these cuts were made across the board in every department, I am going to back him up 100 percent. If they apply to agriculture only, I will get out my apple crate and take to the street corner and tell the world about it. We have the assurance that these cuts will be made across the board.

I ask you, as Members of Congress, let us be fiscally responsible and defeat this bill.

In addition to what I have said, I would like to set the record straight on several misunderstandings and misapprehensions regarding the administration's proposed budget for 1974 and recent actions which have been taken in support of these proposals.

In the first place, too much emphasis has been placed on the negative by those who are looking backward, clinging to the past. They have been emphasizing such words as "cutting" and "eliminating" and "protesting." But this is not a negative budget and these are not bad times.

People have told us very clearly they want a reordering of priorities, a new direction responding to changing times and new opportunities. People want excess Government spending stopped. Recent figures show that the Federal Government is taking 20 percent of the gross national product and State and local governments are taking another 14 percent out of our pockets. What this adds up to is that even people who are not on the public payroll are working for the Government one-third of the time.

So, appropriately and reflecting the needs of today, the main thrusts of the 1974 budget as proposed by the administration include: First, returning to State and local officials, power to make many major decisions which they are in the best position to make, knowing local conditions and opinions; second, developing a leaner Federal bureaucracy; and third, providing greater opportunity and freedom for the American people to make the fundamental choices for themselves which they best know how to do.

The alternative to taking this new direction is a continuation of inflation with costs rising faster than productivity, Government outlays rising faster than Government revenues, a continuation of a deteriorating value of the dollar and a continued imbalance in international trade.

If we continue in the old path, clinging to the past, we face three alternatives: First, a rising inflation with skyrocketing costs and the other problems I just recited; second, heavier taxation; or third, strict price and wage controls across the board, including controls on farm products.

Consumers do not want any of those three alternatives, nor do farmers. Farmers want higher net farm income; they want ceilings on Government spending; they want a rein put on inflation.

Likewise, consumers want reason in their fiscal budgets, ample food at reasonable prices. Farmers know what the new direction requires. They do not want ration stamps in their pockets nor blackmarkets, nor empty food shelves. They know they must make their contribution to curtailing Federal spending. They are willing to contribute to stopping inflation because inflation hurts them perhaps more than any other major segment of our economy. If the upward spiral in farm costs can be slowed, then farm income—net farm income—will be increased.

Many farmers have said that they are willing to take cuts in outmoded and outdated programs if it will help in balancing the budget, if other segments of the economy will accept their share of forward-looking moves toward fiscal responsibility. And the proposed budget is clearly moving in this direction.

Now every time a change in level of spending is proposed—more precisely when an outdated program is threatened with budget cuts—certain groups and people who live off the program or whose income is substantially affected by the program say, in effect, "Don't change that." A classic example is the agricultural conservation program, which was begun in the 1930's and has more recently been renamed the rural environmental assistance program—REAP. This program was started as an incentive program to help farmers discover the benefits of conservation farming and to encourage them to install soil and water conservation practices on their land.

Today modern-day farmers accept these soil and water conservation practices as an integral part of sound, efficient farm operations. The cost-share incentive no longer is needed. Farmers have been telling us this—fewer farmers are participating in this cost-share program. Actually only about 20 percent of the total farms in the United States participate in the program in any given year and the average annual payment per participant is only $239. Of that participation about 30 percent was for practices directly related to crop production—drainage, irrigation, and liming. Farmers know that such practices pay off in increased production and higher land values.

But there are others, such as limestone producers, committee members, and those whose profits or jobs depend on or are affected by the program, who feel they would be hurt by a change in the program. So they want to cling to the past, to retain the program, to hang on rather than allowing us to look at new program needs. This is not a new experience. The REAP, or agricultural conservation program, has been on the low end of the priority totem pole for many, many years. Attempts have been made to cut the program by both Democratic and Republican administrations. The Truman administration tried to cut the program, the Congress under some pressure, restored the appropriation. Similar attempts were made by the Eisenhower, the Kennedy, and the Johnson administrations. Again, each time Congress restored the appropriation. The important point is that the thrust to eliminate this program has gone on through both political parties over a period of many years and is not a partisan issue. The reasons for eliminating the expenditures from next year's budget are much the same as reasons recognized by previous administrations for taking the same action. It is time we stopped looking back to the needs of the 1930's and reorient our thinking to the need and opportunities of the 1970's.

Mr. POAGE. Mr. Chairman, I yield such time as he may use to the gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Chairman, I strongly support legislation to require the Secretary of Agriculture to carry out a rural environmental assistance program, that is, to make the program mandatory and require expenditure of all funds appropriated by the Congress.

The rural environmental assistance program was terminated by administration action effective December 22. This program, under which farmers and the Federal Government worked cooperatively in soil erosion control and other agricultural pollution control programs, has been of benefit not only to the farmer, but to the American public as a whole. Silt, often precious topsoil, is the No. 1 pollutant of our streams and rivers.

It is important to remember that REAP is a cost-sharing program—that over one million Americans each year contribute their money and their labor to preserve land and natural resources for future generations. Congress provided for a $225 million program.

REAP has been very important to Kansas farmers. The 105 conservation districts of Kansas have a good record of installing land treatment practices to protect the State's soil and water resources. As one example, 272,000 miles of terraces have been placed on Kansas land. A substantial portion was made possible by the rural environmental assistance program and its predecessors.

There is much work of this type left to be done on the nearly 50 million acres of Kansas agricultural land. It is to the benefit of present and future generations to conserve this land—a large contributor to the Nation's current and future food supply.

It appears that the administration believes conservation to be one of our Nation's lower priorities: Witness the veto of the Water Pollution Act in the 92d Congress—overwhelmingly overridden by the Congress—in addition to the termination of REAP.

Congress has the power to authorize programs and to appropriate funds therefor. It is imperative that the Congress prevent the Executive from "unmaking" laws by refusing to spend moneys appropriated by the Congress for them.

I strongly urge the passage of this legislation to make the rural environmental assistance program mandatory. The funds appropriated are small compensation for the vital resource conservation and environmental protection work done.

Mr. POAGE. I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I rise today to express my wholehearted support for H.R. 2107, which would effectively reinstate the rural environmental assistance program. How tragic and ironic it is that the most successful and proven conservation program we have has been terminated by Executive fiat at the time when concern for our environment is at an alltime high. The foolishness of impounding the funds for this program is only exceeded by the administration's willingness to ignore the law in doing it.

The rural environmental assistance program, known for years as the agricultural conservation program, has been so beneficial to the Nation since its beginning in the 1930's that one can only wonder by what twisted logic the administration decided to terminate it.

Millions of acres of legumes and cover crops planted, millions of acres of forests established, the fields which have been contoured, the farm ponds created, and all the conservation practices which have been developed as a result of this program have prevented millions of acres of topsoil from running down our Nation's waterways wasting into the oceans, causing pollution along the way. Despite these accomplishments, much remains to be done. The soil equivalent of 40 farms still washes down the Mississippi

River into the Gulf of Mexico every day. Over 3 million acre-feet of silt poured into our Nation's streams last year.

In my own State of California, 4,647 farms with over 560,000 acres benefited in 1971 from the rural environmental assistance program, according to the latest available figures.

In spite of the proven value of this program, the administration has terminated it for budgetary reasons by impounding the funds. This is one of the clearest examples of false economy we will ever see. The administration has emphasized that farm income has reached a new high in the last year, while ignoring the position of agriculture relative to the rest of the economy over the years.

Finally, if the administration is going to terminate programs by impounding their funds after the Congress has passed an appropriations bill and the President has signed it into law, then we might as well forget about the appropriations process in the Congress and just let the Executive run the country. This practice subverts our democratic, balanced government in a most fundamental way.

I also spoke in support of H.R. 2107, Mr. Chairman, in hearings held by the Committee on Agriculture. The distinguished chairman, Mr. POAGE, and the other members of the Agriculture Committee are to be commended for their expeditious handling of this legislation. I believe the rural environmental assistance program has proven its worth and should not be terminated without regard to the wishes of the Congress.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, the years of precedent by more than three decades of legislative history clearly establish the intent and purpose of the Congress and six Presidents in the administration of the law.

The merit of land and water conservation cannot be denied. The need for stewardship of natural resources has never been greater in America. The realization that approximately 300 acre-feet of topsoil erodes annually to silt mandates action of the highest priority.

I respectfully submit the issue is clearly a matter of discretionary language as now expressed in the existing statutes—or—words essential to amend those statutes mandating execution of the law consistent with the intent, purpose, and spirit thereof.

I know that other of my colleagues of this Congress desire legislation to amend the existing statutes to compel mandatory performance of the executive branch of this Government in full implementation of the programs of public policy consistent with the spirit of the law enacted by the Congress.

Many of the laws enacted by the Congress in the historic past are the result of a request of and for the authority and appropriations necessary to effectuate public policy that originated with an apparent friendly and willing administration of the executive branch of Government. That includes the leadership role of the New Deal, the Fair Deal, and the Great Society of the recent historic eras of the past three decades or more. The Congress responded and such discretionary words as "authorized" and "empowered" or "have power to" became a part of the enabling acts that have been continuously funded by annual appropriations by the Congress. The legislative history and proven merit of conservation programs cannot be denied notwithstanding the recent policy decisions of the advisers of the Nixon administration to the contrary.

I realize the logic of arguments against mandatory language in statutes of public policy for essential programs enacted by the people as expressed by the will of the Congress. However, the alternative has been thrust upon us—and programs of public policy have been terminated against the interest of the people and in direct conflict with the spirit of the law as heretofore enacted by the Congress—all without just cause or reasonable notice. A prudent person does not resort easily to a "straitjacket" control in mandatory public policy but we must realize in calm reflection the Ten Commandments, the Declaration of Independence, the Bill of Rights, our criminal laws and laws of taxation are not words of discretion to be flouted in a willy-nilly fashion of public policy without consequence and reprisal in the public interest.

I do not agree with those that allege a constitutional crisis or that this great Nation has fallen to the depths of a "dictatorship." That line of argument is emotional and political rhetoric. It is empty of logic and shallow of reason.

The Nixon administration has acted within the law and sought escape of performance under discretionary words of existing statutes.

I know that H.R. 2107 constitutes mandatory language to amend the present law. I am hopeful that it will be promptly approved by the members of this Committee and enacted by the Congress as an amendment to existing law.

The issue is not the merit of conservation or the intent, purpose or spirit of the law. The issue is words of discretion in the existing statute and it is my judgment that the law should be amended to clearly express and reflect the will of Congress. I urge the enactment of H.R. 2107 accordingly.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, as a cosponsor of this essential legislation, I concur wholeheartedly with the comments heard on this floor today in support of the reinstatement of the rural environmental assistance program. This cost-sharing conservation program has been one of the mainstays in providing cost-sharing assistance to our farmers in cleaning up our Nation's streams and generally improving the livability of our lands. The thing that urban dwellers don't often think of is the fact that the farmer lives on the land. From morning to sundown he is working and tilling the land and has a personal interest in his environment. But it is not only the farmer who benefits by the cost-sharing activities of REAP, but every son and daughter in this country benefits because our streams and lands are protected and improved. This one program provides as many environmentally related benefits to our Nation as all of the other pollution programs combined. And on a cost-sharing basis at that. REAP moneys are used to erect terraces and establish cover crops to stop the movement of silt. And on a cost-sharing basis at that.

Ever since I first came to the House I have been going on an annual basis to the Appropriations Committee and lending my support to a high level of funding for this important program. The committee and the Congress have given this support, and yet, all of a sudden there is no more REAP program. The Congress passed a law last year and mandated that $225 million would be spent to enter into cost-sharing arrangements with American farmers to improve the quality of the environment and aid the production of foodstuffs. Prior to the election, the administration told the American farmer that he could expect at least $140 million. Then, all of a sudden, and safely past the November elections, the President tells the American farmer that REAP will be terminated.

The Under Secretary of the Department of Agriculture, I was interested to note, stated in recommending that the bill not be passed:

> The Department could not support legislation to remove authority and obligation administration in the stewardship of public funds.

Let me tell the Under Secretary that I am not about to stand by while the Department or any other arm of the executive branch blatantly avoids the "faithful execution of the law." I am not about to permit the President or the Department of Agriculture to assume the role of grand designer of national priorities. The people of the Second Congressional District sent me here to see that their views are known when decisions affecting national priorities are made. As long as I serve in this body I plan to take whatever action possible to insure that their views are known and unless my distinguished colleagues in the Congress tell me differently, the rural environmental assistance program is Federal law and this law should be fully implemented by the executive branch.

The President has brought all of this on himself. He knows full well that the Congress is not a bunch of spendthrifts. He knows that we have reduced his budget every year he has spent in the White House. He knows that the Congress is constitutionally given the power of the purse and is empowered to raise and spend Federal revenues. I strongly support the maintenance of a rigid spending ceiling on Federal expenditures and I will continue to do so. But where the cuts should come is a question that the Congress is fully capable of addressing and, in my opinion, is most willing to do.

The House Committee on Agriculture and its distinguished chairman are to be commended for bringing this important legislation to the floor. I support this legislation and will vote accordingly today, and I encourage my colleagues to join with me in responding to the ill-conceived action taken by the President and the Department of Agriculture.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Dan Daniel).

Mr. DAN DANIEL. Mr. Chairman, I rise in support of H.R. 2107, of which I am a cosponsor.

Since the announcement was made by the Department of Agriculture on December 26, 1972, to the effect that the REA program was to be terminated, I have received a great many communications from my congressional district and elsewhere in Virginia expressing concern over this action.

In many instances these comments and observations have come from people who over the years have found a great deal of encouragement in this program in starting conservation practices. Others have seen evidence of results of these practices and have, therefore, become friends of the program.

From personal observation, I know of few activities of the Federal Government which have brought forth greater returns and come closer to achieving their objectives than has the rural environmental assistance program. Therefore, it simply does not make sense to terminate the program in an arbitrary action of this kind without more study than has apparently been given to it.

On a nationwide basis, REAP has done a tremendous amount of good and has accomplished a wide range of objectives. In Virginia in 1972, 25,979 farms participated in REAP and the contribution by the Federal Government to the overall accomplishments amounted to a small proportion of the total value achieved.

I have been impressed by statistics which I have obtained for the Fifth Congressional District, which I have the honor of representing. In 1972, 5,795 farms participated in a total conservation program costing $2,265,597. Of this amount the Federal cost-share was $755,199 meaning that the farmers themselves expended $1,510,398. The average participant in the REAP program in my district last year received only $130 motivation, which the program provided, causing him to spend much more of his own funds.

In 1971, 5,492 farms in the Fifth District participated in a total program costing $1,810,011, of which the Government paid $603,337 and the farmers then spent $1,206,674. This amounted to an average of $110 per farm after the Federal Government contribution.

It seems to me that there is a good deal more involved in this matter than the dollars and cents which are budgeted for it. The conservation programs of the Department of Agriculture were the forerunners of today's emphasis on protecting our environment. These practices have proven to be not only successful but have stimulated the individual farmer into promoting and practicing conservation in other ways.

This partnership between the Government and the farmer has brought forth outstanding benefits where many other Government programs of lesser attainment have not been touched by the present economy actions.

It has always been my feeling that any conservation program, if it is properly administered, can be made cost-effective, and there seems to be no doubt that REAP has achieved this objective.

My greatest concern with this whole problem of cuts in rural-oriented programs is that proportionate reductions apparently are not being made in urban areas. Experience has shown in the past that the economy of our country has to a large extent been based upon how our rural areas are prospering. We have had some very bad experiences on a national level when our farmers have been in trouble. Thus, it seems to me that, if severe reductions are made in these rural programs, we may well run the risk of creating greater problems in our cities by virtue of decreasing the advantages of remaining on the farm.

I urge the House to approve H.R. 2107 and trust that the Congress will reinstate the REAP program.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. Jones).

Mr. JONES of Tennessee. Mr. Chairman, like most Members of this body who represent districts with a large number of small towns and farms, I was shocked by the Department of Agriculture's announcement that it was ending the rural environmental assistance program. If you could see the mail that I have received from my constituents protesting this move, you would know that they are just as upset as I am about it.

This program has done a tremendous amount of good for rural America and the entire country. In Tennessee it is about the most popular rural program we have; it helped us save our topsoil and keep it fertile. It cleared our lakes and streams of the silt that was running off our farmland, and today is doing as much to keep my district green and economically strong as any manmade program.

This is why it has been so popular, not only in the Southeast, but throughout rural America. ACP and REAP which succeeded it, came at a time when we needed help. It helped us to begin the long hard task of restoring rural America from the disaster that threatened us from erosion by wind and water and from pollution.

It continues to meet the same needs today. Every dollar spent has been matched by farmers' funds. The prime beneficiary of REAP today is not only the average American taxpayer and consumer, but the substantial part of American taxpayers and consumers who happen to be small farmers as well.

As has been noted, Mr. Speaker, the program has provided more recreation in the tens of thousands of ponds built over all this country than has any recreation program sponsored by the Federal Government. It has stopped the movement of silt at its source through the erection of terraces, the use of contour farming, and the establishment of cover crops and grasslands. It has slowed the spread of noxious brush and weeds, and restored grass to millions of acres of land that was being eroded by wind and water.

Following the termination announcement, I was looking across some papers on my desk and I came across the following description of the REAP activities; I think it is a good one:

> REAP is the principal channel through which the Federal Government, in the national interest and for the public good, shares with farmers and ranchers the cost of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on their land that are directed to:
>
> 1. Help maintain the productive capacity of American agriculture, and
>
> 2. Help assure the Nation's growing population an increased supply of clean water, reduced air pollution, and enhanced natural beauty, more opportunities for the enjoyment of outdoor recreation, improvements in the quality of the environment, and better ecological balance.

Now, Mr. Chairman, this statement did not come from the National Limestone Institute, or a group of ASCS employees; this is a direct quote from an information sheet circulated by the Department of Agriculture, that was still being mailed out right up to the day the Department decided that we did not need the program any more and terminated it.

I disagree with the Department. I not only think we need the programs, I know we do. During the years when I was State Commissioner of Agriculture and chairman of the Tennessee ASCS committee, I saw what the program could do, and watched it encourage farmers to put into effect erosion and pollution abatement practices when they could not afford to do it on their own. No one can tell me now that the need for this program has ended.

Mr. Chairman, I urge all of my colleagues to vote in favor of Chairman Poage's bill to restore one of the USDA's finest programs.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. Stubblefield).

Mr. STUBBLEFIELD. Mr. Chairman, there is little I can add to the many statements made before this committee in behalf of the rural environmental assistance program. Everything has already been said to qualify the need for REAP, to point out the inexplainable and unfounded reasoning of the action by the Secretary of Agriculture in terminating this program, and to show the incalculable contributions the agricultural conservation program, now known as the rural environmental assistance program, has made to this Nation since its inception in 1936.

The Secretary of Agriculture has claimed that this harsh action by his Department is "an economy move," which I protest so vehemently. Terminating this program for budgetary reasons by impounding the funds is one of the clearest examples of false economy we will ever see. Whether or not farm income has reached a new high during the past year has little significance in determining whether or not REAP should be continued. Prosperous years for the farmer, such as you might describe 1972, are so few and far between that it becomes all too easy for those who take the polls or analyze the statistics to ignore the position of agriculture relative to the rest of the economy over the years.

Over the past decade, the administration, the Congress, and the American people have all come to the serious realization of the emergency need for drastic steps to be taken to clean up our environment, save our wildlife, preserve our rivers and lakes, and conserve our land for future generations. Years before, as early as the 1930's, agriculture recognized this need and went about to take steps in the right direction, through the agricultural conservation program, now known as REAP, to accomplish what the so-called ecologists began to warn the Nation to do only a few years ago.

I believe the thing that alarms me most about the action taken December 26 by the Department of Agriculture in announcing the termination of the rural environmental assistance program is the apparent contradiction and overlap of authority in this move. Our so-called balanced and democratic form of government has been subverted in a most fundamental way. While the Congress, on one hand, has passed an appropriations bill and the President has signed it into law, the executive branch has, on the other hand, blatantly terminated the program authorized by the Congress and impounded the funds by which REAP must be administered. I am very much concerned about the serious challenge the Secretary of Agriculture has made to the constitutional balance between the executive and legislative branches of our Government.

Mr. Chairman, the purpose of my remarks is simply to go on record, along with the countless others, as supporting the reinstatement of the rural environmental assistance program. This has already been done by my introduction of legislation to accomplish this, along with the chairman of the committee. I, therefore, respectfully urge that each one of us as members of this committee, relentlessly push and work for the enactment of H.R. 2107.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. DAVIS).

Mr. DAVIS of South Carolina. Mr. Chairman, I would like to lend my support to H.R. 2107 and urge my fellow colleagues to do the same. The rural environmental assistance program has been called by many one of the finest antipollution programs in the United States currently in operation. REAP has done much to clean up our streams and waterways and to stop now when there is still so much to be done would be unthinkable. REAP is being made a scapegoat I fear by the administration. Today as the attempt to cut funds from the rural programs is underway, increases in the urban programs are commonplace. REAP should not be forced into the stepchild category in the Federal assistance program. The funds which this bill will restore will be far better spent in the REAP program than anywhere else. The public will benefit from every nickel that is sent to REAP.

Better to spend the thousands today on the REAP program than wait until the tide has turned too far and millions or perhaps billions are required tomorrow.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I congratulate the distinguished chairman and members of the great House Committee on Agriculture on the fact that they have responded in a prompt and realistic way to the threat of the curtailment of an important service to the farmers of America. The rural environmental agricultural program is one of the most effective natural resource conservation measures ever to be enacted by the Congress. I share this committee's concern over the curtailment of this important program and I have grave misgivings about the situation in rural areas which would result.

The arbitrary action of the administration in canceling a basic program that was mandated by the Congress initially and has been reaffirmed annually by this body for more than three decades is, I think, a most unfortunate procedure. REAP and its predecessor, ACP, helped to rescue rural America from the brink of ruin by providing the incentives required to stop soil erosion, control sedimentation of streams, establish cover crops and reforest lands no longer required for agricultural production. I am particularly concerned about the latter activity. If the REAP program has outlived its usefulness, as claimed by the executive branch, this is news to the Members of Congress. At least there should have been consultation with the Congress and with the farmers and so far as I can determine this has not been done.

Instead of curtailing REAP, there is a definite need for its expansion. In particular at this time, we should concentrate efforts on basic long-range conservation treatments such as terracing to halt erosion, construction of lagoons to trap barnyard wastes, and planting of trees, shrubs and cover crops to trap each raindrop where it falls.

Please bear in mind that it is necessary also to maintain a coordinated program of education, technical assistance and cost-sharing of public benefits in order to achieve progress in conservation in rural America.

I think this should be recognized as one of our most important objectives. This work together with the very important rural development program enacted by the Congress last year can help to turn the tide of migration back to the farm and rural areas and away from the cities. I can think of no greater contribution to the future of America.

REAP should be applauded and expanded, not curtailed, and Congress should exercise its full authority to accomplish this.

Mr. TEAGUE of California. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, it has been said in the debate here today that when the administration terminated the REAP program it did so to make a savings, that it did so in the interest of economy and good management, and fiscal responsibility. I say that to end the best program for saving the natural resources of America that this country has ever seen is not saving. I say that it is squandering America's most precious asset. I say that we should vote for this bill, H.R. 2107.

The bill is not perfect. Unfortunately, in any program, no matter how good, there are going to be some goldbrickers who sneak into it. There are going to be some things that do not really contribute to conservation. But we will have an opportunity here today under this open rule to vote against those sorts of things. I too intend to vote to eliminate from this program things that have absolutely nothing to do with conservation, and that are in here under false pretenses.

Liming has nothing to do with conservation; liming is to increase production. Tilling has nothing to do with conservation, and neither do the funds in here for irrigation, and I intend to vote to delete those.

However, I reject the spurious argument that one cannot be for conservation without accepting every single word in this bill. I am for conservation. I am for those practices that have proved their worth all through America.

I know from first-hand experience that REAP has been a great boon to Iowa and I am satisfied that there have been relatively few abuses of it in my State. The 26,603 Iowa farmers who participated in the REAP program in 1971 emphasized such legitimate conservation programs as planting 14,000 acres of trees for erosion control. There were 699 farm ponds and 55 wildlife ponds constructed in Iowa in 1971 serving 26,905 acres. Terraces were built conserving soil and water on 8,725 acres.

Other sediment and run-off control structures protected 184,139 acres. One hundred and ninety-eight individual animal-waste storage units were also built in Iowa in 1971 under the REAP program. In addition, 4,136 acres of grass waterways draining 50,163 acres were shaped during this same time period.

The total gross assistance under the cost-sharing REAP program amounted to $6,740,775, which means at least $12 to $13 million were spent for conservation practices in Iowa in 1971.

Preliminary figures show that the REAP program will be about one-third larger across the board nationally in 1972 compared to 1971, which means that $16 million plus were spent for conservation in 1972 in Iowa alone. I think this clearly demonstrates my point that substantial funds are spent for worthwhile conservation programs in my State.

I feel certain that farmers will not carryout costly conservation practices without some incentives to do so. I can assure you that it is definitely not in the long-run national interest to let these conservation practices go undone.

It is in the interest of the general public that the REAP program be reinstated as rapidly as possible to protect our food and fiber producing resources and it is proper that public funds be used to help defray the costs of protecting our basic resources. Without the REAP program, efforts to install the more costly erosion control practice on agricultural lands will be severely retarded.

The argument that very substantial increases in farm prices make Government conservation payments unnecessary simply does not hold water in many cases. I am thinking particularly about smaller and younger farmers just starting out who have not shared fully in improved farm prices and really need some help on terracing, pond, and grass waterway construction.

Some have argued that the REAP program has outlived its usefulness. This could not be further from the truth. Certainly, we all must realize that it was the agricultural conservation program—now known as the REAP program—that eliminated the "dust bowl" and stopped millions of acres of farmland from eroding to the sea. Clean air, clean water, and an environment free from pollution are the heritage of all Americans. But these resources are becoming scarce.

While the ACP and REAP programs have accomplished much in helping provide clean water, clean air, and a better environment, the need for these practices is even greater for the future. I feel that the current energy crisis provides us with a good example that we must plan ahead if future needs of our country are to be met.

With an increased projected population and an increased need for maintaining and improving our environment, now is not the time for the Government to turn its back on the problem. In fact, it is necessary that the need for conservation programs be recognized and that long-range conservation programs are continued in order to preserve our soil and maintain clean water and air.

The 65th General Assembly of Iowa enacted the Iowa conservancy district law which can compel a landowner to install soil and water conservation practices when excessive erosion on his land results in sediment damage to another property or to public or private improvements. The legislature, in acknowledging the public's interest, stipulated that nothing may be required of a landowner unless cost-sharing funds in certain amounts are made available to him—75 percent cost-sharing assistance in the case of permanent soil and water conservation practices.

The Iowa Department of Soil Conservation has submitted a request for an appropriation of State funds which together with the REAP funds that were previously available would have met the 75-percent cost-sharing requirement. If society is serious about reducing erosion to manageable levels it must now fulfill its part of the bargain. Without cost sharing, this carefully conceived and developed conservancy law will have been a futile exercise.

Let me again urge all my colleagues to carefully consider what I have said, and to vote affirmatively on H.R. 2107.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. VIGORITO).

Mr. VIGORITO. Mr. Chairman, I rise in support of H.R. 2107, also known as the REAP bill. It is an important bill.

The most precious asset that we have is our land, that is, after our citizens. The way we are reducing our acreage, good acreage, we will never survive as a nation, the strong Nation that we are. We are consuming 2 or 3 million acres of land every year, putting it under asphalt, concrete, and nonreturnable containers. We are destroying the land.

Here we have a chance to improve our land, to keep improving it, and to make it better land.

In the year A.D. 247, Rome celebrated its 1,000th anniversary. We have not even celebrated our 200th anniversary and we will never arrive at the 1,000th anniversary at the rate that we are going in destroying our land. Let us start now by approving 2107, the REAP bill.

Mr. TEAGUE of California. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the Committee on Agriculture and as a Member of Congress who represents a number of small farmers in North Carolina, I appreciate the job that the REAP program has done in my area, and at the same time I can appreciate fully the effort that is being made here today to save the REAP program.

At the same time, Mr. Chairman, we recognize that inflation is no friend of the American farmer, and if we in the Congress fail to recognize the need for belt tightening at this very crucial stage of our economic stability program, we are doing no service to the American farmer or to the American people as a whole.

If we insist on passing legislation which no doubt is headed for a Presidential veto, and if we would be unable to override that Presidential veto in the House, it would spell doom for the REAP program, at least for the current fiscal year.

I have proposed a bill, H.R. 2613, which recognizes the need for both a rural environmental assistance program and a Federal budget that will not impose further hardships of inflation on the American farmer.

My legislation proposes that the Secretary of Agriculture provide $140 million for the REAP program, the level of initial allocation announced by the Agriculture Department for this program in September of last year.

While this legislation represents a reduction from the $225 million level proposed in H.R. 2107, thus taking into account the much needed austerity measures being called for throughout the Government, it also reinstates exactly the amount which USDA county agriculture offices and individual farmers have planned on for the current fiscal year.

I believe my legislation offers a better course for the Congress to follow in this matter, and I intend to offer it as an amendment in the nature of a substitute to the committee bill when this legislation is opened for amendment in Committee today.

I believe this offers the best opportunity for us to get something for our farmers, a better opportunity in the balance of this fiscal year than the course we are proposing at this time with H.R. 2107.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I appreciate the gentleman yielding. He is one of the more able members of the Committee on Agriculture on which he serves, and an outstanding Member of this body.

I wonder if the gentleman is saying he has some assurance that, if his amendment or substitute is adopted, the legislation will not be vetoed by the President?

Mr. MIZELL. No. I wish I could give my friend that assurance here today, but I think we are caught between a rock and a hard place in the confrontation between the administration and those who would like to preserve this program. I am merely offering what I think is a reasonable compromise. There is no question in my mind that it would be more difficult for the administration to veto my measure, but, even better, this would offer a better opportunity to override a veto should one come.

Mr. POAGE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, a few minutes ago during the debate it was said that the executive through the Secretary of Agriculture has asked the Congress to reduce the rural environmental assistance program, to help fight inflation. No such request was made to this Congress or any Representative of this Congress. In fact a statement was issued by the Secretary of Agriculture in December which attempts to cancel, to terminate the law.

In my view a basic policy issue has been raised by this arbitrary action. The question here today is whether the Congress through the elected Representatives of the people of this Nation will continue to establish national priorities or whether that power will be eroded away from the legislative branch to be exercised by the executive branch.

It is true that Congress with the help of the President have not done the job that should have been done to establish a sound national fiscal policy. However, the doctrine of separation of powers under the Constitution was not established to promote efficiency, but rather to preclude the exercise of arbitrary power by the executive branch.

The conflict of authority between the Congress and the executive branch must be resolved. Today in this Chamber we have the opportunity to decide whether this country will in fact be ruled by Presidential edict or whether the time honored constitutional separation of powers will be followed.

I urge the enactment of this bill.

Mr. TEAGUE of California. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. Baker).

Mr. BAKER. Mr. Chairman, it is with reluctance that I oppose my chairman, Mr. Poage. But I rise in opposition to H.R. 2107, legislation to force the President to spend $210 million on the rural environmental assistance program between the time this legislation is enacted and the end of this fiscal year.

A week ago yesterday, on January 30, the House and Senate leadership had a breakfast meeting. The next morning the Washington Post reported:

> The reaching of general consensus . . . that Congress should stay within the President's proposed spending total of $268.7 billion for fiscal 1974 but should shift priorities to save programs of aid to people enacted by Democrats.

Now, during our committee consideration of this legislation, Mr. Mizell offered an amendment to keep the program going for the balance of this fiscal year at the $140 million level originally budgeted by the administration. I supported this amendment. I wanted to give our farmers something of value. I wanted to give Congress the opportunity to go over the entire program and weed out those portions which are not truly beneficial to our farmers and their agricultural environment.

However, the majority joined in rejecting this effort to reinstate and reform the program. They chose instead to force the President to spend $210 million in the next few months.

Thus I submit the debate here today has nothing to do with the value of the rural environmental assistance program. Every Federal program has, after all, some value, some reason for being.

I submit, Mr. Chairman, the issue today is that of forcing the President to spend money. Is Congress going to raise taxes to pay for those moneys? Or, what program will be cut instead so REAP can be funded? Meat inspection? School lunches?

It seems to me, despite the inspiring rhetoric about the good that some REAP programs have done, the only real issue before us is the issue of spending and taxes and inflation.

If we cannot get a handle on spending, we had better face up to higher taxes or further inflation. Either way, we here in this House and people throughout the country are going to be hurting.

I choose, and I believe the people of this Nation choose, to hold the line. We are going to have to tighten our belts all the way up and down the line. It is painful to see some good programs curtailed or suspended or terminated. But, it would be a lot more painful to ask everyone in this country to pay more taxes to keep REAP and other programs on a continuing basis. REAP will not, after all, be wiped off the books.

The basic statute remains. It is being suspended, as it were, and it can be funded in the future when the fiscal crunch is eased.

So, let us suspend it and see what happens.

I think we will find that we will all do as well as in the past, including the farmer. And, this country will continue to do the impossible in order to keep our land great and good.

We are not against the farmers.

We are not against the environment.

We simply want to get a handle on Federal spending.

A vote against this bill is a vote for fiscal responsibility.

Mr. TEAGUE of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Wampler).

Mr. WAMPLER. Mr. Chairman, over a million farmers, nationwide, annually participate in the rural environmental assistance program, which is designed, on a nearly 2-to-1 cost-sharing basis, to preserve and replenish the land which is used regularly for producing the Nation's food. The Federal contribution is insignificant when compared to the myriad other cost-sharing or direct aid programs, but indispensable when compared to the benefits gained.

In my district in southwestern Virginia, a total of 8,556 farmers participated in the program during the calendar year 1972, and received approximately $854,708 in Federal aid. By contrast, their own out-of-pocket costs have amounted to an aggregate of $1,709,000 just in the Ninth District. I include, as part of my remarks, a chart showing, by counties, the number of farms participating, the cost-share dollar amounts, and the average payment, covering the past 2 years.

The REAP program has been in effect since 1936. It has proven to be a constructive, worthwhile program, contributing untold benefits to stable farm production year after year. On December 26, the Department of Agriculture terminated this program, abruptly cutting off the cost-sharing incentive to regular soil and water conservation practices. Its cancellation worked a particular hardship on small farmers, like those in my district.

A total of $225 million was originally appropriated by Congress for REAP for the fiscal year 1972–73. The President felt that was too much, but had agreed to spend at least $140 million. Had he lived up to the agreement, we would probably not be debating this matter on the floor today.

I am fully aware of the necessity to cut Federal expenditures and strongly approve of the President's efforts. Many programs have outlived their usefulness, but not this one. I believe that a compromise is in order, and will support the amendment that would require the Secretary of Agriculture to continue the rural environmental assistance program at the reduced amount of $140 million through fiscal year 1972–73. This would lessen the burden abruptly cast upon the farmers, and would still effect a saving in the total annual cost of the program.

PARTICIPATION IN THE RURAL ENVIRONMENTAL ASSISTANCE PROGRAM CONGRESSIONAL DISTRICT NO. 9, VIRGINIA

County	Participation, 1971			Participation, 1972			Number farms participating at least once, 1968–72
	Farms	Cost-share dollars	Average payment	Farms	Cost-share dollars	Average payment	
Bland	266	23,902	90	269	29,480	111	535
Buchanan	109	4,794	44	123	8,749	71	396
Carroll	1,068	75,340	71	1,265	96,471	76	2,193
Craig	128	14,136	110	156	19,386	124	308
Dickenson	193	11,490	60	241	17,673	73	689
Giles	144	20,216	140	228	29,889	131	451
Grayson	877	68,410	78	889	72,454	81	1,803
Lee	861	51,745	60	785	79,666	101	1,710
Montgomery	395	34,343	87	436	44,972	103	922
Pulaski	207	31,283	151	219	41,378	189	459
Russell	515	52,840	103	626	72,451	116	1,388
Scott	612	34,687	57	693	58,315	84	1,797
Smyth	487	39,065	80	657	53,545	81	1,255
Tazewell	317	43,082	136	370	58,653	159	764
Washington	769	76,545	100	881	93,474	106	1,879
Wise	152	10,839	71	135	11,763	87	453
Wythe	500	55,464	111	583	66,389	115	1,034
Total	7,600	648,181	85	8,556	854,708	100	18,036

Note: Estimated farmers' contribution based on the Government's contribution equaling approximately ⅓ cost and farmers' contribution equaling approximately ⅔ cost: 1971—$1,296,362, 1972—$1,709,416.

Total conservation effort as result of Rural Environmental Assistance Program: 1971—$1,944,543, 1972—$2,564,124.

Mr. TEAGUE of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, I listened as my good friend and colleague from Arkansas (Mr. Alexander) pointed out the importance of the Congress standing up as a responsible, coequal branch of government. In those remarks he added to the sentiment which Mr. Burton of California voiced just a short time before, and I certainly agree that this bill does join the question, and in a sense the President has intruded upon what would seem to be the prerogatives of the Congress.

We have the right and the responsibility to establish priorities. It is our duty to raise revenue and to decide where the fruits of that revenue ought to be spent. But, if we fail in that responsibility, then it seems to me in ill grace for the Congress to be complaining when the President steps in and, acting under the necessity of faithfully executing the laws, tries to apply an expenditure control program.

I hope the day will soon come when the Congress will begin the business year by adopting the budget and setting forth in it the priorities for the Nation. Until that time comes, I think we had better applaud and not complain when the President does the job we should be doing.

Mr. POAGE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, there has been a good deal of talk here about the effect this bill has on the confrontation created by the President's assumption of legislative powers. I do not know what effect it has there. This bill is not one to settle constitutional issues, but whatever effect it has, I think it will be good, because I think it is time we had that confrontation with the executive branch.

This bill is a very simple measure. It does not do a thing in the world except to strike out the words "shall have power to" and insert merely the word "shall," taking away discretion, and in the next place striking out the words "in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes" and inserting in lieu thereof "in an aggregate amount equal to the sums appropriated therefor."

In effect that says that we are taking away from the Secretary the discretionary authority he now has.

Our Committee on Agriculture for a long time has felt that we got better administration when we gave the Administrator some leeway and some discretion. We tried to give it in this case. Over the years it has been used fairly and reasonably under all administrations. Now we come to a case where in my opinion it is not so used.

Termination of a program is not using it to achieve that which is fair and reasonable in connection with the effectuation of the purposes. The Secretary himself says that we have terminated the program. That is the reading of the notice that came from the Department of Agriculture. That is not the effectuation of a program, and it is not a procedure authorized by law. Clearly, it is a grave abuse of the discretion we granted to the Secretary.

The law does not authorize him to terminate the program. If he is going to abuse the discretion we gave him, I think we have to tighten the controls, although I know it makes it harder to get proper administration.

My father taught me a long time ago that if a man took advantage of me in a trade that was his fault, but if he did a second time that was my fault.

I do not propose that there be a second time for the Secretary of Agriculture or for the Bureau of the Budget or for the White House to take advantage of us.

They have done so the first time. They abused the discretion that we gave them to use.

So, now, let us take away that discretion. That is all the bill does.

This bill does not say, "Mr. President, we are raising a constitutional issue." This bill accepts the proposition that the way the law stands the Secretary could at least reduce the program down to but not including termination, so long as he felt this was carrying out or effectuating the purposes of the law. But obviously termination is not effectuating the purposes of the law.

So we thought we would just have to write it out in plain language. If they cannot understand, we will write it again and try to make it very clear.

The gentleman raises a question about a possible vote. In effect he suggested: "Well, now, the big black wolf is going to veto all this." Well, just let him crack his whip. We will try to cooperate in improving any program he wants to discuss with us, but we will not be intimidated either by "termination" or "veto."

We are going to try to do what this House should do. This House should continue one of the finest agricultural programs we have had, one of the finest of all the environmental programs we have had.

We are just entering into a new era of environmental work. It is costly. You cannot carry on more environmental work without spending lots of money. Somebody has got to spend it.

Mr. Chairman, we are trying to carry on a program that would get as many dairies, as many feedlots, and as many chicken houses as possible taken care of under the anti-pollution rules, and it is costly. And this is the program which gives some aid and it is the only active program which gives some aid to these farmers who are compelled to spend thousands of dollars to take care of the newly imposed environmental requirements.

You want that clean water and that clean air. I want it. We all want it. But it does not come free.

Mr. Chairman, what is the best way of getting these things that we need? Would the Members have the Government take up the entire cost? That has been suggested. But here we have got a program under which farmers are paying 70 percent of the cost. They are paying 70 percent, and some of the Members are saying, "Let us take away that 30 percent that the Government is paying."

This program is not a lime program. Only 7.4 percent of this program went for lime, just 7.4 and yet, of course, they drag this out as the big bugaboo.

In certain States in the North and East you cannot sprout peas without putting some lime on that land. It is all right for the gentleman from Iowa and it will be all right for me to complain about that because we do not use lime; we do not need it; we have got it in our soil.

But there are vast areas in the United States that do not have it, and we are trying to pass legislation for the whole of the United States. Let us deal with the United States as a whole. Let us carry out a program here that not only helps our farmers make conditions more livable in rural areas but which makes the whole environment of the United States a better place to live in, which makes our streams run clearer, and which makes our air more pure. That is the kind of a program you would be destroying today were you to refuse to reinstate this REAP program.

Oh, I understand we are not going to sink this bill today. We are going to pass it. But what I am afraid of is that some of the Members are going to feel that they can destroy the program by amendments and then say:

"Well, now, I can hide under one of these amendments."

I recognize the good faith of some of my friends who are going to offer amendments. But there are amendments being offered, not for the purpose of maintaining the REAP program, but for the purpose of killing the REAP program, for the purpose of taking somebody off the hook.

Mr. MIZELL. Mr. Chairman, will the gentleman yield at that point?

Mr. POAGE. Yes, certainly I will yield to the gentleman.

Mr. MIZELL. I do not think that the chairman really intended to imply that I was trying to get anybody off the hook when he made that statement——

Mr. POAGE. No. I will say to the gentleman from North Carolina that I am sure what he is offering is offered in good faith, and that he is sure the President will veto this bill. The weakness is that he has no more assurance the President will approve his amendment.

Mr. MIZELL. Will the gentleman yield further?

Mr. POAGE. Yes, I will yield to the gentleman.

Mr. MIZELL. Mr. Chairman, I know the gentleman did not mean to say that I was offering an amendment here to try to get anyone off the hook. I think the chairman knows that I offered this amendment in the committee and that I have attempted in good faith to reach a compromise so that we might have a REAP program for the farmers.

The CHAIRMAN. The Chair wishes to inform the gentleman that he has consumed 8 minutes and has 2 minutes remaining.

Mr. POAGE. Mr. Chairman, I have no question but what the gentleman is offering this amendment in good faith, because he knows how unpredictable the President is. He knows that the President approved this REAP program before the election, and he knows that right after the election he decided it was not a good program. He signed it; he signed the bill providing the money, and he authorized the issue of the program before November, and it was out before the people, and they were told they were going to have a REAP program after the election. The gentleman from North Carolina knows how likely the President is to change his mind.

What we are offering to you is simple language stating that the Secretary of Agriculture should go ahead and do what the Congress told him to do and do it in the figures that the Congress told him to do it in. That is the only change made by this bill. It is a simple proposition. It just keeps what we are doing now.

We know, every one of the people who have spoken about it knows how good the program is, but they say we have to make some kind of a concession. This is a good program. It is good for the farmers and it is good for the whole Nation, and we ought to keep it. Everybody knows that. Let us keep this program and not destroy it with a bunch of amendments.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, while I am sympathetic to efforts by the administration to restrain Government spending in order to curb inflation, I also feel that the rural environmental assistance program makes valuable contributions to conservation and environmental preservation practices.

In 1971, 20 percent of this Nation's farms participated in one or more of the 64 different practices available through REAP. Practices which are largely directed toward conservation of soil, water, and wildlife resources—programs such as plantings for forestry or erosion control purposes, control of noxious weeds, land terracing, erosion control dams, streambank or shore protection, wind erosion control, animal waste management programs, sediment retention programs, wildlife food plots and other wildlife practices, and other conservation and pollution abatement practices and programs.

Between 1967 and 1971, 2,099,990 farms took advantage of REAP incentive subsidy programs.

I advocate the passage of H.R. 2107 and feel that REAP should continue but possibly more in the context of its original intent. There are practices included in the program which are directed more toward enhancing crop production and farm profits than toward conservation and environment preservation. The programs offered under REAP should be closely inspected in order to see what areas might be eliminated or in what practices expenditures could be reduced to make the operation of this program consistent with its intent.

Under Secretary of Agriculture, J. Phil Campbell, said in testimony before the House Agriculture Committee that approximately $42 million was spent in the last year for administration of REAP. Compared to the $140 million actually paid out on programs, that is a terribly high administrative cost. These moneys were appropriated for use by America's farmers, not to give 23 percent of the allotted funds to Federal bureaucrats.

The organization and administration of this program must be inspected. There are surely areas in which these administrative costs can be drastically cut. A reorganization of the program administration, and the system through which it operates, from Washington to the individual counties, may be in order. I would truly like to know where that $42 million goes. It certainly is not to the farmer.

Although the portion of the REAP funding going to the farmer was cut back by the administration, from that appropriated by Congress, to $140 million, administrative funds were left intact for 1973. Why should the bureaucracy continue to receive its full funding, when the citizenry meant to benefit from the program does not? In light of these developments, I would like to introduce the following amendment to H.R. 2107:

> When duly appropriated program application funds are withheld, program administrative costs shall be proportionately reduced.

Mr. TEAGUE of California. Mr. Chairman, I yield such time as remains to me to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, I rise in opposition to this bill.

I would like to state at the outset that I am a freshman Congressman and I have a district which is 60 percent rural. Farming is of tremendous importance in my district. I take second place to no one in my concern for the American farmer and for the environment of this great Nation. I am going back home at the end of this week, and I am going to talk squarely to the farmers.

I utterly reject the notion that a vote against this bill is a vote against the American farmer. To the contrary, I suggest to the House and to the Committee that a vote against this bill is a vote for the American farmer.

Now, why do I say that? Because, the farmer has a stake in fiscal responsibility in this Nation which is second to none. We all know, or at least I think we all know, that deficits lead to inflation. Who is hit hardest by inflation? The resourceful of the United States of America. Who are the resourceful people of this country? Many, but none are more resourceful than the American farmer. They have a stake in inflation.

We know deficits will lead to higher taxes. Who is hit hardest by those higher taxes? The productive people of this Nation. There is no group in this Nation that is more productive than the American farmer.

There are farm people and farm groups that oppose this bill. Nobody can deny that Secretary of Agriculture Earl Butz is a good friend of the farmer, and an effective Secretary of Agriculture in increasing the income of farmers. Secretary Butz is opposed to this bill. The American Farm Bureau Federation is opposed to this bill, as explained in a communication that I think every Member of the House received.

The leaders of both parties have spoken out in favor of a ceiling on spending. They have even suggested that the $250 billion ceiling is the proper ceiling. So when do we cut expenditures and where do we cut expenditures?

As my colleague from Arizona said, the eyes of America are on us today. Are we going to put our house in order? All of us know what the malady is that afflicts this Nation; most of us know the treatment needed; but few of us are willing to apply that treatment. Many say, "Let the next Congress do it," or "Let us do it next year," or "Let us do it next month." I say that the time has come now for us to put our fiscal house in order not only for nonfarmers but for the farmers of this Nation who have a great stake in fiscal responsibility.

Mr. FRENZEL. Mr. Chairman, I regret that I must vote against H.R. 2107. Many of its programs are meritorious and should be maintained.

But some are pure subsidies and do not belong in an environmental program.

If we are to exercise any fiscal responsibility, we have to begin somewhere. I will begin here.

I supported the Mizell amendment which would have continued this program at a $140 million level, a cut of about one-third. I supported the Findley amendments. The best amendment of all was the Quie amendment which would have separated out the subsidies and saved the environmental programs.

But the committee was not interested in improving REAP. They only wanted to arm wrestle with the Executive. I support the principles of REAP. I am willing to support specific environmental programs. I must, however, vote "no" to a simple repassage of the program which needs restructuring, and which should not escape the scrutiny of a priority test at a time of fiscal crisis.

Mr. MALLARY. Mr. Chairman, I rise regretfully to oppose H.R. 2107 which purportedly attempts to require the Secretary of Agriculture to carry out the rural environmental assistance program. I suspect that this is merely a first shot in a new skirmish of the long war between the executive and legislative branches of Government. This bill raises many questions. It brings into question the validity of the REAP program itself. It raises the question as to the proper level of Federal spending and the establishment of spending priorities. It also raises the basic constitutional question of the power of the President to refrain from spending funds that have been appropriated by the Congress. Let me comment briefly on some of these issues.

The bill itself very simply mandates that the Secretary of Agriculture expend an amount equal to all the sums appropriated for the rural environmental assistance program. It removes from the existing law the discretionary authority which lay with the Secretary to spend only that which he felt was reasonable to effectuate the purposes of the act.

In our system of divided powers, I have very serious questions as to the constitutional ability of the Congress to force spending, if, as I suspect, the President will not be bound by such legislation even if it is passed. This bill will merely exacerbate the already strained relations between the Congress and Executive. The only other purpose it will serve is to permit a great deal of public posturing here in the Congress which will have no measurable benefit to the general public or the farm community directly affected by this program termination.

If, on the other hand, the kind of language embodied in H.R. 2107 is effective in forcing the expenditure of all funds appropriated for REAP, the effect would be very significant. I would assume that every subsequent legislative authorization bill in the Congress would have similar language, removing any discretion from the executive branch as to the spending of funds appropriated for its purpose. Followed through to its logical extreme, this development would mean the expenditure of approximately $11 billion more in fiscal year 1973 than the $250 billion which the President proposes to spend and which both Houses of the Congress individually agreed to be an appropriate limit for spending. The long-range fiscal and social implications of this kind of the forced-draft overspending are frightening to consider.

I think it is necessary that we look at the rural environmental assistance program and many other programs which have been subject to impoundment in broad perspective. The House of Representatives in the 92d Congress recognized a critical need for fiscal restraint. The House recognized when it voted a spending limit the overriding danger of renewed inflationary pressures on our economy. I think the voters spoke very eloquently last fall of their distaste for any new or increased taxes. The only rational alternative is to restrain the growth of Federal spending.

On the early announcement of impoundments of REAP funds, the termination of 2-percent REA loans, the termination of some of the Farmers Home Administration emergency disaster loans, and the termination of the water bank program, I wrote Secretary of Agriculture Butz expressing my concern with the action which had been taken. I said then and I believe now that the agricultural and rural sector of the economy of the United States will be willing to bear its fair share of the burden of balancing the Federal budget. I said then and I believe now that proposed program cutbacks impose a disproportionate burden on the agricultural and rural community and there should be reconsideration of these cuts in the light of a rational system of national priorities.

I can speak with some real familiarity of the major benefits of the rural environmental assistance program. As an active farmer until about a year ago, I participated for over 20 years in the REAP program and its predecessor, the agricultural conservation program. The participation rate of farmers in Vermont is as high as any State in the Union. The program has been educational and has provided substantial environmental benefits to the general public.

I am also aware from watching the program that certain of its practices have been popular and have remained in effect, although they may have only a marginal relationship to the long term public interest. Clearly, this program can be justified as a recipient of tax funds only if it has general public benefits. There are many practices subsidized and promoted by the program which do serve the general public interest. They conserve our productive resources, reduce pollution and improve environmental quality for all the public. These programs will be sorely missed if the REAP program is phased out.

By the same token, I fully recognize that some practices have been subsidized under REAP which primarily or incidentally increase annual production of agricultural products. This kind of recurring subsidy of agricultural production is of questionable propriety as an ongoing Federal appropriation in times when fiscal stringency is required. It seems clear to me that any cuts in the REAP should have been made with a scalpel, excising the improper programs that used tax money to subsidize agricultural production, rather than with a meat ax destroying all the conservation and environmental benefits that have come from the program.

In this light, I find that H.R. 2107 places me on the horns of a dilemma. Anxious as I am to reinstitute the important and constructive aspects of REAP, I feel that the long-term policy and fiscal results that would come in the train of the passage of this bill would be even more damaging to the Nation as a whole and the farm community in particular. I do not believe this is a responsible approach to the problem we face. The responsible approach is a congressionally passed, balanced full employment budget allocating adequate resources to our rural and agricultural programs. Because of its balanced character, such a budget will then be immune from unwise and possibly illegal impoundments.

Mr. Chairman, in the interest of long-term fiscal sanity, I urge a "no" vote on H.R. 2107.

Mr. ANNUNZIO. Mr. Chairman, I rise to vote "aye" on the rural environmental assistance program for I feel strongly that the President cannot eliminate programs already authorized and funded by Congress through the vehicle of impoundment.

On this vote I am challenging the right of the President to eliminate a program created by the Congress. If our legislative branch of government wants to play a significant part in establishing national policy, we cannot leave the President with unlimited power to cut any appropriation, at any time, to any point, which he apparently is now attempting to do.

It is my feeling, shared by the majority of my colleagues, that wherever waste and duplication exist, they must be eliminated from the Federal budget. However, it is up to the Congress to eliminate this waste and duplication when the committees, through the authorizing and appropriating process, bring their bills before the Congress for passage. But, once the Congress has approved and funded programs which it deems are essential to the best interests of the American people, then under the time-honored constitutional separation of powers of the executive, judiciary, and legislative branches of our Government, the President has no right to impound funds and eliminate those programs.

As far as the rural environmental assistance program is concerned, it dates back more than 35 years and has encouraged soil, water, woodland, and wildlife conservation and pollution-control projects by cost-sharing with farmers. Under REAP, farmers have done the work and have been reimbursed, usually on a 50-percent rate on materials, and cost involved in implementing the approved projects. The soil, water, wildlife, and timber conservation which has resulted from REAP has brought enduring benefits to all Americans.

But the issue here is not the value or need for a program, or who wants more or less Government spending, but rather, who should control the process. If our Government is to function as a representative democracy, then clearly the Congress must reassert its authority over expenditure of funds and restore the balance of power between the Congress and the White House.

The Constitution provides that Congress, and only Congress, has the power to appropriate money and that the President has the duty to faithfully execute all the laws. Let us, therefore, take a stand here and now and put control of the purse back in Congress where it belongs.

Mr. HUNGATE. Mr. Chairman, my congressional district includes a large agricultural population which will greatly benefit by passage of H.R. 2107, which I was pleased to cosponsor as it will reinstate the rural environmental assistance program.

It seems to me that at a time when attention to environmental problems is critically needed and the future of the family farm is already in jeopardy, a program aimed at helping both of these areas must be retained.

Not only is REAP vital to the economy of rural America it is a program that has been proven to work. It has been a successful cooperative program with financial efforts by the farmers assisted by Federal funds. It is not a subsidy or giveaway program as contributions to operating this program are made by farmers even though the net income of the family farm is often hardly enough to meet rising costs.

If we fail to enact this bill, we will be taking a big step backward in our efforts to save the family farm and our efforts to solve agricultural pollution. I urge its passage.

Mr. ZWACH. Mr. Chairman, I rise in support of H.R. 2107 the REAP program. I fully support all of the features that are truly solid conservation programs, and hope we can find the means to eliminate those features that do not fall into conservation categories. Lining underground drainage, irrigation are examples of the features that do not fall into truly conservation practices.

Mr. OBEY. Mr. Chairman, I rise in support of the bill before us today to require the Secretary of Agriculture to carry out the REAP program.

I was one of the 99 Members of the House who introduced legislation to reinstate the REAP program, and I did so because I think it is one of the most effective rural programs we have.

Even the opponents of this measure admit in their minority views that REAP has been an effective Federal program which has served as an incentive to land owners to perform conservation and antipollution practices on a cost-sharing basis.

Mr. Chairman, over 12,000 farmers in

Wisconsin will be affected if we allow REAP to die as the President has recommended. They will lose upward of $3.5 million, and in northern Wisconsin especially, conservation program accomplishments are likely to be reduced by about 70 percent unless these funds for REAP are reinstated.

For those who are concerned that our farm programs sometimes help the large farmer more than the small one, let me point out that it cannot be said of REAP. It is truly a program which helps the small farmers in this country. Last year the average payment under the program was $239. And now, unless the House acts today, that program to help our small farmers to improve the environment of rural America will be gone.

Unfortunately a great deal seems to be "going" as far as rural America is concerned. REAP is just one instance of many where the President has unilaterally terminated or sharply cut back a number of farm and rural development programs enacted and funded by Congress in an effort to strengthen and improve farm income and improve opportunities and the standard of life for farmers and rural citizens.

FHA disaster loans have been ended. Emergency livestock and feed grain assistance is not available, and meat and dairy imports have increased.

The dairy indemnification program has been killed, and funds for the special milk program have been cut by 75 percent.

Two percent REA loans are no longer available, a decision which will mean higher rates for rural consumers who probably would not have electricity today except for the fact that REA co-ops brought it to them.

Water and sewer grants will no longer be available to small communities, except under the Rural Development Act or the Water Pollution Act.

But the problem is that 55 percent of the clean water bill money has already been impounded, and the President is expecting money for the rural development bill to also finance REA, pollution control and forestry programs, plus programs which used to be funded by the Economic Development Administration.

That is expecting a great deal from a piece of legislation which the President did not even want to sign in the first place—and the fact is that there just will not be that much money available for these programs.

I want to make it clear that I am not against the President's goal of fighting inflation and cutting Government programs which do not work. I voted for cuts of over $9 billion in the President's budget last year.

But I do object when it seems that the budget cuts center heavily on people programs, including those in rural America.

Let us look at that budget.

If we take the administration at its word, the $81.1 billion defense budget was cut $2.7 billion from what it would otherwise have been in 1974, a cut of about 4 percent. The $5.5 billion agriculture budget was cut $1.1 billion, or 17 percent from its last year's level. In reality, of course, defense outlays will actually increase $4.7 billion above last year, or about 6 percent. So, anyway you look at it, those in rural communities appear to be low on the President's priority scale.

Mr. Chairman, when these agriculture cuts were announced, I received quite a few letters which said, "good, I'm glad these programs have been ended. It's time the government got out of agriculture."

Well, the Government is not going to get out of agriculture and it should not.

Even now we hear rumors of a secret report—the Flanigan report—which indicates the Government may seek trade agreements which would open the gates to tremendous increases in dairy imports, and which could cause dairy farmers to lose 25 percent of their present markets.

The Government wants the farmers' grain to ship overseas—and to help right our wobbly balance of payments.

The fact is that Government farm programs are aimed to assure consumers an adequate supply of food while assuring production and income stability for farmers. And what is wrong with that?

Government subsidies and tax benefits have not been stopped for shipbuilders, or oil producers or railroads or tax-loss farmers. The President's budget even includes money for the SST.

I am not willing to accept a budget with bundles of benefits for the Nation's corporations and the wealthy, but little more than coal in the stockings of the average taxpayer in this country.

I intend to vote for cuts in the President's budget in areas where I think there is fat and waste.

But I also intend to vote for this legislation today which will require the expenditure of funds Congress has already allocated for REAP, action which has been endorsed, I might add, by a number of assemblymen from my district including Tony Earl, Joe Sweda, Laurence Day, Gene Oberle, Len Groshek, Harvey Dueholm, Sheehan Donoghue, Lloyd Kincaid, Terry Willkom, Joe Looby, Thomas Murray, Dave Kedrowski, Kenneth Schricker, Robert Quackenbush, Marlin Schneider, and John Oestreicher.

Furthermore, I have already joined others in introducing legislation to require the Secretary of Agriculture to increase the support price for milk to 85 percent of parity and to require funds appropriated for REA to be made available for that purpose.

Mr. ABDNOR. Mr. Chairman, I rise in support of the rural environmental assistance program before us today. When I first heard that the Department of Agriculture was going to terminate this fine conservation program on the basis that it was "low priority" in the administration's eyes, I objected. I am pleased that the House Agriculture Committee has moved so quickly to report out a bill which would mandate the Secretary of Agriculture to fund REAP.

At a time when environmental issues have become priority concerns for each and every American, we should not be taking from the American farmer his best means of contributing to improved soil, water, woodland, and wildlife conservation. REAP also aids pollution abatement practices on farms and ranches.

What I like so much about this program is that it is cost-sharing. It is not an all-out giveaway of the taxpayer's dollars. Before a rancher or farmer can even be eligible for the standard 50 percent cost portion paid by the Government he must first sign up. Then he must personally invest in the cost of equipment and do the work himself. In other words, Mr. Chairman, the Government pays its share of the program only after the farmer and rancher invested their work and money in the project.

As far as I am concerned there are few programs in Government which give the taxpayer so much benefit for their tax dollar. In South Dakota the terracing, drainage, tile, fertilizer, and seeding projects have immeasurably added to conservation practices in our State. Sediment control and animal waste control are highly important in the prevention and abatement of water pollution. REAP conservation practices conducted by South Dakota ranchers have helped abate eutrophication from animal wastes, thus keeping our water clean for human consumption and our lands attractive for scenic and recreational purposes. The raising of feed grains and cattle comprise South Dakota's No. 1 industry. Conservation of the soil and preservation of clean water are vital. REAP has been a most valuable tool in this regard.

There are also many secondary benefits of REAP programs in South Dakota, not the least of which is the resultant improvement to habitat, vital in preserving the best pheasant hunting in the United States. REAP, along with the waterbank program, has also made South Dakota famous for the goose and duck hunting.

Mr. Chairman, I counter the argument by the administration that REAP is no longer necessary because the net farm income is at an alltime high. Higher costs and inflation reach the farmer just as they do the steelworker. Without REAP, rural America could not afford to do its proper part to conserve our land and water resources. Let us keep this valuable program by supporting H.R. 2107 today.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the gentleman from Texas (Mr. POAGE) and the Committee on Agriculture for their timely response in bringing H.R. 2107, to require the Secretary of Agriculture to carry out a rural environmental assistance program, before the House for early consideration.

The restoration of the rural environmental assistance program to its proper usefulness for the people of this Nation is an urgent priority. The conservation measures which this program encourages among farmers are of considerable value to all citizens regardless of whether they live in rural areas or cities.

The enhancement of our land and soil resources through activities sponsored by the rural environmental assistance program adds to our total national wealth.

Because of the considerable effort to reduce and terminate this program and others, it is important that this legislation be approved by a substantial vote to indicate the strong will of the House to have the Secretary of Agriculture and others in the executive branch properly execute the activities mandated by the Congress.

Through our country's assistance programs to people in foreign lands, activities to restore agricultural lands to proper productivity are being supported. We should do no less for the citizens of this country and we can do so through the rural environmental assistance program.

This program deserved support when it was initiated in 1936 to restore exhausted land to productivity. The program is still needed and deserves support today when public concern for protection and conservation of resources is even greater.

I urge approval of H.R. 2107 to restore the rural environmental assistance program to a place of usefulness.

Mr. SLACK. Mr. Chairman, I support passage of the bill requiring the Secretary of Agriculture to carry out the rural environmental assistance program which has been in operation for many years. I feel it necessary to speak out not only because I have had hundreds of letters from my constituents who reside in rural areas, but also because I note that some opponents of the bill complain that too much of the money provided by the Federal Government is used to increase agricultural production and is not applied to the furtherance of soil and water conservation practices.

I would think that any rational view of world developments would convince us that there was never a time when we should give more attention to increasing agricultural production. We are entering what might be called the post-Vietnam era. The negotiated agreement which ended American military involvement in Southeast Asia has cleared the way for consideration of what could be the greatest international threat to peace and prosperity.

Whether the United States should have been involved in South Vietnam, and if so to what extent, and how our involvement should have been handled, are all questions which will be debated perhaps for years into the future. Whether our involvement was worth the effort will only be established by the course of future events, as time writes the pages of history.

But we are now in a position to ask ourselves—what was it really all about? The answer is not complex. It is not related to any of the numerous interpretations of political theory or "manifest destiny" broadcast during the past 5 years from Hanoi, Saigon, Moscow, Peking, or even Washington.

Most wars among tribes and nations since the beginning of recorded history have been fought for reasons of "security." When you measure that word against the background of a particular war, the measurement reveals that "security" actually means food. You discover that few wars have been fought except for the purpose of acquiring or protecting a food supply.

And so it was in South Vietnam. The single great physical prize at stake was nothing more or less than controlling the Mekong River Delta, the most productive rice region in the world. In Asia rice is life. Those who have a supply will live. Those who do not will be swept away in one of the periodic famines or epidemics. So the stakes were not small in South Vietnam, and the vital interest of Hanoi and Peking is self-evident. Whether the rice of the Mekong is protected and made available at fair prices at the market in Asia will do much to determine whether the fragile peace agreement will become permanent.

Ironically, the fighting stops as the reason for the fighting becomes more ominous. Food shortages equaling the era of the plague in the 15th century may be ahead.

The Soviet Union, reported to have purchased 11 million tons of grain in 1972, may need even more this year. The winter wheat crop is damaged by ice storms and erratic weather, and may be lost.

The Chinese, purchasers of 9 million tons of grain in 1972, are already negotiating for at least that amount this year and will probably need more. They restrain themselves with difficulty as they view the millions of acres in Russian Siberia which produces little or no food.

India's millions exist on the knife's edge of famine even today, and must import food this year.

There are food shortages in Egypt. The much-publicized Aswan High Dam has not added to the number of acres under cultivation or the total amount of food available.

Unprecedented drought has virtually destroyed the crops in the nations of Central Africa and in much of the Union of South Africa.

The United Nations Food and Agricultural Organization reports that the world stockpile of grain is at its lowest level in 21 years and that this could lead to a crippling shortage by the end of this year. They state there is "no likelihood of immediate widespread famine for the next few months."

Two-thirds of the earth's population faces conditions ranging from food scarcity to outright starvation.

The sources of surplus food are few—the United States, Canada, Australia, and a few small countries.

Americans enjoying a full granary of limitless quantity and variety become involved as they experience rising food prices. Wholesale food prices in December jumped 6.8 percent, the biggest 1-month advance in a quarter of a century. The Department of Agriculture has forecast that prices of food during the first 6 months of 1973 will rise 50 percent faster than they had predicted earlier.

The worldwide demand for food will continue to apply pressure on food prices wherever there is a surplus. We cannot expect the American family to pay an indirect subsidy in high prices at the grocery store to supply food for the billions in Asia and Africa.

We must grow more. We must expand our capability across the board. We must encourage more than just the corporate factory farm. In fact, we must urge every family unit who can and who will to grow more food.

In line with this requirement we must not reverse the long established policy of protecting our topsoil and enriching our fields. It is this realization that drives home to us the need to maintain the REAP program and the allied efforts to encourage and assist the small farmer.

During the next few years the United States will be called upon more than ever to supply surplus food. Food is not a "weapon" in the "cold war." It is a defense against the incentive to make war, because men will die in combat for food rather than see their families starve.

I suggest then that the programs which are aimed at preservation of the soil, protecting against floods, and general enrichment of the food production processes are all of primary importance today. It is not simply a question of whether or not some of these funds provide an improper subsidy for some small farmers. The fact is, in the pattern of world conditions, developing food will be the greatest and most desired of all American resources. It will be the hallmark of American productivity.

For this reason I believe it is a singularly inappropriate time to cancel the REAP program. Even though the conditions which caused the program to be first launched in the 1930's may no longer pertain, we must realize that those conditions have been superseded by others of much more critical importance to our country, our people, and our position in relation to other nations of the earth.

Mr. TAYLOR of North Carolina. Mr. Chairman, I am pleased to support legislation that would continue the rural environmental assistance program and require the expenditure of funds appropriated by Congress for this purpose. REAP, formerly the ACP, was initiated during the thirties under the Franklin Roosevelt administration to encourage farmers to adopt soil and water conservation practices. It came at a time when farmers were largely unable to afford the burdens of such projects alone. Through REAP, the Federal Government has been matching on a dollar-for-dollar basis some of the money farmers spend each year for fertilizing and seeding pasture lands. This fund has been used widely in the 17-county 11th Congressional District of North Carolina which I represent in Congress and has provided matching funds for drainage systems, reforestation, cover crop planting, and other small-farm conservation projects.

In Haywood County, a typical western North Carolina largely rural county, 1,600 farms have been participating with an average Federal expenditure of $78 per farm.

In the western North Carolina district that I represent, this program reaches more farm people than any other phase of the entire agricultural program. Continuation of REAP on at least the same level as in recent years is probably more vital to the farmers of western North Carolina and throughout the 200-odd counties of the southern Appalachian area than in other sections of the country. With our very small farms, heavy rural population, steep fields, and limited land resources, it is most important that every encouragement and assistance be given that will help to conserve and restore the productivity of these farms. Failure to do so can only mean a continued and chronic low-income situation such as we already have.

Much progress has been made in healing the gullies, stopping the washes, eliminating the broomsage and planting trees on the slopes in western North Carolina. Any curtailment in these efforts will be a step backward for the area.

We cannot afford to lose ground in our efforts to conserve the soil and water resources which are so essential to the well-being of our Nation. It is the responsibility of this generation to pass on to future generations the natural resources that will insure the basic necessities of life. REAP gives the essential encouragement and guidance in this direction.

The farmer's economic status does not permit him to bear the entire cost of conservation. Conservation is a matter of concern to all segments of our population. We must realize that protecting and improving our soil and water resources is a national responsibility and a concern to all American citizens.

Congress last year passed the Rural Development Act to bring hope and purpose to rural sections of our Nation and reverse the rush to the cities. Recent Presidential action in freezing funds for REAP and other rural programs is a step in the opposite direction. Using Federal funds to encourage a strong rural economy is in the national interest.

Mr. FOUNTAIN. Mr. Chairman, the recent announcements of the Department of Agriculture regarding across-the-board cuts in essential farm programs, including a termination of REAP, have hit us all very hard. I cannot remember the last time we witnessed such a strong bipartisan reaction to a farm problem. Letters from my constituents, who are at the same time angry, hurt and confused, have been pouring into my office daily, and I know this to be the case in many, many offices on Capitol Hill.

Over the years farmers have had every right in the world to be angry and to wonder as to who has been champion for their causes. Heaven knows they have drawn the short stick time and time again. What other industry has increased its productivity so much and kept the prices of its products so low? What other single industry employs so many men and women? What other industry provides such vital functions as feeding and clothing human beings? And what other industry has had its magnificent accomplishments taken so much for granted? The farmer's struggle to make ends meet has too often met with a lack of understanding. Programs upon which many farmers depend for their very survival have been criticized as excessive subsidies. Every rise in the retail cost of food products has been blamed on the farmer.

Mr. Chairman, those of us who come from farming and rural communities know the tremendous contribution of our farm sector to the strength of this great Nation's economy. We know well the hard work and the endless effort that is a part of farming. We know the adversity which has haunted so many farmers and has driven so many from the lives which they knew and loved.

It is these people who know rising production costs, skyrocketing land prices and unchecked tax rises, who feel the Department's action most deeply. It is these people who cringe to watch an administration move from a posture of simple indifference to something far worse.

The programs which the Department of Agriculture has so coldly dismissed must be reinstated. They have advanced the state of American agriculture beyond comprehension. They have enabled farmers to make American agriculture the most efficient industry in the country. Rural electric and telephone loans now severely affected by administration cuts have introduced the 20th century to millions of our farms. Today, over 21 million farm and rural people in 2,700 counties in 46 States across our Nation have the convenience of modern electric machinery and appliances.

Farmers Home Administration grants for rural water and waste disposal systems, recently eliminated by the Department, have helped in the planning and construction of thousands of rural systems and have been essential elements in the orderly growth and development of rural communities.

Mr. Chairman, I am profoundly concerned about the consequences of cuts in the Farmers Home Administration disaster assistance program. In North Carolina we have had 2 years of harsh weather. Many of our crops have been ruined and many of our farmers have had their backs pushed flat against the wall. In several counties of the Second Congressional District we have been awaiting word from the administration for quite a long time, as to whether or not we would be extended the financial assistance we need so desperately.

Not long ago we received our answer in a curt news release—the same news that hundreds of thousands of other farmers across the country have received—the Department of Agriculture will not help us. It now falls on our shoulders to rebuild our crops, our land, our farms, and our lives. Many farm leaders fear that the ultimate result of this denial of help will be that many rural families will be driven onto the welfare rolls.

Curtailment of the emergency loan program leaves many farmers across the country with urgent credit needs resulting from their losses. These losses seriously jeopardize their ability to qualify for credit from customary commercial sources and for the regular FHA operating loans.

I am cosponsor of legislation to require the reinstatement of the rural environmental assistance program. I feel that REAP is one of the most important Federal conservation programs we have ever had. Under REAP annual payments have helped landowners install approved conservation and pollution abatement practices which benefit all people. The program is cost sharing and not an income supplement as some of its critics would have us believe.

Such investments in the future of America are not investments solely for the benefits of landowners. I think the program has been quite effective in its intended purpose. This Federal program of cost sharing should be continued for these soil and water conservation practices and structures which contribute to the attainment of pollution prevention, enduring conservation and environmental enhancement.

Farmers are ready and willing to bear their fair share of the necessary cuts in Federal expenditures, but they cannot be asked at this time to bear an inequitable burden. I do not feel that this is the time to shift the burden of the soil conservation and the rural antipollution battle onto the backs of our farmers.

The legislation which I have cosponsored will change the existing law to require the Secretary of Agriculture to reestablish REAP. In light of the Secretary's recent display of disregard for the problems and needs of our farmers, I do not think it is wise to leave their fate in his hands any longer. I think we must make the REAP a mandatory program. I hope that this bill or one like it will receive immediate attention so that we can give back to our farmers the help which should never have been taken from them in the first place.

I come from a rural district composed of people who have helped to build and preserve this good land, people who are interested in conserving and handing down to generations yet unborn a land with an abundance of good, fertile topsoil, of clean water and unpolluted air.

We should not let them down.

Mr. PICKLE. Mr. Chairman, first I want to salute Chairman POAGE's leadership in bringing H.R. 2107 to the floor. He and his committee have done an outstanding job in moving this body to a point where we can say, "The Congress is an equal branch of the Government."

Last week I submitted testimony outlining why I supported reinstating REAP for fiscal year 1973. Without going into the details of the program, which Chairman POAGE has done so well, I do want to state briefly what the elimination of REAP means to my district, the 10th District of Texas.

There are 12 counties in the 10th District. If REAP is eliminated, my district would lose approximately $558,836. The range is an estimated $57,430 for Lee County to an estimated $24,528 for Blanco County.

But, Mr. Chairman, I want to emphasize that what my district will lose is not all important.

It is not all important because the administration's action in canceling REAP represents a most severe disregard for the elected branch of our Government—the Congress.

We have the impoundment problem—everyone agrees; but impoundment usually means withholding a fraction of the funds for a program.

With REAP, there has been a total cancellation. We pass a law, appropriate money for it, the President signs the law, and then, "whamo," no more program. Something is amiss; something is constitutionally wrong.

Attorneys have told me that the administration's action with REAP presents the clearest constitutional clash between the Congress and the Presidency. Other impoundments, in the legal sense, revolve heavily around how much discretion the enabling legislation gives the administration in administering the moneys for a program. This is true, for example, with the highway trust fund impoundment question.

We did not, however, pass REAP, and say in the enabling legislation, "Mr. Secretary of Agriculture, we, the Congress, are giving you some money for REAP, but you, the Secretary, don't have to spend one penny of the money if you don't want to."

Since Congress did not, does not, and I hope never will, pass legislation with such a ridiculous negation of congressional intent, the clear question here is, "Will the Congress allow the Executive to set a precedent that means the Executive can ignore and nullify the Congress?"

I think, Mr. Chairman, that today Members of this body, from both sides of the aisle, will answer the question I pose with a resounding "No" by passing H.R. 2107 with a resounding "Yes."

It is our duty, Mr. Chairman.

Mr. BOLAND. Mr. Chairman, the existence of the rural environmental assistance program—REAP—has proved its worth not only in the rural farming areas of the United States, but also where the effects of our agricultural system are felt on a large, public scale; in the benefits accrued by the American consumer. All of our citizens have the right, as well as the opportunity, to enjoy clean water from streams, lakes, and reservoirs, and we all benefit from the beauty of our wildlife communities and unspoiled woodlands. This is to say nothing about the food put on our tables by the same 2,000,000 farms which have participated in the programs since 1969.

In June of 1972, a U.S. Department of Agriculture bulletin described REAP as—

> The principal channel through which the Federal Government, in the National interest and for the public good, shares with farmers and ranchers the cost of carrying our approved soil, water, woodland and wildlife conservation and pollution abatement practices . . . that are directed to:
>
> 1. Help maintain the productive capacity of American agriculture
>
> 2. Help assure the nation's growing population an increased supply of clean water, reduced air pollution, an enhanced natural beauty, more opportunities for the enjoyment of outdoor recreation, improvements in the quality of the environment, and better ecological balance.

For the most part, the Federal share of the cost is limited to an account which does not exceed 50 percent of the total cost of performing the REAP approved practices. While $140,000,000 had been appropriated by Congress for REAP in fiscal year 1973, only $15,000,000 had been obligated by the December 22 deadline—which may have been lifted for emergency home loan applications—and the rest has been impounded by the Nixon administration. The 1974 budget provides a $1 billion cutback in agricultural spending, and it is already projected that the farming industry is operating at some $1 billion loss for 1973.

Low income U.S. farmers must struggle as it is to meet their share of the costs of necessary farm practices—housing, maintenance, feed, innovative development, and so forth. By canceling an efficient program such as REAP, the administration is not reducing the costs of Government, but merely shifting the burden of those costs to the shoulders of the people most in need of its help. In view of our reliance upon farm produce, the necessity, and the dependence of the U.S. farmer on cost sharing, a refusal to continue REAP seems short sighted. Cancellation will not increase the efficiency of productivity, it will merely squash the poorer farmer unable to go it alone.

Agricultural assistance has been severely reduced recently. I am enclosing testimony I have received from constituents describing the impact of these reductions, especially on the small family farmer:

Bonnie View Farm,
Dudley, Mass., January 11, 1973.

Representative Edward P. Boland,
Rayburn Office Building,
Washington, D.C.

Dear Sir: I wish to state that it is urgent we have your support to re-instate the REAP ACP USDA program which was terminated as of December 22, 1972, by the Nixon administration.

I was born, raised and my folks have tilled the farm in producing food and fiber for the past 60 years. It is only with the assistance given by REAP in protecting, improving and preserving the soil, water, and woodlands that we have been able to keep the farm producing food. We have seen two major wars come and go, and in each case, because the soil was protected, we were able to provide food for the needs of the people and armed services.

My farm family and neighbors urge you to support the reinstating of the ACP REAP USDA program so that we can continue to farm for generations to come.

Yours truly,

Mrs. Ann Kulisa.

Rutland, Mass.

Dear Congressman Boland: On January 18, 1973 I spoke at the meeting in Spencer to discuss the plight of the local farmers (which was attended by a representative of your office). After considerable time and research I came up with the enclosed testimony. Available time and space was limited at the meeting.

At the time I presented graphs and charts showing pertinent information from 1961 through 1972, such as:

1. Day to day weather effects on grain, hay, milk, beef, vegetable and fruit prices.

2. The federal price of milk and its relation to the various expenses going into its production, such as labor, machinery, gas, oil etc.

3. Taxes and their effects (movement from the family farm).

4. The rising prices to the consumer:

I feel at this time that any price increase is out of order—the solution will have to come from the budget of the Dept. of Agriculture with a reduction in the cost of food the end result. The farmers are an economical and cost-conscious group but have just about reached the limits of their productive abilities. I am sure that with immediate and the proper type of assistance they will show as they have before, that they are not only great farmers but great and true Americans.

. . . One serious loss due to cancellation of the R.E.A.P. Program will be the loss of incentive payments for waste disposal and pollution control structures. This can have a serious setback effect in getting this very important work done to protect the quality of our environment.

With food shortages developing world wide it seems foolish to withdraw any assistance to farmers which can help them to meet this need and keep food prices at an acceptable level. Loss of this aid will only mean much higher consumer food prices. . . .

I think now more than ever before we need help. Now, not tomorrow, not next year, but right now. My first concern is the farm family but in the long run it is not the farmer, it is not the machinery dealer, it is the consumer without food. We will no longer need the farmer for the farmer and consumer will have eliminated themselves. When the Federal Government cut off the Disaster Relief the farmers were told to tighten their belts. Who has found relief from the belt tightness. As a farmer for some 25 years I know all about belts and how they must be kept in a useable condition. It is with a sad look into the past that what I spoke of then has come to pass and with greater impact than even I had predicted. Farm and Farm families, and I mean real experienced farm families have left in great numbers. It is said that they are being absorbed by larger farms. That is a good answer but how true is it?

Statistics show this—but I find some are misleading. We have a number of well learned men in a lot of our departments. They can with their pencil and paper show you how you can make a profit in your setup but they lack the actual experience needed to put the idea into practice. My point is that even though we have brilliant college men, we still need a few farmers with the experience needed in both liaison work between the State department and the Federal government. Again, I emphasize that these men should be independent of any of the larger groups. A representative of the farm family not a coop, or large federation that loses the identity of the people who are the backbone of our nation. . . .

I would like to say I am speaking, not only for the poultry, fish, dairy, beef and vegetable farmer etc. but for the consumer and in my last closing statement wish to express my desire for proper advertising and I think with a little common sense, a little help and the Good Lord willing we will receive the needed help.

Raymond Trum.

Mr. COTTER. Mr. Chairman, I will oppose H.R. 2107, the rural environmental assistance program, because I believe that it is not a necessary program. The ostensible purpose of this program is to protect the environment, but of the $225 million earmarked by this bill, over $42 million is spent on administrative costs. Also, for fiscal year 1972, the entire State of Connecticut was only allocted $275,000. Beyond this, the fact that this program is used not for conservation, but for investments in fertilizers, and in some instances for nonfarming and nonenvironmental purposes, raises serious and unresolved questions.

Many Members are voting for this program to protest President Nixon's impoundment of funds, and I share their concern over the massive and, I believe, unconstitutional extension of the President's authority. However, my desire to fight impoundments does not relieve my obligation to study each program and evaluate its worth. My support for the rule indicates my displeasure over the President's impoundment. I supported the Findley amendment to restrict this program only to help the small farmer, the family farmer, with an income less than $10,000, but I cannot vote to spend $240 million in a program whose merits are, I believe, less than convincing.

Mr. **ROBISON** of New York. Mr. Chairman, the abrupt termination of the rural environmental assistance program, as expected, brought cries of anguish and consternation—some out of a sincere and heartfelt dedication to the purposes of the program, others because they saw it as the first opportunity to challenge the President on the entire impoundment issue.

The REAP program, and those programs that preceded it, began in the 1930's, responding to what was then a desperate need for Federal help to conserve our soil. These programs have played an important role in advancing soil conservation, improving agricultural production, and controlling agricultural pollution. Through the years, however, though the agricultural methods and national needs changed dramatically, the program has remained pretty much intact. There are those who maintain that soil and water conservation practices are now an accepted part of any well-managed farm operation, making the cost-share incentive less important than it was when the program was initiated.

This may be true, for the Department of Agriculture tells us that only about 20 percent of the farms in this country participated in the program in recent years with an average payment per farm of $239. Almost half of the 1971 cost-sharing payments were used for livestock operations, while only 30 percent of the payments were used for practices directly related to crop production.

So, like many other, older Federal programs, the REAP program is, I believe, in need of review and change. There are clearly some REAP practices that are no longer relevant, that do not deserve Government support, and that are recurring in nature. Among those who recognize the need for change are farmers themselves.

One farm constituent wrote:

> I, as a landowner and farmer, have probably used the REAP and its predecessor programs as much as anyone and I am proud of the job we have done to conserve a part of New York State for posterity and the part we have played in reducing soil pollution in our streams to nearly zero. But the program has been misused and I agree with the Bureau of the Budget. The REAP county managers and committees have gone down the road selling their program to keep the dollar volume up and consequently the bulk of the dollars have been used to maintain productive agricultural land which is not in need of conservation practices.

Even supporters of REAP wrote:

> We do believe that some portions of the program had been carried on for too long a period of time—after having adequately served the purpose of providing the necessary incentive for landowners to promote proper use of the land . . . We feel that the Rural Environmental Assistance Program should be re-established, that is continued with modifications and adjustments made.

Looking at this legislation from the budgetary perspective there are other important factors which must be taken into account. First, we—the Congress—have lost the initiative in setting overall budget priorities. Whatever the reasons may be, and they are being debated rather thoroughly, Congress has failed to exercise its obligation to allocate national resources in a responsible manner. Last fall this administration made clear its determination to hold fiscal 1973 spending to $250 billion. When Congress refused to reallocate priorities to meet this goal, the President, as is obvious, has not been reluctant in trying to do so.

Given the mandated and, in effect, "uncontrollable" spending built into the budget, the President was forced to make his cuts in that 30-percent part of the budget which was "controllable." In fiscal year 1974, almost 75 percent of the budget will fall in the "relatively uncontrollable" category.

It is clear that Congress must reexamine the substance of the process through which it makes its allocation of resources. We have, through the Joint Committee on the Budget, begun to do just that, but too late, however, to have any real impact on either the 1973 or 1974 budgets.

Next, when you look at our budget situation from the revenue perspective there are figures which cannot escape our attention. If the changes we have made in the tax code since 1962 had not been enacted, there would be an additional $50.3 billion in tax revenues in this fiscal year alone. The tax cut of 1964 is responsible for a reduction of $27 billion while the tax acts of 1969 and 1971 account for another $11.7 billion. Because of increases in State and local taxes, along with social security tax increases, the impact of these tax reductions on the average taxpayer has been negligible. But the fact remains that, without these revenue actions, the funds would be available for many, or perhaps all of the programs, including REAP, which are subject to controversy today.

I am not suggesting that all of these revenue acts be repealed. In fact, I voted for them. What I am suggesting is that there must be a closer relationship between revenue and spending policies. Too often that has not been the case in the past. Again, it is my hope that the Joint Committee on the Budget will help us find a way to accomplish this objective.

These are factors, though not necessarily helpful in making the specific judgment we are called upon to make today, which, in my opinion, should be aired in this opening round in what promises to be a year-long debate over budgetary and spending issues.

What, then, should be our reaction to H.R. 2107—a bill to require the Secretary of Agriculture to carry out a rural environmental assistance program?

The abruptness which characterized the termination of the REAP, or for that matter FHA and HUD programs, is of considerable concern to me. It has left many individuals and communities in a difficult and often unfair situation. It seems to me that it would have been better for the administration to provide for a transition period to soften the impact and shock of the actions it has taken. The Mizell amendment—which I support—would accomplish that purpose if the President would accept it.

Nevertheless, the committee bill before us today simply requires the Secretary of Agriculture to expend all of the funds appropriated for the REAP program—$225 million as compared to $140 million covered by the Mizell amendment. The committee bill does not take into account the difficult fiscal problems we are facing—it does not address itself to the challenge of reforming the REAP program to make it more responsive to real needs—it does nothing to correct the unwarranted spending which now takes place under REAP.

Regrettably, the Committee on Agriculture turned aside other efforts to amend H.R. 2107 which might have made the bill more acceptable and worthy of support. The Findley amendments, as described in the minority report to H.R. 2107, have considerable merit.

Therefore, I feel forced to vote against the REAP bill, if the Mizell amendment is not adopted, not because I am opposed to all aspects of the REAP program, but because this legislation does not present a responsible answer on our part to the stark dimensions of the fiscal problem we, and the President, face together.

If the Committee on Agriculture had chosen to require funding at a much lower level, with the promise to report to the House legislation to reform and improve the REAP program, such legislation would have had my support.

It is not too late for the House Committee on Agriculture to undertake such an effort. The certainty of passage of this bill is probably matched only by the certainty of a Presidential veto. Rather than merely provoking confrontation, I would hope we would seriously explore those avenues where accommodation is possible. This bill is not designed to do that. Perhaps, future legislation will.

Mr. **TAYLOR** of Missouri. Mr. Chairman, much has been said today about the value of the rural environmental assistance program. The debate has been open and frank, as it should be, and we have had the privilege of learning the views of those who are against, as well as those who are for it. However, I must call attention to the fact that even those who favor terminating the program, admit that REAP and its forerunner the ACP have made good and valuable contributions to agriculture in the past. I know they have, for I come from a part of the country where the farmers have literally carved their acreage out of rocky and hill land that could not produce much more than weeds and scrub trees without hard work, planning, and help provided by agriculture programs such as REAP and ACP.

The farmers of the Ozarks know the importance of building up the land so that it will yield a suitable crop or provide needed pasture. They know the value of storing precious water so as to have it available for the dry season which could ruin a crop and place a farmer in bankruptcy. I have no doubt that much of our top soil would now be lost or depleted were it not for the agricultural conservation program of the past 30 years.

Mr. Chairman, I know of the need to place our economy on a fiscally sound basis. The farmers of southwest Missouri know it too, and I guarantee you that if the people of this Nation were as self-reliant as those who till the soil, we would not be talking of the need to cut the budget or impound funds, or to get our priorities in order. Our economy would be sound and the Federal Government would not be operating with a deficit budget.

Mr. Chairman, the farmers of this Nation have not asked for a handout from their Government. They have always willingly paid their share of the cost with the full knowledge that the benefits accrued would not be theirs alone, but would be shared by the population as a whole. They are aware that this conservation program would help preserve the land for generations to come, and would make it possible for fertile soil to be restored and available for food production when the need arises, and for a nation of more than 207 million people, there will be such a need.

Mr. Chairman, I do not think that we should take away from the Secretary of Agriculture the option of flexibility in implementing this program. If there are inequities in the rural environmental assistance program, let him throw them out, but let us not vote to kill that which has proved so beneficial simply because a few bad apples have been found among an otherwise bountiful crop.

Mr. Chairman, I intend to vote for the passage of H.R. 2107 and I encourage my colleagues to do likewise.

Mr. **MEZVINSKY.** Mr. Chairman, it is ironic that today, when the Nation is becoming more and more ecology conscious, we must act to reaffirm the Federal Government's commitment to an environmental protection program that reaches back to the Dust Bowl days of the 1930's.

The rural environmental assistance program—formerly the agricultural conservation program—has proven itself over the past three and a half decades to be a valuable and productive program.

We all know that conservation practices are expensive, and although farmers and other rural citizens are willing to do the needed job in environmental protection, they need financial assistance.

REAP is not a selfish program for farmers. They are not the only Americans who benefit from the Federal cost-sharing funds.

By working to avoid siltation, sedimentation, and soil erosion, we protect not only a farmer's land but the scenic beauty of our countryside and the quality of the Nation's rivers.

Consumers benefit, too, because conservation practices protect the productivity of our greatest natural resource—our land.

Farmers have relied for 35 years on Federal cost-sharing assistance for conservation practices.

We must not abandon our responsibility to conserve the environment.

Mr. **HUDNUT.** Mr. Chairman, I appreciate having this opportunity to speak in opposition to H.R. 2107, which would force the Secretary of Agriculture to spend money on a program which has been deemed to be of low priority.

This bill marks the first assault on the President's policy of fiscal responsibility and I feel we will be setting a precedent by our action. If this compulsory spending legislation is enacted it will surely be followed by a host of other special-interests programs. Personally, I applaud the efforts of President Nixon to hold down Federal spending and to establish priorities in spending for those areas that need most vital attention. I believe, as he does, that the American people do not want their budgets wrecked by higher taxes and higher prices which is brought on by Federal deficit spending.

The issue in this legislation is not so much whether the rural environment assistance program has been all good or all bad. I am sure it has been and is beneficial in many respects. However, while specific Federal programs such as REAP, may be of importance to many people and groups, none is more important that a concerted program to hold down the cost of living and the rate of taxes. Therefore, I urge the defeat of H.R. 2107.

Mr. **MICHEL.** Mr. Chairman, as we debate this bill today, my thoughts go back over the many previous debates we have had on the merits of this program. I recall especially a day early in 1959—14 years ago—when I stood in the well and offered an amendment to cut the funding of what we then called ACP by 60 percent from $250 million to $100 million.

It is interesting to look back at that effort now and see that most of the arguments we used then are just as valid today.

We pointed out then, for instance, that a good part of the program funds went for practices directly related to crop production, such as limestone and seasonal cover crops along with wells for livestock.

I would like to quote just a few paragraphs from that 1959 statement, because I think it helps brings the present situation a little better into focus:

Remarks of Hon. Robert H. Michel in the House of Representatives, May 18, 1959

> Of course, you are going to get some objections from some people back home. Representing a rural and an urban district, about half and half, as I do, I will get some objections from some of my farmers. It is not an easy thing to tell some fellow, "You are going to get less from the Federal Government," or, "We are going to do a little bit less for you this year than we did last year." But to my mind, it is the right thing to do. There will be some areas of the country where they will say, "This is the only program in which we can participate in the farm program." Particularly up in New England they will say, "This is the only chance we have to get our fist into the Federal till. You fellows in the Midwest with your acreage reserve and conservation reserve are going to get bundles of it, but this is an opportunity for us to get a little bit of change for our small farmers."
>
> I think also you are going to get some objections from what I like to call the limestone trust, and those who through the years have come to sell a great many bags of fertilizer, because the Federal Government is picking up half of the tab to do the job. But that does not necessarily mean it is the right thing to do. Frankly, it looks to me as though we are doing a round robin. On the one hand, we are paying out to increase the productivity of millions of acres and at the same time we are having to pay thousands of farmers a support price or a conservation reserve payment to take his land out of production. Frankly, I think it makes much more sense to put this money into the long-range conservation reserve program where we take land out of production for a period of years and put it back into a cover crop rather than simply paying a farmer for increasing his production this year or the next year. If it is a long-range program, then I can support part of it, but so much of these payments are in the form of short-term year-to-year payments, and I am certainly opposed to the continuation of that type of program. That is the purpose of this amendment to give you folks a chance to register your objections to these continual payments which now amount to a quarter of a billion dollars this year and to give you a chance to do something by way of economizing and saving the taxpayers a good chunk or do-re-me.

Today, Mr. Chairman, about 30 percent of the cost-sharing participation under REAP is for practices directly related to crop production, rather than for conservation practices as such.

In 1971, for example, Federal cost-sharing funds through REAP amounted to: Nearly $12 million for installing irrigation systems, land leveling, ditch lining and the like; nearly $10 million for liming materials; more than $4 million for control of competitive shrubs on range or pasture; more than $3.5 million for wells, pipelines and the like for livestock water facilities; over $122,000 for construction of permanent fences; and, we spent more than $30,000 for home gardens.

I am not going to go on at great length here, because we all know that REAP is not; the real issue, anyway. If it were not REAP, some other program would be the vehicle.

What it all boils down to is that if we are serious about controlling Federal spending and inflation, and if we are serious about preventing an increase in taxes, then we are all going to have to stand up and take our licks in the budget.

This is not the only program the President proposes to cut back because of a low cost-benefit ratio. Just take a look at the list beginning on page 50 of the new budget document. There are seven and a half pages of program cuts in virtually every Federal department and agency.

Is REAP worth a tax increase and continued inflation? Is any program on that list? That is the real question, because if we cannot take our share of belt tightening in agriculture, we can be darn sure nobody else will, either.

Mr. **CULVER.** Mr. Chairman, today the 93d Congress faces an important vote. At issue is whether the President or the Congress ought to decide how the Federal taxpayer's money is spent. Since 1935, Congress has voted funds to promote local soil and water conservation practices on a cost sharing basis. This Rural Environmental Assistance Program—REAP—has proven to be one of our most effective means of abating and preventing pollution of water, land, and air in agricultural areas.

The last Congress appropriated $210.5 million for the REAP program. The President signed the appropriation bill without objection. In September, the Department of Agriculture announced that $140 million would be available for the program. Once election day passed and the President was reelected, however, he impounded all funds for the program. Without congressional action today, this program will die.

I strongly support appropriate congressional action to cut unnecessary Federal spending. However, REAP has been one of our most effective and efficient cost sharing programs. It has purchased $3 worth of needed soil and water conservation practices for every $1 of money spent. REAP has proven to be a sound financial investment for the last 38 years.

In Iowa, over 26,000 farmers participate in the REAP program each year. Most of the payments are for help in financing terraces, ponds, and other permanent conservation structures. Many projects are for wildlife habitat development in Iowa. Some projects already started will not be completed unless the President's action is reversed.

We need the rural environmental assistance program in Iowa. It has helped prevent the pollution of our water, land, and air, and the increasing degradation of our natural resources. It has helped provide an adequate supply of food and fiber, and greater outdoor recreational opportunities. In short, it has contributed to the environmental welfare of our State and the Nation. It should be continued.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 490h(b)) is amended by striking out the words "shall have power to" and inserting in lieu thereof the word "shall", and by striking out the phrase 'in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes", and inserting in lieu thereof the phrase "in an aggregate amount equal to the sums appropriated therefor,".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MIZELL

Mr. MIZELL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MIZELL: Strike out all after the enacting clause, and insert: "That funds allocated by the Secretary of Agriculture for the purpose of carrying into effect the rural environmental assistance program authorized by sections 7 through 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g, h, i, j-o, 590p(a), and 590q) for the fiscal year ending June 30, 1973, shall be fully expended for such purpose in such fiscal year".

Mr. MIZELL. Mr. Chairman, I offer this amendment today as a means of trying to achieve a compromise that will save the REAP program and save money and assert the authority of Congress. On the one hand, there are those who would say to the President that "You are going to spend the maximum amount that was appropriated by Congress for the REAP program in fiscal year 1973, during the balance of this year."

On the other hand, there are those who would abolish the REAP program completely, taking those phases of the program that we know have done a good job of preserving our natural resources, and throwing them out the window, throwing out the good along with the bad.

And then I think there are some Members here today who want to use this measure to try and reestablish the authority of the Congress.

So, Mr. Chairman, I think that I have suggested here a compromise that the committee should be able to support.

It recognizes the need for continuing those programs under REAP that have done a good job. This is not the place for us to try to change this program, and remove the inequities that are in the program. This we should do in the committee—and we will have the opportunity to do this when we bring forth the agricultural bill this year. That will be the place for us to correct any of the inequities that might be in the program—and certainly we recognize that there are some.

At the same time, by adopting my amendment, I think that it really enhances the possibility of our farmers having some money under the REAP program for the balance of this year. That is the main reason I offer my amendment today.

What the amendment really does is tell the administration that it will make available the $140 million that it told the American farmers last September was going to be available. That is the amount of money that the farmers were expecting to have in the program, and that is the amount of money that they should have at this time.

I think for us to say now that we are going to require the Secretary of Agriculture to expend the maximum amount appropriated by Congress comes a little bit late. I did not hear all of the hue and cry coming forth for the maximum funding of the program at the time the Agriculture Department announced there would be $140 million in this program. If there was any real objection to it, that was the time that it should have been raised. But we are at a point now where we can either have a direct confrontation with the administration and, in my opinion, lose the whole package, or else we can look for some area in which we can compromise and get something for your farmers and for my farmers the rest of this year. I cannot agree with those who would like to kill this program, because I believe there is too much good in it. Neither can I agree with those who would think to use this program as merely a confrontation with the President downtown. Nor can I agree with those who would seek to change this program at this stage of the game. Rather let us wait until we bring the legislation out of our Agriculture Committee. That is the place to deal with it.

I say to the Members in all sincerity that if the Members are for the continuation of the REAP program this year, they should vote for my amendment. If the Members are for fiscal responsibility, they should vote for my amendment—which is an $85 million reduction in what was appropriated by Congress.

If the Members are for Congress exercising its authority, then, of course, the Members can vote for my amendment.

I trust that the committee today will adopt my amendment and that we will get a REAP program for our farmers for the balance of this year.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment. First, I want to suggest that I overspoke myself awhile ago. I apologize. The gentleman from North Carolina is one of our fine members of the committee, and I certainly raise no question as to his sincerity of purpose in what he is trying to do. Of course, I think that he has sought and does now seek to try to achieve something for the American farmer. I cannot be as charitable as to his judgment. I think that it probably is a little warped.

I think I understand what the gentleman wants to do, but I doubt very much if the amendment does it. The amendment is no place says at what time the Secretary's mind should have been made up as to what he wanted or how much he wanted. He says:

> The funds allocated by the Secretary of Agriculture for the purpose of carrying out—

At what date? At one time the Secretary of Agriculture was allocating $140 million; that is true. At another time the Secretary of Agriculture said he "terminated" the program; he is not allocating anything.

Today I do not think there is any allocation of any funds whatsoever by the Secretary of Agriculture, because the Secretary, himself, sent out a notice saying that the program was terminated. That means that there are not any funds.

Just on what date does the gentleman want the Secretary to "allocate" funds, and can the Secretary change his mind? Surely the amendment does not make this clear.

Mr. MIZELL. Mr. Chairman, if I can direct the gentleman's attention to the amendment itself, it says for the fiscal year ending June 30, 1973. Counsel, and those backing the amendment, have advised me that it would require the Secretary of Agriculture to make available this $140 million that he had already allocated to the State.

Mr. POAGE. The moneys he had allocated last fall, or that were allocated at the time the bill was passed?

Mr. MIZELL. The $140 million that were allocated to the States.

Mr. POAGE. But it does not say so. It says the funds allocated by the Secretary of Agriculture.

I assume it means the funds allocated

by the Secretary of Agriculture at the date the bill is passed. On the date the bill is going to be passed there is not going to be a dime allocated by the Secretary of Agriculture.

The Secretary of Agriculture has unallocated.

Just as I mentioned awhile ago, our President changed his mind, and the Secretary changed his, and he unallocated that $140 million and sent out a notice that the program was terminated. He did not say it was suspended; he did not say that it was put on the shelf; he did not say "this year." He said that the program was terminated, period.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. Yes, I yield.

Mr. MIZELL. I thank the gentleman for yielding.

So that we do not mislead the Committee in any way, there is no question in my mind and in the mind of counsel that these funds that were allocated under the 1972 and 1973 program are the ones that would be made available to the offices across the State. In that respect I think that it is clear in all of our minds when the $140 million would be available.

Mr. POAGE. I say to the gentleman if they were allocated, why are not they still allocated? How did they get unallocated?

Mr. MIZELL. The chairman directs his attention in his amendment to requiring that the funds that were appropriated be expended. I direct the members' attention to my amendment which States that funds which are allocated should be expended.

Mr. POAGE. That is right. Are they allocated today or are they not?

Mr. MIZELL. They would be if my amendment is passed.

Mr. POAGE. Are they allocated right now? Are they allocated right at this moment?

I think it is perfectly clear that the gentleman's amendment is rather meaningless.

Mr. MIZELL. It is not meaningless. There is no question those funds would be made available if this is passed by the Congress.

Mr. POAGE. There is no doubt in my mind that the same Secretary of Agriculture who can unallocate in December can unallocate later in this year and each day in the week.

Mr. MIZELL. If the chairman can direct what those funds are in his amendment, my amendment is just as clear.

Mr. POAGE. But if what we direct, if what Congress has appropriated is the figure, then that is still appropriated. We have not changed our minds. We have not unappropriated. The Secretary has unallocated. We have not. Our appropriation is still there and it is available to be spent at any time.

I submit to the House it is obvious that the amendment does not achieve what it seeks to, or at least there is serious question as to whether it achieves what the gentleman feels it should achieve. Are we going to go into a proposition this evening of adopting some of these half-baked and un-thought-through amendments in order to try to prevent a veto? That is why the gentleman says we should adopt his amendment.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Chairman, this bill, H.R. 2107, addresses a question that is even more important than the resolutions of the rural environmental assistance program for all its merits.

The real issue before us is the matter of public trust. Last fall prior to the general election President Nixon caused to be announced an initial allocation of $140 million for the 1973 REAP implying that the balance of the $225 million appropriated would be released later. All persons interested in soil, water, and environmental conservation applauded the announcement and planning for the 1973 program commenced. On December 26, 1972, the President reversed himself and abruptly terminated the program. Is there any wonder the American people doubt the capability of its political leadership? The financial crisis cited by the President as being a reason for the termination was as apparent before the election as it was on December 26.

Mr. Chairman, if I can't trust my President on this issue, can I trust him on any other? I'm deeply troubled by his handling of this program and I urge adoption of this bill without amendments as one means of restoring our citizens' faith in our Government.

Mr. MELCHER. I want to address myself, Mr. Chairman, to further discuss a number of points which have been raised by the debate and by this particular amendment.

I think first of all we are doing an injustice to ourselves as a deliberative body and also an injustice to the people involved in REAP, that is the landowners and the farmers and the ranchers of this country, if we are to compare the REAP payments with income supplements. That simply is not the case. Rather it is an investment. The part that Uncle Sam pays is the investment on behalf of the Nation, but 50 to 75 percent of the cost is borne by the landowners, the farmers, and the ranchers of this country, and that is an investment on their part. So jointly Uncle Sam and the landowners make an investment in conservation.

It has been debated here this afternoon that adopting the bill would somehow force payments up to $225 million during the balance of this fiscal year. That is very unlikely, because it is not up to the Department of Agriculture to force out this money. Rather it is up to the individual landowners, farmers, and ranchers of this country to come in and apply in their local county offices for a conservation contract. They have to take the initiative. If we can predict that there is enough demand on the part of the landowners of this Nation to make that investment, where they put up 50 to 75 percent to get Uncle Sam's matching share, I say that is great. However, I do not think it is likely to happen between now and June 30.

There is an additional point in regard to the expenditure of money under this program during this fiscal year. These are contracts entered into virtually none of which will be completed during this fiscal year. The payments will be made for the most part almost entirely in the next fiscal year.

Then further I think the point made by the ranking minority member of the House Agriculture Committee, my good friend, the gentleman from California, was that the Department has said this program cost $42 million to administer and they have 600 people that did nothing else but administer the REAP program. That is a fuzzy type of mathematics that we as Members of this House should shoot down each time it is given to us by any bureaucrats, regardless of what Department they come from. If we take $42 million for 600 employees, it amounts to $70,000 per year per employee, which is not only untrue but is absolutely ridiculous. But that is the type of argument that is advanced against a piece of legislation or against a program when all too hastily some of the departments determine that they are going to cut out something that we want and that the people want, and then they attempt to justify it.

It is not only faulty mathematics, it is misleading. We should reject it and we should reject their entire argument, pass the bill and not be worried about the amendment by my good friend from North Carolina, because under any circumstances the real test of how much of the funds are used is going to be made by the initiative of the farmers and ranchers applying for conservation purposes. They will be paying the bulk of it, so if they are willing to make that investment to improve their land, the lands of this country, and enhance and conserve it for the entire country, I think we owe them a big thank you and should make it available to them.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there has been a lot of reference here to deficits and to expenditures and to appropriations and interchange of words which were really not used in the right context.

As far as deficits are concerned, the reasons for them fall into three categories: First. We had a number of tax reductions in this country. Both the Congress and the President are responsible and both bragged about them in the last election. But for those tax reductions, this years receipts would have been $25.8 billion more. That would have wiped out the deficit. Both the Congress and the President are responsible for that.

The next cause of the deficit involves programs which are not subject to the annual revenue process before the Committee on Appropriations and before this Congress. Those programs have climbed and climbed and climbed. The President signed those bills and bragged about them during the election. He and the Congress are jointly and equally responsible for any deficit caused that way.

This REAP program does not fall within either one of those categories. This is a program which is subject to the annual review process. For every dollar which was appropriated for this program last year, the Congress cut out at least a dollar someplace else. We reduced the President's 1973 appropriation request by $6 billion overall, so we are not talking now about something where we did not act responsibly.

We said, and for good reason, this is a program to which we attach the highest priorities. This program involves the saving of the topsoil of this land. This involves something that is our most precious asset, because all life is fed from the topsoil. It is the topsoil that future generations for thousands of years will have to depend upon if they are to survive on this continent. It is the topsoil through which plant life is recycled. Although making topsoil requires thousands of years, it can be eroded away in one or a few years.

What we are involved with today is not deficits, it is not fiscal responsibility, because we have already met that by cutting other programs to offset the cost of this one. The Congress decided that REAP is something for which it was worth cutting some other program dollar for dollar. What we are involved with today is not deficits or fiscal responsibility but rather: Should the Congress establish the priorities or should the President?

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the 5 minutes. The only reason that I take this time is because I think there is one extremely important point that has not been covered in debate.

On page 50 of the President's budget, for a span of six pages, we have a section entitled "Outlay savings from program reductions and terminations, 1973–75."

Now, the important point, Mr. Chairman, is that in that section we find that Agriculture programs have been terminated to the extent of $2.1 billion. What are the other agencies cut back? Let us look at Defense which spends manyfold more dollars than Agriculture; yet, it is cut back only $2.7 billion.

What about the big civilian spender, HEW, which spends approximately eightfold the dollars of the Agriculture Department? It is cut back only $4.8 billion.

I could go right down the line. How about the big independent agencies? We can take one example, the Atomic Energy Commission, which spends billions of dollars. What is it cut back? A meager million dollars. Imagine, Mr. Chairman, $1 million, while Agriculture is cut back $2.137 billion.

What am I saying? I am saying that the programs of the Department of Agriculture for farmers are being made the whipping boy by this administration on the budget for the remainder of this year and for the 1974 budget.

Yesterday and the day before we had Secretary Shultz and Chairman Stein and Director Ash before the Appropriations Committee. I pointed these things out to these very distinguished gentlemen. Their response was a weak one. I pointed out further that these facts I have stated are very consistent with the position of the present Director of the Budget who sent this budget to us. He recommended just a few months ago that the Department of Agriculture be eliminated. The President approved his recommendation, but Congress would not enact it.

I say, my friends, that I am in favor of spending limitations. I am in favor of holding the line on budget deficits. But I place two qualifications on those statements. One is that Agriculture should not be treated unfairly and unconscionably when compared with the other agencies. And I say that we in the Congress and not the President should decide what the spending priorities of this Government are:

That is what the Constitution says. That is what we ought to be interested in carrying out.

So I speak against the amendment and all other amendments that will be offered. I speak in favor of this much-needed legislation.

AMENDMENT OFFERED BY MR. BENNETT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MIZELL

Mr. BENNETT. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from North Carolina (Mr. Mizell).

The Clerk read as follows:

Amendment offered by Mr. Bennett to the amendment in the nature of a substitute offered by Mr. Mizell: After the words "Secretary of Agriculture" insert the words "during the calendar year 1972 pursuant to the Appropriations Act funding the United States Department of Agriculture for the fiscal year ending June 30, 1973."

Mr. BENNETT. Mr. Chairman, my purpose in offering this amendment is merely to make clear what the gentleman from North Carolina had in mind.

I hate to see, as a Member of Congress, things sloughed off here because we do not have language which is interpreted by all Members to mean the same thing. We ought to be a better legislative body than that.

The gentleman from North Carolina offered an amendment which he thought was clear, and which I thought was clear, but the chairman of the committee has raised doubt about whether it is clear, that is to make certain the objectives the gentleman from North Carolina had in mind, which is to fix the amount of money the Secretary of Agriculture has put in for this program, to wit, $140 million in 1972.

I hate to see our legislative processes befouled by such confusion. So, whether the language I offer is necessary or not, it will clarify the matter and the objective of the gentleman from North Carolina. It will now be achieved by the language which is offered.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from North Carolina and as I do so I congratulate the gentleman on his amendment. I hope we can to this extent, at least, support the President in his efforts for fiscal responsibility.

Mr. MIZELL. I thank the gentleman for yielding.

I also thank the gentleman for offering this language, so that there might be no doubt in the minds of the members of the committee of the intent and purpose of my amendment.

I was satisfied the amendment would accomplish the goal of making available the $140 million for the REAP program for the balance of this fiscal year. I believe the language as offered by the gentleman from Florida further clarifies that, so I thank him for offering it and I accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Bennett) to the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. Mizell).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MIZELL. Mr. Chairman, I demand tellers.

The CHAIRMAN. Does the gentleman demand a recorded vote?

Mr. MIZELL. Yes, Mr. Chairman, I do demand a recorded vote.

The CHAIRMAN. As the Chair understands, the new procedure in the House is that the demand is for a recorded vote. The vote will be taken by electronic device.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 176, nays 217, not voting 38, as follows:

[Roll No. 15]

YEAS—176

Abdnor
Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Butler
Byron
Camp
Carter
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Conlan
Conyers
Cotter
Coughlin
Crane
Daniel, Robert W., Jr.
Delaney
Dellenback
Devine
Dickinson
Drinan
Dulski
Duncan
du Pont
Erlenborn
Eshleman
Fish
Ford, Gerald R.
Forsythe
Frenzel
Froehlich
Gilman
Goldwater
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanley
Hansen, Idaho
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hogan
Holt
Horton
Hosmer
Huber
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Macdonald
Madigan
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Miller
Mills, Ark.
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Nelsen
O'Brien
Parris

Peyser
Pickle
Powell, Ohio
Pritchard
Quie
Quillen
Railsback
Regula
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rostenkowski
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Wis.
Stratton
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vanik
Veysey
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zablocki
Zion

NAYS—217

Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bergland
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Collier
Collins
Conable
Conte
Corman
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gunter
Hamilton
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Helstoski
Henderson
Hicks
Hinshaw
Holifield
Holtzman
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Landrum
Leggett
Lehman
Litton
Long, Md.
McCormack
McFall
McSpadden
Madden
Mahon
Mailliard
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Minish
Mink
Mitchell, Md.
Moakley
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Pepper
Perkins
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Runnels
Ryan
St Germain
Sarbanes
Scherle
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stark
Stephens
Stubblefield
Stuckey
Studds
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Whalen
White
Whitten
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zwach

NOT VOTING—38

Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Burke, Fla.
Chamberlain
Davis, Wis.
Derwinski
Edwards, Ala.
Esch
Frelinghuysen
Frey
Harvey
Hébert
Jarman
King
Koch
Kyros
Martin, Nebr.
Mollohan
McKay
Myers
Nedzi
Patten
Pettis
Price, Tex.
Reid
Rooney, N.Y.
Roybal
Satterfield
Steed
Steiger, Ariz.
Stokes
Vander Jagt
Waldie
Wilson, Charles H., Calif.

So the amendment in the nature of a substitute, as amended, was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: After line 11, add the following:

"SEC. 2, This Act shall not take effect until such time as one of the following events occur: (1) the enactment of legislation increasing the statutory ceiling on the public debt by an amout at least equal to the amount of outlay mandated herein; (2) the enactment of legislation which will produce a first-year increase in revenue at least equal to the amount of spending; or (3) the Comptroller General of the United States makes a determination and so reports to the Speaker of the House and the President of the Senate, that the expenditure of funds provided herein, together with all other outlays expected to occur during fiscal 1973, will not exceed the total of revenue and authorized public debt for fiscal 1973."

POINT OF ORDER

Mr. POAGE. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. POAGE. Mr. Chairman, it is not germane to H.R. 2107.

H.R. 2107 amends Section 8(b) of the Soil Conservation and Domestic Allotment Act, and the amendment in no manner deals with the fundamental purpose of this legislation which simply requires the expenditure of funds lawfully appropriated by the Congress. In addition, Mr. Chairman, the amendment would require action by a number of other agencies of the U.S. Government which are not considered and not included in the bill before us, and, therefore, it is not germane to the bill before us.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. Yes, Mr. Chairman.

I would ask the indulgence of the Chair so I may make several remarks about this point of order, and my reasons for asking the indulgence of the Chair are twofold. First of all, as the Chair realizes, there are no recent printed precedents of the House that a Member like myself can consult on a matter of this kind and I have to rely on my poor powers of reasoning, and these may take some number of words. Second, I believe the indulgence of the Chair is justified because this parliamentary issue which is now before the Chair is probably the first parliamentary test of what may be a rather prolonged confrontation between the President and the Congress over the management of the budget.

As I understood the argument of the chairman of the House Committee on Agriculture, the gentleman from Texas (Mr. POAGE), it was that this involved unrelated actions. I think in substance that was his argument in support of his point that the amendment is not germane. I would like to argue to the contrary, that the bill before us is so far-reaching in its scope that the items which are in my amendment are indeed closely related. They can hardly be considered as isolated and separate propositions.

First of all, the bill does not involve just the REAP program. It involves the U.S. Treasury. It mandates spending. Therefore the Treasury balance of money is vitally important and closely related to this question.

It involves the appropriation of money. It would seek to mandate the spending of money which had been authorized by an act of appropriation of the Congress. In that connection it may well be that some of the Members of this body have not examined the wording which is in an appropriation bill preamble, and I would like to read that at this point. I cite this typical language from the Appropriation Act of the 92d Congress:

> That the following sums are appropriated out of any money in the Treasury not otherwise appropriated . . .

That is any money in the Treasury. Well, what does money in the Treasury consist of? It consists of revenue from taxes. It consists of revenue from borrowings. Therefore revenue as well as the public debt ceiling have to be considered an integral part of the legislation we are considering this afternoon.

There is the further question of the constitutional duty of the President. One provision of the Constitution requires that the President faithfully execute all the laws enacted by the Congress. One of these laws is the debt ceiling. Another is the set of laws which provide revenue. Another is an act commonly known as the Anti-Deficiency Act, and as an officer of the Federal Government the President by the terms of that act is prohibited from issuing any obligations for funds that are not within the Treasury as of that time.

Unless my amendment is accepted as a part of this bill, this would indeed contribute to what could be a serious dilemma for the President in trying to faithfully execute the laws that have been enacted by the Congress.

This is not the first time that the Chair has ruled favorably on an amendment of the same nature that is now before the Chair. On January 8, 1964, I offered an amendment to an authorization bill—and I point out that it was an authorization bill. This language appears in the CONGRESSIONAL RECORD, volume 110, part 1, page 144, 88th Congress, second session. The language of the amendment that I offered at that time read as follows:

> The authorization for an appropriation contained in this Act shall not be effective until such time as the receipts of the Government for the preceding fiscal year have exceeded the expenditures of the Government for such year, as determined by the Director of the Bureau of the Budget.

So, if there is an unrelated section or item involved in the issue before the Chair at this time, there certainly was on that occasion also.

On that occasion, when I offered the amendment and the Clerk had finished his reading, Mr. JONES of Alabama stated:

> Mr. Chairman, I make a point or order against the amendment, because it would restrict the appropriation to be made available under the terms of Section 8, starting on line 22, page 3.

The Chairman responded:

> In the interest of being expeditious, the Chair rules that the point of order is not well taken, because the amendment involves a limitation on an appropriation.

That bill, like the bill before us, was an authorization bill, not an appropriation bill, when the Chair saw fit to rule in favor of my amendment, citing that it did amount to a limitation of appropriation. In effect, the amendment now before the Chair is a limitation on appropriations.

Based on that ruling, as well as the general argument I made on the constitutional basis, I do ask the Chair to overrule the point of order.

Mr. POAGE. Mr. Chairman, the gentleman makes his presentation upon the assumption that his amendment somehow is a limitation on an appropriation. The bill before us has nothing to do with an appropriation. It does not involve an appropriation. It simply says what the Secretary is to do with the money that has already been appropriated and how he shall carry out the program.

It does not involve an appropriation one way or the other. For that reason I submit that the argument is entirely missing the point.

The CHAIRMAN (Mr. GIAIMO). The Chair has had occasion to study this problem, and is ready to rule.

The gentleman from Texas makes the point of order that the amendment offered by the gentleman from Illinois (Mr. FINDLEY) is not germane to the bill H.R. 2107. The amendment would delay the effectiveness of the bill until Congress enacts legislation increasing the statutory ceiling on the public debt limit—or legislation raising revenue by the amount of spending in the bill—or until the Comptroller General determines and reports to the Congress that the expenditure of funds in the bill, together with all other outlays during fiscal 1973, will not exceed the total of revenue and authorized public debt for fiscal 1973.

To a bill authorizing an expenditure of certain funds, an amendment postponing the effectiveness of that authorization pending the enactment of legislation raising revenue has been held not germane.

The statement made by the Chairman of the Committee of the Whole on the occasion of that earlier ruling is applicable here. Chairman Walter of Pennsylvania then said:

> This amendment is not germane because it requires the enactment of other legislation in order to make the action taken here effective. This requires action not only by another committee of the Congress but also by the executive branch of government.

The amendment offered by the gentleman from Illinois would certainly require the ascertainment of facts and the exercise of duties by government officials and committees and agencies not included within the present bill.

The Chair has also examined several precedents in Cannon's Precedents of the House of Representatives, including those found in sections 3035 and 3037 of volume VIII. In both of those decisions, amendments delaying the operation of proposed legislation pending the completion of other legislative action was ruled out as not germane.

The Chair further distinguishes this from the situation that the gentleman from Illinois referred to in the earlier case involving House Joint Resolution 871 and the ruling by Chairman Rains, of Alabama, in the 88th Congress. There the amendment did involve a limitation but required nothing further to be done by another committee of this body.

The Chair holds that the pending amendment is not germane to the bill and sustains the point of order.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY: After line 11, insert the following:
>
> "SEC. 2. Section 8(b) of such Act is further amended by adding at the end thereof the following new sentence: '*Provided*, That as a condition of eligibility for cost-sharing benefits, a person must certify in writing that his average annual net income from all sources during the preceding three years, as reported to the Internal Revenue Service, was $10,000 or less.' "

The CHAIRMAN. The gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Nebraska.

Mr. THONE. Mr. Chairman, in considering this bill to restore the rural environmental assistance program, we should discuss very briefly the constitutional question and to reiterate the need for the REAP program.

President Nixon has said that to avoid spending must be made during the current fiscal year. I agree that reductions a tax increase and inflation, a cut in in spending must be made. I am hopeful that the President's drastic actions will cause the Congress to be more responsible in balancing income and outgo.

The administration could have sent a message to Congress last month asking that the budget for fiscal 1973 be reduced uniformly across the board so that the total outlay would not exceed $250 billion. It would take a cut of less than 5 percent in all programs to reach this goal. The resulting budget would not agree with my order of priorities, but I would support a uniform reduction. I would support such an across-the-board reduction because I realize that my personal views on each item in the budget, or the views of any other individual, are unlikely to coincide perfectly with the views of the majority in Congress. It is my opinion that legislation to provide for uniform reductions in spending could pass Congress swiftly.

While attempting to reduce spending, however, the administration is also endeavoring to impose its will on Congress as to which programs shall be funded.

In a report to Congress on February 5, 1973, the Office of Management and Budget admitted that the REAP funds appropriated by Congress for this year would legally be available next year if not expended by June 30. The OMB gave as its authority and reason for impoundment the fact that the national debt ceiling would not provide sufficient funds to cover all outlays contemplated by acts of Congress.

The recent announcement concerning REAP from the U.S. Department of Agriculture, however, made no attempt to justify the legality of its action. The USDA did not say that all funds for the fiscal year were impounded. The USDA flatly said "funding is being terminated." In my dictionary, the word "terminated" means concluded or ended. It seems to me that the executive branch does not have the power under our Constitution to abolish by fiat the laws of Congress, and I recognize that the REAP law in its appropriation stages is open to legal question.

Now, let us turn to the merits of REAP. The people of America, the Congress, and the President have said that fighting pollution is one of the most important concerns of America. The largest source of water pollution in America is runoff from the land. REAP is a program which has proved its effectiveness in reducing the runoff of fertilizers, herbicides, pesticides, silt, and animal wastes. Lincoln, Nebr., the largest city in the district I represent, not only has clearer lakes and streams, but also enjoys flood protection because of REAP.

The people of America, the Congress, and the President have said that conservation of natural resources is one of the most important concerns of America. REAP is a program that has proved its effectiveness in protecting one of our Nation's most precious resources, our rich topsoil. If we lose this resource, we will not be able to feed ourselves, much less millions of others around the globe.

In announcing the termination of the REAP program, the Department of Agriculture said that it was being done because farm income has improved so that farmers can afford to pay all the costs of conservation. In the recent past, farm income has been satisfactory in only one year, 1972. Regardless of whether the farmer can afford conservation, however, most are unlikely to carry out the best practices to preserve the land unless Government provides an incentive. If a farmer invests in small dams, terraces, and other needed measures to protect his topsoil, 50 years or more may pass before he realizes a cash return.

The majority of the benefits from good soil conservation accrue not to the farmer who institutes them, but to all the farmers and city dwellers who live downstream between him and the ocean.

We must continue REAP to give farmers an incentive for making installations and carrying out practices which benefit all the people of America.

Mr. FINDLEY. Mr. Chairman, this is

a very simple amendment. It would restrict the cost-sharing benefits to persons whose aggregate annual average income is $10,000 or less. It is just as plain as that.

If a Member has a REAP program in his district, as I have had in mine for many years—and it is a very popular program—the Member is aware, as I am, that many well-to-do people have been getting cost-sharing benefits under this program.

The effect of this amendment would be to discourage that one abuse of the REAP program, to save a little money and to make the saved money available to other farmers of low income.

This has been advertised as a program for the little farmer. The implication is the little farmer is one with very little money. The sad fact is there is no income test for eligibility under this program. I believe it is high time one was established.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. As I understand, from reading the amendment, the gentleman is talking about average net income.

Mr. FINDLEY. Average annual net income.

Mr. TEAGUE of California. Not gross income?

Mr. FINDLEY. Net income.

Mr. TEAGUE of California. Members received a letter from a legislative representative this morning which gave an entirely contrary impression. I want the Members of the House to understand the gentleman is talking about net income from all sources.

Mr. FINDLEY. I thank the gentleman for his clarification.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is not an income supplement program. It is a conservation, environmental program. It gives the farmer nothing. Indeed it requires him to spend about $2 for every $1 the Government puts in. If it is desirable to save money that would otherwise be expended to improve the waters in a given stream because one man who lives on it makes $10,000 per year, we should simply say that we will save all of the money—and I wonder if that is not the real purpose of the amendment.

This is a program that applies equally across the board and tries to improve the quality of the environment in every stream. It tries to improve the quality of all our air, tries to improve the quality of our environment everywhere regardless of who lives up the stream and who does not.

The amendment would say that if my friend from Illinois, with an income of more that $40,000, lived on the stream, he could receive no assistance for improving the quality of the water in that stream, and the public, not he, would suffer.

All we would be achieving with this would be to make the public bear the burden of those who need a little incentive to induce them to get into the program. It is human nature to need that incentive, even though it is only $239 per individual. That was the average payment last year.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. I believe his summary is correct.

There is the implication that the stream improvement and the soil improvement will not be done simply because cost sharing is not available. Most farmers already pay for all of these conservation practices themselves, and I think we should require that all persons of substantial means pay the full freight themselves.

Mr. POAGE. The chairman not only left the impression, he said it, because the gentleman knows as well as I do that it takes this little inducement to get people started doing these things, and we will do a hundred times more of this work when we have this little amount of $239 than we did without any program.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

We have restored this progam 18 times. This year is the first time the agricultural conservation program, so strongly supported by the people's branch, the Congress, has been canceled after the Congress acted. We in the Congress provided for a $225 million program, $35,000,000 for antipollution-type practices and September 29, 1972, the Secretary of Agriculture, acting with the knowledge of the Office of Management and Budget, committed the Department of Agriculture to an initial $140 million program, sending notice to the press and to the people. Notwithstanding the fact that the Federal Government's word was given and the people in many areas accepted the offer, we now find the Secretary—at the direction of the Office of Mangement and Budget—has backed out on his own commitment. In taking this action the Secretary of Agriculture has turned his back on the more than 1 million Americans from all over the United States who each year have put up their money and their labor to save the lands and natural resources for future generations.

The Federal Government now provides only a 30-percent payment of the cost.

Where else will you find 1 million Americans putting up 70 percent of the cost necessary to care for millions of acres of land?

Where else will you find a program which has provided over 2 million water storage reservoirs, without which our beef shortage would be twice as bad?

Where else will you find a program that has provided terraces to control soil erosion on over 32 million acres of land?

Where else can we find any group that has established wind or water erosion control, thus conserving water on 114 million acres?

Where else is there any program or any hope for any program that would control erosion on ranch and pasturage lands to increase our beef supply on more than 62 million acres?

The ACP participants have provided millions of other worthwhile conservation measures, too numerous to mention here.

And on all this, the landowner, the person who holds the land in stewardship for unborn generations, has provided about two-thirds of the cost.

In canceling this program we will lose hundreds of soil technicians and the Secretary loses, too, for not only has he gone back on his word, publicly given just before the election, but by his cancellation he will set in motion the destruction of the soil of our country and would lead us on the way to conditions now suffered by much of India, China and other worn-out areas of the world.

We are dependent upon the President to give relief, for he has the power to direct the Office of Management and Budget and Secretary Butz to cancel this order and restore this program. We must also call on the President to direct the Secretary of Agriculture to reinstate grants for rural water and sewage systems. This program, such an outstanding success for the last 4 years, offers by far the most effective tool for enabling our people to be happy in rural areas, thereby relieving much of the undue pressure on our overcrowded and deeply troubled cities at a minimum of cost.

Mr. Chairman, with our three equal and coordinate branches of Government, legislative, executive, and judicial, each branch and the people of the Nation are dependent upon a comity of understanding between the branches, each acknowledging the rights and responsibility of the other. Some may point out that the Congress could retaliate by withholding appropriations desired by the President, including even those for the operation of his own department. Any such course should not even be thought of, for if each branch sets out to block the other, we would have a complete breakdown of Government.

For these and other reasons, I firmly believe that where and when the President differs with the actions of the legislative branch, either on appropriations or the formulating of programs such as the agricultural conservation program, he should either veto the entire bill, as provided by the Constitution, or at least send the objected-to part back to the Congress for reaffirmation or rejection and abide by the result. To do otherwise is to go contrary to the intent of the Constitution.

Until such an understanding is reached, the whole country will suffer as we do here, unless we can get the President to direct a cancellation of Secretary Butz' order setting aside the action of Congress and canceling his own announcement.

Mr. Chairman, I am glad to know the Secretary of Agriculture has at least announced some program of loans for crop production in disaster areas, so vital if we are to keep the cost of living down and keep our farmers from bankruptcy. The Secretary has also acknowledged that under existing law he could make 2-percent money available for REA loans in hardship cases. It is to be hoped that in proper cases the Secretary will act under this law.

The more serious our problems, the greater our fiscal situation, the more imperative it is that we take care of the land, for it is on this that all else depends. We could leave to our children all the money in the world and a worn-out land, and we would in effect leave them nothing. On the other hand, if we leave them a rich land with soil erosion stopped, with rivers and harbors free of pollution and our hillsides once again in trees, they will make it fine whatever our financial plight, for if necessary they could establish their own financial system.

If we fail to get this message across to the President, truly we will be on the road to ruin.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, although I am going to vote for the Findley amendment, I would like to make a few broader comments concerning the bill and the overall fiscal situation.

Obviously I am going to vote against the committee bill. However, to understand why I think we have to go back and take a look at some history of the long-standing fight over the $250 billion spending limitation for fiscal year 1973.

Those of us who were here in the waning days of the last session know a controversial, complicated fight was made in the House of Representatives to impose a $250 billion spending limitation on the budget for fiscal year 1973. We passed it twice, if my memory serves me correctly. The other body went through the motions of passing one, but they had so many holes in it that for all intents and purposes it was a leaky sieve.

The arguments that were made against a congressionally imposed $250 billion ceiling that came up during the debate were the arguments that if the Congress did this, we were abdicating our authority and turning that spending responsibility over to the President. There were arguments of that nature made by people on this side of the aisle and to some extent on the other side of the aisle. Nevertheless, a fairly substantial majority of the House voted to impose that ceiling.

I did not like to impose the arbitrary ceiling, but I was willing to, for a limited period of time, until next June 30. I made this concession to Presidential authority to give up my congressional prerogatives because we were facing then a fiscal crisis; and, ladies and gentlemen of this body, we face a more critical crisis today.

The Senate did not act in the last Congress, so the President, cognizant of this fiscal crisis, which has gotten worse and not better, has taken the bull by the horns and has made reductions in the spending for the remainder of this fiscal year. As a matter of fact, he is in effect withholding approximately $11 billion in spending in this fiscal year over and above spending that he could spend, if he so desired, under either authorizations or appropriations approved by this Congress. However, he has taken the bit in his teeth and said, "We as a Government will not spend more than $250 billion."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. The President was faced with no other alternative. The Congress would not act. The House did, but the other body did not. So he has no choice if he is going to preclude the possibility of a tax increase or accelerated inflation.

Now, I cannot understand why the Congress, if it would not act itself to make sufficient reductions, is objecting to the President making those reductions. As I look down the legislative road between now and June 30, at the end of the fiscal year, I know of no legislation, either authorization or appropriation, that is going to cut 1 penny out of the spending. Is there? Can anybody tell me of any bill, either an authorization or a spending bill, that is going to save $1 in spending between now and June 30?

Therefore, the President has to act.

And it amazes me that the only actions to be taken by this Congress between now and June 30 will be to increase spending, to complicate the problem, and not to help it.

Therefore, with this bill as a precedent, we are going to get deeper and deeper into the mire of fiscal irresponsibility.

I not only hope the President will veto it, I have good reason to believe that he will veto it, and I have enough respect for the responsibility and good sense of this body that we will sustain that veto. And the President can go to the American people and say, "I did my best. Thank goodness, I have had some stouthearted men in the House of Representatives who stood up with me to keep us from having a tax increase or increased inflation."

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the remarks of the distinguished minority leader sound real good until you start to analyze them.

This is the President who wants to save money. He is very selective, however, about where he saves it. He is coming in with a budget for foreign aid which will be about $2.3 billion more than this spendthrift Congress that the gentleman was talking about gave him last year, but he is going to take away from the farmers this program which has helped a lot of people in a lot of conservation practices.

Then the gentleman from Illinois comes along with an amendment for anyone who makes over $10,000. Well, I am for some kind of a ceiling on it, but that seems to me to be kind of a narrow one because, supposing that a committee comes in and wants a farmer to build a pond to stop erosion on the land on down the stream, are you going to say that a man with $10,000 is going to put out $4,000 of his own money that year to build a pond? He might put out $2,000 if the Government will put out the rest; he would have to put up that much.

But I think if you are going to talk about spendthrift, my dear friend, you had better really get your priorities lined up.

You know, the President has intimated that he wants—and in leadership meetings he has outrightly said, I am told—that he wants a billion dollars in aid for North Vietnam next year, but that we do not have any money for hospital rooms, that we have overproduced to supply hospital rooms. Well, I do not know anything about the rest of you, but I can take anyone who wants to go, whether it be the President, to two or three hospitals in my district on any given day that he picks, unannounced, and if he cannot find 30, 40, or 50 people living in the halls because there are not enough rooms, then I will vote for any program he asks me to the next 2 years.

You know, the whole trouble is—and I supported the President when it was unpopular to do so around here on some of his things such as on Vietnam, and against some of the people in my own party, but I do not have any mandate to support him on everything. I think he has gotten some bad advice. He had a former Budget Director that I do not believe ever accomplished very much in this world, and he has got one now who took a big corporation and ran it into bankruptcy. So I think it might be better for him to take some advice from some of the Members of the Congress who are home every weekend, and who know what is going on.

I think the people want some economy in Government, but I do not think they want to double foreign aid, and I do not think they want to add $5 billion to the budget of the Pentagon—and that is what the President is proposing in his budget.

And if you think this is such a great campaign issue I will take you to the mat in 2 years about it, because you know the old saying that Abraham Lincoln is supposed to have said, that you can fool some of the people some of the time, but you cannot fool all of the people all of the time, has been changed. This election now tells us, "You cannot fool very many of the people any of the time." If you think you can take this phony issue of the economy and let the President select the programs he is going to put out of business and the programs he is going to increase, forget about it, because people are not that stupid. They are going to be able to sort this one out.

If the Members think this is such a great campaign issue, I will be prepared to debate it with them in any district in any place in the United States at any time in the fall of 1974.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FINDLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 132, nays 260, not voting 39, as follows:

[Roll No. 16]

YEAS—132

Adams
Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Bennett
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Clancy
Clawson, Del
Cleveland
Cohen
Collier
Collins
Conable
Conlan
Conte
Conyers
Cotter
Coughlin
Crane
Cronin
Dellenback
Dennis
Devine
Dickinson
Dulski
du Pont
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frenzel
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Latta
Lent
Lujan
McClory
McCloskey
McEwen
McKinney
Macdonald
Madigan
Mailliard
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Moorhead, Calif.
Nelsen
O'Brien
Parris
Powell, Ohio
Pritchard
Railsback
Regula
Rinaldo
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Sandman
Sarasin
Saylor
Scherle
Schneebeli
Schroeder
Shoup
Shuster
Smith, N.Y.
Snyder
Stanton, J. William
Steelman
Stratton
Talcott
Teague, Calif.
Treen
Ullman
Van Deerlin
Walsh
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NAYS—260

Abdnor
Abzug
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bergland
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cochran
Corman
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hébert
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Huber
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Kuykendall
Landgrebe
Landrum
Leggett
Lehman
Litton
Long, La.
Lott
McCollister
McCormack
McDade
McFall
McSpadden
Madden
Mahon
Mallary
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Md.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruth
Ryan
St Germain
Sarbanes
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Staggers
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Vanik
Veysey
Vigorito
Waggonner
Wampler
Whalen
White
Whitten
Widnall
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyman
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zwach

NOT VOTING—39

Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Burke, Fla.
Carey, N.Y.
Chamberlain
Davis, Wis.
Derwinski
Edwards, Ala.
Esch
Frelinghuysen
Frey
Harvey
Jarman
King
Koch
Kyros
Long, Md.
Martin, Nebr.
McKay
Mills, Ark.
Myers
Nedzi
Patten
Pettis
Price, Tex.
Reid
Rooney, N.Y.
Roybal
Satterfield
Steed
Steiger, Ariz.
Stokes
Vander Jagt
Waldie
Wilson, Charles H., Calif.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: After line 11, insert the following—

"SEC. 2. Section 8(b) of such Act is further amended by adding at the end thereof the following new sentence: 'None of the funds provided pursuant to this Act shall be used for any cost-sharing practice for the primary purpose of which the Secretary finds to be the increase of commodity production.' "

Mr. QUIE. Mr. Chairman, I just want to say that both the President and the committee, I believe, are wrong.

I believe the President was wrong in cutting back a program which has many cost-sharing practices that provide for the conservation of land, and when a commitment had been made to the American farmers that the program was going to last through this year. I believe he is also wrong in indicating he will not operate the program next year under his new budget for 1974.

We have heard a number of speakers here say how important conservation of land is. Some of these cost-sharing practices are conserving land and water, and must be continued.

However, I believe the committee is wrong in mandating the expenditure of funds for practices that, any way one looks at them, have a primary purpose to increase production.

What sense does that make now, at this time when we are in a fiscal crisis, to have programs operating where we pay to increase production while at the same time we will be running programs to cut production? That does not make sense at all.

We are talking about limestone on the land. We have to use it in my congressional district.

I might say, as a farmer myself, since I have been in the Congress I have not taken any payments in what was known as the ACP and now is known as REAP, but I know my neighbors do it and use the money well.

However, the limestone has value for 10 years, and that means that the increase in fertility is used for soil-depleting crops as well as soil-conserving crops.

Now, Mr. Chairman, there are other things like drainage and irrigation that I think the farmers would be willing to forgo as far as Federal payments are concerned until we get our own fiscal matters under control. They know this situation better than anyone else in the country. They have had some real tough times through the years, as we know, and they recognize what the Federal Government is facing.

But I think they need to have that incentive of cost sharing for true conservation practices that hold the soil on the land and to provide for the pollution control practices that are now demanded. These are enormously expensive burdens on the farmer, and the results are of benefit primarily to the nonfarmer, and, therefore, we ought to continue this program.

Mr. Chairman, I think we ought to make it very certain that we do not mean just for this year, but for the years hereafter as well.

But I think this Congress is mistaken if it now also says that we must continue to make those payments for practices that increase production, that are primarily a benefit for the farmer himself, to increase his own income, and here I would expect the farmers not to demand that action on our part.

If we adopt this amendment and pass the legislation, I must say to the Members that I am going to support the legislation. This is not any effort on my part to try to kill the legislation or weaken it, but, I believe, to strengthen it.

Mr. Chairman, I think this would greatly enhance the legislation and it would remove those practices where, if we had the money and the means to do it, we would help the farmer and increase his income, but at this time and in this way we would remove those practices that make the whole program questionable.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I want to thank the gentleman for yielding, and to commend the gentleman for what I think is a wise decision: to go after those aspects of the REAP program that merely increase production and are not in any sense of the word aimed at long-range conservation.

Mr. Chairman, I also want to point this out:

In total, ASCS figures indicate that only 13 percent of all REAP expenditures are devoted to high-priority programs with clear long-term conservation or antipollution benefits to the broad public. By contrast, according to the ASCS, up to double that proportion of funding is probably used for the purchase of limestone, which obviously improves yields and soil fertility but which can hardly be used for conservation practices. Farmers would not refrain from using limestone in the absence of subsidies.

There was a GAO report issued in February of 1972. That report supported this criticism by detailing a large number of instances where funds were used for distinctly nonenvironmental practices. They were classified as those of insignificant conservation value and those yielding immediate benefits to the farmers.

Mr. Chairman, if I may just say one other thing, last weekend I met with many farmers in my district. They are very much aware of the need to hold spending down. They want to hold the budget down to the $250 billion figure. Therefore, they clearly differentiate between long-term conservation practices as part of the REAP program and those that are nothing more than programs to increase production.

Mr. QUIE. Mr. Chairman, that is what I was saying. In reply to the gentleman, I believe the 13 percent referred to is way too low. I think at least 65 percent of the production is really for long-range conservation practice.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Minnesota for offering his amendment which gives the House an opportunity to consider priorities as we legislate.

REAP began as the agricultural conservation program in 1936. It was conceived as a program to encourage good conservation practices and to control erosion. Twenty percent of the farms in this country now participate on a cost-sharing basis, and the average share of the participants is $239 per year—with a $2,500 payment maximum. But the fact is that many of the practices now partially financed under this program—that is liming, tiling, fertilization, and drainage—no longer demand this cost-sharing incentive. Rather, they are good farming practices designed to increase productivity. They pay dividends to those who utilize them. Farmers would do these things without any incentive. The taxpayer should not bear this cost.

Soil and water conservation practices encouraged by Federal cost sharing ought to be just that—for conservation. They should not be those annual practices the primary objectives of which are to increase production. Rather, Federal incentives should be reserved for those long-term practices that farmers ordinarily would not undertake and that would substantially and beneficially affect the environment of all of us. It is with genuine pollution prevention, enduring conservation, and environmental enhancement that the real public interest becomes involved.

Mr. Chairman, REAP, which has long needed constructive overhaul, is receiving it today. The amendment of the gentleman from Minnesota (Mr. Quie) tailors REAP into a truly constructive conservation program. I could support continued funding of a cost-sharing conservation program stripped of indefensible and wasteful provisions as advocated by the gentleman's amendment.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not sure whether I should welcome the former member of our committee as a pinch-hitter or as a relief pitcher, but in either capacity we are always delighted to work with him. I would, however, call attention to the fact that this is now the "Quie amendment," and up to 5 minutes ago it was the "Findley amendment." It was offered in the committee by the gentleman from Illinois, and it has been circulated today as the product of the gentleman from Illinois. I would not want to wish the gentleman from Minnesota any better luck than I would wish the gentleman from Illinois, but I wonder why the change of quarterbacks at this time.

I do not want to involve myself in the dragging of a red herring across the field in regard to the use of lime. I think lime has its purposes. There are those who have sought to make it a whipping boy, but I would call attention to this amendment just like some of the other amendments that have been offered this afternoon and to the fact that it opens the door wide in that no one knows just what its intention is.

This amendment is pretty clear until it gets to the last line where it provides that the Secretary shall not make any payments for any practices whose primary purpose the Secretary finds to be the increase of production.

Well, that sounds pretty good, but what can the Secretary find? There are no requirements whatever and absolutely no guidelines. The Secretary can find that any practice in the world is intended to increase production, because I do not know of any that would not increase production. The program does increase production; all of these practices do.

It goes right back, my friends, to just what they have been trying to do all afternoon, that is, place back in the hands of the Secretary of Agriculture the absolute, unlimited authority to kill the program at any time he wants to. I do not believe the committee wants to do that. I do not believe the gentleman from Minnesota wants to do that. I think he was handed an amendment he had not read and did not know what was in it.

Mr. QUIE. Will the gentleman yield?

Mr. POAGE. Of course I yield to the gentleman.

Mr. QUIE. I am sorry. I hoped I would not have to react to your statement that this is a Findley amendment, but I had prepared an amendment before I came over here on this purpose, and the gentleman from Illinois decided not to offer his, so I thought it was the best amendment of all he had.

Mr. POAGE. You did not offer the amendment that you prepared, though, but you offered the one that Mr. Findley had prepared?

Mr. QUIE. I did not want to single out one thing, and I do not think you ought to single out one commodity, so I crossed it out. It just referred to any practice the primary purpose of which is to increase commodity production, because that is really the issue now.

You see, Mr. Chairman, you give the Secretary this discretion. He has the discretion now to work out the practices so that they will provide for this on a national basis and then submit them and the States can select theirs and the counties can select theirs.

I cannot understand why the Secretary in the first place did not cut out these practices that are questionable rather than coming in and cutting out the whole program.

Mr. POAGE. I will simply call the attention of the membership that this amendment does in fact raise the question as to whether the Secretary will have the right to destroy the program with the help of this amendment. I think that is sufficient to make us understand it would be a dangerous thing to pass.

Mr. SEIBERLING. Will the gentleman yield for a question?

Mr. POAGE. Certainly.

Mr. SEIBERLING. Is it correct to say that this program does not cover all kinds of chemical fertilizers but merely additives to the soil to restore it to its natural productivity?

Mr. POAGE. That is correct. And that carried through the whole thing with or without adding lime.

Mr. SEIBERLING. So this is a question as to whether or not we will restore the soil to its original productivity and not augment it?

Mr. POAGE. That is right.

Mr. SEIBERLING. I thank you.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I happen to be from an overwhelmingly urban district. I notice some of my brethren from similar districts are inclined to vote against this bill. I want to point out a few things that I think have great bearing on Congressmen whose primary interest is in the consumers of agricultural products.

To the extent that we make the soil more productive we enable the farmers to catch up with the mounting shortage of certain agricultural products, particularly grain, which we have all been talking about now for months, and which is driving up the prices on consumer products. So this is not just a bill to help the farmers, but it is a bill to help the consumers, and help keep the price of food products down.

There is another aspect to this. I happen to come from a State bordering on a lake which is threatened with extinction, Lake Erie. The situation is so serious that the city of Akron, Ohio, has just put an absolute ban on phosphates in detergents, so the housewife can no longer use them to do her laundry. The funds for building of proper sewage and water treatment plants that will take care of the phosphates—funds that the President has also impounded—would help this situation. But that is only part of the problem. It so happens that a major cause of eutrophication of Lake Erie is agricultural runoff. To the extent that we help and we encourage the farmers in the use of contour planting and contour plowing and other conservation practices that lessen runoff of agricultural chemicals, we are going to help prevent the pollution of this great water resource in Ohio. And I am sure the same is true in a lot of other areas in this country.

So this is a conservation bill. It is a consumer-oriented bill. It is not just a boondoggle for the farmers. I feel strongly that we have to take another look at price supports, and planting controls, for example—and the Chairman of the Committee probably will not agree with me on that—but that is not the bill before us. It is the very opposite of legislation which would raise prices to the consumer. This is a pro-consumer bill, it in a pro-environment bill, and it is a bill which every Congressman from an urban area ought to support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Giaimo, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program, pursuant to House Resolution 188, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Teague of California moves to recommit the bill H.R. 2107 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 251, nays 142, not voting 38, as follows:

[Roll No. 17]

YEAS—251

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Aspin
Barrett
Beard
Bergland
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Conte
Culver
Daniel, Robert W., Jr.
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fountain
Fraser
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Gunter
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
McCloskey
McCollister
McCormack
McDade
McFall
McSpadden
Macdonald
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Pepper
Perkins
Pickle
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Rodino
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Runnels
St Germain
Sarbanes
Saylor
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Staggers
Stanton, James V.
Stark
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Walsh
Wampler
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyman
Yatron
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—142

Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Bennett
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Cederberg
Clancy
Clawson, Del
Collier
Collins
Conable
Conlan
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Delaney
Dellenback
Dennis
Devine
Dickinson
du Pont
Erlenborn
Findley
Fish
Foley
Ford, Gerald R.
Forsythe
Frenzel
Gilman
Goldwater
Goodling
Griffiths
Gross
Grover
Gubser
Guyer
Haley
Hanrahan
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Lujan
McClory
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mazzoli
Michel
Mills, Md.
Minish
Minshall, Ohio
Mizell
Moorhead, Calif.
Mosher
Nelsen
O'Brien
Parris
Peyser
Pike
Powell, Ohio
Pritchard
Rees
Regula
Rhodes
Rinaldo
Robison, N.Y.
Roe
Rogers
Roncallo, N.Y.
Rostenkowski
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Schneebeli
Shuster
Smith, N.Y.
Snyder
Stanton, J. William
Steele
Steelman
Stratton
Symms
Talcott
Teague, Calif.
Towell, Nev.
Treen
Vanik
Veysey
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wydler
Wylie
Yates
Young, Fla.
Young, Ill.

NOT VOTING—38

Addabbo
Andrews, N.C.
Badillo
Bell
Bevill
Biaggi
Burke, Fla.
Carey, N.Y.
Chamberlain
Davis, Wis.
Derwinski
Edwards, Ala.
Esch
Frelinghuysen
Frey
Harvey
Jarman
King
Koch
Kyros
McKay
Martin, Nebr.
Mills, Ark.
Myers
Nedzi
Patten
Pettis
Price, Tex.
Rooney, N.Y.
Roybal
Ryan
Satterfield
Steed
Steiger, Ariz.
Stokes
Vander Jagt
Waldie
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. King for, with Mr. Steiger of Arizona against.

Mr. Price of Texas for, with Mr. Frelinghuysen against.

Mr. Esch for, with Mr. Derwinski against.

Until further notice:

Mr. Rooney of New York with Mr. Wyatt.

Mr. Addabbo with Mr. Frey.

Mr. Bevill with Mr. Chamberlain.

Mr. Kyros with Mr. Burke of Florida.

Mr. Nedzi with Mr. Harvey.

Mr. Stokes with Mr. Ryan.

Mr. Waldie with Mr. Bell.

Mr. Badillo with Mr. Andrews of North Carolina.

Mr. Biaggi with Mr. Myers.

Mr. Koch with Mr. Vander Jagt.

Mr. Carey of New York with Mr. Pettis.

Mr. Jarman with Mr. Davis of Wisconsin.

Mr. McKay with Mr. Edwards of Alabama.

Mr. Patten with Mr. Martin of Nebraska.

Mr. Mills of Arkansas with Mr. Roybal.

Mr. Steed with Mr. Satterfield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 2107.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

The SPEAKER. Pursuant to the provisions of section 1202, title 12, Public Law 91–452, the Chair appoints as members of the National Commission on Individual Rights the following Members on the part of the House: Mr. KASTENMEIER, of Wisconsin; Mr. EDWARDS of California; Mr. HUTCHINSON, of Michigan; and Mr. SANDMAN, of New Jersey.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91–605, the Chair appoints as members of the Commission on Highway Beautification the following Members on the part of the House: Mr. WRIGHT, of Texas; Mr. GRAY, of Illinois; Mr. DON H. CLAUSEN of California; and Mr. SNYDER, of Kentucky.

DESIGNATING THE MANNED SPACECRAFT CENTER, HOUSTON, TEX., AS THE "LYNDON B. JOHNSON SPACE CENTER"

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 37) to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 37

Whereas President Lyndon B. Johnson was one of the first of our national leaders to recognize the long-range benefits of an intensive space exploration effort; and

Whereas President Johnson, as Senate majority leader, established and served as Chairman of the Special Committee on Space and Astronautics which gave the initial direction to the United States space effort; and

Whereas President Johnson, as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program; and

Whereas President Johnson for five years, as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Manned Spacecraft Center, located in Houston, Texas, is hereby designated as the "Lyndon B. Johnson Space Center", and any reference to such center in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such center as the "Lyndon B. Johnson Space Center".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRESSURE OF COMPETITION FROM ABROAD

(Mr. BROWN of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, many American industries today feel threatened by the pressure of competition from abroad. Among those under this pressure is the steel industry, especially on the west coast, where approximately one-third of all steel purchased is imported.

During a crisis in my own district caused, at least in part, by this problem, a good friend of mine, Dino Papavero, was instrumental in showing that American workers can often contribute more to the solution than management usually assumes. I would like to insert in the RECORD today a recent article by Los Angeles Times labor writer Harry Bernstein, which describes some of the methods used by Dino and his fellow members of United Steelworkers of America Local 2869 in the face of a very difficult situation.

[From the Los Angeles Times, Jan. 26, 1973]

WORKERS GIVEN CHANCE—AND OUTPUT SOARS

(By Harry Bernstein)

The tough corporate decision was finally made in October, and M. J. (Smitty) Smith sent the word down to the workers at Kaiser Steel Co.'s pipe mill at Fontana: "We're going to shut the place down."

"We just told the men the facts of life," plant manager Smith said last week, "and the facts were that the Japanese produce the same high quality steel pipe we make, but they do it a hell of a lot cheaper. We're losing money and the mill had to go."

The decision came as a surprise even though the men in the mill had been hearing rumors of a shutdown for a year or more. They appealed to the company to let them try to save the mill.

Management, while retaining final authority, gave the workers the responsibility for saving the mill.

PRODUCTIVITY JUMPS

Now, three months later, the company reports that there has been a 32.1% increase in productivity, an astonishing figure when it is remembered that 4% to 5% annual increase is regarded as a good average.

What happened in that one segment of Kaiser's giant steel plant in less than 90 days could have an impact on the future of the mill workers and on the careers of the company and union officials who took part in the experiment.

But, more importantly, the experiment could be a microcosm of the nation's broader problems, such as incentives for workers as well as the ability of this country to compete with the ever-increasing flood of imported goods.

"The situation at our CW (continuous weld) pipe mill is just part of the experiment we're trying throughout the whole plant here at Fontana. Nationally, the nine major steel companies are doing the same kind of experimenting in cooperation with the union," Smith said.

PAST EFFORTS UNFRUITFUL

Past efforts to get mutual cooperation between workers and management in the industry have been unsuccessful, and the Fontana effort may not save the pipe mill. Japanese competition is still highly competitive and the industry and unions say only government help can stem the tide of imported steel.

But everybody involved in the pipe mill's increase in productivity says it has exciting possibilities.

The basic problem is that the Japanese are delivering 2-inch galvanized steel pipe for $240 a ton, while U.S. steelmakers, including Kaiser, sell it for $300 a ton. Kaiser says it takes a loss on each ton.

The companies will not say what it costs to make a ton of pipe, and even with a 32.1% productivity increase, it may be economically sensible to Kaiser to close down the mill.

One company official estimated that with the productivity gain, the company will save between $10 and $15 a ton, but the resulting profit is not close to the margin steelmen say they need to stay in business.

"The workers came to us and said they wanted to try to run the mill even though our statistics showed it just wasn't economically feasible," Smith said, "and they didn't want any reduction in crew sizes, either."

But "finally we told them, OK, see what you can do."

The spokesmen for the workers was Dino Papavero, president of the AFL–CIO United Steelworkers of America Local 2869, who recently had led a 45-day strike against the company, and Timon (Curley) Covert.

Papavero's role, in addition to handling problems of the entire plant, is to find new ways to sell steel.

Covert, who earns $12,000 a year as a utility man in another part of the Kaiser plant, is the grievance committeeman for the union in Zone 14 at the plant, of which the CW pipe mill is a part.

Covert, 55, can be eloquent and polite enough to be a speaker at a church supper, but at times he speaks bluntly:

CONFIDENT OF ABILITIES

"I told management, look, we don't believe anybody in the goddamned world can outproduce us. I hear all this bunk about how good they do it in Japan and Germany and we told management to let us try some things."

One of the things, Covert said, is that management has "got to start really listening to the men for a change."

"It was a lot of little things and a few big things, and a change in attitude, but it didn't take long before those damned production figures were leaping up.

"Nobody could believe it. At first, the company guys kept thinking it was all a computer mistake, then they figured it was a one-shot thing, but now they know it's all true.

"I think it is important, I really do."

One of the "little things" which were changed when the workers were given responsibility to run the mill was a pay raise for a key helper on the pipe straightening machine.

"The helper felt he was a nothing. When he was raised up, it really had an impact," Covert said. A few other men received pay hikes to make their earnings comparable with fellow-workers.

Then the workers demanded a new saw.

Although skeptical of the request, the company agreed to spend $125,000 for a new saw.

"It doesn't sound like much, but the men were getting bad cuts with the old saw. Now the pipe ends are not smashed down when it comes through the hot mill, which means the tools don't get torn up as the pipe is put through facers and threaders," Covert said.

"All of a sudden, we started getting some results when we called on maintenance to get a job done. You didn't put in a request for a job and wait a week. Like right now it was done," he said.

OFFICIAL IMPRESSED

Smith, who became the top man at Fontana four years ago and who is regarded as one of the most knowledgeable men in the industry, is impressed with the changed attitude of the men. Covert agrees that attitudes have changed.

"Look, before, nobody paid any attention to a guy and so he figured why in hell should he pay any attention to the pipe. Nobody cared," Covert contended.

"People finally paid attention to the men, the boss started listening, the man on the next machine started looking around, and pretty soon everybody got into the swing of things."

Covert, Papavero and other union men interviewed at Kaiser were quick to stress that, as Covert said, "we aren't letting the company get away with one, not even one, contract violation. We live by that contract."

Al Chavez, another steelworker, said, "Let's put it like this: We're not fishing buddies with them (management) but if they'll listen, we will, too."

In the pipe mill, the changing uproar is almost ear-splitting as narrow, flat sheets of steel shoot through the white-hot furnace, form into orange-hot pipe, are cut, straightened, faced, threaded and sometimes galvanized all in what is almost a continuous operation.

Reese Johnson momentarily stopped his threading machine to talk with a visitor, but the noise of the other machines still forced him to shout as he explained the productivity increase.

"You just kind of watch things more. If the threads aren't being cut right on one piece, you shut it down and fix it right away. That means one pipe goes back for reprocessing. Guess a few more were going back before we started watching things more," Johnson said.

Now only 9% of the pipes have to be sent back through the system for reprocessing. Three months ago the rate was 29%.

WELDER'S COMMENT

Herbert McFeaters, welder on the hot mill, said the workers are "just running things steadier now. Less delays for down time so the steel keeps flowing at a pretty even rate.

"That means if those guys (in the processing sections) keep their noses clean, the pipe goes out faster. But there is no speedup, believe me."

Papavero, Local 2869 president, guessed that "a way of working can become a way of life. So what if a few pipes do go by. Nobody cares. Management never asked anybody to participate, to involve themselves.

"Besides, when people tell us something is impossible, if we don't think they're out to screw us, then we say the hell it is, and we do it."

The men in the pipe mill all have seniority, so even if the mill closed, they would still be working at Kaiser.

Papavero made certain that almost every other sentence of explanation about the overall Union-Management Productivity Committee was a reiteration of the union's determination not to lose any of its rights.

"There is a lot of apprehension about a speedup. We're not giving up any thing, but we're ready to see how to increase productivity without any speedup."

Papavero, 43, who has been working at Kaiser since the age of 17, knows about former steelworkers' union international President David J. McDonald and his hopes for a "mutual trusteeship" of union and management over the steel industry.

"But somehow it never got off the ground. At Kaiser, it worked for a while with our 'fruits of progress' plan where workers get to share in the savings made by increased productivity, but we never really sat down with management and talked about our problems," Papavero said.

Under the "fruits of progress" plan, workers share in savings made when production costs are reduced.

Kaiser workers make about $40 a month more than workers doing the same job in other steel plants around the nation, and, according to management and union officials, Kaiser's productivity is generally higher than in other steel plants.

Both sides are now convinced it takes more than just a higher wage to raise production, and that involves cooperation on a variety of ideas.

PLANT ACTIVITY

"In the plant we've got committees of workers and foremen all over the place now—from two to seven people—to look at every thing from sales ideas like using steel instead of concrete for road overpasses and 'Buy American Steel' campaigns to grievances of workers whom management never seemed to hear before," Papavero said.

Similar plant productivity committees are being created in all steel companies under the 1971 basic steel industry-union contract.

I. W. Abel, president of the international union, recently joined R. Heath Larry of United States Steel Corp. to report "substantial progress" in reducing unnecessary absenteeism and achieving "a better understanding among both company and union representatives of the role of plant productivity committees to make the domestic steel industry more competitive against the imports of foreign steel."

But union officials face elections regularly—Papavero and Covert are up for reelection in June—and if the cooperation effort appears to the membership to be a sellout to management they could lose.

Yet foreign imports last year meant 108,000 fewer U.S. workers were needed in the steel industry, and union members are aware of this.

OTHER INDUSTRIES

The job figures are typical of those in the garment, rubber, electrical and other industries which are at times competition with foreign rivals.

Fewer and fewer U.S. workers are turning out more and more goods. Ten years ago it took 521,000 steel workers to produce 98.3 million tons of steel.

Last year, 487,000 workers were pouring steel at the rate of 120.4 million tons. In other words, 7% fewer workers turned out 18% more steel, primarily because of new techniques and equipment.

In any case, the figures do not indicate that steel workers are loafing more now than in the past. But U.S. needs rose even faster than production, and the slack was taken up by foreigners.

Ten years ago, foreign steel made up only 5.6% of the amount consumed in this country. By last year imports made up 18% of the nation's steel consumption.

WEST COAST IMPORTS

And on the West Coast last year the imported steel was a whopping 38% of the amount bought by those in Kaiser's prime market area.

The nation's top industrialists and union leaders, politicians and financial experts have offered a number of possible solutions.

Some want laws to slow down the flow of imports, others want to stop U.S. conglomerates from exporting capital and American know-how to foreigners who then are in a better position to compete with U.S.-made goods.

All agree on the need to increase productivity, but usually management says workers should work harder to achieve more production while workers say management is just looking for a way to make more profits at their expense.

The experience of workers at Kaiser's pipe mill cannot be duplicated exactly in other mills at Kaiser, or in other plants around the country.

But the steel unions and industry leaders, and rank-and-file workers, are at least talking about ways of cooperating.

And in Kaiser's CW pipe mill, they have astonished even themselves.

Mr. Speaker, in addition to the obvious praise due to the workers at Kaiser, I think management deserves a little credit too. I wish more companies were willing to gamble on the possibility that, just maybe, the workers in the factories might have noticed a few problems that most management personnel could not see from behind their desks. This open-mindedness on Kaiser's part deserves commendation.

I should point out, Mr. Speaker, that this is not the entire solution to the steel import problem. There are other steps which must be taken, and in the coming weeks and months I expect to be involved in some of those steps. But I very much doubt if anything we do here in Washington will be deserving of quite so much praise as has justly been given to Dino Papavero, Curley Covert and the rest of the men who taught us all a lesson at Kaiser's pipe mill in Fontana.

POSTAL PROFLIGACY

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the U.S. Postal Service is top-heavy with brass. It is not the lean, trim organization one might expect following the widely heralded switch to private management.

For the initial investigations and exposure of this excessive executive hierarchy, we are indebted to the distinguished and formidable gentleman from Iowa (Mr. GROSS) and to Mike Causey, civil service columnist for the Washington Post.

If hiring all these officials—more than 1,800 of them making more than $15,000 a year—were producing an improvement in service, I would tend to be for it. Lamentably, the opposite is true, you may have to wait until next week for that letter that once would have been delivered tomorrow.

I have been hearing plenty from my constituents about this steady deterioration of our mail service, and I know our colleagues could relay plenty of postal horror stories of their own.

What is the Postal Service doing to improve matters? Starkly put, they are reducing routes, cutting work shifts of ordinary clerks and carriers, and adding highly paid executives with job titles and responsibilities seemingly calculated to infuriate the public.

Why should it be necessary to hire a suggestions award administrator, at a salary as high as $30,280?

And just how is a manager of creative services, pulling in up to $33,493, going to speed deliveries—not to mention the specialists in schemes routing—$22,440—social priorities—$24,783—and fringe benefits—$24,784.

These positions and many more are reported in an official book, U.S. Government Policy and Supporting Positions—a veritable gold mine of information available at the Government Printing Office for a modest $3.

The raw facts, so many of them, can be rather awesome. I, for one, am mystified as to why the Postal Service regional offices in San Francisco, Chicago, New York, Philadelphia, and Memphis each requires its own lobby program officer at salaries ranging from $20,589 to $27,383.

Even more puzzling are the data for interns and trainees. These classifications are normally low men on the corporate totem pole. But not in the Postal Service. Washington headquarters alone has 48 trainees, and they make $16,872 to $24,784—not bad for beginners.

As a former newsman, I am also quite astonished at the wages listed for Postal Service public relations personnel. The pay is enough to make honest newsmen blanch, but perhaps understandable in view of the generally drab record of this new public/private corporation.

Perhaps it is not surprising they think they need a well-padded flak corps. But the average citizen might prefer to see his money spent on the more fundamental task of moving mail.

I will include with my remarks two columns of Mr. Causey, one reporting how Congressman Gross is seeking a more detailed accounting of executive recruitment practices in the Postal Service. The columns, published January 29 and January 31, follow:

It's Not Easy Filling $42,500-a-Year Jobs

(By Mike Causey)

At $42,500 per annum, H.R. Gross is no doubt the most financially successful (even under protest) son of Arispe, Iowa.

His trade is member of Congress, Republican, Conservative. All spelled with capital letters.

Gross's specialty, conducted from the ranking minority chair of the Post Office-Civil Service Committee, is tossing sand in the federal spending machine. Despite his public frowns, the congressman loves his work.

His current project is to fathom why the U.S. Postal Service cannot—as spokesmen claim—get capable executives and managers at the going rate of $42,500 a year (the same as for members of Congress) to $58,000.

Gross is intrigued with the pay squeeze, since the chairman of USPS' board of governors wrote Congress asking that pay and fringe benefits for top postal managers be liberalized. Frederick R. Kappel, who once pulled down a lot of money as head of American Telephone and Telegraph, wrote the Congress:

"There have been a number of resignations in the senior management of the Postal Service during this past year (1972) and experience in attracting replacements has proven to us that the noncompetitiveness of top executive salaries is a major problem in hiring and holding senior managers."

Like a bulldog, Gross has seized on that paragraph from that letter, and put in the mail the other day a first-class letter to Kappel, asking the following questions:

How many USPS officials now make $42,500 to $58,000, and what were they making in private industry before they decided to sacrifice for the government?

Who has resigned from top management of the U.S. Postal Service on poverty grounds?

What top jobs are presently vacant, and how much do they pay?

What are the "fringe benefits or emoluments" and the salaries of all top postal jobs?

Do the chiefs get cash bonuses, and if so, how much and how often?

Who turned down a $42,500 to $58,000 job on grounds it didn't pay enough?

It's estimated that the U.S. Postal Service now has some 60 executives making $42,500 a year or better. A favorable ruling is expected soon from the Pay Board that would mean raises of several thousand dollars annually for those officials.

The nine members of the USPS board of governors do not serve full time. For being on the board they get $10,000 a year. For each day they meet (not to exceed 30 days a year) they get $300, plus travel expenses and lunch money.

Postal officials argue that they have one of the biggest, most important jobs in the country. Their firm is committed to good service and making a profit, and it manages more employees—some 620,000—than most private firms and many foreign governments. They contend they must pay top market wages to get the best people.

Gross feels, however, that the salary picture isn't as bleak as it appears, and that there must be qualified people out in Arispe, Iowa, and other places, who would be happy to take a crack at the job at present pay scales. Gross is awaiting a reply from Chairman Kappel.

Meanwhile, the U.S. Postal Service's personnel office telephone number is ST 3-3100.

Fiscal 1974 Budget: It goes to Congress at noon today, and will contain the President's blueprints for the size and makeup of the federal establishment beginning July 1. Federal agencies will, as earlier announced, get new job targets for the period between now and June 30, and modification or elimination of the hiring-promotion freeze will also be announced today.

[From the Washington Post, Jan. 31, 1973]

"Plum Book" Guide to Jobs Is on Sale

(By Mike Causey)

The "plum book," a limited edition guide to plush federal jobs for the politically plugged-in, has rolled off the presses. It is fatter than the 1969 version, and much more interesting thanks to the addition of nearly 2,000 attractive if little-known positions in the U.S. Postal Service.

Officially titled "Policy and Supporting Positions," the 191-page book lists most of the patronage, policy-making or noncareer positions in the executive branch, by name, title and salary. The book is printed every four years, for the benefit of new or returning administrations.

Fascinating reading is supplied in the U.S. Postal Service section of the book. It shows an increase from 84 to 1,846 noncareer jobs in the $15,000 to $60,000 range. Most of the slots were created when the USPS took over from the old Post Office Department, but this is the first time the public has had a look at job titles and pay.

People who think of the Postal Service as the friendly postmaster and his clerks or carriers will be intrigued with new titles and pay scales now that the USPS is being operated like a business. For instance:

Manager of Creative Services, $25,183 to $33,493.

Civil Defense Coordinator, $18,634 to $24,783.

Computer Technicians, $16,872 to $22,440.

Social Priorities Specialist, $18,634 to $24,783.

Schemes Routing Specialist, $16,872 to $22,440.

Management Trainees, and Interns, $16,872 to $22,440.

Psychologists, $18,634 to $33,493.

Micromation Specialist, $16,872 to $22,440.

Environmental Officer, $16,872 to $22,440.

Fringe Benefit Specialist, $18,634 to $24,783.

Suggestions Award Administrator, $22,767 to $30,280.

Lobby Program Officer, $20,589 to $27,383.

The job descriptions, and matching pay scales, are sure to cause a flap on Capitol Hill, especially since the USPS board of governors has asked permission to raise executive pay and fringes on grounds that it is not competitive with industry. USPS's board of governors, incidentally, serve part-time, getting a flat $10,000 a year plus $300 for each day they formally meet either here, or by conference telephone.

One Senator who has already blown his stack is Jennings Randolph (D-W. Va.). Randolph says top job inflation translates to a 2,000 per cent increase in postal chiefs, at a time when mail service leaves something to be desired.

Randolph, senior member of the Post Office-Civil Service Committee, said the top team at the USPS has taken a "public be damned" attitude and is more interested in "importing high-priced bureaucrats from unrelated public industries" than in getting mail delivered.

The West Virginia Senator is pushing for full-scale hearings on the present condition of mail service, and grade escalation in the USPS.

Federal workers, job hunters and just plain taxpayers will find the plum book a fascinating snoop sheet into the top reaches of government. At a glance the reader can tell who holds what job, his or her status, and the pay of just about everybody from Cabinet officers to their chauffeurs. The guide is on sale at the Government Printing Office, $3 a copy, or $3.25 by mail.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Iowa.

Mr. GROSS. I commend the gentleman for his statement, and I will read it in full in the Record.

Mr. VAN DEERLIN. It makes excellent bedside reading.

IMPROVING OUR MAIL SERVICE

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, the idea of improving our mail service with streamlined methods and keeping politics out of the post office department is important.

We have made great strides in this direction.

But improvements have to be made. If these improvements are not made, public outcry will force us to abandon the Postal Corporation concept.

Letters are coming into my office daily criticizing the mail delivery service.

The mail must be speeded up. It is certainly not the fault of the letter carrier or the mail handler. The fault lies at the top.

A Wabash, Ind., industrialist recently wrote:

> We have an office in Haddonfield, New Jersey. Today I received the large envelope enclosed, mailed December 26 and received 34 days later. I realize third-class mail re-

> ceives the least attention, but surely delivery shouldn't take over a month.
>
> Recently we received four first-class letters from Haddonfield on the same day, January 8. They were mailed on January 2, 3, 4, and 5.

A newspaper publisher from Peru, Ind., writes:

> Time and again we suffer atrocious service at the hands of the Post Office Department . . . we're now getting frequent 2-day mail service from Peru to Wabash, only 14 miles away. A package of mail including a $15,000 check floated between Peru and Wabash for several weeks not long ago.

Mr. Speaker, complaints are coming in from all parts of the country. A man from Santa Fe, N. Mex., writes:

> Sometimes I get down on my knees and give thanks that I have received my mail. Maybe Dr. Kissinger should look into this matter.

An advertising service executive from Peru, Ind., explains his problems:

> We have a correspondent in Mobile, Alabama, who has a post office box, but sometimes uses his street address. The ZIP code for his box is 36601, and for his street address, 36604. One of our letters (first-class) was addressed to the box, with the proper box number, but with 36604 as the ZIP. Believe it or not, they sent it all the way back to Peru with a faulty notation.

The publisher also explains:

> Some time ago we mailed a first-class letter to a party in Dayton, Ohio with whom we had done business for ten years at the same address. It came back with the notation: "No such address." Our letter to the Dayton postmaster brought the explanation that they had changed the name of the street.

THE GREAT JAWBONER AND THE PRIME RATE GAME

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, the American public—and the press—are being badly deluded on interest rates.

Since last week, Dr. Arthur Burns, Chairman of the Federal Reserve Board, has been busy sending telegrams to banks around the Nation insisting that something called the "prime rate" be kept down. He has asked the four banks which raised the prime rate on Friday for economic justification. In each instance, Dr. Burns and his staff are quick to release the telegrams to the press which in turn conveys to the American public an impression of great vigor by the Committee on Interest and Dividends and/or the Federal Reserve System.

As this soap opera unfolds, three of the four banks rescind their increases and the press trumpets Dr. Burns' successes in headlines on the front pages.

The unsuspecting public now assumes that its interests are being protected and that somehow the upward spiral of interest rates has been checked. This is not true and Dr. Burns is certainly in a position to know this.

The prime rate is a total fraud. It has no meaning unless the banks are willing to tell us who qualifies for such a rate and under what criteria.

It is quite easy for the banks to agree to Dr. Burns' jawboning and at the same time raise their rates. The banks could obviously afford to have a 1-percent prime rate if there were no prime customers. It is the banks themselves which determine who shall be a prime customer.

The list of prime customers can be changed daily—even hourly—without the knowledge of the public. The list could include 100 names, a dozen, or zero, and the public would be none the wiser.

To avoid the strictures of Dr. Burns' jawboning, the banks can simply reduce the number of customers entitled to a "prime rate" and quietly increase the other rates. This is what is going on right now throughout the banking system and despite the good Doctor's jawboning, interest rates have increased and will continue to do so until there is definitive controls action taken by the Federal Government.

Undoubtedly, the public relations men and the officials of the major banks are chuckling as they read the news stories about their willingness to agree to Dr. Burns' jawboning.

The processes leading to tighter credit and higher interest rates have been going on for many weeks and started long before Dr. Burns started sending his telegrams and conducting his visits with leading lights of the banking world. On February 1, the New York Times—back on its financial pages—ran a news story which led off:

> The nation's largest banks, faced with soaring loan demand and rising money costs, are quietly raising their lending rates and tightening up significantly the terms and conditions of the loans they are negotiating.

The news story went on to say:

> None of the rate increases, which began on January 18, and continued through yesterday, have been announced.

This is the kind of quiet behind-the-scenes jacking up of interest rates which is occurring right now while the public is led to believe that there is a great effort to halt the increases.

It is significant that Dr. Burns' greatest effort on interest rates—his jawboning and his teas with the bankers—are all directed at this fictitious "prime rate." Why has Dr. Burns not sent out the telegrams and conducted the meetings on the steady increases in mortgage interest rates which now exceed 8 percent in some areas of the Nation? Each month since last April, interest rates as surveyed by the Federal Home Loan Bank Board—have gone up on new homes. There has been a tightening of consumer credit and small businesses are being required to pay much higher rates on their borrowings. The bond markets have eroded and corporations are selling their paper well over the 7½-percent mark.

Why is it that Dr. Burns has not zeroed in on these other rates? And why has he not been more frank in his discussion of the pressures across the board on all money rates?

This latest game-playing over the prime rate is designed to forestall congressional action and public pressure for mandatory controls over interest rates. The monetary experts hope that a brief show of muscle—or jawboning—by the Committee on Interest and Dividends will lead the Congress to believe that there is no need to take further steps on interest controls.

The Nixon administration wants this illusion kept intact until the Congress passes a simple extension of the Economic Stabilization Act. Once this power is given the President, the big banks will be turned loose to do whatever they want with interest rates. By that time, the issue will be out of the hands of the Congress and we will see some large—and destructive—increases in all interest rates.

So the current jawboning—and the play-acting—is not aimed so much at the banks as it is at the Congress. It is supposed to delude the Congress into thinking that firm action is being taken when in truth nothing is really happening.

Instead of these headline-seeking efforts, the Nixon administration needs to face up to the real facts of life and impose mandatory controls on interest rates and to institute policies which will lead to a steady rollback of all interest rates. If this does not happen, we are going to see the economy severely hurt in 1973, and a reversal of our efforts to put people back to work.

THE SOVIET UNION POLICY OF PREVENTING JEWS FROM EMIGRATING TO ISRAEL

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am joining our colleague, the Honorable CHARLES VANIK, in cosponsoring legislation today which will prohibit the United States from giving most-favored-nation treatment to those countries which impose unduly severe taxes on individuals wishing to leave that country.

While this bill would apply to any nation which imposes such restrictive measures, I believe we are all aware that it is the Soviet Union which has maintained this policy specifically to prevent its Jews from emigrating to Israel. The Soviets have levied a so-called education tax, amounting, in some cases, to many thousands of dollars, on all those who are granted exit visas. This education tax is nothing more than a ransom on human lives which cannot be tolerated.

It does appear that worldwide public pressure has caused the Soviets to ease up somewhat on their policy of repression. However, the situation over there is still far from acceptable, by any humane terms. Recent reports indicate that there has been a wave of new arrests in the last month.

If Americans are to remain true to our basic belief in equal treatment for all and the right of all human beings to choose where and how they live, then we cannot, in good conscience, support a nation which denies these basic principles.

The U.S. Congress must let the administration and the world know that it finds such policies abhorrent and that we will not relent until they are eased.

Mr. Speaker, while this bill was introduced in the last session of Congress, no action was taken on it. It is my sincere hope that the Ways and Means Committee will give early consideration to this legislation so that it can come before the full House of Representatives soon.

INTERIM REPORT BY THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

(Mr. ULLMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, last October, in Public Law 92-599, the Congress established the Joint Study Committee on Budget Control. This committee was given the assignment of recommending to the Congress procedures that would enable it to improve congressional control over the outlay and receipt totals in the budget and to enable the Congress to establish spending priorities in the budget.

The committee was organized and started its deliberations shortly after this session of the 93d Congress was begun. Since that time, the committee has held several meetings in which it discussed the issues that must be considered when developing congressional procedures for the budget control, was briefed by the staff on background material relating to the problems encountered in the present system, and heard briefing statements by specialists in the budgetary process in the executive branch and in the Congress.

These briefings and hearings convinced the committee members that it would not be possible to present detailed recommendations for a carefully thought-out procedure to realize the goal of improved congressional budgetary control by mid-February. There are difficult problems to be solved in developing a full procedure. I am convinced, however, it can be done. In fact, in its interim report we are presenting today the study committee has already developed a set of general principles as to what should be done. In subsequent reports we will convert this set of principles into specific recommendations.

In the interim report, which Cochairman JAMIE WHITTEN and I now have the privilege of presenting to you, the Joint Study Committee is placing before the Members of Congress the direction its thoughts have taken. The committee members are aware of the great interest all Members of Congress have in this subject, and they plan in the very near future to hold public hearings on the tentative recommendations that are contained in this report. They hope that the Members of Congress will read the report thoughtfully and present to the Joint Study Committee their recommendations during the public hearings.

As soon as it is reasonable after the hearings have been concluded, the Joint Study Committee will report its final recommendations.

The interim recommendations of the committee are as follows:

II. TENTATIVE RECOMMENDATIONS

Because of the difficulty of taking into account all of the different aspects of the problem, the Joint Study Committee, in the short time available to it, has as yet been unable to reach final conclusions as to a solution to the problems of legislative budgetary control. Nevertheless, it has concluded that the legislative process should include an opportunity for the Congress to examine the budget from an overall point of view, together with a congressional system of deciding priorities. It also believes that ways of preventing further splintering off of control from the Appropriations Committees should be found as well as ways of speeding up authorizations. While not having yet worked out the details of its proposals, the committee nevertheless can subscribe to the following as general principles:

1. There should be a mechanism for Congress to—

(a) determine the proper level of expenditures for the coming fiscal year after full consideration of the fiscal, economic, monetary and other factors involved.

(b) provide an overall ceiling on expenditures and on budget authority for each year, and

(c) determine the aggregate revenue and debt levels which appropriately should be associated with the expenditure and budget authority limits.

The limitations referred to above should be provided only if Congress also makes provision for a system whereby it can make the decisions on budget priorities that will guide it as to where reductions are to be made in the event that this becomes necessary.

The committee favors provision for limitations on both expenditure and new obligational authority so an impact, to the extent possible, will be felt in the current year (as a result of the expenditure limitation) and also so that control will be obtained over future growth (as a result of the budget authority limitation). At the same time however, it is essential that Congress develop ways of making its own decisions on budget priorities so that realistic control over the purse can be regained by the Congress, as intended by the Constitution. Any mechanism for establishing these limitations also needs to provide an opportunity to review and make recommendations as to overall tax and debt policies, since these also are an essential part of the Government's fiscal policy.

2. Any limitation on expenditures and new obligational authority should cover not only budgetary outlays handled through the Appropriation Committees but also any legislation which provides funding separately from the annual appropriation process.

Because of the increasing number in recent years of legislative bills, other than appropriation bills which provide for funding, any meaningful overall control of spending and budget authority also must apply to these types of spending.

3. Initial action taken with respect to expenditure ceilings and new obligational authority limitations should occur early in each session of the Congress, but there should be a procedure established for reconsideration of these ceilings in the latter pact of each Congressional session.

Because many decisions as to spending are not made until well along in a Congressional session, it is important that a procedure for flexibility in budget ceilings be provided, so there is an adequate opportunity for review of these ceilings in the latter part of the sessions.

4. A procedure should be developed for allocating the appropriate portions of expenditure and budget authority ceilings to various committees having jurisdiction over the legislation affecting the budget.

Provision must be made for the application of the expenditure and budget authority ceilings to each committee having jurisdiction over spending. Also a way of subdividing these amounts on a broad program basis must be found if Congress is to make its own decisions as to priorities.

5. Procedures should be developed to assure compliance with the expenditure and budget authority ceilings.

To provide expenditure and budget authority guidelines which could be ignored at will does not meet the problem of requiring an examination of competing priorities. A nonbinding expenditure ceiling has already been tried, and failed.

6. Procedures should be developed to present to Congress the effect on expenditures of existing and proposed legislation, not only in the current year, but also for years up to 3 to 5 years ahead. Such information should be made available currently both with respect to the effect of authorizing legislation and legislation directly making funds available for expenditure.

7. An organization to implement the control procedures outlined above probably should encompass the formation of permanent legislative committees on the budget. The appropriations and tax committees in the case of each House should be adequately represented in the membership of the budget committee. A legislative committee of this type is needed so there will be an opportunity for overall review of tax and expenditure policy.

8. Any permanent legislative committees on the budget of the type referred to above should have an adequate nonpartisan, professional staff which will need to develop skill in translating funding actions into expenditure and budget authority totals for the current year, but also for up to three to five years ahead. Such a staff might well be a joint staff for separate House and Senate committees.

9. There also should be an opportunity for Congress to review periodically the different ways in which budget authority and expenditures are in fact authorized or incurred. In practice, these have changed from time to time, and it is not at all certain that expenditure mechanisms used in one period of time will necessarily continue to be desirable.

10. Provision for authorizations (except in unusual circumstances) at least one year in advance should be required.

Such a provision would probably be the single most effective step to obtaining appropriations at, or near, the beginning of the fiscal year to which they relate.

11. The committee recognizes that the study of the subject of impoundments is an important part of its assignment. The subject will be examined carefully, and recommendations will be included in the final report.

IMPROVING CONGRESSIONAL CONTROL OVER BUDGETARY OUTLAY AND RECEIPT TOTALS

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, the gentleman who just spoke to us, our good friend, AL ULLMAN of Oregon, and I have the honor of having been named the cochairmen of this special committee to study how the Congress can gain control of the overall budget.

At the conclusion of my remarks, I shall insert a list of the members of that committee, as well as the letter of transmittal, which speaks for itself.

Mr. Speaker, I am proud to report that in making this interim report we have 32 members on that committee, whose names will be listed, who have unanimously agreed on the compilation of what has happened heretofore. In other words, one way of expressing it is to show where we are and how we got that way, and surprisingly it is going to show that so much of it has been by avoiding the annual review of the Congress of this appropriation process, by the method of directing expenditures by backdoor spending and various and sundry others.

We have tried to obtain all the information that we can for consideration. We have heard the former Director of the Bureau of the Budget, Mr. Charles Schultze; we have also listened to the present Assistant Director of the Office of Management and Budget, Mr. Samuel M. Cohen, and we feel it will be worthwhile to read about the progress that we have made in bringing this very complex subject to you.

The material referred to is as follows:

JOINT STUDY COMMITTEE ON BUDGET CONTROL

Co-Chairman: Jamie L. Whitten, House Appropriations; Al Ullman, House Ways and Means.

Co-Vice Chairmen: John L. McClellan, Senate Appropriations; Russell B. Long, Senate Finance; Roman L. Hruska, Senate Appropriations; Herman T. Schneebeli, House Ways and Means.

Senate Appropriations Committee: John C. Stennis, John O. Pastore, Alan Bible, Milton R. Young, Norris Cotton.

Senate Finance Committee: Herman E. Talmadge, Vance Hartke, J. W. Fulbright, Wallace F. Bennett, Carl T. Curtis, Paul J. Fannin.

At Large: William Proxmire, William V. Roth, Jr.

House Appropriations Committee: George H. Mahon, John J. Rooney, Robert L. F. Sikes, Alfred A. Cederberg, John J. Rhodes, Glenn R. Davis.

House Ways and Means Committee: James A. Burke, Martha W. Griffiths, Dan Rostenkowski, Harold R. Collier, Joel T. Broyhill.

At Large: Henry S. Reuss, James T. Broyhill.

LETTER OF TRANSMITTAL

JOINT STUDY COMMITTEE ON
BUDGET CONTROL,
Washington, D.C., February 7, 1973.
Hon. CARL ALBERT,
Speaker of the House of Representatives,
Hon. JAMES O. EASTLAND,
President Pro Tempore of the U.S. Senate.

DEAR MR. SPEAKER AND MR. PRESIDENT PRO TEMPORE: By direction of the Joint Study Committee on Budget Control, we submit herewith the committee's first report pursuant to the provisions of Public Law 92–599, approved October 27, 1972.

In making this interim report, the committee is in a position, because of the limited time that has been available, to make at this time only very preliminary and general recommendations as to possible courses of action to improve budgetary control procedures.

The committee is making every effort to expedite its work and finalize its recommendations. The committee has heard expert testimony from Mr. Charles Schultze, senior fellow at Brookings Institution and former Director of the Bureau of the Budget, and Mr. Samuel M. Cohn, Assistant Director of the Office of Management and Budget. The committee has also had compiled extensive background data required to pursue a detailed analysis of the complex budgetary control problem. It is planned to receive additional expert testimony and to conduct public hearings in order that the committee may have the benefit of suggestions and proposals from the Members of Congress and the public.

As outlined in detail in the body of the report, there are many problems involved in the budgetary process that must be carefully considered if a sound, workable budgetary control system is to be developed. Because these problems are difficult they will require further in-depth study and review before a detailed plan of action can be recommended to the Congress. Implementing legislation would then have to be formulated and approved by the Congress before any permanent organization, procedures, and staffing that may be required could be established and the plans become operative.

COCHAIRMEN

JAMIE L. WHITTEN,
House Appropriations.
AL ULLMAN,
House Ways and Means.

CO-VICE CHAIRMEN

JOHN L. MCCLELLAN,
Senate Appropriations.
ROMAN L. HRUSKA,
Senate Appropriations.
RUSSELL B. LONG,
Senate Finance.
HERMAN T. SCHNEEBELI,
House Ways and Means.

IMPROVEMENT IN POSTAL SERVICE NEEDED

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, most of us, I believe, were patient with the U.S. Postal Service during its early transition from the old Post Office Department and did not expect overnight miracles in service. However, a year and a half has passed since the postal reorganization went into effect, and although the Postal Service is trying to improve, I am afraid the substantive results we expected simply have not materialized.

The objective of the postal reorganization is "to provide postal services promptly, reliably, and efficiently." But as one person wrote me, "it seems as science advances and the postal system becomes more complex, implementing costly technology, the efficiency of the system deteriorates." The failure of service to live up to its stated goal has inconvenienced us all and in many instances has caused financial loss to individuals and businesses.

There is no doubt in my mind that there are thousands of dedicated, hardworking employees in the Postal Service, and I have had the opportunity to discuss this situation with local postal authorities. They agree with me that there are basic and critical operational deficiencies which must be located and corrected if we are to realize dependable mail delivery service.

I can sympathize with the voluminous task facing our post offices and postal workers each day, but I also share the utter frustration so many of my constituents are voicing about totally unreasonable delays in mail delivery.

In his report to Congress last month, the Postmaster General stated:

> Without regard to the time of day when the letter was deposited or to the distance sent, the average time for delivering each of the 49 billion first-class letters decreased from 1.7 to 1.6 days.

I find this evaluation difficult to square with my own experiences with the mail and those I have learned about from my constituents. Letters mailed to locations within the same community take 3, 4, and 5 days. Mail going 8 miles may take 6 days. One hundred miles could take 9 days, as might a letter sent a thousand miles. But then, as one constituent in Perkasie related to me, it may take 40 days to receive a letter from New York City. Again, it may not even make it the few miles from Philadelphia—it may just wind up in a corner at the main post office.

Experiences with my office mail reveal more of the same: 9 days to travel 500 miles, 4 days to come across town, 3 days for a special delivery letter from my district office. A letter from the Pennsylvania State Association of Letter Carriers actually took 4 days.

If there is one consideration the public expects and should receive from the Postal Service, it is dependable service. Yet, one discovers a consistent pattern of inconsistency in comparing distance with delivery time. You cannot be certain when a mailed letter will arrive at its destination. In effect, we have all become unwilling players in a Government-operated nationwide game of chance. Before dropping a letter in the mail slot, you have to ask yourself what the odds are that it will arrive at its destination in time and what effect first-class, air mail, or special delivery postage will have on its chances. The entire situation prompts you to consider another horrible possibility: How much of your mail, both to and from you, never arrives?

The assurances from the Postal Service are frustratingly predictable: sincere apologies and encouragement that studies and programs underway will solve the inadequacies "in a number of years." We thought things were bad under the old setup, but I regret to say that they may now be even worse.

The problems and complaints with the Postal Service do not stop with mail delays. Post office window service, convenience of mailboxes, frequency of pickups and rates often come under fire. The most commonly heard criticisms, however, are focused on the total unreliability of delivery service.

I believe the Postal Service has to become more seriously mindful of the tremendous grassroots furor it has allowed to develop. The phrase "confidence in Government" encompasses many features of our governmental system, but few functions of the Federal Government are so obvious to the public as its daily mail service. Poor service can all too easily be seen as an example of "poor Government."

To differing degrees, I know many of my colleagues share the feelings I have expressed. The Postal Service has been forewarned of the deep current of public and congressional dissatisfaction with its performance. I trust it will take the extra steps necessary to set things straight or Congress must take it upon itself to find the solutions.

INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Mills) is recognized for 20 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, this will not be a tranquil year in the American economy. The domestic and international problems confronting us raise considerable doubt about the vitality of our seemingly vibrant economy as we move into the latter part of this year.

Domestically, the current rapid acceleration in economic activity is now being accompanied by a higher rate of inflation. While most of the price increases thus far have been largely in food, it would be folly to assume that industrial prices will not also accelerate in the months ahead as employment continues to rise, and business intensifies its effort to build inventories and to expand plant capacity. A higher rate of inflation, particularly during the first part of this year which now seems likely, is bound to endanger the outcome of the many wage negotiations that will begin this spring. A low rate of inflation now is a necessity for assuring labor to accept moderate wage increases. Unfortunately, the assurance that must be offered to labor is the promise that inflation will again moderate sometime by the end of the year and not the demonstrable fact that inflation has been sufficiently checked.

Part of our current economic dilemma lies in the fact that Federal budgetary discipline has been slow in coming. In this fiscal year, in which the unified budget deficit will total an estimated $25 billion, Federal expenditures will increase by $18 billion. In fiscal 1974, for which the administration is now estimating a unified budget deficit of $13 billion, Federal expenditures are still scheduled to increase by $18 billion. This small falloff may well be too little and too late.

It is indeed disturbing that the failure to adjust the fiscal posture quickly enough and the failure of other governmental programs aimed at stemming inflation is forcing the Federal Reserve to shoulder much of the task of halting inflation. The arsenal of the Federal Reserve is quite limited, although very powerful. A decisive slowing in credit availability and substantially higher interest rates are likely to be the enforcing measures that will have to be increasingly relied upon to compensate for the weakness in other administration policies. This harsh remedy will punish participants in the private sector.

Internationally, there are also important warning signals. Besides the recent weakness of the dollar, it will be very difficult to improve our international trade balance this year. Imports continue to increase at an uncomfortably rapid rate. The import boom is being fueled by our domestic business boom and now our energy shortage. Our export effort is making little headway with our foreign trading partners. There is also little evidence to suggest that long-term capital flows into the United States in the latter part of 1972 were of the lasting kind. The weakness in stock prices lately has probably slowed this flow appreciably. The exchange relationship between the dollar and other major currencies will have to be realined some more, and efforts to improve our trade balance and international capital flows will have to be intensified. These matters must be considered, soon in a conference—not later in separate conferences—These problems are growing—these solutions are becoming more evasive.

ON INTRODUCTION OF THE FREEDOM OF EMIGRATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, it is with great pleasure that Chairman Mills and I introduce today the "Freedom of Emigration Act" along with over 258 of our colleagues in the House of Representatives from every section of the United States.

This measure is designed to restrain trading privileges or "most favored nation treatment" with any nation in East-West trade until that country ceases its discriminatory emigration policies.

This measure most directly affects the Soviet Union which persists in maintaining its extremely harsh and unwarranted education head tax which has already dealt a severe blow to thousands of Soviet Jews wanting only to leave that country.

It has been with a great deal of thought that I undertook this effort in the House of Representatives to gather support for this measure. I have been one of the principal House sponsors of East-West trade. I believe firmly in detente through trade. It is my hope to continue to support such measures without reservations.

There should be no differentiation made by our country between economic and commercial matters and social policies. In my mind, we as a Nation cannot overlook denigration of human rights for the sake of commercial gain.

This unsavory experience is not new in our relations with Russia. In 1911, because of ongoing pogroms against Russian Jews, the U.S. Government canceled the Commercial Treaty of 1832 to demonstrate our abhorrence of that officially condoned policy of terror.

It is my profound hope that passage of this legislation will not become necessary. It is my sincere hope that the great strides toward detente and meaningful friendship can go forward. But we as a Nation should not abide denial of basic, universally recognized rights of any people to emigrate freely, without onerous, oppressive impediments.

I wish to express my gratitude to Chairman Wilbur Mills for his willingness to assume the leadership of this important effort.

Tribute should also be extended to the majority of members of the Ways and Means Committee and the House majority leader, Mr. O'Neill, and majority whip, Mr. McFall, for their steadfast support.

Finally, and most important, I extend my appreciation to the Members of this House of both political parties and of diverging philosophies who have united in such great numbers behind this measure to demonstrate the strong feelings in the House for this legislation.

Mr. Speaker, I include at this point a list of the cosponsors of the Freedom of Immigration Act.

List of Cosponsors of the Freedom of Emigration Act

(Introduced by Hon. Wilbur Mills and Hon. Charles A. Vanik in the House of Representatives, Feb. 7, 1973)

Mills, Wilbur D. (D-Ark).*
Vanik, Charles A. (D-Ohio).*
Abzug, Bella S. (D-NY).
Adams, Brock (D-Wash).
Addabbo, Joseph P. (D-NY).
Anderson, Glenn M. (D-Calif).
Annunzio, Frank (D-Ill).
Archer, Bill (R-Tex).*
Aspin, Les (D-Wis).
Badillo, Herman (D-NY).
Bafalis, L. A. (Skip) (R-Fla).
Barrett, William A. (D-Pa).
Bell, Alphonzo (R-Calif).
Bennett, Charles E. (D-Fla).
Bergland, Bob (D-Minn).
Bevill, Tom (D-Ala).
Biaggi, Mario (D-NY).
Bingham, Jonathan B. (D-NY).
Blatnik, John A. (D-Minn).
Boland, Edward P. (D-Mass).
Bolling, Richard (D-Mo).
Brademas, John (D-Ind).
Brasco, Frank J. (D-NY).
Breckinridge, John (D-Ky).
Brinkley, Jack (D-Ga).
Broomfield, William S. (R-Mich).
Brown, George E., Jr. (D-Calif).
Broyhill, Joe T. (R-Va).*
Buchanan, John (R-Ala).
Burke, J. Herbert (R-Fla).
Burke, James A. (D-Mass).*
Burke, Yvonne Brathwaite (D-Calif).
Burton, Phillip (D-Calif).
Byron, Goodloe E. (D-Md).
Carey, Hugh L. (D-NY).*
Carney, Charles J. (D-Ohio).
Casey, Bob (D-Tex).
Chappell, Bill, Jr. (D-Fla).
Chisholm, Shirley (D-NY).
Clancy, Frank M. (R-Ohio).*
Clark, Frank M. (D-Pa).
Clay, William (Bill) (D-Mo).
Cohen, William S. (R-Maine).
Collins, James M. (R-Tex).
Conlan, John B. (R-Ariz).
Conte, Silvio O. (R-Mass).
Conyers, John, Jr. (D-Mich).
Corman, James C. (D-Calif).*
Cotter, William R. (D-Conn).
Coughlin, Lawrence (R-Pa).
Crane, Philip M. (R-Ill).
Cronin, Paul W. (R-Mass).
Daniel, Dan (D-Va).
Daniel, Robert W., Jr. (R-Va).
Daniels, Dominick V. (D-NJ).
Danielson, George E. (D-Calif).
Davis, John W. (D-Ga).
Davis, Mendel J. (D-SC).
Delaney, James J. (D-NY).
Dellums, Ronald V. (D-Calif).
De Lugo, Ron (Del.-V.I.).
Denholm, Frank E. (D-S. Dak).
Dent, John H. (D-Pa).
Diggs, Charles C., Jr. (D-Mich).
Donohue, Harold D. (D-Mass).
Downing, Thomas N. (D-Va).
Drinan, Robert F. (D-Mass).
Dulski, Thaddeus J. (D-NY).
Eckhardt, Bob (D-Tex).
Edwards, Don (D-Calif).
Eilberg, Joshua (D-Pa).
Evans, Frank E. (D-Colo).
Fascell, Dante B. (D-Fla).
Fauntroy, Walter E. (Del.-D.C.).

Footnote at end of list.

Fish, Hamilton, Jr. (R-NY).
Fisher, O. C. (D-Tex).
Flood, Daniel J. (D-Pa).
Flowers, Walter (D-Ala).
Forsythe, Edwin B. (R-NJ).
Fraser, Donald M. (D-Minn)
Frenzel, Bill (R-Minn).
Frey, Louis, Jr. (R-Fla).
Froehlich, Harold V. (R-Wis).
Fulton, Richard H. (R-Tenn) *
Fuqua, Don (D-Fla).
Gaydos, Joseph M. (D-SC).
Gettys, Tom S. (D-SC).
Giaimo, Robert N. (D-Conn).
Gibbons, Sam (D-Fla) *
Gilman, Benjamin A. (R-NY).
Ginn, Bo (D-Ga).
Goldwater, Barry M., Jr. (R-Calif).
Gonzalez, Henry B. (D-Tex).
Grasso, Ella T. (D-Conn).
Gray, Kenneth J. (D-Ill).
Green, Edith (D-Oreg).
Green, William J. (D-Pa) *
Griffiths, Martha W. (D-Mich) *
Grover, James R., Jr. (R-NY).
Gubser, Charles S. (R-Calif).
Gude, Gilbert (R-Md).
Gunter, Bill (D-Fla).
Haley, James A. (D-Fla).
Hanley, James M. (D-NY).
Harrington, Michael (D-Mass).
Hawkins, Augustus F. (D-Calif).
Hays, Wayne L. (D-Ohio).
Hechler, Ken (D-W. Va).
Heckler, Margaret M. (R-Mass).
Heinz, H. John, III (R-Pa).
Helstoski, Henry (D-NJ).
Henderson, David N. (D-NC).
Hicks, Floyd V. (D-Wash).
Hillis, Elwood (R-Ind).
Hogan, Lawrence J. (R-Md).
Holifield, Chet (D-Calif).
Holt, Marjorie S. (R-Md).
Holtzman, Elizabeth (D-NY).
Horton, Frank (R-NY).
Howard, James J. (D-NJ).
Huber, Robert J. (R-Mich).
Hudnut, William H., III (R-Ind).
Hungate, William L. (D-Mo).
Ichord, Richard H. (D-Mo).
Jones, James R. (D-Okla).
Jordan, Barbara (D-Tex).
Karth, Joseph E. (D-Minn) *.
Keating, William J. (R-Ohio).
Kemp, Jack F. (R-NY).
Kluczynski, John C. (D-Ill).
Koch, Edward I. (D-NY).
Kuykendall, Dan (R-Tenn).
Kyros, Peter N. (D-Maine).
Leggett, Robert L. (D-Calif).
Lehman, William (D-Fla).
Lent, Norman F. (R-NY).
Long, Clarence D. (D-Md).
Long, Gillis W. (D-La).
Lujan, Manuel, Jr. (R-N. Mex).
McCloskey, Paul N., Jr. (R-Calif).
McCormack, Mike (D-Wash).
McDade, Joseph M. (R-Pa).
McFall, John J. (D-Calif).
McKinney, Stewart B. (R-Conn).
MacDonald, Torbert H. (D-Mass).
Madden, Ray J. (D-Ind).
Madigan, Edward R. (R-Ill).
Matsunaga, Spark M. (D-Hawaii).
Meeds, Lloyd (D-Wash).
Metcalfe, Ralph H. (D-Ill).
Mezvinsky, Edward (D-Iowa).
Minish, Joseph G. (D-NJ).
Minshall, William E. (R-Ohio).
Mitchell, Donald J. (R-NY).
Mitchell, Parren J. (D-Md).
Moakley, John Joseph (Mass).
Mollohan, Robert H. (D-W. Va).
Moorhead, William S. (D-Pa).
Morgan, Thomas E. (D-Pa).
Moss, John E. (D-Calif).
Murphy, John M. (D-NY).
Murphy, Morgan F. (D-Ill).
Myers, John T. (R-Ind).
Nelsen, Ancher (R-Minn).
Nix, Robert N. C. (D-Pa).
O'Brien, George M. (R-Ill).
O'Hara, James G. (D-Mich).
O'Neill, Thomas P., Jr. (D-Mass).
Owens, Wayne (D-Utah).
Parris, Stanford E. (R-Va).
Patten, Edward J. (D-NJ).
Pepper, Claude (D-Fla).
Pettis, Jerry L. (R-Calif).
Peyser, Peter A. (R-NY).
Pickle, J. J. (D-Tex).
Pike, Otis G. (D-NY).
Podell, Bertram L. (D-NY).
Price, Melvin (D-Ill).
Pritchard, Joel (R-Wash).
Quie, Albert H. (R-Minn).
Railsback, Tom (R-Ill).
Rangel, Charles B. (D-NY).
Rarick, John R. (D-La).
Rees, Thomas M. (D–Calif).
Regula, Ralph S. (R-Ohio).
Reid, Ogden R. (R-NY).
Reuss, Henry S. (D-Wis).
Rhodes, John J. (R-Ariz).
Riegle, Donald W., Jr. (R-Mich).
Rinaldo, Matthew J. (R-NJ).
Robinson, J. Kenneth (R-Va).
Rodino, Peter W., Jr. (D-NJ).
Roe, Robert A. (D-NJ).
Rogers, Paul G. (D-Fla).
Roncalio, Teno (D-Wyo).
Roncallo, Angelo D. (R-NY).
Rooney, Fred B. (D-Pa).
Rose, Charles (D-NC).
Rosenthal, Benjamin S. (D-NY).
Rostenkowski, Dan (D-Ill).
Roush, J. Edward (D-Ind).
Roy, William R. (D-Kans).
Roybal, Edward R. (D-Calif).
Ryan, Leo J. (D-Calif).
St Germain, Fernand J. (D-R.I.).
Sarasin, Ronald A. (R-Conn).
Sarbanes, Paul S. (D-Md).
Saylor, John P. (R-Pa).
Scherle, William J. (R-Iowa).
Schroeder, Patricia (D-Colo).
Seiberling, John F. (D-Ohio).
Shriver, Garner E. (R-Kans).
Sisk, B. F. (D-Calif).
Smith, Henry P., III (R-NY).
Spence, Floyd (R-S.C.).
Stanton, J. Wm. (R-Ohio).
Stanton, James V. (D-Ohio).
Stark, Fortney H. (Pete) (D-Calif).
Steele, Robert H. (R-Conn).
Steelman, Alan (R-Tex).
Steiger, Sam (R-Ariz).
Stephens, Robert G., Jr. (D-Ga).
Stokes, Louis (D-Ohio).
Stratton, Samuel S. (D-NY).
Stuckey, W. S. (Bill), Jr. (D-Ga).
Studds, Gerry E. (D-Mass).
Sullivan, Leonor K. (Mrs. John B.) (D-Mo).
Symington, James W. (D-Mo).
Taylor, Roy A. (D-NC).
Towell, David (R-Nev).
Thompson, Frank, Jr. (D-NJ).
Tiernan, Robert O. (D-RI).
Udall, Morris K. (D-Ariz).
Van Deerlin, Lionel (D-Calif).
Vigorito, Joseph P. (D-Pa).
Waggonner, Joe D., Jr. (D-La).*
Waldie, Jerome R. (D-Calif).
Walsh, William F. (R-NY).
Whitehurst, G. William (R-Va).
Widnall, William B. (R-NJ).
Williams, Lawrence G. (R-Pa).
Wilson, Bob (R-Calif).
Wilson, Charles (D-Tex).
Wilson, Charles H. (D-Calif).
Winn, Larry, Jr. (R-Kans).
Wolff, Lester L. (D-NY).
Won Pat, Antonio Borja (Del-Guam).
Wyatt, Wendell (R-Oreg).
Wydler, John W. (R-NY).
Wyman, Louis C. (R-NH).
Yates, Sidney R. (D-Ill).
Yatron, Gus (D-Pa).
Young, Andrew (D-Ga).
Young, C. W. Bill (R-Fla).
Young, Edward (R-SC).
Young, Samuel H. (R-Ill).
Zwach, John M. (R-Minn).
Johnson, Harold T. (D-Calif).
Veysey, Victor V. (R-Calif).

Mr. Speaker, I include at this point a joint statement made by Congressman WILBUR MILLS, myself, and Senator JACKSON in a press conference this morning at the Capitol:

JOINT STATEMENT BY CONGRESSMEN WILBUR MILLS AND CHARLES VANIK AND SENATOR HENRY M. JACKSON

We are pleased to announce that more than 250 members of the House of Representatives are today joining with a previously announced majority of their Senate colleagues in sponsoring legislation to deny most-favored-nation and other trade benefits to countries that prevent their citizens from emigrating freely without the payment of ransom taxes.

In taking this action we are reaffirming the deeply-held American conviction that the right to emigrate is fundamental to human liberty and to traditional American concepts of freedom and decency. We are, moreover, acting in support of the Univeral Declaration of Human Rights, unanimously adopted by the United Nations 25 years ago, in which the international community committed itself to uphold the right to free emigration and free return.

We hope that our action today will be understood by the responsible Soviet authorities as our answer to the official publication in Moscow last month of the so-called "education tax" schedule—an outrageous price list on human beings that reduces trained and educated men and women to chattel. The promulgation of that decree is, in our view, a profoundly disappointing response to the worldwide concern with which an oppressive and capricious Soviet emigration policy has been followed.

We are confident that our amendment reflects the deep commitment of the American people to the cause of individual liberty; and we are confident that the American people can tell a tax when they see one and know that the Soviet education charge is not a tax but a prison wall.

It is our intention to move in both the House and the Senate at an appropriate time and in connection with the appropriate legislation to assure that the provisions of the Jackson-Mills-Vanik amendment are enacted into law.

We know that we speak for our colleagues in both Houses in expressing the hope that the Soviet Union will begin to conform to the Universal Declaration by permitting those of its citizens who wish to emigrate the opportunity to do so, and that our desire for improved United States-Soviet relations will be advanced thereby.

Mr. PODELL. Mr. Speaker, I am proud to be numbered today among the cosponsors of the Freedom of Emigration Act of 1973.

I have long been concerned with the problems of being a Jew in Russia. As you know, I went to Russia nearly 2 years ago. The things I experienced there strengthened my conviction that we must do all we humanly can to help those Jews who want to leave, for it is impossible today to live as a Jew in the Soviet Union, and things will very likely get worse in the future.

I view this act as the last great hope for Russian Jewry. It is a crass thing to say that men are motivated by economic gain. But this is a truism as much for the Communists as it is for us capitalists. And since this is a fact of life, the possibility that there will be no economic gain is also a strong motivating factor. This is the rationale behind my distinguished colleague's proposal: To hit the Russians where they will be hurt the most, in their economic plans. If they are hit hard enough, they will ease their pain by letting the Jews leave Russia without paying that abominable ransom.

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*Indicates member of Ways and Means Committee.

Human freedom and dignity must be more important to us than any potential economic advantage we may get from increased trade with the Soviet Union. It is for this reason that I will support the Freedom of Emigration Act of 1973. It is the very least that I can do to help the Jews in Russia.

Mrs. GRASSO. Mr. Speaker, all people have the right to live on this earth in dignity with personal freedom. Yet, in the Soviet Union today, Jews are subjected to repressive and discriminatory policies which are a blatant denial of basic human rights.

Perhaps the most despicable affront to hapless, harassed Soviet Jews is the imposition of an immoral education tax, designed to place severe restrictions on those who desperately wish to emigrate to Israel. Freedom to live in peace or leave in peace is sought by Soviet Jews so that they might be able to practice their religious beliefs and preserve their cultural heritage without fear.

If the Soviet Union sees fit to continue its policy of blackmailing Jews who wish to emigrate, then it is the responsibility of the Congress to express its profound convictions against this ruthless policy in a manner which will reach the ears of Soviet leaders. That is why I am proud to join 237 of my colleagues in the House in sponsoring a bill, to be known as the Freedom of Emigration Act, which would restrain most-favored-nation status or special trade privileges to any country in East-West trade until such time as that country eliminates contemptuous emigration policies.

It is my hope that the strong, united voice of the Congress, expressed in economic terms, will pierce the walls of the Kremlin and awaken Soviet leaders to their responsibilities toward oppressed citizens.

Mr. EDWARDS of California. Mr. Speaker, I again wish to express my support for the Freedom of Emigration Act, prohibiting most-favored-nation trade status for countries denying their citizens the right to emigrate or imposing excessive fees for emigration. In view of the recent Soviet Union formalization of its policy of imposing education exit taxes on those seeking to emigrate, I believe we must continue to bring pressure to bear expressing our outrage and intolerance for such actions.

The emigration taxes now levied by the Soviet Union and directed at Soviet Jews desiring to leave the country are an affront to principles of individual liberty that apply to all peoples. Recognizing the special value of Jews and turning them into cash export is an exploitative action that should not be allowed to go unchallenged.

The substantial majority of members of both houses of Congress cosponsoring this legislation is evidence of the overwhelming opinion in the United States that we will not disregard the callous violation of the civil rights of citizens anywhere in the world. In addition to merely registering our protest, this bill would reinforce our opinions with economic sanctions that the Soviet Union cannot ignore.

I believe that the introduction and consideration—no less the passage—of this legislation can influence the Soviet Union to rescind the exist fees.

Ms. ABZUG. Mr. Speaker, I am proud to be a sponsor of the Freedom of Emigration Act, which would restrain trading privileges with, or most-favored-nation treatment for any nation that practices discriminatory emigration policies, and I commend Representatives VANIK and MILLS and Senator JACKSON on their work in this critical area.

We are at the beginning of a cautious detente with the other great powers; trade and travel restrictions are gradually being relaxed; American cultural and professional groups are journeying to and from the Soviet Union and China.

This is tremendously encouraging. It leads us to hope that one day the entire world will be free of artificial barriers, since all human beings share the same little planet.

To reach this point, it is essential that we in the United States indicate what standards of human freedom are. Different countries may be expected to hold different values, but some universal human rights must not be abridged: the freedom to choose one's place of residence, for example, and the freedom to observe one's own religious and cultural practices. The United Nations Declaration of Human Rights has stood firm on these points.

Yet these rights are being denied to Soviet Jews who are now subject to exit fees, the amount depending on the extent of their education and the country to which they wish to go. Sometimes, as in the case of highly trained scientists, the amount runs to thousands of dollars. Many who went through the long exit-permit process before this new tax was levied are now doomed to disappointment; it would take the average Soviet citizen about 10 years to save enough for the average "exit fee."

Under such circumstances, normal trade relations with the Soviet Union cannot proceed. We in the Congress have the ability to assert sanctions against such deprivation of liberty. We have a major role in the passage of trade legislation. The unusually broad spectrum of sponsorship of this bill indicates the depth of our concern.

We have a further responsibility to maintain an atmosphere in which a true world community can be created. In this atmosphere each individual must be free to express his religious and cultural convictions. The ransom of citizens cannot be tolerated. I have asked the United Nations to investigate the situation and if reports are substantiated to issue formal condemnation of the policy of putting a price tag on freedom.

Mr. DE LUGO. Mr. Speaker, I am hopeful that the introduction of this legislation by such an overwhelming majority of the membership of this House and the prodigious support that it has also received in the Senate will convince the Soviet Union that the United States will not tolerate such unfair treatment of Soviet Jews in the U.S.S.R. The respressive policies of the Soviet Union effectively restrict these helpless people from emigrating from the U.S.S.R. to Israel. If the U.S.S.R. desires to continue trade with us under its favored status it will have to abandon this harassment of citizens whose only wish is to leave and begin a new life.

We in the Congress who support this measure are uniting to enunciate a principle fundamental to human liberty: that any individual has the right to emigrate. In doing so we reaffirm the Universal Declaration of Human Rights adopted by the United Nations where signatories promised to uphold the right to free emigration and return.

I deplore this outrageous policy of the U.S.S.R. which now threatens East-West relations. But I steadfastly demand that this oppressive discrimination be halted remembering the admonition of the late Dr. Martin Luther King, Jr. that "a threat to freedom anywhere is a threat to freedom everywhere."

Mr. LEHMAN. Mr. Speaker, I am proud to join with the majority of my colleagues in the House of Representatives in cosponsoring the Freedom of Emigration Act.

The exorbitant exit fees now charged by the Soviet Union are an affront to all who believe in individual rights and freedoms.

We may soon be asked to support an agreement giving Russia most-favored-nation status in its trade relations with the United States—an agreement much sought by the Russians. It is unthinkable that we should reward the Soviet Union at a time when so many are facing hardship and imprisonment for wishing to return to the land of their heritage.

The Freedom of Emigration Act will prohibit granting economic and trade concessions to any country which denies the right to emigrate or which imposes an unreasonable tax on emigration.

A strong vote for this legislation in the House and its companion in the Senate will leave no doubt in the minds of the Soviet leaders that their repressive emigration policies will result only in their own economic hardship. This is our opportunity to stand up for America's ideals.

Mr. ARCHER. Mr. Speaker, I wish today to commend the action of the majority of my colleagues in agreeing to cosponsor the Freedom of Emigration Act, providing for freedom of emigration as a condition to East-West trade agreements.

I am proud to be among those Members of the House who have cosponsored this bill which would prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any non-market-economy country which denies to its citizens the right to emigrate or imposes more than nominal fees upon its citizens as a condition of emigration.

There must be a continued consciousness among Americans about the plight of the millions of Soviet Jews being held hostage behind the Iron Curtain. By taking this action we call upon the Government of the Union of Soviet Socialist Republics to cease persecution of these people on the basis of religious belief.

We also call upon the Soviet Union to release all prisoners, those already sentenced and those due to stand trial, arrested as a result of their attempt to exercise their religious beliefs and to study their religious heritage and culture.

We call upon the Soviet Union to permit those Russian citizens of the Jewish faith to practice and study Judaism in any place of their choosing without penalty and to be able to observe all Jewish holidays, including the Sabbath, in freedom and without fear. This is in accordance with article 124 of the Constitution of the Union of Soviet Socialist Republics.

Finally, we call upon the Soviet Union to permit any citizen of that country to emigrate to any country of his or her choosing, providing that that country is willing and able to receive him, or her, in accordance with article 13, part 2, of the Universal Declaration of Human Rights, which reads:

> Everyone has the right to leave any country, including his own, and to return to his country.

The increased tax on Soviet Jews wishing to emigrate to Israel is the antithesis of every value basic to human dignity and a slap at free people throughout the world. We in America, who are blessed with freedom, protest this type of action.

We, as Members of Congress, should not rest until human beings in the Soviet Union are granted these rights which are fundamental to human life and dignity. We cry out in protest against the oppression of Jews in the Soviet Union.

The American Government should not compromise itself into doing business with any nation that deprives its citizens the basic right of free emigration. Fortunately, we can still choose whom we want to do business with. We do not need foreign trade enough to do business with countries that practice religious discrimination and this form of bondage.

Mr. GILMAN. Mr. Speaker, the Freedom of Emigration Act, which I am today cosponsoring, is an initial step in calling the Soviet's attention to the deep feelings of Americans regarding the severe penalties being imposed upon Soviet Jews wishing to emigrate.

The restrictions on emigration imposed by way of a head tax are generally prohibitive to the average emigrants.

Introduction of this measure, providing for freedom of emigration as a precondition of East-West trade, is intended to focus national and world attention upon the unjust emigration policy of the Soviets.

It is incumbent upon all freedom loving people to encourage the Soviet Union to desist in pursuing such discriminatory practices prohibiting the emigration of Soviet Jewry.

I urge all of my colleagues in the House and Senate to demonstrate our Nation's sensitivity to the plight of the Soviet Jews by assisting in the passage of the Freedom of Emigration Act.

Mr. LENT. Mr. Speaker, I was extremely distressed to learn recently that the Supreme Soviet made official its policy of charging high emigration taxes for all of its educated citizens who wish to emigrate to the West. These taxes, ostensibly aimed at all educated Soviet citizens, primarily affect Soviet Jews, who are the most highly educated ethnic group in the Soviet Union, and who account for most of that nation's emigration. This Soviet policy of levying emigration taxes on Jews wishing to leave the country is despicable, a flagrant violation of human civil rights, and I will continue to do all I can to have our Government press this issue in an effort to have this persecution halted immediately.

The American Jewish community is rightly angered, as the Soviets have also increased their use of sudden callups to military duty to discourage young trained Jews from leaving the country. Older Jews seeking to leave Russia are facing various forms of harassment, including the head tax, demotions and discharges at their place of employment, removal of telephones and police surveillance.

Late in the 92d Congress, I was pleased to join with my colleague from Ohio (Mr. VANIK) in the introduction of legislation which would prevent the granting of most-favored-nation trade status to any nation which charges more than a nominal exit fee for its citizens wishing to emigrate. Regrettably, time did not permit action on this legislation before the adjournment of Congress. As a result, I am again pleased to join with Mr. MILLS, Mr. VANIK and 230 of my colleagues in the reintroduction of this vital legislation. I think it is imperative we join together to make it clear that free peoples of the world will not tolerate this form of 20th century slavery.

Mr. JAMES V. STANTON. Mr. Speaker, I would like to join my colleagues here in condemnation of the incredible policy of the Soviet Union which puts a price tag on human beings. There is a situation that is wrapped in historical irony. A couple of generations back, a strong-willed group of men in Russia, who claimed to be idealists, started a revolution proclaiming they would create a paradise on earth. Today, Mr. Speaker, we can see what has happened. Their paradise has become a prison. Jewish citizens of that nation are trying to get out, but they are trapped. Now we hear that many of them might be able to get a parole, so to speak, but if they want it, they will have to buy it. I cannot say too much in abhorrence of public policy of that type. I would hope that the President of the United States would use whatever influence he might have, in an attempt to induce the Soviet leaders to treat their citizens, whatever their religion and nationality background, not as chattel, but as human beings.

Mr. STEELE. Mr. Speaker, as a Nation we have strongly supported the right of all persons to emigrate from any country and are committed to the Universal Declaration of Human Rights of the United Nations. During the 92d Congress we have repeatedly protested the barriers against the emigration of Soviet Jews maintained and continually worsened by the Soviet Government.

As we hear more and more about the plight of the Jews in the Soviet Union, it is little wonder that so many thousands of them desire to leave that country for the more welcome prospects afforded them by Israel. They are denied the right to publish religious materials, prohibited from receiving rabbinical training and pressured not to attend synagogues—normal religious activities which should be the right of every person, no matter in what country or of what religious persuasion.

Although the Soviet Union officially permits Jews to emigrate, that nation has now made the leaving of the country by Jews almost impossible. Those who dare to apply for exit visas face possible imprisonment and risk losing their jobs. Moreover, if granted a visa at a cost of $1,100, an emigrant is now required to pay an atrocious fee, ranging from $4,000 to $25,000, depending on the amount of education he or she has received in the Soviet Union. Many simply cannot afford this fee. Others are deliberately cutting short their education to limit the fee, an act that can make them subject to induction into the Soviet armed forces. These fees are not only a prohibition to the Soviet Jews, they are also a form of blackmail levied against sympathetic relatives in America who feel responsible for aiding their relatives who are trapped in the Soviet Union.

We strongly condemn this policy of the Soviet Union and, as a cosponsor, we urge support and early passage for Mr. VANIK's Freedom of Emigration Act. We should also make it clear to the Soviet Union that Congress' attitude toward further improvements in our relations with the U.S.S.R. will be strongly influenced by continued Soviet violations of the Universal Declaration of Human Rights.

Mr. STEELMAN. Mr. Speaker, today I and 237 of my colleagues in the House of Representatives have joined together to cosponsor the Freedom of Emigration Act. This bill will have a profound effect on those countries which seek to limit emigration by posting unreasonable exit rates.

Specifically this measure is aimed at the Soviet Union, which requires up to $37,000 in payment for the right to emigrate and which directs this requirement almost entirely toward people of the Jewish faith.

Two weeks ago the Soviet Union formalized its policy by publishing the exit rates in their official records. The education taxes alone run up to $18,000 per person depending on the education level reached by the intended emigrant.

I am convinced that the enormous amount of support this bill is receiving in Congress, and the United States, will show the Soviet Union how appalled we are of their repressive and discriminatory emigration policies.

The Freedom of Emigration Act will bar most-favored-nation status or special trade privileges to any country in East-West trade until such time as that country abolishes its unfair and harsh emigration practices.

We, as Members of Congress, must demonstrate that we will not encourage trade with a nation that uses its people as bargaining tools.

Mr. BADILLO. Mr. Speaker, I am proud to join with over half of our colleagues in sponsoring the Freedom of Emigration Act and again calling attention to the vicious campaign by the Soviet Union to impede and prevent Jews to emigrate to Israel.

Jews in the Soviet Union have historically been the victims of the most brutal and sustained campaigns of harassment, intimidation, and persecution, both under the tsars and the present Communist rulers. Particularly odious is the current campaign to stifle Jewish emigration through the imposition of a tax or levy on prospective emigrants based on their education. This tax, which in some instances is reported to amount to as much as $37,000, requires a person to not only sell all of his worldly possessions but oftentimes forces him and his family to commit economic crimes for which the punishments are quite severe. This situation arises simply because men, women, and children desire to exercise a basic human right to live in the land of their own choosing, free to live their own lives in peace, to seek an end to repression, to strive for some degree of economic security and stability, and to practice their religion without fear of Government retaliation.

For a time it appeared as if international public pressure was achieving some modest success when it was thought that the U.S.S.R. was relaxing these ill-conceived and discriminatory policies. The Soviet Union claimed that this offensive tax had been adjusted for older emigrants and that a certain number of Jews were permitted to leave. Last November, for example, there was, in fact, some substantial emigration.

Unfortunately, however, this apparent thaw was not to last as the diploma tax was officially enunciated as the law of the land in the Soviet Union on January 20 and the exit rates were published in the official records. The education taxes amount to as much as $18,000 per person, depending upon the educational level attained by the intending emigrant.

Thus, the educated and skilled continue to be deterred from seeking to leave the U.S.S.R. and those who are courageous enough to apply for exit documents are economically, socially, and culturally isolated and are singled out for especially prejudicial treatment. In some instances they are tried on a variety of trumped-up charges and imprisoned. Those who do not suffer this fate are frequently fired from their positions, are forced to discontinue their educations, are required to live in a state of constant fear and apprehension, are denied their cultural and religious identity and are scrapped by their dictatorial leaders.

Mr. Speaker, we cannot—we must not—permit this unconscionable policy to continue and we must once again make it clear that we will not stand idly by while religious freedom is denied to the Soviet Jews. It is reported that there are at least 100,000 Jews in the Soviet Union awaiting visa issuance and unless we take some affirmative action, they will surely suffer the same fate and degradations of the others who have attempted to leave.

Certainly our actions are not ignored as I am informed that Jews from the Soviet Union now living in Israel credit previous actions by the U.S. Congress for facilitating their departures and rallying worldwide public support in behalf of Soviet Jewry. Thus, by denying most-favored-nation status to countries which extort exorbitant diploma or education taxes from visa applicants, the Congress will be able to offer visible proof that we will not tolerate the repressive policies being pursued against Soviet Jews. We will be able to give forceful evidence of America's moral concern about the problem of the emigration rights of certain Soviet citizens.

I commend our distinguished colleague from Ohio (Mr. VANIK) and the junior Senator from Washington (Mr. JACKSON) for their leadership in this effort and I am pleased to join with them in it. As the United States and the U.S.S.R. increasingly move toward rapprochement—a move which I support and encourage—no effort should be spared in removing restrictions on the free movement of people just as similar action is being taken toward facilitating the free movement of goods and commodities. Certainly the attitude of the Soviet Union toward prospective Jewish emigrants and the distasteful and discriminatory education ransom tax clouds current negotiations between our two countries and such an impediment must be removed without delay. I urge the prompt consideration and enactment of the measure we are introducing today.

Mr. ANNUNZIO. Mr. Speaker, it is an honor to join Chairman WILBUR MILLS, Hon. CHARLES A. VANIK, and over 250 of my colleagues in the introduction of the Freedom of Emigration Act.

This legislation will restrain trading privileges or most-favored-nation treatment with any nation in East-West trade until that country ceases its discriminatory emigration policies.

The proposal is aimed principally at the Soviet Union, which has levied exorbitant diploma taxes on Jews, Lithuanians, Latvians, Estonians, Ukrainians, and other ethnic groups seeking permission to live in the country of their choice. This most recent of a long record of Soviet injustices comes in the midst of increased American-Russian trade activity. Perhaps the Soviets are convinced we will not let human rights stand in the way of making a few dollars in wheat and other trade deals.

The Congress of the United States must make it unmistakably clear that we value human rights—including the right of emigration—more than the dollars we stand to make as a result of these new trade deals.

It should be pointed out that many nations impose minor exit fees on citizens leaving the country. The Soviet Union, however, has carried this policy to outrageous and inhuman extremes with its education tax which averages $18,000 per person depending upon the level of education attained by an intended emigrant.

We have successfully existed without trading with the Soviet Union for decades. We can certainly wait a little longer and insist upon some standards of human decency on the part of those with whom we intend to trade in the future.

I, for one, can never condone a governmental policy of extortion for human freedom, and the time has arrived to draw the line on this moral question. A nation which demands extortion for human beings must not be rewarded with increased trade, increased credit, or any of the other amenities, involved in international trade and investment financing.

It is my feeling that so long as the Soviets insist on these new and exorbitant exit fees, the United States must withhold favored nation status as far as trading is concerned. It is our moral responsibility to use all the power that we possess to influence the Soviet Government to stop its reprehensible policy of harassment and persecution against those who wish to leave the U.S.S.R.

Mr. KOCH. Mr. Speaker, I am pleased to join with 237 of my colleagues in cosponsoring Representative VANIK's bill to provide for freedom of emigration as a condition to East-West trade.

It is indeed unfortunate that legislation such as this is necessary. But, since the Soviet Government is still harassing its Jewish population by continuing to impose exorbitant visa fees based on the level of the person's education, passage of this bill is crucial. In fact, the Soviet Union has now formalized this policy by 2 weeks ago publishing the exit rates in their official records. The education taxes go up to $18,000 per person depending upon the level of education attained by an intended emigrant. Whatever the reasons are for this latest form of discrimination, it is obvious that the Russians are desperately seeking to end emigration of the educated Jews.

The only hope of rescinding the tax is if massive political and economic pressure can be mounted in the West. This is what we, as Members of Congress must do to stop this barbaric ransom of humans. These Soviet Jews have no intention of paying the ransom. They feel that if the initial money is paid, there will be no limit to the further demands made on these Jews before they can obtain their visas.

There must, therefore, be economic reprisals against the Soviet Union. We must make it clear to the Russians that they will receive credits and new trade deals only if these new visa restrictions are removed. I will not vote for any new trade concessions for the Soviet Union, and I do not see how many Members of Congress can, in good conscience, do so either, as long as these high fees are imposed on persons wishing to emigrate. If the Russians will not bow to world public opinion, perhaps they will submit to economic pressure. Congress has the power and special constitutional responsibilities in this area. Legislatively we have authority to deal with Eximbank credits, most-favored-nation treatment, and overseas private investment corporations.

The Soviet action has already had an effect on the Russian Jewish community. Young people have begun withdrawing from universities and are refusing to even begin their studies. For the men, this means army duty which amounts to an 8-year obligation. This, of course, means that there is no chance to emigrate elsewhere for that 8-year period. Also, parents whose children have served are frequently prevented from emigrating.

The U.S. Government must take steps to prove to the Russians that economically it will be counterproductive to continue to impose this levy. And, we must assure the Russian Jews that we are more interested in protecting their lives than we are in selling commodities to the country holding them hostage.

Mr. MINISH. Mr. Speaker, it is a great privilege for me to join so many of my colleagues today in reintroducing the Freedom of Emigration Act.

It is my understanding that over 230 Members—a majority of the House—are sponsoring this legislation. This overwhelming support should give clear warning to the leaders of the Soviet Union that the U.S. Congress will not stand idly by while they continue to practice repression and cultural genocide against their Jewish citizens.

The legislation which we are introducing today would prohibit expanded trade with Russia until Soviet Jews are granted freedom to emigrate to the country of their choice. Specifically, it would restrain most-favored-nation status or special trade privileges to any country in East-West trade until such time as that country eliminates discriminatory emigration policies.

As one Member of Congress who also sponsored this bill in the last Congress, I have noted no indication of any change in emigration policy by the Soviet Union since we adjourned last October. Inhumane restrictions on emigration are still in force, particularly against Jews wishing to leave for Israel. Indeed, just 2 weeks ago the Soviet Union saw fit to formalize its repressive policies by publishing exit rates in the official records. The education taxes which must be paid by a person wishing to leave Russia run up to a fantastic $18,000 per person depending upon the level of education attained by the prospective emigrant.

At the same time that the Soviets have been formalizing their new emigration policy, there have been numerous reports of new commercial negotiations, trade agreements, and investment commitments between the United States and Russia.

Mr. Speaker, our Government has an opportunity in this situation to assert moral leadership by refusing to proceed with expanded East-West trade until the Soviet Union clearly recognizes the basic human rights of all its citizens.

It is my sincere hope that the Soviet Union, in light of the action we are taking today, will cease to enforce the head tax on emigrants. However, in the absence of a clear and quick change in Soviet policy, I urge the House to move promptly to enact this legislation.

Mr. WOLFF. Mr. Speaker, I rise to add my voice in support of the Freedom of Emigration Act which is being introduced today. Under the able leadership of the gentleman from Ohio (Mr. VANIK) more than 230 of our colleagues have already joined in this vitally important effort to help eliminate repressive and discriminatory emigration policies of nations of the world.

Freedom of movement should be the birthright of every citizen of the world. However, in all too many cases, restrictive policies have infringed on this basic human freedom. Unfortunately, the basis for such restrictions is often grounded in religious persecution and racial intolerance.

As one who has spoken out forcefully wherever and whenever such practices exist, I strongly urge the Congress to begin to consider this legislation immediately. While the intent of this measure is clearly to aid in the removal of the criminal and unconscionable head tax being levied on emigrating Jews in the Soviet Union, its adoption would be a signal to the family of nations that the United States will place principle above profit.

For too long now, the United States has spoken one way on moral questions, and acted another way in trading agreements with other nations. By prohibiting most favored nation treatment and commercial agreements with any nation that denies its citizens the right to emigrate, the United States is using more than merely its reserve of moral suasion, it is rightfully seeking justice by attacking conditions to the benefits of trade.

I believe that the introduction of this legislation, particularly with its wide, bipartisan support, will make it clear to the Soviet Union that special consideration in economic terms cannot be gained without certain concessions in human terms. We are not seeking to interfere in what is often called an "internal" matter. Rather, we are asking, perhaps even demanding, that the Soviet Union and other nations whom we refer to as "most favored" will not restrict their people's basic freedom of emigration. I feel that we should not extend most-favored nation status to the Soviet Union unless and until they eliminate their restructive and discriminatory emigration laws.

I want to commend my distinguished colleague (Mr. VANIK) for the active role he has played in gaining such overwhelming support for this bill and I hope that we will adopt this measure in the very near future.

Mr. HOGAN. Mr. Speaker, I am indeed proud to be among the 258 sponsors of the Freedom of Emigration Act of 1973.

I think it is especially significant that a majority of the Members of the House of Representatives have seen fit to express their concern and desire to take action in behalf of Soviet Jewry.

This measure is designed to restrain trading privileges or most-favored-nation status with any nation in East-West trade until that country has abandoned any discriminatory emigration policies.

Obviously the main thrust of the bill is aimed at the Soviet Union, which has persisted in maintaining harsh and unwarranted taxes on the thousands of Soviet Jews wanting only to leave the country.

I have often spoken out against the situation that exists in the Soviet Union and during the 92d Congress introduced legislation condemning this action. I am anxious to see that Congress takes every appropriate action to relieve those Jews who want to leave the Soviet Union.

Within the past 2 weeks the Soviet Union formalized its repressive policies. By publishing the exit rates in their official records it became clear that nothing short of massive world pressure can force a shift in their policy.

The education taxes that must be paid by a person wishing to leave Russia can run as high as $18,000 per person depending on the level of education that the prospective emigrant has attained.

The Soviet Union may choose to ignore the concerns of its Jewish citizens, but we all realize that they are extremely well aware of the realities of international politics.

It can be supposed that the Soviet Union is using the emigration tax to try and gain some diplomatic advantage as a bargaining chip. If they were to retreat from the education tax policy it could be construed as a concession. Thus, in addition to being subjected to an unfair tax, Soviet Jews are also being used as political pawns.

It is my sincere hope that the Soviet Union will take appropriate action to rectify this unfair tax on Soviet Jews wishing to leave Russia, not only as a matter of humanitarianism but also in response to the need for better relations between our countries.

INTRODUCTION OF THE FREEDOM OF EMIGRATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 60 minutes.

Mr. DRINAN. Mr. Speaker, I want to commend Senator JACKSON, Congressman VANIK, and Congressman WILBUR MILLS upon the initiative and leadership they have displayed on this urgent issue.

Mr. Speaker, today I am full of hope for the oppressed Jewish citizens of the Soviet Union. It now appears that the U.S. Congress will take firm and direct action to end the outrageous education tax exit visa fees that have been imposed since last August upon Soviet Jews wishing to emigrate.

Two hundred fifty-one Representatives have now sponsored Congressman VANIK's Freedom of Emigration Act. This bill will prevent the granting of most favored nation trading status, or other trade privileges, to any nation—particularly the Soviet Union—which does not allow its citizens the right to freely emigrate with only a nominal charge. Seventy-five Members of the Senate have sponsored a similar bill, introduced by Senator JACKSON.

It is particularly appropriate that we should speak out against the Soviet

Union's emigration policies at this time. For a little more than 3 weeks ago the Government of the Soviet Union, defying the pressures of world opinion, published an official decree on the subject of the notorious education tax. This decree reads as follows:

> Citizens of the U.S.S.R. who leave for permanent residence abroad—except for those moving to socialist countries—are required to repay the government expenditures for their training in an institution of higher education, postgraduate studies, medical internship and advanced military education and for the award of corresponding academic degrees.

I am sure that most of my colleagues are familiar with the outrageous exit visa fee system. In addition to a fee of 400 rubles—$480—for a visa to a non-Communist country and 500 rubles—$600—fee automatically added for renouncing Soviet citizenship, prospective emigrants are required by this law to reimburse the Soviet State for the costs of their education. This so-called reimbursement charge starts with a fee of 3,600 rubles—$4,320—for a graduate of a trade institute. The normal fee for a university graduate is 12,500 rubles—$15,000. The maximum charge, for a scholar with a doctoral degree, is 31,000 rubles—$37,400.

The fees are completely beyond the reach of the average Soviet citizen; the average monthly income in the Soviet Union is only about $153.

There is no doubt that the fees are specifically targeted at the Jewish citizens of the Soviet Union. While the visa fee schedule is supposedly being levied on all Soviets wishing to emigrate, in practice the Jews bear the brunt of this repressive policy. Jews constitute the principal group seeking to emigrate from the Soviet Union. More than 31,000 Soviet Jews emigrated, mostly to Israel, during 1972.

In addition, Jews are the most highly educated of the ethnic minorities in the Soviet Union. According to Soviet sources, one-fourth of the Soviet Union's Jewish population of over 2 million has had education beyond the high school level. There are 100,000 Jewish college students—in percentage terms there are nearly twice as many Jewish students as non-Jewish students.

In addition, the exit visa fees cannot be looked at as an isolated example of repression. Even since the Mideast War of 1967, and particularly after 1970, the Soviet Union has exercised increasingly harsh policies upon its Jewish citizens. In June of last year the Soviet Union jammed the "Voice of Israel" radio transmission. Conscription of Jews into the Soviet Army has been markedly increased. Restrictions have been placed upon the teaching of Hebrew in private Jewish schools. Jews who protested these Government actions have been subject to interrogation and loss of employment. Some have become, along with their non-Jewish "activist" counterparts, "nonpersons."

Perhaps in an attempt to defuse the pressures of world opinion, in recent weeks the Government of the Soviet Union appears to have modified the visa fee schedule for certain circumstances. Provisions have been made to waive the education tax for pensioners and invalids who wanted to emigrate and to reduce the taxes for others on a sliding scale, depending on the number of years they had worked subsequent to their education. According to Soviet sources, these provisions could result in a reduction of up to 75 percent of the tax amount.

In addition to these new provisions, which are obviously slanted against more educated Jews, the capricious and arbitrary administration of the education tax requirement has had the result of limiting the Jewish emigration to primarily working class people, clerical workers, those in service trades, and the elderly. Relatively few of the more educated Jews have been able to leave—especially those who are scientists or engineers. Not that these more educated Jews do not want to leave; in fact, Israeli authorities have estimated that 80,000 new invitations for emigration have gone out to Soviet families, and that at least one person in one-third of these families has had a university education.

The education tax has been combined with a seemingly irrational administration to make the emigration process close to impossible, particularly for educated Jews. Even before the imposition of the education tax, the requirements for emigration were so demanding as to be Kafkaesque. The first step in emigration is to receive an invitation from a blood relative residing in the country of destination. This step is often complicated by delays and nondeliveries in the postal system. Next, a prospective emigrant must obtain the consent of his immediate family in the Soviet Union. Thus one objecting member of a family can effectively prevent another member from emigrating.

The prospective emigrant is required by law to obtain a character reference from his employer. Requesting such a reference often brings immediate dismissal from work and social ostracism. In fact, the applicant can be imprisoned if he remains unemployed and falls into the category of a social parasite. An example of this situation—which gives the lie to the Soviet claim that an education tax is necessary to prevent a brain drain—is the case of Prof. Benjamin Levich, a leading electrochemical scientist and a member of the prestigious Soviet Academy of the Sciences. As a result of his protests against the emigration policy, and his own efforts to emigrate, he has lost his job and has been denied scientific privileges.

The Government of the Soviet Union has raised a number of defenses for the education tax. It is claimed that people have an obligation to reimburse the state for the costs of their education. This argument, which presumes free education, neglects the fact that education has not always been free under the Soviet system and was in fact quite costly during the Stalin era. No allowance is made for those who might have paid for their education. What is more, this argument is made inconsistent by the fact that the education tax is required only for those wishing to emigrate to non-Communist countries. In addition, Soviet law already requires that every Soviet citizen who has received a higher education is obliged to spend 3 years in government service.

The Soviet Union has also said that the education tax is justifiable on the grounds of national security. The fact of the matter is that very few potential emigrants could be classified as being involved in work actually involving national security—and this small number hardly justifies the imposition of a general tax.

The Soviet Government also purports to fear a brain drain, but as has been demonstrated in innumerable cases, they inflict a brain drain upon themselves—by depriving Jewish scientists and intellectuals the right to work if they attempt to emigrate—even if they do not succeed.

The Soviet Union also claims that other countries have similar exit fees and imply that such a tax is an accepted international practice. In fact, the Soviet Union's tax is many thousands of dollars greater than even the worst of the few other countries that have exit fees that could be greater than nominal.

The failures of the Soviet Union's rationalizations suggest that there are other motives involved. Traditional Soviet anti-Semitism cannot be overlooked. But more cynical reasons abound.

When Soviet officials advised American Jews last year that they can pay the costs imposed upon their Russian brethren, and then implemented a substantial surcharge upon payment in foreign currency, it became clear that educated Jews were being held for ransom—to be paid in foreign currency since the Soviet Jews cannot pay the tax on their own. The Soviet Union's need for foreign currency has grown sharply in recent years, while its earnings have not kept pace. Foreign currency is needed to finance the new Soviet international trade agreements—such as the mammoth $900 million grain deal with the United States. Thus the Soviet Government has developed a new export commodity—educated Jews.

In addition, it is probable that the Soviet Union hopes to gain some sort of diplomatic advantage from the use of the education tax as a bargaining chip. Retreat from the education tax policy could be used as a concession in international diplomacy. Thus, in addition to being held for ransom as an export commodity, educated Soviet Jews are being used as political pawns.

Mr. Speaker, the Soviet Union may be insensitive to the concerns of its Jewish citizens, but I do not believe that it is oblivious to the realities of international politics. The Soviet Union cannot afford to ignore the fact that a majority of the U.S. Congress has gone on record in opposition to these repressive emigration policies. The Soviet Union knows that successful completion of the recently negotiated trade agreements, ranging from wheat to natural gas, depend on receiving certain trade concessions from the United States—concessions that are effectively controlled by Congress.

Under the new trade agreement the Soviet Union has agreed to repay a certain portion of its World War II lend-lease debt, in return for American action to grant the Soviet Union most-favored-nation—MFN—trading status. This action would exempt the Soviet Union from the Hawley-Smoot tariffs, under which Soviet-American trade is now regulated, in favor of the lower rates of the nondiscriminatory MFN treatment. In addition, the trade agreements will require extension of Export-Import Bank—Eximbank—credits to the Soviet Union and OPIC credit guarantees for the export of American goods to the U.S.S.R.

Congress alone controls the granting of most-favored-nation treatment, and it is safe to say that the Soviet Union has virtually no chance whatsoever to receive this trade advantage unless it repeals the education tax immediately and in full. I do not believe that Congress will settle for any half-measures. Successful completion of the trade agreements, which will be of great benefit to both the Soviet and American peoples, clearly depend on a speedy and complete end to the ransom policy.

Mr. Speaker, I hope that the Soviet Government will take the requisite action soon to remove this hurdle from the path of improved Soviet-American relations. But the great goal of international peace must not prevent us from responding to injustice where we see it. The Soviet Union's policies toward its Jewish citizens wishing to emigrate represent a callous injustice, and it is out of a sense of conscience that I say—as 251 other Representatives have said—that I will not support any further trade initiatives with the Soviet Union until this injustice is rooted out.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to congratulate the gentleman in the well, the gentleman from Massachusetts (Mr. DRINAN) and to express to him my appreciation for his tremendous contribution and dedication to this bill, and the humane cause which it represents.

Mr. DRINAN. Mr. Speaker, I thank the distinguished gentleman from Ohio.

BIG CARS—MORE POLLUTION; SMALL CARS—LESS POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 30 minutes.

Mr. DANIELSON. Mr. Speaker, when the Administrator of the Environmental Protection Agency, William D. Ruckelshaus, announced a plan to ration gasoline in south California, the general reaction across the country was either "They will never go through with it," or "Thank goodness it did not happen here." But the fact is that, under present conditions, EPA may have no choice but to go through with their plan, and it may not be long until other metropolitan areas in the United States are confronted with the identical situation.

Congress established air quality standards for the health and well-being of the Nation, and we should not shy from these goals unless we truly have no other practical choice. The situation in south California is one in which we have a large population, an extraordinary number of automobiles, and very little mass transportation. It has been estimated that up to 75 percent of vehicle miles traveled in southern California are work-related. Yet, the Administrator of EPA has found that even "if all available measures are taken to reduce reactive hydrocarbon emissions from individual motor vehicles and stationary sources, the ambient air quality standard for photochemical oxidants will still be exceeded in the basin approximately 90 days per year in 1977," and that a reduction of over 80 percent in vehicle miles traveled will be required to achieve compliance with 1977 air quality standards.

Obviously, if 75 percent of the travel is work related but travel will have to be reduced by 80 percent in order to achieve air quality standards during the summer months, the economy of southern California will be up on blocks from May to October. As a practical matter, this would destroy our economy—destroy southern California. Even a superb system of mass transportation in southern California, if there were one, would be unlikely to reduce automobile traffic by the required 80 percent. It would help, but it would not meet the need.

There is one option we have not explored. We have been working on controlling the quality of the emissions of our automobiles, but not much thought has been given to reducing the total quantity of those emissions by reducing the size of the automobiles which produce those emissions. I have no doubt that, even without smog control devices, a reduction in size of automobiles would significantly reduce fuel consumption and consequent air pollution.

There is now a large and growing body of evidence that our big American cars, because of their size, weight, and power, cause more pollution than is necessary, consume more of our irreplaceable petroleum and mineral resources than is necessary, take up more space than is necessary, and are more likely to get into an accident.

At the present time, approximately two-thirds of the automobiles on American roads are what is called standard-size automobiles, which are actually quite large. The reputation of these large automobiles for fuel consumption is notorious. And for every gallon of gasoline which is burned, there is a corresponding volume of exhaust discharged into the air.

In the opinion of the Environmental Protection Agency, an increase of only 500 pounds in car weight can decrease an auto's miles-per-gallon by 14 percent. A 5,000-pound automobile consumes 100 percent more gas than its 2,500-pound counterpart. We must also note that the heavier car requires 100 percent more metal in its manufacture.

When I inquired on this subject to the Department of Transportation nearly a year ago, Secretary Volpe responded that—

> If it can be assumed that small cars have the same travel patterns as the standard American car, then the difference in air pollution becomes a function of the difference in fuel consumption. The small car consumes considerably less fuel because of its much lower weight. There is probably an added advantage in that fewer of them have automatic transmissions, power brakes, power steering and air conditioning. I am not sure to what extent this applies to the American made subcompacts.

This, of course, has a significant effect on the total amount of pollutants a motor vehicle will discharge into the air, but it is also important with respect to our fuel shortage problem. For example, if the weight on an automobile were limited to a maximum of 2,500 pounds, EPA estimates the total projected gasoline consumption for the year 1985 would be reduced to the level which is now estimated for 1975. This would reduce our air pollution problem to the level where the rationing which Mr. Ruckelshaus has threatened would be unnecessary. This would also reduce crude oil imports by 2.1 million barrels per day in 1985 and would reduce our projected balance-of-payments deficit by $2.3 billion annually at current prices.

And this is a most important fact. Even apart from a deficit trade balance, the energy crisis—the fuel shortage—in America today has reached grave proportions. The shortage has passed the stage of being worrisome—it is critical. America's need for fuel has outstripped her available resources so far that we are now a fuel-importing nation. America is literally "running out of gas." We no longer can afford automobiles that consume gasoline at the rate of 8 or 9 miles to the gallon, when it is reasonable and possible to operate at 20 or 25 miles to the gallon.

I also note that car size is a significant factor in highway safety. Small cars have less accidents, as evidenced by statistics and also by the fact that insurance companies have lower rates for small cars. For example, a 1969 study of accidents on the Garden State Parkway in New Jersey showed that, while small cars comprised 35 percent of the total number of cars using the parkway, they were involved in only 24 percent of the accidents. When small cars are involved in accidents, the injuries to the occupants are usually more serious, but I suspect that this is because the odds are two-to-one that when a smaller car collides with another vehicle, it will collide with a larger vehicle, if only because there are twice as many large vehicles. A collision between two small cars would not result in as serious an injury as would a collision between a small car and a large car.

I will also concede that a larger car will have an advantage over a small car in a collision with a fixed object, but I think this disadvantage will decrease in the future as we continue to move these deadly fixed obstructions away from the roadsides or replace them with such things as breakaway utility poles.

In addition to considerations of pollution, fuel consumption, foreign trade deficits, and highway safety, the size of cars is also a factor in the overcrowding of city streets and the lack of adequate parking in our urban areas. Right now, because of the size of cars, the average parking stall is 18 feet in length, while a suitable stall for small cars is 15 feet.

Thus, designing for small cars would give us about a 15-percent increase in available parking spaces. The size of cars may even have a relationship to our need for additional highway construction. Additionally, I feel that smaller cars may be able to use alternative powerplants more efficiently, such as the much wished for electric power, which is unsuitable for a big, heavy car.

The legislation which I introduced yesterday, House Joint Resolution 301, would authorize a $2 million, 1-year study of this problem by the Department of Transportation. It would empower the Department to call upon other Federal agencies with expertise in this matter, such as the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, and others.

In addition, the study would consider the most effective means of effecting a reduction in car size, either by establishing a maximum permissible size, or by such devices as increasing gasoline taxes or imposing other taxes on cars in proportion to their weight to make small cars the only practical alternative for a car buyer. Whatever the most effective means is, we will have a thorough study at our disposal so that we can make an intelligent judgment.

A text of House Joint Resolution 301 follows:

H.J. Res. 301

Joint resolution to direct the Secretary of Transportation to conduct a comprehensive study of the relationship of motor vehicle size to air pollution, fuel consumption, and motor vehicle accidents, and for other purposes

Whereas Congress finds and declares that adherence to air quality standards established by the Clean Air Act Amendments of 1970 is vital to the health and safety of the Nation; and

Whereas motor vehicles and passenger automobiles using internal combustion engines are a major source of air pollution and a major consumer of petroleum products; and

Whereas adequate supplies of petroleum and metals are essential for the common defense and welfare of the Nation; and

Whereas the physical dimensions of an automobile and the size of its engine has a direct relationship to its consumption of fuel and the quantity of its emissions; and

Whereas there is a growing body of evidence that the size of automobiles is a significant factor in highway safety, congestion of urban roadways, and the shortage of automobile parking places in urban areas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

STUDY AND INVESTIGATION

SECTION 1. (a) The Secretary of Transportation (hereinafter in this joint resolution referred to as the "Secretary"), in consultation with the agencies represented on the advisory committee established under section 4, shall conduct a comprehensive study and investigation of the relationship of motor vehicle size to the public interest. Such study and investigation shall include consideration of—

(1) the relationship between motor vehicle size and—

(A) pollution of the air and other components of the environment;

(B) consumption of the Nation's supply of petroleum, metals, and other nonrenewable resources;

(C) the rate and frequency of motor vehicle accidents and the costs, injuries, and fatalities attendant thereto;

(D) the shortage of motor vehicle parking spaces in urban and metropolitan areas;

(E) the need for additional highway construction;

(F) the congestion of urban roadways;

(G) the needs of motor vehicle users;

(H) the automobile manufacturing industry, motor vehicle insurance costs, and the various industries and businesses which supply services and goods required for the maintenance, operation, and manufacture of motor vehicles; and

(I) the feasibility of motor vehicle power plants other than internal combustion engines;

(2) whether a reduction of motor vehicle size would be in the public interest; and

(3) the possible means of reducing the size of motor vehicles, such as through the power of Congress to tax or to regulate interstate and foreign commerce or in any other way, and the relative costs and benefits of each such means, monetary or otherwise.

(b) The Secretary shall submit interim reports from time to time to the Congress and to the President and a final report not later than twelve months after the date of approval of this joint resolution. Such final report shall contain a detailed statement of the findings, conclusions, and recommendations of the Secretary, and may propose such legislation or other action as the Secretary considers necessary to carry out his recommendations.

ADMINISTRATIVE POWERS

SEC. 2. In order to carry out his functions under this joint resolution, the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter 111 of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) enter into contracts with corporations, business firms, institutions, and individuals for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purpose of consulting with, and advising him.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary, but not exceeding $100 per day. While away from their homes or regular places of business, each member of such an advisory committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11 of title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF GOVERNMENT AGENCIES

SEC. 3. (a) The Secretary is authorized to request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this joint resolution; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality is authorized to detail, upon request of the Secretary and on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this joint resolution.

GOVERNMENT ADVISORY COMMITTEE

SEC. 4. The President shall appoint a Governmental Advisory Committee on the Impact of Motor Vehicle Size consisting of the Secretary who shall be Chairman and one representative each of the Departments of Commerce, Treasury, Justice, Housing and Urban Development, Interior, and Health, Education, and Welfare, the Federal Trade Commission, the Environmental Protection Agency, the Office of Emergency Preparedness, and such other Federal agencies as are designated by the President. Such members shall, to the extent possible, be persons knowledgeable in the fields of environmental pollution, natural resources, highway safety, and other competencies relevant to the subject matter of the study. The Advisory Committee shall advise the Secretary on the preparation for and the conduct of the study authorized by this joint resolution.

HEARING AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 5. (a) For the purpose of carrying out the provisions of this joint resolution the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this joint resolution, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any corporation, business firm, institution, or individual having materials or information relevant to the study authorized by this joint resolution.

(c) The Secretary is authorized to require, by general or special orders, any corporation, business firm, or individual or any class of such corporation, firms, or individuals to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to the study authorized by this joint resolution. Such reports and answers shall be made under oath or otherwise and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this joint resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

TERMINATION

SEC. 6. The authority of the Secretary under this joint resolution shall terminate ninety days after the submission of his final report under subsection (b) of section 1.

APPROPRIATIONS

SEC. 7. There is authorized to be appropriated, without fiscal year limitation, such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this joint resolution.

DISCRIMINATION AT INSTITUTIONS OF HIGHER EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, for too long women and members of racial minorities have been discriminated against as employees and faculty members at institutions of higher education.

Fortunately, that is now changing. Under the Executive order directing all contractors not only not to discriminate but to take affirmative action in redressing the grievances of women and minorities, the Department of Health, Education, and Welfare issued guidelines for colleges and universities last October.

Recently, Wellesley College, in my congressional district, and its fine new president, Barbara W. Newell, joined with 18 other institutions of learning in expressing their support of the HEW guidelines.

I commend the President, HEW, and the educators for their joint recognition of an inequity in the life of this Nation and their cooperative efforts in putting an end to it.

I include a press release issued by Wellesley College announcing the educators' support of the policy.

A total of 19 college and university presidents from as many institutions in various parts of the country have telegraphed to President Richard M. Nixon and Secretary Casper Weinberger their support of the affirmative action guidelines on the hiring and promotion of women and minority members at institutions of higher education issued by the Department of Health, Education, and Welfare.

The telegraphed statement reads:

> We the undersigned college educators wish to reaffirm our belief in the principle of affirmative action as a means of eliminating systematic discrimination in hiring and promotion, and state our support of the HEW guidelines on affirmative action issued October 1, 1972.

Both the east and west coast are represented on the list of signers.

These are: John W. Ward, Amherst College; Martha Peterson, Barnard College; Harris Wofford, Bryn Mawr; Glenn Ferguson, Clark University; Louis C. Vaccaro, Colby Junior College; Warren Hill, Connecticut Commission on Higher Education; John J. Kemeny, Dartmouth College; Charles R. Longsworth, Hampshire College; H. R. Branson, Lincoln University.

Jerome Wiesner, Massachusetts Institute of Technology; King V. Cheek, Jr., Morgan State College; David B. Truman, Mount Holyoke; Robert H. Atwell, Pitzer College; Yvette Fallandy, Sonoma College; T. C. Mendenhall, Smith College; Thomas A. Smith, Trinity College; Burton C. Hallowell, Tufts University; Wesley V. Posvar, University of Pittsburgh; Barbara W. Newell, Wellesley College.

When the statement was issue, Barbara W. Newell, economist and president of Wellesley explained that the communications grew out of the necessity to maintain a national focus on the needs of minority groups and women.

> I, myself, feel this is not altruism,

She said:

> In our complex society we need all the talent we can muster. I do not assume that members of ethnic minorities and women are by nature inferior.

The communications were coordinated by Gail Shea, assistant provost at the University of Connecticut and a member of an ad hoc group of New England women administrators who have a special concern with upgrading the status of women in higher education.

A number of other educators indicated support of the statement or sent letters and telegrams directly to Nixon and Weinberger. Among these were people from Brown, Connecticut College, University of Connecticut, Jackson, Keuka, University of Maine at Portland, Princeton, Trinity, Yale, Wesleyan, and Williams.

A NATIONAL LOTTERY—A SENSIBLE SOURCE OF NEEDED REVENUE TO STATE AND FEDERAL GOVERNMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 15 minutes.

Mr. WYMAN. Mr. Speaker, this country is operating at a deficit that increases every year. There are not enough revenues to finance the public's need for additional governmental programs and services. The requirement of additional revenue is urgent at this hour lest the fires of inflation be further fed by more and more short-term borrowing.

To have new programs and to meet these deficits we must find new sources of revenue. One source that people would contribute to with a smile would be a national numbers drawing; and I am today introducing a bill to establish a national commission to conduct such national drawings at least every 30 days, or more frequently, as this becomes possible through electronic equipment and technology.

No longer can it be said with even a scintilla of credibility that national numbers drawing is immoral or offends the public conscience. Honestly and efficiently conducted it can contribute millions to fighting crime and helping social programs.

People are playing the numbers in the United States to the tune of billions of dollars each year. Most of this is illicit traffic contributing to and financing organized crime.

If we can operate an honest number drawing system in such a way as to be tamper-proof, which can be done, the proceeds from which give citizens a better pay than an illicit numbers bet, the public will bet national and not with the underworld. This country should have the benefits that can flow from the added revenues available in this way.

Under my bill, 40 percent of the take of each pool must be paid out in prize money. This prize money is exempt from Federal, State, or local tax. What an attraction such a prize will be.

Talk about revenue sharing—my bill provides that all States shall share 10 percent of the net take from each drawing on a basis of population. It also provides that States electing to participate by allowing the sale of drawing stamps in post offices within their borders will take an additional 15 percent of the net on a weighted sales basis. This will mean much more money for participating States-operated lotteries.

This means millions of dollars of additional revenue to the several States with virtually no administrative cost whatsoever. In time, when computers can be hooked into the line, I would expect that anyone wanting to bet a number in a Federal drawing will be able to do so merely by calling a national lottery commission number identifying himself and ordering a number.

Mr. Speaker, I can think of no more efficient, effective, and also pleasant way to fight inflation through increasing national revenue. The proceeds of my bill are required to go in part to fight crime and in part to finance programs in health, education, and welfare.

Many, many other countries in the world—perhaps even a majority—derive a portion of their revenues from national lotteries. Why should not we do the same, particularly when we are short of revenues.

Amounts received by the Government from this source may vary from month to month or year to year. They will not be stable for obvious reasons, but so what? There will be millions, probably even billions, coming to the Government, and the States helping to pay your taxes and my taxes and the crushing financial burden of this country instead of fattening the pockets of the Mafia, the Cosa Nostra, or the local gambling czars.

Mr. Speaker, I urge prompt and favorable consideration of this legislation in the public interest. The text of my bill is as follows:

H.R. 4140

A bill establishing a National Lottery Commission providing for national drawings and a sharing of proceeds with participating States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 95 of title 18 of the United States Code (relating to racketeering) is amended by adding at the end thereof the following new section:

"§ 1955. Engaging in numbers games

"(a) Whoever in the United States conducts, assists in conducting, places a wager in or receives a wager placed in, or otherwise engages in any numbers, policy, bolita, or similar game shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(b) This section and section 1953 shall not apply to any national lottery conducted by the National Lottery Commission."

SEC. 2. (a) There is hereby established a National Lottery Commission (hereinafter in this Act referred to as the "Commission") to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. For administrative purposes, the Commission shall be treated as part of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service.

(b) Each member of the Commission shall receive compensation at the annual rate of $40,000.

(c) The term of office of members shall be five years. A member shall be eligible for reappointment once but not a second time.

(d) Any vacancy in the Commission shall be filled in the same manner as the original appointments to the Commission. Vacancies in the Commission, so long as there are two members in office, shall not impair the powers of the Commission to execute its functions under this Act, and two of the members in office shall constitute a quorum.

(e) Members of the Commission shall have had prior experience and training in law enforcement and demonstrated exemplary records in positions of public trust and responsibility either State or Federal.

(f) Not more than two members of the Commission in office at any time shall be members of the same political party.

(g) The Commission shall prescribe such rules and regulations, and employ such personnel, as may be necessary in the exercise of its functions under this Act.

SEC. 3. The National Lottery Commission shall conduct a national lottery at least once each month. It shall conduct a national lottery more frequently if it deems fit, and daily, in its discretion, when and as electronic equipment and technology renders daily drawings feasibile, it being the intention and authorization of this act that the Commission to persons the opportunity to wager a number upon more favorable terms and in a more reliable manner than is presently available to them through the underworld.

SEC. 4. (a) The Bureau of Engraving and Printing in the Department of the Treasury shall print numbers on stamps in sheets of one hundred. The Bureau shall use the latest means to prevent the ability to counterfeit such stamps.

(b) The Commission shall distribute these sheets to the post offices located throughout the United States either in participating States or in exclusively Federal areas. While such post offices shall be the primary outlets for each distribution of stamps, the Commission may from time to time provide for additional outlets for such distributions.

(c) The price of each numbered stamp shall be established by the Commission but shall not be less than 25 cents.

(d) Stamps may be sold, for cash only, by the post offices (or other outlets) to any adult applying therefor, either singly or in quantity and may be resold by original and subsequent purchasers. Stamps purchased in any multiple of one hundred shall be sold by post offices at a discount of 10 per centum. No official identification or other form of accreditation may be required of any person purchasing or reselling such stamps.

(e) The stamps shall be bearer stamps and shall be honored for prize money by presentation by the bearer thereof.

(f) The Commission shall reimburse the Post Office Department for such additional administrative expenses as it may incur by reason of the enactment of this Act.

SEC. 5. (a) In the case of any lottery the pay-out for the winning numbers shall not be less than 40 per centum of the net proceeds of that lottery less the amounts payable under section 6. Such pay-out shall be distributed as follows:

(1) one winning number shall receive one-half of 1 per centum of the net proceeds; and

(2) other winning numbers shall share equally in 39½ per centum of the net proceeds.

(b) Illustrative example: If the net proceeds (that is, the gross receipts less administrative expenses authorized by this Act) of any drawing (whether monthly or more frequently) are $100,000,000, the payout to individual winners will be $40,000,000 distributed as follows:

(1) one individual winner will receive $500,000, and

(2) seven thousand nine hundred individual winners will receive $5,000 each.

(c) Any amount received by an individual by reason of holding a winning number in a national lottery conducted under this Act shall be exempt from all taxation, Federal, State, or local.

(d) Any individual holding a winning number may establish his entitlement by presenting the winning number to any post office at which stamps for such lottery were available for sale. Upon presentation, the postmaster or other persons in charge of such outlet shall certify that the individual has presented that number; and, after certification by the National Lottery Commission that it is a winning number and the amount of the winnings, the number shall be transmitted to the Commission for issuance of its draft in payment therefor.

(e) Prize money remaining unclaimed thirty days following the drawing shall be held by the Commission in escrow account for one year thereafter. Prize money unclaimed on the four hundredth day following the drawing shall escheat to the general funds of the United States Treasury.

SEC. 6. (a) Any of the several States may elect not to participate in such national lotteries by so certifying to the Commission on or before the ninetieth day after the date of the enactment of this Act. Any State which does not so elect and certify shall be a participating State.

(b) On or before the tenth day after the close of each calendar month the Commission shall distribute among the several participating States 10 per centum of the net proceeds of any national lottery for which the drawing was held during such month. The share of each participating State in any such distribution shall be determined on the relation of its population to the population of all participating States.

(c) On or before the tenth day after the close of each lottery, participating States shall each receive an additional distribution in an amount equal to 15 per centum of the proceeds to any national lottery from the sale of such stamps within the borders of that State.

(d) For purposes of this Act, the term "State" includes the District of Columbia and any Territory or Trust Government of the United States.

SEC. 7. The net proceeds of national lotteries in excess of amounts needed for the pay-outs to holders of winning numbers provided by section 5 and for the distributions to participating States provided by section 6 shall be deposited in the Treasury of the United States and shall be credited as follows:

(1) the first $100,000,000 so deposited in each calendar year shall be credited to the account of the Law Enforcement Assistance Administration for use by that Administration cooperatively with the several States (whether or not such States are participating States within the meaning of section 6) in fighting crime, and

(2) the remaining amount so deposited in each calendar year shall be credited to the account of the Department of Health, Education, and Welfare for use by that Department to assist in the financing of such programs concerned with health, education, and welfare as may be entrusted to its administrative responsibility by the Congress from time to time.

SEC. 8. (a) Chapter 61 of title 18 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new sections:

"§ 1307. National lotteries

"Sections 1301 to 1304, inclusive, of this chapter shall not apply with respect to any national lottery conducted by the National Lottery Commission.

"Whoever forges or counterfeits any stamp made for purposes of a national lottery conducted by the National Lottery Commission; or

"Whoever alters any number on such a stamp; or

"Whoever robs, purloins, or steals such a stamp; or

"Whoever offers for sale or sells any such forged, counterfeited, altered, or stolen stamp, knowing it to be such; or

"Whoever presents any such forged, counterfeited, altered, or stolen stamp to any person engaged in carrying out a national lottery with intent to defraud the United States or any participant in any such lottery—

"Shall be fined not more than $50,000 or imprisoned for not more than ten years, or both.

"§ 3108. Sale of national lottery stamps at outlets in nonparticipating States prohibited

"(a) Whoever offers for sale or sells any national lottery stamp within the borders of a State which has elected not to participate in national lotteries and has certified such election within the time prescribed by law shall be fined not more than $5,000 or imprisoned for not more than one year, or both."

(b) Section 4005 of title 39 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) This section shall not apply to any stamp made for purposes of a national lottery conducted by the National Lottery Commission or to any other matter related to such a national lottery; and nothing in this section, section 4001, or any other provision of law shall be construed to make such matter nonmailable."

SEC. 9. (a) This Act and the amendments made thereby shall apply notwithstanding any other provision of law.

(b) Any law of the United States which is inconsistent with this Act or any amendment made thereby is, to the extent of such inconsistency, hereby repealed.

(c) This Act and the amendments made thereby preempt any law of any State in conflict therewith, and no law of any State shall authorize any similar drawing: *Provided, however,* That nothing in this Act or the amendments made thereby shall be construed to invalidate existing State laws permitting the conduct and operation of sweepstakes related to parimutuel racing.

(d) If any provision of this Act (including any amendment made thereby), or the application of any such provision to any person or circumstances, is held invalid, the remaining such provisions, or the application of such remaining provisions to other persons or circumstances, shall not be affected thereby.

SEC. 10. This Act shall take effect on the day on which this Act is enacted. The first three members of the National Lottery Commission shall take office not later than sixty days after such date of enactment.

A SALUTE TO THE INTREPID SOUTH KOREANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, I take this occasion to pay tribute to the South Koreans, a gallant people who stuck by us to the very end in the Vietnam conflict.

Although we had other allies, they phased out their participation in the Vietnam fighting before we achieved a cease-fire and a peace agreement. The courageous South Koreans kept two divisions in the field right up to cease-fire time.

Mr. Speaker, we owe a debt of gratitude to the South Koreans who fought in Vietnam. They played a role which would have been very difficult for the South Vietnamese to fill. I salute the intrepid South Koreans for a job well done. No nation could have had a more capable and willing ally.

LIMITS ON THE DISTRIBUTION OF MAILING LISTS BY FEDERAL AGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced legislation to limit the sale or distribution of mailing lists by Federal agencies. This proposal is one that I have pursued for several years and it has received wide support in the Congress.

Briefly, my bill would amend the Freedom of Information Act to prohibit the Government from selling mailing lists for commercial or other solicitations or for any illegal purpose. It would prohibit the sale or distribution of any list of names of Federal employees, past or present members of the Armed Forces, or persons who are licensed or required to register with any Federal agency unless there is certification that such a list will not be used for solicitation or unlawful purposes.

If enacted, this legislation would in no way prevent legitimate access to agency information. It would, however, protect the privacy and safety of individuals whose names and addresses appear on Federal mailing lists.

Last year, the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations held extensive hearings on the administration of the Freedom of Information Act. My mailing list bill, as it has been called, was reviewed in the course of these hearings and I am very hopeful that further committee action will be taken on this proposal.

At this point, Mr. Speaker, I will include my testimony of June 13, 1972, in support of my proposed legislation. It should be noted that my bill was designated H.R. 8903 in the 92d Congress but, of course, will bear a new number, H.R. 3995 in the current Congress. I invite my colleagues to review this information and to support this much-needed legislation.

STATEMENT OF CONGRESSMAN FRANK HORTON ON LEGISLATION TO LIMIT THE DISTRIBUTION OF MAILING LISTS BY FEDERAL AGENCIES

Mr. Chairman, I welcome the opportunity to testify in behalf of H.R. 8903—legislation which I introduced in June 1971 to limit the sale or distribution of mailing lists by Federal agencies. At the present date, I am pleased to announce that 68 members have co-sponsored the bill.

Beyond question, the single most important safeguard of an open, democratic society is freedom of information. No nation will long remain free without this safeguard.

Recognition of this fundamental fact can best affirm the importance that attaches to the freedom of information hearings that our Subcommittee has been holding during this past year under your able leadership. These hearings represent, in my judgment, the most comprehensive review on this subject that has ever been conducted. It is to be hoped that they will stimulate wide study and debate throughout society on the measures that must be taken to keep the channels of information open in order to preserve liberty. It is also to be hoped that our hearings will encourage and induce the Congress to consider such additional legislation as may be necessary in this area.

It is necessary and important to preserve the free flow of information in our society, and I want to assure you that H.R. 8903 will safeguard the public's right to know.

My interest in the subject covered by H.R. 8903 was stimulated by a letter from one of my constituents, Dr. Wendell Ames, who is here to testify this morning.

This is one example where the concern of a private citizen, expressed in a letter to his representatives in Congress, has led to a considerable degree of interest in a legislative solution to his problem.

Very briefly, Dr. Ames is a gun collector. As such, he was required to register with the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service. He, together with 143,000 other gun collectors, were placed on a computer mailing list by the IRS, in order to facilitate that agency's mailing of current regulations and other information to registrants. Unfortunately, however, IRS did not confine its use of this huge and valuable mailing list to agency purposes. Instead, in at least 60 separate instances, the IRS "sold" this computer address tape for about one tenth of a cent per name. One of the buyers of this list sent a circular in the mail to Dr. Ames, and presumably to other gun collectors, seeking to advertise firearms it had for sale. Dr. Ames was sharp-eyed enough to notice that the commercial circular he received bore a mailing label identical in every respect to that which he received on mailings from the IRS.

Deeply concerned that his status as a gun collector was being improperly disseminated by the IRS, Dr. Ames wrote me a letter inquiring whether in fact the IRS had made his name and address available, and whether, if they had, this was a legal practice.

My office followed up the Doctor's letter by querying IRS, only to learn that they were in fact selling these lists to both commercial and political organizations, in fact to anyone who was willing to pay a tenth of a cent per name for the labels.

This was back in the spring of 1970. I argued with the IRS that making these wholesale lists of gun collectors available was tantamount to publishing a "National Guide for Gun Thieves", since the list could be used to pinpoint in thousands of towns across the country those private homes likely to contain large numbers of firearms. The IRS backed off somewhat and agreed to cease the sale of lists of gun collectors, although they persisted in making lists of gun dealers available, arguing that dealers advertise their locations in order to sell their wares.

Subsequently, I questioned over fifty federal agencies to determine their policies on distribution of mailing lists. The results of this survey were contained in a statement I made in June, 1970, when I introduced the first version of this bill. The upshot of the survey was that there was no pattern, no rhyme nor reason to federal agency policy on the subject of mailing lists. Some agencies made lists available on a regular basis—citing the Freedom of Information Act as authority. Others denied any access at all to such lists—again citing the Freedom of Information Act as authority to do this. In brief, the policy of the federal government is no policy at all. The Act is ambiguous and the situation is chaotic. This, Mr. Chairman, is the motivation for my bill—simply to clarify this situation by setting out a reasonable government-wide policy, which protects individual privacy at the same time it adequately safeguards the public's right to know.

H.R. 8903 is limited to prohibiting a Federal agency from distributing lists of names and address of individuals—either employees or those having business with an agency—where such lists are to be used for purposes (1) of commercial or other solicitation, or (2) prohibited by law.

Individual freedom has both positive and negative attributes. Freedom involves the right to say and do what you wish so long as such does not unconscionably interfere with the rights of others. It also consists of the right to be left alone.

Liberty involves both freedom of information and the right of privacy. You can no more have one without the other than you can have water without the correct proportions of both hydrogen and oxygen.

Up to now these hearings have concentrated on the issue of freedom of information. Now it is time to consider the individual right of privacy.

Over the past century there has been a growing recognition of the need of society to protect privacy. Among advances that have been taken in this direction are:

1. protections against physical assault and loss of property rights;
2. restrictions against nuisance (smoke, gases, noise, etc.);
3. safeguarding reputations by recognizing actions against libel and slander;
4. protecting works of the mind—patents and copyrights;
5. expanding prohibitions against unreasonable searches and seizures;
6. enhancing the right of freedom of speech and freedom to remain silent;
7. restraining public and private snooping such as are found in wiretapping, eavesdropping, lie detectors, psychological testing, mail covers, and industrial spying.

As significant as these advances have been, however, they may not have kept pace with those forces mobilized to undermine individual privacy. The advancing technological civilization in which we find ourselves captive—willingly or unwillingly—places man increasingly under the pressure of public exposure and subjects him increasingly to the erosion of privacy. It seems reasonable to conclude that modern enterprise and invention have provided the technological means to invade privacy to such a degree that man, at least potentially, can be found to suffer more intensely from mental pressure and stress than from the infliction of bodily injury.

In spite of limitations attempted or imposed in recent years, the fear and trauma induced by the threat of public and private snooping may now be greater than ever. The narrowing of the privilege against self-incrimination, use of blacklists by government agencies, infiltration of legitimate organizations, and spying upon innocent individuals because of their political and social beliefs must be added to the list of our concerns. Perhaps, potentially, the most insidious of all is the growing development of public and private computer data banks and related informational storehouses which make possible convenient access and diclosure of the most intimate and personal information on individuals.

In line with this latter condition, over twenty federal agencies administer significant programs, including the Census Bureau, the Bureau of Labor Statistics, and the Economic Research Service and Statistical Reporting Service of the Agriculture Department.

Hoardes of other records and files are also maintained—almost or all theoretically in a state of confidentiality. Yet, in many cases, the degree of such confidential protection must be open to question. While 17 per cent of such are not to be disclosed beyond the collecting office and 18 per cent are limited to the encompassing department, 25 per cent are only restricted to the boundaries of the government as a whole and 39 per cent lack any distribution restraints at all.

According to recent testimony by Senator Mathias, as of 1967, federal files included more than 3.1 billion records on individuals, involving 27 billion names; 2.5 billion addresses; 250 million police histories; nearly 1 billion files on alcoholism and drug abuse; and over 1 billion personal income files. Of the above, at that time, approximately half of this information could be retrieved by computer. This level has certainly grown since then.

Among the categories of personally, sensitive information that is processed and stored, subject to retrieval, are:

1. Selective Service System records containing information on individual police records, security or investigative reports, involvement in civil and criminal court actions, and religious and financial data.

2. Federal employment and personnel files containing information on income and health.

3. Applications for federal grants and fellowships requiring the inclusion of police records, security and investigative reports, and involvement in civil or criminal court actions.

4. Civil Service Commission "security files" involving over 2 million index cards relating to loyalty and security activities.

5. Seven computerized data banks maintained by the Justice Department pertaining to the (a) FBI's National Crime Information Center, (b) Bureau of Narcotics and Dangerous Drugs' files on narcotics users, (c) FBI's Known Professional Check Passers' file, (d) Organized Crime Intelligence System's records, (e) Civil Disturbance Unit's files, (f) offenders' files based on federal prison records, and (g) records of the Immigration and Naturalization Service.

6. National Driver Register of poor drivers.

7. Department of Housing and Urban Development's Adverse Information file.

8. National Science Foundation's data bank on scientists.

9. Custom Bureau's computerized data bank on "suspects".

10. Internal Revenue Service's computerized files on all taxpayers containing the most detailed financial and personal information.

11. Census Bureau's computerized files involving the most personal information on each citizen.

12. Secret Service's dossiers on "activists" and "malcontents".

13. Army Surveillance files.

14. FBI, CIA, and Military Intelligence and security files.

15. Military medical and personnel files.

16. Department of Health, Education and Welfare's "blacklist" on scientists and other potential advisers.

17. Department of Justice's Internal Security Division's intelligence data bank relating to civil disturbances.

Until recent years, information privacy was comparatively easier to preserve because it was more difficult to collect information; data gathering was on a decentralized basis; individuals in a highly mobile society were more difficult to keep track of; and it was prohibitively costly, if not impossible, to retrieve, tabulate and interpret the data that was available. That, of course, has changed completely with the advent of the computer. The threat to individual privacy is no longer a potential. The reality is now upon us.

Even if the above cited types of the most sensitive and personal information is shielded in confidence from public disclosure—much of which is not adequately protected—large additional reservoirs of data on individual citizens are not only not secure but actually available for public disclosure for purposes of commercial or other types of solicitation.

Those categories of information being made available for solicitation purposes present or in the immediate past include:

1. Federal Communication Commission's name and address list of 265,000 amateur radio operators.

2. Federal Aviation Administration's list of 680,000 licensed pilots.

3. Internal Revenue Service's list of 143,000 gun dealers and collectors.

4. Coast Guard's list of registered boat owners.

5. General Service Administration's lists of subcontractors.

6. Commerce Department's list of potential U.S. exporters.

7. Veterans Administration's list of discharged veterans.

8. TVA's list of retired employees.

9. Immigration and Naturalization Service's list of naturalized citizens.

Added to the above, moreover, must be the following categories of individual names which under existing law would seem potentially available for distribution for solicitation purposes:

1. Department of Agriculture's list of hundreds of thousands of farmers engaged in unpaid crop reporting services.

2. Peace Corps' names of all volunteers and returned volunteers.

3. Patent Office and copyright Office lists of all patent and copyright holders or applicants.

4. Civil Service Commission's listings of all Federal employees, retirees, and applicants for employment.

5. State Department's lists of all issued or applied for passports.

6. Customs Bureau compilation of all persons passing through or declaring at Customs.

7. Department of Defense's names of all military personnel, honorably discharged personnel, and retirees.

8. Labor Department's lists of all individuals engaged in job training, apprenticeship programs, and vocational programs.

9. Small Business Administration's lists of small businessmen.

10. All government applicants and recipients of grants, contracts, fellowships and scholarships.

11. Mailing lists of all government agencies.

After reflecting upon these vast sources of information, can there remain any doubt that the use of such by private persons for commercial gain has the potential for causing an overwhelming invasion of individual privacy and erosion of individual liberty.

From that which I have outlined above, the failure of the Government to prescribe reasonable, fair and coherent policies governing the use of released public information places the privacy—the individuality—of each human being in jeopardy.

My purpose in introducing H.R. 8903 has not been to deny information to the public. Far from it, I believe freedom of information is the bedrock of a free society. Nothing in my proposed legislation interferes with the mandate of the Freedom of Information Act or any other appropriate legislation to assure the free flow of information within our society. In the same vein, nothing in H.R. 8903 prohibits or impedes Government agencies from distributing information, including directories and other lists of named individuals, under appropriate circumstances, so long as such is not intended for solicitation purposes. For example, nothing in my bill would impede access to such data by the news media.

My sole purpose is to lay down reasonable rules governing the use of such information so that it may not be employed to undermine the equally precious right of all citizens in our open society—the right to have individuality and privacy protected. In an open society, it is essential to balance the rights of each individual to regulate his own life to as great an extent as possible with the need to prevent such freedom from impeding unreasonably upon or injuring the rights and freedoms of others. That is the sole intent and purpose of my legislative proposal.

PRIME MINISTER EDWARD HEATH'S REMARKS BEFORE THE NATIONAL PRESS CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

Mr. WHALEN. Mr. Speaker, the Honorable Edward Health, Prime Minister of the United Kingdom addressed the National Press Club on Thursday, February 1, 1973, here in Washington.

I was privileged to be among those who heard him speak. The thrust of his observations is important, Mr. Speaker, both in terms of the content and because the speaker is the head of state of our closest ally, Great Britain.

Prime Minister Heath was both courteous and forthright in talking about trade matters as they affect both countries, with particular emphasis on Britain's new membership in the Common Market. I, therefore, request permission to insert at this point in the RECORD, extracts of Prime Minister Heath's speech and the excellent introduction delivered by the president of the National Press Club, Lon Larrabee. I hope to have a corrected copy of the transcript of the question and answer period which followed the speech to insert at the next session of the House.

Introduction and Remarks by President Donald R. Larrabee at the National Press Club Luncheon, February 1, 1973, for Prime Minister Edward Heath

Good afternoon. I am Don Larrabee, president of the National Press Club. Before introducing our distinguished speaker, I would like to present some of those at our head table. (Introductions)

Seated directly in front of me are the Ambassador of Belgium, the Ambassador of the Netherlands and the Ambassador of Singapore. I suspect there may be others in the diplomatic corps who have escaped my notice but, may I say, we are honored by your presence, one and all.

On May 26, 1969, at a luncheon in this room, the Rt. Hon. Edward (Ted) Heath predicted that his Conservative Party would beat Prime Minister Harold Wilson's Labor Party in the next election. He assured us he wasn't after Mr. Wilson's blood, just his cottage at 10 Downing Street.

Roughly one year later, Mr. Heath and his underdog Conservatives pulled off one of the great electoral upsets in modern British history, winning a 43-seat margin over the greatly favored Labor Party. The "Guardian" said, of the victory: Heath has done a Truman, and I think the comment needs no explanation before this audience.

Today, this distinguished son of a master carpenter, this organ scholar at Bayliol College, Oxford: this working-class type who turned himself into the perfect Tory gentleman, has achieved enough "firsts" to satisfy even a Richard Nixon.

He is the only Prime Minister to have conducted an orchestra—the London symphony: The only Prime Minister to have won an ocean yacht race—from Sydney to Hobart: And the first and only Prime Minister to have led Britain in a decisive march toward full membership in the European community—the Common Market.

To carry on in the Nixon-Heath idiom, it is especially appropriate that the Prime Minister should be the first chief of a foreign government to see the President in the second Nixon term and that the Prime Minister should come here in the first hopeful days of the Vietnam cease fire.

Britain's full membership in the enlarged European economic community is a vital new element in American-British diplomacy. The Prime Minister, no doubt, is aware that Mr. Nixon intends to emphasize relations with Europe this year—and that boils down to a couple of matters that were probably touched on at the White House this morning—money and trade. Perhaps we will hear more of this from the Prime Minister.

One of our colleagues says Mr. Heath has difficulty in establishing warm and easy human relationships. Even his closest friends acknowledge that he is a distant man. Perhaps that is why Mr. Nixon is inviting Mr. Heath to Camp David on Friday. These two self-made men like to get away from it all—and don't be surprised if they tell it from the mountain.

The President and the Prime Minister have much in common. They are regarded by their enemies as chilly and calculating political animals, by their friends, as men driven by a single dream. Neither really likes crowds or small talk and both have been known to seek solace in private prayer. They find something to admire in Disraeli. And they like to win.

Both are team men. The Prime Minister, in 1971, was Captain of Britain's team of three yachts which won the Admiral's Cup races. Mr. Nixon, in 1972, steered the course for both the Republicans and the Redskins.

These two administrators are success stories in their own time and their own countries. They are also giants in the boardroom and the councils of state.

And so, what we are seeing is a sort of celebration of what Mr. Heath calls the "natural Anglo-American relationship". And we are seeing a coming together of men who, in their own ways, favor a return to old fashioned self-reliance, in the battle against inflation and economic pressures.

The Prime Minister, like the President, has begun a melting of the freeze on wages and prices. And some believe he has also begun a melting of the parliamentary system in which he is—like American Presidents we have known—taking his case directly to the people.

But what seems most obvious as we begin the month of February, 1973, is that the United States is in good communication with the United Kingdom.

There is perhaps no better expression of this relationship than Sir Winston Churchill's memorable remarks in a radio broadcast some 32 years ago: "The British Empire and the United States, said Churchill, will have to be somewhat mixed up together in some of their affairs for mutual and general advantage. For my own part, looking out upon the future, I do not view the process with any misgivings. I could not stop it, if I wished. No one can stop it. Like the Mississippi, it just keeps rolling along. Let it roll, said Churchill, let it roll on full flood: inexorable, irresistable, benign-ant . . . to broader lands and better days."

The Prime Minister of Great Britain, the Right Honorable Edward Heath.

Extracts From Speech by the Right Honorable Edward Heath, British Prime Minister

Last October the Leaders of the 9 Community countries met in Paris. We were not concerned to exchange smiles and platitudes. We were aiming to draw up an ambitious and imaginative programme for the future of the Community. That is what we aimed at, and that is what we achieved. The significance of that programme has not yet been fully realized.

We were not content with general principles. We set deadlines for work, decision and action in many fields. We will encourage the development of industry on a European scale. We will work out European policies to protect our energy resources, to spread prosperity through the various regions, and promote improved conditions of work and employment. We aim to transform the whole complex of relations between European countries into a European union before the end of the present decade.

This will be a new type of union. That is why I myself have never used the phrase "United States of Europe". That phrase gives the impression that we shall simply be following in the footsteps of your own remarkable achievement in creating a nation. We are dealing with an entirely different situation. We are dealing with ancient European nations, each with its own traditions and background, each determined to retain its identity. Our intention is not to destroy that identity but to build on to it a new European dimension which will enable us to secure, by common action, benefits which would be beyond our reach as separate nations. That is what we mean by a European Community.

I am confident that the will exists to carry through the whole of this existing programme. In my own country we have come to the end of 20 years of discussion about our relationship with Europe. As you may know this discussion has cut right across Party lines. Now that the decision is taken and we are members of the Community I find that forward-looking people of all political persuasions are moving in to take advantage of the opportunities open to them in the Community.

In the foreign field we are also moving towards unity. At the Summit we agreed that the aim should be to work out common medium and long-term positions on foreign policy matters. We already have a common commercial policy and speak with one voice in international trade negotiations. More and more I hope that the European countries will act as one. This is essential now that the Community is the largest unit in world trade.

So once again Europe is on the move. Successive United States Administrations can take a big share of the credit for this. Over the years you have accepted the creation of a friendly, stable and prosperous Western Europe as a major interest of the United States. You have accepted that this will mean greater competition for your industries. It will mean an independent European voice in the world which will not always share exactly the same views which you hold. But you have thought, rightly I am sure, that this was a price well worth paying in return for the larger goal. I would like to pay tribute to the farsightedness and consistency with which the United States has helped Europe forward along this path.

The effect of these changes in Europe will be far-reaching. Just as the growth of the population and the increased industrial prosperity of the United States has led to the consolidation of her world power, so we can expect the new union in Western Europe to alter fundamentally the authority of individual Western European states in world affairs.

This position will not be used irresponsibly by the members of the Community. We made a public statement of our view in the Communique issued at the end of the Paris Summit meeting. We said then that the Nine had decided to maintain a "constructive dialogue" with the United States, Japan, Canada and their other industrialised trade partners. By this we mean that we are ready to talk about the whole field of our relations. There are two areas in which there are serious and urgent problems—monetary reform and questions of international commercial policy. The Community and the United States have agreed to hold negotiations for the further liberalisation of international trade. Discussions on the international monetary system have already begun.

Success in these two different sets of discussions is to be desired for both the United States and Europe. Of course it is not possible to think of these issues entirely in isolation. This means the establishment of good communications between those who sit in the Committee of Twenty and the GATT. But equally the problems are complex and the time-scales are different. So we must ensure that progress in one does not need to wait on detailed decisions in another.

I take trade first. Having myself taken part in a number of important trade negotiations. I know how difficult it is to be fair to everyone involved in them. Obviously the American worker does not want to see his job exported. But neither does his counterpart in Britain. The fact is that protectionism is a sin of which no trading country is free, even if each of us tends to believe that he is more sinned against than sinning. You have your complaints about some of our European trade practices. We for our part have very real grievances about U.S. trade barriers.

There are many American measures that effectively discriminate against overseas suppliers.

Wherever possible, we believe, as do you, that the problems between the United States and the Community should be argued out between themselves, or through the international machinery which exists. But we have to recognise that problems of the kind I have mentioned—the so-called "non-tariff barriers", are especially difficult to deal with. I believe that the right way to tackle them is by international discussion and negotiation. This is the only way in which we can find a solution which is visibly fair to everyone, and which will lead to balanced liberalisation of international trade which all can support. We want to work with the United

States to achieve a new freedom of world trade.

Do not forget that we in Europe are used to American goods, and that you have in Europe an enormous market place which will grow substantially in importance as our prosperity develops. The opportunities for the United States in Europe are very great if we can keep up the impetus for freer trade.

In the monetary field, we have come closer together over the last year. The speeches of President Nixon and Secretary Schultz at the IMF Annual Meeting helped to pave the way for the constructive discussions now taking place in the Committee of Twenty. The European Community is pledged to work for an equitable and durable reform of the system. I do not under-estimate the differences that remain, but I am convinced that it is in the interests of us all to reach an early solution.

Of course, defence is still an essential part of the relationship between the United States and Europe. We are rightly pursuing detente in discussions with the Russians and other Eastern Europeans in a number of different contexts. I hope that these discussions can achieve real progress. But until real detente has been achieved it would be foolish for the Western powers to weaken the solidarity or military power of our alliance. I think that this is common ground on both sides of the Atlantic. It is perfectly natural that you in the United States should from time to time re-examine the reasons for which you station forces in Europe. I believe that each such examination is bound to lead to the same conclusion. American forces are in Europe, not to do us a favour, but to preserve an essential American interest and to take part in the common defence of the Atlantic partnership.

It is equally natural that the American effort should be compared with the effort of your European partners. We certainly recognize that as the relative economic strength of Europe increases, so too should the share of the common defence burden which Europe bears. Already we have shown that we intend to improve our defence effort. In 1970 we carried through a billion dollar European defence improvement programme. In 1971 and 1972 there have been co-ordinated national force improvements of one billion and 1.5 billion dollars. The European allies now provide 90 per cent of NATO's ground forces in Europe, 75 per cent of her air forces and 80 per cent of her naval forces. There are 10 Western Europeans under arms for every American serviceman in Europe.

I have tried to show you how we in Britain and we in France see our own future and our relationship with the United States. We want to fortify the present relationship. We want to make it strong and durable, to take account of the shifts and changes of the past fews years, the effect of which should not be overlooked; and to find common solutions which meet your needs and interests as well as our own. I am sure that this is the next major task we have to tackle together, and that is the main reason why I am here.

REAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I was particularly distressed when the administration announced in December the termination of the rural environmental assistance program—REAP—as I know how important it is to many individuals and groups in my congressional district in Illinois.

REAP was initiated back in the 1930's to provide cost-sharing incentives to farmers to install soil and water conserving practices on their lands. In view of the numerous subsidies which place a burden upon the average taxpayer, a program to which both the individual and the Government contribute is especially refreshing and encouraging. The REAP program has also been exceptionally successful in demonstrating the value of conservation as good farming practice. Since its conception, REAP has been responsible for some 2 million storage ponds and the terracing of 31 million acres of farmland. REAP has been popular with the farmers and conservationists and the Congress, and is certainly in harmony with our environmental goals.

Unfortunately, the President decided last month that REAP was of a low priority status which could be eliminated without serious economic consequences. His action to impound money approved by the Congress was justified as a means to ward off a tax increase or inflationary deficit—to hold 1973 fiscal budget outlays to about $250 billion.

I am fully cognizant of the administration's reasons for this termination. I would be the first to admit that Congress needs to thoroughly reevaluate and reform its system of appropriations if this Government is to ever realize a balanced budget. However, I am convinced that the termination of REAP is not the best means in curtailing such spending activity.

Over the past few weekends while I have been in Illinois, I have had the opportunity to meet with members from three county soil and water conservation districts. Understandably enough, these men were most distressed by the Agriculture Department's recent announcement. I found it difficult to explain how an administration which has long been a good friend of the farmer could justify the termination of REAP. They and I were particularly concerned that a decision was made at a time when most farmers had already planned for assistance in 1973.

One member of the Henry County Soil and Water Conservation District showed me an outline of their 1972 REAP cost-sharing program, which I must add, was most impressive. Included were such environmental improvements as: Establishment of permanent vegetative covers; planting trees or shrubs; water impoundment reservoirs; and improving stands of forest areas.

I cannot understand why funds for such beneficial programs as REAP which seeks to protect and improve our environment can be terminated when loud protests are being made over the deplorable state of our Nation's lands. It seems to me there are several less effective programs which could be eliminated.

Also, while I was back in Illinois, talking to the many farmers and farm leaders in my district, I became convinced that most farmers want to do their share in holding spending down. While they do not want the valuable conservation programs under REAP terminated, they would like to have the production-oriented programs eliminated. Liming materials are strictly production-oriented. They are profitable for the farmer to use, so why should the Government have to spend money for materials farmers would purchase anyway? It seems to me—as it does to the people with whom I have spoken—that the Federal Government would be better advised to direct its money toward conservation projects within the REAP program.

THE PRESIDENT'S BUDGET MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, for the past two days I have been participating as a member of the House Committee on Appropriations in the overview hearings on the 1974 budget with Secretary of the Treasury George Shultz, Director of the Office of Management and Budget Roy L. Ash, and Chairman of the Council of Economic Advisers Herbert Stein. The purpose of these discussions was to review the broad budget policies and related economic assumptions that characterize this budget.

Today, I feel I must speak out.

BUDGET CONTROL SHELL GAME

The extraordinary shell game on budget control the administration is attempting to foist upon the public will eventually fall of its own weight and inconsistencies.

Careful review of the budget in great detail over the coming months will document the case. In the meantime, our colleagues in the House should be alerted to what is going on.

It all began last October on the way to the election. During the debate on the $250 billion rigid spending ceiling proposal, Congress was summoned to take full responsibility for the inept handling of economic policy by the Nixon administration over the last 4 years. It was charged that emergency fiscal conditions required immediate attention. It was said that Congress was entirely at fault and there was little hope or time for reform, that the only responsible course was for Congress to abdicate the heart of its authority to the President. He would make things right.

An overriding conclusion that can be drawn from the budget discussions over the past two days is that the budget control shell game continues. Witnesses would not concede that even a particle of responsibility for fiscal conditions rests with the administration. A brief recitation of the record will expose the absurdity of this ridiculous posture.

THE BALANCED BUDGET PLEDGE

May I remind you of President Nixon's first budget message to the Congress in which he said:

> I have pledged to the American people that I would submit a balanced budget. The budget I send to you today fulfills that pledge.

That pledge was translated in actual reality to a unified budget deficit of $23 billion in fiscal 1971, followed by consecutive deficits of $23.2 billion in fiscal 1972, $24.8 billion currently estimated for fiscal 1973 and $12.7 billion currently estimated for fiscal 1974. And I would point out that after 1971, the President requested enactment of deficits when he submitted his budgets.

In the 4 years of the Nixon administration, we have accumulated about one-fourth of the national debt, and in the budget before us, the President is proposing to increase the debt subject to limit by another $30 billion.

Last year, how many times did we hear George Shultz say that $250 billion was a "lot of money." That comment came every time Congress proposed a program that it considered to be important to the American people. Well, this year George has a new line—"$269 billion is a lot of money." It is the President, not the Congress, who is now asking for a budget of $23 billion larger than the one he requested last year.

At the same time, the President was asking for $23 billion more than he requested last year and proposing an increase of $30 billion in Federal borrowing, he told the American people in a nationwide radio address:

> It is time to get big government off your back and out of your pocket.

As a matter of fact, Congress and the executive branch have acted together since 1962 to reduce revenues available to the general fund in calendar 1973 by about $50 billion. That is the figure Treasury came up with last year in connection with our overview hearing on the 1973 budget.

CONGRESSIONAL ENDORSEMENT

At this point, I will quote from a table prepared by the Joint Committee on Reduction of Federal Expenditures reflecting the impact of congressional actions on the budget estimates. The table includes the impact of congressional actions and inactions since 1969, the first year this joint committee began its work on the now familiar scorekeeping report. The table shows that for the years 1969–73, the effect of congressional actions on the new budget authority through the appropriations process has been a net reduction of $30 billion. Congressional action on budget authority through legislative bills have added $30 billion—a standoff. Congressional inaction on other budget authority requests have resulted in a further net reduction of $9 billion. All of those budget authority reductions would, at some time, of course, result in outlay reductions.

My point here is simply that Congress has not created a fiscal crisis through its actions on new budget authority—which is really the critical limiting factor that sets the ultimate size of Government spending programs.

The budget figures of the past 4 years represent essentially the President's program. The Congress, of course, made some changes in allocation on individual items. But in terms of broad aggregate budget policy, these were Nixon proposals for increased spending, Nixon proposals for increased borrowing, Nixon proposals for deficits.

The deficit situation was exacerbated if anything—not so much by Congress as by the shortfall in revenues that resulted from the administration's unfortunate mismanagement of the economy during the first term.

IMPACT OF CONGRESSIONAL ACTION OF 1973 SPENDING

Congressional action on the spending side of the budget for fiscal year 1973 did result in additions to the President's original request. But let us look at the details to see what the real story is. The spending effect in fiscal 1973 of actions on appropriations bills was to reduce defense and foreign aid and to increase education and health for a net reduction of about $1.5 billion in outlays. In spending that resulted from actions on nonappropriations bills, Congress added about $7.5 billion—for a net add-on of about $5 billion.

The largest part of the add-on, however, came in social security, revenue sharing, and black lung programs. The social security benefits increase was $2.8 billion, revenue sharing total was $3.25 billion, and the black lung appropriation was $969 million.

What was the President's response to Congress increase in social security? Not a whisper of a veto, gentlemen. The President at that time seemed quite willing to put his hands in the pockets of the American people. In fact, he actually sent a letter over his signature into the homes of millions of Americans with those increased social security checks, in which he proudly took credit for the added benefits. But that, of course, was before the election.

And revenue sharing? That is the one area the President has announced that is so important that he has placed it above consideration for impoundment.

As far as black lung was concerned, this was a most necessary and humanitarian program enacted by the Congress with the complete support of the President.

So Congress did not do so badly in terms of the President's priorities before the election.

As this full story of the administration's shell game on budget control unfolds in the coming months, I am certain that the American public will call this attempted slight of hand for what it is—an attempt to obscure the fiscal truth.

CONGRESS PART IN SETTING PRIORITIES

Careful questioning in our hearings also revealed that the authority of the Congress to set priorities will continue to be questioned. Witnesses claimed not only that the $269 billion total for fiscal 1974 was a magic number, not to be tampered with by Congress. They also made it quite clear that even if Congress were to stay within that limit, the administration would accept recommended reductions—but would subject compensating congressional increases to further review by the executive branch. Congress' role in setting priorities becomes all the more important in the light of the program proposals set forth by the Executive in this budget.

This budget proposes severe retrenchment in critical areas. It goes much further than to caution against further new initiatives. It recommends reductions and terminations of programs amounting to $17 billion in fiscal 1974. It makes it very clear that these reductions and terminations are not negotiable.

On page 7 of the budget message, we read:

> Should the Congress cause the total budgeted outlays to be exceeded, it would inescapably face the alternatives of higher taxes, higher interest rates, renewed inflation or all three. I oppose these alternatives; with a firm rein on spending, none of them is necessary.

Mr. Speaker, the Budget is replete with this language that in effect tells Congress to take what is recommended or be damned with the onus of a "congressional" tax increase.

What I do not see in this budget is how the administration proposes to address itself to the needs of the American people.

We are told that some social programs did not perform effectively and they were scuttled. Is not the next step of responsible leaders to ask how we can better do the job?

The Nixon administration answer is found in its recommendations in this budget. The only increases in new budget authority recommended for "people programs" in this budget are in the areas of health and income security—and we all know that virtually all of those increases have already been enacted into law by previous Congresses. They are simply becoming available this year. But look at the other areas. What is the President planning to do this year?

Agriculture and rural development—down from $7.4 billion to $6.7 billion.

Natural resources and environment—down from $6.9 billion to $1.3 billion.

Commerce and transportation—down from $17.1 billion to $12.7 billion.

Community development and housing—down from $5.9 billion to $3.9 billion.

Education and manpower—down from $10.9 billion to $9.9 billion.

Mr. Speaker, Congress is concerned, as everybody knows, that programs it authorized and funded are being terminated or shifted to the States and the cities to finance. And for good reason. Congress has a concern for the problems of the people of this country.

It deserves better treatment than to be threatened with the blame for a tax increase if it disputes the administration's recommended program reductions.

It deserves some discussion of how this administration expects these needs to be met. And it deserves a respectful role in making the final decisions.

ROLE OF THE PRESS

Mr. Speaker, as an example of the type of public enlightenment that we can expect from the press, I include in the CONGRESSIONAL RECORD an article published by Clayton Fritchey in the Washington Post on Tuesday, February 6, 1973:

THE BUDGET: A QUESTION OF PRIORITIES

(By Clayton Fritchey)

What is left out of federal budgets is often as significant as what is put in, and the Nixon budget for fiscal 1974 is no exception.

On Oct. 7 last year, just a few weeks before the presidential election, Mr. Nixon called the high property taxes paid by elderly retired Americans a "national disgrace." He pledged that "relief for these Americans is going to be a first order of business in our next federal budget." Nevertheless, there isn't a whisper of this promise in the new budget. On the contrary, the administration intends to make the elderly pay an extra $1 billion a year for Medicare benefits they are now getting free. Fortunately for the aged, this has to have the approval of Congress.

In his budget message last year, the President said, "Welfare reform, with training and work incentives, with a new fairness toward the working poor and a minimum income for every dependent family, is a good idea whose time has come . . . It is ripe for action now." Further delay in enactment, he said, would be both "unwise" and "cruel." Yet, there is no mention of it in the new budget. Instead Mr. Nixon in a special broadcast preceding the formal presentation of the 1974 budget, favored the public with a sermon against government spending, no doubt hoping this would divert attention from the record-breaking expenditures he is planning for next year and the year after.

Despite Mr. Nixon's warning about the spending habits of Congress, it is the President—not Congress—who is now asking for a budget of $269 billion, or $23 billion more than he requested last year. That's a leap of almost 10 per cent. In four years under Mr. Nixon, the budget has climbed from $195 billion to $269 billion—a record jump of $74 billion, or almost 40 per cent. And it might have been worse except for Congress. At the end of the 92nd Congress last fall, Sen. Mike Mansfield, the majority leader, reported that Congress had cut Mr. Nixon's new-appropriation budgets by $22.2 billion.

Under Mr. Nixon's stupendous spending, the national debt has climbed to almost half-a-trillion dollars, an increase of around $100 billion in four years. His deficits have exceeded anything in U.S. history except at the height of World War II. Yet in his radio broadcast on his latest budget the President said with a straight face, "It is time to get big government off your back, and out of your pocket."

Actually, there is little or no disagreement between the President and Congress over the $269 billion total for the new budget. The conflict centers on priorities. Although the United States is now out of the Vietnam war, Mr. Nixon still wants to spend more on defense, while cutting or eliminating domestic programs for, among other things, health, education, poverty, pollution, day care and Medicare. Congress wants to do the reverse.

The President says his "search for waste" has led him "into every nook and cranny of the bureaucracy." But it hasn't led him to the Pentagon where the documented waste runs into the billions.

The President warns Congress that if it gives social programs more than he has allowed it will have to take the responsibility for a tax increase. Not necessarily. Congress can offset these increases with military reductions. Also, it can provide more revenue by eliminating tax loopholes for vested interests.

After being subjected to four Nixon budgets, Congress has become a little skeptical of the President's arithmetic. It still remembers his first budget message, in which he said, "I have pledged to the American people that I would submit a balanced budget. The budget I send to you today fulfills that pledge." Instead, it ended with a deficit of $23.4 billion, and that was just a start.

OBSCENE RADIO BROADCASTING—III

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. James V. Stanton) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I rise today to include a letter I have written to the Office of Legislative Counsel, dealing with offensive language on the air waves in the Record. I am certain the proposals made in this letter will be of interest to Members of the House, so many of whom have been receiving complaints about perhaps obscene radio talk shows in their own cities. Yesterday and the day before, I entered in the Record letters I had written to the U.S. attorney in Cleveland, Ohio, and to the Federal Communications Commission dealing with other aspects of this issue. Tomorrow, I will include a fourth letter, to the Justice Department, in the Record. The letter to the Legislative Counsel follows:

House of Representatives,
Washington, D.C., February 5, 1973.

Ward Hussey,
Legislative Counsel, Office of the Legislative Counsel, Cannon House Office Building, Washington, D.C.

Dear Mr. Craft: I would appreciate your assistance in drafting legislation to amend Title 18, United States Code, Section 1464, which reads: "Whoever utters any obscene, indecent or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years or both."

My tentative proposals, which I would like to discuss with you, are as follows:

1. It seems to me that this statute would be invoked more frequently, and prove more effective as a deterrent, if the term "obscenity" were defined in it. With this in mind, it might be helpful to add a few sentences saying that for the purpose of this statute, "obscenity" means what the Supreme Court said it meant in the *Roth* and *Memoirs* cases.

You will no doubt recall that, in *Roth*, the Court held the test of obscenity to be "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest."

This definition was elaborated on in *Memoris*, in which the Court decreed that material could not be regarded as obscene unless three elements coalesced: ". . . (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value."

2. I am considering, also, adding language to the statute which would say that the local United States Attorney, in contemplating action under Section 1464, would first consult with an advisory board consisting of leading citizens in the community. The members of this board will have been appointed by him. Among the members (we could get more specific at the time we are drafting this bill) would be persons representing the schools, churches, synagogues, the medical profession (including clinical or other psychologists), organizations concerned with the protection of civil liberties and other individuals chosen at large from the community and reflecting, hopefully, a cross-section of the community. This board would consider complaints received by the United States Attorney and recommend to him steps that might be taken to abate such complaints. The Board could also assist the United States Attorney in helping to conciliate complaints, as an alternative to the prosecution process.

3. My primary interest at this time is in commercial radio stations that are broadcasting questionable programs. Because commercialism is a factor, I would like your opinion on whether the "pandering" principle, as enunciated by the Supreme Court in the *Ginzburg* case, might be applicable here and perhaps serve to strengthen Section 1464.

4. I would like to know, too, whether the Court's ruling in the *Redrup* case might be adaptable to Section 1464. This held that a determination of obscenity would be more readily made where explicit sexual material has been thrust upon persons who do not wish to see or hear it—which is what happens, obviously in so many radio broadcasts. The Court suggested in *Redrup* that it would sanction prohibitions applied to prevent "an assault upon individual privacy . . . in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it." While it is said frequently that those objecting to radio programs need merely turn them off, I am certain you would agree with me that this is too glib an answer—and hardly a remedy, if the injury is to the public-at-large, rather than to the sensibilities of a few complaining individuals.

In addition to these amendments to Section 1464, I would appreciate your drafting a second piece of legislation for me. On Page 68 of the Report of the Commission on Obscenity and Pornography (September, 1970) you will find a suggested statute which would permit authorities to go to court and obtain declaratory judgments and/or injunctions in their efforts to cope with obscenity. Under such a statute, a United States Attorney could obtain a court determination of whether material is obscene before going forward with a *civil action*, in which the goal would be obtaining a cease-and-desist order against distribution of the material, violation of which would be punishment through contempt-of-court proceedings.

You will note that the Commission's suggested statute contains the following language, which I would like to see incorporated in the bill you prepare for me:

"No restraining order or injunction of any kind shall be issued restraining the dissemination of any work on the ground of its obscenity prior to the completion of the adversary hearing required by this subsection. Any defendant may assert a right to the trial of the issue of obscenity by jury in actions brought pursuant to this section."

I would appreciate hearing from you soon, and I am looking forward to members of our respective staffs getting together to draft these two bills.

Sincerely,

James V. Stanton,
Member of Congress.

THE GREAT MILITARY RIP-OFF

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug), is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today's edition of the Washington Star-News carries an excellent column by Frank Getlein entitled, "War-We-Win, Peace-You-Lose." Mr. Getlein poses a question which to me is one of the central issues presented by Mr. Nixon's 1974 budget: if Richard Nixon is such an outstanding man of peace, why is he proposing a $4 billion increase in the military budget while slashing expenditures for nearly every decent social program ever enacted in this country?

That is the question, and without further adieu, I insert the text of Mr. Getlein's column:

WAR-WE-WIN, PEACE-YOU-LOSE

(By Frank Getlein)

Sooner or later President Nixon is going to have to put up or shut up about being the biggest boon to peace since the Creation of the World, or whatever the current formulation says.

According to the new budget, it isn't going to be sooner.

The President never tires of telling us, and his flunkies, valets-de-chambre and plugo-la-watchers tire even less of telling us that he is the Man of Peace, he has gone on Journeys for Peace, and he has brought about a Generation of Peace.

As a result of all this activity for Peace, the military budget for the new year has to go up some four billion bucks.

In their innocence the American people and their elected Congress had the vague notion that when a war stopped, military expenses went down.

It now appears that practically all other expenses will go down, but military expenses will go up as a result of the Blessed Peace he hath wrought in Vietnam, it says here.

Clearly, in times of peace, the country can afford to spend less money on education, less money on feeding the hungry and healing the sick, less money on practically everything that makes the good life possible. The only thing we can afford to spend more money on in time of peace is war.

According to the budget, the old folks, retired from working by law at one remove or another, will now spend themselves swiftly into bankruptcy should serious illness—such as the illness of being old—strike them. The money that used to help them through Medicare and Medicaid must now be used to pay for the continuing cost overruns of industrial geniuses like the new manager of the budget, Roy L. Ash, whose fangs are already closing into the Treasury flanks for a healthy overrun rung up when he was the boss of Litton, one of the great overrun military industries of our time.

The circumstances were wildly different, to be sure, but that last time the world was treated to the same combination of triumphant peace on the one hand and desolation on the other, and military super-budgets maintaining both, was at the hands of the first Roman Emperor, Augustus, of whom it was written. He has made a desert and called it Peace.

The theory of inflated military expenditures in honor of Peace is simple and even superficially plausible until you think for a moment of the inevitable results.

It goes like this: In time of actual, shooting war, military budgets are strained to the breaking point to support the war. The Christmas bombings of Hanoi alone cost us untold millions—and we are not talking about the cost in the good opinion of the Swedish premier and the Pope of Rome, those Comsymps, we're talking about hard, so to speak, cash.

Since those funds, belonging to the military by right of congressional seniority, big expenditures in key congressional districts and commissions as general officers for key senators, have been squandered on plain old fighting, they must now be made up for out of the peacetime budget.

Since all money in the budget has to come from somewhere, this can only come out of the heads of would-be students, out of the mouths of the hungry and out of the health of the aged.

Plausible enough in pure mathematics, perhaps, of the kind practiced by Mr. Ash. But the theory is appalling when you start thinking of what it really means.

What it means is that no matter what, in peace or war, the only way the military budget can go is up. Anything else can go down or cease to exist altogether, as is the intended fate of any budgetary compassion left over from Lyndon Johnson. But the cost of war, in peace as in war, can only go up and up and up—forever.

This is by far the most serious budgetary and social problem facing this country and the country is hardly aware of it. It is more serious than whether a welfare mother stays home to take care of her children instead of getting a job. It is far more serious than the dread socialistic possibility of some old-timer somewhere getting a free set of choppers or specs.

In the meantime, the military fiscal theory of war-we-win, peace-you-lose, raises the question of whether this country can afford peace in Vietnam. The military costs are too high.

ANNOUNCING HEARINGS ON THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I would like to announce that Subcommittee No. 5 of the Committee on the Judiciary has scheduled public hearings on legislative proposals relating to the Law Enforcement Assistance Administration.

These hearings will begin on February 28, 1973, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their request to the Counsel to the Chairman, Committee on the Judiciary, U.S. House of Representatives, room 2137, Rayburn House Office Building, telephone (202) 225-7709.

MONTANA STATE SENATE URGES RESTORATION OF RURAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER), is recognized for 10 minutes.

Mr. MELCHER. Mr. Speaker, the administration's actions in dismantling some of our most important agricultural programs must be overturned by the Congress. The Agriculture Committee has passed a bill to make it mandatory to reinstate REAP, the basic conservation program for the country. This week new legislation to restore emergency FHA loans is being considered by our Agriculture Committee and Chairman POAGE has set hearing dates later this month for consideration of REA loans.

The Montana State Senate, on January 26, adopted a significant resolution urging the restoration of these programs. I feel that this action should be called to the attention of my colleagues who soon, I trust, will be confronted with legislation to reverse the administration decisions. This clearly shows the feeling in Montana.

The resolution follows:

SENATE RESOLUTION No. 4

A Resolution of the Senate of the State of Montana urging the President of the United States to restore funding of Federal Rural Development Programs vital to the economy of Montana

Whereas, providing for greater development of rural America remains one of the most crucial domestic needs facing our Nation, and

Whereas, action by President Nixon would terminate various federal rural development programs such as United States Department of Agriculture's Farmers Home Administration Disaster Loan Program, the Rural Environmental Assistance Program, the Water Bank Program, wheat and feed grain reseal programs, loans for grain storage, and Rural Electric Administration Two Percent (2%) Loan Program for rural electric and telephone cooperatives, and

Whereas, the very rural nature of Montana makes all of these programs of the utmost importance to the economic strength of our state, recognizing that practically every citizen has either directly or indirectly benefited from these programs, and

Whereas, these are social as well as economic programs, designed to assist rural America in providing the food and fiber which is the real economic strength of this or any nation, and

Whereas, this action subverts the intent of public policy declared by Congress, now, therefore, be it

Resolved by the Senate of the State of Montana: That the 43rd legislative assembly respectfully urges President Richard M. Nixon to restore funding of all the aforementioned rural development programs, and

Be it further resolved, that in addition to President Nixon, copies of this resolution be forwarded to Senators Mike Mansfield, Lee Metcalf, Herman E. Talmadge, George Aiken, Milton Young; Congressmen Richard Shoup, John Melcher, Mark Andrews; and Secretary of Agriculture, Earl Butz.

TRUE FREEDOM OF THE PRESS ESSENTIAL TO OUR WAY OF LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MITCHELL), is recognized for 10 minutes.

Mr. MITCHELL of New York. Mr. Speaker, the public interest in the free flow of information in an open society is of such great and overriding consequence as to demand our continuing attention to make certain it is safeguarded. When necessary, and I believe that the events of the past months involving court decisions and the jailing of newsmen make it abundantly clear that the time is now, we must take action to refortify what has always been one of the strongest cornerstones in our society—the right of those engaged in bringing information to the public to operate in a free and unfettered atmosphere.

That right has been jeopardized and it is now clearly the responsibility of the Congress to take the action necessary to eliminate that jeopardy.

As one who has an abiding faith in the American people and their ability and propensity to make sound judgments when the facts are at hand, I feel strongly about the many advantages of promoting the free flow of information to the public. I am convinced that true freedom of the press is essential to the preservation of our way of life.

Today, I am joining in the sponsorship of legislation to assure the free flow of information to the public. I do so committed to the proposition that we must continue to have a government of, by and for the people, not only in theory, but in fact.

The measure that I am today introducing is precise in its language. It says that a person connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required to disclose before the Congress or any Federal or State court, grand jury or administrative entity any information or written, oral or pictorial material or the source of that information or material procured for publication or broadcast.

We must protect the right and respect the determination of newsmen to protect their sources. If we fail to do so, many of these sources will soon disappear and the ultimate effect will be felt by a people who will be forced to operate with less information.

I recognize that there are differences of opinion with respect to what should constitute an effective and realistic free flow of information statute. The question is do we provide absolute immunity for our newsmen or do we attach certain qualifications to that immunity. I believe that in the best interest of all—the newsmen and the society we are seeking to preserve and strengthen—that some qualifications are in order. Once again, the measure that I am introducing is precise in its language. It says that the protection guaranteed in the measure can be divested when it is proven conclusively "by clear and convincing evidence that, first, there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of the law; second, has demonstrated that the information sought cannot be obtained by alternative means; and third, has demonstrated a compelling and overriding national interest in the information."

Mr. Speaker, this is a matter of great importance. It involves a problem national in scope and long-range in implication. If we, in the Congress, are to be responsible, we must be responsive. I am encouraged by the apparent determination of the Committee on the Judiciary to give this matter the very careful and analytical attention it deserves and I am optimistic about the chances of an enlightened body approving a measure that will serve the best interests of all the people.

RULES OF EVIDENCE FOR FEDERAL COURTS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, today the House Judiciary Committee began hearings on new rules of evidence for Federal courts submitted to the Congress by the Supreme Court on November 20, 1972. In the past the Congress has casually allowed such promulgations of the Court to go into effect without dissent. This time the proposals are too far reaching to allow us this luxury. Close examination of these rules, followed by appropriate congressional action is necessary.

We constantly hear that our prerogatives are being threatened by the expansion of Executive power. The encroachment of the judiciary upon the Congress is equally dangerous. Therefore I am introducing now two bills to insure that congressional rights are maintained in legislative matters. We must not abdicate our responsibility.

This morning I appeared as a witness at public hearings before the Committee on the Judiciary. The following is the text of my testimony at that public hearing:

TESTIMONY

(Representative Bertram L. Podell before Committee on the Judiciary, U.S. House of Representatives, Feb. 7, 1973)

Mr. Chairman, the Advisory Committee on Rules of Evidence, appointed by Mr. Chief Justice Warren in March, 1965 under the auspices of the Judicial Conference of the United States, has submitted to Congress its Proposed Uniform Rules of Evidence for all United States Courts and Magistrates. The rules go into effect in 90 days and become binding on the courts unless they are rejected by Congress.

That all-or-nothing-at-all proviso in the legislation enabling the Court to set rules is a legislative oversight. I do not believe, nor do I think that Congress intended when the enabling legislation was adopted, that this body be given only 90 days in which to accept or reject a voluminous set of far-reaching changes that took over seven years to draft.

A reading of the proposed rules changes lends even more credence to that argument. This proposal sent to Congress by the Supreme Court is a lengthy document entitled "Rules of Evidence," along with changes in the rules of civil and criminal procedure. Neither the enabling statute, nor its legislative history, suggests that the Judicial Conference has the right to promulgate new rules of evidence.

Mr. Chairman, I suggest that Congress alone has the right to set rules of evidence or to delegate that authority by specific acts of Congress. Congress first asserted its authority to prescribe the law to be followed by the Federal courts in the Rules of Decision Act of 1789. I do not believe that this attempt to usurp that power should go unchallenged.

There has been great debate among the legal fraternity as to whether the Supreme Court even has the authority to promulgate such rules. In its various Enabling Acts, this Congress has given to the Supreme Court the right to promulgate rules of practice and procedure for our Federal courts. Many distinguished members of the Bar, including Associate Supreme Court Justice William O. Douglas, question whether rules of evidence are by their very nature procedural, in the sense of determining the conduct of trials, or whether they are instead substantive, in that they go to the very right that is being litigated in the courts. Substantive rights are clearly beyond the purview of the Supreme Court's rule-making power; this the enabling statutes make clear.

The effects of these new rules upon our system of justice could be disastrous. Rules of evidence determine whether a case is won or lost. They determine what testimony or documents a litigant can present in support of his case or defense. These rules will replace the common law evidentiary rules which are currently employed by our courts, rules which were developed over a period of centuries of application and constant refinement. The far-reaching consequences of these rules make it incumbent upon us to subject them to a detailed, searching inquiry. We cannot allow them to go into effect without first determining what the consequences of them will be on our courts and on our people. Although the new rules are the work of eminent jurists, scholars, and lawyers, most members of the Bar and other affected groups are unfamiliar with them, as are most members of Congress.

Mr. Chairman, let me highlight just a few of the far-reaching changes proposed in the document before us, and what it will mean if the changes are not rejected.

1. The right to know: The proposed rules establish a new "official information" privilege. In light of the controversy surrounding the Pentagon Papers, Congress must decide whether it wants to allow the government to have an increased power to classify documents. This proposed privilege could be claimed by any executive department or any of its inferior officers on the grounds of "national interest." There need be no showing that the national security would be damaged if the privilege was disallowed. This seems to me to be in direct conflict with the Freedom of Information Act, because it enables the government to keep from the public anything it considers to be not in the "national interest." The ramifications of a privilege covering this ill-defined term must be closely studied, or 1984 will be that much closer.

2. The elimination of the doctor-patient privilege: This ancient privilege protects the confidence of statements made by a patient to his doctor in the course of medical diagnosis or treatment. The privilege is essential if citizens are to receive the best medical treatment available, for often people will reveal certain facts about themselves, facts which may be vital to diagnosis or cure, only if they know their confidences will be protected. That means that the most intimate and private conversations between a patient and his physician could be forcibly revealed in court. This specific rule is opposed by the American Medical Association on the grounds that it would detract from the quality of medical care available to patients and thus limit the kinds of service a doctor could make available. It could open doctors to harassment and their records to public view. Patients may be reluctant to discuss such problems as sex, venereal disease, adoption, bastardy, epilepsy and so forth. In addition, forcing a doctor to reveal the confidences of his patients would be in violation of the Hippocratic Oath.

3. Admission of heresay evidence: This rule change would deny us the Constitutional right to confront our accusers. Third party testimony damaging to a defendant could be admitted into evidence, thereby denying the defendant the right to cross-examine. Simply put, the new rule would give common gossip standing before the courts in place of hard evidence and hard testimony. This change is revolutionary.

4. Husband-wife privilege: The new rules eliminate this bastion of privacy in all civil cases and in criminal cases under the Mann Act (procuring for prostitution across state lines). Again the principle of a confidential relationship is attacked. When is a confidence not a confidence?

5. Newsman's privilege: The proposal now before us has no rule giving privilege to newsmen. Taken with other suggested changes here, it could have a gross effect on a newsman's freedom. For example, in the case of a reporter charged in a state where he is protected by a "shield" law, the outcome of his case may well be decided by whether he is tried in state or federal court.

6. Impeachment of witnesses: New rules concerning the impeachment of witnesses, which could revolutionize the conduct of testimony in our courts, and the apparent effect which these rules will have on the evidentiary rules of the states, must be considered.

Under the present Rule 43 of the Federal Ruls of Civil Procedure, Federal courts must look to state as well as Federal rules in determining whether evidence is admissible. Under the proposed rules, only the Federal evidentiary rules will determine admissibility. This will have a profound effect on the outcome of litigation under diversity jurisdiction. Residents of different states with more than $10,000 in controversy between them may bring suit in a Federal court. The litigants also have the option of suing in a state court. As presently constituted, the rules are designed to provide the same result in most situations, whether the case is heard in Federal or state court. If these rules go into effect, the results will be different, for the courts will be applying different rules of evidence. This will encourage forum-shopping. Litigants will race to the courthouse to file suit first in the court with the evidence rules which they feel most favor their case.

Our courts are already faced with serious delays in hearing suits. Further delays almost surely will result if litigants try to have suits transferred from state to Federal court or Federal to state court, because they feel the rules in one court will guarantee more favorable evidentiary treatment. Situations such as this could cause great confusion and a further breakdown of our judicial system.

One of the problems which will result if Congress does not determine the limits of the Supreme Court's rule-making power is that a challenge to the authority of the Supreme Court to issue such rules could only be made in the courts. The problem with this, of course, is that the Supreme Court has already determined that it has the authority. The Court will, therefore, be required to decide the limits of its own authority. In addition, it is circular for the Court, which has already decided it has the power, to once again have to decide whether it has the power, when that power is challenged in the courts. It amounts to a determination that, because the Supreme Court has issued the rules, it therefore had the power to issue the rules. Thus, a person convicted under the new rules who appealed to the Supreme Court that he was convicted on inadmissible evidence, might find the Court sitting in judgment of itself, deciding without legislative recourse that the rules it had sanctioned were in fact legal.

What does all this mean? It means that if these rules—set under this procedure—are allowed to stand, the Supreme Court will have established the right to make whatever changes in our court system it sees fit.

I contend that the changes proposed in this document are so profound and so far-reaching that many of them would never be approved by Congress in the form of a law. They are changes which neither Congress would accept, nor the President sign into law, if their full implication were understood.

It means that if these basic changes in the law are allowed to stand on the recommendation of the Judicial Conference, with the imprimatur of the Supreme Court, then our next message from them could be an announcement of the suspension of habeas corpus, or worse.

The enabling statute, as presently written, does not prescribe the procedures to be followed by Congress in order for it to reject these rules, and it does not even say that Congress *can* reject the rules. If these proposals are allowed to go into effect, with Congress not having the authority to challenge them, they will constitute out-and-out judicial legislation, in violation of the Constitution. The Constitution gives Congress the sole authority to pass laws. For Congress to allow another branch of Government to take over its prime function would amount to a total abdication of authority, and the violation of its sacred trust. In that light, the present Enabling Act may well be unconstitutional, for it delegates the authority to enact legislation, with no provision for Congressional rejection of the enactments of the Court.

This document, on the heels of the current assault on Congress' power of the purse, contains what is perhaps the most open and most concerted attack on the powers of Congress in history.

If, through inaction, indifference, or lack of understanding, we allow our authority to be further eroded, and our powers further diminished, we will be desecrating a holy public trust, and we will have no one to blame but ourselves.

In view of that, I will today introduce two bills designed to correct the situation. The first will extend the time given Congress to consider the matter, from the 90 days set in the current statute, until such time as the rules may be specifically approved by Congress.

The second bill amends the Civil enabling statute, section 2072 of title 28 of the U.S. Code, and the other enabling statutes, to eliminate the negative aspects contained in the Code. As amended, the enabling legislation would require that such basic changes as those we are considering here today be approved by both Houses of Congress and signed by the President before they can become operative. Presently, the rules become binding automatically in a specific period of time if Congress fails to act.

Mr. Chairman, that is the conclusion of my statement. Thank you for your consideration and for your interest.

LEGISLATION TO EXTEND FRANKING PRIVILEGES TO SURVIVING WIVES OF FORMER U.S. PRESIDENTS

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to extend franking privileges to the surviving wives of former Presidents.

On the first day of the 93d Congress, the distinguished chairman of the Post Office and Civil Service Committee, Mr. THADDEUS DULSKI, of New York, and the distinguished second-ranking minority member of that committee, Mr. EDWARD DERWINSKI, introduced this same bill.

This bill would apply to Mrs. Bess Truman, Mrs. Mamie Eisenhower, Mrs. Jacqueline Kennedy Onassis, and Mrs. Lady Bird Johnson.

I think that it is fitting that after the recent passing of two of our beloved Presidents, President Truman and President Johnson, that we extend this expression of gratitude to those gallant women who also served in the White House.

No one would disagree that each First Lady did much for the country during her stay in the White House.

We could spend hours and hours discussing how each First Lady added to the quality of American life.

Mr. Speaker, I ask that the Members give their support to the bill that I introduce today.

JUDICIAL LEADER RETIRES

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, recently a judicial great in the State of Texas stepped down from the bench in retirement.

The Honorable Robert W. Calvert, chief justice of the Texas State Supreme Court for the past decade, was a rare and truly self-made man.

Born to a tenant farm family, he spent almost 10 years of his young life at a State orphanage, then went on to work his way through college and law school, finally to be elected to the highest judicial seat in the State.

In between, he entered law practice, served as a State legislator, was elected speaker of the Texas House, and served as a county attorney and as chairman of the State Democratic Executive Committee.

I have known Judge Calvert for many years. Seldom has any State been so fortunate in its choice of a chief justice. The compassionate wisdom by which Judge Calvert was known will be long remembered and much missed.

I join many Texans in wishing him well in his retirement.

An article from the Austin American-Statesman tells about Judge Calvert, and I should like to reprint it here as follows:

CALVERT PLANNING RETIREMENT

Chief Justice Robert W. Calvert announced he would retire upon or before the last day of his present term Dec. 31, 1972.

"This day ends 21 years of service for me as an Associate Justice and Chief Justice of the Supreme Court of our State, and it seems an appropriate time to announce that I will not be a candidate in 1972 for re-election as chief justice," Calvert said.

"At the end of my present term on Dec. 31, 1972, I will be 67—nearly 68 years of age, and according to standards I have set for myself, it will be time to retire.

"I make no commitment to remain in my present office until the end of my term. I may decide to retire at an earlier time."

He spent his childhood in the State Orphans Home at Corsicana, where he got up, dressed, ate, studied and played by the ringing of the bell.

Calvert said in an interview some years ago the biggest lesson he ever learned was to do things when a bell didn't tell him he had to.

Out of the orphanage, Calvert suddenly found himself in the University of Texas as an 18-year-old freshman on his own.

Calvert was elected to the state's top judicial post in 1961 after serving as an associate justice since 1950.

"I thought, oh, boy, this is for me," Calvert said in the interview. "No bells, nobody telling me what to do. Fortunately it took just about one term to knock that out of my head. I buckled down and got to work when I realized every person is subject to discipline one way or another."

Calvert entered the Corsicana Home when he was eight years old, and remained until he graduated from its high school in May, 1923. Born in Giles County, Tenn., Feb. 22, 1905, he was the son of a tenant farm couple, Porter and Maude Calvert. After his father's death he lived with his maternal grandparents until he came to Texas with his mother in the summer of 1913.

Between 1923 and 1931, when he graduated from the UT Law School, Calvert ran an elevator in the Capitol, did clerical work and was a night watchman in the State Land Office.

Calvert entered law practice in Hillsboro and later served six years as a state legislator from Hill and Navarro counties, being re-elected twice without opposition. He was elected speaker of the House in 1937 and presided over the House during an important period in Texas state government, when numerous changes and developments were under way.

He was elected county attorney of Hill

County in 1942 and was re-elected in 1944 without an opponent. He was elected chairman of the State Democratic Executive Committee in the September state convention in San Antonio in 1946, and served one term, retiring voluntarily from that office in 1948.

TRANSPORTATION STRIKE LEGISLATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, once again I am introducing a bill to help solve the serious problem of crippling strikes in the rail and air industries. I hope this is the last time I do. I hope we see passage of some kind of remedial legislation in the 93d Congress. As we all know, we face a possible strike on the Penn Central by tomorrow.

For over 6 years, I have authored legislation that offered new approaches for settlement of transportation strikes.

Mr. Speaker, we are all resolved that the Railway Labor Act must be made to work better. There is a growing consensus that it needs an overhaul. I have to agree with a former Department of Labor official who calls the present Railway Labor Act "an incredibly convoluted procedure." He went on to compare this act with a Rube Goldberg device. The only difference is a Rube Goldberg machine always worked in the end. Unfortunately, the Railway Act keeps on breaking down.

This 1926 act has been invoked 100 times since World War II, nine times since 1963. Congress has had to step in after the cooling off machinery of the act has expired and failed to produce a settlement.

In 1966, Congress was in the process of ordering striking machinists back to work in a dispute with the union and five major airlines when the parties reached a settlement ending a 42-day old strike. In 1967, Congress acted three times to deal with a nationwide rail strike, the first strike in 20 years. Two actions postponed the strike, the third ended the strike after a 2-day walkout. This problem involved the shopcraft unions versus the railroads.

In the spring of 1970, Congress headed off a rail strike first by postponing the strike for a month or so, and later, by enacting legislation that imposed a 17-month dispute between the management and four shopcraft unions. In December 1970, Congress was beat to the crossing. We tried to avoid another strike by enacting an 81-day moratorium, but action came too late to stop a brief walkout. This dispute also involved the shopcraft unions and the railroads.

In May of 1971, a short strike prompted Congress to approve emergency legislation that sent 13,500 signalmen back to work and ordered the railroads to give the workers an interim 13.5-percent wage increase. In November of 1971, this dispute was settled.

Of course, we all remember the west coast dock strike of 1971–72.

My point is, and I want labor people and management people to note this, that this country now has a 535-man arbitration board; 435 Congressmen and 100 Senators. Believe me, a 535-man arbitration board is no way to run a railroad.

The Railway Labor Act is old and rusty. It has lost much of its muscle. As a result, collective bargaining has broken down. The Railway Labor Act does little if anything to encourage management or labor to settle their differences because, as a matter of practice, neither side begins to bargain until a Presidential Emergency Board is appointed. Even then, the bargaining is suspect because each side makes extreme demands because they expect the board to strike a compromise.

In my opinion, a legislative overhaul of the Railway Labor Act is the only solution.

Mr. Speaker, for the last 7 years, I have felt like a man crying "wolf." I have introduced and reintroduced the "arsenal of weapons" approach to legislation and I have complained that a strike was coming, and nobody was listening.

We need legislation for several obvious reasons:

First, collective bargaining is not working.

Second, the Nation's economy is so shaky that we simply cannot afford another nationwide tie-up.

And third, the Railway Labor Act is as antiquated as a 1929 Dusenberg and not nearly as classic.

In candor, I must say that the only bill which could ever pass the Congress would have to be a bill which would have provisions which are distasteful to both labor and management.

Also, if we are to be completely realistic, we must consider all the factors which have and will contribute to delay in getting legislation passed: the disagreement between labor and management over compulsory arbitration, the calm which always follows the passage of emergency legislation, and the consequences of the final court decision on selective strikes. All these things add to the delay. All these things take the heat off for action.

Mr. Speaker, I want to point out that I have discussed my bill with members of the labor committee of the American Bar Association. This labor committee has drafted strike legislation in the transportation field and the ABA has approved the proposal. The ABA proposal and my bill are not too far apart.

The bill amends section 10 of the Railway Labor Act—that section which authorizes the National Mediation Board to notify the President when a dispute of certain seriousness occurs. The President, then, may create an Emergency Board—which, in effect, is another mediation board—to consider the dispute and try to effect a settlement.

If the Emergency Board, under present law, fails then the parties are free to strike.

After these procedures are exhausted, there is no remedy available, other than congressional intervention. The parties are free to strike or lockout.

Under my bill, when the President is notified by the National Mediation Board of a dispute, he immediately may proceed under either of two broad alternatives: First, if he determines that the dispute is not one of immediate urgency, he may proceed through another mediation board, termed an Emergency Board. On the other hand, second, if he determines that the national defense, health, or safety is imperiled, he may immediately proceed under remedies involving a special board—arbitration; limited seizure of the concerned carriers; or a congressional remedy in which the President specifically recommends a settlement, or any combination of these three items.

The bill provides that if the Emergency Board route is completed, then the dispute may proceed through the remedies of arbitration, seizure of congressional relief, simply on the standard that the dispute threatens to interrupt essential transportation service in a given area. It is not necessary that a "national emergency" be found in order to reach the final three alternatives, and this provision assures that the flow of procedures will not become logjammed as they have done in the past.

The approach of my bill, in broadest terms, is to lengthen the process for reaching a voluntary settlement, and give the President the widest possible range of alternatives for dealing with a serious dispute. It is called an "arsenal of weapons" procedure.

It gives him authority to take any of several alternatives at each step along the way, and it generally allows him to pick and choose between the alternatives, or to select a procedure incorporating several aspects of the choices involved.

It even allows him to take no action, if he so desires, leaving the dispute open to normal bargaining and strike remedies.

To respond to any kind of situation, the bill gives the President alternatives which are or might be highly onerous to both sides.

If it is deemed that the parties have not bargained in good faith, the President might ultimately select a remedy involving a limited form of Government seizure of the carrier involved.

In this way, the parties will remain uncertain of the method of any final Government intervention, and with distasteful alternatives resting in the discretion of the President, neither labor nor management would want to appear to be the unreasonable bargaining party.

This is the one way to restore true collective bargaining and this is the way to promote voluntary settlements between the parties. This may be the best way to save collective bargaining.

I would like to say a word at this point about my including a provision for seizure in the bill. First, I realize that it is a very extreme measure, and that in our system of government, its place is found, if ever, only in the narrowest of instances.

As you know, seizure was not included in the bill I first introduced in 1967. As you also know, we saw absolutely no action on that 1967 measure. It did not budge an inch—even though it did serve as the ad hoc remedy for the 1967 rail strike.

The House Interstate and Foreign

Commerce Committee for several years new has had bills which take either of two approaches for solving rail and airline disputes. Either they proceed only with some form of compulsory arbitration, or they utilize only a form of seizure.

It is clear now that this is a lopsided approach and one which does not have a chance to run the legislative gauntlet. There must be a balance built in the law, and unfortunately, it seems that balance in a choice of procedures approach, calls for alternatives which are truly repugnant to each side.

This is the method by which the public makes its voice heard. And this is the means for assuring that neither party makes unreasonable demands or fails to bargain.

Some critics have said the multiple choice of procedures gives the President too much of a burden and too much authority. Frankly, I think one of the greatest attractions is the varied choice of procedures. The Presdent is not bound to take extreme steps when the dispute does not warrant it, and throughout the negotiations, both parties are left in the dark as to whether there will be any intervention at all—and this I believe is conducive to good faith bargaining—and finally, if intervention is needed, the President may tailor the remedy to fit the need.

Mr. Speaker, there were several bills introduced in the 92d Congress proposing solutions for crippling transportation labor work stoppages. My bill is just one such approach. And I am willing to consider amendments to my legislation which would incorporate most or all of the features of the other bills.

For example, an alternative is missing from the arsenal I propose. This is the selective strike. The courts have ruled that a selective strike is legal in the railroad industry where bargaining is done on a national basis. However, a lot of questions were left unanswered by the Supreme Court's decision which upheld the court of appeals in allowing selective strikes.

A big question is: What percentage of our railroad system can we allow to be inactivated by a dispute and still protect the public interest of the Nation? In looking for the legal test, should the question be limited to the effect on a particular region or should we consider the effect, in the entire Nation?

Also, should the selective strike be allowed to swing into play before one of the other alternatives in the arsenal of weapons approach is utilized? If we make selective strike procedure required first, then we may never see a settlement of any strike.

Actually, a selective strike does not lead to settlement of the central dispute between labor and management. It does allow labor and management to slash at each others' pocketbook while forcing the Government to stand by powerless. Powerless, that is, until a national emergency is declared. Selective strike is a weapon; it should not have priority or legal sanction above all other choices.

Mr. Speaker, strikes in the transportation industry, particularly the railroad industry, are different from other national strikes. A large segment of our society depends on the railroads to haul the stuff that commerce is all about—everything from food to building materials to machinery and so on. During a rail strike, raw materials and finished products alike sit idle. Eventually, so do the consumers.

The point is, Mr. Speaker, a decision ultimate must be reached: How long can a selective strike be allowed to continue? I think there is obviously a point in time when the President must say, "That's enough," to both labor and management. At this point, the President must look for another alternative in his arsenal of weapons.

Another alternative, which is not in my bill, is the "last offer" approach. A bill embodying this alternative was introduced by one friend and colleague, the Honorable JAMES HARVEY, in the 92d and 93d Congress.

One alternative could be binding arbitration or the last offer approach. This approach is covered in the legislation offered by our friend and colleague, Honorable JAMES HARVEY. His bill allows the President flexibility to move from a selective strike to the last offer alternative.

As we range through the possible legislative solutions presented we must consider the last offer alternative. I have no real objections to the last offer approach other than to say I would prefer some other approaches—like the mediation to finality suggestion over this particular solution. Here again, in the arsenal of weapons approach, you could include both approaches. Under either system, a third party is, in effect, writing a contract for the disputing parties. For the last offer approach, a board makes the final decision. In effect, the last offer approach is binding arbitration. Under mediation to finality or binding arbitration, a board again is charged with the responsibility of working out a compromise.

Regardless of the final form of permanent legislation, I think the main point is that something should be on the books to handle these disputes. Too often, Congress is called on to select a means to settle disputes, and it invariably works out that one side or the other feels they have been wronged. That type of action hardly encompasses the goals we seek—to avert strikes while at all times preserving collective bargaining.

Mr. Speaker, legislation to resolve strikes in transportation cannot be enacted soon enough.

Reading the newspapers, I note that many are predicting a strike on the Penn Central tomorrow.

A strike on the Penn Central would cripple the east coast. A strike on the Penn Central might also be the straw that breaks that railroad's back.

As it is, we are now faced with a situation that in past years we have had to pass legislation to order trainmen back to work. The outlook for similar legislation this time again faces us—and it merely treats the symptoms since it does not cure the disease.

Earlier enactment of my legislation, Mr. Speaker, could have possibly avoided these catastrophes.

Thus, I urge my colleagues to aid me in getting strike legislation passed this year.

THE WHITE HOUSE LISTENS

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, one of the great strengths of this democracy has been that every citizen can contact elected officials, even the President of the United States. The administration has often stated that it wants to hear from the people. Is this really true?

Read the experiences of two of my constituents, Mr. and Mrs. Henry E. Niles. They sought to record their opinions on the Vietnam war some several weeks ago. The following is what they experienced:

SIR: This morning about 9:15 I called the White House and asked for the office which takes public opinions. I had already prepared the following remarks:

I have called to register shock over the renewed bombing of cities in North Vietnam.

The position of the United States that South Vietnam is an independent country is, to say the least, very questionable under international law. To bomb North Vietnam back into the Stone Age is no credit to the United States.

This savage attack at the Christmas season, killing hundreds of civilians, is a barbarity unequalled since the days of Hitler and is unworthy of this great nation.

Once again the United States is defying much of world opinion.

As a loyal citizen committed to American ideals, I am ashamed of my country for violating its own principles of justice and humanity.

As a Quaker, I am ashamed especially that the President has not resigned from the Quaker group.

The President will be judged before the bar of history but the American people is losing the respect of millions in almost every portion of the world.

I phoned the White House, (202) 456–1414, and was given an extension which was answered by a man. The following conversation occured:

MCN. Is this the office which registers public opinion?

W.H. (White House). Your own or somebody else's?

MCN. My own.

W.H. What is your name? Where are you calling from?

(I gave my name and the City of Baltimore.)

MCN. I am calling to register shock over the renewed bombing of cities of North Vietnam. The position of the U . . .

W.H. Wait a minute, I cannot take that.

MCN. You said you registered public opinion. I am calling to state my opinion.

W.H. But you will have to put that in writing.

MCN. I understand the purpose of your office is to hear at first hand from citizens. I am a loyal citizen and I want to express my opinion.

W.H. You will have to write.

MCN. I understand this office has been taking public opinion for some time.

W.H. Yes, but as a public employee I am entitled to courtesy. I am a human being, too.

MCN. I am not discourteous to you as an individual. I am insisting upon my right as a citizen to inform the President that the United States is defying much of world opinion. This savage attack at the Christmas season . . .

W.H. Wait a minute you will have to write this so it is documented.

MCN. I am calling because this is urgent and a letter won't reach the White House for two days. This is a barbarity unequalled since the days of Hitler. . . .

W.H. If you don't stop, I will hang up on you.

MCN. I am ashamed of my country and as a Quaker I am ashamed that the President. . . .

(He hung up.)

MARY-CUSHING NILES.

SIR: About ten to twenty minutes after my wife's call I telephoned the White House and was connected with a man in the Message Center, possibly the same man. I said, "Would you be willing to record that I support the President in what he is doing in Vietnam?"

"Yes, sir," was the enthusiastic response, "May I have your name and address?"

"No," I replied. "And don't record that I support the President. I emphatically do not. I was merely testing as to whether you were accepting favorable messages and refusing critical ones. You are recording a damned false report of public opinion."

And I hung up.

As I reflect on these incidents I wonder whether the President is given each day a long list of the persons who called in with favorable comment and a short list, or none, of unfavorable calls. And what statistics may be given to the press? I wonder whether the White House personnel and advisers realize that millions of citizens are revolted by the inhuman bombing of North Vietnam, that million feel duped by the "peace is at hand" message of the weeks before the election, and that millions feel that in their eyes and in the eyes of many people throughout the world, President Nixon is ordering this country to act in as terrible and immoral way as Nazi Germany did.

HENRY E. NILES, of Baltimore.

BASIC OPPORTUNITY GRANTS

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, section 131 of the Education Amendments of 1972—Public Law 92-318—creates a program known as the "basic educational opportunity grant program." Put very simply, this program visualizes that each student attending an institution of higher education will be able to qualify for a basic educational opportunity grant, in an amount up to $1,400, less whatever contribution can reasonably be expected to come from the student and his family.

The Commissioner of Education is empowered to work out a formula, consistent with the act, for deciding what the student's family contribution should reasonably be expected to be. But, lest the Commissioner succumb to an all-too-frequent bureaucratic temptation and draft regulations wholly out of keeping with the act, he was directed to submit them to the Congress no later than February 1 of each year, and the law further provides that either House may, by passing a resolution of disapproval, prevent that formula from going into effect until the Commissioner has reworked it, taking into account the objections voiced in passing such a resolution.

Mr. Speaker, as chairman of the Special Subcommittee on Education, I have today introduced such a resolution of disapproval, and we have today scheduled hearings on the proposed formula at which Acting Commissioner of Education Ottina will explain his proposed formula.

I owe it to the Commissioner and to the higher education community which is very interested in these regulations to make one thing unmistakably clear.

I am not introducing this resolution because I now believe the proposed formula should, indeed, be disapproved.

I may well vote to table this resolution when the committee takes it up after the hearing record has been thoroughly digested.

But I do believe that when the law gives the House the duty to examine a regulation and gives it the authority to disapprove it, the committee of jurisdiction has an obligation to the legislative process to make the consideration of those regulations a very meaningful thing. It is not my intention to treat this oversight function as an empty formality. I believe that a resolution of disapproval ought to be introduced, that public hearings should be held, and that the subcommittee should act—promptly, to be sure, but positively. The resolution should be voted up or down on the basis of the record, and that the matter should not be left to speculation until the regulations become effective in the absence of congressional action.

Let me reiterate. I have looked at the proposed formula, and I am not aware of any flaw in it which makes it obviously in conflict with the will of the Congress. There are flaws, which have been pointed out to the Commissioner, and I hope they will be corrected. I hope, too, that we will be able to decide one way or another what will be done with these regulations prior to the end of February. It is for that reason only that I have introduced today's resolution.

TOO CIVILIZED FOR CAPITAL PUNISHMENT?

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, the High Court's 5-to-4 decision basically holding that in virtually all cases the imposition of the death penalty is unconstitutional as "cruel and unusual," flies in the teeth of society's need for the protection of the death penalty in horrible cases. What about Manson, for example, who deliberately slew by knife in her own home an 8-months pregnant woman whose pleas for the life of her living but yet unborn child were brutally denied? What about the person whose planted bomb in an auditorium kills 5,000 innocent citizens? What about planned assassination of a President of the United States? Or calculated poisoning over a period of months murdering a wife or husband?

There are situations that merit the death penalty in all but the minds of those who are opposed to it in principle and under any circumstances and for any crime, even the slaying of their own family. Happily, this is not the view of the great majority of Americans. I say, happily, because most of us want to be darn sure that anyone who deliberately plans such horrible criminal acts knows that, if he does so, he will pay for it with his life.

The Court's holding is all the more confusing because the Constitution itself in the fifth amendment explicitly refers to "capital cases," thus recognizing in its own words that there are cases for which the death penalty may be imposed. The word "capital" means subject to a penalty of "off with one's head."

And it does not help to argue that what the Court has held is that capital punishment may be imposed by mandatory sentence but not by jury recommendation. The misunderstandings and consequent opportunity for misconstruction persists and should be clarified by express constitutional amendment.

The realities of this unfortunate decision are that what members of the Supreme Court seem to be saying is that in this day and time we have become so "civilized" that capital punishment is barbaric. Justice Marshall makes this clear in his opinion referring to the decision as a "major milestone in the long road up from barbarism."

What about Manson's deliberate, brutal disemboweling of pregnant Sharon Tate?

What about the guards at prisons across the land who must be constantly exposed to inmates sentenced to life plus 99 years? What protection are these men to have, lacking any further penalty?

What about the fact that capital punishment for kidnaping plus death ended this terrible offense for the most part after Hauptman?

What about the indisputable fact that society is entitled to the deterrent of the prospect of capital punishment for certain terrible crimes? Let it not be claimed that it is not a deterrent, because whether it is or it is not it is impossible to know. Statistics are virtually meaningless. It is a good guesstimate that the Lord knows how many individuals have hesitated beforce planning murder, or kidnaping, or bombing from awareness that if they are caught they will be hanged, or electrocuted, or gassed.

Not a pretty prospect, not even a pleasant subject. On this we are all agreed.

But neither are the crimes against humanity and society that might have been committed but were not because of the prospect of the death penalty. Who knows how many, but we do know that crime is rising, especially crimes of violence. We need the death penalty in this country for a limited number of terrible crimes.

Congress should propose a simple constitutional amendment to the States for ratification providing that State legislatures may impose the death penalty, if they see fit, at the very least for cases involving the deliberate taking of human life.

And Congress should also be authorized to impose the death penalty for conviction of treason. Even this may be denied under the recent unfortunate and unnecessary judicial legislation by members of the one court of last resort in the United States from which there is no appeal.

It is too late now to argue about whether the decision is right or wrong for there is no appeal from the Supreme Court. The only answer to this needed public protection is a constitutional amendment. Congress should propose one without delay.

The amendment follows:

H.J. Res. 329

Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. In the case of any crime involving the deliberate and willful taking of human life, the power of a State or of the Congress to declare the punishment thereof shall include the power to impose and provide for the carrying out of the death penalty.

"Sec. 2. In the case of treason against the United States, the power of the Congress to declare the punishment thereof shall include the power to impose and provide for the carrying out of the death penalty."

LEAVES OF ABSENCE

By unanimous consent, leaves of absence were granted as follows:

To Mr. Price of Texas (at the request of Mr. Gerald R. Ford), for today, on account of illness.

To Mr. Pettis (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield, for 40 minutes, on February 8, 1973.

(The following Members (at the request of Mr. Bafalis) to revise and extend their remarks and include extraneous material:)

Mrs. Heckler of Massachusetts, for 10 minutes today.

Mr. Wyman, for 15 minutes, today.

Mr. Madigan, for 10 minutes, today.

Mr. Gerald R. Ford, for 5 minutes, today.

Mr. Horton, for 5 minutes, today.

Mr. Whalen, for 10 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Wyman, for 15 minutes, Thursday, February 8.

Mr. Mitchell, of New York, for 10 minutes, today.

(The following Members (at the request of Miss Jordan) to revise and extend their remarks and include extraneous matter:)

Mr. McFall, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. James V. Stanton, for 5 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mr. Melcher, for 10 minutes, today.

Mr. Annunzio, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Culver to extend his remarks immediately prior to the vote on passage of H.R. 2107, today.

Mr. Roush in two instances and to include extraneous matter.

Mr. Madden and to include extraneous matter.

Mr. Gross and to include extraneous matter.

(The following Members (at the request of Mr. Bafalis) and to include extraneous matter:

Mr. Findley in two instances.
Mr. McCloskey.
Mr. Peyser in five instances.
Mr. Whalen.
Mr. Derwinski in two instances.
Mr. Veysey in three instances.
Mr. Zwach.
Mr. Gerald R. Ford in two instances.
Mr. Wyman in two instances.
Mr. Brotzman.
Mr. Shoup in two instances.
Mr. Landgrebe in two instances.
Mr. Gilman.
Mr. Goodling.
Mr. Mitchell of New York.
Mr. Hudnut.
Mr. Bray in two instances.
Mr. Coughlin.
Mr. Broyhill of Virginia in two instances.
Mr. Horton.
Mr. Hosmer in two instances.
Mr. Rousselot.
Mr. Mallary.
Mr. Armstrong.
Mr. Railsback.
Mr. Symms.

(The following Members (at the request of Miss Jordan) and to include extraneous matter:)

Miss Holtzman.
Mr. Gonzalez in three instances.
Mr. Rarick in four instances.
Mr. Pepper.
Mr. Nedzi.
Mr. Kluczynski.
Mr. Pike.
Mr. Lehman in two instances.
Mr. Young of Georgia in five instances.
Mr. Reid in two instances.
Mr. Addabbo.
Mr. Brasco in two instances.
Mr. Carney of Ohio.
Mr. Biaggi in five instances.
Mr. Breckinridge.
Mr. Waldie in three instances.
Mr. Slack.
Mr. Annunzio in 10 instances.
Mr. Anderson of California in three instances.
Mr. Murphy of New York.
Mr. O'Hara.
Mr. Roybal.
Mr. Danielson.
Mr. Leggett in two instances.
Mr. De Lugo.

ADJOURNMENT

Miss JORDAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, February 8, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

383. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the impoundment of funds as of January 29, 1973, pursuant to title IV of Public Law 92-599; to the Committee on Government Operations.

384. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

385. A letter from the Secretary of the Army, transmitting a report on Department of the Army aviation personnel above the grade of major, covering the period July 1 through December 31, 1972, pursuant to 37 U.S.C. 301(g); to the Committee on Armed Services.

386. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 175-B, *the Nez Perce Tribe of Indians, Plaintiff*, v. *the United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

387. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for a change in the titles of the NASA Associate Administrator positions listed under level V of the Executive Schedule, and to add three more such positions to such Schedule; to the Committee on Post Office and Civil Service.

388. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on positions in the Immigration and Naturalization Service during 1972 in grade GS-17, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

389. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 9, 1972, submitting a report, together with accompanying papers and an illustration, on Bachman and Joe's Creek, Dallas, Tex., requested by a resolution of the Committee on Public Works, House of Representatives, adopted October 5, 1966; to the Committee on Public Works.

390. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

391. A letter from the Administrator of Veterans' Affair, transmitting a draft of proposed legislation to amend title 38, United States Code, to include the income of a spouse in determining entitlement of a veteran to pension; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 197. Resolution providing for the consideration of H.R. 3577. A bill to provide an extension of the interest equalization tax, and for other purposes. (Rept. No. 93–12). Referred to the House Calendar.

Messrs. WHITTEN and ULLMAN: Joint Study Committee on Budget Control. Improving congressional control over budgetary outlay and receipt totals (Rept. No. 93–13). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 195. Resolution providing funds for salaries for the staff of the Select Committee on Crime through February 28, 1973 (Rept. No. 93–14). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 3904. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ANDERSON of California (for himself, Mr. Roybal, Mr. Conyers, Miss Holtzman, Mrs. Chisholm, Mr. Symington, Mr. Brasco, Mr. Koch, Mr. Rees, Mr. Cronin, Mr. Danielson, Mr. Rangel, Mrs. Abzug, Mr. Hawkins, Mr. Mailliard, and Mr. Wolff):

H.R. 3905. A bill to allow use of highway funds for any transportation improvements necessary to avoid air pollution dangerous to public health, and to prohibit highway projects which may create air pollution dangerous to public health; to the Committee on Public Works.

By Mr. ANDREWS of North Dakota:

H.R. 3906. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 3907. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ASHBROOK:

H.R. 3908. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts:

H.R. 3909. A bill to amend the Tariff Schedules of the United States in order to change the customs treatment of certain woven fabrics of wool if products of an insular possession of the United States but imported into such possession as fabric for further processing; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Archer, Mr. Broyhill of Virginia, Mr. Burke of Massachusetts, Mr. Carey of New York, Mr. Clancy, Mr. Conte, Mr. Corman, Mr. Eckhardt, Mr. Fulton, Mr. Gibbons, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Karth, Mr. Koch, Mr. McFall, Mr. Madden, Mr. Morgan, Mr. O'Neill, Mr. Peyser, Mr. Podell, Mr. Rostenkowski, Mr. Stokes, and Mr. Waggonner):

H.R. 3910. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Ms. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Annunzio, Mr. Aspin, Mr. Badillo, Mr. Barrett, Mr. Bell, Mr. Bennett, Mr. Bergland, Mr. Bevill, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Bolling, Mr. Brademas, Mr. Brasco, Mr. Brinkley, Mr. Broomfield, Mr. Buchanan, and Mr. Burke of Florida):

H.R. 3911. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mrs. Burke of California, Mr. Burton, Mr. Byron, Mr. Carney of Ohio, Mr. Casey of Texas, Mr. Chappell, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Cohen, Mr. Collins, Mr. Conyers, Mr. Cotter, Mr. Coughlin, Mr. Crane, Mr. Cronin, Mr. Dan Daniel, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Delaney, and Mr. Dellums):

H.R. 3912. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Denholm, Mr. Dent, Mr. Drinan, Mr. Donohue, Mr. Downing, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Evans of Colorado, Mr. Fascell, Mr. Fauntroy, Mr. Fish, Mr. Fisher, Mr. Flood, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Frey, Mr. Froehlich, Mr. Fuqua, Mr. Gaydos, Mr. Giaimo, and Mr. Gilman):

H.R. 3913. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Goldwater, Mr. Gonzalez, Mrs. Grasso, Mr. Gray, Mrs. Green of Oregon, Mr. Gubser, Mr. Gude, Mr. Gunter, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Helstoski, Mr. Hicks, Mr. Hillis, Mr. Hogan, Mr. Holifield, Miss Holtzman, Mr. Horton, Mr. Howard, and Mr. Hudnut):

H.R. 3914. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Ichord, Miss Jordan, Mr. Keating, Mr. Kemp, Mr. Kluczynski, Mr. Kuykendall, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Lent, Mr. Long of Maryland, Mr. Long of Louisiana, Mr. Lujan, Mr. McCloskey, Mr. McCormack, Mr. McDade, Mr. McKinney, Mr. Macdonald, Mr. Madigan, Mr. Matsunaga, Mr. Meeds, Mr. Metcalfe, and Mr. Mezvinsky):

H.R. 3915. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Minish, Mr. Minshall of Ohio, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Myers, Mr. Nix, Mr. O'Brien, Mr. O'Hara, Mr. Owens, Mr. Parris, Mr. Patten, Mr. Pepper, Mr. Pike, Mr. Price of Illinois, Mr. Quie, Mr. Railsback, Mr. Rangel, and Mr. Rarick):

H.R. 3916. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Rees, Mr. Reid, Mr. Reuss, Mr. Rhodes, Mr. Riegle, Mr. Rinaldo, Mr. Robinson of Virginia, Mr. Rodino, Mr. Roe, Mr. Roncalio of Wyoming, Mr. Roncallo of New York, Mr. Rooney of Pennsylvania, Mr. Rose, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sarasin, Mr. Sarbanes, Mr. Saylor, and Mr. Scherle):

H.R. 3917. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mrs. Schroeder, Mr. Seiberling, Mr. Shriver, Mr. Sisk, Mr. Smith of New York, Mr. James V. Stanton, Mr. Stark, Mr. Steele, Mr. Steelman, Mr. Steiger of Arizona, Mr. Stephens, Mr. Stratton, Mr. Stuckey, Mr. Studds, Mrs. Sullivan, Mr. Symington, Mr. Taylor of North Carolina, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Vigorito, and Mr. Waldie):

H.R. 3918. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizen as condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Whitehurst, Mr. Widnall, Mr. Williams, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wolff, Mr. Young of Illinois, Mr. Won Pat, Mr. Wyatt, Mr. Wydler, Mr. Yates, Mr.

Young of Georgia, Mr. Young of Florida, Mr. Regula, Mr. Young of South Carolina, Mr. Conlan, Mr. Pickle, Mr. Breckinridge, Mr. Hungate, Mr. De Lugo, and Mr. Pritchard):

H.R. 3919. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Walsh, Mr. Hays, Mrs. Holt, Mr. Rogers, Mr. Brown of California, Mr. Grover, Mr. J. William Stanton, Mr. Henderson, Mr. Gettys, Mr. Huber, Mr. Jones of Oklahoma, Mr. Mitchell of New York, Mr. Spence, Mr. Nelsen, Mr. Flowers, Mr. Bafalis, Mr. Haley, Mr. Wyman, Mr. Robert W. Daniel, Jr., Mr. Yatron, Mr. Zwach, Mr. Diggs, and Mr. Ginn):

H.R. 3920. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself, Mr. Vanik, Mr. Pettis, Mr. Johnson of California, Mr. Towell of Nevada, and Mr. Veysey):

H.R. 3921. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Ms. Abzug, Mr. Badillo, Mr. Bell, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Corman, Mr. Delaney, Mr. Dulski, Mr. Fish, Mr. Forsythe, Mr. Frenzel, Mr. Harrington, Mr. Helstoski, Mr. Hinshaw, Mr. Hosmer, Mr. Huber, Mr. Hungate, Mr. Kemp, Mr. Koch, Mr. Kyros, Mr. Lent, Mr. Leggett, and Mr. Mailliard):

H.R. 3922. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Moakley, Mr. Moss, Mr. Murphy of New York, Mr. McEwen, Mr. Nix, Mr. Pike, Mr. Podell, Mr. Powell of Ohio, Mr. Price of Illinois, Mr. Rosenthal, Mr. Studds, Mr. Teague of Texas, Mr. Thompson of New Jersey, Mr. Williams, Mr. Wolff, Mr. Won Pat, Mr. Brooks, and Mr. McKinney):

H.R. 3923. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 3924. A bill to provide Federal citizen anticrime patrol assistance grants to residents' organizations; to the Committee on the Judiciary.

H.R. 3925. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

By Mr. BRADEMAS (for himself, Mr. Thompson of New Jersey, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Eshleman, Mrs. Chisholm, Mr. Hansen of Idaho, Mrs. Grasso, Mr. Mazzoli, Mr. Peyser, Mr. Lehman, Mr. Meeds, and Mr. Badillo):

H.R. 3926. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Hansen of Idaho, Mrs. Mink, and Mr. Peyser):

H.R. 3927. A bill to extend the Environmental Education Act for 3 years; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 3928. A bill to provide for computation of pay of members of the armed services retired for permanent disability sustained in line of duty, or for years of service; to the Committee on Armed Services.

H.R. 3929. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 3930. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3931. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BROOKS (for himself, Mr. Holifield, Mr. Fountain, Mr. Jones of Alabama, Mr. Moss, Mr. Fascell, Mr. Reuss, Mr. Macdonald, Mr. Moorhead of Pennsylvania, Mr. Randall, Mr. Rosenthal, Mr. Wright, Mr. St Germain, Mr. Culver, Mr. Fuqua, Mr. Conyers, Mr. Alexander, Ms. Abzug, Mr. Donohue, Mr. James V. Stanton, and Mr. Ryan):

H.R. 3932. A bill to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes; to the Committee on Government Operations.

By Mr. BROTZMAN (for himself, and Mr. Armstrong):

H. R. 3933. A bill to modify the project for flood control below Chatfield Dam on the South Platte River, Colo., authorized by the Flood Control Act of 1950; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 3934. A bill to amend section 165 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 3935. A bill to amend the Internal Revenue Code of 1954 to provide an election by certain foreign corporations to treat interest income as income connected with U.S. business; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 3936. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. DON H. CLAUSEN:

H.R. 3937. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 3938. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. DEL CLAWSON:

H.R. 3939. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 3940. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

H.R. 3941. A bill to amend section 4940 of the Internal Revenue Code of 1954 to change the name of the amount imposed thereby on certain investment income from "excise tax" to "service charge", and to reduce such amount from 4 to 1½ percent; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. Corman, Mr. Gude, Mr. Metcalfe, Mr. Rosenthal, Mr. Roybal, and Mr. Charles H. Wilson of California):

H.R. 3942. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1976, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Flood, and Mr. Charles H. Wilson of California):

H.R. 3943. A bill to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment; to the Committee on Rules.

By Mr. CONYERS (for himself, Mr. Foley, Mr. Matsunaga, Mrs. Mink, and Mr. Roush):

H.R. 3944. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CORMAN (for himself, Mr. Sisk, Mr. Carey of New York, and Mr. Pettis):

H.R. 3945. A bill to amend section 5041 (a) of the Internal Revenue Code of 1954 to provide for an increase in the amount of carbon dioxide that may be contained in still wines; to the Committee on Ways and Means.

By Mr. CRONIN:

H.R. 3946. A bill to provide for annual authorizations of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. CULVER:

H.R. 3947. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. DENT:

H.R. 3948. A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters; to the Committee on Education and Labor.

By Mr. DEVINE:

H.R. 3949. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 3950. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

H.R. 3951. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

H.R. 3952. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the

Federal Government or the District of Columbia; to the Committee on Government Operations.

H.R. 3953. A bill to amend the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to authorize the President and the Secretary of Transportation to deal more effectively with the problem of unlawful seizure of aircraft; to impose more severe statutory penalties for the crime of aircraft piracy; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3954. A bill to amend the Solid Waste Disposal Act to require an investigation and study of the decomposability and destructibility of materials; to the Committee on Interstate and Foreign Commerce.

H.R. 3955. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record; to the Committee on Ways and Means.

H.R. 3956. A bill to deny percentage depletion in the case of oil which is exported from or imported into the United States, and to provide that intangible drilling and development deductions shall be recaptured where oil is so exported or imported; to the Committee on Ways and Means.

H.R. 3957. A bill to amend the Trade Expansion Act of 1962 in order to prohibit the sale, transfer of interest in, or exchange of allocations of imported petroleum; to the Committee on Ways and Means.

H.R. 3958. A bill to amend the Internal Revenue Code of 1954 to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

H.R. 3959. A bill to amend the Internal Revenue Code of 1954 to require that the containers in which distilled spirits, wine, and beer are sold shall be reusable containers; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Harvey):

H.R. 3960. A bill to authorize the Secretary of Transportation to issue regulations to assure the security and safety of property in transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Saylor, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. McCloskey, Mr. Nedzi, and Mr. Reuss):

H.R. 3961. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 3962. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 3963. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY:

H.R. 3964. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 3965. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. GERALD R. FORD:

H.R. 3966. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. GERALD R. FORD (for himself and Mr. Hutchinson):

H.R. 3967. A bill to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 3968. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 3969. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. FROEHLICH:

H.R. 3970. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 3971. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 3972. A bill to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3973. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. GIAIMO:

H.R. 3974. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

H.R. 3975. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the intergrity of judicial processes; to the Committee on Judiciary.

H.R. 3976. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension will not have the amount of such pension reduced because of certain increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 3977. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under titles I, X, XIV, XVI and XIX of such act; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 3978. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3979. A bill to amend title II of the Social Security Act to provide under the retirement test a substantial increase in the amount of outside income permitted without loss of benefits, but with a requirement that income or all types and from all sources be included in determining the amount of an individual's income for purposes of such test; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 3980. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 3981. A bill to amend title II of the act of March 3, 1933, commonly referred to as the "Buy American Act", with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

H.R. 3982. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. GUNTER:

H.R. 3983. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. HAWKINS (for himself, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Holifield, Mr. Johnson of California, Mr. Leggett, Mr. Madden, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. Owens, Mr. Perkins, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Rodino, Mr. Rosenthal, and Mr. Roybal):

H.R. 3984. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. Rostenkowski, Mr. Danielson, Mr. Dellums, Mr. Eilberg, Mr. Metcalfe, Mrs. Mink, Mr. Murphy of Illinois, Mr. Nix, Mr. Roe, Mr. Stokes, and Mr. Wolff):

H.R. 3985. A bill to authorize the Secretary of Labor to provide for the development and implementation of programs of units of local government to provide comprehensive year-round recreational opportunities for the Nation's underprivileged youth, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Ms. Abzug, Mr. Anderson of California, Mr. Badillo, Mr. Bingham, Mr. Bolling, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Edwards of California, Mr. Fauntroy, Mr. William D. Ford, Mr. Fraser, Mr. Gonzalez, and Mr. Hanna):

H.R. 3986. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. Seiberling, Mr. Stokes, Mr. Tiernan, Mr. Van Deerlin, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Won Pat, Mr. Young of Georgia, and Miss Holtzman):

H.R. 3987. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mrs. HECKLER of Massachusetts:

H.R. 3988. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 3989. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H.R. 3990. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HICKS (for himself, Mr. Johnson of California, Mr. Donohue, Mr. Sikes, Mr. Evins of Tennessee, Mr. Won Pat, Mr. Tiernan, Mr. Mollohan, Mr. Brasco, Mr. Wyatt, Mr. Podell, Mr. O'Hara, Mr. Pepper, Mr. Moss, and Mr. Danielson):

H.R. 3991. A bill to amend title II of the Social Security Act to provide that all benefits based upon the attainment of age will be payable at age 60, subject to actuarial reduction; to the Committee on Ways and Means.

By Mr. HICKS (for himself, Mr. Yatron, Mr. Roe, Mr. Boland, Mrs. Mink, Mr. Price of Illinois, Mr. Harrington, Mrs. Hansen of Washington, Mr. Fraser, Mr. Buchanan, Mr. Wolff, Mr. Eilberg, Mr. Nichols, Mr. Sarbanes, and Mr. Moakley):

H.R. 3992. A bill to amend title II of the Social Security Act to provide that all benefits based upon the attainment of age will be payable at age 60, subject to actuarial reduction; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 3993. A bill to prohibit the export of veneer quality walnut hardwood until Congress approves such exportation; to the Committee on Banking and Currency.

By Mr. HILLIS (for himself and Mr. Roush):

H.R. 3994. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 3995. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HUBER:

H.R. 3996. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HUNGATE:

H.R. 3997. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HUNT:

H.R. 3998. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ICHORD (for himself and Mr. Henderson):

H.R. 3999. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Lott, Mr. Martin of North Carolina, and Mr. Litton):

H.R. 4000. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Brasco, Mr. Hudnut, Mr. Rose, Mr. Cronin, Mr. Huber, Mr. McSpadden, Mr. Chappell, Mr. Murphy of New York, Mr. Waggonner, Mr. Broomfield, and Mr. Sandman):

H.R. 4001. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 4002. A bill to amend title 38 of the United States Code to provide that certain social security benefit increases provided for by Public Laws 92–336 and 92–603 be disregarded for the purposes of determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 4003. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 4004. A bill to make certain that recipients of aid or assistance under the various Federal-State public assistance and other aid programs will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 4005. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LEGGETT:

H.R. 4006. A bill to provide Civilian Conservation Corps enrollees who are suffering from paraplegia incurred during service in such corps with benefits substantially comparable to those provided veterans who are similarly disabled; to the Committee on Education and Labor.

H.R. 4007. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 4008. A bill to prohibit the aiding and abetting of the commission of the crime of aircraft piracy, and certain other crimes against aircraft and motor vehicles, by prohibiting the making of certain extortion payments in connection with the commission of such crimes, and for other purposes; to the Committee on the Judiciary.

H.R. 4009. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

H.R. 4010. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. LEGGETT (for himself, Mr. Quie, Mr. Ullman, and Mr. Teague of California):

H.R. 4011. A bill to provide for the establishment of an Agricultural Labor Relations Board for the purpose of regulating the agricultural industry and agricultural labor, and for other purposes; to the Committee on Education and Labor.

By Mr. LEGGETT (for himself, Mr. Moss, Mr. Pettis, Mr. Edwards of California, Mr. Dennis, Mrs. Hansen of Washington, Mr. Corman, Mr. Danielson, Mr. Waldie, Mr. McCloskey, Mr. Dellums, Mr. Dingell, and Mr. Rees):

H.R. 4012. A bill to designate certain lands in the Mendocino National Forest, Calif., as the Snow Mountain Wilderness for inclusion in the national wilderness preservation system; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN (for himself, Mrs. Abzug, Mr. Bafalis, Mr. Bingham, Mr. Danielson, Mr. Denholm, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Gude, Mr. Gunter, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hinshaw, Mr. Ketchum, Mr. O'Hara, Mr. Perkins, Mr. Pickle, Mr. Podell, Mr. Roe, Mrs. Schroeder, Mr. Vigorito, Mr. Won Pat, and Mr. Fraser):

H.R. 4013. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

H.R. 4014. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

By Mr. LEHMAN (for himself, Mrs. Abzug, Mr. Bafalis, Mr. Bingham, Mr. Danielson, Mr. Denholm, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Gude, Mr. Gunter, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hinshaw, Mr. Ketchum, Mr. O'Hara, Mr. Perkins, Mr. Podell, Mrs. Schroeder, Mr. Vigorito, Mr. Won Pat, and Mr. Fraser):

H.R. 4015. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. LOTT:

H.R. 4016. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 4017. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

H.R. 4018. A bill to amend title II of the Social Security Act to permit retirement of all persons in the United States at the age of 60 years with benefits sufficient, in the absence of any other resource, to assure elderly persons freedom from poverty and also to assure elderly persons generally full participation in prevailing national standards of living, to provide like benefits for physically, mentally, or vocationally disabled persons aged 18 and over, and to provide benefits for certain full-time students aged 18 to 25, and to provide benefits for certain female heads of families and for certain children, and provide for the establishment and operation of this system of social security by an equitable gross income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. McSPADDEN:

H.R. 4019. A bill to amend title XVIII of the Social Security Act to provide that the amount of the benefits to which an individual is entitled under the supplementary medical insurance program shall be subject to the same provisions relating to hearing and judicial review as the amount of an individual's benefits under the hospital insurance program; to the Committee on Ways and Means.

By Mr. MATHIS of Georgia:

H.R. 4020. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 4021. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturers excise tax on parts and accessories installed on light-duty trucks; to the Committee on Ways and Means.

By Mr. MATHIS of Georgia (for himself, Mr. Landrum, Mr. Davis of South Carolina, and Mr. Mezvinsky):

H.R. 4022. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. MATSUNAGA:

H.R. 4023. A bill to promote and regulate interstate commerce by requiring no-fault motor vehicle insurance as a condition precedent to using any public roadway in any State or the District of Columbia; to the Committee on Interstate and Foreign Commerce.

H.R. 4024. A bill to amend title 5, United States Code, with respect to the determination of the basic pay of employees moving from prevailing rate pay systems to the General Schedule pay system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Maryland:

H.R. 4025. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 4026. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mrs. MINK:

H.R. 4027. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 4028. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 4029. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable only to blind individuals at that age; to the Committee on Ways and Means.

H.R. 4030. A bill to amend title II of the Social Security Act to provide that where a person in good faith went through a marriage ceremony with an insured individual, but (because of a legal impediment) such marriage was invalid, such persons (if living with such individual at the time of his death or of application for benefits) shall be considered the wife, husband, widow, or widower of such insured individual for benefit purposes notwithstanding the existence of another person who is the legal wife, husband, widow, or widower of such individual; to the Committee on Ways and Means.

H.R. 4031. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 4032. A bill to amend title XVIII of the Social Security Act to remove the present limit on the number of days for which benefits may be paid thereunder to an individual on account of posthospital extended care services; to the Committee on Ways and Means.

H.R. 4033. A bill to amend title XVIII of the Social Security Act to include inhalation therapy provided to patients of a skilled nursing facility among the extended care services for which payment may be made under the hospital insurance benefits program; to the Committee on Ways and Means.

H.R. 4034. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on Ways and Means.

By Mr. MITCHELL of New York:

H.R. 4035. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. Dingell, and Mr. Eckhardt):

H.R. 4036. A bill to restore the independence of the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, and the Consumer Product Safety Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NATCHER:

H.R. 4037. A bill to extend veterans benefits to persons serving in the Armed Forces between November 12, 1918, and July 2, 1921; to the Committee on Veterans' Affairs.

By Mr. NIX:

H.R. 4038. A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

H.R. 4039. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. O'NEILL:

H.R. 4040. A bill to provide Small Business Administration disaster assistance for individuals who are self-employed in the fishing industry; to the Committee on Banking and Currency.

H.R. 4041. A bill to provide certain essential assistance to the U.S. fishing industry; to the Committee on Merchant Marine and Fisheries.

H.R. 4042. A bill to amend the provisions of law establishing a fund to promote the free flow of domestically produced fishing products in order to increase the amounts in such fund; to the Committee on Merchant Marine and Fisheries.

H.R. 4043. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environmental and natural disasters; to the Committee on Merchant Marine and Fisheries.

H.R. 4044. A bill to authorize the Secretary of Commerce to increase the availability of insurance coverage for U.S. fishing vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4045. A bill to apply certain provisions of the Fishermen's Protective Act of 1967 to situations in which vessels of the United States or their gear are damaged by actions of foreign countries; to the Committee on Merchant Marine and Fisheries.

By Mr. PASSMAN:

H.R. 4046. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 4047. A bill to amend chapter 44 of title 18 of the United States Code to limit the availability of guns not suitable for lawful sporting purposes; to the Committee on the Judiciary.

H.R. 4048. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

By Mr. PICKLE:

H.R. 4049. A bill to amend section 10 of the Railway Labor Act to settle emergency transportation labor disputes; to the Committee on Interstate and Foreign Commerce.

H.R. 4050. A bill to amend title 39 of the U.S. Code to extend certain mail service to the surviving spouse of a former President; to the Committee on Post Office and Civil Service.

By Mr. PODELL:

H.R. 4051. A bill to provide adequate time for the Congress to consider the rules of evidence ordered by the Supreme Court on November 20, 1972, and to require the approval of Congress of those rules; to the Committee on the Judiciary.

H.R. 4052. A bill to amend the laws enabling the Supreme Court to promulgate Rules of Procedure to require the approval of Congress; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 4053. A bill to provide for an overall limit on appropriations for a fiscal year, legislative control over impoundment of Federal funds, and modification of the fiscal year so that it coincides with the calendar year, and for other purposes; to the Committee on Government Operations.

By Mr. RARICK (for himself, Mr. Hechler of West Virginia, Mr. Collins, Mr. Hunt, Mr. Lehman, Mr. Horton, Mr. Breaux, Mr. Podell, Mr. Baker, Mr. Cleveland, Mr. Williams, Mr. Long of Louisiana, Mr. Bell, Mr. Pike, Mr. Huber, Mr. Hudnut, Mr. Flood, Mr. Drinan, Mr. Guyer, and Mr. Robinson of Virginia):

H.R. 4054. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Helstoski, Miss Holtzman, Mr. Howard, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Lehman, Mr. McCloskey, Mr. Meeds, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Illinois, Mr. Murphy of New York, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, and Mrs. Schroeder):

H.R. 4055. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID (for himself, Ms. Abzug, Mr. Adams, Mr. Addabbo, Mr. Ashley, Mr. Badillo, Mr. Bingham, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dominick V. Daniels, Mr. de Lugo, Mr. Diggs, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Fulton, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, and Mr. Hechler of West Virginia):

H.R. 4056. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. Corman, Mr. Sarbanes, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Wolff, and Mr. Young of Georgia):

H.R. 4057. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 4058. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which will be covered by a Federal grant, to authorize assistance for operating expenses and other purposes; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 4059. A bill to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 4060. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

H.R. 4061. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers including policemen, firemen, volunteer firemen, and members of volunteer ambulance teams or rescue squads who die in the performance of duty; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.R. 4062. A bill to amend the Communications Act of 1934 with respect to broadcast license renewals; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. Hawkins, Mr. Alexander, Mr. Brasco, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Duncan, Mr. Edwards of California, and Mrs. Hansen of Washington):

H.R. 4063. A bill to authorize the Secretary of Labor to provide for the development and implementation of programs of units of local government to provide comprehensive year-round recreational opportunities for the Nation's underprivileged youth, and for other purposes; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI (for himself, Mr. Hawkins, Mr. Harrington, Mr. Helstoski, Mr. Kluczynski, Mr. Lehman, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Symington, and Mr. Won Pat):

H.R. 4064. A bill to authorize the Secretary of Labor to provide for the development and implementation of programs of units of local government to provide comprehensive year-round recreational opportunities for the Nation's underprivileged youth, and for other purposes; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. Roe, and Mrs. Schroeder):

H.R. 4065. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROUSSELOT:

H.R. 4066. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Mr. Anderson of California, Mr. Badillo, Mr. Bell, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Edwards of California, Mr. Hanna, Mr. Hawkins, Mr. Helstoski, Mr. Johnson of California, Mr. Leggett, Mr. Lehman, Mr. Lujan, Mr. McFall, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of New York, Mr. Podell, Mr. Rees, Mr. Riegle, and Mr. Waldie):

H.R. 4067. A bill to authorize grants to the Deganawidah-Quetzalcoatl University, to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Brasco, Mrs. Burke of California, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Edwards of California, Mr. Fuqua, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Price of Illinois, Mr. Rosenthal, Mr. Charles H. Wilson of California, and Mr. Wolff):

H.R. 4068. A bill to establish a program to replace, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in dangerous location or unsafe condition or otherwise deficient; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Bennett, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Danielson, Mr. Derwinski, Mr. Harrington, Mr. McFall, Mrs. Mink, Mr. Murphy of New York, Mr. Price of Illinois, Mr. Rees, Mr. Sisk, Mr. Talcott, Mr. Van Deerlin, Mr. Veysey, Mr. Waldie, and Mr. Won Pat):

H.R. 4069. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 4070. A bill to extend certain laws relating to the payment of interest on time and saving deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividends is paid, and for other purposes; to the Committee on Banking and Currency.

By Mr. SANDMAN:

H.R. 4071. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 4072. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 4073. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SCHERLE:

H.R. 4074. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mrs. SCHROEDER:

H.R. 4075. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

H.R. 4076. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. SHIPLEY:

H.R. 4077. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. SHOUP:

H.R. 4078. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SHRIVER:

H.R. 4079. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 4080. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. SKUBITZ:

H.R. 4081. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 4082. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUCKEY:

H.R. 4083. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. STEELE:

H.R. 4084. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. STEELE (for himself, Mr. Alexander, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Edwards of California, Mr. Edwards of Alabama, Mr. Eshleman, Mr. Fish, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frey, Mr. Gilman, Mr. Gonzalez, Mrs. Grasso, and Mr. Gude):

H.R. 4085. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Alexander, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Edwards of California, Mr. Eshleman, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Frey, Mr. Gilman, Mr. Gonzalez, Mrs. Grasso, and Mr. Gude):

H.R. 4086. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 4087. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 4088. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 4089. A bill to provide financial aid to local fire departments in the purchase of firefighting units and self-contained breathing apparatus; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Alexander, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Edwards of California, Mr. Eshleman, Mr. Fish, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frey, Mr. Gilman, Mr. Gonzalez, Mrs. Grasso, and Mr. Gude):

H.R. 4090. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 4091. A bill to establish a National Fire Data and Information Clearing House, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Alexander, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Edwards of California, Mr. Eshleman, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Frey, Mr. Gilman, Mr. Gonzalez, Mrs. Grasso, and Mr. Gude):

H.R. 4092. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 4093. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mayne, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4094. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4095. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pickle, Mr. Pike, and Mr. Podell):

H.R. 4096. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Miss Holtzman, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4097. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 4098. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4099. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mayne, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4100. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hicks, Miss Holtzman, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Lent, Mr. McDade, Mr. McKinney, Mr. Mailliard, Mr. Marazziti, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nichols, Mr. Peyser, Mr. Pike, and Mr. Podell):

H.R. 4101. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 4102. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zwach):

H.R. 4103. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Mayne, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yatron, and Mr. Zwach):

H.R. 4104. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the cost of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Mayne, Mr. Mollohan, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zwach):

H.R. 4105. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Mollohan, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yatron, and Mr. Zwach):

H.R. 4106. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 4107. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Mayne, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zwach):

H.R. 4108. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zwach):

H.R. 4109. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STEELE (for himself, Mr. Mayne, Mr. Mollohan, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yatron, and Mr. Zwach):

H.R. 4110. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (of himself, Mr. Mayne, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Sarasin, Mr. Sarbanes, Mr. Thone, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zwach):

H.R. 4111. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUDDS:

H.R. 4112. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.R. 4113. A bill to authorize the payment of fees for civilian counsel and other expenses connected with the defense of members of the Armed Forces charged with certain crimes committed while engaged in combat; to the Committee on Armed Services.

H.R. 4114. A bill to authorize the coinage of 50-cent pieces to commemorate the life of Hon. Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

H.R. 4115. A bill to authorize the coinage of 50-cent pieces to commemorate the Apollo 11 lunar landing and to establish the Apollo Lunar Landing Commemorative Trust Fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 4116. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

H.R. 4117. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

H.R. 4118. A bill to provide penalties for assaulting a member of the National Guard while he is engaged in carrying out official duties; to the Committee on the Judiciary.

H.R. 4119. A bill to amend the National Aeronautics and Space Act of 1958 to provide for certain additional reports to the Congress, and for other purposes; to the Committee on Science and Astronautics.

H.R. 4120. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Science and Astronautics.

H.R. 4121. A bill to provide for disclosures designed to inform Congress and the public of the identity of persons who for pay or with funds contributed to them seek to influence the legislative process, the sources of their funds, and their areas of legislative activity, and for other purposes; to the Committee on Standards of Official Conduct.

H.R. 4122. A bill to authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal agencies and to demolish such war memorials in certain instances; to the Committee on Veterans' Affairs.

H.R. 4123. A bill to amend title 38, United States Code, to eliminate the withholding of compensation and retirement pay for certain veterans being furnished hospital treatment or domiciliary care by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 4124. A bill to provide direct aid to States and territories for educational purposes only; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 4125. A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the Department of Veterans' Affairs; to the Committee on Government Operations.

H.R. 4126. A bill to provide that Interstate Route No. 70 shall be known as the Disabled American Veterans Memorial Highway; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 4127. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself, Mr. Adams, Mr. Anderson of Illinois, Mr. Bergland, Mr. Bingham, Mr. Bowen, Mr. Brasco, Mr. Burton, Mr. Corman, Mr. Danielson, Mr. Drinan, Mr. Eilberg, Mr. Gonzalez, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Koch, Mr. Leggett, and Mr. Lehman):

H.R. 4128. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself, Mr. McKinney, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Owens, Mr. Podell, Mr. Preyer, Mr. Price of Illinois, Mr. Seiberling, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Wolff, Mr. Won Pat, and Mr. Yatron):

H.R. 4129. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANIK:

H.R. 4130. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.R. 4131. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility or interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 4132. A bill to increase the penalty with respect to certain offenses involving the commission of a felony while armed with a firearm; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 4133. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WARE:

H.R. 4134. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WHALEN (for himself, Mr. Aspin, Miss Jordan, Mr. Ketchum, Mr. Rinaldo, and Mr. Young of Georgia):

H.R. 4135. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 4136. A bill to authorize the Secretary of the Navy to acquire certain interests in land at Sewells Point, Norfolk, Va., and for other purposes; to the Committee on Armed Services.

H.R. 4137. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

H.R. 4138. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. WIDNALL:

H.R. 4139. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 4140. A bill establishing a National Lottery Commission, providing for national drawings and a sharing of proceeds with participating States; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 4141. A bill to amend the Federal Meat Inspection Act to provide that State-inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishment on the same basis as plants inspected under title I; to the Committee on Agriculture.

H.R. 4142. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 4143. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 4144. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 4145. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

H.R. 4146. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 4147. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4148. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4149. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful, to the Committee on Interstate and Foreign Commerce.

H.R. 4150. A bill to amend the Communications Act of 1934 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 4151. A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons-detecting devices of all passengers in regularly scheduled air transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 4152. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 4153. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4154. A bill to amend title II of the Interstate Commerce Act with respect to the issuance of brokerage licenses to certain persons authorizing them to arrange for the transportation by motor vehicle of groups of passengers and their baggage; to the Committee on Interstate and Foreign Commerce.

H.R. 4155. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 4156. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. Yatron:

H.R. 4157. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 4158. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual-income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veterans served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4159. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

H.R. 4160. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

H.R. 4161. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 4162. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 4163. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 4164. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 4165. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ZWACH.

H.R. 4166. A bill to amend the Water Bank Act; to the Committee on Merchant Marine and Fisheries.

H.R. 4167. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ADDABBO:

H.J. Res. 311. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, and Mr. Hansen of Idaho):

H.J. Res. 312. Joint resolution to clarify certain provisions of the Supplemental Appropriations Act, 1973; to the Committee on Appropriations.

By Mr. DULSKI (for himself and Mr. Kemp):

H.J. Res. 313. Joint resolution designating the first Sunday of October in every year as National Choir Recognition Day; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 314. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.J. Res. 315. Joint resolution relating to the power of Congress to declare war; to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.J. Res. 316. Joint resolution authorizing the President to proclaim the second week of February in each year as "National Vocational Education Week"; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 317. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHOUP:

H.J. Res. 318. Joint resolution to mandate consideration of comprehensive legislation reforming, recodifying, and simplifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. SIKES (for himself, Mr. Fulton, Mr. Sebelius, Mr. Johnson of California, Mr. Walsh, Mrs. Hansen of Washington, Mr. Carney of Ohio, Mr. Donohue, Mr. Broyhill of North Carolina, Mr. Bevill, Mr. Hechler of West Virginia, Mr. Parris, Mr. Scherle, Mr. Flowers, Mr. Gibbons, Mr. Breaux, Mr. Eilberg, Mr. Gaydos, Mr. Fisher, Mr. Addabbo, Mr. Kemp, Mr. Perkins, Mr. Davis of South Carolina, Mr. Waggonner, and Mr. Bafalis):

H.J. Res. 319. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. SIKES (for himself, Mr. Milford, Mr. Huber, Mr. Dorn, Mr. Dingell, Mr. Preyer, Mr. William D. Ford, Mrs. Grasso, Mr. Young of Florida, Mr. Minshall of Ohio, Mr. Leggett, Mr. Latta, Mr. Camp, Mr. Won Pat, Mr. Corman, Mr. Moss, Mr. Yatron, Mr. Pike, Mr. Rarick, Mr. Treen, Mr. Alexander, Mr. Moorhead of California, Mr. Dellenback, Mr. Horton, and Mr. Roe):

H.J. Res. 320. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. SIKES (for himself, Mr. Lent, Mr. Chappell, Mr. Price of Illinois, Mr. Gunter, Mr. Robinson of Virginia, Mr. Cleveland, Mr. Ketchum, Mr. Mitchell of New York, and Mr. Fish):

H.J. Res. 321. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 322. Joint resolution designating November 11 of each year as Armistice Day; to the Committee on the Judiciary.

H.J. Res. 323. Joint reolution proposing an amendment to the Constitution of the United States to require the concurrence of not less than two-thirds of the Supreme Court for the purpose of deciding whether an act of Congress or an act of a State legislature is unconstitutional; to the Committee on the Judiciary.

H.J. Res. 324. Joint resolution proposing an amendment to the Constitution of the United States to modify the method of appointment and terms of office of the Federal judiciary; to the Committee on the Judiciary.

H.J. Res. 325. Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications and tenure in office of Federal judges; to the Committee on the Judiciary.

H.J. Res. 326. Joint resolution proposing an amendment to the Constitution of the United States providing for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

H.J. Res. 327. Joint resolution proposing an amendment to the Constitution of the United States providing for the reconfirmation by popular vote of certain Federal judges; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself and Mr. Gray):

H.J. Res. 328. Joint resolution to designate the Manned Spacecraft Center in Houston, Tex., as the Lyndon B. Johnson Space Center in honor of the late President; to the Committee on Science and Astronautics.

By Mr. WYMAN (for himself, Mr. Nichols, Mr. Archer, Mr. Young of Florida, Mr. McCollister, Mr. Sebelius, Mr. Scherle, Mr. Gross, Mr. Sandman, Mr. Crane, Mr. Rousselot, Mr. Edwards of Alabama, and Mr. Cleveland):

H.J. Res. 329. Joint resolution proposing an amendment to the Constitution tc permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 330. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as National Vocational Education Week; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 111. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

H. Con. Res. 112. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. O'NEILL:

H. Con. Res. 113. Concurrent resolution to express a national policy of support for the New England fishing industry, and the domestic coastal fishing industry in all parts of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Carey of New York, Mr. Roncallo of New York, Mr. Biaggi, Mr. Pike, Mr. Buchanan, Mr. Davis of South Carolina, Mr. Helstoski, Mr. Eilberg, Mr. Brasco, Mr. Stephens, Mr. Peyser, Mr. Fascell, Mr. Roe, Mr. Mazzoli, Mr. Rodino, Mr. Moakley, Mr. Rinaldo, Mr. Leggett, Mr. Corman, and Mr. Danielson):

H. Con. Res. 114. Concurrent resolution providing recognition for Columbus; to the Committee on House Administration.

By Mr. BIESTER (for himself and Mr. Steelman):

H. Res. 198. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. CLEVELAND:

H. Res. 199. Resolution to amend rule XI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. DIGGS:

H. Res. 200. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162; to the Committee on House Administration.

By Mr. FLOOD (for himself, Mr. Addabbo, Mr. Broyhill of Virginia, Mr. Burleson of Texas, Mr. Del Clawson, Mr. Clark, Mr. Gaydos, Mr. Henderson, Mr. Johnson of Pennsylvania, Mr. Mathis of Georgia, Mr. McCollister, Mr. Robinson of Virginia, Mr. Runnels, Mr. Satterfield, and Mr. Waggonner):

H. Res. 201. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. KLUCZYNSKI:

H. Res. 202. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant; to the Committee on House Administration.

By Mr. NIX:

H. Res. 203. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. O'HARA:

H. Res. 204. Resolution to disapprove certain regulations submitted to the House by the Commissioner of Education in accordance with section 411 of the Higher Education Act of 1965, as amended, relating to the family contribution schedule under the basic educational opportunity grant program; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Waldie, Mr. Brasco, Mr. Mann, Mr. Murphy of Illinois, Mr. Rangel, Mr. Winn, and Mr. Sandman):

H. Res. 205. Resolution creating a select committee to investigate all aspects of crime affecting the United States; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H. Res. 206. Resolution maintaining U.S. sovereignty, Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 207. Resolution to instruct the Judiciary Committee to make a continuing study of the fitness of Federal judges for their offices; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

27. By the SPEAKER: A memorial of the Legislature of the State of Idaho, relative to allowing private citizens of the United States to own gold; to the Committee on Banking and Currency.

28. Also, a memorial of the Legislature of the State of Maine, relative to the proposed closing of the National Marine Fisheries Services facility at Boothbay Harbor, Maine; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 4168. A bill for the relief of Poo Mun Lee; to the Committee on the Judiciary.

H.R. 4169. A bill for the relief of Mamerta Musngi Pennington; to the Committee on the Judiciary.

H.R. 4170. A bill for the relief of Florencia T. Santos; to the Committee on the Judiciary.

H.R. 4171. A bill for the relief of Kwong Lam Yuen; to the Committee on the Judiciary.

H.R. 4172. A bill for the relief of Romeo Lancin; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4173. A bill for the relief of Alfredo Giuliani; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 4174. A bill for the relief of Ronald V. Johnson; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 4175. A bill for the relief of Manuel H. Silva; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 4176. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War; to the Committee on the District of Columbia.

By Mr. GROVER:

H.R. 4177. A bill for the relief of Sp5. Gary Hegel; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4178. A bill for the relief of Concetta Fruscella; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 4179. A bill for the relief of Louis M. Lamothe; to the Committee on the Judiciary.

H.R. 4180. A bill for the relief of Milton E. Nix; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 4181. A bill for the relief of Francesco Sita; to the Committee on the Judiciary.

SENATE—*Wednesday, February 7, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, in whom we live and move and have our being, help us through this day so to live that we may bring help to others, credit to ourselves, and honor to the Nation and to Thy name.

Enable us, by Thy spirit, to be helpful to those in difficulty, kind to those in need, sympathetic to those whose hearts are sad. Grant that we may be cheerful when things go wrong, persevering when things are difficult, serene when things are irritating. Make us to be at peace with ourselves, with others, and with Thee.

Grant us Thy grace to live under the inspiration and strength of the Master of Life, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 7, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HARRY F. BYRD, JR. thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on February 2, 1973, the President had approved and signed the joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HARRY F. BYRD, JR.) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED JOINT RESOLUTION SIGNED

The enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal Aid Highway Act of 1970 which had previously been signed by the Speaker of the House was signed today by the Acting President pro tempore (Mr. HARRY F. BYRD, JR.).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 299) relating to the date for the submission of the report of the Joint Economic Committee on the President's economic report, in which it requested the concurrence of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 6, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL CONSIDERATION OF PROPOSED RULES OF EVIDENCE FOR FEDERAL COURTS AND MAGISTRATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 22, S. 583.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 583, to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the order entered by the Supreme Court of the United States on Monday, November 20, 1972, shall have no force or effect prior to the adjournment sine die of the first session of the Ninety-third Congress except to the extent that they may be expressly approved by such Congress prior to such sine die adjournment.

SEC. 2. That all provisions of law inconsistent with the provisions of this Act are hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–14), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to secure to the Congress more time to consider the proposed rules of evidence for Federal courts and magistrates and the amendments to the Federal Rules of Civil Procedure and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court, on November 20, 1972, ordered the Chief Justice to transmit to the Congress. Under the present enabling statutes, 18 U.S.C. sections 3402, 3771, 3772 and 28 U.S.C. sections 2072, 2073, Congress has but 90 days to consider rules submitted to it by the Supreme Court.[1] The proposed rules of evidence are a product of several years of study by a committee of eminent scholars and lawyers. The Congress needs more than 90 days to consider fairly such a great undertaking which will have a major effect on our system of justice.

EFFECT OF THE BILL

The bill which is offered would allow the Congress to consider the proposed rules of evidence until adjournment of the first session of the 93d Congress sine die.

The proposed rules of evidence would not go into effect prior to adjournment sine die, unless expressly approved by the Congress prior to that time. If the Congress takes no action concerning the rules, prior to adjournment sine die, the rules will then go into effect at adjournment.

The only effect the bill which is offered would have on the present rules enabling statutes, 18 U.S.C. sections 3402, 3771, 3772 an 28 U.S.C. sections 2072, 2075, is to suspend their operation until sine die adjournment of the first session of the 93d Congress. The bill would not repeal the enabling statutes and would in no way affect the power of the Supreme Court to continue to promulgate rules of practice and procedure for Federal courts.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under Federal Trade Commission, will be stated.

FEDERAL TRADE COMMISSION

The second assistant legislative clerk read the nomination of Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I now be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

GUN CONTROL

Mr. MANSFIELD. Mr. President, in the past, I have endeavored to determine the Government's experience in using the mandatory sentencing sections of the gun crime laws, specifically under the 1970 provision I sponsored to the Omnibus Crime Control and Safe Streets Act dealing with stricter sentences against criminals who choose to carry weapons. Under that law stricter sentences are to be imposed against felons carrying firearms during the commission of Federal crimes. A separate and additional penalty would apply to the mere act of carrying a firearm—separate from and in addition to the underlying crime itself.

In the case of a second offender it is truly a mandatory sentence. For using or carrying a firearm during the commission of a crime the criminal must serve up to 25 years and that sentence cannot be suspended by the court nor can probation be granted nor can the sentence run concurrently with the sentence for the underlying crime.

It should be said that certain leeway was preserved in the case of first offenders. Its preservation lay not in the fact that first offenders who carry guns should be treated with any leniency. At the time that this provision was adopted, it was urged that the trial court deserved to retain leeway in the case of first offenders essentially because of the deplorable state of this Nation's prisons. In short, penal institutions serve mainly as criminal breeding grounds. To confine a first offender in every case means that there is no hope of rehabilitation. By permitting courts to retain some discretion in sentencing first offenders there is provided an opportunity to mete out a penalty that is more likely to result in rehabilitation than is the case with compulsive imprisonment. To be sure, many first offenders deserve nothing short of prison. To safeguard society, they must be confined. But there are those who do deserve another chance. There are those for whom there is hope. And until these institutions are made capable of providing rehabilitation, a chance for some first offenders—not all—must be preserved. For a subsequent offender there is no chance. For him there is only prison.

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[1] It should be noted that the order of Nov. 20, 1972, sets the effective date of the rules of evidence as July 1, 1973.

This is not to say that by preserving in the trial court a degree of latitude, sentences stiffer than those imposed should not be sought. And as an added tool for the Nation's Federal prosecutors, I am preparing legislation that will give the prosecutor the right to have the trial court's sentence reviewed by the appellate court with a view to imposing an even stiffer sentence.

My bill, if adopted, will provide a sentence of from 5 to 10 years in the case of a first offender gun carrier.

In the case of subsequent offenders the sentence will run from 10 to 25 years and there will be no leeway granted, no probation, no suspension, and it will be served separately. In both cases, the sentence imposed may be appealed by the Federal prosecutor should a stiffer sentence be in order.

If and when this sentencing measure becomes law, I will seek to see that its use by the courts is closely monitored to the end that this Nation's gun criminal is put on notice once and for all that the use of firearms for crime will be tolerated no longer.

LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader yield so that I may ask him a question?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT of Pennsylvania. My question is, What is the order of business for the remainder of the week up to the recess?

Mr. MANSFIELD. Mr. President, we hope to dispose of the Ervin resolution today, with a little luck. Immediately following disposition of that resolution, we will then go into executive session to consider the nomination of Caspar Weinberger. I would hope it will be possible to dispose of both today and if we could, then we could leave on our Lincoln Day recess a day earlier.

If not, we will continue tomorrow and, if need be, dispose of both.

We will forgo that part of the Lincoln recess necessary to make sure that these two matters, the resolution and the nomination, are disposed of.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, I seek recognition on my own time now.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

THE PEACE IN VIETNAM

Mr. SCOTT of Pennsylvania. Mr. President, I shall ask to have printed in the Record at the conclusion of my remarks an article from the Washington Star-News of February 5 written by Richard Wilson entitled "Nixon Peace Hailed Abroad, Not at Home."

Mr. Wilson makes a number of pertinent points. He points out the frenetic language used prior to the cease-fire in which not only in public comment but also in comment by Members of Congress, a great many foolish, unwarranted, and extreme statements were made. There individuals indulged in tantrums, in their bias and in their ignorance. They made predictions which now seem to have reached the height of folly.

The distinguished Senator from Arizona (Mr. Goldwater) introduced specifically a number of these statements in the Record recently.

Mr. Wilson goes on to say that the tirade did not end with signatures on the peace agreement. He says:

> The house-bound on the weekend of the signing could not have failed to note the tone of the television comment on the proceedings in Paris, as if this were a day of national mourning and atonement for past and future failure. In all the commentary only that of Edwin Newman of NBC came through with anything like the balance and reason that the circumstances required. Is objectivity and impartiality such an illusive quality on the air that only this one man, Newman, can capture it?

He goes on to say:

> The peace now begins to promise to be a constructive act of long-range historical importance, as any reasonable person could easily deduce from the official statements of the Chinese government and the official comments of Chairman Leonid Brezhnev of the Soviet Union.

Then he points out very cogently the difference in this country between now and 12 years ago. At that time—

> The vast periphery of Asia from Japan through the Philippines, Indochina, the rest of Southeast Asia, and the great expanses of Indonesia up to the shores of Australia were under imminent threat of Communist pressure, expansion and intimidation.
>
> And today? No Sukarno in Indonesia. No Sihanouk in Cambodia. No imaginable pressure on Australia or Japan. No serious Communist insurgency in the Philippines. A relatively secure Thailand. A cease-fire in Vietnam, probably to be extended to Laos and Cambodia, and a limit to the North Vietnamese-based revolutionary movement to be "guaranteed" by China and Russia as well as the Western Powers.
>
> Merely the chance of sustaining such an improved position goes well beyond the emotional concept of "Peace with Honor."

Mr. President, I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Peace Hailed Abroad, Not at Home

(By Richard Wilson)

A note of recrimination has crept into President Nixon's attitude on the cool reception in some quarters to his successful negotiation of a Vietnam cease-fire—and no wonder.

When it is considered how much was being said by Nixon's insatiable critics before the cease fire and how little was said afterward in support of it, it can be understood that a normal man would feel miffed.

A review in the White House of some of the new ludicrously shortsighted pre-cease fire comment in unofficial and official quarters increases the ranklement, and perhaps the people at the White House should stop doing this.

But such phrases as "failure on a grand scale" . . . "war by tantrum" . . . "dishonorable strategy" . . . "morally outrageous and politically useless" . . . "maddened tyrant" . . . "shamed as a nation" . . . "senseless terror," these cannot be easily forgotten. Nor can the blurred vision of those using less fiery phrases, including some of Nixon's fair weather friends, be brushed aside as merely mistaken judgment. The tirade has been carried on too long against the precise acts over the years which Nixon believes created the conditions for a favorable peace.

Nor has the tirade ended with signatures on the agreement. The house-bound on the weekend of the signing could not have failed to note the tone of the television comment on the proceedings in Paris, as if this were a day of national mourning and atonement for past and future failure. In all the commentary only that of Edwin Newman of NBC came through with anything like the balance and reason that the circumstances required. Is objectivity and impartiality such an illusive quality on the air that only this one man, Newman, can capture it?

An ironic followup on the sour grapes tone of the American anti-war press is to be found in the press of London, where it would not be supposed that empathy with American aims in Vietnam would run to excess.

Yet, in unmitigated terms, the London Sunday Express hailed President Nixon! "His enemies sneer," said the Express, "That Mr. Nixon is 'ordinary' but this in fact is his greatest quality. He is ordinary in the sense that he seeks the substance rather than the shadow; that he is concerned not with cheap popularity but with promoting the real, mundane interest of his nation. The American people recognized this when they reelected him overwhelmingly. And people far from the United States should give thanks every day that this plain and sensible man sits in the White House."

And, the London Daily Telegraph said: "Mr. Nixon has shown himself truly a great president in his conduct of the Vietnam war and of peace negotiations. . ." The Telegraph severely criticized Senator McGovern and said Nixon's victory "came straight from the mass of the American people, whom Mr. Nixon has led back to psychological and economic health after an attack of Vietnamitis that in less capable hands might have been fatal, who emphatically rejected wishy-washy left-liberalism at home and abroad. Europeans in particular should be grateful that Mr. Nixon is president for another four years. . ."

Peace with honor? Forget, for a moment, about honor. The peace now begins to promise to be a constructive act of long-range historical importance, as any reasonable person could easily deduce from the official statements of the Chinese government and the official comments of Chairman Leonid Brezhnev of the Soviet Union.

As for the practical elements involved, who can sensibly compare the conditions that now exist and may exist in the future, with those which did exist when the Vietnam undertaking began. Then, 12 years ago, the vast periphery of Asia from Japan through the Philippines, Indochina, the rest of Southeast Asia, and the great expanses of Indonesia up to the shores of Australia were under imminent threat of Communist pressure, expansion and intimidation.

And today? No Sukarno in Indonesia. No Sihanouk in Cambodia. No imaginable pressure on Australia or Japan. No serious Communist insurgency in the Philippines. A relatively secure Thailand. A cease fire in Vietnam, probably to be extended to Laos and Cambodia, and a limit to the North Vietnam-based revolutionary movement to be "guaranteed" by China and Russia as well as the Western Powers.

Merely the chance of sustaining such an improved position goes well beyond the emotional concept of "Peace with Honor."

ORDER OF BUSINESS—INTRODUCTION OF JOINT RESOLUTIONS

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from Oregon (Mr. HATFIELD) is recognized for not to exceed 15 minutes.

(The remarks of Senator HATFIELD made at this point on the introduction of Senate Joint Resolution 54 and Senate Joint Resolution 55, dealing with the Selective Service System, are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS—INTRODUCTION OF A BILL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky (Mr. COOK) is to be recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished Senator from Kentucky (Mr. COOK) to ask that the order be vacated and that the name of the distinguished Senator from Arkansas (Mr. McCLELLAN) be substituted therefor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

(The remarks Senator McCLELLAN made at this point on the introduction of S. 800, the Victims of Crime Act of 1973, are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF DATE FOR SUBMISSION OF REPORT OF JOINT ECONOMIC COMMITTEE ON THE PRESIDENT'S ECONOMIC REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Joint Resolution 299 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (H.J. Res. 299) was read the first time by title, and, by unanimous consent, the second time at length, as follows:

H.J. RES. 299

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 1, Ninety-third Congress, is amended by striking out "March 10, 1973" and inserting in lieu thereof "April 1, 1973".

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution (H.J. Res. 299).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, the joint resolution (H.J. Res. 299) be temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my time be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes each.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF DATE FOR SUBMISSION OF REPORT OF JOINT ECONOMIC COMMITTEE ON THE PRESIDENT'S ECONOMIC REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of House Joint Resolution 299.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 299) was read the third time and passed.

NAVY PURGES RANKS OF MISFITS AND MALCONTENTS

Mr. ROBERT C. BYRD. Mr. President, the regrettable racial disorders which recently occurred aboard our aircraft carriers *Kitty Hawk* and *Constellation,* together with recent troubles on other U.S. naval vessels, have brought us face-to-face with some hard facts as our all-volunteer defense force experiment begins.

Basically, these facts relate to the quality, and the qualifications, of those being recruited to serve in the Armed Forces of the United States. I am pleased to commend the Navy—and in particular Adm. Elmo Zumwalt, Jr., the Chief of Naval Operations—for the steps now being taken by the Navy to rid its ranks of unqualified and undesirable persons.

Mr. President, under no circumstances can this Nation ever afford to allow its armed services to become a place of last resort for the undermotivated, the uneducated, and the incompetent. On the contrary, now as never before, considering the ever-increasing sophistication of weaponry and equipment, and the necessity, from a dollars-and-cents standpoint, of keeping manpower as low as possible consistent with the needs of national security, the quality of manpower must be kept high.

I, therefore, find it reassuring to know that the Navy is now coming to grips with the problem, and that it is acting positively to restore the quality of the men in the U.S. naval service to the high level it had insisted upon until recent years.

It may have been considered laudable from some sociological point of view to relax qualifications in recent years in an effort to attract more so-called ghetto recruits. But in many cases it did neither the Navy nor the men recruited any good.

I was appalled to learn that 1 in 4 Navy recruits last year had only a mental level 4 in the Armed Forces qualifications tests—equivalent to a sixth-grade reading level—and that 1 in 6 had a police record.

A report from an investigating group of the House Armed Services Committee which went to San Diego to look into the *Kitty Hawk* and *Constellation* disciplinary problems and disorders concluded that many of the rioters on the *Kitty Hawk* were "below average mental capacity." The investigators raised the question of "whether they should have been accepted into military service in the first place."

I think it is unwise and, indeed, unfair to thrust young men of any race into situations and responsibilities for which they are not prepared and in which they cannot compete. It is especially unfortunate to do so on board a fighting ship, where the crewmembers must live and work as a team.

When the unqualified in such situations find that they cannot compete, it is almost inevitable that they will then seek to take refuge in charges that they are being discriminated against. It does not take much more to move from that point to disciplinary problems, to fights, riots, and even highly expensive sabotage of the sort which has occurred recently on some Navy ships.

It is, then, much to the credit of Admiral Zumwalt—who has taken a considerable amount of criticism for his efforts to liberalize naval personnel policies—that the Navy is moving now to review those policies and deal with its problems on the two fronts of recruiting and getting rid of the unfit.

It should be said that whites as well as blacks are among those being discharged by the Navy. That is as it should be. There is no reason for the armed services to make decisions as to qualifications on the basis of race. Any well-qualified black should have equal opportunity in our Navy, Air Force, or Army, to go to the very top, if he can do so. By the same token, the misfit white as well as the misfit black should be weeded out.

There is a lesson in this, Mr. President, for all who are interested, as I am interested, in the future of our armed services and in the future of our country. Our Nation quite literally depends for its survival upon the intelligence, the loyalty, the discipline, and the dedication of the men and women—from the lowest ranks to the highest—who make up its Army, its Air Force, its Navy, and its Marine Corps. In all of these services, the quality and qualifications of the recruit in the volunteer era ahead will be all important.

I commend Admiral Zumwalt and the Navy again for moving to meet the problems with intelligent, resolute action. And I support them in this endeavor.

Mr. President, I ask unanimous consent that an article dealing with this subject, which I have been discussing, and which appeared in the New York Times of February 2, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Navy Purging Its Ranks of "Undesirables"

(By Everett R. Holles)

San Diego, Feb. 1.—The Navy is quietly ridding itself of what it considers misfits and malcontents, both black and white, in an effort to tighten discipline and head off further outbreaks of racial rioting and other disorders aboard its ships and at shore stations.

A large-scale discharge of enlisted men found to be "a burden to the Navy"—most of whom have served at least one year and are themselves eager to get out of uniform—is being carried out under a Dec. 26 directive from Adm. Elmo Zumwalt Jr., Chief of Naval Operations.

Most of those released will be given general discharges "under honorable conditions." The official certificates, however, will carry code numbers—understood by many employers—signifying that the discharged sailors were "undesirable" and "unsuitable for re-enlistment."

To be eligible for the so-called "mutual benefit" discharges, the sailors' records must show marginal performance or substandard conduct or evidence that they have been "an administrative burden because of repeated minor disciplinary infractions."

The first lists of those recommended for discharge by their commanding officers are now being reviewed and processed by the Bureau of Naval Personnel in Washington.

Navy spokesmen here were reluctant to discuss the scope of the new policy.

In Washington, a Pentagon official said a total of 2,905 servicemen, of whom 378 are black, would be affected.

It was understood here, however, that in the Pacific fleet, which represents about half of the Navy's 600,000 men, as many as 6,000 "undesirables," a substantial proportion of them black, might be let out in the next few weeks, with more to come.

At the same time, recruiting efforts have been intensified and enlistment standards—relaxed over the last two or three years to attract more recruits from the minorities—have been tightened, the Navy says, with new emphasis on educational and character qualifications.

A shakeup by Rear Adm. Emmett Tidd, Chief of Navy Recruiting, resulted recently in removal of the officers in charge of 15 of the Navy's 41 recruiting districts.

1 OF 6 HAD POLICE RECORD

During the last year, one of every four new Navy recruits stood at Mental Level 4 in the AFQT, or Armed Forces Qualifications Tests, meaning that the man's reading ability averaged that of a sixth-grader.

Many had never held a steady job and one in six had a police record. In 1971 the Mental Level 4 recruits accounted for only one in seven of all new enlistments.

Many sailors from this Level 4 group will be let out under the new policy. Often because of poor schooling, the Navy says, they were unable to qualify for training in the required technical skills.

Dissident sailors insist, however, that they were never given a fair chance to learn and that, in the case of blacks, they were the targets of racial discriminations.

One minority affairs officer said that, although the order applies to all enlisted men, the number of blacks to be let out would probably be disproportionately higher than their 6 per cent representation in the Navy's ranks.

The reason, he said, is the inferior quality of many ghetto schools and a lack of work habits and motivation.

"There are too many recruits not only blacks but members of other minorities and underprivileged whites as well—who cannot cope with the technical training in the skills needed to operate our sophisticated weapons and navigational systems," he said.

"As a result, they are forced into menial jobs, in the laundries, in mess gallery and in deck crews. Their work performance is poor and their opportunities for advancement are very limited. This frequently produces festering resentment which may erupt violently. The blame is not the Navy's, it goes deeper into the American social system."

HOUSE UNIT'S REPORT CITES

Morale problems culminating in the recent racial disorders aboard the aircraft carriers Kitty Hawk and Constellation, and several other less publicized shipboard incidents, led to the new Zumwalt directive.

A report last week by a three-man panel of the House Armed Services Committee, which came here to investigate the Kitty Hawk and Constellation troubles, said most of the Kitty Hawk rioters were young blacks of "below average mental capacity," and questioned "whether they should have been accepted into military service in the first place."

The report urged the Navy to move quickly in screening out agitators, troublemakers "and anyone else who does not measure up."

A spokesman at North Island Naval Air Station, home port of the Kitty Hawk and Constellation, stressed that Admiral Zumwalt's directive was not a response to the committee's findings but was issued a month before publication of the Congressional report.

The criteria for discharging the unwanted sailors provide that, with a few exceptions, each man must have served at least one year of his normal four-year enlistment, thereby assuring him of veteran's benefits, and that he must sign a formal request to be discharged.

NO STIGMA, NAVY SAYS

The discharge he receives, Navy spokesmen say, will lack the stigma attached to the administrative discharges that have been handed out in mandatory fashion to many of the 132 sailors involved in the Constellation troubles following their hearings before captain's masts.

Men currently in disciplinary status are not eligible for the "mutual benefit" discharges. These include 22 Kitty Hawk crewmen, all but one of them black, who were ordered tried before special courts-martial that are still under way here at the 11th Naval District Law Center.

The Navy, which has not drafted men since the late nineteen fifties, has issued orders to its recruiters to accept only "quality personnel" henceforth or, in the words of Adm. David Bagley, Chief of Navy Personnel, "men who want to get ahead, who are seeking and willing to shoulder greater responsibilities."

Early in 1970 the Navy relaxed its recruiting standards in hopes of doubling the number of black recruits to correspond roughly with the nation's 12 per cent black population, and to increase its black officers—still less than 1 per cent—by tenfold.

After the racial disorders aboard the carrier Constellation, the ship's executive officer, Comdr. John Schaub, said:

"I think the system we have had that encourages the recruiting of educationally deprived personnel, then places them in competition with others more fortunate is poorly conceived and totally unfair."

SKILLS TESTS EASED

The Navy also relaxed its skills tests used as a basis for job assignments "to reflect more accurately the abilities of minority personnel from rural areas or city slums," a relaxation that some officers slightly referred to as "the skim milk program."

At the start of 1971, the Navy was taking 14 per cent of its recruits from the Mental Level 4 group. By 1973, the ratio rose to 24.9 per cent. Last November, soon after the Kitty Hawk and Constellation incidents, the enlistment of men at the lower qualification levels was halted and emphasis was placed on "school eligibles," those qualified by education and background to receive technical training at the Navy's electronics, nuclear propulsion, avionics, ordnance and other Class A schools.

The 1973 goal, according to Navy spokesmen, is to obtain 75 per cent of these "school eligibles." In 1972 the ratio was 60.4 per cent, actually lower than in 1970 and 1971.

The Navy is also stepping up its BOOST (Broadened Opportunities for Officer Selection and Training) program to prepare black and other minority enlisted men for college and careers as officers.

The candidates are selected on the basis of post-enlistment tests for one year of intensive tutoring and counselling so they can compete for entrance to universities, colleges for enrollment in NROTC units and, for a few of them, appointment to the Naval Academy.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSTITUTIONAL COLLISION ON IMPOUNDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement titled "Constitutional Collision on Impoundments" which I made before the Judiciary Subcommittee on Separation of Powers and an ad hoc subcommittee of the Committee on Government Operations yesterday, February 6, 1973.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL COLLISION ON IMPOUNDMENTS

Mr. Chairman, I am pleased to appear today to join in support of S. 373, introduced by Chairman Ervin and cosponsored by almost one-half of the Senate, myself included. I wholeheartedly subscribe to the vital principle which this legislation seeks to restore and preserve, namely, the constitutional power and authority of the Congress to determine in what amounts, and the purposes for which, the Nation's revenues will be spent.

We have today been brought face to face with what recent newspaper editorials and network commentators have called the "constitutional collision of our generation" and "the constitutional crisis of the century." It is a crisis that has crystalized quite abruptly as a result of certain impoundments of budget authority by President Nixon during the past few months, but it is a process that has been going on for years under various Presidents representing both political parties. The distinguishing feature of the recent impoundments which has sparked the storm of controversy lies in the fact that while some impoundments are legal and appropriate—for example, the withholding of current funds to protect against future deficiencies in programs—many of the recent impoundments have not been sanctioned by the Congress, and, in the judgment of the cosponsors of this legislation, such impoundments constitute an instrument resorted to solely for the implementation of fiscal and economic policy.

This is where the grave constitutional question arises, and it comes at a time when the whole issue of separation of powers is being raised in many areas simultaneously—executive privilege, war powers, and so on. In all of these, the problem is one, perhaps not entirely of our own making, but, nonetheless, one to which Congress itself has substantially contributed by acts of commission as well as omission.

Regarding the constitutional issue involving impoundments of budget authority as an instrument in the exercise of fiscal and economic policy, several United States Senators, the Majority Leader and I included, have joined with you, Chairman Ervin, in filing an *amicus curiae* brief in the case of *State Highway Commission of Missouri v. John A. Volpe, Secretary of Transportation and Caspar W. Weinberger, Director of the Office of Management and Budget.* The case is on appeal to the Eighth Circuit from the U.S. District Court for the Western District of Missouri. The District Court ruled last June that the Secretary of Transportation does not have the power to impound Federal highway funds indiscriminately. But the case does not go to the question of the Constitutional power of the President to impound legislatively appropriated funds, since the case turns on statutory construction of the Federal-Aid Highway Act which includes a section prohibiting impoundment except under strict limitations. Therefore, S. 373 goes to the broader question of impoundment—limiting the power of the Executive to impound except where that impoundment is sanctioned by the Congress.

As I have indicated, the problem with which we are here dealing is one that is largely of Congress' own making. Candid reflection compels the admission that, for too long now, the Congress has been unwilling to wield its power of the purse in accordance always with the highest sense of responsibility. I hesitate to suggest that it is too much to expect of the Federal Legislature—considering the countless cross currents of spending pressures to which it is constantly subjected, and keeping in mind its constitution of 535 members with differing views and differing constituencies—that it at all times act in a fiscally responsible manner. But one cannot deny the patently evident fact that a high degree of fiscal responsibility, political independence, and statesmanship has not been the constant standard by which the Congress has measured its collective judgment regarding the authorization and funding of programs.

In many instances, Congress has acquiesced in the creation and funding of costly and unsound programs urged upon it by Presidents of both parties. It has all too often yielded, also, to the political pressures of blocs and groups with vested interests in continued and increased funding for various and sundry programs. It cannot be gainsaid that organized special interest groups, with political clout, have, on many occasions, influenced the creation and perpetuation of costly pet programs, the financial burden of which is borne by the general public. Any effort to cut back or eliminate programs once started—notwithstanding their exorbitant cost and inefficiency—has invariably been met with organized resistance and cries of anguish from one pressure group or another.

Little wonder that the small voice of the people—unorganized, inarticulate, docile, and, yes, complacent—has been drowned by the thunder of politically powerful pressure groups.

Too many of us have not had the intestinal fortitude to say "no" to these pressures. As a matter of fact, quite candidly, too many of us over the years have virtually outdone ourselves in currying the favor of organized pressure groups that advocate more and more spending as the solution for more and more problems, this being the way to get more and more votes. The result: more and more deficits; more and more debt, and more and more interest on the debt; and, at last, a super-politically-sensitive President who correctly interprets the mood of the American taxpayer who, in turn, is fed up with it all and has had enough!

So, the brakes have been applied; the impoundment of funds is resorted to as a bald instrument of economic policy; worthwhile programs are victimized along with those that are unworthwhile and which we ourselves have shown neither the wisdom nor the guts to terminate; and we suddenly have a serious constitutional question on our collective hands.

But neither the fact that the Congress has been derelict in its past responsibility, nor the fact that this Administration in the short period of five years will have accumulated a Federal funds deficit by June 30, 1974, of $134 billion—26 percent of the then total national debt of $505 billion, going back well over 100 years—none of this relieves the Congress of its responsibility to squarely confront the constitutional issue that has now been joined.

Does the President have the authority to impound funds? Article I, Section 9, Clause 7 of the Constitution reads as follows:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law; . . .

While it is clear that no funds may be expended without the authority of Congress, there is no constitutional provision explicitly requiring the President to spend funds made available by the Congress. However, it is my belief that other provisions of the Constitution, as I shall refer to them later, impliedly and logically deny the President's use of impoundments purely as an instrument of fiscal and economic policy.

But to say that the President does not constitutionally possess this authority is *not* to say that much of the public—perhaps a majority, even a sizeable majority—does not applaud the substantive effect of his actions in reducing or eliminating unwanted, ineffective, and costly programs; I think the public approves and supports what he is doing. The President's actions have political appeal, and I think they are what the people want, especially in the present context of growing deficits, burgeoning national debt, and continuing inflation. We have too long overstated the theme that ours is a nation of poor people; that this country is, from sea to shining sea, in abject poverty; and that money is the solution for every problem. The taxpayers have had enough of this, and I will wager that a few random telephone calls back home will suffice to convince most Members of Congress that such is the case.

But it *is* to say that the Congress has a duty to act forthwith to retrieve and reestablish its constitutional power of the purse. If Congress really is determined to do this, I think it is imperative that Congress move in the following directions:

(1) It *must* demonstrate a proper restraint in the consideration of future spending programs, and this restraint must guide *both* the legislative committees and the appropriations committees. In other words, the constitutional power of the purse must be exercised by Congress more responsibly, prospectively, than in the past.

(2) Congress must apply a ceiling on budget authority, and both the authorizing and the appropriations committees must govern themselves accordingly. Incidentally, I think it is appropriate to mention here that Congress, in consideration of the appropriations bills, has, during the past four years, effected *reductions* amounting to approximately $20 billion in the *budget authority requested by the President.* Nonetheless, if Congress does not place a ceiling on budget authority, it will be saddled with blame for the tax increase that will inevitably result. The Administration has suggested a ceiling on FY 1974 expenditures of $269 billion and has submitted a budget trimmed to that amount. Keep in mind, that the Administration's budget makes no mention of funds for reconstruction in Indochina even though the Administration has already made a commitment for such, meaning only that such funds, when they are requested, will come out of the hide, so to speak, of other budgeted

programs—or out of a tax increase which will be blamed on Congress if it goes over the $269 billion ceiling. Overstepping the ceiling will also subject Congress to blame for the inflation which, in my judgment, will soon again show signs of an upward trend as the *direct aftermath of premature scuttling* of most of the Phase II price and wage controls.

In any event, any ceiling on budget authority should be a *Congressionally imposed* ceiling—not a presidential ceiling—if we are to restore and preserve Congressional power of the purse.

(3) Congress must find some way, perhaps through a permanent joint committee, to exercise a continuous overview of revenues and expenditures, to relate anticipated revenues with budget authority, and to provide guidance to the two Houses in establishing priorities and ceilings in a meaningful, effective, and responsible way. I think there has been too much poor-mouthing of the Congress with respect to the tools which it already has at hand. It merely needs to determine the direction in which—and show the will—to use them. It is not a helpless giant, and it is not necessary that we fill the corridors with millions of dollars worth of computers which will stand idle 360 days out of the year, nor is it necessary that Congress arm itself, man for man, in an effort to match the Executive Branch. The Executive Branch administers the laws; the Congress enacts them. But Congress does have available to it, 5,000 employees of the General Accounting Office, many of whom can readily be made available to the appropriations committees or other committees upon request.

I think it is necessary for us to explore such a joint committee approach as I have suggested or some other permanent approach which will afford us a better utilization, then we have heretofore demonstrated, of the Congressional tools which we have at hand.

(4) Congress must try to devise workable, feasible legislation, which will be sustainable in the courts and which will protect its constitutional authority to determine how the people's moneys will be spent, how much will be spent, and for what purposes. To devise such legislation and to enact it into law will not be an easy task, as we shall all eventually surely see. But try we must, and I congratulate the Chairman of the Separation of Powers Subcommittee on the effort that is being made here. No Senator is so pre-eminently qualified as he for such a difficult, such a challenging and important task. He has my support and the support of all Senators in both parties who view the matter, not as a partisan matter, except perhaps incidentally, but rather as a grave and far-reaching challenge to the rightful position of Congress in a constitutional system of separation of powers.

The separation of powers concept in the Constitution traces its development from Plato and finds its fullest development prior to the American Constitution in Montesquieu's "The Spirit of the Laws." There he states: "To form a moderate government, it is necessary to combine the several powers; to regulate, temper, and set them in motion; to give, as it were, ballast to one, in order to enable it to counterpoise the other. . . . Political liberty is to be found only in moderate governments; and even in these it is not always found. It is there only when there is no abuse of power. But constánt experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits? . . . To prevent this abuse, it is necessary from the very nature of things that power should be a check to power . . . . When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; . . .".

Montesquieu then specifically addressed the issue of the Executive usurpation of the legislature's powers to appropriate: "The executive power has no other part in the legislative than the privilege of rejecting . . . Were the executive power to determine the raising of public money, otherwise than by giving its consent, liberty would be at an end; because it would become legislative in the most important point of legislation . . . If the legislative power were to settle the subsidies, not from year to year, but for ever, it would run the risk of losing its liberty, because the executive power would be no longer dependent; . . .".

For the American Federalists, the system of checks and balances, written into the Constitution, so contrived "the interior structure of the government that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places." This they considered the prime advantage to be gained from Montesquieu's principle of the separation of powers. The principle itself they held to be "the sacred maxim of free government."

In Federalist No. 58, Montesquieu's expressions of fear of the Executive use of the appropriating function manifested itself in holding that power to the elected representatives of the people, the legislature:

"The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse—that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representative of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure".

It is in this light that we must look at the delineated powers as they became expressed in the Constitution. There, all legislative power is vested in the Congress (Article I, Section 1), including the power to appropriate money (Article 1, Section 9). The President, on the other hand, is given no role in legislation except the power to recommend "such measures as he should judge necessary and expedient" (Article II, Section 3) and the power to veto measures passed by the Congress (Article I, Section 7).

He also has the responsibility to "take care that the laws be faithfully executed." (Article II, Section 3). Certainly the founders did not intend the President any discretion when they imposed that duty upon him. On the contrary, it was intended that he execute *all* laws passed by the Congress. An appropriation bill enacted into law is a law, as surely as is any other. The President has no authority to decide *which* laws will be executed or to *what extent* they will be enforced *except* through his veto power.

It is also evident the founders intended to limit the veto power giving the President a limited veto, subject to being overridden by the Congress.

In fact, in Catherine D. Bowen's history of the Constitutional Convention, *Miracle at Philadelphia*, we find:

"On the question of an absolute veto for the executive, the Committee voted no, ten states to none. At some point in the discussion, Madison had suggested that a proper proportion of Congress be allowed to overrule the executive veto. No chief executive, Madison said, would have firmness enough to go against the whole of Congress. Even the King of Great Britain in all his splendor could not withstand the wishes of both Houses of Parliament!

"On these variations of the executive revisional power the states voted, but no agreement was reached, nor would be until June eighteenth, when the Committee finally granted the veto power to the executive, subject to overruling by two thirds of Congress. So it would stand in the Constitution."

Despite the clear intent of the Framers to limit the President's power to legislate and especially to not allow him the power of an absolute veto, by impoundment the President is in effect able to veto measures *absolutely* after they have passed the Congress and been signed by him. Such a procedure grants to the President not only an *absolute* veto—immune from being overridden—but also a line, or item, veto in that he may impound whatever part of an appropriation he wishes and enforce other parts of the same bill. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of power of his office flies directly in the face of clear Constitutional provisions to the contrary.

Against this historical background, it is difficult to understand how the Congress has allowed the present practice of impoundment to go unchallenged. But it has come into being because, as I have already stated, we in the Legislative branch have allowed the Executive branch to usurp our job. The impoundment of funds was used to some degree in the 1930's under President Roosevelt to effect savings during the Depression years. Impoundment was also used by the President during the Second World War to offset growing military expenditures by withholding funds for certain civilian programs. Due to the critical nature of the times, there was no real opposition in the Congress to the practice, although Senator Robert LaFollette, Jr., and, later, Senator McKellar questioned the legality of the action. Subsequent impoundments through the years have only rarely been challenged, as when Senator Lyndon Johnson challenged the impoundment of funds for construction of Polaris submarines in 1959 by President Eisenhower.

For years, as I have said, we in the Congress have appropriated huge sums of money for various programs that aided our various constituencies with little regard for their overall effect on the tax burden on the American people and the growing inflation in our country. We believed we could have "butter and guns" and that almost any social ill could be solved by pouring unlimited amounts of money on the problem. In the name of holding down inflation and rising taxes, Presidents impounded more and more of the funds that we had appropriated. In forty years, and especially within the last ten, we in the Congress have let the Executive branch arrogate to itself that one power that had been so carefully nurtured by the Framers as the people's one great power against the Executive—the power of establishing priorities as to how the moneys were to be spent. Congress now belatedly realizes what has passed it "in the night."

And it is this power that the Congress must regain and use wisely.

It must be the Legislative branch that determines what programs are to be funded if the United States is not to become an Executive form of government. To that end, the Congress has created a Joint Committee on the Budget, but much more is needed. As I have already indicated, but it is worth repeating, the legislative committees and the appropriation committees must work more closely to try to hold each program's needs down to a proper part of the whole. The Congress must face the issue of priorities in our Nation and allocate our resources in relation to those priorities. If each substantive committee exercises some self-restraint on its priority legislation, all of us will benefit by the more effective and judicious use of the limited appropriations available.

In order to properly determine what our priorities should be and to be able to budget properly, the Congress must also know what items have been impounded in the past and must have a mechanism to inform itself of impoundments in the future that the Congress feels are of high priority and without Congressional sanction. To these ends, I offered an amendment last month to H.J. Res. 1, extending the time within which the President may transmit the budget message to the Congress. My amendment required the President to report to the Congress all impoundments from June 30, 1972, through January 29, 1973, by February 5. As amended by the House and agreed to by the Senate, the amendment was amended to require such a report by February 10, 1973. I offered this amendment because the Administration had failed to respond to Senator Humphrey's amendment to the 1972 Debt Ceiling bill, which amendment required that any impoundments made by the Executive branch be reported "promptly" to the Congress.

Mr. Chairman, as I stated earlier, the enactment of sound, workable legislation is going to require the best in all of us. Over the weekend, I gave much thought to S. 373, reviewing its parts carefully. I, therefore, offer what I hope will be some constructive suggestions. They are as follows:

(1) In light of the history of the Administration's respect for the word "promptly" as used in legislation seeking impoundment information, I wonder if the Subcommittee ought not consider inserting the words "within ten days" in lieu of the word "promptly" on page 3, line 9, in section (d) of the bill, where the President is required to notify the Congress if revisions are made regarding information transmitted under section (a)—since section (a) imposes a ten-day time limit on the reporting of impoundments.

(2) I would recommend that, beginning on page 1, line 3, the words "funds appropriated or otherwise obligated for a specific purpose or project" be deleted, and, in lieu thereof, the committee insert, after the word "any", the words "budget authority made available." The reason for this recommendation is that the bill, as drafted speaks of "funds appropriated or otherwise obligated." In my judgment, funds that have been "otherwise obligated" cannot be impounded. Moreover, the words "funds appropriated or otherwise obligated for a specific purpose or project" would not include contract authority or authority to spend debt receipts. Included in authority to spend debt receipts, for example, is the REA loan authority, and included in contract authority, for example, would be Water Pollution Control.

The Congress needs to be informed regarding impoundments of any and *all budget authority*, whether the funds are appropriated, whether it is a contract authority (for example, the highway program and water pollution control program) or otherwise—not just "funds appropriated." There would also appear to be no sound reason for the words "for a specific purpose or project," because such words appear to place a limitation on the information which is to be submitted to the Congress. It would be better for the Congress to be informed on *any* and *all* budget authority, whether it is for a specific purpose or project, or otherwise (e.g., loan authorizations, appropriations, contract authority, etc.). It should be noted that the FY 1974 budget provides budget authority in excess of $10 billion in contract authority and in excess of $1,800,000,000 in authority to spend debt receipts. Certainly, if *any* of these items are impounded, the Congress should be informed. In other words, Mr. Chairman, the ambiguity arises in the fact that contract authority is not "funds appropriated" nor is it "funds otherwise obligated." Other examples of contract authority which the present verbiage of the bill would not, in my judgment, reach, are urban renewal funds—capital grants; grant-in-aid for airports; Appalachian Regional Development programs; forest highways; and many others.

In this regard, Mr. Chairman, I would also suggest that the word "funds" be changed to the words "budget authority" wherever the word "funds" appears throughout the bill.

I would also suggest that, on page 4 of the bill, line 6, the words "expenditure or" be deleted, that being superfluous; and that following the parenthesis on line 8, all the words be stricken down to, but not including the comma on line 11, and that the words "made available" be inserted in their stead. I suggest this change because the phrase "projects and activities" could very well limit the information which ought to be submitted.

On page 4, line 13, I would suggest that the words "or expenditure of the appropriated funds" be stricken and that the words "of budget authority" be substituted therefor.

I further suggest that on page 4, after line 14, the committee consider inserting a third paragraph, to read as follows:

(3) impoundments include the establishment of budgetary reserves pursuant to the provision of the Anti-Deficiency Act (31 U.S.C. 665). I make this suggestion because, as far as I personally know, there is no clear, precise, legal definition of the word "impoundments." Information heretofore furnished to the Congress by the Administration on impoundments, for instance, has referred to "budgetary reserves" pursuant to the provisions of the Anti-Deficiency Act. For this reason, it seems desirable to write into the law the impoundments we are talking about and at least include "budgetary reserves" set up pursuant to the Anti-Deficiency Act.

(3) I would suggest that it is not necessary to print as a document *for each House*, the special message referred to in line 1 of page 3. To avoid unnecessary expense, as well as unnecessary confusion which would result from having two differently numbered documents, I would suggest that a document printed by *either* House would be sufficient. Moreover, I think that the "special or supplementary message" referred to on line 12, page 3 of the bill, should also be printed as a document by one of the two Houses. I do not believe that Members of Congress should have to await the printing of such supplementary message in the "first issue of the Federal Register" subsequent to transmittal of such message.

(4) I come now to what I consider to be a major weakness in the bill, namely, no committee is designated as having the responsibility for developing the concurrent resolution referred to on line 1 of page 4 of the bill. Perhaps it was thought, in the preparation of S. 373, that no committee action would be necessary and that, in the interest of expeditious action, the procedures recommended in the bill would be preferred. However, I believe that unless clear responsibility is placed upon one or more committees of either or both Houses, the bill's provisions concerning the concurrent resolution would be infeasible. Are we to expect that a resolution will spring into full flower from the Floor of either House? Will just any Member of the Congress—Senator or Representative—be expected to take the matter immediately in hand and devise a resolution ratifying the impoundment of this or that budget authority and rejecting the impoundment of other budget authority?

It just seems to me, Mr. Chairman, that the bill must establish a specific mechanism for the handling of such special messages from the President, and for the decision-making with respect to what budget authority will or will not be ratified, together with responsibility for preparation of the resolution of ratification. Unless such a mechanism is specified, I fear the bill will fail of its purpose.

In other words, Mr. Chairman, I do not see the wherewithal in the provisions of this bill to generate the action leading to the resolution of ratification. Moreover, I have been advised that impoundments of budget authority are going on daily or weekly throughout the Executive Branch. If this is so, then I would anticipate a continuous flow of information on such impoundments, which, in turn, would require almost continuous study by a committee or committees of the Congress and which would also require repeated Floor action—certainly every 60 days or so—in connection with resolutions of ratification. Without the committee mechanism, it seems to me, I repeat, the approach which we seek to establish here would be unworkable. I would not want to venture a suggestion as to what committee or committees should have this responsibility. It may be that all committees having jurisdiction over the various impoundments would have to make some contribution in this regard. But I do wish to raise this question for the committee's consideration here today.

(5) I note that section 4 of the bill provides special procedures to be followed during Floor debate, and some of them apparently are modeled after the procedures set forth in the Reorganization Act of 1949 dealing with reorganization plans. I question, however, whether amendments to ratification resolutions, should in all cases *not* be in order. Perhaps a time limitation could be placed on amendments, to come out of the time allotted for debate on the resolution, with nongermane amendments being out of order.

(6) Finally, Mr. Chairman, the committee may wish to consider redrafting the bill to require that the President, if he wishes to impound budget authority not already sanctioned by the Congress, first submit a formal request to the Congress for such permission which, if denied, would preclude the President from making such impoundments. In this way, the consent of Congress would be sought and would be required as a condition precedent before budget authority could be impounded (except where previously sanctioned by anti-deficiency legislation, Congressional mandate, etc.). In other words, the consent of Congress would have to be gained *before* the fact, rather than *after* the fact, viz., after the impoundments have occurred, as is envisioned by S. 373, the bill which we are here discussing.

Mr. Chairman, I appreciate the indulgence of the committee in allowing me to appear at this hour, and I am grateful for the courtesy that has been accorded me. I do not envy you your task. You certainly have my support in the effort to find a way to legislate a workable solution to the problem we face.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.) laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Legislation To Amend the Foreign Assistance Act of 1961

A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Report of the Judicial Conference of the United States

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

Report on Positions in Grade GS–17

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on positions in grade GS–17 for the year 1972 (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Harry F. Byrd, Jr.):

A telegram, in the nature of a petition, praying for the return of the lands of Culebra and Vieques to the Commonwealth of Puerto Rico; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, with amendments:

S. Res. 59. A resolution relating to the railroad transportation crisis caused by the freight car shortage and other factors (Rept. No. 93–16).

By Mr. LONG, from the Committee on Finance, without amendment:

S. Con. Res. 8. A concurrent resolution relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control (Rept. No. 93–17); referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Daniel P. Moynihan, of New York, to be Ambassador Extraordinary and Plenipotentiary to India;

Richard Helms, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to Iran;

James Keogh, of Connecticut, to be Director of the U.S. Information Agency;

Richard T. Davies, of Wyoming, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Poland;

Cleo A. Noel, Jr., of Missouri, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Democratic Republic of the Sudan; and

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Liberia.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. CANNON, from the Committee on Rules and Administration:

Thomas F. McCormick, of Connecticut, to be Public Printer.

The nominee has assured the committee that he will respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (for himself and Mr. Fulbright):

S. 790. A bill to provide an additional permanent district judgeship in Arkansas. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Brooke, Mr. Cotton, Mr. Hathaway, Mr. Kennedy, Mr. McIntyre, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Roth, and Mr. Weicker):

S. 791. A bill to amend the Export Administration Act of 1969 with respect to the exclusion of agricultural commodities from export controls. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MUSKIE:

S. 792. A bill to amend the Federal Water Pollution Control Act, and for other purposes. Referred to the Committee on Public Works.

By Mr. CRANSTON (for himself, Mr. Mondale, Mr. Burdick, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Muskie, Mr. Pell, Mr. Randolph, and Mr. Williams):

S. 793. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. Javits):

S. 794. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL (for himself, Mr. Eagleton, Mr. Mondale, Mr. Taft, and Mr. Javits):

S. 795. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 796. A bill to improve museum services. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL (for himself, Mr. Case, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Hatfield, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Randolph, and Mr. Scott of Pennsylvania):

S. 797. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility. Referred to the Committee on Commerce.

By Mr. BURDICK (for himself, Mr. Bellmon, Mr. Brock, Mr. Cranston, Mr. Hathaway, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Mansfield, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Scott of Pennsylvania, Mr. Stevenson, Mr. Symington, Mr. Tunney, and Mr. Abourezk):

S. 798. A bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 799. A bill to provide adjustment assistance to Vietnam era prisoners of war. Referred to the Committee on Armed Services.

By Mr. McCLELLAN (for himself, Mr. Mansfield, Mr. Kennedy, Mr. Robert C. Byrd, and Mr. Bible):

S. 800. An original bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes. Placed on the calendar by unanimous consent.

By Mr. INOUYE:

S. 801. A bill for the relief of Federico P. Vidad. Referred to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 802. A bill for the relief of Ronald K. Downie. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 803. A bill to provide for the designation of the Escalante Trail, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself, Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Burdick, Mr. Cannon, Mr. Ervin, Mr. Gravel, Mr. Gurney, Mr. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nunn, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Scott of Pennsylvania, Mr. Sparkman, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S. 804. A bill to amend the Small Business Act to consolidate and expand the coverage of certain provisions authorizing assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to Federal or State laws. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS:

S. 805. A bill to establish a National Institute of Marketing and Health. Referred to the Committee on Commerce.

By Mr. BURDICK:

S. 806. A bill to amend section 205 of the Flood Control Act. Referred to the Committee on Public Works.

By Mr. BURDICK (for himself, Mr. Mansfield, and Mr. Metcalf):

S. 807. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees. Referred to the Committee on Finance.

By Mr. GRAVEL (for himself and Mr. PASTORE):

S. 808. A bill to authorize the Commissioner of Education to undertake a program to screen elementary school children in order to identify children with specific learning disabilities. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY:

S. 809. A bill to amend section 5 of the Urban Mass Transportation Act of 1964. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS:

S. 810. A bill to provide for the issuance of a special series of postage stamps to commemorate the bicentennial of the Escalante Expedition. Referred to the Committee on Post Office and Civil Service.

By Mr. HATFIELD:

S.J. Res. 54. A joint resolution repealing the Military Selective Service Act of 1967. Referred to the Committee on Armed Services.

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States with respect to the conscription of persons for service in the military forces. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 56. A joint resolution to authorize the President to proclaim the week containing February 12 and 14 as Afro-American History Week. Referred to the Committee on the Judiciary.

By Mr. BARTLETT:

S.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States relating to prayer in public schools. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself and Mr. FULBRIGHT):

S. 790. A bill to provide an additional permanent district judgeship in Arkansas. Referred to the Committee on the Judiciary.

ADDITIONAL JUDGESHIP FOR ARKANSAS

Mr. McCLELLAN. Mr. President, I have today introduced for myself and my distinguished colleague from Arkansas (Mr. FULBRIGHT), a bill to create an additional permanent judgeship for the eastern district of Arkansas. I had hoped that the Judicial Conference would have taken appropriate notice of the situation that is developing in Arkansas, and that the Eastern District could have been included in the pending omnibus judgeship bill (S. 597). Apparently, however, the Conference did not have available all of the most recent data. Consequently, the Eastern District did not receive a favorable recommendation.

Each quadrennial since 1964, Judicial Conference receives requests for judicial manpower. This year the Conference received requests for 80 judgeships, 73 of which were recommended by the circuit councils. The Subcommittee on Statistics of the Conference recommended 47, the Subcommittee on Court Administration of the Conference recommended three, and the Conference itself added one, making a total of 51.

Prior to making its recommendations, the Conference was supposed to review the statistical picture in each district for current filings, weighted filings, terminations, pending cases, trials and trial days, and an estimate of the district's projected 1976 filings. Also to be considered were the recommendations of the chief judges of the districts.

In general, an additional judgeship was recommended by the Conference when the 1976 projected filings per judgeship reached 400 or more, and no additional judgeships were recommended if the 1976 project fell below the 1971 national average of 341 filings.

These criteria were not applied inflexibly, according to the Conference. Other factors were considered, including the role of the magistrates, the presence of senior judges, and past experience of the district.

Unfortunately, the Eastern District of Arkansas was not among the 51 recommendations.

The Eastern District now has one permanent judgeship. The Eastern and Western Districts share two floating judgeships. Based on statistics presented to the Subcommittee on Judiciary Improvements, the weighted 1971 filings for the Eastern District were 350 per judgeship; its raw filings for 1971 were 366; for 1972, 463. The projected raw filings for 1976 were 450. An additional judgeship was recommended by the council, but not by the Conference.

Had the recommendations of the council been followed, the 1976 projection would have fallen to 300; as it is, it remains at 450, inexplicitly 13 below the actual 1972 figure.

The Chairman of the Subcommittee on Judicial Statistics, Judge John D. Butzner, Richmond, Va., was asked in hearings held by the Subcommittee on Improvements in Judicial Machinery on January 23, 1973, to explain why the Eastern District did not receive a favorable recommendation from the Conference.

Judge Butzner said the conference felt that Arkansas should be looked at as a whole. The projected filings for the Western District for 1976 are 173 raw and 163 weighted. Consequently, judges from the Western District should be able to help the Eastern District carry its 1976 projection of 460 raw and 458 weighted.

Apparently, the 1972 figures available to the Conference were not complete. The most recent data available from the Administrative Office of the U.S. Courts indicates that the projected 1976 filing for the Eastern District will reach 500. One additional judgeship would bring this figure down to 333.

Except for pending caseload, all per judgeship statistics in the Eastern District are significantly above national averages. Its weighted filings, for example, is the eighth largest in the country and 140 above the national level. Its judgeship terminations by trial is the ninth largest in the country.

Mr. President, I do not introduce this bill lightly. In the past, I have been asked about Arkansas and have not recommended additional judgeships, because I did not feel they were needed. But that is not the case now.

Mr. President, I understand the Senate Subcommittee on Improvements in Judicial Machinery will give this legislation a hearing in connection with its processing of the omnibus judgeship bill. I am confident when all the facts are known that the Eastern District will receive the relief it needs.

By Mr. MUSKIE (for himself, Mr. BROOKE, Mr. COTTON, Mr. HATHAWAY, Mr. KENNEDY, Mr. PASTORE, Mr. RIBICOFF, Mr. ROTH, Mr. WEICKER, and Mr. PELL):

S. 791. A bill to amend the Export Administration Act of 1969 with respect to the exclusion of agricultural commodities from export controls. Referred to the Committee on Banking, Housing and Urban Affairs.

EXPORT CONTROLS ON CATTLEHIDES

Mr. MUSKIE. Mr. President, Senators BROOKE, COTTON, HATHAWAY, KENNEDY, MCINTYRE, PASTORE, PELL, RIBICOFF, ROTH, WEICKER, and I are today introducing legislation that will permit the President to reinstitute export controls on cattlehides.

On July 15, 1972, Secretary of Commerce Peterson, acting under the Export Administration Act, imposed controls on cattlehides after the most careful, and I must say unduly deliberate, study. In announcing this action, Secretary Peterson underlined the administration's reluctance to impose controls, but indicated the absolute necessity for doing so. He cited the record high prices of hides and the Argentinian and Brazilian embargoes on hide exports as the major reasons for the administration's decision to impose controls.

A scant 2 weeks after Secretary Peterson's action, Congress passed an amendment to the Export Administration Act of 1969 which severely restricted the President's authority to impose export controls on hides. Since last summer, the price of hides has risen; tanneries have closed; and unemployment in the leather industry has been at an intolerably high level. In my own State of Maine, between 1968 and June of 1972, employment in Maine's leather footwear industry declined from 26,900 employees to 18,500. During 1971–72, 13 shoe firms in Maine employing 3,000 people have closed. The pattern is not unique to Maine. We must not allow the situation to deteriorate further through uncontrolled increases in cattlehide prices. Legislation is needed to restrict American export of cattlehides, so that the prices of these hides do not rise to a level beyond the reach of the shoe and leather industries in the United States. It is my hope that this bill will be acted on quickly by Congress. Its passage is essential to the health of these vital American industries.

By Mr. MUSKIE:

S. 792. A bill to amend the Federal Water Pollution Control Act, and for other purposes. Referred to the Committee on Public Works.

ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

Mr. MUSKIE. Mr. President, during the opening weeks of the new Congress, Members in both Houses, and particularly in this body, have observed over and over again that the legislative branch is losing its power and its place in the system of checks and balances to the executive branch. In many areas these complaints and concerns are justified; the President has ignored legislative and appropriations decisions of the Congress at will, arrogating to himself and to his office decisions which are explicitly reserved to the Congress.

But I am also concerned, Mr. President, that the Congress itself is contributing to its own decline as a responsive and effective institution. Increasingly we have found it convenient to delegate to the executive or to the courts decisions for which we are responsible. Increasingly we have legislated procedures and called them policy. And increasingly we have avoided the task we were elected to perform—making tough decisions in areas of public policy which cry out for our attention.

One of the areas of public policy which demands attention we have not given is the development and protection of the Nation's limited land resources. It is true that the Senate has considered and passed legislation to require the States to develop land use policies; but, once again, this legislation would have delegated almost unlimited discretion to the executive and to the States to decide what was good land use and what was bad land use. Once again, the Congress would have passed the buck—with no instructions on what to do with it.

The task of creating policies to regulate land use decisions cannot be left solely to the States or to the executive. The buck stops here—in the Congress. Only here can the Federal interest in the public health and welfare be balanced against private decisions regarding property use. Only here can land use regulatory policies be set that take into account all the conflicting interests and make the appropriate tradeoffs from a national perspective.

There is no question of the need for such a policy and for regulation of land development decisions based on such a policy. In fact, such a regulatory mechanism is required in both the Clean Air Act and the Water Pollution Control Act. Implementation plans and programs under both acts must include, where necessary, land use controls. Uncertain land use policies regarding the development of land resources and the need for effective regulatory procedures also lie at the root of our difficulties in solving the energy crisis, in dealing with transportation problems, and in preserving biologically productive land areas.

Just as Congress has recognized that the problems of air and water pollution respect no State boundaries and demand national solutions, so, too, we are now realizing the national scope of our energy and transportation crises. It is time, however, that we also recognized the national scope of other problems which result directly from our lack of a national policy to regulate our use of limited land resources:

The quality of rural life is increasingly threatened as local citizens are crowded off the land and out of their houses by wealthy vacationers seeking recreational property and rural homes.

Highway construction and urban renewal programs devised without respect for people's lives and communities have robbed city dwellers of open space, recreational opportunities, pleasant surroundings, and often their homes.

Commercial and industrial site selection decisions have transformed and often permanently degraded large areas of land, simply because inadequate consideration was given to the effects of the attendant transportation, energy, housing, and waste treatment needs of the people who would come with the development.

Unplanned development and land use has destroyed flood plains, valuable wetlands, timberlands, and farmlands.

These are national problems; and until we set basic regulatory policy on a national level, these problems will continue to plague us. It is not enough for Congress to say that land use planning is good public policy—though land use planning is essential; and it is not enough to require the States to develop land use plans of their own—though they must act expeditiously to develop such plans. Those kinds of decisions are not really decisions at all; they merely are new applications of the same old, bad habits in failing to cope with yet another pressing issue. Pronouncements of rhetoric have never constituted effective, substantive policy. Nowhere is this truth plainer than in our experiences under the National Environmental Policy Act; although that law has provided some valuable procedural protections, it offers no relief from bad decisions which are a product of good procedure—because it contains no enforceable standards and guidelines against which to measure those decisions.

We should not make the same mistakes in developing national land use regulatory legislation that we have made in other areas; we cannot afford to. We must not sit still and allow the States or the Federal bureaucracy to create fragmented, disoriented, and often contradictory regulatory policies and programs which will permit private, selfish decisions to exacerbate critical national problems and override the public interest.

The bill which I introduce today, the Environmental Protection Permit Act, would require the establishment of regulatory mechanisms at the State level to review private land development decisions, and it would establish in law specific criteria against which to assess those State programs and to permit or deny them to take effect.

Under the provisions of this bill, which would become title VI of the Water Pollution Control Act, the Environmental Protection Agency would be prohibited from making grants for the construction of waste treatment facilities under the Water Pollution Control Act, delegating control of water pollution permit programs to States, or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any State which does not have an approved program for granting environmental protection permits. This enforcement provision is, of course, subject to refinement, but it recognizes the fact that effective air and water pollution control requires the effective regulation of our limited land resources.

The specific land use policy criteria set forth in this bill are clear statements of the elements of good land use. They are the product of lessons the Subcommittee on Air and Water Pollution has learned from hearings in Machiasport, Maine, and Lake Tahoe, from the development and implementation of the Clean Air Act and the Water Pollution Control Act, and from years of hearings on the economic and social roots of environmental pollution. They are by no means complete in setting forth all the necessary guidelines, but they are a set of criteria from which we can refine an effective set of final guidelines.

The provisions of this bill also reflect beginning efforts which have been made to regulate land use in several States, particularly the State of Maine. In establishing the land use regulation commission in 1969, Maine assumed a position of national leadership in resource analysis and mapping, comprehensive planning, establishment of land use standards and land use districts, and enforcement. The Maine Land Use Regulation Commission establishes standards for and restraints upon the use of land in the unorganized townships of the State, 49 percent of Maine's total land area and more than 10 million acres.

Coupled with the site selection permit program administered by the State's environmental improvement commission, the LURC has given the people of Maine an opportunity to protect their public property rights against private waste.

Nothing is more central to the development of a national growth policy and to the preservation of a livable environment than effective land use planning and regulation. As Dr. George Wald has said:

> There is nothing more valuable in the Cosmos than an acre of land on earth.

Unless we in Congress understand and act on our responsibility to make the hard, tough policy decisions which we were elected to make, we and our children will be witnesses to the defenseless waste of that land.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill together with the bill itself be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Federal Water Pollution Control Act is amended by adding at the end thereof a new title to read as follows:

"TITLE VI—ENVIRONMENTAL PROTECTION PERMITS

"SEC. 601(a) The Adminstrator shall not, at any time after June 30, 1975, (1) make any grant in a state in accordance with the provisions of Title II of this Act, (2) approve any state permit program in accordance with the provisions of Section 402 of this Act or

(3) grant any extension of time for achievement of air quality standards in accordance with the provisions of section 110(e) and 110(f) of the Clean Air Act (42 U.S.C. 1857 et seq.), unless at the time of the grant application for a project in such state or at the time of submission by such state of a permit program or a request for extension of time for compliance with air quality standards, that state has in effect an environmental protection permit program approved by the Administrator in accordance with the provisions of this title.

"(b) Any approval of a state permit program in accordance with section 402 of this Act and any extension of the effective date for compliance with air quality standards granted in accordance with subsection (e) or (f) of section 110 of the Clean Air Act for a state shall be suspended where such state does not have, before July 1, 1975, an environmental protection permit program approved by the Administrator in accordance with the provisions of this title, and such suspension shall remain in effect until that state has an approved environmental protection permit program.

"SEC. 602(a)(1) Upon application of a state, the Administrator shall approve a state environmental protection permit program as adequate when he determines that (A) such state has an adequate process for issuing permits, (B) there is an adequate mechanism to oversee and enforce compliance with permit requirements to assure that no proposed development or expansion of capacity of any industrial, commercial or residential facility and no other development or activity which would in any way affect existing utilization of land will occur without an environmental protection permit issued by the state in accordance with the provisions of this title, and (C) in issuing permits, the state will follow the environmental protection criteria specified in subsection (c).

"(2) Approvals of state environmental protection permit programs granted by the Administrator shall be valid for a period not to exceed four years from the date on which approval is granted.

"(3) Application for reapproval, or changes in or amendments to the state environmental protection permit program shall be reviewed and approved by the Administrator in the same manner as initial applications for approval of the state environmental protection permit program.

"(4) Whenever the Administrator determines, after a public hearing, that (A) a state is not administering a program approved under this title in accordance with requirements of this title, or (B) a state has issued any environmental protection permit in violation of the criteria specified in subsection (c) of this section, he shall so notify the state and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the state, and made public, in writing, the reasons for such withdrawal.

"(b) For the purposes of this title, an adequate process for issuing permits shall include (1) a program for developing policies and procedures to implement the environmental protection permit program which shall include:

"(A) adequate opportunity for public hearings during development and revision of the environmental protection permit program in each major population center of the State and at such other places in the State as are necessary to assure that all persons living within the State have adequate opportunity to attend a public hearing on the environmental protection permit program at a place within a reasonable distance from their homes;

"(B) adequate opportunity, on a continuing basis, for participation by the public and the appropriate officials or representatives of local government in development, revision and implementation of the environmental protection permit program;

"(C) processes to review and revise as necessary, on at least a bi-annual basis, guidelines, rules and regulations to implement the environmental protection permit program published by the State or by political subdivisions of the State in cases where the States' responsibilities have been delegated in accordance with the provisions of section 603 of this title;

"(D) a mechanism for coordinating all State programs and all Federal grant-in-aid or loan guarantee programs under which the State or its political subdivisions, or private persons within the State, are receiving assistance to assure that such programs are conducted in a manner consistent with the guidelines, rules and regulations published by the State or its political subdivisions and intended to implement the environmental protection permit program;

"(E) adequate provision to coordinate planning activities of a State with the activities relating to environmental protection permit programs of surrounding States; and

"(F) assurance that the taxation policies of the State and its political subdivisions are consistent with and supportive of the goals of the State environmental protection permit program, and

"(2) Procedures for issuance of individual environmental protection permits which provide that:

"(A) there shall be a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

"(B) there shall be an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to issue or to refuse to issue a permit;

"(C) all information presented to the State or a local government with regard to any application for issuance of a permit shall be available for public inspection at a place designated by the unit of government to which the application for an environmental protection permit is made; and

"(D) decisions relating to applications for environmental protection permits shall be announced publicly at a time and place specified at least 30 days in advance of the announcement.

"(c) The Administrator shall not approve a State environmental protection permit program which does not assure compliance with the following environmental protection criteria:

"(A) public or private development will be permitted only if in the process of development, and in the completed project, the development will not result in violation of emission or effluent limitations, standards or other requirements of the Clean Air Act and this Act;

"(B) industrial, residential or commercial development will not occur on agricultural land of high productivity, as determined on a regional basis by the Secretary of Agriculture, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents that would not otherwise be available;

"(C) industrial, residential or commercial development will not occur where it would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation, unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the emission or effluent limitations, standards or other requirements of the Clean Air Act or this Act at any place where such expansion of such systems or any activities relating thereto may occur;

"(D) redevelopment and improvement of existing communities and other developed areas is favored over industrial, commercial, or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, and that development contrary to these principles shall be allowed only where specifically approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

"(E) no industrial or commercial development shall occur only where there exist adequate housing opportunities, on a non-discriminatory basis and within a reasonable distance of any such development, for all persons who are or may be employed in the operation of such development;

"(F) no development shall occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by such lands;

"(G) there shall be no further commercial, residential or industrial development of the flood plains of the navigable waterways in the state;

"(H) those responsible for making less permeable or impermeable any portion of the landscape will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snow-melt;

"(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

"(J) utilities, in locating utility lines, shall make maximum possible multiple use of utility rights-of-way; and

"(K) any major residential development will include open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

"(d) A State may exempt from the requirements of an environmental protection permit program any single family residential building constructed by a person on land owned by such person and intended to be his principal residence on a year-round basis, where such person has not, within the previous five-year period, constructed another such residential building which was or would have been eligible for exemption in accordance with the provisions of this subsection.

"SEC. 603. The Administrator may approve as adequate in accordance with the provisions of this title, a State environmental protection permit program which delegates the permit granting responsibility assigned under this title to one or more political subdivisions of a State where such State continues general responsibility for establishing policies for the environmental protection permit program and the Administrator determines that the other responsibilities of the State under this title will be adequately performed.

"SEC. 604(a). The Administrator is authorized to make grants to any unit of local government within a State which, as a result of actions taken to implement the State environmental protection permit program, has suffered a loss of property tax revenues (both real and personal). Grants made under this section may be made for the tax year in which the loss of tax revenue first occurs and for each of the following two years: *Provided, however,* That the grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceeding the date of enactment of this title and the actual property tax revenue received by the local government for the tax year in which the tax loss first occurs and for each of the two tax years following the year in which the tax loss first occurs.

"(b) Grants under this section may be made only where there has been no reduction in the tax rates and the tax assessment valuation factors employed by the local government in determining its tax valuation and tax rates. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, then, for the purposes of determining the amount of a grant under this section for the year or years in which such reduction in the tax rates or the tax valuation factors is in effect, the Administrator shall use the tax rate and tax assessment valuation factors of the local government in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by such local government had such reduction of tax rate or tax assessment valuation factors not occurred.

"SEC. 605. (a) The Administrator is authorized to make grants, upon such terms and conditions as he deems appropriate, for the development and revision of a statewide environmental protection permit program.

"(b) Such grants may be in an amount up to 75 per centum of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the statewide environmental protection permit program: *Provided, however,* That grants under this section may be made to political subdivisions of a State only in those instances where a State has delegated to a political subdivision part or all of its permit granting functions in accordance with the provisions of section 603 of this title.

"SEC. 606. Each department, agency and instrumentality of the executive legislative and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, shall comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any activity of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this title granted during the preceding calendar year, together with his reason for granting each such exemption.

"SEC. 607. Nothing in this title shall be construed to require or authorize that any State environmental protection permit program include provisions to supersede or otherwise avoid the authority of any political subdivision of a State to refuse to permit any development within the area of its jurisdiction.

"SEC. 608. (a) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, for grants in accordance with the provisions of section 604 of this title, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(d) Sums appropriated in accordance with the provisions of this title shall remain available until expended.

"(e) The Administrator, after public hearings, shall promulgate such regulations as he deems necessary to implement the provisions of this title."

SECTION-BY-SECTION ANALYSIS: ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

This legislation would become Title VI of the Federal Water Pollution Control Act.

Section 601 states that after June 30, 1975, EPA is prohibited from making waste treatment grants or approving state permit programs under the Federal Water Pollution Control Act or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any state which does not have an approved program for granting environmental protection permits. Further, existing EPA approvals of state permit programs or extensions of air quality standards are suspended in states that do not have approved permit programs by July 1, 1975.

Section 602(a) requires that approval of a state environmental protection permit program be conditioned on the state having (A) an adequate process for issuing permits, (B) procedures to oversee and enforce compliance with permit requirements to assure that no development occurs without environmental protection permit being issued by the state and (C) procedures to assure compliance with the site selection criteria specified in subsection (c). Approvals of state environmental protection permit programs are valid for up to four years, and applications for reapproval, or changes in or amendments to the state environmental protection permit program must be approved by EPA in the same manner as the original permit program.

EPA can revoke a permit when it determines that (A) a state is not administering a program in accordance with the law or (B) a state has issued any environmental protection permit violating criteria specified in subsection (c) and if, after notification of the violation by EPA, the state does not take corrective action within 90 days. EPA cannot withdraw approval of any state program without first notifying the state, and making public, in writing, the reasons for the withdrawal.

Section 602(b) states that an adequate process for issuing permits must include (1) a program for developing policies and procedures to implement the environmental protection permit program which include:

(A) adequate opportunity for public hearings during development and revision of the permit program in each major population center of the state and at such other places as necessary to assure that all persons in the state have adequate opportunity to attend a public hearing on the environmental protection program at a place within a reasonable distance from their homes;

(B) adequate opportunity, on a continuing basis, for participation by the public and local government officials in development, revision and implementation of the permit program;

(C) processes to review and revise as necessary, on at least a bi-annual basis, state and local guidelines, rules and regulations to implement the environmental protection permit program.

(D) a mechanism to coordinate all state programs and all Federal grant-in-aid or loan guarantee programs under which the state or its political subdivisions, or private persons within the state, are receiving assistance, to assure that such programs are conducted in a manner consistent with the requirements of the environmental protection permit program;

(E) coordination of planning activities with the environmental protection permit programs of surrounding states; and

(F) assurance that state and local taxation policies are consistent with and supportive of the goals of the environmental protection permit program; and

(2) Procedures for issuance of individual environmental protection permits which provide

(A) a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

(B) an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to issue or to refuse to issue a permit;

(C) public availability of all information presented to the state or a local government with regard to any application for issuance of a permit; and

(D) public notice, at least 30 days in advance, of the time of announcement of decisions relating to applications for environmental protection permits.

Section 602(c) requires that no state environmental protection permit programs be approved which does not assure compliance with the following environmental protection criteria:

(A) public or private development will not be permitted which can cause violation of the Clean Air Act or the Federal Water Pollution Control Act;

(B) development will not occur on high productivity agricultural land, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents;

(C) no development will occur that would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the Clean Air Act or the Federal Water Pollution Control Act at any place where such expansion of such systems or any activities relating thereto may occur;

(D) redevelopment and improvement of existing communities and other developed areas is favored over development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, with development contrary to these principles allowed only where approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

(E) industrial or commercial development will occur only where there is available adequate housing, on a non-discriminatory basis and within a reasonable distance of the development, for all persons who are or may be employed in the operation of the development;

(F) no development will occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by those lands;

(G) there will be no further commercial, residential or industrial development of the flood plains of navigable waterways;

(H) persons making any portion of the landscape less permeable or impermeable will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snowmelt;

(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

(J) utilities, in locating utility lines, will maximize multiple use of utility rights-of-way; and

(K) any major residential development includes open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

Section 602(d) allows states to exempt from the requirements of an environmental protection permit program any single family home constructed by a person on his own land and intended to be his principal residence on a year-round basis, if that person has not, within the previous five years, constructed another similar home.

Section 603 permits delegation of state permit granting responsibilities to local government in the state, where the state continues general responsibility for establishing policies for the environmental protection permit program and the other responsibilities of the state will be adequately performed.

Section 604 authorizes EPA to make grants to any local government which, as a result of actions taken to implement the permit program, has suffered a loss of real or personal property tax revenues. Grants may be made for the tax year in which the loss of revenue first occurs and for each of the following two years, but, that the grant for any tax year cannot exceed the difference between (1) the annual average of all property tax revenues received by the local government in the three years immediately proceeding enactment of this title, and (2) the actual property tax revenue received for the tax year in which the tax loss first occurs and for each of the two succeeding tax years. Grants can be made only where there has been no reduction in tax rates or tax assessment valuation factors. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, EPA must use the tax rate and tax assessment valuation factors in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by the local government.

Section 605 authorizes EPA to make grants for the development and revision of state-wide environmental protection permit programs.

The grants may cover up to 75% of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the state-wide environmental protection permit program. Grants can be made to political subdivisions only in those instances where a state has delegated to them part or all of its permit issuing functions.

Section 606 requires that Federal agencies (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, must comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any Federal activity only if he determines it to be in the paramount interest of the United States to do so. However, no exemption can be granted due to lack of funds unless the funds have been specifically requested in the budget and the Congress has failed to appropriate them. Exemptions shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President must report to Congress each January all exemptions granted during the preceding calendar year, together with his reason for granting each of the exemptions.

Section 607 provides that nothing in this title is to be construed to require or authorize that any state environmental protection permit program override the authority of any political subdivision of a state to prohibit any development within the area of its jurisdiction.

Section 608(a). For tax loss reimbursement grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(b) For state program grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(c) For EPA administration there are authorized to be appropriated $25,000,000 for fiscal year 1974, $25,000,000 for fiscal year 1975, and $25,000,000 for fiscal year 1976.

(d) Authorizes appropriated sums to remain available until spent.

(e) Give EPA authority to publish regulations necessary to implement the law.

By Mr. CRANSTON (for himself and Mr. Javits):

S. 794. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COLLECTIVE BARGAINING RIGHTS FOR EMPLOYEES OF NONPROFIT HOSPITALS

Mr. CRANSTON. Mr. President, I introduce today a bill which I believe is vitally needed to remedy the denial of collective bargaining rights to employees of nonprofit hospitals which are guaranteed to other American workers under the National Labor Relations Act. I am honored to be joined in introducing this measure by my colleague from New York (Mr. Javits).

The bill I am offering is short and simple. It removes the present exclusion of employees on nonprofit private hospitals from the coverage of the National Labor Relations Act. But while it is short and simple in appearance, its impact upon the livelihood of many of the workers in nonprofit private hospitals is great. Enactment of this bill will assure these workers the protection of an orderly procedure to participate effectively in their labor-management relations, for two and a half decades.

Testimony presented last Congress before the Senate Labor Subcommittee of the Committee on Labor and Public Welfare on legislation (H.R. 11357) to obtain this protection for employees of nonprofit hospitals presented strong arguments for this measure.

It dramatized the plight of thousands of men and women working for nonprofit hospitals without the protection and without the benefit of group representation in labor negotiations with their employers while the right of employees of proprietary hospitals are protected by the National Labor Relations Act.

I have always supported the rights of workers to bargain collectively through a union they choose, with their employers.

Without such protections, workers have little recourse but to depend on the benevolence of their employers to provide adequate pay.

Fundamentally, this principle is equally applicable to hospital employees with respect to the application of NLRA protections. I see no reason to differentiate between proprietary hospitals and nonprofit hospitals. The services provided by each are the same and the demands made upon the employees are the same. The only difference is in the manner of distribution of the revenues.

Thus, I feel it is an inequitable distinction that provides NLRA protection for the collective-bargaining efforts of employees of one type of hospital while the collective-bargaining efforts of the employees of nonprofit hospitals are not protected. I feel that we should protect them all; that we should support the right of all hospital workers to bargain collectively with their employers.

In the six-county area around Los Angeles there are 243 hospitals, 70 percent of which are nonprofit. These nonprofit hospitals employ more than 43,326 men and women. Nationally, more than 1,427,000 workers in 3,600 hospitals—half of the hospitals in the Nation—are presently denied the right to bargain collectively under NLRB procedures.

Mr. President, at this point I ask unanimous consent that there be printed in the Record at this point the testimony of Mr. George Hardy, international president of the Service Employees International Union, AFL–CIO, before the Senate Subcommittee on Labor at hearings during the second session of the 92d Congress on H.R. 11357, a House-passed bill to bring nonprofit hospitals under the National Labor Relations Act.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of George Hardy

Mr. Chairman, I am George Hardy, international president of Service Employees International Union, AFL–CIO. We represent a half-million members in the service industries.

Among our members, we represent more than 125,000 workers in the health-care field. These workers and many thousands of other workers are told that despite the fact that the employees of almost every other nonprofit institution are covered by the National Labor Relations Act, including nonprofit nursing homes and employees of nonprofit colleges, these workers in nonprofit hospitals cannot use the National Labor Relations Board procedures.

The bill before your committee, H.R. 11357, merely deletes this exclusion.

Employers of nonprofit hospital employees are not required by law to recognize or bargain with organizations such as Service Employees International Union representing such employees.

In many instances, hospitals have voluntarily chosen to recognize and bargain with a union. When the hospital employers refuse however, employees are often forced to strike; not for better wages or conditions or fringe benefits, but merely to obtain recognition. If the bill before us becomes law, employers, employees, and all others involved, will benefit therefrom.

We have experienced many recognition strikes in attempting to represent the workers in nonprofit hospitals. We have succeeded in gaining recognition as the result of many strikes; and sometimes, it takes a very long time.

In Cleveland a few years ago, our local union organized the 450 workers at Saint Luke's Methodist Hospital. We then asked the hospital to recognize us as the legitimate representative of these workers.

The hospital administrator refused to sit down with us. When we strike a hospital in a case such as this, we advertise to all patients and doctors and everybody involved prior to the strike that there is going to be a strike. We did this at Saint Luke's Methodist Hospital.

If necessary, we even furnish ambulances to remove any patients that should be moved out of the hospital. When we are forced to strike, we don't say, "All right, we will strike you tomorrow morning," but we give ample notice and generally put a sign in front of the hospital giving the information exactly when the strike will take place.

We were finally forced to strike Saint Luke's for recognition and this strike lasted 11 months.

Finally, at the end of the 11 months, Mayor Stokes promised passage of a collective bargaining ordinance for nonprofit hospitals; and Saint Luke's finally recognized our local union.

We also had another strike for recognition in 1969 that lasted 33 months. This one was at Ingleside Hospital in Cleveland. There were strikes for recognition at the famous Cedars of Lebanon Hospital in Los Angeles, the Wesley Memorial Hospital in Chicago, and at many other hospitals.

It seems to me that it is a simple matter of justice that the employees of nonprofit hospitals should be permitted to use the protections of the National Labor Relations Act.

Hospital employees should no longer be denied the same legal rights as employees in other industries.

Coverage under the provisions of the National Labor Relations Act would provide a peaceful method for employees to obtain recognition from their employer.

As you know, the Secretary of Labor, James Hodgson, said in a letter to Chairman Perkins of the House Education and Labor Committee on July 19, 1972:

"In many instances, lack of ground rules for union recognition and collective bargaining in this sector has resulted in uncontrolled tests of strength in which the public as well as the parties suffer heavily. These issues will continue to arise probably with increasing frequency. It is far better that they should be resolved through the orderly procedures of the National Labor Relations Act than through bitter and wasteful confrontations."

The exemption has not prevented organization when employees have wished to organize. H.R. 11357 will eliminate the major cause for strikes affecting hospitals that take place on grounds of failure to grant recognition.

We urge your committee to report this bill favorably.

Mr. CRANSTON. Mr. President, Mr. Hardy's testimony shows clearly that NLRA coverage of non-profit hospital employees will be of ultimate benefit to the hospitals, employees and, most important, the patients involved.

Mr. President, I would like to close by urging the support of my colleagues for this legislation. I believe it is a vital remedy for the denial of basic rights to employees of non-profit hospitals that are guaranteed to other American workers under the National Labor Relations Act. It offers them simple justice in securing the full benefits of our economic and social institutions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(2) of the National Labor Relations Act is amended by striking out "or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual."

By Mr. PELL (for himself, Mr. Eagleton, Mr. Mondale, Mr. Taft, and Mr. Javits):

S. 795. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PELL. Mr. President, I introduce for reference to the appropriate committee a bill which will extend the National Foundation on the Arts and the Humanities for a period of 3 years at $200 million for fiscal 1974, $300 million for fiscal 1975, and $400 million for fiscal 1976.

As chairman, since its inception, of the Special Subcommittee on Arts and Humanities of the Senate Committee on Labor and Public Welfare, it has been my good fortune to see the concept of Federal support for the arts and humanities become a reality. Initially, through passage of the National Foundation on the Arts and the Humanities Act in 1965, and, with its subsequent reauthorization on two separate occasions, this type of Federal endeavor has gathered increasing congressional support. Since 1965, the Endowment for the Arts, first under the direction of Roger Stevens and then Miss Nancy Hanks, and the Endowment for the Humanities, first under Henry Allen Moc, then Barnaby Keeney and then Ronald Berman, have grown into viable institutions fully meeting the expectations of we who drafted the original legislation.

Since 1965, the endowments have grown in both authorizations and appropriations.

Mr. President, I ask unanimous consent to have printed in the Record at this point a table showing the history of authorizations and appropriations through fiscal year 1973 for the National Foundation on the Arts and Humanities.

There being no objection, the table was ordered to be printed in the Record, as follows:

HISTORY OF AUTHORIZATIONS AND APPROPRIATIONS THROUGH FISCAL YEAR 1973—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

	Arts		Humanities	
	Authorization	Appropriation	Authorization	Appropriation
Fiscal 1966:				
Program	$5,000,000	$2,500,000	$5,000,000	$2,500,000
Funds to match private donations	2,250,000	34,308	5,000,000	
Subtotal	7,250,000	2,534,308	10,000,000	2,500,000
Fiscal 1967:				
Programs	5,000,000	4,000,000	5,000,000	2,000,000
State councils	2,750,000	2,000,000		
Funds to match private donations	2,250,000	1,965,692	5,000,000	106,278
Subtotal	10,000,000	7,965,692	10,000,000	2,106,278
Fiscal 1968:				
Program	5,000,000	4,500,000	5,000,000	3,500,000
State councils	2,750,000	2,000,000		
Funds to match private donations	2,250,000	674,291	5,000,000	325,257
Subtotal	10,000,000	7,174,291	10,000,000	3,825,257
Fiscal 1969:				
Program	6,000,000	3,700,000	8,000,000	3,700,000
State councils	2,000,000	1,700,000		
Funds to match private donations	3,375,000	2,356,875	3,375,000	1,262,473
Subtotal	11,375,000	7,756,875	11,375,000	4,962,473
Fiscal 1970:				
Program	6,500,000	4,250,000	9,000,000	6,050,000
State councils	2,500,000	2,000,000		
Funds to match private donations	3,375,000	2,000,000	3,375,000	2,000,000
Subtotal	12,375,000	8,250,000	12,375,000	8,050,000
Fiscal 1971:				
Program	$12,875,000	$8,465,000	$17,000,000	$11,060,000
State councils	4,125,000	4,125,000		
Funds to match private donations	3,000,000	2,500,000	3,000,000	2,500,000
Subtotal	20,000,000	15,090,000	20,000,000	13,560,000
Fiscal 1972:				
Program	21,000,000	20,750,000	26,500,000	24,500,000
State councils	5,500,000	5,500,000		
Funds to match private donations	3,500,000	3,500,000	3,500,000	3,500,000
Subtotal	30,000,000	29,750,000	30,000,000	28,000,000
Fiscal 1973:				
Program	28,625,000	27,825,000	35,500,000	34,500,000
State councils	6,875,000	6,875,000		
Funds to match private donations	4,500,000	3,500,000	4,500,000	3,500,000
Subtotal	40,000,000	38,200,000	40,000,000	38,000,000
Total	141,000,000	116,721,166	143,750,000	101,004,008
Private donations		16,548,548		13,194,000
Total, Office of Education		1,000,000		1,000,000
Transfer, National Museum Act funds		100,000		100,000
Total, available for obligation		134,369,714		115,298,008

The arts and humanities program is aimed at helping to create a climate in which these two most important and related cultural areas may flourish. I believe that the Arts Endowment and the Humanities Endowment have made great progress in fostering this climate.

When we consider the lack of our Government's support for the arts and its relative paucity of emphasis on the humanities and on the contributions of our Nation's scholars prior to enactment of this legislation in 1965, and when we look at the wide variety of programs both endowments—guided by their eminently qualified private citizens councils—have initiated, we can see how much this legislation has advanced our Nation's well-being.

Young artists and scholars have been aided, the more established ones have been given national recognition and encouragement to pursue their work, innovative programs have stemmed from the knowledge and wisdom of the two councils and from the leadership the chairmen have provided. Great art organizations in dire financial need have been assisted or rescued and given new ability to continue and improve. Matching grant principles of funding have served to engender new sources of private support and are responsible for new partnerships between Government and the cultural community.

Before this law came into being, only a handful of States had any sort of program to support the arts. Now each State has an established State art agency, growing through matching Federal funds and bringing increasing encouragement to the development of the arts at community and local levels; and the Humanities Endowment is also working with the States in regional areas.

Private citizen groups throughout the country have lauded this whole program as being of essential and central value to our Nation's future.

As the Senate sponsor of the original arts and humanities legislation, it was my pleasure to forecast such possibilities, and it has been my pleasure to see them come at least to partial fruition.

Indeed, we have witnessed the genesis and growth of the climate we sought to help create. Though "the quality of life" is an often used phrase, it is at the very basis of this legislation. Only in such a climate can our artists and scholars best contribute their talents to our people. And it is in terms of this climate that we should think of our bicentennial—not just as a goal in itself, but as a springboard toward the third century of our Nation's life and future centuries. In my view, only in these terms does an actual bicentennial celebration relate to the long-range work of the arts and humanities program.

If a climate for the encouragement of our cultural well-being has been so assisted, and if it has grown in meaning and effectiveness—as I so strongly believe it has—now it should be allowed to advance toward its full potentials, so that we can truly take our place among the leading civilizations of the world, which throughout history have considered that these cultural areas have an abiding importance and value. History has judged leading civilizations in these terms, and history will judge our own civilization as it further develops in this fashion.

Let me say in particular that I am especially pleased that Senator Javits is cosponsoring this legislation. He was a pioneer in this area long before I became involved myself. As we do now, he and I have joined together in the past, and at the inception of this legislation, to make possible the creation of the arts and humanities program and to reauthorize its advancement.

It is my understanding that some thought has been given to utilizing the services of both the Humanities and Arts Endowments in the bicentennial celebration. I will not at this time go into the shortcomings of the present Bicentennial Commission. These are known to us all. I do feel that an attempt to involve the endowments directly in the funding of the bicentennial program could well be detrimental to their basic programs. Put simply, I would hate to see them tarnished by the same brush that has so sullied the reputation of the Bicentennial Commission and confused planing to date.

What is more important is the long-range effect which such an action can have on the endowments. I believe that the funding of specific commemorative celebrations could well conflict with the goal of the endowments, namely the encouragement of long-range quality in their respective fields. We must admit that a bicentennial celebration carries implicitly with it the burden of some political interest and possibly preset allocation of funds to each State or area—an approach inconsistent with the history and purpose of the endowments.

How do we balance a specialized approach to a bicentennial celebration with the quest for quality of the endowments? I expect to explore the question of the endowments' participation in funding of the bicentennial activity during hearings on this legislation.

In any event, I am opposed to the use of funds authorized and appropriated for the regular purposes of the endowments, in ways inconsistent with those broad and long-range purposes. In my view, any funds utilized for a bicentennial celebration should come from a separate authorization and appropriation.

By Mr. PELL:

S. 796. A bill to improve museum services. Referred to the Committee on Labor and Public Welfare.

Mr. PELL. Mr. President, I am introducing at this time the Museum Services Act. The arts and humanities endowments have done an outstanding job servicing museums within the limited scope that the enabling legislation allows, but I believe that the problems of museums are so extensive and varied that a separate program should be instituted for them.

Presently museums are eligible for funds from several Federal Government sources. The Smithsonian Institution, under the National Museum Act, provides technical assistance, a function it is uniquely qualified to fulfill. Those of us who have studied the problems confronted by museums believe that the arts and humanities endowments should not, given their limited scope and funding, utilize those funds for bricks and mortar, for renovation, new construction—for physical facilities for museums.

The proposed Museum Services Act will provide an across-the-board program of support such as is now available to libraries. This assistance would become the base for a variety of supportive programs of essential value to our Nation's museums.

From my first years in this body, I have seen the concept of Federal aid to the arts and humanities grow from an idea to a viable, publicly supported, quality program, as I have outlined previously. Yet, every study concerned with the future of our Nation's cultural activities reports that they remain in danger. Our per capita expenditure for this type of program compares unfavorably with other civilized nations. When we consider the gross national product of this country, the portion devoted to the support of cultural activities is minimal.

The legislation I am introducing today will not meet the underlying financial stress being faced by the cultural community. It will, however, provide an increased level of support throughout the Nation and perhaps what is more important, maintain, and increase the climate which will be conducive to the development of our cultural growth.

By Mr. BEALL (for himself, Mr. Case, Mr. Cranston, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Hatfield, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Randolph, and Mr. Scott of Pennsylvania):

S. 797. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility. Referred to the Committee on Commerce.

BICENTENNIAL ADVANCED TECHNOLOGY TRANSPORTATION SYSTEM DEMONSTRATION ACT

Mr. BEALL. Mr. President, along with 14 other Members of the Senate, I introduce the Bicentennial Advanced Technology Transportation System Demonstration Act. Senators cosponsoring this measure with me are: Case, Cranston, Dominick, Eagleton, Fannin, Goldwater, Gravel, Hatfield, Humphrey, Javits, Mathias, Metcalf, Randolph, and Scott of Pennsylvania.

This bill, identical to S. 4023, introduced on September 25 of last year, would authorize the Secretary of Transportation to undertake a feasibility study of a combined and coordinated land and water transportation system consisting of a tracked air cushion vehicle, or other high-speed ground transportation system, operating between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk in Virginia. The feasibility study, which is to be completed no later than 9 months after enactment, will determine the feasibility, social advisability, economic impact, and economic practicability of the marine and land transportation system.

During this investigation, the Secretary of Transportation is expected to consult closely with the State and local governments.

This demonstration futuristic transportation system in the Nation's Capital area will provide the highest visibility for advanced intermodal transportation systems available to large numbers of people at high speed. At the same time, it will link these most historical significant areas of our country with the time of the bicentennial celebration.

Mr. President, on December 7, 1972, the Commerce Subcommittee on Surface Transportation held an all day hearing on this proposal. I want to thank Chairman **MAGNUSON**; Senator **COTTON**, the ranking minority member of the committee; and Senator **HARTKE**, the chairman of the Surface Transportation Subcommittee, for scheduling the hearing. I also want to thank Tom Allison, committee counsel, for his outstanding help and assistance. I had the pleasure of presiding over this hearing which indicated strong and broad support for the proposal and emphasized the necessity for prompt action by the Congress if this futuristic transportation system were going to be in place by the bicentennial.

I was aware of the time problem when the bill was initially introduced. That is why I drafted the original bill, not only to authorize the feasibility study, but also to authorize the construction of the system, if the study demonstrated its feasibility and the Secretary of Transportation recommended the establishment of all or part of the system.

I believe this procedure is necessary because of the time problem. Congress, of course, would have the final say, following the completion of the feasibility study, through the appropriations process.

Last summer, the Washington area on a number of occasions suffered under a blanket of pollution. Fortunately, to the great relief of the area residents, nature came to our rescue and the pollution was pushed away. In addition, traffic congestion continues to plague our citizens as they inch their way to work each day. This combination of pollution and congestion here, and in other metropolitan areas, are daily reminders of the desperate need to accelerate the Nation's search for alternatives and better methods of moving citizens, particularly in population centers.

Also, in 3 years the Nation will celebrate its 200th birthday. During this bicentennial observation, over 40 million visitors are expected to come to the Nation's Capital area. I believe the bicentennial event and the transportation needs of the Nation combine to give us a unique opportunity to create a transportation showplace that will provide the many visitors to the Capital area with an exciting means of seeing the historical cities and sights of the region, as well as the opportunity to provide a practical demonstration of a technology advanced intermodal transportation system which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow.

Historically, transportation has not only played an important role in the development of this Nation, but has also figured importantly in major world expositions throughout the last of the century, particularly when the definitions broadened as it should be to include the provision for transportation arteries sufficient to handle the traffic generated by the world exposition.

A study of such major world expositions indicate that numerous permanent facilities were designed and constructed in time to serve these events and they then became integral features of the areas transportation network. As early as 1885, the world renowned Champs d'Elysses was massively redesigned and enlarged to service the Paris Fair of that year. More recently, the 1962 Seattle Fair brought a successful monorail system to that city. The monorail was immensely successful as a public attraction and service, so that its full cost of construction, $3.5 million was amortized during the exposition. Today the monorail remains as a link and an attraction, primarily benefiting tourist and convention attendees who use the Seattle center facilities. The 1967 Montreal Expo resulted in an entirely new metro being completed and the 1968 Mexico City Olympic games served as a catalyst for the installation of a new subway system and highways. These are but a few of the significant "spillovers" from these events, and all still remain to serve the people of their respective cities. The recent Transpo indicated the public and Nation's interest in transportation.

Few would deny that we desperately need breakthroughs in the transportation area. A tracked air cushion vehicle operating between the District of Columbia area and Annapolis in conjunction with a high-speed marine vessel between the Baltimore-Annapolis area and the Williamsburg area will permit American citizens and our many foreign visitors to travel in the transportation of tomorrow to the historical sights of this region, after which they will be allowed to walk in and enjoy the rich history and heritage of this Nation.

Our forefathers in 1776 thought "big" in terms of their "vision" for this Nation. It behooves us nearly 200 years later to have the same vision and the same imaginations. I believe that the demonstration of a transportation system of tomorrow is a project that will capture the imagination of the American public and not only serve as a practical and exciting means of moving many bicentennial visitors, but also help to catapult transportation into the 21st century.

Mr. President, I hope the Commerce Committee and the Congress will take early and favorable action on this measure, for time is of essence if we are to complete the project by the bicentennial.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD. Also, I ask unanimous consent that the more detailed statement I made last year when I introduced this same proposal be printed in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicentennial Advanced Technology Transportation System Demonstration Act".

SEC. 2. (a) For the purpose of providing the millions of citizens of the United States and foreign nations who will visit the National Capital area during the Bicentennial of American Independence celebration with a pleasant, efficient, and unique way of seeing the historic cities and sights of such area and providing practical demonstrations of technologically advanced transportation systems which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow, the Secretary of Transportation is hereby authorized and directed to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, with appropriate intermediate stops, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

(b) In conducting such investigation and study, the Secretary—

(1) shall consult with appropriate Federal, State, local, and District of Columbia agencies; and

(2) may enter into contracts or other agreements with public or private agencies, institutions, organizations, corporations, or individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

(c) The Secretary shall report the results of such investigation and study together with his recommendations to the President and the Congress no later than nine months after the enactment of this Act.

SEC. 3. If after carrying out the investigation and study pursuant to section 2, the Secretary of Transportation recommends the establishment of either the transportation system described in subsection (a)(1) or (a)(2) of such section or both such systems, he may, to the extent funds are appropriated for the purpose of this section, enter into such contracts and other arrangements as necessary for the construction and operation of such system or systems, except that the system described in such subsection (a)(1) may not be constructed unless the State of Maryland furnishes the necessary rights-of-way, to the extent such rights-of-way are presently owned by such State within existing highway alinements or acquired by such State with funds authorized under this Act and determined usable for such system by the Secretary of Transportation.

SEC. 4. There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this Act.

[From the Congressional Record,
Sept. 25, 1972]

By Mr. BEALL. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, D.C., and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such systems if such study demonstrates their feasibility. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, for myself and 14 other Members of the Senate, I introduce the Bicentennial Advanced Technology Transportation System Demonstration Act.

This bill authorizes the Secretary of Transportation to undertake a feasibility study of a combined and coordinated land and water transportation system consisting of a tracked air cushion vehicle (TACV), or other high-speed ground transportation system, operating between Washington, D.C., and Annapolis, Md., and a surface effect ship, or other high-speed marine transportation system, operating between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia. This demonstration project in the Nation's Capital area will provide the highest visibility for the type of advanced intermodal transportation systems available to move large numbers of people at high speeds.

At the same time it will link these most historically significant areas of our country at the time of the bicentennial celebration. Since time is of the essence if this innovative transportation system is to be operational for the bicentennial observances, the bill also authorizes the construction of the system if the study demonstrates its feasibility, and if the Secretary recommends the establishment of all or part of the system. The study, which is to be completed no later than 9 months after the bill's enactment, will determine the feasibility, social advisability, environmental impact, and economic practicability of the vehicles.

During this investigation study, the Secretary is expected to consult with the appropriate State and local governments. Since Maryland would be heavily involved and has already expressed its interest and support for this project, Maryland certainly should be consulted each step along the way in its development. I hasten to point out that although construction is authorized if the study proves the project's feasibility, Congress would still have the final say through the appropriations process.

The Washington area this summer on a number of occasions has suffered under a blanket of pollution resulting in a number of "emergency alerts" for the area. Each occasion, the pollution was pushed away to the great relief of the area's residents. In addition, traffic congestion continues to plague our citizens as they inch their way to and from work. Both these pollution incidents and the daily highway congestion drive home the need to accelerate our search for alternative and better ways of moving citizens, particularly in metropolitan areas.

In 4 years the Nation will celebrate its 200th birthday. During this bicentennial celebration the Washington area will play host to millions of Americans and foreign visitors who will come to the Capitol City.

The bicentennial events and the transportation needs of the Nation combine to give us a unique opportunity to create a transportation showplace that will provide the many visitors to the Capitol area with an exciting means of seeing the historical cities and sights of the region, as well as the opportunity to provide a practical demonstration of a technologically advanced transportation system which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow.

The principal focus of the high-speed ground transportation system study between the Nation's Capitol and Maryland's charming capitol of Annapolis will be the tracked air cushioned vehicle—TACV—although the Secretary is authorized to examine the feasibility of other surface transportation systems as he deems desirable.

The TACV is an electrically powered, high-speed vehicle capable of speeds 150 miles per hour or more and has a passenger capacity of 60 or more. The TACV vehicle has two power or propulsion systems. The first forces air downward against a fixed track and is a levitation device which allows the vehicle to float a fraction of an inch above the guideway. This enables the vehicle to have a cushioned, virtually vibration-free operation. The second power system provides the forward thrust. The TACV vehicle can operate on a fixed track on a guideway which can be located at ground level; raised as with a viaduct or pylons; or below ground.

The Department of Transportation and the other transportation agencies around the world are placing great emphasis on the development of the TACV as the ground vehicle of the future. The French developed the initial technology and have one 70 seat vehicle in operation and a 13-mile viaduct test track near Orleans. A number of American firms are developing prototypes and the United States is presently constructing a TACV test site in Pueblo, Colo.

The technology for the TACV is considered to be at hand and only engineering application problems need to be solved. It is generally agreed, however, that if TACV is to be a viable alternative in a comprehensive urban transportation system, demonstration projects must be carried out. What better place to carry out the project than in the Nation's Capitol area? What better time to do the project than during the Nation's observation of its 200th birthday? By such a demonstration the American public and our foreign visitors will see and we will test the desirable characteristics of the TACV vehicle, such as ride quality, noise level, and safe high-speed operation.

In addition, data such as the performance, reliance, safety, construction, ability, and environmental impact of the vehicle will be provided by a practical demonstration. As previously indicated, the TACV will operate between Washington, D.C., and Annapolis, Md. The vehicle could begin in the city or perhaps at a Metro subway station such as at the new town of Fort Lincoln, or Ardmore, or New Carrollton, a growing transportation center, and then speed down the median strip of Route 50 to Annapolis.

Mr. President, these examples I cited are not meant to specify the stops or the route for the feasibility study, for this will be the function of the study. It does represent some of the suggestions of individuals and the AFL–CIO Maritime Committee which has devoted considerable time and attention to this endeavor.

The second part of this proposal calls for a feasibility study of a surface effect ship or other high-speed marine vessel operating between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

Mr. President, when we examine many of the Nation's largest cities, we find that many areas are located on harbors or major waterways. This really is not too surprising when we consider that during the period when many of America's cities were evolving, water transportation was the predominate mode of transportation.

As a matter of fact, 60 percent of the population of the country live adjacent to water and nine out of the 15 largest cities are coastal. Many transportation experts feel our waterways have the potential for helping to solve our transportation problems and that they could play a major role in easing the traffic problems of the commuter. If such were the case, it may be possible to use free waterways rather than build more expensive freeways.

There are also many experts who believe that we are on the threshold of revolutionary developments in marine transportation, both for cargo and passenger purposes. In addition, these developments are of the utmost interest to military.

The second part of the feasibility study will concentrate on the surface effect vessel, hydrofoils, and other high-speed marine transportation. The surface effect ship includes hovercraft and sidewall craft which employ cushions of air to produce lift. The hydrofoils depend on dynamic fuel lift and are either surface or fully emerged.

There is a growing interest in this area both in the United States and throughout the world. I will discuss a number of vessels under development as well as some that have been in operation to date. This is not an exhaustive examination but merely attempts to convey to my colleagues a feeling for present developments and activity.

First, military experts foresee these developments resulting in a new family of oceangoing vessels operating at speeds of 100 knots or more. This compares with the speed of 40 knots of a modern destroyer. The military has already tested air cushion vehicles in Vietnam and elsewhere.

Mr. President, turning now to domestic developments, both the Bell Aerospace Corp. and the Airjet General Corp. have developed prototype vessels. These experimental vessels are capable of speeds of 80 knots.

Bell has constructed the *Voyageur* vessel, a high-speed multipurpose air cushion vessel. Two of these vessels have been constructed and are currently completing engineering and certification tests on Lake Ontario, near Toronto.

The *Voyageur* has a basic flat bed which permits addition of superstructure and equipment to meet various needs, including the addition of a passenger cabin which would give the vessel a capability of carrying 144 passengers.

Boeing has also developed a most interesting and attractive marine vessel called the jetfoil, an advanced hydrofoil, which the company's literature heralds as a "new dimension in transportation." The jetfoil would have a cruise speed of 45 knots and a capacity of 250 commuter passengers or 190 passengers with luggage. Boeing says its jetfoil is safe, comfortable, and a "good neighbor" since noise and pollution levels are well below the strict pollution levels set for 1975 cars. The company's literature even assures that the jetfoil "leaves no wake to destruct the shorelines or small boats."

The British Rails Hovercraft Co., Seaspeed, has been operating 30 minute regular runs to the Isle of Wight and across the English Channel using giant car ferry types. The latter has become profitable. Other vessels are being used on oil and seismic surveys.

The British Corp. is now producing a craft which in basic form will accommodate 170 passengers and 34 cars. Variations on this model will be capable of handling 256 passengers and 30 cars or a straight commuter type vessel carrying 605 passengers.

Mr. President, the trip from Annapolis down the Chesapeake Bay will surely be an unforgettable experience. It is hoped that pollution-free buses will pick up the visitors after they have disembarked in the Virginia area and transport them to historic Williamsburg. In addition, it is hoped that express bus connections will be provided to the Eastern Shore.

Few would deny that we desperately need breakthroughs in the transportation area. A

TACV operating between the District of Columbia area and Annapolis in conjunction with a high-speed marine vessel between the Baltimore-Annapolis area and the Williamsburg area will permit American citizens and our many foreign visitors to travel in the transportation of tomorrow to these historic sights, after which they will be allowed to walk in and enjoy the rich history and heritage of this Nation.

Mr. President, I suspect there are some who will feel that it is preposterous to have marine and land vessels traveling at such lightning speeds. It is interesting to note that textbooks up to shortly before the Civil War never made reference to metal vessels. Why? Everyone knew that iron would not float and that even if it would, its effect on the compass would be fatal. Furthermore, iron could not withstand the corrosion and fouling of the hostile marine environment. These arguments all fell by the wayside as the first argument against the nonfloatability of iron was demonstrated a fallacy.

Today even with our achievements in space and other scientific endeavors, I am certain that one could list a string of arguments why this marine-land transportation system will not succeed. But it is risky business to bet against our Nation and its scientific community. Indeed, the history of our country chronicles the accomplishment of what was thought to be impossible.

I believe that the transportation needs of this country and the upcoming celebration coincide to provide us with an opportunity to push developments of this technologically advanced land-water transportation system. I strongly urge early and favorable action on this measure, and I am certainly encouraged by the great interest and support given by Senators thus far, as indicated by the large number of my colleagues who have consented to cosponsor the legislation.

Mr. President, before closing, I want to thank the AFL–CIO maritime committee for advancing this forward-looking and imaginative proposal. I want to give special thanks to Mr. Hoyt Haddock and Mr. Joseph Salzano who have devoted countless hours on this project.

By Mr. BURDICK (for himself, Mr. BELLMON, Mr. BROCK, Mr. CRANSTON, Mr. HATHAWAY, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. McGEE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. SCOTT of Pennsylvania, Mr. STEVENSON, Mr. SYMINGTON, Mr. TUNNEY, and Mr. ABOUREZK):

S. 798. A bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes. Referred to the Committee on the Judiciary.

COMMUNITY SUPERVISION AND SERVICES ACT

Mr. BURDICK. Mr. President, our criminal justice system is facing one of its most difficult periods in our history. It is laboring under a load of increasing crime, and this has come in an era when the public expects more of the system. To meet these challenges and responsibilities for the 1970's, new steps are needed that will make the criminal justice system more effective.

The legislation which I introduce today, the Community Supervision and Services Act, provides one such step. It would enable the Federal criminal justice system to:

Improve the deterrent effect of the criminal law by clearing court backlogs of criminal cases;

Provide for disposition of some criminal cases at less cost to the public than can currently be done; and

Give added alternatives that will enable judges and prosecutors to fit the handling of more cases to the circumstances, with the hope that the individual will not return to crime.

This legislation recognizes the discretion of the prosecuting attorney not to prosecute when the ends of justice are not best served by the full force of the criminal law. This diversion is not a new concept in criminal law, but this legislation is needed to give it form and structure. It would also set standards of performance for criminal defendants, and provide for the necessary tools of supervision as well as other needed services such as vocational training and job placement. The result will be better protection for society.

Pretrial diversion is not a form of leniency on the part of court or prosecutor. Rather, it requires a high level of community supervision—a level well above that available in many community correctional programs today. The supervision and services are necessary to insure the public's safety and to improve the chances for rehabilitation of offenders.

Pretrial diversion is no panacea for the criminal justice system. It is simply an added tool which can have significant benefits in certain cases. It can improve the likelihood that some individuals never need be brought before the criminal justice system again.

Pretrial diversion is a simple concept, and would work in this way:

First. At the time of arrest, or soon after, individuals would be screened to determine if there are any who might benefit from diversion to an intensive program of supervision. Prior to these interviews, individuals with patterns of repeated criminal violations or assaultive and violent behavior would have been dropped from consideration.

Second. When a defendant has been found who would fit the program criteria, and treatment resources are available for him, the U.S. attorney would be asked if he would agree to a diversion period. If the U.S. attorney does not agree, the prosecution would continue in the normal fashion.

If the U.S. attorney does agree, the individual would be asked if he would volunteer to participate in the program, which would include waiving the statute of limitations and his right to speedy trial for a period of time. The individual would agree to a plan for himself, which would include such goals as learning a job skill, getting a job, attending school or college, et cetera.

Third. The U.S. attorney's recommendation and the individual's plan and voluntary agreement would then be presented to the committing officer of the U.S. court at the time of the bail hearing, or later. If agreed to, the criminal prosecution would be held in abeyance while the individual pursues his program.

Fourth. If the individual who has been diverted fails to live up to his agreement, or if he gets into further trouble or appears headed toward trouble, he may be immediately terminated from the program by the U.S. attorney. In this case, the full criminal prosecution starts up again where it left off. The individual may withdraw at any time, and prosecution would be resumed.

Fifth. If an individual lives up to his agreement, and if he is demonstrating a lawful lifestyle, the diversion period can be continued, up to a maximum of 1 year. If the individual successfully completes his obligations, he can have the charges against him dismissed. However, the U.S. attorney retains the power to resume prosecution up to the moment the charges are dismissed.

Pretrial diversion will bring fiscal economy to the Federal criminal justice system in two ways. First, the court processing involved in diversion of a defendant is considerably less than most other types of disposition, including entering a bargained plea of guilty.

The second area of cost savings could potentially be much greater, but it represents a long-run savings to the system as a whole. The greatest expenditure of assets of the criminal justice system comes from the multiple appearances of a recidivist criminal who will be charged with a number of offenses during his lifetime. The greatest potential savings in cost to the criminal justice system lies in improving the effectiveness of the first effort at the rehabilitation of a criminal defendant. Pretrial diversion would bring good supervision and services to the criminal defendant at an early point where they have been the most successful.

A large percentage of people who have once been convicted of a crime will again face criminal charges. This entails not only court expenses, but the cost to the victims of these added offenses, as well as the costs of police investigation and the increasingly long periods of incarceration given multiple offenders. If a potential criminal career can be turned around at an early stage, the chances for cost savings to society as a whole are great, and in addition, it will serve to improve the level of public safety in the Nation. The vast majority of crime in America is committed by repeaters—multiple offenders. The only way in which we can make a significant dent on crime in America is in the reduction of this recidivistic crime.

Experimental pretrial diversion programs have reduced the chances that an individual would be again involved in crime by at least a third. Even if new programs fall below this level of success, the potential for cost savings is still significant.

This legislation seeks a reorientation of some of the priorities of our criminal justice system. At present we make the biggest investment in an offender when he has already been convicted of several crimes and receives a long sentence to an institution where room, board, and security are expensive. If the criminal justice system can intervene early in a potential criminal career with adequate supervision and services, it will be possible to turn some potential future recidivists toward a life more useful to society, and less expense.

Pretrial diversion has the potential to save not only money but people as well. It would be voluntary with the individual, but, because he is in the program by choice, the chances are much greater that he will be more interested in his own rehabilitation. A high quality of supervision and services will also improve chances for success.

The pretrial diversion programs envisioned in this legislation will begin with a small caseload and can expand only as they prove their worth to the criminal justice system and to the community. This way the quality of services can be maintained at a high level and at the same time the sense of partnership between the prosecutor, the community, and the individual can be retained.

The ultimate saving from pretrial diversion, or any other good correctional program, is the savings to the public in the protection of society. The recognition which the concept of pretrial diversion has received in recent months is ample evidence of the possibilities which it will hold for the Nation. In several instances, Federal agencies have provided funds for experimental pretrial diversion projects and the reports and results of these projects have been made available to the public. In many communities, pretrial diversion projects are being started by the people because they have seen its future potential themselves and have not sought outside funding. The legislation which is introduced here today provides the framework for cooperation of the Federal system of criminal justice with these local resources where they are available and has the potential for carrying out a spirit of cooperation between local and Federal agencies in the criminal justice field.

The concept of pretrial diversion has been widely recognized by people with varying perspectives on the criminal justice system for a long period of time. In 1967, the President's Commission on Law Enforcement and Administration of Justice said that:

> Prosecutors deal with many offenders who clearly need some kind of treatment or supervision, but for whom the full force of criminal sanctions is excessive; yet they usually lack alternatives other than charging or dismissing. In most localities programs and agencies that can provide such treatment and supervision are scarce or altogether lacking, and in many places where they exist, there are no regular procedures for the court, prosecutors, and defense counsel to take advantage of them.

In 1970, the President's Task Force on Prisoner Rehabilitation also recognized the need to experiment with and develop the potential of pretrial diversion. The task force recommended:

> The Congress should enact legislation and appropriate funds for the creation . . . of special units to provide preadjudication . . . services of all kinds to defendants, and information about defendants to prosecutors and judges, with the object of diverting as many defendants as possible from full criminal process.

We further recommend:

> The Federal Government should fund an experimental program to determine the effectiveness . . . of deferred adjudication of certain defendants under probation.

On December 6, 1971, addressing the first National Conference on Corrections, then Attorney General John N. Mitchell said:

> Let us recognize that corrections should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the Mikado's Lord High Executioner—"to make the punishment fit the crime." In many cases society can best be served by diverting the accused to a voluntary community oriented correctional program instead of bringing him to trial. The Federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system.

I ask unanimous consent that the bill and analysis be printed at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Supervision and Services Act".

Sec. 2. Congress hereby finds and declares that the interests of protecting society and rehabilitating individuals charged with violating criminal laws can best be served by creating new and innovative alternatives for treatment and supervision within the community; that in many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program; that such diversion can be accomplished in appropriate cases without losing the general deterrent effect of the criminal justice system; that the retention of the deferred charges will serve both as a deterrent to committing further offenses and as an incentive to complete rehabilitative efforts, and that alternatives to institutionalization which provide for the educational, vocational, and social needs of the accused will equip him to lead a lawful and useful life.

Sec. 3. As used in this Act, the term—

(1) "eligible individual" means any person who is charged with an offense against the United States and who is recommended for participation in a program of community supervision and services by the attorney for the Government in the district in which the charge is pending;

(2) "program of community supervision and services" may include, but is not limited to, medical, educational, vocational, social and psychological services, corrective and preventive guidance, training, counseling, provision for residence in a halfway house or other suitable place, and other rehabilitative services designed to protect the public and benefit the individual;

(3) "plan" includes those elements of the program which an individual needs to assure that he will lead a lawful lifestyle;

(4) "committing officer" means any judge of the United States, or United States magistrate authorized to commit any person on a criminal charge; and

(5) "administrative head" means a person designated by the Attorney General as chief administrator of a program of community supervision and services in accordance with section 9(2) of this Act.

Sec. 4. The administrative head of a program of community supervision and services shall, to the extent possible, interview each person charged with a criminal offense against the United States whom he believes may be eligible for diversion in accordance with this Act and, upon further verification that the person may be eligible, shall assist such person in preparing a preliminary plan for his release to a program of community supervision and services.

Sec. 5. The committing officer may release any individual to a program of community supervision and services if he believes that such individual may benefit by release to such a program and he determines that such release is not contrary to the public interest. Such release may be ordered at the time for the setting of bail, or at any time thereafter. In no case, however, shall any such individual be so released unless, prior thereto, he has voluntarily agreed to such program, and he has knowingly and intelligently waived, in the presence of the committing officer, any applicable statute of limitations and his right to speedy trial for the period of his diversion.

Sec. 6. The administrative head of a program of community supervision and services shall report on the progress of the individual in carrying out his plan at least once in each ninety-day period following the date on which an individual was released to a program community supervision and services. A copy of each report shall be delivered to the attorney for the Government, and filed with the committing officer. All such reports shall be confidential and kept under seal unless otherwise directed by the Court.

Sec. 7. (a) For the ninety-day period following the date an eligible individual is released to a program of community supervision and services under this Act, the criminal charge against such individual shall be continued without final disposition, except that the committing officer may extend such period for up to one year in the aggregate.

(b) The committing officer, at any time, shall terminate such release, and the pending criminal proceeding shall be resumed when the attorney for the Government finds such individual is not fulfilling his obligations under his plan, or the public interest so requires.

(c) If the administrative head certifies to the committing officer at the end of the period of diversion that the individual has fulfilled his obligations and successfully completed the program, the committing officer shall dismiss the charge against such individual.

Sec. 8. The chief judge of any district may appoint an advisory committee for a program of community supervision and services, to be composed of the chief judge, who shall serve as chairman; the attorney for the United States, and any other judges of the district or persons residing in the district so designated. The advisory committee may include persons representing social service or any other agencies to which persons released to a program of community supervision and services may be referred. The advisory committee shall plan for the implementation of any program of community supervision and services for the district, and shall regularly review the administration and progress of any such program. All members of the committee shall serve without further compensation, except reimbursement for reasonable expenses necessary to their duties as members of the committee.

Sec. 9. In carrying out the provisions of this Act, the Attorney General is authorized to—

(1) (A) employ and fix the compensation of, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such persons as he determines necessary to carry out the purpose of this Act;

(B) acquire such facilities, services, and materials which he determines necessary to carry out the purposes of this Act; and

(C) to enter into contracts, without regard to advertising requirements, for the acquisition of such personnel, facilities, services, and materials which he determines necessary to carry out the purposes of this Act;

(2) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, an administrative head of a program of community supervision and services to serve any United States district court; except that each such appointment shall be made with the concurrence of the chief judge of the United States district court having jurisdiction over the district within which such person so appointed shall serve;

(3) consult with the Judicial Conference in the issuance of any regulations or policy statements with respect to the administration of each program of community supervision and services;

(4) prepare reports for the President, the Congress, and the Judicial Conference showing the progress of all programs of community supervision and services in fulfilling the purpose set forth in this Act;

(5) certify to the appropriate chief judge of the United States district court that adequate facilities and personnel are available to fulfill a plan of community supervision and services upon recommendation of the advisory committee for such district;

(6) provide technical assistance to any agency of a State or political subdivision thereof, or to any nonprofit organization, which provides programs of community supervision and services to individuals charged with offenses against the laws of any State or political subdivision thereof;

(7) provide for the audit of any funds expended under the provisions of this Act;

(8) accept voluntary and uncompensated services;

(9) provide additional services to persons the charges against whom have been dismissed under this Act, upon assurance of good behavior and if such services are not otherwise available; and

(10) promote the cooperation of all agencies which provide education, training, counseling, legal, employment, or other social services under any Act of Congress, to assure that eligible individuals released to programs of community supervision and services can benefit to the extent practicable.

SEC. 10. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, the sum of $2,500,000.

SECTION-BY-SECTION ANALYSIS OF COMMUNITY SUPERVISION AND SERVICES ACT

Sec. 1. Short title—The Community Supervision and Services Act.

Sec. 2. Findings and Declaration—

Congress hereby finds and declares that the interests of protecting society and rehabilitating individuals charged with violating criminal laws can best be served by creating new and innovative alternatives for treatment and supervision within the community; that in many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program; that such diversion can be accomplished in appropriate cases without losing the general deterrent effect of the criminal justice system; that the retention of the deferred charges will serve both as a deterrent to committing further offenses and as an incentive to complete rehabilitative efforts, and that alternatives to institutionalization which provide for the educational, vocational, and social needs of the accused will equip him to lead a lawful and useful life.

Sec. 3. (1) Limits those who are eligible for pre-trial diversion to persons approved by the U.S. Attorney for the district in which the charges have been brought.

(2) The services available to an individual who is diverted into the program include job placement, vocational and other training, medical and psychological services, all types of counseling, and assistance in obtaining a suitable residence.

(3) The plan is a voluntary agreement made by each participant with the program director, the prosecuting attorney and the court as to the services he will need, and the efforts he will make, in order to be assured that he will acquire what is necessary to succeed in society when his period of supervision ends. The plan can be modified to meet new goals of the individual or new problems identified by the program staff.

(4) When an individual charged with a criminal offense has been approved for pre-trial diversion, concurrence in this decision must be obtained from the committing officer who is either a U.S. magistrate or a District judge for the district in which the charges have been brought. Local rules to provide that certain types of cases must be handled by the magistrate or by a judge would be permitted.

(5) The administrative head is the person who functions as the local director of a program serving a judicial district in the U.S. Court system. He is recognized by the court as a source of information and progress reports for the use of the U.S. Attorney in making the diversion determinations.

Sec. 4. Each person arrested on Federal charges who may be eligible for pre-trial diversion would be interviewed to obtain background information and to compare it with the criteria for participation in the program, the interviewer may also counsel the person as to the possibility that he may qualify for diversion to such a program and assist him in preparing a plan to be presented to the U.S. Attorney and the committing officer.

Sec. 5. The following events must occur before the committing officer makes the final determination to divert an individual to a program of community supervision and services: the U.S. Attorney must recommend diversion, the individual must voluntarily agree to be diverted, and the committing officer must determine that diversion will both benefit the individual and serve the public's interest. In some cases a determination to divert an individual can be made at the time of the initial bail hearing, but it may be at any subsequent appearance, such as an adjourned bail hearing, arraignment, etc. As part of the voluntary agreement to be diverted, an individual must knowingly and intelligently, in the presence of the committing officer, waive his right to speedy trial, and also waive any applicable statute of limitations. This measure is designed to protect both the Government's criminal case and the defendant's constitutional rights.

Sec. 6. The pre-trial diversion program staff must report to the court and to the U.S. Attorney on the progress of each diverted individual at least once every 90 days. The reports would be confidential in order that they can be complete without prejudicing either the diverted individual's right to a fair trial should he wish to drop out of the program or the Government's case should it wish to resume prosecution.

Sec. 7. Although the normal period for diversion would be 90 days, the committing officer may authorize an extension of this time frame; however, in no event, may the total period of diversion exceed one year. At any time while the individual is diverted, the U.S. Attorney may terminate the individual's participation in the pre-trial diversion program, the program head may also terminate him, or the individual will voluntarily terminate it himself. At this time, the criminal proceeding will be reinstituted and the individual will go to trial, or if he chooses enter a guilty plea. When the individual completes the program to the satisfaction of the U.S. Attorney and the director of the pre-trial diversion program, the charges then would be dismissed, and could not be reinstituted.

Sec. 8. A local committee would serve as the advisory board for any pre-trial diversion program and the committee would be appointed by the chief judge of the district. The only other person required to be a member of this committee is the U.S. Attorney, but the committee may include other judges of the district, members of the Bar, representatives of agencies in the community providing services to which the individuals who are diverted may be referred for assistance, and any other interested citizens. Advisory committee members would receive no pay but could submit vouchers for their expenses. The program of community supervision and services would be based upon a plan for the district. This plan would not preclude the situation where the district could use more than one local agency as the supervising agency.

Sec. 9. (1) The Attorney General may use any means necessary to provide the professional services involved in a program of community supervision and services. Such a program may be carried out by employees of the Department of Justice, U.S. Probation Service, a bail agency administered by a district court, a local public, non-profit or private agency which might provide similar services for criminal defendants in state, county or municipal courts.

(2) The Attorney General must have the agreement of the chief judge of the district court in appointing employees or contracting for services.

(3) The Attorney General must consult with the Judicial Conference of the United States in the issuance of regulations and policy statements necessary to implement the program.

(4) The Attorney General is responsible for preparing and submitting to the President, the Congress and the Judicial Conference, reports showing the progress of this Act in fulfilling the purposes set forth.

(5) The Attorney General would certify that adequate facilities and personnel are available for the implementation of a plan of community supervision and services, upon recommendation of the local advisory committee.

(6) The Attorney General could provide technical assistance to any agency which wished to implement a program of pre-trial diversion for persons charged with offenses in state, county or municipal courts, or in collaboration with the U.S. district courts.

(7) Expenditures must be audited.

(8) The ban on accepting the services of volunteers would be waived so that they could participate as counselors or do other work with the individuals diverted to programs of community supervision and services.

(9) The maximum period of time for an individual to be diverted, which is one year, may expire before he has completed a course of study, such as a vocational training program which he has started. If no other resources were available to continue his tuition or other expenses for such a program, they could be continued as long as he continued to lead a lawful lifestyle.

(10) The Attorney General would also serve at the cabinet level to coordinate the delivery of services from other Federal agencies to the individuals diverted into community supervision and services, including such agencies as the Department of Health, Education and Welfare, the Department of Labor and others.

Sec. 10. The annual expenditure of $2,500,000 would be authorized to operate programs of community supervision and services.

Mr. PERCY. Mr. President, I am very pleased today to be able to join with the distinguished Senator from North Dakota (Mr. BURDICK) in cosponsoring the Community Supervision and Services Act. I believe that this legislation offers the hope of safer communities through a reduction in crime.

The pretrial diversion programs called for by this legislation are not untested and unproven. On the contrary, this legislation is the direct result of projects which have proved their worth, both in terms of the safety of the community and reduced crime, and in terms of salvaging some people who have taken a wrong first step, but whose lives are not yet fixed in criminal patterns. If there is one single truth that we have learned over the years about the American correctional process, it is that if a person is not a hardened criminal when he enters prison, he most probably will be when he gets out of prison. In recognition of this basic truth, projects like the Manhattan Court Employment Project were initiated which took certain offenders out of the traditional mainstream of our criminal justice system and rerouted them into alternative programs.

In general, these projects work this way: when a person is arrested, he is automatically screened by someone trained in diversion techniques. If certain standards, such as age, offense charged, and past record are met, he can then be recommended for a diversion program. This recommendation must then be approved by the prosecutor. This is not a case of simply dropping the charges. On the contrary, the charges are suspended. If the defendant's participation in the program is unsatisfactory, or if he represents a threat to society, then his participation in the diversion project can be terminated, and he may be tried for the original offense with which he was charged.

The type of diversion program would differ with each participant. For some, it would involve academic education. Others would learn vocational skills. Others would need medical help or some form of counseling. The key point is that the offender would not spend his time in wasteful endeavors. Instead, he would be learning, with the help of experienced people, to rejoin his community as a productive member.

What kind of result can we expect from projects such as these? Substantial is the only answer one can give. On the average, offenders have about a 7 out of 10 chance of committing another crime and returning to prison again. But of those defendants who have participated in the Manhattan court employment project, the rate of arrest while active in the program in the first quarter of fiscal year 1973 was 2.5 percent. What this means to society is that a person who has been through the criminal justice system and been incarcerated will return to crime 70 times out of 100, but someone who has gone through a program such as that authorized by this bill and based on the model of the Manhattan court employment project will return to crime about 3 times out of 100.

Another possible benefit from this type of diversion is the lessening of the pressure on the prosecutor and the court to engage in the practice of plea bargaining, a process where convenience is more important than justice. By screening certain defendants out of the system, the courts would not be forced to yield to the pressures of heavy caseloads to the same degree as they are at present. And the more you reduce the need for plea bargaining, the more attention can be focused on the needs of society rather than on the dictates of convenience. I would invite the attention of my colleagues to the recommendations contained in the working papers of the recently concluded National Conference on Criminal Justice which recommended both the use of diversion programs and the abolition of plea bargaining. The legislation introduced today goes a long way toward realizing these very helpful recommendations.

Mr. President, I want to commend Senator BURDICK and his fine staff for the efforts which they have contributed in drafting this legislation. The hearings which were held last year on this legislation's predecessor, S. 3309, were most informative and most persuasive. The need for such legislation is quite evident to even the novice in the field of criminal justice. The benefit to society becomes apparent when one examines the statistics of projects upon which this legislation has been modeled. I hope that the Senate can quickly pass this much-needed legislation so that the added protection it offers society will not be delayed.

By Mr. McGOVERN:

S. 799. A bill to provide adjustment assistance to Vietnam era prisoners of war. Referred to the Committee on Armed Services.

SPECIAL COMPENSATION FOR OUR PRISONERS OF WAR

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to provide special disability compensation for Americans who have been held as prisoners of war in Southeast Asia. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The proposal is similar to legislation introduced yesterday by 38 Members of the House of Representatives. It would define prisoner of war status as a disability for the purpose of veterans compensation, and would provide payments of $40 per month for each year the veteran was detained, up to a maximum of $200 per month.

With the cease-fire agreement in effect, we all want to begin repairing the damage our own society has suffered from this long and bitter conflict, as well as helping to rebuild devastated areas in Southeast Asia. We also recognize that there are some losses which can never be recovered—those of life and limb. We try to compensate, however inadequately, through veterans programs.

We should see the years lost by our prisoners of war the same way. These men have had precious years taken off of their lives. The first American prisoner was captured on August 5, 1964, and has been confined for 8½ years. Many others have been locked away nearly as long. And while we have a great deal to learn about the conditions of their confinement, it is clear that during that time they were certainly denied the full protection of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, which sets internationally recognized standards of humane and decent treatment.

Now these men are coming home to a society that will be difficult for many of them to recognize. Our best experts tell us that they may encounter enormous problems in readjusting to their families, to their careers, and to life in the United States.

The compensation provided by this legislation is a modest amount. There is no question, but what our society can afford it. Considering what these men have gone through, I do not see how we can deny it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 314 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(t) Any person who was detained as a prisoner of war during the Vietnam era by the Government of North Vietnam or any other hostile government or group in Indochina shall be deemed to be disabled within the meaning of section 310 of this Act. The rate of compensation therefor shall be $40 per month for each year or portion thereof that such person was detained as a prisoner of war, not to exceed $200 per month. Such compensation shall be in addition to any other compensation provided in this section."

By Mr. McCLELLAN (for himself, Mr. MANSFIELD, Mr. KENNEDY, Mr. ROBERT C. BYRD, and Mr. BIBLE):

S. 800. An original bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes. Placed on the calendar by unanimous consent.

VICTIMS OF CRIME ACT OF 1973

Mr. McCLELLAN. Mr. President, at the conclusion of my remarks I shall introduce for myself and the distinguished Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished Senator from Nevada (Mr. BIBLE), the "Victims of Crime Act of 1973." This proposed legislation embodies the essential features of a number of separate bills now pending before the Senate, which received the overwhelming support of this body in the closing days of the last Congress.

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME

This title, derived from S. 300, introduced by the distinguished Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Minnesota (Mr. MONDALE) would establish a direct Federal program, estimated to cost $6 million a year, to meet the financial needs of innocent victims of violent crime when the crime is committed within the District of Columbia, Federal territorial or maritime jurisdiction or on an Indian reservation.

The program would compensate for out-of-pocket losses by a victim, where there was some showing of "financial stress"; it would exclude only those in the upper income strata from coverage.

The title would also provide for a grant program, estimated to cost $22 million a year, with a 50-State participation, covering 75 percent of the costs of State crime compensation plans.

Nine States now have such programs: Alaska, California, Hawaii, Massachusetts, Maryland, Nevada, New Jersey, New York, and Rhode Island.

This legislation was introduced last year as S. 750. It was processed by the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, and a hearing record of some 1,112 pages was compiled. See "Victims of Crime," hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, 92d Congress, first session, 1972. It was reported by the Judiciary Committee on September 8, 1972, see Senate Report No. 92-1104, 92d Congress, second session, 1972. And it passed the Senate by the record vote of 60 to 8 on September 18, 1972, see CONGRESSIONAL RECORD, volume 118, part 24, page 31009. No action was taken by the House.

TITLE II: GROUP LIFE INSURANCE FOR PUBLIC SAFETY OFFICERS

This title, derived from S. 33, introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY) would establish a nationwide, federally subsidized program of group life, accidental death, and dismemberment insurance for State and local public safety officers defined to include firefighters, correctional guards, and court officers in addition to police. The plan is patterned closely after the servicemen's group life insurance program which is available to members of our Armed Forces. Coverage would be at a level of the officer's annual salary, plus $2,000, starting from a floor of $10,000 coverage and rising to a maximum of $32,000. The Federal Government would pay up to one-third of the total cost of the premiums, leaving the remainder to be covered by the insured officer or the State or local government.

Where existing State or local group life insurance plans already provide coverage for public safety officers, or where it was desired to establish such a program within a year after the effective date of the bill, eligible officers would choose by ballot between the Federal and the State or local plans. If they chose the State or local program, it would be eligible for the same subsidy which would go to the Federal plan.

This legislation was introduced last year as S. 33. It was also processed by the Subcommittee on Criminal Laws and Procedures. See hearings, supra. It was reported by the Judiciary Committee on September 13, 1972. See Senate Report No. 92-1124, 92d Congress, second session, 1972. And it passed the Senate by the record vote of 61 to 6 on September 18, 1972, see CONGRESSIONAL RECORD, volume 118, part 24, page 31024. No action was taken by the House.

TITLE III: DEATH BENEFITS FOR PUBLIC SAFETY OFFICERS

This title, derived from S. 15, introduced by myself and the distinguished Senator from Nebraska (Mr. HRUSKA), would provide a lump-sum Federal death gratuity of $50,000 to the dependent survivors of public safety officers, including police, firefighters, and correction guards, killed in the line of duty as the result of a criminal act.

This legislation was introduced last year as S. 2087. It was also processed by the Subcommittee on Criminal Laws and Procedures. See hearings, supra. It was reported by the Judiciary Committee on August 18, 1972, Senate Report No. 92-1069, 92d Congress, second session, 1972. And it passed the Senate by the record vote of 80 to 0 on September 5, 1972, see CONGRESSIONAL RECORD, volume 118, part 22, page 29379.

The House of Representatives passed similar legislation, a conference was held, and a report filed. See House Report No. 92-1612, 92d Congress, second session, October 17, 1972. It was not possible, however, to secure a House vote on the report prior to adjournment. See CONGRESSIONAL RECORD, volume 118, part 28, page 36966 and 37063.

The text of title III of this proposed legislation is the text agreed upon by the conference with one exception. The date of the death benefits is made retroactive to the date of the conference agreement, that is, October 17, 1972.

TITLE IV: CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT

This title, derived from S. 13 introduced by myself and the distinguished Senator from Nebraska (Mr. HRUSKA) and S. 742, introduced by the distinguished Senator from Nevada (Mr. BIBLE), would extend certain of antitrust type remedies—injunction, treble damages, and so forth—to the victims of the typical techniques employed by racketeers to invade legitimate businesses. It would also strike at the problem of cargo theft by enabling persons entitled to legal possession of goods to sue, for treble damages, persons responsible for stealing, buying, or reselling goods moving in interstate commerce.

This legislation was introduced last year as S. 16 and S. 2426. It was also processed by the Subcommittee on Criminal Laws and Procedures. See hearings supra. It was reported by the Judiciary Committee on August 16, 1972, see Senate Report No. 92-1070, 92d Congress, second session, 1972. And it passed the Senate by a record vote of 81 to 0 on September 5, 1972, see CONGRESSIONAL RECORD, volume 118, part 22, page 29379. No action was taken by the House.

Mr. President, these separate items of legislation were also combined into a comprehensive "Victims of Crime Act" on September 18, 1972, and added to the text of a House-passed measure. This comprehensive measure was cosponsored by the following 43 Senators:

Senators Allen, Bayh, Bentsen, Bible, Burdick, Cannon, Case, Chiles, Church, Cook, Cranston, Eastland;

Senators Gravel, Griffith, Gurney, Harris, Hart, Hartke, Hollings, Hughes, Humphrey, Inouye, Jackson, Kennedy, Mansfield, Mathias, McClellan, McGovern, McIntyre, Metcalf, Mondale;

Senators Moss, Muskie, Nelson, Pell, Percy, Randolph, Ribicoff, Roth, Schweiker, Stevenson, Tunney and Williams.

The comprehensive amendment was offered to the House bill to give the House an opportunity to act on the separate measures individually or as a package prior to adjournment. The amendment was accepted by the Senate by a record vote of 70 to 4, see CONGRESSIONAL RECORD, volume 118, part 24, page 31058. The amended House bill was then passed by a record vote of 74 to 0, ibid. No action, however, was taken on this comprehensive measure by the House prior to adjournment.

Mr. President, this legislation has the overwhelming support of the Senate and the Nation. Indeed, on January 31, 1973, the Democratic conference unanimously called for the taking of immediate action to bring to the Senate this sorely needed legislation. Consequently, I am hopeful that if we can act on it soon, it will be possible for the House to process it during this Congress that a mutually satisfactory compromise can be sent to the President without delay, that he will apply his signature, and that this proposed legislation will become law.

Mr. President, I send to the desk the bill to which I have referred, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes.

Mr. President, I ask unanimous consent that the bill not be referred to committee, but that it be placed on the calendar, subject to being called up at some suitable time, a time that is appropriate taking into account the agenda of the Senate.

Mr. President, I make this request because the bill is important. I ask it, because last year hearings were held on all provisions of this measure. I deem that it would be wholly unnecessary to have another series of hearings covering the same ground.

I have conferred with the distinguished Senator from Nebraska (Mr. HRUSKA), who is the ranking minority member on the Judiciary Subcommittee on Criminal Laws and Procedures. This request is agreeable to him, although he does not support all provisions of this measure. He is with me a cosponsor of separate bills, of two titles in this bill, which are now being processed in the subcommittee as separate bills.

I believe that a measure of this importance ought to be expedited. I want to see it moved along.

I ask unanimous consent that the bill be placed on the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HRUSKA. Mr. President, I reserve the right to object. I shall not object, but I would like to reserve a little time to make some comments following the remarks of the Senator from Montana.

Mr. McCLELLAN. Mr. President, I have the floor, I believe, and I shall be glad to yield the Senator time.

Mr. MANSFIELD. The chairman is prepared to rule, provided that the Senator from Nebraska follows me.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill will be placed on the calendar.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that: (1) there is an increase in crimes of violence, racketeering activity and theft; (2) the increase in such crimes increases the chances of a person becoming a victim of such a crime; (3) on an increasing basis crimes of violence are being directed at public safety officers; (4) the perpetrators of crimes of violence, when identified, apprehended, and convicted, are often not financially responsible; (5) the victims of crimes of violence, or their surviving dependents, are often themselves unable to bear the consequent losses; and (6) the victims of crimes of racketeering activity and theft could, with strengthened civil remedies, often help themselves to meet the financial consequences of such crimes.

It is, therefore, the purpose of this Act to commit the United States to meet its moral obligation to assist the innocent victims of violent crime or their surviving dependents within the area primarily of Federal responsibility to bear the consequential losses and to assist the States to aid those within the area primarily of State responsibility; to establish insurance and death benefit programs for public safety officers or their surviving dependents; and to strengthen the civil remedies available to victims of racketeering activity and theft.

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

PART A—FEDERAL COMPENSATION PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new parts:

"PART F—FEDERAL COMPENSATION FOR VICTIMS OF VIOLENT CRIME

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Compensation Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Compensation Board established by this part;

(3) 'child' includes a stepchild, an adopted child, and an illegitimate child;

"(4) 'claim' means a written request to the Board for compensation made by or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(5) 'claimant' means an intervenor, victim, or the surviving dependent or dependents of either of them;

"(6) 'compensation' means payment by the Board for net losses or pecuniary losses to or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(7) 'dependent' means—

"(A) a surviving spouse;

"(B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child of the deceased intervenor or victim;

"(8) 'financial stress' means the undue financial strain experienced by a victim or his surviving dependent or dependents as the result of pecuniary loss from an act, omission, or possession giving rise to a claim under this part, disregarding ownership of—

"(A) a residence;

"(B) normal household items and personal effects;

"(C) an automobile;

"(D) such tools as are necessary to maintain gainful employment; and

"(E) all other liquid assets not in excess of one year's gross income or $10,000 in value, whichever is less;

"(9) 'gross losses' means all damages, including pain and suffering and including property losses, incurred by an intervenor or victim, or surviving dependent or dependents of either of them, for which the proximate cause is an act, omission, or possession enumerated in section 456 of this part, or set forth in paragraph (B) of subsection (18) of this section;

"(10) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property, or both, of a minor or incompetent intervenor or victim, or surviving dependent or dependents of either of them;

"(11) 'intervenor' means a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part, or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime;

"(12) 'liquid assets' includes cash on hand, savings accounts, checking accounts, certificates of deposit, stocks, bonds, and all other personal property that may be readily converted into cash;

"(13) 'member' means a member of the Violent Crimes Compensation Board established by this part;

"(14) 'minor' means an unmarried person who is under eighteen years of age;

"(15) 'net losses' means gross losses, excluding pain and suffering, that are not otherwise recovered or recoverable—

"(A) under insurance programs mandated by law;

"(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

"(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

"(D) by other public or private means;

"(16) 'pecuniary losses' means net losses which cover—

"(A) for personal injury—

"(1) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional, nursing, dental, ambulance, and prosthetic services relating to physical or psychiatric care;

"(2) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

"(3) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed $150 per week; and

"(4) all appropriate and reasonable expenses necessarily incurred for the care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed $30 per child per week, up to a maximum of $75 per week for any number of children;

"(B) for death—

"(1) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses;

"(2) loss of support to a dependent or dependents of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents; and

"(3) all appropriate and reasonable expenses, not otherwise compensated for as a pecuniary loss for personal injury, which are incurred for the care of minor children, enabling the surviving spouse of a victim to engage in gainful employment, at a rate not to exceed $30 per week per child, up to a maximum of $75 per week for any number of children;

"(17) 'personal injury' means actual bodily harm and includes pregnancy, mental distress, and nervous shock; and

"(18) 'victim' means a person who is killed or who suffers personal injury, where the proximate cause of such death or personal injury is—

"(A) a crime enumerated in section 456 of this part; or

"(B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part or in attempting to apprehend a person reasonably suspected of having committed such a crime.

"BOARD

"SEC. 451. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Compensation Board. The Board shall be composed of three members, each of whom shall have been members of the bar of the highest court of a State for at least eight years, to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board to serve as Chairman.

"(b) No member of the Board shall engage in any other business, vocation, or employment.

"(c) The Board shall have an official seal.

"(d) The term of office of each member of the Board shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of appointment, one at the end of four years, and at the end of six years, and one at the end of eight years, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(e) Each member of the Board shall be eligible for reappointment.

"(f) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) the principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"ADMINISTRATION

"SEC. 452. The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of an Executive Director and a General Counsel and such other personnel as the Board deems necessary in accordance with the provisions of title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(5) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(6) enter into and perform, without regard to section 529 of title 31 of the United States Code, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(7) request and use such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of its powers under this part;

"(9) request each Federal agency to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(10) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the Members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(11) establish a program to assure extensive and continuing publicity for the provisions relating to compensation under this part, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"COMPENSATION

"SEC. 453. (a) The Board shall order the payment of compensation—

"(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or

"(2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them.

"(b) The Board shall determine the amount of compensation under this part—

"(1) in the case of a claim by an intervenor or his surviving dependent or dependents, by computing the net losses of the claimant; and

"(2) in the case of a claim by a victim or his surviving dependent or dependents, by computing the pecuniary losses of the claimant.

"(c) The Board may order the payment of compensation under this part to the extent it is based upon anticipated loss of future earnings or loss of support of the victim for ninety days or more, or child care payments, in the form of periodic payments during the protracted period of such loss of earnings, support or payments, or ten years, whichever is less.

"(d) The Board may order the payment of compensation under this part to a victim or his surviving dependent or dependents held in abeyance until such time as the victim or his surviving dependent or dependents has exhausted his liquid assets.

"(e) (1) Whenever the Board determines, prior to taking final action upon a claim that such claim is one with respect to which an order of compensation will probably be made, the Board may order emergency compensation not to exceed $1,500 pending final action on the claim.

"(2) The amount of any emergency compensation ordered under paragraph (1) of this subsection shall be deducted from the amount of any final order for compensation.

"(3) Where the amount of any emergency compensation ordered under paragraph (1) of this subsection exceeds the amount of the final order for compensation, or if there is no order for compensation made, the recipient of any such emergency compensation shall be liable for the repayment of such compensation. The Board may waive all or part of such repayment.

"(f) No order for compensation under this part shall be subject to execution or attachment.

"(g) The availability or payment of compensation under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death, subject to the limitations of this part—

"(1) in the event an intervenor, a victim, or the surviving dependent or dependents of either of them who has a right to file a claim under this part, should first recover damages from any other source based upon an act, omission, or possession giving rise to a claim under this part, such damages shall be first used to offset gross losses that do not qualify as net or pecuniary losses; and

"(2) in the event an intervenor, victim, or the surviving dependent or dependents of either of them receives compensation under this part and subsequently recovers damages from any other source based upon an act, omission, or possession that gave rise to compensation under this part, the Board shall be reimbursed for any compensation previously paid to the same extent compensation would have been reduced had recovery preceded compensation under paragraph (1) of this subsection.

"(h) The Board may reconsider a claim at any time and modify or rescind previous orders for compensation based upon a change in financial circumstances of a victim or one or more of his surviving dependents that eliminates financial stress.

"LIMITATIONS

"SEC. 454. (a) No order for compensation under this part shall be allowed to or on behalf of a victim or his surviving dependent or dependents unless the Board finds that such a claimant will suffer financial stress from pecuniary losses for which the act, omission, or possession, giving rise to the claim was the proximate cause.

"(b) No order for compensation under this part shall be made unless the claim has been made within one year after the date of the act, omission, or possession resulting in the injury or death, unless the Board finds that the failure to file was justified by good cause.

"(c) No order for compensation under this part shall be made to or on behalf of an intervenor, victim, or the surviving dependent or dependents of either of them unless a minimum pecuniary or net loss of $100 or an amount equal to a week's earnings or support, whichever is less, has been incurred.

"(d) No order for compensation under this part shall be made unless the act, omission, or possession giving rise to a claim under this part, was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(e) No order for compensation under this part to or on behalf of a victim, his surviving dependent or dependents, as the result of any one act, omission, or possession, or related series of such acts, omissions, or possessions, giving rise to a claim, shall be in excess of $50,000, including lump-sum and periodic payments.

"(f) The Board, upon finding that any claimant has not substantially cooperated with all law enforcement agencies incident to the act, omission, or possession that gave rise to the claim, may proportionately reduce, deny, or withdraw any order for compensation under this part.

"(g) The Board, in determining whether to order compensation or the amount of the compensation, shall consider the behavior of the claimant and whether, because of provocation or otherwise, he bears any share of responsibility for the act, omission, or possession that gave rise to the claim for compensation and—

"(1) the Board shall reduce the amount of compensation to the claimant in accordance with its assessment of the degree of such responsibility attributable to the claimant, or

"(2) in the event the claimant's behavior was a substantial contributing factor to the act, omission, or possession giving rise to a claim under this part, he shall be denied compensation.

"(h) No order for compensation under this part shall be made to or on behalf of a person engaging in the act, omission, or possession giving rise to the claim for compensation, to or on behalf of his accomplice, a member of the family or household of either of them, or to or on behalf of any person maintaining continuing unlawful sexual relations with either of them.

"PROCEDURES

"SEC. 455. (a) The Board is authorized to receive claims for compensation under this part filed by an intervenor, a victim, or the surviving dependent or dependents of either of them, or a guardian acting on behalf of such a person.

"(b) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths, or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Chairman, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant and not privileged;

"(3) shall, if hearings are held, conduct such hearings open to the public, unless in a particular case the Chairman determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that a criminal suspect may not yet have been apprehended or convicted, or to the interest of the claimant; and

"(4) may, at the discretion of the Chairman, appoint an impartial licensed physician to examine any claimant under this part and order the payment of reasonable fees for such examination.

"(c) The Board shall be an 'agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code for the purpose of granting immunity to witnesses.

"(d) The provisions of chapter 5 of title 5 of the United States Code shall not apply to adjudicatory procedures to be utilized before the Board.

"(e)(1) A claim for compensation under this part may be acted upon by a member designated by the Chairman to act on behalf of the Board.

"(2) In the event the disposition by a member as authorized by paragraph (1) of this subsection is unsatisfactory to the claimant, the claimant shall be entitled to a de novo hearing of record on his claim by the full Board.

"(f)(1) Decisions of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(2) All questions as to the relevancy or privileged nature of evidence at such times as the full Board shall sit shall be decided by the Chairman.

"(3) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(g)(1) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(2) After the fee statement is filed by an attorney under paragraph (1) of this subsection, the Board shall award a fee to such attorney on substantially similar terms and conditions as is provided for the payment of representation under section 3006A of title 18 of the United States Code.

"(3) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that alloted under this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(h) The United States Court of Appeals for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.

"CRIMES

"SEC. 456. (a) The Board is authorized to order compensation under this part in any case in which an intervenor, victim, or the surviving dependent or dependents of either of them files a claim when the act, omission, or possession giving rise to the claim for compensation occurs—

"(1) within the 'special maritime and territorial jurisdiction of the United States' within the meaning of section 7 of title 18 of the United States Code;

"(2) within the District of Columbia; or

"(3) within 'Indian country' within the meaning of section 1151 of title 18 of the United States Code.

"(b) This part applies to the following acts, omissions, or possessions:

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidnaping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime, including poisoning, which poses a substantial threat of personal injury; or
"(18) attempts to commit any of the foregoing.

"(c) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies.

"(d) For the purposes of this part, a crime may be considered to have been committed notwithstanding that by reason of age, insanity, drunkenness, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"SUBROGATION

"SEC. 457. (a) Whenever an order for compensation under this part has been made for loss resulting from an act, omission, or possession of a person, the Attorney General may, within three years from the date on which the order for compensation was made, institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of this part.

"(b) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to prosecute actions in accordance with this section.

"INDEMNITY FUND

"SEC. 458. (a) There is hereby created on the books of the Treasury of the United States a fund known as the Criminal Victim Indemnity Fund (hereinafter referred to as the 'Fund'). Except as otherwise specifically provided, the Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) additional amounts that may be appropriated to the Fund as provided by law, and (3) such other sums as may be contributed to the Fund by public or private agencies, organizations, or persons.

"(b) The Fund shall be utilized only for the purposes of this part.

"ADVISORY COUNCIL

"SEC. 459. (a) There is hereby established an Advisory Council on the Victims of Crime (hereinafter referred to as the 'Council') consisting of the members of the Board and one representative from each of the various State crime victims compensation programs referred to in paragraph (10) of subsection (b) of section 301 of this title, each of whom shall serve without additional compensation.

"(b) The Chairman of the Board shall also serve as the Chairman of the Council.

"(c) The Council shall meet not less than once a year, or more frequently at the call of the Chairman, and shall review the administration of this part and programs under paragraph (10) of subsection (b) of section 301 of this title and advise the Administration on matters of policy relating to their activities thereunder.

"(d) The Council is authorized to appoint an advisory committee to carry out the provisions of this section.

"(e) Each member of the advisory committee, not a member of the Council, appointed pursuant to subsection (d) of this section shall receive $100 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of the committee.

"Each member of the Council or advisory committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"REPORTS

"SEC. 460. The Board shall transmit to the Congress an annual report of its activities under this part. In its third annual report, the Board upon investigation and study, shall include its findings and recommendations with respect to the operation of the overall limit on compensation under section 454(e) of part F of this title and with respect to the adequacy of State programs receiving assistance under paragraph (10) of subsection (b) of section 301 of part C of this title."

COMPENSATION OF BOARD MEMBERS

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Compensation Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Compensation Board."

CRIMINAL VICTIM INDEMNITY FUND FINES

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine imposed for Criminal Victim Indemnity Fund

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court shall take into consideration the financial condition of such person, and may, in addition to any other penalty, order such person to pay a fine in an amount of not more than $10,000 and such fine shall be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"3579. Fine imposed for Criminal Victim Indemnity Fund.".

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by adding at the end thereof the following new paragraph:

"(10) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to compensate victims of violent crime which are substantially comparable in coverage and limitations to part F of this title."

SEC. 106. Paragraph (a) of section 601 of part G (redesignated part K by this Act) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the compensation of victims of violent crimes."

SEC. 107. Section 501 of part F (redesignated as part I by this Act) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall, after consultation with the Violent Crimes Compensation Board, establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation;

"(2) the categories of crimes for which compensation may be ordered;

"(3) the losses for which compensation may be ordered; and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate.

TITLE II—GROUP LIFE INSURANCE FOR PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 201. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 202. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding after part F the following part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"DEFINITIONS

"SEC. 500. For the purposes of this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and a posthumous child;

"(2) 'month' means a month that runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month; and

"(3) 'public safety officer' means a person who is employed full time by a State or unit of general local government in—

"(A) the enforcement of the criminal laws, including highway patrol,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting,

but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code, or any person participating in the program established by subchapter III of chapter 19 of title 38 of the United States Code.

"Subpart 1—Nationwide Program of Group Life Insurance for Public Safety Officers

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

"(c) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

"REINSURANCE

"SEC. 502. (a) The Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

"(b) The Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every three years and when a participating company withdraws.

"(c) The Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of $100,000,000 shall be reduced by—

"(1) 25 per centum of the first $100,000,000 of the excess;

"(2) 50 per centum of the second $100,000,000 of the excess;

"(3) 75 per centum of the third $100,000,000 of the excess; and

"(4) 95 per centum of the remaining excess.

However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

"(d) The Administration may modify the computations under this section as necessary to carry out the intent of this section.

"PERSONS INSURED; AMOUNT

"SEC. 503. (a) Any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officer's pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this subpart he may thereafter, if eligible, be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

"(b) A public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
$	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

"(c) Subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) Any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of Federal gratuities for killed or injured public safety officers.

"(e) Group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

"(f) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 504. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease two months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: Provided, however, That coverage shall be continued during periods of leave or limited disciplinary suspension if such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

"CONVERSION

"SEC. 505. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 506. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year except that the Administration may redetermine such amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 507. For each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

"INVESTMENTS AND EXPENSES

"SEC. 508. (a) The amounts withheld from the basic or other pay of public safety officers as contributions to premiums for insurance under section 506 of this subpart, any sums contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general local government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

"(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 509. (a) Any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"(2) if there is no such beneficiary, to the surviving spouse of such officer or former officer;

"(3) if none of the above, to the child or children of such officer or former officer and to the descendants of deceased children by representation in equal shares;

"(4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or

"(5) if none of the above, to the duly appointed executer or administrator of the estate of such officer or former officer.

Provided, however, That if a claim has not been made by a person under this section within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

"(b) A claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within two years from the date of death of a public safety officer or former public safety officer.

"(c) The public safety officer may elect settlement of insurance under this subpart either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 10. (a) Each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basic consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and risk charges and other rates based on the special characteristics of the group. This schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first of any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 511. The Administration shall arrange to have each public safety officer insured under a policy purchased under this subpart receive a certificate setting forth the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"Subpart 2.—Assistance to States and Localities for Public Safety Officers' Group Life Insurance Programs.

"SEC. 512. (a) Any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires to receive assistance under the provisions of this subpart shall—

"(1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program;

"(2) hold a referendum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and

"(3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

"(b) Upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

"(c) Assistance under this subpart shall not exceed one-third of the premiums attributable to the public safety officers enrolled in such State or unit of general local government program or such assistance as would be available to the public safety officers if they were enrolled under subpart 1 of this part, whichever is less, to the extent the amount of coverage under the State or unit of general local government program is comparable with the amount of coverage available under subpart 1 of this part.

"(d) Assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program: *Provided, however,* That the State or unit of general local government and the insured public safety officers may by agreement change the contributions to premium costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance.

"Subpart 3—General Provisions

"UTILIZATION OF OTHER AGENCIES

"SEC. 513. In administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 514. There is hereby created an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, at the call of the Chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance programs under this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"SEC. 515. Nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under his part.

"WAIVER OF SOVEREIGN IMMUNITY

"SEC. 516. The Administration may sue or be sued on any cause of action arising under this part.

"PUBLIC SAFETY OFFICERS' GROUP INSURANCE REVOLVING FUND

"SEC. 517. There is hereby created on the books of the Treasury of the United States a fund known as the Public Safety Officers Group Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part."

TITLE III—DEATH BENEFITS TO DEPENDENT SURVIVORS OF PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 301. It is the purpose of this title to promote the public welfare by establishing a Federal minimum death benefit to dependent survivors of public safety officers.

SEC. 302. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding after part G of the following new part:

"PART H—DEATH BENEFITS TO DEPENDENT SURVIVORS OF PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' means any natural, adopted, or posthumous child of a deceased public safety officer who is—

"(A) under eighteen years of age; or

"(B) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(C) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a deceased public safety officer;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'line of duty' means within the scope of employment or service;

"(6) 'public safety officer' means a person serving a public agency, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(i) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission of, a criminal act or an apparent criminal act or in the performance of his official duty; or

"(B) a firefighter; and

"(7) 'separated spouse' means a spouse, without regard to dependency, who is living apart for reasonable cause or because of desertion by the deceased public safety officer.

AWARDS

"SEC. 526. (a) Upon a finding made in accordance with section 527 of this part the Administration shall provide a gratuity of $50,000.

"(b) (1) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such person or dependent.

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such repayment.

"(c) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended, 4–531(1) of the District of Columbia Code.

"(d) No benefit paid under this part shall be subject to execution or attachment.

"RECIPIENTS

"SEC. 527. When a public safety officer has been killed in the line of duty and the direct and proximate cause of such death was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 526 of this part as follows:

"(1) if there is no surviving dependent child of such officer, to the surviving dependent spouse or separated spouse of such officer;

"(2) if there is a surviving dependent child or children and a surviving dependent spouse or separated spouse of such officer, one-half to the surviving dependent child or children of such officer in equal shares and one-half to the surviving dependent spouse or separated spouse of such officer.

"(3) if there is no such surviving dependent spouse or separated spouse, to the dependent child or children of such officer, in equal shares; or

"(4) if none of the above, to the dependent parent or parents of the decedent, in equal shares.

"(5) if none of the above, to the dependent person or persons who are blood relatives of the deceased public safety officer or who were living in his household and who are specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part.

"LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer."

TITLE IV—CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT

PURPOSE

SEC. 401. It is the purpose of this title to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity and theft.

RACKETEER CIVIL REMEDIES

SEC. 402. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction";

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking the word "action" in subsection (b) and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) of such section and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger of irreparable loss or damage, a temporary restraining order and a preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The United States may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (b) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party".

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States", and inserting in lieu thereof "or proceeding".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

THEFT CIVIL REMEDIES

SEC. 403. (a) Section 659 of title 18 of the United States Code is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(d) Whoever violates any provision of subsection (a), (b), or (c) of this section shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions as it shall deem proper.

"(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a temporary restraining order and preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the Unted States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

"(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(k) In any civil action or proceeding under his section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"(n) The United States may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

"(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

"(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

"(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district property, shall have been removed or into which it shall into which such money, baggage, goods, chattels, or other have been brought by such violator.

"(s) To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was, or that such person had, embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section.

"(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

"659. Interstate or foreign shipment by carrier; State prosecutions; civil remedies for victims of theft.".

TITLE V—MISCELLANEOUS PROVISIONS AUTHORIZATIONS

SEC. 501. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsections:

"(b) In addition to the appropriations authorized by subsection (a) of this section, there is authorized to be appropriated—

"(1) for the purposes of part F, $5,000,000 for the fiscal year ending June 30, 1973;

"(2) for the purposes of part G, $20,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for the fiscal year ending June 30, 1974; and

"(3) for the purposes of part H, $10,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974."

USE OF APPROPRIATIONS

SEC. 502. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEVERABILITY

SEC. 503. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 504. (a) Titles I, II and IV of this Act shall become effective on the date of enactment of this Act.

(b) Title III of this Act shall become effective on the date of enactment of this Act and the benefits thereunder shall be retroactive with respect to any death of a public safety officer as defined in part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, which occurred on or after October 17, 1972.

Mr. McCLELLAN. Mr. President, now I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, as the distinguished senior Senator from Arkansas has stated, the Democratic conference unanimously last week urged Senator JOHN MCCLELLAN to introduce again the Omnibus Criminal Victims Act that consists of sections dealing with compensation for victims of crime, a special insurance incentive program for public safety officers, the injury benefit plan for police officers, and the extra remedies provided for victims of racketeering. Senator MCCLELLAN has, today reintroduced the omnibus crime control bill, and it now rests on the Senate Calendar.

The bill, on final passage, was passed by a vote of 74 to 0 on September 18, 1972—less than 5 months ago. Every Senator is on record in favor of each provision of the bill.

Every feature of this proposal has undergone exhaustive Senate committee investigation and consideration.

The hearing record consists of 1,112 pages of testimony, exhibits, and supporting documents, including cost projections.

Forty-three witnesses appeared in person or submitted statements in support of one or all of the various features of the bill. Not one appeared to testify or submitted a statement in direct opposition to the bill as a whole.

The shooting of Senator STENNIS has brought into focus the urgency of proposals such as this. It is not that Senator STENNIS is personally unable to provide for himself, for his medical attention, for his family, or for any loss of earnings while he is recovering. Because of violent crime and its effects, however, there are many victims in society who simply cannot pay the bills. Perhaps even more important are the features in this proposal that encourage individuals to take the risks that law enforcement officials are compelled to take. The law officer, just as the victim, deserves special consideration in our system of justice, and while the victim would be compensated under this proposal, the police officer would be singled out for special attention when it comes to injuries he receives in the line of duty and when it comes to obtaining insurance against such injuries.

In short, it appears to me that every reason exists to pass this bill as expeditiously as possible. The Committee on the Judiciary has considered it in great detail. The Senate passed it unanimously. It would be my hope that the Senate should be given the opportunity to face up to it again as quickly as possible, and this is one means, if the Senate agrees, of so doing.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise to express my complete and full accord with the suggestion for proceeding with this matter with all possible dispatch. I have no objection to the bill's being placed on the Calendar. Such action on the provisions of the bill and its component parts is not only timely; it is urgent and it is also highly desirable. I support its being placed on the Calendar so that it will receive consideration and so action can be taken.

It should be noted, however, that there is some difference of opinion and there are some misgivings as to one, and possibly two, of the titles that are involved; and further, that there are now pending several bills individually stating and treating of the several titles that are included in the omnibus bill.

I find myself in full agreement with the statement by the Senator from Arkansas that no further hearings are necessary on this measure, but I would suggest that a report be written by the committee on the bills that are before it, that that be done at an early time, and the Senator from Nebraska will cooperate fully with the expediting of the matter, so that those who are interested in expressing their differences of opinion on those parts of the omnibus bill in which they have an interest will have an opportunity to do so. It would not entail any delay.

Again, the Senator from Nebraska wants to pledge his support to expediting the matter, as a member of the subcommittee which is headed by the Senator from Arkansas, as well as the members of the full Judiciary Committee that will report the other bills to the Senate.

So, with that explanation, Mr. President, I say I have no objection to the omnibus bill's being placed on the calendar, with the understanding that this timely fashion and this timely schedule will be complied with.

Mr. McCLELLAN. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) be added as a cosponsor of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. MOSS:

S. 803. A bill to provide for the designation of the Escalante Trail, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 810. A bill to provide for the issuance of a special series of postage stamps to commemorate the bicentennial of the Escalante Expedition. Referred to the Committee on Post Office and Civil Service.

Mr. MOSS. Mr. President, in 1976 this Nation will be celebrating not only the bicentennial of our birth as a nation in Philadelphia in 1776, but the 200th anniversary of another event far out across the continent which helped immeasurably to make our Nation great.

This second event was the expedition chronicled by Father Silvestre Valez de Escalante which traveled from Santa Fe to the shores of Utah Lake, opening up the mountain West to European civilization.

The members of the expedition were the first Europeans to view the spectacular regions that now comprise the State of Utah, and the path that they marked through present-day Utah, Colorado, Arizona, and New Mexico blazed the way for traders and others who followed over the route that became known as "The Old Spanish Trail." The impact of this expedition on our history and development cannot be overstated.

I know that we as a nation will be deeply involved in celebrating the bicentennial of our national birth in 1976. That is as it should be, of course. But I hope we will also find time to recognize the expedition and the man who wrote such a momentous chapter of the history of the Far West in that same year.

I am introducing two bills today which, if enacted, will assure that the Escalante expedition will not be forgotten.

The first bill authorizes the Postmaster General to issue in 1976 a special series of postage stamps to commemorate the bicentennial of the Escalante Expedition, with the series to consist of blocks of four different stamps, each representing that part of the route of the expedition through each of the four States.

The second bill authorizes the Secretary of the Interior to enter into agreements with the appropriate officials of the four States—Utah, New Mexico, Arizona, and Colorado, to encourage them to designate the route of the expedition as the Escalante Trail, and to erect or place appropriate markers along the route.

In introducing these bills in the 92d Congress, I repeated in some detail the dramatic story of the Escalante expedition as a justification for commemorating the feat in its bicentennial year. I will not take the time nor space to tell the story again here today. I shall only say that Father Escalante's journey was one of the most important trips of exploration ever made from New Mexico into Colorado, Utah, and Arizona, and it had far-reaching consequences for these States and the areas adjacent to them.

The members of Escalante's party were the first white men to see buffaloes near the Green River in Utah; the first to view Utah's magnificent Mount Timpanogos; the first to view the beautiful Utah Valley and Utah Lake. They were

the first white men to go among and describe many of the mountain Indian tribes, and the first to cross the great gorge of the Colorado River. The story of their epic journey will forever remain one of the most thrilling and momentous chapters in American history.

By Mr. BIBLE (for himself, Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Burdick, Mr. Cannon, Mr. Ervin, Mr. Gravel, Mr. Gurney, Mr. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nunn, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Scott of Pennsylvania, Mr. Sparkman, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S. 804. A bill to amend the Small Business Act to consolidate and expand the coverage of certain provisions authorizing assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to Federal or State laws. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, I introduce for appropriate reference, with 35 other Senators as cosponsors, a bill to provide general authority for "economic disaster" loans to small businesses facing compliance with mandatory Federal environmental, consumer protection laws. I ask unanimous consent that the text of this bill be printed in the Record at the conclusion of my statement.

As a key phase of a cooperative effort to help make millions of American small businesses full partners in progress rather than imminent victims, my distinguished colleague from Texas in the other body, Mr. Patman, the chairman of the House Banking and Currency Committee, has most graciously offered to serve as the chief sponsor of this legislation in the other body. I am advised that his introduction of this bill will take place today as we launch this dual effort to help the small businessman where he is hurting the most, his pocketbook, in paying his dollars out to meet some of today's, and probably tomorrow's, Federal standards.

As I will explain more fully later in my statement, this legislation passed the Senate last year, but failed in conference with the other body. Those problems have now been worked out most satisfactorily, and I am particularly indebted to the distinguished chairman of the House Banking and Currency Committee for adding his great competence and considerable effort to help small businessmen everywhere.

Likewise, we are particularly pleased to have broad bipartisan support in this body for this bill as reflected by the 35 distinguished Senators from both sides of the aisle who have joined as cosponsors of this bill, Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Burdick, Mr. Cannon, Mr. Ervin, Mr. Gravel, Mr. Gurney, Mr. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Nunn, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Scott of Pennsylvania, Mr. Sparkman, Mr. Stevens, Mr. Thurmond, and Mr. Young.

Mr. President, the objective of this bill is to solve problems which the Federal Government itself is causing small business. These difficulties stem from the enactment by Congress and enforcement by the executive branch of a series of statutes creating new mandatory environmental, consumer, pollution, health and safety standards with which businesses must comply under short-term deadlines imposed by these laws.

All of these new standards have desirable objectives, in my opinion. But one undesirable side effect has been to place a disproportionate burden on small, local and family companies. These firms are required to invest large amounts of capital in a short time and upon which they will not be able to earn a return. If they do not, or cannot, they are subject to immediate penalties and probably to a forced closing of their businesses. The burden on smaller firms is greater because they have fewer options in raising capital and must pay more for it than larger businesses. If the sum required is too great, or credit conditions are overly tight, they are not able to obtain these funds at all. Small businesses always stand at the back of the line when it comes to obtaining credit.

As an illustration, one study of 14 industries, completed in March of 1972, indicates that over the next four years more than 1,000 industrial plants will go out of existence with perhaps up to one-third of this total directly attributable to new mandatory Federal standards. Many Senators know of firms, some long established in their communities, which have already gone out of business because of these new laws. In Iowa, Texas, and elsewhere, for instance, about 125 meat processing plants were suddenly closed down following enactment of the Wholesome Meat Act. I do not know how many ever reopened. But, the lesson is clear. If Congress is to do its duty, the help should be available before the business closes, not after. Otherwise, it is really a post-mortem situation. The business will be dead; legislated out of business by the Federal Government.

We should not allow this to continue. When the Federal Government creates serious problems for small business and neglects to provide any solution, this is inequitable. This inequity will put a hidden weight on the competitive scale against every smaller business in this country if Congress does not provide a remedy. My bill attempts to balance the scale by permitting the Small Business Administration to make loans to allow smaller firms to comply with these standards. This will mean that many worthy firms in all parts of the country will be able to remain in business, to pay taxes to the Treasury, to provide goods, jobs, and services to their local communities.

HISTORY OF THIS BILL

As Members of this body may recall, congressional efforts to assist smaller firms into compliance with congressionally created mandatory standards began with the study Senate Resolution 290 and predecessor of this bill, S. 1750, which I introduced in 1968 and 1969 respectively, following the passage of the Wholesome Meat Act. By the 92d Congress the study had been completed and the bill had become S. 1649.

In 1972 the Senate passed this general authority as part of the Disaster Relief Act. However, it was deleted in a House-Senate conference. In the meantime, the language of the bill has been transplanted to other statutes with some regularity. It has thus been enacted as part of the Coal Mine Safety Act of 1969; the Occupational Safety and Health Act of 1970; and wholesome meat, poultry, and eggs legislation in 1970; the water pollution control amendments of 1972; and the Rural Development Act of 1972. Each of these statutes applies this loan principle to the particular subject matter of its act.

However, this subject-by-subject approach has left significant gaps in coverage. A business might be eligible for a loan to combat water pollution but could be put out of business by costs of complying with air pollution standards. Accordingly, I believe that a uniform approach of one statute would be desirable and would avoid many problems. It would consolidate the existing enactments under a single statute, and provide a single framework for the extension of this loan program to other fields.

U.S. TREASURY WILL BENEFIT FROM THIS LEGISLATION

We believe that helping small business into compliance with the new governmental standards is sensible, and that it is also sound as a budget matter.

All economic disaster loans made will be fully repayable to the Treasury with interest. These loans will not be made where money is available commercially. The interest rate sought is not a subsidized rate—it is at the actual cost of money to the Federal Government plus a one-fourth of 1 percent premium. And, because businesses will survive and expand as a result of these loans, they will pay more tax money into the Treasury.

The desirability of this approach is, I feel, reflected by the widening acceptance of this bill. Its list of Senate cosponsors has grown over the years. In hearings before the Banking Committee in July 1972, the administration, through the testimony of SBA Administrator Thomas Kleppe, endorsed the bill. The Banking Committee reported the legislation as part of the Disaster Relief Act and the Senate passed it. When it was considered in conference, however, the Members of the other body raised questions, including whether a statutory ceiling or an SBA administrative ceiling on the amount of such loans would be the most desirable.

COOPERATION WITH THE HOUSE OF REPRESENTATIVES TO DEVELOP THE BILL

In the interim, we have consulted at length with the House Members concerned as well as with the Small Business Administration to refine this measure and resolve the questions which have arisen. I believe we have made some progress and have strengthened the bill at several points. We recognize, of course, that the chairmen and members of the legislative committees concerned will bring additional expertise to the improvement of this legislation. We welcome a joint effort with them in advancing the bill in the interest of small business.

Thus, in view of the mounting pressures on small, local, and family businesses generated by the Federal laws which I have mentioned, I hope that we in Congress can come to early agreement on a measure of this kind, so that the Federal Government can set about helping solve some of the problems which it is creating for hard-pressed small business firms across this country.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 7(b) of the Small Business Act is amended by striking out all that follows paragraph (4) through paragraph (6) and inserting in lieu thereof the following:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed on such concern pursuant to any Federal law, any State law enacted in conformity therewith, or any regulation or order of a duly authorized Federal, State, regional, or local agency issued in conformity with such Federal law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph: *Provided,* That the maximum loan made to any small business concern under this paragraph shall not exceed the maximum loan which, under rules or regulations prescribed by the Administration, may be made to any business enterprise under paragraph (1) of this subsection; and".

(b) Paragraph (7) of the first sentence of section 7(b) of such Act is redesignated as paragraph (6).

(c) The third sentence of section 7(b) of such Act is amended by striking out "(6), or (7)" and inserting in lieu thereof "or (6)".

(d) Paragraphs (1) and (2) of section 4(c) of the Small Business Act are amended by striking out "7(b) (7),".

SEC. 2. Section 28(d) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) is amended by striking out "7(b) (6)" and inserting in lieu thereof "7(b) (5)".

By Mr. MOSS:

S. 805. A bill to establish a National Institute of Marketing and Health. Referred to the Committee on Commerce.

NATIONAL INSTITUTE OF MARKETING AND HEALTH ACT

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to establish a National Institute of Marketing and Health. During the last two Congresses, several distinct initiatives undertaken by the Senate Commerce Committee—cigarette advertising, advertising and nutritional illiteracy, and advertising and drug abuse—led along separate paths to a suspect role for advertising and marketing. In varying degrees, each initiative was frustrated by a lack of basic scientific literature adequately describing the psychosocial impact of marketing. In each case a significant relationship between marketing and advertising techniques and health—physical or mental—was suspected. But in no way could the committee locate the critical facts needed in order to make appropriate legislative judgments.

We are immersed in a marketing economy and consumer culture which we do not understand. Though the Federal Trade Commission has sought to regulate marketing practices, it has never attempted to develop a systematic accounting of the social costs of marketing, particularly as they affect human health. We are beset with profound and unsettling questions concerning the social role of advertising.

The repetitive pattern in much advertising promises instant gratification through the swallowing, tasting, touching, hearing, and even the smelling of an extraordinary variety of material goods. The incessant hammering of these themes has led critics to lay at advertising's door the erosion of our traditional value system based upon the intrinsic rewards of effort, discipline, and responsibility. And what of the health consequences of this consistent pursuit of marketing strategy?

There does exist some knowledge concerning the behavior of individuals subjected to advertising. But much of this behavioral research has been performed in isolation and a great proportion of the work has been funded by business naturally interested in a fairly narrow range of information. What little knowledge does exist is obscured by the economic self-interest of the sponsors of the research.

We are at a crisis point in the handling of our drug abuse problem in the United States. It is critical that every effort be explored to alleviate the burden which this problem poses for the American people. It is critical that the underlying problems of drug abuse be thoroughly explored and where a relationship exists, marketers must avoid themes and techniques which contribute to or promote drug abuse.

The National Institute of Marketing and Health would be an independent institution, free of the disorders of economic self-interest, but with adequate resources to draw upon the full range of disciplines and competencies in social and mass communications. It would bring together the information needed to make rational judgments about marketing activities.

The National Institute of Marketing and Health should be housed in the National Science Foundation, an environment which would be conducive to the kind of objective research needed. For the purposes of jurisdiction, however, the Institute is located in the Federal Trade Commission.

The Institute would have a broad mandate to consider the health impact of the consumer culture. It would be encouraged to engage in analysis of specific marketing themes and techniques and behavorial problems, such as drug abuse, as well as broad studies illuminating fundamental conflicts between marketing practices and messages and sound health values.

The Institute would make creative use of the vast data generated by private market research in the universities to develop an overall picture on the role of advertising and marketing in our society. I can envision several studies being undertaken which would be of great use to the public. First, a study of the relationship between the themes and techniques of advertising and drug abuse. Second, a study of the relationship between marketing techniques and alienation of young people from society. Third, a study of the relationship between food advertising and nutritional illiteracy among children.

In the end, the Institute will provide the important long-range insight necessary to maintain advertising on a socially constructive path. In doing so, the Institute would provide the public for the very first time with an adequate, competent objective understanding of the impact of marketing and health.

By Mr. GRAVEL (for himself and Mr. PASTORE):

S. 808. A bill to authorize the Commissioner of Education to undertake a program to screen elementary school children in order to identify children with specific learning disabilities. Referred to the Committee on Labor and Public Welfare.

SCREENING FOR LEARNING DISABILITIES ACT

Mr. GRAVEL. Mr. President, on behalf of the senior Senator from Rhode Island (Mr. PASTORE) and myself, I am pleased to introduce a bill which would provide for the screening of all elementary school children prior to the third grade for specific learning disabilities.

Under the Education of the Handicapped Act we defined—

> "Children with specific learning disabilities" as those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

The Federal Government recognizes from 1 to 3 percent of the school-age population as having specific learning disabilities. But various authorities have estimated that as many as 20 percent may have a learning problem of some degree. In the broad category of estimates we are talking about 12 million children who may not be able to begin or complete their educations without special help. This bill would clarify the discrepancies in the estimates. We would be able to determine, after the screening is conducted, what the figures actually are and what steps need to be taken.

Who is this child with a learning disability? This is a child who has average or superior intelligence, but is unable to achieve successfully in the average classroom situation. Deficits in perception, conception, communication and/or coordination, often but not always accompanied by behavior problems, make it difficult for him to learn without special help. The situation is beyond the child's control. He cannot learn just by trying harder. He usually looks and acts almost normal, so normal achievement is expected of him. Unfortunately, very few of the school teachers are able to detect what is causing the child's problem. This bill would provide for the mechanism enabling teachers to single out this child.

This child needs proper identification as early as possible so that a professional team can rectify his ineffective functions. An anxious child cannot learn. Failure to understand a child's special needs, both at home and in school, can lead to such great unhappiness and frustration that emotional disturbances result. Learning then becomes even more difficult, if not virtually impossible. The original reasons for failure may become completely hidden. This bill can provide a stopgate, so that a child can find help before it becomes too late.

Some authorities believe that many of the complex problems of today's dropouts, delinquents, and drug addicts stem from unrecognized and unresolved learning disabilities. With the proper help this child can go on to become a happy and productive member of society and not an economic drain on our social programs.

Although America is a wealthy Nation, it is not wealthy enough to discard the hundreds of thousands of its children who have learning problems. We are not wealthy enough to forgo the contributions those children would make if only they could receive the educations to which they have a right.

By Mr. KENNEDY:

S. 809. A bill to amend section 5 of the Urban Mass Transportation Act of 1964. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. KENNEDY. Mr. President, last night in Boston, Mass., a tragic accident and fire in the subway system took the life of one man and injured 94 others very seriously. I am certain that the Members of Congress join me in extending sympathy to the families of those involved in the tragedy.

On behalf of the Massachusetts Bay Transit Authority, I contacted the Department of Transportation to ask for emergency assistance for the authority to implement immediately the safety measures that are needed to assure the passengers of the system that their lives are not jeopardized by a continuing failure to meet adequate safety standards. I learned that the emergency program under the Urban Mass Transportation Act of 1964 expired on July 1, 1972, and that no funds can be made immediately available to the Massachusetts Bay Transit Authority. The amendment to this act, which I am offering today, would extend that emergency program to July 1, 1974.

Under funding procedures currently in effect for our mass transportation systems, mass transit systems must have completed a planning process outlining the need and projected use of Federal funds. The planning requirements call for long range, unified, and coordinated program planning that require an extended period of time to complete.

With the reinstitution of the emergency funding program, that comprehensive planning process may be underway, and funds provided to meet emergency needs can be authorized immediately. It is my hope that the MBTA could qualify for assistance if this program is reinstated.

The terrible tragedy in Boston reminds us of the importance of renewing this emergency program. I am hopeful that the Senate will act quickly on this legislation, which is so desperately needed for the safety of our citizens.

I ask unanimous consent to have printed in the RECORD certain material from the Boston Globe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOURTH FIRE SINCE DECEMBER 31 ON ASHMONT RED LINE: ONE DEAD, 94 HURT IN SMOKY BLAZE ON SUBWAY TRAIN

One person died and 94 others were overcome by dense smoke when one car of a Dorchester-bound MBTA train burst into flames after an electrical explosion in the Harvard-Ashmont subway at rush hour yesterday afternoon.

Fire officials said the fire began in the first car of a four-car train and rapidly filled the tunnel between South Station and Broadway with "thick, acrid smoke."

Several hundred commuters from the jam-packed train were led, gasping and wheezing, to the street outside South Station, most of them by MBTA personnel and firefighters who arrived within minutes of the first alarm at 4:20 p.m.

Traffic on most downtown streets slowed to a virtual halt as police blocked many roadways to provide access routes for emergency vehicles. Delays of more than three hours were reported by many motorists and MBTA patrons who took to the streets after their trains were halted.

Last night's fire was the fourth since Dec. 31 on the MBTA's Ashmont line. The four fires have left one person dead, at least 101 people treated or hospitalized, and thousands of commuters stranded.

Some of the injured were carried by litter or on chairs from the subway's Dewey square entrance, where scores of waiting ambulances took the more seriously stricken to hospitals.

Most of the victims suffered from smoke inhalation. Officials said 33 were treated at the Carney Hospital, Dorchester, 41 at Boston City Hospital and 20 at Massachusetts General Hospital.

The one fatality was identified late last night as Arthur Rotch, 74, of 1632 Canton av., Milton. His body was identified by his son Lawrence.

Thomas Mulhane, senior administrative assistant at the Boston City Hospital emergency floor, said: "Mr. Rotch probably died in the ambulance en route from South Station."

All we did was take his vital signs, and he was pronounced dead on arrival."

The train's motorman, John Mahoney, 56, of 121 Willow st., West Roxbury, was held for treatment at City Hospital. Two guards aboard the train, Richard Smith, 43, of 47 Marshview drive, Marshfield, and Michael McDonough, 36, of 1919 Hyde Park av., Readville, were treated and released there.

Most of those treated at Carney Hospital were apparently persons who escaped from the tunnel and didn't suffer the ill effects of fumes from the fire until they were on the way or had arrived home.

Many of those rescued stumbled out into Dewey square, their faces and hands blackened from smoke. Firefighters met them with inhalators.

Although only two alarms were sounded, Fire Chief George Paul called in eight extra ladder companies for their oxygen equipment.

It was very, very smoky," Chief Paul said.

An MBTA spokesman said the cause of the fire was a malfunctioning contact shoe on the third rail that "created an arc and set fire to hoses and grease."

He said the violent arcing and loud, thunder-like clap, coupled with the simultaneous closing of circuit breakers, gave many passengers aboard the train the impression that something had exploded. He said most of the damage was the result of the fire.

The reason for the faulty contact shoe was not immediately explained, but one source said initial inspection of the train showed the problem was linked to the age of the cars being used on the line.

Tricia O'Connor, 17, of 41 Acorn drive, Randolph, emerged from the tunnel and said, "I thought I was dead. I have asthma and could just barely breathe."

She said the train was just leaving South Station when "all of a sudden it stopped. It started sparking outside, and the lights were going on and off.

"Some people had babies in their arms, and the babies and even old men were crying," she said.

The train was halted about 60 yards from the South Station platform. MBTA employees, including several who had completed their shifts and were on their way home on the same train, led the passengers through the cars and out the rear door of the last car onto the tracks.

Power inside the tunnel was cut off, and the passengers were led up a short flight of ladder-steps to the station platform and then to the street.

Within minutes firefighters wearing gas masks and carrying lights entered the tunnel and began assisting in the rescue operation.

The fire was near the scene of another smoky subway blaze on Jan. 4, when an inbound train caught fire in the Dorchester tunnel, forcing more than 400 persons to walk a half-mile underground aided by MBTA and Fire Dept. personnel.

Two persons, one a fire fighter, were hospitalized in that blaze, which officials said was caused when the train's ice scraper came into contact with the electrified third rail.

In the aftermath of that fire, the MBTA claimed the Fire Dept. didn't respond quickly enough, and the Fire Dept. said the MBTA was slow in turning in alarm.

Last night, Chief Paul said he was "perfectly satisfied" with the way the MBTA handled the situation yesterday. He said there had been almost daily meetings between

MBTA and Fire Dept. officials since the last fire.

"I feel that we have worked out an excellent emergency procedure," he said. "It worked well today."

MBTA General Manager Joseph C. Kelly arrived at the scene yesterday afternoon to assist in supervising the rescue operation.

Henry Sears Lodge, MBTA board chairman, said last night, "I think the passengers and crew acted in extremely good fashion in getting out without a panic."

Lodge said the fire showed the need for modernizing the rapid transit system's outmoded equipment.

"When you're dealing with an old and neglected system, you can't insure total safety, but we have been doing a lot to improve safety," Lodge said.

The fire broke out just as the commuter rush hour was peaking. It caused a citywide traffic tieup.

Thousands of commuters had to leave subway stations and make their way home as best they could.

Hundreds of persons hitchhiked along Beacon and Charles streets. Cambridge street was almost impassable, causing difficulties for ambulances bringing fire victims to Massachusetts General Hospital.

One of the first actions taken by authorities was to block traffic at Summer street and Dorchester avenue at Dewey square. Summer street alongside South station quickly filled with fire apparatus and ambulances.

The traffic problem was compounded by motorists driving downtown to pick up stranded friends and relatives.

Telephone booths at Park street station and other locations had lines 10 deep with persons waiting to notify friends and family that they had been delayed.

The MBTA pressed buses into shuttle service. Quincy passengers were taken to Andrew station and Dorchester commuters to Columbia. Service remained open between Park street and Harvard, Joseph Malone, MBTA spokesman said.

He defended the actions of MBTA employees aboard the train, whom some passengers accused of reacting slowly.

CRITICISM FOR MBTA, PRAISE FOR PASSENGERS

The off-duty Boston policeman, who was not identified, was a passenger on the first car.

"Thank God he was there," said Barbara Gallagher, 48, of Mercier avenue, Dorchester. "He got all the people under control and told us not to panic.

"There he led us through into the other cars where the firemen were waiting."

Mrs. Gallagher, who was returning home from her job in Everett, also credited an MBTA employee with helping persons overcome by the smoke.

Mrs. Fuchs, who was treated for smoke inhalation at Massachusetts General Hospital said the conductor in the first car left the train and that the off-duty policeman took charge. She didn't know whether the conductor left to seek help.

"That policeman was wonderful. Give him a lot of credit. He knew just what to do. He yelled for everyone to be calm and lie down on the floor of the car.

"The smoke was so thick we couldn't see the people next to us, despite the fact we were all crowded into the middle of the car.

"Give the policemen and the firemen who rescued us a lot of credit. But the MBTA—I could kick them in the backside," she said.

However, another woman credited the MBTA employees with saving lives.

Marion Edney, 69, of Melville avenue, Dorchester, said she was very frightened by the experience. "Every once in a while," Mrs. Edney said, "the train would make a noise like it was going to explode."

MBTA patrolman John Peritzian, one of the first to reach the scene, said rescue of the passengers was hampered until the power could be shut off.

Peritzian entered the tunnel with firemen to aid the stranded passengers despite the smoke.

"We finally got in and tried to calm the people, but there was very little panic," Peritzian, a Plymouth resident, said.

"You've got to give those people a lot of credit for the situation they were in."

At first, there was apparent confusion as to whether the estimated 400 passengers on the four-car train should proceed to the front or the rear, two passengers said.

But after directions were given, said Joan McInness, 14, of North Weymouth, "there was a lot of pushing by people trying to get to the rear of the train.

"There was an old man who couldn't breathe and a young man helped him off the train," she said.

Robert Thomas, 46, of Topliff street, Dorchester, said the train caught fire about 100 yards out of South Station.

"The train slowed down and stopped, the lights started flickering and there were electrical, arcing noises," he said.

"A man from the MBTA kept hollering to let him through, then the lights went out. We were very lucky there wasn't a panic situation."

The train was filled with rush-hour passengers and there were people standing, said Louis Goodman, 56, of Randolph.

"The train began filling with smoke," he said. "But there wasn't any panic. People were telling each other to keep calm."

Goodman, who called the Ashmont trains a "death trap," criticized the MBTA for their handling of the accident.

"When I got on the train at Washington street, I noticed there were sparks flying underneath the train. Also, the lights on the train were flickering all the way from Washington street to South Station.

"I told the conductor and he ignored me," Goodman said.

The crew, according to Irv Hirschfeld, a Harvard Medical School professor, "didn't seem to know what to do" during the confusion right after the fire started. "The crew just didn't seem prepared for this kind of an emergency," he said.

"I thought the whole first car was on fire," the Dorchester resident said. "But the flames died down in about 30 seconds or a minute. It was really frightening because there was no place to go."

Hirschfeld, who believed the MBTA's electrical system must have gone "haywire," causing the fire, said: "I hope something is done about this, because this is the second fire in a month and there's something strange going on."

Estimates of the time involved between the start of the fire and the rescue of passengers by firemen through the smoke-filled tunnel ranged from 10 minutes to nearly a half-hour.

"Thank God I'm alive," said Diane Levine, 19, of Huntington avenue, Hyde Park. "I prayed and promised to give up smoking if I ever got out of there."

In contradiction to other comments, Miss Levine said: "People got hysterical. The smoke became very bad and someone said we would be led out of the car one at a time.

"But I'm not sure what happened next. I know I came outside at South Station and I ran to where my mother works—but I don't remember running.

"Thank God I'm alive," she repeated, adding: "I want my 25 cents back from the MBTA."

By Mr. HATFIELD:

S.J. Res. 54. A joint resolution repealing the Military Selective Service Act of 1967. Referred to the Committee on Armed Services.

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States with respect to the conscription of persons for service in the military forces. Referred to the Committee on the Judiciary.

REPEAL OF THE SELECTIVE SERVICE SYSTEM

Mr. HATFIELD. Mr. President, I send to the desk two pieces of legislation relating to the abolition of the Selective Service System.

In his Inaugural Address on January 20, President Nixon declared that:

> We stand on the threshold of a new era of peace in the world.

Seven days later, American involvement in the Vietnam war ended and cease-fire was declared. And now perhaps we do have the chance to achieve a "generation of peace." Why then should we enter this new era of peace with an institution that exists to serve the ends of war? The President has also said:

> Unless we in America work to preserve the peace, there will be no peace.

Then why should our work for peace be impeded by the continued existence of the Selective Service System, particularly when there is no longer any need for a draft?

If we are to begin the works of peace, then let the task begin with the dismantling of this institution.

If we are to have peace, if, as Secretary of Defense Laird says, we are to have an all-volunteer force by the end of fiscal year 1973, then we no longer need the Selective Service System. From a broader perspective, I believe that an institution that conscripts men against their will to prepare them for war has no place in a free society that is working for peace.

It is particularly appropriate to examine the basic assumptions of the Selective Service System now that our involvement in Vietnam is over and the commitment to a volunteer army has been made. But whether or not this country is engaged in war, a compulsory draft is alien to our principles of freedom. As Senator ROBERT TAFT said:

> Military conscription is far more typical of totalitarian nations than of democratic nations. It is absolutely opposed to the principles of individual liberty, which have always been considered part of American democracy.

I would say that those principles are not merely a part of our democracy, but its very foundation.

And yet, looking over the record of the draft debates since World War II, I find very few statements dealing with the basic assumptions of a peacetime military draft, its domestic and foreign implications, and, most importantly, its implications for the individual in our society. Even during the 1971 debates in the House and the Senate, when extended debate created a 5-month period during which the President did not have authority to induct men into the Armed Forces, these questions were hardly raised.

Instead, the focus was on such issues as the needed manpower for our active duty forces, the quality of men entering the Armed Forces, the racial mix, the economic mix, our reserve strength, medical facilities and personnel, and combat arms manpower requirements. All of these are important questions. However, they do not go to the root of the problem.

The central issue is the meaning of a free society and the institutions we create to insure the maximum freedom of choice for each individual. This, coupled with a deep distrust of centralized governmental power, were the cornerstones of our Declaration of Independence and the Constitution. The Selective Service System is a prime example of centralized governmental power that severely limits an individual's freedom, for it can take him from his home and against his will place him in the Armed Forces under circumstances where he may well lose his life.

In essence, conscription is a form of involuntary servitude. We theoretically abolished slavery after the War Between the States. That form of slavery was a form of economic servitude. But we have subsequently instituted an even more onerous form—military conscription—and rationalized it by saying it would enhance our freedoms at home and enable us to create freedom abroad. But we cannot try to defend freedom at home or create it abroad by taking it away from our own citizens—we cannot export what we do not have.

To attempt to do so is a contradiction of our 200-year history as a free nation. Too few of our citizens seem to remember that it was conscription that bought many of our original settlers to this land and was a major factor in precipitating two of our earliest wars—the Revolutionary War and the War of 1812.

To show the degree of confusion—and unfortunately, ignorance—surrounding the issues involved, we hear such phrases as "voluntary draft," "national obligatory service," and the like. But this is the language of totalitarianism. It is a form of blackmail: putting a gun to a person's head and saying he has a "free choice" to do what he deems best. What we have done is continue the rhetoric of democracy and republicanism, but have changed the definitions to apply to institutions that render them nearly meaningless. What is most tragic, however, is that this situation seems to attract little attention, let alone public outcry.

Now that we are paying first-term enlistees a wage comparable to what they could be earning in the civilian sector, we no longer need the draft to meet our military manpower requirements. Consequently, attention has focused on the need of the President to have the authority to induct men into the Armed Forces. This has been the focus of the Senate and House debates for the past 2 decades. Clearly there is no need for this authority. President Nixon himself has asserted this in recent years, beginning with his campaign in 1968. If there is not any need for the President to have the authority to induct men into the military, then I believe there is no reason why the draft structure should remain. We should take legislative action to return us to the traditions of peacetime America. Therefore, I am introducing legislation to repeal the Military Selective Service Act, thus dismantling the Selective Service System.

The ability of our Armed Forces to react quickly in time of danger has never depended upon the draft. It is impossible to do so, due to the time required to induct, train, and transport a man to the danger area. The draft has been used to sustain and gradually build up the active duty forces. Our policy has always been, and the realities of manpower development dictate, that the active duty forces, then the reserves, and then draftees would be used in time of danger.

This is precisely what former Secretary of Defense Laird repeated time and again. Whether or not the draft is on a standby basis, our ability to adequately rapidly meet a threat would not be hampered. The time to set up a system, give physical examinations and transport the men to their training stations would be virtually the same with or without a draft system continuing on a standby basis. The essential question, then, is why pay the money for it? There is simply no reason.

There is some indication that the administration is also aware of this fact. The proposed budget for fiscal year 1974 requests a $55 million appropriation for the Selective Service System, a one-third reduction below the fiscal year 1973 request.

There are also reports of plans to register only 100,000 men each year, with no physical examinations, no transporting of men to examining centers, no transporting of men to induction centers.

I cannot see any way in which this will help our defenses. To spend $55 million, for this purpose is not only a waste of money but counterproductive. In the remote chance that the Nation decides a draft is needed sometime in the future we can certainly set up a conscription system, register men, give physical examinations, train and transport them in virtually the same time as it would take if we continued limited registration. We were able to do so in 1917. Surely now, with our advanced technology, we could do so just as easily.

The actual life and death alternatives faced by a young man going into the Armed Forces during a time of war or national emergency is a most demanding personal question which each individual has to make. The alternatives are even more profound when a man is faced with induction during peacetime, when he could be drafted involuntarily and perhaps sent anywhere in the world to participate in a conflict about which he may have had no information previously.

I am therefore introducing another bill besides the repeal legislation. This is a constitutional amendment which would require a national referendum within 30 days after a request by the President to set up a draft system and induct men into the Armed Forces.

A national referendum would not only be consistent with our principles of democracy, it would strengthen them by giving the people more power to decide in what ways they will permit the Government to partially control their lives. This greater degree of involvement and responsibility for the people will serve to revitalize our commitment to democracy, and make us a stronger nation. To quote again from President Nixon's inaugural address.

> A person can be expected to act responsibly only if he has responsibility. This is human nature. So let us encourage individuals at home and nations abroad to do more for themselves, to decide more for themselves . . . Government must learn to take less from people so that people can do more for themselves.

I agree. The Government must learn to take less from the people, for the increase in recent years of street demonstrations and other forms of extra-electoral dissent indicate that the present system is not responding to the needs of the people. Our Founding Fathers foresaw the possibility of the republican structure becoming unrepresentative. James Madison's Federalist Paper No. 10 held that a republic was preferable to a pure democracy only so long as the representatives were wise and judicious men:

> Men of facetious tempers, of local prejudices, or sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people.

Madison noted that the final defense against such legislative abuse was the people. A national referendum such as I propose is consistent with this notion and would act as a check to the system when it fails to be responsive to the people's needs.

Since there may be occasion when there is not time to call for a national referendum on this question, I have made provision in the constitutional amendment that in case of invasion the President can request the authority from Congress. The authority would continue until the statute expired or until the Congress repealed the law.

The method of referendum is not an untried panacea, since it has been successfully implemented in this Nation's various States, as well as in Switzerland. Certainly a referendum could be used on the issue of military conscription, a question of great importance to every member of our society.

In the late 1930's Representative Louis Ludlow of Indiana proposed a constitutional amendment giving the people the sole power by a national referendum to declare war or to engage in war outside of the Western Hemisphere, except in the event of actual invasion of the United States. In 1938 the Ludlow amendment failed on a motion to discharge it from the Rules Committee by a vote of 188 to 209, after the intervention of President Franklin D. Roosevelt against the proposal. In the 75th Congress, Representative Hamilton Fish, Jr. introduced House Joint Resolution 576 providing for a referendum on military conscription for service overseas. In the same Congress, then Representative WARREN G. MAGNUSON introduced a joint resolution providing for a referendum on certain methods of warfare.

Mention can also be made of Senator Kenneth Champ Clark of Missouri, who introduced in the Senate a resolution providing for a referendum on the question of war and military conscription for service abroad. Further, in the 75th Congress Senators La Folette of Wisconsin, Bone of Washington, Capper of Kansas, Clark of Missouri, Donahey of Ohio, Frazier of North Dakota, Hitchcock of South Dakota, Lundeen of Minnesota, Murray of Montana, Nye of North Dakota, Shipstead of Minnesota, and Wheeler of Montana are joined in proposing a constitutional amendment for a referendum on war.

These are but a few examples of earlier proposals for national referendums on important issues. It is worth noting that most of these proposals came during the Populist-Progressive era, another time when there was great concern about the Government's responsiveness to the people. Therefore, my proposal for a national referendum on the draft is not a radical new departure, but an effort that has traditionally been made when the Federal Government has seemed to escape control by the people.

We are all aware of the way in which the executive branch of Government has usurped the Congress proper constitutional responsibilities for committing the Nation to war. The restoration of the intended constitutional balance requires strong initiatives. This is why I make such a proposal.

A national referendum would allow for greater congressional participation in a domestic question that greatly affects our foreign relations. If freedoms are taken away even temporarily, the Congress and the people should participate in the decisionmaking process to the greatest extent possible. For as Benjamin Franklin said:

> They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

I ask unanimous consent that the text of these two pieces of proposed legislation be printed at this point in the RECORD.

I also ask unanimous consent that a study prepared by the Library of Congress on the Ludlow amendment be printed in the RECORD following these two joint resolutions.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 54

Joint resolution repealing the Military Selective Service Act of 1967

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is repealed effective June 30, 1973.

S.J. RES. 55

Joint resolution proposing an amendment to the Constitution of the United States with respect to the conscription of persons for service in the military forces

Resolved by the Senate and House of Representatives of the United State of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of section 8 of Article I of this Constitution relating to the authority of the Congress to raise and support Armies and except as provided in section 4 of this article, the Congress shall enact no law providing for the involuntary induction of persons into the military forces unless the enactment of such a law has been approved by a majority of the electors of the United States voting in a national referendum to determine whether the people of the United States favor such a law.

"SEC. 2. Whenever the President determines that, because of national security reasons, a law should be enacted authorizing the involuntary induction of persons into the military forces of the United States, he shall issue a proclamation to that effect, and on a day specified by him at least thirty days, but not more than ninety days after the issuance of such proclamation a special election shall be conducted in such manner as the Congress may prescribe by law to determine whether the people of the United States favor the enactment of a law authorizing involuntary induction of persons into the military forces. All persons qualified to vote for the electors of the President and Vice President shall be eligible to vote in any such election. If a majority of the persons voting in such election vote in favor of the enactment of such a law that Congress may enact such a law within one year after the date of the special election.

"SEC. 3. Whenever the Congress has enacted a law authorizing the involuntary induction of persons into the military forces of the United States following approval of such action by a national referendum and the authority under such law subsequently terminates, the Congress may not thereafter enact a new law providing for involuntary induction except pursuant to another national referendum approving enactment of such a law. Nothing herein shall limit the authority of the Congress to extend the time period of any such law if the induction authority under such law as originally enacted or amended has not expired.

"SEC. 4. The foregoing provisions of this article shall not apply to the authority of the Congress to enact a law providing for the involuntary induction of persons into the military forces of the United States to repel an actual invasion of the United States.

"SEC. 5. The Congress shall have the power to implement the provisions of this article by appropriate legislation."

THE LUDLOW AMENDMENT

During the first quarter of the 20th Century three new instruments of government rose to prominence in American politics. These instruments were the initiative, the referendum, and the recall.

South Dakota, in 1898, was the first state to adopt the initiative and referendum as instruments of state government. Since then, eighteen more states have adopted similar legislation, the last to do so being Massachusetts in 1918. Maryland and New Mexico have the referendum only.

Many proposals to adopt the initiative and/or referendum were made to Congress during the beginning of the century, but interest on such legislation diminished considerably following 1920.

Proposals for legislation providing for a national referendum on specific issues, however, have been made from time to time ever since. Prior and following World War I proposals for legislation providing for a referendum on war were a perennial feature of Congress. The most persistent and nearly successful attempt towards the adoption of a constitutional amendment for a referendum on war was made from 1936 to 1939. Representative Louis Ludlow of Indiana spearheaded the movement for such an amendment. Congressman Ludlow introduced to the 74th Congress (1st session) H.J. Res. 89, 159, and 167. These resolutions proposed an amendment to the Constitution of the United States with respect to the declaration of war and the taking of property for public use in time of war.

Representative Hamilton Fish, Jr., of New York introduced H.J. Res. 168 which provided for a popular referendum on war.

In the Senate, Senator Marvel Logan of Kentucky introduced S.J. Res. 7 which would give the people of the United States power to veto a declaration of war. All these resolutions died in committee.

Congressman Ludlow introduced H.J. Res. 2 and 199 during the first session of the 75th Congress and Congressman Fish introduced H.J. Res. 63. These resolutions were in substance similar to the ones introduced during the previous Congress. Representative Francis H. Case of South Dakota introduced the so-called "Unknown Soldier" amendment which would give to the people the right to declare war.

During the second session of the 75th Congress the following resolutions were introduced:

S.J. Res. 218 (Senator Robert M. La Follette, Jr., of Wisconsin) proposing an amendment to the Constitution to provide for a referendum on war.

S.J. Res. 221 (Senator Joel Bennett Clark of Missouri) providing for a referendum on war and conscription of citizens for military duty abroad.

H.J. Res. 498 (Representative William A. Ashbrook of Ohio) providing for a referendum to limit conscription and undeclared war.

H.J. Res. 502 (Representative Edward C. Eichter of Iowa) providing for a referendum on war.

During the third session of the 75th Congress Senator La Follette of Wisconsin introduced for himself and for Senators Homer T. Bone of Washington, Arthur Capper of Kansas, Joel Bennett Clark of Missouri, Alvin V. Donahey of Ohio, Lynn J. Frazier of North Dakota, Herbert B. Hitchcock of South Dakota, Ernest Lundeen of Minnesota, James E. Murray of Montana, Gerald P. Nye of North Dakota, Henrik Shipstead of Minnesota, and Burton K. Wheeler of Montana, S.J. Res. 270 proposing an amendment to the Constitution for a referendum of war.

Representative Warren G. Magnuson of Washington introduced H.J. Res. 565 providing for a referendum on certain methods of warfare.

Congressman Fish introduced H.J. Res. 576 providing for a referendum on draft for services overseas.

On January 6, 1938, President Franklin Delano Roosevelt in a letter to the Speaker of the House of Representatives, William B. Bankhead, opposed the Ludlow amendment and other similar resolutions as "impracticable in its application and incompatible with our representative form of government." Following a reading of this letter on the floor, the House defeated a motion to discharge the Committee on Rules from further consideration of the bill by a vote of 188 to 209, although previously 218 members had signed a discharge petition.

During the 76th Congress another attempt was made to bring about passage of the Ludlow amendment.

Congressman Ludlow introduced H.J. Res. 89. The text of the resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by convention in three-fourths of the States as provided in the Constitution:

"ARTICLE —

"SECTION 1. Except in case of invasion by armed forces, actual or immediately threatened by an approaching military expedition, or attack upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

"SEC. 2. Congress shall by law provide for the enforcement of this section.

"SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution."

Senator La Follette introduced for himself and for Senators Bone of Washington, Capper of Kansas, Clark of Idaho, Clark of Missouri, Donahey of Ohio, Frazier of North Dakota, Lundeen of Minnesota, Murray of Montana, Nye of North Dakota, Shipstead of Minnesota, and Wheeler of Montana, S.J. Res. 84. The text of the resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

"SEC. 2. Congress shall by law provide for the enforcement of this section.

"SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution."

By Mr. CRANSTON:

S.J. Res. 56. A joint resolution to authorize the President to proclaim the week containing February 12 and 14 as Afro-American History Week. Referred to the Committee on the Judiciary.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a joint resolution authorizing the President to proclaim that each year, the 7-day period from Sunday to Saturday containing the dates of February 12 and February 14, be designated Afro-American History Week.

Next week will be the 47th anniversary of Afro-American History Week. It has been observed in many communities throughout the Nation since 1926, when Dr. Carter G. Woodson published some data emphasizing the historical contributions black people have made to enrich the lives of all Americans. Dr. Woodson was the founder of the Association for the Study of Afro-American Life and History, the organization that cosponsors Afro-American History Week with the National Education Association.

Dr. Woodson's action in 1926 was warmly received by the black community. Gradually, Afro-American History Week gained the support of many nonblack institutions in the United States and abroad. Today, the observance enjoys widespread acceptance. At least 13 Governors and 25 mayors have proclaimed Afro-American History Week in their jurisdictions.

The week is planned to coincide with the birthdays of Abraham Lincoln, February 12, and Frederick Douglass, Februrary 14. The theme of this year's observance is "Biography Illuminates the Black Experience."

Mr. President, the enactment of this joint resolution would greatly advance this observance and lead to better interracial understanding in America.

Americans should know more about the great contribution black scholars, writers, inventors, athletes, and many others have made to this country. Consider, for example, this brief list of inventions in every day use that were the product of black genius:

Harvesting machine—William Douglas.
Telephone receiver—Granville Woods.
Fountain pen—William Purvis.
Parachute—H. Julian.
Alarm clock—Benjamin Banneker.
Gas mask—Garrett Morgan.
Tabulating machine—Robert Pelham.
Corn planter—H. Blair.
Street sweeper—C. B. Brooks.
Lawn mower—G. F. Grant.
Elevator—A. Miles.
Clothes dryer—G. T. Sampson.
Fire escape ladder—J. R. Winters.
Machinery for mass-producing shoes—Jan Matzeliger.

In addition, Mr. President, it was George Washington Carver whose agricultural reforms pulled the Southern States out of bankruptcy after the Civil War. Even the design for the city of Washington, D.C., was reconstructed from memory by a brilliant free black named Benjamin Banneker after the French architect refused to finish the job.

I think you will agree, Mr. President, that Afro-American History Week is worthy of congressional support. I ask unanimous consent that the text of the joint resolution to proclaim Afro-American Week be printed in the Congressional Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 56

Whereas Afro-Americans have made outstanding but little known contributions to the History of the United States;

Whereas an appreciation of this heritage and contribution is essential to the development of a sense of worth and pride in any group;

Whereas Afro-American Week has been observed throughout the United States since 1926 during the period which includes the birthdays of Abraham Lincoln and Frederick Douglass, February 12 and February 14 respectively; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period from Sunday to Saturday during which February 12 and February 14 fall, be designated "Afro-American History Week."

The President is authorized and requested to issue an annual proclamation calling upon the people of the United States to observe such week with appropriate activities.

By Mr. BARTLETT:

S.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States relating to prayer in public schools. Referred to the Committee on the Judiciary.

Mr. BARTLETT. Mr. President, today I introduce a constitutional amendment which, if passed, will insure to every person his inherent freedom to pray. The freedom to pray will mean that our schoolchildren will be guaranteed their right to participate voluntarily in prayer.

This constitutional amendment is necessary in view of the Supreme Court rulings which forbid prayer in public schools. There is something wrong in America when free speech protects the right to utter obscenities yet does not protect the right to pray. This amendment will assure our schoolchildren their right to pause at the beginning of the school day to offer thanks to their Creator.

I ask unanimous consent that the text of the proposed amendment be printed in the Record.

S.J. Res. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No provision of this Constitution shall abridge the inherent freedom of persons to pray. The freedom of prayer shall include the right of persons lawfully assembled in any public school or other public building to participate voluntarily in nondenomination prayer."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 4

At the request of Mr. Williams, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 4, the Retirement Income Security for Employees Act of 1973.

S. 12

At the request of Mr. Williams, the Senator from Hawaii (Mr. Inouye) and the Senator from Iowa (Mr. Hughes) were added as cosponsors of S. 12, the Urban Parkland Heritage Act of 1973.

S. 40

At the request of Mr. Brock, the Senator from Tennessee (Mr. Baker), the Senator from Florida (Mr. Chiles), the

Senator from Nebraska (Mr. CURTIS), the Senator from Georgia (Mr. NUNN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. 40, a bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes.

S. 41

At the request of Mr. DOLE, the Senator from Florida (Mr. GURNEY) was added as a consponsor of S. 41, a bill to designate November 11 of each year as Veterans Day and to make such day a legal public holiday.

S. 44

At the request of Mr. DOLE, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. NUNN), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 44, a bill to amend the Small Business Act to increase the availability of management counseling to small business concerns.

S. 159

At the request of Mr. DOLE, the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. MOSS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 159, a bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 176

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF), was added as a cosponsor of S. 176, a bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I.

S. 255

At the request of Mr. EAGLETON, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

S. 275

At the request of Mr. HARTKE, the Senator from Oregon (Mr. HATFIELD), and the Senator from Nevada (Mr. CANNON), were added as cosponsors of S. 275, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 316

At the request of Mr. BUCKLEY, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 316, the Eastern Wilderness Areas Act.

S. 418

At the request of Mr. BELLMON, the Senator from Colorado (Mr. DOMINICK), the Senator from Nebraska (Mr. HRUSKA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 418, a bill to reinstate the emergency loan program of the Farmers Home Administration.

S. 425

At the request of Mr. ROBERT C. BYRD (for Mr. RIBICOFF), the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 425, a bill to establish a Department of Health.

S. 491

At the request of Mr. BEALL, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 491, the Older Americans Comprehensive Services Amendments of 1973.

S. 514

At the request of Mr. MOSS, the Senator from South Carolina (Mr. HOLLINGS), was added as a cosponsor of S. 514, a bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 548

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 548, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 580

At the request of Mr. PERCY, the Senator from Michigan (Mr. HART) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 580, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

S. 586

At the request of Mr. DOMINICK, the Senator from Oregon (Mr. HATFIELD), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 586, a bill to amend the Occupational Safety and Health Act of 1970.

S. 632

At the request of Mr. WILLIAMS (for Mr. CHURCH) the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 632, a bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes.

S. 653

At the request of Mr. BELLMON, the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 653, a bill to prohibit the impoundment of funds from the highway trust fund.

S. 667

At the request of Mr. RANDOLPH, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 667, a bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S. 744

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 744, a bill to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes.

S. 762

At the request of Mr. HARTKE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 762, the military recomputation bill.

SENATE JOINT RESOLUTION 3

At the request of Mr. DOLE, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat.

SENATE JOINT RESOLUTION 4

At the request of Mr. DOLE, the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. GURNEY), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. NUNN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from Texas (Mr. TOWER), and the Senaator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 4, a joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. NUNN), the Senator from Illinois (Mr. STEVENSON), the Senator from South Carolina (Mr. THUR-

MOND), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 11, a joint resolution paying tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 20

At the request of Mr. GRIFFIN (for Mr. BROOKE), the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of Senate Joint Resolution 20, a joint resolution designating January 15 of each year as "Martin Luther King Day."

SENATE CONCURRENT RESOLUTION 11—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE U.S. FISHING INDUSTRY

(Referred to the Committee on Commerce.)

Mr. EASTLAND (for himself, Mr. MAGNUSON, Mr. WILLIAMS, Mr. STENNIS, Mr. JACKSON, Mr. ERVIN, Mr. TALMADGE, Mr. LONG, Mr. SPARKMAN, Mr. MANSFIELD, Mr. ROBERT C. BYRD, Mr. SCOTT of Pennsylvania, Mr. RANDOLPH, Mr. MCCLELLAN, Mr. MCGEE, Mr. EAGLETON, Mr. KENNEDY, Mr. THURMOND, Mr. HOLLINGS, Mr. ALLEN, Mr. PASTORE, Mr. JOHNSTON, Mr. GURNEY, Mr. CHILES, Mr. TUNNEY, Mr. CRANSTON, Mr. GRAVEL, Mr. STEVENS, Mr. MUSKIE, Mr. HATHAWAY, Mr. FONG, Mr. INOUYE, Mr. BENTSEN, Mr. TOWER, Mr. NUNN, Mr. JAVITS, Mr. HARRY F. BYRD, JR., Mr. HATFIELD, Mr. PACKWOOD, Mr. HELMS, Mr. BEALL, and Mr. BIDEN) submitted the following concurrent resolution:

S. CON. RES. 11

Whereas the position of the United States in world fisheries has declined from first to seventh place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas rising costs and extremely high insurance rates have made fishing uneconomic in some areas even when stocks of fish and shellfish are at normal levels;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial and agricultural interest;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas our fisheries are beset with almost insurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

Mr. EASTLAND. Mr. President, I offer, for myself and 41 of our colleagues, a concurrent resolution which I hope—and believe—will launch a nationwide program to save our commercial fishing industry and serve our sport fishing industry.

I used the phrase "to save our commercial fishing industry" deliberately. In my judgment—it is not morning or mid-day in the industry in this country. Sadly, it is almost sunset for seafood operations in our Nation.

Let us look at where we stand today.

While the world catch has doubled over the last 10 years, ours has declined.

We have plunged from first to seventh place—and—have become the biggest importers of fish products. We bring in 60 percent of our consumption—a situation which faces us with an annual balance-of-payments drain of approximately a billion dollars.

Tiny Peru reaps the richest tonnage harvest—selling much of it to the United States, Japan benefits from an ocean crop worth $2½ billion. The Soviet Union is third and China fourth. Norway's fishermen range the high seas in new boats—and increased their catch 20 percent in 1 year.

Not Soviet boats—Mr. President—but Soviet fleets work the waters off Washington and Oregon as well as off New England. Russians are scooping up countless tons of aquatic products up and down our west coast and along the Atlantic seaboard. Additionally, Soviet sponsored Cuban craft are operating in and near the Gulf of Mexico. As a measure of the Russian effort, fishing has become the fourth-highest-paid industry in the U.S.S.R.

In little more than a decade the Japanese have doubled and modernized their fleet. Three thousand vessels roam the Earth's deep waters—and bring an economic bonanza home to Japan.

Now—have these and other extensive operations depleted ocean stocks? To the contrary—Mr. President—our experts contend that the present world catch could be tripled without impairing future resources. The American industry could—indeed—quintuple its harvest without even leaving our own shores.

We are confronted with a major problem—and—a glowing opportunity.

I am convinced that we are moving—today—to solve the problem and to seize the opportunity. Forty-two Members of this body joined in offering this resolution. I am pleased to say that the sponsors include the bipartisan leadership of the Senate—13 of our standing committee chairmen—and Senators from both parties representing 21 of our seacoast States.

Here is our approach.

We do not propose—now—or later—to tell the commercial and sport fishing industries what they need.

Our purpose is to learn from leaders and participants in both industries what they need—and to do all we can to transform their proposals into a sound, ongoing program aimed at attaining the goals we all seek.

We must deal with a variety of wide-ranging but interrelated difficulties—difficulties of a most serious nature.

Declining production, an outmoded fleet, lack of diversification, undefined fishing boundaries, pollution, inadequate funding for research—this is only a partial list of the difficulties which threaten to drown commercial operations and to penalize sport fishing activities.

How do we attack this range of problems?

First. I submit that patchwork programs and piecework solutions will not do this job. It is simply too late in the day for these types of measures.

Second. I recommend against sectional, one-shot solutions. Even when effective, this approach has provided—at best—temporary relief from continuing problems. Further—the answer for today only—in one fishery—in one part of our land does not move us—as we must move—toward national revitalization in the present and growth and expansion in the future.

If we are to succeed in this mission we must reach a broad spectrum of Americans engaged in fishing and related activities to secure their advice and guidance in the formulation of our program. Unless each need is met, and each segment of fishing protected and promoted, we will not have done all that needs doing.

Is there—in existence, and able to implement our proposal—a vehicle to carry the effort?

Mr. President, there is such a vehicle, and it is—I am delighted to say—thoroughly competent to contribute immeasurably to the winning of our battle.

I suggest the utilization of the Atlantic State Marine Fisheries Commission, the Gulf States Marine Fisheries Commission, and the Pacific Marine Fisheries Commission as our Board of Directors for this worthy undertaking.

These federally recognized entities—which enjoy the support of their member States—represent almost every State with a sea boundary—half of this Union of ours.

I have met with—and corresponded with—the Executive Directors of the three Commissions to explore this concept. Irwin Alperin of Atlantic; my friend, Joe Colson of Gulf, and John Harville of Pacific—have indicated approval of the approach and of their willingness to work with us. We have received similar expressions from the National Oceanic and Atmospheric Administration.

Let me state—without reservation—that these gentlemen are talented, experienced, and energetic leaders who are dedicated to our goal of restoring America to her rightful position in the first rank of the world's fishing nations.

Now—mechanically—how can the Commissions aid us to gather the facts, the ideas and suggestions, the wealth of information we must obtain from every corner of our country?

With very limited financial support from Congress, officers, members, and the directors of the Commissions can meet—each in his own area—with fishermen, gear manufacturers, boat builders, suppliers, canners, processors, distributors—indeed—with representatives of every segment and stage of the industry.

Sport fishing interests would, of course, be included, and their requirements incorporated into our priorities.

The full participation of each of our State regulatory agencies would have to be a cornerstone of our effort as would equally strong participation on the part of environmental leadership everywhere.

We would need, in fact, we could not be without, maximum cooperation and support from our colleges, universities, and laboratories in obtaining and utilizing scientific and technical advice and direction.

Following these meetings on the Atlantic seaboard, in the gulf area, and on the Pacific coast, I would suggest the selection from each group of a steering or executive committee to represent the views and needs of all engaged in or affected by any aspect of fishing operations in every region of this country.

The three executive or steering committees would then meet in Washington or at a suitable location with top officials of the National Oceanic and Atmospheric Administration. In a meeting or series of meetings, I am confident that the national program we must have could be hammered out for presentation to the Congress.

Mr. President, if such a program can be developed and I believe it can, we will have saved an industry which has been part of the fabric of America since our forefathers came to these shores.

It is imperative that we launch our effort now.

There is general agreement among all we have consulted, including the three compact commissions, that the necessary first step should be the establishment of a national policy, stating in the forthright fashion our people appreciate that this Nation wants and will have a strong commercial fishing industry.

The concurrent resolution we introduce today will establish that policy.

It sets out, also in an equally forthright manner, our firm intention of respecting and safeguarding the long recognized position and authority of the States in the formulation and execution of our program.

Millions of Americans depend on fishing operations for a livelihood. The work is hard, sometimes very dangerous, and the hours are long. These men and women have never received and they neither expect nor want handouts from Washington or elsewhere.

Surely, though Mr. President, men who bet their lives against wind and water, men who go down to the sea in ships and in small boats along with those associated with them have earned and deserve our assistance.

In the hope that we will assist every person involved, directly or indirectly, in American fishing activities from Maine to Hawaii, from Alaska to Florida, and in what I sincerely believe to be the best interest of the United States. I appeal for early and favorable consideration of this concurrent resolution.

Mr. HATFIELD. Mr. President, I am pleased to join with the distinguished senior Senator from Mississippi, (Mr. Eastland) in sponsoring his thoughtful proposal setting forth our support for a revitalized commercial fishing industry.

My colleagues have heard me speak many times on this floor about the plight of our beleaguered commercial fishing industry. It is an industry of small businessmen who see their livelihood disappearing from pressures of imported fish products and of foreign fishing fleets operating off our coasts.

I live on the Oregon coast, in Newport, Oreg. I know from conversations I have when I am home with my hometown friends who depend upon commercial fishing for their living. They relate to me the problems they have in keeping up with the declining fish population available to our vessels, their increased costs, threats of overly restrictive inspection legislation, and the assorted other problems they face.

Mr. President, our commercial fishing industry is headed toward extinction. We have to either take steps to revive it, or we can kiss it goodby. I, for one, will fight to revive it to a prominent position.

My colleague from Mississippi addresses his remarks to the problem from a national perspective, and I salute him for this. Too often, it is Senator Magnuson, Senator Stevens, and me pressing the case of the Northwest fishermen, New Englanders working on behalf of the problems facing them, Gulf coast and Southern Senators working on problems localized in their areas. This system has continued too long, and I am as much a part of it as anyone. We are past the point, however, of solving problems of Northwestern fishermen without recognizing the interrelationship with all other fishermen in the country.

I note this, because I believe that the impressive roster of supporters for Senator Eastland's bill—over 40 cosponsors calls attention to the national scope of the problem in a clear way. If we went around this chamber and each coastal Senator stood up and described the problems facing his local fishing industry, there would be much more in common than there would be in specific local problems. I salute the senior Senator from Mississippi for uniting us in what I hope will be the first concrete steps of many to help revitalize the commercial fishing industry.

As an indication of the situation that faced the industry, preliminary plans for the U.N. Law of the Sea Conference omitted any representation of the commercial fishing interests—vitally affected by any decisions reached by the U.N. conference. My colleagues recall my Senate Resolution 203 last year, cosponsored by a number of you familiar with the problem, calling for inclusion of commercial fishing interests as a part of the U.S. delegation. I was pleased to report to the Senate in December 1971 that reconsideration had been given and that plans were made to include commercial, fishing interests. Recently I requested a status report on the success of this move, and I will share with my colleagues the response I receive.

Mr. President, I cannot overstate the seriousness of the situation of foreign fishing fleets operating off our shores and vacuuming up every fish in sight with their modern and efficient equipment. Oregon's commercial fish catch has dropped by nearly half since the Russians began scouring our coastal waters.

I ask unanimous consent that a table describing this decline in fish catch be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

LANDINGS BY OREGON FISHERMEN FROM OFF WASHINGTON AND OREGON, MAY 31, 1972

	1965	1966	1967	1968	1969	1970	1971
Pacific Ocean perch:							
Landings [1]	13.5	3.8	1.6	0.8	0.6	0.6	0.9
Catch rate [2]	1,200	1,000	700	400	400	300	300
Other rock fish: Landings [1]	4.0	4.8	4.0	3.6	4.0	3.1	2.9
Arrowtooth flounder: Landings [1]	2.3	2.2	2.1	1.0	.9	.4	.5
Total, all species:							
Landings [1]	32.5	24.2	20.3	18.2	19.8	18.4	18.6
Catch rate [2]	1,100	1,100	1,000	800	800	700	700
Hours fished [3]	28.5	22.6	19.6	22.4	24.2	25.9	26.7

[1] Landing figures represent millions of pounds.

[2] Catch rate, unit of effort/pound per hour.

[3] Hours fished figures represent thousands of hours.

Mr. HATFIELD. Mr. President, again I wish to commend the able and distinguished senior Senator from Mississippi for his leadership. A national effort must be taken to solve this problem, and I believe this resolution does just that. I ask unanimous consent that the text of the resolution appear at this point in the Record.

In closing, Mr. President, I wish to express my hope that this body will act with dispatch on this proposal. To commercial fishermen today, the future looks bleak at best. Adoption of this resolution would offer hope that we as a Congress will act in a way that will reverse the long decline the industry has faced.

Mr. President, joining Senator EASTLAND as another cosponor is my distinguished colleague from Oregon, Senator PACKWOOD. He shares my concern for the future of the commercial fishing and seafood processing industry in Oregon. Unfortunately, he is unable to be here today, and I ask that his statement in support of the Eastland proposal be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SEAFOOD INDUSTRY

(Statement by Senator PACKWOOD)

Mr. President, I rise today to support the Concurrent Resolution introduced by the distinguished senior Senator from Mississippi, Senator Eastland.

It seems to me that this Resolution is remarkable in at least two ways. First, it addresses in a broadly-based fashion the problems of our national seafood industry—problems that have only been examined before on a piece-meal basis. As you know, this industry is of great importance to the State of Oregon. The fishermen of my state have for too long struggled with their problems without a comprehensive and coordinated national program to assist them. I have introduced and co-sponsored a number of pieces of legislation since I became a Member of the Senate in 1969 designed to alleviate some of these problems, and I intend to introduce another such measure in the near future. But I welcome, as I am sure do the fishermen of my great state, this first step to develop a rational plan to benefit the seafood industry of the United States.

The second noteworthy thing about this Resolution is that it is a genuine attempt by the Congress to address a national problem by articulating a national policy. Too often we seem to stand back and let either the executive branch or private industry set the policies and priorities in this country. I strongly support efforts such as this to turn the attention of the Congress to stating policies and priorities.

This Resolution in essence says that as a matter of policy this nation WANTS a seafood industry. Considering the state that this industry is in at the present time, that statement is not as obvious as it may seem.

I think it has been painfully apparent to my colleagues, especially those from maritime states, that our national seafood industry has been too often ignored by the Federal Government. It appears to have virtually no priority at all. I say ignored because no federal action has been taken effectively to halt the foreign fishing operations that regularly wreak havoc with the fishing industry of my State and of many others. Ignored because no representative of the fishing industry was even included in the original make-up of the United States delegation to the 1973 United Nations Law of the Sea Conference in Geneva. Happily, this matter has now been righted and representatives of our commercial fishing industry will be included in the delegation. But just imagine, we had to plead for them to be included. Representatives of the industry most interested in and most affected by the sea . . . and we had to plead to have them included. Talk about being ignored!

It is almost unbelievable to me that so few efforts are being made by the Federal Government to protect and preserve the interests of our seafood industry. I have charged in previous speeches that the Federal Government has consistently done too little, too late to protect the fishing industry . . . an industry that affords employment to thousands of domestic fishermen in this country, as well as to the processors, boat builders, and the many others concerned with seafood.

In other speeches in the Senate, I have maintained that Congress must provide the leadership for the seafood industry because the Federal Government has failed to do so. It is for this reason that I particularly wish to commend my distinguished colleague, Senator Eastland, for his approach to this problem. The concept of using the three federally-recognized Marine Fisheries Commissions as the vehicle for developing and refining a national policy is both sensible and sound.

These entities are already in being and already in contact with various aspects of the fisheries industry's problems. Certainly none of us pretend that the fishermen of our nation speak with a single voice or that the various fishing regions of the country are not plagued with diverse and distinct problems. But using the three regional Marine Fisheries Commissions to pull together representatives from all those groups concerned with seafood in the various regions seems to me, an admirable and sensible first step toward getting a handle on the scope of the problem nationally.

While this process is under way, I will continue to make and will continue to support proposals aimed at curbing some of the most blatant problems of the industry—unfair and discriminatory tariff regulations, uncontrolled foreign exploitation of our national resources, and unthinking Federal policies that appear to ignore the best interests of our seafood industry.

I strongly believe, however, that this Resolution is a major step forward toward developing a rational, national policy. We must have such a policy quickly, before the manifest ills of the seafood industry prove fatal. In consequence, I urge my colleagues in the Senate to move with all due speed to enact this Concurrent Resolution so that we may get down to work at once.

Mr. WILLIAMS. Mr. President, I am very pleased to join Senator EASTLAND as a sponsor of this legislation to initiate a nationwide program to preserve and expand our fishing industry. I fully agree that commercial and sport fishing in America is seriously threatened by the lack of a comprehensive program to preserve this industry.

Our commercial and sports fishermen have been complaining in recent years that we have been losing our rightful place as a leader among the world's fishing nations. I have received hundreds of letters from fishermen in New Jersey expressing alarm at the poor condition of the industry there, and I am convinced that we must act to solve this problem for our American fishermen.

Intensive fishing by fleets of other nations, the use of modern equipment by those fleets, the pollution of our oceans, and overfishing of certain fish species have all contributed to the problems now facing American fishermen.

The principal cause of the declining market for U.S. fishermen has been the great effort of other nations to improve their fishing fleets. That effort by foreign nations was given impetus by an expanding market for fish products, technological advances, greater capitalization of foreign fishing industries, and strenuous competition between national fleets. In recent years the consumption of fish products has increased approximately 6 percent annually. Since 1945, the world catch has increased almost 300 percent. The international trade in fishing products reached $2 billion in 1965, and it continues to increase.

U.S. fishermen have been particularly threatened by these developments. While the world fish catch increased from 43 billion to 123 billion pounds since 1945, the U.S. catch has remained relatively constant at 4 to 5 billion pounds. We have dropped from first to seventh place among the fishing nations, and we now import nearly three-fifths of the fish this Nation consumes.

There are several excellent reasons to revitalize and expand our fishing industry. These include the advantage of saving the billion dollars yearly we now spend abroad to buy fish caught by foreign fleets; the benefit from having an enormous portion of our protein supply delivered by domestic sources; and the fact that fishing has been such an important part of our economic life throughout our Nation's history. These arguments have great merit, and I am in complete agreement with them.

However, it is of utmost importance to me to meet the threat that the decline of the fishing industry presents to our national labor market. Not only does the decline of this industry threaten the jobs of the fishermen who labor so arduously, often facing great dangers for an uncertain return, but it also threatens the livelihoods of all those in related industries. Those who work in gear manufacturing, canning, processing and distributing fish products are also adversely affected. The decline of domestic fishing activity ultimately affects millions of American workers.

As the chairman of the Senate Committee on Labor and Public Welfare, I will state unequivocally that more unemployment is the last thing this Nation can afford.

Therefore, I am giving my total support to a revitalization of the U.S. fishing industry, and I urge that this be made a national commitment of the highest priority.

NOTICE OF HEARINGS ON HUMAN EXPERIMENTATION

Mr. KENNEDY. Mr. President, I wish to announce that the Health Subcommittee, of which I am chairman, will hold hearings on the subject of human experimentation on February 20, 21, and 22, 1973. These hearings will focus both on the rights of subjects of biomedical research and on the need for continuing technological advances in medicine.

Those individuals and associations wishing to offer testimony to the subcommittee in respect to these hearings should contact the Senate Health Subcommittee, room 4226, Dirksen Building.

NOTICE OF HEARINGS ON THE FARM PROGRAM AND OTHER ISSUES

Mr. TALMADGE. Mr. President, the Committee on Agriculture and Forestry will hold hearings on the farm program and other issues on February 27, 28, March 1, 2, 8, and 9. Since the administration has not proposed a farm bill this year, the committee will use as a basis for the hearings, S. 517, a bill that would extend our present commodity programs for 5 years. The committee will hear from public witnesses on the renewal of the farm program, export subsidy programs, the sale of wheat to Russia, Public Law 480, environmental protection, consumer protection, the food stamp program, the child nutrition programs, and rural development.

In regard to the farm program, the committee is particularly interested in hearing the testimony of genuine "dirt farmers." Farmer organizations are requested to bring practicing farmers to testify as their spokesmen.

The hearings will be in room 324, Russell Building, beginning at 10 a.m. each day. Since a large number of witnesses will wish to be heard and because of the committee's need to act promptly on the extension of a farm program, witnesses will be limited to 10 minutes for their oral presentation. Anyone wishing to testify should contact the committee clerk as soon as possible.

Mr. President, it is hoped that this procedure for conducting hearings will enable the Committee on Agriculture and Forestry to gage the true sentiments of the American farmer and the American consumer. By attempting to hear from as many practicing farmers as possible, the committee will make every effort to find out what the farmers want before moving forward on major farm legislation.

SURFACE MINING HEARINGS SET FOR MARCH 13, 14, AND 15, 1973

Mr. JACKSON. Mr. President, I would like to advise the Members of the Senate and other interested persons that the Subcommittee on Minerals, Materials, and Fuels has scheduled an open hearing on S. 425, a bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, for March 13, 14, and 15, 1973.

The hearing will be held in the committee room, 3110 Dirksen Senate Office Building, and will begin each day at 10 a.m. Persons wishing to testify or submit statements for the record should so advise the staff of the Interior Committee.

NOTICE OF HEARING ON BILL TO AUTHORIZE APPROPRIATIONS FOR THE INDIAN CLAIMS COMMISSION

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for February 16 on S. 721, a bill to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building, and anyone wishing to testify or submit a statement should so advise the staff of the Interior Committee.

HEARINGS ON INTERIOR NOMINATIONS ANNOUNCED FOR FEBRUARY 20

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open hearings for February 20 on the nominations by President Nixon of the Honorable John Kyl, of Iowa, to be Assistant Secretary of the Interior for Congressional and Public Affairs, and of Mr. Jack O. Horton, of Wyoming, to be Assistant Secretary of the Interior for Land and Water Resources.

The hearings will be held in room 3110 of the Dirksen Senate Office Building and will begin at 10 a.m.

Persons wishing to testify or submit statements for the hearing record should so advise the staff of the Interior Committee.

Mr. President, I ask unanimous consent that biographical sketches on both Mr. Kyl and Mr. Horton be printed in the RECORD at this point in my remarks.

There being no objection, the biographical sketches were ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCHES

JACK O. HORTON

The President today announced his intention to nominate Jack O. Horton, of Saddlestring, Wyoming, to be Assistant Secretary of the Interior for Land and Water Resources. He will succeed Harrison Loesch, who served as Assistant Secretary of the Interior from April 1969 to January 1973.

Mr. Horton has served since March 1972 as Co-Chairman of the Joint Federal-State Land Planning Commission for Alaska.

From 1969 to 1972 he held several positions in the Department of the Interior, including Deputy Under Secretary from June 1971 to March 1972. He was also a consultant in the Office of the Under Secretary from April 1969 to June 1970, Assistant to the Secretary for International Affairs from June 1970 to March 1971, and Deputy Assistant Secretary for Programs from March to June 1971.

Mr. Horton was born on January 28, 1938, in Sheridan, Wyoming. He received his A.B. degree in geology from Princeton University in 1960 and received his M.A. degree in politics and economics from Oxford University after studying there during 1960–1961 and 1965–1966 as a Rhodes Scholar. From 1961 to 1965 he served as an officer in the U.S. Navy. While at Princeton he was All-American in lacrosse in his junior and senior years and at Oxford he was a member of the All South of England Lacrosse Team.

Following his graduation from Oxford, Mr. Horton was engaged in ranch work in Saddlestring, Wyoming, and served as Executive Director of the Wyoming Republican Party.

Mr. Horton is married to the former Grace Espy Ford of Savannah, Georgia. They reside in Washington, D.C.

JOHN KYL

The President today announced his intention to nominate John Kyl of Bloomfield, Iowa, to be Assistant Secretary of the Interior for Congressional and Public Affairs. He will succeed James R. Smith, who has been an Assistant Secretary of the Interior since March 21, 1969.

Mr. Kyl served as a Congressman from Iowa's Fourth Congressional District from December 1959 to January 1965 and from January 1967 to January 1973. He was first elected to Congress in 1959 to fill a vacancy and was re-elected to the 87th and 88th Congresses. He returned to the House of Representatives in 1967 and was re-elected to the 91st and 92nd Congresses.

During his service in the 92nd Congress, Mr. Kyl was a member of the House Committees on Agriculture, and on Interior and Insular Affairs. He was Ranking Minority Member of the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs.

Mr. Kyl was born on May 9, 1919, in Wisner, Nebraska. He received his A.B. degree from Nebraska State Teachers College at Wayne, Nebraska, in 1940, and his M.A. degree in school administration from the University of Nebraska in 1947. From 1940 to 1949, he was a teacher and school administrator at high schools in Nebraska and also taught at Nebraska State Teachers College.

From 1949 to 1953 he was Manager of the Wayne, Nebraska, Chamber of Commerce, and from 1953 until his election to Congress in 1959, he was a merchant in Bloomfield, Iowa. From 1957 to 1959, he was also a television newscaster, then Director of News and Special Events for station KTVO in Ottumwa, Iowa.

Mr. Kyl is married to the former Arlene Griffith. They have three children.

ADDITIONAL STATEMENTS

TOURISM IN THE UNITED STATES

Mr. SPARKMAN. Mr. President, Parade magazine for February 4, 1973, contains an article dealing with tourism in the United States by those visiting us from other countries. The article is entitled "Welcome, Stranger, to the U.S.A."

The article was accompanied with some most attractive pictures of pretty girls in airports and at other places where tourists would enter our country, helping the tourists with information, and welcoming them to the United States.

The whole article gives a good idea of what can happen if we stimulate tourist travel in the United States.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Parade magazine, Feb. 4, 1973]

WELCOME, STRANGER, TO THE U.S.A.

(By Larry Jackson)

How would you like to begin a visit in a foreign country being greeted by pretty girls? It happens daily when tourists arrive at New York City's John F. Kennedy International Airport and airports in Seattle, Philadelphia, and San Juan, Puerto Rico.

A total of 125 girls are now meeting planes in these four cities, and similar plans are underway for Boston, Miami, San Francisco, Guam and the Virgin Islands.

Who are the girls, and why are they being so friendly?

At Kennedy they are called the "Golden Girls" because of their distinctive gold-colored blazers. PARADE recently observed them as they answered questions and assisted tourists through customs and immigration formalities. They are part of an energetic federal program to encourage tourism by showing America is a friendly place.

"You'd be surprised how many visitors arrive confused and need someone to talk to," says Yolanda Carrion, a "Golden Girl" for more than a year "We try to set an example of American friendliness."

The girls are kept busy interpreting for many of the 4.5 million foreign travelers who pass through Kennedy yearly. The girls, most of them language students at New York City area colleges, speak a total of 10 foreign languages: Spanish, French, Polish, German, Italian, Russian, Chinese, Greek, Hebrew and Yiddish.

"Much of our time may be spent interpreting and guiding," says Christina Blazewicz, a student at St. John's College, "but actually our most important duty is to be patient."

Patience is especially needed when communicating with the small number of travelers who speak an unfamiliar tongue, says Mrs. Fern Giambatista, supervisor of the girls. "We must then communicate in sign language and smile. We've found that smiles are understood in all languages."

JOINT SPONSORSHIP

The 35 "Golden Girls" at Kennedy are under the joint sponsorship of the United States Travel Service and the Port of New York and New Jersey Authority. They're on duty daily from 2 p.m. to 10 p.m., when the bulk of the international flights arrive. Each girl receives about $41 for a 15-year week; they work full time during vacations.

"We have to counteract the bad publicity the United States gets abroad because of crime and other problems," says Ronald Danielian, USTS research and analysis director. "Foreign people are afraid of crime, costs and language barriers. They are afraid of being mugged in broad daylight, worry about American prices and being unable to communicate enough to get by."

Danielian says these fears are exaggerated. "Crime in many American cities is no worse than abroad. Prices, with special travel discounts for foreigners, are comparable to most major countries and people here speak more languages than foreigners realize."

EIGHT OFFICES ABROAD

Nevertheless, the USTS will spend much of its $9 million budget this fiscal year—less than countries like Ireland, Israel and Spain spend—on pamphlets telling foreigners what to expect and how to fend for themselves when they arrive here. The brochures, distributed through eight USTS offices abroad, explain everything from U.S. traffic laws to the price of dry cleaning.

The agency's job encompasses more, of course, than supplying foreign travel agents with brochures touting the United States. Programs available through the USTS include:

Travel-phone USA—a nationwide toll-free telephone number where a foreign tourist can arrange for interpreter service or get advice on how to deal with problems likely to be encountered in the United States.

Travel discounts—foreign tourists are eligible for travel discounts of up to 50 percent on U.S. airlines and 25 percent on trains. Major intercity bus lines also have special discounts for foreigners.

Matching grants—tax-exempt, non-profit public and private agencies, as well as states and local governments, are eligible for a total of $700,000 in federal grants to advertise local tourist attractions abroad.

The USTS hopes the inducements will stimulate foreign tourism and help reduce the U.S. balance of payments deficit, which reached almost $30 billion in 1971. Last year American tourists spent about $3 billion more abroad than was spent here by foreign visitors.

"However, an increase in the number of foreign tourists may have narrowed the travel gap," says Assistant Secretary of Commerce C. Langhorne Washburn, USTS director. "The deficit growth was only 7 percent last year, compared to 17 percent two years ago.

"Of course," says Washburn, "we wouldn't have this tremendous travel deficit if we weren't the most affluent nation in the world."

Still he hopes someday to eliminate the deficit. The USTS plans to absorb (and greatly expand) all domestic travel promotion from the U.S. Park Service. Next, reduced air and rail fares, similar to those offered to foreigners, would be set up for Americans.

SPEND MONEY AT HOME

"If we can encourage Americans to spend their money on domestic trips, we can keep money here in the United States," Washburn says. "If we can increase foreign tourism here at the same time, we can wipe out, or at least slow down, the deficit."

EXTENSION TO SMALL BUSINESSES OF RIGHT TO BRING CIVIL SUITS AGAINST PREDATORY PRICE CUTTERS

Mr. GRIFFIN. Mr. President, at the request of the distinguished Senator from Colorado (Mr. DOMINICK), I ask unanimous consent to have printed in the RECORD a statement by him relative to the extension to small businesses of the right to bring civil suits against predatory price cutters.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOMINICK

As a member of the Select Committee on Small Business, I am particularly pleased to join as a cosponsor of S. 780, which would extend to small businesses the right to bring civil suits against predatory price cutters. Firms that sell goods below cost for the express purpose of eliminating competitors are presently subject to criminal prosecution, but this is small consolation to the businessmen who have been ruined by unscrupulous price cutting. The bill would assist in correcting the present situation.

Small businesses would be able to collect treble damages whenever they can prove that the purpose of another firm's below-cost selling is to destroy competition or a competitor. This coincides with existing criminal law whereby the mere fact that sales have been made below cost does not suffice to establish criminal liability, and predatory intent must be proved.

The bill would also benefit the consumer by allowing more small businesses to remain open, thereby increasing the consumers' sources of supply and in some cases creating lower prices through the stimulus of honest competition.

I hope that Senators will join in supporting the bill so that we can add new force and meaning to one of the Nation's important anti-monopoly laws.

A WELL-DESERVED HONOR

Mr. ROBERT C. BYRD. Mr. President, I call attention to a well-deserved honor that has been conferred on Capt. William M. Taylor, instructor at the Special Forces School at Fort Bragg, N.C.

Captain Taylor was chosen as outstanding instructor at the school for the first quarter of fiscal year 1973. He is the son of a distinguished West Virginian, Mr. Hubert T. Taylor.

I ask unanimous consent that the memorandum transmitting notice of the award to Captain Taylor be printed in the RECORD.

There being no objection, the Memorandum was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Fort Bragg, N.C., October 11, 1972.

Subject: Special Forces School Outstanding Instructor Award.

Thru: Director, Special Forces Advanced Training Department, Special Forces School, USAIMA, Fort Bragg, North Carolina 28307.

To: Captain William L. Taylor, 579-54-2712, Special Forces Advanced Training Department, Special Forces School, USAIMA, Fort Bragg, North Carolina 28307.

1. I am extremely pleased to inform you that you have been selected to receive the Special Forces School Outstanding Instructor Award for the First Quarter, FY 73.

2. Selection for this award, which is given each fiscal quarter to only four of the approximately 400 members of the entire Special Forces School staff and faculty, is based on demonstrated professional skill and knowledge of subject material, military bearing and appearance, platform performance, development and improvement of vault files, instructor evaluation reports, and student critique sheets. Moreover, your nomination was made by your superiors who observe you and your work on a daily basis.

3. In winning this award, you have rendered an outstanding performance of duty and have demonstrated the highest qualities of a professional soldier and military instructor. Aside from your teaching proficiency, your selection acknowledges also the long and painstaking preparation you have devoted to your classes, the genuine interest and patience you have shown your students, and your high qualities of leadership. I assure you that your contribution to the Army, and particularly to Special Forces, has been a valuable and ever widening one. The example you have set has been most noteworthy.

4. On behalf of the Commandant and the Assistant Commandant, United States Army Institute for Military Assistance, and all the members of the Special Forces School, I extend sincere appreciation for your efforts, congratulations on your achievement, and best wishes for continued personal success.

5. A copy of this correspondence will be placed in your official 201 file.

WILLIAM M. MILEY, Jr.,
Colonel, Infantry,
Director.

TRUTH IN SAVINGS

Mr. HARTKE. Mr. President, almost 2 years ago I introduced the Truth-in-Savings Act (S. 1848) which is designed to provide savings depositors with basic information about earnings rates and methods of earnings computation.

The details of the bill may be complex, the principle behind it is quite simple. What the Hartke proposal says is that a person who places his savings in a savings institution should know beforehand just how that institution is going to calculate earnings—or interest. There are more than 100 different ways that earnings can be calculated, and a potential depositor deserves to know what method will be applied to his savings account.

The Hartke bill further says that existing depositors should be provided with information which makes it possible for them to check the savings institution's earnings calculations. Thus, if a depositor gets his passbook back and it says that his account has been credited with $56.20 in interest, he should be provided with a means to justify that calculation. Each of us with a checking account reconciles our balance periodically. Occasionally we find that we have made a mistake in our own calculations; but on some occasions, banks—with all of their automated equipment—do make mistakes. The Hartke truth-in-savings proposal makes it possible for a consumer-depositor to know when his bank has made a mistake.

Mr. President, many savings institutions are making sincere efforts to provide consumers with the type of information the Hartke proposal would require. I am especially proud that one such institution is the Salem Bank & Trust Co., with offices in Goshen, New Paris, and Millersburg, Ind. They have prepared a booklet entitled "Guide to Truth-in-Savings," which provides potential depositors with a wealth of valuable information about savings accounts.

Mr. President, I ask unanimous consent that the text of the booklet be printed in the RECORD.

There being no objection, the text was ordred to be printed in the RECORD, as follows:

GUIDE TO TRUTH-IN-SAVINGS

(Effective December 1, 1972)

All Banks do not compute interest on their savings and time deposits the same way. The method of computing interest on savings accounts is as important as the rate of interest advertised for an account. Here are some hints on what to look for in a savings program.

Always check to see whether interest is computed on: The Daily Balance; The Monthly Minimum Balance; The Quarterly Minimum Balance; or the semi-annual Minimum Balance. In general, the more often your interest is computed the more you will earn.

Compounding of interest is when interest is computed upon principal and previously computed interest. This means you are earning interest on interest.

The rate of yield on a savings account or certificate of deposit is the actual amount of interest you earn on the account, stated as a percentage of the average balance of the account. If you allow your interest to be added to the principal rather than withdrawing it, your rate of yield will be higher.

All rates of interest and yield must be expressed as an annual rate.

Please keep this information in mind as you read the following description of Salem Bank's savings plans. We think you will agree that we have a very attractive savings program.

1. Regular savings accounts are available in either the passbook or quarterly statement types. Deposits and withdrawals are permitted at any time.

The annual interest rate of 4½ per cent is computed each month on any minimum monthly balance of $5 or more.

Deposits made by the 10th of any month are considered to be made on the 1st for interest purposes.

Interest is computed monthly and credited to your account on the last business day of February, May, August, and November. The interest is available to you on the next business day. If you have the statement type account, the interest will be included on your statement. If your account is the passbook type, you should have your interest posted by bringing the passbook to a teller at the main office or any of our branches.

A balance of at least $5 must be maintained in the account on the last day of February, May, August, and November in order to receive interest on the account.

2. Certificates of deposit are issued with 3, 12, or 24 month maturities with the minimum amount of $1,000.

Interest is compounded daily on all certificates issued or renewed after August 11, 1972 and these certificates are automatically renewed. (Interest on 12 and 24 month certificates issued before August 11, 1972 is paid or added to principal quarterly and the certificates must be individually renewed as they mature.)

Certificates may be increased or decreased at maturity and for 10 days thereafter.

Interest is paid every 3 months, either by check or by a credit to the account. A written notice of credit is mailed to you if we add the interest to the principal of your account.

Three month certificates earn 5.0 per cent interest or 5.125 per cent annual yield when you allow the quarterly interest to be added to the principal.

Twelve month certificates earn 5.5 per cent interest or 5.653 per cent annual yield when you allow the quarterly interest to be added to the principal. (on certificates issued after 8-11-72)

Twenty-four month certificates earn 5.75 per cent interest or 5.915 per cent annual yield when you allow the quarterly interest to be added to the principal (on certificates issued after 8-11-72).

Certificates of Deposit may not be cashed before maturity except in case of an emergency as defined by State and Federal banking regulations.

Rates of interest on certificates of deposit for $100,000 or more are negotiated individually.

3. Investment savings is a time deposit, open account with a 3 month maturity. This type of savings account may be opened in any of 3 quarterly cycles so that it matures in the months you choose. Or, you may open an account in each of the 3 cycles and receive an interest check every month.

Deposits earn interest from the date of deposit and may be made at any time and in any amount.

Annual interest of 5 per cent is computed and compounded daily and paid quarterly when your statement is issued. If the interest is allowed to compound for a full year, the annual yield is 5.125 per cent.

Withdrawals are permitted for a 10 day period after your statement date. The amount you may withdraw is stated on your quarterly statement and includes all interest due and funds which have been on deposit for at least 1 full cycle.

The minimum opening balance is $500. No interest is accrued or paid on your account when the balance is below $500.

4. Christmas and vacation clubs are savings accounts that have a coupon book for weekly deposits.

Clubs may be opened for weekly deposits of 25c, 50c, $1, $2, $3, $5, $10, or $20.

Interest is computed daily at the annual rate of 4½ per cent and paid when the account matures.

Vacation Club checks are mailed on or about May 1 and Christmas Club checks are mailed on or about November 1. The checks include the balance of the account plus all interest which has been earned on the account.

5. Homeowners savings is an account designed specifically for Homeowners to save for property taxes (although it also has many other uses.)

Accounts are opened in amounts of $3, $5, $7, $10, $15, and $20. You decide how much you need to save for your property tax, then make regular weekly, monthly or semimonthly deposits to the account on a predetermined schedule.

Interest is computed daily at the annual rate of 4½ per cent.

As of the 25th days of April and October, a check is issued and mailed to you for the balance of the account and the interest that has been earned. (Any other withdrawals will be made only in the case of an emergency at the discretion of the bank, subject to rules of State and Federal regulatory agencies.)

DON'T BE SWINDLED!

Your suspicions should be aroused whenever a stranger often posing as an FBI Agent or bank examiner asks you to withdraw your savings. If this happens you can play it safe by checking either with the police or an officer of the bank. Don't take a chance.

SETON HALL WINS NATIONAL CLUB FOOTBALL CHAMPIONSHIP

Mr. WILLIAMS. Mr. President, during the football season, Seton Hall University of South Orange, N.J., won the National Club Football Championship Bowl and was ranked No. 1 in the Nation ahead of the 86 college football teams that compete on the club level.

Obviously, this was a most significant achievement which clearly reflects the outstanding ability, dedication and hard work of the Seton Hall team.

It also is an achievement that honors the university itself and indeed our whole State. The national championship follows a tradition at Seton Hall which over the years has turned out outstanding teams in all sports. In addition to the national championship, the university received an additional honor when the club football coach, Edward Manigan, was voted New Jersey Collegiate Coach of the Year.

When one realizes the number of colleges and universities in New Jersey and the number of teams they field in various sports, it becomes apparent that this is truly a great honor.

I am pleased to have this opportunity to applaud the team and its coach and think that these achievements deserve being recorded in the CONGRESSIONAL RECORD.

RULES OF SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year.

In accordance with this section, I ask unanimous consent that the rules of the Select Committee on Nutrition and Human Needs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES AND PROCEDURES OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Adopted September 6, 1968)
(Amended November 5, 1969)

1. COMMITTEE MEETINGS

(a) The Chairman of the Committee, or if the Chairman is not present, a member designated by the Chairman of the Committee, shall preside at all meetings.

(b) The regular meeting date of the Committee shall be the second Friday of each month at 10 A.M. The Committee shall convene at the call of the Chairman at such times as are necessary to transact Committee business.

2. EXECUTIVE SESSIONS

(a) For the purpose of conducting an Executive session, seven members * of the Committee actually present shall constitute a quorum. No measure or recommendation shall be reported from the Committee unless a quorum of the Committee is actually present at the time such action is taken.

(b) Proxies will be permitted in voting upon the business of the Committee by members who are unable to be present; these proxies to be valid must be signed and assign the right to vote to one of the members who will be present.

(c) There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question which a "yea and nay" vote is demanded.

The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee.

(d) No person other than members of the Committee and members of the staff of the Committee, shall be permitted to attend the Executive sessions of the Committee, except by special dispensation of the Committee or the Chairman thereof.

3. HEARINGS

(a) No hearing shall be initiated unless the Committee or the Chairman of the Committee has authorized such hearing.

(b) All hearings shall be open to the public unless an Executive hearing is specifically authorized by the Committee.

(c) Any witness summoned to a public or Executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

(d) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee.

(e) Any member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(f) The Committee shall so far as practicable, require all witnesses heard before it, to file written statements of their proposed testimony at least seventy-two hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

4. SUBCOMMITTEES

The above rules shall apply to all duly constituted Subcommittees of the Committee.

SENATOR HELMS REMAINS A CONSERVATIVE

Mr. TOWER. Mr. President, it is most encouraging to see the new Senator from North Carolina (Mr. HELMS) responsibly facing up to the issues currently confronting the Congress, and, in so doing, already receiving due recognition within his State and attracting national attention.

I ask unanimous consent to have printed in the RECORD an article entitled "Helms Remains Conservative," written by Charles Osolin, and published in the Winston-Salem Journal and Sentinel of February 4, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELMS REMAINS CONSERVATIVE

(By Charles Osolin)

WASHINGTON.—Sen. Jesse Helms, R-N.C., plans to oppose attempts by Congress to outlaw the presidential impoundment of appropriated funds or to restore funds for rural programs which have been cut back or canceled by the Nixon administration.

Helms will also fight any attempt to return U.S. fighting men to a "no-win" war in Vietnam once they are withdrawn, to reduce the level of U.S. defense spending or to provide economic assistance for rebuilding North Vietnam.

He has reservations about the need for a congressional investigation of the Watergate bugging incident, and he believes that most of the complaints about the refusal of administration officials to testify before Congress are "just political rhetoric."

CONSERVATIVE VIEWPOINT

These positions on key issues of the 93rd Congress, all generally consistent with the conservative viewpoint Helms has taken for the past 12 years as a Raleigh radio-television editorialist, were set fourth in an interview Friday at Helms' Senate office.

For the most part, they place Helms in direct conflict with the leadership of the Senate and with North Carolina's Democratic senior senator, Sam J. Ervin Jr. of Morganton. Helms had campaigned for the Senate last fall partly on the theme that if elected, he would "line up" with Ervin on the "major issues" and said his opponent, former Rep. Nick Galifianakis of Durham, would "cancel out" Ervin's vote.

CAMPAIGN PLEDGE

Helms, who became the first Republican to represent North Carolina in the Senate since 1903, when he was sworn in last month, made it clear that he intends to fulfill his campaign pledge of support for Nixon policies—especially when those policies involve reducing federal spending, taming the "liberal bias" of the news media and maintaining a strong national defense.

Helms showed last week, however, that he will be willing to buck Nixon if his principles demand it—on Wednesday he voted against confirming Nixon's nominee for secretary of labor, Peter J. Brennan. Helms said he does not believe representatives of a particular viewpoint—in Brennan's case, that or organized labor—should be placed in positions where they must mediate their own position with conflicting points of view.

"GOOD-FAITH EFFORT"

"I don't wake up every morning praising everything Richard Nixon's done," Helms said, "but I think that he's making a good-faith effort"—as in his attempts to cut the budget—"and I'm going to help him all I can."

Helms is unsympathetic with the outcry on Capitol Hill this year over what many congressmen and senators believe is an unconstitutional encroachment by the executive branch on the powers and prerogatives of Congress.

Ervin, on the other hand, is leading the fight in the Senate to "restore the balance of power envisioned by the Constitution."

Last week Ervin began his effort to recapture the "power of the purse" for Congress with a series of hearings on the Nixon administration's practice of impounding, or refusing to spend, funds appropriated by Congress for federal programs. He has introduced legislation which would require congressional approval of any impoundment lasting longer than 60 days.

Helms said he will not support the Ervin bill "unless he ties into that a reasonable discipline of the Congress itself. If he will address himself to two prongs—congressional responsibility and the impoundment—then I could very well go along with him."

"If senators and congressmen don't like the President's proposals for cutting the budget, let them cut the budget themselves," Helms said. "I'd rather for us to do it—but no, they sit up there and howl about what he's doing. I'm not saying that he's right in everything, but he's right in trying to cut the budget."

Helms said Ervin should either incorporate provisions in his anti-impoundment legislation which would force Congress to "exercize some responsibility" in holding down spending, or launch a separate effort along the same lines.

RESTORE PROGRAMS

Ervin has also cosponsored legislation introduced by Sen. Hubert H. Humphrey, D-Minn., which would restore a program of low-interest loans for rural electric cooperatives and would direct the administration to spend the funds appropriated for the REA loan program by Congress. The Agriculture Department canceled the program of direct loans at a two per cent interest rate on Dec. 29, saying it would be replaced by a system of government-insured loans at five per cent interest.

Asked if he would vote for the Humphrey bill to restore the funds, Helms said he is "unalterably opposed" to the low-interest loan program.

"I think it's unfair to the taxpayers who pay their own electric light bill to a private company that pays taxes, and then these people get this flat two per cent," he said.

The co-ops have launched a major lobbying effort to try to have the loans restored, and Helms said he has been urged by "30 or 40" officials of electric co-ops in North Carolina to "support the two per cent."

He said he has written back asking how much more individual customers would have to pay for electricity under the five per cent loan program, "and you know I never got an answer to that. The truth of the matter is that they can afford to pay the five per cent.

"I'm not opposed to the REA—I'm for rural electrification—but I'm against giving away the taxpayers' money unnecessarily."

Helms said "a lot of co-ops" are taking the two per cent loan money and "turning around and reinvesting it."

However, that charge was disputed by J. C. Brown, general manager of the North Carolina Electric Membership Association.

"IT'S ILLEGAL"

"It's illegal to reinvest money obtained from those loans," Brown said. "There's no way to invest it without going to jail." He said co-ops will sometimes invest their cash reserves, which must be kept lower than most private firms would keep them, in short-term securities—but the federal loans can be drawn only to pay for capital construction which has already been completed.

Brown said the restoration of the two per cent interest rate was not as crucial to the co-ops as getting the administration to provide the replacement program it promised.

"Right now, there's no program at all," he said. Brown said the 22 electric co-ops in North Carolina serve about 1.5 million people.

GOOD, BAD

Another farm program curtailed in the administration's drive to hold federal spending this year was the popular Rural Environmental Assistance Program, which provided cost-sharing grants to farmers to

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*Amendment approved by the Committee on November 5, 1969, provided that seven members actually present shall constitute a quorum. The amendment was approved at the time the Committee requested an increase in its total membership to 14 by the addition of one minority member selected from the Senate at large. The former Rule 2(a) provided that a majority of the Committee actually present constitutes a quorum.

practice soil and water conservation. Helms said the program, for which Congress appropriated $225 million last year, has "some good portions and some bad portions."

"Every administration dating back, I think, to Truman has tried to get rid of this program," he said, "but there are some good features in it." And Helms said he might consider voting to restore the program.

"If we could boil it down and get the things that are really beneficial to conservation." But he said there is "no way" he will support efforts to restore funds for the entire program.

Turning to foreign policy, Helms expressed skepticism that the cease-fire agreement permitting American withdrawal from Vietnam would lead to a lasting peace in Southeast Asia.

"Pen on parchment doesn't mean a thing," he said. "What's required is the good faith of all three sides, and I'm just skeptical about any good faith of the Communists. I've not seen any yet, anywhere else in the world."

SUPPORT NEEDED

Helms said South Vietnam is stronger and better able to resist Communist aggression than it was when the United States first undertook its support, but that continued American material support is needed so the South Vietnamese can defend themselves if the fighting resumes.

Asked if this included returning American troops to Vietnam, Helms said, "I don't want to send any more troops back—and I certainly wouldn't want to send them back to fight a no-win war. Now, if we gut up to what this thing is all about, and if the circumstances demand it, then we'll take a look at that."

"SAME DESIGNS"

"As I've said two or three times this week, I don't think communism has mellowed. I think they have the same designs that they've always had, and I just don't want us to get sucked into a vacuum of intellectual euphoria.

"I don't mean we ought to go around the world picking fights, but I think we ought to know what communism is and what the goals are and realize that our own self-interest is involved. . . ."

"We had better keep our guard up—and we had better not assume that all of a sudden these folks who have slaughtered millions of people—ruthlessly, brutally—are good boys. For me, at least, it's going to take a longer period of persuasion."

Helms briefly touched on these other topics during the interview:

U.S. aid to North Vietnam, as required in the cease-fire treaty: "I wasn't sitting at Kissinger's elbow when he made that agreement—I'm not a party to it. As of now, knowing no more about it than I do, I can't see that I could justify sending taxpayers' money to North Vietnam."

Court-ordered busing of school children: Helms said he has "several good constitutional lawyers" in Washington and North Carolina working on an innovative approach to the busing problem. He said he is not yet ready to discuss the legislation he will propose, but believes "it would be very helpful in the busing situation if we can get it enacted."

The administration's decision to "terminate" the Communist-hunting Subversive Activities Control Board when its current funds run out in June, largely because of Ervin's legislative assault on the board. "I'm sorry that the Subversive Activities Control Board was abolished, but I haven't given any thought to whether some similar agency ought to be created or not."

The proposed Senate investigation by Ervin of the Watergate incident and related charges of Republican espionage and sabotage during last year's Democratic primary campaigns: "I'd have to see what precisely is proposed. I don't countenance what is alleged to have happened, but I think there's a whole lot of political indignation in this thing, too. Mainly I would hope that it could be resolved in the courts, and these people who have violated the law be punished."

Political "dirty tricks" in general: "There's a certain amount of political espionage in every campaign. In our own campaign—and I won't elaborate on this—but we had to buy a paper-shredder. And it wasn't an ill-founded purchase, I'll tell you that. I was amused by what was considered to be important in our throw-away stuff."

Renewed calls for gun control legislation in the wake of the street shooting of Sen. John Stennis, D-Miss.: "I think a gun control law would be useless. It would do more harm than good. Now these 'Saturday night specials' are another thing—they don't have anybody who will defend them—but other gun control legislation would just be a waste of time."

Refusal of administration officials and Nixon aides to testify before Congress by invoking executive privilege, a practice roundly condemned by Ervin and others: "I'm not sure there's been any great abuse of executive privilege. It's been hollered ever since I've known anything about the Congress—they were shouting about it during Truman's administration. I think about 85 per cent of this is just political rhetoric.

"If the Congress wants to pull up its socks and tell the President, 'Mr. President, we'll work with you,' and stop all this carping, I believe you'd find the President of the United States himself coming up here."

BUDGET FOR THE AGED

Mr. MUSKIE. Mr. President, I again call the attention of Senators to a newspaper commentary analyzing the administration's budget proposals. Clayton Fritchey, in his column published yesterday in the Washington Post, observes that the President has once again failed to keep his pledge to aid the elderly. To quote from the column:

> [The President last October] pledged that "relief for these Americans is going to be a first order of business in our next federal budget." Nevertheless, there isn't a whisper of this promise in the new budget. On the contrary, the administration intends to make the elderly pay an extra $1 billion a year for Medicare benefits they are now getting free. Fortunately for the aged, this has to have the approval of Congress.

I expect that Congress will demonstrate not only its fiscal responsibility, but also its social responsibility, by rejecting such distorted priorities in next year's budget.

I ask unanimous consent that Mr. Fritchey's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUDGET: A QUESTION OF PRIORITIES

(By Clayton Fritchey)

What is left out of federal budgets is often as significant as what is put in, and the Nixon budget for fiscal 1974 is no exception.

On Oct. 7 last year, just a few weeks before the presidential election, Mr. Nixon called the high property taxes paid by elderly retired Americans a "national disgrace." He pledged that "relief for these Americans is going to be a first order of business in our next federal budget." Nevertheless, there isn't a whisper of this promise in the new budget. On the contrary, the administration intends to make the elderly pay an extra $1 billion a year for Medicare benefits they are now getting free. Fortunately for the aged, this has to have the approval of Congress.

In his budget message last year, the President said, "Welfare reform, with training and work incentives, with a new fairness toward the working poor and a minimum income for every dependent family, is a good idea whose time has come . . . it is ripe for action now." Further delay in enactment, he said, would be both "unwise" and "cruel." Yet, there is no mention of it in the next budget. Instead Mr. Nixon in a special broadcast preceding the formal presentation of the 1974 budget, favored the public with a sermon against government spending, no doubt hoping this would divert attention from the record-breaking expenditures he is planning for next year and the year after.

Despite Mr. Nixon's warning about the spending habits of Congress, it is the President—not Congress—who is now asking for a budget of $269 billion, or $23 billion more than he requested last year. That's a leap of almost 10 per cent. In four years under Mr. Nixon, the budget has climbed from $195 billion to $269 billion—a record jump of $74 billion, or almost 40 per cent. And it might have been worse except for Congress. At the end of the 92nd Congress last fall, Sen. Mike Mansfield, the majority leader, reported that Congress had cut Mr. Nixon's new-appropriation budgets by $22.2 billion.

Under Mr. Nixon's stupendous spending, the national debt has climbed to almost half-a-trillion dollars, an increase of around $100 billion in four years. His deficits have exceeded anything in U.S. history except at the height of World War II. Yet in his radio broadcast on his latest budget, the President said with a straight face, "It is time to get big government off your back and out of your pocket."

Actually, there is little or no disagreement between the President and Congress over the $269 billion total for the new budget. The conflict centers on priorities. Although the United States is now out of the Vietnamese war, Mr. Nixon still wants to spend more on defense, while cutting or eliminating domestic programs for, among other things, health, education, poverty, pollution, day care and Medicare. Congress wants to do the reverse.

The President says his "search for waste" has led him "into every nook and cranny of the bureaucracy." But it hasn't led him to the Pentagon, where the documented waste runs into the billions.

The President warns Congress that if it gives social programs more than he has allowed it will have to take the responsibility for a tax increase. Not necessarily. Congress can offset these increases with military reductions. Also, it can provide more revenue by eliminating tax loopholes for vested interests.

After being subjected to four Nixon budgets, Congress has become a little skeptical of the President's arithmetic. It still remembers his first budget message, in which he said, "I have pledged to the American people that I would submit a balanced budget. The budget I send to you today fulfills that pledge." Instead, it ended with a deficit of $23.4 billion, and that was just a start.

PRESIDENT HARRY S TRUMAN—IN MEMORIAM

Mr. SPARKMAN. Mr. President, I join Senators in their tributes to the late President Harry S Truman.

Harry Truman was a Member of the U.S. Senate when I entered Congress. I recall quite well campaigning in Missouri for President Roosevelt and the national ticket in 1940 when the then

Senator Truman was running for reelection. Our trails crossed from time to time during that campaign. He was reelected to the Senate, and soon thereafter he was to show his independence of thought and his insistence upon the proper conduct of all those connected with our Government.

I remember, soon after we got into World War II, meeting Senator Truman in the corridors of the Capitol, when he told me that he had just introduced a resolution to provide for checking war contracts. I remember so well his typical statement, saying:

> We know that all of these dealings will be checked later. I think it would be better to check them as we go along and for us, who are friendly to the Administration, to check them ourselves in order to make certain that the war contracts are handled properly.

As chairman of the Truman Committee on War Contracts, he did a tremendous job for the benefit of the country and made a name for himself throughout the Nation. He became known as a man who insisted upon honesty in all dealings with the Government. It was in large measure this work of the Truman committee, under his leadership, that catapulted him into the nomination and election of Vice President.

He had very little time as Vice President to ready himself for the awesome job of President of the United States. However, he took hold while the war was still going on and made his decisions clear and firm. No President was ever called upon to make more far-reaching decisions than those that fell to his lot in the Presidency. He never hesitated; when he reached a determination as to what was right, he took that action. It was due to these decisions that the world was able to reshape itself after such a disastrous war.

Harry Truman was my friend. I respected him then and I respect his memory today as one of the most outstanding Presidents that this country has ever had.

REPORT OF THE NATIONAL WATER COMMISSION

Mr. McGOVERN. Mr. President, in September of 1968, President Johnson signed into law the National Water Commission Act which created a seven-member Commission charged with the responsibility of reviewing the Nation's water problems, programs, and policies. The Commission, by statute, is required to report simultaneously to the President and the Congress. By law, the Commission expires September 26, 1973, if it has not completed its work at an earlier date.

A review draft of the Commission's proposed report was distributed for public examination early in November of 1972. The public has had an opportunity to comment on the review draft at conferences held in Spokane, Wash.; Phoenix, Ariz.; and New Orleans, La. More reaction will be heard here in Washington this week.

I have given careful consideration to the review draft and the innumerable proposals for substantial policy changes that it contains. I am appalled. The Commission has established erroneous premises and on the basis of these premises arrived at faulty conclusions that will do the country great harm if they should be accepted by the President and adopted by the Congress.

Gov. Richard Kneip is traveling to Washington on Friday, February 9, to present South Dakota's views to the Commission. He will urge the Commission to modify the draft report. I join my State's Governor in urging the Commission to reconsider many of its principal recommendations.

We ask reconsideration in the interest of sound national policy. We are particularly concerned because the recommendations are certain to adversely affect our High Plains country and South Dakota.

Most of all, we deplore the Commission's unnecessary and ill-considered intrusion into general farm policy. Feeling secure in their corporation board rooms, the members of the Commission would liquidate the independent family-size farmer in favor of more corporation-type agriculture, apparently, looking to the day when a few giant corporations can monopolize and control food production, just as a handful of oil companies have already secured control over all forms of energy.

Energy company monopolists have managed and manipulated the country into a situation where we have fuel rationing and school closings across much of the country. Is the Commission ready to assure the country that food monopolists will do better? Do we really want corporation control of the Nation's food supply?

Instead of deprecating the family farmer and scorning the 160-acre limitation in reclamation law, the Commission would serve the country better if it were to recommend actions that would improve enforcement of the land laws, including legislative action if necessary. The Commission should address itself to these complicated problems as it concludes its deliberations and prepares a final report.

The Commission is chaired by C. F. Luce, chairman of the board of the Consolidated Edison Co. of New York. The chief executive officer of the country's largest power company does not need to be an expert on farm policy and social values. The review draft establishes that he is not.

The independent farmer and family-type agriculture receive short shrift from the Commission. The Nation's economically deprived and underdeveloped regions receive the same treatment.

The Commission goes completely astray by establishing the faulty hypothesis that economic development in one region adversely affects the rest of the country.

This is not true. The draft report does not contain a single shred of evidence to support the principal premise used to destroy Federal water resource development.

Do programs that encourage population dispersion adversely affect the congested regions of the country?

Does it cost less to provide the necessary public services for a new family if they locate in New York City than it does if they live in Spearfish, S. Dak.?

What is the relationship between population growth in a heavily populated region and profits for the individual businessmen and opportunities for the worker? A utility with a guaranteed monopoly market may benefit from growth and congestion. Is the same thing true of the businessman or worker who must exist in a competitive situation?

The National Water Commission could have provided a real service if it had examined these and similar questions in depth and reported their findings. If it had done so, and then concluded that economic gains in one region are offset by losses in other regions, we would have been impressed.

The Commission has not done so.

Members of Congress understand the contribution to economic growth associated with well-planned and properly executed projects for the development of land and water.

We have all watched growth follow water resource development and irrigated agriculture in the Pacific Northwest, in California and Arizona, and Nebraska and Idaho.

We believe that the total national interest and simple equity requires that other States, including South Dakota, should have the benefit of economic development stimulated by water resource development.

If the Commission's premise were true that economic development in one region really does adversely affect other regions, it would be grossly unfair to terminate federally financed water resource development without making certain that all States had been treated equitably.

South Dakota is one of 17 reclamation States. Less than three-tenths of 1 percent of the federally financed, irrigated agriculture is located in South Dakota. On the other hand, over 500,000 acres of our Missouri River bottom lands are being used to provide flood protection for downstream States on the Missouri and Mississippi Rivers.

The Oahe irrigation project was authorized by the Flood Control Act of 1944 and the first phase was reauthorized in 1968. The project would utilize Missouri River floodwaters stored in South Dakota for the protection of downstream States to irrigate rich farmlands along the James River in eastern South Dakota.

At long last, Congress appropriated $1,500,000 to be used to start construction on the Oahe unit in 1973. The administration has asked for $1,500,000 more in 1974. Although the amount is grossly inadequate, I am pleased to know that the administration recognizes the project's importance, even if it fails to understand the urgency of timely construction. I will urge the Congress to consider increased funding when the Public Works appropriation bill is considered by the Senate.

The Water Commission report for water resource development and inadequate funding place a heavy burden on those who support sound resource development for the good of the whole country.

I trust that the National Water Commission will revise their review draft substantially as a result of the information supplied by the public officials and citizen groups participating in the conferences. I commend Governor Kneip for planning to present South Dakota's views to the Commission.

COLUMBIA, MD.: THE FIRST 5 YEARS

Mr. BEALL. Mr. President, in the summer of 1967, Columbia, Md., opened to the public as a new concept in living. It was to be a city where development would respect nature, where construction would set new standards of beauty, safety and convenience, and where emphasis would be given to the establishment of a complete and balanced community, providing a broad range of opportunities for housing, employment, and recreation. In short, Columbia was designed for people.

Now, 5 years later, Columbia can look back with pride on its accomplishments. It has achieved all its objectives and has been placed in the forefront of the efforts to make our cities livable again. The former Secretary of Housing and Urban Development, George Romney, best put the success of Columbia in its proper perspective when he said:

> The establishment of Columbia shows the entire Nation and the world an important, viable step toward solving the crushing problems of our wildly expanding and exploding cities.

The statistics speak for themselves in picturing Columbia's growth. At the end of 5 years, 21,000 people lived in Columbia. Even more significantly, more than 7,000 persons moved to Columbia last year, thus indicating the enormous expansion potential which the community possesses. By 1981, when Columbia is expected to be substantially completed, the city is planned to house 110,000 people in seven residential villages clustered around a central downtown.

It is important to note that, during Columbia's fast growth, the community has still set aside over 900 acres of land for open space, lakes, parks, and recreational areas. Stream valleys have been preserved and over 100,000 trees and shrubs have been planted throughout the town. Clearly, Columbia has sought to develop the proper environment for all of its citizens.

Commercially, Columbia now has 68 industries, two department stores, 138 other retail businesses, six banks, 24 home and apartment builders, nine restaurants, six office buildings, a hotel, library, noted music pavilion, a religion center for all faiths, and much more in the planning stages. Its job base has grown to almost 17,000 in the last 5 years, with an eventual goal of some 65,000 jobs. With such commercial development, Columbia has established itself as a major economic asset, not only for Howard County, but throughout the central Maryland region.

Now Columbia is 5 years old, and growing fast. On the horizon lie even greater opportunities for the city and its residents. I commend the people of Columbia and all those connected with this forward-looking concept on a job well done, and offer my best wishes for even more success.

AIR TRAFFIC SERVICE PERSONNEL

Mr. McGEE. Mr. President, on Monday the Senate adopted and I voted for the proposed Airport Development Acceleration Act. Today I call the Senate's attention to a related problem, one which I believe is more directly concerned with the safety of our expanding airport and airways system as it now exists.

Senators and other citizens have no doubt had their attention arrested by recent news reports which have gone so far as to warn of a possible "bloodpath in the skies" because of the failure or—more accurately—the inability of the Federal Aviation Administration to hire more air traffic controllers. Just last year Congress enacted as Public Law 92–297, the Air Traffic Controller Career Act, providing for early retirement and for second career training for those civilian controllers who must leave that demanding profession for operational or medical reasons.

In pursuing its normal oversight activities in connection with the implementation of this new law, the Post Office and Civil Service Committee had, even before the recent rash of news accounts apparently engendered by the union, the Professional Air Traffic Controllers Organization, found itself more deeply concerned with what is an obvious and worsening manpower problem in this vitally important field of air safety. As chairman, I had directed the staff to inquire indepth into this question. While I do not intend to indulge in scare language to impress on Senators the urgency of the situation, I do feel that the recent freeze in hiring, coupled with shortsighted budget management, has conspired to virtually insure that there will be a crunch imposed on the controller work force in the near future. In some places, it already is here. The FAA's responsible officials expect a real ballooning in the shortage within 12 to 18 months. This is so, despite the fact that the fiscal year 1974 budget recently given to us does provide for the hiring of about 1,500 additional controllers, as Members may also have read in the Sunday newspapers.

The problem is that it takes upward of 3 years to train a new air traffic controller to the point where he is fully qualified for his job provided that he makes the grade at all. Because there has been a freeze on hiring in effect—and in this case it has been a 2-year freeze—the pipeline is seriously devoid of replacement personnel in this stressful occupation whose high rate of attrition is well known to Senators.

The staff of the Post Office and Civil Service Committee has found, for instance, that absolutely no training of personnel for either of the important terminal or en route air traffic control positions is underway at the agency's extensive Academy in Oklahoma City. Some related training, chiefly of personnel to program and operate the Air Traffic Service's computer system, is underway. The training facilities intended to equip men to handle traffic at or near airports and to separate them from each other, as they speed across our skies sit virtually idle. When the staff visited the Academy in mid-January there was one air traffic control class in residence. They were foreigners, whose training was being paid for out of someone else's budget.

Much of the training in air traffic control work goes on within the employee's assigned facility, of course. Chicago's O'Hare International Airport usually is described as the busiest of those facilities, so the committee also took a look at O'Hare in January. Mr. President, where once five men assigned there to the training function, there are none today. They do not have the people. The FAA does not have the funds to pay necessary travel and per diem to send its student personnel to Oklahoma City.

This may be budgeting, but it is not, on the face of it, very adequate management.

Acting FAA Administrator G. S. Moore has supplied me with a report on the fiscal year 1973 authorized strength, onboard strength and the proportion of journeymen, or qualified controllers, or above at representative facilities around the country, including O'Hare, stating that the proportion of journeymen in the system as a whole is higher now than it has been been in recent years due to the steady advancement of the large influx of new hires in fiscal years 1970 and 1971. Senators may recall that those new positions were created in the wake of so-called job actions—slowdowns and sick-outs—by disgruntled controllers. In addition, that influx has improved the situation at en route traffic control centers more than at the major terminals such as O'Hare.

In the case of Chicago O'Hare, the authorized strength is given as 146, with 124 reported on board in January, 77 of them being journeymen and above. Without questioning the accuracy of those figures, I hold them misleading. What in fact our staff found at O'Hare, substantially upheld the contention of the union O'Hare has "less than 50 percent of the essential complement necessary to safely handle the highest volume of traffic in the world." I am not positive, on the basis of the staff's reporting, that it is all that unsafe. But the fact is that on January 18 of this year there were 53 fully qualified air traffic controllers actually available for duty at O'Hare, along with 36 more developmental controllers in various stages of productivity and efficiency. In all, that adds up to 89 men—with less than 60 percent of them fully qualified. The O'Hare Tower was authorized 109. In December, some O'Hare controllers had had their long-scheduled plans for Christmas leaves canceled or at least abbreviated. Some days there is not time for lunch breaks, and they send out for hot dogs. The difference between my staff's findings and those reported to us by the agency lies primarily in the FAA's inclusion of personnel I am not at present considering, that is, the agency's figures include supervisory personnel whose duties are administrative in nature and others, notably data systems officers who program the computers on which the controllers rely.

A lack of funding has likewise hamstrung the agency's attempts to fully implement the second career legislation sought by the administration and enacted by Congress last year. It has limped along, placing about 50 disqualified controllers in training programs or schools as of mid-January. But it projects nearly 200 more eligible for the program through the end of the fiscal year and there is not that kind of money lying about.

It is possible, Mr. President, that a supervisor whose available manpower already is stretched too thin will be tempted to keep a man at the radar scope against his better judgment—especially if he can neither offer that man the retraining the law says he is entitled to or replace him when he leaves. I will not assert this is happening, just that it is possible. At present, we do know that, for lack of funding to establish a training pool to which to assign men in the second career program, some are sitting about their facilities pushing paper clips, as one man described their function. They are, of course, encumbering positions, drawing their pay, and only postponing the cost of retraining. This only insures the ultimate cost to the people will be higher.

That is the situation today. An examination of the fiscal year 1974 budget does, as I have already said, provide some room for optimism. The planned outlays for the Air Traffic Service may, indeed, be one of the few bright spots in that budget, which the agency's budget office tells us allows for $10.9 million for implementation of the second career training program enacted last year to ease the removal of operationally or medically disqualified controllers and help insure the young, effective work force the duties demand. Also, it provides $13.8 million for regular training activities, and for a total of 1,570 new employee positions, of which 1,225, we have been told, would be in the terminal and en route air traffic control categories. Just today, the agency informed a House committee that it actually contemplates hiring 2,700 trainees in fiscal year 1974—including 1,000 to take care of normal attrition, 700 to bring it up to fiscal year 1973 standards, plus a growth factor of 1,000 more.

That is fine. That is good. But fiscal year 1974 does not begin until July 1, and in the meantime the stresses of this demanding occupation will continue to take their toll of the available work force, widening the balloon between the manpower on hand and the numbers needed to insure the safe and expeditious movement of our aerial commerce.

I take heart in the FAA's assurance, given to me as well as to the press, that the safety of the system is not jeopardized. But, in view of the lag between the time a prospective employee is hired and the day he can take his place at the radarscope or the control tower microphone as a fully qualified controller, it is obvious the situation can only get worse before it gets better because of mistakes which are part of the past.

My remarks began with reference to our action, taken Monday, in passing the Airport Development Acceleration Act. That act, if it becomes law as we have said it should, would accelerate the development of new facilities to be commissioned and staffed. Now, under the impetus of the Airport and Airways Development Act, new towers are being commissioned, but on a limited basis, in that they operate for only 8 hours of the day instead of 24 as an example. Too, that law has made available to the controller improved electronic gear which may ease his job and make him more confident of the decisions he must constantly make. But it has not changed the fact that the job is still a task-oriented one; that the decisions are still manmade.

Fiscal year 1974 is 5 months away. The new expenditures and the new controllers the budget for that year would authorize will be highly welcome. But there is the considerable possibility that they will represent just a new episode in the saga of the air traffic system's manpower problems. The situation will recur so long as it is required that the agency ride the budgetary seesaw, conform to blanket hiring freezes, and incur the consequences of sudden personnel influxes, followed by long dry spells that dry up the pipeline. This, of course, is not a problem unique to the air traffic control field. It happens to be more critical in this area because the employees involved daily take the lives and safety of thousands into their hands.

How, in view of that grave responsibility, the nose of the Air Traffic Service can be held to the grindstone of debilitating restrictions on hiring, travel, and training of its personnel is beyond me. Yet, there has been no request for supplemental appropriations to enable an earlier start on narrowing the building manpower gap. The agency did seek authority to come before Congress with such a request last year, but, Mr. President, the request was short-stopped by the Office of Management and Budget.

Mr. President, I ask unanimous consent to have printed in the Record a press release issued January 22, 1973, by the Professional Air Traffic Controllers Organization and an article from the New York Times of January 28 which bear on this matter.

There being no objection, the items were ordered to be printed in the Record, as follows:

PROFESSIONAL AIR TRAFFIC
CONTROLLERS ORGANIZATION,
Washington, D.C.

The 154 people killed in three recent major air crashes may be only the beginning of a bloodpath in the skies, unless the government improves its safety operations, according to John Leyden, President of the Professional Air Traffic Controllers Organization (PATCO). Leyden, who represents the 16,000 air traffic controllers of the United States, said "As things stand, similar or worse air accidents can occur. The principle reason is that the staffs of air control facilities—which carry the lives of every air passenger in their hands—have become dangerously, if not criminally, shorthanded.

"Once before," Leyden continued, "we were forced to alert the public to the unsafe conditions under which many aircraft operated in the air traffic control system. Recently, public attention has been alerted by three air accidents involving scheduled airliners: the crash of a United Airlines 737 at Midway Airport, Chicago killing 43 aboard and two on the ground; the collision at Chicago O'Hare Airport between a North Central Airlines DC–9 and a Delta Airlines 880, leaving 10 passengers dead; and the first crash of a superjet—a Lockheed L–1011 outside of Miami International for a death toll of 99.

"Three years ago President Nixon," Leyden continued, "responded to our pleas for help and per his request, Congress authorized the hiring of over 1,000 air traffic controllers to temporarily relieve the air traffic control system and make it safe.

"Now, however, the staffing of many of the major terminal facilities, which have the responsibility for protecting the lives of airline passengers, has reached a dangerous low. Chicago O'Hare, the nation's and the world's busiest airport, is just one example of the controller shortage. It has less than 50 percent of the essential compliment necessary to safely handle the highest volume of traffic in the world. Although the government has been alerted to these facts, they have to date been hidden from the public because of the recent stress on economy and the hiring freeze which has been imposed on all federal employees, which unfortunately includes controllers. It appears as though there is more stress on saving dollars than human lives."

Leyden also said, "the level of air safety was decreased by lack of implementation of a newly passed Bill which encouraged retirement of air traffic controllers. This legislation gave controllers the option to move on to other occupations when they no longer felt capable or competent to handle live aircraft. The increase in air traffic in the last six months only further points out the lack of sufficiently trained air traffic personnel to cope with further increases in the future. There has not been one new air traffic controller hired in the last seven months. The situation is so desperate," Leyden said, "that I have taken the issue to President Nixon himself in the hope that he might intervene now to prevent further air calamities which might result from these shortages. Our problem at present lies at the office of the Manpower and Budget. This group is playing Russian Roulette with the lives of air passengers in the interest of saving dollars. They must be put on notice now that the aviation industry is not willing to allow them to blindly pursue a deadly course which is the obvious result of their shortsighted tactics. The Federal Aviation Administration/Department of Transportation cannot hire new controllers nor can it openly criticize OMB for its shortsightedness. They must follow explicitly Manpower directives which cover all categories of federal employees. It is my fervent hope that a directive from the President will rectify this situation."

The following is the text of Leyden's Message to President Nixon, which was hand delivered to the White House on January 17, 1973:

"My Dear Mr. President: Early in your Administration, you indicated a strong personal concern for the air traffic control system when you requested on November 6, 1969, that Congress immediately authorize the hiring of 1,000 additional air controllers. On May 16 of last year, the controllers of this nation again had the occasion to give you their wholehearted thanks for signing into law the Air Traffic Controller Career Act of 1972.

"It is now nine months since that law became effective, and it is my sad duty to inform you that virtually nothing has been done to implement its provisions.

"I know that the present austerity program is in the best interests of this country, and that there is significant fat to trimmed off a large area of governmental expenses. But I am sure that your wishes have been misinterpreted in the area of controller hiring and controller retirement benefits.

"First of all, in the years following the hiring of 1,000 controllers in 1969, the workforce has become once again critically shorthanded. Secondly, there is a minimal number of air traffic controllers essential to the safety of air travel. Thirdly, the Controller Second Career Legislation is a vital component of maintaining a high level of air safety, giving controllers the option to move on into other occupations if they no longer feel they are fully competent to handle live traffic.

"It is true that your signing into law the Airport and Airways Users legislation in early 1970 gave one form of relief to a rapidly deteriorating air traffic system. The new hardware that has been introduced, as a result, has eased somewhat the strain on controllers who were attempting to keep an antiquated system running.

"However, the Users fund, under present regulations, cannot be applied to personnel needs, and to remedying controller shortages.

"In the past few months, it has become increasingly apparent to me that the Federal Aviation Administration and the Department of Transportation are unable to resolve the present crisis. They have not been able to implement the Controller Retirement Act, nor provide any measure of relief for the controller shortage.

"As a last resort, then, I must appeal to you for positive and decisive action, as you have done in the past, so that we may maintain the high standard of excellence and the unequalled safety record the air traffic control system of this country now enjoys."

[From the New York Times, Jan. 28, 1973]

AIR CONTROLLERS MAY ACT TO PROTECT HIRING FREEZE

(By Robert Lindsey)

Leaders of the nation's 19,500 air traffic controllers—who brought much of the country's air service to a halt with slowdowns in 1968, 1969, and 1970—are threatening to stage another one.

They contend that a seven-month freeze on the hiring of new controllers imposed by the White House Office of Management and Budget, coupled with a recent resurgence in airline traffic, is straining controller manpower and jeopardizing air safety.

"We're back to where we were in '68 and '69—they've shut off the pipeline for new controllers," John Leyden, president of the Professional Air Traffic Controllers Organization, said in an interview last week.

"We're already well below the authorized manning at a number of places, and some are dangersously shorthanded," he asserted.

Officials of the Federal Aviation Administration, which operates the nation's air traffic control system, denied emphatically that there had been any compromise with safety in the system or that there was currently an over-all shortage of controllers.

SOME SHORTAGES

However, they acknowledged that there was a shortage of qualified controllers at some facilities—at Chicago's O'Hare International Airport, for example—that had required the F.A.A. to reduce traffic "acceptance rates" at these points at times in the interest of safety.

Air traffic controllers serve much like traffic policemen on the ground. Using radar that can penetrate opaque skies, they direct pilots by radio and help avert possible collisions.

Some F.A.A. officials acknowledged that because it takes three years or more to train and qualify new controllers, a long term shortage of controllers could be developing.

Bertrand M. Harding, the agency's associate administrator for manpower, said in an interview that his office was making a study of manpower needs. He said that in 1970 and 1971 the agency hired more than 1,000 new controllers, but a higher-than-expected attrition rate and slower-than-expected phasing in of new controllers had caused shortages at some facilities.

"NO CRISIS NOW"

He said that if the study indicated there was a long-term manpower problem ahead, "we may have to pour on the steam" and expand hiring. "There is no crisis by any means," he added.

Mr. Leyden contended that there was already a "serious shortage" of manpower that was getting worse as the Nixon Administration's hiring freeze continued. He said that the safety committee of the controllers' organization would meet next month and consider "the next step we will take."

If a job action is agreed upon, he said, "it will be a legal method. We'll go by the book," applying the strictest interpretation of F.A.A. rules that, he said, could severely hamper the movement of planes.

He gave no indication of when a protest slowdown might be called. There is no way of knowing how many controllers might respond to a call for a slowdown. But observers close to the union noted that only a handful of controllers at key centers have managed to slow operations significantly in the past.

FLOW OF 15,000 FLIGHTS A DAY

The controllers work at airports and 20 radar control centers around the country where they monitor and direct the ebb and flow of 15,000 commercial flights daily. "Journeymen" controllers—those qualified to control airplanes on their own—initially earn $19,700 a year at major facilities and up to $25,613 after 18 years.

In 1968, a group of controllers in New York, saying that they were under terrible stress because radar equipment was faulty and facilities were severely short staffed, conferred with F. Lee Bailey, the Boston criminal lawyer who is also a pilot. He helped them form the Professional Air Traffic Controllers Organization, which staged a slowdown in July and August of that year that caused thousands of flight delays across the country.

Although they won much sympathy in Congress, little was done to resolve their grievances. They staged a brief slowdown in June, 1969. In March and April of 1970, more than 2,000 controllers simultaneously claimed "sickness" and, for nearly two weeks, they all but shutdown air service over much of the nation.

SPLIT IN GROUPS

The controllers, sharply divided by the tactic, returned to work under court orders. Mr. Bailey and several other officers were ousted and Mr. Leyden was elected President. Scores of controllers who had been leaders of the group were dismissed by the Federal agency.

Since then, the organization has kept a relatively low profile, regained the confidence of controllers disenchanted by the "sickout" and won an election to represent all controllers in collective bargaining with the F.A.A.

Congress, meanwhile, passed legislation providing for more than $1-billion modernization of the traffic control system. It also approved an unusual bill that allows air traffic controllers who are subject to stresses of controlling high density traffic to retire as early as 50 years old or shift to a new career in Government service. Both bills became law.

All but a handful of the discharged controllers have been re-hired, reflecting the Federal agency's attempts to heal the wounds of the dispute.

Although the modernization program is lagging behind schedule, the F.A.A. is replacing much of its obsolete radar gear and installing computerized equipment at control centers that, it says, should reduce stress.

THE ENERGY SHORTAGE

Mr. WILLIAMS. Mr. President, the energy shortage confronting this Nation is among the most critical problems of our time. In the coming weeks, we will give great efforts to develop a comprehensive national energy policy to deal with this issue.

One vital aspect of a national energy policy must be a far-reaching research effort. In the past, we have devoted too few resources to develop underused and new sources of energy. We must encourage extensive research into alternative energy sources to meet mankind's needs in the future. In addition, we must find ways to increase the efficiency of the existing energy sources.

I was pleased to see an editorial in the New York Times of Wednesday, January 31, 1973, which called attention to the need for this research.

I ask unanimous consent that the New York Times editorial calling for new directions in energy research be inserted in the RECORD for the benefit of all those interested in this crucial problem of our dwindling energy supplies.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESEARCH FOR POWER

The Federal Government can no longer avoid the responsibility, even under the tightest of budgets, of finding ways of generating more energy to meet this country's pressing needs. Periodic—and belated—relaxations of oil import quotas will at most tide a chilled nation over another winter. The heart of the energy problem must be addressed through a comprehensive research effort, this should have top priority in President Nixon's national energy policy.

One of the palliatives generally offered to minimize worries of diminishing energy resources is the confidence that new technologies and power sources will appear in the normal course of human ingenuity. This is not an empty or wildly optimistic expectation, but it will come about only if the search for these new technologies receives more encouragement than it has up to now.

If energy research programs could reasonably be doubled in the coming few years, an equally important move would be to widen the focus of research. For the past two decades, nearly 85 per cent of the Government's funding has gone into the single pursuit of nuclear power. Once so promising in the first enthusiasm of the atomic era, nuclear power generation is becoming something of a monster, with dangers to people and the environment so awesome as to raise serious doubts that this is indeed the best energy source of the future.

It is not that there is no alternative. There are many. The field of solar energy has hardly been touched—it receives scarcely 1 per cent of current government research, and much of that through space programs that seek miniaturization and other sophisticated conditions that are irrelevant to general consumer use. Yet even this small effort has brought the individual solar heating and cooling unit to the brink of technological and economic visibility. Prospects are equally promising for geothermal energy—the steam, water and hot rock under the earth's surface—and more sophisticated uses of the old reliable coal which remains in such abundance.

Another urgent direction for research is the improvement of efficiency with which existing forms of energy are extracted and transmitted. Incredible waste occurs daily even as alarms are sounded about coming shortages.

At the Middle Eastern oil fields, highly desirable natural gas is routinely burned away as a nuisance in the oil extraction process. And it is not necessary to go so far afield. Under present pricing and technology, domestic gas producers find it worthwhile to extract only about 50 per cent of reserves at any given source before moving on to try elsewhere. In converting both fossil fuels and nuclear power to electricity, perhaps 60 per cent of the potential energy is wasted as useless heat; another 10 per cent disappears in the high voltage transmission lines.

The energy crisis is not an inexorable behemoth that no one can do anything about. Some steps involve paying attention more than money. But others involve money, and this inevitable cost will have to be paid.

SENATOR ABOUREZK APPOINTMENT COMMENDED BY ARGUS-LEADER

Mr. McGOVERN. Mr. President, in the early days of this session I have watched the activities of my new colleague from South Dakota (Mr. ABOUREZK), with growing pride and admiration.

His maiden speech in the Senate was a thoughtful and eloquent discussion of an issue which has rightly become the overriding concern of the Congress—the growth in executive power at the expense of legislative prerogatives. I hope other Senators have had an opportunity to study that address.

I am especially pleased that Senator ABOUREZK has been named chairman of the Interior Committee's Subcommittee on Indian Affairs. It is an assignment for which he is fully qualified by knowledge, interest and experience. His career has been marked by a deep concern for American Indians, and by a firm determination to defend their interests.

The Sioux Falls Argus-Leader, of our home State, has commented favorably on this appointment as well, and I ask unanimous consent that their editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus-Leader, Jan. 28, 1973]

AN OPPORTUNITY FOR ABOUREZK

The appointment of South Dakota's U.S. Sen. James Abourezk as chairman of the Senate Interior Subcommittee on Indian Affairs provides a vital role and an opportunity for the freshman senator.

Perhaps no other United States senator has had the close association with American Indian reservation life that Abourezk has. He grew up on the Rosebud Reservation in South Dakota. His father was a pioneer merchant at Mission, S.D. Abourezk has kept close ties with Indians and the situation on the reservation through the years.

The United States' government handling of the Indian problem has been characterized by more bureaucracy than anything else through the long years since the white man won the West. Some policies have been benevolent; some have been poorly conceived. None of them has found precisely the right answer for the Indian problem.

If there has been one bright spot, it's the fact that education has helped the younger generation to become a part of American life. The education Indians have gained has enabled many of them to fit into the mainstream of American life. The sad thing about this bright spot is that there have been far too many Indian students who become dropouts.

The so-called do-gooders and the anthropologists have not helped the Indian situation, with their attempts to keep everything the way it was on the reservations in an earlier day. It should be recalled that Sitting Bull, the great Sioux chief and medicine man who, with others annihilated General Custer in 1876 thought the Indian could survive on the Plains as cattlemen. But the bureaucrats of the 1880s wanted his Hunkpapa Sioux who were installed on grazing land northwest of Mobridge to be farmers.

In western South Dakota, a white rancher usually does not have room to take care of several sons or several families on a ranching unit. The decision involves which son will stay, and who has to go elsewhere to earn a living. Similarly, there isn't enough Indian land for all Indians to remain so close to the land they love. No other people than South Dakota's Sioux love the land quite so much as they do. Job paychecks at home or near the reservation would solve a lot of problems.

Sen. Henry Jackson, D-Wash., chairman of the Senate Interior Committee, said he was pleased to have a senator of Abourezk's qualifications and energy for the committee. He said a thorough study and overhaul of the U.S. government's relations toward Indian people are long overdue.

In his role as chairman of the subcommittee on Indian Affairs, Abourezk will be in a position to provide leadership and new direction that could help bring a better day for America's Indians. This is particularly important to South Dakota, with its more than 30,000 Indians and seven reservations. Abourezk's understanding of what the situation is will be helpful. We wish him well in this assignment. It is a great opportunity to do something that needs doing.

SCALPING THE FIRST AMENDMENT—PART 5

Mr. MOSS. Mr. President, once again, it is time to salute the ingenuity of the White House's dauntless defenders of secrecy in government.

Once again it is time to lament the low regard evidenced by this administration for that freedom—freedom of the press—which has always been considered the single most essential lubricant of a free and democratic society.

Once again the administration has seized an available opportunity to strike a blow for coverup and bureaucratic malingering.

The administration's anti-press campaign appears to be well oiled as it moves through advancing stages of repression toward complete censorship.

Beginning with the Vice President's bullying of the "eastern establishment press," the administration decided to intimidate broadcasters by striking at their pocketbook vulnerability in the jeopardy of license renewal procedures.

Next, the administration moved to place political commissars in charge of suppressing criticism on public broadcasting by directly controlling the "nonpolitical" board of the Corporation for Public Broadcasting.

Refining its techniques so as to maximize every opportunity to rap its critics knuckles, the White House then descended to the mean and petty process of punishing the Washington Post by barring its society editor from White House social functions and by purging loyal and capable administration figures, such as former Commerce Secretary Petersen, for the sin of consorting with known and admitted Washington newsmen.

Now the administration has achieved the censors dream; it has found the means to strike at the dynasty of muckrakers which leads from Upton Sinclair and Lincoln Steffens through Drew Pearson to the vigorous legatees, Jack Anderson, and Les Whitten.

There are, of course, not a few citizens of Washington, D.C.—and that includes many among us—who would not mourn if the voices of Anderson and Whitten were silenced. But how many scandals, how many text book cases of mismanagement, corruption, and arrogance of power would have been unmasked if the Washington press corp were limited to the receipt of handouts from agency PR men.

Whitten was arrested last Wednesday for receiving and processing documents stolen from the Bureau of Indian Affairs.

Note that Mr. Whitten was not charged with violating security regulations. It is not possession of the information contained in the documents which constitutes the crime, but the violation of the Government's property rights in the paper.

What an irony that the administration seeks to protect itself from criticism by claiming its property rights in paper, that single commodity which the vast reaches of the Federal bureaucracy produces in blizzard quantities, blanketing the city with thousands and thousands of official handouts, reports, speeches, pamphlets and releases.

As Nicholas Von Hoffman correctly noted in the Washington Post:

> These papers have no monetary value, their only value is as evidence of improper or possible illegal conduct by the government officials who caused Les to be arrested."

Von Hoffman observes that the only rational conclusion to be drawn—

> Is that Whitten was arrested to frighten others out of passing information over to Jack Anderson.

So the administration can hang up another scalp in the quest to reduce the first amendment to empty words.

Mr. President, I ask unanimous consent to have printed in the RECORD four earlier statements I have given on this administration's dogged pursuit of the scalps of those who honor the first amendment. Also I submit the text of the Von Hoffman article, as well.

There being no objection, the items were ordered to be printed in the RECORD. as follows:

[From the Congressional Record, May 21, 1971]

SCALPING THE FIRST AMENDMENT—PART ONE

Mr. MOSS. Mr. President, I think it is not immodest of me to observe that I rank high among those most unloved by the broadcast media.

My role in the painful and abrupt excision of $200,000,000 in cigarette advertising revenues, my hearing revelation that cereal advertising directed at children produces distorted perceptions of nutritional value, my questioning of the role of advertising themes and techniques in producing drug abuse and alienation among the young, have each served to secure for me a permanent place in broadcasting's hall of infamy.

But, I was not, and am not, impressed by the broadcasters plea for more time to sell cancer, nor their self-righteous poses as victims of discriminatory regulation, nor their flag waving of first amendment freedom to justify the broadcast peddling of a lethal commodity.

However, Mr. President, I rise today as an unabashed advocate of the true first amendment rights of broadcasting: The right to develop, shape, and disseminate news and public affairs programing free of the yoke of bureaucratic harassment, free of the chilling threat of congressional overview, and free of the surge toward thought control by an administration exhibiting fear, suspicion, and disapproval of a free and undomesticated press.

This passion for straightjacketing the press is by no means a partisan virus. It appears to afflict equally, occupants of seats of power without regard to party. The apologists in my own party who sought to blame the 1968 Chicago Democratic Convention disaster on the seeing eye and alert ear of the broadcast media provided no gloss of honor to the history of respect for first amendment liberties.

There are certain fundamental verities that ought to be set straight. The first amendment guards the integrity of a broadcast journalist with precisely the same fierce jealously as it guards Bill Buckley, Nick Von Hoffman, and Jack Anderson.

But is not the broadcaster 's freedom limited by the conditions of his license to utilize the public airways? Is not this the theory upon which the ban on broadcast cigarette advertising was grounded?

The answer to both questions is an unequivocal no.

The marketing of a product—advertising—has nothing to do with the free dissemination of social and political discourse which is the heart of the first amendment. The expert draftsmen of the bill of rights were not preoccupied with the techniques by which Paul Revere sold copperware.

As the distinguished Chief Judge of the District of Columbia Circuit Court of Appeals, Judge Bazelon put it:

"Promoting the sale of a product is not ordinarily associated with any of the interest which the First Amendment seeks to protect. As a rule, it does not affect the political process, does not contribute to the exchange of ideas, does not provide information on matters of public importance, and is not, except perhaps for the Ad-men, a form of individual self-expression. It is rather a form of merchandising subject to limitation for public purposes like other business practices."

But those programs which are the object of administration and congressional ire fall well within the boundaries of the very forms of speech which the first amendment was designed to guard.

The calculated effort launched by the Vice President in Des Moines in November 1969, to inhibit analysis and criticism of presidential proclamations struck right at the core of press freedom. Mao Tse-tung in his country can command and enforce press silence. Spiro T. Agnew in his country cannot.

And what of the latest episode of media intimidation—the assault on the CBS program "The Selling of the Pentagon." The fairness doctrine afforded the program's critics ample opportunity to rebut and counter its message. But the current administration's inquisition into the journalistic process represents a bold abuse of governmental power which cannot be tolerated. As a member of the Communications Subcommittee, I want to commend its chairman, (Mr. PASTORE) for taking no part in the congressional vendetta against CBS, its bitter reward for elevating the sights of journalistic responsibility. I trust that the U.S. Senate will never abuse its process in so mischievous an enterprise.

My distinguished colleague from Wyoming (Mr. HANSEN) recently challenged network reporting of the administration's Laotian adventure. I have had the good fortune to view a substantial segment of the news programing during that period. To the extent that the Senator from Wyoming perceived that its reporting shed no benevolent light on the administration's Laotian operation, I cannot disagree.

The networks reported that eight U.S. helicopters were obliterated in a matter of hours—that was not favorable to the administration.

The networks reported that the segment of pipe ostensibly seized in the current Laotian incursion, had in fact been secured some months previously. That did not shed a favorable light on the administration.

An interview with Vice President Ky, criticizing the tactical design of the operation did not reflect favorably on the administration. Plainly, the interests of the administration in avoiding criticism would have been best served by the suppression of these items, but would the overriding interests of a free society have been equally well served?

And would the interest of a free society have been served by a suppression or deletion of the bitter and impassioned commentary of Harry Reasoner of ABC? A commentary which so moved me that I asked for the text:

"An embargo—a modification of the censorship which prevailed in World War II and Korea—is a legitimate means of protecting American military activity from enemy knowledge.

"But this particular embargo has a smell about it, a smell of being designed instead to protect American military activity from Americans.

"And in a case where Alexei Kosygin, Japanese newsmen, the daily Communist newspaper of Hanoi, the Viet Cong radio and Senator George Aiken—who is incapable of being embargoed—all seem to know what is going on, and when every news service and network has capable reporters on the scene in the northwest corner of South Vietnam—in a case like this the situation has the distinct odor of a managed public relations trick in the guise of security."

I suppose we would all be so much happier if we did not have to confront the horror, the meaninglessness, the perversion of our principles, the death of 45,000 young Americans. We would be happy, that is, until it was too late to comprehend the meaning of our errors and alter our course of conduct. Would the interest of a free society be served by that?

Congress has no right to subpena working papers of a television documentary, no right to question nor to dictate, editorial decisions. It has no right to force the disclosure of news sources. If we cannot stand the heat generated by free press, then we cannot stand the responsibilities of a free society.

The first amendment, battered and assaulted throughout its history has stood us well. Its message to politicians who have tampered with it remains essentially simple. Hands off.

[From the Congressional Record, July 12, 1971]

SCALPING THE FIRST AMENDMENT—PART 2

Mr. MOSS. Mr. President, the mental processes of the Nixon administration must surely be ranked as one of the wonders of Western civilization. To illustrate, I invite Senators to join me in a tour of the administration's logic in approaching the profound questions of the public's right to know the truth and the role of the media as the conduit of truth in a democracy.

I am not at all sure that I understand each convolution, but one principle appears firmly affixed in the White House firmament: The public is entitled to know the truth—but not all the truth. The public is entitled to know those truths which the administration decides are good for the public—such as secrets leaked by high administration officials to friendly columnists. But other secrets, including those which are secrets only because public knowledge of the facts would cause embarrassment evidently are sealed off from public scrutiny, unless of course the embarrassment would occur to someone the administration would like to embarrass. In any event, the principle is clear, or is it?

Let me illustrate: Broadcasters may tell truths about Vietnam, the Pentagon, migrant worker camps, ghettos, the White House, unless the truths are embarrassing to respectively, the President, the Secretary of Defense, corporate farmers, administration economists charged with responsibility for producing rosy predictions, and the Republican National Committee.

The administration is very concerned that newspapers and broadcasters "tell it like it is." The vice president, Herb Klein, Mrs. Mitchell, and other learned interpreters of the First amendment insist that columnists and news commentators are allergic to the truth. As between Mrs. Mitchell and Walter Cronkite, I think I know where I would place my money if I had to select that version which most closely approximates objective reporting. But be that as it may, no one can fault the administration for insisting that the media tell it like it is, at least that portion that the administration would permit it to tell.

Now, the Federal Trade Commission has dutifully heeded the White House call for more truth in media. Several weeks ago the Commission announced that henceforth advertisers will be required to substantiate advertising claims. The Commission said in effect to national advertisers:

"If you're going to make claims about your product, then the public is entitled to know that your claims are based upon fact."

And here is the puzzling part. Instead of welcoming what appeared to be a furtherance of the administration's zeal for truth, the President's director of communications inexplicably turned around and beat the Trade Commission over the head:

"I decry this type of operation."

Mr. Klein said:

"It is a move against the free press and should be opposed by both the print and broadcast media as a step which can lead in a changing world to changing regulations which would be to the detriment of the free press."

Well, what can one say about an administration which will defend to the death the freedom of soapmakers to stretch the truth a little bit, while professing so deep a concern for truth in broadcasting and reporting.

I do not want to be unfair. It may be that the administration is perfectly consistent. Its spokesmen, after all, do appear to stand foursquare for secrecy, whether bureaucratic or corporate, foursquare against the public's right to know whether it be the whole truth about Vietnam or the saccharine siren-song of sweetened breakfast cereals.

I suppose in his secret dreams, Herb Klein contemplates the happy prospects of a quiet evening of television, without any bothersome news or public affairs programs on Vietnam and the problems of the cities, just an endless, succession of detective stories and family comedies interspersed, of course, with lots and lots of unfounded commercials.

[From the CONGRESSIONAL RECORD, Mar. 20, 1972]

SCALPING THE FIRST AMENDMENT, PART THREE: "MONEY TALKS OR WHAT'S FAIR IS FAIR"

Mr. MOSS. Mr. President, why is it that whenever a breath of fresh air emerges from a regulatory agency the White House reacts instinctively as if it had been assaulted by a stink-bomb?

And why is it that the administration's sole apparent concern with protecting the first amendment lies in its solicitude for the sellers of soap suds?

The Federal Trade Commission has proffered a modest and, in my judgment, sound proposal urging its sister agency, the FCC to provide limited access to the broadcast media for counter-advertising, including some free time.

Let us be clear about what the FTC has and has not proposed. The FTC has not asked for an "equal time" right of consumer and environment groups to counter the express or implicit claims of all advertising. It has proposed a limited responsibility on broadcasters to provide, for example, a brief segment of prime time on occasion, during which the broadcaster will provide access for paid, as well as unpaid, responsible counter ads.

The FTC's premises are hardly remarkable: Advertisers pay $3.6 billion a year to tell the public what they want us to hear about their products. Because of its unique position, both as a publicly licensed medium of communication and as the most powerful medium of communication, it has never been our national policy to limit the broadcast channels to the highest bidder.

We have come increasingly to recognize that advertisements are much more than simple adjuncts to the commercial marketplace. Television advertising, to succeed, must sell ideas as well as products or services. They must convince us of the need for the product, of its safety, of its social utility. It must convince us that consumption or use of the product will not bring more harm to our society and our environment than good, and they must convince us in general that an upward spiral of increased consumption serves the ultimate good of society.

Maybe; maybe not. In any event there is an increasing number of careful and informed critics who are prepared to argue both generally and specifically that the ideas explicit and implicit in many ads are unsound, unsupported by scientific evidence, or counterbalanced by significant facts, including enormous hidden social and environmental costs.

Curiously, the FTC proposal arises from an admirable sense of constitutional conservatism on the part of the Trade Commission. Chairman Kirkpatrick is plainly reluctant to pursue a course of regulatory censorship of advertising, beyond traditional areas of perception and misrepresentation. The Commission could seek to restrain the public airing of commercials which contain claims of disputed scientific certitude. But the Commission believes that it is far more in keeping with our traditions of free speech, as embodied in the first amendment, to enrich the marketplace of ideas by providing the public with access to differing points of view.

Predictably the White House, speaking for its monied constituents, once again proceeded to jump down the Commission's throat. Mr. Clay T. Whitehead, Director of the Office of Tele-communications Policy, readily attacked the FTC's proposal as irresponsible and unworkable and an effort by the FTC to pass the buck of effective regulation to the FCC. The White House, thereby, echoed the predictable outcrys emanating from advertisers and broadcasters.

Mr. Whitehead told the Colorado Broadcasters Association that the job of guarding abuses and excesses of broadcast advertising should be left to self-regulation by broadcasters and advertisers. One wonders just how far self-regulation would succeed when a broadcaster is faced with the choice of an irresponsible paid ad for a polluting widget and a scientifically solid unpaid counter-ad prepared by a public interest scientists' group, calling attention to the dangers of widget pollution?

I would think that advertisers, confident of the value of their products, would welcome the interest and excitement which could be generated by counter advertising. We might even generate a renaissance of competition for quality and price and maybe instead of imaginary consumers, more often than not put to sleep by commercials, buyers may be stimulated to pay attention to ads. Counter ads might bear such intriguing openers as: "Nice points to watch for in detergent ads." Or, "What do you pay for in a brand name?" Or, "Is buffering worth a plugged nickel in a headache remedy?" Or, "Is there any medical need for a feminine hygiene deodorant?" Or, "What, if any, are the differences between gasoline brands?" Or, "Will sugar rot your teeth?" Or, "Will reliance on headache powders and tension relievers lead to indiscriminate pill-popping?" Or, "The ecological costs of whiter than white wash."

Who knows, despite the fears of the White House, the public might become more informed and alert to the choices which citizens are going to have to make, if their society and their environment is going to be preserved.

But meanwhile the White House continues to redefine the first amendment. As I read Mr. Whitehead and his colleagues, the first amendment now reads as follows:

"The public is entitled to access only to the best opinions money can buy. Paid advertisements must not be "cluttered up" with contrary facts. As for the first amendment in television, soap suds spiels are vigorously protected from contradiction. Indeed they are fully entitled to be as free from criticism as the utterances of the President."

What is Office of Telecommunications policy? Did the Congress create it? Does the Constitution provide for it? Then, what is its role? For whom does it speak? Mr. President, these are very disturbing questions which have arisen of late.

It appears that although the Congress created the Federal Communications Commission to regulate the airwaves, and we gave the President the power to appoint, with advice and consent, the Commissioners, and to set budgetary priorities of the agency, the President has now seen fit unilaterally to preempt the intent and will of the Congress.

I welcome the President's speaking out on matters affecting the American people. But to institutionalize a "Monday morning quarterback" for a legislatively created independent regulatory agency, is to toll the death bells for all regulatory agencies.

Although the Congress, through the Commerce Committee has prodded the FCC to act on cable television, for instance, the Office of Telecommunications Policy has stepped in and preempted the FCC. Now, the Federal Trade Commission has offered an interesting and positive contribution to the Federal Communications Commission, but even before as much as an acknowledgement from the FCC, the Office of Telecommunications Policy has issued its negative decree.

Mr. President, I intend to offer an amendment at the appropriate time during Senate consideration of the Executive budget, to preclude the expenditure of funds for the institutionalization of White House super agencies which interfere with the functions of the independent regulatory agencies.

Independent regulatory agencies need independence. The Commissioners are appointed by the President. They are approved by the Senate. Congress supervises the functions of the agencies through oversight hearings. The judiciary reviews the decisions of the independent regulatory agencies. A White House office meddling in the affairs of the independent regulatory agencies is tantamount to the destruction of our system of checks and balances.

[From the Congressional Record, Oct. 12, 1972]

SCALPING THE FIRST AMENDMENT—PART FOUR

Mr. MOSS. Mr. President, on three previous occasions in the last 18 months, I have risen on the floor of the Senate to describe the administration's penchant for media censorship. I feel it incumbent upon me to describe, once again, another case of the Nixon administration's disregard for our constitutional right of freedom of the press.

Apparently NBC's Cassie Mackin incurred the displeasure of the White House in describing her impressions after 2 weeks on the campaign trail with President Nixon. White House communications czar Herb Klein and has assistant made three calls to NBC officials to complain about the "fairness" of a broadcast Miss Mackin made during the week of September 25.

Miss Mackin's crime? She reported that the President had distorted Senator McGovern's stands on the issues of defense spending, welfare, and tax reform. For example, she said:

"On tax reform, the President says McGovern is calling for "confiscation of welfare" which is not true."

The White House censor immediately picked up the phone and called NBC to protest. Later, to a Washington Post reporter, the Nixon censors commented:

"She, in effect, called the President a liar, We didn't ask that she be fired or removed from covering or reprimanded. We didn't ask anything. We just wanted to register our protest that she was inaccurate."

But according to published reports, another administration satrap has stated that a retraction was demanded by the administration and was refused by the network.

Other reports have indicated that Sander Vanocur, who has been sharply criticized by the administration for his alleged liberal views, will not hold his job with the Public Broadcasting Service after his contract expires in December. If true, is this part of a scheme of the Nixon administration to pack the Corporation for Public Broadcasting?

The administration's concern for the first amendment apparently lies in its solicitude for the sellers of soapsuds, rather than the maintenance of journalistic integrity. Any comments emanating from regulatory agencies or social critics concerning advertising results in a predictable White House response speaking for its moneyed constituents. For example, when the Federal Trade Commission proposed to its sister agency, the Federal Communications Commission, that it provide limited access to the broadcast media for counteradvertising, including paid and unpaid time, Nixon's Director of the Office of Telecommunications Policy readily attacked the Federal Trade Commission and its proposal. This is not the first time this Nixon office has attempted to interpret the first amendment. Apparently, the first amendment according to the Nixon way of thinking reads something like this:

"The public is entitled to access only to the best opinions money can buy. Paid advertisements must not be cluttered up with contrary facts. Soapsud spiels on television are to be protected vigorously from contradiction. Indeed they are fully entitled to be as free from criticism as the utterances of the President."

Who is this censor? The Office of Telecommunications Policy? Did the Congress create it? Does the Constitution provide for it? Then, what is its role? For whom does it speak?

The Congress, as we all know, created a Federal Communications Commission to regulate the airwaves, and we gave the President the power to appoint the Commissioners, with advice and consent. He was authorized to set budgetary priorities of the agency. But the President has now seen fit unilaterally to preempt the intent and will of the Congress.

It is the right of all Americans, the President and journalists alike, to speak out on matters affecting the American people. But to institutionalize a "Monday morning quarterback" for a legislatively created independent regulatory agency, is to toll the death bell for all regulatory agencies.

Although the Congress, through the Commerce Committee, has prodded the FCC to act on cable television, for instance, the Office of Telecommunications Policy has preempted the FCC. Although the Federal Trade Commission has offered an interesting and positive contribution to the Federal Communications Commission concerning counteradvertising, the Office of Telecommunications Policy has issued its negative decree. The institutionalization of a Nixon censor meddling in the affairs of the independent regulatory agency is tantamount to the destruction of our system of checks and balances.

The first amendment provides for the right to develop, shape and disseminate news and public affairs programing free of the yoke of bureaucratic harassment, free of the chilling threat of administration overview, and free of the surge toward thought control by a President exhibiting fear, suspicion, and disapproval of a free and undomesticated press.

The first amendment guards the integrity of a broadcast journalist with precisely the same fierce jealousy as it guards William F. Buckley and Nicholas Von Hoffman. Those programs which are the object of the administration's ire fall well within the boundaries of the very forms of speech which the first amendment was designed to guard.

This passion for straightjacketing the press was part of a calculated effort launched by the Vice President in Des Moines in November 1969. In an attempt to inhibit analysis and criticism of Presidential proclamations, the Vice President struck right at the core of press freedom. Mao Tse-tung in his country can command and enforce press silence. SPIRO T. AGNEW in this country cannot.

The current administration's inquisition into the journalistic process represents a bold abuse of governmental power which cannot be tolerated.

Plainly the interests of this and other administrations in avoiding criticism would have been best served by the suppression of news from Indochina, but would the overriding interest to a free society have been equally well served?

I suppose we would all have been much happier if we had not had to confront the horror, the meaninglessness of the slaughter, the perversion of our principles, the sadness for the deaths of thousands of young Americans and young and old Asians. We would have been happy, that is, until it was too late to comprehend our errors and to alter our course of conduct. Would the interests of a free society be served by that?

The administration has no right to subpena working papers of television documentaries, no right to question nor to dictate editorial decisions. It has no right to enforce the disclosure of news sources. If we cannot stand the heat generated by free press, then we cannot stand the responsibilities of a free society.

The first amendment, battered and assaulted throughout its history, has stood up well. Its message to politicians who have tampered with it remain essentially simple. Hands off.

The Vice President, communications czar Herb Klein and other learned "interpreters of the first amendment" insist that columnists and news commentators are allergic to the truth. But between the administration and Walter Cronkite, I know where I would place my money if I had to select that version of a newsstory which most closely approximates objective reporting. This administration stands four square for secrecy, whether bureaucratic or corporate, and four square against the public's right to know, whether it be the whole truth about Vietnam or the secret plotting leading up to the Watergate caper. And it stands four square for the political aspirations of a few desperate people clinging on to the coattails of a secretive President.

Our forefathers, 196 years ago, gave us these immortal words:

"A prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

Censorship, secrecy, arrogance, lust for power were actions which they denounced.

SAFE STREETS, SAFE PAPERS

(By Nicholas von Hoffman)

A United States senator is robbed and gunned down in front of his house. Such an attack against a member of Congress is a federal offense and therefore within the jurisdiction of the FBI. A shocked and worried capital city waits for L. Patrick Gray's FBI hawkshaws to make a quick, sensational arrest and throw these crooks in the slam.

The hours pass, and indeed a sensational arrest is made, but not of the two men who all but murdered the chairman of the Senate Armed Services Committee. They are as free as birds, but columnist Jack Anderson's senior assistant, Les Whitten, is arrested while covering a story, handcuffed and taken off to jail.

Whitten, whose only suspected crime up to this point may have been translating Baudelaire into English, was busted for receiving stolen property. The property was papers taken from the Bureau of Indian Affairs building by a small army of infuriated red men. After 200 years of betrayal they'd captured the government office which authors their woes and had made off with evidence of their own betrayal. It was a noble theft.

Whitten, who is one of the most esteemed people in the news business, had been on the story for months. He'd flown hither and yon across the country clandestinely meeting with Indians to examine these documents. A number were used as the foundation for Jack Anderson columns, demonstrating yet again how the white man can hose the red man.

One of the columns put the FBI in a bad light and may have had something to do with what they did to Whitten. They had other reasons to get him. He and Anderson had found out about their wasting their time, our money and the country's dignity by setting up hunting blinds to photograph the sex lives of liberal-inclining Hollywood stars.

Of late the FBI has also shown a prurient interest in dirty movies and, according to Whitten, in finding out whether or not a certain famous football player did get a woman pregnant. Some eight or more of them were able, however, to tear themselves away from other people's sex lives long enough to arrest Whitten. They arrested him as he was helping an Indian leader carry several cartons of this stolen material. The Indian was in a hurry. Why? He had an appointment with an FBI agent.

The Indian was going to return the portion of the documents he had in his possession. He'd done the same thing before. He even had the agent's name—Dennis P. Hyten—written on the carton tops, but as Whitten tells the story, when they got down to the jail and they'd mug-shot him, he asked them to take a picture of the cartons as evidence of their intent. "This camera doesn't take pictures of tops of boxes," they told Whitten, who rather wisely believes that that little piece of evidence will never be seen again.

Even if Les were guilty of what they've trumped up against him, he'd have committed no crime. These papers have no monetary value. Their only value is as evidence of improper or possibly illegal conduct by the government officials who caused Les to be arrested.

The case is unlike any of the other freedom of the press cases which have caused so much indignation in the last few years. With the Pentagon Papers the government alleged, albeit untruthfully, that their publication might jeopardize national defense. This has nothing to do with national defense.

In the case of Earl Caldwell of The New York Times, the government claimed that it has a right to force him to reveal his confidential news sources and testify about the possible commission of a crime before a federal grand jury. The Supreme Court ruled against Caldwell. But in Les Whitten's case, if a crime has been committed, the criminals are corrupt bureaucrats in the Bureau of Indian Affairs or angry FBI agents who want Whitten arrested to suppress evidence and obstruct justice.

The only other explanation that offers itself is that Whitten was arrested to frighten others out of passing information over to Jack Anderson. The Eagleton goof of last summer aside, Anderson and his staff have had an astonishingly long run of exposing every kind of crookedness and mendacity at all the higher levels of government, including the White House.

You may say an arrest isn't that big a thing, but it's a shaking and shocking experience. Merely being arrested is punishment, and even if you beat it you still lose because of the thousands of dollars of legal fees and hours of lost time the procedure costs you.

It doesn't cost L. Patrick Gray and his transom peepers a thing. It's safe and it's fun busting a law-abiding guy like Whitten. Putting the cuffs on him isn't like tracking down and catching guys who put two bullets in John Stennis. That takes a little moxie, so in the meanwhile. if the streets get more and more dangerous and what you read in the papers safer and safer, you know why.

U.S.S. "PARCHE" LAUNCHED

Mr. CANNON. Mr. President, an event of more than passing significance to all those concerned about our Nation's defense took place on January 12, 1973, in Pascagoula, Miss. On that date, the country's 105th nuclear submarine, the U.S.S. *Parche,* was christened and launched.

The *Parche,* which is designed primarily for antisubmarine missions, is one of the world's newest and most modern ships. She was christened by Mrs. Philip A. Beshany, wife of Vice Admiral Beshany, former Deputy Chief of Naval Operations for Submarine Warfare, and now commander of the U.S. Taiwan Defense Command. Their daughter, Mrs. Natalie B. Braniff, served as matron of honor.

My distinguished colleague from Nevada (Mr. BIBLE) delivered the principal address at that ceremony. His comments were both meaningful and inspiring. As a member of the Defense Appropriations Subcommittee and the Joint Congressional Committee on Atomic Energy, Senator BIBLE is recognized as a leading authority in the fields of nuclear energy and national defense.

For these reasons, I believe his remarks will be of interest to other Members of the Senate. Therefore, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ALLEN BIBLE

It is a high privilege to take part in today's launching of the U.S.S. *Parche,* the nation's 105th nuclear submarine. This event marks the 112th time a United States nuclear naval vessel has gone down the ways.

For this reason, I believe it is particularly appropriate, at this time, to recognize the dynamic leadership which Vice Admiral Hyman Rickover has given to our nuclear program. One may not always agree with "Rick" but one always knows he's there, pushing with all his boundless energies for a modern nuclear fleet.

I know this is a time of great pride for the people who have played a role in building this remarkable vessel and a time of tremendous excitement and anticipation for those who will serve on her.

Similar feelings must have been felt as the first *Parche* was launched at Portsmouth Navy Yard in New Hampshire 30 years ago.

Launched in 1943, the first *Parche* conducted six wartime patrols, sinking or damaging over 30,000 tons of enemy vessels on her first voyage.

By the war's end, that gallant ship had earned five battle stars and two Presidential unit citations. And her crew had amassed 28 medals for bravery including one medal of honor, three navy crosses, eight silver stars, one legion of merit and fifteen bronze stars.

After the war, the *Parche* was assigned to "operation crossroads" as a target ship for the atomic bomb tests at Bikini.

Arriving at Bikini Lagoon on the first of July, 1946, she survived both the air and underwater blasts with virtually no damage.

After decontamination, she was assigned to Naval Reserve Training duty on the West Coast for 23 years. In 1969, she was stricken from the rolls. And today, her conning tower has been established as a memorial in Pearl Harbor.

The epic achievements of the first *Parche* have set a high standard for her modern namesake, but I am confident she will be more than equal to the challenge.

As we launch the *Parche,* we proudly reaffirm a basic tenet of American policy. The purpose of this new ship and indeed, the purpose of our armed forces, is to insure peace, not to jeopardize it; to deter conflict, not to provoke it.

In the past few years, we have learned firsthand one of history's most important lessons—no nation, no matter how powerful or how convinced of the righteousness of its cause, can successfully play policeman for the entire world.

For too many years, American servicemen have been dying in another peoples' conflict. Today there is no greater national need than the immediate termination of our involvement in the Vietnam war. I share the hope of all our people that the President will be able to reach a negotiated settlement in the Paris talks.

However, the Congress also has a heavy obligation to see to it that the national objective to disengage our forces is achieved. I do not know if there is a legislative route to ending this tragic conflict. I only know we must try again to find one.

It is true that the President can end our participation in Vietnam and bring about the complete withdrawal of our forces with a stroke of the pen. It is equally true that the Congress cannot do so. Nevertheless, Congress can and must act if the talks in Paris drag on. We are supplying the funds. We are supplying the men and equipment.

Hopefully, working together, the Congress and the President will be able to bring an end to this war and secure the immediate return of our prisoners of war and missing in action.

But once the tragedy of Vietnam is behind us, as it surely will be, we cannot let its shadow blind us from our responsibility to our own security. We must not let our reluctance to fight another nation's war weaken our resolve to defend ourselves. President Eisenhower once wisely noted that "until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself."

As we approach the 20th anniversary of nuclear sea power, one of our major defense problems is that too many of our ships have reached the point of obsolescence.

At the present time, 68 of our 596 ships are of World War II vintage. And an additional 115 were built immediately after that conflict. It has always been a naval truism that successful maritime operations have never been achieved with the last war's ships.

As the American Navy is faced with the challenges of an aged fleet and the reduced buying power of the dollar, the Soviet Navy is embarked on a vigorous and accelerated program to expand its global seapower capabilities.

We have seen, for too many years now, dramatic evidence of the rapid rate of the growth of Soviet seapower.

In 1965, the Russians had 25 nuclear submarines compared to our 50. By 1970, the count for Russia had increased to 47, as compared to our 90. Today, only three years later, the Soviet Navy has 106 in comparison to our 99 operational nuclear submarines.

Just two years ago, we thought that the Soviets might match us by 1975. The cold hard fact is that they caught up and passed us last year.

Against this background the launching of the *Parche* marks a significant step forward in our effort to modernize the Navy. In the days ahead, we must continue our efforts to develop and expand our nuclear fleet. I, for one, am convinced that a nuclear Navy, both surface ships and submarines, offers our country one of its strongest deterrents to another world war.

Today as we launch this new submarine, the United States and the Soviet Union are preparing to resume the SALT talks. It is my earnest hope that these negotiations will produce a workable agreement which will reduce our requirements for strategic weapons so that we can turn our attention and resources to problems here at home.

But until then we cannot evade the realities of the challenges to our national security. However great our hopes for the final success of the SALT talks, we must, as a matter of prudence, face the realities of the threats to our security as they exist today and as they are projected for the future.

It is this same sense of prudence that dictates our presence here today. Quite simply, we are here because we are determined to keep America strong and free.

The ship we launch today differs greatly from her namesake of World War II. Enormous range, high speed, far-reaching sonar, advanced weapon systems . . . make her a more versatile and efficient submarine. Those assets are necessary because she sails into a far more complex world than her predecessor.

The new *Parche* will soon join her sisters in the silent service. She is one of the finest products of the shipbuilding art—a ship of which the work force of Ingalls Shipbuilding should be justifiably proud.

But despite the brilliant design and engineering, and the painstaking labor which went into her, she will only be as effective as the men who man her.

Theirs is an enormous responsibility requiring unusual intelligence, physical fitness, stability and sound judgment.

To Commander Richard N. Charles, the prospective commanding officer, and to Lt. Commander Charles MacVean, the executive Office, and to all the officers and crewmen of the *Parche,* I congratulate you on your new assignment.

I am certain that your dedication and professionalism will serve this nation well as you assume the great responsibilities of safeguarding our freedoms.

Good luck and God speed.

BANK OF TOKYO OF CALIFORNIA

Mr. CRANSTON. Mr. President, because of my personal knowledge of the significant role of the Bank of Tokyo of California in contributing to the unprecedented industrial and commercial development that has made my State first in the Nation, to the remarkable rehabilitation of the Japanese American communities, and to the phenomenal growth of our foreign commerce, especially with Japan, may I take this opportunity to call the attention of my colleagues in the Congress to the 20th anniversary of this major financial institution, which is being commemorated later this week by civic luncheons in San Francisco and Los Angeles.

The Bank of Tokyo of California is unique in that it is both a domestic commercial bank serving the needs of all Californians and, an international financial institution actively engaged in the promotion of California's world trade.

The Bank of Tokyo of California is a State-chartered affiliate of the Bank of Tokyo, Ltd., which is one of the world's leading international banks and Japan's sole specialized foreign exchange bank. The parent bank, with assets of more than $13 billion, maintains offices in Washington, D.C., New York City, and Chicago among its 140 offices throughout the world.

The California organization was established in 1953 through the efforts of leading California citizens who recognized the need for specialized assistance if members of the American Japanese communities were to reestablish their homes and businesses after their wartime dislocations. As the first such bank in the postwar period, it contributed substantially to the reconstruction effort. Indeed, we have only to observe the strong economic, political, cultural, and civic leadership emerging from these communities in California to appreciate the foresight of California authorities and the bank's organizers in providing a solid economic base for the progress of the past two decades.

As the bank's efforts to help Japanese Americans became more widespread, as might be expected its branches began more and more to serve the larger community. From its first two small offices in San Francisco and Los Angeles 20 years ago, it now has 16 modern branches with a 17th to open in Oakland next month. Its branches are in every section of the State, though—of course—in areas of Japanese American population concentration. It does have one branch, however, that is overseas—in Nassau—to facilitate foreign transactions.

From a million dollar organization in 1953, it has grown into a statewide network with assets of more than $720 million and is thus the largest foreign-affiliated bank in California. Once, almost all of its clients were of Japanese ancestry. Today, more than 50 percent of its depositors are of non-Japanese origin. And, of the more than 560 employees, only 35 are from Japan. All the rest are California residents, of all nationalities and creeds.

The bank's second prime objective when established was to assist in the rebuilding of the rich two-way trade between California and Japan that had flourished before the war. The Bank of Tokyo's predecessor, the Yokohama Specie Bank, had actively served California and foreign traders since the 1880's, and the present California bank continues that operation.

Since California is the continental mainland's gateway to Japan and the Far East, the Bank of Tokyo has had a major part in the postwar economic development of the Pacific region. Today, Japan is our biggest foreign buyer of agricultural products and second only to neighboring Canada in total trade. Two-way United States-Japan trade last year—1972—was about $9 billion, with almost half of that passing through the California ports of Los Angeles and San Francisco.

Last year, California alone accounted for about half a billion dollars worth in exports to Japan.

Of course, we are all concerned with the tremendous imbalance in our trade with Japan and we are hopeful that meaningful measures will be taken soon to reduce that imbalance into more manageable proportions, as the President of the United States and the Prime Minister of Japan agreed last December in Honolulu.

Perhaps the Bank of Tokyo can provide some of the needed leadership in this regard.

In any case, under the active leadership of its president, Masao Tsuyama, a veteran of more than 32 years of world banking experience, the Bank of Tokyo of California not only finances a substantial share of the trade between the two Pacific allies, but also provides counseling and other services to those who would place their confidence in California and the United States in her economic future, and this includes Japanese companies. The bank's management strongly believes that international investment and the cooperation it generates will play a leading role in the development of the great Pacific Basin where more than half of the world reside. The bank believes that the peace and the prosperity of the Pacific depend on the continued expansion of trade and investment opportunities and of cooperative efforts in political, commercial, educational, cultural, social, and other activities that are so meaningful in modern society.

The Bank of Tokyo of California, aside from the contributions it makes to the strength of our Japanese American citizens, the California economy in general, and our Nation's world trade, is also committed to sharing its colorful heritage with the many communities it serves. Through charitable contributions to whorthwhile events and activities, sponsorship of traditional Japanese cultural activities, and exhibitions of classic Japanese arts, the organization has demonstrated its civic-mindedness and its desire to be a part of the locality, State, and Nation it serves so well, while also promoting an appreciation in California especially of the culture of another country.

On this 20th anniversary of the founding of the Bank of Tokyo of California, I know that Members of Congress will join me in wishing this institution continued growth and service to the people and industry of the State and Nation.

TRIBUTE TO ROBERT M. BALL

Mr. WILLIAMS. Mr. President, like many Americans, I was deeply disturbed by President Nixon's decision to accept Commissioner Robert M. Ball's pro forma resignation.

The action is particularly disconcerting, because the Social Security Administration is now faced with perhaps its most challenging and complicated mission: preparing for the administration of the landmark supplemental security income program and implementing the major reforms in H.R. 1.

The importance of this task cannot be understated. It cries out for administrative competence, social ingenuity of the highest order, and outstanding leadership qualities.

Bob Ball possesses these traits in abundant quantities. I can only hope that his successor—who ever he may be—will bring to this important office the same skill, dedication, and degree of commitment which characterize Bob Ball.

In my judgment, the Social Security Administration is one of the most efficiently administered—if not the most efficient—of all governmental agencies. There are, to be sure, some problems on occasions. But on the whole, the operation has been administered smoothly and effectively—in large part because of Bob Ball's skillful leadership and direction.

Each month this agency is responsible for assuring that social security checks are sent to over 28 million beneficiaries.

For the vast majority of older Americans, social security constitutes their economic mainstay. Almost two-thirds of retired workers and one-half of aged couples depend upon social security for more than 50 percent of their income.

Equally important, social security also helps to keep more than 12 million persons out of poverty. Without these benefits, millions of individuals would be forced onto the welfare rolls. Others would be required to depend upon relatives, many of whom would be financially hard-pressed to provide economic assistance. And without these payments, the great majority of social security beneficiaries would not even achieve a moderate standard of living.

Bob Ball has served the social security system with distinction since he first began his remarkable career as a grade 3 on a $1,620 year job as a field representative in 1939. He worked himself up quickly through the ranks, becoming Deputy Director of the Bureau of Old Age and Survivors Insurance in 1952. And in 1962 he became Commissioner of Social Security. He has been a superb public servant and has received numerous awards including:

The HEW Distinguished Service Award in 1954;

The National Civil Service League's Career Service Award in 1958;

The Rockefeller Public Service Award in 1961; and

The Arthur J. Altmeyer Award in 1968.

He will truly be missed, and I can only wish him well in his new endeavors. But, I also hope that he will continue to share his wisdom and perceptive counsel with appropriate congressional committees when social security and other related income maintenance issues are considered.

Several recent newspaper articles have paid special tribute to the outstanding qualities of Commissioner Robert Ball.

Mr. President, I commend these articles to my colleagues and ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Federal Times, Jan. 24, 1973]

ROBERT BALL LEAVING SOCIAL SECURITY POST

WASHINGTON.—The White House has accepted the resignation of Robert M. Ball, commissioner of Social Security.

Ball, who presided for more than a decade over the ever expanding activities of SSA, wished to stay on. But his pro forma resignation, submitted to President Nixon along with those of all other political appointees, was accepted.

In a letter to SSA employes Ball said that though he personally longed to be freed from the "pressures of a highly demanding administrative job . . . I would have felt obligated to stay on to help implement the important new legislation contained in H.R. 1 had the President felt that it was of crucial importance that I do so."

Ball revealed to SSA employes that despite the administration's drive to reduce federal employment, "we have approval for the increased staffing necessary to put the new legislation into effect so that your efforts can move forward at full speed."

He noted that it was "particularly difficult" for him to leave at this time "and not be part of these efforts."

His letter to Nixon contained a similar observation. Saying that even though his personal preference was to leave SSA, "I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1."

The recently enacted welfare reform amendments will federalize certain state welfare programs, change eligibility standards, and draw thousands of additional employes into SSA, mostly at the district and field levels.

Numerous SSA employes have expressed displeasure at Nixon's action because they regarded 58-year-old Ball as an able and just administrator.

Many congressmen, including Rep. Daniel J. Flood, D-Pa., are reportedly unhappy at Ball's ouster. Flood is chairman of HEW's appropriations committee.

A Capitol Hill source said: "It was unlikely that the Nixon administration would retain Ball. You've got to remember that Ball was an old-line, independent-minded administrator, not the type that could be a yes-man to anyone, or be controlled by the White House. The Nixon game plan is to appoint bureaucrats who can be directly controlled by the White House."

Ball also was highly regarded by senior citizen organizations across the nation. A spokesman for the National Council for Senior Citizens said it was "unfortunate" Ball was leaving. The spokesman said Ball "administered a complicated program with great devotion and was one of our most outstanding public servants."

An SSA spokesman said Ball plans to work privately on development of long-range policy in health insurance, welfare, social security, and the organization of government for dealing with social programs.

A federal career employe, Ball started in the ranks as a field assistant in a social security district office in New Jersey in 1939 at a salary of $1,620 a year. He devoted his entire career to social insurance.

Before President Kennedy appointed him SSA commissioner, 11 years ago, Ball served as deputy director of the former Bureau of Old Age Insurance.

He is a recipient of the Rockefeller Public Service Award "for distinguished service in the field of administration," and the National Civil Service League Award citing him as a top authority on social security and also for "his notable ability to lead and inspire those who work with him."

During 1947 and 1948, Ball was staff director of the Advisory Council on Social Security to the U.S. Senate Committee on Finance. In 1952, under the sponsorship of the National Planning Association, he wrote the study. "Pensions in the United States," which was published by the Joint Committee on the Economic Report of the Congress in 1953.

Born in 1914, Ball received his M.A. in economics in 1936 from Wesleyan University.

[From the Port Arthur News, Jan. 15, 1973]

WAS BALL DISMISSAL MISTAKE?

President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

Yet there is a strong counterargument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Scranton Times, Jan. 13, 1973]

NIXON MISTAKEN IN FIRING BALL

(By Bruce Biossat)

WASHINGTON.—President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

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The argument has undeniable plausibility. The woods are full of executives and administrators whose energies flag and whose imagination runs thin. Rigidity and complacency often set in all too quickly. Against this very real prospect, change—even systematic change—looks like a sound rule.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Here again, the contention has undoubted force. The corporate and government landscape is well dotted with figures whose long service in top posts is a consequence not of power but of demonstrated abilities maintained through markedly changing times.

Proponents of this point argue, incontestably, that to dispense with or shift such leadership from its proven realm is to waste human resources, to deprive a society of commanding individuals who serve its institutions as a keystone holds an arch together.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, an at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a great error in judgment.

[From the New York Times, Jan. 5, 1973]

SOCIAL SECURITY CHIEF IS BELIEVED OUT

WASHINGTON, January 4.—President Nixon plans to accept the resignations of Robert M. Ball, head of the Social Security System for a decade, and Phillip V. Sanchez, director of the Office of Economic Opportunity, Government sources said today.

Mr. Ball, it appeared is being pushed out of Government. However, there were indications that Mr. Sanchez will be promoted.

The removal of Mr. Ball, who heads both the retirement benefit and Medicare programs, will all but complete the removal of the entire top management staff of the health component of the Department of Health, Education and Welfare.

Announcement of the move, which is expected Friday, is believed likely to provoke bitterness among Social Security employees, who have considered themselves to be above partisan politics.

Informed sources have indicated that Mr. Sanchez, who has made many speeches praising the President for his initiatives for Mexican-Americans, is in line for promotion—perhaps to an ambassadorial post in Latin America.

His departure comes at a time when the poverty office is faced with serious morale problems, largely the result of the uncertainty of its continued existence under the President's government reorganization plan.

Mr. Ball has been an advocate of an expanded Federal role in welfare and health affairs, which the Administration is trying to de-emphasize in favor of more state control.

Mr. Ball and Mr. Sanchez are known to have requested that they be allowed to remain in their present posts.

Mr. Ball, who has spent his entire career in the Social Security Administration, joins a list of a dozen key agency officials who are leaving. His departure, however, is not expected to have any immediate impact on Federal health policy.

Mr. Sanchez, appointed in September, 1971, has been the fourth director of the poverty office since 1969. He succeeded Frank C. Carlucci, who moved to high posts at the Office of Management and Budget and has now been designated Under Secretary of H.E.W.

[From the Asheville Times, Jan. 6, 1973]

AN UNFORTUNATE NIXON FIRING

President Nixon's shakeup of the federal bureaucracy perhaps moved a step too far when he accepted the requested resignation of Robert Ball as head of the Social Security Administration. The word out of Washington hints that Ball, who worked his way up from the civil service ranks and was named Social Security Administrator by President

John F. Kennedy, had too many close contacts in Congress for the liking of the White House.

If so, it is a pity. Robert Ball served with considerable distinction as head of the vast Social Security Administration. He was one of the architects of Social Security's disability and Medicare provisions, and received the Rockefeller Public Service Award for the supervision of the vast social insurance program which now provides benefits to one of every nine Americans.

Ball can bow out with a very clear conscience. Knowledgeable observers in Washington rates the Social Security Administration as perhaps the best of all the federal agencies. There has never been a breath of scandal connected with it, and the experts hold that administratively it functions with a minimum of waste and lost motion. People who have had occasion to do business with regional Social Security offices can testify to the fine courtesy and efficiency of the staff members.

The nation owes a debt of thanks to Robert Ball. It's too bad that he had to fall victim to the Nixon pruning hook.

[From the Augusta Chronicle, Jan. 6, 1973]

BALL RESIGNATION CONFIRMED: "NEW DIRECTION" PLANNED IN SOCIAL SECURITY SETUP

WASHINGTON.—The White House confirmed Friday that Robert Ball is stepping out as Social Security administrator and promised "there will be new direction" of the vast social insurance system.

Press Secretary Ronald L. Ziegler said Nixon has accepted Ball's resignation "with appreciation for his services and contributions" in his decade as head of Social Security.

But he refused to say whether Ball. in submitting the pro forma resignation, had expressed a desire to continue a government career which dates from the New Deal days. "The commissioner is returning to private life . . . that's all I have to say," Ziegler responded when asked why Nixon is replacing him.

Ball's successor was not announced, but Ziegler said "there will be new direction" in operation of the system which provides benefits to one of every nine Americans.

Ziegler also announced the President has accepted "with deep regret" the resignation of Andrew E. Gibson as assistant secretary of Commerce for domestic and international business. Gibson previously served as maritime administrator. He will return to private life, Ziegler said.

He would not discuss the President's plans concerning Philip Sanchez, Office of Economic Opportunity director. Sanchez' resignation from the poverty-fighting post reportedly has been accepted by Nixon.

MILLS SAYS CONGRESS WILL NOT BUY POLITICALIZED SOCIAL SECURITY

WASHINGTON.—Congress never will allow the Social Security system to be politicalized, Rep. Wilbur D. Mills, D–Ark., said Friday.

Mills is chairman of the Ways and Means Committee which handles Social Security legislation. He commented in connection with the departure of Robert Ball as administrator of the system and the subsequent remark by White House Press Secretary Ronald Ziegler that "there will be new direction" in operation of the system.

"I hope that did not mean the administration wants to politicalize Social Security," Mills said. "I don't believe it does because they know in advance Congress would never permit it."

Mills described Ball as "a near genius in administration" and said "I will watch his successor very carefully."

[From the Washington Star, Jan. 5, 1973]

SOCIAL SECURITY CHIEF DROPPED, 33-YEAR VETERAN

(By Philip Shandler)

President Nixon has decided not to retain Social Security Commissioner Robert M. Ball in the second term. Ball's departure comes as the Social Security program is on the verge of what may be the biggest job ever for an agency with one of the most complex missions in government.

In a statement prepared to coincide with the impeding White House announcement, Ball, 58, said recent Social Security legislation was so significant "it can be said that the program has come of age." And he added: "It is particularly difficult for me to leave now and not be a part of these efforts."

The President was expected to announce soon, possibly today, that he has accepted the resignation of Ball, a 33-year federal careerist who for more than a decade has overseen unprecedented expansion of what is now the world's biggest retirement and insurance system.

PRAISE FROM MILLS

Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means Committee, which handles Social Security legislation, said it would be "hard to find an equal to Bob Ball," whom he called "a near genius."

Dialogues between Ball and Mills have been a familiar and instructive fixture of congressional activity for years. And Mills said he would be "watching carefully" the choice of a successor.

Social Security annuity increases, Medicare extensions and the first federalization of a welfare program—the so-called adult categories of state aid to the needy aged, blind and disabled—were voted by Congress in its last session.

This will require, Ball said, "at least as much effort and complexity for the Social Security Administration as the setting up of the Medicare program" of health insurance for the elderly eight years ago.

DEPUTY TO REMAIN

But he insisted that his resignation is a "mutually agreeable departure," and that he had "every confidence that the organization will perform well" under new direction.

There was no immediate explanation from the White House for letting Ball go, nor on a successor. His deputy, Arthur Hess—the only other political appointee at Social Security has not been told to go.

Ball said he would stay on until a successor takes over.

A spokesman for Sen. Russell Long, D-La., chairman of the Senate Finance Committee, said he hoped the White House "won't politicize the job."

This could happen, however, with what many see as a conservative mood clouding the prospect for further expansive social legislation from the Congress that convened this week, and thus minimize the need for a Social Security chief of Ball's expertise.

Ball, a native of New York, developed an interest in Social Security while a senior at Wesleyan University in 1935, from a professor who was a consultant on the newly created program.

In 1939, he took a $1,620 job as a field representative, became a protege of Wilbur J. Cohen, and rose to become deputy director of the Bureau of Old Age and Survivors Insurance in 1954.

Cohen was named secretary of the Department of Health, Education and Welfare—Social Security's parent agency—by President John F. Kennedy, and Ball was promoted to head the Social Security program in 1962.

"SUPERB ADMINISTRATOR"

"A simply superb administrator," Cohen was quoted as describing Ball in a profile a few years ago.

At the same time, Ball was described by an anti-poverty worker as "my favorite bureaucrat . . . This guy really cares."

A husky six-footer with a quiet voice, Ball seemed at congressional hearings to have an inexhaustible supply of facts and patience.

In recent years, he has received top awards for service from both the government and the private sector.

In an interview, Ball said there was "very little different" he would like to have seen develop in his field legislatively.

"We've got about all one can say grace for now," he said.

When he leaves, Ball intends to write a book—"doesn't everyone?"—he said. It will deal with "the tendency in some quarters to see Social Security as just another government program."

[From the New York Times, Jan. 8, 1973]

DEFENDER OF THE AGED

In his decade as Social Security Commissioner, Robert M. Ball has demonstrated both administrative competence and social imagination of a high order. He came into the vast Federal insurance program for protection of the aged and disabled not long after its establishment in 1937. His subsequent career entitles him to rank alongside the late Arthur J. Altmeyer, the first head of the Social Security system, as an official who knew how to translate dreams into an efficient, corruption-free program.

The distinction of Mr. Ball's service makes it difficult to understand President Nixon's decision to speed his departure from Government just when massive new administrative problems are about to descend on the system in connection with the Social Security changes voted by Congress last year. We share the hope voiced by Chairman Mills of the House Ways and Means Committee that the dropping of Mr. Ball does not signify an Administration desire to "politicalize" Social Security. Perhaps his greatest contribution was keeping that multi-billion-dollar program totally free from any taint of politics.

KIDNEY DISEASE

Mr. HARTKE. Mr. President, recently there has been some discussion in the press about the costs of the Hartke-Long kidney disease amendment to H.R. 1 which was passed by the Senate and accepted in House-Senate conference late last year.

The distinguished Senator from Louisiana (Mr. LONG) and I sponsored this lifesaving proposal because hundreds of Americans were dying each year despite the fact that there exists the technology to keep them alive as productive citizens. We saw no reason to let a person's ability to pay be the sole determinant of whether he lives or dies.

Ours was not a proposal made in haste. For the past 5 years, I had offered similar legislation. Several States, including my own State of Indiana, enacted lifesaving programs of their own. We have the experience of these programs and countless studies over the past several years.

The distinguished members of the House-Senate conference committee did not act in ignorance. They had cost estimates supplied by the administration—cost estimates which I believe were far sounder than some of the wild projections now being offered.

Mr. President, I ask unanimous consent that a statement of the National

Kidney Foundation, which supports my contention as to the need for and reasonableness of the Hartke-Long amendment, and three relevant newspaper articles on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWARD J. MITCHELL, EXECUTIVE DIRECTOR, PRESS CONFERENCE—WEDNESDAY, JANUARY 17, 1973

On January 11, 1973, a front page story appeared in The New York Times headlined, "Program to Aid Kidney Victims Faces Millions in Excess Costs".

The story suggests that, under the provisions of H.R. 1, the Social Security Amendment enacted into legislation by Congress and the President, the Federal Government in the 1980's will have to spend as much as one billion dollars a year to save the lives of some 5,000 Americans each year who suffer from kidney disease. A subsequent editorial in The New York Times on Sunday, January 14, 1973, headlined "Medicarelessness", goes on to fault the Congress for blundering into a poorly understood provision for kidney care, and suggests that "if a billion dollars has to go to prolonging the lives of thousands of kidney disease victims, that is a billion dollars that cannot go to eradicating slums, improving education, or finding a cure for cancer".

The National Kidney Foundation finds these two articles to be both misleading to the public and threatening to the cause of future national health care programs. They offer data which is incorrect, omit much pertinent data, and pose an editorial stance which we believe is counter to the wishes of the American people.

We will first address ourselves to the faulty data on which both articles are based. All surveys as to the incidence of end-stage kidney disease suggest a conservative estimate of 13,000 new patients each year in the United States who are candidates for the therapies of dialysis and transplantation, not 5,000 as the Times article states. In other words, over a period of ten years there would be approximately 130,000 individuals who might have benefited from the therapies of dialysis or transplantation.

Secondly, it is alleged by The New York Times that treatment for these kidney patients will cost one billion dollars per year by the 1980's; yet the Social Security Administration, in its actuarial estimates provided to the House-Senate conferees on H.R. 1, projected a cost of $55 million in 1973; $102 million in 1974; $158 million in 1975; $198 million in 1976; and $252 million in 1977. These projections extend only to five years for several reasons:

The state of the art of kidney treatment is in constant flux. For example, in the last five years, in spite of the sky-rocketing inflation rate of medical care, the cost of artificial kidney treatment has decreased. Since 1961 it has, in fact, decreased 65%.

The same is true in the therapy of transplantation, for the Gottschalk Report in 1967 indicated that the cost of a kidney transplant was anywhere from $20,000 to $40,000. According to Dr. Samuel Kountz, Professor and Chairman of the Department of Surgery at Downstate Medical Center, the cost of kidney transplantation now averages $13,300, which reflects a minimum decrease of 33% since the mid 1960's.

Considering these factors, along with the constant technological improvements made in both therapies, we cannot help but believe that with each succeeding year, artificial kidney treatment and transplantation will become less expensive. Furthermore, transplantation, a therapy totally omitted from the original article, is constantly being improved. With the increasing availability of cadaver kidneys for transplant, and with new breakthroughs in immunosuppressant therapy that will prevent organ rejection, more kidney patients will be transplanted thereby eliminating the need for artificial kidney treatment for those end-stage kidney patients, and therefore spiralling the cost of the total program downward.

We suggest that new modalities of treatment over the next ten years could well continue to reduce both the cost of kidney treatment and the total patient load.

We will next address ourselves to the accusation by The Times of "carelessness" on the part of the Congress of the United States in enacting this kidney legislation.

During the last 5 years, the American people have made their feelings known to their representatives in Congress concerning catastrophic illness. Congress, in enacting the present legislation, has in fact drawn upon a broad field of experience in the states: 42 states at the present time have kidney disease legislation; within the last five years there have been over 100 bills separately introduced by members of Congress, demonstrating wide interest and recognition of this problem; Vocational Rehabilitation Programs have had lengthy experience in the kidney area in over 20 states; the need for catastrophic illness coverage for kidney disease victims has been recognized, among others, by Senators Long and Kennedy and by Congressman Mills who proposed the Mills Bill which involved catastrophic insurance specifically for patients with end-stage kidney disease.

In addition, the Bureau of the Budget in 1968 convened the Gottschalk Committee specifically to study the problem of kidney disease. The Department of Health, Education and Welfare in the so-called Burton Report made an exhaustive study of the kidney disease problem. Shortly thereafter Health, Education and Welfare retained Arthur D. Little to do a study and they presented a two volume report.

We therefore have confidence that a responsible and well-informed Congress has been mandated by its constituents to save the lives of thousands of kidney disease victims who might otherwise die.

As the national home and spokesman for the kidney cause, the National Kidney Foundation is most concerned with the moral questions that the original article and the editorial position of the New York Times have raised.

First, the article clearly suggests that there is a definitive price tag on human life; but at what point is anyone to say that the cost of saving even one life is too great?

Secondly, kidney disease has become a model for other disease categories in terms of national health care. It is a disease that is manageable: people can be fully rehabilitated to lead useful and productive lives. Unfortunately, these therapies that might keep them alive are too extensive for the average citizen to afford. 6,000 people die each year solely for the lack of funds to purchase treatment.

The National Kidney Foundation believes that the cost of the therapy cannot and must not determine who shall live and who shall die.

Furthermore, our Government now subsidizes transportation systems, private industry, agriculture, defense systems, space exploration, and other national needs. We feel, as did the Congress and the President in passing this important legislation, that the delivery of catastrophic health care is also the responsibility of Government.

Additionally, we cite the millions of dollars now being spent for research to find cures in all disease categories and we question the purpose of this research if, when a life saving treatment for any disease is found, it is too expensive for the individual to purchase.

Dr. Lewis Thomas, Dean of the Yale University School of Medicine, discusses the problem in an article in the "Saturday Review," December 23, 1972. He cites the therapies of dialysis and organ transplantation as examples of stop-gap measures necessary before cures for disease are found.

He says,

"It is characteristic of this kind of technology that it costs an enormous amount of money."

He continues,

"I do not see that anyone has much choice. We are obliged to adopt any new technology that will benefit patients with otherwise untreatable diseases, even when only a very small percentage will be benefited and even when the cost is very high. We cannot, like other industries, withhold a technology from the market place because it costs too much money or benefits too small a percentage of patients."

The National Kidney Foundation agrees with *The New York Times* that government resources must be allocated to improve the quality of life for American people. Eradication of slum conditions, the improvement of education, the improvement of the environment are all important concerns. We must remind *The Times*, however, that the monies allocated in the Social Security Amendment will in no way affect those important programs, for Social Security funds are spent to aid the aged, the infirm, and the disabled. To imply that funding for kidney disease victims is, in effect, robbing Peter to pay Paul is a faulty analysis.

In summation, the National Kidney Foundation reaffirms its praise of the Congress for having the courage to pledge the fruits of medical technology to every American citizen, regardless of his ability to pay for it.

We commend our national leaders for recognizing the high priority that the American people place on human life.

[From the New York Times, Jan. 11, 1973]

PROGRAM TO AID KIDNEY VICTIMS FACES MILLIONS IN EXCESS COSTS

(By Richard D. Lyons)

WASHINGTON, Jan. 10.—Congress and the White House may have to decide whether the lives of 5,000 Americans are worth Federal outlays of $1-billion a year.

This profound ethical question may eventually arise because of a series of events here last year that only recently came to light.

Hundreds of million of dollars a year in excess costs are likely because of an underestimation of long-range outlays for an obscure provision of a law enacted last fall with almost no Congressional opposition or debate.

The alternative to the outlays, which now are estimated to be $1-billion annually in the nineteen-eighties, might well be the deaths each year of as many as 5,000 Americans suffering from acute kidney disease.

At issue are cost estimates for a provision of H.R. 1, the omnibus Social Security bill, which was among the many bills passed on the eve of Congressional adjournment last October.

As signed into law by President Nixon, the provisions, starting in July, will offer partial financial coverage under the Medicare program for the often very high cost of treating some kidney diseases, which strike more than 50,000 Americans yearly. Virtually every American is eligible for coverage, even those under 65.

But the eventual cost was apparently unknown to many of the Congressmen who passed the measure 61 to 9 in the Senate and 305 to 1 in the House.

Original cost estimates ranged from $35-million to $75-million in the first fiscal year of operation. The debate record in both houses shows that the highest estimate was $250-million in the fourth year.

Yet calculations made by Federal experts after passage set first-year costs at $135-

million, rising to $1-billion annually a decade from now. Some experts believe that even these may be conservative.

"We in Congress had no idea that costs would be anywhere near that large," said Representative Paul G. Rogers, Democrat of Florida, who voted for the bill.

A spokesman for Senator Quentin N. Burdick, the North Dakota Democrat who co-sponsored the key amendment that put the kidney coverage in the bill, said "he never would have gone on the amendment had he known that it was going to cost that much."

BENNETT NOT SURPRISED

Senator Wallace F. Bennett, Republican of Utah, the only legislator who spoke out against the kidney provision when it was introduced, said today, "I can't say I'm surprised. Congress is always passing bills without good long-range cost estimates."

But two Democratic co-sponsors of the amendment, Senator Russell B. Long of Louisiana and Lawton Chiles of Florida, said that they had been fully aware of the costs and had backed the plan anyway because, as Mr. Chiles put it, "It's better than having people die needlessly."

The comment points to questions beyond the bare economic issues such as: How does a nation balance its tax money against the lives of its citizens, and, How could Congress possibly repeal a law and by doing so knowingly let people die?

Additionally, the aftershocks of kidney benefit costs may significantly affect future health legislation. The outlays may deter Congressmen from voting similar benefits for sufferers of other costly diseases such as muscular dystrophy and hemophilia. Also, the financial impact could spur enactment of a broad national health insurance program.

A reconstruction of the case is possible through discussions with officials at the Department of Health, Education and Welfare, Congressional aides and Congressmen, plus a series of confidential cost estimate documents.

The key amendment to include the kidney disease provision was introduced on the Senate floor on Sept. 30 by Senator Vance Hartke, Democrat of Indiana. The co-sponsors were Senators Long, Burdick, Chiles, and Robert Dole, Republician of Kansas.

Mr. Dole said at the time, "I have lived quite well for the past 25 years with only one [kindey] . . . and have a rather close-at-hand appreciation of the dangers and burdens of kidney disease and injury."

WHAT LAW PROVIDES

The amendment, now law, extended Medicare's financial benefits to anyone insured under the program, stating:

"Medicare eligibility on the basis of chronic kidney failure shall begin with the third month after the month in which a course of renal dialysis is initiated and would end with the 12th month after the month in which the person has a renal transplant or such course of dialysis is terminated."

In a speech on the floor, Mr. Hartke said:

"Final cost estimates for this vital amendment are now being worked out. Preliminary estimates indicate an annual cost of approximately $250-million at the end of four years, with the first full-year cost at about $75-million."

In response to a question about the financial estimates, a spokesman in Mr. Hartke's office said yesterday that the Senator had obtained the data "from the Bureau of Health Insurance in the Social Security Administration."

Here there is some variance. Gordon Trapnell, director of health insurance studies for the Social Security actuary, insisted yesterday that higher estimates had been arrived at in his office.

David R. McKusick, an aide to Mr. Trapnell, said, "The 1985 cost that we have projected would be well above $1-billion." He added that the higher estimates had been known to members of a Congressional conference committee that met in October to resolve House and Senate versions of H.R. 1.

ESTIMATE IS RAISED

After passage, H.E.W. announced that the first-year cost, that is the fiscal year 1974, would be $125-million. This has since been raised to $135-million.

This prompted Dr. Ronald M. Klar, a special assistant for health policy development in H.E.W., to state in a Nov. 27 memorandum:

"Because of the extensive public and political concern about chronic renal disease, much attention has been devoted to Section 299 I. Included in most of these reports has been the mention of $125-million as the annual cost of treatment benefits. Unfortunately, I am satisfied that this statement is inaccurate and misleading.

"The $125-million figure comes from the Senate Finance Committee report projecting the first year costs. The error is not with the amount itself, but with the probable assumption that the costs would remain at about this level for subsequent years except for price changes. Clearly, this is not the case"

MEMO 18 PAGES LONG

The 18-page memo, which contains 12 pages of data, concluded that the cost in the 10th year would be $954-million.

The difference is partly explained by the accumulation over a period of years of the costs for treatment of persons who otherwise would have died. Thus, Federal outlays would pay not only for treatment of people newly developing acute kidney disease but also for treatment of those whose lives had been prolonged.

According to Dr. Klar, costs of dialysis range from $5,000 to $31,000 a year. Dialysis is the cleansing by machine from the blood of impurities that failing kidneys are unable to remove. If they are not removed, the body in effect poisons itself. A few persons whose kidneys failed 13 years ago are still being kept alive by dialysis treatments.

In discussing the moral and financial questions surrounding the kidney provisions, Scott Flemming, Deputy Assistant Secretary of H.E.W. for health policy development, said, "Our society has to address itself to the question of the devotion of resources to the prolongation of life."

[From the New York Times, Jan. 14, 1973]

Medicarelessness

Congress, which voted last year to extend Medicare benefits to patients needing renal dialysis or kidney transplants, is learning to its dismay that in roughly a decade this provision may require annual expenditures of a billion dollars. Even so knowledgeable a Congressional specialist on health problems as Representative Paul G. Rogers of Florida has admitted publicly that "we in Congress had no idea that costs would be anywhere near that large."

This belated discovery is reminiscent of an earlier chapter in the growing history of Congressional fumbling with health matters. Much sad experience since the mid-1960's has revealed that the Congress who originally enacted Medicare and Medicaid had little understanding of the huge fiscal and other consequences that would flow from their action. One might have thought that these blunders might have encouraged caution, but now the record shows otherwise.

The point is not that vcitims of renal disease are unworthy of help, but that Government resources have to be allocated to meeting many needs. If a billion dollars has to go to prolonging the lives of thousands of kidney disease victims, that is a billion dollars that cannot go to eradicating slums, improving education or finding a cure for cancer. In a period when Congress is rightly fighting to protect the constitutional powers against White House usurpation, society has a right to expect that the legislators will understand what they are doing and know the magnitude of the commitment they are making when they pass special interest legislation, whether for kidney disease sufferers or anybody else.

[From the New York Times, Jan. 18, 1973]

Kidney Foundation Criticizes Articles on Care Costs

(By Lawrence K. Altman)

Officials of the National Kidney Foundation disputed yesterday a recent article and editorial in The New York Times that cited Federal reports that had projected annual costs of $1-billion in the nineteen-eighties to treat 5,000 patients who would otherwise die of terminal kidney diseases.

The officials said that because of the many variables that existed, they could not give a specific figure beyond a Social Security Administration estimate of $252-million in 1977.

"We don't know" what the figure will be, Dr. George E. Schreiner, a kidney expert at Georgetown University Medical School in Washington and one of the foundation representatives, said.

The Times article quoted Congressional leaders of both parties and Administration officials as saying in interviews that the original estimates of the costs of the plan were far too low and that the price tag would rise.

But kidney foundation officials contended in a news conference at the Americana Hotel here that if the cost did reach $1-billion next decade, it would be for more than 5,000 patients each year. The foundation said that "a conservative estimate" would be 13,000 new patients each year, and that over a period of 10 years 130,000 individuals might benefit from medical and surgical treatment of terminal kidney disease.

Further, the officials said, Congress acted not hastily but after careful consideration of expert testimony given over five years when last October it passed an amendment to H.R. 1 providing payments through the Social Security Administration for patients suffering from kidney disease.

Dr. Schreiner said that the experts were "pretty sure" that expenditures for such kidney treatments would not be "all that bankrupting to the economy, because Sweden, Norway, Denmark, Australia, Switzerland and Great Britain have been able to deliver this for all their populations without grossly upsetting their economy."

Calling the data in the article in The Times "misleading" and "threatening" to the cause of future national health care programs," the officials said that they were most concerned about the concept involved because they considered the legislation a model for other disorders that might be covered by catastrophic health insurance.

"The more money that is spent, the more lives that will be saved," Dr. Schreiner said. He added, "That's the focus, not some magic dollar figure."

Even if the costs reached $1-billion, which Dr. Schreiner disputed, he said "it would be a remarkably successful program, because thousands of people would be rehabilitated and returned to their homes and their work."

SPECIAL INTEREST GROUP

Some patients would live to become taxpayers again, Dr. E. Lovell Becker of Cornell University Medical College here said. Dr. Becker is president of the kidney foundation, a privately supported organization.

Dr. Schreiner said "if you're going to define the rehabilitation of dying people that could be put back to work as a special interest, then the kidney foundation is very much a special interest [group.]."

The foundation experts criticized as unsophisticated a report by Dr. Ronald Klar, a special assistant for health policy development in the Department of Health, Education and Welfare, who projected in an 18-page report that costs of end-stage kidney disease treatments would reach $954 million in a decade.

His report is "very old and doesn't consider" a host of factors that kidney experts hope will reduce the costs of treatments with the artificial kidney machine in the next few years, Dr. Schreiner said.

Success with more kidney transplant operations and technologic advances in the artificial kidney machine are among the factors that Dr. Schreiner said could reduce costs.

He said that the costs of kidney machine or dialysis treatments were not $200,000 per year per person as he interpreted the article in The Times to state. Costs range from $5,000 for home dialysis programs to $30,000 or more for those in some hospitals, he said.

Dr. Schreiner said, "It's not a matter of people spending nothing or something for kidney disease. The costs of dying from uremia [the physiologic condition resulting from terminal kidney failure] in hospitals today are very high."

Reflecting on his 25 years of experience as a kidney expert and the period until about 13 years ago when he and other nephrologists could do nothing but watch a patient die of terminal kidney disease, Dr. Schreiner went on:

"Patients who do not get treatment may have as many as six or eight prolonged hospital admissions during their last year of life. A tremendous amount of money is spent to die in uremia, and it also takes a tremendous use of medical resources."

The panel at the news conference, which also included Dr. Ira Greifer of Albert Einstein College of Medicine, did not dispute charges that excessive profits were made by doctors in some kidney dialysis centers, Dr. Schreiner said.

"We have no argument that Social Security should administer the act correctly. Costs are controllable."

The foundation also criticized a New York Times editorial, "Medicarelessness," published last Sunday that said the billion dollars for kidney therapies was a billion that could not go to eradicating slums, improving education or finding a cure for cancer.

The foundation contended that the funds were from Social Security, a Federal form of insurance, and not from general tax revenues.

"To imply that funding for kidney disease victims is, in effect, robbing Peter to pay Paul is faulty analysis," the foundation said in a prepared statement.

THE 55TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. BEALL. Mr. President, on January 22, free men around the world again marked the solemn occasion of the 55th anniversary of Ukrainian independence. Unfortunately, this moment could not be publicly celebrated by the 47 million Ukrainians who now live under the yoke of Soviet suppression.

I join with my many colleagues today in tribute to the Ukrainian people whose untiring struggle for freedom and dignity has not waned in the face of tyranny. It is my deep hope that these goals will one day be realized, and that the people of the Ukraine can once again enjoy the fundamental human rights that are the foundation of our world civilization.

IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in my remarks yesterday on the Genocide Convention I noted that the parties which ratify the treaty agree to punish persons who are guilty of genocide, irrespective of their status. This morning I would like to address the issue of implementing legislation for these and other provisions of the convention.

The International Convention on the Prevention and Punishment of the Crime of Genocide is not self-executing. Article V of this document states clearly that—

> The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III (i.e., Genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, the attempt to commit genocide, and complicity in genocide).

Thus, when the United States ratifies the Genocide Convention, it will also be necessary to pass legislation authorizing the execution of its provisions. Any such legislation must be in full accord with the provisions of the Constitution which guarantees due process under law, protects the individual liberties of the Bill of Rights, and prohibits cruel and unusual punishment.

For this reason we may be assured that ratification of the Genocide will not fulfill the fears of its critics. Our national sovereignty will not be overthrown nor will our Constitution and individudal rights be usurped. Indeed, the Senate Foreign Relations Committee—Ex. Report 92–6—regards Senate approval of the convention as the first step in a two-step procedure. That committee attaches equal importance to the second step: Enactment of the implementing legislation. It is expected that the draft of this legislation will be considered in accordance with the regular legislative procedures and will be helpful in the consideration of the treaty as an indication of how domestic law might be shaped to fulfill our treaty obligations.

The Constitution of the United States clearly authorizes the Congress to enact laws making genocide a crime even if the convention were not approved. This power is granted in article I, section 8, clause 10, of the Constitution:

> The Congress shall have the Power. . . . To Define and Punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations. . . ,

The Genocide Convention cannot and will not supersede or set aside the Constitution of the United States. Implementing legislation for the treaty cannot authorize what the Constitution prohibits, and article V of the convention clearly states that an individual nation's implementation of its provisions is to be made in accordance with the constitution of that nation.

Mr. President, I urge the Senate of the United States to delay no longer in the consideration of this important document of international concern.

PRESIDENT LYNDON B. JOHNSON—IN MEMORIAM

Mr. BIBLE. Mr. President, like all Americans, the people of Nevada were greatly saddened by the death of former President Johnson. Over the years, he visited our State a number of times, and the people of Nevada developed a special affection for him. This high regard is reflected in the tributes paid to President Johnson in the Nevada press following his death, and I ask unanimous consent that the following articles and editorials paying final tribute to him be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nevada State Journal,
Jan. 23, 1973]

THE RISE AND FALL OF LYNDON JOHNSON

The wire services reported Monday that former President Lyndon Baines Johnson died of an apparent heart attack, but his death must have been hastened by a broken heart.

Few American presidents have come into office with greater promise, enjoyed greater initial popularity, accomplished more with their Congressional programs, and then fallen so low in popularity.

His standing with the people was ruined by the nation's impossible position in the Vietnam War.

When he ran for election, a year after he had succeeded to the Presidency, he made the mistake of basing his campaign on what was fundamentally a peace program. At least the voters believed this and he rolled up the greatest vote majority of any presidential candidate in U.S. history.

Once returned to office, apparently on the counsel of his military advisers, he made a command decision to expand the military effort in Vietnam.

The consequences record his political downfall. There was no limit to how much military effort could be expended without productive results. A settlement remained as illusive as ever. The gamble failed, and Johnson lost popularity rapidly.

Always keen and analytical in a political situation, he appraised his position objectively, and decided not to seek re-election in 1968. He withdrew in the interests of national unity, showing his immense sense of political responsibility.

The final turn of fate was grossly unfair and unfortunate for him personally for he had been a powerful political figure—one of the all-time great leaders in Congress who was probably as knowledgeable about how government really works as any man ever elected President.

Johnson began his career with a marvelous personal mix for a future politician. He appeared to come from modest circumstances, but from the start he had and used extremely influential connections.

With a background of education in a teachers college where he worked as a janitor to get through school, and then two years of teaching plus his natural Texas style, he was disarmingly homespun.

But Johnson's wife was wealthy, and he himself attracted the top politicians in the nation as his own political sponsors from the start.

House Speaker Sam Rayburn took a liking to him, and got President Roosevelt to appoint him as director of the National Youth Administration for Texas, and to take a continuing interest in his political future.

The administrative job set the stage for Johnson to get into the U.S. House at a young age where he served for 10 years before being elected to the Senate.

Along the way he developed an interesting formula for political success. He faithfully supported the economic interests of his major backers in Texas, which made him appear a strong conservative. But he voted liberal in every area not directly linked to his economic base at home, gaining liberal support for his career from many quarters.

In the Senate Johnson quickly became nationally known to ordinary citizens. He became minority leader, then majority leader, and probably demonstrated more practical legislative ability than any other Senator of this century.

A smart, shrewd, complex man, he was a superb strategist. He ran the Senate with an iron hand arousing resentment from his critics and admiration from his supporters.

As President, he made these skills pay off with Congress. He got through Congress the most sweeping civil rights bill since Reconstruction days.

He also got passed the Medicare-Social Security bill, a voting rights act that enfranchised millions of blacks, and got Social Security benefits brought up to date.

Despite all this he was rejected by a people frustrated over the Vietnam War.

In the end, he must have been a good enough judge of history to realize that ultimately, when the Southeast Asian War is seen in perspective, he will be regarded as one of the better American presidents.

Even so, this may have been little solace to a political leader as sensitive as Lyndon Johnson, who must have died feeling rejected by the people he gave his whole life's effort to serve.

[From the Reno (Nev.) Evening Gazette, Jan. 23, 1973]

He Will Endure

A person is allowed a mistake or two in almost any occupation.

Not so in the presidency, though, where a wrong judgment is apt to spell disaster for the country and damage a distinguished political career.

So it was with Lyndon Johnson, or so it seems at the present. He had made few errors in his climb to the top, but as President, his luck ran bad.

Dealing with an inherited war, he opted to end it quickly through escalation. It was a point of view strongly advocated at the time by many sound minds both Republican and Democrat.

When it failed and the nation was drawn deep into a long and bitter war, it was the President who bore the blame. That was the end of Johnson in the White House and in politics. He had not bowed out of the office, it is likely that the voters would have chased him out.

Among those who now rage against our role in the war, he is still the villain. Nor, until the conflict is just a distant memory will this be likely to change.

Time, though, will almost certainly treat Johnson more kindly. There were too many accomplishments in his time, too many laudable aspects of the tall, soft-voiced Texan's character to remain obscured by the shadow of his disaster.

There was the phenomenal career in public service—a long and consistent story of skill in the art of politics and well-earned progress through the ranks of party and office to the presidency.

And, there was the fundamental outlook on life, at least as important to his fortunes as were his considerable ambition and ability.

Nearly all who knew Johnson praise him as a man of great personal warmth. His concern for people, particularly the poor and the oppressed, was genuine, they say.

It is reflected in his many speeches and his legislative works promoting the cause of civil rights. And it is apparent in his Great Society program which, even if less than successful, was a sincere effort to improve the lot of the poor, the outcast and the aged.

With the former President's death, his failures will eventually recede into memory as the nation reflects on the man's many strengths.

Most of us will grieve the loss of a great American and a friend to man.

[From the Reno (Nev.) Evening Gazette, Jan. 26, 1973]

They Shared Common Goal

Last spring former President Lyndon Johnson wrote to a Sparks man and advised they both must give up heart attacks.

Howard W. Pickering of Sparks had read about one of Johnson's attacks, then suffered a mild one himself.

He wrote to Johnson in Texas and said his wife, Virginia, told him, "I just wish that President Johnson would get well and stop having heart attacks. When he has one, you have one." Pickering wrote, "Mr. Johnson, please get well and stop having heart attacks. It's killing me."

Johnson replied on May 2.

"Despite the gravity of the content, that letter was so well written that it gave me a chuckle or two . . . and I did appreciate it. I assure you that I will concentrate very hard on taking care of us both.

"There are so many wonderful reasons for living that we just must give up these heart attacks."

Pickering said today he didn't want to make the letter public while Johnson was still alive.

Johnson's funeral was Thursday.

[From the Boulder City (Nev.) News, Jan. 25, 1973]

Garrett Tells Memories of Johnson

The death of Lyndon B. Johnson, 36th president of the United States, will be mourned by many Southern Nevadans who will remember his first appearance in Nevada in 1954 at which time he established himself as a man "of the people" in the minds of those who heard him and met him as the principle speaker at the Democratic state convention, according to Elton M. Garrett, of the convention committee.

Johnson, then democratic leader of the Senate, in his speech in the Silver Slipper banquet room, read a lengthy telegram which had been sent to President Dwight Eisenhower by himself and Speaker Sam Rayburn of the House of Representatives, in which they pledged the president there would be no opposition in congress to the president's programs purely for the sake of partisan politics when during the election of senators and congressmen the democrats "took over" control of congress.

"This was a memorable part of the then senator's speech," said Garrett, "and when he was afterward asked for a copy of the telegram he handed it over immediately for reference use in Southern Nevada. He impressed many at that time as being presidential calibre."

The state convention was held in the then new high school gymnasium in Boulder City, climaxed with the dinner in Las Vegas featuring Senator Johnson as the speaker.

[From the Nevada State Journal]

Nevada Leaders Hail Johnson as Great Man

Both Democratic and Republican leaders throughout Nevada hailed former President Johnson as one of the great men of this century and a great American.

Sen. Alan Bible, D-Nev., said Lyndon Johnson was "one of the ablest men I have ever known, and I will cherish the memory of our close friendship which spans more than two decades.

"He was a truly remarkable man who devoted his entire life to serving America," said Bible. "His accomplishments in the Congress and later as President will stand as a lasting tribute to his leadership and vision."

Sen. Howard Cannon, D-Nev., said, "This remarkable man was one of America's most outstanding Presidents and has been a tremendous force in the U.S. Senate for more than a decade. The tragedy of Vietnam overshadowed in public view his many and great accomplishments in the domestic field, but I am convinced history will judge him as having acted with forthrightness and courage in fulfilling our international obligation."

Gov. Mike O'Callaghan, who worked under Johnson in the Job Corp and as western regional director for the office of emergency planning said Johnson's administration "resulted in passage of domestic legislation unequalled in history for its humanitarian concern."

"He was great to work for, as you never had to worry about his personal loyalty," said O'Callaghan.

Former Gov. Paul Laxalt, a Republican who was governor during part of Johnson's administration said he was saddened by the news of the death. He said "history will record that Lyndon Johnson was a very misunderstood President. He was vilified for problems he did not create. As a result he did not receive credit for many social reforms. In my book, he did a good job."

Atty. Gen. Robert List said Johnson will go down as "one of the most effective public servants of this century."

List, a Republican said, "because of his relatively young age, his death comes not only as a shock but also as a reminder of the tremendous physical drain which the responsibilities of the presidency bring."

Former Gov. Grant Sawyer said although foreign problems, particularly Vietnam somewhat clouded the magnitude of the impact of the Johnson presidential years, history will show that Johnson years produced more dynamic and progressive legislation than any other similar period.

"Time will prove Lyndon Johnson as one of the truly great men in the history of this country," Sawyer, now a Las Vegas lawyer said.

Robert Faise, a Las Vegas attorney and former staff assistant to Johnson said "This was a loss for free men everywhere. His life was dedicated to his country and to the ideals of democracy and equality of mankind.

"He was often misunderstood, but I am confident history will vindicate the decisions he made for America and prove him to be one of our greatest men."

Phil Carlin, state Democratic party chairman said the nation has suffered a great loss.

Robert L. McDonald, a prominent Reno attorney and deputy coordinator of Johnson's 1964 election campaign in Nevada, was stunned by word of the former President's death.

"I'm just sick," McDonald said. "I knew him well and he was one of the greatest guys in the world. His death is a great loss to the nation."

McDonald, like the nation, had thought Johnson was recovering well from last year's serious coronary problems. But after an initial shock subsided he praised the Texan in carefully chosen words.

"I think he will be compared with Harry Truman, who was treated so badly by the press for a number of years," McDonald said. "He will go down in history as a great president."

[From the Nevada State Journal]

Sweeping Away—The Cobbwebs

(By Ty Cobb)

Among the Reno people with personal memories of the late President Lyndon B. Johnson is Mrs. Toska Slater, who will be 96 next month.

Mrs. Slater owned a parcel of land near

the University of Nevada, where the interstate freeway was *"some day"* planned to run through. When the rights-of-way for the highway were being obtained, there was pressure on Mrs. Slater to sell her home and adjacent land.

Which she did.

However, she was reluctant to move out of her home of many years. "I wrote a letter to Mr. Johnson, telling him that the home had been sold and the neighbors had moved out—but that there was no sign of any highway being built," recalls Mrs. Slater.

"I got a letter back *so fast!* Mr. Johnson wrote it on White House paper. He told me that it was not a federal matter now, but if there was no sign of the highway being built right away, they'd see what could be done."

The upshot of the exchange of letters: They gave Mrs. Slater a lease on the home she had already sold, and she got to live there six more years.

[From the Las Vegas (Nev.) Sun, Jan. 23, 1973]

NEVADANS SHOCKED BY DEATH: STATE LEADERS PRAISE L. B. J.

The death of former President Lyndon Baines Johnson, Monday came as a shock to political leaders of Southern Nevada. It was a personal loss for men who knew him while he was a senator, a vice president and then the chief executive of our nation.

Johnson's most memorable visit to Las Vegas was a hoopla-filled Oct. 11, 1964, in the middle of one of the hardest-fought presidential elections of the century.

Three thousand Nevadans greeted him at McCarran International Airport; another 9,000 heard his words in the Las Vegas Convention Center.

Uncounted thousands lined the route between hoping for a glimpse of the man hurled into the presidency a year before by the impact of an assassin's bullet.

The President later remembered a warm welcome from Nevada's political leaders, but Nevadans themselves recall a visit from a president who repeatedly broke the ranks of his own Secret Servicemen to increase his contact with the public—physical contact, in the case of two Basic High School majorettes, who he greeted with hugs.

His speech thanked Nevadans for supporting his administration by giving it two Democratic Senators in 1960 while his own home state of Texas had provided him only one ally.

The Las Vegas speech primarily urged Nevadans to reelect Sen. Howard Cannon and promised a continuation of the policies began by the man he suceeded, President John F. Kennedy.

From here he continued to Reno, where he attached to his opponent, Sen. Barry Goldwater of Arizona, a label that was to stick: "A man running against the office of president instead of for it."

Johnson also visited Las Vegas in 1962, while vice president, and participated in a political rally. He was on his way to San Francisco to address the first group of volunteers for the Peace Corps.

He had also visited Las Vegas several times during his years as a Senator.

Both Democratic and Republican leaders hailed President Johnson as one of the great men of this century.

[From the Las Vegas (Nev.) Voice, Jan. 25, 1973]

NATION MOURNS L. B. J. DEATH

Lyndon Baines Johnson, 64—the 36th President of the United States died of an apparent heart attack Monday afternoon.

L.B.J. was the strongest advocate of Civil Rights ever to sit in the White House. As such he DID more to help Blacks, to have a greater part of the American way of life. His fight for the voting rights act, which was enacted by the 89th Congress was but one of many, many fronts he fought. Most of the Civil Rights legislation of the 60's was passed at his insistance. He fought against poverty—ignorance.

He believed that all men were created equal. Yet he knew many were denied equal treatment. He believed that all men have certain unalienable rights, yet many Americans did not enjoy those rights, all because of the color of their skin.

One of the most important statements L.B.J. made was—He pledged—That if and when he had the power to help the plight of the minorities that he would do so—and he did.

L.B.J. was the greatest champion of the right of Black men and women to have all of the things our Constitution promised. The announcement of his death was sad news for Blacks—for they have lost a leader who marshalled all of this expertise in providing a better way of life.

He believed "that the reason most poor people were poor was that they never got a decent break," all because they were born in the wrong part of the country; or that they were born with the wrong color of skin.

The Civil Rights act of 1964, gave to every American the right to go to school, to get a job, to vote and pursue his life unhampered by the barriers of racial discrimination. But for his strong moral convictions and determination we would not have made the gains we have today.

He knew that each generation must fight to secure—renew and enlarge upon the meaning of freedom.

This is his legacy.

EUGENE L. WYMAN

Mr. HUMPHREY. Mr. President, last week a number of Senators expressed tributes to the late Eugene L. Wyman.

At the time, I had not yet obtained a copy of a moving statement written by Mr. Wyman's friend Mr. R. T. Hibbs of Du Quoin, Ill. I ask unanimous consent that that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EUGENE L. WYMAN

A giant among us has tragically fallen and "left a lonesome place against the sky." I speak of my beloved friend and great American, Eugene L. Wyman, who, a week ago, at the crescendo of his powers, in tune with life, met the diminuendo of death.

Though stricken while still a young man not yet at the pinnacle of his influence and powers, Gene would have shrugged and said, as often he did, "If God should take me tomorrow, I could only thank Him for the beautiful things and the beautiful people He sent my way." With the poet, he would have said, "Let me go quickly, like a candle-light, snuffed out just in the heyday of its glow. Give me high noon; and then let it be night. Thus would I go." Let us take comfort, then, in knowing that men like Gene would rather wear out than rust away.

Here was an uncommonly common man, who never forgot the commonality of men, reared in a small town of 6,500 persons, Du Quoin, Illinois, reared by foreign-born parents struggling to make a living in the ready-to-wear business and striving to nurture their three sons as men of character and probity, determined somehow to educate them to the limits of their financial ability. And so they did.

In the small high school of 500 students at Du Quoin, Gene attached himself to the coach of speech activities and began an ever-deepening, life-long friendship with him. He distinguished himself as a champion debater and orator, activities which he also pursued at Northwestern University on the scholarship to the School of Speech, which his coach secured for him. There he also involved himself in campus politics, precursory to the titan's stature that was later his in the Democratic Party: as California's Chairman, member of the National Committee, master fund-raiser, adviser, confidant, and oftentimes, king-maker. From Harvard's law school, Gene graduated with honors, went to Beverly Hills and began a saga of success equal to the American Dream. His law offices were as prestigious as they were prodigious.

Achievements by and honors to this great man are too voluminous for detailed recital here. He raised millions of dollars for the Bonds for Israel campaign, for Hebrew University, the Democratic Party, for philanthropical, cultural, and eleemosynary projects. Grateful organizations recognized his work and worth by conferring on him such enviable awards as Bnai Brith's "Mr. and Mrs. American Citizen Award," which went to him and his wife, Roz, as did the impressive Mt. Scopus Award of Jerusalem's Hebrew University this past December, and the naming of its Political Science Building for Roz and him. Honors were myriad and continuous.

But these items are mundane in the great scheme of things, and Gene did not value them beyond their worldly worth. Let us speak rather of the man himself.

Gene Wyman's perspective was not cabined by the narrow confines of political party. His outlook was humanistic and global; his milieu was the nation, the world, the disadvantaged, the deprived, the unfortunate; his arena was whatsoever causes are right, true, and just. For he loved human beings with a compassion which he translated into deeds. To these causes and these people he lent his zeal, his indefatigability, his expertise, and, nearly always, his phenomenal success, for to him failure is a specter to which wise and determined men refuse credence.

But always he took time for his family: his lovely wife Roz and his darling children, Betty, Bobby, and Brad, and for his Beverly Hills home, which was a Mecca for neighbors and friends of every faith, faction, bent, or persuasion, and where often I visited and was treated, not as a guest, but as family.

Whoever sought him for personal advice or comfort or for help in a worthy cause saw him drop whatever he was doing and find ways to bring solace when needed, action where necessary. For Gene's joy in living stemmed from bringing joy to the lives of others, and his deeds for others are a lexicon of the credos professed by all religions. To philanthropy, to the advancement of education, the promotion of culture, the well-being of humanity he dedicated his energies, his remarkable faculty for management, his substance, his considerable talents—and himself, spending himself with prodigality for whoever or whatever needed him. Those who sought and depended on him were legion, of every creed and every rank.

No wonder that at his funeral were the great and the humble, the wealthy and the poor, the eminent and the unknown, Jew and Gentile, young and old, weeping unashamedly and inconsolably over a loss which, childlike, they could neither understand nor accept: the irreparable loss of a kind, gentle, compassionate, considerate, generous friend, surely one of God's elect. Gene explained his affinity for helping people quite simply: "When I was poor and needed help, there were those who helped me. Now, when I have been blessed with the knowledge and the means to help others, I can do no less." The eloquent words of Robert Ingersoll at his brother's grave are a testimonial to men like Gene Wyman: "He added to the sum of human joy," said Ingersoll; "and were everyone to whom he did some loving service to bring a blossom to his grave, he would sleep tonight beneath a wilderness of flowers."

We do not say "farewell" to you, Gene Wyman, for "farewell" means "goodbye." And you can never depart from those of us who know you best, for we will always carry you in our minds and in our hearts. Rarely shall we see your like again.

THE RALPH BUNCHE MEMORIAL—AN INTERNATIONAL HEALTH PROGRAM

Mr. JAVITS. Mr. President, my good friend Ralph J. Bunche, succumbed a year ago to the many ailments he had long suffered. The world's loss is no less than our personal one. It is the wish of all who knew and admired Ralph Bunche and who are familiar with his extraordinary services to humanity to establish a memorial that will keep alive his memory, and the spirit of compassion, service, and international cooperation which were so integral to his life. Such a plan is now underway, and today I should like to familiarize Members of Congress with these plans.

In the last years of his life, Ralph Bunche suffered from a multitude of ailments, among them kidney disease, and for considerable periods he was cared for at the New York Hospital-Cornell Medical Center. Owing to the enormous progress currently being made there, he was accorded considerable relief from the debilitating consequences of this disease. During this time, Dr. Bunche became familiar with the widespread suffering caused by kidney failure as well as with the fact that the treatment facilities and trained personnel throughout the world are grossly insufficient in relation to the need for them.

The Ralph Bunche Memorial is, therefore, designed as a two-pronged endeavor geared toward the direct care of kidney disease patients and the training and utilization of medical manpower. This goal will be achieved by first creating a 21-bed pavilion—named in honor of Ralph Bunche—to serve as an inpatient care facility at the New York Hospital–Cornell Medical Center and also provide intensive care for kidney disease patients. The pavilion will contain a special center to train four patients at a time in the methods of dialyzing themselves at home. This will be augmented by a dialysis facility capable of maintaining 48 outpatients at a time on artificial kidney machines.

The second phase of the program will be the Ralph Bunche international fellowship program, designed to provide training opportunities for qualified doctors, nurses, and paraprofessionals interested in the treatment and research of kidney disease. Fellows from throughout the world will participate in the program. The fellowships for doctors would last 1 to 2 years depending on experience. During the fellowship the doctor will have intensive exposure to chronic kidney disease, acute kidney failure, dialysis treatment, kidney transplantation, plus the opportunity to study the problems of fluid and salts loss that so frequently accompany such widespread infectious diseases as cholera and diarrhea.

The entire project requires $2 million in funding. The memorial committee and friends of Ralph Bunche have raised almost $400,000.

Gifts are being sought from governments and private sources throughout the world for the pavilion and the fellowships. It is my hope and one that is shared by Ralph Bunche's colleagues in the United Nations that this memorial will be truly international, helping people from throughout the world. It will then reflect the great compassion Ralph Bunche had for all mankind.

The New York Hospital-Cornell Medical Center is already a center of international patient referral for kidney diseases and the training going on there has enabled doctors, scientists, and nurses worldwide to acquire the techniques that have been perfected there. The Ralph Bunche Pavilion and the Ralph Bunche fellowships will permit this treatment, research, and training to expand to new levels to treat more patients and train more of the doctors and nurses who are so sorely needed throughout the world.

FOOD ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, under provisions of Public Law 92-603, the Social Security Amendments of 1972, on January 1, 1974, those aged, blind, and disabled persons eligible for assistance through the new Supplemental Security Income program will become ineligible for the food stamp and food distribution programs.

Because I believe this to have been a very unfortunate action on the part of the last Congress, on January 9 I introduced a bill to repeal those provisions.

The following Senators have indicated their concern for the welfare of low-income aged, blind, and disabled persons by joining as cosponsors of S. 255: Senators ABOUREZK, BEALL, CLARK, CRANSTON, HATFIELD, HUDDLESTON, HUGHES, INOUYE, JAVITS, MONDALE, MOSS, PASTORE, PELL, RANDOLPH, STEVENS, STEVENSON, TUNNEY, and WILLIAMS.

Mr. President, I have been gratified by the many expressions of interest in S. 255, and I am confident that there will be widespread public support for its enactment.

I have been informed that the National Council of State Public Welfare Administrators, meeting in Washington on January 23 and 24, expressed serious concern about the scheduled termination of food stamp eligibility for participants in the Supplemental Security Income program and unanimously adopted a resolution calling for the restoration of food stamp eligibility for this group of citizens.

On January 22, the General Assembly of the State of Arkansas adopted a concurrent resolution urging support for my bill or similar legislation which would permit aged, blind, and disabled Americans to keep their eligibility under the food stamp and surplus food programs.

Mr. President, I ask unanimous consent that the text of the resolution of the Arkansas General Assembly be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 5

Urging the Congress to appropriate funds to enable aged, blind and disabled Americans to keep their eligibility under the food stamp and surplus food programs

Whereas, under the revised Federal Welfare and Assistance Programs, approximately 3,300,000 aged, blind and disabled Americans will lose their eligibility under the Food Stamp and Surplus Food Programs; and

Whereas, the Food Stamp Program has enabled our elderly, handicapped, and disabled citizens to maintain a decent diet, and cutbacks in the Food Stamp and Surplus Food Programs would be a severe blow to efforts to provide a decent level of livelihood for these unfortunate citizens; and

Whereas, Senator Thomas Eagleton, Democrat, Missouri, has introduced legislation that would allow the 3,300,000 aged, blind, and disabled Americans to keep their eligibility under the Food Stamp and Surplus Food Programs; and

Whereas, the enactment of this or similar legislation to continue the eligibility of these unfortunate citizens for food stamps is vital to the lives and livelihood of thousands of older and disabled and handicapped citizens of this State, who, in many cases, are totally dependent upon the Food Stamp Program for the maintenance of a minimum diet with standards within basic human needs; now, therefore be it

Resolved by the House of Representatives of the Sixty-ninth General Assembly of the State of Arkansas, the Senate concurring therein:

That the Congress and President of the United States are respectfully urged to support the legislation introduced by Senator Thomas Eagleton, Democrat, Missouri, or similar legislation, that would allow the 3,300,000 aged, blind and disabled Americans to keep their eligibility under the Food Stamp and Surplus Food Programs. Be it further

Resolved That the Arkansas General Assembly hereby commends Senator Thomas Eagleton for his humanitarian concern for the welfare of the millions of aged, blind, and disabled unfortunate Americans. Be it further

Resolved That the Secretary of State shall furnish copies of this Resolution to the President of the United States, to Senator Thomas Eagleton, Democrat, Missouri, and to each member of the Arkansas Congressional Delegation, who are urged to support this, or similar legislation designed to enable the aged, blind and disabled citizens of this State, and of the nation, to continue their eligibility to receive food stamps, or the benefits of Surplus Food Programs.

W. H. BILL THOMPSON.

HEARING PROCEDURES NEED IMPROVEMENT

Mr. HART. Mr. President, last week I introduced Senate Resolution 15. Yesterday, events occurred which illustrate the benefits that might come if Senate Resolution 15, in improved form hopefully, is adopted.

Once again the Committee on Commerce is considering national no-fault insurance standards. Yesterday five insurance company witnesses were scheduled to testify. The committee presided over by the able Senator from Utah (Mr. Moss), opened the hearing at 10:30 a.m. The chairman suggested that the prepared statements of each of these witnesses be printed in the record in full as though given in full; that each summarize his statement within a 10-minute period, following which questions by the committee could be directed to the witnesses. This appeared a sensible arrangement inasmuch as each of the witnesses had been invited to discuss the Camelback meeting, to which each had been a party and from which a common position on no-fault resulted.

I arrived nearly 1 hour late at the hearing. It was the same morning when money resolutions were being considered by the Rules Committee. I had been in attendance at that hearing in order to present several subcommittee budgets for which I was responsible. When I arrived at the Commerce Committee hearing there were present, as I recall, Senator Moss; the distinguished Senator from New Hampshire (Mr. COTTON), the ranking Republican on the committee; the Senator from California (Mr. TUNNEY); and the Senator from Alaska (Mr. STEVENS). The able Senator from Maryland (Mr. BEALL) arrived at the hearing the same time as did I.

The witnesses had concluded at about 12 noon and were being questioned at about 12:30 p.m. The Senators from California, Maryland, and Alaska had been compelled to leave, when the able Senator from New Hampshire criticized the procedure which had been followed, making clear it was not a criticism of the chairman but rather his concern that the Commerce Committee's reputation for fairness might be jeopardized. The Senator from New Hampshire explained he had understood the chairman in opening remarks to have characterized the Camelback meeting as secret or suspect. He felt the witnesses were not able to testify in full, as each had not read all of his prepared statement. He—and he assumed other members of the committee—had wanted to ask questions, he had been in attendance throughout the morning but now was compelled to leave—indeed, had already declined an invitation to join others in the Republican leadership for a White House meeting earlier in the morning. The result, though perhaps not intended, he felt was to muzzle the witnesses and the committee.

The chairman explained the dilemma in which he and the committee found themselves: five witnesses, Senate opening at noon, if the first witness had given in full his prepared statement and then been subjected to committee questioning the likelihood was that we would have as of 12:30 heard only the first witness. Because of the feelings voiced, the chairman then asked that the committee meet at 9 o'clock this morning with the five witnesses to be present and subject to questioning. The Senator from New Hampshire explained that at that hour he was required to meet prior commitments.

Each of the witnesses was from out of town—one, indeed, is based in California. How and when we shall hear them remains unresolved.

Why describe this scene other than to say it is one on which none of us can be satisfied? It probably is no different from that which occurs on most days in one or more committees. It is precisely the dilemma presented in this case which I believe can be eased if the Senate will explore the hearing examiner method, as authorizd in Senate Resolution 15. If that authorization existed today and the Committee on Commerce determined to use it, the five witnesses could have testified in full, questions then could have been addressed by majority and minority staffs, the business scheduled for the day would have been completed, the witnesses would be satisfied they had had full opportunity, and committee members who were interested would have had their questions put by their counsel. Later, and in orderly proceedings, the hearing examiner could have reported in writing the outline of the testimony, committee members could have assembled, listened to the staffs' reactions, been guided to specific pages in the hearing record if issues were unresolved, and a more rational operation would have resulted.

Can we not at least be authorized to make this experiment? The experience with the existing system is not satisfactory as this morning's hearing demonstrated, and is repeated many times. At least permit us to experiment in the hope that a more satisfactory or at least a less unsatisfactory procedure can be developed.

I hope the Rules Committee will consider Senate Resolution 15 and, with such improvements as they may suggest, report it to the Senate, so that we can get on with this modest bit of reform. I ask unanimous consent that Senate Resolution 15 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 15

Resolved, That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Improvement in the Senate Hearing Process (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman;

(2) two Senators who are members of the Committee on Rules and Administration:

(3) two Senators who are members of the Committee on Banking, Housing and Urban Affairs;

(4) two Senators who are members of the Committee on Agriculture and Forestry;

(5) two Senators who are members of the Committee on Commerce;

(6) two Senators who are members of the Committee on Finance;

(7) two Senators who are members of the Committee on Government Operations;

(8) two Senators who are members of the Committee on Interior and Insular Affairs;

(9) two Senators who are members of the Committee on the Judiciary; and

(10) two Senators who are members of the Committee on Labor and Public Welfare.

One Senator appointed from each such committee under clauses (3)–(10) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittee as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee action, including a record of the votes on any committee and shall be kept in the offices of the committee records, data, charts, and files shall be the property of the committee and shall be kept in the office of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have authority to report any such measure to the Senate.

(f) The committee shall cease to exist on June 30, 1974.

SEC. 2. It shall be the duty of the committee—

(a) to make a full and complete study and investigation of the extent to which the Senate investigative and legislative hearings can be conducted by Senate hearing officers who shall be professional staff members appointed by the Senate in accordance with rules to be adopted by the full Senate based on the report and recommendation of this committee.

(b) to make recommendations with respect to the foregoing, including proposed Senate rules, improvements in the administration of existing rules, laws, regulations, and procedures, and the establishment of guidelines and standards for the conduct of Senate hearings.

(c) on or before January 31, 1974, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation, together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the service, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

HARRY S TRUMAN

Mr. HOLLINGS. Mr. President, today we mourn the passing of former President Harry S Truman. I believe that when the history of the tumultuous times over which he presided is written, Harry Truman will emerge as one of America's truly great Presidents. The decisions he made have charted the course of our subsequent history, and even today we still feel the imprint of the Truman years.

It is often said that Harry Truman was not well prepared for the duties suddenly thrust upon him on that day in April, 1945, when Franklin Roosevelt died. From the standpoint of Truman's not being included in all the deliberations of the Roosevelt administration, this observation is undoubtedly correct. Indeed, Truman had never even heard of the atomic bomb when he became President. But from the most important standpoint, Harry Truman was singularly well-equipped for the highest office in the land. He brought to his job genuine love of country, rare courage, uncommon decisiveness, and the ability to penetrate directly to the heart of a problem. He knew and felt the aspirations of the people, because he always remained close to the people. He was one of us, and he never forgot it—even in the heady atmosphere of the Presidency. He had unstinting confidence in the American people, and that confidence was returned by the voters in 1948 when Truman was reelected in spite of all the projections of the pollsters and the musings of the pundits.

Harry Truman was also a Democrat—the kind of Democrat we need to emulate today. He believed in opening wide the gates of opportunity, so that each and every American would have the chance to share the abundance of the Nation. He grasped the fundamental concerns of the people to have a job, educate their young, and care for themselves. For those who were unable to care completely for themselves, he urged compassionate care. It was Truman's belief that either we all progress together, or we do not progress at all.

Harry Truman was also a devout disciple of strong national defense. He knew the importance of keeping our powder dry and of maintaining a defense establishment second to none. Nor was he afraid to face down the Soviets, as he did in Iran, Western Europe, and Asia. Truman understood the importance of rebuilding both Germany and Japan, and it is thanks to the wisdom of his foresight that these two countries are now rebuilt, modernized, and members in good standing of the free world, the Marshall plan, the North Atlantic Treaty Organization, and Point Four are enduring legacies of the Truman Presidency.

Today as we look back upon that earlier period, we appreciate more than ever the directness, the candor, and the simplicity of our 33d President. He preferred to be himself and let the cards fall where they may, rather than try to alter his "image" for the benefit of the media. He spoke the truth as he saw it and was always willing to abide by the consequences. "The buck stops here," he often said in accepting the responsibilities and burdens of the Office.

Now he has been taken from us. But we are consoled by the fact that his was a long and productive life in the service of his country. Of Harry Truman it will be written that he was a credit to himself, his family, his State, his country, and to those in every part of the world who cherish the freedom and nobility of man. Harry Truman—the plain-spoken son of the soil—will long be remembered for his distinguished service in preserving the heritage which made America great. We shall not see his likes soon again.

POW'S—A DEBT OF HONOR

Mr. KENNEDY. Mr. President, we all share a sense of relief and joy over the news that within a few days the first American prisoners of war will be returning homeward. The terrible burden that these men and their families have so courageously carried for so long will now thankfully come to an end.

Yet, at the same moment, many of these men will now face a time of difficult beginnings.

After long years of isolation and separation, these men will face in the coming weeks and months many personal and professional hurdles. The warmth and affection of family and friends will support them as they attempt to restore a sense of normalcy to their lives. But the least that we in the Congress can do—and the least that our Government can do—is to show compassion for these men and their families, and to make certain that every step is taken to help them. This is, as James Reston so eloquently phrased it in this morning's New York Times, "a debt of honor" owed by our Nation to these men.

It was for this purpose that I introduced legislation last week (S. 608) to provide certain retirement and pay allowances to our returning prisoners, and recommended a series of administrative actions that would help them return to a new life. Given the urgency and priority I feel we must attach to assisting our repatriated prisoners and their families, I am hopeful that the Armed Services Committee will soon hold hearings and give speedy consideration to this and other legislation for our prisoners of war. For as Mr. Reston writes:

> Speeches of gratitude from the President, which are undoubtedly sincere, and homecoming celebrations and parades on Main Street, are not really enough. These prisoners and their families need to be relieved for a time of economic worries to deal with their personal and family anxieties, and a Government that speaks of "peace with honor" owes them a debt of honor, which so far has not been paid.

Mr. President, I commend Mr. Reston's column to the attention of all Senators, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 7, 1973]

A Debt of Honor

(By James Reston)

After the return of the prisoners from Vietnam, after all the consoling ceremonies at the White House, and the family reunions and tears on television, the reality for the prisoners coming home at last will begin in private. When they come home from Vietnam, what will they find?

The rest of us will never really understand. Most of us in this big continental country never had a son or relation killed or maimed in Vietnam. America lost over 46,000 dead, but, for most of us, this was a statistic in the papers and not a tragedy in the family or down the street.

For the liberated prisoners and their families, however, it is an intensely personal crisis. On the television it looks like a reunion of lovers and families, but in reality, it is a reunion of strangers.

The prisoners come back different men, usually helpless or rebellious. They have had to surrender to endure. Many of them have literally been "killing time," which means killing their fears, blotting out the present, romanticizing the past and dreaming of a family and an America that are changed beyond their imagining.

In the history of the Republic, the Vietnam war will probably look like a capricious incident, but the United States was already involved in it casually but carefully under President Eisenhower in 1953, twenty years ago, and much more deeply involved under President Kennedy in 1963. In family terms, this is a very long time.

The Census Bureau in Washington tells us that over half the people in the United States are now under 28 years of age. This means that most of our people cannot even remember much before we were involved in Vietnam. And in the lives of the prisoners now coming home, most of whom are under 25, Vietnam dominates everything.

They not only come home different men, but come home to the same but different and older wives, different children, a different country, with different memories and different values. After the reunion and the celebration, trying to sort all this out at home and in the community is bound to be an agony.

The least that can be done for these returning prisoners is to see that they are given good jobs and relieved of the economic anxiety of taking care of the security of their wives and the education of their children. But even this is not enough.

No doubt the communities they return to will see that they are employed, but after a few years it is easy to forget. So while the President and the Congress are now celebrating the courage and endurance of the prisoners, maybe they should agree on a prisoners bill that would ensure the economic security of these families during the coming years, when they will still be struggling with the consequences of Vietnam, long after most people have forgotten.

After all, the prisoners amount to only a few hundreds, and their sacrifice is not as great as the tens of thousands who were killed in the struggle, but they are a symbol of the tragedy of the Vietnam war and the conscience of America, and if the Government is as sympathetic and grateful as it now says, maybe it should not only welcome them home but give them a chance for a secure economic future after the celebrations are over.

If the returning American prisoners are to be dealt with practically, and not merely politically or romantically, legislation must be introduced now, with the support of the President and the leaders of the Congress, to relieve these families of their economic anxieties.

The Government cannot wipe out their memories. The war has gone on too long and many of them have been in prison for too many years to regain a normal family life or readjust to the values and styles of America that changed so much while they were in prison.

Some of the prisoners will have been strengthened by sacrifice and adversity, and will come back to families ennobled by sorrow and fidelity; but others will be overwhelmed by remorse, and even the austere and faithful families may have trouble with their wayward children.

For a returning prisoner to deal with all this, even in the best of circumstances, to make decisions when for years he had no power of decision, to get to know himself at another time of life, and his wife, and his growing and transformed children—this is a challenge beyond the reach of most men.

Right now, however, when the President and the Congress are conscious of the returning prisoners' problems, there is at least a chance to ease his economic burdens in a time of inflation and unemployment, and give him time to think and sort things out.

Speeches of gratitude from the President, which are undoubtedly sincere, and homecoming celebrations and parades on Main Street, are not really enough. These prisoners and their families need to be relieved for a time of economic worries to deal with their personal and family anxieties, and a Government that speaks of "peace with honor" owes them a debt of honor, which so far has not been paid.

THE PRESS—WATCHDOG UNDER ATTACK

Mr. HUMPHREY. Mr. President, Albert A. Eisele, the respected author and Washington correspondent of the St. Paul Pioneer-Press, has cogently and forcefully reviewed the status of freedom of the press in America.

In a series of six articles just published by the St. Paul Pioneer Press, Mr. Eisele tells us more than it is comfortable to know at one time about the diversity and intensity of the current attacks on our first amendment freedoms.

Freedom of the press in this country is being tried or attacked at the White House, the executive departments, the FCC, the courts, and the Congress.

Moreover, Mr. Eisele also reports increased threats to freedom of the press from the least likely sources—the press itself and the public.

Mr. President, I commend this series of articles to my colleagues and all readers of the RECORD. It is a news report, not an opinion piece or editorial, but it presents a challenge concerned Americans cannot refuse.

I ask unanimous consent that this series of articles from the St. Paul Pioneer Press be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE PRESS—WATCHDOG UNDER ATTACK

(By Albert A. Eisele)

Part I—The Secrecy Syndrome

(EDITOR'S NOTE.—Conflict between governmental power and freedom of the press has existed in varying degrees throughout American history, but seldom if ever has the struggle to define the limits of the government's authority to control information and the public's right to know been as intense as it is at the beginning of Richard Nixon's second term in office. This is the first in a series of articles.)

Since informed public opinion is the most potent of all restrictions upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with a grave concern.

U.S. Supreme Court—Describing the role of the press in 1936

Washington—When Defense Counsel Leonard Boudin made his opening statement to the jury on the first day of the Pentagon Papers trial in Los Angeles earlier this month, he posed a rhetorical question that summed up the paradox of the American system of government.

Asserting that the two defendants in the trial, Daniel Ellsberg and Anthony Russo Jr., had not only a right but a duty as citizens to make public a secret Defense Department study of U.S. involvement in the Vietnam war, Boudin asked:

"To whom did the information belong?"

Then, answering himself, he said: "To the people of the United States."

Boudin's question is one that journalists, judges, politicians and thoughtful citizens have debated from the time of the founding fathers until Richard Nixon—where does the government's authority to control information about its actions end and where does the public's right to that information begin?

Andrew Hamilton helped establish the tradition of a largely unfettered press in America in 1735 when, defending New York newspaper printer John Peter Zenger from a libel charge brought by an irate royal governor, he claimed "a right—the liberty—both of exposing and opposing arbitrary power by speaking and writing truth."

Hamilton's argument helped Zenger successfully defend himself and later found its ultimate expression in the all-encompassing words of the first amendment to the U.S. Constitution, which declared that "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."

A major test of the meaning of those words is one of several fundamental constitutional issues affecting the public's right to know which will be decided as the Pentagon Papers trial unfolds over the next several months.

Regardless of its outcome, however, that trial is only one of the fronts in the war now being fought in Washington and in dozens of places around the country over the public's right to its government's secrets.

Most of the fighting, or at least the most conspicuous fighting, is between the Nixon administration and the press in the nation's capital, where, in a climate of deepening mutual suspicion, each side is steadily escalating the conflict.

In recent weeks, for instance, the administration has sent shock waves through newsrooms and executive suites of newspapers, radio and television and caused many people to seriously question its commitment to a truly free press with a series of controversial actions that include:

A proposal by the director of the White House office of telecommunications policy that the nation's nearly 600 local commercial television stations be required to eliminate ideological bias in network news programs or face the loss of their broadcasting licenses;

The announced takeover of the public broadcasting service's programing and scheduling functions by the Nixon appointed board of the corporation for public broadcasting after administration criticism of PBS public affairs shows featuring outspoken critics of the administration on the nation's 226 non-commercial television stations;

A series of apparent retributions against the Washington Post for its aggressive coverage of the Watergate bugging scandal, including the exclusive of a Post reporter from White House social functions and the challenge of a Post-owned Florida television station's license renewal by a group headed by a top official of Nixon's reelection campaign in that state;

The almost total lack of presidential contact with the press since his last news conference four months ago, the studied unresponsiveness of White House press spokesmen and the refusal to allow key administration officials to testify before Congress.

The arrest by the FBI of Les Whitten, Jr., an associate of syndicated columnist Jack Anderson, on a charge of illegally receiving documents stolen from the Bureau of Indian Affairs during last November's takeover of that agency by Indian protestors.

But while the Nixon administration, like all of its predecessors, is continuing the historic adversary relationship between press and Government by efforts to increase Governmental secrecy and intimidate television networks, the press for the first time finds itself facing a new adversary, the Judicial branch.

In the past few months, four reporters and editors have been jailed for refusing to reveal their confidential news sources or unpublished materials to courts and grand juries. At least a dozen others are facing fines or jail terms in a spate of cases that grew out of the U.S. Supreme Court's historic ruling of June 19, 1972, which held that Earl Caldwell of the New York Times could not refuse to identify his sources in writings about the militant Black Panthers.

The narrow 5-4 ruling—with all four Nixon-appointed justices joining in the majority opinion by Justice Byron White—tore away much of the protective coverage provided reporters by the first amendment and upset the delicate balance between the vital constitutional guarantees of a free press and a fair trial.

That ruling also opened the floodgates for Judges and Government prosecutors at all levels to subpoena newsmen to testify in court and in grand jury investigations and dried up valuable news sources that were necessary for many of the best reporters to uncover wrong-doing by public officials and private citizens.

Not all the cries of governmental intimidation of the press that arose after the Caldwell decision came from newsmen, however. Lawyers, legislators and even many concerned citizens joined in expressions of deep concern for Erosion of Press Freedom.

Rep. Jerome Waldie, D-Calif., charged that last week's FBI arrest of Whitten as well as other arrests of newsmen are part of a "deliberate, systematic and conscious campaign of harassment and intimidation against any in the news media who dare to print the truth when truth proves uncomfortable or embarrassing to the White House. . ."

"We are in the throes of attempted massive suppression of news media and the attempted decimation of viable and aggressive journalism," Melvin Block, President of the 3,500-member New York State trial lawyers association, said last month as the group pledged to help defend freedom of the press from what it called a threat by the Nixon Administration.

"Not in a long time has the first amendment come under such a major attack," he declared.

Sen. Alan Cranston, D-Calif., a former newsman himself and a leader in the fight to pass legislation in the new 93d Congress to give reporters absolute protection at the State and Federal levels from being forced to disclose their sources of unpublished materials, stressed the importance of the "watchdog" function of the press.

"The basic purpose (of the legislation) is to protect not the press, but the people," Cranston declared. "The press must be kept free to continue to expose corruption and lawlessness in high places, in and out of Government."

Many reporters who are quick to accuse the Nixon administration of "suppressing" the news media have forgotten how previous Presidents sought to manage the news.

They fail to recall, for instance, how John Kennedy—a great favorite of newsmen—manipulated the press during the 1962 Cuban missile crisis and how one of his top Pentagon officials, Assistant Secretary of Defense Arthur Sylvester, asserted the Government's right to lie during that crisis; how FBI agents made nocturnal checks on several newsmen concerning their coverage of the 1962 steel price battle, and how Lyndon Johnson tried to persuade key newsmen to "play ball" with him in return for privileged Presidential treatment.

Nevertheless, there is no denying the fact that the historic antipathy between Nixon and the press that was nourished by the harsh attacks on the press by Vice-President Spiro Agnew and other Nixon aides in the past four years is not likely to diminish during Nixon's second term.

"President Nixon really feels that he's been under systematic attack by the press," says James McCartney, Washington correspondent for the Knight newspapers and chairman of the National Press Club's professional relations Committee.

"As of now, there is no evidence of a spirit of reconciliation with the press or anyone else he considers his antagonists or adversaries. Consequently, I assume we can expect a continuation of the same thing in the next few years, maybe somewhat more intensified, although it may be moderated by the end of the Vietnam war."

"The press has never been on the defensive like it is now," says Jack Landau, who covers the U.S. Supreme Court for the Newhouse newspapers and is a trustee of the reporters committee for freedom of the press, which recently sponsored an independent study of reporters' legal rights and obligations.

Landau is concerned that neither most newsmen nor most publishing and broadcasting executives are aware of the widening dimensions of what he sees as a nationwide censorship trend.

Such a trend is evident, Landau and many colleagues feel, in the increasing number of cases involving disclosure of newsmen's sources, but particularly in the Pentagon papers trial, which represents the Government's first attempt to imprison someone for "leaking" information to the press.

A conviction would set legal precedents that would give the Government powerful new authority to conceal embarrassing facts, Landau notes.

Pointing out that one of the indictments against the two defendants in the case is for theft of Government property, he says the Government is claiming that it owns all "Government reports and Government-compiled facts about the operations of Government agencies—not just 'national security' facts, but reports on health, education, housing, law enforcement, etc."

Landau calls this "a frightening and completely novel Justice Department argument" and says it "directly contradicts the American tradition that information about Government operations belongs to the public."

Whatever the outcome of the Pentagon papers trial, however, or of pending "newsmen's shield" legislation in Congress and many States, as well as any future court decisions that might further define the first amendment rights of the press, few newsmen view the next four years with optimism.

"There's never been a frontal assault on the press as we have now," declares William Small, a CBS news executive in Washington and chairman of the Joint Media Committee which is lobbying for an effective shield law.

"There is an atmosphere of paranoid feeling about news people in this administration."

II.—THE BUREAUCRACY AGAINST THE PRESS

"A democracy without a free and truthful flow of information from government to its people is nothing more than an elected dictatorship. We can never permit this to happen in America."—Rep. John Moss, D-Calif., commenting on a congressional study of secrecy in government: September, 1972.

WASHINGTON.—Shortly after the story of the 1968 My Lai massacre broke in November, 1969, several editors and reporters of the Daily Oklahoman newspaper of Oklahoma City met to discuss how they might clear up some of the confusion and conflicting evidence surrounding the story.

Jack Taylor, a blocky, bespectacled investigative reporter who was first exposed to journalism and military thinking while writing for army publications when he was stationed in the Canal Zone in the early 1960's, offered a suggestion.

Recalling that each army unit is required to keep a record of daily activities—the so-called "morning reports" Taylor suggested that the newspaper ask the army for the morning reports of the principal unit involved at My Lai.

On December 1, 1969, the Daily Oklahoman formally requested the morning reports of Company C, 1st battalion, 20th infantry. One of that unit's three platoons was commanded by Lt. William Calley Jr., who was later court martialed and convicted of 22 murders at My Lai.

The request was promptly denied on the grounds that its release would involve names of potential witnesses in possible disciplinary actions in the case even though most of the witnsses had already been identified in newspaper accounts and many had submitted to news interviews.

The turndown of its request marked the beginning of a 3-year battle by the Daily Oklahoman with the Pentagon and the Nixon administration over public access to pertinent information about the My Lai incident. The paper's efforts ultimately helped change the Army's censorship policies, shed important new light on the incident and laid the groundwork for an appeal of Calley's conviction.

And even though Taylor and his newspaper still are trying unsuccessfully to get the Army to release additional My Lai-related documents their efforts provide a classic case study of the difficulties involved in prying loose public records from an uncooperative bureaucracy. They also illustrate how the bureaucracy has been able to hamper the five-year-old federal right-to-know law.

When former President Johnson signed the Freedom of Information Act on July 4, 1967, he declared that it struck a proper balance between government secrecy and the public's right to know.

But after a year-long study of the implementation of the law, which provides that any citizen may see a government document in the files but lists nine specific categories of material that are exempt, the House Government Operations Committee found last year that the efficient operation of the law "has been hindered by five years of foot-dragging by the federal bureaucracy."

In its lengthy report, the committee—which spearheaded an 11-year effort to pass the law—pointed out that government secrecy is not a partisan issue but that "each new administration develops its own special secrecy techniques which, as time passes, become more and more sophisticated."

The study noted that some government agencies have ignored anti-secrecy legislation and still rely on a 1789 "house-keeping" law that gave federal agencies the authority to regulate their business and to set up filing systems and keep records.

Most of the federal bureaucracy, the study found, was so set in its ways that it never "got the message" of the Freedom of Information Act, which was that all government information was to be made available to the American people with no questions asked—except for information concerning vital defense and state secrets, personal privacy, trade secrets and the like.

The study pinpointed the major reasons why the freedom of information law has not worked as well as expected—including excessive delays in responding to requests for information; unreasonable charges for searching for and copying documents or records; the cost and time involved in taking uncooperative agencies to court; a negative attitude toward "open access" on the part of Federal officials; relatively little utilization of the act by the news media and misuse and confused interpretation of the exemptions in the act.

"If you want to get any information out of the Government, you have to be prepared for a very long wait and an arduous fight. You have to know exactly what you're looking for and you practically have to be a lawyer to make your point," says Taylor, who has learned the hard way how the bureaucracy can thwart the FOI law.

Taylor points out that the Army and Defense Department charged him $249.40 for a partial list of the documents he asked for, including $5 an hour for research. It is believed to be the first time such fees have been assessed by the Army.

When the Pentagon asked for another $500 for additional documents he was seeking, he told them to forget about it and said he would obtain the information from other sources, which he did.

Many of Taylor's battles with the Defense Department have a kafkaesque flavor. Some agencies refused him documents because they were classified, but other agencies gave him the same documents which they had not classified. Some Pentagon offices have charged him for free material that other offices have not charged him for.

When he was charged for the morning reports, Taylor appealed to the Secretary of the Army, citing army regulations and a Defense Department directive that exempts the news media from such charges. The appeal was turned down and another appeal is still pending.

"The big problem is that you have to study the regulations and the law yourself and make a case for each thing you ask for," says Taylor, who is awaiting action by the Pentagon on approximately 50 formal requests for information. "They put the burden on you to prove you need the information, but that's not the way the law reads. The burden is on the government to prove you don't need it."

Taylor, who stresses that he has followed official channels and used only legal means in his quest for information on the My Lai incident, is perplexed by the attitude of the government bureaucrats he deals with.

"It seems to me that instead of trying to honestly follow the law and the policies established by Congress and by President Nixon, they spend their time trying to figure out ways to thwart the law."

Unfortunately for Taylor and others like him who have been fighting the public's battle for the right to know, the U.S. Supreme Court last week ruled that the freedom of information law safeguards the government's right to classify documents and does not increase citizens rights to access of classified material.

In a 5-to-3 decision, the court reversed a lower court ruling that Rep. Patsy Mink, D-Hawaii, and 32 other members of Congress could see some "secret" and "top secret" papers detailing debates by government experts over the wisdom of conducting the controversial 1971 underground nuclear tests on Alaska's Amchitka Island.

The congressional group had argued that the government should not be able to make blanket classifications of documents containing non-sensitive material, including confidential advice to President Nixon by aides, but the high court ruled that the secrecy claims were justified under loopholes of the FOI Act.

In a concurring opinion for the majority, Justice Potter Stewart blamed Congress for not removing the loopholes. "It has built into the law an exemption that provides no means to question an executive decision to stamp a document secret, however cynical, myopic or even corrupt that decision might have been," he declared.

The 1972 House study of the FOI law showed that Government bureaucrats are making good use of the law's loopholes. It uncovered dozens of abuses, some of which sound like they are straining out of "Catch-22."

The Department of Agriculture refused the request of Ralph Nader's center for the study of responsive law for research materials about pesticide safety because the department said—correctly—that the records being sought were not clearly identified.

But when the center asked for the indexes the department maintained so that specific files could be identified, it was refused on the grounds that the indexes were inter-agency memoranda and excluded from the law.

The center finally took the case to court and won access to the files two years after its initial request, but only after the department contended that it would cost $91,840 to prepare the files for public viewing.

In another such case, the Internal Revenue Service went a step further than simple noncompliance when it refused a Seattle couple's request for most of the statistical information the couple sought showing how the IRS carries out tax collecting duties, and then prepared a dossier on the couple.

The House anti-secrecy study recommended numerous changes in the law to correct the deficiences it found, and a Government Operations Subcommittee headed by Rep. William Moorhead, D-Pa., has scheduled legislative hearings on the proposed changes this spring.

But the committee's 1972 study spelled out the only sure-fire method of guaranteeing that the right-to-know philosophy of the freedom of information law will be put into practice by the Government's administrators and huge corps of public information specialists. It declared:

"No changes in law and no directives from agency heads will necessarily convince any secrecy-minded bureaucrat that public records are public property. Only day-to-day watchfulness by the Congress and the administration leaders can guarantee the freedom of Government information which is the keystone of a democratic society."

PART III—RICHARD NIXON VERSUS THE PRESS

"The day when the network commentators and even gentlemen from the New York Times enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over . . ."—Vice President Spiro Agnew in a 1969 speech.

Washington.—One of Richard Nixon's first acts as President in January, 1969, was to order the removal of two wire service teletype machines and a three-screen television console from the oval office in the White House.

The news tickers and television sets had been placed there by his predecessor, Lyndon Johnson, for the purpose of keeping a close presidential watch on what the news media were reporting about his administration.

Nixon, however, whose presidential campaign had been masterfully orchestrated to enable him to bypass reporters and commentators as much as possible and go directly to the public through paid television and radio broadcasts, had no desire to emulate Johnson.

Nixon's removal of the news tickers and television sets from his office were symbolic of his unhappy relationship with the press during more than a quarter-century in public life. The relationship had been characterized by bitterness, and mutual suspicion and was capped by his famous "you won't have Nixon to kick around anymore" press conference following his defeat in the 1962 California gubernatorial election.

But now he was in a position to do some kicking himself, and after a brief honeymoon with the press during his first months in office, he did. The Nixon administration's first major offensive against the news media came in the fall of 1969 after widespread antiwar protests greeted the Nov. 3 speech in which he declared his determination to hold the line in Vietnam while seeking a negotiated settlement.

The principal weapon in Nixon's arsenal was Vice-President Spiro Agnew, who characterized the President's critics in a series of speeches as an "effete corps of impudent snobs" and lambasted the "instant analysis" of television commentators critical of Nixon's policies.

Agnew's alliterative broadsides not only made him a household word but touched off a steadily-escalating battle between the administration and the press that has continued unabated into Nixon's second term—except for a moratorium during the 1972 presidential campaign when Nixon went into virtual seclusion while the press feasted on the frequent mistakes of his Democratic rival, Sen. George McGovern, D-S.D.

However, when McGovern's popularity was still climbing late last spring, the administration launched a new series of well-coordinated attacks on the press. Some of those attacks recently were catalogued by Courtney Sheldon, Washington bureau chief of the Christian Science Monitor and chairman of the Associated Press managing editors' Washington committee. They included:

—A speech in April by Assistant Attorney General Patrick Gray—named Acting Director of the FBI a few days later—charging that newspaper and television reporting is "often inaccurate, biased and grossly unfair" as well as slanted against the administration;

—A television interview in May by Presidential Assistant Patrick Buchanan, the chief White House news media watcher warning that if what he called biased reporting of the Vietnam war and other issues continues, ". . . you're going to find something done in the areas of anti-trust type action."

—A speech in May by White House Congressional Liaison Chief Clark MacGregor—later named director of Nixon's reelection campaign—charging that "advocacy journalism" could jeopardize the upcoming Moscow summit meeting;

—A public statement in May by Ken Clawson, Deputy Director of Communications for the administration, charging the New York Times with "being a conduit of enemy propaganda to the American people" for some of its Vietnam war coverage;

A public charge in May by J. S. Robertson, a Nixon appointee to the Federal Reserve System's board of directors, that the news media are "being used to undermine the credibility of everyone who represents authority."

A speech by Vice-President Agnew in June expressing his feeling that " there is a bit of opinion creeping in" the reporting of the wire services, national news magazines and broadcast networks.

Although the administration called a temporary respite in its feud with the press during the campaign, it ended soon after the election. The first victim was the Washington Post, whose aggressive coverage of the Watergate bugging scandal and Russian wheat deal and often savage and anti-administration editorials and columns caused great anger at 1600 Pennsylvania Avenue.

Not too many newsmen were surprised, therefore, when Nixon gave his first post-election interview to the Post's rival, the Washington Star-News, and when other top Republicans followed suit by leaking exclusive stories to the Star-News.

They were surprised, however, when Dorothy McCardle, a veteran Post reporter of the Capital's Social Scene, was barred from covering several White House social functions during the holiday season, and when it was learned that the license renewal of a Post-owned television station in Jacksonville, Fla., was being challenged by a group headed by the finance director of Nixon's reelection campaign in Florida.

Nixon's feuds with newsmen are hardly unprecedented in the historic adversary relationship between American presidents and the press, but the nature of that relationship appears to have significantly changed in the Nixon years.

"What is unusual about the Nixon Administration's particularly strained relationships with the press is the high intensity and sustained nature of its attacks on the media," Julius Duscha, director of the nonpartisan Washington journalism center, observed recently.

Indeed, if there is one single element that seems to set the Nixon Administration apart from its predecessors in trying to manipulate the press and control Government information, it is its overriding concern with both commercial and non-commercial television.

The strongest evidence to date to support the contention by Bill Monroe, Washington editor of the NBC-TV "Today" program, that the administration is trying to "maximize governmental pressure and minimize media independence" was offered on Dec. 18.

On that day, Clay Whitehead, director of the White House office of telecommunications policy, announced in a speech in Indianapolis that the administration will propose tough new legislation this year to hold the Nation's almost 600 local television stations accountable, at the risk of losing their licenses, for the content of all network material they broadcast.

Condemning what he called "ideological plugola" in network news reporting, Whitehead warned that "station managers and network officials who fail to act to correct imbalance or consistent bias in the networks—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable . . . at license renewal time."

Whitehead's speech was interpreted by many in the broadcasting industry as the administration's boldest attempt yet to intimidate local television stations, which devote 61 per cent of their air time to network programs.

By itself, the Whitehead speech was extremely unsettling to broadcasting officials and raised new fears that the administration soon will move to force newspaper owners to divest themselves of radio and television properties in the same areas in which their newspapers are published.

But it took an even more ominous tone when a similar offensive was launched against the Nation's approximately 230 noncommercial (public) television stations a short time later.

That came on Jan. 11, when Henry Loomis, the Nixon-appointed president of the publicly-financed Corporation for Public Broadcasting (CPB), announced that the CPB will assume control of the programming and scheduling functions of the Public Broadcasting Service (PBS). The action, which came after Loomis and other Nixon supporters criticized PBS news shows and commentators for unfriendly views toward the administration, raised fears that what many people felt was becoming the Nation's "fourth network" was instead slated to become the "Nixon network".

"When you have all the power in the CPB's hands," warns PBS President Hartford Gunn, Jr., "all the necessary conditions are present for the corporation to become a propaganda agency."

There's little doubt that the administration is deeply aware of the tremendous potential power of the television networks to influence the public. In fact, Whitehead's speech echoed criticisms by White House aides such as Buchanan who complained recently that the networks have "got control of essentially three giant complexes which enable individuals to send comment at an instant's notice into 100 million homes."

And Charles Colson, one of the President's closest political advisers, was even more explicit last week when he sharply criticized the television networks and predicted that they "are going to be broken up one way or another in the next four or five years" because of "new technology in communications."

In a public television interview, Colson said, "The networks are constantly talking about wanting unrestricted first amendment rights. They want the same right to say or do whatever they want without restriction. But at the same time, they really are using public airways as a public trustee."

Many newsmen are convinced that the recent moves against the television industry are part of an overall strategy aimed at suppressing criticism of administration policies, particularly since they came at about the same time as Nixon's controversial decision to resume heavy bombing of North Vietnam.

Herbert Klein, Director of the White House Office of Communications, vigorously denies this, pointing out that Whitehead's speech was "an individual speech which neither I nor the President had any part in" preparing. Klein also said he is not "in full agreement" with the speech and asserted that the legislation proposed by Whitehead is less alarming than press reports have made it sound.

Nevertheless, Klein's denial will provide little comfort to many veteran newsmen in Washington who, while they credit the former San Diego newspaper editor with an honest, energetic effort to present the administration's case, see him as the symbol of the administration's schizophrenic attitude toward the press.

On the one hand, while Klein has made more information on the administration available—although often through an "end-run" around the Washington Press Corps directly to editors and publishers—a virulent hostility against the press exists among other administration officials such as Presidential Press Secretary Ron Ziegler.

"Generally speaking, this is the worst it's been in the 25-plus years I've been here," the Washington bureau chief of an influential business newspaper friendly to the administration said last week.

"I think there is now a greater hostility toward the press and a greater lack of understanding and appreciation of the role of the press in informing the public, in reflecting the attitude of the administration on issues, and in informing the bureaucracy as to what the White House had in mind than ever before," he added.

James McCartney, a Washington correspondent for the Knight newspapers and chairman of the National Press Club's professional relations committee which is studying the administration-press relationship, agrees.

Citing a recent interview with the President by Saul Peit of the Associated Press in which Nixon recalled "four years of the most devastating attacks on TV, in much of the media, in editorials and columns" on him, McCartney said it is clear that Nixon still feels he is under systematic siege by the press:

"What we're seeing now is the rather aggressive attacks against the press is actually a reflection of the President's own personal feelings and predilections as they have been interpreted by those on the White House staff and closest to him.

"This filters down as is inevitable in Washington and has affected the entire Government. I think that by the standards of Washington and of our business, the President has had a lot fairer press than a lot of politicians, but the fundamental and absolute difference between us is that the attitude of the White House, as reflected by its official press spokesman, is that the role of the press is to be a transmission belt for self-serving political information. That is not the role of the press."

Even less critical veteran Washington reporters such as Howard K. Smith, the ABC senior anchorman and commentator whom the White House regards as generally friendly to Nixon, seriously wonders if there is a link between the administration's latest actions and the recent rash of court actions against reporters who refuse to disclose confidential sources.

"I hope it is not so," says Smith, "but it begins to look like a general assault on reporters."

PART IV—THE COURTS AGAINST THE PRESS

"Inch by inch, century by century, freedom of the press has pushed its way up into the sunlight, in spite of occasional killing frosts as at present"—Professor Irving Brant of the University of Oregon: November 27, 1972.

WASHINGTON.—After removing the cornerstone of source confidentiality from the temple of journalism with its landmark "Caldwell" decision of June 29, 1972, the U.S. Supreme Court offered a blueprint for building a new edifice.

Acting as it often does when confronted with a particularly difficult constitutional issue, the court suggested that the problem of defining and protecting journalist's privilege could best be solved by Congress—which it said is free "to determine whether a statutory newsman's privilege is necessary and desirable"—and by the state legislatures.

Next week, the 93d Congress will accept the court's suggestion and begin hearings on proposed legislation to protect the confidential status of a reporter's sources and non-published information.

The first hearings will be held by a House Judiciary Subcommittee starting on Monday. Similar hearings by a Senate Judiciary Subcommittee are scheduled to begin Feb. 20 and together they will help determine how sturdy a structure American journalists will live and work in during the years ahead.

That structure has been a shaky one in the seven months since the Caldwell decision, which held that the first amendment guarantees of freedom of the press does not give newsmen the right to refuse to appear before grand juries to answer questions relevant to a criminal investigation or to withhold confidential sources and information.

That decision, coming just a year after the Pentagon Papers case in which two newspapers for the first time in American history were prevented by court order from printing specific articles, have sent a series of sharp tremors through the Nation's news media.

Upsetting the delicate balance that had long existed between the reporter's first amendment protection and the State's legitimate concern for detecting and prosecuting crime, the Caldwell decision quickly opened the floodgates to a relative deluge of confrontations between the government and the news media.

In the past few months, four reporters and editors have been jailed for refusing to disclose confidential news sources to courts and Grand Juries, including one, William Farr of the Los Angeles Times, who had been in jail for more than two months before Justice William Douglas ordered his temporary release on Jan. 11. However, Farr still faces the possibility of being jailed indefinitely.

In addition, more than a dozen other newsmen across the country are involved in litigation and face possible jail terms because of their reporting activities, while many other reporters are finding that confidential news sources refuse to talk with them, even if newsmen promise to go to jail rather than identifying them.

The legal implications of the Caldwell, Farr and similar cases spell trouble for the news media, most newsmen and many constitutional law experts agree.

Earl Klein, attorney for the Los Angeles Chapter of the National Journalism Fraternity, Sigma Delta Chi, is one of those who believes that the jailing of Farr for violating a "Gag Rule" imposed by a judge in the grisly Manson murder trial, set a dangerous precedent.

Although that decision is only valid in California, Klein believes government prosecutors and judges in other states may use the Farr case to hamstring the news media. Pointing out that other states tend to look to California for guidance because of its outstanding judiciary, Klein recently told the Southern California Journalism Review that "a decision like this is going to get a lot of play in law journals and reviews."

Robert Warren, who prepared an amicus brief in the Farr case for the Los Angeles Times, warned in the same publication that most reporters don't realize that the bell that tolled for Farr was tolling for them as well:

"The net upshot of this case is that the court by punishment of news persons, if necessary, achieves total control over the publication of news with respect to crime or criminal proceedings at least after it becomes subject to court proceedings."

But the Farr case is only one facet of a broad array of legal tests involving journalists as the courts group toward a new definition of the first amendment guarantee of freedom of the press.

Jack Landau, a Supreme Court reporter for the Newhouse newspapers and a trustee of the Reporters' Committee on Freedom of the Press, recently compiled a sampling of cases illustrating the range of current censorship efforts.

Generally, the conflict between the press and the courts falls into four categories of cases, including disobeying invalid prior restraint orders by the courts; reporting public criminal trials and related events; refusing to disclose the content and source of confidential information (the Caldwell and Farr cases are leading examples); and refusing to disclose confidential sources in libel cases.

In addition, reporters from various underground newspapers have undergone harassment by law enforcement officials in recent months in the form of arrests, police raids and grand jury investigations.

Landau singles out a case involving two Baton Rouge, La., reporters who were held in contempt of a Federal district court order banning publication of stories about a public rights trial as the "most pernicious" of all the pending censorship cases.

He notes that while a U.S. court of appeals ruled that the district court contempt order against the reporters was invalid because it violated the first amendment, it also ruled that the illegal order had to be obeyed and appealed rather than ignored because a temporary delay in publishing news is not an "irreparable" injury to the rights of the press.

Asserting that the ruling "authorizes a blank check to the judiciary for prior restraint of the press," Landau warns, "if, as this case suggests, the "integrity" of the courts now stands higher than the powers granted to the media by the first amendment, the press will become the hand-maiden of every corrupt or stupid judge in the Nation."

With all these cases providing an emotional backdrop, the congressional hearings that begin next week will study two basic questions—whether newsmen should be legally protected from being forced to disclose confidential sources, and, if so, how broad that protection should be.

Rep. Robert Kastenmeier, D-Wis., described the task of his House Judiciary Subcommittee when he said last week that it will examine "the question of whether or not a newsman's privilege should be created, and if it is created, whether or not it should be qualified or absolute, and applicable to State as well as Federal proceedings."

Kastenmeier, whose subcommittee held five days of hearings on newsmen's "shield" bill this year, declines to predict what kind of a bill it will be or what Congress will do with it.

But he feels that the various jailings and threatened jailings of newsmen have dramatized the need for a shield law and made its passage more urgent than at the time of his previous hearings.

"At one time we thought the probability was that it would have been better left untouched (by Congress)," he said recently. "But now it does appear that there are some very compelling reasons why we should put out a law. The courts have literally invited us to do it."

Some 21 shield bills have been introduced in the House by more than 55 Members. They reflect the heated debate among newsmen and non-newsmen alike over what kind of bill if any should be passed.

On the one end of the spectrum is the Nixon administration, which opposes any kind of shield law. It feels an absolute privilege is unwarranted and a qualified privilege is unnecessary because of the guidelines issued in 1970 by then-Attorney General John Mitchell making it more difficult for Federal prosecutors to subpoena newsmen.

President Nixon made his position clear in November in a letter to Robert Fichenberg, editor of the Albany, N.Y., Knickerbocker News and chairman of the American Society of Newspaper Editors' Freedom of Information Committee.

Nixon said that while he "would not oppose" a qualified privilege bill, he believes the system established by the attorney general's guidelines "is preferable to Federal legislation at this time."

He also said it would be "advantageous to all concerned" if shield laws were enacted in the 32 States that do not have any such laws.

Surprisingly, some newsmen line up with Nixon in opposing any law at all because they feel that the first amendment protection is absolute and that any law would either fall short or would fail to win passage and invite even more judges and prosecutors to open up on the press.

At the other end of the spectrum are those who want some kind of law, including Kastenmeier. James Cornwell, president of the National Newspaper Association, told Kastenmeier's subcommittee last fall that the Justice Department guidelines "provide no restraint whatsoever" against subpoenas issued by Congress or Federal bodies.

In addition, Cornwell pointed out, "the guidelines could be changed or even repealed entirely depending on the mood of the attorney general."

Another major disagreement is whether a shield law should provide an absolute or qualified privilege against forced disclosure by newsmen. The American Society of Newspaper Editors, for instance, favors an absolute privilege while Sigma Delta Chi wants a qualified privilege.

Those favoring the absolute privilege cite Justice William Douglas' warning that "sooner or later, any text which provides less than blanket protection . . . will be twisted and relaxed so as to provide virtually no protection at all."

Those favoring a qualified privilege argue that there is no reason why reporters should not be compelled to testify in criminal cases if his information is vital and can be obtained nowhere else.

Even the New York Times' Anthony Lewis, an expert court observer who is extremely critical of the Caldwell ruling, recently expressed concern "about the idea of reading into the constitution an absolute privilege for journalists against testifying in court."

Finally, there is the question of whether a shield law should apply to both the Federal Government and the states, and again, there are strong arguments on both sides of the question.

While the initial focus of attention on shield legislation will be on the Kastenmeier hearings, the Senate Judiciary Constitutional Rights Subcommittee headed by Sam Ervin, D-N.C., is scheduled to begin hearings on Feb. 20 on a half-dozen similar bills introduced in the Senate.

As in the House, the Senate bills run the gamut from absolute to qualified privilege and from Federal and State applicability to Federal only.

The more limited approach is probably best represented in a bill sponsored by Sen. Lowell Weicker, R-Conn. His bill would apply only to Federal and not state proceedings, although Weicker has offered "his bill as a a "model" for State legislatures, many of whom are creating or upgrading state shield laws.

Weicker's bill would prohibit any Federal grand jury, executive agency or legislative body from forcing newsmen to disclose confidential sources or data.

But a Federal judge could order disclosure in cases involving murder, forcible rape, aggravated assault, kidnapping, airline hijacking or a national security statute if it could be proved that the source had vital knowledge about the case that was not available anywhere else.

Most newsmen and news organizations are leery of such loopholes and are expected to support a bill proposed by Sen. Alan Cranston, D-Calif., a former newsman. His bill would establish an unqualified privilege of confidentiality applying to both the Federal government and the States.

However, the passage of a newsman's privilege law by Congress is certain to face many obstacles, and the press ultimately may find itself following the advice of judge Harold Medina of the second U.S. circuit court of appeals, who wrote recently:

"Some people may think that the leaders of the free press would perhaps accomplish more if their claims of constitutional right were less expansive. I do not agree with this. I say it is their duty to fight like tigers right down the line and not give an inch. This is the way our freedoms have been preserved in the past, and it is the way they will be preserved in the future."

PART V—CONGRESS AGAINST THE PRESS

". . . Were it left to me to decide whether we should have a Government without newspapers or newspapers without Government, I should not hesitate a moment to prefer the latter. But I mean that every man should receive these papers, and be capable of reading them."—Thomas Jefferson.

WASHINGTON.—Last week, on a day dominated by the announcement of a ceasefire agreement in Vietnam and the death of former President Lyndon Johnson, the Senate Interior Committee quietly made an historic break with the past.

By a unanimous vote, committee members for the first time in the history of the Senate decided to hold their full committee and subcommittee meetings in public rather than behind closed doors, and to require a public explanation for any exceptions to that policy.

"The people have a right to know how their land is being managed," Committee Chairman Henry Jackson, D–Wash., declared after the committee adopted the new rule on a motion by Sen. Lee Metcalf, D–Mont.

On the same day, in an action that received even less attention, Rep. John Anderson, R–Ill., introduced a resolution to amend House rules to require that all committees hold open meetings. The only exceptions would be when members vote in open session to meet behind closed doors on matters affecting national security or personal privacy.

Anderson quickly followed up with an identical resolution directed towards the House Rules Committee, of which he is second-ranking minority member. However, the committee on Tuesday voted to temporarily retain the existing system, leaving the Education and Labor Committee—which has long held only open meetings—the only House committee to follow such a policy.

Even though Anderson's latter anti-secrecy move has been stalled and his former one is given little chance of succeeding in the 93d Congress, his efforts along with those of the Senate Interior Committee reflect a growing awareness and concern on the part of many Members of Congress that too much of its business is shrouded in secrecy and silence.

Both the press—which would like to report on what takes place behind closed congressional doors—and the public—which might want to know how its elected representatives vote on crucial issues—have a stake in the current congressional battles. While many States and local governments have open-meeting laws, Congress so far has not passed such legislation—a long standing bone of contention between the press and Congress.

Among those who believe Congress is guilty of the same sins of secrecy and unaccountability of which it has often accused the executive branch are Sens. William Roth, Jr., R-Del., and Hubert Humphrey, D-Minn.

"Too often we in Congress have viewed secrecy in government—and its attendant credibility gaps—as problems of the executive branch," Roth declared last month as he and Humphrey introduced an "anti-secrecy rule" in the Senate.

"This is clearly not true," Roth added. "Last year, 38 per cent of all meetings of congressional committees were held in secret and 98 per cent of all business meetings were secret. This secrecy hides from the public a crucial part of the work of their Congress."

The Roth-Humphrey proposal is virtually identical to the one introduced by Rep. Anderson in that it would require that all Senate committee and subcommittee meetings be open to the public with national security and personal privacy exemptions permitted by majority vote.

The main target of the proposal is the so-called executive or mark-up sessions in which nearly all committees and subcommittees meet behind closed doors to decide the final language of bills.

"While there may have been convincing reasons for development of closed sessions in early years," Humphrey commented, "I believe it is time to recognize that the public has a right to share in the development of legislative policy at every stage."

Humphrey and Roth cited the argument of common cause and other public interest lobbying groups that to the extent congressional committees do the public's business in secrecy, the accountability between elected officials and their constituents is clouded.

In addition to making Senators fully accountable to their constituents at the crucial stage of the legislative process, the two Senators believe their proposal will:

Increase public respect for and confidence in the legislative process and Congress as a whole;

Strengthen legislation by making expert points of view available in the crucial moments when a bill is written in final form;

Increase the influence of the informed public and of public interest groups in open competition with the executive branch and the special interests who in many cases have special access to mark-up sessions;

Provide insurance against hidden provisions or poorly drafted ones in legislation reported to the Senate floor;

Improve the reporting and understanding of legislation by the news media.

An even more comprehensive anti-secrecy bill was introduced the week after the Roth-Humphrey bill by Sen. Lawton Chiles, D-Fla.

Chiles' "Government in Sunshine" bill would require all decision making sessions of all Federal Government Agencies and of both Houses of Congress to be open to the public with only limited and specific exceptions.

Chiles, who introduced the same bill late in the last session of Congress, predicted that the "time is ripe" for passage of such landmark legislation. He said the legislation is needed not so much to prevent any untoward proceedings behind closed doors as to restore public confidence in government.

"Much less goes on (behind closed doors) than the public suspects," Chiles declared. "With 90 per cent of (committee meetings), there is no reason to close them. It all leaks out anyway. I'm more interested in restoring public confidence."

Although Chiles has 24 co-sponsors for his bill and a companion bill introduced in the House by Rep. Dante Fascell, D-Conn., has more than 50 co-sponsors, neither of the bills nor that of Sens. Roth and Humphrey or Rep. Anderson faces a bright future.

"Reforms as important as these are won over a period of years if at all," explained an aide on the Senate Government Operations committee which will handle the two Senate measures. "I would guess that most Senators and House members can sense that the public wants these kinds of changes, but they just aren't ready to give up any more power at a time when they feel this terrible impotence toward the executive branch."

Congress' frustration over this inability to influence the executive branch, particularly in regard to the conduct of Vietnam War and the funding of various domestic programs, reached a climax last month when Senate Democrats voted to try to limit the administration's use of "executive privilege" to prevent key White House officials from testifying before Congress.

At the same time, the House moved to streamline its administrative procedures and to reform some of its outdated rules and traditions to give it more muscle in its dealings with the executive branch.

It installed a new million-dollar electronic voting system that will cut in half the average time it takes for the 435-member body to complete a roll call vote and will vote this week on a sweeping reorganization proposal. In addition, Democratic and Republican caucuses in the house—and Senate as well—scrapped the automatic seniority escalator and required that all committee chairmen be elected by party caucus at the start of each Congress.

Despite the encouraging moves toward reform and anti-secrecy legislation, Congress still is clinging to many of its old ways. It still only reluctantly gives out figures on staff salaries, members' fringe benefits and congressional travel and many of its most powerful committees such as the House Ways and Means committee which holds two-thirds of its meetings in executive session still conduct most of their business behind closed doors.

Congress' stubborn penchant for secrecy was manifested recently when the House shouted down a proposal by Rep. William Steiger, R–Wis., that would have required the Congressional Record to print what is actually said on the floor in different type than material that is inserted later.

As a result, the Record, which bills itself as the Official Record of House proceedings and debates, still contains thousands of words each day that were never actually delivered by a member intermingled with those that were.

Even the Senate Interior Committee, which opened all of its meetings last week, has resisted allowing a verbatim record to be made when exceptions are made in its open-hearing rule.

An even more ominous threat to freedom of the press is seen by many newsmen in a new effort in Congress to revise a section of the Internal Security Act of 1950 which was passed in the Joe McCarthy era to make it a crime for Federal Government employees to "communicate" any classified information "affecting the security of the United States" to an agent of a Communist organization.

Tucked away in preliminary draft of a 524-page bill to reform Federal criminal laws to be introduced shortly by Sen. John McClellan, D-Ark., Chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures is a section entitled "Misuse of Classified Information."

The section, which may be changed during the subcommittee and full committee hearings and mark-up, revises the 1950 law to make it a crime to give classified information to any "unauthorized person" and not just a Communist or a foreign agent.

Even though a McClellan aide who drafted the language insists that it is not intended to strengthen Federal secrecy laws and predicts that it will be changed, critics have denounced the measure as being "tantamount to passage of an 'official secrets act'."

Whatever the outcome, it is clear that new fronts are continually opening up in the historic battle between the press and the Government for control of public information.

PART IV—THE PEOPLE AGAINST THE PRESS

"Freedom of expression is the matrix, the indispensable condition, or nearly every other form of freedom"—U.S. supreme court justice Benjamin Cardozo in a 1936 opinion.

WASHINGTON.—At the conclusion of his one-year term as president of the national press club last December, syndicated columnist Warren Rogers described the current embattled state of the American press in gloomy superlatives.

"Never, in my 21 years in Washington and 33 years in the news business, have I seen such a blatant attack on the first amendment as we are witnessing today," Rogers declared. "Ladies and gentlemen, the press is in trouble."

Then, in an observation that both explained why that attack has occurred and placed it in historic perspective, Rogers added:

"And while we won't win any popularity prizes among the people, if the press is in trouble, then the people are in trouble."

Rogers' words reflected the growing awareness of many politicians and newsmen alike that the press generally is not well regarded by the public and that its role in a free society is not well understood.

Like all institutions in American life, whether religious, political, financial, academic or corporate, the news media have come under attack in recent years for reporting—often imperfectly and sometimes unfairly—the events of a period of national stress and social upheaval. Like the ancient messengers who were punished because they bore bad news, newspapers, magazines, radio and television have found that the very nature of their job invites public disapproval.

"This conflict between the press and the Government, each of which claim to represent the people, is not a new problem," asserts Sam Archibald, director of the University of Missouri's freedom of information center in Washington and a widely respected observer of both the Government and the press.

"It's a continuing, growing, evolving problem that will exist long after the Nixon administration is gone, but somehow many of these things that the press regards as intimidation that have been tried before now seem to be succceeding," Archibald adds:

"Why is this? Maybe it's because this administration has found that the public does not care about its right to know and wants to kill the messenger instead."

Yet at the same time, the press seems to have failed to convincingly remind the public of the special role and function assigned to it by the founding fathers in the first amendment and repeatedly emphasized by the U.S. Supreme Court through the years.

"A free press stands as one of the great interpreters between the Government and the people," the court declared in a landmark freedom of the press case in 1936, "to allow it to be fettered is to fetter ourselves."

The difficulty the press is having in convincing the public that it is not the press but the public that is the loser when press freedoms are curbed was articulated last month by conservative columnist James Kilpatrick as he lamented the mounting threat of judicial intimidation of reporters.

"The hardest thing to get over, because it sounds so infernally noble, is that this truly isn't our fight as newsmen," Kilpatrick wrote. "What we are struggling to defend . . . is the public's right to know. That right is in danger; and surely good judges, if they try, will see the danger as clearly as we do."

The judiciary may recognize that danger, but there is evidence that the public does not. A Gallup poll in November found that only 57 percent of the people supported the right of newsmen to protect confidential sources and many editors are finding their mail heavy with complaints about the press seeking "Special privileges" in the form of newsmen's "shield" laws.

As William Thomas, editor of the Los Angeles Times which has fought off over 80 attempts in the past four years to subpena its people or obtain unpublished material, asked in a recent speech, "Why are we (the press) so special? And how do you answer that question without the risk of sanctimony?"

One way, Thomas suggests, is to "admit to some imperfection," which the news media are doing with increasing frequently in response to recent criticisms. Some radio and television stations have hired conservative commentators to present a more balanced political viewpoint, many newspapers and magazines have opened their pages to spokesmen for various interests and some have created "ombudsmen" to monitor coverage of stories.

"In addition, journalism reviews have sprung up in many cities around the country in recent years to provide often harshly critical comment on the performance of local news media.

But while some newsmen feel that more self-censorship along with the outside attacks on the press will work together to eliminate some of the media's own self-satisfaction and sensitivity to criticism, there is considerable disagreement about how or even whether that self-censorship should be imposed.

When the New York-based twentieth century fund announced plans last month to create a national press council to monitor the performance of the news media and accept complaints from the public, national news organizations had opposing reactions.

Some, like the Washington Post, said they would cooperate with the 15-member council—which includes 9 newsmen—but others, most conspicuously the New York Times, said they would not.

Asserting that it would be dangerous for the press to institutionalize any such self-scrutiny in a press council or similar instrument and that this is precisely what the Nixon administration wants, Times associate editor Tom Wicker warned against conceding the vital point that such a watchdog body is needed.

". . . the fact is that the American press does not really need self-censorship, particularly in reporting on the government," Wicker wrote this week. "It needs, instead, a vigorous new spirit of inquiry, a bold new determination to make its commitment to truth as it can be perceived, rather than to any administration, any ideology or any government-defined statement of the national interest."

Echoing a debate that has gone on for centuries, Wicker contends that the press council's goal of keeping the press more "free" by making it more "responsible" is a contradiction in terms:

"If the press is truly free, it follows that it will not always be 'responsible', and anything that tends to enforce (italics enforce) its 'responsibility' necessarily makes it less than free."

The same understanding that the press must have maximum freedom, even at the cost of occasionally acting irresponsibly, was at the heart of the philosophy which the Founding Fathers expressed in the sacrosanct first amendment.

As James Madison wrote at the time of the constitutional convention, "some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the states, that it is better to leave a few of its noxious branches to their luxuriant growth than, by pruning them away, to injure the vigour of those yielding the proper fruits."

The legendary Judge Learned Hand used different words to make the same point about the paradoxical freedom of the press when he observed in 1943 that the first amendment "presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all."

THE TRANSPORTATION CRISIS

Mr. WEICKER. Mr. President, on February 6, the NBC news program First Tuesday presented a report by Paul Duke on America's transportation crisis. The program, produced by Peter Jeffries, took a hard look at the highway lobby and its powerful friends in Washington.

It showed how they are determined to continue using money from the Highway Trust Fund to build more and more highways despite the pleas of environmentalists, civic groups, leaders, and enlightened Members of Congress to use part of the money for desperately needed mass transportation.

The program did a great deal to inform the public on the key issues in the current battle in Congress to tap the trust fund. It also showed very graphically the cost in human misery of this Nation's highway building program.

Messrs. Duke and Jeffries are to be congratulated for their dramatization of the issues, and NBC for having the courage to present what was a timely, but controversial, report. It was journalism at its best.

A SHIFT FROM "PEOPLE PRIORITIES"

Mr. ABOUREZK. Mr. President, the budget message recently delivered to Congress, when taken into account with our many "hidden" subsidy programs, seems to propose a distinct shift away from "people priorities."

In the end, the strength of a nation does not rest upon its vast inventories of the machinery of death nor upon its exploits into the affairs of other nations.

In the end the strength of a nation rests upon the strength of its people. Are they strong? Are they healthy, well-fed, prosperous, and united? Do they grovel in poverty or are they a growing society with room and equity for all? Are their common institutions viable? Can they afford that certain healthy amount of internal struggle, chaos, and change? Or are their arteries hardened, their nerve ends dead, and is their vision narrowed, selfish, and unmoving? Do they face their problems squarely, honestly, and openly or do they gloss over the cracks in society and use a growing police state to enforce the stability which a healthy state finds naturally?

I would respectfully submit that the priorities outlined in the President's budget points out in the worst of these directions.

There is more room for war and private greed in this budget than for compassion, generosity, and humanity.

It papers over the cracks rather than shoring up the weakening foundations of American society.

With those comments, I ask unanimous consent to have printed in the RECORD a letter some people with similar concerns recently sent to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 31, 1973.

The PRESIDENT OF THE UNITED STATES,
RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We are writing to voice our protest over the budgetary priorities in your proposed 1974 fiscal budget. At a time of nagging inflation and large federal deficits, concern over the level of federal spending is of course understandable. But what seems unjustified, and at the least unexplained, is why the Administration has wielded an ax on a number of social service programs without even applying a scalpel to corporate subsidy programs. The former can save millions of dollars at the cost of human welfare while the latter wastes billions of dollars on behalf of preferred business firms.

The following lists compare the costs of these two types of programs:

THE 1974 BUDGET REDUCTION IN MILLIONS

Hill-Burton Program—To construct public or other non-profit hospital and clinical facilities; $90.

Regional Medical Program—To improve and regionalize research on, and delivery of, health services, especially "for persons residing in areas with limited health services"; $60.

Community Mental Health Clinics—To develop community mental health centers as an alternative to ineffective and costly state mental institutions, especially to provide facilities to those unable to pay; $50.

Training Grants and Fellowships—Promotes long term categorical training for selected professional disciplines, like social workers, health aides, and psychiatrists; $58.

Medicare—To provide medical insurance to the elderly. Various rule changes will increase out-of-pocket charges to the 23 million elderly and disabled beneficiaries of this program; $1,600.

Education—Includes all education programs in HEW; the largest component of cutback is for reduction in library construction and services ($138 million) impact area aid ($143 million) and "educational development" ($53 million). Actually, federal education budget has been reduced by an additional $2.52 billion, with projection that a $2.53 billion educational revenue sharing bill will pass Congress this session.

Public Assistance—Includes all federal welfare assistance programs in HEW, with proposed reductions occurring largely in maintenance assistance and social services, $1,237.

Office of Economic Development—An agency to research and reduce incidence of poverty. Agency abolished with some functions transferred to other Departments; $390.

Water Pollution Control—Of $11 billion legally appropriated by Clean Water Act of 1972 to clean up nation's waterways, approximately $6 billion is being impounded over two years; $3,000.

Manpower Programs—To encourage on the job and classroom training, summer jobs for youth, vocational rehabiiltation, subsidies for those hiring the hard-core unemployed, and public service employment; $499.

Housing Subsidies—To help fulfill the 1949 Housing Act's pledge of "a decent home and suitable living environment for every American family." The 1974 Budget suspends new commitments under the housing subsidy program; $305.

Housing Projects—No new project approved for urban renewal, model cities, open space, neighborhood facilities, and rehabilitation and public facility loans; ($745 saving projected by 1975 budget).

Community Relations Service—To provide assistance to communities trying to resolve racial disputes; $4.

I. CORPORATE WELFARE: SUBSIDIES AND WASTE; ANNUAL COST IN MILLIONS

Merchant Marine Subsidies—Includes both construction subsidies and operational subsidies, which make up difference in costs between American carriers and equivalent outlays on foreign vessels; $460.

Air Carrier Payments—To cover any operating losses by air carriers for specific air transportation services; $66.

Government Guaranteed Loans—The underwriting of specific private loans, such as Lockheed's $250 million loan; the subsidy for the private firm is the difference between what it pays for the loans with a government guarantee and what it would pay without such a guarantee.

Government-Owned Property Used by Private Contractors—Use of defense facilities by private firms either for production of defense equipment (for which they pay no rent) or for commercial production (for which they pay a small amount of rent). As of June, 1970, $14.6 billion worth of government property so held by defense contractors.

Export-Import Bank—Low cost loans to encourage corporations to trade abroad; $65–$169, depending on prevailing interest rates; fiscal year 1971 estimates.

Defense Procurement—Totals some $40 billion annually. Yet due to noncompetitive, nonadvertised bidding, sole source negotiating, and "cost-plus" contracts, there have been huge cost overruns severely taxing the public treasury. One study by the Joint

Economic Committee found that 45 weapons systems had increased in projected costs by $7 billion from June, 1970 to June 1971; (est.) $7,000.

Drug Procurement—HEW expenditures for drugs, largely for medicare and medicaid, was $1.5 billion in 1972. Because purchase is often by brand (not generic) name and not by centralized procedures, the government is overpaying drug firms by approximately half, according to the data of HEW economists; $750.

Patents—The Federal Government spends over $15 billion annually for research and development, with most resulting patents being granted royalty-free to private firms In many other countries the government retains title and sublicenses these patents at reasonable royalties to private industry, thereby recouping a substantial part of government R&D expenditures; n/a.

This corporate subsidy compilation represents present policies. Two pending proposals, if implemented, would have to be added to this list. Your administration has backed legislation seeking indemnification to private firms for losses connected with the HEW ban on cyclamates. Former HEW Secretary Robert Finch has estimated that such federal compensation could range between $250 million and $500 million. In addition, Administration spokesmen have reiterated the Administration intention to propose federal subsidies for the construction of an American SST. Based on the last Administration request, this would cost the public treasury at least $289 million.

But merely listing corporate subsidies understates the problem. For one can control the federal budget either by limiting expenditures *or* by raising revenues. Thus, the following corporate welfare list (based on "Estimates of Federal Tax Expenditures" prepared in 1971 by the staffs of the Treasury Department and the Joint Committee on Internal Revenue Taxation) reflects the lost revenues due to the indirect (and usually invisible) subsidies attributable to certain preferential tax policies:

II. CORPORATE "TAX EXPENDITURES"; COST IN MILLIONS (1971)

Deferral of income controlled foreign subsidies, $165.

Excess of percentage over cost depletion, $785.

Investment tax credit, $1,495; (over next decade expected to increase to an average of $4,500–$4.5 billion annually).

Asset Depreciation Range, $600 (over next decade expected to increase to $3.5 billion annually).

Depreciation on buildings (other than rental housing) in excess of straight-line, $320.

Capital Gains: Corporations—(other than farming and timber and excluding individuals), $380.

Domestic International Sales—Corporation (DISC) (in effect an exemption of one-half of all export profits), $400 (approx.).

Expensing of exploration and development costs, $260.

Western Hempishere Trade Corporation, $75.

Timber: Capital Gain treatment for certain income, $125.

Bad debt reserves of financial institutions in excess of actual, $400.

Exemption of interest on State and local debt, $485 (difference between federal corporate revenue loss and interest savings to state and local governments).

This subsidy and tax expenditure list is by no means exhaustive. And even direct subsidies, indirect subsidies, and procurement waste fail to describe the extent and the cost of federal policies toward what have been called by some elected Canadian officials "corporate welfare bums." Federal tariff and quota policies, by limiting foreign competition and thereby permitting a higher than competitive price for many domestic products (e.g., steel, textiles, oil), leads to a net transfer from consumers to corporations of about $20 billion annually.[*] The failure of our antitrust laws to check monopolistic practices also redistribute wealth from the many consumers to the relatively few corporate managers and large shareholders by an estimated $24–31 billion annually.[**] In effect, by means of high, noncompeting prices, corporations levy a private tax and lessen net consumer income.

A variety of reasons have been offered to defend the human welfare cuts. The OEO, it is said, has simply been lateraly reorganized into HEW; yet staff and funding reductions make it clear that much of this agency has been eliminated, not merely relocated. OEO Programs with zero 1974 funding are the Community Action Programs, State Economic Opportunities Offices, Senior Opportunity and Services, and certain training and technical assistance programs. It is said that states and localities, via revenue sharing, will assume many of your social cuts. Yet not only do most areas lack parallel programs to those being deleted, but the cuts are so many that it seems unlikely revenue sharing, even *if* recipient jurisdiction were so inclined, could sustain the burden. But recipient jurisdictions may well *not* be inclined to assume the federal social welfare programs you are shedding. Revenue sharing without stipulations means there may be a new city hall, not a new vocational training program, and for many areas it will simply mean a reduction in local property taxes, so that total revenue remains the same.

The Regional Medical Program supposedly failed in its mission of improved health delivery. So have many weapon systems, but they are not eliminated; redesign to improve malfunctioning programs would appear preferable to wholesale elimination, yet no such reevalution seems to have been considered. Some programs have been said to have achieved their goal and are no longer needed (e.g., Hill-Burton and Community Mental Health Centers), yet closer scrutiny leaves that conclusion open to question (many poor communities and urban areas still lack adequate hospital facilities, however ample the number of hospital beds may be in other communities; the 515 existing Community Mental Health Centers can hardly claim to remedy the nation's mental health problems). Since there are, according to federal studies of public assistance, an ineligibility rate of 6.8 percent and an overpayment rate of 13.7 percent for the Aid for Dependent Children program, and error rates of 4.9 percent and 9.7 percent for the adult categories, the huge cut in federal public assistance supposedly follows. Unmentioned, however, is the large percentage of desperately poor people who need welfare assistance but presently do not receive it, as well as the meager assistance obtained by those poor who are able to receive assistance. In fact, according to the Citizen's Board of Inquiry, almost half of the nation's poor are still not receiving food assistance. And finally, reference is constantly made to the fact that the human services percentage of the federal budget has been steadily increasing in recent years, and that the 1974 HEW budget is $10 billion more than the 1973 budget. As the war recedes we would only expect a more sensible realignment of the social service and defense budgets. Also, HEW budgets go up (a) largely because Congress mandates increased spending in certain areas (e.g., four-fifths of this year's HEW budget increase is attributable to the increase of Social Security benefits, despite your well-publicized reluctance) and (b) partly because of skyrocketing medicare and medicaid costs attributable to the lack of cost and quality control, which leads to hundreds of millions of dollars of annual budgetary waste and high profits for the medical industry. The fundamental issue is not whether federal human resource expenditures do or should go up, but by *how much* they should. And the fundamental test of Presidential courage and leadership is to make government work best for those who need it most, rather than eliminating those programs with the weakest constituency and preserving those pushed by the most powerful.

It is true that there is waste and poor administration in many federal programs, human resource ones included, that might justify paring down or phasing out. What troubles us, however, is the pattern of belt-tightening toward social service programs but inattention to corporate subsidies. Your search "into every nook and cranny of the bureaucracy" does not seem to include this obvious area of waste (not to mention the fact of a defense budget increased by $4.2 billion during peacetime). While human needs in this society are so clearly unmet, all too often corporate paternalism, as Franklin Roosevelt once said of a proposed tax bill, "provide[s] relief not for the needy but for the greedy."

If, as outgoing HEW Deputy John Veneman said at the HEW budget briefing, "there is a conscious decision by this administration to identify those programs which have fulfilled their purpose already or cannot fulfill those purposes," why is this fiscal standard not also rigorously applied to programs which forgive tax payments and dispense corporate emoluments? If "throwing dollars at problems" can be wasteful in human resource problems, why aren't the billions handed over to the maritime, drug, and defense industries included in your analysis? If you defend human resource cuts by observing that Congress "gets enormous pressure from special interests to spend our money," why is mention omitted of the classic special interests—those with the political power to increase the corporate dole? Indeed, why are you never critical of corporations at the public till? The cost to taxpayers of wasteful corporate welfare far exceeds the cost of wasteful human welfare, as comparison of the lists above clearly indicate. (For example, all the HEW cuts listed, for health and education, equal the merchant marine subsidies alone; and the total tax breaks for corporations above, once ADR and DISC mature, totals $11.4 billion.) It seems an understatement to conclude you are employing a double standard: frugality for needy people, extravagance for corporate interests.

We would therefore like to know, for two specific examples, the Administration's explanation for spending $460 million to support the merchant marine fleet. The "national security" needs of this fleet have already been disparaged by objective experts and the relevant authorities in your predecessor's Administration; an August 16, 1967 memorandum from the then Secretary of Transportation Alan Boyd to President Lyndon Johnson said that "the reason for a program as large as 30 ships [which your Administration has approved] arose from a desire to buy industry and labor acceptance of the major policy reform of foreign construction. . . . A much smaller program would meet all national needs. Schultze, McNamara and I agree on this." In addition, it seems uneconomical to spend $460 million to preserve such an inefficient industry. And second, what is the explanation for the inefficient method of federal drug procurement, which, as noted, costs some $750 million to taxpayers in wasteful procurement to inflate the profits of the drug companies? We would appreciate specific answers to these questions by you.

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[*] Bergsten, "The Cost of Import Restrictions to Consumers" (American Importers Association, 1972); Fieleke, "The Costs of Tariffs to Consumers," *New England Econ. Rev.*, Sept.–Oct. 1971, at 13. See also B. Moore, "Beyond McGovern's Radical Economics—the $300 Billion that He Missed," *Congressional Record*, Oct. 3, 1972, at S16622 et. seq. (especially n 29 at 16628).

[**] W. Shepherd, *Market Power and Economic Welfare* 208–213 (1970); F. M. Scherer, *Industrial Market Structure and Economic Performance* 409 (1970).

In conclusion, Mr. President, we would urge that before you stop programs for the many, you at least should scrutinize programs for the few. Before there are fewer libraries and hospitals and low income apartments and sewage control systems, there should be fewer subsidized ships, less expensive drug and arms procurement, and more taxes paid by coddled corporations. The overall benefit to the individual taxpayer and to the public treasury would be substantial. And another beneficiary would be the free enterprise system, which without the props of many federal corporate subsidies would be more competitive, more efficient, and more responsive to consumers, leaving them with increased income to meet their needs. In a society already marred by a maldistribution of wealth and income, it is unjust to make the poor, poorer and the rich, richer by cutting some $8 billion in human welfare and tolerating over $19 billion in corporate welfare.

Sincerely yours,

Jerry J. Berman—Assistant to President, Center for Community Change.*

Barbara Bode and Ms. Samm Brown—Children's Foundation.

Paul Friedman—Mental Health Project.

Mark Green—Corporate Accountability Research Group.

Fred Harris and James Rosapepe—New Populis Action.

Susan King—National Committee for an Effective Congress.

John Kramer—National Council on Hunger and Malnutrition.

Albert H. Kramer—Citizens Communications Center.*

Terry Lenzner—Project on Corporate Responsibility.

Phil Michael—Environmental Action.

Ralph Nader.

Joseph Onek and Richard Frank—Center for Law and Social Policy.*

Grady Poulard—Independent Foundation.

Marilyn Rose—Health Law Project.

John Tillman—National Welfare Rights Organization.

Mary Vogel—National Organization for Women.

Washington Research Project Action Council.

Tracy Weston—Stern Community Law Firm.

George A. Wiley—National Coordination, Movement for Economic Justice.

Richard B. Wolf—Deputy Director, Institute for Public Interest Representation.

SPENDING PRIORITIES

Mr. INOUYE. Mr. President, there is no matter of greater current concern or national interest than governmental spending priorities and the means by which we determine how we will allocate limited available resources.

The Constitution gives to the Congress—and only to the Congress—the power to appropriate. If there is any uncertainty as to the delineation between executive versus legislative prerogatives in the ongoing national debate on this subject, it is solely attributable to the Congress not having asserted its full authority or exercising its absolute control over the flow of public funds.

Yesterday the distinguished chairman of the Senate Appropriations Committee delivered a strong and comprehensive address to the Senate in which he drew from the wisdom of his long experience and charted a way out of our current dilemma.

I, for one, strongly support his commitment to hold appropriations to the lowest level that is:

> Consistent with economic capabilities, fiscal requirements for the proper functioning of our Government, and the maintaining of a posture of military strength that is required for national security.

Chairman McCLELLAN called for the 13 appropriations subcommittees to arrive at and report to the full committee the lowest practical and feasible amount that each feels is necessary for those programs and services under its jurisdiction.

Following the chairman's direction, I called a meeting of the Subcommittee on Foreign Operations early this afternoon and in response to his request we have adopted a target subcommittee budget. The overall goal of the subcommittee for the forthcoming fiscal year—1974—for those activities funded by the foreign assistance and related programs appropriations bill is $3,113 million. This is a reduction of $1,202,581,000 in new obligational authority, as contained in the budget estimates submitted by the President last week. It is $77,896,000 less than appropriations for these same activities in fiscal year 1972 and $539,701,000 below the fiscal year 1973 rate contained in the continuing resolution under which these programs are presently operating.

As Chairman McCLELLAN stated, these goals adopted by the several subcommittees are not "binding" but they are highly desirable and even necessary for the orderly development of targets for overall congressional appropriation spending goals.

I am pleased to report that the Foreign Operations Subcommittee is the first to establish its target, and given the cooperation of the authorizing committees, I pledge my best efforts to see that it is attained in a timely and orderly manner.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. MANSFIELD. I ask that the Chair lay before the Senate the unfinished business.

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. PELL. Would the Chair inform me, what is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

> S. Res. 60, to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

Mr. PELL. Mr. President, is there a time agreement in connection with this matter?

The PRESIDING OFFICER. There is no time agreement.

Mr. PELL. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAKER. Mr. President, I ask unanimous consent that, during the pendency of any amendment I may offer to this resolution, Mr. J. P. Jordan of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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*For identification purposes only.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 12 Leg.]

Allen
Baker
Bentsen
Byrd, Robert C.
Cranston
Domenici
Eagleton
Ervin
Griffin
Hathaway
Helms
Hruska
Jackson
Mansfield
Nelson
Pastore
Sparkman
Symington
Talmadge
Tower

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk
Aiken
Bartlett
Beall
Bellmon
Bennett
Bible
Biden
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Cannon
Case
Chiles
Clark
Cook
Cotton
Curtis
Dole
Eastland
Fannin
Fulbright
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hollings
Huddleston
Hughes
Humphrey
Inouye
Javits
Kennedy
Long
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nunn
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stevens
Stevenson
Taft
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 7, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The Senate continued with the consideration of the resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. BAKER. Mr. President, I have an amendment at the desk, which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read the amendment, as follows:

On page 2, line 11, strike "five" and insert in lieu thereof "six".

On page 2, line 14, strike "two" and insert in lieu thereof "three".

Mr. BAKER. Mr. President, this amendment to the resolution now pending before the Senate simply provides that the select committee constituted by the resolution would consist equally of three Republicans and three Democrats.

On yesterday, in colloquy with the distinguished senior Senator from North Carolina, I indicated that I felt that a select committee was the preferable way to constitute a board of inquiry of the Senate; that I thought it was superior to one of the standing committees doing this inquiry. I thought it offered a greater opportunity to illuminate all the facts attendant on the circumstances of the recent Presidential campaign and other political activities.

I indicated, as well, that the precedent for having an equal division in select committees and special committees of the Senate in this respect was well established, and that I believed we would enhance and reinforce the position of absolute objectivity and freedom from personal consideration if we were to back that precedent in this instance.

I also indicated yesterday that I have no doubt whatever about the objective manner, the calm, cool, and judicial manner, in which the distinguished senior Senator from North Carolina will conduct this inquiry as chairman of the select committee if he is chosen as chairman of the select committee. This amendment in no way impugns his standing in that respect, nor does it suggest that I have any fear that the majority members of the committee, nor the staff, for that matter, will engage in a partisan witch hunt.

On the other hand, Mr. President, we must face the fact that, inevitably, this inquiry will be fraught with political implications. That has been the case previously on other occasions, and the Senate has dealt with it, I think, in a very commendable way.

Precedents that occur to me in that respect go back at least to 1954, when there was a select committee of the Senate to investigate the McCarthy allegations. A resolution was adopted by the Senate in 1954, constituting a committee, on the basis of equal distribution, of three Republicans and three Democrats.

More recently the Senate Standards and Conduct Committee, which, of course, is a committee of very high sensitivity, dealing with the conduct of the members of this body, was constituted on the basis of three Republicans and three Democrats.

In the other body, the House of Representatives, in their allocation of membership to the House Standards of Official Conduct Committee, has followed the same principle, when it allocated a membership on the basis of six members for each party.

In the Select Committee on Improper Activities in the labor-management field in 1957, the same formula was followed with an allocation on the basis of four members for each party.

More recently there was created a special Senate Committee on the Termination of the National Emergency. That Special Committee is made up of equal numbers of Republicans and Democrats, four of each party.

The special committee to study questions related to secret and confidential documents, which was created in S. Res. 13 in the 93d Congress, is made up of five Republicans and five Democrats.

I feel that as we launch into a broad, sweeping inquiry, far broader than any judicial inquiry can be, certainly more comprehensive and broader than any criminal inquiry can be, and as we go into legislative type hearings as distinguished from judicial hearings where we are encumbered with the Federal rules of civil procedure or the rules of criminal procedure, it is incumbent on us that we guard against any question on partisanship in the inquiry on which we are about to embark. It is for that reason that I offer this amendment to change the composition of the committee from three Democrats and two Republicans to three Democrats and three Republicans, with the avowed and expressed hope that if that happens, the distinguished senior Senator from North Carolina will be chosen and will agree to accept the assignment as chairman of the committee.

Mr. President, I am willing at this time to yield the floor.

Mr. ERVIN. Mr. President, I am strongly opposed to this amendment. Indeed, if this amendment were agreed to, it would mean that the resolution would carry within its provisions the seeds of its own incapacity to enable the performance of the functions which the resolution would assign. I will come back to that in a minute.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I have studied the precedents, and virtually without exception every select committee that has been established since 1947 has been divided between the majority party in the Senate at the time and the minority party in the Senate at the time so as to give the majority party a larger representation in numbers than that of the minority party. For example, in the second session of the 80th Congress, they established a special committee—which is a name they used to give to select committees—to investigate the national defense program.

The membership of that committee consisted of six Republicans and four Democrats.

The same session established a Special Committee To Study the Problems of American Small Business. The membership of that committee consisted of seven Republicans and five Democrats.

The same Senate established a Special Committee To Reconstruct the Senate Roof and Skylights and Remodel the Senate Chamber. The membership of that committee consisted of three Republicans and two Democrats.

If we are going to have a majority and a minority party on the Select Committee To Study the Reconstruction of the Senate Roof and Skylights and Remodel the Senate Chamber, where there are present no political overtones of any kind, we certainly should have a division which would enable the committee to be established by Senate Resolution 60 to function in the event of disagreement between the members of two different parties on the committee.

During the 81st Congress, they continued the Select Committee on Small Business with an assigned membership of eight Democrats and five Republicans.

In the 82d Congress, they retained the Special Committee on the Reconstruction of the Senate Roof and Skylights and Remodeling of the Senate Chamber with a membership of three Democrats and two Republicans.

They established in that session a Select Committee on Small Business, with a membership consisting of seven Democrats and six Republicans. They also established a Special Committee To Investigate Organized Crime in Interstate Commerce, with a membership consisting of three Democrats and two Republicans.

During the 84th Congress, the Select Committee on Small Business was continued with a membership consisting of seven Democrats and six Republicans. They also established at that time a Special Committee on the Senate Reception Room which consisted of three Democrats and two Republicans. Why they should have any difference where there is no great likelihood of anything more important to discuss except how the reception room should be decorated or whose pictures should hang on the wall, I do not know. There is no room for disagreement. Well, some could disagree on that, I guess.

In the 85th Congress, they continued that Select Committee on Small Business with a membership of seven Democrats and six Republicans.

During the 86th Congress, the Senate continued the Select Committee on Small Business with a membership of 11 Democrats and six Republicans. They established a Select Committee on National Water Resources. Surely there is not much room for disagreement about water, unless we are going to have a little bourbon or Scotch to go with it. This committee consisted of 10 Democrats, with one other Democrat as an ex-officio member of the committee, and six Republicans.

The Senate established, in that same Congress, a Special Committee on Unemployment Problems. That committee consisted of six Democrats and three Republicans.

In the 87th Congress, the Select Committee on Small Business was continued with a membership of 11 Democrats and six Republicans constituting its membership.

During the same Congress, the Senate established a Special Committee on Aging which consisted of 14 Democrats and seven Republicans.

During the 88th Congress, the Senate continued the Select Committee on Small Business with 11 Democrats and six Republicans. It also continued the Special Committee on Aging with 14 Democrats and seven Republicans.

During the 89th Congress, the Senate continued the Select Committee on Small Business with 11 Democrats and six Republicans, and the Special Committee on Aging with 14 Democrats and seven Republicans.

Then, during the 90th Congress, the Senate continued the Select Committee on Small Business with 11 Democrats and six Republicans, and the Special Committee on Aging with 13 Democrats and seven Republicans.

During the 91st Congress, the Senate continued the Select Committee on Small Business with 10 Democrats and seven Republicans, established a Select Committee on Nutrition and Human Needs with eight Democrats and five Republicans, and continued the Special Committee on Aging with 11 Democrats and nine Republicans.

During the 92d Congress, the Senate established a Select Committee on Equal Educational Opportunity with a membership composed of nine Democrats and six Republicans. During the same Congress, the Senate continued the Select Committee on Nutrition and Human Needs with eight Democrats and six Republicans constituting its membership It also continued the Select Committee on Small Business with nine Democrats and eight Republicans, and the Special Committee on Aging with 11 Democrats and nine Republicans.

I think the records will show that the membership of these select committees was composed of Democrats and Republicans proportionate to the respective membership in the Senate of Members of the two parties. It is true that there have been, during recent years, some four committees where the membership was equally split. Three of those committees dealt with matters concerning the internal affairs of Congress and matters relating to the Senate itself.

In other words, we had the Select Committee on Standards and Conduct, the membership being equally divided between the two parties having representation in the Senate. There is in that committee virtually no room for tie votes or differences of opinion, because Members of the Senate of both parties certainly entertain virtually the same opinions in respect to what constitutes ethical conduct on the part of a Senator of the United States. So that is totally unlike the select committee which is proposed to be established by the pending resolution. The pending resolution proposes to authorize an investigation and study, not of anything relating to the Senate exclusively, but of matters relating to the Presidential election of 1972, a matter lying outside the scope of senatorial activities or senatorial conduct.

A second select committee of the four that I have discovered which had equal division in the party membership of their members was the Special Committee on the Reorganization of Congress. That had reference to the internal affairs of Congress and how they should be conducted, and there were no possible partisan implications in that committee. It had nothing to do with anything outside of the Congress itself.

The third select committee where the membership was equally divided was the Watkins Committee which was appointed to study the question of whether Senator Joseph McCarthy, of Wisconsin, should be censured for conduct unbecoming a Senator. Manifestly, that was a matter within the family of the Senate itself, and was dealt with by an equally divided select committee, as should have been done.

The other illustration of a select committee, whose function did not relate to the internal affairs of the Senate or Congress as did the other three, was a Select Committee To Investigate Improper Activities in Labor-Management Relations. The membership of that committee was equally divided, but there were two reasons for that, both totally unlike the reason which prompts the introduction of this resolution.

The Subcommittee on Permanent Investigations of the Committee on Government Operations began an investigation of its own accord into certain activities of officers of the Teamsters Union on the West coast. The Committee on Labor and Public Welfare claimed that the permanent Subcommittee on Investigations was trespassing on its legislative domain, and a controversy arose in the Senate with respect to which of the two committees had jurisdiction of the investigation into alleged improper conduct in the labor and management field. So, to reconcile the conflicting claims of jurisdiction and to proceed with the investigation which circumstances indicated needed to be made, a compromise was agreed upon whereby they established a select committee composed of an equal number of Senators from the permanent Subcommittee on Investigations of the Committee on Government Operations and from the Committee on Labor and Public Welfare. That was the reason why there was an equal number of Senators from each committee.

There was another consideration:

Everyone recognized that labor had then, as it has now, a powerful political clout, and the membership of the two parties in the Senate was divided by only about one Senator. The Democratic Party had perhaps a majority of one Senator, and it was recognized that if there was any hope of securing the adoption of a resolution establishing a Select Committee To Investigate Improper Activities in the Labor and Management Field, there would have to be strong bipartisan support from both parties. So it was agreed that not only would they have an equal division of membership between the Subcommittee on Permanent Investigations and the Committee on Labor and Public Welfare, but in order to assure strong bipartisan support for the resolution establishing the select committee, the membership should be apportioned in equal numbers between the two political parties in the Senate. That is the explanation for that. That is the only select committee I can find, outside of the select committee dealing with internal affairs of the Senate and dealing with the internal affairs of Congress, that has been set up since about 1947. I have not had the opportunity to investigate the conditions before that.

This is, as the distinguished Senator from Tennessee has said, a case which might, unless the select committee acts circumspectly, have some political overtones. There has been only one other similar select committee set up during the life of this generation, so far as I can find, and that is what we have called, popularly, the Committee To Study the Controversy Between Senator McCarthy and the Army. That select committee was set up during the time when a majority of the Members of the Senate adhered to the Republican Party. That was a select committee which investigated charges which had considerable overtones, because of the charges which had been leveled against Secretary Stevens and the Department of the Army.

So when the Senate established the select committee to investigate those charges, it established a Special Committee on Investigations which had a membership composed of four Republicans, Karl Mundt, Everett Dirksen, Charles Potter, and Henry Dworshak; and three Democrats, JOHN L. MCCLELLAN, HENRY M. JACKSON, and STUART SYMINGTON.

The select committee was appointed to investigate an area more similar to the matter covered by this resolution than in any other area in the modern history of the Senate. The precedent set by the Republicans, then a majority, in that case, of establishing a select committee consisting of four Republicans and three Democrats is still the precedent we should follow in this case.

The reason I am opposed to this amendment is that I do not think the Senate should pass a resolution establishing a select committee which embodies in its provisions a provision which would possibly make it difficult, or even impossible, for the select committee to perform its functions. I would hope that any investigation which might be conducted by a select committee under this resolution would try to ignore political considerations.

I am certain that all the Members on both sides of the aisle share that desire. I pledge myself to do everything within my power to see that political overtones can be eliminated from any investigation and study under this resolution, to the maximum extent possible.

As I said yesterday, I take the business of judging my "fellow travelers to the tomb" very seriously, and I will do everything in my power, if I should be made chairman of this select committee, to see that the subcommittee judges those who may be charged with illegal, improper, or unethical conduct in respect of the elections, or any campaign, or canvass, with the cool neutrality of the impartial judge.

But I would dislike to be chairman of a committee which did not have the capacity within itself to make the decisions which it has to make to carry out the duties imposed on it. That would be precisely the effect this amendment would do. This amendment would provide a mechanism by which it is quite possible that the select committee could never reach a majority decision in respect to what investigations it should conduct or what subpenas should be issued, or what the committee staff should do.

I just think it would be the height of folly for the Senate to adopt a resolution establishing a select committee with provisions in the resolutions which could—I do not say they will—but they certainly create the possibility that the committee would be unable to reach any decision with respect to the matters necessary to enable it to perform the functions which the resolution would impose upon it.

For these reasons, I know that it is not the motive of my good friend from Tennessee to have a stalemate, or to have a committee which would be powerless to make a decision and, yet, that is the possibility created by this amendment.

I, therefore, appeal to the Senate that if it wants a select committee which would certainly have the power to function instead of being bogged down in indecision and chaos, to reject this amendment.

Mr. TOWER. Mr. President, it appears to me that the weight of the argument made by the distinguished Senator from North Carolina is to the effect that because this deals with a partisan matter on which there are likely to be partisan decisions, the absolute majority control of the committee should be in the hands of the majority party.

I think that this is the kind of situation where, because there are partisan considerations involved for the committee to act in what appears to be an objective way, the representation should be absolutely balanced.

What has been raised here is the fundamental question about what kind of precedent we may set.

Is the Senate going to function as a vehicle for the majority party in that body to launch investigations against actions allegedly committed by members of the minority party, with the pregnant possibility that some sort of political benefit will accrue to the majority party? I think that this is a unique kind of case, one in which we should pick our way very carefully because we may be setting precedents here.

At some point in time, conceivably, the Republicans could become the majority in this body. That is a day much to be wished for on the part of many of us, some 43 of us; but I will not comment on the prospects of that at the moment. But it is conceivable that the Republicans could use this precedent in an effort to mount some sort of investigation against alleged acts of members of the Democratic Party, in an effort to embarrass that party.

I do not suggest for 1 minute that this is the motive of my friend of North Carolina. I assign to him only the loftiest motives. I know that he has a judicial objectivity that compels him to want to get at the truth so that justice may be done. But what we must understand here is that we are setting a precedent; and in setting a precedent for Senate inquiry into political business—albeit, business that is of a shady character—we certainly should establish the principle of bipartisanship, so that we can be assured of some degree of objectivity.

There were alleged incidents in the 1964 and the 1968 campaigns, incidents of electronic surveillance, on the part of Democrats against Republicans. There was no public outcry because it was not generally known. What happened this time is that the miscreants got caught, and therefore the matter is one of public knowledge, and indeed should be public knowledge, and indeed those who perpetrated the alleged crime of electronic surveillance of the Democratic National Headquarters should be apprehended, should be tried, should be punished; and no one on this side of the aisle disagrees with that.

No one on this side of the aisle wants to mount any kind of dilatory activity to prevent the adoption of this resolution. We do not face such an investigation with any trepidation. Our hearts do not tremble at the thought of what might be revealed. Our hands and our consciences are clean. The matter is currently being pursued in litigation, and those responsible are being tried and are being punished.

If we want to convey to the people of the United States the idea that this is a bipartisan inquiry that ultimately might lead to legislation to prevent this kind of thing or better enforcement to prevent it, then it should be bipartisan and there should be no doubt, just as when the conduct of a Democratic Member of the Senate was called to question, it was conceived to be wise and just that an absolutely bipartisan committee look into the matter and make its recommendations to the Senate. There was no problem of tie votes in that committee; there was no problem of the committee being unable to do its business. It functioned; it made its report; the Senate acted on that report; and a vast and overwhelming majority of the Senate agreed in part with that report, and I do not anticipate any such difficulty this time.

But whatever difficulties might result in a committee of even membership as to party affiliation does not begin, in my estimation, to rival the evil that would result from our setting a precedent here that a partisan majority of a select committee could in the future look into the activities of the minority party.

Mr. SCOTT of Pennsylvania. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, the distinguished Senator from Texas has made a presentation with which I believe it would be very difficult to find fault.

The proposal of the minority here is that we are helpless in the hands of the majority unless we are treated with scrupulous fairness. In this matter the choice is simply one between the conduct of an inquiry by a majority under a resolution which is framed in the form of an indictment to which the minority is expected to respond, on the one hand—and an absolutely bipartisan, free-of-political-overtones investigation conducted by an equality of membership on both sides of the aisle, as we have done in the McClellan committee and in the Committee on Standards and Conduct, on the other, open, free, and entirely cooperative investigation would eliminate from the mind of any reasonable person any suspicion whatever of witch-hunts or indictments or unwarranted pursuit of some who may prove to be innocent as well as some who may prove to be guilty.

This is not an appeal for stalemate, quite to the contrary. The minority are perfectly willing to agree that the majority shall have the power to break a tie in any one of several ways they wish, either by the chairman or by an ex-officio person, or in any way in which the majority may wish to be sure that it prevails, so long as we have an equal voice.

What does this resolution do? It is the broadest resolution ever introduced in the Senate, in my recollection. The chairman is empowered with greater authority and greater powers than we have ever given to any chairman. I must say that I cannot imagine a Senator better qualified or better equipped to wield these massive powers than the distinguished senior Senator from North Carolina, in whom we all have confidence, without question. But this resolution is limited to a single occurrence because the majority view here is that they do not wish to know of anything else. This is "See no evil, hear no evil, speak no evil, except the evil we demonstrate, which we will define carefully."

Moreover, in section 3, subsection (11) of this resolution are the widest possible powers to send a hoard of officials amongst the executive department—if I can paraphrase the Declaration of Independence a little—to send a group of staff members, because the committee would be too busy to do all this itself to look into all the raw files of the Government, to look into the FBI files, without waiting until they have been evaluated or determined as to any conclusions found, to look at every rumor made against any person, be he innocent or guilty. Such an investigation into the raw files will turn up various evidences, undoubtedly, of shortfalls in conduct on the part of many people—alleged shortfalls which may be entirely false. It will turn up every sort of material subject to use as blackmail if the particular person who uncovers it is unscrupulous in his person.

This is a power never before given to anyone in the history of our Constitution. It is a power which is more subject to abuse than any other power of which I can think. It is wild, it is unbelievable, that this power is written into this section.

Let us consider, by parallel, the Committee on the Judiciary. In that committee only the chairman sees the finished FBI files. Out of that file much important raw material has already been removed. He sees the person's interview and all the relevant information necessary to pass on the matter before the committee. He is not required to show it to any other member of the committee, although on proper reason shown, other Senators may see it. It is not available to staff members. It is closely guarded by the chairman.

The distinguished Senator from North Carolina and I both serve on the Committee on the Judiciary and we know that on this committee which drafts laws under which we live and abide we have been extraordinarily scrupulous, as, indeed, the Senator from Arkansas (Mr. McCLELLAN) has been in the conduct of his committee business. We do not permit the picking and prying into the filthy cesspools of rumor which lie at the bottom of many a file and which would be a happy hunting ground for the evilly disposed, for the rumor monger, for the person who wishes to leak it to his favorite source.

Skeletons would come tumbling out of the closet; skeletons devoid of fair play. In other words, bastard skeletons would come piling out of these closets, wreaking an immense amount of damage, and for what? Simply so the majority could investigate a single, shabby, discrediting incident which should be investigated. I said that from the beginning. I said that on June 20. There should be an investigation and we should ask the American Bar Association to head it.

My statement would fully include the thought of a senatorial or congressional investigation. Yet, let us get the facts out.

What I am proud of is that the minority leadership, as one voice, as far as I know, have indicated they do not oppose an investigation. The Senator from Texas has spoken, and I praise him for it; the Senator from New Hampshire (Mr. COTTON), and all members of the leadership have indicated they welcome an investigation. We ask only that it be fair and well and truly conducted and that it be to the point.

We also say, "Why not look into 1964?" The Senator from Arizona has frequently pointed out the misbehavior to which he was subjected from many points in 1964 when he was a candidate. Why not look into 1968? Only today a Senator on this side of the aisle said to some people—I had forgotten the incident—that in 1968 I called him; he and I were having a conversation about the elections which had just gone by. I remember the Senator telling his travel plans. I do not remember the intervention and the wording, but he does. That telephone was electronically bugged and somebody cut in and made certain remarks. I had forgotten it. It was after election, but it is an incident that happened in 1964, in November.

There were many other instances, and they could be adduced, but the majority does not want to know what the majority party or its friends or supporters did. "Perish forbid" is their slogan. Perish forbid if we should at any point imply there was at any point anything wrong with the majority party.

No, let us not look into Mr. Tuck and his practical jokes, picking and prying, of his issuance of false statements and the general rhetorical hee-hawing with regard to Mr. Tuck's boyish pranks, always at the expense of his party. Let us find out.

But let us equally find out whether or not virtue is the sole property of an individual, of a party, of a group. Let us find out who is guilty in this case. If we do not believe the courts can find out, let us find out who was innocent. Let us have the Senate make a judgment, if it can make an unbiased one, which, as this committee presently formed, it would have difficulty to find out. Let us try. We will cooperate even if we lose, even if we are drowned out, even if we are overridden, even if the majority exercises the full force of its power because it is afraid to let us go into the 1964 campaign and the 1968 campaign; and that is what is bugging them and not electronic surveillance. That is what is bugging them. That is why they say, "Let us confine this strictly to a careful examination of something where we know the only political benefit to be gained would be gained by us, and let us not put this in the technical 3-D dimension where we can see it against what has long been going on in this country," and that is a lot of undesirable, improper practices by supporters of both political parties, which has been going on for too long.

I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the distinguished minority leader for his appropriate remarks under these circumstances. I suppose that one of the bitter fruits we will reap from the appearance of the lack of impartiality is inevitable further conflict, conflict as to one's motives, conflict as to the scope of the inquiry, as to the narrowness of the inquiry, and other events that may or may not be disclosed in this investigation will inevitably be a part of these proceedings.

I speculate that if this resolution had called originally for an equal division of Republicans and Democrats, for we had ample precedent for doing so in other equally, sensitive matters, we would not have that attitude now growing up. I think the minority leader has bespoken the attitude that will arise throughout the country. In the final analysis, it is not the Senate that will decide if this should be three and two, three and three, or four and four. We will make the technical determination and ultimately reach a decision. But the American people reach the final decision. I cannot believe for one moment that the American people believe American fair play says that a defendant under a resolution charge of indictment should be tried by a force consisting of three for conviction and two for acquittal. It has been my hope since this matter first arose that the Senate would comport itself in such a way that a situation such as that would not be created.

The American people look to this body to inquire into the full scope of the election process, unfettered by the judicial process, and they expect the Senate to fully inquire into whatever aspect of the matter should be presented to us so the chips can fall where they will.

Just as the senior Senator from North Carolina yesterday professed that his determination would be cold and judicially impartial, I profess to be absolutely neutral in this inquiry, not as a member of the select committee, but as a Member of the Senate. I profess to go into this matter as one Member of the Senate, determined to decide all facts and implications and all the activities, and to ascertain all the patterns of conduct to which Congress may wish to direct itself for remedial action. I profess to be just as diligent in my ambition to prosecute as to be impartial.

I do not suggest for a moment that I or any Republican Member of the Senate has a desire to serve as defense counsel for anyone. If we do not start on an absolutely impartial basis, if we do not start by signaling to the American people that the Senate is doing one of the things it does very well, and that is undertaking a comprehensive investigation of a sensitive matter, if we do not start on the right foot impartially, the American people are not going to judge us on the basis of the resolution, but, rather, on the basis of our motives in starting with this unequal distribution.

I shall not prolong this much longer except to say this: The distinguished senior Senator from North Carolina indicated he did not wish to preside over a committee that could not act because of a stalemate in case of a 3 to 3 division. To begin with, I doubt that that will happen, because I speculate the leadership will appoint people who are dedicated to the proposition that six men will act in concert and that they will be enjoined to act in concert in an impartial investigation of all the attendant circumstances. So I doubt very much that we are going to have a partisan stalemate, if the committee is evenly divided, and if we approach the matter with impartiality.

Next, I noticed yesterday that the senior Senator from North Carolina, I believe very correctly, amended his resolution to delete the legislative reporting requirement of the committee, with the suggestion that it be a fully effective and investigatory committee, and on a matter of this importance it ought not to report legislation to the Senate.

Where is the stalemate in that respect? On the matter of writing a report? Surely not, because it is inconceivable to me that there will be more than one report. There may be six views. There may be five and one views, or two and three, but surely no one will suggest that any member of the committee, no matter what ratio is, will be forbidden from expressing his opinion or his view. So there is no stalemate on reporting. Certainly there is no stalemate on stating views in the report which the resolution requires the select committee to submit to the Senate.

On the matter of issuance of subpenas, which is the next item that would occur to me where there is a potential for stalemate, to begin with, I doubt very much if any member of either party on the select committee would have any objection to any subpena that had the most remote connection or the most minor possibility of developing competent information. I doubt that would happen, but if it did, there are ways far better to approach it than to make the distribution on the committee 3 to 2 and raise the very ugly specter of a partisan inquiry, and one of those ways is to have the chairman, if the Senate so wishes, make the determination on the matter of subpena power.

I would be perfectly willing to say that if there was a stalemate on the matter of issuing a subpena, the chairman's point of view would prevail on the issuance of that subpena.

There may be other possibilities for stalemate, but if there are any, I am not sure I recognize them at this time; but I am sure, Mr. President, that we can find ways to avoid stalemates. There are many, many ways to contrive to avoid a stalemate that I can think of, and all of them are preferable to starting out with a stacked deck.

Bear in mind that the emotion of the debate today is as a mere inconsequence to the emotion of the debate that will rage not only in the committee, but in the Senate and in the country, if we do not conduct ourselves with such scrupulous impartiality, with such a total lack of partisanship, with such an absolute dedication to fairness, that we can face the country with our result as a unified Senate; and I believe we are going off on a very wrong foot if we do not embody that determination in an equal distribution on this committee.

I thank the Senator for yielding.

Mr. SCOTT of Pennsylvania. Mr. President, I will yield to myself for one observation. I do agree with the Senator from Tennessee. One thing we want to avoid in the public mind and in the mind of this body, and that is that we are being subjected to a packed jury. No one wants to do that.

I do commend those who report the news that they examined subsection 11 of section 3 as to the powers of examination to all agencies of Government and all documents, no matter how raw—and raw in every sense—they may be because they run counter to the right of privacy which has been so long advocated in the Senate and the press, and which run considerably counter to the rights of the people affected.

It may be that if this privacy is invaded and if it involves the seccadilloes of a politician, that may be a matter for entertainment, but there are not only politicians here. Let us suppose it involves the jingle-belling of a member of the press around the houses of joy. Then, I submit, there may be a great deal more arousement against the right of privacy.

Look to your rights and look to ours, so we may be justified in what we are saying, and not be portrayed as seeking to delay or prevent anything. We are for it. We are for expediting. We will very likely offer amendments to expedite it. We want it fair. We want it just. We do not want to violate any principle of American jurisprudence by allowing persons to poke into every cesspool that can be found in order to drag up filth on which no proof exists, and no one ought to be exposed to this kind of proceeding. I yield the floor.

Mr. WEICKER. Mr. President, I want to commend the Senator from Tennessee for putting his finger on the real issue of the debate before us, because the real issue is credibility—credibility insofar as the American people are concerned relative to any investigation that might be undertaken by this body.

They will be asking questions. Why is it important to have the amendment of the Senator from Tennessee providing that the committee be constituted on a 3-to-3 basis? Why is that important? I answer very simply this: So the result of the work product of that committee will be believed. That is why it is important.

At the time of the Watergate crisis, at the time of the ITT case, at the time of the charges and countercharges in the last campaign between the various candidates in the Democratic and Republican Parties, polls invariably would be taken as to whether this was an issue in the minds of the American people. You all know the results of those polls as well as I do. As a Republican, let me say I was aghast to learn that in fact these transgressions were not issue with the American people. Why were they no issue? Because, in the mind of the average citizen, they all do it. It is done all the time by both parties. A plague on both Houses.

That is why it ought to be 3–3, so the committee can do its work, and so when it comes forth with the result of its work, it will be believed. But to go into the aftermath with this partisan approach is no better than not to go ahead and investigate as far as the public is concerned.

I am getting a little tired of being at the bottom of the totem pole as far as public esteem is concerned. I think Members on the other side should feel the same way. Yet the way this committee is constituted, the way the whole affair is starting, the committee will do its work, and the result will be a partisan one. Last time it was the Republican Party; this time let it be the Democratic Party. What will result is not the democratic process. Ask the people, especially the young people, if that is not so. It would be nice to have some work done that had credibility to it. A 3–2 committee renders the work product of that committee a partisan one. I attribute no motives to a 3–2 committee, but that is the way it is. It is partisan, and the work product is meaningless, and the members on that committee are involved in that partisanship on an individual basis.

There is not one of us who sits in this body who did not share, at the time of our youth, the dream of reaching this lofty position in government. At that time it was a young man's dream. Politicians, men in high public places were idols.

That is no longer the case. This system has been smeared and fudged around by everyone, by both parties, and by the press. I know the men and women I work with. They are men and women of honor. And their work product is good. Because there are Watergates and ITT's and whatever anyone wants to bring up does not in my mind change the gleam or shine of this Government. If there is any rot in it, it ought to be rooted out, and it ought to be rooted out by both major parties in equal measure.

This opportunity now confronts us. We have the opportunity now at hand, not to gain points one over the other, but to gain points for the American political system.

Mr. ERVIN. Mr. President, I will make one or two observations. If I had any feeling that three Democrats on this committee or the committee itself would seek to crucify people for political purposes, I would vote against the resolution entirely.

It is a custom in this country to solve most of the problems by majority rule. I ought to be opposed to majority rule because I have died from more lost causes than any other Member of the Senate. However, it is still the only way by which decisions can be made.

The minority has the opportunity to exercise wisdom and convince the majority of the rectitude of its cause. But the decision has to be made by the majority.

The Senator from Texas said that this would establish a precedent. Here is the precedent. Here is the whole committee report that shows the precedent. When the charges were made against Army Secretary Stevens of improper and biased conduct, the Senate—which was then controlled by a Republican majority—set up a select committee to investigate those charges which, like this case, to some extent had some political overtones. They set up a committee of four Republicans and three Democrats.

That is the only precedent we have that I know of concerning a select committee to investigate matters of this kind.

My friends say, of course, that if we set up a committee of three Democrats and two Republicans, some people will criticize it and say that the Democrats are trying to persecute the Republicans. This resolution gives them the right to investigate the truth or innocence of committing improper conduct. It does not charge anyone with improper conduct.

If we establish a mechanism of a committee, the members of which are three Senators who are Democrats and two Senators who are Republicans, some people who are suspicious of all human conduct can say that the Senate wanted to whitewash this whole thing and so they set up a committee under which the committee would be prevented from making any decision or taking any action.

I am opposed to the amendment. I do not say it will accomplish this purpose. However, it would create the possibility that the committee would suffer from paralysis. And I do not think the Senate ought to establish a committee where that possibility exists.

Mr. WEICKER. Mr. President, I would like to comment on a remark made by the distinguished Senator from North Carolina where he commented on his high esteem of the Democratic members of the committee to be appointed.

The point I am making is that it does not make any difference what we think of ourselves. It makes no difference to the American people what the Senator from North Carolina thinks of his colleagues or what the Senator from Connecticut thinks of his.

The fact is that we have an opportunity to restore the faith of the American people in this political process. And the way in which we are going to accomplish that in the most successful fashion is to put the matter in the hands of an equal number of the members of each party and not have the Democrats hitting the Republicans over the head or the Republicans hitting the Democrats over the head in a bipartisan fashion. We will gain absolutely nothing by doing it in that manner.

This partisanship quite frankly has become quite a serious national problem.

Mr. BAKER. Mr. President, I commend the Senator from Connecticut for a very succinct and, I think, very appropriate remark. It is not indeed the final judgment of the Senate, but rather the judgment of the people of the United States that should control as we debate this resolution. It is not too late to do this.

I proferred a suggestion a moment ago to the Senator from North Carolina, and I hoped it might eliminate some of his stated objections to an equal balance on the select committee. That suggestion was to provide that in the case of subpena power, if there was an equal division of votes, that the chairman's point of view would be the prevailing point of view. I did not detect a response from the Senator from North Carolina on that matter. I judge that means that it is not acceptable.

I wonder if the Senator from North Carolina could suggest any other alternative by which we could avoid the stalemate which he fears without creating a distorted effect.

Mr. ERVIN. I would say that the best way to make certain that there will be no stalemate is to have a committee which has a majority on one side or the other. The number on each side would not make any difference to the Senator from North Carolina, as far as that is concerned.

Mr. BAKER. I know it would not make any difference.

Mr. ERVIN. But the Senator from Florida yesterday asked me about the subpena power. And he seemed to be very pleased that the resolution does not give the chairman the power of issuing subpenas without the concurrence of the rest of the committee. As far as I am concerned, I would not want to issue subpenas without the concurrence of the committee.

Mr. BAKER. I would not want the Senator to do so either. However, if there were a committee composed of three members of each party, I would be very pleased for the chairman to have the determination. Would that make any difference to the Senator from North Carolina?

Mr. ERVIN. No. It is my belief that the chairman should be more or less of an instrument to carry out the will of the committee. I would not want to have that authority in the hands of a committee composed of three Democrats and three Republicans. If three Senators did not wish to have a subpena issued, I would not want to have two votes on the question.

Mr. BAKER. Would it not be that way as the Senator proposes the membership of the committee? If there were three Democrats and two Republicans, the Democrats would have three votes.

Mr. ERVIN. A member of the committee should not have two votes, one as a member of the committee and one as the chairman of the committee.

One of the great cases before the Supreme Court, Baker against Carr, came out of Tennessee. And I am in favor of one man, one vote.

Mr. BAKER. I am glad to know that, because I know of an occasion when the Senator from North Carolina and I had a very sharp debate on that matter.

Mr. ERVIN. Yes. However, the Senator has grown wiser since that occasion.

Mr. BAKER. I have never doubted his wisdom. I am happy to have his support now.

I wonder if it would serve any purpose and if we could find a way out of this, because I want to be fair, and I am willing, as far as I am concerned, to amend my amendment providing I can obtain unanimous consent, since the yeas and nays have been ordered, to provide that in the case of a stalemate on subpena power, the chairman's point of view would prevail. I wonder if there are any other things in the mind of the Senator from North Carolina that we could resolve and thus avoid a stalemate, if that is what we are concerned about. What else could we do to eliminate a stalemate?

Mr. ERVIN. I can say that the best thing to do is to follow the precedents established by the Republicans when the Republicans were in control of the committee. They then established a select committee like the one this resolution proposes to establish.

Mr. BAKER. And of course as to the precedent that we had in the McCarthy case of equal representation, and the precedent established in the termination of national emergency, which also has equal representation, and the precedent in the select committee relating to secret and confidential documents, which also has equal representation, plus the Committee on Improper Activities in the Labor-Management Field, which was also of equal representation, as well as the Select Committee on Standards of Conduct, I wonder if it does not serve as a precedent to the Senator on important issues when there is an area of sensitivity, that we present ourselves to the country as an impartial tribunal.

I wonder, then, if we cannot meet this problem of a stalemate, if that is really the sticking point, if we cannot meet it with a subpena power solution, or if the Senator from North Carolina has other problems about which he is concerned.

Mr. ERVIN. Mr. President, the Senator from North Carolina does not want to be entitled to cast two votes. Every other Senate committee is established with a division of membership between the parties roughly comparable to their membership in the Senate, every one of them that is now in existence, except the Senate Ethics Committee.

Mr. TOWER. There are two others.

Mr. BAKER. And the other two I mentioned, National Emergency and Confidential Disclosure.

I wonder in that respect, speaking of appearance to the public, as to the country making a judgment on our fairness, what the situation would be if the Republicans were in the majority in the Senate today, and we insisted on three and two.

Mr. ERVIN. If the Senator will pardon me, that is exactly what they did when they were in the majority.

Mr. BAKER. I think the country would judge that we were trying to serve a political purpose if indeed we insisted on three and two. I think a committee dealing with a matter of this sensitivity ought to avoid the appearance of partisanship, and the only way to do it is by equal division. I think the Senator from North Carolina ought to try to find a way, and I am willing to ask for a quorum call, if he will help me to get past the stalemate.

Mr. ERVIN. I would say the only truly effective way that I know to avoid a stalemate is by the very method that this resolution sets forth.

Mr. BAKER. Does the Senator from North Carolina doubt for a moment that what I have suggested would avoid a stalemate?

Mr. ERVIN. Well, we would have the same situation as if the Senator from North Carolina were the only man on the committee, and he was to make the decisions. I do not want that power.

Mr. BAKER. Mr. President, I am perfectly willing to have the Senator from North Carolina have the tie-breaking vote. If I am willing to do that, I would hope the Senator from North Carolina would be willing to.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. COTTON. The only reason that the Senator from New Hampshire asked the Senator from Tennessee to yield was that, without pride of authorship—because it did not go very far—it was the Senator from New Hampshire, in the consultation or conference that took place between the joint leadership of both parties, who suggested the expedient of having a 3-to-3 makeup of the committee, and that should there be a tie vote on any subject, the chairman should have the power to cast the deciding vote.

The one thing that I noted was that the attitude of everyone on the other side of the aisle engaged in that conference was completely adamant. The suggestion that an ex officio member could come in and break a tie, and the suggestion that the chairman would have the power to break a tie by having his vote prevail, met with a blank wall.

As far as I am concerned, I think the important thing is to get this committee created. And I want to note this: If we on this side of the aisle wanted to make political capital for ourselves, I think that a 3-to-2 committee would be far preferable to a 3-to-3 committee, because then if any Republican wants to gain political advantage he can cry that "It was a partisan investigation and was brought out for partisan purposes, and we did not have an equal voice," and try to pass that impression out to the country.

In fact, we would be even in a better situation if the Democratic side insisted on having all Democrats on the committee.

As far as the Senator from New Hampshire is concerned, there should be an investigation. I shall vote for this investigation. I would vote for the investigation if every Member on that investigatory committee was from the majority side, because there is one thing that must not be allowed to happen. There must not be any suspicion allowed to go out to the American people that there has been any kind of a whitewash or any kind of a cover-up, no matter who may be involved, where they are found, or how high they may be.

So, regardless of this vote and regardless of the vote on any other amendment, it should be perfectly clear, as far as I am concerned, that I am going to vote for the investigation, but it was, to me, very clear in our conference that the plan is fixed, that the majority are pledged to it, and that this matter of making speeches about these amendments is an exercise in futility.

I simply would say that if you want to continue partisanship on this vital issue, the best way to do it is to let the suspicion go out to the people that this is a weighted committee.

I have absolute confidence in the fairness and integrity of the distinguished Senator from North Carolina, and I doubt if there is a single Member of this body, on either side, who does not have absolute confidence in him. As far as I am concerned, I do not know of any three Senators on the other side, or any five Senators on the other side of the aisle, that I do not have complete confidence in. But the matter at stake is not in whom we have confidence. The matter at stake is public confidence.

I shall, of course, vote for the amendment of the Senator from Tennessee, but when I walked out of the room last night, after some 2½ hours of trying to avoid the necessity of even a debate on this matter, I was perfectly positive that the stage is set. By that I do not mean that the stage is set for an unfair investigation. It could not be so with a man like the Senator from North Carolina as chairman of the committee. But the stage is set for this kind of a set-up, and I find it difficult to understand why it is set. If I were sitting on the Democrat side instead of on the Republican side. I would want it a 3 to 3 committee, with provision to prevent a deadlock or a stalemate. So, as the Senator from Tennessee has so well said it is unfortunate if we start this off with even the faintest odor of politics or political partisanship. I shall vote for the investigation, however it may be planned. I shall vote for it because, in my opinion, if every member of the investigating committee were on the other side of the aisle and they were absolutely unlimited in their powers and free to go into any extraneous matter it would be far better for the American people that there be a complete revelation.

Mr. BAKER. Mr. President, I commend the Senator from New Hampshire for his usual eloquent remarks. I agree with the tenor of his remarks. It will be a great contribution to the perspective of this debate.

The distinguished Senator from North Carolina referred to the so-called McCarthy committee on the 4-to-3 basis. In my opening remarks, I referred to the censure of Senator McCarthy on the basis of 3 to 3—and the date was July 5, 1954, I believe.

It might serve the record to point out to my colleagues that there were two inquiries in the McCarthy case, one was 4 to 3 which, incidentally, was the Army-McCarthy investigation, and the other, as I understand it, was on the censure of Senator McCarthy which was equally divided, 3 to 3.

Mr. ERVIN. Mr. President, that is true. It was equally divided. It only involved the question of whether the Senator had been guilty of disorderly conduct within the meaning of the Constitution and it did not have any other matters to be investigated. The other McCarthy hearing was called the Army-McCarthy hearing where the committee was divided 4 to 3, with four Republicans and three Democrats. It involved political overtones because it involved charges made against that very fine gentleman and Republican, Secretary of the Army, Robert Stevens, and the Department of the Army.

Mr. BAKER. I thoroughly agree with the Senator that there were, in fact, two committees. Since the Senator from North Carolina and I have made statements which appear on their surface to be at variance, I want the record to be clear on that point. There were two committees, the one that voted censure, which was equally divided, and the other one that conducted the investigation into the Army-McCarthy hearing, which was not equally divided.

Mr. President, I have at the desk an amendment to my amendment. The yeas and nays have been ordered and, therefore, I would have to ask unanimous consent before I could modify that amendment, which I would propose to do.

I wonder whether, at this time, it would be in order for the clerk to report the proposed change before I ask unanimous consent.

The PRESIDING OFFICER (Mr. McClure). It would be in order, and the clerk will state the modification.

The legislative clerk read as follows:

On page 2, line 11, strike "five" and insert in lieu thereof: "six".

On page 2, line 14, strike "two" and insert in lieu thereof: "three".

On page 3, between lines 6 and 7 add a new subsection as follows:

"(d) In the event of a tie vote in the select committee as to whether a subpena should issue, the position taken by the chairman shall be the prevailing position."

On page 3, line 7, delete "(d)" and insert in lieu thereof: "(e)".

Mr. BAKER. Mr. President, this, as Senators can see, is the embodiment, by modification, of the suggestion I made in our previous colloquy.

I now ask unanimous consent that I may amend my amendment.

Mr. ERVIN. Mr. President, reluctantly, I must object to the request. I do not understand it exactly. I think, maybe, it will not be necessary, even if the amendment is either defeated or adopted.

The PRESIDING OFFICER. Does the Senator from North Carolina object?

Mr. ERVIN. Yes, Mr. President, and I dislike doing so.

THE PRESIDING OFFICER. Objection is heard. The modification is not agreed to.

Mr. BAKER. Mr. President, I have nothing further to say on this amendment. I am sorry that the proposed amendment to the amendment was objected to. The Senator from North Carolina, of course, is entirely within his rights to object. On that procedural point, I will offer this as a separate amendment if my amendment fails.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnston) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Connecticut (Mr. Ribicoff), the Senator from Washington (Mr. Magnuson), and the Senator from Indiana (Mr. Bayh) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater) and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 35, nays 45, as follows:

[No. 13 Leg.]

YEAS—35

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Case
Cook
Cotton
Curtis
Dole
Domenici
Fannin
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Javits
McClure
Percy
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stevens
Taft
Tower
Weicker
Young

NAYS—45

Abourezk
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Chiles
Clark
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—20

Bayh
Brooke
Church
Dominick
Eastland
Fong
Goldwater
Gravel
Johnston
Magnuson
Mathias
Mondale
Montoya
Packwood
Pearson
Ribicoff
Saxbe
Stafford
Stennis
Thurmond

So Mr. Baker's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 523, 78th Congress, the Speaker had appointed Mr. Yatron, Mr. Byron, and Mr. Mizell as members of the National Memorial Stadium Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. Nix, Chairman, Mr. Wright, Mr. Gonzalez, Mr. de la Garza, Mr. Kazen, Mr. Udall, Mr. Waldie, Mr. Wiggins, Mr. Lujan, Mr. Steiger of Arizona, Mr. Broomfield, and Mr. Steele as members of the U.S. Delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 301, Public Law 89–81, the Speaker had appointed Mr. Mazzoli, Mr. Dulski, Mr. Conte, and Mr. Symms as members of the Joint Commission on the Coinage, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 601(a), Public Law 91–513, the Speaker had appointed Mr. Rogers and Mr. Carter as members of the Commission on Marihuana and Drug Abuse, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker had appointed Mr. Carey of New York and Mr. Quie as members of the Board of Directors of Gallaudet College, on the part of the House.

The message also informed the Senate that, pursuant to the provision of section 1, Public Law 86–417, the Speaker had appointed Mr. Slack, Mr. Bennett, Mr. Wampler, and Mr. Robert W. Daniel, Jr., as members of the James Madison Memorial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. Morgan, Chairman, Mr. Johnson of California, Mr. Randall, Mr. Kyros, Mr. Stratton, Mr. Meeds, Mr. Culver, Mr. Harvey, Mr. McEwen, Mr. Horton, Mr. Winn, and Mr. du Pont as members of the U.S. Delegation of the Canada-United States Interparliamentary Group, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(a), Public Law 85–874, as amended, the Speaker had appointed Mr. Thompson of New Jersey, Mr. Roncalio of Wyoming, and Mr. Frelinghuysen as members ex officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 202(a), title 2, Public Law 90–264, the Speaker had appointed Mr. Gray, Mr. Blatnik, Mr. Howard, Mr. McEwen, Mr. Zion, and Mr. Mizell as members of the National Visitor Facilities Advisory Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed as members of the Committee To Investigate Nonessential Federal Expenditures the following members of the Committee on Ways and Means of the House: Mr. Mills of Arkansas, Mr. Ullman, and Mr. Collier; and the following members of the Committee on Appropriations of the House: Mr. Mahon, Mr. Whitten, and Mr. Cederberg.

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The Senate continued with the consideration of the resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, while many of my colleagues are here, let me take this opportunity to say that I have at least one and possibly two further amendments. I do not expect they will take very long. I hope we can proceed to a rollcall vote on the next amendment in 10 or 15 minutes. I have an amendment at the desk which I ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, line 11, strike "five" and insert in lieu thereof: "six".

On page 2, line 14, strike "two" and insert in lieu thereof: "three".

On page 3, between lines 6 and 7 add a new subsection as follows:

"(d) In the event of a tie vote in the select committee as to whether a subpoena should issue, the position taken by the chairman shall be the prevailing position."

On page 3, line 7, delete "(d)" and insert in lieu thereof: "(e)".

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, this is the same amendment that I asked the clerk to report in the course of our previous debate as a proposed modification to my amendment, to which the Senator from North Carolina objected.

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, if I may have the attention of my colleagues for just a few minutes, this will not take too long.

This is the same amendment which I attempted to offer as a modification to my previous amendment, which, in effect, simply specifies that in the case of a three and three division of this select committee, in the event of a tie on the matter of the issuance of the subpena, that the position of the chairman shall be the prevailing position. That is the only thing the amendment would do.

The amendment adds the language that, in effect, gives the chairman tie breaking authority in case of a tie in a three and three committee in issuing subpenas.

In previous colloquy I said, and I reiterate now, that if a stalemate really is the bone of contention, if the fear of stalemate is really and genuinely the matter that prevents the adoption of an equal division of this committee, then if there are other matters beside the issuance of subpenas I would be willing to try to work out something to avoid a stalemate. This amendment relates to the issuance of subpenas; if there are others, I hope they are suggested.

On the question of legislative authority of this select committee, it has none because of the amendment of the Senator from North Carolina yesterday. On the question of filing a report, there is no language on whether it should include majority and minority views. I assume the general precedent under legislative reorganization would prevail so that no one's rights would be cut off or added to.

Mr. President, I am honestly seeking a way to avoid the objection stated to an equal division of this select committee. I will not burden this colloquy much further about how the country is going to view this, but I do want to reiterate once more that if we wrap ourselves in the flag of righteousness and claim that we have investigated a matter of grave concern, beginning with a stacked deck, not only will we not have a definitive investigation of this matter but we have lessened the dignity and the effectiveness of the Senate as a body. I think the issue is that broad and that important to our future as an institution.

The Senate should investigate this matter. The Senate is the best prepared of all departments of Government to undertake it. It is far better prepared than the judiciary because we are not dealing with specific indictments against specific defendants; we are not cluttered by the criminal rules of procedure or the civil rules of procedure which prevail in the Federal courts.

We can sweep as far and wide as we wish to make sure that the searchlight of our scrutiny reaches every legitimate nook and cranny. We should get off on the right foot. This amendment provides for a six-man committee, equally Democrats and Republicans, and it provides that in any case where there might be a tie in the issuance of subpenas the chairman would have the right to break the tie.

Mr. ERVIN. Mr. President, despite the good motives of my friend, the Senator from Tennessee, I am compelled to oppose this amendment for the same reason heretofore stated.

This committee, with a three and three membership, would raise the possibility of a paralysis in the action of the committee. The mere fact that the chairman would be allowed to break a tie vote on whether a subpena should be issued would not take care of the issue. Probably other questions will come before the committee for determination: Selection of counsel, determination of members of the staff, what disbursements should be made on vouchers, which one of many areas authorized to be investigated shall be investigated. This would not cure 1 percent of the problems that would probably arise.

Therefore, I ask the Senate to vote no on this amendment.

Mr. BAKER. If there are 100 areas where we might have an impasse—I would hope we could have gotten by the major ones, but if we cannot—then there is one way to change that objection, and I understand it is the only objection of the Senator from North Carolina. The only objection he has made is that we might come to a deadlock, an impasse. I would suggest then that that could be resolved if we said, on all issues, whether subpena power or anything else, the distinguished chairman would cast the tie-breaking vote.

As far as I am concerned, I am willing to do that, if the Senator from North Carolina is willing to accept it on that basis.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. STEVENS. I rarely participate in debate on the floor, but I would like to say to the Senator from Tennessee that I think he is absolutely correct. It appears to me that the resolution casts those who are in the minority in the Senate as being a portion of the defendants in the case, instead of being a portion of those who are dedicated to finding out what led to the Watergate incident, who was involved, and to turn over every stone it is possible to turn over to expose the total trail of this incident to the American public. I think it is entirely equivalent to the Ethics Committee. I congratulate the Senator from Tennessee in his dedication to try to make it start out as a nonpartisan effort.

I am almost afraid the total result of the debate and of the resolution itself is going to be that we are starting off with a concept that there would be a difference of opinion between Democrats and Republicans on this matter, and it is in fact casting us in a position where we will be portrayed as the attorneys for the defense, which I think is most unfortunate.

I wish there were some way in which we could work it out. I think the Senator from Tennessee has a very good suggestion, which is to give the distinguished chairman of the committee the power at any time to break the deadlock. That would seem to me to be sufficient. But the mere presence of an equal number of majority and minority members on the committee, it seems to me, would assure the public that this is a matter in which the Senate is united in setting forth before the American public the total information available about the Watergate incident.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. CASE. I am glad to associate myself with the Senator from Tennessee. I hope it would still be possible to change the mind of the majority, and particularly the Senator from North Carolina. It will add so much to the dignity and to the conduct of this committee and to the authority which its findings will carry if they will accept the idea that it should be bipartisan. If they do not, I am terribly sorry, because it will turn into a situation, I am afraid, which, however hard Senators may try, will still have the context of a partisan operation. That is the last thing we want.

It is the last thing I would want if I were a member of the majority here. In a very real sense, from the standpoint of the majority itself, it would be well to have the Senator from Tennessee prevail on this amendment, with any further amendments that the Senator from North Carolina may feel necessary; but I would hope that, on this matter, an equal division, equal authority, and equal membership on the committee would be accepted. I think it is a matter of very great importance to the Senate as a whole.

Mr. ERVIN. Mr. President, if I had time——

The PRESIDING OFFICER. The Senator from Tennessee still controls the time.

Mr. BAKER. Mr. President, we do not have any controlled time.

The PRESIDING OFFICER. The Senator is correct. The Senator from Tennessee had the floor.

Mr. BAKER. I thank the Chair very much.

I have at the desk now a proposed modification of my amendment, which will require unanimous consent since the yeas and nays have been ordered. Before I ask unanimous consent to modify the amendment, I would ask the clerk to report the proposed modification.

The PRESIDING OFFICER. The clerk will report the proposed modification.

The legislative clerk head as follows:

On page 2, line 11, strike "five" and insert in lieu thereof: "six".

On page 2, line 14, strike "two" and insert in lieu thereof: "three".

On page 3, between lines 6 and 7 add a new subsection as follows:

"(d) In the event of a tie vote in the select committee, the position taken by the chairman shall be the prevailing position."

On page 3, line 7, delete "(d)" and insert in lieu thereof: "(e)".

Mr. BAKER. Mr. President, the net effect of this proposed modification is simply that in all instances where there is any tie, to avoid any possibility of a stalemate in a committee made up of six members, equally divided, the chairman shall have the deciding vote. That is an extraordinary confidence in the chairman of the committee in such a sensitive matter, but I have that confidence. I am not trying to flatter the Senator from North Carolina. I am trying to meet the stated objection that he fears, that an equally divided committee may result in a stalemate. I think this amendment will avoid that.

Mr. President, I ask unanimous consent to modify my amendment in that respect.

Mr. ERVIN. Mr. President, I have no objection to the unanimous consent request, but I want to make a parliamentary inquiry. As I understand it, if the amendment is modified in the way suggested by the Senator from Tennessee, the order for the yeas and nays still stands.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the unanimous-consent request? The Chair hears none, and the amendment is so modified.

Mr. ERVIN. Mr. President, I am opposed to this amendment. There is some rumor abroad that I may be chairman of this select committee, and the effect of this amendment is to say that I shall control all the disagreements among the committee. It really would not change having one more of the majority party on the committee. It would simply say I constitute two members of the committee, and I do not want to have the power and responsibility, if I were selected to be chairman of the committee. I do not want to act in a dual role and have two votes in the committee in case of a tie. I do not want that power.

I hope the Senate will reject the amendment.

I appreciate the compliment the Senator from Tennessee pays me in proposing this amendment, but I am like Caesar—if I am chairman, I want to refuse the crown.

Mr. BAKER. Mr. President, I appreciate the analogy. If there is any Senator in this Chamber who deserves to be compared to Caesar, I suspect it would be the Senator from North Carolina. But let me hasten to say that he is declining to accept the responsibility he has already gained for himself. As I understand the Senator from North Carolina, he is reluctant to accept the grave responsibility of breaking a tie, but that is infinitely preferable to having a stacked committee of three to two to begin with.

Mr. CASE. Mr. President, if the Senator will yield, I think this is a way out of the dilemma. I understand the modesty of the Senator from North Carolina to judge himself incompetent to assume this great responsibility, but let him vote "No," let him abstain, let him, on the Democratic side, join all of us on the Republican side in doing its good job.

Mr. BAKER. I thoroughly applaud the suggestion. I think it is an eminently practical one.

Mr. ERVIN. I could not vote or abstain from voting on this proposal. I do not think, if I am to be chairman, or if anybody else is to be chairman, I or he ought to be permitted to break a tie vote which is cast by his own vote.

Mr. BAKER. Mr. President, my observation in that respect is that I am far more willing that the Senator from North Carolina have that power than I am for him to have a statutory majority of the jury. I have no fear in that respect. I think that the Senator from North Carolina will be impartial and judicial. But in any case, in his judicial career I very much doubt he would have permitted the impaneling of a jury where there was any taint or suspicion that any juror, let alone two-fifths of them, had already made up his mind—not that they had, but even a suspicion that they had would be enough to disqualify those jurors.

The Senator from North Carolina has indicated on any number of occasions in the last 2 days that he intends to approach this undertaking, if he is chairman, with the cold, calm deliberation that he believes the job requires.

I believe that to be the case. The first obligation of a trial judge, the first obligation of a jurist is to see that there is a fair and impartial jury of his peers and not two-fifths and three-fifths. Mr. President, I am willing for the Senator to have this power. I offer it to him in good faith and, I hope, in good grace. I have nothing further to say on this point.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. WEICKER. Mr. President, it is difficult to get away from raw partisanship. Given the Constitution, practice, tradition, or what have you, I have no question at all as to the exercise of power because the Democrats have the votes.

The only difficulty is that this is not a matter that belongs to the Democratic Party or the Republican Party. It belongs to the American people. I have difficulty with my own party with regard to what I think is impropriety, just as I do with the Democratic Party.

As has been pointed out so ably by the Senator from New Jersey what is important here is that the American people believe the work product of this committee.

There is a job to be done to once again bring honor to this body and to our profession. I cannot subscribe to any of the high attributes given to Members on the other side who are advocating this particular cause. In the past certainly they have brought dignity, honor, fairness, and bipartisanship to the issue. However, make no mistake about it, they are bringing to this particular issue just the issue of partisan politics, raw partisanship, and nothing more. They can quote all of the precedents in the Constitution that they care to. However, we detract from this body and from the eventual work product that will come forth from the committee's effort.

I will have an amendment after the amendment of the Senator from Tennessee is disposed of which will point out the weakness in the argument of the Senator from North Carolina. For the present all I would say is that I see no reason why the taxpayers' money should be used in this particular case since this is a bipartisan effort. Let the Democratic Caucus go ahead and appoint an ad hoc committee and let them do it and let the work product come from the Democratic Party.

On the other hand, if it is a resolution to achieve something for the American people and root out some of the cancer in the political system in both parties, the work should be done by both parties if it is to be believed.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. James Flug, Mr. William Pursley, and Mr. Robert Smith have the privilege of the floor during rollcall votes on this resolution.

The PRESIDING OFFICER. Without objection, it is ordered.

The question is on agreeing to the amendment of the Senator from Tenessee. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. BAYH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. (THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 36, nays 44, as follows:

[No. 14 Leg.]

YEAS—36

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Biden
Brock
Buckley
Byrd, Harry F., Jr.
Case
Cook
Cotton
Curtis
Dole
Domenici
Fannin
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Javits
McClure
Percy
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stevens
Taft
Tower
Weicker
Young

NAYS—44

Abourezk
Bentsen
Bible
Burdick
Byrd, Robert C.
Cannon
Chiles
Clark
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—20

Bayh
Brooke
Church
Dominick
Eastland
Fong
Goldwater
Gravel
Johnston
Magnuson
Mathias
Mondale
Montoya
Packwood
Pearson
Ribicoff
Saxbe
Stafford
Stennis
Thurmond

So Mr. BAKER's amendment was rejected.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. ERVIN. Mr. President, it has been suggested to me by the distinguished minority leader that the resolution should be amended as follows:

On page 2, line 11, strike out the word "five" and insert in lieu thereof the word "seven";

On the same line of the same page, strike out the word "three" and substitute in lieu thereof the word "four";

On page 2, line 14, strike out the word "two" and insert in lieu thereof the word "three".

This would have the effect of increasing the membership of the committee from five to seven, and having four members from the majority and three members from the minority.

This, it seems to me, is a wise suggestion the distinguished minority leader has made to me, and so I will modify the resolution accordingly.

Mr. TOWER. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I yield.

Mr. TOWER. The Senator from North Carolina is himself modifying his own resolution?

Mr. ERVIN. Yes.

Mr. TOWER. Have the yeas and nays yet been ordered?

Mr. ERVIN. No.

Mr. TOWER. I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. MCCLURE). The resolution is so modified.

Mr. GURNEY. Mr. President, I have an amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, insert the following: strike "Presidential election of 1972" and insert in lieu thereof "last three Presidential elections."

On page 2, lines 4 and 5, strike "election" and insert in lieu thereof "elections."

On page 5, line 24, strike "in 1972."

On page 7, lines 17 and 18, strike "the Presidential election of 1972," and insert in lieu thereof "any of the last three Presidential elections."

On page 7, line 19, strike "election" and insert in lieu thereof "elections."

On page 7, line 24 strike "in 1972."

On page 9, lines 2 and 3, strike "Presidential election of 1972" and insert in lieu thereof "last three Presidential elections."

Amend the title of the resolution by striking "in the Presidential election of 1972, or any campaign, canvass, or other activity related to it" and inserting in lieu thereof "in the last three Presidential elections, or any campaign, canvass, or other activity related thereto."

Mr. GURNEY. Mr. President, what this amendment would do would be to broaden the scope of the investigation. The resolution now, of course, has within its scope the presidential election of 1972. This amendment would increase the scope of the investigation to the past three presidential elections, which would include the one in 1968 and the one in 1964.

Before I go to the argument on the merits of the amendment, I should like to make a few general remarks about the whole business of Watergate. As I stated yesterday, and I think nearly all my colleagues on this side of the aisle agree, we are not unhappy about proceeding with this investigation. We would like to uncover as many facts as have not been uncovered and get to the bottom of what happened and who was involved.

But I think one observation should be made, and that is the Watergate affair was really never much of an affair in this last election. It did not figure in the election at all, really. I do not think it changed a handful of votes in any part of the country.

I can speak with some authority on that because one of my jobs since September 1972, following the Republican Convention in Miami, was to act as one of the surrogates for the President in the election and I campaigned in many States and spent much time in my own home State of Florida campaigning continually for a period of 3 months and then extensively for a period of 6 weeks prior to the election. I really never heard anyone say much about the Watergate affair. If it ever was raised, it was raised in this fashion, "Well, that is another one of those political wing-dings that happen every political year. We understand what is going on. People are playing politics and political games. Republicans are spying on Democrats."

I am sure that if the Republicans knew what was going on in the Democrat camp, the same thing would be happening over there.

I think another very interesting point in this whole Watergate affair is how certain of the news media tried to make a tremendous political issue out of it. I recall that CBS ran a continuous series night after night after night on the Watergate, trying to pump it up into something that might make the Democrat candidate something to hang on to, like a strap hanger—and certainly he needed it—no question about that. But in spite of all this drummed up interest in Watergate, of course it played no part in the election. People really did not think much about it at all.

One of the interesting things, of course, was what the pollsters had to say or found out about it.

The Harris poll ran a poll less than a month before election, during the height of the Watergate affair—it was about the middle of October—and I would like to refer to some of the results of that poll because I think they are interesting and show us that people really did not think much about it.

Seventy-six percent of the voters polled—and this was an in-depth questioning, taken nationwide in one of the larger polls on the whole election process of 1972—a little better than three-quarters of the voters, all those who were polled, agreed that they know about Watergate but were not following it closely. They were interested in it, but then, by a margin of 70 percent to 13 percent—of course, there were some that did not express an opinion on this—but the 70 percent of those polled said that the wiretapping of Democrat Headquarters was a case of political spying.

Moreover, a very large percentage of them dismissed it as being no encroachment on civil rights. Sixty-two to 26 percent of the voters polled said they were not worried about civil liberties. Fifty-seven to 25 percent said it was political spying, a common occurrence in politics especially around campaign time.

The same poll, on another matter, which I suppose is connected with Watergate, the campaign contribution aspect—there were many charges that the Republicans and the Committee to Reelect the President were receiving huge amounts of money from special interests and from business and were concealing the amounts, and that was going to make a great difference in the campaign—showed that only 18 percent of those polled gave any credence to that charge. They did not believe it, either.

So, Mr. President, I make these general remarks simply to point out two things: One, that the Watergate affair was really never that big as a political campaign issue. But the other point, so important, is that the voters all across the country thought this was a practice that both political parties indulged in during political campaigns, presidential campaigns, or other campaigns.

So that is why I think this amendment is in order. If we are going to give objectivity to this investigation and its final report, whatever we plan to do by way of recommending legislation, it seems to me it must be done with a bipartisan—I was going to say nonpartisan manner—I guess I should probably have used that expression—but at least a bipartisan tinge or aroma to this whole thing. I do not know that we can do that exactly, zeroing in purely on the Watergate, which is obviously oriented in one direction. That is one investigation of spying, and on the other we should seek to find out what happened in the other elections.

What are we trying to do here, anyway? We are trying to find out what happened in the Watergate affair, yes. That is the No. 1 objective of this. But not the chairman, not the author of this bill who, certainly, I hope, will be chairman of the committee when it is appointed. I feel very strongly that his object is broader than just the Watergate affair itself but to find out generally what happens in political spying, bugging, and surveillance, and all the rest of the shenanigans that are sort of some of the sideshows in our political campaigns. If we are going to make an honest contribution, to find out how we can improve political campaigns and certainly cut down on this aspect of it, then we should have the investigation as broad as we can make it.

There is no one in the Senate, all 100 Senators and, for that matter, all 435 Members of the House of Representatives, who would not say, if they were queried somewhere where they would not be quoted, that both political parties do that, Democrats as well as Republicans. We are all at fault to a certain extent. I have heard some observations made that we, Republicans, are not nearly so good at it, or else we would have more representation in the House and Senate. So the other side must be more effective than we are. But, be that as it may, whether one is better at spying than the other, I think it is a case where both political parties, candidates of both political parties or their followers—in more cases it is the followers than the candidates themselves—do do these things that most of us would prefer not to see done.

I would think the best way to find out all we can about this and get all the knowledge we can garner and learn all the tricks of the trade, would be to investigate not just one incident but more than one incident and make the investigation as broad as we can make it, which as I say, certainly should include the two prior political campaigns, the one in 1968 and the one in 1964. Incidentally, that certainly would be a very fair bipartisan approach, because the losing candidate in 1968 is a Democratic Member of this body and the losing candidate of 1964 is a Republican Member of this body. So I would think that would show the greatest sense of impartiality and objectivity, to get into those campaigns and find out what happened there, also.

The reason for offering the amendment—and I want to make this as clear as I can—is not to try in any way to make a donnybrook out of this matter or to try to make it a strictly "You did this" and "No, you did that" matter. That is not the point of it. The point is to broaden this whole business so that we can get some knowledge of what does happen in these campaigns and from there hopefully, come up with suggestions and legislation, and perhaps we may do away with some of our problems.

Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER**. The Senator from Texas is recognized.

Mr. **TOWER**. Mr. President, the Senator from Florida is to be commended for offering an eminently fair amendment.

I note that the function of this committee is to determine whether, in its judgment, certain occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen. Considering that, it seems to me entirely relevant to look into the campaigns of 1964 and 1968.

As a matter of fact, less is known about what happened during those campaigns than what happened during the 1972 campaign with respect to electronic surveillance. There have been strong indications and evidence and assertions by people in responsible places that there was, indeed, electronic eavesdropping in those two campaigns. It was never involved in any litigation; it was not publicly brought to light, except to the extent that it may have been written about by a reporter or two. I do not know. I do not recall seeing any press accounts of it.

It seems to me that we might even show some greater degree of interest in what might have happened in those campaigns which is not widely known and is a matter on which we have little knowledge than in a matter on which we have a great deal of knowledge, which has been and still is the subject of litigation, with the courts and the prosecutors still in business on the whole issue of the Watergate.

Of course, I hope that this committee will not engage in any kind of activity which might prejudice the rights of any people currently involved, defendants involved, in that matter, or people who might become involved in the future.

In any case, we do know more about what went on in the 1972 campaign, and we do not know what went on in 1964 and 1968—at least, not general knowledge.

I think that if the majority were to accept this amendment, it would tend to negate almost any claim of partisanship that could be made against the committee. It would be adequate evidence of impartiality and a genuine desire to get at the whole matter of electronic surveillance or other illegitimate acts that might in some adverse way affect the electoral processes in the selection of the President of the United States.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. **TOWER**. I think we would lay to rest many of the fears of partisan consideration if this very wise amendment by the distinguished Senator from Florida were adopted.

Mr. **ERVIN**. Mr. President, to accept this amendment would be about as foolish as the man who went bear hunting and stopped to chase rabbits.

The Senator from Texas has quite well said that there have been no charges of any improprieties in 1964 and 1968; but he says that we should take them into consideration so that we can discover if there is any basis for such charges.

On the contrary, the resolution undertakes to investigate matters that are fresh, and are connected with the presidential campaign of 1972. From the night of June 16, last year, when five men were caught redhanded in an act of burglary in Democratic National Headquarters, in the Watergate building in Washington, down to the present moment, the news media of all kinds have had articles dealing with charges and insinuations of one kind and another, of vast and illegal or improper or unethical conduct in connection with this one election.

I have never seen any charges made about the election of 1964 or the election of 1968. I think it would be a tragedy to try to dilute the efforts of the committee to be established by this resolution, if it is adopted, to investigate matters concerning which there is no concern or apprehension and about which no charges have been made.

So I trust that the Senate will reject this amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and Mr. ABOUREZK voted in the negative.

Mr. **GURNEY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The rollcall is in progress.

The assistant legislative clerk concluded the rollcall.

Mr. **ROBERT C. BYRD**. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi

(Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Wisconsin (Mr. Nelson), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnston) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from Indiana (Mr. Bayh), and the Senator from Nevada (Mr. Cannon) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater) and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 32, nays 44, as follows:

[No. 15 Leg.]

YEAS—32

Aiken
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Case
Cook
Cotton
Curtis
Dole
Domenici
Fannin
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Javits
McClure
Percy
Roth
Scott, Pa.
Scott, Va.
Stevens
Taft
Tower
Weicker
Young

NAYS—44

Abourezk
Allen
Bentsen
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Clark
Cranston
Eagleton
Ervin
Fulbright
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nunn
Pastore
Pell
Proxmire
Randolph
Schweiker
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—24

Bayh
Bible
Brooke
Cannon
Church
Dominick
Eastland
Fong
Goldwater
Gravel
Hart
Johnston
Magnuson
Mathias
Mondale
Montoya
Nelson
Packwood
Pearson
Ribicoff
Saxbe
Stafford
Stennis
Thurmond

So Mr. Gurney's amendment was rejected.

The PRESIDING OFFICER. The resolution is open to further amendment.

Mr. TOWER. Mr. President, I call up my amendment, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 13, line 23, insert at the end of section 6 the following "Not less than thirty-three and one third percent of the monies made available pursuant to this resolution for the purpose of retaining or employing personnel shall be made available to the minority members of the select committee".

Mr. TOWER. Mr. President, the purpose of this amendment is to simply assure the minority of something approaching adequate staffing. Actually, the minority will have more than one-third of the membership of the committee, and there would be a requirement that they have at least one-third of the moneys available for direct compensation for personnel on the committee.

I think it goes without saying that in a matter of this sort, certainly minority staffing is eminently desirable. I know there are many standing committees of the Senate that work on substantive matters that have staffs in which the majority, and minority staffs are not readily identifiable; they work for all. There are several committees like that. But if the argument of the Senator from North Carolina that the majority members be a majority on the committee is valid, then it is equally valid that there should be adequate staffing for the minority members of the committee.

The amendment I have offered is in the spirit of the Legislative Reorganization Act, which requires that two out of six of the professional personnel be members of the minority. This amendment would be in the spirit of the Legislative Reorganization Act.

It would be my hope that the distinguished Senator from North Carolina and his colleagues would accept the amendment.

Mr. ERVIN. Mr. President, this committee is supposed to investigate the same things. It is not supposed to have two separate investigations, one conducted by the four majority members and another by the three minority members. They are supposed to investigate exactly the same thing.

I see no reason to put in a resolution of this kind, something that has never been put in a resolution establishing a select committee in the history of the U.S. Senate, so far as I can ascertain.

If the minority members felt that they must act as sort of counsel for the defense for some of these parties, this proposal might be appropriate. I do not think that is their function. I think it is the function of the majority and minority members to investigate identically the same thing, to determine what the truth was with reference to these matters.

I oppose this amendment. I recognize that minority members of a committee should have some assistants to enable them to keep up with what the committee is doing, and I will assure the Senate that if this resolution is adopted and I should become chairman of the committee, I will do everything I can to see that the minority has equitable representation.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ERVIN. I yield.

Mr. GRIFFIN. What does the Senator consider equitable, if provision for a third of the committee staff is not equitable?

Mr. ERVIN. I will say to the Senator that I do not know what it is until we get down to discussing the matter. I am not able to make that decision. I did not think I had to make it here today, because such a provision has never been put in any resolution establishing a select committee before in the history of the U.S. Senate. So I am not in a position to make that decision.

Mr. GRIFFIN. It is already in the law, in the Legislative Reorganization Act, as to all standing committees.

Mr. ERVIN. I disagree most emphatically with the distinguished Senator from Michigan.

All the Reorganization Act says is that standing committees of the Senate shall have six professional employees and that two of them shall be assigned to the minority. It does not say they will have one-third of all the remainder of the people who work for the committee.

Mr. GRIFFIN. That certainly establishes the spirit——

Mr. ERVIN. I cannot understand why the Senator from Michigan thinks it should have two separate investigatory staffs.

Mr. GRIFFIN. Well, if the Senator will permit me, earlier in his argument today he referred to a committee that was established when Republicans controlled the Senate—a committee which was chaired, as I understand it, by Senator McCarthy. I was not here at that time, but I seem to recall, that there was a minority counsel of the committee representing the Democrats; his name was Robert Kennedy.

Mr. ERVIN. I never made any reference to any committee chaired by Senator McCarthy.

Mr. GRIFFIN. I thought he did earlier today.

Mr. ERVIN. No, not today. I mentioned two so-called McCarthy investigations, one of them the Army-McCarthy hearing, which was investigated by a committee headed by Senator Karl Mundt, and the so-called censure committee, which was headed by Senator Watkins of Utah. This amendment says it would be divided down at least to 33 percent, even in cases of employees who are purely clerical, and there is nothing in the Reorganization Act to that effect. I can assure the Senator that I will give the minority adequate assistants.

Mr. GRIFFIN. But that would be something less than one-third, I take it?

Mr. ERVIN. I do not know what it would be. I did not think this point would ever be raised, because since the time George Washington took his oath of office as President of the United States in the first session of the first Congress of the United States assembled, such a proposal as this with reference to any select committee has never been made. I did not anitcipate it. Therefore, I did not study in advance what would be equitable. But I assure the minority that I shall certainly see that they get an equitable, reasonable proportion of the staff. But I will not accept any kind of theory that we are going to have two investigations conducted by this committee, one on behalf of the minority members and one on behalf of the majority members. I think there should be one investigation for the entire committee.

I ask the Senate to defeat this amendment.

Mr. TOWER. Mr. President, certainly I am really amazed, because what we have asked for here is certainly not unreasonable. No one has envisioned in offering or speaking for or supporting this amendment two separate investigations—one conducted by the majority and one by the minority—any more than we offer separate legislation by the majority and minority or reports out of the committees. It does not happen.

What we are suggesting here is that the minority be adequately staffed. It has already been established that we are going into politically sensitive matters. We are establishing a precedent here of using the Senate of the United States as a vehicle for the investigation of alleged political unethical conduct of members of another party. No one can tell me that anyone who views this objectively is going to say that this thing is completely fair and impartial and objective, if we are not even going to establish the right of the minority party to have adequate staffing.

We have only asked for three, and that is indeed in the spirit of the Legislative Reorganization Act. I know it is not spelled out by the letter of the act, but it is certainly in the spirit of that act.

I say that the Senate would reflect great discredit on itself if this amendment were rejected. I think it is going to be far more difficult for the majority to make a case that this is a fair and impartial investigation if we are going to be denied adequate staff on the minority.

Mr. STEVENS. Mr. President, I again join with the Senator from Texas. I think the Senator from North Carolina should look to the past and should look to other times and the size of the committee staffs in the period he is talking about.

Since I have returned, I have heard a hue and cry for reform of the Congress. And if there is any one area where there is probably no question about the disparity in the ability of individual Members of the Senate to conduct their business, it is on the staffs of the committees. We ask for one-third of the staff support on a committee that will have, as outlined, two of the five members from the minority. That is too little. We should have 40 percent of the committee support. We should have the ability to know that the people who are working with the Republican members are working with them.

I fully believe in the concept of a professional staff. However, this is turning very much into a bipartisan concept that I personally abhor. I was prepared—and I told the minority leader that I was prepared—to serve on a committee that was balanced, three members to each side, in which the Senate was going to investigate this mess. However, if it is the Democratic Party that is going to investigate the mess, then I join the others in saying that the Democratic Party ought to investigate it.

I have an amendment that would delete the Republican membership on the committee and let the Democrats investigate it if they wish to do so. However, I thought that I was a Member of the U.S. Senate and that the Senate was obligated to investigate this.

It is highly improper in my opinion to turn it into such a partisan political maneuver. It seems to me that we are running the 1976 campaign in 1973. But if we are professional Members of this body, we ought to have a professional staff on an equal basis. And even with a proportionate distribution, the staff of the majority would have 60 percent of the staff. And I think that would be sufficient.

As we look around at some of the members of the professional staff and the full committee staffs, we can find instances where there are more than 100 staff members and we have a minority staff of six who serve the minority.

If anyone in the United States can expect us to do our share and carry our load under these circumstances, I do not see how it can be done.

I have called on some of my friends to turn to an organization such as Common Cause and call the attention of the American people to what is going on.

When I came to this town in 1950 as a young lawyer and watched the McCarthy committee, I abhorred some of the things that they did. However, I still noticed that there were minority staff members and what they did.

When I was a practicing lawyer, I know that there was a minority staff and they were fairly well balanced. However, in the last 5 or 6 years, it has gotten considerably out of balance. This is what is wrong with the U.S. Senate.

When people ask me what should be reformed, I tell them that we ought to give each Senator staff to perform the services that he has to perform.

We are equal in the Senate when it comes to voting, but not in the committee.

This committee will be nothing but a political witch hunting committee unless there are some changes. I say that advisedly, as one who has been in the middle of the road in this body. I have never seen anything that will turn this Senate around and split it as much as this committee will if it continues to be constituted as presently outlined.

Mr. COOK. Mr. President, I have been listening to the debate. What bothered me was the colloquy between the Senator from North Carolina and the Senator from Michigan, because the Senator from North Carolina said he would make the decision, he would see to it that there was equitable representation on the part of the minority, he would say what kind of representation they would have, and he would see to it that certain staff would be made available.

I must say that I have heard about the seniority system in the U.S. Senate. I lack a great deal of seniority. However, if there was ever an opportunity to prove that seniority is just about as right as it can be, this is the time. For one individual to say that he can determine how the $500,000 that will be appropriated is going to be handled from the beginning to the end would not do so. I can only plead pauperism and say that even the public defender has staff, as does the Commonwealth attorney.

Mr. President, let us proceed with at least some degree of legal logic. We do not have to play games with what has been done since the time of Washington. We may be able to play games with regard to the Constitution in this regard. And we might even do it in the case of the Constitution. However, I would hope that the Chief Justice of the United States would not say when he goes into that room, "Here is what we are going to do. And here is how we will do it." For him to say whether they are adequately staffed on the committee is rather shocking to me.

I will tell the U.S. Senate as a ranking member of the Committee on Rules and Administration what shape we are in on the Republican side. I hope that Common Cause will listen.

I say to the Senator from Alaska that we can look at the staff of the minority and we will find 16 percent of all of the staffs are on the minority side. Some committees are different. Some committees are even over and above the provision of section 202 of the Legislative Reorganization Act. And one of them is the Public Works Committee, chaired by the Honorable JENNINGS RANDOLPH of West Virginia. But on some committees there are 24 members of the staff and not one minority staff member. And that is not uncommon. So I can only say that when people listen to this debate and to who is prepared and who is not prepared, they will understand it. But that does not mean that the minority party ought to be prepared unless it does it on its own.

I can only say that if we find ourselves in a position where we are Members of the Senate and on a committee that is going to be established by this body and that this is the decision that I will make, then I will say to the Senate that it is seniority at its worst. And it ought to be looked into very seriously. It ought to be debated for a long, long time.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. ERVIN. Let me confess that the inexact language I used rightly subjects me to the verbal chastisement which the able and distinguished Senator from Kentucky has given.

What I meant to say and, as the Senator has pointed out, I probably failed to say, is that if I were a member of the committee I would do everything I could to persuade the committee to make a reasonable allotment of staff to the members of the minority, and that is what I intended to say; but perhaps I phrased it somewhat inexactly, and, therefore, I accept in a contrite spirit the very eloquent chastisement which the Senator from Kentucky has given me.

Mr. COOK. I say to the Senator from North Carolina, and he knows this, that without any equivocation this Senator has all the respect in the world for him. I accept those words, and I am delighted that they are in the RECORD, because that means that there will be a decision.

Unfortunately, again I say to the Senator from Texas—and that is why his amendment is before this body now—that decision will be made by the majority. And even with all of the pleading of the Senator from North Carolina, if the other two members decide that the minority shall have nothing, then the minority shall have nothing.

Mr. ERVIN. Oh, if I vote with the minority on this point, they will have a majority on their side.

Mr. COOK. I must say to the Senator from North Carolina, the decision will not be made by the four, but it will be made by the three, and if the three decide or the four decide 3 to 1, then that will prevail. So I would not suggest that it will not be done as a body; it will be done by the four who constitute the majority, and I think even then, the Senator from North Carolina will agree that on any committee in the Senate of the United States, when it comes to organization and when it comes to what kind of staff will be made available, that decision is not made by the committee as a whole, but it is made by the majority side of the table; and the majority side of the table can vote with one vote in distinction between them, but they do not go join the other side to see that it is overcome, and I think the Senator from North Carolina will have to admit that.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, a great deal has been said in the Senate this afternoon about establishing precedents. I agree with the other Senators who have addressed themselves to this amendment. I think all of them on our side have expressed their confidence in the fairness of the Senator from North Carolina repeatedly. But I found myself a little shaken by the opposition to this particular amendment.

If I read this resolution correctly, as far as the resolution is concerned, the minority members of this select committee would not have even the right to a minority counsel to advise them; and I cannot conceive of the Senate now ceasing to be partisan. Frankly, I had not expected these other amendments to be adopted, but I cannot conceive of the Senate establishing that kind of a precedent.

I am confident that the Senator from North Carolina would give us a minority counsel; but it should not be given to us, it should be a matter of right. This is an extremely serious investigation, and it is essential that the people of this country be satisfied with it. For the first time, I think, since I have been in this body with the Senator from North Carolina, whose ability I respect so much and whose integrity I respect so much, he has made a statement I cannot even comprehend. That the mere fact that the minority members of a staff of a select committee that is dealing with something that you can talk all you want to and whitewash all you want to, is partisan, if the minority members have anything to say, it constitutes two separate investigations. If it were anyone other than a great constitutional lawyer, I would have to characterize that as nothing but nonsense.

I would take the Senator's word on this matter of toil, but it is not a matter of taking someone's word. It is not a matter of putting a crumb on the table. It is a matter of establishing a precedent and maintaining the precedents of the past that at least the minority members of such a committee are entitled to a minority counsel. They are also entitled to assistants in reasonable proportion to such assistance as they need to discharge their duties, and it should not be a matter of a gracious gift from anyone, it should be a matter of right and justice, written right into this resolution.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield at that point?

Mr. COTTON. I yield.

Mr. SCOTT of Pennsylvania. I think we can see now where we are at and where we are getting.

What we see is the power of the majority which, first of all, says that you cannot have equality in a Senate decision on a matter of ethical conduct and proper standards, and a majority which says that you must give them unheard of power beyond that ever granted to another committee; that you must allow them to go where they wish and look for whatever they want, and pursue any rumor or unsubstantiated allegation to the point where they would hope that the Muse would rest on the rumor rather than on substance; and now, a further blow to the equity of the situation, in their refusal even to admit that under the Reorganization Act, which we voted on and passed, there is contemplated an equitable division to the minority.

We are 43 percent of this body. In order for the majority to work its will, it insists in its division of professional staff, that the minority shall have 33⅓ percent, and not the 43 percent which our representation entitles us to and which the people of the United States voted, in their own exercise of their judgment, should constitute the Senate of the United States. We are to be denied the assurance that we will be provided for under the statutes of this land and under the equitable distribution intended to be assured by that act.

So now we are going through the processes of power personified, the process of overweening arrogance exceeded even to a point where they do not wish us to be adequately equipped to determine the truth or falsity of the allegations of witnesses.

That is going pretty far, and, Mr. President, it seems to me it is going entirely too far. Go ahead and work your will; tell the people of the United States that the minority has no rights; that your concern for minority rights does not extend to the Senate; that Senators have no minority rights; that we have no civil rights; that we have no rights except to abide by your procedure as you go ahead with your inquisition into rumor, into substance or lack of substance, and to follow wherever your whim listeth.

That seems to me to be not quite right, and I regret very much that we cannot even agree on this. I do not think the actual hiring of assistants is what is at issue here, because much of that could be worked out depending on the good will and what the British call the grace and favor of the chairman. What we are arguing about is a very important principle: Is the law going to be followed? Is the Reorganization Act, in word and in spirit, to be upheld? Are we going to be given any chance whatever to bring out what may be important information bearing on the whole political process of campaigns and elections?

Well, it seems, we are not. If we are not, perhaps we should leave the whole thing to the majority. Let them hold their proceedings. Let them be as "star chamber" as they wish to be about it. Let them make all the charges they want. Then let the United States see for itself that what is going on is not a bipartisan inquiry in support of legislation but a partisan political effort to extract the last bit of juice from an elready considerably squeezed lemon—and lemon it is, and I make no defense for it—lemon it is. To extract the very last citric benefit from a situation which should be approached by this body in an even, equitable, judicious, and judicial examination of the truth. That is all we are asking for here.

It is obvious that in vote after vote, what we are getting is a determination to ride us down, to roll us over, to seek the maximum political benefit which can be obtained from a single incident, without the slightest scintilla of curiosity as to what may have happened at another time and another place in other elections.

If that is fair, Mr. President, then, indeed, this body has descended to a very, very unfortunate nadir.

I thank the Senator.

Mr. ERVIN. Mr. President, I wanted to offer an amendment to the Tower amendment——

Mr. BAKER. Let me make these remarks briefly first, then I will be most happy to yield the floor so that the Senator from North Carolina can do that.

Mr. President, in furtherance of the point developed by the distinguished minority leader, "Where are we at?" I recall yesterday he predicted that unless we came to terms with absolute objectivity, impartiality, and no partisan inquiry, the whole matter would evolve into a great shouting match, it would engage us in the fiercest sort of political strife, and create a great deal of confusion.

I have not stated that with the exact precision of the distinguished Republican leader but I believe that is the burden of his summary.

We are now at that place where, demonstrably, there is uncertainty in our minds about the fairness, the impartiality, the appropriateness of the inquiry into which we are about to launch.

I can conjure up an entirely different

scenario in my mind that might have taken place, beginning yesterday, had we not been met with the adamant refusal of the majority to yield on a single point.

I wish that we had been willing to follow the precedents—and there are ample precedents—for equal distribution and numerically equal representation on this select committee, but instead of that, in this debate, we have had a series of amendments in which a modicum of representation on an equal basis was rejected.

We would have had genuine agreement and generous statements on both sides of the aisle that we as Republicans and Democrats together, all as Members of the Senate, sharing the same oath of office in support of the same Constitution, would pledge ourselves, our time, and our energies to get to the bottom of this affair and to find out and learn what the facts are, to let the chips fall where they may, and to imply at least that the Republicans would be as hard, if not harder, on Republicans than any Democrats ever thought about being in this sort of inquiry.

I believe that is the scenario that would have taken place and that we would have had a marvelous situation in which to commence this inquiry.

Mr. STEVENS. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. STEVENS. I am glad the Senator mentioned that because I think the majority party has entirely misread the attitude of Members of this body on this side of the aisle.

So far as I am concerned, I would serve on a 3–3 committee because, as a past U.S. attorney and prosecutor, I would like to assist in removing this blot on the Republican Party, with which I have been associated for so long.

But if I am going to be placed in a position where I would serve on a committee where I did not have assistants, where it started with a political bias already in, I do not think it would do any good at all, in order to try and correct this dastardly deed that took place.

I still do not know why they broke into the Republican headquarters—Democratic National Headquarters, by the way. [Laughter.] That would be the last place I would look for secrets. But as a practical matter, I would certainly like to find out what they were doing there and I would like to do it on the basis of political equality and on the basis of being a Member of the Senate, and not as a member of a committee where you have a stacked deck before you start.

Mr. AIKEN. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. AIKEN. I should like to clarify the situation to which the Senator from Alaska just referred. I also would like to know why they broke into the Democratic headquarters. I was reading in one of the local newspapers which finally listed six or eight cases where Republican offices had been broken into. They were all broken into by hoodlums in search of money.

Mr. BAKER. I thank the Senator from Vermont.

I hope that the Senator from Pennsylvania (Mr. SCOTT) will not feel offended and that the Republican leader will not mind if I recall a story that he stated in that respect. I believe that the rhetorical slip of the tongue by the Senator from Alaska (Mr. STEVENS) about breaking into Republican headquarters brings to mind the story that the Senator from Pennsylvania related, that he was once Republican National Chairman and that he could not recall ever having had anything that anyone would want to steal——

Mr. SCOTT of Pennsylvania. Still do not.

Mr. BAKER. And he still believes that story now.

I reiterate what the Senator from Alaska has so ably said, and which I honestly believe every member of the minority believes. Assurances will be given on this matter, if we proceed on the basis of a clear, fair, objective inquiry into what happened, because the Democratic Party may have something of a short-term gain politically by trying to embarrass Republican officials; but the Republican Party in the United States has a lot more to gain by expunging that spot from its reputation. And we will do that, but we will not do it at the sufferance of the majority who stack the committee, who deprive us of staff potentiality, and who create the initial impression that it is something other than an objective inquiry.

I think that this scenario I have tried to describe would have occurred. I hope it can still occur, but the chances are slim of any wholesome cooperation into this inquiry, and we will be, I fear, greatly weakened and dis-served from what we have seen in the past day and a half.

"Where we are at" is the question, as the minority leader has pointed out. Where we started out was with 2–3. We tried to go to 3–3. We tried to give a tie-breaking vote to the chairman—to give a tie-breaking vote to the chairman in case of any tie vote. Then we went to 3–4. We could not agree on how we would handle the date and the scope of the inquiry, whether 1972 or any other time.

Now we have the question of staff.

We hear a lot of talk about the President's being in the "splendor of the isolation of the White House" and a "captive of his staff," or the bureaucracy being an autonomous agency of Government that is responsible to no one.

The Senate is frequently a captive of its staff. I doubt there is a man in this Chamber that will deny that the staff has extraordinary power in the course of our deliberations and the staff's efforts to help us in the discharge of our duties simply because we have such a diverse role to play and so many things to accommodate that the staff must be called upon to act, in many cases, almost independently. So it seems to me that if we are ever to protect against that in sensitive matters we have to have a clear delineation of staff responsibility.

Mr. President, I said that I thought the chances of having an accommodation had been dashed. I do not think they have been destroyed. I think we can still do that. It will take some doing, but we can.

But this staff business I believe to be as important, if not more important, than any other item we have been talking about, including the 2–3 distribution, or the 4–3 distribution. I believe that we have got to find a way out of this dilemma.

I recall that in the McCarthy hearings, which have been referred to, an independent counsel was hired, a distinguished trial lawyer from my home city in my State, Ray Jenkins, who represented the committee. I recall that there was private counsel for the parties who were involved. But I cannot even conceive of that undertaking having been done by a majority staff, even though the staff at that time would have been a Republican staff; and I cannot conceive of this being done that way.

The gentle remonstration of the Senator from North Carolina that he will do the right thing when it comes to staff reminds me of some of the sharp traders in Tennessee and Kentucky and other States who aways put you on notice that your pocketbook is about to be lifted, when they say, "Don't worry about that. We'll do the right thing."

This is far too important a matter to depend on somebody's assurance that they are going to do the right thing. I have expressed confidence in the good will of the Senator from North Carolina, but this is too important a matter to leave this loose end untied.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. COOK. In my part of the country, we say, "That dog won't hunt"; and I think the Senator from West Virginia understands that phrase.

Mr. BAKER. I am not going to offer an amendment at this time, but I would like to know the reaction of the distinguished Senator from North Carolina about a proposal that the staffing be done on an independent basis, that outside counsel be employed, and that we do it on a basis not similar to that which we do with standing and select and special committees.

Mr. ERVIN. If the Senator will yield, that is the reason why I said sometime ago that I propose an amendment to the Tower amendment.

I say to the Senator from Tennessee that there was some outside counsel in the McCarthy hearings, but every one of them, I think, was a Republican. I know Mr. Jenkins was. That is beside the point.

I would like to offer an amendment to the Tower amendment, as follows:

> Strike out everything between the words "not less" and "select committee," and insert in lieu thereof, "The minority members of the select committee shall have representation on the staff of the select committee equal at least to one-third thereof."

I agree with the Senator from New Hampshire that they are certainly entitled to minority counsel.

Mr. COTTON. I thank the Senator.

Mr. TOWER. My amendment provides that 33⅓ percent of the moneys available for direct compensation to personnel be allotted to the minority, and the Senator is suggesting one-third of the personnel. In other words, the Senator wants to pay the Democrats more than the Republicans.

Mr. ERVIN. Not necessarily. I just do not want to divide the money. I think we could very well agree on the staff. I do not know whether the Senator wants a lot of doorkeepers and messengers and things like that.

Mr. TOWER. No. We envision professional personnel, because this is an investigative procedure and requires people of considerable skill and experience; and that is what we envision as staff members.

Mr. ERVIN. Yes. I think that one-third——

Mr. TOWER. One thing that worries me about that—would the Senator read that again, please?

Mr. ERVIN. It reads:

> The minority members of the select committee shall have representation on the staff of the select committee equal at least to one-third thereof.

Mr. TOWER. That worries me a little, because that means that the majority might have all the professional staff and the minority might get all the secretaries. Under certain circumstances, that might be desirable. [Laughter.]

But in this particular instance, I think that what we are concerned about is that we want to be assured of approximately one-third of the professional staff, and I think that is fully within the spirit of the Legislative Reorganization Act. I concede that there is no legal requirement to that effect, but I see no reason why we cannot operate within the spirit of that act, which was considered to be pretty good at the time we passed it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. I think that at this point we are indulging in semantics and going from the sublime to the ridiculous.

The argument made by the Senator from North Carolina is that if the money is split, it might create the impression that there is a double investigation, and he is trying to avoid that. The minority denies that that is the purpose.

This modified amendment would accomplish exactly what the Senator from Texas wants to do, and that is that he is entitled to one-third of the staff, without mentioning the matter of the money. Naturally, if we are going to give the minority the janitors and we are going to take the lawyers, that would be a disgrace and a scandal for the Senate. No one intends to do that, and there must be reliance on the integrity of a man like SAM ERVIN.

If the Senator wants to write the word "professional" in there, I think that is agreeable and should be acceptable. The fact remains that we should not become ridiculous.

Mr. TOWER. I do not think anybody has impugned the honesty or good intentions of the Senator from North Carolina. Nobody on this side has done that.

I want to make sure we get one-third of the professional staff. I am not interested in sheer numbers of people. I am interested in the percentage of the professionalism on the staff.

In the Banking, Housing and Urban Affairs Committee we Republicans have almost one-third of the compensation. We have only 26 percent of the staff.

Mr. PASTORE. But does not the word "adequate" take care of that—adequate staff equal to one third? Adequate staff achieves equality.

Mr. TOWER. I believe the Legislative Reorganization Act uses the word "professional," and I am willing to accept that.

Mr. ERVIN. I would suggest, in deference to the statement of the Senator from Texas, that the minority members of the select committee shall have one-third of the professional staff of the select committee.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. Professional and clerical.

Mr. ERVIN. I would not want to divide the clerical. I do not think we ought to decide right here. I would add to this, "one-third of the professional staff of the select committee and such proportion of the clerical staff as may be adequate."

Mr. TOWER. That is good. We will take that.

Mr. STEVENS. The total staff.

Mr. ERVIN. The staff is a totality.

Mr. TOWER. Will the Senator read that as it has been further amended?

Mr. ERVIN. In other words, this is really in the nature of a substitute to the Senator's amendment. I would strike out everything in the Senator's amendment and substitute in lieu thereof the following:

> The minority members of the select committee shall have one-third of the professional staff of the select committee and such part of the clerical staff as may be adequate.

Mr. TOWER. Let us make a little legislative history at this point.

In the opinion of the Senator from North Carolina, does this reserve the right of the minority to a minority counsel?

Mr. ERVIN. Oh, yes.

Mr. COTTON. After the words "professional staff," before speaking of clerical, why not say "including a minority counsel"?

Mr. ERVIN. That is all right.

I have now rewritten this, at the suggestion of the distinguished Senator from New Hampshire, so as to read:

> The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

Mr. TOWER. Let me ask the Senator from North Carolina a question about consultants. For the purposes of this amendment, should consultants be considered professional staff?

Mr. ERVIN. I think they should. I have no objection.

Mr. SCOTT of Pennsylvania. I do not see any reason why not.

Mr. TOWER. With that understanding, we are prepared to accept——

Mr. ERVIN. If anybody should hold that it is not sufficient to cover them, I would try to get the committee to apportion consultants all on the same basis.

Mr. TOWER. I thank the Senator from North Carolina. Having made that legislative history I am prepared to accept the amendment of the Senator from North Carolina to the amendment.

The PRESIDING OFFICER. The Senator's amendment will be so modified.

Mr. ERVIN. I will read this again.

Mr. TOWER. Let us make sure we get it right.

Mr. ERVIN. Strike out everything between the words "not less" and the words "select committee" and insert in lieu thereof the words:

> The minority members of the Select Committee shall have one third of the professional staff of the Select Committee (including a minority counsel) and such part of the clerical staff as may be adequate.

The PRESIDING OFFICER. The Chair wishes to ask the Senator from North Carolina if this is in lieu of the language proposed by the Senator from Texas, in toto.

Mr. ERVIN. Yes. It is really a substitute. No, not quite. He states in his amendment:

> Page 13, line 23, insert.

I would keep that part of the language of the amendment.

The PRESIDING OFFICER. The Senator from Texas has a right to accept the modification.

Mr. TOWER. I accept the modification.

The PRESIDING OFFICER. The question is on the amendment as modified. [Putting the question.] The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 11, line 19, after the word "committee", strike all through the word "member" on line 21 and insert in lieu thereof: "or the majority or minority counsel, when authorized by the chairman or ranking minority member,".

Mr. GRIFFIN. Mr. President, I ask that the amendment be read again for the benefit of the Senator from North Carolina.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read as follows:

> On page 11, line 19, after the word "committee", strike all through the word "member" on line 21 and insert in lieu thereof: "or the majority or minority counsel, when authorized by the chairman or ranking minority member,".

Mr. ERVIN. Mr. President, I do not object to a modification, but it seems to me you should be able to send somebody besides the general counsel.

Mr. GRIFFIN. Would the Senator allow me to have a few minutes to state the case for this amendment. I believe it is a very important amendment, and I commend the distinguished Senator from North Carolina for making some modification himself in the language of the resolution as originally introduced. He did tighten it up himself somewhat with respect to the number of people who will have access to the raw FBI files containing all kinds of hearsay comments and unverified, unevaluated statements.

The experience of other investigatory committees of the Senate, including the Committee on the Judiciary has demonstrated the importance of being very careful in this area for the protection of innocent people. If a lot of staff members are going to have access to raw files of this kind, there will be a great risk of infringing on the right of privacy of individuals who have no real connection with the subject of the investigation. As Senators must realize, such files contain many ridiculous, unverified statements, and unless there is judicious use of such matter, innocent people can easily suffer irreparable damage.

I notice the presence of the Senator from Arkansas (Mr. McCLELLAN) in the Chamber. I know that he, as a veteran investigator, realizes the importance of the point I am making. As I understand the practice of the Committee on the Judiciary, only the chairman and the ranking member ordinarily look at material in an FBI file. It is seldom that other Senators who are members of the committee look at such material, and committee staff people are precluded altogether.

This amendment would recognize a right on the part of members of the committee to have access to such files. But it would specify precisely which staff members would have such access—and limiting it to the majority counsel and the minority counsel when authorized by the chairman or ranking minority member. In that way, we would pin down the responsibility and we would know exactly who would have access to such files.

It could be very unfortunate and might result in a great deal of needless damage to the reputations of innocent people if a great many staff people were to be allowed to rummage through such files.

The FBI, as we know, takes statements from anyone who will make a statement. FBI files should be reviewed only by those who will exercise a high degree of responsibility.

I wonder if the Senator from North Carolina would accept the amendment.

Mr. ERVIN. I would suggest a change in it. Under the Senator's amendment, and I think I had it pretty tight before——

Mr. GRIFFIN. Yes, the Senator improved it.

Mr. ERVIN. But I think I unimproved it because first it was more restrictive. But we need not argue about that.

I think it is a mistake to say the only people who can see this are members of the committee, or the majority counsel and minority counsel.

Mr. GRIFFIN. When authorized by the chairman or the ranking member.

Mr. ERVIN. We would have investigatory people who might have served in the FBI who should be able to see the matters mentioned in this section. I would think it would be better to say this: Strike what the Senator proposes to strike and say: "or the chief majority counsel or minority counsel, and such of its investigatory assistants as may be designated jointly by the chairman and the ranking minority member."

That would fix the chairman and the ranking minority member, instead of having the counsel of both groups. They could agree on some investigator and have the assurance of protection, and require both the chairman and the ranking minority member to make the joint selection.

Mr. TOWER. I think that is an improvement.

Mr. ERVIN. If the Senator will agree to that I will modify the amendment and so provide.

Mr. GRIFFIN. Unless I hear some objection from this side of the aisle, I am inclined to accept that modification. I would admonish the chairman of the committee to be and whoever is appointed to be the ranking minority member to exercise this responsibility with great care. I would hope that the number of people who would have such access will be small and judiciously limited.

Mr. ERVIN. I agree with the Senator on that.

Mr. President, I modify the amendment by striking out everything after the word "committee" on line 19, page 11, through the word "member" on line 21, page 11, and insert in lieu thereof the following: ", chief majority counsel, minority counsel, or any of its investigatory assistants designated jointly by the chairman and the ranking minority member."

That makes it the chief counsel and the minority counsel member. It has to be a joint agreement.

The PRESIDING OFFICER. Would the Senator send that language to the desk, please?

Does the Senator from Michigan accept the modification?

Mr. GRIFFIN. I accept the modification.

The PRESIDING OFFICER. The amendment is so modified. As soon as the Senator sends it to the desk, it will be modified.

The amendment, as modified, is as follows:

On page 11, line 19, after the word "committee", strike all through the word "member" on line 21 and insert in lieu thereof: "chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the Chairman and the ranking minority member".

The PRESIDING OFFICER. The question now is on agreeing to the amendment, as modified. [Putting the question.]

The amendment, as modified, was agreed to.

Mr. HELMS. Mr. President, the distinguished senior Senator from North Carolina (Mr. ERVIN) has presented a proposal which, in other times and other places, might be discussed with more objectivity and greater purpose than at present. He has presented his analysis with a great deal of force and supported his arguments with his accustomed vigor. However, I regret that he has rejected, one after another, suggestions made to improve upon his original proposal and to perfect its mechanism.

If the investigation which the Senator desires does not have the utmost appearance of impartiality and objectivity, then it will not gain the trust of the American people. It goes without saying that partisanship is at the very heart of the original problem. One of our major political parties stands accused of interfering with the privacy of our other major political party. Seven minor figures have been indicted and found guilty by our courts; two are seeking to appeal. The end of the case is not yet in sight. It is not surprising that feelings are running high.

It is all the more important, therefore, that the investigation be conducted in an atmosphere that inspires confidence and betrays no suspicion that less than the truth, and the whole truth, has been found. I am disappointed that my colleague has rejected the suggestion that both major political parties be equally represented in this investigation. Such a rejection will only fuel the fires of those who are charging that this investigation is only a year-long fishing expedition, designed to be as far-ranging as possible, gathering everything and everybody in the net. My distinguished colleague—and he knows of my great personal admiration and respect for him—has often been on the floor of the Senate defending the civil rights of persons whose rightful privacy has been intruded upon. I know that he will be among the first to come to the floor if such a sweeping investigation as this, cruelly brought the names of the innocent in association with the names of the guilty.

I am further dismayed that the cost of this investigation, under these circumstances, will be $500,000. If the subject were one which were cloaked with mystery, if new evidence tended to indicate that much more would be unearthed, if there were any hope at all that a definitive resolution would be achieved, then a half million dollars might be a price worth paying. Yet there is no evidence worth considering.

The Watergate situation has received the closest and most penetrating scrutiny of any story in modern journalism.

A grand jury has made a thorough investigation and returned indictments.

A trial was held in the U.S. district court in which five defendants pleaded guilty and two others were convicted after an extensive trial. The trial judge himself went beyond the bounds of an adversary proceeding and interrogated the defendants himself before he satisfied himself that there were no others involved in the crimes.

The FBI and the Justice Department made a thorough investigation of their own.

Our distinguished colleague from the House of Representatives, the Honorable WRIGHT PATMAN, made a staff investigation through his House Banking and Currency Committee.

The distinguished senior Senator from Massachusetts had the staff of his Judiciary Subcommittee make on-the-spot investigations in this matter, and has apparently not pursued it further.

The junior Senator from North Carolina therefore finds it difficult to justify spending $500,000 on yet another investigation with broad powers given to a select committee to rehash old charges for another year.

If there are matters that need to be pursued further, then they ought to be looked into by the full Judiciary Committee. I know that the Judiciary Committee has a full calendar of proposals; but if there are overwhelming problems yet to be resolved in the Watergate affair, then I know that the public would have far more confidence in a normal standing committee balanced by the regular political process.

Moreover, this body has also established a Permanent Investigating Subcommittee of the Government Operations Committee which could perhaps easily handle many of these matters. Encouragement could also be given to the Judiciary Committee's Administrative Practice and Procedure Subcommittee to look further into those matters in its jurisdiction.

Mr. President, I dislike seeing a half-million dollars of the taxpayers' money spent on another investigating mechanism, adding to the Senate's own bureaucracy, when the job could, in my judgment, be done by existing personnel and facilities already available to this body.

The PRESIDING OFFICER. The resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Connecticut (Mr. RIBICOFF), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 16 Leg.]

YEAS—77

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Eagleton
Ervin
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—23

Bayh
Bible
Brooke
Cannon
Church
Dominick
Eastland
Fong
Goldwater
Johnston
Magnuson
Mathias
Mondale
Montoya
Packwood
Pearson
Ribicoff
Saxbe
Sparkman
Stafford
Stennis
Stevens
Thurmond

So the resolution (S. Res. 60), as amended, was agreed to, as follows:

S. RES. 60

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of seven Members of the Senate, four of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such

payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass or activity conducted by or in behalf of any person seeking nomination or elections as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivision (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any Act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or parity of the process by which Presidents are chosen.

SEC. 3. (a) To enable theselect committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, documents, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercises the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee. The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

Mr. ERVIN. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1202, title 12, Public Law 91–452, the Speaker had appointed Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. HUTCHINSON, and Mr. SANDMAN as members of the National Commission on Individual Rights, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 123(a), Public Law 91–605, the Speaker had appointed Mr. WRIGHT, Mr. GRAY, Mr. DON H. CLAUSEN, and Mr. SNYDER as members of the Commission on Highway Beautification, on the part of the House.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 37) to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SKYJACKING

Mr. HARTKE. Mr. President, it is my plan to bring to the attention of this body a series of issues concerning the operation of the Federal Aviation Administration.

I have made a statement for the CONGRESSIONAL RECORD, listing some 27 charges organized under seven categories. These run through the whole gamut of FAA operations and policies.

At this time I ask unanimous consent that an article appearing in the Washington Star of February 4, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Mr. President, now, we are to consider the FAA antihijacking regulations, and I say they constitute: a serious invasion of civil rights, and an unconstitutional encroachment of the Executive upon the legislative functions of Government; and I believe evidence will show that the FAA regulations do not, cannot, and will not work.

Further, it can be shown that there are other remedies to skyjacking that stand a better chance of stopping this serious crime without violating the rights and interests of American citizens and their Constitution.

Even assuming there were no other remedy whatsoever, and there is, I maintain that the burden of proof to show violation for these questionable FAA procedures must rest upon the FAA and upon anyone who defends them, not upon those who oppose them. I repeat, that even if there were no other remedies than those of the FAA, they are still improper and the burden of proving their constitutionality and legality rests on those who affirm them so heatedly, not upon anyone who resists them.

The majority of these have not even been tested at law.

Mr. President, if I could prove that the FAA regulations cannot, do not, and will not work, I would mollify some of my critics, win some friends, but lose the main question.

And, Mr. President, if I could prove, here or in court, that I have been separately and singly harassed at airports, that other Senators, Congressmen, their staff members, members of the President's Cabinet, their staffs and families, have done exactly as I have done without harassment—if I could prove all that, Mr. President—I would have mollified some critics, won some friends, and lost the main question.

And, Mr. President, if I prove too quickly here that devices other than mass airport search, seizure, and arrest—for arrest is exactly what we are dealing with here, then I shall have mollified some critics, won some friends, but will have lost the main question.

Finally, Mr. President, even if I prove that the FAA has not attempted to establish any legal validity at all for those regulations—at least one airline is beginning to have some doubts—and if I establish that the FAA acted in an irresponsible and haphazard fashion, I will have mollified some critics, won some friends but will have lost the main question.

The important question in this issue is not harassment of me personally, not better alternative devices, not the ineffectuality of the FAA methods. The important question in this issue—in my judgment, perhaps the most important issue over the next two decades—is one not only at the very heart of my dispute with the FAA; it lies at the core-center of the newsman's immunity issue; and it is even before this Chamber in the impoundment issue.

The evidence seems clear, Mr. President, that the FAA has quite literally endangered the lives of all American air travelers. And it is my opinion that evidence will show that persons in the highest places of the FAA bare a direct responsibility, literally, in the deaths of some victims of air tragedies. This is a serious charge. The evidence on this must come out, and I shall see that it does—and I think there lies much of the source of my harassment at airports.

But even this, Mr. President, this terrible documentary of tragedy in the air, is not the heart of this issue.

The capriciousness, impracticability, the irresponsibility of the FAA policies and operations are the sort of things that can be remedied, at least so that they will not cause further havoc.

But the main question before us will have gone underground once again. We will have remedied the irresponsibility of the moment and allowed what is most dangerous to escape our focus of concern. That is what, God willing, I intend to stop. That is what I intend to keep in focus, if I have to bring the issue to the forefront here and at every airport in the country, until the American people understand the issue and rise up to fight with me for it.

My easiest course, Mr. President, is to do as some people have attempted to do, say "I have nothing to hide, I will be an example to you of the way I can go ahead and cower down when confronted with this type of regulation," to secure the sympathy of the American people simply by fighting for the necessary changes in the FAA rules, show a better way to stop skyjacking, and prove that the FAA has been remiss in serving the people. That can and will be done.

But with the American people satisfied on that, we will be in great danger, I believe. We will have lost the main question. It shrouds the corners of congressional fund impoundment; it stalks the corridors of the CIA and the FBI; it makes Watergate, a resolution in respect to which the Senate has just passed, look like a Sunday school picnic.

It walks the street of every ghetto. It lurks behind every late night knock in poor sections of every city. It rose like a babe in the west coast Japanese concentration camps; and has matured like a bully to stop "long hairs" on turnpikes; it lurks behind the move to have cartoonists and psychiatrists tell us what skyjackers are supposed to look and act like.

The main question in this issue of mass airport arrest, is one of constitutional law, Mr. President. That is the question at issue here. Perhaps the most important question of constitutional law ever raised in this Nation—at least as important as that raised a century ago as to whether this Union can be dissolved at the will of one or some of its States.

Now, if I say that airport arrest is a great constitutional question, who will listen? Many of my friends tell me my public relations image on this issue is bad. Just name, they say, other Senators who use constitutional immunity at airports. I understand that both the FAA and some lawmakers are getting a little uneasy about doing what they had been doing before.

But I intend to forego the public relations image of the moment for a larger good. I know a constitutional question may look right in New York Times gothic; but it does not make the black, bold print of the Daily News.

No one, or few at most, really care about article I, section 6 of the Constitution. Even many, in this body are bored by it. Some Members of Congress have forgotten we are sworn to uphold the Constitution. Why not? This is "extremism in the pursuit of safety." I submit, Mr. President, that safety like liberty is not pursued very successfully at all by extremism.

I personally am not bored by article I. Article I is an embodiment of the principle of separation of powers deemed so imperative by our constitutional forefathers.

Forget the words of constitutional law—I can speak plainer than that.

I say airport arrest—any lawyer who knows the legal status of arrest knows what I am talking about—I say airport arrest is Watergate gone international.

This is the great international Watergate caper.

It is bugging Senate phones, gone public.

We already have women's purses rifled in FAA seizures, at $2,000 a clip.

We have already had a diplomatic courier's pouch—and he gets immunity at airports, according to the FAA—found containing heroin.

I carried two books aboard with me last time, and they were searched, I suppose for plastic bomb devices. One was the "Lives of Talleyrand," the other a volume on the New Society. I asked the FAA representatives if they considered a volume containing the Constitution of the United States explosive.

We have the legitimizing of baggage search for possible thievery by Government employees, or anyone else who happens to follow along behind.

We have a Senator turned away from a plane because he might go berserk, and airline pilots walk aboard carrying guns and a brain tumor.

What a mess.

What a disservice to Government and to the people of this great Nation. That our leadership has been so shoddy, so careless with what the Constitution is all about.

And to think that near hysteria has mounted for more not less mass search.

You may think, Mr. President, that I have stretched the logic of this case. That I sensationalize it.

I do not think so.

Let me take the Watergate charge. Can you, Mr. President, think of anything easier than for customs inspectors to watch your attache case, than this?

Will the next Republican nominee for President have access to Larry O'Brien's briefcase?

Will Democrats walk, and Republicans fly?

Or Daniel Ellsberg. Whatever you think of that case, the Pentagon papers would not be flown anywhere whether they merited release or not.

This is the most flagrant violation of the processes of this Government and its law that we have ever witnessed in peacetime.

It goes hand in glove with the news immunity issue. And I say we in this body will have to meet it head on. I plan to do my best to bring this issue to the forefront here in Congress and throughout the country until the American people understand what is at stake here, and rise up and smite down a direct threat to the Constitution.

Mr. President, it is my intention to offer amendments to S. 39. But it is my opinion that the serious constitutional questions raised here necessitate extended, open hearings. And the longer that process takes the better.

I do not think there is any question that all of us realize the danger of air hijacking, but I would like to quote Justice Brandeis who so eloquently stated:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

EXHIBIT 1

DANGEROUS SKIES: A BLAST AT THE FAA

(By Senator VANCE HARTKE)

You are quite literally taking your life into your hands every time you board a passenger airliner—and you're paying for the dubious privilege.

There is no doubt that the aviation industry must shoulder some of the blame for the tremendous and terrifying lack of aviation safety, since it is the industry which balks at any proposed safety measure that would be an inconvenience, or would cut into its profits.

But I think the lion's share of the blame for conditions which exist today must be assumed by the Federal Aviation Administration (FAA), a governmental organization charged with the responsibility for the safety of thousands of American air travelers every month.

The simple fact is that the FAA has not effectively discharged its responsibility. Moreover, my investigation makes me certain that FAA officials have not even tried to do so.

Some Capitol Hill newsmen say I have "declared war" on the FAA. That is not so. I am merely doing my job, as a United States Senator and a member of a Senate subcommittee concerned with aviation, by investigating reports of gross neglect by the FAA in the area of aviation safety.

Since it learned of my investigation, the FAA seems to have "declared war" on me in what I believe is a deliberate attempt at harrassment and intimidation.

In the past, no one—not even the FAA—has given a second thought to a member of the Congress exercising his constitutionally-guaranteed immunity to search while boarding an aircraft.

Only a short time ago, however, FAA investigators at various airports have made a point of denying me that immunity in an effort, I believe, to subject me to enough harrassment to cause me to bring my investigation to a close.

It won't work.

The facts speak for themselves. No amount of rhetoric—by me, or by professional bureaucrats in the FAA—will change facts that have been uncovered by my investigators and by safety experts employed by the FAA itself.

As my study proceeds, I am learning some frightening things, most of which are not generally known by the flying public. For example:

Contrary to FAA regulations, commercial airlines loaded with paying passengers often carry vast quantities of extremely dangerous cargo. I am referring now to acids, other chemicals, and radioactive materials.

It is inconceivable that the FAA is unaware of these violations, since accidents have been reported. During recent months, one load of chemicals exploded while the aircraft was on the loading ramp—only minutes before it began taking on passengers. In another incident, a container of acid sprung a leak and the liquid burned a hole through the belly of a passenger-filled aircraft—at some 30,000 feet.

Despite the large number of air tragedies that have been attributed officially to carelessness or lack of skill on the part of a private, pleasure pilot, FAA regulations still permit students to obtain their pilots' licenses with a minimum of 35 hours flight training.

There now are some 750,000 licensed private pilots in the United States, and a significant percentage of them have been licensed after only the minimum training period.

A team of the FAA's own aviation safety experts recommended some three years ago that regulations concerning private licenses be toughened.

The FAA did make a move in that direction—but collapsed after only a slight show of resistance by a comparatively small group of pilots. There is no activity in this area today.

The FAA-controlled system of ensuring that pilots—particularly those in passenger aircraft—are physically and psychologically fit is a disgrace.

Some FAA-appointed Aviation Medical Examiners, private physicians who are paid by the pilots they examine, are running certification mills. (Commercial pilots must be examined at least once a year to stay in the air.)

One doctor, according to FAA records, examined a total of 3,000 pilots during 1971. I cannot believe those examinations were very thorough. Another 23 examiners certified an aggregate total of 18,000 pilots during the same year. These, obviously, are not the sort of examinations called for by the regulations, yet the FAA has refused to remove these doctors from its list.

So what have we got? We have reported incidents of passenger aircraft pilots dying at the controls, the passengers being brought in safely by the co-pilot. In 1966, a chartered aircraft crashed at Ardmore, Okla., killing 83 persons. The National Transportation Safety Board (NTSB), which investigates all air disasters, attributed the crash to the death of the pilot by heart attack.

Another disgrace is the FAA's refusal to upgrade its requirements for operation of charter air services. This is another recommendation by FAA safety experts which has been ignored.

Often, when a charter flight crashes, the cause is listed as pilot error—with contributory factors such as the aircraft's being overloaded by several thousand pounds, or the pilot not having flown for several years. This is not my opinion; this is a matter of record at the NTSB.

Passengers on commercial airliners have survived crashes. Others, when the crash was followed by fire, have been labeled dead due to smoke poisoning. The fact is that many of those may have died of poison gas—cyanide gas to be specific.

This was pointed out by the Cook County, Ill., coroner's office recently after autopsies were performed on 54 victims of two crashes in which other passengers survived.

According to the autopsy reports, at least seven passengers, and possibly 10, who died could have lived. They died of cyanide gas poisoning.

Is the FAA aware that some materials in the interiors of passengers aircraft emit poison gases when subjected to heat and flame? You bet it is.

In 1969, the National Bureau of Standards conducted laboratory tests of various materials and submitted its findings regarding cyanide gas and other poisons—at the request of the FAA.

With that report in its hands for nearly four years, the FAA still has taken no action to eliminate the dangerous materials.

The list of safety hazards goes on and on. There are reported irregularities in airport operations, in maintenance and inspection of aircraft, in air traffic control and collision avoidance systems.

All of these are well known to FAA officials, yet nothing is done. Why?

Philip I. Ryther, an FAA safety expert for some 15 years, headed a study group which was extremely critical of air safety and submitted a report to that effect in early 1970. When he pressed for action on the group's recommended improvements, he was hounded into early retirement.

Mr. Ryther has told my investigators that of the more than 5,000 air fatalities in the last three years, "more than half" could have been prevented if those recommendations had been adopted by the FAA.

I am now seeking a full-scale investigation into this situation by the Senate Commerce Committee's subcommittee on aviation, and an independent probe into FAA operations and activities by the General Accounting Office.

I am continuing my own investigation, and I believe the FAA, if it is a responsible agency of our government, should cooperate in gathering the facts.

Mr. COOK. Mr. President, I rise to make some remarks, first, about the statement just made by the Senator from Indiana (Mr. HARTKE) and then to make some remarks on another subject.

First, I have an odd feeling that many times we in the Senate want to put ourselves above the rest of the American people. I have never felt that way and I hope that I never do.

It must be a great deal of comfort to anyone who gets on an airplane that I get on, when my briefcase is looked at. I also get a great deal of comfort out of the fact that someone behind me and someone ahead of me is also having his briefcase looked at.

I have always felt that if we are going to be the people to enact the laws, if we are going to be the people who are going to extend the authority of an agency of the Federal Government to enact regulations, then, heaven forbid, what the Senate would be like if we were the first ones to decide not to obey the rules and regulations we had put into force and effect.

So I might say, I ask no privilege from any agency when I board an airplane, because there are those who have gone on board airplanes previous to this, where the regulations were not enforced and the baggage was not searched, and some of those people are not alive today.

It is a great traumatic experience that we are going through in this country now. I want to see the day come soon when all these things can be done away with, and we will not have to go through all this screening and the opening up of briefcases, and so forth.

But I want to go on record as saying that I, for one, will be the first in line to have all my baggage looked at when I go aboard an airplane, so that everyone can rest assured that Senators are going to legislate for the benefit of the people, and that I am going to be one of those who will be part of any legislative dicta and legislative responsibility.

I must say, in all fairness, that I would feel a sense of being almost offended if any airline in the United States found itself subject to a $2,000 fine because it found itself caught between an agency of the Federal Government whose rules and regulations it is responsible for and a Member of the Senate who could conceivably exert some influence relative to what actions may be taken toward that particular facility throughout the United States.

So I would only say, in all fairness, that I would only hope that we in the Senate and we in Congress would realize this is not just for the benefit of an individual Senator who walked aboard that airplane, but for the benefit of the 179 others or the 240 or 250 others who boarded it as well, that the plane can fly us from one place and we will know that where we are going we will, in fact, get there.

All this slight inconvenience for the protection and the benefit of my fellow man is something I find not offensive at all. I am sure that the enabling legislation that gave that authority to the FAA was done long before I got here. But at least I am here now and I do legislate. I do hate to think that I might have authority to legislate for others, but that when I legislate for others it does not apply to me.

It would be rather strange, in my mind, if I walked aboard that airplane and identified myself as a Member of the Senate, that I would see that I got aboard that aircraft, because of some authority within the framework of the Constitution, but that my wife had to be searched and my children had to be searched, that they would have to submit themselves to something that their father did not have to submit himself to.

I do not want my children to feel that, somehow, their daddy had some privilege they did not have. I try to the best of my ability to raise my children in the knowledge that I do not have any special privileges, because I am a U.S. Senator, that all of us will live on an equal basis. I hope that I can raise them on that basis. I will continue to do so.

Mr. HARTKE. Mr. President, inasmuch as the Senator from Kentucky commented on my statement, will he yield to me?

Mr. COOK. I am happy tc yield to the Senator from Indiana.

Mr. HARTKE. I do not think there is any question that the position the Senator from Kentucky is advocating is good politics. I think it is good politics, but bad law.

There is no question that a newsman, threatened with losing his constitutional right to promote freedom of the press may feel it would be good politics for him to say, "I will cooperate with the people in law enforcement and I will surrender my constitutional rights," under the threat of a judge's order.

But, I am saying to you honestly, Mr. President, that this is a matter which must not be dealt with lightly. There is not in this country at this moment any substantial law which upholds the presumption of guilt which is implicit in these airport searches.

Let me offer the following analogy and compare the action of the FAA with another issue.

As we all know Senator JOHN STENNIS was subjected here in the Nation's Capital to a robbery, followed by a shooting. We also know there is a considerable crime in this city and emergencies are frequent. Therefore, if one followed FAA reasoning one way say that it will be the policy to search everyone in this city, and every car that comes into the city, to see if there are any illegal weapons to be found? I guarantee you, Mr. President, they will turn up plenty of them, more than we will ever find in an airport search. But we all know that such searches would be in clear violation of our constitutional rights.

Why do we not stop a U.S. Senator when he walks into the Capitol Building? Every other individual is stopped and his bag is searched.

Why does not the Senator from Kentucky say, "I will be an example. I want to be searched"? Of course, it could make him late for a vote.

I think this is an important issue. If erosion of the power of Congress is taken much further, there is no question there will not be much of a role left for the Congress.

We did not declare war in Vietnam. Nor was a peace treaty submitted to the Senate on Southeast Asia. We have given the President unlimited power to impound funds. The list of abrogated duties is long and exhaustive.

As I said last fall, unless we begin performing our constitutional duties the Senate might as well adjourn and turn all authority over to the President.

When I became a Member of this body, I swore to defend and protect the Constitution and I will do my very best to do just that.

The Senator from Kentucky is 100 percent right that public opinion is with him. It is good politics, but it is bad law.

Mr. COOK. Mr. President, I have a prepared statement. But I have no knowledge and never have had any knowledge of an entire city being hijacked. Does the Senator have any knowledge, that if I had to be searched when I came into a city, I might be hijacked to Cuba? There are some Americans who might think it ought to be, but I have no knowledge that that has ever occurred. I have no knowledge that any mass arrests have ever taken place at any airport.

I am not sure that I—at least, in my opinion—am talking about good politics or what the public reaction is. I only know that to me it constitutes good citizenship at this time, when airplanes are being hijacked, when people are being killed, when their lives are being endangered in a confined unit in the air, thousands of feet above this country, where they can be taken anywhere in this country, where American planes with passengers have been held for days and days and weeks and weeks, and the airplanes have been blown up, and the individuals have been killed. I can only say that I only know of a very few things that can be hijacked, and one is an airplane, and that until such time as we can get over this traumatic experience in the United States, the politics of the issue be damned.

I think it is good citizenship, and I am going to set an example, not follow an example, so that when those people go on an airplane, they can be content and at least have a degree of solace. If I am supposed to be a leader, I am going to try my best to be one. I will defend their right under the Constitution as to search and seizure and their right under the ordinary, normal, and constitutional circumstances. But I would say to the President and to any Member of the U.S. Senate that he would have an altogether different feeling if he had to spend some 48 hours in one airplane—as did those people who testified before our committee the other day—that took them from Montgomery, Ala., to Toronto and Detroit and Lexington and Chattanooga and Cuba and back to some place in Florida and finally back to Cuba, and had its tires blown out. Their lives were in danger every minute of the time.

Mr. President, my responsibility as a citizen of the United States would be to set an example for the people who had to go through that horror on an airplane and to do the best I could to see that it did not happen again.

THE CIGARETTE CONTROVERSY

Mr. COOK. Mr. President, the war against tobacco has been as protracted as was the fighting in Vietnam. Both have been waged for more than a decade. Both have gone on far too long. Both are harder to end than they were to begin. Both were probably avoidable, at least on the basis of hindsight. And both have demonstrated at great cost that there must be a better way to resolve differences.

Hopefully, the combat in Southeast Asia has been brought to an end. But sadly, no cease-fire, no armistice, no peace, no light at the end of the tunnel is in sight for the conflict that rages around smoking.

Mr. President, I come from a State that produces more burley tobacco than any other State in the United States. Once again, as in the past, January has brought with it the opening of the annual winter offensive against 50 million adult Americans who choose to smoke cigarettes. Once again, as in the past, the campaign has been preceded by a massive bombardment of charges that masquerade as "overwhelming scientific evidence."

The campaign against smoking looks like science; it is packaged like science; it is promoted as science. But it sure is not science. It is a whole 'nother smokescreen.

It is, in fact, a dangerously deceptive exercise in behavioral modification through manipulating and controlling the information on which decisions are based.

Mr. President, I refer to the recent report to Congress from the Department of Health, Education, and Welfare on the health consequences of smoking, the seventh in a series of documents required by law to inform Congress on the current state of scientific knowledge in this area.

In former years, these reports were named after the Surgeon General. This year, the gentleman was among a rather large group whose resignations were accepted by the President, which met with my blessings. Since he had departed before the christening, the only high HEW official who could be mustered to give the creature some sort of official send-off was Dr. Merlin K. Duval, Assistant Secretary for Health. He signed the preface 2 days before he resigned. And Secretary Richardson, preoccupied with his passage across the Potomac to the Pentagon, perfunctorily signed the transmittal letter.

Once again, as in the past, no one in charge at HEW had taken the time to read the contents. Presidents come and go. So do Cabinet secretaries. But the HEW staff stays on—secure in its anonymity—and continues to turn out its antismoking reports. These old and practiced hands continue to promote their report to Congress, the medical community, and to the press as objective and complete scientific evidence, when, in fact, a more accurate label would be a one-sided propaganda tract.

And once again, as in the past, they have managed to carry off the same old false, misleading, and deceptive practice. The FTC demands that business substantiate its advertising claims, but raises no complaint against false, misleading, or deceptive practices of Government officials.

"Women Smokers Warned of Fetal and Infant Risks," said the New York Times headline, as if receiving the news from the Almighty, or Walter Cronkite. "United States Links Smoking to Infant Deaths," was the Washington Star headline, as if they were reporting some kind of national referendum. And that is the way it went across the country from front page to front page, from tube to tube.

Mr. President, I do not blame the headline writers, the newspaper reporters, or the television commentators. They lack the time to check details or to look behind the handouts. After all, why should they mistrust their Government on health matters? Perhaps they will in the future bring to health and science issues the same questioning attitude that they manifest in other areas of Government operations, such as the conduct of war and foreign affairs.

For to extend the analogy between Vietnam and tobacco, I believe it is perfectly proper to question the source of information given out about smoking and health. As an expert pointed out in a masterpiece on military strategy:

> A great part of the information in war is contradictory, a still greater part is false, and by far the greatest part is subject to considerable uncertainty.

In the cigarette controversy, it is also true that Congress, the press, the public, and even the White House, operate under a serious information disadvantage. They are all dependent on information collected and controlled by entrenched Federal bureaucrats who operate anonymously in the dark nooks and crannies of the Federal Establishment.

I intend to throw light on their dark terrain, to turn over the rocks that shelter them, and to let everyone see just what and who emerges.

Title 42, section 241 of the United States Code establishes the "general powers and duties" of the Public Health Service. That section reads in part:

> Promote the coordination of, research, investigation, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control and prevention of physical and mental diseases and impairments of man . . .

Certainly, such a broad and general function would include the coordination of all activities relating to diseases, and not just those activities which tend to support the theories of certain individuals. To the contrary, unfortunately, the activities of Dr. Daniel Horn and his staff have failed to disclose any unbiased, scientific research. Horn and company were set up by Surgeon General Luther Terry, who leaped into prominence with the 1964 report on smoking and health. By 1967, he had established his clearinghouse in the Public Health Service with staff, funds, and mission.

From the start, Dr. Horn's mission has been, on the one hand, to reduce the number of cigarette smokers and, on the other, to serve as a central source of scientific information on smoking and health. And be responsible for HEW to Congress on this subject. To his credit, our last Surgeon General, Dr. Steinfield, agreed that these functions should be separated, because criticism of the apparent conflict was an "excellent point."

I digress slightly at this point to say that Dr. Steinfield was the gentleman, apparently on the advice of Dr. Horn, who said in Chicago at one time that you should not worry about some of these things, that marihuana probably was not any worse than cigarette smoking because five or six former Presidents had smoked marihuana quite a bit during their lifetime.

Incredibly, the first revelation is the shocking fact that the same individual who is charged with collecting and distributing all available material on the subject of smoking and health and report it to the Congress is the very same person who is responsible for conducting the Government's anti-smoking activities. That is rather strange. One and the same individual is judge, jury, prosecuting attorney, and chief investigator. This state of affairs has persisted since 1966.

The fox guarding the chicken house is Daniel Horn, Ph. D., a psychologist who came to Government in 1963 from the American Cancer Society, an organization which is frankly and honestly dedicated to the elimination of cigarette smoking in the United States.

So let us give credit where it is due. The proper name is not the Surgeon General's report, but is the "Horn Report," and that is what I shall call it during the remainder of my remarks.

Make no mistake, I am not critical of Dr. Horn's role as a zealous anti-smoking crusader, as an advocate of zero-level consumption of cigarettes, or a skilled propagandist, as an expert in the psychology of behavior modification. I just do not believe, and one may agree, that such a commitment to a cause can work for fairness, objectivity, or equity. I just do not expect the prosecutor to be sitting on the judge's bench and in the jury box, and then, call the result a fair trial. This is the crux of the issue.

However, as a Senator I am also concerned by the excesses of Dr. Horn's zeal especially when I read in the Washington Star:

> The Nixon administration's anti-smoking expert says there is enough evidence that smoking is so harmful to pregnant women that the federal government is beginning a national crusade to "give babies a fair chance."

The United Press International reports Dr. Horn "the chief statistical crusader against smoking" as saying:

> A rapidly increasing proportion of the United States population favors an absolute prohibition on the sale of cigarettes.

You, too, may share my concern when the National Tatler, a sensational weekly, reports that "he's out to wipe non-filtered cigarettes off the face of the Nation," and that—

> His office, a subdivision of HEW, will have to go to Congress to get a law forcing the tobacco industry to conform to the low-hazard smokes.

Interestingly, this story ran 2 months after my distinguished colleague Senator Moss held hearings on his bill to limit and progressively lower the tar and nicotine content of cigarettes. True to form, Dr. Horn favored a rapid reduction to the zero level. By strange coincidence, one day after the 1973 Horn report hit the front pages, Senator Moss was announcing a new bill to lower tar content of cigarettes through repressive taxation.

You may become alarmed by Dr. Horn's back-of-the-hand attitude toward such a basic American concept as freedom of choice, especially as it applies to smoking:

> I think you can develop a holier-than-thou attitude in this area by saying that people have a freedom of choice and that we should provide them with the information and let them choose.

You may even grow agitated to discover that he is planning to conquer new worlds. "Everything we learn about how to deal with the smoking problem" he has said, "will serve in dealing with other problems in the control of gratification behavior." What does he have in mind: Eating? Drinking? Birth control? Sex education?

I certainly hope Casper Weinberger gets better acquainted with his administration's No. 1 smoke fighter than Elliot Richardson did.

But, Mr. President, what really and truly concerns me—and should concern every fairminded Senator regardless of where he stands on the cigarette issue—is the amazing fact that Dr. Horn is not concerned. He sees absolutely no conflict of interest, no inconsistency, no fundamental unfairness in his dual function in being a zealous inquisitor and unbiased evaluator. He does not admit the slightest doubt about his ability to prepare unbiased, objective reports on smoking and health to the Congress.

Mr. President, his reasoning is untenable, his attitude is unconscionable, and his conflict of interest is unacceptable.

It is time for all fairminded people—inside and outside the Government, and especially in the press—to become aware of and concerned about how scientific literature is handled in the Horn reports on smoking and health.

There is testimony before Congress that these reports are one-sided and biased. There is evidence that they are not based on all the world literature on the subject. There is ground to believe that Dr. Horn and his staff ignore, misinterpret, or downplay scientific articles that report findings that do not support the anti-smoking party line.

The result is a double deception. We do not know that we do not know. We are sold a half loaf which is advertised as a whole loaf. You cannot sell bread that way and, I submit, you should not be able to sell science that way either. Let me give a few examples of how Dr. Horn operates.

Last year he prepared a chapter for the report entitled "Public Exposure to Air Pollution from Tobacco Smoke." The very words are an attempt to divert attention away from the real sources of air pollution.

The overall effect was calculated to raise the fear that nonsmokers were being harmed by their smoking neighbors. We were led to believe that the chapter contained "positive" evidence of harm to nonsmokers in confined places such as airplanes. And it was successful. The now departed Surgeon General raised the battle cry: "Ban smoking in public places." We, therefore, see the spectacle of HEW enforcing segregation on its own employees who smoke. Rulemaking procedures to ban or segregate smoking were started to enforce the policy on air and train travel. Even the presiding Chief Justice invoked the findings of the Horn report in a personal confrontation with a railroad conductor, and later in a letter to the Secretary of Transportation. He accomplished more than half the Members of Congress could accomplish. Mayor Lindsay acted swiftly to ban smoking on the decks of the Staten Island ferry, regardless of the pollution in the air above or the water below.

Now this is something that I know about. Let me tell you the results of a joint study performed by the FAA–HEW which actually studied and measured the air in passenger aircraft. This study was started in 1969 and completed in 1970. The principal finding of the study was that smoking in passenger aircraft did not represent a hazard to the nonsmoking passengers.

This negative finding was reported by, of all people, columnist Jack Anderson on December 20, 1970. But, it was not even mentioned by Dr. Horn in his 1972 report. It was completely ignored. I had the opportunity to ask Dr. Horn about this failure during his appearance before the Consumer Subcommittee last February. Dr. Horn's excuse was that the FAA–HEW study was "unavailable" to him until almost a year after the columnist had reported on it. Dr. Horn said that when he did receive the report, it was too late to include it in his chapter. Dr. Horn assured me that the findings of this Government-sponsored research project would be in this year's report.

However, the 1973 Horn report has completely avoided the subject of "Air pollution caused by tobacco smoking." Instead, Dr. Horn buried the "unfavorable" FAA–HEW study with a brief citation in a chapter entitled "Non-neoplastic Bronchopulmonary Diseases." True to his technique, while he mentioned the study, Dr. Horn refused to make public its basic finding that cigarette smoke does not harm nonsmokers.

Why should Jack Anderson be a more reliable reporter of Government-sponsored scientific research than Dr. Horn? Why has Dr. Horn dropped this whole matter of public smoking from this year's report? Could it be, as I am informed, that certain new and highly regarded research has demonstrated that the fears raised by Dr. Horn are not supportable?

My concern about Dr. Horn is heightened by other examples of his suppression or omission of evidence that goes against him. During the same consumer subcommittee hearings last February, the chairman asked two witnesses before us for a list of scientific articles which were published in the last 10 years and which had not been considered and discussed in the several reports on smoking and health. This list of omission was submitted and made part of the record. Would you believe that the total came to approximately 2,000 articles which were neither cited nor discussed by Dr. Horn and his staff?

Mr. President, although quantity does not always imply quality, the very size of this list, especially those of recent date, gives some inkling of the wide diversity of views among scientists about the causes of various diseases linked to smoking. If nothing else, the magnitude of the omissions, strongly suggest an investigation by the Senate of Dr. Daniel Horn's peculiar modus operandi.

Another example of how the Horn report distorts the evidence is seen in the handling of the health effect of smoking during pregnancy. In last year's Horn report, and again in this year's, the meticulous work of Dr. Jacob Yerushalmy was studiously brushed off, even though it was supported by a grant from the National Institute of Health. The reason, I believe, is that Dr. Yerushalmy concluded that the findings "raise doubt and argue against" the proposition that cigarette smoking harms the unborn. On the contrary, he said, "evidence appears to support the hypothesis that the higher incidence of low-birth-weight infants is due to the smoker, not the smoking."

I ask unanimous consent to insert in

the RECORD a copy of Dr. Yerushalmy's correspondence regarding the criticism of his work by Horn and company. This letter should have been in the record of the February 1972 hearings of the Consumer Subcommittee but, although given to the staff for this purpose, for some reason it was omitted, as so often happens with evidence that goes against the antismoking view.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 1972.

Prof. JACOB YERUSHALMY,
Professor of Biostatistics School of Public Health, University of California, Berkeley, Calif.

DEAR PROFESSOR YERUSHALMY: During the hearings on S. 1454, a bill to require mandatory levels of "tar" and nicotine content of cigarettes, there was a reference to your studies on smoking and pregnancy.

Doctor Daniel Horn stated that your studies had been "criticized" and he was asked to supply copies of the "criticisms" for our record. I have been much impressed by your studies and would appreciate your providing any observations you may have, also for our record. We would be particularly interested in your views on the statements made concerning your work in the 1972 Report to Congress, as expressed in Chapter 5, and your views as to whether the 1971 and 1972 Reports fairly cover the pertinent literature on smoking and pregnancy.

Your recent article in the *American Journal of Obstetrics and Gynecology*, January 15, 1972, is extremely interesting. Any comment you might have with respect to this article and what it adds to our understanding of the subject would be greatly appreciated. I do not believe it was mentioned either in the 1972 Report, or by Doctor Horn when he appeared before our Committee, and wondered if he had received a copy.

Our record will remain open for approximately 30 days and I hope you will be able to respond to my inquiries within that time. I am sure that the Committee will welcome any light that you can shed to help guide its deliberations.

Sincerely yours,
MARLOW W. COOK,
U.S. Senator.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., February 23, 1972.

Senator MARLOW W. COOK,
U.S. Senate, Committee on Commerce, Washington, D.C.

DEAR SENATOR COOK: This is in response to your letter of February 9 inviting me to comment on the criticisms of my studies on cigarette smoking and pregnancy contained in the 1971 and 1972 Public Health Service Reports to Congress. Since the reports singled out my studies for criticism, I am glad to comply with your request.

Although most of the arguments in the reports hardly call for extensive rebuttal, I will comment on each point in the order in which it appears in the reports.

The 1971 report raises the following objections:

(a) *Criticism:*

"He referred to the small infants of smoking mothers as being 'apparently healthier' than those infants weighing less than 2500 grams who were born to nonsmoking mothers . . . but neither group can be considered 'healthy' having sharply elevated death rates." (P–404)

Comment:

I did not state that low birthweight babies of smokers were "healthy". I said that they were "*healthier*" than low birthweigh babies of non-smoking mothers. No one can argue with this statement, for low birthweight infants of smokers who died at a rate of 138 per 1,000—while certainly not healthy—are nevertheless much healthier than low birthweight infants of non-smokers who died at a rate of 232 per 1,000.

(b) *Criticism:*

That the excess of neonatal mortality for smoking mothers in my study "is not significantly different from the 31% excess mortality reported by Butler et al which is statistically significant". (P–404)

Comment:

I suppose the least said about this strange argument the better. Who ever heard of using findings from one study (and a retrospective one at that) as a standard by which to measure another one. In any case, even this weak argument is lost completely in view of my 1971 study which shows almost identical neonatal mortality rates for infants of smokers and non-smokers. (11.3 vs. 11.0)

(c) *Criticism:*

"That the interpretation of the neonatal mortality among the infants weighing less than 2500 grams is difficult, because I considered only live births . . ." (P–404)

Comment:

If the authors of the report would have consulted any obstetriciam, they would have found that in testing for relationships with birthweight (which after all is the major topic under discussion) one must limit consideration to live births, because birthweight of stillbirths are of questionable value since a number of them remain dead in utero for varying periods of time and their birthweights are reduced, not to mention the relatively large number of macerated fetuses. In any case, since our 1964 paper, Dr. W. F. Taylor analyzed the fetal deaths in our study and found no difference between smokers and non-smokers from the very beginning of pregnancy (abortions) and throughout the pregnancy (stillbirths). In fact the 1972 report quotes Taylor's findings (P–129). Incidentally, Taylor analyzed our fetal death data correctly by the use of the life table method. None of the other studies which show increases in abortion rates used this method. In fact, the one study on which the supplement leans heavily in their attempt to justify their statement that "women who smoke during pregnancy have a significantly greater risk of unsuccessful pregnancy than those who do not"—that of Russell, et al—lumps abortions, stillbirths and neonatal deaths in one almost meaningless index.

The 1972 report states the following criticisms:

(d) *Criticism:*

"That some of (my) findings are different from those reported in other recent large-scale prospective studies (5, 13, 17, 19), and some of the differences may be a consequence of the definition of 'smoker' used." (P–129)

Comment:

Again, a strange statement: "other recent large-scale prospective studies". These are as follows: Butler et al study (5) which is not a prospective but a retrospective study. The reports refer to this study several times as a "prospective" study (Pages 390 and 415 and in the table on Page 395 of the 1971 report and Page 129 of the 1972 report), and yet they state and quote from the study that "the smoking history was obtained shortly after delivery of the infant" which obviously shows that it was a retrospective study. (One may question the propriety of a governmental publication to make such a serious misstatement in a report to the Congress). The other three studies are based on 6,376; 4,312; and 2,200 respectively (Kullander and Kallen (13); Palmgren and Wallande (17), and Russell et al (19)). It would therefore be more correct to say that the findings from these studies are different from the really large-scale prospective studies: Underwood's based on 48,000, Ratakallio's on 12,000 and Yerushalmy's on 13,000 pregnancies.

Moreover, in my 1972 paper I reviewed the entire literature consisting of 33 studies. I marked the discussion on Pages 277–278 in the enclosed paper. I have no doubt that any unbiased critical review of all the evidence must come to the same conclusion that I have underscored on the bottom of Page 278 and top of Page 279.

As to their speculation on the effect of the definition of "smoker," I wonder why they overlooked my extensive discussion of the problem in my 1964 paper. See table on Page 517 and the discussion of it beginning with the last paragraph on Page 515 to top of right hand column of Page 516. I wonder also why the reports did not raise the same question of definition when they discussed the study of Russell et al which they quoted so extensively to show the excess of unsuccessful pregnancies among smokers. Russell's definition was stated as follows: "The smoking habits of women are recorded at the time they are chosen for the survey." In any case, to keep the record straight, women were defined as "smokers" in our studies if they smoked throughout the pregnancy.

(e) *Criticism:*

They quote a comment from McMahon et al that there are factors that affect birth weight without influencing mortality. The example cited by McMahon is that of the sex of the infant. (Page 130)

Comment:

It is interesting that they found it necessary to dig up an old paper (1965) which comments on my 1964 paper, especially since I commented in that paper as follows: "Always present is the possibility that smoking during pregnancy indeed causes a reduction in the size of the infant without any increase in neonatal mortality."

The example of the sex of the infants which McMahon uses fits well with my contention in the 1971 and 1972 papers that the effect of smoking appears to be much like that of a biologic variable. I show that the differences in reproductive performance of smokers and non-smokers are very much like those of the biologic characteristics of short and tall women. Sex of the infant obviously is also a biologic and not an exogenous variable. Thus McMahon's comment strengthens rather than weakens my contention.

You asked me also to comment on what I think my recent article (January, 1972) adds to the problem of smoking and health. Primarily it is a contribution to the question of causation. As you know, our knowledge on casual factors in conditions and disease in humans is derived from uncontrolled or poorly controlled observational studies. The difficulty is that the groups being compared are generally not alike in many pertinent characteristics. Consequently, there is the uncertainty whether any differences observed are due to the factor studied or to the characteristics by which the groups are differentiated. This is especially disturbing when the findings do not fit well together as for example in the case of smoking and low birthweight, where smokers have more low birthweight infants and their infants should therefore have higher perinatal death rates, but such excess mortality is not found. We therefore continued to investigate the problem and the latest results almost clinch the argument against causation. This conclusion follows from the finding that women who eventually became smokers, produced a large proportion of low birthweight infants even before they started to smoke; although these infants were born under non-smoking conditions. Also striking is the fact that women who quit smoking produced a low proportion of low birthweight infants even during the period when they smoked, indicating, perhaps, that people who stop smoking are not smokers in the real sense of the word. These findings suggest that the relationship to low birthweight is due to the *smoker* not the *smoking*.

I would be less than candid if I did not add, as I did in the paper, that these findings must be considered tentative until confirmed or denied by many more studies on larger numbers with the inclusion of many more variables.

I believe also that the paper is making a contribution in its review of all the evidence on the question of smoking and outcome of pregnancy available in the literature. The papers discussed in the reports to Congress represent only a part of the available evidence.

May I also add that I presented the data from the 1971 and 1972 papers when I was invited to give the annual invited address before the Society for Epidemiologic Research in May, 1971. The official discussant was Dr. George B. Hutchinson, Professor of Epidemiology, School of Public Health, Harvard University. Dr. Hutchinson is on record as accepting the antismoking hypothesis. In his discussion he said in part:

"The piece of evidence that I cannot discard is the new observation on pregnancies of smoking mothers in which the pregnancy preceded the onset of smoking . . . This observation rests on 20 cases of low birthweight of future smokers. It requires repeat demonstration in a different population and with large numbers. For the present, however, I would accept the new evidence and tentatively reject the casual hypothesis. It no longer seems tenable to suppose that antismoking efforts can cause a rise in birthweight . . ."

You inquired also whether Dr. Horn received a copy of this paper. I do not know if he reecived one but last October, in response to a form letter inquiring about studies in the field of smoking, I sent him a reprint of my 1971 paper and two manuscripts with the notation that one of them was accepted for publication in the *American Journal of Obstetrics and Gynecology* (since published in the January, 1972 issue) and the other accepted for publication in the proceedings of the Berkeley Symposium on Mathematical Statistics and Probability, to be published later this year.

May I close this letter with a quotation of a paragraph from a letter that I wrote to Dr. Charles M. Fletcher of London who was the chairman of the committee and editor of the Royal College of Physicians' report on smoking and health, and who wrote a joint report on the same subject with Dr. Daniel Horn in the W.H.O. Chronicle in October 1970. They dealt with the evidence on smoking and pregnancy in much the same uncritical approach as that of the Public Health Service reports. Since Dr. Fletcher is a friend, I could be frank with him to write as follows:

"It seems to me that by adopting the policy of quoting only evidence which supports one's hypothesis and neglecting all other in the long run, defeats its purpose. For example, I was able to see in the area of pregnancy, with which I am familiar, that your review is not as objective as one would desire. I am therefore forced to the conclusion that I could not accept as unbiased the evidence in the other subjects in your review with which I am less familiar."

In my view, a similar statement may be made with respect to the data in the Surgeon General's Reports to Congress.

Sincerely yours,

J. YERUSHALMY,
Professor of Biostatistics Director, Child Health and Development Studies.

Mr. COOK. Mr. President, I could go on like this all day. Rather than take up additional time I will supply more information on this matter at a later date. But I must make one final point loud and clear to disabuse any mistaken notion that these are the rantings of a Senator whose constituents' ox is being gored.

The issue here is the abuse and misuse of science. The examples happen to deal with tobacco, but the impact is far wider. Indeed it undermines intelligent decisionmaking for sound policy on a dozen fronts. Are you concerned about exposure of industrial workers to dangerous substances on the job? Do not bother to struggle for improved occupational health; just put up a no smoking sign. Are you concerned about increased infant mortality, premature births, and deaths of newborn babies in our urban ghettos? Do not wrestle with the difficulties of improving medical care delivery in the slums; just put up a no smoking sign. Are you concerned about cleaning up the environment? Do not campaign to reduce air pollution; just put a no smoking sign up because "personal pollution," according to Dr. Horn, is more serious.

The crucial danger in all of these major issues on the national agenda is that science will follow some crusader's flag. It is a danger of great seriousness, as Justice Brandeis observed when he said:

> Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

Ironically, I borrowed this wise quotation from a report issued last week by the departing Secretary of Health, Education, and Welfare. I commend it to his successor.

Mr. President, the time is growing short to end the unscientific, unobjective, immoral, and in all honesty what I must call, the disgusting war against tobacco farmers. Even as I speak, Dr. Horn and his band of closed-minded, antismoking crusaders are busily plotting a sneak attack against smoking. They are doing their work under the cover of the bipartisan national cancer attack program, and under the guise of scientific advice to Congress and the Presidency.

Wittingly or unwittingly, the National Institutes are being involved. Dr. Horn and his band have prevailed on NIH to set up an ad hoc advisory committee on smoking and health. He prevailed on NIH to approve of a secret meeting to be held last month in, of all places, the American Cancer Society office on 52d Street in New York City. They prevailed on these duly constituted Federal officials to flout the spirit and letter of Public Law 92–463, the Federal Advisory Committee Act, and fail to list the meeting in the Federal Register.

Fortunately Senator ERVIN caught them in the act. But nevertheless they prevailed on the NIH to reschedule the meeting for February 4—St. Valentine's Day, perhaps with Al Capone's massacre in mind, and they further flouted the law by listing the announcement of the meeting, not in the Federal Register, but in the classified advertising columns of the Washington Post amid the lost-and-found items, puppies-for-sale, and my-wife-having-left-my-bed-and-board ads.

Finally, when they were forced to use the Federal Register, they prevailed on HEW to hold out to the bitter end, and list the meeting as pursuant to an Executive order rather than the congressionally enacted Public Law 92–643.

Mr. President, I now have in my possession the agenda of this hanging jury and would like to read it into the record at this point:

AD HOC COMMITTEE ON SMOKING AND HEALTH,
NATIONAL CANCER ADVISORY BOARD
NATIONAL INSTITUTES OF HEALTH,
February 14, 1973.

1. *Charge to the Committee*—Recommendations on setting of levels of tar and nicotine through legislative means.
2. Analysis of current legislation that may be used to establish maximum levels of tar and nicotine.
3. Legislative recommendations for establishment and enforcement of maximum levels of tar and nicotine.
4. Review of current NCI–NHLI efforts in smoking and health, and recommendations for their better organizations and funding.
5. Establishment of epidemiological monitoring studies that may determine the effectivness of legislation.

LIST OF PROPOSED MEMBERSHIP*

Ad Hoc Committee on Smoking and Health

Dr. Philippe Shubik (Chairman), Eppley Institute.
Dr. Theodore Cooper, NHLI.
Mr. Emerson Foote, ACS.
Mr. James S. Gilmore, Gilmore Broadcasting.
Dr. Gio Gori (Executive Secretary), NCI.
Dr. Daniel Horn, National Clearinghouse for Smoking and Health.
Dr. Charles Kensler, Arthur D. Little, Inc.
Dr. Kenneth Krabbenhoft, Wayne State University.
Mrs. Mary Lasker, Lasker Foundation.
Dr. Jonathan Rhoads, Univ. of Pennsylvania.
Dr. Robert Ringler, NHLI.
Mr. Laurance Rockefeller, Rockefeller Brothers Fund.
Dr. Umberto Saffiotti, NCI.
Mr. Benno Schmidt, J. H. Whitney & Co.
Dr. Frederick Seitz, Rockefeller University.
Dr. Luther Terry, University Associates, Inc.
Dr. Ernest Wynder, American Health Foundation.

Three of the five items are legislative recommendations dealing with allegedly impartial advice to Congress. But which are in fact propaganda support for bills introduced by my distinguished colleague from Utah (Mr. Moss). Another item—the fourth—is Dr. Horn's effort to rebuild his empire within NIH, when he has failed to control behavior of Americans in regard to smoking elsewhere in HEW.

Now, finally, Mr. President, let me run down the list of a few of the names of this stacked jury upon whose advice the Congress and the presidency is dependent. First, there is Dr. Horn, whose name after this speech should be a household word. He was a former employee of the American Cancer Society. Second, there is Mary Lasker. She is a health lobbyist second to none, and a power behind the scenes at NIH under Presidents Kennedy, Johnson, and now, I am afraid, my

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*Newly established Committee.

President. She is a member of the board of the American Cancer Society. Third, there is Emerson Foote. He is a retired advertising agency man who fattened on cigarette accounts, and who now produces the Madison Avenue flourish to the antismoking and birth control campaigns. He is the author of full page ads headlined, "The Population Bomb Is Ticking." He is a member of the board of the American Cancer Society. Fourth, there is Luther Terry, the surgeon general who in 1964 was propelled from bureaucratic anonymity to media celebrity through antismoking campaigns. He is working for the American Cancer Society. Fifth, there is Jonathan Rhoads, who is a former president of the American Cancer Society. Sixth, there is Ernest Wynder, a tireless worker, who has built his career literally on the backs of the white mice he has painted with smoke condensate. Last year his HEW grants totalled nearly a million dollars and he has received two million dollars this year. Another on the panel is James Gilmore. I do not know him and do not impugn in any way his ability. But I must wonder at his expertise. He owns an advertising agency, a broadcasting station, and an automobile dealership in Kalamazoo. He is also heir to the Upjohn drug fortune.

I do not question the intentions or motivations of any of these men and women. I ask only this, Mr. President: How long will the Congress permit scientific policy to be based on prejudice, no matter how well intentioned, rather than truth, no matter how painful? How long will this body suffer from practices it has suffered for far too long? The history of progress in America has been built on the surrender of fictions to fact, myths to realities, falsehoods to truth. It is time for this body to help America shake off the chains of a prejudiced past, and to begin right now.

What, then, should be done? First and foremost, Mr. President, the Congress should be inoculated against the possibility of tainted information caused by a conflict of interest. Clearly, the Horn report should cease publication. The activity should be removed from his hands entirely, and perhaps, removed to a safe position entirely beyond the Department of Health, Education, and Welfare. The National Science Foundation, the National Academy of Science or the American Association for the Advancement of Science are possibilities to be explored. Perhaps the Congress should develop its own capability by enhancing the role of the newly established Office of Technological Assessment with this and similar missions.

Let us frankly face the monumental task before us. The health effects of environmental pollution, occupational hazards, poverty, and cigarette smoking are almost entirely unsolved problems, as is the nature and causation of the diseases they have been associated with. The present tendency, fostered by zealous persons and crusading groups, is to underplay the results of industrial air pollution, occupational exposure, and low-income living conditions while overestimating the effects of smoking.

No greater obstacle to progress exists than the tendency to substitute guessing for knowing and to fail to clearly and openly distinguish one from the other. If we cannot know the health effects of air pollution because of the confounding effect of cigarette smoking, then we also cannot know the health effect of cigarette smoking because of the confounding effect of air pollution. Let the Congresss demand that HEW say so, and end the separate-and-unequal practice of scapegoating tobacco.

Mr. HUDDLESTON. Mr. President, I rise to speak briefly in response to the remarks of my senior colleague from Kentucky. I would like to emphasize the necessity for the Government to be very careful in taking any actions that would have an adverse economic impact, not only upon the farmers in my State of Kentucky and in other tobacco growing States, but also upon this entire Nation, by precipitously pursuing policies that may be based upon inadequate research and inadequate scientific knowledge in relation to smoking and the use of tobacco in this country.

There are some 56,000 tobacco farmers in my State. Most of them are small farmers, which is typical throughout the Nation in tobacco growing States. These small Farmers could be seriously and adversely affected by a number of recently mentioned antitobacco proposals, which may have little scientific backing.

It is important that we have a complete scientific picture so that we know what the health/smoking relationship is and what various courses of action are open and advisable before we take adverse action at the tobacco production and processing level.

Our State of Kentucky has tried to do something along this line. We have imposed additional taxes on cigarette sales for the purpose of research into the problem. These tax revenues have been allotted to the University of Kentucky, which currently has some $4 million for research and which anticipates receiving some $3 million this year from the tax. Those funds will be used to try to find out what, if any, are the harmful effects of tobacco and, whatever they are, how they might be eliminated, so that this crop may continue, and that those who benefit from it can continue to receive the economic advantages that result from it.

Since tobacco is closely involved in our export trade, it could be very detrimental to our balance of payments to act in a manner that would seriously affect the economic situation as it relates to tobacco, especially in light of current research deficiencies. Therefore I would urge that the Government be more concerned about intensifying the effort that has begun in our State of Kentucky to determine precisely what, if any, the harmful effects are and how they might be eliminated, rather than just trying to eliminate this cash crop grown by thousands of citizens of my State and Nation.

APPOINTMENTS BY THE VICE PRESIDENT—THE UNITED NATIONS COMMITTEE ON PEACEFUL USES OF THE SEABED AND OCEAN FLOOR

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, appoints the following Senators to attend the meetings of the United Nations Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction, to be held in New York, March 5 to April 6, 1973 and in Geneva, Switzerland, July 2 to August 24, 1973: As advisers—the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. CASE); as observers—the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Alaska (Mr. STEVENS).

ADJOURNMENT OF THE TWO HOUSES FOR THE LINCOLN DAY HOLIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 105.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate a message from the House of Representatives on House Concurrent Resolution 105, which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, February 8, 1973, it stand adjourned until 12 o'clock meridian, Monday, February 19, 1973.

Mr. ROBERT C. BYRD. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 1, line 4, strike out "1973," and insert: "1973, and that when the Senate adjourns on Thursday, February 8, 1973, it stand adjourned until 11 o'clock a.m., Thursday, February 15, 1973."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution (H. Con. Res. 105) was agreed to, as follows:

H. CON. RES. 105

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, February 8, 1973, it stand adjourned until 12 o'clock meridian, Monday, February 19, 1973, and that when the Senate adjourns on Thursday, February 8, 1973, it stand adjourned until 11 o'clock a.m., Thursday, February 15, 1973.

Mr. ROBERT C. BYRD. Mr. President, I ask that the title be amended appropriately.

The title was amended so as to read:

> Providing for an adjournment of the Congress commencing February 8, 1973.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS AIKEN AND JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders or their designees on tomorrow under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators AIKEN and JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO GO INTO EXECUTIVE SESSION TOMORROW TO CONSIDER THE NOMINATION OF CASPAR W. WEINBERGER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS), the Senate go into executive session on tomorrow for the purpose of considering the nomination of Mr. Caspar W. Weinberger.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON THE NOMINATION OF MR. WEINBERGER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to the debate on the nomination of Mr. Weinberger tomorrow, there be a time limitation on such debate of not to exceed 3 hours, with a vote to occur on the confirmation at no later than 1 p.m., the time to be equally divided between and controlled by the distinguished Senator from Louisiana (Mr. LONG) and the distinguished Senator from New Jersey (Mr. WILLIAMS), with the understanding that out of that 3 hours the distinguished senior Senator from Massachusetts (Mr. KENNEDY) be allotted 1½ hours for the fielding out of such time to other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

NOMINATION OF CASPAR W. WEINBERGER TO BE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the control of the time on tomorrow for debate on the confirmation of Mr. Weinberger be as follows: 1 hour under the control of the distinguished senior Senator from Louisiana (Mr. LONG), 1 hour under the control of the distinguished senior Senator from Massachusetts (Mr. KENNEDY), and 1 hour under the control of the distinguished Senator from New Jersey (Mr. WILLIAMS).

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

After the two leaders or their designees have been recognized, the Senator from Vermont (Mr. AIKEN) will be recognized for not to exceed 15 minutes, to be followed by the recognition of the Senator from New York (Mr. JAVITS) for not to exceed 15 minutes, at the conclusion of which the Senate will go into executive session to consider the nomination of Mr. Caspar W. Weinberger, of California, to the office of Secretary of Health, Education, and Welfare, with debate on the nomination not to exceed 3 hours, and the vote on the nomination to occur not later than 1 p.m. tomorrow. That vote will be a yea-and-nay vote.

ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to, and at 6:55 p.m. the Senate adjourned until tomorrow, Thursday, February 8, 1973, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 7, 1973:

DEPARTMENT OF THE INTERIOR

John Henry Kyl, of Iowa, to be an Assistant Secretary of the Interior, vice James R. Smith, resigned.

Jack O. Horton, of Wyoming, to be an Assistant Secretary of the Interior, vice Harrison Loesch, resigned.

INTERSTATE COMMERCE COMMISSION

Alfred Towson MacFarland, of Tennessee, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1978, to which office he was appointed during the last recess of the Senate.

Willard Deason, of Texas, to be an Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1979; reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1973:

FEDERAL TRADE COMMISSION

Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ROUSH. Mr. Speaker, I would like to include in the CONGRESIONAL RECORD my letter to the chairman of the Select Subcommittee on Education, which subcommittee is now holding hearings on the Comprehensive Older Americans Services Amendments.

This is an important bill and I have received notification of support of this proposal from a number of constituents. I include my remarks to the chairman, Mr. BRADEMAS, at this time.

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 7, 1973.

Hon. JOHN BRADEMAS,
Chairman, Select Subcommittee on Education, House Education and Labor Committee, U.S. House of Representatives, Washington, D.C.

DEAR JOHN: I would like to add my remarks to those appearing before the Select Subcommittee on Education to discuss the Comprehensive Older Americans Services Amendments. I am a co-sponsor of this legislation with you, and I am an enthusiastic supporter of this bill.

Actually we should not have to even raise this issue, because this legislation was passed unanimously in both the House and the Senate last year, but vetoed by the President after the 92nd Congress had adjourned. I believe the Congressional intent is clear.

Re-passage as soon as possible is imperative since the pocket veto made it impossible for Congress to once again in the 92nd Congress re-assert its legislative will on this legislation.

This year's bill is a repeat of the one passed so unanimously before.

The House report of last year on the Older Americans Act amendments leaves no doubt as to the success of the various programs included to provide special services to older persons. As the House Committee Report noted: "The Older Americans Act has been an important Federal vehicle for the development and coordination of social services for older Americans."

No other legislation fills the particular objectives of this bill. The Medicare provisions of Social Security handle health problems and various kinds of pension bills deal with retirement benefits. But the Older Americans Act of 1965, which this legislation amends and expands, has accomplished the following.

In 1971 these included: community programs on aging which involved older volunteers; group meals and home-delivered meals to almost 25,000 older persons to help solve their nutritional problems; 416 community programs on aging which involved older volunteers; in-home and out-of-home services to make it possible for the elderly to maintain their dignity and independence; 247 projects involving transportation for the elderly; with assistance under Title III local agencies on aging were established; under Title III funds, State agencies provided support for senior centers located in public low-rent housing, churches, etc. During 1971, 800,313 older persons were served by 1,721 projects under Title III of the Older Americans Act of 1965, as amended.

I think we tend to forget the additional needs of our retired citizens. I was made especially aware of the transportation problem by a constituent who wrote and said: "Older folk (that is most) do not have money to spend on taxi fare, then sometimes it is a long walk to a bus stop." And she then mentioned the importance for older people of "being relieved of some of these fears." Passage of this legislation can diminish, in some cases eliminate, much of the fear of being alone, or hungry, or unoccupied, poorly housed, misinformed.

The story of this legislation has been one of unqualified success. Now we are asking to strengthen and improve its various capacities.

The Comprehensive Older Americans Services Amendments of 1973 would strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons; create a National Advisory Council; strengthen State Agencies on Aging; establish a National Information and Resource Center for the Aging; provide authority to lease, renovate and construct multipurpose senior centers; expand the research, demonstration, and training programs of the Act; expand the National Older Americans' Volunteer program; assure that the nutrition program for the elderly is operated if possible in conjunction with comprehensive coordinated service system.

Less than a year ago I co-hosted with the Indiana Commission on the Aging and Aged, a Congressional Conference on Aging, a conference for senior citizens. At that time I believe Indiana was the only state that had instituted these Congressional District Conferences on Aging. I found that conference very useful and it re-enforced my conviction that the problems of our senior citizens go beyond that of health and income, which are, of course, major problems. But educational opportunities, social opportunities, nutrition, housing, transportation are also involved.

I have been receiving a great deal of mail on this subject. In particular I have been hearing from some "150 Retired Senior Volunteers" who are active in the Fort Wayne Community and who tell me that their "lives are affected by" continuance of the programs initially provided by the Older Americans Act of 1965, which the bill before us extends and strengthens.

For their sake and for those many other retired persons in my own district and throughout the United States, I urge favorable consideration of this bill and scheduling on the floor of the House as soon as possible. I ask that these remarks be inserted in the record of hearings on this bill

Yours sincerely,

J. EDWARD ROUSH,
Member of Congress.

WHERE ARE WE HEADED?

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 7, 1973

Mr. HELMS. Mr. President, the thoughts and prayers of all Senators are with our dear colleague, Senator STENNIS, as he battles for his life following a senseless act of violence.

This tragedy brings home to us, in a very real way, the need for sound thinking concerning crime and punishment in our Nation. In that connection, I commend to Senators an excellent editorial broadcast by station WRAL-TV, Raleigh, N.C., on January 12.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRAL-TV EDITORIAL

In New Orleans this week, sniper fire from atop a downtown motel left nearly ten dead and a score wounded.

In Statesville last weekend, a black youth evidently became so worked up when another young black was evicted from a basketball game that he emptied his gun into a crowd of whites. Four students were wounded.

In Wake County last September, two young people went for a bicycle ride to Raleigh Beach and were wantonly gunned down.

And so it goes.

What has happened to us? Crime—violent, often pointless crime—has become one of the principal characteristics of our increasingly distraught society. And though Presidential inquiries have been commissioned, documents and witnesses assembled, testimony taken, and immense volumes of fact and theory published—in spite of all this, no one has a good answer for why men brutalize each other for scant cause, or no cause at all.

Until we are sure, we tell ourselves, nothing much can be accomplished by way of reducing the crime rate, which soars. Short of total comprehension of our past, we say, this runaway social problem will just have to be allowed to run away, while we chase after the facts.

Thus it is that Presidential commissions and the like probe the dark vastness of the human psyche in hope of discovering the secrets of criminal pathology.

Does it occur to anyone that we intellectualize too much about crime? That sometimes we ought to act—maybe even heave the book at some cunning and unfeeling mass murderer instead of stewing about how rough he had it as a kid? It doesn't occur to anyone very often. Likely as not, we ponder the grisly misdeed and end by sticking "society" with the blame.

History does not teach that this is the way out of the woods for mankind. It may be true—it *is* true—that deficiencies exist within our system of criminal justice. But this is no argument for abandoning those legal procedures that, for all their shortcomings, have served man and society admirably for many hundreds of years.

Where are we headed, do you suppose, when we become so caught up in the environmental aspects of anti-social behavior that we lose sight altogether of the individual's own accountability?

Let us suppose—just to be supposing—that Lee Harvey Oswald and Charles Manson *were* the witless pawns of an oppressive or indifferent society. Where do we go from there? Does this kind of sentimentalizing serve any useful purpose, or does it merely encourage some men to seize society by the throat and shake out of it what they want?

Somewhere in the dark alleyways of the public lurk criminals whose nature is genuinely pathological. Such men stand apart, beyond the normal reach of the community. But other criminals—the vast majority—can be reached. The only question is what message we ought to be hammering into their heads. If experience is any guide, society ought to be imparting the message that every man is accountable for his actions and that the community will do its utmost to see that crime is always punished, never rewarded. When that message gets across, we will be a long way toward getting the muggers out of the park and the snipers down off the roof.

THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1973

REMARKS

OF

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. REID. Mr. Speaker, consider that throughout this Nation today, there are some 6 million children under the age of 6 whose mothers work. Yet, in the entire Nation there are scarcely 700,000 licensed day care slots to provide adequate care. For the more than 5 million remaining the picture is, more often than not, bleak at best. Some are tended in unlicensed facilities, often merely warehouses for young minds and bodies. Some are left to roam the streets where they learn their lessons all too well.

Consider too that there are considerably more than 1 million women who are on welfare because they have had to care for their children rather than work. Their 2½ million children are caught in the vicious cycle of poverty and welfare, living in economically and educationally disadvantaged homes.

Add to these the estimated 17 million children who are educationally deprived. Many of these are being read out of our educational system and, thereby, our society because we lack the mechanism to intervene in learning problems early enough to correct them.

Consider also the untold millions of youngsters who are now suffering and will suffer more in the future as a result of our failure to provide simple nutrition and health services at an early age.

Finally, consider that over 3½ million of our 6 million handicapped children are not receiving the services they need to help them deal with their handicap.

Leaving aside the shame we must all feel that this should occur in this, the most affluent society in the world's history consider then the cost that our negligence imposes upon our society: the ever-growing burden of welfare; the tragic costs of crime, addiction and alienation; the waste of so much promise and potential. I find it incredible that this administration would find the resources for a $4.7 billion increase in peacetime military spending, yet cannot find the $2 billion needed to meet the urgent needs of children.

There are the problems that we are gathered here today to attack. We are here to begin a drive for a new national commitment for our children.

Experts from the fields of education, psychology, nutrition, health and a host of related disciplines are nearly unanimous in their support for such a program.

The 92d Congress made a bold and creative effort to meet this need, only to have its work and the expectations of millions of Americans dashed by a political veto by the President.

There are those who are dispirited by the continuing opposition of this administration. Surely, this opposition to such a humanitarian program does not make our task any easier. But I would point out that similar opposition was overcome in the enactment of social security, medicare, and other vital pieces of social legislation that have now become unchallenged parts of our way of life. It will be overcome in regard to child care and early childhood education as well.

I and 58 of my colleagues are joining today to signal that commitment with the introduction of legislation to establish a Federal program of comprehensive, quality child care and early childhood education.

We believe that we are introducing the best bill setting up the best program, but we are committed above all to the concept, not the legislation. And we will work, as we have worked together in the past to do what is best for our children and their families. I am proud to say that today we are joined and supported in this by 23 of the most important and most effective of the public service organizations in the Nation.

It is time for Congress to make it clear which branch of the Federal Government sets national priorities and which branch implements the congressional will. I have no doubt of the outcome and I can find no worthier battleground than the fight for America's children.

HIGHLIGHTS OF THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1973

(1) A comprehensive program of family-oriented early childhood development and preschool education including educational, medical, nutritional and social services, available for the children of lower and middle income working mothers.

(2) Extensive parental involvement at all levels including parental responsibility for the day-to-day administration of the programs, and responsibility for determining policy.

(3) Explicit statutory language on the voluntary nature of the program.

(4) A wide variety of family-strengthening programs and services including in-home care to enable parents to choose services to meet their own and their children's specific needs.

(5) Improved programs to train professional and paraprofessional personnel to staff day care and child development centers.

(6) A fee schedule in which there are no charges for services to a child whose family has an annual income below the Bureau of Labor Statistics' Lower Living Standard—with the added provision that prime sponsors can apply to have the schedule waived to meet special local circumstances and reflect actual living costs.

(7) A delivery system designed to insure workability by limiting the number of localities that can run their own programs to those with populations of 25,000 or more.

(8) Strong assurances that on-going Headstart programs will be continued as long as they have community support.

(9) The assurance of a broad socio-economic mix.

(10) The establishment of explicit operating and staff standards to insure quality developmental programs.

(11) Establishment by statute of a separate Office of Child Development.

(12) Programs to insure the involvement of existing education agencies through a 5% set aside of funds for special innovative programs run by educational agencies.

(13) Authorizations of $150 million in Fiscal Year 1974 for planning and $2 billion for Fiscal Year 1975.

ORGANIZATIONS SUPPORTING A COMPREHENSIVE NATIONAL PROGRAM OF QUALITY CHILD CARE AND EARLY CHILDHOOD EDUCATION

We the following organizations feel that the lack of a national program of comprehensive quality child care represents one of our major national social and educational failures.

We urge Congress to act now to remedy this defect and commend Congressman OGDEN R. REID for his continuing leadership in this cause.

Amalgamated Clothing Workers of America
American Academy of Pediatrics
American Federation of Teachers—(AFL–CIO)
Americans for Democratic Action
Black Child Development Institute
Center for Community Change
Child Welfare League of America
Day Care Council of New York
Day Care Council of Westchester
Friends Committee on National Legislation
International Ladies Garment Workers Union
Leadership Conference on Civil Rights
National Association for the Education of Young Children
National Capital Area Child Day Care Association
National Committee for Children and Youth
National Council of Jewish Women
National Council of Negro Women
National Education Association
National Urban Coalition
Native American Lobby
United Auto Workers
Washington Research Project Action Council
Women's Lobby, Inc.

WHY OEO FLOPPED

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 7, 1973

Mr. HELMS. Mr. President, one of the more perceptive editorial pages in my State is that of the Durham Morning Herald. I do not always agree with the editors of that newspaper, nor they with me. But I respect their views, even when we differ.

On Monday, February 5, the Durham Herald published an editorial headed, "Explaining Why OEO Proved Flop." I commend this editorial to the Senate, first, because of its accuracy, and second, because it conveys the sensible observations by the new head of the Office of Economic Opportunity.

I admire Mr. Phillips' candor and forthrightness, and I am happy to note that the Durham Morning Herald took note of Mr. Phillips' observations.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXPLAINING WHY OEO PROVED FLOP

One clue to the failure of the Office of Economic Opportunity to make any significant impact on poverty in this country is provided by Howard Phillips who has been named head of that agency with the assignment to supervise its dissolution. Mr. Phillips thinks the agency has been more concerned with destroying existing institutions than with truly improving the lot of the poor. In taking this approach OEO has been deceptive, for the lot of the poor is not to be improved through destroying institutions which work and are beneficial, but it is to be improved by bringing them into the mainstream of the economic and social order.

Multitudes of today's affluent were once poor, but they emerged from poverty by becoming a part of the economic mainstream. These are individuals who by a combination of their own effort and initiative and the help and guidance of those who had already made the grade have overcome poverty.

There are, of course, many who remain in poverty because of lack of training, lack of opportunity, illness or disability who can with assistance break out of the cycle. When the war on poverty was launched by the late President Johnson, it was hoped and expected that the anti-poverty program would concentrate on providing training and opportunity, assist people in surmounting disabilities, provide guidance in helping people to help themselves.

Regrettably, the anti-poverty program did not work out in this way. Mr. Phillips calls attention to political activity by government employes in the program (which used the poor to promote the interests of others), to demonstrate (which again used the poor without gaining for them needed advantages and benefits), to influence public opinion and public policy and in other ways which used the poor but did not help them. Thus the anti-poverty program in some of its manifestations exploited the poor even as it deceived them by leading them to expect some thing which it did not deliver.

For an anti-poverty program to be truly beneficial to the poor, it must afford the opportunity to the poor to get into the mainstream of the economic system. Training programs are useful, provided they train for job opportunities which are available; it takes time for such programs to be effective, just as it takes time for education to help youth break out of the cycle of poverty. Assistance and guidance in setting businesses, provided those businesses meet a community need and render community service, are helpful also. The nation can use to advantage an anti-poverty program which facilitates entry into the economic system.

THE DIMENSIONS OF THE FREE PRESS CONTROVERSY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. WALDIE. Mr. Speaker, today I would like to call the attention of my colleagues to two articles from the January 14 issue of the Los Angeles Times which discuss the use of courtroom "gag orders" and how the gag concept grew. This issue is of prime importance in connection with protection of newsmen and I urge my colleagues to become familiar with the situation.

The articles follow:

Dimensions of the Conflict: What's at Stake in Gags, Bans

A welfare mother's account of how to cheat one's way onto the rolls . . . disclosure of children being abused behind the walls of a school for the retarded . . . assertions that a grand jury's investigation of local judicial corruption is a whitewash.

These are examples of the information at stake in escalating clashes between the government and press over what the government contends are limits to the public's right to know.

The most widely reported instances of the conflict involve the confidentiality of newsmen's sources, usually identity of the source. The government also has challenged newsmen-source agreements under which certain information was not to be published.

But the battle now extends well beyond confidentiality. In the name of the Sixth Amendment's guarantee of a fair trial, judges are trying to keep the press from reporting what goes on in their courts.

Meanwhile, lawmen are inquiring into the internal operations of newspapers and, in one case, searched the offices of a university newspaper.

Over the last three years, the law governing the government-press relationship has been developing so rapidly that precedents reshaping the relationship have gone on the hooks with relatively little notice—by public or press.

For example, the Supreme Court's Pentagon Papers decision—a 6-3 ruling that the New York Times and the Washington Post could not be restrained by the government from printing the classified Vietnam war documents—was initially read as a barrier to the government interference with the press publishing sensitive material.

But developments during the 18 months since that splintered decision (each justice had written his own opinion) demonstrates that it also set the precedent for further "prior restrain"—stopping the press, at least for a while, from publishing something the government does not want published.

That precedent figured in the case of two Baton Rouge, La., newsmen, who were held in criminal contempt for violating a federal judge's order not to publish testimony given during an open civil rights hearing.

Reviewing the ruling, the U.S. 5th Circuit Court of Appeals held last August that such censorship orders, even though eventually found to be illegal, must be obeyed until they are overturned. The appeals court cited the holdup in publishing the Pentagon Papers while the issue was thrashed out in court and said a temporary delay in reporting news is not an irreparable injury. The 5th Circuit ruling went beyond the Pentagon Papers precedent which limited its tolerance of prior restraint orders to cases involving the national security.

The case is still alive because the 5th Circuit Court also held that the judge's ban on reporting open proceedings violated the First Amendment. The court directed U.S. Dist. Judge E. Gordon West to reconsider whether he had misread the law or had cited the reporters for their contemptuousness. West decided he had held the newsmen in contempt because they had knowingly violated his order not to publish testimony. The reporters, Larry Dickinson of the Baton Rouge States Times and Gibbs Adams of the Morning Advocate, appealed again, and a hearing is set for next month.

How the Gag Concept Grew

Judge West's action is no rarity. In Los Angeles, Superior Judge Julius A. Leetham, hearing proceedings against three men charged with murdering a 4-year-old Hawaiian Gardens girl, issued a sweeping gag order last August. The order, stayed by the 2nd District Court of Appeal while it reviews the ban, prohibited the news media from reporting matters about the case except those that appear in open court.

Earlier gag rules attempted to restrict information by limiting statements of attorneys, law enforcement officers and court attaches.

In Oakland last month, Superior Judge William Hayes cleared his courtroom of newsmen and spectators to hear arguments on the admissibility of evidence by a prosecution witness in a murder case. Hayes based his ruling on the danger that members of the jury, which was absent during the hearing, might be influenced if they disobeyed his order and read news accounts of the proceeding.

Pressure on newsmen to renege on promises of confidentiality given to sources has not been limited to the courts.

Last September, a Tennessee Senate committee threatened to hold in contempt Joseph Weiler, a Memphis Commercial-Appeal reporter, for refusing to disclose the source of information about abuses at a hospital and school for retarded children. Under heavy criticism from the Tennessee press, the committee withdrew its order for Weiler to show cause why he should not be held in contempt and has taken no further action.

But another reporter, Joseph Pennington of Memphis radio station WREC, named a source when he was subjected to the same pressure by the legislative committee. Pennington contended the person he identified as his source, Mrs. Geraldine Blood, a secretary at the retarded children's institution, had never asked for anonymity. Mrs. Blood, who was dismissed, testified she had not provided Pennington with information. The committee reacted by asking the state attorney general to convene a grand jury and indict Pennington or Mrs. Blood for perjury.

Harry Thornton, host of a talk show on a Chattanooga, Tenn., television station, was jailed last month for refusing to name an inside source who charged that a grand jury investigation of a local judge was a whitewash. Thornton now is free on bond pending a ruling by the state Supreme Court.

Under the rising wave of press subpoenas, some courts in states with laws shielding reporters from disclosing confidential sources are interpreting the statutes narrowly.

In one such case, David Lightman, a Baltimore Evening Sun reporter, declined to identify the shop sales girl who he reported had offered him drugs, an offer he described in writing about drug abuse in a Maryland resort area.

A Maryland court ruled Lightman could not invoke the shield law because he had posed as a shopper in obtaining the information rather than revealing himself to be a newsman. The case is expected to be appealed to the U.S. Supreme Court.

Law enforcement officials are growing more bold about subjecting newspapers to investigations.

Two reporters for the Black Panther newspaper, Sherrie Bursey and Brenda Presley, were held in contempt for refusing to answer a federal grand jury's questions about operation of the newspaper—such questions as who made up assignments, who took photographs, who made up the paper.

But last June 30, the U.S. 9th Circuit Court of Appeals reversed the contempt citations, finding that the Justice Department-directed investigation would violate freedom of the press by examining the internal operations of a newspaper.

In October, the search by Palo Alto police of the Stanford University newspaper for photographs of violent demonstrators was declared illegal by a federal court.

U.S. Dist. Judge Robert F. Peckham ruled that a search warrant of newspaper offices can be issued only when there is a "clear showing" that important material would be removed or destroyed otherwise.

Peckham said a search "presents an overwhelming threat to the press' ability to gather and disseminate the news . . ."

LABELING OF IMPORTED MEATS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. SHOUP. Mr. Speaker, consumers are entitled to know what they are buying and eating and where it came from. I have introduced a meat labeling bill. It will require that meat and meat products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer.

If any "middlemen" between shipper and consumer cut the meat into pieces or break the package or container, they are required to affix a proper label to the product. They shall affix such a label to the meat or product or to each package or other container in which such meats are placed for further distribution.

At present, imported processed meat products, inspected, and passed by USDA, must show in a prominent place on the container the name of the country of origin, such as "Product of Australia." Other imported meats which are processed into such products as stew, hamburger, hot dogs, TV dinners, and the like lose their identities as imports. It is this group of products with which I am concerned.

There are those who would liken this to using any other foreign raw material in a domestic product. Copper wire from Chilean ore is quite different from a pound of hamburger that is half Argentine beef. While efforts are made to assure that imported meats are wholesome and up to U.S. standards, it remains that the consumer has the right to know that he is consuming an imported product.

During the calendar year 1971, about 1.7 billion pounds of foreign meat was passed for entry into the United States. Sixty-nine percent of this total was fresh or fresh-frozen meat, most of it beef. Let us make sure that when this meat comes over the counter, the customer knows it is imported.

THE GOVERNMENT VERSUS TRUTH ABOUT GOVERNMENT

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. McCLOSKEY. Mr. Speaker, in 1735, a New York newspaper editor, John Peter Zenger, was accused by a royal colonial Governor of having printed "seditious libel," critical of the Governor. Zenger, among other things, had accused the Governor of appointing corrupt officials.

The Governor's judge instructed the jury:

> *. . . it is necessary for all governments that the people should have a good opinion of it.* And nothing can be worse to any government than to endeavor to procure animosities; as to the management of it, this has always been looked upon as a crime, and no government can be safe without it be punished.

Zenger's defense was that his charges were true, that printing the truth about government could not be a crime. The jury agreed, and found Zenger not guilty.

Thus was born, 40 years before the Declaration of Independence, the principle of a free press, free to criticize government if the charges could be proven true. A few years later, freedom of the press was guaranteed as part of the first amendment to the Constitution.

As the Nation approaches the 200th anniversary of our independence, Government is again challenging the right of the press to print the truth, particularly when that truth might give the people "an ill opinion of the government."

The worst offender from the administration's standpoint has been Jack Anderson. Time and time again he has caught the Government in deliberate deception. Whether Henry Kissinger was lying about U.S. policy in the Indo-Pakistan war, or Maurice Stans was lying about the secret "espionage" fund in John Mitchell's office safe, some truth-conscious Government employee could usually find a way to get a copy of a confidential Government memo to Anderson who would then publish it, causing red faces all over Washington.

The administration, increasingly concerned over its deceptions becoming known to the public, has apparently determined to stop these leaks of truths about Government at all costs.

If Jack Anderson can be intimidated from printing excerpts from Government documents, less courageous reporters will think twice before doing so.

The opportunity to get at Anderson came with the November occupation of the Bureau of Indian Affairs Office in Washington by a group of angry Indians, calling their movement "The Trail of Broken Treaties." When the Indians finally departed, they took with them various documents, later giving Anderson and his investigative reporters access to the documents or copies of them.

Anderson wrote a series of articles in his "Washington Merry Go-Round" column in December, exposing various injustices disclosed in the documents.

One Indian leader, Hank Adams, sought the return of the stolen papers, and on December 11 was successful in getting back from his associates some of the stolen property which he turned over to FBI Special Agent Dennis Hyten.

On January 30, Adams received three additional boxes of documents. He had an appointment the following morning with a congressional investigator working at BIA and planned to present the documents to the investigator for delivery on to Hyten.

Adams permitted Anderson's top investigator, Les Whitten, to accompany him, and Whitten volunteered to help deliver the documents to the BIA office building. As Adams and Whitten were carrying the boxes, addressed to Agent Hyten, to Whitten's car, FBI agents arrested them. A criminal complaint was signed by Hyten, charging Whitten with a crime in that he did—

> Unlawfully receive, conceal and retain three cardboard boxes of Government documents, books and records with intent to convert the said property and records to his own use or gain, well knowing the said property and records have been previously embezzled, stolen, purloined and converted.

To my knowledge, this is the first time a reporter has been charged with a crime for possessing or looking at Government documents admittedly taken by someone else. The law in question is generally used to prosecute "fences" for stolen goods, and the case is particularly unusual in that Agent Hyten, to whom the boxes were addressed and who had previously accepted similarly stolen property from Adams, knew Whitten and Adams were in the process of returning the documents at the time they were arrested when he signed the complaint.

I suspect and hope the ultimate jury verdict will have the same impact as did the jury verdict which acquitted John Peter Zenger 238 years ago.

SOUTHINGTON, CONN., APPLE HARVEST FESTIVAL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mrs. GRASSO. Mr. Speaker, the Southington Apple Harvest Festival represents the triumph of community cooperation, endeavor, and initiative.

During the month of October for the last 4 years, the festival in Southington has drawn together the entire community for a weeklong series of activities. They include a parade, carnival, and variety of fair booths which are manned by church and civic organizations and offer special delights ranging from apple fritters to pizza. Proceeds from festival events assist many local social and charitable programs, as well as provide a helpful start to preparing for the next festival.

A new event, inaugurated this past year, is the Apple Harvest Festival essay contest. The essay contest gives Southington grade school children the opportunity to express themselves about their town's favorite fruit, the apple. The first essay contest winner was Pamela Buchanan, daughter of Mr. and Mrs. Alan Gilchrist of 282 Curtiss Street, Southington.

For the interest of my colleagues, Pamela's delightful essay, entitled "An Apple Is a Kid's Best Friend," follows:

AN APPLE IS A KID'S BEST FRIEND

An apple is full of nourishment. It can satisfy both hunger and thirst. The seeds can be replanted so more of this good fruit may grow. An apple is a member of the Fruit and Vegetable group of the Basic Four. This fruit provides us with vitamins and minerals. An apple gives us energy.

Then there is the other side of the story of an apple. What would have happened to Adam and Eve without an apple? Snow White would never have met her Prince Charming. William Tell would not have been able to practice his excellent marksmanship. Johnny Appleseed could never have planted his apple valleys like the one in Yakima, Washington, not far from where I once lived. 'I'll Be With You In Apple Blossom Time" is an old favorite of our parents.

Last, but most significant, the "apple" is the whole reason for the great Apple Harvest Festival in our town, Southington, Connecticut.

MR. FRANCIS E. BUCKLEY, OF YOUNGSTOWN, OHIO, RECEIVES RED CROSS CERTIFICATE OF MERIT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. CARNEY of Ohio. Mr. Speaker, recently I was advised by the American National Red Cross that a constituent of mine, Mr. Francis E. Buckley of 130 Prestwick Avenue, Youngstown, Ohio 44512, has been named to receive the Red Cross Certificate of Merit.

The Red Cross Certificate of Merit is the highest award given by the American National Red Cross to a person who saves, or attempts to save, another person's life by using skills learned in a Red Cross first aid, small craft, or water safety course.

On August 9, 1972, Mr. Buckley, a fireman who has been trained in Red Cross first aid, was off duty when he came upon the scene of an automobile accident in which a young woman and her 8-year-old son were trapped in a car. The woman was unconscious, bleeding profusely, and had suffered severe head injuries. Mr. Buckley directed the removal of the victim from the wrecked car, immediately controlled the bleeding, and gave mouth-to-mouth resuscitation to restore breathing. He accompanied the victim in the ambulance, maintaining an open airway while consoling the small boy who had not been seriously injured. The attending physician stated that Mr. Buckley's immediate actions, first aid knowledge and skill undoubtedly saved the victim's life.

Mr. Speaker, I want to take this opportunity to commend Mr. Buckley for this meritorious action in coming to the aid of another human being who was in distress.

A NATIONAL COMMITMENT

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. YOUNG of Georgia. Mr. Speaker, today a large group of citizens from different parts of the country have come to the Congress with an urgent call to honor the national and congressional commitment to end poverty in America.

The call is forthright and eminently reasonable. Specifically, these citizens are requesting that the Congress insure the enforcement of legislation enacted September 19, 1972, extending the Economic Opportunity Act; that the Congress declare the elimination of poverty the No. 1 priority of the Government of the United States; and that the Congress insure the reasonable level of funding that is needed to carry out the commitment of the war on poverty until an honorable peace has been won.

Mr. Speaker, I call to the attention of the House the presence in Washington today of two veterans of the human rights movement who have come to assist the efforts to continue the war on poverty. They are the Reverend Bernard S. Lee, executive assistant to Dr. Ralph David Abernathy, president of the Southern Christian Leadership Conference; and the Reverend James Orange, an outstanding field organizer for that organization.

I also wish to include in the RECORD the following statement which was issued here today by the Economic Opportunity Commission of Nassau County, N.Y., Inc.:

A NATIONAL COMMITMENT

In 1964 an Act of Congress recognized poverty as a national priority by creating the Office of Economic Opportunity. This priority was considered so important that it was placed in the Office of the President so that it would be given the personal care and attention that its importance demanded. The national commitment was never kept. While the war in Southeast Asia was funded at some 60 to 75 billion dollars a year, the War on Poverty was never funded at more than 2⅓ billion dollars a year.

In 1972 an Act of Congress provided for the continuation of the War on Poverty. At the same time it authorized continuing expenditures for this purpose and even appropriated the funds. On January 29, 1973, the President of the United States requested and arranged for the end of the War on Poverty—a dishonorable end because the battle has not been won; peace is nowhere in sight. This is surely not in keeping with the stated policy of the United States, the policy of Peace With Honor. Surely in the acts which have been committed to dismantle and defund antipoverty programs, the intent of Congress has been disregarded.

We request of all Congresmen and Senators that they examine fully the situation and take the position that the Office of Economic Opportunity must continue; that there must be one agency in Washington which will not only carry out a national commitment to eliminate poverty in the United States but will insure that it is made the Number One Priority.

Specifically, we request:

That Congress insure the enforcement of the legislation that was enacted September 19, 1972 when they extended the Economic Opportunity Act;

That they declare the elimination of poverty the Number One Priority of the government of the United States;

That in order to implement this goal they insure funding which is earmarked and at a reasonable level to carry out the commitment of the War on Poverty until an honorable peace has been won.

TRIBUTE TO THE BOY SCOUTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ANDERSON of California. Mr. Speaker, this year marks the 63d anniversary of the founding of the Boy Scouts of America.

In 1910, scouting was brought to this Nation by an American newspaper-magazine publisher, William D. Boyce. The inspiration of bringing scouting to the United States came about when Mr. Boyce, in desperate need, was aided by an English scout who gave a helping hand.

With this kind of gesture, he saw the need and necessity of such a worthy organization in this country.

The purpose of scouting, as expressed by its founders:

> Shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scoutcraft and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are in common use by Boy Scouts.

The bylaws state:

> In achieving this purpose, emphasis shall be placed upon its educational programs and oaths, promises, and codes of the scout program for character development, citizenship training, mental and physical fitness.

These objectives and achievements have affected the lives of over 4 million young men in the United States, ages ranging from 8 to 17.

The scout motto—"Do a good turn daily"—is performed hourly, from Maine to Alaska. The hours, tasks, and deeds are numerous and varied—aiding in civil defense planning, get-out-the-voters campaigns, clothing drives for the needy, here and abroad.

During both World War I and World War II, Scouts were the first to develop blood collection campaigns and to aid the Nation through bond sales.

Scouting was constantly changing to meet the needs of our changing society.

In the area of drug abuse, there is a nationwide campaign to combat the problem.

The Boy Scouts have organized "Operation Research," which tries to get at the heart of the drug problem, and open communication between the parent and the youth.

With the growing concern of conservation and ecology, the Boy Scouts of America have been a front running organization to clean up our country and prevent further degradation of the environment.

In conjunction with "Keep America Beautiful Day," Scouts were out in the streets all over the Nation, working to clean parks, streets, and highways.

As a result, more than 200,000 miles of waterways and highways, and 400,000 acres of land were brought back to their natural beauty.

Through the years, I have supported and admired the activities of this outstanding organization. I truly believe that the Boy Scouts of America is one of the finest organizations in the Nation, and the world, alike.

It teaches the men of tomorrow to do things for themselves and others; it teaches courage, respect, self-reliance and numerous other virtues.

It is only fitting on their 63d anniversary that we pay our highest praise and respect to this outstanding organization and its principles, for it builds character in our young men, and assures the Nation of a bright and progressive future.

A DIPLOMAT'S HAIL TO HIS CHIEF

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. GERALD R. FORD. Mr. Speaker, the February 3 edition of the New York Times contained an interesting letter from Henry Cabot Lodge.

Our former Ambassador to South Vietnam stressed that a peace agreement in Vietnam was impossible 4 years ago without the dismantling of the Saigon Government. Mr. Lodge emphasized that at the beginning of the Nixon administration, Hanoi had no incentive to negotiate seriously, because they were confident that the President's diplomatic hand was weakened both by war-weariness at home and by the insecure allied military position in the South.

Only the success of the President's patient policies in turning around the conditions of 1969, has made a settlement possible in 1973, Mr. Lodge stated. In closing, our former representative to the Paris talks called on all Americans to bury their animosities, forego the temptation either to mutter sour grapes on the one hand or to wave the bloody shirt on the other, and to unite in our resolve to help the settlement succeed.

I now place this letter in the RECORD. The letter follows:

A DIPLOMAT'S HAIL TO HIS CHIEF

(By Henry Cabot Lodge)

WASHINGTON.—"Peace that heals." The phrase seemed only a distant dream when President Nixon first uttered it in his Inaugural Address four years ago. But now, three days into his second term, the President has repeated the appealing words and delivered the results to back them up.

The internationally supervised ceasefire, the return of American prisoners, the accounting of the missing, the complete disengagement of all U.S. forces after 19 long years in Vietnam, the chance for political self-determination by the people of South Vietnam with their duly constituted Government still intact, and the promise of massive reconstruction aid to both sides—all these terms of the Paris agreement point to more healing for Indochina than most people dared hope for, even though difficult relations still exist between the North and the South.

But if it is to be a "healing peace" here at home as well, reconciliation rather than recrimination must mark American political life from now on. Happily, a conciliatory tone has already been set by the President's tribute to the late President Johnson at the end of his peace announcement on Jan. 23, and by Henry Kissinger's gentle reminder that no one has had a monopoly of either anguish or moral insight during the harrowing years of war.

For my part, let me say how wrong were some of my pessimistic views about the prospects for a negotiated settlement of the Vietnam war. While on duty in Vietnam during the years ranging from 1963 to 1967, I used to discuss with my colleagues in the U.S. Embassy how to achieve a negotiated settlement. Hardly a day went by that we did not speak of it.

And we were forced repeatedly to the conclusion that the hatreds and passions were so deep and the issues so complicated that a negotiated settlement seemed out of the question. Indeed, I stated publicly that our best hope was that the enemy threat would gradually "fade away," allowing the people of the South some precarious safety to breathe again but holding out no dependable prospect of an orderly ending of the war, no international guarantees against its resumption, no prisoner repatriation.

Nor did I gain any new optimism for a negotiated settlement during my years as President Nixon's representative to the Paris talks in 1969. Hanoi at that time—and in fact until very recently—was adamant in its demand that the United States not only leave South Vietnam, but that we actively assist the Communists in removing the legitimate Government of South Vietnam before, as it were, closing the door behind us. Thus, at the outset of this Administration, Hanoi had no incentive to negotiate seriously, because they were confident that President Nixon's diplomatic hand was weakened both by war-weariness at home and by the insecure allied military position in the South.

So it flies in the face of the facts to suggest that we could have achieved any kind of substantial or durable peace four years ago. Only the success of the President's patient, long-headed policies in turning around the conditions of 1969 has made a settlement possible in 1973. Look at the changes those policies brought about:

In bringing home half a million troops, President Nixon rallied public support in the United States for the U.S. Government's efforts to bring about an orderly and equitable end to the war.

In turning the U.S. combat role over to South Vietnam's strengthened regular forces, he made possible a shift from an effort based largely on conventional military strategy, which in spite of much sacrifice and skill had not solved the problem, to a greater reliance on the more effective territorial and local approach which can only be carried out by an indigenous force.

He hurt the enemy's resupply and staging system badly in Cambodia and Laos.

He established new relations with Hanoi's major allies in Peking and Moscow.

He helped to counter North Vietnam's Easter invasion by the bombing and mining counteroffensive that began last May.

These actions radically changed the negotiating situation. Last October, Hanoi finally dropped its demand for dismantling the Government of South Vietnam and entered serious talks—and now the settlement that eluded us for so long has been negotiated, with solid expectations for peace in Laos and Cambodia as well.

This is an outcome worth all the work and all the waiting. It is surely more secure and more specific than the "fade-out" I long believed we would have to accept, even though that result would have been preferable to a continuation or to an escalation of the war.

As the shooting stops, the building of a durable peace in Indochina seems to make its fragile beginning. Further progress will require responsible cooperation by all sides. May all of us Americans now bury our animosities, forego the temptation either to mutter sour grapes on the one hand or to wave the bloody shirt on the other, and unite in our resolve to help the settlement succeed. In that spirit, I not only gladly admit I was wrong in doubting that the other side could be induced to take so constructive and auspicious a formal step toward peace; I also say "hail to the chief" whose courage and tenacity have made the decisive difference.

LITTLETON FLOODPLAIN PARK

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BROTZMAN. Mr. Speaker, I am today being joined by my distinguished colleague from Colorado (Mr. ARMSTRONG) in introducing legislation to authorize the Army Corps of Engineers to participate with the city of Littleton, Colo., in developing a floodplain park in connection with the Chatfield Dam and Reservoir project now under construction. Senator DOMINICK is introducing an identical measure in the other body.

Many of my colleagues will remember that I introduced similar legislation in the 92d Congress, and that my bill was included within the omnibus flood control bill which was subsequently vetoed by the President. To refresh the memory of those who may not recall, there is existing authorization for the construction of a relatively straight and deep channel to carry high discharges down the South Platte River following the closure of Chatfield Dam later this year.

Under the bill today being introduced, the corps would be able to utilize channelization funds for the acquisition of lands necessary to make the floodplain park a reality. The area—which encompasses the first 2 miles of the proposed 6.4-mile channelization—would be retained in a wild state as a natural park. During periods of high water, the park simply would be closed and the South Platte River could spread out of its current channel with little or no damage.

As envisioned by the city government in Littleton, funding to develop a floodplain park in lieu of part of the channelization would come from a variety of sources. The State legislature has appropriated funds, the Federal Departments of Interior and Housing and Urban Development have made grants toward acquisition of the floodplain and the voters of Littleton have authorized $400,000 in bonds for a local matching share. At this point, the only thing standing in the way of the floodplain park becoming a reality is the present authorization which restricts the Corps of Engineers to spending its appropriations on the construction of a channel. This bill would change that authorization, and give the corps the flexibility it needs to serve the wishes of the people of the metropolitan Denver area without jeopardizing the overriding flood control objectives of the Chatfield project.

Mr. Speaker, the corps has assured me that the floodplain park is sound from both hydrological and engineering standpoints. It represents a proper balance of environmental protection and engineering advancement. In fact, approval of the Littleton plan would allow for the preservation of a resource which is becoming increasingly rare: A natural stream bank in an urban area which does not pose a threat to people or property.

Late last week the other body passed an omnibus flood control bill similar to the measure which was vetoed. I am pleased to note that provision was made to allow corps participation in the Littleton plan, and I would hope that the House will include the Littleton plan in any omnibus flood control bill it may choose to pass. However, because the closure date of the Chatfield Dam is rapidly approaching, it is imperative that the corps authorization be changed as soon as possible. Corps officials assure me that they are continuing to prepare for either channelization or a floodplain park. But a decision is needed before too many more weeks pass. Therefore, I would hope that a separate authorization for the Littleton floodplain park could be enacted so that it does not again fall victim to whatever objections might be directed toward new flood control authorizations.

CONGRESS SHOULD CUT MORE FAT OUT OF THE BUDGET

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ROUSSELOT. Mr. Speaker, the Joint Committee on Budget Control today submitted its interim report entitled "Improved Congressional Control Over Budgetary Outlay and Receipt Totals." This report appears in the wake of the submission by the President of his budget for fiscal year 1974, calling for an expenditure of $268.7 billion, which is $18.7 billion higher than the revised figure of $250 billion for fiscal 1973 and $22.4 billion, or 9.9 percent, higher than the original 1973 budget which the President submitted at this time last year.

In this period of wage and price controls, when great pressures are being placed upon ordinary citizens to keep the rate of inflation down to about 2.5 percent, it is painful to see the cost of Government climbing so steeply. As the following chart and text, which can be found on page 22 of "The United States Budget in Brief," indicate, there is evidence that the President has made some effort to keep the cost of running the executive branch in check. The growth of this year's budget is attributable to factors which are described as "beyond the control of the executive branch"—that is, the congressional appropriation process.

CONTROLLABILITY OF BUDGET OUTLAYS

[In billions of dollars]

Description	1972 actual	1973 estimate	1974 estimate	1975 estimate
Relatively uncontrollable under present law:				
Social insurance trust funds	61.7	71.7	80.4	[1] 87.6
Interest	20.6	22.8	24.7	25.4
Other open-ended programs and fixed costs	37.1	46.7	47.5	50.8
Subtotal, open-ended programs and fixed costs	119.3	141.3	152.6	163.8
Outlays from prior-year contracts and obligations	39.2	40.6	49.2	132.5
Relatively controllable outlays	81.2	75.8	75.2	
Undistributed intragovernmental transactions and allowance for contingencies	−7.9	−7.9	−8.4	−8.3
Total budget outlays	231.9	249.8	268.7	288.0

[1] Estimated on full-employment basis.

As in past years, outlays in 1975 will increase due to factors beyond the control of the executive branch. These factors include growth in the number of people eligible by law for various types of Federal benefits, and various increases in costs. Increases in open-ended programs and fixed costs alone are expected to account for $11 billion (58%) of the $19 billion total increase in outlays between 1974 and 1975. This provides a measure of the acute fiscal problem confronted in the 1974 budget. The terminations and reductions of existing programs, will reduce 1975 outlays by about $24 billion below the excessive level—$312 billion—they would attain in that year if these essential economies were not made. As a result of these economy measures, outlays classified as relatively controllable will decline by about $6 billion between 1972 and 1974, from $81.2 billion to $75.2 billion. This decrease affects both defense and nondefense programs.

In fact, the so-called relatively uncontrollable expenditures can be brought under control, but it will require a joint effort on the part of Congress and the President.

One of the best editorials I have seen on the subject of budget control appeared in the Pasadena Star-News on Tuesday, January 30, 1973. I should like at this time to commend it to the attention of my colleagues.

CUT THE BUDGET MORE

It is a welcome sign to see President Nixon taking the paring knife to the federal budget, cutting out what he said in his message to Congress, will be $40 billion of additional federal spending over the next two years.

Yet with all the cutting, the budget will still be $19 billion higher in 1974 than the current year (if it is held to $250 billion as the President hopes) and another $19 billion higher still in 1975 (to $288 billion). Instead of a reduced budget, the nation is facing still higher and higher federal spending.

Welcome as they are, the proposed cuts by President Nixon ("Some very sharp cuts in some very familiar programs," as he put it) are not enough. The budget in no way should be expanded. The minimum that should be accomplished this next fiscal year is a hold-the-line budget—limited to $250 billion.

President Nixon is on the beam when he said, "It is time to get big government off your back and out of your pocket." He should carry that philosophy further and bring a halt to the runaway spending which has characterized the federal budget for so many years and brought disastrous inflation and reduced self-reliance and self-confidence with it.

The $250 billion reflects the reality of the situation as the federal government has become accustomed to spending. But even at that, it is an artificial figure compared to what government spending could be when the easy-come, easy-go attitude of the federal government is replaced with frugality.

The President's budget for next year at $269 billion, regardless of its supposed austerity, still carries with it a sizeable deficit. Geared to what the President said will be a "full employment" economy, the added tax revenue from the increased employment will put the budget in balance, he maintains.

That is still some of the tired Keynesian philosophy coming through, however. The way to balance budgets is to cut spending to match known revenues, not what might be hoped for.

The gravity of the situation is reflected in the realization that federal spending has skyrocketed four-to-one since 1952. "For every one dollar we were spending in 1952," President Nixon said, "we are spending nearly four dollars today." Since 1950 the tax bite of the federal government has increased to 20 per cent of the average worker's income and prices have gone out of sight.

President Nixon's conflict with Congress over his intention to impound funds authorized by Congress rather than spend above $250 billion reveals how difficult it is to cut the budget when Congress has become so accustomed to spending.

"To keep the totals even this low required a rigorous effort within the executive branch," the President said of his new budget. It is going to be even more difficult to get Congress to do the same.

That is why President Nixon has taken his appeal to the nation, asking the people to impress upon their legislators the need for austerity.

Austerity has to become the watchword of the federal government. The President must be firm in holding down spending and go even further than he has announced. Congress must respond with corresponding restraint in spending.

The Star-News commends the President for his moves to cut the budget, particularly for the viewpoint that "The time has come to get rid of old programs that have outlived their time or that have failed."

He has demonstrated great leadership in trying to pull the ship of state around toward frugality. He should take the lead further and pull it full around by reducing the budget instead of allowing it to surge still higher nevertheless.

That is the only way taxes are going to be reduced to a reasonable level and prices are going to be brought in check.

LITHUANIA—UNDER SOVIET YOKE 32 YEARS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mrs. GRASSO. Mr. Speaker, each year we pause in silent tribute to the courageous people of Lithuania who remain, tragically, under the oppressive tyranny of Soviet rule.

On February 16 we commemorate a happier time in Lithuanian history, for this date marks the 55th anniversary of the establishment of the modern Republic of Lithuania. This was the culmination of years of planning and hoping, work and sacrifice. Once a powerful state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251, Lithuania was triumphantly reborn in 1918 and went on to enjoy 23 happy and prosperous years as a free and independent member of the family of nations.

Lithuanians must now endure the treachery and humiliation of Soviet domination, including a relentless pressure to give up their language, their culture, and their religion. However, the people of Lithuania have too much spirit, too much faith in their national destiny to be intimidated by Soviet totalitarianism.

National heroes, such as Pranas and Algirdas Brazinskas, Vytautas Simokaitis and Simas Kudirka, have proclaimed to the world the soul of a people determined to be free. Lithuanians again demonstrated their zeal to exercise basic human rights through a recent petition to the United Nations, signed by 17,000 Lithuanian Catholics in the occupied country. The petition charged the Soviets with religious persecution and with responsibility for riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had self-immolated in a public square in Kaunas in a dramatic protest against the Soviet enslavement of Lithuania.

Mr. Speaker, the people of Lithuania and other Baltic nations—Estonia and Latvia—must again know the joys of freedom and self-determination. It is my hope that the upcoming European Security Conference will have high on its agenda the restoration of freedom to the Baltic nations. It is also my hope that the Congress will renew the pledge contained in its 1966 Resolution calling on the President to bring this grave issue to the immediate attention of the United Nations.

I am proud and honored to join the loyal Americans of Lithuanian descent on the occasion of this anniversary in a prayer of hope for the future of their troubled homeland.

USE OF HIGHWAY FUNDS FOR MASS TRANSPORTATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ANDERSON of California. Mr. Speaker, today I am introducing legislation which would result in cleaner air for our cities without restricting the mobility of city-dwellers.

This legislation would permit the Secretary of Transportation to direct as much as 10 percent of annual highway trust fund revenues to emergency mass transit programs in areas where the Environmental Protection Agency has ordered a curtailment of auto usage due to hazardous air pollution levels.

Last month the Environmental Protection Agency proposed transportation controls for Los Angeles including gasoline rationing, parking bans, and vehicle inspection systems to meet the clean air standards.

We, in Los Angeles, clearly recognize the necessity of cleaner air for healthful, happy living in our cities and commend the Environmental Protection Agency's efforts to help solve the severe air pollution problem in our city.

But rather than take such a drastic measure as gasoline rationing, there is another solution which will not interfere as much with the transportation of citizens in Los Angeles and in 66 other major metropolitan areas where health is threatened by auto-related air pollutants.

That alternative is the legislation I am introducing today.

This legislation would provide funds to metropolitan areas for the creation of a mass transit system suited to the area's individual needs.

Highway projects which, according to the Administrator of the Environmental Protection Agency, would create air pollution on a level dangerous to the public would be prohibited.

No more than 10 percent of all sums authorized to be appropirated for the Federal-aid systems would be allocated by the Secretary of Transportation to provide emergency assistance for transportation system improvements in areas with severe air pollution induced to a large extent by automobiles.

Developing comprehensive mass transit systems, in addition to maintaining auto emission controls already enacted, is not the perfect or only answer to our cities' air pollution, but it is a big step in the right direction.

Environmental Protection Agency Administrator William D. Ruckelshaus said one way to help alleviate the problem is "to tap the Highway Trust Fund." Mr. Ruckelshaus said the administration has "strongly supported" the concept of using highway trust funds to create viable systems of public transportation. His comments were made during Mr. Ruckelshaus' first speech after proposing the stringent transportation controls to reduce air pollution in Los Angeles.

I agree with Mr. Ruckelshaus that Highway Trust Fund revenues are indeed the best way to fund the much needed mass transportation systems in our cities. I recommend this legislation as a supplement to my earlier proposal which would permit use of urban system funds for mass transportation.

CHINESE NEW YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BIAGGI. Mr. Speaker, this past Saturday the Chinese New Year was celebrated. The day takes on added significance this year, with the advent of a new era of friendship between the United States and the People's Republic of China. As the Chinese open the "Year of the Ox," they look ahead with great anticipation to a new era of peace in the world.

We have learned much from the Chinese culture, especially in the fields of medicine and science. As this Chinese culture emerges, we, and other nations in the world have benefited from such sophisticated medical techniques as acupuncture treatments.

I would like to join with my colleagues in the House in celebrating this joyous day, and we hope that the advances made in Chinese-American relations will grow in the year to come. I would also like to read into the RECORD at this time an article on the Chinese New Year which recently appeared in the New York Times:

CHINESE NEW YEAR TO DAWN IN BURST OF PARADES, SONG, AND DANCE

The tenacious hold of a debatable tradition reinforced by an up-to-date sense of commercialism will touch off an explosion of fireworks and pageantry tomorrow at midnight when residents of Chinatown begin a weekend salute to the new lunar year—the Year of the Ox.

The fireworks, lion dances and general celebration will actually start about 11:30 P.M. in what Howard Chin, a secretary of the Chinese Consolidated Benevolent Association—the chief coordinator of the event—calls the largest such observance in this country.

Although there is little doubt that the new year is the Year of the Ox, the numerical designation of the year—4671—has been called into question.

In a proper correlation of the ancient system of 12-year animal cycles with the numerical designation, the Year of the Ox—second in the cycle—would coincide with the year 4670, not with 4671, which is the third year of the cycle.

Most Chinese, in fact, neither use this numerical designation nor know its origin. But an eminent scholar, Prof. Fang Chao-ying of Columbia University, offered a key to the mystery.

During the 1911 revolution in China, he said, a group of zealots sought to discard the Manchu calendar and chose not to adopt the Western calendar. Instead, they reached back more than 4,000 years into Chinese history to the start of the reign of the legendary emperor Huang Ti and designated as 4609 the year the Western world knew as 1911.

By adding the intervening 62 years, one arrives at 4671. But when Sun Yat-sen proclaimed the Chinese Republic, he adopted the Western solar calendar, leaving 4671 a relic of the fervor of 1911.

Questions of history notwithstanding, tomorrow night members of various community associations will perform the intricate prance of two-man lions with elaborate, heavy heads, trying to keep to the stylized beat of gongs and cymbals while being taunted by masked "lion teasers" and pelted with barrages of heavy-firepower fireworks.

For those who miss tomorrow's midnight show, the ritual will be repeated at noon Saturday with the addition of a dancing unicorn and a children's color corps on parade.

Another celebration will take place at Eastern States Buddhist Temple, 9 Chatham Square. There, special religious services, in Mandarin, will be given from midnight until 3 p.m.

In addition, there will be Chinese folk dances and songs at the Chinese Community Center, 62 Mott Street, at 7 P.M. Saturday and a parade of school bands at 2 P.M. Sunday. All these events start on Mott Street and wind their way through other streets in Chinatown.

Although a good deal of attention is focused on the outdoor aspects of the celebration, the occasion is still an important one for Chinese families, who will gather for private feasts, exchange what the Cantonese call hung bows—the traditional red bags of money—and munch holiday pastries, which vary according to the family's province of origin.

"We're from Hokshan," said Bernette Ho, a 23-year-old Hunter graduate, who said her mother was preparing a variety of Hokshan delicacies including gai lung, a meat-filled pastry.

"I'm from the Bronx and my mother's making grease balls," said Miss Ho's companion, K. G. Louis. But he said he didn't know the Chinese name for the pastries his mother was preparing in keeping with the traditions of the family, which originated in the Taishan district of Kwangtung Province.

Like many first- and later-generation Chinese-Americans who consider themselves more American than Chinese, Mr. Louis was less than enthusiastic about the coming of the Year of the Ox.

CRIME COMMITTEE'S WORK OUTSTANDING

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. LEHMAN. Mr. Speaker, as a freshman Member of the House of Representatives from a district concerned about crime in this country, I was shocked recently to read of efforts underway to end the work of the Select Committee on Crime and its chairman and my good friend, Congressman CLAUDE PEPPER.

It would be strange indeed for history to record that at a time when crime is uppermost in the minds of our citizens that one of the first acts of this body would be to strike down the only committee focusing directly on crime.

Just prior to my election to represent

a constituency which was partially represented by Chairman Pepper last year, I had the opportunity to follow 3 days of informative hearings held by his committee in July in Miami. These hearings were part of a nationwide inquiry into the effect of the drug crisis in secondary and elementary schools which the committee studied in 1972.

I recently read in the Washington Post a story by Jules Witcover of a committee report that describes the scope of a drug epidemic in our schools together with recommendations for a Federal response.

In a recent conversation with Congressman Pepper it became apparent to me how very vital and useful this committee has become to this House.

Because Chairman Pepper was impressed with the testimony of many witnesses during its field hearings, he arranged for Dr. Marcus A. Foster, superintendent of the Oakland Public Schools, to testify before the Education and Labor Committee on the need for Federal funds to develop effective drug programs in schools.

Chairman Pepper and Dr. Foster were greeted most favorably by Chairman Carl Perkins who noted that drug education funds for the schools would receive attention this year by his committee. It is this kind of cooperation between an investigative committee and a legislative committee that I am sure the members desired to see when they created the Crime Committee by a vote of 343 to 19 in May 1969.

I, for one, hope that I have the opportunity this session to cast my vote for a further extension of the committee's life so that the recommendations contained in four reports, soon to be released, can be fully debated. It would also give Chairman Pepper and his committee the opportunity to inquire into the nature and causes of street crime, such as the senseless shooting of a U.S. Senator and the robbery at the Alexandria home of a widow of a Supreme Court Justice.

For the record I insert the following news articles to include a Miami Herald story entitled, "Pepper's Crime Committee Doomed?," by David Hess; Jules Witcover's Washington Post article entitled, "Drug Epidemic Has Hit Schools, Hill Unit Says"; Jack Anderson's story entitled, "Pepper's Crime Committee Faces Ax From Opponents," and a selection of articles describing the Crime Committee hearings last July in my city.

Pepper's Crime Committee Doomed?

(By David Hess)

Washington.—Florida Rep. Claude Pepper's Select Committee on Crime has been mugged.

The controversial committee, which Democrat Pepper has used sporadically to spotlight the activities of organized crime, appears to be headed for oblivion—the victim of a House power struggle.

On Jan. 15, the House passed a resolution that clearly states that all select committees and their staffs will be funded through March 31.

But the head of the House Administration Committee says he cannot legally issue paychecks or other funds to the select committee staffers.

Administration chairman Wayne L. Hays (D., Ohio) concedes that the House resolution "appears to authorize payment to the select committees."

But the House parliamentarian and his own Administration Committee lawyer, Hays says, advised him not to sign the paychecks.

"Select committees," Hays explained, "are temporary bodies that die with the end of each Congress. Until they are reconstituted by the Rules Committee and approved by the House, they can't be supported."

Anxious to avoid a knock-down-drag-out fight that could jeopardize continuation of the committee, Pepper says he "hopes to get this problem straightened out amicably with the Rules Committee as soon as possible."

Pepper is sixth-ranking Democrat on Rules.

His efforts, however, will be contested by Rep. Peter W. Rodino (D., N.J.), the new chairman of the Judiciary Committee. Rodino is claiming jurisdiction over crime investigations.

Hays admitted that "there seems to be a jurisdictional problem involved here." But he denied that the dispute in any way influenced his somewhat unusual interpretation of the House resolution that authorized continued support of all select committees.

"Sure, I agree that the Judiciary chairman ought to have jurisdiction over crime matters," Hays said, "but that didn't—sway me. I'm just one vote on the House floor and I don't intend to try to influence others to follow me."

Hays also said that "in my opinion," Rodino seems to be winning the power struggle.

"If I were a betting man," he said, "I'd say the Crime Committee's days are numbered."

Though Pepper has been accused by critics of running a "scattergun" attack on organized crime, most agree that his committee has at least focused public attention on some of syndicated crime's activities.

Whether a subcommittee within Judiicary could bring the same attention to bear on crime is uncertain.

Pepper believes that a select committee, with wide-ranging subpena powers and a higher profile, is a more effective tool for investigating organized crime.

Others, including Hays and Rodino, are said to feel that the powerful Judiciary Committee would bring more credence and prestige to the House's investigations.

Drug Epidemic Has Hit Schools, Hill Unit Says

(By Jules Witcover)

The House Select Committee on Crime, on the basis of a yet-unpublished staff report that says a "drug epidemic" has hit the nation's public schools, has voted to call for "massive" federal aid for in-school detection, treatment and drug-abuse education.

According to Chairman Claude Pepper (D-Fla.), the committee backed away from its staff's recommendation for a $5-billion fight against drugs in the schools over a five-year period.

Until legislative hearings can be held to determine the exact need, Pepper said, the committee's consensus favored using only the word "massive." But nobody really quarreled with the $1-billion-a-year figure, he said.

The committee staff report said the money should be raised through increased excise taxes on drugs—including alcohol and cigarettes, which are considered part of the "epidemic."

The staff report, based on a seven-month investigation in six major American cities, also had proposed a ban on drug advertising on television during hours it usually is watched by children, and specifically on children's TV shows.

But Pepper said that in light of reports that the television networks were planning an early meeting on the problem, the committee has decided only to urge the TV and drug industries to exercise "voluntary restraints" on drug advertising.

The staff report that went to the committee on Wednesday also takes school administrators to task for having "ignored their responsibility" in coping with in-school drug abuse. It says teachers are ill-trained to do so and it charged existing anti-drug education programs are a "disaster."

Calling the proposal only "a first step in a long march to provide a drug-free environment for our children," the report says:

"Drug abuse prevention and treatment must become an integral part of school life. It must be integrated into our schools with the permanence, expertise and long-range commitment accorded the highest priority."

The report calls the $1-billion-a-year figure "a modest proposal" that provides only $10 a semester for each student in an elementary or secondary school—"barely enough money to provide the first fundamental building block in any drug program, one drug specialist (a teacher-counselor) in each of the nation's schools."

Included in the report are a number of independent surveys and case histories, some of them previously reported, to justify the label "epidemic."

The National Commission on Marijuana and Drug Abuse report of last March is cited, for instance, indicating 6 percent of high school students had used heroin, 8 percent had tried LSD, mescaline, peyote and other hallucinogenic drugs, 5 percent cocaine, 8 percent methamphetamines, 7 percent barbiturates and 5 percent painkillers like morphine and codeine.

A 1968–1972 study of high school student drug use in San Mateo County, Calif., is reprinted indicating slight rises in 1972 in the use of alcohol, tobacco and marijuana, a leveling-off in use of LSD and amphetamines and a slight drop in barbiturates and heroin.

Alcoholic beverages and tobacco are considered drugs in some of the surveys, but not all, and there is no indication whether beer is included in the alcoholic beverage category.

The committee took testimony from mid-June through December in New York, Miami, Chicago, San Francisco, Kansas City and Los Angeles, from more than 200 witnesses, school officials, teachers, nurses, PTA officials, students, doctors, judges and police officers.

"Our preliminary examination of the matter indicated that the problem was severe," the report says, "but our investigation demonstrated that the drug crisis in our schools greatly exceeded our worst expectations . . .

"As we delved further into the problem we discovered that drug abuse in our schools is appropriately described as an extremely deadly epidemic which is presently raging in our schools; it is infecting our youth and contaminating our schools; it has reached crisis proportions; and it is leaving a trail of devastation that will take a decade to remedy.

"Tragically, the chances are substantial that when a parent sends his child to high school each day he is sending him into a drug filled environment. He is placing him in an atmosphere where drugs are usually bought and sold—an atmosphere where there is considerable pressure from other students to use drugs.

"Drug abuse in our schools has become so extensive and pervasive that it is only the uniquely gifted and self-possessed child who is capable of avoiding involvement with some form of drug use."

Of TV drug advertising, the report says:

"It is clear that pharmaceutical companies are not only proliferating this country with pills but they are also contaminating our airwaves with unnecessary and deleterious advertising . . . it is deleterious to children's health because it conditions them to the unnecessary use of drugs . . .

"One in every six television advertisements is a drug advertisement. Over $211 million is spent annually to indoctrinate and brainwash us with the necessity of purchasing various drugs . . ."

"In the course of our investigation we were repeatedly told by educators that television commercials had already conditioned a child's values before he enters school . . . Undoing the initial impact of these television commercials will take a lifetime of education . . .

"If one is ill and requires medication, a doctor is the most appropriate agency for prescribing drugs—not an advertising agency."

The report says schools are ideal for any attempt to reform attitudes on drugs.

"But the most imaginative and effective efforts in our schools will be undermined by the continuous barrage of TV advertising. Any national commitment to eliminate drug abuse by a preventative educational system must prohibit the proliferation of advertising of drugs on television."

The report proposed the $1 billion needed to pay one drug abuse teacher-counselor in each of the nation's 66,800 elementary and 26,300 secondary schools be raised thus:

A 25-cent tax on each bottle of liquor manufactured or distributed in the United States—$365 million; a two-cent tax on each pack of cigarettes—$536 million; a five-cent tax on each amphetamine and barbiturate—$300 million.

School administrators, the report says, must develop a clearly defined policy on how to deal with drug users and sellers and "such policy must include guidelines for harmonizing and integrating of law enforcement efforts on school campuses," with pushers the first target.

In school programs to identify users by "physical inspection, medical examination, urinalysis or interview" are needed, the committee survey says, and starting next September, "school boards should refrain from appointing any teacher who has not attended a college course" in drug education for children.

Finally, the report urges greater curbs on the manufacture of amphetamines and barbiturates.

Barbiturate manufacture, now unchecked, should be cut 50 per cent by new legislation, the report says. "We need now look for a Mafia or organized criminal element for the cause of barbiturate abuse in this country," it says. "The fault lies squarely with our pharmaceutical manufacturers, drug wholesalers and retailers."

Pepper's Crime Committee Faces Ax From Opponents

(By Jack Anderson)

The House Crime Committee is about to become the victim of its own success. Its enemies are converging on it from all directions.

The committee was set up four years ago under crusading old Claude Pepper, (D, Fla.), to expose interstate crime and drug abuse. For two years, it plugged along ineffectively.

Then Miami's Pepper installed a vigorous new staff. Seldom has a congressional committee produced such useful testimony and challenging reports in any two-year period.

It exposed mob infiltration of sports, tying Frank Sinatra to a syndicate-run race track in the process. It hauled grumbling, growling Mafia bosses Raymond Patriarcha and Carlos Marcello into the public spotlight.

Pepper infuriated Dun and Bradstreet and the dignified accounting firm of Peat, Merwick, Mitchell and Co. by showing they were used unwittingly in a nationwide phony securities scheme.

He horrified the TV industry by demanding that the pill and tonic ads, which bring in billions of dollars, be totally banned from 8 a.m. to 9 p.m. to keep children from becoming pill addicts.

So aroused are the pharmaceutical firms that they have flooded committee offices with queries about Pepper's proposal. Calls have even come from stock brokers worried about what would happen to their drug investments.

Worst of all, Pepper stepped on the toes of powerful congressmen who felt he had intruded into their jurisdiction.

With such a record against the special interests, a counterattack was inevitable. Some three weeks ago, minority leader Gerald Ford, (R., Mich.) slipped into Speaker Carl Albert's office and strongly urged him to kill the crime committee. Albert listened but made no commitment.

The White House is also unhappy with the Pepper unit. If the committee gets a new lease on life, the administration is due to get a going-over for its failure to curtail street crime. White House insiders have badmouthed the committee for years.

Shortly after it was set up, John Dean III, then a top Justice Department aide and now a Presidential counsel, was dispatched to see what the committee was up to. His negative report caused Justice to refuse to cooperate fully with Pepper. In fact, Justice denied Pepper the names of the 10 top heroin financiers even though their identities were known to Justice.

Within the committee itself, ranking Republican Charles Wiggins of California and Rep. William Keating, (R., Ohio), are working to kill it. Both have contacted the leadership of the Judiciary Committee in an attempt to get the crime unit's functions transferred there.

Significantly, Keating has two major pharmaceutical firms in his district and the committee has lambasted the industry for producing goof balls and pep pills that wind up on the black market.

Judiciary's new chairman, Peter Rodino, (D., N.J.) is also eager to see the Crime Committee die. He wants to build up his jurisdiction, even if it means gobbling up the committee of his old friend, Claude Pepper.

At present, Pepper's opponents plan to bury the committee's funds and authority in the Rules Committee without bringing the issue to a floor vote. A floor vote would put the law-and-order-minded Republicans and their Democratic allies in the uncomfortable position of assisting the Mafia and the drug interests by openly killing the only House committee now dealing exclusively with crime.

[From the Miami News, July 14, 1972]

School Versus Narcotics

In the wake of hearings held by the Select Committee on Crime, chaired by U.S. Rep. Claude Pepper of Dade, local school officials have announced an expanded drug program for the coming school year.

The project has yet to be voted on by the Board of Public Instruction. The community should familiarize itself with the program's three approaches and relate these goals to the hearing on crime and drugs.

The panel heard about the accessibility of drugs in the schools as well as various crimes committed while young people were allegedly experiencing the effects of drugs. At the time, Rep. Pepper criticized Dade's ineffective attempts to identify and rehabilitate drug users in the schools.

The school plan has been months in the making, and will expand the present drug information approach and the process approach (where youngsters share experiences in hopes of understanding their own problems) to include the activities approach. This would provide secondary schools with funds to expand extra curriculum programs.

The logic is that if students are actively pursuing interesting and creative programs of their own choosing, much of the temptation to become involved with hard drugs can be avoided. The concept has much to offer, since many youths who suffer drug experiences often are alienated from their daily school and personal lives. Some additional form of personal stimulation might be the way to combat drug abuse.

[From the Miami Times, July 21, 1972]

The Drug Crisis

It is disturbing that the United States House of Representatives Select Committee on Crime has called world wide attention to drug crisis existing in our local schools.

The Committee's hearings were initiated in various cities to determine the extent to which drugs are being bought, sold and abused by school children. It was stressed, however, that the Committee was essentially questioning the abject failure of our governmental institutions—especially schools—to attack aggressively the problems of narcotic abuse.

The Congressional Committee, chaired by Claude Pepper, highlighted the fact that Dade County Public Schools, like most big-city school systems, does not have an effective program for providing remedial attention to its students with drug problems. This is an indictment which must be answered with concrete action.

Awesome facts about our local drug scene were brought out in the hearings: that 12-year olds are experimenting with heroin bought in the school yard; that young girls and boys are "popping" pills of all kinds; that 13-year olds are buying dope from their 15 year old school friends; that approximately 1 in 137 local residents is a hard core addict; that more than 450 people have died in drug related deaths in the last five years, 70 of whom were teenagers; that in the last two years school age children's drug deaths have more than doubled.

This gruesome list goes on and on.

Having had this ugly picture painted for us, Dade Countians must look now for solutions to the drug problems. All those agencies—both public and private—which can influence the development of a comprehensive action plan for Dade County must come together now so that we can begin to eradicate the menance in our midst.

We owe a sincere thank you to Florida Congressman Claude Pepper for convening his Committee in our city and allowing the true facts—however hard they might be—concerning the drug epidemic to come into the public eye.

We owe our young people all the resources we can muster to get those in need immediate help.

We must begin now.

[From the Fort Lauderdale News, July 7, 1972]

Drug "Expert" Testifies About Hooked Daughter

Miami.—"I thought I was the top expert on drugs in Miami, then I found out my own 15-year-old daughter was hooked on cocaine," said U.S. Commissioner Edward Swann.

"I handled all kinds of drug cases, from customs, the FBI and other agencies. I knew it all.

"But I've been reeducated in the last 90 days," Swann continued. "I knew just this much." He held up his thumb and forefinger spaced close together.

Swann, father of six children, was testifying before Rep. Claude Pepper's House Select Committee on Crime late yesterday. Pepper, Miami Democrat, and four other congressmen are conducting three days of hearings, ending today in the Miami area on the problems of drug abuse among school-age children.

Swann told his personal experiences alongside another father, Dr. E. (Jack) Taylor, vice president of student affairs at Fort Lauderdale University, who told of his 19-year-old daughter being rehabilitated after three years as a heroin addict.

THEY TRIED

Both fathers said they had the means and the drive to "try everything" to straighten out their afflicted children.

"I wasn't a bad parent," said Taylor and Swann nodded agreement that neither was he. Their daughters, they said, had both started with marijuana under pressure to stay in step with their school friends.

When none of the treatments and consultations worked, both wound up forcing their children to enroll in "The Seed," a project in Fort Lauderdale aimed at rehabilitating school-age children hooked on drugs.

"When I put Kathy in the program, she was 15 and had been using drugs for two years," Swann said. "She screamed for her lawyer."

"After two weeks, when we attended one of the meetings, she still tried to con us, whispering 'Take me home.' Her mother and I just smiled and whispered back, 'We love you.' The experience will tear your heart out."

"Love" is the big word in The Seed program, which teaches the youths 9 to 20 years old to love and respect themselves, their country and their parents and to be honest with everyone, the testimony brought out.

For Swann and Taylor there are happy endings. Both daughters are "straight" now and the families have learned new awareness, attitudes and knowledge about each other, the fathers said.

"When I tell some of my acquaintances, lawyers and professional men, that my daughter was a drug addict," Swann said, "they pat me and say, 'You poor man.'

"Funny thing is, my daughter was shooting drugs with some of their kids.

"We have a brand new beautiful daughter in our home now," Swann declared.

"And I don't have to worry about the other children in my home. I have the best CIA agent in the world in my house."

The panel of congressmen listened in rapt attention yesterday as a quartet of youngsters from The Seed, along with Seed Director Art Barker, described the revolutionary drug program in Broward County.

So spellbound were they yesterday by the four youths, that the group went straight through the lunch hour as Ann, 14, told about joining a car stripping ring to support her drug habit and Larry, 18, said he skipped drugs only two days in three years before going to The Seed.

Libby, 19, insisted that going cold turkey from heroin isn't all that bad with a sympathetic group near by.

"Junkies are pretty good actors," she said. "They can make themselves as sick as they want. Alcohol is a lot worse to get off of. People have blown it (coming off junk) all out of proportion."

Libby says when she showed up at The Seed, she was on a $200 a day habit.

Barker appeared yesterday to outline The Seed program.

"We're teaching these kids a sort of primitive Christianity. We're teaching them how to love themselves, how to love others," he said.

In the past two years, 1,800 youths have gone through The Seed program, Barker told the committee. He belittled those who claim there is no drug program in the schools.

"One school security man says he knows of only 60 drug cases," Barker said, adding scornfully, "Four hundred and forty-one of those 60 cases were referred directly to the Seed."

The congressmen asked the youths what parents and teachers can do to combat drug use. The answer: very little. The answer, the youths agreed, is pressure from youths their own age.

Sally, 16, downgraded school drug programs. She complained that teachers either so overstate the dangers that no one believes them or they make the drug sound exciting.

"You can't really scare a kid into not using drugs because fear lasts only so long. A kid has to want to stay straight," she said.

What teachers and parents can do, she said, is talk to youths and find out how they truly feel, then observe them and become familiar with the terminology and the physical signs of drug use.

Dade County Criminal Court Judge Al Sepe, who has sent several youngsters to The Seed as an alternative to prison, predicted "The government ultimately is going to have to give a single stamp of approval to one drug program."

He said he saw nothing wrong with funding other drug programs. some day, a choice would have to be made on which program to push the hardest.

He believes that program should be something like The Seed, which uses heavy peer pressure and constant discussion sessions led by ex-junkies.

[From the Tampa Tribune, July 6, 1972]

MOTHERS TELL PROBERS OF SCHOOLBOY DRUG USE

MIAMI.—Three mothers detailed for a House committee on drug abuse yesterday how the use of marijuana obtained at school put their children on the road to hard drugs and death.

One housewife, Mrs. Shirley Fletcher, suggested the death of her 21-year-old son Michael in 1971 was ordered by a crime syndicate along with two other deaths connected with his case.

"Michael died of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay," Mrs. Fletcher said.

Only three months before, she said, Michael had told her the name of the man supplying him heroin. She reported the man to police, he was arrested and released on bail.

"My son was afraid he might be killed," she said.

Eight days before his death, she said he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 18 to two years in prison, Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mothers' testimony led off a three-day hearing of a house subcommittee on crime and drug abuse headed by Rep. Claude Pepper, D-Fla.

All three mothers said their sons started using marijuana obtained on school grounds and later switched to hard drugs.

Mrs. Fletcher, who now works at a center treating school-age drug addicts, said "it has been in the paper that alcohol is more harmful than marijuana."

"When a kid reads this, he goes out and lights up."

Mrs. Prescola Benaby, wife of a postal worker, said her son Alvin started using marijuana at junior high school when he was 16.

When he was 18 he was a heroin addict who locked himself in his room and strangled his 5-year-old sister Beverly last year.

"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs.' Benaby.

Her son is now in a Florida mental hospital.

"Where he is at now, I tried and tried to get him there," Mrs. Benaby said. She told the congressmen that probation officers had offered her little more help before the crime was committed than to put her son in the county prison stockade for a year.

"If I'd just had help, I believe it would have prevented the tragedy in my home," she said. "He tried very hard" to get off drugs.

Mrs. June Mock, a working mother, said her son began at age 13 using marijuana obtained while attending Valley High in Las Vegas, Nev., where he was living with his father. The couple is divorced.

At 16, she said, "I had no control over him." At 18, in June of 1969, Edward Mock died of an overdose of heroin.

"My 13-year-old daughter tells me that at Jefferson Junior High, where she goes to school, "nearly everyone is on pills or pot," Mrs. Mock said.

When she tried to seek help for her son, she said, "a juvenile officer told me no help was available."

Pepper's committee is seeking means of providing federal funds for an all-out fight, aimed at school children, against drug abuse,

The Florida congressman emphasized testimony from Dr. Marvin Burt, a research analyst, that drug abusers are stealing an estimated $28 million a year in cash and property in Dade County alone to support their drug habits.

Committee figures show more than 400 drug-related deaths in Dade County in the past five years. Burt estimated 7,000 to 12,000 heroin addicts lived in the county at the end of 1971, about one percent of the total population of 1.2 million.

THE COMMITTEE'S DRUG REPORT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BRASCO. Mr. Speaker, the people of New York's 11th Congressional District are not alone in their concern over the rise in teenage drug abuse and addiction. During the 92d Congress I was privileged to serve as a member of the House Select Committee on Crime and to be involved in that committee's series of hearings on "Drugs In Our Schools"—hearings which confirmed for me the fact that our children are being inundated with a wave of drugs from California to the New York Islands. The people of my district are not alone in their concern: my distinguished colleagues and I heard concerned parents, teachers, school administrators, police, and young students describe the drug epidemic in New York, Miami, Chicago, Kansas City, San Francisco, and Los Angeles.

These hearings were personally informative to me notwithstanding my former service as an assistant district attorney and assistant chief of the rackets bureau of the Kings County District Attorney's Office. The "drug scene" is more extensive than I had imagined and the concern of Americans from every walk of life deeper than I had imagined.

I think that the distinguished chairman of the House Select Committee on Crime, Mr. PEPPER of Florida, has rendered a valuable service to every child, every parent, and every teacher in America by persevering in his determination to do something about drug abuse. That effort, described below in an article appearing in the February 2, 1973, issue of the Washington Post, ought not to end now. I think that this article by Jules Witcover succinctly describes a number of the highlights of the committee's drug hearings and I commend the article to the attention of my colleagues. I think it important to insert Mr. Witcover's article in the Congressional Record for it describes the kind of national service which we so desperately need if we are to be of help to our young people.

Drug Epidemic Has Hit Schools, Hill Unit Says

(By Jules Witcover)

The House Select Committee on Crime, on the basis of a yet-unpublished staff report that says a "drug epidemic" has hit the nation's public schools, has voted to call for "massive" federal aid for inschool detection, treatment, and drug-abuse education.

According to Chairman Claude Pepper (D-Fla.), the committee backed away from its staff's recommendation for a $5-billion fight against drugs in the schools over a five-year period.

Until legislative hearings can be held to determine the exact need, Pepper said, the committee's consensus favored using only the word "massive." But nobody really quarreled with the $1-billion-a-year figure, he said.

The committee staff report said the money should be raised through increased excise taxes on drugs—including alcohol and cigarettes, which are considered part of the "epidemic."

The staff report, based on a seven-month investigation in six major American cities, also had proposed a ban on drug advertising on television during hours it usually is watched by children, and specifically on children's TV shows.

But Pepper said that in light of reports that the television networks were planning an early meeting on the problem, the committee has decided only to urge the TV and drug industries to exercise "voluntary restraints" on drug advertising.

The staff report that went to the committee on Wednesday also takes school administrators to task for having "ignored their responsibility" in coping with in-school drug abuse. It says teachers are ill-trained to do so and it charged existing anti-drug education programs are a "disaster."

Calling the proposal only "a first step in a long march to provide a drug-free environment for our children," the report says:

"Drug abuse prevention and treatment must become an integral part of school life. It must be integrated into our schools with the permanence, expertise and long-range commitment accorded the highest priority."

The report calls the $1-billion-a-year figure "a modest proposal" that provides only $10 a semester for each student in an elementary or secondary school—"barely enough money to provide the first fundamental building block in any drug program, one drug specialist (a teacher-counselor) in each of the nation's schools."

Included in the report are a number of independent surveys and case histories, some of them previously reported, to justify the label "epidemic."

The National Commission on Marijuana and Drug Abuse report of last March is cited, for instance, indicating 6 per cent of high school students had used heroin, 8 per cent had tried LSD, mescaline, peyote and other hallucinogenic drugs, 5 per cent cocaine, 8 per cent methamphetamines, 7 per cent barbiturates and 5 per cent painkillers like morphine and codeine.

A 1968–1972 study of high-school student drug use in San Mateo County, Calif., is reprinted indicating slight rises in 1972 in the use of alcohol, tobacco and marijuana, a leveling-off in use of LSD and amphetamines and a slight drop in barbiturates and heroin.

Alcoholic beverages and tobacco are considered drugs in some of the surveys, but not all, and there is no indication whether beer is included in the alcoholic beverage category.

The committee took testimony from mid-June through December in New York, Miami, Chicago, San Francisco, Kansas City and Los Angeles, from more than 200 witnesses, school officials, teachers, nurses, PTA officials, students, doctors, judges and police officers.

"Our preliminary examination of the matter indicated that the problem was severe," the report says, "but our investigation demonstrated that the drug crisis in our schools greatly exceeded our worst expectations . . .

"As we delved further into the problem we discovered that drug abuse in our schools is appropriately described as an extremely deadly epidemic which is presently raging in our schools; it is infecting our youth and contaminating our schools; it has reached crisis proportions; and it is leaving a trail of devastation that will take a decade to remedy.

"Tragically, the chances are substantial that when a parent sends his child to high school each day he is sending him into a drug-filled environment. He is placing him in an atmosphere where drugs are usually bought and sold—an atmosphere where there is considerable pressure from other students to use drugs.

"Drug abuse in our schools has become so extensive and pervasive that it is only the uniquely gifted and self-possessed child who is capable of avoiding involvement with some form of drug use."

Of TV drug advertising, the report says:

"It is clear that pharmaceutical companies are not only proliferating this country with pills but they are also contaminating our airwaves with unnecessary and deleterious advertising . . . it is deleterious to children's health because it conditions them to the unnecessary use of drugs . . .

"One in every six television advertisements is a drug advertisement. Over $211 million is spent annually to indoctrinate and brainwash us with the necessity of purchasing various drugs . . ."

"In the course of our investigation we were repeatedly told by educators that television commercials had already conditioned a child's values before he enters school . . . Undoing the initial impact of these television commercials will take a lifetime of education . . .

"If one is ill and requires medication, a doctor is the most appropriate agency for prescribing drugs—not an advertising agency."

The report says schools are ideal for any attempt to reform attitudes on drugs.

"But the most imaginative and effective efforts in our schools will be undermined by the continuous barrage of TV advertising. Any national commitment to eliminate drug abuse by a preventative educational system must prohibit the proliferation of advertising of drugs on television."

The report proposed the $1 billion needed to pay one drug abuse teacher-counselor in each of the nation's 66,800 elementary and 26,300 secondary schools be raised thus:

A 25-cent tax on each bottle of liquor manufactured or distributed in the United States—$365 million; a two-cent tax on each pack of cigarettes—$536 million; a five-cent tax on each amphetamine and barbiturate—$300 million.

School administrators, the report says, must develop a clearly defined policy on how to deal with drug users and sellers and "such policy must include guidelines for harmonizing and integrating of law enforcement efforts on school campuses," with pushers the first target.

In school programs to identify users by "physical inspection, medical examination, urinalysis or interview" are needed, the committee survey says, and starting next September, "school boards should refrain from appointing any teacher who has not attended a college course" in drug education for children.

Finally, the report urges greater curbs on the manufacture of amphetamines and barbiturates.

Barbiturate manufacture, now unchecked, should be cut 50 per cent by new legislation the report says. "We need not look for a Mafia or organized criminal element for the cause of barbiturate abuse in this country," it says. "The fault lies squarely with our pharmaceutical manufacturers, drug wholesalers and retailers."

ST. JOSEPH'S COLLEGE SUFFERS TRAGIC LOSS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. LANDGREBE. Mr. Speaker, one of the oldest educational institutions in the State of Indiana is in my congressional district. This past Sunday this institution, St. Joseph's College, suffered a tragic loss. Their old "main" building was entirely consumed by fire. This building had served the college in many capacities since its dedication in 1890: Residence hall, classroom, administration office, faculty offices to mention just a few.

Recently remodeled in the early 1960's for the influx of a growing student body, the administration building supplied the college with 68,000 square feet of space.

The fire destroyed the building completely. Many, many irreplacable objects were also consumed.

My friend and predecessor, now distinguished lecturer in history at St. Joseph's College, Charles Halleck, lost his entire office. This suite of rooms was a replica of Charlie's congressional office.

Faculty members lost books, notes, and writings that can never be replaced. A TV studio was destroyed as were the educational, psychology, and other laboratories.

However, through the heroic efforts of the student body, over 70 percent of the administrative files were saved. These marvelous young people moved 10 tons of important documents in less than 30 minutes.

I have been on the St. Joseph College campus. I have met these students and they are an example that other young people could look to.

This little college on the plains of Indiana has suffered a great loss. My personal prayers and efforts are with the school. If any of you feel that you could offer St. Joseph's a helping hand, I know that they would appreciate it and would be most grateful.

FEDERAL TAX LAW REVIEW

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. SHOUP. Mr. Speaker, the old saw about the unchanging nature of "death and taxes" has validity as regards death. Not so with taxes. Our society does not remain static. Priorities change and so do the means with which we attack these priorities.

The Internal Revenue Code has been on the books for a long time. It stands essentially unchanged since 1954. It is time for us to bring these codes down off the shelf, dust them off, and see whether they remain applicable today.

I feel sure that many deductions, credits, exclusions, adjustments, and exemptions of 1954 are merely loopholes today. We owe it to ourselves to review the entire tax structure as a preliminary to tax reform. We must be ready to scrap the obsolete, retain that part of the code that remains valid and provide the citizenry with the most simple, equitable tax laws possible.

I am introducing legislation which would direct the Ways and Means Committee to carry out a complete review of the Internal Revenue Code. The executive branch is directed to cooperate, hearings will be held and upon completion of the review, the Ways and Means Committee is directed to report comprehensive legislation to the House. The Senate Finance Committee will have a like responsibility as concerns legislation in the Senate.

We must review, reform, recodify, and simplify our tax laws. We must clearly define the difference between a tax incentive that is desirable and in the public interest and a tax loophole.

We have neglected a responsibility and must proceed with corrective action. The American people deserve a simple, equitable tax law that is comparable with the Nation's revenue needs.

Mr. Speaker, I include my resolution in its entirety at this point in the Record:

Joint Resolution To Mandate Consideration of Comprehensive Legislation Reforming, Recodifying, and Simplifying the Federal Income, Estate, and Gift Tax Laws

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the House Ways and Means Committee and the Senate Finance Committee hold hearings, beginning no later than February 15, 1973, on each tax preference (including, but not limited to, each adjustment, credit, deduction, exclusion, and exemption) contained in the Internal Revenue Code of 1954 to ascertain (a) if such preferences are or are not designed to further a socially desirable goal; (b) for those preferences designed to further socially desirable goals, whether or not the present law best implements such goals; (c) if such preferences are consistent with the overriding goal of equitably treating all taxpayers; and (d) if such preferences are consistent with the revenue requirements of the Federal Government;

(2) During the course of the hearings mentioned in section (1) of this joint resolution, the House Ways and Means Committee and the Senate Finance Committee further study the Internal Revenue Code with the goals of making said Code more understandable and to simplify the reporting of any taxes thereunder.

(3) The President direct the agencies and officers of the executive branch of the Federal Government to cooperate with the House Ways and Means Committee and the Senate Finance Committee in providing such assistance, information, and recommendations as may be necessary to expedite the above-mentioned hearings; and

(4) Upon completion of the above-mentioned hearings and review, the House Ways and Means Committee and the Senate Finance Committee will report to the floors of the House and Senate, respectively, comprehensive legislation to reform, recodify, and simplify the Federal income, estate, and gift tax laws.

THE FBI DEMONSTRATES THE NEED FOR A "FEDERAL PRIVACY ACT"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. KOCH. Mr. Speaker, on October 27, 1972, Acting Director of the Federal Bureau of Investigation, Mr. L. Patrick Gray III, announced the termination of an FBI program, in operation since 1950, of collecting data on major nonincumbent congressional candidates. Until that October announcement, there had, to my knowledge, been no official indication over the past 22 years that such a program existed.

In order to clarify the nature of this information gathering program, I wrote, along with my colleagues Benjamin Rosenthal and Jonathan Bingham, to Acting Director Gray, requesting that the FBI allow us to examine whatever respective files it may have collected on us. After several months of correspondence we were informed finally that, even though such a data collection program had already been terminated, the information in our files "is not available for inspection, except for authorized purposes and then only on a need-to-know basis." The FBI had apparently decided that Members of Congress do not "need to know."

In earlier correspondence with me Mr. Gray had stated that:

> The FBI does not maintain secret files or political dossiers on Members of Congress.

But the FBI has now acknowledged that it does in fact have such files collected under this now inoperative program. It has now refused the request of three Congressmen to examine their own files.

The FBI also assured me in our correspondence that "no investigation was conducted to secure this information" and that only publicly available biographical data is contained in these files. In addition, there is no suggestion in Mr. Gray's letters that the examination of the contents of the files by any one of us would in any way affect national security. Yet still the requests to see the files were denied. And I stand, as do my colleagues and indeed all Americans, without the protection of any legislative safeguards to insure responsible management of these files.

I have long believed that every American citizen should have the right to know whether any Government agency maintains a file on him, to inspect that file, and to have a chance to correct erroneous material. In this age of the computer, it is becoming easier and easier to collect, maintain, and distribute personal data. Unless Congress takes the initiative now in this field by enacting laws governing the collection and distribution of such data, every citizen's personal freedom and privacy will continue to be threatened by abuses in the present, unregulated system.

Accordingly, I first introduced legislation in 1969 establishing a procedure through which the individual citizen would be apprised of what information has been collected on him by Government agencies and under what circumstances it may be dispensed. As reintroduced in the 93d Congress, this bill—H.R. 667—would do the following: first, require the Government to notify an individual that such a record exists; second, require the Government to notify the individual of all transfers of such information; third, require the Government to disclose information from such records only with the consent of the individual or when legally required; fourth, require the Government to maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them; sixth, permit an individual on a proper showing to require the agency to remove erroneous or misleading information from his file; and seventh, create a Federal Privacy Board to supervise the administration of the provisions of the bill.

Exceptions to the disclosure rule would be made in the case of records that are either expressly required by Presidential order to be withheld in the interest of national security or for purposes of pending criminal prosecution. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons.

Because my correspondence with the FBI is so illustrative of the difficulty—indeed the impossibility—of an individual ascertaining the contents of his file, I am setting it forth for the interest of our colleagues in Congress and the citizens of this country, with the hope that Congress will promptly enact the essential safeguards to personal privacy as are embodied in my bill.

The correspondence follows:

November 1, 1972.

The Honorable L. Patrick Gray,
Acting Director, Federal Bureau of Investigation, Department of Justice, Washington, D.C.

Dear Mr. Gray: Having learned for the first time that there are dossiers kept by the FBI on Members of Congress, we, the undersigned, request that those dossiers relating to each of us, be furnished to us.

We ask you to send our respective files to our offices immediately so that we may examine them and ascertain exactly what it was that the FBI was collecting.

Sincerely,

EDWARD I. KOCH,
BENJAMIN S. ROSENTHAL,
JONATHAN B. BINGHAM.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., November 24, 1972.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: As you may know, Acting Director Gray recently was hospitalized with an intestinal obstruction. We do not know at this time when he will return to his office.

Your letter of November 1, 1972, was being given careful consideration prior to Mr. Gray's hospitalization. You will appreciate the importance of your request necessitates his personal attention; therefore, we are unable to predict when we will be in a position to respond. I assure you that upon Mr. Gray's return we will respond to your request as quickly as possible.

Sincerely yours,

W. MARK FELT,
Acting Associate Director.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., January 2, 1973.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I regret that my illness followed by surgery has delayed this response to your letter of November 1, 1972.

For your ready reference, I am enclosing a copy of my press release of October 27, 1972, announcing the termination of the FBI program of collecting biographical data on major nonincumbent Congressional candidates.

The FBI does not maintain secret files or political dossiers on Members of Congress, and you will note that I neither stated nor implied that we do in my press release. The creation of dossiers was neither the intent nor the purpose of the program I terminated on October 27. Its purpose was to assist officials of the FBI in the conduct of our relations with the Congress of the United States.

Let me describe for you the program that I ordered discontinued and how it operated. I believe this will greatly enhance the understanding of this matter.

Around 1950, the officials of the FBI then responsible for dealing with the Congress decided it would be most beneficial to them if they had some biographical data on newly elected Members and a knowledge of any prior contacts by FBI representatives with these new Congressmen and Senators. Initially, they orally requested FBI field office officials to furnish the desired information. In 1960, the practice was begun of requesting such information by sending routing slips to the various FBI field offices. This has been followed each election year since that time.

The information was gathered for our own internal use and not in response to any regulation or statute. At first, information was sought only on nonincumbent candidates for Congress. In 1960, the requests were expanded to include nonincumbent candidates for Governorships, since FBI officials also felt their contacts with Governors could be enhanced by some prior knowledge of the individual's background.

No investigation was conducted to secure this information, and no investigative file was opened either in the field offices or at FBI Headquarters. The biographical information was collected by individual Agents covering the home area of the candidate. It was gathered from local newspapers, campaign brochures, and reference books such as city directories or books which publish biographical information—all sources readily available to the general public. This information was augmented by a summary of any data (already in the files) of the field office. This might include correspondence exchanged with the candidate; memoranda concerning personal contacts; results of investigations involving the candidate, either as a subject, a victim, a witness, or a reference; or information voluntarily submitted to the FBI.

The material collected by the field office was sent to FBI Headquarters where it would be held until the results of the election were known. If the candidate was defeated in his bid for office, all of the material submitted by the field office would be promptly destroyed and no record of it kept. If the candidate was successful, a memorandum summarizing the material submitted by the field office would be prepared. Into this summary memorandum also would be incorporated a brief abstract of any information already contained in the files at FBI Headquarters. Here again, the information might include correspondence exchanged with the candidate; memoranda concerning personal contacts; results of investigations involving the candidate, either as a subject, a victim, a witness, or a reference; or information voluntarily submitted to the FBI. The raw material forwarded by the field office would be destroyed, and only the summary memorandum would be retained and incorporated into FBI files.

I am giving serious consideration and study to the ultimate disposition of these summary memoranda.

Sincerely yours,

L. PATRICK GRAY III,
Acting Director.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., October 27, 1972.

"The FBI is not investigating and has not investigated Members of Congress or Congressional candidates," Acting FBI Director L. Patrick Gray, III, declared today. "The only exceptions have been where a Member was alleged to have violated a Federal law or where the Member is being considered for a top-level Government appointment.

"It has just come to my attention," he said, "that since 1950 personnel at FBI Headquarters responsible for dealing with Congress have, as a matter of routine practice, gathered biographical data on major candidates for the House of Representatives and the Senate from newspapers, magazines, campaign literature, and various reference publications. FBI Field Offices from time to time have been requested, by means of a routing slip directive, to assist by providing information that was readily available from local files and local publications.

"Initially, the purpose of this was to provide briefing materials for FBI officials who might desire it before making a call on a newly elected Congressman or Senator. In short, the routine was a part of the Congressional relations program of the FBI. Later, following the enactment of Public Law 91-644 dealing in part with violent offenses against Members of Congress and Members of Congress-Elect, it became apparent that such information would be of immediate use in following investigative leads arising in the event such an offense were to be committed against a Member or a Member-Elect of Congress.

"I became aware of this program," Mr. Gray continued, "as a result of inquiries alleging that an FBI Agent in Lorain County, Ohio, had been making inquiries about the background of the Democratic candidate for Congress in Ohio's 13th District. This Agent's inquiries were not authorized, and were in violation of specific instructions that the gathering of information on Congressional candidates is to be made from readily available published sources only, and not through any outside inquiries. The FBI is conducting an internal administrative investigation of this Agent's actions to determine why this instruction was not followed.

"At the same time," Mr. Gray continued, "because the program of gathering briefing material on Congressmen and Congressional candidates has been brought to my attention through this incident, I have given consideration to the need for such a program. Such a program is not essential to FBI operations, and I believe it is obvious that it can be misinterpreted easily as a program to investigate Congressmen and Congressional candidates. Therefore, I have decided to terminate this program as of today."

JANUARY 10, 1973.

L. PATRICK GRAY III,
Acting Director, U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C.

DEAR MR. GRAY: I am delighted that you have recovered from your illness and have returned to your duties.

I do appreciate your detailed response of January 2nd. Please do let me know whether the three of us who requested our files from you were among those who were included in the "FBI program of collecting biographical data on major nonincumbent Congressional candidates."

If I was included, I would very much like to see that file.

All the best for the New Year.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., January 24, 1973.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Your letter of January 10, 1973, has been received, and I appreciate your kind comments about my return to duty.

As outlined in some detail to you in my letter of January 2, 1973, the FBI collected biographical information on major nonincumbent Congressional candidates beginning around 1950. At no time was an investigation conducted on you or any other member of Congress as part of this program. No investigative file was kept on you or any other member of Congress as part of this program. The methods of collecting the information, the specific types of information involved, and the methods of recording that information were all set out in the January 2 letter. As I indicated in that letter, if the candidate was successful, a memorandum summarizing the biographical information was prepared and incorporated into FBI files.

Such recorded information retained by the FBI is subject to the regulation and control of the Attorney General. It is not available for inspection except for authorized purposes and then only on a need-to-know basis. Therefore, I must decline your request.

Sincerely yours,

L. PATRICK GRAY III,
Acting Director.

WORLD AIR FACILITY IS A JUMBO STEP FORWARD

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. LEGGETT. Mr. Speaker, this spring, the new World Air Center will begin operation at the Oakland International Airport. Its opening will mark the beginning of a new era in flight, for it will be the first and only independent total service maintenance base in the world. It is equipped to handle every maintenance contingency from airframe repair on a 747 to replacement of a propeller blade on a Ford Trimotor.

As an independent maintenance center, it will be open to all aircraft of all types on the same basis. Its reputation is already solidly established, as is evidenced by the number of airlines already using World's maintenance facilities.

The icing on the cake, so to speak, is the strategic location of this marvelous new facility. The San Francisco Bay Area is the gateway to the Orient and the South Pacific, and termination point of trans-United States and European Polar routes.

The new World Air Center will prove a boon to continued safe passenger air operations throughout the world.

The World Air Center, a subsidiary of Ed Daly's World Airways, Inc., touts their wares very effectively in a new brochure as follows:

The New World Air Center: It Is a Really Big Story

It covers 60 acres at the Oakland International Airport. And the way planes are growing, we're going to need every inch of it.

The cost of our new maintenance and modification center is no small matter, either. It's a multi-million dollar development because we wanted to make it truly the only independent total service maintenance base.

We planned it to handle everything from a C-5A to a Ford Trimotor. The hangar alone will accommodate four Boeing 747s at the same time. Or six DC-10s. Or eight 707s.

This brochure outlines many of the areas where we offer efficient service, with fast turnaround, at very competitive prices. A large work force of highly qualified engineers and technicians is ready to give your aircraft the best treatment they've ever had.

WE ARE NOT A ONE-AIRLINE OPERATION AND WERE NEVER MEANT TO BE

The original World Air Center was established in 1964 for one specific purpose. We wanted to set up a facility with all the advantages of the major airline maintenance bases—and none of the drawbacks. And we did.

The new center is even more of a good thing. Here we schedule maintenance and modifications tailored to your specific needs and timetable, not ours. We're at your service whenever and wherever you want us. And we have all the depth in shop and engineering support you could possibly need to get the job done right. Plus development and management of complete maintenance programs, in addition to a comprehensive component exchange program, modification services, system test and reliability programs, as well as manual writing and revision capability.

Invoicing is prompt, typically five days. You economize through progress billing, and get quick and easy forecast and actual accounting on the cost of your maintenance and modification program. You also avoid the expense of investing in your own equipment and labor pool.

No matter what airline you are—from A to Z—with us you don't run the risk of being bumped down the waiting list by some airline that's running the show. Maybe that's why we already service so many different airlines.

YOU HAVE GOT US EVERYWHERE YOU WANT US

Oakland is a handy place to bring your aircraft for maintenance and modification. But what happens when you need service on the other side of the world?

No problem. We can provide ground operations and technical support at most major airports, including Amsterdam, Bangkok, Chicago, Frankfurt, Hong Kong, Honolulu, London, Los Angeles, Mali, Manila, New York, Paris, Saigon, Seoul, Taipei, Tokyo, Toronto. These and others have direct communications links with our headquarters at Oakland Airport.

With the help of a new electronic monitoring and system control installation at the World Air Center, we can monitor technical operation of your aircraft, and coordinate services on a worldwide basis. If you want catering in Thailand, or fuel in France, we'll arrange it. And we'll send you engineering and technical assistance anywhere you need it, anytime.

In short, you're not dealing with a company that's limited by established flight patterns. You're dealing with a company that has connections virtually everywhere in the world.

WE WANT TO GET YOU OUT OF HERE FAST

We know how important it is to get your aircraft flying as soon as possible. In fact, we designed our whole facility with this in mind.

Your plane nests right in among two levels of our hangar shops. It's a unique layout that lets our people work on it from several levels at the same time, with the necessary parts, tooling and equipment close at hand. This saves us time and saves you money.

And we don't believe in banker's hours here. We're open 24 hours a day, seven days a week. This serves the double purpose of speeding up turnaround and making sure there's always a full crew on hand to take care of you.

As a regular customer, you can make arrangements to have your own hand-picked team of specialists. They'll be available to work on your airplane when you need them. Also, for regular customers, we have office space and warehousing.

It's almost like having your own maintenance base. Only cheaper.

YOU CANNOT GIVE GOOD SERVICE WITHOUT GOOD PEOPLE

We've been building a great team here since 1964. It's a unique balance of seasoned professionals and skilled young people full of fresh ideas. Through a carefully planned recruiting program over recent years, we've brought together some of the very best talent in aviation today. Their specialties are described over the following pages.

You'll find great versatility here, with people who are used to responding quickly to customer needs and applying their skills to a great variety of aircraft makes and models. They have been trained to quote complex modification jobs within 24 hours of initial customer contact. And because there is a continuous and close interplay between customers and our engineering, production control, planning analysis and technical assurance teams, we're able to develop maintenance and modification programs exactly suited to your needs.

We're very concerned about having just the right man for the right job. Because if ever there was a "people business," maintenance is it.

HERE AIRFRAME OVERHAUL AND MODIFICATION WORK IS NO BIG PROBLEM

With our space and equipment, we don't care how big you are. We'll still take you apart.

We're ready to make your plane just like new with one of the most sophisticated overhaul programs on earth—tailored just for your own aircraft. But first we'll send some of our top people to see exactly what work is needed on your aircraft and submit an estimate. Then bring your plane on in and let us give it a complete inspection, open up the panels, exchange components, give it NDT checks—anything it may need to return the airframe to a zero defect condition.

We'll even put you on a regular systems and maintenance reliability program. One specifically designed for your aircraft to substantially reduce your maintenance costs in the years to come. And we'll work with you and the FAA to get time extensions, revising your manuals as necessary.

As for modification—we're ready to handle any job no matter what the size. From the simplest recommended manufacturer's modification, to a complete wing skin replacement. And we can do it with minimum downtime to fit your schedule.

So the best service costs less. What more can you ask?

OUR SHEET METAL SHOP WILL REALLY MAKE IT BIG OR SMALL

You may need a full empennage modification. Or just a couple of dozen tray carriers. Whatever the job, it's all in a day's work for our sheet metal department.

We're equipped to cut, mold, stamp, weld, rivet, punch and roll an amazing variety of items. Everything from cowling and gear doors to galley and seat parts, from structural design and engineering to baggage modules and food service carts.

We can perform manufacturer's service bulletin requirements, develop modification orders, or conduct work using your own engineering drawings.

The quality of this work has attracted more than 30 airlines and airline-related companies as regular customers. With new, expanded facilities and even more modern equipment, we're ready to tackle any job you can hand us.

NONDESTRUCTIVE TESTING OR WHAT YOU CANNOT SEE CAN HURT YOU

We don't have to tell you how important regular nondestructive inspection is. And action speaks louder than words anyway.

We have the experience with X-ray, eddy current, ultrasonic, dye checks, mag particle inspection and zyglo. Now we've added isotope inspection.

This capability is the backbone of any structural reliability program. And it's available here 24 hours a day.

WE WILL GIVE YOU A SPECIAL INNER BEAUTY

It's not enough for a plane to fly well. It has to look good, too. To keep your airplane in the pink, or any other color you like, talk to our refurbishing specialists. We have some of the world's top aircraft interior designers on staff. They've created many of the handsomest interiors you've ever seen in both large and small aircraft. They'd like to do the same for you.

And they're just as concerned with function as good looks. They can make a passenger plane convertible for cargo. Or rebuild the interior of a military transport.

But we don't want you in here just for the big jobs. Whether you need a twenty minute clean-up or a wide-body retrofit, we'll be just as glad to see you. We figure that if we do the little things right you'll come back for more.

GOODBY OLD PAINT

For years we've been painting planes from the Grumman G-11 to the Douglas DC-8. Now we're ready for anything—747, DC-10, L-1011, even the C-5A and the Concorde when they come our way.

Crews of strippers and painters work in continuous shifts to keep the job moving as fast as possible. So we can easily complete even the largest aircraft in time to suit your schedule. Yes, even these men are on duty 24 hours a day, 7 days a week.

We use all the latest application techniques and materials, including Alumagrip and other polyurethane paints. So your plane will come out looking as fresh as the day it arrived from the factory.

WE DO NOT OVERLOOK ANYTHING

When we say total maintenance, that's exactly what we mean. That includes a fully equipped avionic shop experienced in designing complete navigation and communications packages as well as testing and repairing even the most sophisticated electronic equipment.

Our wheel and brake experts will make quick work of tire changes and linings. They'll carry out zyglo checks for cracks, and inspect and test your entire landing gear.

We also have an emergency equipment section. Besides safety checking your survival gear, we'll sell or lease replacements for worn-out equipment.

Our accessories shop is good at making replacements, too. We have a large inventory of components. And we're old hands at such things as cabinetmaking, as well as creating just about anything you want out of plastic and fiberglass.

Our instrument shop, with its Class II clean room, assures completely accurate calibration. And we have complete facilities for hot section engine inspections, engine build-up and repair, and module exchange for late model engines.

To top it all off, we'll even repair your automotive and ground equipment, and calibrate your own tools and test instruments. If there's anything else we haven't mentioned, all you have to do is ask.

WE HAVE ALL THE STOCK ANSWERS

Having the right spare parts at the right time is a monumental task. That's why we've placed our inventory control in the hands of trained computer specialists.

They use an IBM system to keep track of everything from jet engines and tires to nuts and bolts. The computer is programmed to monitor parts usage automatically. It even issues purchase orders as required for given maintenance programs, both on common hardware and rotables.

Once you sign up for a maintenance program with us, we stock up on anything special your plane needs.

So whenever you fly in for service, we'll be ready for you. Right down to the very last cotter pin.

THE CORPORATE JET PROGRAM IS SOMETHING ELSE AGAIN

On 12 acres at the Oakland Airport, quite separate from the new World Air Center, sits the largest, most complete corporate jet maintenance base you'll find anywhere.

This modern facility can really do it all: airframe overhaul, refurbishing, major modifications, non-destructive inspection, avionics, instrument calibration, sheet metal, accessories. We even have a paint hangar equipped with essential temperature and humidity controls.

We are also the sales and service representative in the eleven Western states for Mitsubishi MU-2 prop-jets.

For the day-to-day care and feeding of corporate jets and pilots, we have the ultimate line service. Fuel, vacuuming, limousines, rent-a-car and plane parking are always available. And our comfortable lounge is open to all comers around the clock.

There's even weather information from all corners of the earth, and worldwide communications links. We also offer ground handling, including catering services, at most major airports around the globe.

With all these advantages, we can offer you another unique bonus—the San Francisco Bay Area. It's the greatest place you'll ever find for combining business with pleasure.

Clearly, corporate jet sales and service have come of age.

THE RIGHT PLACE AT THE RIGHT TIME

The San Francisco Bay Area is the ideal spot for a maintenance base. It's the gateway to the Orient and South Pacific, and termination point of trans-U.S. and polar routes from Europe.

Historically the area has always been linked with pioneer aviation. Names like Wiley Post, Albert Hegenberger, Lester Maitland and Amelia Earhart are' part of local legends. Charles Lindbergh flew "The Spirit of St. Louis" in to dedicate the first Oakland Airport half a century ago.

Even in the age of the computer-operated jet, this love of airplanes and flying remains. And when you have people who really love their work, you know the result is going to be something special.

The proximity of airports, a variety of maintenance facilities and technical training schools give this area a large, high-grade labor pool. And that all adds up to superior maintenance.

THE WHOLE WORLD IS BEHIND US

Although the World Air Center is an organization serving all airlines equally, it's also a subsidiary of the world's largest charter airline company.

World Airways is a $175,000,000 corporation, listed on both the New York and Pacific Coast Stock Exchanges. Its fleet consists of Boeing 707s, 727 tri-jets, and "stretch" DC-8s. And, in 1973, the completely new 747C convertibles. The $1 billion-plus First Western Bank is another subsidiary of the company.

This gives the new World Air Center great financial stability, as well as worldwide service connections. So we'll never leave you out in the cold here or anywhere else.

All things considered, isn't this the kind of total service maintenance and modification center you've been looking for?

JOSEPH LE CONTE JUNIOR HIGH SCHOOL CELEBRATES ITS 50TH ANNIVERSARY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ROYBAL. Mr. Speaker, on the 20th of this month Joseph Le Conte Junior High School, located in Hollywood, Calif., which is within my district will be celebrating its 50th anniversary.

In the years since 1922 when Le Conte first opened its doors, the school has made singular progress in the field of secondary education. Both its campus and curriculum have expanded greatly and of its nearly 25,000 alumni the list of well-known graduates is seemingly endless.

The history of this famous Hollywood school is an interesting one and it is my pleasure to share the following story with you:

HISTORY OF LE CONTE JUNIOR HIGH SCHOOL

Le Conte Junior High School, located at 1316 N. Bronson Avenue, Hollywood, 90028, is celebrating its fiftieth anniversary on February 20th, 1973.

JUNIOR HIGH SCHOOL OF THE STARS

Often known as the junior high school of the stars, Le Conte numbers among its nearly 25,000 graduates such entertainment luminaries as Betty Grable, Nanette Fabray, Yvette Mimieux, Stuart Whitman, Bonita Granville, Anne Shirley, Jackie Searle, Mitzi Gayner, Ben Alexander, Jack "Smiling Voice" Smith, Helen Parrish, "Junior" Frank Coghlan, pianist Horacio Gutierrez, current child star Pamelyn Ferdin (still student of Le Conte) and Alumna of the first 50 years Carol Burnett.

Judges John Aiso, Jerry Pacht. Athletes: Jerry Nemer (All-American basketball player), Julius Heldman and Jack Tidball (nationally ranked tennis players), Dorothy Poynton (olympic diver). Educators: Dave Patterson (principal at Portola J.H.S.), Anita (Blank) Schwaber, Joyce (Nyi) Kang and Helen Schacket, current teachers at Le Conte—the list of well known Le Conte graduates seems endless.

Today, Le Conte has an enrollment of 1,552 students and 67 teachers on a campus of 8.1 acres, fifth smallest among the 75 junior high schools in the Los Angeles City Schools. There are currently 572 students born in 55 different countries speaking 37 different languages. To individualize instruction there are special programs for the hard of hearing, partially sighted and blind, gifted, educationally handicapped and physically handicapped in physical education. There are English as a Second Language classes for 135 students, a math center, a reading center, nine counseling groups, after-school tutoring sponsored by the Wilshire Kiwanis Club, Opportunity classes for students who are having difficulties in regular classes, and a variety of innovative classes—Law for Youth, Urban Ecology, Consumer Education, Art and the Humanities, Rock, Pop and Protest Music and many others.

Serving an area of twenty five square miles, Le Conte has a student body representing a broad socio-economic range. 36% of the students are from ethnic minorities—18% Spanish Surname, 10% Negro and 6% Oriental. Because the nearest park is a mile away, Le Conte serves as the playground for the local community. Youth Services provides as many as 300 hours/month of paid supervision time for playground activities, athletic leagues, dances, clubs and trips. The Hollywood Community Adult School uses the campus four nights a week for its classes. La Verne College also uses the campus four night a week for teacher training classes. Football, basketball and baseball officials from all over Southern California use the facilities two nights a week for workshops.

LE CONTE OPENS IN 1922

Named after Joseph Le Conte, noted geologist, Le Conte Junior High School opened its doors in September, 1922, with 1200 students and 47 teachers. Blackboards had not yet arrived and neither had books for the library, but enthusiasm was high and all were determined to make this the best junior high school in the city. It was the first one in Hollywood.

As might be expected in Hollywood, the auditorium was one of the finest in the city, and had a capacity of over 1200. There was a fine moving picture booth built into the new building, capable of holding two projectors. It was a tin lined room and was also fireproof. The 1922 school paper "Le Conte Life" reported,

"All the air that passes through the auditorium is washed . . . Looking under the seats we find little knobs from which the cleaned air enters. The bad air is sucked out by a large fan which also sends in the washed air. This enables us to sit and enjoy entertainment with all the windows and doors closed and yet breathe clean, fresh air."

Below the auditorium in the basement were showers for the boys and girls. M. W. Chandler, principal from 1922 through 1946, planned for a photography department to be located there. The room was 60 feet long and had a platform at one end. Boys could cut films and make pictures and learn about the new industry that was to make Hollywood so famous.

An early feature of the school was that it had telephones in all the rooms. These were connected with the main office and were used much the same as some of the new schools are now using intercoms.

STRONG STUDENT GOVERNMENT

A strong student government was instituted from the start and, even today, Le Conte is a leader in giving students a chance to participate in determining school policy. Le Conte was the first Los Angeles Junior High School to establish a Parent Teacher Student Association. Students also serve on the School Community Advisory Council and the Principal's Finance Committee.

Subjects offered in 1922 were similar to those offered today, with "agriculture" being a prime difference. For many years there was a fine greenhouse behind the auditorium. There were all kinds of plants and cut flowers in every room. One year, during the twenties, a float entitled "An Afternoon at the Hacienda" was made by the students and entered in the Civic Floral Parade. Another year, students and teachers helped make and decorate a float that was entered in the Rose Parade in Pasadena.

Clubs were an integral part of the "Blue and Gold" and each teacher was expected to sponsor one and each pupil was supposed to join one. The myriad of clubs included: Commercial, Alchemists, Sunshine, Pencil Pushers, Crucible, Etiquette, Woodworking, Radio, and Baseball.

Teachers who came to the school in 1922 were unusually well prepared, and a number of them had Master's degrees. In 1925, they gathered students and radios together and, for the first time, the entire student body heard the inaugural address of a President—Calvin Coolidge.

EARTHQUAKE CLOSES AUDITORIUM

The Long Beach earthquake in 1933 jolted the buildings of the school. It was decided that until they had been reinforced, it was not safe for the students to attend school there. For one semester Le Conte students attended nearby Bancroft Junior High School on a double session.

It was not until 1937 that the auditorium was ready for use again. PTA meetings had been held at various other schools, but in 1937 the Le Conte Troubadours gave four performances of *The Maker of Songs* to celebrate the reopening. The Troubadours, sponsored by Mrs. Mae Nightingale achieved communitywide acclaim as a premiere boys' choral group. During the twenties they appeared in knickers and later in wine and gold Spanish uniforms.

During World War II, programs were put on for hospitals. Mufflers were knitted in olive green for the army. Paper drives were held, bacon fat was saved and thousands of dollars of thrift stamps were sold. Due to the paper shortage, the yearbook was cut into half of its normal size. Blackout curtains appeared at the windows of the auditorium and other rooms used at night. Air Raid instructions were issued.

1958 brought the popular Guys and Dolls and Teentoppers Youth Services groups with accompanying pizza parties, dances, snow trips, horseback rides, and other gala affairs.

Though the administration building, Chandler Hall, the industrial arts building, the auditorium and the boys' gym are still standing, the cafeteria suffered severe earthquake damage in 1972 and was razed last summer. New buildings include the girls' gym, the music bungalow, the science building and several bungalows.

MANY STAR EDUCATORS

But any school is more people than it is buildings. Le Conte has had an unusual share of outstanding teachers and administrators to work with students throughout the years. Cecille Adam taught French during five decades and was known as "Mademoiselle." Mrs. Nightingale started at Le Conte in 1926 and was still holding Alumni meetings with her Troubadours until 1970. Beatrice McNeil gained a citywide reputation for the stage productions she and her students put on for many years. Mrs. Edna Ammons was "Mrs. English" for decades, as she sponsored the *Le Contean* and "Le Conte Life." Bob Allaire was teacher and registrar at Le Conte for 26 years. Miss Verna Andrews was distinguished school librarian for 30 years and Natalia Schaefer has now been librarian for 15 years. Mr. Frank Desby has been a "one of a kind" band instructor for almost two decades, while Ethel Parrish is in her 14th year in the Science department. Mr. Frank Syn er was "Mr. Le Conte" during the nearly two decades he sponsored student government. For nineteen years Eileen Taylor has served five different principals as school secretary. And there have been many more.

Principals at Le Conte have been:

M. W. Chandler	1922–46
Howard Benedict	1946–49
Charles Nettles	1949–50
Louis Travers	1950–57
Walter Heil	1957–65
La Verle Caligiuri	1965–70
David Patterson (January–June)	1970–70
La Verle Caligiuri	1970–71
Dr. Warren Steinberg	1971–

Current vice principals are Gene Brody and Janet Roberts, Head Counselor Betty Tauer, Dean Harold Franklin. Betty Siebenthal is PTSA president. Rich Storrs is student body president, Bob Hills is chairman of the School Community Advisory Council and Spiro Pastos, Teachers' Club President.

After 25,000 graduates and 50 years, Le Conte is still living up to its motto, "Seek honor through service."

REAP IS NOT THE MAIN ISSUE

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ARMSTRONG. Mr. Speaker, I have voted against H.R. 2107 with greatest reluctance.

If the principal effect of H.R. 2107 were simply to continue the rural environmental assistance program, ostensibly the main purpose, I would gladly support the bill.

REAP is a good program. Since their inception 36 years ago REAP and its forerunner, ACP, have accomplished a great deal and the need is now more timely than ever in view of growing environmental awareness and the urgency to conserve natural resources.

Moreover, REAP is particularly appealing since it encourages and assists the men and women of American agriculture whose share of the national prosperity has steadily declined due in large part to unwise Federal policies. Like those who have spoken in support of this bill, I would like to lend a helping hand to rural America.

But REAP is not the main issue. H.R. 2107 brings into focus fundamental questions of even greater consequence. The bill seeks to direct the administration to expend all appropriated REAP funds. Present law allows discretion. Since the President has cut back REAP along with 112 other programs, this bill represents a challenge to the President's right to impound appropriated funds, an action the President has taken to head off further inflation.

Ordinarily, I would support legislation to restore congressional authority over expenditures. Congress ought to control the budget. But this authority must be exercised responsibly, and Congress has failed to do so.

Congress has repeatedly failed to balance the budget. It has failed to enact a spending limit. It has even failed to establish procedures for sound budgeting.

H.R. 2107 will therefore make a bad situation, indeed a crisis, even worse by forcing the President to spend money at a time when overspending threatens the whole future of our country.

Over the years we have been repeatedly warned that runaway inflation will result from continued budget deficits. But Congress has played Santa Claus with Federal spending for so long that many find it hard to realize this country is now breathtakingly close to a major financial crisis.

This Congress has a chance, possibly the last clear chance, to restore sound financial policies to our Government and thereby avoid the panic inflation which other countries have experienced and the consequences of that kind of inflation: reckless speculation, bank failures, joblessness, civil unrest, and the ultimate breakdown of our system itself—just as has happened in other countries.

So while REAP is desirable, a balanced budget is imperative. And until Congress itself is ready to responsibly exercise its prerogative and to balance the budget—and I hope Congress is nearly ready to do so—I will support the President in his efforts to avert financial disaster. It is for this reason that I have voted against H.R. 2107.

AGRICULTURAL REVOLUTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ZWACH. Mr. Speaker, in general when our American people think of outstanding achievements, there comes to their minds spectacular events like space exploration, and they completely overlook the more mundane but equally as important achievements such as our agricultural production.

I recently read an editorial in the Tracy Headlight Herald in our Minnesota Sixth Congressional District which should be must reading for every Member of Congress, especially in this time of rising food prices and termination of agricultural programs.

Mr. Speaker, I would like to insert this editorial in the CONGRESSIONAL RECORD and I highly recommend its reading to my colleagues. The article follows:

Agricultural Revolution

An editorial in the Farm Bureau News—the official newsletter of the American Farm Bureau Federation—carries some startling facts. The Farm Bureau is the largest farm organization in the U.S., representing in excess 2 million member families. The editorial reviews late studies by the U.S. Department of Agriculture on rising farm productivity. They reflect an achievement that, as the editorial points out, equals and in some ways surpasses ". . . the much publicized space exploration."

To start with, farm output per man in 1970 was 357 percent of 1950. In 1971 one U.S. farmworker produced enough for 47 other people—seven of whom lived abroad. This contrasts with enough output by one U.S. farmer for himself and 15 other people in 1950. How have these great boosts in farm productivity been accomplished? According to Farm Bureau News, "improved and larger planting equipment, along with mechanical harvesting, reduced the man hours required to produce 100 bushels of corn from 40 hours in 1950 to seven in 1971. Adoption of new technologies increased crop output per acre over 55 percent between 1950 and 1971. Livestock labor efficiency also benefited during the two decades. Total hours of labor to produce milk, meat, and eggs fell from 5.5 billion in 1950 to 2.3 billion in 1971. Poultry and egg production doubled while labor needs in the poultry industry declined more than two thirds."

If it had not been for the soaring productivity of U.S. agriculture, the food outlook for this country and the world today would be anything but cheerful—to say nothing of prices. How many of us realize that this abundance is solely the product of the private property, free market, free enterprise system—a system that much of the world depends upon and yet is scorned in our own country and in most other countries by the advocates of statism.

IN MEMORIAM: PRESIDENT LYNDON B. JOHNSON

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. KLUCZYNSKI. Mr. Speaker, there are some men in history for whom no conventional eulogy is wholly adequate. Lyndon Baines Johnson was one of these, a man larger than life and possessed of those qualities of courage and loyalty which are fundamental to the survival of this great Nation which he loved. Lyndon Johnson was a profoundly political being: He enjoyed the drama of politics, and he participated wholeheartedly in the political process. At the same time, he was never a merely partisan leader. Rather, his ultimate concern—as he was to prove to friend and to foe alike—was the well-being of America and the cause of a just and lasting peace.

Wrote Owen Meredith:

> That Man is great and he alone, Who serves a greatness not his own.

So it was with President Johnson, whose true and enduring greatness lay in his dedicated service to the best interests of the American people.

Called unexpectedly to the highest office in the land by the tragic death of President Kennedy, he brought to the deliberative councils of the Executive all the rich resources of his many years of congressional experience, years in which he provided a leadership respected and effective.

As President, he was able to heal the distress and anxiety which the events of November 1963, aroused among our people and in the world community. Moreover, in that spirit of confidence and determination, he turned boldly to further legislation in such areas as civil rights and poverty, championing as he had done in his first days in Congress the cause of equal rights and economic justice for all Americans of every race, creed, and color.

His vision was that of Franklin Roosevelt, and he labored without stint to achieve the American dream. The heartbreaking frustration which dogged his search for peace in Southeast Asia generated bitter controversy, which he felt deeply. Perhaps the saddest aspect of his long and remarkably distinguished career was the way in which his quest for a settlement in Vietnam eluded his best efforts.

Nevertheless, the spirit with which he sacrificed his own personal concerns, directing the attention of all to the continuing search for an effective, honorable peace, contributed immeasurably to the ultimate achieving of that goal.

Centuries ago, Seneca counseled:

> Admire those, if thou art a man, who attempt great things, even though they fail.

Lyndon Johnson attempted great things, and in many areas met with extraordinary success. He leaves a legacy of brilliant service and great accomplishment. Already, the bitter debates which clouded his last days in the White House have begun to fade, and we are able to see him in a clearer light and in the perspective of his whole career and of his times.

Shrewd, vivid, colorful, toughminded, and tenderhearted, President Johnson now takes his place in the annals of America. We may be confident that the sober judgment of history will vindicate his life. May the great compassion which animated his idealism continue to motivate all Americans as together we seek a nobler commonweal.

EULOGY TO WILLIAM C. EISENHARDT

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ADDABBO. Mr. Speaker, the residents of Queens County, N.Y., lost a community leader several weeks ago with the passing of William C. Eisenhardt. Mr. Eisenhardt had been active in Queens civic affairs for many years and served as president of the Queens Borough Public Library Board.

I am placing in the Record at this point the text of the article in the January 18, 1973, edition of the Ridgewood Times eulogizing William C. Eisenhardt:

William C. Eisenhardt Was a Community Leader

William C. Eisenhardt, 57, active in Queens community affairs for the greater part of his life and well known as former owner and president of the Octagon Laundry in Ridgewood from which he retired last year, died January 10.

Deeply interested in the borough library system, Eisenhardt had been a member of the Queens Borough Public Library board since 1962 and was elected president of the board last January. The Queens Borough system comprises 55 branches in addition to the central library in Jamaica.

As owner and president of the Octagon Laundry in Ridgewood, a business started by his late father, William, Eisenhardt extended his sphere of influence in the business world serving as treasurer of the Brooklyn Laundry Owners Assn., past president of the New York State Launderers and Cleaners Assn., and chairman of its legislative committee; and an industrial consultant to the Community Crime Prevention Board of the Queens District Attorney's office.

Among his many leadership positions were past exalted ruler of Queensboro Elks Lodge; past president of the Ridgewood Lions Club; director of Home Federal Savings and Loan Assn.; trustee of Wyckoff Heights Hospital; director of the Ridgewood Chamber of Commerce; member of Granite Lodge F. & A.M., Joseph B. Garity Post 562, American Legion, and the Bushwick Club.

Eisenhardt was on the executive board of the Queens Council of Boy Scouts; committee member of the National Conference of Christians and Jews; member of Queensborough Chamber of Commerce, Queens County Grand Jurors Assn., and the Steuben Society.

His beloved wife, Doris and son William Jr., survive. Funeral services were conducted at the grave side in Maple Grove Cemetery and were arranged under the direction of W. Theodore Lutz & Son Funeral Home, 68-08 Forest Ave.

EQUAL EMPLOYMENT OPPORTUNITIES MUST BECOME A REALITY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. FAUNTROY. Mr. Speaker, there are few more important issues in our Nation than that of assuring the realities of equal employment opportunities. It is my hope that those of us who have the ability to cure the inequities of the past will join with me in fighting this most serious problem that continues to plague our society—that is, discrimination in employment.

In the early 1960's the concept of discrimination which prompted the adoption of the original Civil Rights Act was simplistic. A "for whites only" sign or a bombed out black church communicated an unmistakable message.

Employment discrimination as it exists today is permeated with far more niceties of complexity. More often than not, it is the result of institutional systems and effects. Major causes of discrimination can be associated with such personnel practices as seniority, lines of progression, transfer provisions, training opportunities, and testing requirements which often include cultural biases. Most instances of employment discrimination are by their nature actions which affect an entire class and not just a single individual.

Over the years I have been particularly

concerned with racial discrimination in the Federal Government. As Representative to Congress for the District of Columbia, over 51 percent of my constituency is employed by the Federal Government. Yet the Federal Government is still one of the main discriminators against minorities in this country. A quote from Julius Hobson, "Uncle Sam is a bigot," might be appropriate here. When I came to Congress a little less than 2 years ago, I expected that a significant portion of the casework in my office would be devoted to helping Federal employees resolve job discrimination problems, I did not, however, foresee the incredible deluge of pent-up grievances that descended upon my office in the months that I have been there. Most of these complaints have been brought by people with just claims who are deeply angered and frustrated by the unfair treatment they received at the hands of the Federal Government. These people had nowhere else to turn. They had sought help from their agencies, and from the Civil Service Commission—all with little success.

I elected, therefore, in September of 1972, to hold public hearings on this issue, sounding again the call to end for all time the practice of racial discrimination against minorities within our Federal system. The evidence presented by aggrieved employees at the hearings underscored again and again what we already knew. Blacks and other minorities are the last hired and the first fired. Blacks and other minorities are denied supervisory jobs while training persons with less experience for these positions. Blacks and other minorities are locked into dead end jobs with no hope for advancement. It became increasingly clear that present affirmative action plans simply are not working.

The evidence indicates that the present EEO complaint mechanisms in many Federal agencies are too closely tied in with management. The employee with an EEO complaint often finds himself doing business with the very people who are discriminating against him. The delaying tactics of going through EEO officers who normally aline themselves with management and supervisors are well known, and give the employer time to develop and execute retaliatory measures against the complainant.

EEO counselors who try to be fair in handling EEO complaints are often replaced because they are too effective. Witnesses testified repeatedly that the Civil Service Commission blatantly rubber stamps most agency decisions and rarely makes a finding in behalf of the employee. When a finding is made in behalf of the aggrieved employee, the agency will often appeal this decision, and gain a new finding in behalf of the agency.

Minorities make up 19.5 percent of the total number of Government employees and 14.4 percent of General Service employees. Approximately 80 percent of these employees are locked into grades 1 to 8. While comprising slightly over 14 percent of the general schedule workforce, minorities account for 27.3 percent of the lowest level GS 1 to 4 positions. Further, in grades 14 to 15, minorities account for only 3.3 percent, and in grades 15 to 18, minorities account for only one in 50 of all employees.

In testimony received from an official of the U.S. Commission on Civil Rights it was learned that affirmative action plans of some type have been received by the Civil Service Commission from 65 agencies, employing 99.6 percent of all Federal employees. The very heart of an affirmative action plan is the establishment of goals and timetables for remedying underutilization of minorities and women. Goals and timetables are an agency's best estimate of the results it expects to be able to achieve through an affirmative action program designed to end systemic discrimination in employment practices at the agency. Of the 65 agencies, only 16 agencies employing about 49 percent of the total Federal workforce have established goals and timetables.

These goals and timetables should not, however, be considered to be an end in themselves. Specific mechanisms must be developed to achieve these goals. An example of this is the upward mobility program. This kind of educational and on-the-job training program can be an important element in eliminating discrimination in Federal employment for minority workers and women already hired. The success of upward mobility programs depends upon daily attention to the training of employees entered into such a program. There is a tendency in agencies to establish upward mobility programs, select applicants, and then abandon them to their own resources. In the past, the Civil Service Commission has not monitored upward mobility programs in terms of results for minority workers. This has led to a failure of these programs within many Federal agencies, and has resulted in disappointment, cynicism and lowered morale among minority workers.

I must now reiterate what many have said, and what time continues to prove—the Federal Government has failed to meet its responsibility as an equal opportunity employer.

As a follow-up to the hearings held in September of 1972, with the new cabinet appointments having been made, I plan to meet with the Secretary of each agency whose employees have come forward with serious complaints of discrimination. I am at present organizing a task force of lawyers and other interested parties who will review the transcript of the hearings, as well as the many cases that have since come into my office, in an effort to prepare information documenting the patterns and practices of discrimination that have become so apparent to us. I will discuss with these agency heads areas including promotional and hiring practices, methods of dismissal, reductions-in-force, upward mobility, EEO complaint mechanisms, and general working conditions, as well as concrete suggestions as to how they can improve working conditions for minorities and women at their agencies, and truly become equal opportunity employers.

EEO specialists have described what certain aspects of a good EEO policy can mean in practice. It means active recruitment of people, at all levels of our society, in all places, seeking in particular those who have been traditionally ignored. One must select people and invite them to join a company or agency at all levels of entrance. The major criterion should be: Do they have the potential to do the work? This means an emphasis not only on the willingness to work, but the ability to learn. This does not mean that one should apply no standards at all. It does mean, however, that one should not penalize a man or a woman—prevent his or her employment—simply because he or she did not enjoy the same educational or other privileges another has had. Both formal and on-the-job training opportunities must be extended to all employees, so that all have an absolutely equal chance to strengthen their abilities.

I would like now to touch upon the problems encountered by minority workers and women in the private sector. With very few exceptions, the discrimination problems encountered are just as severe as those found by employees in the Federal service. The annual report published by the Equal Employment Opportunity Commission documents this well. I will not go into specific instances, but will note to you that as a result of the Equal Employment Opportunity Amendments of 1972, which I will enlarge upon shortly, the Equal Employment Opportunity Commission can now undertake to represent in court employees in private industry who have complaints of discrimination. The heavy backlog of cases that has the EEOC lawyers working around the clock is indication enough that all is not well for minority workers and women in private employment.

As all of us know, on March 24, 1972, President Nixon signed into law the Equal Employment Opportunity Amendments of 1972, which greatly expand and broaden the coverage and authority of Title VII of the 1964 Civil Rights Act. The Equal Employment Opportunity Commission has begun to use its new enforcement authority. Having labored so long under the handicap of no real enforcement authority, there is now much catching up for them to do. It should be made clear that these amendments in no way alter the substantive law of title VII which has been developed by the courts and the EEOC over the past several years. Indeed, the new law clearly represents congressional reaffirmation of the law as it has been developed.

What is important to underscore for those who work in the private sector is the enforcement power granted to the Equal Employment Opportunity Commission by the Congress in the 1972 amendments. Now, when the EEOC is unable to conciliate a case involving discriminatory practices in the private sector, they can bring a civil action in Federal Court. It would be naive to assume that discriminatory practices in private employment will miraculously disappear simply because the Equal Employment Opportunity Commission now has some teeth. There are deeply engrained, prevailing business habits in this Nation which perpetuate employment discrimination. Elimination of these practices will not be quick or easy, but now, more than ever before, the necessary tools for success are available.

The Equal Employment Opportunity Amendments of 1972 also make provisions, however modest, for some equal employment opportunity protection in Federal service. Discrimination in Federal employment was previously prohibited by the due process clause of the fifth amendment, and, more recently, by several Executive orders, including Executive Order 11478 issued by President Nixon. The latter required agencies to establish affirmative programs of equal employment opportunity as well as grievance procedures, all of which was to be supervised by the Civil Service Commission. As I mentioned before, these have proven to be inadequate protections for the Federal employee. One of the major difficulties has been that there was no basis for review of agency programs or of agency determinations.

The new law provides clearly that all personnel actions affecting employees in or applicants for Fedral servic are to be made free from any discrimination, and the aggrieved persons may bring private actions in Federal Court against Federal defendants 30 days after notice of final action by the agency or by the Civil Service Commission, 30 days after appeal to the Civil Service Commission, or 180 days after filing the initial charge.

On December 1, 1972, the Civli Service Commission's implementation of these new regulations became effective. Remedial actions including back-pay are retroactive to March 24, 1972. The Civil Service Commission now clearly has the power to structure and monitor agency programs. Results in terms of increased minority employment in professional and policymaking positions should be noticeable in the next year. If such is not the case, a review of the reasons for the lack of progress should be promptly undertaken and serious consideration given to removing the Federal Equal Employment Opportunty program from the jurisdiction of the Civil Service Commission, and placing the responsibility with an independent agency such as the Equal Employment Opportunity Commission.

Those who are in personnel management sit in a position which can make affirmative action plans work or fail. This comes to bear particularly when one is interviewing an applicant for a position. What one should be doing is to gear his hiring actions toward developing an adequate cross section of people, including minorities and women, who qualify for the job.

If one becomes aware of someone in a lower level position who wants very much to advance, but does not qualify for a higher position, nor is he or she likely to be given his or her everyday work experience, he should see about getting this person into an upward mobility program. Ambition should not be discouraged or ignored. If there is clear indication that this person could qualify for a better position, given some additional training, that employee should not be allowed to languish in a dead end job forever. It is clearly to the employer's advantage to help his workers become more qualified for advancement. Whatever evidence we have on the subject indicates that efforts at affirmative action, and particularly training and upward mobility, tend to make more dollars for a company in the long run than they cost. The indications are clear that training and upward mobility make good business sense.

Often the stated policies and equal employment opportunity goals of many agencies and companies are vague enough to allow for acts by middle and lower level management personnel that are legal but clearly discriminatory. This kind of institutionalized discrimination often escapes the notice of those who are not its victims. It is up to personnel management specialists to notice and to eliminate these practices—to see to it that blacks, women, and other minorities gain equal access to job opportunities and a fair chance for advancement up the economic ladder.

The American people seem to have grown weary. The national sense of injustice, which was the foundation on which the legislative victories of the 1960's were built, has almost vanished. It must be rekindled if the Nation's pledge of equality, reflected so brightly in the Civil Rights legislation of the last decade, is to have any real meaning. The laws are on the books, and have been for some time. It will only be through strong governmental leadership, vigorous action by public and private groups, and the concerted efforts of people who really care about the problem, that the promise of equal employment, decent housing, adequate education, and full participation in the life of our Nation, will become a reality for all people.

DR. WILLIAM J. L. WALLACE, ONE OF THE GREAT AMERICAN EDUCATORS, ANNOUNCES HIS RETIREMENT

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. SLACK. Mr. Speaker, at the end of the present school year, Dr. William J. L. Wallace, president of West Virginia State College, will end his 20-year career as head of one of West Virginia's most successful and productive institutions of higher education.

All of us who have at any time been associated with him will be sorry to see him go, but equally we must acknowledge that he has earned a long and pleasant retirement. This man has given his country, his State, and the young people on his campus everything that was in him during the past 20 years. His record reflects quite clearly the plain fact that in the difficult and complex job of administering a college campus in conditions prevailing during recent years Dr. Wallace has few equals.

It so happens that Dr. Wallace is a black man. He is also an American of unshakable convictions, a college administrator of top-quality capabilities, a man of demonstrated courage and resourcefulness who has that "magic touch" with young people. Thousands of young Americans have spent years on his campus, and have come away with his certainty that education and preparation point the way to a successful life, no matter what the background of the individual.

On June 1, 1953, Dr. Wallace was appointed president of what was then a State-supported all-black college. The following year the Supreme Court ruling ended segregation in public institutions of higher education. During the intervening years he has presided over the gradual transformation of the college from an all-black institution into a fully integrated facility prominently placed to influence all phases of life in the community.

During the years of storm and stress on the campuses, he held firm to the conviction that the function of an educational institution is to educate, and won the respect and admiration of all who followed the course of his actions. Legitimate protest was not silenced, but those who demonstrated just to cause disruption or interfered with class work just to gain publicity for themselves found that they had met a man who could not be threatened or bullied.

In higher education we have too few leaders like Dr. Wallace, and those we have are priceless. But when one such man retires, the sum total of his work is never lost. He leaves behind a climate of reasonableness, and a tradition. His career stands as historical proof that any young person can be prepared for a useful and rewarding full citizenship, given the will in the student and an oasis dedicated to education.

The career of one leader in the field of higher education like Dr. Wallace gives the lie to a thousand mindless agitators. Our country will reap benefits from his work for years into the future. He has been one of the tireless workers at the forge of democracy. May his retirement be pleasant in all respects, and may he enjoy a full quotient of personal happiness and satisfaction in the knowledge that his work brought forth the best efforts from thousands of young Americans.

IDAHO LEGISLATURE ENDORSES SYMMS BILL

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. SYMMS. Mr. Speaker, the Idaho State Legislature unanimously passed a joint memorial resolution in support of my bill to legalize the ownership of gold, H.R. 1232.

I am including the text of the memorial in my remarks for the benefit of all Members of the Congress. I hope that the Banking and Currency Committee will give this bill prompt and favorable consideration.

The memorial follows:

HOUSE JOINT MEMORIAL No. 1

(By Ingram and Barron)

A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled and the honorable congressional delegation of the State of Idaho

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, United States citizens have been forbidden by the 1934 Gold Reserve Act the right and privilege of owning gold; and

Whereas, there is no compelling reason why this freedom should be forbidden any longer; and

Whereas, there is an ever increasing demand by United States citizens to enjoy the rights and privileges of owning gold.

Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature of the State of Idaho, now in session, the House of Representatives and the Senate concurring, that we respectfully urge the Congress of the United States to enact legislation that would repeal those sections of the 1934 Gold Reserve Act that prohibit private ownership of gold in the form of H.R. 1232 and S. 359 introduced in the 93rd session of the Congress of the United States.

Be it further resolved that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of Idaho, and to the Governors of the fifty states of the United States.

CONGRESS AND THE POOR

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. HUDNUT. Mr. Speaker, on January 29, 1973, one of my hometown newspapers, the Indianapolis Star, had a very meaningful editorial entitled "Congress and the Poor." Citing the farewell address of the Honorable Elliot Richardson as Secretary of Health, Education, and Welfare, this editorial points out that over the years Congress has had a tendency to raise the expectations of poor people by authorizing programs over and above its means to finance them. Some 12 years ago the gap between the amount Congress authorized for social purposes and the amount finally appropriated was only about $200 million whereas in the budget for fiscal year 1974, the gap has risen to about $13 billion.

I agree with the point of view expressed in this editorial, that Congress should recognize publicly that neither our Nation nor any other nation has the financial resources to eradicate all social ills and that there is a certain cruelty in leading people to believe it can be done. Certainly the whole process is in need of reform and the answer to this problem may be in President Nixon's call for special revenue-sharing programs to return more authority to State and local governments by providing funds for use at their discretion to solve problems that are most pressing. The editorial follows:

CONGRESS AND THE POOR

"I don't mean to tell the people that Congress is trying to con them, but its actions have that effect." So spoke Elliot Richardson in his farewell address as secretary of Health, Education and Welfare.

Richardson was referring to the tendency of Congress to raise the expectations of poor people above its means to solve their financial problems.

"In spite of our progress, our institutions are failing to live up to rising expectations. Budgets have spiraled upward, priorities have been reordered; yet to extend the present range of HEW services equitably to those in need would require seemingly impossible allocations of resources—an additional 20 million trained personnel and an additional $250 billion, a sum equal to the entire Federal budget."

Richardson's point is that Congress approves ever more costly programs, which in turn raise the expectations of Americans that problems are being solved, without enacting the added taxes needed to pay for the programs. He noted that 12 years ago the gap between the amount Congress authorized for social programs and the amount finally appropriated was $200 million. In the forthcoming budget, he said, the gap would be $13 billion.

Richardson is correct in pointing out that Congress does a lot of talking about correcting all social ills by government intervention even though it has no possible way of financing the creation of such a utopia.

Congress should recognize publicly, as many of its members do privately, that no government in any land throughout all history has been able to eradicate all social ills, and that there is a certain cruelty in leading people to think that any government can do so.

Congress should follow the lead of President Nixon, who in his second inaugural address said that Americans as individuals would have to solve some of their own problems. Mr. Nixon said, ". . . the time has come to turn away from condescending paternalism—that Washington knows best. A person can be expected to act responsibly only if he has responsibility . . . so let us encourage individuals to do more for themselves and decide more for themselves."

Individual liberty with responsibility—that's the way this nation was built into the most powerful country of all time. That's the way it can continue upward.

FREEDOM OF THE PRESS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. FINDLEY. Mr. Speaker, last June the Supreme Court rejected the claim of newsmen that the first amendment entitled them to refuse to testify before a grand jury concerning confidential information from news sources.

Since then widespread instances are reported in the press almost daily of the subpena of newsmen. Not only are they being asked to disclose information sources, they are also being asked by the courts to present their personal notes. In several instances, when the newsmen refused to comply with these requests by the courts, they have been jailed.

By requiring reporters to reveal their sources and personal notes, the courts are turning reporters' press cards into policemen's badges. As this happens, news sources dry up and the public is less informed and less able to make decisions necessary for good government. Soon the courts will be left with little worth subpenaing.

Almost all of my adult life before coming to Congress was spent in the newspaper business. As a reporter, editor, and publisher for several weekly papers, I grew to know and understand the importance of the constitutional guarantee of a free press.

I still retain an interest, as publisher, in the Pike Press, a country weekly in Pittsfield, Ill. My interest in preserving the freedom of the press is unabated.

The people of the 20th Congressional District also have a strong interest in the freedom of the press. In addition to desiring to protect their constitutional guarantees, they have a personal stake in insuring that this precious freedom is not eroded away. They are keenly aware that over 100 years ago a resident of their area gave his life in defense of a free press.

Elijah Lovejoy, who operated a newspaper in Alton, Ill., in 1837, insisted that under first amendment guarantees he was free to print his antislavery views. An intemperate and crazed mob murdered Lovejoy to silence his noble and influential press.

Although Lovejoy's press was silenced, the ideas for which he gave his life received new strength. Not only did our Nation strengthen its conviction to a free press from his tragic death, his contributions aroused an already dubious Nation to the evils and injustice of slavery. When emancipation came, it was due largely to the martyrdom of Lovejoy. For in 1837, a then obscure circuit riding attorney named Abraham Lincoln visited Alton often. History shows that Lincoln regularly read the words and views of Lovejoy. Lovejoy is buried near Alton. His grave is a constant reminder of need for a free press and an inspiration to a free country. It is with great alarm that I witness the possible demise of this freedom.

Congress should act speedily to repair the damage done to our Constitution and plug up this hole through which our other freedoms might also disappear.

Today, I am introducing a bill to accomplish that purpose. Similar to other proposals before the House, the bill exempts newsmen from revealing any information or sources which they have procured for publication or broadcast, unless a U.S. district court explicitly divests the newsman of such protection. The court could order such divestment only if three specific conditions are met.

First, there must be probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law. Second, it must be demonstrated that the information sought cannot be obtained by alternative means. Third, there must be a compelling and overriding public interest in the information sought from the newsman.

In my view, this type of legislation protects the public's interests in securing that information which is absolutely vital and which only newsmen may have. At the same time, it also protects the public's most important constitutional guarantee, that of a free press.

HON. JOHN W. McCORMACK HONORED BY THE HELLENIC COLLEGE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BRADEMAS. Mr. Speaker, last week was Greek Letters Week, a time when Americans of Greek ancestry celebrate with special activities and ceremonies the Hellenic-Christian traditions that bind them together in a special way.

The premier event of Greek Letters Week was the Greek Letters banquet held in Boston on January 27 and honored by the presence of His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church in America. Both the mayor of Boston and the Governor of Massachusetts addressed the 1,000 people of Greek descent who attended the banquet.

Highlight of the Greek Letters banquet was the presentation to the distinguished former Speaker of the House, the Honorable John W. McCormack, of a decree naming him an honorary trustee of Hellenic College.

Mr. Speaker, as the first native American of Greek descent to serve in Congress, I want to say how pleased I am to see our distinguished former colleague, Speaker McCormack, honored in this way. I might note here that the Hellenic College, located in Brookline, Mass., is the only school of theology for the Greek Orthodox Church in America.

Though he is widely known to be Irish, I have always suspected that our distinguished former Speaker is a Hellene at heart. During his long career in the House, his logic was always clear and Aristotleian, his common sense Platonic in the best of ways, and his exercise of power and restraint truly Periclean.

I am pleased, Mr. Speaker, that my fellow Greek-Americans have chosen to recognize these characteristics in a former Member of our body at a time—Greek Letters Week—that is most meaningful to them.

At this point I would like to insert in the RECORD a reprint of the program of the Greek Letters banquet which discusses the history and meaning of Greek Letters Week:

GREEK LETTERS WEEK

Greek Letters Week was instituted centuries ago by the Greek Orthodox Church in captivity [1453–1853 A.D.]. Turkish-born Greeks should not be only reminded of their ancestry, but also of the spiritual and intellectual excellence at which they should aim in order to survive or identify themselves as members of the Greek Orthodox faith, the only vehicle for any kind of historic and religion continuity.

Greek Letters were, for obvious reasons, projected as Christian letters and thus, as the only kind of learning that the Greeks in captivity could have access to. The Church outside of the geographical boundaries of Greece proper felt always charged with the historic mandate to cultivate both a concern and desire in the hearts of the young for Hellenic Christian learning.

Greek Letters Week, therefore, in our own American situation, should be seen in the light of this historic context and appreciated as an opportunity, as well as a challenge, presented to the American-born Greek Orthodox youth by its Archdiocese, with the hope that the young may be introduced into a new appreciation and evaluation of Greek Orthodox learning, which would place the emphasis neither on the Hellenic (ethnic), nor on the religious aspects of Education, but rather on a combined Hellenic-Christian type of learning that would enable them to continue in their community tradition.

Greek letters and Christian teachings actually should never be separated one from another, but studied jointly as a set of values and concepts that would advance, rather than hinder, the advancement of Greek Orthodoxy both as an education and life style for the present as well as for the generations to come.

NICOLAUS COPERNICUS—500TH ANNIVERSARY OF BIRTH OF FAMED ASTRONOMER

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. COUGHLIN. Mr. Speaker, February 14, 1973, will mark the 500th anniversary of the birth of Nicolaus Copernicus, the father of modern astronomy.

While it is a noteworthy event in the history of science, it also is a time of commemoration for the many Polish-Americans in my congressional district and throughout the Nation to honor this daring and innovative scientist. I think the story of Copernicus helps us understand that, as is the struggle for others, the battle for scientific truths is not easy.

Copernicus was born in 1473 and attended the University of Cracow where he studied mathematics, astronomy, law and medicine. He later traveled to Italy where he pursued his studies at Bologna and Ferrara. He returned to Poland in 1503.

At an early stage in his career, he began to question the Ptolemaic astrological view of the world which held that the earth was stationary and that all heavenly bodies revolved around it. Copernicus came to the conclusion that the sun rather than the earth was at the center of the universe. He understood that earth was a planet revolving around the sun in the company of other planets and, therefore, like its fellow planets, it, too, was a heavenly body. Because the earth itself is in the heavens, he concluded, the contrast between heaven and earth vanished, being replaced by the concept of space.

Copernicus' theory also obliged him to revise the idea of gravity. Prior to the development of his theories, it was commonly thought that the fall of objects toward the center of the earth was, at the same time, a movement toward the center of the universe. Copernicus, however, asserted that there was no single center of gravity in the universe, that every heavenly body, in fact, had its own center of gravity.

Copernicus' theories were sufficiently radical that at first he dared not publish his findings lest, like other nonconformists, he be punished, possibly by death. Eventually he was encouraged to circulate his findings among a few friends and specialists, and in 1543, the year of his death, his masterpiece, "The Revolution of the Heavenly Spheres," was published. It has since become a cornerstone of modern astrological thought.

Mr. Speaker, it is only fitting that we honor such a genius on the 500th anniversary of his birth.

In this regard, the Kopernick Quincentennial Commemorative Committee of Philadelphia, under the direction of Monsignor Peter J. Klekotka and Mr. Alex Macones, has undertaken the laudable task of erecting a Delaware Valley Kopernik Monument, to be placed at 18th Street and the Benjamin Franklin Parkway in Philadelphia.

Under the leadership of Thaddeus M. Wosczyna and Edward Drab, the Conshohocken Kopernick committee, which is in my congressional district, arranged to hold a dinner-dance to raise funds for this worthy cause. Many other similar events have been or are being held among Americans of Polish descent in the Delaware Valley for the same purpose.

I can think of nothing more fitting than having a statue of Nicolaus Copernicus placed among the great Americans who came from Poland, among them Thaddeus Kosciusko and Count Casimir Pulaski.

MONON, IND., IN NEED OF A MEDICAL DOCTOR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. LANDGREBE. Mr. Speaker, it has been called to my attention that the town of Monon, Ind., located in the Second Congressional District of Indiana, is in need of a medical doctor.

While Monon is a beautiful town located in the center of a prosperous agricultural community, it is also the home of several progressive and fast-growing industries. Its 1,500-plus residents are responsible, intelligent people.

Monon is located 100 miles southeast of Chicago, 30 miles north of Lafayette—home of Purdue University—and 10 miles from Monticello, Ind.—one of northern Indiana's most glamorous outdoor recreational centers. In fact, one-half of Lake Shaefer is located in the North

White school system that serves the Monon area.

Regarding the quality of education, Superintendent Fred Kloser has this to say:

> The philosophy of the North White School System has always been to provide the best educational opportunities for its students that is reasonably possible.

He then added:

> Ours is a North Central accredited high school.

Monon, Ind., needs a doctor now. Monon will soon have a doctor, because Monon has much to offer a good general practitioner.

I hope that my colleagues and the citizens that are following our proceedings may be able to help. Any information that may be useful in this effort should be forwarded to my office.

LYNDON BAINES JOHNSON

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. CORMAN. Mr. Speaker, while we mourn with deep sorrow the death of Lyndon Baines Johnson, today in this House and in the Congress he loved so much, we properly commemorate his life and his brilliant leadership as our President.

His Great Society—a dream born many years ago in the heart of this uncommon man because of his concerns for a better world for the poor, the sick, the aged, and especially for black Americans, those hapless victims of racial injustice—bore the fruits of medicare for the aged, the war on poverty, the Elementary and Secondary Education Act, creation of the Equal Opportunity Commission. There were many more achievements that uplifted those of our citizens who had been denied so long what most of us have always taken for granted. But to me, his most important legacy to this Nation was his ability to translate racial equality into the laws of our land.

Today, because of Lyndon Johnson, a black person walks with dignity into any public facility in the country. In that part of America where he was formerly denied the right of franchise, a black person goes confidently into a voting booth to cast his ballot for a candidate of his choice. He now sits in the orchestra, if he so wishes, of a theater, a movie house, a concert hall, where formerly he had been ushered to the balcony, reserved for blacks only. A black student may apply to the college of his choice and is considered for admission only on the basis of his qualifications. The right to job opportunities and job protection are no longer denied to a black American. A street in any suburb in the country will today find black families living in decent homes next to their white neighbors—restrictive covenants are gone. And, best of all, black children and white children are being educated together so that they can know one another as Americans, and together learn the wonders of their own country and of the world.

On a memorable evening of March 15, 1965, President Johnson came to this floor to deliver in joint session a special message to the Congress—"The American Promise," he called it, and his opening words were—

> I speak tonight for the dignity of man and the destiny of democracy.

He came to say that he would send to the Congress for consideration a law which was designed to eliminate illegal barriers to the right to vote—that most precious right every American has, except those Americans to whom it had been refused for over 100 years because of the color of their skin.

In perhaps one of the greatest speeches ever given in this House, President Johnson spoke of the striving of American Negroes to secure for themselves the full blessings of this land. He said:

> Their cause must be our cause too. Because it is not just Negroes, but really it is all of us who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.
>
> This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow men, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

In many, many ways, his American promise has been kept. Much we have overcome. The legal barriers tumbled down with the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the open housing legislation of 1968. But, there remains a long road ahead to reach what Lyndon Johnson perceived to be his most urgent imperative. "I want to be the President," he said that night in 1965, "who helped to end hatred among his fellow men."

What greater tribute can we pay to Lyndon Johnson—what greater offer can we make to his memory—what greater good can we do for America—than to pledge ourselves that this, too, "we shall overcome"?

NOT JUST "EASTERN ESTABLISHMENT"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. WALDIE. Mr. Speaker, in the current debate over whether Congress ought to enact full and meaningful legislation to preserve the free flow of information to the public and to protect the confidentiality of sources of information, no misimpression ought to be entertained that it is merely the large, liberal, or powerful big city newspapers and other media outlets of large size who are concerned about the recent jailings of newsmen or general assaults on the public's right to know.

If anything, it is many of the courageous, smaller newspapers across the breadth of the country who are most perceptive in recognizing the fundamental issues at stake and most vocal in calling for Congress to act.

A perfect case in point is a recent editorial in the Placentia Courier, in Placentia, Calif., concerning the recent jailing of newsman William Farr. Mr. Cecil F. Rospaw, the outstanding editor of the Courier, ably illustrates the issue with a recent example of the use of a pledge of confidentiality in local reporting. The editorial demonstrates clearly that the issue of confidentiality is one that is not limited to a few of the large big city liberal papers, but touches every newspaper in every community, large and small, in every part of the country.

I commend Mr. Rospaw for his sensitivity to this issue and for his courageous editorial stand.

The editorial follows:

A MARTYR WITH A CAUSE

> Bill Farr will have completed one month in jail today.
>
> Judge Older says he is a "Martyr without a Cause."
>
> On behalf of all of us who must go about our reporting and editing duties in this country today we would like to respectfully suggest that the Judge does not know whereof he speaks.
>
> Farr does have a cause and it may well be the most important facing the people of this country today.
>
> We agree with the Register that we are not now talking about "Freedom of the Press" but rather "Freedom of Information."
>
> What is underway is a massive judicial and bureaucratic attempt to cut off the people of this country from the kind of information they need to make decisions.
>
> It is startling to some that the two highest awards in journalism last year involved "Purloined Papers," the Pentagon and ITT.
>
> But with Bill Farr in jail and a Washington bureau chief getting a cup of coffee there last week it should be obvious that every attempt is now being made to cut off news at the source.
>
> We talked to a man in Placentia this month who walked into a courtroom in another county to settle a dispute with an attorney over a "verbal" agreement.
>
> In less than an hour the Judge, also an attorney, had closed the court, listened to the plea, and then ordered payment prior to opening the court again.
>
> The Bill Farr issue is complex but to those of us in the news field, clear. What happened to this one man is what the public faces, particularly if all courts get "tidy" and closed.
>
> The reason the American Constitution is a Revolutionary document is that the people who wrote it knew what the freedoms were they were protecting.
>
> As the constitution gets brought more into our lives many of the people who can only understand what freedom and liberty are by losing it adopt rationalizations which say it is "all right" to reduce this freedom or that freedom as "the ends justify the means."
>
> If Bill Farr points the finger for his freedom the ability of many of us to move about our communities and collect information will be diminished that much.
>
> We have a column in the paper this week which is more than a news story and less than an editorial.
>
> It was written to keep the faith with some people who put their necks on the line and their trust in our ability to keep a "confidence."
>
> Some of the information comes right out of city files.
>
> We hope someone wants to test it in court.
>
> Bill Farr is broke. The judges and attorneys he is fighting are all paid good salaries by us so that the unfairness of an indeterminate sentence does not really bother them.

This column this week is dedicated to every attorney who has said to this reporter: ". . . all you guys want to do is sell newspapers."

It is also in answer to all those people who have, for the past six months, told this reporter that it "would not be in the best interests of the public at large to publish all the details about June, 1972." And it is also dedicated to the guy who said that he was sure we would agree that the best interests of the people of Placentia were best served by not "stirring up more trouble."

I am sure the same fellow would have told those people in Indian dress not to dump the tea in Boston, too.

We don't print things to "sell newspapers" but rather because it is our job to gather facts and print them.

We don't think it is the job of some public official to decide what facts to release but rather to get the facts assembled and get them in the hands of the public.

In the absence of official documents what we have written this week is based on "confidential" sources and information.

Spiro would call it "sensationalism."

We would say to Spiro this week that we are proudest of the Washington Star-News as they told the White House that if the Post's society columnist wasn't welcome there they weren't going either. (The Post is on the black list for writing about Watergate. And if you don't believe there was a Watergate why did the Post get bumped off the guest list? Or what about the $100,000 in the woman's handbag on the airplane. In small unmarked bills, no less.)

And most of all our column this week is dedicated to Bill Farr, a rather shy man who may be one of the best crime reporters in the business, now being written about.

Like Bill Laurance of the Times, who spent three hours in jail last week for doing his job, we are second generation in this business.

We think that the time has come to tell the Bar Association, the judges, and government officials that the discussion is over. The conflict has started.

Moreover, Bill, there is room for more.

THE REDISCOVERY OF WORK

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. GOODLING. Col. John E. Bex is Regional Director of the Office of Civil Defense—region 2, located at Olney, Md. He is also a prominent and well-recognized constituent of mine.

Colonel Bex is a versatile man, possessing a unique blend of talents and personality that make him truly an achiever. In a paraphrase of a popular poem-adage, the colonel is that type of man who started to grin as he tackled the thing that couldn't be done, and he did it.

The catalytic agent that makes Colonel Bex tick is work. Just recently, toward the end of commending the work ethic, the colonel wrote a special article for the January 26, 1973, issue of the News, a prominent newspaper publication that serves the Mechanicsburg–Shiremanstown area of my 19th Congressional District in Pennsylvania. Because this article brings into brilliant perspective an ingredient vital to a dynamic, sound, and solid America, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

THE REDISCOVERY OF WORK

(By John E. Bex)

The recent upsurge of the Japanese economy has astonished the world. It is indeed a sort of miracle, but it has a simple foundation— work.

Seldom in human history, anywhere on this globe, has the work ethic been so enthusiastically embraced by an entire nation. The nearest thing to it is the example of the revival and reconstruction of postwar Germany which, a few years earlier, produced the other economic miracle of our times. National resources, climate, politics, history, etc.—nothing else serves so well to explain these two outstanding examples of national success as much as the attitudes of these two peoples toward work. Americans are no strangers to work and its values, but in recent years we have heard a babble of voices storming and deriding the work ethic in various ways.

Perhaps it is the privilege of an affluent society that we can afford the luxury of a rich variety of unsound views about work as well as about a number of other fundamental things, or at least it may be the destiny, if not the privilege, of each new generation, to repeat a certain amount of this nonsense. But the lessons of history are very clear, at least in regard to the importance of the work ethic to the development of eastern civilization.

We don't need the example of the German and Japanese economies to remind us to rediscover work for us. Few persons have said things in recent times more to the point about the significance of work than Richard M. Nixon—perhaps because his own life is such an excellent exemplification: "In the final analysis, we cannot talk our way out of poverty; we cannot legislate our way out of poverty; but the nation can work itself out of poverty. What America needs now is not more welfare, but more 'work fare'. The task of this Government, the task of our people, is to provide the training for work, the incentive to work, the opportunity to work, and the reward for work. To put it bluntly and simply—any (welfare) system which makes it more profitable for a man not to work than to work and encourages a man to desert his family rather than stay with his family, is wrong and indefensible."

Let us take a cool, objective survey of the peoples of the globe in all their variety, almost as the proverbial man from Mars. In many places we see great want and suffering, and yet we see many people not working to overcome this. In the case of the underdeveloped countries, many are idle for long periods through no fault of their own. There are indeed obstacles to creative, productive work, and people will be found expending their energies at quarrelling and fighting over the division of the too few goods.

But even among modern industrialized nations, there are simply enormous differences in the degree in which the work ethic is embodied. Proud Britain, which for so long a period ruled the world and worked hard and magnificently at the job, has slipped steadily in each decade, further and further behind the other modern nations it once led in gross national product, in productivity and in standard of living. Anyone acquainted with the attitudes and work habits of the typical British laborer as compared with those of the German worker, for example, doesn't need to seek further for an explanation.

Let's face it, praising work or rather telling the simple truth about its importance, is bound to sound square. But as Bob Hope has put it, "These squares are the ones who make the clothes, bake the bread, build the houses, and even make the motorcycles."

CHAIRS SPECIAL SUBCOMMITTEE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. O'HARA. Mr. Speaker, it has been my privilege to be named to the chairmanship of the Special Subcommittee on Education of the Committee on Education and Labor. In assuming this post, I have made public a statement of my views concerning the responsibilities the subcommittee has in the area of higher education, as well as my views about the need for a partnership between the executive and legislative branches of our Government so that the constitutional crisis, which concerns us all, can be averted.

In my statement, it has been my intention to be conciliatory toward the President, his Cabinet and his advisers, while at the same time standing firm in defense of what I believe are the responsibilities imposed on us by the Constitution, and the trust reposed in us by the people of the United States.

Perhaps if all of us approach the issue of the coequal status of the various branches of Government in the same spirit, we may yet avert the kind of crisis which could do great damage to the American people and their political institutions.

Mr. Speaker, the text of my statement follows:

STATEMENT BY JAMES G. O'HARA

I am pleased that, in my capacity as chairman of the Special Subcommittee on Education and Labor Committee, I will have an opportunity to contribute further to the cause of improving higher education in America.

In particular, I look forward to exploring ways in which the Congress can encourage and assist institutions of higher education to better serve the needs of the people. We share common goals and parallel responsibilities—we in the Congress and the institutions of higher learning. For our part, the Congress has a responsibility to the American people, who are asked to bear an ever-increasing share of the cost and who are the ultimate beneficiaries of excellence in higher education. For their part, the institutions of higher education have a responsibility to the students entrusted to their care and to the parents who are faced with rising tuition costs.

Together, we must explore ways to improve the quality of education and the system for delivering that education to a growing student body in a time of escalating costs. Together we must examine the programs which now exist, and ask ourselves whether they still serve their intended purpose, or whether they need modification or replacement. Together we must consider new ways in which institutions of higher education—with the assistance of their government, if it proves necessary—can devise new and better ways to get the job done.

We should not automatically assume that there is no need for change, nor should we assume that merely by providing more, we will be discharging our responsibility. We all know by now that more or the same is not always better. At the same time, we should not seek change merely for its own sake. The yardstick by which the Subcommittee measures what it does should be whether or not new approaches or new concepts offer a better opportunity to open wide the doors of higher education, thus opening wider the doors to a better future.

I hope that the Subcommittee will also concern itself with an area which I have long believed may be the most important, and most neglected, area of Congressional responsibility—that of examining bureaucratic regulations, rules and guidelines to see whether or not they coincide with the language and intent of the law. This is not a new problem. Over the years there has been a consistent short-fall between Congressionally enunciated goals and administrative action to achieve those goals.

The situation has become more acute in recent months, as the nation appears headed toward a Constitutional crisis of unprecedented proportions—a crisis precipitated by what many regard as the usurpation of the responsibility of the Congress by the Executive Branch of government.

President Nixon's budget proposals for fiscal 1974 contain implications that are, to say the least, disturbing. The message from the White House seems to be that the Executive Branch does not intend to comply with some of the provisions of existing law. In some cases, the Administration asks that exemptions from its statutory responsibilities be written into appropriation bills. In others, the Administration has served notice that it will either undo Congressional directives by administrative regulation, or that, through other regulations, it will do what the Congress has specifically refused to allow.

The issue is not, as the President has claimed, a question of any "mandate"—for no President, the incumbment one included, has been mandated by the voters to render null and void the Constitutional provisions regarding the separation of powers between the respective branches of government. This is at the heart of the present Constitutional crisis to which legislators and students of government refer. And nowhere is this confrontation between the Legislative and Executive Branches of government more in evidence than in the field of education and training. And whether the issue is higher education or some other, the respective roles of the co-equal branches of government must accommodate to one another, or our democratic processes will be rendered impotent and the American people will be the ultimate losers.

I do not assume the chairmanship of the Special Subcommittee on Education with any intent to precipitate a clash with the Executive Branch, nor to intensify the conflict which already exists. However, I will not back away from any confrontation, should the Administration continue on its present collision course.

It is my hope that the Subcommittee will demand compliance with the letter and the spirit of the law in the administration of all education programs. In pursuit of this goal, I hope the Subcommittee will be receptive to any efforts by the Administration to work in partnership with us in the pursuit of a mutual goal of better laws to achieve better educational opportunity. If the Administration feels the law is not well written, it should ask the Congress to rewrite the law and work with the Congress in that process. And if such a request is made, I, for one, will not close my mind to what may be needed to undo mistakes that may have been made in the past, to meet new needs which may exist now, or to prepare for new challenges which may lie ahead.

But in the process of any such partnership, I intend to work for a return to the concept that, in the field of education as in all others, this must be a government of law—not a government of men, nor of administrative regulations, nor of bureaucratic guidelines.

OUTSIDE EARNING LIMITATIONS UNDER SOCIAL SECURITY

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. PIKE. Mr. Speaker, try as I may, I have never been able to fathom the logic or appreciate the justice of outside earnings limitations slapped on social security pensioners. I have listened carefully to those who argue that penalizing those who choose to work past the normal retirement age is simply one means of insuring a healthy turnover in the labor market, letting out the old blood and infusing it with the new. Some old people, these arguments continue, never get the message and hang on doggedly, "usurping" jobs which, if they would only let go of peacefully, could be filled by young people experiencing difficulty breaking into today's tight job market. May I simply say that I find such arguments much too generalized and even specious to have much appeal to me—let alone those thousands of still healthy, productive elderly people, ready, able, and willing to perform a day's work for a day's pay, but exposed to financial penalty if they resist being given the bum's rush into absolute retirement.

The other side of the coin of these arguments discloses an extremely gloomy philosophy implicit in such cavalier treatment of those who dare to remain healthy and productive past retirement age. It is patently one way of eliminating competition, of sparing young people the embarrassment of competing against old pros. I daresay many of us in this Chamber can attest how embarrassing that can sometimes be.

The outside earnings limitation policy also cavalierly serves notice to those who have paid in full over decades into the social security trust fund that their vested interest in it is whatever their Government arbitrarily decides it should be. If you are a retired millionaire content to manage your portfolio bringing in tens of thousands a year and drawing social security besides, a grateful Government will not exact a penalty. But beware if you decide to do mental or physical labor for pay. A retired carpenter choosing to exercise his skills past the age of 65 can annoy his Government to the extent that it will reduce his pension commensurate with his outside earnings.

Perhaps cruelest of all is that enforced idleness after a lifetime of accustomed physical and mental activity is all too often a sentence to premature senescence, debility, and worse. Some people simply are not constitutionally cut out for retirement and need to work as much for reasons of health as for the economic necessity of augmenting the modest insurance base provided by social security. A rational Government policy would honor such a work force, not subject it to summary penalties. A Government policy that seeks to reach its announced goal of a "full employment economy" is bankrupt to begin with when it continues the procrustean solution of lopping off the elderly, severing them from any further productive, gainful connection with the American work force.

For all of these reasons and more, I introduced yesterday a bill to remove forthwith the barnacle on the Social Security Act which limits the amount of outside income which an individual may earn while receiving benefits thereunder.

ANDREW GIBSON

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. MURPHY of New York. Mr. Speaker, it was announced yesterday by Raymond McKay, executive vice president of the National Marine Engineers Association, AFL–CIO, that the executive board of the union's district 2, had adopted a statement paying tribute to Andrew Gibson for his exceptional efforts in promoting the Nation's maritime industry during his tenure as Assistant Secretary of Commerce for Maritime Affairs.

Because of the Congress interest in the vital segment of our national activity and economy, I commend the document to my colleagues:

> Just about four years ago, President Nixon gave responsibility for carrying out his maritime program to Andrew Gibson, who was named Maritime Administrator. At that point, the maritime industry was continuing on its downward trend and prospects for a reversal were extremely bleak, with the maritime industry getting virtually no attention from the Executive branch of government and little or no assistance from the legislature.
>
> Hopes for survival of the U.S. Merchant Marine were universally low.
>
> Gibson plunged into the job working vigorously on all fronts: to upgrade the agency into a first-rate operation, to develop legislation which would best provide the vehicle for the Administration's maritime program, to coalesce the diverse interests and segments—labor and management—within the industry, and to win the respect and cooperation of the Congress to achieve the maritime program.
>
> The task was difficult, but it was performed. As a result, the Congress enacted, and the President signed, the Maritime Act of 1970, giving the U.S.-flag merchant marine a new breath of life. Immediately, Gibson began steps to implement the Act—and for the first time since the post-World War II period there emerged positive signs of hope and movement in all industry sectors.
>
> The groundwork had been laid solidly for reversing the downward trend of maritime. The Congress provided the funds asked for by the Administration and the program began the slow uphill climb.
>
> With the program on its way to implementation, President Nixon last year named Andrew Gibson to the post of Assistant Secretary of Commerce for Domestic and International Business, a job to which Gibson applied his characteristic zeal, enthusiasm, and hard work.
>
> Unfortunately, from the standpoint of the nation's interest, Gibson resigned from pub-

lic service after the President's second-term victory, thus ending four years of completely unselfish, intelligent and relentless commitment to an industry for which he so obviously has a profound devotion.

It is fitting, therefore, that we, as members of the Maritime Community, take this opportunity to record our deep appreciation for the spectacular efforts of Andrew Gibson in administering the maritime affairs of the United States—in the best interests of our nation and of those who depend upon it as a way of life.

To Andrew Gibson, the first man to hold the office of Assistant Secretary of Commerce for Maritime Affairs, we say, "well done."

VOICE OF DEMOCRACY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mrs. GRASSO. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsors the Voice of Democracy contest.

Hundreds of thousands of young people from across America compete in the scholarship contest for the writer of the essay judged to be the best in the Nation. The essay winner from each State will be brought to Washington later this year to participate in the VFW's national contest.

The VFW is to be applauded for its continuing efforts to give young citizens the opportunity to express their views on the meaning of freedom and democracy in our land. The VFW's efforts to enhance our young people's sense of pride in heritage and loyalty to the Nation are especially important at this difficult time in our Nation's history.

Connecticut's 1973 Voice of Democracy contest winner is Gary Rosenthal, son of Mr. and Mrs. Edward A. Rosenthal of New Britain. It is a source of special pride that Gary is a resident of my Sixth Congressional District. For the interest of my colleagues, the text of Gary's splendid essay on democracy follows:

SCRIPT OF CONNECTICUT STATE WINNER GARY ROSENTHAL

Albert Adams lived and worked in a prosperous town in the United States in 1914. Three years later, his body lay cold and lifeless on a field in France. Edward Plocharczyck lived in the United States in 1940. Five years later, only twenty years old, he died in the South Pacific serving as a Marine. Father Maximilian Kolbe offered his life in service of those poor prisoners at Concentration Camps, in Germany, during World War II. What did all these men have in common? They all possessed a spirit, an idea, that beckoned them to give up their lives to retain a basic right. That spirit and that right was freedom.

Freedom is not a gift. No one will hand it to you on a silver platter and bid you to do with it what you please. It must be earned. Earned by the blood and sweat and sacrifice of those who wish to possess it. I am blessed with freedom, because others before me have struggled to obtain it. I and others like me taste the fruits of freedom, which were won by those who sacrificed, in order to be free.

My responsibility as a free citizen and patriot is to be ready to give up my life if need be to preserve freedom for myself and others. I must be ready and willing to offer my services to my country if and when it calls.

It is much easier to understand my responsibility to preserve and protect the free nations and peoples if we think of freedom as a torch, and as its light the spirit of liberty. It is my duty to spread this light to the far reaches of the earth and to protect it from the dark orb of tyranny. I have an obligation to prove to the world that a free people can achieve and excel far beyond the capacity of those burdened with despotism and oppression.

One of the paramount tasks I am compelled to perform is that of rekindling the flame of liberty in the hearts and minds of today's youth. Many have forgotten the importance of the meaning of the word freedom and the effort and toil of those brave men, women and children who won it for them. But all it takes is one spark to set the flame of freedom burning in their souls once again.

But how do we produce this spark? One salient method is education. The youth of America should be instructed in the value of living in a free nation and the torment of living under tyranny; and the best form of education is an example. I must show by example what the responsibility of every free citizen is to retain the right of liberty.

To do this I must obey the laws. The laws were written for the people and by the people, to protect the people. We must always remember that the laws and the government are really extensions of the people. Therefore, it is up to us to take an active part in our community, state and national government. I must encourage my fellow citizens to respect the laws because they are necessary to enjoy freedom. I must work with the government, not against it. If it is necessary to improve the government by change, then it must be a peaceful change by the will of the people. It must be remembered that the government we form must ensure us of our freedom and protect us from oppression.

It is my responsibility to improve myself, my community, and my nation as best I can by demonstrating what it means to be free.

I must call out to the world the blessings of liberty as if I were a bell announcing a great event; and truly, from every mountain side, let freedom ring.

DEL MONTE TAKES THE LEAD IN NUTRITIONAL LABELING

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. LEGGETT. Mr. Speaker, we are all familiar with the increased awareness of our constituents in the area of nutrition. The days are long past when all but a few shoppers buy their foods on the basis of how pretty the label is. In recognition of this new awareness, FDA has recently issued nutritional labeling guidelines to food processors to enable the public to know precisely what it is that they are feeding their families. These guidelines are strictly voluntary, and are to be followed by processors as they feel they are able.

It is always a proud moment when we can recognize citizen achievement, and such is the case with the Del Monte Corp. Anticipating these guidelines by several years, and operating from the premise that a well-informed shopper is their best customer, Del Monte products will begin to carry labels conforming basically to the voluntary guidelines by this summer.

The Del Monte Corp. is to be highly commended for its leadership in the field of nutritional labeling, which promises to become a permanent and welcome fixture in American eating. Our children will be the real beneficiaries of this action.

I include the following:

DEL MONTE NEWS RELEASE

SAN FRANCISCO.—Final guidelines proposed by the Food and Drug Administration today for nutrition labeling of processed foods represent a giant step toward increasing the American consumer's nutrition awareness.

This was the reaction of Richard G. Landis, president of Del Monte Corporation, the first U.S. canner to initiate a nutrition labeling program approved by FDA.

"The proposed final order presents realistic, workable guidelines," Landis said. "We fully expect and hope to see a great many companies in the food industry adopt this program in the future. This would be a victory for the consumer because the broader the information available to her, the greater will be her nutrition awareness and her ability to plan better-balanced meals."

At a news conference today in Washington, FDA announced labeling guidelines it proposed to include in a series of regulations to be published Friday (Jan. 19) in the Federal Register. The guidelines are based on a format proposed by FDA last March.

Landis said that although the complete FDA guidelines are not available for study, information released at today's news conference indicates that the labeling program announced by Del Monte last Oct. 10 generally conforms to the proposed final guidelines. One exception, he said, is the method of listing nutrients that provide less than 2 per cent of the recommended daily allowance (RDA). Landis said Del Monte plans to bring its format in line with the final order of FDA "as soon as economically feasible."

"We realized when we adopted our nutrition labeling program that our format might not conform exactly to FDA's final order, even though FDA gave us the go-ahead," the Del Monte chief operating officer said. "But FDA, which encouraged voluntary action by canners prior to publication of the final orders, said it would be 'reasonable and flexible' in any variances in the label format."

A majority of Del Monte brand foods packed this year will contain a new information panel listing calories, fat, protein, carbohydrate and the percentage of an RDA of 10 basic nutrients contained in a one-cup portion. The new labels will begin appearing in grocery stores this summer.

The actions of Del Monte and the FDA stemmed from nearly three years of joint industry-government effort to establish acceptable guidelines for useful, understandable nutrition information. Canners are not required to adopt nutrition labeling, but those doing so are required to follow FDA's new regulations.

FUTURE EDUCATIONAL WASTELANDS?

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ROUSH. Mr. Speaker, I would like to make some brief remarks on the budget proposals the Congress received last week from the President. In particular I refer to the recommendations regarding education.

The budget for education proposes to eliminate programs—college housing, impact aid; or fails to fund new ones—innovative general support to institutions of higher education authorized in the omnibus higher education law last year; reduces funding—direct student loans; or purposes radical changes in the structure of successful existing programs such as the elementary and secondary education programs, to be subsumed into a special revenue sharing program.

The administration has requested only $5.8 million for college teacher fellowships and $1.4 for language training and area studies. No funds are projected for land grant colleges or for college construction. Library resources programs are to be terminated.

Add to this assault the fact that while the National Science Foundation is to assume the Federal advisory role in science for the executive branch—a new responsibility—the 1974 request trims $59 million from the total National Science Foundation budget, after the Office of Management and Budget had impounded $62.4 million of the National Science Foundation's budget for fiscal 1973. The cutbacks will sharply affect the National Science Foundation's science education programs and thereby the level of science education throughout the Nation.

Even in the health education field there are decreases in the budget, for example, in health manpower training programs. The budget proposes to limit future health professions scholarships to students who commit themselves to serve in a Federal health program. The proposed budget limits aid for construction at health professions schools to interest subsidies on loans obtained in the private market.

The list goes on and on. Once again the President's priorities turn out to be considerably different from my own.

Mr. Speaker, I have been in this Congress long enough to remember the exciting years of education break-through for this Nation, when under President Johnson, the Elementary and Secondary Education Act was passed and was followed shortly by the Higher Education Act.

I do not want to see this country retreat from the goal of a quality education for every American, whether it is a child from a disadvantaged family, or a handicapped person, or an adult who has not had the advantages of education but wants to learn, or one who seeks vocational skills, or a specially gifted student who cannot afford higher education. I do not want to see this Nation deprived of the expansion of educational opportunities, an expansion which has not only enriched individuals but the whole Nation as well. A nation which does not invest in education, denies its own future well-being.

The President said that his budget "is the clear evidence of the kind of change in direction demanded by the great majority of American people." Perhaps the President has not had his ear to the ground sufficiently of late. I do not think you will find many American families who would not prefer continued, increased funding for educational programs to an expanding defense budget and prolonged foreign aid. I believe that they feel that the defense budget should be cut to reflect the cessation of hostilities around the world; and that foreign aid has served a useful but no longer necessary or meaningful purpose. But quality education has neither lost its appeal nor its necessity. I believe that the Congress will remember that when establishing funding priorities for fiscal 1974.

A TRIBUTE TO LOWELL THOMAS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. DANIELSON. Mr. Speaker, the world's best-known voice still begins his weekday-evening news program on CBS with a greeting familiar from childhood to those with gray in their hair, "Good evening, everybody," just as he did when he began broadcasting in September of 1930. His announcer introduces him now as "America's foremost newscaster," an entirely accurate and appropriate billing for a man who somehow has also managed to be a world explorer and the author of more than 50 books since his first, "With Lawrence in Arabia," was published in 1924.

Next Wednesday, February 14, the Variety Club of Southern California, Tent 25, will honor Lowell Thomas at a testimonial luncheon in Los Angeles. It will be my privilege to be present and to join in this testimonial.

Lowell Thomas came to radio broadcasting with years of experience behind him as a newspaperman, war correspondent, explorer, author, and public speaker. Born on April 6, 1892, in Darke County, Ohio, he was brought as a boy to Cripple Creek, Colo., where his doctor father, Harry George Thomas, established a medical practice. His father had a strong influence on him, constantly and insistently teaching him the arts of public speaking. When Cripple Creek's mining boom ended, young Thomas returned to Ohio for a year and enrolled in Greenville High School. Not many years later, he obtained bachelor's and master's degrees from the University of Northern Indiana—now Valpariso University—and returned to Cripple Creek to work as a reporter on the Cripple Creek Times and then as editor of the Victor, Colo., Daily Record. He later attended the University of Denver and the Kent College of Law in Chicago. He was a law student at night and a reporter by day for the Chicago Journal.

His first long trip was made to Alaska and the Klondike. He took motion pictures of his travels and used these films as part of a travelog he often delivered publicly while he was studying at Princeton as a graduate student. He then returned to Alaska during vacations to make more movies. Still at Princeton when World War I began, he was commissioned by Secretary of the Interior Franklin K. Lane to "go on over to Europe. Take a look at the war and come back and tell Americans what we are up against. The people do not know." Thomas had $75,000 to work with, the help of an experienced photographer named Harry Chase, and letters of introduction to the Allied commanders. He married Miss Frances Ryan and he and his bride set out for Europe together.

After photographing the war fronts with the French, British, Belgian, and American armies, Thomas decided to cover the little-known battles in the Near East. He went to Palestine and joined Allenby's cavalry. One day in Jerusalem he met the then unknown young Englishman, Thomas E. Lawrence, who was leading the Arabs in their drive to oust the Turks. With "the only camera in Arabia," Thomas and Chase campaigned with Lawrence. Thomas recalled:

> It turned out I was the only reporter to get the story of Lawrence, because the others didn't realize the high drama of that campaign.

Back in the United States after the war, Thomas hired a press agent and took space in the newspapers to advertise a "show"—he never referred to his performance as a "lecture" or "talk"—entitled "With Lawrence in Arabia and Allenby in Palestine." He packed the enormous Century Theater in New York City for a long run.

The English impressario, Percy Burton, booked him into the famous Covent Garden Opera House and then the Royal Albert Hall in London. Britain's King and Queen attended. So did the Cabinet and Members of both Houses of Parliament. So did Premier Clemenceau of France, the King of Spain and many others—a total of a million people in 6 months. The Lawrence show was eventually given by Lowell Thomas in almost every English-speaking country in the word. He capped it by writing the best-selling book "With Lawrence in Arabia."

With his wife, he spent the years after the war traveling around the world, speaking, and writing adventure books. Between trips, in 1925, the Thomases found a permanent home on Quaker Hill, in Dutchess County, N.Y.

In 1930 came his opportunity in radio. William Paley of CBS has described it thus:

> To many it may seem incredible that as recently as 1930 there was only one daily network newscast. And it had been on the air for only seven months. But in that time it had brought further fame to a picturesque war correspondent named Floyd Gibbons. His popularity was no doubt enhanced by the fact that his program preceded "Amos 'n' Andy," and also because he gave the impression of having developed a faster tempo as a talker than anyone who had faced the

microphone up to then. With his staccato, machine-gun delivery, he reeled off fifteen minutes of news each evening on behalf of *The Literary Digest*, and his public, as well as his sponsor, held him in high regard. His picture, with the famous eye patch, which was the badge of a wound he received while a correspondent during World War I, was familiar everywhere.

In the summer of that year came a bombshell: Floyd Gibbons would no longer be on the program. He and his sponsor had reached a parting of the ways. This appeared to leave the field open for our network, if we could only find a successor whom the sponsor would be willing to accept. Whereupon followed a contest between the other network and ourselves, with endless auditions. Columnists, personalities from the platform, war correspondents, and editors were given a tryout. None satisfied the *Digest* hierarchy, who had become accustomed to Floyd Gibbons and his skill as a fast talker. They had virtually decided to give up radio, when one of my associates had an inspiration. He said he knew just the man, a young American whom he had heard at Covent Garden Opera House in London. And that was how I first learned about Lowell Thomas, who also had been a war correspondent in World War I and had been building up a world-wide reputation for himself on the platform with his exclusive eyewitness story of the Palestine campaign. He had been the only American to bring back an account of Allenby's capture of Jerusalem. And he had also been the only observer with the Arabian army. As the so-called discoverer of Lawrence of Arabia, Walter Duranty, New York Times ace correspondent, later acclaimed him as having made the number one scoop of World War I. Millions had heard him tell that story on the platform, and his book, "With Lawrence in Arabia," had added to his fame.

Despite the fact that he had written other books and and had an almost unique background as a speaker, I wondered whether he would fit into the new medium, whether he might be acceptable as a successor to Floyd Gibbons, where so many others had failed.

We invited him to New York, and without telling him what the objective was, I persuaded him to face a microphone and just talk about anything for fifteen minutes. This he did, while I concealed from him that a prospective sponsor was listening to his voice, piped from the studio to another part of the building.

The *Digest* editors for once showed enthusiasm. But they wanted another test. Would he come back a few nights later and talk about that day's news? They would listen to him at six o'clock and then a half-hour later would listen to Floyd Gibbons, whose contract still had several weeks to run. As to what happened next, I remember part of it, but Lowell himself tells the story as follows:

> Bill Paley saw what appeared to be a real chance to land *The Literary Digest* contract. He said to me, "We must not fail. This tryout news broadcast must be a masterpiece. Columbia will loan you its best brains to prepare it!" This gave me quite a jolt. Here I had been involved in public speaking almost all my life, and also had been a newsman for some twenty years. I didn't quite understand how Columbia's "best brains" could help me prepare a fifteen-minute talk. But I replied, "Okay. If you are going to loan me your finest brains, why, I'll round up all the best brains I can think of and we'll really make it an event!"
>
> Three days later, here's what happened: I rented the penthouse at the Princeton Club in New York for an all-day session. Mr. Paley sent his "best brains" and I brought mine. That is, I called up my publisher at Garden City, Long Island, and said, "Mr. Doubleday, have you any brains out there?" When I explained, he told me that he would send in several of their "brightest young men." So when we sat down at the Princeton Club at 9 a.m. that morning to discuss how to prepare a radio news broadcast and what to include, our group was made up of the following geniuses and near geniuses: from CBS, Jesse Butcher, director of public relations (which some months later became the first radio news department). Butcher was a veteran newsman from the *New York Times*. Also, Nick Dawson, who I was told was able to do "almost anything in radio." He had been an actor, a circus man, and had many talents. And for his third man Mr. Paley sent Paul Kesten, one of their young executives, who later demonstrated so much ability that he became chairman of the Board of CBS. Doubleday loaned me George Elliman and a young manuscript reader who spent his spare time writing verses, for which he later became very famous. His name, Ogden Nash.
>
> I also brought along Prosper Buranelli, who had been a star feature writer on the *New York World*, and an old personal friend who had managed several road companies of my Allenby-Lawrence show, and who likewise later became famous. His name, Dale Carnegie.
>
> This was in the Prohibition era, and knowing something about the habits of newspapermen, I brought a flagon of something that might refresh them from our farm in Dutchess County, a region famous for its apples. Nick Dawson and Dale Carnegie got into an argument as to how you should start a news broadcast. At the end of the day they still hadn't come to an agreement. Never was there a stormier debate than went around that penthouse table. We never did get down to the business of writing a script, except for a few paragraphs turned out by Ogden Nash.
>
> Later in the afternoon, seeing that we were getting nowhere, Prosper Buranelli and I quietly disappeared, the others not even missing us. We hurriedly put together some notes, and with these I went up to CBS and went on the air at six o'clock.

Thus began the longest run of any daily, sponsored program in the history of radio broadcasting. Its longevity is due entirely to the character and achievements of the man whose voice we have heard for so long and with such pleasure. He knew, long before his radio days, how to get a story and how to tell it. He knew how to tell it on radio better than anyone else did. He knew how to go out there and get the story better than anyone else did when "out there" was Mecca, Timbuktu, or Lhasa. On September 29, 1930, there began a broadcasting career that has lasted to this very day, through the astonishing dramas and crises of the events that all these many years have brought.

That famous voice has always ended its programs with "So long until tomorrow." We hope, along with the millions of his listeners and admirers, that there will be many tomorrows when we shall hear the events of our time described by one of the great masters of the broadcast medium in this century—Lowell Thomas.

TRIBUTE TO PRESIDENT JOHNSON

SPEECH OF

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MATHIS of Georgia. Mr. Speaker, the beginning of my service in the House of Representatives did not come until 2 years after the Johnson administration had ended and Mr. Johnson had returned to Texas. Therefore, I am unable to say that I had the opportunity to work with Lyndon Johnson on matters of legislative importance to our country, but as a newsman prior to my election I did have the opportunity to follow his service and decisions as President.

It might be appropriate to mention that on the date of Mr. Johnson's death, I learned of his passing from newsmen who wanted a statement of my reaction. My statement as reported by the Atlanta Constitution is as follows:

> President Johnson was a man of great intelligence and determination. From my knowledge of him, he was one of the greatest students of American government, and used his knowledge of government and his talent of persuasion to become one of the greatest movers of ideas in this Nation's history. While I personally disagreed with many of the positions he advocated, I had the highest respect for his ability. He was a giant of mid-twentieth century politics and he will be missed.

Mr. Speaker, I wish to also say that I had the highest regard, too, for Mr. Johnson's No. 1 supporter, Lady Bird Johnson, as she ably carried on her responsibility as First Lady, and seeing her standing strongly during the days of final tribute to our fallen leader was just as we had come to expect.

Lyndon Johnson made his mark as a statesman, husband, father, and as a great American. He stood tall and did what was expected of him.

I consider it a privilege to join my colleagues in the House of Representatives paying tribute to our former President, Lyndon B. Johnson.

AMERICA HONORS DR. KING

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. YOUNG of Georgia. Mr. Speaker, January 15, 1973, was the 44th birthday anniversary of the late Dr. Martin Luther King, Jr., and on that date millions of Americans across the Nation once again paid tribute to one of the country's greatest leaders.

Many State and local governments, school systems, labor unions, and businesses observed the birthday as an official holiday. Hundreds of churches, community groups, public agencies and officials, and schools and colleges held observances in honor of Dr. King.

National attention focused on his home city in Atlanta. On the morning of the birthday anniversary, the annual commemorative service was held at Dr. King's church, Ebenezer Baptist Church. The program included tributes by representatives of the major religious faiths, associates of Dr. King and his family, and city and State officials. The Reverend Martin Luther King, Sr., and Martin Luther King III responded for the family. Musical selections were presented by the Atlanta University Gospel Ensemble, the Morehouse College Glee Club Quartet, the singer Odetta, and the church choir and the chorale of the church. The service was sponsored by the Martin Luther King, Jr. Center for Social Change in cooperation with Ebenezer Baptist Church and the Southern Christian Leadership Conference.

On the night of January 15 in Atlanta, the second annual Martin Luther King Birthday Benefit was held at the Omni, Atlanta's new sports and entertainment facility. More than 12,000 people turned out for this extraordinary tribute, which was held for the benefit of the King Center for Social Change.

An unusual team of professional and artistic talent made this successful benefit possible.

NBC television star Flip Wilson and a group of RCA Records recording artists—the Jimmy Castor Bunch, Jose Feliciano, The Friends of Distinction, Linda Hopkins. The Main Ingredient, and Wilson Pickett—presented a memorable night of entertainment and music.

Mrs. Coretta Scott King, president of the Martin Luther King, Jr., Center for Social Change, presented special citations of gratitude and awards to the artists; to the RCA Corp. and RCA Records, which donated the entire cost of the production; to RCA Records Divisional Vice President Buzz Willis; and to the Omni Group and its President, William Putnam, for arranging for the use of the Omni facilities.

During the presentation of the awards, Mrs. King said:

> This is a great moment of fulfillment, for me personally, for the King family, and for the Boards of Directors and Trustees of the Martin Luther King, Jr. Center for Social Change. We are especially pleased because a unique combination of participants and supporters came together for this marvelous tribute to my husband.
>
> This benefit helps us move forward with the Martin Luther King, Jr. Center for Social Change. The Center, based here in Atlanta, is the organization entrusted with the construction of a permanent memorial, complemented by living programs to continue my husband's work and teachings for progress through nonviolence.
>
> The 44th birthday anniversary of Martin Luther King, Jr. is a time for celebration of his life and reaffirmation of his ideals. Every single participant in the annual observances of his birthday is helping to remind the nation and the world that we are determined to preserve and strengthen his legacy, and that one day the greatest tribute to him will come about—when human beings live together in brotherhood, justice, freedom and peace.

CAC RESPONDS TO GAO ANSWERS ON EMPLOYMENT DISCRIMINATION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. FAUNTROY. Mr. Speaker, on October 25, 1972, I and others of this body inserted into the RECORD a series of issues raised by the Citizens Advocate Center concerning the employment practices at the General Accounting Office.

GAO responded to these allegations in a terse one-page statement which said that it considered its 1972 affirmative action plan to be a complete response to the charges. CAC has requested a formal review by the Civil Service Commission as a third-party complainant through the attached letter.

Since the issues were spread upon the RECORD, I felt, Mr. Speaker, that it would be wise for the other Members to be aware of the subsequent events. For that reason, I am appending the letter by CAC to Mr. Hampton for my colleagues to read:

CITIZENS ADVOCATE CENTER,
Washington, D.C., January 8, 1973.

Hon. ROBERT E. HAMPTON,
Chairman, U.S. Civil Service Commission, Washington, D.C.

DEAR MR. HAMPTON: This letter is to officially inform you that the Citizen Advocate Center *disagrees* with the response of the General Accounting Office to our third party complaint of race and sex discrimination within that agency. In accordance with Section 713.251 of the Civil Service Commission regulations pertaining to third party complaints, we hereby request an official CSC review of GAO's "decision" as presented by Comptroller General Elmer B. Staats in his December 8, 1972 letter to you. As part of this review we also reiterate our requests of October 6, 1972 and November 30, 1972 for an immediate and thorough investigation by the CSC of discriminatory personnel practices in the General Accounting Office.

While Comptroller General Staats has stated that he considers his December 8th letter with attachments to you as a complete response to our charges and the Citizens Advocate Center is requesting herein a CSC review of that response and "decision" in order to promote corrective action in a timely manner, it should be noted that *GAO did not follow the established procedures outlined in CSC regulations* (5 CFR 713.251) for agency action on a third party complaint. The regulations state that the agency shall investigate general allegations made by a third party; GAO conducted no such investigation. The regulations state that the agency shall establish a file on each general allegation containing copies of all material used in making its decision on the allegations, and that such files shall be made available to the party submitting the allegation and to the CSC upon request: GAO established no such files and was therefore unable to respond to our request to review such files (CAC telephone conversation with GAO EEO Acting Director Milton Socolar, December 19, 1972). The regulations state that the agency shall notify the party submitting the allegation of its decision, including any corrective action taken on the general allegations; GAO's response contained no decision except an implication through the promulgation of its 1973 Plan that substantive corrective action would not be taken.

The GAC response to our principal allegations is wholly inadequate. In some cases, the agency has completely ignored our charges by failing to make any reference to them whatsoever; in other cases, no corrective action has been taken although problems have been recognized by GAO.

The statistical facts of race and sex discrimination within GAO cannot be disputed. What concerns us now is the fact that the agency has continued to backslide on employment of minorities and women and does not intend to take the necessary action to correct major deficiencies in its EEO program. The GAO response to our allegations is basically a reaffirmation of its present EEO program, a program which does not purport to correct major problems of race and sex discrimination within GAO. To say then that this program is even adequate is a gross misconception of the purpose of equal employment opportunity, which is to produce results—not declarations of policy.

This letter details our major allegations against GAO presented in our testimony before D.C. Delegate Walter Fauntroy on September 20, 1972, and our subsequent letters to you on October 6 and November 30. We also include a thorough assessment of the nature of investigative work which should be performed by CSC in order to determine the extent and degree of remedial action which must be taken by GAO. Based on our findings, it is now apparent that such remedial action would necessarily have to include the following areas:

Promotions and retroactive salary increases for all employees who have not been afforded the opportunity for advancement in the past because of discriminatory practices within GAO and the failure of the agency to offer meaningful programs for upward mobility;

The immediate instigation of workable upward mobility programs, including work/study programs, which would enable employees to move upward and across "career ladders" within the agency;

The placement of the EEO Director in a position of direct line authority over all officials in the Office of Personnel Management;

The establishment of the EEO Advisory Council as a truly representative and policy-making unit for minority and women employees in EEO matters;

The promulgation of active and effective EEO Plans and Programs with the additional staff and resources required to focus immediate attention on the prompt correction of EEO inadequacies.

As the first organization to be designated as a third party complainant against a federal agency under the new CSC procedures (effective December 1, 1972), we wish to note here that it is quite apparent that CSC must improve its third party complaint procedures. More explicit regulations are needed, including penalties for agencies refusing to comply with published procedures. Timetables should be established for action by the agency involved and for review and final action by the Civil Service Commission. In complying with the 30-day deadline established for third party complainants to request review by the CSC, we hope that the CSC will in good faith render its decision in a timely manner. We feel that it is within the intent of Title VII of the Civil Rights Act of 1964 as amended to expect a response from the CSC well within 180 days from the original statement of our allegations against GAO, which was in public testimony presented on September 20, 1972.

PRINCIPAL ALLEGATIONS MADE BY THE CITIZENS ADVOCATE CENTER AND GAO'S RESPONSE TO THEM

I. Allegation

Since 1969, the percentage of minority and women employees in GAO actually has decreased. At the same time, the percentage of minorities and women in the lowest grade levels has increased.

GAO response: No response or explanation of why this has occurred and how it can be corrected.

Comment: The backsliding on employment of minorities and women occurred despite the fact that during this period of time GAO established its present EEO procedures and staff and began development of (and supposedly implementation of) EEO Action Plans.

NOTE.—The CSC should compare GAO statistics on employment of minorities (May 1971–May 1972) with its own recently released data on minority employment in the federal government as a whole (May 1971–May 1972). While the numbers of black employees in other government agencies increased during this period, the number of black employees in GAO actually decreased.

II. Allegation

There is blatant racism and sexism in GAO regional offices.

GAO response: No response from GAO.

Comment: Although regional offices are included under GAO's 1973 EEO Plan, the Plan itself is inadequate and sections of the Plan relating specifically to regional offices indicate that both monitoring and enforcement of equal employment opportunity in the regions will be weak. The Plan states that Regional Offices will be visited annually by Headquarters EEO staff to insure the Plan is being implemented and to "recommend" additional policies, "reaffirm" EEO commitments, and "assess" EEO prospects and problems. How will these platitudes be translated into action? For an agency whose regional offices are presently backsliding on employment of women in professional positions (see GAO statistics on women as of September 30, 1972) and 1/3 of whose regional offices have no blacks—professional or non-professional—on their staffs, immediate and concerted steps must be proposed and implemented.

III. Allegation

No top policy official of GAO is Black, or Spanish-speaking, or Indian, or female.

GAO response: No response from GAO.

Comment: Both GAO's failure to respond to this allegation and the omission of any plan to correct this situation indicate that the agency will do nothing to bring minorities and women into top-level positions.

IV. Allegation

The numbers and percentages of minorities and women in GAO professional positions is much lower than other Federal agencies of the same size.

GAO Response: GAO agrees with these findings, but stated that the low numbers of minorities and women in professional positions was a reflection of the accounting profession.

Comment: The fact that GAO continues to rationalize that this is the reason for the low numbers of minorities and women on its professional staff is distressing. GAO began its interdisciplinary recruitment program in 1966, designed to bring non-accountancy backgrounds into the entry grade levels of the agency. Fifty percent of the 425 new "trainees" for auditing positions in 1970 were non-accountancy majors—this percentage declined sharply in 1971, but GAO maintains that it would like to strike a 50–50 balance between accountants and non-accountants in auditing positions. Another point: while the accounting profession has been virtually closed to blacks and other minorities until recently, there has been a significant increase in the number of black colleges offering baccalaureate degrees in accounting. Moreover, the Regional Manager of the Atlanta GAO office informed us last October that there are a large number of well-qualified blacks in the Atlanta area with degrees in accounting. Given the facts mentioned above, the excuses GAO is using for the lack of minorities and women in professional positions are not justified.

V. Allegation

A shake-up in GAO's EEO structure is needed as well as the allocation of sufficient staff resources.

GAO Response: GAO argues that EEO should be structurally separate from personnel administration. GAO states that the addition of a full-time EEO Deputy Director has brought staff resources to an adequate level.

Comment: We continually have pointed out that GAO's equal employment opportunity program cannot effectively be enforced without a strong commitment from the Office of Personnel Management as well as from the Comptroller General and the Director, EEO. The Civil Service Commission has suggested "Closely integrating EEO with general management and services so that the impact of managerial activities and decisions on EEO can be readily identified" (*Guidelines for Agency Internal Evaluation of Equal Employment Opportunity Programs*). However this may be accomplished, it is imperative that individuals be placed in top personnel management who are committed to equal employment opportunity and who are trained and effective in this most important area.

The addition of an EEO Deputy Director is not sufficient to handle GAO's mounting EEO problems. In an agency which badly needs immediate EEO reform, additional staff resources should be available to handle the task of correcting present deficiencies and ineffectiveness. Moreover, existing personnel should be utilized effectively. At the present time, the EEO coordinator is spending a large portion of his time actively recruiting black candidates for auditing positions within the agency. A more effective approach would be for the agency to hire more minority and female recruiters and allow the EEO Coordinator to *coordinate* their activities as well as other EEO matters.

VI. Allegation

GAO continually has covered up allegations that equal employment opportunity is being denied employees within the agency by failing to require counselors to keep written records of employee complaints, by failing to keep promises to employees that remedial action will be taken if no complaint is filed, and by re-classifying written complaints received as "grievances."

GAO response: No response from GAO on these specific allegations.

Comment: GAO does not respond to specific charges but instead implies that CSC condones these activities by encouraging informal settlement of complaints. *There is a difference between the informal settlement of a complaint which is satisfactory of all parties involved and the employment of devices to cover up evidence of discrimination.*

VII. Allegation

GAO's 1972 Plan will not correct major deficiencies in its EEO program and in some cases could have a negative effect.

GAO Response: GAO adamantly defended its 1972 Plan, stating it was "a document of substance."

Comment: Instead of seriously considering our criticism of its 1972 Plan and recommendations for changes and improvements, the GAO reiterated verbatim most of the same action programs in its 1973 Plan. Included in the '73 Plan are the 2 programs of which we were the most critical: the totally inadequate recruitment goals set forth in Objective 11 and the *unequal* opportunity provisions of Objective VII:

Objective 11: The setting of effective goals for both the recruitment and placement of minorities and women in all grade levels and divisions of the agency cannot be overly stressed. At first glance, Objective 11 appears to establish a goal for result. In fact, the "goal" turns out to be a definition of effort and may result in continued backsliding on minority and female employment.

GAO's ultimate objective must be reasonably representation of women and non-whites by grades and by job classification in each management section. Any overall goal allows pockets of white male ghettos, particularly at higher levels. Goals established should not only be a reflection of availability in the recruitment area but also a reflection of the potential pool of qualified or qualifiable applicants in the recruitment area, in other agencies and outside organizations, and within GAO itself.

Goals and timetables must be established to meet the full objective of reasonable representation at all agency levels. Timetables must encompass a full speed approach. There is Executive Branch and Judicial precedent for requiring that one-half of newly hired employees be minority when under-representation has occurred (*Contractors Association of Eastern Pennsylvania* vs. *Shultz*, 442 F. 2d 159 (3rd Cir. 1971); *NAACP* vs. *Allen*, 340 F. Supp. 703 (M.D. Ala., N.D. 1972); also see *New York Times*, Sep. 10, 1972 reporting federal district court (San Diego) order that two-thirds of all employees hired by the defendant must be Mexican-American or blacks until the percentage of Chicanos and blacks in the defendant's workforce matches the percent of those minorities in the county's population.) Such an approach should also be established for the recruitment of women.

Objective VII: Although GAO has managed to soften-up the wording of Objective VII in its '73 Plan and thus has given it the *appearance* of an affirmative objective, the contents of the action program referring to the transfer of employees who charge discrimination *"upon the request of management* or upon petition of" employees (emphasis ours) remain unchanged. Incredibly, GAO does not interpret this section of the plan as being a device for prior restraint of punishment of individuals who seek assistance from EEO Counselors because, "Management has not yet availed itself of this option in those cases where it has been unable to resolve a complaint informally."

Objective VII also still contains the provision for the transfer of managers or supervisors involved in "a pattern of alleged discrimination" to "a less demanding EEO environment." Again, we reiterate that disciplinary action—fines, suspensions, demotions, or firing—should and must be taken against supervisors who continually violate the mandates of the EEO Act of 1972. Yet GAO has not even sought to implement the weak provisions of Objective VII relating to the transfer of supervisors who promote discriminatory practices!

While our objections to each of the 12 objectives in GAO's 1972 Plan have not been corrected in the 1973 Plan, we do not feel it is necessary to outline again all of the points we already have presented to you in our letter of October 6, 1972. Instead, we shall detail below additional comments on certain important aspects of GAO's 1973 Plan:

Objective 1 (recruitment): More effort must be made to recruit at predominantly black colleges. Of 523 recruiting days scheduled by GAO for the present academic year, only 38 are alloted for visits to predominantly black colleges.

Objective 111: It is ridiculous to continue GAO's now 6 month old evaluation of its Career Development Program—a program which has frustrated and inhibited employees—rather than establishing a program which has more promise of being effective. GAO has extended its deadline for completing this evaluation from December 31, 1972 to March 30, 1973.

Objective V111: Apparently, GAO considers this as its program for establishing bridges between non-professional and professional positions. Again, this is not an action program, but a study—and again the objective is the same as under the '72 plan and has not been completed within the time period established by GAO.

Objective X (Merit Promotion Program): While it is encouraging that GAO acknowledges problems in its Merit Promotion Program and effectiveness appraisal system, it is doubtful if the Office of Personnel Management will vigorously enforce these new provisions. Personnel has an important role in EEO, but personnel practices at GAO in the past reveal that OPM is not committed to EEO. Probably the majority of EEO complaints—both formal and informal—arise from discriminatory practices in effectiveness appraisal ratings and the Merit Promotion Program. The proper application of these procedures and the degree of EEO commitment on the part of OPM cannot be stressed too much.

VIII. Allegation

Important timetables in the 1970 EEO Plan have not been implemented and have been extended in the 1972 Plan.

GAO Response: No response from GAO.

Comment: GAO is continuing its practice of ignoring timetables and deadlines in its EEO Plans. Deadlines for completion of action designs in the GAO 1972 Plan have not been met or have been extended:

Objective 11: timetable for Director, OPM to prepare a detailed program for achieving establishing recruitment goals has been extended from August 31, 1972 to February 1, 1973.

Objective 111: timetable for completion of the evaluation of GAO's Career Development Program has been extended from December 31, 1972 to March 30, 1973.

Objective VI: timetable for monitoring Regional EEO programs has been extended from "1972 and beyond" to "1973 and beyond."

Objective VIII: timetable for creating new support job classifications has been extended from December 31, 1972 to May 15, 1973.

Objective XII (of 1972 Plan): timetable for completion of the renovation of the Transportation and Claims Division has been extended from January 1974 to Fiscal Year 1975 (an extension of 18 months). Interesting, in its written response to our allegation that renovation deadlines in the '72 Plan were too distant, GAO stated that the 1972 deadline was realistic and would be met.

NOTE.—What procedures does CSC follow in the review of agency EEO plans to determine whether action programs are being implemented and timetables are being followed?

IX. Allegation

Minority and female employees and organizations do not have an effective voice or role in EEO matters.

GAO Response: GAO defended its undemocratic method of selection of individuals to the EEO Advisory Council. GAO named the Chairman of the Council as a member of the Personnel Relations Steering Committee.

Comment: We previously have established the futility of having an EEO Advisory Council whose membership is hand-picked by management and which has only token representation of minority and female employee interests (see our letter to you, October 6, 1972). Not only is the Council unrepresentative of these employees, but the Council also is powerless to exercise any control over equal employment opportunity or even have its recommendations considered for implementation by the agency.

The GAO policy of ignoring suggestions and recommendations of its hand-picked Advisory Council is continuing. The GAO led the CSC to believe that the Council was consulted in the development of the 1973 EEO Plan by requesting an extension of its deadline for submission of the Plan to CSC in order to consider recommendations of the Council. By the first week of November, the Council had submitted to GAO lengthy suggestions on the formation and implementation of an upward mobility program based on a work/study plan. Yet the 1973 Plan sent to the CSC on December 1st contained none of these recommendations. Instead, GAO assured the Council that these recommendations would be studied and possibly submitted to CSC at a later date as a "supplement" to its '73 Plan. GAO neglected to inform CSC, however that its '73 Plan was incomplete.

Prior to rendering a final decision on this third party complaint, the CSC should conduct a thorough and immediate investigation, including public hearings, on discriminatory practices within the GAO. Such an investigation is long overdue and is especially warranted since GAO did not conduct its own investigation in compliance with CSC regulations. Moreover, the problems of race and sex discrimination *are continuing* at GAO, and GAO does not intend to either restructure its EEO program or promulgate and implement an adequate EEO Plan to correct the deficiencies which we already have outlined for you.

Because of the magnitude and extent of problems within GAO, the CSC investigation should be extensive. We strongly recommend that the CSC investigation team be composed of *3 or more members,* and that at least one of these members be black, at least one be a woman, and at least one represent another minority group. The investigators should visit all divisions of GAO Headquarters and a representative sampling of GAO regional offices. The following individuals should be included in interviews with CSC investigtaors:

The Comptroller General;

The EEO Acting Director;

The EEO Deputy Director;

The EEO Coordinator;

The Federal Women's Program Coordinator;

The Director, Office of Personnel Management;

EEO Officers and EEO Counselors (random sampling);

Regional Managers (in regions visited);

Regional EEO Counselors (in regions visited);

EEO Advisory Council (all members);

GAO Black Caucus (President and other members);

Presidents, other employee organizations (including all regions visited);

All employees who have filed formal or informal complaints or grievances which involve discrimination against the agency;

Participants in the 1971 Civil Rights demonstration against GAO;

All minority and female professional employees in regions visited.

We look forward to the receipt of a timely response from the Civil Service Commission including a report of the findings of the investigating team, the final decision rendered by the CSC, and remedial action to be taken by both CSC and GAO.

For the Citizens Advocate Center,
AIMEE A. GIBSON,
Research Associate.
ELIOT H. STANLEY,
Associate Director.

PRESIDENT LYNDON B. JOHNSON

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MITCHELL of Maryland. Mr. Speaker, it is with great sadness in my heart that I rise to address my colleagues on this solemn occasion. For our Nation has lost a great leader, a man of wisdom and courage, a man of uncommon breadth of vision. He was a man both complex and simple, both proud and modest, who in his brief lifetime both came a long way and accomplished a great deal. He touched a great many people. He was former President Lyndon Baines Johnson.

It is ironic that I, a black Congressman, should rise here today to speak in praise of our Nation's first southern President in 100 years. But in light of the past decade, the tumultuous 1960's, it is not at all surprising. For there are none in this Chamber so young that they do not recall the dark days before the civil rights movement. Those were the days when everywhere could be found signs designating different public facilities for black and white. Those were the days when peaceful demonstrations in the South were met with legalized savagery, including police dogs, fire hoses, and electric cattle prods. Those were the days when any worker in the civil rights movement courted violent death, and the names Evers and Goodman and Chaney and Liuzzo and Schwerner were etched into the national consciousness. Those were the days when millions of taxpaying Americans, because they were black, were excluded from the right to vote by poll taxes and unfairly applied literacy tests. The most basic right of a democracy was denied by an act of the most blatant racism.

And not only were the black and other minorities ignored and repressed, but the poor were invisible as well. Millions of Americans of all colors went to bed hungry every night and nobody knew let alone cared. In the ghettos, and in the mountains of Appalachia and on the reservations, millions of American youth found life a deadend street without hope. For them, inadequate education lead to sterile jobs or quite often no jobs at all. For them life itself became a boring routine of failure.

Lyndon Baines Johnson did not change all this. That would have been impossible for he had neither the power nor the time. What he did do was to bring to bear the great prestige of the office of the Presidency, to commit the honor of the Nation, to the huge task of eradicating poverty and racism. He adopted the rhetoric of the civil rights movement and promised millions of hopeless people that "we shall overcome." He appointed the first black to the Cabinet and the first black to the Supreme Court. And he brought forth from the Congress three landmark pieces of civil rights legislation.

With the Public Accommodations Act, he took down the separate signs for the races all across the Nation, and opened up public facilities for all. With his open housing bill he outlawed illegal restrictive covenants against minorities. But his most important congressional accomplishment was the Voting Rights Act. With the help of Federal registrars, millions of disenfranchised southern blacks were able for the first time to register and vote. "If everyone has an equal chance at the ballot box," he said, "the rest will take care of itself."

Lyndon B. Johnson was not a perfect man, and I will not rehash here the controversy of his last years. I disagreed with him over the tragic conflict in Indochina. But LBJ, despite all this, was a great man and a great President. He cared for all the people.

He will be sorely missed.

EULOGY OF HONORABLE HARRY S TRUMAN

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KLUCZYNSKI. Mr. Speaker, the passing of Harry S Truman, 33d President of the United States, is an occurrence saddening to everyone familiar with the extraordinary political career of that most remarkable man.

It is no exaggeration to say that Harry Truman earned for himself a place among the elite guard of our Presidential greats. In every area he was knowledgeable; in every act he was swift and sure. No more can be asked of a President of the United States, except victory—and Harry Truman provided victory, as well.

Moreover, Harry Truman was capable of learning, in the midst of political turmoil. Elevated to the Presidency in the final stages of World War II, he took to the job in the manner of a man who had been preparing for the experience all his life.

Never before a diplomat, he joined in inaugurating the United Nations, with notable success; never before in a position to implement his reform ideas on a grand scale, he quickly assumed leadership of several major reform movements; never before a farmer, in the literal sense, he took on the task of sustaining wartime agricultural prosperity in the postwar world, and confronted for the first time by the tidal wave of world communism, he met the challenge in the manner of a champion.

No person with interest neither in domestic or foreign affairs can easily forget the work of Harry Truman, with respect to the rescue of postwar Western Europe. In no time at all, following the war, Poland went Communist; then Rumania, Czechoslovakia, Albania, Latvia, Estonia—meanwhile, the Communists were also winning votes in France and Italy, while England, crippled by the rigors of war, stood by helplessly, unable to intervene.

At this point, President Truman, with the guidance of George C. Marshall and the heartfelt support of the American people, came forward with the famed Marshall plan. This was enough to close the floodgates in the face of the Communist wave and sustain the cause of democracy in the West.

Starving Europe became the recipient of American food and other goods; the French and German economies revived; also those of Italy, the low countries, and Scandinavia. In short time communism was checked and held fast. Never before was so monumental a victory, affecting the entire world, attributable to the iron will of one leader and the immediate response to one community. The leader, of course, was Harry S Truman; the community: the great mass of the American people. They made a great and mighty team of which America could well be proud.

I take this occasion to express my admiration for the late Harry S Truman, one of the outstanding Presidents of our national career.

THE CASE AGAINST AMNESTY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BRAY. Mr. Speaker, ever since the first draft-dodger fled to Canada and ever since the first military deserter went over the hill from his post, there has been speculation on what we should or should not do with them once the Vietnam war was ended.

Now it is over, and the lines for a major debate are being drawn. No one knows how long it will go on. No one knows what its ultimate resolution will be. I do believe, for right now and certainly for some years to come, it is the sense of the American people and of the Congress that there should be no provision for granting these men amnesty—conditional or unconditional.

This matter is bound to become highly emotional. There is no way to escape this. But there are always two sides, and in these remarks I want to go into the reasoning behind the side opposing amnesty.

There seems to be more people who are willing to give amnesty than there are draft-dodgers or military deserters who would ask for it—or want it. For indications of this attitude, I quote from a letter written to the New York Times a year or so ago by a young man residing in Canada:

> We are not waiting for amnesty, for that would only dilute our manifest opposition to the present government of the United States and to its war. That government does not have the right to forgive us, nor to grant amnesty—implying we were once guilty of a crime—because we were never guilty of any crime . . . It is not for war resisters in exile to ask forgiveness from a government which perpetuates these (war) crimes. At any rate, political exiles have always viewed amnesty as a mere appeasement.

A similar view appears in the hearings on Selective Service and amnesty held early in 1972 before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary. The holder of this view, David Harris, refused induction in January 1968. He was sentenced to 36 months in a Federal prison. He served 20 of them. I quote from his statement of February 29, 1972:

> I decided to break the law because the law obviously stood between me and those things I had learned to want.
>
> I obviously have no objections to giving us amnesty. Of course it should be given. None of us should ever have been made criminals in the first place.
>
> But I see some dangers in you gentlemen granting amnesty.
>
> Amnesty is traditionally considered an act of forgiveness and I do not feel like I have done anything wrong. Nor do I feel I want to be forgiven for the act I took. The wrong rests with the law and the policy the law enforces.

Mr. Harris went on in this fashion for the rest of his brief statement. The hearings show there was applause when he finished.

Any amnesty would require concessions by the government tendering it and by those receiving it. There has never been an unconditional amnesty granted in our history. The very least any government has required was an oath of allegiance to the United States. Given these sentiments just cited, is there any reason to expect that these persons who have broken the oath once will be willing to take it again? Or to keep it if they did take it?

Read Mr. Harris' statement again, particularly this line:

> I decided to break the law because the law obviously stood between me and those things I had learned to want.

That is Mr. Harris' rationale for refusing induction. It could equally be the rationale for someone else to justify a bank robbery or a murder.

Now, let me say this: Mr. Harris chose to face the consequences of what he did, to stand trial and to go to prison. I strongly disagree with his convictions, his reasons, and what he did. However, he had the courage to face what was coming to him. So did many others. That sets them far above those who fled. They did not run away. They paid the price.

There is some confusion and uncertainty over just how many men would be affected by amnesty. At a recent press conference, the President referred to "a few hundred." It seems there would certainly be more than 100. Advocates of amnesty speak of anywhere from 300,000 to over 500,000 men.

There are the draft dodgers and the military deserters who fled abroad. No one knows how many there are and estimates run as high as 100,000 men. Add another 10,000 who are now involved with the courts and in prison. Add 150,000 or more who received less than honorable discharges from the armed services for desertion or other crimes bearing on the issue. Plus an inestimable figure for those hiding underground in the United States.

For propaganda purposes much is being made of past amnesties in American history. I have four points to make on these allegations. First, to repeat, there has never been an unqualified, unconditional amnesty, such as is being sought by some now.

Second, Abraham Lincoln is being often—and carelessly—cited as to his position during the Civil War. What is most frequently quoted is his statement from his second inaugural address:

> With malice toward none, with charity for all . . . to bind up the nation's wounds.

All right. Granted. But this is only half the story when it comes to what Abraham Lincoln thought about the problem. On March 10, 1863, he issued an amnesty proclamation concerning all soldiers absent without leave. If they returned before April 1, they would only lose whatever pay and allowances would have been theirs during the period they had been gone. If they did not return, they would be "arrested as deserters and punished as the law provides."

He had some other words, too. I feel they are pertinent to our situation today.

> And whereas evil disposed and disloyal persons at sundry places have enticed and procured soldiers to desert and absent themselves from their regiments, thereby weakening the strength of the armies and prolonging the war, giving aid and comfort to the enemy, and cruelly exposing the gallant and faithful soldiers remaining in the ranks to increased hardships and danger, I do therefore call upon all patriotic and faithful citizens to oppose and resist the aforementioned *dangerous and treasonable crimes,* and to aid in restoring to their regiments all soldiers absent without leave. (Italic supplied.)

Two can play the game of "what Lincoln said." In light of the paragraph I have just quoted, I wonder what he would have said or thought of that vocal minority of the American Republic that has actively encouraged desertion and draft dodging for the past 8 years? I wonder.

Third, there is also another favorite proamnesty citation. Gideon Welles was at the last Cabinet meeting when the subject was capturing Confederate leaders and bringing them to trial. He recalled Lincoln saying:

> I hope there will be no persecutions, no bloody work after the war is over. No one need expect me to take any part in hanging or killing those men, even the worst of them . . . Frighten them out of the country, open the gates, let down the bars, scare them off.

And at this point Lincoln waved his hands:

> enough lives have been sacrificed.

I do not understand for the life of me what this has to do with present-day arguments for granting amnesty. Those who are opposed to the idea of granting amnesty are not in the slightest way vengeful or punitive in their intent. It is merely a case of asking that the laws of the country be observed. If no one cares to come back to face the law then, again to quote Lincoln, "open the gates, let down the bars, scare them off."

Finally, the most fervid, threatening rhetoric calling for drastic action comes from the possible beneficiaries of any amnesty. I have already cited the fact that they feel the country owes them an apology. They, along with their supporters in this country, have made some thoroughly senseless, reckless, and inflammatory talk about the need to convoke a "war crimes tribunal" to try "American war criminals." What vengeance and vindictiveness is implied in such talk.

It is these people who infer revenge; it is these people whose speech is full of vindictiveness. They wish to create a special set of laws to wreak their own special brand of retribution on those they will select. Indeed, there is already talk among the organized antiwar groups that this will possibly be one of their future projects—to investigate and seek out "war crimes." And these people talk about the need for bringing the country together again.

I think we must also consider the argument that the Republic stands to lose some of our "finest young men" and "real heroes," as they have been called at different times, if we do not allow them to return. On numerical evaluation alone, and accepting the highest estimate of beneficiaries of an unconditional amnesty, we find it would affect one-quarter of 1 percent of our 200 million citizens.

Now, let us go back almost 200 years. At the time of the Revolutionary War we had a population of 2 million. In 1780 John Adams, who was in Holland trying to get support for the American cause, assured an inquirer that not more than one in 20 Americans was disloyal to the Revolution. Writing 35 years later—1815—he raised this to an approximate one-third.

By the end of the war, somewhere between 80,000 and 100,000 Loyalists had left the country. During the Revolution, Congress and the individual States had taken steps beginning with mild social and economic pressure then turned to truly Draconian measures trying to get them to conform. Confiscation of property, heavy taxes, disenfranchisment, barring them from public office are only a few of the many measures that were put into effect.

When the American and British commissioners sat down to write the peace treaty, the Americans, on the one hand, were adamant on the point of no restitution nor indemnity to the Loyalists. The British, on the other hand, felt it was a matter of honor with them to try and get such provisions included. The clash over amnesty reached a point of seriously endangering the talks. In 1783 Benjamin Franklin, then Ambassador to France, wrote Richard Oswald, one of the British commissioners, calling the idea of any sort of amnesty immoral and urged him to drop it all unless the peace talks should collapse.

The best the British could secure was article V of the peace treaty in which Congress would recommend to the States that they consider restoring Loyalist property and rights. Article VI stipulated there should be no future persecution of Loyalists or confiscation of their property. That was about as far as it went. The States did not exactly hurry to meet these stipulations. Confiscation was going on in one or two States for some years after that. Gradually attitudes softened.

But—and here is the main point—most of the 100,000 Loyalists never came back. Indeed, some were permanently forbidden to return by respective State legislatures. They dispersed all over the British Empire. Some did well; some failed. Some enjoyed their new life, but in old documents, records, and letters, there are plaintive and wistful pieces of writing that show they still longed for their homeland. In fact, some in England wrote to their friends in America and asked to be sent the 19th century equivalent of a CARE package full of the delicacies and foods they had known and now could not enjoy.

Some historians maintain today that the loss was truly America's and the gain was the countries' to which they went. After all, the 100,000 Loyalists represented 5 percent of the population of a fledgling young country that needed all the ability and talent it could secure.

This is true. The young Republic needed them. But the young Republic didn't think they needed them that badly. The fact that the young Republic is close to the 200th anniversary of its independence and has achieved the position it has in the world is proof positive that the young Republic was right.

If we did not need that 5 percent 200 years ago, I cannot understand why we so badly need that one-quarter of 1 percent now.

It is not even clear as to where the right of granting amnesty really lies. On the one hand, under the Constitution, section II, article 2, the right lies with the President. President Nixon has stated:

> Amnesty, of course, is always in the prerogative of the Chief Executive.

On the other hand, Congress through a Supreme Court ruling may pass acts of general amnesty. In "The Laura," 114 U.S. 411 of 1885, the Court held that Congress may, under the necessary and proper clause, enact amnesty laws remitting penalties incurred under the national statutes. It may well be that at some future date the Supreme Court is going to have to clarify the matter once and for all. It would seem that at present both the Congress and the President have rights in this field.

In this issue we have much more at stake, and therefore much more to be considered, than the few hundred or half a million who would be directly benefited by an amnesty of any sort. There is the matter of an 11-year war—our longest—$135 billion spent, 46,000 men dead, 303,000 men wounded, and upward of 1,000 still missing in action and not accounted for.

Whether the war was "right" or "wrong" passed out of the realm of debate the instant the first American was killed in 1961. Only history—decades, possibly centuries hence—can give an accurate and objective judgment. But there is something that can be said right now that will stand true for ages to come.

There is a peace in that unhappy part of the world that has really not known peace for almost 30 years. It is a fragile and tenuous peace, to be sure, as is any peace when neither side "won" in the classical sense. Unlike the end of World War II, no occupying force is in either country; no military commission dictates the laws and administration of either government; no American proconsul acts as head of state.

But it is a peace, which means there is a chance and hope—again, the first for 30 years. There was no surrender of South Vietnam and its 15 million people.

That is what we have given both countries—a chance and hope. Every American who took part in this conflict, whether by direct involvement in combat or only by being in the service, regardless of where, has had a part in making those two things—chance and hope—possible.

Those who did not serve, who ran away and now wish to come back, have never made any secret of their contempt for that premise upon which the American Republic waged its war in Vietnam. In essence, they are saying that they feel there is no place at all in the scale of our national values for trying to give someone else chance and hope. What price "conscience"? What price "higher morality"?

I do not think this moral blindness and

intellectual cowardice is something the American Republic is required to forgive. Neither do I believe that it is something we should go out of our way to nurture in years to come.

There is a Spanish proverb: " 'Take what you want,' said God. 'But be prepared to pay for it.' "

Indeed. No one can escape this. No one should expect to.

TRIBUTE TO SGT. EARL A. JOHANSEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. ANDERSON of California. Mr. Speaker, after first honoring Sgt. Earl A. Johansen only 1 year ago, he has already returned to our attention for his 30 years of outstanding service to the Los Angeles Police Department.

On February 23, Sergeant Johansen retires from the harbor division of the police department, thus ending one segment of his service to the community. Throughout his years with the police department, Sergeant Johansen, who is also an investigator, has distinguished himself both on and off-duty.

During his 30 years of diligence and commitment to the department, Earl has also provided much leadership for this community. He led both a drive for another nonprofit community hospital in the San Pedro area, and served as cochairman of the committee which supervised the construction of the La Rambla Presbyterian Church educational facility. A founder of the La Rambla Presbyterian Church, Investigator Johansen served for many years as a trustee of his church.

Under the able leadership of Sergeant Johansen, a 50-bed hospital was built and has been operating efficiently for about 12 years. For the last 5 years, Earl has been president of the hospital board of directors. During Investigator Johansen's term of office, the hospital has expanded to 150 beds and recently made a $2,500,000 improvement in surgery and emergency service.

Throughout his active civic career, Earl's lovely wife, Vivian, has worked with him. Mrs. Johansen has been particularly active working with her husband in church related activities. The Johansens have been married 37 years and have two sons and a daughter.

As head of the harbor juvenile unit, Earl has demonstrated time and time again that he has the knowledge and understanding to handle the potentially explosive juvenile conditions in the harbor area. In 1946, Sergeant Johansen was placed in charge of the harbor juvenile unit while still a patrolman. Normally a sergeant is named to the position, but due to Investigator Johansen's outstanding abilities, he was assigned this duty before becoming a sergeant.

Investigator Johansen was one of the first police officers from Los Angeles to receive a scholarship to the Delinquency Control Institute at the University of Southern California. He is a charter member of the Southern California Juvenile Officers Association and is an officer of the South Bay Investigators Association.

Sergeant Johansen has shown his dedication to the problems of youth by actively participating in the Sen Pedro Coordinating Council, the San Pedro Case Conference Committee, the San Pedro Community Service Committee, the Wilmington Coordinating Council and the Wilmington Case Conference Committee.

Earl's strong attachment to our youth has also been demonstrated by his work over the years with the San Pedro Boys Club and the Young Mens' Christian Association.

His civic affiliations include the San Pedro Chamber of Commerce, San Pedro Jaycees, Wilmington Jaycees, Wilmington Chamber of Commerce, Lions Club, American Legion and San Pedro Elks.

During World War II, Sergeant Johansen rose to the rank of first lieutenant in the U.S. Army Transportation Corps while stationed in Brazil and Alaska.

Included among his lengthy list of awards and honors is his selection as Man of the Year by the Lions Club of San Pedro and by the San Pedro Sea Lions last year. Investigator Johansen was honored by the California Association of Secondary School Administrators by being given the annual Cassa award making him an honorary secondary school principal.

The San Pedro community is much richer because of Investigator Johansen's lifetime of service as a 30-year member of the police force and as a concerned citizen. Mr. Speaker, Earl Johansen is a tremendous asset not only to his community, but to our country as well.

LITHUANIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. PEYSER. Mr. Speaker, on this day I would like to take the opportunity to salute the 55th anniversary of the Declaration of Independence of Lithuania.

Over a million people of Lithuanian background live in the United States, and they can take great pride in the glorious past history of Lithuania. For over 700 years this country has been a unified state, constantly resisting invasions from the East and from the West. A remarkable spiritual and ethnic strength enabled them to survive.

The independence of Lithuania was crushed by the Soviet occupation which occurred in June of 1940. Since then, the gallant people of Lithuania have been struggling to attain their freedom and the exercise of their human rights in the face of one of the most brutal occupations of all time. This struggle has continued to this day, as 17,000 Lithuanian Catholics recently petitioned the United Nations, charging the Soviets with religious persecution, and as riots broke out last May, following the funeral of a Lithuanian youth who was self-immolated in a public square of Kaunas in a dramatic protest against the Soviet enslavement of Lithuania.

I would like to call upon the upcoming European Security Conference to consider and support the restoration of freedom and the exercise of self-determination by the Baltic people.

Certainly the people of Lithuania are entitled to these basic rights, and I urge our Government to pursue all possible channels which might facilitate that achievement.

LYNDON BAINES JOHNSON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. ROYBAL. Mr. Speaker, it is indeed sad that even as our flags fly at half-mast in memory of former President Truman, our last surviving Chief Executive, Lyndon Baines Johnson, has been taken from us also. We, as a nation, were totally unprepared for the suddenness with which death came to this outstanding American and our grief is heartfelt and deep.

A powerful legislator from the very beginning, Lyndon Johnson was a commanding figure in both the Congress and the White House. He did a tremendous job in the Senate and his record as President of the United States was no less glowing.

Although he himself attained the ultimate in American political ambition, he never forgot those with whom he shared the common denominator of a "humble background." He had a special empathy with the poverty-stricken and the disadvantaged, and he worked constantly to give substance to his concern for these people, their future and their share in the American dream. Insofar as proposing and enacting legislation in the field of domestic reform, he surely numbers among our greatest Presidents.

At the time he took office he made the remark that:

> Government has an obligation to match the promise of American opportunity with action.

These were no idle words on the part of the President—the Johnson administration was truly an administration of action. Through his able leadership, ideas and social programs that had previously languished in Congress, were changed into legislative realities in just 5 short years. His record of accomplishments is massive in number and impressive in scope and covers the entire spectrum of life in our society. His was an era of great domestic achievement—an era in which the American dream seemed near to fruition.

Lyndon Johnson, perhaps more than any other President, has made an indelible mark on this country's social progress. The legislation that he authored will stand as a reminder of the immense good that can be done.

TAXING CAPITAL TRANSFERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, the most controversial area of Federal taxation is the treatment of capital gains. The controversy stems from the fact that gains, though part of a person's capital, are taxed under the income tax system. It is my opinion that we will not get satisfactory and settled tax policy in this area until the tax law provides unqualified recognition that regular capital gains are in no sense part of the income stream. To this end, last year I introduced and this year have reintroduced as H.R. 3068, a bill to establish a system of capital transfer taxes.

This legislation would provide the needed recognition of the economic nature of capital gains by taking the regular, long-term gains of individuals out of the income tax system and placing them under the new system which would be alined with the taxes on estates and gifts. By severing the connection of these gains with income taxation, and taxing them as the transfers of capital which they are, we would eliminate the source of controversy and establish a philosophic base for firm tax policy in the area.

Unfortunately, there has been some tendency to view last year's bill as essentially a tax reduction measure. This misses the major purpose of the bill which is to resolve substantive problems in a legislative framework which would stabilize basic tax policy in the area. Neither substantial nor immediate reduction in the level of rates is necessary to this purpose.

In breaking the link with income taxation, however, the legislation necessarily provides a new structuring of brackets and rates. The actual schedule which I have included in the new structure would substantially reduce the taxes paid on the affected gains and does represent what I believe is a desirable goal in view of the public interest in conserving and enlarging the Nation's stock of capital.

To minimize revenue effect in any one year, this schedule—presented later in this statement—could be phased in over several years. Or, if it should be the consensus when the bill is considered in the Ways and Means Committee, a substitute schedule could be drawn up approximating as closely as decided the tax effects under the present system. This would leave the question of a more moderate rate schedule for consideration at a time when other tax reductions are before the committee. The important point to understand is that, whenever considered, the question of rates under the new system would be related to factors involving the function of capital in our society and not the flow of income.

MAJOR PROVISIONS OF H.R. 3068

The provision of overriding importance is, of course, the setting up of a system of capital transfer taxes to tax what might be best described as the "pure" capital gains of individuals. Further, the bill provides for:

A reasonable exemption from transfer tax liability;

A credit for the transfer taxes paid under the new system against estate taxes due at death;

The end of any Federal tax on gains realized from the sale of homes; and

Exclusion of capital transfers taxable under the new system from the tax on minimum income enacted in 1969.

CREATING THE NEW SYSTEM

H.R. 3068 would take the regular, long term gains of individuals out of subtitle A of the Internal Revenue Code, which relates to income taxes, and place them under subtitle B, which now relates only to estate and gift taxes. The new provisions would appear as "Chapter 13—Taxes on Capital Transfer by Individuals" under the subtitle reentitled to read "Subtitle B—Estate, gift and capital transfers taxes." The term "chapter 13 net capital gain" is used to describe gains which would be taxable under the chapter.

EXEMPTION FROM TAX

Among people of modest means whose capital gains are seldom if ever of significant size, the present linking of tax on gains to the amount of taxable income is onerous both as regards complexity of reporting and rates of tax disproportionate to the size of the gains. Even with the smallest gains, the taxpayer must complete a special schedule to report them, carry forward half of the total to his taxable income, and then pay tax thereon at the rate applicable to his highest bracket of taxable income.

To alleviate this situation, my bill provides an exemption of $500 for single and $1,000 for married taxpayers, but I am not sure this goes far enough. When considered by the committee, I will raise the question whether a higher level of exemptions would be justified for reasons of both tax simplification and tax equity.

A CREDIT AGAINST ESTATE TAXES

Capital gains realized during life are now taxed doubly, first as gains during life and the remainder as part of the taxpayer's capital at death. If the gains are not realized during life, they are taxed only once, at death. Because all gains are now taxed under the income tax system, however, most tax literature seems oblivious to the existence of double taxation in the area. Instead, typically a tax loophole is pictured as regards gains which have not been realized and taxed during a person's lifetime. Thus, the Ways and Means Committee has been confronted with a perennial proposal to close the so-called loophole, a proposal which undoubedly will again be vigorously advocated during the current hearings. The objective is either to tax unrealized gains before applying the estate tax, or to subject heirs to liability for the tax when and if they sell their inheritances. Either way, the result would be that all capital gains, whether or not realized during a person's life, would be doubly taxed.

With the problem arising because gains on transfers of capital are taxed under the income tax system, it would be resolved under a system of capital transfer taxation associated with the estate and gift taxes. This natural association automatically would rule out taxing the same gains twice, and point to the alternative of providing a credit against death taxes for capital transfer taxes paid during life. In providing for such a credit, my bill contemplates that transfer taxes paid would be cumulatively recorded on the taxpayer's returns for offsetting at death. The procedure for taking the credit would involve what is known as grossing up, that is, the transfer taxes paid would be added to the decedent's taxable estate for determining the gross tax amount from which the credit would be subtracted.

END OF FEDERAL TAX ON SALE OF HOMES

For the 60 years of the income tax, we have levied a tax on the gains from the sale of homes even though a deduction is not allowed when losses occur. This would seem to be reason enough to stop taxing the gains on sales of homes and on other personal properties, as my bill would do. But there are other strong reasons as regards homes which would justify ending the tax even if it were feasible to provide for loss deductions.

The first is that the average man selling his home really does not know, and cannot be expected to know, what his true gain is—and neither does the tax collector. To know his true gain, he would have had to keep meticulous records over all the years he had owned the home of what he had spend on it—clearly distinguishing those for capital improvements from those for maintenance. Even tax accountants and lawyers will argue where a particular expenditure falls. Homeowners with no plans at all to ever sell certainly are unlikely to set up records in which they make an allocation every time they spend a little money to spruce up the place. Many, if not most, taxpayers who sell their homes, therefore, have no option but to guess at what their capital expenditures have been. Even then, it seems probable that the majority underestimate what they have spent, so that they pay more tax than is legally due overlooking the fiction about recordkeeping.

Another reason for ending the tax on the sale of homes is that a gain may be little more than a mirage when inflation is taken into account. Whether the seller plans to buy another home or to rent, he will pay in the same inflated dollars. When a person in declining years, or who is disabled, has to sell his home to move to more modest quarters in order to have more money to live on, it does seem quite unfair to tax any part of the proceeds.

I realize it may be argued it is unnecessary to repeal the tax because of two provisions of the tax law, one providing for postponement of tax—called rollover—when the proceeds are put into another home within a specified time, and the other providing some relief from tax when the seller is over 65. But I submit the logic is quite the contrary. Both provisions are complex, are dependent on the recordkeeping rule which is such a fiction in practice and add to the costs of administering and complying with the tax law. To the extent the provisions are effective in protecting taxpayers from actually paying taxes, the bother and the costs would be avoided by getting rid of the statutory liability for tax. To the extent they are ineffective in protecting the taxpayers, however, there is no answer but to get rid of the liability at source. In repealing both of those provisions, my bill would put less language in the code than it would take out.

EXCLUSION FROM MINIMUM INCOME TAX

In taxing the regular, long-term gains of individuals as the transfers of capital which they are, it would be inappropriate to continue to subject these gains to the minimum income tax enacted in 1969, and an exclusion therefore is provided in the bill. Of course, gains which would remain taxable under the income tax system would, at least insofar as this legislation is concerned, remain subject to the minimum tax.

THE RATE STRUCTURE

While, as I have indicated, reduction in the level of rates at this time is not the major purpose of my bill, a new structuring of brackets and rates is necessary. Under the income tax system, taxable gains are added to taxable income and thus are taxed at the highest rate or rates to which a taxpayer is subject. With only one-half of long-term gains counted as taxable gains, effective rates of tax range from a minimum of 7 percent to a top of 35 percent except for an alternative tax of 25 percent on gains not in excess of $50,000. Under this system, a small amount of gains may be subject to a relatively high rate of tax, while a substantial amount of gains may be subject to relatively low rates of tax—depending in each instance on the amount of the taxpayer's taxable income.

In providing for brackets and rates independent of the income tax system, my bill enables a more reasonable and equitable pattern of imposts than now obtains. I strongly believe this pattern should be retained even if the committee should decide that, for the time being, the rates enacted should be in the range of the level of existing rates.

The schedule included in the bill is limited to eight brackets as compared with 25 under the income tax system. Rates begin with 4 percent on the first $5,000 of taxable gains—$10,000 in the case of a joint return—and increase 3 percentage points a bracket to a top rate of 25 percent on gains over $50,000—$100,000 in the case of joint returns. Tables I and II below show the rates separately for single and joint returns.

TABLE I.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals (Single Returns)*

Taxable Gains and Tax

Not over $5,000: 4 percent.
$5,000 to $10,000: $200 plus 7 percent of excess over $5,000.
$10,000 to $15,000: $550 plus 10 percent of excess over $10,000.
$15,000 to $20,000: $1,050 plus 13 percent of execss over $15,000.
$20,000 to $30,000: $1,700 plus 16 percent of excess over $20,000.
$30,000 to $40,000: $3,300 plus 19 percent of excess over $30,000.
$40,000 to $50,000: $5,200 plus 22 percent of excess over $40,000.
$50,000 and over: $7,400 plus 25 percent of excess over $50,000.

TABLE II.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals (Joint Returns)*

Taxable Gains and Tax

Not over $10,000: 4 percent.
$10,000 to $20,000: $400 plus 7 percent of excess over $10,000.
$20,000 to $30,000: $1,100 plus 1 percent of excess over $20,000.
$30,000 to $40,000: $2,100 plus 13 percent of excess over $30,000.
$40,000 to $60,000: $3,400 plus 16 percent of excess over $40,000.
$60,000 to $80,000: $6,600 plus 19 percent of excess over $60,000.
$80,000 to $100,000: $10,400 plus 22 percent of excess over $80,000.
$100,000 and over: $14,800 plus 25 percent of excess over $100,000.

These rates would substantially reduce the taxes paid on the affected gains up to the very large gains where the reductions would still be quite significant. The top rate of 25 percent, however, is the same as the alternative rate which was in effect for all gains for 28 years before 1970, and still applies to gains up to $50,000.

As a general matter, the middle-bracket income taxpayer whose gains are smaller than his income would benefit the most by breaking the link with income taxation. For example, under the present system, a married taxpayer with $8,000 in gains will pay 18 percent on his gains if his taxable income is $24,000, but only 12.5 percent if his income is $12,000. Under my bill, the constant amount of gains would be subject to the same tax rate—only 4 percent under the above schedule.

RELATION TO OTHER CAPITAL GAINS

H.R. 3068 rests on the premise that a pure capital gain cannot be distinguished from the capital of which it is a part. If enacted, it would settle the controversy over the economic nature of affected gains. In providing the credit against estate taxes, the legislation would in effect proclaim that a person's capital is the same thing during life as it is after death and that no part of it is the same thing as income. The capital which a person accumulates over a lifetime would be taxed only once as capital.

Taxing pure capital gains as capital transfers, moreover, would permit more objective consideration of transactions which have characteristics of both income and of capital transfer. My bill would not disturb the taxation of such transactions under the income tax law.

The case for their continued preferential treatment under the income tax law, however, would be strengthened. It would be more evident that no transaction with a substantial capital characteristic should be taxed at anything like full income tax rates.

The bill contemplates retention of the 6-month holding period test to distinguish between short-term gains which would continue to be taxed at full rates under the income tax system, and the long-term gains to be taxed as transfers of capital under the new system.

There would be no intermingling of loss effects between the two systems. Losses on sales of assets taxable under the new system would be allowed only as offset against gains taxable under the system but there would be unlimited carryover and use of excess losses.

There follows a brief, section-by-section summary of H.R. 3068:

SECTION-BY-SECTION SUMMARY

SEC. 1—

Amends Subtitle B of the Internal Revenue Code of 1954 (relating to estate and gift taxes) to read "Subtitle B-Estate, gift and capital transfer taxes", and creates thereunder a new chapter entitled "Chapter 13—Taxes on Capital Transfers by Individuals."

Places under Chapter 13 long-term gains of individuals, excluding gains under section 1231 and some other code provisions, and defines the included gains as "chapter 13 net capital gain."

Provides a schedule of rates on chapter 13 net capital gains ranging from 4% on the first $5,000 to 25% on all over $50,000 for single returns, and 4% on the first $10,000 to 25% on all over $100,000 for joint returns.

Provides an annual exemption from tax of $500 of long-term gains ($1,000 in case of a joint return of a married couple).

Provides for deduction in computing chapter 13 net taxable gain of investment interest which (under the provisions of the 1969 tax reform legislation) has not been deducted in determining taxable income under chapter 1 of the code.

Provides for a carryover to succeeding years of net long-term capital losses.

Provides for filing returns under chapter 13 separately from returns of income taxes, and for joint returns of husband and wife.

SEC. 2. Income tax amendments.

Amends Section 163 (d), which under the 1969 legislation limit the deduction of investment interest, to coordinate the deduction and the carryover of disallowed investment interest under chapters 1 and 13.

Amends Section 121, which now relates to gain from sale of residences by individuals over 65, to relate to gains from sale of property used for personal purposes, and excludes all such gains from tax (replacing special provisions relating to people over 65).

Repeals Section 1034 (providing for rollover in the sale or exchange of residences.)

Amends Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) to add a section (1254) excluding chapter 13 net capital gains from taxation under chapter 1.

Amends Section 57 (relating to items of tax preference subject to the minimum tax under the 1969 legislation) to exclude therefrom gains and losses taken into account in computing chapter 13 net capital gains.

SEC. 3. Credit against estate tax.

Provides credit for capital transfer taxes under chapter 13 against estate taxes at death.

Grosses up the estate subject to tax by adding thereto capital transfer taxes paid by the decedent so that transfer taxes are not allowed as an exclusion as well as a credit.

SEC. 4. Effective dates.

Makes legislation effective with respect to taxable years beginning in the calendar year after its enactment, except that amendments made by section 3 would apply to estates of decedents dying after such date.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace bring no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

EAST CHICAGO LITHUANIANS COMMEMORATE INDEPENDENCE DAY

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. MADDEN. Mr. Speaker, the citizens of the Calumet region of Indiana of Lithuanian descent, along with Lithuanians throughout the Nation, are to be commended for constantly keeping up the fight to have an independent and free government of Lithuania restored. The Soviet Communist Government has continued to inflict its tyranny, not only on Lithuania but other captive nations through central Europe.

As chairman of the special congressional committee to investigate the Katyn Forest Massacre in the 82d Congress, and also a member of the special committee to investigate Communist aggression in the 83d Congress, I am familiar with the barbaric Soviet tyranny inflicted on these captive nations. Both these congressional committees held hearings in this country and in Europe during the investigation made 20 years ago.

On February 16, 1973, Americans of Lithuanian descent together with Lithuanians throughout the world again will commemorate the 55th anniversary of the Declaration of Independence of Lithuania. Glorious past history dates since the 12th century.

I received a letter of February 1, from Dr. Kazys Bobelis, wherein he states of the Lithuanians' plight, and I quote:

> It is an irony that the only country in which Lithuanians will be unable to observe this historical event will be in Lithuania itself, because of the continuing occupation and subjugation of that country by the Soviet Union.
>
> However, the Soviets were unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights as recently demonstrated by a petition to the United Nations, signed by 17,000 Lithuanian Catholics in the occupied country. They charged the Soviets with religious persecution and by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who has self-immolated in a public square of Kaunas in a dramatic protest against the Soviet enslavement of Lithuania.

I am firmly optimistic for the future restoration of Lithuanian independence and self-government. The Soviet communistic regime along with other communistic governments are today in dire stress owing to the failure of their agricultural economy, rampant unemployment, inadequate wages, and so forth.

The Soviet plea to the United States for millions of tons of wheat and food products is evidence that the time is not too distant when the communistic economic failures will create a revolution within communistic countries. The Soviet enslaved millions will rise and restore stable anticommunistic government within their borders within the not-too-distant future. The free world must aid nations like Lithuania to again win their victory for freedom, self-government, and independence.

COORS CO. ECOLOGY LEADERS LEADERS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. COLLINS. Mr. Speaker, the Coors Co. out west has consistently shown progressive leadership in environmental development. The recycling program of Adolph Coors Co. for their beer cans and bottles has been one of the best programs in the Nation. I was impressed with the statement of President William K. Coors regarding the recycling plan.

Coors said:

> We believe it is vitally important that this is a completely voluntary plan. Nobody told us we had to pay cash for aluminum cans. Nobody told the public they had to bring them in. But we do. And they are.

Coors added:

> Our three years of experience with aluminum can recycling, have established the public's cooperation beyond any doubt, and the people are certainly to be commended for the enthusiastic part they are taking in the voluntary effort.

Coors termed the voluntary plan "a far more desirable and effective way to clean up the environment than some sort of mandatory program involving restrictive deposits, heavier taxes, or worst of all, higher prices to the consumer."

The Adolph Coors Co. pays a penny for the return of each of its Coors beer bottles. This brought back a whopping 616,862,616 bottles during the first 11 months of 1972 throughout the company's 11 Western State marketing area.

Heavy emphasis has been on their aluminum cans. Their distributors in the following cities have collected over a million pounds of beer cans. This includes El Paso, Tex.—2,116,930 pounds; Midland, Tex.—1,494,608 pounds; Dallas, Tex.—1,169,972 pounds; and Fresno, Calif.—1,173,775 pounds. Fort Worth, Tex., will soon join this group as they have turned in 961,222 pounds.

The 1972 recycling pace for Coors brewery was 70 percent ahead of 1971. The 200 distributors in the 11 Western States that handle Coors beer anticipate an even greater growth for 1973 in reclaiming cans and bottles. Joe Coors heads up a division of the Coors Co. that makes new aluminum cans. Bill and Joe show solid foresight in collecting and recycling these aluminum cans.

A recent survey was made by the research firm, Research Parameters, Inc. They asked a question in a survey relating to recycling and ecology. When asked about the company that did the most to set up recycling centers for recycling their cans, Coors was cited by more people and given the highest rating.

From Texas to California, in all the 11 States area where Coors has distribution, they have shown industry's sense of responsibility. We salute this efficient good neighbor. We are proud of Coors and the excellent way that they maintain a positive program of business in action.

THE MARONITES

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. NEDZI. Mr. Speaker, this is an appropriate time to recognize the Maronites in our midst, for February 9 is St. Maron's Day and the Maronites are an ancient people with an honorable and fascinating history.

The Maronites are an eastern Catholic community, united by adherence to the Maronite Rite, a variant of the Syriac version of the liturgy of St. James, but heavily Latinized since the time of the Crusades. They have a special relationship to the Catholic Church.

The titular head of the Maronites in the United States is Bishop Francis M. Zayek. He has his chancery in Detroit, Mich., and he is responsible directly to the Pope.

Estimates vary as to the number of Maronites in the world. The Library of Congress figures state the number as 1,300,000, with the heaviest concentration being in Lebanon and lesser pockets in Egypt, Palestine, Syria, and Cyprus.

During the past century, many Maronites have emigrated to North America.

The Library indicates that 200,000 live in the United States and Canada. Other estimates are higher. The majority of Lebanese and Syrians in the Detroit area are Maronites and they form the largest such community in America, numbering perhaps as many as 50,000.

The Maronite Exarchate, an impressive structure located at 11470 Kercheval, Detroit, was erected in 1966. It is the focal point of the community's religious and social activities.

According to Maronite tradition, the Maronites derive from St. Maro of Cyr, an ascetic and solitary, and a friend of St. John Chrysostom. I believe Cyr was located in an area near the present-day Turkish-Syrian border.

St. Maro—from the Syriac Marunove, Maron, or Maroon—is said to have died sometime between 410 and 433. It is believed that his monastic disciples, erecting a monastery over his tomb, gave birth to the Maronite Church in Syria Secunda.

From the eighth century, under heavy pressure from Moslems, Orthodox Melchites, and Monophysites, they withdrew into the mountains of Lebanon for refuge, forming a self-contained community with their patriarch as both civil and religious head. In this they resembled the Orthodox Greeks of Cyprus who elected their "ethnarch" as both civil and religious head.

Whatever contact they had with the West was cut off until the Crusades. In 1180 A.D., communion was restored with the Holy See.

Pope Alexander IV, who died in 1261, conferred the title "Maronite Patriarch of Antioch" on the Maronite leader, while insisting that the Maronite hierarchy be subject to the Latin Patriarchate in Antioch. Innocent III, in the Bull "Quia Divinae Sapientiae," 1216, had formally recognized the Catholicity of the Maronites. The difference in language and customs between Rome and the Levant made for pressure and counter-pressure regarding the degree of Latinization.

In 1584, Pope Gregory XIII established the Maronite College at Rome. The Synod of Mt. Lebanon in 1736 furthered the Latinizing influence, as did the synod of 1818. Still, the Maronites have preserved their own canons and laws—notably the Kitab al-Huda or "Book of Guidance"—and are holding unto their distinctive traditions.

It is quite remarkable that the Maronites have survived in the face of periodic persecution throughout their history. This tenacity is rooted in a fierce pride in their distinctive heritage which persists to the present day.

Since the independence of Lebanon in 1946, the President must by law be a Christian—usually a Maronite—and the Prime Minister a Sunni Moslem. This fragile balance was emphasized for all of us in 1958 when U.S. Marines were dispatched to Lebanon by President Eisenhower and the Christian-Islamic makeup was much discussed here.

The community has been well-known to Detroiters. In older days it was concentrated on East Congress, East Lafayette, and East Larned Avenues on the lower east side. Now it has spread out considerably. At all times, however, the Maronites have had a well-deserved reputation as good family people, industrious, law-abiding, and constructive. They are an asset to the State of Michigan and to the Nation.

I am particularly pleased, therefore, to have this opportunity to pay tribute to the Maronites.

REMARKS ON THE DISMANTLING OF THE OFFICE OF ECONOMIC OPPORTUNITY

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. BRECKINRIDGE. Mr. Speaker, the White House has expressed its intention of dismantling the Office of Economic Opportunity, the agency primarily in charge of programs for the poor, and Mr. Howard Phillips, its Director, has said:

> I personally believe in what I'm going to be doing, so it's going to be a very easy job for me to do from that standpoint.

That decision causes concern for many of us. With OEO's passing, the continuation of many of those programs which have helped and afforded hope to the more unfortunate in our Nation has been thrown into doubt if not chaos.

I think it important that the people be aware of the success which Lexington, the largest city in my district, has had with its poverty program, if only for the reason that, as Mr. Phillips has obviously overlooked this outstanding success in my section of the country, it is not unreasonable to conclude that so has he ignored other successes and victories in the war on poverty elsewhere.

The accomplishments of Community Action Lexington-Fayette County—CALF—were but recently reported in a series of outstanding articles by Mr. W. B. Ardery in the Lexington Herald-Leader. Part of Mr. Ardery's series follows:

POOR HELP THE POOR: CALF SPELLS OUT AID PHILOSOPHY

(By W. B. Ardery)

In Lexington, the poor are the ones helping the poor.

A bright thread of compassion for children, old people and those more needful than themselves runs through the community of the local poor.

These generalizations emerged in focus from cross-section interviews with representatives of the "poor sector" who sit on the board or otherwise, participate in Community Action Lexington-Fayette County (CALF).

Basing his figures on census reports, John W. Biedenkapp, CALF executive director, estimated that Fayette County has 10,000 families embracing 35,000 to 40,000 individuals who are poor according to standards set by the Office of Economic Opportunity. These standards say that an urban Fayette County family of two needs a $2,725 income to avoid poverty. The standards take into account inflation up to last Oct. 16 when they were issued.

"Who counts?" one of the poor asked an interviewer. "There are plenty of us."

The everyone-help-everyone philosophy apparent in the poor community was spelled out by Mrs. Verline McDowell, a widow with three children who is an outreach worker in the CALF rural office at 535 West Second Street:

"I have the feeling that if I can help somebody it may do me a lot of good if I can share what I have—that's the way the poor so I don't mind helping other people," said people feel."

A somewhat similar viewpoint came from Mrs. Alma Demus who, volunteers her services at CALF's Merino Street South End Center.

"They (CALF) helped me when I was down Mrs. Demus who teaches poor people to make quilts which are raffled off to raise money to provide food and clothing for the poorest of the poor. Mrs. Demus said small sums sometimes are spent for children's games "so we can get them out of the cold in this weather and keep them out of devilment."

"It can really get rough for some people," said Mrs. Mabel Lightfoot, CALF coordinator at the Deweese Street Hub Center.

She said that the poor had made a number of dresses and pantsuits during sewing classes conducted at the center. When individuals have no money to buy sewing materials, Mrs. Lightfoot goes into a "pop fund"—a meager treasury accumulated from the sale of soft drinks.

"Improvement is so slow." Mrs. Lightfoot observed, "but the thing about it is—you have to keep on trying."

Mrs. Ella Bohannon, a member of the CALF board, said that the agency "is really good they help people when their houses burn down: they go and do everything they can.

"CALF keeps this community together. Everybody has got troubles but when you all get together and talk about them they don't seem so bad."

Extremely poor people, she declared, "need help in getting food because "they're usually turned down at the welfare offices. McDowell expressed the opinion that the rejections resulted largely from welfare "red tape."

There were several favorable comments about the Neighborhood Youth Corps, CALF's educational component, NYC, said Mrs. Bohannon, "keeps the kids off the street and makes good citizens out of them; young people get training and get jobs." Mrs. Edna Mae Holman, another CALF board member, called NYC "the best thing that ever hit Lexington."

Detailing some of the problems and activities of the poor, Mrs. Lightfoot said the Hub Center has Brownie Scout and junior Boy and Girl Scout groups plus one Explorer group.

Some of the older poor, she said, can not read or write and are embarrassed to display their ignorance in classes. For these, she makes an effort to give rudimentary home training until the individuals feel competent to come to "3-R" classes.

The 4-H clubs aided last year by giving children lessons in how to ride bicycles safely and Mrs. John Biedenkapp, wife of the CALF executive director and a home economics teacher at the University of Kentucky, had some of her students volunteer to teach preteen girls. "And they learned to cook," said Mrs. Lightfoot.

Concerned with repeated pedestrian injuries at the corner of Walnut and Second streets, Mrs. Lightfoot said, a group of the poor worked for three years to have a stoplight installed at the intersection. One finally was erected in 1971 and Mrs. Lightfoot has before and after photographs to record the accomplishment.

Currently a group is seeking sidewalks and storm sewers for Ann, Goodloc and Warnock streets "because their houses are always getting flooded."

Many of those enrolled in the Neighborhood Youth Corps have been confined at the former Kentucky Village and have dropped out of school. "We don't allow them to hang around when they should be in school or have a job," Mrs. Lightfoot said. "We really need to work with them."

Saying that "this is a rough neighborhood," she said a program was badly needed "for addicts—alcohol and dope."

Mr. Biedenkapp said such a program had been considered in CALF but would have to be funded through the Blue Grass Mental Health Mental Retardation Board. He said he was hopeful this agency could take some action in the poor sector.

In a separate area of CALF operations, meanwhile, the Housing Aid Corp., a nonprofit delegate agency, reported that from Oct. 7, 1968, to Jan. 15, 1973, it had constructed or "totally rehabilitated" 22 housing units. H. L. Parks, Jr., executive director of the Corporation, issued a list showing eight housing units constructed and 14 rehabilitated.

The rural poor, said Mrs. McDowell, "are a little better off" than those in town because many own their homes and are able to raise small gardens, produce from which may be preserved for the winter.

She said also that there were fewer school dropouts in the county than in the city. The Head Start program to prepare youngsters for public schools is less effective in the county, however, because there sometimes is only one child in a small community and it is not feasible to send a bus for only one.

As to clothing for the desperately needy, Mrs. McDowell said a clothing bank has been established at her center which has supplied many children with donated clothes. The poor in Warrenton, she said, are "mostly senior citizens" who "make things" for the poor.

Mrs. McDowell expressed particular concern for the elderly poor. Even if they own their houses, she explained, they are unable to do any maintenance work.

"They can't fix anything for themselves," she continued, "and if they call in somebody, people take advantage of them because of their age."

The poor generally have heat in their homes during the winter, Mrs. McDowell said, because they accumulate coal a little at a time during the summer months when it costs less. This is usually in July and August, she explained, because "prices start going up in September and if they waited until winter they wouldn't be able to make it."

Those interviewed were generally enthusiastic about CALF's garden project last summer. "It was just wonderful," said Mrs. Demus. "They grew good things and they took the children and taught them how to work a garden."

In addition to her quilting work, Mrs. Demus conducts crocheting and knitting classes for children. As to the quilt raffles, she said that "We just have to raise some money to donate because people come in here without anything."

Mrs. Sophia Chenault, a CALF board member, also praised the garden project and added that the CALF emergency food and medicine program was important because "there are a whole lot of people" who lack these essentials.

Several of the poor interviewed were aware that funds for CALF may be cut in Washington. "I do hope something can be worked out," said Mrs. Chenault. "CALF can't do for all but it can try to help those who need it the worst."

Mrs. Demus said she understood "there's trouble getting money from Washington" but added that, regardless, "I'm just going to keep doing what I'm doing."

As to the overview of the poor, Mrs. McDowell declared:

"When one person is in trouble we feel we're all in trouble. The only way we get anything—we're going to have to help one another."

COMMEMORATIVE STAMP HONORING OUR SPANISH WAR VETERANS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. PEPPER. Mr. Speaker, today I am introducing legislation calling for a stamp honoring and commemorating our Spanish War veterans. For years, the United Spanish War Veterans have pleaded with the Post Office Department to authorize a stamp. Year after year, the Department has advised that they have the matter under consideration. Nothing, unfortunately, happens. Stars and Stripes has for a long period told these 198 veterans that their only hope was to get Members of Congress to push through a bill directing the issuance of a Spanish War stamp. It is long overdue. I commend to my colleagues in the House an article appearing in the Stars and Stripes of June 29, 1972, entitled, "VFW Resents Shabby Deal to Men of 1898" and hope that they will join me in supporting this legislation in committee and on the floor to see that tribute is paid to these men, now numbering about 2,000 by the issuance of this commemorative stamp.

The article follows:

VFW RESENTS SHABBY DEAL TO MEN OF 1898

Apprised of the Post Office Department's apparent permanent unconcern with the pleas of Spanish War veterans for a stamp in their memory, a strong arm of the Veterans of Foreign Wars recently moved to do something about the matter. The District of Columbia Department of the VFW, at its convention in Washington, recently passed a sharp resolution calling for a stamp honoring the dwindling band of veterans of 1898. The resolution will be carried to the National convention of the organization at Minneapolis in August.

Judging by the indignation shown by the District of Columbia Department over the shabby manner in which the Spanish War veterans have been treated on the subject, it is a safe bet that the National organization will approve the idea of taking steps to get action. The VFW is highly regarded by members of Congress generally, and has many close friends in key posts.

There are only about 2,700 men left of the volunteer army of some 400,000 men in 1898. In a few years they will all be gone, just as the Grand Army of the Republic vanished. Over recent years veterans of the Spanish War who have labored for the small item of an honoring stamp have received only stereotyped responses that the matter is under consideration. Nothing further happens. Yet, the Postal Service can turn out stamps on African elephants, crocodiles and miscellaneous subjects including the recently established Wolf Trap Farm theater of the Filene Center. But the men of 1898 get nothing but stalling letters. The committee that decides on stamps for the Postal Services apparently does not think the disappearing Spanish-American War veterans rate any such attention.

The VFW has other views. Also, we have good reason to believe that AMVETS and the American Legion among others will take up the subject at their 1972 conventions. Their demands for a bit of justice and recognition for the men of '98 would likely shift the thinking of the postage stamp creators.

The aging veterans who are asking for nothing except a postage stamp, in the opinion of Stars and Stripes-The National Tribune, have had a shameful deal.

STENNIS SHOOTING A TRAGEDY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. FAUNTROY. Mr. Speaker, the shooting of Senator STENNIS is both a local and national tragedy. I think it can be said by many of us that, except for the grace of God, there go I. If this can happen to a man of such value, such integrity to our Nation and our city, it speaks important words to us wherever we are and in whatever station of life we hold. It speaks of our need to redouble our efforts to bring economic and personal security to our troubled city, our troubled Nation, our troubled people.

We cannot guess at what caused this brutal assault. We know that events like this occur daily in this city and in every city across this great land. They happen to the rich and the poor, but mostly to the poor; to whites and blacks, but mostly to the blacks; to men and women, but mostly women; to the known and unknown, but mostly to the unknown. I know that all of us are moved by this terrible event and are deeply concerned at the ominous statements from the hospital.

We know only for certain that when the lives of our Nation's leaders are risked on quiet streets on ordinary Tuesday nights, it is time again to ask if any question deserves greater attention than making our Nation's Capital whole and therefore worthy of our greatest leaders and our humblest citizens. Such a city, if we can achieve it, would be worthy of the name democracy—and worthy of its leaders. We have no choice but to try and succeed. We dare not, I think, do otherwise.

The fact that this great misfortune comes at a time when our District government has led the Nation in reducing crime and the fact that it came on the eve of the National Prayer Breakfast which Senator STENNIS was to preside over punctuates our need for redoubled efforts and prayer on the problems of this Nation's cities.

All of us pray for this man's speedy and complete recovery.

L. B. J.

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SKUBITZ. Mr. Speaker, there are so many still in Congress who knew the late President Lyndon B. Johnson "back when" that in adding my own humble tribute, I hesitate to interject a personal note.

I had been a staff member in the other body when the young Senator Johnson burst upon the Senate. I use the term advisedly, for unlike any of his entering colleagues, Senator Johnson was a fresh breeze, a Senator who one of his colleagues described—he has got more ideas than a hound dog has fleas.

With it all, he remained within the proprieties; he did not offend his elders by showing off on the floor; he conducted himself in such a way that he was welcomed in the inner club, the members of which formulated the decisions and carried them into execution. In the shortest of possible times, he was a member of his party's policy committee, carrying out assigned functions patiently but with a determination that marked him as a comer, a man to be reckoned with in the affairs of this Nation.

It is significant to add that this view was shared by members of the opposite party, of which I am a member. Republican Senators whom I served and others whom I knew intimately were of the same opinion. Older Senators, conservatives who had their qualms about some of the New Deal programs, were taken by the young Texan's knowledge, ready wit, and polite deference.

When he was named majority leader, one of the youngest in service as a Senator to achieve such an honor, his colleagues respected him for one great quality—his willingness to work at being a Senator. When he was learning the ropes in the policy committee, he was in his own office early and on the floor promptly at noon. He spent long hours legislating, studying the bills and familiarizing himself with parliamentary procedure. He continued that practice as leader. He frequently knew more about any bill than did the sponsor and he knew more about why a particular Senator should be for or against it than did the Senator himself.

I have spent nearly 30 years on this Capitol Hill, pleasant, rewarding and hard-working years. I have seen hundreds of Members of this and the other body come and go. I have thrilled to the oratory of a Borah, a Hiram Johnson, and a Tom Connally, to the sagacity of a Burton K. Wheeler, to the unflagging effort of a young Bob LaFollette, to the consummate ability of a Richard Russell, to the political astuteness of an Arthur Vandenberg and to the integrity of a Robert Taft. None had the ability to command, to persuade, to cajole and influence his fellows that Lyndon Baines Johnson had; none had the single-minded determination to tackle a project and see it through to victory that the man from Texas exhibited on countless occasions.

My own words of praise are circumscribed, Mr. Speaker, by my inability to command the English language to my purpose. I should like, therefore, to call to my aid an editorial from the January 23 issue of the New York Times which, in my judgment, is perhaps as warm and yet definitive a tribute to the late President. I include it to be printed at this place in the CONGRESSIONAL RECORD:

[From the New York Times, Jan. 23, 1973]

L. B. J.

The shocking news of the death of Lyndon B. Johnson will sadden every American, regardless of party, who reveres the Presidential office. Coming so soon and so suddenly after the loss of Harry S. Truman, the only other living ex-President, Mr. Johnson's death leaves a sorrowful void in the American scene.

A giant in physical stature, overpowering in his personal approach, an intense and driving extrovert who nonetheless was in some ways a peculiarly private person, Lyndon Baines Johnson was the most paradoxical of all American Presidents.

Convinced for many frustrating years that no man from the South could be nominated, much less elected, in his lifetime, Lyndon Johnson nonetheless won the largest percentage of the popular vote ever accorded a Presidential candidate in modern history.

A man who, once in office, aspired only to educate the nation's young, feed its hungry, lift up its poor, promote equality and "end war among the brothers of this earth" finished his political career five years later, discouraged, trapped and bogged down in one of the most unpopular wars in the country's entire history. Many who had been his political friends and supporters forgot his magnificent contributions to the national good and held him almost solely culpable for the war he did not start but might have stopped.

A tempestuous and mercurial man, Mr. Johnson provided his critics with fuel to spare. They said he was flamboyant, that he lacked "style," particularly in contrast to his graceful predecessor. They said he was a manipulator, as indeed he was, a "wheeler and dealer," which in a sense a President must be if he is to get action on his program. They said his talk was often crude, a charge sometimes made against Lincoln; that he was vain and, worst of all in some circles, "corny." There is enough on the record to substantiate such criticisms. But there is more than enough on the record to dwarf them in the final summing up.

Wrung out as the country was in the days following the assassination of President Kennedy, few Americans could have been unmoved by the emphasis in the new President's first speech to Congress: "We have talked long enough in this country about equal rights. We have talked for 100 years or more. It is time now to write it in the books of law."

He persuaded Congress to do just that, with the most substantial civil rights bill in a century. And to provide medical care for the aged, to give massive Federal financal aid to the elementary and secondary schools of the nation, to raise the minimum wage, launch a major housing program and make a start on what has now become a crusade to clean up the country's air and water. This and more—extraordinary legislative record as it was—was to be only the beginning of the Johnson advance toward the "Great Society," following in the tradition of F.D.R.'s New Deal.

Tragically, Lyndon Johnson had given little attention as Senate Majority Leader to the intricacies of foreign policy. He came to the Presidency imbued with the simplicities of the postwar years—specifically that there was a monolithic world power called Communism which had to be kept from spreading wherever it could be stayed without bringing on a major war.

A few months of limited military action in Vietnam seemed to him, as it had seemed to President Kennedy, one of the more obvious cases in point. And the quagmire that was to destroy thousands of American troops ultimately destroyed the political life of Lyndon Johnson as well.

Wanting almost pathetically to be loved, as his hero Franklin D. Roosevelt had been loved in his time, President Johnson felt instead the sting of vilification. Tough and sinewy, he was yet sentimental and felt all the more what he conceived to be not principled differences, but betrayal by his friends.

Yet, sensitive though he was, he stood stubbornly by the course he thought was right—until the political instinct that was the breath of his life persuaded him that the majority he had enjoyed in 1964 had possibly evaporated. Then this man who had lived for power and enjoyed its exercise yielded it up with hardly more than a murmur. And even his severest critics conceded that nothing so became him in office as the leaving of it.

In this age of instant history, with the bitterness of the Vietnam war still unabated, the life of Lyndon B. Johnson will no doubt be recorded with more passion than perspective. Future historians should find that life as rich in achievement as in colorful contradiction.

SERVICE FOR MEMBERS AND HOUSE EMPLOYEES

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. KLUCZYNSKI. Mr. Speaker, I would like to use this opportunity to commend the efforts of the dynamic chairman of the Committee on House Administration, the Honorable WAYNE L. HAYS, and the Architect of the Capitol, working in concert with me and my committee in expediting completion of a new fast food carryout facility in the Longworth Building which opened today, and their continuing dedication to modernize and streamline the House food service operations, while at the same time improving the food and service for Members and House employees. We will continue working together as a team to make the food and service worthy of your distinguished patronage.

THE LATE HONORABLE LYNDON B JOHNSON

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HANLEY. Mr. Speaker, almost 2 weeks ago, I stood at the graveside of a great and noble man. As the final taps were rendered and the final salute fired, I felt a tremendous sense of loss, Lyndon Baines Johnson was a great man and a great President. He had a compassion and a drive that knew no limits. He had an understanding of the people as few men ever had.

Lyndon Johnson was a big man in physical stature; but he was bigger still in his ambitions and his hopes and dreams for America. At times it almost seemed as though he was dragging us to the stars and moon in search of social perfection and social equality. Yet his idealism was tinted with the realism of a man who had grown up in the rough and tumble of American politics. It was here that he achieved his greatest goals. No President in the history of our Nation shaped, directed and saw to fruition more good social legislation than this man.

Lyndon Johnson was accused of having a heavy hand, but I can recall many hours at the White House during my first years as a Member of Congress talking and suggesting legislative programs while he listened patiently and earnestly. He was often attacked as one desirous of power, but he did more for the powerless, a wretched, and the disinfranchised of this Nation than any predecessor. He was accused of vanity, yet never once did he forget the humble trappings of his youth. The mark of Lyndon Johnson is stamped indelibly into the fabric of our Nation.

I will miss him; his family, friends and colleagues will miss him. More importantly, however, the little people of this Nation whom he loved so much will miss him. God rest him, and console his lovely Lady Bird and the family.